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SENATE—*Wednesday, March 25, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Today's prayer will be offered by Rev. Henry E. Eisenhart, National Chaplain, The American Legion, Perkasie, PA. We are pleased to have you with us.

PRAYER

The guest Chaplain, Rev. Henry E. Eisenhart, National Chaplain, The American Legion, offered the following prayer:

Eternal God of our Nation, within the grandeur of this Capitol and the stateliness of this Chamber, we come humbly but gratefully before Your throne of glory with devout hearts, dedicated minds, and devoted souls united in prayer for wisdom, understanding, and guidance during this session of the Senate.

Direct the day's agenda with perseverance of purpose, devotion of duty, and single-heartedness of spirit to instill the gratification of something attempted, something changed, something done, and something sustained in creating a stronger Nation and a better world.

Mindful of the immeasurable faith of our Founding Fathers in Your providence during perilous times, bless the President of the United States, the Vice President, Members of Congress, and the Armed Forces with incredible courage and determination to face the awesome challenges of a new millennium.

Living under the glorious banner of the Stars and Stripes, bestow divine blessings and great insights on each Senator to stand up, step up, and speak up fearlessly for what is right for America, not only because it affects us, but simply because it is meet and right to do so in truly serving God and Country. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will resume consideration of S. 1768, the emergency supplemental appropriations bill, with a hope of concluding action on the bill during today's session. Hopefully, we can do it by noon. In a moment I would like to address some questions to the manager of the bill, Senator STEVENS, and get a feel for kind of where we are.

As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education savings account bill, was postponed yesterday and will occur at a time to be determined by the majority leader, as always, and we will notify the Democratic leader when a decision is made on that. And, as always, all Members will be notified when that vote will occur. It is still hoped that an agreement can be worked out with respect to an orderly handling of that bill. I expect we will not have the cloture vote until after we complete the supplemental appropriations, assuming we can get an early completion of that bill.

Members can expect a busy day of floor activity, with votes to occur at least on the cloture and on the supplemental appropriations, perhaps on amendments to either one of those, and also the Senate may consider any executive or legislative items cleared for action.

SUPPLEMENTAL APPROPRIATIONS

I thank the distinguished chairman of the Appropriations Committee for his time and effort on this bill.

Are we to the point where we, hopefully, can maybe complete this bill by noon today? Do you have a feel for that?

Mr. STEVENS. Mr. Leader, I am not certain we can finish by noon. We have probably three to four votes that we believe we will have to have on amendments that are coming, and we still have the problem of the IMF amendment, which is the last amendment to be cleared. But we are now down to a point where we think we have cleared most of the controversial amendments, with the exception of three to four, and I am still working on one of those.

Mr. LOTT. Are you trying to get time agreements and actually go to votes if they are going to be required?

Mr. STEVENS. Yes, I think we will be able to get time agreements on all amendments other than the IMF amendment. On the IMF amendment, the time has already expired. The question is how to dispose of that.

Mr. LOTT. I urge my colleagues on both sides of the aisle, let's see if we can find some way to complete the supplemental appropriations bills. They are emergency appropriations for defense and disasters. Of course, the IMF issue is a separate issue, and I realize there are some disagreements about it and how it should be handled. I personally think that we should find a way to provide the funds, but only—only—if strong conditions are in place to make sure that the American people have confidence these funds are not being misused and we have a chance to see how they are being used.

We have to draw this to a conclusion. We still have a conference to go through, and we have other issues that we desperately need to take up. So I would like again to ask for cooperation on both sides of the aisle so we can complete this legislation.

Mr. STEVENS. If the leader will yield, the Senator from Texas, Senator HUTCHISON, will raise the issue of Bosnia here this morning in a minute. That will take some time this morning. We have, as I said, three other amendments, one dealing with the CDBG issue, one with the FEMA issue that I am told we may have questions about. So I would say in all probability we will not get around to really dealing with the IMF until right after lunch.

Mr. LOTT. I thank the distinguished manager of the legislation and urge him to keep up his good efforts. At some point I hope he will do as he has been known to do, get very aggressive and help bring this to a conclusion.

I do want to say to the Senator from Texas and others who may speak on Bosnia that I think this is a very important issue and, frankly, I hope it will not be just kind of set aside or

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

swallowed up by the supplemental appropriations bill. The supplemental appropriations bill is urgent. It is for 1 specific fiscal year. The Bosnia issue really is broader than 1 year's emergency appropriations. I agree with the Senator from Texas that we need to get a clearer understanding about what is our mission in Bosnia: Is there a mission creep occurring? How much is it going to cost? I do not think we can just give the President a time period with no end in sight, just an interminable presence. I saw one prediction the other day we might have to have troops in Bosnia for 10 years. Not with my vote.

So I do think we need to have a full discussion about this. I try very hard to be bipartisan—nonpartisan on foreign policy issues. But in Bosnia I have never felt comfortable with what our situation is there, and I still do not.

So I understand what she is trying to do. I hope we can work together to find a time when we can have a full debate on this issue this year. I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Alaska.

THE IMF AMENDMENT

Mr. STEVENS. I do thank the leader for raising the issue and urging us to move forward. I urge Senators to come forward and discuss with me and Senator BYRD and our staffs any amendments they may wish to raise. We will insist on a time agreement on amendments that are going to need a vote.

Let me state at the outset, however, the real difficulty with this bill now is the IMF amendment. I think the Senate should realize what the situation is. We had a time agreement on the IMF amendment. That time has been exhausted. At my request, it was set aside to consider other amendments. I have been notified by Members on both sides of the aisle that they will not allow this bill to come to final vote without a vote on that IMF amendment, and that there is some indication of a desire to have that amendment wait for a time when the House passes a separate bill dealing with IMF and other subjects.

I want to state to the Senate that I am normally neutral on most of these subjects but I am not neutral on this subject. The Senator from Hawaii and I have traveled to the Pacific for many years together, and only in February I traveled through the Pacific with several other Members of the Senate. We heard, from New Zealand to Australia and into Hawaii, comments about the Asian flu, what was taking place in Asia. Just recently when I went home, I was exposed to headlines which said, "Market Sales for Salmon Falling Off." I talked to people involved in the coal industry, and they are worried about their markets in Asia. I talked to the people handling the great flow of freight through my State onto the Asian rim, people who handle freight that is on these wide-bodied airplanes. As my friend from Hawaii, Mr. INOUYE, says, most people don't realize that four out of five wide-bodied airplanes that take cargo out of this country go west, not east.

Everyone I have talked to is apprehensive of what is going on. We see our markets declining. We see our customers questioning whether they are going to buy in the future. The other side of the coin is that I had noticed we have already seen signs in Alaska of dumping of goods that are coming in from the Far East, where their markets are declining for consumer goods. They are bringing them to our country. It might be a good thing temporarily, but it is something that is very worrisome to those of us who live on the Pacific rim.

Then I talk to my friends from the great grain belt of the country, and they tell me about the problem of the farmers who found a way to independence by opening up the global markets to our farm products, and the primary place where those farm products were sold, the increased production of our farms has been sold, in the Pacific rim.

The Asian flu is the El Nino of economics. Unless we understand that, unless we understand the fear that is coming in our country, we are liable to make a great mistake. I do not want to see games played with the IMF. The IMF is serious to us, those of us who already have felt the touch of this wind that is coming to us from the Pacific rim. Unless we respond, and respond forcefully, and create the image of being willing to assist these people to come through this economic disaster, we will pay a high price. We will pay a price in not only our markets but in our prestige in the world.

These people are expanding a private enterprise economy in a place where 15 years ago there really was not a private enterprise economy. They have had banks that have failed. So did we, 10 and 15 years ago. We should remember the savings and loan crisis and the other crises in banks we faced.

The IMF reforms that Senator HAGEL, Senator ROBERTS, and others have worked on—Senator GRAMM—are good reforms, and they will bring transparency to the banks and the banking transactions. They will protect consumers in the area affected by the Asian flu. But they will also protect our people who want to sell to those markets and give them greater stability.

The IMF money, to me, is money that creates the image of the United States being aware of what is going on and being willing to help, help in the sense of saying we will be there provided you reform. Crony capitalism cannot be allowed to spread throughout the world. The way we can stop that now is to act, and act forcibly, on IMF.

I am one who is going to vote for IMF. It may be that others want to delay it, others want to handle it in different ways. I want to make sure that the first bill that goes to the President has IMF on it, and I hope the rest of the Senate will agree with me. We will have some discussions when we get to the House, but I want the House to know I am going to be arguing for IMF on the first bill that goes to the President. It should be something we act quickly on, for the benefit of this country.

I am happy to yield the floor. The Senator from Texas has an amendment she wishes to call up, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. The Senator will suspend. Under the previous order, the leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. The chair lays before the Senate S. 1768, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McConnell modified amendment No. 2100, to provide supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998.

Faircloth amendment No. 2103, to establish an Education Stabilization Fund to make loans to States for constructing and modernizing elementary and secondary schools.

Stevens (for Nickles) amendment No. 2120, to strike certain funding for the Health Care Financing Administration.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I call up amendment No. 2083.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. Is there objection?

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object, I see Senator NICKLES on the floor. I believe his amendment would be temporarily set aside. I just would like to know from the Senator about what time we might expect to have the debate on that? I am glad to be here whatever time. I do not want to interfere with the Senator from Texas, but we are here, ready to debate that now or whatever time the floor manager would like. But I would like at least to get some idea. We are setting the Nickles amendment aside. What is the intention?

Mr. STEVENS. Mr. President, I might state—and the Senator from Oklahoma just raised the same question over here—last evening we had a discussion about how to handle the Bosnia issue. I hope the Senator from Texas will not mind my saying, we reached agreement with the Senator from Texas that she would call up this amendment and discuss it for a while and then withdraw it.

As a result of that, there will not be other Bosnia amendments offered at this time. They are waiting for the main bill. It is a matter of getting before the Senate the concerns the Senator from Texas wants to raise, and then we will go to the Nickles amendment. It will be some 15, 20, 30 minutes—I don't know what the Senator wants to take. I urge the Senate to allow us to manage the bill that way. The Nickles amendment will be the first amendment after the Senator from Texas has completed her comments.

Mr. President, before we yield on this, if I may, is it possible to get a time agreement on the Nickles amendment?

Mr. KENNEDY. I don't think just at the present time, but we will be glad to see how we get started with the debate on that.

Mr. STEVENS. I urge the Senators to help us, because we also have three other amendments that are going to require votes following the Nickles amendment.

AMENDMENT NO. 2083

(Purpose: To express the Sense of the Congress that the President and Congress should create the conditions for a withdrawal by a date certain of U.S. ground combat forces from the NATO-led Stabilization Force in Bosnia)

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 2083.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following title:

TITLE —UNITED STATES ARMED FORCES IN BOSNIA WITHDRAWAL

SECTION 1. SHORT TITLE

This title may be cited as the "United States Armed Forces in Bosnia Withdrawal Act of 1998".

SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.

(A) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff further expressed the critical importance of establishing a firm deadline, in the absence of which there is a potential for expansion of the mission of U.S. forces;

(3) The exemplary performance of United States Armed Forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and has resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(7) Notwithstanding the passage of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline as a hedge against an expanded mission, the President announced on December 19, 1997 that establishing a deadline had been a mistake and that U.S. ground combat forces were committed to the NATO-led mission in Bosnia for the indefinite future;

(8) NATO military forces have increased their participation in law enforcement activities in Bosnia aimed at capturing alleged war criminals.

(9) U.S. Commanders of NATO have stated on several occasions that, in accordance with the Dayton Peace Accords, the principal responsibility for apprehending war criminals lies with the Bosnia parties themselves.

(10) The Secretary of Defense has affirmed this understanding on several occasions, including on March 3, 1997, when stated that "[t]he apprehension of war criminals is not a part of the mission . . . It is a police function . . . it is not a military-type mission."

(b) DECLARATIONS OF POLICY.—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the open-ended deployment of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a withdrawal of United States Armed Forces ground combat troops by January 1, 1999.

(3) identifies the following conditions that should be satisfied as a minimum to create the environment in which such an orderly transition can take place:

(i) The original parties to the Dayton Accords should be reconvened so that progress towards full implementation can be ascertained and modifications as necessary be made;

(ii) The process of establishing defensible sectors in Bosnia and Herzegovina that was started in the Dayton Peace Accords should be accelerated;

(iii) Establishment of a Combined Joint Task Force (CJTF) in accordance with the President's Partnership for Peace initiative. The CJTF should be under American command but to be turned over to allied command within 90 days;

(iv) Establishment of a civilian led/operated police training task force, including the establishment of a police training academy capable of graduating 500 police every quarter. This force would have ultimate responsibility for maintaining peace and order, as envisioned by the Dayton Accords;

(v) The United States should advise its allies in the NATO-led peacekeeping force in Bosnia that no U.S. ground forces shall be deployed to the province of Kosovo should the conflict there escalate;

(vi) Cessation of U.S. military involvement in local broadcast and print media operations.

SEC. 3. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION.—It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after January 1, 1999.

(b) EXCEPTIONS.—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after January 1, 1999, but not later than May 1, 1999, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2)(A) if the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 180 days after the date otherwise applicable under subsection (a); and

(B) if a joint resolution is enacted, in accordance with section 4, specifically approving such request.

SEC. 5. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

It is the Sense of Congress that U.S. policy in Bosnia, as that relates to the use of our forces as a part of the NATO force, should not be changed to include a NATO military mission to hunt down and arrest alleged war criminals and that there should be no change to U.S. or NATO policy regarding alleged war criminals until the Congress has had the opportunity to review any proposed change in policy and authorize the expenditure of funds for this mission.

It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ('Bosnia Entities').

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of NATO Forces involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

Mrs. HUTCHISON. Mr. President, I anticipate for those who are trying to set a time that we will be ready at about maybe 10:30. I would say this will take 30 to 40 minutes.

Let me just briefly state what the amendment does, and then I am going to yield to Senator INHOFE and then Senator ROBERTS and then Senator CRAIG for their remarks.

Mr. President, this is an amendment that would express the sense of the Senate and the Congress to the President that we should create the conditions for withdrawal of U.S. ground troops from the NATO-led stabilization force in Bosnia. That is what the amendment does.

We all know that the President on December 19 of last year declared that Bosnia would be an open-ended commitment for the United States. Congress was not in session. Congress was not consulted. There was no authorization, and the President has made this an open-ended mission. I am very concerned about the mission creep, and I am very concerned that the President has bypassed the Congress, and the Congress has constitutional responsibilities that cannot be bypassed by the President. That is why I am calling up this amendment today.

I very much appreciate the remarks of the majority leader, Senator LOTT, and the chairman, Senator STEVENS, saying that this is going to be brought up, we are going to discuss it, we are going to tell the President that the Congress of the United States is not asleep, that we know our constitutional responsibilities and that we now have a commitment that this is going to be discussed and a policy will be set, and we will have an up-or-down vote in the defense appropriations bill later this year before the June 30 deadline that we now face and that we have now seen the President walk away from.

So, Mr. President, we are going to exercise our responsibilities. We can do no less, and that is why we are discussing this today.

I am very pleased to now ask Senator INHOFE of Oklahoma to take up to 5 minutes for his views on this issue. I intend to talk about what the amendment does as soon as those who have time commitments have been able to speak. I yield to Senator INHOFE.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Texas for yielding a little time here.

I can remember in November of 1995 when the Senator from Texas was the primary author of the resolution of disapproval of sending troops into Bosnia. I was on the resolution with her. We only lost by three votes. In other words, if three Senators had voted the other way, we very likely would not have had to send troops into Bosnia to begin with.

In anticipation of this, I went to Bosnia, up to the northeast sector, only to find there was never any belief that we could get into this thing and be out in 12 months. The reason the President was able to get the three votes necessary to defeat the resolution of disapproval was the guarantee that our troops that were going to be sent over there in November of 1995 would be home for Christmas in 1996. That was not an expectation; that was a guarantee. I can remember so well talking to General Haukland up in the northeast sector when he laughed and said, "You mean 12 years." As the years and months are going by now, it looks like there is more and more truth to that.

Let me just mention my concern is a little different than the concerns that are expressed by most people. Mine is one as to how this involvement in Bosnia is adversely affecting our ability to defend America.

I am chairman of a committee called the Readiness Subcommittee of the Senate Armed Services Committee that is in charge of training and making sure that we are ready. Until some of the recent scandals have taken the headlines off the front page, we have finally broken through the national media so that people realize, and the national media realizes, that we are facing huge threats today all over the world with over 25 nations with weapons of mass destruction with delivery systems that can reach the United States from anyplace in the world.

With all this, we are concentrating our efforts and spending our defense dollars on Bosnia. This is the thing that concerns me. We keep hearing that there are only 8,500 troops in Bosnia. That is not much of a commitment, but I can assure you, Mr. President, it is far greater than that. If you just add the troops who are directly affected by the Bosnia operation in the rim countries, in Croatia, that adds up to 12,000. Then you go over to Europe and you see the logistical support of that operation. We find that in the 21st TACOM, for example. That is the operation that is responsible for logistical support of any ground operation, for example, if we should have to send ground troops into Iraq.

I don't think anyone is naive enough to think we could surgically bomb Iraq if it became necessary and not have to make a commitment of ground troops. But if that happened, we don't have any way to support logistically those ground troops that would be sent to Iraq. The 21st TACOM, which has to support logistically ground troops anywhere in that theater, which includes Iraq, is now totally consumed by their participation and their support in Bosnia. Right now they are operating at a very high op tempo and pers-tempo rate so individuals are being consumed by the operation in Bosnia.

We are at 115 percent capacity just supporting Bosnia. What does that mean? That means in the event we had to send ground troops someplace else in the world, we would not have the logistic support for them.

When you ask the question, "What would you do if that happened," the commanding officer at the 21st TACOM said we would be totally dependent upon the Guard and Reserves. I suggest to you, Mr. President—you know and the rest of us know who are close to this subject—we don't have the necessary MOSs and capacity in Guard and Reserves to make that support. You go 10 miles up the road to the 86th Airlift in Ramstein. In Ramstein, they are right now at 100-percent capacity just supporting the airlift to Bosnia.

So the cost is far greater, even far greater than $8 billion that so far we have admitted we have spent in Bosnia. We are making a commitment that makes it virtually impossible for us to support any other operations should it become necessary.

So I think there has to be an end to this thing. It is easy to get into these things; it is very difficult to get out. We got in; we got in with a guarantee it would be a 12-month operation; we got in with the expectations it would cost $1.2 billion. We knew better at the time. We knew they were not telling the truth about what kind of a commitment we were making and, consequently, we have to have some way of getting out.

So this is a major national security issue, Mr. President, that we get out of Bosnia so that we can have the capacity to take care of the needs of the American people in terms of defending our country.

With that, I defer to the Senator from Kansas for any comments he might want to make.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I thank the Senator from Oklahoma, and I especially want to thank the Senator from Texas for raising this issue.

Mr. President, I say to my colleagues, before coming to the floor, I looked up the definition of "wise" in Webster's Third International Dictionary—that is the recognized authority with regard to the English language—and it read:

> Characterized by wisdom; knowledgeable; exercising sound judgment.

It even went on to say if you were a wise person that you were "alert," and further described a wise person as being a person "in a condition where an individual becomes aware of the slow, steady creep of the tide, lest they will be in it up to their hubcaps before they realize it."

Mr. President, I think there is another definition of "wise" in this body, and perhaps the synonym would be the distinguished Senator from West Virginia, Senator BYRD, who made a speech on Monday that I commend to the attention of my colleagues. It is in Monday's RECORD. It is on page S2382. If my colleagues and staff are paying attention to the floor, write that down, S2382. It is the distinguished Senator from West Virginia, Senator BYRD, who says:

> With respect to Bosnia, the President has provided a certification and report, required by Fiscal Year 1998 Defense Authorization and Appropriations Acts, that the continued presence of U.S. armed forces——

Mr. STEVENS. Will the Senator yield for just one moment?

Mr. ROBERTS. I will be delighted to yield to the distinguished chairman.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair notify each speaker on the Bosnia issue when 5 minutes have expired. We are not under a time agreement, but I think we have an understanding that speakers will limit their remarks to 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Kansas is now recognized.

Mr. ROBERTS. I would like to ask of the Chair if that means I have an additional 5 minutes or about a minute has been taken off? I would assume that I have an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas.

Mr. ROBERTS. I thank the Chair, and I thank the chairman of the Appropriations Committee.

I will continue with Senator BYRD's remarks:

> Last year, the administration told us that we would be out of Bosnia in about a year.
>
> All of the witnesses who came up before the Armed Services Committee and the Appropriations Committee assured the committees that that was the expected timeframe which would be needed during which we would have to place our men and women in possible harm's way, but we were assured—we didn't just ask the question once or twice, and the response didn't come forth just once or twice, but the response was always in the context of a year's time.

Then Senator BYRD went on to comment that he had strong suspicions that it really wouldn't work out that way. And he referred to the report that was made, and the report said:

> "We do not propose a fixed end-date for the deployment." That says it all. So we are in a different situation now. The exit strategy—in other words, the required conditions for our forces to come out and come home—reads like a nation-building strategy.

That is the concern of this Senator and the Senator from Texas and the distinguished Senator from West Virginia.

> What is required for us to leave Bosnia? First, judicial reform—

The Senator from West Virginia said—

> Just a minor thing, judicial reform. Then, development of an independent media throughout the territory.

He said that was a pretty big order, and it certainly is.

> Then there is more. Democratic elections. What do we mean by democratic elections? Democratic elections followed by free market economic reforms . . . privatization of the economy, and so on and on.

And the Senator said:

> We all get the point. This is a formula requiring the completion of a new, integrated democratic state. That is what nation-building is. I didn't buy on to that. The U.S. Senate has not bought onto that. And if the duration of our stay is going to be based on nation-building, as the President is obviously saying in the report, we are [going to be] there for a good, long [period of] time.

I was in Sarajevo. I talked with our officials there. That was last year, I say to the Senator from Texas. The conditions at that time were troop protection, refugee relocation, economic restoration, and a rather hard-to-understand policy in regard to war criminals.

That has changed, and the Senator from Texas is precisely correct; we have not even had that under consideration or with any kind of talk, other than that of the Senators here on the floor and the distinguished Senator from West Virginia in regard to what the end policy is in regard to Bosnia.

I indicated the definition of somebody being wise, other than being Senator BYRD of West Virginia, was that they be alert—and I repeat that—further described by Webster's as "a condition where an individual knows and is aware of the slow, steady creep of the tide, lest they will be in it up to their hubcaps before they realize it." Mr. President, we are not only in it to our hubcaps; we are in it to the axle with no reverse gear.

It was Herbert Hoover who said in 1958, "Wisdom consists not so much in knowing what to do in the ultimate as in knowing what to do next." I do not know what we are going to do next, but it is the responsibility of this Senate to consider that.

We will do it in the 1999 defense authorization and appropriations bills. I credit the Senator from Texas for focusing on this, and I thank the Senator from West Virginia and remind all of my colleagues that it ought to be required reading in regards to his remarks on the floor of the Senate last Monday, again, page S2382. Please, my colleagues, pay attention to the Senator from West Virginia. He is right on in regards to this terribly important and difficult issue.

Mr. President, I thank the Senator for yielding.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield up to 5 minutes to Senator CRAIG.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I will be brief. Others are gathered here to speak on the Hutchison amendment.

But let me first of all recognize the Senator from Texas for highlighting and bringing to the surface an issue that is growing in the minds of many of us and we hope will alert the minds of many Americans.

We were engaged here for a week on the debate on the expansion of NATO. This Senate more than likely will vote to expand NATO in the course of this session. But as we do, we ought to remember the consequence or the potential impact of that kind of a vote. And I think it is reflected in this drifting policy that we have currently in Bosnia.

Peacekeeping operations so designated by our President are important and should be well defined. But I will tell you, the Senator from Texas is right. Our President operates in an unauthorized situation in Bosnia today. The Senator from Oklahoma has brought up the mounting costs. We are able to measure some $8 billion in costs. We know they are much larger than that.

The mission appears at date to be endless as it relates to some culmination. Do we have to lose American men and women in Bosnia before our citizens wake up or, more importantly, the

Congress begins to move with its constitutional authority to deal directly with this issue? I hope not.

The mission in Bosnia is now just what we were promised it would not be. We were promised it would not be an unauthorized, open-ended, nation-building deployment with no withdrawal criteria. It is now all of those things by definition.

In 1995, President Clinton vowed that the U.S. troops deployed to Bosnia "should and will take about one year." Three years and nearly $8 billion later, the administration now admits, "We do not propose a fixed end date for the deployment."

This unauthorized, open-ended deployment is affecting the readiness of our troops, their morale. Some anecdotal evidence is clearly available if you scratch the surface.

Increasingly, Army and Air Force units put off combat training because they are too busy with low-intensity missions, and they need the money elsewhere. We see that great shift of dollars underneath the surface that this administration has been unwilling to admit. And, finally, just in the last month, the chairman of the Appropriations Committee said we will do no more of that. Following this supplemental, the administration must now bring to the Hill as an authorization the appropriate expenditures for the mission in Bosnia.

Another anecdotal piece of evidence: A particular Marine expeditionary unit deploys more than 220 days in a 365-day period as if we were at war. That is how we are using our men and women in uniform today.

Air Force pilots are fleeing to the commercial sector despite cash incentives from the Air Force of up to $22,000 to reenlist. We all know the kind of investment we have in these pilots—millions of dollars of training and, of course, operational time.

There are serious problems that the President is turning a blind eye on so he can continue to deploy troops to humanitarian missions. If we are going to declare humanitarian missions in our national interest, then let us declare them. Let us come to Congress and get the constitutional authorization necessary for those kinds of actions. Let us appropriate the money accordingly instead of slip money and the necessary resources away from certain missions to other missions of the kind that we have talked about.

Meanwhile, there are fewer dollars for defense and increasing orders to deploy.

Since 1989, manpower has been cut by nearly one-third, the number of missions has quadrupled, and defense spending has been dramatically reduced.

This year's defense budget marks the fourteenth consecutive year of decline for defense spending.

President Clinton's $270 billion 1999 defense budget represents a real decline of 1.1 percent from current spending levels, and marks a 39-percent drop from the spending levels of the mid-1980's.

While defense spending declines, the U.S. military has been asked to do more. Since 1990, U.S. Armed Forces have been used in 36 major foreign missions, compared to 22 between 1980 and 1989.

The commitment of United States troops to Bosnia is a commitment of United States blood. The decision to place United States troops in harm's way is a commitment that I do not take lightly. The President not only broke his promise to have our troops home by December 1996, he has also decreased the readiness of our troops by taking scarce dollars from an underfunded defense budget and used them to defend causes that have little to do with our national security interest.

I hope my colleagues will support Senator HUTCHISON's amendment which will allow for an honorable exit of U.S. troops from the region, and turn over the operation to our European allies.

That is why it is time to debate this issue. I am proud that the Senator from Texas brings it to us, highlights it, gets it on the national agenda, not just the agenda of Congress and this Senate, but brings it forth for a national agenda. I thank my colleague for doing so.

Mr. President, I stand in support of this amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I appreciate the remarks of a member of our leadership team on our side, the Senator from Idaho. I think he is right on. I think the Senator from Kansas was right on. The Senator from Oklahoma was right on. I want to talk about what my amendment does. It expresses the sense of Congress that the President and Congress should create the conditions for withdrawal of U.S. ground combat forces from the NATO-led stabilization force in Bosnia. What we are trying to do is lay the groundwork for an honorable exit.

You know, every time we come up to a deadline that the President himself has set, he says we cannot just leave, it would be irresponsible to leave, it would throw everything into chaos. That is absolutely true. It would be irresponsible to leave right now. But why is that? Why would it be irresponsible to leave right now? It would be irresponsible to leave right now because we have not laid the groundwork for an honorable exit and the President has gone on without the authorization of Congress to say this is going to be an unending mission.

On November 27, 1995, the President said, "First, the mission will be precisely defined with clear, realistic goals that can be achieved in a definite period of time. Our Joint Chiefs of Staff have concluded that the mission should and will take about a year."

The Secretary of Defense and the Chairman of the Joint Chiefs strongly concurred with the President's assessment in their testimony before Congress that it would not get involved in such tasks as forcing the resettling of refugees or capturing war criminals and that we should have an end date.

The Vice President of the United States also provided additional assurances, arguing that the deployment would not lead to mission creep and that within a year hostile forces would be separated, the borders would be marked, elections would be organized and held, and police forces would be established.

As that deadline approached, the President extended the mission further by announcing a new deadline of June 1998, once again assuring the American people and Congress that the mission would be achievable.

The mission creep, which concerned General Shalikashvili when he said that, without a fixed end date, mission creep would occur, has come to pass with our military now adding missions such as capturing indicted war criminals, seizing and controlling broadcast facilities.

U.S. commanders of NATO have stated on several occasions, in accordance with the Dayton peace accords, the principal responsibility for apprehending war criminals would be the parties themselves.

Mr. President, Secretaries of Defense and Chairmen of the Joint Chiefs have said throughout this 3-year period that setting a deadline is a good thing. But on December 19, 1997, President Clinton finally said he had misjudged the mission and he was committing the U.S. military to an open-ended mission which would only end when certain unnamed, concrete benchmarks had been accomplished.

Since then, we have seen the benchmarks, but they are not very concrete. I introduced a resolution of disapproval for this mission to Bosnia in November 1995. It was narrowly defeated, by three votes. Many of my colleagues specifically said they voted against that resolution only after receiving solid assurances from the administration regarding the length and cost of the deployment. The mission is now in its third year, and the President is saying there is no end in sight.

Mr. President, unless Congress exercises our constitutional responsibility, we are going to see an unending mission where there are no clear goals and there is no exit strategy.

I am second to none in appreciating the great work that our military has done in Bosnia. I have been there five times. I have met with the troops. Their courage, their dedication, their professionalism have permitted a separation of the belligerent parties.

There has been a significant reduction in the violence and suffering in the Republic of Bosnia and Herzegovina. They have accomplished every mission they have been given, and they have done it in exemplary fashion. But, Mr. President, the administration keeps moving the goalposts. Now we have had forces in Bosnia for 3 years, we have spent $8 billion of our taxpayers' money, and now we see the President expanding the mission without coming to Congress first.

My resolution today says that Congress is expressing its concern and opposition to the policy of the President that has resulted in this open-ended deployment without the prior authorization of Congress and urges the President to work with our European allies to set an orderly transition so that American troops can leave by January 1, 1999.

Mr. President, I think my 5 minutes are up. I want to ask that others be allowed to speak. I hope Senator BYRD is going to be able to speak, and certainly Senator FEINGOLD. I do have some closing remarks, but I would like to yield at this time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I very much would like the opportunity to speak on the subject of Bosnia. Does the Senator from Texas control the time?

The PRESIDING OFFICER. There is no time control. The Senator is advised he is recognized on his own time.

Mr. FEINGOLD. Thank you, Mr. President.

Let me first take this opportunity to——

Mrs. HUTCHISON. Let me make a parliamentary inquiry.

Don't we have unanimous consent that there would be a 5-minute notification to every speaker?

The PRESIDING OFFICER. There will be notification as to the 5-minute time period expiring, but there is no time agreement regarding control of the time.

Mrs. HUTCHISON. I would just like to point out I had told Senator STEVENS that I thought we would be finished by 10:30. If the Senator from Wisconsin would look at the time—and also Senator BYRD is on the floor, and I would like him to have a chance to speak, if he seeks recognition. So with that in mind, I just wanted to set the parameters of our informal agreement.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, at the appropriate time I will send an amendment to the desk with regard to Bosnia, but let me take this opportunity to thank the Senator from Texas once again for her leadership on this issue. I have enjoyed working with her on the issue. I think the only thing that is regrettable is, we still have to be working on it so many years later, after we identified the problem in the misrepresentations that have been demonstrated in this Bosnia mission.

I am hearing more and more concern back in my State of Wisconsin about the unlimited nature of this engagement. It troubles me a good deal that my constituents feel they were told that this was going to be a 1-year mission, that it was only going to cost $2 billion, and if this didn't work out we would be out of there. Nothing could be further from the truth.

Mr. President, I hope that either on this bill or in the bills that come later this year we have an opportunity to get some clarity and some time line and some absolute definition to this operation, because the American people are just saying, "Why? Why is it that we are bearing this entire burden, or such a huge percentage of this burden, when it seems that the European countries could do so much more to provide for the needs of this area?"

I will say a word or two about an amendment I intend to offer later. The amendment is a little unusual and requires a little explanation. What my amendment would do is strike the "emergency" designation from each of the line items in this supplemental appropriations bill that provide funds to support U.S. peacekeeping operations in Bosnia, but it would leave such designation intact for funds to support our additional military needs in the southwest Asia area, which, as we know, refers to the U.S. military buildup in the Persian Gulf.

I will offer this amendment for two reasons. First and foremost, I have always had serious questions about our involvement in the Bosnia mission. I was the only Democrat to vote against the deployment of U.S. troops back in 1995, in large part because I did not believe that the United States would be able to complete its mission there within the time and within the financial constraints that have been identified. I am sorry to say that I have been proven right. I take absolutely no pleasure in this. It has been very expensive and very dangerous.

U.S. forces have now been in Bosnia for more than 2 years—much longer than the original 1-year mandate—and I don't think anyone has a good idea about how much longer we will be there. More significantly perhaps, the cost of our involvement hasn't been $2 billion, it has actually been quadrupled from that figure; it has been $8 billion. And now Congress is being asked to fork over another half a billion, with no end in sight.

There is a second reason for this amendment, and that is that the legislation before the Senate today, S. 1768, is an emergency appropriations bill. The President has submitted a supplemental appropriations request, and we are debating this bill today precisely because we have been faced with some unforeseen emergencies. There have been floods in California, tornadoes in Florida, a typhoon in Guam, and ice storms in many areas of the Northeast. The showdown with Saddam Hussein took on new and frightening intensity in the past 6 months, and the United States came very close to carrying out airstrikes on a scale that was at least somewhat reminiscent of Desert Storm. We have all faced the unforeseen consequences of the so-called ubiquitous El Nino effect which has had bizarre and sometimes tragic influences on our weather patterns nationwide.

The Congress has never developed firm rules on how we should define an "emergency." Everybody assumes that we will use common sense when deciding when to grant special emergency treatment to certain expenditures. And common sense tells us that floods and tornados clearly are emergencies.

In my view, however, the mission in Bosnia, is not. It is a substantial, long-term commitment. It is something the United States has, for better or worse, decided to do for the long-term. If events there take an unexpected turn for the worse, it may become an emergency. But as we stand here and debate this spending bill, it is not an emergency.

Webster's New Collegiate Dictionary defines the word "emergency" as follows: "an unforeseen combination of circumstances or the resulting state that calls for immediate action."

This definition clearly does not apply to the Bosnia mission. The Bosnia mission is an emergency only in the strange language of appropriations bills. The Bosnia "emergency" is a legislative fiction.

The line items in this bill—military personnel, operations and maintenance, and contingency funds—are standard military costs that would be part of any military mission. U.S. troops have been on the ground in Bosnia for more than two years. The change in designation from IFOR [eye-fore] to SFOR [ess-fore] was made more than a year ago and is scheduled to continue through June of this year. Then, last December, the President announced that he would forego imposing a deadline altogether, and opt instead for a policy of benchmarks whose definitions remain open to interpretation.

How can Congress and the President possibly profess to the American people that the additional costs for the Bosnia mission constitute an emergency? On the contrary, it has been clear for quite a while now that the cost of this mission would again rise substantially. Some would say it has been clear from the start.

Ironically, Congressional appropriators and our military leaders have planned for many months on obtaining these funds in this emergency spending bill.

So that invites my next question: What are these funds doing in this bill? I just do not think that you can equate the long anticipated needs of the operation in Bosnia with the urgent, unexpected needs of the farmers in California or homeowners in Florida who have been devastated by natural disaster.

Despite my long-standing opposition to the mission in Bosnia, I believe the Congress should take up and debate the additional appropriations needed to advance the administration's goals in that war-torn region, but not on an "emergency" bill. In the proper context of an ordinary appropriation, subject to ordinary budget rules, I will state my own reservations about this mission and will listen carefully to my colleagues who have supported this mission. Then we can decide whether to spend this money and where to get it without increasing the deficit.

This supplemental appropriation, which represents so many dire and urgent needs, is not the appropriate legislative vehicle for Bosnia spending.

Now, I considered offering an amendment that would have stricken all of the funds designated for the Bosnia mission based on this same rationale. I am not doing that today, because I recognize there is little support in the Senate for such an abrupt funding cutoff. My amendment is neutral as to the merits of the mission in Bosnia. It simply requires us to fund it in a responsible manner.

This bill should be limited to the true emergencies represented by the bulk of the remaining $2 billion and should not include the non-emergency that is the Bosnia mission. But as important as that technical change may be, this amendment has some real substantive teeth. By changing the designation in this way, Congress will be mandating that funds used to support the Bosnia operation fall under the same budgetary scrutiny and discipline that other spending does. If this amendment is adopted, and the Senate decides the Bosnia appropriations do not merit the special treatment an emergency designation confers, the Bosnia-related appropriations would be subject to the same budget discipline we impose on all other non-emergencies. Congress would have to cut enough spending to offset the cost of this new Bosnia money. If that did not happen, OMB would trigger an across-the-board sequester—in effect doing the work for us.

The mission in Bosnia does not represent an emergency that legitimately calls for us to depart from these, established, vital budget rules so casually. We must separate the Bosnia money from the true emergencies funded in the rest of this bill.

I urge my colleagues to think carefully about my amendment, because this speaks to our commitment to truly balance the budget. Any Senator can support this amendment, and then consider funding for Bosnia operations in a more fiscally responsible way, without stepping away from any existing commitment to the troops and the mission in Bosnia.

I thank the chair, and I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank both the distinguished Senator from Texas, Mrs. HUTCHISON, and the distinguished Senator from Wisconsin, Mr. FEINGOLD, for the courtesies they have extended to me.

Mr. President, the distinguished Senator who is now presiding over the Senate, Senator PAT ROBERTS, quoted me earlier in respect to the Bosnian matter. I wish to quote a great American President—a great American President. And that President's comments were pertinent at the time and are pertinent today.

Perhaps I should first thank Senator HUTCHISON for offering the amendment. I can assure her and assure the Senator from Wisconsin that when the time comes to discuss and to consider appropriations for the fiscal year 1999, I shall be active, the Lord willing, in dealing with this matter that is the subject of this amendment; namely, Bosnia and our participation in the circumstances and conditions that presently prevail in that area.

The constitutional framework arranged by the framers speaks with crystal clarity regarding the war powers. The authority to initiate war rests solely with Congress, except for one narrow area, the defensive authority to repel sudden attacks which is granted to the Commander in Chief. Let us listen, though, for a moment to the words of President Abraham Lincoln, in a letter, to William H. Herndon, on the subject of the exercise of the unfettered use of the war power by a President.

Mr. Lincoln wrote:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion and you allow him to do so whenever he may choose to say he deems it necessary for such purpose and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect after you have given him so much as you propose. If today he should choose to say he thinks it necessary to invade Canada to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us," but he will say to you "Be silent. I see it, if you don't."

Lincoln continues:

> The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their peoples in war, pretending generally if not always that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

So, Mr. President, Lincoln spoke to the subject in his day.

This is a very difficult area. It is an area of mixed powers, and the problem is, Presidents in recent years have been prone to put men and women of the U.S. Armed Forces in areas of danger and then call upon the Congress for appropriations to sustain that American manpower, and Congress is reluctant, of course, once the men are in the area, reluctant to be charged with pulling the rug out from beneath them.

But there has to be an accounting. Congress has to be a part of this equation. Congress has the responsibility and duty to make itself heard in this matter. The time will come when we will have that opportunity. I hope that Congress will rise to the situation.

I will have considerably more to say on this subject at that time, as will others, I am sure. But we cannot just sit back and leave it up to the administration to use the term "Commander in Chief," which is a British term from the beginning and which was used to designate various army officers in various locations during the time of Charles I, Charles II, and so on.

That term is not enough. It is time to use the power of the purse. And many of us in this Chamber have fought for that power of the purse. We have resisted the efforts to give the President, whether he be a Democrat or a Republican, a share in the control of the purse. That matter is coming home to roost. We will see here, as we have seen it previously, that Congress' power over the purse is the one voice, the one voice that every administration, Republican or Democratic, will hear and will heed. I hope that we in this body will remember that the time was not too long ago when Congress gave to the President of the United States the line-item veto. When we did that, we stuck a dagger in the back of the Senate. I hope that the Supreme Court will strike that nefarious law dead, dead, dead.

But that is just one example of our being the culprits in giving to the Chief Executive a power that the Constitution does not give him. But in this case let us speak up. Again, I congratulate the lady from Texas. I will be with her, we will talk, we will work together, and I have a feeling that the administration will come back to the Appropriations Committee and the Armed

Services Committee, and I believe that the administration will be shorn of its trappings, which were so impressive, they thought, a year ago as they assured us on the Armed Services Committee that our troops would be in Bosnia only, perhaps, about a year. I think they were dissimulating at the time. I think they knew better than that. I think we had a strong suspicion that that would not be the case. They were being a little disingenuous at the time—not the first time Congress has been treated in that fashion; there have been other times.

It is time that Congress spoke up and took a stand for this Constitution of ours.

I thank the Senator from Texas for her courtesy.

Mrs. HUTCHISON. Mr. President, I so appreciate the great leadership of the Senator from West Virginia. He understands better than any Member of this body the role of Congress in sending our troops into foreign conflicts or into harm's way anywhere overseas. He understands and he has spoken eloquently about not only our role but our responsibility.

He well knows that the Founders who wrote the Constitution of the United States had a model. They had a model of a king. The king was able to declare war and implement it. The king held the purse strings and the power. Our Founders very clearly said, "We are not going to do that." And in the Constitution they provided that there would be a dual power. The President can commit troops; only Congress can declare war.

That is what our Constitution says, and if one side falls down on their responsibility, then we have an unlimited power in the President. That is not the American way; furthermore, it is a dangerous precedent. Congress must stand for its responsibility to make sure that if our troops are going into harm's way, if our taxpayers are going to spend $3 billion a year on a mission overseas, Congress must authorize it, and we do it with the power of the purse, which is the appropriations process. That is why we are standing here today, to serve notice to the President that we are not going to stand here for an unlimited commitment in Bosnia until we have a rationale for it, until the President comes to Congress and says, "Here is why we are doing this, here is the United States security interest, here is our responsibility as a superpower to our allies in NATO, and here is our exit strategy." That is what the President must come to Congress to give—a responsible exit strategy. I think we could ask the President for that. We could ask the President to look again at the Dayton accord. Let's see how it goes and what can we do to have a better prospect for lasting peace, have a combined joint task force that would be led by Americans, but in which we would transition out at a specified time. Let's have an orderly transition and let our allies know up front what they can expect from us, so that we don't come on to a deadline and then have the President say to us, "Oh, but it would be irresponsible to leave right now." It is irresponsible to leave right now because we haven't laid the groundwork for an honorable exit, and now is the time to do that. That is why we are talking about it today and why we will have, as part of our defense appropriations bill this year, a statement of purpose, which we hope the President will give us, that will include an honorable exit strategy. We can do it if we start now. We can work with the President toward this honorable exit, and we can go back to our constitutional responsibility to make sure that the President presents a mission before he sends our troops into harm's way, and that the President makes sure that he provides for the funding when it doesn't take from our readiness and the quality of life of the troops that we have all over the world for missions that only the United States can fulfill and for which we must remain ready.

Mr. President, that is the responsibility of Congress. That is what my amendment would do today. Mr. President, I am going to withdraw this amendment because the chairman of the committee and the majority leader have given us a time certain when we can vote on a policy statement by this Congress which will have the force of law, and I hope the President will work with us so that we can agree on an honorable strategy that fulfills our commitment to our allies, that fulfills our responsibility to the world, that makes sure we have a United States security interest and provides for the payment for it, and last but certainly not least, an exit strategy that is honorable in line with the United States of America.

Mr. President, I withdraw my amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. HUTCHISON. Mr. President, I reserve the right to object on behalf of the chairman——

The PRESIDING OFFICER. The Senator may not reserve the right to object.

Mrs. HUTCHISON. I object on behalf of the chairman.

The PRESIDING OFFICER. The clerk will continue to call the roll.

The bill clerk continued the call of the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is amendment No. 2120 by the Senator from Oklahoma.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending business be set aside for 1 minute so that I can simply offer the amendment I referred to earlier, and I won't discuss it right now.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Mr. President, reserving the right to object. What is the amendment?

Mr. FEINGOLD. It is the amendment I discussed during the time of the Senator from Texas that removes the emergency designation for the Bosnia money. I indicated that I would offer that amendment later this morning, and I simply want to offer it, call for the yeas and nays, and not discuss it further at this time.

Mr. NICKLES. Reserving the right to object. I am not managing this bill, so I ask my colleague from Wisconsin if he would withhold that amendment until the Senator from Alaska is back. That would be appreciated. So I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 2083

Mr. LIEBERMAN. Mr. President, I had come to the floor to speak very briefly on the amendment, now withdrawn, that had been offered by the Senator from Texas.

Mr. President, I thank the Chair and my colleagues. Briefly, I wish to speak on the amendment offered by the Senator from Texas and the one that has been referred to by the Senator from Wisconsin about our Bosnia policy.

A discussion was offered by the Senator from West Virginia about the power of the purse, and that is a power that we, of course, continue to have. We have, by explicit and implicit expressions, consented to and supported the policy that we are following in Bosnia. It is a successful policy. We will return to these discussions, as these two amendments suggest, before this year is ended.

When it comes to discussing the power of the purse and the relations between the President and Congress on this matter of Bosnia policy, I simply wanted to say that I will be recorded as being in favor of the current course of our policy. It has worked. To set a date to create an exit strategy other than the one that is there now, which is the accomplishment of the Dayton process, would be to snatch defeat from the jaws of victory, or more colloquially, as our distinguished former majority leader Bob Dole has said, to impose an exit date now on our Bosnia policy, to cut off funding would be "like a football team leaving the field in the second half when they are ahead of the game."

Remarkable progress has been made in Bosnia, thanks to the presence of the NATO troops and, most particularly, our American presence there to end the war, to begin to rebuild a civil society. Even in the Serbian section there is new hope with new leadership from President Plasic and Prime Minister Dodik. We have proven that the reasonable exercise that diplomacy matched with force can end conflict and genocide in Europe.

Now, that is a remarkable accomplishment. I would hate to see us jeopardize it by congressional termination of the funding or by artificially setting an exit date, or even an exit strategy, short of the accomplishment of the goals of the Dayton process. I thank my colleagues for giving me this opportunity.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I want to take 1 minute to thank my colleague from Connecticut for his remarks. I had a chance to meet with some educators from Bosnia and Herzegovina, who are actually in the gallery. The one thing they said to me is, "Please support this peace process. There is so much appreciation for what America has done. Give us time. The world will be a much better place if you are willing to make this commitment."

I wanted to associate myself with the eloquence of my colleague from Connecticut.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I appreciate very much the remarks of both the Senator from Connecticut and the Senator from Minnesota. I hope that we will be able to work something out that they would also be comfortable with, because we do want to exercise a responsible approach to our role in this whole Bosnia peace process. But I do think we also have a responsibility to have clear conditions and a clear exit strategy. So I hope we will be able to work together.

I ask unanimous consent that Senator SESSIONS be added as an original cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending business be set aside.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I did not hear the Senator.

The PRESIDING OFFICER. The request of the Senator from Wisconsin was to set the pending business aside.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object. Senator NICKLES and I have been here for about an hour and 15 minutes wanting to debate the Nickles amendment. I hope that we at least have an opportunity to get to the substance of it. I want to accommodate all of our colleagues here.

Mr. FEINGOLD. Mr. President, I will reassure the Senator that this is merely to offer an amendment, and it will take 30 seconds.

Mr. KENNEDY. I have no objection.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 2121

(Purpose: To remove the emergency designation for the supplemental appropriations to fund incremental costs of contingency operations in Bosnia)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 2121.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 7, strike out line 13 and all that follows through page 12, line 1, and insert in lieu thereof the following:

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $184,000,000: *Provided*, That of such amount, $72,500,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $22,300,000: *Provided*, That of such amount, $19,900,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $5,100,000: *Provided*, That of such amount, $3,700,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $10,900,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $4,100,000: *Provided*, That of such amount, $2,000,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $1,886,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $33,272,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $21,509,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-wide", $1,390,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; as amended.

For an additional amount for "Operation and Maintenance, Defense-wide", $44,000,000, for emergency expenses resulting from natural disasters in the United States: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $44,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; *Provided further*, That the Secretary of Defense may transfer these funds to current applicable operation and maintenance appropriations, to be merged with and available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this provision is in addition to any transfer authority available to the Department.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $650,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $229,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $175,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,556,000,000, to remain available until expended, of which $46,000,000, shall be available for classified programs: *Provided*, That of such amount, $1,188,800,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985,

Mr. FEINGOLD. Mr. President, this is simply an amendment that removes the emergency designation for the additional Bosnia money, which I mentioned a few minutes ago.

At this point, I simply ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2120

Mr. STEVENS. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The pending business is the Nickles amendment No. 2120.

Mr. NICKLES. Mr. President, for the information of my colleagues, the amendment I am offering today will strike a nonemergency appropriation of $16 million for the Health Care Financing Administration, commonly called HCFA. This provision in the supplemental bill includes $6 million for HCFA to hire 65 new Federal employees. That is an average of $92,300 per person. Mr. President, I will try to be very blunt and very quick with my discussion on this amendment.

HCFA has today 4,002 employees. It is unbelievably large, and some would say not a very well-run agency. It has an administrative function that spends $364 million. Its total program management is $1.88 billion and it has been growing significantly.

The administration in their budget request says next year they want to hire an additional 215 employees, an increase in their Federal administrative request from $364 million to $456 million. This is an agency that has been growing and, under the administration's request, would continue to grow profusely. It doesn't need to be in this so-called emergency supplemental bill. The administration requested it, and it was initially agreed upon.

But I started looking at the request, and I am astounded that it would be made. Supposedly, the request was made to fund HCFA's enforcement of the Health Insurance Portability and Accountability Act, the so-called Kassebaum-Kennedy bill that we passed last Congress. This provision would hire an additional 65 bureaucrats. They now have 26 administering the program. Forty-five States have already complied. This is temporary assuming all 50 States are going to comply. Twenty-six employees were able to help monitor compliance and help achieve compliance within 45 States. Five States have not. All five States, I believe, will at some point be in compliance.

Do we really need to hire an additional 65 and expand this bureaucracy? I don't think that we should. I think we should save the taxpayers the $16 million.

One of the things that bothers me is how we are paying for this. This is paid for by taking money out of a function that is paid for in the Medicare trust fund. So we are taking money out of entitlement functions and putting it in discretionary funds so we can hire more bureaucrats. HCFA already has over 4,000. I really do not think we need another 65, especially in an emergency supplemental bill.

So my amendment would be to delete this amendment to the bill that would add $16 million in new federal spending, and I urge my colleagues to support it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this amendment by the Senator from Oklahoma should be called "The Abusive Insurers Protection Act."

The Kassebaum-Kennedy legislation, which protects consumers against insurance company abuses, passed the Senate by 100–0 on April 23, 1996. The conference agreement passed it on August 2, 1996, by a vote of 98–0. It has unanimous support—not once but twice. But now some Senators are proposing to effectively gut that legislation by denying HCFA the staff and the resources they need to enforce the bill.

Let us be very clear. This is not about the budget. This is not about wasteful spending. The HCFA request is fully paid for by a cut elsewhere in the HCFA budget. This is about an inexplicable effort to deny millions of people the right to portable, accessible health insurance.

Let me review the history of the Kassebaum-Kennedy bill and explain to the Members why the request for the additional staff and resources is needed.

The Kassebaum-Kennedy bill bans some of the worst abuses by health insurers—abuses that affect millions of people a year. It says that insurers could not impose preexisting condition exclusions on people who have faithfully paid their premiums but changed insurance carrier because they changed their job. It says that insurers could not penalize members of a group by excluding workers who happen to be in poor health or by charging them additional premiums. It says that small businesses could not be denied insurance coverage or have their policy canceled because one worker developed a health problem, It says that people who lost their job through no fault of their own could not be denied insurance in the individual market.

According to the General Accounting Office, as many as 25 million people annually benefit from this health insurance bill of rights. But patchwork enforcement and a concerted effort by unscrupulous insurers to violate the law have raised serious concerns during the early implementation period.

For too many Americans the promise of the Kassebaum-Kennedy bill has been a broken promise. The President and the Department of HHS are moving decisively to address some of the worst abuses, but their ability to do so will be crippled if this amendment passes.

When our legislation initially passed, we envisioned that enforcement against insurance carriers would be a State responsibility, since State insurance commissioners have traditionally been the regulators of health insurance. Federal regulation was the fallback only if States failed to act. Most States have passed implementing or conforming legislation and are enforcing the law. But there are a significant number of States that have not yet come into compliance. Four States have failed to pass implementing legislation and have no comparable State laws on the books. Many, many more have only implemented parts of the law. One of the States that has failed to act is California with more than 30 million people.

The issue goes beyond the insurance performance standards included in the original Kassebaum-Kennedy bill. Congress has acted to expand the bill by passing the mental health parity requirements and a ban on drive-by deliveries. These provisions, too, will remain an empty promise if HCFA does not have the staff to enforce the law.

In every State that has failed to act, in whole or in part, the responsibility for assuring compliance in responding to complaints and informing the public has fallen on the Health Care Financing Administration. But HCFA has just over 20 people working on this issue in its headquarters and a handful spread across the regions.

The recent GAO report expressed concern that HCFA's current resources are inadequate to effectively enforce the bill. If this amendment passes and the supplemental request is denied, HCFA will have to wait for the completion of the regular budget process for next year. But consumers cannot afford to have HCFA wait a year or more to hire new staff. And because HCFA lacks the institutional expertise to deal with private insurance issues, it cannot simply transfer responsibilities to existing staff. The GAO report was a preliminary one. If anything, it only scratches the surface of insurance companies' attempts to evade or subvert the law. But even in the short time the law has been operative, it is clear that there is a substantial abuse by greedy insurance companies and more rigorous enforcement is needed to make the right granted by Kassebaum-Kennedy a reality.

The GAO found that many companies were engaging in price gouging with premiums being charged to consumers exercising their rights to buy individual policies when they lost their job. They were charged as much as 600 percent above standard rates. These overcharges make a mockery of the right to purchase coverage.

Other carriers continue to illegally impose preexisting condition exclusions. Still others, the GAO found, delayed the processing of enrollee applications beyond the 63-day window allowed by the law, leaving applicants high and dry. Other carriers illegally failed to disclose to consumers that they have a right to buy a policy. Some carriers refuse to pay commissions to agents who referred eligible individuals, and others told agents not to refer any eligibles for coverage. Other carriers put all the eligibles with health problems in a single insurance product, driving up the rates to unaffordable levels while selling regular policies to healthy eligibles. Without the staff increase requested in this bill, this situation will get worse—not better.

The Senate should not be voting for a free ride for greedy insurance companies, and it should not be an accomplice in denying families the health benefits they were promised by unanimous votes just 2 years ago.

The need for additional staff goes beyond enforcement. The GAO found wide gaps in consumer knowledge—gaps that prevented consumers from exercising their rights under the law. HHS wants to launch a vigorous effort to address this problem. But, according to the GAO, because of resource constraints the agency is unable to put much effort in consumer education.

I understand that the assistant majority leader believes this isn't an emergency situation. This logic makes me wonder if he opposes the other nonemergency provisions in the bill. I can count some two dozen.

For millions of Americans, the failure to enforce this legislation is an emergency. Every family who is illegally denied health insurance faces an emergency. Every child who goes without timely medical care because this bill is not enforced faces an emergency. Every family who is bankrupt by medical costs because this bill is not enforced faces an emergency. This may not be an emergency for an abusive insurance company, but it is an emergency for families all over this country. For some, it is literally a matter of life and death.

The Senate should reject this amendment. We need to toughen the Kassebaum-Kennedy bill—not weaken its enforcement. This is a test of whether the Senate wants to protect greedy insurance companies that break the law or protect American families.

Mr. President, I see my friend from Minnesota wants to address this issue and then I will have more to say with regard to the GAO report.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, let me, first of all, just associate myself with the remarks of Senator KENNEDY from Massachusetts. And let me talk specifically to my colleague, whom I have a lot of respect for even though we sometimes sharply disagree on issues.

I am particularly concerned about the effect this has on the mental health parity law that we were able to pass. This was worked out. I was able to do it with Senator DOMENICI and other Senators as well. My understanding is that there are actually up to 30 States that have yet to comply with this.

My concern is simple. We passed this legislation. I thought it was a real step forward. I think it is. When we passed this legislation, what we were trying to say—my colleague from New Mexico is here. He may add, and hopefully not detract from what I am saying. But I think what we were trying to say with this legislation is let's try to end some of this discrimination and let's try to make sure that people who are struggling with mental illness get treatment. We ought not to be denying treatment. We ought to, to the maximum extent possible, be treating this differently than any other kind of illness.

We were able to at least make some progress when it comes to annual caps, and when it comes to lifetime caps, that was kind of a commitment we made.

I say to my colleague from Oklahoma that this money—especially the $6 million that deals with the enforcement—is all about making sure that HCFA has the capacity that we as a Government have, the capacity to do some monitoring to make sure that as a matter of fact what the Senate passed and what Congress passed by way of mental health parity is implemented around the country.

In a way, this is an emergency. You can't on the one hand raise people's hopes and say finally we are going to end some of this discrimination, finally you and your loved ones who have been affected by this illness are going to have the opportunity to get some treatment, and then turn around and basically gut the mental health parity provision.

I say to colleagues that many Senators, Democrats and Republicans alike, voted for this. I would make an appeal to you. When you come to the floor of the Senate, either to speak or to vote, please don't vote for an amendment which is going to gut part of the enforcement of this. We need to make sure that this is enforced around the country.

We made some progress. It was a step forward. But we still have 30 States that aren't in compliance with the mental health parity legislation. This was legislation that commanded widespread support in the U.S. Senate. This was legislation by two authors—Senator DOMENICI and myself, a Republican and a Democrat. It would be cruel to pass that legislation and then turn around and deny HCFA—I am not as concerned about HCFA as I am the people who would be affected—with having the women power and man power to enforce this. We simply have to make sure that the health care plans and the insurance companies live up to the law. They are not going to do that if we pass a law and then we turn around and undercut the enforcement of this. I think that would be cruel. I think we ought not to do this.

The intention of my colleague from Oklahoma is not to deny people good coverage. I know that. My colleague from Oklahoma is operating within a different framework. But, from all I have been able to glean from my understanding of what is at stake here, we have two things going on. We have the Kennedy-Kassebaum legislation, an important piece of legislation which basically said to people in the country: Look, you are not going to be denied coverage because you had a bout with cancer or because you are a diabetic or whatever the case might be. Now, as it turns out, we are having trouble around the country with this, because a lot of insurance companies are raising the rates so high that people cannot afford it anyway. But it was an important step forward.

Now we have the situation where there is another part that I want to bring to the attention of my colleagues, which is the mental health parity part. We are not going to be able to have mental health parity, we are not going to be able to make sure there is some enforcement in the country, if we turn around and gut HCFA's capacity to do so.

So I say to colleagues, please, when you come down here to speak or when you vote, do not vote for this amendment. Whatever the good intentions, the effects of this amendment will be cruel. The effects of this amendment are going to turn the clock backwards. This would be a huge mistake, and that is why I come to the floor to speak against this amendment and urge an overwhelmingly strong vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the statement of my colleague from Minnesota, but he is absolutely wrong. Let me just tell my colleague from Minnesota, the administration did not request a dime dealing with mental health parity—not a dime, I tell my friend from New Mexico.

Let's go back to the legislation, the original legislation——

Mr. WELLSTONE. Will my colleague yield for a question?

Mr. NICKLES. Let me just complete my response. I think I will answer my colleague's statement.

The Senator from Minnesota says if we do not fund this money we are jeopardizing mental parity enforcement, and he is absolutely wrong—absolutely wrong. I want to make sure people understand it. The reason why Kassebaum-Kennedy had a lot of support is because it provided major reforms to improve access and portability, to make sure if somebody loses insurance in a group plan they can have access to coverage in an individual plan. I supported that. But we left it under State regulation. We gave States the authority to regulate this. Mr. President, 45 States have stepped forward. We passed that bill 20 months ago. The bill became effective, I tell my colleague, in January of this year. It has only been in effect for 2½ months. 45 States now comply; 45 States have done what we asked them to do. They have amended their State laws, because States regulate insurance.

I know a lot of people in this body would like the Federal Government to regulate all insurance, but a lot of us said no, we should keep that under State control, we should let the States do it. We are not insurance commissioners. And needs may vary from State to State. Some people wanted to nationalize it. They have not been successful. They were not successful when they passed the so-called Kennedy-Kassebaum legislation in federalizing insurance.

What the bill did say is: States, make these changes. Make sure insurance in your State is portable. Make sure there are options to go to individual plans if they lose coverage under a group plan. We passed that unanimously in the Senate. Mr. President, 45 States have adopted it. The law became effective January 1 this year. It has only been in effect for 2½ months. To help the States make that transition, HCFA had 26 employees—26. Forty-five States now comply. The other five States, as I understand it, are still working on it, and maybe they have had a disagreement between the Governor and the legislature or one body in the House or the Senate, and so they have not passed legislation in their State to be in compliance. So they are working on it.

But wait a minute. Do we need to hire a whole new army? Do we need to go from 26 employees and add another 65 on top of it, creating a whole new big base or army of HCFA employees to get these 5 States to comply? I do not think so. I think it would be a serious mistake. And it has absolutely nothing to do with mental health parity.

I look at the administration's HCFA supplemental request; it doesn't mention mental health parity. It doesn't have anything to do with mental health parity. Those are all under the State plans. So I just mention that. I want to make sure my colleagues understand that.

Let me now just touch on a couple of other things. Senator KENNEDY mentioned that GAO came up with a report.

Mr. WELLSTONE. Will the Senator yield just for a question?

Mr. NICKLES. Let me conclude, if you don't mind.

Mr. WELLSTONE. I am sorry.

Mr. NICKLES. He said this GAO report mentioned there was widespread abuse and so on, and I take issue with that. The GAO report says this, and I will just quote:

> HHS regulatory role under this law is not yet known. Some implementation challenges may soon recede. Others are hypothetical and may not materialize. As Federal agencies issue more guidance and States and insurers gain more experience with HCFA, concerns about the clarity of its regulations may diminish.

In other words, we have 45 States now in compliance, according to HCFA; 5 are in the process of working on it, and maybe those 5 will never get it together. Then maybe there will have to be some Federal implementation of Kassebaum-Kennedy, but that remains to be seen; we don't know. This has only been in effect for 2½ months. So, do we really have an emergency of such a magnitude that we must triple the staff for HCFA so these five States can get in compliance? Those five States may sign up within the next month, or the next 2 months. So there is no reason to hire 65 people. There is no reason whatsoever, at $92,000 each—or an average cost of $92,000. I don't think it makes sense.

Does HCFA have some other alternatives? Yes; they have over 4,000 employees. Do we really need to give them 65 more in this so-called urgent supplemental? HHS has a total of 58,500 employees—58,000 employees. Do we really need to give them an extra 65? I don't think so. I mean, this administration has shown a great ability to be able to borrow employees from agency to agency. The Legal Counsel's Office in the White House seems to borrow quite a few from various agencies to help in their legal battles that they have ongoing in the White House. They can move employees within HHS, they can move employees within HCFA, to meet with any temporary demand that is there. This is a temporary demand. You only have five States in noncompliance. They may be in compliance by this summer. So why in the world would we need to hire 65 additional bureaucrats that would be permanent, that would be added on forever, that would be looking for other things?

I might mention, we even found a list from HCFA that says what these people will be doing after these five States are in compliance. I might tell my colleague from Minnesota, it doesn't have anything to do with mental health parity but it is "review all State legislation"—it has a bunch of things that they would be doing. In other words, more bureaucrats, more Federal intervention over State law. That is not what we passed in Kassebaum-Kennedy.

My colleague from Minnesota was successful, with the Senator from New Mexico. They said, we want to have mental health parity. That passed as part of Kennedy-Kassebaum, but I tell my colleague, dealing with Federal legislation, it only would deal with the Labor Department on ERISA plans. It has nothing to do with State regulation of plans. We do not send out an army of bureaucrats to set out and micromanage insurance throughout the States. Maybe that is what some in this administration would like to do. I hope we will not do it. I hope we will have the wisdom to say we will not give them this additional money for 65 employees. They have 26, and 45 States signed up—45 States in the last 20 months signed up. Do we really need to give them an additional 65 employees in hopes that maybe they will be able to run the insurance programs of the 5 States that haven't yet signed up? I don't think so.

This is an urgent supplemental. This is an abuse of the process, I think, by

HCFA, to expand their bureaucracy, and I think it would be a serious mistake. So I urge my colleagues to support this amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I say to my colleague, very briefly, a couple of things. First of all, the administration didn't need to mention specifically mental health parity, because this is the same staff. The 65 additional people, man- and women-power to enforce Kennedy-Kassebaum, it is the same staff that enforces the mental health parity. They don't need to list it. We all know it. It is the same staff. We need that staff.

There are 30 States that are not in compliance. We have had to battle with companies over the 1 percent rule as well that we had, which said to a company: Look, if your costs go up more than 1 percent—we do not believe that will happen—you can opt out. We had a big battle on that. HCFA is very much a part of making a determination on that question as well.

Ultimately this is a national law. Ultimately HCFA, indeed, has a very important role to play in monitoring this and in making sure that the law of the land is enforced. So I say to colleagues, this has everything in the world to do with the mental health parity bill that was passed. That is why I am out here on the floor. I am in complete support of the Kennedy-Kassebaum legislation. I agree with the Senator from Massachusetts, it needs to be strengthened. But right now what I am trying to do is fight to make sure that we do not turn the clock back half a century.

It is time to make sure that States are brought into compliance, that the mental health parity legislation which was passed by this Senate means something in a concrete way for many families, millions of families all around the country. That is not going to happen if we turn around and gut the enforcement of this.

So I just want colleagues to know, this has everything in the world to do with that mental health parity legislation and it has everything in the world to do with making sure that that law of the land really becomes the law of the land, because it is implemented, because it is enforced, and because it makes a positive difference for millions of families. This amendment takes us in exactly the opposite direction. I say to my colleague from Oklahoma, he is profoundly mistaken.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I beg to differ with my colleague. The original legislation set up said: States, do these things. We told the States to do them, and 45 States have done them. This is a temporary — temporary — encouragement to get the States to have portability. We did it; 45 States have done it. This was not to have HCFA micromanage State insurance plans throughout the land. That was not why this bill was passed. If they could not do that with 26 employees, then I would be surprised if they could do it with 65 employees.

Some people are trying to take a bill that passed unanimously and say that gives us great authority to be able to micromanage all the health care plans in the States. That is not what we passed. That is not what we agreed to. What we told the States to do was put in portability and put in conversions, where you could convert to an individual plan. We did that; 45 States said yes; 5 still have not. That is temporary. Even the GAO report that was quoted by my colleague from Massachusetts said—he was quoting that report where the director who made the report said we may not have this need. We don't even know, because those five States may be in compliance, and once they sign up, we are done, they are done.

My colleague is talking about mental parity. The States have that in their plans if they are complying. That is a State regulatory function, it is not ours, where the Federal Government has an involvement to tell my colleague under an ERISA plan, that's enforced under the Department of Labor. It is not under HCFA. HCFA did not ask for that, because it is not under their domain, their jurisdiction. I don't want people to be confused and say this may hinder mental health parity enforcement. It does not. It doesn't have a thing to do with that.

What this whole legislation is about is getting the States to comply with HIPAA, the Health Insurance Portability and Accountability Act. Mr. President, 45 States have done that; 5 are in the process, working on it. They have done that with 26 employees. This is a measure to say we need another 65, and incidentally, when they finish this, we will have them doing something else. This is a massive effort to expand the bureaucracy of an agency that already spends $364 million, has 4,000 employees.

I might mention, the administration wants to increase that next year by about $80 million, just in administration function, and increase that by another 215 employees. We will have to wrestle with that in next year's appropriation bill, which will just be another few months from now. But what we have on the floor now is the so-called urgent supplemental that the administration tried to stick in the back-door to expand their bureaucracy. They want to use this urgent supplemental as an excuse to expand the bureaucracy when there is nothing urgent.

I think if you have a bill that passed 20 months ago and you have 45 States in compliance and the bill has only been in effect 2½ months and there are 5 remaining, there is no reason to almost triple the bureaucracy to be able to get those 5 States to comply. That is what we are talking about. That is a temporary need, and surely HCFA, with 4,000 employees, if they need a couple more employees, can borrow a couple of those employees out of that 4,000. I mean the 26 that are already working in this one branch, they still have 3,970-some-odd that they could use, that they could borrow. They can borrow a couple of people.

Or there is something like almost 60,000 people in Health and Human Services—60,000 employees. Maybe they could borrow a couple of those. We don't need to permanently fund an additional 65 employees to expand this bureaucracy.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think it is worthwhile to get back to the real situation with regard to the implementation of this legislation. With all respect, my good friend from Oklahoma has failed to describe accurately the kind of crisis that is affecting so many families in this country and then differ with what the conclusions would be in terms of his amendment on that particular crisis.

No. 1, there is an emergency. It is an emergency for individual families. The Kassebaum-Kennedy bill addressed the group-to-group issues, where you have large groups moving into other groups in terms of the State, where about 80 percent of those have insurance and have some preexisting condition. But it has significant problems with regard to groups going to individual policies in the State. That is basically what we are talking about.

Let's get serious about understanding what the issue is and the kind of pain and anxiety that is taking place. Every Member of this body ought to understand and get ready, that if the Nickles amendment goes through, you had better put on three or four more people in your office to answer the phones, because that is what is going to happen, from individuals all across this country who are going to be facing many of these kinds of problems, such as gouging by some of the unscrupulous insurance companies that have raised the premiums to gouge American families some 600 percent. We are not addressing that particular issue today, although the administration has a proposal and I have a proposal. We didn't believe that was going to be a problem under the Kassebaum-Kennedy bill. We said let the States do this, and the majority of the States have done it and have done it well with regard to the issues of pricing, but not all of them have. We ought to try and address that. We will do that but at a different time.

What we are talking, Mr. President, with all due respect to my colleague, is many States, not just five. There are five States that have not passed State laws to address this issue, but there are many, many other States that have passed laws that are still out of compliance. The Senator does not recognize that. Just read in the GAO report, which I will.

Let's think about what we have asked. I am not here to try to defend HCFA, although I will on this particular occasion. We have put a very heavy burden on HCFA. We put a heavy burden on HCFA to try to implement the changes in the Medicaid Program to provide the savings in the budget last year.

We have put a heavy burden on HCFA to try to deal with the fraud and abuse issues with new rules and regulations as a result of the excellent hearings that were held by Senator HARKIN, and that has broad bipartisan support.

We put the burden on HHS and HCFA to implement the legislation dealing with children's health insurance last year—that is taking place all across the country—to work with States. I have attended those conferences. There are HCFA people there trying to work with the States to implement the program we passed last year. That is State implementation, and HCFA is working with those States—just to mention a few of the additional burdens we have put on them.

We have put on them the drive-by deliveries to make sure the States are going to comply with the legislation that was initiated by Senator Bradley and others, a bipartisan effort, to make sure we are not going to have drive-by deliveries.

Also, to implement the provisions of mental health that Senator DOMENICI and Senator WELLSTONE added to it, to make sure that the States—and many States have not—are going to be able to include the mental health programs that are being included in the existing programs. We had a serious debate on that. We made very, very important progress. We had bipartisan support.

Mr. President, it is true this bill went into effect last January, but I think it was the height of responsibility that the chairman of our Human Resources Committee, Senator JEFFORDS, asked the GAO to do a review of the implementation of the bill to find out where the bugs were so we could try to address them before it deteriorated and became more serious. That is an important, responsible oversight function. And we got the report back on the result of the legislation, being implemented now for 2 months, but we have the warning signs out there. We have the recommendations, and we have a proposal that doesn't increase the burden on the American taxpayer. It is a transfer of funds, not an additional burden. It is a recognition by the agency that we need to get additional personnel who have a high degree of expertise and an understanding of the insurance problems.

This is the first time HCFA has had to face the various issues on insurance. They have to go out and hire people. It isn't somebody you are bringing up to run the garage down at HCFA, it isn't that you can just hire and fire people at will. These are very specialized and important functions, and you need a considerable degree of skill and experience in order to make sure that they are going to be done right and well to protect the people. That is what we are talking about in this circumstance. There is no additional burden or weight in terms of expenditures for the taxpayers, but just the recognition within HCFA that this is a priority and we need these quality people to be able to do it. That is where we are at, Mr. President.

Let me respond to the Senator from Oklahoma on this issue. And make no mistake about it, all of us have been around this place long enough to know that if you don't have the people in these various agencies, the phones just continue to ring. And the people who will be ringing are the people who have these preexisting conditions and disabilities—make no mistake about it. They are already stretched out, as far as the mind and eye can possibly see, and they will not be able to get any kind of responses.

We have in this GAO report the recognition that if you have more than a 63-day gap in your coverage, you do not have an entitlement to get the insurance at the State level. We have testimony in the GAO report that many companies stretch out the period beyond the 63 days in order to effectively deny people from receiving what they otherwise would be entitled to. That is in the GAO report. We want to stop that.

So, if you are going to vote for the Nickles amendment, be prepared to face a mother in your State or a father in your State who says, "I was strung out; I wasn't aware of the 63 days, and my insurance people dragged this thing out; I finally found out after 64 days that I should have gotten this proposal, and now I am denied. What am I going to do for my child?"

This does not cost the taxpayers any more. We are responding to real needs, not needs that the Senators from Massachusetts or Minnesota are saying, but the General Accounting Office is saying and HCFA is saying. It is going to make a major difference to people who have these kinds of preexisting conditions and illnesses.

Look at what the General Accounting Office has said:

> preliminary data from an October 1997 NAIIC survey indicate that while most States have made progress in enacting statutes implementing key HIPAA provisions, many gaps remain. For example . . . in the individual market, eight States have not passed laws to implement guaranteed renewal. In the group markets, two States had not passed laws to implement small-group guarantee access, and four States had not passed laws to implement guarantee renewal and limits on preexisting condition exclusion periods in the large-group markets. In addition, these preliminary data do not include HIPAA's certificate insurance requirement, and anecdotal evidence suggests that many States have not incorporated this requirement into State statutes.

There are not just the States that haven't passed the law, there are all of these kinds of problems. It is all spelled out.

> While States continue to pass legislation to close some of these gaps, the possibility remains that not all the provisions in all market segments will be addressed, necessitating an expansion of HHS's enforcement role.

That is what the GAO understood, that is what the appropriators understood, that this has a higher priority. Here it is in the GAO report.

Then it goes on in the report, saying:

> HHS resources will be further strained if the enforcement role it is serving in these five States becomes permanent or expands to other States. If HHS determines that other States have not passed one or more of the HIPAA provisions, as the preliminary data suggest, HHS will have to play a regulatory role in these additional States.

Mr. President, Senator Kassebaum believed all the States should, and we want all the States to conform to this. But the fact of the matter is, we have the warning signs right out here in this GAO report. We have the suggestion in the emergency supplemental, and the reason that it is in there is because this is a real emergency for families that will not be able to get coverage as the law was intended and as the testimony indicated, individuals with preexisting conditions.

I listened to the Senator talk about his conclusions on the GAO report. It was very interesting, but it was limited. He read part of one page but did not read the conclusion.

It points out in the conclusion of the GAO report:

> Finally, two implementation difficulties are substantive and likely to persist unless measures are taken to address them. First, among the 13 Federal fallback States, some consumers are finding it difficult as a result of high premiums to obtain the group-to-individual guaranteed access coverage that HIPAA requires . . . Second, HHS's regulatory role could expand as the status of States' efforts to adopt and implement HIPAA provisions becomes clearer in 1998. HHS's current enforcement capabilities could be inadequate to handle the additional burden unless further resources become available.

I do not know how much clearer that can be. We can say, Mr. President, "Well, we will just let it go and see what happens." It is extraordinary to me—extraordinary to me—when we are putting at risk families that have, primarily, children or parents or other families who have preexisting conditions and disabilities, we are going to say on the floor of the U.S. Senate, "We are going to put you at risk"? It might get better; sure, there are one or two people in each State that can try and work it all out. We have been put on notice. It is the height of irresponsibility to fail to respond to that notice. This is not just shuffling papers around, this is not just a question of bureaucracy, this is a question of whether we are going to provide the protection for those families. That is the issue.

We know what is happening, and families now—too many of them—are being gouged by the 500-, 600-percent increase in the premiums. We had hoped the States would address those. Many States have. The majority have. We are proud of them. But we know that some have not. What if you or someone you knew lived in that State, or family lived in that State, and you found out these games were being played? These games are being played. The GAO report points out in its study that, "Some carriers initially attempted to discourage the consumer from applying for products with guaranteed access rights. Some are charging premiums 140 to 600 percent of the standard rate."

What kind of a chance does a family have with a child with a preexisting condition to pay 600 percent more? It is gouging.

This measure is trying to say, OK, let's implement the enforcement of these programs to the extent that we can protect the public. What is the point of passing a law on burglary and then saying we are not going to have any policemen to enforce it? That is what we are doing.

We all celebrate the fact that we passed this law—bipartisan—passed the law. And then to take away the enforcement of it? What sense does that make? Particularly when it isn't costing any more.

Now, Mr. President, as you go through this GAO report

> After the Federal fallback provisions took place on July 1, 1997, many consumers complained to State insurance regulators that carriers did not disclose the fact that a product with HIPAA guaranteed access rates existed, or, when consumers specifically requested one, they were told that the carrier did not have such a product available. One State regulator we visited said that some carriers told consumers HIPAA products were not available because the State had not yet approved them. However, the regulator had notified all carriers that such products were to be issued starting July 1997, regardless of whether the State had yet approved them.

Here we have examples of various agents who are completely distorting and misrepresenting what the bill was all about. All we are saying is, let us have an opportunity to work with the States to make sure that these individuals and families are going to be protected.

We have in the GAO report examples where agents are not demonstrating the options to eligible individuals. They say the policies are not available. We have allegations in this GAO report that some of the major insurance companies are docking the agents' fees if they sell these policies to people with preexisting conditions. That is happening today—today. And the Senator from Oklahoma says that we do not have a problem. We will just wait another year and get another GAO report. We have this now, here. This isn't just some document that was produced for the Senator from Massachusetts or any of the rest of us who are going to oppose the Nickles amendment.

They talk in here about the confusion among consumers. And with the confusion among consumers, we find out that these parents are calling Members of the Senate or calling whoever they can to find out what the information is. There is one individual out in the State. The Senator says 24 individuals ought to be able to work this. We have one individual in northern California covering about 10 million people, responding to all of these questions, all of the kinds of questions that have come up.

What did HHS say when it came and testified? We have had a hearing on this very measure in our Human Resources Committee, Mr. President. And what the HHS said is that they needed these resources because they wanted to go out and help educate consumers—who are the consumers? those with the preexisting conditions—about how this law works, if they have the protection or if they have not got the protection. And that was one of the things that they wanted to do. Because as a result of the GAO review that said there is confusion out there, they wanted to address this problem. But you are not going to be able to do that if the amendment of the Senator from Oklahoma is accepted. They will not be able to reach out and educate because they will not have the resources to be able to do it.

Mr. President, one of the really insidious aspects of this was the finding of the GAO report on the questions of the waiting period. They had an example. According to NAIC, the National Association of the Independent Insurance Commissioners, some health plans have established waiting periods of up to a year during which certain conditions or procedures, such as organ transplants, are excluded from an enrollee's coverage. Requiring such waiting periods effectively excludes such preexisting conditions from coverage, and, according to regulators, it is contrary to the statutory intent to provide the portability of coverage. It is here in the GAO report. We can take—and I will take—time to go through this in greater detail.

But the idea, Mr. President, that we have just five States that have not conformed, that they are going to do it, that the bill has just been put into effect and we have no problem out there, is a complete distortion and misrepresentation of an excellent GAO report that points out what is happening out on Main Street—what is happening out on Main Street—to the families with these preexisting conditions. Those with the disabilities are facing very high hurdles. They are facing those hurdles every single day.

Finally, we have some opportunity to work out in a bipartisan way a bill that got votes of 100–0 and 98–0 for some relief for 25 million Americans who have some preexisting condition or disability. The GAO report flagged for us the need for some oversight as well as some of the real problems. Although the solution will not cost the taxpayer additional money, we are being told that we do not have to be concerned about this, that there really isn't such a need out there, that all of these problems are going to be easily resolved. That flies in the face of this excellent report, and we should not—we should not—accept it, Mr. President.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, just for the information of my colleagues, I think we are winding down. Just a couple comments.

HCFA is not a starved agency. This is not an agency that has been ignored by this Congress in last year's appropriations bill. Last year, in 1997, we spent $1.77 billion in HCFA. In 1998, this year we are in, $1.88 billion. I tell my colleagues, that is $110 million, and an increase of $30 million just in the administrative portion of HCFA alone.

And the number of full-time employees, I have mentioned before, is over 4,000—4,000. So this is not an agency that has been starved. If you ask anybody in the medical community, anybody in a hospital, HCFA is a disaster. It takes 10 years sometimes to promulgate regulations. I do not think there is a direct relationship between increasing an agency's budget and improving the quality of health care for families.

My colleague from Massachusetts said, "Boy, if we don't give them more money, we're going to have bad quality health care in various States." I do not think there is a direct correlation between an increase in HCFA's budget for bureaucrats and improving quality health care.

It may be just the opposite. It may be that a lot of those bureaucrats, instead of increasing the quality health care, frankly, cause a lot more headache, a lot more paperwork, a lot more compliance costs and less quality health care. And so is this urgent?

Now, the administration has a big request in 1999. And we are going to fight that on the appropriations bill. I am sure they have asked for $80 million in new money. They have asked for another 217 employees. Now they are trying to squeeze in an extra 65. I do not think we should do it. I do not think we should do it. It is not that big of a deal, but, hey, do we want to turn that much additional bureaucracy over to HCFA, that much more money, or can't they borrow some more of those employees that they now have who are probably reading through reports that are obsolete and maybe not doing so much good?

Sixty-five happens to be about 1.5 percent of their work force. Surely, they can borrow a few employees if they have this urgent request to get these five States in compliance. Heaven forbid, five States. It is 2½ months, and they have not stepped up to do what we told them to do.

Now, does that mean those States do not care about quality health care? I do not think so. Maybe they have not passed the bill in their legislatures, but, all right, let us borrow some employees from HCFA. Maybe that can encourage this process. But do we really need to hire 65 more when 26 were doing this function for the first 20 months? Do we really need to hire an additional 65? That is an increase of 250 percent, when you only have basically five States that have not complied when GAO says that HHS' regulatory role under this law is not yet known. Some implementation challenges may soon recede. Others are hypothetical and may not materialize. And yet we are going to more than double the number of bureaucrats dealing with this? I do not think that makes sense.

And then, Mr. President, I want to touch on—and I have the Budget Committee chairman here and the Appropriations Committee chairman here. I want to touch on how this was paid for. Now, this is supposedly an urgent supplemental. I know on occasion—I know on the highway bill we are going to make a change on an entitlement program to help pay for the entitlement program, and most everybody signed off on it. Maybe that is good; maybe it is not good.

But the way we are paying for this, I tell my colleague from Minnesota, we are taking money out of the Hospital Insurance Fund. We are taking money out of an entitlement program, mandated program, that is supposed to be dealing with quality health care. We are taking money away from that program and saying, well, we want to spend it in an urgent supplemental and money going out this year. Now, we only have a few months left this year. The HI, the Hospital Insurance Fund, happens to have some problems. Its problems are that more money is going out than going in. And so now we are all of a sudden saying—and this portion of it deals with peer review organizations, and so on. We are supposed to be implementing quality, supposed to be improving quality for seniors, and we are going to say, "Oh, no, we're going to take money out of that. We'll take enough money out of that to pay for this."

We are taking money out of the entitlement side to pay on the discretionary side, and further compound the problems we have in the Medicare trust fund. I just do not think that makes sense. I do not think it is right. I told the chairman of the Finance Committee we should not do this. I have heard people say we are going to protect the Medicare fund and we are going to protect seniors and we are going to have quality health care for seniors, and the next thing you know, well, we are playing games on HI, on the Hospital Insurance Fund, so we can get more bureaucrats for HCFA.

I do not think we can do it. If HCFA has the need, they have 4,002 employees. The can borrow, they can get by, they can make sure they can make it happen. They have a total of 58,000 employees in their whole organization. Health and Human Services has 58,500 employees. Maybe they could borrow one or two of those. They could borrow 1 percent of those. My land, 58,000—1 percent would be 580. Do we really need that? I do not think so.

So I just urge my colleagues to vote no on expanding bureaucracy. Let us allow some common sense and some fiscal discipline to happen for a change. Let us not be taking money out of an organization that is supposed to be improving quality health care for seniors and further jeopardizing the Hospital Insurance Fund at the same time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, if other colleagues want to speak on this amendment, I would be pleased to defer to them. If not, I want to go on and speak.

Mr. President, I would like to bring us back to what I think is the central question before us, and this will be the vote. We passed the Kennedy-Kassebaum bill. It was noncontroversial. We believed it was the right thing to do. What we said, the U.S. Senate, in our collective wisdom, Democrats and Republicans, was that it was simply wrong for an insurance company to deny someone coverage because of a preexisting condition. That was part of what we said with that vote.

In addition, because the mental health parity amendment was passed, the law was passed as well, we said that we were going to at least take a giant step forward in ending some of the discrimination against people struggling with mental illness.

We had a request, it was part of this supplemental, for some additional funding for HCFA to administer this law. That was noncontroversial until the Nickles amendment. The Nickles amendment eliminates that funding.

Now my colleague from Oklahoma keeps talking about bureaucrats. Sometimes that gets to be a tiresome and tiring argument because sometimes it is not like "bureaucrats" with a sneer, it is women and men in public service with a very important mission, and the mission is to make sure that people in our country, families in our country, are not denied health care coverage because of discrimination by insurance companies, by health care plans. It is not "bureaucrat" with a sneer, it is men and women who are part of a mission to make sure that we do not just pass a law—we pass a law with great fanfare, and we say to families in the country: "Listen. No longer will it be true that because your daughter is a diabetic and she has now graduated from college, and she is off your health insurance plan, she can't get coverage. No longer will it be true that because your husband had a bout with cancer when he was 55, now that his company has downsized and he is out of work, he won't be able to find any coverage at all. No longer will it be true that if you are suffering, struggling with mental illness, a company or a plan can say to you, 'We are going to put a cap on an annual limit of how much coverage you can get, or a lifetime limit.'"

It won't be like someone who is struggling with a heart condition. It won't be like a diabetic. It won't be like someone struggling with another illness. We will put you in a whole other category, that is to say, second-class citizens. It doesn't matter that we have all this research talking about biochemical connection. It doesn't matter we are finally getting out of the dark age and getting beyond the stigma. We will make sure some of this discrimination ends.

We said all of that.

Now the rubber meets the road. That was noncontroversial, I think, before this amendment. A request by the administration for some additional funding for HCFA to make sure that this law of the land is implemented, that people are held accountable should be noncontroversial. It is like you give with one hand and you take away with another.

Now, Pennsylvania, for example, has notified HCFA they are not going to comply with the mental health law. There are some 20 other States that are expected to miss the original deadline. That is just the tip of the iceberg.

The truth of the matter, I say to my colleague, is that when States do a great job, insurance companies do a great job. We are pleased with that. But if you don't, the way the law of the land reads is that HCFA can come in and say, "You have to; this is the law of the land. That is the legislation we passed."

What we have here, just be clear about this, is an effort to gut this. My colleague from Oklahoma says you can hardly expect, if it is such a serious problem, you can hardly expect that an additional 60 people are going to solve it. You know what. I would rather err on the side of trying to make sure that we do everything we can as policymakers to make sure that these laws that have been passed, that have given people so much hope, given families so much hope, are implemented, enforced. Why in the world would we want to pass legislation that gives people hope and then dash that hope?

I will go back to what I think is at stake, and then I will conclude. There are other colleagues on the floor. I think this is all about living up to a commitment. I think this is about living up to a kind of sacred contract we have with a lot of families in this country. I am proud of what we did with Kennedy-Kassebaum. Not to be a know-it-all, because certainly I am wrong more than I want to be, but I always thought there was going to be a problem with the premiums being jacked up, and in some States that is indeed the problem, where companies say, "Fine, we will cover you—you had a bout with cancer—but we will charge you $15,000 a year." We have that problem out there. That is the problem. With the voice of the U.S. Senate that said to people in this country, "We are going to try to give you some protection that you are not denied coverage because your loved one has Parkinson's or Alzheimer's or has struggled with cancer or diabetes," that was the right thing to do.

On the mental health part, I conclude. That is why I am out here. I am sorry, I will err on the side of caution. To me, what that means is when I see that States aren't able to comply—not all the States are complying—and when I know what the law of the land says and I know what a difficult struggle it has been and I know that a lot of people have some hope that at least this ends part of the discrimination, when I hear we need some additional manpower and womanpower to enforce that law, I am not going to support an amendment that guts that.

Now, I am quite sure that it will never be perfect. And I am quite sure that these "bureaucrats" may not be able to do it all. But you know what. Enforcement of legislation that we pass, it doesn't just sort of happen by accident. It is all about women and men who are involved in public service, who have certain jobs, and who carry out their responsibility. We need that enforcement power. This amendment guts it.

I just want colleagues to understand what is at stake here. There is more at stake than just this specific amendment. I certainly agree with what the Senator from Massachusetts said about what our offices can expect because those of us, and I think probably all of us, Democrats and Republicans, I think we understand that part of our work is here, but every bit as important is our work back in our States. I find in Minnesota, I say to my colleague from Oklahoma—I can get a smile from him on this even though we are sort of in disagreement on most things—we have a great political event, the Minnesota State Fair. Half the State's population, in 13 days, over 2 million people, come to the Minnesota State Fair. It is unbelievable. Everyone comes up to you. People are generally speaking nice, but they give you a piece of their mind if they don't agree with you. I have learned at the Minnesota State Fair there is hardly anybody talking to me about a lot of bills we deal with. The vast majority of people talk about a letter I responded to, a phone call that I received, or a specific problem that they had as a family that our office in Minnesota was able to help them out on. That means more to people than almost anything.

I tell you something, that is what this is about. This is about making sure that we help a whole lot of families, families that have to deal with illnesses, and want to make sure they get coverage, families that are in pain and look for someone to help them, families that are struggling with physical illness and, yes, mental illness, that are looking for help and looking for support and looking for protection. There are a whole lot of families like that. There but for the grace of God go I.

We should not vote for this amendment. This amendment should be soundly defeated, whatever the good intentions of my colleague from Oklahoma are. He always has good intentions, but in my humble opinion, he is profoundly wrong on this question.

I yield the floor.

Mr. DOMENICI. I waited on the floor to see if Senator KENNEDY was coming back, and I am glad he is here, because I have reviewed this as best I can and I am going to support the amendment that Senator NICKLES has offered.

There is a very good argument that can be made that, in fact, this request that the administration puts forth in a two-thirds sheet of paper, may be justified. Let me suggest there is equal reason to say the administration has done a very poor job of preparing for the implementation the law has referred to with reference to access, with reference to portability, and with reference to another law that is different from that that has to do with mental parity.

As a matter of fact, it seems to this Senator that if Senator NICKLES prevails—and I don't know whether he will or not—HCFA ought to get the message that they have two very difficult statutes to enforce and they ought to get ready for enforcing them in an orderly manner, not to come up here 6 months into a year with a request that all of a sudden they found out that they may have to enforce, because of the absence of State willingness, they may have to enforce in a number of States.

Who would ever have thought you could put together a HCFA budget charged with these two responsibilities and assume that States will all enforce them? Is there anybody who knows what goes on who would agree with that? They should have at least in their regular budget anticipated that they would have a very major enforcement requirement and responsibility.

Now, I also want to say to those who think that maybe this is harsh on HCFA, I have not said this before, but if you want to see some action that is harsh on HCFA, look at the President's budget. The President's budget on HCFA does the following: It assumes a series of user fees, one of which is extremely high that one would hardly believe would ever pass, and the President assumes those user fees are going to pay for HCFA, so he doesn't put enough money in HCFA. Forget this little $6 million. He shortchanges it by many, many millions on a wish that user fees will be adopted because he has requested it.

Now, frankly, I think they better get their act together, and they will find a very sympathetic Senator DOMENICI.

My second point. I have read everything I can from this administration, and I say to my wonderful cosponsor and hard worker on mental parity that I find nothing in the written material that suggests that mental parity is an issue here, mental illness parity. They are talking about the statute that KENNEDY referred to.

Now, they can get up this morning and say, "Maybe we need some more support on the floor, so let's talk about mental illness parity also." If that is the case, let me just ask, did they ever assume that all the States would have taken up the enforcement of mental illness parity? Of course not. They should have been prepared for it. They just prepared a budget and they will have another one in 6 months. So essentially, while I will do everything within my power to see that the letter of the law on mental illness parity is enforced, I don't think we ought to just accept from the administration, from a HCFA that is rather disorganized, to say the least, another request for $16 million.

Now, I understand $10 million is not nearly as urgent, and probably even those who oppose Nickles can agree that the $10 million is not necessary. So perhaps I am erring on the wrong side here, but I think my judgment is to send a signal back to them, loud and clear, that the Senate will put up the money to enforce these two provisions because we voted for them very heavily. In fact, we voted almost as heavily for parity as we did for the rather famous Kassebaum-Kennedy bill.

I am very pleased people supported my efforts and the efforts of Senator WELLSTONE on that. I won't take a back seat to anyone in my willingness to do anything I can to see if mental illness parity will work. I don't think this is necessary to move it down the line and see it work.

I yield the floor.

Mr. KENNEDY. I see other friends and colleagues who want to speak on this issue. I want to review just for a minute or two the provisions of the legislation.

First of all, the GAO report came out January 25 and the request for the additional funds was made last Thursday. This was all done within a relatively short period of time. I am quite amazed they were able to get their act together to be able to make the assessment and to be able to review the various materials of the Appropriations Committee. The Appropriations Committee responded in finding offsets so we weren't going to increase the expenditures. These are basically offsets.

Mr. President, this legislation was put in the form of a request to the States to conform. If the HCFA had been up here last year, the voices out here would say, "Well we haven't seen what the States are going to do. We believe the States will conform. We have to wait to see what has actually happened with the States before we know whether there is going to be conformity with this provision or not."

At the excellent request of our chairman of our Human Resources Committee, 2 months into the bill we get a report that says there are these kinds of problems and they need these kinds of solutions. Then we had the corresponding action to try to have the personnel to deal with this. That is really the history of this.

I know the Senator from New Mexico has spent an enormous amount of time on the whole issues of mental health because he knows that issue is of particular importance. Although it was not illustrated in the central findings of the GAO, the Senator would know, based upon past experience, that it is always the lost child in any kind of discussion of health insurance policies. There will always be more complexities and difficulties dealing with that. That is just the history. The Senator knows this better than I, as well as the Senator from Minnesota. So if they are having these kinds of implementation problems now with the existing kind of statute, I think it is not unreasonable to think that we are going to have those kinds of problems on the issues of mental health.

I am just mindful, Mr. President, and my friend from Oklahoma—Oklahoma has hired five more people in their insurance department in order to help implement this in its State. We are talking about a handful of people nationwide, at no additional cost, dealing with disability, our most vulnerable citizens. We are on notice. These are our most vulnerable citizens, those that have preexisting conditions and those that have disabilities, most of them children. We are going to be put on notice by the GAO, and through a nonadditional-dollar cost to the taxpayer, saying, no, we are not going to permit the agency that has the prime responsibility for enforcement to have the adequate personnel.

That may carry the day here on the floor of the U.S. Senate, but I just hope that our colleagues who support that position—as I mentioned before, these parents are going to be calling all of our offices, and they are going to be calling the agency asking questions about what to do about their children.

Mr. REED. Will the Senator yield for a question?

Mr. KENNEDY. Yes, I would be happy to.

Mr. REED. Aren't we missing the point when we look at HCFA and try to blame them for the complicated issues that we have asked them to enforce? We are missing the point. Who is really suffering, if we do this, are the thousands of families in the country that won't have access to good health care. It is our responsibility to ensure that HCFA and the States provide real access to the hundreds of thousands of families that need good health care around the country. We just heard yesterday at a hearing about the struggles and travails of a young mother who was trying to get good care for her daughter in the context of Kennedy-Kassebaum, and without good enforcement she would not realize these benefits. I think you are absolutely right, Senator, in terms of the message we are sending. It is not, "HCFA, get your act together." It is to thousands of families we are not going to enforce the right that we thought we gave 2 years ago.

Mr. KENNEDY. Well, the Senator is absolutely correct. We are on notice now. The decision was made—and I give great credit to Senator Kassebaum—that we were going to have State implementation of this. There were many of us on this side that believed that there would be danger, in terms of the escalation of insurance premiums, if we did not at least set some kind of parameters for the increase. We had testimony based on different models to indicate what the framework for that kind of an increase was. It was a decision that was made that we would defer and then have an examination of what the States would do.

So we have now had a preliminary finding. In a few States, we have seen this dramatic escalation, a 600 percent increase in the premiums. But in many States, we find out all of these other kinds of enforcement problems, where we have had agents for various insurance companies that are being penalized if they include in their various programs children with disabilities or those individuals with some preexisting condition. They are penalized. Or, if individuals call up, they are given misinformation or disinformation about what their rights are. We have all of that illustrated in this GAO report. We have had it illustrated out there.

Now, what the Appropriations Committee said is, OK, if we have this problem, we have read through this, we have a way of trying to make important progress in alleviating the anxiety of these families that are facing the most extraordinary kinds of pain and suffering that one can imagine when they have disabled children in these circumstances. I know that because the Senator from Rhode Island has a superb bill on the issues of pediatric patients' rights, the whole issue on children. The Senator has been a real leader here. I think he knows this issue well. Now we have a way of trying to address this issue and we have our colleagues—we are talking about the emergency supplemental, which is dealing with these major issues that comes up with an amendment to strike this $16 million. Now, as the Senator from New Mexico pointed out, $6 million is the most important of that $16 million because that will be for the actual implementation of the enforcement. The others, I think, are important, too. I think a case, perhaps, can be made if we are following a very strict interpretation—and that is another issue—a strict interpretation about whether we could not defer that, but certainly not with regard to the protection of those families.

Mr. REED. If the Senator will yield again, as I understand it, there are 45 States that have adopted local State laws. Even within those States, they are not fully complying with the strictures of the Kennedy-Kassebaum Act. As a result, even in the States that did what we thought they would do, we still need Federal oversight. As a result of that, I hope we will elect to pass this measure.

Mr. STEVENS addressed the Chair.

Mr. KENNEDY. If I can answer the question——

The PRESIDING OFFICER. The Senator from Massachusetts has the floor. The Senator may yield for a question.

Mr. REED. My question, if I may, Senator——

Mr. STEVENS. Mr. President, there is no way to control the floor unless a Senator addresses the Chair.

The PRESIDING OFFICER. The Senator is correct.

Mr. REED. Mr. President, if I may address the question to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator may ask a question.

Mr. KENNEDY. The Senator is entitled to ask a question. He was asking whether the suggestion that because 45 States passed laws, does that mean that all 45 States are in conformity, which is a reasonable question since that has been the statement made on the floor. The answer to his question is that it is not a fair indication of the amount of implementation of this particular program, according to the GAO, because even though those States have passed laws, within those laws they fail to conform with a number of the other provisions in here. I have indicated those particular provisions. They are primarily targeted on the group-to-individual. As I pointed out, the record on this legislation with regard to group-to-group in the States has been good. As it should also be for group-to-individual policies. It was supposed to give the States the first crack. There were some general criteria established for moving ahead on that. That criteria has been spelled out. We can take some time to go through that criteria. But it has been spelled out in those areas. I have outlined some of those, and I will come back to those at a later time.

Mr. REED. Mr. President, if I may address an additional question to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Rhode Island may if the Senator yields for a question.

Mr. KENNEDY. Yes, I yield. And I intend to yield the floor in a few moments. I intend to answer the question now.

Mr. REED. I understand that last week the Labor Committee had a hearing on this issue, and it came with great evidence that we need to do more to enforce effectively this bill. And it seems to me that, in the context of that hearing, this provision to strike out needed money is absolutely the wrong approach in terms of ensuring that American citizens have all the benefits of the bill that we all passed, which we all thought would be a major breakthrough in health care in the United States. I wonder if that is the case, and, in fact, did the Labor Committee indicate that these issues were necessary to be enforced?

Mr. KENNEDY. Mr. President, the Senator is absolutely correct about the hearing. We had the hearing, and we heard testimony from the General Accounting Office. I tried to get the transcript, which has not been printed up, because I think any fair presentation on the basis of the review of the transcript would support our position very clearly.

Our position is that States were invited to pass the legislation that was going to conform with the various provisions of the legislation, and some 45 States have. Some States have not, and some States even at this time have indicated that they are not going to conform with the mental health various provisions. But even with the States that have filed legislation, a number of those States are out of compliance. That is illustrated in the GAO report. In the GAO report, as well as in the testimony of the individual who made that report—I think his name was Bill Scanlon—there was an excellent presentation, basically outlining the concerns that I have expressed here. I believe that my representation, having attended that hearing, is a fair summary of what his position is.

Nonetheless, what we have, Mr. President—the bottom line is that as a result of careful oversight, we have a report on a bill that was just passed recently, some 20 months ago, going into effect in January of last year, reviewed by the General Accounting Office, some important abuses that have been outlined, and the effort by the Appropriations Committee—correctly I think—to try to address those abuses. And now we have an amendment that will effectively make it much more difficult to protect those individuals that have disabilities.

I have been around here long enough to know the problems that we have been facing in order to strike down the barriers of discrimination on the basis of disability. We have had a difficult time, and it is interesting that we have only in recent years passed the Americans With Disabilities Act. It took a long time. This country has been reluctant to bring those that have been facing physical and mental challenges into the bright sunshine of fair treatment. So it doesn't surprise me that we are out here on the floor of the U.S. Senate battling for those who have disabilities and preexisting conditions once again. It doesn't surprise me all that much. But that is what we are doing. You make a step forward and you have a step that goes back. We have been around here long enough and we have seen that, unless you are going to provide a remedy, a right that you provide is not an awful lot.

We passed the 1968 Fair Housing Act to try to eliminate discrimination on the basis of race in housing. It didn't mean a darn thing. A remedy wasn't out there. We passed the 1987 Fair Housing Act that had remedies in it and enforcement provisions in it. Now we need to have enforcement protections in here for those who have disabilities.

It isn't costing the taxpayer an additional dollar. We are basing it not on just our own kind of assessment, but on an independent study by the General Accounting Office on a supplemental. Now, I know the good Senator, my friend from Alaska, wants to get on with this issue. We are not the ones who raised this issue. This was just a small housekeeping provision about setting some different priorities in HCFA, setting some different priorities. But it is more than a housekeeping provision to those families that are going to be affected.

We are not going silently into the night on it. We don't want to be labeled as holding up the supplemental on this issue because we are contesting something that isn't going to cost the taxpayer another dollar, on which the Appropriations Committee itself made a decision and a judgment that it ought to go ahead. This is about protecting families that have disabilities—mental disabilities, physical disabilities, and preexisting conditions. We are standing here to protect those individuals, and we have the GAO report that says we should.

So, Mr. President, this is a very important kind of question that we are faced with here. I think it takes some time. Some came in last evening when it was offered. We have only had a brief time to sort of talk about this issue, but there is more that ought to be said about it.

Mr. REED. I thank the Senator for his remarks.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Missouri.

Mr. BOND. Mr. President, I seek recognition to offer two amendments. I would be happy to defer to the distinguished chairman of the committee.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendments—the Senator from Missouri will offer two budget amendments based on budget requests—once introduced, be immediately set aside to be in the line for regular order following the amendment of the Senator from Wisconsin.

What is the order now?

The PRESIDING OFFICER. We are on the Stevens amendment No. 2120.

Mr. STEVENS. I wish the Bond amendments to be offered after Senator FEINGOLD in the regular order. The first regular order would be, as I understand it, Senator FAIRCLOTH, and then Senator FEINGOLD, and then the Bond amendments would be after that, if my unanimous consent request is agreed to.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, can the Senator tell us where we are on the list?

Mr. STEVENS. The one of the Senator from Massachusetts is the pending business. Mr. President, I say to the Senator, it is my understanding that his is pending business. I want to get to the budget amendments. There will be some amendments to those. So they would come after Senator FEINGOLD, if my unanimous consent request is granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Chair and I thank the distinguished chairman of the committee.

I have two very important amendments that really deal with the substance of disaster relief, particularly, in fact, not only New York and the New England States, but the Southeastern States and the Western States.

There was a request—I repeat it—that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2122

(Purpose: To provide emergency community development block grant funding to assist States in recovering from natural disasters occurring in Fiscal Year 1998)

Mr. BOND. Mr. President, concerning community development block grant programs, on behalf of myself, Senators MIKULSKI, STEVENS, SNOWE, COLLINS, D'AMATO, JEFFORDS, LEAHY, MACK, GRAHAM of Florida, and BOXER, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND), for himself, and Ms. MIKULSKI, Mr. STEVENS, Ms. SNOWE, Ms. COLLINS, Mr. D'AMATO, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Mr. MACK, Mr. GRAHAM, and Mrs. BOXER, proposes an amendment numbered 2122.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the appropriate place:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT BLOCK GRANTS FUNDS

For an additional amount for "Community development block grants funds", as authorized under title I of the Housing and Community Development Act of 1974, $260,000,000, which shall remain available until September 30, 2001, for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared natural disasters designated during fiscal year 1998, except for those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: *Provided*, That in administering these amounts and except as provided in the next proviso, the Secretary may waive or specify alternative requirements for, and provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such a waiver is required to facilitate the use of such funds and would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary may waive the requirements that activities benefit persons of low and moderate income, except that at least 50 percent of the funds under this head must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need: *Provided further*, That all funds under this head shall be allocated by the Secretary to states to be administered by each state in conjunction with its Federal Emergency Management Agency program or its community development block grant program: *Provided further*, That each state shall provide not less than 25 percent in public or private matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this head: *Provided further*, That, in conjunction with the Director of the Federal Emergency Management Agency, the Secretary shall allocate funds based on the unmet needs identified by the Director as those which has not or will not be addressed by other federal disaster assistance programs: *Provided further*, That, in conjunction with the Director, the Secretary shall utilize annual disaster cost estimates in order that the funds under this head shall be available, to the maximum extent feasible, to assist states with all Presidentially declared disasters designated during this fiscal year: *Provided further*, That the Secretary shall publish a notice in the Federal Register governing the allocation and use of the community development block grants funds made available under this head for disaster areas and publish a quarterly list of all allocations of funds under this head by state, locality and activity (including all uses of waivers and the reasons therefor): *Provided further*, That the Secretary and the Director shall submit quarterly reports to the House and Senate Committees on Appropriations on all allocations and use of funds under this head, including a review of all unmet needs: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BOND. Mr. President, I ask that this amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2123

(Purpose: To provide additional funding for disaster relief to aid disaster-stricken States)

Mr. BOND. Mr. President, I now send an amendment to the desk relating to the Federal Emergency Management Agency on behalf of myself and Senator MIKULSKI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri (Mr. BOND), for himself, and Ms. MIKULSKI, proposes an amendment numbered 2123.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, at the bottom of the page, insert the following:

INDEPENDENT AGENCY—FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

For an additional amount for "Disaster relief", $1,600,000,000, to remain available until expended: *Provided*, That these funds shall be available only to the extent that an official budget request for a specific amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. BOND. Mr. President, I now ask that the amendments be temporarily set aside.

The PRESIDING OFFICER. That is under the order.

Mr. BOND. I thank the Chair.

I look forward to debating at the appropriate time these two very important amendments which provide roughly $1.86 billion for emergency relief. I hope that we will be able to deal with those amendments this afternoon. I thank the Chair, and I thank the chairman of the committee.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2124

(Purpose: To make perfecting and technical amendments to section 404)

Mr. DOMENICI. Mr. President, Senator BINGAMAN and I have an amendment which was agreed to in the Appropriations Committee. I told the Members that we were going to attempt to resolve one issue that was in dispute. We have resolved it. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, and Mr. BINGAMAN, proposes an amendment numbered 2124.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, line 20, strike "(PANO", and insert "(JPANO". At the end of page 29, insert the following new paragraphs:

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens' advisory committee prior to construction of the

Unser Boulevard South project, which runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway design of the road, and that similar proceedings should occur prior to construction with the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

On page 30, redesignate paragraphs (7) and (8) as paragraphs (10) and (11).

On page 30, beginning on line 13, strike "**STORM WATER DRAINAGE AND TECHNICAL ASSISTANCE.**", and insert "**PLANNING AUTHORITY.**".

On page 31, beginning on line 1, strike paragraph (2), and insert the following:

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A-2 of the Unser Middle Transportation Corrider Record of Decision prepared by the city of Albuquerque dated December 199? * * *

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument the amendment made by subsection (d), the city of Albuquerque shall notify the Director of the National Park Service (hereinafter "the Director"), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

On page 33, beginning on line 13, strike all through line 22, and insert the following:

(B) by inserting "(1)" after "(a)";

(C) by adding at the end the following:

"(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—".

On page 34, line 9, strike "DOCUMENT.—".

On page 34, line 12, after "Corridors',", insert "dated October 30, 1997,".

Mr. DOMENICI. Mr. President, this amendment, that I am offering with Senator BINGAMAN, represents the conclusion of several months of constructive discussion between us.

Together, we have reached an agreement on this legislation, which will allow the City of Albuquerque to proceed with the extension of a roadway to the west side of Petroglyph National Monument, if it decides to do so.

This amendment also provides that if the city elects to move forward with this extension, that: The road will be similar in design to a road that is already constructed along the monument boundary; the Park Service will have the opportunity to provide constructive comments on the road design; if needed, the roadway could be expanded to as many as six lanes at some point in the future; and Washington will not stand in the way of this local decision-making process.

Mr. President, I ask that this amendment be accepted.

The PRESIDING OFFICER. Is there objection to the request?

Mr. STEVENS. Mr. President, this has been cleared on both sides. It is a managers' amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2124) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that the Senator from Minnesota wishes to offer some amendments and have them sort of get in line. I yield for that purpose.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Alaska.

AMENDMENTS NOS. 2125, 2126, 2127, AND 2128 EN BLOC

Mr. WELLSTONE. Mr. President, I send four amendments to the desk and ask that they be separately reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes amendments numbered 2125, 2126, 2127, and 2128.

The amendments (Nos. 2125, 2126, 2127, and 2128) en bloc are as follows:

AMENDMENT NO. 2125

(Purpose: To encourage reform of International Monetary Fund policies, and for other purposes)

At the appropriate place, add the following:

SEC. . REFORM OF INTERNATIONAL MONETARY FUND POLICIES.

(a) IN GENERAL.—The United States Government shall employ its best efforts to do the following, and such efforts shall include but not be limited to the Secretary of the Treasury instructing the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to these ends:

(1) Structure the International Monetary Fund programs and assistance so that—

(A) recipient governments commit, as a condition of loan approval and renewal, to affording workers the right to exercise internationally recognized worker rights, including the right of free association, collective bargaining through unions of their own choosing, and the use of any form of forced or compulsory labor;

(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights; and

(C) the staff of the International Monetary Fund adequately takes into account the views of the International Labor Organization, particularly with respect to the importance of labor market flexibility measures in reducing unemployment in recipient countries, and the impact such measures may have on core worker rights in such countries.

(2) Vigorously promote the adoption and enforcement of laws promoting respect for internationally recognized worker rights (as defined in Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)).

(3) Structure the International Monetary Fund programs and assistance so that recipient governments commit to compliance with all environmental obligations and agreements of which it is a signatory.

(4) Work with the International Monetary Fund to incorporate the recognition that macroeconomic development and policies can affect and be affected by environmental conditions and policies, including by working independently and with multilateral development banks to encourage countries to correct market failures and to adopt appropriate environmental policies in support of macroeconomic stability and sustainable development.

(5) Structure the International Monetary Fund programs and assistance so that governments which draw on the International Monetary Fund channel funds away from unproductive purposes, such as excessive military spending, and towards investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

(6) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

(b) REPORT TO CONGRESS.—The Secretary of the Treasury shall submit a semi-annual report to Congress on the status of International Monetary Fund programs linked to official United States government financing.

(c) CONTENTS OF REPORT.—With respect to each program, the report shall include the following:

(1) Whether International Monetary Fund involvement in labor market flexibility measures has a negative impact on core worker rights, particularly the rights of free association and collective bargaining.

(2) A description of any abuses of core worker rights and how the International Monetary Fund addresses such abuses.

(3) Whether the program adequately balances the need for austerity, economic growth, and social equity.

(4) What measures are included in the program to ensure sustainable development and address environmental devastation.

AMENDMENT NO. 2126

(Purpose: To express the sense of Congress on the treatment of Muchtar Pakpahan)

At the appropriate place, add the following:

SEC. . SENSE OF THE CONGRESS ON THE TREATMENT OF MUCHTAR PAKPAHAN.

It is the sense of Congress that the Government of Indonesia should immediately release Muchtar Pakpahan from prison and have all criminal charges against him dismissed.

AMENDMENT NO. 2127

(Purpose: To encourage the International Monetary Fund to require burden-sharing by private creditors, and for other purposes)

At the appropriate place, add the following:

SEC. . BURDEN-SHARING BY PRIVATE CREDITORS.

(a) In General.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to amend the International Monetary Fund bylaws to provide that the Fund shall not provide funds to any country experiencing a financial crisis resulting from excessive and imprudent borrowing unless the private creditors, investors, and banking institutions that had extended such credit make a significant poor contribution by means of debt relief, rollovers of existing credit, or the provision of new credit, as part of an overall program approved by the International Monetary Fund for resolution of the crisis.

AMENDMENT NO. 2128

(Purpose: To provide for an Advisory Committee on IMF Policy)

At the appropriate place, add the following:

SEC. . ADVISORY COMMITTEE ON IMF POLICY.

(a) In General.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as "Advisory Committee").

(b) Membership.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

(1) at least 2 members shall be representatives from organized labor.

(2) at least 2 members shall be representatives from nongovernmental environmental organizations.

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) Duties.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual IMF country programs meet the policy goals set forth in Article I of the Fund's Articles of Agreements and this Act.

(d) Inapplicability of Termination Provisions of the Federal Advisory Committee Act.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

Mr. WELLSTONE. Mr. President, these amendments deal with IMF.

I ask unanimous consent that they now be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that they be in order behind the two amendments offered by the Senator from Missouri.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 2123

Mr. JEFFORDS. Mr. President, I want to speak first very briefly on the amendment offered by the Senator from Missouri that would help the disaster areas of the Northeast.

First I want to commend the Senator from Missouri for helping the areas of the Northeast that were so punished by the recent problems with respect to the ice storms. Vermont suffered very significantly in the upper part of the State, but with the knowledge that we have with respect to what happened in New York and Maine which so far outpaced our problems, I can certainly commiserate with their need to have assistance, especially with respect to utilities, which have been greatly harmed by the weather problem.

AMENDMENT NO. 2120

I now would like to talk a little bit about the problems regarding the Kennedy-Kassebaum bill of the 104th Congress, the Kassebaum-Kennedy legislation, also known as the Health Insurance Portability and Accountability Act of 1996, called HIPAA. Many consider this legislation to be the most significant Federal insurance reform in the past decade. During this Congress, I have tried to closely monitor the impact of HIPAA over the past year to ensure successful implementation and consistency with legislative intent.

On March 19th, the Labor and Human Resources Committee held an oversight hearing to focus on the findings of a GAO report, which I requested, entitled, "Health Insurance Standards: New Federal Law Creates Challenges for Consumers, Insurers, Regulators." The report examines the HIPAA first-year implementation issues and the challenges that consumers, issuers of health coverage, state insurance regulators, and federal regulators have faced since HIPAA's passage.

This legislation was limited to the problems of individual insurance. And another GAO report will be coming forward with respect to the problems of going from one group to another.

The report confirms that federal regulators have faced an overwhelming new set of duties under HIPAA. In the five states that have failed to or chosen not to pass the legislation required by HIPAA (California, Massachusetts, Michigan, Rhode Island, and Missouri), the Department of Health and Human Services is now required to act as insurance regulator for the state HIPAA provisions. As a result, HHS has requested an additional $6 million in the supplemental appropriations bill to fund 65 new full-time equivalent staff for HIPAA-related enforcement activities in fiscal year 1998.

I share many of the concerns raised by my friend Senator Nickles in offering his amendment. The federal government is ill equipped to carry out the role of insurance regulator. Building a dual system of overlapping state and federal health insurance regulation is in no one's best interest, and I intend to examine carefully this consequence of the act. However, we are currently faced with a real problem. We do not know when the five states will pass the necessary legislation in order to rely on state regulation. I believe HCFA currently lacks the expertise and resources to carry out its HIPAA-related responsibilities absent state action.

I suggested to Senator Nickles an alternative to his amendment. HCFA has identified a need for 36 employees for essential enforcement in those states where conforming legislation has not passed. I believe that Congress should grant HCFA temporary authority to hire these 36 employees for its new HIPAA enforcement in these states for this fiscal year only. By approving the temporary positions during this fiscal year at a cost of $3.3 million, we will have met today's real need—without permanently adding to the number of employees at HCFA for non-HIPAA related duties in the future. We should have the necessary debate on the need to continue this level of staffing through the normal appropriations process.

I am concerned that if we make these permanent, then California will just say, "Well, we might just as well leave it with them," and then we will have employees doing what the States should be doing.

So I will support the amendment of my friend from Oklahoma with the understanding that during the conference the authors will work out just how many they have. But I strongly urge they be made temporary employees and not permanent employees.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, for the information of our colleagues, I think we are very close to concluding debate on this amendment.

I want to thank my colleague from Vermont, and my colleague from New Mexico and others who have spoken on behalf of this amendment. I also share his concern. If there are going to be that number of employees in HCFA, it should be temporary. I very much appreciate that.

I also mention that my friend and colleague from Massachusetts said that Oklahoma had recently hired five employees to comply with this provision. I think that is fine. I think that is great, because I happen to believe in State control of insurance instead of the Federal Government. States are trying to comply. They are in the process of complying. The State of Oklahoma can probably hire five employees for less than $93,000 each, as we would be doing under this piece of legislation.

So, again, for the information of our colleagues, my amendment would strike out the provision that would add $16 million for HCFA for the hiring of an additional 65 employees. I do not think that is necessary. They have over 4,000 employees today. They certainly can borrow, they can use, they can have temporary employees. They do not need 65 permanent employees.

We also do not need to be taking money away from the Medicare's Hospital Insurance Trust Fund, a permanent entitlement provision, to pay for this measure.

Again, the administration was well aware. The Health and Human Services Administration has 58,000 employees. Surely they can shuffle some employees around, if necessary, to meet any emergency that might arise.

So I urge my colleagues to vote for this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the situation is now that we have nine amendments in order and probably at least three more that I know of that are coming. So we have 12 amendments to deal with before we can get down to the managers' package on this bill. At the request of the Senator from Massachusetts, I am going to ask that this amendment be set aside and that it be regular order on the list that we have, to come before the Senate again after action on the Bond amendments.

The PRESIDING OFFICER. Without objection, it is so ordered. The Nickles amendment is set aside.

Mr. STEVENS. Mr. President, that would mean that at this time, as I understand it, if I ask for the regular order, the amendment before the Senate will be the amendment by Senator Faircloth. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2103

Mr. STEVENS. I ask for the regular order.

The PRESIDING OFFICER. The pending question is the FAIRCLOTH amendment, No. 2103. The Senator from Alaska.

Mr. STEVENS. Mr. President, I once again ask Senators to come forward and tell us if they are going to offer amendments to the supplemental bill. As I have indicated, we now have at least 12 that are on our screen and we would like to start working out some sort of time agreement to dispose of this bill.

I might state to the Senate that as soon as the Senator from North Carolina has presented his amendment, I intend to make a point of order against it. That will take place as soon as he has finished his statement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. For information of all Senators, it is my understanding the Senator from North Carolina will take but a short time, and following his statement, as I indicated, I will make a point of order against his amendment. He has indicated to me he will ask to waive that point of order, so that would mean there would be a vote before the Senate at approximately 10 minutes of 1.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, after discussing the statement I made previously, I ask unanimous consent that the vote on the waiver of my point of order on the amendment that is going to be offered by Senator FAIRCLOTH—Senator FAIRCLOTH will make a motion to waive my point of order—I ask that the vote take place at 1:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2129 TO AMENDMENT NO. 2103

(Purpose: To provide for a reservation of funds for activities under part B of the Individuals with Disabilities Education Act)

Mr. GREGG. Mr. President, I have an amendment which I send to the desk which is an amendment in the second degree to the Faircloth amendment which is pending. Is the Faircloth amendment pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. This is an amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2129 to amendment No. 2103:

At the end, add the following:

(4) EXPENDITURES FROM TRUST FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Trust Fund shall be available to the Secretary of Education for making expenditures to carry out subsection (a).

(B) RESERVATION.—

(i) IN GENERAL.—The Secretary of the Treasury shall reserve $1,000,000,000 of the amounts in the Trust Fund for activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(ii) USE.—Amounts reserved under clause (i) shall be available to the Secretary of Education, during the 5-year period beginning on the date of establishment of the Trust Fund, for use in carrying out activities under such part B.

Mr. GREGG. Mr. President, I will go into this amendment in more depth after the Senator from North Carolina has proceeded with the core of discussing his basic amendment. Essentially what this amendment does—the underlying amendment takes the money from the stabilization fund and puts it toward school construction. Instead of putting it all towards school construction, this amendment puts $1 billion of it towards special education. We as a Government have an obligation to special needs children. I have discussed that on the floor many times. We have made a 40 percent commitment as a Government that, regrettably, is an unfunded mandate that has not been fulfilled. We are only paying 9 percent of the local cost. This would help pick up the 40 percent, move towards that 40 percent, and that is the purpose of this amendment.

I appreciate the courtesy of the Senator from North Carolina. As I understand it, he does not object to this second-degree amendment. I look forward to hearing this discussion of his underlying amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I am delighted to accept the amendment from Senator GREGG. It is a good amendment. The States have a burden complying with this law, and I have no problem with using $1 billion of the $5 billion we are proposing so the States can meet the law.

Again, these are loans to the States which, in my opinion, is much better than loans to Korea, Mexico, Indonesia, and others, the likes of which we have been giving it to.

The PRESIDING OFFICER. Will the Senator suspend. Can we take our conversations off the floor, please. The Senator deserves to be heard.

The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President.

Mr. President, I would like to make a motion to waive the Budget Act with respect to this amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is my understanding, if the Senator will yield, before he can do that, I have to make a point of order, which I have not made.

Mr. FAIRCLOTH. I was expecting the Senator from Alaska to make the point of order.

Mr. STEVENS. Mr. President, in view of the information I have just received that several Senators want to speak on this amendment, I ask unanimous consent that my previous unanimous consent request be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. That means there will not be a vote at 1:30, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 2103

Mr. FAIRCLOTH. Mr. President, what this amendment is about is very simple. As I have said many times, if we can provide $18 billion for the IMF without any budget impact at all, I think we can certainly waive the Budget Act, if it comes to that, to provide $5 billion for school construction. I don't think it violates the Budget Act.

The ESF at Treasury loans out money. This is what it does. This is what the new fund will do. The only difference is that this money, I propose, will be loaned to the school systems throughout this Nation to rebuild the schools rather than to overseas ventures.

The reason I offer this amendment is this appropriations bill went from a $2 billion emergency bill yesterday to an $18 billion international bailout today. I am concerned about the priorities of some of my colleagues in this body. We are spending money in a supplemental for operations in Bosnia—a supplemental. Is there anyone who seriously thought that the President was going to remove the troops in June of 1998, as we committed he would? Why did we ever think he would keep that promise? We have no plans to leave Bosnia. There is no plan to leave Bosnia. We could well be there on into infinity. As long as we put up money, we will be there.

Second, we are spending money for operations in the Persian Gulf, $1 billion already, to back up a U.N. resolution. Yet, the administration says that we haven't paid our dues to the United Nations. Well, if they will pay us for the Persian Gulf operation, we will give them a check for the United Nations.

Third, we are providing $18 billion for the IMF—$18 billion. I am as opposed as a man can be to sending our money—and they were identified by the majority leader in this body as Socialists—I am opposed to sending our money to silk-suited dilettantes to spread around the world like it was holy water and theirs to do with as they see fit. This is not what our money should go for. These are not my priorities. These are the priorities of the Clinton administration, to send the money to the IMF while they flit around the country on a diet of champagne and caviar at the expense of the American taxpayer.

I am tired of and not going to go along with the Tom Sawyer trick of us painting the fences for the administration, and that is, very frankly, what we have done. We have catered to and gone along, one behind the other.

I have priorities that I think need pushing. I think it is far more important to rebuild the schoolhouses and school buildings in North Carolina than it is to spend the money around the world for international bailouts. There is no end to them.

Just to take 1 minute on this international bailout, if the Secretary of the Treasury Rubin and the administration will come forth and say this is the last $18 billion, then I might think more kindly of it, but they wouldn't begin to tell you that, because they know they are going to be back before the year is out for $28 billion more. They have already planned it.

I don't work for President Clinton, thank goodness. I work for the people of North Carolina. Very simply, if we can afford to make loans to Mexico, Korea, and Indonesia from the Exchange Stabilization Fund, then we can afford to make loans to the States for school construction and modernization.

According to the Congressional Research Service, this Exchange Stabilization Fund had over $30 billion at the end of 1997. This has become a giant slush fund in the Treasury Department. They do their dead-level best to keep the fund a secret, because it is under the exclusive control of the Secretary of the Treasury, and, as I say, they flit around and pass it out. I think it is time for the Congress to stand up and say where it goes and when it goes and spend the money for domestic purposes, whether the Treasury likes it or not.

I thank you, Mr. President, and I yield the floor.

Mr. STEVENS addressed the Chair.

Mr. STEVENS. Mr. President, there are a few times when a chairman faces dilemmas of this magnitude. I support the concept of more funds going to schools and to the Disabilities Act. If I make a point of order, and the Senator makes a motion to waive the point of order, I think that will carry. I think the Senate will vote to waive. I know that my friends on the Democratic side of the aisle would vote to make that money available and, obviously, I think Members on this side of the aisle think this is a way to somehow or another deal with the budget in a different way using the stabilization fund.

The net result of the Senator's amendment, if the budget is waived, is that there will be $5 billion spent from the stabilization fund and that, in effect, would require our committee to go back and take $5 billion out of the nondefense side of the budget and rescind it. If we did not do that, our whole bill is subject to a point of order and the disaster money and the defense money that we so vitally need will not be available.

I can tell the Senate, it would take me a week to find $5 billion in nondefense money that we could rescind for 1998. The Senator is aware, I am sure, that his amendment makes the money available in 1998. It says that in 1998 the administration is directed to spend $5 billion from the stabilization fund.

At the time of the Mexico crisis, I did a study of the stabilization fund. It was created at the time the United States went off the gold standard, and someone in the Treasury decided that since we are off the gold standard, we ought to figure out what the gold in Fort Knox is worth, and they did. As the price of gold went up, the stabilization fund went up. It does not represent any capital in the sense of income that is saved; it represents the value of the gold in Fort Knox.

Literally, in order to pay for the expenditures that the Senator's amendment would authorize, otherwise pressed, the Treasury would have to sell the gold in Fort Knox. Unfortunately, the value of that has gone down, and the stabilization fund may really not be worth as much as people think it is.

In any event, this amendment has some strange quirks to it, as far as this bill is concerned. I do not want the Senate to waive the Budget Act, because if we waive the Budget Act, as I said, the whole bill is subject to a point of order. If we adopt the amendment, the bill is subject to a point of order similarly, in my opinion, unless we go back and take out the $5 billion that it would spend in 1998.

I may be misinformed on that regard, but I know the effect of spending that kind of money would require us to go back and take the money out of existing accounts on the nondefense side.

I think the Senate ought to have some time to think about this. I think the Senator ought to think about it, because it is not going to achieve the result the Senator seeks. It is not going to embarrass anybody on the Democratic side. They are going to vote for his amendment. It is not going to embarrass anyone on our side of the aisle; they are going to vote for the amendment. And it is not going to embarrass the administration; they want to spend that kind of money, $5 billion more money.

As my grandmother said, it is money made of whole cloth. It is not there. It wasn't in the budget to start with and somehow that money will have to be accounted for in the budget process this year.

I understand what the Senator from North Carolina is trying to do, but it is not going to achieve the result that he seeks. I can tell him I am informed the Democratic Members will vote for his amendment, as Democratic Members will vote to waive, as he seeks to make. The net result is the Senator will increase spending by $5 billion, unless we go back, as I said, and take $5 billion out of the nondefense side of the budget that is left to be taken out in the last 6 months of this year.

I can tell the Senator, in order to do that, you have to take out about $15 billion, because we are talking about outlays, and it is just not possible this time of the year to get that kind of money without doing severe damage to a lot of programs, whether they be agriculture programs—they would be on the nondefense side. We cannot touch defense on this amendment.

It is a nightmare, really. But it comes about because I understand Senators do not want to vote against the Senator's amendment, as he might have anticipated. They will not vote against this amendment.

Mr. President, I ask unanimous consent to set the Senator's amendment aside to a time certain at 5 o'clock, and we will find some time to deal with it between now and then.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2120

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly upon the amendment which was argued a little earlier in the day. I had been on the floor when the amendment by the distinguished Senator from Oklahoma, Mr. NICKLES, was offered. There were many Senators here, and I had other commitments. I am going to support Senator NICKLES' amendment, although I do so with some substantial concern for the funding at HCFA.

When the additional personnel had been requested to move forward on the provisions of the Kassebaum-Kennedy bill, it seems to me that Senator NICKLES had made a valid argument that most of the States, almost all of the States, have applied and it is not in an emergency classification. I am further concerned that this funding has been requested by the Department of Health and Human Services on an emergency appropriations bill which does not quite fit the mold. Where we have these emergency appropriations bills, it is my view that we really ought to limit them to matters that are truly emergencies and not seek to pile on and use this as an occasion for appropriations which really can wait their turn.

I speak on this amendment in my capacity as chairman of the appropriations subcommittee which has jurisdiction over the Department of Health and Human Services. We conduct, through my subcommittee, considerable oversight on HCFA. I am very much concerned that they should be adequately funded to carry out their duties.

Last week, we had a hearing with HCFA on the issue of the changes in compensation for a variety of physician categories, and at the same time we also had a hearing for the appropriation for fiscal year 1999 where the Secretary of Health and Human Services testified and the Administrator of HCFA, Min DeParle, testified as well, and did not raise the issue of this appropriation in this emergency appropriations bill. So I do think that had it been a matter of great urgency, in my capacity as chairman of that subcommittee, it would have been called to my attention, it would have been impressed on me, which was not the case.

In reviewing this matter with the distinguished chairman of the Appropriations Committee, I do concur with his analysis that it is not an appropriate matter for an emergency appropriation. And if it is the enforcement of Kassebaum-Kennedy, there are personnel available to do that, and that is not at a critical stage.

I had heard that the appropriation was sought to carry forward the change in the schedule on physicians' compensation, but apparently that does not seem to be the case. So, as I say, I am ready, willing, and able to take a look at what HCFA needs. We are now in the process of considering the appropriations bill for next year, and I think an orderly process makes it preferable that we consider this appropriation request at that time.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. COATS). Who yields time?

Mr. SPECTER. In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Wellstone amendment No. 2128.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that that amendment be temporarily set aside and that my amendment concerning Bosnia be before the body.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

AMENDMENT NO. 2121

Mr. FEINGOLD. Mr. President, I am glad to have a brief opportunity to further explain why I have offered this amendment concerning Bosnia. I believe there will be an opportunity to vote on this, perhaps in the context of a motion to table, very soon, perhaps as soon as 1:30, so I would like to offer just a couple of remarks about why I have offered this amendment.

What the amendment would do is remove the emergency designation from the Bosnia money that is in this bill. There are various pots of money in this bill, but I am only talking here about the Bosnia money concerning the operation in the Bosnia theater. If the Senate determines that these funds are not an emergency—if I am able to prevail in this amendment—then they would be treated like any other kind of spending, any other kind of regular spending. In other words, under this scenario, if the administration wants to have these expenditures, they would have to follow the regular procedure. That is, the administration and the Members of Congress would have to find an offset from within the budget caps for these defense expenditures. Otherwise, these defense expenditures would be sequestered.

The reason I am offering this is that the emergency designation as drafted in this bill for the Bosnia funding is really just a way around spending caps. In my mind, it is a ruse. It is just a budget fiction. It means we are ignoring our own budget caps.

My personal preference would be that we had not put ourselves in the first place in the position of having our troops in Bosnia this way. I opposed the deploying of our troops to Bosnia and still do. Since we have and we are in the situation that we are in, I think at a bare minimum with regard to the continuing of the Bosnia mission, we have to exercise some budget discipline here. Why wouldn't the budget rules apply to this Bosnia situation?

What my amendment does is help us exercise that discipline. It strikes the emergency designation for the Bosnia money, again for the simple reason that the Bosnia operation is certainly a very important operation but it is not an emergency. It is very hard to argue that the ongoing, ever-lengthening mission in Bosnia is an emergency. Yet we are faced with this emergency designation as a way to bootstrap this funding into this bill which is supposed to be about emergencies.

This amendment does not set an end date by which our troops should leave Bosnia, although I do want to see us do that. I hope it would be no later than June 30 of this year. This amendment does not call for our troop withdrawal at this time, although I very much would like to see that happen. All it does is simply force the administration to be straightforward and force the supporters of the administration's policies to be straightforward and to face the reality of the fiscal demands of this mission.

What has happened here is an operation that we were told would only cost $2 billion has already cost the American people $8 billion, and now we are asked to put another half a billion into this, and somehow people are arguing that it is on the basis of an emergency situation. That is simply not credible. This speaks both to the problem of the Bosnia mission and the problem we have with budgeting in general in this country. People are appalled that emergency bills are used as windows of opportunity to achieve other agendas. I am the first to admit that there have been more gross violations than this one, but this is a lot of money, and the American people are beginning to wake up to the fact that we have spent 8 billion American dollars in the Bosnia situation.

At a bare minimum, what we try to do in this amendment is say, "Let's find out how we are going to pay for this. Let's have the budget rules apply. Let's have the administration and the Congress say exactly how they will pay for this," instead of, in effect, deficit spending that is being used to fund the Bosnia mission.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2129

Mr. GREGG. Mr. President, I know the Feingold amendment is pending, but I want to speak to the issue of the Faircloth amendment which was offered earlier and which I understand will be resumed and possibly voted on later this afternoon, specifically to my second-degree amendment to the Faircloth amendment.

The second degree says that of the $5 billion that would be taken from the stabilization fund—which is, I believe, essentially a fund that allows the Treasury the flexibility to do things like Mexico bailout and the bailouts in Asia, of the $5 billion that Senator FAIRCLOTH has suggested we take back into the Treasury to take control over, which I think is a good idea—that $1 billion of that would go towards special education.

As many people who have listened to me speak occasionally on this floor know—or some people know because I suspect many don't listen or would rather ignore it—the special education funding accounts of this Government are totally skewed in that when the bill for special education was first passed back in 1976, the Federal Government said it would pick up 40 percent of the costs of the special needs child in the local school districts. Over the years, the Federal Government has failed miserably in fulfilling its obligations, and instead of paying for 40 percent of costs, as of 2 years ago it was down to paying for only 6 percent of the costs of the special needs child.

As a result of efforts by a number of Senators, including myself and Senator LOTT and the Presiding Officer, we have been able in the last 2 years on the Republican side to significantly increase funding for special education, with no support, by the way, from the administration, to the point where we now have it up to approximately 9.5 percent of the costs of the special education being borne by the Federal Government—still a far cry from the 40 percent.

The administration has put forward a budget this year which calls for virtually no increase in special education funds, which is an outrageous position in light of the fact that they are also suggesting we create new programs in the elementary and secondary school level that would cost approximately $12 billion. But they can find no room in their budget for special education for kids who need special education, which is truly inappropriate.

What has happened is the special needs child finds himself put in a situation where in local school district after local school district that child is really in an untenable and unfair position relative to other children in the school system. The parents of that child are forced to be put in confrontation with the children and parents who do not have special needs, in different school systems, in a competition for resources, in a competition for resources which should be there if the Federal Government paid its fair share but which are not because the Federal Government does not pay its fair share.

This administration, in suggesting $12 billion in new programs outside of special needs funding, is essentially saying we are not only not going to fund the needs of the special education to the level required by the law; we are going to take money which would relieve the pressure on the special education child, which would relieve the pressure on the local school district, we will take that money and create new programs, new mandated programs, new categorical programs where the local school districts will have to do what we say they have to do in Washington in the area of buildings and in the area of class size at the expense of the special needs child, one more time.

If this money was put where it was supposed to be under the law, the 40 percent as the Federal Government is supposed to pay for it, if the President's budget funded special education at the level that it was required to be funded under the law, then those new programs, instead of being started in buildings, instead of being started in class size, those dollars would flow to the special education accounts and the local school districts could make the decisions because they would then have their resources freed up as to what type of buildings they wanted, what type of courts they wanted, and the decision process would be controlled where it should be—at the local level, not here in Washington. But that is not the policy of this administration. The policy of this administration is to essentially try to take control over local education, pull it into Washington through these categorical grant programs, and, at the same time, underfund the special needs program, putting the local school districts in the lose-lose position of having to pay the Federal share of special needs and they also have to do what the Federal Government wants it to do in other areas in order to get any Federal money at all—totally inappropriate and extremely prejudicial, especially to the local school districts and the special needs.

That is a long explanation, but it is an attempt to lay the groundwork for the purpose of my amendment. If we are going to bring more money back into the Federal Treasury under the control of Congress, which we should—and I think Senator FAIRCLOTH's amendment is appropriate in this area—we should not have this, for want of a better word, "slush fund" sitting there for the purposes and under the control of the Congress to spend, the $5 billion. If we are going to bring that $5 billion back into the control of the Congress, not only should we bring it back here, but we should spend it on obligations that we know we have, which are on the books and, specifically, special education.

So the vote on this Faircloth amendment really becomes fairly simple. To put it in its starkest terms, you can vote for a slush fund that may be used to bail out the Soeharto family, which is worth billions and billions of dollars in Indonesia, or you can vote for the special-ed child back in your hometown and your home State who needs the support of this Government and whom this Government said they were going to support. That is the vote. The choice is simple. I certainly hope that this Senate will come down on the side of special education.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. McCAIN. Mr. President, I ask unanimous consent that Ann Sauer and Orlando Taylor of my staff be granted privileges of the floor during consideration of S. 1768, the 1998 emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I yield the floor.

AMENDMENT NO. 2121

Mr. STEVENS. Mr. President, the Feingold amendment strikes the emergency designation for the Bosnian funds from the bill. This supplemental request is mandated by section 8132 of the appropriations bill for 1999. If the President certifies that the mission to Bosnia must continue, under the law this then continues. Bosnia costs are emergency, as Congress specifically funded only through June 30, 1998.

The problem we face now is the cost of the continued deployment has already been paid. The administration has sought to seek these funds to avoid damage to the readiness and the quality of life that the military faces, which is not currently deployed, but they may face missions, as I have told the Senate before, to Bosnia or Iraq within the remainder of this year.

The emergency designation allows those moneys necessary for this deployment to come out of the emergency fund rather than having to come out of reprogrammed accounts for the moneys we have already appropriated for quality of life and for readiness for the remainder of the force that is not deployed.

Under the circumstances, I agree with Senator FEINGOLD's position. We, however, thought we had a commitment that the troops would be out on July 1. I think the Senate realizes that. The President made the finding that the law required it if he was going to continue the deployment, and that is not only for 1998 but for 1999.

We will address, as we have already indicated with the comments of the Senator from Texas, Mrs. HUTCHISON, today, the continued deployment in Bosnia at length during the consideration of both the authorization bill and the defense appropriations bill this year as we look to 1999. But for the purpose now of dealing with the continued deployment for the remainder of this year, I implore the Senator not to require, by striking the emergency designation, that these funds must be taken from other portions of the Department of Defense that are already accounted for in the appropriations we have made for those functions. And we would again just be doing that.

I feel like a white rat in one of those circular wheels. We just continue to go around and around. And we don't get anywhere if we appropriate money and we have to go back and take that money and put it into another purpose, particularly this late in the year.

It would also have a problem because some of the moneys that have already been committed would not actually be spent until 1999. We went into that yesterday in connection with another matter.

But, clearly, if we do not have the emergency designation, those moneys that are actually spent in 1999 will be counted against our allocation that we are already working on for 1999 in terms of the new bill for fiscal year 1999. And, unfortunately, the Congressional Budget Office has already told us we are $3.7 billion short to meet the level of funding that is indicated in the budget.

There is this battle between the Congressional Budget Office and the Office of Management and Budget. This will add to that deficit. When we try to correct that deficit, it would mean the moneys that are basically emergency moneys to deal with the continued deployment through September 30 of this year must actually be counted against 1999. I have to tell you, Mr. President, that makes that problem of the deficit and defense allocation for outlays for 1999 even that much worse.

So, under the circumstances, I have no alternative but to urge the Senate to table the Feingold amendment. Let us deal with Bosnia in terms of the 1999 bill, and let us address the whole subject of the continued deployment and the funding for anything that goes on.

I will tell the Senate that it is not possible to get those soldiers out of there at one time. There has to be, if we are going to have a staggered withdrawal, a staged withdrawal, a downsizing to the point where we can do it legitimately, and without risk to anyone.

So I urge the Senate to support me in the motion that I am going to make in order to prevent us from forcing the Department of Defense to use moneys that have already been appropriated for other functions in the Department to pay the cost of this emergency caused by the President's determination that the troops will stay there after July 1.

I am about ready to make the motion to table. Before I do so, does the Senator wish to make one last statement concerning his amendment?

Mr. FEINGOLD. Mr. President, I thank the chairman for his courtesy, and I want to speak for just a minute in response to the chairman's remarks. I appreciate the remarks. I understand the difficult situation he is in.

But what I can't understand is why we let the administration and others who have represented to us certain limits with regard to the Bosnia operation put us in this position. The leadership of this body said this would cost $2 billion, and that is it, and we would be there for 1 year, and that is it. Now it has cost $8 billion and another $1½ billion. Yet they don't provide us with a way to prepay for it. They don't tell us how to offset it. But what they are, in effect, asking us to do—forcing us to do—is to take this out of Social Security. It is deficit spending. It is deficit spending. Sometimes we have to do it, as the chairman has pointed out, in true emergencies. Some of what is in this bill I can't deny involves true emergencies, such as tornadoes and floods. But why should we let this administration put us in the position of having to deficit spend to add onto what is already a quadruple of the $2 billion we were promised this would cost?

So, Mr. President, all we are trying to do is have a little truth in budgeting here, remove the emergency designation, and have an honest accounting of how this should be paid for.

But I sure want to recognize the chairman's challenge in this area. It is very difficult. In effect, he and others are being forced to have to do this in a situation that isn't appropriate. The administration and others should have identified an offset.

Thank you, Mr. President.

Mr. STEVENS. Mr. President, I move to table the Feingold amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska to lay on the table the amendment of the Senator from Wisconsin. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—92

Abraham
Akaka
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kempthorne
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—8

Ashcroft
Brownback
Feingold
Gramm
Grassley
Johnson
Kohl
Nickles

So the motion to lay on the table the amendment (No. 2121) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER (Mr. Gregg). The Senator from North Carolina.

AMENDMENT NO. 2103 WITHDRAWN

Mr. FAIRCLOTH. Mr. President, I make a motion to withdraw the amendment that I had introduced, No. 2103. It was introduced yesterday. I would like to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 2103) was withdrawn.

Mr. STEVENS. Mr. President, I thank the Senator from North Carolina. It does relieve a problem we are developing here.

AMENDMENT NO. 2122

Mr. STEVENS. Under the previous agreement we have, it is my understanding now that the pending business will be amendment No. 2122, offered by Senator Bond. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. D'AMATO. Mr. President, I rise in strong support of the amendment offered by my friend and colleague, Senator Kit Bond. I am pleased to cosponsor this measure. This amendment will help address the devastating effects of the 100-year ice storm which tore through the north country of New York and the Northeast this past January.

The amendment will provide $260 million in community development block grant (CDBG) funds to State Governments for recovery efforts in federally-declared disaster areas. The CDBG program has the advantage of providing states and localities with a great degree of flexibility in meeting local needs and can be used in the emergency context to fund home repairs, debris removal and the restoration of electrical power to low and moderate income families.

Mr. President, the six counties in New York which were declared federal disaster areas—Franklin, St. Lawrence, Essex, Clinton, Lewis, and Jefferson—comprise a 7,000 square mile area. This represents an area roughly the size of Massachusetts. Tens of thousands of homes in this area suffered structural damage from ice, severe winds and subsequent flooding. Families were displaced and electricity to over 400,000 people was cut off. The entire high voltage transmission system for this area was wiped out and replaced in a three-week period.

This amendment will provide much-needed relief for New York homeowners and ratepayers. This assistance is vital to repair storm-related damage to the homes of the families of the north country. Unfortunately, assistance from the Federal Emergency Management Agency (FEMA) and Small Business Administration (SBA) disaster loan programs have not met all the needs of affected families. These funds will help homeowners repair damaged roofs, plumbing and heating systems.

In addition, this amendment will also help to address the massive costs associated with the near-total devastation of the region's electric power system. During the storm, nearly 10,000 utility poles were destroyed—many literally snapped in half. Repair crews worked 16- to 18-hour shifts—often in sub-zero conditions in the dead of night—removing downed utility lines, fallen trees and debris, removing destroyed poles from the frozen ground and drilling holes for new poles.

Line crews and tree-cutting crews were brought in from other regions of New York State, as well as from Pennsylvania, Vermont, Connecticut, Michigan, Virginia, and North Carolina. These crews replaced hundreds of miles of electrical cable, 150 two-pole 90-foot-tall transmission towers and over 2,000 transformers. The equipment and materials for this undertaking had to be brought in from as far away as Oregon, Florida, Georgia, and Nevada.

Mr. President, without this funding, the costs incurred by this massive restoration effort could be passed on to the utility ratepayers of New York. New York currently has one of the highest electric rates in the nation—some 40% higher than the national average. The hard-working families of the north country who have bravely endured the ice storm should not have to suffer additional increases in their utility bills.

Mr. President, I commend Senator Bond for including language in this amendment which will ensure that these funds are allocated in a fair and cost-effective manner. Specifically, the amendment provides that funds should be dedicated to states based on unmet needs which have been identified by the Director of the Federal Emergency Management Agency (FEMA). By providing a role to the Director of FEMA, the amendment will help ensure a fair distribution of funds.

FEMA has made an excellent start in identifying unmet needs which have not been addressed by other federal disaster assistance programs. The February 1998 FEMA Report, "A Blueprint for Action," clearly identifies the principal unmet needs of New York and the Northeast region resulting from the ice storm. Under the terms of the amendment, the Department of Housing and Urban Development (HUD) will take into account the costs associated with these unmet needs in making allocation decisions. The amendment effectively addresses concerns which have been raised regarding HUD's past distribution of emergency CDBG funds. Under some previous allocations, large states have fared poorly. Specifically, HUD has at times used a ratio which unfairly penalized states with larger gross products. This amendment effectively addresses those concerns and makes clear that funding allocations are to be based on needs which cannot be addressed through other federal disaster programs.

In addition, I support Senator Bond's inclusion of a requirement for a State match of public or private funds. This provision is consistent with other federal disaster programs and will help leverage additional resources for disaster recovery efforts. This matching requirement will also give States an added incentive to ensure that funds are used in a cost-effective and efficient manner.

Mr. President, this amendment is a necessary and vital step to help the families of the north country recover from the devastation caused by the ice storm. These funds will bring much-needed relief to a region which has suffered terrible loss from this natural disaster.

Once again, let me thank Senator Bond for offering this important measure and providing assistance to the people of New York. In particular, I thank Senator Snowe for her efforts on behalf of the Northeast States affected by the ice storm. Also, my friend Senator Moynihan deserves praise for his efforts on behalf of the people of the north country. He has helped ensure that their voice has been heard here today. Finally, I would like to thank Senator Ted Stevens, the chairman of the Appropriations Committee, for his diligence in bringing this amendment up for consideration by the Senate. I urge its immediate adoption.

FUNDING INCREASE

Mr. President, at this point I would like to engage my good friend Senator BOND, the Chairman of the VA-HUD Appropriations Subcommittee, in a colloquy regarding the amendment to provide critically needed funding to the emergency CDBG program. I appreciate your efforts to increase the funding provided by this amendment from $200 to $260 million. As the Senator is aware, this additional funding is vital to ensuring that the States in the Northeast which were devastated by the ice storm receive adequate funding to speed this recovery.

Unfortunately, while both the Small Business Administration and the Federal Emergency Management Agency (FEMA) have contributed significant resources to homeowners in the region—the funds provided have been insufficient to address the full impact of the storm. For instance, while FEMA's Individual and Family Grant Program has helped hundreds of families, thousands of other families—including low-income and elderly persons—have been unable to access the program because of FEMA's daunting application procedures.

Together with the 25-percent matching requirement which was included in the amendment this funding increase will help the areas affected by the ice storm get back on their feet.

Mr. BOND. I thank Senator D'AMATO, the chairman of the Ranking Committee which has jurisdiction over the Community Development Block Grant Program for his kind words. It was a pleasure to work with you to ensure that the Supplemental Emergency Appropriations Act contains sufficient funding to help impacted areas recover from natural disasters. Specifically, I commend the Senator from New York for his diligence in ensuring that the full scope of the impact of the ice storm in the Northeast was made known to the Appropriations Committee. Without his efforts, and those of his colleagues, many of the needs of the people of New York and the entire Northeast region might not have been fully addressed. Given the circumstances which have been brought to our attention, the committee believes the additional $60 million is fully justified and will help the residents of the area recover from the ravages of the ice storm.

Mr. D'AMATO. I thank the Senator and appreciate his willingness to address our concerns.

Ms. SNOWE. Mr. President, 1998 will long be remembered in the State of Maine as the year of the Ice Storm. In early January the state was coated with more than three inches of ice—the result of a once in a lifetime storm that left more than 80 percent of the State without power.

It was an extraordinary event—both for the way the people of Maine pulled together and for the damage it did to the state's utility infrastructure. The reaction of the people of Maine was proof positive that "Maine: the way life should be" is not just a slogan, it is a fact. I was overwhelmed by the resiliency and compassion I witnessed across the state last month, and Senator COLLINS and I shared our thoughts and our praise for the people of Maine on the Senate floor.

We have worked, along with our colleagues from Vermont, Senators JEFFORDS and LEAHY and New York, Senators D'AMATO and MOYNIHAN, to obtain additional federal assistance, through the Community Development Block Grants Program (CDBG) to help cover damage done in the state that FEMA did not cover. Specifically, the damage done to the state's utility infrastructure.

I appreciate the assistance provided to us by the Chairman, the Senator from Alaska, Mr. STEVENS, Chairman BOND of the VA/HUD Subcommittee, and the Ranking Member of that Subcommittee, Senator MIKULSKI in crafting this amendment. The amendment, which I am cosponsoring, will provide $260 million for the CDBG program. This money will allow states, like mine, that have been declared disaster areas, to obtain CDBG money to address the unmet disaster needs—or fill the gaps—that FEMA has identified.

In Maine, the biggest cost of the storm was the damage done to the utility infrastructure. Vice President GORE, during a visit to Maine on January 15, summed up the situation succinctly when he said "We've never seen anything like this. This is like a neutron bomb aimed at the power system".

The combination of heavy rains and freezing temperatures left the State coated with more than three inches of ice. The weight of this ice downed wires, toppled transformers and snapped utility poles in two. At the peak of the storm 65 percent of the customers—more than 275,000 households served by Central Maine Power (CMP) Company were without electricity. Bangor Hydro Electric Company had 75 percent of its customers—more than 78,000 without power.

In fact at the height of the storm more than 80 percent of the entire State of Maine was in the dark.

It took CMP, which supplies power to 77 percent of the State, 23 days to restore power to all its customers. They did it with 1,048 crews working around the clock and running up 177,000 hours of overtime. They had to secure downed wires, replace more than 1 million feet of cable, 3,050 utility poles and 2,000 reformers. They have estimated the cost of this heroic effort to be $74 million.

Bangor Hydro nearly tripled the number of crews it normally used—going from 40 to 117 and put in an estimated 54,402 hours on storm damage. Their crews worked more overtime in January then they did in all of 1997. And once they completed their restoration efforts, they loaned crews to CMP. They estimate they spent more than $7 million to bring all their customers back on line.

My colleagues will tell similar stories, Mr. President. The rain and freezing temperatures proved to be a fatal combination for the utility infrastructure. As Maine Governor Angus King said "If you designed a storm to take out the electrical system, this was it".

I cannot offer enough praise to the men and women of Maine's utilities and their brethren who came in from all over the East Coast—including several crews from my good friend, Senator MIKULSKI's home state of Maryland. These crews faced freezing temperatures and hazardous situations as they worked to kill live wires and free remaining wires from the downed trees and poles. They worked round the clock until the light was back on in every house in the State. As we say in Maine, they are the "Finest Kind".

And the federal response was just as important and just as swift. The Federal Emergency Management Agency (FEMA), the Small Business Administration, the Department of Defense—all answered Maine's call for immediate help. We truly appreciate it, Mr. President, and like many of my colleagues whose states have suffered from mother nature's rage, I have seen first hand how vital the federal response is in the early days of a disaster.

Once we were assured of federal assistance and the agencies were in the State and working, the Maine Congressional Delegation asked the Governor what else was needed. He told us they needed federal assistance to cover the extraordinary costs associated with the destruction of our utility infrastructure. And he asked the President to include supplemental funding for this purpose, as did the Governors of Vermont and New York.

The Stafford Act which provides FEMA's guidelines for assistance covers public power. It will reimburse 75 percent of the costs related with a disaster. But because Maine and much of the northeast have investor-owned utilities as opposed to government-owned utilities, we are ineligible to receive assistance from FEMA for this purpose, despite the fact that it is the greatest cost of the storm. When we learned this, we went looking for other sources of federal assistance, but we could find nothing that could address the magnitude of the costs of this storm.

Without assistance, the utilities in the states of Maine, Vermont and New York will have to pass these costs onto the ratepayers, who already pay some of the highest rates in the country for electricity. Maine's residential rate is 48 percent higher than the country's average and New York pays the highest rates in the country. Vermont pays 28 percent more than the national average.

Yet these ratepayers—who also happen to be taxpayers—have helped pay the bill for FEMA assistance for utilities in other states, with lower rates, when they were faced with disasters of their own.

The CDBG funding provided in this amendment will allow Maine and the other northeast states to apply to HUD for funds to reimburse the utilities for the huge cost of repair and recovery. FEMA has identified utility costs as the major unmet need from the Ice Storm of 1998.

Mr. President, I know that some of my colleagues are wondering the States have asked for assistance for private companies. But a utility is a unique animal. Whether it is a public or private utility is immaterial to the role it plays. It provides a public service and it has an obligation to provide that service 24 hours a day, 7 days a week, 365 days a year—rain or shine, tornado or flood, ice storm or earthquake.

The fact is that these utilities didn't shut down like many private businesses did during the ice storm—because they couldn't. They had to protect the public from the danger of live, downed wires and from freezing to death in their own homes. It was a matter of public safety—not a business decision. They had to right downed poles, replace crumpled transformers and get the power back on.

They did not have the luxury of sitting down and saying "this is going to cost us a bundle, our stockholders won't like it, we should take a pass". They couldn't. They provide a public service, and they had an obligation to the people they served to restore power as quickly as possible.

In a letter to Vice President GORE, Governor King explained:

> It is important to emphasize that this cost . . . was purely a function of protecting the life and safety of our people. . . . the quick restoration of power . . . was not a matter of convenience, but was an unequivocal necessity.

The amendment we have worked out with the Committee will provide $260 million in supplemental funding to HUD for the CDBG program. This money, which will go to the states, can be used for a number of activities, including reimbursement of costs to privately owned utilities. HUD regulation 24 CFR Section 570.201(l) states:

> CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines and facilities of privately owned utilities. . . .

And HUD Secretary Cuomo has assured Maine that if funds are appropriated, they can be used for this purpose.

In its Ice Storm "Blueprint for Action" FEMA, which listed utility costs as the top unmet need, noted:

> (The) HUD Community Development Block Grant Program can supplement other federal assistance in repairing and reconstructing infrastructure, including privately-owned utilities. . . .

In fact, this amendment, Mr. President, asks for the same assistance this Congress gave to Minnesota, North Dakota and South Dakota last year in an effort to help these states get back on their feet after they had been ravaged by the worst flooding in 100 years. In the FY97 supplemental, $500 million was appropriated for CDBG to help with disaster assistance. The Northern States Power Company applied to the State of Minnesota for funding and was turned down. Minnesota could have provided them with the funding, but chose not to. The same utility has applied to Grand Forks, North Dakota—a CDBG entitlement city—for funding and is still waiting for a response. Again, Grand Forks can give the money to the utility or turn them down—it is their decision.

Another concern that has been raised is the issue of accountability. How do we know that this money will cover only those costs related to the ice storm and not be used by the utilities to upgrade their infrastructure? Again, the answer lies in the fact that utilities are unique. They are regulated at the State level, and they must justify their costs to the regulators who allow them to recover only those incremental costs directly attributable to the ice storm. In addition, the bulk of the costs associated with this storm are related to the cost of labor—not to the cost of new equipment.

In Maine, the Public Utility Commission issued an accounting order on January 15 that required the utilities to segregate their storm related costs. The PUC just started an audit of these accounts. If our amendment is adopted, Maine will receive additional CDBG money that it will provide to the utilities to cover only those incremental costs the PUC says are prudent and directly related to the storm.

Without this additional assistance, the ratepayers of Maine will cover the costs through rate increases. CMP has said it will need a ten percent rate hike to cover its costs so 77 percent of the utility customers in Maine will pay 10 percent more. Bangor Hydro has said its rates will need to increase three percent to cover the storm costs.

One question I asked myself was what about insurance? The utilities do have insurance, and it is determined by their regulating body. The coverage, a dollar figure determined on past risk experience, is set aside. For CMP that is $3.9 million, enough to deal with several major outages—20,000 to 40,000 households—a year.

Because of the extensive damage done to utilities as a result of Hurricanes Hugo, Iniki and Andrew, the ability of utilities to obtain traditional insurance coverage has become very costly. CMP was offered one policy that provided $15 million worth of coverage. To get this coverage, the deductible was $5 million and the yearly premium was another $5 million. So, they were being asked to pay $10 million to get $5 million worth of coverage. Even with this coverage, Mr. President, CMP would have been left with $54 million in uncovered costs.

The fact is that the 1998 Ice Storm was a 100 year storm. The Chair of the Historical Committee of the American Meteorological Association, who happens to reside in Maine, has said that "So far this century, there has been nothing like it. It will probably make the meteorological text books—even history books—as one of the biggest storms ever."

To put this storm into perspective, I want to share a comparison of the damage done by Hurricane Gloria in 1985 and Hurricane Bob in 1991 with the Ice Storm of 98. The Ice Storm destroyed 3,050 utility poles compared to 350 as a result of Hurricane Bob. One million feet of cable had to be replaced in January compared with 52,000 feet in 1991. It took 1,048 crews working 23 days to restore power to everyone in January. It took 320 crews working 8 days to restore power after Hurricane Gloria.

The Ice Storm was simply unprecedented. Nothing had caused damage that even comes close to the Ice Storm. The utilities self-insured for the types of storms they were used to dealing with. They couldn't insure for this storm—because it was completely outside the realm of their experience and therefore, their expectations.

And it is because the Ice Storm was a once in a hundred year storm that the people of Maine, and Vermont and New York have asked the federal government for assistance in addressing the costs associated with it. Without this assistance the ratepayers will be asked to bear the burden of a rate hike. This will be in addition to all the other storm-related costs they have already paid.

Many of my colleagues know, from the experiences in their own states, the true costs of a disaster. Based on this experience, I would ask them to lend their assistance to the people of Maine, Vermont and upstate New York to provide this much needed assistance, and I urge them to support this amendment.

Ms. COLLINS. Mr. President, I am delighted to be joining Maine's senior Senator and a number of my other colleagues in sponsoring an amendment to the FY 98 Defense/Disaster Supplemental Appropriations bill that will provide $260 million in additional funding for HUD's Community Development Block Grant program.

This money is urgently needed to assist the people of my State recover from the worst natural disaster in Maine history. I refer, of course, to the unprecedented Ice Storm that began, innocently enough, as a light rain on the morning of January 7, 1998 and ended four days later with our State encased in as much as 10 inches of solid ice. The additional CDBG funding will help not only Maine, but New York and Vermont as well, rebuild the electric infrastructure of our three states.

I want to pay a special thanks to the Chairman of the Appropriations Committee, to the Chairman of the Subcommittee on VA, HUD, and Independent Agencies, and to all of the Committee members for recognizing the harm caused by the Ice Storm and for providing a mechanism whereby we can secure sorely needed aid. Their cooperation is greatly appreciated by the people of Maine.

Mr. President, the Ice Storm of 1998 was unlike anything Maine had ever seen. Having grown up in the most northern part of the State, I know something about ice and snow. But this was less like a storm and more like a carefully targeted and highly effective attack on our electric transmission and distribution system. The damage to that system in Maine alone was $81 million, a formidable sum for the ratepayers of a small state.

Mr. President, there is an erroneous belief in some quarters that because the CDBG money would be used to rebuild the electric infrastructure of investor owned utilities, it will benefit a private corporation and its shareholders. That is not the case. Under the law, a utility earning less than its allowed rate of return, as is the situation with the two Maine utilities, is constitutionally entitled to pass along prudently incurred costs to its ratepayers. And there can be little doubt that the cost of rebuilding the system by which electricity is delivered to our homes and businesses is not only a prudent cost, but indeed, a cost that must be incurred.

Let me make this point somewhat differently. Without federal help, the money to rebuild the system will not come from corporate coffers. It will not come from the pockets of company executives. It will not come from the dividends or equity of shareholders.

Who will bear the expense? It will be the elderly widow who heats her mobile home with electricity and is already struggling to pay her bills. It will be the small company that uses electricity in its manufacturing process and is already fighting an uphill battle because its power costs are 40% above the national average. Indeed, it will be virtually all Maine's ratepayers, who because we all use electricity, are really the same as Maine's taxpayers. That makes them the very people who have paid their fair share to help defray the costs of natural disasters that have struck other regions.

Mr. President, let me dispel another potential misconception. This assistance will not result in special treatment for the citizens of Maine, New York, and Vermont, but rather put them on an equal footing with people in other parts of the country.

To be more specific, it is well established that federal emergency aid can be made available to municipally owned utilities and electric cooperatives. Some might argue that ours is a different situation, in that we are dealing with investor owned utilities. Once again, that argument would make sense if the utility stood to benefit from the relief. But it is the ratepayers who will be assisted by this amendment, and there is no reason why the victims of a natural disaster should be helped if they are customers of a municipal utility or an electric cooperative but not if they are customers of an investor owned utility.

Mr. President, in the case at hand, the utilities are really like the post office. They deliver the bills; they do not pay them. Without the CDBG money made available through this amendment, the people who will pay are those to whom the bills will ultimately come—the ordinary citizens of Maine, New York, and Vermont. And since, unlike a progressive tax system, electric rates are not based on income, those who will be hurt the most will be those least able to afford it.

Let me also emphasize that to use the money provided by this amendment to rebuild our electric infrastructure does not require legislation to authorize a new type of spending. That authority is already found in existing HUD regulations. To quote the relevant language,

> CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines of privately owned utilities. . . .

In short, this amendment provides the funds to carry out an already existing program under circumstances where that program is urgently needed by the citizens of our three states.

To give my colleagues a better understanding of the source of that need, I would offer a description of the storm not in my words but in the words of "The President's Action Plan for Recovery from the January 1998 Ice Storm."

> The storms of January 1998 will not soon be forgotten. . . . While ice storms are not uncommon to the region, the system that battered the . . . region in early January was unprecedented. Below-freezing temperatures combined with record rainfall to cover an area extending from Western New York to Maine with solid ice. . . .
>
> The results were staggering. Massive tree limbs shattered under the weight of the ice, choking roads and trails with wood debris. Power lines snapped, leaving communities without electrical power in bone chilling temperatures. At the height of the crisis, nearly 500,000 homes and businesses were without electric power.

Of greatest significance is the following observation in the President's report: "The single most critical concern is the loss of electric power caused by the storm."

Let me supplement the description in the President's report with facts from Maine. For at least some part of the storm, more than 800,000 people, or seven out of every ten of our residents, lost power. In most instances, they went without electricity for days, lasting in some cases as long as two weeks. When you contemplate this, keep in mind that it occurred in the dead of winter—not a Washington winter but a Maine winter.

The storm spared no one. Not homes, not businesses, not public buildings. Schools across the southern half of the State closed, causing some to cancel their winter vacations to make up part of the lost time. Even the National Weather Service in Gray, Maine lost power for more than a week, during which time it struggled mightily to track weather developments with a less than fully reliable generator. For many, the experience was like the movie, "The Day the Earth Stood Still." Only it lasted far more than a day and occurred during the most difficult time of year.

The restoration of power involved a monumental effort taking 17 days. Twelve hundred utility crews from as far away as Nova Scotia, North Carolina, and Michigan were sent to Maine to help with the effort. Approximately 3000 utility poles and three million feet of electric cable had to be replaced. All of the poles in one ten-mile stretch were down, cutting off power to a large section of a rural county. In the words of Maine's Governor, it seemed like a huge monster had walked across the state deliberately stepping on all of the electric lines in its path.

As if guided by a perverse force, the Ice Storm of 1998 struck a region with some of the highest electric prices in the country. The rates in both Maine and the affected areas of New York are 40% above the national average. Thus, without this federal assistance, the rebuilding costs will fall on some of our country's most heavily burdened ratepayers.

Some of the areas hit by the storm were already economically distressed. Indeed, looking at the entire region, one observer has concluded that the victims of the storm were predominantly persons of low and moderate income who, even without increased electric rates, have been seriously harmed by this disaster.

Mr. President, the two utilities serving the areas affected by the storm in Maine are not wealthy. Indeed, one has been wrestling with serious money problems, and the financial performance of the other has been mediocre at best.

Furthermore, while they are private companies, they are also public utilities. When the ice storm hit, they could not shut down operations. They could not leave the state until times were better. To the contrary, they had a legal and moral obligation to do whatever it took to restore power to people desperately in need of electricity. While their performance will ultimately be judged by the State Public Utilities Commission, there is no evidence that they made anything less than a maximum effort to discharge their public responsibility.

Under these circumstances, should the utilities be able to recover from the ratepayers the cost of rebuilding Maine's electric infrastructure? I would be hard pressed to say that would be an unreasonable result, but in the final analysis, my opinion is irrelevant. What matters, and the only thing that matters, is that the law mandates such a result.

Mr. President, on a comparative basis, Maine is not affluent, but its people have a generous spirit. They believe in helping their neighbors, whether those neighbors live across the street or 3000 miles away.

They have gladly paid their fair share to help their neighbors in California recover from earthquakes, to help their neighbors in the Midwest recover from floods, and to help their neighbors in the Southeast recover from hurricanes. Their generosity has not been limited to money, as they have sent men and women to fight forest fires in the Northwest. They have not split hairs over the precise source or nature of the harm. As long as the ultimate victims of a disaster have been ordinary citizens like themselves, they have stood ready to help.

Mr. Chairman, the situation has changed, and we are now the neighbor in need of assistance. By making funds available to help us defray the costs of rebuilding our electric infrastructure, our neighbors will be treating us as we have treated them.

Mr. LEAHY. Mr. President, I would like to join Senator SNOWE and my other Colleagues from the Northeast in thanking Senator STEVENS and Senator BYRD for agreeing to include emergency Community Development Block Grant (CDBG) funding in the disaster supplemental. This funding is desperately needed to assist in recovery in areas where there are significant gaps in existing disaster programs.

On January 9, the Northeast was hit by an ice storm of an unprecedented scale. The storm downed trees and power lines throughout the northeast. In Vermont, one power company alone replaced more than 50 miles of power lines and 200 power poles. Crews came from as far away as Hawaii to aid in the effort to restore power to the 10,000 people left without electricity for up to 11 days during what is traditionally one of the coldest months of the year. Damage to Vermont utilities was extensive in the six counties declared disaster areas, with storm damage totaling over $9 million. Of that, only $552,648 was covered by FEMA.

The storm was unique in the type of damage it inflicted—buildings, roads, and water and sewer systems were left largely untouched, but electric utility lines and trees were wiped out completely in some areas and suffered significant damage throughout the region. This is not the kind of damage traditional disaster programs were designed to address, as the "Blueprint for Action" report FEMA produced after the storm makes clear. According to that report "the single most critical concern is the loss of electric power caused by the storm."

The Community Development Block Grant program is designed to provide flexible funding to promote economic development. That is exactly the kind of assistance needed to repair the damage to the power infrastructure in the Northeast. The most serious concern raised by the damage to the utility system is the cost it will impose on all Vermont rate payers. At 11.29 cents per kilowatt hour, utility rates in New England are already 64% higher than the national average. This increased cost of doing business is a significant hurdle to attracting and keeping businesses in Vermont. The cost of the storm damage is expected to force some utility companies to seek further increases in electric rates. Any increase would be a serious blow to economic development throughout the region.

The need for Federal assistance to recover from the ice storm is not the result of poor planning on the part of the utilities. All of the affected utilities built average annual storm damage costs into their rate structure. However, the cost of this one storm was so extraordinarily high, that it dwarfed those set-asides. One company is facing damage from this one storm equal to eight times its annual budget for emergency repairs. This is not a cost that these companies can just absorb.

The need for emergency CDBG funding is clear. I strongly support this amendment and urge my colleagues to do so as well.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. STEVENS. Mr. President, the pending amendment, No. 2122, is the CDBG amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, this amendment will provide $260 million for emergency Community Development Block Grants that will fund disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared disasters that have occurred in this fiscal year, 1998. This funding is needed to supplement funding provided through the more traditional emergency disaster programs under the Federal Emergency Management Agency, FEMA, the Small Business Administration, SBA, and the Army Corps of Engineers.

I have concerns about using CDBG funds for emergency purposes, especially since the Department of Housing and Urban Development did not really provide adequate data and accountability concerning the use of these emergency CDBG funds in the past. Nevertheless, this legislation is designed to ensure that funds go to disaster relief activities that are identified by the Director of FEMA as unmet needs that have not been or will not be addressed by other Federal disaster assistance programs.

In addition, to assure accountability, States must provide a 25 percent match for these emergency CDBG funds and HUD must publish a notice of program requirements and provide an accounting of CDBG funds by the type of activity and the amount of funding and the recipient.

Mr. President, I know of no opposition to this amendment. I ask for the immediate adoption of this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is agreed to.

The amendment (No. 2122) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, as I understand it, we will now move to amendment No. 2123, which is the FEMA amendment.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 2123

Mr. STEVENS. Mr. President, is this amendment before the Senate?

The PRESIDING OFFICER. Yes; the Senator is correct.

Ms. MIKULSKI. Mr. President, I rise today to support this amendment to the fiscal year 1998 emergency supplemental bill.

But first, let me extend my deepest sympathies to those communities and families who have had to deal with the loss and anguish caused by the terrible natural disasters over the last 6 months.

From the ice storms in New England that left thousands without power, to the devastating floods in California, and the deadly tornadoes in Florida. Across this country in these States and in others, we have seen the destruction and despair that nature can cause.

I know all Marylanders join me in extending our thoughts and prayers to everyone impacted by the recent disasters.

Mr. President, this amendment will provide $1.6 billion to the Federal Emergency Management Agency to meet its requirements for fiscal year 1998 and prior years.

Mr. President, FEMA is the Government's "911" agency. It is crucial that FEMA have the resources necessary to provide the type of response that our communities so desperately need.

I am pleased that we are finally providing this money as emergency money—off budget. As you know, the VA-HUD subcommittee is annually raided to provide funds for disasters in our emergency supplemental appropriations bill.

Often, the result is that we have to make decisions about cutting critical programs at agencies like the VA, HUD, EPA, NASA or the National Science Foundation to provide funds for the much needed emergency recovery efforts.

Mr. President, this amendment also provides $260 million for the HUD emergency community development block grant—CDBG—account. This money will be used to provide funding for several critical needs:

For disaster recovery needs in communities that are not covered by FEMA, SBA or the Army Corps of Engineers.

This money is designed to fill the gap for legitimate emergency needs.

Mr. President, I am a strong advocate for fiscal prudence. I am also a strong believer in the notion that this is a Government "of the people, by the people and for the people".

The emergency funds provided with this amendment is our way in Congress, in a clear way, of working for the people. When people are suffering, trying to rebuild lives, homes and communities, it is no time to be partisan. The citizens we serve deserve a swift, decisive and effective response.

I am proud that we are working in a bi-partisan way with this amendment to provide the resources necessary to ensure that the agencies responsible can respond to the real needs of our people.

I urge my colleagues to support this amendment.

Mr. STEVENS. Mr. President, this amendment would replenish FEMA's disaster relief fund by $1.6 billion, as requested by the administration, consistent with FEMA's current estimate of the additional funds needed to meet the fiscal year 1998 and prior year disaster requirements.

So far this year, there have been Presidential disaster declarations in 17 States and territories. These disasters include snowstorms, typhoons, tornadoes, flooding, and ice storms. Most of these disasters have been related to the weather phenomenon we now know as El Nino.

While funds are currently available in the disaster relief fund, there are not sufficient funds on hand to meet the total costs which are estimated to stem from current disasters. In fact, FEMA estimates it will need every penny currently in the disaster relief fund to meet the existing cost projections of more than $3 billion from the disasters that have occurred prior to fiscal year 1998.

Included in the $1.6 billion appropriations request are funds for disasters which are also anticipated to occur in fiscal year 1998 based on the 5-year historical average cost of disaster relief. To date, FEMA disaster relief has been running very close to that 5-year average, despite the fact that a number of Senators and some people have raised questions about there being more damage that is caused by El Nino than has been caused in recent years.

I support FEMA's expeditious provision of aid to many of the needy communities that are stricken by disasters and wish to be sure that the disaster fund is fully funded, but, as I stated yesterday, I continue to be deeply concerned about the cost of disaster relief. Each year, we are seeing these costs rise exponentially, and the need for cost containment now is paramount. I urge the authorizing committees to look at these costs and determine if there is some way to reduce the costs for these funds. In the last 5 years, we have appropriated a staggering $18 billion to FEMA for disaster relief compared to $6.7 billion for the prior 5-year period. Clearly, the costs associated with disaster relief are growing out of control.

Unfortunately, we also have learned over the past few years that disaster funds have gone to some facilities like golf courses or to refurbish shrubbery in high-income communities, to facilities associated with universities that already have impressive endowments and revenue-generating capabilities, and to provide housing assistance to some who are really not in need. I really hope that the administration will realize it must put controls on these expenditures if FEMA is to continue to get the support of the Congress.

Moreover, Senator BOND, over the last few years, has pushed FEMA to submit a legislative plan of reforms to control disaster costs. With some reluctance, FEMA did submit a proposal for reforming the Stafford Act last summer. The proposed amendments address several very important areas, including new incentives for mitigation, streamlining the grant process, and eliminating certain facilities currently eligible for disaster relief, such as I said, golf courses. It is critical that this FEMA reform legislation be acted upon by the authorizing committees this year, and I urge them to work with Senator BOND to enact these reforms.

Meanwhile, while it is clear that we expect and need reform of FEMA programs, we also believe that Congress must complete action on this disaster relief funding legislation as quickly as possible, so that the disaster needs of our communities can be met.

I see the Senator from Oklahoma is here. I wish to state, I did reconsider the vote on the prior amendment. I did not know whether it was this amendment or the prior amendment that the Senator wished to address. If he wishes to address the first one, I will be happy to withdraw that and bring it back to where the Senator can offer an amendment to it.

Mr. NICKLES. If the Senator will yield, I appreciate his willingness to do that, because I am opposed to both amendments. I do not find that to be necessary. I will confine my remarks to this amendment. My guess is the outcome would be identical. But I feel rather strongly about it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I notice my colleague from Missouri is here. He is in charge of the subcommittee with responsibility for FEMA. He may want to make some comments on this amendment. Does the Senator from Missouri want to speak on this?

Mr. STEVENS. I will say for the Senator, I have just read his remarks.

Mr. BOND. I thank the chairman.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, yesterday Senator GRAMM had an amendment that said let's fund the 1998 emergencies and we will call it an emergency; we don't have to have an offset. That was the underlying bill. The underlying bill had money for defense, money for Iraq, money for Bosnia, money for the so-called emergencies—weather-related emergencies. I thought he had a good amendment. I did not speak out on the floor, and I wish I had. That was on the underlying bill, which is about $3.3 billion. Now we are looking at an amendment to expand that bill by an additional $1.6 billion. I ask the Senator from Missouri, is that correct—$1.6 billion for FEMA?

Mr. BOND. That is correct. The amendment would appropriate an additional $1.6 billion for FEMA.

Mr. NICKLES. The reason I ask the question is because I have heard this figure bandied around the last few days. But anyway, FEMA did not request any money initially. This is a late request. This is a late request, and the Senators from Missouri or Alaska can correct me if I am wrong, this request did not come in from the administration when they were marking up the bill; this request just came in lately: "Oh, we need an additional $1.6 billion for disasters that we think might happen. And, oh, yes, we want to call it an emergency."

What does that mean? By calling it an emergency means there will be no offsets. These emergencies have not happened yet, but we are basically going to take this $1.6 billion, and most of the money, I might mention, will be spent in 1999 and the year 2000, maybe 2001. The money is going to be spent in the future, but, "Oh, we don't have to put that in the budget."

I am on the Budget Committee, and we had an agreement. The President signed that agreement, and he said, "Here's how much money we are going to spend on discretionary accounts," and we passed it. The President in his State of the Union Address bragged about how good that is: "Boy, now we have a balanced budget. We are going to have a balanced budget for a long time because we worked together."

Well, this is voiding that agreement. This is saying, let's take $1.6 billion for the future and we are going to call it an emergency and, therefore, we don't have to have any offsets—none. It is just going to come out of, I guess, the surplus.

Guess what? The budget that we are going to be considering next week talks about the surplus. Senator DOMENICI did a very good job in working it through. Guess how much the surplus is in the year 2000 when probably most of this money would be spent. The surplus is $1 billion. And we are working on an emergency supplemental, if we adopt this amendment, which will be over $5 billion and probably a couple billion of that will be spent in the year 2000. In other words, certainly if we adopt this amendment, we are going to be spending 100 percent of the surplus in 2 years. And we are spending real money.

I just don't think we should do it. If FEMA wants to ask for this money, it should be in their budget. They come before the appropriators. Senator BOND does a very capable job in that subcommittee. They can come up and say, "Here is the historical average; therefore, we should have a couple billion dollars a year in FEMA for our budget." They have not done that. What they are really trying to do is, "Hey, we want to get around the budget." In other words, we have a cap on discretionary spending but we are not going to include FEMA, like it doesn't count, even though we have historical averages.

I do not think we should prefund the account and call it an emergency. If we want to prefund it, fine. I am just saying we should take the emergency designation off. We should not declare it an emergency; it has not happened. Frankly, if we have an emergency in 3 months, FEMA will not be able to spend the money until the year 1999, and we won't have an appropriations bill. Let's go through the appropriations process.

AMENDMENT NO. 2131 TO AMENDMENT NO. 2123

(Purpose: To ensure that additional funding for the Federal Emergency Management Agency does not reduce the unified budget surplus)

Mr. NICKLES. Mr. President, I send a second-degree amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 2131 to amendment No. 2123.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 1, line 5, strike everything after the word "expended:".

Mr. NICKLES. Mr. President, the essence of this amendment, I tell my colleagues, is it says that we allow the money to go in for an additional amount for disaster relief, $1.6 billion to remain available until expended, period. What I am deleting is the emergency. The additional part of this amendment says that I am deleting "provided these funds will be available only to the extent the official budget request for a specific amount includes the designation of the entire amount of the request as an emergency requirement defined in the Balanced Budget Emergency Control Act of 1985," and so on.

In other words, I am striking the emergency section of this request. So we can put the money in. If there is an emergency, by golly, FEMA has the money; it can pay it. So nobody should say, "Hey, you took money away from my emergency."

What it does mean is, in the budget next year we are going to have to include whatever portion of that $1.6 billion would be spent in 1999 in the budget. We have caps to spend about $580 billion, I am going to guess, next year in the discretionary accounts. This is going to have to be part of it, or, in the year 2000, this will be part of it. This means we still may be able to have a surplus in 2002. It means maybe our budgets mean something.

How in the world can you have a budget and say we are going to have caps on discretionary spending and then we say, "Oh, we're going to fund in advance future emergencies, and, oh, yes, we're not going to count that as part of the budget and it's not necessary to affect the caps"?

Domestic total discretionary spending increased from $274 billion in 1997 to $288 billion in 1998. That is more than a 5 percent increase, and that is for the year we are in right now. All I am saying is if we are going to future fund FEMA, it ought to be in the budget.

I do not object to adding $1.6 billion so FEMA will have the money, and if there is an emergency this year, they can pay for it; if there is an emergency next year, they can pay for it. But what I am objecting to is having it classified as an emergency in advance so there have to be no offsets.

I just think that if we are going to be spending next year in total discretionary spending, that it should be included and get away from this game of, "Oh, we're only going to fund a few couple hundred million dollars in FEMA, and, oh, yes, if an emergency comes up, we will just declare an emergency and it doesn't count." I do not want to spend 100 percent of the surplus in 2000 on this bill. I think that is a serious mistake.

I urge my colleagues to allow the funding to go forward for FEMA, but let's strike the emergency section of this bill so in the future years it will have to be paid for. We will have to incorporate that in our total amount of spending so that our budget will mean something; so a budget that we are going to be working very hard and probably have several contentious and tough votes on, probably a good debate on in the next few days, will mean something.

It is a heck of a deal for people to be saying, "Oh, yes, we're fighting for a balanced budget; oh, we can waive the budget, we can waive it in the future, we don't have to budget for emergencies." We should budget for emergencies. We should have truth in budgeting. We should say, "Hey, this should be included and it shouldn't be exempt from the budget."

I did not say anything about the $3.3 billion. I think Senator GRAMM was right yesterday, but we did not touch that. Certainly if we are going to take it from $3.3 billion to over $5 billion, which is what we are getting ready to do—we started with an appropriations request from the administration that started around $2 billion, and the administration keeps sending amendments up: "Oh, yes, now we have a little amendment; we want another $300 billion, some $260 billion, I think, for community block development grants," that was just adopted. "Now we have another little amendment, $1.6 billion for FEMA; "oh, yeah, we would like that, too."

They did not give us that request when we had the markup. They did not give us that request 2 weeks ago. But all of a sudden, they just determined a new need. The reason they determined a new need, in my opinion, is they said, "Hey, if this is an emergency, this will give us more money to spend next year for other purposes." I think that is wrong. I think it is a serious mistake.

So I urge my colleagues to adopt our second-degree amendment and strike the emergency portion of this future funding for FEMA.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, while I appreciate the concerns of the Senator from Oklahoma, let me clarify one point that I think may be somewhat confusing. The funding in this amendment is to reimburse FEMA and to cover costs for disasters occurring in this and prior fiscal years, not in future fiscal years. It would simply allow us to begin fiscal year 1999 without an enormous, outstanding disaster relief requirement. In particular, this $1.6 billion appropriation includes funds to cover the costs of disasters anticipated to occur in the balance of fiscal year 1998. This amendment is not about advance funding, but is intended to provide the necessary funding only for disaster relief requirements for fiscal year 1998 and prior years.

The Senator from Oklahoma has expressed his concern about the cost of disaster relief. No one has been more concerned about the cost of disaster relief than I. In our subcommittee, we have held a number of hearings focused almost solely on FEMA reform and the exploding costs of disaster relief. In response to these hearings, we demanded that the administration and FEMA submit a responsible package of Stafford Act amendments. While FEMA has provided a package of FEMA reform amendments, these are a difficult sell, although we remain hopeful that the authorizing committees will work to implement these and other reforms.

I have been joined by my distinguished colleague and ranking member from Maryland, who had the great privilege and high honor of chairing this subcommittee previously and has been an absolutely essential part of the committee deliberations. I will ask her in just a moment to address some of these.

I emphasize that we need to amend the Stafford Act. We also need administrative changes. Nevertheless, at the same time, these FEMA funds of $1.6 billion are needed now to meet current FEMA requirements. This appropriation is needed to ensure that we have adequate funding for disaster relief.

Nevertheless, there are a number of us who are very much concerned about the cost of disaster relief. Each year, we see the costs of disaster relief rising exponentially. The need for cost containment is paramount. For example, in the last 5 years, we have appropriated a staggering $18 billion to FEMA for disaster relief, compared to $6.7 billion in the prior 5-year period. While I know we have had some major disasters in the last 5 years, we also had significant disasters in the previous 5 years. The costs are clearly out of control.

As I have noted, for several years, I requested that FEMA submit a legislative plan to control disaster costs. After cajoling and arm twisting, threats of reduced funding, FEMA finally submitted a proposal for reforming the Stafford Act last summer. The proposed amendments address several very important areas, including new incentives for mitigation, streamlining the grant process, and eliminating certain facilities currently eligible for disaster relief, such as golf courses.

This is how we must address the cost of disaster relief. It is far better for authorizing legislation to say what we are going to replace and for what we are going to provide assistance. It is very difficult to address disaster relief issues after the fact when people come to the floor and there is a great outpouring of sympathy. I have been here, I have done that, I have seen it. We have a T-shirt with it emblazoned on it. Once there is a disaster, people come in and they have all of these needs for disaster assistance. And I might say that this body has been extremely generous and, in some ways, we have opened the floodgates.

Well, we are not talking with this amendment about what we would do in the future. We are talking about requirements that have already occurred. I strongly agree that in the future we should limit disaster aid to those truly in need, to people, to entities, to communities that cannot protect themselves against disaster. If they are a profitmaking business, if they are a revenue-generating business, then let them purchase insurance, let them take care of their needs in advance. We need to come in and help those who truly cannot help themselves. However, until we do that, we have to do something to fund and to provide the resources for the commitments already made.

If the Nickles amendment succeeds or if this amendment is not adopted, we are going to be facing in the VA-HUD Subcommittee a $4 billion lien against the bill. And there will be some very untenable choices. We are the ones, Senator MIKULSKI and I, who have to take the first cut at funding the programs in the VA/HUD Appropriations Subcommittee. To be clear, without this amendment, it will be very difficult for us to even meet the President's request for Veterans Administration medical care, which is $40 million less than the fiscal year 1998 level. We would be shorting veterans medical care which is not acceptable. In addition, we would be forced to make drastic cuts to low-income housing, including elderly housing, EPA, and Superfund, as well as important space and science programs.

I can tell you that this will not be pretty. I can tell you that the disasters have occurred and that commitments have been made. The question is, will we, in this measure, replenish those funds and carry through on the obligations FEMA has made for this year?

As we look to the future, I would love to see us get disaster relief under control with an appropriate authorizing reform measure and also adjust the budget for regular and timely disaster appropriations. Disaster relief needs are running over $3 billion a year—to some $3.6 billion a year. If we are serious about meeting FEMA disaster requirements in the future, I would love to see the budget take account of the needed $3.6 billion worth of FEMA disaster relief requirements each year. We are not there yet, but I am committed to getting FEMA disaster relief and disaster relief requirements under control.

Mr. President, I see my distinguished colleague on the floor. I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to support the Bond-Mikulski amendment and also to oppose the second-degree amendment offered by our colleague from Oklahoma.

Mr. President, I want to support my colleague from Missouri, the chairman of the subcommittee on appropriations for FEMA, Senator BOND, in his remarks about the need for the reform on the funding of FEMA.

Now, Mr. President, let me take a few minutes to say that during the last 5 years FEMA has reformed itself. Prior to James Lee Witt becoming the Administrator, FEMA itself in the way it responded to disasters was a disaster. Each President—Mr. Reagan and then Mr. Bush—often had to send in a trusted aide to oversee whenever disaster affected a community because FEMA itself was so obsessed with a bunker, cold war, civil defense, hide-under-your-desk mentality for nuclear warfare, that it had not gone to a risk-based strategy to be able to respond to the disasters that America faced.

When Hurricane Andrew so devastated Florida that the response of FEMA itself was a disaster, President Bush sent the very able and talented Secretary of Transportation, Mr. Card, to Florida because FEMA could not get it together to do the job.

I think we are all agreed that now FEMA has moved into being an appropriate agency for the post-cold war era. It has focused on the domestic needs of the American people. It has gone to being an all-hazards response agency for not only natural disasters but any of the other kinds of disasters that it has faced. It has worked with Governors and State agencies on three things: readiness and preparedness, response, and then rehabilitation after that response—the three R's of disaster response.

Now, when we have responded, the need has spoken for itself. And that is what is in this year's appropriation—an urgent supplemental. This is the need. It is not a made-up need; just like it was not a made-up disaster. We are living in the year of El Nino. And El Nino is the weather event of the century and has really triggered a variety of natural disasters throughout the United States. As has been indicated in Senator BOND's testimony, there have been 17 Presidential disaster declarations this year in both States and territories. This $1.6 billion will address current needs and the total cost which will be generated from the current disasters. These needs are certainly emergency needs, just like over the last 5 years FEMA has incurred an average of $2.3 billion in obligations each year; and each year the VA Subcommittee absorbs the cost; and each year we take it out of other Federal agencies within our subcommittee.

Now, we do not take it out of agriculture. We do not take it out of defense. We take it out of the 25 different agencies that are within the VA Subcommittee. We have already given, and we have given over a number of years. We cannot continue to do it this way.

I support in the most enthusiastic and the most firm way the call of the chairman, Senator BOND, for a new authorizing framework on how we are going to fund FEMA.

Lots of times, because of compassion or empathy, we then often repair things that might raise eyebrows. But in the midst of a disaster, no one wants to say no to community need. When it comes to disaster funding, we cannot have it both ways. When the Clinton administration has asked for a contingency fund to handle these disasters and emergencies, it has been dismissed as a slush fund. "Well, you can't have a slush fund. We'll do it as pay as you go. Let's see what the disasters are and make it up in the urgent supplemental." Well, now we are making it up in the urgent supplemental and at the same time we know that this isn't the most desirable way to do it and therefore need the authorizers to set that policy.

But I must say, the authorizers and the authorizing committees have not given this the attention it deserves nor have they had the same sense of urgency that is required when we meet disaster funding. So, therefore, for this year, please pass the Bond-Mikulski amendment; and also for this year's legislative session, give us a new authorizing framework, invite our participation, as well as the National Governors' Association, as well as the Director of FEMA, and have a bipartisan approach to how we are going to fund disasters in the future. But do not penalize the other agencies within this subcommittee because of the fact that El Nino and many other terrible situations have affected the American people.

Our heart goes out to the people who have been hit by the ice storms in New England, and the horrendous tornadoes that devastated Georgia and Florida. There are these disasters. And if we are going to be in this, we have to have, No. 1, a new authorizing framework; No. 2, adequate funds, and, No. 3, maybe we have to also come up with new mechanisms where perhaps residents and businesses have a new insurance framework to be able to practice self-help. But we cannot do this today on the urgent supplemental.

What we can do is meet obligations made which need to be obligations met. So I urge the defeat of the Nickles amendment, the support of the Bond-Mikulski amendment, and then let us have a new authorizing framework.

I want to thank the chairman of the subcommittee for the way he has worked hard on this. We look forward to moving this legislation and meeting the obligations that have been made, at the request, I might add, of Governors. President Clinton doesn't make these up. For it to be a FEMA-declared disaster grant it has to come at the request of a Governor.

I might add, when disaster hits, you don't know if it is a Democratic Governor, you don't know if it is a Republican Governor. We just know for all Americans it requires the response of the Federal Government.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Oklahoma.

Mr. NICKLES. Madam President, I appreciate the comments of both my friends and colleagues. I had the pleasure of serving on this subcommittee with them. They do an outstanding job.

Let me make a couple of comments. Is this an emergency? I don't think so. I have been informed that the administration requested this $1.6 billion yesterday. Wait, these disasters have happened for the last several months. They requested this yesterday. Gravy train.

The Senate is in the process of moving an appropriations bill, and they are calling it an emergency bill. If the Senate was having "pay fors," which we probably should do, they wouldn't be doing this, in my estimate. Maybe I am wrong. I know in the past this committee has already made some changes on section 8 to pay for it. I compliment them for that.

I am not faulting my colleagues on this subcommittee. I am faulting the Senate, I am faulting the Budget Committee, because we have gotten this historical, sloppy budgeteering process for FEMA that we will be funding at $300 million a year when it averages $2 billion or $3 billion a year.

I agree entirely with my colleagues from both Missouri and Maryland. They say we need to reform the FEMA funding process. That is exactly right. Maybe now that I have had a chance to look at it, I can help you with that. Let us give it a little attention. We need to give it attention. This is ridiculous.

For my colleagues who think we are budgeting and we are real serious next week, we are serious, except for when we happen to call something an emergency. This wasn't an emergency 2 days ago, but it is an emergency now. So here is another $1.6 billion. We just had an emergency, too. We are going to add $260 million on community development block grants.

Let me read something from the committee report on community development block grants. I was going to oppose both. The vote will be the same. This is from the committee report, and I compliment the authors.

> The committee remains concerned about the Department of Housing and Urban Development's administration of $500 million in emergency community development block grant funding which was provided in fiscal year 1997, Emergency Supplemental Act, public law 105-18, June 12, 1997, last year's urgent supplemental. This was an unprecedented amount of emergency community block development grant funding and it raised a number of concerns regarding inadequate award procedures and accountability measures. Despite repeated requests by the committee, HUD has provided little or no data regarding the funding procedures for emergency CDBG funds for the amounts of CDBG funds allocated by HUD to the States and localities by the amount or activity. It is expected that by April 15, 1998, HUD will provide a summary of the procedures used for allocating and awarding emergency CDBG funds, a summary of all waivers made, and a list of all grants by State, locality and activity.

I compliment them for doing it. But the net essence is last year we gave community development block grants $500 million in emergency funds, and HUD can't account for it. We added $260 million this year, and in addition we are adding $1.6 billion. In a period now we are going to spend $1.9 billion, call it emergency, and say none has to be counted as discretionary spending under the budget. Almost all of this money will be spent in 1999 and the year 2000, probably 100 percent of it, yet it is off budget, it doesn't count.

Every penny of that is coming out of the surplus, every single penny. I heard the President, "We will save that surplus for protecting Social Security"—except for what he calls an emergency. And we have a supplemental bill going through and it has emergency designation. Let's pile on, let's add some more money, add $1.6 billion, make it $1.9 billion.

They gave us that request yesterday, and we are going to submit to it. The managers of this bill will probably win and so we are going to spend probably 100 percent of the surplus in the year 2000 in this bill on this amendment. The year 2000, the Budget Committee did good work, but we have a $1 billion surplus forecasted for the year 2000—$1 billion—and we are going to spend it because we are calling it an emergency.

All I am saying, is that it is not an emergency. Those funds should be allocated and should be under the caps. We should pay for it. I want to pay for emergencies as much as anybody else in this room, but we should put it in the budget. This is a fraud on the whole budget process to say emergency spending, we are not going to count that for the future years.

Mr. GREGG. Will the Senator yield?

Mr. NICKLES. I am happy to yield to the Senator.

Mr. GREGG. Didn't we say we were saving the surplus for Social Security? Didn't the President in the State of the Union say that surplus would be reserved in addressing Social Security? And if we undertake this procedure, which is a request from the administration——

Ms. MIKULSKI. We can't hear you.

Mr. GREGG. Soft-spoken.

The question I was asking the Senator from Oklahoma, didn't the President, in the State of the Union, say we were going to save the surplus until the issue of Social Security had been addressed? Shouldn't we be saving the surplus for Social Security? Doesn't this proposal which has come up from the administration essentially undermine that goal of saving the surplus for Social Security?

Mr. NICKLES. To respond to my friend and colleague from New Hampshire, who also serves on the Budget Committee, he is exactly right. The President said we wanted to save every penny of the surplus for Social Security, and right now we getting ready to spend it.

My amendment, I might remind my colleague from New Hampshire who has had some disaster, and several other States—I don't want anybody coming to the floor and voting against this saying, "I need to fund my disaster because we had flooding," or, "We had a freeze," or, "We had milk cows that needed assistance," or whatever that emergency might be, we put money in for the emergency. We put money in to fund the emergency.

We are just saying it has to be on budget so next year we will have to plug money in. We can't get away with the $300 million facade we have been doing under the Budget Committee and under the Appropriations Committee and pretending we are funding things.

All I am saying is go ahead, put the $1.6 billion in to take care of whatever emergency, but take the emergency designation off so Congress will have to live within the caps and hopefully still have a surplus so we can save Social Security.

Mr. GREGG. If I could continue that line of questioning, if you were to support your amendment, you would be protecting the surplus for Social Security, or hopefully for Social Security, but at least this spending which is incurred as a result of this proposal would come under the budget process in the manner which would require it be accounted for in the caps and therefore it would not impact the surplus.

Mr. NICKLES. The Senator is exactly right. I appreciate the comment.

I yield the floor.

Ms. MIKULSKI. Will the Senator yield?

Mr. NICKLES. I yield to the Senator.

Ms. MIKULSKI. Let me understand the consequences of what the Senator from Oklahoma is recommending.

If the emergency designation is removed, the phrase "emergency designation," then what are the consequences to that? Does that mean we have to find offsets? What would be the consequences of following the Senator's suggestion?

Mr. NICKLES. To respond to my colleague from Maryland, the consequences would be this: We would appropriate $1.6 billion for FEMA. There would be money in FEMA's account to meet whatever emergencies might arise. It also means that the money that is spent when spent in the year 1999 and the year 2000, which is when the money would actually be spent, would come under the caps. And we have caps, we agreed to caps, we said here is how much money we will spend on discretionary spending accounts. It is $580-some billion. That money would have to go in that amount.

Ms. MIKULSKI. Where does the money come from? Is the Senator saying this would require us to identify offsets?

Mr. NICKLES. It would mean that it would have to come within the total amount of money that we have on domestic discretionary spending caps. It would be in that amount, several hundred billion.

Ms. MIKULSKI. I don't understand that. I appreciate the Senator's in-depth knowledge of the Budget Committee, but if I am a Governor, say, in California or Florida where the bulk of the El Nino disasters have occurred, what are you saying that we should do to fund? You say it is under the caps and all this. If we follow your suggestion, do we or don't we have to find offsets for the $1.6 billion?

Mr. NICKLES. To respond to my colleague, this year, 1997, we have domestic discretionary caps at $288 billion. What we will have to do is fund it within that amount. To answer you specifically, if you wanted to stay on your HUD baseline—you have a baseline, all the other subcommittees have a baseline—you would either have to fund it within your baseline, within your group, within your subcommittee, or if that wasn't possible, you would have to borrow from some other subcommittee, but the total would have to stay on the cap amount.

Ms. MIKULSKI. That would mean finding an offset.

Mr. NICKLES. Right.

Ms. MIKULSKI. To be clear, talking of baseline and living within caps, if we eliminate the emergency designation, fund the $1.6 billion, it means we will have to find $1.6 billion by taking money from some other account or some other agency or agencies; am I correct in that?

Mr. NICKLES. Let me respond.

The $1.6 billion, in all likelihood you would have about, I will say, $600 million next year and probably $600 million——

Ms. MIKULSKI. Do we or do we not have to use offsets?

Mr. NICKLES. Madam President, you have to use offsets; $600 million in 1999, we have a total amount of spending on domestic discretionary side. I have the 1997 figure of $288—it is more than that in 1999.

I might mention, between 1997 and 1998, it went from $274 to $288, an increase of $14 billion that went into domestic discretionary accounts. I don't have the figure in front of me, what it increases in the next year, but there was $14 billion in increases. You only have outlays of about $600 million. Somewhere in that $288 or almost $300 billion we have to find an offset. I think we should do that.

Ms. MIKULSKI. Which means it has to come from another agency.

Mr. NICKLES. If I can respond, it would either come from within your subcommittee's budget or it could come from some other budget. Some budgets have been growing. I mention we had a $14 billion growth in domestic discretionary between 1997 and 1998. It could be in the growth funds. We are only talking about maybe $600 million or $500 million per year. It could come out of your subcommittee or out of another subcommittee, but the point is it would be accountable.

We wouldn't have something totally extraneous to whatever budget agreement we come up with.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Madam President, let me get in on this very elucidating discussion my colleagues are having. It seems to me that if the emergency designation was taken off the FEMA amendment without offsets, I believe this bill would be subject to a point of order. In particular, we would have to come up with offsets of $1.6 billion in budget authority for the current year. Plus, we also would have to offset the outlays.

If you are trying to take $1.6 billion in budget authority out of a program 7 months into the year, the impact on any one program would be devastating and, in many cases, would defund the program. If there are programs with such offsets which my colleague can identify where there is totally wasteful spending, we would be happy to discuss those offsets. Frankly, I don't know of any program from which we could take $1.6 billion in budget authority out of this year's appropriations in the current fiscal year 1998.

I agree with many of the things the Senator from Oklahoma has said. He is very eloquent. I look forward to going into battle with him to trim down and to rationalize the emergency funding process. We need a champion like the Senator from Oklahoma. I really appreciate him reading the plaintive words we put in the committee report. I did not think anybody read committee reports. I am deeply indebted to my colleague for laying them out for the Senate, because nobody would have believed me if I had read them.

But this process of putting money into CDBG has gotten out of control. Frankly, what we said in the committee hearings was far stronger than what I said in that committee report. The $500 million we appropriated for the CDBG emergency program in FY 1997 was more than I recommended. This was for the disastrous flooding in the Upper Midwest. I thought CDBG emergency funding was out of control, and, frankly, nobody has yet been able to tell us where the money has been spent. I wish that everybody who so strongly supported and steamrolled the passage of that emergency designation and that emergency CDBG funding would come and help us look through the debris of the accounting systems and find out where the money went.

But that does not change the fact that we have, in this measure, tried to establish for emergency CDBG funding some criteria and some guidelines to make sure that the money is not totally wasted. We say the money has to go to disaster relief activities identified by the Director of FEMA as unmet needs that have not or will not be addressed by other Federal disaster assistance programs. To ensure accountability, States must provide a 25 percent match for these emergency funds and HUD must publish a notice of program requirements and provide an accounting of the CDBG funds by the type of activity, by the amount of funding, and a listing of each recipient. That is our effort to get a handle on these things.

The Senator from Oklahoma has identified a much larger problem. We need to get a handle on our disaster program. We have attempted to establish reforms. I lost out. I was steamrolled last year, and I am sure someday we will find out where the money went. But in response to emergencies, we come through again and again and we are very generous. For example, in July of 1995, we put in $39 million in CDBG funds for the Oklahoma City bombing, which was a real disaster. That was put in as an emergency and it was offset.

Now, the problem of offsets is a problem that we have faced every year. Over the last 3 and a half years, we have offset the cost of emergencies out of HUD section 8 housing reserves at a cost of some $10 billion. Last year alone, Congress used $3.6 billion in excess section 8 reserves to pay for disaster relief.

Madam President, the well has run dry. We are at the bottom. If you want to start throwing people out of publicly assisted housing and say that rather than designate the FEMA amendment as an emergency, we are going to walk down the street and tell a sweet little lady in section 8 housing that we need to balance the budget, that we are sorry, but your section 8 assistance is no longer valid and you have no housing—well, that is harsh and not acceptable. However, these are the kinds of decisions we have to make. Nevertheless, I am delighted to know that we will be working with the Senator from Oklahoma in an attempt to reform FEMA programs and get FEMA expenses under control.

I urge my colleagues to support a motion, which I must regrettably make, to table the second-degree amendment. I certainly want to give my colleague the opportunity to conclude, and the Senator from Maryland, if she wishes.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Madam President, I appreciate the comments made by my good friends from Missouri and Maryland. I do look forward to working with them.

We need to reform this program. A lot of evidence is in need of reforming this program because, in fact, we do not fund it but then every year we come up and start asking for more money. I want to tell my friend and colleague from Maryland something, because I gave you half an answer. I said that within the caps we would have to offset, although the caps have increased. There is one other option. If we breach the caps, the budget law calls for a sequester to offset. That is how that would happen—one of those two ways. I wanted to make sure of that. That is my purpose. I think we should stay within the caps, so we can keep more money to either pay down the debt, or if there is a surplus, we can save Social Security or give taxpayers relief, not spend more money.

I hate to work so hard on the budget and come and say we are going to have a great big bill and spend billions of dollars. This started at $2 billion, and now it is going to be over a $5 billion bill. My colleague from Missouri mentioned that I read the committee report. It said that in last year's emergency bill we spent $500 million, I tell my friend from Alaska. We do not know how they spent it.

I compliment my colleagues that are heading up the HUD subcommittee. They are trying to stay up with the housing people and say, "Where did that money go?" It is not accountable. Then I heard, "Well, we spent $500 million on rebuilding one hospital." I appreciate the fact when Oklahoma City had the Murrah Building bombing in 1995, which killed 169 people, we put in $39 million. We also paid for it; we had an offset. That was good. I might have supported it without an offset.

But I think we ought to be within the budget and try to fix this problem. We ought to find out what happened to that $500 million Community Development Block Grant money last year. I do not like that. I would have opposed the amendment. I was going to oppose the $260 million add-on for Community Development Block Grant money. I am bothered that the administration didn't request this money until yesterday, if this was such an urgent need and we had to have this for these emergencies. They came up yesterday. They had plenty of money a week ago. But all of a sudden, now we need the money. I cannot help but get the feeling that they see a gravy train coming along and we are going to call this thing an emergency and say, give us an extra almost $2 billion so we can fund a lot of things that will be off budget, so we don't have to live by the caps.

Mr. STEVENS. Will the Senator yield there?

Mr. NICKLES. I would be happy to.

Mr. STEVENS. When I was informed that we were running out of money, according to the projections for FEMA, and would be out of money if they met all of the disaster requirements for fiscal year 1998, I said we had to do something about it but we would not do anything about it unless we got a request from the administration. That is why it came in yesterday.

Mr. NICKLES. Do we have the request in writing? The staff informs me that we do. I have not seen that. I would appreciate a copy of that. It is a heck of a deal. Here we are on Wednesday, and this request came in on Tuesday to give us another $1.8 billion or $1.9 billion, and we are just going to do it. For the life of me, if this is that much of an emergency, you would think James Lee Witt would have been working on every Member of the Congress saying, "We have to have this money." He has not.

What I was hearing up until a week or so ago is that they had enough. Now, all of a sudden, they need $1.6 billion or $260 million on Community Development Block Grant money, and we do not even know how they spent $500 million last year. They cannot even account for that $500 million of the emergency money last year. Yet, we are getting ready to give another $260 million plus $1.6 billion for FEMA. I think that is a mistake. I am told that there are no community block development requests from the administration—none. There may be a verbal request, but no written request. I am assuming that is what my staff is telling me. They did not make the request, but we gave them the money anyway. I know some of my colleagues would like to have that money.

Mr. BOND. Will the Senator yield?

Mr. NICKLES. I will yield.

Mr. BOND. The request for emergency CDBG funds came from our colleagues. If you wish to have all of them speak to you personally, I would be happy to direct them to you. I can assure you that the $260 million in emergency CDBG funding is significantly less than has been requested by our colleagues in this body.

Mr. NICKLES. I am getting too many fights going at the same time. I have a nice engagement with Senator KENNEDY on a HCFA add-on that was put into the budget, which we will be voting on later. And $1.6 billion is on the floor now. That is enough. I am not trying to anger Members; I am trying to have a little bit of fiscal responsibility.

Again, since FEMA did not make this request until yesterday, I cannot believe it is that urgent. But I remind my colleagues, my amendment does not strike the $1.6 billion; it just says that the emergency classification will not be in there. So for next year's budget it will have to live within the caps, and for the following year it will have to live within the caps. That is the essence of my amendment, so we can help protect the surplus and maybe give taxpayers some relief.

So that is my hope, and that is my desire. If there is going to be a motion to table my amendment, I urge colleagues to vote no on tabling the amendment.

Mr. BOND. Madam President, I was preparing to move to table. But I wondered whether my colleague was going to offer a similar amendment to take the emergency designation off of the CDBG, and if he wanted to have one vote serve for two——

Mr. NICKLES. No. The result would be the same.

Mr. BOND. That would certainly expedite matters and allow us to express ourselves. There will not be an effort to change that. So this will be on the second-degree amendment to FEMA.

Madam President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Oklahoma.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The result was announced—yeas 68, nays 31, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—68

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grassley
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Roberts
Rockefeller
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—31

Abraham
Allard
Ashcroft
Brownback
Burns
Coats
Craig
Enzi
Faircloth
Feingold
Gramm
Grams
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kohl
Kyl
McCain
Murkowski
Nickles
Robb
Santorum
Sessions
Smith (NH)
Thomas
Thompson

NOT VOTING—1

Roth

The motion to lay on the table the amendment (No. 2131) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The distinguished senior Senator from Alaska is recognized.

AMENDMENT NO. 2123

Mr. STEVENS. Mr. President, I ask for a vote on the pending amendment, the amendment of the Senator from Missouri, Senator BOND. I urge adoption of the amendment at this time.

The PRESIDING OFFICER. Without objection, the underlying amendment of the Senator from Missouri is agreed to.

The amendment (No. 2123) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I ask unanimous consent to set aside the pending amendment so Senator HELMS may offer his amendment. And I state to the Senate that this amendment will require a rollcall in the not-too-distant future.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished senior Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I have an amendment at the desk that I want to call up momentarily, but not at this minute.

Mr. STEVENS. May we have order, Mr. President?

The PRESIDING OFFICER. There are 14 doors. If you want to talk, use one of them.

Mr. HELMS. Mr. President, I thank the Chair.

As I was saying, I, first, want to offer my personal assessment of some of the red hot rhetoric coming from and by critics of the United Nations, and even from this administration, regarding the decision by the Congress to withhold a portion of the funding for the United Nations until genuine reforms are implemented by the United Nations. I happen to know quite a bit about this as a result of my having spent months and hundreds of hours in painstaking negotiations with Members of both the House of Representatives and the U.S. Senate and the administration in coming up with a legislative package to pay the so-called "U.S. arrearages" to the United Nations in exchange for meaningful reform of the United Nations.

That package of reforms passed the Senate twice—once by a vote of 90 to 5. And the conference report has been filed with the House and Senate. But, unfortunately, by an astounding display of administration priorities, the White House chose to block this reform bill at the end of the first session of this Congress after the House of Representatives added one single provision protecting unborn babies from deliberate mass destruction.

Amidst all of that, our able and distinguished Secretary of State was reported as having claimed that not paying the United Nations would result in what she called a "shutdown of our national security policy." That statement, by a lady whom I admire and respect, surprised and saddened me, Mr. President, because Madeleine Albright is bound to know better than almost anybody else that U.S. national security policy is run out of the White House, along with the State Department, which Madeleine Albright, of course, heads. And also it is run by the Defense Department.

But, Mr. President, Congress has a critical role in all of this as well—"this" being a tripartite system of government that we have in our country. The security policies of the United States are not run by the United Nations, nor by the U.N. Security Council, nor by Kofi Annan. Thus, holding out a portion of U.S. funds for the

United Nations in exchange for long overdue significant reforms designed to strengthen the U.S. national security certainly will not result in a "shutdown of our national security policy."

It is not surprising, however, to hear the familiar anti-American drumbeat out of the United Nations and from some of its members. I find it interesting that some diplomats at the United Nations undiplomatically tossed around the name "deadbeat," referring to the United States. In fact, the U.N. Secretary General, Mr. Kofi Annan, implied as much in his March 9 New York Times op-ed piece entitled, "The Unpaid Bill That's Crippling the U.N."

I have a chart here showing that article by the Secretary General, and I hope the people operating the cameras will make that clear.

I like Kofi Annan fine. He has visited me a number of times—one time recently in my office in the last 10 days. But in this piece, the Secretary General made the absurd declaration, a non sequitur, if I ever heard one. And I quote him: "Fiji has done its part. What about the U.S.?"

Well, Mr. President, the Secretary General is a man, I must reiterate, whom I have regarded and have often described as an honorable man. I brought up his statement when he visited me in my office 2 weeks ago.

And, by the way, Mr. President, just for the record, Fiji's United Nations' assessment for 1998 was precisely $47,636. The assessment for the United States, our country, on the other hand, was billed for $297,727,256. But that is not the all of it. The U.S. taxpayers will pay a total of $901 million to the United Nations and its affiliated agencies and other international organizations in fiscal year 1998. And that does not include another $210 million that American taxpayers are being demanded to pay for U.S. peacekeeping. And that all adds up to $1.110 billion.

So, it goes without saying that our friend, the U.N. Secretary General—I suppose in trying to be a little bit cute—in fact ended up both absurd and untruthful. And I do hope that it was his staff, not the Secretary General himself, that came up with that quip. Because, as I say, I have always regarded Kofi Annan as a sensible man.

Nevertheless, it is a perfect example of the disingenuous, even dishonest arguments being floated to misrepresent the United States of America, designed to make us pay even more than what we are willing to or obliged to pay in support of the United Nations. Clearly, it is time for Congress to meet head on such outrageous charges from those who do not represent American taxpayers. That is what my amendment is intended to do.

AMENDMENT NO. 2130

(Purpose: To recognize the generous support of United States taxpayers towards international peace and security)

Mr. HELMS. Mr. President, I now call up amendment No. 2130 and ask that its text be read in full and the cosponsors identified. I hope the full text of the amendment will appear in the Congressional Record at this point, following which I shall continue my discourse.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. Helms], for himself, Mr. Lott, Mr. Grams, Mr. Gregg, Mr. Hollings, Mr. Byrd, and Mr. Faircloth, proposes an amendment numbered 2130.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC . UNITED STATES TAXPAYER SUPPORT TOWARDS INTERNATIONAL PEACE AND SECURITY.

(a) Findings.—Congress finds that—

(1) 8,500 men and women from the United States Armed Forces are currently serving in and around Bosnia, and 44,200 men and women from the United States Armed Forces are currently serving in and around the Persian Gulf;

(2) the Department of Defense has spent $2,200,000,000 in fiscal year 1995, $3,300,000,000 in fiscal year 1996, and $2,973,000,000 in fiscal year 1997 for the incremental costs of implementing or supporting United Nations Security Council resolutions for which the United States received no credit at the United Nations;

(3) as of March 1, 1998, the United States Federal debt totaled $5,537,630,079,097;

(4) as of the date of enactment of this Act, the United States, according to an audit by the General Accounting Office, has spent more than $6,400,000,000 in incremental costs to the Department of Defense in and around Bosnia for which the United States received no credit at the United Nations;

(5) the President is now requesting an additional $486,900,000 for United States deployments in and around Bosnia and $1,361,400,000 for United States deployments in and around the Persian Gulf in "emergency fiscal year 1998 supplemental funds";

(6) those funds are in addition to the President's request for $1,020,000,000 in arrears for all assessed contributions to international organizations, including a request for $658,000,000 for United States arrears for United Nations peacekeeping operations;

(7) in response to spiraling United Nations peacekeeping costs and excessively broad mandates, the President on April 30, 1994, approved Public Law 103–236, which in section 404 limits the payment of the United States assessed contribution for any United Nations peacekeeping operation to 25 percent of the total of all assessed contributions for that operation;

(8) the United Nations continues to charge the United States for 30.4 percent of the costs of United Nations peacekeeping operations, despite Public Law 103–236;

(9) the United Nations continues to demand payment from the United States of the difference between 25 percent and 30.4 percent of bills for United Nations peacekeeping operations;

(10) United States law prohibits payment of those amounts as arrears to the United Nations, and the United States is not obligated to pay those amounts.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) United States taxpayers should be commended for their generous and unparalleled support in maintaining international peace and security through these additional contributions in support of United Nations Security Council resolutions, and that the United Nations should acknowledge publicly the financial and military support of the United States in maintaining international peace and stability;

(2) the United Nations should immediately reduce the percentage that the United States is assessed for United Nations peacekeeping operations to 25 percent to reflect United States law that limits assessments the United States will pay to support United Nations peacekeeping operations.

(c) Recognition of United States Support.—

(1) Report by the security council.—The President should direct the United States Ambassador to the United Nations to introduce a resolution in the United Nations Security Council, requiring that the Security Council publicly report to all United Nations member states on the amount of funds the United States has spent since January 1, 1990, in implementing or supporting United Nations Security Council resolutions, as determined by the Department of Defense.

(2) Demarche to security council members.—The Secretary of State should issue a demarche to all member countries of the United Nations Security Council, informing them of the amount of funds, both credited and uncredited, the Department of Defense has spent since January 1, 1990, in support of United Nations Security Council resolutions.

(d) Report to Congress.—Not later than 45 days after the date of enactment of this Act, the President shall submit a report to the Committees on Appropriations and International Relations of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate with regard to actions taken to carry out the provisions of subsection (c).

Mr. HELMS. Mr. President, instead of complaining that the United States is not handing over even more millions and millions of dollars, the United Nations and its members should be thanking the American taxpayers for their generosity for the past 50 years and the support of the United States, which continues to provide it. I doubt that anybody will seriously argue that the United Nations would even exist today had it not been for the United States and for the generous support provided by the American taxpayers through good times and bad times. So the pending amendment stresses this obvious truth and suggests that the United Nations tone down its crybaby rhetoric and acknowledge the plain truth. The amendment also calls upon the United Nations to adjust its peacekeeping assessments to reflect the 25 percent U.S. support for peacekeeping costs that the Congress and the administration have agreed to pay.

The amendment further asks that the administration introduce a resolution in the U.N. Security Council to require the United Nations to report the total amount of money the United States has paid in supporting and/or implementing Security Council resolutions since 1990 and for the Secretary of State to inform all United Nations members of this report.

Finally, the amendment requires the President of the United States to detail all actions taken by the United States to carry out the aforementioned recommendations.

Mr. President, let me offer several examples of why the pending amendment is essential. First, a scandalous situation in which the United States is treated unfairly involves the assessment for regular operations of the United Nations. This past December, the United Nations General Assembly voted to reduce the minimum assessment a country must pay to be a member of the United Nations. They reduced it from one-hundredth of 1 percent, that's 0.01, to one-thousandth of 1 percent, 0.001, and the Clinton administration went along with this giveaway. Of course the U.S. assessment was not reduced 1 cent, not a farthing, not a penny.

Under this new formula, 29 countries now pay just one-thousandth of 1 percent, .001 of the regular U.N. budget, amounting to $10,516 a year for each of the 29 countries for the year 1998. Mr. President, 41 other countries pay between two-thousandths of 1 percent, that is .002, and .009, nine-thousandths of 1 percent. That is between $21,032 and $94,647 of the regular U.N. budget for 1998. Four countries pay one-hundredth of 1 percent, that is .01 of the budget, U.N. budget, for an assessment of $105,163 each. Another 84 countries, like Red China, for example, which regularly undermines U.S. interests in the Security Council, will pay less than 1 percent—less than 1 percent—of the U.N. budget. But the American taxpayers, they will foot the bill for 25 percent of the U.N. regular budget, and that is $297,727,256, or 28,312 times more than what 29 countries pay, and it is far more than what all the rest pay.

Mr. President, 7 years ago I asked my lifelong friend, Adm. Bud Nance, with whom I grew up in Monroe, NC, to assume the responsibilities of chief of staff of the Foreign Relations Committee. Bud Nance had completed a distinguished 38-year career in the Navy. Among other things, he was skipper of the U.S.S. *Forrestal*, an aircraft carrier that had more sailors aboard than we had people in our hometown. He later served as President Reagan's Deputy National Security Adviser. But the point is, Bud Nance, my friend, agreed to serve his country and his friend—that is the way he put it—on one condition. He would come and work as chief of staff if he received no pay. He did not want to be paid a cent because, he said, his country had paid him well while he was in the Navy and now he wanted to return something to his country. So he came.

The admiral and I learned, after he came, that no staff person in the Senate can hold a security clearance, which is essential for holding a job, unless he or she is paid at least a minimum salary, just over $1,000 a year. Several years later Congress applied the laws it forces the rest of America to live under to itself. It was made applicable to Bud Nance, and we had to give Bud a pay raise. It was forced upon him, and he was therefore paid the minimum wage for being chief of staff with one of the Senate's most important committees; that is to say, Bud Nance earns $10,712 a year. That is all he earns. He does not want to accept that.

In any case, when Bud Nance told me that the United Nations reduced the assessment of 29 countries to just $10,560 apiece annually, he reminded me that the minimum annual wage in this country, the $10,712 the Senate pays him, is more than these sovereign countries pay in annual dues to the United Nations.

Mr. President, how about another example? Compare Russia's 2.8 percent U.N. assessment, compare it with the United States 25 percent assessment. And Egypt? Egypt is one of the largest recipients of U.S. foreign aid, and it will receive $2.1 billion in foreign aid from the American taxpayers this year. Yet Egypt will pay just 69-hundredths of 1 percent of the regular U.N. budget, far less than $1 million. By the way, Egypt voted against the United States 61 percent of the time in the United Nations in 1997.

India, which will receive approximately $143 million in foreign aid from the United States, that is to say the American taxpayers—India will pay just three-tenths of 1 percent of the regular U.N. budget. India voted against the United States 76 percent of the time in 1997.

So it is obvious that the United States pays far more than its fair share. And what about the U.S. support for peacekeeping operations? The amount that I mentioned earlier for this, $210 million, really is only a fraction of the amount the United States will pay for U.N. peacekeeping in fiscal year 1998. As a part of the 1997 appropriations for the Armed Forces, Congress required the Pentagon to report on the costs incurred by the U.S. military in implementing or supporting U.N. Security Council resolutions. Heretofore, the U.N. payment by the United States has been off the books and intentionally hidden from the American taxpayers. This chart will be very interesting to American taxpayers, I think, because it has some rather precise arithmetic, and I hope the camera can focus upon it.

The information on this chart came from the official Department of Defense report for fiscal year 1997: $2,972,938,000 was stripped away from the training and the readiness of our U.S. armed forces and handed over to support the U.N. Security Council resolutions. This is nearly $3 billion, mind you, and it is in addition to the $902,102,000 the American taxpayers provided to the United Nations and its affiliated agencies and other international organizations, also, in addition to the $334,780,000 that the American taxpayers were forced to fork over for U.N. peacekeeping in fiscal year 1997.

So, while the U.N. crybabies whine about not receiving enough of the American taxpayers' money, the real truth is that the United States volunteered more than three times what we were asked to pay; that is a total of $4,209,820,000 to the United Nations in fiscal year 1997. That is almost $3 billion which was taken off the books, courtesy of the American sailors, soldiers, airmen and marines. It was taken from them in terms of what should have been spent for their development in defense of this country.

Most Americans do not even realize that billions of dollars are being siphoned away from the shrinking U.S. military budget to support the United Nations. In fact, most Americans have not the vaguest idea how much money the United States provides for the United Nations. In 1995, the United States—that is to say the American taxpayers—provided 30.7 percent of all of the United Nations peacekeeping costs, far more than any other country. That may have seemed fair in the 1950s, but it is out of line today. That is why Congress and the administration agreed to scale back U.S. payments for U.N. peacekeeping to 25 percent, and that is still far more than any other country pays. Yet, the crybabies continue to whine at the United Nations.

But the United Nations ignores the will of Congress and continues to demand—not anything courteous about it at all—continues to demand that the United States pay the 30.7 percent of the peacekeeping costs.

The United Nations calls this extra 5.7 percent add-on an "arrear." They talk about arrearages, even though it represents hundreds of millions of dollars that we do not owe and that we should never pay, and I respectfully suggest that somebody should inform the international diplomatic corps that the United States controls the U.S. Government purse strings, not the United Nations.

All of which reminds me of Sam Ervin, that great Senator from North Carolina, with whom I was honored to serve a couple of years before he retired. Senator Sam Ervin quoted a Latin proverb that seems apt. He said: "Small gifts make friends; great gifts make enemies." And I can imagine what Senator Sam would be saying if he were still sitting right over there, if he were still around as a Member of the Senate, about what little impact the United States has had on the operations of the United Nations, in light of the total amount of millions and millions of dollars that we have paid to the United Nations, especially since Americans are being smothered under a $5,531,793,429,306.24 Federal debt as of March 23.

Some Americans would mistakenly suppose that at least 25 percent of United Nations employees are American citizens, since the United States provides 25 percent of the budget and that the United Nations headquarters is in New York City. But only 7.1 percent of U.N. employees are U.S. citizens. Surely it is obvious that the Congress needs to pass and President Clinton needs to sign into law the U.N. reforms that Senator JOE BIDEN of Delaware and I negotiated and which were approved by this Senate last year by a vote of 90 to 5.

Mr. President, I am going to close with one final thought. The administration spends a lot of time talking about how the United States has become the indispensable Nation in the post-cold war era, and I agree with that. But at the same time, the administration acts as if America is powerless to act in our own people's interest unless the United Nations is calling the tune. Small wonder that so many Americans are confused about U.S. foreign policy and the direction this country is heading internationally.

No; let the record be clear—let the record be clear—America is anything but a deadbeat nation. The real problem is an administration that has allowed too many handout artists at the United Nations to go unchallenged in their arrogance. Mr. President, enough is enough.

I thank the Chair, and I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from New Hampshire.

Mr. GREGG. Mr. President, I congratulate the Senator from North Carolina for his amendment, because it clearly outlines the problems which we have as a Congress with the representations that we continue to hear from the United Nations and some of the member nations within the United Nations relative to the obligations of the U.S. arrearages and, as we go into the future, relative to the obligations for the payment of the operation of the United Nations and the payment for the international organizations for the United Nations and the payment for peacekeeping.

The fact is that the United States and the taxpayers of this country, to whom we answer, have been extremely generous with the United Nations—extremely generous. We have undertaken as a nation far more—far more—than our fair share of the costs of initiatives which the United Nations is pursuing, and we are today undertaking far more than is our fair share, both in Southwest Asia and also in Bosnia.

This supplemental appropriations bill has in it $1.9 billion, the purpose of which is to try to put our Defense Department into a position of solvency, for lack of a better term, relative to the costs of these peacekeeping missions, so that we are not culling, draining from our core defense establishment, funds necessary to maintain that establishment in order to undertake these peacekeeping initiatives in two areas where the United Nations has a primary role and has been one of the primary promoters. That is why we are pursuing this supplemental appropriations.

But it is part of a larger picture, and the Senator from North Carolina has outlined it and pointed out rather precisely the dollars involved and the commitments we have made just in these two areas.

I want to highlight a couple of points, because I am very tired, as chairman of the appropriating subcommittee that has responsibility for the U.N. accounts—I am very tired of hearing this constant moaning from New York, from members of the United Nations, about American arrears. Let's look at what those arrears are.

Only $54 million—$54 million—a small number in the context of the entire budget, although a big number in the context of a small State like New Hampshire and certainly a very expensive number for the people of New Hampshire because that is coming out of our taxes—only $54 million goes to the operation of the United Nations of the alleged arrears that are presented to us.

Of the total arrearage—and the debate is out there as to whether it is $600 million, $900 million, or $1.2 billion—of that total arrearage, only $54 million goes to operating accounts within the United Nations. The vast majority of the balance—there are a couple of international organizations involved here—but the vast majority of the balance flows through the United Nations to other nations to reimburse them for their peacekeeping costs.

Let me list a few of these: France alleges it is owed $151 million; Italy alleges it is owed $62 million; Belgium, $58 million; The Netherlands, $50 million; India, $47 million; Pakistan, $45 million; Russia, $36 million.

So, of the arrearages that are allegedly owed by the United States, they do not go to the operations of the United Nations. So when I see a headline like was held up earlier by the Senator from North Carolina which said we were undermining the United Nations by our failure to pay these arrearages, that is just poppycock. That is purely a statement of politics, not a statement of substance.

The fact is that of the arrearages that are owed, should we end up paying them in full under our definition of what is "in full," almost all that money is not going to stay at the United Nations; it is going to flow out to these other countries.

I think the question has to be asked, What part have these other countries played in undertaking the burden of our activities, for example, in Iraq? Were they participants in the costs that we just incurred as a nation, which were dramatic, in Iraq? The present estimate of the Iraq costs, I think, is somewhere in the vicinity of $4.6 billion to our Defense Department in order to try to contain Saddam Hussein, and this was purely—purely—a U.N. initiative and effort. We were there flying under the flag of the United Nations, although our country obviously bore the biggest responsibility, because we are the most capable military power in the world.

But to the extent we were there, we were picking up this ticketed cost of $4.6 billion to date, and it goes up every day. How much of that cost did these other nations, which are claiming that we are in arrears on peacekeeping and that they want us to pay them, pay for? How much of that cost? Well, France did not participate and has not participated in this most recent Iraqi buildup, to my knowledge. Italy did not participate. Belgium did not participate. The Netherlands did not participate. India did not participate. Pakistan did not participate. Russia did not participate. So, essentially, they are asking us to pay twice. They are saying first we have to pay these peacekeeping arrears to them, and then we have to go out and keep peace for them in Iraq.

At some point, the American taxpayer starts to scratch his or her head and say, "Hold it. You know, this is our money. We recognize we have a responsibility to the United Nations, but don't try to make fools of us." And that is the concern. The concern is that we are being asked to pay a disproportionate share of the burden of the peacekeeping activities of the United Nations today in Bosnia and in Iraq, and we are not getting any credit for it.

To the credit of the Senator from North Carolina, he worked very hard to reach an agreement on how these arrearages should be managed as part of an overall reform package for the United Nations. A basic element of that reform package was that our peacekeeping responsibility would drop from 30 percent to 25 percent and that our dues for the operational aspects of the United Nations would drop from 25 percent down to, hopefully, 20 percent, at least 22 percent.

We have not seen any action in that area, nor have we seen any action in the fundamental reforms which were alluded to, not specifically, but alluded to by the Senator from North Carolina as to the management of the United Nations, where American tax dollars are being used to hire the friend of a friend who happened to be the president of some country somewhere; an institution which is replete with duplication, bureaucracy, and, regrettably, in many instances pure old-fashioned patronage.

American tax dollars are not being accounted for. They do not have a system of telling us where they spent the money. They do not have a personnel system that can tell us whom they hire, and they do not have a system which can tell us how their programs are being delivered and what the overhead of those programs is. So we asked for that as a condition for paying any further arrearages. None of this has been met.

I come here with the same frustration as that of the Senator from North Carolina and, I think, the Senator from West Virginia as a cosponsor of this, and he is certainly a much more eloquent spokesman on issues like this than I am. But I, like many Americans, am saying, how can they continue to come to us and say, "Give us more," when they are not giving us credit for what we have already done?

The American taxpayer has a legitimate complaint here. The amendment of the Senator from North Carolina is a way to try to raise the visibility of that complaint. I congratulate him for it, and I hope we will adopt it. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I strongly support the amendment offered by the senior Senator from North Carolina. The administration has been on a nonstop campaign to color the Congress as irresponsible chiselers on U.N. dues. At the same time, however, we are forking over emergency money for Bosnia operations and for Southwest Asia operations in this bill that amounts to nearly $2 billion.

It was the present NATO-led operation that bailed out the embarrassingly bad failure of the United Nations to keep the peace in Bosnia which had witnessed a modern version of the Holocaust. It was the U.S. military operation, exclusively in Southwest Asia, that gave teeth to the U.N. Secretary General's negotiations with Saddam Hussein, a fact readily admitted by U.N. Secretary General Kofi Annan.

The United States has paid out many times over in unilateral costs the so-called arrearages claimed by the United Nations to be owed by the United States in support of the objectives of the United Nations in both theaters.

The amendment by Mr. HELMS is truth in international funding, truth in international fundraising.

We do not see much in the way of contributions by other members of the Security Council to our operations in either theater.

The figures used by Mr. HELMS, some $6 billion or more in U.S. unilateral outlays since 1990, compared to the trumpeted past due bill of $1 billion we supposedly owe to the United Nations, provides the stark contrast—the stark contrast—the basic unfairness of the charge that the United States is some kind of debtor to the United Nations, some kind of deadbeat, as it were, some kind of chiseler, as it were.

My mom used to keep boarders back in the coal mining community. And we took on boarders who came to our house. I often listened to a new boarder for a few minutes. From time to time I would say to the woman who raised me—"He's going to beat you out of your board bill. That man won't pay you." And I was amazed in so many instances to find, to my chagrin, that that man would not pay his board bill. He was a chiseler. That is what we are portrayed to be—chiselers; deadbeats—we will not pay our dues; we will not pay our arrearages.

The United States has been bailing out the rest of the United Nations for years now. Take the United States out of the United Nations, what do you have left? What is there left? The other members of the United Nations, in fact, owe the United States. They owe us a massive back bill for military operations and funding.

The first question that was ever asked in the history of the world, in the history of the universe, in the history of all creation, the first question that was ever asked was when God walked through the Garden of Eden, in the cool of the day, searching for Adam and Eve.

They had forfeited—they had forfeited—their right to that everlasting life in that garden of bliss, a virtual paradise, by eating from the Tree of Knowledge in violation of God's warning not to do so. So God came looking for them in the cool of the day. God asked that first question: "Adam, where art thou?" They had hidden themselves from Him. "Adam, where art thou?"

Mr. President, we might well ask the other members of the United Nations, "Where were you when we were in the hot sands of the gulf, when we had sent our men and women away from their homes, away from their firesides, away from their children, away from their loved ones to take possible action to protect you and yours? Where were you? Where were you?"

Mr. President, the time has come for the administration to cool down—cool down—it's hot rhetoric on the matter of the so-called arrearages by the United States. The time has come to see the forest—not just the trees—on the matter of who is fulfilling the responsible role—the responsible role—of international leadership against aggression.

I commend the Senator for his amendment. I thank him for allowing me to be a cosponsor of it. I hope that it will get a big vote in this Chamber so that a clear message is sent to the whiners—to the whiners—both in New York and down Pennsylvania Avenue on this whole issue.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from the great State of Minnesota.

Mr. GRAMS. Thank you very much, Mr. President.

Mr. President, I also rise today to support this amendment. The United States has been called a "deadbeat"; it has been called a "bully" at the United Nations. The United States has been accused of being "heavy-handed" and not doing its "fair share" for the international community. The United States has been berated and belittled at every turn by many of the countries that have been benefiting most from U.S. generosity—both in terms of security guarantees and also in terms of economic assistance.

Mr. President, America bashing is a popular pastime at the United Nations, and this administration is doing nothing to stop it. In fact, this administration has been contributing to the feeding frenzy by trying to undercut the terms of the U.N. reform plan instead of standing by the deal that it helped negotiate. If this administration is encouraging anti-American sentiment at the United Nations in order to gain leverage with Congress to water down the reforms, well, it is unconscionable and it is not going to work.

Mr. President, this administration has been so weak in defending the honor and the reputation of the United States at the United Nations, and so negligent in highlighting the great contributions that America is making to promote international security, that we feel compelled to direct the administration to do so with this amendment.

Now, while the United States is being called a "deadbeat" regarding its international obligations, well, the facts say something quite different. The United States may owe arrears to the United Nations, but that is only because the United States received no credit at the United Nations for the $2.97 billion that U.S. taxpayers spent in fiscal year 1997 implementing U.N. Security Council resolutions—again, nearly $3 billion of U.S. taxpayer money to help implement U.N. Security Council resolutions last year alone.

We received no credit for the more than $6.4 billion that the U.S. taxpayers have spent to date in and around Bosnia. We will receive no credit for the emergency funding of an additional $487 million for the Bosnia mission and the $1.4 billion for U.S. deployments in the Persian Gulf that the President is asking for in this bill.

As we all know, our troops are in the gulf to enforce U.N. Security Council Resolution 687 on Iraq. But that does not mean that we will get credit for our contribution at the United Nations. And while we do need to settle our disputed arrears to the United Nations, Mr. President, we should not be myopic. The U.S. taxpayers are doing far more than just pulling their weight in the international community.

Mr. President, this amendment is necessary to ensure that all U.N. member states are aware of the great sacrifices that the American taxpayers are making to support U.N. Security Council resolutions since U.N. bookkeeping obscures the facts.

First, the amendment states that U.S. taxpayers should be commended for their generous support in maintaining international peace and security; the United Nations should publicly acknowledge this support and immediately reduce the U.S. peacekeeping assessment to 25 percent that is in accordance with U.S. law.

Second, it calls on the President to direct the U.S. Ambassador to the United Nations to introduce a Security Council resolution requiring the Security Council to report to all member states on the amount that the United States has spent supporting U.N. Security Council resolutions just since January 1, 1990, as determined by the Department of Defense.

Third, it requests the Secretary of State to notify all members of the Security Council on the amounts—both credited and uncredited—that DOD has spent supporting U.N. Security Council resolutions, again, just since January 1, 1990.

And, fourth, Mr. President, it requires the President to report back to the appropriate committees in the House and the Senate within 45 days on the efforts to carry out these steps in this amendment.

Now, I do not know how far this amendment will go toward getting the U.S. taxpayers the recognition that they deserve for U.S. support of the United Nations, but I do hope it will put the U.S. arrears in perspective. Both the administration and the Congress agree that the U.S. owes only $54 million to the U.N. regular budget and $658 million for peacekeeping expenses. Now, that is $712 million. You compare that to the nearly $3 billion the Department of Defense spent in fiscal year 1997 alone—we spent more than four times that amount last year alone—implementing U.N. Security Council resolutions.

Mr. President, throughout the history of the United Nations, the United States has always been its most generous donor. American taxpayers currently are billed for 25 percent of the entire U.N. operating budget and 30.4 percent of the peacekeeping budget, although the United States now pays 25 percent, as I mentioned, in accordance with a law passed by, again, a Democratic-controlled Congress and signed into law by President Clinton.

Currently, those bills total more than $600 million annually. In contrast, Saudi Arabia, Kuwait and China—which has a veto in the Security Council—only pay about 1 percent of the entire U.N. regular budget. The floor of assessment levels was just lowered from .01 percent of the U.N. operating budget, from about $106,000 a year, to .001 percent, or under $11,000. So each contribution from those nations will not be enough to even cover one-tenth of the salary of one of their highly priced bureaucrats. It will only pay about one-tenth of the salary of one of their bureaucrats at the United Nations. That is all they pay.

Despite this fact, each member of the United Nations has one vote on budget issues. In addition to the assessed payments I just mentioned, the United States voluntarily and generously contributes hundreds of millions of dollars to programs like UNICEF, UNHCR, and the U.N. Voluntary Fund for Victims of Torture. So, Mr. President, the United States pays more than its fair share for world peace, stability, and humanitarian efforts.

That being said, we do need to settle our disputed arrears to the United Nations. We did engage in good-faith negotiations with the administration, and we made a deal on the U.N. reform package. The Senate, with the full support of the administration, passed this bipartisan legislation twice—by a 90-5 rollcall vote and again by unanimous consent. The only thing that prevented this agreement from becoming law was a dispute over an unrelated issue.

This administration then decided to forgo nearly $1 billion for the United Nations and $3.5 billion for the IMF so it could preserve the ability for U.S. grant recipients to lobby foreign governments to liberalize their abortion laws.

Mr. President, Secretary Albright recently said that failure to pay the U.N. arrears would result in a "shutdown of our national security policy." I must admit, I was somewhat taken aback by that statement, as I was not aware that this administration had officially subcontracted our national security policy to the United Nations.

Indeed, I will fight to make sure that it will never happen. But if the United States truly is suffering a loss of prestige and effectiveness in the global arena because of our U.N. arrears, as the administration contends, then it is irresponsible for this administration to jeopardize our security interests and influence for domestic political considerations.

I hope that in the near future Congress will pass the U.N. reform package and the President will sign it into law so we can put this small matter of the disputed arrears behind us. Regardless of the fate of that legislation, I also believe it is important that we pass this amendment so that the rest of the world will be aware of what we all know, and that is the huge sacrifice that the United States taxpayers make to support U.N. Security Council activities.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished senior Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I thank the Senator for his remarks, as I do Senator GREGG, and particularly Senator BYRD, who is always eloquent.

Now, Mr. President, I want to be sure that all of the cosponsors are identified. I ask unanimous consent that the distinguished majority leader, Senator LOTT, be listed as a cosponsor, as well as Senator GREGG, Senator GRAMS, Senator HOLLINGS, Senator BYRD, Senator FAIRCLOTH, and Senator ASHCROFT.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Are the yeas and nays ordered, Mr. President?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, parliamentary inquiry. Was there a unanimous consent for a time to vote? If not, I would like to speak for 3 minutes on this amendment.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Delaware.

Mr. BIDEN. I thank the chairman of the committee for accommodating one of my concerns that I expressed through staff on this amendment that he changed.

I agree fully, as the Senator knows from our many discussions on the United Nations and some disagreements relative to the United Nations, that I, like he, believe we do not get sufficient credit. He may remember the debate we had in the committee where I found myself at odds with some of my colleagues who share my view that we, in fact, owe a good deal of money and should pay it.

I take issue, for the record, with my friend from Minnesota about his characterization of what a terrible job the administration has done. I do not believe that is the case. I believe that Secretary Albright, when she was at the United Nations, and others have never failed to point out the extent of our involvement.

I do not think we should confuse apples and oranges here. The truth of the matter is there are certain things that are U.N. sanctioned and there are other things that are U.N. administered. When folks wear blue helmets, everybody gets repaid. When they are not wearing blue helmets, they do not get repaid unless it is a chapter 7 undertaking administered by the U.N. I will not bore my colleagues with the details that relates to, but let me say we are not the only country who has acted unilaterally under the cover of or with the sanction of a U.N. resolution. There are other countries who have done so and have not been reimbursed for their contributions, from France to Germany to Great Britain.

For example, in 1994 voluntary expenditures by France amounted to $747.5 million, for which they did not seek reimbursement; Italy, $347.7 million, et cetera. We by far and away are the biggest of the contributing non-credit-given countries in the United Nations, I acknowledge that. And I think we should be doing what the Senator from North Carolina is saying: We should make it clear, in part to our folks as well as the rest of the world, that we do a great deal more than we get credit for.

I further say that we could amend—and I am not going to —we could amend this resolution to ask the world body to understand that there are other tens of billions, hundreds of billions, we spend that are not under any U.N. auspices, that are done for the good of the world, that we get no credit for.

It is true we do not get sufficient credit. But I respectfully suggest that it should not be confused with whether or not we owe or do not owe what we agreed to under the deal we signed up to when we joined the United Nations. I make a distinction here. No state receives credit against assessments for unilateral activities in support of U.N. security council resolutions which represent a majority of the U.S. cost incurred during the period my friend from Minnesota is talking about.

Again, I will ask unanimous consent a written statement be printed in the RECORD to explain in more detail the points I know my colleagues understand but maybe the public at large, listening to the truncated debate on my part, may not understand.

For example, let me conclude with this. Italy just spent a lot of money on Albania under a U.N.-sanctioned resolution. Now, Italy did it because if Albania goes bad, Italy is in trouble. Italy has a real problem, a serious problem. It was in their overwhelming interest to see to it that things did not deteriorate more than they did in Albania. So the rest of the world did what they always do with us—they kind of stood by a little bit, and we held Italy's coat, in effect, and we said, "OK, you go ahead, you go ahead and spend that money. We know basically it is in your interest. You would want to do it even if there were no U.N. resolution authorizing you to do that. You would still want to do it, because it is in your overwhelming interest and it is in the world's interest."

The no-fly zone in Iraq. We have used an attenuated rationale—which I think we should have—to enforce the no-fly zone. We are paying for the bulk of that, the United States of America. It is not because the rest of the world is saying, go in and enforce the no-fly zone. Half the United Nations might say, don't enforce the no-fly zone. The reason they do not want to pay, the reason it is not a blue helmet operation, they could not get the United Nations to go along.

Here is a case where we believe it is in our overwhelming naked self-interest to enforce the no-fly zone, because oil in that region of the world is as big a deal to us as it is to the rest of the world. Granted, it benefits the whole world, but we are big boys. We have to grow up. We have to understand there are certain times when we do things and expend money that incidentally benefits other people but we would do even if the United Nations was not around.

So the technical distinction that is made in reimbursement is between—to overstate it in the interest of time—a blue helmet being worn and us going in and doing it with the sanction of the United Nations, saying, "OK, we have a resolution that says it is OK to do that." There are two different deals.

So we should do what is being proposed. I am voting with my leader on this issue. He is correct. But let's not get carried away, as I respectfully suggest my friend from Minnesota maybe has in terms of how, (a), the administration has done nothing to make clear our contributions, and (b), that somehow this is the same as what is owed by us and we are trading apples for apples. They are apples and oranges. Maybe we should change the way the charter reads. Maybe we should change it to say, "Anything done under the guise of"—or "under the umbrella of a U.N.-sanctioned operation should be given credit for." Maybe we should say that. I am not sure we want to say that, because we may find a lot of folks involved in things we do not want to have to contribute to but maybe we should. But it does not say that now. That is not the way it works now.

Mr. President, I compliment my friend, and I do not disagree with the underlying thrust of what my friend from Minnesota is saying, that we do not get enough credit. We do not get enough credit. If we do not get up there and beat our chest a little bit about what we are doing, sure in the heck, no one else will give us credit for it. I think it should at least be done now in part, quite frankly, and you might consider this typically—my friend from North Carolina would be too polite to say this—kind of a typically Biden view of this thing in the following respect: I think it is important to do this now, because we haven't paid.

In other words, I am so upset about us not having met our obligations that we signed on to, coupled with the damage I think it is doing to our ability to get other things that are in our naked self-interest done in the United Nations, that at least this might, by advertising what we have done, sort of take the stinger out of the rhetoric that is going around up in the United Nations that we do not do anything, that we are the bad guys, we are the pariah, we are the total deadbeat. That is one of the reasons why I am glad we are doing it.

I do not think we should confuse what we have done in other areas, and I will list for the RECORD what they are. I am sure my colleagues already know how we get to the $2,972,938,000. They are: Former Yugoslavia and Iraq operations, including Able Sentry, Deny Flight, IFOR/SFOR operations, Southern Watch, Sentinel, and Provide Comfort. They basically relate to what was cited here, the former Yugoslavia and Iraq, and with the exception of Able Sentry, I think we would find that each of the things we have done in there that have not been compensated for are things we pushed to have done.

There is resistance at the United Nations and in NATO to do —we brought them around through, in effect, sanctioning us to do this.

I end by saying I think my colleagues would probably be apoplectic if everything we did in order to get reimbursed we had Americans with blue helmets on. I think you would all be up here going bananas if that were the case. Be careful what you wish for; you may get it.

In this case, I think it is worth making the case, I think you overstate the criticism of the administration.

I thank the chairman of the full committee for allowing me, and I thank my friend from North Carolina for allowing me to be part of this amendment.

Mr. President, I ask unanimous consent that the written material that I referred to earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, February 13, 1998.
Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As required by Section 8091 of the Department of Defense Appropriations Act for 1997, I enclose a report on costs incurred by the Department of Defense "in implementing or supporting resolutions of the United Nations Security Council." Specifically, the report provides incremental costs for the fourth quarter of fiscal year 1997 as well as cumulative costs for the 1997 fiscal year to the end of the fourth quarter. The report also provides information on efforts the Department has made to be reimbursed for troop contributions and provision of services and commodities to U.N. peacekeeping operations.

We take seriously our commitment to provide data to the Congress regarding the costs incurred in support of U.N. activities. I trust that you will find the enclosed report to be a useful summary of the costs that the Department has incurred in support of U.N. activities as well as the Department's efforts to seek reimbursement for these activities.

Sincerely yours,

WALTER B. SLOCOMBE.

Enclosure: as stated.

REPORT TO THE CONGRESS FOR THE FOURTH QUARTER, FISCAL YEAR 1997 IN COMPLIANCE WITH SECTION 8091, DEFENSE APPROPRIATIONS ACT OF 1997

The DoD Appropriations Act for 1997 (Act) requires the Secretary of Defense to submit a report at the end of each quarter indicating "all costs (including incremental costs) incurred by the Department of Defense (DoD) during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council." The data included herein are provided in response to section 8091.

The Defense Finance and Accounting Service (DFAS) compiles incremental costs associated with United States military operations based on data provided by the military departments and defense agencies. These data were modified, as necessary, to properly reflect transfer actions and unreported costs applicable to support to U.N. operations. Data are presented below in both quarterly and cumulative (for the fiscal year) format. It is important to note that DFAS cost reports include information received during a particular quarter of the fiscal year: comprehensive cost data are not available in the immediately succeeding quarter. The Department collects only incremental costs, which are defined as additional costs to the DoD component appropriations that would not have been incurred if a contingency operation had not been supported. All incremental costs included below are current as of 30 September 1997, and are aggregated for FY97, and exclude reimbursements received for troop contributions (section 2), which are presented individually.

Operation/Region	Reported for 4Q FY97	Cumulative for FY97 through 4Q
Former Yugoslavia Operations:		
ABLE SENTRY (FYROM)	$2,950,000	$11,727,000
DENY FLIGHT/DECISIVE EDGE	30,101,000	183,266,000
IFOR/SFOR Operations	779,316,000	2,087,518,000
SOUTHERN WATCH/VIGILANT SENTINEL (Iraq)	185,499,000	597,312,000
PROVIDE COMFORT/NORTHERN WATCH (Iraq)	20,627,000	93,115,000
Total	1,018,493,000	2,972,938,000

The Act requires the Secretary of Defense to "detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities."

The Administration's policy is to seek reimbursement, or compensation as the Act terms it, for all allowable costs of participation in U.N. peacekeeping operations. There are two instances in which costs are allowable: (1) costs related to troop contributions to U.N. peacekeeping operations, and (2) provision of services and commodities to United Nations peacekeeping operations. The provision of services and commodities occurs under a process known as the Letter of Assist (LOA). The LOA process is similar to a contract between the USG and the UN whereby the USG agrees to provide support to the U.N. with the understanding that the U.N. will provide reimbursement under established terms. Only expenditures in support of a peacekeeping operation conducted by the U.N. approved by the Security Council and authorized by the General Assembly (through its annual budget approval process) as a legitimate charge to the UN are eligible for reimbursement. No state receives credit against assessments for unilateral activities "in support of" UN Security Council resolutions, which represent the majority of U.S. costs incurred during this reporting period.

Information regarding billings and reimbursements for the fourth quarter of fiscal year 1997 is provided below. Data on reimbursable support are divided into two sections. The first section accounts for the provision of defense articles and services. The Department of Defense submits bills to the U.N. for these articles and services on a monthly basis. The second section identifies reimbursements to the United States Government for troop contributions to a U.N.-mandated and assessed peace operation. The United Nations reimburses troop contributors for specific United Nations peacekeeping operations on a periodic basis depending on the availability of funds. No troop-contributing government submits bills for troop reimbursements. Rather, the U.N. reimburses governments on its own initiative when sufficient funds are available to pay all contributors to a particular mission for at least a one-month increment; all member states involved in a particular mission are reimbursed for troop contributions simultaneously. Reimbursements for incremental troop contribution costs are made by the U.N. directly to the Department of Defense. The Department of Defense has determined that its incremental costs are $318 per soldier per month.

SECTION 1—FY 97 PROVISION OF DEFENSE ARTICLES AND SERVICES

DoD component	Billed (cumulative)	Reimbursements[1]
NIMA	$9,550.32	$00.00
Army	98,939.67	350.32
Total	108,489.99	350.32

[1] The United Nations has not been able to make full payments to the U.S. and to other member states because of a lack of funds resulting from unpaid peacekeeping assessments. All DoD bills that have been presented to the United Nations during FY97 have been certified as legitimate claims.

SECTION 2—FY 97 TROOP CONTRIBUTION REIMBURSEMENTS

Operation	Reimbursements	Period covered by reimbursements[1]
	0	NA

[1] The United Nations has not been able to make full payments to the U.S. and to other member states because of a lack of funds resulting from unpaid peacekeeping assessments. All DoD bills that have been presented to the United Nations during FY97 have been certified as legitimate claims.

Mr. STEVENS. Have the yeas and nays been ordered on the Helms amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STEVENS. I ask unanimous consent this vote take place at 6:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I say to the chairman of the full committee I will summarize my statement here, and when anyone is ready to go with an amendment, I will cease. But I will speak on the overall supplemental, if I may.

I rise in strong support of the supplemental appropriation for troops in the Persian Gulf and for our troops in Bosnia. I want to say a few words about our policy in the Persian Gulf and then turn to a more detailed discussion, if I have time, of our SFOR mission in Bosnia.

Passing this supplemental appropriations sends an unequivocal message to Saddam Hussein that the United States is committed to thwarting his intent to threaten our national interest. Diplomacy backed by the credible threat of force has put the international inspectors back in business, and for the first time in 7 years these inspectors, Mr. President, are doing their work without hindrance. Maintaining our military force in the gulf is as important as anything else in keeping Saddam Hussein honest, although it is expensive and it is costly in many ways.

I know that some of my colleagues, including the senior Senator from Alaska, have expressed concerns about the willingness of our allies in the gulf to share the financial burden of our current deployment.

Many of these concerns are valid. We should expect our allies to support us militarily and otherwise, especially when our actions safeguard their interests. But I think it is equally important to recognize that we are in the Persian Gulf, first and foremost, to protect our own vital interests.

But I think it is equally important to recognize that we are in the Persian Gulf first and foremost to protect our own vital interests. First, we ignore at our peril the chemical and biological weapons programs of a leader with a demonstrated proclivity for using weapons of mass destruction. Second, whether we like it or not, sixty-five percent of the world's proven oil reserves are in Saddam Hussein's backyard.

None of us wants to hand over our energy security to the whims of a maniacal tyrant. But that is exactly what we would be doing if we withdrew our forces from the Persian Gulf.

Failure to approve this supplemental would lead Saddam to conclude that the United States is losing its resolve. He would resume his defiance in short order, and before long he would menace the region once again with chemical and biological weapons.

Now, Mr. President I want to discuss the mission in Bosnia.

By now the importance of the American-led SFOR mission in Bosnia should be manifest. The Dayton Accords of November 1995 ended three-and-a-half years of carnage and gave Bosnia and Herzegovina a roadmap for rebuilding a peaceful, civil society.

No one can dispute that it is the overall security environment created by the international community through SFOR that makes civilian progress possible.

Mr. President, several Members have already spoken this morning on the Bosnia amendment offered, and then withdrawn, by the junior Senator from Texas.

Had the Senator not withdrawn her amendment, I would have opposed it. If she offers it again on the Defense Appropriations bill, I will speak against it.

For now, however, I would make only two brief comments on the amendment before I turn to a more detailed discussion on our strategy in Bosnia.

First, mention was made of "shifting goalposts." I quite agree, but the shifting has been done by the opponents of our involvement in Bosnia, not by President Clinton.

In an effort to prevent, then shorten, our Bosnia mission, the opponents complained that the Administration had not spelled out clear benchmarks, which, if met, would enable our troops to withdraw from Bosnia.

Now, my friends, he has given us these benchmarks. And what do the opponents of our Bosnia policy say? They say that he has shifted the goalposts by giving specifics. Give me a break!

Second, I understand that the Senator from Texas said that she didn't find the benchmarks to be very concrete. After having examined the conditions and benchmarks, I find her confusion rather puzzling. Therefore, I will now go into detail about them.

I have spoken frequently about the enormous progress that has been achieved in Bosnia since the cessation of hostilities and about the difficult tasks remaining ahead.

Today I will concentrate on showing that in voting to fund a continuation of the SFOR mission, we are not voting for an open-ended commitment.

Rather, the Administration has drawn up clear benchmarks, which, when met, will allow our troops to come home.

But, Mr. President, part and parcel of these benchmarks is interpreting them, and in this connection I will insist that the Senate is part of the process.

Mr. President, ten key conditions have been identified, each containing objectives and concrete benchmarks, which constitute our "game plan" in Bosnia.

These ten conditions are: 1. Military Stability; 2. Police and Judicial Reform; 3. Functioning National Institutions; 4. Reformed Mass Media; 5. Democratization and a Functioning Electoral Process; 6. Economic Reconstruction and Recovery; 7. Refugee Returns; 8. A Settlement for Brcko; 9. Resolution of War Crimes; and 10. International Organizations Able to Function without Military Support.

I would like to turn to the benchmarks for each of these conditions.

The precondition for all progress, of course, is the creation of military stability. The benchmarks of this first of the ten conditions include the maintenance of the ceasefire, weapons secure in their cantonment sites, and the arms control limits set since Dayton adhered to.

The special police forces must be disbanded or restructured and inter-entity arms control and confidence and security building measures adopted.

In addition, the American-run Train and Equip Program must be successfully completed, with a traditional support and sustainment arrangement with the Federation Army in place.

Second, the benchmarks for police and judicial reform require that all local police forces are restructured and ethnically integrated. Basic skills and human rights training must be completed so that the police can deal effectively and fairly with civil disturbances. Police academies with professional leadership must be functioning.

The intelligence services and the secret police must be stripped of all police functions, and an effective judicial reform program must be in place.

Benchmarks for attaining the third condition for troop withdrawal are in the governmental area. They include all outlawed pre-Dayton institutions having been dissolved. Foremost among these are the remnants of the Bosnian Croat so-called "Herceg-Bosna."

A functioning customs service and control over state revenues must be established, including transparency in budgets and disbursements. Funds must be flowing to national, not entity, institutions, which have permanent staffs and facilities in place.

The fourth condition for the withdrawal of our troops concerns the mass media. Its benchmarks begin with political parties being divested of their control of the broadcast networks. Entity and national-level media policy and regulatory structures must be in place. A new election law must guarantee that opposition parties have access to the airwaves. Independent media, already in existence, should be generally available throughout the country.

Benchmarks for the fifth condition, democratization and the electoral process, are particularly important. Local, entity, and national governments must be beginning to function transparently. Political parties will have to accept binding arbitration for the implementation of the results of contested local elections.

Bosnian electoral laws must be modified to meet the standards of the Organization for Security and Cooperation in Europe (OSCE). The September 1998 elections must be conducted in a free and fair manner, with the need for OSCE supervision reduced.

The sixth condition for withdrawal of American troops involves economic reconstruction and recovery. As benchmarks, agreement must be reached on a permanent national currency. Privatization laws must be drawn in line with Dayton. Major infrastructure including transportation, power grids, and telecommunications must be repaired and functioning.

The program of the International Monetary Fund must be in place with traditional lending programs begun.

The fundamental and emotional issue of refugee returns comprises the seventh condition. The property laws of both entities in Bosnia must comply with the Dayton Accords. Property commissions must be fully functioning. Both the Federation and the Republika Srpska must be participating in phased and orderly cross-ethnic returns.

The key cities of Sarajevo, Banja Luka, and Mostar must have accepted substantial returns of refugees and displaced persons, and the local police throughout Bosnia and Herzegovina must protect returnees, whatever their religion or ethnicity.

The thorny subject of Brcko comprises the eighth condition needed to be met before all troops can be withdrawn. An arbitration award must have been implemented without violence. As we know, Mr. President, in mid-March the arbitration award on Brcko was postponed for the third time.

Specific benchmarks for Brcko include local elections having been implemented, an integrated police force functioning, two-way refugee returns and ethnic reintegration continuing to progress, and job creation underway.

The ninth condition involves war crimes. All parties to the Dayton Accords, including entity justice authorities, must be cooperating with the International Criminal Tribunal for the Former Yugoslavia (ICTY).

Local authorities must facilitate the apprehension of indictees.

The tenth and final condition necessary for withdrawal of American troops, Mr. President, concerns the relationship of Bosnia with international organizations. One benchmark is certification that local authorities and the entity armies are capable of assuming responsibility for demining operations.

Another is that the Office of the High Representative in Bosnia (OHR) demonstratres its authority to enforce inter-entity agreements without military back-up.

A third, more general, benchmark is that the OSCE, NATO, and the European Union develop more traditional relationships with Bosnia and Herzegovina.

Mr. President, I believe that these detailed conditions and benchmarks show conclusively that the Administration is not asking for an open-ended commitment. It has the exit strategy that critics have long been demanding.

One or two of the ten conditions, and several more of the individual benchmarks have already been met. Many others are well on their way to fulfillment. Many others are only just beginning to be implemented.

And, Mr. President, I would repeat my cautionary word that the fulfillment of such a detailed formulation leaves much open to interpretation.

If the Senate approves this supplemental appropriation for our troops in Bosnia—as I strongly believe it should—we have the right to insist that the Congress be consulted on an ongoing basis on how the implementation of these civil-military benchmarks is going and also that our NATO and other SFOR partners are continuing to shoulder their responsibilities.

The SFOR mission is of high national security importance for the United States.

We have every right to be pleased with the quite striking progress that has been achieved in Bosnia over the past year. Much remains to be done, and with the game-plan—the "exit strategy" if you will—that the Administration has provided, closer cooperation with Congress is possible.

I urge passage of this supplemental appropriation for both Iraq and Bosnia. I think that it is vital that the Senate and House pass this supplemental as soon as possible. The more expeditiously we act, the less our military readiness will suffer. The brave men and women serving in Bosnia and Iraq deserve to know that their missions are adequately funded by a proud Congress and not by cannibalizing important core military accounts.

For that, they should thank the Senator from Alaska, because he has been absolutely, positively—how can I say it politely—consistent in insisting that we undertake these missions without cannibalizing our core accounts.

Both of these missions further America's national security interests. They have achieved real results and what the Chairman of the full committe is suggesting is the way to go.

I compliment the chairman in being able to fend off the amendments put forward so far today. I wish him luck for the remainder of the process here.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Does the Senator from Illinois seek time?

Ms. MOSELEY-BRAUN. Yes, only 2 minutes. It was really a very short statement.

Mr. STEVENS. Mr. President, I yield to the Senator for not to exceed 5 minutes because we want to get to the Wellstone amendment as soon as possible.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

THE TRAGEDY IN JONESBORO, ARKANSAS

Ms. MOSELEY-BRAUN. Mr. President, I would like to take a brief moment to express my condolences to the families of the students and teachers killed or wounded during yesterday's tragic shooting at the Westside Middle School in Jonesboro, AR. The Nation's prayers are with those families today and, of course, the thoughts of all Americans are with the people of the Jonesboro community. It is yet another American community whose residents' lives have been changed forever by children who managed to get access to firearms.

The attack yesterday was the third multiple killing in a school by a youth under the age of 16 in the last 6 months. Mr. President, these horrific crimes amply demonstrate that we have a responsibility to oppose the proliferation of violence and to stand fast against any effort to make firearms more freely available. Does anyone in their right mind still believe that it is possible to raise children in a society where guns are so easily obtained? It is clear that we cannot protect our children in such a world. They are such easy prey for those who seek to maim and to kill.

Now, Mr. President, until all the facts have been obtained, it would not be prudent to speculate on the events leading up to the massacre in the school yard yesterday. But this much we do know: We must come together as a society and recommit ourselves to keeping firearms out of the hands of children and guaranteeing that only those people who know how to use guns responsibly have access to them. In order to make our community safer, we must expand programs to train gunowners in the proper use and storage of their weapons.

I believe that responsible gunowners have nothing to fear from reasonable gun laws, and that is what I think we need to have a debate and talk about, and that is what the majority of us who support reasonable gun control seek to have happen—laws that will help to keep tragedies like the one that happened yesterday in that small community in Arkansas from ever happening again. I think it is appropriate for us to have that debate, given the importance to our children, to their safety, to our liberty and freedom and safety in our communities.

I yield the floor.

Mr. BUMPERS. Mr. President, will the Senator yield? Senator MOSELEY-BRAUN was speaking about the shooting in Jonesboro, and I have not said anything on the floor about that. I would like 2 minutes to follow up on that.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senator from Arkansas be recognized for 2 minutes, and following that, the Senator from Ohio be recognized for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

THE TRAGEDY IN JONESBORO, ARKANSAS

Mr. BUMPERS. Mr. President, let me just, first of all, express my profound thanks to the distinguished Senator from Illinois for her sensitivity and sincere compassion over what is the most traumatic event, perhaps ever, in my State. We have tornadoes and we lose a lot of lives in tornadoes, and we have a lot of property damage. But for just sheer trauma, this event is really unique to us, as it would be to any State in the Nation. The grief is indescribable. The circumstances are indescribable. Nobody could speculate with any degree of accuracy as to what possesses an 11- or 13-year-old child to do this. You can wonder how did they lay their hands on such an arsenal of weapons in order to perpetrate the crime? But at this point, I share the comments of the Senator from Illinois that it is premature to speculate on that because that will all come out as the investigation goes forward and is unwound.

I simply want to say that it is a terrible plight in this country when such an event can even be thinkable, let alone happen. It is becoming all too frequent that you pick up the paper and find that this is happening in the school yards of America. This is not a high school, this is a middle school of 11-, 12-, and 13-year-old youngsters. Nineteen were injured and five are dead. It is an unspeakable horror. I know I speak for all the Members of the Senate in expressing our sincere grief, our condolences and sincere sympathies to all the people who have been affected in this, the parents and relatives of the children who have been injured and killed, and to those others who were not but will be traumatized and scarred by this for the rest of their lives.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized for 5 minutes.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 1862 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Alaska.

Mr. STEVENS. Mr. President, I believe the Senator from Minnesota now has an amendment that is on the list.

Mr. WELLSTONE. Mr. President, I will be calling up amendment No. 2128, and ask that it be modified with the language that is at the desk right now.

Mr. STEVENS. Mr. President, will the Senator agree to some sort of a time agreement?

Mr. WELLSTONE. I think I can do this in 30 minutes.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. STEVENS. Let's get this straight. The Senator wants 30 minutes total on the amendment equally divided.

Mr. WELLSTONE. I would like to have 30 minutes to speak on this. I wasn't aware that there would be opposition.

Mr. STEVENS. I am not sure there will be. I have to reserve some time in case there is someone on this side.

Mr. WELLSTONE. I may be able to do it in less time, but I have been wanting to speak about the IMF amendment. I will try to do it in less. But I would like now to reserve 30 minutes. At one point in time, as my good friend from Alaska knows, I had four amendments.

Mr. STEVENS. Is the Senator prepared to withdraw the other three amendments?

Mr. WELLSTONE. I say to my colleague from Alaska, I will withdraw the other three amendments. And then I would like to have an agreement that I would have 30 minutes with no second degree on this amendment, which I think will generate widespread support.

Mr. STEVENS. I am not prepared to agree that some Senator will not come in with a second-degree amendment. I will not present a second-degree amendment myself. I would like the Senator, if he would agree, to withdraw the other three amendments—the Senator has 30 minutes—and 10 minutes in case we need it.

Mr. WELLSTONE. Mr. President, I can't agree to a time limit if I can't get agreement on a second-degree amendment. I ask unanimous consent that I be able to move to this amendment and that there be no second-degree amendments.

Mr. STEVENS. I can't do that. I will have to object. Mr. President, I cannot accept that. I have not read the amendment myself. I will do that now.

Several Senators addressed the Chair.

Mr. WELLSTONE. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. STEVENS. I have the floor. I would like to work this out.

Mr. LEAHY. Mr. President, if the Senator from Alaska will yield for a moment, while he is checking the amendment, I wonder if I might, without he yielding the floor, take 4 minutes while he is looking at the amendment of the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. LEAHY. Will the Senator from Alaska give me 4 minutes while he is looking at this?

Mr. STEVENS. This is a modification of the amendment sent to the desk. I am trying to figure out if there would be a second-degree amendment to it. I am informed that it is modified and that we would not have a second-degree amendment. And I am prepared to agree to the Senator's suggestion of 30 minutes for him. I still want to reserve 10 minutes on this side in case someone wants to speak on it to answer the Senator. I do not intend to do that. But I then ask unanimous consent that the Senator be recognized to call up amendment No. 2128, as modified, and that he have 30 minutes, and we reserve 10 minutes on this side. My advice to the Senator would be to yield 2 minutes to the Senator from Vermont.

Mr. LEAHY. Reserving the right to object, would he be willing to modify that to give me the first 3 minutes on the pending amendment before he brings up his amendment?

Mr. WELLSTONE. Mr. President, I am pleased to do that.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. What happens? The Senator gets 5 minutes. The Senator from Minnesota gets 30 minutes.

The PRESIDING OFFICER. The Senator from Vermont will have 3 minutes to speak with respect to the amendment previously offered, followed by the Senator from Minnesota to speak with respect to the amendment which he is prepared to modify, for 30 minutes, followed by up to 10 minutes in response to his amendment.

Mr. WELLSTONE. With no second degree.

The PRESIDING OFFICER. There would be no second-degree amendment to the amendment of the Senator from Minnesota.

Is there objection?

Without objection, it is so ordered.

Under the agreement, the Senator from Vermont is now recognized for up to 3 minutes.

AMENDMENT NO. 2130

Mr. LEAHY. I tell my friend, the Presiding Officer, if I could have the attention of the Presiding Officer, I will not give a great speech but a small speech.

Mr. President, just a few weeks after we pushed the U.N. Security Council to support strong resolutions against Iraq, we are on the amendment by the distinguished senior Senator from North Carolina proposing ways to further undercut the effectiveness of the United Nations and our leadership in the United Nations. In regular U.N. peacekeeping operations, blue helmet operations, we sought reimbursement for our in-kind contributions, and we are reimbursed today. But there are many other U.N. operations that have the blessings of the Security Council but are not actually U.N. peacekeeping operations, including U.N. troops that were included because it was important to the United States interests.

I will give you an example. Operation Provide Comfort in northern Iraq is an example. The United Nations has given its blessing because we, the United States, asked the United Nations to support it. But it is, above all else, as we all know, a U.S. operation.

There are other examples where we pushed for a U.N. Security Council resolution in support of our position to give a broader degree of support. But if the United Nations were to adopt all of these operations as its own, I expect that the Senator from North Carolina would probably be the first to object. I doubt he would want our troops to be wearing blue helmets in those operations.

As Senator BIDEN has said, maybe we should seek to change the U.N. charter so all activities blessed by the Security Council require reimbursement. But do we really want to have to pay for everything the Security Council decides? I doubt it. Other nations undertake operations after receiving the blessings of a U.N. Security Council resolution. We may support that. But we don't want to participate in it and we don't want to pay for it.

It is easy to take a shot at the United Nations. It is a little bit more difficult to make it work. I remind Senators that just last year many in the leadership of the House and the Senate, the majority leadership in the House and the Senate, promised, along with the President of the United States, that we would pay our arrearage in dues to the United Nations. But then in what was probably the most irresponsible foreign policy action I have seen in 23 years here, the most irresponsible actions on the very day that the United States was before the U.N. Security Council begging the U.N. Security Council to back us in Iraq, the leadership in the House of Representatives broke their commitment and killed the appropriations for the payment of dues to the United Nations.

If we want to get out of the United Nations, then let us vote to do that. If we want to say we will never spend another cent in the United Nations, let us vote to do that. But to first give our word that we will pay what we contractually owe and then on the day when we desperately are pushing the United Nations to back us in Iraq, to say we break our word, we can't do that.

I see the Senator from Minnesota is ready.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask unanimous consent the Senators from New Mexico now have each 5 minutes to report a sad event to the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Following that, the pending question will be the Wellstone amendment numbered 2128, as modified. Under the previous order, amendments 2125, 2126, and 2127 have been withdrawn.

The Senator from New Mexico.

U.S. REPRESENTATIVE STEVEN SCHIFF

Mr. DOMENICI. Mr. President, Senator BINGAMAN and I are on the floor of the Senate today in a sense to report bad news to the Senate about a wonderful New Mexican.

Late this morning, in my home city in Albuquerque, New Mexico, U.S. Representative STEVE SCHIFF, 51 years of age, died as a result of a lingering cancer. We both felt we ought to share a few thoughts with the Senate and with our people.

So I would just like to say to the Senate that you know when you meet different people in political life certain things stand out about them. STEVE SCHIFF used to almost brag about the fact that he came from Chicago, that he was a Jewish boy from Chicago who came to New Mexico. Some would not want to talk about being from Chicago if they were representing New Mexicans, but somehow or another he kind of thought he would like to tell them that, so he told it to them so often, they never cared. He served as a district attorney and probably was the best prosecutor we have had in terms of getting his job done.

As I was coming over, I told Senator BINGAMAN I was voting one day in a precinct of my home in Albuquerque and I saw two elderly women behind me checking off whom they would vote for. One said to the other, "Vote for STEVE SCHIFF." And the other lady, probably about 75 said, "Why?" She said, "Because he was a great district attorney and he did his job well there. He'll do it well in Washington." That said to me that people really understand when you have a real public servant.

In behalf of my wife Nancy and myself, I guess I want to say that we have been very lucky because we got to know STEVE SCHIFF. We are very fortunate because we got to know a public servant who just exemplified what we would think a public servant should be. He was of the highest integrity, he had a deep and fundamental decency, and, yes, he had an acute and open mind. He was very, very bright.

New Mexico and the rest of this Nation have lost a wonderful public servant. He was the best of political leaders. And I lost a good friend. He was of my party, but he had great bipartisan support. He was always around to listen and always gave great advice.

Today on the Senate floor I extend, on behalf of my wife and myself, our condolences to his many close friends, to his wife and their two wonderful children, and I look forward to seeing all of them when we attend his wake. But here today in the Senate, I just want to say, "Thank you, STEVE. Thanks for what you were, thanks for what you left us to understand and remember about you, and may more people try to be like STEVE SCHIFF, a real, decent, honest public servant."

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I join my colleague, Senator DOMENICI, in expressing our grief at the loss of STEVE SCHIFF. He is someone I became friends with when we—he and I—were both young lawyers in New Mexico, beginning our legal careers. Of course, when he became district attorney for Bernalillo County, I had the good fortune to be attorney general and worked with him very closely on many issues in those jobs.

STEVE did have the respect of the people he represented because of the good, hard, nonpolitical work that he did for them, first as district attorney and later as U.S. Representative. He was not partisan in his approach to his job. He was quick to reach across party lines. I can remember many phone calls from STEVE where he would call and say, "I have a bill that we have been able to pass in the House, and I need your help in the Senate." And I can remember many phone calls I made to him, asking for his help with legislation that I was pursuing as well.

STEVE was a person who kept clearly in mind the commitment and the job that he was sent here to do for the people of our State. He had great respect in our State and here in the Congress as well. His family deserves our condolences. We certainly send those to his wife and children.

The State of New Mexico has lost a tremendous public servant. Senator DOMENICI put it well by pointing out he was, first and foremost, a public servant in the very best sense of that term. He did not see himself as a politician who was trying to put a good face on the job he was doing. Instead, he saw himself as a mechanic, working in the machine and in the engine of Government to do the right thing for the people of New Mexico and for the country.

STEVE was a good friend to many of us and a great contributor to our State and to the Nation. I join Senator DOMENICI in expressing our grief and our condolences to his family.

I yield the floor.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Alaska.

Mr. STEVENS. The Senator from Wyoming has an amendment. I would like him, at this time, to offer it and ask for its consideration so we can set it aside and bring it up after the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Will the Senator send his amendment to the desk and ask for its consideration? We will take it up after the amendment of Mr. WELLSTONE, which is the next amendment.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENT NO. 2133

(Purpose: To prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming activities)

Mr. ENZI. I have an amendment at the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wyoming [Mr. ENZI], for himself and Mr. BRYAN, Mr. REID and Mr. SESSIONS, proposes an amendment numbered 2133.

Mr. STEVENS. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SECTION 1. PROHIBITION.

Notwithstanding section 11(d)(7)(B)(vii) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(7)(B)(vii)), the Secretary of the Interior shall not—

(1) promulgate as final regulations, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

Mr. STEVENS. Mr. President, I ask unanimous consent this amendment be considered immediately after the amendment presented by the Senator from Minnesota, for which there is a time agreement already.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2128, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for up to 30 minutes.

The amendment (No. 2128, as modified) is as follows:

At the appropriate place, add the following:

SEC. . ADVISORY COMMITTEE ON IMF POLICY.

(a) In General.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as "Advisory Committee").

(b) Membership.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

(1) at least 2 members shall be representatives from organized labor.

(2) at least 2 members shall be representatives from nongovernmental environmental organizations.

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) Duties.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual IMF country programs meet requisite policy goals, particularly those set forth as follows:

(1) in this Act;

(2) in Article I(2) of the Fund's Articles of Agreements, to promote and maintain high levels of employment and real income and the development of the productive resources of all members;

(3) in Section 1621 of P.L. 103-306, the Frank/Sanders amendment on encouragement of fair labor practices;

(4) in Section 1620 of P.L. 95–118, as amended, on respect for, and full protection of, the territorial rights, traditional economies, cultural integrity, traditional knowledge, and human rights of indigenous peoples;

(5) in Section 1502 of P.L. 95–118, as amended, on military spending by recipient countries and military involvement in the economies of recipient countries;

(6) in Section 701 of P.L. 95–118, on assistance to countries that engage in a pattern of gross violations of internationally recognized human rights; and

(7) in Section 1307 of P.L. 95–118, on assessments of the environmental impact and alternatives to proposed actions by the International Monetary Fund which would have a significant effect on the human environment.

(d) Inapplicability of Termination Provision of The Federal Advisory Committee Act.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

Mr. WELLSTONE. Mr. President, I will try not to take 30 minutes. Since the manager of the bill supports this amendment, if we want to do it on voice vote, if that will be better for colleagues, I will be pleased to do it that way as well.

Mr. STEVENS. Mr. President, I welcome that opportunity. I want to say Senators ought to be on notice we will get to the Enzi amendment sooner, and I thank the Senator.

Mr. WELLSTONE. Mr. President, this amendment says that the Treasury Secretary shall appoint an advisory committee, composed of eight members, at least two of whom are from organized labor, two from nongovernment environmental groups, and two from nongovernmental human rights or social justice organizations. This is an advisory group on IMF policy, which the Senator in the Chair right now has worked very hard on. I know that.

This advisory group would meet at least twice a year to advise the Treasury Secretary on IMF's compliance with existing statutory requirements relating to IMF promotion in a variety of different areas: High levels of income and employment in other countries, fair labor practices, indigenous people's rights, reductions in military spending, respect for human rights, and sensitivity to the environmental impact of IMF policies.

The advisory committee shall meet with the Treasury Secretary at least every 6 months to review and provide advice on IMF compliance with these mandates.

There is no legislative mandate. All the Treasury Secretary has to do is meet twice per year with the committee to hear their views on IMF compliance with existing mandates.

Let me explain to my colleagues why I bring this amendment to the floor. We spent, yesterday, altogether 30 minutes in debate on IMF. We are talking about, roughly speaking, $17 billion to go to IMF. We are talking about countries in Asia—I have heard my colleague from Alaska say this very forcefully—that are really right now in economic trouble. We are talking about a lot of economic pain. I agree—I am an internationalist—what happens in these countries will dramatically affect people in our country as well. There is no question about it.

But I want to suggest to colleagues that the question is whether or not the IMF, as I look at the record of the IMF, has been helpful or not helpful in helping these economies and helping the people in these countries. What happens in some of the Asian countries will dramatically affect the lives of people in our country in a number of different ways. Either people in countries like Thailand or Indonesia will not be able to work at decent jobs, will make subminimum poverty wages—in which case, they will not be able to have the money to purchase goods—or, because of IMF policies, which has too often been the case, they will be forced to currency devaluation and they will try to work themselves out of trouble through cheap exports to our country. Either way, working families in Nebraska and Minnesota and Alaska and around our country are hurt if we do not put some focus in the IMF.

I am about to go through existing laws and statutes that the IMF is supposed to live up to, and I am just going to talk about a whole history of noncompliance. We have not had this discussion on the floor of the Senate. We should. I mean, if in fact what happens in these Asian countries is that we have the IMF pouring fuel on the fire, if you have an International Monetary Fund that imposes austerity measures on these countries, depresses wage levels, has no respect for international labor standards, shows no respect for human rights—people cannot even organize to make a decent living, people cannot even organize in these countries like Indonesia in order to make sure that they are paid decent wages—then what is going to happen is, you have countries with a populous where the vast majority of the people cannot buy what we produce in our country. This is like economics lesson No. 1. Or—and this has happened all too often because of IMF prescriptions—what happens is, these countries try to export themselves out of trouble: Currency devaluation, cheap exports to our country, and our workers and our families cannot compete.

Let me just go through some existing laws right now that are supposed to govern the International Monetary Fund. By the way, they are in noncompliance. The problem is, the administration has not spent much time really insisting on accountability. The problem is, we have turned our gaze away from this. I wish our country would be stronger in supporting international labor standards, stronger in supporting environmental standards, stronger in supporting basic human rights for people. But we have not done that.

> The Secretary of Treasury shall direct the United States executive directors of the international financial institutions to use the voice and vote of the United States to urge the respective institution [this covers the IMF] to adopt policies to encourage borrowing countries to guarantee internationally recognized worker rights and to include the status of such rights as an integral part of the institution's policy dialog with each borrowing country.

I suggest to colleagues, even though we have not discussed this on the floor of the Senate, that the IMF has ignored this law and that the International Monetary Fund pays precious little attention to whether or not these countries that we bail out live up to internationally recognized labor rights.

Mr. President, to go on:

> Beginning 2 years after the date of enactment of this section, the Secretary of the Treasury shall instruct the United States executive director of each multinational development bank not to vote in favor of any action proposed to be taken by the respective bank which would have a significant effect on the human or environmental assessment for at least 120 days before the date of the vote until an assessment analyzing the environmental impacts of the proposed action and alternatives to the proposed action has been completed by the borrowing country or institution.

Again, another law that the IMF is supposed to live up to, another relevant statute that there ought to be an environmental impact statement. We ought to look at what these countries are doing; we ought to look at where the money is going. These countries—or many of these countries—are in noncompliance, and the IMF just turns its gaze away from this, as does the United States, our Government. This is not in the name of our people, because I think people in our country support human rights, support respect for the environment.

Human rights title:

> The U.S. Government in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the InterAmerican Development Bank, the African Development Bank [so on and so forth] the International Monetary Fund, shall advance the cause of human rights including by seeking to channel assistance toward countries other than those whose governments engage in a pattern [and I am quoting] of gross violations of internationally recognized human rights such as torture or cruel, inhumane or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty and the security of person.

Mr. President, in this connection, let me point out that a labor leader in Indonesia, Mochtar Pakpahan—we are about to provide the IMF, and the IMF is about to provide, based upon, in part, the U.S. contribution, Indonesia with bailout money—and this man, this labor leader, I say to my colleagues, is in prison. Why is he in prison? He is in prison for organizing workers in support of a higher minimum wage, people who work for wages that don't enable them or their families even to be able to have enough food to eat. And this man's crime, this labor leader's crime in Indonesia is that he has organized workers to get better wages.

I just read the statute that applies to IMF policy. The way I read this—maybe I will read it again—is that the "International Monetary Fund shall advance the cause of human rights, including by seeking to channel assistance toward countries other than those whose governments engage in gross violations of humans rights of citizens."

What do we think is happening in Indonesia? Does any Senator on the floor of the Senate want to defend the Government of Indonesia for imprisoning a labor leader?

Mr. President, I will suggest—and I will go on and read other laws that apply to the IMF—that what is wrong with this IMF provision, the amendment that we are going to vote on eventually, is that nowhere in here do we have any conditions dealing with labor, human rights standards, nowhere in here do we have any conditions dealing with environmental standards, nowhere in here do we have any discussion about the importance of promoting employment and higher wage levels for the citizens of these countries.

So, it is a flawed institution. I am all for making sure these countries do better, but I don't think the IMF is going to help these countries do better. In fact, I think what the IMF does over and over again is make matters worse. I look at the record in some of these countries, and I see no evidence whatsoever that IMF policies have led to an improvement in the living standards of people in these countries. For the bankers, yes; for the investors, yes; and for some of these governments which are all too often corrupt, yes, but not for the people.

We have an IMF agreement. I know that the Chair has worked hard on this. I know that the Senator from Alaska has been involved in this. And that is why I come out with an amendment that is very reasonable, because all this amendment says is, look, we have these existing statutes, it is already law, this is what the IMF is supposed to live up to, but we have a clear record of flagrant noncompliance.

At the very minimum, let's make sure the Secretary of the Treasury meets with an advisory committee made up of some non-Government people dealing with human rights, dealing with labor, dealing with the environment at least twice a year so that we can put this on the radar screen.

I know colleagues feel strongly that we must do something. I hope it works out. But I have to say that on the basis of the record of the IMF, I see no evidence whatsoever that the IMF's economic policies are going to help the Asian countries or help the people in the Asian countries. Instead, what I think is going to happen, since we have not had any clear provisions with real teeth in this legislation—and the best I can do today is to get a strong vote on this advisory committee, and I am intending to send a message to the administration.

Secretary of the Treasury Rubin is a fine Secretary. He is skillful, he has been gracious, and I think he is committed to doing better. It isn't even personal, because I think he believes that we have to do better. But in all due respect, we at the very minimum ought to begin to put these questions on the table. We ought to put these issues on the table. In all due respect, I say to my colleagues, I am just telling you this is a flawed institution.

We are about to invest a lot of money in the International Monetary Fund, which has a record of imposing economic policies on countries which depress the living standards of most of the people in those countries. That is the record. As a result, those people don't have the economic power, the dollars to consume products that we make in our country; as a result, quite often these countries barrel down the path of exporting cheap products to our country, and, again, working families in the United States of America pay the price.

It is a lose-lose situation. The people in Indonesia are not going to win, the people in Thailand are not going to win, and the people in the United States are not going to win.

Let me go on and read a few other provisions. Talking about the International Monetary Fund, one of the goals must be to "facilitate the expansion and balanced growth of international trade and to contribute thereby to the promotion and maintenance of high-level employment and real income and to the development of productive resources of all members as primary objectives of economic policy."

I have to say to colleagues, I cannot believe that this is a statute that applies to the IMF, because that is not what the International Monetary Fund has been about. I do not know how anybody here can make the case that the IMF's economic prescriptions for these countries have been about promoting "high levels of employment and real income and the development of productive resources of all members as primary objectives of economic policy." That is almost laughable. That is not what the IMF has done.

I think what we have done is we have forfeited a historic opportunity to strengthen the position of working people in these other countries, to support the human rights of citizens in these other countries, to take a look at Thailand and Indonesia, who are among the worst offenders in Asia denying worker rights, among the worst offenders in Asia in violating the human rights of their citizens, and, basically, what we have on the Senate floor is silence on these questions.

Why don't we have any connection to what are, I think, the most important factors in determining whether or not the people in these countries are going to do well and the majority of the people in our own country are going to do well?

As I look at these provisions—and I will go back and I will summarize this amendment—this amendment essentially instructs the Treasury Secretary to appoint an advisory committee composed of eight members, at least two of which will be from organized labor, two from nongovernmental environmental groups and two from nongovernmental human rights or social justice organizations. This advisory committee will meet with the Secretary of the Treasury twice a year, and they will talk about IMF policy, whether or not the IMF is in compliance or not with existing statutory requirements relating to IMF promotion of high levels of income, employment, fair labor practices, indigenous people's rights, reductions in military spending, respect for human rights and sensitivity to the environmental impact of IMF policies.

The advisory committee shall meet with the Treasury Secretary at least every 6 months to review and to provide advice on IMF compliance with these mandates.

I will say one more time, by way of conclusion, the IMF is not in compliance with these mandates, not in compliance with the existing laws that apply to IMF, not in compliance on internationally recognized labor rights, not in compliance of respect for indigenous people, not in compliance in human rights, not in compliance with sensitivity to environmental concerns. We have a golden opportunity, and we are missing it. That is why I am not going to vote for this amendment that deals with International Monetary Fund assistance to these countries to make things much better.

I believe that what we are about to do, the amendment we are going to adopt on the International Monetary Fund, will, in fact, not help those countries in Asia, not help the peoples of those countries that are struggling, and will end up hurting not only people in countries like Indonesia, but also will hurt families in our country as well.

Why in the world don't we have more to say about a brutal dictatorship in Indonesia? Why don't we have more to say about the ways in which this dictator crushes people in his own country? Why don't we have more to say about the depressing of living standards of people in Indonesia? Why don't we have more to say about all the ways in which those people, not having decent jobs and decent wages, cannot buy what our working people produce? Why don't we have more to say about the way in which the IMF comes in, bails out the bankers, bails out the investors, insists on currency devaluation, insists on austerity and, therefore, forces those countries into currency devaluation and to exporting cheap products into our country, thereby hurting, again, working families in the United States of America? Not a word about that.

I think the Senate is in serious error for not focusing like a laser beam on these concerns. But I will thank my colleagues for at least supporting this amendment, which I will fight very hard to keep in conference committee, because I really do believe that if we can have this advisory committee which will meet with the Secretary of the Treasury twice a year and which will raise these issues twice a year and which will discuss with the Secretary and analyze with the Secretary whether or not the IMF is in compliance with all of the statutory requirements relating to environmental protection, relating to human rights, relating to international labor standards, I think this will at least be a step forward.

I am, on the one hand, just saying to colleagues that I think the provisions we have out here in relation to the IMF, the investment we make in the International Monetary Fund is mistaken. I think we miss a tremendous opportunity to exert leadership, the United States of America exerting leadership in behalf of working people in other countries, in behalf of human rights, in behalf of the environment. We are not doing that. But at the very least, I hope my colleagues will support this amendment.

I said to my colleague from Alaska that if the Senate is, in its wisdom, going to support this amendment, then I am pleased to have a vote right now.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I see the Senator from Minnesota has finished his comments on his amendment. I have had no request for time. So if the Senator is prepared to vote, I am prepared to yield back the time allocated to our side. I so yield back the time.

Mr. WELLSTONE. I am prepared to vote.

Mr. STEVENS. The Senator said we will have a voice vote on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Wellstone amendment No. 2128, as modified.

The amendment (No. 2128), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that the next order of business will be the amendment of the Senator from Wyoming. I ask unanimous consent that that be the pending business.

The PRESIDING OFFICER. The Senator is correct, the pending business is the amendment of the Senator from Wyoming.

Mr. STEVENS. Is it possible, Mr. President—I know the Senator from Wyoming is for the amendment and I understand the Senator from Hawaii is opposed to the amendment. Can we have a time agreement on the amendment?

Mr. ENZI. Mr. President, 40 minutes on a side; 80 minutes equally divided will be agreeable. We were just talking about reducing that by 10 minutes a few moments ago, but I have not had a chance to check with the other side.

Mr. STEVENS. Seventy minutes equally divided. I say to the Senator, that is agreeable, but we have a time already set for the vote on the Helms amendment. Mr. President, parliamentary inquiry. If we enter into a time agreement, what happens to the vote at 6:30?

The PRESIDING OFFICER. We would suspend consideration on the Enzi amendment until we have the vote on the Helms amendment, and after that, we would resume debate on the Enzi amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that we enter into such an agreement, 70 minutes equally divided on this amendment and no second-degree amendments be in order to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wyoming.

AMENDMENT NO. 2133

Mr. ENZI. Mr. President, I call up amendment No. 2133.

The PRESIDING OFFICER. That is the pending question.

PRIVILEGE OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Andrew Emrich and Katherine McGuire be granted the privilege of the floor during the course of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise to offer an amendment with my colleagues, the distinguished Senators from Nevada, Senator BRYAN and Senator REID, and the Senator from Alabama, Senator SESSIONS.

This bipartisan amendment touches an issue that is very important to me, and that is the issue of States rights. This amendment is very simple and straightforward. It would prohibit the Secretary of the Interior from finalizing the proposed rules published on

January 22 of this year. It would also prohibit the Secretary from proposing or promulgating any similar regulations. In effect, this amendment would prohibit the Secretary of the Interior from bypassing the States in the process of approving class III Indian casino gambling.

Mr. President, I must admit that I am disappointed this amendment is necessary at all. Last year, I offered an amendment, along with a number of my colleagues, on the Interior appropriations bill. We debated that on the floor. That prohibited the Secretary of the Interior from approving any new tribal-State gambling compacts which had not first been approved by the State in accordance with existing law.

Although that amendment provided only a 1-year moratorium, the intent of the amendment was clear. Congress does not believe that it is appropriate for the Secretary of the Interior to bypass the States or to spend money bypassing the States in an issue as important as whether or not casino gambling will be allowed within a State's borders.

The debate bore out that intent. I think it was clearly understood. It ended with a voice vote. It was passed by wide bipartisan support. Unfortunately, the Secretary did not think, evidently, that Congress was serious when we passed the amendment last year.

On January 22 of this year, the Department of the Interior, Bureau of Indian Affairs, published proposed regulations which would allow the Secretary of the Interior to bypass the State's authority in the compacting process. In effect, these proposed regulations would allow Secretary Babbitt to approve casino gambling agreements with the Indian tribes without the consent or approval of the States. This is precisely what Congress prohibited in last year's amendment. Evidently, Secretary Babbitt did not think we were serious.

Mr. President, this amendment is designed to ensure that the proper process is followed in the tribal-State compacting process. There may be those who argue that changes need to be made to the Indian Gambling Regulatory Act. I would not necessarily disagree with my colleagues on that point. However, if any changes are to be made, the changes must come from Congress, not from an unelected Cabinet official. By proposing these regulations, the Secretary of the Interior has shown an amazing disregard for Congress and for all 50 States.

Mr. President, I have to admit that I find the timing of the Secretary's actions ironic. Just recently, the Attorney General appointed an independent counsel to investigate Secretary Babbitt's actions in regard to approving and denying tribal-State gambling compacts from Indian tribes in Wisconsin.

Although we will have to wait for the investigation to take its course, it is evident that serious questions have been raised about the Secretary of the Interior's objectivity in approving Indian gambling compacts. We should not allow the Secretary of the Interior to usurp the rightful role of Congress and the States in addressing the difficult question of Indian casino gambling.

Mr. President, this amendment has the strong endorsement of the National Governors' Association. At their annual convention this year, the Governors adopted a resolution strongly opposing the Secretary's proposed regulations. I have a copy of that letter. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, March 25, 1998.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Senate, Washington, DC.
Hon. TED STEVENS,
Chair, Appropriations Committee, U.S. Senate, Washington, DC.
Hon. THOMAS A. DASCHLE,
Senate Minority Leader, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Appropriations Committee, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER LOTT, MINORITY LEADER DASCHLE, CHAIRMAN STEVENS, AND SENATOR BYRD: This letter is to confirm Governors' support for the Indian gaming-related amendment offered by Senators Michael B. Enzi, Richard H. Bryan, and Harry Reid to the Senate supplemental appropriations bill. This amendment prevents the secretary of the U.S. Department of the Interior from promulgating a regulating or implementing a procedure that could result in tribal Class III gaming in the absence of a tribal-state compact, as required by law.

The nation's Governors strongly believe that no statute or court decision provides the Secretary of the U.S. Department of the Interior with authority to intervene in disputes over compacts between Indian tribes and states about casino gambling on Indian lands. Such action would constitute an attempt by the Secretary of the Interior to preempt states' authority under existing laws and recent court decisions and would create an incentive for tribes to avoid negotiating gambling compacts with states.

Further, the secretary's inherent authority includes a responsibility to protect the interests of Indian tribes, making it impossible for the secretary to avoid a conflict of interest or exercise objective judgment in disputes between states and tribes.

We urge your support of the Enzi/Bryan/Reid amendment. Please contact us if you have any questions about our position on these matters, or call Larry Magid of NGA, at 202/624–7822.

Sincerely,

RAYMOND C. SCHEPPACH.

Mr. ENZI. Mr. President, I also have a letter from the Western Governors' Association, signed by the Governor of Alaska, who is the chairman of that association, again, reiterating their concerns about bypassing the States rights. I ask unanimous consent that that letter also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WESTERN GOVERNORS' ASSOCIATION,
Washington, DC, December 5, 1997.

WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: It is the understanding of the Western Governors' Association, that the Secretary of Interior has proposed a rule-making on Indian Gaming that would usurp the Governors authority to enter into compact negotiations on gaming with Indian tribes. States have repeatedly voiced their concerns about the Secretary's desire to promulgate this rule. On October 10, a letter was sent by the National Governors' Association Chairman and Vice-Chairman to the Secretary of Interior on this rule-making proposal.

It is evident that the states' concerns have gone unheard or at least have not been responded to by the Secretary. As a former Governor, you can appreciate how troubling it is when a cabinet member fails to consider or enter into a dialogue with us about state's legitimate concerns.

The Secretary is using the Seminole Tribe of Florida vs. Florida decision by the Supreme Court to inappropriately expand his authority. The Indian Gaming Regulatory Act (IGRA) established a procedure whereby decisions could be made when a state and tribe were unable to agree to the terms of a compact. Before the Secretary is authorized to provide a compact to a tribe under IGRA, the courts must first make a finding of bad faith on the part of the state. When the Supreme Court struck down the portion of IGRA that permitted tribes to sue states in Federal Court, it eliminated the mechanism for arriving at a finding of bad faith by the court. It would be inappropriate for the Secretary to now take the authority to render a finding of bad faith and then to authorize a gaming compact to a tribe over the objections of a state. Moreover, the Secretary's action contradicts the clear intent of Congress as embodied in the final Interior conference report that you signed, which imposes a one-year moratorium on imposition of a procedure that would result in tribal Class III gaming in the absence of a tribal-state compact as required by law.

As the National Governors' Association policy states "nothing remains in the Indian Gaming Regulatory Act or any other law that endows the Secretary with the authority to independently create such a process. . . . The Governors will actively oppose any independent assertion by the Secretary of the power to authorize tribal governments to operate Class III Gaming. State and tribal governments are best qualified to craft agreements on the scope and conduct of Class III Gaming under IGRA."

Furthermore, under the duties of the office, the Secretary has a special legal relationship to Native Americans, and it would be impossible for him to be objective in making decisions settling compact differences between states and tribes—in effect the Secretary becomes a self-appointed judge and jury.

These are difficult issues, and we understand the Secretary interpreting his role as advocate for Native Americans. However, Governors have Constitutional responsibilities to all of the people of our states. Based on these responsibilities we are compelled to tell you that the Secretary started down an unproductive path when he concluded that the Interior Department should become the sole arbiter in the compact process.

We urge you to find a resolution to the conflicts between the states and tribes that is more appropriate than that initiated by the Secretary. The Western Governors' Association stands ready to participate in such an effort.

Sincerely,

TONY KNOWLES,
Governor of Alaska, Chairman.

Mr. ENZI. Mr. President, I also ask unanimous consent to have printed in the RECORD a resolution passed by the National Association of Attorneys General at their spring meeting.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

RESOLUTION; OPPOSING PROPOSED DEPARTMENT OF INTERIOR REGULATIONS REGARDING SECRETARIAL PROCEDURES FOR CLASS III GAMING

Whereas, Congress enacted the Indian Gaming Regulatory Act, 25 U.S.C. Sections 2701 to 2721 (1998) ("IGRA"), creating a statutory basis for the regulation of gaming by Indian tribes; and

Whereas, IGRA provided the States a role in the regulation of class III gaming through a process utilizing compacts; and

Whereas, IGRA provided a remedial process for tribes seeking to allege that a State has failed to negotiate for class III gaming in good faith; and

Whereas, this statutory remedial process could not be initiated until a federal court determined that the State had failed to negotiate in good faith; and

Whereas, on March 27, 1996, the Court in *Seminole Tribe* v. *Florida*, 116 S.Ct. 1114 (1996), held that Congress could not abrogate the States' 11th Amendment immunity pursuant to the powers granted to it in the Indian Commerce Clause, thereby closing the door to the remedial process in IGRA unless a State consents to being sued; and

Whereas, on May 10, 1996, the Bureau of Indian Affairs published an Advanced Notice of Proposed Rulemaking in response to the decision in *Seminole Tribe* v. *Florida*, seeking comment on, among other things, whether and under what circumstances the Secretary of the Interior is empowered to prescribe procedures for the conduct of class III gaming when a State interposes its 11th Amendment immunity to suit under IGRA; and

Whereas, some 22 State Attorneys General have signed a letter concluding that "It is clearly contrary to law and inappropriate for the Secretary of the Interior to take action to promulgate regulations allowing class III gambling as suggested" in the Advanced Notice of Rulemaking; and

Whereas, on January 22, 1998, the Department of the Interior, Bureau of Indian Affairs, published proposed regulations governing class III gaming procedures;

Now, Therefore Be It Resolved That the National Association of Attorneys General:

(1) opposes promulgation of the proposed rules by the Department of the Interior, Bureau of Indian Affairs, on the basis that the Department lacks the legal authority to promulgate such regulations, as more fully set forth in General Butterworth's letter of June 28, 1996 to Secretary Babbitt (see attached);

(2) opposes the proposed regulations because they empower the Secretary of the Interior to determine which games are "permitted" in a given state, as that term is used in IGRA, a determination that requires an interpretation of state law which should be the exclusive province of the states themselves;

(3) opposes the proposed regulations because they empower the Secretary of the Interior to determine whether a State has negotiated with a Tribe in good faith, even though the Secretary has an acknowledged trust responsibility for the Tribes, thus creating a clear conflict of interest;

(4) opposes the proposed regulations because, in direct defiance of the Supreme Court's holding in Seminole Tribe, 116 S. Ct. at 1133, they "rewrite the statutory scheme in order to approximate what [the Department] think[s] Congress might have wanted had it known that section 2710(d)(7) [the lawsuit provision] was beyond its authority"; and

(5) authorizes the executive director and General Counsel of NAAG to transmit copies of this resolution to the Department of the Interior, Bureau of Indian Affairs, before the close of the comment period for the proposed regulations on April 22, 1998, and to other interested individuals, members of Congress, and agencies, as appropriate.

Mr. ENZI. Mr. President, finally, I ask unanimous consent to have printed in the RECORD relevant excerpts from a 1996 letter from Attorney General Butterworth from Florida and signed by 22 State Attorneys General. This letter explains that the Attorneys General believe any attempts to circumvent the States in the compacting process violates the language and meaning of the Indian Gambling Regulatory Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF FLORIDA,
OFFICE OF ATTORNEY GENERAL,
June 28, 1996.

Re comments on establishing departmental procedures to authorize class III gaming on Indian lands when a State raises an eleventh amendment defense to suit under the Indian Gaming Regulatory Act, Vol. 61 Fed. Reg. No. 92, pg. 21394 (5/10/96).

Hon. BRUCE BABBITT,
Secretary of the Interior, U.S. Department of the Interior, Washington, DC.

DEAR SECRETARY BABBITT: Please accept this letter as the comments of the undersigned Attorneys General relating to the above referenced Advance Notice of Proposed Rulemaking. The undersigned, on behalf of our respective states, have a vital interest in the proper execution of the Indian Gaming Regulatory Act and in gambling activities in our states generally. In *Seminole Tribe v. Florida*, 116 S.Ct. 1114 (1996), the Supreme Court upheld the Eleventh Circuit's opinion that Congress had no authority to abrogate the Eleventh Amendment immunity of the States in the passage of IGRA and that the doctrine of *Ex parte Young* could not be used to circumvent the States' immunity. The court did not however address the issue raised by Part V of the lower court opinion regarding the remaining remedy for Tribes faced with States allegedly not bargaining in good faith, as required by IGRA.

INTRODUCTION AND BACKGROUND

It is uniformly the legal view of the undersigned state Attorneys General that, absent congressional authorization, the Secretary of Interior has no authority to prescribe class III tribal gaming procedures when a state raises an Eleventh Amendment bar to a "bad faith" lawsuit under IGRA. Further, there is no legal question but that if the Secretary were to assume such power, without congressional authorization, the Secretary would be constrained by existing federal law, including the federal Gambling Devices (Johnson) Act, 15 U.S.C. 1175, from prescribing procedures that include any form of electronic or electro-mechanical gambling devices.

Section 23 of IGRA also bars the Secretary from prescribing any gambling procedures that are inconsistent with "State laws pertaining to the licensing, regulation, or prohibition of gambling." Section 11(d)(6) of IGRA lifts the prohibition of the Johnson Act only if there is a tribal-state compact in a state where "the gambling devices are legal" under state law. If the Secretary were to adopt procedures governing gaming procedures inconsistent with or abrogating state law, it would be in violation of federal law.

Nor can the Secretary legally "fuzz" the statutory distinction between a tribal-state compact and post-mediator secretarial procedures—the Congress gave these matters legally distinct and meaningful definitions. Congress intended secretarial procedures in lieu of a compact to occur only when a state has been adjudged to have negotiated, or to have refused to negotiate, in "bad faith." The raising of an Eleventh Amendment defense by a State is not itself "bad faith"—indeed, the Constitution permits it, as the Supreme Court has noted. Certainly the Secretary, who holds a trust responsibility to the tribes, is in no position to judge a State to be in "bad faith." Nor can the Secretary re-write the statute to provide for a new form of "secretarial procedures," designed to apply only when there has been no finding of "bad faith." If there were the law Congress intended, it could have simply provided for the Secretary of Interior to provide for tribal gaming procedures and regulations in all cases as a matter of federal law.

An analysis of the legal error in Part V of the Eleventh Circuit's Seminole opinion clearly demonstrates these points. In the opinion that was appealed to the Supreme Court, the Eleventh Circuit Court of Appeals included dicta stating that if a State invoked its Eleventh Amendment immunity, then a Tribe could apply directly to the Secretary for the promulgation of procedures for class III gambling in that state. By request of the Supreme Court, the Solicitor General filed a brief for the United States addressing the petition and cross petition in the Seminole case. With respect to the remedy suggested by the appeals court, he stated at page 9,

"The state petitioners in Nos. 94–35 and 94–219 seek review of the court of appeals' expression of the view that, if a state does not consent to suit by a Tribe, the Secretary of the Interior would have the authority to prescribe regulations to govern the conduct of gaming on the Tribe's Indian lands. *That discussion in the opinion below is dicta*, since the court ordered the case dismissed on sovereign immunity grounds[.]" (emphasis added)

Because the appeals court held that the case should be dismissed on sovereign immunity grounds, the dicta in part V of the opinion does not provide any legal authority for the Department of the Interior to act. In contrast to the dicta of the Eleventh Circuit, the Ninth Circuit Court of Appeals stated in Spokane, that:

"The Eleventh Circuit was concerned by the regulatory void that it might leave by invalidating the IGRA's provisions for federal judicial enforcement. Those concerns illustrate the problem caused when state sovereignty is injected into the federal scheme. The Eleventh Circuit reasoned that a void was not necessary because the provisions of the statute authorizing the Secretary of Interior to impose regulations would come into effect once a state asserted immunity from suit.

When that occurred the Secretary of the Interior would, in the Eleventh Circuit's view, remain authorized to impose regulations for Class III gaming. Seminole Tribe, 11 F.3d at 1029. *In our view, however, such a result would pervert the congressional plan.* This is because the Secretary of the Interior under the statute is to act only as a matter of last resort, and then only after consulting with the court appointed mediator who has become familiar with the positions and interests of both the tribes and the states in court directed negotiations. 25 U.S.C. Sec. 2710(d)(7)(B)(iv)-(vii). *The Eleventh Circuit's solution would turn the Secretary of the Interior into a federal czar, contrary to the congressional aim of state participation."—Spokane Tribe of Indians v. Washington State*, 28 F.3d 991, 997 (C.A.9 (Wash.) 1994) (emphasis added)

Any proposal to allow a direct by-pass to the Secretary is inconsistent with Congressional intent for two reasons: (1) it allows the tribes to circumvent State participation, thereby not recognizing a legitimate interest of the States; and (2) it ignores IGRA's design to include the states. It should be clearly understood that the proposed remedy has the effect of taking the states completely out of the IGRA process. A Tribe would be able to request a compact with a demand it knows the State cannot accede to, thereby guaranteeing that there will be no compact within 130 days, and providing the "predicate" for a "bad faith" lawsuit. This is possible because IGRA does not require that the *Tribe* negotiate in good faith. At the end of 180 days, with no progress toward a compact, the Tribe may file suit. If the State raises its Eleventh Amendment defense, the Tribe will petition directly to the Secretary of the Interior, undoubtedly for the gaming activities it knew the State could not agree to, including, in most cases, gambling devices and activities criminally prohibited in the state. State participation has thereby been rendered meaningless.

The proposed Secretarial remedy is inconsistent with the plain language of the statute and is an effort to grant a remedy to the Tribes not found in IGRA. The Eleventh Circuit erroneously stated that the new remedy is consistent with the intent of Congress. By creating the remedy, the Eleventh Circuit sacrificed the States' role in an effort to effectuate its notion of the broad intent of Congress.

"Deciding what competing values will or will not be sacrificed to the achievement of a particular objective is the very essence of legislative choice—and it frustrates rather than effectuates legislative intent simplistically to assume that whatever furthers the statute's primary objective must be the law."*—Rodriguez* v. *United States*, 480 U.S. 522, 526 (1987). The process and the remedy set forth in §2710(d)(7) was: "[T]he result of the Committee balancing the interests and rights of the tribes to engage in gaming against the interests of the States in regulating such gaming." S. Rep. 100-446, S. 555, 100th Cong., 2d Sess., 14. The Eleventh Circuit even recognized that IGRA was passed: "[A]fter contentious debate concerning the appropriate state role in the regulation of Indian gaming."*—Seminole Tribe*, 11F.3d at 1019.

The Eleventh Circuit's attempt to legislate a new remedy and the Department of the.Interior's proposal to implement such a remedy are inappropriate and it should be left to Congress to reevaluate the balance of interests and purposes of this act in fashioning a new remedy, if one is needed. The Court of Appeals is not free to fashion remedies that Congress has specifically chosen not to extend. *Landgraf* v. *U.S.I. Film Products*, U.S. . n 36, 62 U.S.L.W. 4255, 4267 n. 36 (April 26, 1994); *see, Northwest Airlines, Inc.* v. *Transportation Workers*. 451 U.S. 77, 97 (1981). Nor can the Secretary fashion such a remedy.

The legal error underlying the suggested process can be shown by the facts of the *Seminole* case itself. The Seminole Tribe requested a compact and proceeded to file suit against the State of Florida with a demand for slot machines and gambling activities criminally prohibited by Florida. The District Court found that the State had not failed to negotiate in good faith. Accordingly, the Tribe was not entitled to mediation or the "secretarial procedures" that follow a court-appointed mediator's involvement. However, under the suggested "Secretarial remedy," the Seminole Tribe could apply to the Secretary for gaming procedures, even in the face of a finding of good faith on the part of the State. This locks the State out of the process, contrary to the intent of Congress.

The states have a legitimate interest in what transpires on Indian reservations within their borders. It is clear that the patrons of Indian gambling operations are not tribal members, but generally non-Indian members of the surrounding communities. Further, the States have an interest in protecting all state citizens.

* * * * *

CONCLUSION

The undersigned Attorneys General strongly believe that it is clearly contrary to law and inappropriate for the Secretary of the Interior to take action to promulgate regulations allowing class III gambling as suggested. If Congress determines that there needs to be a change in IGRA based on the Supreme Court's holding in Seminole, then it is the appropriate forum for discussion of the balancing of interests among the state, federal and tribal governments.

"Deciding what competing values will or will not be sacrificed to the achievement of a particular objective is the very essence of legislative choice—and it frustrates rather than effectuates legislative intent simplistically to assume that whatever furthers the statutes primary objective must be the law."—Rodriguez v. United States, 480 U.S. 522, 526 (1987).

Thank you for the opportunity to comment on the proposed rulemaking.

Sincerely,

Robert A. Butterworth, Attorney General of Florida; Jeff Sessions, Attorney General of Alabama; Winston Bryant, Attorney General of Arkansas; Daniel E. Lungren, Attorney General of California; Grant Woods, Attorney General of Arizona; Richard Blumenthal, Attorney General of Connecticut; M. Jane Brady, Attorney General of Delaware; Alan G. Lance, Attorney General of Idaho; Frank J. Kelly, Attorney General of Michigan; Joseph P. Mazurek, Attorney General of Montana; Frankie Sue Del Papa, Attorney General of Nevada; Margery S. Bronster, Attorney General of Hawaii; Scott Harshbarger, Attorney General of Massachusetts; Mike Moore, Attorney General of Mississippi; Don Stenberg, Attorney General of Nebraska; Jeffrey R. Howard, Attorney General of New Hampshire; Betty D. Montgomery, Attorney General of Ohio; Thomas W. Corbett, Jr., Attorney General of Pennsylvania; Jeffrey L. Armestoy, Attorney General of Vermont; William U. Hill, Attorney General of Wyoming; Drew Edmondson, Attorney General of Oklahoma; Jeffrey B. Pine, Attorney General of Rhode Island; Darrel V. McGraw, Jr., Attorney General of Virginia.

Mr. ENZI. Mr. President, the rationale behind this amendment is simple: Society as a whole bears the burden of the effects of gambling. A State's law enforcement, social services, and communities are seriously impacted by the expansion of casino gambling on Indian tribal lands. Therefore, a decision about whether or not to allow casino gambling on Indian lands should be approved by popularly elected representatives, not by an unelected Cabinet official.

I urge my colleagues to stand up for the rights of the States and the rights of this Congress, as popularly elected leaders, by voting for this amendment. And, Mr. President, the chairman of the subcommittee, Senator GORTON, also approves of the amendment. I do ask for your consideration of that amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from Wyoming for yielding me time.

I rise to endorse the comments made by Senator ENZI. In 1996, I was the attorney general of the State of Alabama, and I was one of the 22 attorneys general that signed the letter that Senator ENZI mentioned earlier. This letter, which was initiated under the leadership of Attorney General Bob Butterworth of Florida, was a 13-page letter discussing the legal reasons why the attorneys general believe that the Secretary of the Interior ought not to be setting the gambling policies for our various States. Why did we take this position? Because our review of applicable law revealed to us that there was no legal basis for the Secretary of Interior to act this way, especially in light of the important *Seminole Tribe* v. *Florida* case decided by the U.S. Supreme Court in 1996.

The issue of tribal gaming is a matter of extreme importance. My home state of Alabama has consistently rejected casino gambling in the State. We have one small Indian tribe that owns several pieces of property in the State. If that tribe were able to go to the Secretary of the Interior and obtain approval to build casinos on their property, we would soon have three major, active casinos in the State of Alabama bringing with them all the problems that are associated with casino gaming. The tribal reservations are extremely small, however they would impact the community to a great degree.

As the Senator from Wyoming so eloquently said, it is the States who will bear the burdens and the responsibility and the consequences of having the Secretary of Interior impose gambling on them. The Secretary of the Interior should not be imposing tribal gaming decisions on the States. In the past, the Secretary had indicated that he would prefer not to intervene in these matters. If that is so, then he certainly should not oppose this legislation that would prohibit his ability to unilaterally decide state gaming issues. I think this issue is a matter that we need to treat very significantly.

Make no mistake about it, having been involved in the process, I learned something that is quite important, and that is just how much money is involved. When the Secretary of the Interior, one man, can look at one group of claimants, or favor one Indian tribe over another, and he can then select a group and say, "You can get a gambling casino," he may have made that group hundreds of millions of dollars—I do not mean one million, I mean hundreds of millions of dollars—and another tribe may get nothing from that. The Secretary's ability to make one decision which makes certain groups rich and certain groups poor is one reason why the committee testimony concerning Mr. Babbitt's dealing with contributions tied to Indian gaming was such a dramatic, and unseemly, event.

So I think that is not the way public policy and gambling policy ought to be set in America. It ought to be set on a rational basis by the people of the State who would have to live with that activity. I think Senator ENZI is correct. Similar legislation passed once before, I think, with consent. I hope that it will again. I believe we need to make clear that the people of our States will be the ones to decide whether or not gambling occurs.

I would just like to share a quote from an editorial appearing in the Montgomery Advertiser last year. In this editorial the Advertiser, the newspaper of the capital of Alabama, says:

> Regardless of whether one favors or opposes legalized gambling on Indian lands, surely there can be little dispute over the legitimate interest of states in having some say in the matter, rather than having gambling instituted within their borders through federal-level negotiations.

Respecting the role of states is fundamental to this issue, and Senator ENZI's amendment solves the problem of Federal intrusion created by the regulations put forward by the Secretary of Interior. I salute Senator ENZI for his amendment, and I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I yield such time as Senator BRYAN needs, the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I thank you.

I am happy to yield to the distinguished Senator from Hawaii, who has not had an opportunity to speak. If he wishes to precede me, I would be happy to yield.

Mr. President, I think it is helpful to our colleagues if we put this amendment in some context.

In 1988, the Congress enacted the Indian Gaming Regulatory Act. That act says that to the extent that States permit gaming activities within the States, that Indian tribes within those States should have the same opportunity. Let me say that I am in support of that philosophy.

In Nevada, we have a full range of casino gaming activity. There is no question in my State that tribes within Nevada have the same opportunity, and, indeed, we have five compacts that have been ratified between the Governor and the tribes in my State permitting those tribes to conduct the same kind of activity for gaming enterprises that we have in Nevada.

Let me give a contrast, if I may. My friend from Hawaii and our colleagues from Utah—in those two States a determination has been made that no form of gaming activity should be permitted, something that I believe is a matter of public policy for those two States to make a determination. So it is equally clear under the act that Indian tribes would have no opportunity to participate in Indian gaming unless the States chose to permit it because they have made a public policy not to have any form of gaming.

In between, there are 48 other States that have adopted variations of gaming. So there are a number of States that have entered into compacts; that is, agreements between Governors and tribes. The Enzi-Bryan-Reid amendment in no way impacts those States that have previously entered into compacts. Those are valid and continue to be effective.

What is at issue here is that some tribes, particularly in California and Florida, have tried to force the respective Governors of those States to permit gambling activity, which those States do not permit, specifically in the form of slot machines. California has made a determination that they do not, as a matter of public policy, favor slot machines, so therefore slot machines are not permitted in California. In Florida, the same public policy prevails. And the tribes have sought to force those Governors to negotiate this kind of gambling activity.

In California today, there are 40 tribes that operate 14,000 illegal slot machines, slot machines that are not part of negotiated compacts. Recently, the Governor of California and the Pala Band Indian Tribe have entered into a compact that does not, Mr. President, include the gambling activity that currently illegally exists in these 20 reservations; namely, slot machines.

What is troublesome to my colleagues who join me on this amendment and what was of concern to the Congress in the last session is the Secretary of the Interior has moved forward with regulations that would say the Governors and the tribes are not the ones to determine the scope of gaming in a given State; the Secretary of the Interior should have that right.

So in the Interior appropriations bill that was approved last year, we offered a provision that said, in effect, the Secretary of Interior is prohibited from expending any money to implement a regulation which would give to him the authority to be the final arbiter between a tribe and a State as to what should be negotiated.

What causes our renewed concern is, the Secretary of Interior has now begun a rulemaking process that has been out for public comment, that is currently before the Office of Management and Budget for review, that is doing the very sort of thing that we sought to prohibit in the appropriations bill last year.

What this amendment does is to reaffirm the policy of the Congress that the Secretary of Interior shall not move forward in overriding, if you will, a determination between a Governor and the tribe as to the scope of gaming. I am familiar with no circumstance—none—in which a Governor today has refused to negotiate in good faith for gambling activity on a tribal reservation that is consistent with that State's public policy. So what we are really talking about here are tribes that have been putting a lot of pressure on Governors to, in effect, open up casino gaming, as the distinguished Senator from Alabama pointed out. I believe that is a determination the States, the Governors, ought to make.

The law is clear, once a State crosses the Rubicon and permits a form of gaming, the tribal governments within that State should be entitled to the same. That is fair. What is sauce for the goose is sauce for the gander. There is no quarrel with that.

But the tribes have sought to push some of the Governors and say, "Look, we want slot machines. Even though you do not permit that as a matter of public policy, we believe you ought to be required to negotiate that, and if you won't negotiate that, we will accuse you of acting in bad faith and will go to the Secretary of Interior and have him make that determination."

I believe however we line up on the political spectrum in this Chamber, that is not a decision that the Secretary of Interior ought to be making. That is a decision which the State, as a matter of public policy, should determine for itself—how much, how little, if any, gaming activity should be allowed.

What our amendment does is to refine the amendment that was offered as part of the appropriation process and goes further and says, "Look, you shall not go forward with this rulemaking process," in the context of the appropriations for this year. I believe that is totally consistent with what we began last year, and I believe it is something this Chamber ought to reaffirm.

My concern is that the rate in which this rulemaking process is proceeding is, the day after the current appropriations bill expires, October 1, we have a regulation out there and the Secretary of Interior will begin to make determinations as to the scope of gaming permitted in States. May I say in the two States in question, one of them presided over by a Democrat, one by a Republican, this is bipartisan. Both of those Governors have resisted that. The National Governors Association has gone on record as opposing the Secretary of Interior's position, the National Association of Attorneys General has gone on record as opposing it, Democrats and Republicans in both of those two associations, because in effect the Secretary of Interior would be allowed to preempt State public policy. That is something that I believe none of us would want to occur.

I yield the floor.

AMENDMENT NO. 2134

(Purpose: To express the Sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the Fiscal Year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs)

Mr. BUMPERS. I ask unanimous consent I be permitted to send an amendment to the desk, the same be immediately laid aside, and later brought for consideration.

Mr. STEVENS. Reserving the right to object, what is the amendment?

Mr. BUMPERS. I will send the amendment to the desk to be set aside to be brought up at your discretion.

Mr. STEVENS. Is this the one on which I was to have the colloquy with the Senator from Arkansas?

Mr. BUMPERS. I will discuss that with you in just a moment.

Mr. STEVENS. The Senator has that right.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 2134.

Mr. WARNER. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

"SEC. . SENSE OF THE SENATE WITH REGARD TO OFFSETS.

(a) FINDINGS.—The Senate finds that—

(1) the Budget Enforcement Act contains discretionary spending caps to limit discretionary spending;

(2) within the discretionary spending caps, Congress has imposed firewalls to establish overall limits on spending for non-defense discretionary programs and overall limits on spending for defense discretionary programs;

(3) any increase in non-defense discretionary spending that would exceed the non-defense discretionary spending caps must be offset by rescissions in non-defense discretionary programs;

(4) any increase in defense discretionary spending that would exceed the defense discretionary spending caps must be offset by rescissions in defense discretionary programs;

(5) the Budget Enforcement Act exempts emergency spending from the discretionary spending caps;

(6) certain items funded in the FY98 supplemental appropriations bill have been designated as emergencies and thus are exempt from the budget cap limitations;

(7) the House of Representatives will be considering a version of the FY98 supplemental appropriations bill that will purportedly make rescissions to offset spending on items that have been deemed emergencies;

(8) the rescissions included in the House of Representatives FY98 supplemental appropriations bill will purportedly come solely from non-defense discretionary programs;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the Fiscal Year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs.

The PRESIDING OFFICER. The amendment is set aside.

The Senator from Hawaii has the floor.

Mr. INOUYE. Parliamentary inquiry. Is there a vote scheduled at 6:30?

The PRESIDING OFFICER. The Senator is correct; there is a vote scheduled for 6:30.

Mr. INOUYE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 2130

The PRESIDING OFFICER. Under the previous order, debate on the Enzi amendment will be suspended in order to vote on amendment No. 2130.

The question is on agreeing to the amendment of the Senator from North Carolina, Mr. HELMS.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. ALLARD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—90

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kerrey
Kohl
Kyl
Landrieu
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—10

Bingaman
Dodd
Feinstein
Kennedy
Kerry
Lautenberg
Leahy
Rockefeller
Sarbanes
Wellstone

The amendment (No. 2130) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we are waiting on an agreement on what to do with the bill for the remainder of the evening and tomorrow. I urge Senators—again, we are making up a list. We call it a finite list. We hope to get an agreement before we leave here that amendments, unless they are on the list, will not be in order for this bill. So I urge Senators to speak to their respective sides to see to it. That is the suggestion.

I yield to the Senator from Virginia. He wants to qualify an amendment now.

Mr. ROBB. Mr. President, I thank the Senator from Alaska.

AMENDMENT NO. 2135

(Purpose: To reform agricultural credit programs of the Department of Agriculture, and for other purposes)

Mr. ROBB. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. ROBB) proposes an amendment numbered 2135.

Mr. ROBB. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

"SEC. 1. SHORT TITLE.

This section may be cited as the 'Agricultural Credit Restoration Act'.

SEC. 2. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is amended to read as follows:

"(B) EXCEPTIONS.—The term 'debt forgiveness' does not include—

"(i) consolidation, rescheduling, reamortization, or deferral of a loan;

"(ii) debt forgiveness in the form of a restructuring, write-down, or net recovery buy-out during the lifetime of the borrower that is due to a financial problem of the borrower relating to a natural disaster or a medical condition of the borrower or of a member of the immediate family of the borrower (or, in the case of a borrower that is an entity, a principal owner of the borrower or a member of the immediate family of such an owner); and

"(iii) any restructuring, write-down, or net recovery buy-out provided as a part of a resolution of a discrimination complaint against the Secretary.".

(b) Section 353(m) of such Act (7 U.S.C. 2001(m)) is amended by striking all that precedes paragraph (2) and inserting the following:

"(m) LIMITATION ON NUMBER OF WRITE-DOWNS AND NET RECOVERY BUY-OUTS PER BORROWER.—

"(I) IN GENERAL.—The Secretary may provide a write-down or net recovery buy-out under this section on not more than 2 occasions per borrower with respect to loans made after January 6, 1988.".

(c) Section 353 of such Act (7 U.S.C. 2001) is amended by striking subsection (o).

(d) Section 355(c)(2) of such Act (7 U.S.C. 2003(c)(2)) is amended to read as follows:

"(2) RESERVATION AND ALLOCATION.—

"(A) IN GENERAL.—The Secretary shall, to the greatest extent practicable, reserve and allocate the proportion of each State's loan funds made available under subtitle B that is equal to that State's target participation rate for use by the socially disadvantaged farmers or ranchers in that State. The Secretary shall, to the extent practicable, distribute the total so derived on a county by county basis according to the number of socially disadvantaged farmers or ranchers in the county.

"(B) REALLOCATION OF UNUSED FUNDS.—The Secretary may pool any funds reserved and allocated under this paragraph with respect to a State that are not used as described in subparagraph (A) in a State in the first 10 months of a fiscal year with the funds similarly not so used in other States, and may reallocate such pooled funds in the discretion of the Secretary for use by socially disadvantaged farmers and ranchers in other States.".

(e) Section 373(b)(1) of such Act (7 U.S.C. 2008h(b)(1)) is amended to read as follows:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may not make or guarantee a loan under subtitle A or B to a borrower who on, 2 or more occasions, received debt forgiveness on a loan made or guaranteed under this title.".

(f) Section 373(c) of such Act (7 U.S.C. 2008h(c)) is amended to read as follows:

"(c) NO MORE THAN 2 DEBT FORGIVENESSES PER BORROWER ON DIRECT LOANS.—The Secretary may not, on 2 or more occasions, provide debt forgiveness to a borrower on a direct loan made under this title.".

SEC. 2. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act, without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the statement of policy of the Secretary of Agriculture relating to notices of proposed rule-making and public participation in rule-making that became effective on July 24, 1971 (36 Fed. Reg. 13804).

Mr. ROBB. Mr. President, I ask unanimous consent that the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Mr. President, very briefly, this is an amendment to correct a measure that was in the 1996 agriculture bill. There are $48 million in this emergency bill to provide for direct operating loans to farmers. But most of the minority and small farmers are not able to get to those loans because of a disqualifying provision. This corrects that. We will try to work it out so it will be accepted when it is taken up on the floor.

Mr. President, I rise today to offer an amendment to improve access to the USDA's lending programs for farmers.

The emergency supplemental appropriations bill we're considering contains enough funds to allow $48 million more money to be available for direct operating loans. These loans are crucial to farmers, especially in the spring, because they use the borrowed funds to buy the seed, fertilizer and other material essential for planting, which they repay after harvest.

Unfortunately, there are many minority and socially disadvantaged farmers who will not have access to these critical loan funds because of a provision in the 1996 farm bill. That provision bars a farmer—forever—from turning to the USDA's loan programs if they have ever defaulted previously on a federally-backed agricultural loan. This inflexible provision permanently eliminates the farmers' access to these loan programs, even if the cause of the previous default was the result of racial discrimination against the farmer perpetrated by the Federal Government, or a disaster beyond the farmer's control, or a medical condition which affected the farmer's ability to pay.

My amendment addresses this situation.

FARAD

Mr. BAUCUS. Mr. President, I understand that the USDA is working toward the release of funds relating to the competitively awarded Smith Lever 3(d) Food Safety grants program. An eligible activity of this program is the Food Animal Residue Avoidance Database (FARAD). The American people are demanding higher levels of food safety, and the FARAD program will help develop better methods of assuring the safety of food products from our livestock sector.

The Smith Lever 3(d) Food Safety program contains a total of $2,365,000, but it has been suggested that only $195,000 would be available for the FARAD activities. However, I understand that FARAD is not limited by the suggested amount of $195,000 and that additional funds under the Smith Lever 3(d) Food Safety grants program could be directed to FARAD as a competitive award. I further understand that no funds under this program have been obligated for the current fiscal year.

Mr. BUMPERS. The Senator from Montana is correct. The suggested figure of $195,000 is not a binding cap on the funds potentially available to FARAD in fiscal year 1998. I understand that grants under the Smith Lever 3(d) Food Safety program will be awarded in the near future and that proponents of the FARAD program should be advised that additional competitive funds may be available and they may wish to craft their applications to reflect this opportunity.

DISASTER ASSISTANCE

Mr. CLELAND. Mr. President, I would first like to thank my distinguished colleagues, the Chairman, Senator STEVENS and Ranking Member Senator BYRD for addressing the issue of providing relief for Georgia disaster victims in this bill. And, to my colleague, Senator COVERDELL the Senior Senator from Georgia for his direct involvement and for offering his amendment to see that adequate relief is obtained for Georgia. I am proud to be a co-sponsor of his amendment. I would also like to thank my colleague Senator BUMPERS, for his skillful work as the Ranking Member on the Agriculture Appropriations Subcommittee in his efforts to incorporate the valuable requests for disaster assistance into this bill.

Mr. BUMPERS. I thank the Senator.

Mr. CLELAND. I would like to follow up on the comments made yesterday by my colleagues, Senator COCHRAN and Senator COVERDELL with a question to Senator BUMPERS. I wanted to confirm the report that the $60 million from the Emergency Conservation Program along with the amendment providing an additional $50 million from the Emergency Watershed and Flood Prevention program provided in the 1998 Emergency Supplemental Appropriations Bill will be sufficient to fully cover the losses in Georgia resulting from the recent flooding and tornado?

Mr. BUMPERS. My colleague from Georgia is correct. The reports from officials at the Department of Agriculture would suggest that with an additional $50 million, which would bring the total supplemental appropriation for the Emergency Watershed and Flood Prevention account to $100 million along with the $60 million allocated for the Emergency Conservation Program, the needs of Georgia as well as the numerous other Americans around the country who are in need of natural disaster relief will be met.

Mr. CLELAND. I thank my colleague for his assistance. The vital funds for disaster assistance provided in this bill will be a blessing for those farmers in Georgia who have been so devastated by the severe weather that they have endured for the past year. I also will be thankful to see that relief is provided to those in the Northeast and California as well as the many other Americans who have been victims of natural disaster. I thank Senator BUMPERS for his leadership in this effort for the people of Georgia and all those affected.

Mr. WARNER. Mr. President, I am privileged to be the chairman of the Subcommittee on Transportation and Infrastructure of the full Committee on Environment and Public Works. I have been involved in the Patent and Trademark Office space consolidation for the past 4 years. However, this has had a much longer history of review. In August of 1995, GSA, the Department of Commerce, and the PTO negotiated with OMB on alternatives for proceeding to consolidation and the placement of the PTO's expiring leases scheduled for 1996. The administration determined that there were insufficient funds available in the President's budget for the foreseeable future to pursue these alternatives of direct Federal construction or an equity lease.

Let me repeat, Mr. President: That history has shown that often construction is less expensive than the option of leasing. There is no mystery here. The problem is, we do not have $250 million to construct such a building. Budget constraints dictate a lease in this instance.

For this reason OMB then authorized the General Services Administration to transmit a prospectus, pursuant to the Public Buildings Act, to the House Transportation and Infrastructure Committee and the Senate Environment and Public Works Committees requesting authorization to acquire a competitively procured, 20-year operating lease for 1,989,116 occupiable square feet (osf) to consolidate the PTO on a Northern Virginia site within boundaries extending from the Potomac River along the Dulles corridor. Once again, let me stress that this is a competitively procured lease.

Mr. President, the prospectus was approved by the Senate Committee on Environment and Public Works on October 24, 1995, and the House Committee on Transportation and Infrastructure on November 16, 1995. The Senate Committee on Environment and Public Works carefully considered the need for the facility, various alternatives, and the costs of each approach before authorizing the lease procurement to be conducted by the GSA for the PTO. Further, both Committees directed GSA to amend its Source Selection approach to provide "that any evaluation used for such acquisition considers proximity to public transportation, including MetroRail, to be a factor as important as any other non cost factor."

I have been assured by the PTO, Senator GREGG, that prior to the issuance of the Solicitation for Offerors (SFO), the PTO undertook a detailed analysis and review of case law, news articles, and recent Federal acquisitions and leases such as: the Internal Revenue Service, the Federal Communications Commission, and the Ronald Reagan Building etc. to identify potential problems with the PTO procurement.

In short, the analysis that the Senator seeks was performed by the Administration in developing the prospectus, was reviewed by both the House and Senate authorizing committees, and approved in 1995. Furthermore, as I have already stated, the PTO and the Administration are continuing to revalidate that analysis.

Mr. President, to date, all analysis of this procurement has shown that under the current budget scenario, this procurement is needed by the PTO, and is in the best interest of the taxpayers. PTO currently resides in expired holdover leases. This is an untenable and costly situation that must be addressed immediately.

Senator GREGG will now join in a colloquy.

As we discussed, am I correct that the current language as drafted excludes comparison in the requested report between leasing and federal construction?

Mr. GREGG. That is correct.

Mr. WARNER. Would the Senator also agree that the budget will not likely enable us to proceed with any project which will be scored as a capital investment?

Mr. GREGG. That is correct.

Mr. WARNER. Does the Senator have a view as to whether the Appropriations Committee would be prepared to fund a lease/purchase arrangement, given the scoring impacts that would result in such a transaction?

Mr. GREGG. No we are not.

Mr. WARNER. Is it the Senator's understanding that a lease-purchase would require that budget authority be scored against this project? Where as a operating lease is only scored for the annual rent payment?

Mr. GREGG. Yes, that is my understanding.

Mr. WARNER. I thank the Senator. Is it true that this budget authority for any lease-purchase would be scored against GSA's Federal Buildings Fund?

Mr. GREGG. That is my understanding.

Mr. WARNER. Is it the Senator's understanding that there is no capital available for either construction or lease-purchase of this project? That is what the Senate Environment and Public Works Committee was relying upon when we authorized this long-term lease.

Mr. GREGG. That is also my understanding.

Mr. WARNER. Finally, I am concerned that the study comparing the cost versus the benefit of relocating to a new facility compares "apples to apples". Therefore, it is important that such things as the cost of space required to accommodate new staff at the PTO's existing locations; the costs of bringing existing facilities into compliance with current, not grandfathered, codes for life safety and accessibility for the disabled, and the costs of providing amenities such as day care facilities be considered as part of the costs of PTO's remaining in its current space. Do you agree?

Mr. GREGG. I believe that these things should be considered in the cost versus benefit analysis.

Mr. WARNER. I have taken a very active role in this matter because of the wonderful, loyal, dedicated service of the thousands of employees of PTO. I think our Federal Government owes them no less than the opportunity to have a new facility to perform their valuable work, and I hasten to say this building will largely be financed not by Federal taxpayers funds but by funds derived from the sevices performed by the people.

I yield the floor.

Mr. STEVENS. Mr. President, I do not know of any further amendments on our side. There will be a managers' package. I understand Senator SMITH has an amendment, and Senator MURKOWSKI has an amendment.

Mr. President, before we do anything more, I would suggest the absence of a quorum and wait for the leader to come.

Mr. KENNEDY. Will the Senator withhold so I may speak briefly?

Mr. STEVENS. We have a pending matter with people entitled to speak now if we go back on the bill. I would suggest the absence of a quorum so we can straighten that out, and the Senator can speak. If we make this arrangement, anyone who wants to speak may do so.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 26, 1998

Mr. STEVENS. Mr. President, in behalf of the leader, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Thursday, March 26, that immediately following the prayer the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, tomorrow the Senate will resume consideration of this emergency supplemental appropriations bill with 50 minutes remaining on the Enzi amendment to begin at 10 o'clock. We have a couple of calendar items to take place before that time. So we will start on the bill at 9:30.

I further ask unanimous consent that the vote on or in relation to the Enzi amendment occur at the expiration of the 50 minutes, which will be at 10:50 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Following that vote, I anticipate final action on IMF, amendment No. 2100. And that leaves the Nickles amendment as the only other issue that is presently brought to debate to be concluded prior to ending this bill.

It is my understanding that about seven amendments on what we call the finite list are before the body now. We have two that have been brought forward on this side.

I now ask unanimous consent that, unless an amendment is listed on that list tonight before we conclude business today, no further amendment other than what is on that list be in order for tomorrow.

If you want to read that list, I will be happy to read that list.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Mr. President, I wonder if we could find out if our amendments are on the list?

Mr. STEVENS. They have both been identified and they are on the list as far as I am concerned. We will put them on the list now.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KENNEDY. I would like to, if I could, include a slot for an amendment that will be related to the Nickles amendment if it is necessary to call that up.

Mr. STEVENS. All right. As long as it is disclosed tonight, fine.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. As I understand, that will be a Kennedy amendment to the Nickles amendment, relating to the Nickles amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Will the Senator from Massachusetts clarify, is the amendment a second-degree for Nickles or a substitute for Nickles?

Mr. KENNEDY. It would be a second-degree.

Mr. STEVENS. I have on the list, for everyone's notification, another version of the IMF amendment should the pending McConnell amendment be defeated, which I don't anticipate, but I just want people to know that.

Mr. BYRD. Will the distinguished Senator restate what the situation will be in the event that the IMF amendment is defeated?

Mr. STEVENS. If the IMF amendment is defeated, we would call up another version of that amendment.

Mr. BYRD. Would amendments then be in order?

Mr. STEVENS. No other amendments would be in order unless they are on the list tonight, but the second IMF amendment is on the list, Senator. It is my amendment.

Mr. BYRD. Mr. President——

Mr. STEVENS. Will the Senator permit me to make a statement?

Mr. BYRD. Yes.

Mr. STEVENS. On behalf of the majority leader, I announce there will be no further votes tonight.

Mr. BYRD. Mr. President, if the Senator will allow me, I am hearing that further amendments would be in order if the IMF amendment is defeated. I just want to be sure that the agreement allows for such an eventuality.

Mr. STEVENS. I know there are at least three IMF amendments on the amendments listed on your side, and I have another one on my side, which is another IMF amendment similar to the one that is already before the Senate should the McConnell amendment be defeated.

Mr. BYRD. But it is my understanding other Senators may be at liberty to offer additional amendments; they need to be able to offer additional amendments, in the event the IMF amendment is defeated.

Mr. STEVENS. There are four that are there. You mean other Senators? If the Senator wishes to do this, I would say this: If the McConnell amendment is defeated, any amendment pertaining to IMF will be cleared on this list. Any amendment—any Senator will be free to offer an amendment on IMF if the McConnell amendment is defeated.

Mr. BYRD. Mr. President, I am advised that is satisfactory.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President, would the distinguished Senator state again what time tomorrow morning the first vote will occur?

Mr. STEVENS. The first vote will not occur under the agreement that has already been entered before 10:50 a.m.

Mr. BYRD. Mr. President, I withdraw my reservation.

The PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am informed by the Parliamentarian that the correct request would have been, since the Nickles amendment is to strike, that my amendment to that would be in the first-degree rather than the second-degree, and I make that request.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. That amends the previous agreement. That very much clarifies it, that the amendments discussed with Senator SMITH and Senator MURKOWSKI are on the list, my IMF amendment is on the list, and the amendments that are on the list that the lady has here—and the managers' package. There is a managers' package. That is ours that is on the list, also. I thank the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. For clarification, to offer those amendments we can offer them at any time? Tomorrow morning? Whenever?

Mr. STEVENS. There will be no more votes tonight, so if anyone has votes they will not be in order tonight.

The PRESIDING OFFICER. Is there objection? Without objection, it so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I now ask there be a period for routine morning business with Senators being allowed to speak for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Chair.

PASSAGE OF NATIONAL TARTAN DAY RESOLUTION

Mr. LOTT. Mr. President, today, I rise to personally commend Senator HATCH, my colleague and friend, for his leadership in helping obtain the passage of the National Tartan Day Resolution.

Last week, the Senate passed the resolution by unanimous consent. This was no easy task and I want to acknowledge his efforts to ensure that the contributions of Americans of Scottish ancestry are recognized. I, along with many other Scottish-Americans, were very pleased with the passage of this legislation.

I also want to thank the national and state associations which represent citizens of Scottish ancestry for their efforts to get the word out. They made sure that the members of the Senate were fully informed on the merits of this legislative initiative. They were active in obtaining cosponsors. They certainly made a difference in the legislative success of Senate Resolution 155.

Mr. President, Scottish Americans have made many great contributions to our country. They work in many different fields and professions. They add to the very essence of what is known across the globe as the American character. Let me name a few of the more prominent Scottish-Americans: Neil Armstrong, Alexander Graham Bell, Andrew Carnegie, William Faulkner, Malcolm Forbes and Elizabeth Taylor, just to name a few. Today many Americans of Scottish ancestry continue to make an impact.

Mr. President, National Tartan Day is more than a recognition of Americans with Scottish ancestry. National Tartan Day is about liberty. It is about the demand of citizens for their freedom from an oppressive government. Freedom is the significance of April 6th. On this day nearly seven hundred years ago, a group of men in Arbroath, Scotland asserted their independence from the English king. These Scots declared "We fight for liberty alone." These are powerful words that should not be forgotten today or in the future.

These were daring words. These Scotsmen were claiming liberty as their birthright. These were enduring words, like the mountains, hills and stones of Scotland. These words still ring true.

The words and thoughts of those long-ago Scottish patriots live on in America. Liberty has been good to their descendants in the United States.

Beyond all the accomplishments of Scottish-Americans are those words of strength, courage and perseverance: "We fight for liberty alone, which no good man loses but with his life."

By honoring April 6, Americans will annually celebrate the true beginning of the quest for liberty and freedom.

Mr. President, I want to thank my colleagues who joined me in supporting this resolution; so that we may never forget, so that the world, in some small way, may never forget, far-away, long-ago Arbroath and the declaration for liberty.

"THE LEADERS LECTURE SERIES"—REMARKS OF SENATOR MIKE MANSFIELD

Mr. LOTT. Mr. President, last night was a memorable night for this Senator and I believe a number of others in this Chamber. On Tuesday evening, I was honored and humbled to introduce to this body, Senator Mike Mansfield for an address in the old Senate Chamber. This inaugural lecture was the first of what I hope will be a continuing number of addresses for "The Leader's Lecture Series".

I think I can speak for all Members of this Senate in saying we were honored in having as the first speaker in this series, the longest serving majority leader of this body, Senator Mike Mansfield of Montana.

I look forward to future addresses from former Senate leaders and other distinguished Americans in sharing their insights about the Senate's recent history and long-term practices.

I ask unanimous consent that the remarks of the distinguished former majority leader be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE SENATE AND ITS LEADERSHIP: A SECOND LOOK

(Remarks by Mike Mansfield—March 24, 1998)

Thank you for your very kind introduction. I am deeply appreciative of what you have had to say, even though I think you put too much icing on the cake. The real credit of whatever standing I have achieved in life should be given to my wife Maureen, who, unfortunately, could not be with us this evening. She was and is my inspiration. She encouraged and literally forced a dropout 8th grader to achieve a University degree and at the same time make up his high school credits. She sold her life insurance and gave up her job as a Butte High School teacher to make it possible. She initiated me into politics—the House, the Senate and, diplomatically speaking, the Tokyo Embassy. She gave of herself to make something of me. She has always been the one who has guided, encouraged and advised me. She made the sacrifices and deserved the credits, but I was the one who was honored. She has always been the better half of our lives together and, without her coaching, her understanding, and her love, I would not be with you tonight. What we did, we did together.

In short, I am what I am because of her.

I would like to dedicate my remarks tonight to my three great loves: Maureen, Montana, and the United States Senate.

It is an honor to "kick off" the first in the Senate Lecture Series with the Majority Leader, Senator TRENT LOTT, and the Minority Leader, Senator TOM DASCHLE, in attendance. They represent the continuity of the office first held by Democratic Senator John Kern of Indiana in 1913 and by Republican Senator Henry Cabot Lodge of Massachusetts in 1917. They—the two Leaders—represent positions of trust and responsibility in today's Senate. They are the two among one hundred whom their respective parties have placed first among equals. Incidentally, it is my understanding that less than 3,000 men and women have served as Senators since the beginning of our Republic. They have been the "favored few" among the hundreds of millions in their overall constituencies.

Twenty-two years ago, on June 16, 1976, an audience of senators and their guests filled this chamber, much as you do this evening. On that occasion, the Senate convened here in formal legislative session. Their purpose was similar to ours today. Carving out a few moments from crowded and distracting schedules, those Senators of the 94th Congress came to honor the history and the traditions of the United States Senate. On that occasion, they came to rededicate this grand chamber—to celebrate the completion of a five-year-long restoration project.

The idea for this room's restoration to its appearance of the 1850's may have first surfaced in 1935. In that year, the Supreme Court, a tenant since 1860, moved into its new building across the street. I know for sure that the idea received close attention in the early 1960's. This once-elegant chamber had become an all-purpose room—whose uses included conference committee meetings, catered luncheons and furniture storage. Where once stood the stately mahogany desks of Clay, Webster and Calhoun, there then rested—on occasion—stark iron cots. These cots accommodated teams of senators on call throughout the night to make a quorum against round-the-clock filibusters. By the late 1960's, the idea for this room's restoration moved toward reality—and the 1976 ceremony—thanks largely to the vision and persistence of the legendary Mississippi Senator, John C. Stennis.

And we now have Senator Stennis' immediate successor, Senator TRENT LOTT, to thank for inaugurating his "Leader's Lecture Series." Here is another welcome opportunity, on a periodic basis, to consider the foundations and development of this United States Senate. Thank you for inviting me, Mr. Leader.

There are very few advantages to outliving one's generation. One of them is the opportunity to see how historians describe and evaluate that generation. Some historians do it better than others.

One such historian is Senator ROBERT C. BYRD. As all of you know, ROBERT BYRD has combined a participant's insights with a scholar's detachment to produce an encyclopedic four-volume history of the Senate. Near the end of his first volume appear two chapters devoted to the 1960's and '70's. ROBERT has entitled them "Mike Mansfield's Senate."

Now, I have no doubt that he would be the first to acknowledge the accuracy of what I am about to say. If, during my time as Senate leader, a pollster had asked each Senator the question, "Whose Senate is this?" that pollster would surely have received 99 separate answers—and they would all have been right. Only for purposes of literary convenience or historic generalization could we ever acknowledge that one person—at least during my time—could shape such a body in his own image.

Senator BYRD has been doubly generous in assigning me a seat in the Senate's Pantheon. Volume Three of his history series contains forty-six so-called "classic speeches" delivered in the Senate over the past century and a half. Among them is an address that was prepared for delivery in the final weeks of the 1963 session. My topic was "The Senate and Its Leadership."

By mid-1963, various Democratic senators had begun to express publicly their frustration with the lack of apparent progress in advancing the Kennedy administration's legislative initiatives. Other Senators were less open in their criticism—but they were equally determined that I, as majority leader, should begin to knock some heads together. After all, they reasoned, Democrats in the Senate enjoyed a nearly two-to-one party ratio. With those numbers, anything should be possible under the lash of disciplined leadership. Sixty-five Democrats, thirty-five Republicans! (Think of it, Senator DASCHLE.) Of course, I use the word "enjoy" loosely. Ideological differences within our party seriously undercut that apparent numerical advantage.

I decided the time had come to put down my views in a candid address. There would then be no doubt as to where I stood. If some of my party colleagues believed that mine was not the style of leadership that suited them, they would be welcome to seek a change.

I had selected a Friday afternoon, when little else would be going on, to discuss "The Senate and Its Leadership." The date was Friday, November 22, 1963.

That day's tragic events put an end to any such speechmaking. On the following week, as the nation grieved for President Kennedy, I simply inserted my prepared remarks into the CONGRESSIONAL RECORD. (November 27, 1963)

I have waited thirty-five years to give that speech. I wish to quote from that address to present views that I believe are as relevant today as they were more than a third of a century ago. But first, before I do so, I would like to quote Lao Tsu, a Chinese philosopher of ancient times, who said, "A leader is best when the people hardly know he exists. And of that leader the people will say when his work is done, 'We did this ourselves'."

"THE SPEECH

"Mr. President, some days ago, blunt words were said on the floor of the Senate. They dealt in critical fashion with the state of this institution. They dealt in critical fashion with the quality of the majority leadership and the minority opposition. A far more important matter than criticism or praise of the leadership was involved. It is a matter which goes to the fundamental nature of the Senate.

"In this light, we have reason to be grateful because if what was stated was being said in the cloakrooms, then it should have been said on the floor. If, as was indicated, the functioning of the Senate itself is in question, the place to air that matter is on the floor of the Senate. We need no cloakroom commandos, operating behind the swinging doors of the two rooms at the rear, to spread the tidings. We need no whispered word passed from one to another and on to the press.

"We are here to do the public's business. On the floor of the Senate, the public's business is conducted in full sight and hearing of the public. And it is here, not in the cloakrooms, that the Senator from Montana, the majority leader, if you wish, will address himself to the question of the present state of the Senate and its leadership . . . It will be said to all senators and to all the members of the press who sit above us in more ways than one.

"How, Mr. President, do you measure the performance of this Congress—any Congress? How do you measure the performance of a Senate of one hundred independent men and women—any Senate? The question rarely arises, at least until an election approaches. And, then, our concern may well be with our own individual performance and not necessarily with that of the Senate as a whole.

"Yet that performance—the performance of the Senate as a whole—has been judged on the floor. Several senators, at least, judged it and found it seriously wanting. And with the hue and cry thus raised, they found echoes outside the Senate. I do not criticize senators for making the judgment, for raising the alarm. Even less do I criticize the press for spreading it. Senators were within their rights. And the press was not only within its rights but was performing a segment of its public duty, which is to report what transpires here.

"I, too, am within my rights, Mr. President, and I believe I am performing a duty of the leadership when I ask again: How do you judge the performance of this Congress—any Congress? Of this Senate—any Senate? Do you mix a concoction and drink it? And if you feel a sense of well-being thereafter, decide it is not so bad a Congress after all? But if you feel somewhat ill or depressed, then that, indeed, is proof unequivocal that the Congress is a bad Congress and the Senate is a bad Senate? Or do you shake your head back and forth negatively before a favored columnist when discussing the performance of this Senate? And if he, in turn, nods up and down, then that is proof that the performance is bad? . . .

"There is reference (by members and the media), to be sure, to time-wasting, to laziness, to absenteeism, to standing still, and so forth. But who are the time wasters in the Senate, Mr. President? Who is lazy? Who is an absentee? Each member can make his own judgment of his individual performance. I make no apologies for mine. Nor will I sit in judgment of any other member. On that score, each of us will answer to his own conscience, if not to his constituents.

"But, Mr. President, insofar as the performance of the Senate as a whole is concerned, with all due respect, these comments in time wasting have little relevance. Indeed, the Congress can, as it has—as it did in declaring World War II in less than a day—pass legislation which has the profoundest meaning for the entire nation. And by contrast, the Senate floor can look very busy day in and day out, month in and month out, while the Senate is indeed dawdling. At one time in the recollection of many of us, we debated a civil rights measure twenty-four hours a day for many days on end. We debated it shaven and unshaven. We debated it without ties, with hair awry, and even in bedroom slippers. In the end, we wound up with compromise legislation. And it was not the fresh and well-rested opponents of the civil rights measure who were compelled to the compromise. It was, rather, the exhausted, sleep-starved, quorum-confounded proponents who were only too happy to take it.

"No, Mr. President, if we would estimate the performance of this Congress or any other, this Senate or any other, we will have to find a more reliable yardstick than whether, on the floor, we act as time wasters or moonlighters. As every member of the Senate and press knows, even if the public generally does not, the Senate is neither more nor less effective because the Senate is in session from 9 a.m. to 9 p.m., or to 9 a.m. the next day.

"Nor does the length of the session indicate a greater or lesser effectiveness. We live in a twelve-month nation. It may well be that the times are pushing us in the direction of a twelve-months Congress. In short, we cannot measure a Congress or a Senate by the standards of the stretch-out or of the speedup. It will be of no avail to install a time clock at the entrance to the chamber for Senators to punch when they enter or leave the floor.

"There has been a great deal said on this floor about featherbedding in certain industries. But if we want to see a featherbedding to end all featherbedding, we will have the Senate sit here day in and day out, from dawn until dawn, whether or not the calendar calls for it, in order to impress the boss—the American people—with our industriousness. We may not shuffle papers as bureaucrats are assumed to do when engaged in this art. What we are likely to shuffle is words—words to the President on how to execute the foreign policy or administer the domestic affairs of the nation. And when these words pall, we will undoubtedly turn to the Court to give that institution the benefit of our advice on its responsibilities. And if we run out of judicial wisdom, we can always turn to advising the governors of the states, or the mayors of the cities, or the heads of other nations, on how to manage their concerns.

"Let me make it clear that Senators individually have every right to comment on whatever they wish, and to do so on the floor of the Senate. Highly significant initiatives on all manner of public affairs have had their genesis in the remarks of individual Senators on the floor. But there is one clear-cut, day-in-and-day-out responsibility of the Senate as a whole. Beyond all others, it is the constitutional responsibility to be here and to consider and to act in concert with the House on the legislative needs of the nation. And the effectiveness with which that responsibility is discharged cannot be measured by any reference to the clocks on the walls of the chamber.

"Nor can it be measured, really, by the output of legislation. For those who are computer-minded, however, the record shows that 12,656 bills and resolutions were introduced in the 79th Congress of 1945 and 1946. And in the 87th Congress of 1961 and 1962, (that number had increased by) 60 percent. And the records show further that in the 79th Congress, 2,117 bills and resolutions were passed, and in the 87th, 2,217 were passed.

"But what do these figures tell us, Mr. President? Do they tell us that the Congress has been doing poorly because in the face of an 8,000 increase in the biannual input of bills and resolutions, the output of laws fifteen years later had increased by only a hundred? They tell us nothing of the kind.

"If these figures tell us anything, they tell us that the pressures on Congress have intensified greatly. They suggest, further, that Congress may be resistant to these pressures. But whether Congress resists rightly or wrongly, to the benefit or detriment of the nation, these figures tell us nothing at all.

"There is a (more meaningful way to measure) the effectiveness of a Democratic administration. I refer to the approach which is commonly used these days of totaling the Presidential or executive branch requests for significant legislation and weighing against that total the number of congressional responses in the form of law.

"On this basis, if the Congress enacts a small percentage of the executive branch requests, it is presumed, somewhat glibly and impertinently, to be an ineffective Congress. But if the percentage is high, it follows that it is classifiable as an effective Congress. I am not so sure that I would agree, and I am certain that the distinguished minority leader (Senator Dirksen) and his party would not agree that that is a valid test. The opposition might measure in precisely the opposite fashion. The opposition might, indeed, find a Democratic Congress which enacted little, if any, of a Democratic administration's legislation, a paragon among congresses. And yet I know that the distinguished minority leader does not reason in that fashion, for he has acted time and time again not to kill administration measures, but to help to pass them when he was persuaded that the interests of the nation so required. . . . I see no basis for apology on statistical grounds either for this Congress to date or for the last. But at the same time, I do not take umbrage in statistics. I do not think that statistics, however refined, tell much of the story of whether or not a particular Congress or Senate is effective or ineffective.

"I turn, finally, to the recent criticism which has been raised as to the quality of the leadership. Of late, Mr. President, the descriptions of the majority leader, of the Senator from Montana, have ranged from a benign Mr. Chips, to glamourless, to tragic mistake.

"It is true, Mr. President, that I have taught school, although I cannot claim either the tenderness, the understanding, or the perception of Mr. Chips for his charges. I confess freely to a lack of glamour. As for being a tragic mistake, if that means, Mr. President, that I am neither a circus ringmaster, the master of ceremonies of a Senate night club, a tamer of Senate lions, or a wheeler and dealer, then I must accept, too, that title. Indeed, I must accept it if I am expected as majority leader to be anything other than myself—a Senator from Montana who has had the good fortune to be trusted by his people for over two decades and done the best he knows how to represent them, and to do what he believes to be right for the nation.

"Insofar as I am personally concerned, these or any other labels can be borne. I achieved the height of my political ambitions when I was elected Senator from Montana. When the Senate saw fit to designate me as majority leader, it was the Senate's choice, not mine, and what the Senate has bestowed, it is always at liberty to revoke.

"But so long as I have this responsibility, it will be discharged to the best of my ability by me as I am. I would not, even if I could, presume to a tough-mindedness which, with all due respect to those who use this cliché, I have always had difficulty in distinguishing from soft-headedness or simple-mindedness. I shall not don any Mandarin's robes or any skin other than that to which I am accustomed in order that I may look like a majority leader or sound like a majority leader—however a majority leader is supposed to look or sound. I am what I am, and no title, political face-lifter, or image-maker can alter it.

"I believe that I am, as are most Senators, an ordinary American with a normal complement of vices and, I hope, virtues, of weaknesses and, I hope, strengths. As such, I do my best to be courteous, decent, and understanding of others, and sometimes fail at it.

"I have always felt that the President of the United States—whoever he may be . . . is worthy of the respect of the Senate. I have always felt that he bears a greater burden of responsibility than any individual Senator for the welfare and security of the nation, for he alone can speak for the nation abroad; and he alone, at home, stands with the Congress as a whole, as constituted representatives of the entire American people. In the exercise of his grave responsibilities, I believe we have a profound responsibility to give him whatever understanding and support we can, in good conscience and in conformity with our independent duties. I believe we owe it to the nation of which all our States are a part—particularly in matters of foreign relations—to give to him not only responsible opposition, but responsible cooperation.

"And, finally, within this body, I believe that every member ought to be equal in fact, no less than in theory, that they have a primary responsibility to the people whom they represent to face the legislative issues of the nation. And to the extent that the Senate may be inadequate in this connection, the remedy lies not in the seeking of shortcuts, not in the cracking of nonexistent whips, not in wheeling and dealing, but in an honest facing of the situation and a resolution of it by the Senate itself, by accommodation, by respect for one another, by mutual restraint and, as necessary, adjustments in the procedures of this body.

"The constitutional authority and responsibility does not lie with the leadership. It lies with all of us individually, collectively, and equally. And in the last analysis, deviations from that principle must in the end act to the detriment of the institution. And, in the end, that principle cannot be made to prevail by rules. It can prevail only if there is a high degree of accommodation, mutual restraint, and a measure of courage—in spite of our weaknesses—in all of us. It can prevail only if we recognize that, in the end, it is not the Senators as individuals who are of fundamental importance. In the end, it is the institution of the Senate. It is the Senate itself as one of the foundations of the Constitution. It is the Senate as one of the rocks of the Republic."

Thus ended my abridged observations of November 1963.

In my remarks during the 1976 dedication ceremonies in this chamber, I returned to the themes of 1963. I stated my belief that, in its fundamentals, the Senate of modern times may not have changed essentially from the Senate of Clay, Webster, and Calhoun.

What moved Senators yesterday still moves Senators today. We have the individual and collective strength of our predecessors and, I might add, their weaknesses. We are not all ten feet tall, nor were they. Senators act within the circumstances of their fears no less than their courage, their foibles as well as their strengths. Our concerns and our efforts in the Senate, like our predecessors and successors, arise from our goals of advancing the welfare of the people whom we represent, safeguarding the well-being of our respective States and protecting the present and future of this nation, a nation which belongs—as does this room—not to one of us, or to one generation, but to all of us and to all generations.

The significance of that 1976 gathering—and perhaps of our being here tonight—is to remind us that in a Senate of immense and still unfolding significance to the nation, each individual member can play only a brief and limited role. It is to remind us that the Senate's responsibilities go on, even though the faces and, yes, even the rooms in which they gather, fade into history. With the nation, the Senate has come a long way. And still, there is a long way to go.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 24, 1998, the federal debt stood at $5,542,617,421,989.90 (Five trillion, five hundred forty-two billion, six hundred seventeen million, four hundred twenty-one thousand, nine hundred eighty-nine dollars and ninety cents).

One year ago, March 24, 1997, the federal debt stood at $5,370,449,000,000 (Five trillion, three hundred seventy billion, four hundred forty-nine million).

Five years ago, March 24, 1993, the federal debt stood at $4,222,103,000,000 (Four trillion, two hundred twenty-two billion, one hundred three million).

Ten years ago, March 24, 1988, the federal debt stood at $2,480,220,000,000 (Two trillion, four hundred eighty billion, two hundred twenty million).

Fifteen years ago, March 24, 1983, the federal debt stood at $1,223,450,000,000 (One trillion, two hundred twenty-three billion, four hundred fifty million) which reflects a debt increase of more than $4 trillion—$4,319,167,421,989.90 (Four trillion, three hundred nineteen billion, one hundred sixty-seven million, four hundred twenty-one thousand, nine hundred eighty-nine dollars and ninety cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION

FOR WEEK ENDING MARCH 20TH

Mr. HELMS. Mr. President, the American Petroleum Institute's report for the week ending March 20, that the U.S. imported 8,724,000 barrels of oil each day, 2,318,000 more barrels than the 6,406,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 57.6 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970s, foreign oil accounted for only 35 percent of America s oil supply.

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the U.S.—now 8,724,000 barrels a day.

A TRIBUTE TO ZION GROVE MISSIONARY BAPTIST CHURCH

Mr. ASHCROFT. Mr. President, I rise today to recognize a tremendous community which exemplifies citizenship, character, and service to humanity, the Zion Grove Missionary Baptist Church.

On January 18, 1998, the members of the Zion Grove Missionary Baptist Church held their long and eagerly anticipated "Mortgage Burning Party." Under the guidance of their respected pastor, the Reverend Frank L. Selkirk III, Ph.D., the Zion Grove Missionary Baptist Church will draw to a close its financial debts and begin to look forward, with faith, hope and love to a future filled with opportunity.

The history of this wonderful church has been nothing short of a small blessing. From its humble beginning on October 15, 1938, with a congregation of only eight members, Zion Grove Missionary Baptist Church continued to grow and flourish with each year and each dedicated pastor until it reached its present location at 2801 Swope Parkway in Kansas City, Missouri. This church and the community which comprises it are examples of dedication, perseverance, and commitment to the future.

With God's blessing, and the faithful support of the Zion Grove Missionary Baptist Church community, "The Mortgage Burning Party" will be a celebration of the blessings that will continue to reward the Zion Grove Missionary Baptist Church.

TRIBUTE TO HELEN COX

Mr. ASHCROFT. Mr. President, I rise today to recognize a tremendous individual who exemplifies citizenship, character, and service to humanity, Helen Cox.

Helen Cox of Willow Springs, Missouri has been a foster parent since 1989. Throughout her tenure as a foster parent, Helen has cared for over 150 foster children. Helen has spent countless hours drying tears, rocking children to sleep, and sitting up night after night with children unable to sleep. The golden rule of doing unto others as you would have them do unto you is exemplified in Helen's home. Through patience and firmness, Helen has taught these children that household tasks, school work and other responsibilities are a part of learning how to survive and thrive in the world. The comfortable country environment, that includes the friendship and therapy of animals, has nurtured many children.

Helen recently celebrated her seventy-second birthday and was honored at a reception on December 7, 1997, by the Foster Parent Association of West Plains, Missouri. Even at the age of seventy-two, she is serving others and maintaining frequent contact with many of the children who were placed in her home. It is an honor to commend Helen for her commitment to provide a loving home for the many children she has served as a foster parent.

MESSAGES FROM THE HOUSE

At 11:55 a.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that pursuant to the provisions of section 517(e)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131), the Chair announces the Speaker's appointment of the following participant on the part of the House to the National Summit on Retirement Savings to fill the existing vacancy thereon: Mr. Jack Ulrich of Pennsylvania.

The message also announced that pursuant to the provisions of section 801(b) of Public Law 100-696, the Chair announces the Speaker's appointment of the following Member of the House to the United States Capitol Preservation Commission: Mr. WALSH of New York.

The message further announced that the Houses has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 118. An act to provide for the collection of data on traffic stops.

H.R. 2843. An act to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defilbrillators to be carried on, aircraft operated by air carriers, and for other purposes.

H.R. 3096. An act to correct a provision relating to termination of benefits for convicted persons.

H.R. 3211. An act to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes.

H.R. 3213. An act to amend title 38, United States Code, to clarify enforcement of veterans' employment and reemployment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes.

H.R. 3226. An act to authorize the Secretary of Agriculture to convey certain lands and improvements in State of Virginia, and for other purposes.

H.R. 3412. An act to amend and make technical corrections in title III of the Small Business Investment Act.

At 6:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 395. *Resolved*, That the House has heard with profound sorrow of the death of the Honorable Steven Schiff, a Representative from the State of New Mexico.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 118. An act to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

H.R. 2843. An act to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defilbrillators to be carried on, aircraft operated by air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3096. An act to correct a provision relating to termination of benefits for convicted persons; to the Committee on Governmental Affairs.

H.R. 3211. An act to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3213. An act to amend title 38, United States Code, to clarify enforcement of veterans' employment and reemployment rights with respect to a State as an employer or a private employer, to extend veterans' employment and reemployment rights to members of the uniformed services employed abroad by United States companies, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 3412. An act to amend and make technical corrections in title III of the Small Business Investment Act; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-361. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 66

Whereas, Our country is in the midst of remarkable change in the amount and the variety of information communicated across the spectrum of radio frequencies. The communications age is having an effect on all Americans. Radio frequencies are a finite resource used to handle news, information, entertainment, education, vital services, and commercial activity. Computers, cell phones, television and radio, and emergency equipment compete for access to the spectrum of radio frequencies; and

Whereas, As the federal government, through the Federal Communications Commission, allocates space on the spectrum, it is critical that local police and fire operations have enough access to handle the communications challenges of saving lives in emergency situations. This has long been a point of concern for those closest to public safety issues. The FCC last allocated channels for public safety in 1987. Since that time, the number of communications devices and capacity needs have exploded. During crisis situations, for example, heavy use of cellular phones in a disaster area can impede the lifesaving work of emergency personnel; and

Whereas, Authorities need space on the radio frequency spectrum not only for voice communications, but also for transmitting fingerprints, mugshots, medical information, and other data. Without adequate access to communications, the results in a specific incident or community will one day result in a disaster that is entirely preventable if we act wisely today; now, therefore, be it.

Resolved by the Senate, That we memorialize the Congress of the United States to ensure that pubic safety agencies are allotted sufficient access to radio frequency space; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-362. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on Environment and Public Works.

ASSEMBLY RESOLUTION NO. 11

Whereas, In recognition of the fact that the maintenance of high-quality potable water is essential to safeguard the health and welfare of the nation's citizens, the federal government enacted the Safe Drinking Water Act (42 U.S.C. s.300f et al.); and

Whereas, The State of New Jersey enacted the "Safe Drinking Water Act" in 1977, empowering the Department of Environmental Protection to assume primary enforcement responsibility under the federal Safe Drinking Water Act, and to adopt and enforce additional State rules and regulations to purify drinking water prior to its consumption by the public; and

Whereas, It was recently discovered that the drinking water in parts of Ocean County, most notably in Toms River and Dover Township, contain a SAN trimer that is a by-product from the manufacturing of a plastic, styrene acrylonitrile copolymer, from the manufacturing of a plastic, styrene acrylonitrile copolymer, from the chemicals styrene and acrylonitrile; and

Whereas, Although acrylonitrile, through scientific analysis, has been associated with certain brain and central nervous system cancers, and styrene is listed in the federal regulations as a substance that must be tested for in public drinking water supplies, there are no drinking water standards for the various substances created when these two independently hazardous substances are combined; and

Whereas, The abnormally high incidence of cancer, especially in children, in the Toms River area of Ocean County, coupled with the identification of high levels of a potentially carcinogenic substance in that area's drinking water supply, have created an urgent need for additional action; and

Whereas, Further testing is necessary to determine the effects of the SAN trimer by-product on human health and to establish a federal standard, the exceedance of which would result in immediate remediation efforts; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. This House memorializes the Congress of the United States and the United States Environmental Protection Agency to establish a safe drinking water standard for the SAN trimer by-product of manufacturing processes using styrene and acrylonitrile.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, each member of Congress elected from the State of New Jersey, the Administrator of the United States Environmental Protection Agency, the Region II Administrator of that agency, the Commissioner of the New Jersey Department of Environmental Protection, and the Commissioner of the New Jersey Department of Health and Senior Services.

POM–363. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance.

JOINT RESOLUTION

Whereas, the Government of the United States of America, the Government of Canada and the Government of Mexico resolved in 1993 to implement the provisions of the North American Free Trade Agreement, commonly referred to as NAFTA; and

Whereas, an objective of the North American Free Trade Agreement is to eliminate barriers to trade in, and facilitate the cross-border movement of, goods and services between the territories of the parties and to promote conditions of fair competition in the free trade area; and

Whereas, despite the free trade agreement and the worldwide tendency toward more open borders, there remains a barrier gravely affecting trade along the Maine-New Brunswick border; and

Whereas, the barrier concerns the disparity created by the tax-free personal allowance exemptions of the United States and Canada. Currently, Canadians are permitted to bring $50 in American purchases back to Canada in any 24-hour period. The United States, however, allows a $200 exemption for Canadian purchases; and

Whereas, steps need to be taken to achieve parity between Maine and the Province of New Brunswick to ensure that Maine businesses are able to compete in Canada; now, therefore, be it

Resolved: That We, your Memorialists, recommend and urge the Congress of the United States to act upon the current barrier affecting trade along the Maine-New Brunswick border; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the United States Trade Representative, Charlene Barshefsky, and to each Member of the Maine Congressional Delegation.

POM–364. A resolution adopted by the Senate of the Legislature of the Commonwealth of Massachusetts; to the Committee on Foreign Relations.

RESOLUTION

Whereas, 1998 begins on a rare note of cautious hope for Northern Ireland, as multiparty talks aimed at achieving a lasting peace in the North have recommenced; and

Whereas, the American people have a deep and abiding interest in the ongoing Northern Ireland peace process, to the extent that the current peace talks are chaired by special envoy and former U.S. Senator George Mitchell at the behest of President Clinton; and

Whereas, the Northern Ireland peace process is of particular concern to the citizens of Massachusetts, owing to the Commonwealth's unique bonds with Ireland and all 32 counties that comprise historical Ireland, forged over centuries; and

Whereas, citizens of Massachusetts and their elected representatives have an honorable tradition of speaking out against inequality and intolerance wherever they occur in the world, including South Africa, Burma, and the People's Republic of China; and

Whereas, the Massachusetts General Court and its members have long been staunch advocates for peace and justice in Northern Ireland, with Massachusetts being the first State in the Union to embrace and ratify the MacBridge Principles, a set of guidelines designed to fight job discrimination and secure economic justice for the minority citizens of Northern Ireland; and

Whereas, it is universally recognized that permanent peace in Northern Ireland must be built upon the foundation stones of equality, liberty, justice, and democracy, all basic principles embodied in such documents as the United States Constitution and Bill of Rights, in domestic and international law and treaties, and in basic concepts of fair play and equity; and

Whereas, such a blueprint for a just and equitable society now exists in the form of the Charter for Change, a document conceived by concerned citizens of Northern Ireland as a vehicle to achieve and ensure basic rights for all citizens of Northern Ireland; and

Whereas, tenets of the Charter for Change include such fundamental and necessary reforms as overhaul of the judicial system and reformulation of the police department; and

Whereas, the Charter for Change seeks a Northern Ireland where minority and majority citizens may enjoy full human rights and the fruits of their labors in an environment free from fear or reprisal, all prerequisites for ensuring that any peace agreement emerging from the current talks may be a long-lasting one: Now, therefore, be it

Resolved, That the Massachusetts Senate welcomes and endorses the Charter for Change as a democratic concept that points the way to and can be a catalyst for peace, justice, and reconciliation in Ireland, and urges the President and the Congress of the United States to join in endorsing the Charter for Change; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from this Commonwealth.

POM–365. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 197

Whereas, Rapid advancement in technology and science are bringing serious challenges to conventional thinking about humankind's ability to manipulate the most basic building blocks of life. As a result, we face critical decisions on central moral questions. The application of cloning technologies holds profound implications for our society and the entire world. The 1997 news of the cloned sheep in Scotland and the recent announcement by a Chicago scientist of plans to create a cloned human being demonstrate the urgency of addressing this issue; and

Whereas, In June 1997, the National Bioethics Advisory Commission issued a series of recommendations. This group of prominent scholars, scientists, and ethicists presented a unanimous finding that it is ". . . morally unacceptable for anyone to attempt to create a child" with the technology of cloning used to create the cloned sheep known as Dolly. The President has called for implementation of the commission's recommendation, particularly its call for the enactment of legislation to prohibit cloning of human life; and

Whereas, In response to the disturbing implications of creating human beings through cloning, nineteen European nations signed an agreement to prohibit the genetic reproduction of human beings. The international community expressed deep concerns over the moral issues and the scientific implications of possible effects on the character of the human species; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to prohibit the cloning of human beings; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United

States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-366. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Labor and Human Resources.

Joint Resolution

Whereas, the State of Maine has suffered one of the worst natural disasters in its history; and

Whereas, 800,000 people have been without power for a week or more; and

Whereas, the need for emergency assistance is growing; and

Whereas, the State of Maine is seeking every avenue of assistance possible; and

Whereas, the State of Maine is still responding to the emergency and is preparing to start the recovery process; and

Whereas, the United States Government has a $300,000,000 Low-Income Home Energy Assistance Program (LIHEAP) emergency fund set aside to ensure that unique demands for assistance be addressed in situation such as the one being experienced in the State of Maine; and

Whereas, the United States Government through its LIHEAP emergency fund assisted other states that have experienced similar disasters; and

Whereas, the State of Maine's situation is equally compelling, due to the widespread loss of electricity and severe weather; and

Whereas, the State of Maine is requesting assistance from the United States Government for its low-income households through the LIHEAP emergency fund; and

Whereas, the State of Maine requests that the United States Government act quickly so that it may make the most efficient use of the funds and can assist families that have been affected by this disaster; now, therefore, be it

Resolved: That We, your Memorialists, respectfully urge the President of the United States to release from the Low-Income Home Energy Assistance Program emergency funds to assist the citizens of Maine during their current crisis; and, be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

POM-367. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Labor and Human Resources.

Senate Resolution No. 112

Whereas, Our country has made significant strides in revamping our system of welfare. Through landmark federal legislation and the leadership and cooperation of the states, disincentives have been replaced by workfare opportunities to help people gain self-sufficiency; and

Whereas, The application of the Fair Labor Standards Act to recipients who are placed in jobs, whether in subsidized or unsubsidized work, is proper. Further, welfare recipients ought not be used to supplant existing workers. However, welfare recipients who are receiving training such as planned work experience, job shadowing, mentoring, and cooperative education activities and are not receiving monetary compensation are not employees of the state. They are beneficiaries who are being introduced to the world of work; and

Whereas, The new federal provisions on assistance require those able to work to move to employment and/or training. However, this effort is hampered by a recent ruling by federal labor officials. In April 1997, the United States Department of Labor ruled that a host of labor laws, regulations, and taxes apply to welfare recipients as well as to other employees. This policy is a major blow to welfare reform efforts; and

Whereas, The Department of Labor ruling is harmful to recipients who do not receive compensation for their participation in training programs or community service. It would be much more realistic and fairer to extend an exemption to these people for a period of time not to exceed one year; and

Whereas, Subjecting welfare/workfare employment to the same laws and regulations as other employees is counterproductive to the ultimate aims of encouraging all people to seek work and encouraging employers to provide meaningful opportunities for these men and women. The requirements of the Fair Labor Standards Act, Social Security taxes, unemployment insurance benefits, and prevailing wage provisions will not open more doors to people needing work. Instead, these provisions make it much easier for recipients and employers alike to abandon a partnership that holds great promise for our nation. There are clearly other means to protect these workfare participants without jeopardizing the advances we are making in replacing welfare with work; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling affects recipients who do not receive compensation for their participation in training programs or community service projects. We urge that the ruling be modified to permit these recipients with an exemption for a period of time not to exceed one year; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. Breaux, Mr. Jeffords, Mr. Graham, Mr. Baucus, and Mr. Hatch):

S. 1856. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to defined contribution pension plans; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. Lautenberg):

S. 1857. A bill for the relief of Olga, Igor, and Oleg Lyamin; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Mr. Kennedy, and Mr. Harkin):

S. 1858. A bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient; to the Committee on Finance.

By Mr. ROTH (for himself and Mr. Lugar):

S. 1859. A bill to correct the tariff classification on 13" televisions; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 1860. A bill to amend Section 313(p)(3) of the Tariff Act of 1930 to allow duty drawback for Methyl Tertiary-butyl Ether ("MTBE"), a finished petroleum derivative; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 1861. A bill to amend the Tariff Act of 1930 to permit duty-free sales enterprises to be located in certain areas; to the Committee on Finance.

Mr. DeWINE:

S. 1862. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Labor and Human Resources.

By Mrs. MURRAY:

S. 1863. A bill to suspend temporarily the duty on certain polyethylene base materials; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JEFFORDS:

S. Con. Res. 87. A concurrent resolution to correct the enrollment of S. 419; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. Breaux, Mr. Jeffords, Mr. Graham, Mr. Baucus, and Mr. Hatch):

S. 1856. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to defined contribution pension plans; to the Committee on Finance.

THE ENHANCED SAVINGS OPPORTUNITY ACT

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation that lifts the unfair limits on how much people can save in their employer's pension plan. Last year, Congress took an important first step in helping people prepare for retirement through educating the public about private savings and pensions. But education can only go so far. We also must remove the barriers that prevent working Americans from achieving a secure retirement.

Removing the barriers means taking a fresh look at some of the provisions in the Internal Revenue Code which discourage workers and employers from putting money into pension plans. One of the most burdensome provisions in the Internal Revenue Code is the 25 percent limitation contained within section 415(c). Under 415(c), total contributions by employer and employee into a defined contribution (DC) plan are limited to 25 percent of compensation or $30,000 for each participant, whichever is less. That limitation applies to all employees. If the total additions into a DC plan exceed the lesser of 25 percent or $30,000, the excess money will be subject to income taxes and a penalty in some cases.

To illustrate the need for elimination of the 25 percent limit let me use an example. Bill works for a medium size company in my home state of Iowa. His employer sponsors a 401(k) plan and a profit sharing plan to help employees save for retirement. Bill makes $25,000 a year and elects to put in 10 percent of his compensation into the 401(k) plan, which amounts to $2,500 per year. His employer will match the first 5 percent of his compensation, which comes out to be $1,250, into the 401(k) plan. Therefore, the total 401(k) contribution into Bill's account in this year is $3,750. In this same year Bill's employer determines to set aside a sufficient amount of his profits to the profit sharing plan which results in an allocation to Bill's account in the profit sharing plan the sum of $3,205. This brings the total contribution into Bill's retirement plan this year up to $6,955.

Unfortunately, because of the 25 percent of compensation limitation only $6,250 can be put into Bill's account for the year. The amount intended for Bill's account exceeds that limitation by $705. Hence, the profit sharing plan administrator must reduce the amount intended for allocation to Bill's account by $705 in order to avoid a penalty. Bill is unlikely to be able to save $705, a significant amount that would otherwise be yielding a tax deferred income which would increase the benefit Bill will receive at retirement. Bill's retirement saving is shortchanged by $705 plus the tax-deferred earnings it would have generated.

Now let us look at Irene. Irene works for the same company, but she makes $45,000 a year. She also puts in 10 percent of her compensation into the 401(k) plan, and her employer matches five percent of her salary into the account. That brings the combined contribution of Irene and her employer up to $6,750. She would also receive a contribution of $3,205 from the profit sharing plan. This brings the total contribution into Irene's pension plan for that year to $9,955. She is also subject to the 25 percent limit, but for Irene, her limit would not be reached until $11,200. She is able to put in her 10 percent, receive the five percent match and receive the full amount from the profit share because her amount doesn't exceed the limit.

Despite the fact that Bill and Irene have the same discipline to add to their pension plans and save for their retirements, Bill is penalized by the 25 percent limitation. By lifting the 25 percent limit, we can provide a higher threshold of savings for those who need it most.

Permitting additional contributions to DC plans will help women "catch up" on their retirement savings goals. Women are more likely to live out the last years of their retirement in poverty for a number of reasons. Women have longer lifespans, they are more likely to leave the workforce to raise children or care for elderly parents, are more likely to have to use assets to pay for long-term care for an ill spouse, and traditionally make less money than their male counterparts. Anyone who has delayed saving for retirement will get a much needed boost to their retirement savings strategy if the 25 percent limit is eliminated for employees.

Not only does this proposal help individual employees save for retirement but it also helps the many businesses, both small and large which are affected by 415(c). First, the 25 percent limitation causes equity concerns within businesses. Low and mid-salary workers do not feel as if the Code treats them equitably, when their higher-paid supervisor is permitted to save more in dollar terms in a tax-qualified pension plan.

Second, one of the primary reasons businesses offer pension plans is to reduce turnover and retain employees. Employers often supplement their 401(k) plans with generous matches or a profit-sharing plan to keep people on the job. The 415(c) limitation inhibits their ability to do that, particularly for the lower-paid workers who are unfairly affected.

Third, this legislation will ease the administrative burdens connected with the 25 percent limitation. Dollar limits are easier to track than percentage limits.

Finally, I want to placate any concerns that repealing the 25 percent limit will serve as a windfall for high-paid employees. The Code contains other limitations which provide protection against abuse. First, the Code limits the amount an employee can defer to a 401(k) plan. Under section 402(g) of the Code, workers can only defer up to $10,000 of compensation into a 401(k) plan in 1998. In addition, plans still must meet strict non-discrimination rules that ensure that benefits provided to highly-compensated employees are not overly generous.

The value to society of this proposal, if enacted, is undeniable. Increased savings in qualified retirement plans can prevent leakage, meaning the money is less likely to be spent, or cashed out as might happen in a savings account or even an IRA.

There will be those out there who recognize that this bill does not address the impact of the 415 limit for all of the plans that are subject to it. I have included language that would provide relief to 401(k) plans and 403(b) plans, for example. Plans authorized by section 457 of the Code—used by state and local governments and non-profit organizations have not been specifically addressed. I want to assure organizations who sponsor 457 plans that I support ultimate conformity for all plans affected by the 415(c) percentage limitation. Over the next couple of weeks, I hope to work with these organizations to identify the changes that are necessary to achieve equity and simplicity for their employees. In the mean time, this is a positive step toward enhancing the retirement savings opportunities of working Americans.

We have begun to educate all Americans about the importance of saving for retirement, but if we educate and then do not give them the tools to allow people to practically apply that knowledge, we have failed in our ultimate goal to increase national savings. Let's help Americans succeed in saving for retirement. In helping them achieve their retirement goals, they help us to achieve our goal as policymakers of improving the quality of life for Americans.

I would like to thank the Profit Sharing Council of America and the many members of the Retirement Savings Network for their considerable help in championing this proposal. I ask unanimous consent that their letter of support be included in the RECORD. I also want to thank an Iowa company, IPSCO, in Camanche, Iowa, and its many employees for bringing this issue to the forefront. I ask unanimous consent to include a letter from IPSCO in the RECORD, and note that their letter was accompanied by a petition signed by nearly 200 employees. Finally, I want to extend my appreciation to Senators BREAUX, JEFFORDS, GRAHAM, and BAUCUS for co-sponsoring this important bill. I encourage all of my colleagues to give careful consideration to lending your support to this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 25, 1998.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

We, the undersigned organizations, commend you for introducing the Enhanced Savings Opportunity Act that repeals the Section 415(c) 25% limitation currently imposed on employees participating in defined contribution plans and pledge our support of your efforts to obtain passage.

This legislation promotes a conducive environment for expanding the savings opportunities in employer-provided retirement programs by removing one of the impediments that prevents employees, especially lower-paid employees, from taking full advantage of profit sharing, 401(k), 403(b), and other defined contribution programs. It will also decrease the burdensome testing currently imposed on plan administrators and better enable companies to take advantage of the new SIMPLE 401(k) program for small employers.

For example, the Enhanced Savings Opportunity Act will permit employees who leave and reenter the workforce, many of whom are women, to make larger contributions when they are working, in effect allowing them to "catch up" their contributions. It will also promote equal treatment by allowing all employees to defer up to $10,000 of their income into a 401(k) plan. Finally, the existing section 415(c) 25% limitation frequently requires that a company limit its contributions to lower-paid employees who take full advantage of the savings feature of a 401(k) plan. By modifying Section 415(c) you will permit more generous company matching and profit-sharing contributions to its employees. Similarly, your legislation will allow participants in 403(b) plans to increase savings in those plans. We appreciate your efforts to preserve equity by extending relief to 401(k), 403(b), and other types of defined contribution plans.

Again, thank you for introducing the Enhanced Savings Opportunities Act. Please feel free to call on us as you move forward to seek its enactment.

American Bankers Association, American Council of Life Insurance, American Society of Pension Actuaries, APPWP—The Benefits Association, Association for Advanced Life Underwriting, Employers Council on Flexible Compensation, The ERISA Industry Committee, Financial Executives Institute, Investment Company Institute, National Association of Manufacturers, National Employee Benefits Institute, National Rural Electric Cooperative Association, National Telephone Cooperative Association, Profit Sharing/401(k) Council of America, Securities Industry Association, Small Business Council of America, Society for Human Resource Management, Stable Value Investment Association, and United States Chamber of Commerce.

MARCH 20, 1998.

Hon. CHARLES GRASSLEY,
Washington, DC.

DEAR SENATOR GRASSLEY: Currently Code 415(c) of the IRS rules does not permit an employee to receive contributions that total more than 25% of his or her income or more than $30,000. The intent was meant to limit the contributions of highly paid executives. Defined contribution plans have become a very popular method to save for retirement, but the rules have not kept pace with the times. Now, non-executives are slighted by the rules that were designed to help them by limiting the amount that can be put away for retirement.

Since 1994 the 415(c) code has prevented IPSCO from contributing the fully allocated, pretax funds, to each employee's retirement fund. Each year several thousand dollars of pretax money, earmarked for retirement, has been disbursed as taxable income to many employees. The employee's retirement plan is short changed, because the plan cannot receive all of the funds that it should and the employee ends up with taxable earnings that were intended for retirement. Non-executive employees should not have artificial limits set on their retirement savings.

If your efforts are successful and a bill is passed to lift the percentage limits on contributions to retirement contributions this problem will be redressed.

Yours truly,

IPSCO EMPLOYEES.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. HARKIN):

S. 1858. A bill to amend the Social Security Act to provide individuals with disabilities with incentives to become economically self-sufficient; to the Committee on Finance.

THE WORK INCENTIVES IMPROVEMENT ACT OF 1998

Mr. JEFFORDS. Mr. President, it is with great pleasure that I rise today, with my friend and colleague, Senator EDWARD KENNEDY, to introduce the Work Incentives Improvement Act of 1998.

This bill has developed over many months with the help of the disability community, the Social Security Administration, the Health Care Financing Administration and other Congressional offices to help the insurmountable health barriers to individuals who wish to work, but must remain dependent on the Social Security Disability system to continue to access needed health benefits provided by the Federal and State governments.

Mr. President, the current system has had very limited success. The benefits offered are too expensive, time limited, and offer too few health care services for the many persons with disabilities who wish to work. Currently, less than 5 percent of beneficiaries have taken advantage of this so called work incentive.

Mr. President, I have worked for more than a year with Senator KENNEDY to assess why so few SSI and SSDI beneficiaries return to work. We have found that the primary barrier is a lack of available health care coverage—this needed coverage is either unavailable or unaffordable in the private sector for those with disabilities.

Specific barriers facing individuals with disabilities who want to work include an inability to obtain affordable health insurance through Medicare. After a period of time on the current SSDI work incentives program, the individual must pay full fare—more than $370 a month. We researched how many individuals take advantage of this and would you believe, Mr. President, that out of more than 3.5 million beneficiaries, only 114 have chosen to buy in to Medicare. People with disabilities simply cannot afford the coverage over more than a short period of time.

Another barrier is that the critical services people with disabilities need are unavailable. Personal assistance services and drugs are available only through a state's Medicaid plan. SSDI beneficiaries do not have access to Medicaid unless they impoverish themselves to get it. When we looked into this we found that SSDI people who need Medicaid covered services, those so-called "dual eligibles," are the fastest growing entitlement population in the government. For those SSI beneficiaries who have access to Medicaid, personal assistance services are covered in only half the states.

Mr. President, our Work Incentive Improvement Act will provide incentives for persons with disabilities to return to work and still be able to access health insurance. It will ensure that an attempt to work, or an inability to remain working, does not penalize participants for future SSDI and SSI eligibility.

Under our legislation, those SSDI applicants who want to return to work could access Medicare Part A for free. If their incomes rise above 250 percent of poverty they would buy-in based on 10 percent of earned income above 250 percent. Part B premium contributions would remain the same. They would also be able to access a new State Work Options Program that provides personal assistance services and prescription drugs to those states that chose to set one up.

Long term disabled SSDI beneficiaries who have been receiving cash benefits for more than 24 months would be eligible for Medicare A&B for the same rates as described above, the State Work Options Program, and an expanded Impairment Related Work Expense to include the cost of automobiles in areas where accessible transportation is unavailable. Such an incentive would do much to keep an individuals income below SGA, and be more likely to keep their cash benefits.

Persons with disabilities who are working under SSI's work incentive program would have access to the State Work Options Programs if they needed personal assistance services to begin working. The legislation also strengthens current State Medicaid Waiver projects that provide health services and supports to persons with disabilities who want to work.

This legislation also supports the development of demonstration projects that gradually phase out the loss of cash benefits as a worker's income rises, instead of the current cash cutoff that so many disabled persons who return to work face today.

Finally, this legislation will enable Congress to obtain the kind of information it needs to undertake more comprehensive reform of disability work incentive programs.

Mr. President, no one in this body can disagree with the idea that work is a central part of the American dream. I am committed to ensuring this Congress that we pass legislation to provide cost-effective assistance to help disabled Americans pursue a career, and the American dream.

Mr. KENNEDY. Mr. President, it is an honor to join Senator JEFFORDS and Senator HARKIN in introducing the Work Incentives Improvement Act to provide more affordable and accessible health care for persons with disabilities so they can work and live independently.

Despite the extraordinary growth and prosperity the country is enjoying today, persons with disabilities continue to struggle to live independently and become fully contributing members of their communities. We know that of the 54 million disabled people in this country, may have the capacity to work and become productive citizens, but they are unable to do so because of the unnecessary barriers they face.

We have made progress through a special education system committed to excellence in learning, and through a rehabilitation system designed to promote independent living skills. Too often, however, the goals of independence are still out of reach. Too often, disabled people are afraid that if they take jobs they will lose the medical coverage that makes such a large difference in their lives. Too often, disabled people are afraid of losing their current cash benefits if the salary they earn at work is too large. We need to do more so that the benefits of our prosperous economy are truly available to all Americans, including our fellow citizens with disabilities. We need to ensure that all disabled children and adults have access to the benefits and supports they need to achieve their full potential as American citizens.

Our long term goal is to restructure and improve existing disability programs so that they do more to encourage and support a disabled person's dream to work and live independently. That goal should be the birthright of all Americans—and when we say all, we mean all.

This bipartisan work incentive legislation will help us to remove the unfair barriers facing persons with disabilities who want to work. It will make health insurance coverage more widely available, through opportunities to buy-in to Medicare and Medicaid at an affordable rate. Social Security will be able to fund demonstration projects that gradually phase out the loss of cash benefits, instead of the arbitrary sudden cutoff that so many disabled workers face today.

Our goal is to create fair and realistic new assistance that offers greater support for disabled persons who want to work, live independently, and be productive and contributing members of their community. This bill is the right thing to do, and it is the cost effective thing to do. For too long, our fellow disabled citizens have been left out and left behind.

I commend Senator JEFFORDS and Senator HARKIN for their impressive leadership on this issue. We look forward to working with all members of Congress to help give disabled persons across the country a better opportunity to fulfill their dreams and fully participate in the social and economic mainstream of our nation.

Mr. HARKIN. Mr. President, I am pleased to be an original co-sponsor of the Work Incentives Improvement Act of 1998. I would like to thank Senators KENNEDY and JEFFORDS for all their work on this important piece of legislation. I'd also like to commend the work of their staff, Connie Garner and Chris Crowley.

Many individuals receiving SSI and SSDI want to work and are able to work. But less than ½ of 1% of these individuals leave the Social Security rolls and become self-sufficient. Clearly, there is something wrong with the system.

When we enacted the ADA, we put our nation on a new path. A path toward independence, not dependence. Toward inclusion, not exclusion. Toward empowerment, not paternalism. The ADA opened the door to employment opportunities for people with disabilities.

Today, we take another major step along that path. The Work Incentives Improvement Act removes artificial impediments faced by people with disabilities when they are ready to work. The bill offers persons with disabilities affordable and accessible health care, so that they no longer have to face the choice between working and paying taxes, on the one hand, or having access to health care benefits on the other.

In the wake of the ADA, we must now bring our other federal policies into the 1990s. This Act begins to do that. Access to health care is critical if people with disabilities are to live independently and remain self-sufficient. If we can provide a reasonable support structure for people with disabilities who can work and who want to work, then we should. It's the right thing to do.

Things usually don't get done because they are right. They get done because people stand up and take action. Now is the time to take action on this issue. If our efforts here are successful, Americans with disabilities will no longer face disincentives for working, for wanting a piece of the American dream, for remaining vital members of our society, and for reminding all of us that disabled does not mean unable.

I hope my colleagues in the Senate quickly take action on this bill, and that this bill soon becomes law.

By Mr. ROTH (for himself and Mr. LUGAR):

S. 1859: A bill to correct the tariff classification of 13" televisions; to the Committee on Finance.

THE TECHNICAL CORRECTION ACT OF 1998

Mr. ROTH. Madam President, I rise today to introduce legislation to make a technical correction to the diagonal measurement of video displays in the Harmonized Tariff Schedule of the United States (HTSUS).

During the Uruguay Round negotiations, the United States agreed to phase down U.S. tariffs on "13-inch" television receivers, monitors, and picture tubes, and on combination TV/VCRs, over the period from 1995 to 1999. The tariff on receivers and monitors was to be reduced from 5 percent to zero, on picture tubes from 15 percent to 7.5 percent, and on combination TV/VCRs from 3.9 percent to zero. The "13-inch" designation historically has included television products whose picture tubes are approximately, but not exactly, 13 inches by diagonal measurement. The 1997 HTSUS, however, converted the diagonal picture tube measurement into 33.02 centimeters or exactly 13 inches. With the implementation of the 1997 HTSUS, the former "13-inch" televisions have been classified as larger than 13-inches and assessed a higher rate of duty.

I am proposing this technical correction to amend the HTSUS to allow television receivers, monitors, and picture tubes, and combination TV/VCRs with a diagonal measurement of up to "34.29 centimeters" (or 13.5 inches) to be classified as "13-inches". This action is consistent with our Uruguay Round commitments.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TARIFF CLASSIFICATION OF 13 INCH TELEVISIONS.

(a) IN GENERAL.—Each of the following subheadings of the Harmonized Tariff Schedule of the United States is amended by striking "33.02 cm" in the article description and inserting "34.29 cm":

(1) Subheading 8528.12.12.
(2) Subheading 8528.12.20.
(3) Subheading 8528.12.62.
(4) Subheading 8528.12.68.
(5) Subheading 8528.12.76.
(6) Subheading 8528.12.84.
(7) Subheading 8528.21.16.
(8) Subheading 8528.21.24.
(9) Subheading 8528.21.55.
(10) Subheading 8528.21.65.
(11) Subheading 8528.21.75.
(12) Subheading 8528.21.85.
(13) Subheading 8528.30.62.
(14) Subheading 8528.30.66.
(15) Subheading 8540.11.24.
(16) Subheading 8540.11.44.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this Act apply to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

(2) RETROACTIVE APPLICATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the Customs Service not later than 180 days after the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of an article described in a subheading listed in paragraphs (1) through (16) of subsection (a)—

(A) that was made on or after January 1, 1995, and before the date that is 15 days after the date of enactment of this Act,

(B) with respect to which there would have been no duty or a lesser duty if the amendments made by subsection (a) applied to such entry, and

(C) that is—

(i) unliquidated,
(ii) under protest, or
(iii) otherwise not final,

shall be liquidated or reliquidated as though such amendment applied to such entry.

By Mrs. FEINSTEIN:

S. 1861. A bill to amend the Tariff Act of 1930 to permit duty-free sales enterprises to be located in certain areas; to the Committee on Finance.

THE DUTY FREE SALES ENTERPRISES ACT AMENDMENT ACT OF 1998

Mrs. FEINSTEIN. Mr. President, in 1988, Congress passed the Duty Free Sales Enterprises Act which, among other things, gave Customs the authority to audit duty free stores to ensure compliance with laws and regulations governing import activities. The Act also permitted off-airport sites, as long as they were in within 25 miles of the airport. What happens is: tourists visit the off-airport site, buy duty-free goods and those goods are shipped to meet them when they arrive home.

When the bill was passed, audits were conducted in person by Customs inspectors. The 25-mile limit was imposed so as not to unduly burden inspectors who would otherwise have to travel great distances between stores. However, audits are no longer conducted in person; rather they are done by computer. Inspectors no longer have to travel between stores.

This legislation adds new section to the law establishing the 25-mile limit to allow exceptions if Customs is reasonably assured the goods being sold are duty free items for people leaving through international airports. All of the other regulations controlling audits and inspections are still in effect; this simply allows stores outside of the 25-mile limit.

I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUTY-FREE SALES ENTERPRISES.

Section 555(b)(2) of the Tariff Act of 1930 (19 U.S.C. 1555(b)(2)) is amended—

(1) by striking "or" at the end of subparagraph (A),

(2) by striking the period at the end of subparagraph (B) and inserting "; or", and

(3) by adding at the end the following new subparagraph:

"(C) the customs territory, if reasonable assurance can be provided that the purchaser of the duty-free merchandise will depart from an international airport located within the customs territory.".

By Mr. DEWINE:

S. 1862. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers; to the Committee on Labor and Human Resources.

THE POISON CONTROL CENTER ENHANCEMENT AND AWARENESS ACT

Mr. DEWINE. MR. PRESIDENT, I RISE TODAY TO INTRODUCE THE POISON CONTROL CENTER ENHANCEMENT AND AWARENESS ACT OF 1998.

Mr. President, America's poison control centers do important work—and they need our help. The number of centers has been declining over the last several years. Their funding has been unstable—and this has resulted in the closing of many of them.

Poison control centers manage poisonings over the telephone, direct those that cannot be managed at home to a local hospital for treatment, provide professional and public education and training, and collect data on poisoning exposures.

Each year, more than 2 million poisonings are reported to poison control centers throughout the United States. More than 90% of these poisonings happen in the home—and over fifty percent of poisoning victims are children younger than 6 years of age.

By providing expert telephone advice to distraught parents, poisoning victims, and health care professionals, poison control centers decrease the severity of illness and prevent deaths. Let me illustrate the value of poison control centers by telling you about two similar poisoning cases that had very different outcomes.

In the first case, a 3 year old child swallowed several tablets of aspirin. His mother called the poison control center and was told to give the child syrup of Ipecac to make the child vomit before taking him to the emergency room. The boy was examined in the emergency room and sent home.

In the second case, another toddler swallowed several aspirin while visiting her grandmother's house. Her family was unaware that aspirin can be very dangerous for children, and did not think to call the poison control center. Nine hours later, the child started to have a seizure. When she arrived at the hospital, she was severely ill and nearly died. She spent almost two weeks in the pediatric intensive care unit.

Mr. President, I can tell you that even after eight children, it's often hard to know exactly what to do in these emergencies. In this kind of situation, poison control centers can save lives.

They are life-saving and they are truly cost-effective public health services. For every dollar spent on poison control center services, $7 in medical costs are saved. The average cost from a poisoning exposure call is $31.28, while the average cost if other parts of the health care system are used is $932.

In spite of their obvious value, poison control centers are seriously underfunded, and the funding situation threatens to get worse. These centers have so far been financed through unstable arrangements involving a variety of public and private sources.

In Ohio, poison control centers are funded primarily by hospitals, with some funds coming from the State. Ohio's poison control centers are working together to coordinate services and consolidate resources, while they continue to look for stable funding sources.

Currently, the Federal Government provides 5% of poison control center funding, but reaps most of the cost-savings benefits from poison control center services. It is only fair that the Federal Government pay for its share of the cost burden for poison control center services. This legislation provides Federal dollars to stabilize poison control center funding and improve poison control center services. I have tried to write this legislation so that existing private and state dollars can be leveraged, rather than displaced, by Federal funds.

Over the last two decades, the instability and lack of funding has resulted in a steady decline in the number of poison control centers in the United States. In 1978, there were over 600 poison control centers; now, there are 75. This trend has jeopardized the capacity of poison control centers to provide equitable services to all Americans. As a result, more people may die, more people may be injured and the costs for treating poisonings may increase.

For example, in 1991, Louisiana closed its poison center and referred all calls to Alabama. After its closing, Louisiana found that "the cost attributable to unnecessary emergency department visits was more than three times the amount allocated to operate the poison control center each year." Louisiana also found that medically treated poisonings, those treated in emergency rooms or by physicians, increased 42%. It reopened its poison control center.

My office has consulted with a number of experts on how we can best improve poison control operations on a national scale, and my legislation contains a number of their suggestions.

Here's what the bill does.

It establishes a national toll-free number to ensure that all Americans have access to poison control center services. This number is then automatically routed to the center designated to cover the caller's region. This system will improve access to poison control center services for everyone. It will also simplify efforts to educate parents and the public about what to do in the event of a poisoning exposure and how to do it quickly.

It begins a nationwide media campaign to educate the public and health care providers about poison prevention, and advertise the new, nationwide toll-free number. I've seen the great work done by some non-profit groups, and how effective their public health campaigns have been. That's what I'd like to see here.

It establishes a grant program to stabilize the funding mechanism and prevent certified regional poison control centers from closing. This program will support activities to prevent and treat poisonings; develop standard education programs; develop standard patient management protocols for commonly encountered toxic exposures; improve and expand the poison control data collection system; and improve national toxin exposure surveillance.

Mr. President, I have always been a supporter of the prevention and treatment services provided by poison control centers. As a member of the Congressional Prevention Coalition, I hope to increase awareness of this very important issue. Federal support for poison control centers will help ensure that all Americans continue to have access to quality poison control center services.

It will reduce the inappropriate use of emergency medical services and other costly health care services.

And, most importantly, it will save lives.

Mr. President, I ask unanimous consent that this statement and the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Poison Control Center Enhancement and Awareness Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Each year more than 2,000,000 poisonings are reported to poison control centers throughout the United States. More than 90 percent of these poisonings happen in the home. 53 percent of poisoning victims are children younger than 6 years of age.

(2) Poison centers are life-saving and cost-effective public health services. For every dollar spent on poison control centers, $7 in medical costs are saved. The average cost of a poisoning exposure call is $31.28, while the average cost if other parts of the medical system are involved is $932. Over the last 2 decades, the instability and lack of funding has resulted in a steady decline in the number of poison control centers in the United States. Currently, there are 75 such centers.

(3) Stabilizing the funding structure and increasing accessibility to poison control centers will increase the number of United States residents who have access to a certified poison control center, and reduce the inappropriate use of emergency medical services and other more costly health care services.

SEC. 3. DEFINITION.

In this Act, the term "Secretary" means the Secretary of Health and Human Services.

SEC. 4. ESTABLISHMENT OF A NATIONAL TOLL-FREE NUMBER.

(a) IN GENERAL.—The Secretary shall provide coordination and assistance to regional poison control centers for the establishment of a nationwide toll-free phone number to be used to access such centers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of the fiscal years 1999 through 2001.

SEC. 5. ESTABLISHMENT OF NATIONWIDE MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary shall establish a national media campaign to educate the public and health care providers about poison prevention and the availability of poison control resources in local communities and to conduct advertising campaigns concerning the nationwide toll-free number established under section 4.

(b) CONTRACT WITH ENTITY.—The Secretary may carry out subsection (a) by entering into contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $600,000 for each of the fiscal years 1999 through 2003.

SEC. 6. ESTABLISHMENT OF A GRANT PROGRAM.

(a) REGIONAL POISON CONTROL CENTERS.—The Secretary shall award grants to certified regional poison control centers for the purposes of achieving the financial stability of such centers, and for preventing and providing treatment recommendations for poisonings.

(b) OTHER IMPROVEMENTS.—The Secretary shall also use amounts received under this section to—

(1) develop standard education programs;

(2) develop standard patient management protocols for commonly encountered toxic exposures;

(3) improve and expand the poison control data collection systems; and

(4) improve national toxic exposure surveillance.

(c) CERTIFICATION.—Except as provided in subsection (d), the Secretary may make a grant to a center under subsection (a) only if the center has been certified by a professional organization in the field of poison control, and the Secretary has approved the organization as having in effect standards for certification that reasonably provide for the protection of the public health with respect to poisoning.

(d) WAIVER OF CERTIFICATION REQUIREMENTS.—

(1) IN GENERAL.—The Secretary may grant a waiver of the certification requirement of subsection (a) with respect to a noncertified poison control center that applies for a grant under this section if such center can reasonably demonstrate that the center will obtain such a certification within a reasonable period of time as determined appropriate by the Secretary.

(2) RENEWAL.—The Secretary may only renew a waiver under paragraph (1) for a period of 3 years.

(e) SUPPLEMENT NOT SUPPLANT.—Amounts made available to a poison control center under this section shall be used to supplement and not supplant other Federal, State, local or private funds provided for such center.

(f) MAINTENANCE OF EFFORT.—A poison control center, in utilizing the proceeds of a grant under this section, shall maintain the expenditures of the center for activities of the center at a level that is equal to not less than the level of such expenditures maintained by the center for the fiscal year preceding the fiscal year for which the grant is received.

(g) MATCHING REQUIREMENT.—The Secretary may impose a matching requirement with respect to amounts provided under a grant under this section if the Secretary determines appropriate.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 1999 through 2001.

ADDITIONAL COSPONSORS

S. 358

At the request of Mr. DEWINE, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from New York (Mr. D'AMATO) were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 775

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 775, a bill to amend the Internal Revenue Code of 1986 to exclude gain or loss from the sale of livestock from the computation of capital gain net income for purposes of the earned income credit.

S. 1344

At the request of Mr. BROWNBACK, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1344, a bill to amend the Foreign Assistance Act of 1961 to target assistance to support the economic and political independence of the countries of South Caucasus and Central Asia.

S. 1406

At the request of Mr. SMITH, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1406, a bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve.

S. 1481

At the request of Mr. DEWINE, the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Florida (Mr. MACK) were added as cosponsors of S. 1481, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide for continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 1621

At the request of Mr. GRAMS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Tennessee

(Mr. FRIST) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1710

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1710, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

S. 1722

At the request of Mr. FRIST, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. COVERDELL), the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 1722, a bill to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 1723

At the request of Mr. ABRAHAM, the names of the Senator from South Carolina (Mr. THURMOND) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1724

At the request of Ms. COLLINS, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from Nevada (Mr. REID), the Senator from Michigan (Mr. ABRAHAM), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week."

SENATE RESOLUTION 189

At the request of Mr. TORRICELLI, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of Senate Resolution 189, a resolution honoring the 150th anniversary of the United States Women's Rights Movement that was initiated by the 1848 Women's Rights Convention held in Seneca Falls, New York, and calling for a national celebration of women's rights in 1998.

AMENDMENT NO. 1481

At the request of Mr. DEWINE the names of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Florida (Mr. MACK) were added as cosponsors of amendment No. 1481 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 2081

At the request of Mr. CRAIG the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of amendment No. 2081 intended to be proposed to Treaty No. 105-36, Protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty.

AMENDMENT NO. 2082

At the request of Mr. CRAIG the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of amendment No. 2082 intended to be proposed to Treaty No. 105-36, Protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty.

AMENDMENT NO. 2083

At the request of Mrs. HUTCHISON the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of amendment No. 2083 proposed to S. 1768, an original bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

SENATE CONCURRENT RESOLUTION 87—TO CORRECT THE ENROLLMENT OF S. 419

Mr. JEFFORDS submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 87

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1 of the bill, strike "1997" and insert "1998".

(2) In section 2 of the bill:

(A) In subsection (d) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and insert "1999".

(B) In subsection (f) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and all that follows through "2001" and insert "1999, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002".

AMENDMENTS SUBMITTED

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

FEINGOLD AMENDMENT NO. 2121

Mr. FEINGOLD proposed an amendment to the bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes; as follows:

Beginning on page 7, strike out line 13 and all that follows through page 12, line 1, and insert in lieu thereof the following:

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $184,000,000: *Provided*, That of such amount, $72,500,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $22,300,000: *Provided*, That of such amount, $19,900,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $5,100,000: *Provided*, That of such amount, $3,700,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $10,900,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $4,100,000: *Provided*, That of such amount, $2,000,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $1,886,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", $33,272,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $21,509,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-wide", $1,390,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Operation and Maintenance, Defense-wide", $44,000,000, for emergency expenses resulting from natural disasters in the United States: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $44,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act; *Provided further*, That the Secretary of Defense may transfer these funds to current applicable operation and maintenance appropriations, to be merged with and available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this provision is in addition to any transfer authority available to the Department.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $650,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $229,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $175,000: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,556,000,000, to remain available until expended, of which $46,000,000, shall be available for classified programs: *Provided*, That of such amount, $1,188,800,000 (the amount for funding incremental costs of contingency operations in Southwest Asia) is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985,

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BOND (AND OTHERS) AMENDMENT NO. 2122

Mr. BOND (for himself, Ms. MIKULSKI, Mr. STEVENS, Ms. SNOWE, Ms. COLLINS, Mr. D'AMATO, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Mr. MACK, Mr. GRAHAM, and Mrs. BOXER) proposed an amendment to the bill, S. 1768, supra; as follows:

Insert at the appropriate place:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT COMMUNITY DEVELOPMENT—BLOCK GRANT FUNDS

For an additional amount for "Community development block grants funds", as authorized under title I of the Housing and Community Development Act of 1974, $260,000,000, which shall remain available until September 30, 2001, for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared natural disasters designated during fiscal year 1998, except for those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers: *Provided*, That in administering these amounts and except as provided in the next proviso, the Secretary may waive or specify alternative requirements for, and provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such a waiver is required to facilitate the use of such funds and would not be inconsistent with the overall purpose of the statute: *Provided further*, That the Secretary may waive the requirements that activities benefit persons of low and moderate income, except that at least 50 percent of the funds under this head must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need: *Provided further*, That all funds under this head shall be allocated by the Secretary to states to be administered by each state in conjunction with its Federal Emergency Management Agency program or its community development block grant program: *Provided further*, That each state shall provide not less than 25 percent in public or private matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this head: *Provided further*, That, in conjunction with the Director of the Federal Emergency Management Agency, the Secretary shall allocate funds based on the unmet needs identified by the Director as those which has not or will not be addressed by other federal disaster assistance programs: *Provided further*, That, in conjunction with the Director, the Secretary shall utilize annual disaster cost estimates in order that the funds under this head shall be available, to the maximum extent feasible, to assist states with all Presidentially declared disasters designated during this fiscal year: *Provided further*, That the Secretary shall publish a notice in the Federal Register governing the allocation and use of the community development block grants funds made available under this head for disaster areas and publish a quarterly list of all allocations of funds under this head by state, locality and activity (including all uses of waivers and the reasons therefor): *Provided further*, That the Secretary and the Director shall submit quarterly reports to the House and Senate Committees on Appropriations on all allocations and use of funds under this head, including a review of all unmet needs: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BOND (AND MIKULSKI) AMENDMENT NO. 2123

Mr. BOND (for himself and Ms. MIKULSKI) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 46, at the bottom of the page, insert the following:

INDEPENDENT AGENCY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster relief", $1,600,000,000, to remain available until expended: *Provided*, That these funds shall be available only to the extent that an official budget request for a specific amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, that the entire amount appropriated herein is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2124

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 29, line 20, strike "(PANO", and insert "(JPANO". At the end of page 29, insert the following new paragraphs:

(7) the National Park Service has identified the realignment of Unser Boulevard, depicted on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note), as serving a park purpose in the General Management Plan/Development Concept Plan for Petroglyph National Monument;

(8) the establishment of a citizens' advisory committee prior to construction of the Unser Boulevard South project, which runs along the eastern boundary of the Atrisco Unit of the monument, allowed the citizens of Albuquerque and the National Park Service to provide significant and meaningful input into the parkway design of the road, and that similar proceedings should occur prior to construction with the Paseo del Norte corridor;

(9) parkway standards approved by the city of Albuquerque for the construction of Unser Boulevard South along the eastern boundary of the Atrisco Unit of the monument would be appropriate for a road passing through the Paseo del Norte corridor;

On page 30, redesignate paragraphs (7) and (8) as paragraphs (10) and (11).

On page 30, beginning on line 13, strike "**STORM WATER DRAINAGE AND TECHNICAL ASSISTANCE.**", and insert "**PLANNING AUTHORITY.**".

On page 31, beginning on line 1, strike paragraph (2), and insert the following:

(2) ROAD DESIGN.—

(A) If the city of Albuquerque decides to proceed with the construction of a roadway within the area excluded from the monument by the amendment made by subsection (d), the design criteria shall be similar to those provided for the Unser Boulevard South project along the eastern boundary of the Atrisco Unit, taking into account topographic differences and the lane, speed and noise requirements of the heavier traffic load that is anticipated for Paseo del Norte, as referenced in section A–2 of the Unser Middle Transportation Corrider Record of Decision prepared by the city of Albuquerque dated December 199? * * *

(B) At least 180 days before the initiation of any road construction within the area excluded from the monument the amendment made by subsection (d), the city of Albuquerque shall notify the Director of the National Park Service (hereinafter "the Director"), who may submit suggested modifications to the design specifications of the road construction project within the area excluded from the monument by the amendment made by subsection (d).

(C) If after 180 days, an agreement on the design specifications is not reached by the city of Albuquerque and the Director, the city may contract with the head of the Department of Civil Engineering at the University of New Mexico, to design a road to meet the design criteria referred to in subparagraph (A). The design specifications developed by the Department of Civil Engineering shall be deemed to have met the requirements of this paragraph, and the city may proceed with the construction project, in accordance with those design specifications.

On page 33, beginning on line 13, strike all through line 22, and insert the following:

(B) by inserting "(1)" after "(a)";

(C) by adding at the end the following:

"(2)(A) Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—".

On page 34, line 9, strike "DOCUMENT.—".

On page 34, line 12, after "Corridors',", insert "dated October 30, 1997,".

WELLSTONE AMENDMENTS NOS. 2125–2128

Mr. WELLSTONE proposed four amendments to the bill, S. 1768, supra; as follows:

AMENDMENT NO. 2125

At the appropriate place, add the following:

SEC. . REFORM OF INTERNATIONAL MONETARY FUND POLICIES.

(a) IN GENERAL.—The United States Government shall employ its best efforts to do the following, and such efforts shall include but not be limited to the Secretary of the Treasury instructing the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to these ends:

(1) Structure the International Monetary Fund programs and assistance so that—

(A) recipient governments commit, as a condition of loan approval and renewal, to affording workers the right to exercise internationally recognized worker rights, including the right of free association, collective bargaining through unions of their own choosing, and the use of any form of forced or compulsory labor;

(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights; and

(C) the staff of the International Monetary Fund adequately takes into account the views of the International Labor Organization, particularly with respect to the importance of labor market flexibility measures in reducing unemployment in recipient countries, and the impact such measures may have on core worker rights in such countries.

(2) Vigorously promote the adoption and enforcement of laws promoting respect for internationally recognized worker rights (as defined in Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)).

(3) Structure the International Monetary Fund programs and assistance so that recipient governments commit to compliance with all environmental obligations and agreements of which it is a signatory.

(4) Work with the International Monetary Fund to incorporate the recognition that macroeconomic development and policies can affect and be affected by environmental conditions and policies, including by working independently and with multilateral development banks to encourage countries to correct market failures and to adopt appropriate environmental policies in support of macroeconomic stability and sustainable development.

(5) Structure the International Monetary Fund programs and assistance so that governments which draw on the International Monetary Fund channel funds away from unproductive purposes, such as excessive military spending, and towards investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

(6) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

(b) REPORT TO CONGRESS.—The Secretary of the Treasury shall submit a semi-annual report to Congress on the status of International Monetary Fund programs linked to official United States government financing.

(c) CONTENTS OF REPORT.—With respect to each program, the report shall include the following:

(1) Whether International Monetary Fund involvement in labor market flexibility measures has a negative impact on core worker rights, particularly the rights of free association and collective bargaining.

(2) A description of any abuses of core worker rights and how the International Monetary Fund addresses such abuses.

(3) Whether the program adequately balances the need for austerity, economic growth, and social equity.

(4) What measures are included in the program to ensure sustainable development and address environmental devastation.

AMENDMENT NO. 2126

At the appropriate place, add the following:

SEC. . SENSE OF THE CONGRESS ON THE TREATMENT OF MUCHTAR PAKPAHAN.

It is the sense of Congress that the Government of Indonesia should immediately release Muchtar Pakpahan from prison and have all criminal charges against him dismissed.

AMENDMENT NO. 2127

At the appropriate place, add the following:

SEC. . BURDEN-SHARING BY PRIVATE CREDITORS.

(a) IN GENERAL.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice and vote of the Executive Director aggressively to amend the International Monetary Fund bylaws to provide that the Fund shall not provide funds to any country experiencing a financial crisis resulting from excessive and imprudent borrowing unless the private creditors, investors, and banking institutions that had extended such credit make a significant prior contribution by means of debt relief, rollovers of existing credit, or the provision of new credit, as part of an overall program approved by the International Monetary Fund for resolution of the crisis.

AMENDMENT NO. 2128

At the appropriate place, add the following:

SEC. . ADVISORY COMMITTEE ON IMF POLICY.

(a) IN GENERAL.—The Secretary of the Treasury shall establish an International Monetary Fund Advisory Committee (in this section referred to as "Advisory Committee").

(b) MEMBERSHIP.—The Advisory Committee shall consist of 8 members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations, as follows:

(1) at least 2 members shall be representatives from organized labor.

(2) at least 2 members shall be representatives from nongovernmental environmental organizations.

(3) at least 2 members shall be representatives from nongovernmental human rights or social justice organizations.

(c) DUTIES.—Not less frequently than every six months, the Advisory Committee shall meet with the Secretary of the Treasury to review and provide advice on the extent to which individual IMF country programs meet the policy goals set forth in Article I of the Fund's Articles of Agreements and this Act.

(d) INAPPLICABILITY OF TERMINATION PROVISIONS OF THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14(a)(2) of the Federal Advisory Committee Act shall not apply to the Advisory Committee.

GREGG AMENDMENT NO. 2129

Mr. GREGG proposed an amendment to the amendment No. 2103 proposed by Mr. FAIRCLOTH to the bill, S. 1768, supra; as follows:

At the end, add the following:

(4) EXPENDITURES FROM TRUST FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Trust Fund shall be available to the Secretary of Education for making expenditures to carry out subsection (a).

(B) RESERVATION.—

(i) IN GENERAL.—The Secretary of the Treasury shall reserve $1,000,000,000 of the amounts in the Trust Fund for activities under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(ii) USE.—Amounts reserved under clause (i) shall be available to the Secretary of Education, during the 5-year period beginning on the date of establishment of the Trust Fund, for use in carrying out activities under such part B.

HELMS (AND OTHERS) AMENDMENT NO. 2130

Mr. HELMS (for himself, Mr. LOTT, Mr. GRAMS, Mr. GREGG, Mr. HOLLINGS, Mr. BYRD, Mr. FAIRCLOTH, and Mr. ASHCROFT) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . UNITED STATES TAXPAYER SUPPORT TOWARDS INTERNATIONAL PEACE AND SECURITY.

(a) FINDINGS.—Congress finds that—

(1) 8,500 men and women from the United States Armed Forces are currently serving in and around Bosnia, and 44,200 men and women from the United States Armed Forces are currently serving in and around the Persian Gulf;

(2) the Department of Defense has spent $2,200,000,000 in fiscal year 1995, $3,300,000,000 in fiscal year 1996, and $2,973,000,000 in fiscal year 1997 for the incremental costs of implementing or supporting United Nations Security Council resolutions for which the United States received no credit at the United Nations;

(3) as of March 1, 1998, the United States Federal debt totaled $5,537,630,079,097;

(4) as of the date of enactment of this Act, the United States, according to an audit by the General Accounting Office, has spent more than $6,400,000,000 in incremental costs to the Department of Defense in and around Bosnia for which the United States received no credit at the United Nations;

(5) the President is now requesting an additional $486,900,000 for United States deployments in and around Bosnia and $1,361,400,000 for United States deployments in and around the Persian Gulf in "emergency fiscal year 1998 supplemental funds";

(6) those funds are in addition to the President's request for $1,020,000,000 in arrears for all assessed contributions to international organizations, including a request for $658,000,000 for United States arrears for United Nations peacekeeping operations;

(7) in response to spiraling United Nations peacekeeping costs and excessively broad mandates, the President on April 30, 1994, approved Public Law 103–236, which in section 404 limits the payment of the United States assessed contribution for any United Nations peacekeeping operation to 25 percent of the total of all assessed contributions for that operation;

(8) the United Nations continues to charge the United States for 30.4 percent of the costs of United Nations peacekeeping operations, despite Public Law 103–236;

(9) the United Nations continues to demand payment from the United States of the difference between 25 percent and 30.4 percent of bills for United Nations peacekeeping operations;

(10) United States law prohibits payment of those amounts as arrears to the United Nations, and the United States is not obligated to pay those amounts.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) United States taxpayers should be commended for their generous and unparalleled support in maintaining international peace and security through these additional contributions in support of United Nations Security Council resolutions, and that the United Nations should acknowledge publicly the financial and military support of the United States in maintaining international peace and stability;

(2) the United Nations should immediately reduce the percentage that the United States is assessed for United Nations peacekeeping operations to 25 percent to reflect United States law that limits assessments the United States will pay to support United Nations peacekeeping operations.

(c) RECOGNITION OF UNITED STATES SUPPORT.—

(1) REPORT BY THE SECURITY COUNCIL.—The President should direct the United States Ambassador to the United Nations to introduce a resolution in the United Nations Security Council, requiring that the Security Council publicly report to all United Nations member states on the amount of funds the United States has spent since January 1, 1990, in implementing or supporting United Nations Security Council resolutions, as determined by the Department of Defense.

(2) DEMARCHE TO SECURITY COUNCIL MEMBERS.—The Secretary of State should issue a demarche to all member countries of the United Nations Security Council, informing them of the amount of funds, both credited and uncredited, the Department of Defense has spent since January 1, 1990, in support of United Nations Security Council resolutions.

(d) REPORT TO CONGRESS.—Not later than 45 days after the date of enactment of this Act, the President shall submit a report to the Committees on Appropriations and International Relations of the House of Representatives and the Committees on Appropriations and Foreign Relations of the Senate with regard to actions taken to carry out the provisions of subsection (c).

NICKLES AMENDMENT NO. 2131

Mr. NICKLES proposed an amendment to amendment No. 2123 proposed by Mr. BOND to the bill, S. 1768, supra; as follows:

Beginning on page 1, line 5, strike everything after the word "expended:".

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

DODD AMENDMENT NO. 2132

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill (H.R. 2646) to amend the Internal Revenue Code for 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike section 101, and insert the following:

SEC. 101. FUNDING FOR PART B OF IDEA.

Any net revenue increases resulting from the enactment of title II that remain available, taking into account the provisions of this title, shall be used to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

ENZI (AND OTHERS) AMENDMENT NO. 2133

Mr. ENZI (for himself, Mr. BRYAN, Mr. REID, and Mr. SESSIONS) proposed an amendment to the bill (S. 1768) supra; as follows:

At the appropriate place, insert the following:

SECTION 1. PROHIBITION.

Notwithstanding section 11(d)(7)(B)(vii) of the Indian Gaming Regulatory Act (25 U.S.C. 2710(d)(7)(B)(vii)), the Secretary of the Interior shall not—

(1) promulgate as final regulations, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

BUMPERS AMENDMENT NO. 2134

Mr. BUMPERS proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place insert the following:

"SEC. . SENSE OF THE SENATE WITH REGARD TO OFFSETS.

(a) FINDINGS.—The Senate finds that—

(1) the Budget Enforcement Act contains discretionary spending caps to limit discretionary spending;

(2) within the discretionary spending caps, Congress has imposed firewalls to establish overall limits on spending for non-defense discretionary programs and overall limits on spending for defense discretionary programs;

(3) any increase in non-defense discretionary spending that would exceed the non-defense discretionary spending caps must be offset by rescissions in non-defense discretionary programs;

(4) any increase in defense discretionary spending that would exceed the defense discretionary spending caps must be offset by rescissions in defense discretionary programs;

(5) the Budget Enforcement Act exempts emergency spending from the discretionary spending caps;

(6) certain items funded in the fiscal year 1998 supplemental appropriations bill have been designated as emergencies and thus are exempt from the budget cap limitations;

(7) the House of Representatives will be considering a version of the fiscal year 1998 supplemental appropriations bill that will purportedly make rescissions to offset spending on items that have been deemed emergencies;

(8) the rescissions included in the House of Representatives fiscal year 1998 supplemental appropriations bill will purportedly come solely from non-defense discretionary programs;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the fiscal year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs.

ROBB AMENDMENT NO. 2135

Mr. ROBB proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, add the following:

"SEC. 1. SHORT TITLE.

This section may be cited as the 'Agricultural Credit Restoration Act'.

SEC. 2. AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

(a) Section 343(a)(12)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)(B)) is amended to read as follows:

"(B) EXCEPTIONS.—The term 'debt forgiveness' does not include—

"(i) consolidation, rescheduling, reamortization, or deferral of a loan;

"(ii) debt forgiveness in the form of a restructuring, write-down, or net recovery buy-out during the lifetime of the borrower that is due to a financial problem of the borrower relating to a natural disaster or a medical condition of the borrower or of a member of the immediate family of the borrower (or, in the case of a borrower that is an entity, a principal owner of the borrower or a member of the immediate family of such an owner); and

"(iii) any restructuring, write-down, or net recovery buy-out provided as a part of a resolution of a discrimination complaint against the Secretary.".

(b) Section 353(m) of such Act (7 U.S.C. 2001(m)) is amended by striking all that precedes paragraph (2) and inserting the following:

"(m) LIMITATION ON NUMBER OF WRITE-DOWNS AND NET RECOVERY BUY-OUTS PER BORROWER.—

"(I) IN GENERAL.—The Secretary may provide a write-down or net recovery buy-out under this section on not more than 2 occasions per borrower with respect to loans made after January 6, 1988.".

(c) Section 353 of such Act (7 U.S.C. 2001) is amended by striking subsection (o).

(d) Section 355(c)(2) of such Act (7 U.S.C. 2003(c)(2)) is amended to read as follows:

"(2) RESERVATION AND ALLOCATION.—

"(A) IN GENERAL.—The Secretary shall, to the greatest extent practicable, reserve and allocate the proportion of each State's loan funds made available under subtitle B that is equal to that State's target participation rate for use by the socially disadvantaged farmers or ranchers in that State. The Secretary shall, to the extent practicable, distribute the total so derived on a county by county basis according to the number of socially disadvantaged farmers or ranchers in the county.

"(B) REALLOCATION OF UNUSED FUNDS.—The Secretary may pool any funds reserved and allocated under this paragraph with respect to a State that are not used as described in subparagraph (A) in a State in the first 10 months of a fiscal year with the funds similarly not so used in other States, and may reallocate such pooled funds in the discretion of the Secretary for use by socially disadvantaged farmers and ranchers in other States.".

(e) Section 373(b)(1) of such Act (7 U.S.C. 2008h(b)(1)) is amended to read as follows:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may not make or guarantee a loan under subtitle A or B to a borrower who on, 2 or more occasions, received debt forgiveness on a loan made or guaranteed under this title.".

(f) Section 373(c) of such Act (7 U.S.C. 2008h(c)) is amended to read as follows:

"(c) NO MORE THAN 2 DEBT FORGIVENESSES PER BORROWER ON DIRECT LOANS.—The Secretary may not, on 2 or more occasions, provide debt forgiveness to a borrower on a direct loan made under this title.".

SEC. 2. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations necessary to carry out the amendments made by this Act, without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code; and

(2) the statement of policy of the Secretary of Agriculture relating to notices of proposed rule-making and public participation in rule-making that became effective on July 24, 1971 (36 Fed. Reg. 13804).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Wednesday, March 25, 1998, in open session, to receive testimony on the situation in the Persian Gulf.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 25, 1998, to conduct a hearing on the re-nomination of Arthur Levitt, Jr., to be a commissioner and chairman of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to continue markup of S. 8, the Superfund Cleanup Acceleration Act of 1997, Wednesday, March 25, 9:30 a.m., Hearing room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, March 25, 1998, at 10 a.m., for a hearing on the Government Secrecy Act of 1997, S. 712.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 25, 1998 beginning at 9:30 a.m., until business is completed, to receive testimony on the Federal Election Commission's budget authorization request for FY99.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, the Committee on Veterans' Affairs requests unanimous consent to hold a joint hearing with the House Committee on Veterans Affairs to receive the legislative presentations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, and the Retired Officers Association.

The hearing will be held on March 25, 1998, at 9:30 a.m., in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 25, 1998 at 3 p.m. and Thursday, March 26, 1998 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. STEVENS. Mr. President, I ask unanimous consent that the Airland Subcommittee of the Committee on Armed Services be authorized to meet on Wednesday, March 25, 1998, at 10 a.m., in open session, to receive testimony on Tactical Aviation Modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 25, 1998, at 2:30 p.m., on 271 Application Process.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Constitution, Federalism, and Property Rights, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, March 25, 1998 at 2 p.m., to hold a hearing in Room 226, Senate Dirksen Building, on: "The Tradition and Importance of Protecting the United States Flag."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, March 25, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 890, the Dutch John Federal Property Disposition and Assistance Act of 1997; S. 1109, a bill to make a minor adjustment in the exterior boundary of the Devils Backbone Wilderness in the Mark Twain National Forest, Missouri, to exclude a small parcel of land containing improvements; S. 1468, a bill to provide for the conveyance of one (1) acre of land from Santa Fe National Forest to the Village of Jemez Springs, New Mexico, as the site of a fire substation; S. 1469, a bill to provide for the expansion of the historic community cemetery of El Rito, New Mexico, through the special designation of five acres of Carson National Forest adjacent to the cemetery; S. 1510, a bill to direct the Secretary of the Interior and the Secretary of Agriculture to convey certain lands to the county of Rio Arriba, New Mexico; S. 1683, a bill to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest; S. 1719, the Gallatin Land Consolidation Act of 1998; S. 1752, a bill to authorize the Secretary of Agriculture to convey certain administrative sites and use the proceeds for the acquisition of office sites and the acquisition, construction, or improvement of offices and support buildings for the Coconino National Forest, Kaibab National Forest, Prescott National Forest, and Tonto National Forest in the State of Arizona; H.R. 1439, a bill to facilitate the sale of certain lands in Tahoe National Forest in the State of California to Placer County, California; H.R. 1663, a bill to clarify the intent of the Congress in Public Law 93-632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that Public Law.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 25, 1998, at 10 a.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REAUTHORIZATION OF THE CORPORATION FOR NATIONAL SERVICE

• Mr. REED. Mr. President, the New England Governors recently passed a resolution calling on Congress to adopt legislation to reauthorize the Corporation for National Service this year.

As a strong supporter of national and community service, I am heartened by the New England Governors' enthusiasm for AmeriCorps, the National Senior Service Corps, the Learn and Serve program, and other Corporation for National Service initiatives. It is my hope that the Corporation for National Service reauthorization legislation will be considered by the Senate this year.

Mr. President, I ask that the New England Governors' resolution be printed in the RECORD.

The resolution follows:

RESOLUTION NO. 140

Whereas, the citizens of New England have benefited in a variety of ways from the important contribution made by the service programs of the Corporation for National Service in partnership with the states of the region; and

Whereas, New England states have profited from the power and promise of citizen service and traditional volunteers through the efforts of 90,000 New Englanders who serve our states each day through AmeriCorps, Learn and Serve America, and the National Senior Service Corps programs of the Corporation for National Service; and

Whereas, New England states have been assisted by the Corporation for National Service programs that use service as a strategy to improve the quality of life in the region; and

Whereas, AmeriCorps members and National Senior Service Corps volunteers have improved education achievement, enhanced our environment, made our neigbhorhoods safer, and addressed other human needs; and

Whereas, the students in Learn and Serve America have been afforded the opportunity to serve their communities and reflect on the meaning of that service; and

Whereas, AmeriCorps and the other programs supported by the Corporation for National Service have provided critical resources to our states; and

Whereas, the proposed reauthorization legislation, entitled the National and Community Service Amendments Act of 1998 will devolve more authority and greater flexibility to states in the implementation of programs funded by the Corporation for National Service; and

Whereas, the existing distribution of AmeriCorps grant funds, two-thirds for AmeriCorps State and one-third for AmeriCorps National, is retained in the proposed legilation; and

Whereas, New England has benefited substantially from the law's existing allocation of state funds which redistribute one-half through formula and one-half through national competition; Now, therefore, be it *Resolved*, That the Governors of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, through their New England Governors' Conference, Inc., urge their respective Congressional delegations and the Congress to support the National Community Service Amendments Act of 1998, reauthorizing the Corporation for National Service, to support the bill's devolution provisions that add authority and flexibility to states and state commissions, to support the bill's directives that AmeriCorps State funds provide Governor-appointed state commissions more control over program selection, and particularly to support the bill's continuation of the existing 50/50 state funds disitribution division between formula and nationally competitive AmeriCorps grant funds.

Adoption certified by the New England Governors' Conference, Inc. on February 24, 1998.•

TRIBUTE TO DR. JOHN R. KREICK AS HE RETIRES FROM SANDERS

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Dr. John R. Kreick as he retires from Sanders after a distinguished 28-year career. I commend and admire his dedication and commitment to the defense industry, the community and the employees of Sanders.

John joined Sanders in 1969, after receiving his doctorate in theoretical physics as a research physicist. He proceeded to manage and direct the development and production of infrared countermeasure systems that are today deployed on U.S. and allied helicopters and fixed-wing aircraft around the world. John moved up to technical director for the Sanders Defense and Information Systems Division in 1983 and was then promoted to vice president and chief engineer for the division that same year. He was named vice president of the company's airborne countermeasures product line in the Electronic Warfare Division in 1984 and was named President in 1988.

John is nationally recognized as a leader in the electronic warfare field. He was honored in 1995 by Aviation Week magazine with the Aerospace Laurels Award and he holds a gold medal award from the Electronic Warfare Association.

As Chairman of the U.S. Senate Strategic Forces Subcommittee, I have witnessed firsthand John's contributions to our national defense and how his efforts have helped protect American lives. Our rights to "life, liberty and the pursuit of happiness" are safer today because of John's leadership.

I have had the pleasure of John's friendship and mutual respect for the past 13 years. I wish John, Carole and his family much happiness in his retirement and I know he will enjoy his free time skiing mid-week in the White Mountains. John Kreick, best wishes and Godspeed. It is an honor to represent you in the U.S. Senate.●

BATAAN DEATH MARCH

● Mr. REID. Mr. President, during the early days of World War II, General MacArthur withdrew his forces from Luzon to the Bataan Peninsula. These forces were responsible for delaying the Japanese timetable for conquest by four months and for keeping the Japanese forces tied up in the Philippines. After four months of fighting, the combined American and Filipino' forces were forced to surrender. Many perished in the fight, those that survived were in poor health or were wounded.

Following the surrender of forces in April 1942, the Japanese marched the 70,000 prisoners the length of the Bataan peninsula to prisoner of war camps. It is estimated that more than 10,000 perished during the Death March.

The tragedy and horror of the Death March is almost impossible to imagine. The prisoners were marched with little food and water from the southern end of the Bataan Peninsula to San Fernando, a total of 55 miles. From San Fernando, the prisoners were taken by rail to Capas where they were marched the final eight miles to Camp O'Donnell. Many of the prisoners were weakened from disease and from months of fighting. Those that fell behind were beaten badly by the Japanese troops—a prisoner unable to get up was often executed on the spot. Two out of every three Americans who fought at Battan failed to return home, having either died in battle, during the Death March, or in prison camps.

This week, 80 survivors of the Bataan Death March are meeting in Reno, Nevada for the American Defenders of Bataan & Corregidor Western Chapter Convention. I want to take this opportunity to recognize some of the heroic veterans who were part of MacArthur's army which held off the numerically superior Japanese forces on the Bataan Peninsula for four long months. These heroes not only survived the horrific battle and the subsequent Death March, but also endured internment in POW camps in the Philippines, Manchuria, Korea, and Japan.

Several of the Bataan Death March survivors attending the convention are from my home state of Nevada. I'd like to recognize these veterans in the RECORD: Arthur Bartholf, Bill R. Black, John Bowler, Richard Breslin, Raymond Cavellaro, Chesley H. Irvin, Ralph Levenberg Donald McDougall, Patrick E. Morris, Manuel Navarez, Douglas Northam, Tomas Pagaliluan, John D. Pasini, John Perkowski, Steve Rogers, George Small, Karl D. Tobey. There will also be survivors from California, Arizona, Oregon and Washington at the convention this week.

Mr. President, I speak for myself, for everyone here in the Senate, and for all Nevada citizens, I am deeply appreciative for the sacrifices these heroic men made who survived such horrific circumstances surrounding the Bataan Death March. I know this is a debt which we can never completely repay, but nonetheless it is so important to say—Thank you for your dedication and devotion to protecting our freedom and liberty.●

DISASTER ASSISTANCE TO ROCKINGHAM COUNTY, NORTH CAROLINA

● Mr. FAIRCLOTH. Mr. President, North Carolina suffered a great tragedy last Friday. In less than a moment, without any time for warning, two communities in Rockingham County were hit by powerful tornadoes that left two dead, nearly 30 injured, and indescribable destruction in their wakes.

The good people of Stoneville and Mayodan have pulled together and have already set about the difficult job of picking up the pieces and rebuilding their communities. Homes and businesses are being put back together. Roads, fields, and streams are being cleared of trees and debris.

Speaking for the state and Rockingham County, Mr. President, we are thankful for the federal disaster declaration, which came so quickly, and permitted the Federal Emergency Management Agency, and all the agencies and volunteer organizations to come to the scene so soon after disaster struck. And I have confidence that appropriate federal aid will continue.

Mr. President, I have been assured that funding in this Emergency Supplemental Appropriation will be used for recovery in Rockingham County. Further, I have a letter from Director James L. Witt indicating that FEMA has adequate funding for its emergency response and recovery activities for this disaster. This federal help, combined with state and local resources, is exactly what is needed. I ask that Director Witt's letter be printed in the RECORD.

I offer my deepest sympathy to the families and loved-ones of those who perished in this disaster. They will be greatly missed. And, I wish a speedy recovery to those injured, with the hope that they will soon be able to join their communities in the rebuilding efforts.

The letter follows:

FEDERAL EMERGENCY
MANAGEMENT AGENCY,
Washington, DC, March 25, 1998.

Hon. LAUCH FAIRCLOTH,
U.S. Senate, Washington, DC

DEAR SENATOR FAIRCLOTH: This is in response to your question regarding the Federal Emergency Management Agency's (FEMA) Disaster Assistance Program funding. I can assure you that our Agency has adequate funding to carry out eligible emergency response and recovery activities for Rockingham County, NC, after last week's devastating tornadoes.

As you know, the President declared Rockingham County a Federal Disaster area on Sunday during my visit there. We are already serving citizens under our Individual Assistance program. In addition, we are awaiting the results of the States' Preliminary Damage Assessments to determine the need for Public Assistance. As soon as that information is collected and submitted to FEMA, we will review it and make a determination as appropriate.

We appreciate your interest in FEMA's Disaster Assistance programs and are standing by to offer North Carolinians assistance. If you have any further questions, please have a member of your staff contact our Office of Congressional and Legislative Affairs at (202) 646-4500.

Sincerely,

JAMES L. WITT,
Director.●

FCC REPORT ON SCHOOLS AND LIBRARIES

● Mr. HOLLINGS. Mr. President, the Appropriations Supplemental contains a provision sponsored by myself, the Appropriations Committee Chairman, Senator STEVENS, and the Commerce Committee Chairman, Senator McCAIN, requiring the Federal Communications Commission (FCC) to submit a report to Congress by May 8, 1998.

My provision requires the FCC to do several things. First, it directs the FCC to cure the defects found by the General Accounting Office (GAO) in the program's administrative structure. The GAO found that the FCC's implementation of schools/libraries program violated the Government Corporations Control Act (GCCA) in setting up independent corporations to administer the schools/libraries program. Mr. President, when the Congress wants to establish a separate corporation to administer a program it does so. That's why Congress set up the Corporation for Public Broadcasting. The FCC does not have such unilateral authority to go creating a corporation because it wants to.

The report also asks detailed questions about how much money will be needed to fund the program and how the FCC intends to collect the money. The goal is to administer the program without raising telephone rates. Therefore, the report asks detailed questions that are necessary to put the FCC on record to justify the cost of the program. The FCC made commitments to Congress that schools/libraries program would not raise rates and I intend to ensure that the agency keeps its word. If the FCC does not deliver on its commitments to protect consumers from rate increases, Congress will step in and make the FCC accountable.

Finally, my amendment also directs the FCC to cap the salary of the program's administrator at a government salary—as opposed to the $250,000 salary the FCC set up. I support the program but the Congress must take measures such as these to ensure that the agency administers the law and policy that the Congress adopts. It is not the FCC's job to adopt policies which exceed the authority given to it by the Congress.•

COMMEMORATION OF GREEK INDEPENDENCE

• Mr. REED. Mr. President, I rise to commemorate the 177th Anniversary of the beginning of the revolution that won Greece's independence from the Ottoman Empire. I was proud to join with fifty-one of my colleagues in sponsoring Senate Resolution 171 which designates today "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

The strong ties between the United States and Greece extend back to the birth of this nation. Indeed, the Founding Fathers looked to the principles formulated by the Greek philosophers when composing the governing documents of the United States. As Thomas Jefferson stated, "to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness." America owes much to the Greeks for all they have given us, then and now.

The Greeks have been members of my state's communities for over one hundred years. Over 6,000 residents of Rhode Island claimed Greek heritage in the last Census. When they first came to the state they worked in the factories and on the shores. Today, the descendants of these first immigrants continue to prosper and enrich the state and rest of the country through their contributions to banking, medicine, the tourism industry and the arts.

Although today we commemorate the Greek victory over 400 years of domination by the Ottoman Empire, we must also remember that Greece is still not able to celebrate complete peace and freedom. Almost twenty-four years ago, Turkey invaded Cyprus and today 35,000 troops continue to occupy over 40% of the island and inflict human rights abuses on the 660,000 Cypriots. Recently, I was proud to sign on as a cosponsor of a concurrent resolution which calls for the U.S. to encourage the end of restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus. We must continue to work to resolve the Cyprus problem and reduce the tensions that exist between Greece and Turkey.

But, for today, let us celebrate the anniversary of Greek Independence, the richness of the Greek heritage and the legacy of democracy that country gave to the world.•

IN RECOGNITION OF ALDO VAGNOZZI

• Mr. LEVIN. Mr. President, I rise today to pay tribute to a good friend from my home state of Michigan, Mr. Aldo Vagnozzi. Aldo is retiring after a long and distinguished career as a journalist for labor publications.

In 1948, Aldo Vagnozzi began his career in journalism as a Senior at Wayne State University, writing for the Michigan CIO News. He became editor of the Michigan AFL-CIO News, and served in that position until 1968, when he joined the Detroit Labor News. By 1970, Aldo was already considered a legend by many of his fellow labor journalists for the way in which he kept the labor community informed about news affecting the working people of Michigan. One of his colleagues is quoted in the Detroit Labor News as saying "The movement for worker rights and justice has been immeasurably strengthened by his dedication to his craft and his talents as a labor journalist."

Although he is retiring after 50 years of work, that does not mean that Aldo Vagnozzi's commitment to the people of Michigan is also coming to an end. In early May, he will participate in the Michigan Labor Press Conference, where he will share with other labor editors and writers some of the insights he gained throughout his career. And Aldo will also continue his leadership in the public service arena as well. His strong principles and beliefs have earned him the support of people from all walks of life and political persuasions in his home city of Farmington Hills, Michigan, where he serves as the first directly elected mayor in history.

Mr. President, throughout his 50 years in journalism, Aldo Vagnozzi has used the power of the written word to advance the cause of workers' rights, safety and justice. I know my colleagues will join me in saluting Aldo for his exceptional career and in wishing him well in his retirement.•

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I ask to be recognized in morning business.

The PRESIDING OFFICER. The Senator is recognized.

GUN VIOLENCE

Mr. DURBIN. Mr. President, I come to the floor of the Senate to speak of the tragedy which occurred in Jonesboro, AR, yesterday. News reports tell us that two boys, aged 11 and 13, dressed in camouflage, opened fire on the students and teachers of the West Side Middle School. Four children were killed, and a teacher who tried to shield other children also lost her life.

This tragedy did not occur in my home State of Illinois, but, sadly, it could have. Gun violence on children has become so common in America that kids killed in drive-by shootings are no longer lead stories on the national news. We are jarred into the harsh reality of modern American violence only when there is something unusual about the gun violence on children: the number of victims, the setting, or the perpetrators.

In Jonesboro, AR, five victims at a peaceful school, dead at the hands of other children with guns, have caught the national attention for at least a moment. News stories headline the tragedy. This evening's news begins with long features about what this means. Today, from Africa, President Clinton calls on Attorney General Reno to investigate. Parents across America pause for a heartbeat to wonder, "Can it happen to my child? Can it happen at my child's school?"

Sadly it can and it does.

I hope that America is not so careless or so inattentive not to take a moment and reflect on what is happening with these terrible crimes. Sadly, this is not the first or only instance when this has occurred. On December 1 of last year, a young boy opened fire on a student prayer circle in the hallway in Heath High School in West Paducah, KY. Three students were killed, five others wounded. A 14-year-old student, described as small and emotionally immature, was arrested.

Two months earlier, a 16-year-old outcast in Pearl, MI, was accused of killing his mother, then going to school and shooting nine students. Two of them died, including the boy's ex-girlfriend. Authorities later accused six friends of conspiracy, saying the suspects were part of a group that dabbled in satanism.

Closer to here, a sniper who holed up in the woods wounded two students December 15 outside a school in the southwestern Arkansas town of Stamps. The two, both wounded in the hip, were hospitalized overnight. A 14-year-old boy was arrested in the manhunt.

And now the news reports to us what was confiscated as being in their possession. Mr. President, listen to what was confiscated in the possession of these two boys, 11 and 13, who opened gunfire at this Jonesboro school: three rifles, three revolvers, two semiautomatic pistols, two derringers, and 3,000 rounds of ammunition.

It is interesting when foreign visitors come to the United States and reflect on the great American culture and on our values, how many of them that I have entertained in Illinois or in Washington comment about the love affair America has with guns. They are puzzled—what is it about this great Nation that would allow so many people to own so many guns and so many to be used recklessly, causing such violent crime and death on a daily basis?

There are some things that are being done about it on a State basis that we should reflect on at this moment. Some States have decided that adults in possession of firearms have a responsibility to possess those firearms in a way that is safe and that protects members of their family as well as others from coming into contact with the firearms.

I recall a story that came about at a recent family reunion, because in my family in Illinois there are many gunowners. One of them was talking about the fact that one of my relatives, he was a father of a young boy, but he had his guns safely locked away, that that little boy could never get to those guns. And another older man in the family said, "Yes, I know, that's how I used to do it. I'd lock them away and my son could never find them." But his son was sitting there and he said, "Dad, I got into those guns all kinds of times." Guns and Christmas presents are going to be discovered by kids. And if they can be discovered, tragedy can happen.

So a number of States have decided to do something about it. They have assigned responsibility to the adults involved and said that they must be careful. If you want to own a handgun, a pistol, a rifle, a shotgun, you must own it responsibly so that gun does not become a weapon of violence and death and some innocent victim result.

Listen to what is happening in America with gun crimes:

The rate of firearm-related deaths among American children is 15 times greater than that in 25 other industrialized countries combined.

In a 1-year period, 86 percent of all gun-related deaths in the industrialized world occurred in the United States of America.

Every day in my home State of Illinois, a child is killed by gun violence.

At least one child in Illinois every month is unintentionally killed as a result of a gun accident.

In 1993, the Department of Justice issued a report that concluded street gang violence in Chicago is becoming increasingly lethal, primarily because of escalating gang firepower.

We took a survey for 1 month in the State of Illinois of gun crimes involving children. In 1 month in 1996 in a Chicago suburb, 15-year-old Ronald Walker was shot in the head as he left a grocery store.

That same month, police had to rush two 7-year-old boys, Donnell Ross and Kenyon Pope, to Cook County Hospital when they wounded each other while playing with a .38 pistol found in their apartment. One of the boys was shot in the chest.

Earlier in the same week that Donnell and Kenyon were shot, an 18-year-old boy handed a 9-year-old boy a loaded gun and told him the safety was on. It wasn't. That 9-year-old pulled the trigger. He shot 15-year-old Theunco Bell in the throat.

A day before that incident, a 10- and 12-year-old were playing with a gun. It went off and killed the 10-year-old whose name was Michael Fuller.

As former staff physician at Cook County Hospital said:

> Whether intentional or unintentional . . . children have access to guns. Children are naturally curious, and a gun can be a very sexy toy for them.

So what can we do? Can we watch in horror as the stories come to us from Chicago, from Jonesboro, from Kentucky, from Mississippi? Can we lament the horror that has been visited on these children, their families, their teachers and the whole community? Can we say that this is just part of the price of doing business in America today, or do we act? Do we decide as a nation that it is time for us to come to grips with this challenge, to accept the reality that people, if they are to own guns, must own them responsibly?

Senator KOHL of Wisconsin has trigger-lock legislation, which I support, which would reduce the likelihood of gun violence among children and, as I mentioned, many States have passed legislation imposing responsibilities on gun owners so that they not let these guns go into the hands of children.

Are these laws in the States effective? Well, as a matter of fact, a study published in October in the Journal of the American Medical Association makes clear that children's lives have been saved when States have required gun owners to make guns inaccessible to children. The study found that accidental shooting deaths were reduced by 23 percent in States that passed child access prevention gun laws.

Mr. President, I will be preparing legislation to federalize child access prevention gun laws. There is no reason why every child in America shouldn't be protected at least in some small way by assuming that every owner of a gun has to own it responsibly, keep it in a safe manner, keep it in a way where it cannot be accessed by children.

I know this won't put an end to gun violence. There is just too much of it going on in America. But, in fact, it may slow down the carnage and it may reduce the horror of the stories that we heard just this evening and last night from Jonesboro, AR. As we reflect on these four children and their teacher and this terrible tragedy, keep in mind that gun violence every day claims the lives of children and adults alike across America, black and white and Hispanic. It is a scourge, a scourge on those who live not only in big cities but in small towns.

I hope that my colleagues on a bipartisan basis will join me in this effort to reduce the incidence of gun violence. I also hope that this tragedy in Jonesboro, AR, will inspire us to do it and do it quickly. I yield back the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

SUPPLEMENTAL APPROPRIATIONS

Mr. KENNEDY. Mr. President, I will just take a few moments of time to revisit the proposal of the Senator from Oklahoma, Senator NICKLES, to strike the funding that would be available under this legislation to implement the Kassebaum-Kennedy bill. According to GAO that legislation benefited some 25 million Americans who change or lose their job every year and could face preexisting condition exclusions or denial of coverage. That legislation passed 100–0 in the Senate; the conference report passed 98 to 0.

We know there are gaps in terms of the implementation for providing these critical protections to those in the disability community and really for any American who has a condition that could make it difficult for them to get or keep insurance. HCFA asked the Appropriations Committee to reallocate resources to give them the ability to hire the necessary skilled staff, primarily with expertise in the insurance business, who would be able to assist them to carry forward these protections for the disabled community, the mental health community, and for all Americans. That is very, very important, Mr. President. We had some debate and discussion about this earlier today.

At this time, I want to read into the RECORD a very fine letter from Nancy-Ann Min DeParle, who is the head of HCFA. She writes:

> DEAR SENATOR KENNEDY: I am writing to request your assistance in securing funding for HCFA to implement the insurance reform provisions of HIPAA. The $6 billion and 65 FTEs that we have requested for this purpose will allow us to implement the HIPAA provisions as well as those enacted subsequently in the Newborns' and Mothers' Health Protection Act and the Mental Health Parity Act in those states that have not fully implemented HIPAA. As you know,

currently, 5 states are not implementing HIPAA. HCFA is requesting these resources to guarantee these protections to the 54 million people—or one in five Americans—that live in these five states where under HIPAA, HCFA is the backup federal enforcement agency.

Moreover, we understand that as many as 30 states may not have standards that comply with the Mental Health Parity Act and as many as 10 states may not have standards that comply with the Newborns' and Mothers' Health Protection Act. We don't have precise numbers because states are not required to notify HCFA about their intentions to implement these two laws. In addition, we believe that many states may not have implemented other parts of HIPAA. For example, some states have not implemented guaranteed availability in the group market or certificates of creditable coverage. Moreover, HCFA also has enforcement authority over non-Federal governmental plans.

Mr. President, I ask unanimous consent to have printed in the Record this letter from Nancy-Ann Min DeParle, Administrator of HCFA.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of
Health & Human Services,
Washington, DC, March 25, 1998.

Hon. Edward Kennedy,
U.S. Senate,
Washington, DC.

Dear Senator Kennedy: I am writing to request your assistance in securing funding for HCFA to implement the insurance reform provisions of HIPAA. The $6 million and 65 FTEs that we have requested for this purpose will allow us to implement the HIPAA provisions as well as those enacted subsequently in the Newborns' and Mothers' Health Protection Act and the Mental Health Parity Act in those states that have not fully implemented HIPAA. As you know, currently 5 states are not implementing HIPAA (CA, RI, MI, MA, MO). HCFA is requesting these resources to guarantee these protections to the 54 million people—or one in five Americans—that live in these five states where under HIPAA, HCFA is the backup federal enforcement agency.

Moreover, we understand that as many as 30 states may not have standards that comply with the Mental Health Parity Act and as many as 10 states may not have standards that comply with the Newborns' and Mothers' Health Protection Act. We don't have precise numbers because States are not required to notify HCFA about their intention to implement these two laws. In addition, we believe that many other states may not have implemented other parts of HIPAA. For example, some states have not implemented guaranteed availability in the group market or certificates of crediable coverage. Moreover, HCFA also has enforcement authority over non-federal governmental plans (e.g., state and local governments).

Sincerely,

Nancy-Ann Min DeParle.

Mr. KENNEDY. Mr. President, I will also have printed in the Record the various letters that support our position in opposition to the Nickles amendment:

Families USA hopes that the Nickles amendment will be defeated;

The Consortium for Citizens with Disabilities, more than 20 different organizations that have been in the vanguard of protecting and advancing the cause of those disabled Americans. They are in strong opposition to the Nickles amendment;

The National Alliance for the Mentally Ill is in strong opposition to the Nickles amendment.

These are only some of the organizations, but they represent the leading organizations that have over the past years been the most involved and active in protecting the rights of the disabled and of consumers—all in opposition to the Nickles amendment. We are not talking about adding more money. We are talking about reprogramming existing money.

I ask unanimous consent that those letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Consortium for
Citizens With Disabilities,
March 25, 1998.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, DC.

Dear Senator Kennedy: The Consortium for Citizens with Disabilities, which represents almost 100 national disability organizations, strongly opposes the Nickles' Amendment which would deprive the Health Care Financing Administration (HCFA) of sufficient funds to enforce the Health Insurance Portability and Accountability Act (P.L. 104–191). The HIPPA legislation—also known as the Kassebaum-Kennedy Act—is a stellar example of bipartisan legislation that would benefit individuals of all ages, including people with disabilities.

The provisions in HIPPA related to pre-existing condition exclusions and portability of health insurance are working to open the doors to many individuals with disabilities and their families who could not previously access appropriate health insurance or who were imprisoned by "job lock".

We urge all Senators to oppose the Nickles' Amendment.

Sincerely,

The Arc; National Association of Protection and Advocacy Systems; National Easter Seal Society; American Association on Mental Retardation; Association for Persons in Supported Employment; LDA, the Learning Disabilities Association of America; RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America; National Alliance for the Mentally Ill; Bazelon Center for Mental Health Law; NISH; Paralyzed Veterans of America; Inter-National Association of Business, Industry & Rehabilitation; Council for Exceptional Children; National Association of Developmental Disabilities Councils; United Cerebral Palsy Association; American Congress of Community Supports and Employment Services; American Network of Community Options and Resources; National Association of People with AIDS; Center for Disability and Health.

Disability Rights Education and
Defense Fund, Inc.,
March 25, 1998.

Senator Edward M. Kennedy,
Russell Senate Building
Washington, DC.

Dear Senator Kennedy: The Disability Rights Education and Defense Fund (DREDF) strongly opposes the Nickles Amendment to S. 1716, the Emergency Supplemental Appropriations Bill.

Passage of the Nickles Amendment would stop the civil rights protections guaranteed by the Health Insurance Portability and Accountability Act (PL 105–191) and the only accountability left would be the fox guarding the chickens.

Without these provisions in HIPPA, the doors to health insurance for millions of people with disabilities will be forever locked.

Please, as you have done so many times before, oppose the Nickles Amendment and open the doors to employment, vote no on the Nickles Amendment.

Sincerely,

Patrisha Wright,
Director of Governmental Affairs.

National Alliance for the
Mentally Ill,
Arlington, VA, March 25, 1998.

Senator Edward M. Kennedy,
Russell Senate Office Building,
Washington, DC.

Dear Senator Kennedy: As you know, the National Alliance for the Mentally Ill (NAMI) has been a leading voice in advocating for parity coverage in health insurance policies for people who suffer from schizophrenia, manic-depressive illness or other severe mental illnesses. Enactment of the Domenici-Wellstone Mental Health Parity Act of 1996 was a significant but incomplete step towards ending pervasive discrimination against people with these severe brain disorders in health insurance and other aspects of their lives.

Because of the importance we attach to parity and other protections for vulnerable consumers in health care, we have been concerned that the Health Care Financing Administration (HCFA) may not have sufficient resources to carry out adequately its important role in enforcing mental health parity and other consumer protections embedded in the Health Insurance Portability and Accountability Act (HIPAA). Consequently, on behalf of NAMI's 172,000 members nationwide, I am writing to express my strong appreciation of your leadership in advocating for adequate funding to support HCFA's enforcement responsibilities under HIPAA. We stand ready to work with you and HCFA to ensure that the mental health parity provisions and other consumer protections contained in HIPAA are aggressively and effectively enforced.

Please do not hesitate to call upon us if we can provide further assistance to you on this important effort.

Sincerely,

Laurie M. Flynn,
Executive Director.

Consumers Union,
Washington, DC, March 25, 1998.

Hon. Edward Kennedy,
Ranking Minority Member, Committee on Labor & Human Resources, U.S. Senate, Washington, DC.

Dear Senator Kennedy: We are writing in opposition to the Nickles' amendment which would strip $16 million allocated to enforcement efforts by the Department of Health and Human Services of the Health Insurance Portability and Accountability Act (HIPAA).

As you know, HIPAA was enacted in 1996 to help make health insurance more accessible to people who lose their employment-based coverage. Implementation is still at its early stages. The legislation spells out important functions for the Department of Health and Human Services. In addition, several states (including California) have opted for federal enforcement instead of state enforcement. This necessitates federal funding level to ensure that consumers in these states are protected by the legislation.

Only through adequate funding, will people with pre-existing health conditions be assured they can change jobs without facing new pre-existing condition exclusions from coverage. Only through adequate funding, will people who leave group coverage for the individual market be assured that health insurance will be accessible to them.

Consumers Union urges the Senate to oppose the Nickles' amendment.

Sincerely,

GAIL SHEARER,
Director, Health Policy Analysis.
ADRIENNE MITCHEM,
Legislative Counsel.

FAMILIES USA FOUNDATION,
Washington, DC, March 25, 1998.

Senator KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: Families USA supports the Administration's request for supplemental enforcement money for the "Health Insurance Portability and Accountability Act of 1996."

HIPAA provides needed protection to Americans who otherwise could not purchase health insurance when they change or lose jobs. Approximately one in four Americans are caught in "job lock," afraid to change jobs or start their own businesses because of preexisting conditions that could prevent them from obtaining new health insurance coverage. Americans like these who lose their jobs involuntarily often find themselves in an even more serious predicament: They join the growing number of individuals without health insurance coverage.

Implementing HIPAA requires the Health Care Financing Administration to assume new responsibilities. If HCFA lacks the resources to carry out its duties, HIPAA is meaningless. Without the funds to enforce HIPAA, millions of Americans will be deprived of these important protections. Therefore, we urge the defeat of the Nickles Amendment to strike the President's request for HIPAA enforcement funds.

Sincerely yours,

RON POLLACK,
Executive Director.

Mr. KENNEDY. Mr. President, I will also mention a direct quote from the testimony of the National Association of Insurance Commissioners. They are the State commissioners. They appeared before the Ways and Means Committee last September. When they were talking about enacting HIPAA——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I ask unanimous consent for 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this is the exact quote:

> Moreover, in enacting HIPAA, Congress may not have anticipated that certain States would choose not to implement and enforce its provisions and would instead place that responsibility in the hands of the federal government. This is now the situation in Missouri, Rhode Island and California. The Federal Government has new and significant responsibilities to protect consumers in these States. Fulfilling these responsibilities will require significant Federal resources.

This is not HCFA, this is not the Senator from Massachusetts. These are the commissioners of the States that have indicated that HCFA would need additional funding to make sure that the Kassebaum-Kennedy legislation to protect portability for those individuals who have preexisting conditions would be implemented.

Wisely, the chairman of our committee asked the GAO to do a report on how this program was going. The GAO report made the recommendations which the Appropriations Committee has followed in terms of the allocation of resources. It is only $16 million, Mr. President—and the most important aspect of that provision is the $6 million which HCFA has related to the enforcement provisions. The others, I think, are desirable to make the program of Administration proceed more efficiently, effectively. We are going to be faced tomorrow, or at least sometime, with the amendment of the Senator from Oklahoma to effectively wipe out that Federal enforcement.

Mr. President, I think that is unacceptable. That is unacceptable.

I have in my hand—and I will get into this more tomorrow—but the National Association of Insurance Commissioners, as of December 3, 1997, indicated that 30 States have failed to implement the mental health provisions. Thirty States as of December have failed to implement the mental health protections.

We were arguing out here, debating whether they had, and Senator NICKLES said, "Oh, they have implemented." We have the GAO report and through the afternoon we have been able to come up with this information, Mr. President.

What about the maternity provisions? Remember we had the drive-by deliveries just a few years ago where expectant mothers were in the hospital for 24 hours and then out the door they went and the tragedies that ensued. We took action in order to protect those mothers.

Through the legislative process, that became a part of the HIPAA program. We find out that, with regard to the States that have not enacted the provisions in terms of protecting mothers, eight States have not provided those protections—eight States. Eight States have not done that.

We were all around here at the time, Republicans and Democrats alike, commending ourselves about how we enforced that and protected the mothers, and we have this. The list goes on. We will have more of a chance to go into this in greater detail on the morrow.

But I hope that our colleagues will at least take the time to review the excellent letters that have been sent to them this afternoon that indicate strong opposition to the Nickles amendment by the leaders in the mental health community, in the disability community, as well as in other groups that are most affected. We will have others to refer to tomorrow, Mr. President.

I hope that we will, if we are serious about this issue—and I believe that we are—at least give the opportunity for the enforcement of these rights and protecting these families from the kinds of discrimination which has taken place.

I will go through tomorrow again briefly some of these stories, real life stories with real life families that had some tragic experiences that motivated us into making this change with Senator KASSEBAUM. I will go through those tomorrow, Mr. President. We were trying to remedy the kinds of harsh experiences that took place and devastatingly wiped out different families. I will have an opportunity to go through them in some detail on tomorrow.

So, Mr. President, we are looking forward to the continued debate on this issue. This is a very, very important matter. We are not going to take it lightly. We are all in favor of moving this legislation forward and having a final conclusion, but not with this unacceptable amendment that would break the promise we have made to millions of American families.

I thank the Chair and yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

CORRECTING ENROLLMENT OF S. 419

Mr. ENZI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 87 submitted earlier by Senator JEFFORDS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 87) to correct the enrollment of S. 419.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statement relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 87) was agreed to as follows:

S. CON. RES. 87

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1 of the bill, strike "1997" and insert "1998".

(2) In section 2 of the bill:

(A) In subsection (d) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and insert "1999".

(B) In subsection (f) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and all that follows through "2001" and insert "1999, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002".

ORDER FOR STAR PRINT—S. 1638

Mr. ENZI. Mr. President, I ask unanimous consent that S. 1638 be star printed with the changes now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, MARCH 26, 1998

Mr. ENZI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, March 26, 1998, and that immediately following the prayer, the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I further ask unanimous consent that the vote occur on or in relation to the Enzi amendment at 10:50 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ENZI. Mr. President, tomorrow the Senate will resume consideration of the emergency supplemental appropriations bill with the 50 minutes remaining on the Enzi amendment to begin at 10 a.m. Following the vote on that amendment, the leader anticipates final action on the IMF amendment No. 2100, which would therefore leave the Nickles HCFA amendment and the others on the leader's list as the only outstanding issues remaining before the concluding action on the emergency supplemental appropriations bill.

As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education bill, was postponed and could occur at a time to be determined by the majority leader if an agreement cannot be reached. As always, all Members will be notified as to when that vote will occur. It is still hoped that an agreement can be worked out.

Also, the Senate can be expected to consider the Mexico decertification bill, which under the statute has a limitation of 10 hours. Therefore, votes will occur throughout Thursday's session of the Senate, with the first vote occurring at 10:50 a.m. on Thursday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ENZI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Thursday, March 26, 1998, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, March 25, 1998*

The House met at 10 a.m., and was called to order by the Speaker pro tempore (Mr. SHIMKUS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 25, 1998.

I hereby designate the Honorable JOHN SHIMKUS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Reverend Henry E. Eisenhart, National Chaplain, The American Legion, Washington, D.C., offered the following prayer:

Almighty God, we stand before You in prayer, entreating Your presence in this House of Representatives.

We thank You for America, for the privileges we have, the rights we cherish, the freedoms we enjoy. Bless these Representatives while they reflect on the historic past, shape our destiny today, and focus on the challenges and opportunities of a new century. Stimulate them to think clearly, speak cautiously, and act courageously on complex issues for the betterment of the people. Endow them with wisdom to legislate discreetly and discerningly for a safer and stronger Nation and for peace and justice in our world.

Empower the legislators not only upon what they are doing, but also upon what they ought to be doing for God and country. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kentucky (Mr. LEWIS) come forward and lead the House in the Pledge of Allegiance.

Mr. LEWIS of Kentucky led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 15 1-minutes on each side.

INTRODUCING GUEST CHAPLAIN, REVEREND HENRY E. EISENHART

(Mr. GREENWOOD asked and was given permission to address the House for 1 minute.)

Mr. GREENWOOD. Mr. Speaker, I rise to welcome and to introduce our guest chaplain for today, Reverend Henry Eisenhart. He is the National Chaplain of the American Legion, and I want to thank him for his thoughtful words this morning.

Mr. Speaker, I would like to tell my colleagues a little bit about Reverend Eisenhart. He is a lifelong resident of Pennsylvania. He graduated from Muhlenberg College with a bachelor of philosophy degree in 1942, and he was inducted into the United States Army Corps, where he served with honor and with distinction. He was part of the landing at Oran, North Africa on January 27, 1943. He was attached to the 51st Troop Carrier Squadron and the 62nd Troop Carrier Group. He served valiantly in some of the most desperate and critical battles, campaigns, and air offenses of the war in Tunisia, Sicily, Naples-Foggia, Po Valley, the Northern Apennines, the Balkans, Rome-Arno, and southern France.

Following his discharge in 1945, Reverend Eisenhart entered the Lutheran Theological Seminary at Mount Airy, Pennsylvania, where he received a bachelor of divinity degree in May 1948 and he was ordained into the Gospel of Ministry of the United Lutheran Church of America. He continued his graduate studies to earn a master of sacred theology degree in May 1952.

Four congregations have had the privilege of being ministered by Reverend Eisenhart prior to his retirement in 1982.

In retirement, Reverend Eisenhart's desire to serve has not diminished. He is a 36-year member of the Wallace Willard Keller American Legion Post 232 and he has been Post Chaplain since 1963. Additionally, he has served as Pennsylvania State Chaplain of the American Legion from 1989 to 1997. He was named chairman of the Patriotic Religious Memorial Service for the 75th National Convention of the American Legion held in Pittsburgh, Pennsylvania in 1993. And most recently, he was appointed National Chaplain of the American Legion for the Legion year 1997–1998.

I am not surprised, Mr. Speaker, that he received the "Good Thing You Do Award" for outstanding and dedicated services rendered to the Pennsylvania American Legion.

It is fitting this morning that we honor Reverend Eisenhart for his lifelong devotion to serving his country, his community, and for his untiring service to the Word of the Lord.

It is, thus, with great pleasure that I welcome the Reverend Henry Eisenhart to the House today and offer him heartfelt thanks on our behalf for leading us in prayer this morning as our guest chaplain.

EXECUTIVE PRIVILEGE

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, according to press reports, the President has invoked executive privilege to avoid explaining some of his actions in the White House. And for the record, neither George Bush nor Ronald Reagan ever invoked executive privilege during their tenure in the White House.

If the President is allowed to use executive privilege regarding current events, I can only wonder what other ways would he use executive privilege. Would he cite executive privilege to avoid explaining his plans to spend the surplus? When people ask him his real thoughts about cutting taxes, will he simply say executive privilege? And when it comes to his opposition to education savings accounts, the President could cite executive privilege. It is better than admitting he is a pawn of the teachers' unions.

Mr. Speaker I urge the President to rethink his use of executive privilege. It sets a terrible precedent.

DEMOCRATS OFFER REAL CAMPAIGN FINANCE REFORM

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the Republican leadership has scheduled a sham campaign finance reform bill for consideration this week. The Republican bill would not achieve reform even if it passed. But the Republicans have include a poison pill, an antilabor provision, just to make sure that the bill does not pass.

The GOP campaign finance charade would allow wealthy individuals to

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contribute more money. It would make it more difficult for workers to organize and for the National Labor Relations Board to stop employers from violating labor laws.

Democrats, on the other hand, will offer a substitute bill, essentially the McCain-Feingold legislation that includes real reform, including a ban on soft money. Democrats offer real reform that gives average working families an equal voice in the political system and limits the influence of wealthy special interests in our political process.

REALLY PUT SOCIAL SECURITY FIRST

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I would like to compliment the President for saying let us put Social Security first. I would like to compliment Senator MOYNIHAN for moving the solutions of this issue to the front burner. I would like to invite my colleagues to really put Social Security first by co-sponsoring a bill with me today.

The bill that I will be introducing accomplishes two major objectives. Number one, it provides that the money that we are borrowing from the Social Security trust fund this next year be marketable certificates. Instead of the nonmarketable IOUs, they would be marketable so we could, in effect, take it around the corner to the local bank anytime the Trust Fund needed that money for paying benefits.

The other provision takes some of the surplus money and allows younger workers on a ten year pilot to invest some of that surplus money in their own 401(k)—Thrift savings-type retirement accounts. That will help in the long term to keep Social Security solvent and let these workers accrue more wealth than they would have under the current system.

Mr. Speaker, I invite my colleagues to look at this bill and consider cosponsorship.

CONGRESS BETTER START DOING SOMETHING ABOUT JOBS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, every day the American people are told how great the economy is. I do not buy it. Let us check the scoreboard. In 1995 900,000 Americans filed for bankruptcy. In 1996 1,100,000 filed for bankruptcy. And last year 1,400,000-plus filed for bankruptcy. Total bustout "morgueville," belly up. A 20 percent increase in one year.

What is worse, our kids are moving to Mexico to find work. They cannot find it around here. Take Boeing, for example, please. They laid off 18,000 workers since December. What is next, Congress? Will we be told that El Niño is good for the economy?

Beam me up.

Mr. Speaker, I think Congress better start doing something about jobs in America.

AMERICAN TAXPAYERS' MOST DREADED DAY: APRIL 15

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the countdown is on. The tax clock is ticking. The nightmare of all nightmares to American workers: The tax man is coming.

That is right. Just 3 short weeks from today is the American taxpayers' most dreaded day: April 15. This day looms on the calendar each year as an ominous reminder of the crushing burden of the current Federal Tax Code. And while the IRS smiles behind closed doors, American workingmen and women are struggling to keep pace with an out-of-control Federal agency.

Over the next 21 days, taxpayers across this country will spend many sleepless nights and work countless hours in an attempt to figure out exactly how much of their hard-earned money must be sent to the government.

Heaven forbid the amount is off by a single cent, causing the taxpayer to face the unbridled wrath of the IRS.

Mr. Speaker, the time is now to enact comprehensive tax reform. Sweet dreams, Mr. and Mrs. America.

AN ACCURATE COUNT OF EVERY AMERICAN IS ESSENTIAL IN THE YEAR 2000 CENSUS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute.)

Mr. DAVIS of Illinois. Mr. Speaker, as we prepare to take the census in the year 2000, I want to take just a moment and underscore the importance of this issue. I also want to commend and congratulate the gentlewoman from New York (Mrs. MALONEY) for her leadership in keeping this issue before the American people.

Mr. Speaker, let us remember that every person must count; therefore, every effort must be made to count each and every citizen. We must be able to avoid the massive undercounts that we experienced during the past 2 decades, especially among poor and minority population groups. Just as we have been able to count the huge crowds that have turned out to greet the President on his visit to Africa, we must be able to count each and every citizen of this country.

Sampling is the most effective way, the most cost-conscious way, and the most assured way that will let us make it happen.

□ 1015

TIME FOR VICE PRESIDENT TO COME CLEAN ABOUT FUND-RAISING EVENT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it is time for a little quiz. What is the difference between a community outreach event and a fund-raiser? We really would like to know. But maybe the Vice President can help us. How about this one? What is the difference between a finance-related event and a fund-raiser? Or how about the difference between an event for donor maintenance and a fund-raiser?

It is a time for the Vice President to come clean about the legal event, whatever euphemism we want to use to describe it, that was held on April 29, 1996, in California. Maybe the Vice President can help us with the problem we are having trying to understand how an event organized by Maria Hsia, who is a fund-raiser, which raised $55,000, is not a fund-raiser?

Mr. Speaker, we do not need an MBA, we do not need a CPA, we do not need a Ph.D. in economics to see when a professional fund-raiser raises $55,000 at a finance-related event we are talking about a fund-raiser.

Leaving the shredded documents and money laundering aside, what exactly is the Vice President's explanation about this sordid affair?

CAMPAIGN FINANCE REFORM

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, last week the Committee on House Oversight, of which I am a member, reported out a bill called campaign finance reform. What a sham. The bill, among other things, increases the limits that an individual could give a party from $20,000 to $60,000. Now, who does that benefit?

I put an amendment in at that time, and will again on the floor if the Committee on Rules allows, to strike section 1, which would ban labor unions and nonprofits from educating their people, their members, on what Federal legislation and otherwise they need to know about before they vote.

How is that campaign finance reform, campaign finance reform that the people want to take all the money out,

$600 million raised last year, soft money and hard money from the Republican Party, $60 million from Democrats, Republicans and Democrats. Too much money.

American voters want to participate and they do not want to have to have $75,000 to do so.

TIME TO SCRAP AMERICAN TAX CODE

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, an American who goes abroad can brag about a lot of things about our country, but one thing he cannot brag about is the American Tax Code.

Mr. Speaker, just look at what has happened over the last 75 years. Back in 1913, the Tax Code was 14 pages. Now it is 3,500 pages. From 14 pages to 3,500 pages. That is not progress in my book. The Tax Code is 3,500 pages of incomprehensible regulations, exemptions, loopholes and other absurdities just to figure out how much we, as citizens, owe Uncle Sam.

I suspect that an American who goes abroad will have a long list of things to be proud of, but that list will not include our Tax Code. The Tax Code is not logical. It is virtually incomprehensible and it is not fair. It is time to scrap the Tax Code in favor of a simple, low tax rate that will be the envy of the world.

PROFESSIONAL FOOTBALL TEAM IN HOUSTON

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, the owners of the National Football League voted Monday to provide Cleveland with an expansion franchise, the 31st NFL team. The Cleveland team will be known as the Browns and will begin playing in 1999.

Congratulations to Cleveland and the gentleman from Ohio (Mr. STOKES); they are finally going to get a football team. Last year the gentleman from Ohio introduced H.R. 2699 after losing their professional football team. He wanted to protect cities from losing their professional sports teams. I cosponsored this bill.

Sports are a way in which people identify with their hometown and take pride in their hometown. As a Member of Congress from Houston, we also lost our team last year. When we think of Houston, we think of oil. We think maybe of the Houston Oilers. Do we really think of the Tennessee Oilers?

Houston is the fourth largest city. There should be a professional football team in Houston. I hope the NFL owners will even the number to number 32 and approve an expansion team to Houston.

Again, congratulations to Cleveland. Hopefully, with this example of an expansion franchise, we might just see another football team in Houston again soon.

TIME FOR AMERICA TO CRY OUT AND PRAY FOR HER CHILDREN

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, it is time for America to weep and mourn. It is time for America to cry out for her children. "A voice was heard," as Jeremiah said in the Old Testament, "in Ra'mah, lamentation, and bitter weeping; Rachel weeping for her children because they were no more."

Mr. Speaker, Jonesboro, Arkansas, is the third small community in recent months to experience a tragedy of wholesale slaughter where children are killing children. Yes, Mr. Speaker, it is time for America to cry out and pray for her children.

Every day almost 3,000 teenage girls get pregnant, over 1,000 teenage girls have abortions, over 4,200 teenagers contract a sexually transmitted disease, 135,000 children carry guns or other weapons to school, 10 children are killed by guns, 6 teenagers commit suicide, and 211 children are convicted of drug use, every single day.

It is time for all of us who call ourselves Americans and love our children to be outraged, outraged at a morally corrupt culture that is alien to every tried and tested moral structure that traditionally has undergirded our Nation.

NATIONAL DO-NOTHING DAY ON CAMPAIGN FINANCE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, without a doubt, this Congress today can go down in history as the biggest do-nothing Congress in memory. It has done less work on this floor in 3 months than the ordinary American would do in 3 weeks. Indeed, if we really think about all the important issues that have been taken up here, this Congress could have met for 3 days and gone home.

Having achieved the ability to do nothing better than anyone else noticed in this country, this Gingrich Congress will tomorrow declare "National Do-Nothing Day" on campaign finance reform. I see for years they have been promising to do something to fix the corrupting influence of campaign dollars, and tomorrow they will devote a couple of hours to talking about it and then doing nothing. They have cut off any real debate on proposals, not only of Democrats, but some of the Republicans who came forward with specific proposals to fix this perverted, broken system.

This Gingrich Congress defends doing it the same old way to let the tobacco companies come in here and dump billions of dollars into this corrupt system.

TIME FOR CONGRESS TO CUT MORE SPENDING, CUT MORE WASTE, ELIMINATE MORE BUREAUCRACY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the only outrages bigger than those coming out of the West Wing of the White House are those coming out of the left wing of the White House. Just listen to their latest warning about letting people keep a little more of their own money.

The White House, only 2 years after calling Republicans extremist for wanting to balance the budget and cut taxes at the same time, now thinks that the tax cuts would be dangerous, irresponsible, and bad policy. This is the same White House that has proposed billions and billions of dollars in new spending programs in their latest budget.

Can anyone please tell me why it is that multibillion dollars of new spending programs will not endanger the balanced budget, but tax cuts will? Can anyone please explain to me why Congress should not cut more spending, cut more waste, eliminate more bureaucracy so that American families might be able to keep more of their own money?

The tax package Congress passed last year was only a first step. It is time for us to take more steps in that direction.

"SO-CALLED" CAMPAIGN FINANCE BILL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I hope the Republican majority does not think that they can actually pass off their "so-called" campaign finance bill as genuine reform. The American people are much smarter. All they have to do is pick up the morning papers where newspaper editorial boards are calling their bluff.

The New York Times titles their piece "Campaign Finance Charades" and says, "Next, GINGRICH has a plan to snooker Americans yearning for a cleanup of their corrupt election finance system."

The Times calls this bill "sham legislation dressed up to look like reform."

The Times is not alone. The Washington Post editorial, titled "Mocking Campaign Reform" says, "The leadership has put together a mock reform bill to create the impression of action, but none of the risk."

We can go on and on and on. The League of Women Voters, Common Cause, every public group that has focused in on trying to clean up the campaign finance reform system agrees that the Republican proposal is a sham.

Let us pass McCain-Feingold II.

TAX REFORM

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute.)

Mr. KNOLLENBERG. Mr. Speaker, when considering the tax burden imposed on the American people today, I am reminded of an observation that was made by Mark Twain: "What's the difference between a taxidermist and a tax collector? The taxidermist takes only your skin."

According to the nonpartisan Tax Foundation, the average American family is now paying more in taxes than they spend on food, clothing, and shelter combined. That, I believe, is an outrage. Working families should be allowed to take care of their basic needs before being required to finance the whims of politicians.

Last year's tax cut did improve the situation, but more work needs to be done. If we exercise the courage and discipline to cut wasteful spending and make the Federal Government more efficient, the American people can have some of their money back.

Mr. Speaker, let us do the right thing. Let us cut taxes again, this time for everybody, so working Americans can then keep more of their hard-earned money. They can spend their money better than we can. Let us allow them to do so.

CAMPAIGN FINANCE REFORM

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, a year ago many people in this House, in a bipartisan fashion, adopted the principle of let us do the doable, and began talking about putting together bipartisan campaign finance reform bills that deal with the problem of the large soft money donations. Instead, the Republican leadership has adopted the principle of let us kill the killable, and will put up a bill tomorrow that is a bill in name only, campaign finance reform.

They have put in provisions that have caused the League of Women Voters to call it a travesty, Common Cause to call it a hoax, the Washington Post to call it a mockery, and the New York Times to call it a charade.

This Republican bill is not leadership, it is not campaign finance reform, it is an embarrassment to this House.

TAX RELIEF FOR MIDDLE-CLASS AMERICANS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the Republican Party stands for tax relief for working Americans. We know middle-class families are getting killed by paying 50 percent of their income in direct and indirect tax, and what they get in return for those taxes suggests that the Government mocks their hard work that went into the earning of their wages.

But the possibility of enacting middle-class tax relief this year appears to be quite remote. The reason is because the President and the liberals here in the House refuse to cut spending. They refuse the means by which tax cuts are put on the table.

The President and his liberal allies in Congress do not believe that any more can be cut from the $1.7 trillion budget, for they believe all those wonderful, big government programs are more important than giving middle-class families some real tax relief; and they do not want to offend their special interests that keep them in power.

Mr. Speaker, I think it is time to put the average middle-class American before the special interests. Let us rid the Government of more wasteful programs and fight for tax relief for middle-class Americans.

THE FIX IS IN

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, the fix is in. After the Republicans have spent millions of dollars in campaign finance investigations, now the Republican leadership has crafted their own campaign finance reform bill. It comes to the floor tomorrow. The fix is in. It is not bipartisan. It is not reform. It is designed to fail.

This Republican leadership bill attacks unionized workers, it triples what wealthy individuals can give to candidates who are political parties in hard money. They say it bans soft money, but they are wrong. It does not. It allows the soft money races to go on at the State party level. The Freshman Task Force developed a bipartisan bill. It was a good bill. The Republican leadership will not let it come to the floor.

Mr. Speaker, the fix is in. Vote against the Republicans so-called campaign reform bill when it comes up tomorrow.

DREAM OF A DRUG-FREE AMERICA

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Mr. Speaker, the poet Carl Sandburg once wrote that "Nothing happens unless first a dream."

Today, as we confront the issue of drugs, I urge my colleagues to dream of a nation without drugs. Imagine schools where our children are not told it is cool to be high. Imagine streets where drug pushers are nowhere to be seen. And imagine a world where the scourge of drugs has been eliminated for good forever.

The issue of drugs deserves our immediate attention. In the 1990s, teenage drug use has nearly doubled. Nearly half of all 17-year-olds in our communities today say they can buy marijuana within an hour. That is not a problem. That is a crisis.

The good news is that today communities all across America are beginning to dream again and families are beginning to hope again. Why? Simply because millions of American families are more determined than ever to win the war on drugs. I believe our dream of a drug-free America can become a reality if we pursue a strategy based on simple principles. First, face the reality of drugs.

Principles such as empowering families to effectuate change. And principles such as protecting the victims and punishing the criminals.

Mr. Speaker, the drug crisis is real and rising. But I have always believed that what is wrong with America can be cured by all that is right with America. And that's why I am so pleased to be a member of the Speaker's Task Force for a Drug Free America.

I believe the war on drugs is one that can be won, must be won, and will be won, if only we have the courage to dream of a drug-free America. Together, we can save America from the scourge of drugs. One day at a time. One neighborhood at a time. And one child at a time.

LET US GET REAL CAMPAIGN FINANCE REFORM OUT ON THE FLOOR

(Mr. HINCHEY asked and was given permission to address the House for 1 minute.)

Mr. HINCHEY. Mr. Speaker, the American people and most of the Members of this Congress agree that the most important issue currently facing our country is reforming the way we finance campaigns. Earlier this year, the Senate defeated campaign finance reform when the leadership over there engaged in a filibuster. Now the leadership in this House is bringing a bill to the floor which is a complete hoax.

Here is what Common Cause has to say about the bill. "Under the Republican leadership bill, tobacco companies could continue to launder soft money through the State parties in order to influence Federal elections, as they did in 1996. And under the Republican leadership bill, medium mogul Rupert Murdoch could again run $1 million in soft money through the California Republican party, as he did during the 1996 campaign while he was seeking favorable treatment in Washington on Federal communications legislation." He succeeded, by the way.

The great Republican Abraham Lincoln said, "You can't fool all the people all the time." Let us stop fooling around and get real campaign finance reform out here on the floor.

☐ 1030

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, how absurd are things in America today. Try this. Today we will vote on a bill that requires employees who work for a company to actually spend 50 percent of their daily job working for that company. You heard me. Under this legislation, if you work for Wal-Mart, you must spend half your weekly 40 hours, 20 hours a week, actually working for Wal-Mart.

Think about that. When I was a kid, my dad made me cut the grass. What would he have done if I cut half of it and then we went fishing? That would have been a lively conversation. What if you were at a restaurant and the waitress served half the people that you are eating with. Or what if a football player on a breakaway punt return crosses the 50-yard line and stops for a coffee break?

The idea is ridiculous. But listen to this. The Democrats oppose it. H.R. 3246 is not even a reality check, but a halfway measure to correct a half-baked idea that a half-brained Washington bureaucrat botched all the way.

CAMPAIGN FINANCE BILL

(Ms. McCARTHY of Missouri asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCARTHY of Missouri. Mr. Speaker, our guest chaplain today called upon us to find the courage to make the tough decisions before us for the sake of the American people. A timely blessing indeed, for this week we will consider campaign finance reform.

I support a bipartisan measure to reform the process. But the Republican leadership will present us with a very partisan campaign finance measure which contains some of the very worst ideas on campaign finance reform. The so-called Paycheck Protection Act is completely unbalanced and will not work. The Voter Eligibility Verification Act discriminates against voters, is deeply flawed, is not needed, will not work and has nothing to do with campaign finance reform.

The Republican bill also does nothing to ban soft money and raises contribution limits for donations to Federal candidates. This bill takes a giant step in the wrong direction. This has been called a charade, a sham. Mr. Speaker, let us vote on the real thing for the sake of the American people.

THE STATE OF NATIONAL SECURITY

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute.)

Mr. CUNNINGHAM. Mr. Speaker, yesterday the Committee on Appropriations went forth on, quote, emergency supplementals in different areas. One was for IMF, the other was U.N., one for emergency spending, and the state of defense. Let me talk about the state of defense.

In 30 years, Mr. Speaker, our national security is the worst and the lowest I have ever seen it. We have gotten there because Somalia, Haiti and Bosnia policies set forward were not paid for. They have cost $16 billion out of an already low defense budget. Those dollars come out of operation and maintenance of a 1950s budget.

The other problems that we have in emergency spending, we have got to find some offsets for those. It is going to be difficult in the upcoming weeks to find those offsets so we do not break the budget. Alan Greenspan has said if we break the budget caps, then the economy we have, the interest rates and everything else is going to go down. We need to work together to find those offsets, Mr. Speaker.

ALL GUNS SHOULD HAVE TRIGGER LOCKS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, our thoughts and our tears and our prayers are with the families of Jonesboro, Arkansas. No parent, no child, no school should have to suffer this way. I beg every parent with a gun in the home and every gun manufacturer to please, please listen.

There are two ways that children get a gun. They either take it from their home without their parents' knowledge or they steal it from a neighbor. You lock your car. You lock your home. You should lock your gun. Every gun should be sold with a childproof trigger safety lock that only the parents know how to unlock.

A borrowed gun, a stolen gun should be a harmless gun. Please, make your gun useless to others. Make it harmless with a trigger lock. I am asking every parent who owns a gun to purchase a trigger lock today and make your gun safe. I am asking all gun manufacturers to include a trigger lock with every gun sale.

SUPPORT SCHOOL CONSTRUCTION BILL

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on my colleagues to join me to pass legislation to build new schools for all of education and for all of our children. Yesterday I taught a class to a group of sixth graders in Terrell Lane Middle School in Louisburg in my district. It was part of my Give a Teacher a Break program.

As superintendent for 8 years of my State schools, I know I probably have spent more time in public schools than any other Member of this Congress. I know what it takes to improve education for our children.

Mr. Speaker, we must make the investment necessary to strengthen our public schools. We must provide resources to assist our communities in the drowning enrollment growth they are facing. And we must have the foresight to target these funds to the areas that we know will experience tremendous growth of the baby boom echo in the near future. I am drafting school construction legislation that will accomplish these goals. My bill will provide $7.2 billion in school construction for States and communities that are growing. My bill will be paid for by the same offset others would use to finance their risky private school voucher scheme.

CAMPAIGN FINANCE REFORM SCAM

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, here is what the New York Times has to say about the campaign finance reform bill Republicans will bring to the House floor this week: "Newt Gingrich has a plan to snooker Americans yearning for a cleanup of their corrupt election finance system."

Here is what the Republican bill will do, among other things. It would increase the amount of money rich individuals could contribute to a candidate from $1,000 to $2,000. It would increase the amount of money a rich individual could contribute to a political party from $20,000 to $60,000, and it would increase the total amount a rich individual could contribute to candidates and parties from $25,000 to $75,000; $1,000 to $2,000, $20,000 to $60,000, $25,000 to $75,000.

That is the Republican campaign finance reform. If you think there is not enough money in politics, this is the campaign finance reform bill for you.

This bill is a scam, it is a sham, it is a shame and a disgrace. The Republican majority ought to be embarrassed to bring this bill to the floor.

CAMPAIGN FINANCE REFORM

(Mr. TIERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIERNEY. Mr. Speaker, the moment of truth is upon us. It is showdown time today in the Rules Committee on campaign finance reform.

Last November, the Speaker of this House promised the House a very fair bipartisan vote on campaign finance reform. The question is, will the Committee on Rules live up to that promise when it meets today?

Certainly, Mr. Speaker, the deck against passing reform is stacked. The bill that the Republicans are putting forth today is in no way reform. It is in fact deform. We will not have a chance to vote on real reform nor will we have a chance to vote on anything but a half-baked concoction of campaign finance deforms that are going to be offered to us in a so-called Thomas bill.

Just this week the chairman of the Rules Committee indicated that he wants to allow a vote on a substantive campaign finance bill in addition to the Thomas bill. I urge the Speaker, I urge the Rules Committee, to fulfill the promises that have been made last fall. Give us a fair bipartisan vote on campaign finance reform.

COPYRIGHT TERM EXTENSION ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 390

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Points of order against the amendment printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII for failure to comply with clause 7 of rule XVI are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first of any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Frost), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 390 is a modified open rule providing for the consideration of H.R. 2589, the Copyright Term Extension Act. The purpose of this legislation is to extend the term of copyright protection in all copyrighted works, that have not fallen into the public domain, by 20 years.

House Resolution 390 provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on the Judiciary as an original bill for the purpose of amendment and provides that it will be considered as read.

The rule further provides that first-degree amendments must be preprinted in the CONGRESSIONAL RECORD. This will facilitate their prompt consideration. Last Wednesday, March 18, the chairman of the Committee on Rules announced on the House floor that the rule for the copyright extension bill may require the preprinting of amendments. I believe that this was ample notice to Members who are interested in offering amendments on this measure.

In 1995, the European Union extended the copyright term for all of its member states by 20 years, from life of the author plus 50 years to life of the author plus 70 years. Therefore, this is not a new issue. As the leader in the export of intellectual property, I think it is important that the United States extend the copyright term as well.

The rule waives points of order against the amendment by the gentleman from Wisconsin (Mr. SENSENBRENNER) printed in the CONGRESSIONAL RECORD and numbered 1 for failure to comply with clause 7 of rule XVI which prohibits nongermane amendments. The Sensenbrenner amendment involves an issue that has some degree of controversy, dealing with songwriters, restaurants and small businesses. However, to be fair to those with other viewpoints on the issue, it will be possible for Members who wish to amend the Sensenbrenner amendment to be able to do so without any special protections.

In addition, the rule provides for the Chairman of the Committee of the Whole to postpone votes during the consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, Mr. Speaker, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I believe House Resolution 390 is fair rule. It is a modified open rule for the consideration of H.R. 2589, the Copyright Term Extension Act. I believe the underlying bill is very important. As for the music issue, I think Members will have the opportunity to vote for the amendment by the gentleman from Wisconsin or alternatives proposed by other Members. I think this is a judicious way to handle the issue. I urge my colleagues to support this rule.

I commend the gentleman from Illinois (Mr. HYDE) and the gentleman from North Carolina (Mr. COBLE) for their hard work on H.R. 2589 and would urge my colleagues to support both this open rule and the underlying bill.

In conclusion, Mr. Speaker, House Resolution 390 is a fair rule. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

□ 1045

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant support of this rule, but I do support H.R. 2589, the Copyright Term Extension Act. H.R. 2589 seeks to provide important protections for American copyright holders in the world marketplace. This legislation will extend the term of copyright protection for works created after January 1, 1978, for life of the author plus 70 years after death, bringing this protection into line with the standard in the European Union. This is an especially important protection for U.S. intellectual property since this parity will ensure that American works will receive copyright protection equal to that received in European countries for European-produced intellectual property. Because European countries are huge markets for U.S. intellectual property, this protection is worth hundreds of millions of dollars for works produced by Americans.

Mr. Speaker, this rule allows only for the consideration of any germane amendments to the committee substitute which has been printed in the CONGRESSIONAL RECORD. There is no reason for the preprinting requirement since the underlying bill is relatively free of controversy, and it is for that reason that I only reluctantly support this rule. However, the rule also provides for consideration of a nongermane amendment by the gentleman from Wisconsin (Mr. SENSENBRENNER) by waiving the provisions of clause 5, rule XVI against it. Further, the rule does allow for the consideration of germane amendments to the Sensenbrenner amendment, and it is anticipated that the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Michigan (Mr. CONYERS) will offer a substitute to the Sensenbrenner amendment. Because these amendments relate to music licensing and not directly to the issue of copyright protection extension, the germaneness waiver is necessary.

In order that the House may proceed to consider this important legislation, Members should support this rule. In the future, however, I would hope that open rules might be truly open and not bound by unnecessary preprinting requirements.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Florida for giving me this 2 minutes, and also thank the chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON) for providing this open rule containing a waiver which may be necessary to protect a process supported by the chairman, the gentleman from Illinois (Mr. HYDE), and subcommittee chairman, the gentleman from North Carolina (Mr. COBLE), and the leadership of the House. The rule guarantees this body the opportunity to provide balance to the underlying bill, the Copyright Term Extension Act, with a modest package of relief for America's small business.

The supporters of fairness in music licensing, which is the subject of my amendment, believe it complements the Copyright Term Extension Act quite fittingly. The underlying bill extends the term of copyright for an additional 20 years, thereby permitting copyright owners to continue to commercially exploit works that are beginning to fall into the public domain.

My amendment suggests the need to balance this generous expansion of rights, which the gentleman from Texas (Mr. FROST) estimates to be worth hundreds of millions of dollars for copyright owners, with a set of reforms designed to level the playing field for the users of intellectual property.

Again, I thank the Committee on Rules for offering this open rule enabling a fair debate and an up-or-down vote on my amendment.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, the Copyright Term Extension Act makes an important correction in our existing law to ensure that the intellectual property of artists across this land is protected, that it is not raided and misappropriated by people around the world to their benefit, without compensation to the original owner.

It is therefore particularly contradictory and ironic that this rule will attach and permit attachment to this protection of intellectual property, what many people have come to call the Music Theft Act, a measure that is a separate freestanding piece of legislation that has nothing to do with copyright extension, but is being attached to the most convenient vehicle to steal the intellectual property of thousands of small businesspeople who are song writers in this land.

This Music Theft Act is based on a very simple premise: If one cannot get someone else's property for free, then pass a law to allow them to steal it from them. It is particularly ironic that this Music Theft Act is being considered here on the floor of Congress at a time when we have just completed the great South By Southwest Music Festival that pulled together hundreds, indeed thousands of people interested in the music industry and what it contributes to the enjoyment of life here in America and how it spreads our American culture literally around the globe.

In my home city, the city of Austin, Texas, where that South By Southwest Music Festival pulled people from around the world to enjoy and build on the success of our music capital, our claim to be the "loud music capital of the world," we have hundreds of songwriters who are small businesspeople who rely on the income that they earn from their songwriting to support themselves. They work hard creating a product that all of us enjoy, and when someone else uses or enjoys their product, they expect to make a profit just like any other business. When Joe Ely or Shaun Colvin or Tish Hinojosa go downtown to play at a club, they do not do it for free. That is how they earn their living. And the same thing ought to apply when music is being broadcast by one of those artists in a restaurant. If a business owner is using a song writer's property to help that business, then it ought to compensate the person that provides, that provided the benefit to them, the songwriter who is responsible for creating the work.

Let us be real clear about what we are discussing. The songwriter's property is just that; it is property every bit as real as a trade name, every bit as real as the script for a movie or for a new book, every bit as real as a new phone system or a copying machine. Music is the property of the songwriter who created it. And when music helps attract people to a restaurant, and that is what this is all about is the desire of the National Restaurant Association to take someone else's property for free, they may not offer any free lunch around America but they are willing to take for free the property of someone else to help them promote their profits in the restaurants.

Supreme Court Justice Oliver Wendell Holmes had it right when he wrote many years ago "It is true that music is not the sole object, but neither is the food. . . . The object is a repast in surroundings that give a luxurious pleasure not to be had from eating a silent meal. If music did not pay, it would be given up . . . Whether it pays or not, the purpose of employing it," the music, "is profit, and that is enough. "

And that is what is at stake here today, the right of thousands of small businesspeople who are creative, who write music, to earn an income from doing so.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to a distinguished gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman for yielding me the time, and it may surprise and scare the gentleman from Texas (Mr. DOGGETT) but I actually agree with him on this issue and he is shocked. I agree with him on several issues: on South By Southwest; it is an incredible festival. But more importantly, I agree about what he is talking about are property rights, and I think it is very interesting. It is usually us Republicans hurling charges at Democrats, saying that they do not respect property rights enough and that they are Socialists because they believe the government and others can intervene in their own property rights. And yet I find it to be very, very ironic today, as we come to the floor and debate a bill that is going to gut the property rights of artists, that apparently the belief on the amendment actually is the belief that property rights are only important if there are supporters' property rights.

I think the gentleman talked about Shaun Colvin, a young songwriter. Last night she performed in Washington, D.C. She is 5 months pregnant, she won a Grammy; she is still struggling. She is not rich, she is not wealthy; and there is going to be an attempt to make these musicians out to be rich and famous rock star types. They are not.

There are a lot of struggling people who have been working 15, 20, 30 years, working their entire life to build property, intellectual property that is every bit as dear to them as real property in our districts. And so for us to just gut their ability to earn a living because of problems they have done is absolutely ridiculous.

So I thank the gentleman for his statements, and I am greatly distressed that apparently some people in this Chamber only respect the property rights of nonsupporters.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, I am so pleased to see that not all of the concern for music on the Republican side is expressed by the singing Senators and that there are other musicians and lovers of music on the Republican side that recognize this is basically a property rights issue.

Mr. SCARBOROUGH. This is an issue that was very important to Sonny Bono, and in fact is one of the issues that he talked about the most when he was here on Capitol Hill, because Sonny understood, he had been struggling his whole life to create songs, to create something that mattered, that would have a lasting impact, that is going to last long after Sonny has been gone. And so it is not just myself, Sonny recognized it, there are other people who recognize that if we are for property rights, real property rights, we should be for intellectual property rights too.

Mr. FROST. Mr. Speaker, I urge adoption of the rule, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of our time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 390 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2589.

The Chair designates the gentleman from Alabama (Mr. EVERETT) as Chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. DIAZ-BALART) to assume the Chair temporarily.

□ 1058

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2589 to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes, with Mr. DIAZ-BALART (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the bill, H.R. 2589, the Copyright Term Extension Act, reported by the Committee on the Judiciary by voice vote, without objection. This important and significant bill will give to the United States economy 20 more years of foreign sales, revenues from books, movies, records, and software products sold abroad.

We are, Mr. Chairman, by far the world's largest producers of copyrighted works, and the copyright industries give us one of our most significant trade surpluses.

□ 1100

Our most valuable economic resource is no longer our industrial power and natural resources, but the creative potential of the minds of our citizens.

While our creativity holds America's greatest promise for the future, it is also our most fragile commodity, fragile because while difficult and expensive to produce and market, it is relatively easy and inexpensive to copy and to use for free.

We must ensure that foreign markets are open to our intellectual property exports, and just as importantly, that our copyright industries be given reciprocity and the opportunity to compete. That is what this bill is all about, Mr. Chairman.

The European Union countries, pursuant to a directive, have adopted domestic laws which would protect their own works for 20 years more than they protect American works. This bill would correct that by granting to United States works the same amount of protection which, under international agreements, requires reciprocity.

Under the current law, most works receive copyright protection for the life of the author plus 50 years. In the case of works made for hire, such as a movie, the copyright term typically endures for a period of 75 years from the year of its publication.

H.R. 2589 would bring the term of copyright protection from the life of the author plus 50 years to the life of the author plus 70 years and of works made for hire from 75 to 95 years from the date of publication.

Trade surpluses are not the only benefit of term extension. It is also good for consumers. When works are protected by copyright, they attract investors who can exploit the work for profit. That, in turn, brings the work to the consumer who may enjoy it at a movie theater, at a home, in a car, or in a retail establishment. Without that exploitation, a work may lie dormant, never to be discovered or enjoyed.

Now, of course, copyright protection should be for a limited time only. Perpetual protection does not benefit society. But extending the term to allow a property owner to hand that property down to his or her children or grandchildren is certainly appropriate, it seems to me, and grants the benefits of exploitation for that limited time.

I urge all my colleagues, Mr. Chairman, to vote yes on this bipartisan, noncontroversial legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I am delighted to appear, along with the gentleman from North Carolina, chairman of the Subcommittee on Courts and Intellectual Property. I should note that this bill is also strongly supported by the chairman and ranking member of the Committee on the Judiciary.

The responsibility to protect intellectual property is a very important one. As the gentleman from North Carolina has indicated, there are both cultural and economic reasons for doing so. The cultural reasons are probably more familiar to people, so we stress sometimes in this debate the economic reasons, not because we think the cultural reasons are less important, but the economic reasons are not always fully understood.

In an evolving world economy, there are areas where Americans will do less than they have in the past. We will make unsophisticated products in far less amounts than we used to in an internationally competitive world. We all know that. People can lament it, people can support it, but it is an unchangeable fact. There is simply not going to be in the future, as there already has been, a diminution in American products of a relatively simple and uncomplicated era.

On the other hand, America's comparative advantage in the world has been growing in the intellectual property area. We not only enrich much of the rest of the world culturally, but we enrich ourselves economically by the production of songs and movies and a whole range of other things.

Much of our effort is, in fact, to protect our intellectual property against theft overseas. Members are familiar with this in the cases of piracy and counterfeiting. What we do here is to try to make sure, in part, that the people who do the actual creation share in these riches. And they are not people who are in the multibillion dollar category exclusively and, in fact, not even primarily.

Frankly, for the wealthiest of the creators and performers, the additional copyright term is relatively unimportant. This becomes important precisely for those who make a living as a song writer, but do not get rich at it, who make a living in these areas. What we do here is to enhance the stream of income that goes to support their creative efforts.

One part of this bill that is particularly important, that was worked out in a bipartisan way, in fact, says, in cases where the creative person, the song writer, the artist, the writer of the book, where for a variety of reasons that person may have signed away some of his or her rights, to the extent that we are creating a new set of values here in this 20-year extension, we have urged that this be renegotiated and that the creators be given a share of the additional 20 years. We will be monitoring that carefully. I am confident that we will see the creator is better treated.

Yes, many people write songs and write books because of their love of the creative process. Love of the creative process is a great thing. But great as it is, it is kind of hard to support a family on it. It is kind of hard to sustain that.

What we are saying is, we want to encourage creativity, not simply as a hobby, not simply as something that people who are independently wealthy can do on their own time, but as a way for people to earn a living to support themselves and their families.

This bill is an important step precisely for those who are not in the wealthy category, precisely for those who are trying to earn a living day-today by writing songs, by writing books. This enhances their ability, and it particularly is relevant when we talk about the 20-year extension, about their obligation that they feel to deal with their families.

We are talking here about people earning and then being able to transfer to their families, to later generations, this kind of writing. It is a very important piece of legislation.

There is an overwhelming consensus on the part of the Committee on the Judiciary, which as some of you might have noticed is not always united. The Committee on the Judiciary has, indeed, recently been overdescribed as a source of contention and as a place for fighting.

I must say that, having served on the Committee on the Judiciary for 18 years, I have yet to see the first pie thrown. I keep reading with some disappointment that it is a locus for food fights. They seem to have them when I am absent. I am going to insist that I be invited to the next one; I have got my own seltzer bottle, and I am ready to come.

But precisely because the Committee on the Judiciary is composed of people who are prepared to engage in the most vigorous democratic debate when issues divide us, I think it is noteworthy that here there is an overwhelming consensus that for cultural reasons, for economic reasons, as a matter of fairness, as the gentleman from Florida was saying as I came in, we have come forward with a bill that protects the right of the creative people in our society, who so enrich the rest of us, to benefit some from that creativity.

Mr. Chairman, I reserve the balance of my time.

Mr. COBLE. Mr. Chairman, I thank the gentleman from Massachusetts for his opening statement.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a member of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, today I rise in support of H.R. 2589, the Copyright Term Extension Act, if, and only if, my amendment to ensure fairness in music licensing passes.

H.R. 2589 provides a very generous windfall to the entertainment industry by extending the term of copyright for an additional 20 years. That is 20 years more that they can commercially exploit works that would otherwise fall into the public domain.

Mr. Chairman, the Constitution I read suggests the need for balanced intellectual property rights between its creators and users. When the mechanisms designed to ensure that balance are broken, it is the duty of Congress to act.

Passage of the amendment which I will offer later on today will provide that balance. It sends the message that the voice of the tavern keeper in Boston, Massachusetts, Greensboro, North Carolina, or Milwaukee, Wisconsin is just as important as the parade of celebrities that Hollywood has trotted out to support expanding its rights by passing term extension and oppose my efforts to enact the modest reforms I seek for small business.

The amendment which I will offer is a compromise version of my legislation, H.R. 789, the Fairness in Music Licensing Act and is a key vote for the NFIB, the National Restaurant Association, the National Association of Beverage Retailers, and the many other small business associations.

They support my amendment because it ensures fairness by providing for local arbitration of rate disputes, so small businesses do not have to go to New York City and hire an expensive attorney to contest a rate that may involve several hundred dollars.

They support my amendment because it prevents small businesses from being forced to pay every music licensing society a fee for music already paid for several times over.

Let me make this point: Under my amendment, nobody gets a free ride. The creators of intellectual property are paid. My amendment only provides for the exemption for a retailer who has a TV set on or a radio set on where the creators of the intellectual property have already been paid a licensing fee by the TV or radio station or the other broadcast media.

We should stop the double-dipping, and we should stop the harassment of small business operators over the type of programming that they have no control over. It does not provide an exemption for tapes or CDs or live music performances such as has been described earlier.

The same groups oppose a window-dressing amendment to be offered later on today by the gentleman from Florida (Mr. McCOLLUM). That amendment is unanimously opposed by America's small businesses because it reflects a rejected proposal from failed negotiations. It contains no local arbitration, and it excludes the vast majority of America's small businesses from any relief from the music-licensing monopolies.

Make no mistake, the McCollum substitute to my amendment is the music monopolies' amendment. The McCollum-ASCAP-BMI substitute is a key vote, no, by the same groups I just identified in support of my amendment.

Next time, Mr. Chairman, you walk down Main Street in a town in your district, walk with your head held high knowing that you did the right thing for small business. Do not cozy up to the same folks who have been abusing small businesses in your district and mine for years by supporting the McCollum amendment, because it substitutes the interest of Main Street for the interest of the music monopolies.

In the name of balance and support for Main Street U.S.A., vote no on McCollum and yes on Sensenbrenner.

The CHAIRMAN. The Chair now recognizes the gentleman from Massachusetts (Mr. DELAHUNT) as the new controller of time for the minority.

Mr. DELAHUNT. Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Chairman, I rise in strong support of the bill H.R. 2589, Copyright Term Extension. As I believe my colleagues know, Congress is obliged under the Constitution to protect intellectual property or, to be precise, to secure for limited times to authors the exclusive right to their respective writings.

My colleagues may be less familiar, however, with the fact that the U.S. also has international obligations to protect copyright. In 1989, the United States, in a long-overdue move, became a member of the Berne Convention, the century-old international treaty mandating copyright rules for member countries. Under the "rule of the shorter term," member countries are only obliged to protect the work of foreign authors to the same extent that they would be protected in their country of origin.

Herein lies the problem. Under current U.S. law, copyright term for most works is life of the author plus 50 years. For works made for hire, such as motion pictures, the term is 75 years. However, in 1995, the European Union extended copyright term by 20 years. If we fail to extend our copyright term as well, our intellectual property industry would lose millions of dollars in export revenues, and the U.S. balance of trade would suffer commensurately.

European Union countries would not have to extend to American works the additional 20-year protection that they have already extended to European works. This is an outcome we can and must prevent by passing H.R. 2589.

Later in the debate we will be addressing an amendment that I strenuously oppose, to be offered by the gentleman from Wisconsin (Mr. SENSENBRENNER). That amendment would do great harm to the integrity of copyright law, and I will speak to it at the appropriate time.

□ 1115

But I do not want us to lose sight of the significance of H.R. 2589 to America's intellectual property interests, both at home and abroad.

Mr. COBLE. Mr. Chairman, how much time does each side have remaining?

The CHAIRMAN (Mr. EVERETT). The gentleman from North Carolina has 21½ minutes, and the gentleman from Massachusetts has 22½ minutes.

Mr. COBLE. I thank the Chairman.

Mr. Chairman, I yield 10 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for yielding me this time. I certainly agree with the gentleman that H.R. 2589 is very important for the copyright protection of this country. However, and I will speak to this issue a little bit later on during the debate of the Sensenbrenner amendment, but a few things were said that need to be addressed.

The gentleman from Wisconsin (Mr. SENSENBRENNER) talked about how the McCollum music machine amendment would abuse small businesses. He talked about fairness in music licensing. He talked about "a windfall." He talked about "commercial exploitation."

Now, we talk about double-speak; who is using the property rights of whom to sell beer, to sell food, to sell products in the taverns that he spoke about in Anytown, USA? My restaurant owners in northwest Florida certainly understand the importance of music in setting a mood in a tavern, in setting a mood in a restaurant. They also understand what would happen if they turned the music off. Mr. Chairman, that is the choice they all have if they do not want to use a product.

And I hear this talk that somehow supporting property rights now is anti-small business. I was elected by small business. Some of my biggest supporters throughout northwest Florida own small restaurants and own nightclubs, and own other things that come under this bill, and they all understand that what sells their product is the mood that they set.

The gentleman from Texas was talking about how music was a backdrop. It is. It is a backdrop for these small businesses. Not only is it the sound track of our lives and of the movies that we watch, but it is also the restaurants that we go into. It sets the mood. And yet, we have an amendment to this very, very important bill that would absolutely gut the right of those people that are making the property that helps people set the moods to sell the products in these small businesses that are extraordinarily important to me.

Let me state again the backbone of my political support comes from small businesses, not from PACs, certainly not from unions, not from people who want more regulation, and not from people who want this Congress to interfere in goodwill negotiations. My people, my supporters, are small business people that talk about property rights, and they do not talk about property rights only when it suits them politically. They talk about property rights for everybody.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, if I understand what the gentleman is saying, then if someone develops a very successful restaurant and they think it contributes to have some music playing there, they do not expect to get the electricity for free, they do not expect to get the recording device for free, but some of them apparently think that they can take the property of the song writer and get that for free.

Mr. SCARBOROUGH. Mr. Chairman, reclaiming my time, I do not think it is they. I think it is a very small number of people in Washington, D.C. Because again, people that own the restaurants in my district understand. I have talked to them about this. I would not come on the floor without talking to people that support me.

They understand, if one pays for the carpet to set a mood and one pays for the wallpaper to set a mood and one pays for the lighting to set a mood, they also understand the most important thing, again, in music is the property rights.

Mr. DOGGETT. Mr. Chairman, if the gentleman will continue to yield, if one of those successful restaurants in the gentleman's district has a famous name, I could not take that name and open up right next door without stealing their property, could I?

Mr. SCARBOROUGH. Mr. Chairman, the gentleman is exactly right.

Mr. DOGGETT. Mr. Chairman, is that not the same thing as stealing the works of people that have devoted significant time to creating something we all enjoy?

Mr. SCARBOROUGH. Again, reclaiming my time, it certainly does, and I remember hearing Sonny Bono talk about this, hearing him over and over again. He wrote us Dear Colleague letters, he talked about it nonstop.

Everybody has this image of Sonny Bono as some guy that just sort of stumbled into 7 or 8 gold records, that he just somehow, in the late 1960s stumbled into 7 gold records and a number 1 and number 2 TV show that he produced. That is not the case.

Sonny told me his story, because we were on the Committee on National Security together. He told me his basically hard-luck story about going out to Los Angeles in the late 1950s, about working hard around the clock. I do not know how many people here know who Phil Spector is, but he ran around doing errands for Phil Spector, getting coffee, emptying his garbage can, do everything he could do, writing songs, to get an opportunity to make a little bit of money.

What Sonny told me then was, he said, the great thing is now, it is something that is going to help my kids. Sonny did not realize just how pathetic his words were going to be, to help his kids a lot sooner unfortunately than any of Sonny's friends would have liked it to be.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, so what the gentleman is saying is, most of the song writers in America, they do not begin their careers at the Grammy's or in the movies or on television. It is hard work, and for every Sonny Bono, there are thousands of other song writers out there that are song-writing on the side, and they are out maybe working for one of the small businesses whose misguided association has promoted this bill.

Mr. SCARBOROUGH. Mr. Chairman, reclaiming my time, the gentleman is exactly right.

Last night, again I met one of the gentleman's constituents, Shawn Colvin. Now, Shawn Colvin just won a Grammy, and everybody thinks she is at the top of the world because she won the Grammy. I saw her last night, she was in a dressing room.

Mr. DOGGETT. Mr. Chairman, if the gentleman would continue to yield, the gentleman has good taste, better than I realized.

Mr. SCARBOROUGH. Mr. Chairman, again reclaiming my time, she was in a dressing room smaller than the bathroom of many Members in the Rayburn Building, and I will guarantee, she will not make as much money as a song writer as any Member in this Chamber today.

I wrote down the words, when we are hearing about music machine and Hollywood stars and blah, blah, blah, I mean this sort of rhetoric to make this thing seem, gee, this is going to really help the wealthy people. It is not going to help the wealthy people. They are going to be making the majority of their money on other things, on videos, selling the CDs.

This helps the people like Ms. Colvin who is 5 months pregnant, who certainly, if she was wealthy, would be sitting at home watching TV instead of running around trying to make a little bit of money. This helps Ms. Colvin, and this helps other people that are struggling to get by so that they can work, so that they can devote their life to creating artistic works that enhance the quality of life for all of us.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield further?

Mr. SCARBOROUGH. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I want to extend an invitation to the gentleman to come down to Austin, Texas, at some time other than the campaign season, of course, and enjoy her where she sounds the best. But whether we have Shawn Colvin on the radio or Jerry Jeff Walker or any other fine artist from down there in central Texas, the average cost of using that kind of music. To the small business, when they talk about balance, it is only about a buck and a half a day; is it not?

Mr. SCARBOROUGH. Mr. Chairman, reclaiming my time, it is very minimal. I have to say again, I want to finish how I began because people seeing the gentleman from Texas and I go back and forth talking, it might scare some of my natural constituents.

I am a friend of small restaurant owners, I am a friend of small businesses. My voting record over 3 or 4 years has shown that. In fact, I think the gentleman has called me a right-wing extremist because of a lot of my votes on less taxes and less regulation, less Federal spending. But I also recognize that small business people are people that are song writers, they are people that are doing things that may not fit our national constituency, and they deserve protection as much as landowners deserve protection.

If we want to talk about something that really hits home with me in my district, because I am always fighting for property rights, stopping extremists from coming in and having improper takings, I think we can apply that to this situation where we have an amendment in the Sensenbrenner amendment that constitutes nothing less than an improper taking; and where there is a taking, there needs to be just and full compensation, and our Constitution says that. That is why I think this does violence to the Constitution's provision and the Fifth Amendment. It talks about eminent domain, it talks about just taking, it talks about property rights.

That is why I think the far more sensible approach is the approach taken by the distinguished gentleman from Florida (Mr. McCOLLUM). I will be supporting his amendment. I ask every single Republican and Democrat that cares about property rights, that cares about small business owners, that cares about the things that we have been talking about we care about for the past 4 years to support Chairman McCOLLUM on his amendment when it comes up later on, because it is the wise, the fair alternative.

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume to say that listening to the colloquy between the gentleman from Florida and the gentleman from Texas, I do not know how, but it might be appropriate to redesignate the bill before us as the Sonny Bono Act.

Mr. Chairman, I yield as much time as he may consume to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding to me.

Last week at the Austin Music Awards down at the South by Southwest Music Gathering, we had people from all over the world, and of course we had to spotlight a little local talent, so the band that was playing is Ray Benson's Asleep At the Wheel, and I think what the gentleman from Florida and I are trying to do, from very different, perhaps, political perspectives on some other issues, is to be sure that this Congress is not asleep at the wheel today.

Mr. Chairman, the basic thrust of the legislation that we are debating today is very positive. We are saying that whether one is an author or one is a music artist, that one's property ought not to be stolen in China or in Europe or someplace else where people take advantage and pirate American works. It is a major problem. This Copyright Extension Act is basically sound legislation that tries to protect the creative work of the American people wherever it might be used around the globe.

But as we reach out to protect our citizens around the globe, we have a group, a special interest group that has come in here to the Congress and said, well, we want to hang on a little amendment to this, and our little amendment is something called the Musical Fairness Act. We cannot get it passed on its own, but we want to stick it on this good bill and kind of put it in there.

It reminds me of another one of our Austin song writers, the late Stevie Ray Vaughn. To call this the Fairness in Musical Licensing Act is to remind me of that line from his song called the Garden of White Lies, "They are pulling wool over our eyes," because that is what this is all about.

It is about pulling wool over our eyes, as we consider a good bill, to tack on a very bad bill that could not pass on its own because it basically is contrary to a long series of American court decisions and American recognition that just because one cannot touch property, a trade name, a musical work does not mean it is not very real property that deserves to be protected by our Congress. And those who would steal this property know that they cannot get away with it under our existing law, so they want it legalized in the amendment that is being offered today.

□ 1130

Most of the people that are going to be hurt by this musical theft amendment are not even full-time songwriters. They work for small businesses and large businesses across this country, and on the side they apply their creativity talent. Less than 10 percent of the American Society of Composers, Authors, and Publishers earn their living full-time from the music that we all enjoy. They are only getting a little supplemental income and hoping that one day they can become a Sonny Bono, or they can become a Willie Nelson.

The small compensation that current law requires of those that use that music to pay is modest, indeed, compared to the benefit they derive. It has been estimated that it costs about $1.58 a day to get the benefits of all of those members of the American Society of Composers.

Goodness, do you know in Austin, Texas, you cannot even get a bowl of tostados and a little guacamole on the side while you are enjoying this music for $1.58. It is not unreasonable to ask that there be some compensation to encourage the kinds of musical genius that we have, not only in Austin but across this land.

I have heard from literally hundreds of musicians in this country, many of them, of course, from Texas, who have urged the defeat of this Musical Theft Act, and who recognized that it represents a deprivation of private property rights.

It is so ironic that some of the people who have spoken out in favor of private property rights on this floor would now authorize the taking of private rights from the musicians that create so much of what adds to the quality of our life, and obviously, flows to the benefit of people, regardless of the party label that they wear when they come on this floor.

As with any debate, there is room for some middle ground. Indeed, there have been extensive negotiations over this issue, trying to reach a reasonable balance. A reasonable balance is not to give the authority to steal the property rights of our musicians. But, for example, there is a discussion that has gone on that exempts over 65 percent of all the drinking establishments in the United States and creates 12 regional sites for arbitration of disputes.

On this proposal, actually there was agreement reached with the National Licensed Beverage Association, but the National Restaurant Association will not have any of it. Why pay something when you can change the law and get it for nothing, seems to be their approach. So they have been unwilling to join those reasonable organizations that would respect private property rights and recognize they ought to have to pay something for them, because they want it all their way.

What we are asking today is that we approve the base legislation, the very positive, bipartisan legislation that is being presented here today, but not attach to it something that has nothing to do with it, that is completely contrary to the purposes of this legislation, and will only serve to take away the rights, the creativity, of artists across this land.

I would urge the rejection of that amendment, and the whole concept of trying to reach some balance is not achieved by this Musical Theft Act, but by the very reasonable approach that follows the agreement with the National Licensed Beverage Association that our Republican colleague, the gentleman from Florida (Mr. MCCOLLUM) is going to offer, an approach that provides a change in the law for small businesses, but recognizes that there are many other small businesses out there involved in the music industry that need protection, too, and will draw a reasonable balance and not permit the theft of music creativity.

Mr. COBLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me put another oar in the water. I was not even going to get into this, but the die has been cast. The gentleman from Florida (Mr. SCARBOROUGH) addressed it very adeptly.

I resent the fact that this is being portrayed as big business versus little business. It is not true. I will compare my voting record supporting small business men and small business women with anybody on this floor. As far as being a friend to the restaurateurs and the restaurants across my district, ask any of them down there. I can assure the Members that they will say that I have spoken favorably for them.

They do a good job. Songwriters do a good job. Must we, in this era of conflict, have to be opposed to one? Can you not be for the songwriter and the restaurateur? It seems to me that you can be. Some people, I think, are incapable of that in this current climate and in this era. They must be opposed to one. They cannot embrace both, they have to reject one. I think that is poppycock. I think the gentleman who will come on next is going to have an amendment that will exemplify that spirit of compromise, and that spirit of embracing both parties to this affray.

Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. MCCOLLUM), a member of the full committee, who will have a subsequent amendment on this matter.

Mr. McCOLLUM. Mr. Chairman, I thank the chairman for yielding time to me.

First of all, I would like to point out that we are here today primarily to pass copyright extension. While we are going to be having this huge debate over the songwriters' music licensing fees, and I am going to offer a substitute amendment that has been already widely discussed out here, we do not want to miss the point that hundreds and thousands, and more than that, hundreds of thousands, really, of various parties in this country, individuals, businesses, and so forth, who have copyright interests in books, in music, in TV videos, in movies, and all kinds of various productions that are copyrighting, whatever you can have a copyright for, anything that you write that you copyright on, are in great need of a copyright extension that is the underlying part of this bill; that is, to lengthen the life of how long your property right is protected, how long can you get royalties or money for the reproduction, the publishing of the book, if you will, if you want to put it back in the old-fashioned term of art; how long will you and your family be able to get royalties for that, and when will it become public property to which you have lost your personal property right.

We have been waiting around for quite a long time, 5 or 6 years, to get this bill to the floor of the House, simply because there has been this big dispute between the restaurants of this country and their primary association and the songwriters and their primary association over the so-called music licensing issue. We need to resolve that.

When I come out here in a little while, after the gentleman from Wisconsin (Mr. SENSENBRENNER) has offered his amendment, that is going to basically exempt all restaurants and businesses from having to pay a fee that has been paid for years and years to the associations for the songwriters' benefit, for every playing of a radio or TV rebroadcast of their music, when I come out here in a few minutes to offer my substitute, the debate is going to be about certain ways you go about giving some relief to some restaurants or some businesses further than they already have today.

There is already an exemption in the law, it has been there a long time, for any business of under 1,055 square feet. So if you have a really tiny business, you want to play the radio or have your television and music on, you do not have to pay a licensing fee.

The average fee out there on music licensing for restaurants they have to pay now is about $30 a month, which for the larger restaurants is not a very big deal. For some small restaurants it is a big deal. What we have worked out that the gentleman from North Carolina (Chairman COBLE) I believe is going to support and the gentleman from Illinois (Chairman HYDE) of the full Committee on the Judiciary, and the gentleman from Michigan (Mr. CONYERS), is an amendment to the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

That is basically the compromise. That we think is where we have gotten the product after 5 years of discussion, as close as we can get it when the two parties would not come to an agreement, to a technical agreement.

So it is truly a compromise amendment that I am offering. It would exempt 65 to 70 percent of all restaurants who are currently paying music licensing fees from ever having to pay it, my substitute would. That is a pretty big hunk of it. That is certainly all the smaller restaurants and quite a number of restaurants of much larger size.

It would exempt all restaurants, regardless of size, from having to pay these fees they have always paid to songwriters if they have as many as six speakers to broadcast the radio around in their shop, or fewer, or if they have four televisions or fewer. So a lot more are going to be picked up. It is hard to measure how many have that. You can limit the number of speakers you have in your restaurant and get exempted altogether from paying fees that you have currently been paying.

But more importantly, perhaps, than what it does in that regard, it provides some balance, because as the gentleman from Florida (Mr. SCARBOROUGH) has pointed out, songwriters are small business men, too. We are out here trying to protect small business men and give exemptions to the truly small restaurateurs of this country, but also protect the songwriters so they continue to be able to get their livelihood.

There are thousands of songwriters, most all of whom get their entire income and livelihood from the royalty fees they get from the copyrighted songs that they write, yet their average income is somewhere under $10,000 a year for a songwriter. That is pretty darned small. They are not the wealthy people of this Nation. The fees they get from the use of their songs in these restaurants, especially in the larger chains that are out there, is very important to them.

As I said, it is about $30 a month that the restaurants pay. It goes into a pool of money these associations have, and then those associations of songwriters spread the money around and pay a proportionate share to all the songwriters who are members. I think that is really important to protect. That is what my amendment would do, to allow them to continue to have some money from this source from the larger restaurants in this country. That is, again, the compromise, the balance, in here that is involved.

I also would like to point out that most songwriters never get a big hit. If they get a big hit, a few of them do make some money. I am sure there will be somebody out here sometime today pointing out some of those people who do. But for every songwriter that gets a big hit and makes a lot of money, there are literally a thousand others for every one of those who do not. That is what this legislation protects are those thousand others, thousands of others, who do not ever get the big hit.

Last but not least, there is a compromise in what I am going to offer out here in a little while dealing with the question of complaints we have had for some time about the fact that restaurants in particular, small businesses, have had to go a long way, to New York, to go appeal a fee dispute with these associations collecting the music licensing fees, because there is a rate commission set up to do it.

What the gentleman from Wisconsin (Mr. SENSENBRENNER) would provide would be that there would be arbitration in every locality around the country. That would provide uniformity. That would be expensive the other way around.

What we have tried to do in a compromise is say we will set up a provision for circuit riders from this rate commission to go around to the sitting seats of all 12 Federal judicial circuits to sit regularly to settle these disputes, so people do not have to travel as far.

I think what I am offering in a little while out here truly is the compromise substitute. Let us do it now so we can get on with the main, underlying thrust of this bill, and that is copyright extension. That is what we are here about today. It is long overdue. We cannot afford to have this dispute between the restaurants and the songwriters tie up this legislation any longer. The bill, underlying bill, is too important. I urge my colleagues to both vote for my substitute when the time comes and vote for the underlying bill.

Mr. DELAHUNT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the underlying bill. I think it is important to understand that this bill is not simply a means to encourage American creativity and to protect the products of that creativity. Just as importantly, it is about the future of our national economy. I suggest that is not an exaggeration.

Most importantly, it is about our balance of trade, a balance of trade that for some time has registered a substantial deficit, a deficit that exploded last month as a result of the financial crisis in Asia, and according to most economists, a deficit that will continue to escalate because of that crisis.

Mr. Chairman, we cannot afford to not pass this bill if we hope to control this burgeoning trade deficit and protect our national economic well-being. Furthermore, it is essential that the Sensenbrenner amendment that we will be considering shortly be defeated and the McCollum-Conyers substitute pass. Otherwise our trading partners will claim that Congress has enacted an overly broad exemption to our copyright laws that violates our international treaty obligations. If we do not defeat the Sensenbrenner amendment, not only will this be unfair to songwriters, but it will further exacerbate our trade deficit.

America is the world's leading producer and exporter of copyrighted products. The entire world clamors for American software, American movies, American television programs, American videos, American literature, and American music. Just these core copyrighted industries produce a surplus of $50 billion annually in our trade with the rest of the world.

Just imagine what our trade deficit would be if that $50 billion annual surplus were at risk or declining. Imagine how many well-paying American jobs would be jeopardized in just these industries, which create new jobs for American workers at nearly three times the rate of the rest of the economy.

□ 1145

Well, if we want to avoid that disastrous scenario, we must pass this bill; because if we are to maintain American leadership and retain our comparative advantage in this aspect of international commerce, we must adapt to changing international standards of copyright protection, and this bill does just that.

The emerging world standard for the term of copyright protection in Europe and throughout most of the developed world is the life of the author plus 70 years. In 1995, the European Union adopted this standard, but only with respect to works that enjoy comparable protection in the country of origin. This means that until the United States extends its copyright term to 70 years from its current term of 50 years, U.S. works will not be entitled to protection for the full term accorded to works in the European markets. If this situation persists, it will put our creative industries at a serious competitive disadvantage and will substantially and adversely affect our overall trade posture. Rather, we should foster and nurture our creative industries for the sake of our economic future.

So, Mr. Chairman, I urge my colleagues to vote for American prosperity. Support the bill as amended by the McCollum-Conyers substitute.

Mr. Chairman, I yield back the balance of my time.

Mr. COBLE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY), a member of the Committee on the Judiciary.

Mr. GALLEGLY. Mr. Chairman, I thank the gentleman from North Carolina (Mr. COBLE) for giving me the opportunity to speak today in support of this important piece of legislation.

In February of last year, I introduced a copyright term extension bill which is almost identical to the legislation we are considering here today. This legislation extends the term for copyrighted products by 20 years. This will allow the U.S. copyright term to keep pace with the term of European countries that are now our main competitors for copyrighted products such as motion pictures and music.

In 1995, the European Union required member Nations to extend the copyright term to life of the author plus 70 years. This is 20 years more than is currently granted to the U.S.-based copyrighted works. Moreover, under the rules of an international treaty, most of our economic competitors are not required to give U.S. works the same term of protection as they give their domestic works if the U.S. has a shorter copyright term.

The European Union has exercised this rule and now requires EU member States to limit protection of U.S. works to the shorter term granted in the United States. Let me emphasize this point: Under a current European Union directive, member nations are actually required to discriminate against American copyrighted works. The result, unless this bill becomes law, is to place our copyright industries at a competitive disadvantage with other nations, threatening the incomes of U.S. authors, artists, songwriters, and other copyright holders.

As many of my colleagues know, our copyright industry employs over 6 million Americans and is one of the fastest growing segments of our economy. Moreover, with estimated foreign sales of over $53 billion last year, the copyright industry is one of the few areas in the U.S. actually enjoying a healthy trade surplus.

Copyright term extension has enjoyed strong bipartisan backing and is supported by a wide-ranging coalition in the current Congress. Among many of the groups that support term extension legislation are the Songwriters Guild of America, National Academy of Songwriters, the Motion Picture Association of America, the Intellectual Property Law Section of the American Bar Association, the Recorded Industry Association of America, National Music Publishers Association, the Information Technology Association of America, and many, many others.

Mr. Chairman, I would like to congratulate the gentleman from North Carolina (Mr. COBLE), my friend and colleague, the chairman of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, for recognizing the importance of the copyright industry to the U.S. economy and the need to update our copyright law to the current legal and competitive climate faced by the U.S. from countries throughout the world.

Mr. Chairman, I urge my colleagues to support this commonsense yet very critical piece of legislation.

Mr. CONYERS. Mr. Chairman, I urge my colleagues to support this amendment which is a fair and balanced compromise to the current dispute surrounding music licensing. This dispute really revolves around big business seeking an exemption to paying public performance royalties for radio, television and other broadcast in their restaurants. Copyright owners have the exclusive right to authorize others to publicly perform their works. When a commercial establishment turns on the radio or television, that is a public performance of another's intellectual property.

Why should all commercial establishments be exempted from licensing fees? Representative SENSENBRENNER's amendment is far from a fair approach to music licensing. His amendment would create a carve out for all commercial establishment using music via any transmission, not just standard radio and TV broadcast. Adopting this provision would mean an outrageous give away of music by allowing big restaurants to stop paying a mere $1.58 a day! Meanwhile ninety percent of music writers make less than $10,000 a year! Most songwriters don't perform, so licensing fees are critical to their incomes. This amendment is a direct big business attack on the livelihood of songwriters.

My amendment, offered with Representative MCCOLLUM, represents provisions of an agreement which the parties came close to at the end of recent negotiations. The McCollum-Conyers substitute expands the current exemption from music licensing to cover all restaurants of less than 3,500 square feet, excluding parking lots, no matter what kind of radio or television devices are being used. It also exempts restaurants of 3,500 square feet or larger if they use only four television sets and six speakers, with no more than four speakers in one room and reasonable television screen sizes. This compromise offers a fair approach by providing a broad exemption to small businesses and protecting royalties of songwriters.

Many of you have heard the song, "I Heard It Through the Grapevine" which has been recorded by the Temptations, Gladys Knight and the Pips, Marvin Gaye and many others. But I bet you have never heard of Barrett Strong, the songwriter. Music licensing fees collected by performing rights organization (e.g. BMI, ASCAP and SESAC) is the only income Mr. Strong receives from his creative work. Don't let big businesses "rip off" artists!

It is time to end this long dispute—but not by giving away artists' rights to just compensation for their creative works. I urge my colleagues to vote for the McCollum-Conyers substitute.

Mr. HOYER. Mr. Chairman, I rise in strong support of the legislation, in strong support of the McCollum amendment, and in opposition to the Sensenbrenner amendment.

The Sensenbrenner amendment is nothing short for a "takings" provision. I have heard a lot about taking. This is about taking, whether to or not to. It would force songwriters to provide their music for free to restaurants and others. These restaurants then, in turn, use this music to enhance their business.

How is this fair? For the thousands of songwriters, composers and music publishers, this amendment is a two-fold insult. First, it says to them, "Your hard work and creative talent aren't worth protecting." Then it says, "And by the way, it's not worth a dime either."

My colleagues, Stephen Foster died a pauper. Why did Stephen Foster die a pauper? Because the product he created was not popular, was not wanted, was not used? No. Because Stephen Foster put his product on the table, it was eaten—if you will—listened to, more appropriately, but not paid for. And so Stephen Foster, one of the great songwriters of America, and indeed the world, died a pauper because the world enjoyed his music but did not compensate him for his music.

The McCollum amendment tries in a reasonable way to get at what is a problem that is by some perceived as cataclysmic and by others perceived as procedural. It is a reasonable alternative. It is one that I will support. But if it does not pass, I will as strongly as I know how oppose this legislation, even though I believe its underlying 20-year extension of the copyright protecting one's property is appropriate.

Mr. Chairman, I have been and always will be opposed to any legislation that infringes upon the property rights of anyone. I cannot digest "taking" someone else's hard work from them for free. This amendment is an affront to the tens of thousands of individuals who spend a lifetime trying to sell their work in a competitive and sparsely rewarded field—especially after considering the cost benefit analysis.

It is estimated that the restaurant business is a $289.7 billion industry, while thousands of songwriters draw an income that is minuscule in comparison and subsist largely off of royalties. Music licensing fees account for less than one percent of expenses for a full service restaurant, and the average cost for a restaurant business that uses music is $1.58 a day—equivalent to one draft beer.

Mr. Chairman, let me make it plain: we are considering stripping individuals of their intellectual property rights over what boils down to a mug of beer.

Mr. Chairman, I would hope that my colleagues who in fact have some property that we put in the public sphere, not expecting remuneration, at least not in money, the remuneration we expect is votes when we put our property, our ideas, our thoughts, our opinions in the public wheel. But when a songwriter sits down to create art, that songwriter does so for their own personal enjoyment, but they also do so with the expectation that if someone wants to use their product, they will do in a capitalistic society what we expect, and that is to compensate them fairly for that.

The previous speaker spoke about the problem with small business. Government does not require a small business in America to turn on the radio in their place of business or to turn on the television in their place of business, not one. They do so because they think to some degree it enhances the ambiance of their establishment, and I agree with them. And if they thought curtains did or tablecloths did or pretty windows did, they would have to pay for all of those increases to the ambiance of their establishment. If the restaurant pays for the hamburger, it should also face the music and pay for the licensing.

I have a lot of restaurants in my district and in my State. I understand some of them are concerned, and I believe that the McCollum amendment tries to reach out to them and say yes, we understand there is a problem, let us try to solve it and let us try to solve it where there is a meeting of the minds. And in fact, I understand there was a meeting of the minds until one party thought perhaps they could win without agreement. I do not know that; I have heard that.

But let us, as we vote on the Sensenbrenner amendment, remember Stephen Foster, remember that Stephen Foster gave us so much, this Nation and this world, enriched our lives, enriched our culture, enriched our enjoyment, and let us not say to the Stephen Fosters of the world what they do is not worth us compensating them for it.

Let me share with you part of a concise perspective offered by former Chief Justice Oliver Wendell Holmes: "If music did not pay, it would be given up. If it pays, it pays out of the public's pocket. Whether it pays or not, the purpose of employing it is profit, and that is enough."

I would hope that we would defeat the Sensenbrenner amendment, pass the McCollum amendment and pass the bill.

Mr. HYDE. Mr. Chairman, I rise in support of the bill H.R. 2589, the "Copyright Term Extension Act," reported by the Committee on the Judiciary by voice vote, without objection.

This is an important bill for our economy. It will mean 20 more years of foreign sales revenue coming back into the United States for our intellectual property products sold abroad. We are by far the world's largest producers of intellectual property and it is one of our most significant trade surpluses.

Copyright is a property right. It is meant to be handed down by its creator to his or her children and grandchildren. This amendment provides for a small extension in the term of copyright which will allow the heirs of our nation's creators to benefit from the work of their family members. Writing a song or a novel is no less significant than contributing to a family business to be passed on to those we choose.

The Berne Convention for Literary and Artistic Works, of which we are a Member, has a provision called the "Rule of the Shorter Term." It states that a country need not give a foreign work any more protection than that work is given in its country of origin. The European Union countries recently adopted the term for copyright that we propose in this bill, life of the author plus 70 years. Under the Berne Convention, they need not give American copyrighted works the benefit of that term, but may limit protection in their countries of our works to our current term of life of the author plus 50 years. That, of course, means that their works are protected in their countries for 20 years longer than our works are protected in their countries. While that may be good for their products, it is not good for ours.

I am proud of the fact that American creators and owners of creations have made the U.S. the dominant producer in the world of copyrighted material. It reflects the ingenuity of our people and indicates that through freedom and democracy, people will use their powers of creativity for their own benefit and, consequently, for society's benefit. This bill will maintain our dominance and continue to allow for the exploitation of that creativity which brings it to consumers for their enjoyment.

I want to say a special word about the creative community that is the bedrock of our great film and television business. I refer to the screenwriters, the directors and the performers. Through their respective guilds, they have consistently supported the extension of the copyright term, and have asked that they be specifically made beneficiaries of the extension. In particular, they requested remuneration during the new term for those who currently receive no residuals and no royalties for films made before 1960. These films include such masterpieces as Casablanca, The Best Years of Our Lives, and Sunset Boulevard.

This bill does not give them that because the Committee believes that private negotiation between private parties is always the best place to start when determining remuneration. I am certainly a believer in the marketplace. But this bill does contain a very strong and very serious admonition, a "Sense of the Congress," that urges film studios and the guilds to voluntarily negotiate what remuneration screenwriters, directors and performers of pre-1960 films shall receive for the new term. Congress will be watching the negotiations. I expect that both sides in good faith will negotiate a fair outcome, and it will certainly not be taken lightly if the "Sense of the Congress" is not turned into a contractual reality.

Mr. Chairman, this is a good and balanced bill which will ensure our global competitiveness while urging fair compensation for the creators who, with the investors and owners, make great copyrighted works our national treasures.

I urge my colleagues to support this fine legislation.

Mr. CONYERS. Mr. Chairman, I rise in strong support of H.R. 2589, the "Copyright Term Extension Act". This bill will allow the United States to keep pace with the copyright terms of European countries that are our main competitors for copyright products such as motion pictures and music.

In 1995, the European Union harmonized the copyright term in its member countries at a minimum of life plus 70 years—20 years longer than the term in the United States. By directive, EU countries will not provide copyright protection for U.S. intellectual property in Europe beyond what our own law provides. This approach is known as the "rule of the shorter term." As a result, absent congressional action, U.S. copyright owners will not receive income from uses of their works during the 20 additional years of protection available in European countries and will therefore be at a relative disadvantage to their European competitors.

Changes in technology that have increased the commercial value of works created many years ago. In music, for instance, copyright owners are now digitizing musical works and reissuing them to a receptive market. A short copyright term is harmful to works of art and music whose value may not be recognized until many years since they were initially created.

The world loves American-made music, movies, computer software and books. Creators of these works should not be placed at a competitive disadvantage in overseas markets. American intellectual property is the most sought after abroad and is one of the few bright spots in our balance of trade. By acting on copyright extension, Congress will be furthering American innovation and protecting American jobs.

H.R. 2589 also includes a carefully crafted, balanced library exemption that ensures that the legitimate needs of the libraries are met. In addition the "fair use doctrine" is unaffected by the bill. Therefore, users continue to enjoy the full benefits of "fair use" under Section 107 of the Copyright Act.

I urge all Members to support extending the copyright term which will protect American creators and keep U.S. copyright laws in proper balance domestically and abroad.

Mr. COBLE. Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Term Extension Act".

SEC. 2. DURATION OF COPYRIGHT PROVISIONS.

(a) PREEMPTION WITH RESPECT TO OTHER LAWS.—Section 301(c) of title 17, United States Code, is amended by striking "February 15, 2047" each place it appears and inserting "February 15, 2067".

(b) DURATION OF COPYRIGHT: WORKS CREATED ON OR AFTER JANUARY 1, 1978.—Section 302 of title 17, United States Code, is amended—

(1) in subsection (a) by striking "fifty" and inserting "70";

(2) in subsection (b) by striking "fifty" and inserting "70";

(3) in subsection (c) in the first sentence—

(A) by striking "seventy-five" and inserting "95"; and

(B) by striking "one hundred" and inserting "120"; and

(4) in subsection (e) in the first sentence—

(A) by striking "seventy-five" and inserting "95";

(B) by striking "one hundred" and inserting "120"; and

(C) by striking "fifty" each place it appears and inserting "70".

(c) DURATION OF COPYRIGHT: WORKS CREATED BUT NOT PUBLISHED OR COPYRIGHTED BEFORE JANUARY 1, 1978.—Section 303 of title 17, United States Code, is amended in the second sentence by striking "December 31, 2027" and inserting "December 31, 2047".

(d) DURATION OF COPYRIGHT: SUBSISTING COPYRIGHTS.—

(1) IN GENERAL.—Section 304 of title 17, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (B) by striking "47" and inserting "67"; and

(II) in subparagraph (C) by striking "47" and inserting "67";

(ii) in paragraph (2)—

(I) in subparagraph (A) by striking "47" and inserting "67"; and

(II) in subparagraph (B) by striking "47" and inserting "67"; and

(iii) in paragraph (3)—

(I) in subparagraph (A)(i) by striking "47" and inserting "67"; and

(II) in subparagraph (B) by striking "47" and inserting "67";

(B) by amending subsection (b) to read as follows:

"(b) COPYRIGHTS IN THEIR RENEWAL TERM AT THE TIME OF THE EFFECTIVE DATE OF THE COPYRIGHT TERM EXTENSION ACT OF 1997.—Any copyright still in its renewal term at the time that the Copyright Term Extension Act of 1997 becomes effective shall have a copyright term of 95 years from the date copyright was originally secured.";

(C) in subsection (c)(4)(A) in the first sentence by inserting "or, in the case of a termination under subsection (d), within the five-year period specified by subsection (d)(2)," after "specified by clause (3) of this subsection,"; and

(D) by adding at the end the following new subsection:

"(d) TERMINATION RIGHTS PROVIDED IN SUBSECTION (c) WHICH HAVE EXPIRED ON OR BEFORE THE EFFECTIVE DATE OF THE COPYRIGHT TERM EXTENSION ACT OF 1997.—In the case of any copyright other than a work made for hire, subsisting in its renewal term on the effective date of the Copyright Term Extension Act of 1997 for which the termination right provided in subsection (c) has expired by such date, where the author or owner of the termination right has not previously exercised such termination right, the exclusive or nonexclusive grant of a transfer or license of the renewal copyright or any right

under it, executed before January 1, 1978, by any of the persons designated in subsection (a)(1)(C) of this section, other than by will, is subject to termination under the following conditions:

"(1) The conditions specified in subsection (c) (1), (2), (4), (5), and (6) of this section apply to terminations of the last 20 years of copyright term as provided by the amendments made by the Copyright Term Extension Act of 1997.

"(2) Termination of the grant may be effected at any time during a period of 5 years beginning at the end of 75 years from the date copyright was originally secured.".

(2) COPYRIGHT RENEWAL ACT OF 1992.—Section 102 of the Copyright Renewal Act of 1992 (Public Law 102–307; 106 Stat. 266; 17 U.S.C. 304 note) is amended—

(A) in subsection (c)—

(i) by striking "47" and inserting "67";

(ii) by striking "(as amended by subsection (a) of this section)"; and

(iii) by striking "effective date of this section" each place it appears and inserting "effective date of the Copyright Term Extension Act of 1997"; and

(B) in subsection (g)(2) in the second sentence by inserting before the period the following: ", except each reference to forty-seven years in such provisions shall be deemed to be 67 years".

SEC. 3. TERMINATION OF TRANSFERS AND LICENSES COVERING EXTENDED RENEWAL TERM.

Sections 203(a)(2) and 304(c)(2) of title 17, United States Code, are each amended—

(1) by striking "by his widow or her widower and his or her children or grandchildren"; and

(2) by inserting after subparagraph (C) the following:

"(D) In the event that the author's widow, widower, children, and grandchildren are not living, the author's executors shall own the author's entire termination interest, or, in the absence of a will of the author, the author's next of kin shall own the author's entire termination interest, on a per stirpes basis according to the number of such author's next of kin represented. The share of the children of a dead next of kin at the same level of relationship to the author eligible to take a share of a termination interest can be exercised only by the action of a majority of them.".

SEC. 4. REPRODUCTION BY LIBRARIES AND ARCHIVES.

Section 108 of title 17, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

"(h)(1) For purposes of this section, during the last 20 years of any term of copyright of a published work, a library or archives, including a nonprofit educational institution that functions as such, may reproduce, distribute, display, or perform in facsimile or digital form a copy or phonorecord of such work, or portions thereof, for purposes of preservation, scholarship, or research, if such library or archives has first determined, on the basis of a reasonable investigation, that none of the conditions set forth in subparagraphs (A), (B), and (C) of paragraph (2) apply.

"(2) No reproduction, distribution, display, or performance is authorized under this subsection if—

"(A) the work is subject to normal commercial exploitation;

"(B) a copy or phonorecord of the work can be obtained at a reasonable price; or

"(C) the copyright owner or its agent provides notice pursuant to regulations promulgated by the Register of Copyrights that either of the conditions set forth in subparagraphs (A) and (B) applies.

"(3) The exemption provided in this subsection does not apply to any subsequent uses by users other than such library or archives.".

SEC. 5. VOLUNTARY NEGOTIATION REGARDING DIVISION OF ROYALTIES.

It is the sense of the Congress that copyright owners of audiovisual works for which the term of copyright protection is extended by the amendments made by this Act, and the screenwriters, directors, and performers of those audiovisual works, should negotiate in good faith in an effort to reach a voluntary agreement or voluntary agreements with respect to the establishment of a fund or other mechanism for the amount of remuneration to be divided among the parties for the exploitation of those audiovisual works.

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

The CHAIRMAN. No amendment to the bill is in order unless printed in the portion of the CONGRESSIONAL RECORD designated for that purpose.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

AMENDMENT NO. 2 OFFERED BY MR. COBLE

Mr. COBLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 2 offered by Mr. COBLE:

Page 4, line 9, strike "of 1997".

Page 4, line 24, strike "of 1997".

Page 5, line 12, strike "of 1997".

Page 6, line 4, strike "of 1997".

Page 6, strike line 17 and all that follows through page 7, line 4 and insert the following:

"(D) In the event that the author's widow or widower, children, and grandchildren are not living, the author's executor, administrator, personal representative, or trustee shall own the author's entire termination interest.".

Insert the following after section 5 and redesignate the succeeding section accordingly:

SEC. 6. ASSUMPTION OF CONTRACTUAL OBLIGATIONS RELATED TO TRANSFERS OF RIGHTS IN MOTION PICTURES.

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 180—ASSUMPTION OF CERTAIN CONTRACTUAL OBLIGATIONS

"Sec.

"4001. Assumption of contractual obligations related to transfers of rights in motion pictures.

"§ 4001. Assumption of contractual obligations related to transfers of rights in motion pictures

"(a) ASSUMPTION OF OBLIGATIONS.—In the case of a transfer of copyright ownership in a motion picture (as defined in section 101 of title 17) that is produced subject to 1 or more collective bargaining agreements negotiated under the laws of the United States, if the transfer is executed on or after the effective date of this Act and is not limited to public performance rights, the transfer instrument shall be deemed to incorporate the assumption agreements applicable to the copyright ownership being transferred that are required by the applicable collective bargaining agreement, and the transferee shall be subject to the obligations under each such assumption agreement to make residual payments and provide related notices, accruing after the effective date of the transfer and applicable to the exploitation of the rights transferred, and any remedies under each such assumption agreement for breach of those obligations, as those obligations and remedies are set forth in the applicable collective bargaining agreement, if—

"(1) the transferee knows or has reason to know at the time of the transfer that such collective bargaining agreement was or will be applicable to the motion picture; or

"(2) in the event of a court order confirming an arbitration award against the transferor under the collective bargaining agreement, the transferor does not have the financial ability to satisfy the award within 90 days after the order is issued.

"(b) FAILURE TO NOTIFY.—If the transferor under subsection (a) fails to notify the transferee under subsection (a) of applicable collective bargaining obligations before the execution of the transfer instrument, and subsection (a) is made applicable to the transferee solely by virtue of subsection (a)(2), the transferor shall be liable to the transferee for any damages suffered by the transferee as a result of the failure to notify.

"(c) DETERMINATION OF DISPUTES AND CLAIMS.—Any dispute concerning the application of subsection (a) and any claim made under subsection (b) shall be determined by an action in United States district court, and the court in its discretion may allow the recovery of full costs by or against any party and may also award a reasonable attorney's fee to the prevailing party as part of the costs.".

(b) CONFORMING AMENDMENT.—The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

"180. Assumption of Certain Contractual Obligations .... 4001".

Mr. COBLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Chairman, this amendment will make technical changes to further clarify who owns the termination interest in a copyrighted work when an author passes away, and provide for the proper transfer of contractual obligations when a copyright is transferred.

Regarding the transfer of contractual obligations provision, I would like to clarify the meaning of a certain term. The "reason to know" language is intended to be interpreted in light of common sense and industry practice. Because many motion pictures made in the United States are produced subject to one or more collective bargaining agreements, the distributor would ordinarily perform some check on whether the motion picture is subject to such an agreement. The provision would not, however, require a burdensome or exhaustive examination. Publicly available information that indicates a work's status, such as records of a guild's security interest in the motion picture filed with the copyright office, would ordinarily provide "reason to know" within the meaning of the act.

Mr. Chairman, this amendment is noncontroversial and as best I can determine is not opposed, and I urge my colleagues to support it.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from North Carolina (Mr. COBLE) is right. It is not controversial and there is no opposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. COBLE).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 1 offered by Mr. SENSENBRENNER:

Page 1, insert before section 1 the following:

TITLE I—COPYRIGHT TERM EXTENSION

Strike section 1 and insert the following:

SEC. 101. SHORT TITLE.

This title may be referred to as the "Copyright Term Extension Act".

Redesignate sections 2 through 5 as sections 102 through 105, respectively.

In section 105, as so redesignated, strike "this Act" and insert "this title".

Strike section 6 and insert the following:

SEC. 106. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

Add at the end the following:

TITLE II—MUSIC LICENSING

SEC. 201. SHORT TITLE.

This title may be cited as the "Fairness in Musical Licensing Act of 1998".

SEC. 202. EXEMPTION OF CERTAIN MUSIC USES FROM COPYRIGHT PROTECTION.

(a) BUSINESS EXEMPTION.—Section 110(5) of title 17, United States Code, is amended to read as follows:

"(5) communication by electronic device of a transmission embodying a performance or display of a nondramatic musical work by the public reception of a broadcast, cable, satellite, or other transmission, if—

"(A)(i) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains less than 3,500 square feet, excluding any space used for customer parking; or

"(ii) the rooms or areas within the establishment where the transmission is intended to be received by the general public contains 3,500 square feet or more, excluding any space used for customer parking, if—

"(I) in the case of performance by audio means only, the performance is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area; or

"(II) in the case of a performance or display by visual or audiovisual means, any visual portion of the performance or display is communicated by means of not more than 2 audio visual devices, if no such audio visual device has a diagonal screen size greater than 55 inches, and any audio portion of the performance or display is transmitted by means of a total of not more than 6 speakers (excluding any speakers in the device receiving the communication), of which not more than 4 speakers are located in any 1 room or area;

"(B) no direct charge is made to see or hear the transmission;

"(C) the transmission is not further transmitted to the public beyond the establishment where it is received; and

"(D) the transmission is licensed.".

(b) EXEMPTION RELATING TO PROMOTION.—Section 110(7) of title 17, United States Code, is amended—

(1) by striking "a vending" and inserting "an";

(2) by striking "sole";

(3) by inserting "or of the audio, video, or other devices utilized in the performance," after "phonorecords of the work,"; and

(4) by striking "and is within the immediate area where the sale is occurring".

SEC. 203. BINDING ARBITRATION OF RATE DISPUTES INVOLVING PERFORMING RIGHTS SOCIETIES.

(a) IN GENERAL.—Section 504 of title 17, United States Code, is amended by adding at the end the following new subsection:

"(d) PERFORMING RIGHTS SOCIETIES; BINDING ARBITRATION.—

"(1) ARBITRATION OF DISPUTES PRIOR TO COURT ACTION.—

"(A) ARBITRATION.—(i) If a general music user and a performing rights society are unable to agree on the appropriate rate or fee to be paid for the user's past or future performance of musical works in the repertoire of the performing rights society, the general music user shall, in lieu of any other dispute-resolution mechanism established by any judgment or decree governing the operation of the performing rights society, be entitled to binding arbitration of such disagreement pursuant to the rules of the American Arbitration Association. The music user may initiate such arbitration.

"(ii) The arbitrator in such binding arbitration shall determine a fair and reasonable rate or fee for the general music user's past and future performance of musical works in such society's repertoire and shall determine whether the user's past performances of such musical works, if any, infringed the copyrights of works in the society's repertoire. If the arbitrator determines that the general music user's past performances of such musical works infringed the copyrights of works in the society's repertoire, the arbitrator shall impose a penalty for such infringement. Such penalty shall not exceed the arbitrator's determination of the fair and reasonable license fee for the performances at issue.

"(B) DEFINITIONS.—(i) For purposes of this paragraph, a 'general music user' is any person who performs musical works publicly but is not engaged in the transmission of musical works to the general public or to subscribers through broadcast, cable, satellite, or other transmission.

"(ii) For purposes of this paragraph, transmissions within a single commercial establishment or within establishments under common ownership or control are not transmissions to the general public.

"(iii) For purposes of clause (ii), an 'establishment' is a retail business, restaurant, bar, inn, tavern, or any other place of business in which the public may assemble.

"(C) ENFORCEMENT OF ARBITRATOR'S DETERMINATIONS.—An arbitrator's determination under this paragraph is binding on the parties and may be enforced pursuant to sections 9 through 13 of title 9.

"(2) COURT-ANNEXED ARBITRATION.—(A) In any civil action brought against a general music user, as defined in paragraph (1) for infringement of the right granted in section 106(4) involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the prior public performance of one or more works in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by such society for such performance, the dispute shall, if requested by the general music user, be submitted to arbitration under section 652(e) of title 28. In such arbitration proceeding, the arbitrator shall determine the appropriate rate and amount owed by the music user to the performing rights society for all past public performances of musical works in the society's repertoire. The amount of the license fee shall not exceed two times the amount of the blanket license fee that would be applied by the society to the music user for the year or years in which the performances occurred. In addition, the arbitrator shall, if requested by the music user, determine a fair and reasonable rate or license fee for the music user's future public performances of the musical works in such society's repertoire.

"(B) As used in this paragraph, the term 'blanket license' means a license provided by a performing rights society that authorizes the unlimited performance of musical works in the society's repertoire, for a fee that does not vary with the quantity or type of performances of musical works in the society's repertoire.

"(3) TERM OF LICENSE FEE DETERMINATION.—In any arbitration proceeding initiated under this subsection, the arbitrator's determination of a fair and reasonable rate or license fee for the performance of the music in the repertoire of the performing rights society concerned shall apply for a period of not less than 3 years nor more than 5 years after the date of the arbitrator's determination.".

(b) ACTIONS THAT SHALL BE REFERRED TO ARBITRATION.—Section 652 of title 28, United States Code, is amended by adding at the end the following:

"(e) ACTIONS THAT SHALL BE REFERRED TO ARBITRATION.—In any civil action against a general music user for infringement of the right granted in section 106(4) of title 17 involving a musical work that is in the repertoire of a performing rights society, if the general music user admits the public performance of any musical work in the repertoire of the performing rights society but contests the rate or the amount of the license fee demanded by the society for such performance, the district court shall, if requested by the general music user, refer the dispute to arbitration, which shall be conducted in accordance with section 504(d)(2) of title 17. Each district court shall establish procedures by local rule authorizing the use of arbitration under this subsection. The definitions set forth in title 17 apply to the terms used in this subsection.".

SEC. 204. VICARIOUS LIABILITY PROHIBITED.

Section 501 of title 17, United States Code, is amended by adding at the end the following:

"(f) A landlord, an organizer or sponsor of a convention, exposition, or meeting, a facility owner, or any other person making space available to another party by contract, shall not be liable under any theory of vicarious or contributory infringement with respect to an infringing public performance of a copyrighted work by a tenant, lessee, subtenant, sublessee, licensee, exhibitor, or other user of such space on the ground that—

"(1) a contract for such space provides the landlord, organizer or sponsor, facility owner, or other person a right or ability to control such space and compensation for the use of such space; or

"(2) the landlord, organizer or sponsor, facility owner, or other person has or had at the time of the infringing performance actual control over some aspects of the use of such space, if the contract for the use of such space prohibits infringing public performances and the landlord, organizer or sponsor, facility owner, or other person does not exercise control over the selection of works performed.".

SEC. 205. CONFORMING AMENDMENTS.

Section 101 of title 17, United States Code, is amended by inserting after the undesignated paragraph relating to the definition of "perform" the following:

"A 'performing rights society' is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors, and Publishers, Broadcast Music, Inc., and SESAC, Inc. The 'repertoire' of a performing rights society consists of those works for which the society provides licenses on behalf of the owners of copyright in the works.".

SEC. 206. CONSTRUCTION OF TITLE.

Except as provided in section 504(d)(1) of title 17, United States Code, as added by section 203(a) of this Act, nothing in this title shall be construed to relieve any performing rights society (as defined in section 101 of title 17, United States Code) of any obligation under any consent decree, State statute, or other court order governing its operation, as such statute, decree, or order is in effect on the date of the enactment of this Act, as it may be amended after such date, or as it may be enacted, issued, or agreed to after such date.

SEC. 207. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act, and shall apply to actions filed on or after such date.

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, the amendment that I offer today is the culmination of nearly 4 years of effort to provide relief for the small business community from the unfair music licensing system administered by the performance rights monopolies.

My involvement in this issue stems from the tactics of an ASCAP operative who circumnavigated a lake in my district, hitting up every bar or restaurant with the standard take-or-leave-it proposition. Needless to say, I received a number of calls from perplexed and outraged owners. The tactics of ASCAP's representative prompted me to make a more thorough investigation of how these performance rights organizations function and who, if anybody, controls their behavior.

What I learned was an eye opener. ASCAP and BMI, the two largest music licensing societies, are virtual monopolies operating under consent decrees administered by the Justice Department. Unfortunately, the Justice Department's priorities have been elsewhere, allowing the two monopolies to operate with impunity. The conduct of these monopolies has prompted 22 States to adopt code of conduct laws. Given the licensing society's' record of heavy-handed action, a Justice Department that has looked the other way, and a Federal law that is either ambiguous or clearly skewed, now is the time for Congress to act.

My amendment incorporates three of the core principles embodied in my original bill, H.R. 789, the Fairness in Music Licensing Act. First it eliminates the most unfair aspect of the current system. Under the consent decrees, any business in the United States that wishes to dispute a licensing fee with ASCAP or BMI is forced to travel to New York City, hire a New York attorney, and fight it out in the Federal District Court for the Southern District of New York, the so-called rate court.

My amendment establishes local arbitration of these rate disputes so no one is coerced into accepting a license rate simply because it would be foolish to spend thousands of dollars to travel to New York to challenge the licensing monopolies and their litigation war chest.

Let me point out that the current law requires that these disputes be resolved in court. My amendment takes it out of court, eliminates the necessity of hiring an attorney, and has local arbitration decide the issue.

Second, the amendment updates the existing home-style exemption. Under the amendment, businesses whose public space is 3,500 square feet or less would be exempt from paying royalties for playing the radio or TV unless they charge admission. Those over 3,500 square feet would be exempt if they had two TVs or less and no more than six speakers.

It is important to note that the exemption provided in my amendment does not, and I repeat, does not apply to live or recorded music where the proprietor controls the content. Only TV and radio broadcasts for which the broadcaster has already paid the royalty are exempt.

Let me give an example of how far down the food chain the licensing societies go in pursuit of royalties. A marching band plays a song during the half time of a football game. First the stadium pays the licensing society to use the song played by the band. Then the national TV network pays to broadcast the song. Next the local TV station pays to broadcast the song. Then the local cable system pays for the song again. And finally, the bar in Pewaukee Lake, Wisconsin pays for airing the song on TV. That is right. The music licensing societies are paid five times, five times for the right, the one playing of one song. That is a scam and that is what my amendment reforms.

The provision also exempts retailers of stereos and television sets who under existing laws must pay licensing fees simply to demonstrate that their product works so that a customer may buy it. You go into your local appliance store to buy a TV. The proprietor turns the TV on so that you can see the quality of the picture. And because the proprietor did that to sell the TV, they have to pay ASCAP under this current law. My amendment eliminates that.

And finally, the amendment protects landlords and convention owners from vicarious liability for music licensing fees for music played by a tenant or an exhibitor.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

(By unanimous consent, Mr. SENSENBRENNER was allowed to proceed for 2 additional minutes.)

Mr. SENSENBRENNER. Mr. Chairman, many of our communities do operate convention centers and they lease out space. If somebody turns on a TV set because they are selling a product or asking to go on vacation someplace, then the city or the owner of the convention center gets hit up for a licensing fee because they could not turn the hand of the tenant on the dial to turn the TV set off.

Mr. Chairman, while considering the underlying bill, we have suggested that Congress is the appropriate place for the expansion of the scope of copyright expansion of business' obligations to pay additional fees. Meanwhile, the licensing societies and their defenders in the Congress claim that this body has no role in the music licensing debate where the central issue is a proposal to perhaps modestly diminish their ability to extract fees. But the Constitution itself suggests the need for balanced intellectual property rights. That is precisely what my amendment accomplishes.

Mr. Chairman, I urge my colleagues not to stand aside and permit this Congress to do the bidding of the copyright holders who seek a one-way street to expand their rights while denying balance and fairness to the small business users of intellectual property. My amendment is supported by virtually every small business organization in the country, including the NFIB, the National Restaurant Association, the National Retail Federation, home builders, florists, and the list goes on.

In the name of balance and in the name of America's small business, I ask my colleagues for an “aye” vote on the Sensenbrenner amendment.

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AMENDMENT NO. 3 OFFERED BY MR. MCCOLLUM TO AMENDMENT NO. 1 OFFERED BY MR. SENSENBRENNER

Mr. McCOLLUM. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment No. 3 offered by Mr. McCollum to Amendment No. 1 offered by Mr. Sensenbrenner:

In lieu of the matter proposed to be inserted as title II, insert the following:

TITLE II—MUSIC LICENSING EXEMPTION FOR FOOD SERVICE OR DRINKING ESTABLISHMENTS

SEC. 201. SHORT TITLE.

This title may be cited as the “Fairness In Music Licensing Act of 1998.”

SEC. 202. EXEMPTION.

Section 110(5) of title 17, United States Code is amended—

(1) by striking “(5)” and inserting “(5)(A) except as provided in subparagraph (B),”;

(2) by adding at the end the following:

“(B) communication by a food service or drinking establishment of a transmission or retransmission embodying a performance or display of a nondramatic musical work intended to be received by the general public, originated by a radio or television broadcast station licensed by the Federal Communications Commission, or, if an audiovisual transmission, by a cable system or satellite carrier, if—

“(i) either the establishment in which the communication occurs has less than 3500 gross square feet of space (excluding space used for customer parking), or the establishment in which the communication occurs has 3500 gross square feet of space or more (excluding space used for customer parking) and—

“(I) if the performance is by audio means only, the performance is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space; or

“(II) if the performance or display is by audiovisual means, any visual portion of the performance or display is communicated by means of a total of not more than 4 audiovisual devices, of which not more than one audiovisual device is located in any 1 room, and no such audiovisual device has a diagonal screen size greater than 55 inches, and any audio portion of the performance or display is communicated by means of a total of not more than 6 loudspeakers, of which not more than 4 loudspeakers are located in any 1 room or adjoining outdoor space;

“(ii) no direct charge is made to see or hear the transmission or retransmission;

“(iii) the transmission or retransmission is not further transmitted beyond the food service or drinking establishment where it is received; and

“(iv) the transmission or retransmission is licensed by the copyright owner of the work so publicly performed or displayed;”; and

(3) by adding after paragraph (10) the following:

“The exemptions provided under paragraph (5) shall not be taken into account in any administrative, judicial, or other governmental proceeding to set or adjust the royalties payable to copyright owners for the public performance or display of their works. Royalties payable to copyright owners for any public performance or display of their works other than such performances or displays as are exempted under paragraph (5) shall not be diminished in any respect as a result of such exemption”.

SEC. 203. LICENSING BY PERFORMING RIGHTS SOCIETIES.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by adding at the end the following:

“§ 512. determinations of reasonable license fee for individual proprietors

“In the case of any performing rights society subject to a consent decree which provides for the determination of reasonable license fees to be charged by the performing rights society, notwithstanding the provisions of that consent decree, an individual proprietor who owns or operates fewer than 3 food service or drinking establishments in which nondramatic musical works are performed publicly and who claims that any license agreement offered by that performing rights society to the industry of which the individual proprietor is a member is unreasonable in its license fee as to that individual proprietor, shall be entitled to determination of a reasonable license fee as follows:

“(1) The individual proprietor may commence such proceeding for determination of a reasonable license fee by filing an application in the applicable district court under paragraph (2) that a rate disagreement exists and by serving a copy of the application on the performing rights society Such proceeding shall commence in the applicable district court within 90 days after the service of such copy, except that such 90-day requirement shall be subject to the administrative requirements of the court.

“(2) The proceeding under paragraph (1) shall be held, at the individual proprietor's election, in the judicial district of the district court with jurisdiction over the applicable consent decree or in that place of holding court of a district court that is the seat of the Federal circuit (other than the Court of Appeals for the Federal Circuit) in which the proprietor's establishment is located.

“(3) Such proceeding shall be held before the judge of the court with jurisdiction over the consent decree governing the performing rights society. At the discretion of the court, the proceeding shall be held before a special master or magistrate judge appointed by such judge. Should that consent decree provide for the appointment of an advisor or advisors to the court for any purpose, any such advisor shall be the special master so named by the court.

“(4) In any such proceeding, the industry rate, or, in the absence of an industry rate, the most recent license fee agreed to by the parties or determined by the court, shall be presumed to have been reasonable at the time it was agreed to or determined by the court. The burden of proof shall be on the individual proprietor to establish the reasonableness of any other fee it requests.

“(5) Pending the completion of such proceeding, the individual proprietor shall have the right to perform publicly the copyrighted musical compositions in the repertoire of the performing rights society, and shall pay an interim license fee, subject to retroactive adjustment when a final fee has been determined, in an amount equal to the industry rate, or, in the absence of an industry rate, the amount of the most recent license fee agreed to by the parties. Failure to pay such interim license fee shall result in immediate dismissal of the proceeding, and the individual proprietor shall then be deemed to have had no right to perform the copyrighted musical compositions in the repertoire of the performing rights society under this section from the date it submitted its notice commencing the proceeding.

“(6) Any decision rendered in such proceeding by a special master or magistrate judge named under paragraph (3) shall be reviewed by the presiding judge. Such proceeding, including such review, shall be concluded within 6 months after its commencement.

“(7) Any such final determination shall be binding only as to the individual proprietor commencing the proceeding, and shall not be applicable to any other proprietor or any other performing rights society, and the performing rights society shall be relieved of any obligation of nondiscrimination among similarly situated music users that may be imposed by the consent decree governing its operations.

“(8) For purposes of this section, the term ‘industry rate’ means the license fee a performing rights society has agreed to with, or which has been determined by the court for, a significant segment of the music user industry to which the individual proprietor belongs.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by adding after the item relating to section 511 the following:

“512.Determinations of reasonable license fee for individual proprietors.”.

SEC. 204. DEFINITIONS.

Section 101 of title 17, United States Code, is amended—

(1) by inserting after the definition of “display” the following:

“A ‘food service or drinking establishment’ is a restaurant, inn, bar, tavern, or any other similar place of business in which the public or patrons assemble for the primary purpose of being served food or drink, in which the majority of the gross square feet of space is used for that purpose, and in which nondramatic musical works are performed publicly.”;

(2) by inserting after the definition of “fixed” the following:

“The ‘gross square feet of space’ of a food service or drinking establishment means the entire interior space of that establishment and any adjoining outdoor space used to serve patrons, whether on a seasonal basis or otherwise.”;

(3) by inserting after the definition of “perform” the following:

“A ‘performing rights society’ is an association, corporation, or other entity that licenses the public performance of nondramatic musical works on behalf of copyright owners of such works, such as the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and SESAC, Inc.”; and

(4) by inserting after the definition of “pictorial, graphic and sculptural works” the following:

“A ‘proprietor’ is an individual, corporation, partnership, or other entity, as the case may be, that owns a food service or drinking establishment. No owner or operator of a radio or television station licensed by the Federal Communications Commission, cable system or satellite carrier, cable or satellite carrier service or programmer, Internet service provider, online service provider, telecommunications company, or any other such audio-visual service or programmer now known or as may be developed in the future, commercial subscription music service, or owner or operator of any other transmission service, or owner of any other establishment in which the service to the public of food or drink is not the primary purpose, shall under any circumstances be deemed to be a proprietor."

SEC. 205. CONSTRUCTION OF TITLE.

Except as otherwise provided in this title, nothing in this title shall be construed to relieve any performing rights society of any obligation under any State or local statute, ordinance, or law, or consent decree or other court order governing its operation, as such statute, ordinance, law, decree, or order is in effect on the date of the enactment of this title, as it may be amended after such date, or as it may be issued or agreed to after such date.

SEC. 206. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 90 days after the date of the enactment of this title.

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida.

There was no objection.

Mr. McCOLLUM. Mr. Chairman, we are going to have a serious dispute today in some detail about how we deal with music licensing, but let me tell my colleagues what my amendment is all about. It is all about what is called compromise. It is all about the fact that for about 5 years now we have been debating, maybe a little longer than that, how to get a copyright extension bill out which affects thousands of people and all kinds of businesses totally unrelated to what the Sensenbrenner amendment is about.

The reason we have had that debate is because the restaurant owners of America have wanted to be exempted from some long-term fees that they have had to pay song writers for playing their music in their restaurants, and the song writers and their associations that collect the fees have been resisting that. And we have arbitrated and tried to get dispute settlements and all kinds of things.

The gentleman from North Carolina (Mr. COBLE), who is my subcommittee chairman, and the gentleman from Illinois (Mr. HYDE), who is my full committee chairman, and the gentleman from Michigan (Mr. CONYERS), who is our ranking member, and the gentleman from Massachusetts (Mr. FRANK) have all worked hours and hours trying to get agreement between these parties on something so we could move this bill ahead.

Well, we never got there. But this amendment I am offering is essentially where those gentlemen think the compromise ought to be. It is true compromise.

What it does is this: It provides that most of the restaurants of this country, the vast majority, will be exempted from paying this fee, so the small businessman will not have to pay it anymore. It is about $30 a month, they tell me, for each restaurant, and the big restaurants are still going to have to pay it. I think that is fair because that is the property right of the song writer that he or she has invested their entire livelihood in.

In fact, what it boils down to, if we talk about song writers, is that, and there are thousands of them out there, very few of them ever have a big hit. The few that do are not terribly worried about it, but the thousands that do not average under $10,000 a year in income, average under that. So they are really very small business people, and their primary livelihood, their only livelihood, frankly, comes from the royalties on their songs. And royalties pay gradually.

Many, many different times, as the gentleman from Wisconsin (Mr. SENSENBRENNER) correctly pointed out, these songs are played, reproduced at different levels, and a little bit here or a little bit there, penny here or penny there, is paid into a royalty house that distributes money to these folks that only nets them out, after all is said and done, for everything they write in a given year about $10,000 overall in the whole Nation.

And the restaurants are a big part of that. And if we take away, as the Sensenbrenner amendment does, virtually all restaurants in the United States paying these fees and lots of other businesses too, we have taken away a big hunk of that $10,000 that the average song writer gets in the United States from his or her work product each year.

But my amendment is going to go to exempting small businesses. It is the compromise to do that. It does it by using the same 3,500 square feet number that the Sensenbrenner amendment does to exempt, but it does it on a gross square footage level, which is a lot more reasonable to do, where we talk about the entire restaurant, whether it is made up with kitchens or bathrooms or whatever, not trying to get in there and be more obtrusive, that I do not think most restaurants would want, and trying to measure out every restaurant to figure out just exactly how much this or that or the other restaurant has in the way of square footage for the actual eating space.

It takes what will probably be on the books in the local community with the ordinances that they have and the zoning requirements and all, so we can clearly see, without having to go in there and take a tape measure, how much are you going to base the fee upon?

Anyway, the net result of this dispute is that we exempt, as I say, 65 or 75 percent in my amendment, whereas his does virtually all the restaurants in the United States.

If a restaurant has 6 or fewer speakers for broadcasting on radio or television or 4 or fewer televisions, my substitute amendment will exempt that restaurant no matter what size it is, no matter what size it is. That seems very reasonable.

But at the same time we provide balance. Besides making these changes that exempt a lot of restaurants, we provide balance in the compromise amendment to the song writers because we protect their property rights so they get something back from the larger restaurants. And we recognize they do not always have the big hit by giving them this protection.

By the way, my amendment would increase the exemptions by about 406 percent over what they are now. I think now there are very few that are exempted. But we also provide some balance in terms of the access to the courts and to the rate dispute settlement process that has been discussed. Right now there are problems in the fact that the rate commission that decides various disputes over whether this fee or that fee should be paid when a restaurant owes is set up in New York and everybody has to go to New York. That is expensive.

Granted, almost all the small restaurants are being exempted, but even the larger ones, we do not want them to have to go to New York. We do not want any other business to have to travel that far from home. So we set up a provision in the substitute amendment that the circuit seat of every one of the Federal judicial circuits, that is, 12 of them, where the Federal circuit courts sit, there will be a circuit rider from that rate commission travel out there periodically so rate disputes can be heard.

But we will have uniformity. We will not go to the arbitration in every local hometown that the Sensenbrenner amendment proposal would do.

The CHAIRMAN. The time of the gentleman from Florida (Mr. McCOLLUM) has expired.

(By unanimous consent, Mr. McCOLLUM was allowed to proceed for 1 additional minute.)

Mr. McCOLLUM. Mr. Chairman, so what I am trying to do in this substitute is fairly straightforward; it is to provide an opportunity for the Members to vote on as close as we can get it to where the dispute has been put in terms of compromised negotiations over all of these 5 years.

When it became ripe here in the last couple of weeks, we did not get this to closure. Frankly, the restaurants want more. Frankly, the song writers would like to have it more their way. But the reality is, this is truly a compromise that will provide my amendment, my substitute, provide relief for the truly smaller restaurants, 65, 70 percent of all restaurants in the United States never have to pay these licenses fees again; provide easy access to courts, to settling these disputes closely in the geographical area, and protect the property rights of the song writers so the song writers can still get some money, some income, since most of them do not have a whole lot, from the larger restaurants and the larger establishments. That is what it is all about.

I urge a vote for my substitute as the reasonable alternative and compromise.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, first of all, this McCollum amendment is no compromise. It was the last offer of the music-licensing monopolies, ASCAP and BMI, in the negotiations which broke off and has been rejected unanimously by all the organizations that support my amendment. The adoption of the McCollum amendment will not fix the problem with music licensing.

I would like to give a little comparison between the two. First, the McCollum amendment does not provide for local arbitration. Any business owner or proprietor that wishes to contest a rate demand by ASCAP and BMI still has to go to court and hire a lawyer.

Now, instead of having to go to New York, the McCollum amendment has the cases heard by a Special Master in each of the 12 circuits. That does not reduce the cost to a proprietor who wishes to contest something that he feels unreasonable. Going to San Francisco from Pocatello, Idaho, or to Atlanta from Kissimmee, Florida, or to Chicago from Superior, Wisconsin, is going to cost a lot of money and the meter ticks; and local arbitrations in the Sensenbrenner amendment will solve that.

Secondly, the McCollum amendment only covers certain restaurants and not other music users, whereas, my amendment is universal. Only bars and restaurants are covered by the McCollum amendment, not funeral homes, the dentist's office, florists, the Main Street appliance store. They still are subject to the same type of harassment by ASCAP and BMI that my amendment seeks to eliminate. So unless our funeral home or our dentist's office has got a restaurant or a bar license, then we do not get the exemption. So it is very narrowly targeted.

Third, the McCollum amendment is poorly targeted and would include parts of a restaurant where music is not played. For example, the 3,500 square feet contained in the McCollum amendment includes the bathroom, the broom closet, the refrigeration area, the storage area and the like, instead of the 3,500 square feet in my amendment, which is just where the music is played. If we want to pay a royalty fee or have to pay a royalty fee, we ought to pay a royalty fee where people can listen to the music rather than where there is no music.

The McCollum amendment also does not apply to all music licensing societies in its circuit rider provision. It only provides to ASCAP and BMI, which are the subject of the consent decrees that were entered many years ago. Bob Dylan is not a member of ASCAP and BMI, and if one of his tunes comes up on the radio or the TV, the McCollum amendment does not apply, and the restaurateur or the bar owner or the other retail proprietor is subject to the existing law. The Sensenbrenner amendment does not have that defect.

There is no freedom from vicarious liability in the McCollum amendment. So our city's convention center or a big hotel which is open for various types of exhibitions is on the hook because one of their tenants that they have leased space out to happens to turn on the TV when licensed music is played. The Sensenbrenner amendment gets rid of the vicarious liability, and that is a protection for hotels as well as for the municipalities that operate convention centers and the like.

The McCollum amendment circuit rider adjudication provision is only as good as the Department of Justice consent decrees. If the DOJ gets rid of the consent decrees, then everything goes back to New York City. And DOJ has done that on many complicated areas, the most prominent of which is the AT&T litigation consent decree.

The McCollum amendment only applies to a restaurant owner who does not own any other business besides his restaurant. So if the restaurant owner is into something else, the McCollum amendment does not apply. It would go back to the existing law which is so strongly objected to.

And finally, under the McCollum amendment, an appliance store dealer who sells radios and TVs would still have to pay royalties for music that comes across the TV when he turns them on to sell them. The Sensenbrenner amendment does not do that.

I think that the McCollum amendment is a sham. It is a fig leaf that really does not solve the problems that have caused this issue to come to the Congress. And finally, I would like to point out that there are those who say that passing the Sensenbrenner amendment is going to take away the income of poor, starving artists. If they believe ASCAP's figures, only 14 cents of their revenue on the dollar comes from fees from bars and restaurants. My amendment does not exempt live performances, big nightclubs——

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

(By unanimous consent, Mr. SENSENBRENNER was allowed to proceed for 1 additional minute.)

Mr. SENSENBRENNER. And establishments that play their own recorded music, their own CDs and tapes.

My guess is that the exemption that my amendment proposes might reduce ASCAP's and BMI's fees by as much as 5 cents on the dollar, but they will be able to pick that up with the 20-year term extension that is contained in the underlying bill.

Vote for balance, vote against McCollum and vote for Sensenbrenner.

Mr. DOGGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have done everything I could to stop the Sensenbrenner amendment except threaten to sing myself; and I would ask my colleagues to spare the House that kind of circumstance by supporting the amendment, the genuine compromise and moderate approach that the gentleman from Florida (Mr. McCOLLUM) has offered as a substitute to the Sensenbrenner amendment.

A lot was just said about it. But I think that the bottom line that most people in this House and across the country would want to know about is that if it is approved, if this McCollum music licensing amendment substitute is approved, 65 percent of all the eating and drinking establishments in this country will be exempt, their problems will be taken care of.

Already the national licensed beverage folks have agreed to something very, very similar, if not exact, to the amendment that the gentleman from Florida (Mr. McCOLLUM) is offering. The same amendment would exempt audio sound systems with fewer than 6 speakers and would exempt video systems with 2 television sets. So there is ample room for agreement.

I am troubled frankly by some of the provisions in this amendment. I would like to leave the system largely as it is at present. But I think that trying to achieve some balance is a realistic compromise, my colleague has come forward with a reasonable amendment.

We do need to focus, though, on what a failure to adopt his amendment is really all about. You see, there really is not any free lunch, we have all heard that, and if the restaurants across this country were to offer one free lunch after another, we know full well that they would go out of business because they have to earn a profit on their labor and on their services.

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The same thing is true with reference to those who offer something to our community through song writing and through their creative spirit. I believe that those same folks deserve to have their property protected just as much as the restaurant owner or any small business in this country.

I think one of the reasons we see some of our colleagues tending to put our songwriters in a different category is that we often think of them as the rich and famous. We think of famous artists like Willie Nelson and Jimmy

Dale Gilmore, we think of people coming star-studded in the limousines and the designer clothes to the Grammys and the other celebrations of music like our South by Southwest Music Festival down in Austin. But the truth of the matter is that most of our artists are out there working somewhere else and doing a little creative work on the side and these revenues which are only costing the restaurant or the small business that uses this work product about $1.58 a day, those revenues are vital to that creative spirit.

I think not only of the famous groups there in Austin, but one that is becoming a little more famous, the Austin Lounge Lizards. They have a hit called "Newt the Gingrich." If they want to play that over in the Republican Conference to add a little bit more tranquility and a little ambience, they would be permitted under the McCollum amendment to do that without having to pay any licensing fee. I think it would be worth $1.58 a day to them to do that. But in the spirit of compromise, they would be exempted from this. And struggling groups like that and the members of that band who will be up here I think later in the spring to play in Washington, they work full-time at other jobs.

We ought to recognize the creative genius that they bring, that they are not driving the limousines, they are in the cowboy boots and they are driving the pickup trucks down in our area, and that they have property rights that deserve to be protected, not stolen as would be accomplished by the Sensenbrenner amendment if it were adopted in full.

I quoted from this earlier, but I think it is important to note that even going right up to the Supreme Court of the United States, the importance of music and music rights has been recognized. It was Supreme Court Justice Oliver Wendell Holmes who said it is true that music is not the sole object but neither is the food. The object is a repast in surroundings that give a luxurious pleasure, not to be had from eating a silent meal.

If music did not pay, it would be given up. Whether it pays or not, the purpose of employing it is profit and that is enough. Indeed it is. It is a very real quantity. As Justice Holmes wrote in the language of an earlier era when this right was recognized, the songwriter contributes something to the restaurant or the small business or the convention that uses that songwriter's product, that is very real. It would not be used at all if the person using it did not think that it would bring more profit.

The CHAIRMAN pro tempore (Mr. GUTKNECHT) The time of the gentleman from Texas (Mr. DOGGETT) has expired.

(By unanimous consent, Mr. DOGGETT was allowed to proceed for 1 additional minute.)

Mr. DOGGETT. Mr. Chairman, I want to be wholly bipartisan, as the gentleman from Florida (Mr. SCARBOROUGH) and I have been on the party line, but I would just close in being truly bipartisan on the issue of music by making reference to a songwriter from outside of Austin, a fellow named Don McLean, who wrote "American Pie." The first verse goes like this:

A long, long, time ago
I can still remember how that music used to make me smile
And I knew if I'd had my chance
That I could make those people dance
And maybe they'd be happy for a while
But February made me shiver
With every paper I'd deliver
Bad news on the doorstep
I couldn't take one more step
I can't remember if I cried
When I read about his widowed bride
But something touched me deep inside
The day the music died.

What this amendment is all about is to ensure that the creative genius of our songwriters does not die, at least protected in part with the moderate, reasonable approach that the gentleman from Florida (Mr. MCCOLLUM) has advanced here today.

Mr. DREIER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the McCollum amendment. I would like to bring up the name of our very dear, departed colleague Sonny Bono. Sonny Bono was someone who got very involved in this issue. He felt very strongly about it. Sonny Bono had a very unique perspective on this issue. He was a restaurateur, and he was also a songwriter.

I believe that as we look at this issue, that Sonny would have supported what I do believe is a compromise. The gentleman from Wisconsin (Mr. SENSENBRENNER) indicated this is not a compromise, but as I have talked to lots of people on this issue, it seems to me that this is in fact a compromise. Obviously not everyone agrees to it, but it is a compromise.

What does it do? It actually increases, as the gentleman from Texas said, the number of exemptions by 400 percent, to 65 percent of those restaurants that actually will be exempt. That is information that was provided to us by the Congressional Research Service.

There is another issue here that is rather troubling to me, and that is as we deal in this global economy today, which obviously is getting smaller and smaller and smaller as we have found from the trip of the President to Africa who was there touting the agreement which we just passed in this House last week on expanding new trade opportunities with sub-Saharan Africa, it seems to me that as we look at that very important issue which we as Americans continue to argue in behalf of, that being intellectual property, the fact that when an individual has an idea, a concept, that person should be remunerated for that. If we were to pass the Sensenbrenner amendment, it would send, I believe, a terrible signal to our global trading partners that we as a nation are not going to be there on the front line arguing in behalf of intellectual property.

Mr. Chairman, I am strongly supporting the McCollum amendment. Frankly, I do not think it is the very best measure but I am in support of it as a compromise. It is a compromise that many of our friends in the entertainment industry seem to be accepting.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, as the gentleman knows, as part of that compromise, we have actually increased from what the gentleman from Wisconsin (Mr. SENSENBRENNER) is offering the exemption for up to four TV sets instead of two in a restaurant which actually is very sizable. We have doubled the number. That was something that, quite frankly, the music industry really did not want us to do. We have tried to go out. That is beyond the discussion point where this was a couple of weeks ago. There has been a big effort at that.

Also, the gentleman from Wisconsin has taken away some liability that the owner of a space that might be renting it has whenever they might be improperly showing, say, Titanic or something, so you do not any longer get a fee. It is kind of clever, the owner who might know about this.

Last but not least, he has come along also and done some other things that are kind of in the grass back there. He has managed to come to the position of saying even the music channel like Muzak, even if you play that, and that is what you are playing from a transmission other than radio and TV, which is all that we were discussing before we got to today in these debates between restaurants and music writers.

Mr. DREIER. If I could reclaim my time, I would say maybe the gentleman went even further than I might have in this negotiating process. I will nevertheless continue to support the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, on this question about whether or not this is a compromise, and the gentleman has mentioned our late colleague Sonny Bono who worked so hard for this, he frankly thought this went much too far. He wrote a letter to the Registrar of Copyrights expressing his opposition to the notion of giving away on the square footage that he felt it might undermine our international negotiating process.

I say that simply for those who would deny that this is a genuine compromise. There were people who were strong supporters of the original bill who thought it went too far.

Mr. Chairman, I am supportive of it because I think it is a reasonable approach, but I do want to validate the point he made. This is a genuine compromise. Mr. Bono in fact thought it had gone too far.

Mr. DREIER. Mr. Chairman, I thank the gentleman for his contribution on that. I would simply say that the only argument that we will be able to use with our international trading partners is the fact that we have been able to come to a compromise with those who do in fact hold that intellectual property here.

I urge strong support of the McCollum amendment as a compromise. I hope very much that we will finally be able to put to rest this battle which has been going on for literally years and recognize the very important rights of talent that exists in this country.

Also in closing, I see our former colleague Carlos Moorhead has just come into the Chamber. He deserves a great deal of respect for his work on this copyright legislation, which he has pursued for a long period of time. Resolving this whole overall bill, it will be a great day for this institution.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, much has been made about the ability of the performing rights societies, principally ASCAP and BMI, to drive a hard bargain. They have been described as monopolies. I would just simply quote a great South Boston philosopher, Paddy McPhagan, who clearly would say in these circumstances, "Give me a break." These organizations are not monopolies. They are trade associations, collective bargaining units, if you will, which enable authors and composers to negotiate contractual terms that are fair and are equitable. It is absurd to suggest that the thousands of songwriters who belong to these trade associations could ever negotiate a contract on their own.

I understand why the restaurant association would want to focus on the market power of ASCAP and BMI, but I think it is important to remember what this issue is really about. It is about the people that are part of these trade associations, the songwriters who create American music. They are mostly people whose songs we all know by heart but whose names none of us, or most of us, would not even recognize. As Mac Davis testified at our hearing, the people who write the songs are the low men on the totem pole, the tiny names in fine print and parentheses under that star's name on the label, the last guys to get credit and the last guys to get paid. They are the ones who create the music that fuels an industry that pours millions of dollars into our economy and generates millions upon millions of dollars in taxes. Yet the songwriters get the smallest piece of the pie, pennies, if you will.

Mac Davis is one of the lucky ones. He is a renowned songwriter. His musical gifts have been recognized and he has done extremely well. But most songwriters write hundreds of songs over the course of a long career before they achieve financial success, if they ever do. George David Weiss, who is the current President of the Songwriters Guild and one of America's truly great songwriters, commissioned a study that established that 10 percent of his colleagues are able to earn a living writing songs. He quoted a study that was done in 1980 and I am quoting now.

> Song writing is an occupation which has a high degree of risk, a high degree of failure, a low chance of success and in general miserly rewards.

Like all true artists, they do what they do because they love it. When it comes to being compensated for their labors, they are willing to accept the verdict of the marketplace. But what they cannot accept is having their work stolen from them, and that is what the Sensenbrenner amendment would do. I urge my colleagues to vote for the McCollum amendment.

Mr. TALENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard a number of different artistic products quoted this afternoon. I think that is probably appropriate in this context. I remember when I was growing up I was a big fan of the show All In The Family. I remember one time somebody said to Archie Bunker, who was of course the lead character in that show, to those old enough to remember, they said, "The times they are a-changing, Arch," quoting a Bob Dylan song. He said, "Yeah, and every time they do they turn around and kick me in the rear end."

That is how I think the small businesses of this country continually feel. They are ganged up on by big government, by big business, by monopolies, whether you call them trade societies or artistic units or whatever, by the big people who come in and nick them for a little money here and there and under circumstances where even if they tentatively or theoretically have some rights under the law, they cannot do anything about it.

The politicians always say, "Yeah, small businesspeople, we love you. You're the backbone of our economy, the backbone of our communities." Now we get a chance to do something to help these people, to vindicate their efforts, to vindicate their efforts to achieve the American dream, and we have difficulty doing it.

Let us talk about what the real-world situation is here. It is a dentist or somebody who runs a funeral home or somebody who runs a small restaurant. They have some speakers in the background and they carry a local radio broadcast. Somebody comes in from BMI or ASCAP and has a beer or sits there in the waiting room and listens for a little while and writes down some songs and then asks to see the manager and says, "You're playing music that we've licensed. You owe us a hundred dollars a month. Here's the contract. Sign it. If you don't think you owe us or if you don't think you owe us that much, you can do something about it. You can go to the Southern District of New York and file suit in Federal court and try and vindicate your rights under the law."

□ 1230

And they know and we know and everybody knows that is not going to happen. That is what the Sensenbrenner amendment is designed to fix. We have been trying to fix it for years. Even the supporters of the McCollum amendment admit we need to fix something here, we need to do something about the situation.

Now the reason I support SENSENBRENNER and not MCCOLLUM comes down to a couple of things, a couple of the biggest things. First is, the McCollum amendment does not cover everybody who is in the situation, only covers some restaurants. How many? Sixty-five, 70, 55; I do not know if it does not cover all of them, and it does not cover the funeral homes or the florists or the dentists' shops, so this will not be the end of it if we pass Sensenbrenner. They will be coming back because they are manifestly being treated in an unjust fashion where they cannot vindicate their rights under the law.

And the other problem with the McCollum substitute is that it requires these small businesspeople to go to circuit court in the seat of where? In the city where the circuit court is headquartered. Might as well be the Southern District of New York or Honolulu or Russia or the Moon. If one lives in North Dakota or South Dakota they cannot go to St. Louis, where the Eighth Circuit Court of Appeals is located, and try and vindicate their rights to be only charged $80 a month like the guy next door instead of $100 a month. And again, we all know that. It will not make any difference. We will be right back where we started from if we pass McCollum instead of the Sensenbrenner amendment.

Mr. Chairman, there is a lot of interest at stake here. That is why these things are hard, and that is why Members honestly feel differently about these kinds of issues, because we have a conflict of interest. It is important to protect the intellectual property rights, as my friend from California talked about, people who write songs, and protect them not just here but all over the world. We need to protect them in sub-Saharan Africa as well. But there is another interest, the interests of these small businesspeople who stake everything on their investments in their small business, for whom that is their life. They are interested in being treated fairly. That is important too, and we ought to recognize that.

I agree there is no such thing as a free lunch, and we have all learned that in a lot of different endeavors and a lot of different circumstances. But how many times does one have to pay for lunch? Go to a restaurant, pay for it once. Every situation where a small business owner is playing radio music, that license has been paid for at least once by the radio operator, sometimes twice, three or four times if it is a TV broadcast.

Let us deal with this issue. Let us admit what we all know. Incidental use of this music by people who are not charging admission, who do not have a jukebox, who do not have a CD player, they are too small on the chain for us to go out and get them in a way that is fair and a way that is appropriate and a way that allows them to vindicate their rights when they feel they have been treated unfairly.

We can solve this issue and solve it now. Let us pass the Sensenbrenner amendment. Let us be fair to the small businesspeople.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield for a moment?

Mr. TALENT. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I have great respect for the gentleman, and I have followed him on a lot of issues in our committee and on the floor.

Mr. TALENT. Reclaiming my time, so far the gentleman is fine.

Mr. SCARBOROUGH. But I am going to ask a question or two that the gentleman may not be fine with.

Mr. Chairman, the gentleman has said that we need to do something, we need to protect the property rights of these people.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The time of the gentleman from Missouri (Mr. TALENT) has expired.

(By unanimous consent, Mr. TALENT was allowed to proceed for 1 additional minute.)

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, the gentleman from Missouri said something needs to be done, he said that the property rights need to be protected, he said that they need to do something, and yet he was talking about endorsing an amendment that is a black-and-white, an all-or-nothing approach where absolutely nothing is done. Their property rights will be absolutely eviscerated.

So my question to the gentleman is, as somebody who I have seen for 3 or 4 years respect property rights, where do we go from here? If my colleague supports an amendment that will destroy all property rights then what does the gentleman propose we do next?

Mr. TALENT. Mr. Chairman, reclaiming my time, of course the gentleman knows I am not supporting an amendment that destroys all property rights, and the gentleman is setting up a premise that is a false premise.

The copyright is vindicated in every case because it is paid for at least once, sometimes it is paid for twice, sometimes it is paid for three times. And now if the gentleman will indulge me, let me ask him a question: Does he expect a tavern owner or a dentist who lives in Fargo or who lives in Nebraska to be able to come to St. Louis to vindicate his right maybe to pay 20 or 30 or $40 less? Why is the gentleman afraid of an arbitration procedure, which is what we have in the Sensenbrenner amendment?

The CHAIRMAN pro tempore. The time of the gentleman from Missouri (Mr. TALENT) has expired.

(By unanimous consent, Mr. TALENT was allowed to proceed for 30 additional seconds.)

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I am not afraid of an arbitration process, and I like the McCollum idea that we are actually taking it out of New York and moving it across the country. What I fear is that the gentleman is setting up an arbitration system that has absolutely no supervision from any court above it. The gentleman is going to be talking about the wild, wild West where somebody in Fargo could make a decision that has absolutely nothing to do with the rate system that happens in Atlanta, Georgia or California. We would not do that with our Federal court system; why would we do it with this?

Mr. TALENT. Reclaiming my time, Mr. Chairman, a local arbitration procedure with a neutral expert master at arbitration is the only way to permit these issues to be heard and give everybody a chance to have their rights vindicated.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the legislation, in strong support of the McCollum amendment, and in opposition to the Sensenbrenner amendment.

This amendment is nothing short, referring to the Sensenbrenner amendment, of a taking. I have heard a lot about taking. This is about taking, whether to or not to. It would force songwriters to provide their music for free to restaurants and others.

My colleagues, Stephen Foster died a pauper. Why did Stephen Foster die a pauper? Because the product he created was not popular, was not wanted, was not used? No. Because Stephen Foster put his product on the table, it was eaten, if my colleagues will, listened to, more appropriately, but not paid for. And so Stephen Foster, one of the great songwriters of America, and indeed the world, died a pauper because the world enjoyed his music but did not compensate him for his music.

The McCollum amendment tries in a reasonable way to get at what is a problem that is by some perceived as cataclysmic and by others perceived as procedural. It is a reasonable alternative. It is one that I will support. But if it does not pass, I will as strongly as I know how oppose this legislation, even though I believe its underlying 20-year extension of the copyright protecting one's property is appropriate.

Mr. Chairman, I would hope that my colleagues who in fact have some property that we put in the public sphere, not expecting remuneration, at least not in money, the remuneration we expect is votes when we put our property, our ideas, our thoughts, our opinions in the public wheel. But when a songwriter sits down to create art, that songwriter does so for their own personal enjoyment, but they also do so with the expectation that if someone wants to use their product, they will do in a capitalistic society what we expect, and that is to compensate them fairly for that.

The previous speaker spoke about the problem with small business. Government does not require a small business in America to turn on the radio in their place of business or to turn on the television in their place of business, not one. They do so because they think to some degree it enhances the ambiance of their establishment, and I agree with them. And if they thought curtains did or tablecloths did or pretty windows did, they would have to pay for all of those increases to the ambiance of their establishment.

I have a lot of restaurants in my district and in my State. I understand some of them are concerned, and I believe that the McCollum amendment tries to reach out to them and say yes, we understand there is a problem, let us try to solve it and let us try to solve it where there is a meeting of the minds. And in fact, I understand there was a meeting of the minds until one party thought perhaps they could win without agreement. I do not know that; I have heard that.

But let us, as we vote on the Sensenbrenner amendment, remember Stephen Foster, remember that Stephen

Foster gave us so much, this Nation and this world, enriched our lives, enriched our culture, enriched our enjoyment, and let us not say to the Stephen Fosters of the world what they do is not worth us compensating them for it.

I would hope that we would defeat the Sensenbrenner amendment, pass the McCollum amendment, and pass the bill.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to take the full 5 minutes, but I do want to say that I support the McCollum amendment. I have great respect and admiration for Mr. SENSENBRENNER who has worked long and hard on this issue, and admirably so. It is regrettable that over 3 years of discussions have not resulted in a negotiated settlement. This is something that should have been agreed to and negotiated, but I guess it was not meant to be. But the McCollum-Conyers substitute, it seems to me, is a reasonable and balanced alternative to the issue of music licensing, and of some importance is the Congressional Research Service finding that the McCollum substitute will exempt over 60 percent of all restaurants in the United States from paying music licensing fees to songwriters for music played over radio and television to their customers.

This is small business week on the floor of the House. We are considering important legislation to help preserve the strength of the most important sector of our economy which employs more Americans than any other, and the amendment of the gentleman from Wisconsin includes an exemption for large chains and corporations who are able to pay their fair share of licensing fees to songwriters, many of whom I might also mention, are small businesses themselves; I am speaking of the song writers.

The McCollum substitute concentrates on true small businesses, those restaurants and bars under 3,500 gross square feet. That constitutes over 60 percent of the restaurants in America. The substitute also exempts restaurants larger than 3,500 gross square feet as long as radio and television music is not played over too many speakers. This will protect larger restaurants that only play radio and television music in bar areas.

There is much more to be said, and I will put that in the statement that will appear in the RECORD, but if this could not be resolved, could not be negotiated, then I prefer the solution proposed by the gentleman from Florida (Mr. McCOLLUM).

Mr. Chairman, I rise in support of the McCollum/Conyers substitute to the Sensenbrenner amendment to H.R. 2589, the "Copyright Term Extension Act," and urge the House to support the substitute.

I believe the McCollum/Conyers substitute presents Members with a reasonable and balanced alternative on the issue of music licensing. According to the Congressional Research Service, the McCollum/Conyers substitute will exempt over 60% of all restaurants in the United States from paying music licensing fees to songwriters for music played over radio and television to their customers in order to enhance their businesses.

This is "Small Business Week" on the floor of the House. We are considering important legislation that will help to preserve the strength of a sector of our economy which employs more Americans than any other. The Sensenbrenner Amendment includes an exemption for large chains and corporations who are able to pay their fair share of licensing fees to songwriters, many of whom, I might also mention, are small businesses themselves. The McCollum/Conyers substitute concentrates on true small businesses—those restaurants under 3,500 gross square feet. That constitutes over 60% of the restaurants in America. The substitute also exempts restaurants larger than 3500 gross square feet as long as radio and television music is not played over too many speakers. This will protect larger restaurants that only play radio and television music in bar areas.

In addition to including large chains and corporations, the Sensenbrenner exemption also includes within its scope music that comes from sources other than radio and television. Surely, we do not want to prevent songwriters from getting just compensation for property that has not already been broadcast publicly for private enjoyment.

As you know, negotiations on this issue have been ongoing in the Judiciary Committees of both the House and the Senate for almost 3 years now. One of the problems that Mr. SENSENBRENNER rightly attempts to correct is the fact that small business owners have to travel to New York City if they have a dispute about the rate they are being charged to play music in their establishment. This is unfair and needs to be rectified. The Sensenbrenner Amendment goes too far the other way, however, by being just as unfair to the three performing rights organizations by forcing them to arbitrate in any town in America. The McCollum/Conyers substitute is a compromise that will allow litigants to dispute rates in 12 places around the country where the seats of our U.S. Courts of Appeals are located.

I also want to mention the relevance of our international obligations. Under the Trade-Related Aspects of Intellectual Property Agreement, and the Berne Convention, the United States may also restrict copyright to a point where it does not affect an author's ability to own his or her work. I believe, along with the United States Trade representative and the Secretary of Commerce, that the Sensenbrenner Amendment may violate these treaties which are the law of our land. We cannot allow ourselves to be unsuccessful defendants under the dispute mechanism of the World Trade organization on this issue which may lead to retaliation in areas other than intellectual property such as agriculture or resources.

The United States makes more money internationally from intellectual property than from almost any other sector of our economy. It is one of our most prized trade surpluses. We must be cautious and balanced in affecting our ability to persuade other nations to protect U.S. intellectual property. It is difficult to force others to live up to intellectual property agreements if we do not live up to them ourselves.

Let us not forget that this is about taking someone's property. The Constitution makes it clear that Congress has a duty to encourage creativity by allowing for just compensation. I believe that the McCollum/Conyers Amendment carries out that purpose while meeting our international obligations and protecting small businesses who cannot afford licensing fees or travel to New York to dispute an unfair rate. The Sensenbrenner Amendment violates that incentive, our international obligations, and reaches beyond the constituency it purports to protect.

I urge my colleagues to vote for the McCollum/Conyers substitute to the Sensenbrenner Amendment.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an issue raised by the gentleman from Wisconsin (Mr. SENSENBRENNER)—let me indicate initially that I rise in strong support of the McCollum substitute and very strong opposition to the Sensenbrenner amendment—and it has been an issue that has been around the Committee on the Judiciary for a very, very long time. And it came to us initially as stories of a series of abuses, real or perceived, reported by owners particularly of restaurants and bars about things they were required to do. One, they could not get access to repertoire. The McCollum amendment provides that, which I think in practice is now already being provided. It makes it very clear in its provisions that every performing rights organization will have to list every piece of music with every writer on the Internet, with access to the general public, to the owners and proprietors of the store.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield on that point?

Mr. BERMAN. Yes, I yield to the gentleman from Florida.

□ 1245

Mr. McCOLLUM. Mr. Chairman, I think that is really important because you have two different organizations. Sometimes smaller restaurants do not want to have to pay a fee to two different outfits. So they have the list. They do not have to pay the fee to two different outfits. They can just play the music of the group that that organization publishes. The gentleman from California's point is really well made.

Mr. BERMAN. But this was central to the complaints that has initiated the whole fight that has been going on for, I think, 8, 10 years in the Committee on the Judiciary.

Secondly, it was always put in the context of the small restaurant or the small bar. I never thought that I would see the day when I would be coming forward to support an amendment that would exempt establishments of 3,500 square feet or under from paying any single fee to a performing rights organization for the use of their music.

The gentleman from Missouri (Mr. TALENT) made an eloquent statement. But when you examine some of his points, he said I do not want a free lunch for anyone. But this is a free lunch. He said the music has already been paid for, not by the people who are using it, by the stations that have decided to broadcast it. He is now creating a new public performance of that music.

If it is just incidental, which is the way the gentleman from Missouri put it, if it is just incidental to the main purpose of their business, then if they do not want to pay the small amount annually they paid in order to use that music, they turn the radio off. It is very, very simple. It is incidental by its own terms. If it is incidental, it is essential.

I would suggest the music is used as part of creating an atmosphere which encourages customers to come and patronize that restaurant, and I would suggest it is appropriate to ask them to pay for that just as much as they would pay for any other aspect of it.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I have a copy of the McCollum amendment that appears at page H-1448 of yesterday's RECORD, and I do not see any provision guaranteeing consumers access to repertoire anywhere in the McCollum amendment. Perhaps I am in error, and the gentleman from California can enlighten me.

Mr. BERMAN. Does the gentleman want to take this one at a time?

Mr. SENSENBRENNER. The second thing is, what we are talking about here is TV and the radio. And how is the proprietor of the retail establishment to know what song is going to go on next so he can look up whether this is licensed by ASCAP or BMI? There is no way he can do it.

Mr. BERMAN. Mr. Chairman, I was not saying the gentleman is simply an agent of the restaurant and bars. He used to catalog a series of things he felt were wrong with the way music was paid for, and that it was very difficult for people who had to pay for music to find out just which of the performing rights organizations had the music, and that was part of his whole series of criticisms.

Mr. Chairman, I yield to the gentleman from Florida (Mr. MCCOLLUM) to answer the gentleman from Wisconsin's initial question.

Mr. MCCOLLUM. Mr. Chairman, the fact is that, technically, the gentleman from Wisconsin is right. There is nothing in my bill about the repertoire because it is already on-line. The point I think the gentleman from California (Mr. BERMAN) is making, which I was trying to amplify, is the fact that that was the reason why the people came from the restaurants to originally complain that started the whole history of this, is they could not get and figure this out. Now they can.

The BMI, ASCAP, those associations of songwriters have gone and put it online so people do not have that complaint anymore. That is the basic reason. It does not need to be in the bill.

Mr. BERMAN. Mr. Chairman, I think I should then also correct myself. The version of the amendment that I read yesterday on the airplane had some very specific provisions. Apparently they are not in here now.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield for one second?

Mr. BERMAN. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, just to address the second point, you do not have to call the radio stations now, and he knows that. You do not have to call the radio stations now anymore. There is now digital servers.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The time of the gentleman from California (Mr. BERMAN) has expired.

(By unanimous consent, Mr. BERMAN was allowed to proceed for 3 additional minutes.)

Mr. SCARBOROUGH. If the gentleman will continue to yield, if you want to hear the Beatles 24 hours a day, if you want to hear jazz all day, you can hear jazz all day through these digital servers. That is one of the really dangerous things about this bill is it expands beyond radio and TV and goes into this vast new universe that they know is coming down the road.

Mr. BERMAN. Mr. Chairman, does the gentleman from Florida mean the bill or the Sensenbrenner amendment?

Mr. SCARBOROUGH. I am sorry, the Sensenbrenner amendment. But these servers will also be able to provide the restaurant owners in the future services that will allow them just to pipe in music by BMI or just to pipe in music by ASCAP. And that technology is available today and certainly will be used, I predict, in the next few years to make it easy for restaurant owners to do that.

So it is a very easy thing to do. It is very doable. You do not have to call your local radio station to see what the play list is. And I suspect that most of the people that were behind this amendment know that already.

Mr. BERMAN. Mr. Chairman, continuing, there was one point, though, that I have not heard discussed so far. The Sensenbrenner amendment simply is not an amendment that exempts some restaurants and bars. It exempts all retail establishments.

But it does a number of other things. It fundamentally changes the whole concept of vicarious and contributory infringement of copyright. It contains a provision which, if applied, would affect the situation like this. I own a number of theaters. I lease those theaters to people who are showing unauthorized pirated works. And I am exempt from any liability and charging money for patronizing those particular works.

They exempt from any liability the owner of the property that is leased, thereby eliminating any incentive that that landlord has when he leases his studios or facilities to put in provisions to ensure that the lessee does not engage in infringing conduct, does not go out and do public performances without paying the people who wrote the music.

That is a huge and gaping loophole which will lead to a great deal of improper activity that could easily be deterred if you just simply retain existing concepts of contributory and vicarious liability.

I think that is another huge weakness in the amendment of the gentleman from Wisconsin. The McCollum amendment undoes the effect of that amendment, and, therefore, it should be supported.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a cosponsor of H.R. 789, the Fairness in Music Licensing Act, which has bipartisan support of over 157 Members of Congress. While I wish that it were what he was offering today on the floor, I believe this compromised amendment by Mr. SENSENBRENNER is fair and balanced.

The Sensenbrenner amendment is balanced because it does several key things. One, it levels the playing field for businesses that use music. These business owners will now have a way to settle their disputes with music licensing societies without having to go to rate court in New York City. We have heard about different options under this but that is an important change.

Two, it will allow businesses of a certain size, 3,500 square feet or less where the speakers are located, and that is important, because it isn't just a question of where the diners are sitting, it is a question of your storage, your kitchens, and receiving areas as well are located to be exempt from copyright royalties when they play TVs and radios, which is important to remember it is TV and radio music. If a business is over 3,500 square feet, it may be exempt if it plays only two TVs and has no more than six speakers.

The Sensenbrenner amendment is fair because it does not change the law with respect to other kinds of music that a business may use. For example, a restaurant that has live music or plays CDs will not be covered by this

Sensenbrenner exemption. These restaurants will still have to pay copyright royalties.

Two, it does not change the law with respect to penalties. If a business is found to be violating copyright law, the penalty is a severe $20,000 per violation. That is, a business caught stealing copyrighted music is still liable under the Sensenbrenner amendment.

I wanted to add a couple of comments based on some of the debate here. We are kind of getting lost here, whether Stephen Foster would have died a pauper, which I find quite a stretch into this debate. This is really about individuals who go to eat at restaurants.

There is a mythology that businesses pay taxes. Businesses are pass-through agents. What we are really talking about is whether we are going to increase the cost of eating out for diners, or whether diners are going to have less ambience, so to speak, or any music in the background at all.

What we are forgetting here in a debate between different financial interests are the actual consumers of America. Are we in Congress going to, in effect, pass a food and beverage tax increase in this Congress? Are we going to have little music police going around to try to see how restaurants are enforcing that? Because that is the net that will happen.

Either we will have the sounds of silence, perhaps some restaurants will broadcast sounds of silence brought to you by your local congressmen, if this passes. Are we going to have the sounds of silence here in the restaurants, or are we going to have higher food prices?

That is really what we are debating here today. We are not debating starving artists versus starving restaurant owners. We are debating what is going to happen to consumers in the restaurant business.

It kind of frustrates me in this debate. It is not a matter of just the rich and famous as we hear these things are put together, but, rather, rich and famous on other sides who are trying to, in effect, hit the consumers at restaurants.

We have also heard that, in fact, restaurant owners could try to figure out which licensing company is doing this by going to digital. My friend, the gentleman from Florida (Mr. SCARBOROUGH) made that point.

I am sitting here as a small business owner myself thinking this is not possible. I mean, in effect, businesses will decide probably not to offer the music or, in fact, they have not only the licensing fee cost, but the cost of the people that try to track that licensing fee.

So we really are talking a significant potential increase, not just a marginal increase in the cost of doing business. Restaurant owners are already hammered by our Congress in minimum wage increases, in marginal inspection type increases.

As we have more and more two-parent working families, more and more people are eating out. This is really a question of the financial pressures we are going to put on families just because of radio and TV broadcast, which, in fact, already are going through a process of paying for these fees. And it is a secondary market.

One other comment I wanted to make as far as Congress itself. We constantly have this cuteness. I think it would be very interesting for somebody in the media to go through Members of Congress' records. When constituents call in, many Senators and House Members put them on hold, and there is music there.

I would be very interested to see whether, in fact, the copyright laws are being violated by the Members who have stood up here and said the restaurant owners should pay. Are they paying the starving artists in their offices because they are part of a branch of an institution that has 535 offices in it? Are they paying the fees to the starving artists if they have music going over their system from a radio station? I really question whether that is being done in many cases.

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

Mr. SOUDER. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I am glad the gentleman from Indiana brought up these points. I thought I would come on down as a person who was in the restaurant business or used to be in the restaurant business before I came to this body.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana (Mr. SOUDER) has expired.

(By unanimous consent, Mr. SOUDER was allowed to proceed for 3 additional minutes.)

Mr. CALVERT. If the gentleman will continue to yield, I have heard some discussion about 60 percent of the restaurants would be exempt on the 3,500 square foot gross. Now, I know from my experience in the restaurant industry, many restaurants today are fast food establishments, and if you are adding that restaurant to the component, which I believe it is, I suspect that the number of dining restaurants, sit-down establishments is much lower than the number that is being thrown out here today.

I point out another subject. When I was in the restaurant business, I paid ASCAP and BMI fees because I had live entertainment, and I used to tape music. So if I used FM radio on the interim, it would not have raised my BMI or ASCAP fees at all.

But those restaurants that just have FM radio, public access, and television, which are very few, by the way, it seems to me the only reason that we pursue the Sensenbrenner amendment and not the McCollum amendment.

From my perspective, real estate companies who have background music, or you mentioned dentists' offices, moving around to pursue collecting fees from these businesses is, I think, poor business on their part, but certainly intrusive to all small business.

I would encourage everyone here to vote against the McCollum amendment and vote for Sensenbrenner.

Mr. SOUDER. Mr. Chairman, reclaiming my time, I would hope that there is an understanding in general when it is background music and not primarily, something that is the primary business of the company that is playing the music.

But there is an understanding that this helps promote, to some degree, the music involved with the individuals, and they are not going to be helped by restaurants going silent. They are not going to be helped by higher prices in restaurants either. That is really what I have a question about in this Republican controlled Congress. Are we, in effect, going to pass another backdoor tax increase?

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to begin, I want to answer the question posed by the gentleman from Indiana about whether Members of Congress who play music when people are on hold are paying ASCAP.

My understanding of this bill is that you incur that obligation if you are charging people, that is, if you are selling them a meal. So I assume those Members who have charged people to call them would owe ASCAP money. So if you have a separate line for contributors, then you better talk to ASCAP.

For those of us who do not charge our constituents to call us, I think we are probably not in this situation. Although I do not play music on my phone, I do not sing or dance for my constituents, I have more mundane services I try to perform for them.

But I would say to the gentleman, if you are charging people to call you, then you better be in touch with BMI and ASCAP.

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Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Indiana. A microphone will probably help. The gentleman will not be charged for using it.

Mr. SOUDER. Mr. Chairman, my understanding is that it is a violation of Federal copyright law if one is not paying a licensing fee, whether or not it is for profit.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, if the gentleman is simply playing it in his office.

Let me put it this way to the gentleman. There is a commercial nexus here. No, not every time one turns on the radio and someone else listens does one have to pay the fee. If one turns on the radio in one's office and people wander in to talk, one does not owe them a thing, and that is the point that some of the opponents I think are missing here.

This is a charge for people who are charging the public to come in. Owners of businesses are not irrational, they do not do things randomly, at least not as a whole. When the owner of a restaurant plays music, he or she does it to enhance the attractiveness of the restaurant; it is part of the package of things that bring people in. And what we are saying is, yes, if you are going to use other people's work product to enhance the attractiveness of your commercial establishment, you should pay them something.

I was surprised to hear this referred to as a tax. I thought a tax was when one collected the money for the government. I do not think enforcing an obligation that one private owner owes another is a tax. People play the music in the restaurants or elsewhere because it brings in more customers. If not, there would not be a problem.

People say, well, it would cost more for the consumer. That is true. And if one could get one's food for free, it would be cheaper for the consumer. If one could get people to work for free, that would be cheaper for the consumer.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, there is a misperception with what the gentleman said, and knowing the gentleman, I know that he did not intend to make this mistaken statement, but he is talking about, it is going to be a new back-door tax increase, it is going to be a new expense. The gentleman was talking about a new expense.

It is not a new expense. It is existing, it is already there. In fact, even this compromise language subtracts how much restaurants would have to pay a hundredfold.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I think the gentleman is correct. We are talking about enforcing the existing obligation, and I guess if we agreed with the gentleman, we would have to assume that if the amendment of the gentleman from Wisconsin would pass, restaurant prices would drop, because suddenly they would not owe as much.

I do not think anyone in this building believes that.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I guess if the gentleman from Wisconsin had offered an amendment saying that everyone who owns a restaurant gets to deduct 50 percent of their lease price, the gentleman from Indiana would say, in a Republican-controlled Congress, we have to support that amendment; otherwise, we will have an unnecessary tax increase on the patrons of that restaurant.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, I think the gentleman is right. We are talking about an existing obligation.

But I want to talk about what it is all about. What we are saying is, if one earns money in part by playing music, then one should share some of that with the people whose music one is playing. There was reference to the fact that well, it might be played on one television on the local station and the network will charge in the long term; yes, because they want to make money off of it. Yes, the network makes money off the program, they sell advertising, and then the local people do it. This notion that there should only be one source of revenue for each program does not comport with reality.

This is the principle: If one is enhancing one's own money-making ability, which is a good thing, by playing music and increasing the attractiveness of one's place, one owes some small percentage. The gentleman calculated that it would only be about 5 percent of income.

Well, I do not think any of us think a 5-percent reduction in income is a minor or trivial matter. If we were talking about .005, maybe we would be in that category, but a 5-percent reduction in one's income seems to me a significant factor, and we ought not to be doing it.

I want to stress one other very important point here which will cause problems if we adopt the amendment of the gentleman from Wisconsin. We spend a lot of time, overwhelmingly supported in this Congress, in trying to enforce American intellectual property rights overseas.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 3 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, as was pointed out by the gentleman from Florida, the amendment of the gentleman from Wisconsin, unlike that of the gentleman from Florida, abolishes the doctrines of vicarious and contributory liability here.

What that means is that if one is not the one who is actually playing the music, even if one is facilitating that in various ways through one's economic arrangements with them, we cannot go after them and they may have deep pockets.

Here is the problem. If the United States Congress, in this, so substantially diminishes this notion of contributory and vicarious liability and exempts people who are making money by playing other people's music, or maybe showing other people's movies, or in other ways using other people's products, if we exempt them in some ways, we drive a hole in our efforts to enforce American intellectual property rights overseas that is enormous.

Think what the People's Republic of China could do with the amendment of the gentleman from Wisconsin. All they would have to do is say, okay, we are going to take these principles that the American Congress has adopted; there will be no vicarious and contributory liability. If you catch the individual, that is fine; otherwise, no, there is no liability. And if it is only incidental to some other use, there is going to be no liability.

We severely threaten our ability to protect one of the major sources internationally by which America profits, and that is intellectual property.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding. Let us follow that a little further.

If a company in Russia proliferates missile technology in Iran, we are not going to make the Russian Government responsible. They did not make the decision, it was just some company in Russia. It undermines every aspect of enforcement here when we eliminate the major inducement to do something to ensure the law is not violated.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, let me stress that because the doctrines of contributory and vicarious liability are not obscure, what they say is, if one has rented the premises to people, and as I read the amendment, even if one has rented the premises and one knows what they are using them for and one knows there is this symptomatic effort to violate other people's rights, one is not at all liable.

I ask Members to think what the People's Republic of China and other notorious abusers of intellectual property rights could do with these principles, and I guarantee the Members that if we enact these into law here in the United States House of Representatives, efforts by the United States Trade Representative or any others to enforce intellectual property overseas goes down the drain.

We are talking about movies. We are talking about books. We are talking about music. We are talking about a number of very important efforts. I do not think that this is an enormous burden.

By the way, we have heard from restaurant owners. People have said, well, it is a problem for appliance owners, this one, that one, convention centers. Nobody has heard from the convention centers of America complaining about this.

What this amendment does, the underlying amendment of the gentleman from Wisconsin is to make it very, very difficult for us internationally to defend our intellectual property rights. The gentleman from Florida has responded sensibly to the complaints of restaurant owners. He exempts most restaurant owners. He says, if one is a larger restaurant and playing this music enhances one's ability to make money, one will share a little with those who created it. That is a reasonable approach.

Mr. COBLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, about 8 or 9 months ago, 4 or 5 of us from the Subcommittee on Courts and Intellectual Property were chatting one night, and in the group was the late Sonny Bono. One of the Members, I do not recall his identity, but one of the Members said to Sonny, Bono, you are a restaurateur, you are a song writer. Who do you support on this issue?

Sonny said, can we not support both? He said, must I reject one in favor of the other?

And I said to him, amen, Sonny.

The gentleman from Florida (Mr. MCCOLLUM) has crafted such a compromise, a compromise I am told that the song writers and the restaurateurs, neither of whom is completely ecstatic, but both of whom can live with.

I have said before, Mr. Chairman, I am a friend of restaurants in my district. Restaurateurs speak to me frequently, and if anybody accuses me of trashing restaurants just because I am supporting the McCollum amendment, I will meet him in the back lot, because that is simply not the case. But restaurateurs come to me and say, this issue is important, but there are other issues that are far more vital to us as operators of restaurants than music licensing. You all get that over with, and there will be other issues on our agenda that we want you to visit before you adjourn in the fall.

We had conducted 2 hearings on this, Mr. Chairman. Fair and open-minded, we invited all parties who had interest in the matter to appear. The second hearing occurred in Washington last July. One of the witnesses, a tavern and restaurant owner from Mr. SENSENBRENNER's home State of Wisconsin, in his testimony in response to a question, he admitted that his gross earnings for the current period were in excess of $400,000, and he furthermore admitted that his payment to play music was $500. Some of the folks almost fell out of their respective chairs when he announced that his gross was over $400,000, yet he was only required to pay $500.

Now, I am not suggesting, Mr. Chairman, that that gentleman typifies restaurant and tavern owners around the country; I am suggesting that he was the witness who was selected to appear by the coalition that the gentleman from Wisconsin (Mr. SENSENBRENNER) represents.

Now, Mr. Chairman, these are issues that talk about big business versus little business. That is not the case at all, and I tried to portray that earlier. I think both sides of the aisle have portrayed it, Republicans, Democrats, liberals, conservatives, mugwumps, if there are any, everybody has come to the plate on this.

Mr. CLEMENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to express my strong opposition to the amendment of the gentleman from Wisconsin (Mr. SENSENBRENNER) and also my strong support for the McCollum amendment.

The Sensenbrenner amendment would be devastating to our Nation's song writers. Rather than deny their right to make a living, Congress should recognize the importance and significance of these gifted and talented individuals. As a Representative from Nashville, Tennessee, or as I might say it, Music City, USA, I am deeply concerned about this amendment's effort to compromise the intellectual property rights of our song writers and assault their ability to make a living.

Mr. Chairman, this amendment devalues the achievements and diligent efforts of our song writers and musicians. The property rights of any individual should not be considered secondary to the rights of others. For Congress to single out song writers would send a signal to both the American creative community and to the world at large that intellectual property no longer holds any value in the United States.

John F. Kennedy once said,

> I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an America which will steadily raise the standards of artistic accomplishment and which will steadily enlarge cultural opportunities for all of our citizens. I look forward to an America which commands respect throughout the world, not only for its strength, but for its civilization as well.

Songs are born in any number of magical and mystical ways. But what might appear to take 15 minutes to create often takes 15 years of hard work, sacrifice, dedication, practice, and persistence. We should be rewarding these creators and not punishing them by the Sensenbrenner amendment.

Mr. Chairman, I strongly urge my colleagues to oppose this amendment and support the McCollum substitute amendment in an effort to uphold intellectual property rights for all.

Mr. HEFLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to say that I always thought that we were great when we got behind Radio Free Europe and others, and I thought we had free radio here in the United States. It is a shame to me that we are even arguing over this.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from Texas for yielding.

The gentleman from North Carolina, when he gave his statement, referred to the testimony of a Peter Madland who used to be the President of the Tavern League of Wisconsin, talking about how big his place was and how much his gross income was.

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But what the gentleman from North Carolina did not tell us, and he would not yield to me so I could enlighten him, is that under the Sensenbrenner amendment, Mr. Madland's establishment would not be exempt from paying ASCAP fees.

He testified before the subcommittee of the gentleman from North Carolina (Mr. COBLE) on July 17, 1997, that he has 20,000 to 25,000 square feet in his establishment. It is a big bar. I have never been there, it is in the district represented by the gentleman from Wisconsin (Mr. OBEY). But the exemption contained in both the McCollum amendment and the Sensenbrenner amendment goes to 3,500 square feet, and Mr. Madland's establishment is way over that. He does not get a free ride. He is going to pay the same ASCAP fee as he has paid before because he has a big establishment.

For the gentleman from North Carolina, having presided over the hearing where Mr. Madland testified on how big his establishment is, to make a representation that this major operator was going to get a free ride I think is regrettable.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the gentleman from Texas for yielding to me.

I want to formally apologize to my friend, the gentleman from Wisconsin. Oftentimes, Mr. Chairman, in the heat of debate we become embroiled, and I should have yielded to him. But I assume, I would ask the gentleman from Wisconsin (Mr. SENSENBRENNER), that he is not suggesting that my testimony was inaccurate, or is he?

Mr. SENSENBRENNER. If the gentleman from Texas will yield to me, Mr. Chairman, absolutely not. The gentleman from North Carolina (Mr. COBLE) might have forgotten that Mr. Madland testified on how big his establishment is, and might not have made the connection with the exemption contained in the Sensenbrenner amendment.

I am just here to inform the gentleman from North Carolina that Mr. Madland would not be exempt, and representations that the operator of that big an establishment, whether it is in Chetek, Wisconsin, or anyplace else in the country, would be exempt, that person simply has not read what is in the text of the Sensenbrenner amendment.

Mr. Madland pays, and anybody else that has that big an establishment would pay under my amendment.

Mr. COBLE. If the gentleman would continue to yield, Mr. Chairman, I just wanted to apologize to the gentleman from Wisconsin (Mr. SENSENBRENNER) and to the Members. I should have yielded, but we are embroiled in this, and for that purpose, Mr. Chairman, I want to get that on the record.

Mr. SCARBOROUGH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to talk about a couple of issues that have been brought up. The first has to do with what a good friend of mine, the gentleman from Indiana, talked about. He talked about the back-door tax increase. Again I want to reiterate to my friends who may be listening to this, this is a red herring. It is not a back-door tax increase. It is one small business owner paying another small business owner for their property, for using their property.

Secondly, there will be no increase in payments. This is talking about an existing payment that has to be done.

He also talked about the phone system. I think it is very important to realize, we talked about incidental use, or we talked about using music to enhance business, to make more money. There are marketing firms out there that actually get paid to tell dentists what type of music to play on their phone systems. I know, because I have a father-in-law who is a dentist. There are marketing firms who pay people to tell law firms what type of music to play on their phone systems to help them lure more business, more money.

It is a means, music is a means to make more money. I think it is unconscionable that all these people that have stormed Capitol Hill in the name of property rights in 1994, just 4 years later want to take away property rights from others, when it is clear that this property is being used to make a profit.

I wonder if these bar and tavern owners that are so offended about five different entities actually using the same property to make money would be that offended when they charge five people to come into their restaurant to use the same property, or 500 people? Or how about the Titanic? If we have theater owners who allow people to see the Titanic four or five times, do they pay once and get a free pass for the other four times they see it? Absolutely not. This is ridiculous. They are red herrings.

Unfortunately, a process was set up where reasoned people could get together, could compromise, and regrettably, one party did not want to compromise.

We have heard, talking about apologies on the floor, we have heard the McCollum amendment called "a sham," when most reasoned people have said that the McCollum amendment was where the two parties were going before one party went aside.

We also heard somebody talked about property rights for songwriters being "a scam." That is not the case. We have also heard people parade up to the microphone saying they have to go to New York, they have to hire a god-awful New York attorney. That is not the case anymore. The McCollum amendment makes sure that we have boards go throughout the land.

For those people to suggest that we set up an arbitration system with absolutely no oversight whatsoever, we are talking about a wild, wild West judicial system with no oversight, with no guidance, and would lead to the most bizarre, inconsistent, crazy results. It is dangerous.

I hear people coming up to the microphone saying, well, there is no such thing as a free lunch. Yet, they turn around and advocate an amendment that provides a free lunch. We hear people coming up talking about how the small restaurants will be hurt.

Let me tell the Members, again, it needs to be reiterated, CRS has estimated a 406 percent increase in restaurants exempted under this provision. There is 406 percent of restaurants that will be exempted under this provision. Only the largest restaurants will pay any fee. The average paid is $30 a month, $30 a month.

When I hear people come up talking about how this is going to be crushing to small business, it is laughable. Small business is using this property to make a profit. I am a capitalist, I am a supporter of small business. I talk to the restaurant owners, I talk to the restaurant owners that elected me, talk to the people that I fought against the minimum wage for, talk to the people that I fought for to eradicate the capital gains tax.

I believe in free enterprise. I believe in the free market system, and I believe that if somebody has a product that helps somebody else make money, then I am all for it. Get it out in the marketplace. But let us forget this free market concept. Let us support the amendment offered by the gentleman from Florida (Mr. MCCOLLUM), and let us make sure people get paid fairly for their property rights.

Let us make sure we do not send the wrong message to China. China feels very, very free in taking our property rights, be it CDs or software. I do not hear anybody here saying Microsoft should only charge once for their program. I have yet to hear one person say that. Yet, it is the same concept. If you can copy a Microsoft program over and over and over again without paying Microsoft, what is the difference there? It is the same exact thing.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. SCARBOROUGH) has expired.

(By unanimous consent, Mr. SCARBOROUGH was allowed to proceed for 3 additional minutes.)

Mr. SCARBOROUGH. Mr. Chairman, I ask my conservative brethren that came here in 1994 fighting for property rights, if they were to fight for Bill Gates' right to make sure that he protects what is his to protect, then we do the same thing for the small, struggling songwriter.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman for yielding. He has eloquently expressed where we are at this point.

I just wanted the gentleman to yield to bring out the fact that we are near the end of this debate, we may have one or two more speakers. The bottom line is that what I am offering truly is a compromise. I would like to make the point, and drive it home, that a great many restaurants are going to be exempted by my amendment. We have already talked about a 400 percent increase over the current law.

These folks have been paying, restaurants have been paying these royalties, these fees for years. This is nothing new. We are talking about exempting 75 or 80 percent of those restaurants. I think probably it will be even more, because in this amendment we bumped up from what the negotiated status was, which is what I am trying to offer, pretty much, here; we bumped up the number of television sets you can have in a restaurant that get you exempted, no matter what your square footage is, to four. If you have six speakers in the restaurant you are exempted, no matter what your square footage is, how big you are. I think that takes care of anything but really big restaurants.

So I do not know what the squabble is about. We need to pass a copyright extension bill, we need to get this debate passed, and we need to do what the gentleman has suggested, and that is protect the property rights interests of both the small business restaurateur and the small business songwriter. Adopting the McCollum amendment substitute to Sensenbrenner will do that. His will not do that. It is not fair. I thank the gentleman for yielding time to me.

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman for his amendment.

I am reminded by the remark the gentleman from California said a few minutes ago, that a lot of people would be absolutely shocked that they would be coming to the floor voting for legislation such as the gentleman's, an amendment such as that of the gentleman from Florida (Mr. MCCOLLUM), because we have compromised so much, and yet we are still told that is enough.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, on the international side, people have said the restaurant owners should not have to pay because someone has already paid for this once, the national TV, et cetera.

Put that doctrine in the hands of the Chinese or others overseas and you say to them, okay, as long as something was once paid for in America, this book, this movie, this recording, this CD, then I can sell it without paying the owner, and you have destroyed our capacity to defend American intellectual property overseas.

Mr. SCARBOROUGH. It would be absolutely devastating to the computer industry, the software industry. It is a dangerous, dangerous precedent.

Mr. GORDON. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, there has been a lot of rhetoric on both sides of this issue. Let me just take a quick moment to try to summarize where we are, please.

The main bill that we are debating today is the Copyright Extension Act. What that does is extend the copyrights for music and film in this country to the same level of other countries around the world. If we do not do this, then the United States is going to lose hundreds of millions of dollars in revenue from other countries that should come in to the United States.

That is very reasonable, and I think most everybody agrees with that. But then, unfortunately, the gentleman from Wisconsin (Mr. SENSENBRENNER) has taken this noncontroversial bill and added a completely unrelated, very controversial amendment.

What the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) basically says is that unlike the present and the past, that restaurants and bars should not have to pay for the music or the royalties for the music that they play in their establishments, which amounts to just a little over $1.50 a day.

It really is somewhat amazing that the gentleman from Wisconsin, who is a strong property rights advocate, it is really ironic, he would never say that these same bars and restaurants should not have to pay the supplier for the chairs and tables, for the paint on the walls, for the chandeliers, or for anything else that helps them make the atmosphere for that particular restaurant or bar. However, for some reason they should not have to pay $1.50 a day for the music, knowing that if this $1.50 is not worthwhile, if the music does not enhance their establishment, they can turn it off. Nobody is telling them they have to play it. Only that they need to pay for it if they use it, like the tables and chairs.

Mr. Chairman, the gentleman from Florida (Mr. MCCOLLUM) has come along and introduced an amendment to that of the gentleman from Wisconsin (Mr. SENSENBRENNER), a compromise, and is trying to bring some rationality to this issue. He is, the gentleman from Florida (Mr. MCCOLLUM), exempting the smallest bars and restaurants in the country; as a matter of fact, two-thirds of the restaurants and bars in the country, which is a very reasonable amendment. Because we have to remember, if the songwriters are not paid, they cannot produce the songs, and when they do not produce the songs, the music is going to stop.

I would like to share with the Members a song that one of the songwriters back home has written about this issue. I say to my friend, the gentleman from Wisconsin (Mr. SENSENBRENNER), I am going to spare him me singing this, so I am going to read it here for the gentleman.

It is "Dear, dear, U.S. Congress:

"Some merchants want to use my song, but they don't want to pay me, and I think that is wrong. How would you like to have a job where you work hard every day, you love what you are doing, but you don't get any pay? I can't give away my songs for free 'cause this is the way I feed me and my family. And if you merchants disagree, that's fine. Go write your own songs, just don't use mine."

Now, Mr. Chairman, let me ask the Members today to keep the music. Do not stop the music from coming forward. I support a very reasonable compromise offered by the gentleman from Florida (Mr. MCCOLLUM) to keep the music for all America.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a debate that involves small business, and I think all of us who believe in the American way and in driving the American economy understand that small business is the backbone of that culture that drives the American economy.

Too often this Congress dumps on them: more regulations, higher mandated wages, taxes that are too high. So we have people, for example, that are running small restaurants in this country that are asking us not to dump on them one more time.

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In my hometown of San Antonio, small businesses and restaurants are at the forefront of job creation and economic opportunity. Anyone who has visited San Antonio and the River Walk know how these small businesses enhance my town's premier tourist attraction.

These businesses cannot afford in many cases any more ruinous fees. This amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER), which I am supporting, provides a reasonable compromise to protect jobs while protecting the copyrights of artists.

Simply put, the Sensenbrenner amendment makes needed changes in Federal law by providing for local arbitration of music licensing fee disputes. Small businesses will no longer be forced to travel across the country to New York to make their case. They could not afford to do that anyway. Today's small business has no local recourse. This is a more than reasonable compromise the gentleman from Wisconsin is offering in his amendment.

The amendment does not fully exempt businesses from paying royalties or change existing penalties. It merely recognizes that changing technology makes some of the current fees unfair and represents a double charge for licensing.

Mr. Chairman, I cosponsored H.R. 789, the Fairness in Music Licensing Act, because I believe it represents a responsibility compromise. I urge my colleagues to please join me in voting for the Sensenbrenner amendment, which will help ensure that small business remains the engine driving our economy.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose strongly the Sensenbrenner amendment and to support the McCollum amendment to the Sensenbrenner amendment.

The Sensenbrenner amendment would be essentially a license for restaurants, taverns, and other establishments to use songwriters' work product, their property, without paying for it. It would be a license to steal from America's creative community and, therefore, I must oppose it vigorously.

The late Justice Oliver Wendell Holmes said that, "It is true that the music is not the sole object, but neither is the food," referring to a restaurant.

> The object is the repast and surroundings that give luxurious pleasure not to be had from eating a silent meal. If music did not pay, it would be given up. Whether it pays or not, the purpose of employing it is profit and that is enough.

Mr. Chairman, several people have said, and I will say it for myself, that I never thought I would come before the House, advocating support of an amendment that would exempt an establishment as large as 3,500 square feet. The McCollum amendment, frankly, I think goes far too far. But it is acceptable to the songwriters. I do not think they are getting as fair a deal as they ought out of it, but I will support it as the best we can get.

Mr. Chairman, I looked at this issue very carefully when I was a member of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, and I remember coming to several conclusions after hearing from both sides. The first conclusion is the question of equity. Ninety percent of songwriters make less than $10,000 a year. Many make more, but are still struggling. The average restaurant pays $400 to $450 a year for songwriter fees. The average income of the restaurant makes that a small proportion, a very small proportion, and yet for the songwriters it is very important. So as a matter of equity, when something is very important for one side as a percentage of their income and very small for the other, it makes sense to go with the side that we would really hurt if we went the other way.

Second of all, and here I fail to see how some of my friends on the other side of the aisle can even think of supporting this amendment, we are talking here about private property. We are talking about private arrangements between one group of property owners, the songwriters who own the songs that they have produced, and another group of property owners, the restaurant owners who want to purchase the use of those songs.

I am not a total believer in the efficacy of the free market in all circumstances, unlike some of my friends on the other side of the aisle. But I do believe that before the government should come in and pass a law dictating the terms of an arrangement between property owners, before we should come in and say some can use that music for free and some must pay, there has got to be a very, very strong showing of the public policy necessity. There has got to be a showing of why the free market and private negotiations cannot work its will to the best interest of the economy and the people of the country, as it usually does. One has to make a showing why the free market cannot work in a situation before we ask for government regulation.

What do we have here? We have some people coming in, some people who are normally great supporters of private property rights and against regulation and, based on nothing at all, saying let us dictate the terms of the arrangement and say to the restaurant owners they can use the other people's property for free.

Why? What is the necessity? Why do we not trust the market to work this out? Why do we not trust the songwriters and the restaurants to negotiate deals as they have for the last, I do not know, 70 or 80 years?

I see no reason. We hear that here it is a question of secondary use; that they have already paid once for it. Well, so what? So what? I would not be permitted, none of us would be permitted to purchase a CD or a tape of a movie, purchase it, go in and pay $15 for a tape of a movie, and then going go to my machine and making a lot of tapes of it and selling those. None of us would be permitted to do that. We are using that property, and it is exactly the same thing.

So on these grounds I do not see why we should pass any amendment at all on the subject. I will reluctantly go along with the amendment offered by the gentleman from Florida (Mr. McCOLLUM) as a reasonable compromise, and certainly more reasonable than an attempt, frankly, to appropriate the songwriters' property for free, for the benefit of restaurant owners.

Mr. Chairman, I love restaurant owners. I have plenty of them in my district. But they are not entitled to the free use of other people's property. Period. So I urge my colleagues to oppose the Sensenbrenner amendment and support the McCollum amendment to the Sensenbrenner amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes, but I rise in support of the McCollum-Conyers substitute and in opposition to the Sensenbrenner amendment.

I want to address two issues quickly. Number one, I do not think this is an issue of big business against small business or a small business issue. It seems to me that restaurants are small businesses, but music writers are also small businesses. So either way we vote on this, we are going to be trying to support, as all of us I believe do, small business in this country.

The second is an argument that I have heard a number of restaurant owners advance from time to time that music is just background music, and we ought not be obligated to pay for it, even though we are using somebody else's work product. And my typical response to that is, if what they are saying is true, if this is of no benefit to their company, if this is truly background music, cut it off. And if they cut it off, then nobody obligates them to pay for the use of it.

So I just think, as a matter of fairness and equity, that a person who has written a song and dealt with that song and put it in the stream of our intellectual property ought to be compensated for the use of it. And I think the McCollum amendment represents a reasonable approach to it. I have some concerns about it also, but I will support that substitute and vote against the amendment offered by the gentleman from Wisconsin.

Mr. BONIOR. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for his remarks and support him in his support of the McCollum-Conyers amendment. I think the gentleman hit the nail on the head when he talked about that these are small businesspeople, all of the folks who write songs, who write music for a living. This is an important work. It brings great joy and great dignity to our society. They pour their heart and soul into their work.

Mr. Chairman, I am just finishing a book called Lush Life, the story of Billy Strayhorn, one of the great song people of our time. And reading that gives a sense of the dignity and the tough work, but the joyous work of these individuals. And it just seems to me that they need as much protection as the folks who own the bars and the restaurants and all the other facilities that we have talked about.

So I thank the gentleman from North Carolina (Mr. WATT) for his comments and his remarks, and I hope that we will adopt the McCollum-Conyers amendment this afternoon.

The CHAIRMAN pro tempore (Mr. SUNUNU). The question is on the amendment offered by the gentleman from Florida (Mr. McCOLLUM) to the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 2 of rule XXIII, the Chair announces that he may reduce to not less than 5 minutes the period of time within which a recorded vote may be taken without intervening business on the Sensenbrenner amendment.

The vote was taken by electronic device, and there were—ayes 150, noes 259, not voting 22, as follows:

[Roll No. 68]

AYES—150

Abercrombie
Ackerman
Allen
Baldacci
Becerra
Berman
Bliley
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Bryant
Callahan
Canady
Capps
Carson
Clay
Clayton
Clement
Coble
Costello
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Dreier
Ehrlich
Engel
Eshoo
Evans
Fattah
Fazio
Filner
Foley
Forbes
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Goodlatte
Gordon

Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hefner
Hilleary
Hinchey
Hoyer
Hunter
Hutchinson
Hyde
Jackson (IL)
Jenkins
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Livingston
Lofgren
Lowey

Luther
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Mink
Moakley
Mollohan
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pascrell
Paul
Pease
Pelosi
Poshard

Radanovich
Rahall
Rivers
Rogan
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Scarborough
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Stokes
Stupak
Tanner
Tauscher
Thomas
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Wamp
Watt (NC)
Waxman
Wexler
Wise
Yates

NOES—259

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady
Bunning
Burr
Burton
Buyer
Calvert
Camp
Campbell
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)

Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Etheridge
Everett
Ewing
Farr
Fawell
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Inglis
Istook
John
Johnson (CT)
Johnson (WI)

Johnson, Sam
Jones
Kanjorski
Kasich
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Maloney (CT)
Manzullo
Mascara
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pappas
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy

Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions

Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauzin

Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Brown (FL)
Cannon
Cardin
Conyers
Ford
Gonzalez
Harman
Houghton

Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kleczka
McDermott
Millender-McDonald

Payne
Rangel
Riggs
Rothman
Royce
Schiff
Stark
Waters

□ 1400

The Clerk announced the following pair:

On this vote:

Mr. McDermott for, with Mr. Rangel against.

Messrs. SMITH of Texas, HULSHOF, DICKS, FOX of Pennsylvania, PICKETT, THOMPSON, BATEMAN, COX of California, CUMMINGS, BERRY, Ms. STABENOW, Mrs. FOWLER, Mr. UPTON and Mr. FARR of California changed their vote from "aye" to "no."

Messrs. GUTIERREZ, MOAKLEY, SHAYS, Ms. LOFGREN, Mr. STOKES, Mr. RUSH, Mrs. MORELLA, and Mr. HINCHEY changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SUNUNU). The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 297, noes 112, not voting 22, as follows:

[Roll No. 69]

AYES—297

Aderholt
Andrews
Archer
Armey
Bachus

Baesler
Baker
Baldacci
Ballenger
Barcia

Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton

Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham

Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
Mascara
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor

Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rush
Ryun
Salmon
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—112

Abercrombie
Ackerman
Allen
Becerra
Berman
Bonior
Brown (CA)
Brown (OH)
Capps
Clay
Clement
Coble
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Dreier
Engel
Eshoo
Fattah
Fazio
Filner
Forbes
Frank (MA)
Furse
Gejdenson
Gephardt
Gilman
Gordon
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoyer
Hyde
Jackson (IL)
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
LaFalce
LaHood
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Mink
Moakley
Morella
Nadler
Oberstar
Olver
Ortiz
Owens
Paul
Pease
Pelosi
Pombo
Radanovich
Rivers
Rogan
Roybal-Allard
Sabo
Sanchez
Sanders
Scarborough
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Stokes
Stupak
Tanner
Tauscher
Tierney
Towns
Velázquez
Vento
Watt (NC)
Waxman
Wexler
Woolsey
Yates

NOT VOTING—22

Brown (FL)
Cannon
Cardin
Conyers
Ford
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kleczka
McDermott
Millender-McDonald
Payne
Pangel
Riggs
Rothman
Royce
Schiff
Stark
Waters

☐ 1414

The Clerk announced the following pair:

On this vote:

Mr. Kleczka for, with Mr. McDermott against.

Mr. MOAKLEY, Mr. FORBES and Mrs. KELLY changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on Rollcall Nos. 68 and 69, I was unavoidably detained on other business and unable to be present in the House Chamber. Had I been present, I would have voted "no" on No. 68 and "yes" on No. 69, respectively.

The CHAIRMAN pro tempore (Mr. SUNUNU). Are there any other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GIBBONS) having assumed the chair, Mr. SUNUNU, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes, pursuant to House Resolution 390, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2589, COPYRIGHT TERM EXTENSION ACT

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the Clerk be authorized in the engrossment of the bill, H.R. 2589, to insert "Sonny Bono" before "Copyright Term Extension Act" each place it appears; in other words, the bill bear Sonny's name.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AUTHORIZING THE CLERK TO MAKE FURTHER CORRECTIONS IN ENGROSSMENT OF H.R. 2589, SONNY BONO COPYRIGHT TERM EXTENSION ACT

Mr. COBLE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2589, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3310

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent to take my name off of H.R. 3310 as a cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2500

Mr. FATTAH. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor to H.R. 2500, the Responsible Borrower Protection Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3246, FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–463) on the resolution (H. Res. 393) providing for consideration of the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2515, FOREST RECOVERY AND PROTECTION ACT OF 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105–464) on the resolution (H. Res. 394) providing for consideration of the bill (H.R. 2515) to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes, which was referred to the House Calendar and ordered to be printed.

EXTENDING THE VISA WAIVER PILOT PROGRAM

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 391 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 391

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of non-immigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 2578, it shall be in order to consider in the House S. 1178. It shall be in order to move that the House strike all after the enacting clause of the Senate bill and insert in lieu thereof the provisions of H.R. 2578 as passed by the House.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a modified open rule to H.R. 2587, which provides for 1 hour of general debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary.

The rule also provides that no amendment to the bill will be in order unless it has been preprinted in the CONGRESSIONAL RECORD.

The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on the postponed question if a vote follows a 15-minute vote.

The rule provides for one motion to recommit, with or without instructions.

Finally, the rule provides that after passage of the House bill, it will be in order to insert the House-passed language into the Senate bill number.

Since 1986, the visa waiver pilot program has allowed tourists from our closest allies to enter the United States for up to 90 days without a visa. In order to participate in the program, a tourist must first purchase a round trip ticket, must not pose a safety threat to United States citizens, and must abide by all of the waiver program's rules and regulations.

H.R. 2578 would extend the visa waiver pilot program through September 30, 1999, and will require the Attorney General to collect data on nonimmigrant aliens who unlawfully remain in the United States.

Mr. Speaker, the visa waiver pilot program enjoys broad, bipartisan support. In fact, the program has been so successful that under today's open rule we will consider amendments to extend the program to countries such as Greece, Portugal, and South Korea.

I urge all of my colleagues to support this open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time. This rule will allow a debate on H.R. 2578, which is a bill to extend the visa waiver pilot program. As my colleague has described, this rule provides 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. Under this rule, amendments will be allowed under the 5-minute rule, which is the normal amending process in the House, provided that amendments have been previously printed in the CONGRESSIONAL RECORD.

The bill extends for 2 years the visa waiver pilot program started in 1988 and said to expire April 30, 1998. Under the program, tourists and business travelers from some countries can come to the United States for up to 90 days without a visa.

□ 1430

The program is intended primarily to assist the U.S. tourism industry. The bill is fairly easy to understand. The Committee on the Judiciary approved it by voice vote. I would urge a vote on the rule.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I thank both sides of the aisle for bringing the legislation forward. I know that in the case of Greece, Greece has been our ally for a long time. I recently went with the Chairman on my first trip ever in 7 years to Greece. I know the problems associated with an ally of ours, just the fact of trying to get a visa. Since my wife is Portuguese, of course I support that as well.

I would like to thank the gentlewoman from North Carolina (Mrs. MYRICK) and the Members on the other side of the aisle for the legislation. It is good legislation and a long time overdue.

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CHAMBLISS). Pursuant to House Resolution 391 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2578.

□ 1432

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General, with Mr. SUNUNU in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from North Carolina (Mr. WATT) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume. Let me first explain the bill; then I want to very quickly yield to the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary.

Mr. Chairman, H.R. 2578 extends the visa waiver pilot program. The visa waiver program allows business visitors and tourists to enter the United States without obtaining a visa. Currently, 26 nations have qualified as visa waiver countries.

Normally, a consular officer conducts a face-to-face interview with a visa applicant to check for fraudulent documents and to weed out individuals who do not plan to leave the United States before their visas expire.

Since the visa waiver program removes the ordinary visa requirement, there is very legitimate concern that those intending to violate our immigration laws, and perhaps more serious crimes inside the United States, could very well abuse it.

The security of the program currently rests on two standards. First, to become eligible, a nation must have a visa refusal rate of less than 2 percent. Second, to remain in the program, a nation must have a visa overstay rate of less than 2 percent. The INS has been unable to calculate specific visa overstay rates for close to 5 years, so there is no reliable way to determine if a country should, in fact, remain in the program.

The only reasonable course of action is to extend the visa waiver program for 2 years, as the administration recommends, so that the administration can implement reforms that will allow it to determine those visa overstay rates.

To encourage these efforts, this legislation includes a provision requiring the INS to collect data regarding visa overstays and to report such data to Congress.

Pending this review, the Attorney General, as well as the State Department, has strongly endorsed an extension of this program, with no amendments to change the standards for entry.

I urge all of my colleagues to support this bill and oppose any amendments that would lower the standards and thus increase illegal immigration in the United States.

Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I want to thank the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims, for being so kind as to yield to me and to the gentleman from North Carolina (Mr. WATT) for his deference, too, which I appreciate.

I am pleased to speak in support of this legislation which extends the visa waiver pilot program. Under this program, the United States allows short-term visitors for business or pleasure, with passports from 26 designated countries, to travel to the United States without first obtaining visas abroad. Visa waiver substantially facilitates international travel and greatly benefits the economy of the United States, with over 12 million visitor arrivals under the program in 1996.

Designation as a new visa waiver program country under current law necessitates, along with other requirements, low nonimmigrant visitor refusal rates for nationals of the particular country. That rate, calculated over the last 2 fiscal years, must average below 2 percent and must remain below 2.5 percent for each of those years. In other words, the general requirement of consular screening abroad can only be waived when the U.S. consular officers rarely deny visitor visas to a country's nationals as demonstrated by objective criteria.

It is important to retain such criteria undiluted at this time as a safeguard against potential immigration law abuses. The legislation before us adheres to that principle. INS officers, Immigration and Naturalization Service officers, at ports of entry, of course, will continue to check everyone seeking admission, including visitors under the visa waiver program.

Visa waiver, properly limited, encourages leisure and business travel from low-fraud countries while permitting the State Department to concentrate consular resources where they are most needed. It is a good program. It advances U.S. interests. I urge my colleagues to support its extension.

Mr. SMITH of Texas. Mr. Chairman, I appreciate the remarks of my friend, the gentleman from Illinois.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, I rise in support of this bipartisan amendment, which would broaden the visa waiver pilot program to make tourists from Portugal and Greece eligible to participate on equal terms with their European neighbors.

These two countries are presently the only members of the European Union who do not benefit from this program, and it is high time that Congress corrected that inequity.

There is only one fair justification for excluding these or any other countries from the waiver program: namely, where there is a high rate of abuse. Yet there is no evidence that visitors from Portugal are any likelier than others to overstay their welcome in the United States once their visas have expired. In fact, the evidence refutes any suggestion that there has been an increase in illegal immigration from Portugal in recent years.

Yet the continued exclusion of these countries from the pilot waiver program creates a hardship for the many visitors who wish to come to this country and enhance our local economies. It creates a hardship for the many families in this country with relatives in Portugal who seek to travel here to see them.

Many of those families are from southeastern Massachusetts, where the Portugese-American community has made enormous contributions to our local heritage. These citizens and their family members overseas deserve to be treated fairly, and I urge my colleagues to vote for the amendment.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise today in support of H.R. 2578, a bill to extend the visa waiver pilot program and to require the collection of data regarding the visa overstay rates of nonimmigrants who visit the United States.

The visa waiver pilot program was first authorized in 1986. The principles and goals of the program are sound: to save government resources while promoting tourism to the United States.

The program was based on the presumption that when visa abuse is very low from a given country, it is better to shift resources away from U.S. consular posts in that country and toward consular posts where the risk of visa fraud is more likely.

I do not believe that any of us are interested in seeing the visa waiver pilot program expire. The impact on the State Department, which would have to redeploy key resources, would be enormous. The potential negative impact on U.S. travel and tourism would be immeasurable.

I understand that the chairman will offer an amendment to extend the program until the year 2000 to make it a true 2-year extension of this pilot program. I will support that amendment, but only because the bill, as currently drafted, includes provisions which will require the Attorney General to implement a program to measure visa overstay rates for all visitors to the United States.

Currently, a country is eligible to participate in the visa waiver program if it has a visa refusal rate lower than 2.5 percent for the preceding 2 years and if other criteria are met.

The other criteria include having machine-readable passports, reciprocity for American tourists, and a low risk of compromising the law enforcement interest of the United States.

In non-State Department jargon, the words visa refusal rates refer to the percentage of tourist visa applications that are denied in a given country. Visa applications are refused when U.S. consular officers, often using subjective factors, race or class-based profiles, decide whether someone is likely to overstay a visa or not.

A resident at the U.S. consulate in San Palo, Brazil highlights the irrationality of reliance on visa refusal rates for participation in the visa waiver program rather than objectively measured overstay rates, which this bill will allow us to gather information to implement.

In the instance in Brazil, the Brazilian consular officers were using criteria, a code on the application that illustrates the point that I am making. The code on the application was a code which says LP, which stood for "looks poor." These same consular officers were instructed to carefully review any visa application from persons living in regions of Brazil which were predominantly black or Asian.

The net effect of this careful review was that few Brazilians of African or Asian ancestry ever got visas to visit the United States. We only found out about this because one of the consular officers refused to follow this process. When he did, the State Department fired him. When the State Department fired him, he sued them. Finally, last week, a U.S. Federal District Judge ordered that he be reinstated in his job.

Because of the subjectivity of visa rates, visa refusal rates generally, I firmly believe that we must move toward a policy where participation in the visa waiver pilot program is conditioned not on subjective factors, but on objective criteria. That objective criteria should be low visa overstay rates, not low visa refusal rates. Simply put, countries whose nationals enter the U.S. but then fail to leave should not be allowed to participate in a visa waiver pilot program.

Whether that country is Europe or Africa, the same criteria ought to be applicable. Likewise, countries whose nationals enter the U.S. and then leave as they have committed to do and are obligated to do should be given the presumptions the visa waiver program gives to them. Their visa overstays should be the criteria.

We must stop presuming, based on whatever subjective stereotypical or irrational criteria we are using, that one group or another is more or less likely to overstay their visa and stay in the United States. We should have some objective criteria.

Of the 26 countries currently authorized to participate in the visa waiver program, 21 are European countries. Part of that is because we are now using subjective criteria. Many have requested that we make our visa waiver pilot program a permanent program.

☐ 1445

The Chairman's amendment will extend that by 2 years, rather than just into 1999 as the current draft of the bill will do.

I will support the Chairman's amendment, but I should be clear that so long as participation in the program is based on subjective rather than objective criteria and, therefore, potentially discriminatory criteria, I would oppose any efforts to make this Visa Waiver Program a permanent program.

On the other hand, Mr. Chairman, if we move to a point where participation is based on truly objective criteria, the amount of overstays in this country, I will be among the first to seek to make this program a permanent one.

Mr. Chairman, this bill moves us in that direction by significantly, under its provisions, directing the INS to gather information that will allow us to measure visa overstays and not just be a slave to visa denials. I, therefore, encourage my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like to make the point that today we have a very rare alignment where we have the Justice Department, the State Department, the administration as a whole, as well as the full committee chairman of the committee of jurisdiction and the subcommittee chairman of the subcommittee of jurisdiction all in favor of this bill, but all opposed to any weakening amendments that would expand this program to include any other country; and the reason for this bipartisan alignment that would oppose any weakening amendments is simply because of our very, very serious concern that expanding the program would lead to a dramatic increase in illegal immigration to America.

Mr. Chairman, what I would like to do is to read into the RECORD the statement of administration policy that we just received yesterday. These are direct quotes. "The administration would oppose any changes to the current program criteria used to determine country participation in the Visa Waiver Program. The current program criteria are objective, non-country-specific, and help to maintain the security and law enforcement interests of the United States."

From Attorney General Janet Reno we have a letter that says, "I ask you to join me in supporting pending legislation that will extend the Visa Waiver Program for 2 years in its current form; that is, without amendments."

We have another letter from the Department of Justice saying that "The Department also endorses the recommendation that the qualification criteria for designating countries to participate in the Visa Waiver Program not be changed at this time."

And a letter from the State Department says, "As laid out in existing law, the criteria for participating in the program, which are objective and not country specific, have worked out extremely well. The established requirements have ensured that only low-fraud, low-risk countries have been designated as participants."

Mr. Chairman, I have to admit that at some times in the past the administration has, in fact, politicized the immigration policy. But today we see an administration willing to take a principled stand, willing to stand for and protect the integrity of the immigration process by supporting this extension without any weakening amendments to include any other countries.

Mr. Chairman, I think that we should compliment the administration for their stand and support their recommendation, as well as the recommendation of many of us who are concerned about increased illegal immigration in America, were we to bring any other countries into this Visa Waiver Program, until we have additional data.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield such time as she may consume to the gentlewoman from the Virgin Islands, Ms. CHRISTIAN-GREEN.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT), for yielding to me.

Mr. Chairman, today I rise to join my colleagues on the Travel and Tourism Caucus in strong support of H.R. 2578, which will extend the visa waiver pilot program, as well as provide for the collection of data related to the overstay rates for visitors.

Mr. Chairman, the visa waiver pilot program deserves all of our support because it has served our country well. It is a carefully crafted program which was created in 1988 to allow for hassle-free travel between the country and countries offering similar privileges to U.S. citizens for periods of 90 days or less for business or pleasure, without having to obtain a visa.

At a hearing before the Subcommittee on Immigration and Claims of the Committee on the Judiciary, witnesses from the Clinton administration and the travel and tourism industry testified that the failure to extend the visa waiver pilot program would cause disruptions in State Department operations and hamper business travel and tourism in the United States. In addition, neither the State Department nor the INS reports a significant level of violations on the part of persons entering the United States under the current Visa Waiver Program.

Mr. Chairman, the visa waiver pilot program works and continues to deserve our support. More than 46 million international travelers visit the United States every year, providing a boost of $84 billion in spending to our economy. Many of the small businesses in the districts of my colleagues, and mine, benefit directly from these visitors; and they will feel the effect of lost revenue and jobs if this program is not renewed.

In closing, I want to also mention that my staff and I for some time now have been exploring the possibility of extending a similar Visa Waiver Program to the neighboring eastern Caribbean islands of my district of the Virgin Islands. Allowing the residents of Antigua, St. Kitts, Dominica and the other Caribbean island nations to visit the Virgin Islands for short periods, to shop and for other commercial activity, would mean a tremendous boost to our fragile economy. This is similar to the Underwood amendment, which I also support.

Mr. Chairman, this is a good bill. I urge all of my colleagues, in a bipartisan spirit, to support the passage of H.R. 2578 and extend this program.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me go into a little bit more detail as to why so many of us, including the administration, feel that if we expand the program to include any other country, it will increase illegal immigration in our country.

While the United States, as we have seen in the past couple of years, has increased security along our land borders, we have found out that those who want to enter illegally are increasingly looking for other avenues, such as coming in through visa-waivered countries.

State Department visa officers who issue the visas are in fact our first line of defense against illegal immigration. Through face-to-face interviews with the visa applicants, the consular officers can weed out individuals who do not plan to leave the United States when their visas expire. Just as Border Patrol agents defend our land borders every time a Border Patrol agent apprehends an illegal alien, so our consular officers defend our borders every time they deny a visa to an individual who would have stayed in the United States illegally and would have overstayed their visa.

Mr. Chairman, the INS, through their Border Patrol agents, last year apprehended 1.6 million illegal aliens. Consulate officers denied visas to 1.5 million foreign applicants, almost the exact same number apprehended in the United States by the Border Patrol agents. Without our visa screening, therefore, we would have at least 1.5 million more illegal aliens in the United States, and perhaps many times that number.

Mr. Chairman, a lot of people do not realize that 40 percent, or at least 40 percent of the number of illegal aliens in this country today did not cross the border illegally; they came in on a tourist visa or a business visa and then overstayed that visa. That is 40 percent of our illegal alien problem in America today. If we eliminate a visa screening process for additional countries, we are simply going to be asking for more illegal immigration.

I have to say also that one of the particular problems we have with admitting a country like Portugal is that the problem will be worse with that country than with any other visa-waivered countries. Today, there are 26,000 people in the United States who are here illegally and who came from Portugal. If we did not have a visa program for individuals coming from Portugal and if the visa program was eliminated and if Portugal became a visa-waivered country, think how many times that 26,000 illegal alien number from Portugal we would have in the country today.

So clearly it does not make any sense to give a country that already has so many people who have already come in illegally, to give any special consideration to not have to go through the visa process.

Finally, I have to say to many of my colleagues, and I know there are several who support expanding the program, that I am surprised by their stand; and it is not clear to me why any individual who has supported reducing illegal immigration in the past by their votes in Congress would support an expansion of this program when so clearly that expansion would mean an increase in illegal immigration.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, would the chair advise us to how much time remains on each side?

The CHAIRMAN. The gentleman from North Carolina has 19 minutes remaining; the gentleman from Texas has 20 minutes remaining.

Mr. WATT of North Carolina. Mr. Chairman, I yield 7 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for yielding me this time.

I take the time today to express my strong support for H.R. 2578, which is of vital importance to many areas that rely on tourism, including my own home island of Guam where we get over 1.2 million tourists a year, many of them from Japan.

Today I want to speak about an amendment that I have printed in the RECORD which I will explain in the course of general debate now and withdraw later on. I want to take the time to explain exactly what I am trying to do.

Guam has a Guam-only Visa Waiver Program which is separate from this general Visa Waiver Program. In our Guam-only Visa Waiver Program, visitors are allowed to come from countries like Japan, Korea, and Taiwan for 15 days, and there are 14 other countries on that list.

One of the issues that always affects the people of Guam, which has a large number of Philippino Americans, is how to deal with family events; and what we have been proposing and what we have been working towards with a locally organized task force for the past 4 years is to set up a pilot project within the scope of this Guam-only Visa Waiver Program, to run a pilot project for 1 year, allowing 100 citizens of the Philippines to come in under a Visa Waiver Program per month and to determine subsequent to that whether such a program can be realistically enforced on a longer-term basis.

This has been done through a lot of discussions, and my own efforts in personally observing and discussing the process with officials in the U.S. embassy in Manila and trying to work through with local INS officials on Guam.

The program that I envision, the pilot project that is mentioned in the amendment, envisions a family-based program in which citizens would be allowed to come for special family events. The program that we are outlining here says that no program will be in effect until a memorandum of understanding is signed between the U.S. Attorney General and the Government of Guam to make sure that the pilot project is conducted in a fair, efficient and effective manner; and at the same time, it also posits that if we get a 20 percent failure rate on any month, that the pilot project immediately come to a halt. So that is the basic outline of the project that we have.

Some of the questions that have been raised pertain to whether this will be a conduit for illegal immigration. I want to assure the Members of this House that the Guam-only Visa Waiver Program is in force by INS not only as people come into Guam, but as people leave Guam and go to Honolulu.

I dare say I am probably the only Member of Congress who has to show a passport to go from his home district to Washington, D.C. That is how stringent the process is. Maybe we ought to introduce legislation to exempt me from this burden, but it is accurate to say that the anomaly of the situation is such that there is a double-check.

So Guam-only visas are exactly that. They are only meant for Guam; they are meant for 15 days, it is not the 90 days that is in the general Visa Waiver Program.

□ 1500

We feel very strongly and we believe that if this program were family-based, based on sponsorship, based on a limited number, we would be able to obtain better data.

The visa refusal rate in the U.S. embassy in Manila is a general refusal rate. It does not track Guam visitors as a separate category. We think that this is a fair response to the problem. We think it is an honorable response, and we hope that we will be allowed to proceed with such a pilot project.

In recognition of the chairman's concerns about this, and the fact that perhaps it caught him a little unaware in the process of bringing up the general visa waiver program, I will not proceed with the amendment later on today, but I would like to ask the chairman if he would be willing to work with me over the next couple of weeks to see what we can do to make progress towards this pilot project.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman for yielding.

Let me reassure the gentleman that I am happy to work with the gentleman on this idea. Let me say, listening to the gentleman's explanation, which is an education for all of us, we have not had time to study the amendment. He makes many valuable points. Certainly the gentleman is doing an excellent job of representing his constituents.

I certainly recognize the need to try to expedite that free exchange and flow of trade, free trade and tourism between the countries as planned, and we look forward to hearing more about that in our subcommittee deliberations.

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman for that statement. I look forward to trying to make sure this works out for the people of Guam, in full recognition of the general provisions of the visa waiver program, and as well as making sure that it meets the concerns of the people of Guam.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the gentleman for yielding me the time. I thank the gentleman from Texas (Chairman SMITH) for bringing this very important bill to the floor.

Having heard the gentleman from Guam, we understand, certainly, his interests and obviously other countries' interests in expanding the program, but we want to make certain as well that before we expand unlimitedly, that we provide the kind of safeguards that the gentleman from Texas (Chairman SMITH) has been asking for, to make certain that the programs do in fact work, that we do have a viable program, but that we do not unwittingly provide for a flood of illegal immigration, if you will.

I want to talk specifically about the bill the chairman has on the floor. It has been in existence 10 years. The visa waiver program has been an excellent tool for encouraging tourists to come to the United States. That has had a direct impact on virtually every region of our country. Whether you are on the West Coast of the United States, Florida, or Massachusetts, we have all benefited by the visa waiver program.

In fact, in 1996 alone 46 million international visitors came to the United States, and they spent more than $90 billion; $90 billion spent by 46 million international visitors. Those dollars translate into jobs in hotels, in airports, in train stations, in restaurants, in clothing stores, in nearly every sector of the American economy.

International tourists are so important that travel and tourism itself has become one of America's largest employers, directly employing 6.8 million Americans and generating a total travel-related payroll of $121.6 billion. Travel and tourism in fact ranks as the first, second, or third largest employer in fully 32 States and the District of Columbia.

The visa waiver program extends to more than 20 countries right now, including Japan, Germany, and the United States, and tourists from these countries have generated considerable dollars for us. Some 5 million Japanese, for instance, visited America in 1996, and they spent more than $10 billion while they were here.

Why do I keep underscoring numbers? Why do I keep talking about dollars? Because the jobs and the economy of the United States depend on a vibrant tourism industry. The visa waiver program has been part and parcel of that success.

As cochairman of the Congressional Travel and Tourism Caucus, along with my colleague, the gentleman from California (Mr. FARR), I strongly support the visa waiver program because of the benefits it provides to our economy through tourism. I strongly urge my colleagues, whose State economies all benefit from travel and tourism, to vote yes on the chairman's bill to keep this program alive.

Whether Members know it or not, and they should ask their local restaurant operator, ask their local hotelier, ask their local rental car agent, ask their local merchant, how many people come into their businesses on an annual basis that are from other countries? I think it will startle and surprise us, because not only is the Sunshine State of Florida a popular destination, but almost every State now is enjoying the economy from tourism.

Mr. SMITH of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would like to commend the gentleman from Texas (Mr. LAMAR SMITH), the chairman of the Subcommittee on Immigration and Claims, for his work in developing this important legislation to extend the visa waiver pilot program. I would like to add parenthetically, Mr. Chairman, my particular thanks to the gentleman from Texas (Mr. SMITH) for his kindness, courtesies, and his consideration of the issues that I brought before him.

He has been accommodating in listening to concerns and suggestions those of us from Hawaii have expressed to him through hearings last year in which Hawaii Lieutenant Governor Mazie Hirono presented testimony for the State, as well as through discussions we have had in the Committee on the Judiciary's consideration of the bill, and in subsequent discussion.

I am engaging the gentleman from Texas (Chairman SMITH) today to further emphasize the importance not only of the changes the committee has recommended, but also of the need to expand the number of countries allowed to participate in the expedited entry procedures accorded visa waiver pilot program participants.

The committee has wisely recommended that the INS undertake compiling visa overstay rates for those countries of which we still require visas for entering the country, and I think the gentleman from Texas (Mr. SMITH) has made quite extensive remarks already on that subject.

I am certain that the Committee on the Judiciary will monitor closely expeditious implementation of the requirement. The INS has not been timely in completing an interagency report on reform issues which would have aided House consideration of this bill. I trust overstay statistics will be the basis for changes in the future by which countries will qualify for the waiver program based on how well foreign citizens comply with visa requirements, instead of the current system, under which qualification is based on the percentage of applications for visas which are rejected by the State Department.

Rejections are based on often subjective criteria, as was illustrated last week when a mediation panel found a U.S. consular official in the Sao Paolo, Brazil, visa office was unjustly dismissed from his position for having criticized the visa approval system as being vague and having inconsistent criteria used there, criteria such as labeling some non-immigrant applicants as "looks poor," "talks poorly," or "looks rough." Moving away from such a seriously flawed system would be welcome.

Representing an area very heavily dependent on tourism, particularly on tourists from Asia, I and a number of others here in the Chamber have been working to bring South Korea into the visa waiver program. The Seoul embassy has the highest number of applications for non-immigration visa of any U.S. embassy. Approximately 600,000 visa applications were filed there last year, many of them for visitor visas.

This shows not only the importance of Korean travel to our country, but also the need to expedite the system for allowing Korean visitors into the United States for tourism, as well as for business and commercial purposes.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Hawaii, my friend, for his generous comments about me personally. They are appreciated. The only thing I can do is to reciprocate, and say that in my time in Congress I have met few individuals who have been as articulate and as persuasive in advocating their constituents' interests as has the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. Chairman, we have talked about this issue a number of times over the past months, probably because of the gentleman's persuasive powers and the merits of the case. I am hoping we can move forward in a substantive way in the near future as well. I particularly appreciate the comments of the gentleman from Hawaii. I understand the concerns that he and others have brought to the attention of the subcommittee.

I also want to acknowledge and thank the gentleman from Hawaii for his efforts in presenting the facts about Korea's eligibility for the visa waiver program. He has added greatly to our understanding of the program as it pertains to the Republic of Korea. He has moved us forward on the issue, and I believe that because of his work we are closer to a resolution that satisfies the requirements of all parties involved.

For a variety of reasons, we have not been able to get this bill yet through our subcommittee and to accommodate all of his interests. He has brought, however, not only reasoned but intense commitment to his constituents in the legislative process. I understand well the need to increase tourism, not only from Korea and Asia, but also from the rest of the world, to Hawaii as well.

I recognize the economy of Hawaii is very heavily dependent on tourism, particularly tourism and family visits from Asia, and that the State stands to benefit greatly if Korea was able to enter the visa waiver program. That is one of the reasons we have, on a bipartisan basis, mandated the compilation of overstay statistics, so we can base participation in the program on sounder public policy than we are able to under the rejection rate criteria now required. It is necessary to remain under the flawed system until we can rationally deliberate and debate an alternative, which we expect to do.

The CHAIRMAN. The time of the gentleman from Hawaii (Mr. ABERCROMBIE) has expired.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I want to also commend the gentleman from Hawaii (Mr. ABERCROMBIE) for his bringing this issue to our attention, and for his constructive proposals for reforming the program to allow South Korea entry into it.

This bill continues the program until October 1 of next year, and we will be reviewing the program as well as implementation of the system for compiling overstay statistics, and I hope we will be able to move forward at that time to decide whether countries like South Korea comply sufficiently with the aims and goals of the program.

Once again, I thank my friend, the gentleman from Hawaii (Mr. ABERCROMBIE) for his persistence in pursuing the interests of his constituents and the interests of Hawaii, and of course the interests of all of those who want to visit Hawaii as well.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 30 seconds to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I thank the gentleman for yielding me the time.

I am very grateful to the gentleman from Texas (Mr. SMITH) for his kind remarks, and I look forward to working with him and the administration in the future to address these matters, as well as the very legitimate concerns such as security that the chairman has raised.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the chairman for yielding time to me.

Mr. Chairman, visa waiver has nothing to do with credit cards, but it has a lot to do with small business. I stand in support of this, because as cochair of the Travel and Tourism Caucus, along with the gentleman from Florida (Mr. MARK FOLEY), we stand in bipartisan fashion to support the White House Conference on Travel and Tourism's recommendation to this House that we ought to expand the visa waiver program. I hope it is expanded.

Let me tell the Members why this is important to this country. Twenty-six countries now have the visa waiver program. This bill helps Main Street, U.S.A. Why? Because it brings people from other places, international visitors, to the United States. They spend $90 billion when they are here, money that is brought into this country to shop and visit places in America. They learn about our country. They learn about our culture. They visit this Capitol. They may be sitting upstairs right now.

We have over 46 million international visitors each year in the United States. They spend more in this country than all of the Americans spend when we go abroad, so our balance of trade in the tourism issue is in the $26 billion surplus.

We are winning with this program. It is good for Main Street, America. It is good for the United States Congress, because it helps, I think, visiting this country and understanding what makes it work at the local government, State government, Federal government level, it really helps people appreciate what democracy is all about.

The visa waiver program is one small step for getting us on more user-friendly terms with countries that we as Americans just take for granted, because oftentimes they require no visa for us to visit them. We should not require a visa for them to visit us, particularly when the error rate is so low. I hope we will adopt the amendment that will allow other countries to come into the program.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to respond to several of the Dear Colleagues that have been passed around among Members. I am talking particularly about several of these Dear Colleagues. There have been three now which have said the exact same thing.

□ 1515

They have made the point that every country in the European Union is a visa waiver country except for two, Portugal and Greece. But I want to say to my colleagues that just because countries are a European country does not mean that they are going to automatically get certain special treatment. There should be nothing magic attached to the fact that a country is in the European Union or not.

The fact that there are two countries that are not in the visa waiver program that are in the European Union simply points and underlines the fact that we do have objective criteria that determine whether or not a country is going to be a visa waiver country or not. What it shows is that we have the same standards that apply to every single country in the world. The countries that meet the standards are admitted and become part of our visa waiver system. The countries that do not meet the standards are not admitted, and it does not matter whether they are in Europe or some other continent.

The fact of the matter is that saying that two countries deserve to be admitted to the visa waiver program just because they are European, and that is the implication of these three Dear Colleagues, is implying that European countries are more qualified to be admitted than countries in South America or Asia or Africa. I hope that is not the intent of the drafters of what those Dear Colleagues meant. Nevertheless, that is the clear conclusion that any of us can draw when they say that the reason these two other countries, Portugal and Greece, should be admitted is because they are part of the European Union.

Again, there is nothing magic about being in the European Union. If any country in the world wants to become a visa waiver country, all they have to do is meet the very clearly delineated standards. We should not change the rules simply to guarantee an outcome that we might like to have. That would be a little like a teacher who wants to lower the passing grade from 50 to 40 just to be able to pass a particular student.

Mr. Chairman, we should not lower the standards for countries that want to become visa waiver countries, just like we should not lower the standards in our classrooms. It is not good for education and it is not good for our immigration process.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman from North Carolina (Mr. WATT) for yielding me this time.

Mr. Chairman, I want to comment on what the gentleman from Texas (Mr. SMITH) just said about what our motives were for putting the two European countries, as if we were implicitly also condemning countries in Africa or Asia or South America by singularly referring to the European Union as like if every other country is part of it, then why should these two not be a part of it. That would be the same way as me saying that the gentleman's metaphor about the classroom meant that he does not think Greece and Portugal are up to grade. I would never question the gentleman's motivations to say that Greece and Portugal are not up to grade.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I think the gentleman did understand the point of my metaphor there, but if the countries have not met the standard that currently exists, we are not asking for special treatment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, I appreciate the fact that the gentleman from Texas (Mr. SMITH) talked about standards, because implicitly in this bill the gentleman is begging the question. The gentleman is changing the standards in this bill. That is what everyone is talking about. The gentleman is moving from that "standard" that he says is an objective standard, but readily admits is a faulty standard. The gentleman from Texas (Mr. SMITH) readily admits it is a faulty standard.

That is why we have got this bill, because this bill is going to move from an overall refusal rate to an overstay rate. It is a much more realistic measure of what we should be determining, which countries make it into the visa waiver program versus which countries do not.

So, Mr. Chairman, the gentleman from Texas (Mr. SMITH) himself is admitting that, well, it needs to comply with the standard, but then he is also saying that standard is no good anymore. That is exactly our point.

The idea behind this, if I might say so, is Portugal and Greece are two of our closest allies, and the fact of the matter is if we want to look at indices, and the gentleman from Texas (Mr. SMITH) has cited a few indices over there but I would be happy to cite some on our side, the fact of the matter is that between 1992 and 1996, illegal immigration, so to speak, from Portugal was on the decrease.

I do not know where the gentleman got his statistics, but I beg to differ. Let us call a truce, because the INS is giving the gentleman a set of statistics and they are giving us another set. But let us look at the objective facts. So far as Portugal is concerned, Portugal's economy is growing by leaps and bounds. Their unemployment rate is 4 percent lower than that of the old European Union. So what may have given cause for the State Department to be worried initially that the Portuguese were going to come over here to live, to get a job, has been refuted by the fact that the economy is so strong.

In terms of Greece, the fact of the matter is that there are more Greek Americans going over to live in Greece than there are Greeks coming over to live here in the United States. So we have two irrefutable facts, they are commonsense facts, and we lay them on top of the fact that we enjoy a good relationship with these two countries, and it is a terrible thing for our diplomacy to have two of our closest allies be rejected from a program which every one of our other allies in Europe is a part of.

Mr. Chairman, if we want to talk about refusal rates and Portugal and Greece not coming up to par, the fact of the matter is they are just on the cusp. And I might add, let us not argue about whether they make the standard or not, because the gentleman from Texas (Mr. SMITH) just admitted the standard is faulty.

The standard is based upon a way of measuring this that is based upon the refusal rate and not the overstay rate. The gentleman in his bill admits that we need to tell the Attorney General and the State Department to move towards this new standard, because the gentleman inherently acknowledges that the current standard is faulty.

Mr. Chairman, I look forward to offering an amendment with my colleagues, the gentleman from California (Mr. POMBO), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from New Jersey (Mr. PAPPAS) to add Portugal and Greece. I look forward to a fuller debate when we get that amendment before the full House.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out to the gentleman from Rhode Island (Mr. KENNEDY) that this faulty data that he refers to is an interesting way to describe a requirement that he has in his own amendment. I am looking on page 2 of the gentleman's amendment where he says such refusal rate for nationals of that country during the previous full fiscal year was less than 3 percent. The gentleman is using the exact data that he criticizes.

But the point here is that at least we have the same requirements for every country. And the gentleman again talked about the two countries were the only countries not in the European Union. I am afraid the gentleman reinforces the point that I made a while ago, that we are giving special preference to countries because they are European countries, and it makes me concerned that we are discriminating against other countries that might not be European countries.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, the gentleman from North Carolina (Mr. WATT), my good friend and colleague, said he is not going to bite on that argument. The fact of the matter is that because I am for Greece and Portugal does not mean that I am against Africa, South America and Southeast Asia.

Mr. SMITH of Texas. Mr. Chairman, reclaiming my time, the reason that I will not budge from that argument is that the gentleman keeps using that phrase, that they deserve to get the visa waiver status because they are members of the European Union. If the gentleman will refrain from using that argument, I will refrain from pointing out that it might be discriminatory.

Mr. KENNEDY of Rhode Island. Mr. Chairman, if the gentleman will again yield, let us concede then that Greece and Portugal are two very close allies and let us take it from there.

Mr. SMITH of Texas. Mr. Chairman, again reclaiming my time, I agree with the gentleman that Portugal and Greece are close allies. We have many friends there. They are both great countries. Portugal is one of my favorite countries. It so happens I have two original oil paintings in my home of Portuguese sailing boats. I have a great affinity for both of those two countries. But that is not the issue here today.

The issue is whether we are going to lower our standards and expand the program, knowing that such an expansion is going to increase illegal immigration in America.

Mr. Chairman, a couple of people here today have tried to make the point that this is a so-called arbitrary process whereby we decide what countries are in the visa waiver program or not. First of all, I will refer my colleagues to the statements by the Attorney General herself, as well as by the State Department, as well as by the administration, all saying that we do have objective criteria.

I am a little surprised about that arbitrary charge, because that is, quite frankly, an insult to the consular officials who are career professionals, who have a lot of technical training and many years of experience. They are the individuals who, as I said, are on the front lines of trying to determine, when someone applies for a visa, whether they are likely to overstay their visa in the United States and, therefore, contribute to the growing illegal immigration population in America.

Mr. Chairman, the point is that these consulate officers are not flipping a coin to determine who gets in, who does not get in. They have this list of criteria that includes such things as whether they have family members in their home country that would help them be assured that they are going to return home; what the economy is like; whether individuals might be fleeing the home country economy that has gone sour because there is a better economy in the United States, and so on.

These are objective standards that are consistently and fairly applied to every country in the world. And I think it is regrettable that many of our allies today are not visa waiver countries. There are a lot of other countries that are just a notch away from Portugal and Greece, countries and allies like Israel. And I wonder why we have not included them if we are going to expand the program just a tiny bit. But apparently we are interested just again in those two countries, and perhaps because they are members of that sacrosanct European Union.

Mr. Chairman, I will end on the point that I think we should extend the program. We can all agree on that. But we should not expand the program because if we do so, then we are going to eliminate that screening process when individuals apply for visas from Portugal or Greece and, therefore, we are going to be in a position where all one needs is a passport to come to the United States, and we are going to end up with a lot more people coming in illegally and overstaying their period of time.

I think it is an interesting argument that the individuals make who want to expand the program, accusing the program of now being arbitrary and yet they also favor an extension of the program to the 2-year length of program. If the program is so arbitrary, it seems to me they would not support an extension of the program for 2 years, but in fact they do.

Lastly, I just want to make the point, and again we cannot say enough about how great those two countries are, but unfortunately what we need to do is to encourage those countries to take steps so that they have a lower visa refusal rate, rather than lowering the standards and making a special dispensation for certain countries. The answer to those countries becoming visa waiver countries is to frankly have a better record, and they have control over what they do to determine that.

Lastly, Mr. Chairman, in the case of Portugal, I mentioned a minute ago that they have at least 26,000 individuals from that country who are in this country illegally. Those are 26,000 people that have overstayed their visas. If Portugal did not even have a visa screening program, how many times in that 26,000 would we have illegal individuals who were from Portugal who would then come to America? There is no answering that.

But we do have a comparison to make. That is, if we look at all the visa countries that we have today, almost all of those countries just had 1 or 2 or 3 or 4,000 individuals illegally in the country today. Portugal, with this 26,000 with the visa screening process, if we lift that screening process and just allow individuals to come with a passport only, it is very clear that Portugal, if it became a visa waiver country, would have an exponentially larger number of illegal aliens in the country than any other visa waiver country. That is why the administration opposes any weakening amendments, and that is why I think my colleagues should as well.

Now, in the case of Greece, we ought to be able to decide very quickly who has got the better data, and I would be happy to share mine with the gentleman from Rhode Island (Mr. KENNEDY). Our data is that Greece is going in the exact wrong direction. Their record is getting worse. The number of individuals who were denied visas this year in 1997 is greater than the individuals who were denied visas in 1996.

I have data from the INS and from the State Department which I will be happy to share with the gentleman from Rhode Island (Mr. KENNEDY), but we have one country, that is Portugal, that is going to be susceptible to a huge increase of illegal aliens in this country, and another country, Greece, where the record is going in the wrong direction. The risk is increasing, not decreasing. The figures are getting worse, not better. And if the trend would continue, they would not even qualify in a year from now for the visa waiver program.

The gentleman from Rhode Island (Mr. KENNEDY) says he has other data. Perhaps in the next minute or two we could exchange data, but mine come from the State Department and the INS.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is a good bill. It is good because we need a visa waiver pilot program. The idea of having a visa waiver program is a good idea.

□ 1530

It is good because we have in this bill the mechanism for making the Visa Waiver Program a substantially better program by gathering the information that we need on visa overstays, to set up a rational basis for which countries can participate in the Visa Waiver Pilot Program.

The gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO) are going to try to make the bill better by extending the bill's coverage to some other countries that ought to be included under the existing Visa Waiver Program.

So what I am recommending to my colleagues is that we support the bill, support the manager's amendment that will make it a 2-year extension, and support the amendment that is going to be offered by the gentlemen from Rhode Island and California so that we make it a better bill.

Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, how much time remains on each side?

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The gentleman from Texas (Mr. SMITH) has 6 minutes remaining, and the gentleman from North Carolina (Mr. WATT) has no time remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me respond to another Dear Colleague. I mentioned the 3 Dear Colleagues that seem to say we ought to give preference to Portugal and Greece because they are in Europe. This is another Dear Colleague that says that the Visa Waiver Program "discriminates against Greece and Portugal."

Let me reiterate and say that the Visa Waiver Program does not discriminate against anyone, it applies the same standards to every country in the world. And again I say, as I mentioned a while ago, to reward a couple of countries that have not met the long-established criterion that is objectively applied is like saying to a student who failed the test, we are going to keep lowering the passing grade until we pass you. That is not good for education; it is not good for immigration policy.

In the case of Greece and Portugal, two great, wonderful countries, they simply do not qualify. The amendment is not to carve out any kind of a special exemption for those countries. As I mentioned a while ago, it is interesting to me that the special exemption starts right before a number of our other allies, perhaps like Israel is, if we were going to expand the program, why not catch all the other allies? But the amendment is not to make any special exemption for any special country; it is for that country to take the steps itself.

Again, I double-checked my figures that were in discussion a few minutes ago and confirmed the fact that in the case of Greece, their record on visa refusals was, in fact, worse in 1997 and in 1996. So this amendment that we expect includes one country, Greece, which unfortunately has a record that is going in the exact wrong direction.

The likelihood of illegal immigration is increasing; it is not decreasing. And again, why admit a country that is going to increase illegal immigration?

I can understand why that might be in the interest of some of our friends in these other countries, but I would like for someone to explain for me why it is good for America to increase illegal immigration.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I want to say with respect to Greece, my colleague said Greece's refusal rate is higher than Portugal; yet their overstay rate, according to his statistics, is lower. And the point is that it is arbitrary.

Mr. SMITH of Texas. Mr. Chairman, let me reclaim my time and ask the gentleman to point to some figures that I believe he has, and these are the refusal rates tabulated by the Department of State; and he will see in fiscal year 1996, which is what I am looking at, the Greece visa refusal rate was 2.48. In fiscal year 1997, it was 2.81.

Now, it seems to me that 2.8 is greater than 2.4, and if that is the case, then the visa refusal rates were worse in 1997 than 1996. And I would stand by my statement, the record is getting worse for Greece, not better.

Mr. KENNEDY of Rhode Island. If the gentleman would yield further, according to the INS, their overstay rates are getting lower. So that proves the point.

Mr. SMITH of Texas. Mr. Chairman, the overstay rate has not been current for 5 years. That is why we all agree that we need to extend the program for 2 years and get the correct data from the INS. When we have the right data, then we will be in a better position. But the data that we have is over 5 years old.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Texas controls 2½ minutes.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me conclude by saying once again that today our colleagues are seeing a rare alignment of orbits here where we have the Department of Justice, the State Department, and the White House itself joining many of us in Congress who are Republicans in saying that we need to extend the program, but we need to oppose any weakening amendments. The primary reason for opposing those weakening amendments is because of the danger of increasing illegal immigration in America.

As I pointed out, unfortunately and regrettably, the country that seems to have let a lot of people into the country illegally is Portugal, 26,000 today. And that is why the visa screening process is in place. If Portugal becomes a Visa Pilot Program and it has an exemption for obtaining visas, then we are going to be in a situation where it is even easier for individuals from that country to come into the United States and stay illegally. That 26,000 figure is simply going to explode; we will have more illegal aliens from Portugal than any other visa exemption country.

Second of all, in the case of Greece, then their record is going the wrong direction. We should not be going in a direction that is going to continue to undermine the integrity of the immigration system.

One more point about Portugal. We have there, in the State Department as well, one of the real concerns that we have and that they have is that if Portugal became a visa waiver country, we would see a dramatic increase in child smuggling. The reason for that is that Portugal has passports that do not have the photographs of children on them; and just because a document or a passport is machine readable does not require that they have the photographs of the children. And that is one reason the State Department has also opposed admission of Portugal as a visa waiver state.

Mr. Chairman, I simply conclude by saying that we should not change our standards to accommodate specific countries. We ought to remember that we have a very clear analogy here, and that is, if we were a teacher, we are not going to change the failure grade 50 to 40 just to accommodate a specific student. We should not lower our standards in immigration policy just to accommodate a specific country.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 2578 is as follows:

H.R. 2578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2-YEAR EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Naturalization Act is amended by striking "1997." and inserting "1999.".

SEC. 2. DATA ON NONIMMIGRANT OVERSTAY RATES.

(a) COLLECTION OF DATA.—Not later than the date that is 180 days after the date of the enactment of this Act, the Attorney General shall implement a program to collect data, for each fiscal year, regarding the total number of aliens within each of the classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States notwithstanding such termination.

(b) ANNUAL REPORT.—Not later than June 30, 1999, and not later than June 30 of each year thereafter, the Attorney General shall submit an annual report to the Congress providing numerical estimates, for each country for the preceding fiscal year, of the number of aliens from the country who are described in subsection (a).

The CHAIRMAN pro tempore. No amendment to the bill is in order unless printed in the portion of the CONGRESSIONAL RECORD designated for that purpose.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT NO. 3 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 3 offered by Mr. SMITH of Texas:

Page 2, strike lines 1 through 5 and insert the following:

SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Naturalization Act is amended by striking "1998." and inserting "2000.".

MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Strike "naturalization" on line 2 and insert "nationality."

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, when the Committee on the Judiciary reported out H.R. 2578, the Visa Waiver Pilot Program was set to expire on September 30, 1997. The bill proposed to extend the program for 2 years until September 30, 1999; however, Congress acted in the Commerce, Justice, State appropriations bill for fiscal year 1998 to extend the program until April 30, 1998. Thus, in order that the House pass a full 2-year extension as originally planned, this amendment would extend the program until April 30, 2000.

So I urge my colleagues to support this amendment. I understand that there is no objection. I appreciate the support of my colleague, the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment and encourage my colleagues to support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 2 offered by Mr. POMBO:

Page 2, after line 22, insert the following:

SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)) is amended to read as follows:

"(2) QUALIFICATIONS.—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE.—Either—

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during—

"(I) the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

"(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

"(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

"(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

"(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country.".

Amend the title so as to read: "A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.".

Mr. POMBO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMBO. Mr. Chairman, just to explain this amendment, what it does is it takes the refusal rate from 2 percent to 3 percent. Under that change, there are 2 countries that would currently qualify to be included in the Visa Waiver Program, those two countries being Portugal and Greece.

The refusal rate, just to explain to my colleagues exactly what that is, is that if they go in and apply for a visa, if they are refused, that goes into the category in the refusal rate.

To explain that further, I recently had a friend of mine whose parents wanted to come over to this country in order to attend their granddaughter's graduation from high school, and they were refused a visa from Portugal to come into this country. Even though they own a home over there, even though they own a business over there, even though they have been to this country in the past and returned, they were refused. And because those two people were refused, we now need over a hundred other people who need to apply and get approved in order to keep the rate under.

So that is what the refusal rate is. What we are talking about is taking it from 2 people in 100 to 3 people in 100 that are refused under this arbitrary rate.

Furthermore, under the current rules, there are only 2 countries within the European Union that are exempted from the program, those being Greece and Portugal, because of the way that the numbers are currently done. I would argue that it is arbitrary in the manner that, sure, we are giving the people general guidelines of what they have to go by, but they make an arbitrary decision as to whether or not to refuse that at that time.

The chairman, in previous arguments, brought up that this may in some way increase crime and terrorism and illegal immigration by allowing Portuguese citizens to visit this country and by allowing Greek citizens to visit this country. Unfortunately, by some of the Dear Colleagues that have been sent out, we would read those and believe that somehow Portugal is an exporter of terrorism around the world, which I find personally very offensive and my family members find personally very offensive; it is not true. Nor is it true that Portugal is known as a country that exports babies around the world in some kind of child smuggling ring, for God's sake. But according to some of the Dear Colleagues that have been passed around here, unfortunately, we would believe that that is the case, and it is absolutely untrue and unfounded.

I think it is very unfortunate that anybody would have sent that out. But even if it was the case, even if it was the case, according to the law, the Attorney General, in consultation with the Secretary of State, may for any reason, including national security, refrain from waiving the visa requirement in respect to nationals of any country who may otherwise qualify for the designation at that time.

So if the Attorney General determines that, for some reason, Portugal or Greece should not qualify, that they increase terrorism and child smuggling around the world, they can withdraw the ability of Portugal to be in the program.

Furthermore, I do not understand, quite, the logic. There was debate previously about illegal immigration and how somehow Portugal, that if they are included in this, that that will increase illegal immigration. Well, I hate to surprise my colleagues, but we are talking about a legal program for people to legally come to the United States for tourism or business, to legally come in. We are not talking about illegal immigration, see, because people that are going to break the law are going to break the law and come in illegally.

That is what happens. That is how we end up with illegal immigrants to this country. What we are talking about here is allowing people to follow the rules and legally come into this country and visit their relatives or come here on legitimate business purposes. And just by a minor change in the current law, we would allow, at this point, people from Portugal and Greece to come in.

But it is not just an amendment for them; it is an amendment for anyone who would qualify under that new standard. Today it means Portugal and Greece. But if anybody else brings their arbitrary refusal numbers down to below 3 percent, they would then qualify to come in.

We also had data that has come out that says that Portugal has 26,000 people that have overstayed their visa, that Greece has 5,000 people that have overstayed their visa, that are illegally in this country. By the quoting from the chairman, the data that we have is 5 years old.

□ 1545

How can he bring this out and say that this has any bearing on the current status of the people that are coming over here from Greece or Portugal into this country today on legitimate legal tourism or legitimate legal business activities into this country? By the gentleman's own quote, the data is 5 years old and it is inaccurate. It is not good data. It really bears no argument in this. We can prove anything we want with facts.

I can bring out my facts that show how many people have come in and how many people have gone back and whether or not this program, in the facts, can bring Portugal and Greece under this program. But I think that the real point is the fairness of whether or not somebody from Portugal ought to be able to come into this country just like every other European country can, under a tourist visa or a legitimate business activity.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the gentleman from California (Mr. POMBO) in his effort to bring some fairness back into the visa waiver program with respect to Portugal. I also rise in support of the gentleman from New Jersey (Mr. PAPPAS) in his efforts to make sure that the visa waiver program is extended to Greece. These amendments will make changes that are long overdue in bringing two excluded members of the European Union, Portugal and Greece, into the visa waiver program.

The amendment is simple. First, the amendment is about fairness to our allies, two countries that have been there for our country throughout our history. It is important that we take a step forward in promoting this relationship. By doing that, we would bring a closer relationship to Portugal and Greece between our countries. These are countries that have made extraordinary steps forward in their efforts to be considered with the rest of the European Union in qualifying for this program.

Secondly, this amendment, as the gentleman from California (Mr. FARR) said, is about tourism. One would think by the way the opponents of this amendment would talk that illegal immigration from Portugal and Greece is somehow a drain on our economy. Come to Rhode Island. Come to any of the parts of this country where we are seeing lively groups of Greek American and Portuguese Americans reside in this country who come here for tourism, and you would find a very great economic impetus.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Texas.

Mr. SMITH of Texas. I would simply ask the gentleman, I think he is referring to legal immigrants because I assume he is not endorsing illegal immigration in America.

Mr. KENNEDY of Rhode Island. No.

Mr. SMITH of Texas. I thank the gentleman for yielding.

Mr. KENNEDY of Rhode Island. I would like to add, Mr. Chairman, that by the whole tone of this debate, by declaring Portugal and Greece not eligible for the visa waiver program, it sends a very chilling effect between the United States and our two closest allies that somehow they are not up to par, that we do not value them, that they do not meet the standard, as the gentleman has said himself in his opening remarks. I think that is a very destructive message to be sending to our very close allies.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from California.

Mr. POMBO. I think it was an important point that the gentleman from Texas brought out. We are talking about legal immigration.

Mr. KENNEDY of Rhode Island. That is true.

Mr. POMBO. People who are legally coming to this country.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I think it is so important that he says that because the fact of the matter is no one should confuse this debate for illegal immigration. Yet the way this amendment is being portrayed, he would have one believe that we are trying to invite illegal immigration. The fact of the matter is these people who are coming to the United States to visit their families are coming here to this country and participating in our economy and growing our economy. Our economy is growing as a result of the strong relationship that we have between Greece and Portugal.

I might add, in addition to that, we need to make sure that we go forward with this amendment because it is an amendment about fairness and making sure that we have fairness extended to two allies that make up a very important part of our geopolitical relationship around the world, Portugal and Greece. We should make sure that they are not unfairly treated and allowed to join this program because of the nature of this program, which even the gentleman from Texas who is supporting the bill and opposing this amendment says is a program that is in need of improvement.

Mr. Chairman, in conclusion, let me say that we need to change this program. I applaud the efforts in this bill to change the underlying premise of this program, which means instead of doing it from a refusal rate measure, we are going to go to an overstay rate measure. It is a much more accurate measure for what we are trying to do with this program. In doing so, I think we will have a much more accurate representation of what the true facts are. Then in addition to that, I think if we pass this amendment by the gentleman from California (Mr. POMBO) and the gentleman from Massachusetts (Mr. FRANK) and the gentleman from New Jersey (Mr. PAPPAS) and myself, we will be going a long way in improving relations with two very close allies to the United States of America. I think that that is something all of our colleagues in this House can certainly stand up and support. Like the gentleman from California (Mr. POMBO) said, this is about legal immigration.

Mr. PAPPAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from California (Mr. POMBO). As my colleagues can see, this issue attracts the attention of a wide spectrum of political ideologies. This is the case because of the importance of treating the citizens of our valued allies like Greece and Portugal with the respect this Nation should afford them. I find it wholly ironic that Greece, our NATO ally, is trusted with safeguarding our troops, trains with our military, utilizes our high technology equipment and has fought with us on every conflict this century, yet at the same time our country does not seem to think that citizens of Greece are safe or secure enough to enter this country without a visa like Germany, France or every other nation that is in the European Union except Portugal. This amendment is a common sense legislative fix that will protect America's relations with its allies and promote tourism and economic activity that follows with Greece and Portugal. This Congress should be encouraging tourism as a trade industry for us, and the existing 2 percent threshold makes it much more difficult for Greeks and Portuguese to visit our great country.

One of the problems this bill fails to take into effect is geography. In Greece the U.S. has two consulates, one in Athens and one in Thessaloniki. However, Greece is not a country with easy access to all its parts. The country is spread out among many islands, and the famous mountains of Greece make travel difficult for many. The United States does not make it easy to get to the consulate for a visa.

Moreover, I have been in communications with the U.S. State Department this past summer about my perception that we are trying to close down the consulate in Thessaloniki. The present facility was damaged in an earthquake many years ago and rumors abound about a diminished role or shutdown altogether of this consulate in the northern part of Greece. There are plans to move to another, less noticeable part of the community where the consulate may not even fly the U.S. flag. If closed or hours curtailed, the U.S. Government would be doing nothing to improve the situation.

This matter passed by unanimous consent in the other legislative body. Although we may generally get frustrated by the actions in the Senate, I think the record must reflect that if any one of the 100 Senators thought this 3 percent threshold was a bad idea, a Senator would have objected. No Senator did. They did not because moving this waiver from 2 to 3 percent only affects two countries, Portugal and Greece.

I must also note my disappointment at some of the veiled language and intimations of the proponents of the status quo. The Greeks and Portuguese are not terrorists or criminals, and I resent any attempts to suggest that this is the case. Rather, Greeks and Portuguese are hardworking, well respected and proud members of the world community. U.S. policy should treat them so. Greek Americans and Portuguese Americans are the local small businesspeople, families and neighbors from every district of this great country, and yes, even Members of Congress. They have helped make America the greatest Nation in the world. We ought to acknowledge this by passing this amendment.

Finally, I must note the irony of having this vote today, on Greek Independence Day. Later tonight a prescheduled special order on this important subject was scheduled. America was founded on the idea of democracy from Greece. The poet Shelley once wrote, "Our laws, our literature, our religion, our arts have their roots in Greece." Failure to pass this amendment would dishonor this statement.

Rather than divide our American allies and constituencies, let us work together and resoundingly pass this well thought out amendment by the gentleman from California.

Mr. WEYGAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I think that it has been well crafted and it deserves our support. I listened very intently, Mr. Chairman, to the words of the gentleman from Texas with regard to his opposition to this particular amendment, and the basis, the premise of all this is the premise that the rate of refusal from 2 percent to 3 percent is really something we should not be doing. If my colleagues look at that number, if they look at the real definition of rate of refusal, they will know that it is very, very subjective. If they talk with any of the immigration agencies or authorities, they will find that the rate of refusal as such is based upon a lot of times the personality of the immigration person or the person looking at the passport, allowing that person to come in.

I had an experience just recently, my office deals with many different problems of immigration, where we had one person, a person who had a visa, a person went back to their original country, wanted to come back into the United States and for some unknown reason was refused a visa to come back in. I called just to find out why. The reason why? The gentleman just did not have time on the other side, this is from the American embassy, to pay attention to that person and just did not want to be bothered with it. The person then went to another person and got admitted.

That is what adds to the statistic that the gentleman from Texas is basing his opposition for this amendment on, which is totally wrong. It is fabricated. It is very, very subjective. But now let us take a look at the facts. Look at the facts about Greek Americans who are going back to their country of origin, to Greece. It is higher there than Greeks coming to America. Take a look at my State of Rhode Island, where we and the State of Massachusetts have one of the highest rates of immigration from Portugal. These people are hardworking, dedicated individuals who really have made a difference for our State and our country. What we are doing is we are saying to them, because of a subjective judgment by a bureaucrat on the other side, we are going to dismiss the opportunity for family members to come over on a short-term visa to visit their family, to visit this country and increase tourism to our States and our country.

This is wrong. As the gentleman from New Jersey (Mr. PAPPAS) said, it is wrong on the basic principles that we have founded our country. It is wrong on the basic principles of democracy. What we should be doing is providing a reasonable access for our allies, for those people who have helped us time and time again, in all the world wars who have fought for us and helped us. But we are turning our backs on them because of some bureaucratic, subjective decision. This is wrong. Pass this amendment. Pass it now.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Pombo-Kennedy amendment to H.R. 2578. This amendment is narrowly drawn. It would raise the visa waiver program refusal rate from 2 to 3 percent. This would allow citizens of Greece and Portugal to travel to the United States for 90 days without a visa.

There has been a lot of incorrect information that has been circulated about this amendment. This amendment is not about immigration but rather about tourism and commerce. It would allow people from Greece and Portugal to travel to the United States, whether for business or pleasure, without getting a visa, just as those countries allow people from our country to come to their countries. Tourism from these countries would increase dramatically and help and benefit the American economy.

In fact, the first year that Argentina was in the program, tourism from that country to the United States grew by 11.5 percent. I am fortunate to represent Astoria, Queens, which is one of the largest Hellenic American communities in the United States. I know that they would like for their families to be able to come and visit them here in the United States without having to get a visa, just as they are able to travel to Greece without a visa.

It is very appropriate that this amendment is before us today, because this is the 177th anniversary of Greek independence. Greece is one of our oldest and strongest allies. They have fought by our side in every war this century. Their ideas of democracy and individual liberties became the foundation of our government. It is time that we extend to them the same courtesy that they extend to us. I strongly support this amendment. It is narrowly drawn. It will help tourism in this country.

□ 1600

Mr. NEAL of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that the arguments being applied on the House floor as I stand in support of the gentleman from Rhode Island (Mr. PATRICK KENNEDY) and his amendment today is essentially this: The question of how immigration has served this Nation during the last many years, and what I am struck by in terms of this debate is that while we are asking for a narrow solution, I think it draws us to the broader argument of what immigration does for America.

In the instances of Portugal and Greece where, by the way, the United States Senate has already swiftly acted on this initiative, we are not only talking about great allies, but we are talking about people who regularly visit and then regularly and faithfully return. The truth is that for many of us who have large Greek constituencies or large Portuguese American constituencies, not only is it an opportunity for families to reunite for brief periods of time, but also I think is an opportunity to once again extend the argument that America warmly welcomes and receives the idea and notion of what immigration has meant in our history.

I have stood on this floor in debate in the past over the issue of immigration, and happen to believe, as one whose grandparents were immigrants to this Nation, that immigrants and immigration serves the purpose of this Nation very well. Technology allows for more instant communication, and now there is the opportunity here to allow Greek and Portuguese visitors to America to come with more regularity. In both instances, I think it is an example not only of cooperation but how in the long run this boosts the American economy.

When the gentleman from Rhode Island (Mr. KENNEDY) asked me today to join this debate I was enthusiastic about doing it, based upon the constituencies that I have had a chance to represent now for more than 2 decades in Springfield. We are still a Nation that honors the notion of immigration. It is hard work, it is principle, it is dedication, it is faith and family and friend that these people still celebrate. They could give all of us a lesson in patriotism and hard work.

We should adopt the amendment that is offered here today that the gentleman from Rhode Island (Mr. KENNEDY) is proposing, and we should do it with enthusiasm and we should do it on behalf of those millions of Americans who have come to this shore in the past, only to improve the circumstance with which we all live.

I am pleased to add my voice in support of this proposal.

Mr. McGOVERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I rise in support of this amendment to raise the visa refusal rate from 2 percent to 3 percent to allow citizens of Portugal and Greece to participate in the visa waiver pilot program. Since 1998, travelers from 26 countries have enjoyed this program's privileges. These visitors have been allowed to travel to the United States for 90 days without a visa. Portugal and Greece are the only countries in the European Union whose citizens must have visas in order to travel to the United States. This requirement, Mr. Chairman, is outdated and requires modification.

In my district, from Worcester to Fall River, we have strong Portuguese American and Greek American communities. Members of these communities should be able to welcome visitors from their countries of origin, whether for business or travel, without burdensome administrative delays. During times of celebration or crisis, families should not have to face the uncertainty of the visa process. Participation in the visa waiver program is based on annual refusal rates of visa applications. For the past 2 years, the refusal rates for Greece and Portugal have declined considerably and will meet the proposed 3 percent level.

INS reports also indicate no documented increase in illegal immigration from these countries since 1996, and additional safeguards to prevent abuse will be enforced if this bill is adopted today.

Mr. Chairman, I urge my colleagues to support the Pombo-Kennedy-Frank-Pappas amendment which is so important to the Greek and Portuguese families, not only in my district but throughout the country. This is an important amendment, it is the right thing to do, and I urge adoption of this amendment.

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also want to add my voice, together with those of my colleagues that have spoken here this afternoon and who are in the Hellenic and Portuguese Caucus, for offering this necessary amendment.

I firmly believe that the visa waiver program is important to allow citizens of eligible countries to enter the United States temporarily without a visa, whether it be for business meetings or simply to visit with their families.

Mr. Chairman, every country in the European Union participates in this waiver program; that is, with the exception of Portugal and Greece. It is a bit ironic that while we may applaud both countries for their booming economies and their low unemployment, we deny them participation in this program that helps tourism and facilitates travel to the United States.

For example, Mr. Chairman, last year the first year that Argentina was in the visa waiver program, tourism from that country to the United States increased by 11.5 percent. I think that we can expect the same type of results if we move forward in the way that has been suggested here.

I am a bit perplexed about the argument of those who would oppose, including Greece and Portugal, this visa waiver program. We do not believe that citizens of those countries are a threat to our public safety, certainly; we do not believe that they would increase illegal immigration; and we do not think there is any evidence of either of those events occurring.

We can all agree that the number of people that have overstayed their visas otherwise might be a serious problem, and the Immigration and Naturalization Service has the authority to identify people who have done so, but refusing both Greece and Portugal entrance into the visa waiver program, based on inaccurate and out-of-date information, strikes me as discriminatory, unfair, and simply bad public policy.

Mr. Chairman, I represent a large number of people of Greek and Portuguese origin from Lynn to Peabody, Massachusetts, to Newburyport and Ipswich and Haverhill; and all the way through our district, people are proud of their heritage, and many feel slighted by this country's exclusion of them from the visa waiver program merely because the number of people in those countries who are refused a visa may be slightly more than the current rigid 2 percent refusal rate. These people have worked hard, and the countries have worked hard to bring those rates down and to decrease the overstay rates.

Mr. Chairman, I think that we should not continue to deny these allies and these people the opportunity to have members of their family, people with business interests coming in for the requisite period of time.

I strongly support the Pombo-Kennedy-Frank amendment that would raise the refusal rate to 3 percent. It will allow Portugal and Greece to participate in the program, will hopefully encourage other countries to improve their overstay and refusal rates, and the amendment simply affords these countries the fair treatment to which they are entitled and the rewards that their hard work and improving their overall economies and lowering their overstay rates have brought. It is time we recognize this hard work, Mr. Chairman, and I ask us and urge our colleagues to support the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I guess the House is about to vote on the theory of the infallibility of the bureaucracy. The chairman of the subcommittee believes that when visa applications come, they are decided with a degree of precision and exactitude rarely equaled in American government. They are apparently perfect within a very small margin of error. Indeed, none of us has yet found a pollster in our own elections who could come closer to exactitude than the gentleman from Texas thinks can be found in the consular offices.

Now I think highly of the Consular Corps, I just do not get them quite as high as the gentleman from Texas, who appears to have gotten them celestial in their perfection and absence of error. People make mistakes. What we have is a situation where residents of countries strongly allied to our own, countries that share our democratic commitment, countries which have living amongst us relatives and friends, innocent citizens, clearly innocent citizens of those countries, are to be penalized because of errors that second parties make about third parties.

Now I understand the gentleman from Texas talked about overstays. Let us be very clear. If there are people who are overstaying, and the invincible bureaucratic officials know about it, why do they not make them go home? We are not protecting people who are here illegally. Nothing in this amendment diminishes one iota of the authority of the State Department and the Justice Department and anybody else they want to borrow to send the overstays home.

The question is this: I represent an area in southeastern Massachusetts 2,000 miles from the Azores. A large number of American citizens came from the Azores. They have friends and relatives in the Azores, as close to them as Denver is. They go back and forth to visit. People come for weddings, for funerals, for family events. There are charter flights that go back and forth. If one lives in one of the islands in the Azores, and the islands are spread out, which does not have a full-time consular official, and there is an emergency that comes up, someone dies, sadly, or there is some other need for you to come right away, maybe someone is ill and they are going to come sit with the children for awhile, these are the kinds of interactions we are talking about. They have got to go and get a visa. Why do they have to go and get a visa, which they would not if they lived in any of the other European countries? Because some other people may have been trying to do something which a consular official did not like, so you are punished.

We are talking about increasing the rate from 2 percent to 3 percent. It is simply not credible that 2 percent as opposed to 3 percent is some important qualitative difference. The gentleman from Texas apparently feels that 2 percent, that is absolutely the most, although I must say I guess neither the gentleman from Texas nor I were here when we first enacted this, and I would hate to be one of the residents of those countries who would have had to depend on him to enact the whole program in the first place. But the point is that it is there, and we are now saying at 2 percent, they come in at 3 percent, they cannot. What that means is if 97.8 percent of the people who apply are applying legitimately, and no errors are made, then they still have to go through the visa waiver situation.

Remember the visa waiver program does not mean they sneak in here unknown. We have records of who is here. We have every right we have under the bill to deal with overstays. The gentleman from Texas has in his legislation language saying let us get the data on overstays. Our amendment does not change it.

What our amendment says is this: There are a large number of American citizens of Greek and Portuguese ancestry who have friends and relatives with whom they would like to be able to visit, exchange visits, et cetera. Why, why would the House want so strongly to make it hard on them? What kind of determined attachment to bureaucratic norms insists on denying these overwhelmingly decent people a little convenience and a little ease? Is this great country threatened in some way with instability, with chaos, with economic ruin because we would go from 2 percent to 3 percent, allowing two fairly small countries in population to have a more easy interchange?

As the gentleman from California pointed out, people are trying to smuggle themselves in here. They do not need to get visas. This is not affected by that. And I understand the State Department does not want it, the Justice Department does not want it. No, bureaucrats do not want a lot of things that we do want. That is why we have the lawmaking power, and not them. That is why we make the decision about what is decent and what is compassionate.

So on the one hand, we have the citizens of this country who want a little ease and a little flexibility in seeing their relatives.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. FRANK of Massachusetts. Mr. Chairman, and on the other hand you have an insistence on attachment to unyielding, undeviating fealty to the notion of bureaucratic perfection. That is hardly worth inflicting this degree of inconvenience on so many decent Americans and their relatives.

I hope the amendment is adopted.

Mr. POMBO. Mr. Chairman, I ask unanimous consent to address the Committee for 2 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMBO. Mr. Chairman, I would just like to close the debate by bringing us home to what the issue is that we are debating. We are debating going from 2 people in 100 being refused a visa to come to the United States as a tourist or on legitimate business purposes, and to go from 2 people out of 100 to 3 people out of 100 being refused and being refused on, I would argue, an arbitrary basis as to whether or not they meet an arbitrary standard that is set up by the person sitting across a desk from them.

Now I have not come at this with somewhat of a unique perspective from most of my colleagues, and I will fully admit I am the only Portuguese Member of the House of Representatives, of Portuguese descent. My grandparents immigrated here from Portugal, and I am very proud of that. But I can tell my colleagues that there is a difference between whether or not my relatives can come over on a tourist visa or not, and that does mean something to me and my family, and I think that this is a very important amendment.

□ 1615

I think that it is fair. All I am asking my colleagues to do is to allow people to come in for legitimate reasons. We are not talking about illegal immigration. We are not even talking about legal immigration. We are talking about people coming into this country as tourists. We are talking about people coming into this country for legitimate business reasons. That is what we are talking about.

How this could possibly explode the illegal immigration into this country? How this could possibly explode terrorism into our country is beyond me, and I fail to follow anyone's logic who tries to make that argument.

What I ask my colleagues to do is to support a very simple amendment which would say that we are taking the refusal rate from two people in 100 to three people in 100. That would result in Greece and Portugal being included in the Visa Waiver Program. I ask my colleagues' support.

Mr. SMITH of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me tell my colleagues a story. On the upper east side of New York City, there is a textile shop. Its windows are nailed shut, and they are opaque with grime. Pedro, who is 10, and his sister, Amora, who is 8, labor in a single, dingy room 6 days a week.

This is part of a child-smuggling ring that entices children from Portugal to come to America. The children are promised an education, the parents are promised money, and neither promise is kept.

Six months before, a smuggler had flown to Lisbon to pick up Pedro and Amora. They were two of two dozen children that he had brought to the United States. This was possible because Portugal had become a visa waiver country and only a passport was now required to enter the United States.

While many countries require passports to have the photos of children, Portugal does not. Because of this and the ease with which Portuguese passports can be counterfeited, Pedro and Amora and the others were easily smuggled into the U.S. That is one reason why the State Department and the Department of Justice and the White House and many of us do not want this amendment to pass. We do not want smugglers to condemn Pedro and Amora to those sweatshops.

Mr. Chairman, I want to correct some misimpressions that may have been given in the short time that I have left. First of all, this debate is not about immigration. There are many aspects of immigration that are good for America. It is not about the countries of Greece and Portugal. They are wonderful countries, and someday, if they meet the criteria and meet the standards without lowering the standards, I hope they become visa countries.

It is not about individuals who are illegal aliens who are in this country today. The gentleman from Massachusetts actually has a greater faith than I do in the bureaucracy, because he seemed to imply that if someone was in the country illegally, they would be deported by the INS. In point of fact, only one out of 100 illegal aliens in the United States is ever deported by the INS.

The other problem mentioned was the difficulty of obtaining passports or visas in Portugal. Portugal is one of the few countries that has same-day service for walk-in applicants. It is one of the few countries that guarantees a return by mail within 3 days of those applications for visas.

Another misstatement that was erroneously made was the fact that the Senate already has adopted this. In point of fact, the Senate bill says that no new country can become a member of the Visa Waiver Program until we have a determination of visa overstay rates. We know that that time is at least 2 years away, and that that is why it is in conformity with the 2-year extension that we have in the bill at hand.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. I am happy to yield just very briefly because I have more I would like to say.

Mr. FRANK of Massachusetts. Mr. Chairman, I would like to have the gentleman join me in acknowledging that the gripping story he began with was, of course, an invention, has not happened, and was in fact mythic. Now, the gentleman is entitled to employ myth, but the story about what happened because Portugal is not in the Visa Waiver Program, since it is not in the program——

Mr. SMITH of Texas. I am reclaiming my time, Mr. Chairman, because my story had a point.

Yes, it was apocryphal, but yes, the point was that it could occur if Portugal was a visa waiver country. And I am not going to yield because I need to finish some comments I would like to make.

Mr. Chairman, the problem with Portugal and Greece is not the fact that they are not great countries. The problem, as recognized by the State Department and the Department of Justice and the White House, is that we should not lower our standards just to accommodate these specific countries. They can improve their records themselves. Then they can be admitted to the Visa Waiver Program.

In the case of Portugal, we have a country that already has 26,000 people in this country illegally, and that is with the visa screening process because they are not part of the Visa Waiver Program. If they become part of the Visa Waiver Program, how many more times that 26,000 illegal folks are we going to have in this country from Portugal?

The point is, we do not know, but it could be in the hundreds, and that is why, clearly, if we have a Visa Waiver Program in Portugal, we are going to contribute significantly, in fact, to the illegal population in America. Undeniably, if Portugal becomes a visa waiver country, there will be more illegal aliens from that country than any other visa waiver country.

In the case of Greece, again I repeat the point I made a while ago, that the record for Greece is worsening. The number of individuals who were denied their visas in fiscal year 1997 is greater than the number denied in fiscal year 1996. Their record is going exactly the wrong direction. Why we want to reward that country when their record is worsening, I do not know. But in any case, we should not weaken our standards.

Now, in the case of Portugal, and again it is a great, great country, but unfortunately, with their passport the way it is today, it does lend itself, as the State Department and Justice Department have told us and we have seen demonstrated from cables, it does lend itself to having its passports counterfeited; and it does lend itself to child smuggling simply because they do not have photographs of children. All that is required is the name and age. It is very, very easy for individuals to smuggle over the children from Portugal.

So, again, Mr. Chairman, the debate is not about whether people of Portugal or Greece are great people. That is undeniable. It is undeniable that these are great countries. But it is also undeniable that we are going to increase our illegal immigration problem in America if we lower the standards and admit countries so that they no longer have to obtain visas if they are coming to America.

It is also undeniable that if we lower these standards, we are going to increase the temptation for individuals to smuggle children into the country as well. It is also undeniable that if we pass this amendment, we are going to be admitting one country that will contribute to our illegal immigration problem and another country that has a record going in the exact wrong direction when it comes to lowering visa fraud rather than increasing it.

Mr. Chairman, I would simply urge my colleagues to oppose this amendment, support the underlying bill, and join the administration and many of us who are concerned about illegal immigration.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the gentleman from Texas acknowledging that he was being, as he said, apocryphal, a very nice word for "made up." His incident that he began with is totally made up.

It is a little bit apocryphal, too, when he talks about the passport, because under this bill, to become eligible for visa waiver, you would have to change the passport to make it machine readable. So the current Portuguese passport would not be the same. It would have to become machine readable.

The fact is that if there is an overstay problem, that should be dealt with by enforcement. And this notion that somehow there are these thousands of Portuguese children waiting to be smuggled, in fact, exists only in the apocryphal imagination of the gentleman from Texas.

I thank the gentleman for yielding.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I will be very brief. I just wanted to correct the gentleman from Massachusetts. The amendment actually says that the countries only have to be in the process of developing a machine readable passport, not that they actually have to have one so we still have the problem with counterfeiting passports, and we still have the problem with child smuggling as well.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, let us just make it clear here, the idea is, the Attorney General still has discretion to reject these countries based upon any concerns that she may have with respect to these issues that, I might say, are ancillary.

You are talking process now with the machine. What we are talking is substance. We are talking about letting families come over here when their family members have a family event. If it is a happy event, they come over for that.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman from North Carolina yield?

Mr. WATT of North Carolina. I yield to the gentleman from Texas.

Mr. SMITH of Texas. I was not talking process. I was talking real people, real children who might be smuggled, real illegal aliens.

Mr. FRANK of Massachusetts. No, the gentleman from Texas was talking apocryphal real people.

Mr. SMITH of Texas. No. We were talking about individuals where there is a real threat.

Mr. FRANK of Massachusetts. The gentleman from Texas was talking about apocryphal real people.

Mr. SMITH of Texas. If you want to, the State Department has received a number of these cables that go into the problem in great detail.

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield? Let us get clear here.

Mr. WATT of North Carolina. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, let me just say here very quickly, if there is a problem, as the gentleman said, then that is a problem that needs to have law enforcement. If there is a problem with the fact that these people need to have the visa overstay enforced, that should be enforced. But the fact of the matter is, that does not negate the primary reason for this amendment.

And the primary reason for this amendment is to let two allies, Greece and Portugal, who have large numbers of family members here in the United States of America, be able to come over on a visitor's visa or a business visa for a temporary period of time, for 90 days or less, and not have to go through a bureaucratic process.

It means that we have got to let our families rejoin for family occasions and business people to come over for tourist reasons. And let us not confuse the gentleman's being hung up on bureaucratic procedure as a reason to preempt us from passing this important piece of legislation.

Mr. WATT of North Carolina. Mr. Chairman, let me just put this in perspective here.

I am in favor of this amendment. The reason I am in favor of it is that the whole notion of a visa refusal rate, if you understand that, means almost nothing, because if 100 people show up in an INS office and/or in a consular office, and two out of that 100 are refused a visa, then you have a 2 percent refusal rate. If three out of 100 are denied a visa, then you have a 3 percent refusal rate.

If the consular officer in that office is sitting there, and they have a criterion that says, I do not like people who look poor, or I do not like people who look black, or I do not like people who look a particular way, then the refusal rate may be 98 percent. It could be 100 percent.

The point I am making is that that is an irrational basis, a subjective basis, for setting up our whole Visa Waiver Program in the first place. So whether it is 2 percent or 3 percent, I cannot get all bent out of shape about it.

This amendment would move it from 2 percent to 3 percent.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. WATT) has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. WATT of North Carolina. Mr. Chairman, what everybody ought to focus on is that in this bill is the mechanism to move us from this visa refusal rate process, which is irrational, to a visa overstay process, which is a rational basis for determining whether a country ought to participate in the Visa Waiver Program.

Because once these people get into the country, if they do not go home, then I get real bent out of shape about that. When the time comes, they ought to be required to go home. And the visa overstay information would allow us to measure that and get to a rational basis. Right now, we have no rational basis.

So I do not have any problem whatsoever from moving the threshold from two out of 100 to three out of 100, because I know that there are some countries that are being denied 50 out of 100 on no rational basis whatsoever, in some cases, 75 out of 100 on no rational basis whatsoever.

We ought to support this amendment, pass this bill. Let us get the visa overstay information we need to implement a rational Visa Pilot Program, and we will all be a lot happier. People throughout the world will be a lot happier because we will have a rational basis for having a program.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment.

□ 1630

First of all, I want to speak in strong support of both the gentleman from California (Mr. POMBO) and the gentleman from Rhode Island (Mr. KENNEDY), who I always like to speak in favor of, and I speak in favor of this particular amendment.

I think it is important for us to recognize that the gentleman from Texas (Mr. SMITH), who has offered this bill, is trying to deal with a fundamental problem we have with immigration, and that is that the vast majority of illegal immigration has come into the country because of visa overstays; and that is why I did not vote for a lot of the legislation that came out as so-called "immigration reform" last year, because it did not deal with the fundamental issue.

I think that the gentleman from Texas (Mr. SMITH) ought to be congratulated for the efforts that he is making to try and deal with this important issue.

I just think that the particular oversight in this bill needs to be straightened out. If, in fact, we are dealing with visa overstays, I think we have to reform the process, but if we do not deal with visa overstays and we just deal with some bureaucrat that is sitting in some embassy somewhere around the world who is saying, this particular individual does not qualify, and we add up all of those circumstances and one gets a 2 percent denial rate and one gets a 3 percent denial rate and, therefore, we are going to eliminate the ability of these countries to go back and forth to see their families. I will tell my colleagues, every single Member of Congress has had to get on the phone at one time, and in my case, many, many times, with some bureaucrat sitting in some embassy somewhere around the world because some family has a very legitimate right to come to America and is being denied because some bureaucrat does not think they have every "T" crossed and "I" dotted.

We are not talking about vast numbers of illegal immigrants coming into America using this process. We are talking about a 1 percent difference; and that 1 percent difference is an opportunity for families to be reunited, it is an opportunity to increase trade. We should deal with the fact that we in America make money off of immigration. This is a money-maker for the United States of America. It is a money-maker for the taxpayers, it is a money-maker for the Federal Government.

If the problem is the underlying issue of people that come here and stay illegally, then let us deal with that. We deal with that issue by dealing with overstays. And we ought to be tough on overstays, and if we have a bill and legislation that comes in here and gets tough with people that are breaking the law, I will support it. But let us not do it arbitrarily, because for some reason we do not want to get into opening up the bill; and then we are going to hurt people from only 2 countries, from Portugal and Greece.

Two of our Nation's proudest immigrant populations come from both Portugal and Greece. They have done so much to not only settle the United States of America, but make phenomenal contributions to our culture. We walk this very Capitol Building and see how many Greek and Portuguese immigrants are up on our walls.

This democracy is founded upon the Greek democracy, and for us to be breaking that tie and saying we are going from 3 percent to 2 percent, so therefore, we are going to make every Greek immigrant go through some massive bureaucracy is a ridiculous point of bureaucratic nonsense that I cannot believe that the gentleman from Texas, who is as clear-thinking and as forward-thinking as he is, would possibly oppose this amendment. Because I know that he fundamentally has already said, as I heard him in my office, he said that in fact he agrees that this bill should be stipulated to deal with the overstay issue, and he recognizes that the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO), their amendment only deals with this issue because it has to do with the visa denial rate.

There is a huge difference between a visa denial rate and a visa overstay. Let us deal with the issue.

I would just hope that the gentleman from Texas (Mr. SMITH) might consider amending his opposition to this amendment and accept it and be done with it before we get to bringing everybody over here for a vote. I think that this is good legislation; I think it will help the bill, and I would be happy to see him see the light.

Mrs. MINK of Hawaii. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pombo-Kennedy amendment, although as the gentleman from Massachusetts (Mr. KENNEDY) who just spoke so eloquently highlighted the real problem, and the problem is that we are dealing with trying to just simply solve a problem with the existing formula by raising the 2 percent to 3 percent to take care of the Portuguese and the Greeks.

I am a member of the Portuguese caucus, so I rise to support this amendment on 2 scores: Because it is important, it is fair, it is just; because I feel that these 2 groups are entitled to this support.

Mr. Chairman, the issue that brings me to the floor to discuss this whole matter of visa waiver, however, is the very, very huge problem that I have with the Asian constituency that I must deal with almost daily. And there the issue of denials of visa, visa applications to come to America for whatever reason, are mind-boggling.

Almost every day I am writing letters to the embassies asking them for compassion, for consideration, for allowing people to come to Hawaii to visit a terminally ill parent; and they are virtually denied without really very much consideration, for economic reasons primarily, not enough earnings, no ownership of property, they do not own businesses.

But even in some cases where they own businesses and have very large personal wealth, they are still not permitted to come in. So the denial rate that occurs in many of these countries is a real problem as a prejudice in opening up opportunities for them to travel.

My State enjoys a very large multicultural society, and so we have people from all over the world who live in Hawaii. It just is simply unfair that in the Asian area so few of these individuals even with very solid and strong economic backgrounds are not able to come to visit.

As the gentleman from Massachusetts (Mr. KENNEDY) indicated, the visitor industry is an important industry. I call upon the people who belong to the tourist caucus to understand the importance of allowing people into the country to visit. Why is it that we are so afraid of the people coming in to visit, to spend their dollars, to enjoy themselves? Well, there is practically a band, a barrier to the entrance of these individuals from Asia at the current time, and it is a real difficult problem.

Mr. Chairman, what I am confronted with, with a great deal of pain and anxiety, is that the denials go to very, very compassionate situations, like somebody terminally ill. I have a doctor's certificate, I present that, and it is still not any good. When the person has already died and they are awaiting funeral services, the family is still not even allowed to come in to attend the funeral, and it is a very, very sad time. This is what we are talking about when we talk about visa denials.

So while we would have wanted to come to the floor, my colleague, the gentleman from Hawaii (Mr. ABERCROMBIE) and myself, to urge the extension of the Kennedy-Pombo amendment to include Korea, very strong allies, very supportive; we have committed ourselves to the defense of the people of South Korea, yet they have great difficulty in entering the United States for business, for pleasure, to visit their relatives, or to attend even funerals and to attend to people who are sick within their families. It is just extremely unfair.

Mr. Chairman, we were hoping for some way in which we could demonstrate that the denials of visas in Korea were becoming very, very low, and that they would qualify under this 3 percent factor. But as we all know in this House, there has been a complete rupture of the economy of many of the Asian countries, and they are suffering very, very gravely because of these difficulties. As a result, more and more people are being denied visa opportunities and opportunities to come for business or pleasure or whatever, and as a result, we would probably not be able to prevail under the 3 percent current level.

So, Mr. Chairman, I appreciate very much the efforts of the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from California (Mr. POMBO), and I rise in strong support of this amendment, and I hope that the people who are guiding this debate will accept this amendment as just and fair and look to further changes in the law in the next session.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Pombo/Kennedy/Frank/Pappas amendment to H.R. 2578, the Visa Waiver Pilot Program Act. This amendment simply allows Greece and Portugal—and only Greece and Portugal—to participate in the Visa Waiver Pilot Program.

Let me make it clear that I have the highest respect for my colleague and friend from Texas, Chairman LAMAR SMITH. As a fellow subcommittee chairman, I know the rigors and demands of directing a panel, which contains an array of divergent views. It was his strong and determined leadership that allowed the House to pass historic and much needed reform of our nation's immigration laws in the 104th Congress.

We have an honest difference of opinion about whether Greece and Portugal should be allowed to participate in the Visa Waiver Pilot Program. Rather than rehashing the same arguments and issues that have already been debated, I want to focus on Greek citizens and why they want to participate in this program.

My staff in Clearwater, Florida, informed me that they have been approached by individuals who have faced difficulty entering the United States when a loved one has passed away. Currently, Greek citizens have to go to one of two U.S. consulates in Greece to initiate the application process to obtain a travel visa.

The simple logistics of travel are, in many cases, prohibitive to Greek citizens seeking temporary entry into the United States. The entire process can often take two weeks or more and requires considerable cost and effort.

I am dismayed that, in some arguments against this amendment, it has been insinuated that terrorism and domestic crime will increase in the United States if Greece and Portugal are permitted to participate in this program. It is important to note that Greece and Portugal are the only member nations of the European Union to be excluded from the program *and* whose citizens *must* obtain a visa to enter the United States. Ironically, Americans do *not* need a visa to enter Greece.

Some of my colleagues believe that allowing Greece to participate in this program would lead to increased illegal immigration, because individuals would overstay their visas. In fact, the number of immigrants from Greece and Portugal who settle in the United States each year is not significantly higher than the number of Americans who establish residence in these countries.

I want to make one final point. It is my understanding that Chairman SMITH opposes this amendment because he believes the two percent refusal rate is a fair and equitable level.

In my judgment, we are quibbling about numbers, and very small numbers at that. The other body passed legislation which raises the refusal rate threshold to three percent. It unanimously approved an amendment to allow Greece and Portugal to participate in the Visa Waiver Pilot Program. We should do the same.

Tonight, I am conducting a special order in this chamber to commemorate the 177th Anniversary of Greek Independence Day. Today marks the day when Greece began restoring its democratic heritage after nearly four centuries of foreign oppression. I can tell you personally, as the son of Greek immigrants, that the Greeks share a love of the United States which may be unparalleled abroad. Greece and the United States share a common bond: an intense desire for freedom and democracy. It was, in fact, the ancient Greeks who forged the ideas upon which our nation was founded.

Greece has been our staunch ally for many years. We should reciprocate that treatment and approve the Pombo/Kennedy/Frank/Pappas amendment to H.R. 2578.

Mr. KLINK. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. POMBO. This amendment would increase the visa refusal rate from 2% to 3% which would allow Greece and Portugal to participate in the tourist visa waiver program. As of now, these two countries are the only two members of the European Union not included in the program. However, U.S. citizens visiting Greece, do not need a visa.

This is inappropriate treatment for a country like Greece which is one of the United States' best allies. Greece is one of only three countries outside the British Empire which has fought with the U.S. in every war this century. In fact, one out of nine Greeks gave their lives as American allies fighting the Axis powers and during the communist civil war which followed. Our nations' close relationship continues today.

Greece is and always has been a close friend and ally of the U.S. Bringing Greece into the visa waiver program would strengthen our ties. It would also be an appropriate gesture of good will for today, Greek Independence Day, to a country that gave this country the precious gift of democracy.

The Senate voted to end this program for Greece by increasing the refusal rate from 2% to 3% for the Visa Waiver Pilot Program. Now we in the House should do the same.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of the Pombo amendment to H.R. 2578, the Visa Waiver Reauthorization Act.

This amendment would admit a slightly wider circle of countries to the program—those with a visa refusal rate of 3% or less—a level which I believe is more than justified.

In 1986, the Visa Waiver Pilot Program was authorized essentially on a "trial run" basis, under the very stringent control of a 2% visa refusal rate—averaged over two years—with no one year having a rate over 2.5%.

The visa waiver saves our embassies and consulates enormous amounts of time and appropriated funds. In 26 countries, our consular staffs are freed from processing visas in stable areas where there are virtually no visa refusals anyway. The visa waiver has made money for the United States by greatly boosting tourism and sparing visitors the inconvenience of traveling to a consulate and going through the red tape of applying for a visa that would likely be approved anyway.

Congress has recognized the success and benefits of this program and has repeatedly reauthorized the visa waiver program over the years. Yet I feel that Congress is just waking up to the fact that the program is overly strict in its means of measuring who can participate and who cannot.

The visa refusal rate is a poor indicator of a country's ability to participate responsibly in the U.S. visa waiver arrangement. Consular officers have far-reaching powers to deny visas. Indeed, a federal employment case recently brought to light that the consular officers in Sao Paulo, Brazil were expected to rely heavily on an applicant's race, appearance or manner in denying visas, which obscured whether the applicants actually and a motivation to return home on time.

To be fair to the State Department, I concede that consular officers cannot read minds or predict the future. They cannot know in advance whether or not a visa applicant will violate our immigration laws. But this uncertainty leads them to err too much on the side of caution and deny visas that may be a bit borderline.

A far more accurate indicator for whether a country should be eligible for visa waiver program is whether foreign visitors do in fact, overstay or violate our immigration laws.

For this reason, I applaud the provision in the main bill requiring the INS to collect data on persons who overstay their 90-day visa waiver period. This should be the benchmark, not a mere hunch on the part of a consular officer.

Mr. Chairman, I support raising the disqualification rate to 3% at this time. This will bring in Greece and Portugal now, and—I hope—South Korea before long.

My state of Hawaii has seen many affluent Korean tourists—and tour groups as well—who are quite interested in visiting Hawaii—and the West Coast as well—but who are discouraged by the visa process. Australia, and other countries get these precious travel dollars, because the South Koreans can enter there without a visa.

South Korea's tourism market is estimated at about billion dollars a year. The average visitor spends more than $2,000 in the U.S., not including airfare. The strong demand for U.S. visas has not escaped the notice of airlines and the rest of the travel and tourism industry. Like the European countries that do participate, the U.S. and South Korea have close historical ties, a military alliance, and a very strong trade relationship. In fact, South Korea is our sixth largest trading partner.

Much has been said about Greece and Portugal being the only European Union countries that are still ineligible for visa waivers. Allow me to point out that the refusal rate of 2% means that Japan is the only East Asian country now able to participate in the program. South Korea, whose visa refusal rates have been 3.75% and 2.87% in the last two fiscal years, will not be brought under the program, even if this amendment to raise the bar to 3% is adopted.

Despite that, Mr. Chairman, I feel this amendment is a step in the right direction, and I urge its passage.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). The question is on the amendment offered by the gentleman from California (Mr. POMBO).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 360, noes 46, not voting 25, as follows:

[Roll No. 70]

AYES—360

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Gordon
Goss
Graham
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Inglis
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—46

Aderholt
Baesler
Baker
Ballenger
Barr
Barton
Berry
Blunt
Brady
Bryant
Bunning
Campbell
Canady
Collins
Combest
Deal
Emerson
Fawell
Gallegly
Gilchrest
Goodlatte
Goodling
Granger
Green
Hall (TX)
Hastings (WA)
Hutchinson
Hyde
Istook
Johnson, Sam
Kim
Lewis (KY)
McCollum
Pease
Rogers
Roukema
Sanford
Shadegg
Smith (TX)
Snowbarger
Solomon
Stearns
Stump
Taylor (MS)
Watts (OK)
White

NOT VOTING—25

Brown (FL)
Cannon
Cardin
Conyers
Ford
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kleczka
McDade
McDermott
Millender-McDonald
Payne
Rangel
Rothman
Royce
Saxton
Schiff
Schumer
Towns
Waters
Yates

□ 1701

Messrs. LEWIS of Kentucky, ADERHOLT, BAESLER, McCOLLUM, BARR of Georgia and GILCHREST changed their vote from "aye" to "no."

Messrs. NEUMANN, ROHRABACHER and ENGLISH of Pennsylvania changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SNOWBARGER). Are there further amendments?

There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the Chair, Mr. SNOWBARGER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General, pursuant to House Resolution 391, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

(Mr. GINGRICH asked and was given permission to speak out of order.)

ANNOUNCEMENT OF PASSING OF CONGRESSMAN STEVE SCHIFF

Mr. GINGRICH. Mr. Speaker, I have the sad duty to inform the House that earlier today, STEVE SCHIFF, our colleague, died in Albuquerque. All of my colleagues know he fought a very, very long and very courageous struggle against cancer.

I had an opportunity to talk just a few minutes ago with his wife, and the family is bearing up very, very well. His staff has been wonderful in a very difficult situation for over a year, and has done really courageous work in representing STEVE and representing the district.

Mr. Speaker, I would like to ask the House to join me in a moment of silent prayer for STEVE and his family, and then afterwards I will comment further.

Amen.

Let me just say, that Mrs. Schiff indicated they will decide later on this evening whether the funeral will be on Friday or on Monday. Obviously, the House will suspend for the purposes of the funeral, and we will invite Members who care to go, to go and join the family at that time.

It is a very sad time for all of us, and I think that those of us who knew STEVE well knew the integrity, the decency, the love for this country that he brought to the job of Representative, the degree to which he gave all of us honor in the way in which he served. And I know that all of my colleagues will want to reach out in their own way to the Schiff family and to the people of New Mexico and, in particular, as I said a minute ago, to the very fine staff who has just truly done heroic work over the last year under the most difficult possible circumstances.

I know that my colleagues will want to join in prayers for Mrs. Schiff and for the immediate family. We will report more as we learn more.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I know on this side of the aisle, we join all of our colleagues on that side of the aisle. All of us, in losing a colleague, share the sadness and share the concern for our colleague's family.

Mr. Speaker, another one of our colleagues is grieving this day as well, as many probably know. The family of the gentleman from Maryland (Mr. CARDIN) lost their son, 30 years of age, last night and buried him this afternoon. So as we pray for our colleague and for the Schiff family, if we could remember the Cardin family as well, I know they would appreciate it. I thank the gentleman from Georgia (Mr. GINGRICH) for yielding.

Mr. GINGRICH. Mr. Speaker, reclaiming my time, I thank the gentleman from Maryland (Mr. HOYER) for briefing us and I thank the House for its attention.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would announce that following final passage of this bill, a resolution will be offered by the gentleman from New Mexico (Mr. SKEEN).

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 407, noes 0, not voting 23, as follows:

[Roll No. 71]

AYES—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs

Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Brown (FL)
Cannon
Cardin
Conyers
Ford
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kleczka
McDermott
Millender-McDonald
Payne
Rangel
Rothman
Royce
Saxton
Schumer
Towns
Waters
Yates

□ 1726

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2578, the legislation just considered and passed.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, pursuant to the rule, I call up from the Speaker's table the Senate bill (S. 1178) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of S. 1178 is as follows:

S. 1178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Visa Waiver Pilot Program Reauthorization Act of 1997".

SEC. 2. AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.

(a) Designation of Pilot Program Countries.—Section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)) is amended to read as follows:

"(c) Designation of Pilot Program Countries.—

"(1) In general.—The Secretary of State, in consultation with the Attorney General, may designate any country as a pilot program country if it meets the requirements of paragraph (2). In order to remain a pilot program country in any subsequent fiscal year, a country shall be redesignated as a pilot program country by the Attorney General in accordance with the requirements of paragraph (3).

"(2) Qualifications.—The Secretary of State may not designate a country as a pilot program country unless the following requirements are met:

"(A) Low nonimmigrant visa refusal rate for previous 2-year period.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) Low nonimmigrant visa refusal rate for each of 2 previous years.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(C) Machine-readable passport program.—The government of the country certifies to the Secretary of State's and the Attorney General's satisfaction that it issues machine-readable and highly fraud-resistant passports to its citizens.

"(D) Law enforcement interests.—The Attorney General determines that the United States' law enforcement interests would not be compromised by the designation of the country.

"(E) Illegal overstay and disqualification.—For any country with an average nonimmigrant visa refusal rate during the previous two fiscal years of greater than 2 and less than 3 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years, and for any country with an average number of refusals during either such year of greater than 2.5 and less than 3.5 percent, the Attorney General shall certify to the Committees on the Judiciary of the Senate and the House of Representatives that the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission at a port of entry during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals for that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

is less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(3) Continuing and subsequent qualifications.—The Attorney General, in consultation with the Secretary of State, shall assess the continuing and subsequent qualification of countries designated as pilot program countries and shall redesignate countries as pilot program countries only if the requirements specified in this subsection are met. For each fiscal year (within the pilot program period) after the initial period the following requirements shall apply:

"(A) Countries previously designated.—(i) Except as provided in subsection (g) of this section, in the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the sum of—

"(I) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(II) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(ii) In the case of a country which was a pilot program country in the previous fiscal year, the Attorney General may not redesignate such country as a pilot program country unless the Attorney General has made a precise numerical estimate of the figures under clauses (i)(I) and (i)(II) and reports those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year. As of September 30, 1999, any such estimates shall be based on data collected from the automated entry-exit control system mandated by section 110 of Public Law 104–708.

"(iii) In the case of a country which was a pilot program country in the previous fiscal year and which was first admitted to the visa waiver pilot program prior to September 30, 1997, the Attorney General may not redesignate such country as a pilot program country unless the country certifies that it has issued or will issue as of a date certain machine-readable and highly fraud-resistant passports and unless the country subsequently complies with any such certification commitments.

"(B) New countries.—In the case of a country to which the clauses of subparagraph (A) do not apply, such country may not be designated as a pilot program country unless the following requirements are met:

"(i) Low nonimmigrant visa refusal rate in previous 2-year period.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 3.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(ii) Low nonimmigrant visa refusal rate in each of the 2 previous years.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 3.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(iii) Commencement of authorized period for qualifying countries.—No country qualifying under the criteria in clauses (i) and (ii) may be newly designated as a pilot program country prior to October 1, 1998.

"(C) REPORTING REQUIREMENTS FOR OTHER COUNTRIES.—For every country from which nonimmigrants seek entry into the United States, the Attorney General shall make a precise numerical estimate of the figures under subparagraph (A)(i) (I) and (II) and report those figures to the Committees on the Judiciary of the Senate and the House of Representatives within 30 days after the end of the fiscal year.

"(4) INITIAL PERIOD.—For purposes of paragraph (3), the term 'initial period' means the period beginning at the end of the 30-day period described in section 2(c)(1) of the Visa Waiver Pilot Program Reauthorization Act of 1997 and ending on the last day of the first fiscal year which begins after such 30-day period.".

(b) AUTHORIZED PILOT PROGRAM PERIOD.—Section 217(f) of that Act is amended by striking "September 30, 1997" and inserting "September 30, 2000".

(c) DEVELOPMENT OF AUTOMATED ENTRY CONTROL SYSTEM.—(1) As of the date of enactment of this Act, no country may be newly designated as a pilot program country until the end of the 30-day period beginning on the date that the Attorney General submits to the Committees on the Judiciary of the House of Representatives and the Senate a certification that the automated entry-exit control system described in paragraph (2) is operational.

(2) The automated entry-exit control system is the system mandated by section 110 of Public Law 104–208 as applied at all ports of entry excluding the land borders.

SEC. 3. REPORT ON AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) Within six months after the date of enactment of this Act, the Attorney General shall report to the Committees on the Judiciary of the Senate and the House of Representatives on her plans for and the feasibility of developing an automated entry-exit control system that would operate at the land borders of the United States and that would—

(1) collect a record of departure for every alien departing the United States and match the records of departure with the record of the alien's arrival in the United States; and

(2) enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

(b) Such report shall assess the costs and feasibility of various means of operating such an automated entry-exit control system; shall evaluate how such a system could be implemented without increasing border traffic congestion and border crossing delays and, if any such system would increase border crossing delays, evaluate to what extent such congestion or delays would increase; and shall estimate the length of time that would be required for any such system to be developed and implemented at the land borders.

MOTION OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, pursuant to the rule, I offer a motion.

The Clerk read as follows:

Mr. SMITH of Texas moves to strike out all after the enacting clause of the Senate bill, S. 1178, and insert in lieu thereof the text of the bill, H.R. 2578, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 2578) was laid on the table.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO FILE REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997

Mr. PETRI. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure have until midnight, Wednesday, March 25, 1998, to file a report to accompany the bill (H.R. 2400) to authorize funds for federal-aid highways, highway safety programs, transit programs, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 27, 1998, TO FILE SUPPLEMENTAL REPORT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997

Mr. PETRI. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure may file a supplemental report to the bill (H.R. 2400) to authorize funds for federal-aid highways, highway safety programs, transit programs, and for other purposes, at any time before midnight, March 27, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE STEVEN SCHIFF, REPRESENTATIVE FROM THE STATE OF NEW MEXICO

Mr. SKEEN. Mr. Speaker, I offer a privileged resolution (H. Res. 395) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 395

Resolved, That the House has heard with profound sorrow of the death of the Honorable Steven Schiff, a Representative from the State of New Mexico.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from New Mexico (Mr. SKEEN) is recognized for 1 hour.

Mr. SKEEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our great state of New Mexico is mourning the death of the gentleman from New Mexico (Mr. SCHIFF), one of our most distinguished colleagues of this honorable body we proudly call the United States House of Representatives.

STEVE has been suffering from cancer for nearly a year, and unfortunately this morning his fight came to a tragic end. Since STEVE became ill, we all prayed every day for his recovery. We prayed that he would win this tough battle so that he could once again join us in Washington and continue to do the work that he enjoyed and loved. STEVE was dedicated to his constituents and worked hard to represent their interests in Congress. Even in the face of this tragic situation, STEVE continued to put the needs and interests of his constituents and all New Mexicans at the forefront almost until the very end of his life. Even though his illness forced him to remain in Albuquerque, he continued to spend several hours a day in his district office and working at his home for the people of his district.

STEVE SCHIFF, who is survived by his wife Marcia and two children, Jaimi and Daniel, will be remembered with great fondness by the many people whose lives he touched as husband, as father, as friend and neighbor, as U.S. Air Force officer, and a distinguished public servant. STEVE was widely respected by everyone, including his political adversaries. This public admiration was due in large part to his reputation for being a man of integrity, his evenhanded approach as a public official, and for always standing by his word. All of us regret his untimely passing and the terrible emptiness his death leaves in our lives.

Thank you, STEVE SCHIFF, for caring so much, for trying so hard, and for doing so much for your district, your State and your country. I know that you will arise to the occasion for the two bell votes in heaven. God bless you.

Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. REDMOND).

Mr. REDMOND. Mr. Speaker, it is with deep sadness we mourn the loss of our fellow New Mexican, Congressman STEVE SCHIFF. STEVE was highly respected in the House of Representatives on both sides of the aisle. STEVE was known for his keen mind, his absolute sense of fairness, and above all his integrity. As a friend and mentor, I share in the loss with his family. New Mexico and America have lost a patriotic son and a humble servant in STEVE SCHIFF. STEVE will be greatly missed.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN) for taking this moment to commemorate the loss of our mutual friend, STEVE SCHIFF. I knew STEVE years ago before he was involved in Republican politics. Actually he was a lawyer for the Democratic Party in the State capital of Illinois, Springfield, when I first encountered him. I took an immediate liking to him because he was very smart, he was very serious about government and was a very honorable young man. You can imagine my delight when I learned a few years later that he had become a Republican and was elected the State's attorney in his community in New Mexico and then ran for Congress and got elected. Again it was my good fortune to serve with him on the Committee on the Judiciary.

STEVE, as I say, was bright, he was serious. He brought to government a desire to make things better. He loved the law, yet he had a compassion, a sensitivity and understanding about people and their problems. He was always someone you could count on for a very thoughtful appraisal and analysis of difficult situations.

As the gentleman from New Mexico (Mr. REDMOND) just said, he will be sorely missed. I think it is St. John who said when you love somebody, they are no longer where they were, they are always where you are. It will be impossible to turn around and look at the seats and the spaces that are left for the members on the Committee on the Judiciary without imagining STEVE there and without missing him terribly, his wise counsel and his support.

A death is always beyond expression in terms of adequate language. Martin Luther King had a wonderful saying, the inaudible language of the heart. And so it is with the inaudible language of the heart that I extend to his family, whose loss is tremendous, because he was such a tremendous person and so his being taken from them is a tremendous loss. I extend to them my deepest sympathy. Life is a mystery and death is a mystery. The way he met a not terribly pleasant illness at the end was typically STEVE SCHIFF, brave, courageous, uncomplaining, hopeful. We remember you, STEVE. You have made us better people for having known you.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN) for setting aside time tonight to talk about our friend, our dear friend. When I think of STEVE, I think of his sense of humor. Perhaps not many people have mentioned that. He used to be in the cloakroom, he would have his time back there, he would have a small sandwich, he would have something to drink, we would talk and sit side by side. He and I came in together in 1988. We were elected in the 101st Congress. Our class is pretty small. We came in with George Bush when he was President. I think George Bush helped a number of us get in, but we had a very small class, so we would meet. There were about 16 of us. I think from the moment we all came together and we were with STEVE, we realized that there was something about him, something righteous. It was the way he either carried himself, the way he spoke, the way he looked, the countenance on his face. It was one of a righteous soul, somebody that you could trust, somebody that you could go into business with, somebody who would be your lawyer and as I understand he was a district attorney. You just sort of would gravitate toward STEVE and would listen to what he had to say and with that sort of twinkle in his eye, I remember that twinkle in his eye he had when he would look at you, you just know what he was saying was almost the gospel.

I extend my deepest sympathy and compassion for his family. I think that we are all going to miss him very much. Sometimes we kid each other, because I would vote and he would vote and we would compare each other and he would say, "Well, there you go, CLIFF, you're voting with the right wing," and I would say "There you go, STEVE, you're voting with the moderates." He said, "No, it's not moderate, CLIFF. I'm voting as an enlightened Member of Congress." We had our side jokes.

I think tonight it is obviously a great deal of sadness we have that he is not with us. His tragic death is remembered tonight. I think he will be remembered for many, many years. I come to the House floor tonight to pay my respects and again offer my condolences to his family.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from New Mexico for yielding me this time.

Mr. Speaker, we certainly will miss one of the finest gentlemen I think I have ever had the privilege of knowing in this body and anywhere else in America. I certainly have known a cross-section of people. The thing I guess that always struck me the most about STEVE SCHIFF is his inquisitiveness and his wanting to know what was going on and how sincere he was about it.

I have an office right up over the gallery here. I do not know how many times in the last several years that STEVE would call and ask if he could have a few minutes just to come in and talk things over, not a particular subject, but he wanted to know what was going on and he wanted to know both sides of the issue. That is a remarkable man, to be as fair as he was. I do not think that there was a partisan bone in his body. He was here to serve his State, his congressional district, and more than anything else to serve his country, which he did so admirably.

I thank the gentleman for offering this resolution. Again we are so sad to see him be taken away.

Mr. SKEEN. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding me this time. I, too, Mr. Speaker, come to the well today with a heavy heart, remembering a wonderful life of our colleague and friend, Mr. STEVE SCHIFF from New Mexico. He was my subcommittee chairman in the 104th Congress in the Committee on Science. He was always thoughtful, always pleasant, one of the most intelligent Members of this body that I have come across. Soft-spoken, very effective, always going the extra mile.

I remember he came to Oak Ridge, Tennessee at my request to chair a field hearing of the Committee on Science. I just want to say that part of that arrangement was that I would at some point travel to New Mexico and participate in a field hearing there for him. Unfortunately, I will not have that opportunity. But as he breathed his last breath this day, our thoughts and prayers go out to his family and all those that crossed the path of STEVE SCHIFF. We were blessed with his relationship and his life. I just pray that the peace of God, the peace which passeth all understanding, will be with his family in the hours ahead as the United States House of Representatives mourns the loss of STEVE SCHIFF with his family in New Mexico.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I also rise with a heavy heart to pay tribute to a close friend, a good colleague, and a wonderful Congressman. During my maiden voyage in Congress after election in a special election, and you may recall that in a special election we jump right into the work, one of the subcommittees I was assigned was the one chaired by Mr. SCHIFF. He was an outstanding chairman and a very kind friend that was willing to show a freshman the ropes and was extremely helpful. But what struck me most throughout my brief acquaintance with him in the House was that he was absolutely totally honest. He was diligent, a straight arrow, a very fine person and a good example for all of us. It was a delight and a pleasure to work with him.

I, along with the gentleman from Tennessee (Mr. WAMP) and all my other colleagues, offer our prayers for him and his family. I think especially of his wife Marcia. We pray that she may enjoy the comfort of God during these difficult times and that his family will feel his presence as well. We certainly offer them our best. We pay tribute to STEVE for serving his country well in so many ways, but particularly in this Congress.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New Mexico (Mr. SKEEN) for offering this resolution in honor of a very special Member of Congress. I am pleased and saddened to join my colleagues in honoring the memory of STEVE SCHIFF. In this Congress, we have the protocol of referring to each other as the gentleman or the gentlewoman, the gentlewoman from our State, but STEVE SCHIFF was indeed a gentleman from New Mexico.

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He was a quiet man, so unless my colleagues worked closely with him sometimes, they would not know the full force of his contribution to this body, and it was very, very significant.

People have said, I think almost every spokesperson has spoken about his honesty. He was a man of great integrity. I served with for many years, more years than I think we both would like to have served, on the Committee on Standards of Official Conduct with Mr. SCHIFF, and every single day there we learned from him.

As was mentioned, he was a prosecutor. He knew the law; we learned from him every day. And he was a person of very, very, very high standards. He served here with great dignity. With great dignity.

I think of many words to describe him: Integrity would be one; dignity another; intellect, a great intellect; and he was very, very proud of the district that he represented.

We used to vie to see who had the better district. I, of course, think San Francisco is the best district to represent, but he was certain it was Albuquerque. We both agreed that New Mexico deserved the name "Land of Enchantment," it being a very special place. But he was very, very proud of his very special constituency in Albuquerque, and he served his constituents well.

His commitment to public service, his dedication to high ethical standards, and his great intellect were a resource not only to his constituents but to every Member who served with him on any committee.

One of the tragedies of today is that I know one person, BEN CARDIN, my colleague who also served with us, when we served together on a day-to-day very close basis on our subcommittee, and BEN and STEVE spoke the same language; they were both attorneys, the two others of us were not. So they had their own sympatico, and I know that BEN would love to be here to be a comfort to STEVE's family, and I know he will be in the future. But I think of all these people here, these two people would be a comfort to each other.

I am pleased to join my colleagues in extending my deepest sympathy to Marcia, to the Schiff family, and to say that we all will miss him very much for a long time to come, and though he is no longer physically with us here, his contribution has made an impact on us for as long as we serve in the Congress, and longer.

Mr. SKEEN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, we have lost one of our beloved colleagues and one of my dear friends, STEVE SCHIFF, the gentleman from New Mexico.

I had the great honor of serving with STEVE when I first entered this body as a new Member of the House of Representatives on the Committee on Government Operations. STEVE grew to be, as I said, not only my colleague but my friend.

There are some things that you distinguish about individuals, and others have said it here today, but truly, in the very truest sense of the word, STEVE SCHIFF was a gentle man.

As my colleagues know, he was also a wise man, a wise man because I know so many, including myself, sought his counsel and we depended on him, his judgment, his wisdom and his great intelligence.

STEVE SCHIFF was also a tough man. If my colleagues knew STEVE, he was a tough individual with a tough prosecutorial background.

But most of all, he was a fair man, and that is something we all remember about STEVE.

Most of all we must remember, and I remember STEVE as a family man, and how his family must mourn him today and how we will all miss him because of his dedication to not only his congressional family, but his own family who has suffered such a great loss.

This afternoon and in the coming days, my prayers go out to STEVE's wife and his family and his many friends in his district, for we indeed have lost a great friend and a gentleman. The House of Representatives has lost indeed a great Member.

Mr. Speaker, we will all miss him, and I miss him as a friend.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, it is with great sadness that I rise to join my colleagues because of the loss of a great friend, STEVE SCHIFF. His life, however, is one to celebrate because he did so much good. He did good not only as a great Congressman, but he was a great prosecutor. Those men and women in law enforcement in New Mexico and across the country realize well that he was a great district attorney, United States Attorney; he was fair, honest, a crime fighter to be sure, but someone who would make sure that it was done in the right way. And because of his outstanding efforts, we have seen reductions of crimes in the areas where he worked, and we have seen other district attorneys and other prosecutors want to be in the field because of STEVE SCHIFF's outstanding efforts and outstanding accomplishments.

And he was a great Congressman. As a member of the Committee on the Judiciary, he helped write laws to improve our court system, helped write laws to protect the rights of individuals. As a member of the Committee on Government Reform and Oversight, where he was a leader, he led special investigations in the United States Government to make sure we root out fraud, waste, and abuse, and he did so in a very thorough and effective style.

His leadership was also shown as a great humanitarian. For those of us who had the privilege and honor to serve with him, we saw him as a role model, as someone who lived his life in an exemplary way, someone who is a great father, a great husband, great family man, and someone who wanted to give back to his district 1,000 percent. Everything he thought about was how can he help his constituents and how can he make this country better and stronger, safer and more fair.

And he was a great speaker. When he used to speak on the House floor right here or in committee, people listened because he always had something to say that hadn't been said before, or had not been said in a way that only STEVE could explain it. He knew how to marshal the facts, to research the law, and then to apply the appropriate persuasion to win his point, and he did that repeatedly, and that is why his legislation was passed, his amendments were passed, and the country is better, safer, and stronger because STEVE SCHIFF has been a Member of this House and made a difference for his home State of New Mexico as well as the country at large.

So I join my colleagues and all the residents of his wonderful State and across the Nation in saluting a great man who made a difference not only with his family and his friends and his community but to his country. He was a great patriot, and we will forever remember, as we have difficulty looking at this in the future, we would say to ourselves, what would Congressman SCHIFF do, and I am sure the answer will come to us swiftly.

We love you, STEVE. God bless you and your family.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Speaker, I thank my colleague from New Mexico for yielding this time to me, and I echo what the gentleman from Pennsylvania (Mr. FOX) just said. He said, "We love you, STEVE." STEVE is not with us here, but he really is still here with us.

STEVE is a classmate of mine. We got elected as freshmen together, and tomorrow night over at my house we are having a get-together, the class of 1988. We have been planning this for a long time. We have not had enough get-togethers of our class, and so even though STEVE has been seriously under the weather, we were hoping at least a few months back that he would be able to be there with us tomorrow night.

His office is right next door to mine, and we got together as freshmen routinely for many years, had an office together, and his seat is right next to me on the Committee on Government Reform and Oversight. When I go to the Committee on Government Reform and Oversight meetings now, I sit next to his empty chair, and the sign is still there for his name; we do not take it away. I just sit next to his empty chair and go back to my office and pass the open door to his office where his staff have been coming to work every day.

STEVE is not gone, really. I mean, STEVE is still here. He is only 5 years older than I am. This is not an old man who is passing on at the end of a long life. This is the same as somebody getting run over by a car or bus right in the middle of a very healthy and active life.

We know that he was a lawyer and prosecutor. And some people have in fact said, how does a Jewish lawyer from New Mexico end up representing Anglo Protestants and Hispanic Catholics? And people who ask that question are not from America, because that is the way America works. And, of course, STEVE was the perfect representative for New Mexico, and STEVE will always be the perfect model for a Representative back here.

But sometimes we forget that STEVE was a lot more than just a very able prosecutor and a very able lawyer on the Committee on the Judiciary, or a very able government reformer looking after ways to streamline the Federal Government and make it work better on the Committee on Government Reform and Oversight.

At the time of the Gulf War, when we had one of our best debates ever on the floor of the House, STEVE not only supported the decision that President Bush took to use force in the Gulf, but then as a colonel in the Air Force Reserves, he went there. He was in Turkey, he was in northern Iraq. He opposed President Clinton's sort of cockeyed Dayton plan for Bosnia, but once that decision was taken to send troops to Bosnia, he went to the mission op center at Aviano Air Force base in Italy and volunteered. That is what STEVE SCHIFF did.

He was a great defender of our national labs on the Committee on Science, and of course while we are always as Republicans looking for ways to save money and cut spending and so on, he was dedicated to making sure that that part of government which worked got more attention, and he firmly believed that that was true about our national labs.

He was tough on crime. We all know that he personally, single handedly, virtually pushed through Congress successfully the Sexual Crimes Against Children Act, and basically that was because he was a very tough and strong prosecutor. But he was also responsible for our 1996 crackdown on health care fraud.

Tomorrow night when my class of 1988 gets together, in the same way that I walk by that open door when I go back to my office and I sit next to that empty seat in the Committee on Government Reform and Oversight, we will have a seat at the table for STEVE, and he will be there with us.

Mr. SKEEN. Mr. Speaker, I have no other speakers on tap, and I would like to say good-bye, STEVE, we will miss you.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise to express my condolences to the family and friends of Congressman STEVE SCHIFF. We are all saddened by the loss of STEVE, and his presence and his efforts in this Chamber and on the Judiciary Committee will be missed.

I was fortunate to get to work with STEVE, because he and I shared an interest in law enforcement technology. STEVE saw that as criminals became more sophisticated, we in Congress had an obligation to provide our law enforcement officers with the best and most cutting edge equipment to combat crime. He worked tirelessly with the National Institute of Justice and Sandia Laboratories in New Mexico to support the research, development, and testing of critical and innovative technology, such as personalized guns. I recall participating in a press conference with STEVE and Pat Schroeder to report on progress toward developing these firearms, which can only be fired by their owners, and to unveil the first working prototype of such a gun. I recall how pleased STEVE was to know that this technology was moving forward, and that someday, police officers would not have to fear having their own weapons turned against them.

Despite STEVE's illness, he continued to support efforts to improve technology and to ensure that the important research being done by the National Institute of Justice in the area of law enforcement technology remains to be a priority. My office has worked with STEVE's and his staff on these issues, and I will continue to work here in Congress to see that these efforts continue.

Mr. SKEEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL FOR FISCAL YEAR 1998

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, the Committee on Rules is planning to meet on Monday, March 30, to grant a rule which may limit the amendment process for the emergency supplemental appropriation bills for fiscal year 1998. Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Monday, March 30, to the Committee on Rules, in Room H-312 of the Capitol.

Amendments should be drafted to the text of the committee print ordered reported by the Committee on Appropriations on Tuesday March 24. Copies of this committee print of the bill are available in Room H-218 of the Capitol right now.

The Committee on Rules strongly suggests that Members wishing to offer, and Members ought to listen carefully to this, Members wishing to offer amendments which would add spending to the bill, provide offsets for this additional spending in their amendment. And I would suggest that they adopt the amendments that would offset further spending in the Defense Department. I for one, as chairman of the committee, would not look kindly on those amendments.

Members should also use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

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TRIBUTE TO THE HONORABLE STEVEN SCHIFF OF NEW MEXICO

(Mr. WALSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALSH. Mr. Speaker, I was a little bit late for the resolution regarding my classmate, colleague and very good friend, STEVE SCHIFF, and I wanted to have my remarks included with the other Members who spoke in that resolution.

STEVE was a remarkable man, someone who I got to know when I came to Washington. I served with him for 9 years, admired him, admired his honesty and his judgment, his dedication.

He is one of those many Members who comes here and who does not come here for the glory. He comes here for the service to the country, and he provided it in an exemplary way.

As I was coming into the Capitol and I looked up and I saw the flag at half-staff, and I thought what a tribute that is to him, how proud he would have been, how proud his family must be of him, how proud his State is of the service that he provided, how proud his friends must be of the service that he provided.

TRIBUTE TO THE HONORABLE STEVEN SCHIFF OF NEW MEXICO

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LOFGREN. Mr. Speaker, I also would like to note with great sadness the passing of our colleague, STEVE SCHIFF. I was part of the 1994 Democratic freshman class from west of the Rockies. When I arrived here in Washington, I found what I guess can best be described as a tumultuous time. But STEVE was there. He was like a beacon of light, someone who was willing to stretch his hand out across the aisle, someone who was always interested in moving for the good of the country, and not anyone who would let the tumultuousness of the time get to him.

I served with him on the Committee on the Judiciary and the Committee on Science. We also served together on the Subcommittee on Basic Research as well as the Subcommittee on Crime.

STEVE was someone who had tremendous passion for science and what science could do for this country and for humankind.

As chairman of the Subcommittee on Basic Research, which I think he got to chair because of his district, his efforts went far beyond his district. They went into the future of humankind. He did a tremendous amount of good work for this Nation.

The country will miss him, and I will miss him personally. My prayers are with his wonderful family at this time of enormous loss for them, his district, and America.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO WHITNEY M. YOUNG HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, a few years ago, then Secretary of Education William Bennett made the statement that the Chicago public schools were among the worst in the Nation. I am pleased to note today, Mr. Speaker, that the Chicago public schools are making significant progress, and they are making progress towards the level of excellence of which we can, indeed, be proud.

I picked up the Chicago Sun Times this past Tuesday, and on page three of the headlines read: "Whitney Young students Savor Triple Title Weekend."

Please note that Whitney M. Young is a public high school in the City of Chicago in the Seventh Congressional District. Therefore, I commend and congratulate Gary Chico, Chairman, and the Chicago Board of Education, Superintendent Paul Vallas and his staff, the chairperson and members of the local school advisory council, Ms. Joyce Keller, principal, and her staff, and all of the outstanding students and their families.

Whitney M. Young High School was the first school to win the State of Illinois' academic decathlon, the State Class AA basketball championship, and the State sportsmanship award on the same day in the same year, Saturday, March 21, 1998.

Whitney M. Young is no stranger to winning the State academic decathlon. As a matter of fact, they have won it 13 years in a row. They have become the Michael Jordans, the Mozarts, the Marian Andersons, the John Hope Franklins, and the Bill Gates of education.

Whitney M. Young continues to produce a dynasty of superstars who excel year after year. Last November, Whitney Young played host to U.S. Services Academy Day for us at their school. There were 125 students in attendance from all over the Seventh district, Chicago and suburbs, asking questions about West Point, the Air Force Academy, Annapolis, all of the service academies.

I was, indeed, delighted to see so many students and their guidance counselors take hard looks at the superb educational opportunities offered by these outstanding institutions.

It is no surprise to me that public education can and does work. When people are committed and the resources are made available, Mr. Speaker, the sky is the limit. Ms. Joyce Kenner, principal of Whitney Young High School, understands this concept and practices it by allocating resources where they are needed the most and places people where they can do the most good. As a result of this, Whitney M. Young continues to excel.

We in the United States Congress must adopt these same principles and commitment to saving our public schools throughout America. We must commit to providing 100,000 new teachers, commit to rehabbing aging school buildings, commit to fostering learning in our classrooms. With our support, every public school in America is a potential Whitney M. Young High School.

Therefore, I again congratulate each of the outstanding Young men and women, their coaches and teachers, and again especially their principal, Ms. Joyce Kenner.

Public education can and does work when we provide adequate resources, have concerned parents interacting with well-prepared and committed professional teachers and staff, students who are seeking knowledge and opportunity. Mix it all together, and we get a Whitney M. Young High School, academic champions, athletic champions, and good sports, gentlemen and women. The pride of our State, we salute you Whitney M. Young High School.

EAST ASIA ECONOMIC INSTABILITY AFFECTS U.S.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I want to talk this evening for just a few minutes about the meeting of the Federal Reserve Federal Open Market Committee which will take place on Tuesday of next week, the 31st of March.

This is a very important meeting, as all of these meetings are, because the Federal Open Market Committee will in effect be setting short-term interest rates for the months ahead. Setting short-term interest rates is important because it governs so much of the lending that goes on, particularly the consumer lending that goes on in our country.

It is consumer lending and borrowing that affects so much of our economic circumstances, including the level of growth. So the interest rates which will be determined at this meeting of the Federal Open Market Committee on Tuesday are critically important.

The Fed has been saying, in effect, that they have been holding interest rates steady. That is essentially true. They have been holding them steady at about 5½ percent. When you factor in the very important fact that the consumer prices, in other words, the cost of living, has been going down, then you see that real interest rates have, in fact, been going up over the course of the last many months.

This chart here, I think, demonstrates that quite clearly. Beginning in 1997, the interest rates have gone up quite dramatically. And the indications are that, absent any change in Federal Reserve policy, real interest rates, that is interest rates as a function of inflation, as a function of the cost of living in our society will continue to go up as this chart here clearly demonstrates.

If interest rates go up, that means that the cost of many things will go up as people have to borrow to buy those things in our society. The Fed is excusing this raising of real interest rates by saying that there are indications of inflation in our economy.

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But when we look closely at it, we discover that that is not the case at all.

Just today, an announcement came out of the Department of Commerce indicating that durable goods orders were down again, orders for durable goods, which are used in every aspect of manufacturing in our country have gone down, indicating that manufacturing is going to go down in the future because those durable goods orders are going down.

Consumer prices at both the retail and at the wholesale level continue to decline. There is absolutely no indication of any inflation anywhere in our economy, yet the Federal Reserve continues to allow interest rates to creep up. That is real interest rates, interest rates as a function of inflation.

Now, under ordinary circumstances, this would be troubling, and we would be upset with the Federal Reserve for allowing the cost of borrowing to continue to creep up this way. But we are now involved in a circumstance that is not normal at all; it is very unusual. That circumstance is the financial crisis that is sweeping across all the countries, virtually all of the countries, at least, of East Asia and the very complicated financial problems that exist in those countries, which are causing actual disinflation in East Asia, and even deflation in some places that is going to flood the marketplace of every other economy in the world, as much as possible, with these cheap goods. Therefore, that is going to cause additional economic problems here.

Indications are that the flooding of these cheap goods into our economy is going to cost us as much as 1 or 2 points in our economic growth and the cost could be even higher. We could experience economic growth of only 1 percent or even negative economic growth sometime later this year if the Federal Reserve does not act soon to reduce interest rates and prepare us for the onslaught of the consequences of what is taking place in East Asia.

Some other countries are preparing themselves for the consequences of these activities. For example, some of the OPEC countries recently realizing that the deflation going on in East Asia that is causing oil prices to drop have come together and they are reducing the amount of oil that they are producing, and that is going to raise oil prices a bit, but what they are doing is preparing their economies for the onslaught of this disinflation and even deflation that is coming across from East Asia.

Mr. Speaker, we need to do the same. The most important way that we can prepare ourselves for the effects of this disinflation and deflation is to lower interest rates, lower short-term interest rates at the next meeting of the Federal Reserve Federal Open Market Committee.

I am circulating a letter this week to all of the Members of the House of Representatives asking them to join me in a letter to the Federal Reserve, asking them to take into consideration the fact that durable goods orders are down again, to take into consideration the fact that consumer prices and wholesale prices continue to fall, and to take into consideration the fact that we are about to be hit by the disinflation sweeping across East Asia, and that is going to have a damning effect on our economy, and we need to act, and act soon.

H.R. 23, THE STOP SWEATSHOPS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

Mr. PASCRELL. Mr. Speaker, I rise today to bring to the attention of my colleagues a tragic event of yesterday and raise a call to action on a serious problem of today.

Today marks the 87th anniversary of what was, by many accounts, the worst factory fire in the history of our Nation, a fire that by the time it was finally quenched, had taken the lives of 146 women, many of whom would better be described as young ladies, girls as young as 13 years of age. The fact that 146 innocent lives were lost make the events of March 25, 1911, horrible, but it is the reason why these lives were lost that makes it a very tragic, a serious tragedy and a crime.

The fire occurred in the factory at the Triangle Shirtwaist Company, a woman's clothing manufacturer. The factory was little more than 500 women crammed together at sewing machines in a small building which now houses part of New York University, forced to stay at the machines for long hours at little pay. The tragedy was fostered by the fact that the room was packed well beyond its capacity and the doors were locked by the owners to keep the women at their machines.

Mr. Speaker, this is history being repeated today, a setting which led to the loss of 146 lives in 15 minutes. As great a tragedy as the Triangle Shirtwaist Factory fire was, the bigger tragedy is that the very conditions that led to it 87 years ago still exist. Despite what many think, sweatshops are not a thing of the past nor are they the domain of Third World nations. They exist right here in this greatest of all democracies.

Mr. Speaker, a 1994 General Accounting Office study estimated that New York City's famed garment industry may be populated by as many as 2,000 sweatshops. In Los Angeles and Miami, 90 percent, 80 percent of all garment shops are sweatshops; the Department of Labor officials have determined that in my own State of New Jersey, in the northern part of the State, 300 sweatshops, a figure that is actually on the rise as more and more sweatshops are migrating across the river from New York to New Jersey to take advantage of less expensive rents.

The continued proliferation of sweatshops is one of the greatest threats to the continued vitality of our economy and the rights of hard-working Americans. The honorable businesses that observe the Fair Labor Standards Act and the other laws of this Nation that govern the workplace are put at serious competitive disadvantage when they are forced to compete with sweatshops that ignore all the laws, and then we have stars go on television and smile and say of their sponsored products, they know nothing about it.

How can we reasonably expect a company that pays its workers a livable wage and provides a safe workplace to compete with sweatshops? Such a notion is absurd. If we continue to allow these sweatshops to operate, who are the real losers? Our workers, the millions of hard-working Americans who will see their wages artificially repressed and their jobs lost as legitimate businesses are forced out of business by sweatshops.

Mr. Speaker, what does it say about us as a society if we are willing to allow sweatshops that treat humans worse than we would treat animals to continue to operate; sweatshops where children and women are forced to work 14 hours a day, overcrowded rooms at a fraction of the minimum wage? Mr. Speaker, if we are going to save jobs, especially those in the manufacturing industry, and ensure our workers appropriate conditions and pay, we must crack down on these illegal sweatshops.

I have joined with several of my colleagues to send a strong message by cosponsoring H.R. 23, the Stop Sweatshops Act. This important measure would hold any manufacturer legally responsible if it or one of its contractors operates a sweatshop.

Simply increasing the penalties is not enough. It is time for the Department of Labor to get off their fannies, to begin addressing the problem with the seriousness that this warrants. It is time for the Department to make exposing and putting sweatshops out of business a real priority.

Mr. Speaker, 87 years ago 146 young women died in what amounts to a senseless tragedy motivated by greed. We owe it to their memory to rid our Nation of sweatshops and those who endorse them, and fight against those who smile and say they know nothing about it when they endorse those products.

TRIBUTE TO FORMER CONGRESSMAN JIM HOWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, 10 years ago today, March 25, 1988, Congressman Jim Howard passed away. It was a very sad day for us, for his friends and colleagues, his family, and for the country, because he had given so much and was at the height of his career as chairman of the House Public Works and Transportation Committee.

Mr. Speaker, I wanted to say these words tonight because I wanted to make sure that Jim and his tremendous legislative accomplishments are not forgotten. As his successor, representing most of his old district, I can point to many reminders back home of Jimmy's 24 years in Congress. There is the massive Jersey Shore beach restoration project, the rebuilding of Barnegat Inlet, the electrification of North Jersey Coast Rail Line, and Ocean County Community College.

There is the veterans outpatient clinic in Brick Township, the National Marine Fisheries Lab at Sandy Hook, the Computer Sciences Hall at Monmouth University, and Interstate 195 in Central Jersey, all of which carry his name as a reminder of his outstanding service to his district and to his State.

His contributions nationally were broad and lasting. As Chairman of the Surface Transportation Subcommittee from 1975 to 1981, he developed the "Howard Plan" which, for the first time, combined mass transit and highway legislation into one bill. It was an effort to give mass transit equal billing with highways and to better coordinate national transportation policy.

As chairman of the Committee on Public Works from 1981 to 1988, he championed, with the bipartisan help of the committee's current chairman and ranking member, the critical needs of the Nation's crumbling infrastructure. He undertook a bruising, but successful battle to raise the Federal gas tax to pay for the roads and the bridges that were deteriorating at an alarming rate.

He also championed highway safety, the 55-mile-per-hour speed limit, as well as anti-drunk driving and 21-year-old minimum drinking age laws that have saved many lives throughout the country. Perhaps most critical for his Jersey Shore district, he was an environmentalist who passed a tough clean water bill over a presidential veto. He set the timetable to end ocean dumping, developed a plan to end plastic floatables pollution and helped pass a comprehensive Superfund law.

In many ways, particularly in the environmental area, I am trying to carry on with some of these initiatives, because they are ongoing in nature and require a constant vigilance; and I have great respect for Jimmy's legacy and for that of his family. His widow, Marlene, his daughters, Kathy, Lenore and Marie, who is here this evening and is also a staffer on the Committee on Resources, and four grandsons, Brian, Jamie, Anthony and Joseph.

The love and support that Jim Howard received from his family was critical to his success in Congress and also at campaign time. He often talked about his first campaign in 1964, which was run from his kitchen table, using the entire family savings of about $5,000 at the time. His wife, Marlene, was the campaign manager, and my colleagues have to understand, this was a very risky venture for a grammar school teacher running in a district that had never gone Democratic for President and has not since that day in 1964 when Lyndon Johnson was elected and so was Jim Howard. His campaign slogan in 1964 was "He cares about people, it's that simple." I think that really sums up why Jim was reelected each time against odds that often were overwhelming.

Mr. Speaker, I would like to include for the record two letters which I think paint a rich picture of the human side of Jim Howard, his wonderful sense of humor and his love of life. One of the letters is from Jimmy's daughter, Marie Howard Fabrizio, and the other is from Hayley Roberts Mullan of Belmar, New Jersey, which is the town in our congressional district where Jim grew up. Hayley has many childhood memories of her Congressman, which I would like to share and I include them for the RECORD at this time.

MARCH 25, 1998.

Congressman FRANK PALLONE,
Cannon House Office Building, House of Representatives, Washington, DC.

DEAR FRANK: On behalf of my mother Marlene, my sisters Kathy and Lenore, and all the Vetrano and Howard family, thank you so much for taking the time to remember and honor my father, Jim Howard, today on the tenth anniversary of his passing. Our hearts are filled with appreciation for this kind gesture.

Dad served in the House of Representatives for 24 years and he loved this House. He was a liberal Democrat from a fairly conservative Republican district. First elected in 1964, he remained in Congress until his death on this date in 1988. I believe he was continuously reelected because he was respected by Democrats and Republicans alike for his candor, and willingness to listen to different opinions and learn from them. I can remember several occasions when he came home and told us that he was going to come out on one side or the other of an extremely contentious issue and it would probably mean he wouldn't be reelected. If we asked why he had to take such a stand the answer was always the same—because it was the right thing to do. Not to do so was a totally foreign concept to him.

In the mid 1960's when he had only been in Congress for a short time, he came out against further U.S. involvement in the Vietnam war. A position that didn't put a young Congressman in a good light with the powerful Johnson White House nor with his district which strongly supported the war effort. It seems funny to think of it now, but his position in favor of allowing 18 year olds to vote, was an incredibly divisive issue at the time it was being considered. He told me he could not rationalize how the government could draft someone into combat but deny that person a say in who made such decisions. Of course, few were thrilled when as Chairman of the House Public Works and Transportation Committee, he pushed so hard for the 55 mile an hour national speed limit. He was most proud of that legislation because it was so immediately responsible for a large decrease in highway fatalities and incidents of paralysis, epilepsy and other medical problems resulting from head trauma.

My dad used to say that next to the clergy, he believed public service was the next highest calling. He strongly believed that government was not the enemy of the people but rather an instrument to be used to make life better for those living in the shadows of life, and to foster strength within our union by embracing the diversity among all Americans.

Clearly, he passed his love of Congress on to me. After 18 years of working here I can say I've been blessed with the opportunity to work for three Members who, although diverse in personality, remind me so much of the ideals I respected most in my dad. Senator Bill Bradley for his forethought; Congressman Mo Udall for his unfailing humor and ability to bring warring sides together; and Congressman George Miller for his keen intellect and unwavering courage to take on the most unpopular of issues simply because it's "the right thing to do."

Everyone who knew my dad, knows that he got involved in politics because of the vision of the Kennedys. When he met Senator Jack Kennedy and listened to his vision for America—he was hooked. He remained true to that vision throughout his entire life and proudly wore his PT 109 tie pin and carried a Kennedy half dollar with him every day as reminders of where he came from. Frank, I know in your campaign office you have a rather large picture of my father with then Senator Bobby Kennedy, but I'm not sure you know the story behind the big smiles they have. The picture was taken during my dad's first reelection bid in 1966. Senator Kennedy was recording a radio spot which referred to my dad as being named the Outstanding Freshman Congressman. After the recording, Senator Kennedy said, "Gee Jim, that's pretty nice. What group picked you?" to which my dad quickly responded, "My staff. The vote was 6-to-4."

His quick wit may be what I miss most of all. He tried to instill in his daughters the importance of being able to laugh at our own human foibles. I remember my first day working as an intern in a Congressional office. I must have been 16 or 17 years old and was sent to deliver something in the Senate. I was hopelessly lost when I suddenly saw several men coming my way. Without thinking, I grabbed the arm of one of the men and asked for his help. As I looked up—into Senator Ted Kennedy's face—I was mortified. He was actually being interviewed and my intrusion caused cameras to click off and writers to stop writing. As the other men laughed, the Senator couldn't have been nicer, and told me the direction I needed to go. I felt like such a fool but when I told the story to my dad, he laughed so hard that in no time we were both roaring with laughter.

My dad always felt so lucky to be here and never forgot that under the many titles he amassed—Honorable, Congressman, Chairman—he was just a young, Irish kid with a head full of dreams given the opportunity of a lifetime to come to Washington with his Italian wife from Asbury Park to represent their beloved Jersey Shore.

It's hard to believe that ten years has passed since I heard his voice, squeezed his hand, or kissed his cheek. An entire decade has passed since I heard him sing an Irish song, tell me he loved me, or saw the twinkle in his eye that was always followed by that crooked smile which indicated he just saw something very funny in an otherwise serious situation.

How well I remember that sunny March day at St. Catherine's when you served as a pallbearer for my dad. I know he was your mentor and you worried about filling his shoes but with the work you have done here, especially with regard to the environment and shore protection, he would be proud of you.

I try to keep my dad's torch alive inside of me by remembering his teachings to me to never forget where I came from, always remember that one person can make a difference and everyone must try, and to always find the humor in life and revel in it. You also keep his torch alive by continuing to represent the interests of the Jersey Shore with respect and enthusiasm.

Again, thanks to you and your wonderful staff, Nancy Fatemi for this most gracious of tributes to my dad's memory.

Fondly,

MARIE HOWARD FABRIZIO.

DEAR CONGRESSMAN PALLONE:

There's a saying I adore, but I don't know whom to credit:

"The world is filled with music for those who would hear it."

Jim Howard "heard" the music and he helped others follow the rhythm. He was a family man—a man of integrity and values. He played his politics from the heart. He worked diligently for what he believed was right—even if it meant hitting a few sour notes along the way. He could always take a deep breath and continue his melody, usually without skipping a beat.

Jim many times was the conductor of Congress—heading committees, establishing ideas to help the district and country, yet never forgetting that without the "musicians" his music wouldn't be heard. He knew that with the correct accompaniment the music would be beautiful and sonorous.

He also knew when it was time to slow down the beat—even during a busy campaign. He would be out on the links teeing off, or watching cartoons with a child, or getting a group of people to hold hands and sway to the music of "Sweet Caroline". He would also take time out of a busy day to stop by a friend's house to show off the latest in technology "toys" or he would stop by a hospital to visit a friend's newborn baby.

These are all things that I remember about Jim Howard. I also remember at his funeral, during the 21-gun-salute the realization that not only was I losing someone important in my life, but so was our country. I know his time on this earth was cut short and there were many things he hadn't finished yet. Hopefully, he's looking down on all of us and giving us guidance to continue his work. And hopefully, for him it's always sunny and he sinks every putt.

He was a husband, father, grandfather, friend, teacher, Congressman. Never once did he forget those who cared for him or abuse his power in the government to hurt others. He thought of others first and how his actions or works would affect them. And luckily, for us, he helped a young politician named Frank Pallone to continue his work. Another man who doesn't forget what he's learned and helps to pass it onto others. We've been a very lucky district indeed.

My only misfortune is that I was not of age to cast my vote for Jim Howard—I was seventeen when he passed away. But I learned many things from him about politics and life. Politics didn't require "dirty pool" or opportunistic photo ops. Politics needed heartfelt belief in what was correct and proper. If you lived your life in that manner you didn't need to worry about winning an election—the people knew a kind, generous, and trustworthy person when they saw one. I am definitely a better person today for having known him and his legacy stays with me every day of my life.

Jim was like a second grandfather to me and I loved him and I miss him. But I know that one day I'll meet him again.

HAYLEY ROBERTS MULLAN.

Mr. FALEOMAVAEGA. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Speaker, I commend the gentleman for bringing this Special Order in recognition of our former Chairman of the Committee on Public Works, Mr. Howard. I do remember the gentleman working as a former staffer for the late Congressman Phil Burton.

I had the privilege of meeting Mr. Howard, and if there is anything that I would identify and remember best about this great gentleman, not only as a Congressman, but as the Chairman of the Committee on Public Works, was the fact that he cares for the working man. And if there is anything that I could remember well in my association with the late Congressman, Phil Burton, was Jim Howard's concern about the needs of the working people here in America.

Mr. PALLONE. Mr. Speaker, reclaiming my time, I thank the gentleman for his remarks. I just want to say, Mr. Speaker, once again, that Jim Howard was my mentor. There are so many things that I try to emulate in his life, and I am very proud to be able to present this Special Order tonight, 10 years to the day of the anniversary of his death.

Mr. SHUSTER. Mr. Speaker, ten years ago today, Congress and the nation lost a true patriot. James J. Howard was a dear friend of mine and should be remembered as a tremendous public servant of the people of New Jersey, and of the entire country. For more than 20 years, the House knew Jim as a well-respected chairman who always put the health and safety of the American people above all else.

Jim was a colleague and predecessor of mine: a dedicated, resourceful Chairman of the House Public Works and Transportation Committee for more than eight years. Throughout the 80's, Jim was the driving force behind the major improvements that were made to our nation's infrastructure.

Jim fought for the principle that our infrastructure is one of the most crucial building blocks of our economy. He saw reliable highway systems, transit lines, air facilities, and water and sewage treatment capabilities, not as mundane subjects of public policy, but as a means to a better life for all. Better funding for highways and mass transit projects was secured because of Jim's work on the Surface Transportation Assistance Act of 1982. Work on the Airport and Airway Improvement Acts of 1982 and 1987 assured similar improvements for aviation.

Jim believed that a solid infrastructure meant economic health and more jobs for his constituents and America. Because of Jim's vision, we appreciate this concept today, and his old Committee is proud to continue his work.

Jim also knew that the goals he doggedly pursued had to be achieved at no risk to the people and to the environment. The 21-year minimum drinking age and speed limit laws for which he was responsible is clear evidence that safety of the American people was always among the foremost of his legislative concerns.

Water pollution, waste dumps, sewage contamination—Jim battled to rid his district and the country of these and other such threats to public safety. I have every confidence saying that many people are living today because of Jim's efforts, and I think that's something that should never be forgotten.

Jim worked hard so that every American would have a better life. Looking back over the last 10 years, his legacy and enduring philosophy still drive the work of the Transportation Committee he so expertly piloted toward the 20th century.

Jim, we miss you and we thank you for all that you did for this country.

Mr. FROST. Mr. Speaker, I rise to remember Jim Howard on the tenth anniversary of his death. Jim Howard was a great American and he was a proud Member of the House of Representatives. He embodied the idea of public service and his love for his country, his state and district, and for this institution is a memory none of us who knew him will ever forget. His dedication to the public good, to the betterment of life for every man, woman and child in this country is a testament to his love for his Nation.

Mr. Speaker, today, in some circles, there is disdain for the kind of career legislator that was Jim Howard. He was an inside operator, a man who knew the rules, a man who knew how to get the job done. He fashioned a career from serving his constituents and his country and I, for one, think of his service to the United States as honorable and decent and well worth celebrating. Those who disparage public service should look closely at the record of achievement of a man like Jim Howard.

As Chairman of the then Public Works and Transportation Committee, Jim Howard was responsible for creating a coordinated program of highway and mass transit transportation to serve our cities and our rural areas; he was a champion of energy conservation as well as public safety on our Nation's highways. He understood the need for expanding and upgrading the Nation's airports and air traffic control system, and was a prime mover in the deregulation of the airline industry. His legacy also includes the landmark 1987 Clean Water Act, which was passed by the Congress after a hard-fought, but fairly-won, battle and which became law in spite of a Presidential veto. He was a man who knew what he stood for and fought hard for it.

Mr. Speaker, I am proud to have known Jim Howard. I appreciate the opportunity to salute him on this anniversary of his passing.

Mrs. MINK of Hawaii. Mr. Speaker, I rise tonight to remember a former colleague, the late Congressman James Howard, Democrat who served his State of New Jersey, and his Third District from 1965 until he died on March 25, 1988 at the age of 60 years.

Congressman Howard was first elected to the U.S. House in the fall of 1964 and took office in January of 1965. Until his election this district had been basically Republican. I was elected that same year. We had an entering class of nearly 100 members.

It was a historic Congress. Lyndon Baines Johnson was President. We enacted the first federal aid to education bill. We embarked on a War against Poverty. We made dramatic changes in the immigration laws. We provided help for young people going to college. We enacted Medicare. The list of achievements is long and impressive. It included things like Head Start, legal aid, aid to the elderly, new programs in housing and many others.

Jimmy Howard as he was affectionately known as a stalwart leader in all these enactments. He stood for his people in the Third District. He was dedicated and creative. He was loyal and hardworking. I considered him to be one of my best friends. We formed caucuses to create greater opportunities for freshmen to have a say in policy. We worked hard to reform the House Rules to make it more open and democratic. He stood tall for civil rights, for women's rights and for human rights.

Jimmy Howard was a school teacher before he was elected to Congress. When he came to Congress he continued to use his background as a teacher and taught his colleagues about the importance of individual relationships and of the effectiveness of simple direct communication. He had a great wit and engaged the Congress in many provocative debates.

In 1975 he became a subcommittee chair in the Public Works Committee. He rose to the Chair of the full Public Works Committee in January of 1981.

One of his more notable accomplishments was the consolidation of mass transit with the highway legislation.

He was a very determined strategist and work ceaselessly to preserve the jurisdiction of his committees. He enacted the first 55 miles an hour speed limit on federal highways, which has probably saved the lives of thousands of people across the nation.

Congressman Howard was a constant legislator always on the outlook for ways he could make the highways safer. He worked hard to fight against drunk drivers and to fight for greater safety for child passengers.

In addition he is honored for his work to protect and preserve the environment. He fought against polluters and championed legislation to clean up toxic waste and keep dangerous chemicals out of our neighborhoods.

I am pleased to take this moment to note the life and accomplishments of this great legislator, my friend and colleague, The Honorable James T. Howard.

And in remembering Jimmy, I want to pay a special tribute and fond Aloha to his wife, Marlene and their children.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to honor the memory of Representative Jim Howard from New Jersey. When Congressman Howard passed away suddenly ten years ago today, I was in my first term as a Member of Congress. I am grateful that I was able to meet Jim Howard, and to watch him at work. During his 23 years in Congress, Jim was one of the most able Members to serve in the House. When Jim served as Chairman of the House Public Works and Transportation Committee, he left his mark for us by passing important legislation improving our highways, mass transit, and aviation.

I deeply admired the way Jim Howard balanced building roads while doing his best to clean up the environment. In the mid-80's, Jim Howard sponsored the Clean Water Act, Superfund Act, Groundwater Protection Act, and the Plastic Pollution and Research Act. These laws helped our Nation to clean up estuaries, manage non-point pollution, and limit sludge dumping. In addition, Jim Howard worked with EPA to develop a plan to eliminate plastic pollution off the shores of New Jersey.

While working to protect the environment, Jim Howard also worked to increase our fishing waters for our citizens to enjoy, by creating the 200-mile fishing limit.

At the same time, Jim Howard worked for highway safety. He was responsible for lowering the national speed limit to 55. This was the first law recognizing the relationship between speed and highway safety. Jim Howard also foresaw the problem with drunk driving. He wrote laws against drunk driving and raised the minimum drinking age to 21. We cannot know how many lives were saved on the highways due to the efforts of Jim Howard. But we can only thank him.

Mr. Speaker, I could go on and on in counting the many laws Jim Howard got passed in the Congress to protect our environment while expanding our transportation capabilities. It is poignant that we are remembering Jim Howard at this time. He did so much for transportation, and we are reflecting on his accomplishments just as the BESTA bill is about to come to the Floor.

Mr. Speaker, in closing, I can only say that I am grateful that Jim Howard served in this House. He was one of our best Members, and was a good and gracious man.

Mr. MOAKLEY. Mr. Speaker, I want to thank the gentleman from New Jersey, Mr. PALLONE for reserving this time to pay tribute to the memory of a good friend, Jim Howard. It is only fitting that the timing of this event comes as the House is preparing to consider a major surface transportation bill next week.

As a Representative from Boston, I will always be grateful to Jim Howard for his role in shepherding the original authorization of the Big Dig Project in Boston—the biggest public works project in the history of the United States—through the then Public Works and Transportation Committee. Jim's legacy is as strong today as it was when he left us ten years ago. Jim was known as a devoted representative to his constituents in the Third Congressional District, but Jim was also devoted to the citizens of the United States. As many of us know, Jim was responsible for the passage of the 55-mile-per-hour national speed limit. His efforts to focus the national attention on the issue of speed and safety and the perils of drunk driving and under age drinking undoubtedly saved thousands of lives. Jim was widely known as a transportation guy, but Jim also led the way on some of the most important environmental legislation to ever come out of the U.S. House of Representatives. Many a times that I sought Jim's help for clean-up money for Boston Harbor or additional money for a train station or for a particular highway project, Jim was always there. He appreciated the work of a legislator, he knew that if you tried hard enough you truly could make a difference in the daily lives of people.

Jim was known as a fierce defender of the jurisdiction of his beloved Public Works Committee. As a member of the House Rules Committee, I witnessed first hand the many battles he had with the Appropriators whenever he thought they were treading on his committee's ability to legislate. And let me tell you nine times out of ten Jim would prevail. Jim knew the legisiative process as well as any other Member I knew at the time and it was this knowledge that made Jim the special legislator that he was.

I am eternally grateful for the friendship that Jim Howard accorded me while he was in Congress. In 1977 I had the opportunity to travel to Egypt with Jim to meet with the leader of Egypt, Anwar Sadat. In my Congressional Office I still have the picture of Jim and myself in the traditional Arab headdress—I smile every time I see it. It brings back fond memories of my old pal.

Again I thank the Gentleman from New Jersey, for reserving this time.

Mr. RAHALL. Mr. Speaker, I rise in tribute to the Honorable Jim Howard, former Member of the House of Representatives, and Chair of the then Committee on Public Works and Transportation, now the Transportation and Infrastructure Committee.

My tribute to Jim's memory has to do with his chairmanship of the Public Works Committee, where he served from 1975 to 1988. This tribute comes from the fact that when I first began my tenure in the House in 1976, as a twenty-seven year old freshman, I chose the Public Works Committee as the major committee I most wanted to join, and having done so I have remained on the Committee for nearly 22 years.

Jim Howard's stewardship of that committee, and the strength and courage of his convictions concerning the importance of this nation's infrastructure, and of our duty to see that it was funded, will always be with me.

As we are poised to vote on the reauthorization of the Federal Highway bill, known as BESTEA, in the coming days, I am reminded even more of the on-the-job training I received under Jim's leadership, which as served me so very well over the years.

During Jim's chairmanship of the Committee, he guarded its jurisdiction with all of his being—which was considerable. It was Jim Howard who was responsible for the passage of the 55-mile per hour national speed limit, the first legislation to focus attention on the relationship between speed and safety.

I was mindful of that fact when, in 1995 during floor consideration of the National Highway System Designation Act, as I tried in vain to preserve that 55-mile per hour speed limit. I wondered at the time whether Jim Howard was watching and listening as the speed limit was raised to ever more dangerous levels nationwide. I continue to believe that Jim was right, and that his 55-miles per hour limit that had stood the test of time as a mandate that prevented the deaths of many innocent victims around the country, should have remained in force.

Chairman Jim Howard was a champion of all the issues over which his committee had jurisdiction, not just highways—from Clean Air to Clean Water, from Mass Transit to Airport and Airway Improvement, and from motor carrier safety to groundwater protection.

As I mentioned above, in the next week when we again meet on the floor of the House to reauthorize the federal highway legislation, I will draw strength from remembering that Jim Howard did not shrink from a floor fight over legislation he believed was in the nation's interest.

I know that he will be watching over us as we carry on with the legacy he left for all of us and for the Nation by enacting BESTEA, again focusing attention on our country's infrastructure and environment.

This special order tonight, and our action to enact BESTEA this week or next, will go far in assuring that Jim Howard's role as a National legislator is not forgotten.

AMERICAN SCHOOLS ARE SAFER FROM RELIGION THAN FROM DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, people throughout this Nation are being denied a fundamental right, the right to freely express their religious beliefs. It is a shame that I have reason to make that statement here in the United States in the year 1998, but it is a sad fact. Please allow me to list a few examples.

One example, a judge ruled in favor of a teacher who gave a young Tennessee student an F on a research paper, simply because she decided to write the paper about Jesus. On three separate occasions, St. Louis school system officials put a fourth grade student in detention for bowing his head to say a private prayer over lunch.

Mr. Speaker, students from schools across the country have been prohibited from bringing the best-selling book in America to school, the Bible. At the same time, the Justice Department reports that 100,000 young people bring guns to school every day. It is a sad commentary on our Nation to say that our schools are safer from religion than they are from illegal drugs.

Mr. Speaker, this country was built upon Judeo-Christian values. I believe we are in real trouble now that we have reached a time when, sadly, those values are being attacked and not protected. Every American, our children in their formative years especially, should be allowed to freely explore and express their religious beliefs that include voluntary school prayer.

My good friend, the gentleman from Oklahoma (Mr. ERNEST ISTOOK) recognized this fact, and has seen the many threats to religious liberties in this Nation. He has taken action. I am proud to be part of the team of over 150 cosponsors, Democrat and Republican, supporting the religious liberty amendment proposed by the gentleman from Oklahoma (Mr. ISTOOK). I believe it is the right step to protect one of our most fundamental rights which has been so frequently infringed upon recently.

The religious freedom amendment corrects court actions and trends which have suppressed religious expressions. It will permit student-initiated procedures in public schools. The proposal retains the First Amendment safeguard against official religion and keeps school prayer voluntary, but protects it, just as other forms of free speech are protected.

Specifically, if approved by a two-thirds margin of both Houses of Congress and ratified by the legislatures of three-fourths of the States, the religious freedom amendment will add the following words to the United States Constitution:

"To secure the people's right to acknowledge God according to the dictates of conscience: Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activities, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

I commend my good friend, the gentleman from Oklahoma (Mr. ISTOOK), for presenting us with this opportunity to defend religious freedom in America, and for following the will of the people, as we in this Congress are elected to do.

Public opinion polls have shown time and time again that three-quarters of Americans support a constitutional amendment to allow voluntary prayer in public schools and to protect religious liberties. I urge my colleagues to listen to their constituents, and to join in this effort to protect the right of religious expression in America. Support House Joint Resolution 78.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. DEAL of Georgia). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

IN RECOGNITION OF DR. PAUL COX AND PROTECTION OF TROPICAL FORESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I am proud to be a cosponsor of H.R. 2870, the Tropical Forest Protection Act, a bill recently passed by the House of Representatives and which is now before the Senate for consideration.

I regret not being on the floor of the House when this bill was under consideration, due to a conflict of my schedule, but it is for this reason that I take this opportunity to share my views with my colleagues on this matter.

I do commend the authors of this legislation, the gentleman from Ohio (Mr. PORTMAN), the gentleman from Ohio (Mr. KASICH), and the gentleman from Indiana (Mr. LEE HAMILTON), for their vision and leadership in crafting this measure, which facilitates debt reduction in Third World countries to support efforts for conservation of the fragile tropical forests.

I also commend the chairman of the Committee on International Relations, the gentleman from New York (Mr. BEN GILMAN) and the gentleman from Minnesota (Mr. BRUCE VENTO) for their important contributions that have made improvements in this bill.

Mr. Speaker, the provisions of H.R. 2870 basically allow less developed nations that owe loans to the United States to restructure their debt repayments, funneling savings into a tropical rain forest protection fund which will provide for the conservation and maintenance of native forest resources in each participating country.

To qualify, countries with substantial tropical forests must demonstrate that they support human rights and democratic forms of government, and that they are opposed to narcotics trafficking and international terrorism.

Mr. Speaker, according to the World Wildlife Fund, up to 42 million acres of tropical forests are being devastated each year throughout the world. Indeed, approximately one-half of the world's tropical forests no longer exist. In the Asia-Pacific region alone, it is estimated that 88 percent of original forest lands have been destroyed.

Mr. Speaker, I would especially commend the gentleman from Minnesota (Mr. BRUCE VENTO) for his amendments to the bill, which recognize the importance of tropical forest plants for medical treatment of human illnesses, and that native peoples who live in or near rain forests should be consulted, given their tremendous knowledge of plants that have medicinal value.

Mr. Speaker, it is my understanding that during the House floor deliberations the gentleman from Minnesota (Mr. VENTO) also cited the outstanding work of Dr. Paul Alan Cox, one of the finest ethnobotanists in the world today, and who is especially noted for his studies and research work in the South Pacific.

I have known Dr. Cox for several years from his work in the Samoan Islands and throughout Polynesia. I am extremely gratified that Dr. Cox was honored by Time Magazine as one of the world's top medical scientists in 1997.

Dr. Cox first came to Samoa in the early 1970s as a young Mormon missionary. He became enchanted with Samoa and immersed himself in the Samoan culture, learning to read and write fluently in the Samoan language.

After his departure from the islands to obtain his doctorate degree from Harvard University, he later joined the faculty at Brigham Young University in Provo, Utah. He is also the newly appointed director of the National Tropical Forestry Botanical Garden located on the island of Kauai, in the State of Hawaii.

Over the years, traveling back and forth between Samoa and the United States to conduct research, Dr. Cox has discovered 74 medicinal plants with the assistance of native Samoan healers. Extracts from the leaves, bark, and roots of the rain forest plants have proven effective in treating illnesses from high fever to appendicitis to asthma. In particular, one new plant-derived drug isolated by Dr. Cox, Prostratin, holds the promise of a cure for AIDS.

Mr. Speaker, most of the Earth's 265,000 flowering plants are located in tropical regions, and less than 1 percent of these plants have been tested for effectiveness against disease.

Continuing his work with native healers, Dr. Cox hopes to find the answer to cancer, Alzheimer's disease, and other incurable diseases in the rain forests of Samoa and the world. However, the decimation of tropical forests literally threatens to prevent the discovery of hundreds of new medical drugs.

Mr. Speaker, again, I want to commend Dr. Cox for his life's work devoted to research and protection of the tropical rain forests of Samoa and other regions of the world. By following the footsteps of native healers, Dr. Cox best exemplifies the need for our so-called modern technological world not to disregard the tremendous amount of knowledge that can be obtained from indigenous peoples and their understanding of certain plants that have medicinal and healing value. What Dr. Cox is saying to us is that there is much that our modern world can learn from native cultures.

Mr. Speaker, again, I support the provisions of H.R. 2870, and I commend my colleagues for their endorsement and passage of this legislation.

Also, I would note that Dr. Cox is greatly appreciated and respected by the Samoan people. He has even been bestowed with the Samoan title of Nafanua by the elders of the village of Falealupo because of his contributions, including the establishment of a 30,000-acre rain forest preserve, and a construction of a primary school for the village children.

Mr. Speaker, again, I urge my colleagues to support this legislation when it comes back from the Senate.

Mr. Speaker, I am proud to be a co-sponsor of H.R. 2870, the Tropical Forest Protection Act, a bill recently passed by the House of Representatives and which is now before the Senate for consideration. I regret not being on the House floor when this bill was under consideration, due to a conflict with my schedule, but it is for this reason that I take this opportunity to share my views with my colleagues on this matter.

I commend the authors of this legislation—the gentleman from Ohio, Mr. ROB PORTMAN, the gentleman from Ohio, Mr. JOHN KASICH, and the gentleman from Indiana, Mr. LEE HAMILTON—for their vision and leadership in crafting this measure which facilitates debt reduction in third world countries to support efforts for conservation of their fragile tropical forests. I also commend the House International Relations Committee Chairman BEN GILMAN and the gentleman from Minnesota, Mr. BRUCE VENTO, for their important contributions that have improved the bill.

Mr. Speaker, the provisions of H.R. 2870 basically allow less-developed nations that owe loans to the United States to restructure their debt repayment, funneling savings into a tropical rain forest protection fund, which will provide for the conservation and maintenance of native forest resources in each participating country. To qualify, countries with substantial tropical rain forests must demonstrate that they support human rights and democratic government, and that they are opposed to narcotics trafficking and international terrorism.

Mr. Speaker, according to the world wildlife fund, up to 42 million acres of tropical forests are being devastated each year throughout the world. Indeed, approximately one-half of the world's tropical forests no longer exist; and in the Asia-Pacific region alone it is estimated that 88% of original forest lands have been destroyed.

Mr. Speaker, these careless activities have a dramatic negative impact on the environment that is global in nature. The destruction of tropical forest lands on this scale destroys the Earth's ability to recycle carbon dioxide, significantly contributing to greenhouse gases and climate warming. Perhaps more importantly, we sacrifice and lose the rich and unique biodiversity of these tropical forest ecosystems, which, incidentally, contain over half of the world's plant and animal species;

Mr. Speaker, I would especially commend the gentleman from Minnesota, Congressman BRUCE VENTO, for his amendments to the bill which recognizes the importance of tropical forest plants for medical treatment of human illnesses, and that native peoples who live in or near rain forests should be consulted, given their tremendous knowledge of plants that have medicinal value.

Mr. Speaker, it is my understanding that during House floor deliberations, Congressman VENTO cited the outstanding work of Dr. Paul Alan Cox, one of the finest Ethnobotanists in the world today, and who is especially noted for his studies and research work in the South Pacific.

I have known Dr. Cox for several years from his work in the Samoan Islands and throughout Polynesia, and I am extremely gratified that Dr. Cox was honored by Time magazine as one of the world's top 10 medical scientists in 1997.

Dr. Cox first came to Samoa in the early 1970s as a young Mormon missionary. He became enchanted with Samoa and immersed himself in the Samoan culture, learning to read and write fluently in the Samoan language. After his departure from the islands to obtain his doctorate degree from Harvard University, Dr. Cox later joined the faculty at Brigham Young University in Provo, Utah. Dr. Cox is also the newly-appointed director of the National Tropical Forestry Botanical Garden, which is located on the island of Kauai, in the State of Hawaii.

In 1984, Dr. Cox, with his family, returned to Samoa to pursue his post-graduate studies of plants found in rain forests. The death of his mother from cancer motivated Dr. Cox to search for new avenues outside of traditional medicine for treating incurable diseases. Residing in the isolated village of Falealupo on the island of Savai'i, Dr. Cox initiated research on how native Samoan healers utilized certain plants from the rain forest for medicinal purposes.

Over the years, traveling back and forth between Samoa and the U.S. to conduct research, Dr. Cox has discovered 74 medicinal plants with the assistance of native Samoan healers. Extracts from the leaves, bark and roots of the rain forest plants have proven effective in treating illnesses from high fever to appendicitis to asthma. In particular, one new plant-derived drug isolated by Dr. Cox, Prostratin, holds the promise of a cure for AIDS.

Mr. Speaker, most of the Earth's 265,000 flowering plants are located in tropical regions, and less than one percent of these plants have been tested for effectiveness against disease. In continuing his work with native healers, Dr. Cox hopes to find the answer to cancer, alzheimer's and other incurable diseases in the rain forests of Samoa and the world. However, the decimation of tropical forests literally threatens to prevent the discovery of hundreds of new medical drugs.

For his efforts to stop the destructive logging of the rain forests of the island of Savai'i, Dr. Paul Cox is greatly respected by the Samoan people. He has even been bestowed the Samoan Matai title of "Nafanua" by the village elders of Falealupo on the island of Savai'i, as a token of appreciation for all that he has done for the villagers, including the establishment of a 30,000 acre rain forest preserve and construction of a primary school for the village children.

Mr. Speaker, again I want to commend Dr. Paul Cox for his life's work devoted to research and protection of the tropical rain forests of Samoa and other regions of the world. By following the footsteps of native healers, Dr. Cox perhaps best exemplifies the need for our so-called modern technological world not to disregard the tremendous amount of knowledge that can be obtained from indigenous peoples and their understanding of certain plants that have medicinal and healing value; What Dr. Cox is saying to us is that there is much that our modern world can learn from native cultures.

Mr. Speaker, again I support the provisions of H.R. 2870, and I commend my colleagues for their endorsement and passage of this legislation.

PASS THE SUBSTANCE ABUSE TREATMENT PARITY ACT NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, nearly 26 million Americans are presently suffering from the ravages of drug and alcohol addiction. There is an epidemic in America, a national crisis of alcohol and drug addiction. One in 10 people in the United States of America is addicted to drugs and/or alcohol.

The statistics, Mr. Speaker, are absolutely shocking. Alcoholism and drug addiction cost this country $90 billion last year, in addition to even greater human costs: the shattered dreams; the tragic deaths; the violent crime; broken families; shattered, broken lives. Alcohol abuse alone last year killed 100,000 people in this country.

A recent study by Columbia University's National Center on Addiction and Substance Abuse found that 80 percent of American prisoners, 80 percent of the 1.2 million Americans locked up today, are there because of drugs or alcohol.

Mr. Speaker, as a recovering alcoholic myself, I know firsthand the value of treatment for chemical addiction. Mr. Speaker, I am here to speak from personal experience that treatment works. I ask my colleagues to consider the following facts that make clear the effectiveness of treatment.

A University of Pennsylvania study by Dr. Thomas McLellan found that long-term treatment is just as effective as long-term treatment for diabetes. Research by former Assistant Health Secretary Philip Lee found that every dollar invested in treatment for chemical dependency can save $7 in future costs: medical costs, incarceration costs, social service costs, and so forth.

A Rutgers University study found that untreated alcoholics incur health care costs that are 100 percent higher than for treated alcoholics or alcoholics. After treatment, Mr. Speaker, the days lost to illness, sickness claims, and hospitalizations drop by one-half.

A Brown University study found that drug and alcohol treatment could reduce crime by over 80 percent, and a Minnesota study, a study in my home State of Minnesota, evaluated our treatment programs and concluded that Minnesota last year saved $22 million in health care costs because of treatment.

Mr. Speaker, the facts are clear: treatment works. Treatment is cost-effective. Assuring access to treatment will not only combat this insidious disease, but it will also save health care dollars.

As someone who stays very close to other recovering people in Minnesota and to treatment professionals in our State, I have been alarmed by the dwindling access to treatment in this country. In fact, over the last decade, 50 percent of the treatment facilities in America have closed. Even more alarming, over the last decade, 60 percent of the adolescent treatment centers in our country have closed. The current system either blocks access for addicted people, or greatly limits their treatment experience.

It is time to put chemical dependency on par with insurance coverage for other diseases. That is why I have introduced the Substance Abuse Treatment Parity Act, H.R. 2409. This commonsense and cost-effective legislation would expand access to treatment by prohibiting health plans from imposing limits on substance abuse coverage that are different from those requirements for other health care services.

□ 1845

All this bill does is provide parity for treatment of substance abuse. This would remove barriers to substance abuse treatment without significantly increasing health care premiums. In fact, we have all the empirical evidence in the world, study after study to show that this is cost effective. In fact, one released just yesterday by the Substance Abuse and Mental Health Services Administration shows how inexpensive and cost effective this legislation is. That study, released yesterday, shows that the average health care premium would only increase by two-tenths of 1 percent per month. So for the cost of a cup of coffee, $1.35 a month, we could treat 16 million Americans who have insurance but are presently being blocked from treatment because of these barriers, higher copayments, higher deductibles, limited hospital stays, and so forth.

Mr. Speaker, Congress can take a big step this year to knock down barriers to treatment. Just as the Civil Rights Act of 1964 tore down barriers to integration, just as the Americans with Disabilities Act tore down barriers for people with disabilities, this year we can knock down barriers to treatment for people who are suffering the ravages of drug and alcohol addiction. We can pass the Substance Abuse Treatment Parity Act and make treatment available for 16 million more Americans.

Mr. Speaker, let me just close by saying this is a life-or-death issue because chemical addiction is fatal if it is left untreated. So, I urge my colleagues, please join me in cosponsoring H.R. 2409.

OFFERING CONDOLENCES TO THE FAMILIES OF VICTIMS OF TRAGIC AMBUSH SHOOTING IN CRAIGHEAD COUNTY, AR

The SPEAKER pro tempore (Mr. DEAL of Georgia). Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, I rise with great reluctance to address this body today. I am honored every time that I step into this Chamber, but this afternoon to be here and to speak on a topic that I am about to address, is the last thing I want to do.

Mr. Speaker, I rise tonight to eulogize the lives of the five people, one woman and four little girls, who lost their lives yesterday in the senseless and tragic ambush shooting in Craighead County, Arkansas. I rise to offer my condolences to the families of these victims and to those that were injured and to the entire community as they struggle to make sense of the violence that we never dreamed would be visited upon our State.

As nearly everyone in the country knows from the media reports that we have been receiving, yesterday afternoon someone pulled a fire alarm at Westside Middle School in Craighead County, Arkansas. As teachers and students evacuated the building, they were greeted by a torrent of gunfire from nearby woods.

Among the victims is Shannon Wright. Mrs. Wright was a 32-year-old teacher who was shot while trying to shield sixth grader Emma Pittman from the hail of bullets. Mrs. Wright died at 7:53 last night, following surgery. Eleven-year-old Amber Vanover told reporters what she saw: "He was fixing to shoot her, and Mrs. Wright moved in front of her."

Eleven-year-old Natalie Brooks also lost her life. Paige Ann Herring and Stephanie Johnson, age 12, and Brittany Varner, age 11, had their lives taken from them. A heartbreaking loss for their families and friends.

Sara Lynette Thetford, who teaches social studies to Westside sixth graders, stepped in front of 13-year-old Brittney Lambie when the shooting began. Mrs. Thetford and Brittney remain in critical condition today. Eight more students were wounded in the shooting: Amanda Barnes, Jennifer Jacobs, Candace Porter, Ashley Betts, Tristan McGowan, Christina Amer, Jenna Brooks, and Whitney Irving.

Inevitably, tragedies produce heroes and there was no shortage of heroes yesterday. In addition to teachers Shannon Wright and Sara Thetford, Sheriff Dale Haas and the Craighead County Sheriff's Department, as well as the Arkansas State Police, did a commendable job of containing the scene and securing the surrounding areas.

The emergency medical response teams in Jonesboro and Craighead County, Emerson Ambulance Service, Patient Transfer Service, and Keller Ambulance Service, all showed great professionalism under difficult circumstances.

The paramedics and medical technicians from those three agencies worked together as a team and did a tremendous job of administering care to the victims. The doctors and staff of St. Bernard's Regional Medical Center did an outstanding job of preparing themselves for the chaos that entered the emergency room yesterday afternoon. They have also done an outstanding job of keeping the community informed of the status of the survivors.

I know that the families around Craighead County are thankful for the many counselors and ministers from Jonesboro and from around the State who have offered their services to help the children of Westside cope with this horrible tragedy. The people in the communities that make up Westside school district, Bono, Cash, and Egypt, will look to each and to the Lord in the wake of this tragedy. The fact that children were victimized in a place where they should be safe makes this ordeal even more difficult to comprehend.

We are all asking "Why?" Why did these young lives have to be snuffed out so senselessly? That answer may never come, and as many have suggested, the answer may be beyond our comprehension. Craighead County is a wonderful place full of people who for many, many years have worked to strengthen their community. It is a place where traditional values, faith in God, love of fellow man, and commitment to family are the pillars upon which the community is built and the source of strength that they will have to rely on now.

As is often the case when the world seems turned upside down, the Bible provides some solace. The 46th Psalm says, "God is our refuge and strength, a very present help in trouble. Therefore we will not fear, though the earth be removed and the mountains be carried into the sea."

If there is any place on earth that is capable of dealing with a tragedy of this magnitude, that place is Craighead County, Arkansas. Mr. Speaker, my wife Carolyn and I, and our children, send our heartfelt condolences and prayers to the families and to the community as a whole, as does the entire staff of the offices of the First Congressional District.

We stand ready to assist in any way that we can and wish Godspeed to the people of Craighead County as we all continue to deal with this horrifying tragedy.

TRANSPORTATION UPDATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I join with the gentleman from Arkansas (Mr. BERRY), my good friend, and all of our colleagues in wishing all the prayers to the First District of Arkansas and to all the families there, greatest sympathy and prayers for God to help in every way he can from this point forward. The gentleman from Arkansas knows that he has our support in that endeavor.

Mr. Speaker, in other action in the House this week, I wanted to make special mention of the cooperation and the assistance in working together on an outstanding new transportation bill that would not have come without the outstanding leadership of the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, in crafting a piece of legislation which is historic in providing the road improvements, the mass transit assistance that is so important to all of our municipalities, cities, and towns all across the United States.

I know from my district that roads need to be improved and mass transit systems can be made to be better in many ways. I am especially grateful for the approval by the committee of a new system which would be the Schuylkill Valley Metro, the first new transit system in many years in our State, and one of the first new ones in our region of the United States. This Schuylkill Valley Metro will go from Philadelphia to Reading, and help people who now find themselves in gridlock on a major highway to now have safe, convenient transit once we have finished the appropriations process.

I also wanted to bring to the attention of my colleagues tonight another related transportation matter. As the lead person in the House on the Results Caucus with regard to the Federal Aviation Administration, I am working with my colleagues on both sides of the aisle to adopt legislation which will improve their safety, not the least of which would be to require the child safety seats on airplanes, which will make sure that we keep our children as safe in an airplane as we do in our vehicles. Most of all, protection for airplane employees, to make sure that the defects that are present can be reported more easily so that the changes can be forthcoming, and to allow our airline staff on the planes to have defibrillators so that those who are on long trips can get all the medical attention they need prior to going to a hospital for further care.

These are three important bills moving through the House, hopefully with as much speed as possible. I will continue my efforts, working with like-minded colleagues on collision avoidance systems, improved air traffic control, and increased use of the Doppler radar to make sure that those who fly the planes can avoid wind shear and to make sure our skies are as safe as possible so that the transit of our constituents can be that which we want it to be, the safest in the world.

Mr. Speaker, I look forward to working with the gentleman from Pennsylvania (Mr. SHUSTER), our chairman, the gentleman from Tennessee (Mr. DUNCAN), our subcommittee chairman, and the gentlewoman from Missouri (Ms. DANNER) because she will be working with us in a bipartisan fashion, to do what we can, working with the airlines, military, and commercial aircraft and their experts so that we can make sure that airplane safety will be as safe as it can be, and to make sure that the flying public have the confidence always, as they already have, that they will get the best.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3310, SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS OF 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–466) on the resolution (H. Res. 396) providing for consideration of the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, which was referred to the House Calendar and ordered to be printed.

REMEMBERING CONGRESSMAN STEVE SCHIFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, it is with great sadness that I learned this evening of the death of my friend, my congressional classmate, and my colleague, STEVE SCHIFF. His family and close friends in New Mexico and across the country are certainly all in our prayers.

Mr. Speaker, I wanted to speak briefly about this. I was not able to be here during the memorial resolution because of the duties of the Committee on Rules. I think it is important that those of us who knew STEVE well have an opportunity to reflect, even briefly.

STEVE possessed a trait in Washington that is all too rare. His word was simply as good as gold. He was certainly one of the most conscientious Members I have every worked with. He was responsible, hardworking, and I think he made an extraordinary contribution to every project that he participated in.

I know he was very well regarded by his colleagues. That was certainly one of the reasons why he was asked to take on the difficult services of a job in the Committee on Standards of Official Conduct, a responsibility that I shared with him during one of perhaps the most tumultuous episodes in this House's recent history.

In his work of the House to resolve what I would call difficult and sensitive matters, STEVE proved to have necessary skills: experience, judgment, guidance, a good shoulder to lean on, a lot of rational demeanor, and above all, principles, very solid principles that never moved, the principles that got the job done.

□ 1900

He was the right person in the right place at the right time for this House, and we all owe him a debt of gratitude and thanks for that very difficult assignment.

It turned out that STEVE's work on the Ethics Committee, ironically was one of his last high-profile accomplishments in Washington. And it was not something that he or any of us particularly enjoyed. It was a duty, as with all his duties, that he discharged with integrity and accountability. I will say that he was an inspiration for all of us during those long and frustrating hours and days and weeks. And it was a time, incidentally, when he was sick and we did not know it.

And all through that period this was true. For his entire public service career, STEVE ably and thoughtfully represented the people of New Mexico's First Congressional District. It is quite a record and a great legacy.

I am honored to have served with STEVE. I will miss him. I extend my deepest sympathy to his family.

TREATY OF GUADALUPE HIDALGO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, this evening the freshmen Republican class takes to the floor to spend a little time during this special order to discuss various issues that we have been focusing on as individual Members and as a group, 34 Members strong.

We spent a lot of time in our home districts holding town meetings, surveying our constituents and focusing on the topics that we believe our constituents have sent us here to represent. Joining me this evening is the gentleman from New Mexico (Mr. REDMOND), who has been fighting very vigorously for some property rights issues in his district.

At this point, Mr. Speaker, I would like to recognize and turn some of our time over to the gentleman from the State of New Mexico to talk about his legislation, House Resolution 2538, which would establish a presidential commission to determine the validity of certain land claims arising out the Treaty of Guadalupe Hidalgo from 1848.

Mr. REDMOND. Mr. Speaker, I appreciate the time to share with the House of Representatives today a portion of history that many people have forgotten. This is a story, a story of a people who settled in the American Southwest many years before the pilgrims landed at Plymouth Rock.

The story has been forgotten by most Americans, but it lives on. It is a story that lives on in the daily lives of many hard-working people in New Mexico in my congressional district. It lives on in the daily traditions and the way of life. And it is a life-style that we are seeking to enhance and to preserve.

And so tonight, Mr. Speaker, I stand here for my constituents to tell the story of the Treaty of Guadalupe Hildago, a story, as I stated earlier, Mr. Speaker, that most Americans are not aware of.

In 1846 there was a war between the United States and Mexico. The United States won that war, the Mexican-American War, and at the end of the war, there was a treaty that was signed. The title of the treaty has a beautiful name to it. The name of the treaty is the Treaty of Peace, Friendship, Limits, and Settlement. It is called the Treaty of Guadalupe Hildago.

It was signed on February 2, 1848. And in that treaty, the residents of the territory that became New Mexico and became the State of New Mexico in that treaty, the people that lived in that area, they had a choice, as in America we allow individuals a choice; and the choice that the residents had was the choice to move south of the border to old Mexico and to retain their citizenship as Mexican citizens or to remain north of the border and to embrace an American way of life of freedom and a Constitution that guaranteed those rights.

So, with high hopes, the residents of New Mexico, many of them chose to stay behind to become citizens of the United States of America; and in the treaty, it stated very specifically certain rights that would be guaranteed to those who stayed behind. And so the hope of greater freedom, an opportunity, was embraced by those residents. And the treaty begins like this:

> In the name of Almighty God:
>
> The United States of America, and the United Mexican States, animated by a sincere desire to put an end to the calamities of war which unhappily exist between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both and assure the concord, harmony, and mutual confidence wherein the two peoples should live as good neighbors, have for that purpose appointed

representatives and those representatives mutually came together with the stipulations of the treaty.

This evening, Mr. Speaker, I am going to read two small articles that are very important for the legislation that will be considered in a short time here in the House of Representatives. But these two articles are very, very important because these were the polar stars on which the Hispanics in New Mexico stayed behind and they chose to become citizens of the United States.

This is Article VIII I will begin with. Article VIII says,

> Mexicans now established in territories previously belonging to Mexico, and which remain for future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please; without their being subjected, on this account, to any contribution, tax, or charge whatever.
>
> Those who shall prefer to remain in the said territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the rights of the United States, but they shall be under the obligation to make their election within one year from the time of the dates of exchange of ratification of this treaty; and those who

> shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States. In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and the Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it, guaranties equally ample as if the same belonged to the citizens of the United States.

Article IX:

> The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding Article, shall be incorporated into the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution, to the enjoyment of all rights of citizens of the United States. In the meantime, they shall be maintained and protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights their condition shall be on an equality with that of the inhabitants of the other territories of the United States and at least as good as the inhabitants of Louisiana, the Floridas, when these provinces, by transfer from the French Republic and the Crown of Spain, became territories of the United States.
>
> The same most ample guaranty shall be enjoyed by all ecclesiastic and religious corporations or communities, as well in the discharge of the offices of their ministry, as in the enjoyment of their property of every kind, whether individuals or corporate. This guaranty shall embrace all temples, houses and edifices dedicated to the Roman Catholic worship; as well as all property destined to its support or to that of schools, hospitals, and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American Government, or as subject to be, by it, disposed of or diverted to other uses.
>
> Finally, the relations and communication between the Catholics living in the territories aforesaid and their respective ecclesiastical authorities, shall be open, free, and exempt from all hindrance whatever, even although such authorities shall reside within the limits of the Mexican Republic, as defined by this treaty; and this freedom shall continue, so long as a new demarcation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic Church.

I ask, Mr. Speaker, all Americans to remember and to learn on this, the Quatrocentenario; and also the 150th anniversary of the signing of the Treaty of Guadalupe Hidalgo, I ask for all Americans to remember the solemnness of this treaty which we entered into with those who had hope of becoming American citizens and promised that they would maintain all of the rights of American citizens.

So I encourage all Americans to learn and to remember the Treaty of Guadalupe Hidalgo and to do justice in accordance with the Treaty.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, reclaiming my time, I am curious just in terms of a 150-year-old treaty that has come up now, what happened to it in those 150 years? Why were we not talking about the treaty 10 years, 20 years, 30 years ago? Why has it now become an issue that has come to the floor and we are considering legislation which is supported by a great many members of the freshman class and other Members of the Congress, as well?

Mr. REDMOND. If the gentleman would continue to yield, basically the treaty was put on the shelf. It collected a lot of dust. But, as I said, here in this city this treaty was forgotten, but it was never forgotten in the minds and hearts and in the daily lives of the citizens of the State of New Mexico.

The treaty is very much alive. This treaty was the basis for the Native American Land Claims Commission during the 1940s and the 1950s and 1960s. There are times it has been pulled off the shelf and utilized. But at this particular time, what we are focusing on in this new piece of legislation are those pieces of lands that are known as land grants.

Many people in the Midwest would have known them as homesteads. We have friends that live in the Midwest that are corn farmers and bean farmers and wheat farmers, and they came by their land through a document. Some documents were signed by President Martin Van Buren and other Presidents of the United States, and they received guaranties from the government that if they were to move into a particular area of land and build a house, build a barn, settling that area, that they could stake a claim and that land became their private land.

Nobody would ever think of going into Iowa or Illinois or Indiana and telling farmers that they could keep their barns, that they could keep their house, their corral, their feedlots, but that their fields now become Federal property. But this is what happened in New Mexico.

The law was just slightly different, because under Hispanic law, they recognized not only individual homesteads, or land grants, as they were called, but it also recognized the establishment of communities and municipalities. So, according to law under the Spanish Crown, it was required that 10 families move together to an area to create a village, to create a community on the frontier of the Hispanic Empire, and it was necessary to have 10 families to have what was called a community land grant.

It was communal in the sense that they shared a common land, but it was private in the sense that only those 10 families and their heirs had title to that land. They were public lands, but they were public only for those immediate families. They were not public for people in the land grant next to them or further down the road or someplace else in the State of New Mexico. They were not public to other States. They were public and common only to the original families.

Mr. BOB SCHAFFER of Colorado. And what happened over that period of time, the Federal Government, as I understand, has come to lay claim to most of that land and manages much of the land today either under the Bureau of Land Management or through the Forest Service or other various Federal, and sometimes, I suppose, State and local entities, as well, are in possession of those lands today.

How was it that the Federal Government became the primary manager of those lands today?

Mr. REDMOND. Well, the land grants that were lost to the Federal Government, to the inventory of government land, were lost in various ways. There is not a single way in which the land was lost. But let me give my colleague an example.

When New Mexico became a territory, the economy of New Mexico was basically a barter economy. It did not operate on a cash basis like the States in the East. And so what happened was, when taxes were levied, quite often against the Hispanics, which, by the way, at the time that the Treaty of Guadalupe Hidalgo was signed, many of the families had occupied the land almost 300 years. So if we can imagine a farmer in the Midwest owning a farm for 300 years and then all of a sudden the government coming and saying, "You can no longer own this" after you have many generations that have invested in that piece of real estate.

□ 1915

Basically what happened in many cases is that because they did not understand the English language at the time, because they did not understand the English law because American law is based on British common law, which was different from Spanish common law, that many of the folks just did not understand what their obligations were to their new government and so taxes were levied and many times the notice of taxation was never sent or sent in a very incomplete way, or sent in English and they could not read it. You have to remember that this area was a conquered area. We gained this territory as a result of the Mexican-American War, so it was a conquered area, so there was no preparation in terms of engagement with Washington and the East Coast culturally, monetarily, economically, and so often people lost their land because they did not know that tax was due to the government. Often they lost their land because they did not adequately file claims and patents according to the American law because they were just unaware of it.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I would like the gentleman to talk if he would, if he would not mind answering more questions about the bill, because these are questions that I think occur to most folks who take a general look at the bill. Before I ask a couple of more, I would point out in my district in Colorado, Colorado State University is the largest higher ed institution in my congressional district. There is a professor there who has been holding seminars recently and giving public discussions about the Treaty of Guadalupe Hidalgo. We had contacted him recently and asked him just about your bill and about some of the events that are occurring, the Speaker of the House, for example, coming to the gentleman's district to talk with many of his constituents about this issue. The Speaker termed these events that the gentleman has initiated here in Congress as revolutionary, that was the word he had used, and spoke very clearly about the absolute validity of the treaty.

Most of these lands are today managed by various public entities, primarily the Federal Government, sometimes other public entities. In some cases these lands are now owned by private landowners. That is the minority of cases, but that does exist on some of these lands. How might the treaty affect those who are private landowners today and maybe purchased the land or obtained it legally in some way? How are they going to be treated as this bill moves forward?

Mr. REDMOND. It is important that we do not create two wrongs and believe that we are going to make a right out of this. It is very important that we honor the treaty and we also go beyond just honoring those passages that talk about the right to private property. But in the treaty it is very specific that those Hispanics that stayed behind to become American citizens, that they had full rights as American citizens, which includes the Fifth Amendment, the right to private property, and since it is the Federal Government that did not honor and protect that right, it is imperative that the Federal Government come in and restore that right to the fullest sense possible.

I parallel this to, for instance, slavery. Some people are saying, why are you dealing with an issue that is 150 years old? If we still had slavery today, if the Civil War was not successful in eradicating slavery in America, I doubt there would be a single Member in this Chamber that would vote for the institution of slavery. Just because something has been on the table for a long time, you do not use the calendar and the clock to determine what is right and what is wrong. In this particular case, I believe that the Federal Government should step up to the plate, secure the justice for these individuals, and in the case for those lands that are now occupied by other individuals who have purchased those lands, what we believe should be done is that the Federal Government should identify some other land in the government inventory, because the government did not protect these rights and that that land be swapped out for equal value, not equal acreage, because many of the acres that were taken from the Hispanic families was very beautiful, mineral rich, timber rich, wildlife rich, and to trade off for an area that they could not graze their cattle would not be justice. That would be adding insult to injury. So if it is impossible, for instance, there are some cases where there are whole towns and communities that have grown up in the middle of these land rights, where we cannot just give a whole town and a city and community away.

Mr. BOB SCHAFFER of Colorado. For the gentleman and I who reside out in the West, these issues of property rights and public lands, lands management in general, public or private, are routine discussions. For those who are not familiar with the claims made under the Treaty of Guadalupe Hidalgo and other debates and discussions that have ensued over the years, this may seem a new issue. It really is not as the gentleman has expressed. But it is a relatively new issue in recent years for this Congress. In fact, the people of his constituency have been discussing the issues, a terribly important one politically, culturally and so on in New Mexico and throughout the West, not just New Mexico. It really was the gentleman from New Mexico who brought this issue to the attention of the full Congress and really revived this topic here in Washington.

Mr. Speaker, I just want to take a second or two here and commend the gentleman for having the courage to stand forward and bring an issue to Congress that his constituents have been talking about and been concerned about for many, many years and for the right and obvious reasons, his constituents decided to send him here to Congress. I commend them for that as well, and have really empowered him to raise their voice here on the House floor. It is an issue that has not been raised for quite a long time, he has done it, I think it is a wonderful statement on behalf of the people in New Mexico and those in his constituency.

Mr. REDMOND. I appreciate that. But I think the bottom line, we need to recognize that this is not about land. This is about the integrity of the institution of the government of the United States that stands forward and very boldly says that we hold these truths to be self-evident, that all men are created equal and they are endowed by their Creator with certain unalienable rights. In this case, the Federal Government did not stand up to the plate and bat on behalf of the citizens of the Territory of New Mexico and the citizens of the State of New Mexico. And so this is not about land, this is about the integrity of our institution, of a free, democratic-republican form of government, a representative form of government where people have their voice heard. The voices of these people have been silenced for almost 150 years. I am determined to in this institution let their voices ring all the way from New Mexico to this institution. We will not rest until justice is done.

This issue is about who we are as an American people, because many people sitting across the Nation, say from Washington State down to Florida and New York, Chicago, they might say that this does not deal with me. I am here to tell you that it does deal with you, because if the Federal Government at one point in the history of our great Nation can violate the right of private property for a minority of people, if it has been done once, that sets the precedent for this government to do it again. That is in direct violation of the Fifth Amendment.

Mr. BOB SCHAFFER of Colorado. The gentleman has spoken in a very general and broad way about the whole issue, the history of the treaty and what has occurred since then. Let me go specifically to his bill, H.R. 2538. First, let me say the gentleman has worked tirelessly to describe the bill to Members of Congress, to make them familiar with it, make every Member of Congress familiar with the concerns of his constituents and the issue. This bill calls for more study. It does not answer the question on how to deal with the treaty just yet. It is obvious that it proposes some very perplexing problems in resolving many of these ownership and management issues, but his bill establishes a presidential commission to study the issue and make recommendations back to Congress on what to do next. Tell us a little bit more about just the process of what happens after your bill passes.

Mr. REDMOND. Basically we are looking for a 5-year commission. We want to establish a research center north of the City of Espanola in Rio Arriba County in my congressional district at the de Onate Center, Don Juan de Onate. Basically what we will do is that individuals who believe that they have a valid claim can step forward with other individuals from their same land grant. They would present the documentation and we would work with them on the reconstruction of the documentation. Some of the documentation exists in the State of New Mexico. Some of the documentation exists in Mexico City. Some of the documentation exists in Spain. There is quite a bit of research that is going to have to go into this project. We want the heirs, according to the treaty, to receive their land, but we also do not want individuals filing fraudulent claims and acquiring land that does not rightly belong to them.

The commission is a 5-year commission, it is going to take minimally 5 years to do the research that is necessary to establish the documentation, and at that particular point we will be making a recommendation, the commission will be making a recommendation to the President of the United States and to this body, the House and the Senate, for a final solution for this particular situation.

Mr. BOB SCHAFFER of Colorado. The Speaker was recently in your district talking about a number of issues and visiting town meetings and so on, but this issue came up quite a lot. What was the Speaker's visit like?

Mr. REDMOND. Basically the Speaker met with maybe 100 to 200 of the heirs of the land grant, the original land grant. They presented to him approximately 3,000 signatures from the heirs of the land grants. The Speaker was very clear. Of course he is a historian, doctorate in history, so being a history buff, he was very intrigued with the injustice that was done and he mentioned it as such, he mentioned it was injustice. We have the full support of the leadership of the House of Representatives. He received the petitions, he has those petitions. Our office has a copy of those petitions. He is committed to working with myself, the rest of the New Mexico delegation and the cosponsors of this bill to see it passes as soon as possible.

Mr. BOB SCHAFFER of Colorado. Earlier today at one of the freshman Republican meetings, you brought the issue up again and addressed the class on the topic and also brought some of your constituents with you as well who are here from your home State working on the legislation. I want you to remind me who they were and tell our colleagues about those individuals and their work here in Washington and what they are trying to accomplish.

Mr. REDMOND. We have two distinguished guests with us here in Washington that will testify tomorrow before the subcommittee. The first is kind of the leader of the people of the land grants. He is a leader of the land grant farmers. He has put many, many years into the program, bringing the people and the land grants together. His name is Roberto Mondragon, former lieutenant governor of the State of New Mexico. He is here to testify on behalf of la gente, the people, de norte, the people of the north, which is our congressional district. He has brought with him Robert Torres, who is the State historian. We will be receiving testimony tomorrow not only from myself as their representative but also testimony from the people of New Mexico that deal directly with this issue and the State historian.

Mr. BOB SCHAFFER of Colorado. They are going to testify tomorrow, as I understand?

Mr. REDMOND. They will be testifying tomorrow. This bill is truly a people bill. We had a rough draft of the bill, we took it to the community. There were about 100, 150 land grant heirs that met at the de Onate Center north of Espanola. They looked at the bill, I asked them is this what you want, and there were some changes. They made the changes. We have a couple of changes we would still like to make and mark up, but this is truly a bill of the people, for the people, by the people. It is remarkable to see firsthand how our form of government works. I believe that it is very important that this needs to be grassroots, from the bottom up and not from the top down.

Mr. BOB SCHAFFER of Colorado. That is a theme, if I can kind of move to a broader set of philosophical differences that separate you and I as Republicans from the other side as Democrats typically. What we see here in Washington as a Republican freshman class, we reflect often about the kinds of things we are hearing back home in our town meetings, we share information about the surveys that we send out to our constituents to get their opinions about issues, and share ideas on how we can be effective as Members of Congress by involving our constituencies in the law making process, in establishing an agenda for our districts and ultimately for the country.

This is kind of a typical thing for us as a small group. It is not that typical in Washington in general. I think it really captures what he has done in bringing this bill to us, and the manner in which you have galvanized support for it back home really is remarkable. At least for me, you and our group inspire real confidence in this process and how well it can work if the right people are in charge and empowered to come back here and take the real role of representative democracy in a republican form of government to Washington. Because you are right. Seeing citizens, taxpayers, local leaders coming here to Congress, drafting their own bill, presenting their arguments, and empowering their Congressmen to introduce it and come to the floor here tonight and other days, as you have, to speak about it is an inspiring occasion. And I just want you to know I have been struck that way personally, and wish you very well on moving that legislation forward.

Any final thoughts or comments on the bill?

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Mr. REDMOND. Well I would just say, I would just encourage as many Members as possible to cosign on to the bill. It is a bill 2538; it is called the Treaty of Guadalupe Hidalgo Land Grant Claims Commission, and it indeed is a bill written by the people, for the people. And we are looking forward to having that come before this body, hopefully within the next 30 to 60 days, for final passage, and then we can send it to the other body and they can consider it and hopefully get it on the President's desk as soon as possible. I would like to see this become a reality for the people of New Mexico.

One hundred fifty years is a long time to wait for justice to be done, and I believe that the Members of this body are committed to seeing that justice is done. And so I call upon all my colleagues to not only vote for the bill, but to be proactive and to sign on to the bill, and as we say in New Mexico, taking off of the first line of the Treaty of Guadalupe Hidalgo again, for those that might be joining us, the Treaty of Peace, Friendship, Limits and Settlement, signed between the Government of the United States of America and the United Mexican States on February 2, 1848.

The treaty begins, "In the name of Almighty God:" And I would just like to end my portion today, as we would in New Mexico, saying thanks to God: Gracias a Dios.

Mr. BOB SCHAFFER of Colorado. Also joining us tonight is the Congressman from the State of Florida (Mr. WELDON), and Mr. WELDON is not a member of the freshman class, but we will make him an honorary one tonight. He has 2 years' advantage on the rest of us in terms of seniority.

But you know, Mr. WELDON, before I yield time to you, I just want to say that we view our role as a freshman class as one of raising a number of issues and providing a number of opportunities and actually exercising a certain amount of leadership in the Congress as a whole. And when we see people who have come here at different times than we have, that are doing great things and moving forward on issues that are important to the whole country, our goal is not to reinvent the wheel; we want to help where we can help and place the greatest amount of effort to move our great country forward and exert the kind of leadership that I think the American people expect of us.

And with that, let me turn some time over to you to explain the legislation which you have just introduced today, as I understand it.

Mr. WELDON of Florida. Yes, that is right, and I want to thank you for yielding to me, and I certainly want to commend you and the other Members of the freshman class of the 105th Congress for the leadership roles you have been taking. And in listening to the discussion tonight, the gentleman from New Mexico, I think, is representing his district very well, and likewise I think the people of Colorado have been well served by many of the initiatives that you have been putting forward. And I think freshmen, they are fresh, and we always need a fresh look around here. This place can get pretty stale at times, and getting people coming in from the marketplace, from the outside world coming in, I think is a very good thing.

I thank you for yielding. I wanted to talk a little bit about a piece of legislation that I introduced today, along with my good friend and colleague, the gentleman from Ohio (SHERROD BROWN), the Patient Choice and Access to Quality Health Care Act of 1998, H.R. 3547. As most of my colleagues know, prior to coming to the United States Congress, I was a practicing physician. I practiced internal medicine, specifically general internal medicine. I took care of a lot of senior citizens, people on Medicare. I took care of a lot of people with chronic illnesses, diabetes, arthritis. I practiced for 8 years in private practice. Prior to that, I had practiced in the army. And in private practice, I had the opportunity to do some managed care, and I have to say that I have seen the good side and the bad side of managed care, I have seen the good side and the bad side of standard fee-for-service medical care, and there really is no perfect system. Any system has its good points and its bad points, but clearly today in America we are seeing a trend that I think is very dangerous. It is a trend within the managed care industry to compromise quality for the sake of saving the bottom line; in other words, putting dollars ahead of patients, and I think that is wrong.

In particular, there are some managed care entities that are compromising quality so much for the sake of profits that it is putting pressure on some of the honest and well-run managed care entities. And this country has many things about it that makes it great, and I cannot within the confines of the time yielded, describe all of those things. But one of those things, as we all know, is that we have the best health care system in the world, the best quality health care, the most innovative care. So this piece of legislation, the Patient Choice and Access to Quality Health Care Act, is a reasonable proposal, I think, to rein in some of the excesses of the managed care industry.

Specifically, the bill has provisions that assures adequate access to specialty care for in-network care; also some provisions for grievance for enrollees. Also, there are provisions required of the plan to notify the enrollees when they are enrolling of what restrictions they may have on access to various types of specialists. Importantly, there is a provision that places restrictions on health care providers being provided financial incentives not to refer patients. We have provisions in existing Medicare law prohibiting plans from allowing doctors to get extra money for referring patients, but we do not have any provisions that prevent plans from giving doctors money for not referring patients, and in this legislation we limit that or we prohibit that specifically.

We also have a provision in here, a so-called gag prohibition against gag clauses that would allow doctors to freely communicate with their patients. There is also an out-of-network provision, where if patients choose to, they can exercise that option and the plans will be allowed to charge patients extra for going outside the plan.

This is a very, very reasonable piece of legislation. It is a bipartisan piece of legislation. It does not require the creation of vast new bureaucracies that would have to monitor the entire industry. It will allow managed care to continue, but it places reasonable restrictions on managed care restrictions that I would like to point out will serve well to maintain quality.

Most of the provisions in my legislation are provisions that were voted on in this body previously and passed overwhelmingly by this body, by the Senate, and signed by the President. Specifically, these are all provisions that we already placed on the Medicare plan, and some of the provisions as well are already preexisting within Kennedy-Kassebaum legislation that was passed last year.

I think this bill will go a long way to deal with many of the problems and the frustrations that we see today in the health care marketplace. We all know that there are many excesses within the managed care plans that exist out there.

I was reminded recently, as a physician I still practice occasionally, and I spoke to a nurse not too long ago who was complaining to me that her mother, elderly mother who lived in another State, not in Florida, who was enrolled in a managed care plan, had fallen and broken her nose. She could not breathe through her nose when lying down, so she had to sleep sitting up. And the managed care entity was refusing to pay for fixing this problem, it is called a rhinoplasty, claiming that it was cosmetic surgery on an elderly lady. Clearly, this was totally inappropriate. Fortunately, the managed care entity relented and finally paid for the rhinoplasty.

Now this is a minor incident, and I can tell you that I have heard much, much worse cases. Indeed, there are cases out there where people have suffered severe harm as a consequence of denial of appropriate medical care within managed care entities, including cases where there have been deaths.

So in my opinion, legislation is long overdue, and this piece of legislation that I am putting forward is a reasonable proposal, it is a bipartisan proposal, and I would encourage all my colleagues to look at this legislation, and I encourage all my colleagues to sign on to it.

Mr. BOB SCHAFFER of Colorado. As my colleague knows, he mentioned at the outset of his comments that there are good HMOs and there are those that seem to be prone on occasion to various abuses and failure to comply with the contractual agreements that they have established for themselves and their clients.

With respect to the bill and this grievance process and complaint process, there are good examples out in the free market right now, there are good examples of HMOs that have a good grievance process. This bill moves us toward allowing those kinds of questions and concerns to be aired in a timely manner.

Mr. WELDON of Florida. The bill requires that all managed care entities set up a grievance committee, and it should be, it can be made up of people, doctors that are in the plan, administrators that are in the plan, but it also calls for patients to be enrolled or patients in the grievance committee and, as well, people who are outside the plan.

And you know, I have an aunt and uncle up in New York who have been in a managed care plan all their adult life. They love it, they think it is wonderful. It is a well-run plan, the best that I can determine. So when you say there are good managed care plans, there are.

But I will tell you that some of the good managed care plans are being squeezed by the unscrupulous managed care plans who will frequently come into a community, low-ball prices, sign people up, put pressure on those good plans to reduce their prices or they will go out of business. And how do they do that? Well, how do those unscrupulous plans do that? Well, they deny services, is typically what they do. They deny access to specialists.

And might I also add, I am a primary care provider. I still see patients about once a month, and I used to refer. When I was practicing medicine, I used to refer probably, maybe 10 times a day I would refer somebody do a specialist. But I saw 30 to 40 people a day, and I prided myself in taking care of my patients and not referring them all out to specialists.

This piece of legislation is not to protect specialists, but when I needed to, I referred those patients to specialists for one and only one reason: because it was in the best interests of those patients, because they had a problem, they had a condition that I as a general internist could not handle.

What is wrong is when we provide financial incentives, which is what some of these plans are doing, to doctors to not refer because that compromises the doctor-patient relationship. The patient comes in to see the doctor; there should only be one thing on that doctor's mind: What is best for that patient? And if there is a financial incentive for him not to refer, then that is wrong, and we correct that in this legislation.

And might I also add, when I used to make those referrals, the best thing for those patients, and I was happy to do that even though in many cases, you know, in particular the cancer cases, I will say, I frequently did not see much of them anymore. They would go to the cancer specialist, they would get their chemotherapy, and in terms of, you know, income off of that, it was not for me. They were off to see a specialist. But you know, I was very comfortable with that. I felt nothing was more important than making sure that the patients got to see the specialist they needed to see.

□ 1945

It was part of the Hippocratic oath, as far as I was concerned, that I took when I graduated from medical school. We have seen a corruption of those basic fundamental principles in the health care marketplace.

I think this legislation is something that you would want to support. I encourage you to look at it, and I would encourage you to sign on.

Mr. BOB SCHAFFER of Colorado. Well, purchasing these insurance products, being enrolled in an HMO is something that consumers need to spend a lot of time on, because you can make bad choices. The appeal of low premiums often comes at the expense of, as you mentioned, reduced service.

Just from a business perspective in managing a cash flow, if you are operating on fewer revenues and fewer dollars and doing so to maintain that competitive edge, frequently that comes at the expense, of from a consumer's perspective, of strategies of delay. They see nontreatment of various ailments that they thought might have been covered.

You really need to read those policies very, very closely. There is nothing wrong with buying a cheap policy if that is what you want, if you are willing to deal with the consequences of inadequate care.

I do not think your bill prohibits that, but it certainly says that the patients and customers ought to be fully knowledgeable about and fully apprised of what they are purchasing, the exact terms, the exact limitations that may occur, so that they know that the policy that they hold is exactly what they pay for.

Mr. WELDON of Florida. Well, in the legislation, we have a provision that requires that before they enroll, they have to be counseled regarding any limitations on access to specialists, any out-of-pocket expenses that are associated with going outside the plan. There is a whole list of requirements.

This is basically informed consent, as far as I am concerned. I was not a surgeon. I was a general internist, so I did not do a lot of procedures, but I did a few. I would take some skin lesions off, and I do do some other procedures. Whenever I would do anything like that, I would always say to somebody, like if they had a skin lesion on their face and I had to remove it, I would explain to them, you might have a scar. We call that informed consent. You inform them.

What my bill requires is basically that sort of thing when the health care plan enrolls the person in the HMO; that if you are going to be restricted, that you can only see certain primary care providers, they need to be counseled on that. If there are restrictions on specialists they can see, they need to be made aware of that.

A perfect example of how people are not aware of these sorts of things, in my community, I had an oral surgeon complain to me. This is a typical scenario that he has occur to him. Somebody comes to his office at 5 o'clock on a Friday afternoon, with a big infected tooth that requires surgery and antibiotics. He gets them all ready to be admitted to the hospital. He gets them prepped and everything, and they discover the managed care plan that that person signed onto requires that they travel to another city 60 miles away to see another doctor who they have never seen before.

What my bill says, they can still do that. The managed care plan can do that. They just have to inform the enrollees. I call them patients, but in insurance language, you call them enrollees. Inform the enrollees that those are the prohibitions, the restrictions on them in this plan so that they know.

I think that will be better, actually, for the managed care plans. I think that they will get fewer complaints. I think they will have enrollees who are better understanding of the plan and hopefully better satisfied.

I think my bill is not only good for patients, it is good for the managed care industry as well. It is going to place good, reasonable restrictions. It is going to help the managed care industry to clean up its act.

Mr. Speaker, I thank the gentleman very much for yielding me the time.

Mr. BOB SCHAFFER of Colorado. The gentleman from Florida's expertise as a physician is very valuable to all Members of Congress, and we seek that wisdom and guidance routinely. I appreciate your leadership here tonight.

We have got less than 10 minutes left, and I want to change subjects real quick, because another great leader of the Congress is with us tonight, also not a freshman, but an honorary one at the moment, and we will make him so. That is the gentleman from Michigan (Mr. SMITH), who has been providing a lot of leadership and guidance with respect to balancing our budget, one of our key themes and objectives that we are trying to achieve as a Republican Congress.

It is quite a difficult balance when we have a number of programs that we need to manage. We want to save Social Security, Medicare, and so on, and guarantee the strongest and safest, most secure retirement system in the world and, at the same time, balance our budget. I believe we can do both. But we have not achieved that just yet, in spite of the celebration and claims you might see over at the White House.

Mr. SMITH of Michigan. Mr. Speaker, if the gentleman would yield, first off, I want to tell everybody that might be watching this special order that we thank the gentleman from Colorado (Mr. BOB SCHAFFER) for providing this leadership. And anybody that does not know, the gentleman from Colorado, president of the freshman class, has really spearheaded this legislation through.

I am just starting my sixth year in Congress. And what is great about the new freshman class is they bring in new energy and new ideas. So I commend the gentleman from Colorado on that.

In terms of balancing the budget, I think this country needs to start making decisions of how big do we want government to be, how much of the money that we earn do we want to pay out in taxes?

Of course, if you are an average American, you pay about 40 cents out of every dollar you earn in taxes at the local, State, and national level. Of course, taxes are especially appropriate at this time of year because most Americans, by the April 15 date, are going to be required to shell out of their pockets and pay money into the Federal Government in taxes.

So I would just urge everybody as they look at their taxes, make sure that you look at your W-2 form. How much has already been deducted from your paycheck to send to the Federal Government, and how much has been deducted from your paycheck in the so-called FICA taxes, the amount that is deducted for Social Security and Medicare, because it is getting larger and larger.

We have had a system of government where so often, the Members elected to the Congress, and even the President of the United States, they say, look, we are going to do more things for more people, and they do not say we are going to tax you more, or we are going to borrow you more so you have to pay more in interest. But it has become sort of a system where, if you come with more spending and more programs and more pork barrel projects, then you take these home to your districts and get on the front page of the paper, cutting the ribbon, or on television.

So in the past, it has increased the propensity that you are going to get reelected if you do more things and spend more money and tax the Americans more. I think the Americans are starting to wise up to these pork barrel projects.

I would just encourage everybody, as we go through the election process for this fall's election, that everybody start going to those debate meetings. Everybody start asking those Members that are running for Congress, look, when are you going to stop taxing us so much? Let us start keeping some of that money so that we can spend it the way we want to, or we can start saving it and investing it to help secure our retirement future.

Mr. BOB SCHAFFER of Colorado. There really is a need for nationwide study or review or recollection of the concept of federalism in the United States, because I think every single day, we in the Congress, and this is what we fight for as a Republican Party, fight for forcing this institution to come to grips with what is the appropriate role of the Federal Government.

There are many functions of government that are appropriate, that are public endeavors that need to be undertaken at one level or another, but that is the key phrase right there.

Mr. SMITH of Michigan. Yes.

Mr. BOB SCHAFFER of Colorado. One level or another.

Mr. SMITH of Michigan. Should all good causes be implemented into Federal law? And I think what I hear you saying is no.

Mr. BOB SCHAFFER of Colorado. I frequently look to the U.S. Department of Education, for example. Now, all of us in this Congress would agree, the most conservative and most liberal Members alike, that a strong public education system is absolutely essential, and it is central to maintaining the Republic.

The second question, though, that begins to divide us is at what level do we best deliver a public education system. Is it Federal, State, or local? The first place we ought to look is the United States Constitution.

I would defy anyone in this Congress to find where it is in this Constitution that the Federal Government has been empowered to manage local school districts. It is not there. We have never been empowered here yet.

Just as you said a moment ago, there are Members of Congress who, at election time, cannot resist the opportunity to get on the front page of the local newspaper or cut the ribbon at some institution and spend other people's money on a function of government that is important but probably is better situated at the State level, as the Constitution suggests.

Mr. SMITH of Michigan. So often what happens is, though we are not authorized under the Constitution to pass laws, what we do is a combination of bribery and blackmail in trying to impose the will of the Federal government on local jurisdictions.

So we say, look, if you do it the way we in Washington think you should do it, if you do it the Washington bureaucratic way, then you can have some of the money back that you paid us in the first place in taxes.

In the transportation bills in the past, we said, look, you cannot have the transportation dollars that you sent us in the first place unless you do such things as lower your speed limit. You cannot have the education money the President is suggesting unless you use it to build a building or unless you use it to do this or unless you use it for the things that we say. The propensity of Washington is that they are elitist. They think they can make the decisions better than the people at the State and local level.

I think it is important that we start looking at reducing the tax burdens so the American workers can start experiencing the creation of wealth. If we would tax a little bit less, then they would have the opportunity to start saving and investing and see the magic of compound interest where, at some of the interest rate, some of the returns that we have experienced, for example, has been very astonishing. We need to give that opportunity for the creation of wealth to more people.

Mr. BOB SCHAFFER of Colorado. Well said. Our Republican vision here as the majority party in Congress is to lower the effective tax rate on the American people from over 40 percent, where it is today, 40 percent of income down to 25 percent at a maximum. It could possibly even go lower than that. But I think as a general goal that we ought to shoot for, this is the target that we have set for ourselves.

It is not going to happen overnight, certainly. But as far as establishing a direction and a goal for the American people, it is this side of the aisle, the Republican Party, led in many respects by our freshman class and with the leadership and encouragement of you and other Members of Congress to get us toward a 25 percent overall effective tax rate. That is at Federal, State, and local levels of government. The cost of being a free citizen in America should not be more than one-quarter of your annual family income.

Mr. SMITH of Michigan. That has got to be an ultimate goal. The other goal that the gentleman from Colorado and I both agree with is we have got to start paying down the Federal debt. Right now, the interest on that $5½ trillion that the Federal Government has borrowed represents 15 percent of the total Federal budget. So we are going to use a lot of this extra money that it looks like it is coming in in surplus and, to be sure, it is not a real surplus, because we are borrowing from the Social Security trust fund.

I thank the gentleman from Colorado very much for participating in this hour.

Mr. BOB SCHAFFER of Colorado. These are great topics that we will pick up at another time. Our hour is about to expire.

Mr. Speaker, the freshman class will be back in 1 week.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, I am here tonight to talk about the issue of campaign finance reform. This is a topic that has been a subject of particular importance to the freshman class, and I want to explain why.

We are going to start with the simple fact that the 1996 election was different from other elections in the past. One of the major differences was the amount of soft money that flowed to the national parties that eventually found its way into ads that were run for and against candidates around the country.

□ 2000

Now, soft money is the unlimited money that comes from corporations, from unions, and from very wealthy individuals, to the national parties. This chart on my right will give my colleagues some sense of how there has been an explosion of soft money in the 1996 cycle.

As my colleagues can see, in the 1980, 1984, 1988 and 1992 cycles, there was a certain amount of soft money flowing to the national parties, but then in 1996, all the limits came off. It is important to remember, as I said before, this is corporate money, this is union money, and this is money from very wealthy individuals.

What was different about 1996? What was different in 1996 is that both parties figured out that they could legally use soft money that came to the national parties to run so-called "issue advertisements." These were advertisements that did not say vote for or vote against a particular candidate, but they did talk about a particular issue, and they did frame the ad almost always in a negative way and urged the voter to call that candidate or call the elected official to complain about a particular position on an issue. They clearly were designed to influence Federal elections, but because they were about issues and not simply saying vote for or vote against a particular candidate, they essentially passed legal muster.

So what was a small loophole became a highway for money that has been prohibited for decades in this country.

When Theodore Roosevelt was President, 1905, the ban against corporate giving to individual candidates to influence Federal elections was established. In 1943, the same ban was applied to unions. But in 1996, those limits, those bans, were effectively circumvented as money flowed to the national parties and then went out to issue ads.

Now, why is that important? What happened in 1996, this is half of the story, the explosion in soft money; the other half of the story that was different is that for the first time or for, I guess I would say, the first complete cycle, we had a lot of money coming from outside groups, issue advertisements, individual expenditures designed to do the same thing, to influence Federal elections, but that fell outside the scope of the Federal election laws.

The freshmen, on a bipartisan basis, Democrats and Republicans, formed a task force, six Members on each side. The gentleman from Arkansas (Mr. HUTCHINSON), a Republican, was the cochair of the Republicans, and I, TOM ALLEN of Maine, was the cochair of the Democrats on our side. Over a 5-month process we held public forums, we debated these issues and we negotiated a bill.

That bill, H.R. 2183, the Bipartisan Campaign Integrity Act, is a good bill. It bans soft money. It requires faster and more accurate reporting by individual candidates. It requires further disclosure by groups that run issue ads.

Why do I bring this up today? Because after months and months of investigations with millions of dollars spent in this House by House committees to investigate campaign finance abuses in 1996, and after seeing some significant bipartisan efforts toward campaign reform in this House, what is the result this week?

Well, this House, the Republican leadership, is now on the verge of reporting out a so-called "campaign finance reform bill" that is a sham. It is not bipartisan, it is not reform and, above all, it is not designed to pass, because the last thing that the Republican leadership wants on campaign reform is for a bill to pass.

Now, that bill, we expect that it might be marked up, there might be a rule on it tonight, it might come up this week. The latest information that I have is that that is probably not going to happen, but I want to talk about the difference between doing this in a bipartisan way and doing it in a partisan way.

If we approach the campaign reform issue in a bipartisan way, we have to begin by taking the poison pills off the table. And when I say a poison pill, I mean a provision that is designed to kill the reform. So what we did with our freshman effort is, we sat down, we took the poison pills off the table.

The Republicans did not want to agree to overall campaign spending limits for individual congressional campaigns. The most common suggested amount was $600,000. Now, some of us thought that for $600,000, one can run a pretty good congressional campaign in this country. They did not want it, so we took it off.

The Democrats said, look, we are not going to go after one interest group and not another in this country, and therefore, the poison pills that involve going after labor unions, trying to gag workers across this country, was taken off the bill. That is what we did. We took the poison pills out. But recently the Republican leadership, in developing their bill, put all of the poison pills back in, all of the poison pills, that is, that mean that Democrats could not vote for the so-called "reform bill."

Mr. Speaker, let us go for a moment just to the immediate reaction around the country toward the Republican leadership campaign reform bill. In The New York Times today, they called it Campaign Finance Charades, and the first line reads, "Newt Gingrich has a plan to snooker Americans yearning for a cleanup of their corrupt election finance system."

The Washington Post today, same type of editorial. The headline: Mocking Campaign Reform.

USA Today, an editorial entitled, Big Money Buys Big Favors as Campaign Reform Wilts.

The League of Women Voters described the Republican leadership bill as, "The approach is to package together several of the worst ideas on campaign reform. This bill is a complete travesty."

Common Cause, which has been leading the fight for campaign reform, described this bill as, "This bill is a hoax," Common Cause President Anne McBride said. "It is laced through with poison pill provisions, and it not only allows the soft money system to continue in place, but also legalizes Watergate-size contributions for the political parties. No one should be fooled by this cynical effort."

The fact is that we cannot do campaign reform on a partisan basis, and yet that is exactly what the Republican leadership has been trying to do. We have to get back to first principles, we have to get back to having a bipartisan approach to campaign reform, and I believe that there are others in this House on both sides that have taken an approach, a bipartisan approach.

The gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) on the Democratic side, have worked on this issue for a number of years. There are Members on both sides of the aisle who have worked on this issue. But the Republican leadership bill is not designed to pass; it is not reform, it is not bipartisan, it is a disaster.

I know that on the Democratic side, we are committed to a real campaign reform bill. There is too much money in politics right now. We have to make sure that the ordinary citizen does not feel disenfranchised by this system, and the more big money that comes into politics, the more the cost of campaigns keeps going up, the more the ordinary citizen is going to feel disenfranchised. We have to stop the money race, slow it down, at least, do what we can in this session to do that. We need a different bill, a bipartisan bill on the floor of the House when this issue comes up.

One of the leaders in this effort has been the gentleman from New Jersey (Mr. PALLONE). It is good to have him here tonight willing to talk on this subject.

I yield to the gentleman.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Maine. He really has taken the leadership on this issue, and I am pleased to be able to join him tonight on this Special Order.

I listened to some of what the gentleman said. I was on the way over here when the gentleman began, but it is amazing to me that here is an issue on which the American people, I believe, have basically spoken out and said that they would like to see real campaign finance reform. And the reason why they want campaign finance reform is because they think, as the gentleman mentioned, that there is too much money in politics, and too much interest, if you will, and too much ability of wealthy individuals to influence the political process; and that we have gotten away from the way this country used to be and the way this democracy used to be where politicians, and I use the term "politician" in a positive way, used to have to go out to their constituents. And if they were going to raise some money on the campaign, a lot of times, most of it was from their constituents, and most of it was smaller contributions. They did not have to raise $1 million or $2 million or the kind of money that we are seeing in campaigns today.

In addition to that, we have all of this money that is being spent independently by the special interest groups, the so-called "independent expenditures," so that if one of us were to say, I think the gentleman used the figure of $600,000, if one of us were to say that we are spending $600,000 on our congressional campaign, which is probably about the average right now, what we are not taking into account is the fact that there may be a lot of other special interest groups out there that are spending $200- or $400,000 each on ads in the races, as well, that we are not even counting that $600,000. But the message that I am getting is that there is just too much money in politics.

Now, what do we get? Well, as is often the case here with our Republican colleagues, and maybe I should not say our Republican colleagues, as much as our Republican leadership, because I think that Speaker Gingrich and the Republican leadership are really the culprits here and they are the ones that control, if you will, what comes to the floor in this House. They know that campaign finance reform is something that the public wants. They know that the American people want it, but they come up with this scam, if you will, or sham, I think, the gentleman described it as; some of the editorials are calling it a charade, some are calling it a sham, whatever we want to call it, to try to bring the bill up, load it down with provisions that will make it impossible for it to pass this House, and at the same time not achieve any reform even if it did pass. And I think the biggest example of that, I do not know if the gentleman mentioned it, but talking about this idea of not allowing more money in politics, the Republican bill actually raises contributions to party committees from $20,000 to $60,000, and it raises individual contributions from $1,000 to $2,000.

So for those of my constituents who think that there is too much money in politics and think that a 1,000 contribution may be a little high, now they are going to see that the contribution level is $2,000.

So what the Speaker is doing, what Gingrich is doing is saying we should have more money in politics.

At the same time, we have this poison pill antilabor provision, if you will, just to make sure that the bill does not pass. So either, hopefully, they hope it will not pass, and if it does, it would not actually accomplish campaign finance reform.

Just to mention, this poison pill or antilabor provision, from what I understand, basically makes it more difficult for workers to organize and for the National Labor Relations Board to stop employers from violating labor laws.

Democrats are going to offer a substitute bill, essentially the McCain-Feingold legislation, that provides real reform, including a ban on soft money, which I see you have the chart up there. And the gentleman talks about the amount of soft money and how it has increased so much I guess, just in the last 4 years or so, from 1992 to 1996, and our Democratic substitute, the McCain-Feingold bill, if you will, essentially gives average working families an equal working voice, I think, in the political system and limits the influence of wealthy special interests on our political process.

Mr. Speaker, I just wanted to say, in my home State of New Jersey we have a very good example, and of course there are a lot of different ways that one could go about campaign finance reform, and we do not all agree on the ways to go about it. But we have a very good example in our gubernatorial race, which is also very similar to the presidential race nationally, whereby we allow, or we require, our candidates to raise a certain amount of money in small contributions and large individual contributions, but that has to be matched with public funds; and then we cap the amount of money that can be spent on the race.

That is what I would like to see. I would very much like to see congressional races run in the way the presidential races are run or the way our gubernatorial races are run in New Jersey where the candidate basically has to raise a certain amount of money, not a lot in relative terms, and then that gets matched with public financing, public dollars, and then there is an overall cap on the amount of money that could be spent in a race.

I really think that the key is to limit the amount of money that is spent, not only by ourselves, but also by these independent organizations or independent expenditures by these special interest groups. Because if we do not limit the amount of money, then ultimately, it will continue to skyrocket and somebody will find a way to spend more and look for a loophole where they can spend more money.

The bottom line is that this Republican proposal, which I guess we are going to consider tomorrow or Friday, allows more money, more influence by wealthy individuals; and it has just been rigged so it cannot pass. And nothing else really is going to happen, and then Republicans and Gingrich can just go home and say, hey, we brought this up for a vote, we failed, we tried. Thank you. At least we let the opportunity present itself to bring this up.

□ 2015

They are really not allowing any opportunity. The way they are setting up the rules, they have rigged the system and they have made for a sham campaign finance reform bill.

Mr. Speaker, I thank the gentleman from Maine (Mr. ALLEN) for putting together this special order this evening.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from New Jersey. I thank him for all his help on this issue, and for his concise summary of the Thomas bill, the Republican leadership bill.

Let me just mention one thing before I turn to my friend and colleague, the gentleman from Arkansas. What we have in this Republican leadership bill is a worker gag rule. The Center for Responsive Politics has determined that in the last cycle businesses outspent labor by 10 to 1, and notwithstanding that 10 to 1 differential, the Republicans are determined to try to gag unions. Let me give a couple of examples.

They have established a rule where essentially union members would have to give prior consent, individual prior consent, to the use of any portion of their union dues for political kinds of activities. That does not mean just running ads, it means educating their own membership, putting out material to their own membership to tell them what issues are coming up that may affect their jobs and their lives, their health, and all of those issues that we deal with here in this Congress.

They say that they are trying to impose the same restrictions on corporations as they do on unions, but it is not true. It is not balanced and it is not fair.

With respect to unions, the burden of proof is against the union. The member's consent is not presumed. You have to have an individual signed, written statement prior to the use of any portion of those union dues for that particular purpose.

On the other hand, for a corporation, the burden of proof is in favor of the corporation. The shareholders' consent is presumed unless it is specifically rejected. This is just one of the many ways in which this bill is biased and is unfair.

No surprise. It is not a bill that was worked out in committee by a bipartisan process, it is not a bill that has had bipartisan support for any period of time. It was simply put down and put in place, and put together at the last minute by the Republican leadership. It is not fair, and it ought to be voted down.

Mr. PALLONE. If the gentleman will continue to yield, Mr. Speaker, because I know we have our colleague, the gentleman from Arkansas, here, I just find that this poison pill, if you will, this worker gag rule, so objectionable, because I know in my district the unions are very active on election day. They go out, they knock on doors, they put up signs during the campaigns. They do a lot of grass roots activity.

But the idea that individual members of a union cannot pool their resources, if you will, and have to have this extra restriction, if you will, have to individually sign for any contribution that they put forward, it just flies in the face of really the whole organizing effort, if you will, of the union.

Unions are meant to organize working people. If they cannot organize working people effectively for political action, then that takes away an important part of their existence. It makes it that much more difficult for them to be involved in the political process. It just irks me so much, because this is just purely partisan.

There are Republicans in my home State in Congress who are supported by the unions, so they are not strictly Democrat. But more often than not they support Democrats more than Republicans, and that is the reason this is being proposed, because the unions, certainly in the last few years, if not historically, have been more supportive of Democratic candidates.

That is not a reason to gag them. That is not a reason to not allow them to exercise their right to assemble and to participate fully in the political process. That is not what the democracy is all about.

Mr. ALLEN. In a nutshell, what the Republican leadership is trying to do is to place restrictions on and to gag people who contribute a few bucks a month for political activities that are not just activities related to Federal candidates, but just their own union. At the same time, they are tripling the limits that wealthy individuals can give to the national parties. That is an embarrassment.

Mr. PALLONE. Is it not also true, Mr. Speaker, if the gentleman will continue to yield, I think the gentleman told me, if an individual does not want to participate in anything but the collective bargaining aspect of the union, they always have the option themselves of simply contributing their dues for the collective bargaining aspect and not for anything else. So that option is already there. It is just that they are imposing an additional written requirement now in every case. That is the thing that inhibits free speech and the ability to participate.

Mr. ALLEN. The gentleman is right, the Supreme Court has ruled that every individual union worker has an absolute right not to be forced to contribute anything to political activities, to anything other than the activities related to collective bargaining.

I yield to my friend and colleague, the gentleman from Arkansas (Mr. VIC SNYDER), who has been a staunch proponent of campaign reform in this Congress. I am glad to see that the gentleman has brought along his check.

Mr. SNYDER. The gentleman just likes my special effects.

Mr. Speaker, it is interesting to me, the discussion we are having to have about these poison pills, and explain the minutiae of them to the Members of Congress so they will understand why it is a poison pill.

The reality is what we should be talking about, in a bipartisan manner, what we have been talking about for the last year, is where the problem is. It is in the huge soft money donations.

I have this check here I made up, made out to Any Ol' Political Party, signed by my friend, Ima Big Donor. Ima had $1 billion that she wanted to donate. She donated it to her favorite political party. This is completely legal, completely legal, under the current law.

The reason that the gentleman and I have engaged in a bipartisan manner with my friend, the gentleman from Arkansas (Mr. ASA HUTCHINSON) on the freshman bill and the reason we have had other bills like the Shays-Meehan bill, the McCain-Feingold bill, bipartisan bills, is to address the problem of these huge, unregulated donations.

Not so long ago we would have said, well, no one will make a $1 billion donation. Then we had Ted Turner, who donated $1 billion to international relief, and we suddenly realized that there is somebody out there that has the ability to make a $1 billion donation. Donations of several hundred thousand dollars are not uncommon in this day and age. Yet, look at what the average pay scale is in Arkansas, and they are absolutely dwarfed by those sizes of donations.

But this is what we should be concentrating on. This is what the Speaker of the House should be looking at. When we talked and had his promise from him a few months ago that there would be a fair debate on the floor of this House about campaign finance reform, we all envisioned a debate about a bipartisan bill that addresses this most egregious problem in our system, this overwhelming big money that can be made in any amount, and yet that is not going to occur because of the Republican leadership.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Arkansas (Mr. SNYDER). It is interesting that the Republican leadership bill, I should say, because I want to say this, there are some Members on the Republican side of the aisle who have been engaged in this issue from the beginning, but not enough. We really think it is the leadership that has sort of shut down this exercise at this time.

Let me just talk for one moment about the so-called soft money ban in the Republican leadership bill. The McCain-Feingold bill prevented Federal officials and candidates and parties from raising soft money. The freshman bill did the same thing.

Supposedly the Republican leadership bill did the same thing, but there is a difference. Under McCain-Feingold, the McCain-Feingold bill says that State parties cannot raise or spend soft money as well on any activities that affect the Federal election. So the obvious problem was, if you ban soft money at the Federal level, why will not people just go out and raise it at the State level?

So McCain-Feingold says, no, you cannot do that. You cannot do that. The freshman bill says, okay, we are not going to prevent State parties from controlling their own election laws and allowing soft money to be raised here if they want to, but we are going to prevent States from moving money, soft money being raised from one State to another, so we wall in each State. We have closed down that loophole.

But that provision of the freshman bill was taken completely out of the Republican leadership bill, so it is not a real soft money ban. The obvious loophole, there is a huge loophole in the Republican bill in terms of a soft money ban. It does not work, it is not fair, and it is not real reform.

Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. SNYDER. Mr. Speaker, I would like to make another point. The gentleman from Maine (Mr. ALLEN) is one of my heroes, and he has been on my cable TV show back in Arkansas. The gentleman from Arkansas (Mr. ASA HUTCHINSON), a Republican freshman colleague, is one of my heroes, also. The two of them are the lead cosponsors of the freshman bill.

They spent a lot of time working through the problems when they made the decisions about what would be in that particular bill, and a lot of freshmen participated in that. What was shown was that it was a model of bipartisanship.

We thought we had in this country sometime ago a model of bipartisanship. This is a blowup of the famous photo when the Speaker of the House and President Clinton shook hands when they committed themselves to doing something about dealing with the overwhelming presence of big money in politics.

It is interesting to me now that the President has said he will sign a campaign finance reform bill. He is committed to it. We have leaders on both sides of the aisle, both Republican and Democrat, that have said they want bills on the House floor to deal in a bipartisan manner with this problem of soft money and campaign finance. Yet, the problem we have is with the Republican leadership.

I want to distinguish, there are clearly Members on the Republican side that will vote for campaign finance reform and feel every bit as strongly about it as the three of us do here tonight, but it comes down to a question of leadership.

Unfortunately, the way our House works, if the Republican leadership decides certain bills or certain amendments do not get on the floor of the House, the American people are denied their will, and in fact, the will of Congress is denied, because I am convinced there is a majority of Members of this Congress, when we total up the votes on both sides of the aisle, Republican and Democrat, that will vote for a ban on soft money; a good ban, a true ban on soft money, and try to deal with some of the other issues.

But it comes down to leadership, and the Republican leadership in this House is blocking the will of the House, blocking the will of the American people, and I think it is just an embarrassment to the body that that is occurring.

Mr. ALLEN. The gentleman from Arkansas makes a good point. If we think back to what happened on the Senate side, we can see the same sort of pattern over there, because the fact is that the McCain-Feingold bill, the stripped down version of the McCain-Feingold bill that was brought up in the Senate got 51 votes. A majority of the Senate voted for the McCain-Feingold bill in the Senate. Yet, it is only the Senate's rules that allow filibusters that sent that bill down to defeat.

Here we are, over on the House side, fighting the same fight, and all we are trying to do is get a good, bipartisan bill to the floor for a vote. If we do that, I believe we will win. I believe we will win it. But this is not a topic that can be done in an arbitrary way, in a totally partisan way. It cannot be done with a bill that is designed to fail, intended to fail, constructed to fail. That is what we have on the other side right now.

Mr. SNYDER. If the gentleman will continue to yield, Mr. Speaker, I read a column some time ago on this issue of campaign finance reform. The columnist had a great line, which was, does a fish know that it is wet? Does a fish feel the wet? It lives in water all the time, and I get in the bathtub and it feels wet to me, but does a fish feel the wet?

I do not know what a fish feels, but could use the example in trying to explain why the Republican leadership would be putting out this kind of a bill that has been called a charade, a hoax, a mockery. Why would they be putting out this kind of bill?

It may be that if you have been up here too long, you start being like a fish that no longer feels the wet, that you swim through the money. You swim through the money all the time, and it no longer feels strange to you. You just assume that donations of several hundred thousand dollars, that is just the way politics is. You assume donations from folks that are lobbying you that very same day on activities that come before the legislature, before Congress, that that is just the way it is. You no longer feel the wet. You are no longer aware of how unseemly it is to have big money dominate our politics.

Maybe that is why the freshman bill, I think, was such a prominent part of the discussion here for the last year, because we are all new here. We had just come through the 1996 election, and we got a hint of how big money can just really overwhelm the local effort. We got a hint of what it means to have thousands of dollars pour in from Washington, D.C., and overwhelm the local effort. We still feel what it is like to be wet. We still know what it is like when you get hit with those big sums of money.

But I fear that the Republican leadership no longer is aware of what it means in the American system to have the money floating through this city all the time. I think this may be an explanation why we are seeing this bill that has been called a hoax and a charade being presented on the floor. They do not feel the money anymore.

Mr. ALLEN. I think the gentleman from Arkansas (Mr. SNYDER) has had the best set of special effects and exhibits as anyone has come to the floor.

Mr. SNYDER. We have pyrotechnics scheduled for later in the evening.

Mr. PALLONE. Mr. Speaker, if I could comment on the special effects, I have to say the fish analogy is close to home. I represent the Jersey shore, and I appreciate the drawings that the gentleman from Arkansas made about the fish and the fish swimming through the money.

□ 2030

I think that the problem here is the way the gentleman has identified it. In other words, we have the tremendous outpouring from the American people that we should have campaign finance reform and that we should cut back on the amount of money that we spend in politics. But the Republican leadership, I think the gentleman rightly said, is so used to accumulating all of this money and basically relying on it when they run, that they cannot conceive of a situation where we actually cut back on the amount of money that is spent.

It is true, I think all of us have said that we know that there are Republican colleagues that would like to see a good campaign finance reform bill come to the floor and would probably be willing to vote for it. But so few of them are willing to stand up to the leadership. The leadership tells them, "Look, we want you to support us and we want you to vote for this sham bill," and not enough of them are willing to come forward and essentially defy the leadership on this issue.

I noticed in The New York Times editorial that the gentleman from Maine made mention of before, it actually says at the end of the editorial, it says that "The Speaker's trick can be defeated if the Democrats stand firm and at least 15 Republicans join them in voting against Mr. GINGRICH's anti-reform scheme." And it says, "There used to be a tradition of enlightened moderation among northeastern Republicans." These are the Republicans in my area: New Jersey, New York, other northeastern States. "But we will be watching to see if it can be revived enough to offset the party's more recent tradition of falling behind Mr. GINGRICH's darkest impulses."

That is essentially what we have here. We do not have enough. Hopefully we will by tomorrow, but it is unlikely that we will get enough Republicans who will stand up and say this is a mockery and that we need to have a real campaign finance reform bill come to the floor of the House.

I thought it was particularly interesting what the League of Women Voters said about that. I know where I am, and I think around the country, the League of Women Voters is pretty much a bipartisan group that is not necessarily Democrat or Republican. In my area, there is certainly as many Republicans that are Members of the League of Women Voters as Democrats, and they are perhaps even more critical than anybody in this news release where they say that the Gingrich approach is to package together several of the worst ideas on campaign finance reform. The bill is a complete travesty. It says the so-called Paycheck Protection Act is completely unbalanced. It seeks to curtail wide-ranging political activities by unions. A real ban on soft money and closure of the sham issue advocacy loophole would apply equally to both unions and corporations. They use very, very harsh language in basically bringing up how fraudulent this effort is.

We know what happened. My colleague mentioned in terms of what the Senate did. Basically, the pressure was on Speaker GINGRICH to do something a few months ago. He promised a vote 5 months later. Now we have a vote, but he is rigging the vote. That is essentially what we have.

Mr. SNYDER. Mr. Speaker, if the gentleman would yield, that is interesting what the gentleman said about the League of Women Voters. This morning I was reading through some of the articles and statements. The League of Women Voters calls it a "travesty," this Republican leadership bill. Common Cause calls it a "hoax." The Washington Post calls it a "mockery," and the New York Times calls it a "charade."

Now, those ought to be some warning signs to Members of this body. It ought to be some warning signs to the American people when we have that kind of criticism, very dramatic criticism of a bill and an issue that these groups feel very strongly about on the need to do something about our campaign finance law.

But I know for myself, I am not going to vote for this bill and I do not want to be a part of a travesty, a hoax, mockery and a charade. I want to be part of a bill like the gentleman from Maine (Mr. ALLEN) offered, our freshman bill, offered along with the gentleman from Arkansas (Mr. HUTCHINSON), or there are other options out there. But this one is the worst of the bills that we have seen.

Mr. ALLEN. Mr. Speaker, I would say the "travesty," "hoax," "charade," are all appropriate words when, in the name of reform, we have a bill which allows an individual who used to be able to give $25,000 to an array of candidates to give $75,000 to candidates. Or when someone used to be able to give $20,000 to the national parties, to be able to give $60,000 to the national parties. That is not reform. That is an explosion of money. Whereas some increase might be appropriate to offset the loss of soft money, because we want our political parties to still be participants in this process, we do not want the campaigns dominated entirely by outside groups, by running issue ads still. That is ridiculous. That does not make any sense.

The gentleman from Arkansas was just saying there are other good bills out there, and I want to spend just a few minutes on what is called McCain-Feingold 2, because that is a bill that I think really ought to come up for a vote in this House. It is very close, with just a couple of adjustments it is almost the same bill that passed in the Senate, got 51 votes in the Senate, was not allowed to pass, but it got 51 votes in the Senate. Let me say a few words about that.

The McCain-Feingold 2, which is really the Shays-Meehan bill here in the House, eliminates Federal soft money as well as State soft money that influences the Federal election. It has a real soft money ban.

Second, it reforms this whole area of issue advocacy. It basically applies to those broadcast communications that refer to a clearly identified Federal candidate within 60 days of a general election. And it restricts what can be done. It says that any of those kinds of ads or express advocacy, they need to be funded the way regular candidate expenditures are funded.

Third, the bill requires FEC reports to be electronically filed and it provides for Internet posting of disclosure data.

Fourth, it strengthens the campaign finance law by providing for expedited and more effective FEC procedures.

Five, it bans fund-raising on government property.

The Pendleton Act, which is over 100 years old, has prohibited in some very vague and sometimes confusing ways the raising of money on Federal property, but it is not very clear, and it is certainly not clear how it applies in the cases of telephone solicitation.

Well, this bill, the McCain-Feingold bill, fixes that particular problem. And those are some of the highlights, but it is a good bill and ought to come to the floor.

I think that the Democrats want to make sure this bill comes to the floor and want to give it an airing. But here is a bill with a bipartisan history; it was put together by Republicans and Democrats, it got 51 votes in the Senate. The least that could happen is that that bill should be allowed to come to the floor of this House for a vote before this body.

Mr. PALLONE. Mr. Speaker, I could not agree with the gentleman more. My understanding is that we will have the opportunity to do this as a motion to recommit or some procedural way that we will have hopefully an opportunity to vote on McCain-Feingold as a substitute. I guess we are not sure, but we are hoping that we will have that opportunity sometime this week when this campaign finance reform sham bill comes to the floor.

But I just wanted to add a little bit to a couple of things that the gentleman from Maine mentioned, because I think they were significant. When we talk about these issue advocacy ads, I think the average person has no idea the distinction between those and a regular campaign ad. I mean, basically these are the ads, these issue advocacy ads are ads where a particular interest group that has a particular subject that they are interested in, for whatever reason, basically puts on an ad and talks directly, usually in a negative fashion, about one of the candidates accusing them of doing something, oftentimes which is not even true. This is paid for by that special interest group that is interested in the particular issue attacking the candidate, and this is totally outside the regular campaign financing system so that it is not reported as part of the candidate's expenditure. It is not clear that it is reported anywhere at all for that matter, certainly anyplace that we can find it there is no real disclosure, and oftentimes in the campaigns these kinds of ads can be two or three times the budget that is spent on a campaign. That can be 60, 70, 80 percent of the budget, and it is all outside the reporting system that we actually have now for campaign financing.

So what we are doing with McCain-Feingold is basically saying that if these ads mention an individual candidate within a certain number of days before an election, then they have to be treated in the same way as a regular expenditure. There has to be proper disclosure. We have to know who is doing it and it seems to me that is only fair.

Mr. ALLEN. Mr. Speaker, if the gentleman will yield, that, as I mentioned at the outset, is the second problem. In addition to the soft money problem, that really arose or became dominant in the 1996 election cycle, and I think it is important to understand that this is political speech. This is free speech. We have got a first amendment. So it is not possible to say with respect to outside issue groups that they cannot run ads, they can never run ads. All that we are saying, all that McCain-Feingold says, is that if within 60 days of an election, when they mention the name or show the likeness of a candidate for Federal office, then it is brought into the reporting scheme that applies to Federal elections. Because at that point, it is pretty clear they are trying to influence the outcome of a Federal election, and that kind of regulation has been upheld.

It seems pretty clear that that should be a constitutional way of improving the information that flows to the public, because the bottom line is, I believe, that we believe that the American public is entitled to know who is running ads out there. And if there is a group that is running an ad and calls itself the Coalition for Real Change or the Better Government Group, I mean who are these people? I think the American public needs to be well informed to know who those folks are and, in the best of all possible worlds, to know where the money is coming from. But that is one of the kinds of changes that we need.

Mr. PALLONE. Mr. Speaker, the problem is that if we do not do that, if we do not do what is being proposed with McCain-Feingold, then this whole system of campaign laws that were basically put in place as a reform to the Watergate years and the way campaigns were financed prior to Watergate, we might as well throw out the window, because what is happening increasingly, the actual money that comes in under the traditional laws is becoming less and less of what is spent on a campaign, and all of these other expenditures that are outside the law do not come under the FEC and the FEC does not have authority to enforce or investigate are now the norm.

The other thing that the gentleman mentioned in McCain-Feingold is the effort to beef up the FEC. The bottom line is that the Federal Election Commission now is like a toothless tiger. They do not have the money, the investigators, or the power to go after or look at a lot of these expenditures, because they do not come under the law that they have jurisdiction over. So we have got to change it. Otherwise, we have no system. We just have a free-for-all out there.

Mr. ALLEN. Mr. Speaker, we have got to change it, and I think I agree with the gentleman from Arkansas. If we spend as a body, if this Congress spends 2 years and millions and millions of dollars investigating what happened in 1996 and we do nothing, no reform bill, no change, it will be an embarrassment. And we are here tonight because we do not want this House to be embarrassed. We do not want the American people to be embarrassed. We want this Congress to deal with an important, pressing issue that in our view has to be dealt with on a bipartisan basis, but under this Republican leadership bill is not being dealt with in that manner.

Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. SNYDER. Mr. Speaker, it is interesting, the irony of having spent so much money on these investigations, and then to choose to deliberately put up a bill that is meant to fail. I guess that brings out our cynicism. But that is what is going on. It is all right to talk about all of this stuff about campaign finance laws, but we do not really want to do anything, is the message we are hearing from the Republican leadership.

Mr. Speaker, as I was listening to the two of my colleagues discuss in I thought great clarity and in good detail some of the various nuances of the campaign finance reform bills, I am sure that we have some folks that are saying, wait a minute; why are these folks not talking about these issues when the House is in session? Why are we having to do it at this time of night when most of the Members have gone home?

I want to take a moment and point out the Rules of the House. We talk about the Committee on Rules, and it is not legal for us to bring up amendments on the floor of the House any time we want. It is not legal for us to bring up any bill we want, the Allen-Hutchinson bill any time we want.

Any bill, before it comes out on the floor of this House, has to go before the House Committee on Rules and they make the decision can a bill come out, and they also make the decision what amendments can come out. They make a decision about how much time is allotted. And if they make a decision that no other bill can be considered or other amendment be considered, that is the ruling of that committee and that sets the tone for the debate, and we will not get to discuss other options.

☐ 2045

As happens in legislative bodies, that committee is set up; it has overwhelming Republican members and they take their cues from the gentleman from Georgia (Mr. GINGRICH) and the Republican leadership. That is as it should be. The Committee on Rules is dominated by the party in power. But that is why we are left with having to discuss this late at night when most Members have gone home, discuss it with ourselves and with the American people, to let them know that this is a travesty that is going on.

This should be the kind of discussion that happens at 1:00 in the afternoon and 2:00 in the afternoon and 3:00 in the afternoon with 435 Members either in this room or back in their offices watching the debate on C-SPAN in their offices, hearing from their constituents about what they want. But it is because the leadership directive told the House Committee on Rules that they do not want anything to come out on the floor of this House other than a bad bill that will go down to defeat.

I think that is an embarrassment and a travesty, given the amount of investigation that has gone on and the amount of money that has been spent and committed. The American people want to do something different about how we elect people. So I really appreciate my colleagues being such leaders in this effort.

Mr. ALLEN. I appreciate the help of my colleague and the support and leadership on this issue. I want to make a couple of comments.

People who have been around this place for a long period of time or who write about what goes on here will often say, well, the American people do not care. Well, in my district in Maine they care. I hear about this issue every time I go home, "When are we going to get some campaign finance reform? When are we going to change the way we fund elections?" I hear it all the time.

But it is also true that this is a different kind of issue. People care about it, but it is not the same. They do not worry about it in the way they may worry about what happens to an elderly parent who may have to go in a nursing home. They do not worry about it in the way we have to worry about, how are we going to get our kids through college. They do not worry about it in the way, what happens to me if I lose my job, what effect will that have on my family? They do not worry about it in the way they may be concerned if somebody in their family is ill or has an extraordinary health care problem that has to be dealt with. And they do not worry about it in the same way they worry about the education of their kids.

But it is our job here to provide the leadership on an issue that is fundamental to whether or not the American people, the ordinary American people, can participate in the system in a way that is healthy and strong and viable. And the more big money comes to dominate our politics, the more the average person in this country has a diminished role.

And I hear about it because people do understand that. They know that. And they may pick education as the most important problem that we have to deal with, and they do that in poll after poll, and I agree with them; but there are these underlying problems, underlying structural issues, that we have a responsibility to deal with, that they care about very much and they want us to do something about it. But they also have become very cynical that we are capable of dealing with it.

The only point I would make is this: 51 votes in the Senate for McCain-Feingold II, 51 votes, the majority of the Senate.

And in this House, give us a chance. Give us a chance. Let McCain-Feingold II go to the floor of this House and see what happens. I think we would find there are many Members who would say, this is a right kind of reform, it is bipartisan reform, it is serious reform. It is not the complete answer, but it is a step in the right direction.

I believe that we are entitled to have that kind of vote on a bipartisan bill on the floor of this House, and we should not be stymied by the Republican leadership.

Mr. SNYDER. I have to wonder what our Speaker is afraid of. I mean, what is the fear of having an open debate on the floor of this House about this very important issue, which is how America elects its leaders? Maybe he has counted votes. Maybe he knows that there is a majority of people in this body that would definitely vote for other alternatives, and the only way he can prevent that from happening is not to let them come to the floor of the House.

But I think, unfortunately, his actions and the actions of the other Republican leaders contribute to the cynicism of the American people. They want to know, "What is this? Why do we not get to see a vote on a clean bill," those people back home.

So, once again, I appreciate the efforts of my colleague.

Mr. PALLONE. I want to say again, I thank both my colleagues for doing this special order tonight because I think this is a very important issue. Our constituents do care about it.

It is a tragedy that we are not going to be allowed to actually vote on true campaign finance reform at the end of this week, because people are crying out for it. And I see people voting less and less, the percentages of people that vote, and that cynicism really bothers me.

This is my tenth year in the House, and I can see less people interested, less people coming to the polls, less people participating in every way; and that is the real tragedy that we have to turn around.

Mr. ALLEN. I want to thank both the gentleman from Arkansas (Mr. SNYDER) and the gentleman from New Jersey (Mr. PALLONE) for their participation in this special order tonight on campaign reform. I know you have all worked hard and others have worked hard to see that we do get a vote on campaign reform.

I guess I would just close by saying that we are at an extraordinary time in American politics. The Cold War is over. The budget is balanced for the first time in 30 years. The number of civilians in the Federal Government is at the lowest level in 30 years. Unemployment is down. The economy is moving along very well.

We are at a time when we really could focus on the issues that matter most to working families: improving education, dealing with health care issues, reforming Social Security so it is there for our children and our grandchildren, and making sure that we leave no child behind, that we build the kind of society in the 21st century that can make this country and make the people here to have all the opportunities or greater opportunities than people have had anywhere on the face of the globe at any time in our history.

To do that, we need a healthy political system, we need a system where people want to participate, want to be engaged in the great issues of our time. I believe to do that we have to have a system which does not run on money, which allows the ordinary citizen a chance and a sense, the confidence that his or her voice can really make a difference. And that is why this issue is so important. It underlies everything else that we do.

If we are going to get to hear all the voices of America come into this Chamber, if we are going to make good decisions, we need to diminish the role of money in politics. We are not going to eliminate it entirely. We simply have got to try to control a system that is now out of control, try to shut down a loophole that has become a highway for soft money, control issue ads and make sure that the voice of the American people can be heard in all of its diversity and all of its power.

So I thank both of my colleagues for being here tonight, and I thank all of those who have worked so hard on this issue. And I extend a last request of the Republican leadership to give us a fighting chance to vote on a fair campaign finance reform bill.

THREATS TO U.S. NATIONAL SECURITY FROM CUBAN DICTATORSHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 60 minutes as the designee of the majority leader.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

TRIBUTE TO HONORABLE STEVEN SCHIFF

Mr. DIAZ-BALART. Mr. Speaker, the Speaker of the House of Representatives just a few hours ago had the sad duty to report to us the death of one of our colleagues, the gentleman from New Mexico (Mr. SCHIFF). So I would like to begin my remarks this evening expressing my sincere condolences to the Schiff family and letting them know that my prayers go out to them in this very difficult moment.

We will miss in this House STEVE SCHIFF. He was a great man. But I would say that he was really a great man, above all else, because he was a good man. He was a man of extraordinary integrity as well as great intelligence. He possessed a brilliant legal mind that he put to use serving not only this House but our country.

And so, I will certainly miss my friend and colleague STEVE SCHIFF. I will always recall with much affection how, based on the fact that he was of such discipline of mind, he was, for example, teaching himself Spanish and he would enjoy conversing in Spanish; and it was remarkable that just literally months after beginning his Spanish classes he had achieved a great fluency.

Anyway, we will miss, I will certainly miss my friend STEVE SCHIFF.

Mr. Speaker, in just a few days, and I think it is important for the American people to realize it, the Pentagon, the Department of Defense, is scheduled to make public a report, an assessment, of the security risks, the danger to the national security of the United States posed by the Cuban dictatorship just 90 miles from our shores.

A number of us here in Congress have received preliminary reports with regard to that assessment that will be made public in just a few days by the Department of Defense, disturbing reports, because we are of the understanding, we have been led to believe that the Pentagon is about to say that there is, in essence, no threat from the Cuban dictatorship. That is a grave mistake if, in fact, that is the assessment that is made of the threat.

It is a grave mistake and it is really unfortunate. Because the only way in which the conclusion can be reached that there is no threat from the Cuban dictatorship 90 miles from our shores is based on a political decision, an imposition by the White House upon the Department of Defense with regard to the report, its threat assessment, of just a few days.

So if it is the case then, the preliminary reports that we have received, that in effect the Pentagon will say in a few days that there is no threat coming from the Cuban dictatorship, if that is the case, we, those of us in Congress who had received these preliminary reports are of the belief that a political decision is motivating that report.

Just a few days ago, a number of us wrote to the Secretary of Defense and Secretary of State with regard to this very issue. And if I could, I would like, Mr. Speaker, to be able to read this letter:

"Dear Mr. Secretary,

"We are writing to express our concern about the ongoing national security threat from the Cuban dictatorship. Specifically, we are convinced that the Castro dictatorship is a major enemy of our efforts to shield America's frontiers from the drug threats, and we are additionally concerned about Castro's ability to develop biological and chemical weapons. Castro is technically capable of many of the same types of things we know Saddam Hussein is doing, and the Castro dictatorship is the only rogue regime that is 90 miles from our shores.

"We are appalled about current attempts to downplay the Castro threat and are deeply disappointed that the Department of Defense refuses to acknowledge Castro's ongoing threats to the United States. We have received extremely disturbing reports that the Department of Defense plans to officially minimize the threat assessment of Castro's Cuba and that this may be utilized to subsequently remove Castro from the State Department's terrorist list. Despite Cuba's economic situation, Castro remains a dangerous and unstable dictator, with the intentions and the capability to hurt U.S. interests.

"Thirty-five years ago, during the Cuban missile crisis, Castro urged a nuclear first strike by the Soviet Union against the United States. Ten years ago, Cuban General Rafael del Pino disclosed that Cuban combat pilots trained for air strikes against military targets in south Florida. Five years ago a Cuban air force defector in a MiG–29 fighter aircraft, flying undetected until just outside Key West, Florida, confirmed that he had received training to attack the Turkey Point nuclear power facility in south Florida.

"Two years ago, Castro ordered Cuban MiG–29 fighter aircraft to attack and kill unarmed American civilians flying in international air space just miles from the United States.

□ 2100

"There is a pathologically unstable tyrant in the final years of his dictatorship just 90 miles from our shores. His four-decade record of brutality, rabid hostility toward the Cuban exile community, anti-Americanism, support for international terrorism, and proximity to the United States is an ominous combination.

"When considering the potential threat from Castro, the following must be noted.

"Despite the end of the Cold War, Castro continues to espouse a hard line, using apocalyptic rhetoric, proclaiming socialism or death, ranting h, ranting about a final reckoning with the United States, and punishing any Cuban who advocates genuine political or economic reform.

"Castro maintains one of Latin America's largest militaries with capabilitiey inconsistent with Cuba's economic reality and security needs.

"Despite Cuba's economic failure, Castro has the capability to finance special projects through his network of criminal enterprises and billions of dollars of hard currency reserves he maintains in hidden foreign accounts. Forbes magazine has calculated a minimum of $1.5 billion that Castro has in such foreign accounts. Castro has a proven capability to penetrate U.S. airspace with military aircraft and to conduct aggressive shootdown operations in international airspace just outside the United States.

"Castro is training elite special forces units in Vietnam who are prepared to attack United States military targets during a final confrontation, according to Janes Defense Weekly.

"Castro actively maintains political and scientific exchanges with each of the countries on the Department of State's list of terrorist nations. Castro continues to provide logistical support for international terrorism and pro-Castro guerrilla groups, and Cuban-trained international terrorists are still active around the world, most ominously these days in Colombia.

"Castro continues to coordinate and facilitate the flow of illicit drugs through Cuba into the United States. We will talk more about that later. Castro continues to offer Cuba as a haven for drug smugglers, criminals and international terrorists, including more than 90 felony fugitives wanted by the Department of Justice.

"The Lourdes electronic espionage facility is used to spy against U.S. military and economic targets, including the intercept of highly classified Persian Gulf battle plans in 1990–1991. Castro is working with Russia, which recently extended a $350 million line of credit for priority installations in Cuba, and anyone else willing to offer assistance to complete the nuclear reactor at Juragua.

"Castro has access to all the chemical and biological agents necessary to develop germ and chemical weapons. Despite Cuba's failed economy, Castro has constructed a secretive network of sophisticated biotechnology labs, fully capable of developing chemical and biological weapons. These labs are operated by the Military and Interior Ministry, are highly secure and off-limits to foreigners and visiting scientists. Under the guise of genetic, biological and pharmaceutical research, Castro is developing a serious germ and chemical warfare capability. Castro has the ability to deliver biological and chemical weapons with military aircraft, various unconventional techniques and perhaps even missile systems increasingly available in the international black market.

"Tyrants are most dangerous when they are wounded and dying. Given Cuba's proximity to the United States and Castro's proven instability, it would seem to be an unacceptable and potentially tragic mistake to underestimate his capabilities. We request that Castro be kept on the State Department's list of terrorist nations and that a realistic threat assessment be made, which includes an examination of Cuba's biotechnical capabilities, as the Castro dictatorship moves towards its final stage."

This letter was sent by nine Members of Congress just a few days ago as I stated, Mr. Speaker, to the Secretary of State and the Secretary of Defense. The evidence with regard not only to what we mentioned in that letter but specifically with regard to narcotrafficking is extensive. The really sad aspect of this, in addition to the fact that it takes place, is that there is an undeniable pattern on the part of the Clinton administration to cover up and deny every single piece of evidence existing linking Castro and his regime to narcotrafficking into the United States. A number of colleagues and I sent a letter back in November of 1996 to General McCaffrey, the Director of the Office of National Drug Control Policy in the White House. We stated, after some introductory paragraphs, "There is no doubt," we told General McCaffrey, "that the Castro dictatorship allows Cuba to be used as a transshipment point for drugs. We were deeply disappointed when DEA Administrator Tom Constantine, testifying before the House International Relations Committee in June, said that 'there is no evidence that the government of Cuba is complicit in drug smuggling ventures.' On the contrary, there is no doubt that the Castro dictatorship is in the drug business."

We continue in our letter to General McCaffrey: "Your appearance before the committee that day was also very disappointing on this critical issue. Castro and his top aides have worked as accomplices for the Colombian drug cartels and Cuba is a key transshipment point. In fact, just this year sources in the Drug Enforcement Agency's Miami field office stated to the media that more than 50 percent of the drug trafficking detected by the U.S. in the Caribbean proceeds from or through Cuba. Since the 1980s, substantial evidence in the public domain has mounted showing that the Castro dictatorship is aggressively involved in narcotrafficking. In 1982, four senior aides to Castro were indicted by a Florida grand jury for drug smuggling into the United States. They were Aldo Santamaria, Fernando Ravelo, Gonzalo Bassols and Rene Rodriguez-Cruz. In 1987 the U.S. Attorney in Miami won convictions of 17 south Florida drug smugglers who used Cuban military bases to smuggle at least 2,000 pounds of Colombian cocaine into Florida with the direct logistical assistance of the Cuban armed forces. Evidence in this case was developed by an undercover government agent who flew a drug-smuggling flight into Cuba with a MiG fighter escort. In 1988, federal law enforcement authorities captured an 8,800-pound load of cocaine imported into the United States through Cuba. In 1989, U.S. authorities captured 1,060 pounds of cocaine sent through Cuba to the United States."

"Prior administrations," we wrote to General McCaffrey, "have correctly identified the Castro regime as an enemy in the interdiction battle. As early as March 1982, Tom Andrews, then Assistant Secretary of State for Inter-American Affairs, stated before the Subcommittee on Security and Terrorism of the Senate Judiciary Committee that 'we now have also detailed and reliable information linking Cuba to trafficking narcotics as well as arms.' On April 30, 1983 James Michel, Deputy Assistant Secretary of State for Inter-American Affairs, testified before the Subcommittee on the Western Hemisphere of the Senate Foreign Relations Committee, his remarks validated prior findings. 'The United States has developed new evidence from a variety of independent sources confirming that Cuban officials have facilitated narcotics trafficking through the Caribbean. They have done so by developing a relationship with key Colombian drug runners who on Cuba's behalf purchased arms and smuggled them to Cuban-backed insurgent groups in Colombia. In return the traffickers received safe passage of ships carrying cocaine, marijuana and methaqualone through Cuban waters to the United States.'

July 1989. "Ambassador Melvin Levitsky, Assistant Secretary of State for International Narcotics Matters, testified that, 'there is no doubt that Cuba is a transit point in the illegal drug flow. We have made a major commitment to interdicting this traffic. Although it is difficult to gauge the amount of trafficking that takes place in Cuba, we note a marked increase in reported drug trafficking incidents in Cuban territory during the first half of 1989.'

"We are sure," we continued in our letter to General McCaffrey, "that while in Panama as Commander of the U.S. Southern Command, you (General McCaffrey) became aware of General Noriega's close relationship with Castro and of Castro's intimate relationship with the Colombian drug cartels.

"Because past administrations identified Cuba as a major transshipment point for narcotics traffic, it was integrated into the larger interdiction effort. By contrast, under the existing strategy, no aggressive efforts have been made to cut off this pipeline despite the growing awareness of its existence.

"In April 1993, the Miami Herald reported that the U.S. Attorney for the Southern District of Florida had drafted and prepared an indictment charging the Cuban government as a racketeering enterprise and Cuban Defense Minister Raul Castro as the chief of a 10-year conspiracy to send tons of Colombia cocaine through Cuba to the United States. Fifteen Cuban officials were named as co-conspirators and the Defense and Interior Ministries cited as criminal organizations."

We continued in our letter to General McCaffrey, In the last few months, the prosecution of Jorge Cabrera, a convicted drug dealer, has brought to light additional information regarding narcotrafficking by the Castro dictatorship. Cabrera was convicted of transporting almost 6,000 pounds of cocaine into the United States, sentenced to 19 years in prison, and fined $1.5 million. Cabrera made repeated specific claims confirming cooperation between Cuban officials and the Colombian cartels. His defense counsel has publicly stated that Cabrera offered to arrange a trip under Coast Guard surveillance that would proactively implicate the Cuban government.

"Overwhelming evidence points to ongoing involvement of the Castro dictatorship in narcotrafficking. The Congress remains gravely concerned about this issue and we are deeply disappointed that the administration continues to publicly ignore this critical matter."

We ended our letter to General McCaffrey stating, "We appreciate the opportunity to share these concerns with you and can assure you that further administration inaction on this matter will be met by serious congressional concern as well as investigation as to its cause."

Administration inaction has continued for the over 1 year after this letter. The letter in reply that we received was a form letter, totally unacceptable. Even more unacceptable has been the continued cover-up of the administration of this evidence and much more that exists directly connecting the Castro regime to the narcotrafficking of cocaine and other deadly substances into the United States. This is a situation that the American people have got to become aware of. The Clinton administration is covering up the connection, covering up the reality of the Cuban dictatorship's cooperation with the drug traffickers, conspiracy with the drug traffickers to import narcotics into the United States. There is a cover-up of this issue by the Clinton administration. Every time that we hear the President and the drug czar and other leaders of this administration talking about this issue, the cover-up continues, the cover-up is intensified, the cover-up is magnified. There is absolute silence with regard to this evidence.

But there is more. There is a spy center, an espionage center in the outskirts of Havana that picks up every single telephone conversation in the eastern United States. The Clinton administration systematically ignores the existence of that espionage center and is doing absolutely nothing about it. It is a Russian espionage center that has remained from before the collapse of the Soviet Union, and the Russians maintain it. Even though the Soviet Union collapsed, that espionage center continues to pose a threat to the national interests of the United States.

It is the Lourdes espionage center. It was built in Cuba, according to a secret agreement between former Soviet and Cuban special services, in the early 1960s. The station is controlled and operated by the GRU, the Russian Military Strategic Intelligence Agency, and establishes a radio and electronic intelligence field over the southeast United States and the Atlantic region, collecting intelligence cyberdata in close cooperation with Russian intelligence stations and field offices, military spy satellites, Navy reconnaissance and Air Force reconnaissance. This information came from a high ranking Russian defector who recently came to the United States.

The main mission of the Lourdes espionage station is registration and penetration through coded and ciphered radio, radio-technical/electronic, microwaves and cellular signals in the eastern part of the United States, disclosing American nuclear missile submarines' combat patrol routes throughout the Atlantic. The station routinely provides to Moscow's military-political leadership extremely important strategic military and economic, commercial and private information about the U.S. and other countries in the Atlantic Basin.

The station is capable of compromising the United States Government's secrets, commercial and private communications, monitoring all American military movements throughout the Atlantic region. This is something that was just confirmed. During Desert Storm, in that extraordinary effort led by President Bush and the United States of America in 1990–1991, when this Nation's military demonstrated to the world not only its technological prowess but the genuine superpower status of the United States of America and liberated Kuwait, during Desert Storm in 1991, in the Lourdes espionage center in Cuba, Russian specialists obtained and disclosed to the Iraqis the U.S. military plans of the battle against Iraq, thus directly compromising American and allied troops in Saudi Arabia and in Iraq.

□ 2115

That has been confirmed by a Russian defector. The plant that Castro is running in cooperation with the Russians not only was able to obtain in Desert Storm all of our military plans, but made it available to Saddam Hussein. The same thing without any doubt is happening now with regard to the plans that we have in case we have to go back into Iraq.

And what are we hearing from the Clinton administration with regard to the Russian espionage center in Havana? Nothing.

I see my friend from California here.

Mr. ROHRABACHER. I would just like to commend my colleague for not only this speech, but the diligence that he has shown over the years in alerting us and the American people to what Fidel Castro is all about. I do not know why, but there seems to be a romance with this bearded fascist down there in Havana, and people do not want to admit the horror that he has brought to the people of freedom all over the world. He has been one of the strongest enemies of freedom anywhere in the planet in the last 40 years, and his dirty deeds; you, know I could see back in the 1960s when people were idealist, they would overlook the fact that when he came to power he just cleared jails out and went out and shot people, you know, just summarily executed people; said those were Batista-ites or something. But as time went on, it seems that the liberal left in this country seems to bend over backwards never to acknowledge the wrongdoing of Fidel Castro.

You mentioned, for example, his drug dealings. We know about his drug dealings. I mean, it is clear that this man and his cohorts down there have been involved up to their necks in drug dealings for decades. Robert Vesco, who we know as probably the fellow who went down and organized the modern drug movement in Latin America, where was his headquarters all of these years? It was in Cuba. Yet when we try to confront our administration with facts about who or where, you know, where are the drugs coming from and who are the kingpins, you never hear Fidel Castro mentioned.

And some of the things you are bringing up tonight about what he has done, and even a few years ago in Desert Storm, that threaten our national security, put the lives of our young men and women in the military at risk; why is it that LINCOLN DIAZ-BALART has to be the one talking to an empty Chamber here and trying to gain the attention of the people of the United States? Where is our administration? Where are the people who are supposed to be watching out for our security? Well, they are making overtures to try to think, well, now is the time we should loosen these restrictions on Castro.

It is beyond me.

Mr. DIAZ-BALART. Mr. Rohrabacher, it is worse than that. Not only are we not hearing anything from our administration, from the Commander in Chief whose responsibility under the Constitution is to protect the security of the American people, not only are we not hearing anything, but in a few days we are going to hear something officially coming from the Pentagon, politically ordered, saying in effect that there is no threat coming from Castro's Cuba.

And what is really sad is that you and I and most of the men and women in this Congress are extraordinary admirers of our men in uniform and our women in uniform, and they are great professionals. But the reality of the matter is that there are sometimes, sometimes examples of undue influence of political decisions made in the White House that are imposed upon the agencies of the executive branch, including the Pentagon.

So I urge, and a number of us have sent in writing our concerns to the Secretary of Defense and the Secretary of State with regard to this upcoming whitewash. This will simply be unacceptable to publicly say that a drug trafficker who maintains that Russian espionage center, and we have not gotten into the nuclear power plants yet, the Soviet-designed nuclear power plants that Castro is doing everything in his power, and he just received a $350 million line of credit from the Russians to complete less than 200 miles from the United States these Soviet-designed nuclear reactors. Defectors that worked in the initial stages of their construction have sworn here under oath in congressional committees and have stated to our intelligence community that, even beyond the inherent dangers of those nuclear plants, all of which, by the way, of that design have been closed in the former Soviet Union and in the former Communist countries of Eastern Europe. Each of those former Communist countries, now liberated, has shut down those, they are called DD-440 Soviet nuclear power plants, because of their inherent dangers. But over and above the inherent dangers, defectors have stated that there were so many mistakes made in the initial stages in their construction that they are literally ticking time bombs. And we are hearing absolutely nothing from our administration with regard to those nuclear plants.

I think it is indispensable. I think it is the constitutional duty of the President of the United States to say those plants are not going to become operational, period. Because that madman, that tyrant, if he is able to blackmail the President of the United States with refugees, imagine with Soviet-designed nuclear power plants. We are not only talking about a Chernobyl-type accident possibility, and I have the records in my files that within 72 hours as far north as Washington, D.C. would receive the radiation, the disaster would be without parallel, without precedent in this country. Not only an accident, but an incident manufactured or threatened by the Cuban tyrant with those nuclear power plants. Simply unacceptable. We are not only talking about the Cuban people being wiped out in the case of a Chernobyl, it is less than 200 miles from the United States. We are not talking about Chernobyl in the Ukraine. We are talking about Soviet-designed power plants less than 200 miles from the United States of America.

And where is the administration?

Mr. ROHRABACHER. Well, this administration, if the gentleman will yield, has a horrible record. This is totally consistent with what the administration did the last time we were out on vacation. What did they do? They moved to eliminate the final impediments to any type of trade with Vietnam. This administration which, by the way, has of course been involved in a scandal dealing with campaign donations that may have come from Red China, has done more to eliminate those people, the efforts by people to confront the Red Chinese on their human rights abuses.

So, should we be surprised that in this vicious dictatorship in Cuba that they overlook all of the evil that is so apparent to anyone who gives an honest look at the situation?

You know, I used to think these people were, you know, they just briefed in peace and they were so blinded by some desire for peace, but this is not a desire of peace. This is something pathological that when Communist countries and enemies of the United States are doing these type of things that you have outlined today, that we in some ways should try to befriend them and in some way that the threat to us is going to be less because we are befriending this type of monstrous regime.

Mr. DIAZ-BALART. The gentleman is correct in his analysis. The reality of the matter is that just a few days ago, March 20, a Fox News Service release which was distributed, I do not know how many newspapers in the United States picked it up, but nevertheless there was a release, a news release specifying this new commitment by the Russians of a $350 million line of credit to Castro for the completion of the nuclear power plants. This was in the news wires. And reading from that news wire, the scenario could not be more dire.

A nuclear disaster in Cuba that would send a plume of radioactive fallout across Florida and as far as Texas, the likes of which have not been seen since the 1986 accident at Chernobyl in the Ukraine. And it also could not be more plausible, say some Cuba experts now, that Cuba and Russia have announced plans to resume work on two long-stalled nuclear reactors located in the island Nation's western province of Cienfuegos, 180 miles from the United States.

The announcement came in the wake of Russia's decision just a few weeks ago to free up $350 million in credits offered to Cuba last year.

Quote, "This is a Chernobyl-like disaster just waiting to happen right off of our shores," end quote, said Roger Robinson, former senior director of international economic affairs at the National Security Council. Quote, "Anything could happen given such horrendous deficiencies in design and safety," end quote.

"So concerned is the U.S. Department of Defense," here is the reaction of the administration, "So concerned is the U.S. Department of Defense over the plant's safety that it plans to build a radiation detection facility in Florida that would alert residents" in the United States along the entire Gulf of Mexico and as far north as Washington, D.C. "of leaks from the two reactors."

The 1998 defense budget approved by Congress provides $3 million for the early warning system. That is not the solution. It is too late. If this warning, if this detection facility ever picks up radiation coming from those Chernobyl-style plants, it is too late. They cannot be permitted to come on line.

□ 2130

Mr. DIAZ-BALART. I thank the gentleman from California, and we will work very intensely in the coming months on this caucus in the Congress to educate our colleagues and the American people with regard to simply the unacceptable reality of the construction of those plants and that they cannot be completed.

With regard to the point made by the gentleman from California with regard to Castro's hatred of the United States, just the day before yesterday, a dear friend of mine, a former Cuban political prisoner, spoke by phone with one of the most respected and leading dissidents inside of Cuba.

There is an extraordinary story going on unreported in Cuba. I have a list of 500 activists in my office, in the streets of Cuba, in all the provinces who are disarmed, and they are seeking, they are fighting for democracy day in and day out peacefully, in the midst of that totalitarian system and suffering extraordinary repression.

Of course, there are thousands in prison. But just the day before yesterday, perhaps one of the most respected of those dissidents, a young lawyer, 33 years old, who we in this Congress nominated for the Nobel Peace Prize when he was in prison last year, and the gentleman from California joined in that petition to the Nobel Peace Prize Commission, because that young man certainly deserved it, and we hoped to see if we could help him in his physical integrity and protection while he was a political prisoner last year. He has now been released.

He was able to speak to a former political prisoner and very good friend of mine the day before yesterday. I would like to read the remarks and answers in his reply to the questions posed by this gentleman who is now in exile, because one of the points he makes is precisely about Castro's hatred for the United States.

But if I may, Mr. Speaker, the question was, what is Leonel Morejon Almagro, this renowned and respected dissident, what is he doing presently for his country?

"We are working," he answered. "Working and asking God to end this nightmare. We continue working on the plebiscite; we have a good number of signatures." Under the Cuban Castro constitution, theoretically, you can put something on the ballot if you have 10,000 signatures. Of course, they never recognize those signatures. He is working on that. He is thrown in jail on that, but nevertheless, he is working on it, trying to find unity, a consensus of the people to achieve something important in this country.

In everything else, trying to grow each day in the people, which is what is vital, to be able to perform a civic action that has real repercussions and can create a movement with the strength of the people, to make the government sit down and talk to us. Or to change the political map of the country. That or any other project that can bring about a consensus among the opposition, and in the end mobilize the masses of the people, the opposition, the dissidents with a common goal. That is the solution. I believe that revitalizing the Cuban Council at this point is important.

What are the changes that Castro has made?

Castro has made absolutely no change. Please, let us not make mistakes, let us not get happy, let us not have futile fantasies, nor celebrations in vain. Because Castro was very clear in his last speech. In his love to talk and talk, he said the following: "If they lift the embargo, those who are saying that if they lift the embargo we are going to change, we tell them," Castro said that if they lift the embargo, "we will create true socialism."

Please, Castro has not changed in the least. Castro has played a political hand, gentlemen. A pardon, to forgive some people. We are happy because here are our brothers such as Alonso Romero, Omar del Pozo, et cetera. They have not left Cuba, but they are supposed to, they are being held in Villa Marista. Each time a political prisoner is freed, we are happy, but that is not the solution. What do we gain if one political prisoner is released when tomorrow 20 others are arrested? The punishment is still there.

I am threatened with a 20-year prison sentence. They have told me this to my face, that if I continue working for democracy, they will put me away for 20 years. They do not let me speak, they shut me up. How can I possibly believe in a change in Fidel. Do not believe that, because if Castro fools you, then you are really dumb.

Question: How do you see the U.S. capitalist sectors who wish to invest in Cuba?

Until now, the United States has, more or less, been able to hold back Americans from investing in Cuba. I think that if they allow this to happen, this would be a great lack of respect toward the Cuban people. Not only do they want to invest in Cuba, they want to come here for the "mulatta," to be with the "Caribbean mulatta" or the tanned boy. The investors who are already in Cuba are paying trifles. We are like the Indians. They are buying us with necklaces, with glass beads. That is immoral. It is indignant.

If they are able to achieve their wishes of investing, where does that leave us; where does that leave the Cuban people who have been kicked around for years, insulted; where does that leave the people who have suffered beatings, the disrespect, the intolerance? Where does that leave us?

I believe in democratic capitalism, in the one that helps man. If they come here to invest, it is going to be a disaster, because the Cuban people are not ready at this time, under these circumstances. Because the Cuban people are a slave people. The Cuban people are slaves.

And under those conditions we cannot win, because nobody who respects himself, for a little bag at the end of the month and for $148 a year is going to work in this country, nobody is going to do it. And those who do it are unhappy doing it.

For this country to take off economically, there needs to be economic freedom. Cubans have to be able to invest. The people need to live. The people need to prosper, the people need to be able to buy a car when they want to, save money whenever they want to, and Castro is not going to allow that, because that is the way to losing power. Because for Castro to remain in power, he needs the CDR, the Committees for the Defense of the Revolution, militants among the youth, among the party. He needs to have the people hungry and the people under control.

Everyone knows that I am in favor of the Helms-Burton law.

We are talking about a brave man, talking by telephone to the United States. Everyone knows that. He says that he is in favor of the Helms-Burton law.

What I want is for Castro and the Cuban Government to give my people rights, to me, to my daughter, to my wife, and everyone.

The embargo is not a Cuban problem. I remember when I was in high school, in 12th grade. During that time, petroleum was being thrown away. Petroleum and gasoline were wasted, were used for no reason. Because 13 million tons were received each year. There was too much for an island such as this. To the point that oil was sold to Nicaragua, to Africa, and the Caribbean.

At that time, Fidel Castro didn't even remember the embargo. My God, it is not a blockade problem. Fidel Castro uses it as a shield, but when Castro does not have an embargo, he is going to have a conflict with the United States to say, well, the gringos lifted the embargo, but now we cannot leave our one party, nor can we abandon socialism.

And then he will say to those who come to invest that they have to be very careful, because they are our eternal enemies. The speech will then be that it is a strategy to threaten him, Castro. It is a strategy so that we open up and lose power. And then he will ask more than ever not to lay down arms. They will celebrate the lifting of the embargo as a political victory, and everything will remain the same.

Question: What policy should be followed?

Until there is a real opening in democratic Cuba, until we have the possibility of publicly debating the country's problems, until there is the possibility for real change, there can be no softening of the sanctioning of the government, with regard to the pressure on the government, acting as though it were a normal government. If the embargo is lifted, we are lost. It will be a great defeat for the country.

Question: In Europe they say that if the embargo is lifted, Castro will be forced to make changes.

No, not true. The economic avalanche will not have any effect because, in Cuba, there is no will for change. There is no entrepreneurial spirit in the regime. The economic avalanche, whatever it may be, is going to be calculated, controlled by the government. Precisely to avoid change. Because the Cuban people are under a strong economic, political and social control.

The world may open up for Castro, but Castro is not going to open up for the world. Because Castro is only going to open up to his interests or for the benefit of the Communist Party's interests.

Tomorrow the blockade or embargo can be lifted, and the Europeans want to invest in Cuba. But to invest in Cuba, they need to go through the government's commercial filters, because in Cuba there is no commercial freedom, it does not exist in an external or internal sense.

In Cuba, every internal investment needs to go through a commission which decides what is going to be done. Foreign investors cannot meet with Cuban partners.

What do you think motivates those who wish to save Castro? The underlying envy of Europe and the rest of the Americas towards the United States. Castro has utilized that very well. They see Castro as the symbol of anti-Americanism, the anti-yankee, and they want to save him. They want to save his legend.

But Castro has used that legend to hurt the Cuban people, to hurt you, and to hurt me. I cannot have a normal life. What I want most is to enjoy my life. I do not want to be president or even a councilman from Marianao.

What I want is democracy in Cuba. Then after that, I want to write poetry, study piano, I want to travel, I want to study ecology, dedicate myself to my wife and to my daughter. I want to dream. I want to write a book. I want to live, damn it. And that is impossible in Cuba, just impossible.

I am not a politician. What I am is an idealist. And, in Cuba, one cannot live. It is impossible. Because, in Cuba, one cannot live under this system. In Cuba, our dreams have been castrated, there is a castration of the Cuban youth.

What do you recommend be done at this time?

It is necessary to help the opposition. The opposition needs real and concrete help, not just in heart and soul, it is needed in every sense. Much can be done, but there are too few resources for everything. There is nothing here. There is not even a Crayola to paint.

The Cuban Council is hope. And what people do is flee, leave the country. That takes away from us. It takes away from us and we leave the solution in the hands of that man, of this man who is a monster, who is delirious, who is paranoid, a lunatic, whatever he is. Who has ruined our lives, who has ruined my life.

Are you scared of anything?

Yes, I am. I do not want to walk alone at night. I am worried because my wife is very nervous, due to threats I have received. I do not want a bus to mysteriously run over me. I am 33 years old, I do not want to be crucified. I aspire to live the happiest moment of my life, the moment of meeting again with you, with the good that you are, not the bad. The good that can be found in Cuba, to meet again and breathe, breathe in a free country. I want that. That will be the happiest moment of our lives.

I have a 6-year-old daughter. I sleep in one room with my wife and my daughter. She is growing. And I would like to offer her a better life. I am an attorney, I did well in my career, the time that I was working. I lost my career, I lost the possibility of practicing because I thought, and I think, that it was my duty as a man to tell the truth in court and not remain quiet before injustice. I have lost, not lost, but gained years lived in prison, because they have given me the honor of being able to tell my daughter and my grandchildren tomorrow that I suffered in prison for opposing Castro.

I do not want to lose my life, but if I have to lose it, I'd do it happily to destroy a hateful dictatorship in my country. But truly I want to live. I want to live. I want to be able to live. Look, in Cuba, one does not live; people leave Cuba because you cannot live here.

In Cuba, there is no future. Cuba is a country condemned to a totally indecent present.

> A hateful present. And somebody has to do it. It is my place to speak in the name of those Cubans who are afraid, very afraid, who have many responsibilities, what they cannot say.

Is there hope?

> In Cuba, there are thousands of people who are waiting for the opportunity. We can really destroy this in a matter of months, but we need to see the formula. What the people need to understand is that the solution is within us. Let us see how we get there. I have been trying to figure out how to do it. But we have on top of us the entire intelligence apparatus. We are a people controlled by the yoke.

What is the future of the Cuban opposition?

> I can guarantee you something. Perhaps tomorrow we cannot call upon a million people to show strength among the people, but I can tell you that no matter what they do to us, they will not be able to get rid of us, to eliminate us. The Cuban opposition was born, grew, and here to stay. Fall who may, and do what they do, we will be here.

What would you say to those who wish to invest while Castro is still in power?

> We have to tell them not to get desperate to invest in Cuba because they will lose more investing today than waiting for tomorrow. They should invest in a country with full economic rights and guarantees.
>
> That is the message that we have to give the Americans who are dying to invest in Cuba. We have to tell them to remain calm. They will have opportunities to invest in a country that really has economic potential, with security, and peace. Because Cuba right now is a time bomb, because a people such as this, is not going to, even if it is dormant, even if it is in a long lethargy difficult to wake from, it is not going to resign itself to live as slaves. Because Cuba, at this time, is a country of people who are tired and sodomized. Castro has simply sodomized the Cuban people.
>
> And we must tell those investors not to get desperate, help more by pressuring the government, more so that it opens up, more to make a safe society, a pluralistic society, a society with all its social dynamics, its freedom, and its capabilities open so that they may prosper.

Leonel Morejon Almagro, from Cuba, the national coordinator of the umbrella of 140 dissident and independent press and professional and workers organizations. This is the Cuban people speaking.

In addition to that, you know that the three Cuban American Members of Congress, both Republicans and Democrats speak like this man speaks, because we know what the Cuban people feel.

Our friends in Congress here, who are all of you, coincidentally, who are here this evening, from both parties, the friends of the Cuban people respect the Cuban people and want free elections for the Cuban people, and they listen to the Cuban people's representatives like Leonel Morejon Almagro. I thank the representatives.

On behalf of Leonel Morejon Almagro and the Cuban people, I thank the representatives of the American people and the American people for standing on the side of Cuba's right to be free.

□ 2145

Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, I think that it is vital that we understand that if we do what is right now, and we have the courage, as this man suggested in the reading, that we discipline ourselves and not rush in to try to invest in Cuba before Castro is gone.

Castro will some day be gone, whether it is natural causes or otherwise, and the Cuban people will have a chance to be free. But I fear that American businessmen, as they are doing in China and as they are doing in other dictatorships, are rushing not to try to have a positive influence, but instead, are looking at the quick buck and are establishing economic ties with these totalitarian regimes which will give life to those regimes.

In other words, I believe that once American businessmen invest in Cuba, we will find that Communist Cuba has a whole new group of advocates in the United States, as we have seen in China, as we have seen people who are supposed to be talking about democracy in China because they are Americans and they are investing in China and up spending all of their time trying to do what? Trying to lobby us not to be tough on China because of the abuses of human rights there. This same thing could happen in Cuba.

Mr. DIAZ-BALART. Mr. Speaker, reclaiming my time, at the very least, even though we have not been able to prevent what I personally consider an immoral policy with regard to the Chinese Government, because the real matter is that the Chinese Government uses slave labor and the multinational corporations are investing in that market and benefiting from the slave labor of the Chinese people. We have not been able to stop that because it is a billion people and it is too strong for us to have stopped it.

But at the very least we can say in this hemisphere, this is a hemisphere of democracy and this is a hemisphere of freedom and the Cuban people are not the only people that should be condemned to live in tyranny in this hemisphere; no, they deserve to be free.

Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS), the gentlewoman from New York (Mrs. MALONEY), the gentleman from New Jersey (Mr. PALLONE), my colleagues that are here. They are representative of the overwhelming majority of the Congress of the United States in both parties who stand with the right of the Cuban people to be free.

We are, in the next few days, going to celebrate the 100th anniversary of the resolution passed by this Congress that said Cuba is and it ought to be free and independent, as we told the Spanish colonialists, who invented the concentration camp under General Wahler. By the way, interestingly enough, Castro's father was sent to Cuba to fight the Cuban insurrection as a Spanish soldier under General Wahler and General Wahler invented the concentration camp, and he put entire segments of the Cuban population in concentration camps to defeat the insurrection.

Mr. Speaker, it was the American people, and the American people alone, that stood with the Cuban people, and Cuba was free and independent. The United States withdrew from Cuba after helping the Cuban people defeat Spanish colonialism in 1888 and the United States withdrew in 1902.

The relationship between Cuba and the United States has always been friendly, except for this madman who represents the anti-Cuba and who will soon be gone from the face of the Earth and will be in the dust bin of history.

I thank the Congress of the United States; I thank the leaders who are here who represent the majority opinion of the Congress and of the American people, and I thank the American people for time after time after time standing with freedom, standing with democracy, two times in this century, saving the world from tyranny. This is a noble people, and what an honor to be able to stand in this Congress of this great Nation of the United States of America.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I am here tonight with my colleagues to commemorate the 177th anniversary of Greek Independence Day, which is a national day of celebration of Greek and American democracy.

While commemorative resolutions are no longer permitted in this House, there is still tremendous support for Greek Independence Day. Every year since 1986, a resolution has been cosponsored by over 50 Senators and passed in the Senate, as well as one in the House, sponsored by over 218 Members, and passed.

The President of the United States has once again signed a proclamation this year recognizing this day as Greek Independence Day, and I would like to insert his proclamation into the RECORD at this time.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY, 1998

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION

This year, as we mark the 177th anniversary of the advent of Greece's struggle for independence, we celebrate with the Hellenic Republic and recognize the close ties that have long existed between Greece and the United States. Through two centuries, our nations have enjoyed a strong and enduring friendship. For more than half a century, we have stood together in NATO, modern history's most successful alliance.

Our bonds are deeper still, however, for we are joined by blood, culture, and a profound commitment to shared values. Greek ideals of democracy and freedom inspired our Nation's founders and breathed life into America's experiment with democratic self-government. Generations of Greek Americans have enriched every aspect of our national life—in the arts, sciences, business, politics, and sports. Through hard work, love of family and community, steadfast commitment to principle, and a deep love of liberty, they have contributed greatly to the prosperity and peace we enjoy today.

The bonds between America and Greece, in fact, have never been stronger than they are today. We are partners in the effort to find a lasting, peaceful solution in the Balkans and to build an enlarged NATO that will enhance our common security. As our two nations prepare for the challenges and possibilities of the new millennium, we look forward to building on that partnership so that the seeds of democracy we have nurtured together for so long will bear fruit in a bright future not only for ourselves, but for our global community.

Now, therefore, I, William J. Clinton, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 25, 1998, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy. I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs.

In witness whereof, I have hereunto set my hand this twelfth day of March, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.

WILLIAM J. CLINTON.

Mrs. MALONEY of New York. Mr. Speaker, Greece has been called the birthplace of United States democracy, and I would like to quote: "Our Constitution is called a democracy because power is in the hands not of the minority, but of the whole people. When it is a question of settling private disputes, everyone is equal before the law. When it is a question of putting one person before another in positions of public responsibility, what counts is not the membership of a particular class, but the actual ability which the man or woman possesses."

This sounds like it could have been written by one of our Founding Fathers, but it was actually written by Pericles in an address made in Greece 2,000 years ago.

Thomas Jefferson once said, "To the ancient Greeks we are all indebted for the light which led ourselves, the American colonies, out of Gothic darkness."

Just as Greek ideas of democracy and individual liberties became the foundation of our government, the American Revolution became one of the ideals of the Greeks as they fought for their independence in the 1820s. Greek intellectuals translated the Declaration of Independence of the United States and used it as their own declaration.

During the fight for independence, a Greek commander in chief, Petros Mavromichalis, appealed to the citizens of the United States saying, "Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy, since it is in your land that liberty has fixed her abode, and by you that she is prized by our fathers. Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you. It is for you, citizens of America, to crown this glory."

Through two centuries, Greece has been a long and trusted ally. In fact, they fought alongside the United States in every major international conflict of this century. For more than half a century, we have stood together in NATO, in friendship, and in alliance.

During the early 1900s, one of every four Greek males between the ages of 15 and 45 departed for the United States of America, and I might add that many of them settled in Astoria, Queens, which I am fortunate to represent. Astoria is one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. It is truly one of my greatest pleasures in Congress to be able to participate in the life of this community with the wonderful and vital Greek American friends that I have come to know.

I have also had the pleasure of establishing, along with my great friend from the great State of Florida, (Mr. BILIRAKIS) the Congressional Caucus on Hellenic Issues. This caucus allows Members of the House to join together to find ways to work together toward better United States Greek and Cypriot relations.

We are here tonight because 177 years ago the revolution which freed the Greek people from the Ottoman Empire began. Greece remained under the Ottoman Empire for almost 400 years, and during this time, the people were deprived of all civil rights. Many volunteers from various localities in the United States sailed to Greece to participate in Greece's war for independence.

So today, as we mark the 177th anniversary of Greece's struggle for independence, we celebrate with the Hellenic Republic and recognize the close ties that have long existed between Greece and the United States.

On this occasion we should also direct our attention to the Island of Cyprus, which for 24 years now has been striving for an end to its tragic division and the illegal Turkish occupation of 37 percent of the island. Again, Cyprus is on the verge of becoming a flash-point for regional conflict because of Turkey's opposition to European membership for Cyprus. Last fall, H.R. 81 passed the House of Representatives unanimously calling for a peaceful solution to the Cyprus problem. President Clerides of Cyprus was recently reelected to a second term, and Cyprus is to begin negotiations with the European Union next week on March 31st.

Mr. Speaker, it is now time to reaffirm our commitment to a peaceful solution. We must use Cyprus's EU accession as an impetus for positive progress and not let Turkey use it as an excuse for heightened tensions. A positive contribution by Turkey to help resolve the situation in Cyprus would facilitate Turkey's aspirations to become a member of the European Union. We should use our influence in the region to help Turkey to understand this.

That is why I, along with many of my colleagues, introduced a resolution to assert our position on a peaceful solution to Cyprus. This bill encourages Turkey to work with Greece and Cyprus to find a just solution, and I would like to introduce into the RECORD at this time the resolution which the gentleman from Florida (Mr. BILIRAKIS) and I are presenting today with well over 32 cosponsors.

H. CON. RES.

Whereas President Glafcos Clerides of the Republic of Cyprus was recently re-elected for a second 5-year term with a renewed mandate to resolve the situation in Cyprus arising from Turkey's invasion of the island in 1974 and its continuing military occupation of 37 percent of Cyprus' territory;

Whereas the international community, including the United States, is expected to engage in a sustained effort to bring about a just, viable, and comprehensive solution to the situation in Cyprus;

Whereas Cyprus will begin negotiations with the European Union on March 31, 1998, for accession to the European Union;

Whereas it is recognized that the prospect of Cyprus' accession to the European Union could serve as a catalyst for resolving the situation in Cyprus;

Whereas the entire population of Cyprus, including the Turkish Cypriots, would benefit greatly from Cyprus's membership in the European Union;

Whereas a positive contribution by Turkey to the solution of the situation in Cyprus, as repeatedly called for by the United States and the international community, will not only facilitate Turkey's aspirations in Europe but will also enhance stability and peace in the Eastern Mediterranean and will safeguard the interests on the United States in the region;

Whereas the United States Government has sought to identify the remains of United

States citizen Andreas Kassapis and hopes that this action will lead to further breakthroughs on the subject of the missing from both communities in Cyprus;

Whereas, in July 1997, the House of Representatives and the Senate adopted House Concurrent Resolution 81 and Senate Concurrent Resolution 41 calling for a United States initiative to resolve the situation in Cyprus on the basis of international law, the provisions of relevant United Nations Security Council resolutions, democratic principles, including respect for human rights and fundamental freedoms, and in accordance with the norms and requirements for accession to the European Union;

Whereas the House of Representatives and the Senate in these concurrent resolutions also consider that lasting peace and stability on Cyprus could be best secured by a process of complete demilitarization of the island;

Whereas United Nations Security Council Resolution 1092 of December 23, 1996, states that a Cyprus settlement must be based on a state of Cyprus with a single sovereignty and international personality and single citizenship, with its independence and territorial integrity safeguarded, and comprising 2 politically equal communities as described in the relevant United Nations Security Council resolutions in a bicommunal and bizonal federation and that such a settlement must exclude union in whole or in part with any country or any form of partition or secession; and

Whereas the Congress intends to remain actively seized of the matter: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress strongly urges the President—

(1) to seize the opportunity presented by the beginning of a new presidential term in the Republic of Cyprus and the opening accession negotiations between Cyprus and the European Union to launch an initiative to resolve the situation in Cyprus based on the parameters and principles set forth in House Concurrent Resolution 81 and Senate Concurrent Resolution 41 of the 105th Congress and United Nations Security Council Resolution 1092 of December 23, 1996; and

(2) to continue the bimonthly reports to the Congress on the active engagement of the United States in the efforts to find a solution to such situation in Cyprus.

Mrs. MALONEY of New York. Hopefully, Mr. Speaker, we will soon celebrate Cyprus Day when, once again, the entire island would be united. However, the reason we are here today is to celebrate Greek Independence Day. There has always been a very special bond of friendship between our two countries, and there is no better way to show this than as we did today with a concrete vote on this floor which was helpful to Greek citizens in our country.

Today, Congress voted overwhelmingly, 360 to 46, for an amendment. This amendment will allow people from Greece to travel to the United States, whether for business or pleasure, without getting a visa, just as Greece allows Americans to travel to their country without a visa.

I would really like to end with a quote from the great poet, Shelley, and he said, "We are all Greeks. Our laws, our literature, our religion, our art have their roots in Greece." Tonight we celebrate Greek independence and the many contributions of Greece to American culture.

Mr. Speaker, I yield to the gentleman from Florida, (Mr. BILIRAKIS), the cofounder and cochair of the Hellenic Caucus. We appreciate all of the gentleman's hard work on behalf of a better bond of friendship between Greece and the United States.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman. I thank her for leading this Special Order and for her great work regarding the human rights areas particularly of Greece and Cyprus.

Mr. Speaker, I too proudly rise today to lead my colleagues in honoring the valiant Greek freedom fighters who began an arduous struggle to win independence for Greece and its people on this day 177 years ago. So today, we do celebrate Greek Independence Day.

My colleagues may ask themselves, why we are commemorating those who secured independence for Greece, and the answer is really simple. Greek Independence Day, like the 4th of July, reminds us that we have a duty, a moral responsibility, to defend freedom, whatever the cost. Today we pay tribute to all of history's freedom fighters. We honor their triumph and spirit, because they valiantly fought and died for the ideals we and they hold dear.

One American patriarch, President Ronald Reagan, said that freedom is a fragile thing and is never more than one generation away from extinction. He reminded us that freedom is not ours by inheritance, but must be fought for and defended constantly by each generation.

□ 2200

As we know, freedom is not free. Our freedom has been paid for with hundreds of thousands of lives, with sweat and blood, and with a measurable sacrifice. The freedom we enjoy today is due to the sacrifices made by men and women who were willing to accept the highest and most noble responsibility, that of defending and promoting freedom.

This spirit of freedom began in ancient Greece, but it has manifested itself around the world in different centuries throughout history. History has provided shining examples of heroic fights for freedom. For instance, we saw it in Afghanistan, where its people defied the Soviet Union and refused to be oppressed. Afghanistan, like Greece, was ravaged, its people murdered and its villages destroyed.

Just as the Greek patriarchs fought foreign domination, the Afghan people refused to submit to Soviet aggression. They persevered because they believed that they should determine their own destiny.

Let me emphasize that all civilized nations inherited the principles of freedom and democracy from ancient Greece. The Greeks forged the first society which was governed by these principles.

We also celebrate this day because it marks the symbolic rebirth of democracy. On this day, as we have already said, 177 years ago Greece began to restore its glorious heritage through a desperate and unequal struggle for freedom. On March 25, 1821, the Greek people rose in rebellion, igniting a 7-year struggle for independence from 4300 years of foreign domination by the Ottoman Turks. That historic day led to a widespread revolution that attracted international attention.

In fact, President James Monroe issued a declaration in December, 1822, supporting, as he called it, Greece's noble struggle. It read, in part, and I quote, "That such a country should have been overwhelmed and so long hidden under a gloomy despotism has been a cause of unceasing and deep regret. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the Earth."

When the Greeks began this glorious revolution after 4 centuries of Turkish oppression, they faced what appeared to be insurmountable odds. It was truly David versus Goliath. The Greek freedom fighters had an unwavering commitment to the cause of freedom, and were prepared to live free or die. Reminiscent of Patrick Henry's famous declaration, "Give me liberty or give me death," the Greeks adopted their own creed, "Eleftheria I Thanatos," liberty or death.

In his book, Freedom and Death, renowned Greek author Nikos Kazantzakis recounted the last battle of his hero, a Captain and Greek patriarch who was surrounded by Turkish forces and contemplated the wisdom or folly of sacrificing himself and his men.

Kazantzakis writes, "He looked about him at the comrades, down at the Turks far below, up at the uninhabited sky high above. Freedom or death, he muttered, shaking his head fiercely, freedom or death. Oh, poor Cretans. Freedom and death, that's what I should have written on my banner. That is the true banner of every fighter, freedom and death, freedom and death."

In the ensuing battle moments later a bullet pierced his head and gave him both, freedom and death. Our Greek brothers earned their liberty with blood. As I have recounted many times before, the history of the Greek war for independence is filled with acts of heroism. The fabric of Greek independence is woven from remarkable acts by common people united with a singular purpose to break free from Turkish oppression.

It is a story of the Klephts who descended upon their invaders from the mountain stronghold. It is also the story of the Hydriots, seafarers who broke the Ottoman naval blockade. It is a story about the Philhellenes who took tales of heroic Greek actions to Europe, where they gained international recognition.

The spirit of Greek heroism continues in freedom's defense. The Greek landscape has changed remarkably since I came to Congress. I was elected to this body when tensions from the Cold War had reached epic proportions. We lived in a world that feared, if not expected, nuclear war and its devastating consequences. Eastern Europe remained behind the iron curtain of communism, and its people lived largely at the mercy of leaders in the Kremlin. We lived in a world divided between those who were free to determine their destinies and those who were not.

There is probably no better or perhaps worse symbol of this division than the Berlin Wall. The wall divided Berlin physically, but its meaning divided the world. Through determined American leadership and a strong desire to be free, the winds of freedom blew through Eastern Europe and liberated a continent oppressed by Communist rule.

I know my colleagues shared the pride that I felt watching tiny cracks of freedom grow until the Berlin Wall crumbled under the weight of its oppressive rule. We have witnessed freedom and democracy triumphing over tyranny and oppression time and time again. Yet, in some parts of the world, the struggle for freedom and independence continues today.

Ironically, it is still being challenged in the Mediterranean. Turkey continues, Mr. Speaker, to illegally occupy Cyprus, as it has since its brutal invasion, code named Atilla, in 1974. Since the invasion, 1,614 Greek Cypriots and five Americans have been missing.

As a result of a congressional mandate, our government recently discovered the remains of one of these Americans, a young boy, Andreas Kasapis, who was 17 when the invasion occurred. I am proud to announce that I am an original cosponsor of legislation to address this serious matter.

The bill was introduced by my cochair of the Hellenic Caucus, the gentlewoman from New York (Mrs. CAROLYN MALONEY), and urges the President to resolve the unacceptable division of Cyprus. This legislation also asks the President to report to Congress on U.S. efforts to promote a solution in Cyprus.

The United States, Mr. Speaker, we know cannot be the world's policeman, but we must use our freedom to help others who share our passion for liberty and peace. Our Nation has always been willing to fight for freedom on behalf of others. As Americans, as defenders of democracy, as righteous human beings, we must not and cannot remain idle while Cyprus remains divided.

Finding a fair resolution for Cyprus will help stabilize a region that is more often marked by conflict than accord. Cyprus has been a strong U.S. ally for many, many years. As partners in the fight for freedom the United States must accept responsibility and meet its obligation to Cyprus. Actions do speak louder than words, and thus far our actions have paled in comparison to our words.

Let me emphasize that this is certainly not a partisan issue. Cyprus has been divided for 24 years, a time that has spanned both Republican and Democratic administrations.

To those who preach freedom but promote inaction, the U.S. did not remain neutral when imperialism shook Europe's foundations during World War I, and the U.S. did not fail to act when the clouds of German and Italian atrocity descended upon Europe and the rest of the globe during World War II. Throughout the history of the United States, we have answered the call of freedom.

We are fortunate to live in the greatest democratic republic in the world. Therefore, as the leaders of the free world, we must foster freedom when it is challenged. In October we were graced by his All Holiness, Patriarch Bartholomew, who is the spiritual leader of 300 million orthodox Christians worldwide, including 5 million Americans.

In his remarks in the Capitol Rotunda, Patriarch Bartholomew eloquently noted that the orthodox church "may be opposed, but opposes no one; may be persecuted, but does not persecute; is fettered, but chains no one; is deprived of her freedom, but does not trample on the freedom of others."

I was heartened, Mr. Speaker, when Congress awarded the Congressional Gold Medal to Patriarch Bartholomew in October. He received this honor, the highest that can be bestowed upon an individual by Congress, because of his commitment to promote peace, understanding, and religious tolerance around the world.

The Patriarch spread his message of peace, even though the Ecumenical Patriarchate in Istanbul has been repeatedly subjected to terrorist attacks. The latest act of violence came only weeks after the Patriarch delivered his stirring speech to Congress. I have introduced legislation urging the U.S. government to provide protection to the Patriarchate and its personnel.

Again, I would, Mr. Speaker, like to thank my friend, the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), who always joins us in our special orders, for supporting the inclusion of this language in the conference report on the State Department Reauthorization Act. We must continue to take a strong stand in support of religious freedom and human rights worldwide.

Let me close with the words of President John F. Kennedy, who in June, 1963, spoke to the citizens of West Berlin at the Berlin Wall. He correctly pointed out that freedom is indivisible, and when one man is enslaved, all are not free. He went on to say that all free men were citizens of Berlin.

Mr. Speaker, all free men are Philhellenes. We must end the division of Cyprus and reaffirm our commitment to the Greek patriarchs who led Greece out of the darkness of tyranny and into the light of freedom and democracy. If we are to maintain our freedom, we can neither take it nor its architects for granted.

That is why I stand here with the gentlewoman from New York (Mrs. MALONEY), and so many of my other colleagues who have yet to speak, every year to honor those who secured independence for Greece. Again, I thank the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his very eloquent remarks and leadership in the Hellenic Caucus.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. FRANK PALLONE), who is the chair of the Armenian Caucus, and has been a leader on Greek issues and many other important issues before this Congress.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman. I would like to begin, as I do every year, by thanking the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Florida (Mr. BILIRAKIS) for organizing this hour to honor the anniversary of Greek Independence Day.

My colleagues, my two colleagues, are both tireless champions of Greek-American relations, and I thank them both for their leadership of the congressional Hellenic Caucus, and their tireless efforts to strengthen the ties between our two countries.

Today, March 25, it has been noted, Greece celebrates its 177th year of independence. And despite the late hour, many of us are pleased to be able to take this time to praise a society that represents, in a historical sense, the origins of what we call Western culture, and in a contemporary sense, one of the staunchest defenders of Western society and values.

There are many of us in the Congress on both sides of the aisle who are staunchly committed to preserving and strengthening the ties between the Greek and the American people. I would say that Americans and Greeks are growing even closer, bound by ties of strategic and military alliance, common values of democracy, individual freedom and human rights, and close personal friendships.

In the early 20th century, Mr. Speaker, Greece stood by the United States in World War I. When Hitler's war machine decimated Europe in the middle of this century, Greece again stood on the same side as the United States; I might add, at great cost to the Greek people and the Greek Nation.

History has shown that the historic battle of Crete, in which the indomitable spirit of the Greek people forced Hitler to delay his planned invasion of Russia, was one of the most important battles of the Second World War.

Last October I joined my colleague, the gentleman from New Jersey (Mr. PAPPAS), who is here tonight, in paying tribute to "Ohi" Day, commemorating that day in 1940 when Greek Prime Minister Metakis refused Mussolini's ultimatum to surrender with an eloquent one-word answer, "Ohi", Greek for no.

World War II's aftermath left Europe mired in the Cold War, and Greece, then a NATO ally, and a NATO ally to this day, once again answered the call. Greece showed its national valor and sense of historic mission, joining forces with the United States in preserving and protecting the freedoms enjoyed today by an unprecedented number of the world's people. The qualities exhibited by the Nation of Greece, Mr. Speaker, are a reflection of the strong character and values of its individual citizens.

The United States has been greatly enriched as many sons and daughters of Greece made a new life here in America. The timeless values of Greek culture have endured for centuries, indeed, for millenia. But I regret to say, Mr. Speaker, that to this day the Greek people must battle against oppression.

My two colleagues have already mentioned that for almost 24 years now, Greece has stood firm in its determination to bring freedom and independence to the illegally occupied Nation of Cyprus. Like their forefathers, who were under control of a hostile foreign power for four centuries, the Cypriot people hold fast in defiance of their Turkish aggressors with every confidence that they will again be a sovereign nation. Negotiations aimed at achieving settlement to the Cyprus issue are an important priority for American foreign policy.

I just want to say that I am proud to be an original cosponsor of legislation that was introduced today by the gentlewoman from New York (Mrs. MALONEY) and also the gentleman from Florida (Mr. BILIRAKIS) that asserts our strong support for a peaceful solution in Cyprus. We have to keep up this effort, as these two leaders in Congress have done, in making it clear that we want an independent and sovereign Cyprus that is united and that is free of Turkish military rule.

The reelection of President Clerides and the bid of Cyprus to join the European Union also offer an historic opportunity for peace on the island. I would point out to Turkey that a positive contribution by that country to both the peace process and the European Union accession by Cyprus could be a start in helping Turkey undo some of the damage they have caused with their intransigent and aggressive policies.

We also have to continue to work with Greek leaders and the United Nations to secure protection for the Ecumenical Patriarchate and orthodox Christians residing in Turkey. As the gentleman from Florida (Mr. BILIRAKIS) mentioned, last year we were shocked by the terrorist attack on the Ecumenical Patriarchate in Istanbul. Many of us in this Congress called on our administration to issue a strong response to this tragic, senseless act. Many of us have also staunchly opposed the transfer of U.S. military hardware to Turkey.

□ 2215

As the cochair of the Congressional Caucus on Armenia Issues, and I know the gentlewoman from New York mentioned that before and I appreciate it, and also as a member of the Hellenic Caucus, I have consistently fought to change U.S. policy with regard to Turkey. I have sought to block the Turkish Government's efforts to pay big money for Turkish studies chairs at prestigious American universities as an instrument of spreading Turkish propaganda.

The gentleman from California (Mr. SHERMAN) has joined me in many occasions here on the floor, trying to prevent the Turkish Government and the acceptance of money by various American universities from the Turkish Government through these various Turkish studies programs or Turkish chairs that come with strings attached, that basically allow them to spread Turkish propaganda and not tell the truth about the history of Turkey or the history of Armenia or the history of Greece. Turkish leaders must understand that they will not continue to benefit from U.S. economic subsidies if they continue to flout the very values that America, Greece, and other freedom-loving nations of this world stand for.

In closing, I just want to congratulate the Greek people for 177 years of independence and thank them for their contributions to American life.

And I want to thank the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Florida (Mr. BILIRAKIS) for organizing this tonight. All of us are going to continue with our efforts to not only continue to bring up Greek Independence Day, but fight for Cyprus and fight for the other values that Greece and the Greek people hold dear.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman from Pennsylvania for his statement.

Mr. Speaker, I would now like to yield to the gentleman from Pennsylvania (Mr. KLINK). He is a leader in the Hellenic Caucus. He is one of the reasons that we were successful on the floor today in achieving the visa waiver. I yield to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for her leadership, and also thank my dear friend, the gentleman from Florida (Mr. BILIRAKIS), for his leadership in the Hellenic Caucus. We have risen on the floor together so many times on issues that were of importance to Hellenes and philhellenes. We have met together with very important dignitaries who have arrived, from the patriarchy to the leaders in the Greek Government. Many of us have traveled together to Greece.

Mr. Speaker, I want recall, and I have shared with my dear friend, the gentlewoman from New York, stories of a trip that the gentleman from Florida (Mr. BILIRAKIS) and I took last August. She has been such a great leader on these issues that many people in the Greek-American community often refer to her as Bouboulina, who is, of course, the lady who risked her life, her fortune, and everything else in building a fleet of ships to fight for the independence of Greece. The gentleman from Florida and I had the wonderful opportunity last year to travel to the home of Bouboulina, and we wish that our friend, the gentlewoman from New York (Mrs. MALONEY), had been with us because I tell her that she was in our minds and our hearts the whole time we were there.

We appreciate the fact that people because, we have a reason for the feelings that we have, and that is the fact that I am of Greek parentage, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from New Jersey (Mr. PAPPAS) as well, but our friends and colleagues who take on this issue, because this is in their heart and their mind, and we appreciate what they have done.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his statement and all of his hard work and leadership.

Mr. KLINK. Mr. Speaker, if the gentlelady would yield, I thank her very much. Every family who has come from Greece has stories. If we look at the ceremonial uniforms of the Greek soldiers, they have the pleated kilts; and these tall, strong-looking Greek soldiers, and there are 376 pleats in their kilt, one for each year that the Greek nation was held in domination by the Ottoman Empire.

My own family, and I did not have the opportunity to meet the Greek half of my family, it is a long story which I will not go into here. But I did not have the opportunity to meet the

Greek half of my family, because of estrangement and divorce, until I was almost 40 years old. I had the opportunity to go to Kalimnos, which is an island off the coast of Turkey where my family came from, as well as the family of the gentleman from Florida (Mr. BILIRAKIS), my dear friend. In fact, we found here we are a Republican from Florida and a Democrat from Pennsylvania, and our families lived on the same tiny island off the coast of Turkey. In fact, we were neighbors, when we got to talking about where we come from, and here we are neighbors on issues in Congress.

They told us about what had happened to the family during almost 400 years of what was practically servitude and enslavement by the Ottoman Empire and by the Ottoman Turks. In fact, the family name at that point had been Papaelias, which meant there was a priest back in the family heritage whose name was Elias. During the time they were under domination by the Turks, the name became Giavasis, which came from the word "giavas," which is a Turkish word for "slowly," and the reason was simply that they had gone into a 400-year work slowdown.

My family were architects and builders, and so during the virtual servitude to the Turks, 400 years of it, they used to build and to draw designs of buildings. They went into this work slowdown, and so the Turks said "giavas," or "slowly," and the family name eventually became Giavasis for the fact that they had this slowdown that lasted generation after generation after generation.

Every family has stories, some of them very tragic, of what happened to their ancestors during this almost enslavement and involuntary servitude under the Ottoman Turks.

It is ironic that the birthplace of democracy was subjected for so many centuries to a form of domination as the Greeks lived under the Turkish domination for 376 years, political oppression, no kind of freedom. But in 1821, Greece began a very successful fight for independence and today, 177 years later, we celebrate the fact of Greek independence.

Mr. Speaker, I would say there are truly many words in the statement of the gentleman from Florida that freedom fighters all over the world, of whatever nation or whatever race, share together that vision of freedom.

Greece is the home of democracy. Democracy will, I think, for all time, be the greatest gift of the nation of Greece to the rest of the world. The ancient Greeks passed down to us a government that places authority directly in the hands of all the people. How wonderful that we have the opportunity here to stand in the people's House and to talk and to share the heritage of what at that time was a very revolutionary idea that not kings, not emperors, not some quasi-God, should be the dictator of what would happen in men's lives, but that the men and women themselves would be able to make those decisions themselves.

Our founders chose to adopt a Democratic system, just as the Greek Constitution enshrines democracy as the governing rule of the Hellenic Republic. I had an opportunity on a previous trip to Greece to go to the island of Khios that lost much of its population back in 1974 after the Turks invaded the island of Cyprus.

When we start to learn about the struggle that took place over that 400 years of Turkish rule, we find that people like Thomas Jefferson had a constant correspondence with the Greeks to encourage them to fight for themselves and to once again become a nation of democracy. If we go back to the roots of our tree of democracy, we find that our Founding Fathers and the people who eventually got to the point where they were able to lead a successful Greek revolution, share their ideals and corresponded and had a dream that people themselves throughout this world would be the ones to govern, people themselves would make the decisions.

Americans and Greeks fought together for the principles of democracy during World War II. We stuck together during the Cold War. And today we celebrate Greek independence.

We also have to take time to remember those who still endure oppression anywhere in the world, those who are denied freedom. Democracy does come with responsibilities to always seek peace, but to fight for freedom and to fight for human rights when we must fight, and to continue to build upon a strong democratic foundation.

Again, the gentleman from Florida (Mr. BILIRAKIS), my friend, mentioned, and I am not going to go too far into detail because I know some other friends are waiting to talk, we have to go back, "Ich bin ein Berliner." We were all Berliners because people were behind that wall when President Kennedy said, Mr. Kruschev, take down that wall. Today the divided city is Nicosia in Cyprus.

Since 1974, that city has been divided; 1,609 Greek Cypriots and American citizens remain missing. And it was only March 5, after nearly 24 long years, that the family of Andrew Kasapis of Detroit finally found the remains of that 17-year-old American citizen who was ripped from the hands of his family, ripped away with his passport still on him, and was murdered.

They found his bones scattered in what was no more than a field. And although it took this Congress to take action and it cost millions of dollars to do the most modern DNA screening to determine that that was the remains of this young 17-year-old American citizen, we still do not know where are the over 1,600 other bodies. When will those families seek the peace of at least knowing what happened to their relatives?

On this island nation of Cyprus, the Turks must again allow freedom to move forward, must allow Greek Cypriots and Turkish Cypriots to live together, to have free elections, to live together as neighbors; allow the Greek Cypriots, who were taken from 30 percent of that island where the green line cuts across, to go back into their homes, to go back into their churches of worship which have now become stables, barns, brothels, bars. Imagine such degradation to have one's church turned into a brothel or bar or barn.

Mrs. MALONEY of New York. Mr. Speaker, I wanted to add to some of the gentleman's comments. Today the gentleman from Florida (Mr. BILIRAKIS) and I had a meeting with the Hellenic Caucus and Mr. Miller, the special assistant to Richard Holbrooke, the special envoy who has been supported by President Clinton to support peace efforts in Cyprus, he gave a detailed report which the gentleman from Pennsylvania has brought part of it to the floor today. He also mentioned that they have not received information on the other four missing Americans, but they are working on the report, and he hopes to be able to bring it back to Congress and report to all of us exactly what happened.

I just want to thank the gentleman from Pennsylvania for helping pass this resolution that led to this report that has brought some conclusion for the Kasapis family, but not for all the other families.

Mr. Speaker, I yield back to my colleague.

Mr. KLINK. Mr. Speaker, I thank the gentlewoman for those comments. One family out of 1,619 families has answers. They are not pleasant answers to think that your 17-year-old son, who would now be 41 years old, died in this field, his bones scattered. Only through plowing and digging have these bones been recovered, and not in a grave.

Mr. Speaker, what kind of peace is that? At least they have the knowledge of knowing that he is not languishing in a prison or in slavery, but in fact probably suffered a horrendous death. That is little peace, but at least we know what has happened.

The division of Cyprus has been a problem for the international community since Turkey's invasion of the island in 1974. Its subsequent illegal military occupation of the northern 37 percent of the country has stopped any kind of growth. Cyprus could become a flashpoint for regional conflict because of Turkey's opposition to European membership for Cyprus into the European Union.

Cyprus should be allowed to thrive. Last fall, H. Con. Res. 81 passed the

House of Representatives unanimously, calling for a peaceful solution to the Cyprus problems. The President of Cyprus was recently reelected to a second 5-year term, and Cyprus is about to begin negotiations with the European Union.

Mr. Speaker, we want peace. We would like to see Turkey admitted to the European Union. And Greece would like to see that. The gentleman from Florida and I spoke to the leaders of Greece. They would like to see Turkey admitted to the European Union. But to do that, Turkey must obey the U.N. resolutions, they must become a member of the family of nations, which they have ceased to do.

We do not look forward to having votes where we spank Turkey. We want them to do the right thing and they have not done that.

□ 2230

And they have not done that. So I thank my friends for their leadership. I will yield back my time because I have some other friends who are waiting here to speak.

But we could take hour upon hour. These are things that are near and dear to our heart. And the leadership that the gentlewoman from New York (Mrs. MALONEY) and the gentleman from Florida (Mr. BILIRAKIS) and the friendship that you have given us and the leadership in taking us to Cyprus, to Greece, has given us a tremendous education not only of the current situation but of the history of mankind and the need for conscientious, freedom-loving people to stand up for other people who are oppressed whenever they can.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his really moving statement tonight.

I now yield to the gentleman from New Jersey (Mr. PAPPAS), newly elected to the 105th Congress, but already a leader here on Hellenic issues and many other issues of concern for New Jersey and our country. I thank him for participating.

Mr. PAPPAS. Mr. Speaker, I thank the gentlewoman for yielding. And I want to thank her and our colleague, the gentleman from Florida (Mr. BILIRAKIS), for their work on behalf of all of us who are interested in the Hellenic issues.

As cochairs of the Hellenic Caucus, they both have been active in informing this Congress about issues of importance to the millions of Americans of Greek descent. Today's successful vote on visa waiver extension is an important example of why the Hellenic Caucus' role is important in this Congress, and I thank both my colleagues for their leadership.

One hundred seventy-seven years ago, the Greek people declared their independence from foreign oppression by the Ottoman Empire. After inspiring America with the democratic ideals of ancient Greece, Greece was, in turn, inspired by the American Declaration in 1776. The idea for democratic independence was the first of a long-standing tradition for these two allies to share great ideas and common values.

The events of March 25, 1821, are critically important to the modern world. By throwing off the yoke of more than 400 years of Ottoman Turk domination, Greece retained its sovereignty, it marked the return to democratic values and civil society in southeastern Europe. It also sowed the seeds for a long-lasting and mutual relationship between Greece and the United States.

Greece has been one of four allies to fight with the United States in every conflict in this century. This has happened because both countries recognize the importance of democracy and that it is better to fight for it than to roll over and suffer under tyranny. As such, I am glad to celebrate this happy occasion with my colleagues on the floor of this House, the embodiment of democracy for many as created by ancient Greece.

Here on this floor, I am a Greek American sent here by citizens in central New Jersey to carry on the right to advocate on their behalf, knowing full well that democracy was created by Greeks and places the ultimate power to govern not in me, not in us in this Chamber, but in the people we represent. What an awesome idea. This country is eternally grateful for their foresight in ancient times and for their fortitude to break free from the Ottoman oppression and restate their unwavering commitment to democratic ideals.

So, Mr. Speaker, I think it is fully appropriate that we take pride in celebrating this day and acknowledge the debts we owe to Greek ideals.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his statement.

The gentleman from California (Mr. SHERMAN) is a member of the very important Committee on International Relations. He has worked hard not only on the Hellenic Caucus but on many, many important issues before this Congress.

I now yield to my colleague from California.

Mr. SHERMAN. Mr. Speaker, I thank the gentlewoman from New York for yielding, and I thank both her and her co-chair of the Hellenic Caucus for not only convening this hour to commemorate Greek independence, but for inviting me to be part of this effort.

One hundred seventy-seven years ago today, on March 25, 1821, the Greek people declared their independence and began a ten-year effort to throw off the yoke of Ottoman oppression. Greek patriot Regas Fereos issued a rallying cry in that struggle, "Better an hour of freedom than 440 years of imprisonment and enslavement."

Today, 177 years later, we in this House, just a few hours ago, I think found an interesting way to commemorate Greek independence by allowing citizens of Greece to independently visit the United States as tourists, free and liberated from paperwork, just as we have allowed tourists from other parts of Europe and the European Community to visit the United States without undue restriction.

Greek freedom fighters looked to the American Revolution and to American democracy 177 years ago today, just as the American revolutionaries looked to ancient Greece and its tradition of democracy. After a 10-year struggle, the Greek people won their independence and reestablished democracy. Greece and America are bound not only by a common dedication to democracy, but also because Greek philosophy and Greek culture are so much the foundation of the society in which we live, the society which has gradually established many of the cultural norms, many of the philosophic underpinnings for an emerging world culture.

Since its liberation, Greece has stood by America, and America should stand by Greece. Greece is one of three nations in the world outside the British Empire that has been allied with the United States in every major international conflict of this century. As has been pointed out by earlier speakers, one out of every nine Greeks lost their life fighting the Nazis in World War II. Just as Greece joined the United States in that effort, immediately after that war the Marshall Plan was critical to reviving Greek society and the Greek economy.

Today, Greece remains a staunch NATO ally and it deserves America's support. In the past year, Greece held the historic Inter-Balkan Conference in Crete and has worked to promote regional stability in the Balkan Peninsula, an area that has been contentious throughout this century and an area that Americans are coming to know better today. As we focus on Kosovo, as we focus on Bosnia, we should recognize Greek efforts to bring peace and stability to that troubled region.

As the gentlewoman from New York (Mrs. MALONEY) pointed out, I serve on the Committee on International Relations, and in that capacity, had the opportunity, along with her and many other Philhellenes to meet with the Greek foreign minister just yesterday. And we had an opportunity to praise Greece for not only its constructive role in the Balkans, but also because it is Greece, and the supporters of Greece here in the United States who have urged upon the United States a very interesting approach to foreign aid.

Greece and the supporters of Greece here in the United States have urged that zero be appropriated in military aid to Greece and commensurately zero be appropriated in aid to Turkey. And given the fact that we must diminish the amount that is spent, especially by military forces in that troubled region of the world, this is a very constructive position, a position reflected in President Clinton's most recent budget.

I should point out that, quite wisely, President Clinton's budget does provide continuing aid to Cyprus, a society that continues to suffer from division as a result of the occupation of Turkish forces. Not only is the zero decision one that is included in the President's budget, it is also helpful to the United States as we continue to face budgetary pressures.

There are several outstanding problems that continue to be the focus of those of us who work with the Hellenic Caucus, and I am happy to have been a member of that caucus from my first day in the United States Congress. One of those outstanding problems is that of the Aegean. The Greek-Turkish dialogue should go forward. But many of us have urged that before it goes forward, the Turkish Government, must indicate its respect for international law in the Aegean, and that Turkish overflights of Greek and Cypriot airspace and other acts of aggression, should cease. The Turkish Government should agree to be bound by international law on all issues involving the Aegean and should cease its acts of aggression.

I have joined, most of the leaders of the Hellenic Caucus as a cosponsor of the Peace in Cyprus Resolution last year, and a resolution introduced today reaffirming our commitment to a peaceful resolution of the Cyprus problem with the withdrawal of all Turkish troops from that troubled island. I take special interest in seeing the peace talks move forward now that the Cypriot elections are over and President Clerides has been reelected.

U.S. Presidential envoy Richard Holbrook should move forward toward peace, toward a withdrawal of Turkish troops from the island. Regrettably, there has not been much progress to date. We mentioned earlier in this hour the fact that four Americans are still missing. The remains of one American, Andrew Kasapis, have been returned. But certainly, as important as it is to his family for those remains to have been discovered and returned, we need to see much more progress toward peace and unity in Cyprus.

This is an historic movement for Cyprus, as the European Union accession talks are scheduled to begin next week. The European Union's decision to invite Cyprus to join ranks will benefit a reunified Cyprus and should be an impetus towards peace.

Unfortunately, the Turkish Government seems to wants to hold Cyprus hostage for its own membership in the European Union. If Turkey wishes to join the European Union, Turkey should seek to meet the standards of that union on its own rather than holding Cyprus hostage.

Finally, Turkey must accord protection to the Ecumenical Patriarch, should allow the reopening of the School of Theology, which was closed in 1971, and allow the work of the Patriarch to continue in safety and protection. I also want to call upon my colleagues to join with me and the others in the Hellenic Caucus in cosponsoring House Resolution 148 commemorating the 75th anniversary of the destruction of Smyrna, as it is time for Turkey to come to grips with its past.

Unfortunately, the Turkish Government has decided to embark on a program of denial, of denying the massacres at Smyrna, at denying the genocide of the Armenian people. And this has taken the form of seeking to plant academics in the United States.

I am a proud graduate of UCLA. I was there when we won the NCAA championship after championship. And I was proud of my alma mater then. But as proud as I was when Bill Walton was sinking jump shots, I was even prouder when earlier this year UCLA turned down a gift of over a million dollars from the Turkish Government because that gift came with strings attached which would have curtailed academic freedom and would have given the Turkish Government control over how the occupant of that chair pursued scholarship and teaching in the area of Ottoman and Turkish history. Academic freedom is not for sale at UCLA.

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Now the Turkish government has turned its attention to the north, to the University of California at Berkeley. I hope that our cousins in northern California will reject all strings and will insist that the occupant of any academic chair be free to pursue academic inquiry wherever it leads. What greater tribute to American universities, what greater tribute to the philosophy of free thinking that we have inherited from the ancient Greeks. As I mentioned, ancient Greece inspires us all. Its philosophy and culture underpin American philosophy and culture, and its greatest gift, as was remarked before, is that of democracy. We owe a lot to the ancient Greeks and we owe a lot to the modern Greeks. They stood with us and we stood with them in World War II and the Cold War. In just a few years, we will have a chance to celebrate the Olympics in the year 2004 as it returns to Greece, its ancient home, and also the place where the modern Olympics were reborn. We have a lot to thank the ancient Greeks for; a lot to thank modern Greeks for. I think the gentleman from Florida (Mr. BILIRAKIS) said it just perfectly when he said all free men are Philhellenes.

Mr. KENNEDY of Massachusetts. Mr. Speaker, the occasion of Greek Independence Day is an opportunity to thank the Greek people for their long tradition of friendship and partnership with the United States, and to reflect on the great values that Greeks and Americans have shared throughout the centuries.

Greek-Americans have helped build the United States and have contributed immeasurably to the nation's cultural and intellectual enrichment. Devoted to education and advancement, Greek-American families have produced great leaders such as Massachusetts' Michael Dukakis and Paul Tsongas. I am currently helping to set up a foundation in the name of Senator Tsongas. The foundation is designed to foster scientific achievement and innovation and honor his life and service.

The United States and Greece are the two cornerstones of democratic tradition in the world, whose shared history is a proud tradition of cooperation. Our experiences have intertwined at some of the most precarious junctures of history. Over 600,000 Greeks died fighting on the side of the Allies in the Second World War. During the Cold War, the friendship between the United States and Greece helped stall the spread of communism, and maintained the freedom and security of the Mediterranean.

Today, the U.S.-Greek relationship is more important than ever. The occasion of Greek Independence Day gives us a chance to reaffirm our commitment to helping Greece with the challenges it faces today. The United States must strengthen its cooperative relationship with Greece to secure our many mutual interests. And Congress must ensure that the United States remains engaged in the region in order that we may secure those interests.

Greece and the U.S. can merge their talents to prevent ethnic conflict from spreading throughout the Balkans and to help the region to develop economically.

In Cyprus, the United States has a duty to lead the charge for a lasting, peaceful solution. Congress must continue to support the Administration's diplomatic efforts for the island. We must insist on demilitarization of the island and demand Turkey's full compliance with international law and the United Nations resolutions on Cyprus which call for its withdrawal. We have still not answered lingering questions about the Greek-Cypriots who disappeared at the hands of Turkish soldiers. The victims and their families deserve answers.

But the peace talks will not work if the arms race continues. We must have a demilitarization process in action alongside the peace talks. How can we talk peace when both sides are stockpiling sophisticated weaponry on both sides of the green line? What kind of negotiations can you have if both sides are looking down the barrel of a gun?

We can honor those who perished and those who have lost loved ones in Cyprus if we work to help today's Cypriots realize their dreams of a free, unified Cyprus. In doing so, we may be able to secure a lasting peace and economic security for a people who are so richly deserving of it.

In sum, Mr. Speaker, let us use the occasion of Greek Independence Day to thank our Greek friends, to salute Greek-Americans, and to reaffirm our commitment to working with Greece to solve the challenges that will face us all in the future.

Mr. HINCHEY. Mr. Speaker, I would like to take this opportunity to offer congratulations to the people of Greece who today are celebrating their 177th year of independence from the Ottoman Empire. Their story is one that closely mirrors that of our own country and is deeply engrossed in the very principles that our nation was founded. Like our forefathers, the people of Greece arduously fought against oppression to win their independence and their right to self-determination. We share a common appetite for the individual freedoms that characterize our democracies and common disdain for those who threaten that liberty.

In fact, the society we live in today—a democracy where freedoms and liberties are paramount—was crafted, in theory, by the great thinkers and politicians of ancient Greece. Our Founding Fathers relied heavily on the political and philosophical experiences of the ancient Greeks as they themselves toiled with the blueprints of this great nation.

We can easily equate the observance of the Greek Independence Day with the celebration of our own independence on the Fourth of July. Both represent opportunities to trumpet the successes of democracy, revel in our freedoms and pay our respects to those who have come before us and perished to protect our liberties.

Mr. Speaker, Greece remains one of the United States' closest allies. It is interesting to note that they are one of only three nations, outside the British Empire, which has fought alongside American soldiers in every war this century. Their loyalty is commendable and deserves our continued reciprocity.

As I stand in the Chamber of this great legislative body, surrounded by renderings of several of the most notable Greek philosophers, I am compelled to recognize the legacy left behind by the original pioneers of democracy. I thank the people of Greece for their continued goodwill and offer them my sincere best wishes as they celebrate their lasting independence.

Mr. VISCLOSKY. Mr. Speaker, I join my colleagues today to recognize the 177th anniversary of Greek Independence Day. As the U.S. Representative of a region with over 5,000 people of Greek descent, I know that this important event will be joyously celebrated throughout northwest Indiana.

I would like to honor not only this important day in Greek history, but the strong and unique relationship that exists today between the United States and Greece. The development of modern democracy has its roots in ancient Athens. The writings of Plato, Aristotle, Cicero and others were the first to espouse the basic tenets of a government of the people and by the people. While these ideals were not always followed in ancient Greece, these writings provided a roadmap for later governments in their attempts to establish democracy in their countries.

The Founding Fathers of the United States were particularly influenced by the writings of the ancient Greeks on democracy. A careful reading of The Federalist Papers reveals the significant part the early Greeks played in the formation of our government. Thomas Jefferson called upon his studies of the Greek tradition of democracy when he drafted the Declaration of Independence, espousing the ideals of a government representative of and accountable to the people. Decades later, these ideas were a catalyst in the Greek uprising and successful independence movement against the Ottoman Empire—the event we celebrate today.

On March 25, 1821, the Archbishop of Patros blessed Greek flag at the Aghia Laura monastery, marking the proclamation of Greek independence. It took eleven years for the Greeks to finally defeat the Ottomans and gain their true independence. After this long struggle against an oppressive regime, Greece returned to the democratic ideals that its ancestors had developed centuries before.

Today, this country's relationship with Greece is as strong as ever. Greece has been our ardent supporter in every major international conflict of this century, and they play an important role in the North Atlantic Treaty Organization and the European Union. Greece is also a key participant in the United Nations peacekeeping force in Bosnia, providing troops and supplies. In turn, the United States has worked to attain a peaceful settlement to the conflict in Cyprus, the island nation that was brutally invaded by Turkey in 1974.

Mr. Speaker, I would thank our colleagues, Mr. BILIRAKIS and Mrs. MALONEY, for organizing this Special Order, and I join all of our House colleagues in recognizing Greek Independence Day. I salute the spirit of democracy and family that distinguish the Greek people, as well as their courage in breaking the bonds of oppression 177 years ago. I look forward to many more years of cooperation and friendship between our two nations.

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to Greek Independence Day.

For the Greek-Americans I represent, and indeed for all Greek-Americans, this day represents the determination of the Greek people to live free. Under Ottoman rule for four centuries, the Greek people proudly secured their independence in 1829. From that moment forward, America's warm relationship with Greece and the Greek people has grown, bringing our two nations closer together in enduring ways.

Today, Greece is a moderm nation and a global force in an ever demanding world marketplace. As Greece moves closer to adopting the single European currency, the fact of her economic strength becomes ever clearer. All Greek-Americans are rightly proud of Greece's vigorous and growing economy. Their homeland's unique ability to preserve its remarkable history while moving proudly into the twenty-first century is a tribute to the Greek people.

On this day, as we celebrate and recognize Greek Independence Day, I would also like to highlight the fact that Greece will play host to the 2004 Olympic Games. The historic importance of the Olympic Games returning to their roots in Athens is a story of rediscovery and restoration. I understand that the Greek Cabinet is already planning for a "Cultural Olympiad" which will be organized in connection with the 2004 Olympics. All efforts in support of the Olympic Games in Athens, efforts that I know the Greek-American community will be backing, should be supported by this Congress.

To conclude, let me add my name to my many colleagues who today are saluting Greek Independence Day. By remembering this memomentous occasion, this Congress serves to memoralize the sacrifice of a generation of Greeks who gave their last measure so that independence and freedom could be secured for the Greek people. It is a just cause the Greek people fought for in 1829 and one that we honor here today.

Mr. McGOVERN. Mr. Speaker, I am very proud to rise on the floor of this Chamber of American democracy in honor of the 50th Anniversary of Greek Independence Day.

All the world looks to Greece as the fountain and inspiration for every modern-day democracy, including our own.

It is a tragedy of history that the people who created democratic rule were subject to harsh subjugation and robbed of independence for so many centuries.

For 400 years—from the fall of Constantinople in 1453 until the Greek people once again declared their independence in 1821—Greece remained under the Ottoman Empire. During this time, Greeks were deprived of all civil rights. Schools and churches were closed down. Greek Christian and Jewish boys were kidnaped and raised as Moslems to serve the Ottoman Sultan.

In 1823, a famous U.S. Representative from Massachusetts, Daniel Webster, described this period of Greek history in this way: "This [Greek] people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the atrocious unparalleled Tartarian barbarism ever oppressed the human race."

So today, in reality, marks the 177th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire.

But Greece also lost its freedom during World War II to Nazi Occupation and afterwards briefly to communist rule. In 1948, it once again regained its independence and for the past 50 years, the people of Greece have controlled their own destiny.

It's for these reasons that we gather here today to honor the strength, courage and vision of the Greek people.

I am also here to honor the contributions made by Greek-Americans in my own district in Central Massachusetts. Since the turn of the century, over 5,000 Greek men, women and children have made Worcester, Massachusetts their home, contributing significantly to all aspects of civic life.

The Cathedral of St. Spyridon in Worcester reminds us of this vibrant Greek-American community. In Worcester, this important day is celebrated by teaching children to recite poetry and songs commemorating their past and their heritage. Discussion groups are held to honor the memory and history of the heroic deeds and patriotism of the Greek and Greek-American men and women who fought and died for the freedom I and my constituents enjoy today.

Similar celebrations are held throughout my district—in Fall River and Dartmouth, in Attleboro and Seekonk.

No one standing on the floor of the U.S. House of Representatives can fail to honor the contributions of Greece to American democracy, freedom, literature and philosophy. Throughout this Capitol and this city, everywhere you might look, you will see homage to Greek ideas and ideals. They are engraved on our buildings, enshrined in our laws, and they surely influenced the minds and hearts of the men and women who founded this nation.

I want to thank the gentleman from Florida [Mr. MICHAEL BILIRAKIS]—a fine example of the contribution Greek heritage continues to make to American democracy—and to the gentlelady from New York [Mrs. CAROLYN MALONEY] for organizing this special order on this historic occasion.

I would like to remind them that, if Massachusetts would have had its way, we might have had two Greek-Americans as President of the United States. And so I thank them for their leadership of the Hellenic Caucus and for all their fine efforts to educate and involve other Members on the issues challenging Greek and U.S. policy today.

Mr. LOBIONDO. Mr. Speaker, I rise as a member of the Congressional Caucus on Hellenic Issues to again recognize Greek Independence Day. This is a day to honor the sacrifices made by the Greek people over hundreds of years in their struggle against the oppressive rule of the Ottoman Empire.

This day also reminds us that Greece and the United States share much in common, including the 1.1 million American citizens who are of Greek descent. I am pleased to join New Jersey's Greek-American citizens in their celebration. Many of my constituents in southern New Jersey bear a proud ancestry to Greece. Their culture, food, and heritage add to the diversity and richness of our district.

In fact, many artistic and intellectual traditions have been handed down to the people of the United States of America by the people of Greece. Our nation is richer for these traditions, and we remain grateful to Greece.

The ties that bind America to Greece are not only historical, but also modern. Americans have fought side by side with Greeks in two World Wars as well as in the Persian Gulf War. Today, Greece is our invaluable ally in the North Atlantic Treaty Organization. I call upon President Clinton and the Secretary of State, Madeleine Albright, to make Greece—and the protection of Greeks in Cyprus and Turkey—a primary focus of U.S. foreign policy.

Mr. Speaker, in closing, I would ask all Members of the House to join with me in honoring the historical ties between the United States and Greece and in continuing to foster the close relationship between our two countries that has proven so successful.

Mr. WEYGAND. Mr. Speaker, today thousands of Greeks and Greek Americans will celebrate the 177th anniversary of the beginning of the revolution that resulted in the liberation of the Greek people from nearly 400 years of domination under the Ottoman Empire.

Approximately 2000 years ago the democratic principles of equality, freedom and self-rule were espoused by such great thinkers as Aristotle, Plato and Polybius. Tragically, under the Ottoman Empire those principles were repressed and for hundreds of years Greeks were deprived of their civil rights. Fortunately, the foundations of democracy formed in Athens resurfaced and inspired the Greeks to stage a revolution in 1821 and break their ties of oppression.

These democratic principles of freedom, equality, and self-rule inspired our founding fathers and were heavily relied upon as they drafted the Declaration of Independence and the United States Constitution.

Greece has been a strong ally of the United States. Every time the United States entered into international conflict this century, the people of Greece have shown their support by allying themselves with us. For that, I thank the citizens and soldiers of Greece.

I look forward to continued good relations with Greece and its citizens and working with them to preserve and expand democracy throughout the world. Again, I congratulate Greece on 177 years of independence.

Mr. BONIOR. Mr. Speaker, I am pleased to join the Greek community in celebrating the 177th anniversary of Greek independence. I also want to thank my colleagues Mr. BILIRAKIS and Mrs. MALONEY for organizing this event.

On March 25, 1821, the Archbishop of Patras blessed the Greek flag at the Aghia Lavra Monastery near Kalavrita, marking the beginning of the Greek war of independence in which nearly 400 years of Ottoman rule were turned aside.

Ancient Greece was the birthplace of democratic values. It brought forth the notion that the ultimate power to govern belongs in the hands of the people. It inspired a system of checks and balances to ensure that one branch of government does not dominate any other branch.

These ideals inspired our Founding Fathers as they wrote the Constitution. In the words of Thomas Jefferson: "to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness."

Today, the United States is enriched not only by Greek principles but also by its sons and daughters. Greek-Americans have made major contributions to American society, including our arts, sports, medicine, religion, and politics.

My home State of Michigan has been enhanced by the Greek community. In Macomb and St. Claire Counties, we are served by St. John's Greek Orthodox Church and Assumption Greek Orthodox Church. These institutions provide a multitude of community services and add to the rich diversity of the area.

Mr. Speaker, I join the people of Greece and those of Greek ancestry around the world celebrating Greek Independence Day.

I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

Mr. ANDREWS. Mr. Speaker, I rise today in celebration of Greek Independence Day, a national day of celebration of Greek democracy. This day marks the beginning of the revolution which freed the Greek people from the Ottoman Empire. The Greeks were finally liberated after years of oppressive treatment and civil rights violations. Their communities were slowly deteriorating, schools and churches were being closed down, and Christian and Jewish boys were kidnapped and raised as Moslems to serve the Sultan.

I spent eight magnificent days last August in Greece and Cyprus. There is no better way to learn about the troubles of Cyprus and the splendors of Greece than to speak directly with the people who live there.

I enjoyed my visit to Athens very much, and learned a great deal about the history of Greece. Greece is one of only three nations in the world allied with the United States in every major international conflict this century. During the early 1900's one in every four Greek males between the ages of 15 and 45 immigrated to the United States. Through their extraordinary compatibility with the people of America, Greek-Americans have made tremendous contributions to the United States.

The American Revolution became one of the ideals of the Greeks as they fought for their independence in the 1820's Greek intellectuals translated the American Declaration of Independence and drew from it in drafting their declaration of freedom.

In 1953, after Greece's post-World War II struggle against the Communist rebels, President Dwight D. Eisenhower appropriately said, ". . . Greece asked a favor except the opportunity to stand for those rights which it believed, and it gave to the world an example of battle, a battle that thrilled the hearts of all free men and free women everywhere."

Mr. Speaker, as a supporter of issues of concern to the Greek-American community, I am proud to recognize this population and their day of pride and freedom. Greek civilization touches our lives as Americans, and enhances the culture and traditions of this great Nation.

Mr. ACKERMAN. Mr. Speaker, we are pleased once again to recognize and celebrate Greek Independence Day, commemorating the successful struggle of the Greek people for national sovereignty. Since that time, Greece and the United States have enjoyed a close relationship, characterized by a shared commitment to democracy, peace, and respect for human rights. The ancient Greek civilization was the birthplace of democracy and we as a nation are proud to carry on the principles which were first created there.

We are especially proud to have had Greece as our ally during this last century's upheavals. Greece has been our ally in every major international conflict during this time, and has always acquitted itself with bravery and honor. In particular we recognize the valiant resistance to Axis occupation as commemorated by "OXI" day and the refusal of the Greeks to cooperate with or accede to the Holocaust. We also celebrate the heroism and determination shown by Greek soldiers in the crucial Battle of Crete, a turning point in the struggle for democracy and against fascism and oppression.

The many Greek-Americans who have participated in the economic, cultural, and political life of America are testimony to the special relationship between our two peoples. The celebrations for Greek Independence Day which occur both in Greece and all across America demonstrate the spirit of civic pride and participation which have enriched both of our cultures.

I am glad to have this opportunity to once again celebrate Greek culture and toast the Greek people. I had the opportunity late last year to demonstrate my commitment to preserving the territorial integrity of Greece by cosponsoring a resolution expressing our recognition of Greece's claim to the Imia islands. I will continue to support our Greek allies in the future and express my best wishes to all those who are now celebrating the 177th Greek Independence Day.

Mr. MANTON. Mr. Speaker, it is my great pleasure to rise today to mark the 177th anniversary of Greek independence, when Greece set themselves free from the jaws of the Turkish Ottoman Empire. I thank my colleagues, Congressman BILIRAKIS and Congresswoman MALONEY, for their steadfast leadership on Greek issues and for organizing this Special Order to recognize this historic event.

As the shining star of modern civilization, Greece has made a tremendous contribution throughout its history to not only Western Europe and the United States, but also the world. As the birthplace of democracy, Greece was the role model for the foundation of the democratic government and freedom the United States has enjoyed for over two hundred years. With their vast interest in expanding their own knowledge, the Greeks have also increased cultural awareness throughout the world. Johann Wolfgang von Goethe perhaps said it best, "Of all peoples, the Greeks have dreamt the dream of life best."

Since Greece achieved independence, their relationship with the United States has only grown stronger. In the beginning, Greece fashioned guaranteed freedom for the people after our Declaration of Independence. During World War II, more than 600,000 Greek soldiers died fighting against the Axis powers, illustrating Greece's commitment to the United States and freedom loving people everywhere. Although their struggle continued after World War II with their fight against Communist rebels, Greece was still able to stabilize the future and strength of their country.

Today, the relationship between the United States and Greece continues to prosper. The recent visit of Foreign Minister Theodore Pangalos to the United States illustrates the lasting harmony our two governments have on a number of issues affecting both our nations.

Since coming to Congress, I have had the pleasure of representing a number of Greek-Americans in the Seventh District of New York. Their influence and active participation in the life of their communities has fostered economic, political and social growth throughout New York City.

As we celebrate Greek independence, we must keep in mind the struggle for freedom and demand for human rights continues on the island of Cyprus. I am confident the work by Richard Holbrooke and Tom Miller will create the chance for peace to be a reality on an island that has been home to division and violence for far, far too long.

Mr. Speaker, on this occasion of commemorating the unique relationship between the United States and Greece, I encourage my colleagues to join me as a member of the Congressional Hellenic Caucus. Members of the Caucus have the opportunity to work on a number of issues affecting Greeks and Greek-Americans in a bipartisan manner.

In closing, Mr. Speaker, let me assure my colleagues I intend to continue my strong commitment to Greek communities in my district, the country, and throughout the world. Their strength and dedication to democracy has provided a strong and stable country and has made Greece the democracy it is today.

Mr. GILMAN. Mr. Speaker, I am pleased to rise on this occasion on which we salute the great nation and people of Greece, the Hellenic Republic as they celebrate the 177th anniversary of Greece's independence. I commend the gentleman from Florida, Mr. BILIRAKIS, for taking the initiative once again to ensure that Members have the opportunity to convey our thoughts on this important day. The United States and Greece have enjoyed a long and close relationship. The people of the United States recognize and revere Greece as the cradle of the democratic tradition that has allowed this country to rise to the heights of its greatness.

We are fortunate to have benefitted from the contributions of those immigrants from Greece who have contributed their toil, their knowledge and their culture to our American civilization, and we appreciate the warmth of the citizens of Greece reflected in the welcome they provide to Americans who are fortunate enough to be able to visit the shores of Greece, its beautiful islands and countryside.

Greece plays an important role in helping to stabilize the Balkans, one of the more dangerous neighborhoods of Europe. I was privileged yesterday to host a meeting with the Foreign Minister of Greece, Theodoros Pangalos, during which we reviewed the issues affecting Greek-American relations. I am pleased to report that the state of our relations is healthy. On this occasion let us call on our government to exercise even-handedness between our two important NATO allies in the eastern Mediterranean, Greece and Turkey.

I hope that all of our colleagues and fellow citizens will avail themselves of this occasion to reflect upon the blessings of democracy, for which we will be forever indebted to the ancient Hellenes, and upon our good fortune today in having such a close and reliable ally as the great nation of Greece.

Ms. HARMAN. Mr. Speaker, today, as the people of Greece celebrate the 177th anniversary of their struggle for independence, I join my colleagues in commemorating this day, and in extending heartfelt congratulations to the people of Greece and to those of Greek descent everywhere.

Mr. Speaker, the culture, history, and political philosophy of our country are deeply steeped in the Greek tradition. Greece, the cradle of democracy, inspired our Founding Fathers as they struggled to fashion the American form of government. In turn, the American Revolution inspired Greeks fighting to gain their freedom after 400 years of rule by the Ottoman Empire.

As we speak, the influence of Greek art and architecture surrounds us in our classically-inspired Capitol. And who can ignore the fact that our country has grown culturally richer and economically stronger because of the presence and contribution of countless Greek immigrants? In California's 36th district, which I represent, Greek Americans are a vibrant part of a culturally-diverse community—the South Bay would be less than what it is today were it not for the wide-ranging civic contributions of Greek-Americans.

Mr. Speaker, the familial ties between the United States and Greece are mirrored in the close political cooperation our countries share. As members of the North Atlantic Treaty Organization (NATO), the United States and Greece work together to ensure security on Europe's southern flank. As newspaper headlines sadly remind us, south eastern Europe continues to experience political turbulence, and US-Greek cooperation remains an essential element in bringing stability to this part of the world. I remain committed to strengthening U.S.-Greek ties, and to working on issues of interest to the Greek American community, including a permanent solution to the Cyprus problem.

I thank my colleague, Mr. BILIRAKIS, for his leadership in organizing this special order to highlight the important contributions of Greece to our country, and once again congratulate the people of Greece on this memorable occasion.

Mrs. LOWEY. Mr. Speaker, I rise today to commemorate the 177th anniversary of Greece's independence from the Ottoman Empire, and to celebrate the shared democratic heritage of Greece and the United States. I thank Congressman BILIRAKIS and Congresswoman MALONEY for organizing this special order and for their leadership on issues of importance to the Greek-American community.

On March 25, 1821, after more than 400 years of Ottoman Turk domination, Greece declared its independence and resumed its rightful place in the world as a beacon of democracy.

The people of Greece and the United States share a common bond in their commitment to democracy. Our Founding Fathers looked to the teachings of Greek philosophy in their struggle for freedom and democracy. And the American experience in turn inspired the Greek people who fought so hard for independence 176 years ago.

This bond between our two peoples stretches beyond the philosophy of democracy. The relationship between the U.S. and Greece has grown stronger and stronger through the years, and Greece remains today one of our most important allies.

And the contribution Greece makes to life in America is even stronger than the ties between our two countries. Greek-Americans are a vital part of our cultural heritage. My district in New York would not be what it is today without the valuable contributions made by the Greek-American community.

I am proud to stand today in commemoration of Greek independence and in recognition of the contribution Greece and Greek-Americans have made to our country.

Ms. PELOSI. Mr. Speaker, I thank my colleagues, Ms. MALONEY and Mr. BILIRAKIS for organizing this Special Order. As I rise to join with them in the celebration of the 177th anniversary of Greek Independence Day, I am reminded of the words of the great 20th century Greek writer and philosopher Nikos Kazantzakis: "What first truly stirred my soul was not fear or pain, nor was it pleasure or games; it was the yearning for freedom." Deep within the Greek soul is this unmistakable blueprint for democratic freedoms. It is what propelled the Greek people to revolt against the scourge of the Ottoman Empire which plunged one of the world's most enlightened societies into a Dark Ages that spanned 400 years.

Today, as we celebrate this anniversary we find ourselves revisiting history. The story of Greek Independence is inextricably linked to the terror of Turkish oppression on the island of Cyprus. When the Greeks began their war of independence on March 25th, 1821 the people of Cyprus were singled out for a particular form of bloody retribution, meant to send a message to the rest of occupied Greece. Naturally, the Cypriots were sympathetic to the Greek cause, and were among the first to offer whatever support they could. For this they were sternly punished by the Turkish authorities. The island's Turkish governor was particularly brutal. On July 9th, 1821 he ordered a massacre to begin with the torture and murder of the Archbishop of Cyprus, Kyprianos, his three bishops, and many other members of the clergy and civilians. The Archbishop was hanged from a fig tree outside his residence. The killing and torture continued until December of the same year.

This anniversary of Greek Independence is observed, as it has since 1974, with the notable inclusion of Turkey's bloody invasion of Cyprus in that year. Although the Greek and Cypriot governments have shown a willingness to resolve the issues that undermine a stable peace in the region, the Turkish government continues to dodge the critical questions at hand.

While we celebrate the principles of democracy given to us by the ancient Greeks; While we commemorate the actions of the brave Greeks who fought for their birthright 177 years ago; we must acknowledge that the island of Cyprus is divided and under siege, and until this act of Turkish aggression is reversed, our joy is muted and our sense of outrage sharpened.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to join my colleagues today in commemorating the 177th anniversary Greek Independence Day.

I wish to thank Congressman Mike Bilirakis and Congresswoman Carolyn Maloney for calling the special order to raise the public's awareness of the history of Greece and the important role Greece has played in the United States and the world.

Many people believe that Greece's greatest gift to the United States and to the world is the government system of democracy. That is indeed a great gift which has brought much happiness to the world. But the world needs to know that democracy is not easily attained or kept.

When we celebrate Greek Independence Day, we need to note that March 25 is not the day when all of Greece gained its independence. March 25 was the day that Athens and a small portion of Greece gained independence and then areas populated by Greeks were liberated one by one until we have the Greece of today.

The Greek people, through their history, have shown an indomitable will to fight for their freedom. The Greek victories are well known throughout history. There was the Greek war for independence that freed part of Greece from the Ottoman Empire and later during World War II, they fought against the Nazi invaders. But Greeks have also suffered less known tragedies that would have broken the spirit or destroyed a lesser people.

One famous battle had the Greek Spartans defending against a Persian invasion. the Greeks said "molon lave" to the invaders.

"Molon lave," means "come and get them" and in 480 B.C. it was the response that 300 Greek Spartans gave to the Persian Army, who numbered in the tens of thousands, when the Persians offered mercy, if the Spartans would hand over their weapons and surrender.

The Greek Spartans said "molon lave" or come and get them.

The Spartans would not hand over their weapons and surrender, because they would be handing over their dreams of being a free people. They would not hand over their dreams of a free Sparta. They fought for those dreams.

That city state of Sparta grew, and is now part of Greece, and that famous battle is part of Greek history and Greek tradition.

Greeks, Greek Cypriots and Greek Americans all come from that same strong tradition.

Today Greek minorities in Turkey and other places in Eastern Europe are suffering political and religious persecution. Just a few months ago a bomb was thrown at the Ecumenical Patriarchate and exploded injuring a church deacon and damaging the cathedral. These repeated attacks on Greek minorities must stop.

We need to raise public awareness of the difficulties faced by our democratic birthplace.

In addition to reminding the American people of our roots to the cradle of democracy in Greece, we need to continue raising the public's awareness of the constant threat Greeks live under in Eastern Europe.

On this day that we commemorate Greek independence, it is important to note that the most important and urgent problem facing the international Greek community is Cyprus.

The next few months will bring Cyprus the greatest opportunity for peace, and the greatest risk for further violence.

We have heard this in years past, but I believe it certainly applies today.

Finding a solution to the Cyprus problem has become a priority to the United States and to the international community.

The House has adopted House Concurrent Resolution 81, which I cosponsored, which states clearly and firmly that "The status quo on Cyprus is unacceptable and is detrimental to the interests of the United States in the Eastern Mediterranean and beyond."

I introduced H. Con. Res. 181 last year to help relieve the suffering of the enclaved Greek Cypriots and am considering similar legislation in this Congress. We must end the senseless persecution of these brave people. I thank the 60 Members who have co-sponsored and I will work with them to move this legislation forward.

The Greek Cypriots in occupied northern Cyprus live under intolerable inhuman conditions since their land was occupied by a military force. Tensions continue to rise around Cyprus and I urge the administration to apply the same degree of commitment to finding a peaceful solution to the Cyprus crisis that it applied to the Bosnian crisis.

I commend the administration for the appointment of Special Presidential Emissary For Cyprus, Ambassador Richard Holbrooke and for assigning Tom Miller to work with Ambassador Holbrooke to negotiate a peaceful solution for Cyprus.

I believe a solution of the Cyprus problem is crucial to the safety of Greece and all Greeks living in Eastern Europe.

Mr. Speaker, the link between the United States and Greece is a strong bond and I believe the United States should thank the Greek people for not just being a good ally to America but for their gifts of our heritage of democracy and individual liberty. I am happy to join my colleagues in celebrating this joyous anniversary.

Again, I thank my friends Congressman Bilirakis and Congresswoman Maloney for calling this special order and for their leadership on Hellenic issues.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I want to thank my colleague from Florida for yet again taking the leadership to organize this special order which provides us the opportunity to celebrate one of greatest days in the history of Greece, our close ally.

I also want to commend the Gentleman from Florida and the Gentleman from New York for organizing the Congressional Caucus on Hellenic Issues. I am pleased to be part of an organized and concerted effort to speak out on those issues which are important to Greece, Cyprus, and our constituents of Hellenic descent.

Our war for independence was an example for Greece to begin its own struggle for freedom on March 25, 1821. And so it is appropriate for us to take time to celebrate the beginning of Greece's struggle for independence from the cruel oppression of the Ottoman Empire. Just as American colonists were an inspiration for revolution, the Athenian democracy was an inspiration to our revolutionaries.

The bonds between these two countries are long and strong. As the years run into decades, and the decades run into centuries we realize and appreciate the great debt that America owes to Greece for founding the principles of democracy. We pay tribute to this every day when we meet and debate and freely share ideas.

Further, there is much to be attributed to the hard work of the sons and daughters of Greece who have come to the United States have made a tremendous impact on their communities. In my own state of Rhode Island, there are remarkably strong and productive Greek communities. Since the turn of the century, Greek immigrants have moved into Providence, Pawtucket, and Newport, Rhode Island. There they built business, neighborhoods, churches, schools, and raised families. Today, the grandchildren of those immigrants are leaders in our state, and Rhode Island is richer because of all they have given.

Today, we celebrate what Ancient Greece gave to founding our nation and what Greek-Americans have given in the development of the United States. Again, I thank my colleagues for all of their hard work in making this Special Order possible and look forward to further work with the Hellenic Caucus.

Mr. COYNE. Mr. Speaker, it is an honor to take part once again in this annual special order celebrating the anniversary of Greek independence.

As a Member of Congress representing a district with a vibrant Greek-American community, I can testify personally to the many contributions that Greek Americans have made to our nation. Today is a day when the more than 1 million Greek Americans join the people of Greece in remembering and reflecting upon an event that took place 177 years ago—the beginning of the fight for Greek independence.

It is only fitting that each year, the Congress of the United States pays tribute to the establishment of the modern nation of Greece, the land that was the cradle of democracy. The ancient city-states of Greece made many seminal contributions to western civilization. Western architecture, literature, science, and philosophy can each trace much of their heritage to the people of ancient Greece. But perhaps ancient Greece's most important gift to the modern world was the creation of the concept of democratic self-government. The Founding Fathers of this country, educated in the classics, looked back to, among others, the ancient Greeks for their inspiration in breaking from England's domination and creating a new, democratic nation in North America.

And yet, two hundred years ago when our country was newly established, Greece—once the cradle of democracy—no longer enjoyed the benefits of self-government. In 1821, most of Greece was, in fact, part of the Ottoman Empire. The Ottoman Empire had dominated the Greek people for over 400 years, and the Ottoman Government's corrupt, autocratic rule was becoming increasingly oppressive.

Unwilling to tolerate Ottoman domination any longer, Greek patriots rose up against the Ottomans in March of 1821. The Greek struggle for independence lasted for nearly ten long years, but the Greek people never wavered in their fight for freedom.

The struggle of the courageous Greek patriots against an overwhelming imperial power won the hearts of many influential figures in Western Europe and the United States. Europeans and Americans identified with the descendants of the nation that had done so much to shape western civilization. Eventually, the French, British, and Russian governments declared their support for Greek independence, and together, they pressured the Ottoman Empire to recognize Greece as an independent state in 1829.

Mr. Speaker, these Greek patriots fought and died for the same principles of freedom and self-government that inspired the Founding Fathers. Consequently, it is appropriate that we remember them today, the 177th anniversary of the advent of Greek independence. I am pleased to join my colleagues in celebrating this very special day.

Mr. BATEMAN. Mr. Speaker, I am proud to join my colleagues today in recognizing the 177th anniversary of the beginning of the revolution that freed the Greeks from the subjugation of Ottoman rule.

On March 25, 1821 Greek patriots began their long struggle for freedom and won independence from the Ottoman Empire in 1829. Throughout their history, the Greeks have defended democracy and remain a valued member of the international community. During World War II, the Greeks fought courageously and suffered severe casualties in their efforts to fend off Nazi armies. With the cessation of hostilities at the conclusion of WWII, democracy in Greece was threatened by the forces of communism, a resistance in which the United States was proud to support. Although faced with many challenges, the people of Greece have demonstrated their resolve, courage, and fortitude. Their dedication to freedom has ensured the ultimate success of democracy in modern-day Greece.

The United States is truly indebted to Greece for all its contributions to our society. Western art, architecture, literature, and philosophy stem from the numerous achievements of the ancient Greeks. The citizens of Greece occupy a unique and proud place in world history. Of all their contributions, the ideal of democracy has had the greatest impact on our world today. Greek democracy has undeniably formed the foundation of the government of the United States. It is appropriate that during the Greek war for independence, they looked to our Declaration of Independence to guild them in the struggle to rediscover democracy.

In closing, I would like to note that no nation has contributed more to modern Western civilization than Greece, and no nation has had to struggle harder or more often to preserve its liberties. I salute our friends in Greece and our many Greek-American citizens on this day of independence.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to congratulate Greece on the 177th anniversary of the revolution which freed the Greek people from the rule of the Ottoman Empire. Greece has remained under the Ottoman Empire for almost 400 years until it declared its independence in 1821. Just as our forefathers relied on the ancient Greek traditions of self-governance in their fight for independence, the Greeks looked to the ideals of our pioneers in declaring their own independence in 1821. Greek intellectuals translated the U.S. Declaration of Independence and used it as their own.

The Greek fight for independence has been highly regarded and closely followed by Americans throughout the years. In his 1922 message to the 17th Congress, President James Monroe praised the efforts of the Greek population in their fight for independence. "A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of this earth," he said.

Greece and its people have always been close friends and allies of the United States. The Greeks have fought bravely by our side against oppression and for freedom and democracy throughout the 20th Century. Greeks and Greek-Americans have played an important role throughout history, people like Dr. George Papanicolaou who invented the pap test for cancer, and world famous soprano Maria Callas, have improved the quality of our lives. Let me extend my heart felt congratulations to Greece and its people on this important anniversary.

Mr. FILNER. Mr. Speaker, it is with both great pride and humility that I rise to join in the celebration of the 177th Anniversary of Greek Independence.

On March 25, 1821 the Greeks began their long struggle for independence from what then was the Ottoman Empire. The Ottoman Empire, present day Turkey, had ruled Greece for almost 400 years. Freedom from the Ottoman Turks' subjugation had been dreamed of for many generations prior to Bishop Germano of Patras hoisting the Greek flag over a Peloponnese monastery. This simple act of defiance marked the beginning of a long and bitter struggle for the Greek people, but a struggle that few rejected and many embraced.

Not only were the Greek patriots willing to fight for freedom, but they were willing to sacrifice their lives to ensure their independence. Their success was such during the first years of conflict that the Turks were surprised and confounded. To turn the tide of the war, the Sultan sought and received the help of Egyptian forces. And although the Greeks were fighting what appeared a losing battle, they never yielded, they never ceased to believe, and they never gave up their hopes and dreams of independence.

Finally, with help from Britain, France, and Russia, in 1829, the Greeks not only routed the Egyptian and Turkish forces, but also demanded and received the Sultan's recognition of independence.

Mr. Speaker, we all in America are taught from childhood about the heroics of George Washington, Paul Revere, Patrick Henry, Lighthorse Harry Lee, John Paul Jones, and the Minutemen of Lexington and Concord. The individuals and events of our own War for Independence are known throughout the world.

But we should also take time to commemorate the struggles of the brave men and women of Greece who fought and died for their own independence. The Greek culture and heritage has greatly influenced our country and the world. It is the spirit of the Greeks who fought for independence that we commemorate and honor today. Because they stood up for freedom and honor and dignity, we in America and Greeks everywhere, owe them a great debt.

Mr. BERMAN. Mr. Speaker, it gives me great pleasure to congratulate the people of Greece on this, the 177th anniversary of the start of the revolution that led to Greek independence from the Ottoman Empire. That conflict restored Greece's ancient and proud democratic tradition—a tradition that greatly influenced our own Founding Fathers.

Today, Greece stands tall in the world community, with memberships in the EU, NATO, and dozens of other multilateral organizations. Its commitment to democracy is an example for all nations. I salute the Greek people on their achievement and proudly celebrate our joint democratic heritage.

Mr. PICKETT. Mr. Speaker, today Greeks and Greek Americans observe Greek Independence Day which marks the 177th anniversary of the revolution which freed Greece from the Ottoman Empire. History records the oppression and deprivation of human liberty to which the Greeks were subjected to during the period prior to the revolution. The Greek people were able to emerge from this period of their history and quickly reestablish their national identity and continue intact their cultural and religious institutions. It is a tribute to the spirit and determination of the Greek people that they prevailed in their struggle for liberty after such a long period.

Greek Independence Day, however, is not just a day of celebration for the Greek nation and for individuals of Greek descent, but rather, it is a day of triumph and celebration for democratic nations and proponents of democracy around the world. Today marks an occasion on which we can all celebrate and revere the birthplace of democracy and democratic ideals.

If you look at history and the teachings of the ancient Greek philosophers, you will quickly discover that it was the Greeks who introduced the notion of democracy into the political theories of the day. The ancient Greeks were the first to advance the principles that people should be equal before the law, that majorities should respect the rights of minorities, that men can govern their own affairs, and that merit should determine a person's place in society. Much of our own constitution is based upon the ideas and the theories recorded years ago by Pericles, Plato, Aristotle and other philosophers of ancient Greece.

In more modern times, the Greeks have continued to cherish their liberty and democratic institutions. More than 600,000 Greeks lost their lives fighting on the side of the Allies in World War II. Greece continues to this day its fundamental commitment to freedom and individual liberty.

So on this anniversary of Greek independence, I join with people of goodwill everywhere in recognizing the successful struggle by the Greek people to gain their independence, and in what their successful struggle means to freedom loving people throughout the world.

Mrs. MALONEY of New York. I thank the gentleman for his very thoughtful statement. The time for our special order is ending. The bonds between our two countries have never been stronger.

As we prepare for the new millennium, we look forward to building on our partnership for democracy in our own countries and throughout the world. I thank my colleagues for participating in this special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of on account of official business, participating with presidential delegation in Africa.

Mr. KLECZKA (at the request of Mr. GEPHARDT) for today, on account of a family funeral.

Ms. JACKSON-LEE (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business with the President of the United States in Africa.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Ms. MILLENDER-MCDONALD (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. ROTHMAN (at the request of Mr. GEPHARDT) for today, on account of family business.

Mr. WYNN (at the request of Mr. GEPHARDT) for today through Monday, March 30, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 3:30 p.m., on account of physical reasons.

Mr. SAXTON (at the request of Mr. ARMEY) for today after 3:30 p.m., on account of personal matters.

Mr. HOUGHTON (at the request of Mr. ARMEY) for today and the balance of the week, on account of official business.

Mr. EHRLICH (at the request of Mr. ARMEY) for today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PASCRELL) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.
Mr. HINCHEY, for 5 minutes, today.
Mr. PASCRELL, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. OBERSTAR, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Mrs. MINK of Hawaii, for 5 minutes, today.
Mr. FALEOMAVAEGA, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. BERRY, for 5 minutes, today.
Mrs. MCCARTHY of New York, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Ms. CARSON, for 5 minutes, today

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. BURTON, for 5 minutes, March 26.
Mrs. MYRICK, for 5 minutes, today.
Mr. RAMSTAD, for 5 minutes, today.
Mr. HASTINGS, for 5 minutes, today.
Mr. PAPPAS, for 5 minutes, today.
Mr. MICA, for 5 minutes, today.
Mr. LEWIS of Kentucky, for 5 minutes, today.
Mr. FOX, for 5 minutes, today

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. GOSS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Ms. SANCHEZ, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $2,062.

The following Members (at the request of Mr. PASCRELL) and to include extraneous matter:

Mr. MANTON.
Mr. HAMILTON.
Mr. KANJORSKI.
Mrs. MEEK of Florida.
Mr. KUCINICH.
Mr. PICKETT.
Mr. LIPINSKI.
Mr. BENTSEN.
Mr. BERMAN.
Ms. PELOSI.
Mr. MENENDEZ.
Mr. VENTO.
Mr. KIND.
Mr. LANTOS.
Mr. MCDERMOTT.
Mr. DEUTSCH.
Mr. DINGELL.
Mr. FARR of California.
Ms. LOFGREN.
Mr. BARCIA.
Ms. ESHOO.
Mr. ETHERIDGE.

The following Members (at the request of Mr. JONES) and to include extraneous matter:

Mr. KING.
Mr. HILL.
Ms. ROS-LEHTINEN.
Mr. MANZULLO.
Mr. PACKARD.
Mr. LATOURETTE.
Mr. HAYWORTH.

The following Members (at the request of Mr. PAPPAS) and to include extraneous matter:

Ms. MCCARTHY of Missouri.
Mr. LIVINGSTON.
Mr. MORAN of Virginia.
Mr. MCINNIS.
Mr. ABERCROMBIE.
Mr. ARCHER.
Ms. SANCHEZ.
Ms. HOOLEY of Oregon.
Mr. GEPHARDT.
Mrs. MEEK of Florida.

ADJOURNMENT

Mr. PAPPAS. Mr. Speaker, pursuant to House Resolution 395, I move that the House do now adjourn in memory of the late Honorable STEVEN SCHIFF.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.) pursuant to House Resolution 395, the House adjourned until tomorrow, Thursday, March 26, 1998, at 10 a.m. in memory of the late Honorable STEVEN SCHIFF of New Mexico.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8178. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Crop Insurance Regulations, Various Endorsements; Fresh Market Tomato (Guaranteed Production Plan) Crop Insurance Regulations; and Common Crop Insurance Regulations, Various Crop Insurance Provisions [7 CFR Parts 401, 454, and

457] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8179. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, transmitting a cost comparison of the Headquarters Air Mobility Command Computer Systems function at Scott Air Force Base; to the Committee on National Security.

8180. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Comprehensive Subcontracting Plans [DFARS Case 97-D323] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8181. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Limitation on Allowability of Compensation for Certain Contractor Personnel [DFARS Case 97-D320] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8182. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; List of Firms Not Eligible for Defense Contracts [DFARS Case 97-D325] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8183. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the People's Republic of China, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8184. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Uzbekistan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

8185. A letter from the Assistant Secretary, Special Education and Rehabilitative Service, Department of Education, transmitting a notice of Final Funding Priority for Fiscal Years 1998–1999 for a Rehabilitation Engineering Research Center, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

8186. A letter from the Executive Director, Federal Labor Relations Authority, transmitting the Authority's final rule—Unfair Labor Practice Proceedings: Miscellaneous and General Requirements [5 CFR Parts 2423 and 2429] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8187. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Japan (Transmittal No. DTC-42-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8188. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to South Korea (Transmittal No. DTC-101-97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8189. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to the Netherlands (Transmittal No. DTC-2-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8190. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to France (Transmittal No. DTC-41-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8191. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Norway (Transmittal No. DTC-20-98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8192. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8193. A letter from the Chairman, Federal Maritime Commission Agency, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8194. A letter from the Acting Associate Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting a report on NASA's FY 1999 Performance Plan, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

8195. A letter from the Director, National Gallery of Art, transmitting a report on the National Gallery's Performance Plan for FY 1999, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

8196. A letter from the Chairman, National Transportation Safety Board, transmitting the report in compliance with the Government in the Sunshine Act for 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8197. A letter from the Director, Office of Personnel Management, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8198. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8199. A letter from the Administrator, Small Business Administration, transmitting the semiannual report on activities of the Inspector General for the period April 1, 1997, through September 30, 1997, and the semiannual report of management on final actions, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

8200. A letter from the Acting Chairman, Thrift Depositor Protection Oversight Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8201. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administation's final rule—Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine [Docket No. 971015246–7293–02; I.D. 031398D] received March 24, 1998, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Resources.

8202. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Forage Fish Species Category [Docket No. 971124274–8052–02; I.D. 110597A] (RIN: 0648–AH67) received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8203. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Maryland Regulatory Program [MD–033–FOR] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8204. A letter from the the Acting Assistant Secretary (Civil Works), the Department of the Army, transmitting a report regarding authorization of a streambank erosion protection project for the Wabash River at New Harmony, Indiana, pursuant to Public Law 104—303, section 101(b)(10); (H. Doc. No. 105—235); to the Committee on Transportation and Infrastructure and ordered to be printed.

8205. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 97–NM–289–AD; Amendment 39–10401; AD 98–06–23] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8206. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 97–NM–77–AD; Amendment 39–10400; AD 98–06–22] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8207. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332C, L, and L1 Helicopters [Docket No. 97–SW–34–AD; Amendment 39–10411; AD 98–06–32] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8208. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Aviation Insurance [Docket No. 28893; Amdt. No. 198–4] (RIN: 2120–AF23) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8209. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 29165; Amendment No. 408] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8210. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 96–NM–200–AD; Amendment 39–10399; AD 98–06–21] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8211. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Diamond Aircraft Industries, Inc. Model DA 20–A1 Airplanes, serial numbers 10002 through 10287 [Docket No. 97–CE–36–AD; Amendment 39–10062; AD 97–13–02] (RIN: 2120-AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8212. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737- 100, -200, -300, -400, and -500 Series Airplanes [Docket No. 97–NM–29–AD; Amendment 39–10061; AD 97–14–04] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8213. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 97–NM–46–AD; Amendment 39–10249; AD 97–26–06] (RIN: 2120–AA64) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8214. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cleveland, OK [Airspace Docket No. 97–ASW–29] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8215. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bartlesville, OK [Airspace Docket No. 97–ASW–28] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8216. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Muskogee, OK [Airspace Docket No. 98–ASW–12] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8217. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Stillwater, OK [Airspace Docket No. 98–ASW–15] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8218. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Pryor, OK [Airspace Docket No. 98–ASW–14] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8219. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Poteau, OK [Airspace Docket No. 98–ASW–13] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8220. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Tahlequah, OK [Airspace Docket No. 98–ASW–16] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8221. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Grove, OK [Airspace Docket No. 98–ASW–07] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8222. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Shawnee, OK [Airspace Docket No. 98–ASW–06] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8223. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Claremore, OK [Airspace Docket No. 98–ASW–05] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8224. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Bristow, OK [Airspace Docket No. 98–ASW–04] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8225. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Gallup, NM [Airspace Docket No. 97–ASW–25] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8226. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Eastland, TX [Airspace Docket No. 97–ASW–26] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8227. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GE Aircraft Engines CT7 Series Turboprop Engines [Docket No. 97–ANE–41–AD; Amendment 39–10231; AD 97–25–07] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8228. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Certain Textron Lycoming 320 and 360 Series Reciprocating Engines [Docket No. 94–ANE–44; Amendment 39–10291; AD 98–02–08] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8229. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA–365N, SA–365N1, and SA–366G1 Helicopters [Docket No. 97–SW–23–AD; Amendment 39–10313; AD 97–15–15] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8230. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes [Docket No. 96–NM–174–AD; Amendment 39–10266; AD 98–01–02] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8231. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Amending the NASA FAR Supplement (NFS) coverage on award fee evaluations to correct inaccurate references and improve clarity [48 CFR Parts 1816 and 1852] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8232. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98–18] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8233. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule—Last-In, First-out Inventories [Revenue Ruling 98–16] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8234. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule— Tax forms and instructions [Revenue Procedure 98–26] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 393. Resolution providing for consideration of the bill (H.R,. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers (Rept. 105–463). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 394. Resolution providing for consideration of the bill (H.R. 2515) to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes (Rept. 105–464). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 1023. A bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes; with an amendment (Rept. 105–465 Pt. 1). Ordered to be printed.

Mr. McINNIS: Committee on Rules. House Resolution 396. Resolution providing for consideration of the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses (Rept. 105–466). Referred to the House Calendar.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2400. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; with an amendment (Rept. 105–467 Pt. 1). Ordered to be printed.

REPORTED BILLS SEQUENTIALLY REFERRED

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of March 23, 1998]

H.R. 3485. Referred to the Committees on the Judiciary and Ways and Means for a period ending not later than March 23, 1998, for consideration of such provisions of the bill and amendment reported from the Committee on House Oversight as fall within the jurisdiction of those committees pursuant to clause 1 (j) and (s), rule X

[Submitted March 25, 1998]

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2400. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with an amendment; referred to the Committee on Ways and Means for a period ending not later than March 27, 1998, for consideration of such provisions of the bill and amendment reported by the Committee on Transportation and Infrastructure as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1023. Referral to the Committees on Commerce and Ways and Means extended for a period ending not later than June 2, 1998.

H.R. 2400. Referral to the Committee on the Budget extended for a period ending not later than March 27, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BORSKI:

H.R. 3545. A bill to amend section 8 of the United States Housing Act of 1937 to ensure that the tenant-based rental assistance program under such section is carried out in an efficient and fair manner; to the Committee on Banking and Financial Services.

By Mr. ARCHER (for himself, Mr. Kasich, and Mr. Bunning of Kentucky):

H.R. 3546. A bill to provide for a national dialogue on Social Security and to establish the Bipartisan Panel to Design Long-Range Social Security Reform; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself, Mr. Brown of Ohio, Mr. Coburn, Mr. Strickland, Mr. Cooksey, and Mr. Green):

H.R. 3547. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to assure patient choice and access to services for enrollees in group health plans and health insurance coverage; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 3548. A bill to establish a Fund for Environmental Priorities to be funded by a portion of the consumer savings resulting from retail electricity choice, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 3549. A bill to amend the Internal Revenue Code of 1986 to repeal the taxes on diesel fuel and gasoline used in trains which were enacted for deficit reduction; to the Committee on Ways and Means.

By Mr. GEPHARDT (for himself, Mr. Boswell, Mrs. Clayton, Mr. Clyburn, Mr. Evans, Mr. Minge, Mr. Peterson of Minnesota, Mr. Pomeroy, Mr. Poshard, and Ms. Stabenow):

H.R. 3550. A bill to provide a safety net for farmers and consumers, to promote the development of farmer-owned value added processing facilities, and for other purposes; to the Committee on Agriculture.

By Ms. DeLAURO:

H.R. 3551. A bill to amend title 18, United States Code, relating to identity fraud, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DREIER:

H.R. 3552. A bill to amend the Internal Revenue Code of 1986 to allow the carryover of unused nontaxable benefits under cafeteria plans and flexible spending arrangements, and for other purposes; to the Committee on Ways and Means.

By Mr. GUTIERREZ (for himself, Mr. Becerra, Mrs. Meek of Florida, Ms. Waters, Ms. Sanchez, and Ms. Roybal-Allard):

H.R. 3553. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes; to the Committee on the Judiciary.

By Mr. McNULTY:

H.R. 3554. A bill to amend the Internal Revenue Code of 1986 to allow rollover contributions to individual retirement plans from deferred compensation plans maintained by States and local governments and to allow State and local governments to maintain 401(k) plans; to the Committee on Ways and Means.

By Mr. MORAN of Virginia (for himself, Mrs. Morella, Mr. Wynn, Ms. Lofgren, Mr. Waxman, Mr. Lampson, and Mrs. Lowey):

H.R. 3555. A bill to direct the Secretary of Transportation to conduct an assessment of available technologies for establishing a system to access information regarding the motor vehicle driving records of all motor vehicle operators in the United States; to the Committee on Transportation and Infrastructure.

By Mr. SHAYS:

H.R. 3556. A bill to reduce Federal spending in several programs; to the Committee on National Security, and in addition to the Committees on International Relations, Science, Agriculture, Transportation and Infrastructure, Resources, Education and the Workforce, Veterans' Affairs, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Oregon (for himself, Mr. Skeen, Mr. Crapo, and Mr. Hastings of Washington):

H.R. 3557. A bill to subject the United States to payment of fees and costs in proceedings relating to State water rights adjudications; to the Committee on the Judiciary.

By Mr. DINGELL (for himself, Mr. Upton, Ms. Eshoo, Mr. LaFalce, Mrs. Lowey, Mr. Traficant, Mr. Boucher, Mr. McDade, Mr. Campbell, Mr. Lantos, and Mr. Faleomavaega):

H. Con. Res. 250. Concurrent resolution calling for better awareness and use of federally-supported research findings on the social and economic costs of sleep deprivation and sleep disorders; to the Committee on Commerce.

By Mr. SKEEN:

H. Res. 395. A resolution expressing the condolences of the House on the death of the Honorable Steven Schiff, a Representative from the State of New Mexico; considered and agreed to.

By Mr. HAYWORTH (for himself, Mr. Archer, Mr. Ensign, Mr. Stump, Mr. Jones, Mr. Rohrabacher, Mr. Largent, Mr. Bryant, Mr. Jenkins, Mr. Duncan, Mr. Hilleary, Mr. Weldon of Pennsylvania, Mr. Scarborough, Mr. McCrery, Ms. Pryce of Ohio, Mr. Ryun, Mr. Neumann, Mr. DeLay, Mr. Coble, Mr. Rogers, Mr. McIntosh, Mr. Hunter, Mr. Collins, Mr. Armey, Mr. McCollum, Mr. Everett, Mr. Smith of Texas, Mr. Livingston, Mr. Shadegg, Mr. Talent, and Mr. Smith of Michigan):

H. Res. 397. A resolution expressing the sense of the House of Representatives concerning the President's use of the White House Counsel's Office in matters relating to his personal legal battles; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. Jenkins.

H.R. 453: Mr. McGovern.

H.R. 611: Ms. Stabenow.

H.R. 693: Mr. Goodling.

H.R. 754: Mr. Fox of Pennsylvania.

H.R. 900: Mr. Baesler, Ms. Sanchez, and Mr. Blagojevich.

H.R. 980: Mr. Bereuter.

H.R. 1063: Mr. KENNEDY of Massachusetts and Mr. TURNER.

H.R. 1126: Mr. MURTHA and Mr. BLUNT.

H.R. 1151: Mr. MEEKS of New York, Mr. STRICKLAND, Mr. PAPPAS, Mr. SPRATT, Mrs. CAPPS, Mr. CLYBURN, and Mr. WELLER.

H.R. 1283: Mr. BALLENGER, Mr. GRAHAM, Mr. DOOLEY of California, Mr. KLECZKA, Mr. SKELTON, Mrs. TAUSCHER, Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. HOEKSTRA, and Mr. SKEEN.

H.R. 1285: Mr. HEFLEY.

H.R. 1371: Mr. THUNE.

H.R. 1375: Ms. HOOLEY of Oregon and Mr. BLUMENAUER.

H.R. 1376: Mr. RANGEL.

H.R. 1401: Mr. SHAYS.

H.R. 1689: Mr. WALSH and Mr. BENTSEN.

H.R. 1712: Mr. CUNNINGHAM.

H.R. 1766: Mr. COLLINS, Mr. CRANE, Mr. EHLERS, Mr. ENGEL, Ms. KAPTUR, Mr. KINGSTON, Mr. NETHERCUTT, Ms. SANCHEZ, and Mr. SANDERS.

H.R. 1807: Mr. FRANK of Massachusetts.

H.R. 2052: Mr. RANGEL.

H.R. 2198: Mr. BOB SCHAFFER.

H.R. 2202: Mr. DIXON, Ms. JACKSON-LEE, and Mr. BURR of North Carolina.

H.R. 2253: Mr. WAXMAN, Mr. ADAM SMITH of Washington, and Mr. MARTINEZ.

H.R. 2351: Mr. CUMMINGS.

H.R. 2380: Mr. BACHUS.

H.R. 2409: Mr. HILLIARD, Mr. OBERSTAR, Mr. WATKINS, and Mr. MATSUI.

H.R. 2488: Mr. SANDLIN.

H.R. 2526: Mr. FOLEY.

H.R. 2560: Ms. SANCHEZ, Mrs. NORTHUP, and Mrs. TAUSCHER.

H.R. 2567: Mr. TALENT.

H.R. 2568: Mr. BRYANT and Mr. CHRISTENSEN.

H.R. 2598: Mr. HUTCHINSON, Mr. PEASE, and Mr. COOKSEY.

H.R. 2695: Mr. HINOJOSA and Ms. CHRISTIAN-GREEN.

H.R. 2936: Mr. MORAN of Kansas.

H.R. 2951: Mr. NEAL of Massachusetts and Mr. ENGLISH of Pennsylvania.

H.R. 2968: Mr. PAUL, Mr. ISTOOK, Mr. METCALF, Mr. LATOURETTE, and Mr. BARTON of Texas.

H.R. 2973: Mr. HANSEN and Mr. HOUGHTON.

H.R. 2990: Mr. WATKINS, Mr. SNYDER, Mr. ROMERO-BARCELO, Mr. PASCRELL, Mr. COOK, Mr. DOOLEY of California, Mr. GILMAN, Mr. MORAN of Virginia, Mr. SISISKY, Mr. CANNON, Mr. SPRATT, Mr. DEFAZIO, Mr. BLILEY, and Mrs. THURMAN.

H.R. 2994: Ms. DEGETTE, Mr. THOMPSON, and Mr. DOYLE.

H.R. 3007: Mrs. JOHNSON of Connecticut and Mr. BARCIA of Michigan.

H.R. 3048: Mrs. MORELLA.

H.R. 3050: Ms. SLAUGHTER.

H.R. 3054: Mr. MANTON, Mr. ENGEL, and Mr. WYNN.

H.R. 3065: Mr. DOOLEY of California.

H.R. 3068: Mr. FRANK of Massachusetts, Mr. WATT of North Carolina, Mr. SANDERS, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, and Ms. SANCHEZ.

H.R. 3107: Ms. WOOLSEY.

H.R. 3110: Mr. CALVERT, Mr. UPTON, and Mrs. JOHNSON of Connecticut.

H.R. 3125: Mr. FALEOMAVAEGA, Mrs. MORELLA, Mr. FROST, Mr. EVANS, Mr. FILNER, Mr. WEXLER, and Ms. SLAUGHTER.

H.R. 3149: Mr. BOB SCHAFFER.

H.R. 3151: Mr. BOB SCHAFFER.

H.R. 3156: Ms. PELOSI, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. ETHERIDGE, Mr. MARKEY, Mr. SCOTT, Mr. SANDLIN, Mr. OLVER, Mr. MARTINEZ, Ms. RIVERS, Mr. GREENWOOD, Mr. MILLER of California, Mr. BENTSEN, Mr. FARR of California, Mr. TORRES, Mrs. CAPPS, Mr. DOOLEY of California, Mr. FRANKS of New Jersey, Mr. GILCHREST, Mr. KNOLLENBERG, Mr. PETERSON of Pennsylvania, Mr. TAYLOR of North Carolina, Ms. SLAUGHTER, Mr. DEFAZIO, Ms. SANCHEZ, Mr. LAHOOD, Mr. SKAGGS, Mr. KOLBE, Ms. ESHOO, Mr. FAWELL, and Mr. POMEROY.

H.R. 3178: Mr. LIPINSKI and Mr. MEEKS of New York.

H.R. 3181: Mr. CONYERS and Mr. SCHUMER.

H.R. 3206: Mr. BARR of Georgia.

H.R. 3248: Mr. FORBES, Mr. GOODLATTE, Mr. SHIMKUS, and Mr. RIGGS.

H.R. 3279: Mr. COSTELLO, Mr. FALEOMAVAEGA, Mr. SANDERS, Mrs. MINK of Hawaii, Mr. DINGELL, Mr. THOMPSON, Mr. KILDEE, and Mrs. KELLY.

H.R. 3284: Mr. GREEN and Mr. KIND of Wisconsin.

H.R. 3438: Mr. FRANKS of New Jersey.

H.R. 3454: Mrs. MYRICK and Ms. RIVERS.

H.R. 3470: Mr. GEJDENSON, Mr. MORAN of Virginia, and Ms. SANCHEZ.

H.R. 3471: Mr. KLECZKA.

H.R. 3475: Mr. SESSIONS, Mr. COBURN, Mr. HOUGHTON, Mr. FOLEY, and Ms. DUNN of Washington.

H.R. 3502: Mr. BILIRAKIS.

H.R. 3522: Mr. MCGOVERN, Mr. NEAL of Massachusetts, and Mr. WEYGAND.

H.R. 3526: Mr. KENNEDY of Massachusetts, and Mr. UNDERWOOD, and Mr. BALDACCI.

H.R. 3534: Mr. GINGRICH.

H.J. Res. 113: Mr. LEACH.

H. Con. Res. 127: Mr. COSTELLO and Mrs. JOHNSON of Connecticut.

H. Con. Res. 159: Mrs. THURMAN and Mr. MALONEY of Connecticut.

H. Con. Res. 203: Ms. SLAUGHTER and Mr. NETHERCUTT.

H. Con. Res. 210: Mr. MORAN of Virginia and Mr. WHITFIELD.

H. Con. Res. 214: Mr. TANNER and Mr. BRYANT.

H. Con. Res. 218: Mr. ROHRABACHER, Mr. ROYCE, Mr. BERMAN, Mr. FOX of Pennsylvania, Mr. GILMAN, and Mr. SMITH of New Jersey.

H. Con. Res. 225: Ms. KILPATRICK, Mr. LEWIS of Georgia, Ms. CARSON, Mr. LANTOS, Ms. SLAUGHTER, Mrs. MINK of Hawaii, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MILLER of California, Mr. FROST, and Mr. MCGOVERN.

H. Con. Res. 233: Mr. MANTON.

H. Con. Res. 246: Ms. KAPTUR.

H. Res. 182: Mr. LAZIO of New York.

H. Res. 313: Mrs. MCCARTHY of New York and Mr. FALEOMAVAEGA.

H. Res. 363: Mr. GREENWOOD and Mr. MCGOVERN.

H. Res. 392: Mr. HINCHEY, Mr. CAMPBELL, and Mr. SANFORD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2500: Mr. FATTAH.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2515

OFFERED BY: MR. BROWN OF CALIFORNIA

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 1: Page 8, line 17, insert after the period the following: "However, no commercial timber sale may be conducted as part of any recovery project.".

H.R. 2515

OFFERED BY: MR. BROWN OF CALIFORNIA

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 2: Page 27, beginning line 11, strike "Amounts in the Fund shall be available to the Secretary, without further appropriation—" and insert "Only in such amounts as are provided in advance in annual appropriation Acts, the Secretary may use amounts in the Fund—".

H.R. 2515

OFFERED BY: MRS. CHENOWETH

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 3: Page 29, beginning on line 15, strike paragraph (4) relating to a prohibition on the use of amounts from the Forest Recovery and Protection Fund to construct roads.

H.R. 2515

OFFERED BY: MRS. CHENOWETH

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

AMENDMENT NO. 4: Page 29, beginning on line 15, strike paragraph (4).

Add at the end the following new section:

SEC. 12. ENHANCED CONSISTENCY BETWEEN FEDERAL TIMBER ROADS PROGRAMS.

(a) ELIMINATION OF PURCHASER ROAD CREDITS IN PUBLIC DOMAIN AND OTHER FORESTS.—Section 4 of Public Law 88-657 (16 U.S.C. 535; commonly known as the National Forest Roads and Trails Act) is amended—

(1) by striking "SEC. 4." and inserting the following:

"SEC. 4. CONSTRUCTION OF FOREST DEVELOPMENT ROADS.

"(a) AUTHORIZED METHODS TO FUND CONSTRUCTION.—";

(2) by striking "including provisions for amortization of road costs in contracts" and inserting "except that the Secretary may not provide purchaser credit for road construction";

(3) by striking ": *Provided*," and all that follows through the period at the end of the proviso and inserting a period; and

(4) by striking the last sentence.

(b) CONSISTENT TIMBER ROAD PROGRAMS; EXCEPTIONS.—Such section is further amended by adding at the end the following new subsections:

"(b) CONSISTENT FEDERAL FOREST ROAD PROGRAMS.—Subject to subsection (c), the Secretary of Agriculture shall carry out the program authorized by subsection (a) for the acquisition, construction, and maintenance of forest roads in the public domain and other national forests in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management roads program was in effect on January 1, 1998.

"(c) SPECIAL REQUIREMENTS FOR FOREST SERVICE ROAD PROGRAM.—

"(1) DESIGN AND ENGINEERING SERVICES.—Using funds available to the Forest Service for the design and engineering of forest roads in the public domain and other national forests, the Secretary of Agriculture is authorized and encouraged to enter into contracts with private persons to perform design and engineering services in connection with the acquisition, construction, and maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

"(2) Level of construction.—In the case of a forest road in a public domain or other national forest that is constructed or paid for by a purchaser of national forest timber, the Secretary of Agriculture may not require the purchaser to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the harvesting and removal of the timber and other products covered by the sale, unless the Secretary bears that part of the cost necessary to meet the higher standard.

"(3) Treatment of road value.—In the case of a forest road in a public domain or other national forest that is constructed or paid for by a purchaser of national forest timber, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.".

(c) Elimination of References to Purchaser Credits.—

(1) Transportation system.—Section 10(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1608(a)) is amended by striking "benefits" and all that follows through the period at the end of the subsection and inserting "benefits.".

(2) Timber sales with purchaser credit provisions.—Section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a) is amended by striking subsection (i).

(d) Application of Amendments.—

(1) Effect on existing purchaser road credits.—Notwithstanding the amendments made by subsection (a), effective purchaser credit already earned for road construction may continue to be used in accordance with section 4 of Public Law 88-657 (16 U.S.C. 535; commonly known as the National Forest Roads and Trails Act), and rules issued under such section, as in effect on the day before the date of the enactment of this Act.

(2) Effect on existing contracts.—Notwithstanding the amendment made by subsection (c)(2), subsection (i) of section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to any timber contract described in such subsection awarded before October 1, 1998.

H.R. 2515

Offered By: Mrs. Chenoweth

(Page and line numbers refer to H.R. 3530, which is made in order as an amendment in the nature of a substitute)

Amendment No. 5: Page 29, beginning on line 15, strike paragraph (4).

Add at the end the following new section:

SEC. 12. ELIMINATION OF PURCHASER ROAD CREDITS IN CONNECTION WITH RECOVERY PROJECTS.

Section 4 of Public Law 88-657 (16 U.S.C. 535; commonly known as the National Forest Roads and Trails Act) is amended by adding at the end the following:

"(b) Authorized Methods to Fund Road Construction.—In connection with recovery projects, the Secretary of Agriculture—

"(1) may not provide purchaser credit for road construction; and

"(2) shall carry out the program authorized by this section for the acquisition, construction, and maintenance of forest roads in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management roads program was in effect on January 1, 1998.

"(c) Special Requirements for Forest Service Road Program.—

"(1) Design and engineering services.—Using funds available to the Forest Service for the design and engineering of forest roads, the Secretary of Agriculture is authorized and encouraged to enter into contracts with private persons to perform design and engineering services in connection with recovery projects involving the acquisition, construction, or maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

"(2) Level of construction.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the Secretary of Agriculture may not require the person to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the recovery project involved, unless the Secretary bears that part of the cost necessary to meet the higher standard.

"(3) Treatment of road value.—In the case of a forest road in a recovery project that is constructed or paid for by a purchaser of national forest timber, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.".

H.R. 2515

Offered By: Mrs. Chenoweth

(Page and line numbers refer to H.R. 3530)

Amendment No. 6: Page 29, beginning on line 15, strike paragraph (4) and insert the following:

(f) Elimination of Purchaser Road Credits in Connection With Recovery Projects.—

(1) Authorized methods to fund road construction.—In connection with recovery projects, the Secretary of Agriculture—

(A) may not provide purchaser credit for road construction; and

(B) shall carry out the road construction in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management roads program was in effect on January 1, 1998.

(2) Special requirements for roads.—

(A) Design and engineering services.—Subject to the availability of appropriations for this purpose, the Secretary of Agriculture may enter into contracts with private persons to perform design and engineering services in connection with recovery projects involving the acquisition, construction, or maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

(B) Level of construction.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the Secretary of Agriculture may not require the person to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the recovery project involved, unless the Secretary bears that part of the cost necessary to meet the higher standard.

(C) Treatment of road value.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.

H.R. 2515

Offered By: Ms. Furse

(Page and line numbers refer to H.R. 3530)

Amendment No. 7: Page 8, strike lines 3 through 17, and insert the following:

(8) Recovery project.—The term "recovery project" means a project to restore or protect forest values and resources within an identified recovery area, including the types of projects: restoration of native vegetative cover; prescribed burns; stabilization of slopes; recontouring of slopes; decommissioning and obliteration of roads; removal of man-made barriers to fish spawning runs; improvement of reparian areas and other habitat; and soil stabilization and other water quality improvements.

H.R. 2515

Offered By: Ms. Furse

(Page and line numbers refer to H.R. 3530)

Amendment No. 8: Page 29, strike "$500,000" and insert $50,000,000".

H.R. 2515

Offered By: Ms. Furse

(Page and line numbers refer to H.R. 3530)

Amendment No. 9: Page 29, after line 22, insert the following:

(5) Prohibition on use of any funds to construct temporary roads.—For purposes of the recovery projects authorized by this Act, amounts in the Fund shall not be used, either directly through direct allocations from the Fund, or indirectly through allocations to recovery projects from other Forest Service accounts, for the construction of temporary roads of any kind.

H.R. 2515

Offered By: Mr. Miller of California

(Page and line numbers refer to H.R. 3530)

Amendment No. 10: Page 27, beginning on line 11, strike "Amounts in the Fund shall be available to the Secretary, without further appropriation—" and insert "Only in such amounts as are provided in advance in annual appropriation Acts, the Secretary may use amounts in the Fund—".

H.R. 2515

Offered By: Mr. Miller of California

(Page and line numbers refer to H.R. 3530)

Amendment No. 11: Page 29, line 16, strike "new, permanent".

Page 29, line 22, strike "new, permanent".

H.R. 2515

Offered By: Mr. Miller of California

(Page and line numbers refer to H.R. 3530)

Amendment No. 12: Page 29, beginning on line 25, strike "paid," and all that follows through line 6, on page 30, and insert "deposited in the general fund of the Treasury.".

H.R. 2515

Offered By: Mr. Radanovich

(Page and line numbers refer to H.R. 3530)

Amendment No. 13: Page 29, beginning on line 15, strike paragraph (4) and insert the following:

(f) Elimination of Purchaser Road Credits in Connection With Recovery Projects.—

(1) Authorized methods to fund road construction.—In connection with recovery projects, the Secretary of Agriculture—

(A) may not provide purchaser credit for road construction; and

(B) shall carry out the road construction in the same manner as the Secretary of the Interior conducts the roads program for forest lands under the jurisdiction of the Bureau of Land Management, as such Bureau of Land Management roads program was in effect on January 1, 1998.

(2) Special requirements for roads.—

(A) Design and engineering services.—Subject to the availability of appropriations for this purpose, the Secretary of Agriculture may enter into contracts with private persons to perform design and engineering services in connection with recovery projects involving the acquisition, construction, or maintenance of forest roads. The Secretary shall ensure that competitive procedures are used in the selection of persons for the performance of such services.

(B) Level of construction.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the Secretary of Agriculture may not require the person to design, construct, or maintain the road to a higher standard than the standard, consistent with applicable environmental laws and regulations, that is sufficient for the recovery project involved, unless the Secretary bears that part of the cost necessary to meet the higher standard.

(C) Treatment of road value.—In the case of a forest road in a recovery project that is constructed or paid for by another person, the appraised value of the road shall be considered to be money received for purposes of the payments required to be made under the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500). To the extent that the appraised value of a forest road determined under this paragraph reflects funds contributed by the Secretary of Agriculture to build the road to a higher standard, the Secretary shall modify the appraisal of the road to exclude the effect of the Federal funds.

H.R. 2515

Offered By: Mr. Vento

(Page and line numbers refer to H.R. 3530)

Amendment No. 14: Page 10, line 1, strike "45-day period" and insert "60-day period".

Page 10, line 18, strike "45-day period" and insert "60-day period".

H.R. 2515

Offered By: Mr. Vento

(Page and line numbers refer to H.R. 3530)

Amendment No. 15: Page 27, lines 12 and 13, strike ", without further appropriation".

H.R. 2515

Offered By: Mr. Vento

(Page and line numbers refer to H.R. 3530)

Amendment No. 16: Page 29, line 16, strike ", permanent".

Page 29, line 22, strike ",permanent roads" and insert "roads, regardless of whether the roads are intended to be permanent or temporary".

H.R. 3310

Offered By: Mr. Kucinich

Amendment No. 1: Page 4, strike line 10 and all that follows through page 6, line 25, and insert the following:

"(B) establish a policy or program for eliminating, delaying, and reducing civil fines in appropriate circumstances for first-time violations by small entities (as defined in section 601 of title 5, United States Code) of requirements regarding collection of information. Such policy or program shall take into account—

"(i) the nature and seriousness of the violation, including whether the violation was technical or inadvertent, involved willful or criminal conduct, or has caused or threatens to cause harm to—

"(I) the health and safety of the public;

"(II) consumer, investor, worker, or pension protections; or

"(III) the environment;

"(ii) whether there has been a demonstration of good faith effort by the small entity to comply with applicable laws, and to remedy the violation within the shortest practicable period of time;

"(iii) the previous compliance history of the small entity, including whether the entity, its owner or owners, or its principal officers have been subject to past enforcement actions;

"(iv) whether the small entity has obtained a significant economic benefit from the violation; and

"(v) any other factors considered relevant by the head of the agency;

"(C) not later than 6 months after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1998, revise the policies of the agency to implement subparagraph (B); and

"(D) not later than 6 months after the date of the enactment of such Act, submit to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate a report that describes the policy or program implemented under subparagraph (B).

"(2) For purposes of paragraphs (1)(B) through (1)(D), the term 'agency' does not include the Internal Revenue Service.".

H.R. 3310

Offered By: Mr. McIntosh

Amendment No. 2. Page 6, strike line 25 and insert the following: imposed by the agency.

"(4) Notwithstanding any other provision of law, no State may impose a civil penalty on a small-business concern, in the case of a first-time violation by the small-business concern of a requirement regarding collection of information, in a manner inconsistent with the provisions of this subsection.".

EXTENSIONS OF REMARKS

U.S. FOREST SERVICE POLICY

HON. RICK HILL

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. HILL. Mr. Speaker, something has gone haywire at the U.S. Forest Service.

In published news reports, and in testimony before the House Resources Subcommittee on Forests and Forest Health, it is clear that the agency is pursuing forest policies which are driven by politics and public relations rather than science and common-sense. I have to agree with subcommittee Chairman HELEN CHENOWETH of Idaho that the Forest Service's top-down policies have more to do with the 2000 Presidential campaign than responsible national forest management.

What has been recently imposed in our forests is a moratorium on management. The hands of local forest managers have been tied. Combined with the recent weather trends in my home State of Montana, this lack of local management is a recipe for disaster during this upcoming fire season.

A recent article in the newsletter Conservation News (March 23, 1998) entitled "Sportsmen being excluded from public lands, House panel is told" is a clear example of the emerging agenda of the Clinton/Gore Administration and how they are using our forests in the most cynical way possible.

SPORTSMEN BEING EXCLUDED FROM PUBLIC LANDS, HOUSE PANEL IS TOLD

CHENOWETH HITS 'MEDIA MANIPULATION' PLAN

Sportsmen are increasingly being denied the right to enter public lands, Safari Club International told a House subcommittee last week.

Before the U.S. Forest Service is permitted to pursue its planned moratorium on forest road construction, Congress should require that the agency publish a list of all road closings in the last 10 years, the group told the forest and forest health subcommittee.

"We want to insure that this new effort does not further erode an already diminishing access to recreational opportunity on public lands," said Ron Marlenee, Safari Club's government affairs consultant. "Increasingly, sportsmen are coming up against pole gates, gates, barriers and 'no motorized vehicles' signs when they arrive at the edge of public property," he told a hearing.

The hearing was the second in two weeks to consider the Forest Service's proposal to impose an 18-month moratorium on the construction of roads in so-called "roadless" areas. The scheme has drawn angry protests from westerners, with several congressional chairmen threatening to slash the Service's 1999 budget (See Conservation News, March 9, page 1).

The focus of last week's hearing was H.R. 3297, which would suspend the continued development of a roadless area policy by the Service until public hearings are conducted on all Forest Service units nationwide. As of late last week, the measure had 24 co-sponsors.

Subcommittee Chairman Helen Chenoweth (R-Idaho) again blasted the Clinton Administration for its forest policies. She referred to a recent Washington Post article about a Forest Service communication plan to promote its agenda. "It's a detailed strategy on how to manipulate the media and everyone else to get support for the administration policies over the next eight months," the article stated.

The article quotes the plan as proposing to have Service Chief Mike Dombeck traveling to spectacular forest fires to gain media coverage.

"We now have seen a copy of Chief Dombeck's PR plan which was reported in the press," Chenoweth told the hearing. "After reading it, I am left to question, Where does the Forest Service get the legislative authority to manipulate the press and others to promote their agenda? " she asked.

"I am also left to wonder where Chief Dombeck gets the legislative authority to use this once proud agency—and I stress once proud agency—to take 'every opportunity to tie with the vice president's Clean Water Initiative and indeed provide a media event for the VP?'" Chenoweth said, quoting from the plan.

She claimed that, "rather than protect the forest environment, Chief Dombeck has allowed the Forest Service to be used as a tool of the Clinton-Gore Administration to gain partisan political advantage and promote Vice President Gore's presidential aspirations."

"This blatant use of the Forest Service for strictly partisan political purposes will not be tolerated," Chenoweth said. "It is unthinkable to utilize catastrophic fire and the resulting devastation to human life and the environment for partisan political gain and to promote Vice President Gore's presidential aspirations."

The Safari Club's Marlenee suggested a hidden agenda in the roads proposal. "In an effort to further justify road closures, the Forest Service implies that hunting in the forest system is having negative impact on wildlife," he testified. "They contend that access has led to 'increased pressure on wildlife species from hunters and fishers,'" he said, quoting an agency notice.

"My experience has been that the Forest Service consults extensively with state wildlife agencies and that the jurisdiction of wildlife and hunting is primarily a state right and responsibility," Marlenee continued.

"Because the Forest Service allegation appears in their public document, because it impugns the role of hunting in conservation, and because it denigrates the capability of state wildlife management, I would suggest this committee require the Forest Service to name even one state wildlife agency that is not fulfilling (its) obligations. We know of none and resent the fact this ill-thought-out statement is being used to justify closure considerations that could be harmful to sportsmen and to wildlife management," he said.

ON THE PASSING OF FATHER ORESTE PANDOLA OF BALTIMORE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to a truly great pastor and great person, Father Oreste "Rusty" Pandola, who has been chosen to receive the Thomas D'Alesandro, Jr. Award for 1998. This award is named for my late father, who served as a long time Mayor of Baltimore and as a Member of the U.S. House of Representatives. It is presented annually by the Little Italy Lodge to an individual who has made an outstanding contribution to Baltimore's Italian-American community.

Just a few days before his untimely death on January 17th, 1997, Rev. Oreste Pandola, SAC, known to everyone in St. Leo's as "Father Rusty," was asked what he would like inscribed on his tombstone. Always ready with a witty reply, he answered, "Well, I put an elevator in the church and another one in the school. How about, 'Going up!'" With that, he laughed heartily and made his familiar thumbs-up sign.

Although he had been suffering a constant battle against the debilitating effects of diabetes, little did anyone realize how soon afterward, those words would come to fruition. Father Rusty was only 54 when he died of a heart attack. He had been pastor of St. Leo's for eight years. One parishioner summed up his leadership by saying, "He affected the parish unlike anyone we've had in the past. His open friendship, his demeanor, his confidence. He could get people to do things for the church."

He was a priest who saw the needs of his community beyond the religious aspects, although he certainly was a wonderful shepherd of his flock. He never let personal health problems get in the way of his pastoral duties. After injuring his shoulder in a fall while attending a meeting in New Jersey, he celebrated Mass with his left arm in a sling.

Father Rusty enjoyed life, Italian food—especially pasta—and cream donuts, laughed loud at a good joke—even at his own expense—and was not afraid to try new things such as para-sailing.

One of his major achievements was the renovation and subsequent re-opening of the church school, closed in 1980, as an adult learning center. A man of vision, he saw a building wasting away and he saw many of the more senior residents of the Little Italy community with idle time and idle minds. He gave birth to the Adult Learning Center, which today bears his name and is in its third year and growing.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Father Rusty had a reputation of being involved in activities and interests that went beyond his duties as pastor. He was compassionate, understanding and optimistic. To him, no task was to great. Being happy all the time and being positive in his assessment of things seemed to be natural qualities. "Piece of cake," he would say to someone who felt that a task was too great. "Hang in there."

Born and raised in New York, he was ordained a priest in the Pallotines of the Immaculate Conception Province in Brooklyn, NY in 1969, seven years after entering the order. He served as chaplain and teacher of religion at Bishop Eustace Preparatory School in Pensauken, NJ, in 1969. Father Rusty came to Baltimore in the 1970's, serving as vocation director and novice master for his order. He also was the director of the Pallotine Seminary in Hyattsville, MD, and he also served for a time as a Provincial Superior of the Pallotine Fathers.

Cardinal William Keeler, Archbishop of Baltimore, called him "a truly great pastoral leader. He spoke to the people in a way which was at once witty and humorous and also quite profound." Reflecting on his avid reading, the Cardinal added, "If I had to name one person who was knowledgeable about the Bible, who was in tune with today's current problems and was compassionate, it was Father Rusty."

Rev. Peter Sticco, SAC, the Pallotine Provincial at the time, told the mourners in his eulogy, "He was your pastor, he was your hero, he was your friend."

The Rev. Oreste Pandola, SAC, is a worthy recipient and exemplifies the great spirit of Thomas D'Alesandro, Jr. in whose name this award is presented.

IN HONOR OF GEORGE AND HELEN DUDAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the anniversary of the marriage of George and Helen Dudas fifty years ago, May 22, 1948. These two people truly exemplify a bond that can stand the test of time.

George and Helen Dudas entered the covenant of marriage at a time when the future was uncertain. World War II had just concluded, an economic boom was prevailing over the nation, and two young persons chose to take the first step on a long and successful life together. Their marriage saw many events in its fifty years, both joyous and challenging, that strengthened their bond and their love for each other.

George and Helen Dudas have clearly maintained a close bond with each other that has survived the test of half a century. Their marriage covenant, a beacon for all of us in these unstable times, exhibits a true love for each other and an ability to cope with the tests of marriage.

My fellow colleagues, join me in saluting George and Helen Dudas, two fine persons who have maintained a loving and devoted relationship for fifty years and we hope for fifty more.

THE DO-NOTHING CONGRESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. HAMILTON. Mr. Speaker, I insert my Washington Report for Wednesday, March 25, 1998, into the CONGRESSIONAL RECORD.

THE DO-NOTHING CONGRESS

1965, my first year in Congress, was extraordinary in its legislative accomplishments. In that year Congress enacted Medicare, aid to education, and voting rights legislation, just to name a few examples.

1998, my last year in Congress, has been extraordinary so far for the opposite reason. Each week, Congress wants to get out of town as quickly as it can, come back as late as possible and spend a minimal amount of time in session. The legislative schedule for this year calls for Congress to meet for fewer than 90 days—including Mondays and Fridays, when virtually no real business gets done. That's the shortest schedule in history. At this time, Congress has only about 50 serious legislative days remaining before it adjourns in October. The biggest bill enacted so far was the renaming of Washington National Airport in honor of Ronald Reagan.

Congress is doing a bare minimum to get by. Members feel that the less we do here the better. They want to go home more often to remind the public of their accomplishments—most notably, last year's balanced budget agreement—and want to avoid the high-profile errors of the recent past, like the government shutdowns in 1995 and 1996 and the delay in passing a disaster relief bill for flood victims last year.

So far, the "recess strategy" employed by the congressional leadership seems to be working. For the first time in 25 years, a majority of Americans approves of the way Congress is doing its job. Congress, one of the most criticized institutions in America, has rarely gotten above a 40% job approval rating in recent years. Today it's at 56%. The standing joke here is that Congress is never more popular than when it is in recess. There isn't any doubt that the nation's soaring economy and the mellow political mood in the country have contributed to these high ratings, but it's also true that voters are pleased with the balanced budget agreement and this year's anticipated budget surplus, and those two achievements will certainly define this 105th Congress. When people feel better about the performance of government it helps everybody in the government.

OUTLOOK

Much of the remaining time is going to be taken up with measures that simply have to be passed, like the budget and the appropriation bills, and very popular legislation, like the highway bill.

The parties are at loggerheads over a long list of major issues including a minimum wage increase, education initiatives, campaign finance reform, Medicare expansion, tax policy, and the terms of any new funding for the United Nations and the International Monetary Fund (IMF). In addition, some of the legislative possibilities have already been foreclosed. There will not be a campaign finance bill this year, must to my distress. It is unlikely there will be a significant environmental legislation, and it's beginning to look now as if we will not address the long-term problems of financing Social Security and Medicare. Those items will not be taken up until the next Congress, if then. The tobacco legislation is very much in doubt and a great deal of work needs to be done on a code of conduct for the managed care industry and increased support for child care.

All of which is not to say that there aren't any high-stakes battles ahead in the remainder of the legislative year. Education will be one. Members of Congress are very much aware that across the country parents and business leaders want more done to improve the quality of education. Congress has before it competing proposals, including more funding for repairing and modernizing schools, increasing the number of teachers, providing more money directly to states through block grants, tax-free savings accounts, voucher programs, and additional money for teacher education. Some significant education legislation is a real possibility in this Congress.

There is strong interest in taxes. There is talk of a flat tax or a national sales tax or eliminating the current tax code, and, of course, a long list of tax cut proposals. But it is quite clear that Congress will not enact comprehensive tax reform this year.

Expanding health care coverage for those approaching retirement age and regulating HMOs will certainly be seriously considered, as will child care initiatives. There is also a lot of concern in Congress about values. Many bills have been introduced to address this concern, including bills to crack down on drunk driving, to discourage smoking, to ban online gambling, and to restrict access to pornography on the Internet. The values concern is also reflected in debates on revamping the bankruptcy laws and even on providing new money for the IMF.

There is, of course, a lot of debate on what to do about a possible federal budget surplus. Some want to return the money to the taxpayers, others want to spend the money on highways and bridges, others want to put the money toward Social Security reform.

CONCLUSION

Members frequently comment that the populist anger that dominated the political environment in the early 1990s is on the wane. We do not construe that as being a newfound, overwhelming respect for Washington, but it does reflect contentment with the status of the economy and a growing feeling that politics is irrelevant to the lives of most people. Public approval of Congress is hardly sky high but it has been consistently higher in 1997 and 1998 than at most times in the previous decades.

One of the positive things about the present mood is that Congress is focusing more on governance rather than simply rhetoric, which marked, for example, much of the early 1995 period. I really do not think the American people are telling us to do nothing. I think they want us to focus on the areas that are very tangible to them: health care, education, child care. What they are telling us is to work together and to avoid producing bad legislation.

This Congress is not going to make any big waves. But Congress can do a lot in a short time when it wants to, and I would expect the pace of activity in Congress to pick up in the next months.

HONORING ROSA AND CARLOS DE LA CRUZ

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, Cuban patriot José Marti said: "Talent is a gift that brings with it an obligation to serve the world, and not ourselves, for it is not of our making." I would like to recognize Carlos and Rosa de la Cruz for giving of themselves to the betterment of the community and utilizing their talents to help those in our community who have been less fortunate. I am pleased to congratulate the de la Cruz' for having recently been honored with the Simon Wiesenthal Award for Community Service.

The Simon Wiesenthal Center recognizes South Florida residents who have exhibited a spirit of true commitment and leadership in their community. After having been forced to flee communist aggression in Cuba in 1960, the de la Cruz' moved around the country, finally settling in Miami in 1975. Since then they have dedicated their efforts to improving the accessibility and quality of educational and social services available to our South Florida youth, as well as bringing awareness and appreciation for the arts.

While dedicating tremendous time and effort to our community's youth, they are also successful business owners. As board members for various foundations, they have also contributed to furthering the work of such wonderful institutions as the Dade Community Foundation, the Performing Arts Foundation of Greater Miami, and the United Way where they were honored with the 1997 Alexis de Tocqueville Award for community service. They have been an inspiring force in improving the quality of life for many South Florida residents.

HONORING THE HUFFINGTON CENTER ON AGING AT BAYLOR COLLEGE OF MEDICINE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the Roy M. and Phyllis Gough Huffington Center on Aging at Baylor College of Medicine as the center celebrates its tenth anniversary on April 7, 1998. The anniversary celebration will highlight the breakthrough research on aging conducted by the Center's internationally renowned scientists, as well as the contributions that older Americans can and do make throughout their lives.

The Huffington Center on Aging is committed to addressing the needs of an aging population by providing medical education and training, conducting basic and clinical science research, and delivering health care through Baylor College of Medicine-affiliated hospitals and other institutions. In just 10 years, the Center has grown to national and international stature in all of these areas, becoming one of the premier centers on aging in the world.

The Center's history dates to 1980, when Robert J. Luchi, M.D., current Director of the Huffington Center on Aging, established a Geriatric Evaluation Unit at the Houston Veterans Affairs Medical Center (VAMC), a Baylor-affiliated institution. As needs grew, the program and staff increased with support from the VAMC and Baylor's Department of Medicine. In early 1987, Baylor College of Medicine committed funds to create the Baylor Program in Aging, and the National Institute on Aging awarded a Geriatric Leadership Academic Award to Dr. Luchi as principal investigator and James R. Smith, Ph.D., as co-principal investigator. In 1988, the Honorable Roy M. and Phyllis Gough Huffington endowed the program to establish the Roy M. and Phyllis Gough Huffington Center on Aging.

The Center facilitates and coordinates interdepartmental research and initiates its own research studies in areas including cell and molecular biology of aging, adrenal cell biology, aging of the skin, control of gene expression in cellular senescence, the aging cardiovascular system, health care outcomes research, and ethical issues in acute and long-term care settings.

The Center's educational opportunities include courses and seminars in the basic and clinical sciences for clinical practitioners, students, trainees, faculty, staff, and health professionals, as well as continuing medical education courses. The Center sponsors courses for medical students, geriatric medicine clinical rotations for medical residents, and an accredited Geriatric Fellowship Training Program.

Clinical faculty and trainees provide patient care to older persons through the Geriatric Medicine Associates of Baylor College of Medicine at Smith Tower and the Methodist Hospital; the Houston Veterans Affairs Medical Center; and several hospital and community long-term care facilities.

During its short history, the Huffington Center on Aging has produced some important research breakthroughs. Center researchers cloned a gene critical for control of cell proliferation, creating opportunities for treating certain conditions associated with aging, including cancer. The Center's computer experts and faculty developed a hypertext module for geriatric education of health professionals that has been nationally judged the most wanted new education tool in geriatrics. The Center has also been widely praised for creating one of the most successful community programs on health issues of importance to older women.

For its man successes, the Huffington Center on Aging has been named a national Center of Excellence in Geriatrics by the John A. Hartford Foundation, Inc., of New York. As such, the Huffington Center on Aging has the mandate to train the future national leaders in geriatrics and gerontology. Baylor College of Medicine has committed substantial additional resources to the Center and the Huffington family and other supporters of the Center continue to be generous in their support. As a result, the Center's educational programs embrace virtually all the health professions trained in the Texas Medical Center and allied institutions and extend widely throughout the state of Texas. The alliance between the Huffington Center and the Methodist Hospital is breaking new ground in the delivery of superb patient care to the elderly.

Mr. Speaker, In congratulate the Huffington Center on Aging at Baylor College of Medicine for ten years of excellence and innovation in improving the quality of life for older people, and I look forward to even greater successes as they work to ensure healthier lives for older Americans in the 21st Century.

IN HONOR OF COMDR. RICHARD R. UZL, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Commander Richard R. Uzl, Jr. for his years of devoted service to the Veterans of Foreign Wars of District 7 and to his country. Commander Uzl exemplifies the American spirit at the highest level.

A native Clevelander, Commander Uzl attended local schools and graduated from James F. Rhodes High School in January, 1963. Commander Uzl then made a crucial decision in his life: to serve in the armed forces of the United States. During a tumultuous time when the profession of serviceman was not exactly glamorous, Commander Uzl sacrificed his immediate future to serve his nation in its armed services. He joined the U.S. Air Force in February, 1963 and served four years in the Air Force until his discharge in 1967. He served as an aircraft mechanic, earning leadership position while serving in two world hotspots: Korea and Vietnam.

After leaving the Air Force, Commander Uzl chose to continue his education and earned two degrees from Applied Technology in Cleveland. However, Commander Uzl continued his association with our nation's armed services by becoming a charter member of "Old Brooklyn" VFW Post No. 10228 in 1988. Named Post Commander in 1991, Uzl worked his way through the ranks of County VFW offices, serving on numerous committees and administering the district Voice of Democracy program for patriotic youth. Currently, Commander Uzl is the District 7 Commander of the Veterans of Foreign Wars.

My fellow colleagues, join me in saluting a model American who has defended his country and continued Americanism and patriotism by serving with the VFW, Commander Richard R. Uzl, Jr.

SALUTING AMBASSADOR TO IRELAND JEAN KENNEDY SMITH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. KING. Mr. Speaker, I rise today to salute our Ambassador to Ireland Jean Kennedy Smith. Ambassador Kennedy Smith has announced that she will be leaving Dublin this year, completing a remarkable diplomatic career in Ireland.

Under her leadership, the U.S. asserted its moral leadership and began to take an active role in the Irish peace process. Ambassador Jean Kennedy Smith deserves much of the credit for helping to bring about the best opportunity for a just and lasting peace in Ireland in more than 75 years.

Jean Kennedy Smith is beyond all doubt the most active, dynamic and effective U.S. Ambassador in our entire history of diplomatic relations with the Republic of Ireland. She will be missed and it will be extraordinarily difficult to fill her shoes. I am proud to have worked closely with Ambassador Kennedy Smith and even more to call her my friend.

Mr. Speaker, I submit an editorial analysis of Ambassador Kennedy Smith's remarkable legacy from the Irish Voice newspaper.

[From the Irish Voice, Mar. 18-24, 1998]

TIME TO RETHINK U.S. EMBASSY ROLE

The announcement that U.S. Ambassador to Ireland Jean Kennedy Smith will be leaving her post this summer brings to an end the most extraordinary chapter yet in Irish and American diplomatic relations.

She will be greatly missed, not just for her contribution to the peace process but for her overall energy and commitment to improving understanding and links between Ireland and America.

There will likely never be another ambassador like Kennedy Smith, who played such a crucial role in the Irish peace process and redefined the American/Irish diplomatic relationship in a way that has transformed that office forever.

Indeed, the major question following her departure should be whether it is now time to institutionalize what she has put in place—the acceptance that the U.S. ambassador in Dublin plays as important a role in Northern Ireland affairs as does the American envoy in London.

It has always exclusively been the purview of the London ambassador to report on and deliver assessments on Northern Ireland to the Secretary of State and the President. Just how flawed some of those assessments can be was highlighted by the recent memoirs of former U.K. ambassador Raymond Seitz, whose total involvement was to visit Northern Ireland once in a British army helicopter before sending back his "insights." He refused to meet SDLP leader John Hume on that trip, which surely endeared him to moderate Nationalist supporters.

At a time when the Irish government is likely to have a larger say in the affairs of the North, it seems fitting that the U.S. ambassador in Dublin should have significant input into State Department decision making, and that it should not again revert to being the sole concern of the U.S. ambassador in Britain.

There is also a need to keep a high caliber ambassador in Dublin such as Kennedy Smith. Proximity to the President matters most in such appointments, and there were few closer than Senator Edward Kennedy and his sister to Bill Clinton.

Before Kennedy Smith the occupants of the position tended to be elderly, well-heeled gentlemen—appointed mainly in return for financial contributions—who coasted for a few years in Dublin before retirement. The notion of Dublin as a sleepy backwater took hold, encouraged no doubt by those in the State Department who viewed Northern Ireland as a problem for the London embassy to deal with.

The notoriously pro-British slant in the State Department also extended to many in their Dublin embassy, a fact which caused Kennedy Smith no amount of problems. It is time that the embassy there reflected the importance of the Irish issue to the U.S., and also that Northern Irish specialists be appointed to Dublin.

Kennedy Smith has certainly made a start on this. Despite her lack of experience on Irish issues she entered the minefield of Northern Ireland and emerged not only unscathed but triumphant. At several critical moments in the peace process—most notably when the visa issue for Gerry Adams was being debated—she showed leadership and courage and withstood the slings and arrows of her opponents, many of whom worked through the British press to malign her.

She had her share of critics in the State Department too, who saw their long undisputed hegemony over Irish issues crumble. Events and history will prove her right in that debate.

The greatest send-off she could now receive would be another visit from the President to Ireland as part of a successful conclusion to the peace process. It is the least Jean Kennedy Smith deserves after such an impressive term of office.

A LIFETIME ACHIEVEMENT TO SERVICE DEDICATION TO MR. FRED QUELLMALZ

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to take this time to honor an outstanding individual on his service to the success of citizen diplomacy, Mr. Fred Quellmalz. Mr. Quellmalz has been dedicated to service with the Sister Cities International for the past 40 years.

In 1956, Mr. Quellmalz and a select group of people met with President Dwight D. Eisenhower at the White House to discuss a people-to-people citizen diplomacy program. This program grew and became Sister Cities International. Mr. Quellmalz has been an active member of this program for the past 40 years and has helped to get people in the community involved with citizen diplomacy.

On April 18, 1998 the Illinois Chapter of Sister Cities International will honor Fred Quellmalz with the Lifetime Achievement Award for his outstanding dedicated service to the people in the community and to the life of the citizen diplomacy program. Mr. Quellmalz not only watched the program grow, but was actively involved in its progress. In fact, Mr. Quellmalz was founder of two chapters in Illinois, the Des Plaines and the Illinois State Chapter, as well as Treasurer for both organizations.

I would like to extend my very best wishes to Mr. Fred Quellmalz on his achievements with Sister Cities International as well as his dedicated community service.

THE PASSING OF FRANK WONG

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. PELOSI. Mr. Speaker, I rise to mourn the passing of a great American, a man dedicated to the democratic principles that are at the very foundation of our country. Frank Wong died on March 9th after suffering a stroke. He was 79.

Mr. Wong founded the Chinese Democracy Education Foundation in San Francisco 13 years ago and was instrumental in coordinating protests and other activities in the Bay Area after the 1989 Tiananmen Square massacre of pro-democracy demonstrators in Beijing. He was instrumental in the effort to bring the Goddess of Democracy, a replica on the statue created by the student protesters, to Portsmouth Square in Chinatown soon after the massacre. He also hosted many of the student dissidents who came to the United States as political refugees after the tragedy.

Mr. Wong was born in China in 1919, and came to the United States in the 1940's to study at New York University. His heart, however, was never far from his homeland, and inspired by the freedoms he enjoyed in this country, he returned to China to become the editor of a Chinese newspaper. His return would not be an easy one. The Chinese Communists were in control, and his ideas for a free and open society ran counter to the prevailing powers. In 1957, Communist Party officials had him arrested for his pro-democracy position and advocacy for human rights. He was sentenced to three years in a re-education forced labor camp.

After his release from prison, Frank Wong came back to the United States. Despite his hardship, his belief in the freedom of the human spirit could not be shaken. He remained committed to the principles of democracy and human rights in China. The Chinese Democracy Education Foundation is dedicated to promoting these values, and since its inception has given out 40 awards to individuals and groups which have worked towards achieving these goals.

As one who had the privilege of working with Frank, I was always impressed by his courage, dedication to democratic ideals and his gentle manner. It is with great regret and respect that I extend my deepest sympathy to Frank's wife, his children Eric and Joyce and his five grandchildren.

RED RIBBON WEEK IN BYRON DISTRICT #226

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. MANZULLO. Mr. Speaker, I am proud today to commend the efforts of the families, students, parents, and teachers of the communities of Byron, Mt. Morris, Oregon, and Stillman Valley, Illinois, as they launch this year's celebration of Red Ribbon Week, from

March 30 to April 3. I extend a special thanks to Randy Vavra, his co-workers, and the many others involved in planning drug awareness activities for assisting in the coordination of this week. The significance of Red Ribbon Week and its impact on the young people in our communities is crucial to getting out the message that drug use destroys lives.

The Red Ribbon Campaign is a national effort organized to commemorate federal agent Enrique Camarena, who was tortured and murdered by drug traffickers in February 1985. In his memory, the Red Ribbon has become a symbol recognizing volunteers and professionals working in the field of drug and violence prevention, drug demand reduction, law enforcement, and treatment. These efforts are supported by schools, churches, media, law enforcement agencies, business, and government.

Although Red Ribbon Week is normally recognized in October, this year Byron and nearby communities have moved the celebration to the spring in order to bring r internationally renowned drug prevention speaker Milton Creagh. Mr. Creagh sports an impressive résumé of professional and community activities for which he has received many honors and awards. In addition to Mr. Creagh's appearance, the district is planning a variety of student activities, as well as a drug and alcohol awareness inservice for all district staff.

I fully support the Red Ribbon Campaign and the work of everyone involved. Drug awareness and prevention begin with families and communities, so I congratulate the people of Byron, Mt. Morris, Oregon, and Stillman Valley as they put together Red Ribbon Week. Your work will further the goal of eradicating the scourge of drugs that threatens our children and will direct them along a path to a brighter future.

A VISION FOR THE THIRD MILLENNIUM

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. LIVINGSTON. Mr. Speaker, I submit to the RECORD "A vision for the 3rd Millennium" by Martial Arts Grandmaster Jhoon Rhee. Grandmaster Rhee has been employing his "Lead by Example Action Philosophy" for over 50 years as a martial artist, goodwill ambassador, businessman, citizen, husband, father and most of all as a teacher of young people.

His philosophy seeks as its goal a healthier, happier society. His tenets of "knowledge in the mind, honesty in the heart and strength in the body" are important values that adults should seek to instill in children. And the best way to do that is by being a living example of those important virtues—leading by example.

I encourage all Americans to follow Jhoon Rhee's example of strength, honesty and leadership.

A VISION FOR THE 3RD MILLENNIUM

We, the Martial Artists, citizens of the world, hereby declare the "Lead By Example Action Philosophy" to the world. We all know that a picture is worth a 1000 words, but we also must know that action is worth a 1000 pictures. The "Lead By Example Action Philosophy" is designed to inspire all people to be more enlightened; to ensure effective children's education for family unity; and to promote cultural diversity for universal harmony. The "Lead By Example Action Philosophy" can be achieved through "Joy of Discipline"—a mental and physical exercise program that can lead us to achieve "100 Years of Wisdom in a Body of 21 Year old", the foundation for a happy global society.

The "Lead By Example Action Philosophy" is a new social awakening campaign for a perfect global society in the 3rd Millennium. It is not a religion but recognizes a Supreme Intelligence as the origin of life and happiness. People constantly move to avoid pain or to seek joy and comfort. Therefore, the universal purpose of life, unquestionably, is happiness. The ultimate value for happiness is Love; only Beauty triggers the love emotion; and only Truth beautifies human heart.

Therefore, When I am truthful, I am beautiful in heart; When I am beautiful in heart, everyone loves me; When everyone loves me, I am happy.

Conversely, When I lie, I am ugly in heart; When I am ugly in heart, everyone hates me; When everyone hates me, I am unhappy.

Therefore, a truthful way of life is not only good, but also wise; a false way is not only wrong, but also foolish. Truth, Beauty, and Love are three basic elements of Good that we must live by daily. Deceit, ugliness, and hatred are three basic elements of evil that we must recognize but never practice. All thoughts of Truth, Beauty, and Love secrete a positive brain substance, Beta Endorphin, for our better health and happiness, but thoughts of deceit, ugliness, and hatred secrete a natural negative brain substance, adrenaline, which leads to stress that can cause fatal diseases. Everyone is born to be happy with each breath of life. We all deserve the most joyful social environment for absolute global happiness. The foundation for a happy society is perfect human character, exercising true freedom approved by the one's conscience, and never practicing false freedom licensed by selfish animal instinct. People of the 3rd Millennium must be perfect human beings, defined by never making mistakes knowingly, harmful to none, and beneficial to all. Therefore, as a martial artist, I must first develop a perfect body as the temple for a perfect mind.

An ideal human being is one who has achieved a balanced education consisting of three basic human qualities—Knowledge in the mind, Honesty in the heart, and Strength in the body. The purpose of knowledge is to take action, for knowing does not make things happen, but actions always do. All parents of the 3rd Millennium must become teachers for their children, not by words alone but also by their actions, for children are born to learn not only by listening but more by watching deeds of adults. Consistent good behavior and spontaneous action come only from skills and good habits.

Three Golden Rules for parents and teachers to help children develop many good skills and habits are: (1) Lead By Example; (2) Never fail to correct their mistakes with a smile until good habits are formed; and (3) Lead By Example.

Therefore, I will recite My Four Daily Affirmations to reaffirm my daily commitment to achieve 100 years of wisdom in a body of 21 year old, as follows: (1) I am wise because I always learn something good everyday; (2) I am humanly perfect because I never make mistakes knowingly; (3) I like myself because I always take action to make good things happen; and (4) I am happy that I am me because I always choose to be happy.

Therefore, I am a wise, perfect, active, and happy center of the universe.

THE CASE FOR PAYING U.N. DUES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent op-ed Ambassador Richard N. Gardner wrote in the March 4th edition of the Los Angeles times.

The article is entitled "There's more than politics at stake in unpaid U.N. dues." At its heart, the issue is that if the United States has no legal obligation to live up to its treaties and other international agreements, then the message we send is that any nation is free to violate any commitment made to the United States or to any other nation. That is not a world in which we should want to live.

The op-ed by Ambassador Gardner follows:

[From the Los Angeles Times, Mar. 4, 1998]

THERE'S MORE THAN POLITICS AT STAKE IN UNPAID U.N. DUES

(By Richard N. Gardner)

A top priority for the Clinton administration is to persuade Congress to pay more than $1 billion in back dues to the United Nations. Failure to do so will undermine critical U.N. operations in peacekeeping and development and further diminish U.S. influence in the world organization.

Complicating the administration's task is a new and fallacious idea that has been accepted by many members of Congress; that the United States has no legal obligation to pay its U.N. debts. Last fall the Senate Foreign Relations Committee declared that the U.N. Charter "in no way creates a 'legal obligation' on the United States Congress to authorize and appropriate" the money to pay the dues. In justification, the committee wrote: "The United States Constitution places the authority to tax United States citizens and to authorize and appropriate those funds solely in the power of the United States Congress."

These statements reflect a dangerous misunderstanding of the relation between international law and domestic law.

The U.N. Charter is a treaty that legally binds us as it does other U.N. members. Of course, a treaty cannot override the U.S. Constitution. Congress is free as a matter of domestic law to violate U.S. obligations under international law.

But these truisms do not alter the facts: If Congress exercises its constitutional right to violate a treaty, the United States still has a legal obligation to other countries; and our refusal to live up to our commitments can have legal consequences.

There is no international police force to enforce international law, but nations generally observe their treaty obligations because of their desire for reciprocity and fear of reprisal.

In 1961, when the Soviet Union refused to pay its assessments for the Congo and Middle East peacekeeping operations, Republican and Democratic members of Congress insisted that the U.S. go to the World Court to get an advisory opinion that the Soviet Union had a legal obligation to pay. The U.S. brief of the court, in whose preparation I had a part, stated: "The General Assembly's adoption and apportionment of the Organization's expenses create a binding legal obligation on the part of the member states to pay their assessed shares" In 1962, the court agreed with that proposition, and the General Assembly accepted it.

Article 19 of the U.N. Charter provides that a country in arrears of its assessments by two full years shall lose its vote in the General Assembly. The Assembly in an unfortunate failure of political will, failed to apply that sanction to the Soviet Union when it became applicable in 1964. Never the less, the Assembly recently has regularly applied the loss of vote sanction.

We are not just dealing here with legal technicalities, but realpolitik in the best sense of the word. If nations were free to treat their U.N. assessments as voluntary, the financial basis of the organization would quickly dissolve. Some would not mind it if the U.N.'s financial support unraveled. They do not seem fully to appreciate how important the U.N.'s work in conflict resolution, peacekeeping, sustainable development, humanitarian relief and human rights can be for the United States.

If the United States has no legal obligation to live up to its treaties and other international agreements, neither do other countries. Then, any country would be free to violate any legal commitment it has made to us, whether to open its domestic market, reduce its nuclear arsenal, provide basing for our ships and aircraft, extradite or prosecute terrorists or refrain from poisoning the global environment. Congress must focus on all of the consequences of its failure to honor our U.N. obligations.

THE UNITED STATES-PUERTO RICO POLITICAL STATUS ACT—H.R. 856

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. ABERCROMBIE. Mr. Speaker, I rise today in support of H.R. 856, the United States-Puerto Rico Political Status Act. My decision to support this legislation is based on my experiences in Puerto Rico and as a Member representing the last state to be admitted to the union. Not only do I believe the referendum mandated under this legislation to be in accord with the will of the people of Puerto Rico—I also believe it is morally incumbent upon the Congress to move the self-determination process along. The United States cannot declare itself to be the capital of the free world when it denies the fundamental principles of democracy to a group of its citizens.

Let me be clear, this legislation is not a statehood bill. It allows Puerto Ricans the right to express their own views about their island's destiny through an initial non-binding referendum. The next step in the process would require the aspirations of the majority of the people of Puerto Rico to be reviewed and approved by the President of the United States and the Congress. A change in status to either statehood or independence would actually require three island-wide majority votes, three congressional approvals, and a prudent transition period of ten years. Certainly much more thought, review, and revision would follow an approval of this legislation by the House of Representatives. However, we can at least do our duty as Members of Congress by providing the people of Puerto Rico with the opportunity to undertake the process.

All the political conjecture about this legislation—"it creates an artificial majority in favor of statehood," or "new Members of Congress from Puerto Rico will join the Democratic Party," or "the definition of Commonwealth is unfair," or "Puerto Rico will be America's Quebec," are all just that—conjecture. No one really knows what will result from this legislation, no one can predict the future. The lesson learned when Alaska and Hawaii joined the union as the 49th and 50th states bears this out. The political soothsayers of the day determined that Alaska would have a Democratic delegation and Hawaii would be Republican. As we all know, today the exact opposite is true. We cannot determine the future of Puerto Rico by voting for H.R. 856. however, we can stop the conjecture and begin the work it will take to give Puerto Ricans the ability to determine their own future.

I would also like to address the question of English as the official language. As a legislator who supported the inclusion of Hawaiian and English as official languages of the State of Hawaii, I am proud to say that the recognition of both languages has been a benefit to our islands, not a deficiency. Children who attend Hawaiian immersion schools actually score higher in English and other academic disciplines than their classmates who do not have the reference point of a second language. By encouraging the study and knowledge of more than one language, the children discover a deeper meaning to their studies. They have a cultural reference point that children without the knowledge of their native language lack.

Bilingualism is an asset—let us continue to encourage it in Hawaii and also Puerto Rico. A rich and unique cultural history should not divide Puerto Rico from the rest of the United States. A rich and unique cultural history defines who Puerto Ricans are today. Let us pass H.R. 856 and allow Puerto Ricans to define who they are and where they want to be in the future.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. KIND. Mr. Speaker, there is one more day left before this House debates campaign finance reform. This is our opportunity to reform the broken political process. Unfortunately, this opportunity is being wasted because the leadership of the House has chosen to submit a bill, H.R. 3485, that stands no chance of passing. There are a wide variety of good bills pending in this body that provide real options for fixing our broken system, the leadership should allow the members an opportunity to consider those bills.

Regardless of where each member of Congress stands on the issue of campaign finance reform we all share one goal, promoting citizen involvement in the electoral process. The bill we will vote on tomorrow actually restricts citizen involvement by amending the Motor Voter Act and adding burdensome rules to verify citizenship among voters. These provisions will result in a chilling effect on voting. We need to do more to encourage voter participation, rather than discouraging it.

Mr. Speaker, the solution to this dilemma is simple, allow an open rule that gives every campaign finance proposal, including the Bipartisan Freshman Integrity Act, a vote on the floor of the House of Representatives.

THE DRIVER RECORD INFORMATION VERIFICATION SYSTEM ACT—THE DRIVERS ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. MORAN of Virginia. Mr. Speaker, this morning, with my colleagues CONNIE MORELLA, ZOE LOFGREN, HENRY WAXMAN, NICK LAMPSON, and NITA LOWEY, we are introducing the Driver Record Information Verification System Act or DRIVERS Act for short.

This legislation is being introduced in response to the tragic and senseless death of a local and promising young student Benjamin Cooper. Last summer, a commercial truck driver with a lengthy record of driving violations, at least 22 in the past year and at least 31 over the past ten years, was permitted to get behind the wheel and continue to drive. On August 12th, the truck driver ran a red light, overturned and crashed into the car driven by Ben Cooper.

The Washington Post in a September 3rd editorial correctly asked, "What Kept Him (this truck driver) on the Road?" My own involvement on this issue began on August 25th, when I received a letter from one of Ben's classmates, Lester Feder who asked me to help develop a national database to ensure that drivers with a history of reckless behavior and numerous driving violations cannot obtain a new license. I very much appreciated Mr. Feder's letter and his efforts to add meaning to Ben Cooper's death by working to prevent a similar tragedy from ever occurring again.

As I looked into the tragic circumstances in more detail, I was shocked to learn how easily someone can exploit loopholes in the current driver registration system to obtain a new, clean license that can effectively wipe out any past driving violations. This appears to be what may have occurred with the driver of the truck who killed Ben Cooper. The most significant problem with the present system is that there are fifty different systems and databases for personal driver licenses, one for each state, and one incomplete national system for commercial driver licenses.

Unfortunately, these separate systems are often incompatible and cannot communicate with each other, requiring records to be updated manually. Moreover, not all states are doing a good job at coordinating and sharing information on bad drivers. Courts and law enforcement officers routinely lack information on a past driver's record prior to sentencing someone with a reckless or DWI (driving while intoxicated) charge. And, in turn, they lack a user-friendly system for transmitting their convictions to all fifty states.

Only five states operate a database that can be shared electronically with other states. Forty five states transmit update information to other states by paper. Needless to say coordination among the states on current driver record information is sporadic and inefficient Records are often incomplete and not updated on a timely basis.

Anyone motivated to hide their past record of violations can obtain a new license in a different state and obtain a clean driving record. To make matters worse, the commercial driver license information system, which was designed to establish a national database on commercial drivers only covers a small portion of the total driving population. Advancements in information management technologies, however, offers the promise of a simple easy to manage, real-time national database that can retrieve, update and manage a national database on the nation's 200 million licensed drivers.

Only with a national database that includes both personal and commercial driver license information can we effectively thwart those who seek to hide their past records. Permitting this new system to use social security numbers, something now permitted with the commercial drivers' license system, will also make it more difficult to alter one's name or identity. The ease and potential cost savings of a national system offers the promise that all states will seek voluntarily to join the national system.

Before we reach that stage, however, we must test its feasibility of the new system. The legislation we are introducing today, takes this first step by authorizing $5 million for the U.S. Department of Transportation to work with several states to develop this national database. Once the bugs in the new system are resolved, and I believe they can be, we can offer all states a new cost-efficient and comprehensive system they will all want to join.

The legislation we are introducing today is not a panacea. It is, however, a step in the right direction.

IN HONOR OF JASON DAVID SLOWBE ON HIS ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor Jason David Slowbe of Strongsville, Ohio, who will be honored on March 22, 1998 for his attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication of self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, twelve of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle Project, which he must plan, finance and evaluate on his own. It is no wonder that only two percent of all boys entering scouting achieve this rank.

My fellow colleagues, let us recognize and praise Jason for this achievement.

TRIBUTE TO REP. JIM HOWARD

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to former Representative James J. Howard on this the 10th Anniversary of his passing. First elected to Congress in 1964 and serving until his death in 1988, Congressman Howard served longer than any other Representative in the history of the Third Congressional District of New Jersey.

As the first representative from New Jersey to serve as chairman of the House Public Works and Transportation Committee, Representative Howard was responsible for passage of important legislation such as the 55-mile-per-hour national speed limit which was the first legislation to focus attention on the relationship between speed and safety. In addition, his anti-drunk driving and 21-year old minimum drinking age laws have prevented the deaths of many young motorists and innocent victims around the country.

Out of deep concern for the shore district he represented, Representative Howard championed major environmental legislation throughout his tenure in Congress. Among the bills he sponsored were the 1987 Clean Water Act, the Superfund Act of 1986 which limited the discharge of raw sewage by New York City and banned new sludge dumping in the New York Bight, the Plastic Pollution and Research Act of 1987 and the Groundwater Protection Act of 1987.

He was also responsible for passage of the Surface Transportation Assistance Act of 1982, which increased the Federal gas tax by five cents a gallon to greatly expand the nation's highway program, as well as numerous other pieces of legislation which greatly improved our nation's transportation system.

Mr. Speaker, Representative Howard truly demonstrated loyalty to his community and country throughout his lifetime of service. I know my colleagues join me in paying tribute to this fine man on the 10th Anniversary of his passing.

HOME OF THE HEROES CELEBRATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. McINNIS. Mr. Speaker, please include the following editorial in the CONGRESSIONAL RECORD.

[From the Chieftain, Pueblo, CO, Mar. 25, 1998]

HOME OF HEROES, TRULY

Since the beginning of World War II, about 30 million Americans have served in this nation's armed forces.

Of all of those people, only a small number have been awarded the Medal of Honor. And of that number, more than half were awarded it posthumously, meaning even fewer have received the nation's highest honor while alive.

Now the astounding part. Four of the living recipients grew up and attended schools in Pueblo.

And two of them attended the same high school, Central. Pueblo is the only city in the nation to be the home of four Medal of Honor recipients, and Central is the only high school to claim two.

William Crawford, now of Palmer Lake, and Carl Sitter of Richmond, VA. attended Central High, Jerry Murphy of Albuquerque attended Pueblo Catholic High school, and Drew Dix of Pueblo and Fairbanks, Alaska, attended Centennial High School.

A week ago, as a heavy spring storm raced through Pueblo, the four recipients attended the unveiling at the Pueblo Convention Center of the Home of Heroes display honoring these four special men.

The display features a uniform from each of the four, plus replicas of their medals and blowups of Associated Press news photos taken about the same time in the same area where the Puebloans earned their honors. Press a button and an electronic recording details each man's heroism.

Their fellow Puebloans showed the depth of their respect when about 200 braved the storm to attend the ceremonies. The gentlemen were obviously touched by the outpouring of respect and honor they received while here.

Now Pueblo is urging the Medal of Honor Society to hold its annual meeting here in 2000. That is when a statue honoring Pueblo's four recipients specifically and all Medal recipients in general is to be dedicated.

The project was organized by our publisher, Robert H. Rawlings, and is being supported by foundations and individuals from throughout the state.

Two Puebloans were surprised by the Medal of Honor Society, Doug Sterner, who along with his wife Pam began the Home of Heroes celebrations and who designed the concept behind the Home of Heroes diorama, was given the Society's prestigious distinguished Service Award. He accepted the award on behalf of his entire family.

This week Mr. Sterner was both proud of the honor and modest. As he put it to us, "I feel this honor goes to all of Pueblo. Pueblo has been so supportive" of the Home of Heroes program.

Yes, Pueblo truly is the Home of Heroes. We are all mightily proud of them and appreciate the "conspicuous gallantry and intrepidity in action at the risk of life above and beyond the call of duty" which earned them the Medal of Honor—and their nation's undying gratitude.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. McDERMOTT. Mr. Speaker, I was traveling with the President in Africa yesterday, March 24, 1998, and was unable to vote. I would have voted in favor of approving the journal (Rollcall No. 64). I would have voted in favor of H.R. 3211 (Rollcall No. 65). I would have vote in favor of H.R. 3412 (Rollcall No. 66). I would have voted in favor of H.R. 3096 (Rollcall No. 67).

INTRODUCTION OF LEGISLATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. DINGELL. Mr. Speaker, I rise today to introduce concurrent resolution No. ______ to encourage the use of federally-supported research findings surrounding the impact of untreated sleep disorders and sleep deprivation on the nation's health, safety and economy.

Studies show that Americans are chronically sleep deprived. According to a report by the National Commission on Sleep Disorders Research, approximately 40 million Americans suffer from some 80 identified sleep disorders and millions more intermittent sleep problems linked to depression, stress, pain, and other ailments. According to the National Sleep Foundation, two-thirds of adult Americans get far less sleep than the eight hours they need to maintain proper alertness during the day due partially to demanding lifestyles.

The pervasive sleep deprivation is taking a toll on the nation's health and productivity as sleepiness affects vigilance, mood, alertness, motor skills, and the memory of people in both the home and the workplace. Fatigue all too often has deadly consequences, causing at least $100,000 police-reported crashes on our nation's highways every year and contributing to other transportation and industrial disasters. Although, fatigue and sleep deprivation is estimated to cost Americans $100 billion each year. The National Sleep Foundation's recent poll found that 57% of Americans have driven when drowsy during the past year. 23% of adults have actually fallen asleep at the wheel in the past year. Obviously, sleep deprivation is a major concern in our homes, our work places and on our highways.

To address these serious concerns, the National Sleep Foundation, a variety of organizations, federal agencies and companies have initiated a program called National Sleep Awareness Week during March 30–April 5 to raise awareness of the importance of good sleep and the consequences of insufficient sleep in the home, workplace and on the highway. I ask my colleagues to join me in supporting their efforts and to work toward ensuring that proper attention is given to chronic sleep deprivation and fatigue by policy makers, medical care practitioners, researchers, and educators.

PERSONAL EXPLANATION

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. HOOLEY. Mr. Speaker, yesterday evening when the House was voting I missed rollcall votes number 64, 65, 66 and 67 because my flight to Washington from Oregon was cancelled. I respectfully request that the record reflect that had I been present, I would have voted yes on 64, yes on 65, yes on 66 and yes on 67.

RECOGNITION OF DR. HUGH O. LaBOUNTY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. PACKARD. Mr. Speaker, I would like to recognize an outstanding volunteer and citizen from the 48th Congressional District. Dr. Hugh O. LaBounty came to my district in his retirement as President of the California State Polytechnic University, Pomona—an institution he led with distinction for 13 years. However, Dr. LaBounty, who is an historian by training, and has served as a consultant to the Government of South Korea, to the United Arab Emirates, to the Tanzanian National Ministry of Education, and the Ministry of Education of Athens, Greece, does not understand the word "retirement."

Since Dr. LaBounty "retired" to Oceanside in 1991, he has served the brand new California State University established in our backyard of San Marcos. His appointment as Senior University Consultant was established by Founding CSUSM President Bill W. Stacy with "compensation of one dollar per year and other valuable considerations." Dr. LaBounty proceeded to earn his compensation and, more importantly, the gratitude of a struggling new campus. Of note was his service in assisting the campus prepared for its first accreditation by establishing an external assessment team visit, thus paving the way for a successful review. Subsequently, Dr. LaBounty lent his expertise toward the establishment of its Foundation. Not content to merely help manage the funds of the Foundation, Dr. LaBounty then assisted the campus in planning a professional fundraising program, and continued by raising funds himself.

Lest you think his contributions were primarily academic or business in their focus, I will also mention that Dr. LaBounty used his personal connections with actor Raymond Burr and the powers of his persuasion to bring a collection of Hans Erni's artwork to the campus for permanent display. It is the first art collection housed at the campus. For the sake of the residents of the 48th District, we hope it is not the last.

Mr. Speaker, as you can see, Dr. LaBounty has not yet understood retirement as "withdrawing from the business or public life" as my dictionary defines it. For this the educational community of CSU San Marcos and the civic community of the 48th District are grateful.

A GOLDEN ANNIVERSARY IN RECOGNITION OF GOLDEN EFFORTS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. BARCIA. Mr. Speaker, there is no doubt as to the value of our many fine veterans organizations. The work that these groups do for their members and their communities is very often supplemented by auxiliaries. I am proud to tell our colleagues that on April 2, Amvets Ladies Auxiliary #22 of Bay City, Michigan, will be celebrating its 50th anniversary.

They began with 10 members and have grown to nearly 75, who carry on a half century of dedication and service in honor of their motto: "We waited together. Now let's work together." Members of the auxiliary have certainly waited together over the years. Whether it was during the time of World War II, Korea, Vietnam, Desert Storm, or any other military activity, the members of the Amvets Ladies Auxiliary #22 were always ready to lend a hand.

The members of the Auxiliary worked from the very beginning to raise funds to support community service, child welfare, servicemen, Americanism, hospital and scholarship projects. They held Tupperware and Stanley parties, made and sold candy, and sold white clovers for the benefit of others.

Whether it was food baskets at Thanksgiving and Christmas, or gifts for servicemen during Vietnam, or the need for volunteers and resources for the Saginaw VA Hospital, or yellow house ribbons during Desert Storm, the auxiliary was there. The Lutheran Orphanage, the Women's Crisis Center, and school children who have participated in the Americanism contest, have all benefited from the generous efforts of the Auxiliary. And the Amvets Ladies Auxiliary #22 is rightly proud of the fact that they have been a working partner with Amvets Post #22 in hosting state conventions, a state bowling tournament, a fall conference, and a driver's excellence program.

Mr. Speaker, I urge you and all our colleagues to join me in congratulating all of the members of the Amvets Ladies Auxiliary #22, and its officers, Patricia Michalski, President; Kathy Hair, 1st Vice President; Diane Woods, 2nd Vice President; Linda Marshall, Secretary; Karen Kelly-Jamrog, Treasurer; Katherine Avery, Chaplain; Patricia Jane, Sergeant at Arms; Phyllis Frenzke, Americanism Chairperson; Linda Marshall, Scholarship Chairperson; Marcella Schmidt, Hospital Chairperson; and Anne Schmidt, Parliamentarian. May they be granted their wish of reaching joyous 75th and 100th anniversaries in the years ahead.

HONORING MARSHALL V. MILLER

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. MCCARTHY of Missouri. Mr. Speaker, it is my honor today to rise and salute a recipient of Vice President GORE's Hammer Award, Mr. Marshall V. Miller, Esquire, of Miller and Company in Missouri's 5th Congressional District for his outstanding contributions to improving the trade compliance process on international trade issues. The reforms which Mr. Miller has achieved in the U.S. Custom Services trade compliance process has resulted in the Department's improvement in service to American businesses and their customers.

Miller and Company is receiving special recognition as a team that has significantly contributed in supporting the President's National Performance Review Principles. This emphasis on client services directly reflects the performance principles. Through the reinventing government process, Marshall Miller has participated as a member of the Partnership and Compliance Assessment Team which has identified, prioritized, and created action plans for removing barriers, enhancing maximum compliance, and reducing costs to the trade industry and the customs service.

Receiving the Hammer Award is a special recognition and honor which Miller and Company and its primary principal, Marshall Miller, have earned. Those that are fortunate enough to know Mr. Miller are aware of his energy and quest for efficiency. Mr. Speaker, I applaud my constituent, Marshall V. Miller, on receiving the Vice President's 1998 Hammer Award.

A TRIBUTE TO HELEN HILTON RAISER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. ESHOO. Mr. Speaker, I rise to honor Helen Hilton Raiser who is being honored by the Volunteer Center of San Mateo County, California at the Eleventh Annual Very Important Volunteer Dinner.

Helen Raiser is an active community volunteer who gives generously of her time and talents to a wide variety of organizations and causes. She has been a trailblazer in the handgun control movement so that we will have safer communities. She has worked extensively with young people, especially as an enthusiastic volunteer in Scouting. She has been a tenacious champion of accessible housing. She has been a leader in providing high quality retirement housing and care for our community's seniors through the construction, development, and property management business she and her late husband John Raiser built during their 37 year marriage. She has been a dedicated board member of numerous non-profit organizations, and a talented chair of many fund-raising events. This year Helen Raiser chairs the Very Important Volunteer Dinner for the Volunteer Center of San Mateo County and has chosen "The Love of Reading" as the theme. She understands the critical role reading plays in people's lives, especially in the lives of children.

Since coming to the San Francisco Bay Area in 1960 from British Columbia, Helen Raiser has dedicated herself to bettering her community for everyone. Mr. Speaker, Helen Hilton Raiser is an outstanding citizen and I salute her for her remarkable contributions and commitment to our community. I ask my colleagues to join me in honoring and congratulating her on being honored as the Volunteer Center of San Mateo County's Very Important Volunteer.

INTRODUCTION OF LEGISLATION

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. ARCHER. Mr. Speaker, Social Security represents the single most commitment to the elderly and the disabled that has been made by our society. It is a great testament to our nation's dedication to assuring a floor of security for workers and their dependents.

Yet, due in part to the aging of baby boomers, this vital program will be unable to fully honor its benefit commitments as of the year 2029. Forecasts of future Social Security insolvency, and suggested remedies, are being discussed more and more in the media and at kitchen tables all across the country. Americans want to learn more and share their views with their elected officials.

We need to take a long, hard, thorough look at Social Security, and the sooner we do so, the sooner we will be able to make decisions that will not be precipitous—but that can be developed in prudent and constructive ways. We must take advantage of a timely and rare opportunity, this era of budget surpluses, to find a solution which treats causes, not symptoms. We must be open to fully explore structural changes which may be critical to the long-term stability of the system, as well as to our economy.

We are obligated to protect Social Security and to stabilize it, not just for the near-term, but for the long run. This complex program, which affects the lives of so many Americans in unique and different ways, needs to be closely scrutinized by an independent panel of experts, like the one on which I served under Ronald Reagan in 1982.

Along with Mr. KASICH—Chairman of the Committee on Budget and Mr. BUNNING—Chairman of the Ways and Means Subcommittee on Social Security, I am introducing legislation which includes the creation of a Bipartisan Panel to Design Long-Range Social Security Reform.

One thing for certain in our life is change. I used to think, growing up, that you ought to be able to have everything in one little niche and you could come back year after year and it would always be there. I have found that isn't the way life is. Social Security has evolved and adapted to change over the years since it was created in 1935. We need to take the time starting now, to carefully deliberate on proposed solutions. We must not leave any stone unturned. And no matter what we do, we have got to ensure that the solutions are inter-generationally fair. I urge my colleagues to join me as cosponsors of this legislation.

IN MEMORY OF JEAN KLETZKY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. DEUTSCH. Mr. Speaker, I rise today to commemorate the late Jewish community leader, Jean Kletzky. Jean Kletzky was known throughout the community as a woman who truly loved her community and made a lifelong commitment to community service. When she retired to Florida in 1979 from New Jersey, she became immediately active in supporting humanitarian causes in South Florida.

Jean Kletzky will be remembered as a listener, a teacher, and a person whose understanding of people and things is admired. Her companion of 18 years, Daniel D. Cantor, regarded her as an intelligent, alert, and strong woman who was responsible for helping fulfill his aspirations and dreams. Together they built the Daniel D. Cantor Senior Center in Sunrise, Florida. The center provides senior citizens more than 65 daily functions including a food service, an Alzheimer division, an elderly division, a wandering garden, support networks, and myriad cultural activities. The belief behind the center is that life begins at 65 and people who participate at the center realize that being elderly does not make them old. The Daniel D. Cantor Senior Center offers people a place that gives them life, happiness, and more hope than they would normally have outside the center.

Among her many philanthropic accomplishments, Jean Kletzky served as an administrative assistant to the director of the Retired Teacher's Union of Florida for ten years. She also shared her wonderful sense of style and interior decorating with her friends and family to help them create beautiful homes. And, she was responsible for successfully directing the fund-raising campaign for the construction of the Daniel D. Cantor Senior Center.

Jean Kletzky was a member of the National Women's League for Israel, Jewish Adoption and Foster Care Options (JAFCO), City of Hope, National Council of Jewish Women, Women's Division of the Jewish Federation of Broward County, and was an Endowed Lion through the Jewish Community Foundation of the Jewish Federation of Broward County.

The people of Broward County will sorely miss Jean Kletzky. Throughout her life those who knew her regarded her as a driven leader, a humanitarian, a friend, a wonderful bridge player, a mother, and a wife. Now, she is remembered as a heroine to the residents of South Florida.

OPPOSING H.R. 3310 IN ITS CURRENT FORM

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. LOFGREN. Mr. Speaker, I understand that under House rules it is too late to withdraw as a cosponsor of H.R. 3310, the Small Business Paperwork Reduction Act Amendments of 1998, which is to be considered by the House tomorrow. However, new information has come to light about H.R. 3310, which compels me to declare that I can no longer support the legislation as it is drafted.

I share with many of my colleagues the desire to streamline unnecessary and onerous regulatory requirements. Small businesses should not be overburdened by government regulations in this highly competitive economy. It is with this goal that I signed onto H.R. 3310. Unfortunately, I have learned that this bill will have unintended consequences that go far beyond paperwork reduction.

H.R. 3310 throws out the wheat and the chaff. Besides addressing technical violations of reporting requirements, it also creates disincentives to report information vital to public health, workers safety, the environment, and to the smooth running of our economic markets. To cite just one example, this bill creates disincentives for businesses to file reports with the Food and Drug Administration about the adverse affects of new drugs and products.

I join the Administration, the U.S. Securities and Exchange Commission, the Occupational Safety and Health Administration, and numerous labor and environmental groups in opposing H.R. 3310 in its current form.

TROPICAL FOREST CONSERVATION ACT OF 1998

SPEECH OF

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 19, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2870) to amend the Foreign Assistance Act of 1961 to facilitate protection of tropical forests through debt reduction with developing countries with tropical forests:

Mr. PORTMAN. Mr. Chairman, today the House passed H.R. 2870, the Tropical Forest Conservation Act of 1998. Building on President Bush's Enterprise for the Americas Initiative, this legislation will help protect globally outstanding tropical forests around the world in a fiscally responsible manner. This legislation is the result of a lot of hard work by many organizations and people. I would like to take a minute to thank them.

I have already talked about the committee leadership—in particular, Chairman GILMAN, Mr. HAMILTON and Mr. BEREUTER. I would also like to thank committee staff, particularly Mark Kirk, Elana Broitman, Maria Pica and Dan Parks.

The environmental community has spent many hours helping us to develop this legislation over the past two years and to generate bipartisan support for the bill. Special thanks goes to the leadership and staff of Conservation International, The Nature Conservancy and the World Wildlife Fund, particularly Peter Seligmann, Russ Mittermeier, Ian Bowles, Glenn Prickett and Will Singleton from CI; John Sawhill, Tia Nelson, Randall Curtis and Bill Millan from TNC; and Kathryn Fuller, Jamie Resor and Estrelitta Fitzhugh from the World Wildlife Fund. Special thanks goes to the Ohio Chapter of The Nature Conservancy, especially Bud Talbott, Denise King and Jan van der Vort Portman, for their consistent efforts to build support for the bill.

I would also like to thank officials in the Treasury Department—particularly the Office of International Development, Debt and Environmental Policy, including Bill Schuerch and Ken Luden, and the Office of International Debt Policy, including Mary Chaves and Max Hudgins—for the help they gave us in making sure the final product reflected the best practices. Their experience with the Enterprise for the Americas Initiative gave us a practical context within which to work.

And finally, I would like to thank my Chief of Staff, John Bridgeland, who coordinated this entire effort, my legislative staff, Tim Miller and Seth Webb, Mr. Kasich's staff, Wayne Struble and Chris Kearney, Mark Synnes from the Legislative Counsel's office, and Susan Fletcher, Betsy Cody and Pat Wertman from the Congressional Research Service, for all of their hard work on this initiative.

I look forward to working with Senators LUGAR, BIDEN, CHAFFEE and LEAHY as this legislation proceeds through the Senate.

CARLSON COMPANIES A PRIVATE COMPANY WITH A PUBLIC CONSCIENCE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. VENTO. Mr. Speaker, on March 23, 4,500 individuals recognized the outstanding 60 year contribution of a leader in the Minnesota and American business community, who transformed the hospitality industry from a small local operation to a spectacular international enterprise. More importantly, this distinguished party will celebrate the contribution of an individual who has been a leader in his community and has created an example of community commitment that could well be followed by many American businesses. This special event will honor the anniversary of Carlson Companies and its founder Curt Carlson.

Some of my colleagues may well know the history of Carlson Companies and Curt Carlson. With a $55 loan, Curt began his business career by starting a trading stamp company, Gold Bond Stamps. While trading stamps, a merchandise enhancement product, had already been in use, it was Curt Carlson and his growing company that expanded their use to include grocery stores, gas stations and other independent merchants and made collecting trading stamps a household occupation.

From that base, Curt Carlson entered the hospitality industry with the acquisition of the Radisson Hotel—now a proud international name in quality hospitality around the globe. Curt Carlson diversified his corporation and expanded into other areas such as creative restaurants with entertainment themes. Now, after over 60 years in the business, Carlson Companies currently comprise over 100 corporations world wide and the company's brands employ 147,000 people in more than 140 countries. In 1997, Carlson Company's brands generated $20 billion in revenue system wide.

The success of Carlson Companies as measured by its size, the number of employees, or profit is impressive. However, a true measure of Curt Carlson and Carlson Companies should also be their commitment to the local community. This commitment is reflected in the motto of Carlson Companies—"Private Companies with a Public Conscience." It was Curt Carlson and other Minnesota business leaders who established the Minnesota Keystone Club, pledging to give five percent of their earnings to non-profits. These efforts have greatly added to the quality of life and caring in their communities and throughout Minnesota. This commitment has become the nationwide standard.

While Carlson Companies have been active throughout our community, Curt Carlson has been a strong supporter and advocate for public higher education. The University of Minnesota, through the help of Curt Carlson has established the Hubert H. Humphrey Institute of Public Affairs. This renown center of political science, identified with Minnesota's beloved Senator and a personal friend of Curt, features the "Carlson Lecture Series" which brings influential national and international leaders to the University to speak to the students and the general public. In addition, personal gifts from Curt Carlson has allowed the University of Minnesota to embark on "The Minnesota Campaign" with the goal of making the University of Minnesota as one of the top 5 public universities in the nation and to build a new, modern Carlson School of Management facility.

Mr. Speaker, in this time of faceless conglomerates and merger mania among corporate giants, it is a pleasure to recognize the contributions of Carlson Companies. The 60 year record of success is an appropriate tribute to Carlson Companies leader, Curt Carlson. Curt Carlson has shaped the culture and business practices of our great state of Minnesota. His commitment has made a real difference for today and certainly for the future of Minnesota and our nation. Curt Carlson's leadership and commitment to his community provides an example to emulate.

TRIBUTE TO BILL SCOTT

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. HAYWORTH. Mr. Speaker, I rise to pay tribute to Mr. Bill Scott, an outstanding leader in the agricultural community in Arizona and President of the Family Farm Alliance, a grassroots organization serving irrigated agriculture throughout the West. After serving the Alliance diligently and responsibly for the past eight years, Mr. Scott is stepping down from the presidency. I want to take this occasion to honor him for his long service to his fellow farmers and ranchers.

Bill has been involved with agriculture his entire life. He farms in the Maricopa Stanfield area of Arizona and is in partnership with his two sons, Colin and Craig, under the name of Marathon Farming Company, which includes El Dorado Ranches CJ & L Farms and MFC Farms. These farms encompass approximately 6,000 acres of planted cotton, wheat, and alfalfa.

Under Bill's leadership, the Family Farm Alliance was founded eight years ago by farmers from California and Arizona who needed a coordinated way to meet directly with legislators and their staff in Washington, D.C. on federal water policy issues. At its inception, the Alliance was a handful of individuals representing only two western states with a determined purpose. Bill has been an instrumental part of the Alliance's growth from a small group to the large and well respected organization that it is today. The Alliance now has members representing 13 western states.

In addition to serving as the President of the Alliance, Bill also is the Director of the Maricopa Flood Control District. In the past he has served as the head of the Maricopa Stanfield Irrigation District, Cotton Incorporated, the Board of Arizona Cotton Growers Association, and many other organizations.

Mr. Speaker, it is my great pleasure to pay tribute to Mr. Bill Scott. His service to the Family Farm Alliance, the State of Arizona and western agriculture is greatly appreciated. I wish him all the best.

HONORING FILIPINA S. MACAHILIG

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. FARR of California. Mr. Speaker, I rise to note the passing of a woman whose loving care for her family and community spanned half the world, for over half a century.

Filipina S. Macahilig began life in Manila, graduating from the University of the Philippines before working as a nurse through World War II. The children at the schools on Panay Island were comforted by her tender and competent care.

At war's end, Ms. Macahilig moved to the United States, first to San Francisco and then to the Monterey Peninsula, where she continued to care for the ill and infirm. She and her beloved husband Edel raised her large family: four sons, Rene, Felicisimo, Requiro and Edilberto, and four daughters, Alice, Bernadette, Suzanne and Teresita, all of whom graduated with highest honors and became outstanding members of their communities. Her warmth extended outwards into the community through her service as a longtime member and officer of the Filipino Community Organization of the Monterey Peninsula. She replenished her spirit at the Carmel Mission Basilica where she was a faithful parishioner. She cared for her fourteen grandchildren and five great-grandchildren with her own special kind of gentle compassion, providing a model of humanity that they will carry with them always.

Her death at the age of 87 was a loss, but her generous spirit will continue to warm and nurture the community through the memories she has left with us.

FAMILY FARM SAFETY NET ACT OF 1998

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. GEPHARDT. Mr. Speaker, today my colleagues LEONARD BOSWELL, EVA CLAYTON, JIM CLYBURN, LANE EVANS, DAVID MINGE, COLLIN PETERSON, EARL POMEROY, GLENN POSHARD, DEBBIE STABENOW and I are introducing legislation to restore the farm safety net shredded by the Republicans in the 1996 Farm Bill. House Republicans want to end the farmer safety net. Democrats want to mend it.

Over the past two years, America's farmers have watched large harvests and the Asian crisis push down grain prices as much as 40 percent. University of Missouri economists tell us that, as prices continue to fall, real net farm income could fall more than 8 percent this year. Producers are concerned. First, that the existing safety net is inadequate. Second, that even these protections, inadequate as they are, are scheduled to be phased out in a few short years.

This bill restores a sensible safety net by giving farmers a better chance to market their grain for a fair price. This bill utilizes a market-oriented tool farmers know well: the marketing loan. Marketing loans have generally provided a safety net ensuring producers 85 percent of a commodity's 5-year average price. The 1996 bill slashed the safety net by cutting these rates sharply. Our bill will establish loan rates equal to 85 percent of historic price levels—providing more income stability. Our bill boosts loan rates. Corn and soybeans up $.30 per bushel. Wheat up $.59 per bushel. Cotton up $.04 per pound.

We must take other steps to repair the safety net as well. We need an emergency price floor for dairy farmers in all regions of the country. We also need Congresswoman CLAYTON's bill to ensure hard-working farmers access to Federal credit cut off by the Republicans.

We must also extend the ethanol program. Tomorrow the Ways and Means Committee will act on the highway bill. We call upon the Republican Chairman to extend the ethanol program. Ethanol provides us clean energy—and strengthens American agriculture. The ethanol program strengthens corn prices, boosting the annual income of a typical Missouri grain farm by $15,000 to $30,000.

Last year, key Republicans opposed the ethanol program, and Congress failed to renew the program. This halted construction of a dozen ethanol plants—$700 million in investment—in rural America, costing our rural communities good-paying jobs.

Congress can do better. So we are renewing our call to the Republicans: Stop the attack on America's farmers. Let's restore the ethanol credit. Let's stand together for opportunity for Rural America.

TRIBUTE TO TOM SZELENYI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to my dear friend and advisor Tom Szelenyi of Millbrae, California. This week he marks his 70th birthday, and his seven decades provide lessons from which all of us can learn—worthy examples about perseverance and overcoming obstacles to create a life distinguished by a commitment to his family and his community.

Mr. Speaker, Tom Szelenyi's long and unpredictable journey began on March 28, 1928, in Budapest, Hungary. The only child of a middle-class Jewish family, his early years were happy ones, marked by close friends and loving parents. His father was a traveling salesman who was away from home for a portion of every week. During this time Tom remained with his mother and freely engaged in typical childhood pranks without fear of punishment—until his father's return at the weekend.

The happy circumstances of Tom's early life were abruptly shattered on March 19, 1944, when the German Army seized control of Hungary. The occupation had swift and bloody consequences for the Hungarian Jewish population. Tom, only sixteen years old at the time, suffered mightily. Shortly after the German occupation, Nazi storm troopers arrested Tom's father and sent him to a forced labor camp. He never returned. He was murdered by a young German soldier for not working fast enough.

Tom and his mother found temporary refuge in one of the "safe houses" that Swedish diplomat and humanitarian Raoul Wallenberg designated as "Swedish Legation Property" throughout Budapest. Wallenberg's remarkable courage saved the lives of as many as 100,000 Hungarian Jews—including myself and my wife, Annette, as well as Tom Szelenyi and his mother. Through Wallenberg's efforts, Tom Szelenyi survived through the summer months, the time when the bulk of the Hungarian Jewish population was deported to Auschwitz and other Nazi death camps.

Tom's sanctuary was short-lived, however. He was captured by the Germans in the fall of 1944 and, with a group of Hungarian Jewish men, was forced to undertake a "death march" of exhaustion and starvation from Budapest to the Austrian border. From there, Tom was shipped to the concentration camp at Buchenwald, Germany, where he arrived in November 1944.

Tom endured seven months at Buchenwald—seven months of hunger, agonizing work details, and the ubiquitous fear of death.

At the end of the war, with the American Army driving closer and closer to the center of the Third Reich, he and other surviving inmates were forced to march from Buchenwald to the concentration camp at Theresienstadt in Czechoslovakia. Most of Tom's fellow prisoners succumbed during this last Nazi torment, victims of starvation, exhaustion, and cold-blooded murder. Throughout this agonizing trial, as with his many previous struggles, Tom endured, driven by the hope that he would live to create a better life for himself and his family.

The German war machine collapsed in May 1945, and Tom Szelenyi was liberated from Theresienstadt that same month. Still only a seventeen year-old boy, he then proceeded to make his way back across the war-ravaged continent to his home in Budapest. There he joyfully discovered that his mother had survived the war and had remarried.

At this time, it became evident to Tom that he had no future in Hungary. He realized that the time had come to fulfill his lifelong dream of living in the United States. Tom initially spent time in Germany and Canada, but he finally arrived in New York City in 1952—penniless, but emboldened by a hunger to build a new life in America.

His early years in this country were not easy. The young, but strong-willed Tom Szelenyi worked at a number of different jobs—loading bales of hay onto ships, loading motion picture film cans onto trucks, and then working his way up to become a movie distributor for Warner Brothers.

In late 1956, Tom received a telephone call from the Red Cross informing him that his mother had escaped from Budapest in the wake of the Hungarian uprising and that she was on her way to New York City. When she arrived, he immediately decided to take her to live in California. He had been impressed by the mild climate—he visited the state once in January and did not need to wear an overcoat. He was also attracted by the great opportunities available on the West Coast.

In California, through hard work, Tom found great success in the air freight business. He recently retired after thirty successful years in that field. He has also applied his accumulated wisdom to making a difference in his adopted homeland, and he has advised and assisted me on some of the most important decisions that I have faced in my career in public service. For some time, Tom has been my representative to the San Mateo County Democratic Central Committee, and he has served as liaison with the small business community in my district.

As successful as his business career had been and as important as his contributions to the community have been, Tom Szelenyi's proudest accomplishment is his family. In early 1957, three months after moving to the Bay Area, he met Evelyn Feiler, a charming and brilliant woman, and they were married soon after. Tom and Evelyn have enjoyed forty wonderful years together. They are the parents of two fine sons, Mark and Bob. They also have two delightful grandsons, and Tom never misses their soccer and T-ball games.

Mr. Speaker, I invite my colleagues to join me in paying tribute to Tom Szelenyi for the integrity and example of his life and for his service to our community as he celebrates his 70th birthday. I am proud to know Tom and to have him as my friend.

SCHOOL OVERCROWDING FORUM: PROBLEMS & SOLUTIONS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Ms. SANCHEZ. Mr. Speaker, I submit the following testimony for today's CONGRESSIONAL RECORD.

STATEMENT OF CARMEN CRUZ, 6TH GRADER, LOARA ELEMENTARY SCHOOL, ANAHEIM CITY SCHOOL DISTRICT

Hello, my name is Carmen Cruz and school overcrowding is a problem at Loara School. That's why we have year-round school here. In my class, we move, which means we move around from room to room each month. Roving is no fun, yet it is useful because it fits in more kids at school. Some of my friends in my room went to different schools last year but because their schools were crowded they had to come to Loara. They used to walk to their school but now they have to ride a bus to Loara. I would be really sad if I had to change schools because I would miss my friends. Before we had portables we had a bigger upper grade playground. That's one of the reasons why I don't like school overcrowding. Two other reasons are that the portables are small and there is no water inside.

At Loara there were too many students so we hired more teachers. We also had to let cars drive on the playground because there was no room for all the cars that brought kids to school. Now they're making a bigger parking lot and that means a smaller playground. It's good for the teachers and parents but not for the kids. We need funds to build more schools and they have to be close to where the kids live. One issue they're talking about in Anaheim is double sessions but that doesn't help my learning and other children's learning. My Motto about overcrowding is "More Schools Means More Space."

STATEMENT OF SUE PREUS, PARENT, ANAHEIM CITY SCHOOL DISTRICT

My name is Susan Preus. I am a mom. I very actively participate in Anaheim City School District and PTA roles. For the District, I've served, or am serving, on the year round, curriculum selection, and double session committees. I recently received a second appointment to the School Board. I have held most school site PTA offices and currently am the president of the Anaheim Elementary School Council PTA. Overriding all this school involvement is my previous statement that I am a mom, first.

I have a son in ninth grade in the Anaheim High School District. His primary education was provided in Anaheim's elementary schools. My niece, for whom I provide care, is in second grade in the Anaheim Elementary District. School overcrowding has affected me and my family since my son was in first grade. I became very active in the District nine years ago as a participant in the first committee on year-round schools. My son attended one of the first six schools to change to a multi-track year-round schedule. Over the years, the District has placed more schools on this year-round calendar to the extent that all 22 schools are now on this schedule.

Although I personally like year-round for educational reasons, it does create some problems for families. One of the largest problems is that the high school district is on a traditional calendar. This means that if you have a junior high or high school student and an elementary student your children may not have any vacation time together. Child care can be difficult especially for single parent or dual-working parent households. Parents may be able to rely on high school students for child care in the summer, of course at the expense of the older child's "vacation." Such a resource is unavailable for the younger child's off track period during the traditional school year.

The community has responded slowly to the needs of children having vacation throughout the year. Children still get questioned, "Why aren't you in school?" if they are out and about during what is traditionally school time. When a child responds, "I'm off track", the questioner seldom understands what that means.

The typical summer program for children, such as scout, church, and sports camps, summer movie specials, city park and recreation activities, and even some library programs, have not accommodated the year-round students. For example, a child on Track B, with no "summer" month of vacation, cannot participate in any camp. "Summer" reading programs are active only from June through August.

It is a constant struggle to maintain a sense of community within our own schools. Keeping everyone informed of events and activities is difficult since 25% of the school population is unavailable at any given time. The year round schedule essentially created four distinct school communities. In order to fairly reach all pupils, site staff and PTA must duplicate all programs: Open House, child services (dental and health check-ups), special assemblies, award ceremonies, PTA fund-raisers, etc. It is also difficult to reach everyone for the evening enhancement activities as Family Math night or parenting classes.

PTA Boards no longer have a break from their jobs. They must try to enlist volunteers from each track so that all four school communities are represented and to ensure continuity of programs throughout the year.

The year round calendar has enabled the District to house and educate 7,000 more students than its originally designed capacity. Projections are that pupil enrollment will increase by 1,000 per year for the next five years. Unless we obtain additional facilities we are rapidly approaching another major, more distressing, change to the school schedule—double sessions.

All the extracurricular programs that are already inadequate on a year round schedule are compounded with double sessions. Do we have soccer practice in the mornings? Will the piano teacher hold lessons at 8 p.m.? Will day care watch some children all morning? And will there be enough day care to accommodate the need? These are important concerns for people with moderate standards of living. The situation is worse for those who are not financially secure. How do we implement the breakfast program? Who watches the child when the adults are at work and the family can't afford a baby sitter? What happens to a neighborhood when half the children are "hanging out" all morning? What happens to the sense of community? The District would be burdened with a nightmarish bus schedule, complicated classroom and associated facility usage plans, and most likely an inadequate facilities maintenance program.

Most importantly, child safety is jeopardized by a double session schedule. Imagine a first grade student walking home in the dark during a peak street traffic period. There are many horrifying situations a child could get into, and I feel the cost of a worst case scenario would be too great.

This is why I have become active in ways I never thought possible. I would never have imagined nine years ago when I became involved in my local PTA that I would now be sitting here, testifying before Congress. However, now is the time for all voices of reason to be heard. Our individual and collective mistake would be to quietly accept double sessions rather than actively support measures such as HR2695 and Governor Wilson's state bond measure. In Anaheim, we know that we must also take action locally and not rely solely on state and federal funds. That is why we are working to pass a local school bond on April 14. The costs to taxpayers for these measures is small compared to the benefits gained by all of our children.

Testimony of Mary Alice Madden, Teacher, Lathrop Intermediate School, Santa Ana Unified School District

INTRODUCTION

It is indeed a privilege and an honor to appear before you today, and I thank you for the opportunity to do so. I have taught for 27 years, the last 17 at Lathrop Intermediate School in Santa Ana, California. During that time I have seen many changes in our schools, not the least of which has been the continual growth in our enrollment, both at my school site and throughout our District.

RAMIFICATIONS OF ENROLLMENT GROWTH

Overcrowding has many obvious ramifications on the daily operation of a school. It also has other effects which may not be as obvious at first glance. I teach at an intermediate school serving more than 2100 students in grades six, seven, and eight. Our campus is seven and a half acres in size. This is well under the recommended size for an intermediate school (which is 20 acres) and well over the ideal enrollment. We are in our sixth year on a 60-20 four-track year-round schedule. This means that we normally have 1500 to 1600 students in session at any one time.

Increased enrollment has meant that we have added 7 portable classrooms to our campus. All students and teachers have classrooms in which to meet and we have many excellent programs in place. Year-round education has many advantages, and I am not implying that it is not a sound educational strategy. As we have grown, additional teachers have been added along with an additional counselor and administrator. We have also been awarded grants to provide additional supplies and staff development opportunities.

However, continual growth from an enrollment of 1300 to our current 2100 over the last 8 years has brought some less than ideal situations. Some of the conditions resulting from our crowding include the following:

(1) Teachers traveling from classroom to classroom each period. This is a burden for those teachers as they, in some cases, move equipment and materials five times a day. Other teachers change classrooms on a monthly basis, as staff and students leave for vacation or return from vacation.

(2) We lack the ability to offer intersession classes during student vacation time because we lack classrooms in which to offer these extended year programs.

(3) We have tried to maintain class size as low as possible, but some classes are larger than we would prefer. This limits the contact time between the teacher and each student during the school day.

(4) Our library is heavily used, but we cannot always accommodate all teachers who wish to use the facility with their classes.

(5) We have an excellent computer program, with three complete labs and additional computers in the library, and we offer access before and after school, but not all classes are able to use the labs as often as they would like because of sheer numbers of students. The computers certainly do not replace the teacher, but they provide opportunities to extend lessons. Most of our students come from homes in which there is no computer access.

(6) Increased pressure on physical education facilities, as bungalows have been added, thus encroaching on available play areas.

(7) More crowded teacher work areas, as we now have 90 teachers where we once had 60.

(8) Increased pressure on the use of facilities such as rest rooms for students and staff.

(9) Increased pressure on the use of food service facilities.

(10) More crowded storage areas, as we now have more books and supplies and need more areas to store these items.

We have many excellent programs for our students before, during, and after the school day. As a school and a District I feel we have responded creatively and effectively to the challenges which have arisen as a result of continual growth. However, if we are talking about providing the best possible educational environment for our students, we are certainly talking about additional school construction and reduction in school enrollment so all students may have maximum access to all facilities and resources.

I thank you for your interest in, and support of, our educational programs, and I thank you for the opportunity to share some of our concerns.

Testimony of Judith Magsaysay, Principal, Pío Pico Elementary School, Santa Ana, CA

It is a privilege to meet with you this morning and to have this opportunity to share with you some of the challenging issues confronting just one of many overcrowded schools in Southern California. I am Judith Magsaysay, principal of Pío Pico Elementary School in the Santa Ana Unified School District.

Pio Pico is a year-round school located in central Santa Ana. The neighborhood surrounding the school is home to some 26,000 young people under the age of eighteen, making it the second densest neighborhood in the United States, in terms of youth population. There are six elementary schools, two intermediate schools and one high school all within walking distance of the Boys and Girls Club across the street from Pío Pico. Pío Pico has just under 900 students and backs up to the Lowell Elementary campus which services about 1,000 students. We are just three blocks north of Martin Elementary which also has about 1,000 students.

Due to overcrowding, we have had a "nomadic" history. Pío Pico opened in portables in July, 1991 on the Martin Elementary playground. At the time, Martin had 1,630 students and our new school was not scheduled to be constructed before 1994. Due to the need to better serve students in this crowded neighborhood, our Board of Education decided to open Pío Pico as a "school within a school." The following July, we moved into a portable school on the lot of out future school site. A year later, in 1993, to help downsize Lowell Elementary, which had swelled to over 1,300 students, we "annexed" another five portables on the Lowell campus which is adjacent to our lot. Finally, in December of 1995, we moved into our new building with 600 students.

Actually, all year-around schools have nomadic teachers. Usually, four teachers share three classrooms over the course of the school year. When one of the four goes off-cycle (on vacation), she must pack up all of her personal belongings and those of her students and store them. Where space permits, schools provide closets or cabinets on rollers. At Pío Pico and at other extremely cramped campuses this moving is exacerbated by the fact that we have so little storage space for books and materials for the on-cycle teachers and students, let alone enough storage for the off-cycle teachers' materials. Many of our teachers end up taking carloads and carloads of their things home each trimester.

This requires a lot of time and physical energy on the part of the teaching an custodial staff. Teachers going off-cycle are given a one-hour early dismissal on the last day of the trimester. Those teaches who are returning receive a "duty day" for unpacking and setting up their classrooms. Most teachers spend many additional evening and weekend hours to adequately prepare their classroom environment for students.

Pío Pico sits on a 3.5 acre lot. The California Department of Education recommends that elementary schools be built on lots of approximately ten acres. Our lot is less then half of this optimum size . . . and that's not taking into consideration the addition of portables! The building was designed to serve a maximum of 630 students in 21 classrooms. With the four cycle year-round schedule, we were able to serve a maximum of 850 students in the 1995–96 school year.

Then along came class size reduction. We all agree that this is a good thing for kids. But in already overcrowded schools, it has been a space nightmare. There was very limited space to begin with, for children to run and play. To assist with downsizing in first grade, the District moved three portables into out already undersize playground. While awaiting the arrival and hook-up of the portables, we set up three classes of first graders in our Multipurpose Room for six months. During that time our school had no indoor gathering place for the music program, for assemblies and presentations, for after school dance clubs, etc. We held parent meetings in the library where we couldn't seat even half of the parents in attendance.

During the 1996–97 school year, a committee of teachers and parents conducted a study of alternative year-round calendars to create additional space for class size reduction in third grade. They spoke with a number of Los Angeles Unified School District staff members and parents who were on Concept 6 and realized that we could downsize in third without adding any extra portables if we switched to this year-round model. In July, 1997, the SAUSD allowed Pío Pico to begin a pilot implementation of the Concept 6 calender.

Concept 6 consists of three, instead of four cycles; that is, two cycles are in session and one cycle is on vacation. Each cycle has four months in school followed by two months of vacation. With Concept 6 we have two-thirds of our students in session as compared to the four cycle year-round schedule which has three/fourths of all students in session at the same time. This has created 3 additional classroom spaces during the school year, enough for us to downsize most of our third grades to 20:1.

On Concept 6, three teachers share two classrooms. Most of the time teachers share classrooms with the same grade level or close to it. This year, even with Concept 6, we ran out of class space and were forced to open a third/fourth grade class in October which has to rotate between a kindergarten and a fifty grade classroom. We have moved forward with a request for five additional portables to assist with what appears to be inevitable . . . more children . . . more downsizing . . . and not enough classroom, storage and meeting space.

We are currently in the process of evaluating the academic and space benefits of Concept 6 so that we can make sound recommendations to the other schools in the District that are considering Concept 6.

The biggest concern with Concept 6 is the length of vacation. While our students receive the same number of instructional minutes each year due to additional minutes each school day, they have about 13 fewer school days than the four cycle year round schools. We do offer some intersessions across the street at the Boys and Girls Club, but not enough to service more than half of the 300 off-cycle students due to space and financial constraints.

We are fortunate to have a Title VII project at Pio Pico which helps to pay the cost of compensating teachers for conducting intersession classes with their students. Most schools do not have enough money to do this and the summer school dollars are not allocated for our year-round schools.

OTHER PRESSING ISSUES

Due to lack of space, our school cannot accommodate a Head Start Program or Day Care for off-cycle children. Those families most in need of pre-school and intersession interventions are most often in our most crowded neighborhoods. The few Head Start Programs that we have in Santa Ana are filled to capacity, with waiting lists. We are hopeful that outside organizations, such as churches and in our case, the Boys and Girls Club across the street will receive requested funds to allow Head Start to use available facilities or to place portables on their sites for pre-school and off-cycle child care purposes.

A Joint-Use Facility Agreement is currently in the works between the SAUSD and the City of Santa Ana Parks and Recreation Department. We have fewer than half the number of parks and recreational facilities in our city compared to other cities our size. Santa Ana has approximately 330,000 residents. We have 40 parks and eight community centers. Oakland, with 380,000 residents has 100 parks and 24 community centers. Minneapolis has 360,000 residents and 100 parks and 70 community centers. Through joint-use agreements, Santa Ana schools will be more fully utilized for both recreational and educational purposes after school hours.

I am hopeful that today's hearing will help clarify some of the issues and possible solutions to overcrowding. We must find creative solutions by engaging the larger community, as well as our State and Federal governments in issues impacting the education and well-being of our children, our future.

TESTIMONY OF MIKE VAIL, PRESIDENT, CAL-FED INFRASTRUCTURE COALITION

INTRODUCTION

Good morning. My name is Mike Vail. I am the President of the Cal-Fed Infrastructure Coalition, a statewide organization of school districts and business interests which was established to support Federal school facilities funding efforts. I also serve as Senior Director of Facilities Planning and Governmental Relations for the Santa Ana Unified School District, one of the fastest growing school districts in California.

School districts throughout the nation, including those in Orange County, are facing a facilities crisis. A combination of factors, including record student enrollment growth, deteriorating buildings and lack of funding for educational technology, has fueled this crisis. And it threatens our ability to prepare today's students for the workplace of the twenty-first century.

ENROLLMENT TRENDS

Between 1986 and 1997, national K–12 public school enrollment increased by 14 percent, to a record total of 45.2 million students. According to the National Center for Education Statistics, this number will reach 48.3 million by the year 2007. The 3.1 million projected new students will create a need for over 6,000 more schools across the nation.

The impact of this projected enrollment growth will likely be greatest for urban school districts such as those in Santa Ana and Anaheim, since urban districts already have the most overcrowded schools. According to the Council of Great City Schools, the average number of students per school in the U.S. was approximately 511 in 1993–94. But this same average for the districts which serve the greatest number of Title I students was 713, 40 percent above the national average.

The national enrollment growth trend has been mirrored in Orange County. More students keep coming to our community's schools. In 1986, countywide K–12 enrollment was 337,000. In 1990, it had reached 368,226. By 1996, it had grown to an all-time high of 434,420 students, a 22 percent increase over a ten year period. This enrollment growth has resulted in a corresponding need for new classrooms. Approximately $203 million in new construction applications from orange County school districts are currently on file at the Office of Public School Construction in Sacramento. This figure does not represent the total need, since the State's eligibility rules and the lack of funding discourages many districts from submitting applications.

Santa Ana Unified, the County's largest school district, has experienced long-term student increases which began in 1979. Over the last 18 years, the district's enrollment has almost doubled, growing from 28,700 to nearly 54,000. For the last five years, the largest single grade level in Santa Ana has been kindergarten. As a result, it has been especially challenging for the district to implement Governor Wilson's Class Size Reduction program in grades K through 3.

RESPONSES TO OVERCROWDING

In the past, most California school districts have depended on State monies to meet construction financing needs. Funding for the State School Building Program is derived from the proceeds of statewide school construction bond measures. However, this funding source is very undependable because the State Legislature sometimes fails to place a bond measure on a statewide ballot and the voters of California sometimes reject these measures. Since 1993, only one statewide school construction bond measure has been approved by the voters. The State currently has no funds available to pay for new projects.

Local school districts in California have the ability to present bond measures to the voters within their community. However, such measures require a two-thirds "yes" vote, making approval extremely difficult to obtain. California is one of only four states which has a two-thirds vote requirement for local school construction bond measures. Districts can issue Certificates of Participation (COPs), a lease-related financing, without voter approval. The debt payment of COPs issues is an obligation of the district General Fund. Since per student education funding in California is among the lowest in the U.S., most districts are hard-pressed to support substantial COPs debt.

Because of the lack of construction funding, California districts have turned to other methods to meet the need for more classrooms, including use of multi-track year-round schedules and the installation of portable classrooms on existing school sites. In Santa Ana Unified, 23 of 32 elementary schools and four of seven intermediate schools utilize year-round schedules. The district is currently using over 600 portable classrooms on existing campuses—the equivalent of 27 elementary schools. Over 35 percent of Santa Ana Unified's classroom capacity is provided by portable classrooms. The presence of these portables impact a school's core facilities, such as restrooms and food service areas. They encroach on our small playfields, and are more expensive to maintain than permanent classrooms.

Despite these measures, Santa Ana Unified needs to build at least one new high school and three new elementary schools. These projects would not provide enough classrooms to implement the State's Class Size Reduction (CSR) program at additional grade levels, nor would they relieve the need for portable classrooms or year-round schedules. These projects would simply allow the District to "keep its head above water." In order to fully implement the State's Class Size Reduction program in grades K–3, the District would need to add approximately 200 additional classrooms—the equivalent of nine new elementary schools. If CSR was implemented in grades K–6, 500 more classrooms would be required.

CONDITION OF FACILITIES/LACK OF TECHNOLOGY

At a time when student enrollments are reaching all-time levels, existing facilities are in need of major modernization efforts. In 1995, the U.S. General Accounting Office (GAO) issued a number of national reports detailing the condition of America's public schools. The GAO found that one-third of public schools, attended by approximately 14 million students, needed "extensive repair or replacement of one or more buildings." Almost 60 percent of the nation's public schools reported at least one major building feature in disrepair. Those features included roofs, exterior walls, windows, plumbing, heating/ventilation/air conditioning, electrical power and lighting. Three-quarters of these buildings needed multiple features repaired. About half of all public schools reported at least one unsatisfactory environmental condition. Those included poor ventilation, heating/lighting problems, or poor security.

According to the GAO, fewer than half of America's public schools have sufficient technology infrastructure, including modems, phone lines and wiring for networks. Even in schools with enough computers, over one-third reported insufficient wiring for computers and communication technology. Accordingly to the CEO Forum on Education & Technology, two-thirds of America's schools are connected to the Internet, but only 14 percent of classrooms have Internet access. The business leaders also found that only three percent of public schools are using technology to maximum benefit.

Santa Ana Unified's backlog of major modernization and maintenance projects totals over $45 million. Twenty-one of 45 schools are over 30 years old. Fifteen of these schools are in need of major renovation. Currently, 5,953 computers are being used by the district's 54,000 students. Approximately 2,900 of these computers are obsolete and unable to connect to the Internet. Most district classrooms have been wired to have the capability of linking with the Internet. However, our shortage of computers (the ratio is one computer for every 17 students) limits actual Internet usage by students.

The condition of existing classrooms is important because research shows that facilities affect learning. A study performed in Washington, D.C., schools revealed that the standardized test scores of students in schools rated in "fair" condition were 5.45 percentage points higher than those of students in schools rated as "poor." The difference in schools between "excellent" and "poor" was 10.9 percentage points, which is significant. Research in Virginia of building condition and students' achievement and behavior demonstrated a five to seven percent difference in percentile ranking of students in higher-quality buildings. A similar study conducted on a statewide basis in North Dakota showed four to 11 points difference in scores when comparing building condition and student achievement.

CONCLUSION

California is trying to do something about our overwhelming school facilities problem. Governor Wilson has proposed placing $8 billion in state bonds for school construction on the ballot over four elections. The Governor has also proposed a permanent funding source for the K-12 maintenance program. To assist local communities, Mr. Wilson supports reducing the threshold for passage of local school bonds to a simply majority. All of these measures would be extremely helpful to school districts.

We recognize that school construction is primarily a state and local responsibility. But our coalition feels that California's rising student enrollments and overcrowded conditions are creating pressures that must be addressed by all levels of government. Governor Wilson's program is a major step forward. However, it does not totally resolve the school facilities crisis.

The need is greater than the resources which are currently available. The Federal government should join in a partnership by assisting state and local governments in meeting the school facilities crisis in California and all other states. There is a national interest in strong local educational systems with school facilities properly equipped to motivate our children. This is how they will learn the skills necessary to succeed in a technological and competitive marketplace. The school infrastructure issue is just as critical a national need as the long-standing Federal commitment to assist state and local communities in the building of our roads and highways.

Thank you, Congressmember Sanchez, for your efforts to make your colleagues in Congress aware of this crisis. The legislation that you have introduced will provide Federal financial incentives for local districts to build the schools needed for the students of today and tomorrow. The Cal-Fed Infrastructure Coalition supports this legislation.

We ask you and your colleagues in Congress to work with President Clinton on a bipartisan basis to devise a program which will allow the Federal government to give our states and local communities incentives to build the schools our children need.

Thank you for this opportunity to speak with you about these important issues. I look forward to answering any questions that you might have.

THE STATUS OF SCHOOL FACILITIES IN CALIFORNIA

Presented by Sue Pendleton, California Department of Education

SCHOOL FACILITY NEEDS IN CALIFORNIA

Increased student population.

Modernization and retrofitting of old school facilities.

Deferred maintenance.

Class size reduction.

Child care.

PAST GROWTH IN STUDENT POPULATION

In the past 10 years, California has built enough schools to house over 1.2 million new students (a 28% increase in enrollment).

To do this, California school facilities increased to house the entire student populations of the states of Idaho, Montana, Utah, Wyoming and Nevada.

SCHOOL FACILITIES NEEDS DUE TO INCREASED STUDENT POPULATION

In the next 10 years, the Department of Finance predicts California's K-12 population will grow by another 604,000 students to a total of nearly 6.2 million students by the year 2006.

To accommodate this 11% increase, California will need to build almost as many schools as currently exist in all of Oregon and Colorado.

It is estimated that $8 billion will be necessary to meet this need.

SCHOOL FACILITIES NEEDS

Even without enrollment growth, California has school facilities needs.

School facilities needs: Modernization and technology

It is estimated that over 50% of existing schools are over 30 years old and many are badly in need of repair. Additionally, schools built in the 1950s, 1960s and 1970s are not capable of meeting the technology needs of the 21st century.

To modernize, repair and retrofit existing school facilities will cost an estimated $22 billion over the next 10 years.

Other school facilities needs

Deferred maintenance—estimated to cost $6 billion in the next 10 years.

Class size reduction—cost depends on the number of grades implemented—permanent construction for four grade levels is estimated to cost $2.5 billion, not including land.

Child care—estimated to cost $500,000,000 in the next decade.

California's School Facilities: 10-Year Need Recap

	Billions
Increased student population	$8
(Does not include existing backlog)	
Modernization of old school facilities	22
Deferred maintenance	6
Class size reduction	2.5
Child care	5
Total need	$39

HOW TO MEET CALIFORNIA'S SCHOOL FACILITIES NEEDS

Historically, school facilities have been funded via a menu of funding options.

How to Meet the Need

State bonds—Amount raised in the past 10 years: $9.8 billion; Percentage of total funding: 46%; Must be placed on the ballot by the Legislature and passed by the voters.

Local bonds (except for 1978–1986 when Proposition 13 eliminated local bonds as a funding source)—Amount raised in the past 10 years: $5.9 billion; Percentage of total funding: 28%; Only half of the attempted elections pass.

Special taxes—Parcel taxes and Mello-Roos Community Facilities Districts (first authorized in 1983)—Amount raised in the past 10 years: $800 million ($.8 billion); Percentage of total funding: 4%; For registered voter approval, passage rate of less than 50%.

Developer fees—Amount raised in the past 10 years; $2.5 billion; Percentage of total funding: 12%; Limited to providing facilities for new development.

Deferred maintenance—Amount raised in the past 10 years: $1 billion; Percentage of total funding: 4%; Funding based on amount of excess bond repayments.

Multitrack year-round education to reduce the need for new construction—Construction cost avoided in the past 10 years: $1.2 billion; Percentage of total funding: 6%.

Other funding sources

Redevelopment.

Asset management.

Parcel tax.

Certificates of Participation repaid by school district general fund.

Federal Government.

California's School Facilities: Historical 10-Year Funding Recap

	Billions
State bonds	$9.8
Local bonds	5.9
Mello-Roos (special taxes)	0.8
Developer fees	2.5
Deferred maintenance	1.0
MTYRE (cost avoided)	1.2
Total funding	$21.2

WHO IS RESPONSIBLE FOR PROVIDING SCHOOL FACILITIES?

Key players: Local education agencies and Governmental agencies such as State Allocation Board; California Department of Education, School Facilities Planning Division; Department of General Services, Office of Public School Construction and Division of the State Architect; and the Federal Government.

NATIONAL TRENDS AND LOCAL IMPACT: CONDITION OF SCHOOL FACILITIES IN THE ANAHEIM CITY SCHOOL DISTRICT (ACSD)

By Maria Elena-Romero, Assistant Superintendent, ACSD

WELCOME TO LOARA ELEMENTARY

Loara auditorium is 53 years old. Loara classrooms were built between 1953 and 1957. Enrollment at Loara is over 900 students: 120 Kindergartners in double sessions; 284 students in 1st and 2nd grades participating in Class Size Reduction under a limited waiver; and 49 students in special education classes in four classrooms.

OTHER FACTS ABOUT ACSD

Average age of buildings in the District is 43 years old.

Nine of our 22 schools have enrollments of over 1,000 students.

One half of our sites are under 7 acres in size.

More than 200 portables are installed throughout the District. Some are over 25 years old.

STUDENT POPULATION GROWTH

ACSD has 22 schools serving over 20,230 students from kindergarten through 6th grade.

ACSD serves the central portion of the City of Anaheim.

ACSD's enrollment grew over 7,500 students in the last decade.

During the same period, only relatively small residential housing development has occurred within District's boundaries.

OPTIONS TO INCREASE CAPACITY

Scheduling solutions: Year round calendar, staggered sessions, double sessions.

Building solutions: Portable buildings, permanent buildings.

ORIGINAL VS. CURRENT CAPACITY

Design capacity 12,220—58%.

Portable capacity: 5,600—26%.

Year round capacity: 3,217—15%.

YEAR ROUND CALENDAR IMPACTS

Maintenance: Facilities are used almost 100% of the time. Lack of down time for preventive work. All major construction work must be done with students on campus.

Rotation of classes: Lack of storage space; furniture size; classroom environment.

PORTABLE BUILDINGS ISSUES

Cost is approximately $70,000 to $80,000 per unit properly installed. Installation of sinks may increase this cost even further.

Districts benefit from the flexibility.

Availability is subject to supply and demand.

Ground space may be used in a less than optimum manner.

ACSD FACILITIES NEEDS

Facilities costs are estimated at $100 million: Four additional schools and modernization of existing 21 schools.

Funding sources: General fund $9 million; local bond $48 million; State match $45 million.

TESTIMONY BY JUDITH MICHAELS, LEGISLATIVE DIRECTOR, CALIFORNIA FEDERATION OF TEACHERS

Reducing class size in California has pushed the topic of school facilities to the forefront of issues facing California education. To provide students with the tools they need to succeed, we must address the challenge of creating funding mechanisms that will match the current and projected need for adequate school and higher education facilities. The need for new schools, modernization of older schools, and technology far exceeds available resources. California's schools currently rely on a combination of resources to meet their facility needs: state bonds, local bonds, developer fees, Mello-Roos Districts, and cost savings by adopting multi-track year round scheduling. As we approach the millennium, we need to look at how this pattern will serve the future, and revise and change the pattern so that we can build the schools we need.

While much debate about school construction focuses on developing regions, densely populated areas, whether in the cities or in suburbia, need to build or perhaps re-build their schools. Many children have spent their academic careers in portables because of overcrowding; for this reason we believe that we must allocate portions of state and federal funds for what we have come to call unhoused students.

After a hiatus in the early nineties, California increased its spending on education last year. The increased education budget demonstrated the success of Proposition 98, California's constitutional amendment guaranteeing that a fixed portion of state revenue be allocated to education. This money went to expand the class size reduction program, expand reading initiatives for grades four through eight, and expand community college resources to provide education, training, and child care to help those on welfare return to work. Since school districts cannot use Proposition 98 funds to build schools, this expansion of educational opportunities for students served to exacerbate the facilities crisis. We believe your H.R. 2695 will offer assistance as we continue to work on local solutions. Here are some of the things we are doing.

STATE BOND

A combination of state and local bonds builds schools. State School Construction Bonds reach the ballot through a series of proposals, debates, compromises, and votes. As on the budget, the state legislature must achieve a two-thirds majority in each house before a Bond proposal goes to the ballot. The legislature failed to achieve this majority in 1997, and work continues on proposals and compromises. We hope that these will be successful so that California's voters can vote on a state bond this June.

MAJORITY VOTE FOR LOCAL BONDS

While we believe that the state's primary funding source should remain the general obligation bond, we need to increase California's capacity to raise local funds, and that means changing the current the two-thirds majority requirement for passage of local general obligation bonds. A measure passed by the State Senate currently awaits action in the Assembly.

SCHOOL CONFIGURATION

In the debate on school facilities we must not lose sight of the purpose of building schools. We encourage school districts to explore, design, and implement forms of school organization and management that will avoid excess administrative costs and promote the instructional goals of each school. Before building schools, we should consider the effect the ever increasing size of schools has had upon the education of our students. A misreading of the economies of scale associated with specialization in schools has contributed to a steady increase in school size.

These larger schools may be cheaper to administer, but they reduce social supervision of students to the detriment of the larger society. And, at some point, the advantages of economies of scale turn into liabilities. For example, one of the factors that reduces the economies associated with large schools is the cost of transportation, both in direct expenditures and in the cost in student time, time that students could more profitably spend on academic work. Furthermore, we believe that larger schools have detrimental effects upon students, teachers, and classified staffs; because of the greater size of the schools, we often find more anonymity and alienation. Additionally, large schools lessen each child's opportunities to participate in different social activities in the school setting.

New patterns of education administration, such as re-configuring grade levels or creating schools within schools, help alleviate problems caused by multi-track year-round scheduling, and offer great potential for schools to be run economically and to be educationally sound.

CONTINUING AND COALITION EFFORTS

The national interest in ensuring high quality education for all students inextricably links California-based efforts with those from Washington. The California Federation of Teachers is part of the California-DC Alliance, composed of millions of Californians committed to better education: K-12 school districts and associations, large and small business throughout California, the State Department of Education, labor unions, and law firms. While not a lobbying organization, the Alliance nonetheless works to identify issues critical to the economic health of California and to help keep the California's Congressional Delegation aware of the impact of Federal decisions upon local schools.

Nationally, the American Federation of Teachers and the National Education Association are working together on a proposal to bring more dollars into school construction. We have created a private sector task force to survey novel ways of increasing available resources to local school districts. This Task Force is looking at ways to leverage more dollars out of the private sector as well as different forms of bonds. We will keep you informed of its progress.

TESTIMONY OF DR. JAMES A. FLEMING, SUPERINTENDENT CAPISTRANO UNIFIED SCHOOL DISTRICT

Good morning. My name is James A. Fleming. I am Superintendent of the Capistrano Unified School District here in Orange County. My district is the largest geographically among the 28 districts in our county and is the 3rd largest in student population, with just over 40,000 students.

Before commenting on the challenge which faces my district and many in Orange County and California, I want to, first, express sincere appreciation on behalf of my School Board and me to Congresswoman Loretta Sanchez for the leadership she has demonstrated on a wide variety of issues of interest and concern to public school advocates. We especially want to thank her today for planning this forum and for her leadership on the "Expand and Rebuild America's Schools Act of 1997." The creation of a new class of national tax-exempt bonds may be just the incentive needed to provide facilities funding to assist suburban districts build new schools and renovate deteriorating schools as the Qualified Zone Academy Bonds provided for our nation's urban areas.

I thought the most helpful approach to be taken with my brief comments is to use the plight of my own school district as a case study demonstrating the urgency of the subject which calls us together this morning.

Of California's 999 school districts, Capistrano Unified is the 11th largest. Arguably, however, it is the fastest growing. This year alone, we realized an enrollment of 40,115, up from 37,431, our 1996–97 enrollment. This one-year increase in enrollment which could fill six elementary schools, three middle schools or a high school, by itself, represents a 7.3% growth, and this is only the latest year of a pattern. In early 1991, just as I was assuming the Superintendency post of Capistrano Unified, our K–12 enrollment was 23,734 students. With the 1997–98 K–12 enrollment of 40,115 which I just referenced, we have experienced a phenomenal 62% increase in student enrollment in slightly more than half a decade.

Our district has coped well with this growth under the circumstances. First, with well over $100 million in state school bond money, we were able to apply creative financing and strategic planning which, combined with local dollars, allowed us to build twelve brand new schools within a single 5-year period. We have two more schools under construction at this time and eight more on the drawing board, if the state ever fills its empty school construction coffers. We also presently have a total of 607 relocatable buildings on the grounds supplementing our 40 permanent school campuses. But still, with the growth we are experiencing, even that is not enough.

Many in our district blame new residential development on school overcrowding. While there is no question that residential development has exacerbated the problem—particularly in districts like Capistrano—an even more significant causal factor of school overcrowding is an increase in the birth rate. One need only compare Capistrano's kindergarten enrollment to that of 12th grade to witness the trend. Last June our district bid adieu to 2,143 seniors who graduated from one of our five high schools. This September we then greeted 3,456 new kindergartners. These 1997 numbers are only the most recent indicators of a trend which has been in place for the last six years. Moreover, since CUSD's dropout rate of 1.6% is negligible, it cannot be assumed that part of the reason for the much lower number of graduating seniors than entering kindergartners is attributable to students dropping out of school.

We who administer and set policy for the public schools eagerly anticipate the entrée of the federal government in helping to meet the housing needs of a tremendously growing student population across America. I have been a public educator for 35 years and do not remember a time when Washington has ever stepped forward on the issue of school facilities in the manner represented by the "Expand and Rebuild America's School Act." The problem is clearly beyond any state's ability to address alone.

To those of us in high-growth districts within the State of California this federal interest is like a breath of fresh air. Very frankly, we have been disappointed in the state's response to classroom overcrowding up to this point. Inconceivably, even astoundingly, after instituting a high profile facilities-intensive primary class size reduction program on top of record setting student growth, the State Legislature has refused, since 1996, to even place a state school bond on the ballot for the voters to consider. Our Republican Governor has stepped forward and provided leadership on the facilities issue through a series of bills which the Senate and Assembly will consider this session. The newspapers report that the one place he faces opposition is from members of his own party, state elected officials who ironically represent the highest growth parts of the state. I just don't understand it.

While, the state currently has no money for school construction, local districts which venture into the local bond arena are shackled with an unrealistic and usually unattainable obstacle: overcoming a situation where one negative vote counts double what a positive vote does.

With no state money available and with our hands tied because of the extraordinary 2/3 vote requirement to pass local bonds, California school districts find themselves in a vise. There is hope, however, if the Governor's-supported package of bills before the legislature this year has a chance of passing: an $8.2 billion state bond issue; an initiative streamlining the school construction/renovation program, and a constitutional amendment permitting majority vote approval for local school bonds. Then we can, at least, begin to realistically address the problem.

While parents and educators will continue to present our school facilities case to our state legislators, and hope for a successful 1998 California legislative session, it is comforting to know that our leadership in Washington, D.C. has recognized the school overcrowding phenomenon as one of the most serious challenges in public education. Then, through such legislative proposals as the Expand and Rebuild America's Schools Act of 1997, willing to take action in the interests of the children of our nation, children who are our hope and our investment in the future.

SCHOOL OVERCROWDING

By Jacinth M. Cisneros

My name is Jacinth Cisneros. I have lived in Orange County for more than 40 years with 22 of those years in Anaheim. I have two children. (A 3rd grade boy and a 7th grade girl.) They attend schools within both the Anaheim City School District and the Anaheim Union High School District. Our family lives are complicated as one child is on a year-round schedule and the other is on a traditional schedule with summers off. I am fortunate to be a housewife in order to juggle the complexities of being a parent. Many of our families do not have the benefit of a parent that can stay home.

I am concerned about the education of my children. I am also concerned about the education of all of our children—yours, mine, and the children in the neighborhood down the street. I have watched Anaheim change over the past two decades. Ten years ago we were surprised by our enrollment increase. (The baby boomers finally decided to become parents.) We thought, "This can't continue. It will stop, even slow down." Five years ago, we were in denial. No one believed the increase and certainly no one believed it would continue. Today, we still continue to grow and to grow and to grow. We are currently over-enrolled by 7,000 students. Demographers project that we will continue to grow 1,000 more students each year for the next five years. The school my son attends was designed to house 600 students. It now houses approximately 1,100 students, with twice the staff and fewer restrooms than 30 years ago. The reality of our numbers slapped us in the face and rudely woke us up! As a community, we came together to work out our problems. Many years ago six of our schools went to a year-round multi-track schedule increasing our ability to house our children. Progressively more and more schools went year-round until, finally, last year the remaining six schools went to the same schedule increasing their capacity by approximately 25%. (Remember that was just last year.) Where are they coming from? There is no new construction, no new housing. How can this be? Anaheim is an affordable community for young families and our schools have continued to offer good, solid quality education. As our seniors move out, a family with young children moves in living close to their work-place. We are also faced with extended families and multiple families living in one home or apartment. Come this July we will be out of space again as 1,000 more students arrive on our school house steps. What will we do?

Up until now, Anaheim has coped well with its problems—maybe too well. Each new wave of enrollment led to using a new band-aid that fixed the problem temporarily. (The year-round band-aid had to be applied several times. The portable classroom band-aid continues to be applied.) Right now—our 1st aid kit is empty—no more Band-Aids and we are bleeding badly. At the very least, we need major surgery and possibly CPR.

The Anaheim School Board responded immediately to the 911 calls from the community by placing on the April 1998 ballot a $48 million school bond measure for new school construction and reconstruction of our existing sites. We were given the opportunity to help! A committee of parents, community members, teachers, and business leaders have been working countless hours to educate residents about the problems within our schools and the need for a solution; to carry the message that WE NEED CLASSROOMS and we need to repair the ones we already have. All of the schools in Anaheim are at least 30 years old with plumbing, electrical and sewer systems that need upgrading or replacing. If a generous business in Anaheim donated computers to all our classrooms, we would not be able to use them. Our electrical systems do not have the capacity to handle today's technology. What about the technology of the future? We want our children to continue to be able to compete on the world market. We should have a world class educational system in Anaheim to match the world class entertainment complex in our backyard. Our teachers and administrators should focus on providing the best educational program for our children. They shouldn't have to worry about our constant lack of facilities and problems with space. As a community and as a country we should be able to provide the foundation to build a powerful educational institution. Our schools should not be dealing with Band-Aids and should not worry about where to put the next tourniquet.

Passage of the school bond will ease our pain to a degree, but we still need your help. This bond will allow Anaheim schools to access state school funding when it becomes available. The Governor has proposed a $2 billion statewide bond providing additional matching funds for the schools. With that money we come closer to actually solving some of our housing problems. Federal assistance in the form of tax free bonds as proposed by H.R. 2695 would move us along toward actually healing our housing "wounds." Funds "freed" by H.R. 2695 provide our district with the ability to repair a sinking playground, renovate an entire school, build a lunch structure, or replace old blackboards in all of our classrooms. The possibility exists of coupling the funds for new school construction and matching it with state funds as well. Our children would benefit twice as much.

We cannot do it alone. We need your help. We need you to recognize the problems and work with us to solve them. When we pull together—local communities, the state and the federal government, we will only produce a stronger educational system. We will be able to utilize all of our assets to the maximum. We will succeed in investing in the future of our children. We will communicate to the world that we value our children and their education.

If indeed the emergency crews do not arrive in time, if indeed our bond measure does not pass, if indeed the governor's statewide bond or H.R. 2695 does not pass, there is yet one alternative left to try. I need to be honest. It does not cost much money and will double the capacity of our schools immediately—double sessions. Although financially the cost is insignificant, what will the cost be to our families? to our community? to the future of our children? Those costs cannot be measured. The impact is too great! When one session of children begins school at sun up and the other session leaves at sun down, what becomes of the family? Will the Girl Scout Troop or Boy Scout Troop reschedule their meetings to be held at 8:00 at night or how about eight o'clock in the morning? What about soccer or baseball teams? Will the dance teacher offer morning classes? I think the costs of double sessions are too great!

Our children's future is everyone's responsibility from the custodian to the superintendent, from the superintendent to the mayor, from the mayor to the governor, and from the governor to the President. Passage of a local bond will still not provide enough funds to close the gap that spreads wider and wider over the years. State matching funds will help and federal tax incentives for suburban schools are essential. Provide us with the life line we need to keep us from using any more Band-Aids from our first aid kit.

STATEMENT BY ASSISTANT SECRETARY OF EDUCATION FOR LEGISLATION SCOTT S. FLEMING

Representative Sanchez, Minority Leader Gephardt. First, I want to thank you Congresswoman, for calling this important Forum, and extend my appreciation to you, Congressman Gephardt, for taking the time to be here to join us in making a very simple point: there is a critical need, here in California and across the nation, to address compelling school infrastructure needs.

Whether you are here in California with the fastest growing school enrollments in the nation or in the nation's rust belt where all too often schools have deteriorated to the point where they pose serious safety threats to their students, this nation shares an urgent need to build and renovate school buildings to serve students today and into the next century. In June of 1996, the General Accounting Office issued a report which found a backlog of over $111 billion in repairs and improvements to school facilities nationwide. At the same time, the National Center for Education Statistics projects that school enrollment will increase from 51.7 to 54.6 million between 1996 and 2006. Simply to hold our own and maintain current class sizes, that growth in number of students will require over 6,000 more schools than existed in 1996. Here in California, the 1996 enrollment which had been projected to be over 5.8 million is anticipated to reach nearly 6.9 million in 2006—more than one million new students. Again, without even taking into account efforts to reduce class sizes, that would necessitate more than 40,000 new classrooms in California within a decade. We should make no mistake about the fact that, with all of the talk about meeting the nation's infrastructure needs—highways, airports and the like, failure to also address the school infrastructure needs of this nation will have a serious impact not only on the individual lives of millions of American students, but also on our nation's future economic prosperity.

As you well know, in the summer of 1996, President Clinton proposed a major initiative to assist localities in addressing this critical need. He proposed a $5 billion package designed to leverage, by "buying down" interest rates on local school bonds, $20 billion in school infrastructure improvements across the nation over a four year period. We realized at the time we made that proposal that it would not be an instant or complete solution to this critical situation, but it was a bold step forward, moving the federal government into a new role in assisting local authorities to respond to school overcrowding and deteriorated school buildings in accordance with locally-designed initiatives. That legislation was introduced in both Houses of the Congress—in the House of Representatives by Representative Nita Lowey of New York and in the Senate by Senator Carol Moseley-Braun of Illinois. We deeply appreciated their leadership and that shown by both of you in working to gain strong support within the Congress for the plan. Unfortunately, during last summer's bipartisan negotiations which led to the historic budget agreement subsequently adopted by the Congress and signed by the President, in spite of strong support by the Administration, it proved impossible to include the school construction initiative within the agreed upon budgetary framework. While the budget package made very significant investments in education, the absence of the school construction proposal was a major disappointment. Since that time, Secretary Riley and the President have made clear their intent to continue to seek ways to finance a school construction initiative, and that has been a priority in the development of the Fiscal Year 1999 budget which will be released on February 2.

Before moving on, I want to make sure to emphasize that last year's budget agreement included an important Congressional initiative that focuses on the need to help school's serving at least 35% students eligible for free and reduced priced lunches under the Department of Agriculture's school lunch program. That proposal, originated by Representative Rangel of New York, the senior Democratic member of the House Committee on Ways and Means, provides $800 million in special bonding authority to make available interest-free capital for startup costs—including rehabilitation or repair, equipment purchases, and development of course materials and training expenses—for special schools or programs within schools. That $800 million in financing is available in two installments, $400 million in the current tax year and $400 million in tax year 1999. That important assistance for public education is being administered by the Department of the Treasury which last month released regulations to implement the new authority. Under the allocations determined by the Treasury Department, $112.7 million of that interest-free capital will be available to meet needs right here in California. I know that both of you have been supportive of the Rangel program and that, you, Congresswoman Sanchez, have introduced your own legislation, the "Expand and Rebuild America's Schools Act," which expands upon that new approach and focuses it on construction and the pressing needs facing Orange County and similar communities around the nation. Your initiative is an important and valuable contribution to the work that is underway to ensure that real help is provided by the federal government to meet this need.

Earlier witnesses today have made very clear the real-life impact of school overcrowding on their lives. As the parent of a teenager who spent his fifth grade in a portable classroom in a Virginia public school, I can personally relate to much of what those individuals had to say. When students are left to learn in overcrowded or antiquated facilities, when their schedules are set to fill available space, not to structure the learning experience at optimal times for those young students, the challenge of preparing young minds for success in the twenty-first century is made tremendously more difficult. Just last week, Secretary Riley visited a school in Los Angeles with your colleague, Congresswoman Juanita Millender-McDonald. When they arrived, an unexpected fire-drill was underway. None of us would deny the importance of knowing how to quickly evacuate a school building, but this fire-drill was not for that purpose. It had been triggered by wiring that had been damaged as a result of a leak in the school's roof. The result was lost time in a school day. Any teacher, any principal can tell you that such unnecessary exercises are distracting and disruptive and that losing a block of time like that is not easily reclaimed. That unnecessary fire drill robbed hundreds of young students of important learning time. The same is true when students have to take added time over and over again in a school day to move from portable classrooms to other school activities.

All of this takes on added importance as we seek to maximize the tremendous potential that technology holds to broaden and strengthen education in America. This month, as a result of changes enacted by the Congress in the Telecommunications Act, schools and libraries across this nation become eligible to benefit from reduced rates for accessing the Internet. Those resources can assist both with readying schools to bring computers on line and in covering the monthly access charges that schools will need to build into their operating budgets. These reduced rates, known as the E-Rate, offer tremendous opportunities to young Americans. But the fact of the matter is that school facilities have to be up to the task. Inadequate wiring systems and overcrowding alike can severely limit or even preclude altogether schools' ability to take advantage of the opportunities that technology makes possible.

As this Forum comes to a close and you head back to Washington, I know you and Secretary Riley will be working closely together to impress upon your colleagues in the Congress the importance of moving forward, in partnership with local school districts—like the Anaheim City School District, Santa Ana Unified, and others in this area—to put in place a serious, but fiscally responsible approach to meeting these compelling needs. Balancing the budget is not an end in and of itself. Instead, now that we are on target to meeting that goal, we must work together to ensure that essential investments are made that will enable our economy to grow. Educating those who will be the economic brainpower of the next century ranks at the top of those investments, and, as I said earlier, the task of educating all young people to high standards is made much more difficult when they are forced to learn in overcrowded or structurally deficient environments.

The task of the Congress and the Administration this year will be to ensure that the federal government does its part. Legislation will be on the table with Administration support. We need to work together to move that legislation into law.

COMPETITION IN THE LONG DISTANCE MARKETS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mrs. MEEK of Florida. Mr. Speaker, I don't understand why a potential key player in the long distance market is being systematically eliminated.

For the past two years the FCC has detracted from the process and has not assisted in making local telecommunication competition a reality.

Some long distance companies have been quoted publicly as saying that they are going to ignore the local residential market because of the limited revenue it produces. Meanwhile, they have pursued with great zeal local business markets.

Why has the FCC ignored these factors? The Regional Bell Companies are not offering long distance service today because of the FCC's misinterpretation of the 1996 Telecommunications Law. The FCC continues to reject approved recommendations from states suggesting the absence of competition in local markets. That is not correct. Competition is out there. Why has it been overlooked?

The FCC should take off its dark glasses and open its eyes to the intense competition in the local market. The Bells shouldn't be kept out of the long distance market because of business decisions made by their potential competitors. The Bells have made a good faith effort to open the market and judging from the amount of local business competition, they've succeeded. They deserve entry into the long distance market.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 26, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 30

2:00 p.m.

Governmental Affairs

To hold hearings on the nominations of Elaine D. Kaplan, of the District of Columbia, to be Special Counsel, Office of Special Counsel, and Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission.

SD–342

MARCH 31

9:30 a.m.

Armed Services

Strategic Forces Subcommittee

To resume hearings on proposed legislation authorizing funds for fiscal year 1999 for the Department of Defense and the future years defense program, focusing on strategic nuclear policy and related matters.

SR–222

Commerce, Science, and Transportation

Business meeting, to mark up proposed legislation to reform and restructure the process by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use.

SR–253

Energy and Natural Resources

To hold hearings on S. 1100, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, the legislation approving such covenant, and S. 1275, to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America.

SH–216

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Commodity Futures Trading Commission and the Food and Drug Administration.

SD–138

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Justice's counterterrorism programs.

SD–192

Labor and Human Resources

To hold hearings to examine issues relating to charter schools.

SD–430

Veterans' Affairs

To hold hearings to examine tobacco-related compensation and associated issues.

SD–106

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on the Caspian energy program.

SD–124

2:00 p.m.

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine the economic and political situation in India.

SD–419

APRIL 1

8:00 a.m.

Labor and Human Resources

Business meeting, to mark up S. 1754, to consolidate and authorize funds for health professions and minority and disadvantaged health professions and disadvantaged health education programs, proposed legislation authorizing funds for programs of the Higher Education Act, and to consider pending nominations.

SD–430

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of the Interior.

SD–124

Indian Affairs

Business meeting, to mark up S. 1797, to reduce tobacco use by Native Americans and to make the proposed tobacco settlement applicable to tobacco-related activities on Indian lands, and S. 1279, proposed Indian Employment Training and Related Services Demonstration Act; to be followed by hearings on proposed legislation to revise the Indian Gaming Regulatory Act of 1988.

SH–216

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.

SD–192

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine competition and concentration in the cable and video markets.

SD–226

1:30 p.m.

Environment and Public Works

To hold hearings to examine how tobacco smoke affects environmental air.

SD–406

2:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.

SD–124

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on titles I, II, III, and V of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.

SD–366

APRIL 2

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health.

SR–332

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the status of Puerto Rico.

SH–216

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD–138

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
Business meeting, to consider pending calendar business.
SD–226

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD–192

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD–138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Forest Service, Department of Agriculture.
SD–124

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–192

APRIL 28

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD–138

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on title IV of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 624, to establish a competitive process for the awarding of concession contracts in units of the National Park System.
SD–366

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

MAY 7

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD–366

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 14

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.
SD–366

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the American Legion. 345 Cannon Building

CANCELLATIONS

MARCH 31

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1515, to amend Public Law 89–108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, and to enhance natural resources and fish and wildlife habitat.
SD–366

APRIL 1

2:30 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD–226

POSTPONEMENTS

MARCH 26

2:00 p.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the Government management of electromagnetic spectrum.
SD–342

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR–485.

SENATE—*Thursday, March 26, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, maximize us by Your spirit for the demanding responsibilities and relationships of this day. We say with the Psalmist, "God, be merciful to us and bless us, and cause Your face to shine upon us, that Your way may be known on Earth, Your salvation among the nations."—Psalm 67:1-2.

Father, our day is filled with challenges and decisions. In the quiet of this magnificent moment of conversation with You, we dedicate this day. We want to live it to Your glory.

We praise You that it is Your desire to give Your presence, wisdom, guidance, and blessings to those who ask. You give strength and power to Your people when we seek You above all else. You guide the humble and teach them Your way. Help us to humble ourselves as we begin this day so that no self-serving agenda or self-aggrandizing attitude will block Your blessings to us or to our Nation through us. May we speak with both the tenor of Your truth and the tone of Your grace. In the name of Him who taught us that the greatest among us are those who unselfishly serve. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you.

SCHEDULE

Mr. LOTT. In a moment the Senate will resume consideration again of S. 1768, the emergency supplemental appropriations bill. I remind my colleagues, this is supposed to be an emergency, urgent supplemental. We began it in the winter. It is now spring, and I hope we can finish it before summer. But the Senate will resume work in its inimitable way, and eventually we will get to a conclusion. I have to wonder if Senators are serious at all about this emergency legislation. I think maybe as majority leader I have learned a lesson. I will not be able to ever plan again on the emergency supplemental taking a day or two. I think I will have to plan on a week or two.

Last night we reached a unanimous consent agreement limiting amendments to the bill. It is my hope—and I know it is the chairman's hope as well—that most amendments will not be offered that are on this list. We want to finish this important legislation early today so we can move on to other issues. Those of you that do have amendments on the list, if you are serious, I urge you to come over and offer those amendments this morning. The chairman is ready to proceed. Looking down the list and thinking about the time that will be needed, if Senators are reasonable, we should be able to complete this legislation sometime in the early afternoon, I hope, at the least.

Under the order, at 10 a.m. the Senate will resume 50 minutes of debate on the Enzi amendment regarding Indian gaming. It is my understanding that amendment may not need a rollcall vote, but we will have to clarify that momentarily. However, there are other pending amendments that will require rollcall votes. Surely there will be votes throughout the morning and the afternoon.

We are still hoping to reach an agreement on the Coverdell education savings account bill today. Senator DASCHLE and I continue to exchange suggestions. Sometimes we get very close, and then it seems to go back the other way. But we very well could have the second cloture vote sometime during the day. In addition, of course, we will consider any executive and legislative items cleared for action, including the Mexico decertification legislation which we will have to do this week. We must do that under the law before the end of the month. Sometime today, I hope under a reasonable time limit—I hope not more than 2 hours—we could complete the Mexico decertification.

I remind Senators, there will be votes on Friday morning, so they need to plan their schedules accordingly, but there will not be votes after 12 noon.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the leadership time is reserved.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. Under the previous order, the clerk will report the supplemental appropriations bill.

The assistant legislative clerk read as follows:

A bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McConnell modified amendment No. 2100, to provide supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998.

Stevens (for Nickles) amendment No. 2120, to strike certain funding for the Health Care Financing Administration.

Enzi amendment No. 2133, to prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming activities.

Bumpers amendment No. 2134, to express the sense of the Senate that of the rescissions, if any, which Congress makes to offset appropriations made for emergency items in the Fiscal Year 1998 supplemental appropriations bill, defense spending should be rescinded to offset increases in spending for defense programs.

Robb amendment No. 2135, to reform agricultural credit programs of the Department of Agriculture.

AMENDMENT NO. 2133

The PRESIDING OFFICER. Under the previous order, the pending business is amendment 2133, offered by the Senator from Wyoming, Mr. ENZI.

There are 50 minutes remaining for debate on the amendment; 15 minutes is under the control of the Senator from Wyoming, and 35 minutes under the control of the Senator from Hawaii, Mr. INOUYE.

Mr. STEVENS. Mr. President, I ask unanimous consent I be allowed to yield 5 minutes to the Senator from Colorado from the time of Senator INOUYE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I rise to speak against the amendment offered by my friend and colleague from Wyoming, Senator ENZI, related to the procedures of the Secretary of the Interior in the Indian gaming statute.

I oppose this amendment first and foremost because it will make permanent changes to the Indian Gaming Regulatory Act without a single hearing on the matter. Later today I intend to introduce a freestanding bill to amend the Indian gaming statute. In fact, I was rather surprised this amendment would come forward on a bill that is designed to be an emergency supplemental for our troops in Bosnia and the gulf and to address natural disasters.

Beginning this Wednesday, our committee will conduct the first of several hearings this year dealing with difficult and complex issues involving Indian gaming tribes and Indian gaming

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

in itself. These issues include: Should there be uniform standards governing Indian gaming? What level of regulation of tribal gaming is needed? Is the Federal Gaming Commission adequately funded? What remedies do tribes have in the wake of the Supreme Court's Seminole decision?

That is the committee of jurisdiction, and that is the forum through which the Senator from Wyoming should have addressed his concerns.

When Congress enacted the Indian Gaming Regulatory Act, the States were invited to play a significant role in the regulation of gaming activities that take place on Indian lands. In fact, the statute required tribes to have a gaming compact before the State commenced any casino-style gaming within tribal lands. Though few have come to understand how significant such a provision is, it was and is a major concession by Indian tribes and one that has worked fairly well for the last 8 years.

Congress also realized that tribes need a mechanism to encourage States to negotiate these compacts and provided for tribal lawsuits against reluctant States. Up until 1996, if a Federal court determined that a State was negotiating in bad faith, or if the State decided not to negotiate at all, the tribe had the option of filing a lawsuit to bring about good-faith negotiations.

In 1996, the Supreme Court handed down the decision in Seminole Tribe of Indians v. The State of Florida. This decision said that a State may assert its 11th amendment immunity from lawsuits and preclude tribes from suing it in order to conclude a gaming agreement. Just as I believe we should respect each State's sovereign right, it seems to me we should recognize those of tribes, too.

Next week at the committee hearing, one of the issues surely to arise again will be the matter of whether, in the absence of a State-tribal compact, the Secretary of the Interior can issue procedures to govern casino gaming on Indian lands. Senator ENZI's amendment would preempt the efforts of the committee to fully and fairly look at the issues regarding Indian gaming.

I ask unanimous consent to have printed in the RECORD a statement from the administration that opposes this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUREAU: BUREAU OF INDIAN AFFAIRS

ITEM: PROPOSED BILL S. 1572, INTRODUCED BY SENATORS BRYAN, ENZI, REID, AND SESSIONS ON JANUARY 27, 1998

S. 1572 amends the Indian Gaming Regulatory Act (IGRA) and precludes the Secretary of the Interior from promulgating final regulations to deal with Indian gaming compact negotiations between States and Tribes when Tribes have exhausted federal judicial remedies.

Background: The Indian Gaming Regulatory Act (IGRA) was enacted to allow Indian tribes the opportunity to pursue gaming as a means of economic development on Indian lands. Since 1988, Indian gaming, regulated under IGRA, has provided benefits to over 150 tribes and to their surrounding communities in over 24 states. As required by law, Indian gaming revenues have been directed to programs and facilities to improve the health, safety, educational opportunities and quality of life for Indian people.

Under IGRA, Tribes are only authorized to conduct casino-style gaming operations if such gaming is permitted by the state. Further, the gaming is allowed in such states only pursuant to a mutually agreed-upon Tribal-State compact; or in the alternative, pursuant to procedures issued by the Secretary if a state fails to consent to a compact arrived at through the mediation process that follows a determination by a United States District Court that the State has failed to negotiate in good faith (25 U.S.C. Section 2710(d)(7)(B)(vii). IGRA only authorizes the Secretary to issue "procedures" after sates have been provided with a full opportunity to negotiate compact terms.

Under IGRA, Congress intended to give tribes the right to file suits directly against states that failed to negotiate in good faith with regard to Class III gaming. The right to sue a state for failure to negotiate in good faith was seen by Congress as the best way to ensure that states deal fairly with tribes as sovereign governments. See Senate Report No. 446, 100th Congress, 2nd Session 14 (1988).

In Seminole Tribe v. State of Florida, the U.S. Supreme Court held that Congress was without authority to waive the States' immunity to suits in Federal courts ensured by the Eleventh Amendment to the Constitution. As a result of this decision, states can avoid entering into good faith negotiations with Indian tribes without concern about being subject to suit by tribes. Under these circumstances, the Secretary's authority to promulgate regulations may be the only avenue for meeting the Congressional policy of promoting tribal economic development and self sufficiency.

Effect of Proposed Legislation: The legislation would prohibit the adoption of a rule setting forth the process and standards pursuant to which Class III procedures would be adopted in specific situations where the state has asserted its Eleventh Amendment immunity. If the legislation is included as an amendment to a 1998 supplemental appropriation, the language would remain in effect through FY 1998.

Departmental Position: The Department strongly objects to any attempt to substantially interfere with its ability to administer the Indian Gaming Regulatory Act or to thwart Congress' declared policy in IGRA of promoting tribal economic development, self sufficiency and strong tribal government. The Secretary would recommend a veto of any legislation extending beyond FY 1998 that prevents the Secretary from attempting to work out a reasonable solution for dealing with Indian gaming compact negotiations between States and Tribes when Tribes have exhausted federal judicial remedies.

The Secretary published proposed regulations on January 22, 1998 which would authorize the Secretary to approve Class III gaming procedures in cases where the state has asserted an Eleventh Amendment defense. The proposed rule is narrow in scope. It will allow the Secretary to move forward only (1) where a Tribe asserts that a State has not acted in good faith in negotiating a Class III gaming compact and (2) when the State asserts immunity from the lawsuit to resolve the dispute. In the 9-year history of IGRA, these situations have been very rare. Over 150 compacts have been successfully negotiated and are being implemented in more than half the states. Even where negotiations have been unsuccessful and litigation has been filed, a number of States have chosen not to assert immunity from suit. Based on experience to date, relatively few situations will arise requiring Secretarial decisions.

The publication of the proposed rule is followed by a 90-day comment period, with formal public access to and review of the proposed rule. The Department will attempt to maximize State participation and comment during the comment period, with final publication of the rule expected in FY 1998, after careful review and analysis of public comments. In particular, the Department will continue to meet with State Governors to discuss the proposed rule and to work out compromises. A provision in the FY 1998 Department of the Interior and Related Agencies Appropriations Act precludes the implementation of a final rule this fiscal year.

State law would continue to be the appropriate reference point for determining the "scope of gaming" permitted in any procedures proposed by the Department to resolve Indian gaming compact disputes. This policy is consistent with the Department's position that it does not authorize classes or forms of Indian gaming in any State where they are affirmatively prohibited. See Brief of the United States as amicus curiae in the Supreme Court in Rumsey Indian Rancher of Wintun Indians v. Wilson, 64F.3d 1250 (9th Cir. 1995), as modified on denial of petition for rehearing, 99F.3d 321 (9th Cir 1996), cert denied, sub nom. Sycuan Band of Mission Indians v. Wilson, No. 96–1059, 65 U.S.L. W. 3855 (June 24, 1997).

The publication of the proposed rule follows an Advanced Notice of Public Rulemaking published in the Federal Register in May, 1996. In developing the proposed rule, the Department carefully considered over 350 comments submitted by States, Tribes, and others.

The Department opposes legislation which would in effect provide States with a veto power over Class III Indian gaming when state law permits the gaming at issue "for any purpose by a person, organization or entity."

In addition, the Department of the Interior strongly objects to using the appropriations process for policy amendments to the Indian Gaming Regulatory Act. Including the provision in the FY 1998 supplemental appropriations would circumvent a fair legislative process with hearings involving Indian tribes, state officials and the regulated community. Through the hearing process, all parties involved in Indian gaming are allowed to contribute testimony on how or whether IGRA should be amended.

Mr. STEVENS. I urge Members who have colloquies that they wish to enter into with myself or Senator BYRD to come over now, and we can get those done. We have two significant—maybe three significant colloquies pertaining to amendments that will not be necessary if the colloquies are properly presented.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, as Chairman CAMPBELL of the Committee on Indian Affairs has observed, I believe it is very important that our colleagues have a clear understanding of the context in which this amendment is being offered. I say this because one might infer that the Secretary of the Interior is pursuing a course of action that is either unwarranted or one which the Congress would never sanction, and I believe it is critically important that we understand that drawing such inferences would be wrong.

As Senator CAMPBELL has indicated, in 1988 the Indian Gaming Regulatory Act was enacted into law. It followed a ruling by the Supreme Court in 1987 in which the Court once again reaffirmed one of the fundamental principles of Federal Indian law; namely, that the civil regulatory laws of the State do not apply in Indian country. In so ruling, the Court concluded that the State of California could not regulate gaming on Indian lands.

As often happens, the Congress responded with the enactment of a law that gave to the States that which they did not have after the Court's decision—an ability to enter into a compact with a tribal government under which State laws might apply if the parties so agreed.

That law has proven to work well.

In fact, twenty-three of the twenty-eight States in which Indian reservations are located, have elected to enter into compacts with the tribal governments in their respective States.

Thus, it is clear that the law is working.

However, in 1996, the Supreme Court ruled again.

The Court found that while the Congress intended to enable the parties to go to a Federal court to resolve any outstanding questions of law relative to gaming activities permitted within each State, or relative to tribal-state compact negotiations, the Congress could not waive the States' eleventh amendment immunity to suit.

The result was that if a State refused to negotiate a tribal-state compact for the conduct of gaming, there is no Federal forum to which the parties can go to secure the assistance of the courts in reaching a resolution.

So the Secretary of the Department of the Interior—as the Federal official to whom authority has been delegated to manage matters of Indian affairs—took the next step and did what many believe was the responsible thing to do.

In the fall of 1996, the Secretary invited comments from the public as to how he should proceed.

He posed a question—"should the remaining tribal governments—those that did not have compacts before the Supreme Court's ruling—be precluded from conducting gaming on their lands if a State elects not to enter into compact negotiations?"

Taken together, the responses, I assume were that the Supreme Court and the Congress have recognized the right of tribal governments, as sovereigns, to conduct gaming activities on their lands—and that if the process set forth in the act was no longer workable, then another process ought to be put in place.

And so the Secretary proceeded to issue an advance notice of proposed rulemaking, once again inviting comments from the public.

Put another way, this whole process that the Secretary has pursued has been conducted in the full light of day, with maximum input from all interested parties. There was ample opportunity provided for everyone to weigh in and have their voices heard. And, because we have yet to enact a legislative remedy to the problem created by the Supreme Court's ruling—it was a necessary and proper action for the Secretary to take.

Nonetheless, my colleagues felt it necessary to propose an amendment to the Interior appropriations bill, last fall, that would prevent the Secretary from proceeding any further. I was opposed to that amendment, because I believe that through our passage of the Indian Gaming Regulatory Act, we have clearly sent a message to Indian country.

That message is that we recognize the right to Indian country to seek a means—other than a reliance on Federal appropriations—to foster economic growth in their communities—communities, which have historically been plagued with poverty, the highest rates of unemployment in the Nation, not to mention the sorry state of housing, health care, and education.

My colleagues' amendment seeks to send a message to those tribes that have yet to secure compacts—that if for one reason or another, you don't have a compact with a State—you will never have any other way to have gaming activities authorized on your lands. That you will be permanently foreclosed from the one activity that has proven to hold any potential for the economic well-being of Indian communities. That if your tribal economy has been devastated—if there are no jobs to be had on your reservation—that is just too bad.

Mr. President, I don't think we can—in all clear conscience—send that message to Indian country.

It isn't as though Indian reservations are located on another planet. The strength of tribal economies is every bit as important to our national economy as those of the States and local governments.

If there are no jobs on the reservations, people will be, as they have been forced to do in the past, become increasingly more dependent on Federal programs. And this just flies in the face of all good sense and sound judgment.

For the past 28 years, our national policy has been to support tribal governments in their quest to become economically self-sufficient.

My friend, the chairman of the Appropriations Committee, could give us chapter and verse as to the scarcity of Federal dollars when it comes to meeting the needs in Indian country.

For 28 years, we have been saying to the tribes—"get on your feet economically—we will do whatever we can to support you. Like you, we want to see the day when you are self-determining people who no longer need to have your lives dominated by the actions or inaction of the Federal Government."

The adoption of this amendment will send a decidedly different message. That message is that—"we will cut off Your right, as sovereigns, to determine whether gaming is something you want to employ as an economic tool to lift your communities out of the economic devastation and despair that has plagued Indian country for so long."

Mr. President, my colleagues know that I am not one who supports gaming. Hawaii is one of two States in the Union that criminally prohibits all forms of gaming.

But I have seen what gaming has brought to Indian country and I support gaming for Indian country because I believe that it is one of their Rights as sovereigns within our system of government to determine how to develop the economic base of tribal communities.

So while I do not question the good intentions of my colleagues, I would suggest to them and to my other colleagues, that this simply is not a matter that has to be or should be addressed in an emergency supplemental appropriations bill.

The better course of action, in my view, would be to address this matter either in the authorizing committee or as part of the regulatory process.

I am advised that the National Governor's Association has already notified the Department that it will be requesting a 30-day extension of the rulemaking procedure—which would take us into the end of May.

Finally, the administration has sent up a statement of administration policy on this amendment which makes abundantly clear that the Department of the Interior will recommend a veto of the emergency supplemental appropriations bills, should this amendment be included in the bill.

I urge my colleagues to oppose this amendment. It does not involve an emergency situation—there are other forums in which this matter is more appropriately addressed. There is more than sufficient time to take action, if it is necessary, before the rulemaking process is complete.

Clearly, we would not be acting today if there were not victims who are desperately in need of the emergency assistance that this bill will make available.

I don't think we can responsibly tell them that the help that is so critical to them will not be forthcoming because this bill was vetoed. And we knew that it would be—simply because of an Indian gaming amendment that so obviously did not need to be treated as if it were an emergency and thereby addressed in this bill.

In conclusion, Mr. President, I would note that each of my colleagues who spoke in support of this amendment yesterday, all made one and the same assumption—the assumption that States have a right to consent to the conduct of gaming on Indian lands. However, under the Supreme Court's ruling in Cabazon, the States do not have such a right.

This is what the Court explicitly held.

It is the Indian Gaming Regulatory Act that carved out a role for the States to play in Indian gaming.

In my view, if a State elects not to avail itself of this role—either by refusing to negotiate for a compact or by asserting it's eleventh amendment immunity to suit—then the State is knowingly opting out of its prerogatives under the act.

In so doing, a State has voluntarily passed the responsibility back to the Federal Government.

All that the Interior Secretary is doing here is fulfilling his role as trustee by assuring that the action on the part of a State does not abrogate the rights of the tribal governments.

When my colleagues suggest that the statute does not envision the Secretary acting without the consent of a State—it is because the statute is premised upon a simple assumption.

In 1988, the States aggressively pursued having a role to play in Indian gaming. It was and is then natural to assume that they would act in conformance with what they said they wanted.

If a State doesn't want this role, then I would suggest that a State would be hard pressed to object to the Federal Government fulfilling its responsibilities in lieu of the State. This is simple equity.

We can always repeal this law. But let us all be clear about what the state of the law would be in the absence of this statute. Tribal governments could conduct gaming on their lands without regard to State law and without the consent of any State.

Mr. President, I don't think that is what my colleagues want.

Mr. McCAIN. Mr. President, I join with my colleagues, Senator CAMPBELL and Senator INOUYE, in strong opposition to the amendment sponsored by Senators ENZI, REID and BRYAN to S. 1768. I regret that I was not able to participate more fully in the debate on this amendment. However, I want to make it clear that I take strong exception to this amendment, as I did last September when a similar amendment was before the Senate. If I had been able to be on the floor, I would have fought against and voted against this amendment.

The adoption of this amendment in any form disturbs the careful balance of State, Tribal and Federal interests which is embodied in the Indian Gaming law. The amendment was offered and debated without the benefit of any hearings or the consideration of the committee of jurisdiction, the Committee on Indian Affairs.

I recognize the Indian gaming law is not perfect. However, this is not the time nor the proper manner for consideration of amendments to the Act. The Committee on Indian Affairs has before it several proposals to amend the Indian Gaming Regulatory Act. As all of my colleagues know, I have proposed amendments to the Indian Gaming Regulatory Act. My colleagues from Wyoming and Nevada should follow our established procedures and introduce legislation which can be referred to the Committee for hearings and proper consideration. Fairness and a respect for our laws and the views of all concerned parties requires such deliberation.

Mr. President, I am disappointed that this body approved such an ill-advised policy which, in effect, interferes with and side-steps the on-going work of the authorizing Committee. I urge the conferees who will be appointed to finalize this supplemental appropriations bill to eliminate this provision from the final conference agreement.

Mr. JOHNSON. Mr. President, I rise today in opposition to the amendment offered by Senators ENZI and BRYAN with respect to restrictions on the activities of the Secretary of the Interior. While I appreciate the concerns of my colleagues on this issue, I do not believe that this emergency supplemental bill is the appropriate vehicle for this amendment and, I encourage my colleagues on the appropriations conference committee to carefully consider the impact that this amendment will have on the potential for progress between Indian tribes and state governments in this area.

As written, this amendment would prohibit the Secretary of the Interior from proceeding with proposed regulations to create procedures to permit class III gaming, procedures which would basically facilitate state-tribal negotiations when other avenues are exhausted. There has been a stalemate in Indian gaming compact negotiations since the 1996 Supreme Court Seminole decision. In response, the Senate included language in the FY1998 Interior Appropriations bill sending a strong message to the Secretary that gaming compacts should not be entered into without state involvement. I believe the Secretary has heeded that Congressional directive through the rulemaking process, and that states have been encouraged to participate in the comment period required in the formation of federal regulations.

Proponents of this amendment believe they are acting in the best interest of the states. However, eliminating the Secretary's ability to gather commentary and issue procedures to help facilitate dialog on Indian gaming goes against the states' interests.

We are fortunate in South Dakota to have a relatively productive relationship between the state and the tribes on gaming issues. However, this amendment, offered without committee consideration or extensive debate, directly limits the federal role in maintaining the balance of tribal, state and federal interests in the gaming negotiation process and I must oppose this step.

Federal law requires tribal governments to use gaming revenue to fund essential services such as education, law enforcement and economic development. Without due protection of the rights of tribal governments to negotiate gaming compacts, the entire foundation of tribal sovereignty and government-to-government relations is jeopardized. The uncertainty left by the Seminole case demands that the Department of the Interior and the Congress revisit existing gaming regulations and law. I will urge the Senate Indian Affairs Committee to continue moving forward on legislation to revisit the Indian Gaming Regulatory Act (IGRA).

Mr. President, I am opposed to the amendment offered by Senators ENZI and BRYAN and encourage my colleagues to closely examine any language agreed to by the conferees to ensure that the interests of states, tribes, and the federal government are maintained in the Indian gaming regulatory process.

Mr. KENNEDY. Mr. President, I rise today to express my concern about the continuing efforts of some in Congress to undermine the rights of the first Americans—the American Indian and Alaska Native people of our country, their tribal governments, and their unique and historic government-to-government relationship with the United States. In America today, there are 557 federally recognized tribes. In hundreds of treaties signed by the President and ratified by the Senate over the years, Indian tribes have traded vast amounts of land for the right to live on their reservations and govern themselves. An honorable country keeps its promises, even those made many years ago. We must reaffirm our commitment to self-determination for tribal governments.

In the first session of this Congress, numerous proposals were introduced to limit the sovereign rights of tribal governments. One of the most objectionable of the proposals would have required tribal governments to waive all sovereign immunity against suit as a condition of receiving federal funds. It would have authorized suits against tribal governments to be heard in federal courts rather than tribal courts.

Other legislation similar in scope contains extremely broad waivers of tribal sovereign immunity, and would subject tribal governments to virtually any type of suit in both federal and state courts. Any such measure would make it nearly impossible for tribal governments to carry out basic governmental functions and would jeopardize the resources and the future of tribal governments.

Indian nations are forms of government recognized in the U.S. Constitution and hundreds of treaties, court decisions and federal laws. Tribal governments are analogous to state and local governments. They carry out basic governmental functions such as law enforcement and education on Indian lands throughout the country. Tribal governments are modern, democratic, fair and as deserving of respect by Congress just as Congress respects state and local governments.

Sovereign immunity is not an anachronism It is alive and well as legal doctrine that protects the essential functions of government from unreasonable litigation and damage claims. Like other forms of government, tribal governments are not perfect, but any changes should be based on a careful study of current needs and circumstances, and be guided by the fundamental principle that it is the federal government's role to protect tribal self-government.

In addition to challenges to their sovereign immunity, tribal governments also face constant attempts to undermine their ability to take land into trust, to impose taxes upon their revenues, and to impose "means testing" on their federal funding.

As the Senate deals with these issues, I urge the Senate to act responsibly. Broad generalizations and one-size-fits-all solutions may seem tempting, but they will have disastrous effects when applied to the diversity of Indian Nations in this country. A realistic review of the variety of circumstances and specific issues is far more likely to lead to workable solutions.

Many of the issues that are being raised today involve matters of purely local concern that can be resolved at the local level by the tribes and states. The role of the federal government in these cases should be to encourage local cooperation, rather than to create new legislation with broad, unintended consequences.

Above all, any solutions by Congress should be guided by the principle that it is the federal government's role to protect tribal self-government.

Tribal self-government serves the same purpose today that it has always served. It enables Indian tribes to protect their cultures and identities and provide for the needs of their people. By doing so, tribal self-government enriches American life and provides economic opportunities where few would otherwise exist.

A common misperception is the belief that most tribes are growing wealthy from gaming proceeds. Nothing is further from the truth. Indian reservations have a 31% poverty rate—the highest poverty rate in America. Indian unemployment is six times the national average. Indian health, education and income are the worst in the country. Only a very small number of tribes have been fortunate enough to have successful gaming operations.

Instead of undermining them, Congress should be doing more to help tribes create jobs, raise incomes, and develop capital for new businesses. We should also be doing more to invest in the health, the education and the skills of American Indians and Alaska Natives, as we do for all Americans, and I look forward to working with my colleagues in the Senate and House to do so.

Mr. STEVENS. I ask unanimous consent that that time be charged against the Senator's time on the time agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, if I may inquire, my understanding is that Senator ENZI controls 15 minutes on the Enzi-Bryan amendment.

The PRESIDING OFFICER. That is correct.

Mr. BRYAN. In the interest of accommodating the time of the distinguished chairman of the Appropriations Committee—I note that Senator ENZI joins us on the floor at this moment. If I might engage him in a colloquy, the chairman of the Appropriations Committee has indicated that it would be permissible for us to move forward. The distinguished Senator from Hawaii has made a statement, all of which is charged on our time. There are 15 minutes remaining. I would be happy to yield to the primary sponsor of the amendment and then take my time, if he prefers to go first.

Mr. ENZI. I will yield time to the Senator from Nevada.

Mr. BRYAN. Will the distinguished author of the amendment yield me 5 minutes?

Mr. ENZI. Yes; I yield 5 minutes.

Mr. BRYAN. It will be charged against the Senator's 15 minutes on this bill.

Mr. ENZI. Yes. I yield 5 minutes to the Senator from Nevada.

Mr. BRYAN. Mr. President, what is at issue here is whether States, through their elected Governors and State legislatures, will determine what the scope of gaming is in a particular State, or whether that decision should be made by the Secretary of the Interior. The Secretary of the Interior has proceeded with regulations that are subject to public comment and are currently being reviewed by the Office of Management and Budget that, in effect, would constitute a preemptive strike. That is, the Secretary of the Interior would determine the scope of Indian gaming. We believe that is inappropriate.

This amendment seeks to reaffirm a policy which the Congress agreed to last year; and that is that the Congress should retain the authority to make any changes in the Indian Gaming Regulatory Act. The chairman of the Committee on Indian Affairs has indicated that he intends to move forward with the piece of legislation. I assured him that we will work cooperatively with him about what the Secretary of the Interior has done. Notwithstanding the actions taken by the Congress last year, which would prevent the implementation of a regulation which would give to him the ability to establish the scope of gambling activity in a State contrary to what I believe is the clear intent of the Congress, this amendment simply says he may not go forward at this point with the processing of those regulations. So completely consistent with what we agreed to last year, no compact that currently exists between any tribe or any Governor is affected. We in Nevada have five such compacts. Many other States have compacts as well.

What is involved here is not a question of bad faith between a Governor and a tribe. It is that several tribes, particularly in the State of California and in the State of Florida, have been pressing Governors to provide Indian tribes with the ability to conduct gaming activities that are prohibited under State law. In the State of Florida, for example, there have been three public referendums. And the public in Florida has rejected open casino gaming, as my State of Nevada has adopted. The tribes, nevertheless, pressed forward and challenged the Governor of Florida, accusing him of bad faith in not being willing to negotiate such gaming activity.

My view is that it is a province that ought to be left to the State Governors and the elected State legislatures. In California, currently 20 tribes have 14,000 illegal slot machines, contrary to State law. The Governor of California has recently negotiated a compact with the Pala Band of Indian tribes that do not permit, as some tribes want, slot machines in California. California's Governor and its State legislature ought to make the determination.

So what this amendment does is to preempt the Secretary of the Interior from making that decision and retains the authority and jurisdiction in the Congress. If there are to be changes in the Indian Gaming Regulatory Act, if there are perceived shortcomings, let us in a deliberative fashion make those changes —not the Secretary of the Interior.

As I have indicated, I look forward to working with my colleagues who serve on that committee.

I yield the floor. I reserve the remainder of the time to be allocated by the distinguished Senator from Wyoming on our side of the issue.

The PRESIDING OFFICER. Who yields time?

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Wyoming.

Mr. ENZI. Madam President, I yield myself 4 minutes. I thank Senator BRYAN for his comments.

I am pleased that we have the opportunity to talk about this. I thought we had talked about it last year. I thought that would give enough direction to the Secretary of the Interior that we would not have a problem.

I want to mention that this amendment is an emergency. That is why we are attaching it to this bill. The comment period for the rules that he has gone ahead and promulgated will run out before we have another opportunity to debate this. I do not want the Department of the Interior to be spending the money to do the process they are doing which bypasses Congress, and it bypasses States rights.

I want to read a portion of a letter that I have from the National Governors' Association.

> This letter is to confirm Governors' support for the Indian gaming-related amendment offered by Senators Michael B. Enzi, Richard H. Bryan, and Harry Reid to the Senate supplemental appropriations bill. This amendment prevents the secretary of the U.S. Department of the Interior from promulgating a regulation or implementing a procedure that could result in tribal Class III gaming in the absence of a tribal-state compact, as required by law.
>
> The nation's Governors strongly believe that no statute or court decision provides the secretary of the U.S. Department of the Interior with authority to intervene in dispute over compacts between Indian tribes and states about casino gambling on Indian lands. Such action would constitute an attempt by the Secretary of the Interior to preempt states' authority under existing laws and recent court decisions and would create an incentive for tribes to avoid negotiating gambling compacts with states.
>
> Further, the secretary's inherent authority includes a responsibility to protect the interests of Indian tribes, making it impossible for the secretary to avoid a conflict of interest or exercise objective judgment in disputes between states and tribes.

That is from the National Governors' Association.

I see that Senator REID is on the floor. I yield 5 minutes to Senator REID.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I appreciate very much the leadership of the Senator from Wyoming on this issue. It is an important issue, and it is bipartisan.

We hear a lot in this body about States rights. But where the illustration is clearly defined is this in States rights. I was part of the Indian Affairs Committee when we drew up legislation under the Indian Control Act, and, of course, the purpose of that act was to allow Indians to do anything in a State that non-Indians could do relating to gaming.

For various reasons, the courts have interposed themselves, and now there is controversy as to really what the act stands for. But one thing we do know is that the clear intent of the Gaming Control Act was that Indians could not do more in a State related to gaming than non-Indians, and that is, in effect, what the Secretary is trying to do with the proposed rule—to have him be the arbiter of what goes on regarding gaming, no matter how the State might feel. It certainly would be unfair, and it would be in derogation of the intent of the original law.

It has already been explained here that clearly the Secretary has a conflict of interest in this regard. He is someone who has as one of his main obligations the obligation to look out for Indians in regard to the trust responsibility. How can someone who has this obligation also say that he is going to be the interpreter of whether or not the State is dealing in a fair fashion in good faith? It is clear he cannot, and that is the reason for this amendment.

Last year's Interior appropriations bill included language prohibiting the Secretary from approving Class III gaming compacts through September 30, 1998. This was done to address a problem created as the result of the Supreme Court's decision in *Seminole* v. *Florida*. Our concern was that after Seminole, tribes would immediately seek assistance from the Secretary in those situations where the tribe believed the state was not negotiating in good faith.

It is important to recognize that Indian Gaming Regulatory Act (IGRA) does not permit secretarial intervention without a finding that a State has negotiated with a tribe in bad faith. The Secretary now proposes that he make that finding himself. There is nothing in IGRA that gives the Secretary this broad authority. Indeed, this authority is vested in the Federal courts.

I state clearly and without any qualification that I would be very happy to work as closely and as quickly as possible with the chairman of the Indian Affairs Committee, the senior Senator from Colorado, and the ranking senior Senator from Hawaii, to come up with statutory authority to work out this problem. But, the way the law now stands, it is up to the courts to do this. Certainly, there would never be legislation that would give the Secretary the authority to determine whether or not the State was acting in good faith.

The consequences of permitting an appointed federal official to permit gambling on Indian lands based on tribal allegations of a State's bargaining position raises troubling federalism questions about the sovereign prerogatives of a State.

By announcing a proposed Rulemaking on this issue in January, the Secretary seeks to disregard what this body affirmatively stated last year.

This proposal makes no sense.

By inviting the tribes to seek resolution with Secretary, the states, and the Governors, are placed at a severe disadvantage.

We can not expect the Secretary of Interior to be able to arbitrate these types of contentious disputes over Indian gaming.

I repeat, as I have said earlier. The Secretary has a fiduciary and trust responsibility to the tribe and thus can not fairly arbitrate these types of disagreements.

The Secretary's decision in January to propose regulations on this issue circumvents the intent of what we sought to do on last year's Interior Bill.

Essentially, the Secretary announced his intention to do everything but promulgate a final rule on this issue.

My amendment is very simple.

It prevents the Secretary from promulgating as final regulations the proposed regulations he published on January 22, 1998 (63 Fed. Reg. 3289).

Additionally, he cannot issue a proposed rulemaking, or promulgate, any similar regulations to provide for procedures for gaming activities under IGRA in any case in which a state asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in Federal court to compel the State to participate in compact negotaitions for Class III gaming.

I believe any effort by Interior on this issue would be opposed by the states and the governors.

The Western Governors' Association has already weighed in in opposition to this proposed rule.

This is an issue involving states rights.

The states and the governors should be able to negotiate with the tribes without duress.

They should not be placed on an uneven playing field in these negotiations.

How can they reasonably expect to get an impartial hearing from an arbiter who has a fiduciary and trust obligation to the tribes?

With all of the problems we are now experiencing with Indian Gaming, the Secretary should not be undertaking action that will promote its expansion to the detriment of states rights.

I repeat. I would be very happy to work as a member of the Indian Affairs Committee with the chairman and the ranking member to come up with statutory authority to work up a way out of this so it doesn't have to be determined in the courts. But the courts are a better place to determine what is good or bad faith, and the Secretary is in absolute conflict of interest.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Madam President, how much time remains on this amendment?

The PRESIDING OFFICER. The Senator from Wyoming has 4 minutes 1 second. The Senator from Hawaii has 30 minutes.

Mr. STEVENS. Madam President, I have listened with great interest to the comments on both sides and state to the authors of the bill, as well as those who oppose it, that I would be prepared to accept this amendment without a vote and to take it to conference to see if we can work out something that might be acceptable and not have as much controversy between those who have spoken on the amendment. So, if that would be acceptable to all concerned, I would suggest that we have a yielding back of time and adopt the amendment on a voice vote.

The PRESIDING OFFICER. Do both Senators yield their time?

Mr. ENZI. Madam President, reserving the right to object, I want to comment on that. I hope we could be a part of working that out. We see this as only an extension of the work that was done last year, so we have no problem in agreeing to continue to extend that work and hope that would be done in a very cooperative spirit. I look forward to working with the other people. But we do anticipate that the States rights will be preserved, and that we will be a part of the process in conference.

Mr. REID. Madam President, if the Senator will yield, I will say there is no one in the body who is more concerned about States rights than the Senator from Alaska. He will be the chairman or the cochairman in conference, and I have every hope that we can work something out that would be acceptable to everyone.

Mr. ENZI. I yield the remainder of our time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, under those circumstances, I am pleased to yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded.

Mr. INOUYE. Madam President, before I do, I ask unanimous consent to have printed in the RECORD the policy of the administration on this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUREAU: BUREAU OF INDIAN AFFAIRS

ITEM: PROPOSED BILL S. 1572, INTRODUCED BY SENATORS BRYAN, ENZI, REID, AND SESSIONS ON JANUARY 27, 1998

S. 1572 amends the Indian Gaming Regulatory Act (IGRA) and precludes the Secretary of the Interior from promulgating final regulations to deal with Indian gaming compact negotiations between States and Tribes when Tribes have exhausted federal judicial remedies.

Background: The Indian Gaming Regulatory Act (IGRA) was enacted to allow Indian tribes the opportunity to pursue gaming as a means of economic development on Indian lands. Since 1988, Indian gaming, regulate under IGRA, has provided benefits to over 150 tribes and to their surrounding communities in over 24 states. As required by law, Indian gaming revenues have been directed to programs and facilities to improve the health, safety, educational opportunities and quality of life for Indian people.

Under IGRA, Tribes are only authorized to conduct casino-style gaming operations if such gaming is permitted by the state. Further, the gaming is allowed in such states only pursuant to a mutually agreed-upon Tribal-State compact; or in the alternative, pursuant to procedures issued by the Secretary if a state fails to consent to a compact arrived at through the medication process that follows a determination by a United States District Court that the State has failed to negotiate in good faith (25 U.S.C. Section 2710(d)(7)(B)(vii). IGRA only authorizes the Secretary to issue "procedures" after states have been provided with a full opportunity to negotiate compact terms.

Under IGRA, Congress intended to give tribes the right to file suits directly against states that failed to negotiate in good faith with regard to Class III gaming. The right to sue a state for failure to negotiate in good faith was seen by Congress as the best way to ensure that states deal fairly with tribes as sovereign governments. *See Senate Report No. 446, 100th Congress, 2nd Session 14 (1988).*

In *Seminole Tribe* v. *State of Florida*, the U.S. Supreme Court held that Congress was without authority to waive the States' immunity to suits in Federal courts ensured by the Eleventh Amendment to the Constitution. As a result of this decision, states can avoid entering into good faith negotiations with Indian tribes without concern about being subject to suit by tribes. Under these circumstances, the Secretary's authority to promulgate regulations may be the only avenue for meeting the Congressional policy of promoting tribal economic development and self sufficiency.

Effect of Proposed Legislation: The legislation would prohibit the adoption of a rule setting forth the process and standards pursuant to which Class III procedures would be adopted in specific situations where the state has asserted its Eleventh Amendment immunity. If the legislation is included as an amendment to a 1998 supplemental appropriation, the language would remain in effect through FY 1998.

Departmental Position: The Department strongly objects to any attempt to substantially interfere with its ability to administer the Indian Gaming Regulatory Act or to thwart Congress' declared policy in IGRA of promoting tribal economic development, self sufficiency and strong tribal governments. The Secretary would recommend a veto of any legislation extending beyond FY 1998 that prevents the Secretary from attempting to work out a reasonable solution for dealing with Indian gaming compact negotiations between states and Tribes when Tribes have exhausted federal judicial remedies.

The Secretary published proposed regulation on January 22, 1998 which would authorize the Secretary to approve Class III gaming procedures in cases where the state has asserted an Eleventh Amendment defense. The proposed rule is narrow in scope. It will allow the Secretary to move forward only 1) where a Tribe asserts that a State has not acted in good faith in negotiating a Class III gaming compact and 2) when the State asserts immunity from the lawsuit to resolve the dispute. In the 9-year history of IGRA, these situations have been very rare. Over 150 compacts have been successfully negotiated and are being implemented in more than half the states. Even where negotiations have been unsuccessful and litigation has been filed, a number of States have chosen not to assert immunity from suit. Based on experience to date, relatively few situations will arise requiring Secretarial decisions.

The publication of the proposed rule is followed by a 90-day comment period, with formal public access to and review of the proposed rule. The Department will attempt to maximize State participation and comment during the comment period, with final publication of the rule expected in FY 1998, after careful review and analysis of public comments. In particular, the Department will continue to meet with State Governors to discuss the proposed rule and to work out compromises. A provision in the FY 1998 Department of the Interior and Related Agencies Appropriations Act precludes the implementation of a final rule this fiscal year.

State law would continue to be the appropriate reference point for determining the "scope of gaming" permitted in any procedures proposed by the Department to resolve Indian gaming compact disputes. This policy is consistent with the Department's position that it does not authorize classes or forms of Indian gaming in any State where they are affirmatively prohibited. See Brief of the United States as *amicus curiae* in the Supreme Court in *Rumsey Indian Rancheria of Wintun Indians v. Wilson*, 64F.3d 1250 (9th Cir. 1995), *as modified on denial of petition for rehearing*, 99F.3d 321 (9th Cir 1996), *cert. denied, sub nom. Sycuan Band of Mission Indians v. Wilson*, No. 96–1059, 65 U.S.L. W. 3855 (June 24, 1997).

The publication of the proposed rule follows an Advanced Notice of Public Rulemaking, published in the Federal Register in May, 1996. In developing the proposed rule, the Department carefully considered over 350 comments submitted by States, Tribes, and others.

The Department opposes legislation which would in effect provide States with a veto power over Class III Indian gaming when state law permits the gaming at issue "for any purpose by any person, organization or entity."

In addition, the Department of the Interior strongly objects to using the appropriations process for policy amendments to the Indian Gaming Regulatory Act. Including the provision in the FY 1998 supplemental appropriations would circumvent a fair legislative process with hearings involving Indian tribes, state officials and the regulated community. Through the hearing process, all parties involved in Indian gaming are allowed to contribute testimony on how or whether IGRA should be amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 2133) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, there are several amendments that are on what we call the finite list here. My staff and I believe they are amendments that we could accept, maybe with some change to make sure we do not have budget problems. So I request the staffs of Senator BOXER, Senator CLELAND, Senator GRAMM, Senator HUTCHISON, and Senator MURKOWSKI to see us as soon as possible concerning those amendments so we might see what we might be able to work out.

I will state to the Senate that there are a series of amendments that we have already worked out. We will offer them very quickly as the managers' package. We still have pending before the Senate the Nickles and McConnell amendments. In addition to that, 24 other amendments, Madam President. I invite any Senator to come present his or her amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2136 THROUGH 2151, EN BLOC

Mr. STEVENS. Madam President, I am pleased to announce that the first portion of the managers' package has been cleared. I would like to read to the Senate what these are and then send this portion of the package to the Chair so we can consider these amendments en bloc.

The first amendment is on behalf of Senator MCCAIN to clarify that adult unmarried children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program. I would like to have his statement printed in the RECORD before the adoption of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. There is an amendment on behalf of Senator MURKOWSKI, which I have cosponsored, to make technical corrections to the Michigan Indian Land Claims Settlement Act to provide certain health care services for Alaska Natives;

an amendment on behalf of Senator MURKOWSKI and myself to make technical corrections to the fiscal year 1998 Department of Interior appropriations bill;

an amendment on behalf of Senator BOND and myself to provide emergency funds available for the purchase of certain F/A-18 aircraft;

an amendment on behalf of Senator CHAFEE to modify the Energy and Water Development section of the bill. I am also sending a statement to the desk on behalf of Senator CHAFEE and ask it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. An amendment on behalf of Senator WYDEN to eliminate secrecy in international financial trade organizations;

an amendment on behalf of Senator BOND to make technical corrections to the Economic Development Grant Program funded in 1992 as part of the Empowerment Zone Act;

an amendment on behalf of Senator CRAIG to make technical corrections to section 405 of the bill regarding the Forest Service transportation system moratorium;

an amendment on behalf of Senators COCHRAN and BUMPERS to make a technical correction to the Livestock Disaster Assistance Program;

an amendment on behalf of Senators WELLSTONE, CONRAD, and DORGAN dealing with Farm Operating and Emergency Loans;

an amendment on behalf of Senators JEFFORDS and LEAHY dealing with the Mackville Dam in Hardwick, VT;

an amendment on behalf of Senator LOTT making a technical correction to the McConnell amendment, which is amendment No. 2100;

an amendment on behalf of Senator DASCHLE to provide funds for humanitarian demining activity in Bosnia and Herzegovina;

an amendment on behalf of Senator GREGG to make a technical correction to the Patent and Trademark section of the bill;

an amendment on behalf of Senator LEVIN to the McConnell amendment numbered 2100 dealing with consultation by the Secretary of Treasury;

an amendment on behalf of Senator GRASSLEY and myself regarding a U.S. Customs Service P-3 aircraft hangar.

Madam President, I send those amendments to the desk and ask for their consideration en bloc.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 2136 through 2151, en bloc.

The amendments are as follows:

AMENDMENT NO. 2136

(Purpose: To clarify that unmarried adult children of Vietnamese reeducation camp internees are eligible for refugee status under the Orderly Departure Program)

At the appropriate place in Title II, insert the following:

SEC.   . ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1998 and 1999"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.— An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

Mr. MCCAIN. Madam President, I offer an amendment that is basically a technical correction to language that I had included in the Fiscal Year 1997 Omnibus Consolidated Appropriations Act. That language, and the amendment I offer today, are designed to make humanitarian exceptions for the unmarried adult children of former reeducation camp detainees seeking to emigrate to the United States under the Orderly Departure Program. Despite what I considered to have been pretty unambiguous legislation in both word and intent, the Immigration and Naturalization Service and Department of State interpreted my amendment to the 1997 bill so as to exclude the very people to whom the provision was targeted. This amendment was accepted as part of the State Department Authorization bill for fiscal year 1998, which has not passed into law. It is, therefore, necessary to include this language in the Emergency Supplemental in order to permit the State Department to begin to process the backlog of cases that accumulated since the program's expiration last year.

Prior to April 1995, the adult unmarried children of former Vietnamese re-education camp prisoners were granted derivative refugee status and were permitted to accompany their parents to the United States under a sub-program of the Orderly Departure Program (ODP).

This policy changed in April 1995. My amendment to FY1997 Foreign Operations Appropriations Bill, which comprises part of the Omnibus Appropriations Act, was intended to restore the status quo ante regarding the adult unmarried children of former prisoners. My comments in the CONGRESSIONAL RECORD from July 25, 1996, clearly spelled this out.

Unfortunately, certain categories of children who, prior to April 1995 had received derivative refugee status and whom Congress intended to be covered by last year's amendment, are now considered ineligible to benefit from that legislation.

First, prior to April 1995, the widows of prisoners who died in re-education camps were permitted to be resettled in the U.S. under this sub-program of the ODP, and their unmarried adult children were allowed to accompany them. These children are now considered ineligible to benefit from last year's legislation.

To ask these widows to come to the United States without their children is equal to denying them entry under the program. Many of these women are elderly and in poor health, and the presence of their children is essential to providing the semblance of a family unit with the care that includes.

The second problem stemming from INS and the State Department's interpretation of the 1997 language involves the roughly 20% of former Vietnamese re-education camp prisoners resettled in the United States who were processed as immigrants, at the convenience of the U.S. Government.

Their unmarried adult children, prior to April 1995, were still given derivative refugee status, however, the position of INS and State is that these children are now ineligible because the language in the FY1997 bill included the phrase "processed as refugees for resettlement in the United States."

That phrase was intended to identify the children of former prisoners being brought to the United States under the sub-program of the ODP and eligible to be processed as a refugee—which all clearly were—as distinct from the children of former prisoners who were not being processed for resettlement in the United States.

The fact that a former prisoner, eligible to be processed as a refugee under the ODP sub-program, was processed as an immigrant had no effect prior to April 1995, and their children were granted refugee status. The intention of the 1996 legislation was to restore the status quo ante, including for the unmarried adult children of former prisoners eligible for and included in this sub-program but resettled as migrants. This amendment will correct the problem once and for all, and I urge its support.

AMENDMENT NO. 2137

(Purpose: To make technical corrections to Sec. 203(a) of the Michigan Indian Land Claims Settlement Act (Public Law 105–143, 111 Stat. 2666))

SEC. . PROVISION OF CERTAIN HEALTH CARE SERVICES FOR ALASKA NATIVES.

Section 203(a) of the Michigan Indian Land Claims Settlement Act (Public Law 105–143, 111 Stat. 2666) is amended—

(1) by inserting "other than community based alcohol services," after "Ketchikan Gateway Borough,"; and

(2) by inserting at the end the following new sentence: "Notwithstanding any other provision of law, such contract or compact shall provide services to all Indian Alaska Native beneficiaries of the Indian Health Service in the Ketchikan Gateway Borough without the need for resolutions of support from any Indian tribe as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).".

AMENDMENT NO. 2138

(Purpose: To make technical corrections to Sec. 326(a) of the Act making Appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998 and for other purposes (Public Law 105–83, 111 Stat. 1543))

On page 38, following line 18, insert the following new section:

SEC. . Section 326(a) of the Act making Appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998 and for other purposes (Public Law 105–83, 111 Stat. 1543) is amended by striking "with any Alaska Native village or Alaska Native village corporation" and inserting "to any Indian tribe as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))".

AMENDMENT NO. 2139

(Purpose: To provide contingent emergency funds for the purchase of F/A–18 aircraft)

On page 15, after line 21, add the following:

SEC. 205. In addition to the amounts provided in Public Law 105–56, $272,500,000 is appropriated under the heading "Aircraft Procurement, Navy": *Provided*, That the additional amount shall be made available only for the procurement of eight F/A–18 aircraft for the United States Marine Corps: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $272,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 2140

On page 17, beginning on line 10, strike "to be conducted at full Federal expense".

AMENDMENT ON. 2141

(Purpose: To eliminate secrecy in international financial trade organizations)

At the appropriate place in the bill in Title II, insert the following new section:

SEC. . ELIMINATION OF SECRECY IN INTERNATIONAL TRADE ORGANIZATIONS.

The President shall instruct the United States Representatives to the World Trade Organization to seek the adoption of procedures that will ensure broader application of the principles of transparency and openness in the activities of the organization, including by urging the World Trade Organization General Council to—

(1) permit appropriate meetings of the Council, the Ministerial Conference, dispute settlement panels, and the Appellate Body to be made open to the public; and

(2) provide for timely public summaries of the matters discussed and decisions made in any closed meeting of the Conference or Council.

AMENDMENT NO. 2142

(Purpose: Technical Correction to Economic Development Grant funded in 1992 as part of Empowerment Zone)

On page 46, after line 25, Insert:

GENERAL PROVISION

SEC. 1001. Section 206 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Pub. L. 105–65; October 27, 1997) is amended by inserting the following before the period: ", and for loans and grants for economic development in and around 18th and Vine".

AMENDMENT NO. 2143

Beginning on line 10 on page 35, strike all through line 18 on page 38 and insert in lieu thereof the following new section:

"SEC. 405. TRANSPORTATION SYSTEM MORATORIUM.

(a)(1) The Chief of the Forest Service, Department of Agriculture, in his sole discretion, may offer any timber sales that were previously scheduled to be offered in fiscal year 1998 or fiscal year 1999 even if such sales would have been delayed or halted as a result of, any moratorium on construction of roads in roadless areas within the National Forest System adopted as policy or by regulation that would otherwise be applicable to such sales.

(2) Any sales authorized pursuant to subsection (a)(1) shall—

(A) comply with all applicable laws and regulations and be consistent with applicable land and resource management plans. except any regulations or plan amendments which establish or implement the moratorium referred to in subsection (a)(1); and

(B) be subject to administrative appeals pursuant to Part 215 of title 36 of the Code of Federal Regulations and to judicial review.

(b)(1) For any previously scheduled sales that are not offered pursuant to, subsection (a)(1), the Chief may, to the extent practicable, offer substitute sales within the same state in fiscal year 1998 or fiscal year 1999. Such substitute sales shall be subject to the requirements of subsection (a)(2).

(2)(A) The Chief shall pay as soon as practicable after fiscal year 1998 and fiscal year 1999 to any State in which sales previously scheduled to be offered that are referred to in, but not offered pursuant to, subsection (a)(1) would have occurred, 25 percentum of any receipts from such sales that—

(i) were anticipated from fiscal year 1998 or fiscal year 1999 sales in the absence of any moratorium referred to in subsection (b)(1).

(ii) are not offset by revenues received in such fiscal years from substitute projects authorized pursuant to subsection (b)(1).

(B) After reporting the amount of funds required to make any payments required by subsection (b)(2)(A), and the source from which such funds are to be derived, to the Committees on Appropriations of the House of Representatives and the Senate, the Chief shall make any payments required by subsection (b)(2)(A) from—

(i) the $2,000,000 appropriated for the purposes of this section in Chapter 4 of this Act; or

(ii) in the event that the amount referred to in subsection (b)(2)(B)(i) is not sufficient to cover the payments required under subsection (b)(2), from any funds appropriated to the Forest Service in fiscal year 1998 or fiscal year 1999, as the case may be, that are not specifically earmarked for another purpose by the applicable appropriation act or a committee or conference report thereon.

(C) Any State which receives payments required by subsection (b)(2)(A) shall expend such funds only in the manner, and for the purposes, prescribed in section 500 of title 16 of the United States Code.

(c)(1) During the term of the moratorium referred to in subsection (a)(1), the Chief shall prepare, and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on, each of the following:

(A) a study of whether standards and guidelines in existing land and resource management plans compel or encourage entry into roadless areas within the National Forest System for the purpose of constructing roads or undertaking any other ground-disturbing activities;

(B) an inventory of all roads within the National Forest System and the uses which they serve, in a format that will inform and facilitate the development of a long-term Forest Service transportation policy; and

(C) a comprehensive and detailed analysis of the economic and social effects of the moratorium referred to in subsection (a)(1) on county, State, and regional levels.

(2) The Chief shall fund the study, inventory and analysis required by subsection (c)(1) in fiscal year 1998 from funds appropriated for Forest Research in such fiscal year that are not specifically earmarked for another purpose in the applicable appropriation act or a committee or conference report thereon."

AMENDMENT NO. 2144

(Purpose: To make a technical correction in the language of the Livestock Disaster Assistant program)

On page 5, line 10, strike "that had been produced but not marketed".

AMENDMENT NO. 2145

(Purpose: To subsidize the cost of additional farm operating and emergency loans)

On page 3, line 6, beginning with "emer-", strike all down through and including "insured," on line 7 and insert "direct and guaranteed".

On page 3, line 11, following "disasters" insert: "as follows: operating loans, $8,600,000, of which $5,400,000 shall be for subsidized guaranteed loans; emergency insured loans".

On page 3, line 14, strike "$21,000,000" and insert in lieu thereof the following: "$29,600,000".

AMENDMENT NO. 2146

(Purpose: To appropriate funds for emergency construction to repair the Machville Dam in Hardwick, Vermont)

On page 18, between lines 5 and 6, insert the following:

An additional amount for emergency construction to repair the Machville Dam in Hardwick, Vermont: $500,000, to remain available until expended: *Provided*, That the Secretary of the Army may obligate and expend the funds appropriated for repair of the Mackville Dam if the Secretary of the Army certifies that the repair is necessary to provide flood control benefits: *Provided further*, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement, or rehabilitation of the project: *Provided further*, That the entire amount shall be available only to the extent that an official budget request of $500,000 that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)) is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act.

AMENDMENT NO. 2147 TO AMENDMENT NO. 2100

On page 8 line 14 and 18 of amendment 2100 after the word "automobile," insert the following "shipbuilding,".

AMENDMENT NO. 2148

(Purpose: To provide $35,000,000 for humanitarian demining activities in Bosnia and Herzegovina)

At the appropriate place in Title II, insert the following:

SEC. In addition to the amounts provided in Public Law 105–56, $35,000,000 is appropriated and shall be available for deposit in the International Trust Fund of the Republic of Solvenia for Demining, Minc Clearance, and Assistance to Mine Victims in Bosnia and Herzegovina: *Provided*, That such amount may be deposited in that Fund only if the President determines that such amount could be used effectively and for objectives consistent with on-going multilateral efforts to remove landmines in Bosnia and Herzegovina: *Provided further*, That such amount may be deposited in that Fund only to the extent of deposits of matching amounts in that Fund by other government, entities, or persons: *Provided further*, That the amount of such amount deposited by the United States in that Fund may be expended by the Republic of Slovenia only in consultation with the United States Government: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes a designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted to Congress by the President: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 2149

On page 51, line 8, strike the word "design," and on line 13, strike the words "federal construction,".

AMENDMENT NO. 2150 TO AMENDMENT 2100

At the appropriate place in the IMF title of the bill, insert the following:

SEC.   . The Secretary of the Treasury shall consult with the office of the United States Trade Representative regarding prospective IMF borrower countries, including their status with respect to title III of the Trade Act of 1974 or any executive order issued pursuant to the aforementioned title, and shall take these consultations into account before instructing the United States Executive Director of the IMF on the United States position regarding loans or credits to such borrowing countries.

In the section of the bill entitled "SEC. .REPORTS." after the first word "account," insert the following:

"(i) of outcomes related to the requirements of section (described above); and (ii)."

AMENDMENT NO. 2151

On page 46, after line 16, insert:

UNITED STATES CUSTOMS SERVICE

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS

In addition to the amounts made available for the United States Customs Service in Public Law 105–61, $5,512,000, to remain available until September 30, 2000: *Provided*, That this amount may be made available for construction of a P3–AEW hangar in Corpus Christi, Texas: *Provided further*, That the funds appropriated under this heading may only be obligated 30 days after the Commissioner of the Customs Service certifies to the House and Senate Committees on Appropriations that the construction of this facility is necessary for the operation of the P–3 aircraft for the counternarcotics mission.

On page 50, after line 14, insert:

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 102–393, $4,470,000 and Public Law 103–123, $1,041,754 are rescinded.

Mr. STEVENS. I ask for the adoption of the amendments en bloc.

THE PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 2136 through 2151) were agreed to.

Mr. STEVENS. I ask unanimous consent to reconsider that action and to lay my motion on the table, en bloc.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2140

Mr. CHAFEE. Madam President, I want to comment very briefly on an amendment of mine that has been accepted by the managers. My amendment deals with cost-sharing for a levee and waterway project included in the Supplemental Appropriations bill for Elba and Geneva, Alabama. Specifically, the amendment strikes the phrase, "to be conducted at full Federal expense" as found on page 17, lines 10 and 11 of the bill.

By striking this phrase, the appropriate, lawful cost-sharing ratio would be applied. It would be my strong preference, Mr. President, that we not include any authorization for this or other water projects in the Supplemental bill. These are matters more appropriately dealt with in the Water Resources Development Act, which we plan to take up this summer.

However, recognizing the urgency of the situation in these Alabama communities, I am willing to go forward with the expedited process provided here; as long as the cost-sharing is consistent with current water resources law. My amendment ensures that the levee repair and associated work in Elba and Geneva will be cost-shared. I want to thank Senator SHELBY and the bill's managers for working with me today to favorably resolve this matter.

AMENDMENT NO. 2145

Mr. WELLSTONE. Madam President, I thank the managers of the bill, as well as the Chairman and Ranking Member of the Agriculture Appropriations Subcommittee, for accepting my amendment. I offered it on behalf of myself and Senators CONRAD, DORGAN and DASCHLE to address a shortfall in funding during the current fiscal year of USDA farm credit programs in our states and across the country as a result of disastrous weather and economic conditions.

The amendment is simple. It adds $8.6 million in appropriation to this emergency supplemental spending bill for Farm Service Agency operating loans, both guaranteed and direct. The amendment adds $3.2 million in appropriation for direct farm operating loans, which allows lending authority of $52 million nationwide. This is in addition to the $3.1 million of appropriation and approximately $48 million in lending authority that already was in the bill, bringing the total amount of lending authority for FSA direct operating loans in the bill to approximately $100 million. The amendment also adds $5.4 million in appropriation for guaranteed subsidized interest loans, allowing lending authority of approximately $56 million for that existing FSA program. Previously there was no money in the bill for this type of credit.

I will include in the RECORD a letter from my state's Farm Service Agency office, signed by the state director and FSA state committee members from Minnesota. The letter not only documents the dire need for additional funding in this bill for these two important programs, but explains what has become a farm crisis in parts of Minnesota. I don't use the word crisis lightly. It causes me some pain to observe that it is an accurate word. I attended a meeting in Crookston, Minnesota a number of weekends ago, called for the purpose of addressing the increasingly disturbing economic conditions, especially in the Northwestern part of the state, as well as in North Dakota. There was a sign on the building that announced, "Farm crisis meeting." I attended far too many farm crisis meetings in Minnesota during the 1980s, and it was with some dismay that I read that sign as I entered the meeting in Crookston. But I must note that from what farmers and bankers in these communities are telling me, from what I saw and heard in Crookston, we have a grave situation.

I will also include in the RECORD an article from the Star Tribune, Minnesota's largest-circulation newspaper, titled, "Red River Valley farmers tell of sorrow that is fallout of 5 hard years." I am sure that colleagues will recall pictures and descriptions of hardship and travail in the Red River Valley following last year's calamitous floods. But I am hearing disturbing news that farmers elsewhere in the state also are struggling, in many cases due to low prices.

Madam President, my Dakota colleagues and I do not imagine that the additional farm credit that we are including in this emergency bill will solve the very difficult economic problems in portions of our states' farm economy. It will, however, allow a number of farmers to stay in business this year, to keep operating and, hopefully, to get past immediate difficulty in a way that allows them to maintain an operation that is viable into the future. Each of us also supports legislative proposals aimed at improving federal farm policy. I believe current policy is on a wrong track, that the so-called Freedom to Farm legislation enacted in 1996 was a mistake, and that we should act to raise loan rates for a targeted amount of production on each farm. I also believe that the repayment period for marketing loans should be extended and that crop insurance should be repaired so that affordable coverage can do a better job of covering losses. Further, I intend to push very hard this year for an increase in research to find a means to eradicate a very damaging disease known as scab which is affecting wheat in our region.

Still, without the additional loan money we are including, serious need for credit would go unmet in our states. In the letter I have included in the RECORD, Minnesota FSA officials note that the shortfall this year in funds for these two types of operating loans will be $24 million.

The letter from the state FSA officials points out that some experts believe that as many as one in five farm families in Northwestern Minnesota may be on the brink of failure. It correctly observes that for much of Minnesota agriculture 1997 was a year "wrought with disaster." I appreciate the help of my colleagues in including this urgently needed assistance. I am very pleased that if we can hold this amount in the bill's conference, we will be coming through for farm families in Minnesota and around the country.

Madam President, I ask unanimous consent that the letter and article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USDA FARM SERVICE AGENCY,
MINNESOTA STATE OFFICE,
St. Paul, MN, March 18, 1998.

Hon. PAUL D. WELLSTONE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR WELLSTONE: The purpose of this letter is to provide an update to concerns previously expressed to you in regard to the utilization of Farm Service Agency Loan Programs to meet the needs of Minnesota farmers this coming year. An update on additional funding needs is also included.

As you are aware, the 1997 year in Minnesota was wrought with disaster. The winter brought record snows and livestock deaths. The spring brought record flooding, property damage and slow drying fields. The summer brought late planting and prime conditions for scab in the wheat as well as midge in the sunflowers. The fall brought a harvest of diminished yields and low prices.

The severest economic problems are being experienced in a nine county area in northwestern Minnesota. While financial/economic problems plague all parts of Minnesota, the northwest part of the State has experienced the most severe devastation due to the disasters noted above.

Contacts with producers, lenders and employees (including County Committee members) leads us to believe that the financial/economic conditions has deteriorated to the lowest levels since the mid-1980's. Some experts believe that as many as one in five farmers are on the brink of failure in northwest Minnesota and will be unable to continue their framing operations.

Two public forums were held on Saturday, March 7, 1998 in Crookston, MN and Hallock, MN to discuss the economic plight of rural businesses and farms. Approximately 400 people attended each of these forums including members of the Minnesota congressional delegation and State legislators.

During FY 97 Minnesota Farm Service Agency extended $126,000,000 in loan funds to approximately 1350 farm families. The supplemental appropriations bill passed last spring enabled us to meet the needs of many farm families. Minnesota received approximately $26,000,000 from this supplemental appropriation.

We cannot stress enough the importance of the federal government providing sufficient assistance in a timely manner to avoid an economic collapse. We believe the government has a responsibility to do everything possible to help these farm families that so desperately need assistance due to events that are beyond their control.

We have estimated the shortfall in State loan allocations for Farm Loan Programs as follows:

DIRECT OPERATING

During FY 97, Minnesota obligated approximately $30,000,000 in loan funds. Our FY 98 allocation is $26,400,000. We will likely exhaust our State allocation by mid-April.

An additional $12,000,000 would assist in meeting anticipated demand to meet the needs of Minnesota farm families.

GUARANTEED OPERATING LOANS WITH INTEREST ASSISTANCE

During FY 97, Minnesota obligated approximately $27,200,000 in loan funds. Our FY 98 allocation is $17,300,000. We will likely exhaust our State allocation by the first part of April.

An additional $12,000,000 would assist in meeting anticipated demand to meet the needs of Minnesota farm families.

GUARANTEED FARM OWNERSHIP

During FY 97, Minnesota obligated approximately $22,700,000 in loan funds. Our FY 98 allocation is $15,400,000. We will likely exhaust our allocation by the middle of May. (Usage of guaranteed farm ownership funds usually trails other programs by a couple of months as lenders focus on farm operating needs ahead of real estate needs.)

An additional $10,000,000 would assist in meeting anticipated demand to meet the needs of Minnesota farm families.

Any additional loan funding assistance that can be obtained would be greatly appreciated.

The attached news articles portray the severity of the problems people are facing and accurately provide insight into the human side of the dire straits that families are experiencing.

Please do no hesitate to contract us if you have any questions or suggestions on what more we can do to provide additional help or games support for additional assistance.

Your continued support and interest in the Farm Service Agency Farm Loan Programs is greatly appreciated.

Sincerely,

WALLY SPARBY,
State Executive Director.
KENT KANTEN,
State Committee Member.
HARLAN BEAULIEU,
State Committee Member, Minority Advisory.
CLARENCE BERTRAM,
State Committee Members.
DAVID HAUGO,
Chairman, State Committee.
MARY DONKERS,
State Committee Member.
CARL JOHNSON,
State Committee Member.

[From the Star Tribune, Mar. 8, 1998]

RED RIVER VALLEY FARMERS TELL OF SORROW THAT IS FALLOUT OF 5 HARD YEARS

(By Chuck Haga)

CROOKSTON, MINN.—After meeting Saturday with hundreds of northwestern Minnesota farmers humbled by five years of adverse weather, crop diseases and low crop prices, legislative leaders promised they'd get right to work on a relief program.

But there's a limit to what the state can do, they warned the farmers, many of whom indicated they're close to failing.

"We'll have a bill in Monday morning to make a difference," said Rep. Steve Wenzel, DFL-Little Falls, chairman of the Minnesota House Agriculture Committee.

Wenzel said he'll seek to have some of the state's current budget surplus earmarked for special tax relief. The state also could shore up federal crop insurance programs, which many farmers said don't come close to covering their losses.

"We've got some other things we can reach back and dust off from the old farm crisis [of the 1980s]," Wenzel said.

Sen. Paul Wellstone, D-Minn., who helped organize farm protests in the 1980s, winced when he saw a sign that read "Farm crisis meeting" outside the auditorium at the University of Minnesota at Crookston.

"I didn't want to see another sign like that," he said. "But you can see it in people's faces here: This is not good."

Saturday's meetings in Crookston and Hallock, Minn., were organized by U.S. Rep. Collin Peterson, D-Minn., and state Rep. Jim Tunheim, DFL-Kennedy, to call attention to "a silent crisis" that threatens family farming in the upper Red River Valley.

"We are a little pocket of the country," Peterson said. "The rest of the country doesn't notice, because the rest of the country is doing pretty well."

Others attending included state Attorney General Hubert Humphrey III; Senate Majority Leader Roger Moe, DFL-Erskine; House Speaker Phil Carruthers, DFL-Brooklyn Center, and Senate Tax Chairman Doug Johnson, DFL-Tower.

"Some of the ideas the farmers shared are kind of interesting," Moe said, such as a state funding pool for credit backup and supplements for crop insurance.

"We'll look at some changes in the property tax," he said. "We'll probably put some additional money into research, but that's a longer-term solution."

Bob Bergland, a retired farmer from Roseau, Minn., who represented northwestern Minnesota in Congress and was President Jimmy Carter's secretary of agriculture, said state researchers are working to find wheat and barley varieties resistant to scab, a fungus that thrives in wet years and cuts grain yields and quality.

"So far, we've found no miracle solution," he said.

A SILENT SORROW

Larry Smith, superintendent of the Northwest Experiment Station at Crookston, held up a regional farm publication with seven pages of farm auctions.

"These are farmers I grew up with in northwestern Minnesota," he said. "The most prosperous business in northwestern Minnesota now is the auction business."

Tim Dufault, president of the Minnesota Wheat Growers Association, said scab has cost Minnesota farmers $1.5 billion and North Dakota farmers $1 billion since the current wet cycle started five years ago. And those losses are sending farmers packing.

Rod Nelson, president of First American Bank in Crookston, said that 20 of the farmers financed by his bank are quitting or significantly downsizing this year, "and many more are thinking about next year or the year after."

And the bank has main-street business customers drowning in accounts receivable that can't be collected, he said.

"That's just our bank," Nelson said, "and that's just the start of what's going to happen if we don't get relief."

The Rev. Greg Isaacson, pastor at Grace Lutheran Church in Ada, Minn., noted similarities between last spring's flood disaster and the regional farm crisis. In both cases, people felt that they had lost control, he said.

"But in this silent crisis, there are no groups coming in to help like during the flood," he said. "There isn't the media coverage. Our people have not felt the compassion and understanding coming their way.

"They have a sense of failure, and that changes the way a community lives and operates. It changes not only the economy, but also the character of the community."

ONE FARMER'S STORY

When the politicians and other featured speakers finished, people from the audience spoke.

Don Fredrickson started telling his story slowly, softly, as if he were talking with a few friends at a coffee shop, not addressing 350 fellow farmers, a dozen legislators, two members of Congress and the attorney general.

By the time he finished, he had gone through many emotions and seemed close to tears. So did more than a few of the people listening.

"I started farming when I was 4, milking cows," said the 79-year-old potato farmer from Bagley, Minn. "At 5, I remember my dad putting me on the binder with four horses."

When he was 10, his grandfather lost the family farm. It was the Depression. A few years later, with Franklin Roosevelt's help, "we got it back," he said.

He was married at 21; his wife was 17. After their honeymoon, they returned to the farm. They had $5 and a dream, he said, and through the next decades, the dream came true as they built a large, profitable farming operation.

"It's been a great life," Fredrickson said. "But now, after working hard all my life, I daresay that if I sold out today, I wouldn't have $5 in my pocket."

"Our 1996 crop was the best crop we've ever had," he said. "But there was no price. We gave it away."

Last year, he lost his crop when 15 inches of rain fell from late June to mid-July. "We are not going to be able to farm this year because we lost that crop," he said.

"I've got two sons who should be farming. How am I going to tell them, 'You take over this debt'? I can't sleep nights thinking about it.

"I'm tired. I'm depressed. I'm crabby. You spend all your life raising food that's essential, and . . ."

His voice trailed off. He smiled at the politicians and thanked them for listening, and he sat down.

Everybody else stood, and sent him to his seat with a thundering ovation because he had said what they were feeling.

MODIFICATION TO AMENDMENT NO. 2062

Mr. STEVENS. Madam President, I ask unanimous consent, on behalf of Senator BYRD, to make technical modifications to amendment 2062, which was agreed to yesterday. That has been cleared by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification is as follows:

On page 15, line 11 shall read as follows: "The Administrator of the General Services Administration shall".

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2062), as modified, was agreed to.

Mr. STEVENS. I ask unanimous consent to reconsider that action and to lay my motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2152, 2153, AND 2154 EN BLOC

Mr. STEVENS. Madam President, I do report success on some of the matters I earlier mentioned. I send to the desk an amendment offered by Senator HUTCHISON which deals with damage repairs, an amendment offered by Senator BOXER which deals with issues in the Department of the Interior section of the bill, and an amendment offered by Senator DORGAN which pertains to Indian reservations. They have been cleared on both sides. I ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 2152, 2153 and 2154 en bloc.

The amendments are as follows:

AMENDMENT NO. 2152

On page 26, after line 11, insert the following:

For an additional amount for "Wildland and Fire Management" for wildland and fire management operations to be carried out to rectify damages caused by the windstorms in Texas on February 10, 1998, $2,000,000, to remain available until expended: *Provided*, that the entire amount shall be available only at the discretion of the Chief of the National Forest: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $2,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AMENDMENT NO. 2153

On page 21, line 20, delete the number "$28,938,000" and insert in lieu thereof "32,818,000".

On page 21, line 23, delete the number "$28,938,000" and insert in lieu thereof "32,818,000".

On page 22, line 11, delete the number "$8,500,000" and insert in lieu thereof "9,506,000".

On page 22, line 13, delete the number "$8,500,000" and insert in lieu thereof "9,506,000".

On page 22, line 25, delete the number "$1,000,000" and insert in lieu thereof "1,198,000".

On page 23, line 3, delete the number "$1,000,000" and insert in lieu thereof "1,198,000".

On page 24, insert a new section:

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

For an additional amount for 'Construction', $1,837,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $1,837,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget And Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

On page 24, insert a new section:

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

For an additional amount for 'Construction', $700,000, to remain available until expended, to repair damage caused by floods and other natural disasters: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

AMENDMENT NO. 2154

(Purpose: To fund emergency PCB remediation in schools and other facilities at the Standing Rock Sioux Reservation)

On page 24, after line 17, insert the following:

CONSTRUCTION

For an additional amount for "Construction, Bureau of Indian Affairs," $365,000 to remain available until expended, for replacement of fixtures and testing for and remediation of Polylchlorinated biphenyls (PCBs) in BIA schools and administrative facilities, *Provided* that the entire amount shall be available only to the extent that an official budget request for $365,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Mr. STEVENS. Madam President, I ask for their adoption en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 2152, 2153, and 2154) were agreed to en bloc.

Mr. STEVENS. I move to reconsider the vote by which the amendments were agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2154

Mr. DORGAN. Madam President, I am pleased that the committee included my amendment, numbered 2154, to provide $365,000 for replacement of electrical fixtures and testing for and remediation of Polychlorinated biphenyls (PCBs) at schools and Bureau of Indian Affairs facilities located at the Standing Rock Sioux Reservation in North Dakota. These funds will remain available until expended.

The amendment provides direct funding to the Bureau of Indian Affairs so that the agency may replenish funds depleted by past activities related to the PCB emergency and provides for future remediation and testing activities and replacement of electric fixtures.

Students at two Standing Rock Sioux schools and employees at a Bureau of Indian Affairs administrative building in my State have been exposed to leaking fixtures containing dangerous PCBs. In an effort to protect students and Federal employees from contamination, parts of three buildings have been evacuated, disrupting classes and vital agency functions. While testing, remediation activities and fixture replacement are already underway, further work by the Bureau of Indian Affairs and its contractors remains unfinished. I commend the committee for providing the funds to insure the safety of those who work and study on the Standing Rock Reservation.

Mr. STEVENS. Madam President, if the Chair will address the list we prepared last evening, I will indicate that the Boxer amendment is now off the list, the Daschle amendment is now off the list—the first Daschle amendment—the Dorgan amendment is now off the list, the Feingold amendment is off the list, the Hatch amendment is off the list, the Hutchison amendment is off the list, the Levin IMF amendment is off the list, a portion of the managers' package is off the list, and the Wyden amendment is off the list.

I urge Senators, again, to come work with me and my staff to determine if we can handle some of these matters.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2150

Mr. LEVIN. Madam President, I thank the managers of the bill for accepting my amendment which requires the Secretary of the Treasury to consult with the Office of the Trade Representative regarding prospective IMF borrowing countries, including their status with respect to our trade laws, and to take these consultations with our Trade Representative into account before the U.S. Executive Director of the IMF is given instructions on the U.S. position regarding approving loans to those countries.

I have had some difficulty supporting IMF reauthorization in the absence of requiring countries who are benefiting from an IMF funding bailout to remove restrictive trade practices and barriers that discriminate against American goods and American services. This amendment would put our trading partners on notice that the United States is going to take into consideration a country's discriminatory trade barriers to American goods and services as part of the process of determining American support for IMF loans.

Title III of the Trade Act of 1974 includes both section 301 and super 301 trade laws. These are some of our strongest trade tools in the arsenal to fight unfair and discriminatory trade practices.

If a foreign country is identified under these trade laws, it means that some of the most egregious discriminatory trade barriers are being kept in place to keep out American goods and services, and we have to use our trade laws to try to knock down barriers to our goods. We face discriminatory trade barriers too often. Trade is too often a one-way street, and where that is true with countries that are being considered for IMF loans, we should have the U.S. Executive Director of the IMF take into account those barriers and try to negotiate them away before approving the loan.

That is the point of this amendment—to make sure that those discussions and considerations take place before IMF loans are approved. Countries that discriminate against our goods and our services should not benefit from these loans until they have taken steps to remove the barriers. I hope that this provision will send a strong message to any country in question that has these barriers and is seeking IMF loans; that it must take significant steps to remove trade barriers if it wants to be assured of U.S. approval of those IMF loans.

Again, I thank the managers for accepting this amendment. I very much appreciate it. Those of us representing States that have industries and services that face these barriers in countries that are being considered for IMF loans very much want this kind of action to be taken. They want our trade laws to be enforced, and want any discriminatory barriers that continue to exist that are maintained by these countries to be removed, to be negotiated away before we decide what to do on the request for the IMF loan.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 2100

Mr. STEVENS. Madam President, this has been cleared on both sides. I ask unanimous consent that amendment No. 2100, which has been held at the desk, be placed before the Senate for a vote at 11:45 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent that it be in order for me to order the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The yeas and nays were already ordered.

Mr. STEVENS. I ask unanimous consent that no further amendments to amendment 2100 be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I am authorized to state to the Chair that Senator HOLLINGS has agreed to remove his proposed amendment from the list. I do not think it is at the desk. I state that it has been removed from the list.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I wish to make a statement to the Senate. We have a finite list now, and we are going to go through it today until we finish. I think it is very advisable for Senators to come over here and raise their amendments or work them out with us. It will be a lot better than doing it tonight at midnight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. BUMPERS. What is the parliamentary situation? Let me rephrase that. Is an amendment pending?

The PRESIDING OFFICER. There is no amendment pending.

AMENDMENT NO. 2134

Mr. BUMPERS. Madam President, I have an amendment at the desk, but I think the chairman of the Appropriations Committee and I have a pretty good understanding about the amendment and its intent. And I am not saying that he agrees with every jot and tittle of it, but I think that he feels pretty much the way I do about it.

Let me just say for the Record that here is what I am trying to accomplish with the amendment. As you know, an emergency appropriation does not require an offset. An appropriation in this bill which is not an emergency does require an offset. And under the Budget Act, spending that is not an emergency and nondefense discretionary spending must be offset with nondefense discretionary spending and defense spending that is not an emergency must be offset by defense spending cuts—offsets.

And the House has done something—the thing that really sort of got me interested in this—the House has done something which is really very strange and, frankly, I consider to be a violation of the Budget Act. What they have said is, we are declaring these items—for example, assistance to Bosnia and the Iraqi operation—as emergencies. And, as I said, under the law they do not require offsets if they are emergencies, but the House has chosen to offset them anyway. And they have offset them totally from nondefense discretionary spending, such as housing, AmeriCorps, and other things that may not be popular to some people but they are fairly popular with me.

So what I want to do is emphasize that the Senate is proceeding exactly the way we should and in accordance with the Budget Act. We have declared these things emergencies. The ones that have not been declared emergencies we have offsets for. And when we go to conference with the House, we are going to be in a strange position. They are going to be saying this is an emergency, but we are going to offset it anyway.

I think that the chairman agrees with me that if the conference does, in fact, have any offsets—and particularly offsets of emergency matters—that we will comply with the requirement of the Budget Act; and that is, defense spending increases for emergency purposes will be offset by defense funds, and the same way with nondefense discretionary spending.

And I would like, if I could, to get the chairman of the committee to comment on what I have just said.

Mr. STEVENS. Madam President, as the Senator from Arkansas is aware, the bill now before the Senate does contain emergency appropriations for both defense and domestic emergencies. As such, those appropriations have not been offset. I agree with the Senator's understanding that when offsets are required, the defense accounts must pay for defense appropriations, the nondefense must pay for nondefense appropriations. And that would comply with the so-called walls that exist between defense and nondefense spending.

As I understand the situation, should we bring back a bill that has defense appropriations which are offset with reductions in nondefense accounts, the Budget Act would treat the defense funds to be over the cap that exists for 1998 and would not allow the treatment of the nondefense offsets to reduce that amount down below the cap.

I call attention to the fact that our committee is the only committee that is subject to the point of order under the Budget Act. The House can propose whatever it wants to propose, but should we bring such a bill back to the Senate floor, it would be subject to a point of order, and it would certainly not be my intention to do that.

Furthermore, as the Senator knows, it has already been indicated that the budget, the account for defense, has already been rescored and is $22 million over the cap now, which we will have to deal with later. But this bill is not over the cap. The defense account is over the cap before this bill. And we have a real problem with dealing with any funds that might attempt to be appropriated for defense on a nonemergency basis because they would automatically be subject to a point of order.

So the Senator's amendment No. 2134, as I stated to him yesterday, in this Senator's opinion—and I checked with Senator BYRD yesterday—we believe that the Senator's amendment states the interpretation of the Budget Act as it applies to the Senate now and therefore is unnecessary.

Mr. BUMPERS. Madam President, I just want to thank the chairman for his remarks. And with that understanding, my amendment was a sense-of-the-Senate resolution, and, quite frankly, I would rather have the chairman's word.

Mr. STEVENS. I stand corrected by the staff director. It is the total spending that is over the caps. The defense right now is under the cap, although before the year is over it will be right up to the cap.

Mr. BUMPERS. Fine. As I was saying, Madam President, the Senator from Alaska will be presiding as chairman on the Senate side in the conference committee. He and I have a deep reverence for the law as we understand it. And, as I say, I think I would rather have his word on this than to have my amendment adopted. So with that, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 2134) was withdrawn.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I suggest the absence of a quorum.

Mr. STEVENS. Will the Senator withhold that request?

Mr. BUMPERS. Yes.

Mr. STEVENS. There is some question as to amendment 2100, Madam President. It is the IMF amendment. It is Senator MCCONNELL's amendment, which now has been amended by two amendments which were adopted this morning. No further amendments are in order. But I was informed that some Senators do wish to speak on the McConnell amendment before it is voted on. And it will be voted on at 11:45.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I announce that Senator GRAHAM will not offer his amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Madam President, I ask unanimous consent that I be permitted to speak for 2 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JONESBORO SHOOTINGS

Mr. BUMPERS. Madam President, I simply want to call to the body's attention—indeed, to the American people's attention—an editorial in the Washington Post this morning called "Trigger Happy."

As you know, my home State is Arkansas, and we have just experienced one of the gravest tragedies in the history of our State. People all over the State—not just those in Jonesboro—are grieving over the loss of four children 11 years old, and one 32-year-old pregnant schoolteacher, a catastrophic happening that no one can even begin to explain.

But the Post this morning certainly points out one of the serious problems facing this country, and one with which we have never even come close to coming to grips with, and I don't in the foreseeable future see us coming to grips with it. But here it is: In 1992, handguns killed 33 people in Great Britain; 36 in Sweden; 97 in Switzerland; 60 in Japan; 13 in Australia; 128 in Canada; and, 13,200 in the United States.

There was a study completed by the Violence Policy Center. And as the Post points out—they can't put it all in here. But listen to this:

> For every case in which an individual used a firearm kept in the home in a self-defense homicide, there were 1.3 unintentional deaths, 4.6 criminal homicides, and 26 suicides involving firearms.
>
> The overall firearm-related death rate among U.S. children aged less than 15 was nearly 12 times higher than among children in the other 25 industrialized countries combined.
>
> From 1968 to 1991, moter-vehicle-related deaths declined by 21 percent, while firearm-related deaths increased by 60 percent. It is estimated that by the year 2003, firearm-related deaths will surpass deaths from motor-vehicle-related injuries. In 1991 this was already the case in seven States.

Madam President, those figures are so shocking to me. I have studied this issue for some time and have lamented the increasing violence from the Postal Service. And now it seems that it is becoming endemic in the schoolyards in America.

When in the name of God is this country going to wake up to what is going on in the country and the easy accessibility to guns?

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2100

Mr. STEVENS. Madam President, there are now 20 minutes left for further debate.

I ask unanimous consent that time be divided between the majority and minority.

Does the Senator wish any time?

Mr. HAGEL. Two minutes.

Mr. STEVENS. I yield on the majority side 2 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. Madam President, I rise with about 20 minutes remaining before the vote on the IMF package.

I wish to first thank the distinguished chairman of the Senate Appropriations Committee, Senator STEVENS, for his leadership in this area. This is a tough issue. It is an important issue. It is an issue that has come to the floor with much heated debate and exchange. But I wish in just a minute to try to put some perspective on what we are doing here.

First, our economy is connected to all economies of the world. When Asian markets go down and currencies are devalued, that means very simply that we in the United States cannot sell our products in Asia. Asia has represented over the last few years the most important new export opportunity for all of the United States—not just commodities and agriculture, but all exports. What we are doing today is connected to all parts of the world. We understand something very fundamental about markets and that is that markets respond to confidence. We in the United States—because it is, in fact, in our best interests to participate and lead, not to bail people out, not the IMF bailing anybody out, but what we are doing through a very deliberate businesslike approach, an approach through the IMF established 50 years ago—are participating in a loan process where this country has never lost $1. We ourselves have used this.

So today all those colleagues of mine who have been so helpful, so involved, I wish to thank and wish also, in these final minutes, to encourage all my colleagues to take a look at this, understand the perspective, ramifications, the consequences, and the importance of what we doing here with this IMF support.

Madam President, I yield the floor.

Mr. LEAHY. Madam President, we are about to complete action on the supplemental appropriation for the International Monetary Fund. I want to thank the chairman of the Foreign Operations Subcommittee, Senator MCCONNELL, and Senator HAGEL, who have worked hard to reach agreement on compromise IMF language that the Treasury Department can support.

The amendment we are about to vote on provides the full amount requested by the President for the IMF, including $3.4 billion for the New Arrangements to Borrow, and $14.5 billion for the quota increase. None of this money costs the U.S. Treasury. It is repaid with interest. In the event of a default, it is backed up by IMF gold reserves.

This amendment is not perfect. Few are. It does not directly address certain issues I am concerned about, including workers' rights, military spending, and the environment. Neither the IMF nor the Treasury Department have worked aggressively enough to ensure that IMF loans do not promote exploitation of workers, subsidize excessive military spending, or result in environmental harm. I would have strongly preferred conditional language on those issues similar to the economic and trade conditions that are in the bill. However, that was explicitly rejected by the Republican side. I am encouraged, however, that language on these issues is included in the House bill, and will be discussed in the conference. I also want to credit Senator WELLSTONE, whose amendment addresses these concerns.

I should also mention that the McConnell-Hagel amendment does require further progress on information disclosure by the IMF, an area that I have worked on for many years as it relates to all the international financial institutions. The World Bank has made considerable progress on this, but the IMF has lagged behind. In some instances there are legitimate reasons for protecting the confidentiality of IMF documents. But the presumption should favor disclosure. Secretary Rubin has indicated that he intends to press the IMF harder to expand public access to IMF documents. That should be a priority, because that is how we will ultimately deal most effectively with the other types of concerns I have mentioned. A process that is open to public scrutiny tends to result in better decisions.

Mr. President, the IMF has a reputation for being an arrogant, secretive organization that has too often bailed out corrupt governments. There is some truth to that. But I am also convinced that as the world's leading economic power the United States has a multitude of interests in a strong IMF. Millions of American jobs depend on exports. The IMF plays an important role in limiting the adverse impact of major financial crises. This amendment, for the first time that I am aware of, seeks to address some of the concerns that the IMF has been too eager to bail out corrupt governments, or governments whose trade policies have discriminated against American companies. Given the difficulty the Treasury Department encountered in getting this IMF funding passed in a form that Treasury could accept, it is clear that unless the IMF follows through on the reforms the Congress is insisting on US support for the IMF will soon evaporate.

Finally, I want to mention one other issue that has concerned me for some time, and which has also been a problem at the World Bank and the other international financial institutions. That is the lack of significant numbers of women in IMF managerial positions, and the lack of adequate grievance procedures to effectively respond to cases of harassment, retaliation, and gender discrimination. The IMF is particularly at fault in these areas. The statistics show that women have been systematically denied advancement at the IMF. The grievance process, while perhaps measuring up to a standard of years gone by, today fails to afford the due process that is necessary to deter abuse of power, particularly at an institution that is immune from the court system. This is an urgent problem which affects morale and the quality of IMF operations, and should be treated as a priority by IMF management as well as the Treasury Department. The Appropriations Committee first called attention to the problem of gender discrimination at the IMF in 1992, and there has been far too little progress since then.

Having said that, I will support this compromise and want to again thank Chairman MCCONNELL and Senator HAGEL for the considerable time and effort they gave to finding an agreement that a majority of senators could accept.

Madam President, the IMF funding has been attached to S. 1768, the Bosnia, Iraq and Domestic Disaster Relief supplemental bill, because a majority of senators believe, as Senator STEVENS, the Chairman of the Appropriations Committee has urged, that the IMF funding should be sent to the President on whichever supplemental bill the Congress completes action on first. We have agreed that if the House sends us a separate IMF supplemental bill we can choose to go to conference on that. But there is no requirement that we do so. Our primary concern is that the Congress complete action on the IMF as soon as possible and send it to the President for signature.

Mr. ABRAHAM. Madam President, I rise to discuss the recent vote the Senate conducted on the provision of U.S. funding to the International Monetary Fund. With that vote, this chamber approved the appropriation of over $18 billion with a single vote. Given the size of this appropriation, I believe it is critical to spell out exactly why Senators voted as they did.

I opposed this amendment for several reasons. First and foremost, the IMF has a very poor track record in its promotion of economic growth. According to Johns Hopkins University economist Steve Hanke, Few nations graduate from IMF emergency loans. Most stay on the IMF dole for years on end." Indeed, one study of IMF lending practices in 137 mostly developing countries from 1965 to 1995 found less than one-third have graduated from IMF loan programs. In fact, the IMF often encourages loan recipient nations to implement policies that further reduce economic growth. These policy recommendations have included raising tax rates, devaluing currencies, delaying regulatory reforms, and a host of additional austerity measures that compound nations' economic distress. Unless the IMF changes these counterproductive policies, I see no reason to put more American taxpayer dollars at risk.

Second, this IMF bailout for Asia is entirely unprecedented. All previous IMF bailouts, including that of Mexico, have been of the governments and central banks to stabilize their macroeconomic conditions. This bailout, in contrast, is a microeconomic bailout to restore the solvency of clearly insolvent financial institutions. Furthermore, the next largest bailout the IMF ever conducted was of Mexico at $17 billion. The Indonesian bailout package currently being negotiated tops $30 billion, while the Korean package comes in at over $57 billion.

Third, the IMF bailout is simply not needed. The Asian financial crisis is essentially over. As usual, markets have responded more quickly than any government. The fact of the matter is, the South Koreans had a current account surplus last year, and will continue to do so for the foreseeable future. Investors are starting to differentiate among Asian countries for degree of risk, and stock prices are rising, in Korea by over 30%. Further, the potential impact of the Asian economic situation on U.S. economic growth must be put in perspective: the 5 most afflicted

Asian nations—Korea, Indonesia, Malaysia, Thailand, and Singapore—account for only 8 percent of U.S. exports and imports.

And it is clearly not the case that the IMF will go bankrupt without these replenishment funds from the American taxpayer. The IMF has plenty of funds to cover these loans and many to come. Even after the distribution of the current bailout packages, the IMF will hold $30 billion in gold reserves, and have access to $25 billion in unused General Agreement to Borrow credits. By providing these replenishment funds, we are simply empowering the IMF to impose its counterproductive economic policies on yet more desperate countries.

Fourth, this bailout will be counterproductive because it will perpetuate a "moral hazard" problem within the banking industry, a problem it will take years to overcome. Without doubt, this bailout package is being pushed in order to restore confidence in the Asian banking system (and the bad loans made by Western banks at unsound rates), a system that probably shouldn't be restored in the first place because of its inherent flaws—flaws that the IMF bailout does not address at all.

The provision of these funds will therefore perpetuate and intensify the moral hazard for private banking started by the Mexican bailout. Arguing that the Mexicans repaid their debt misses the point—if credit card companies and finance houses had been forced to eat their losses in Mexico, they would have exercised better elementary judgment regarding the over-investment policies of Asia that led to this crisis.

The IMF is essentially a huge bureaucracy populated by the last remaining socialists in the world. The reforms to IMF lending practices that are needed to address economic problems in Asia and elsewhere would require the IMF to support economic policies that are anathema to its Directors and to its fundamental philosophy—cutting tax rates, promoting sound monetary policies, cutting government regulation, allowing banks and firms to fail, and requiring private investors to eat their losses. Unless we reform the IMF as we know it, increasing funds to IMF will do little to help the distressed economies of the world.

Mr. STEVENS. Madam President, I state to the Senators there is 10 minutes available on their side. As far as I know they can allocate it as they wish.

Mr. ROBB. Madam President, I request about 2 minutes from the time allocated to the minority side to talk about an amendment pending that I hope to have cleared in just a few moments.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 2135

Mr. ROBB. Madam President, a couple of days ago I introduced formally the Agriculture Credit Restoration Act of 1998. This has now been presented in the form of an amendment to the emergency supplemental, amendment 2135. The purpose is very simple. In the 1996 farm bill a provision was added in conference that was not considered by the full Senate or by the House but was added in the conference that, in effect, precluded anybody who had a write-down or loan forgiveness from ever being eligible for a loan that was made available by the U.S. Department of Agriculture.

The U.S. Department of Agriculture is the lender of last resort. They don't lend under any circumstances where at least three private lenders have not already denied credit and they do not lend to noncreditworthy applicants. In this particular bill we have $48 million that is set aside to increase the direct operating loan fund, which is presumably being made available to those who are most in need. But the provision that is currently in the law that this particular amendment would change precludes anyone who has had a write-down or had credit forgiveness or whatever the case may be.

In a number of instances, that occurred precisely because the U.S. Department of Agriculture discriminated against those individuals. So it is a Catch-22. The Agriculture Department acknowledges that there was past discrimination. The current Secretary of Agriculture has acknowledged this. They are very much supportive of this bill—this amendment. It would, in effect, correct the inequity of precluding those who, by virtue of a natural disaster, a major family illness, or discrimination, from being eligible—not necessarily getting a loan but simply being eligible—for a loan of last resort under the Direct Operating Loan Fund.

It has created problems for many of those who had previously sought loans when they thought the money was available. We put money in last year, and most of the people who then sought the money ran into this particular roadblock. It has been approved by all Senators on the majority side, and only one Senator has yet to see the particular legislation. I hope to have that approval very shortly.

But I wanted to explain that this does not create any requirement that the U.S. Department of Agriculture grant credit to any noncreditworthy applicant. Indeed, they have to have already attempted to get credit from three private insurers. But it does correct the inequity where they were previously denied credit because of specific discrimination. We certainly do not want to be perpetuating that.

With that, Madam President, I will await the affirmation that it has been cleared on both sides. I thank the chairman of the full committee for his time. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 2100

Mr. WELLSTONE. Madam President, I quote from Joseph Stiglitz, World Bank chief economist and senior vice president, in which he called for an end to "misguided policies imposed from Washington."

> The World Bank senior vice president and chief economist is scathing in what he calls the "Washington Consensus" of U.S. economic officials, the International Monetary Fund and the World Bank.

He talks about a Washington consensus that seeks to increase measured GDP, whereas we should seek increases of living standards, including improved health and education.

> We seek equitable development which ensures that all groups in society enjoy the fruits of development, not just the few at the top. And we seek democratic development.

That is what he proposes as an alternative to the Washington consensus.

I ask unanimous consent to have this piece, "World Bank Chief Economist Stiglitz: IMF Policies Are Fundamentally Wrong," printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Debt Update, March 1998]

WORLD BANK CHIEF ECONOMIST STIGLITZ: IMF POLICIES ARE FUNDAMENTALLY WRONG

BANK ADMITS HIPC CONDITIONS WRONG

'Greater humility' is needed, admitted the World Bank's chief economist and senior vice president Joseph Stiglitz, in a speech in which he called for an end to 'misguided' policies imposed from Washington.

Joseph Stiglitz's wide-ranging condemnation of the 'Washington Consensus' and the conditions imposed on poor countries must raise fundamental questions about the entire debt relief process now being coordinated by the IMF and World Bank. Debt relief under the HIPC (Heavily Indebted Poor Countries) initiative is conditional on six years of faithfully obeying demands from the Fund and Bank which Stiglitz now calls 'misguided'.

The World Bank's senior vice president and chief economist is scathing about what he calls the '"Washington Consensus" of U.S. economic officials, the International Monetary Fund (IMF), and the World Bank'. He says that 'the set of policies which underlay the Washington Consensus are neither necessary nor sufficient, either for macro-stability or longer-term development.' They are 'sometimes misguided', 'neglect . . . fundamental issues', are 'sometimes even misleading, and do 'not even address . . . vital questions'.

'Had this advice been followed [in the United States], the remarkable expansion of the U.S. economy . . . would have been thwarted.' Russia followed the Washington Consensus line while China did not, Stiglitz notes, and 'real incomes and consumption have fallen in the former Soviet empire, and real incomes and consumption have risen remarkably rapidly in China.'

The Washington Consensus only sought to achieve increases in measured GDP, whereas 'we seek increases in living standards including improved health and education. . . . We seek equitable development which ensures that all groups in society enjoy the fruits of development, not just the few at the top. And we seek democratic development.'

Joseph Stiglitz made his speech in Helsinki, Finland, on 7 January 1998, and so far it has been little reported. Perhaps he needed to be as far away from Washington as possible, because he undermined virtually every pillar of the structural adjustment and stabilization policies that serve as necessary conditions under HIPC. He asserts:

Moderate inflation is not harmful. Hyperinflation is costly, but below 40% inflation per year, 'there is no evidence that inflation is costly'. Furthermore, there is no evidence of a 'slippery slope' there is no evidence that one increase in inflation causes further increases. Thus 'the focus on inflation . . . has led to macroeconomic policies which may not be the most conducive for long-term economic growth.'

Budget deficits can be OK, 'given the high returns to government investment in such crucial areas as primary education and physical infrastructure (especially roads and energy).' Thus 'it may make sense for the government to treat foreign aid as a legitimate source of revenue, just like taxes, and balance the budget inclusive of foreign aid.'

Macro-economic stability is the wrong target. 'Ironically, macroeconomic stability, as seen by the Washington Consensus, typically down-plays the most fundamental sense of stability: stabilizing output or unemployment. Minimizing or avoiding major economic contractions should be one of the most important goals of policy. In the short run, large-scale involuntary unemployment is clearly inefficient in purely economic terms it represents idle resources that could be used more productively.'

The advocates of privatization overestimated the benefits of privatization and underestimated the costs.' And the gains occur prior to privatization, through a process of 'corporation' which involves creating proper incentives. China 'eschewed a strategy of outright privatization'.

Competition, not ownership, is key. Private monopolies can lead to excess profits and inefficiency. Government must intervene to create competition.

Markets are not automatically better. 'The unspoken premise [of the Washington Consensus] is that governments are presumed to be worse than markets. . . . I do not believe [that]'. Stiglitz notes, in particular, that 'left to itself, the market will tend to under provide human capital' and technology. 'Without government action there will be too little investment in the production and adoption of new technology.'

The dogma of liberalization has become an end in itself and not a means to a better financial system. Financial markets do not do a good job of selecting the most productive recipients of funds or of monitoring the use of funds, and must be controlled. Deregulation led to the crisis in Thailand the 'notorious Savings and Loan debacle in the United States.'

Perhaps the key problem is that Washington Consensus 'political recommendations could be administered by economists using little more than simple accounting frameworks.' This led to 'cases where economists would fly into a country, look at and attempt to verify these data, and make macroeconomic recommendations for policy reforms, all in the space of a couple of weeks.'

Stiglitz calls for a new 'post-Washington Consensus' which, he says, 'cannot be based on Washington'. And, he adds, one 'one principle of the emerging consensus is a greater degree of humility, the frank acknowledgment that we do not have all the answers.'

Mr. WELLSTONE. "United Auto Workers International Executive Board Resolution on U.S. Contributions to the International Monetary Fund." I will quote one section:

To achieve [an] increase in exports, the IMF insists on austerity measures that include slashing public spending, jacking up interest rates to exorbitant levels, deregulating markets, devaluing currencies, and reducing existing labor protections. The impact on workers and their families is devastating. Workers face massive layoffs and wage cuts, while the prices of basics such as food, housing, energy and transportation skyrocket.

I ask unanimous consent this be printed in the RECORD, as well as a "Dear Colleague" letter from Representative KUCINICH.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED AUTO WORKERS INTERNATIONAL EXECUTIVE BOARD RESOLUTION ON U.S. CONTRIBUTIONS TO THE INTERNATIONAL MONETARY FUND

International Monetary Fund (IMF) involvement in the recent financial crisis in Asia, and the 1994-95 crisis in Mexico, dramatizes the tremendous burden that Imposed austerity measures place on working people around the world. The purpose of IMF involvement has been to bail out international banks and Investors whose pursuit of excessive profits led them to make questionable, high-risk loans.

IMF-dictated austerity measures worsen U.S. trade deficits, leading to the loss of solid family-supporting manufacturing jobs in auto and other industries, while driving down the already abysmally low wages of workers living in developing nations.

Governments in South Korea, Thailand, Indonesia and Mexico and other developing nations are being told that an infusion of capital from the IMP/F requires them to pay down foreign loans by lowering the living standard of their citizens. The IMF's prescription calls for a increase in low-wage exports from these countries. The dollars so raised are then used to pay down loans owed to international banks and inventors. As a result, our trade deficit is expected to climb by approximately $100 billion this year alone, causing the loss of an estimated 1 million U.S. jobs.

To achieve this increase in exports, the IMF insists on austerity measures that include slashing public spending, Jacking up interest rates to exorbitant levels, deregulating markets, devaluing currencies, and reducing existing labor protections. The impact on workers and their families is devastating. Workers face massive layoffs and wage cuts, while prices of basics such as food, housing, energy and transportation skyrocket.

Many of the governments receiving IMF funds fail to respect Internationally recognized workers' rights, and the IMF has not required them to do otherwise, despite the high price that workers are forced to pay. In Indonesia, independent union leader Muchtar Pakpahan remains on trial for his life for his union activity. Yet the IMF has made no effort to use its leverage to free him.

The UAW believes that the International Monetary Fund is fully aware of the impact that its austerity measures have on working people. Yet the IMF has failed to move toward reforms of its own policies that would ensure equitable solutions to crises in financial markets. The UAW therefore opposes providing the additional funding of $18 billion that the IMF has requested from U.S. citizens. We believe that international organizations can and must play necessary and useful roles in world affairs. Our vision of their role, however, is one that places the interests of working people at least equal to those of finance and capital.

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC.

REASONS TO REJECT THE IMF SUPPLEMENTAL APPROPRIATION

DEAR COLLEAGUE: As you formulate your position, I ask that you consider the following reasons to say No to the IMF supplemental appropriation.

(1) The supplemental appropriation is not needed for the Asian bailout. The bailout of Asian borrowers has already taken place. The funds for the bailout came from existing IMF funds.

(2) The IMF has ample funds right now at its disposal. Even after the loans to Thailand, Indonesia and South Korea, the IMF has $45 billion in liquid resources. It also has a credit line of $25 billion through the General Arrangements to Borrow. Furthermore, it has about $37 billion in gold reserves. And lastly, it can borrow funds from the private capital market.

(3) The IMF often makes matters worse. The IMF has a record of making matters worse even as it carries out a bailout. According to the New York Times, "[The] I.M.F. now admits tactics in Indonesia deepened the crisis . . . political paralysis in Indonesia was compounded by misjudgment at the I.M.F.'s Washington headquarters. The Wall Street Journal's assessment was more damning. "Far from stopping the damage, IMF rescue attempts have become part of the problem. Along with handing out funds, the IMF keeps peddling bad advice and sending the markets warped signals that set the stage for—guess what?—more bailouts.

(4) The IMF imposes impoverishing conditions of foreign workers. In exchange for a bailout, the governments of developing countries must submit to a harsh regimen that impoverishes workers. In Haiti, for example, the IMF has pressured the Haitian government to abolish its minimum wage, which is only about $0.20 per hour.

(5) The IMF imposes environment-destroying prescriptions. In exchange for a bailout, the government of Guyana was forced to defund its environmental law enforcement, and accelerate deforestation. Why? To export more logs and earn foreign exchange, with which to pay back the IMF.

(6) The IMF only listens to a tough Congress. If you want to change the way the IMF does business, this supplemental appropriation would be a setback. The IMF is resistant to change. In both 1989 and 1992, the IMF ignored the comprehensive reforms passed by Congress because the appropriation was not conditioned on IMF reform. Only when Congress made an appropriation payable only on certain reforms did the IMF make changes. This supplemental appropriation projects a weak Congress and will not produce any meaningful reform at the trouble-ridden IMF.

Sincerely,

DENNIS KUCINICH,
Member of Congress.

Mr. WELLSTONE. Madam President, I say to colleagues, I rise to speak against this Washington consensus. This IMF provision may pass with an overwhelming vote, but I want to just be crystal clear. We are, I think most of us, internationalists. I believe that what happens in these countries, in Asia, Indonesia, Thailand and other countries, will dramatically affect our country. I have no disagreement with that. But the IMF over and over and over again has imposed austerity measures, has depressed the wages and living conditions of people in these countries, has been in violation of statutes that are supposed to govern the IMF in relation to human rights, labor, in relation to respect for indigenous peoples, in relation to environmental protection.

What is going to happen is that these IMF measures are not going to help these countries or help our country. Countries following these IMF prescriptions are going to be forced either to import even less from our country because they do not have consumers because the people are poor—and the people become poor because of IMF austerity measures imposed on these countries. Or these countries—and this is another effect of IMF programs—are going to be forced into devaluing currencies and trying to buy their way out of trouble through cheap exports, which will again end up competing against, and hurting, working families in our country.

I understand my colleague, Senator SARBANES, is on the floor. I ask him, is he on the floor to speak against this amendment on IMF or on a different subject?

Mr. SARBANES. No, I am here to speak in support of the amendment, very strongly in support.

Mr. WELLSTONE. Then I wanted to use my full time.

Mr. STEVENS. We divide the time between the majority and minority. I have one person who wishes to speak in opposition and one to speak for the amendment. If the Senator wants any time he will have to get it from your time.

Mr. WELLSTONE. Madam President, yesterday I asked unanimous consent that I would have 10 minutes to speak before the final vote. I do not think it has anything to do with this other time. That, I think, is part of the RECORD. I had asked unanimous consent, and it was granted, that I would have 10 minutes to speak. I do not want to take time away from my other colleagues. That was the only reason I asked my colleague from Maryland.

The PRESIDING OFFICER. The Parliamentarian advises me there is an agreement to vote at 11:45. It would take unanimous consent to amend that agreement.

Mr. STEVENS. Madam President, I understand what the Chair is saying, but I do remember the Senator did withhold his comments. We did agree before there was a vote on IMF he would have 10 minutes. How much time has the Senator used?

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. STEVENS. Then I ask unanimous consent the vote take place at 11:50 and the Senator have the remainder of his 5 minutes.

Mr. SARBANES. I will respect the time limit. I think we should go to the vote. I do not want to be constantly delaying the votes.

Mr. STEVENS. The Senator will have 10 minutes, the Senator from Kansas would have 2 minutes, the Senator from Florida would have 2 minutes, and I would have 1 minute to close, and that would make it 11:50.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Senator from Alaska.

Madam President, yesterday we did adopt an amendment I offered which I think will be helpful. It essentially says that the Secretary of the Treasury will set up an advisory committee with members from labor, the human rights community, the social justice community and the environmental community. I think eight members will meet with him—or her—twice a year in the future, twice a year, to monitor whether or not the IMF is living up to its own statutory mandates. Let me just simply say that Muchtar Pakpahan is a labor leader in Indonesia. He is imprisoned; he is in jail.

He is in jail because he was organizing workers for a higher minimum wage. I went through all the statutes yesterday that apply to the IMF, that are a part of the law. There is supposed to be full respect for human rights; there is supposed to be respect for internationally recognized labor rights; there is supposed to be respect for basic environmental protection provisions, and the IMF is not in compliance.

Over and over and over again, the IMF turns its gaze away from these conditions in these countries. Over and over and over again, apparently our country, this administration, turns its gaze away. I simply want to say one more time, to quote Joe Stiglitz, World Bank chief economist—I think he is right that this Washington consensus is profoundly mistaken. I think he is right when he says the IMF goes in the opposite direction of raising wage levels, focusing on education, focusing on making sure that citizens in these countries are able to benefit from the infusion of capital, that it ought not to be just about the investors and the bankers. It ought to be about improving the living standards of people in these countries.

I think he is right to suggest that what is going to happen as a result of austerity measures imposed on these countries, as has been done in the past, there will be fewer people in these countries to consume our products. And these countries will be exporting cheaper and cheaper products into our country, again, hurting working families.

We have missed a tremendous opportunity. The United States of America and the U.S. Senate, on this vote, which I think will be an overwhelming vote in favor of this, will have missed a tremendous opportunity to be on the side of internationally recognized labor standards, to be on the side of human rights, to be on the side of environmental protection, to be on the side of improving the living standards of people in these countries. We have missed this opportunity. And I believe that this infusion of capital into the IMF, if the IMF's flawed programs are imposed on these countries, will, in fact, end up not only hurting these countries, but also hurt severely the people in our own country as well.

I think it is a tragic mistake on our part not to have used this moment, not to have used our leverage to change the flawed policies of the International Monetary Fund.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 2135

Mr. ROBB. Madam President, I request that amendment No. 2135 be called up for immediate consideration.

Mr. STEVENS. We have no objection as to its immediate consideration. We are willing to accept it.

Mr. ROBB. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2135) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBB. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBB. I thank the Chair, and I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 2100, AS MODIFIED

Mr. SARBANES. Madam President, I yield briefly to the Senator from Delaware.

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. BIDEN. Madam President, I rise this morning to support the addition of urgently needed funds for the IMF to this supplemental appropriations bill.

Despite the clear need, despite the strong statements of concern by Federal Reserve Chairman Greenspan, and by Treasury Secretary Rubin, some of our colleagues continue to miss the point. As the biggest, most open economy in the world, as the leader of the world economy and the only global superpower, the United States has a special role to play in, and a special need for, international institutions to maintain the stability and openness of the world's financial system.

The problems now brought to light in Asia—the increasing billions in international investments that flow around the globe with the stroke of a computer key, the uneven development of banking systems in newly industrializing nations—are very real challenges to our own well-being that require serious analysis and a truly international response. They are not an annoyance that we can blissfully ignore. And they are not to be dismissed with a few ideological platitudes.

As the distinguished chairman of the Appropriations Committee stated so clearly and forcefully just yesterday, the Asian financial crisis is an "economic El Nino" that directly affects American sales overseas and jobs here at home. Our contributions to the IMF are made to protect us from the shock waves of that crisis in the Pacific, Madam President, and by denying or delaying those contributions we would only hurt ourselves.

Certainly, the IMF could well use a breath of fresh air—more openness to develop more public understanding and trust. And it is clear that we have a long way to go to establish a sound international financial system, with the clear reporting standards and accurate data that will allow markets to operate efficiently.

Those of us who share those concerns understand the need to provide the IMF with the resources it needs right now to maintain its role as lender of last resort in the kinds of currency crises that can have truly global consequences. If we do not, weaknesses in the world's financial system will only deepen and persist. And, I must add, so will the burdens carried by those people in the affected countries that are least able to deal with them, who too often pay the price for the financial follies of others.

So congratulations are due to those who worked so hard to make sure that the funding becomes part of this bill today. I know that Senator HAGEL, my colleague from the Foreign Relations and Chairman of our International Economic Affairs Subcommittee, has played a key role. And a great deal of credit must go to Senator STEVENS, Chairman of the Appropriations Committee, for his indispensable leadership.

I know that there are more hurdles to clear in this process, Madam President, but I am pleased to see that this amendment has become part of the emergency appropriations bill. Just last week, when our IMF contributions seemed in real trouble, I expressed my confidence that the Senate would work quickly and responsibly to make this funding available. Today, the Senate has rewarded that confidence.

I pay special tribute to Senator HAGEL for his hard work on this and Senator STEVENS for promoting and providing the means to do this and my friend from Maryland for being such a strong voice. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I just want to say, I don't really have a basic quarrel with my good friend from Minnesota. I want to be on the side of environmental protection and on the side of workers' rights and on the side of human rights. The Secretary of the Treasury has committed himself to undertake a serious review of the international financial architecture. I have a lot of confidence in the Secretary of the Treasury. In fact, I think we have the best finance minister in the world in Secretary Rubin. I place great credibility in his proposals.

But you cannot remodel the emergency room at the very time the patients are being brought in to be dealt with. That is the issue that is involved in this IMF replenishment. The distinguished chairman of the committee said on yesterday that the Asian flu is the El Nino of economics, and he warned that unless we understand that, we are liable to make a big mistake. I think the distinguished Senator from Alaska was absolutely right on that point.

These countries got into trouble because of, in many respects, mismanagement of their economy. The IMF wasn't there to begin with. The IMF came in in order to try to help them out.

Now, we can argue about its programs, and I have been critical of them in the past and, indeed, even critical of them in the current context. But nevertheless, we have to do this replenishment because, if the IMF is perceived as having inadequate resources to deal with any crisis that might now emerge, it makes it more likely that the crisis will happen. If the IMF is perceived as having adequate resources, it makes it less likely that a crisis will happen because there will be an increase in confidence.

So I urge my colleagues to support the McConnell amendment; otherwise, we may be headed for very big trouble, as the distinguished chairman of the committee said on yesterday.

Mr. STEVENS. I yield to the Senator from Kansas 3 minutes and the Senator from Florida 2 minutes.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Madam President, I rise today to applaud and thank my colleagues for finally taking decisive action that will provide full funding for the International Monetary Fund while requiring strict conditions on receiving IMF assistance.

In particular, I am pleased that this agreement insists that efforts to remove illegal trade barriers to American products be a required item in any IMF program. It is entirely appropriate that we are doing that.

I am especially pleased that this body has rejected efforts to include requirements and conditions that would have gone too far. While the recipient countries should be required to comply with tough, fundamental changes in their economies in order to receive the assistance, the bar must not be raised so high that any hope for reaching the conditions is lost. If excessive conditions had been included—and some Members in this body had been promoting those conditions—why, the United States would have no leverage to insist on reforms that would lower trade barriers to American goods and end unfair subsidies for foreign businesses. That would hurt both the country in trouble and the United States as well.

In this regard, Mr. President, I wish to thank the distinguished Chairman of the Appropriations Committee, Senator STEVENS, for his outstanding leadership in assuring a common-sense and bipartisan approach to this challenge.

I also wish to pay special thanks to Senator HAGEL and to Senator GRAMS for their efforts in helping to craft language that I believe will certainly enable us to achieve both funding and the needed reforms. In particular, I wish to thank my good friend from Nebraska, who has worked tirelessly on this issue and deserves much, if not most, of the credit for enabling us to achieve real progress on this bill. Our neighboring States are particularly dependent on this country's implementing a consistent export policy and for the United States to provide continued leadership in stabilizing the world economy. In this regard, our farmers and ranchers and the many segments of our economy who depend on exports owe Senator HAGEL a debt of gratitude.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized for 2 minutes.

Mr. MACK. Thank you, Madam President. I want to begin my comments by also recognizing those individuals who have worked so hard on trying to come up with language that can be accepted by all of us. But, frankly, I am one of those individuals who believes that we have not gone far enough.

With all due respect to my colleague from Maryland, I think this is exactly the time we should be requiring change in the IMF. We were told back during the Mexico crisis that once we got that problem solved, we would do what was necessary to address the problems in international financial institutions. We have not done that, and I make the case again. As my colleague said, he has been critical of the IMF in the past. My conclusion is the only time we can ever get action is, in fact, when there is a crisis at hand, and that is why I have felt so strongly that we needed to put conditions on that could be carried out and would be carried out.

What we are being told now, in essence, is, "We will make our best effort." The implication also is that the United States and those of us who want to put conditions on the IMF, that the United States is the only one that is interested in doing that. I disagree with that. I think there are other nations and members of the G–7 that want to see changes made.

I think we ought to insist on this. I think the first $3.5 billion was sufficient to take care of the problems; the other $14.5 billion could be made available later after changes have been made. But I am convinced now that, frankly, we didn't have the votes to go as far as I would like to go. I understand that.

I appreciate the efforts that have been made on both sides of this issue, but I feel compelled, Madam President, to cast a vote against this proposal. I thank you and yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I saw the report that the Dow is about ready to hit 9,000. If we do not act, as has been proposed in the IMF, the country better get ready for a slide. This is a very serious matter where I come from, and I urge the Senate to approve this amendment.

The yeas and nays have been ordered, Madam President.

The PRESIDING OFFICER (Mr. DEWINE). The question is on agreeing to the McConnell amendment No. 2100, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 84, nays 16, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—84

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner
Wyden

NAYS—16

Abraham
Allard
Ashcroft
Campbell
Coverdell
Faircloth
Feingold
Helms
Inhofe
Kyl
Mack
Nickles
Sessions
Smith (NH)
Thompson
Wellstone

The amendment (No. 2100), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. STEVENS. Mr. President, we have seven to eight amendments to deal with, and there is a very serious matter that needs to come up. Let me make a series of unanimous consent requests. On the BAUCUS amendment, I ask unanimous consent that there be 30 minutes equally divided, with no second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent for 20 minutes equally divided on the Murkowski amendment, with no second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask unanimous consent for 20 minutes on the Torricelli amendment, equally divided, with no second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2155

(Purpose: To express the sense of the Senate that the Attorney General should not accept a settlement in proceedings to recover costs incurred in the cleanup of the Wayne Interim Storage Site, Wayne, New Jersey, unless the settlement recaptures a substantial portion of the costs incurred by the taxpayer)

Mr. TORRICELLI. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. TORRICELLI], for himself and Mr. LAUTENBERG, proposes an amendment numbered 2155.

The amendment is as follows:

On page 59, between lines 7 and 8, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SETTLEMENT OF PROCEEDINGS TO RECOVER COSTS.

It is the sense of the Senate that the Attorney General should not accept a settlement in proceedings to recover costs incurred in the cleanup of the Wayne Interim Storage Site, Wayne, New Jersey, unless the settlement recaptures a substantial portion of the costs incurred by the taxpayer.

Mr. TORRICELLI. Mr. President, I asked that this amendment be read in its entirety so that its simplicity is clear to the Senate. The totality of what is being asked is that the Justice Department, in negotiating with the W.R. Grace Corporation about a contaminated Superfund site in Wayne, NJ, seek fair reimbursement. We make no demands. We change no law. We cite no number. We ask that there be a fair reimbursement.

I have done this because the story of W.R. Grace and its contamination in Wayne, NJ, is a story of everything that has been wrong about environmental cleanups in our country. Since 1995 the Federal Government, has been in negotiations with W.R. Grace for reimbursements. This is a site that a private company operated for 23 years. They operated it at a profit. The Government owned no share of the land or the company. When the land was no longer useful because it was contaminated, they abandoned it and left. In the ensuing years, they have given the U.S. Government $800,000, although the U.S. taxpayers have already spent $50 million cleaning the site. It is estimated by the Army Corps of Engineers it could cost another $55 million.

Members of the Senate need to know the American taxpayers are being held accountable for $100 million in cleaning this contaminated site by the W.R. Grace Corporation and that corporation has paid only $800,000. The American taxpayers are paying this freight although they have absolutely no liability whatever as a matter of law.

For 24 months, there have been negotiations. There had been reports that there would be $50 million in reimbursements from W.R. Grace. Then it was $40 million. Last week it was $20 million. There was going to be an agreement by December. And then it was January. And then it was March.

There is no agreement. There is no reimbursement. But the people of this country are going to subsidize the environmental abuses of the W.R. Grace Corporation to the tune of $100 million. It is a disgrace.

For 18 months, the Attorney General of the United States does not have time to reach an agreement. A Member of Congress from the district, Mr. PASCRELL, Senator LAUTENBERG, and I have urged the Attorney General to proceed to litigation. She has not done so. She did not have time to litigate or to protect the taxpayers. But within 5 minutes of the filing of this amendment, she can send a letter to Senator GREGG that this is an interference with her prerogatives.

Mr. President, if the Attorney General were protecting her prerogatives and protecting the liability of the U.S. Government and the taxpayers of this country, this amendment would not be necessary. I have a great admiration for Attorney General Reno. I like to believe and assume she has no knowledge of this affair, that members of her staff have done an enormous disservice to her, to the Justice Department, and to the taxpayers of this country. As it stands, if suit is not filed, if negotiators are not emboldened, the taxpayers of this country will subsidize a private corporation for $100 million of unnecessary expenditures.

I understand that, ironically, members of the majority party will rise to the defense of the Attorney General and her prerogatives, which in this Congress is indeed a historic turn of events, to defend the Attorney General in this instance, that she should be allowed to pursue this without our interference or oversight.

Mr. President, the Attorney General has her responsibility and we have ours. It is her judgment whether to file a suit and to conduct the negotiations. But when those negotiations are concluded, it is this Congress that must appropriate the money to meet the settlement.

All that I have done is offer a sense of the Senate—not a law, a sense of the Senate—that we would like the Attorney General to vigorously pursue these negotiations and protect the interests of the taxpayers. That is all I have asked. I do not know how the request could have been more modest. I intend to reserve the balance of my time, because it is my interest to hear the distinguished chairman respond to this request, but I want simply to say before we hear his comments that I am personally offended at the Attorney General's correspondence and deeply disappointed at its tone, its lack of cooperation, and the failure to meet the responsibilities to defend the interests of this Government in this litigation.

I reserve the remainder of my time.

Mr. LAUTENBERG. Madam President, I rise to join in offering this amendment to address a serious problem in my state.

This amendment is very timely. This week, I have been working with my colleagues on the Environment and Public Works Committee on Superfund reauthorization.

I strongly believe that the Superfund reauthorization bill before the Committee will severely undermine the concept that the polluter should pay for the waste it created, which is what this amendment before us now is all about.

The Federal government is long overdue in reaching an adequate resolution of claims against W.R. Grace & Co., for the cleanup of the Wayne Superfund Site in New Jersey. There seems to be no end to the headaches experienced by the residents of Wayne Township over this site and over the lack of any settlement.

Between 1955 and 1971, the W.R. Grace & Company owned and operated a thorium extraction operation in Wayne Township.

In 1984, because of the threat to the public's health from potential groundwater contamination, the site was placed on the Superfund National Priorities List and is now being managed by the Corps of Engineers under the Formerly Utilized Sites Remedial Action Program (FUSRAP).

That same year, 1984, W.R. Grace provided a payment of $800,000 and signed an agreement with the Federal government. This agreement stated that the government can still pursue legal action against the company under applicable laws, which would include Superfund. In the meantime, cleanup costs for this site continued to escalate, costing the taxpayers millions of dollars.

As the costs continued to mount, I became convinced that the government had not done all it could to help alleviate this burden on the taxpayers. Since 1995, I have worked to get the government to bring this company to the negotiating table. In September of that year I wrote to then-Secretary of Energy Hazel O'Leary requesting that DOE consider pursuing additional funds for cleanup from private parties. At my urging, in November 1995, the Departments of Energy and Justice finally brought W.R. Grace, the former owner and operator of this site, to the table to discuss a settlement. I ask unanimous consent to have printed in the RECORD a copy of a letter I received from DOE in November 1995 which showed its commitment to get W.R. Grace to come to the table.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, DC, November 24, 1995.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: In my September 29, 1995, letter, I advised you that the Department of Energy would look into the matter of seeking cost recovery against potentially responsible parties for cleanup of the Wayne, New Jersey, site.

After consulting with the Office of the General Counsel, my office has initiated discussion with W. R. Grace and Company to assess their willingness to contribute to the cleanup of the Wayne site. If these discussions are successful, W. R. Grace's cooperation could enable the Department to expedite the overall cleanup schedule for the site.

If possible, we would prefer to avoid time-consuming and costly litigation so that available resources are focused on cleaning up the site. If discussions with W. R. Grace are unsuccessful, we will consider other options including requesting the Department of Justice to initiate formal cost-recovery actions.

We share your goal of pursuing opportunities to expedite the cleanup activities at Wayne. As one example, the Department began removal of the contaminated material in the Wayne pile through an innovative total service contract with Envirocare of Utah. We want to thank you for the enormous support that you have provided over the years to bring this project to fruition.

If you have further questions, please contact me, or have a member of your staff contact Anita Gonzales, Office of Congressional and Intergovernmental Affairs, at (202) 586-7946.

Sincerely,

THOMAS P. GRUMBLY,
Assistant Secretary for
Environmental Management.

Mr. LAUTENBERG. We continually hear from the Administration that they are making progress and that a final resolution of the Wayne settlement is imminent.

Today, I rise to reiterate my strong opposition to a final settlement that would permit W. R. Grace to escape appropriate responsibility for its share of the pollution. This amendment reminds the Attorney General that we not only want to see progress, but that we demand a settlement that adequately reimburses the taxpayers.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, this would be, in our judgment, a very bad precedent. It would allow litigants involved in a case against the United States to come to the Senate, through their Senator, and try to obtain passage of a sense-of-the-Senate resolution that would assist them in their negotiations with the U.S. Government. Although the amendment would not be binding, it could be used in a court of law to argue the merits of the case.

I do not know much about this case other than I have discussed it with the distinguished Senator from New Jersey, but as I informed him, we have a letter from the Attorney General—and it is signed by the Attorney General personally—written to the chairman and ranking member of the State, Justice Commerce Subcommittee. I understand that the distinguished chairman is here. I yield to him for the balance of the time to explain further why we are opposed to the amendment.

Mr. GREGG. Well, I don't rise in opposition to the substance of what the Senator from New Jersey has said. I think he has made the argument for his case very effectively. Certainly, this is a major issue for him and his State—cleaning up of this superfund site.

What we are dealing with here, however, is the fact that we have been contacted by the Attorney General. Obviously, I am not the spokesman for the administration, and I would not put myself in the position of the other party, but I believe we have an obligation when we are contacted by the Attorney General. She has expressed her strong opposition to having this sense of the Senate passed during the pendency of the negotiation and litigation of this case. I think she has a very legitimate procedural position.

Now, again, I am not arguing the equities of this or the substance of the question. I am arguing that it would be inappropriate, as she represents, for the Congress to express the sense of the Senate, which would then put the administration—specifically, the Attorney General—in the difficult position of having the Congress interject itself in the middle of what are ongoing negotiations relative to the settlement in this case.

Let me read briefly from her letter:

> The Department of Justice opposes this amendment, which is intended to influence the department in its conduct of the pending litigation.

That is essentially a summary of the letter. It goes on to explain why the Department thinks that this will affect the litigation as it goes forward. So I rise with significant reservation about this because I recognize that the Senator from New Jersey has a very strong feeling and is trying to put forward his constituents' feelings. I believe we would be setting a very difficult, very inappropriate precedent as a Congress if we start interjecting ourselves into issues of negotiation in active litigation, where we have been advised by the Attorney General of the United States that that would negatively or inappropriately impact that litigation.

From that standpoint, I have to rise in opposition to this sense of the Senate, with all due respect to the Senator from New Jersey, who I think clearly has made his case well. In light of the letter from the Attorney General, I believe it would be inappropriate to proceed at this time.

Mr. TORRICELLI. Mr. President, recognizing the views of my friend, the Senator from Alaska, the distinguished chairman of the committee, and the Senator from New Hampshire, I will not insist upon the amendment.

Let me conclude the debate by simply suggesting this: I think it would be regrettable if this Senate ever allows itself to be silenced in simply expressing its intentions or desires because the executive branch may have conflicting views or believe an issue is its prerogative. Ultimately, the expenditures of this Government are our responsibility.

So I want the Attorney General to be clear on this. I will shortly ask that this amendment not proceed. But this should be clear as negotiations proceed with the W.R. Grace Corporation. If it is the intention of the Justice Department to reach a settlement, whereby the taxpayers of the United States are left with this $100 million expenditure and a private corporation, which has profited by these operations, and the resulting environmental abuse, is left without making a significant contribution, I most assuredly will return to the floor of the Senate with an amendment on an appropriations bill that would cover the payment of those expenditures, and I will insist on a vote, and I will fight. I do not believe the taxpayers of this country should be subsidizing polluters. I will not stand for it. Nevertheless, in deference to my friends and colleagues from Alaska and New Hampshire, in recognition of their views, at this time I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. STEVENS. Mr. President, I thank the Senator from New Jersey for his courtesy in withdrawing the amendment. I have to notify other Senators to come. We thought there might be a vote.

AMENDMENT NO. 2156

(Purpose: To make an amendment to housing opportunities for persons with AIDS)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Alaska [Mr. STEVENS], for Mr. LAUTENBERG, proposes an amendment numbered 2156.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place, insert the following:
>
> **SEC. . HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS.**
>
> (a) Notwithstanding any other provision of law, with respect to the amount allocated for fiscal year 1998, and the amounts that would otherwise be allocated for fiscal year 1999 or any succeeding fiscal year, to the City of Philadelphia, Pennsylvania on behalf of the Philadelphia, PA-NJ Primary Metropolitan Statistical Area (in this section referred to as the "metropolitan area"), under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development shall adjust such amounts by allocating to the State of New Jersey the proportion of the metropolitan area's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area that is located in New Jersey.
>
> (b) The State of New Jersey shall use amounts allocated to the State under this section to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan area that is located in New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to thank the managers of this bill, Chairman STEVENS and Ranking Member BYRD, as well as Senators BOND and MIKULSKI, for agreeing to a provision of critical importance to southern New Jersey's AIDS afflicted community. This provision allows for the administration of Housing for Persons with AIDS (HOPWA) funding for four southern New Jersey counties by the State of New Jersey.

New Jersey's AIDS community has raised concerns about the current administration of HOPWA funding to four southern New Jersey counties: Camden, Gloucester, Salem, and Burlington. In order to better serve the needs of southern New Jersey's AIDS community, this provision gives the Department of Housing and Urban Development (HUD) the statutory authority to delegate the administration of southern New Jersey's HOPWA funding to the State of New Jersey.

This provision will help improve the implementation of housing services for southern New Jersey's AIDS afflicted, and I am pleased that the managers of the fiscal year 1998 supplemental appropriations bill have agreed to include this change. Again, I thank them for their work on this matter.

Mr. STEVENS. Mr. President, this amendment will require the Department of Housing and Urban Development to adjust, in a manner consistent with the need, the allocation of the funding under the Housing Opportunities for Persons with AIDS Program, the problems that occur in certain areas of New Jersey and Pennsylvania under that act.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2156) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and to lay that on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I ask that I be able to address the Senate for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADVERTISING IN POLITICAL CAMPAIGNS

Mr. TORRICELLI. Mr. President, as Senators rise to address things that have been added to the supplemental appropriations bill, I, quite the contrary, rise in recognition of something significant that has not been added to the supplemental appropriations bill. It is one of those few instances where there is a genuine achievement by the Senate in failing to act.

It had earlier been suggested that an amendment might be offered to prohibit the FCC from using its powers to order a reduction in the cost of television advertising in political campaigns. This legislation does not contain that provision. In my judgment, it affords the FCC an extraordinary opportunity to take the lead in campaign finance reform.

Mr. President, on 117 occasions in this decade, the U.S. Senate has considered, voted, and failed to implement fundamental campaign finance reform. This Senate has continued that unfortunate tradition. But now the Senate has an opportunity to help the process of political reform in the United States and to renew confidence in the institutions of Government and the political process itself by doing something for which it should be fully capable. They need do nothing.

Yesterday, the new and very able chairman of the FCC, Chairman Kennard, announced that he would commence a notice of inquiry, which is an information-gathering process, to lead to a ruling on free air time. This could be the most significant achievement for campaign finance reform in the United States in 25 years, because fundamental to the problem of campaign fundraising in the United States is the cost of campaign television advertising. President Clinton and Senator Dole, in the last Presidential campaign, spent two-thirds of all the money they raised to purchase television advertising time from the commercial networks. Some U.S. Senate campaigns, including my own, spent over 80 percent of their resources on television advertising.

Mr. President, it makes no sense that candidates for Federal office in the United States spend so much of their time traveling around the country meeting with contributors, raising money, instead of meeting with voters, addressing real concerns in their States, because they need to raise millions of dollars to purchase federally licensed air time that belongs to the people of this country. This air.

Time does not belong to the networks; it belongs to us, the people of this country. It is only licensed and it is given on condition. One of those conditions should be to be responsible in aiding the public debate.

I supported the McCain-Feingold legislation, and I know some of my colleagues, like Senator McCONNELL, did not. But, rightfully, Senator McCONNELL did note something with which I strongly agreed—that the United States does not need less political debate; it needs more political debate to address our serious problems, to discuss our differences. This is the one means by which we can reduce the cost of running for political office and this threshold price of inquiry, of entering into the political process, and still enhance and expand political debate.

Mr. President, it is a considerable achievement that this supplemental appropriations bill does not prohibit the FCC from acting in this instance. I hope that continues to be the stance of this Congress and that Chairman Kennard moves beyond this level of inquiry, genuinely adjusting and changing permanently the cost of television advertising. It is not too late for this Congress to move beyond the complaining, the infighting, the inquiries of the last Federal election and institute genuine reform. It is not too late, but it is getting late. And this may be the last opportunity.

I am very pleased, Mr. President, that this legislation has remained silent on this issue and that this last lingering hope of reform remains alive.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oklahoma is recognized.

Mr. NICKLES. I thank the Chair.

(The remarks of Mr. NICKLES pertaining to the introduction of S. 1868 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed in morning business for the next 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. I thank the Chair.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 1866 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DEWINE. I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2157

(Purpose: To cancel the sale of oil from the Strategic Petroleum Reserve)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2157.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, after line 11, insert the following new section: "Department of Energy Strategic Petroleum Reserve

"SEC. . STRATEGIC PETROLEUM RESERVE.

"For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $207,500,000, to remain available until expended, and the sale of oil from the Strategic Petroleum Reserve required by Public law 105–83 shall be prohibited: *Provided*, That the entire amount shall be available and the oil sale prohibited only to the extent that an official budget request for $207,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.".

Mr. MURKOWSKI. I thank the Chair.

Mr. President, the amendment before the body that I have proposed addresses a genuine emergency. Indeed, it belongs on the supplemental appropriations bill, and, as a consequence of its emergency status, no offset is needed.

The amendment allows the President to stop the sale of oil from the Strategic Petroleum Reserve that was ordered in the 1998 Interior appropriations bill.

Perhaps a little history is in order. Some of us in this body and this Nation remember that in 1973–1974 we had an energy crisis. The oil embargo from the Arab world resulted in a shortage. There were lines blocks long in front of gas stations, and the American public was indignant that their oil supply should be interrupted. They had not seen such a curtailment since gas rationing in the Second World War. But it was very real.

I find it rather disquieting that many people today do not remember what I am talking about and the fact that this occurred. But there was great concern in this body in 1973 and 1974 as a consequence of that outcry from the public over the shortage of gasoline. So Congress wisely created the Strategic Petroleum Reserve.

The Strategic Petroleum Reserve is located in Texas and Louisiana in salt caverns, and the idea was that we would never be held in a position where we could be, in effect, a hostage to our increased dependence on imported oil. The important thing to note is that at the time we created the Strategic Petroleum Reserve, we were about 37 percent dependent on imported oil. The idea was to have a 90-day supply at all times. The oil could be lifted in case of national emergency. At one time, we had a 118-day supply.

The irony associated with this amendment today is that we are now selling oil out of the Strategic Petroleum Reserve for the purpose of generating a cash-flow sufficient to manage and run the Strategic Petroleum Reserve, which is estimated to cost $207 million in 1998.

The irony is that, today we are 52 percent dependent on imported oil. So if there was any logic at all to the decision back in 1975 to create the Strategic Petroleum Reserve because we were 37 percent dependent, it is completely illogical that today we are selling it when we are 52 percent dependent on imported oil. This suggests the right hand does not know what the left hand is doing, which is not necessarily uncommon around here.

In the 1998 Interior appropriations bill, the order is for the sale of $207 million worth of oil from the SPR.

I think this is where the bear goes through the buckwheat. We are selling this oil at $9 to $12 a barrel, and we paid $33 a barrel for it when we put it in. We would have to sell 23.1 million barrels of oil, that we paid an average of $33 a barrel for, for somewhere around $9, $10, $11, $12. It is poor-quality oil. That is how we are going to raise the $207 million to pay for the operation of the SPR.

Again, the oil cost $33 a barrel. The American taxpayer is going to lose $550 million on this deal. This is an emergency because we are about to lose a half a billion dollars of taxpayer money. Buying high and selling low certainly never made sense to me, but there is an old joke out there about the guy who is buying high and selling low and claims he is going to make it up in the volume.

Maybe that is the logic here; I don't know. But if this sale from the SPR goes through, these sales will have cost the American taxpayer, over 3 past years, roughly $1 billion, because we have been selling the oil at a price that is substantially lower than what we paid for it.

As we look at where we are on this issue, I think we have to recognize a couple of pertinent points.

The Secretary of Energy indicated in an Associated Press article that this is the worst time to be selling oil out of the Strategic Petroleum Reserve. He says that the Congress has given him no choice. This is unfortunate, because I have fought, and my colleagues on the Energy and Natural Resources Committee have fought, to ensure that we discontinue selling oil out of that Strategic Petroleum Reserve, particularly at a price that is substantially lower than we paid for it.

The Secretary says that Congress has given him no choice. Today, we have a choice. We can choose to pay over a half a billion dollars for the privilege of throwing away some of our energy security, or we can save the taxpayer half a billion dollars and have this valuable resource when we need it the most.

Again, we are 52 percent dependent on imported oil. Some may argue we should require an offset to the amendment. But let me make it clear again, this amendment saves the American taxpayer money. The American taxpayer understands clearly, if you bought it at $33, you don't sell it at $9. Selling $33-a-barrel oil for $9 and calling it income is a budget gimmick, make no mistake about it, and the taxpayer does not understand those kinds of gimmicks.

Further, we are not offsetting funds for Bosnia because of its supposed national security importance. The importance of the SPR is significant to our national security. It could not be more clear. The health of our economy and the ability to defend ourselves is significant.

Furthermore, we should look back at a couple of significant events in the history of this matter. Senator BINGAMAN from New Mexico, my good friend on the committee, and I, cosponsored a successful amendment to stop the sale on the Interior Appropriations bill. It was dropped in conference. Why? Well, a lot of things are dropped in conference.

Selling oil from the SPR is a budget gimmick that, again, costs the taxpayer real money. Stopping the sale will save the taxpayer over half a billion dollars and our Nation's energy insurance policy. This is an emergency, and it should be part of the emergency supplemental.

Let me conclude by saying Webster defines an "emergency" as a sudden, unexpected occurrence demanding immediate action. This amendment certainly addresses such an issue, and I think the amendment certainly qualifies for the Emergency Supplemental.

Again, the fiscal year 1998 Interior appropriations bill orders the sale of $207 million worth of oil from the SPR to operate the SPR. As a consequence, that would cost the American taxpayer roughly $500 million, because we are proposing to sell that oil at $9 to $12 a barrel, when we paid in excess of $33 a barrel for the oil. That is the issue, Mr. President.

I hope the managers of the bill will consider this on the merits of what it would save the American taxpayer. If anybody can explain the extraordinary accounting mechanism that would justify this as a good deal for the American taxpayer, the Senator from Alaska would certainly like to hear it.

I thank the Chair and urge the floor managers to consider the merits of this amendment.

Mr. BINGAMAN. Mr. President, I am pleased to be a cosponsor of this amendment. Anyone familiar with New Mexico, which has an economy which is heavily dependent on production of oil from marginal wells, knows that the recent historic lows for the price of oil have posed an economic threat to families and communities as dire as any natural disaster. In this context, the concept of having the Federal government dumping nearly 20 million barrels of oil onto the market, equivalent to selling nearly 100,000 barrels per day for the remainder of the fiscal year, is ludicrous. Senator MURKOWSKI and I worked hard to prevent the Interior Appropriations bill from selling oil from the Strategic Petroleum Reserve in the first place. We found an offset that would have worked, and that the Senate accepted, but which was dropped in conference. Today, we have a second chance to end this unwise and economically devastating sale. I fully support the amendment and urge my colleagues to vote for it.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, my colleague has stated the problem. Actually, if we do not adopt his amendment, the budget is more out of balance than it is if we do, because the sale of this oil at a time when the market is so low, which is the current mandate, would cause revenue to be so low that there would be a loss, as I said, to the overall budget process and it would be greater than this emergency amendment which provides the money for the SPR without selling the oil.

I have had no objection to this amendment. I think we may face a substantial battle in the other body to justify this, but I believe we should accept it. And I know of no problem on the other side of the aisle, either. So I am prepared to yield back the remainder of my time and urge the adoption of the amendment.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 2157) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. I thank my colleague and good friend, the senior Senator from Alaska, for his acknowledgment of the importance of this amendment, with my hopes that it will survive the conference.

I thank the Chair.

Mr. STEVENS. I thank the Senator very much.

Mr. MURKOWSKI. Mr. President, I was derelict in not thanking the senior Senator from West Virginia, my good friend, Senator BYRD, as well, who just came on the floor. I appreciate his understanding. I know we have a great deal in common with regard to energy issues in our States.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CLELAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLELAND. Thank you very much, Mr. President.

I thank the distinguished Senator from Alaska for this opportunity to speak.

AMENDMENT NO. 2158

(Purpose: To authorize the establishment of a disaster mitigation pilot program in the Small Business Administration)

Mr. CLELAND. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND], for himself, Mr. COVERDELL, Mr. HARKIN, Mr. KERRY and Mr. HOLLINGS, proposes an amendment numbered 2158.

Mr. CLELAND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DISASTER MITIGATION PILOT PROGRAM.

(a) IN GENERAL.—Section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) is amended—

(1) in subparagraph (B), by adding "and" at the end; and

(2) by adding at the end the following:

"(C) during fiscal years 1999 through 2003, to establish a pre-disaster mitigation program to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis), as the Administrator may determine to be necessary or appropriate, to enable small businesses to install mitigation devices or to take preventive measures to protect against disasters, in support of a formal mitigation program established by the Federal Emergency Management Agency, except that no loan or guarantee shall be extended to a small business under this subparagraph unless the Administration finds that the small business is otherwise unable to obtain credit for the purposes described in this subparagraph;".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(f) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C):

"(1) $15,000,000 for fiscal year 1999.

"(2) $15,000,000 for fiscal year 2000.

"(3) $15,000,000 for fiscal year 2001.

"(4) $15,000,000 for fiscal year 2002.

"(5) $15,000,000 for fiscal year 2003.".

Mr. CLELAND. Mr. President, this amendment would permit SBA to use up to $15 million of existing disaster funds to establish a pilot program to provide small businesses with low-interest, long-term disaster loans to finance preventive measures before a disaster hits.

I just got back from Georgia where we had an incredible tornado that came through and killed 14 Georgians. It is obvious to me we need to prevent people from becoming disaster victims, especially small business people. We cannot prevent disasters, but we can prevent, in many ways, disaster victims.

In response to the problem of the increasing costs and personal devastation caused by disasters, the administration has launched an approach to emergency management that moves away from the current reliance on response and recovery to one that emphasizes preparedness and prevention. The Federal Emergency Management Agency has established its Project Impact Program to assist disaster-prone communities in developing strategies to avoid the crippling effects of natural disasters.

This amendment supports this approach by allowing the SBA to begin a pilot program that would be limited to small businesses within those communities that will be eligible to receive disaster loans after a disaster has been declared.

Currently, SBA disaster loans may only be used to repair or replace existing protective devices that are destroyed or damaged by a disaster. This pilot program would allow funds to also be used to install new mitigation devices that will prevent future damage.

New legislation is necessary to authorize the SBA to establish this pilot program. I believe that my legislation would address two areas of need for small businesses—reducing the costs of recovery from a disaster and reducing the costs of future disasters.

Furthermore, by cutting those future costs, it presents an excellent investment for taxpayers by decreasing the Federal and State funding required to meet future disaster relief costs. The ability of the small business to borrow money through the Disaster Loan Program to help them make their facility disaster resistant could mean the difference as to whether that small business owner is able to reopen or forced to go out of business altogether after a disaster hits.

I urge my colleagues to support this effort to facilitate disaster prevention measures so that when nature strikes in the future, the costs in terms of property and lives, and taxpayer dollars, will be reduced. However, in the interest of time, and with a commitment by the chairman of the Small Business Committee, the distinguished Senator from Missouri, to have our committee expeditiously consider this proposal, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2158) was withdrawn.

Mr. CLELAND. Thank you, Mr. President. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Georgia for his consideration of this situation here today and for the process that he is starting. We welcome that approach to this problem. That was the Cleland amendment that was listed on the list.

We now are ready for two other Senators who, I believe, will come soon to present their amendments. We still believe we will have a vote sometime around 2 o'clock.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2159

(Purpose: To provide assistance to employees of the Farm Service Agency of the Department of Agriculture)

Mr. STEVENS. I do have an amendment authored by my distinguished colleague, Senator BYRD from West Virginia, which I send this to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BYRD, proposes an amendment numbered 2159.

Mr. STEVENS. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following General Provision:

"SEC. . Notwithstanding any other provision of law, permanent employees of county committees employed during fiscal year 1998 pursuant to 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be considered as having Federal Civil Service status only for the purpose of applying for USDA Civil Service vacancies."

Mr. BYRD. Mr. President, I am offering an amendment to S. 1768, the Emergency Supplemental Appropriations

Bill, to address the inequitable treatment of the U.S. Department of Agriculture (USDA) Farm Service Agency's (FSA) federal and non-federal county committee employees when separated from their jobs as a result of a reduction in force (RIF).

FSA RIFs are occurring nationwide and are a result of comprehensive changes in the agency's mission mandated in the USDA Reorganization Act of 1994 and the 1996 Farm Bill. Complicating the impact of the FSA downsizing is the fact that the FSA is currently operating an unusual personnel system that contains two classes of employees, one federal and one non-federal. This was a result of the reorganizing legislation that combined the former Agricultural Stabilization and Conservation Service (ASCS) and the Farmers Home Administration (FmHA) into the FSA. ASCS employees were paid through the FSA budget but were hired by a county committee. Therefore, ASCS employees were non-federal. FmHA staff were regular federal employees. Although now in one agency, this two-class system continues.

My amendment would place RIFed federal and non-federal FSA employees on equal footing when competing for another USDA job. Currently, the RIFed non-federal employees are not on equal footing with their FSA federal employee counterparts for USDA job vacancies due to a preference only available to RIFed federal employees. Current law gives priority to any former federal employee when applying for another federal job. Thus, if all other qualifications remained equal, the former FSA federal employee would automatically get the job over the former FSA non-federal employee. My amendment would grant the RIFed non-federal employees the same priority as currently enjoyed by the RIFed federal employee when applying for another USDA job.

Again, my amendment would simply provide equitable and fair treatment for all FSA employees, and I urge my colleagues to support it.

Mr. STEVENS. This is the Byrd relevant amendment that has been cleared on both sides, dealing with a provision of the Soil Conservation and Domestic Allotment Act. It is approved on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2159) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUTCHINSON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2160

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. HOLLINGS, proposes an amendment numbered 2160.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SECTION 1. SCHOOL SECURITY.

(a) SHORT TITLE.—This section may be cited as the "Safe Schools Security Act of 1998".

(b) PURPOSE.—The purpose of this section is to provide for school security training and technology, and for local school security programs.

(c) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories in partnership with the National Law Enforcement And Corrections Technology Center—Southeast of a center to be known as the "School Security Technology Center". The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,250,000 for each of the fiscal years 1999, 2000, and 2001.

(d) LOCAL SCHOOL SECURITY PROGRAMS.—Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) Is amended by adding at the end the following:

"SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—From amounts appropriated under subsection (c), the Secretary of Education shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology, or carry out activities related to improving security at the middle and high schools served by the agencies, including obtaining school security assessments, and technical assistance for the development of a comprehensive school security plan from the School Security Technology Center. The Secretary shall give priority to local educational agencies showing the highest security needs as reported by the agency to the Secretary in application for funding made available under this section.

"(b) APPLICABILITY.—The provisions of this part shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 1999, 2000, and 2001.".

(d) SAFE AND SECURE SCHOOL ADVISORY PANEL.—

(1) ESTABLISHMENT.—There shall be established a panel comprised of the Secretary of Education, the Attorney General, and the Secretary of Energy, or their designees to develop a proposal to further improve school security. Such proposal shall be submitted to the Congress within 18 months of the date of enactment of this Act.

Mr. BINGAMAN. Mr. President, this amendment tries to deal, at least in part—and clearly it is only in part—with a very serious problem that has been brought to our attention, tragically, in the last few days, and that is the problem of violence in our schools.

The occupant of the chair is painfully aware of this, as we all are, by virtue of the fact that this latest tragedy occurred in his home State of Arkansas. What we have tried to do is take provisions I have been working on in the nature of a "safe schools security act" and put those in amendment form to add to this legislation pending here today. I believe it is going to be acceptable to all Senators for us to go ahead in this manner.

Let me explain the problem, as all of us know the problem exists. Obviously, there is no way to teach a student if a student feels threatened or if there is an unsafe condition in the school. Unfortunately, we have unsafe conditions and threatening conditions in too many of our schools today. The Department of Education recently released a study that tried to look at the incidence of school violence and school crime. The study shows that 10 percent of schools surveyed had at least one serious violent crime occur in that school during the 1996–97 school year.

In the case of violent crimes—obviously, I am talking about murder, rape, sexual battery, suicide, physical attacks with a weapon, or robbery of a student or adult—these are the types of crimes that we know are committed throughout our society, but, clearly, we need to provide special attention to see that these crimes are not committed in our schools.

The study went on to point out that approximately 4,000 incidents of rape and other types of sexual battery occurred in our public schools across the country during the 1996–97 school year. There were 11,000 incidents of physical attacks or fights in which weapons were used and approximately 7,000 robberies that occurred in schools in that same year.

These statistics are frightening. They underscore a problem that I think we all know exists. One part of the solution, Mr. President—again, I emphasize that this is only part—is to make better use in our schools of security technology. We have tremendous expertise in this country on the issue of technology to improve security.

In our own National Laboratories in New Mexico, we have spent a great deal of time and resources working on this issue. I know other institutions around the country have as well. They have learned a great deal about how to maintain security, how to reduce the possibility of crime or illegal activity in a facility. And some of those lessons—not all—can be used effectively in our schools. We need to use this expertise to try to improve the way our schools function, to try to make available to our schools the new technology that has been developed.

Already, Sandia National Laboratory in my State has an initiative in this regard. Two years ago, Sandia began a pilot project in the Belen High School in New Mexico whereby the security experts at Sandia implemented a security regimen and installed a variety of security technology in that high school. Sandia is the first to admit that they know very little about how to run a public school, and Belen was ready to admit they lacked expertise in the subject of security. Nevertheless, the two institutions got together. Sandia and Belen High School officials changed the way the school functioned by utilizing a comprehensive security design and technology.

The results have been impressive. Since this pilot project was implemented at the school, on-campus violence is down 75 percent; truancy is down 30 percent; theft of vehicles parked in the school parking lot is down 80 percent; vandalism is down 75 percent. These statistics, I think, make the point that there is information here and there are lessons here that can be learned and can be put to valuable use in our schools.

This technology is not cheap. Our schools are already strapped for adequate resources in a variety of ways. But I believe, with the right kind of technical assistance and technology, we can help the schools to help themselves to provide safer environments for our children.

That is the purpose of the amendment that we are offering today. I hope very much that this is accepted. We need to take advantage of the lessons we have learned in other areas to try to assist our schools as well. Mr. President, I hope that over the remainder of this Congress we can identify other initiatives that we can take to improve security in our schools in addition to this. But this is one concrete step we can take. I hope very much that my colleagues will agree to this amendment and that it can be added to this legislation.

I yield the floor.

Mr. HOLLINGS. Mr. President, I rise today as the proud cosponsor of the Safe Schools Security Act of 1998. Over the last three days the nation's attention has been riveted by the terrible school shootings in Jonesboro, Arkansas. In this time of sorrow, Americans have extended their hearts to the people of Jonesboro, particularly the families of the murdered and wounded children—once again demonstrating this country's incredible well-spring of sympathy and compassion. As we all struggle to explain how such a tragedy could occur, I have heard people offer different explanations. I have also heard people propose ways to combat the violence that has beset so many of our children's schools.

I am convinced there is no simple solution. There is no easy way to staunch the violence in our schools. But complexity is never a solution for inaction. I am certain we in government must seek new ways to assist local school officials to combat the wave of violent crime in their schools. If we fail to act, school violence will grow to epidemic proportions, claiming more and more lives and injecting constant fear into the very institutions that once were a safe haven for our children.

The legislation Senator BINGAMAN and I propose today, the Safe Schools Security Act, is an important first step in providing federal assistance to local school officials to help them combat violence. Local officials know their schools and communities best; it is crucial that we remember this. But some federal agencies possess unique expertise and practical experience in combating violence and protecting vital assets—and what greater asset is there than our children?—that we can provide to local school officials to help prevent acts of terror and violence such as those in Jonesboro.

The Safe Schools Security Act is uncomplicated. It would create a school security technology center as a joint venture between the Departments of Justice and Energy. This center would be charged with creating a model or blueprint for school security programs and technologies. To realize this goal, the center will enlist the technological expertise of the Department of Energy—expertise gained by protecting our nation's most closely guarded nuclear secrets for over fifty years.

Of course, technology works only if applied in the appropriate and most effective manner. In order to create a comprehensive plan for school security and ensure the most effective use of the Department of Energy's technological resources, we propose to couple them with the expertise found at the National Law Enforcement and Corrections Technology Center in my hometown of Charleston.

Senator BINGAMAN and I hope this combination of technological expertise and real-world experience will produce a blueprint for a comprehensive security plan which can be used in any school in the nation. The center will be—and here I quote from the amendment—"resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security."

Additionally, our legislation authorizes the Department of Education to begin a competitive grant program to provide funds to local school districts to implement a school security plan, with a preference for schools most at risk of violence.

Again, the Safe Schools Security Act is not a panacea; it will not eradicate all the violence in our schools. But it is an important step in the right direction. The Act will use the expertise the Departments of Justice, Energy, and Education possess to help prevent tragedies like the one that befell Jonesboro. Developing a security model and assisting local schools to implement comprehensive school security plans is the right thing for us to do. I urge my colleagues to adopt this amendment, and I thank my cosponsor from New Mexico, Senator BINGAMAN, for his hard work and great assistance.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment authorizes grants to be made on a competitive basis to try to establish security technology systems and other devices and programs to help deal with this problem.

The amendment has been reviewed on this side of the aisle, and we have no objection to having a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 2160) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

AMENDMENT NO. 2161

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 2161.

Mr. COCHRAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On amendment No. 2118, on page 1 after line 13 insert "shipbuilding".

On page 3 line 7 Of amendment No. 2100, change the word "requirement" to "requiring".

Mr. COCHRAN. Mr. President, this is a technical amendment that corrects language in amendments previously adopted by the Senate on this bill. The amendment has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2161) was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 6 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GUN LEGISLATION

Mr. DORGAN. Mr. President, this morning I heard a brief statement by the Senator from Arkansas, Senator BUMPERS, about the tragedy that occurred in his State in the last 48 hours. This tragedy happened apparently when a couple of young children, 11- and 13-year-old children, allegedly stole some weapons and then, on a schoolyard in that small town in Arkansas, murdered five other children and a teacher.

I watched the reports on television and listened on the radio. My children asked me about what they were hearing on those television news reports this morning. It is hard for a parent to explain to a child a news story about children allegedly murdering other children, at a schoolyard. It is hard for me to understand what all of that means or what causes that kind of behavior. I don't think any of us know. We do know that in this country there always needs to be an understanding by everyone—parents, children, and all Americans—that guns and schools don't mix, and that there never ought to be a circumstance in which a child brings a gun to school.

The reason I mention this on the floor today is I want to put this in the context of a piece of legislation that is now law and another piece of legislation that I want to make law. The piece that is now law is a bill I offered a couple of years ago here in the Senate saying that there ought to be a uniform zero tolerance policy in every school district in this country. If a child brings a gun to school, that child will be expelled for a year. No questions, no excuses.

People need to understand that you cannot bring a gun to school. But if you do, you are going to be expelled for a year. I am pleased to say that the Gun Free Schools Act is now law, and every school district in the country is required to have that policy in place in exchange for access to Federal funds.

To those who opposed it—and there were some—I asked the question: "Why would you oppose that? Do you believe that in any school district in this country it is appropriate for a child to bring a gun to school?" They didn't think so. "Do you disagree with the penalty? Should we as a country say to every child and to every adult that they cannot bring a gun to a school?" That led me to the second question. And that is the piece of legislation that I would like to get passed here in this Congress.

A few years ago, a 16-year-old young man walked down the corridors of a school in New York. He had on a leather jacket, and there was a bulge on the side of his leather jacket. The security guard at the school stopped this young boy because he was suspicious of the bulge, and, in the waistband of that boy's pants underneath that leather jacket, he found a loaded pistol. The kid was kicked out of school for a year, and he was also charged with criminal weapons violations.

A New York court stood common sense on its head when it ruled in this young boy's case that the gun could not be allowed as evidence in his dismissal action from school because the security guard did not have reasonable suspicion to search him.

Fortunately, that court decision was overturned later by another court. But can you imagine a court saying that? A young boy with a loaded pistol at age 16 walks down the corridor of a school. Because a security guard noticed the bulge in the boy's jacket and takes the loaded pistol from him, the court said the kid's rights were violated. You can't go to the airport and get on an airplane without going through a metal detector. If you have a gun, they will take it away from you immediately and you are not going anywhere. Why should you be able to take a gun into a school?

As I said, that decision was overturned by a higher court.

But the legislation I have introduced, the Safer Schools Act, will make it clear that a gun seized from a student in school can and will be used as evidence in a school disciplinary hearing. No court ever ought to make the same mistake as the earlier court by applying the exclusionary rule even to an internal school hearing. A student doesn't have any right under any condition to carry a loaded gun in the hallways in our schools in this country. Under no condition should that be acceptable. That is why I will offer this piece of legislation as an amendment at an appropriate time. I hope the Congress will agree at that time that we ought not ever again have a court decision that says a student caught with a gun in school cannot be expelled because the student's rights were abridged when the security guard noticed the bulge in his jacket and searched the student. What an outrageous piece of judgment by a judge who apparently didn't have any judgment.

Ending where I began, my heart breaks for those families, those children, that teacher, and for all of those who suffered that tragedy in Arkansas. I don't know what the cause of all of this is. It is the third such tragedy on schoolyards or in our schools in not too long a period of time. I hope as a country we can think through and find ways to prevent other tragedies from occurring.

But I do know this. As a country we ought to have one voice saying in every circumstance all around this country that it is never appropriate to bring a gun to school; that doing so imposes on you a certain sanction in every school district in this country, and that is a 1-year expulsion. That is now law. And I hope the next law will come from the amendment I will offer in this Senate at a later time saying, if you bring a gun to school, the school authorities have a right not only to search you and withdraw the gun but also to expel you without being afraid they have somehow abridged some one's rights. No student has a right to bring a gun to school.

Mr. President, I yield the floor and make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2162

(Purpose: To authorize the Secretary of Agriculture to extend the term of marketing assistance loans)

Mr. BAUCUS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS), for himself and Mr. BURNS, proposes an amendment numbered 2162.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 59, between lines 7 and 8, insert the following:

SEC. . EXTENSION OF MARKETING ASSISTANCE LOANS.

Section 133 of the Agricultural Market Transition Act (7 U.S.C. 7233) is amended by striking subsection (c) and inserting the following:

"(c) EXTENSION.—The Secretary may extend the term of a marketing assistance loan made to producers on a farm for any loan commodity until September 30, 1998.".

Mr. BAUCUS. Mr. President, might I inquire, is there a time agreement on this amendment?

The PRESIDING OFFICER. There are 30 minutes evenly divided.

Mr. BAUCUS. I thank the Chair.

Mr. President, this amendment is very simple. It is to give the Secretary of Agriculture the authority to extend the marketing assisting loans until September 30 of this year.

Why are we doing this? Why am I offering this amendment? It is very simple. The northern tier U.S. farmers are suffering dire economic consequences for a lot of reasons. No. 1, the price of grain, particularly wheat and barley, is very low. We have had very depressed prices for a lot of years. Second, a lot of grain from Canada is shipped down to northern tier States. More grain trucks are coming, it is anticipated, and I believe, frankly, that Canada is beginning to fudge on an agreement it reached with the United States several years ago. Prior to that time, Canada shipped about 2.5 million metric tons of wheat to the United States. We brought the Canadians to the negotiating table, and Canada agreed to limit its shipment to the United States to 1.5 million metric tons. That was several years ago. It is clear to me that Canada is at least fudging that agreement and is increasing shipments of grain to the United States.

After that, with the problems we have in dealing with Canada with respect to trade in agriculture, we lost one of the main levers. We had section 22 to say to Canada, "You are disrupting our markets." That was the purpose of section 22 of the Agriculture Price Stabilization Act, not too many years ago. But we negotiated that away in the last GATT round. In return, all countries promised to reduce their subsidies, particularly their export subsidies. But Canada still retained the Canadian Wheat Board. Not only Canada but other countries—Australia—have their wheat boards, which is a monopolistic control over that country's billing and selling of grain, particularly wheat.

After that, Americans placed limits on exports that other countries don't have. For example, I cite the various countries. The total amount is about 10 percent. Our exports are limited by the sanctions that we imposed preventing exports to certain countries. Canada doesn't have those sanctions, Argentina doesn't, the European Community doesn't. We are limiting our farmers.

A couple of years ago, we passed the Freedom to Farm Act. You recall under that act we basically decoupled agricultural price support payments from production. From that point on, farmers had more freedom in the production of their crops, the crops they could choose.

At that time, too, the price of wheat was very high. As I recall, it was around $6 a bushel, almost as high as $7 a bushel. Now it is down, in many cases, below $3 a bushel. At that time, farmers realized that they had a bit of a Hobson's choice here: On the one hand, support Freedom to Farm—at that time, corn was high and the price support payments were decoupled but were quite high at the time even though they had been coming down gradually—so now it is not much less. Farmers could either vote for that—support Freedom to Farm—or keep the present program. Most farmers decided they would gamble on Freedom to Farm, basically because prices were good at the time.

But in exchange, American farmers expected—in fact, they were promised—that the United States would fight vigorously to open up foreign markets—fight vigorously to open up foreign markets. I might say, I do not think anybody in this Chamber thinks the U.S. has fought very vigorously to open up foreign markets to the sale of wheat and other grains. We have talked about it. There has been a lot of talk about it but not a lot of action.

So all I am saying is, in exchange for the U.S. Government's failure to fight to open up markets for American products, particularly wheat now—exports of wheat—at the very least, we can extend the loan provisions of the current law 5 months, to September 30, 1998.

It just seems to me, because the farmers now are suffering so severely, bankers are starting to call in loans, bankers are not giving farmers additional operating capital—at the very least, we can extend the marketing assistance loan period for 5 more months to the end of 1998, to give farmers a chance, a little longer into 1998, before their loan is called and they have to pay back their loan at the current loan rate.

What you are going to hear is this. You are going to hear: "Oh, gosh, there we go. We are opening up the Farm Act, Freedom to Farm." That is not true. In no way does this amendment open up or revisit the Freedom to Farm Act.

We are also going to hear this sets a bad precedent—here we are, after passing Freedom to Farm, where the Government is coming in.

But I say that, first, our goal here is not to be rigidly consistent and mechanically steel-trap logical and just rigidly sticking to something. Rather, our charge here, our obligation, is to do what is right. I think it is right just merely to extend marketing assistance loans to the end of the year. We are not going back from Freedom to Farm; not any other change.

I might say, too, it has absolutely zero effect on the budget, and that is because it is not scored. It is not scored because the loan is extended only to the end of September of this year. So this has no budget effect. It helps farmers by letting them decide when they want to sell their grain. If they have held it so far, they can sell at a later date.

In addition, we are handcuffing farmers because of the limitations we have placed on the export of a lot of our products; that is, 10 percent of our exports are sanctioned; we cannot go to various countries. And on top of that, our Government has not fought vigorously enough to open up markets in other countries.

One example is China. China does not take any Pacific Northwest wheat—none, not one kernel—because they have come up with this phony argument that it has a fungus. It is a phony argument. Anybody who looks at the question knows it is phony, yet they do not buy any. How hard has our Government worked to say, "Hey, you have to play fair. President Jiang Zemin came to the United States. The least you can do is open up your markets a little bit." Our Government has not worked nearly as hard as I think it should.

Let me just finish by saying it is a very small matter in terms of what we are doing here on the supplemental appropriations bill. We are not opening up Freedom to Farm. It has zero budget effect. We are just saying give farmers, particularly northern tier farmers, a little bit of a break for the next several months. And the break is only a longer period within which they have to decide whether to sell their grain on the market or not. That is all it is.

I think it is a very fair amendment and should be adopted.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are operating on a time agreement, I think, and it is 30 minutes equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. Mr. President, 15 minutes is under the control of the manager of the bill, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. I am prepared to yield such time as he may consume to the chairman of the Agriculture Committee, who I know is on the floor, and he is here to discuss the amendment—such time as he may wish to the distinguished Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished manager.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I rise today in opposition to the amendment of the Senator from Montana, Senator BAUCUS. I do so because 2 years ago the Freedom to Farm legislation that the Senator mentioned was passed. That bill has offered, in my judgment, a great deal of opportunity to farmers to manage their own land, to make their own marketing decisions.

But the Senator is correct: There are rules of the game that were negotiated at that time. This amendment reopens the farm bill and is primarily aimed at helping one crop, wheat, and the various States in the country's northern tier.

The issue before Senators is marketing assistance loans. They allow a farmer to use the year's crop of grain or cotton as collateral for a loan from the Federal Government. The term of the loan is 9 months. At the end of that period, the farmer can either repay the loan or, if the market price of the crop is less than the amount owed on the loan, he can repay the loan at the lower price or forfeit the commodity. Because the loan is a nonrecourse loan, the Government cannot seek any further payment on the loan.

Simply stated, a wheat farmer at the time of harvest could have sold the grain for the market price at that time. He could have priced the grain before the time of harvest, and in this particular case, if the farmer in Montana had done so, he would have done well. The futures price was high. Even the price at the time of harvest was higher than it is presently.

In any event, farmers could place the grain under loan—that is, they store it and they take out a loan. If they have good luck within that 9-month period and the price goes up, they can take the higher price. If the price goes down or does not show any appreciation, they can simply take the loan money and the Government is out that money. That is the nature of this business. The loan is a marketing tool.

I do not want to overemphasize the gravity of this particular instance. The Senator from Montana has pointed out correctly, this is not going to break the bank, and, as a matter of fact, scoring for the amendment shows its effect is estimated at zero. But, in fact, the amendment as I see it does not do a great deal for a wheat farmer in Montana or any other State at this point. Each one of us here can estimate what the price of wheat may be between now and the end of September, but as a new crop comes on, it is unlikely that that price is going to show great appreciation. In short, extending the period of difficulty by a few more months probably does not make a whole lot of difference in the price farmers will ultimately receive.

It does make a difference, I believe, in setting a precedent with regard to the Freedom to Farm Act. The precedent is that, under other circumstances, other Senators from other States with other crops will come in and point out that things have not gone well for them. They may claim it was a foreign country, or the weather, or whatever, but, in any event, they will ask for a change in the loan or some other policy in the farm bill. In essence, they will attempt disaster relief under the guise of technical changes in the farm bill. In my judgment, that is not a good way to proceed.

In fairness to Senators from all States, all crops have come together for some rules of the game that are working well. It seems to me very important we work together to make certain that they work better. In due course, we may discuss other remedies that may be more effective. I would like to suggest, for example, to the distinguished Senator from Montana that it is important to all Senators that wheat exports from this country grow. As a matter of fact, it is important that corn exports and soybean exports and rice and cotton and a number of other crops all increase.

I suggest that we might work with the President on fast-track authority. That would be very, very helpful. I suggest we work with the President to think through our World Trade Organization stance for next year, when multilateral reductions in tariff and nontariff barriers might occur and should occur, and that the emphasis we place on agriculture in negotiations now with the European Union be enhanced substantially, and that the President's pledge in the Miami summit to move toward free trade in the hemisphere be given a boost as the President prepares to travel to the South American continent.

In short, there are a lot of things we must do as a country to boost our exports. But specifically regarding the problem in wheat—and it is a substantial one for the States that have been stressed, as the Senator from Montana has pointed out—we could work with the President in terms of allocations for Public Law 480. That is an act which is on the books. We can work to increase export credit guarantees for overseas purchases of U.S. wheat. We can work together with the President, the Secretary of Agriculture, and Senators who are engaged in this, and I would like to be one of them, because I believe an increase in wheat exports is tremendously important and it is timely that we do it now as opposed to hereafter.

I suggest USDA comply with the FAIR Act's requirements that high-value U.S. products such as wheat flour be a higher proportion of export programs. We could be helpful in that respect.

And, finally, as I have suggested already, we must work now on our export goals with the Trade Representative and the WTO, as well as for each of the bilateral negotiations we must engage in because we do not have fast-track authority. These efforts are likely to be much more powerful in raising the price of wheat without doing violence to the farm bill—as a matter of fact, utilizing the farm bill and all its resources.

Mr. President, I reserve the remainder of my time and yield to others.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator has 6 minutes 44 seconds.

Mr. BAUCUS. Six minutes 44 seconds. I have two strong supporters here. I see my colleague from Montana on the floor. I yield to my colleague, since I have only 6 minutes, 3 minutes.

Mr. BURNS. Mr. President, I thank my colleague. I appreciate the courtesy. It won't take me very long to sum up why we think this is important.

I agree with everything that the chairman of the Ag Committee has said. The problem is, we have not gotten the administration to implement those tools they have at hand to help us out. They have not confronted our Canadian neighbors to live within their quotas. When you start talking about putting together a farm bill—and I think the Senator from Indiana would agree—it is hard to write farm legislation that is not flawed. Because of the diversification in our agriculture, that is tough to do.

Flexibility in crops in Montana has not come, for the simple reason that we have a short growing season and soil that is unlike that in Indiana or Missouri or Iowa or Nebraska or wherever.

A fellow walked up to me a while ago and said, "The President is in Africa, and he is making a lot of friends."

If I had his checkbook, I could be making a lot of friends. I think he ought to be offering food—wheat, principally—and those things that help people most in nations where they are suffering from malnutrition and hunger. I hope this doesn't set a precedent, that this stays with us this year.

But I will tell you what it does. It allows a small group of farmers from North Dakota and from Montana to gain financing so they can get a crop in, because we have some who will not be refinanced on their operational loans. That is what it does. That is who we are speaking for today, those people who are caught between a Canadian situation and a total collapse of the financial situation in the Pacific rim, which takes most of our crops. I speak in favor of it. I appreciate the leadership of my colleague, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield time to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. I thank my chairman and thank you, Mr. President.

Mr. ROBERTS. Mr. President, I rise in reluctant opposition to the amendment offered by my colleague, the distinguished Senator from Montana. In doing so, let me say I appreciate the efforts by those supporting this approach to provide their farmers appropriate risk management tools and to do what we can to encourage improved farm prices.

And, I also appreciate the unique and difficult times that farmers face where there is great risk, great opportunity and productivity, but great risk as well. My colleagues who are privileged to serve the hard working and productive producers in our northern tier states are going through a difficult time—Asian economic problems have already resulted in at least a 3.5 percent reduction in agriculture trade. This is why we just considered and passed the bill funding the International Monetary Fund with appropriate reforms. Prices at the country elevator in Montana and, for that matter in Dodge City, Kansas, have declined as a result. Add in severe weather and unfair trading practices across the border and you can see the relevance of the effort by my colleagues.

But, with all due respect to their intent, I feel compelled to remind colleagues of the law of unintended effects. Under the banner of providing a so called safety net by extending the loan program what will actually happen?

Is the goal to see increased prices? Today, approximately 20 percent of the nation's wheat crop is under loan, about 191 million bushels. The loan program expires this spring. This amendment would extend that loan to September 30.

Extending the loan rate will not create additional marketing opportunity. Rather it will eliminate to some degree, the incentive for farmers to market their wheat. Extending the loan is an incentive for farmers to hold on to the grain they have under loan for an additional six months. Now, this would not create a big problem except for the fact that we will harvest another wheat crop before September 30. And, all indications are we can expect another bumper crop. We will then have farmers holding a portion of last year's crop while adding a new crop to the market—grain from two crops—not one—on the market. We will have excess supply and my judgment is that will drive prices down even further and we will have just the opposite effect of what is intended.

And, at the same time we are holding our grain under loan and off the world market, other countries such as the EU, Australia and Argentina will again return to the business of taking our market share. This is a repeat of the situation the current farm bill tried to correct. Our current share of the world wheat market is just over 30 percent, the EU 15.4 percent, and Australia 14.8 percent. This amendment could well be called the EU and Australia Market Share Recovery Act.

It is also the first step in putting the government back in the grain business in the form of a reserve and I can still hear the advice of the former chairman of the House Agriculture Committee, Poage of Texas who warned repeatedly, grain reserves are nothing more than government price controls.

The Senator's amendment really takes us back to the age old debate in farm program policy as to whether the loan rate should be a market clearing device or income protection. I don't think it can be both. Under the current farm bill, the loan rate is a marketing clearing device and hopefully a price floor. The transition payments now being paid to farmers represent income protection.

What am I talking about? Well, the price of wheat today at the Dodge City elevator is about $3.10. If you add in the transition payment farmers in Kansas, North Dakota, Montana, Texas, North Carolina are now receiving, approximately 65 cents a bushel, that means the farmer is receiving around $3.75 a bushel. Now, I agree with my colleagues that is certainly not the $4.50 price we were getting months back or even higher on the futures market. We hope to see price improvement and soon.

But, let me point out with 20–20 hindsight, that this loan extension is primarily aimed, at least I hope it is aimed at last year's crop, the grain that farmers have not sold and that farmers did have an opportunity to sell at those previous prices.

Let me mention another possible unintended effect. Will not keeping grain under loan work at cross purposes to our goal of stating to the world and all of our customers that we will be a reliable supplier? Does not encouraging longer loan terms and keeping grain in storage tell our customers they should go elsewhere? Should that be the signal we send just hours after this body agreed the United States remain active and competitive in international trade by approving funding for the IMF with appropriate reforms?

Should we not be pushing for lower trade barriers and conducting a full court press to export our grain, our commodities, to sell wheat? My predecessor in the House, the Honorable and respected Keith Sebelius put it in language every farmer understands: "We need to sell it, not smell it."

What should we do? We should encourage the President, when he comes back from Africa, not to toss in the towel on fast track trading authority, to immediately sit down with Agriculture Secretary Dan Glickman to explore and aggressively seek bi-lateral trade agreements. There are 370 million hungry people in Latin and Central America alone eager to begin trade negotiations—we'll sell them bulk commodities, they move to sustainable agriculture and quit tearing up rain forests and its a win, win, win situation.

We should continue the good work of Secretary Glickman and Assistant Secretary Schumacher to fully utilize the GSM export credit program in Asia. Restore the markets that have led to the price decline, don't drive them away. Secretary Glickman has committed $2 billion under the GSM program to assist South Korea and it has resulted in over $600 million in sales of agriculture products. The $2 billion figure is not a ceiling, it is a floor we can and must use more! We can use the Export Enhancement Program. The Administration recommended severe cuts in the very program that could now be of help.

My colleagues, we need to sell the grain, we have the export tools to accomplish that. What happens when this loan extension results in lower prices, we have a bumper crop, our competitors seize the opportunity to steal our market share, and we are faced with this decision again in September? We may be buying time with this amendment but we are also buying into market distortion and problems down the road.

Let us instead convince and support the Administration to aggressively use the export programs we have in place to answer this problem. Let us work on crop insurance reform. Let us recommit to the promises we made during the farm bill debate in regard to tax policy changes, a farmer IRA, regulatory reform, an aggressive and consistent export program.

Again, I commend my colleagues for their concern, for their long record of support for our farmers and ranchers and I look forward to working with them in the future. But, in terms of this amendment, its just that the trail you are recommending leads right into a box canyon.

With that, I reluctantly oppose the Senator's amendment and hope he can work with us and perhaps even withdraw the amendment. I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 2½ minutes to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator for the time.

I am a little bit surprised, because I think this is the most modest of proposals. This clearly is a baby step in the right direction. In fact, it does not conflict at all with the Freedom to Farm bill. It complements it. Those who say that the farmers should get their price from the marketplace need to give the farmers the tools to hold that grain and access the marketplace when it is beneficial to farmers. That is what eventually will allow this farm law to succeed if ever it succeeds. So I think this complements the Freedom to Farm bill.

I think this is the smallest, most modest of steps, but it is in the right direction. I wish that it would be accepted. It has no cost to the Treasury. It would be of some help to some producers at a very critical time.

Let me say, we have heard some about trade here. You have heard me speak about this many times. Regrettably, this country is a 98-pound weakling when it comes to trade. We have sand kicked in our face every day on trade. I would like to fix all that.

The Senator from Montana mentioned Canada. If durum wheat were blood, Canada would long ago have bled to death. With all of that grain coming here, we have an avalanche of Canadian grain glutting our markets. That situation, together with problems with Japan, China and Mexico and a range of other trade problems have undercut the market for our agricultural products. The Senator from Montana has proposed the most modest of steps. Let us extend these commodity loans. In my judgment, these loan rates are far too low in any event. Despite that, let us at least extend the term of these commodity loans to give individual farmers a better opportunity to market when it is in their interest to do so. That way they have some say as to when they go into this marketplace.

As you know, this marketplace is full of big shots and little interests. And guess who wins in the marketplace? If the farmer is forced to market at the wrong time, just after harvest, they get the lowest price.

Freedom to Farm can only work if we give farmers the capability of holding that grain with a decent loan for a long enough period so that when farmers go to the marketplace, it is on their time, it is when they find the market has some strength, when they find they can go to the market and get some reward for themselves, not just on the miller's time, not just on the grocery manufacturers' time, not just on the traders' time.

If the Senator insists on a vote on this, I hope we win. I support fully what he is trying to do. If he does not, I hope we come back and try this again, because I think there needs to be a way for all of us, including the chairman of the committee, for whom I have great respect, to work together on this issue.

I yield back the remainder of my time.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 46 seconds remaining.

Mr. BAUCUS. I thank the Chair.

Mr. President, I can't but be bemused by this debate, because the Senator from North Dakota said this isn't just a trivial step. In fact, the Senator from Indiana, the very distinguished chairman of the committee, quietly admitted that he doesn't think it is going to do much, and if that is the case, I don't know why we don't just do it.

It is also true one of the tenets of Freedom to Farm is more flexibility. I remind my colleagues that we in the North do not have a lot of flexibility, because of our weather and soil conditions, and so forth. There is not near the flexibility in planting different kinds of crops that farmers in other parts of the country might have.

A major answer to this problem, obviously, is a greater effort to knock down trade barriers. That is clear. A greater answer to this problem, too, is much more executive branch and congressional effort to make sure that other countries are not taking unfair advantage of American producers.

Mr. President, I will withdraw the amendment, but in so doing, I would like the assurance of the Senator from Kansas and the Senator from Indiana of efforts that we can undertake on a bipartisan basis to actually do something about this.

We talk a lot about knocking down trade barriers; we talk a lot about GSM programs; we talk a lot about P.L.-480; we talk a lot about NAFTA; we talk a lot about fast track, and so forth. But it is time to do something about this.

I will not press for a vote, but I do urge my friends and colleagues to make the effort, to be sure, again, on a bipartisan basis and with the White House, that we can finally stand up for our producers and work harder and more effectively together than we have thus far. One example is appropriations, whether it is EEP or whatever it is. We can authorize programs, but we also have to have appropriations. I would like to ask my friends if they could respond.

The PRESIDING OFFICER. Time has expired.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am happy to yield such time as he may consume to the chairman of the Agriculture Committee, Senator LUGAR.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I appreciate the spirit of the distinguished Senator from Montana, a distinguished member of the Agriculture Committee. I pledge for my part the resources of the committee to work with the Senator from this day hence to see if we can increase wheat exports specifically, and exports generally from our country.

I have outlined a number of areas for work, and the distinguished Senator from Kansas has mentioned others, as has the Senator from Montana. There is urgency to our work. That ought to be clear from this debate.

I pledge to work with the Senator. I hope that our committee will be successful, and we will try to establish benchmarks to see if we make headway. I look forward to working with the Senator on a report of how we did.

Mr. ROBERTS. Will the distinguished chairman yield?

Mr. COCHRAN. I am happy——

Mr. LUGAR. Of course.

Mr. ROBERTS. Will either of the distinguished chairmen yield?

I thank the Senator from Indiana for yielding. I would just like to pledge my full cooperation.

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Mr. President, the amendment is withdrawn.

The PRESIDING OFFICER. The amendment has been withdrawn.

The amendment (No. 2162) was withdrawn.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I am not seeking recognition. What is the pending business, Mr. President?

The PRESIDING OFFICER. Amendment No. 2120, the amendment offered by the Senator from Oklahoma, Mr. NICKLES.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I appreciate the cooperation of the Senator from Indiana, the chairman of the Ag Committee. I remind folks that in the appropriations, and through the leadership of my friend from Mississippi, the EEP is funded.

We have appropriated that money every year to be used as a tool in the market, so it is not that we have not done our work here in this Senate as far as the agriculture producers are concerned. I think the administration, both through the International Trade Representative and the Ag Department, has to start taking a look at the tools or the weapons they have in their arsenal in order to help these folks.

This is not going to help our farmers who need money to get back in the field to plant their spring crops, but I will tell you that we are going to work very, very hard to make sure it is there next year and this administration uses the tools it has at its disposal.

I appreciate the time, and I yield the floor. And noting no other Senator choosing to use time, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2120

Mr. NICKLES. Mr. President, I understand that the so-called amendment that has my name on it, the Nickles amendment, to delete $16 million that is in the bill right now to add an additional 65 HCFA employees, is the pending business.

We debated that significantly yesterday. I am happy to vote on it. I am ready to vote on it. I know Senator KENNEDY had a different idea. I do not know what his intentions are, but this Senator is ready to vote, ready to have a time limit, ready to move forward. I think it is important we do so, and do so rather quickly and move on to other business. I know we have the Mexican certification process. So I just make mention of that.

I see my colleague from Massachusetts is here, so hopefully we will be able to vote on my amendment. If he has an alternative, we are happy to vote on that as well.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, if the Senate votes to deny the administration's request for additional funding to fulfill the responsibilities bestowed by Congress under the Kassebaum-Kennedy legislation, tens of millions of Americans will be denied the protection of a law we passed unanimously, not once but twice. Supporting the Nickles amendment is like saying, "We'll give you a car, but not the keys."

What good does it do to pass a law that we are not willing to enforce? This amendment will effectively reduce, in a very important and significant way, the enforcement and the protections that were included in the legislation.

Every Senator in the 104th Congress voted for the Kassebaum-Kennedy legislation—not a single vote against it on passage or on the conference bill. And every Senator went back to his or her State to take credit for the good work that they had done to hail the promise of accessible and portable health insurance.

But now we have this proposal to effectively break the promise by denying the enforcement agency, in this instance HCFA, the staff and the resources they need to make that promise a reality.

So let us be very clear. This really isn't about the budget. This is not about wasteful spending or an ever-expanding government. The HCFA request is fully paid for by a transfer from another HCFA budget, and it is a justified, targeted response to the situation before us, which has been outlined in the GAO report.

Yesterday, questions were raised about whether this request affected more than the five States that have yet to act and whether the request affected HCFA's ability to enforce the legislation that created the mental health parity and the banned so-called drive-by deliveries.

But HCFA Administrator Nancy-Ann Min DeParle answered these questions following our debate yesterday in a letter she sent to clarify the situation. She writes that this money is needed to implement not only Kassebaum-Kennedy, but also the mental health and drive-by delivery bills. The fact is that there are many gaps beyond just the five State references that were included in the GAO report.

I have, Mr. President, in my hand, the National Association of Insurance Commissioners' report as of December 3, 1997, that indicates that 30 states have yet to enact the legislation to implement the law on the mental health parity. Thirty States have not implemented those particular protections on mental health.

We had a strong vote here on the Domenici-Wellstone amendment. And we now see that there are effectively 30 States that have not implemented the mental health parity law. If HCFA is not given the resources to enforce it in those states that fail to act, then the persons with severe mental illness who live in those states will not benefit from the parity provisions we voted to give them.

The Senator from Oklahoma continues to insist that this is a short-term problem and that the only real problem that we are faced with in implementing HIPAA is just in five States. And this, as I mentioned, is wrong. The duration of the problem is not yet known. We have already mentioned that 30 states require federal enforcement for mental health parity. We know on the drive-by delivery issue, which we also passed in a bipartisan way in 1996, was to be implemented with the same kind of enforcement mechanisms—and there are eight States, according to the National Association of Insurance Commissioners—that have not enacted legislation to conform with or implement the federal bill to ban drive-by deliveries.

The request in the bill under consideration today will be used to make sure that women in these eight States are going to have the similar kind of protections as the women in 42 other States. It will be used to ensure that the mental health parity provisions are enforced in the 30 states that have not yet come into compliance. And there are many others. Oklahoma is one of 11 states that have not passed laws to guarantee renewability in the individual market, thereby needing federal enforcement of this key HIPAA provision. These are all in addition to the five States that have been referenced by the Senator from Oklahoma. And there are more.

There are very, very important needs, Mr. President.

Now, the supplemental request will simply allow HCFA to move forward with what Congress asked of them. Some of my colleagues have suggested that HCFA should have asked for this increase last year. But we all know that if they had asked last year, they would have been told that it was premature and to wait for State action. Some have suggested that they wait for the regular budget for next year, but such a delay is unnecessary and an insult to the American public.

Each year, HCFA staffing levels are revisited during the appropriations process. If Congress finds in the future that the States are fully compliant and HCFA no longer needs to fulfill this function, I am confident that the Appropriations Committee will adjust accordingly. They do so.

HCFA's duties have significantly increased in the past two years. Among other things, they have chief responsibility for providing guidance to states to implement the new Children's Health Insurance Program, for cracking down on fraud and abuse, and for implementing of the various and important changes in Medicare and Medicaid resulting from the Balanced Budget Act. All of those are being implemented virtually at the same time as the Kassebaum-Kennedy bill—including the provisions on mental health and maternity protections—is being implemented. And the proposal that came to the floor of the Senate did not increase the budget but reallocated resources within the agency. They aren't asking for more money, just a transfer to allow them to hire people to do the jobs we asked of them. And the Nickles amendment seeks to gut these efforts by striking this proposal.

Mr. President, it is unconscionable to deny the American public the rights we voted to give them almost 2 years ago. They have waited long enough. The Kassebaum-Kennedy bill bans some of the worst abuses by health insurers, abuses that affect millions of people a year. Prior to its enactment, more than half of all insurance policies imposed unlimited exclusions for preexisting conditions. Prior to its enactment, insurance companies could refuse to insure—redline—entire small businesses because one employee was in poor health. Prior to its enactment, 25 percent of American workers were afraid to change jobs and to start new businesses for fear of losing health insurance coverage. Prior to its enactment, people could be dropped from coverage if they had the misfortune to become sick, even if they had faithfully paid their premiums for years.

The General Accounting Office stated that as many as 25 million people would benefit from these protections. These are the protections that are in the Kassebaum-Kennedy legislation. All we are saying is, let's make sure, now that we have passed them and told families that they will have those protections, let's make sure that we are making good on that promise. We have the personnel to be able to do that, and it has been included in this legislation.

Reference is made: Why don't they shift around personnel? They have a lot of people in that agency; certainly they could shift around personnel. The fact is, in this particular area, as I mentioned, are specialists in a particular area in the insurance industry. This is not something that HCFA has a background and experience in. These are protections because of many of the abuses. Therefore, they need certain types of personnel and individuals that have some very specialized skills in this area to be able to do the job. That is what is being called for. That is the case that is being made. If they do not have it, what we will find is, people will be left confused, things will be uncertain, people who thought they had various rights will not have those rights guaranteed.

Patchwork enforcement and concerted efforts by unscrupulous insurers to violate the law raised serious concerns during the earlier implementation period. While the provisions affecting the group market appear to be going well—that is about 80 percent of the legislation which is going well—the GAO has identified many concerns in the individual market provisions.

Our legislation specifically deferred to the States in recognition of their longstanding and experienced role as regulators of health insurance. We gave States more than a year to design their own legislation based on the Federal law. Federal regulation was only a backup if States failed to act. Most States have passed implementing or conforming legislation. There are significant gaps. In every State that has failed to act in whole or in part, the responsibility for assuring compliance, responding to complaints, and informing the public has fallen on the Health Care Financing Administration. HCFA is just over 20 people working on this issue in its headquarters, and a handful more spread across the regions. Most State insurance departments have hundreds of people. California, for example, has more than 1,000 people on staff to handle these issues; HCFA has 1 person in San Francisco.

GAO explicitly and repeatedly expressed concerns that HCFA's current resources are inadequate to effectively enforce the bill. The NAIC—which is the National Association of Insurance Commissioners, the commissioners in each of the 50 States; this is their national organization—in testimony before the Ways and Means Committee last fall said, "The Federal Government has new and significant responsibilities to protect consumers in these States. Fulfilling these responsibilities requires significant Federal resources."

The legislation that passed over 20 months ago was being implemented in January of this year, but the States were taking the steps in the previous 18 months to comply with the legislation, with it being implemented in January of this year. In February, we had the GAO report that pointed out the failure of some of the States to take the steps to provide the protections and said additional kinds of resources were going to be necessary. This is really a response to that particular reality.

The GAO found that many companies were engaging in price gouging, with premiums being charged to consumers exercising their rights to buy individual policies when they lost their job-based coverage as much as 600 percent above standard rates. They found other carriers continue to illegally impose preexisting condition exclusions. We cannot deal with that; nor do we intend to. That ought to be an issue for another time. It ought to be addressed in terms of that kind of abuse. We are not talking about that issue. But we are talking about the implementation of these other protections, to make sure, for example, if you are moving from a group to individual, that there is going to be available insurance in those States that are going to cover the individuals that have preexisting conditions, and also what they call renewability, to make sure that those individuals are going to be able to be renewed if they pay under the terms of their premiums—that it takes that kind of an action to ensure coverage or otherwise people are going to be outside of the coverage. That is an area where a number of States have not taken action.

Some companies or agents illegally fail to disclose to consumers they have a right to buy a policy. Others have refused to pay commissions to agents who refer eligible individuals. Others tell agents not to refer any eligibles for coverage. Some carriers put all the eligibles with health problems in a single insurance product, driving up the rates to unaffordable levels, while selling regular policies to healthy eligibles.

The Senate should not be voting for a free ride for failure to comply with these protections which most States have complied with. It should not be an accomplice to denying families the kind of protections for preexisting conditions that they were promised by unanimous votes just 2 years ago. The need for the additional staff goes beyond enforcement. The GAO found wide gaps in consumer knowledge, gaps that prevented consumers from exercising their rights under the laws. HHS wants to launch a vigorous effort to address this problem, but according to the GAO, because of the resource constraints, the agency is unable to put much effort into consumer education.

Now, the point that has been raised by the Senator from Oklahoma that this is not an emergency situation—for millions of Americans, the failure to enforce the legislation is an emergency. Every family who is illegally denied health insurance faces an emergency. Every child that goes without timely medical care because this bill is not enforced faces an emergency, and every family that is bankrupted by medical costs because this bill is not enforced faces an emergency. This may not be an emergency for abusive insurance companies, but it is an emergency for families all over this country. For some, it is a matter of life and death.

But don't take my word for it. Since our debate yesterday, more than 20 organizations have sent letters, which are at the desk, urging that we defeat the Nickles amendment. Leading organizations representing persons with disabilities, the mental health communities, women with breast cancer, and consumers generally have written asking opposition to this unwarranted attack on the law. More are coming. The Senate should reject this amendment. We need to toughen the Kassebaum bill, not weaken its enforcement. This is a test as to whether the Senate wants to really ensure that those provisions in the bill that will guarantee the protection on the preexisting condition will actually be protected.

I yield the floor.

Mr. NICKLES. Mr. President, I appreciate my colleague's comments. I appreciate his coming to the floor. I think it is important that we have the discussion. We had a significant discussion on this amendment yesterday. I will make a few comments. I understand one other Senator wishes to speak on it, or if the Senator has any additional Senators.

I mentioned yesterday that HCFA, the Health Care Finance Administration, has over 4,000 employees. That is a lot. Now, the Health and Human Services Department has 58,500 employees. Now, if they need to move a few employees around, they can do it if there is an emergency. There is not really an emergency. Frankly, compliance with HCFA, the so-called Kassebaum-Kennedy bill, which deals with portability, also deals with moving from group to individual plans. Most States have complied. The State of Massachusetts has not complied. But I don't think that we should presume the State of Massachusetts doesn't care about their employees or about their people in their State. The State of California hasn't, the State of Missouri hasn't, the State of Michigan hasn't, but every one of those States has pretty advanced policies dealing with health care.

Now, some would presume because they haven't enacted legislation exactly as we told them to do, that we now need to have Federal regulators go in and run their insurance departments. I do not think that is the case. The Senator from Massachusetts says California has over 1,000 regulators. You cannot do this with 65. You could not do this with 650. You would have to hire thousands if we were going to have the Federal Government come in and regulate State insurance. So that is really something we should not be doing, it would be a serious mistake to do.

Some people have a real tendency to say if we have any problem, let's go in and have Federal regulators come in and take over. I think that would be a mistake. As I mentioned before, there are over 4,000. Surely they can borrow a few if this is such a critical need.

A couple people said, "This is needed to enforce the mental parity issue that was passed also as part of the Kassebaum-Kennedy." It is not. I tell my colleagues, this GAO report that was alluded to by my friend from Massachusetts does not mention mental parity once—not once. I might mention, the request for the supplement from the director of HCFA did not mention mental parity. It was not in their request. What their request was: "Hey, we want to help these five States." I am saying they can help those five States. They already have 26 employees. They can use additional employees already in the system. We don't need to give them an additional $16 million or $6 million for these 65 employees that cost $93,000 each. That is a lot to pay for somebody in the State of Mississippi or Oklahoma. Our States are in compliance, I might mention; the State of Massachusetts is not in compliance.

I might also mention two things. The way the Senator pays for this is robbing Medicare. All of us that have been dealing with the appropriations and so on, we know we have discretionary accounts and we have mandatory accounts. Medicare is one of the mandatory accounts. It is paid for. The HI Trust Fund—Hospital Insurance Trust Fund—is paid for by payroll tax; 2.9 percent of all payroll goes into the Hospital Insurance Trust Fund. That ought to be plenty of money. President Clinton had a big increase in 1993, and it is on all income now. It used to be just on the Social Security base up to $68,000. Now it is on all income.

Guess what. It is still going broke. It is paying out more this year than is coming in. The fund is going broke. Does it make real sense for us to be taking money out of that fund that is dedicated for senior citizens—take money out of the fund to hire more bureaucrats at HCFA? They already have over 4,000, and this says let's hire another 65. The President's budget for next year says he wants another 215. Well, we will wrestle with that in next year's annual appropriations process and let the committees review and discuss it.

This is an emergency supplemental. This is supposed to be helping communities that are devastated by floods and bad weather and to pay for our forces that had to be on call in Iraq and in Bosnia. What is urgent about this? This is a law that passed. This is a law that became effective—frankly, we passed the law 20 months ago; it only became effective January 1.

The reason California has not passed a law—California passed a law, but Governor Wilson vetoed it because there are other things in the law he did not think were very good. In Missouri, the Missouri legislature passed a law to be in compliance, but the Governor vetoed it because he had a disagreement. In almost all cases, the five States are not saying, "Federal Government, we want you to regulate us and take over our insurance." It is because they had a disagreement between the legislative bodies. It is not, they don't want to cover it. It is not, they don't want to give the benefits that we have provided. I think these States do. My guess is, the State of Massachusetts wants to. But for some reason legislatively it has not happened. It may be, again, because there is a different party as Governor, as in the legislative body.

Sometimes you get some impasses. The solution is not to send an army of HCFA bureaucrats to go in and try to take over regulation of insurance within those five States. That would be a serious mistake.

So I mention, Mr. President, let's pass this amendment, let's save $16 million, let's not raid the hospital insurance fund. That is the wrong thing to do, a serious mistake. So I urge my colleagues to support the amendment.

I ask for the regular order.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, what is the parliamentary situation? Are we on the Nickles amendment?

The PRESIDING OFFICER. Yes, we are following the regular order.

Mr. WELLSTONE. Mr. President, I wanted to start out by reading from a letter to Senator KENNEDY from Nancy-Ann Min DeParle:

> Dear Senator KENNEDY: I am writing to request your assistance in securing funding for HCFA to implement the insurance reform provisions of HIPAA. The $6 million and 65 FTEs that we have requested for this purpose will allow us to implement the HIPAA provisions, as well as those enacted subsequently in the Newborns' and Mothers' Health Protection Act and the Mental Health Parity Act in those states that have not fully implemented HIPAA.

We had this discussion yesterday. But as we approach a possible vote on this amendment, let me say one more time—and I have a letter here from Laurie Flynn, executive director, which Senator KENNEDY offered during other parts of this debate. I want to focus on the mental health parity. Laurie Flynn, executive director, a very strong advocate for people struggling with mental illness, concludes her letter by saying:

> Consequently, on behalf of NAMI's 172,000 members nationwide, I am writing to express my strong appreciation of your leadership in advocating for adequate funding to support HCFA's enforcement responsibilities under HIPAA.

Mr. President, there are still some 30 States, or thereabouts, that are not yet in compliance. Again, in the last Congress, we passed the Mental Health Parity Act. This was an enormous step forward. We said to a lot of women and men and to their families that we are going to rise above the stigma, we are going to make sure that there is coverage for you, at least when it comes to lifetime and annual caps; we are not going to have any discrimination, and we are going to treat your illness the way a physical illness is treated. We know that much of this is biochemical. We know that pharmacological treatment with family and community support can make all the difference in the world. Hopes were raised, expectations were built up.

Now, what we are talking about is making sure—I say again to my colleague what I said yesterday—that this is enforced, that this is implemented. I am very worried that without this additional womanpower and manpower, we are not going to be able to actually enforce this law of the land; we are not going to be able to have this implemented around the country.

My colleague from Oklahoma keeps talking about bureaucrats. I go back to what I said yesterday. We are always talking about bureaucrats. We can also be talking about men and women in public service who have a job to do. In this particular case, the job is to make sure that the law of the land is implemented. It is to make sure that there isn't discrimination against people struggling with mental illness, that there isn't discrimination against their families, and that we make sure that States or insurance companies or plans are in compliance. I think that is what this debate is all about.

Now, Senator KENNEDY has letters from all sorts of organizations, consumer groups, people struggling with disabilities, and on and on and on—I am sure he read from them—which are basically saying the same thing.

One more time, I simply want to say that the Kennedy-Kassebaum bill really was important to millions of people around the country, to millions of families. People now had every reason to believe that because they had a bout with cancer or with diabetes or other kinds of illnesses, they weren't going to be denied coverage because of a "preexisting condition"; they would be able to move from one company to another and not lose their plan. It was now the law of the land that insurance companies could not discriminate against them in that way. This additional request —yes, it is an emergency request because it is an emergency to these families—is to make sure that, in fact, people are able to have the assurance that they won't be able to be discriminated against and to make sure that families that are struggling with mental illness won't have to be faced with that discrimination. This is the right place to make sure that we put the funding into this. I say to colleagues, I think for all colleagues who supported this legislation, it would be a huge mistake and I think it is just wrong to turn around now and deny some of the necessary funding for the actual implementation of these laws.

Either we are serious about ending this discrimination, either we are serious about making sure insurance companies can't deny people this coverage, or we are not. I think this vote on whether or not HCFA will have the resources, which means there will be women and men that will be able to enforce this around the country, is a vote on whether or not we are going to live up to the legislation that we passed. We can't give with one hand and take away with another. So I hope that my colleagues will vote against this Nickles amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, let me make a couple of quick comments. The initial request that came from HCFA for the $16 million supplemental did not include anything dealing with mental parity; not a word, not a letter, nothing. It didn't include it. The GAO report didn't include it.

A couple of reasons. Here are the mental parity regulations. If I may have the attention of my colleague from Minnesota for a second. This is a copy of the regs that came in on mental health. Guess when they were announced. December 16, 1997, which was about 3 months ago. How in the world can somebody know 30 States aren't complying? The regs just came out. I heard comments that some States aren't complying with the newborns regulations, the 48 hours. Guess what. Those regs aren't out. The law became effective January 1, and there are no regulations. Yet they want to hire an army of new federal employees. HCFA didn't ask for an army of people to go out and comply with these regulations.

My colleague alluded to a letter that Senator KENNEDY worked hard on, which he probably got late last night, from Nancy Ann Min DeParle, the Administrator of HCFA. I want to read what she says, if I can get my colleague's attention for just a second. I want to read the part of the letter he forgot to read. He left out just a little bit. In the second paragraph of the letter she sent to Senator KENNEDY—not to the managers of the bill; she didn't send it to the authorizers of the committee—it might have been written by Senator KENNEDY; I'm not sure. But this part certainly wasn't written by Senator KENNEDY:

> Moreover, we understand that as many as 30 States may not have standards that comply with Mental Health Parity Act and as many of 10 States may not have standards that comply with the Newborns' and Mothers' Health Protection Act.

This is what I want you to pay attention to:

> We don't have precise numbers because States are not required to notify HCFA about their intention to implement these two laws.

HCFA doesn't have control over these two laws. These States aren't told to tell HCFA about compliance with these two laws. Those laws are going to be managed by the Department of Labor. That is not in HCFA's jurisdiction. These 65 people will not spend 1 minute of time on mental parity or the 24 hours or 48 hours for newborns. Some people are trying to create an issue that is not real.

The issue is, very frankly, are we going to spend $16 million to expand the bureaucracy of HCFA? They already have over 4,000 employees and 58,500 at HHS. I have said time and time again, if they need to borrow some of those employees, they can do so. People say, no, we want to expand the base, hire more people, have more intrusion. I have a final comment——

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. NICKLES. Not just yet. I will make a final comment, because this is of interest. Yesterday and today, we have spent several hours debating $16 million. I am trying to save for taxpayers, and basically save it for Medicare, that $16 million that should stay in Medicare. We should not be raiding the Medicare trust funds to pay for an expansion to hire more Federal employees. We are spending several hours on that. I tell my colleague from Texas and my other colleagues, I spent an hour opposing an expansion of $1.9 billion, and I lost. So this Senate expanded the cost of this bill from $3.3 billion to $5.1 billion, and we did it in an hour. Maybe some people are kind of proud of that. I am not proud of it. Yet, to try to cut $16 million, we have spent several hours.

Some people fight very, very hard to expand Government. I think that is a mistake. I think it is a mistake in this bill. It should not be in this bill. When my colleague read the letters, he didn't read all of the letters. It says that HCFA doesn't have enforcement authority over these two bills, and it doesn't have anything to do with the legislation that is before us. I happen to have enough confidence in the State of Massachusetts, the State of California, the State of Michigan, the State of Missouri, and Rhode Island. They care about their people just as much as we do in Washington, DC. Hiring another army of bureaucrats to go in and tell them what to do will not, in my opinion, improve the quality of health care in those States.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. NICKLES. I am happy to yield for a question.

Mr. WELLSTONE. First of all, does the Senator understand that the National Association of Insurance Commissioners lists the following 30 States: Alabama, California, Colorado, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Maryland, Massachusetts, Michigan, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, Virginia, Washington, Wisconsin, and Wyoming, as States that are not in compliance and have not yet enacted the Mental Health Parity law? Is the Senator aware of that from the National Association of Insurance Commissioners?

Mr. NICKLES. I will be happy to answer the Senator's question. The regulations I was waving around a moment ago—this thing—came out on December 16, 3 months ago. I doubt that all the States have had time to review these regulations. Maybe some of them have, and maybe some of them haven't. So how would anyone know whether all the States are in compliance with that? On the newborns law my colleague alluded to, which is not enforced by HCFA, the regs aren't out yet. So how could anyone know whether or not there is compliance?

Now, the 65 people that HCFA was requesting in the supplemental were not to enforce either the mental parity or the 48 hours for newborns. It was not in the request, not in their letter, not in the GAO study.

I think my colleague makes an interesting diversion in trying to say that they should be doing this, too. But frankly, that is not their responsibility. It is the responsibility of the Department of Labor. It is not in this bill and it would not be helped by passing this supplemental, even as originally requested.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think we are having an interesting and enlightening conversation. I agree with the Senator from Oklahoma. But I want to go back one more level below this to talk about the real issue here.

Our dear colleague from Minnesota talks about how much he and the administration care about this program and about how they want to try to see this done, provide this $16 million. But they didn't care enough about it to cut $16 million out of another discretionary program to pay for it. They didn't care enough about it to reduce discretionary spending in the Federal budget by 0.003 percent to pay for it. They cared so much about it that they weren't willing to take 65 bureaucrats from the 4,000 people they already have working in the Health Care Finance Administration to do this work. They didn't do any of those things.

What they did is they cut Medicare and they reduced peer review, which is looking at the practice of doctors who are providing medical care to my mother and to other people's parents. We take money from peer review and the oversight of doctors practicing medicine under Medicare—we take money away from Medicare to fund more bureaucrats at HCFA. That is what this amendment is about. This is robbing Medicare to pay for bureaucrats at HCFA.

Now, first of all, I know the public doesn't care about these things, but I don't understand how the Appropriations Committee is cutting Medicare. The last time I looked, Medicare was under the jurisdiction of the Finance Committee. I am chairman of the subcommittee that has jurisdiction over Medicare. What we have here is an extraordinary shell game, which the President started and which this committee has continued to perpetuate.

Here is the shell game in English that anybody can understand. The President wants to hire 65 more bureaucrats. He already has 4,000 bureaucrats working for HCFA. They want 65 more bureaucrats to do work that has absolutely nothing to do with Medicare in shape, form, or fashion. And they want 65 more bureaucrats. But they are unwilling to cut another discretionary program to pay for it. They want these 65 bureaucrats, but they are unwilling to take them away from the current work that the 4,000 are doing. It is not important enough to move 65 of them to do it. It is not important enough to cut any other discretionary program of the Government to do it. But it is apparently important enough to reduce physician oversight of the practice of medicine on 39 million elderly and disabled Americans who qualify for Medicare.

This is another blatant effort to rob Medicare, a program that is going broke, a program that will be a $1.1 trillion drain on the Federal Treasury over the next 10 years, a program where we are going to have to raise the payroll tax from 2.9 cents for every dollar you make to 13 cents for every dollar you make to pay for it over the next 30 years.

So what they are doing is using Medicare as a piggy bank to hire bureaucrats. Let me say that this is outrageous, and I believe that if the American people knew about this, they would be outraged.

Our colleague from Minnesota said, but we need these 65 bureaucrats for this important function. Look, I am not going to argue whether it is important or not. Our dear colleague here has pointed out that the issues raised wouldn't even be dealt with by those 65 bureaucrats. But that is not the point here. If it is all that important, cut a program to pay for it. If it is all that important, do what every American working family does every day: They decide that buying medicine, or buying a book, or sending their child to special training is important, so they cut spending they would have spent on vacation, or something less important, to pay for it.

My argument is not against the spending of this money. It is not even against these 65 bureaucrats, although I do not believe the world will come to an end if we do not have them. My point is, if they are all that important, cut money from a program, another discretionary account, that is of less importance.

Is there nothing in the $550 billion every year spent by the Federal Government on discretionary spending that is less important than this? If there isn't, we probably ought not to be doing it. If there are programs that are less important, I suggest you find them and cut them. But this is a rotten shell game, to be cutting Medicare and reducing peer review oversight over the treatment of 39 million senior and disabled citizens in order to fund more bureaucrats.

What are we doing, cutting Medicare to fund discretionary programs? Whoever heard of cutting Medicare to fund HCFA bureaucrats? I think it is an absolute outrage. What all this shows is, despite all of our flowery rhetoric—put Social Security first, put Medicare first—we are all for doing that, but when it gets right down to it, this provision that Senator NICKLES is trying to strike is a provision that says, put bureaucrats before Medicare, cut oversight of patient treatment for 39 million senior and disabled citizens in this country so that we can fund the hiring of 65 more bureaucrats.

That is a position that you can take. I happen to say that the answer to it is no—clear-cut, unequivocally, no. We ought not to be cutting Medicare to increase the number of bureaucrats working at HCFA. And that is exactly what this proposal does.

If somebody can make the case that we don't need as much oversight of physicians who are treating my mother and everybody else's mother, then we ought to take the savings and we ought to use it to save Medicare. But there are two problems here: No. 1, nobody has made that case; I am not convinced of it. And, No. 2, if we are going to save the money, it ought to go to Medicare, where the money is coming from; it ought not to be used to hire bureaucrats.

So we are going to vote at some point on the Nickles amendment. I know our colleagues are threatening to hold up this bill. But let me say, this is not my bill. This is a bill that spends $5 billion that we do not have. This is a bill that raises the deficit by $5 billion. This is a bill that puts Social Security last. This is a bill that takes $5 billion away from our efforts to save Social Security. And if we are going to hold this bill up so that we can steal money from Medicare, let it be held up. If this bill never passes under those circumstances, that will suit me just fine. I am not going to have to explain why it does not pass, because I am not holding it up.

But if somebody is going to threaten me that I am not going to raise the deficit by $5 billion unless you let me steal $16 million from Medicare, I am not imperiled by that threat. No. 1, I think it is outrageous that we are not offsetting this $5 billion so that it is not being added to the deficit. I think that is fundamentally wrong.

So I am not hot for this bill, to begin with. But secondly, your ransom is simply too high. It is absolutely unacceptable to say we are not going to spend the $5 billion and raise the deficit by $5 billion and steal the money from Social Security unless you let us steal $16 million from Medicare. That ransom is too high.

And maybe our colleagues can look people in the face and say, "We had to cut oversight of medical practice for senior citizens in Medicare so that we can hire 65 bureaucrats at HCFA." Maybe they feel comfortable doing it. I would like them to try to explain it to my 85-year-old mother. I don't think she would be convinced.

But, in any case, we every once in a while have acts of piracy. People say, "If you do not give me this money, or you do not do this, I am not going to let you do what you want to do." But what our colleagues are saying is, "We won't raise the deficit by $5 billion unless we can take $16 million away from Medicare." A, I am not for raising the deficit by $5 billion; B, I am not for taking the $16 million away from Medicare. So I don't feel threatened.

Finally, let me say to our dear colleague from Oklahoma, who yesterday tried to prevent us from raising the deficit by $1.8 billion—and it was an hour well spent, but I don't think we have to apologize for spending hours trying to save $16 million -there are a lot of people in Oklahoma and Texas who work a lifetime, and their children work a lifetime, and their grandchildren work a lifetime, never to make $16 million.

So I think this is time well spent. Do not take this money out of Medicare. Do not take this money out of Medicare to hire 65 new bureaucrats. That, I think, is a clear issue. And if our colleagues want to debate forever, I would love for the American people to hear this debate. I don't believe they can sustain that case.

This was a slick idea by the President, to do it when nobody knew it was in here. I didn't know this was in this bill, and I am on the Finance Committee, and I am chairman of the subcommittee that oversees Medicare. I didn't know it was in this bill until we discovered it.

So it was a slick idea until people discovered it. Piracy normally works until somebody discovers it is occurring. And then they send out the sheriff, and the sheriff stops it. We are the sheriff.

So if you want to stop, if you do not want to raise the deficit by $5 billion, if you do not get the $16 million, it doesn't break my heart. Go right ahead.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have seen many smokescreens on the Senate floor before. But I just heard one of the largest smokescreens ever from those who just tried to cut Medicare by some $270 billion in order to give tax breaks to the wealthiest individuals and corporations. We defended that position here on the floor of the U.S. Senate not long ago. Now what we are talking about at this time is an administrative cost. This isn't going to affect one single dollar in terms of benefits or in terms of health care costs for senior citizens.

So before we all cry crocodile tears at the suggestions of my good friend from Texas, maybe he would spend an equal amount of time discussing his justification for his proposal to seek major cuts in the Medicare program to fund tax breaks for wealthy individuals. That may be suitable for another time.

I do not suggest that the Republicans who are Members of the Appropriations Committee that supported and reported out the provision that is in the current bill are Republicans that have a distaste for Medicare or want to ignore our nation's senior citizens. This proposal was reported out of the Republican Appropriations Committee. That is how it got here on the floor. And you have not heard the Senator from Massachusetts charging that they have hurt the Medicare system.

Mr. President, fortunately, our good colleagues in the Senate know the facts on this situation. Basically, what you are talking about is transferring $16 million in administrative costs to enforce a law to protect millions of American citizens. We are talking about women with breast cancer or others with preexisting conditions who are turned down for insurance every single day; we are talking about children with disabilities who are locked out of the private health insurance system; we are talking about small businesses who are refused health insurance because one employee is in poor health. And many others. Without enforcement, the stick to ensure compliance by the insurance companies, these protections are simply not there. They are not there.

We have a GAO report that says HCFA needs help, and we have the insurance commissioners of the States that say HCFA needs the help—Republicans and Democrats alike—as do the various organizations that speak for the elderly, and the disabled, and the mentally ill, and the cancer patients, and the consumers. Are they all wrong? Are all 30 of these organizations all wrong? They don't want to throw out the Medicare system, as the Senator from Texas says. Of course, not. They understand what this is all about. These are organizations that have been fighting for Medicare since they were formed. They have unimpeachable credentials in terms of protecting Medicare.

So, Mr. President, we are back to where we were in this debate and discussion. These funds are needed. HCFA asked in their request of the Appropriations Committee, which was approved, and later in the letter that they sent up to the Congress, to me following my inquiry after yesterday's debate, reiterating the request and clarifying that the requested funds were also needed to enforce the mental health parity and drive-by delivery provisions. And this $6 million of appropriated funds that otherwise would be used administratively is going to be used to ensure that the promises made in the Kassebaum-Kennedy bill and in the Mothers Health Protection Act and the Mental Health Parity Act are not merely illusory.

The Senator from Oklahoma says that states have not complied because the regulations came out in December. The irony is not lost on me—blame HCFA for not issuing regulations and then deny them the necessary resources to fulfill their responsibilities. But states have had more than a year to comply with this relatively straightforward law. They didn't need to wait for regulations to act. And many of the States did act prior to the regulations. Nonetheless, 30 States did not.

This request is needed to prevent the kind of discrimination that is being committed against millions of Americans that have preexisting conditions. It is needed to ensure that mothers that live in the eight States that still allow drive-by deliveries, and that those who are afflicted with mental health problems have the same level of protection as those in their neighboring states.

Mr. President, this is really what this debate is all about. We have had a GAO report that made recommendations that we take this action. The States have been, over the period of the last 18 months, getting themselves effectively in shape for the implementation of this legislation, which started in January. But the GAO report said there are a number of very important areas that need attention if this bill is really going to do what the Congress has said is going to be done.

We are responding to that particular need, and that is what the committee responded to, Republicans and Democrats alike. The idea of suggesting that the members of the Appropriations Committee that reported this out are somehow less interested in the protection of Medicare is preposterous. It is preposterous on its face and the Senator knows that.

I am prepared to take some parliamentary action, but I see others here on the floor who want to address this, so therefore I withhold.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I shall be brief. I appreciate the remarks of my colleague from Texas. I was going to respond in a similar fashion. I will not go over what my colleague from Massachusetts has said. I do not always agree with what the Senator from Texas says, but I like the way he says it. He makes his points in a kind of hard-hitting way, but also with some humor. I think they connect well with people.

But I look at this in a very different way. I would like to thank the appropriators for responding to a very real problem. I do not think the appropriators in any way, shape, or form, Democrats or Republicans, are attempting to raid the Medicare trust fund. I think the appropriators, both Democrats and Republicans, understood that the legislation we passed last year was very important. It was very important in making sure people were not denied coverage because of preexisting conditions—many people. That is why my colleague from Massachusetts could read letters from organizations representing people who have struggled with cancer, senior citizen organizations, people struggling with mental illness, the disabilities community.

People, I say to my colleagues, have to live with this fear. It is horrible. It is bad enough to be ill. It is another thing to have to worry that you are not going to be able to even get any coverage. We have passed legislation to say the insurance companies are not going to be able to discriminate against you, but we have not been able to implement it as fully as we want to.

And on the mental health parity again, I would just say, this is from the National Association of Insurance Commissioners. I heard my colleague from Oklahoma speak about it several times. He heard me speak about it several times. I am sure HCFA wishes they mentioned the Mental Health Parity Act. On the regulations, I wish they got them out earlier. I don't think they have enough people to get regulations out. They have a huge, mammoth mandate. But the fact of the matter is, one more time, colleagues, the National Association of Insurance Commissioners reports that 30 States have not yet enacted the mental health parity legislation. Minnesota, I am proud to say, is a State that has enacted this legislation.

So ultimately this is about whether or not the U.S. Senate supports the appropriators. The appropriators came up with something that was balanced and reasonable. The appropriators understand, and I think what they have proposed represents this understanding, that we have a contract with people in the country. People believe they are going to have some protection. You know, it is hard going against these insurance companies. Can't we make sure there are a few more women and men—I don't just use the word "bureaucrats" with a sneer—who are out there to enforce this law? Can't we make sure there is protection for people? Can't we side with the citizens in this country?

I know the insurance companies would love for HCFA not to be able to have the womanpower and manpower to enforce this legislation. But I think we should be on the side of the vast majority of people in this country and not on the side of large insurance companies. I think that is what this vote is about, and I urge my colleagues to vote against the Nickles amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I will try to be brief. I hope we are getting ready to vote on this. I want to go back, since so much has been said, and review exactly where we are. Here is where we are:

The President wanted $16 million to, in part, hire 65 new bureaucrats at HCFA. Here are the choices the President had: He could have cut another program in HCFA and used it to pay to hire the 65 new bureaucrats. We have $550 billion of discretionary programs in the Federal budget and he could have cut $16 million out of any one or combination of those. Or he could have cut each one of them by 0.003 percent. But the President could not find in a discretionary budget of $550 billion a single program that could be cut. He could not find anything that was less important than hiring these new 65 bureaucrats. So what he did is he cut Medicare and slipped the provision into the supplemental and it is now before us.

Where did he cut Medicare? We have a program where we hire doctors who go in, on a selective sample basis, and look at procedures that are being provided to Medicare patients. Someone goes in and does a procedure on my mother, where they insert a balloon and open her artery and save her life and save a lot of money. And then we have Medicare that goes in to look and see, did they do it well? Did they do it in the most efficient way? Are they practicing good medicine which the Government is paying for?

What the President said is, let's cut the amount of money that we are spending for this oversight of medical practice where 39 million people who qualify for Medicare under the President's provision will have less oversight of their medical treatment they receive. That is what the President proposed to do, cut Medicare by reducing the oversight of the medical practice that we are paying for and take that money from Medicare and hire 65 bureaucrats in HCFA to perform functions that have absolutely nothing to do with Medicare.

There are two debates going on. To some extent the Senator from Oklahoma and the Senator from Minnesota are arguing about whether we need to hire these 65 bureaucrats at all. We already have 4,000 of them in the same agency but not a one of them is doing something less important than this. I am not getting involved in that debate. Maybe the Senator from Minnesota and the Senator from Massachusetts are right. Maybe we just have to have 65 new bureaucrats at HCFA.

But my point is, if you really need them that badly, take money away from another HCFA program. Don't cut Medicare, don't take oversight of medical practice on our senior citizens, don't take that money to spend it on a program that has nothing to do with Medicare.

Our colleague from Massachusetts is still chafing that at one time we actually debated cutting taxes around here. I long to get those days back, myself, and I am not the least bit shy about them. I don't remember anybody ever proposing cutting Medicare to pay for them, but I guess if you are against tax cuts they have to be evil; and wherever, whatever is being done to get them, that in itself must be evil.

But here is my point. We are getting ready to go into a series of issues this year where our Democrat colleagues are going to be taking money away from Medicare. So, if they don't like being criticized for it, they better get used to it. We are going to have a tobacco settlement on the floor of the U.S. Senate, and we are going to have it on the floor of the Senate this spring or summer. There is going to be a debate about what to use that money for.

We are providing money for education. We are going to raise the price of cigarettes, which everybody says is the most effective way to get teenagers not to smoke. But the question is going to come down to where should the money be used? We are going to hear this same debate again. I say the Senate Budget Committee says that 14 percent of the cost of Medicare comes from people smoking; $30 billion a year in costs are imposed on Medicare by people smoking, and the whole logic of the tobacco settlement, the reason that the tobacco companies have agreed to pay the States and to pay the Federal Government, is to compensate the taxpayer for costs imposed on the taxpayer by people smoking.

In the Federal Government, those costs have been imposed on Medicare. So the Budget Committee has said, and I hope the Senate says, take the money from the tobacco settlement and use it to pay for Medicare to save Medicare and, in fact, if people were not smoking we would have $30 billion a year less in costs, and compensating Medicare for that is what the whole settlement is about.

Many of our colleagues on the other side see the settlement as this giant piggy bank which can be used to fund seven or eight different Government programs. So we are going to have this debate again, only then they are going to take the money away from Medicare to fund building schools and hiring teachers—the list goes on and on. I am not saying any of those are bad things, just as I am not saying that hiring 65 new bureaucrats is a bad thing. I suspect it is, but I am not saying that. All I am saying is, don't take the money away from Medicare to do it. This provision should have never been put in this bill. It desperately needs to be taken out, and I believe when we do vote we will take it out. And I appreciate the Senator from Oklahoma offering the amendment, and I enjoyed getting an opportunity to come over and talk about it.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2163

Mr. STEVENS. Mr. President, if the Senator will just defer for a moment, I have an amendment that has been cleared on both sides. It has just been cleared as part of the managers' package. I ask unanimous consent it be in order to send it to the desk and have its immediate consideration at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. D'AMATO, proposes an amendment numbered 2163.

The amendment follows:

On page 38, after line 18, add the following new section:

"SEC. . The Secretary of Transportation and the Secretary of the Interior shall report to the House and Senate Committees on Appropriations and the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure not later than April 20, 1998, on the proposed use by the New York City Police Department for air and sea rescue and public safety purposes of the facility that is to be vacated by the U.S. Coast Guard at Floyd Bennett Field located in the City of New York."

Mr. D'AMATO. Mr. President, I would like to thank the Chairman of the Appropriations Committee, Senator STEVENS, for offering this amendment on my behalf.

My amendment is simple. It asks the Secretary of Transportation and the Secretary of Interior to report to the House and Senate on the proposed use by the New York City Police Department of the U.S. Coast Guard's facility at Floyd Bennett Field.

Between early May and early June, the Coast Guard will be moving its air-sea rescue helicopter operation from Floyd Bennett Field in Brooklyn to Atlantic City. An auxiliary helicopter contingent will be established at Gabreski Airport in Westhampton, New York for the peak summer months to guarantee a maximum Coast Guard coverage for the shores of Long Island and New York City.

The New York City Police Department wants to move their own search and rescue helicopters into the facility that the Coast Guard is leaving. The Police Department currently uses another hangar for its search and rescue operations at Floyd Bennett Field, but that hangar is old and run-down. For the Police Department to stay in that facility would require some $5.7 million worth of upgrades at their own cost.

When the Coast Guard leaves, there is a genuine concern that their hangar will go unused for search and rescue operations. It is a larger, more modern facility, well-suited for the purposes of air-sea rescue and emergency response activities. The Police Department merely wants to adequately fill the gap in coverage when the Coast Guard moves on.

When the Coast Guard leaves, it is likely that the brunt of emergency response calls will fall upon the Police Department. I believe it is a natural fit for the New York City Police Department to take over the Coast Guard's facility so that they may be able to continue and even expand their crucial life-saving and protection role.

Before the City can even utilize this facility, though, plans to allow this to happen will need to be worked out between the parent agency of the Coast Guard—the Department of Transportation—and the Department of Interior, which will likely take over the land once the Coast Guard leaves. However, action must occur quickly; the Coast Guard will be leaving in less than two months.

Protecting people's lives must be paramount. My amendment is a public safety issue that will help address that purpose. I thank my colleagues on both sides for recognizing the timeliness and importance of this matter and for accepting this amendment.

Mr. STEVENS. Mr. President, this amendment of the Senator from New York requires a report on an area that is being vacated by the Coast Guard in New York. The report is coming to relevant committees of Congress. I urge its immediate adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2163) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank the Senator.

AMENDMENT NO. 2120

The PRESIDING OFFICER. The question recurs on the Nickles amendment, No. 2120.

Mr. KENNEDY. Mr. President, we will have a good opportunity to debate. I am glad to hear my friend from Texas indicate his support for effective tobacco legislation. We will have, hopefully, a good opportunity to debate that.

I was listening to the Senator speak so eloquently. I was remembering that in checking my facts, the Republican Contract With America provided a $270 billion cut in Medicare, with a $250 billion tax break for the wealthiest individuals. So we have debated this at other times, if we want to discuss who truly cares about Medicare. That is not what we are about here today. We have explained what the issue is before us.

Mr. President, I want to mention the various groups and organizations that strongly oppose the Nickles amendment. The National Breast Cancer Coalition urges support of funding to implement the Kassebaum-Kennedy law and is opposed to the Nickles proposal; the National Alliance for the Mentally Ill also opposes the Nickles proposal; they are joined by Consortium for Citizens With Disabilities, a group that includes The ARC, the National Association for Protection and Advocacy, Easter Seals, the Paralyzed Veterans of America—and a long list of additional organizations. I will have that printed in the RECORD.

The Disability Rights Education and Defense Fund opposes the Nickles amendment; Families USA Foundation, the voice for health care for consumers; the Consumers Union; the National Mental Health Association; the American Psychological Association; the American Psychiatric Association; and the American Managed Behavioral Healthcare Association. They are very powerful statements about the importance of assuring that the Kassebaum-Kennedy protections are going to be implemented, and they understand that the reallocation of these funds to do so is the way to go.

I ask unanimous consent that all these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL BREAST CANCER COALITION,
Washington, DC, March 25, 1998.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC 20510.

DEAR SENATOR KENNEDY: On behalf of the National Breast Cancer Coalition, I am writing to urge you defeat the Nickles' amendment. The implementation of the Kennedy/Kassenbaum law is critical to members of the breast cancer community who are among the most vulnerable to abuses in the current health insurance system. The Kennedy/Kassenbaum law is meaningless without adequate resources for implementation and enforcement.

The National Breast Cancer Coalition, a grassroots advocacy organization made up of over 400 organizations and hundreds of thousands of individuals, has been working since 1991 toward the eradication of this disease through advocacy and action. In addition to increasing the federal funds available for research into breast cancer, NBCC is dedicated to making certain that all women have access to the quality care and treatment they need, regardless of their economic circumstances. Adequate implementation of the Health Insurance Portability and Accountability Act is critical toward this end.

Sincerely,

FRAN VISCO,
President.

NATIONAL ALLIANCE
FOR THE MENTALLY ILL,
Arlington, VA, March 25, 1998.

Sen. EDWARD M. KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: As you know, the National Alliance for the Mentally Ill (NAMI) has been a leading voice in advocating for parity coverage in health insurance policies for people who suffer from schizophrenia, manic-depressive illness or other severe mental illnesses. Enactment of the Domenici-Wellstone Mental Health Parity Act of 1996 was a significant but incomplete step towards ending pervasive discrimination against people with these severe brain disorders in health insurance and other aspects of their lives.

Because of the importance we attach to parity and other protections for vulnerable consumers in health care, we have been concerned that the Health Care Financing Administration (HCFA) may not have sufficient resources to carry out adequately its important role in enforcing mental health parity and other consumer protections embedded in the Health Insurance Portability and Accountability Act (HIPAA). Consequently, on behalf of NAMI's 172,000 members nationwide, I am writing to express my strong appreciation of your leadership in advocating for adequate funding to support HCFA's enforcement responsibilities under HIPAA. We stand ready to work with you and HCFA to ensure that the mental health parity provisions and other consumer protections contained in HIPAA are aggressively and effectively enforced.

Please do not hesitate to call upon us if we can provide further assistance to you on this important effort.

Sincerely,

LAURIE M. FLYNN,
Executive Director.

CONSORTIUM FOR
CITIZENS WITH DISABILITIES,
March 25, 1998.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The Consortium for Citizens with Disabilities, which represents almost 100 national disability organizations, strongly opposes the Nickles' Amendment which would deprive the Health Care Financing Administration (HCFA) of sufficient funds to enforce the Health Insurance Portability and Accountability Act (P.L. 104-191). The HIPAA legislation—also known as the Kassebaum-Kennedy Act—is a stellar example of bipartisan legislation that would benefit individuals of all ages, including people with disabilities.

The provisions in HIPAA related to pre-existing condition exclusions and portability of health insurance are working to open the doors to many individuals with disabilities and their families who could not previously access appropriate health insurance or who were imprisoned by "job lock".

We urge all Senators to oppose the Nickles' Amendment.

Sincerely,

The Arc, National Association of Protection and Advocacy System, National Easter Seal Society, American Association on Mental Retardation, Association for Persons in Supported Employment, LDA, the Learning Disabilities Association of America, RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, National Alliance for the Mentally Ill, Bazelon Center for Mental Health Law.

NISH, Paralyzed Veterans of America, Inter-National Association of Business, Industry & Rehabilitation, Council for Exceptional Children, National Association of Developmental Disabilities Councils, United Cerebral Palsy Association, American Congress of Community Supports and Employment Services, American Network of Community Options and Resources, National Association of People with AIDS, Center for Disability and Health.

DISABILITY RIGHTS EDUCATION
AND DEFENSE FUND, INC.,
Washington, DC, March 25, 1998.

Sen. EDWARD M. KENNEDY,
Russell Senate Building,
Washington, DC.

DEAR SENATOR KENNEDY: The Disability Rights Education and Defense Fund (DREDF) strongly opposes the Nickles Amendment to S. 1716, the Emergency Supplemental Appropriations Bill.

Passage of the Nickles Amendment would stop the civil rights protections guaranteed by the Health Insurance Portability and Accountability Act (PL 105-191) and the only accountability left would be the fox guarding the chickens.

Without these provisions in HIPAA, the doors to health insurance for millions of people with disabilities will be forever locked.

Please, as you have done so many times before, oppose the Nickles Amendment and open the doors to employment, vote not on the Nickles Amendment.

Sincerely,

PATRISHA WRIGHT,
Director of Governmental Affairs.

FAMILIES USA FOUNDATION,
Washington, DC, March 25, 1998.

Senator KENNEDY,
Russell Senate Building,
Washington, DC 20510-2101.

DEAR SENATOR KENNEDY: Families USA supports the Administration's request for supplemental enforcement money for the "Health Insurance Portability and Accountability Act of 1996."

HIPAA provides needed protection to Americans who otherwise could not purchase health insurance when they change or lose jobs. Approximately one in four Americans are caught in "job lock," afraid to change jobs or start their own businesses because of preexisting conditions that could prevent them from obtaining new health insurance coverage. Americans like these who lose their jobs involuntarily often find themselves in an even more serious predicament: They join the growing number of individuals without health insurance coverage.

Implementing HIPAA requires the Health Care Financing Administration to assume new responsibilities. If HCFA lacks the resources to carry out its duties, HIPAA is meaningless. Without the funds to enforce HIPAA, millions of Americans will be deprived of these important protections. Therefore, we urge the defeat of the Nickles Amendment to strike the President's request for HIPAA enforcement funds.

Sincerely yours,

RON POLLACK,
Executive Director.

CONSUMERS UNION,
Washington, DC, March 25, 1998.

Hon. EDWARD KENNEDY,
Committee on Labor & Human Resources,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: We are writing in opposition to the Nickles' amendment which would strip $16 million allocated to enforcement efforts by the Department of Health and Human Services of the Health Insurance Portability and Accountability Act (HIPAA).

As you know, HIPAA was enacted in 1996 to help make health insurance more accessible to people who lose their employment-based coverage. Implementation is still at its early stages. The legislation spells out important functions for the Department of Health and Human Services. In addition, several states (including California) have opted for federal enforcement instead of state enforcement. This necessitates federal funding level to ensure that consumers in these states are protected by the legislation.

Only through adequate funding, will people with pre-existing health conditions be assured they can change jobs without facing new pre-existing condition exclusions from coverage. Only through adequate funding, will people who leave group coverage for the individual market be assured that health insurance will be accessible to them.

Consumers Union urges the Senate to oppose the Nickles' amendment.

Sincerely,

GAIL SHEARER,
Director, Health Policy Analysis.

ADRIENNE MITCHEM,
Legislative Counsel.

March 26, 1998.

Sen. EDWARD KENNEDY,
Labor & Human Resources Committee,
U.S. Senate, Washington, DC.

DEAR SENATOR KENNEDY: The undersigned organizations are writing to express our support for your effort to defeat the floor amendment offered by Senator Don Nickles that would delete $16 million additional funding for enforcement of the Health Insurance Portability and Accountability Act (HIPAA).

Enforcement of consumer rights and employer responsibilities under HIPAA is vital. Much of the effort expended by the mental health community in 1996 to win passage of insurance reform will be thwarted without effective enforcement. As the Mental Health Parity Act of 1996 was enacted as an amendment to HIPAA, the same personnel at the Health Care Financing Administration are expected to enforce that statute as well.

As the source for the $16 million is from elsewhere in the budget, passage of the Nickles amendment would not save taxpayers any money, and would mean the Senate missed an opportunity to better ensure relief from discriminatory insurance treatment to many thousands of American families. Thank you for your leadership in opposing this amendment.

AMERICAN PSYCHIATRIC ASSOCIATION.
AMERICAN PSYCHOLOGICAL ASSOCIATION.
AMERICAN MANAGED BEHAVIORAL HEALTHCARE ASSOCIATION.
NATIONAL MENTAL HEALTH ASSOCIATION.

AMENDMENT NO. 2164 TO AMENDMENT NO. 2120

(Purpose: To provide amounts for HIPAA enforcement.)

Mr. KENNEDY. Mr. President, on behalf of myself, Senator BOND and Senator WELLSTONE, I send an amendment to the desk and ask for its immediate consideration.

Mr. NICKLES. Reserving the right to object, parliamentary inquiry. I think it requires unanimous consent to set the pending amendment aside, is that correct?

The PRESIDING OFFICER. The pending question is the Nickles amendment.

Mr. KENNEDY. It is an amendment to the bill.

Mr. STEVENS. I did not hear the Senator.

Mr. KENNEDY. This is an amendment to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. BOND and Mr. WELLSTONE, proposes an amendment numbered 2164 to amendment No. 2120.

The amendment follows:

On page 39, in lieu of the matter proposed to be striken, insert the following:

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

For an additional amount for Health Care Financing Administration, "Program Management", $8,000,000.

On page 50, in lieu of the matter proposed to be striken, insert the following:

GENERAL PROVISION, CHAPTER 11

SEC. 1101. Not to exceed $75,400,000 may be obligated in fiscal year 1998 for contracts with Utilization and Quality Control Peer Review Organizations pursuant to part B of title XI of the Social Security Act.

Mr. STEVENS. Mr. President, I wonder if the Senators are now ready to enter into a time agreement so we might vote, if we have to, on both. I have just been informed by the majority leader that he will come to the floor and move to go to cloture on the education bill at 5:10.

Mr. KENNEDY. I will be glad to vote. I would like to make 4 or 5 minutes of comments, and then I will be prepared to move ahead with the vote. I would like to get the yeas and nays on the amendment.

Mr. STEVENS. Before the Senator does that, can I get an understanding that the Senator also includes voting on the Nickles amendment following the Kennedy amendment?

Mr. KENNEDY. As amended, hopefully.

Mr. STEVENS. Hopefully.

Mr. KENNEDY. Yes.

Mr. STEVENS. We can have a vote on the Nickles amendment following a vote on the Kennedy amendment to the Nickles amendment.

Mr. KENNEDY. Yes.

Mr. STEVENS. Can we divide the time and tell the membership that there will be a vote at 4:30?

Mr. KENNEDY. That is fine. The Senator understands, if we are successful, then there is not a Nickles amendment, obviously.

Mr. STEVENS. I understand that. The Nickles amendment, as amended, which we would adopt by voice vote. If the amendment is not adopted, we will then vote on the Nickles amendment immediately, is that correct? Can we divide the time somehow so we have some fairness in the time—equally divided and vote at 4:30? I ask unanimous consent that be the case. Is that acceptable?

Mr. KENNEDY. That is acceptable. Can we get the yeas and nays?

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. There are 6 minutes to a side, is that correct?

The PRESIDING OFFICER. The Senator is correct, 12 minutes divided equally—6 minutes per side.

Mr. STEVENS. Will the Senator give me some time? Senator SMITH has told me that he is not going to call up his amendment. So these two are the last amendments I know of offered to this bill, and we will then proceed to a unanimous consent request following the final vote here.

The PRESIDING OFFICER. The Senator from Massachusetts has 6 minutes.

Mr. KENNEDY. Mr. President, I appreciate my colleague's concern about the excessive spending. I am offering a compromise to his amendment. The Senator from Oklahoma proposes an amendment to eliminate the HCFA request by striking the entire $16 million. We have cut that amount in half to $8 million as a way of trying to find common ground on this issue. It cuts the amount given to HCFA in half. This is less than I want, but it will still make a substantial contribution to enforcing the insurance reform.

The issue is clear: Will the Senate stand with families, with children, with persons suffering severe mental illness, with persons with disabilities, and with expectant mothers to make sure that the protections that were included in the Kassebaum-Kennedy legislation will actually be implemented?

Did we really mean it when we passed those important reforms about 2 years ago? I believe that we did mean it. I think those reforms are enormously important protections for millions of our fellow citizens. The States have done a good job. But there are still some areas where those protections are not there.

With these resources, we can guarantee that the law fulfills its promise of protecting our fellow citizens. It will allow us to nip in the bud some of the egregious situations that have been outlined in the GAO report.

This bipartisan amendment provides $8 million, half of the Administration's request—$3 million for implementation and enforcement of Kassebaum-Kennedy and $5 million for the other purposes outlined in the Administration's original $16 million proposal that was advanced by Senator BOND and others in the Appropriations Committee. I hope that our colleagues will feel that this is a good-faith effort to try to find common ground.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I would ask my colleague from Massachusetts, if I can have the attention of the sponsor of the amendment for a second. Will Senator KENNEDY answer my question: Did you cut both halves? The amendment had two pieces to it, $10 million and $6 million. You cut both in half?

Mr. KENNEDY. The Senator is correct.

Mr. NICKLES. I thank my colleague.

I urge my colleagues to vote no on this amendment because we are still raiding Medicare, we are still taking money out of Medicare. I will take a little issue.

My colleagues said, "Oh, those Republicans, just a couple years ago, they were trying to cut $276 billion out of Medicare to pay for the tax cuts." In the budget deal that passed that the President signed, we had exactly—exactly—the same savings in Medicare over the same number of years that the President signed that he vetoed 2 years before.

One year, last year, he said, "Oh, yes, we saved Medicare for 10 years"—we didn't, in my opinion—but it is the exact same savings in dollars that he vetoed 2 years before. I just make that comment.

What we are doing now is raiding Medicare, raiding the HI fund, taking money from the peer review organizations that are supposed to make the fund work better, make sure it is not abused, get some of the fraud out of the system. We are taking that out so we can hire more bureaucrats.

Now we are only going to hire half as many. Instead of hiring 65, I guess we are going to hire maybe 32 or 33 for an agency that already has over 4,000.

Senator GRAMM mentioned, hey, if they want to, they can borrow some of those 4,000. This administration has been pretty good about borrowing attorneys. They have attorneys from every agency coming in to help with the President's legal defense fund. They do that a lot.

The previous administration had six people in legal counsel. Now they have 24, and one report is 48. So, surely, they could borrow a few people from HCFA with 4,000 employees to help meet this so-called "urgent need."

So, whether we are talking about $16 million or whether we are talking about $8 million, I think it is a mistake to expand this bureaucracy, and that is exactly what we would be doing, intruding and basically telling the State of Massachusetts—the State of Massachusetts has not complied yet. I don't know why they have not. There may be a good reason.

The State of California has not because the Governor vetoed the bill. I don't know how many armies of bureaucrats we need from the Federal Government to go in and tell the Governor of California he should sign this bill or veto the bill, or the Governor in Missouri or the Governor in Massachusetts. I just don't think that is really what we need.

I will tell my colleagues, if it is ready to regulate these plans, you don't need 65; you need hundreds—you need hundreds—and that wasn't what we passed in Kassebaum-Kennedy. We said we were going to keep State jurisdiction and State control and regulation of health care.

I urge my colleagues to vote against this second-degree amendment that will add, basically, to my amendment $8 million for a new bureaucracy of HCFA. I don't think we need it, I don't think we can afford it, and I don't think we should be raiding Medicare to pay for it.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Three minutes 40 seconds.

Mr. KENNEDY. Mr. President, first of all, this is not an add-on. This is an administrative judgment made by HCFA that there was a greater need and priority to use additional resources to implement the Kassebaum bill. We are not adding on the funds. The Senator is right in recognizing that we are trying to accommodate the concerns raised about the number of people and trying to move this process forward, so we have cut out half of the request.

Mr. President, I want to reserve the last 45 seconds.

I want to read a few words of a letter from the National Breast Cancer Coalition:

> The Kassebaum-Kennedy bill is meaningless without adequate resources for implementation and enforcement. The National Breast Cancer Coalition is a grassroots advocacy organization made up of over 400 organizations and hundreds of thousands of individuals. Adequate implementation of the Health Insurance Portability and Accountability Act is critical to this end.

Critical to this end. Those are the words of the National Cancer Breast Coalition, which represents some 400 different grassroots organizations. We have the same kind of statements made by all of the various groups affecting the disability community, all supporting the position which we have taken and which we have advocated.

Mr. President, I believe that it is important to make sure that those protections for individuals who have preexisting conditions or disabilities should be protected.

This amendment, which pares down the original request, goes halfway on this issue, but is still able to provide some of the necessary protections we have debated today. I hope that the Kennedy-Bond-Wellstone amendment will be accepted.

Mr. GRAMM. Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator from Oklahoma controls 3 minutes 48 seconds.

Mr. GRAMM. Mr. President, let me first say that what we have before us is an effort to take $8 million out of Medicare, money that is now being spent to monitor the quality of health care provided to 39 million Medicare beneficiaries.

This amendment will cut Medicare in order to hire, it was initially 65 bureaucrats, now I guess it is 32½ at $92,000 a year to implement programs that have absolutely nothing to do with Medicare.

My argument is not with the program that the Senator is for. I don't have any doubt that all those groups who wrote those letters are for this program, but I don't believe they want to cut Medicare to pay for it.

The problem the Senator has is that HCFA and the Department of Health and Human Services, which has one of the biggest budgets in the Federal Government, cannot come up with $8 million to hire these 32½ bureaucrats, despite the fact that it is so important. So they have said, "We won't take any one of our 4,000 people doing other things to do this work; it is not that important; we won't cut any program anywhere else to do it; it is not that important; but we will take it out of Medicare and reduce the oversight of physician practice on 39 million senior citizens in America to pay for it."

I don't think we should take the money away from Medicare to hire 32½ bureaucrats. I think it is wrong, and I think if they don't want it enough to take the money away from other programs in HCFA, it suggests to me they don't want it very much.

So I hope our colleagues will not start raiding Medicare to pay for the ongoing programs of HCFA and to hire bureaucrats at the expense of Medicare. I think it is fundamentally wrong.

I think if you put the question before the American people, that 90 percent of the American people would agree with Senator NICKLES' argument. I am not saying that hiring the bureaucrats is bad or what they would do is bad. I am just simply saying take the money away from something other than Medicare, and in order for us to guarantee that is the case, we have to defeat this amendment, and I am hopeful that we will.

I yield the remainder of my time.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts controls 1 minute.

Mr. KENNEDY. I yield myself that time.

This does not take one dime out of Medicare—not one dime. The disabled have a greater dependency on Medicare than any other group in our society. They are more dependent upon it than anyone else, and they support our position. That ought to speak to where the priorities are. They understand the importance—the importance—of implementing the Kassebaum-Kennedy bill and providing the protections for families in this country. That is what our amendment will do.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, in a moment I am going to move to table the amendment. But let me make a couple comments.

My colleague from Massachusetts is entitled to his own opinion but not entitled to his own facts. And the facts are that to pay for this, it takes money out of the HI Trust Fund that is used to pay for peer review organizations. So it is cutting money out of Medicare to pay for this.

I read the letters by some of the support groups—some of which I consider supporters of mine—that have said, "Let's oppose this amendment. We want more money for HCFA bureaucrats or HCFA enforcement." But they did not know the money was coming out of Medicare. I read almost every one of them. Not one said, "Let's transfer the money from the HI Trust Fund to pay for more employees at the Health Care Financing Administration." And so it is coming from Medicare. It is coming from oversight on peer review organizations. We should not do that.

So, Mr. President, I move to table the Kennedy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table Kennedy amendment No. 2164, which is a substitute amendment to language proposed to be stricken by the Nickles amendment No. 2120. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Brownback
Burns
Campbell
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—49

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed

Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

The motion to lay on the table the amendment (No. 2164) was agreed to.

Mr. NICKLES. I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Nickles amendment.

Mr. NICKLES. Mr. President, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Nickles amendment No. 2120.

The amendment (No. 2120) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CDBG EMERGENCY FUNDS FOR DISASTER AREAS

Mr. BOND. Mr. President, yesterday, the Senate approved an amendment to S. 1768 that would provide $260 million for emergency Community Development Block Grant funding for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially-declared disasters in FY 1998.

This funding is designed to complement the funding currently provided through the traditional emergency disaster programs under the Federal Emergency Management Agency, the Small Business Administration and the Army Corps of Engineers. Contrary to the apparent belief or desire of some Members and constituents, CDBG funding is not intended or designed to be the primary source of federal funding for natural disasters.

In particular, the emergency CDBG program has become a catch-all program and a slush fund for natural disasters that is seen by some as an entitlement. This is wrong. We need to change how we view and respond to disasters—we need to develop policies that are based on state/federal partnerships and are designed to prevent and prepare for disasters.

I say this because it is good policy, but also because we cannot keep dipping into the different funds which support the many important programs under the VA/HUD Appropriations Subcommittee. For example, over the last 3 and one-half years, the Congress has offset the cost of emergencies out of HUD section 8 housing assistance at a cost of some $10 billion. Last year alone, the Congress used $3.6 billion in excess section 8 reserves to pay for disaster relief. Well, the bill has come due. For this year, all available section 8 reserve funds are already committed as part of the FY 1999 Budget to renew expiring section 8 housing contracts. Without these funds, many elderly and disabled persons and families will be without housing.

In addition, natural disasters are not going to go away and the cost of disasters likely will continue to escalate. In the last 5 years, we have appropriated a staggering $18 billion to FEMA for disaster relief, compared to $6.7 billion in the prior 5-year period.

As I have already noted, I have many concerns about using CDBG funds for emergency disaster purposes, especially since the Department of Housing and Urban Development has failed to provide adequate data and accountability concerning the use of these emergency CDBG funds in the past.

Nevertheless, while I continue to have reservations, the emergency CDBG legislation in the emergency supplement is intended to ensure that emergency CDBG funds are used appropriately and where needed. In particular, this legislation is designed to ensure that the funds go to disaster relief activities that are identified by the Director of FEMA as unmet needs that have not or will not be addressed by other federal disaster assistance programs.

In addition, to ensure accountability, states must provide a 25 percent match for these emergency CDBG funds and HUD must publish a notice of program requirements and provide an accounting of the CDBG funds by the type of activity, the amount of funding, an identification of the ultimate recipient, and the use of any waivers. I also want to make it clear that I intend to monitor fully the use of these emergency CDBG funds.

I expect these emergency CDBG funds to be used fairly, equitably and to the benefit of the American taxpayer, especially, as required by the CDBG program, to the benefit of low- and moderate-income Americans.

I also want to make clear that these emergency CDBG funds are not intended as a substitute for the state/local cost-share for dams and levees. The purposes of a state/local cost-share are to ensure accountability, local investment and to underline the importance of the federal/state partnership. Using CDBG funds as a state/local cost share in levee and dam projects defeats these purposes and undermines state and local responsibility. As a result, the VA/HUD FY 1998 appropriations bill limited the amount of CDBG funds to $100,000 for the state/local cost-share of the Corps of Engineers projects, including levees. That standard still applies.

Mr. JEFFORDS. Mr. President, 2 months ago I informed the Senate about an ice storm that hit sections of the northeast in early January with such force and destruction it was named the ice storm of the century. I am pleased to support S.1768, the Emergency Supplemental Appropriations of 1998, to help bring much needed relief to citizens in not only the Northeast, but other areas of the country who have suffered from natural disaster.

Mr. President, for two days straight, freezing rain, snow and sleet battered the Champlain Valley of Vermont, upstate New York, parts of New Hampshire and Maine and the Province of Quebec. Tens of thousands of trees buckled and shattered under the stress and weight of several inches of ice that coated their branches. Power lines were ripped down by falling branches and the weight of the ice—leaving hundreds of thousands of people without electricity for days and even weeks. Roads were covered with ice and rivers swelled and overflowed from heavy rain. The crippling ice storm brought activity in the area to a grinding halt.

Just a few days after the storm, Senator LEAHY and I visited the hardest hit areas of Vermont. The storm's damage was the worst I have ever seen. In the Burlington area twenty to twenty-five percent of the trees were toppled or must be chopped down. Another twenty-five percent were damaged. The storm also destroyed sugarbushes and dropped trees across hiking trails and snowmobile trails.

Mr. President, local and State emergency officials acted quickly to help their fellow Vermonters and assess the damage. Vermonters rallied, with the help of the National Guard, to help themselves and their neighbors. As the temperatures dropped below zero, days after the storm, with thousands still without power, volunteer firefighters, police officers, national guard troops and every able bodied citizen came together working day and night to help feed, heat, and care for the people in their community. The organized and volunteer responses to this disaster were incredible. Stories of Vermonters helping Vermonters were commonly told throughout the disaster counties and state.

Hardest hit were dairy farmers. Already struggling to make ends meet due to low milk prices, the ice storm left farms without power to milk their cows. During the first few days of the storm the majority of the milk had to be dumped. Milk became non-marketable because it could not be sufficiently cooled or it could not be transported to the processing plants. Farms without generators missed milkings all together or significantly altered the milking schedules. As a result, cows became infected with mastitis and reduced production. In addition, cows became infected with respiratory illnesses due to poor air circulation in the barns. Even farms with generators were affected. Since the power was out for such a long duration the generators could not provide adequate wattage to precisely run the milking systems, resulting in mastitis and loss production.

The major impact on dairy farms as a result of the ice storm was non-marketable milk and production loss. The loss of even one milk check for many of the farms will have an adverse impact on their business. Current milk prices are not sufficient to offset such losses.

Mr. President, I am pleased that my colleagues on the Appropriations Committee have worked with me and others in the disaster areas to recognize and respond to the needs of the affected regions. The 1998 Emergency Supplemental Appropriations will bring much needed relief to Vermont's most severely affected areas. Dairy farmers will be compensated for production loss and loss of livestock. Maple producers will be helped by replacing taps and tubing. Land owners will be aided in clearing debris and replanting trees destroyed by the storm.

Mr. President, the citizens and trees of Vermont, as well as upstate New York, Maine and New Hampshire have suffered from this storm. Local and State assistance will help communities and individuals get back on their feet, but Federal relief will ensure that the disaster areas are not overwhelmed by the recovery.

Ms. SNOWE. Mr. President, I rise today to express my support for the disaster supplemental bill. I want to thank Chairman STEVENS, Ranking Member BYRD and the Committee for their efforts to provide funding to fill the gaps in federal disaster assistance that are essential to ensuring that Maine and the other Northeast states fully recover from the January, 1998 Ice Storm.

Maine is no stranger to the cruelness of winter. But the Ice Storm that swept across the State in early January was like nothing anyone had ever seen before. It left the state covered with three inches of ice, closing schools, businesses and roads and leaving more then 80 percent of the state in darkness.

For the last two months I have worked with my colleague Senator COLLINS, my friends from Vermont, Senators JEFFORDS and LEAHY and the two gentlemen from New York, Senators D'AMATO and MOYNIHAN, in an effort to ensure that the unmet needs of our states are addressed.

Working in conjunction with our states, we identified areas where FEMA was unable to provide the assistance needed, and we have worked with the Administration and the Committee to fill those gaps. I am pleased that the bill before us today provides funding to ensure that Maine, Vermont, New Hampshire and New York will have money available to help ensure a full recovery from the devastation of the Great Ice Storm of 1998.

Our forests were left in shambles as the weight of the ice broke off entire limbs and felled mature trees, leaving the forest floor in a mass of confusion. This bill will provide $48 million to the U.S. Forest Service in order to help the states and private land owners assess the damage and develop plans for clean up and for ensuring a healthy future for the forests. In addition to general clean up, some of the trees which were felled must be harvested as soon as possible in order to retain any value, others may sit on the forest floor for a while. Maine's forest products industry is vital to the economy, and this supplemental funding will help ensure as quick a recovery as possible from the havoc wrecked by the Ice Storm.

In addition, funding is provided to help Maine's maple syrup producers. Not only did the storm do immense damage to the trees, but it also tore out the tubes which were waiting to catch the flow of sap. There is approximately $4 million, which requires a cost share, to assist this industry in recovery efforts that will be hampered for a number of several years by the severe damage done to the trees.

The supplemental also provides assistance to Maine's dairy farmers. The ice knocked out power to more than 80 percent of the state and thousands of people were without power for up to two weeks. The lack of electricity made it impossible for many dairy farmers to milk their cows—and for those that could, the lack of electricity meant they had to dump their milk because it could not be stored at the proper temperature.

Maine's dairy farmers are family farmers. It is as much a way of life as it is a business, and the storm put a big dent in their finances. This bill provides $4 million to help take care of livestock losses. I also supported an amendment offered by my good friends from New York, Senator D'AMATO and from Vermont, Senator JEFFORDS, that added $10 million for milk production loss. Not only were farmers forced to dump milk, but their inability to milk impacts the production level of milk. It will take several months for these cows to return to their full production level.

I wish to reiterate my appreciation for the support that the Appropriations Committee, lead by Chairman STEVENS, has shown for the needs of the northeast states hit by the Ice Storm. His leadership has been instrumental in ensuring that Maine will be able to make a quick and full recovery from the devastation of the Ice Storm of 1998. I urge my colleagues to join me in supporting this bill.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am authorized to state that the minority leader, Mr. DASCHLE, the leader, and I will not call up relevant amendments.

And I announce we have completed the list. There are no more amendments in order on the supplemental appropriations.

The bill is ready for third reading.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. STEVENS. Mr. President, I now have a unanimous consent request. I ask unanimous consent that the bill now be placed back on the calendar until such time as the Senate receives from the House the House companion bill. I further ask unanimous consent that once the Senate receives the House companion bill, the Senate proceed to its immediate consideration, and all after the enacting clause be stricken, the text of S. 1768, as amended, be inserted, and the bill be read for the third time and passed, the motion to reconsider be laid upon the table, and S. 1768 be placed back on the calendar.

I further ask unanimous consent that when the Senate receives the House companion bill to the IMF supplemental appropriations bill, the Senate proceed to its immediate consideration, and all after the enacting clause be stricken, and the text of the IMF title in this bill be inserted, and the bill be advanced to third reading and passed, and the motion to reconsider be laid upon the table, all without further action or debate.

Finally, I ask unanimous consent that in both cases the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate, all occurring without further action or debate.

Mr. WELLSTONE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. We are going to have a final rollcall vote on the bill; is that correct?

Mr. STEVENS. We do not have the bill here. And this enables us to go to conference on either bill immediately. The final vote on this bill will occur in a conference report in each instance.

Mr. WELLSTONE. Well, Mr. President, I shall not object as long as we will have a rollcall vote on——

Mr. STEVENS. A rollcall vote on the conference report. That is the commitment we have made.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Let me thank all Members for their cooperation and assistance in connection with this bill. I, again, say that these are vital subjects to our democracy, and it is imperative that we proceed as rapidly as possible. And I appreciate the Senate giving us the authority to move immediately, when we receive either bill from the

House, to go to conference with the House.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. I do.

Mr. BYRD. Mr. President, I thank the Senator for the very high degree of leadership that he has demonstrated in managing this bill. It was a difficult bill with a great number of amendments. And he has remained on the floor, worked hard, and demonstrated his characteristic fairness and objectivity throughout the work on the bill.

I thank him on behalf of the Senators and express our collective appreciation and, may I say, our admiration.

Mr. STEVENS. That comment, coming from the distinguished Senator from West Virginia, is an honor. I want to assure the Senate we would not have been able to move on this bill without the cooperation of Senator BYRD and the minority staff.

I will come back later with the thanks to all concerned on this matter, but I am grateful to my good friend.

The PRESIDING OFFICER (Mr. COATS). The Senator from the great State of Mississippi, Senator THURMOND.

Mr. THURMOND. I wish to commend the able Senator from Alaska for the magnificent manner in which he handled this bill. It was a complex bill, and he did a wonderful job. I congratulate him.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. COVERDELL. Mr. President, on behalf of the leader, as most Members have been aware, the two leaders have been working toward an agreement with respect to the Coverdell A+ education bill going on a week now—13 days, to be exact. The leader regrets to inform the Senate that we will not be able to reach an agreement which would have provided for an orderly procedure to consider the bill, education-related amendments only.

Therefore, the leader notifies the Senate that the cloture vote will occur at 5:30 p.m. today and the Senate will now resume the bill for debate for 30 minutes equally divided.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, this is the fourth filibuster on this proposal.

When this measure came before the Senate last year, we were told that it was a pretty good idea but it needed to go through the process. It has now been through the Finance Committee. It now embraces many ideas from the other side of the aisle, and, of course, its principal cosponsor is from the other side of the aisle, Senator TORRICELLI of New Jersey.

It was reported out with a bipartisan vote 12–8 on February 10, 1998. Provisions have been added to the bill from Senators MOYNIHAN of New York, GRAHAM of Florida, BREAUX of Louisiana. Eighty percent of the tax relief embodied in the bill reflects amendments from the other side of the aisle.

Mr. DASCHLE. Will the Senator yield?

Mr. COVERDELL. Absolutely.

Mr. DASCHLE. I was preoccupied when the Senator made the unanimous consent request; I apologize. Was the request made for one-half hour of debate prior to the vote to be taken at 5:30, and was it equally divided?

Mr. COVERDELL. Yes.

Mr. DASCHLE. I thank the Senator for yielding.

Mr. COVERDELL. As I said, we are in our fourth filibuster. The majority leader has now offered five different proposals. I don't think it is necessary to enumerate each of the five different proposals. We have made progress, but every time, there is one more obstacle to getting to the bill and getting to it within the parameters of education debate.

If this filibuster continues, I just want to point out that about 14 million American families will be denied the opportunity to establish savings accounts that will help some 20 million children, that 70 percent of those families will be families that have children in public schools, 30 percent in private.

To hear some of the opponents, you would think this is a private education savings account. It is far from it. These families would save about $5 billion in the first 5 years and another $5-plus billion in the second 5 years. So we are talking about a lot of money coming to the aid of education without the requirement to raise taxes. No new property taxes, no new Federal taxes. These are families stepping forward to help their children. That will be blocked. Those millions of Americans' opportunity will be stunted.

If the filibuster continues, the qualified State tuition provision, which would affect some 1 million students gaining an advantage and more provisions when they get to college, 1 million employees will be denied the opportunity to have their employers help them pay for continuing education or fulfilling their educational needs, and 250,000 graduate students will be denied that opportunity as well; $3 billion will disappear from the financing capacity of local school districts to build some 500 new schools across the Nation.

This is not a very productive filibuster. The American public, particularly those concerned about better education and the need for it, have this roadblock standing in front of them through this filibuster. I compliment both leaders for endeavoring to try to get this accomplished. But I think fairness has been extended. I conclude this statement by saying I think that fairness has been accorded and common sense, as well. I have to conclude we are just still in the midst of a filibuster.

I yield the floor.

Mr. McCAIN. Mr. President, I rise today to express my support for H.R. 2646, the Parent and Student Savings Account PLUS Act, which will create educational choices and academic opportunities for millions of young Americans. I am proud to be an original cosponsor of this measure for which my colleague, Senator PAUL COVERDELL, has tirelessly fought on behalf of our Nation's students since it was stripped from the 1997 Balanced Budget Act.

The legislation allows up to $2,000 each year to be placed in an educational savings account, or A-PLUS account, for an individual child. This money would earn tax-exempt interest and could be used for the child's elementary and secondary educational expenses, including tuition for private or religious schools, home computers, school uniforms and tutoring for special needs.

According to the Joint Committee on Taxation, about 14 million families with children could take advantage of A-PLUS education savings accounts. About 75 percent of the families who would utilize these accounts would be public school parents. At least 70 percent of this tax benefit would accrue to families with annual incomes less than $75,000.

The most exciting aspect of this bill is the creation of individually controlled accounts that can be used to address the unique needs of the child for whom they are created. Funds in these A-PLUS accounts can be used to hire a tutor for a child who is struggling with math, or foreign language lessons to help a child become bilingual or even multilingual. They are available to purchase a home computer or help a child with dyslexia obtain a special education teacher. In short, the A-

PLUS accounts would enhance the educational experience of a child by meeting their unique needs, concerns, or abilities.

It is important to note that A-PLUS accounts would not carry any restrictions regarding who can deposit funds. However, there is a limit on the total amount which can be deposited annually into an individual child's account. Thus, deposits into the account, up to a total of $2,000, could come from a variety of sources, including parents, grandparents, neighbors, community organizations and businesses. This provision enhances the prospect that more children could maximize this educational benefit.

This bill also contains several important initiatives which would positively impact access to higher education and school construction.

First, it would assist qualifying prepaid college tuition plans. Currently, 21 states allow parents to pre-purchase their child's college tuition at today's prices. The A-PLUS bill would make these pre-paid plans tax free, thus encouraging additional States to create similar programs which make college more affordable for more families.

Second, this legislation encourages employer-provided educational assistance by extending the tax exclusion of employer-provided undergraduate school courses to December 31, 2002. Currently, this tax exclusion is set to expire on May 31, 2000. In addition, it would allow graduate-level courses to be included in this tax exemption.

Third, the bill would allow school districts and other local government entities to issue up to $15 million in tax-exempt bonds for full school construction. This is an increase of 50 percent from the current level of $10 million.

Finally, this bill allows students who receive a National Health Corps scholarship to exclude it from their gross income for tax purposes. These individuals help provide vital medical and dental services to our nation's underserved areas.

These components, combined with the A-PLUS created under this bill, will make significant strides toward improving the academic performance of our Nation's students.

Mr. President, if a report card on our Nation's educational system were sent home today, it would be full of unsatisfactory and incomplete marks. In fact, it would be full of "D's" and "F's." These abominable grades demonstrate our failure to meet the needs of our Nation's students in kindergarten through twelfth grade.

Currently, the Federal Government spends more than $100 billion on education and about $30 billion of this is spent on educational programs managed by the Department of Education. Still, we are failing to provide many of our children with adequate training and academic preparation for the real world.

Our failure is clearly seen in the results of the Third International Mathematics and Science Study (TIMSS). Over forty countries participated in the study which tested science and mathematical abilities of students in the fourth, eighth and twelfth grades. Our students scored tragically lower than students in other countries. According to this study, our twelfth graders scored near the bottom, far below almost 23 countries including Denmark, France and Lithuania in advanced math and at the absolute bottom in physics.

Meanwhile, students in Russia, a country which is struggling economically, socially and politically, outscored U.S. children in math and scored far above them in advanced math and physics. Clearly, in order for the United States to remain a viable force in the world economy, our children must be better prepared academically.

We can also see our failure when we look at the Federal Government's efforts to combat illiteracy. We spend over $8 billion a year on programs to eradicate illiteracy across the country. Yet, we have not seen any significant improvement in literacy in any segment of our population. Today, more than 40 million Americans can not read a menu, instructions, medicine labels or a newspaper. And, tragically, four out of ten children in third grade can not read.

Mr. President, this is an outrage. But contrary to popular belief here in Washington, pouring more and more money into the existing educational system is not the magic solution for what ails our schools.

The problem runs much deeper than a lack of funding. And the solution is more complicated.

In fact, according to the most recent studies, there is very little, if any, correlation between the amount of money spent on education and the academic performance of students. A Brookings Institute study reported that, "The Nation is spending more and more to achieve results that are no better, and perhaps worse."

Over the past decade the U.S. Department of Education has spent about $200 billion on elementary and secondary education, yet achievement scores continue to stagnate or drop and an increasing proportion of America's students are dropping out of school. Most of our students are not meeting proficient levels in reading, and according to the 1994 "National Assessment of Education Progress," 57 percent of our high school seniors lacked even a basic knowledge of U.S. history.

I am also disturbed by the disproportionate amount of Federal education dollars which actually reach our students and schools. It is deplorable that the vast majority of Federal education funds do not reach our school districts, schools and children. In 1995, the Department of Education spent $33 billion for education and only 13.1 percent of that reached the local education agencies. It is unacceptable that less than 13 percent of the funds directly reached the individual schools and their students.

The lack of a correlation between educational funding and performance can also be seen internationally. Countries which outrank the United States in student academic assessments often spend far less than we do and yet, their students perform much better than our students. The United States spends an average of $1,040 per student in elementary and secondary education costs. By comparison Hungary spends $166, New Zealand spends $415, Australia spends $663, Slovenia spends $300, the Netherlands spend $725, and each of these countries' students performed well above U.S. students in the mathematics portion of the Third International Mathematics and Science Study (TIMSS.) Obviously, these countries are succeeding in providing their children with a high-quality education, and spending less to do so.

Mr. President, clearly, the Federal Government has a role in the education of our citizens. I have supported many vitally important Federal programs which enhance the educational opportunities of young Americans, such as financial aid for college students, aid to impoverished school districts, and special education programs for disabled children. However, much of the Federal Government's involvement in education is highly bureaucratic and overly regulatory, and actually impedes our children's learning.

Clearly, we need to be more innovative in our approach to educating our children. We need to focus on providing parents, teachers, and local communities with the flexibility, freedom, and, yes, the financial support to address the unique educational needs of their children and the children in their communities.

For example, I see no reason why most Federal education programs should not be block-granted to States and local school boards. Such a step would provide new flexibility to parents and local school officials, and eliminate Federal intrusion in local and state education policies. Personally, I have the utmost faith and confidence in parents and educators to utilize federal education dollars productively and efficiently, and in the best interests of the children in their communities.

Mr. President, it is absolutely crucial, as we debate this and other proposals to reform our educational system, that we not lose sight of the fact that our paramount goal must be to increase the academic knowledge and skills of our Nation's students. Our children are our future, and if we neglect their educational needs, we threaten that future.

I am gravely concerned that goal is sometimes lost in the very spirited and often emotional debate on education policies and responsibilities. Instead, this should be a debate about how best to ensure that young Americans will be able to compete globally in the future. I believe the key to academic excellence is broadening educational opportunities and providing families and communities both the responsibility and the resources to choose the best course for their students.

The A-PLUS bill is an important step toward returning to parents and communities the means and responsibility to provide for their children's education. This is why I support Senator COVERDELL's legislation and will continue to support innovative, flexible programs which focus on the best interests of our children, our future.

Mr. DASCHLE. Mr. President, I regret that we have not been able to find a final and successful resolution to our discussions which have extended now over the course of several days.

I think it is important to lay out what has happened to date and where we are so everybody knows what the circumstances are. As everyone knows, the legislation came to the floor immediately and a cloture vote was filed on the motion to proceed. I supported that motion to proceed because I felt it was important that we move on to the legislation. There was some concern expressed about other unrelated matters, and so there was a divided vote on the motion to proceed, but it was an overwhelming vote.

We then got to the bill itself, and I expressed the desire on the part of many of our colleagues that we have a right to offer amendments. It was at that point that cloture was filed again, prior to the time we had the chance to offer even the first amendment. Cloture was not invoked, as the record shows. That began a series of negotiations about amendments.

As I discussed the matter with my colleagues, our list included about 32 amendments originally proposed to the bill. While that sounds like a lot of amendments, as I have noted now on several occasions on the Senate floor, it pales by comparison with regard to a similar circumstance that we had in 1992. A narrowly drafted tax bill having to do with a matter that most of us are very interested in, enterprise zones, was offered, and our Republican colleagues proposed at that time that they be granted the right to offer 52 amendments, including amendments on unrelated matters—on tractors and scholarships and the like.

We didn't offer 52 amendments; we originally suggested 32. We were told that that is too many. I went to all of my colleagues and I said, "Look, we will have to pare this down. I want to be cooperative." So we pared it from 32 down to 15. I took that to the leader and I said the one thing we really are determined not to do is to give up our right to have those amendments second degreed, but we will drop it by more than 50 percent. We will go from 32 amendments down to 15 amendments so long as we have the right to have an up-or-down vote.

They said, "Well, we will probably consider having up-or-down votes, but you have to put time limits on all the amendments." Then I went to all my colleagues and I said, "Well, you aren't going to believe this. I'm going to have to ask you not only to pare your amendments from 32 to 15, but now I'm going to have to ask you to accept time limits, and we are hoping that we can limit it to at least a couple of hours each." So it was suggested and my colleagues cooperated.

I presented that, and I reported to the leader that we had agreed to time limits. The leader then came back and said, "Well, now we have a new request. The request is that not only do we want time limits, but the amendments have to be on education. We are not going to allow any amendments that are not related to education." I went back to my colleagues again and I said, "You aren't going to believe this, but now we have to agree to limit our amendments to 15, to limit our amendments in terms of time, and now to limit them in terms of issue." I went back again to the leader I said, "Well, I think we can do that."

He came back again and he said, "You are going to have to allow second degrees." Now they have to be second degreed. I said, "I don't know if I can do that." I went back to my colleagues again and I said, "You aren't going to believe this, but now we have to allow second degree amendments to all these amendments. Not only do you have to reduce from 32 to 15, not only do you have to allow a limit on the issue, that is education, but now you have to allow second degrees."

So on four separate occasions, because of demands from our Republican colleagues that be cooperative, I have had to call upon my colleagues to reduce the amendments by more than half, to reduce the amount of time, to allow second degrees, and not to allow any extraneous issues, even though 4 years ago when the roles were reversed they demanded votes on tractors.

So I must say, Mr. President, the record ought to be very clear about who has cooperated here, who has put out the very best effort to ensure that somehow we could bring this bill to the floor. But the bar keeps getting raised higher and higher and higher. So if indeed we are the U.S. Senate, it seems to me there comes a time when you say, what else can we do? What else is there left? We have education amendments. We have agreed to second degrees. We have agreed to even less than an hour on these amendments; now it is down to a half hour on each amendment. We have agreed to that. We have agreed now that they be limited to education. We have even cut down further the number of amendments. Yet, our Republican colleagues say that is not enough. That is not enough. Go back and do more, prove to us more that you are going to be cooperative. Make sure that you ask your colleagues for more.

I think there is a message here. The message is that nothing is good enough. Ultimately, there is no way we can satisfy our colleagues on the other side because I don't think they want an agreement. I must say that I do not fault the author of the bill. I am not suggesting he is behind this. I certainly do not fault the majority leader. I think he has made a concerted, good-faith effort to try to figure out a way to deal with this. But I must say that I hope he would say the same about me. I hope, after what I have just described, that it is clear that we have done everything I know how to do, under these circumstances, to be able to resolve this matter in a way that will accommodate both sides. But for me now to go back and say we have given our all, but now we have to even give up education amendments—the last criticism related to me by the majority leader was that we had too many education amendments. It wasn't the issue any longer. We have given that up. Now they are saying we have too many education amendments on an education bill. So now they are asking the minority to say, OK, majority, you tell us what the issue ought to be, what the circumstances for debate ought to be, and now even whether or not we should be able to offer an education amendment on an education bill and we should accept that because we are the minority.

That is what this cloture vote is about, Mr. President. We are being asked to cave completely, to give it all up. We cannot do that. There comes a time when you have to be able to say, look, we just can't give anymore.

So I hope my colleagues will understand that. We were within, I thought, minutes or inches of reaching an agreement, in part because of the effort made by the majority leader. But we are not there now. I hope the message will be clear; there comes a time when you just cannot give anymore.

A couple of colleagues have asked to speak. I yield 1 minute to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank our leader, Senator DASCHLE, for the efforts he has made to try to raise the education issue for debate here on the floor of the U.S. Senate. I think that, historically, there have been great debates on education, when we found common ground, and they were basically bipartisan in nature. It has been rare that we have been unable to at least have a good, full debate on the education issue.

It is regrettable that our Republican friends are so unsure of their position on education policy that they would deny the opportunity for a debate on upgrading and modernizing our schools, providing for smaller classrooms, improving the teachers in our country and the after-school programs.

So I say to our leader that I look forward to the time here on the Senate floor when we can have the kind of debate that I think the country wants. The country recognizes that education is the key issue for the future of our Nation, and we ought to be debating the best ideas of Republicans and Democrats alike.

Mr. DASCHLE. I thank the Senator.

Mr. President, I share that point of view. Obviously, there are a lot of areas of agreement between Republicans and Democrats. There are many things with which there are disagreements. That is really the essence of this whole debate. Shouldn't we have an opportunity to talk about some of those disagreements? But I think the record is pretty clear. After all these days, we have been precluded from offering the first amendment to which there may be some disagreement.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The minority side has 3 minutes 22 seconds.

Mr. DASCHLE. I yield 1 minute to the distinguished Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the minority leader. I also thank the leader for his unstinting efforts to try to work out a compromise that will allow for a balanced debate about the subject matter of amendments from both sides of the aisle.

The real tragedy here, Mr. President, is that this is one of the most important issues that we will take up this year—the education of our children and how we are going to provide for the development of partnerships between the Federal, State, and local governments, and communities and parents, to provide the best possible education for the children of this country.

It is a vitally important issue going to our national security as a Nation, our future as a country. Yet, here we are in a situation in which the ideas from this side of the aisle are being shut down, are being foreclosed. We are not having an opportunity to talk about those ideas.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Ms. MOSELEY-BRAUN. I thank the Chair and yield the floor.

Mr. DASCHLE. Mr. President, I see other colleagues seeking recognition. I yield 1 minute to the distinguished Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Democratic leader for his continued work on this issue to try to allow us the opportunity to come here to the floor to talk about the most critical issue in this country today, which is the education of our young children.

There is a very serious debate that ought to be had. Are we going to go down the road of vouchers and block grants and cutting out the Department of Education, where fewer and fewer children have the opportunity for an education? Or are we going to talk about the proposals that we would like to debate—whether or not our class sizes should be smaller, how we are going to train our teachers for the skills they need with our children in their schools, how we are going to deal with our classrooms that need school construction so badly across this country. There is a debate to be had. We are ready to join it. We want to have that opportunity, and we will stand behind the Democratic leader to be allowed to have that debate on this floor.

Mr. DASCHLE. Mr. President, I may have to use a minute or two of leader time.

I yield 1 minute to the Senator from Rhode Island.

Mr. REED. Mr. President, I, too, commend the Democratic leader for his efforts to ensure that this debate reaches the full spectrum of issues that concern American education.

I believe there is one thing we can all agree upon: The problems of American education are multiple, and to conduct a debate that would focus exclusively on one remedy and not allow other voices, other approaches, is, to me, relinquishing our responsibility to deal principally and responsibly with education policy in the United States.

There are proposals by my colleagues with respect to class size. Again, we are seeing evidence from States like Tennessee, where it makes a real difference in performance in education. Yet, we are not allowed to talk about those issues in this debate. If we are going to approach this issue with the idea of helping American education rather than the idea of promoting one particular ideological version, we have to allow for open, robust debate that incorporates all of the amendments my colleagues are proposing. And the idea to carry on without the debate, to me, is not worthy of this body.

The PRESIDING OFFICER. All of the time of the minority leader has expired.

Mr. DASCHLE. Mr. President, I yield 1 minute of my leader time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the leader. Let me thank both leaders here. It is not an easy task to try to fashion these agreements. I sympathize in that we have spent I don't know how many days trying to work out an agreement to discuss amendments. In a sense, what the Democratic leader was trying to do was get the bill up and allow the amendment process to flow. I suspect this bill might have been dealt with after having been given a chance to raise these amendments earlier.

It may seem like it is not that large an issue to people. It is one proposal. I suspect this may be one of the few opportunities when we will get a chance to debate education this year, given our calendar. I suggest to my colleagues, Mr. President, that we are talking about $1.6 billion that will go toward education in this case. I think having a healthy debate about where those resources go is something that the country would like to hear. Whether or not we want it to support building up the deteriorating schools that our colleague from Illinois, Senator CAROL MOSELEY-BRAUN, proposes, or deal with classroom size, which Senator MURRAY proposes, or whether or not we want to go into special education, these are legitimate issues about how you allocate scarce resources.

I applaud the efforts of our leader and, hopefully, we can get some accommodation so we can have a good, healthy debate.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, just a little history. Before I do that, I know that I certainly have tried to work out something that Members on both sides could live with. I believe Senator DASCHLE has, too. But we have Senators on both sides who have very strong feelings about amendments that are suggested on both sides. There are amendments on the Democratic side that other Democrats have problems with, and it is the same thing over here. There are Republican amendments that other Republicans have problems with. So we have made a sincere effort.

I remind you that we started this effort on the 13th. Maybe there is a significance to that. On Friday, March 13, we started working on this. The problem is, if you want a good, healthy debate on education, fine, let's have it. I will not play second fiddle to anybody when it comes to my concern about education.

By the way, I am a product of public education; so is my wife and both of our children. But I am worried about the quality of education and the violence and drugs in schools. But the difference is, I don't think the answers are here in Washington. Some people say, let's have everything paid for and run everything from Washington. We have tried that ever since the 1960s. The scores are going down and violence is going up.

I care about this mightily. Let's have a debate about education. We are going to have a debate about education this year—not one, but probably two or three. But some Senators say, let's open it up and have debate, let's have amendments of all kinds. That is what was going to happen. We were going to wind up debating cows. And I don't want to go off on cows because cattle are important in Mississippi. I love beef. We were going to have welfare debates and debates about everything imaginable.

That is what has happened the whole year so far. On every bill that comes up, every Senator takes advantage of his or her right and says, "I have my amendment or amendments," and they just grow like Topsy on everything.

Supplemental appropriations—a bill we should have done Friday afternoon—is still sitting around here. I am not blaming that on one side or the other. I am saying "Senators," not one side or the other. Both sides don't seem to want to get serious about resolving the supplemental appropriation bills that we have now combined into one.

But the problem has boiled down to the fact that we still have Senators insisting—"We went through this process. We don't want second-degree amendments." Some say, on the one hand, "We want to do the regular order." When we say "second-degree amendments," you say, "but not that regular order." You continue to insist on amendments that don't relate to education. Senators object to that. I have been told that we must have Senator KERRY's amendment but we cannot have Senator GORTON's amendment. I don't understand that. Senator GORTON's is education related; Senator KERRY's was not; his was on child care. We will debate that another day.

Talk about fairness. I have bent over backward, until my back is almost broken. Remember, the base bill is three-fourths a Democrat bill. I don't care because those three-fourths that the Democrats came up with are pretty good ideas—prepaid tuition for college, yes, I am for that; deductions for higher education employer-employee arrangements, hey, I am for that. That was promoted by Senator BREAUX from Louisiana, Senator MOYNIHAN from New York, and Senator GRAHAM from Florida. We have the school production bond issue thing in here, plus what we sent back today is our final offer. There were 12 amendments for Democrats, 3 for Republicans. I mean, how far can I go? I was told, yes, only three. But you say, "We don't want Gorton in there." So I tried. I think Senator DASCHLE has tried. It is time that we have a vote on cloture. Maybe I made a mistake by not saying let's do it earlier, and Senator DASCHLE might say the same thing. But I think the record speaks for itself: 3 out of 4 provisions in the bill, Democrats; 12 out of 15 amendments, Democrats. I mean that is in most games—whatever it is—more than fair.

But we tried. Let's have a vote on cloture. This is a vote to get a good debate on the education provisions which Senators on both sides support. And we will see what happens and take it from there.

Mr. President, I believe we have 2 or 3 minutes remaining. I yield the remainder of the time to Senator COVERDELL, who has done a great job working through all of this.

The PRESIDING OFFICER. The Senator has 4 minutes 15 seconds remaining.

Mr. COVERDELL. Mr. President, I appreciate the efforts of both leaders.

But the point is, we are still in a filibuster. When this proposal was in the tax relief bill last year, the President said he would veto the entire tax relief bill if this education savings account was in it. Then we went through one or two filibusters. We tried to deal with it. We had a stand-alone measure last year, and then we had a filibuster attempt. And we tried to proceed to it this year. Now we are trying to bring cloture, which, I might point out, doesn't end the amendments. If you file cloture, it is a Senate rule that says you are going to confine amendments to the subject matter. When I was in the State Senate in Georgia, we had to do that on everything. It was unique that you could amend with non-germane amendments.

But that is what we are trying to bring order to. And after we have been through four filibusters, a veto threat, we become concerned that we are not in a serious effort to get to the actual education components.

It is my understanding that we have said the other side can have its own substitute, an education amendment. There has been severe resistance to non-education-related amendments, and I understand an amendment of the Senator from Nebraska is still at play. And it is not an education amendment. It is my understanding that an education amendment on our side is being objected to. We are going to have a vote here in a minute.

I want to, in closing, stress that this is a bipartisan proposal and one of the most dogged, persistent attempts to get this legislation passed with both Republican and Democrat components. The good Senator from New Jersey, Mr. TORRICELLI —and there are a number of Senators on the other side of the aisle—a good number—who want this legislation passed; 70 percent of it has now been designed by the other side of the aisle. They want to get to the substance of the education debate—the good Senator from Illinois. If we can get to the debate, it is going to have a chance. That is an education proposal. We handle it our way; they handle it their way. We will debate it. But what we are saying is, there ought to be a debate on education. We have spent an inordinate amount of time avoiding the debate.

Mr. President, I presume my time has expired.

The PRESIDING OFFICER. The Senator presumes incorrectly. He has 1 minute and 15 seconds.

Mr. COVERDELL. In deference to my colleagues, I yield my time.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 2646, the A+ Education Act:

Trent Lott, Paul Coverdell, Jeff Sessions, Connie Mack, Bill Roth, Judd Gregg, Christopher Bond, Tim Hutchinson, Larry E. Craig, Robert F. Bennett, Mike DeWine, Jim Inhofe, Bill Frist, Bob Smith, Wayne Allard, Pat Roberts.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 2646, the A+ Education Act, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 58, nays 42, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—58

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 42.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk on the pending Coverdell A+ Education Act.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

> CLOTURE MOTION
>
> We the undersigned Senators, in accordance with the provision of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 2646, the A+Education Act:
>
> Trent Lott, Paul Coverdell, Craig Thomas, Rod Grams, Chuck Hagel, Tim Hutchinson, Kay Bailey Hutchison, Mike DeWine, Bob Bennett, John McCain, Don Nickles, Chuck Grassley, Mitch McConnell, Wayne Allard, Phil Gramm, John Ashcroft.

The PRESIDING OFFICER. The Senate will be in order. The majority leader.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote, then, would occur on Monday of next week, at a time to be determined by the majority leader after notification of the minority leader. I presume that will be around our normal voting time, at 5:30 on Monday.

So I now ask consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—S.J. RES. 43

Mr. LOTT. Mr. President, I ask unanimous consent the Foreign Relations Committee be discharged from further consideration of S.J. Res. 43 regarding Mexico decertification which includes a waiver provision, and the Senate proceed to its immediate consideration under the following terms: The time between now and 7:25 be equally divided between the two leaders.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

MEXICO FOREIGN AID DISAPPROVAL RESOLUTION

Mr. LOTT. Mr. President, in light of the objection, I now ask the Foreign Relation Committee be discharged from further consideration of S.J. Res. 42, regarding Mexico decertification, and the Senate proceed to its immediate consideration under the same terms as described above for S.J. Res. 43.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Mr. President, having just reached this agreement, I expect this rollcall vote to occur at 7:25 this evening or earlier if time can be yielded back. But the vote on the Mexico decertification issue will occur at 7:25.

I thank the leader for working with us on this, and also Senator FEINSTEIN and Senator COVERDELL. They have been very cooperative. I believe this is enough time to lay the issue before the Senate and have a vote.

I yield the floor.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 42) to disapprove the certification of the President under section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1998.
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That pursuant to subsection (d) of section 490 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j), Congress disapproves the determination of the President with respect to Mexico for fiscal year 1998 that is contained in the certification (transmittal no. 98-15) submitted to Congress by the President under subsection (b) of that section on February 26, 1998.

The Senate proceeded to consider the joint resolution.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, as the manager of this resolution—parliamentary inquiry, is there a division of time? Is there controlled time?

The PRESIDING OFFICER. Time is equally divided between now and 7:25. So roughly 1 hour——

Mr. BIDEN. Roughly an hour and a half divided equally.

Mr. President, I say to those who support the position that I will be managing, which is that we should support the President's position and not support my good friend from California, who thinks, along with others, we should decertify, I ask them to come to the floor and let me know if they wish to speak so we can, with some degree of rationality, allocate the time. I know Senator DODD, after the Senator from California makes her case, wants to speak in opposition to her position. I have told him I will recognize him first. But I say to other Senators who wish to speak in opposition to this decertification, please let me know. I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). Who yields time?

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, what we have before us is a resolution that has special standing on the floor. It is a resolution that will take the certification that the President has called for in the case of Mexico's fully cooperating with the United States on the drug war, and this resolution, if it is adopted, would overturn that and it would decertify. That would be a statement that the cooperation had not been full and complete.

This Senator, the Senator from California and others have been deeply concerned about this matter for well over a year and believe that by saying Mexico should be certified, we are saying to the people of both the United States and Mexico that things are going along OK. It is a message of fulfillment. It is a message that we are making progress, and that is not true. That is not true.

The situation, by virtually any measurement, is less now than it was a year ago when the Senator from California and I began to raise the issue.

I am here reluctantly. I consider myself an ally of the people and the Government of Mexico, but we are losing this war, we are losing this struggle, and it is not appropriate to say otherwise. I wish it were possible for us to be here with a resolution that said certification could occur but there would be a waiver by the President for security reasons. That is not technically possible. The only resolution that has standing is this statement, but it must be made.

Let me say, I commend General McCaffrey for his efforts as our drug czar, and I commend President Zedillo for what appears to be laudable efforts. But we do not do the people of either country, nor the people of this hemisphere, justice by communicating a message of gain or accomplishment or fulfillment when it is the exact reverse.

My concern—although I am sure it will be interpreted to be pointed at Mexico—my concern is mutual, and it is pointed at this administration and Mexico.

On May 2, 1997, I and the Senator from California sent an open letter to the President of the United States. We enumerated 10 areas that should become benchmarks, measurements by which we can determine whether or not we are getting our arms around this thing that has captured, in the last 5 years, 2 million American children aged 12 to 17.

On May 14, 1997, the President responded to me and to the Senator from California, accepting the letter of May 2 and the standards that were in it, and he indicated they would report and that these were, indeed, benchmarks that would be sought.

Mr. President, in this letter, we said:

> The Mexican Government should be able to take significant action against the leading

> drug trafficking organizations, including arrests and prosecution or extradition of their leaders, and seizure of their assets.

Virtually no progress.

> Extraditions:

We said:

> While Mexico has taken steps to allow the extradition of Mexican nationals, they have yet to extradite any Mexican nationals to the United States on a drug-related charge.

As we stand here tonight, there still has been no extradition of a Mexican national on a drug-related charge.

> Law enforcement cooperation: Mexico should undertake to fully fund and deploy the Binational Border Task Forces. . .

Not done.

> In addition, U.S. law enforcement officers working drugs in Mexico need to be granted the rights to take appropriate measures to defend themselves.

Not done.

> Money laundering: We are anxious to see Mexico fully implement the money laundering laws and regulations. . .

Little progress.

> Corruption: The decision to abolish the National Institute for Combating Drugs and replace it with a new agency known as the Special Prosecutor's Office. . .is an admission that the INCD had become hopelessly compromised. . .We need to see evidence that the new agency will not simply be a retread. . .

Not done.

Air and maritime cooperation: This is an area I think both the Senator from California and I concur has made some progress.

Mr. President, the Senator from California will address this, but she often makes the point that no intelligence is flowing from Mexico to the United States. We are not gaining any advice and counsel on this struggle.

I am going to yield momentarily. In the New York Times just today—just today—we have an extensive article, the headline of which reads: "U.S. Officials say Mexican Military Aids Drug Trafficking. Study Finds Closer Ties."

> Some doubt new report, but many say army corruption makes drug war futile. United States analysts have concluded that the case shows much wider military involvement with drug traffickers than the Mexican authorities have acknowledged.

This report was in the hands of the administration in February of this year, following which the administration decided to certify—following this report.

I will say it again and again—I hope some of my friends in Mexico hear me out—the fault is mutually shared. Mexico owns considerable responsibility for the failure and the lack of improvement on all of these points, but so does the administration. Let's remember the administration just last year was here trying to repeal this system just for the remainder of its term—"Let's let some other President worry about it"—and more recently has given us a plan to fight the drug war that concludes itself in the year 2007 and for which there are no benchmarks during the remainder of this administration.

These are not messages of a serious confrontation with a crisis in our country, a crisis in our hemisphere that has the potential of destabilizing every democracy in the hemisphere and poses enormous threats to our ally to the south, the Republic of Mexico. It is time that the Congress, that Members of the Senate say we must be honest, this war is being lost and the costs are beyond description in human life, in property and the stability of the governments of this hemisphere.

I reluctantly will cast my vote, because of these conditions, for decertification and reality. Mr. President, I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, if I may, I would like to continue the arguments that the Senator from Georgia has made and add some of my own. And, Mr. President, I do not make these arguments lightly, nor do I make them with any sense of pleasure.

It is never easy or pleasant to criticize a friend, a neighbor, and an ally. And Mexico is all of these. The United States and Mexico have a deep and complex relationship that spans every conceivable form of interaction across a 2,000-mile border. And we need to work together to solve problems that confront us.

I have heard many arguments—"Oh, this is all a United States problem." Well, Mr. President, the United States is trying to address that problem. Let me give you just two facts to corroborate that. One, in 1998, the U.S. Federal Government has spent or will spend nearly $16 billion fighting drugs. Of that, on demand reduction alone, we will spend $5.37 billion; on interdiction, $1.62 billion; on domestic law enforcement, $8.4 billion. And it all goes up next year.

One interesting fact is in 1985 prisoners on drug charges in Federal prisons were 31.4 percent of the total. Today, almost 60 percent of the Federal prison population is in prison on drug charges. So the number of people in Federal prisons for drug crimes in the United States of America has risen by over 30 percent in this decade.

We are trying. We may fail, but we do try. So this country does make a substantial effort—prevention, education, treatment, all of it.

"Full cooperation" means full cooperation. And there were six benchmarks, as Senator COVERDELL stated, that comprised the basic part of our concerns of last year: enforcement, dismantling the drug cartels, combating corruption, curtailing money laundering, extraditing Mexican nationals on drug-related charges, and law enforcement cooperation.

I would like to discuss each one of these areas in detail. But I want to make the point that I believe Mexico has fallen short of the mark of full cooperation in each of these areas.

On the day the certification decision was announced, the Director of the Office of National Drug Control Policy, Gen. Barry McCaffrey, said, "I would just like to underscore the absolutely superlative cooperation we have received from Mexico." I thought a lot about that. What I finally realized is, you know, now I know what the problem is. Mexico's cooperation with the United States focuses primarily on the political level. Tragically, it does so at the expense of the much more important law enforcement level. The degree to which the administration emphasizes this political level of cooperation is evident by the State Department's statement of explanation on the certification of Mexico. The first two paragraphs focus exclusively on meetings held between senior officials, commitments they have made, documents they have signed, and so on.

In other words, the most compelling rationale for certifying Mexico this year that the administration can offer is based on political-level agreements. But if there is one truth about the war on drugs, it is that it is fought on the streets, not in the conference rooms and banquet halls. Handshakes between men and women in suits do not stop drug trafficking. Good intelligence and good police work can and do stop drug trafficking. Law enforcement cooperation, not political-level agreements, is where the rubber hits the road in counternarcotics. Until this exists in Mexico, the administration's certification of Mexico will have all the weight of an inflated balloon—impressive to look at, but hollow at the core and easily punctured.

So with this background, I would like to offer my response to the administration's rationale for its decision to certify Mexico, in hopes that the Senate will act to overturn this decision. And I will rely on the benchmarks we set last year.

The State Department statement of explanation says: "Drug seizures in 1997 generally increased over 1996 levels." Now, this is true, but it is only part of the picture.

Let us begin with this first chart. Yes; this is 1996, and as you can see, cocaine seizures have gone up from 23.6 metric tons to 34.9 metric tons. But look back at the peak in 1991 when it was 50.3 metric tons, look at the drop; look at 1993 when it was 46.2; and then look at it drop back down into the low 20s. Cocaine seizures today are still over 30 percent below where they were back in 1991 when the supply was not nearly as large as it is today.

Let us take a look at heroin seizures. Again, we are told they are much improved. But look at the heroin seizures by Mexico. Beginning in 1994 at 297 kilograms, they go down in 1995 to 203 kilograms, and they go up in 1996 to 363 kilograms; this year they have gone down all the way to 115 kilograms. I think this is very, very dramatic.

Let us take a look, if we can, at methamphetamine seizures by Mexico. 1994, 265 kilograms; 496 kilograms in 1995. It has gone steadily downhill—to 172 kilograms in 1996 and all the way to 39 kilograms in 1997—as the United States of America has been inundated with methamphetamine labs. I am ashamed to say my State, the largest State in this Union, has become a source country for the dissemination of methamphetamine now throughout the rest of the United States—the great bulk of it coming from one cartel, which I will point out. A great bulk of the labs are operated, regretfully, by Mexican nationals in this country illegally.

Let us take a look at ephedrine seizures. Ephedrine is a key chemical without which methamphetamine cannot be produced. Here were the seizures in 1996—6,697 kilograms. Look how high they were. Here are the seizures in 1997—only 608 kilograms, a drop of over 90 percent. This is clearly a great drop.

Now let us look at narcotics arrests of Mexican nationals by Mexico in Mexico.

In 1992, they arrested 27,369 people. Look at it in 1997—10,572 people. That is a two-thirds drop in arrests when we are putting all this pressure on, saying, "Go after the cartels. Stop the assassinations. Break it up." The arrests have actually dropped.

Take the next chart. Now, one of the major tests—not the only test; it is not 100 percent accurate—of supply is what street prices are. In Main Street, prices for drugs drop when the supply goes up. Every single narcotics officer that works undercover or works the streets of America will tell you that. So we went to the Western States Information Network, which surveys the findings of local police departments on the west coast. Let me share with you what we found.

Cocaine in the Los Angeles region has fallen from $16,500 per kilo in 1994 to $14,000 per kilo in 1997. It has leveled off this past year. But this is the drop over that period of time.

Now, let us talk about black tar heroin. Black tar heroin is Mexican heroin. In the Los Angeles area, look at the street prices in 1991. According to DEA, this is nearly the exclusive province of the Mexican family-operated cartels based in Michoacan. In Los Angeles, the price per ounce has dropped two-thirds, from $1,800 in 1992 to $600 in 1997. The price today is one-third of what it was 5 years ago. This is why we see a tremendous increase in heroin addiction in this country. The supply overwhelms the demand, and the prices drop.

In San Francisco it is the same story. Black tar heroin—an average of $3,500 per ounce in 1991. Today it averages $600 per ounce, a dramatic drop in price.

And we see the same pattern with methamphetamine. In Los Angeles, the price per pound for methamphetamine averaged $9,000 in 1991. Today it has dropped down—gone up and down—but dropped down to $3,500 per pound. It is a two-thirds drop in price. That is enormous in the methamphetamine contraband market.

So these street price statistics tell the story of supply. And supply comes mainly flowing across our southern border.

Just this week, the March 23 edition of the San Diego Union-Tribune had an article entitled "Brazen Traffickers Want Run of the Border: Drug Flow From Mexico Now More Deadly, Frequent."

So in my view, low seizure figures, low arrest figures, falling street prices in our cities, and inundated Customs and Border Patrol agents are hardly indications of "full cooperation" by Mexico's authorities.

Let me speak about what the great danger is now. What I believe to be the biggest criminal enterprise in the Western Hemisphere is developing in Mexico, and that is the cartels.

There are essentially four major cartels: the Juarez cartel, known as the Carrillo-Fuentes cartel; the Sonora cartel, known as the Caro-Quintero cartel; the Tijuana cartel, known as the Arellano-Felix brothers; and the Amezcua-Contreras brothers.

In testimony about a month ago, DEA Administrator Thomas Constantine left little doubt when he talked to the Foreign Relations Committee about Mexico's efforts to dismantle the cartels. He said:

> Unfortunately, the Government of Mexico has made very little progress in the apprehension of known syndicate leaders who dominate the drug trade in Mexico and control a substantial share of the wholesale cocaine, heroin, and methamphetamine markets in the United States.

To me, this is a very telling statement. The State Department would have us believe all is well in the Mexican effort against the cartels—and they will point out some arrests—but every one of these arrests is second and third level cartel participants, not top level. I believe Mr. Constantine's testimony tells the true story—very little progress. I hope my colleagues will take these words into consideration.

Let me begin with the Juarez cartel. Mr. Constantine stated:

> The scope of the Carrillo-Fuentes cartel is staggering, reportedly forwarding $20-$30 million to Colombia for each major operation and generating tens of millions of dollars in profits per week for itself.

Meanwhile, the Carrillo-Fuentes cartel—that is the Juarez cartel—spreads its tentacles into U.S. cities, where it recruits U.S. gang members to act as its agents. DEA has identified active Carrillo-Fuentes cells in cities around the United States—Los Angeles, San Diego, San Francisco, Seattle, Phoenix, Houston, Dallas, Denver, Chicago, and most recently New York City.

Now, this is really interesting, because New York City used to be the preserve of the Colombian cartels who marketed their cocaine directly. But a DEA study in August of 1997 revealed that the Mexican distribution networks were rapidly moving into the east coast markets of New York, New Jersey, and Philadelphia, displacing the Colombians.

This trend was illustrated in a major DEA investigation—Operation Limelight—which uncovered a Chicago-based cell of the Carrillo-Fuentes organization that was delivering hundreds of kilograms of cocaine to a distribution network in New York. I believe my colleague from Illinois will, hopefully, speak to that.

Now, some felt that the death of Juarez cartel's leader—Amado Carrillo Fuentes—during attempted plastic surgery last May, could have set the stage for the weakening of the cartel.

One might even concede that Carrillo-Fuentes' death was as a result of his feeling under some pressure from the Mexican authorities, although this is far from proven.

But instead of getting weaker, the Juarez cartel is now stronger. Mexico didn't take any action whatever to capitalize on the opportunity provided by this death. Today the Juarez cartel continues to operate. This is in spite of a power struggle within the cartel that has produced an orgy of violence—50 drug-related murders in and around Juarez, which is clearly well beyond the Mexican authorities' ability to control.

There has been no effort to arrest the new leaders of this cartel, men such as Vincente Carrillo-Fuentes—Amado's brother—or Juan Esparragosa Moreno, a top aide, or Eduardo Gonzalez-Quirarte, a key manager of the organization's distribution networks along the border.

The other major drug trafficking cartel is the most violent and the most vicious. That is the Arellano-Felix cartel, operating right across the border from California in Tijuana. According to the DEA, "Based in Tijuana, this organization is one of the most powerful, violent, and aggressive trafficking groups in the world." They are active today, this year, in Arizona, California, Nevada, Oregon, and Washington. Once again, no effort to arrest their leaders.

On September 11, the most violent of the Arellano-Felix brothers, Ramon Arellano-Felix, was added to the FBI's Ten Most Wanted List. He has been indicted in San Diego on drug trafficking charges. Why has there been no effort taken by the Mexican authorities to rein in the operations of the Arellano-Felix organization or to arrest its senior leaders?

I would like to talk about one other cartel. The first is the Jesus Amezcua cartel. According to the DEA, "The Amezcua-Contreras brothers, operating out of Guadalajara, Mexico, head a methamphetamine production and trafficking organization with global dimensions." This organization has established links to distribution networks in the United States in locations like California, Texas, Oklahoma, Arkansas, Iowa, Georgia, and North Carolina.

The U.S. law enforcement investigation, Operation META, concluded in December with the arrest of 101 defendants and the seizure of 133 pounds of methamphetamine and the precursors to manufacture up to 540 pounds more, along with 1,100 kilos of cocaine and $2.25 million in assets.

I will go to the last three charts and then wrap up. This is very puzzling. This chart shows outstanding United States extradition requests for Mexican nationals wanted on drug charges. Now we have heard a lot about this, and Mexico has moved to be able to extradite some people, many of them on nonrelated drug charges. The two they have surrendered were deported, not extradited, because they were, in effect, dual citizens. They have not, to date, extradited a single Mexican national on drug-related charges, despite the fact that there are 27 extradition requests by this Government pending.

There is some good news. One reason for delay could be overcome if the United States Senate and the Mexican Congress ratify the protocol to the United States-Mexico extradition treaty which was signed just last November. I don't know why the administration has delayed submitting this protocol to the Senate. Once ratified, it will allow for the temporary extradition to take place for the purpose of conducting a trial while a defendant is serving prison time in his own country.

Extradition is clearly the key to stopping drug traffickers. A good place to start would be Ramon Arellano-Felix, who is wanted on narcotics charges in the United States. Another good start would be Miguel Caro-Quintero, who is head of the Sonora cartel, who last year at this time openly granted interviews to the Washington Post in Mexico. The Washington Post could find him. He has four indictments pending against him in the United States for smuggling, RICO statute, and conspiracy charges, but he cannot be found.

We have heard a lot about corruption. This is deeply concerning to me. This chart shows the Mexican Federal Police officials dismissed for corruption—there have been 870. Now, because of certain features of Mexican law, 700 have been rehired pending their appeals, and there have been no successful prosecutions. So if you are going to terminate somebody, they are going to get rehired, and you are not going to prosecute. Not a lot is accomplished.

Mr. President, to reiterate I rise today to urge my colleagues to vote to pass S.J. Res. 42 to disapprove the President's decision to certify Mexico as fully cooperating with the United States in the effort against drug trafficking. And I ask for the yeas and nays on the resolution.

I do not make these arguments lightly, nor do I make them with any sense of pleasure. It is never easy or pleasant to criticize a friend, a neighbor, and an ally—and Mexico is all of these. The United States and Mexico have a deep and complex relationship that spans every conceivable form of interaction across a 2,000 mile border. And we need to work together to solve the problems that confront us.

But we also must be honest with each other and with ourselves. Section 490 of the Foreign Assistance Act, which is the law of the land, requires the President to judge whether drug producing and drug transit countries, like Mexico, have met the standard of "full cooperation."

"Full cooperation," I suppose, can be viewed subjectively. It probably means different things to different people. But there are probably some areas which everyone can agree are essential parts of full cooperation. Let me suggest a few of these areas.

Last year, when the Senate debated this issue, we established essentially six benchmarks for evaluating Mexico's counternarcotics performance. The Administration used these benchmarks to guide its report to Congress last September, and I believed that it would use them to form the basis of its decision on certification.

These benchmarks each comprise a fairly basic part of any meaningful counternarcotics effort. They are: enforcement (such as seizures and arrests); dismantling the drug cartels and arresting their top leaders; extradition; combating corruption; curtailing money-laundering; and, most importantly, law enforcement cooperation.

I will discuss each of these areas in detail, but I can assure my colleagues that in each of these areas, Mexico has fallen well short of the mark of "full cooperation", which is the standard of the law.

There has been insufficient progress—and in some cases, no progress at all—on key elements of a successful counternarcotics program in Mexico. Whether due to inability or lack of political will, these failures badly undermine the urgent effort to keep the scourge of drugs off our streets.

Ignoring these failures, or pretending they are outweighed by very modest advances, does not make them go away. We do Mexico no favors, nor any for our country and our people, by closing our eyes to reality. And the reality is that no serious, objective evaluation of Mexico's efforts could result in a certification for "full cooperation". Partial cooperation, perhaps. But that is not what the law calls for. The law calls for "full cooperation."

On the day the certification decision was announced, the Director of the Office of National Drug Control Policy, General Barry McCaffrey, said: "I would just like to underscore the absolutely superlative cooperation we have received from Mexico."

However, I think I understand his reasoning, and in fact, the reasoning behind the certification decision as a whole. The reason is that the Administration's approach to evaluating Mexico's cooperation focuses primarily, if not exclusively, on the political level. Tragically, it does so at the expense of the much more important law enforcement level. Let me explain what I mean.

There is no question that President Clinton, General McCaffrey, Attorney General Reno, and other senior U.S. officials enjoy positive working relationships with their Mexican counterparts. Presidents Clinton and Zedillo had a cordial exchange of visits. There is a High-Level Contact Group on Narcotics Control that meets two or three times a year. Documents were released, such as the "Declaration of the U.S.-Mexico Alliance Against Drugs" and the "Bi-National Drug Threat Assessment" and the "Bi-National Drug Strategy."

The degree to which the Administration emphasizes this political-level cooperation is evident by the State Department's "Statement of Explanation" on the certification of Mexico. The first two paragraphs focus exclusively on meetings held between senior officials, commitments they have made, documents they have signed, and so on.

In other words, the most compelling rationale for certifying Mexico that the Administration can offer is based on political-level agreements.

But if there is one truth about the war on drugs, it is that it is fought on the streets, not in conference rooms and banquet halls. Handshakes between men and women in suits do not stop drug trafficking. But good intelligence and policework can and does stop drug trafficking.

Law enforcement cooperation, not political level agreements, is where the rubber hits the road in counternarcotics. Good intelligence and dedicated and trusting policework is what really makes a difference. Until this exists in Mexico, the Administration's certification of Mexico will have all the weight of an inflated balloon: impressive to look at, but hollow at the core, and easily punctured.

So, with this background, I will offer my response to the Administration's rationale for its decision to certify Mexico, in hopes that the Senate will act to overturn this decision. I will rely on the benchmarks we set last year.

ENFORCEMENT

The State Department's Statement of Explanation says: "Drug seizures in 1997 generally increased over 1996 levels." This is true, but it is just a partial picture.

Well, let's look at the record. It is true that Mexico's marijuana seizures were marginally higher in 1997, and it is also true of cocaine seizures. But the rise in cocaine seizures can only be considered progress as compared with the dismal seizure levels of the previous three years.

The 34.9 metric tons of cocaine seized in 1997 is an improvement over the previous three years, when cocaine seizures had dropped to about half of the 46.2 metric tons seized in 1993 and the 50 metric tons seized in 1991. This is a perfect example of lowering the bar. When we accept a dismal performance, as we did in 1994-1996, any improvement is given undue weight, even if it falls far short of Mexico's own proven capabilities, as the 1991-1993 figures indicate.

In several cases, drug seizures have declined sharply.

Take heroin for example. In 1997, Mexico's heroin seizures declined from 363 kilograms to 115 kilograms. That is a 68 percent drop.

The decline is even more pronounced in seizures of methamphetamine, and its precursor chemical ephedrine. Mexico's methamphetamine seizures fell from 496 kilograms in 1995, to 172 kilograms in 1996, and then to only 39 kilograms in 1997. Over two years, that is a 92 percent drop.

For ephedrine, we see the same pattern. Nearly 6,700 kilograms were seized in 1996. In 1997, that figure, amazingly, drops 91 percent, down to only 608 kilograms.

I am truly at a loss to understand how the State Department can cite increasing drug seizures as a rationale for its decision to certify, when its own statistics show Mexico's drug seizures declining by 60, 70, 80, and even 90 percent!! over the past 6 or so years.

In another important area of enforcement—narcotics-related arrests—we can see that Mexico's performance is getting worse, not better. In 1997, Mexico's narcotics arrests of Mexican nationals declined from 11,038 to 10,572.

This decline in arrests would be disturbing enough on its own. But it is even more so when one sees how far the bar has been lowered. We should be comparing this year's arrest figures not to last year's, which were only slightly less anemic, but to the 1992 level, which was more than double the current number.

While estimates vary, DEA believes that Mexico is the transit station for 50-70 percent of the cocaine, a quarter to a third of the heroin, 80 percent of the marijuana, and 90 percent of the ephedrine used to make methamphetamine entering the United States.

The 1997 seizure and arrest statistics, in my view, offer ample evidence that Mexico's enforcement efforts are simply inadequate. And the result, undeniably, is that more drugs are flowing into our cities, our schools, and our communities.

How do we know this? Just look at the street prices. The street value of cocaine, heroin, and methamphetamine are all dropping. According to the Western States Information Network, which surveys the findings of local police departments on the West Coast, the average street value of cocaine in the Los Angeles region has fallen from $16,500 per kilo in 1994 to $14,000 per kilo in 1997.

The drop is even more dramatic in the case of black tar heroin, which DEA has in the past reported to be nearly the exclusive province of Mexican "family operated cartels" based in Michoacan. In Los Angeles, the price per ounce has dropped from $1,800 in 1992 to only $600 in 1997. The price today is one-third of what it was five years ago.

In San Francisco, it is the same story. Black tar heroin averaged $3,500 per ounce in 1991. Today, it averages only $600.

We see the same pattern with methamphetamine. In Los Angeles, the price per pound for meth averaged $9,000 in 1991. Today, it has dropped to $3,500. In San Francisco, the average price per pound for meth has declined from a peak of over $10,000 in 1993 to $3,500 in 1997.

These street price statistics reflect in the main, the simple law of supply and demand. We know that demand remains high, unfortunately, so when the price drops, the obvious conclusion is that you have more supply.

So if we look at the beginning of the decade of the 90s, there's now much more cocaine, more heroin, more methamphetamine flowing across our southern border, while Mexico's enforcement efforts decline. In my mind, this combination makes a mockery of the concept of "full cooperation".

The evidence of increased trafficking can also be found by following events at the border. Just this week, in the March 23 edition of the San Diego Union-Tribune, Gregory Gross wrote an article called "Brazen Traffickers Want Run of the Border: Drug Flow From Mexico Now More Deadly, Frequent."

So in my view, low seizure figures, low arrest figures, falling street prices in our cities, and inundated customs and Border Patrol agents are hardly indications of "full cooperation" by the Mexican authorities in combating drug trafficking.

CARTELS

Let me speak about the cartels in Mexico. As evidence of Mexico's efforts to combat the cartels, the State Department's Statement of Explanation mentions the arrest of eight "major traffickers", including Joaquin Guzman Loera, Hector Luis Palma Salazar, Miguel Angel Felix Gallardo, and Raul Vallardes del Angel.

Not only are these examples of mostly second- and third-tier traffickers, not the cartel bosses, but who the Mexican authorities have failed to capture tells a much more important story. The State Department even admits that two legitimately "major" traffickers were dealt with lightly: Humberto Garcia Abrego of the Gulf cartel was released from prison—and I would point out this release occurred hours after the President certified Mexico last year—and Rafael Caro-Quintero of the Sonora cartel succeeded in having his sentence reduced.

The simple truth is that after a year of Mexico's so-called full cooperation in combating the cartels, the situation remains completely out of the Mexican authorities' control. Somehow, the State Department construes this effort as sufficient.

But that is not how the United States' drug enforcement officials describe the efforts in Mexico. Let me share with my colleagues what our DEA officials say about it. When DEA Administrator Thomas Constantine testified before the Senate Foreign Relations Committee on February 26, 1998, he described the four major cartels as the most powerful organized crime organizations in the hemisphere—much more powerful than anything the U.S. has ever faced. They are: the Juarez cartel, also known as the Carrillo-Fuentes cartel; the Sonora cartel, also known as the Caro-Quintero cartel; the Tijuana cartel, also known as the Arellano-Felix brothers; and the Amezcua-Contreras brothers.

In his testimony, Mr. Constantine left little doubt about Mexico's efforts to dismantle the cartels. He said: "Unfortunately, the Government of Mexico has made very little progress in the apprehension of known syndicate leaders who dominate the drug trade in Mexico and control a substantial share of the wholesale cocaine, heroin, and methamphetamine markets in the United States."

To me, this is a very telling statement. While the State Department would have us believe that all is well in the Mexican effort against the cartels, Mr. Constantine's testimony tells the true story: "very little progress" in arresting the key figures, who are well-known, and who run the drug trade. I hope my colleagues will take their words into account.

Even more chilling is Mr. Constantine's contention that the cartels are stronger today than they were one year ago. That's right. After a year of what the Administration calls full cooperation, the cartels have only increased their strength.

The most frightening part of the failure to actively confront these cartels is that they are increasingly penetrating into U.S. cities and marketing their drugs directly on our streets and to our kids.

Perhaps the most powerful of these cartels is the Juarez cartel, also known as the Carrillo-Fuentes organization. While trafficking in marijuana and heroin, the Juarez cartel specializes in cocaine. In particular, it has served as the distribution network for large shipments of cocaine arriving from Colombia. From regional bases in Guadalajara, Hermosillo, and Torreon, the cocaine is moved closer to the border for shipment into the United States.

DEA Administrator Constantine testified that: "The scope of the Carrillo-Fuentes cartel is staggering, reportedly forwarding $20–30 million to Colombia for each major operation, and generating tens of millions of dollars in profits per week for itself."

Meanwhile the Carrillo-Fuentes cartel spreads its tentacles into U.S. cities, where it recruits U.S. gang members to act as its agents. DEA has identified active Carrillo-Fuentes cells in cities around the United States: Los Angeles, San Diego, San Francisco, Seattle, Phoenix, Houston, Dallas, Denver, Chicago, and most recently, New York City.

This is new. New York City used to be the preserve of the Colombian cartels, who marketed their cocaine directly. But a DEA study in August 1997 revealed that Mexican distribution networks were rapidly moving into the East Coast markets of New York, New Jersey, and Philadelphia, displacing the Colombians.

This trend was illustrated in a major DEA investigation—Operation Limelight—which uncovered a Chicago-based cell of the Carrillo-Fuentes organization that was delivering hundreds of kilograms of cocaine to a distribution network in New York.

Now some felt that the death of the Juarez cartel's leader—Amado Carrillo Fuentes—during attempted plastic surgery last May, could have set the stage for a weakening of the cartel. One might even concede that Carrillo-Fuentes' death was the result of his feeling under some pressure from the Mexican authorities, although this is far from proven.

But instead of getting weaker, the Juarez cartel, according to the DEA, is now stronger. Mexico clearly did not take any action whatsoever to capitalize on the opportunity presented by Carrillo-Fuentes's death, and today the cartel continues to operate as usual. And this is in spite of a power struggle within the cartel that has produced an orgy of violence—some 50 drug related murders—in and around Juarez, which is clearly well beyond the Mexican authorities' ability to control.

Yet there has been no effort to arrest the new leaders of the cartel, men such as Vincente Carrillo Fuentes—Amado's brother—or Juan Esparragosa Moreno, a top aide, or Eduardo Gonzalez-Quirarte, a key manager of the organization's distribution networks along the border.

The other major drug trafficking cartel is the Arellano-Felix organization. DEA Administrator Constantine described the cartel this way: "Based in Tijuana, this organization is one of the most powerful, violent, and aggressive trafficking groups in the world."

Because of its base in Tijuana, the Arellano-Felix organization—the most vicious and violent of the cartels—has dominated the drug distribution networks in the western United States, and—of particular concern to me—is especially strong in southern California. The DEA believes that the cartel uses San Diego street gangs as assassins and enforcers.

In other cities around the country, it is a similar story. The Arellano Felix organization recruits local gang members, who serve as the distributors and protectors of its drug shipments, which include cocaine, marijuana, heroin, and methamphetamine.

Once again, we can point to little effort on the part of the Mexican authorities to curtail this cartel's activity. Indeed, as Mr. Constantine tells us, the cartel is stronger today than it was one year ago.

Although there have been a few arrests of some second- and third-tier Tijuana cartel members, we would expect a country certified for full cooperation to have made some inroads against the top leaders of this cartel, who are well known, especially given the clear U.S. concern for their capture. On September 11, 1997, the most violent of the Arellano-Felix brothers, Ramon Arellano-Felix, was added to the FBI's Ten Most Wanted List. He has been indicted in San Diego on drug trafficking charges.

But has there been any action taken by the Mexican authorities to rein in the operations of the Arellano-Felix organization or to arrest its senior leaders? Despite the claim of full cooperation, I am unaware of any such efforts.

I will touch more briefly on the other two major cartels. The first is the Amezcua-Contreras organization. I will quote Mr. Constantine's testimony: "The Amezcua-Contreras brothers, operating out of Guadalajara, Mexico, head a methamphetamine production and trafficking organization with global dimensions."

Like the larger, more established cartels, this organization has established links to distribution networks in the United States in locations as far afield as California, Texas, Oklahoma, Arkansas, Iowa, Georgia, and North Carolina.

A U.S. law enforcement investigation, Operation META, concluded in December 1997 with the arrest of 101 defendants, the seizure of 133 pounds of methamphetamine and the precursors to manufacture up to 540 pounds more, along with 1,100 kilos of cocaine and over $2.25 million in assets.

And despite this active methamphetamine trade, Mexico has done little to pursue this cartel. Recently, one of the brothers, Adan Amezcua, was arrested on gun charges, but the true masterminds of the organization, Jesus and Luis Amezcua, who are under federal indictment in the U.S., remain at large.

The other major cartel is the Caro-Quintero cartel, based in the state of Sonora. This cartel focuses its trafficking on marijuana, but it also trafficks in cocaine. Most of its smuggling takes place across various points on the Arizona border.

Like the other cartels, the Caro-Quintero organization has been successful because of widespread bribes made to federal officials at all levels. These bribes help explain how the head of the cartel, Miguel Caro-Quintero, was able to have his case dismissed when he was arrested in 1992. He has operated freely since. It also helps explain how his brother Rafael Caro-Quintero, who was implicated in the 1985 torture and murder of DEA Agent Kiki Camarena, recently had his sentence reduced.

The totally insufficient effort by the Mexican authorities to confront the cartels has emboldened them. Today, they are not only more powerful than they were a year ago, they are more brazen. A series of violent incidents on both sides of the border illustrates this new brazenness.

In April 1997 two agents assigned to Mexico's new Organized Crime Unit, who had investigated Carrillo Fuentes, were kidnaped and killed. They had been bound, gagged, beaten, shot in the face, and stuffed in the trunk of a car.

On July 17, 1997, Hector Salinas-Guerra, a key witness in a McAllen, Texas drug case, was kidnapped. His tortured body was found on July 22, and on July 25, the jury in the trial acquitted the seven defendants.

On November 14, 1997, two Mexican federal police officers investigating the Arellano-Felix organization were shot and killed while traveling in an official Mexican government vehicle from Tecate to Tijuana.

On November 23, 1997, a shooting incident at the Nogales point of entry into Mexico left one Mexican Customs official dead, and two defendants and another official wounded.

On January 27, 1998, Mexican federal police officer Juan Carlos De La Vega-

Reyes and his brother Francisco were shot and killed in Guadalajara.

Only if they believe that they are able to operate with impunity would encourage the Mexican cartel operators to be so openly violent toward law enforcement officers and witnesses. But that is the reality in Mexico today. It is a far cry from the full cooperation that we seek.

There are other examples of brazen acts by the cartels. A May 1997 report by Operation Alliance, a coalition of federal, state, and local law enforcement officers, found that drug traffickers were involved as the controlling parties in some commercial trade-related businesses in order to expedite their drug trafficking.

According to Operation Alliance, drug traffickers, moving to take advantage of the greater flow of trade occurring under NAFTA, are becoming involved in new transportation infrastructure upgrades, to expand their opportunities to get drugs across the border undetected.

And we now have the first documented case of a cartel attempting to buy control of a financial institution. Just this week, on March 24, 1998, the Wall Street Journal reported that money-launderers with links to the Carrillo Fuentes organization, tried to acquire a controlling stake in a Mexico City Bank, Grupo Financiero Anahuac, for about $10 million in 1995 and 1996. I ask unanimous consent that this article be made a part of the record at the conclusion of my remarks.

Clearly, the prospect of cartels moving into control of otherwise legitimate financial and trading entities is now established. And with each passing year, the cartels will grow bolder and bolder.

But, because of the reach of the cartels into our cities, the State Department's utter denial that the problem is getting worse, not better, is so dangerous. As much as these cartels are destroying Mexico, their reach into the United States is expanding. They have agents in many of our large and mid-size cities. Their drugs reach our children. The gangs they hire kill ruthlessly to protect their turf in our cities.

It is no exaggeration to say that the lives of hundreds, if not thousands, of Americans are literally at stake in the war against the cartels.

EXTRADITION

The State Department Statement of Explanation says that "Mexico made further progress in the return of fugitives."

While it is true that Mexico has extradited non-Mexican nationals to the United States, and has deported dual citizens such as Juan Garcia Abrego who are wanted on drug charges, and has even deported a few Mexican nationals for non-drug charges (such as murder or child molestation), one fact remains undeniable: To date, Mexico has not extradited and surrendered a single Mexican national to the United States on drug charges. Out of 27 pending requests, not one has been extradited.

Now, it is important to be clear what we mean. In five cases, the Mexican Foreign Minister has signed extradition orders for Mexican nationals wanted in the United States on drug charges. These are: Jaime Gonzalez Castro, Jaime Arturo Ladino, Oscar Malherbe, Tirso Angel Robles, and Juan Angel Salinas.

However, none of these fugitives has been surrendered to the United States. In each case, a delay has taken hold of the case for one reason or another. In some cases, appeals are pending. In others, amparos, or judicial writs, are holding things up. In others, the Mexican national is serving a sentence in a Mexican jail.

There is some good news. This last reason for delay could be overcome if the United States Senate and the Mexican Congress ratify the protocol to the U.S.-Mexico Extradition Treaty signed last November. I do not know why the Administration has delayed submitting this protocol to the Senate. Once ratified, it will allow for temporary extradition to take place, for the purpose of conducting a trial, while a defendant is already serving prison time in his own country.

But for now, all of these delays add up to the same end: no extraditions of Mexican nationals on drug charges. With judicial corruption still a major problem, appeals and other judicial mechanisms are highly suspect.

For whatever reason, either Mexico cannot overcome its reluctance, or simply refuses to extradite Mexican nationals to the United States on drug charges. I will be the first to acknowledge the first such extradition when it actually occurs, and the fugitive is surrendered. But to call the half-steps that have been taken "full cooperation" is to lower the bar to an unacceptable level.

Extradition is a key to stopping the drug traffickers, because they only fear conviction and incarceration in the United States. To have any deterrent value, it must be shown that it can actually happen.

A good place to start would be Ramon Arellano-Felix, who is wanted on narcotics charges in the United States, and has been named to the FBI's Ten Most Wanted List. Another good start would be Miguel Caro-Quintero, head of the Sonora cartel, who last year at this time was openly granting an interviews to the Washington Post. He has four indictments pending against him in the United States for smuggling, RICO statute, and conspiracy charges.

CORRUPTION

The State Department's Statement of Explanation describes—again tepidly—Mexico's approach to combating corruption this way: "The Government of Mexico wrestled with very serious corruption issues in 1997. . ." Wrestled with them. It is not enough to wrestle with them. Mexico has to show a sustained commitment to rooting out corruption in the government, police, military, and judiciary. This is one tall order that will take decades to accomplish.

Again, it is important to acknowledge the progress that has occurred. Mexico did expose, arrest, and convict their former drug czar, General Gutierrez Rebollo, when it was shown that he was on the take from the Carrillo Fuentes organization. This was a painful move, and President Zedillo is to be commended for taking it forthrightly.

But the problems run so much deeper than a bad apple at the top of the heap. According to the DEA, in addition to the Gutierrez-Rebollo incident, which involve the arrest of 40 other officers, the following cases are indicative of the reach of cartel-funded corruption into the Mexican government:

On March 17, General Alfredo Navarra-Lara was arrested by Mexican authorities for making bribes on behalf of the Arellano-Felix organization. He offered a Tijuana official $1.5 million per month—or $18 million per year.

In September, the entire 18-person staff of a special Mexican military unit set up to intercept air shipments of drugs was arrested for using one of its own planes to smuggle cocaine from the Guatemalan border to a hideout.

Bribery and corruption is believed to have been behind the withdrawal of Baja state police protection from a Tijuana new editor prior to his attempted assassination on November 27, 1997.

In December 1997, the appointment of Jesus Carrola-Gutierrez as Chief of the Mexico City Judicial Police was cut short when his ties to drug traffickers and human rights violations were made public.

The question of judicial corruption is a growing problem. Judges on the payroll of cartels can with the stroke of a pen undo the painstaking work of even the most honest and committed investigators and prosecutors. Yet it is totally out of control. According the testimony of the GAO at a joint House-Senate hearing last week at which I was present, U.S. law enforcement officials believe there is only one Mexican judge, in the entire country, who can be trusted not to compromise a wiretap investigation. One trustworthy judge. That is a devastating indictment of the level of corruption in Mexico.

Mexico has begun to take steps to deal with this problem. It has begun vetting officers for the most sensitive units, probing their backgrounds for hints of possible corruption. There has been some success in this process, but it is painfully slow going. And even some vetted agents have turned out to be corrupt.

But to make the argument that the very beginning of the implementation of a broad-based vetting program warrants the badge of "full cooperation" is to set the bar dangerously low. It sends a message to the Mexican government that partial measures are good enough, and it need not worry about carrying the program to its fullest implementation.

Perhaps the best possible measure of Mexico's commitment to combating corruption is how it deals with officials who have been found to be corrupt. Are they dismissed from their jobs? Are they then kept from other official work? Are they prosecuted?

Well, the story is not a good one. In an interview in December 1997, the Mexican Attorney General revealed that of 870 federal police officials dismissed for corruption, 700 of these were rehired because of problems in the Mexican legal system, which requires that the individuals remain at work during an appeal. In a police or military organization, this is a serious problem.

It gets worse. Not only were the vast majority of these corrupt officers reinstated, but not a single one of them was successfully prosecuted. Again, there is no way to read this statistic other than as a lack of seriousness in the fight against corruption. Can we really deem Mexico fully cooperative when it fails to make any serious effort to punish corrupt police officers?

Prosecuting corrupt officials is important because without fear of prosecution, there is little deterrence. Unfortunately, in 1997, there were only three police or military related corruption cases being prosecuted, including General Gutierrez Rebollo. Many more cases need to be brought to trial to have any deterrent effect.

MONEY-LAUNDERING

Money-laundering is another area in which, by lowering the bar significantly, the Administration has made it Mexico's certification a virtual foregone conclusion. Last year, the simple fact of the Mexican Congress having passed laws that made money-laundering a crime for the first time was enough to satisfy the Administration. It did not matter that the laws were being neither implemented nor enforced.

So this year, the State Department's Statement of Explanation highlights the publication of regulations needed to implement the new laws. It does not mention that there was a significant delay in the publication of these regulations.

But let us accept that the publication of these regulations is an important step that needed to be taken to advance Mexico's anti-money-laundering effort. The question then is, how well are these laws and regulations being implemented? And the answer is, we simply don't know yet.

While some investigations are underway, there has not yet been one successful prosecution on a charge of money-laundering under the new statutes. Perhaps it is too soon to expect such prosecutions to take place. But in that case, pronouncing the laws a success is wholly premature.

This is especially true when we know that there are questions about these regulations. For example, despite U.S. urging to make violations of the new banking regulations criminal offenses, Mexico has decided to make these offenses non-criminal violations, which severely undercuts their deterrent effect.

In addition, the fine to be imposed on banks who fail to report suspicious transactions—10 percent of the value of the transaction—may not be enough to pose a disincentive to cheat. Ten percent of the value of a transaction, and no criminal penalties, may be a pittance compared with the lucrative bribes often offered by the cartels.

My point is simply this: It is too early to look at Mexico's anti-money-laundering effort and declare it a success. There is no problem with acknowledging progress. But to declare full cooperation to have been achieved before there has been even one prosecution under the law, simply lowers the bar to an absurd level.

COOPERATION WITH U.S. LAW ENFORCEMENT

As I said before, law enforcement cooperation is where the rubber hits the road in counternarcotics, not in agreements reached at the political level. And this is a source of major concern to me because, unfortunately, law enforcement cooperation from Mexico has been severely lacking.

The State Department's Statement of Explanation is largely silent on the subject of law enforcement cooperation. Well it should be. To describe the extensive cooperation between the two sides, the State Department cites meetings of the High-Level Contact Group, and the Senior Law Enforcement Plenary, and their various technical working groups.

But the truth is that all the high-level meetings in the world do not amount to a hill of beans unless there is cooperation and coordination on the ground between the law enforcement agencies of the two sides. Once again, the State Department's assertion that these meetings are a sign of real progress misses the point. Whether or not our leaders can work together is less important than whether our police and intelligence operatives can work together.

And with few exceptions at the moment, they cannot. Again, I would like to acknowledge progress. In contrast to last year, when DEA testified that there was not a single Mexican law enforcement agency with whom it had a completely trusting relationship, it is encouraging to learn that there are now some Mexican officials with whom DEA believes they can build a trusting relationship.

A key aspect of this institution-building process is vetting, leading to the development and professionalization of the new drug enforcement units in the Organized Crime Unit, and the Special Prosecutor's Office for Crimes Against Health.

This vetting process, if fully implemented, could go a long way toward providing U.S. law enforcement officials with the level of trust in their counterparts necessary for an effective bilateral effort.

But it is still in its infancy, and even some officials who have been vetted have subsequently been arrested in connection with traffickers. So while this effort is critically important, it is not evidence of full cooperation by a long shot.

The small number of officers in the two units with which DEA now has a tentative, case-by-case trusting relationship, is a beginning, but only that.

Take the much-vaunted Bilateral Border Task Forces, for example. These joint U.S.-Mexican units have been widely touted for some two years as "the primary program for cooperative law enforcement efforts."

Based in Tijuana, Cuidad Juarez, and Monterrey, each Task Force was supposed to include Mexican agents and two agents each from the DEA, FBI, and the U.S. Customs Service. The Binational Drug Strategy listed these task forces as one of the key measures of cooperation between our two nations.

Today, as this chart indicates and as the Washington Post reported on March 9, 1998, this program is a shambles. The Task Forces exist only on paper. Why did this happen?

Unfortunately, as DEA Administrator Constantine explained to the Foreign Relations Committee, these Task Forces never really got started. Several of the Mexican agents who were assigned to these units, including commandantes, were suspected of, and even arrested for, corruption and ties to criminal organizations.

Ignacio Weber Rodriguez, commander of the Tijuana task force, was arrested for his alleged involvement in the kidnaping of Alejandro Hodoyan Palacios, a DEA informant.

In May, the Mexican commander and four members of one of the Task Forces were arrested for their alleged involvement in the theft of a half-ton of cocaine from the Mexican Attorney General's office in San Luis Rio Colorado.

Horacio Brunt Acosta, a Mexican federal police officer in charge of intelligence operations for the Task Forces, was fired last year for allegedly taking bribes from drug traffickers.

Is it any wonder that, despite the creation of two small vetted units, the level of trust between DEA agents and their Mexican counterparts is very low?

After the arrest of General Gutierrez Rebollo, the old Task Forces were dismantled, and have since been rebuilt. But for months, the Mexican government did not provide the promised funding, leaving DEA to carry the full cost, which they did until last September.

Additionally, the issue of personal security for U.S. agents working with the Bilateral Task Forces in Mexico has not been resolved, and, as a result, the task forces are not operational and will not be until the security issue is resolved.

The bottom line is that the task forces cannot function properly without DEA and other federal law enforcement agents working side-by-side with their Mexican counterparts, as is the case with similar units in Colombia and Peru.

This critical joint working relationship is made impossible by Mexican policies that do not allow for adequate immunities or physical security for U.S. agents while working in Mexico. This is an inescapable sign of lack of cooperation.

A related problem for the Task Forces is the low quality of intelligence provided by Mexico. Mr. Constantine testified before the Foreign Relations Committee that he is not aware of a single occasion in the past year when meaningful intelligence leads from Mexican agents to their American counterparts led to a significant seizure of drugs coming across the border. Not one. Intelligence flows in only one direction—south.

U.S. law enforcement officials indicate that Mexico's drug intelligence facilities located near the Task Forces are manned by non-vetted, non-law enforcement civilians and military staff. These units have produced only leads from telephone intercepts on low-level traffickers. To date, none of the electronic intercepts conducted by the Task Forces have produced a prosecutable drug case in Mexican courts against any major Mexican criminal organization.

So when we look at the utter collapse of the primary joint law enforcement effort between our two countries, we see that it fell victim to a lack of trust, lack of concern for the security of U.S. agents, corruption on the Mexican side, and Mexico's insufficient commitment to the necessary funding.

Looking at all this evidence, I am baffled, to say the least, that anyone could describe our law enforcement cooperation with Mexico as "full cooperation."

I ask unanimous consent that the Washington Post article of March 9, 1998 be entered into the record following my remarks.

WHAT HAPPENS IF WE PASS THIS RESOLUTION?

I know that many of my colleagues are concerned about the prospect of imposing sanctions on Mexico if we pass this resolution of disapproval. Well, let me address this issue head on.

Senator COVERDELL and I, and our cosponsors, have no desire to punish Mexico or impose sanctions on Mexico. Indeed, the resolution we would prefer to be debating makes that explicit. S.J. Res. 43 contains a Presidential waiver authority, which allows the President to waive any sanctions that would result from Congress' reversal of his decision.

But some of our colleagues objected to that resolution coming up. They did so because they knew it would stand a good chance of passage. So they have forced us to turn to the only resolution that is guaranteed a straight up or down vote—S.J. Res. 42, a resolution of disapproval no waiver.

I would hope that Senators would vote their concern about drugs in this country. In reality, there is little chance, I believe, that Mexico will actually be decertified.

I believe that a statement from the Congress that we are not satisfied with the level of cooperation we receive, will—after the shouting and posturing—produce a renewed effort to prove that full cooperation is being achieved. I believe that the limited progress that was made this year is due in large part to the outcry in Congress over last year's decision, and the pressure that was kept on by Congress throughout the year.

Some of my colleagues do not like the certification law. They think it antagonizes allies, and that may be true. But I think the law, while perhaps imperfect, serves an important purpose, and I am gratified to be able to add these views to the record.

The New York Times editorial of February 28, 1998 criticized the certification process, but said that "as long as certification remains on the books, the Administration has a duty to report truthfully to Congress and the American people. It has failed to do so in the case of Mexico."

Clearly, the best option for Mexico, both last year and this, would have been to decertify but waive the sanctions on national interest grounds, as we did with Colombia this year. That is the appropriate category for an ally with whom we need to work, and who is making progress, but who has not met the standard of "full cooperation."

In the meantime, we should make very clear what we expect in the way of improved cooperation:

Improved enforcement and increased seizures and arrests across the board;

A strong and sustained effort to dismantle the cartels, including the arrest of their top leaders;

The actual extradition and surrender of Mexican nationals wanted on drug charges, without undue delays;

A sustained program to root out corruption, including more widespread vetting and prosecutions of corrupt officials;

Full implementation and enforcement of money-laundering statutes, with vigorous prosecution of violators; and

Cooperation at the law enforcement level that inspires trust and confidence in our agents, and includes intelligence sharing and adequate security measures.

If Mexico achieves each of these goals, or even makes significant and consistent strides toward them, the supply of drugs will undoubtedly be diminished. And I, for one, would be an enthusiastic supporter of Mexico's full certification.

While this is not the resolution I had hoped we would vote on, it is the Senate's only opportunity to render its verdict on the decision to certify Mexico. I urge my colleagues to support the resolution, and stand for genuine full cooperation.

I yield the floor at this time. I know others wish to speak.

Mr. BIDEN. Parliamentary inquiry. As I understand, I just learned that the allocation of time was based on Democrat-Republican, as opposed to supporting and opposing the amendment. Although I have a great affection and loyalty to my friend from California, I have a diametrically opposed position.

I ask unanimous consent the time she consumed be charged not to those in opposition to the amendment but those who support the amendment, meaning Senator COVERDELL. I am managing the time of those who are opposed to the amendment of Senators COVERDELL and FEINSTEIN.

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. BIDEN. And I ask for that unanimous consent.

The PRESIDING OFFICER. Is there objection?

Ms. MOSELEY-BRAUN. I will not object. I raise a point in that regard.

I am very strongly in support of the resolution to disapprove, and I am prepared to speak to that. I was not aware there was a time agreement based on which side of the aisle you were on. I would very much like an opportunity to speak to this issue. I spoke earlier with Senator FEINSTEIN, and I thought there would be that opportunity.

At this point as you make your unanimous consent request, I would like to see if it is possible to reserve 15 minutes to speak to this issue.

Mr. BIDEN. Mr. President, I don't know if there is. I can almost assure the Senator that my friend from Georgia probably does not have 15 minutes.

Mr. COVERDELL. I have 15 minutes.

The PRESIDING OFFICER. If the unanimous consent request of the Senator from Delaware is accepted, the Senator from Georgia will then control 16 minutes and the Senator from Delaware will control 32 minutes.

Mr. COVERDELL. In good conscience, the time had to be divided by side. So I accept it, and I will get with the remaining Senators on our side, and we will try to accommodate them as best we can.

I might also suggest that the vote is occurring at 7:25 in order to accommodate Senators. There is nothing that would prohibit Senators from continuing to speak on this following the vote. In fact, it is anticipated. I think some of the longer remarks, if you are prepared to speak for 15 minutes, could be made after the vote.

The PRESIDING OFFICER. Is there objection?

Ms. MOSELEY-BRAUN. In that case, Mr. President, again, I will not object at this point, if I reserve the longer part of my remarks for following the vote, after the vote, or submitted in the RECORD, I would like an opportunity to be heard even briefly before the vote is taken. In that regard, I ask unanimous consent to have 5 minutes.

The PRESIDING OFFICER. The time in favor is under the control of the Senator from Georgia.

Mr. COVERDELL. That is fine.

The PRESIDING OFFICER. Without objection, the Senator from Illinois will receive 5 minutes of the time of the Senator from Georgia.

Is there objection to the request of the Senator from Delaware?

Mr. TORRICELLI. Reserving the right to object, if I could inquire as to the knowledge of the Senator from Georgia about how many speakers he has, so we have some idea how this might be allocated.

Mr. COVERDELL. I have, counting the Senator from Illinois, seven. They will have to be very brief.

Mr. TORRICELLI. Indeed.

I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Delaware?

Without objection, it is so ordered.

Mr. BIDEN. Further parliamentary inquiry. Has anyone spoken in opposition to the amendment yet, other than the Senator from Delaware who, I believe, spoke about 2 minutes?

The PRESIDING OFFICER. No.

Mr. BIDEN. I am confused then as to why I only have 32 minutes left. I thought there were 45 minutes on a side at the outset.

The PRESIDING OFFICER. The Chair will confer with the timekeeper.

Mr. BIDEN. In the meantime, I yield to my friend from Connecticut 15 minutes.

Mr. DODD. I will try to abbreviate my remarks in light of the fact this is going to be a truncated debate.

Let me begin very briefly by saying we are back at this again year after year after year after year dealing with a fundamentally flawed procedure. It is so flawed in my view that Senator McCAIN and I tried last year to get rid of the current certification process and to try to encourage the administration to come up with some alternative mechanism by which we, as a body, in Congress could express our deep and legitimate concerns about the growing problem of drugs coming into our country, and their increased use throughout this country, without damaging the ability of the United States to obtain cooperation for other governments in combatting which is a transnational problem.

I fundamentally believe that while the certification process might have had some utility when it was first enacted in 1986, it has long ceased to be helpful in encouraging other governments to work with us in combatting the production, transit and consumption of illegal drugs. For those of us who were in the Senate at that time, we remember well why we crafted the existing statute. It was intended to get the attention of the executive branch on this issue, because at that time they were doing very little to work with other governments to put together credible bilateral counternarcotics programs.

The administration got the message, as have subsequent ones. Nevertheless, we continue to go through this process still. We find ourselves year in and year out coming back to this process again. Here we are again in a debate about whether or not we will cut off Mexico from getting IMF, World Bank, or Inter-America Development Bank assistance, which if we did would creating untold complications for us and for Mexico. Let's remember that Mexico is a close neighbor, one with which we share a 2000 mile border and a complex web of very important and complicated day to day relationships. Only one of these is the drug issue. It is a very serious issue, but only one of very many.

I see my colleague from New Mexico on the floor, and my colleague from Texas, both of whom are more well aware that most of us as to exactly what the nature of our overall relations with Mexico.

I hope, Mr. President—maybe in vain once again—to make a plea to our colleagues, as I did earlier today to representatives of the executive branch, to take some time this year, sit down with responsible people who care about this issue, and see if we cannot construct some better framework by which we can express our concerns about this issue. I want to ensure that we get the maximum cooperation with every major producer and transit country in this hemisphere and elsewhere around the world. But the current system of certification isn't doing that.

My colleague from Georgia has heard me say many times that I believe he has proposed the framework of a very good idea with his suggestion that we form an alliance with other countries in order to tackle this problem. I think I am becoming a stronger supporter of the Coverdell idea than Senator COVERDELL is himself at this point.

I think we need to have a little more balanced perspective about what the U.S. part of the problem. United States consumers spend $55 billion annually on illegal drugs. Mr. President, $55 billion in drug revenues comes from American pockets. American monies are helping to bankroll the very Mexican corruption that my good friend and colleague from California is talking about. This isn't being funded by Mexican dollars; it is funded by U.S. dollars. We are 5 percent of the world's population, yet we consume over 50 percent of the illegal drugs in the world in this country.

So when we debate this issue in the context of the annual certification process, we need to focus on ourselves as well as on the activities of producing and transit countries and money laundering countries. Yet somehow our culpability seems to get lost in the debate. It is time for us to take a good look in the mirror. If we as a nation didn't consume these illegal substances in such great quantities and at such enormous human and monetary cost, then it would not be as profitable a business as it has become. That is not to excuse our neighbors who also must bear responsibility for failing to maintain credible law enforcement institutions to cope with the supply side of the equation.

We need to try to keep this in perspective. As angry as we get about what happens in nations and countries in Asia and Latin America, and especially with respect to our neighbors to the south, it would be healthy if we also would take some time to recognize that children in Chicago, or Hartford, or Atlanta, or Los Angeles are not consuming this illegal drugs solely because somebody in Mexico wants them to. It is also because we are not during enough here at home, to address some of the underlying reasons why these children are driven to use drugs.

The idea that if we scream loud enough at these other countries, we are going to somehow solve the problem here at home without doing anything else ourselves, I don't believe is a foolhardy notion. We need to figure out a way in which to get far better cooperation with other nations in addressing the supply side of the equation while at the same time working here at home on demand.

There are a lot of statistics, Mr. President, which the administration and others have put together here. General McCaffrey is not a lightweight or a weakling when it comes to being tough with other nations in insisting upon genuine cooperation. His appointment as the drug czar was overwhelmingly supported by those in this body. He has done an incredible job as the director of the office for national drug control policy. He believes that the Mexican government has been cooperating and he works at this everyday. If he thinks that Mexico should have been certified, and he did, than I have to agree with him.

The decision that was made on certification was made in consultation with the Attorney General, the Secretaries of State and Defense, and the Director of the Office of National Drug Policy, General McCaffrey. All concurred—knowledgeable people who care deeply about this issue—and believe that to decertify Mexico would be a major, major mistake and cause us major, major problems.

I believe that the President's decision was based on a realistic assessment of what Mexican authorities were capable of accomplishing last year and what, in fact, they did accomplish. Perfection? No. But there was real progress. They need to continue to move in the same direction this year.

That assessment, I might point out, appropriately took into account the institutional constraints that faced Mexico—a great deal of poverty, budgetary constraints, a weak judiciary, and corruption, things that my colleague from California has identified. Mexico is a country that is struggling economically.

I will outline quickly some of the major issues that were measured.

Trustworthiness of law enforcement counterparts. We are all well aware that corruption is a serious problem in Mexico, generally within the law enforcement and the military. The Mexican government has confronted that problem head on.

The Mexican authorities discovered in 1997 that the head of their anti-drug agency, General Jose Gutierrez Rebollo, was implicated in major narcotics-related corruption with Amado Carrillo Fuentes, one of Mexico's most significant drug traffickers. They moved quickly to arrest and prosecute him.

They did so even though, at the time, this was a major embarrassment to the Zedillo government.

Recognizing that the drug mafia had extensively penetrated its National Counternarcotics Institute—its primary drug enforcement agency, which General Rebollo headed, the Zedillo government totally dismantled that agency because they felt he wasn't the only problem, there were others. That was done over the last year and a half. That is an indication of progress.

U.S. law enforcement agencies have helped Mexico to rebuild its drug enforcement apparatus. Progress against corruption is the most visible evidence that Mexico is serious about routing out corruption, as was the handling of the Rebollo matter. He was expeditiously tried, convicted and sentenced.

Let me comment briefly on the story that ran in today's New York Times concerning certain allegations made by General Rebollo against other members of the Mexican military. First, I tell you, Mr. President, that there is nothing new in the story. General Rebollo made these same allegations during his trial in an effort to get off the hook. To say things self-serving is an understatement.

I have to doubt that the timing of the selective leak of portions of a classified report is not coincidental. It was obviously intended to influence today's vote.

The administration has stated for the record that available intelligence information does not support the Rebollo accusations. And I believe we should accept that assessment.

With respect to the judiciary, Mr. President, the Zedillo government has instituted new procedures for the selection of judges. No longer can the Mexican supreme court arbitrarily appoint judges; judicial appointments are now made based upon examinations. Under new review procedures, three sitting judges have been removed from the bench to date.

Leaving aside the Rebollo issue, there is other concrete evidence of the Zedillo government's commitment to addressing government corruption and cronyism.

With respect to the judiciary, the Zedillo government has instituted new procedures for the selection of judges. No longer can the Mexican Supreme Court arbitrarily appoint judges, rather judicial appointments are now made based upon examinations. Under new review procedures, three sitting judges have been removed from the bench to date.

Finally, some 777 Mexican Federal Police have been dismissed from their jobs because of drug-related or corruption charges.

However, Mexico is not China where government officials rule by fiat. Rather, just as in the United States, Mexican law makes available grievance and other appeals procedures to dismissed government personnel. Because of these appeals, the government has been forced to reinstate some 268 of these individuals.

And, despite what some of my colleagues would have you believe, not one of these individuals has been assigned to counter narcotics or other sensitive law enforcement duties. They've been given what we call here in the U.S. "desk jobs," pending further action by Mexican authorities to seek to permanently dismiss them.

All of this represents progress on the corruption front.

EXTRADITION

With respect to extradition, for the very first time the Mexican government has approved the extradition to the United States of five Mexican nationals—wanted in the U.S. on drug-related charges. As in the United States, these cases are subject to habeas review and are currently on appeal in Mexican courts.

I would also remind my colleagues that Mexican authorities have sought to cooperate in other ways with the United States in this very sensitive area. They have availed themselves of various procedures at their disposal and have used other means of turning over fugitives to us, including deportation or expulsion, when that has been legally permissible under Mexican law.

In fact, it was through the expulsion process that the United States obtained custody of a major drug figure, Juan Garcia Abrego—a leader in the Gulf Cartel and someone who had the dubious distinction of being on the FBI's Ten Most Wanted List.

That is cooperation.

DRUG SEIZURES

There have been some real successes on the drug seizure front. Cocaine seizures were up by 48 percent over 1996—to 34.4 metric tons. This is the fourth year of improved cocaine seizure statistics.

Seizures of opium gums, a principle ingredient in heroin, were up as well, by 76 percent to 342 kilos. Again showing improvements over past years' performance.

Seizures of marijuana reached 1,038 metric tons last year, again a four year high and nearly double the quantities seized in 1994.

And let me point to another very interesting statistic. Based upon recent statistics of U.S. cocaine seizures on the Southwest border in comparison to Mexican cocaine seizures, for the first time, Mexican officials out performed U.S. border officials in the seizure of cocaine shipments.

ERADICATION

Opium eradication was also up last year to 17,416 hectares—a four year high. The eradication of marijuana crops was also on the rise. Some 23,385 hectares of marijuana fields were destroyed in 1997.

DISRUPTION OF TRAFFICKERS

We all recognize that the best way to disrupt drug organizations is to apprehend their mid-level and top leaders. There is clearly progress to report on that score as well.

Perhaps the most remarkable event last year was the death of drug kingpin Amado Carrillo Fuentes, the infamous head of the Juarez cartel, as he underwent surgery to alter his appearance in order to evade Mexican law enforcement authorities. Had he not felt that these authorities posed a credible threat, he would never have undergone this procedure. His death was a severe blow to the Juarez cartel organization.

I ask unanimous consent that a chart be printed in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

MAJOR DRUG TRAFFICKERS ARRESTED—STATUS OF CASE

Name	Cartel	Role	US Status	MX status
Oscar Malherbe de Leon	Gulf/Juarez	Ops manager	US warrant	Extrad. Approved
Adan Amezcua Contreras	Amezcua/Colima	Lieutenant	US warrant	
Jaime Arturo Ladino Avila	Colima	Financier	US warrant	Extrad. Approved
Manuel Bitar Tafich	Juarez	Money Laund		
Jaime Gonzales-Castro	Juarez	Middle Mng	US warrant	Extrad. Approved
Noe Brito Guadarrama	Juarez	Security		
Arturo E. Paez-Martinex	Tijuana	Key LT	Extrad Req'd	Decision Pending
Rodrigo Villegas Bon	Tijuana	Assassin		
Tirso Angel Robles	Sonora		US warrant	Extrad. Approved
Rafael Caro Quintero	Sonora		US warrant	Pending
Hector Palma Salazar	Gulf		19 yrs, 6 mos..	
Joaquin Guzman Loera	Guzman-Loera		21 yrs..	
Arturo Martinez Herrera	Gulf		40 yrs..	
Miguel Angel Felix Gallardo	Tijuana		12 yrs.	
Raul Valladares del Angel	Gulf		29 yrs.	
Jose Luis Sosa Mayorga	Gulf		19 yrs.	
Gaston Ayala Beltran	Gulf		9 yrs.	
Humberto Garcia Abrego	Gulf	Arrested 1995. Released 1997.		

Mr. DODD. As you can see from the chart printed above, a number of major well known second-tier cartel figures, including Oscar Malherbe of the Gulf/Juarez Cartel, Adan Amerzcua of the Amezcua/Colina Cartel, and Manuel Bitar Tafich of the infamous Juarez cartel have also been arrested by Mexican authorities and their extraditions have been approved.

In addition, if you look further down on the same chart, seven major traffickers, including Felix Gallardo of the Tijuana Cartel, are behind bars and serving sentences anywhere from nine to forty years. Moreover, thanks to joint operations between United States and Mexican authorities, there have been extensive indictments of key players in the Tijuana cartel.

These events all represent significant advances in disrupting the major drug cartels.

ISSUE 7—MONEY LAUNDERING

In 1996, the Mexican Congress enacted new statutes criminalizing money laundering—heretofore, as in the case of many other countries, it was not a crime. The complicated regulations implementing that law were issued just last year.

Currently, Mexican authorities have more than seventy cases under investigation based upon these money laundering statutes—sixteen of them, jointly with U.S. Treasury officials.

Clearly that represents progress in the area of money laundering.

ISSUE 8—CHEMICAL CONTROLS

Last December, the Mexican Congress passed comprehensive legislation designed to regulate precursor and essential chemicals as well as equipment for making capsules and tablets. This law is very broad in scope, and once fully implemented should be very effective in monitoring and regulating important ingredients in the illegal drug trade.

ISSUES 9 AND 10—OVERFLIGHT AND MARITIME COOPERATION AND ASSET FORFEITURE

Overflight and maritime cooperation has steadily improved. Similarly the Mexican Congress is in the process of considering legislation to permit Mexican authorities to utilize asset seizures and forfeitures as tools in their prosecutions of drug criminals.

Mr. President, this has been a somewhat lengthy and detailed accounting of what has happened with respect to U.S.-Mexican counter narcotics cooperation during the past year. I believe that it paints a clearer and more accurate picture of what has transpired with respect to Mexican counter-narcotics cooperation. I believe that it demonstrates a clear pattern of genuine cooperation between our two governments. I would hope that my colleagues will ultimately come to the same judgement.

IMPLICATIONS OF PASSING RESOLUTION

Mr. President, as our colleagues digest the statistics and details of what has transpired over the past year, I would hope they would keep in mind the "big picture" as well.

What do I mean by that? I mean that first and foremost we should remind ourselves why the Congress enacted the drug certification law in the first place—namely to ensure that the United States would seek meaningful cooperation from other governments in the counter narcotics area.

And why did we seek to promote international counter narcotics cooperation?

We sought to do so, as Mr. Thomas Constantine, DEA Administrator testified in February of this year because, "It is difficult—sometimes nearly impossible—for U.S. law enforcement to locate and arrest these (drug cartel) leaders without the assistance of law enforcement in other countries." Clearly Mr. Constantine must have had Mexican law enforcement in mind when he made that statement.

There are some very fundamental questions that I believe we should ask ourselves as we decide how to vote on the pending resolution. Will cutting offer economic assistance to that country improve counter narcotics cooperation? Will voting against loans to Mexico in the IMF, the World Bank, or the InterAmerican Development Bank encourage cooperation?

Will suspending export trade credits from the U.S. Export Import Bank or the Commodity Credit Corporation encourage cooperation? Most importantly, will voting to overturn the President's decision with respect to Mexico improve cooperation between Mexico and the United States?

I think the answer to each one of these questions is fairly obvious—No!

Each one of the sanctions that I have just enumerated will go into effect if the Senate passes the pending resolution and it is enacted into law.

Ironically, the sponsors of this resolution have stated that they don't want the Administration to implement any of the sanctions I have just mentioned. If that is the case, then I am at a loss as to why we are debating this resolution today. Moreover, Mr. President, it is all the more reason why our colleagues should vote against this resolution when we vote on it later today. In conclusion, Mr. President, I believe that the President made the right decision with respect to Mexico. I hope my colleagues have come to share that view as well.

Mr. BIDEN. Parliamentary inquiry, Mr. President. How much time remains in the control of the Senator from Delaware?

The PRESIDING OFFICER. The Senator from Delaware has 20 minutes left.

Mr. BIDEN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia has 5 minutes 35 seconds.

Mr. BIDEN. Mr. President, I will do it any way the Senator from Georgia wishes. We usually go back and forth. Since he has so little time, would he like me to use up some more time?

Mr. COVERDELL. Let me yield 3 minutes to the Senator from Arkansas.

Mr. KERRY. Parliamentary inquiry, Mr. President. Is the remaining time divided between proponents and opponents, or Democrats and Republicans?

Mr. BIDEN. Proponents and opponents.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I have a 20 minute speech I am going to condense to 2 minutes. I had no idea we had so little time. It is unfair to the others—

The PRESIDING OFFICER. The Chair states that debate is expected to continue after the vote, and statements can be made after the vote. He could be recognized for that purpose.

Mr. HUTCHINSON. Mr. President, I was interested in things that my good friend, the Senator from Connecticut, said. He said that the standard we were setting for Mexico was a standard of perfection. He said that twice, as if we had held up some impossible standard for Mexico to meet. Well, if you look at the text of the Presidential determination certifying Mexico, signed by President Clinton, it is not a standard of perfection that we ask of Mexico. It is this:

> I hereby determine and certify that Mexico has cooperated fully with the United States, or has taken adequate steps on their own to achieve full compliance with the goals and objectives of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs. . ..

That is the standard—"cooperated fully and taken adequate steps." I suggest to my colleagues that we have a moral and a legal obligation to measure this vote by that standard. It is not some standard of perfection. It is a standard of whether they have fully cooperated and whether they have taken adequate steps. I further suggest that if you look plainly and clearly at the compelling evidence, by every standard and measure Mexico has failed to fully cooperate and they have failed to take adequate steps.

The government of Mexico has yet to extradite or surrender a single Mexican national to the United States on drug charges, despite the fact that there are 27 outstanding requests. In fact, no Mexican national has been surrendered.

The Bilateral Border Task Force, which was described by the administration last September as the "cornerstone of U.S.-Mexico cooperative enforcement efforts" has yet to become fully operational, and has been completely ineffective. This failure is due to a lack of funding by the government of Mexico, corruption, and the failure of the Mexican Government to allow DEA agents to carry weapons. Is this what we consider "cooperating fully and taking adequate steps?"

According to the Deputy Attorney General testifying before Congress, "None of the senior members of the Arellano Felix Organization (AFO) has been arrested." In short, the AFO, part of the Tijuana Cartel—the second most powerful drug cartel in Mexico, continues to operate unimpeded. Is this what we consider "taking adequate steps?"

Mr. President, the answer is obvious—the Government of Mexico has not cooperated fully in this most important war for the lives of our citizens, and has not taken adequate steps to engage in this war on their own.

In fact, seizures of methamphetamines in Mexico in 1997 was less than one-fourth the levels attained in 1996 and seizures of heroin have been cut in half. In all, Mexico's record of drug seizures this past year are far short of adequate and are best characterized as a dismal failure.

Coupled with these poor seizure rates, the number of drug related arrests were down in 1997—and were almost a third of the arrests made in 1992. Again, not adequate, but wholly inadequate—not progress but retrogression.

The failure of the Government of Mexico to move against the major drug producing and transporting Mexican Cartels, their failure to make significant drug seizures and arrests, and their failure to cooperate fully with U.S. counter-narcotic efforts has led to a dramatic increase in the supply of drugs entering the United States.

The results of these failures are both known and predictable. As the supply of drugs goes up, their prices go down. Street prices for cocaine, heroin and methamphetamines are at their lowest levels in years—making these deadly drugs more affordable for our children and more available for the troubled addicts lining our country's shattered neighborhoods. This cheap price may be why heroin use is increasing so rapidly—with those under the age of 25 being the largest new heroin user population. Likewise, according to the administration, cocaine use is again on the climb. With the new users falling in the age of 12 to 17.

Mr. President, there are real faces of real children behind these stark numbers. They live in urban and rural in Arkansas, and across the country. This was is one that we cannot afford to loose. Drugs are the hidden impetus to much of this country's crime, poverty and violence. Every day more children start down the drug path to ruin. If we lose this war, it will be lost on the backs of our children and our families.

Today's debate is too important to call a totally inadequate effort—adequate! We must not lower our standards in this test of international will to win the war on drugs. Based on the facts, I would urge a vote for the resolution to decertify Mexico.

If words have meaning at all, and they do, Mexico has failed—they have not taken "adequate steps" and they have not "cooperated fully." If the annual certification of Mexico is anything more than an empty political exercise, one must vote to decertify in view of the clear and convincing evidence. We must not be like the ostrich—head in the sand—pretending everything is O.K.

Mr. President, honesty demands a yes vote on this resolution to decertify.

So, Mr. President, I could go on and on. Senator FEINSTEIN did it very well. By every measure, Mexico has failed. It is not a standard of perfection. Have they cooperated? Have they taken steps? They have not. We do not have not some fantasy obligation; we have a moral and legal obligation. If words mean anything, we must judge Mexico simply by whether they have cooperated and whether they have taken adequate steps. And they have not.

My friends, if this is anything more than a political exercise that we go through every year, anything more than a political joke, we have a moral and legal obligation to vote yes on this issue of decertification.

I thank the Senator from Georgia for the time.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield 3 minutes to my distinguished friend from New Mexico, who should have 20 minutes, but there is not much time left.

Mr. DOMENICI. Mr. President, I don't need more than 3 minutes. Mr. President, my State borders Mexico. A year and a month ago, I was on the floor of the Senate complaining about a failure on the part of Mexico to do its job in terms of restricting drugs coming across the border. We all got into a tremendous argument with the republic of Mexico. And, as a matter of fact, it did no good whatsoever.

So to those who have taken the time of the U.S. Senate, in very brilliant ways, with wonderful charts, and told us how badly Mexico has failed to pass the test, I just ask this: If we vote to decertify them, are they going to get better? Is there a correlation between saying they should not be certified and getting some real cooperation out of Mexico? I ask any Senator who says, "let's go ahead and decertify and say to Mexico, you are not cooperating," to stand up and tell the Senate that if we did that, things would really get better.

As a matter of fact, Mr. President, there is a good chance, because this process is so outrageously stupid, that if we decertify Mexico, things will get worse. All of these things people are worried about—and I see them in my State and I am worried about them, too—are just going to get worse rather than better. If you pound the Mexican economy and penalize Mexico because they haven't been cooperating, do things like take away IMF, the World Bank, and other assistance, all in the name of making Mexico cooperate, do you know what will happen? Every headline across their country will clearly state: "Los Americanos no quieren los Mexicanos," "They don't like Mexicans." That is what it will say in big headlines this thick. That is not going to result in cooperation.

What we need to do is repeal the certification statute. It is useless. And we need to replace it with something that will measure cooperation by law enforcement people.

Let me ask you one more time. If things are not going well between Mexico and America regarding drugs, you stand up and tell the U.S. Senate that you will vote with us to de-certify and things will get better. You stand up and say that—any Senator. Just give us a minute or two so we can get up and tell you they will get worse, and that is because this certification law is some kind of an anomaly that doesn't really fit the relationship between Mexico and America today.

Let me close. For the Mexicans who are listening, don't think the Senator from New Mexico is excusing your lack of performance. I was the first one to jump on Mexico for not extraditing Mexican drug lords back here to be tried.

But let me tell you, they have to do better. I don't believe they will do one bit better if we decertify. I don't believe the President ought to sign the decertification, and we ought to get on with doing something constructive, instead of destructive which will cause no good to America or Mexico.

Thank you for the time.

Mr. COVERDELL. Mr. President, I yield 3 minutes to the Senator from Illinois.

Ms. MOSELEY-BRAUN. I thank the chairman.

Mr. President, I rise today to strongly urge my colleagues to support this resolution to disapprove the certification of Mexico under the Foreign Assistance Act for Fiscal Year 1998.

On February 26th, the President certified that Mexico had "fully cooperated" with the United States in its drugfighting activities.

Even a cursory examination of Mexico's recent anti-drug record demonstrates that it has clearly not earned that certification.

Because it has become so plentiful in our country, in many areas it is easier to purchase cocaine than cigarettes. Drugs are destroying our children's futures and eating away at the fabric of our society.

Yesterday it was announced that a new anti-drug strike force created by the city of Chicago and Cook County seized 700 pounds of cocaine worth $40 million in a single home in a Chicago suburb.

Cook County States Attorney Dick Devine said that the cache of drugs seized was enough to "provide a hit for every man, woman, and child in Chicago."

I applaud the strike force for hitting the jackpot in this seizure. They have given law enforcement and our community some hope that we have not become complacent in our efforts to get this poison off of our streets.

It is plentiful. It is poison.

The raid was the fourth, and the largest, that the new strike force has conducted since it was created last January.

To date, it has seized nearly 1,200 pounds of cocaine valued at $66.6 million, along with $4.4 million in cash, jewelry and cars.

But consider what that strike force is up against. It is astonishing that 700 pounds of cocaine was seized in a single home. Imagine the amount of illegal drugs that are out on the street if the police could seize that much in one residence.

Local police forces cannot be expected to stand as the primary bulwark against a major international scourge—those drugs should never have been able to make their way into the United States.

A significant degree of the blame for the fact that huge quantities of drugs continue to enter our country can be directed at the impotence of Mexican government's antidrug efforts.

Mexico is the primary transit country for cocaine entering the United States from South America, as well as a major source of heroin, marijuana, and methamphetamines.

The truth is, the Mexican government's efforts to stop the flow of drugs into our country have been insufficient. Consider the fact that last year, heroin seizures in Mexico fell by 68 percent compared with 1996 (from 363 kilos to 115 kilos), and that last year, methamphetamine seizures in Mexico fell by 77 percent compared with 1996 and 92 percent compared with 1995 (from 496 kilos to only 39).

There is more to this story than just the declining amount of drugs seized by Mexican authorities. Consider the Mexican government's disgraceful institutional response to the problems of drug trafficking and drug-related police corruption:

Despite the existence since 1980 of a mutual extradition treaty between the United States and Mexico, the Mexican government has not yet surrendered a single one of its nationals to the U.S. Government for prosecution on drug charges. Currently there are 27 outstanding requests for extradition.

How can Mexican officials argue that it is making progress in the fight against illegal drug trafficking and the corruption that it breeds when, of a total of 870 Mexican federal agents that have been dismissed on drug-related corruption charges, 700 have been rehired and none have been prosecuted?

In a recent hearing, Benjamin Nelson of the Government Accounting Office stated that "No country poses a more immediate narcotics threat to the United States than Mexico." He was testifying regarding a recently-released GAO report stating that drug-related corruption of Mexican officials remains "pervasive and entrenched within the criminal justice system."

Bilateral Border Task Forces have been crippled by inadequate funding by Mexico, a shortage of full-screened Mexican agents, and the refusal of Drug Enforcement Administration agents to participate so long as Mexico denies them permission to carry firearms for their own protection. Certification for Mexico would clearly represent a slap in the face of DEA agents who have communicated their feeling that little is being done to combat drug trafficking in that nation.

I am aware that, in a few areas, a degree of progress has been made. For instance, Mexico has instituted new vetting procedures for the hiring of police officers and it has entered into an agreement with the United States regarding a bilateral drug strategy.

Unfortunately, these measures are not sufficient to offset Mexico's otherwise exceptionally poor anti-drug record.

What is really at issue here is not whether Mexico has met the requirements of the Foreign Assistance Act. It clearly has not. The reason that some hesitate to decertify Mexico is that many other aspects of our relationship with Mexico would change if it were not certified.

In aid, in trade and in commerce, billion's of dollars in public and private money are at risk with this issue.

For fiscal year 1998, the U.S. has appropriated $15.38 million in standard foreign assistance to Mexico that would be cut off. This assistance includes funding for programs which seek to stabilize population growth; assist health education initiatives; encourage the environmentally sound use of resources; engender legal reforms related to NAFTA; and strengthen democracy.

In indirect assistance, Mexico could lose billions of dollars. Mexico's economy would likely be severely affected as financial markets react to the United States vote of no confidence in the government. The United States would be required to withhold support for multilateral development bank loans to Mexico. Also at stake are hundreds of millions of dollars of export financing through the export-import bank. In fiscal year 97, the ExIm Bank authorized $1.05 billion for Mexico that would not be available.

There would be other financial ramifications, and it would change the nature of our relationship.

The law providing for certification states in Section 490 of the Foreign Assistance Act, that the President must submit to Congress by March 1 of each year a list of major illicit drug producing and transiting countries that he has certified as fully cooperative and therefore eligible to continue to receive U.S. foreign aid and other economic assistance. This sets in motion a 30-calendar day review process in which Congress can disapprove the President's certification and stop U.S. foreign aid and other benefits from going to specific countries. The ball is now in our court.

If we are concerned about sending signals, disrupting commerce, or chilling our economic partnership with Mexico, then we should admit that this law is not enforceable and we should amend or repeal it.

Perhaps, under current law, the President's choices are too limited. I know that Senator HUTCHISON and Senator DOMENICI would like to pass a law creating a new option for the President that would be known as "Qualified Certification."

But if we are going to follow the dictates of the current law, the answer is not to pretend that the facts are other than what they clearly are.

Mexico has simply not met the standards necessary to qualify for certification.

We have an obligation to the people of the United States to do everything in our power to stop drugs from coming into the United States.

So, until Mexico gets tough with its drug traffickers, we must get tough with Mexico.

Mr. President, this is why I stand here. I have seen firsthand the effects of the poison that is coming across our borders in community after community after community. I have seen families destroyed by the prevalence of cocaine and heroin methamphetamine to the extent that in some communities it is almost easier—the popular wisdom is that it is easier—to get cocaine than it is to get cigarettes.

We have to at some point stand up and say reality is what it is. We as the Senate have a responsibility to say, our relationships notwithstanding, that you have to do better. And the only way we are going to get that process started is to pass this resolution.

Last year this debate went on, and we were going to give them a pass for another year. It hasn't gotten any better, Mr. President.

I encourage strong support for the resolution.

I thank the Chair.

I yield the floor.

Mr. BIDEN. Mr. President, I yield 7½ minutes to my friend from Massachusetts.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 16 minutes 50 seconds.

Mr. BIDEN. I yield 8 minutes to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Chair.

Mr. President, I come at this somewhat differently from a number of my colleagues. I do not agree with those who say that the certification process does not work. I have been involved in this issue deeply for all the years that I have been in the Senate. I think the debate we had in the Senate last year sent a very clear signal to the Mexican government that we expected some real movement on the counter narcotics front this year and that certification could be in jeopardy if there was no movement. I think they got the message.

Last year, I believed very strongly that the President should not certify that Mexico was fully cooperating because I believed that the Mexican government's performance did not measure up to the standard. During the Senate's debate I argued that if he was going to do anything, he should certify Mexico on the basis of a national interest waiver. That would have more accurately reflected the situation that we found ourselves in at that time and the real rationale underlying the certification decision. The President didn't do that. We had a vigorous debate here on the Senate floor and ultimately, we expressed our concern about the lack of progress through a joint resolution which was overwhelmingly supported. And I supported it. But it was because of that effort that I believe we are, in fact, in a different position this year.

For those who say that the certification process doesn't work, just look at Colombia. This year the President was able to certify Colombia with a national interest waiver. Nobody is here screaming about decertifying Colombia, because, in fact, because of the prior years' decertification, we finally were able to elicit some progress from Colombia.

So I am not in that camp that comes to the floor suggesting that certification has no meaning and cannot affect behavior. I am in that group that comes to the floor suggesting that the debate we had last year did send the signal to Mexico, and that, in fact, there are differences that you can measure this year, which in fairness we ought to measure and make a judgment about.

I have the deepest respect for the Senator from Georgia and the Senator from California. I think they do a great service by pointing out all of the weaknesses. I think the Senator from California has done an incredible job of researching, understanding, and laying out for the Senate the very clear set of deficiencies which need to be addressed. But when we come to the floor one year and criticize them for corruption in their law enforcement agencies, and then they reconstitute their whole structure for law enforcement in an effort to reverse years of corruption, we cannot come back this year and suggest that what they have done is not enough and will not enable them to make progress on the rest of the things that we want them to do.

I believe that the Mexican government has made a genuine effort over the last year and that Mexico's record has improved in a way that is measurable. By no means is Mexico's performance anywhere near perfect, but I believe that the responsible action by the U.S. Senate is to say to them that they are on the right track and to give more time to see if they can make further improvements. I believe that the balance sheet before us today is significantly different from the one before us a year ago. If my colleagues look at this balance sheet fairly, I think they will agree that decertification is not the right approach this year.

As my colleagues know, last February, shortly before President Clinton made his decision on certification, Mexican authorities arrested General Jesus Gutierrez Rebollo, then head of the National Counternarcotics Institute (INCD). Gutierrez Rebollo, as we now know, was on the payroll of one of Mexico's most powerful and notorious drug traffickers, Amado Carillo Fuentes. The arrest of Gutierrez symbolized the endemic drug corruption among Mexican law enforcement officials including those charged with fighting the war on drugs. As the facts of the case emerged, it became apparent that Gutierrez had arrested only those traffickers who worked for rivals of Carillo Fuentes—a development which suggested that arrests were more a product of inter-cartel rivalries than legitimate law enforcement activities. As I have said, only time and further investigation will demonstrate whether there were alliances between other senior military officials and major traffickers involved in this case.

Throughout 1996 the Mexican government had taken no meaningful steps to address the problem of drug corruption within the law enforcement agencies. Although federal police officers were fired for corruption, none had been successfully prosecuted. Nor was Mexico's performance much better with respect to other indicators such as extraditions to the US, drug related arrests or implementation of laws dealing with money laundering and organized crime.

The threat posed to the United States in 1998 from drug trafficking organizations in Mexico is little different from that posed in 1997. What is different, however, is the effort made by the Mexican government over the last year to deal with the primary obstacle to successful counter narcotics efforts: drug corruption within its own ranks.

After the arrest of Gutierrez Rebollo on corruption charges, the Mexican government moved to reconstitute its drug law enforcement structure and to institute new vetting procedures to deal with the problem of corruption. The National Counternarcotics Institute (INCD), Mexico's leading anti-drug agency, was abolished and a new agency, the Special Prosecutor for Crimes Against Public Health (FEADS), was created under the Office of the Attorney General (PRG). A new Organized Crime Unit (OCU), established pursuant to the 1996 Organized Crime Law, has been established in the FEADs headquarters under the Attorney General's Office. When fully constituted, the OCU will have sub-units for each of the areas covered by Mexico's organized crime law including organized crime, money laundering, narcotics, kidnapping and terrorism.

A Financial Crimes Unit has been set up under the Ministry of Finance, airmobile special counter-drug units now operate under the Secret of National Defense and riverine units under the Mexican Navy. The Mexican government is also rebuilding the Bilateral Border Task Forces, although at present it is fair to say that the accomplishments in this area are few and that our own Drug Enforcement Agency refuses to allow American agents to cross the border for fear of their own security.

Changing of the organizational chart means little unless steps are taken to ensure that the individuals working in these agencies are not corrupt. Since August 1996 the Mexican government has dismissed 777 federal police for corruption. Of these 268 have been ordered reinstated because of procedural errors in the dismissal process. However, it is important to note that their charges on drug corruption have not been dropped, and they have not been reassigned to counterdrug jobs. I know my colleagues who oppose certification regard these reinstatements as evidence of Mexico's failure or lack of political will to deal with the corruption problem.

While I understand their skepticism, and perhaps share some of it, I believe that it is too early to rush to this judgment. Our own Civil Service law provides an appeals process for U.S. government employees who have been dismissed, and our Foreign Service Act allows officers who have been dismissed to remain in the job throughout the appeals process. The real test on this issue is the ultimate fate of these individuals who have been reinstated and whether they are dismissed for corruption in the end and whether they are prosecuted.

Last year the Office of the Attorney General opened corruption or abuse of authority cases against over 100 members of the federal judicial police and over 20 federal prosecutors. Links between the traffickers and judges as well as the judiciary's lenient attitude toward narco-traffickers and others brought up for drug related offenses are major obstacles to an effective counter narcotics effort in Mexico. The Mexican government has finally begun to deal with this problem. The National Judicial Council has recommended that charges be brought against three sitting judges for corruption and five judges have already been dismissed. The selection process for Supreme Court judges has now been changed to provide for judicial appointments based on examination. Last year the first group of judges selected by this method was seated. Admittedly these are small steps, but they are positive ones.

The Mexican government has also put into place new, more rigorous processes for vetting those who will work in the newly established law enforcement structures. The Attorney General's office requires that all personnel assigned to FEADS (the Special Prosecutor's Office) pass suitability examinations. Those in sensitive units like the Organized Crime Unit are now screened through procedures which include extensive background checks; psychological, physical, drug and financial examinations; and polygraphs. According to Mexican officials, these checks will be repeated periodically during their tenure. Ultimately all employees working in the Attorney General's office are to be screened but those working in most sensitive units like FEADS and the OCU are the first to be screened. To date, 1300 have been through the screening process.

US law enforcement agencies including DEA, the FBI and the Customs Service are assisting the Mexican government, at its request, in establishing comprehensive vetting processes and training those who conduct polygraphs and other technical examinations. For example, according to DEA Administrator Constantine, DEA has provided assistance to the Organized Crime Unit in the development of personnel selection systems and provided extensive narcotics enforcement training to the new OCU agents.

I believe the very fact that US law enforcement agencies are working closely with Mexican government officials on this vetting process is enormously important to the ultimate goal of establishing corruption-free law enforcement agencies in Mexico. That cooperation could be seriously jeopardized if we decertify Mexico at this point.

Since the Mexicans have chosen to put thorough screening processes in place, these new law enforcement entities are not fully staffed, and as a result their capacity to undertake investigations is somewhat limited. Nevertheless, by the end of last year, FEADS was conducting investigations and enforcement actions both unilaterally and in conjunction with US law enforcement agencies.

Only time will tell whether these entities will be up to the task and whether the vetting processes now being followed will eliminate the corruption that has thwarted the Mexican government's ability to deal with drug traffickers effectively. However, I believe fairness requires that we recognize the effort Mexico has made in this last year to revamp its structure and personnel and that we give it some time to produce results. This year, in my judgment, is a transitional year for Mexico. If these entities are not fully staffed and functioning and if they fail to make some major inroads on the trafficking problem, then this Senator, for one, will find it very difficult to support certification next year.

I know that many of my colleagues who oppose this year's certification make the argument that Mexico's cooperation is only at the political level and that at the working level, it is simply insufficient to warrant certificates. They cite various arguments including the fact that Mexico has not extradited and surrendered one Mexican national to the US on drug charges, that none of the top leaders of the Carrillo-Fuentes, Arellano-Felix, Caro-Qunitero or Amezcua-Contreras cartels have been arrested; and that seizures of heroin and methamphetamines and its precursor chemicals are down.

I totally agree with their argument that Mexico needs to do more in these areas, but I believe if you look at the overall record, it is mixed. Take extraditions. In 1997 Mexico ordered more extraditions to the United States (27) than in the previous two years—a positive step. Fourteen of these are fugitives, whose extradition has been complicated by pending appeals or the need to complete sentences. Five of the 14 are Mexican nationals wanted for drug crimes but none of these have yet been surrendered. Notwithstanding these circumstances, the fact remains that Mexico has yet to turn over a Mexican national wanted for drug crimes to the US. Clearly we need improvement in this area.

Turning to the question of arrests, it is true that Mexican officials have not apprehended the leadership of the major trafficking organizations. However, it is also true that pressure from Mexican law enforcement agencies forced the head of the Carriillo-Fuentes organization, Amado Carrillo-Fuentes, to disguise his appearance through cosmetic surgery—an operation which resulted in his death—and move some of his organization's operations. Mexican law enforcement operations, many in cooperation with US law enforcement officials, have resulted in the some significant arrests of middle level cartel operators, such as: Oscar Malherbe de Leon, operations manager for the Gulf cartel; Adan Amezcua Contreras, a lieutenant in the Amezcua organization which trafficks in methamphetamine; Jamie Gonzales-Castro and Manuel Bitar Tafich, middle manager and money launderer respectively of the Juarez cartel; and Arturo E. Paez-Martinex, a key lieutenant in the Tijuana cartel. While these individuals are not the kingpins, their apprehension has kept some pressure on the cartels and caused some disruption. Another test for Mexico's new law enforcement institutions in the next year will be their ability and willingness to go after the kingpins.

I have always been skeptical of seizure statistics because they are valid only if one knows the universe of product available and often we do not. Nevertheless, the conventional wisdom seems to be that statistics have a story to tell so I will take a moment to review some of the statistics relevant to this debate. Although heroin seizures were down last year, seizures of opium increased. Mexican eradication efforts led to a decrease in the number of hectares of opium poppy and consequently the potential amount of opium and heroin on the market. Mexican efforts to deal with marijuana production are similar. Mexican eradication efforts decreased the number of hectares of marijuana dramatically; at the same time, seizures went up to the highest level ever. Seizures of cocaine increased by 48 percent in 1997 as well. What is noteworthy in all of these areas is that Mexican efforts demonstrate a positive, upward trend. However, the statistics for seizures of methamphetamine and ephedrine, its precursor chemical, are down, as some of my colleagues have pointed out. Given the growing methamphetamine market in the US, we must insist that Mexico's efforts in this area improve. I, for one, am persuaded that seizures alone will not address the problem. The producers and traffickers must be targeted.

Mexico has taken some steps to improve its ability to deal with money laundering, including the passage of a money laundering law and the subsequent promulgation of regulations for currency transaction reports. Regulations to deal with suspicious transactions are said to be imminent. Laws and regulations, regulations are meaningful only if they are implemented. Mexico has reopened some 70 cases and entered into 16 joint investigations with the US. I am prepared to give Mexico some time in this area, with the caveat that we must see some results by this time next year.

Mr. President, last year, when the certification of Mexico was allowed to stand, we made it clear that genuine progress had to be made in 1997 if Mexico was to be certified again this year. On balance, I believe that Mexico has made progress and that fairness requires us to recognize that fact. If we decertify Mexico now, in the face of that progress, we run the risk of jeopardizing that progress and of cutting off the very cooperation with US law enforcement agencies that has encouraged and helped Mexico to make progress this year. That outcome makes no sense in terms of our counter narcotics goals.

I am prepared to see the President's certification stand this year. However, it is essential that we make it clear that this is a transitional year for Mexico—a year in which to build its new law enforcement agencies into effective institutions unaffected by drug corruption and dedicated to making some serious progress on the ground. The vetting process must be accelerated. Greater efforts must be made to target the leadership of the cartels. The problem of security for US agents working across the border must be adequately addressed and the border task forces must be reconstituted in a meaningful, productive manner. Prosecutions of those charged with drug corruption or drug related crimes must take place and efforts to root out drug corruption in all Mexican agencies dealing with counter narcotics activities must be accelerated. Absence progress in these critical areas, it will be difficult for Mexico to be certified next year.

The PRESIDING OFFICER (Mr. McCAIN). The Senator's time has well expired.

Mr. BIDEN. Mr. President, I yield 3 minutes to my colleague from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, the question is not whether we are winning the war on drugs. If that were the question, the answer would be no, and everybody who has spoken would be in agreement. The question is, What is our best strategy to win the war against drugs? I just submit to you that the answer is not making an enemy of Mexico. Mexico is not 2,000 miles from our border. Mexico is our border. Mexico is our second largest trading partner.

We are not dealing with an easy issue. The sophistication of the drug dealers who are coming in from South America through Mexico into our country is phenomenal. We have found tunnels as deep as 60 feet below ground through solid rock across our border. We have found stashes of illegal drugs buried on the beaches. We have found high-performance boats and satellite communication.

It is not like someone isn't trying. It is a very difficult problem. If we are going to win the war on drugs, or have any chance, the only way we can do it is through cooperation. And I don't think harsh rhetoric against our neighbor is the best way to do it.

Do I think we are successful? No; we are not successful. We are not successful in controlling demand. And certainly Mexico has not been successful in controlling supply.

Mr. President, it isn't the time to start hurling charges back and forth across the Senate Chamber to solve this problem. What we must do is try to sit down in cooperation.

If President Zedillo was saying, "Go fly a kite, we are not going to work with you," that would be one thing. He isn't. He is trying desperately. He doesn't want a criminal element in Mexico any more than we want a criminal element on the schoolgrounds of America.

So I hope we will not do something intemperate, which is not what the U.S. Senate normally does. I hope we will not act in haste and do something that would hurt our cause more than it would help.

Mr. President, I am urging my colleagues to vote against the Coverdell-Feinstein resolution because I think the better way is cooperation.

I yield the floor.

Mrs. BOXER. Mr. President, I would like to begin my remarks by commending the distinguished senior senator from California, Senator FEINSTEIN, for her hard work and leadership on this important issue.

Each year, the President must make a determination with respect to every nation that has been identified as either a major drug-producing or drug transit nation. He has three options: he can (1) certify that the country is fully cooperating with the U.S. or has taken steps on its own against drug activities; (2) decertify the country for failing to meet the "fully cooperating" standard; or (3) find that the country has not met the requirements, but that it is in the "vital national interest" of the U.S. to waive the requirement.

For the country to continue receiving U.S. aid of various kinds, it must either be certified as "fully cooperating" or a national interest waiver must be provided.

Last year, I opposed certification of Mexico. The evidence at that time was clear that Mexico had not cooperated fully with the United States in fighting drug activities, either within Mexico or on our mutual border.

While Mexico made some progress in 1997 in its anti-drug efforts, I believe it has not been enough to warrant certification.

Mexico is still a major transit point for cocaine shipments from South America. It is a major producer of marijuana and heroin, most of which is shipped to U.S. markets.

Most disturbing, the drug cartels based in Mexico are as powerful as ever. While some cartel members have been arrested, according to the head of the U.S. Drug Enforcement Administration, "unfortunately, the Government of Mexico has made very little progress in the apprehension of known syndicate leaders."

In fact, the cartels are getting stronger. According to the State Department's Bureau of International Narcotics and Law Enforcement Affairs the Mexican drug trafficking organizations' criminal activities and corrupting influence are "significant enough to threaten Mexico's sovereignty and democratic institutions. . . . They have developed such a level of influence and intimidation in Mexico that the Government classifies them as the nation's principal national security threat."

In light of this extremely dangerous situation, I believe the efforts made by the Government of Mexico to respond are inadequate. New laws on money laundering have been adopted, but have not been put into effect. Bilateral Border Task Forces were created to be the primary program for cooperative Mexico-U.S. law enforcement efforts, but were never really implemented, due to corruption, lack of security for U.S. officials, and the failure of Mexico to bear its fair share of the costs.

Mexico can and must do better in the fight against drugs in order to merit a full certification under our drug law.

Mr. ASHCROFT. Mr. President, no President of the United States would declare war on a foreign nation and send young Americans into harm's way overseas without ensuring that they were properly armed and that they had a clear objective.

And yet, here at home, the Clinton Administration has declared war on illegal drugs while pursuing a policy of defeatism that is turning young children into sitting targets for international drug lords and domestic suppliers.

The President has utterly failed to announce worthy goals or to commit sufficient resources to fighting drug use. We are left with the rhetoric—but not the reality—of a war on drugs.

The President's decision to certify Mexico is just the latest sign of surrender in the drug war. Since taking office, the Clinton Administration's record on combating illegal drugs has been a national disgrace.

The first sign of surrender in the President's war on drugs came within weeks of his first inauguration. After attacking President Bush for not fighting a real drug war, President Clinton announced that he was going to slash the Office of National Drug Control Policy staff from 146 to 25.

The ONDCP, commonly known as the Drug Czar's office, is singularly responsible for coordinating our nation's anti-drug efforts and the new President's first act was to cut the agency by more than 80 percent.

But the reductions in the Drug Czar's office foreshadowed more dangerous cuts in federal law enforcement and interdiction agencies. In its fiscal year 1995 budget, the Clinton Administration proposed cutting 621 drug enforcement positions from the DEA, INS, Customs Service, FBI, and Coast Guard.

Even worse, between 1992 and September 1995, the Drug Enforcement Administration—the nation's primary drug-fighting agency—lost 227 agent positions, a reduction of more than 6 percent of its force.

Mr. President, the Clinton Administration by 1996 had cut the drug interdiction budget 39 percent below the level spent during the last year of the Bush Administration—the same Administration that, four years earlier, candidate Clinton attacked for being soft on drugs.

But the signs of the Clinton Administration's surrender are not found solely in budget tables and staffing decisions.

The power of the President to curb illicit drug use within our country can also be found in the President's unique platform from which he can implore, persuade, and encourage the American people to make good and moral decisions. He can use what Teddy Roosevelt called the bully pulpit to call Americans to their highest and best, rather than accommodate behavior at its lowest and least.

Yet, in this regard, the signs of surrender are everywhere.

After more than five years in office, this President's most memorable pronouncements on drug use remain his admission to smoking, but not inhaling marijuana and his later clarification —provided live before MTV's largely teen audience—that if given the opportunity to do it again, he would have inhaled. The President laughed as he made the latter remark.

I plan to discuss the consequences of the Administration's drug war surrender in just a moment, but let me just make one point here. Since President Clinton's first year in office, marijuana use among 8th graders has increased 99 percent. I have the feeling the parents of those 8th graders are not laughing, Mr. President.

The President also can use his appointment power to influence public policy. Indeed, the President has the authority to choose the Surgeon General of the United States, a person we often hear referred to as our nation's family doctor.

When it comes to issues of human health and welfare, the Surgeon General enjoys a bully pulpit similar to that of the President.

The President's first choice for Surgeon General was Dr. Jocelyn Elders. Dr. Elders will long be remembered as the Condom Queen for her vocal support of condom distribution in elementary schools.

But when Dr. Elders was not busy distributing condoms in schools or extolling the "public health benefits" of abortion, she found the time to call for a study of drug legalization, a truly dangerous idea.

Until very recently, the President also failed to use his office's power of persuasion to chart an international drug control strategy that included specific performance measures and identifiable goals.

As recently as the end of last year, the President and his allies were criticizing the House-passed plan to reauthorize the Drug Czar's office because the plan included hard targets for the Administration to achieve.

The only way Members of Congress—and more importantly, American taxpayers—can judge whether or not a government agency is doing its job effectively is to compare its performance to identifiable goals. We spend more than $16 billion annually on anti-drug programs and we need a way to determine whether or not we are getting our money's worth.

Although the Administration finally conceded that performance goals are needed, they objected to the standards passed by the House. Among the specific targets the President found objectionable:

By the year 2001, overall drug use should be cut in half, down to 3 percent; The availability of cocaine, heroin, marijuana, and methamphetamine should be reduced by 80 percent;

The purity levels for the same drugs should be reduced by 60 percent; and drug-related crime should be reduced by 50 percent.

After the House passed these targets, the Clinton Administration balked. General McCaffrey said the goals were unrealistic and would be counterproductive to the anti-drug effort.

Now I recognize that these goals will be difficult to achieve. But it seems to me, Mr. President, that if our goal is to save children from lives marked by drugs, crime, and violence, we have no choice other than to strive for the noble, not just the doable.

The Clinton Administration contends that it should set its own objectives and targets. Unfortunately, this Administration does not set the bar high enough.

Judging from the goals and targets recently proposed by the Drug Czar's office, it is clear that this Administration has no confidence in its ability to counteract the rise in illegal drug use.

Whereas overall teen-age drug abuse has doubled since 1992, the Clinton Administration now proposes to cut such abuse during the next 5 years by just 20 percent. In other words, by 2002—two years after he has completed his second term—the President hopes to reduce youth drug use to 130% of the level when he first took office. If that is victory, I would hate to experience the President's idea of defeat.

Unfortunately, if we look around us, we can see overwhelming evidence of defeat. The Clinton Administration's cease-fire in the war on drugs has had all-too-predictable consequences:

The proportion of 8th graders using any illicit drug in the prior 12 months has increased 56 percent since President Clinton's first year in office. Marijuana use by 8th graders has increased 99 percent over that same time.

Since President Clinton took office, cocaine use among 10th graders has doubled, as has heroin use among 8th graders and 12th graders.

LSD use by teens has reached the highest rate since record-keeping started in 1975.

The list goes on and on, and yet, Mr. President, the numbers don't tell even half the story. The young lives lost to overdose, the marriages and families torn apart by drug abuse, the high-school dropouts, the children born with little hope of surviving because of her mother's deadly addiction, the victims of crime-filled inner-city streets . . . these are the real casualties of the President's surrender in the drug war. And their numbers are growing.

Seen against this history of failure, it becomes clear that the President's decision to certify Mexico is just the latest sign of the President's surrender.

Consider for a moment the following:

Over the last year, there has not been a single extradition of a Mexican national to the United States on drug charges.

Drug-related corruption among Mexican law enforcement officials continues to escalate, with the most obvious and devastating example being the arrest and conviction of Mexico's drug czar on charges of drug trafficking, organized crime and bribery, and association with one of the leading drug-trafficking cartels in Mexico.

The Mexican Government also failed to make progress in dismantling drug cartels. In testimony given before a Senate Subcommittee a month ago, DEA Director Thomas Constantine said that major drug cartels in Mexico are stronger today than they were a year ago.

Mexican seizures of heroin and methamphetamine were down sharply last year and drug-related arrests declined from an already low level.

By any objective criteria, the efforts of the Mexican Government over the past year do not warrant certification.

The Senate today could reverse the President's judgment and vote to decertify Mexico, but if history is any guide, we won't. Congress has never overridden a Presidential certification.

It seems that some of my colleagues are reluctant to do anything that might possibly embarrass the Mexican Government. Every year, they take to the floor to denounce the corruption and the lack of cooperation by the Mexican officials, but then get weak-kneed when it comes time to withhold the smallest amount of foreign aid or actually sanction Mexico.

While these towers of timidity propose launching another warning shot across the bow of the Mexican ship of state, they fail to see that our own culture is sinking under the weight of an illicit drug supply that flows through our porous Southwest border.

The facts prove conclusively that the Mexican government has not "cooperated fully" with U.S. narcotics reduction goals nor has it taken "adequate steps on its own" to achieve full compliance with the goals and objectives established by the 1988 U.N. anti-drug trafficking convention. Under current law, this is the standard by which we are to decide whether or not to certify a foreign government.

Mexico's efforts over the past year do not come close to warranting certification. The time for threats and warning shots is over. We should vote today to disapprove of the President's inexplicable decision to certify Mexico.

We cannot afford to surrender the war against drugs in America through policies of accommodation and defeatism. Rather than challenging America to her highest and best, the Clinton administration's drug policy accommodates behavior at its lowest and least. We can and must do better.

Mr. LEAHY. Mr. President, on February 26, 1998, the White House announced that it had certified Mexico as a partner in combating international drug trafficking, stating that the Mexican Government was "fully cooperating" in the war on drugs. However, in stark contrast to this claim, an assessment by the Drug Enforcement Agency (DEA) prepared in January and obtained by the New York Times states that, "the Government of Mexico has not accomplished its counter narcotics goals or succeeded in cooperation with the United States Government * * * The scope of Mexican drug trafficking has increased significantly along with the attendant violence."

I believe the yearly certification process is a misguided way to deal with the international drug problem. It applies a black and white standard to a complex problem that, more than anything else, is caused by the seemingly insatiable demand for drugs here in our own country. I am encouraged by Senator DODD's efforts and of other senators to pursue a new approach. I want to support that effort. In addition to bipartisan criticism in the Congress, foreign officials have called the certification process demeaning and ineffectual. However, until that process is changed—and I hope it is—it remains U.S. law and the administration is bound to implement it in good faith.

There are examples of cooperation by the Mexican Government in reducing narcotics trafficking. Opponents of this resolution have mentioned several ways in which the Mexican Government has made progress. The administration reports increases in drug seizures, improved anti-narcotics intelligence, and implementation of new laws on money laundering, asset forfeiture, electronic surveillance and witness protection. Yet drug-related violence and corruption at the highest levels of the Mexican anti-narcotics police continues unabated—affecting every aspect of life and every level of society in Mexico and spilling over the border into the United States. We also receive persistent reports of human rights abuses by Mexican security forces.

I have a great deal of respect for General Barry McCaffrey. He has taken on the immense job of directing our drug control program with enthusiasm and boundless energy and the best of intentions. I particularly support the efforts he has made to emphasize the importance of drug prevention and treatment. However, I have to respectfully disagree with his assessment of the cooperation between the United States and Mexico as "absolutely superlative."

According to a February 26, 1998, article in the New York Times the DEA reports that none of the changes by and to Mexican law enforcement institutions "have resulted in the arrest of the leadership or the dismantlement of any of the well-known organized criminal groups operating out of Mexico." In addition, no Mexican national was extradited to the United States to face drug charges, and the corruption of Mexican law-enforcement officials, judges, and government employees continues to frustrate United States efforts to build cases and apprehend drug traffickers. Mr. President, if the administration deems this to be "superlative" cooperation, I am concerned. And that is why I will support the resolution to decertify Mexico. I do not believe that a faithful interpretation of the law can lead to any other conclusion than that the Mexican Government has failed to fully cooperate with United States drug control efforts.

Mr. President, I support this resolution reluctantly. It is very important that we continue to work with the Mexican Government in the fight against drug trafficking. I applaud the May 1997 Declaration of the United States-Mexico Alliance Against Drugs, signed by President Clinton and President Zedillo, and the ongoing collaborative efforts between American and Mexican law enforcement officers. I do not minimize the efforts the Mexican Government is making. However, it falls far short of full cooperation. And while I am mindful that decertification could strain relations between our two nations, that is not a justification for interpreting the law in a manner that is not supported by the facts. I am hopeful that Mexico will not view this decision as a condemnation of its counter-narcotics efforts, but as a challenge to work more closely with the United States to improve them.

Mr. MURKOWSKI. Mr. President, I rise today to express my support for S.J. Res. 42, a resolution to disapprove the President's certification that Mexico is fully cooperating in the War on Drugs.

Last year, the Administration convinced Congress not to vote on a similar resolution, arguing that voting on such a resolution would hinder cooperative efforts with Mexico. So here we are, one year later, and the situation in Mexico is the same, if not worse than it was last year.

Just today, a front page New York Times story cites a Drug Enforcement Administration report that indicates that the Mexican military is helping drug traffickers. As one anonymous official observed, if the indications of wider military involvement with traffickers are borne out, "it points to much of our work in Mexico being an exercise in futility."

Mr. President, I have not seen this report so I can't say how accurate this story is, but it does raise the same concerns I had last year about the level of corruption in Mexico.

Last year, I joined 38 of my colleagues in signing a letter initiated by Senators COVERDELL and FEINSTEIN, the sponsors of today's resolution, calling on the President not to certify that Mexico was cooperating fully in antinarcotics efforts. That letter went through in detail 6 examples of where Mexico was unable or unwilling to deal with drug trafficking problems effectively. Those areas were: cartels; money laundering; law enforcement, cooperation with U.S. law enforcement; extraditions; and, corruption.

Based on the information I have received, it does not appear that the situation is improved in any of these 6 areas: Mexican cartels continue to expand their ties, operations, and violence in the U.S.; anti-money-laundering legislation is on the books, but is not being enforced; concerns about the safety of DEA agents in Mexico remain unresolved; the much-touted cooperative Bilateral Task Forces are not operational; no Mexican nationals whatsoever have been extradited to the U.S. on drug-related charges; and corruption remains chronic at every level in the military, the police and the government.

Therefore, I think the President made the wrong choice to simply say that Mexico was "fully cooperating" in efforts to combat international narcotics trafficking.

Mr. President, I do not make this decision lightly. Mexico is an important neighbor and we share a 1600 mile border. I do not want to cut off our relations with Mexico over this issue, but I also think we make a mockery of our law by simply glossing over issues to make a certification.

I believe we would be better off if the President would say that Mexico is not fully cooperating, but then exercise his authority to waive the restrictions on bilateral assistance on national security grounds, as he did with Colombia this year.

Unfortunately, the President did not choose that path, and we in Congress are left with only one option—a straight up or down vote on decertifying Mexico. Although it is not a perfect solution, I will vote for telling the truth to Mexico. She can and must do better to combat the nagging problem plaguing our borders.

Mr. HELMS. Mr. President, I am confident that all Senators—indeed millions of Americans—are deeply grateful to the able Senator from Georgia, Mr. COVERDELL, for his remarkable leadership on the drug issue. As chairman of the Foreign Relations Subcommittee with jurisdiction over international narcotics affairs, Senator COVERDELL has developed an expertise here at home and overseas. He is a credit to both the Foreign Relations Committee and the Senate.

The joint resolution that Senator COVERDELL and I have brought before the Senate today concerns a very complex issue. But, it can be boiled down in terms of its significance to 6 words:. "The President should tell the truth."

The subject before us is Mexico—specifically, the President's unwise and unjustified decision to certify to the U.S. Congress that the Government of Mexico is "cooperating fully" with America's anti-drug efforts. That is precisely what Mr. Clinton told us on February 26.

Since then, we have heard the rest of the story. Regarding the role Mexico plays in the drug trade, the President's own State Department tells us that "Mexico is a major transit point for U.S.-bound cocaine shipments from South America," and "(Mexico) is a major producer of marijuana and a significant producer of heroin, most of which is destined for the U.S.," and "Criminal organizations based in Mexico are now the most significant wholesale and retail distributors of methamphetamine."

These facts warn us that the United States simply cannot let the Mexican government off the hook when it comes to fighting drugs.

When the President certified Mexico's full cooperation, he told us, "The U.S. is convinced of the Zedillo Administration's firm intention to persist in its campaign against the drug cartels."

A few weeks later, the story changed. Mary Lee Warren, a senior Justice Department official, told a House Committee on March 18, "None of the senior members of the (Tijuana Cartel) has been arrested."

She also noted that charges dating from 1992 against the head of the Sonora Cartel "were dismissed."

And, she said that "Mexico had not charged or apprehended any principal" of Mexico's third cartel (the Amezcua organization).

Senators surely will ask themselves, why does the President tell us that Mexico will "persist in its campaign against the drug cartels" when his own Justice Department and his own DEA tell us that Mexico is not waging such a campaign?

In certifying Mexico, the President told us, "Drug seizures in 1997 generally increased over 1996 levels."

Not true. The State Department's statistics tell a different story. Mexico's 1997 seizures of heroin, marijuana, and methamphetamine are at, or well below, 1996 levels.

Although cocaine seizures are up from last year, they total well below the 50 metric tons of cocaine seized in 1991. And, despite the growing role of Mexican traffickers in the methamphetamine market, Mexico's seizure of that product has dropped significantly to one-fifth of 1996 levels and one-tenth of 1995 levels.

Another troubling subject is extradition. Most of us believe that Mexico will become a safe-haven for drug kingpins as long as that government refuses to turn over Mexican drug lords to face justice in American courts.

All told, there are about 120 requests for "provisional arrest" and "extradition" pending in Mexico.

But, not one Mexican national was extradited and surrendered to U.S. custody on drug charges throughout 1997 and so far this year. In fact, no Mexican has been surrendered to U.S. custody on any crime since April 1996. The State Department reports that all 5 Mexican nationals approved for extradition on drug charges have appealed their extradition orders.

There is, obviously, a pattern here. A Mexican wanted for child molestation can be surrendered to U.S. justice. A foreigner wanted for drug crimes may be handed over, as well. But a Mexican drug trafficker is made to feel very much at home in Mexico.

Another problem is corruption. Mr. President, we must not forget the February 1997 scandal when Mexico's drug czar was found to be on the payroll of one of Mexico's most blood-thirsty cartels.

The Administration has cited repeatedly Mexico's handling of this scandal as evidence of Mexico's commitment to ferreting out corruption. Indeed, a senior Justice Department official told Congress just law week, "The [corrupt drug czar's] arrest is a noteworthy testimony to President Zedillo's anti-corruption commitment."

In light of these rosey commendations, we were surprised by a report in today's New York Times that U.S. law enforcement officials have concluded privately that this scandal and the way the Mexican government handled it may be just the tip of the iceberg of drug corruption in Mexico's military.

One unnamed U.S. official told the New York Times that this news of deeper corruption "point to much of our work in Mexico being an exercise in futility."

According to this published report, U.S. officials discussed these findings with Attorney General Janet Reno more than 2 weeks before the President's certification of Mexico.

The fact that this assessment comes to Congress' attention through the media and not in the President's "certifications" to the Congress suggests an appalling lack of candor on the part of the Administration. The Committee on Foreign Relations intends to investigate this revelation.

More recent examples of alleged corruption border on being countless.

Mexico's attorney general admitted last September that he had to turn to the military for law enforcement because, in his words, he "couldn't find civilians who could demonstrate the honesty and efficiency for the work."

But military men—as well as civilian police—have themselves been accused of stealing cocaine that had been seized by the government. Also, last year, the federal police commander in charge of intelligence for the border task forces—which are supposed to cooperate closely with our DEA—was accused of taking bribes and trafficking in drugs in Arizona.

Such flagrant examples of corruption remind us that meaningful anti-drug cooperation will never be possible without honest, competent people with the skills and resources to do their job.

Beginning 12 months ago, Mexico's anti-drug forces were dismantled entirely. It takes time to put these units back in place—which is what we have been helping the Mexicans do for most of last year.

Today, fewer than one-third of the 3,000 employees of the special anti-drug prosecutor's office are on duty. About one-third of the 300 staff members of the organized crime unit are in place. And only two-thirds of the small border task forces staff have been cleared for duty.

It is fair to point out that these new anti-drug units also lack the experience and the resources to do their jobs.

It is fair to ask whether Mexico has the ability to "cooperate fully" to fight drugs—even if it had the political will to do so, which it obviously does not.

Finally, Mr. President, let's turn to an issue that speaks eloquently to the Mexican government's lack of political will to work with us. Despite numerous threats and several attacks on U.S. and Mexican police, President Zedillo has insisted that our DEA agents cannot carry weapons for their self-defense while in Mexico. The Mexicans argue that this is a question of "sovereignty."

Baloney. I have two questions for the officials in Mexico City: Where were these questions of sovereignty in the 1970s and 1980s, when the Mexican government allowed Marxist Central American guerrillas to operate freely in Mexican territory?

And, why does that government fear having a couple of dozen American DEA and FBI agents carrying weapons for their own protection?

Mr. President, I hope Senators will consider the facts so clearly evident. Under the law, the President of the United States has the duty to certify a country's full cooperation when there has been "full cooperation." The sad truth is that there has been no "full cooperation."

Therefore, Senate Joint Resolution 42 deserves the support of all Senators who truly want to bring drug trafficking under control. This will send a message to the Mexican government that it can no longer be A.W.O.L. in the war on drugs.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield 3 minutes to the good Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. GREGG. Mr. President, I would have to say at the outset that I believe the certification process is a mistake because clearly it isn't working. But the fact is that as long as we have it, we ought to have integrity in it. And the fact is that, if we are going to look at the question of whether or not there has been an effort to comply that meets the terms of the certification process by Mexico, we would have to conclude that they have failed.

We can wish that they had complied. We can hope that they had complied. We can say as a matter of public policy we truly wanted them to comply. But the fact is that they have not complied. To claim they have complied is to delude ourselves. Essentially it would be the same as suggesting that the Red Sox are going to win the World Series. We want it to happen, but we know it isn't going to happen. The fact is that Mexico and the core elements that are necessary for us to pursue the drug war in Mexico have been undermined by the cartels which earn so much money from the sale of drugs.

The real problem here isn't Mexico, though. The real problem is ourselves. We could use that phrase, "We have met the enemy and it is us." The fact is that our consumption of narcotics has corrupted not only much of the mechanism of Mexico but has corrupted the mechanism of Belize, Colombia, a series of countries in the Central American area, Peru, and in the Caribbean. We, as a nation, should truly be ashamed of what we are doing to these nations.

Were I a Mexican or were I a citizen of Belize or Colombia or Peru, or a citizen of many of our Caribbean neighbors, I would be angered and outraged at the fact that my nation and the government of my nation, as a result of the demand for drugs in this country, the United States, has become so debilitated. It is really our utilization of those drugs which has undermined those nations. But the fact is that we do have the certification process, and the integrity of the certification process requires that we at least comply with its terms. Under the terms of the certification process, there is no way that we should be certifying Mexico.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield 4 minutes to the senior Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise today in opposition to legislation that would completely decertify Mexico as being fully cooperative in the war against drugs.

I certainly agree with the sponsors of this resolution that Mexico is not adequately fulfilling its role in fighting international narcotics trade: they have failed to take serious action against the Juarez, Tijuana, and Sonora Cartels which dominate the drug trade; there has been no substantial progress to prosecute the leaders of major narcotrafficking groups, even those indicted by U.S. prosecutors; the number of heroin, methamphetamine, and ephedrine seizures are down from the 1996 levels; in all of 1997 and thus far in 1998, not one Mexican national has been extradited and surrendered to U.S. custody on drug charges. In addition, corruption within their law enforcement community, government institutions, and criminal justice system is rampant. This is just not acceptable.

However, Mr. President, if we decertify Mexico, the problem will not go away but will only be exacerbated. The progress that Mexico has made thus far, albeit modest, will come to a standstill. With the assistance of the Department of Defense (DoD), Mexico has countered extensive drug-related official corruption with unprecedented reform efforts, including identifying and punishing corrupt Mexican officials; increased their effectiveness against drug trafficking, significantly disrupting a number of organizations; completely overhauled their counterdrug law enforcement agency; and participated in interdiction and information sharing.

It is of vital importance that the DoD continue to provide assistance to the Mexican military to combat drugs. If the Senate votes to disapprove the certification of Mexico, the progress that the DoD has made will be seriously undermined.

As such, I ask my colleagues to join me in opposition to S.J. Res. 42.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I think we all wish we had additional options, but the law is very clear. The law says, have they cooperated fully? Have they taken adequate steps?

For 12 years, knowing that the answer to both of those questions was no, I voted yes because I thought we wanted to encourage Mexico, we wanted to work with Mexico. I still want to work with Mexico. I still want to encourage Mexico. But you reach a point where it cannot be good public policy to say publicly something that is clearly untrue.

I am going to vote tonight to decertify Mexico. I know the strategy we are following today is failing. I know from 12 years of hoping, wishing the best, that hoping and wishing the best does not change reality. We are either going to change strategy or we are going to lose the war. That is why I intend to vote to decertify. I hope by doing that we can induce Mexico to do more.

I am not apologizing for what we are doing. I think our war on drugs is phony and a sham and an embarrassment. We have taken no real efforts to try to stop people from consuming drugs in this country, and we have, from the point of view of public policy, a more serious, more dedicated policy to stop people from smoking than we do to stop people from using illegal drugs. But the point is, the law is very clear. Have they cooperated fully? Have they taken adequate steps? And the answer to both those questions, regrettably, is, "No." Maybe by telling the truth, maybe by saying "No," in the future the answer will be "Yes." And I hope it will be.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Whatever time I have left I yield to my friend from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I thank my distinguished colleague from Delaware.

Mr. President, I rise this evening not to offer a ringing endorsement of Mexico's cooperation on drug interdiction in the last year, but to make the simple observation that we should proceed with extraordinary care before using the stick of decertification on a good friend and ally. Initially, I gave serious consideration to supporting the effort to decertify based on the lack of any tangible results on extradition: not a single Mexican national has yet been extradited to the United States for drug trafficing. Not one, even though I realize progress is being made.

Notwithstanding my concerns on that singular issue, however, and the fact that progress on stemming the flow of drugs has been modest at best, I believe it's important to continue working in close quarters with President Zedillo in hopes of building a better record over the long-term.

Let's not fool ourselves, Mr. President. Harsh rhetoric, threats, and punitive actions taking the form of decertification will not create goodwill between Mexico City and Washington—just the opposite: bilateral tensions will rise, drug cooperation will decrease, and once more America will be perceived as a sanctions bully.

That is not a healthy approach to sustaining a crucial relationship with a country that sits right on our border. It's one thing to let unilateral sanctions fly in distant countries and places, but we ought to be very careful to not stir the pot of anti-Americanism, an inevitable result of decertification, with our nearest neighbor. We simply don't need to increase tensions and decrease cooperation with a country with which we share a 2,000 mile border.

The basic point is as follows: breaking down the Mexican drug cartels is critically important, but lets forego the short-term political bashing of Mexico, Mr. President, and agree to work harder and better with our friends South of the Border.

I won't review all the minutia—methamphetamine seizure rates, drug related arrests, Mexican cartel behavior, prosecution of corruption, street pricing of heroin, cocaine and all the rest—because I think that misses the point. There are a few simple considerations that come to mind in judging whether to decertify Mexico.

First, do we believe that the political leadership in Mexico is honestly committed to solving this problem and working with us toward that goal? I believe the answer is "yes". President Zedillo appears willing to engage in comprehensive efforts to seize and eradicate drugs destined for our streets. He's committed to arresting and prosecuting major traffickers and kingpins . . . and I understand that such individuals have received stiff sentences recently, ranging from 9 to 40 years. He's scrapped the discredited National Drug Control Institute and replaced it with a new Special Prosecutor's Office. He's begun the process of weeding out corrupt officials in the Mexican judicial system, dumping three judges so far. He's helped to increase marijuana eradication to record levels, and armed law enforcement allowing cocaine seizure rates to jump 47%. And Mexico has worked closely with us in developing new overflight clearance procedures, while common ground is being established in the areas of money laundering controls and asset forfeiture issues.

Second, will economic and diplomatic sanctions on Mexico improve our chances of stemming the tide of drugs? The answer is no.

Let's be clear on this point: sanctioning Mexico will likely invite retaliation in a variety of forms . . . anti-Americanism . . . additional political ostracism in the hemisphere . . . and could, over the long-term, have the consequence of creating a broader national security threat right on our border.

Third, a Democrat House colleague thoughtfully observed in today's Los Angeles Times that "It's hard for the United States to cast the first stone." Perhaps it's time we take a stone-cold look in the mirror and admit that until we take massive, comprehensive steps to address the demand side of this problem, trying to sort it out, principally on the supply side is doomed to failure.

Fourth and lastly, sometime soon I hope we can carefully examine whether we should annually engage in this painful exercise in self-flagellation by openly ripping countries with which we might have strong disagreements on the drug issue but share a great deal in common as well. The present mechanism for evidencing our concerns is self-defeating when it comes to Mexico and deleterious, I believe, to the overall relationship.

Mr. President, Mexico's record on drug interdiction has to improve, and I don't fault colleagues in the Senate for demanding results. Many of their concerns are legitimate and deserve to be heard. Like them, I am particularly concerned about the lack of extraditions of Mexican nationals from Mexico, and have been personally assured by officials at the highest level of our government that they will redouble their efforts to get the ball moving in this area. I understand five individuals are presently appealing their extraditions, and I intend to watch closely to see that the Mexican government lives up to its part of the bargain should those appeals fail.

For now, however, I believe decertifying Mexico will do more to reverse the limited progress we've made to date, and virtually eliminate any hope we have about future cooperation. That's a risk too great to take.

Let's treat Mexico as a friend and partner in this process, instead of blaming it for a problem that starts and ends with the insatiable appetite for drugs on our own streets.

We are just about to vote on this particular issue. Mr. President, I must confess I came very close to agreeing with the decertification provision that we are going to be voting on this evening. But upon more mature reflection, I have decided that the consequences for our friends in Mexico and the efforts that President Zedillo and others are putting forward, that would be counterproductive for a neighbor with whom we share a 2,000 mile border and for the kind of reaction that it would elicit from not only our neighbors in Mexico, who are trying, but from neighbors throughout South America.

So I urge my colleagues on this particular resolution to vote against the resolution, notwithstanding the fact that I share very real concerns, particularly the failure to extradite a single Mexican national to the United States on drug charges to date. I know there are some in the pipeline. Hope springs eternal. I may come to a different conclusion on this same resolution next year.

With that, Mr. President, I yield any time remaining to the distinguished Senator from Delaware and I yield the floor.

Mr. COVERDELL. Mr. President, I yield the time remaining.

Mr. BIDEN. I yield back whatever time is left.

The PRESIDING OFFICER. All time has expired.

Are the yeas and nays requested?

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the joint resolution. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The result was announced, yeas 45, nays 54, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—45

Allard
Ashcroft
Bond
Boxer
Brownback
Byrd
Coats
Collins
Conrad
Coverdell
Craig
D'Amato
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Frist
Gramm
Grams
Gregg
Harkin
Helms
Hollings
Hutchinson
Kempthorne
Kohl
Leahy
McConnell
Moseley-Braun
Murkowski
Murray
Nickles
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Torricelli
Wyden

NAYS—54

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Breaux
Bryan
Bumpers
Burns
Campbell
Chafee
Cleland
Cochran
Daschle
DeWine
Dodd
Domenici
Ford
Glenn
Gorton
Graham
Grassley
Hagel
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
Mikulski
Moynihan
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Smith (OR)
Thurmond
Warner
Wellstone

NOT VOTING—1

Inhofe

The joint resolution (S.J. Res. 42) was rejected.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote by which the resolution was rejected.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRIST). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, March 25, 1998, the federal debt stood at $5,544,337,068,114.14 (Five trillion, five hundred forty-four billion, three hundred thirty-seven million, sixty-eight thousand, one hundred fourteen dollars and fourteen cents).

One year ago, March 25, 1997, the federal debt stood at $5,374,777,000,000 (Five trillion, three hundred seventy-four billion, seven hundred seventy-seven million).

Five years ago, March 25, 1993, the federal debt stood at $4,222,072,000,000 (Four trillion, two hundred twenty-two billion, seventy-two million).

Ten years ago, March 25, 1988, the federal debt stood at $2,480,270,000,000 (Two trillion, four hundred eighty billion, two hundred seventy million).

Fifteen years ago, March 25, 1983, the federal debt stood at $1,223,791,000,000 (One trillion, two hundred twenty-three billion, seven hundred ninety-one million) which reflects a debt increase of more than $4 trillion—$4,320,546,068,114.14 (Four trillion, three hundred twenty billion, five hundred forty-six million, sixty-eight thousand, one hundred fourteen dollars and fourteen cents) during the past 15 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:56 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 1178. An act to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2589. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

At 5:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2589. An act to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 26, 1998 he had presented to the President of the United States, the following enrolled bill:

S. 758. An act to make certain technical corrections to the Lobbying Disclosure Act of 1995.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4424. A communication from the Chairman of the Long-Range Air Power Panel, transmitting, pursuant to law, the report of recommendations; to the Committee on Armed Services.

EC-4425. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Veterans' Affairs.

EC-4426. A communication from the Secretary of Labor and the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report for the fiscal year 1997; to the Committee on Labor and Human Resources.

EC-4427. A communication from the Chairman of the National Transportation Safety

Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-4428. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-4429. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-4430. A communication from the Acting Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4431. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4432. A communication from the Chief of the Regulations Unit, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Finance.

EC-4433. A communication from the Chief of the Regulations Unit, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Finance.

EC-4434. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4435. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4436. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report relative to the Wabash River project in New Harmony, Indiana; to the Committee on Environment and Public Works.

EC-4437. A communication from the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report relative to notice of funds availability and technical assistance component; to the Committee on Banking, Housing, and Urban Affairs.

EC-4438. A communication from the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report relative to notice of funds availability and the Core Component; to the Committee on Banking, Housing, and Urban Affairs.

EC-4439. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4440. A communication from the Secretary of the Security and Exchange Commission, transmitting, pursuant to law, the report relative to use of web sites in securities transactions; to the Committee on Banking, Housing, and Urban Affairs.

EC-4441. A communication from the President of the Export-Import Bank of the United States, transmitting, pursuant to law, the report relative to exports to Uzbekistan; to the Committee on Banking, Housing, and Urban Affairs.

EC-4442. A communication from the President of the Export-Import Bank of the United States, transmitting, pursuant to law, the report relative to exports to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-368. A resolution adopted by the Senate of the Legislature of the State of Arizona; ordered to lie on the table.

SENATE MEMORIAL 1001

Whereas, Ronald Wilson Reagan, the fortieth president of the United States, was one of this nation's greatest and most beloved presidents and a true world leader; and

Whereas, through his leadership and dedication to principle, President Reagan ushered in a new era of sustained peace, prosperity, optimism and freedom for both our nation and much of the world; and

Whereas, President Reagan established fiscal policies that invigorated the American economy, stimulating growth, employment and investment while curbing federal spending, inflation and interest and tax rates; and

Whereas, when confronted by increasingly tense relations with the former Soviet Union, President Reagan implemented a policy of "peace through strength" that restored national security, ensured peace and paved the way for the successful end of the Cold War; and

Whereas, in 1986, President Reagan persuaded Congress to end the inefficiency and expense resulting from federal ownership of Washington National Airport and to transfer control to an independent state-level authority. This paved the way for long overdue airport modernization projects, including construction of the airport's new terminal; and

Whereas, legislation (H.R. 2625 and S. 1297) is pending in both houses of Congress that would redesignate Washington National Airport as "Ronald Reagan Washington National Airport". Renaming the travel gateway into the nation's capital after Ronald Reagan is a fitting tribute to his legacy of leadership and prosperity.

Wherefore your memorialist, the Senate of the State of Arizona, prays:

1. That the Congress of the United States redesignate Washington National Airport as "Ronald Reagan Washington National Airport" in recognition of President Reagan's exceptional leadership on behalf of the citizens of this nation and all freedom-loving people throughout the world.

2. That the Congress of the United States expedite the legislation that would effect this redesignation so that the dedication can be completed before February 6, 1998, Ronald Reagan's eighty-seventh birthday.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM-369. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT MEMORIAL 4039

Whereas, Washington state has sought to leverage the state's purchasing power in its procurements of telecommunications and information services; obtain the lowest prices for telecommunications services for state agencies, local governments, and schools and libraries, and avoid unnecessary duplication of resources; and

Whereas, the legislature created the Department of Information Services and directed it to aggregate the demand for telecommunications services purchased from the private sector, add value, and make such services available to public entities at significantly reduced costs; and

Whereas, through such efforts the Department of Information Services has saved the taxpayers of Washington millions of dollars each year; and

Whereas, the Washington Legislature in 1996 authorized and funded the development of the K-20 Educational Telecommunications Network, a fifty-four and one-half million dollar state-wide backbone network linking K-12 school districts, educational service districts, baccalaureate institutions, public libraries, and community and technical colleges; and

Whereas, this network will provide schools and libraries with enhanced function and increased efficiencies in their use of telecommunications services; and

Whereas, the Federal Communications Commission, pursuant to the Telecommunications Act of 1996, has begun implementation of a two and one-quarter billion dollar universal service fund program to discount the cost of telecommunications and information services to schools and libraries; and

Whereas, on December 30, 1997, the Federal Communications Commission ruled that state networks, such as the K-20 educational network, may not recover directly from the fund for telecommunications services, other than Internet services and internal connections, provided and billed to schools and libraries; and

Whereas, by its order, the Commission also determined that schools and libraries served by state telecommunications networks will not be able to obtain discounts on the value added by the state to these telecommunications services procured from the private sector; and

Whereas, this ruling potentially creates incentives for Washington schools and libraries to forego the less costly state-provided services, and instead buy more expensive services directly from private providers in order to be assured of federal subsidies; and

Whereas, this ruling creates a severe administrative burden on Washington state government, and will contravene long-standing Legislative policy; and

Whereas, this ruling could increase the costs to the universal service fund since discounts will be based on higher costs negotiated one-by-one between individual schools and libraries and private telecommunications companies;

Now, therefore, Your Memorialists respectfully pray that the members of the Committee on Commerce, Science, and Transportation of the United States Senate; and members of the Subcommittee on Telecommunications, Trade and Consumer Protection, Committee on Commerce, United States House of Representatives urge the Federal Communications Commission to review and amend its ruling barring direct reimbursement to state agencies that provide telecommunications services.

Be it resolved, That copies of this Memorial be transmitted immediately to the Honorable William J. Clinton, President of the United States, the members of the Committee on Commerce, Science, and Transportation of the United States Senate, the members of the Subcommittee on Telecommunications, Trade and Consumer Protection, Committee on Commerce, United States House of Representatives, the President of the United States Senate, the Speaker of the House of Representatives, each member of Congress from the State of Washington, and the members of the Federal Communications Commission.

POM-370. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Finance.

SENATE JOINT MEMORIAL 8019

Whereas, the policy of the state of Washington is to assure the health, safety, and welfare of its citizens; and

Whereas, an adequate supply of tax-exempt private activity bond volume cap is essential and critically important in financing affordable, decent first-time home ownership opportunities and low-income and moderate-income rental housing in this state and the nation, as well as several other critically important purposes that contribute to the well-being of the citizens of the state; and

Whereas, an adequate supply of low-income housing tax credits is essential and critically important to financing affordable, decent, rental housing units that contribute to the well-being of the citizens of the state; and

Whereas, the United States Congress, in the Tax Reform Act of 1986, established restrictions on tax-exempt private activity municipal bonds, effective January 1, 1988, that imposed a limit, based on each state's population, not to exceed the greater of fifty dollars per capita per calendar year, but failed to include an automatic inflationary multiplier to ensure that the purchasing power of this resource did not become dilute; and

Whereas, the amount of tax-exempt private activity bonding for this state is inadequate to meet the tax-exempt private activity financing demands of the state of Washington, and its agencies and political subdivisions; and

Whereas, the United States Congress, in the Tax Reform Act of 1986, established restrictions on the Low-Income Housing Tax Credit that imposed a limit based on each state's population to be equal to one dollar and twenty-five cents per capita per calendar year, but failed to include an automatic inflationary multiplier to ensure that the purchasing power of this resource did not become diluted; and

Whereas, since 1987 the effects of annual inflation have diluted the purchasing power of Washington's tax-exempt private activity bonding cap and the low-income housing tax credits by forty-six percent; and

Whereas, such loss has been devastating to the ability of this state and the nation to provide adequate, affordable housing opportunities to its lower-income constituents by reducing nearly in half the number of single-family housing units and multifamily rental housing units available and affordable to the ever-increasing number of lower-income, first-time home buyers and renters in Washington, thus causing many of these families to remain in substandard or expensive housing, among other negative impacts; and

Whereas, if the state and its agencies and political subdivisions continue to be unable to provide adequate levels of tax-exempt private activity bond financing and low-income housing tax credit financing for these purposes, the health, safety, and welfare of the citizens of the state of Washington will be further negatively impacted;

Now, therefore, Your Memorialists respectfully pray that the United States Congress increase immediately the tax-exempt private activity bond volume cap and the allocation of low-income housing tax credits available to each state, including Washington, to levels that would fully restore the tax-exempt private activity bond volume cap purchasing power and the lower-income housing tax credit purchasing power of each state, including Washington, to levels that would offset the diluted effects of inflation since 1987, and index increases for these resources to inflation in future years.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-371. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 155

Whereas, current laws governing foreign-child adoptions and immigration are complex and necessary to provide certain safeguards. Included in those safeguards is the stipulation that a person entering the United States of America on a Visitor's Visa cannot be enrolled in a public school; and

Whereas, Wojtek Tokarcyzk spent nearly two years as a member of the family of Walter and Teresa Tokarcyzk, Michigan residents from the community of Alger. His adoptive parents, Walter and Teresa Tokarcyzk, had enrolled him at Ogemaw Heights High School. Wojtek Tokarcyzk was not allowed to re-enter this country following a 1997 Christmas visit to his native Poland; and

Whereas, using the seldom-used method commonly known as Private Relief Legislation, the Congress can act swiftly to allow Wojtek Tokarcyzk to re-enter the United States of America, and be legally adopted by his aunt and uncle, Walter and Teresa Tokarcyzk; and

Whereas, Wojtek Tokarcyzk has become a boy without a country. This is not an instance where the Immigration and Naturalization Service has acted to protect the resources of this nation from an undesirable illegal alien. He is missed dearly by his family, his soccer teammates and friends, and the community at large. Wojtek is also missed by the local fire department where he served as a volunteer firefighter. This is a matter of family values and a sense of community. The prompt return of Wojtek Tokarcyzk would be one small victory for the American notion that families are our most important resource and that close-knit communities still exist, now, therefore, be it

Resolved by the Senate, That we memorialize the President of the United States and the Congress of the United States to take immediate and necessary action to provide for United States citizenship for Wojtek Tokarcyzk; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States of America, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Immigration and Naturalization Service.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 927. A bill to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Garr M. King, of Oregon, to be United States District Judge for the District of Oregon.

Kermit Lipez, of Maine, to be United States Circuit Judge for the First Circuit.

Robert T. Dawson, of Arkansas, to be United States District Judge for the Western District of Arkansas.

Johnnie B. Rawlinson, of Nevada, to be United States District Judge for the District of Nevada.

Gregory Moneta Sleet, of Delaware, to be United States District Judge for the District of Delaware.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MIKULSKI (for herself, Mrs. MURRAY, and Mr. WYDEN):

S. 1864. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system; to the Committee on Finance.

By Mr. BAUCUS:

S. 1865. A bill to amend title IV of the Social Security Act to provide safeguards against the abuse of information reported to the National Directory of New Hires; to the Committee on Finance.

By Mr. DEWINE:

S. 1866. A bill to provide assistance to improve research regarding the quality and effectiveness of health care for children, to improve data collection regarding children's health, and to improve the effectiveness of health care delivery systems for children; to the Committee on Labor and Human Resources.

By Ms. COLLINS:

S. 1867. A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses; to the Committee on Governmental Affairs.

By Mr. NICKLES (for himself, Mr. MACK, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. CRAIG, Mr. HUTCHINSON, and Mr. DEWINE):

S. 1868. A bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes; to the Committee on Foreign Relations.

By Mr. CLELAND (for himself, Mr. COVERDELL, Mr. KERRY, Mr. HOLLINGS, and Mr. HARKIN):

S. 1869. A bill to authorize the establishment of a disaster mitigation pilot program in the Small Business Administration; to the Committee on Small Business.

By Mr. CAMPBELL:

S. 1870. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 1871. A bill to provide that the exception for certain real estate investment trusts from the treatment of stapled entities shall apply only to existing property, and for other purposes; to the Committee on Finance.

By Mr. NICKLES:

S. 1872. A bill to prohibit new welfare for politicians; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Res. 200. A resolution designating March 26, 1998, as "National Maritime Arbitration Day"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself, Mrs. MURRAY and Mr. WYDEN):

S. 1864. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the Medicare skilled nursing facility prospective payment system; to the Committee on Finance.

THE MEDICARE SOCIAL WORK EQUITY ACT OF 1998

Ms. MIKULSKI. Mr. President, I rise today to introduce the "Medicare Social Work Equity Act of 1998". I am proud to sponsor this legislation which will amend section 4432 in the Balanced Budget Act of 1997 which prevents social workers from directly billing Medicare for mental health services provided in skilled nursing facilities. I am honored to be joined by my good friends Senator MURRAY and Senator WYDEN who care equally about correcting this inequity for social workers.

Last year's Balanced Budget Act changed the payment method for skilled nursing facility care. Under current law, reimbursement is made after services have been delivered for the reasonable costs incurred. However, this "cost-based system" was blamed for inordinate growth in Medicare spending at skilled nursing facilities.

The Balanced Budget Act of 1997 phases in a prospective payment system for skilled nursing facilities beginning July 1, 1998. Payments for Part B services for skilled nursing facility residents will be consolidated. This means that the provider of the services must bill the facility instead of directly billing Medicare.

Congress was careful to not include psychologists and psychiatrists in this new consolidated billing provision. Social workers were included, I think by mistake. Clinical social workers are the primary providers of mental health services to residents of nursing homes, particularly in underserved urban and rural areas. Clinical social workers are also the most cost effective mental health providers.

This legislation is important for three reasons: First, I am concerned that section 4432 will inadvertently reduce mental health services to nursing home residents. Second, I believe that the new consolidated billing requirement will result in a shift from using social workers to other mental health professionals who are reimbursed at a higher cost. This will result in higher costs to Medicare. Finally, I am concerned that clinical social workers will lose their jobs in nursing homes or will be inadequately reimbursed.

I like this bill because it will correct an inequity for America's social workers, it will assure quality of care for nursing home residents, and will assure cost efficiency for Medicare. I look forward to the Senate's support of this worthy legislation.

By Mr. BAUCUS:

S. 1865. A bill to amend title IV of the Social Security Act to provide safeguards against the abuse of information reported to the National Directory of New Hires; to the Committee on Finance.

THE SAFEGUARD OF NEW EMPLOYEE INFORMATION ACT OF 1998

Mr. BAUCUS. Mr. President, today I am introducing the Safeguard of New Employee Information Act of 1998. This bill will ensure that the mechanisms created in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) to enhance our child support enforcement system will not lead to a misuse of personal information. I believe that my bill will assure that new employee information is kept confidential without compromising the usefulness of the National Directory of New Hires. The legislation provides clear safeguards against the abuse of personal employee information, and makes sure that the information is erased two years after entry.

As we all know, child support is a critical part of welfare reform. I strongly support the measures in PRWORA that help states track and crack down on parents who fail to pay court-ordered child support. In response to the fact that over 30 percent of child support cases involve parents who do not live in the same state as their children, a National Directory of New Hires was created to assist states in locating parents who reside in other states.

Thus far, the new data base has been very successful in enabling states to locate delinquent parents, enforcing payment orders and reducing the number of welfare families. However, many folks are concerned about the confidentiality of the registry, and the fact that this information is never deleted.

Last year, for example, the Montana State Legislature passed a child support bill to comply with the new federal regulations. I must add, this bill was passed in the final hours of the legislative session and under the threat of losing $52 million a year in federal funds. At that time, the legislature was hesitant to pass the bill because of concerns regarding confidentiality.

Mr. President, the Safeguard of New Employee Information Act of 1998 makes needed changes to the National Directory to alleviate these fears and ensure the registry's continuation. The bill provides penalties for misuse of information by federal employees. Specifically, it establishes a fine of $1,000 for each act of unauthorized access to, disclosure, or use of information in the National Directory of New Hires.

The bill also establishes a 24-month limit on retention of New Hire data. This two year limit gives Child Support Enforcement agencies the necessary time to determine paternity, establish a child support order or enforce existing orders. A shorter period of data retention would impede enforcement activities, and a longer period of retention increases the potential for abuse.

Mr. President, in my state of Montana, 90 percent of families on welfare are headed by single parents. That is why it is so important to require that the absent mothers or fathers provide money to feed, clothe and care for their children. The National Directory of New Hires is a good idea—we just need to ensure new employee confidentiality. I urge my colleagues to protect new hire confidentiality and support this important legislation.

By Mr. DEWINE:

S. 1866. A bill to provide assistance to improve research regarding the quality and effectiveness of health care for children, to improve data collection regarding children's health, and to improve the effectiveness of health care delivery systems for children; to the Committee on Labor and Human Resources.

THE CHILD HEALTH CARE QUALITY RESEARCH IMPROVEMENT ACT

Mr. DEWINE. Mr. President, I rise today to introduce the Child Health Care Quality Research Improvement Act. We have been hearing a great deal recently about the quality of health care in this country. Most of the debate, both here in Congress and back home in our States, has been driven, at least in part, by a fear among consumers that efforts to control costs and move people into managed care has compromised quality. This fear has driven legislation such as the bill we passed just last year to provide for 48-hour maternity stays. This year a whole host of health care quality bills have been introduced in the Congress. Even more such legislation has been moving forward at the State level as well.

As I have learned more and more about the concerns about the quality of health care, I have tried to focus particular attention on children, how their health care is delivered and whether its quality has been compromised. Frankly, I have learned something that I find very interesting.

While the drive to improve quality and reduce cost has driven a great deal of new research over the past several years, relatively little has been done for children in this area. While we are getting better at measuring quality of health care for adults, we have made little such progress for our children.

Between 1993 and 1995, only some 5 percent of the health services research study outcomes focused on our children. This is highly alarming because I frankly cannot think of anything more critical to our Nation's future than the quality of our children's health. Clearly we need to correct this serious lack of good health care quality measures.

I have spoken with experts in the field of pediatric research and they agree with this assessment. They tell me that we have to do more in this field if we expect to improve the care that our children receive. Many times, frankly, we don't know exactly which treatments are cost effective or best improve a child's quality of life. We don't know how to manage children's complicated health problems in ways that will allow them to lead normal lives.

We can answer many of these questions if the patient is an adult, but we have far fewer answers for our children. Here is one example. One study recently found that children have three times greater chance of dying after heart surgery at some hospitals than they have at other hospitals—three times. We must fix this. That means we have to find out why, why one hospital loses three times as many children as another. As both a parent and a grandparent, I can speak from firsthand experience about the stress and the uncertainty that goes along with any childhood illness. To think that a parent's choice of a hospital could actually be harmful to a child is certainly a very scary thought for a parent.

Another example is asthma. Asthma is the most common chronic health condition in children, affecting 5 million children in this country, and that percentage, tragically, is rising. We are not sure why this has been happening, but we do know that the quality of health care a child receives can dramatically affect the severity of his or her asthma. As a result, the better the quality of health care, the less time that child spends in the hospital, the fewer visits to the emergency room, and the less time a child has to miss from school. If we do not even know what kinds of treatment work best for children or that different treatments work better in different environments, we cannot help. We certainly can't begin to debate how to improve quality if we can't even define it or measure it. For that, we need to conduct research in real world settings.

As a means of getting this research into real world settings and improving the quality of health care that our children receive, I am introducing a bill today entitled the Child Health Care Quality Research Improvement Act. This legislation was developed with the help of leaders in the pediatric community, child advocates, and health services researchers. My bill takes a three-pronged approach to address this issue: One, focusing on training; two, research; and three, data collection for child health outcomes and effectiveness research.

Let me start with the first one.

In order for us to make advances in the study of pediatric health outcomes, it is essential that we have researchers who have received training in this field. This bill I am introducing today promotes research training programs in child health services research at the doctoral, post-doctoral, and junior faculty levels. By bringing professionals into this very important field, we can ensure that issues that affect the lives of children are receiving the attention they deserve.

The second component of this bill establishes research centers and networks. The goal of the centers and networks will be to foster collaboration among experts in the field of pediatric health care quality and effectiveness. We envision that these centers and networks will bring together pediatric specialists from children's hospitals, physicians in managed care plans, statisticians from schools of public health, and other experts in the field to work together on research projects and to translate these findings into real-world settings where children are receiving health care.

Third, and finally, this legislation contains a component that adds supplements to existing national health surveys that are today administered by the National Center for Health Statistics and the Maternal and Child Health Bureau. In addition to not knowing how to measure health care quality in children, other data, like that measuring children's use of health care systems and health care expenditures, are lacking. Adding supplements to existing surveys is a very sensible measure. This bill does not require yet another survey to be administered. Rather, it simply adds questions to existing surveys, to allow us to collect valuable data on children. This is the type of information that we need if we want to look at trends in children's health and what we can do to improve their health.

Mr. President, we are all well aware that children have medical conditions and health care needs that are different from those of adults. It doesn't make sense to do health services research for adults and hope that one size fits all—that the things we learn will make sense for children. Federal support for child health quality and effectiveness research is vital to ensure that children are receiving appropriate health care. We owe it to our Nation's children to train health professionals in this important filed, and to support these very important research initiatives.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Health Care Quality Research Improvement Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) There is increased emphasis on using evidence of improved health care outcomes and cost effectiveness to justify changes in our health care system.

(2) There is a growing movement to use health care quality measures to ensure that health care services provided are appropriate and likely to improve health.

(3) Few health care quality measures exist for children, especially for the treatment of acute and chronic conditions.

(4) A significant number of children in the United States have health problems, and the percentage of children with special health care needs is increasing.

(5) Children in the health care marketplace have unique health attributes, including a child's developmental vulnerability, differential morbidity, and dependency on adults, families, and communities.

(6) Children account for less than 15 percent of the national health care spending, and do not command a large amount of influence in the health care marketplace.

(7) The Federal government is the major payer of children's health care in the United States.

(8) Numerous scientifically sound measures exist for assessing quality of health care for

adults, and similar measures should be developed for assessing the quality of health care for children.

(9) The delivery structures and systems that provide care for children are necessarily different than systems caring for adults, and therefore require appropriate types of quality measurements and improvement systems.

(10) Improving quality measurement and monitoring will—

(A) assist health care providers in identifying ways to improve health outcomes for common and rare childhood health conditions;

(B) assist consumers and purchasers of health care in determining the value of the health care products and services they are receiving or buying; and

(C) assist providers in selecting effective treatments and priorities for service delivery.

(11) Because of the prevalence and patterns of children's medical conditions, research on improving care for relatively rare or specific conditions must be conducted across multiple institutions and practice settings in order to guarantee the validity and generalizability of research results.

SEC. 3. DEFINITIONS.

In this Act:

(1) HIGH PRIORITY AREAS.—the term "high priority areas" means areas of research that are of compelling scientific or public policy significance, that include high priority areas of research identified by the Conference on Improving Quality of Health Care for Children: An Agenda for Research (May, 1997), and that—

(A) are consistent with areas of research as defined in paragraphs (1)(A) and (2) of section 1142(a) of the Social Security Act;

(B) are relevant to all children or to specific subgroups of children; or

(C) are consistent with such other criteria as the Secretary may require.

(2) LOCAL COMMUNITY.—The term "local community" means city, county, and regional governments, and research institutes in conjunction with such cities, counties, or regional governments.

(3) PEDIATRIC QUALITY OF CARE AND OUTCOMES RESEARCH.—The term "pediatric quality of care and outcomes research" means research involving the process of health care delivery and the outcomes of that delivery in order to improve the care available for children, including health promotion and disease prevention, diagnosis, treatment, and rehabilitation services, including research to—

(A) develop and use better measures of health and functional status in order to determine more precisely baseline health status and health outcomes;

(B) evaluate the results of the health care process in real-life settings, including variations in medical practices and patterns, as well as functional status, clinical status, and patient satisfaction;

(C) develop quality improvement tools and evaluate their implementation in order to establish benchmarks for care for specific childhood diseases, conditions, impairments, or populations groups;

(D) develop specific measures of the quality of care to determine whether a specific health service has been provided in a technically appropriate and effective manner, that is responsive to the clinical needs of the patient, and that is evaluated in terms of the clinical and functional status of the patient as well as the patient's satisfaction with the care; or

(E) assess policies, procedures, and methods that can be used to improve the process and outcomes of the delivery of care.

(4) PROVIDER-BASED RESEARCH NETWORKS.—The term "provider-based research network" refers to 1 of the following which exist for the purpose of conducting research:

(A) A hospital-based research network that is comprised of a sufficient number of children's hospitals or pediatric departments of academic health centers.

(B) A physician practice-based research network that is comprised of a sufficient number of groups of physicians practices.

(C) A managed care-based research network that is comprised of a sufficient number of pediatric programs of State-licensed health maintenance organizations or other State certified managed care plans.

(D) A combination provider-based research network that is comprised of all or part of a hospital-based research network, a physician practice-based research network, and a managed care-based research network.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 4. EXPANSION OF THE HEALTH SERVICES RESEARCH WORKFORCE.

(a) GRANTS.—The Secretary shall annually award not less than 10 grants to eligible entities at geographically diverse locations throughout the United States to enable such entities to carry out research training programs that are dedicated to child health services research training initiatives at the doctoral, post-doctoral, and junior faculty levels.

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a public or nonprofit private entity; and

(2) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

(c) LIMITATION.—A grant awarded under this section shall be for an amount that does not exceed $500,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1999 through 2003.

SEC. 5. DEVELOPMENT OF CHILD HEALTH IMPROVEMENT RESEARCH CENTERS AND PROVIDER-BASED RESEARCH NETWORKS.

(a) GRANTS.—In order to address the full continuum of pediatric quality of care and outcomes research, to link research to practice improvement, and to speed the dissemination of research findings to community practice settings, the Secretary shall award grants to eligible entities for the establishment of—

(1) not less that 10 national centers for excellence in child health improvement research at geographically diverse locations throughout the United States; and

(2) not less than 5 national child health provider quality improvement research networks at geographically diverse locations throughout the United States, including at least 1 of each type of network as described in section 3(4).

(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) for purposes of—

(A) subsection (a)(1), be a public or nonprofit entity, or group of entities, including universities, and where applicable their schools of Public Health, research institutions, or children's hospitals, with multi-disciplinary expertise including pediatric quality of care and outcomes research and primary care research; or

(B) subsection (a)(2), be a public or nonprofit institution that represents children's hospitals, pediatric departments of academic health centers, physician practices, or managed care plans; and

(2) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

(A) in the case of an application for a grant under subsection (a)(1), a demonstration that a research center will conduct 2 or more research projects involving pediatric quality of care and outcomes research in high priority areas; or

(B) in the case of an application for a grant under subsection (a)(2)—

(i) a demonstration that the applicant and its network will conduct 2 or more projects involving pediatric quality of care and outcomes research in high priority areas;

(ii) a demonstration of an effective and cost-efficient data collection infrastructure;

(iii) a demonstration of matching funds equal to the amount of the grant; and

(iv) a plan for sustaining the financing of the operation of a provider-based network after the expiration of the 5-year term of the grant.

(c) LIMITATIONS.—A grant awarded under subsection (a)(1) shall not exceed $1,000,000 per year and be for a term of more that 5 years and a grant awarded under subsection (a)(2) shall not exceed $750,000 per year and be for a term of more than 5 years.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out subsection (a)(1), $10,000,000 for each of the fiscal years 1999 through 2003; and

(2) to carry out subsection (a)(2), $3,750,000 for each of the fiscal years 1999 through 2003.

SEC. 6. RESEARCH IN SPECIFIC HIGH PRIORITY AREAS.

(a) ADDITIONAL FUNDS FOR GRANTS.—From amounts appropriated under subsection (c), the Secretary shall provide support, through grant programs authorized on the date of enactment of this Act, to entities determined to have expertise in pediatric quality of care and outcomes research. Such additional funds shall be used to improve the quality of children's health, especially in high priority areas, and shall be subject to the same conditions and requirements that apply to funds provided under the existing grant program through which such additional funds are provided.

(b) ADVISORY COMMITTEE.—

(1) IN GENERAL.—To evaluate progress made in pediatric quality of care and outcomes research in high priority areas, and to identify new high priority areas, the Secretary shall establish an advisory committee which shall report annually to the Secretary.

(2) MEMBERSHIP.—The Secretary shall ensure that the advisory committee established under paragraph (1) includes individuals who are—

(A) health care consumers;

(B) health care providers;

(C) purchasers of health care;

(D) representative of health plans involved in children's health care services; and

(E) representatives of Federal agencies including—

(i) the Agency for Health Care Policy and Research;

(ii) the Centers for Disease Control and Prevention;

(iii) the Health Care Financing Administration;

(iv) the Maternal and Child Health Bureau;

(v) the National Institutes of Health; and

(vi) the Substance Abuse and Mental Health Services Administration.

(3) Evaluation of Research.—The advisory committee established under paragraph (1) shall evaluate research in high priority areas using criteria that include—

(1) the generation of research that includes both short and long term studies;

(2) the ability to foster public and private partnerships; and

(3) the likelihood that findings will be transmitted rapidly into practice.

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $12,000,000 for each of the fiscal years 1999 through 2003.

SEC. 7. IMPROVING CHILD HEALTH DATA AND DEVELOPING BETTER DATA COLLECTION SYSTEMS.

(a) Survey.—The Secretary shall provide assistance to enable the appropriate Federal agencies to—

(1) conduct ongoing biennial supplements and initiate and maintain a longitudinal study on children's health that is linked to the appropriate existing national surveys (including the National Health Interview Survey and the Medical Expenditure Panel Survey) to—

(A) provide for reliable national estimates of health care expenditures, cost, use, access, and satisfaction for children, including uninsured children, poor and near-poor children, and children with special health care needs;

(B) enhance the understanding of the determinants of health outcomes and functional status among children with special health care needs, as well as an understanding of these changes over time and their relationship to health care access and use; and

(C) monitor the overall national impact of Federal and State policy changes on children's health care; and

(2) develop an ongoing 50-State survey to generate reliable State estimates of health care expenditures, cost, use, access, satisfaction, and quality for children, including uninsured children, poor and near-poor children, and children with special health care needs.

(b) Grants.—The Secretary shall award grants to public and nonprofit entities to enable such entities to develop the capacity of local communities to improve child health monitoring at the community level.

(c) Eligibility.—To be eligible to receive a grant under subsection (b), an entity shall—

(1) be a public or nonprofit entity; and

(2) prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $14,000,000 for each of the fiscal years 1999 through 2003, of which—

(1) $6,000,000 shall be made available in each fiscal year for grants under subsection (a)(1);

(2) $4,000,000 shall be made available in each fiscal year for grants under subsection (a)(2);

(3) $4,000,000 shall be made available in each fiscal year for grants under subsection (b).

SEC. 8. OVERSIGHT.

Not later than after the date of enactment of this Act, The Secretary shall prepare and submit a report to Congress on progress made in pediatric quality of care and outcomes research, including the extent of ongoing research, programs, and technical needs, and the Department of Health and Human Services' priorities for funding pediatric quality of care and outcomes research.

By Ms. COLLINS:

S. 1867. A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses; to the Committee on Governmental Affairs.

THE SMALL BUSINESS PAPERWORK REDUCTION ACT

Ms. COLLINS. Mr. President, today I am introducing the Small Business Paperwork Reduction Act Amendments of 1998, a companion bill to legislation pending in the House of Representatives.

This legislation has five components. First, it requires the Office of Management and Budget to publish annually in the Federal Register and on the Internet all of the Federal paperwork requirements imposed on small business. This will not only serve as a valuable tool for those who must comply with these mandates, but it will also make it far easier for policy makers to monitor, and I would hope check, the growth in the paperwork burden.

Second, under the bill, each agency will have to establish one point of contact to act as a liaison with small businesses on paperwork requirements. In an era when serving the customer has become recognized by the private sector as critical, this is a modest step to ask of our government.

Third, the legislation provides for the suspension of civil fines imposed on small enterprises for first-time paperwork violations, except under certain circumstances, such as when the violation causes serious harm to the public or presents an imminent danger to the public health or safety. In dealing with America's entrepreneurs, we need to move away from a culture that seems to place a higher priority on imposing punishment than on facilitating compliance.

Fourth, in addition to meeting the mandates of the Paperwork Reduction Act, agencies will have to make further efforts to reduce the burden on enterprises with fewer than 25 employees. There must be some measure of proportionality between the size of a business and its costs of complying with government regulation.

Fifth, a task force will be established to examine the feasibility of requiring agencies to consolidate their paperwork mandates in a manner that will allow small businesses to satisfy those mandates through a single filing, in a single format, and on the same date. By reducing the amount of time currently devoted to these tasks, our companies will have more to spend on the activities for which they were formed.

Mr. President, all too often the relationship between the owners of small businesses and government is an adversial one. That benefits no one—not the owners of these enterprises, not the many Americans they employ, not the government they help to support, and not the public at large.

The problem often is not with the goals which underlie our regulations, but rather in how we seek to achieve those goals. We should not forget that we are dealing with Americans who make a great contribution to the prosperity of our nation. In seeking to meet our regulatory objectives, we should be reaching out to these entrepreneurs with a helping hand and not a heavy hand. That, Mr. President, is the purpose of this legislation.

By Mr. NICKLES (for himself, Mr. Mack, Mr. Lieberman, Mr. Kempthorne, Mr. Craig, Mr. Hutchinson, and Mr. DeWine):

S. 1868. A bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes; to the Committee on Foreign Relations.

THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

Mr. NICKLES. Mr. President, today I am prompted to speak by both a tragic reality, and also what I would think is a promising hope. The tragic reality is that literally millions of religious believers around the world live gripped by the incessant, terrifying prospect of persecution, of being tortured, arrested, imprisoned or even killed for simply practicing their faith. A promising hope, I believe, might perhaps be found in the bill that I am introducing today with Senator Lieberman, Senator Mack, Senator Kempthorne, Senator Craig, Senator Hutchinson and Senator DeWine. It is called the International Religious Freedom Act. The International Religious Freedom Act will establish a process to ensure that on an ongoing basis the United States closely monitors religious persecution worldwide.

It is wrong for a country to persecute, to prosecute, to imprison, harass individuals for simply practicing their faith, whether that faith is Jewish or Christian or Muslim or Hindu. It is absolutely wrong for them to be persecuted for practicing their faith. This act requires the U.S. Government to take action against all countries engaging in religious persecution.

What kind of persecution am I talking about? First, three facts command attention.

One reliable estimate indicates that more Christian martyrs have perished in this century than all previous centuries combined. That is a staggering, staggering statement.

A recent book reports that 200 million Christians around the world live under daily fear and threat of persecution, including interrogation, imprisonment, torture and in some cases death.

Finally, over half the world's population lives under regimes which severely restrict if not prohibit their ability to believe in and practice the religious faith of their choice and conviction.

Of course, religious persecution goes beyond facts and figures. It happens to real people in real places. Let me point out just four compelling examples.

At this very moment one of China's leading house church pastors, Pastor Peter Xu, is languishing in a Chinese prison under a 3-year term for the so-called "crime" of "disturbing public order." Hundreds, perhaps thousands of other believers in China currently suffer similar treatment.

Again, at this very moment, 13 courageous Christians are imprisoned by the Communist authorities in Laos. What was their "crime"? Simply that they organized an "unauthorized" Bible study in the privacy of a home.

In Pakistan, just a few months ago, Pastor Noor Alam was brutally stabbed to death by anti-Christian assailants. Shortly before that, they had destroyed Pastor Alam's church building. Meanwhile, Christians and other religious minorities in Pakistan continue to sufferer under the notorius "blasphemy laws."

Or consider Russia, which, as many of my colleagues will remember, just last summer passed a draconian law that will effectively shut down the vast majority of independent churches and other religious organizations and severly curtail the religious freedom of the Russian people.

I could go on and on. However, I do want to share just a few highlights of what we humbly but earnestly hope our bill can do to begin to address the scourge of religious persecution worldwide.

I should also mention that, in 1996, I was honored to sponsor a Senate resolution on religious persecution, which passed by unanimous consent. In that resolution, the Senate made a strong recommendation "that the President expand and invigorate the United States' international advocacy on behalf of persecuted Christians, and initiate a thorough examination of all United States' policies that affect persecuted Christians."

What was a mere resolution in 1996, I hope it will become a reality in 1998. While then we acted with words, I hope that this year we can act with deeds.

In short, this bill seeks to ensure that the U.S. Government aggressively monitors religious oppression around the world and takes decisive action against those regimes engaged in persecution, all the while maintaining the integrity and credibility of the U.S. foreign policy system.

The International Religious Freedom Act establishes an "Ambassador-at-Large for Religious Liberty" at the State Department. The Ambassador will be responsible for representing our Government in vigorous diplomacy with nations guilty of religious persecution. In addition, the Ambassador will oversee an annual report on religious persecution which will specify the details on religious persecution around the world. This report will name names. And those countries named will be held accountable.

For any country cited in the report, the Act presents a menu of diplomatic and economic options, and the President is required to select from at least one of those actions. Silence or passivity are not options. At the same time, the Act seeks to provide the President maximum flexibility entailing the most appropriate, effective response to that particular situation in a particular country. Furthermore, because we desire good results to follow our good intentions, the Act requires a consideration of how the action taken by America will affect American economic and security interests and, most important, how it will affect the very people that it purports to help.

The International Religious Freedom Act has other provisions—improved reporting, improved training for immigration and foreign service officials, a commission on international religious liberty to provide more attention and expertise on the issue. I invite all my colleagues, and certainly those who are deeply concerned about the plight of persecuted religious believers, to join me in supporting this bill. Not because it might be popular or expedient or convenient to support this legislation, but because it is the right thing to do and because I believe it will make a real difference in protecting the lives of some of the most vulnerable people in the world, those people who wish to express their religious beliefs and convictions.

Mr. President, I thank my cosponsors, particularly Senator LIEBERMAN, also Senator MACK, in addition to Senator HUTCHINSON and Senator CRAIG and Senator KEMPTHORNE, for helping us put this legislation together.

Mr. President, I ask unanimous consent that the text of the bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1868

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "International Religious Freedom Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; policy.
Sec. 3. Definitions.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

Sec. 101. Office on International Religious Freedom; Ambassador at Large for International Religious Freedom.
Sec. 102. Reports.
Sec. 103. Establishment of a religious freedom Internet site.
Sec. 104. Training for Foreign Service officers.
Sec. 105. High-level contacts with NGOs.
Sec. 106. Programs and allocations of funds by United States missions abroad.
Sec. 107. Equal access to United States missions abroad for conducting religious activities.
Sec. 108. Prisoner lists and issue briefs on religious persecution concerns.

TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS PERSECUTION

Sec. 201. Establishment and composition.
Sec. 202. Duties of the Commission.
Sec. 203. Report of the Commission.
Sec. 204. Termination.

TITLE III—NATIONAL SECURITY COUNCIL

Sec. 301. Special Adviser on Religious Persecution.

TITLE IV—SANCTIONS

Subtitle I—Targeted Responses to Religious Persecution Abroad

Sec. 401. Executive measures and sanctions in response to findings made in the Annual Report on Religious Persecution.
Sec. 402. Presidential determinations of gross violations of the right to religious freedom.
Sec. 403. Consultations.
Sec. 404. Report to Congress.
Sec. 405. Description of Executive measures and sanctions.
Sec. 406. Contract sanctity.
Sec. 407. Presidential waiver.
Sec. 408. Publication in Federal Register.
Sec. 409. Congressional review.
Sec. 410. Termination of sanctions.

Subtitle II—Strengthening Existing Law

Sec. 421. United States assistance.
Sec. 422. Multilateral assistance.
Sec. 423. Exports of items relating to religious persecution.

TITLE V—PROMOTION OF RELIGIOUS FREEDOM

Sec. 501. Assistance for promoting religious freedom.
Sec. 502. International broadcasting.
Sec. 503. International exchanges.
Sec. 504. Foreign Service awards.

TITLE VI—REFUGEE, ASYLUM, AND CONSULAR MATTERS

Sec. 601. Use of Annual Report.
Sec. 602. Reform of refugee policy.
Sec. 603. Reform of asylum policy.
Sec. 604. Inadmissibility of foreign government officials who have engaged in gross violations of the right to religious freedom.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Business codes of conduct.
Sec. 702. International Criminal Court.

SEC. 2. FINDINGS; POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Freedom of religious belief and practice is a fundamental human right articulated in numerous international agreements and covenants, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Helsinki Accords, the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, the United Nations Charter, and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(2) The right to freedom of religion undergirds the very origin and existence of the United States. Many of our Nation's founders fled religious persecution abroad, cherishing in their hearts and minds the ideal of religious freedom. They established in law, as a fundamental right and as a pillar of our Nation, the right to freedom of religion. From its birth to this day, the United States has prized this legacy of religious freedom and honored this heritage by standing for religious freedom and offering refuge to those suffering religious persecution.

(3) Article 18 of the Universal Declaration of Human Rights recognizes that "Everyone has the right to freedom of thought, conscience, and religion. This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.". Article 18(1) of the International Covenant on Civil and Political Rights recognizes that "Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching". Governments have the responsibility to protect the fundamental rights of their citizens and to pursue justice for all. Religious freedom is a fundamental right of every individual, regardless of race, country, creed, or nationality, and should never be arbitrarily abridged by any government.

(4) The right to freedom of religion is under renewed and, in some cases, increasing assault in many countries around the world. More than one-half of the world's population lives under regimes that severely restrict or prohibit the freedom of their citizens to study, believe, observe, and freely practice the religious faith of their choice. Religious believers and communities suffer both government-sponsored and government-tolerated violations of their rights to religious freedom. Among the many forms of such violations are state-sponsored slander campaigns, confiscations of property, surveillance by security police, including by special divisions of "religious police", severe prohibitions against construction and repair of places of worship, denial of the right to assemble and relegation of religious communities to illegal status through arbitrary registration laws, prohibitions against the pursuit of education or public office, and prohibitions against publishing, distributing, or possessing religious literature and materials.

(5) Even more abhorrent, religious believers in many countries face such severe and violent forms of religious persecution as detention, torture, beatings, forced marriage, rape, imprisonment, enslavement, mass resettlement, and death merely for the peaceful belief in, change of or practice of their faith. In many countries, religious believers are forced to meet secretly, and religious leaders are targeted by national security forces and hostile mobs.

(6) Though not confined to a particular region or regime, religious persecution is often particularly widespread, systematic, and heinous under totalitarian governments and in countries with militant, politicized religious majorities.

(7) Congress has recognized and denounced acts of religious persecution through the adoption of the following resolutions:

(A) House Resolution 515 (104th), expressing the sense of the House of Representatives with respect to the persecution of Christians worldwide.

(B) Senate Concurrent Resolution 71 (104th), expressing the sense of the Senate regarding persecution of Christians worldwide.

(C) House Concurrent Resolution 102, concerning the emancipation of the Iranian Baha'i community.

(b) POLICY.—It shall be the policy of the United States, as follows:

(1) To condemn religious persecution, and to promote, and to assist other governments in the promotion of, the fundamental right to religious freedom.

(2) To seek to channel United States security and development assistance to governments other than those found to be engaged in gross violations of human rights, including the right to religious freedom, as set forth in the Foreign Assistance Act of 1961, in the International Financial Institutions Act of 1977, and in other formulations of United States human rights policy.

(3) To be vigorous and flexible, reflecting both the unwavering commitment of the United States to religious freedom and the desire of the United States for the most effective and principled response, in light of the range of violations of religious freedom by a variety of persecuting regimes, and the status of the relations of the United States with different nations.

(4) To work with foreign governments that affirm and protect religious freedom, in order to develop multilateral documents and initiatives to combat religious persecution and promote the right to religious freedom abroad.

(5) Standing for liberty and standing with the persecuted, to use and implement appropriate tools in the United States foreign policy apparatus, including diplomatic, political, commercial, charitable, educational, and cultural channels, to promote respect for religious freedom by all governments and peoples.

SEC. 3. DEFINITIONS.

In this Act:

(1) AMBASSADOR AT LARGE.—The term "Ambassador at Large" means the Ambassador at Large on International Religious Freedom appointed under section 101(b).

(2) ANNUAL REPORT ON RELIGIOUS PERSECUTION.—The term "Annual Report on Religious Persecution" means the report described in section 102(b).

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives and, in the case of any determination made with respect to the imposition of a sanction under paragraphs (9) through (16) of section 405, the term "appropriate congressional committees" includes those committees, together with the Committee on Ways and Means and the Committee on Banking and Financial Services of the House of Representatives and the Committee on Finance of the Senate.

(4) COMMISSION.—The term "Commission" means the United States Commission on International Religious Persecution established in section 201(a).

(5) GOVERNMENT OR FOREIGN GOVERNMENT.—The term "government" or "foreign government" includes any agency or instrumentality of the government.

(6) GROSS VIOLATIONS OF THE RIGHT TO FREEDOM OF RELIGION.—The term "gross violations of the right to freedom of religion" means a consistent pattern of gross violations of the right to freedom of religion that include torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, causing the disappearance of persons by the abduction or clandestine detention of those persons, or other flagrant denial of the right to life, liberty, or the security of persons, within the meaning of section 116(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(a)).

(7) HUMAN RIGHTS REPORTS.—The term "Human Rights Reports" means the reports submitted by the Department of State to Congress under sections 116 and 502B of the Foreign Assistance Act of 1961.

(8) OFFICE.—The term "Office" means the Office on International Religious Freedom established in section 101(a).

(9) RELIGIOUS PERSECUTION.—The term "religious persecution" means any violation of the internationally recognized right to freedom of religion, as defined in Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights, including violations such as—

(A) arbitrary prohibitions on, restrictions of, or punishment for—

(i) assembling for peaceful religious activities such as worship, preaching, and prayer, including arbitrary registration requirements,

(ii) speaking freely about one's religious beliefs,

(iii) changing one's religious beliefs and affiliation,

(iv) possession and distribution of religious literature, including Bibles, or

(v) raising one's children in the religious teachings and practices of one's choice,

as well as arbitrary prohibitions or restrictions on the grounds of religion on holding public office, or pursuing educational or professional opportunities; and

(B) any of the following acts if committed on account of an individual's religious belief or practice: detention, interrogation, harassment, imposition of an onerous financial penalty, forced labor, forced mass resettlement, imprisonment, beating, torture, mutilation, rape, enslavement, murder, and execution.

(10) SPECIAL ADVISER.—The term "Special Adviser" means the Special Adviser to the President on Religious Persecution established in section 101(i) of the National Security Act of 1947, as added by section 301 of this Act.

TITLE I—DEPARTMENT OF STATE ACTIVITIES

SEC. 101. OFFICE ON INTERNATIONAL RELIGIOUS FREEDOM; AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

(a) Establishment of Office.—There is established within the Department of State an Office on International Religious Freedom that shall be headed by the Ambassador at Large on International Religious Freedom appointed under subsection (b).

(b) Appointment.—The Ambassador at Large shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Duties.—The Ambassador at Large shall have the following responsibilities:

(1) In general.—The primary responsibility of the Ambassador at Large shall be to advance the right to freedom of religion abroad, to denounce the violation of that right, and to recommend appropriate responses by the United States Government when this right is violated.

(2) Advisory role.—The Ambassador at Large shall be the principal adviser to the President and the Secretary of State regarding matters affecting religious freedom abroad and, with advice from the Commission on International Religious Persecution, shall make recommendations regarding the policies of the United States Government toward governments that violate the freedom of religion or that fail to ensure the individual's right to religious belief and practice.

(3) Diplomatic representation.—The Ambassador at Large is authorized to represent the United States in matters and cases relevant to religious persecution in—

(A) contacts with foreign governments, international organizations, intergovernmental organizations, and specialized agencies of the United Nations, the Organization on Security and Cooperation in Europe, and other organizations of which the United States is a member; and

(B) multilateral conferences and meetings relevant to religious persecution.

(4) Reporting responsibilities.—The Ambassador at Large shall have the reporting responsibilities described in section 102.

(d) Funding.—The Secretary of State shall provide the Ambassador at Large with such funds as may be necessary for the hiring of staff for the Office, for the conduct of investigations by the Office, and for necessary travel to carry out the provisions of this section.

SEC. 102. REPORTS.

(a) Portions of Annual Human Rights Reports.—The Ambassador at Large shall assist the Secretary of State in preparing those portions of the Human Rights Reports that relate to freedom of religion and discrimination based on religion and those portions of other information provided Congress under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151m, 2304) that relate to the right to religious freedom.

(b) Annual Report on Religious Persecution.—

(1) In general.—

(A) Deadline for submission.—Not later than May 1 of each year, the Ambassador at Large shall submit to the appropriate congressional committees an Annual Report on Religious Persecution, expanding upon the most recent Human Rights Reports. Each Annual Report on Religious Persecution shall contain the following:

(i) An identification of each foreign country the government of which engages in or tolerates acts of religious persecution.

(ii) An assessment and description of the nature and extent of religious persecution, including persecution of one religious group by another religious group, religious persecution by governmental and nongovernmental entities, persecution targeted at individuals or particular denominations or entire religions, and the existence of government policies violating religious freedom.

(iii) A description of United States policies in support of religious freedom, including a description of the measures and policies implemented during the preceding 12 months by the United States under title IV of this Act in opposition to religious persecution and in support of religious freedom.

(iv) A description of any binding agreement with a foreign government entered into by the United States under section 402(c).

(B) Classified addendum.—If the Ambassador determines that it is in the national security interests of the United States or is necessary for the safety of individuals to be identified in the Annual Report, any information required by subparagraph (A), including measures taken by the United States, may be summarized in the Annual Report and submitted in more detail in a classified addendum to the Annual Report.

(C) Designation of report.—Each report submitted under this subsection may be referred to as the "Annual Report on Religious Persecution".

(2) Foreign government input.—Prior to submission of each report under this subsection, the Secretary of State may offer the government of any country concerned an opportunity to respond to the relevant portions of the report. If the Secretary of State determines that doing so would further the purposes of this Act, the Secretary shall request the Ambassador at Large to include the country's response as an addendum to the Annual Report on Religious Persecution.

(c) Preparation of Reports Regarding Religious Persecution.—

(1) Standards and investigations.—The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of religious persecution.

(2) Contacts with NGOs.—In compiling data and assessing the respect of the right to religious freedom for the Human Rights Reports and the Annual Report on Religious Persecution, United States mission personnel shall seek out and maintain contacts with religious and human rights nongovernmental organizations, with the consent of those organizations, including receiving reports and updates from such organizations and, when appropriate, investigating such reports.

(d) Amendments to the Foreign Assistance Act.—

(1) Content of human rights reports for countries receiving economic assistance.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and "; and

(C) by adding at the end the following:

"(6) wherever applicable, the practice of religious persecution, including gross violations of the right to religious freedom.".

(2) Contents of human rights reports for countries receiving security assistance.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended—

(A) by inserting "and with the assistance of the Ambassador at Large for Religious Freedom" after "Labor"; and

(B) by inserting after the second sentence the following new sentence: "Such report shall also include, wherever applicable, information on religious persecution, including gross violations of the right to religious freedom.".

SEC. 103. ESTABLISHMENT OF A RELIGIOUS FREEDOM INTERNET SITE.

In order to facilitate access by nongovernmental organizations (NGOs) and by the public around the world to international documents on the protection of religious freedom, the Ambassador at Large shall establish and maintain an Internet site containing major international documents relating to religious freedom, the Annual Report on Religious Persecution, and any other documentation or references to other sites as deemed appropriate or relevant by the Ambassador at Large.

SEC. 104. TRAINING FOR FOREIGN SERVICE OFFICERS.

Chapter 2 of title I of the Foreign Service Act of 1980 is amended by adding at the end the following new section:

"SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.

"The Secretary of State and the Ambassador at Large on International Religious Freedom, appointed under section 101(b) of the International Religious Freedom Act of 1998, acting jointly, shall establish as part of the standard training for officers of the Service, including chiefs of mission, instruction in the field of internationally recognized human rights. Such instruction shall include—

"(1) standards for proficiency in the knowledge of international documents and United States policy in human rights, and shall be mandatory for all members of the Service having reporting responsibilities relating to human rights, and for chiefs of mission; and

"(2) instruction on the international right to freedom of religion, the nature, activities, and beliefs of different religions, and the various aspects and manifestations of religious persecution.".

SEC. 105. HIGH-LEVEL CONTACTS WITH NGOS.

United States chiefs of mission shall seek out and contact religious nongovernmental organizations to provide high-level meetings with religious nongovernmental organizations where appropriate and beneficial. United States chiefs of mission and Foreign Service officers abroad shall seek to meet with imprisoned religious leaders where appropriate and beneficial.

SEC. 106. PROGRAMS AND ALLOCATIONS OF FUNDS BY UNITED STATES MISSIONS ABROAD.

It is the sense of Congress that—

(1) United States diplomatic missions in countries the governments of which engage in or tolerate religious persecution should develop, as part of annual program planning, a strategy to promote the respect of the internationally recognized right to freedom of religion; and

(2) in allocating or recommending the allocation of funds or the recommendation of candidates for programs and grants funded by the United States Government, United States diplomatic missions should give particular consideration to those programs and candidates deemed to assist in the promotion of the right to religious freedom.

SEC. 107. EQUAL ACCESS TO UNITED STATES MISSIONS ABROAD FOR CONDUCTING RELIGIOUS ACTIVITIES.

(a) In General.—Subject to this section, the Secretary of State shall permit, on terms no less favorable than that accorded other nongovernmental activities, access to the premises of any United States diplomatic mission or consular post by any United States citizen seeking to conduct an activity for religious purposes.

(b) Timing and Location.—The Secretary of State shall make reasonable accommodations with respect to the timing and location of such access in light of—

(1) the number of United States citizens requesting the access (including any particular religious concerns regarding the time of day, date, or physical setting for services);

(2) conflicts with official activities and other nonofficial United States citizen requests;

(3) the availability of openly conducted, organized religious services outside the premises of the mission or post; and

(4) necessary security precautions.

(c) Discretionary Access for Foreign Nationals.—The Secretary of State may permit access to the premises of a United States diplomatic mission or consular post to foreign nationals for the purpose of attending or participating in religious activities conducted pursuant to this title.

SEC. 108. PRISONER LISTS AND ISSUE BRIEFS ON RELIGIOUS PERSECUTION CONCERNS.

(a) Sense of Congress.—To encourage involvement with religious persecution concerns at every possible opportunity and by all appropriate representatives of the United States Government, it is the sense of Congress that officials of the executive branch of Government should promote increased advocacy on such issues during meetings between executive branch and congressional leaders and foreign dignitaries.

(b) Religious Persecution Prisoner Lists and Issue Briefs.—The Secretary of State, in consultation with United States chiefs of mission abroad, regional experts, the Ambassador at Large, and nongovernmental human rights and religious groups, shall prepare, and maintain issue briefs on religious freedom, on a country-by-country basis, consisting of lists of persons believed to be imprisoned for their religious faith, together with brief evaluations and critiques of policies of the respective country restricting religious freedom. The Secretary of State shall exercise appropriate discretion regarding the safety and security concerns of prisoners in considering the inclusion of their names on the lists.

(c) Availability of Information.—The Secretary shall provide these religious freedom issue briefs to executive branch and congressional officials and delegations in anticipation of bilateral contacts with foreign leaders, both in the United States and abroad.

TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS PERSECUTION

SEC. 201. ESTABLISHMENT AND COMPOSITION.

(a) Generally.—There is established the United States Commission on International Religious Persecution.

(b) Membership.—

(1) Appointment.—The Commission shall be composed of—

(A) the Ambassador at Large, who shall serve as Chair; and

(B) 6 other members, who shall be appointed as follows:

(i) 2 members of the Commission shall be appointed by the President.

(ii) 2 members of the Commission shall be appointed by the President pro tempore of the Senate, upon the recommendations of the Majority Leader and the Minority Leader.

(iii) 2 members of the Commission shall be appointed by the Speaker of the House of Representatives upon the recommendations of the Majority Leader and the Minority Leader.

(2) Selection.—Members of the Commission shall be selected among distinguished individuals noted for their knowledge and experience in fields relevant to the issue of international religious persecution, including foreign affairs, human rights, and international law.

(3) Time of Appointment.—The appointments required by paragraph (1) shall be made not later than 120 days after the date of enactment of this Act.

(c) Terms.—The term of office of each member of the Commission shall be 2 years, except that an individual may not serve more than 2 terms.

(d) Quorum.—Four members of the Commission constitute a quorum of the Commission.

(e) Meetings.—No more than 15 days after the issuance of the Annual Report on Religious Persecution, the Commission shall convene.

(f) Administrative Support.—The Ambassador at Large shall provide to the Commission such staff and administrative services of the Office as may be necessary for the Commission to perform its functions. The Secretary of State shall assist the Ambassador at Large and the Commission by detailing staff resources as needed and as appropriate.

(g) Funding.—

(1) Travel Expenses.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(2) No Compensation for Government Employees.—Any member of the Commission who is an officer or employee of the United States shall not be paid compensation for services performed as a member of the Commission.

SEC. 202. DUTIES OF THE COMMISSION.

(a) In General.—The Commission shall have as its primary responsibility the consideration of the facts and circumstances of religious persecution presented in the Annual Report on Religious Persecution, as well as information from other sources as appropriate, and to make appropriate policy recommendations to the President, the Secretary of State, and Congress.

(b) Policy Review and Recommendations in Response to Violations.—The Commission, in evaluating the United States Government policies in response to religious persecution, shall consider and recommend policy options, including diplomatic inquiries, diplomatic protest, official public protest, demarche of protest, condemnation within multilateral fora, cancellation of cultural or scientific exchanges, or both, cancellation of state visits, reduction of certain assistance funds, termination of certain assistance funds, imposition of targeted trade sanctions, imposition of broad trade sanctions, and withdrawal of the chief of mission.

(c) Policy Review and Recommendations in Response to Progress.—The Commission, in evaluating the United States Government policies with respect to countries found to be taking deliberate steps and making significant improvement in respect for religious freedom, shall consider and recommend policy options, including private commendation, diplomatic commendation, official public commendation, commendation within multilateral fora, an increase in cultural or scientific exchanges, or both, termination or reduction of existing sanctions, an increase in certain assistance funds, and invitations for official state visits.

(d) Effects on Religious Communities and Individuals.—Together with specific policy recommendations provided under subsections (b) and (c), the Commission shall also indicate its evaluation of the potential effects of such policies, if implemented, on the religious communities and individuals whose rights are found to be violated in the country in question.

(e) Monitoring.—The Commission shall, on an ongoing basis, monitor facts and circumstances of religious persecution, in consultation with independent human rights groups and nongovernmental organizations, including churches and other religious communities, and make such recommendations as may be necessary to the appropriate officials and offices in the United States Government.

SEC. 203. REPORT OF THE COMMISSION.

(a) In General.—Not later than August 1 of each year, the Commission shall submit a report to the President and to Congress setting forth its recommendations for changes in United States policy based on its evaluations under section 202.

(b) Classified Form of Report.—The report may be submitted in classified form, together with a public summary of recommendations.

(c) Individual or Dissenting Views.—Each member of the Commission may include the individual or dissenting views of the member.

SEC. 204. TERMINATION.

The Commission shall terminate 4 years after the initial appointment of Commissioners.

TITLE III—NATIONAL SECURITY COUNCIL

SEC. 301. SPECIAL ADVISER ON RELIGIOUS PERSECUTION.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

"(i) It is the sense of the Congress that there should be within the staff of the National Security Council a Special Adviser to the President on Religious Persecution, whose position should be comparable to that of a director within the Executive Office of the President. The Special Adviser should serve as a resource for executive branch officials, compiling and maintaining information on the facts and circumstances of religious persecution and violations of religious freedom, and making policy recommendations. The Special Adviser should serve as liaison with the Ambassador at Large on International Religious Freedom, the United States Commission on International Religious Persecution, Congress and, as advisable, religious nongovernmental organizations.".

TITLE IV—SANCTIONS

Subtitle I—Targeted Responses to Religious Persecution Abroad

SEC. 401. EXECUTIVE MEASURES AND SANCTIONS IN RESPONSE TO FINDINGS MADE IN THE ANNUAL REPORT.

(a) In General.—For each foreign country the government of which engages in or tolerates religious persecution, as described in the Annual Report on Religious Persecution, the President shall oppose such persecution and promote the right to freedom of religion in that country through the actions described in subsection (b).

(b) Presidential Actions.—As expeditiously as practicable, but not later than one year after the date of submission of each Annual Report on Religious Persecution, the President, in consultation with the Ambassador at Large, the Special Advisor, and the Commission, shall take one or more of the actions described in paragraphs (1) through (16) of section 405(a) with respect to a foreign government described in subsection (a).

(c) EXECUTIVE MEASURES.—The President shall notify the appropriate congressional committees and, as appropriate, the Commission, of any measure or measures taken by the President under paragraphs (1) through (8) of section 405(a).

(d) SANCTIONS.—Any measure imposed under paragraphs (9) through (16) of section 405(a) may only be imposed in accordance with the procedures set forth in section 409 after the requirements of sections 403 and 404 have been satisfied.

(e) IMPLEMENTATION.—

(1) IN GENERAL.—In carrying out subsection (b), the President shall—

(A) take the action or actions that most appropriately respond to the nature and severity of the religious persecution;

(B) seek to the fullest extent possible to target action as narrowly as practicable with respect to the agency or instrumentality of the foreign government, or specific officials thereof, that are responsible for such persecution; and

(C) make every reasonable effort to conclude a binding agreement concerning the cessation of such persecution.

(2) GUIDELINES FOR SANCTIONS.—In addition to the guidelines under paragraph (1), the President, in determining whether to impose a sanction under paragraphs (9) through (16) of section 405(a) or commensurate action under section 405(b), shall seek to minimize any adverse impact on—

(A) the population of the country whose government is targeted by the sanction or sanctions; and

(B) the humanitarian activities of United States and foreign nongovernmental organizations in such country.

SEC. 402. PRESIDENTIAL DETERMINATIONS OF GROSS VIOLATIONS OF THE RIGHT TO RELIGIOUS FREEDOM.

(a) DETERMINATION OF GROSS VIOLATIONS OF THE RIGHT TO RELIGIOUS FREEDOM.—Not more than 30 days after transmittal of the Annual Report on Religious Persecution to the appropriate congressional committees, the President, in consultation with the Ambassador at Large, the Special Advisor, and the Commission shall determine whether any of the governments of the countries described in the Annual Report on Religious Persecution have engaged in a consistent pattern of gross violations of the right to religious freedom.

(b) DETERMINATION OF RESPONSIBLE PARTIES.—The President shall at the same time as the determination under subsection (a) identify, to the extent practicable for each foreign government under that subsection, the responsible agency or instrumentality thereof and specific officials thereof that are responsible for such gross violations, in order to appropriately target sanctions in response.

(c) SANCTIONS AGAINST GOVERNMENTS ENGAGED IN GROSS VIOLATIONS OF RELIGIOUS FREEDOM.—

(1) IN GENERAL.—Subject to paragraph (2) of this subsection, in the case of a determination under subsection (a) with respect to a foreign government, unless Congress enacts a joint resolution of disapproval in accordance with section 409, the President shall carry out one or more of the following actions after the requirements of sections 403 and 404 have been satisfied:

(A) SANCTIONS.—One or more of the sanctions described in paragraphs (9) through (16) of section 405(a), to be determined by the President.

(B) COMMENSURATE ACTIONS.—Commensurate action, as described in section 405(b).

(2) SUBSTITUTION OF BINDING AGREEMENTS.—In lieu of carrying out action under paragraph (1), the President may conclude a binding agreement with the respective foreign government concerning the cessation of such violations. The existence of a binding agreement under this paragraph with a foreign government shall be considered by the President prior to making any determination under section 401 of this section.

SEC. 403. CONSULTATIONS.

(a) DUTY TO CONSULT WITH FOREIGN GOVERNMENTS PRIOR TO IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall—

(A) as soon as practicable after a determination is made under section 402(a) or a sanction is proposed to be taken under section 401(d), request consultation with each respective foreign government regarding the violations determined under those sections; and

(B) if agreed to, enter into such consultations, privately or publicly.

(2) USE OF MULTILATERAL FORA.—If the President determines it to be appropriate, such consultations may be sought and may occur in a multilateral forum.

(3) ELECTION OF NONDISCLOSURE OF NEGOTIATIONS TO PUBLIC.—If negotiations are undertaken or an agreement is reached with a foreign government regarding steps to alter the pattern of violations by that government, and if public disclosure of such negotiations or agreement would jeopardize the negotiations or the implementation of such agreement, as the case may be, the President may refrain from disclosing such negotiations and such agreement to the public, except that the President shall inform the appropriate congressional committees of the nature and extent of such negotiations and any agreement reached.

(b) DUTY TO CONSULT WITH HUMANITARIAN ORGANIZATIONS.—The President shall consult with appropriate humanitarian and religious organizations concerning the potential impact of the intended sanctions.

(c) DUTY TO CONSULT WITH UNITED STATES INTERESTED PARTIES.—The President shall consult with United States interested parties as to the potential impact of the intended sanctions on the economic or other interests of the United States. The President shall provide the opportunity for consultation with, and the submission of comments by, those United States interested parties likely to be affected by intended United States measures.

SEC. 404. REPORT TO CONGRESS.

(a) IN GENERAL.—Subject to subsection (b), not later than September 1 of any year in which a determination is made under section 402(a) with respect to a foreign country, or not later than 90 days after the President may determine to take action under section 401(d) with respect to a foreign country, as the case may be, the President shall submit a report to Congress containing the following:

(1) IDENTIFICATION OF SANCTIONS.—An identification of the sanction or sanctions described in paragraphs (9) through (16) of section 405(a) proposed to be taken against the foreign country.

(2) DESCRIPTION OF VIOLATIONS.—A description of the violations giving rise to the sanction or sanctions proposed to be taken.

(3) PURPOSES OF SANCTIONS.—A description of the purpose of the sanction.

(4) EVALUATION.—An evaluation, in consultation with the Ambassador at Large, the Commission, the Special Advisor, and the parties described in section 403 (b) and (c) of (A) the impact upon the foreign government, (B) the impact upon the population of the country, and (C) the impact upon the United States economy and other interested parties. The President may withhold part or all of such evaluation from the public but shall provide the entire evaluation to the appropriate congressional committees.

(5) EXHAUSTION OF POLICY OPTIONS.—A statement that other policy options designed to bring about alteration of the gross violations of the right to religious freedom have reasonably been exhausted, including the consultations required in section 403.

(6) DESCRIPTION OF MULTILATERAL NEGOTIATIONS.—A description of multilateral negotiations sought or carried out, if appropriate and applicable.

(b) DELAY IN TRANSMITTAL OF REPORT FOR THE PURPOSE OF CONTINUING NEGOTIATIONS.—If, on or before the date that the President would (but for this subsection) submit a proposal under subsection (a) to Congress to impose any sanction under paragraphs (9) through (16) of section 405(a) against a foreign country—

(1) negotiations are still taking place with the government of that country, and

(2) the President determines and certifies to Congress that a single, additional period of time not to exceed 90 days is necessary for such negotiations to continue,

then the President shall not be required to submit the proposal to Congress until the expiration of that period of time.

SEC. 405. DESCRIPTION OF EXECUTIVE MEASURES AND SANCTIONS.

(a) DESCRIPTION OF MEASURES AND SANCTIONS.—Except as provided in subsection (d), the Executive measures and sanctions referred to in this subsection are the following:

(1) A private demarche.

(2) An official public demarche.

(3) A public condemnation.

(4) A public condemnation within one or more multilateral fora.

(5) The cancellation of one or more scientific exchanges.

(6) The cancellation of one or more cultural exchanges.

(7) The denial of one or more state visits.

(8) The cancellation of one or more state visits.

(9) The withdrawal, limitation, or suspension of United States development assistance in accordance with the provisions of section 116 of the Foreign Assistance Act of 1961.

(10) Directing the Export-Import Bank of the United States, the Overseas Private Investment Corporation, or the Trade and Development Agency not to approve the issuance of any (or a specified number of) guarantees, insurance, extensions of credit, or participations in the extension of credit with respect to the specific government, agency, instrumentality, or official determined by the President to be responsible for gross violations of the right to religious freedom.

(11) The withdrawal, limitation, or suspension of United States security assistance in accordance with the provisions of section 502B of the Foreign Assistance Act of 1961.

(12) The withdrawal, limitation, or suspension of preferential tariff treatment accorded under—

(A) title V of the Trade Act of 1974 (relating to the Generalized System of Preferences);

(B) the Caribbean Basin Economic Recovery Act;

(C) the Andean Trade Preference Act; or

(D) any other law providing preferential tariff treatment.

(13) Consistent with section 701 of the International Financial Institutions Act of 1977, directing the United States executive directors of international financial institutions to vote against loans primarily benefiting the specific foreign government, agency, instrumentality, or official determined by the President to be responsible for such persecution.

(14) Ordering the heads of the appropriate United States agencies not to issue any (or a specified number of) specific licenses and not to grant any other specific authority (or a specified number of authorities) to export any goods or technology to the specific foreign government, agency, instrumentality, or official determined by the President to be responsible for such persecution under—

(A) the Export Administration Act of 1979;

(B) the Arms Export Control Act;

(C) the Atomic Energy Act of 1954; or

(D) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

(15) Prohibiting any United States financial institution from making loans or providing credits totaling more than $10,000,000 in any 12-month period to the specific foreign government, agency, instrumentality, or official determined by the President to be responsible for the violations.

(16) Prohibiting the United States Government from procuring, or entering into any contract for the procurement of, any goods or services from the foreign government, entities, or officials determined by the President to be responsible for the violations.

(b) COMMENSURATE ACTION.—Except as provided in subsection (d), the President may substitute any other action authorized by law for any action described in paragraphs (1) through (16) of subsection (a) if such action is commensurate in effect to the action substituted and if the action would further the policy of the United States set forth in section 2 of this Act. The President shall seek to take all appropriate and feasible actions authorized by law to obtain the cessation of the violations. In the case of the development of commensurate action as a substitute for any sanction described in paragraphs (9) through (16) of subsection (a), the President shall conduct all consultations described in section 403 prior to taking such action. If commensurate action is taken, the President shall report such action, together with an explanation for taking such action, to the appropriate congressional committees.

(c) BINDING AGREEMENTS.—The President may negotiate and enter into a binding agreement with a foreign government that obligates such government to cease, or take substantial steps to address and phase out, the act, policy, or practice constituting the religious persecution. The entry into force of a binding agreement for the cessation of the violations shall be a primary objective for the President in responding to a foreign government that engages in a consistent pattern of gross violations of the right to religious freedom.

(d) EXCEPTIONS.—Any action taken pursuant to subsection (a) or (b) may not—

(1) prohibit or restrict the provision of medicine, medical equipment or supplies, food, or other humanitarian assistance; or

(2) impede any action taken by the United States Government to enforce the right to maintain intellectual property rights.

SEC. 406. CONTRACT SANCTITY.

The President shall not be required to apply or maintain any sanction under this subtitle—

(1) in the case of procurement of defense articles or defense services—

(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(B) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(C) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements; or

(2) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction.

SEC. 407. PRESIDENTIAL WAIVER.

The President may waive the requirement to take an action under this subtitle with respect to a country, if—

(1) the President determines and so reports to the appropriate congressional committees that—

(A) the respective foreign government has ceased or taken substantial steps to cease the violations giving rise to the imposition of the measure or sanction;

(B) the exercise of such waiver authority would better further the purposes of this Act; or

(C) the national security of the United States requires the exercise of such waiver authority; and

(2) the requirements of congressional review under section 409 have been satisfied.

SEC. 408. PUBLICATION IN FEDERAL REGISTER.

The President shall cause to be published in the Federal Register the following:

(1) DETERMINATIONS OF VIOLATOR GOVERNMENTS, OFFICIALS, AND ENTITIES.—Consistent with section 654(c) of the Foreign Assistance Act of 1961, any determination that a government has engaged in gross violations of the right to religious freedom, together with, when applicable and possible, the officials or entities determined to be responsible for the violations. Such a determination shall include a notification to all interested parties to provide consultation and submit comments concerning sanctions that may be taken by the United States in response to the violations.

(2) SANCTIONS.—A description of any sanction that takes effect pursuant to section 409, and the effective date of the sanction. A description of the sanction may be withheld if disclosure is deemed to jeopardize national security.

(3) DELAYS IN TRANSMITTAL OF SANCTION REPORTS.—Any delay in transmittal of a sanction report, as described in section 404(b).

(4) WAIVERS.—Any waiver under section 407.

SEC. 409. CONGRESSIONAL REVIEW.

(a) IN GENERAL.—

(1) PROPOSALS SUBJECT TO CONGRESSIONAL REVIEW.—Each of the following proposals shall take effect 30 session days of Congress after the President transmits the proposal to Congress unless, within such period, Congress enacts a joint resolution disapproving the sanction, waiver, or termination of a sanction, as the case may be, in accordance with subsection (b):

(A) Any sanction proposed under section 404(a).

(B) Any waiver proposed under section 407(2).

(C) Any proposed termination of a sanction under section 410(2).

(2) SUBMISSION OF REVISED PROPOSALS TO CONGRESS.—In the event that Congress enacts a joint resolution of disapproval under paragraph (1), the President shall, within 30 days of the date of any override of the President's veto of that resolution, revise the proposed sanction, waiver, or termination of sanction and submit the revised proposal to Congress for consideration in accordance with subsection (b).

(b) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) JOINT RESOLUTION DEFINED.—

(A) DISAPPROVAL RESOLUTIONS FOR SANCTION PROPOSALS.—For the purpose of subsection (a)(1)(A), the term "joint resolution" means only a joint resolution introduced after the date on which the report of the President under section 404 is received by Congress, the matter after the resolving clause of which is as follows: "That Congress disapproves the sanction or sanctions proposed by the President in the report transmitted under section 404(a) of the International Religious Freedom Act of 1998 on   .", with the blank filled in with the appropriate date.

(B) DISAPPROVAL RESOLUTIONS FOR PRESIDENTIAL WAIVERS.—For the purpose of subsection (a)(1)(B), the term "joint resolution" means only a joint resolution introduced after the date on which the report of the President under section 407(1) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress disapproves the waiver proposed by the President in the report transmitted under section 407(1) of the International Religious Freedom Act of 1998 on   .", with the blank filled in with the appropriate date.

(C) DISAPPROVAL RESOLUTIONS FOR PROPOSALS TO TERMINATE SANCTIONS.—For the purpose of subsection (a)(1)(C), the term "joint resolution" means only a joint resolution introduced after the date on which the certification of the President under section 410(2) is received by Congress, the matter after the resolving clause of which is as follows: "That Congress disapproves the termination of sanction or sanctions proposed by the President in the certification transmitted under section 410(2) of the International Religious Freedom Act of 1998 on   .", with the blank filled in with the appropriate date.

(2) DEFINITION.—In this section, the term "session day" means a day on which either House of Congress is in session.

(3) REFERRAL TO COMMITTEE.—A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on International Relations of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. Such a resolution may not be reported before the eighth day after its introduction.

(4) DISCHARGE FROM COMMITTEE.—If the committee to which is referred a resolution described in paragraph (1) has not reported

such resolution (or an identical resolution) at the end of fifteen calendar days after its introduction, such committee shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(5) FLOOR CONSIDERATION.—

(A) MOTION TO PROCEED.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (4)) from further consideration of, a resolution described in paragraph (1), notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(B) DEBATE ON THE RESOLUTION.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(C) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(D) APPEALS OF RULINGS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in paragraph (1) shall be decided without debate.

(6) TREATMENT OF OTHER HOUSE'S RESOLUTION.—If, before the passage by one House of Congress of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(A) REFERRAL OF RESOLUTIONS OF SENDING HOUSE.—The resolution of the sending House shall not be referred to a committee in the receiving House.

(B) PROCEDURES IN RECEIVING HOUSE.—With respect to a resolution of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the sending House; but

(ii) the vote on final passage shall be on the resolution of the sending House.

(C) DISPOSITION OF RESOLUTIONS OF RECEIVING HOUSE.—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution originated in the receiving House.

(7) PROCEDURES AFTER ACTION BY BOTH THE HOUSE AND SENATE.—If the House receiving a resolution from the other House after the receiving House has disposed of a resolution originated in that House, the action of the receiving House with regard to the disposition of the resolution originated in that House shall be deemed to be the action of the receiving House with regard to the resolution originated in the other House.

(8) RULES OF THE SENATE AND THE HOUSE.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 410. TERMINATION OF SANCTIONS.

Any sanction imposed under section 409 with respect to a foreign country shall terminate on the earlier of the following dates:

(1) TERMINATION DATE.—Within 2 years of the effective date of the sanction unless expressly reauthorized by law.

(2) FOREIGN GOVERNMENT ACTIONS.—Upon the determination by the President and certification to Congress that the foreign government has ceased or taken substantial steps to cease the gross violations of religious freedom, subject to the congressional review procedures described in section 409.

Subtitle II—Strengthening Existing Law

SEC. 421. UNITED STATES ASSISTANCE.

(a) IMPLEMENTATION OF PROHIBITION ON ECONOMIC ASSISTANCE.—Section 116(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(c)) is amended—

(1) in the text above paragraph (1), by inserting "and in consultation with the Ambassador at Large for Religious Freedom" after "Labor".

(2) by striking "and" at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(3) whether the government—

"(A) has engaged in gross violations of the right to freedom of religion; or

"(B) has failed to undertake serious and sustained efforts to combat gross violations of the right to freedom of religion, when such efforts could have been reasonably undertaken.".

(b) IMPLEMENTATION OF PROHIBITION ON MILITARY ASSISTANCE.—Section 502B(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)) is amended by adding at the end the following new paragraph:

"(4) In determining whether the government of a country engages in a consistent pattern of gross violations of internationally recognized rights, the President shall give particular consideration to whether the government—

"(A) has engaged in gross violations of the right to freedom of religion; or

"(B) has failed to undertake serious and sustained efforts to combat gross violations of the right to freedom of religion, when such efforts could have been reasonably undertaken.".

SEC. 422. MULTILATERAL ASSISTANCE.

Section 701 of the International Financial Institutions Act (22 U.S.C. 262d) is amended by adding at the end the following new subsection:

"(g) In determining whether a country is in gross violation of internationally recognized human rights standards, as described in subsection (a), the President, in consultation with the Ambassador at Large, shall give particular consideration to whether a foreign government—

"(1) has engaged in gross violations of the right to freedom of religion; or

"(2) has failed to undertake serious and sustained efforts to combat gross violations of the right to freedom of religion, when such efforts could have been reasonably undertaken.".

SEC. 423. EXPORTS OF ITEMS RELATING TO RELIGIOUS PERSECUTION.

(a) MANDATORY LICENSING.—Notwithstanding any other provision of law, the Secretary of Commerce, with the concurrence of the Secretary of State, the Ambassador at Large, and the Special Adviser, shall include on the list of crime control and detection instruments or equipment controlled for export and reexport under section 6(n) of the Export Administration Act of 1979 (22 U.S.C. App. 2405(n)), or under any other provision of law, items that the Secretary of State, in consultation with the Ambassador at Large and the Special Adviser, determines are being used or are intended for use directly and in significant measure to carry out gross violations of the right to freedom of religion.

(b) LICENSING BAN.—The prohibition on the issuance of a license for export of crime control and detection instruments or equipment under section 502B(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2)) shall apply to the export and reexport of any item included pursuant to subsection (a) on the list of crime control instruments.

TITLE V—PROMOTION OF RELIGIOUS FREEDOM

SEC. 501. ASSISTANCE FOR PROMOTING RELIGIOUS FREEDOM.

(a) FINDINGS.—Congress makes the following findings:

(1) In many nations where severe violations of religious freedom occur, there is not sufficient statutory legal protection for religious minorities or there is not sufficient cultural and social understanding of international norms of religious freedom.

(2) Accordingly, in its foreign assistance already being disbursed, the United States should make a priority of promoting and developing legal protections and cultural respect for religious freedom.

(b) ALLOCATION OF FUNDS FOR INCREASED PROMOTION OF RELIGIOUS FREEDOMS.—Section 116(e) of the Foreign Assistance Act of 1961 is amended by inserting "and the right to free religious belief and practice" after "adherence to civil and political rights".

SEC. 502. INTERNATIONAL BROADCASTING.

(a) Section 302(1) of the International Broadcasting Act of 1994 is amended by inserting "and of conscience (including freedom of religion)" after "freedom of opinion and expression".

(b) Section 303(a) of the International Broadcasting Act of 1994 is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) promote respect for human rights, including freedom of religion.".

SEC. 503. INTERNATIONAL EXCHANGES.

Section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961 is amended—

(1) by striking "and" after paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting "; and"; and

(3) by adding at the end the following:

"(12) promoting respect for and guarantees of religious freedom abroad by interchanges and visits between the United States and other nations of religious leaders, scholars, and religious and legal experts in the field of religious freedom.".

SEC. 504. FOREIGN SERVICE AWARDS.

(a) PERFORMANCE PAY.—Section 405(d) of the Foreign Service Act of 1980 is amended by inserting after the first sentence the following: "Such service in the promotion of internationally recognized human rights, including the right to religious freedom, shall serve as a basis for granting awards under this section.".

(b) FOREIGN SERVICE AWARDS.—Section 614 of the Foreign Service Act of 1980 is amended by adding at the end the following new sentence: "Distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to religious freedom, shall serve as a basis for granting awards under this section.".

TITLE VI—REFUGEE, ASYLUM, AND CONSULAR MATTERS

SEC. 601. USE OF ANNUAL REPORT.

(a) DESCRIPTION OF TRAINING.—The Annual Report on Religious Persecution shall include a description of training described in subsection (b) on religious persecution provided to immigration judges, consular, refugee, and asylum officers.

(b) USE OF THE ANNUAL REPORT.—The Annual Report on Religious Persecution, together with other relevant documentation, shall serve as a resource for immigration judges and consular, refugee, and asylum officers in cases involving claims of persecution on the grounds of religion. Absence of reference by the Annual Report on Religious Persecution to conditions described by the alien shall not constitute sole grounds for a denial of the alien's claim.

SEC. 602. REFORM OF REFUGEE POLICY.

(a) TRAINING.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary of State, shall provide all United States officials adjudicating refugee cases with the same training as that provided to officers adjudicating asylum cases.

(2) CONTENT OF TRAINING.—Such training shall include country-specific conditions, instruction on the right to religious freedom, methods of religious persecution, and applicable distinctions within a country between the nature of and treatment of various religious practices and believers.

(b) TRAINING FOR CONSULAR OFFICERS.—(1) Section 708 of the Foreign Service Act of 1980, as added by section 104 of this Act, is further amended—

(A) by inserting "(a)" before "The Secretary of State"; and

(B) by adding at the end the following:

"(b) The Secretary of State shall provide sessions on refugee law and adjudications and on religious persecution, to each individual seeking a commission as a United States consular officer.".

(2) Section 312(a) of the Foreign Service Act of 1980 is amended by inserting after the first sentence the following: "In order to receive such a consular commission, a member of the Service shall complete the training required under section 708.".

(c) GUIDELINES FOR REFUGEE-PROCESSING POSTS.—

(1) GUIDELINES FOR ADDRESSING HOSTILE BIASES.—The Attorney General and the Secretary of State shall develop and implement guidelines that address potential hostile biases in personnel of the Immigration and Naturalization Service that are hired abroad and involved with duties which could constitute an effective barrier to a refugee claim if such personnel carries a hostile bias toward the claimant on the grounds of religion, race, nationality, membership in a particular social group or political opinion.

(2) GUIDELINES FOR REFUGEE-PROCESSING POSTS IN ESTABLISHING AGREEMENTS WITH JOINT VOLUNTARY AGENCIES.—The Attorney General and the Secretary of State shall develop guidelines to ensure uniform procedures to the extent possible with Joint Voluntary Agencies, and to ensure that the Joint Voluntary Agencies process is enhanced and faulty preparation of claims does not result in the failure of a genuine claim to refugee status.

(d) ANNUAL CONSULTATION.—In carrying out the responsibilities of the Department of State under the appropriate consultation requirement of section 207(e) of the Immigration and Nationality Act (8 U.S.C. 1157(e)), the Secretary of State shall specifically address religious persecution in the report provided by the Department of State, and by providing testimony by the Ambassador at Large. The Secretary of State shall also provide religious nongovernmental organizations and human rights nongovernmental organizations the opportunity to testify.

SEC. 603. REFORM OF ASYLUM POLICY.

(a) GUIDELINES.—The Attorney General and the Secretary of State shall develop guidelines to ensure that interpreters with hostile biases, including personnel of airlines owned by governments known to be involved in practices which would meet the definition of persecution under international refugee law, shall not in any manner be used to interpret conversations between aliens and inspection or asylum officers.

(b) TRAINING FOR ASYLUM OFFICERS.—The Attorney General, in consultation with the Ambassador-at-Large, shall provide training to all officers adjudicating asylum cases on the nature of religious persecution abroad, including country-specific conditions, instruction on the right to religious freedom, methods of religious persecution, and applicable distinctions within a country in the treatment of various religious practices and believers.

(c) TRAINING FOR IMMIGRATION JUDGES.—The Executive Office of Immigration Review of the Department of Justice shall incorporate into its initial and ongoing training of immigration judges training on the extent and nature of religious persecution internationally, including country-specific conditions, and including use of the Annual Report on Religious Persecution. Such training shall include governmental and nongovernmental methods of persecution employed, and differences in the treatment of religious groups by such persecuting entities.

SEC. 604. INADMISSIBILITY OF FOREIGN GOVERNMENT OFFICIALS WHO HAVE ENGAGED IN GROSS VIOLATIONS OF THE RIGHT TO RELIGIOUS FREEDOM.

(a) INELIGIBILITY FOR VISAS OR ADMISSION.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following new subparagraph:

"(G) FOREIGN GOVERNMENT OFFICIALS WHO HAVE ENGAGED IN GROSS VIOLATIONS OF THE RIGHT TO RELIGIOUS FREEDOM.—

"(i) IN GENERAL.—Any alien who, while serving as a foreign government official, directly engaged in gross violations of the right to religious freedom, as defined in section 3 of the International Religious Freedom Act of 1998, and the spouse and children, if any, of the alien, are inadmissible.

"(ii) WAIVER.—

"(I) IN GENERAL.—The Secretary of State may waive the application of clause (i) if the Secretary determines that the exclusion of the alien would jeopardize a compelling United States foreign policy interest.

"(II) NONDELEGATION OF AUTHORITY.—The Secretary of State may not delegate the authority to make a determination under subclause (I).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens seeking to enter the United States on or after the date of enactment of this Act.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. BUSINESS CODES OF CONDUCT.

(a) CONGRESSIONAL FINDING.—Congress recognizes the increasing importance of transnational corporations as global actors, and their potential for providing positive leadership in their host countries in the area of human rights.

(b) SENSE OF CONGRESS.—It is the sense of Congress that transnational corporations operating in countries the governments of which engage in gross violations of the right to religious freedom, as identified in the Annual Report on Religious Persecution, should adopt codes of conduct—

(1) upholding the right to religious freedom of their employees; and

(2) ensuring that a worker's religious views and peaceful practices of belief in no way affect, or be allowed to affect, the status or terms of his or her employment.

SEC. 702. INTERNATIONAL CRIMINAL COURT.

It is the sense of Congress that in negotiating the definitions of crimes to be included in the subject matter jurisdiction of the International Criminal Court, the President should pursue the inclusion in such jurisdiction of gross violations of the right to religious freedom to the extent such violations fall within the meaning in international law of crimes against humanity or genocide.

Mr. LIEBERMAN. Mr. President, I rise to join my distinguished colleague, Senator NICKLES, the assistant majority leader, and my esteemed colleagues Senators KEMPTHORNE, MACK, HUTCHINSON, CRAIG, and DEWINE as a co-sponsor of The International Religious Freedom Act of 1998.

Freedom of religion is a bedrock principle for the American people, a cherished right that lies at the very foundation of our country. It is appropriate, and it is right, that we as Americans express our concern about abuses of that freedom as a cornerstone of our foreign policy. This is not a concern that is unique to Americans, for the freedom of religion is explicitly recognized by the Universal Declaration of Human Rights. Sadly, and tragically, that recognition has not served to prevent the assault on believers of a variety of religions simply for seeking to follow their faith.

We must not be silent. The International Religious Freedom Act of 1998 is a serious, thoughtful, and comprehensive approach to the problem of religious persecution. This bill employs a broad range of tools within the United States foreign policy apparatus for the most flexible, appropriate, and enduring response to violations of religious liberty.

The bill is carefully crafted to do the following: promote religious freedom through both incentives and sanctions, with the long-term goal of alleviating religious persecution rather than merely punishing governments; build on principles contained in U.S. and international human rights law, on negotiating principles of U.S. Trade law, and on ideas advocated by religious and human rights leaders; dispel the option of silence, with its Annual Report publicly addressing all forms of religious persecution; promote the conclusion of binding agreements with offending governments to cease the violations, allowing for reasonable negotiation to achieve this goal; and sanction gross violators, through an annual review and sanctions process.

The issue of religious persecution is one that we must be concerned about, one that we must take action on. The International Religious freedom Act of 1998 is an effective means of doing so and I am honored to be an original cosponsor of it. There are other excellent approaches to this critical international problem, including the legislation cosponsored by Congressman WOLF and Senator SPECTOR. In the weeks ahead we will look forward to working with all of our colleagues on this issue, inviting and welcoming a collective approach that will result in our bringing the most effective legislation to pass.

By Mr. CAMPBELL:

S. 1870. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

THE INDIAN GAMING REGULATORY ACT AMENDMENTS OF 1998

Mr. CAMPBELL. Mr. President, today I am pleased to introduce the Indian Gaming Regulatory Act Amendments of 1998 to reform the federal components of Indian gaming regulation.

I wish to begin by acknowledging the work in this area by the two distinguished individuals who preceded me as the chairman of the Senate Indian Affairs Committee, Senators McCAIN and INOUYE. This legislation builds upon their extraordinary efforts to listen to all sides of this debate and broker a fair and equitable compromise. I seek to continue this tradition by providing a starting point for negotiations among all of those with an interest in Indian gaming, and by addressing those areas that are most in need of immediate reform.

This bill will revitalize the National Indian Gaming Commission, by ensuring that it has the authority to develop and impose a series of minimum federal standards on all Indian gaming operations. It will reform and restore the compact negotiation process by providing an alternative compact negotiation process in those instances where a state wishes to exercise its 11th Amendment immunity from lawsuits and its 10th Amendment right to decide for itself whether it wishes to regulate on-reservation gaming. Finally, this bill addresses the two issues that in my opinion are most in need of immediate reform. First, the bill applies the standard post-employment restrictions for former federal officials who are employed by any tribe that stood to benefit from any gaming-related decisions the officials made while they were federal employees. Second, the bill will prohibit the acquisition of off-reservation lands for gaming activities unless the tribe and the state agree to do so.

Ten years ago the Congress enacted the Indian gaming legislation that many will agree needs to be updated. In 1988 most Indian gaming consisted of high stakes bingo and similar types of games. Since then, it has grown to become a billion dollar activity and has provided many tribes and surrounding communities with much-needed capital and employment opportunities.

For those tribes lucky enough to be well situated geographically, gaming has proven successful. Where welfare rolls once bulged, tribes are employing thousands of people—both Indian as well as non-Indian. Once entirely reliant on federal transfer payments, many tribes are beginning to diversify their economies and provide jobs and hope to their members.

For most tribes, however, gaming is not a viable development alternative. Indeed, only one-third of all federally-recognized tribes have any form of gaming and most of that is more like charitable bingo than Las Vegas or Atlantic City. On-line gaming, as well as competition from local and international operations, has created a very tight market. In Washington State, for example, as well as in other parts of the country, market saturation is leading some tribes to close their operations for good.

Over the past ten years, the statute has only been significantly amended one time—in 1997 I introduced a measure to provide the federal National Indian Gaming Commission with the resources it needs to monitor and regulate certain Indian gaming operations. Today, a strengthened commission is beginning to fulfill its obligations under the statute and help maintain the integrity of Indian gaming nationwide.

The lack of uniform standard operating procedures for Indian gaming continues to cause anxiety for many of those inside and outside of Indian country. Many Indian tribes, in cooperation with the states where gaming is located, have developed sophisticated gaming regulatory procedures and standards. Many tribes have put in place standards regarding the rules of play for their games, as well as financial and accounting standards governing those games. Not all tribal-state gaming compacts mandate such sophisticated regulatory frameworks.

By setting threshold standards at the federal level, this bill will mean that Indian gaming customers throughout the nation can be assured that every Indian gaming establishment must comply with a federally established level of regulation, operation, and management, just as they are already assured that gaming proceeds may only be spent for certain purposes set out in the Act.

When the Congress enacted the IGRA in 1988, states were invited, for the first time ever, to play a significant role in the regulation of activities that take place on Indian lands. The statute required tribes to seek to negotiate a gaming compact with a state before commencing any casino-style gaming. Though there were bumps along the way, this was a major concession by Indian tribes and one that worked reasonably well for 8 years, and which will continue to be available if it is chosen by both a state and a tribe.

Under IGRA, before a tribe may commence casino-style gaming, it must seek to negotiate a gaming compact with the state where the gaming will occur. Up until 1996, if a federal court determined that the state was negotiating in bad faith or if the state decided simply not to negotiate, the tribe had the option of filing a lawsuit to bring about good faith negotiations.

In 1996, the Supreme Court turned this process upside down when it handed down its decision in Seminole Tribe of Indians v. State of Florida. This decision said that a state may assert its Eleventh Amendment immunity from lawsuits to preclude tribes from suing it in order to conclude a gaming agreement. Also, some states have asserted that the IGRA may force them to regulate reservation-based gaming in violation of their 10th Amendment rights. My bill will allow tribes and states to continue to use the existing process to negotiate compacts if that is their desire.

As I believe the Act should respect each state's sovereign right to absent itself from this process if it chooses to, we must also respect the Supreme Court's decision that Indian tribes have the sovereign right to offer gaming activities that do not violate the public policy of the state where those activities are offered. This approach is consistent with what the Congress intended in 1988.

Finally, there are ongoing Congressional investigations of the so-called

"Hudson Dog Track" matter involving whether the Interior Department denied an application by certain Indian tribes to acquire off-reservation lands for gaming purposes because of campaign contributions by a rival group of tribes. Even before these allegations surfaced, I expressed strong concerns about the acquisition of off-reservation lands for gaming purposes.

The IGRA requires the Interior Secretary to consult with local officials, local communities, and nearby tribes in evaluating the tribe's application to take lands into trust. The Act also provides State governors with an absolute veto over such applications. In my opinion, federal laws and regulations already make it very difficult for the Secretary to take land into trust for a tribe if it is located away from a tribe's reservation or previous homeland. As a result, few tribes apply to have off-reservation lands taken into trust, and even fewer are successful.

The IGRA imposes additional requirements on such acquisitions if there is any possibility that the lands will be used for gaming purposes. As a result of these requirements, I am aware of only two or three such acquisitions. Yet the opposition to Indian gaming that results from the mere possibility of such acquisitions is significant. This opposition far exceeds that speculative possibility that the Secretary, a local community, and a state's governor will all concur with such an acquisition. Thus, my bill will preclude off-reservation acquisitions unless the tribe and the state reach agreement to allow those lands to be used for gaming purposes. This provision will therefore encourage tribal-state cooperation rather than tribal-state conflict when it comes to gaming matters.

My bill will also remove the argument that those Indian groups that are laboring to achieve federal recognition as tribes are doing so only to develop gaming. Achieving federal recognition is difficult enough, I do not believe it should be further complicated by squabbles over gaming.

My bill will eliminate any appearance that federal officials and employees who are responsible for making decisions about Indian gaming are "cashing in" on their activities when they leave government service. By closing an existing loophole, my bill will establish that those federal employees who have made decisions concerning a tribe's gaming activities are bound by the same policies, procedures, and criminal laws that prevent other federal employees from profiting from decisions they made when working for the government. But it also preserves those provisions in the Indian Self-Determination and Education Assistance Act, which have dramatically reduced the number of federal employees by encouraging their employment by the tribes that contract to provide federal services under self-governance compacts and self-determination act contracts.

I believe this bill addresses the most pressing concerns raised by states, local governments, and Indian tribes. Like all attempts at compromise, few parties will be completely satisfied. The legislation I am introducing will both please and disappoint the states as well as the tribes. Nonetheless, as Chairman of the Committee on Indian Affairs, demonstrating a willingness to serve as an honest broker will, in my opinion, do more to foster genuine and lasting reform than simply becoming an advocate for one side or one point of view. Let there be no question of my commitment to ensure that Indian gaming be operated fairly and consistently with all relevant laws, and that the goals and objectives of the IGRA are fully achieved.

As I have indicated, the Committee will address these and related issues in the coming weeks. By introducing this legislation, it is my hope that those with concerns with the regulation of Indian gaming work with me in the Committee to fully and fairly debate the issues before any actions are taken to amend the Act.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Gaming Regulatory Improvement Act of 1998".

SEC. 2. AMENDMENTS TO THE INDIAN GAMING REGULATORY ACT.

The Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) is amended—

(1) by striking the first section and inserting the following new section:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Indian Gaming Regulatory Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Congressional findings.
"Sec. 3. Purposes.
"Sec. 4. Definitions.
"Sec. 5. National Indian Gaming Commission.
"Sec. 6. Powers and authority of the National Indian Gaming Commission and Chairman.
"Sec. 7. Regulatory framework.
"Sec. 8. Negotiated rulemaking.
"Sec. 9. Requirements for the conduct of class I and class II gaming on Indian lands.
"Sec. 10. Class III gaming on Indian lands.
"Sec. 11. Review of contracts.
"Sec. 12. Civil penalties.
"Sec. 13. Judicial review.
"Sec. 14. Commission funding.
"Sec. 15. Authorization of appropriations.
"Sec. 16. Application of Internal Revenue Code of 1986; access to information by States and tribal governments.
"Sec. 17. Gaming proscribed on lands acquired in trust after the date of enactment of this Act.
"Sec. 18. Dissemination of information.
"Sec. 19. Severability.
"Sec. 20. Criminal penalties.
"Sec. 21. Conforming amendment.";
"Sec. 22. Commission staffing."

(2) by striking sections 2 and 3 and inserting the following;

"SEC. 2. CONGRESSIONAL FINDINGS.

"The Congress finds that—

"(1) Indian tribes are—

"(A) engaged in the operation of gaming activities on Indian lands as a means of generating tribal governmental revenue; and

"(B) licensing those activities;

"(2) because of the unique political and legal relationship between the United States and Indian tribes, Congress has the responsibility of protecting tribal resources and ensuring the continued viability of Indian gaming activities conducted on Indian lands;

"(3) clear Federal standards and regulations for the conduct of gaming on Indian lands will assist tribal governments in assuring the integrity of gaming activities conducted on Indian lands;

"(4) a principal goal of Federal Indian policy is to promote tribal economic development, tribal self-sufficiency, and strong Indian tribal governments;

"(5) Indian tribes have the exclusive right to regulate gaming activity on Indian lands, if the gaming activity—

"(A) is not specifically prohibited by Federal law; and

"(B) is conducted within a State that does not, as a matter of public policy, prohibit that gaming activity;

"(6) Congress has the authority to regulate the privilege of doing business with Indian tribes in Indian country (as defined in section 1151 of title 18, United States Code);

"(7) systems for the regulation of gaming activities on Indian lands should meet or exceed federally established minimum regulatory requirements;

"(8) the operation of gaming activities on Indian lands has had a significant impact on commerce with foreign nations, and among the several States, and with the Indian tribes; and

"(9) the Constitution vests the Congress with the powers to regulate commerce with foreign nations, and among the several States, and with the Indian tribes, and this Act is enacted in the exercise of those powers.

"SEC. 3. PURPOSES.

"The purposes of this Act are—

"(1) to ensure the right of Indian tribes to conduct gaming activities on Indian lands in a manner consistent with—

"(A) the inherent sovereign rights of Indian tribes; and

"(B) the decision of the Supreme Court in California et al. v. Cabazon Band of Mission Indians et al. (480 U.S.C. 202, 107 S. Ct. 1083, 94 L. Ed. 2d 244 (1987)), involving the Cabazon and Morongo bands of Mission Indians;

"(2) to provide a statutory basis for the conduct of gaming activities on Indian lands as a means of promoting tribal economic development, tribal self-sufficiency, and strong Indian tribal governments;

"(3) to provide a statutory basis for the regulation of gaming activities on Indian lands by an Indian tribe that is adequate to shield those activities from organized crime and other corrupting influences, to ensure that an Indian tribal government is the primary beneficiary of the operation of gaming activities, and to ensure that gaming is conducted fairly and honestly by both the operator and players; and

"(4) to provide States with the opportunity to participate in the regulation of certain gaming activities conducted on Indian lands without compelling any action by a State with respect to the regulation of that gaming.";

(3) in section 4—

(A) by redesignating paragraphs (7) and (8) as paragraphs (5) and (6), respectively;

(B) by striking paragraphs (1) through (6) and inserting the following new paragraphs:

"(1) APPLICANT.—The term 'applicant' means any person who applies for a license pursuant to this Act, including any person who applies for a renewal of a license.

"(2) ATTORNEY GENERAL.—The term 'Attorney General' means the Attorney General of the United States.

"(3) CHAIRMAN.—The term 'Chairman' means the Chairman of the Commission.

"(4) CLASS I GAMING.—The term 'class I gaming' means social games played solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.";

(C) by striking paragraphs (9) and (10); and

(D) by adding after paragraph (6) (as redesignated by subparagraph (A) of this paragraph) the following new paragraphs:

"(7) COMMISSION.—The term 'Commission' means the National Indian Gaming Regulatory Commission established under section 5.

"(8) COMPACT.—The term 'compact' means an agreement relating to the operation of class III gaming on Indian lands that is entered into by an Indian tribe and a State and that is approved by the Secretary.

"(9) GAMING OPERATION.—The term 'gaming operation' means an entity that conducts class II or class III gaming on Indian lands.

"(10) INDIAN LANDS.—The term 'Indian lands' means—

"(A) all lands within the limits of any Indian reservation; and

"(B) any lands the title to which is held in trust by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power.

"(11) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community of Indians that—

"(A) is recognized as eligible by the Secretary for the special programs and services provided by the United States to Indians because of their status as Indians; and

"(B) is recognized as possessing powers of self-government.

"(12) MANAGEMENT CONTRACT.—The term 'management contract' means any contract or collateral agreement between an Indian tribe and a contractor, if that contract or agreement provides for the management of all or part of a gaming operation.

"(13) MANAGEMENT CONTRACTOR.—The term 'management contractor' means any person entering into a management contract with an Indian tribe or an agent of the Indian tribe for the management of a gaming operation, including any person with a financial interest in that contract.

"(14) NET REVENUES.—With respect to a gaming activity, net revenues shall constitute—

"(A) the annual amount of money wagered; reduced by

"(B)(i) any amounts paid out during the year involved for prizes awarded;

"(ii) the total operating expenses for the year involved (excluding any management fees) associated with the gaming activity; and

"(iii) an allowance for amortization of capital expenses for structures.

"(15) PERSON.—The term 'person' means—

"(A) an individual; or

"(B) a firm, corporation, association, organization, partnership, trust, consortium, joint venture, or other nongovernmental entity.

"(16) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.";

(4) in section 5(b)(3), by striking "At least two members of the Commission shall be enrolled members of any Indian tribe." and inserting "No fewer than 2 members of the Commission shall be individuals who—

"(A) are each enrolled as a member of an Indian tribe; and

"(B) have extensive experience or expertise in tribal government.";

(5) by striking sections 6 & 7 and 9 through 16, and redesignating section 8 as section 22 and inserting the following:

"SEC. 6. POWERS AND AUTHORITY OF THE NATIONAL INDIAN GAMING COMMISSION AND CHAIRMAN.

"(a) GENERAL POWERS OF COMMISSION.—

"(1) IN GENERAL.—The Commission shall have the power—

"(A) to approve the annual budget of the Commission;

"(B) to promulgate regulations to carry out the duties of the Commission under this Act in the same manner as an independent establishment (as that term is used in section 104 of title 5, United States Code);

"(C) to establish a rate of fees and assessments, as provided in section 14;

"(D) to conduct investigations, including background investigations;

"(E) to issue a temporary order closing the operation of gaming activities;

"(F) after a hearing, to make permanent a temporary order closing the operation of gaming activities, as provided in section 12;

"(G) to grant, deny, limit, condition, restrict, revoke, or suspend any license issued under any licensing authority conferred upon the Commission pursuant to this Act or fine any person licensed pursuant to this Act for violation of any of the conditions of licensure under this Act;

"(H) to inspect and examine all premises in which class II or class III gaming is conducted on Indian lands;

"(I) to demand access to and inspect, examine, photocopy, and audit all papers, books, and records of class II and class III gaming activities conducted on Indian lands and any other matters necessary to carry out the duties of the Commission under this Act;

"(J) to use the United States mails in the same manner and under the same conditions as any department or agency of the United States;

"(K) to procure supplies, services, and property by contract in accordance with applicable Federal laws;

"(L) to enter into contracts with Federal, State, tribal, and private entities for activities necessary to the discharge of the duties of the Commission;

"(M) to serve, or cause to be served, process or notices of the Commission in a manner provided for by the Commission or in a manner provided for the service of process and notice in civil actions in accordance with the applicable rules of a Federal, State, or tribal court;

"(N) to propound written interrogatories and appoint hearing examiners, to whom may be delegated the power and authority to administer oaths, issue subpoenas, propound written interrogatories, and require testimony under oath;

"(O) to conduct all administrative hearings pertaining to civil violations of this Act (including any civil violation of a regulation promulgated under this Act);

"(P) to collect all fees and assessments authorized by this Act and the regulations promulgated pursuant to this Act;

"(Q) to assess penalties for violations of the provisions of this Act and the regulations promulgated pursuant to this Act;

"(R) to provide training and technical assistance to Indian tribes with respect to all aspects of the conduct and regulation of gaming activities;

"(S) to monitor and, as specifically authorized by this Act, regulate class II and class III gaming;

"(T) to approve all management contracts and gaming-related contracts; and

"(U) in addition to the authorities otherwise specified in this Act, to delegate, by published order or rule, any of the functions of the Commission (including functions with respect to hearing, determining, ordering, certifying, reporting, or otherwise acting on the part of the Commission concerning any work, business, or matter) to a division of the Commission, an individual member of the Commission, an administrative law judge, or an employee of the Commission.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to authorize the delegation of the function of rulemaking, as described in subchapter II of chapter 5 of title 5, United States Code, with respect to general rules (as distinguished from rules of particular applicability), or the promulgation of any other rule.

"(b) RIGHT TO REVIEW DELEGATED FUNCTIONS.—

"(1) IN GENERAL.—With respect to the delegation of any of the functions of the Commission, the Commission shall retain a discretionary right to review the action of any division of the Commission, individual member of the Commission, administrative law judge, or employee of the Commission, upon the initiative of the Commission.

"(2) VOTE NEEDED FOR REVIEW.—The vote of 1 member of the Commission shall be sufficient to bring an action referred to in paragraph (1) before the Commission for review, and the Commission shall ratify, revise, or reject the action under review not later than the last day of the applicable period specified in regulations promulgated by the Commission.

"(3) FAILURE TO CONDUCT REVIEW.—If the Commission declines to exercise the right to that review or fails to exercise that right within the applicable period specified in regulations promulgated by the Commission, the action of any such division of the Commission, individual member of the Commission, administrative law judge, or employee shall, for all purposes, including any appeal or review of that action, be deemed an action of the Commission.

"(c) MINIMUM REQUIREMENTS.—The Commission shall advise the Secretary, as provided in section 8(a), with respect to the establishment of minimum Federal standards—

"(1) for background investigations, licensing of persons, and licensing of gaming operations associated with the conduct or regulation of class II and class III gaming on Indian lands by tribal governments; and

“(2) for the operation of class II and class III gaming activities on Indian lands, including—

“(A) surveillance and security personnel and systems capable of monitoring all gaming activities, including the conduct of games, cashiers' cages, change booths, count rooms, movements of cash and chips, entrances and exits to gaming facilities, and other critical areas of any gaming facility;

“(B) procedures for the protection of the integrity of the rules for the play of games and controls related to those rules;

“(C) credit and debit collection controls;

“(D) controls over gambling devices and equipment; and

“(E) accounting and auditing.

“(d) Commission Access to Information.—

“(1) In general.—The Commission may secure from any department or agency of the United States information necessary to enable the Commission to carry out this Act. Unless otherwise prohibited by law, upon request of the Chairman, the head of that department or agency shall furnish that information to the Commission.

“(2) Information transfer.—The Commission may secure from any law enforcement agency or gaming regulatory agency of any State, Indian tribe, or foreign nation information necessary to enable the Commission to carry out this Act. Unless otherwise prohibited by law, upon request of the Chairman, the head of any State or tribal law enforcement agency shall furnish that information to the Commission.

“(3) Privileged information.—Notwithstanding sections 552 and 552a of title 5, United States Code, the Commission shall protect from disclosure information provided by Federal, State, tribal, or international law enforcement or gaming regulatory agencies.

“(4) Law enforcement agency.—For purposes of this subsection, the Commission shall be considered to be a law enforcement agency.

“(e) Investigations and Actions.—

“(1) In general.—

“(A) Possible violations.—The Commission may, as specifically authorized by this Act, conduct such investigations as the Commission considers necessary to determine whether any person has violated, is violating, or is conspiring to violate any provision of this Act (including any rule or regulation promulgated under this Act). The Commission may require or permit any person to file with the Commission a statement in writing, under oath, or otherwise, as the Commission may determine, concerning all relevant facts and circumstances regarding the matter under investigation by the Commission pursuant to this subsection.

“(B) Administrative investigations.—The Commission may, as specifically authorized by this Act, investigate such facts, conditions, practices, or matters as the Commission considers necessary or proper to aid in—

“(i) the enforcement of any provision of this Act;

“(ii) issuing rules and regulations under this Act; or

“(iii) securing information to serve as a basis for recommending further legislation concerning the matters to which this Act relates.

“(2) Administrative authorities.—

“(A) In general.—

“(i) Administration of certain duties.—For the purpose of any investigation or any other proceeding conducted under this Act, an individual described in clause (ii) is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records that the Commission considers relevant or material to the inquiry. The attendance of those witnesses and the production of any such records may be required from any place in the United States at any designated place of hearing.

“(ii) Individuals described.—An individual described in this clause is—

“(I) any member of the Commission who is designated by the Commission to carry out duties specified in clause (i); or

“(II) any other officer of the Commission who is designated by the Commission to carry out duties specified in clause (i).

“(B) Requiring appearances or testimony.—In case of contumacy by, or refusal to obey any subpoena issued to, any person, the Commission may invoke the jurisdiction of any court of the United States within the jurisdiction of which an investigation or proceeding is carried on, or where that person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records.

“(C) Court orders.—Any court described in subparagraph (B) may issue an order requiring that person to appear before the Commission, a member of the Commission, or an officer designated by the Commission, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question, and any failure to obey that order of the court may be punished by that court as a contempt of that court.

“(3) Enforcement.—

“(A) In general.—If the Commission determines that any person is engaged, has engaged, or is conspiring to engage in any act or practice constituting a violation of any provision of this Act (including any rule or regulation promulgated under this Act), the Commission may—

“(i) bring an action in the appropriate district court of the United States or the United States District Court for the District of Columbia to enjoin that act or practice, and upon a proper showing, the court shall grant, without bond, a permanent or temporary injunction or restraining order; or

“(ii) transmit such evidence as may be available concerning that act or practice as may constitute a violation of any Federal criminal law to the Attorney General, who may institute the necessary criminal or civil proceedings.

“(B) Statutory construction.—

“(i) In general.—The authority of the Commission to conduct investigations and take actions under subparagraph (A) may not be construed to affect in any way the authority of any other agency or department of the United States to carry out statutory responsibilities of that agency or department.

“(ii) Effect of transmittal by the Commission.—The transmittal by the Commission pursuant to subparagraph (A)(ii) may not be construed to constitute a condition precedent with respect to any action taken by any department or agency referred to in clause (i).

“(4) Writs, injunctions, and orders.—Upon application of the Commission, each district court of the United States shall have jurisdiction to issue writs of mandamus, injunctions, and orders commanding any person to comply with the provisions of this Act (including any rule or regulation promulgated under this Act).

“(f) Powers of the Chairperson.—The Chairman shall have such powers as may be delegated to the Chairman by the Commission.

“SEC. 7. REGULATORY FRAMEWORK.

“(a) Class II Gaming.—For class II gaming, Indian tribes shall retain the right of those tribes, in a manner that meets or exceeds minimum Federal standards described in section 6(c) (that are established by the Secretary under section 8)—

“(1) to monitor and regulate that gaming;

“(2) to conduct background investigations; and

“(3) to establish and regulate internal control systems.

“(b) Class III Gaming Conducted Under a Compact.—For class III gaming conducted under the authority of a compact entered into pursuant to section 10, an Indian tribe or a State, or both, as provided in a compact or by tribal ordinance or resolution, shall, in a manner that meets or exceeds minimum Federal standards described in section 6(c) (that are established by the Secretary under section 8)—

“(1) monitor and regulate gaming;

“(2) conduct background investigations; and

“(3) establish and regulate internal control systems.

“(c) Violations of Minimum Federal Standards.—

“(1) Class II gaming.—In any case in which an Indian tribe that regulates or conducts class II gaming on Indian lands substantially fails to meet minimum Federal standards for that gaming, after providing the Indian tribe notice and reasonable opportunity to cure violations and to be heard, and after the exhaustion of other authorized remedies and sanctions, the Commission shall have the authority to conduct background investigations, issue licenses, and establish and regulate internal control systems relating to class II gaming conducted by the Indian tribe. That authority of the Commission may be exclusive until such time as the regulatory and internal control systems of the Indian tribe meet or exceed the minimum Federal standards concerning regulatory, licensing, or internal control requirements established by the Secretary, in consultation with the Commission, for that gaming.

“(2) Class III gaming.—In any case in which an Indian tribe or a State (or both) that regulates class III gaming on Indian lands fails to meet or enforce minimum Federal standards for class III gaming, after providing notice and reasonable opportunity to cure violations and be heard, and after the exhaustion of other authorized remedies and sanctions, the Commission shall have the authority to conduct background investigations, issue licenses, and establish and regulate internal control systems relating to class III gaming conducted by the Indian tribe. That authority of the Commission may be exclusive until such time as the regulatory or internal control systems of the Indian tribe or the State (or both) meet or exceed the minimum Federal regulatory, licensing, or internal control requirements established by the Secretary, in consultation with the Commission, for that gaming.

“SEC. 8. NEGOTIATED RULEMAKING.

“(a) In General.—Subject to subsection (b), not later than 180 days after the date of enactment of the Indian Gaming Regulatory Improvement Act of 1998, the Secretary shall, in cooperation with Indian tribes, and in accordance with the negotiated rulemaking procedures under subchapter III of chapter 5 of title 5, United States Code, promulgate minimum Federal standards relating to background investigations, internal control systems, and licensing standards (as described in section 6(c)).

"(b) NEGOTIATED RULEMAKING COMMITTEE.—The negotiated rulemaking committee established under subchapter III of chapter 5 of title 5, United States Code, to carry out subsection (a) shall be established by the Secretary, in consultation with the Attorney General and the Commission.

"(c) FACTORS FOR CONSIDERATION.—While the minimum Federal standards established pursuant to this section may be developed with due regard for existing industry standards, the Secretary and the negotiated rulemaking committee established under subsection (b), in promulgating standards pursuant to this section, shall also consider—

"(1) the unique nature of tribal gaming as compared to commercial gaming, other governmental gaming, and charitable gaming;

"(2) the broad variations in the scope and size of tribal gaming activity;

"(3) the inherent sovereign rights of Indian tribes with respect to regulating their own affairs;

"(4) the findings and purposes set forth in sections 2 and 3;

"(5) the effectiveness and efficiency of a national licensing program for vendors or management contractors; and

"(6) other matters that are not inconsistent with the purposes of this Act.

"SEC. 9. REQUIREMENTS FOR THE CONDUCT OF CLASS I AND CLASS II GAMING ON INDIAN LANDS.

"(a) CLASS I GAMING.—Class I gaming on Indian lands shall be within the exclusive jurisdiction of the Indian tribes and shall not be subject to the provisions of this Act.

"(b) CLASS II GAMING.—

"(1) IN GENERAL.—Any class II gaming on Indian lands shall be within the jurisdiction of the Indian tribes, but shall be subject to the provisions of this Act.

"(2) LEGAL ACTIVITIES.—An Indian tribe may engage in, and license and regulate, class II gaming on Indian lands within the jurisdiction of that Indian tribe, if—

"(A) such Indian gaming is located within a State that permits such gaming for any purpose by any person, organization, or entity (and such gaming is not otherwise specifically prohibited on Indian lands by Federal law); and

"(B) such Indian gaming meets or exceeds the requirements of this section and the standards described in section 6(c) (that are established by the Secretary under section 8).

"(3) REQUIREMENTS FOR CLASS II GAMING OPERATIONS.—

"(A) IN GENERAL.—The Commission shall ensure that, with regard to any class II gaming operation on Indian lands—

"(i) a separate license is issued by the Indian tribe for each place, facility, or location on Indian lands at which that Indian gaming is conducted;

"(ii) the Indian tribe has or will have the sole proprietary interest and responsibility for the conduct of any class II gaming, unless the conditions of clause (ix) apply;

"(iii) the net revenues from any class II gaming activity are used only—

"(I) to fund tribal government operations or programs;

"(II) to provide for the general welfare of the Indian tribe and the members of the Indian tribe;

"(III) to promote tribal economic development;

"(IV) to donate to charitable organizations;

"(V) to help fund operations of local government agencies;

"(VI) to comply with the provisions of section 14; or

"(VII) to make per capita payments to members of the Indian tribe pursuant to clause (viii);

"(iv) the Indian tribe provides to the Commission annual outside audit reports of the class II gaming operation of the Indian tribe, which may be encompassed within existing independent tribal audit systems;

"(v) each contract for supplies, services, or concessions for a contract amount equal to more than $100,000 per year, other than a contract for professional legal or accounting services, relating to that gaming is subject to those independent audit reports and any audit conducted by the Commission;

"(vi) the construction and maintenance of a class II gaming facility and the operation of class II gaming are conducted in a manner that adequately protects the environment and public health and safety;

"(vii) there is instituted an adequate system that—

"(I) ensures that—

"(aa) background investigations are conducted on primary management officials, key employees, and persons having material control, either directly or indirectly, in a licensed class II gaming operation, and gaming-related contractors associated with a licensed class II gaming operation; and

"(bb) oversight of those officials and the management by those officials is conducted on an ongoing basis; and

"(II) includes—

"(aa) tribal licenses for persons involved in class II gaming operations, issued in accordance with the standards described in section 6(c) (that are established by the Secretary under section 8);

"(bb) a standard under which any person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices and methods and activities in the conduct of gaming shall not be eligible for employment or licensure; and

"(cc) notification by the Indian tribe to the Commission of the results of that background investigation before the issuance of any such license;

"(viii) net revenues from any class II gaming activities conducted or licensed by any Indian tribal government are used to make per capita payments to members of the Indian tribe only if—

"(I) the Indian tribe has prepared a plan to allocate revenues to uses authorized by clause (iii);

"(II) the Secretary determines that the plan is adequate, particularly with respect to uses described in subclause (I) or (III) of clause (iii);

"(III) the interests of minors and other legally incompetent persons who are entitled to receive any of the per capita payments are protected and preserved;

"(IV) the per capita payments to minors and other legally incompetent persons are disbursed to the parents or legal guardians of those minors or legally incompetent persons in such amounts as may be necessary for the health, education, or welfare of each such minor or legally incompetent person under a plan approved by the Secretary and the governing body of the Indian tribe; and

"(V) the per capita payments are subject to Federal income taxation for individuals and Indian tribes withhold those taxes when those payments are made;

"(ix) a separate license is issued by the Indian tribe for any class II gaming operation owned by any person or entity other than the Indian tribe and conducted on Indian lands, that includes—

"(I) requirements set forth in clauses (v) through (vii) (other than the requirements of clauses (vii)(II)(cc) and (x)); and

"(II) requirements that are at least as restrictive as those established by State law governing similar gaming within the jurisdiction of the State within which those Indian lands are located; and

"(x) no person or entity, other than the Indian tribe, is eligible to receive a tribal license for a class II gaming operation conducted on Indian lands within the jurisdiction of the Indian tribe if that person or entity would not be eligible to receive a State license to conduct the same activity within the jurisdiction of the State.

"(B) TRANSITION.—

"(i) IN GENERAL.—Clauses (ii), (iii), and (ix) of subparagraph (A) shall not bar the continued operation of a class II gaming operation described in clause (ix) of that subparagraph that was operating on September 1, 1986, if—

"(I) that gaming operation is licensed and regulated by an Indian tribe;

"(II) income to the Indian tribe from that gaming is used only for the purposes described in subparagraph (A)(iii);

"(III) not less than 60 percent of the net revenues from that gaming operation is income to the licensing Indian tribe; and

"(IV) the owner of that gaming operation pays an appropriate assessment to the Commission pursuant to section 14 for the regulation of that gaming.

"(ii) LIMITATIONS ON EXEMPTION.—The exemption from application provided under clause (i) may not be transferred to any person or entity and shall remain in effect only during such period as the gaming operation remains within the same nature and scope as that gaming operation was actually operated on October 17, 1988.

"(C) LIST.—The Commission shall—

"(i) maintain a list of each gaming operation that is subject to subparagraph (B); and

"(ii) publish that list in the Federal Register.

"(c) PETITION FOR CERTIFICATE OF SELF-REGULATION.—

"(1) IN GENERAL.—Any Indian tribe that operates, directly or with a management contract, a class II gaming activity may petition the Commission for a certificate of self-regulation if that Indian tribe—

"(A) has continuously conducted that gaming activity for a period of not less than 3 years, including a period of not less than 1 year that begins after the date of enactment of the Indian Gaming Regulatory Improvement Act of 1998; and

"(B) has otherwise complied with the provisions of this Act.

"(2) ISSUANCE OF CERTIFICATE OF SELF-REGULATION.—The Commission shall issue a certificate of self-regulation under this subsection if the Commission determines, on the basis of available information, and after a hearing if requested by the Indian tribe, that the Indian tribe has—

"(A) conducted its gaming activity in a manner that has—

"(i) resulted in an effective and honest accounting of all revenues;

"(ii) resulted in a reputation for safe, fair, and honest operation of the activity; and

"(iii) been generally free of evidence of criminal activity;

"(B) adopted and implemented adequate systems for—

"(i) accounting for all revenues from the gaming activity;

"(ii) investigation, licensing, and monitoring of all employees of the gaming activity; and

"(iii) investigation, enforcement, and prosecution of violations of its gaming ordinance and regulations;

"(C) conducted the operation on a fiscally and economically sound basis; and

"(D) paid all fees and assessments that the Indian tribe is required to pay to the Commission under this Act.

"(3) EFFECT OF CERTIFICATE OF SELF-REGULATION.—During the period in which a certificate of self-regulation issued under this subsection is in effect with respect to a gaming activity conducted by an Indian tribe—

"(A) the Indian tribe shall—

"(i) submit an annual independent audit report as required by subsection (b)(3)(A)(iv); and

"(ii) submit to the Commission a complete résumé of each employee hired and licensed by the Indian tribe subsequent to the issuance of a certificate of self-regulation; and

"(B) the Commission may not assess a fee under section 15 on gaming operated by the Indian tribe pursuant to paragraph (1) in excess of 0.25 percent of the net revenue from that class II gaming activity.

"(4) RESCISSION.—The Commission may, for just cause and after a reasonable opportunity for a hearing, rescind a certificate of self-regulation issued under this subsection by majority vote of the members of the Commission.

"(d) LICENSE REVOCATION.—If, after the issuance of any license by an Indian tribe under this section, the Indian tribe receives reliable information from the Commission indicating that a licensee does not meet any standard described in section 6(c) (that is established by the Secretary under section 8), or any other applicable regulation promulgated under this Act, the Indian tribe—

"(1) shall immediately suspend that license; and

"(2) after providing notice, holding a hearing, and making findings of fact under procedures established pursuant to applicable tribal law, may revoke that license.

"SEC. 10. CLASS III GAMING ON INDIAN LANDS.

"(a) REQUIREMENTS FOR THE CONDUCT OF CLASS III GAMING ON INDIAN LANDS.—

"(1) IN GENERAL.—Class III gaming activities shall be lawful on Indian lands only if those activities are—

"(A) authorized by a compact that—

"(i) is approved pursuant to tribal law by the governing body of the Indian tribe having jurisdiction over those lands;

"(ii) meets the requirements of this section 9(b)(3) for the conduct of class II gaming activities; and

"(iii) is approved by the Secretary;

"(B) located in a State that permits such gaming for any purpose by any person, organization or entity; and

"(C) conducted in conformance with a compact that—

"(i) is in effect; and

"(ii) is—

"(I) entered into by an Indian tribe and a State and approved by the Secretary under paragraph (2); or

"(II) issued by the Secretary under paragraph (2).

"(2) COMPACT NEGOTIATIONS; APPROVAL.—

"(A) IN GENERAL.—

"(i) COMPACT NEGOTIATIONS.—Any Indian tribe having jurisdiction over the lands upon which a class III gaming activity is to be conducted may request the State in which those lands are located to enter into negotiations for the purpose of entering into a compact with that State governing the conduct of class III gaming activities.

"(ii) REQUIREMENTS FOR REQUEST FOR NEGOTIATIONS.—A request for negotiations under clause (i) shall be in writing and shall specify each gaming activity that the Indian tribe proposes for inclusion in the compact. Not later than 30 days after receipt of that written request, the State shall respond to the Indian tribe.

"(iii) COMMENCEMENT OF COMPACT NEGOTIATIONS.—Compact negotiations conducted under this paragraph shall commence not later than 30 days after the date on which a response by a State is due to the Indian tribe, and shall be completed not later than 120 days after the initiation of compact negotiations, unless the State and the Indian tribe agree to a different period of time for the completion of compact negotiations.

"(B) NEGOTIATIONS.—

"(i) IN GENERAL.—The Secretary shall, upon the request of an Indian tribe described in subparagraph (A)(i) that has not reached an agreement with a State concerning a compact referred to in that subparagraph (or with respect to an Indian tribe described in clause (ii)(I)(bb) a compact) during the applicable period under clause (ii) of this subparagraph, initiate a mediation process to—

"(I) conclude a compact referred to in subparagraph (A)(i); or

"(II) if necessary, provide for the issuance of procedures by the Secretary to govern the conduct of the gaming referred to in that subparagraph.

"(ii) APPLICABLE PERIOD.—

"(I) IN GENERAL.—Subject to subclause (II), the applicable period described in this paragraph is—

"(aa) in the case of an Indian tribe that makes a request for compact negotiations under subparagraph (A), the 180-day period beginning on the date on which that Indian tribe makes the request; and

"(bb) in the case of an Indian tribe that makes a request to renew a compact to govern class III gaming activity on Indian lands of that Indian tribe within the State that the Indian tribe entered into prior to the date of enactment of the Indian Gaming Regulatory Improvement Act of 1998, during the 60-day period beginning on the date of that request.

"(II) EXTENSION.—An Indian tribe and a State may agree to extend an applicable period under this paragraph beyond the applicable termination date specified in item (aa) or (bb) of subclause (I).

"(iii) MEDIATION.—

"(I) IN GENERAL.—The Secretary shall initiate mediation to conclude a compact governing the conduct of class III gaming activities on Indian lands upon a showing by an Indian tribe that, within the applicable period specified in clause (ii), a State has failed—

"(aa) to respond to a request by an Indian tribe for negotiations under this subparagraph; or

"(bb) to negotiate in good faith.

"(II) EFFECT OF DECLINING NEGOTIATIONS.—The Secretary shall initiate mediation immediately after a State declines to enter into negotiations under this subparagraph, without regard to whether the otherwise applicable period specified in clause (ii) has expired.

"(III) COPY OF REQUEST.—An Indian tribe that requests mediation under this clause shall provide the State that is the subject of the mediation request a copy of the mediation request submitted to the Secretary.

"(IV) PANEL.—The Secretary, in consultation with the Indian tribes and States, shall establish a list of independent mediators, that the Secretary, in consultation with the Indian tribes and the States, shall periodically update.

"(V) NOTIFICATION BY STATE.—Not later than 10 days after an Indian tribe makes a request to the Secretary for mediation under subclause (I), the State that is the subject of the mediation request shall notify the Secretary whether the State elects to participate in the mediation process. If the State elects to participate in the mediation, the mediation shall be conducted in accordance with subclause (VI). If the State declines to participate in the mediation process, the Secretary shall issue procedures under clause (iv).

"(VI) MEDIATION PROCESS.—

"(aa) IN GENERAL.—Not later than 20 days after a State elects under subclause (V) to participate in a mediation, the Secretary shall submit to the Indian tribe and the State the names of 3 mediators randomly selected by the Secretary from the list of mediators established under subclause (IV).

"(bb) SELECTION OF MEDIATOR.—Not later than 10 days after the Secretary submits the mediators referred to in item (aa), the Indian tribe and the State may elect to have the Secretary remove a mediator from the mediators submitted. If the parties referred to in the preceding sentences fail to remove 2 mediators, the Secretary shall remove such names as may be necessary to result in the removal of 2 mediators. The remaining mediator shall conduct the mediation.

"(cc) INITIAL PERIOD OF MEDIATION.—The mediator shall, during the 60-day period beginning on the date on which the mediator is selected under item (bb) (or a longer period on the agreement of the parties referred to in that item for an extension of the period) attempt to achieve a compact.

"(dd) LAST-BEST-OFFER.—If by the termination of the period specified in item (cc), no agreement for concluding a compact is achieved by the parties to the mediation, each such party may, not later than 10 days after that date, submit to the mediator an offer that represents the best offer that the party intends to make for achieving an agreement for concluding a compact (referred to in this item as a 'last-best-offer'). The mediator shall review a last-best-offer received under this item not later than 30 days after the date of submission of the offer.

"(ee) REPORT BY MEDIATOR.—Not later than the date specified for the completion of a review of a last-best-offer under item (dd), or in any case in which either party in a mediation fails to make such an offer, the date that is 10 days after the termination of the initial period of mediation under item (cc), the mediator shall prepare and submit to the Secretary a report that includes the contentions of the parties, the conclusions of the mediator concerning the permissible scope of gaming on the Indian lands involved, and recommendations for the operation and regulation of gaming on the Indian lands in accordance with this Act.

"(ff) FINAL DETERMINATIONS.—Not later than 60 days after receiving a report from a mediator under item (ee), the Secretary shall make a final determination concerning the operation and regulation of the class III gaming that is the subject of the mediation.

"(iv) PROCEDURES.—Subject to clause (v), the Secretary shall issue procedures for the operation and regulation of the class III gaming described in that item by the date that is 180 days after the date specified in clause (iii)(V) or upon the determination described in clause (iii)(iv)(ff).

"(v) PROHIBITION.—No compact negotiated, or procedures issued, under this subparagraph shall require that a State undertake any regulation of gaming on Indian lands unless—

"(I) the State affirmatively consents to regulate that gaming; and

"(II) applicable State laws permit that regulatory function.

"(C) MANDATORY DISAPPROVAL.—Notwithstanding any other provision of this Act, the Secretary may not approve a compact if the compact requires State regulation of Indian gaming absent the consent of the State or the Indian tribe.

"(D) EFFECTIVE DATE OF COMPACT OF PROCEDURES.—Any compact negotiated, or procedures issued, under this subsection shall become effective upon the publication of the compact or procedures in the Federal Register by the Secretary.

"(E) EFFECT OF PUBLICATION OF COMPACT.—Except for an appeal conducted under subchapter II of chapter 5 of title 5, United States Code, by an Indian tribe or a State associated with the compact, the publication of a compact pursuant to subparagraph (B) shall, for the purposes of this Act, be conclusive evidence that the class III gaming subject to the compact is an activity subject to negotiations under the laws of the State where the gaming is to be conducted, in any matter under consideration by the Commission or a Federal court.

"(F) DUTIES OF COMMISSION.—Consistent with the requirements of the standards described in section 6(c) (that are established by the Secretary under section 8) and the requirements of section 7, the Commission shall monitor and, if specifically authorized by those standards and section 7, regulate and license class III gaming with respect to any compact that is approved by the Secretary under this subsection and published in the Federal Register.

"(3) PROVISIONS OF COMPACTS.—

"(A) IN GENERAL.—A compact negotiated under this subsection may only include provisions relating to—

"(i) the application of the criminal and civil laws (including regulations) of the Indian tribe or the State that are directly related to, and necessary for, the licensing and regulation of that gaming activity in a manner consistent with the requirements of the standards described in section 6(c) (that are established by the Secretary under section 8) and section 7;

"(ii) the allocation of criminal and civil jurisdiction between the State and the Indian tribe necessary for the enforcement of those laws (including regulations);

"(iii) the assessment by the State of the costs associated with those activities in such amounts as are necessary to defray the costs of regulating that activity;

"(iv) taxation by the Indian tribe of that activity in amounts comparable to amounts assessed by the State for comparable activities;

"(v) remedies for breach of compact provisions;

"(vi) standards for the operation of that activity and maintenance of the gaming facility, including licensing, in a manner consistent with the requirements of the standards described in section 6(c) (that are established by the Secretary under section 8) and section 7; and

"(vii) any other subject that is directly related to the operation of gaming activities.

"(B) STATUTORY CONSTRUCTION WITH RESPECT TO ASSESSMENTS; PROHIBITION.—

"(i) STATUTORY CONSTRUCTION.—Except for any assessments for services agreed to by an Indian tribe in compact negotiations, nothing in this section may be construed as conferring upon a State, or any political subdivision thereof, the authority to impose any tax, fee, charge, or other assessment upon an Indian tribe, an Indian gaming operation or the value generated by the gaming operation, or any person or entity authorized by an Indian tribe to engage in a class III gaming activity in conformance with this Act.

"(ii) ASSESSMENT BY STATES.—A State may assess the assessments agreed to by an Indian tribe referred to in clause (i) in a manner consistent with that clause.

"(4) STATUTORY CONSTRUCTION WITH RESPECT TO CERTAIN RIGHTS OF INDIAN TRIBES.—Nothing in this subsection impairs the right of an Indian tribe to regulate class III gaming on the Indian lands of the Indian tribe concurrently with a State and the Commission, except to the extent that such regulation is inconsistent with, or less stringent than, this Act or any laws (including regulations) made applicable by any compact entered into by the Indian tribe under this subsection that is in effect.

"(5) EXEMPTION.—The provisions of section 2 of the Act of January 2, 1951 (commonly referred to as the 'Gambling Devices Transportation Act') (64 Stat. 1134, chapter 1194; 15 U.S.C. 1175) shall not apply to any class II gaming activity or any gaming activity conducted pursuant to a compact entered into after the date of enactment of this Act, but in no event shall this paragraph be construed as invalidating any exemption from the provisions of such section 2 for any compact entered into prior to the date of enactment of this Act.

"(b) JURISDICTION OF UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.—The United States District Court for the District of Columbia shall have jurisdiction over any action initiated by the Secretary, the Commission, a State, or an Indian tribe to enforce any provision of a compact entered into under subsection (a) or to enjoin a class III gaming activity located on Indian lands and conducted in violation of any compact that is in effect and that was entered into under subsection (a).

"(c) APPROVAL OF COMPACTS.—

"(1) IN GENERAL.—The Secretary may approve any compact between an Indian tribe and a State governing the conduct of class III gaming on Indian lands of that Indian tribe entered into under subsection (a).

"(2) REASONS FOR DISAPPROVAL BY SECRETARY.—The Secretary may disapprove a compact entered into under subsection (a) only if that compact violates any—

"(A) provision of this Act or any regulation promulgated by the Commission pursuant to this Act;

"(B) other provision of Federal law; or

"(C) trust obligation of the United States to Indians.

"(3) EFFECT OF FAILURE TO ACT ON COMPACT.—If the Secretary fails to approve or disapprove a compact entered into under subsection (a) before the date that is 45 days after the date on which the compact is submitted to the Secretary for approval, the compact shall be considered to have been approved by the Secretary, but only to the extent the compact is consistent with the provisions of this Act and the regulations promulgated by the Commission pursuant to this Act.

"(4) NOTIFICATION.—The Secretary shall publish in the Federal Register notice of any compact that is approved, or considered to have been approved, under this subsection.

"(d) REVOCATION OF ORDINANCE.—

"(1) IN GENERAL.—The governing body of an Indian tribe, in its sole discretion, may adopt an ordinance or resolution revoking any prior ordinance or resolution that authorized class III gaming on the Indian lands of the Indian tribe. That revocation shall render class III gaming illegal on the Indian lands of that Indian tribe.

"(2) PUBLICATION OF REVOCATION.—An Indian tribe shall submit any revocation ordinance or resolution described in paragraph (1) to the Commission. The Commission shall publish that ordinance or resolution in the Federal Register. The revocation provided by that ordinance or resolution shall take effect on the date of that publication.

"(3) CONDITIONAL OPERATION.—Notwithstanding any other provision of this subsection—

"(A) any person or entity operating a class III gaming activity pursuant to this Act on the date on which an ordinance or resolution described in paragraph (1) that revokes authorization for that class III gaming activity is published in the Federal Register may, during the 1-year period beginning on the date on which that revocation, ordinance, or resolution is published under paragraph (2), continue to operate that activity in conformance with an applicable compact entered into under subsection (a) that is in effect; and

"(B) any civil action that arises before, and any crime that is committed before, the termination of that 1-year period shall not be affected by that revocation ordinance, or resolution.

"(e) CERTAIN CLASS III GAMING ACTIVITIES.—

"(1) COMPACTS ENTERED INTO BEFORE THE DATE OF ENACTMENT OF THE INDIAN GAMING REGULATORY IMPROVEMENT ACT OF 1998.—Class III gaming activities that are authorized under a compact approved or issued by the Secretary under the authority of this Act prior to the date of enactment of the Indian Gaming Regulatory Improvement Act of 1998 shall, during such period as the compact is in effect, remain lawful for the purposes of this Act, notwithstanding the Indian Gaming Regulatory Improvement Act of 1998 and the amendments made by that Act or any change in State law, other than a change in State law that constitutes a change in the public policy of the State with respect to permitting or prohibiting class III gaming in the State.

"(2) COMPACT ENTERED INTO AFTER THE DATE OF ENACTMENT OF THE INDIAN GAMING REGULATORY IMPROVEMENT ACT OF 1998.—Any compact entered into under subsection (a) after the date specified in paragraph (1) shall remain lawful for the purposes of this Act, notwithstanding any change in State law, other than a change in State law that constitutes a change in the public policy of the State with respect to with respect to permitting or prohibiting class III gaming in the State.

"SEC. 11. REVIEW OF CONTRACTS.

"(a) CONTRACTS INCLUDED.—The Commission shall, in accordance with this section, review and approve or disapprove any management contract for the operation and management of any gaming activity that an Indian tribe may engage in under this Act.

"(b) MANAGEMENT CONTRACT REQUIREMENTS.—The Commission shall approve any management contract between an Indian tribe and a person licensed by an Indian tribe or the Commission that is entered into pursuant to this Act only if the Commission determines that the contract provides for—

"(1) adequate accounting procedures that are maintained, and verifiable financial reports that are prepared, by or for the governing body of the Indian tribe on a monthly basis;

"(2) access to the daily gaming operations by appropriate officials of the Indian tribe who shall have the right to verify the daily gross revenues and income derived from any gaming activity;

"(3) a minimum guaranteed payment to the Indian tribe that has preference over the retirement of any development and construction costs;

"(4) an agreed upon ceiling for the repayment of any development and construction costs;

"(5) a contract term of not to exceed 5 years, except that, upon the request of an Indian tribe, the Commission may authorize a contract term that exceeds 5 years but does not exceed 7 years if the Commission is satisfied that the capital investment required, and the income projections for, the particular gaming activity require the additional time; and

"(6) grounds and mechanisms for the termination of the contract, but any such termination shall not require the approval of the Commission.

"(c) Management Fee Based on Percentage of Net Revenues.—

"(1) Percentage fee.—The Commission may approve a management contract that provides for a fee that is based on a percentage of the net revenues of a tribal gaming activity if the Commission determines that such percentage fee is reasonable, taking into consideration surrounding circumstances.

"(2) Fee amount.—Except as provided in paragraph (3), a fee described in paragraph (1) shall not exceed an amount equal to 30 percent of the net revenues described in that paragraph.

"(3) Exception.—Upon the request of an Indian tribe, if the Commission is satisfied that the capital investment required, and income projections for, a tribal gaming activity, necessitate a fee in excess of the amount specified in paragraph (2), the Commission may approve a management contract that provides for a fee described in paragraph (1) in an amount in excess of the amount specified in paragraph (2), but not to exceed 40 percent of the net revenues described in paragraph (1).

"(d) Time Period for Review.—

"(1) In general.—Except as provided in paragraph (2), not later than 90 days after the date on which a management contract is submitted to the Commission for approval, the Commission shall approve or disapprove that contract on the merits of the contract.

"(2) Extension.—The Commission may extend the 90-day period for an additional period of not more than 45 days if the Commission notifies the Indian tribe in writing of the reason for the extension of the period.

"(3) Action.—The Indian tribe may bring an action in the United States District Court for the District of Columbia to compel action by the Commission if a contract has not been approved or disapproved by the termination date of an applicable period under this subsection.

"(e) Contract Modifications and Void Contracts.—The Commission, after providing notice and a hearing on the record—

"(1) shall have the authority to require appropriate contract modifications to ensure compliance with the provisions of this Act; and

"(2) may declare invalid any contract regulated by the Commission under this Act if the Commission determines that any provision of this Act has been violated by the terms of the contract.

"(f) Interests in Real Property.—No contract regulated by this Act may transfer or, in any other manner, convey any interest in land or other real property, unless—

"(1) specific statutory authority exists;

"(2) all necessary approvals for the transfer or conveyance have been obtained; and

"(3) the transfer or conveyance is clearly specified in the contract.

"(g) Authority of the Secretary.—The authority of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) shall not extend to any contract or agreement that is regulated pursuant to this Act.

"(h) Disapproval of Contracts.—The Commission may not approve a management contract or other gaming-related contract if the Commission determines that—

"(1) any person having a direct financial interest in, or management responsibility for, that contract, and, in the case of a corporation, any individual who serves on the board of directors of that corporation, and any of the stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock—

"(A) is an elected member of the governing body of the Indian tribe that is a party to the contract;

"(B) has been convicted of any felony or gaming offense;

"(C) has knowingly and willfully provided materially important false statements or information to the Commission or the Indian tribe pursuant to this Act or has refused to respond to questions propounded by the Commission; or

"(D) has been determined to be a person whose prior activities, criminal record, if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto;

"(2) the contractor—

"(A) has unduly interfered or influenced for its gain or advantage any decision or process of tribal government relating to the gaming activity; or

"(B) has attempted to interfere or influence a decision pursuant to subparagraph (A);

"(3) the contractor has deliberately or substantially failed to comply with the terms of the contract; or

"(4) a trustee, exercising the skill and diligence that a trustee is commonly held to, would not approve the contract.

"SEC. 12. CIVIL PENALTIES.

"(a) Amount.—Any person who commits any act or causes to be done any act that violates any provision of this Act or any rule or regulation promulgated under this Act, or who fails to carry out any act or causes the failure to carry out any act that is required by any such provision of law shall be subject to a civil penalty in an amount equal to not more than $25,000 per day for each such violation.

"(b) Assessment and Collection.—

"(1) In general.—Each civil penalty assessed under this section shall be assessed by the Commission and collected in a civil action brought by the Attorney General on behalf of the United States. Before the Commission refers civil penalty claims to the Attorney General, the Commission may compromise the civil penalty after affording the person charged with a violation referred to in subsection (a), an opportunity to present views and evidence in support of that action by the Commission to establish that the alleged violation did not occur.

"(2) Penalty amount.—In determining the amount of a civil penalty assessed under this section, the Commission shall take into account—

"(A) the nature, circumstances, extent, and gravity of the violation committed;

"(B) with respect to the person found to have committed that violation, the degree of culpability, any history of prior violations, ability to pay, and the effect on ability to continue to do business; and

"(C) such other matters as justice may require.

"(c) Temporary Closures.—

"(1) In general.—The Commission may order the temporary closure of all or part of an Indian gaming operation for a substantial violation of any provision of law referred to in subsection (a).

"(2) Hearing on order of temporary closure.—

"(A) In general.—Not later than 10 days after the issuance of an order of temporary closure, the Indian tribe or the individual owner of a gaming operation shall have the right to request a hearing on the record before the Commission to determine whether that order should be made permanent or dissolved.

"(B) Deadlines relating to hearing.—Not later than 30 days after a request for a hearing is made under subparagraph (A), the Commission shall conduct that hearing. Not later than 30 days after the termination of the hearing, the Commission shall render a final decision on the closure.

"SEC. 13. JUDICIAL REVIEW.

"A decision made by the Commission pursuant to section 6, 7, 11, or 12 shall constitute a final agency decision for purposes of appeal to the United States District Court for the District of Columbia pursuant to chapter 7 of title 5, United States Code.";

(6) by redesignating sections 18 and 19 as sections 14 and 15, respectively;

(7) in section 14, as redesignated—

(A) in subsection (a)—

(i) by striking paragraphs (3) through (6);

(ii) by redesignating paragraph (2) as paragraph (3);

(iii) by striking "(a)(1) The Commission" and inserting the following:

"(2) Minimum fees.—The Commission";

(iv) by inserting before paragraph (2) the following:

"(a) Annual Fees.—

"(1) Minimum regulatory fees.—In addition to assessing fees pursuant to a schedule established under paragraph (2), the Commission shall require each gaming operation that conducts a class II or class III gaming activity that is regulated by this Act to pay to the Commission, on a quarterly basis, a minimum fee in an amount equal to $250."; and

(v) in paragraph (3), as redesignated, by striking subparagraphs (B) and (C) and inserting the following:

"(B) Graduated fee limitation.—

"(i) In general.—The aggregate amount of fees collected under this paragraph shall not exceed—

"(I) $8,000,000 for fiscal year 1999;

"(II) $9,000,000 for fiscal year 2000; and

"(III) $11,000,000 for fiscal year 2001, and for each fiscal year thereafter.

“(C) FACTORS FOR CONSIDERATION.—

“(i) IN GENERAL.—The aggregate amount of fees assessed under this section shall be reasonably related to the costs of services provided by the Commission to Indian tribes under this Act (including the cost of issuing regulations necessary to carry out this Act). In assessing and collecting fees under this section, the Commission shall take into account all of the duties of, and services provided by, the Commission under this Act.

“(ii) FACTORS FOR CONSIDERATION.—In determining the amount of fees to be assessed against class II or class III gaming activities regulated by this Act, the Commission shall consider the extent of regulation of gaming activities by States and Indian tribes and shall, if appropriate, reduce or eliminate the fees authorized by this section.

“(iii) CONSULTATION.—In establishing any schedule of fees under this subsection, the Commission shall consult with Indian tribes.

“(4) TRUST FUND.—

“(A) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the Indian Gaming Trust Fund (referred to in this paragraph as the ‘Trust Fund’), consisting of—

“(i) such amounts as are—

“(I) transferred to the Trust Fund under subparagraph (B)(i); or

“(II) appropriated to the Trust Fund; and

“(ii) any interest earned on the investment of amounts in the Trust Fund under subparagraph (C).

“(B) TRANSFER OF AMOUNTS EQUIVALENT TO FEES.—

“(i) IN GENERAL.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to the aggregate amount of fees collected under this subsection.

“(ii) TRANSFERS BASED ON ESTIMATES.—The amounts required to be transferred to the Trust Fund under clause (i) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

“(C) INVESTMENTS.—

“(i) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. The Secretary of the Treasury shall invest the amounts deposited under subparagraph (A) only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

“(ii) SALE OF OBLIGATIONS.—Any obligation acquired by the Trust Fund, except special obligations issued exclusively to the Trust Fund, may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

“(iii) CREDITS TO TRUST FUND.—The interest on, and proceeds from, the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

“(D) EXPENDITURES FROM TRUST FUND.—

“(i) IN GENERAL.—Amounts in the Trust Fund shall be available, as provided in appropriations Acts, to the Commission for carrying out the duties of the Commission under this Act.

“(ii) WITHDRAWAL AND TRANSFER OF FUNDS.—Upon request of the Commission, the Secretary of the Treasury shall withdraw amounts from the Trust Fund and transfer such amounts to the Commission for use in accordance with clause (i).

“(E) LIMITATION ON TRANSFERS AND WITHDRAWALS.—Except as provided in subparagraph (D)(ii), the Secretary of the Treasury may not transfer or withdraw any amount deposited under subparagraph (A).

“(5) CONSEQUENCES OF FAILURE TO PAY FEES.—Failure to pay the fees imposed under the schedule established under paragraph (2) shall, subject to regulations promulgated by the Commission, be grounds for revocation of the approval of the Commission of any license required under this Act for the operation of gaming activities.

“(6) CREDIT.—To the extent that revenue derived from fees imposed under the schedule established under paragraph (2) are not expended or committed at the close of any fiscal year, those surplus funds shall be credited to each gaming activity on a pro rata basis against the fees imposed under that schedule for the succeeding fiscal year.

“(7) GROSS REVENUES.—For purposes of this section, gross revenues shall constitute the annual total amount of money wagered, reduced by—

“(A) any amounts paid out as prizes or paid for prizes awarded; and

“(B) allowance for amortization of capital expenditures for structures.”; and

(B) by striking subsection (b) and inserting the following:

“(b) REIMBURSEMENT OF COSTS.—

“(1) CONTENTS OF BUDGET.—For fiscal year 1999, and for each fiscal year thereafter, the budget of the Commission may include a request for appropriations, as authorized by section 15, in an amount equal to the sum of—

“(A)(i) for fiscal year 1999, an estimate (determined by the Commission) of the amount of funds to be derived from the fees collected under subsection (a) for that fiscal year; or

“(ii) for each fiscal year thereafter, the amount of funds derived from the fees collected under subsection (a) for the fiscal year preceding the fiscal year for which the appropriation request is made; and

“(B) $1,000,000.

“(2) BUDGET REQUEST OF THE DEPARTMENT OF THE INTERIOR.—Each request for appropriations made under paragraph (1) shall—

“(A) be subject to the approval of the Secretary; and

“(B) be part of a request made by the Secretary to the President for inclusion in the annual budget request submitted by the President to Congress under section 1105(a) of title 31, United States Code.”;

(8) in section 15, as redesignated, by striking “section 18” each place it appears and inserting “section 14”;

(9) by striking section 17 and inserting the following:

“SEC. 16. APPLICATION OF INTERNAL REVENUE CODE OF 1986; ACCESS TO INFORMATION BY STATES AND TRIBAL GOVERNMENTS.

“(a) APPLICATION OF THE INTERNAL REVENUE CODE OF 1986.—

“(1) IN GENERAL.—The provisions of the Internal Revenue Code of 1986 (including sections 1441, 3402(q), and 6041, and chapter 35 of such Code) concerning the reporting and withholding of taxes with respect to the winnings from gaming or wagering operations shall apply to Indian gaming operations conducted pursuant to this Act, or under a compact entered into under section 10 that is in effect, in the same manner as those provisions apply to State gaming and wagering operations. Any exemptions to States with respect to taxation of those gaming or wagering operations shall be allowed to Indian tribes.

“(2) EXEMPTION.—The provisions of section 6050I of the Internal Revenue Code of 1986 shall apply to an Indian gaming establishment that is not designated by the Secretary of the Treasury as a financial institution pursuant to chapter 53 of title 31, United States Code.

“(3) STATUTORY CONSTRUCTION.—This subsection shall apply notwithstanding any other provision of law enacted before the date of enactment of this Act unless that other provision of law specifically cites this subsection.

“(b) ACCESS TO INFORMATION BY STATE AND TRIBAL GOVERNMENTS.—Subject to section 6(d), upon the request of a State or the governing body of an Indian tribe, the Commission shall make available any law enforcement information that it has obtained pursuant to such section, unless otherwise prohibited by law, in order to enable the State or the Indian tribe to carry out its responsibilities under this Act or any compact approved by the Secretary.

“SEC. 17. GAMING PROSCRIBED ON LANDS ACQUIRED IN TRUST AFTER THE DATE OF ENACTMENT OF THIS ACT.

“(a) IN GENERAL.—Except as provided in subsection (b), gaming regulated by this Act shall not be conducted on lands acquired by the Secretary in trust for the benefit of an Indian tribe after the date of enactment of this Act, unless—

“(1) those lands are located within or contiguous to the boundaries of the reservation of the Indian tribe on the date of enactment of this Act; or

“(2) the Indian tribe has no reservation on the date of enactment of this Act and those lands are located in the State of Oklahoma and—

“(A) are within the boundaries of the former reservation of the Indian tribe, as defined by the Secretary; or

“(B) are contiguous to other land held in trust or restricted status by the United States for the Indian tribe in the State of Oklahoma.

“(b) EXEMPTION.—Subsection (a) shall not apply to—

“(1) any lands involved in the trust petition of the St. Croix Chippewa Indians of Wisconsin that is the subject of the action filed in the United States District Court for the District of Columbia entitled St. Croix Chippewa Indians of Wisconsin v. United States, Civ. No. 86–2278; or

“(2) the interests of the Miccosukee Tribe of Indians of Florida in approximately 25 contiguous acres of land, more or less, in Dade County, Florida, located within 1 mile of the intersection of State road numbered 27 (also known as Krome Avenue) and the Tamiami Trail.”;

“or:

(3) where the use of such lands for gaming purposes is provided for in a tribal-state compact described in section 10(a)(1)(C)(ii)(I) or a tribal-state agreement specifically providing for the use of such lands for gaming purposes.”

(10) by striking section 20;

(11) by redesignating sections 21 through 23 as sections 18 through 20, respectively; and

(12) by redesignating section 24 as section 21.

SEC. 3. LIMITATION ON LOBBYING.

Section 104 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450i) is amended by inserting after subsection (j) the following:

"(k) Lobbying Limitation.—Notwithstanding subsection (j), except as otherwise provided in sections 205 and 207 of title 18, United States Code, a former Federal officer or employee of the United States shall not act as an agent or attorney for, or appear on behalf of, a client in connection with any specific matter or decision involving the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) in any matter in which the officer or employee of the United States had personal and substantial involvement while an officer of the United States.".

SEC. 4. DEFINITION OF FINANCIAL INSTITUTIONS.

Section 5312(a)(2) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (Y) and (Z) as subparagraphs (Z) and (AA), respectively; and

(2) by inserting after subparagraph (X) the following new subparagraph:

"(Y) an Indian gaming establishment;".

SEC. 5. CONFORMING AMENDMENTS.

(a) Title 10.—Section 2323a(e)(1) of title 10, United States Code, is amended by striking "section 4(4) of the Indian Gaming Regulatory Act (102 Stat. 2468; 25 U.S.C. 2703(4))" and inserting "section 4(12) of the Indian Gaming Regulatory Act".

(b) Title 18.—Title 18, United States Code, is amended—

(1) in section 1166—

(A) in subsection (c)(2), by striking "a Tribal-State compact approved by the Secretary of the Interior under section 11(d)(8) of the Indian Gaming Regulatory Act that is in effect" and inserting "a compact approved by the Secretary of the Interior under section 10(c) of the Indian Gaming Regulatory Act that is in effect or pursuant to procedures issued by the Secretary of the Interior under section 10(a)(2)(B)(iv) of such Act"; and

(B) in subsection (d), by striking "a Tribal-State compact approved by the Secretary of the Interior under section 11(d)(8) of the Indian Gaming Regulatory Act" and inserting "a compact approved by the Secretary of the Interior under section 10(c) of the Indian Gaming Regulatory Act or pursuant to procedures issued by the Secretary of the Interior under section 10(a)(2)(B)(iv) of such Act,";

(2) in section 1167, by striking "pursuant to an ordinance or resolution approved by the National Indian Gaming Commission" and inserting "pursuant to an ordinance or resolution that meets the applicable requirements under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)"; and

(3) in section 1168, by striking "pursuant to an ordinance or resolution approved by the National Indian Gaming Commission" and inserting "pursuant to an ordinance or resolution that meets the applicable requirements under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)".

(c) Internal Revenue Code of 1986.—Section 168(j)(4)(A)(iv) of the Internal Revenue Code of 1986 is amended by striking "Indian Regulatory Act" and inserting "Indian Gaming Regulatory Act".

(d) Title 28.—Title 28, United States Code, is amended—

(1) in section 3701(2)—

(A) by striking "section 4(5) of the Indian Gaming Regulatory Act (25 U.S.C. 2703(5))" and inserting "section 4(11) of the Indian Gaming Regulatory Act"; and

(B) by striking "section 4(4) of such Act (25 U.S.C. 2703(4))" and inserting "section 4(10) of such Act"; and

(2) in section 3704(b), by striking "section 4(4) of the Indian Gaming Regulatory Act" and inserting "section 4(10) of the Indian Gaming Regulatory Act".

By Mr. ROTH (for himself and Mr. Moynihan):

S. 1871. A bill to provide that the exception for certain real estate investment trusts from the treatment of stapled entities shall apply only to existing property, and for other purposes; to the Committee on Finance.

REAL ESTATE INVESTMENT TRUSTS LEGISLATION

Mr. ROTH. Mr. President, Senator Moynihan and I introduce a bill to limit the tax benefits of so-called "stapled" or "paired-share" Real Estate Investment Trusts ("stapled REITs"). Identical legislation is being introduced in the House of Representatives by Congressman Archer.

In the Deficit Reduction Act of 1984 ("1984 Act"), Congress eliminated the tax benefits of the stapled REIT structure out of concern that it could effectively result in one level of tax on active corporate business income that would otherwise be subject to two levels of tax. Congress also believed that allowing a corporate business to be stapled to a REIT was inconsistent with the policy that led Congress to create REITs.

As part of the 1984 Act provision, Congress provided grandfather relief to the small number of stapled REITs that were already in existence. Since 1984, however, almost all the grandfathered stapled REITs have been acquired by new owners. Some have entered into new lines of businesses, and most of the grandfathered REITs have used the stapled structure to engage in large-scale acquisitions of assets. Such unlimited relief from a general tax provision by a handful of taxpayers raises new questions not only of fairness, but of unfair competition, because the stapled REITs are in direct competition with other companies that cannot use the benefits of the stapled structure.

This legislation, which is a refinement of the proposal contained in the Clinton Administration's Revenue Proposals for fiscal year 1999, takes a moderate and fair approach. The legislation essentially subjects to the grandfathered stapled REITs to rules similar to the 1984 Act, but only to acquisitions of assets (or substantial improvements of existing assets) occurring after today. The legislation also provides transition relief for future acquisitions that are pursuant to a binding written contract, as well as acquisitions that already have been announced (or described in a filing with the SEC).

Mr. President, I ask unanimous consent that additional material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 1871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERMINATION OF EXCEPTION FOR CERTAIN REAL ESTATE INVESTMENT TRUSTS FROM THE TREATMENT OF STAPLED ENTITIES.

(a) In General.—Notwithstanding paragraph (3) of section 136(c) of the Tax Reform Act of 1984 (relating to stapled stock; stapled entities), the REIT gross income provisions shall be applied by treating the activities and gross income of members of the stapled REIT group properly allocable to any nonqualified real property interest held by the exempt REIT or any stapled entity which is a member of such group (or treated under subsection (c) as held by such REIT or stapled entity) as the activities and gross income of the exempt REIT in the same manner as if the exempt REIT and such group were 1 entity.

(b) Nonqualified Real Property Interest.—For purposes of this section—

(1) In general.—The term "nonqualified real property interest" means, with respect to any exempt REIT, any interest in real property acquired after March 26, 1998, by the exempt REIT or any stapled entity.

(2) Exception for binding contracts, etc.—Such term shall not include any interest in real property acquired after March 26, 1998, by the exempt REIT or any stapled entity if—

(A) the acquisition is pursuant to a written agreement which was binding on such date and at all times thereafter on such REIT or stapled entity, or

(B) the acquisition is described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(3) Improvements and leases.—

(A) In general.—Except as otherwise provided in this paragraph, the term "nonqualified real property interest" shall not include—

(i) any improvement to land owned or leased by the exempt REIT or any member of the stapled REIT group, and

(ii) any repair to, or improvement of, any improvement owned or leased by the exempt REIT or any member of the stapled REIT group,

if such ownership or leasehold interest is a qualified real property interest.

(B) Leases.—Such term shall not include any lease of a qualified real property interest.

(C) Termination where change in use.—

(i) In general.—Subparagraph (A) shall not apply to any improvement placed in service after December 31, 1999, which is part of a change in the use of the property to which such improvement relates unless the cost of such improvement does not exceed 200 percent of—

(I) the cost of such property, or

(II) if such property is substituted basis property (as defined in section 7701(a)(42) of the Internal Revenue Code of 1986), the fair market value of the property at the time of acquisition.

(ii) Binding contracts.—For purposes of clause (i), an improvement shall be treated as placed in service before January 1, 2000, if such improvement is placed in service before January 1, 2004, pursuant to a binding contract in effect on December 31, 1999, and at all times thereafter.

(4) Treatment of entities which are not stapled, etc. on March 26, 1998.—Notwithstanding any other provision of this section,

all interests in real property held by an exempt REIT or any stapled entity with respect to such REIT (or treated under subsection (c) as held by such REIT or stapled entity) shall be treated as nonqualified real property interests unless—

(A) such stapled entity was a stapled entity with respect to such REIT as of March 26, 1998, and at all times thereafter, and

(B) as of March 26, 1998, and at all times thereafter, such REIT was a real estate investment trust.

(5) Qualified real property interest.—The term "qualified real property interest" means any interest in real property other than a nonqualified real property interest.

(c) Treatment of Property Held by 10-Percent Subsidiaries.—For purposes of this section—

(1) In general.—Any exempt REIT and any stapled entity shall be treated as holding their proportionate shares of each interest in real property held by any 10-percent subsidiary entity of the exempt REIT or stapled entity, as the case may be.

(2) Property held by 10-percent subsidiaries treated as nonqualified.—

(A) In general.—Except as provided in subparagraph (B), any interest in real property held by a 10-percent subsidiary entity of an exempt REIT or stapled entity shall be treated as a nonqualified real property interest.

(B) Exception for interests in real property held on March 26, 1998, etc.—In the case of an entity which was a 10-percent subsidiary entity of an exempt REIT or stapled entity on March 26, 1998, and at all times thereafter, an interest in real property held by such subsidiary entity shall be treated as a qualified real property interest if such interest would be so treated if held directly by the exempt REIT or the stapled entity.

(3) Reduction in qualified real property interests if increase in ownership of subsidiary.—If, after March 26, 1998, an exempt REIT or stapled entity increases its ownership interest in a subsidiary entity to which paragraph (2)(B) applies above its ownership interest in such subsidiary entity as of such date, the additional portion of each interest in real property which is treated as held by the exempt REIT or stapled entity by reason of such increased ownership shall be treated as a nonqualified real property interest.

(4) Special rules for determining ownership.—For purposes of this subsection—

(A) percentage ownership of an entity shall be determined in accordance with subsection (e)(4),

(B) interests in the entity which are acquired by the exempt REIT or stapled entity in any acquisition described in an agreement, announcement, or filing described in subsection (b)(2) shall be treated as acquired on March 26, 1998, and

(C) except as provided in guidance prescribed by the Secretary, any change in proportionate ownership which is attributable solely to fluctuations in the relative fair market values of different classes of stock shall not be taken into account.

(d) Treatment of Property Secured by Mortgage Held by Exempt REIT or Member of Stapled REIT Group.—

(1) In general.—In the case of any nonqualified obligation held by an exempt REIT or any member of the stapled REIT group, the REIT gross income provisions shall be applied by treating the exempt REIT as having impermissible tenant service income equal to—

(A) the interest income from such obligation which is properly allocable to the property described in paragraph (2), and

(B) the income of any member of the stapled REIT group from services described in paragraph (2) with respect to such property. If the income referred to in subparagraph (A) or (B) is of a 10-percent subsidiary entity, only the portion of such income which is properly allocable to the exempt REIT's or the stapled entity's interest in the subsidiary entity shall be taken into account.

(2) Nonqualified obligation.—Except as otherwise provided in this subsection, the term "nonqualified obligation" means any obligation secured by a mortgage on an interest in real property if the income of any member of the stapled REIT group for services furnished with respect to such property would be impermissible tenant service income were such property held by the exempt REIT and such services furnished by the exempt REIT.

(3) Exception for certain market rate obligations.—Such term shall not include any obligation—

(A) payments under which would be treated as interest if received by a REIT, and

(B) the rate of interest on which does not exceed an arm's length rate.

(4) Exception for existing obligations.—Such term shall not include any obligation—

(A) which is secured on March 26, 1998, by an interest in real property, and

(B) which is held on such date by the exempt REIT or any entity which is a member of the stapled REIT group on such date and at all times thereafter,

but only so long as such obligation is secured by such interest. The preceding sentence shall not cease to apply by reason of the refinancing of the obligation if (immediately after the refinancing) the principal amount of the obligation resulting from the refinancing does not exceed the principal amount of the refinanced obligation (immediately before the refinancing).

(5) Treatment of entities which are not stapled, etc. on March 26, 1998.—A rule similar to the rule of subsection (b)(4) shall apply for purposes of this subsection.

(6) Increase in amount of nonqualified obligations if increase in ownership of subsidiary.—A rule similar to the rule of subsection (c)(3) shall apply for purposes of this subsection.

(7) Coordination with subsection (a).—This subsection shall not apply to the portion of any interest in real property that the exempt REIT or stapled entity holds or is treated as holding under this section without regard to this subsection.

(e) Definitions.—For purposes of this section—

(1) REIT gross income provisions.—The term "REIT gross income provisions" means—

(A) paragraphs (2), (3), and (6) of section 856(c) of the Internal Revenue Code of 1986, and

(B) section 857(b)(5) of such Code.

(2) Exempt REIT.—The term "exempt REIT" means a real estate investment trust to which section 269B of the Internal Revenue Code of 1986 does not apply by reason of paragraph (3) of section 136(c) of the Tax Reform Act of 1984.

(3) Stapled REIT group.—The term "stapled REIT group" means, with respect to an exempt REIT, the group consisting of—

(A) all entities which are stapled entities with respect to the exempt REIT, and

(B) all entities which are 10-percent subsidiary entities of the exempt REIT or any such stapled entity.

(4) 10-percent subsidiary entity.—

(A) In general.—The term "10-percent subsidiary entity" means, with respect to any exempt REIT or stapled entity, any entity in which the exempt REIT or stapled entity (as the case may be) directly or indirectly holds at least a 10-percent interest.

(B) Exception for certain C corporation subsidiaries of REITs.—A corporation which would, but for this subparagraph, be treated as a 10-percent subsidiary of an exempt REIT shall not be so treated if such corporation is taxable under section 11 of the Internal Revenue Code of 1986.

(C) 10-percent interest.—The term "10-percent interest" means—

(i) in the case of an interest in a corporation, ownership of 10 percent (by vote or value) of the stock in such corporation,

(ii) in the case of an interest in a partnership, ownership of 10 percent of the assets or net profits interest in the partnership, and

(iii) in any other case, ownership of 10 percent of the beneficial interests in the entity.

(5) Other definitions.—Terms used in this section which are used in section 269B or section 856 of such Code shall have the respective meanings given such terms by such section.

(f) Guidance.—The Secretary may prescribe such guidance as may be necessary or appropriate to carry out the purposes of this section, including guidance to prevent the avoidance of such purposes and to prevent the double counting of income.

(g) Effective Date.—This section shall apply to taxable years ending after March 26, 1998.

TECHNICAL EXPLANATION

The tax benefits of the stapled real estate investment trust ("REIT") structure were curtailed for almost all taxpayers by section 269B, which was enacted by the Deficit Reduction Act of 1984 ("1984 Act"). The bill limits the tax benefits of a few stapled REITs that continue to qualify under the 1984 Act's grandfather rule.

A REIT is an entity that receives most of its income from passive real-estate related investments and that essentially receives pass-through treatment for income that is distributed to shareholders. In general, a REIT must derive its income from passive sources and not engage in any active trade or business. In a stapled REIT structure, both the shares of a REIT and a C corporation may be traded, and in most cases publicly traded, but are subject to a provision that they may not be sold separately. Thus, the REIT and the C corporation have identical ownership at all times.

OVERVIEW

Under the bill, rules similar to the rules of present law treating a REIT and all stapled entities as a single entity for purposes of determining REIT status (sec. 269B) would apply to real property interests acquired after March 26, 1998, by the existing stapled REIT, or by a stapled entity, or a subsidiary or partnership in which a 10-percent or greater interest is owned by the existing stapled REIT or stapled entity (together referred to as the "REIT group"), unless the real property is grandfathered under the rules discussed below. Different rules would be applied to certain mortgage interests acquired by the REIT group after March 26, 1998, where a member of the REIT group performs services with respect to the property secured by the mortgage.

GENERAL RULES

The bill treats certain activities and gross income of a REIT group with respect to real property interests held by any member of the REIT group (and not grandfathered under the rules described below) as activities and income of the REIT for certain purposes. This treatment would apply for purposes of certain provisions of the REIT rules that depend on the REIT's gross income, including the requirement that 95 percent of a REIT's gross income be from passive sources (the "95-percent test") and the requirement that 75 percent of a REIT's gross income be from real estate sources (the "75-percent test"). Thus, for example, where a stapled entity earns gross income from operating a non-grandfathered real property held by a member of the REIT group, such gross income would be treated as income of the REIT, with the result that either the 75-percent or 95-percent test might not be met and REIT status might be lost.

If a REIT or stapled entity owns, directly or indirectly, a 10-percent-or-greater interest in a subsidiary or partnership that holds a real property interest, the above rules would apply with respect to a proportionate part of the subsidiary's or partnership's property, activities and gross income. Thus, any real property acquired by such a subsidiary or partnership that is not grandfathered under the rules described below would be treated as held by the REIT in the same proportion as the ownership interest in the entity. The same proportion of the subsidiary's or partnership's gross income from any real property interest (other than a grandfathered property) held by it or another member of the REIT group would be treated as income of the REIT. Similar rules attributing the proportionate part of the subsidiary's or partnership's real estate interests and gross income would apply when a REIT or stapled entity acquires a 10-percent-or-greater interest (or in the case of a previously-owned entity, acquires an additional interest) after March 26, 1998, with exceptions for interests acquired pursuant to agreements or announcements described below.

GRANDFATHERED PROPERTIES

Under the bill, there is an exception to the treatment of activities and gross income of a stapled entity as activities and gross income of the REIT for certain grandfathered properties. Grandfathered properties generally are those properties that had been acquired by a member of the REIT group on or before March 26, 1998. In addition, grandfathered properties include properties acquired by a member of the REIT group after March 26, 1998, pursuant to a written agreement which was binding on March 26, 1998, and all times thereafter. Grandfathered properties also include certain properties, the acquisition of which were described in a public announcement or in a filing with the Securities and Exchange Commission on or before March 26, 1998.

In general, a property does not lose its status as a grandfathered property by reason of a repair to, an improvement of, or a lease of, a grandfathered property. On the other hand, a property loses its status as a grandfathered property under the bill to the extent that a non-qualified expansion is made to an otherwise grandfathered property. A non-qualified expansion is either (1) an expansion beyond the boundaries of the land of the otherwise grandfathered property or (2) an improvement of an otherwise grandfathered property placed in service after December 31, 1999, which changes the use of the property and whose cost is greater than 200 percent of (a) the undepreciated cost of the property (prior to the improvement) or (b) in the case of property acquired where there is a substituted basis, the fair market value of the property on the date that the property was acquired by the stapled entity or the REIT. A non-qualified expansion could occur, for example, if a member of the REIT group were to construct a building after December 31, 1999, on previously undeveloped raw land that had been acquired on or before March 26, 1998. There is an exception for improvements placed in service before January 1, 2004, pursuant to a binding contract in effect on December 31, 1999, and at all times thereafter.

If a stapled REIT is not stapled as of March 26, 1998, or if it fails to qualify as a REIT as of such date or any time thereafter, no properties of any member of the REIT group would be treated as grandfathered properties, and thus the general provisions of the bill described above would apply to all properties held by the group.

MORTGAGE RULES

Special rules would apply where a member of the REIT group holds a mortgage (that is not an existing obligation under the rules described below) that is secured by an interest in real property, where a member of the REIT group engages in certain activities with respect to that property. The activities that would have this effect under the bill are activities that would result in a type of income that is not treated as counting toward the 75-percent and 95-percent tests if they are performed by the REIT. In such cases, all interest on the mortgage and all gross income received by a member of the REIT group from the activity would be treated as income of the REIT that does not count toward the 75-percent or 95-percent tests, with the result that REIT status might be lost. In the case of a 10-percent partnership or subsidiary, a proportionate part of the entity's mortgages, interest and gross income from activities would be subject to the above rules.

An exception to the above rules would be provided for mortgages the interest on which does not exceed an arm's-length rate and which would be treated as interest for purposes of the REIT rules (e.g., the 75-percent and 95-percent tests, above). An exception also would be available for certain mortgages that are held on March 26, 1998, by an entity that is a member of the REIT group. The exception for existing mortgages would cease to apply if the mortgage is refinanced and the principal amount is increased in such refinancing.

OTHER RULES

For a corporate subsidiary owned by a stapled entity, the 10-percent ownership test would be met if a stapled entity owns, directly or indirectly, 10 percent or more of the corporation's stock, by either vote or value. (The bill would not apply to stapled REIT's ownership of a corporate subsidiary, although a stapled REIT would be subject to the normal restrictions on a REIT's ownership of stock in a corporation.) For interests in partnerships and other pass-through entities, the ownership test would be met if either the REIT or a stapled entity owns, directly or indirectly, a 10-percent or greater interest.

The Secretary of the Treasury would be given authority to prescribe such guidance as may be necessary or appropriate to carry out the purposes of the provision, including guidance to prevent the double counting of income and to prevent transactions that would avoid the purposes of the provision.

By Mr. NICKLES:

S. 1872. A bill to prohibit new welfare for politicians; to the Committee on Commerce, Science, and Transportation.

THE NEW WELFARE FOR POLITICIANS PROHIBITION ACT

Mr. NICKLES. Mr. President, I rise today to introduce legislation that would prohibit the Federal Communications Commission (FCC) from establishing regulations that would compel broadcasters to offer free or reduced cost air time to political candidates.

It is clear that this type of regulation would result in drastic change to current communications and campaign finance law and thus, exceed the regulatory authority of this agency. Absent a legislative directive from Congress, the FCC lacks the authority to require broadcasters to offer free or reduced-cost air time for political candidates.

While in many areas of broadcast regulation, the FCC does possess broad authority to change its regulation to reflect what is within the public interest, that authority has always been specifically granted by an act of Congress. This broad authority does NOT extend to the regulation of political broadcasting.

The Communications Act clearly mandates, with respect to candidate appearances on broadcasting stations, certain specific requirements for FCC to enforce on broadcasters for political candidates. The law requires broadcasters to provide candidates with equal opportunities, ensure that there is no censorship of political messages, and provide "reasonable access" to federal candidates. As for media rates, the Act specifically states that when candidates buy air time, they will be accorded a stations' "lowest unit charge" for the same class and amount of time.

It seems quite clear that Congress' inclusion of these specific provisions indicates that in the area of political broadcasting, especially for rates charged for advertising, the FCC does not have the authority to rewrite the Communications Act and impose a free political time requirement which is inconsistent with Congress' specific statement on this issue.

Any attempt to affect campaign finance reform through overreaching FCC regulations rather than through the legislative process, regardless of good intentions, is wrong. Any changes or revisions to the campaign finance or communication laws should be made by the people through their elected representatives and not by non elected federal bureaucrats. New regulations from the FCC would further involve the government in protected political speech areas and create a patchwork of agency regulations without any consistent overall reform.

Mr. President, during the 105th Congress this body has thoroughly debated campaign reform and free air time for political candidates. Clearly there is not enough support in this body to pass legislation that includes the free air time provisions. This legislative defeat does not give the FCC Chairman the authority, even with direction from the President, to issue regulations giving candidates free time and mandate or bribe the nation's broadcasters to abide by these regulations. Again, if this type of reform is to be implemented, it requires legislative action by Congress. It is not appropriate for a federal agency to mandate this comprehensive reform by regulatory action.

The Constitution is very clear. Article I, Section 1 of the Constitution vests in Congress all power to "make laws which shall be used necessary and proper for carrying into Execution the foregoing Powers * * *". Nowhere in the Constitution is the Executive Branch vested with the power to make the law. The framers of the Constitution understood the threat to our freedom which could be posed by an all-powerfull executive branch. This principle is as valid today as it was when they drafted the Constitution. Any proposed regulations by the FCC which would require broadcasters to give free or reduced-cost air time to federal political candidates raises serious constitutional concerns.

This is not the first time that the Clinton administration has tried to bypass Congress and legislate by Executive order. They have attempted to do this on several occasions. And I think they have done so knowing full well they could not get their desired objective through Congress.

Let me remind the FCC, that if this type of regulatory action is taken by this agency, I will lead the effort in the Senate to defeat the regulation. The Congressional Review Act, gives Congress the ability to disapprove regulations, when a simple majority believes that the regulation is inappropriate.

Every member of this body, Democrats and Republicans, should reject this approach. We should uphold and protect this institution, the legislative branch, and the constitution.

And so, Mr. President, I have warned the White House that I am willing to use any appropriate tools at our disposal to stop this egregious abuse of power. I will do what I can to stop the proposed FCC regulations on air time for political candidates. And I will do what I can to block any other attempts by this administration to legislate by executive action. It is my intention to use everything in my power to protect this institution. I am hopeful that my colleagues will join me in this effort.

ADDITIONAL COSPONSORS

S. 460

At the request of Mr. Bond, the name of the Senator from Idaho [Mr. Craig] was added as a cosponsor of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 1002

At the request of Mr. Abraham, the name of the Senator from Minnesota [Mr. Grams] was added as a cosponsor of S. 1002, a bill to require Federal agencies to assess the impact of policies and regulations on families, and for other purposes.

S. 1133

At the request of Mr. Thurmond, his name was added as a cosponsor of S. 1133, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses and to increase the maximum annual amount of contributions to such accounts.

S. 1251

At the request of Mr. D'Amato, the names of the Senator from Massachusetts [Mr. Kennedy], and the Senator from Virginia [Mr. Warner] were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'Amato, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1255

At the request of Mr. Coats, the name of the Senator from Maine [Ms. Collins] was added as a cosponsor of S. 1255, a bill to provide for the establishment of demonstration projects designed to determine the social, civic, psychological, and economic effects of providing to individuals and families with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based policy may be used to enable individuals and families with limited means to achieve economic self-sufficiency.

S. 1283

At the request of Mr. Hutchinson, the name of the Senator from Pennsylvania [Mr. Specter] was added as a cosponsor of S. 1283, a bill to award Congressional gold medals to Jean Brown Trickey, Carlotta Walls LaNier, Melba Patillo Beals, Terrence Roberts, Gloria Ray Karlmark, Thelma Mothershed Wair, Ernest Green, Elizabeth Eckford, and Jefferson Thomas, commonly referred collectively as the "Little Rock Nine" on the occasion of the 40th anniversary of the integration of the Central High School in Little Rock, Arkansas.

S. 1406

At the request of Mr. Smith, the name of the Senator from Wisconsin [Mr. Feingold] was added as a cosponsor of S. 1406, a bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve.

S. 1413

At the request of Mr. Lugar, the name of the Senator from Louisiana [Mr. Breaux] was added as a cosponsor of S. 1413, a bill to provide a framework for consideration by the legislative and executive branches of unilateral economic sanctions.

S. 1580

At the request of Mr. Shelby, the name of the Senator from Georgia [Mr. Coverdell] was added as a cosponsor of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the Medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1621

At the request of Mr. Grams, the name of the Senator from Arkansas [Mr. Hutchinson] was added as a cosponsor of S. 1621, a bill to provide that certain Federal property shall be made available to States for State use before being made available to other entities, and for other purposes.

S. 1723

At the request of Mr. Abraham, the name of the Senator from Missouri [Mr. Ashcroft] was added as a cosponsor of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1725

At the request of Mr. Burns, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 1725, a bill to terminate the Office of the Surgeon General of the Public Health Service.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. Helms, the name of the Senator from Washington [Mr. Gorton] was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE RESOLUTION 175

At the request of Mr. ROBB, the names of the Senator from Texas [Mr. GRAMM], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Louisiana [Ms. LANDRIEU], the Senator from Mississippi [Mr. COCHRAN], the Senator from Kansas [Mr. BROWNBACK], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Resolution 175, a bill to designate the week of May 3, 1998 as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

SENATE RESOLUTION 200—DESIGNATING "NATIONAL MARITIME ARBITRATION DAY"

Mr. INOUYE submitted the following resolution; which was considered and agreed to:

S. RES. 200

Whereas Congress recognizes the integral role arbitration plays in expeditiously settling maritime disputes;

Whereas the Society of Maritime Arbitrators is a nonprofit, United States based organization providing arbitration and other Alternative Dispute Resolution (ADR) services to the international maritime industry;

Whereas the Society of Maritime Arbitrators has successfully facilitated the resolution of over 3,400 international commercial and maritime disputes since its inception in 1963; and

Whereas the Society of Maritime Arbitrators celebrates its 35th anniversary on March 26, 1998: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 26, 1998, as "National Maritime Arbitration Day"; and

(2) requests the President to issue a proclamation designating March 26, 1998, as "National Maritime Arbitration Day" and calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

MCCAIN AMENDMENT NO. 2136

Mr. STEVENS (for Mr. MCCAIN) proposed an amendment to the bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place in Title II, insert the following:

SEC. . ELGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal years 1998 and 1999"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.—An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeduction camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

STEVENS (AND MURKOWSKI) AMENDMENTS NOS. 2137–2138

Mr. STEVENS (for himself and Mr. MURKOWSKI) proposed two amendments to the bill, S. 1768, supra; as follows:

AMENDMENT NO. 2137

On page 38, following line 18, insert the following new section:

SEC. . PROVISION OF CERTAIN HEALTH CARE SERVICES FOR ALASKA NATIVES.

Section 203(a) of the Michigan Indian Land Claims Settlement Act (Public Law 105-143, 111 Stat. 2666) is amended—

(1) by inserting "other than community based alcohol services," after "Ketchikan Gateway Borough,"; and

(2) by inserting at the end the following new sentence: "Notwithstanding any other provision of law, such contract or compact shall provide services to all Indian and Alaska Native beneficiaries of the Indian Health Service in the Ketchikan Gateway Borough without the need for resolutions of support from any Indian tribe as defined in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).".

AMENDMENT NO. 2138

On page 38, following line 18, insert the following new section:

SEC. .

Section 326(a) of the Act making Appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998 and for other purposes (Public Law 105-83, 111 Stat. 1543) is amended—

by striking "with any Alaska Native village or Alaska Native village corporation" and inserting "to any Indian tribe as defined in the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b(e))".

BOND (AND STEVENS) AMENDMENT NO. 2139

Mr. STEVENS (for Mr. BOND, for himself and Mr. STEVENS) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 15, after line 21, add the following:

SEC. 205. In addition to the amounts provided in Public Law 105–56, $272,500,000 is appropriated under the heading "Aircraft Procurement, Navy": *Provided*, That the additional amount shall be made available only for the procurement of eight F/A–18 aircraft for the United States Marine Corps: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $272,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAFEE AMENDMENT NO. 2140

Mr. STEVENS (for Mr. CHAFEE) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 17, beginning on line 10, strike "to be conducted at full Federal expense".

WYDEN AMENDMENT NO. 2141

Mr. STEVENS (for Mr. WYDEN) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place in the bill in Title II, insert the following new section:

SEC. . ELIMINATION OF SECRECY IN INTERNATIONAL TRADE ORGANIZATIONS.

The President shall instruct the United States Representatives to the World Trade Organization to seek the adoption of procedures that will ensure broader application of the principles of transparency and openness in the activities of the organization, including by urging the World Trade Organization General Council to—

(1) permit appropriate meetings of the Council, the Ministerial Conference, dispute settlement panels, and the Appellate Body to be made open to the public; and

(2) provide for timely public summaries of the matters discussed and decisions made in any closed meeting of the Conference or Council.

BOND AMENDMENT NO. 2142

Mr. STEVENS (for Mr. BOND) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 46, after line 25, insert:

GENERAL PROVISION

SEC. 1001. Section 206 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Pub. L. 105-65; October 27, 1997) is amended by inserting the following before the period: ", and for loans and grants for economic development in and around 18th and Vine".

CRAIG AMENDMENT NO. 2143

Mr. STEVENS (for Mr. CRAIG) proposed an amendment to the bill, S. 1768, supra; as follows:

Beginning on line 10 on page 35, strike all through line 18 on page 38 and insert in lieu thereof the following new section:

SEC. 405. TRANSPORTATION SYSTEM MORATORIUM.

(a)(1) The Chief of the Forest Service, Department of Agriculture, in his sole discretion, may offer any timber sales that were previously scheduled to be offered in fiscal year 1998 or fiscal year 1999 even if such sales would have been delayed or halted as a result of, any moratorium on construction of roads in roadless areas within the National Forest System adopted as policy or by regulation that would otherwise be applicable to such sales.

(2) Any sales authorized pursuant to subsection (a)(1) shall—

(A) comply with all applicable laws and regulations and be consistent with applicable land and resource management plans, except any regulations or plan amendments which establish or implement the moratorium referred to in subsection (a)(1); and

(B) be subject to administrative appeals pursuant to Part 215 of title 36 of the Code of Federal Regulations and to judicial review.

(b)(1) For any previously scheduled sales that are not offered pursuant to, subsection (a)(1), the Chief may, to the extent practicable, offer substitutes sales within the same state in fiscal year 1998 or fiscal year 1999. Such substitute sales shall be subject to the requirements of subsection (a)(2).

(2)(A) The Chief shall pay as soon as practicable after fiscal year 1998 and fiscal year 1999 to any State in which sales previously scheduled to be offered that are referred to in, but not offered pursuant to, subsection (a)(1) would have occurred, 25 percentum of any receipts from such sales that—

(i) were anticipated from fiscal year 1998 or fiscal year 1999 sales in the absence of any moratorium referred to in subsection (a)(1); and

(ii) are not offset by revenues received in such fiscal years from substitute projects authorized pursuant to subsection (b)(1).

(B) After reporting the amount of funds required to make any payments required by subsection (b)(2)(A), and the source from which such funds are to be derived, to the Committees on Appropriations of the House of Representatives and the Senate, the Chief shall make any payments required by subsection (b)(2)(A) from—

(i) the $2,000,000 appropriated for the purposes of this section in Chapter 4 of this Act; or

(ii) in the event that the amount referred to in subsection (b)(2)(B)(i) is not sufficient to cover the payments required under subsection (b)(2), from any funds appropriated to the Forest Service in fiscal year 1998 or fiscal year 1999, as the case may be, that are not specifically earmarked for another purpose by the applicable appropriation act or a committee or conference report thereon.

(C) Any State which receives payments required by subsection (b)(2)(A) shall expend such funds only in the manner, and for the purposes, prescribed in section 500 of title 16 of the United States Code.

(c)(1) During the term of the moratorium referred to in subsection (a)(1), the Chief shall prepare, and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on, each of the following:

(A) a study of whether standards and guidelines in existing land and resource management plans compel or encourage entry into roadless areas within the National Forest System for the purpose of constructing roads or undertaking any other ground-disturbing activities;

(B) an inventory of all roads within the National Forest System and the uses which they serve, in a format that will inform and facilitate the development of a long-term Forest Service transportation policy; and

(C) a comprehensive and detailed analysis of the economic and social effects of the moratorium referred to in subsection (a)(1) on county, State, and regional levels.

(2) The Chief shall fund the study, inventory and analysis required by subsection (c)(1) fiscal year 1998 from funds appropriated for Forest Research in such fiscal year that are not specifically earmarked for another purpose in the applicable appropriation act or a committee or conference report thereon."

COCHRAN (AND BUMPERS) AMENDMENT NO. 2144

Mr. STEVENS (for Mr. COCHRAN, for himself and Mr. BUMPERS) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 5, line 10, strike "that had been produced but not marketed".

WELLSTONE (AND OTHERS) AMENDMENT NO. 2145

Mr. STEVENS (for Mr. WELLSTONE, for himself, Mr. CONRAD, Mr. DORGAN, and Mr. DASCHLE) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 3, line 6, beginning with "emer-", strike all down through and including "insured," on line 7 and insert "direct and guaranteed".

On page 3, line 11, following "disaster" insert: "as follows: operating loans, $8,600,000, of which $5,400,000 shall be for subsidized guaranteed loans; emergency insured loans".

On page 3, line 14, strike "$21,000,000" and insert in lieu thereof the following: "$29,600,000".

JEFFORDS (AND LEAHY) AMENDMENT NO. 2146

Mr. STEVENS (for Mr. JEFFORDS, for himself and Mr. LEAHY) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 18, between lines 5 and 6, insert the following:

An additional amount for emergency construction to repair the Mackville Dam in Hardwick, Vermont: $500,000, to remain available until expended: *Provided*, That the Secretary of the Army may obligate and expend the funds appropriated for repair of the Mackville Dam if the Secretary of the Army certifies that the repair is necessary to provide flood control benefits: *Provided further*, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement, or rehabilitation of the project: *Provided further*, that the entire amount shall be available only to the extent that an official budget request of $500,000 that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)) is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act.

LOTT AMENDMENT NO. 2147

Mr. STEVENS (for Mr. LOTT) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 8 line 14 and 18 of amendment 2100 after the word "automobile," insert the following "shipbuilding,".

DASCHLE AMENDMENT NO. 2148

Mr. STEVENS (for Mr. DASCHLE) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place in Title II, insert the following:

SEC. . In addition to the amounts provided in Public Law 105–56, $35,000,000 is appropriated and shall be available for deposit in the International Trust Fund of the Republic of Slovenia for Demining, Mine Clearance, and Assistance to Mine Victims in Bosnia and Herzegovina: *Provided*, That such amount may be deposited in that Fund only if the President determines that such amount could be used effectively and for objectives consistent with on-going multilateral efforts to remove landmines in Bosnia and Herzegovina: *Provided further*, That such amount may be deposited in that Fund only to the extent of deposits of matching amounts in that Fund by other government, entities, or persons: *Provided further*, That the amount of such amount deposited by the United States in that Fund may be expended by the Republic of Slovenia only in consultation with the United States Government: *Provided further*, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes a designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted to Congress by the President: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GREGG AMENDMENT NO. 2149

Mr. STEVENS (for Mr. GREGG) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 51, line 8, strike the word "design," and on line 13, strike the words "federal construction,".

LEVIN AMENDMENT NO. 2150

Mr. STEVENS (for Mr. LEVIN) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place in the IMF title of the bill, insert the following:

SEC. . The Secretary of the Treasury shall consult with the office of the United States Trade Representative regarding prospective IMF borrower countries, including their status with respect to title III of the Trade Act of 1974 or any executive order issued pursuant to the aforementioned title, and shall take these consultations into account before instructing the United States Executive Director of the IMF on the United States position regarding loans or credits to such borrowing countries

In the section of the bill entitled "SEC. . REPORTS." after the first word "account", insert the following:

(i) of outcomes related to the requirements of section (described above); and (ii).

GRASSLEY (AND STEVENS) AMENDMENT NO. 2151

Mr. STEVENS (for Mr. GRASSLEY, for himself and Mr. STEVENS) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 46, after line 16, insert:

UNITED STATES CUSTOMS SERVICE

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS

In addition to the amounts made available for the United States Customs Service in Public Law 105–61, $5,512,000, to remain available until September 30, 2000: *Provided*, That this amount may be made available for construction of a P3–AEW hangar in Corpus Christi, Texas: *Provided further*, That the funds appropriated under this heading may only be obligated 30 days after the Commissioner of the Customs Service certifies to the House and Senate Committees on Appropriations that the construction of this facility is necessary for the operation of the P–3 aircraft for the counternarcotics mission.

On page 50, after line 14, insert:

CUSTOMS FACILITIES, CONSTRUCTION, IMPROVEMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 102–393, $4,470,000 and Public Law 103–123, $1,041,754 are rescinded.

HUTCHISON AMENDMENT NO. 2152

Mr. STEVENS (for Mrs. HUTCHISON) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 26, after line 11, insert the following:

For an additional amount for "Wildland and Fire Management" for wildland and fire management operations to be carried out to rectify damages caused by the windstorms in Texas on February 10, 1998, $2,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only at the discretion of the chief of the National Forest Service: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $2,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BOXER AMENDMENT NO. 2153

Mr. STEVENS (for Mrs. BOXER) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 21, line 20, delete the number "$28,938,000" and insert in lieu thereof "32,818,000".

On pate 21, line 23, delete the number "$28,938,000" and insert in lieu thereof "32,818,000".

On page 22, line 11, delete the number "$8,500,000" and insert in lieu thereof "9,506,000".

On page 22, line 13, delete the number "$8,500,000" and insert in lieu thereof "9,506,000".

On page 22, line 25, delete the number "$1,000,000" and insert in lieu thereof "1,198,000".

On page 23, line 3, delete the number "$1,000,000" and insert in lieu thereof "1,198,000".

On page 24, insert a new section:

BUREAU OF LAND MANAGEMENT

CONSTRUCTION

For an additional amount for 'Construction', $1,837,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That the entire amount shall be available only to the extent that an official budget request for $1,837,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

On page 24, insert a new section:

BUREAU OF INDIAN AFFAIRS

CONSTRUCTION

For an additional amount for 'Construction', $700,000, to remain available until expended, to repair damage caused by floods and other natural disasters: Provided, That the entire amount shall be available only to the extent that an official budget request for $700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DORGAN AMENDMENT NO. 2154

Mr. STEVENS (for Mr. DORGAN) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 24, after line 17, insert the following:

CONSTRUCTION

"For an additional amount for "Construction, Bureau of Indian Affairs," $365,000 to remain available until expended, for replacement of fixtures and testing for and remediation of Polychlorinated biphenyls (PCBs) in BIA schools and administrative facilities, *Provided* that the entire amount shall be available only to the extent that an official budget request for $365,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TORRICELLI (AND LAUTENBERG) AMENDMENT NO. 2155

Mr. STEVENS (for Mr. TORRICELLI, for himself and Mr. LAUTENBERG) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 59, between lines 7 and 8, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SETTLEMENT OF PROCEEDINGS TO RECOVER COSTS.

It is the sense of the Senate that the Attorney General should not accept a settlement in proceedings to recover costs incurred in the cleanup of the Wayne Interim Storage Site, Wayne, New Jersey, unless the settlement recaptures a substantial portion of the costs incurred by the taxpayer.

LAUTENBERG AMENDMENT NO. 2156

Mr. STEVENS (for Mr. LAUTENBERG) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS.

(a) Notwithstanding any other provision of law, with respect to the amount allocated for fiscal year 1998, and the amounts that would otherwise be allocated for fiscal year 1999 or any succeeding fiscal year, to the City of Philadelphia, Pennsylvania on behalf of the Philadelphia, PA–NJ Primary Metropolitan Statistical Area (in this section referred to as the "metropolitan area"), under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development shall adjust such amounts by allocating to the State of New Jersey the proportion of the metropolitan area's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area that is located in New Jersey.

(b) The State of New Jersey shall use amounts allocated to the State under this section to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan area that is located in New Jersey.

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 2157

Mr. MURKOWSKI (for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 26, after line 11, insert the following new section: Department of Energy and Strategic Petroleum Reserve

SEC. . STRATEGIC PETROLEUM RESERVE.

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $207,500,000, to remain available until expended, and the sale of oil from the Strategic Petroleum Reserve required by Public Law 105–83 shall be prohibited: *Provided*, That the entire amount shall be available and the oil sale prohibited only to the extent that an official budget request for $207,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control

Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.".

CLELAND (AND OTHERS) AMENDMENT NO. 2158

Mr. CLELAND (for himself, Mr. COVERDELL, Mr. HARKIN, Mr. KERRY, and Mr. HOLLINGS) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . DISASTER MITIGATION PILOT PROGRAM.

(a) IN GENERAL.—Section 7(b)(1) of the Small Business Act (15 U.S.C. 636(b)(1)) is amended—

(1) in subparagraph (B), by adding "and" at the end; and

(2) by adding at the end the following:

"(C) during fiscal years 1999 through 2003, to establish a pre-disaster mitigation program to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis), as the Administrator may determine to be necessary or appropriate, to enable small businesses to install mitigation devices or to take preventive measures to protect against disasters, in support of a formal mitigation program established by the Federal Emergency Management Agency, except that no loan or guarantee shall be extended to a small business under this subparagraph unless the Administration finds that the small business is otherwise unable to obtain credit for the purposes described in this subparagraph;".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

(f) DISASTER MITIGATION PILOT PROGRAM.—The following program levels are authorized for loans under section 7(b)(1)(C):

"(1) $15,000,000 for fiscal year 1999.
"(2) $15,000,000 for fiscal year 2000.
"(3) $15,000,000 for fiscal year 2001.
"(4) $15,000,000 for fiscal year 2002.
"(5) $15,000,000 for fiscal year 2003.

BYRD AMENDMENT NO. 2159

Mr. STEVENS (for Mr. BYRD) proposed an amendment to the bill, S. 1768, supra; as follows:

At the end of the bill add the following General Provision:

"SEC. . Notwithstanding any other provision of law, permanent employees of county committees employed during fiscal year 1998 pursuant to 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be considered as having Federal Civil Service status only for the purpose of applying for USDA Civil Service vacancies."

BINGAMAN (AND HOLLINGS) AMENDMENT NO. 2160

Mr. BINGAMAN (for himself and Mr. HOLLINGS) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place insert the following:

SECTION 1. SCHOOL SECURITY.

(a) SHORT TITLE.—This section may be cited as the "Safe Schools Security Act of 1998".

(b) PURPOSE.—The purpose of this section is to provide for school security training and technology, and for local school security programs.

(c) SCHOOL SECURITY TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Attorney General, the Secretary of Education, and the Secretary of Energy shall enter into an agreement for the establishment at the Sandia National Laboratories in partnership with the National Law Enforcement And Corrections Technology Center—Southeast of a center to be known as the "School Security Technology Center". The School Security Technology Center shall be administered by the Attorney General.

(2) FUNCTIONS.—The School Security Technology Center shall be a resource to local educational agencies for school security assessments, security technology development, technology availability and implementation, and technical assistance relating to improving school security.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $2,250,000 for each of the fiscal years 1999, 2000, and 2001.

(d) LOCAL SCHOOL SECURITY PROGRAMS.—Subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111 et seq.) Is amended by adding at the end the following:

"SEC. 4119. LOCAL SCHOOL SECURITY PROGRAMS.

"(a) IN GENERAL.—From amounts appropriated under subsection (c), the Secretary of Education shall award grants on a competitive basis to local educational agencies to enable the agencies to acquire security technology, or carry out activities related to improving security at the middle and high schools served by the agencies, including obtaining school security assessments, and technical assistance for the development of a comprehensive school security plan from the School Security Technology Center. The Secretary shall give priority to local educational agencies showing the highest security needs as reported by the agency to the Secretary in application for funding made available under this section.

"(b) APPLICABILITY.—The provisions of this part shall not apply to this section.

"(c) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 1999, 2000, and 2001.".

(d) SAFE AND SECURE SCHOOL ADVISORY PANEL.—

(1) ESTABLISHMENT.—There shall be established a panel comprised of the Secretary of Education, the Attorney General, and the Secretary of Energy, or their designees to develop a proposal to further improve school security. Such proposal shall be submitted to the Congress within 18 months of the date of enactment of this Act.

COCHRAN AMENDMENT NO. 2161

Mr. COCHRAN proposed an amendment to the bill, S. 1768, supra; as follows:

On page 3 line 7 of amendment 2100, change to word "requirement" to "requiring".

BAUCUS (AND OTHERS) AMENDMENT NO. 2162

Mr. BAUCUS (for himself, Mr. BURNS, Mr. DASCHLE, Mr. DORGAN, Mr. HARKIN, Mr. CONRAD, Mr. JOHNSON, and Mr. BUMPERS) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 59, between lines 7 and 8, insert the following:

SEC. . EXTENSION OF MARKETING ASSISTANCE LOANS.

Section 133 of the Agricultural Market Transition Act (7 U.S.C. 7233) is amended by striking subsection (c) and inserting the following:

"(c) EXTENSION.—The Secretary may extend the term of a marketing assistance loan made to producers on a farm for any loan commodity until September 30, 1998.".

D'AMATO AMENDMENT NO. 2163

Mr. STEVENS (for Mr. D'AMATO) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 38, after line 18, add the following new section:

"SEC. . The Secretary of Transportation and the Secretary of the Interior shall report to the House and Senate Committees on Appropriations and the Senate Committee on Commerce, Science and Transportation and the House Committee on Transportation and Infrastructure not later than April 20, 1998, on the proposed use by the New York City Police Department for air and sea rescue and public safety purposes of the facility that is to be vacated by the U.S. Coast Guard at Floyd Bennett Field located in the City of New York."

KENNEDY (AND OTHERS) AMENDMENT NO. 2164

Mr. KENNEDY (for himself, Mr. BOND, and Mr. WELLSTONE) proposed an amendment to amendment No. 2120 proposed by Mr. NICKLES to the bill, S. 1768, supra; as follows:

On page 39, in lieu of the matter proposed to be stricken, insert the following:

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

For an additional amount for Health Care Financing Administration, "Program Management", $8,000,000.

On page 50, in lieu of the matter proposed to be stricken, insert the following:

GENERAL PROVISION, CHAPTER 11

SEC. 1101. Not to exceed $75,400,000 may be obligated in fiscal year 1998 for contacts with Utilization and Quality Control Peer Review Organization pursuant to part B of title XI of the Social Security Act.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "The President's Fiscal Year 1999 Budget Request for the Small Business Administration—Part II." The hearing will be held on Thursday, April 2, 1998, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live on the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, March 26, 1998, at 10 a.m. in open session, to receive testimony on Department of Energy atomic energy defense activities in review of the Defense authorization request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 26, 1998, to conduct a hearing on the implications of the recent Supreme Court decision concerning credit union membership.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to continue markup of S. 8, the Superfund Cleanup Acceleration Act of 1997, Thursday, March 26, 9:30 a.m., Hearing Room (SD–406).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, March 26, 1998, at 10 a.m., in room 226 of the Senate Dirksen office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, Subcommittee on Children and Families, be authorized to meet for a hearing on Head Start during the session of the Senate on Thursday, March 26, 1998, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE OCEANS AND FISHERIES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Oceans and Fisheries Subcommittee on the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 26, 1998 at 2 p.m. on S. 1221—American Fisheries Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Thursday, March 26, 1998 at 2 p.m. to receive testimony on the Department of Defense Domestic Emergency Response Program and support to the interagency preparedness efforts, including the Federal response plan and the city training program, in review of the Defense authorization request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE VETERANS BURIAL RIGHTS ACT OF 1998

• Mrs. MURRAY. Mr. President, I am pleased to announce the introduction of the Veterans Burial Rights Act of 1998. I want to personally thank Senator FRANK MURKOWSKI, my colleague on the Veterans' Affairs Committee and the former chairman of the committee, and Senator PAUL SARBANES for joining me in introducing this legislation.

I also want to thank the veterans service organizations that worked with us to draft this very important legislation. I particularly want to thank the veterans of my state who first brought this issue to my attention and who have been true partners in this effort.

I introduced this legislation for a very simple reason: every day, veterans are being buried across this nation without full military honors—honors earned through service to us all. And that is not right.

The Veterans Burial Rights Act of 1998 is a common sense piece of legislation of great importance to the veterans of our country. Our bill requires the Department of Defense to provide honor guard services upon request at the funerals of our veterans. Our bill is the right thing to do.

Our country has asked a lot of our veterans. I believe we have a responsibility to tell each and every veteran that we remember and we honor their service to our country. The Veterans Burial Rights Act of 1998 gives meaning to the words "on behalf of a grateful nation," that accompanies the presentation of the flag to the family at a funeral.

I can speak personally to the importance of this legislation. I lost my own father last year, a World War II veteran and proud member of the Disabled American Veterans. My family was lucky. We were able to arrange for an honor guard at his service. Having the honor guard there for my family made a big difference and a lasting impression. We were all—and particularly my mother—filled with pride at a very difficult moment for our family, as Dad's service was recognized one final time. It should be this way for every family who lays a veteran to rest.

With a downsized military, installations are no longer able to provide trained personnel to perform military honors for every veteran. Veterans service organizations have stepped in and tried to provide the color guard services for deceased fellow veterans. And by most accounts, they do a pretty good job. But VSO's cannot meet the need for color guard services. By their own admission they often lack the crispness and the precision of trained military personnel.

Our veterans' population is getting older. More than 36,000 World War II veterans are dying each month. In my own state, close to 5,000 veterans are being laid to rest each month. We cannot expect a group of older veterans to provide these honor guard services day in and day out for their military peers. We are simply asking too much of a generation that has already given so much.

I believe we have a responsibility to act. This bill will ensure that every veteran receives a funeral worthy of patriotic service to our country. By passing the Veterans Burial Rights Act of 1998, the Congress will send a powerful message to veterans that their service to us all will never be forgotten.

I encourage all Members of the Senate to join in this effort.•

• Mr. MURKOWSKI. Mr. President, on March 24, 1998, I joined Senators SARBANES and MURRAY in a bipartisan effort to correct a policy that is a disservice to our veterans. The issue we are addressing is the failure of the military to provide appropriate representation at a veteran's funeral in a military cemetery. To remedy this failure, we have introduced the "Veterans Burial Rights Act of 1998" that corrects this failure.

Currently, the Department of Defense allows commanders in the field to decide what level of military representation there will be at the funeral of a veteran. It is becoming a common practice for the military to send a single representative to provide the mourning family with the American flag along with an audio tape recording of Taps.

Mr. President, I find it astounding that families mourning the loss of a veteran would be expected to bring a boom box to a funeral in order that a tape of Taps can be played. Is this the way the military thinks it is appropriate to honor the memory of a serviceman or woman who has served their country honorably? For the sacrifice that veterans have made, DoD can only respond with a single person and a tape recording. This is a slap in the face of the honor of all who have served.

Mr. President, because I believe veterans deserve more, I have worked with my colleagues Senator MURRAY and Senator SARBANES to set a minimum level of effort by the military for veteran funerals.

As a former Chairman and member of the Senate Veterans Affairs Committee, I know that it is impossible to completely repay our debt to our veterans. However, I believe Congress can find ways to show our gratitude and respect.

On Tuesday, we introduced legislation that requires at least a five person honor guard for veteran burials upon request. DoD, if it chooses, can send a larger contingent, but the five person honor guard will be minimum representation. And the legislation requires that one of the five representatives plays Taps—not a tape recording!

This legislation will also allow National Guard and Reserves to perform this duty, thus increasing the resources available to DoD for this duty. Serving in the honor guard will not count as a period of drill or training. I believe this is necessary to preserve the readiness of the Guard and Reserves, who are playing a larger role in our downsized military.

Mr. President, I know when I have seen funerals with a military honor guard, I walk away humbled. When we pay our respects for those who have served, it is the little things that make the difference. Five men or women participating in the service not only gives a final honor to the veteran but also recognizes the sacrifice the veteran and the family have made.

I hope that my colleagues will join us in cosponsoring the "Veterans Burial Rights Act of 1998." A veteran should be remembered for their service and sacrifice. There is no better way to remind everyone of this, than with a military honor guard. It is the least that we can do to show our respects and gratitude for our veterans.•

• Mr. SARBANES. Mr. President, I am pleased to join with my colleagues, Senators MURRAY and MURKOWSKI, as an original co-sponsor of S.1825, The Veterans' Burial Rites Act of 1998. The purpose of this legislation is to ensure the continued availability of military burial honors to our veterans.

More and more families across the country are discovering that, due to budgetary cutbacks, full military burial honors are not available for their relatives who have served in the armed forces. In many cases that have been brought to my attention, families are now being told that the best they can expect for these loved ones—who clearly deserve a funeral with full military honors—is a taped rendition of "taps" and a lone representative from the armed services.

In my view, a society is not only judged by the way it treats its aging, its children and its least fortunate, but also by how it dignifies and honors its deceased. Knowing of the commitment and sacrifice of the armed forces and how important military honors are to those who serve and to their families, it would seem that maintaining these rites would be a high priority for the Department of Defense. It is very difficult for me to understand any degradation or lapse in this regard.

When I first learned of this growing problem, in late 1997, I wrote to the Secretary of Defense, urging him to personally review this matter and identify the means to reinstate traditional military honors for those who have served. I have now joined forces with Senators MURRAY and MURKOWSKI in introducing this legislation in an effort to ensure that full burial honors will always be available to our nation's veterans when requested. Simply, this legislation would ensure that the sufficient manpower and funding is available for requested burial details to consist of at least five members of the armed services, National Guardsmen, or Reservists—including a bugler, a firing party, and a flag bearer.

In my view, the issue is clear and our commitment should be unwavering. Our veterans are always there when this country is in need. Rightfully, they have come to expect certain commitments in return which ensure them the dignity they deserve —in life and in death. In my view, it is our obligation to continue to provide these honors without hesitation and without degradation. I urge my colleagues to support this measure.•

TRIBUTE TO GEORGETOWN COLLEGE: 1998 N.A.I.A. BASKETBALL CHAMPIONS

• Mr. McCONNELL. Mr. President: I rise today to recognize basketball excellence. As you may know, basketball is a way of life in Kentucky. While people are most familiar with Kentucky's two Division IA schools, our state also has its share of small schools that do not always receive the recognition they are due. It is one of those schools that I want to recognize today: the 1998 National Association of Intercollegiate Athletics Basketball Champions: the Tigers of Georgetown College, located in the town of Georgetown, Kentucky.

On March 23, led by NAIA first team All-America sophomore center Will Carlton, Georgetown defeated Southern Nazarene College 83–69 in Tulsa, Oklahoma. After a roller coaster first half that included a thirteen point deficit, Georgetown took a one point lead into the locker room at halftime. Midway through the second half, the Tigers exploded for 17–2 run fueled by Carlton and teammate Barry Bowman, who combined for 15 of those 17 points. During the penultimate run, the offense of Carlton and Bowman was supported by solid defense that held Southern Nazarene to only two free throws in the six and a half minutes.

This national title is the first in Georgetown College basketball history. Having lost in the finals on two previous occasions—1961 and 1996—these Tigers, led by coach Happy Osborne finished their dream season with a record of 36–3. They steadily improved their play throughout the tournament, symbolized by their cutting their turnovers from 30 in the first round to only nine in the final.

While this National Championship was the result of a total team effort, it is worth noting that Carlton, a sophomore, and Bowman, a junior, were joined by senior David Shee on the all-tournament team. After averaging nearly 22 points and 12 rebounds in the tournament, Carlton received the Chuck Taylor Most Valuable Player Award for the tournament.

Mr. President, I congratulate Coach Osborne and his team on a marvelous season culminating in this NAIA National Championship, their version of March Madness. And with most of these Tigers expected to return next year, I look forward to Georgetown successfully defending their crown next year.•

TRIBUTE TO LEONARD STERN

• Mr. TORRICELLI. Mr. President, I rise today to recognize Leonard Stern for receiving the 25th Anniversary Recognition Award from the Meadowlands Regional Chamber of Commerce.

Mr. Stern has been a pioneer in New Jersey's real estate industry and has been crucial to the State's resurgent real estate market. From investing in the New Jersey Meadowlands to Jersey City's waterfront, Mr. Stern's ventures have greatly improved both the health of the economy and the environment in northern New Jersey. By providing jobs and improving infrastructure, Mr. Stern's commercial property has improved the general welfare of the region and has helped prepare it for the challenges of the approaching century.

For over forty years, Mr. Stern has worked to enhance our premier educational institutions. In 1961, he founded the Albert Einstein School of Medicine at Yeshivah University. He established the Presidential Scholars Program at New York University to provide scholarships for qualifying students of all races and creeds. In addition, he has provided invaluable assistance to New York University's School of Business, the Max Stern Regional College, the Max Stern Athletic Center at Yeshiva University and the Manhattan Day School. Mr. Stern's many awards and citations are a testament to his activism within these academic communities.

Leonard Stern's exemplary record of service sets a certain standard for which all Americans should strive. I applaud his efforts and encourage all Americans to follow his example.•

TRIBUTE TO VINCENT R. MAJCHIER

● Mr. DODD. Mr. President, I rise today to pay tribute to one of the best friends that Connecticut's farmers have ever known: Vincent R. Majchier of Franklin, Connecticut.

Mr. Majchier held a number of important posts throughout his life. He was the Connecticut Executive Director of the Farm Service Agency of the U.S. Department of Agriculture, the Deputy Commissioner of Agriculture in Connecticut for a decade, as well as acting Agriculture Commissioner.

Vinny Majchier was uniquely qualified to serve in these positions. He grew up on a farm near Franklin and worked the same land his entire life. He was known throughout the state as the farmer's farmer. Whenever a Connecticut farmer had a problem, they would go to Mr. Majchier and he would do everything in his power to help them. And no problem was too small. I can't remember how many times he came into my Connecticut office to speak on someone else's behalf. It didn't matter if someone's corn fields had flooded, a frost had ruined some crops, or a friend was having problems with the price of pumpkins. Their problem was his problem, and he would do whatever he could to lend a hand.

Mr. Majchier also distinguished himself away from his farm and in the town of Franklin, where he lived his entire life. He served as Chairman of the Franklin Police Advisory Commission. He was a member of the Franklin Board of Selectmen, the Franklin Board of Assessors, the Franklin Board of Tax Review and on the Planning and Zoning board.

He also served as a charter member of the Franklin Lions Club, a trustee of St. Francis of Assisi Church in Lebanon, and a member of the Auxiliary State Police.

While he always had a new activity occupying his time, Vinny Majchier's first priority was always his family and his farm. These two true loves will both serve as his living legacy now that he has passed on.

He was survived by his wife Pauline; his four sons; two sisters; and nine grandchildren. I offer my heartfelt condolences to them all.●

NATIONAL MARITIME ARBITRATION DAY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 200, introduced earlier today by Senator INOUYE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 200) designating March 26, 1998, as "National Maritime Arbitration Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD as if read at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 200) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 200

Whereas Congress recognizes the integral role arbitration plays in expeditiously settling maritime disputes;

Whereas the Society of Maritime Arbitrators is a nonprofit, United States based organization providing arbitration and other Alternative Dispute Resolution (ADR) services to the international maritime industry;

Whereas the Society of Maritime Arbitrators has successfully facilitated the resolution of over 3,400 international commercial and maritime disputes since its inception in 1963; and

Whereas the Society of Maritime Arbitrators celebrates its 35th anniversary on March 26, 1998: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 26, 1998, as "National Maritime Arbitration Day"; and

(2) requests the President to issue a proclamation designating March 26, 1998, as "National Maritime Arbitration Day" and calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

ORDERS FOR FRIDAY, MARCH 27, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Friday, March 27, 1998, and immediately following the prayer, the routine requests through the morning hour be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. As in executive session, Mr. President, I ask unanimous consent that tomorrow morning, immediately following the routine requests, the Senate proceed to executive session and immediately vote on the confirmation of the nomination of Executive Calendar No. 525, the nomination of Margaret McKeown, of Washington, to be U.S. circuit judge for the ninth circuit.

I further ask unanimous consent that immediately following the vote, Executive Calendar No. 504 be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I now ask unanimous consent that it be in order at this time to ask for the yeas and nays on Executive Calendar No. 525.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I therefore ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that following the vote at 9, Senators GORTON and MURRAY be recognized for up to 20 minutes each for discussion regarding the Washington State judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators—I think they already know this by now—this last vote was the final vote of the evening. A rollcall vote now will occur at 9 a.m. tomorrow morning on a judicial nomination. We are having it at that early hour so that we can accommodate some Senators who have commitments, and also so that we can turn relatively quickly tomorrow to the opening debate on the budget resolution. Senator DOMENICI and Senator LAUTENBERG, the managers of the legislation, will be available, and they will begin the debate. And we hope to use at least 6 hours of that time tomorrow.

Following that vote at 9 o'clock on Friday morning, the Senate will begin the budget resolution, which has 50 hours of time under the statute. We will return to further debate on it on Monday and have a considerable amount of time for debate then.

I think by the close of business tomorrow we will have had a productive week. I thought we could finish things earlier. It took about 3 days longer than I thought on the supplemental, but we have gotten the supplemental down to final action by the Senate. And we could not pass it with the final vote anyway until the House acts. So sometime Tuesday then, assuming the House acts, we would expect to complete the final action on the supplemental appropriations bill.

We have, I think, made progress on the Coverdell education savings account bill. And we will get that issue resolved as to how we take it up one way or the other by or before Tuesday morning. In addition to that, we will have taken up some nominations, and we will have had about 6 hours of time on the budget resolution, as well as the vote on Mexico decertification.

Now, there still remains an awful lot to do to get through the budget resolution. It is quite an experience. We hope to have a more orderly process this time so that we can avoid the final night "vote-rama" where we have 10, 20, 30 votes or more in a row. But that will take a lot of cooperation from Senators. And certainly it will take direction from the managers of the bill.

It appears at this time, because of the agreement that has been worked out on the budget resolution, that we will not have a recorded vote on Monday at 5:30 as had been earlier anticipated. I want to check further with both sides of the aisle to make sure that that is agreed to and is acceptable. I think it is important we tell Members as early as possible, but it will give us then more uninterrupted time to work on the budget resolution.

Again, as a reminder to all Members, the next vote will occur tomorrow at 9 a.m.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:08 p.m., adjourned until Friday, March 27, 1998, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 26, 1998:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL C. SHORT, 9016

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BRUCE B. KNUTSON, JR., 7136

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR

ALEXANDER ALMASOV, OF VIRGINIA
DAVID L. ARNET, OF VIRGINIA
JAMES J. CALLAHAN, OF MARYLAND
SUSAN ANN CLYDE, OF FLORIDA
GAIL J. GULLIKSEN, OF CALIFORNIA
LLOYD W. NEIGHBORS, JR., OF TEXAS
PAUL RICHARD SMITH, OF MARYLAND
R. BARRIE WALKLEY, OF CALIFORNIA
FRANCIS B. WARD III, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE UNITED STATES INFORMATION AGENCY FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR

CESAR D. BELTRAN, OF CALIFORNIA
JANET C. DEMIRAY, OF FLORIDA
VIRGINIA LOO FARRIS, OF CALIFORNIA
JANET E. GARVEY, OF MASSACHUSETTS
RICHARD EUGENE HOAGLAND, OF THE DISTRICT OF COLUMBIA
BARBARA HAVEN NIELSEN, OF NEW YORK
JOHN T. OHTA, OF TENNESSEE
KAREN L. PEREZ, OF MARYLAND
M. ANGIER PEAVY, OF TEXAS
PAUL J. SAXTON, OF VIRGINIA
DON QUINTIN WASHINGTON, OF CALIFORNIA
JAMES HAMMOND WILLIAMS, OF PUERTO RICO

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JOAN E. LA ROSA, OF ALASKA
CARL L. LEWIS, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JULIE DEFLER, OF THE DISTRICT OF COLUMBIA
GEORGE ZEGARAC, OF NEVADA

DEPARTMENT OF COMMERCE

ROBERT O. JONES, JR., OF MARYLAND
KATHLEEN A. KRIGER, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JEFFREY NOEL BAKKEN, OF MINNESOTA
KAMAU MUATA LIZWELICHA, OF ILLINOIS

DEPARTMENT OF AGRICULTURE

STANLEY S. PHILLIPS, OF VIRGINIA
SUSAN J. REID, OF THE DISTRICT OF COLUMBIA
KEITH D. SCHNELLER, OF WYOMING

DEPARTMENT OF COMMERCE

WILLIAM H. CRAWFORD, OF VIRGINIA
SEAN P. KELLEY, OF TENNESSEE
WILLIAM L. MARSHAK, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

W. GARTH THORBURN II, OF FLORIDA
MICHAEL D. WOOLSEY, OF VIRGINIA

DEPARTMENT OF COMMERCE

JEREMY KELLER, OF THE DISTRICT OF COLUMBIA
CHARLES T. WINBURN, OF NEVADA

DEPARTMENT OF STATE

RENA BITTER, OF TEXAS
CHRISTOPHER LOWELL BUCK, OF TEXAS
JOHN RANDOLPH CARLINO, OF TEXAS
MICHAEL FRANCIS CAVANAUGH, OF ILLINOIS
GEOFFREY HUNTER COLL, OF NEW YORK
JEWELL ELIZABETH EVANS, OF MISSISSIPPI
MICHAEL GORDON GARVEY, OF NEW YORK
ANTHONY F. GODFREY, OF NEW YORK
ADRIENNE LEE HARCHIK, OF VIRGINIA
BROOK EMERSON HEFRIGHT, OF PENNSYLVANIA
ATUL KESHAP, OF VIRGINIA
SAMUEL ANDREW MADSEN, SR., OF VIRGINIA
BRETT DAMIAN MATTEI, OF CALIFORNIA
WAYNE AMORY MCDUFFY, OF PENNSYLVANIA
RICHARD GUSTAVO MILES, OF FLORIDA
THADDEUS D. PLOSSER, OF THE DISTRICT OF COLUMBIA
CRAIG THOMAS REILLY, OF PENNSYLVANIA
DAVID ALLEN SCHLAEFER, OF TEXAS
ROBERT SETTJE, OF SOUTH DAKOTA
LYNNE P. SKEIRIK, OF MAINE
JOANNE THERESE WAGNER, OF MISSOURI
JOHN EDWIN WARNER, JR., OF TENNESSEE
JASON NIALL WITOW, OF TEXAS
RICARDO F. ZUNINGA, OF VIRGINIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DANA D. ABRAHAMSON, OF MARYLAND
ANDREW D. ALEJANDRE, OF VIRGINIA
RAYMOND GENE AMES, OF VIRGINIA
BELA S. BABUS, OF VIRGINIA
RACHEL ELIZABETH BEER, OF VIRGINIA
FRANCIS W. BENDEL, OF VIRGINIA
BEVAN BENJAMIN, OF MISSOURI
VALERIE J. BISHOP, OF VIRGINIA
ELISABETH C. BRANSON, OF CALIFORNIA
BENJAMIN W. BREW, OF VIRGINIA
CARL ALLEN BREWER, OF MARYLAND
SHARYL L. BOWER, OF VIRGINIA
ROBERT HUNTER BURNETT, OF TENNESSEE
CATHY CANTU, OF VIRGINIA
EDMUND R. CARTER, OF VIRGINIA
DAVID D. CLARK, OF VIRGINIA
OWEN ANTHONY CLARKE, OF OHIO
JEREMY CORNFORTH, OF WASHINGTON
SARA M. CRAIG, OF WISCONSIN
ANTHONY JOSEPH DEMARIO, OF VIRGINIA
CHRISTOPHER P. DEVLIN, OF VIRGINIA
JEFFREY S. DIXON, OF VIRGINIA
ROBERT C. DOMAINGUE, OF WASHINGTON
MATTHEW Q. EDWARDS, OF VIRGINIA
CRYSTAL DAWN ERWIN, OF TEXAS
MICHAEL PHILIP EVANS, OF WEST VIRGINIA
GLENN E. FEDZER, OF CALIFORNIA
CAROL A. FLEMING, OF MASSACHUSETTS
NANCY JEAN FISHER, OF VIRGINIA
MICHAEL ANTHONY FOSS, OF VIRGINIA
GLENN M. FRANKLIN, OF VIRGINIA
P. MATTHEW GILLEN, OF VIRGINIA
ALEXANDER C. GOODALE, OF VIRGINIA
DAVID CHARLES GRIER, OF FLORIDA
JOHN HALL GRIFFITH, OF CALIFORNIA
ROBERT T. GRIMSTE, JR., OF VIRGINIA
SARAH COOPER HALL, OF NEW YORK
MARK A. HARDIN, OF VIRGINIA
ELISABETH A. HEALEY, OF NEW YORK
MICHAEL LANCE HERMAN, OF TEXAS
KRISTEN J. HESLINK, OF NEW YORK
DARRIN L. HINK, OF VIRGINIA
MATTHEW C. HURLEY, OF NEW JERSEY
PATRICIA B. HYDE, OF VIRGINIA
DEBORAH L. IRWIN, OF MISSOURI
TROY R. JENDERSECK, OF VIRGINIA
TAREENA L. JOUBERT, OF WASHINGTON
DAVID F. KELLY, OF VIRGINIA
DAVID F. KING, OF VIRGINIA
MARCIA MUEHR KINSEY, OF TEXAS
CHRISTOPHER KLEIN, OF NEW YORK
LEONARD R. KOSTA, OF NORTH CAROLINA
PATER I. KUJAWINSKI, OF ILLINOIS
JOHN LARREA, OF CALIFORNIA
CLINGTON D. LARRY, OF VIRGINIA
YAEL LEMPERT, OF NEW YORK
ALEXIS G. LOPEZ-CEPERO, OF VIRGINIA
DALE NEIL LYMAN, OF COLORADO
KENNETH ARTHUR MARGULIES, OF VIRGINIA
WILLIAM A. MARJENHOFF, OF VIRGINIA
DAVID G. MARKHAM, OF VIRGINIA
PATRICIA A. MCCARTHY, OF VIRGINIA
SHERYL MCCARTHY, OF VIRGINIA
ERIN CATHLEEN MCCONAHA, OF NEW YORK
ALEXANDRA K. MCKNIGHT, OF OHIO
CAROL FABRICIO MEDINA, OF VIRGINIA
KATHARINE G. MEDLIN, OF VIRGINIA
MARIO MCGWINN MESQUITA, OF CALIFORNIA
J. MARK MIDKIFF, OF MARYLAND
GEORGE Z. MILLS, OF VIRGINIA
KIMBERLY V. MILLS, OF VIRGINIA
LORI A. MISAGE, OF VIRGINIA
DAVID L. MURPHY, OF VIRGINIA
JENNIFER LARA MURRAY, OF PENNSYLVANIA
TABITHA RUSSELL OMAN, OF THE DISTRICT OF COLUMBIA
LISA ANNE O'NEILL, OF VIRGINIA
THOMAS ANDREW PALAIA, OF CONNECTICUT
STEPHEN LEE PEYTON, OF VIRGINIA
BONITA S. PEZZI, OF VIRGINIA
CHARLES WILLIAM PHILLIPS, OF VIRGINIA
TIMOTHY F. POLLOCK, OF VIRGINIA
ALBERT R. PYOTT, OF ILLINOIS
KARL LUIS RIOS, OF VIRGINIA
LAUREN HUSTON ROBERTS, OF TEXAS
SUSAN MICHELLE ROBINSON, OF VIRGINIA
WENDY M. SCHMIDT, OF VIRGINIA
DREW F. SCHUFLETOWSKI, OF TEXAS
ROBERT L. SKINNER, OF ILLINOIS
RANBIER S. SMAUGH, OF VIRGINIA
SUSAN A. SPENCER, OF VIRGINIA
LAURA MERRITT STONE, OF THE DISTRICT OF COLUMBIA
MARJA DANIELLE VERLOOP, OF WASHINGTON
ROBERT PATRICK WALLER, OF IDAHO
JACQUELINE LEANN WARD, OF RHODE ISLAND
JONAS IAN WECHSLER, OF ILLINOIS
SARAH EMILY WELBORNE, OF MARYLAND
DAISY WELCH, OF VIRGINIA
MARCIA C. WILCOX, OF VIRGINIA
JULIE POPE WILLIAMS, OF VIRGINIA
BENJAMIN R. WINFORD, OF VIRGINIA
CHARLES A. WINTERMEYER, JR., OF WASHINGTON
MERIDITH ANNE WOLNICK, OF CALIFORNIA
JUSTIN HWA-KUN YOON, OF MARYLAND
EILEEN T. ZAMKOV, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE DECEMBER 7, 1997:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

NIMALKA WIJESOORIYA, OF CONNECTICUT

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE FEBRUARY 16, 1997:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

ROBERT M. BRITTIAN, OF MARYLAND

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR

PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE DECEMBER 24, 1995:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

CHRISTOPHER W. RUNCKEL, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 28, 1993:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MORTON J. HOLBROOK, III OF KENTUCKY

HOUSE OF REPRESENTATIVES—*Thursday, March 26, 1998*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We remember with gratitude and thanksgiving the life and work of our colleague, STEVE SCHIFF, and we recall his life with a deep and lasting appreciation. We pray that your blessing, O God, would be with his family and upon all those who loved him and who received his love and his grace.

We remember the great traits that he brought to his responsibilities as a Member of this body and we are aware how this institution was ennobled by his integrity and his honesty. He was a friend to so many and his ideas and counsel made a difference for good in the history of our Nation. For his wisdom and sound judgment, for the dignity and intellect that he carried with him, for his commitment to the people he represented and for the love of family that he showed, we offer our thanks and praise.

May your peace, O God, that passes all human understanding, be with his family and with each of us now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Oregon (Ms. FURSE) come forward and lead the House in the Pledge of Allegiance.

Ms. Furse led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 87. Concurrent resolution to correct the enrollment of S. 419.

QUESTION OF PERSONAL PRIVILEGE

Mr. SHUSTER. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore (Mr. CALVERT). Based on the Chair's examination of press accounts referring to the gentleman from Pennsylvania (Mr. SHUSTER) which he has furnished to the Chair, the gentleman is recognized for a question of personal privilege. Under rule IX, the gentleman is recognized for 1 hour.

Mr. SHUSTER. Mr. Speaker, many years ago, Joseph McCarthy in Wheeling, West Virginia stood up and waved papers and said he had the names of 57 Communists in government. Well, he got lots of headlines but, of course, he was eventually proved to be a liar. I am reminded of that event, although I certainly make no such charge here today.

Mr. Speaker, three of our colleagues have made numerous statements in the media that we have been, quote, "buying votes," to get them to support our BESTEA transportation legislation in exchange for projects which we have given them. Indeed, conversely, that we have been threatening Members that if they did not vote with us, they would not get the projects.

Let me make this very clear. I challenge these Members to name one person, one person whom I went to and said they will get a project in exchange for their vote. I challenge them to name one person who I threatened that they not get a project if they voted against us.

Indeed, if we look back at the battle we had here last year on the budget resolution where we had our transportation amendment, I urge my colleagues to go look at Members who voted against us and then look at the projects they are receiving today. This is simply a blatant falsehood.

Now, no doubt many Members support our legislation because it is important to their district, because it is important to America, because they are getting projects that they have requested and which have been vetted through our 14-point requirement.

It seems that in life sometimes there are those who, when one takes a different view from their view, they must somehow ascribe some base motivation. They simply cannot believe that because someone disagrees with them, that another's motives can be as pure as theirs. Indeed, sometimes it seems as though the smaller the minority they represent, the more incensed they become, because they view themselves as more pure, more righteous, more sanctimonious than the larger majority of us who are mere mortals. But I do not ascribe any of these motives to our colleagues. I prefer to believe that they simply are misinformed.

Mr. Speaker, the supreme irony, the supreme irony is that the three individuals who have been attacking us, attacking our motives, attacking our integrity, have submitted projects to us for their own congressional districts.

Mr. Speaker, I yield to the distinguished gentleman from Minnesota (Mr. OBERSTAR), ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. SHUSTER) for yielding.

Mr. Speaker, I join in the gentleman's indignation, to put it mildly, over these attacks that are totally unjustified, unfounded, and inappropriate for Members of this body to make.

First of all, the projects in question have gone through a very thorough and careful vetting process according to a 14-point outline that the committee fashioned, which includes a requirement that the project be on the State's priority or State's future project development list. The points that are included in the review of projects are all the points that States use to measure validity of projects that their transportation departments will fund.

After reviewing all of these projects and ensuring that they meet standards accepted by States and that these are projects necessary in a Member's district, we accept the Member's judgment as to what is necessary for his or her district, and those projects are included in this package, as was done in 1991 in the previous transportation bill.

Mr. Speaker, I could understand Members disagreeing with the process, but I do not approve, I am offended by the use of language and by the accusations made. The gentleman from Pennsylvania has been a vigorous advocate for transportation since before he was elected to Congress in 1972 and since taking his place on the then-Committee on Public Works and now-Committee on Transportation and Infrastructure. Under his chairmanship, he has waged a nationwide campaign for increased investment in the Nation's portfolio of bridges, highways, buses, transit systems, but above all, its safety. He is a champion of safety.

The gentleman's drive to increase spending out of the highway trust fund, tax dollars that have been collected at the pump but not paid into projects for

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

which driving America has already been taxed, is clear and well known and widely respected, open and clear for everyone to review.

So when the gentleman from Pennsylvania or I, together on a bipartisan basis, present our program to our respective caucuses and to this body and ask for their support, we do so very clearly, very openly, without any hidden agenda. And for Members then to say that they have been somehow browbeaten, whipped into line, or threatened is totally inappropriate and totally untrue.

As a strong and vigorous advocate for his viewpoint, I respect the gentleman from Pennsylvania and I respect those who take a differing viewpoint. They are entitled to that viewpoint. They are also entitled to the fair share of funding that we have designated without any questions, without any quid pro quo.

We respect and always have respected the Members' right to vote their district and their conscience. We would ask them, and I do not think there is anything inappropriate to ask a Member to support this legislation, but we respect their right not to.

Mr. Speaker, I think the gentleman from Pennsylvania has conducted himself with the highest dignity, with the appropriate character of a Member of Congress of this distinguished body, in the same manner that he has done for his 26 years in the House of Representatives. I join with him in reproving those who have used such inappropriate language. It is an assault upon the integrity of the chairman of this committee, a Member who has championed the cause for all of America for better transportation, better investment in the future of our economy, and I salute the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, reclaiming my time, I thank the gentleman from Minnesota for those words.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, I want to commend the gentleman from Pennsylvania (Mr. SHUSTER) for being a chairman and taking care of the jurisdictional authority which he is in charge of. I am tired of the "pork barrel" labels on the gentleman from Pennsylvania and on the gentleman from Minnesota (Mr. OBERSTAR).

Mr. Speaker, I had five bridges in the original ISTEA bill, and one of the major news networks came to my district and said, boy, you are getting all of this pork. And I said, come on down. Then I showed them bridges with a sway, with a 2-ton weight limit. The next bridge down had a 5-ton weight limit. And I got those bridges built. I got the money for them. And they are still not built; they are now under process. That is how many years it takes.

Well, I want to announce here that as soon as the wrecking crew appeared on the Center Street Bridge, the first time the backhoe hit one of the steel structures, the bridge collapsed.

□ 1015

They said, thank God citizens were not killed. Enough of this pork barrel madness. Ohio had 28 major projects announced last year, and my district did not get one of them; and I have the most infrastructure needs in the country. No Member of Congress should go home and flout this pork barrel if they have got infrastructure needs and they are not taking care of it. Because that is why we are elected.

And by God, I am just glad we are building the Center Street bridge and no one in my district got hurt. I want to say this as a former Pitt grad, my colleague stands for what a chairman should be; and all chairmen should deal with their jurisdictional authority and dispatch the duties like he has.

I stand with him, proud to be associated with him, and I commend him and the gentleman from Minnesota (Mr. OBERSTAR) for the fine job they have done on this bill.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for his statement.

Mr. OBERSTAR. Mr. Speaker, if the Chairman would continue to yield, let me just emphasize once again, never on our side or on the chairman's side of the aisle was any Member told that conclusion of their project was contingent upon or dependent upon their vote. No Member was asked how they intended to vote in advance. Projects were included for Members on the basis of the merits of the project, not on how they would vote.

Mr. Speaker, I include the following for the RECORD:

Washington, DC, March 7, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Recently, the Oklahoma Department of Transportation submitted an authorization request to your Committee to extend the Broken Arrow Expressway from I-44 southeast approximately 8.0 miles to the Tulsa County Line.

I am forwarding the enclosed request on to your Committee for its consideration. I am confident that the merit of the project will speak for itself.

Sincerely,

STEVE LARGENT,
Member of Congress.

INFORMATION REQUESTS FOR TRANSPORTATION PROJECTS STATE OF OKLAHOMA

Project Description: SH 51 (Broken Arrow Expressway) extending from I-44 southeast approximately 8.0 miles to the Tulsa County Line.

EVALUATION CRITERIA AND RESPONSES ARE AS FOLLOWS

1. Name and Congressional District of the Primary Member of Congress sponsoring the project, as well as any other Members supporting the project (each project must have a single primary sponsoring Member).

U.S. Representative Steve Largent.

2. Identify the State or other qualified recipient responsible for carrying out the project.

Oklahoma Department of Transportation.

3. Is the project eligible for the use of Federal-aid funds (if a road or bridge project, please note whether it is on the National Highway System)?

This project is eligible for Federal-aid funds and it is on the National Highway System.

4. Describe the design, scope and objectives of the project and whether it is part of a larger system of projects. In doing so, identify the specific segment for which project funding is being sought including terminus points.

Design/Scope: Reconstruct the existing 4 lane highway and add 2 additional lanes to provide a 6 lane facility. This project will complete the final improvements to upgrade the Broken Arrow Expressway which connects the Tulsa central business district with Broken Arrow, Oklahoma and the residential developments in the western portion of Wagoner County. The specific section we are requesting funding for extends from I-44 southeast 8.0 miles to the Tulsa/Wagoner County Line.

5. What is the total project cost and proposed source of funds (please identify the federal, state, or local shares and the extent, if any, of private sector financing or the use of innovative financing) and of this amount, how much is being requested for the specific project segment described in item #4?

The estimated total cost of this project is $160,000,000 and the average daily traffic volume on this section of highway is in excess of 78,000 vehicles daily.

10. Does the project have national or regional significance?

This project is on the National Highway System and it serves as a connector route between I-44, I-444, I-244, US 64, US 169 and the Muskogee Turnpike. Consequently, this highway serves both local commuter traffic and interstate travel which makes it significant from a national and regional level.

11. Has the proposed project encountered, or is it likely to encounter, any significant opposition or other obstacles based on environmental or other types of concerns?

Although an environmental assessment has been completed on this project, a reassessment will be required. The EA includes the mainline, but does not include the interchange at US 169. Clearance of the SH 51/US 169 interchange will likely require intermodal issues and a major investment study (MIS).

12. Describe the economic, energy efficiency, and environmental, congestion mitigation and safety benefits associated with completion of the project.

Widening this expressway to 6 lanes, reconstructing the major clover leaf interchanges, and providing full directional interchanges will significantly increase capacity, reduce congestion and improve the safety of this major highway serving the Tulsa metropolitan area.

13. Has the project received funding through the State's Federal aid highway apportionment, or in the case of a transit project, through Federal Transit Administration funding? If not, why not?

The State of Oklahoma has expended in excess of $34,000,000 in State and Federal funds on this project to perform preliminary engineering work, acquire right-of-way, relocate utilities, and reconstruction work on several sections of the highway in the past few years.

Is the authorization requested for the project an increase to an amount previously authorized or appropriated for it in federal statue (if so, please identify the statute, the amount provided, and the amount obligated to date), or would this be the first authorization for the project in a federal statute? If the authorization requested is for a transit project, has it previously received appropriations and/or received a Letter of Intent or entered into a Full Funding Grant Agreement with the FTA.

The authorization requested for this project would be the first one received by the State of Oklahoma on the Broken Arrow Expressway.

Washington, DC, February 25, 1997.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SHUSTER: Enclosed, please find a copy of an ISTEA funding request by the City of Charlotte, North Carolina, which we both represent. As the attached proposal indicates, the City of Charlotte is seeking funds for a South Corridor Transitway, one of the first of its kind in the United States. This project would link Uptown Charlotte to Southeast Charlotte via a 13.5 mile express bus transitway, relieving traffic congestion and providing improved access to the City's Uptown area.

We respectfully submit this proposal by the City of Charlotte and ask for your due consideration of this request. Please do not hesitate to contact either one of us with questions or concerns. We would both be pleased to speak with you further concerning this project.

Thank you in advance for your consideration.

Sincerely,

SUE MYRICK,
Member of Congress.
MELVIN WATT,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 1997.

Hon. THOMAS E. PETRI,
U.S. House of Representatives, Chairman-Subcommittee on Surface Transportation, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN PETRI: I encourage you to read the following testimony and letter. The enclosed detail very carefully the importance of Oklahoma's surface transportation.

I request that you give the State Highway 51 demonstration project proposal your full consideration.

In advance, I would like to thank you and your colleagues on the Transportation and Infrastructure Committee for your diligence and hard work on the upcoming ISTEA reauthorization.

Sincerely yours,

TOM A. COBURN, MD,
Member of Congress.

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
Oklahoma, OK, February 21, 1997.

Hon. THOMAS E. PETRI,
U.S. House of Representatives, Chairman-Subcommittee on Surface Transportation, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN PETRI: The significance of our surface transportation system should not be under estimated. Careful investment in our infrastructure increases productivity and economic prosperity at local and regional levels. Despite the importance of our transportation system to the nation's economic health, investment has fallen well short of what is truly needed. Dealing with these needs will require numerous approaches, including special project funding.

As you begin the monumental task of reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991 (ISETA), we, the undersigned, wish to lend our support to the following special funding request which is in addition to our existing obligation limit and is critical to the transportation needs of the State of Oklahoma.

SH 51 extending from Coweta east approximately 14.6 miles to Wagoner, Oklahoma.

We commend your committee for its role in enacting ISTEA and for the subsequent improvements made with the passage of the National Highway System Bill last year. A sound national transportation policy is critical to our state's economy and our nation's ability to compete globally. To that end we urge you to evaluate our request and take the appropriate action.

Sincerely,

FRANK KEATING,
Governor.
NEAL A. MCCALEB,
Secretary of Transportation.
HERSCHAL CROW,
Chairman, Oklahoma Transportation Commission.

DEMONSTRATION PROJECT TESTIMONY, STATE HIGHWAY 51, WAGONER, OKLAHOMA

Submitted by: the Honorable Tom A. Coburn, U.S. House of Representatives and Neal A. McCaleb, Secretary of Transportation, State of Oklahoma

State Highway 51 (SH 51): SH–51 extending east from Coweta to the Arkansas border, has been identified as a Transportation Improvement Corridor. Eastern Oklahoma has an ever increasing population. Tourism has also increased in the Fort Gibson Lake and Tahlequah areas. These two factors form the basis of why reconstruction of SH–51 is of foremost concern.

The route has a high accident rate and contains bridges that are structurally deficient or functionally obsolete. For projected traffic, this two lane route with no shoulders is unacceptable, and could ultimately curb any future economic growth in the northeastern region of Oklahoma.

In addition to tourism dollars, the highway also serves as a major travel corridor and commuter route extending from the Tulsa Metropolitan area east to Broken Arrow, Muskogee and the Arkansas state line.

SH–51 is crucial to the region's business, industry and labor, because it provides access to the Tulsa metropolitan area, McClellan Kerr Navigational System, and several recreational areas in eastern Oklahoma.

Nationally significant, SH–51 connects with I–44, I–244, the Muskogee Turnpike, US-412 and other major routes in eastern Oklahoma.

It is essential that SH–51 be expanded to four lanes to increase capacity, promote tourism, boost economic growth, and to improve safety and congestion. This project is estimated to cost $63 million, and although the state has expended nearly $34 million to improve this corridor, it is simply not enough in view of the overall critical needs of the entire highway system.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON SURFACE TRANSPORTATION INFORMATION REQUESTS FOR TRANSPORTATION PROJECTS, STATE OF OKLAHOMA

Project Description: SH 51 extending from Coweta east approximately 14.6 miles to Wagoner, Oklahoma.

Evaluation Criteria and Responses are as follows:

1. Name and Congressional District of the Primary Member of Congress sponsoring the project, as well as any other Members supporting the project (each project must have a single primary sponsoring Member).

Response to No. 1: U.S. Representative Tom Coburn.

2. Identify the State or other qualified recipient responsible for carrying out the project.

Response to No. 2: Oklahoma Department of Transportation.

3. Is the project eligible for the use of Federal-aid funds (if a road or bridge project, please note whether it is on the National Highway System)?

Response to No. 3: This project is eligible for the use of Federal-aid funds, but it is not on the National Highway System.

4. Describe the design, scope and objectives of the project and whether it is part of a larger system of projects. In doing so, identify the specific segment for which project funding is being sought including terminus points.

Response to No. 4: Design/Scope: Reconstruct to 4 lanes. The objectives of this project is to continue improving SH 51 from Tulsa extending west approximately 59.0 miles to Tahlequah, Oklahoma. The specific section for which we are requesting funding extends from Coweta east 14.6 miles to Wagoner, including the Wagoner bypass.

5. What is the total project cost and proposed source of funds (please identify the federal, state, or local shares and the extent, if any, of private sector financing or the use of innovative financing) and of this amount, how much is being requested for the specific project segment described in Item No. 4?

Response to No. 5: The estimated total cost of this project is $63,000,000.00 and we are requesting $50,400,000.00 in Federal-aid funds. The State of Oklahoma will provide $12,600,000.00 in matching funds to finance this project.

6. Of the amount requested, how much is expected to be obligated over each of the next 5 years?

Response to No. 6: All of the funds we are requesting can be obligated over the next 5 years.

7. What is the proposed schedule and status of work on the project?

Response to No. 7: The environmental clearance has been completed on this project. However, a reassessment may be necessary. Following completion of the environmental reassessment, right-of-way and design plans will be prepared and this takes approximately 2 years. Right-of-way acquisition will then take about 18 months to complete. Construction contracts should be ready for letting within 4 to 5 years.

8. Is the project included in the metropolitan and/or State Transportation Improvement Program(s), or the State long-range plan and, if so, is it scheduled for funding?

Response to No. 8: The right-of-way acquisition and utility relocations for one section of this project are currently on the Statewide Transportation Improvement Program and funding is scheduled for these items. The entire project limit, however, is identified as one of the transportation improvement corridors in the Statewide Intermodal Transportation Plan (long range plan). Due to the high cost of this project and the State's limited funds, the remaining construction, right-of-way, and utility phases of this project are not currently scheduled.

9. Is the project considered by State and/or regional transportation officials as critical to their needs? Please provide a letter of support from these officials, and if you cannot, explain why not.

Response to No. 9: This project is considered critical to the economic growth of the eastern region of Oklahoma which generates a large amount of tourism in the Fort Gibson Lake and Tahlequah areas. The highway also serves as a major travel corridor and commuter route extending from the Tulsa Metropolitan area east to Broken Bow, Muskogee and the Arkansas State Line.

10. Does the project have national or regional significance?

Response to No. 10: This project is regionally significant because it provides access to the Tulsa metropolitan area, McClellan Kerr Navigational System, and several recreational areas in eastern Oklahoma. SH 51 is also nationally significant because it connects with I-44, I-244, the Muskogee Turnpike, US 412, and other major routes in the eastern section of Oklahoma.

11. Has the proposed project encountered, or is it likely to encounter, any significant opposition or other obstacles based on environmental or other types of concerns?

Response to No. 11: The environmental clearance has been completed on this project. However, a reassessment is likely. We do not anticipate any major opposition or other obstacles that will delay construction of this project.

12. Describe the economic, energy efficiency, environmental, congestion mitigation and safety benefits associated with completion of the project.

Response to No. 12: Widening SH 51 to a 4 lane highway will increase capacity, promote tourism and economic growth in the region, and improve the safety and congestion along this major highway serving the eastern region of Oklahoma.

13. Has the project received funding through the State's Federal-aid highway apportionment, or in the case of a transit project, through Federal Transit Administration funding? If no, why not?

Response to No. 13: During the past few years the State has expended in excess of $34,000,000.00 to improve this corridor between I-44 in Tulsa and the Arkansas State Line. However, because the overall critical needs of the entire highway system far exceeds the limited funding levels, this project from Coweta to Wagoner has not received funding through the State's Federal-aid highway apportionments.

14. Is the authorization requested for the project an increase to an amount previously authorized or appropriated for it in federal statute (if so, please identify the statute, the amount provided, and the amount obligated to date), or would this be the first authorization for the project in federal statute? If the authorization requested is for a transit project, has it previously received appropriations and/or received a Letter of Intent or entered into a Full Funding Grant Agreement with the FTA?

Response to No. 14: This is the first authorization we have requested for this project.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 10, 1997.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation, Rayburn House Office Building.
Hon. THOMAS PETRI,
Chairman, Subcommittee on Surface Transportation, Rayburn House Office Building.
Hon. JIM OBERSTAR,
Ranking Democratic Member, House Committee on Transportation, Rayburn House Office Building.
Hon. NICK RAHALL,
Ranking Democratic Member, Subcommittee on Surface Transportation, Rayburn House Office Building.

DEAR MR. CHAIRMAN AND RANKING MEMBERS: On February 25, 1997, the North Carolina Delegation forwarded to your attention copies of the State of North Carolina's highway transportation project priorities.

Included in this package, there were two funding requests that are of particular concern to our districts, the Ninth and Twelfth Districts of North Carolina. These requests regarded funding for construction of the Eastern and Western Outer Loops in Charlotte, Mecklenburg County, North Carolina. The completion of the Outer Loop is the foremost road priority for our region during consideration of transportation funding this year. The purpose of this letter is to formally inform you of our strong support for this critical transportation need for the City of Charlotte.

We thank you in advance for your consideration of this request. Please do not hesitate to contact either of us if we can provide you with further information regarding the Outer Loop project.

Sincerely,

SUE MYRICK,
Member of Congress.
MELVIN WATT,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, August 20, 1997.

Chairman BUD SHUSTER,
Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SHUSTER: We are writing to express our strong support for the I-40 cross bridge project, which was submitted to the Surface Transportation Subcommittee in February. This project is important not only to the State of Oklahoma, but also to the Nation.

The I-40 cross bridge is in a critical state of disrepair. There are serious safety concerns surrounding the continued use of this bridge. Due to these concerns Oklahoma inspects this particular bridge every six months; other bridges are inspected only once every two years.

It is critical to the State and to the Nation that this bridge remains open. Recently, the Oklahoma Department of Transportation determined that approximately 102,000 cars cross this bridge every day. Furthermore, 61% of all the trucks that cross this bridge are out of state trucks. Clearly, this bridge is heavily traveled by more than just Oklahomans.

Both the Governor of Oklahoma and the Secretary of Transportation have endorsed this project and have made it the number one transportation priority for the State of Oklahoma. Unfortunately, due to the magnitude of the project, Oklahoma does not have the funds to tackle it at this time.

We are committed to working with our state officials to ensure that this project receive the attention and funding it needs. We would greatly appreciate your consideration of the merits of this project. The I-40 cross bridge is indeed vital to both Oklahoma and the overall interstate system. Please let us know if we can provide you with additional information.

Sincerely,

REP. J.C. WATTS, JR.
REP. ERNEST ISTOOK, JR.
REP. STEVE LARGENT.
REP. FRANK LUCAS.
REP. WES WATKINS.
REP. TOM COBURN.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). The Chair will entertain 10 one-minutes on each side.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 981

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 981.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the Fairness for Small Business and Employees Act will be considered by the House today. Title I of this bill makes it clear that an employer does not have to hire someone who is not a bona fide applicant. In other words, a job applicant's primary purpose in seeking the job must be to work for the employer, not for someone else.

Mr. Speaker, H.R. 3246 was drafted after careful examination of the best way to protect employers, while not upsetting the principles of the National Labor Relations Act. It addresses the worst examples of salting in which people who have no intention of really working for an employer are simply filling jobs and filing charges to disrupt the employer's operation, resulting in lost productivity and thousands of dollars in legal fees to defend weak allegations.

This bill addresses the problems which occur when someone applies for a job in a nonunion workplace for the primary purpose of disrupting the workplace and furthering the union agenda. I hope my colleagues will vote for H.R. 3246.

TELECOMMUNICATIONS DEREGULATION

(Mr. DEFAZIO asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, just 3 years ago the Republican leaders and the Clinton administration touted all the benefits that would flow from telecommunications deregulation. Cable would compete with phone, phone with cable, lower rates, better service, new technology. Three years' experience has shown those promises to be hollow.

There is no competition between phone and cable. Cable rates have skyrocketed, local phone rates are going up, service has deteriorated. Then we get all those evening phone calls. This is not a consumer-friendly bill. But, all in all, it has delivered a golden egg for Wall Street and a few companies and a goose egg for Main Street consumers and small business.

Now the Clinton administration and the Republican leaders want to rush to deregulate our electric power. Lower rates, new technology, more competition. We have heard it before. Wall Street and a number of large energy companies are just slathering over the products. The results for consumers and small business will be the same as telecommunications, evening phone calls, higher rates, worse service.

SKY TAVERN JUNIOR SKI PROGRAM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, when it comes to birthdays or anniversaries, it does not matter whether we call it five decades, 50 years, or just half a century. No matter how we say it, the Sky Tavern Junior Ski Program in northern Nevada deserves our special recognition and congratulations.

Today, I rise with great pride to announce that this year marks the 50th anniversary of the Sky Tavern Junior Ski Program. Since 1948, this program, maintained and run completely by volunteers, has taught thousands of young people in northern Nevada to ski.

The generosity and commitment of hundreds of volunteers and ski instructors have made it possible for these kids from all economic backgrounds to benefit from this program. But the Sky Tavern program provides these people with more than just skiing lessons. It also teaches them the value of a hard day's work and the importance of giving back to their community.

I am proud to represent a community with such outstanding people and such a marvelous program. I am also equally proud to call myself an alumnus of the Sky Tavern Junior Ski Program. To all of them, congratulations, and we look forward to another half century of success and contribution to the children of Nevada.

REPUBLICANS' CAMPAIGN FINANCE REFORM BILL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it is Academy Award week, but the Republicans' campaign finance reform bill is not winning any Oscars this year. It is little wonder the Republican leadership pulled the bill from today's floor schedule, for the reviews are in and the critics have panned the GOP proposal.

Every credible campaign finance organization has sharply criticized this bill. The League of Women Voters says, "This bill would take a big step in the wrong direction." Common Cause's Anne McBride says, "This bill is a hoax. No one should be fooled by this cynical effort." Public Citizen's Joan Claybrook urges Members to "oppose the sham and repugnant House Oversight reform bill, a partisan bill that is the exact opposite of reform."

Democrats believe that campaign finance reform is essential to renewing America's faith in our democracy. Let us fight for real reform. Let us pass McCain-Feingold II and stop this sham with the Republican leadership's proposal.

CONGRESS NEEDS TO ASK MORE QUESTIONS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I have some questions to ask today.

Is it not strange that this White House can find and release in a matter of hours a half-dozen private letters written years ago by a volunteer, but it takes months and even years to find official documents officially requested by official government agencies?

Is it not strange that the pundits and spin doctors representing Bill Clinton have so much to say when no one elected them, while the President continues to say nothing?

Is it not strange that the President invokes executive privilege to keep his aides from telling what they know when he says he has nothing to hide?

Is it not strange that every person who dares to speak up about Bill Clinton's behavior is smeared and slandered by the White House attack team?

I think we need to ask more questions.

SECURING BORDERS FOR AMERICAN PEOPLE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a classified U.S. Government report says that Mexico's military is allowing massive shipments of narcotics into America. Wow, what a surprise. Barney Fife even knows that, folks. Let us tell it like it is.

Mexico is the biggest drug pusher in the world, and Uncle Sam is the world's biggest junkie. Shame, Congress. It is time to stop this narcotic madness. Number one, Congress should absolutely repeal NAFTA; and number two, if Congress can ensure the securing of borders in Bosnia, Western Europe, the Mideast, and Korea, then, by God, Congress should be able to secure the borders for the American people.

Think about that. This narcotics business is not hard to figure out.

I yield back all the balance of overdoses in our cities throughout the country.

VIOLENCE IS PERVASIVE IN OUR CULTURE

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, it is outrageous to me that the talking heads on the liberal news networks with all their expertise and social behavior have not figured out the cause of the Jonesboro, Arkansas, tragedy.

To listen to the evening and morning news and their take on the story, that it is because of Southerners with their obsession with guns and their hunting culture; in other words, Southerners, in their opinion, are a bunch of gun-crazy rednecks.

Mr. Speaker, being a Southerner, and along with many other Southerners that have felt the sadness of this tragedy and other tragedies, I am offended by that outrageous assumption. If we want to start placing blame for this and the other tragedies, why not start with the TV networks, where our children are exposed to assault, murder, rape, drug, sex, deviant lifestyles, cheating, stealing, and uncivilized gutter language.

Mr. Speaker, the tragedy is that violence is not confined to any one region or community in this Nation; it is pervasive in a culture that is obsessed with violence, sex, and self-gratification. The truth is, what goes in our children eventually comes out.

"SO-CALLED" FOREST RECOVERY BILL

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, I am here to talk about the so-called forest recovery bill.

This bill is bad for the environment and it is bad for the economy. The sponsors say it will fix environmental problems in the forest. But, in fact, it will harm our public forests. And because it is such a bad bill, we have a lot of people who are opposing it.

The League of Conservation Voters have said they will score this as a key no vote. Who else is opposing the bill? Quite a lot of people: the Methodist Church, Taxpayers for Common Sense, the Presbyterian Church, Religious Center for Reformed Judaism, The National Audubon Society, and the US PIRGs.

Sure, we do have environmental problems. But we are trying to fix those problems at a local level. We have hundreds of private-public partnerships working to fix those environmental problems.

What this bill is a fix from Washington, DC. We do not need a fix from Washington, DC. We need to fix our environmental problems on the ground, people who understand, people who know the problems.

So I say, vote no on H.R. 2515.

IRS IS OUT OF CONTROL

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, I rise today to thank the individual who made the following statement: "It is time to change IRS to RIP, rest in peace." They hit the nail on the head. The Internal Revenue Service is truly out of control, just like the tax system it oversees.

This Congress approved important Internal Revenue Service reforms last year which provide critical new protections for the American taxpayer. I hope those reforms will be enacted because they will certainly be an improvement. However, I fear these reforms will not be enough for the American people.

The American people need more tax relief, both from the size of the checks they write to the Internal Revenue Service and from the lengthy and burdensome process they must struggle through each year simply to determine how much they owe. In fact, Americans spend $200 billion a year and 5.4 billion hours annually merely complying with the Tax Code.

I believe that a fairer, simpler tax system is the answer. It is the best way to truly change IRS to RIP.

REPUBLICANS' CAMPAIGN FINANCE REFORM BILL IS EMBARRASSMENT TO COUNTRY

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, why would the Republican leaders of this House send to the floor a campaign finance reform bill that is not campaign finance reform, a bill that Common Cause calls a "hoax," the League of Women Voters calls a "travesty," The New York Times calls a "charade," and the Washington Post calls a "mockery"?

Has the Republican leadership become like a fish that no longer feels the water, that no longer feels wet in the water?

What do I mean by that? Have they become like a fish that is swimming in money all the time in Washington, D.C., no longer aware of how inappropriate these huge, unregulated several hundred thousand dollar donations are?

This campaign finance reform bill they are presenting to this House floor, the only one they are letting come to this floor, is not campaign finance reform. It is not leadership; it is an embarrassment to this country.

FOR A BETTER AMERICA, WE MUST BE BETTER AMERICANS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, Congress has worked very hard to rebuild a strong economy and bring hope to our children. It took a great deal of discipline and dedication and it was not without sacrifice. But the results are record-setting days on the New York Stock Exchange, dwindling unemployment and welfare lines, and expanding consumer confidence.

But what good will come from the strong economy if we have an empty soul? This week we were all stunned and saddened by the two boys who ambushed a school and killed four young girls with promising lives, and a young teacher with a promising career in Jonesboro, Arkansas. But that was not the only indication that our culture is in a moral free-for-all.

The day after this tragedy, in Dale City, California, a boy shot at a principal; in Coldwater, Michigan, another student committed suicide outside his school; and in Princeton, Texas, a student slashed three teachers with a razor blade.

Mr. Speaker, it is time for us to rebuild our moral culture like we rebuilt our economy. It is time to overcome the culture of violence that permeates on our TVs and from our movies. Each of us must participate. It is up to us. We must talk to our children, honor our commitments. If we want a better America, we must be better Americans.

WORKERS SHOULD BE ABLE TO ORGANIZE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, I rise on behalf of working people to urge Congress to reject H.R. 3246, a bill to restrict workers from organizing.

H.R. 3246 will make it much more difficult for workers to organize other workers for better pay and benefits. It would allow employers to refuse employment to workers on the basis of their outside group affiliations. It would do this by overruling a Supreme Court decision which held that employees who took jobs at nonunion employers to assist other workers to form a union, that those employees could not be fired for disloyalty.

□ 1030

H.R. 3246 turns the clock back to the 19th century when workers had few rights. I urge my colleagues to defend the rights of workers. Let us unite to declare, people have a right to a job, a right to decent wages and benefits, a right to safe working places, a right to compensation if they are injured on the job, a right to decent health care, a right to organize, a right to join a union, a right to grieve about working, and a right to participate in the political process. We in Congress have an obligation to protect the rights of working people.

TAX CODE MUST GO

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, here is a quiz. What has over 3,500 pages, is practically impossible to understand and is so complicated that rich people, poor people, middle class people all think it is an unfair monstrosity? Of course it is the Federal Tax Code, all 3,500 pages of it.

The Tax Code is a monument to the power of special interests, a symbol of big government and liberalism run amok, a scourge to all who believe in fairness, openness and common sense. I am convinced that just reforming the Tax Code is not going to work. No, Mr. Speaker, the Tax Code will have to go because the Tax Code is fundamentally corrupt. It is not an honest system when people trying to do the best they possibly can to figure out how much they owe make innocent mistakes and then get hammered by the IRS. A simple tax, maybe a sales tax, maybe a flat tax, with a low interest rate is the only way to have fairness, transparency and honesty in the way the Federal Government collects revenue.

Let us get serious. Let us replace, not just reform, the 3,500 pages of the Tax Code.

MEXICO'S PLAN TO REDUCE THEIR OIL PRODUCTION

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, I rise today to express strong outrage concerning recent reports about Mexico's plans to reduce the production of crude oil, which will result in higher gasoline prices at the pump.

Mr. Speaker, it was not too long ago, the same Mexican government officials who today seek to increase the price of crude oil came to the United States seeking financial assistance and aid. This special assistance was over and above what we have already given to the Mexican government in development aid and to support counternarcotics efforts. This body debated and ultimately approved a $20 billion bailout package to prop up the peso and save the Mexican economy from collapsing. Without this money, the Mexican economy would have surely fallen and today Mexico is on the road to recovery.

Now, just over 3 years later, how does Mexico repay us for our role in pulling them back from the brink of economic disaster? They repay us by attempting to drive up the price of crude oil. This is wrong and we need to stop it now.

AN AGENCY IN SHAMBLES

(Mr. DUNCAN asked and was given permission to address the House for 1 minute.)

Mr. DUNCAN. Mr. Speaker, anyone who still believes big government works or that the Federal Government can do anything in an economical way should just read the daily newspaper almost any day.

Today it is the Forest Service. According to the Government Accounting Office, the Forest Service has lost $215 million. It has simply vanished. They cannot account for it. Can you imagine that? It would really take some doing to lose $215 million, but somehow the Forest Service has managed to do it.

A report being released today compiled from GAO reports describes the Forest Service as "an agency in complete shambles." Yet at a hearing which begins in just a few minutes, the Forest Service will be requesting a $43 million increase in its budget. This agency in shambles has gotten huge increases in funding over the last decade and now it wants even more. Maybe the Forest Service can lose more than $215 million next year.

Mr. Speaker, we need to help every family in America by decreasing the government's budget and increasing the family's budget.

CAMPAIGN FINANCE REFORM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, last night the Republican leadership pulled the campaign finance bill from the House Committee on Rules. They did so not because they feared that it would fail, they did so because they feared that it would pass. They feared for the first time that there would be a bipartisan coalition in this House that would support meaningful campaign finance reform when we were given an opportunity to offer that on the motion to recommit. So rather than recognize that a majority of this House, Republicans and Democrats together, want to reform our finance system for campaigns, they pulled the bill, because the Republicans are trying to manage a defeat. They are not trying to manage a victory. They do not want campaign finance reform to pass. They want it to fail.

The problem is now the bill has too many votes. So they have to go back and tinker with it to see if they can make sure that enough people will not approve it. Their bill will fail. Real reform will pass. That is their problem. They want to stifle working families from participating in campaigns and triple the amount of money that rich families can give to campaigns.

CUBA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, next Tuesday Capitol Hill will be visited by various organizations that support the repressive regime's agenda which promotes the myth that there is an embargo on food and medicine to Cuba. Mr. Speaker, nothing can be further from the truth. The United States is in fact the leading humanitarian aid donor country to Cuba, more than all of the nations of the world combined. The United States has sent more than $227 million in humanitarian donations to the people of Cuba.

The shortages of medicine and food in Cuba is caused by the misguided failed Marxist policy of the dictatorship and not what people incorrectly perceive as U.S. policy and U.S. laws. The regime redirects these supplies to tourist-only hospitals and hotels.

U.S. policy, in fact, which a majority of the American people support according to a new survey released just yesterday by the American Enterprise Institute, is not at fault for Cuba's ills. The facts are clear. The embargo that must be lifted is the embargo on freedom and human rights and democracy which Castro imposes on his people.

INTERNET IN UGANDA

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, as the President travels the continent of Africa, he has made a whole lot of promises. For example, earlier this week he promised to send taxpayers' money to Uganda to help them wire their schools for the Internet. We have schools right here in the District of Columbia with roofs that leak, and the President has promised money for the school districts of Uganda.

You would think that Bill Clinton is running for the President of Uganda. But I doubt that the people of Uganda would support the President's agenda of higher taxes and more Washington spending. I wonder if this is just another version of executive privilege.

Mr. Speaker, I hope the President returns soon. The way he is making promises in Africa, we can all kiss that surplus good-bye.

SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS OF 1998

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 396 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES: 396

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or section 303 or 311 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform and Oversight now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 303 or section 311 of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Colorado (Mr. MCINNIS) is recognized for 1 hour.

Mr. McINNIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this is a noncontroversial resolution. The proposed rule is an open rule providing for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Government Reform and Oversight. After general debate, the bill shall be considered for amendment under the 5-minute rule.

The proposed rule makes in order an amendment in the nature of a substitute recommended by the Committee on Government Reform and Oversight as an original bill for the purpose of amendment and provides that it will be considered as read.

Furthermore, Mr. Speaker, under House Resolution 396, points of order against consideration of the bill for failure to comply with clause 2(1)(6) of rule XI, or section 303 or 311 of the Congressional Budget Act of 1974 are waived. Likewise, points of order against the committee amendment in the nature of a substitute for failure to comply with section 303 or section 311 of the Congressional Budget Act are waived.

Mr. Speaker, House Resolution 396 also provides that the Chairman of the Committee of the Whole may accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Furthermore, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Finally, Mr. Speaker, the rule provides one motion to recommit, with or without instructions. This rule was reported out of the Committee on Rules by voice vote.

Mr. Speaker, the underlying legislation, the Small Business Paperwork Reduction Act Amendments of 1998, is intended to reduce the burden of Federal paperwork on small businesses by requiring the publication of a list of all Federal paperwork requirements on small businesses, and requiring each Federal agency to establish one point of contact to act as a liaison with small businesses.

In my opinion, Mr. Speaker, this legislation is a good step forward. Clearly, the burden of Federal regulations on the American public continues to grow. In 1997, total regulatory costs were $688 billion. When these costs are passed on to the consumer, the typical family of four pays about $6,800 per year in hidden regulatory costs. Therefore, the publication of all the Federal paperwork requirements on small business may further enlighten decisionmakers on the hidden costs of red tape. I encourage my colleagues to support this rule, and the underlying legislation.

Mr. Speaker, I include the following letter:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, March 25, 1998.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules,
House of Representatives, Washington, DC.

DEAR CHAIRMAN: I understand that the Committee on Rules is scheduled to meet to consider a rule providing for the consideration of H.R. 3310, the Small Business Paperwork Reduction Act Amendments of 1998.

As reported by the Committee on Government Reform and Oversight, the bill would reduce revenue by $5 million in fiscal year 1999 and $25 million over five years.

Consequently, the bill violates sections 303(a) and 311(a) of the Congressional Budget Act by reducing revenue first effective in a fiscal year for which a budget resolution has not yet been agreed to (fiscal year 1999) and by reducing revenue below the five-year revenue floor as established by H. Con. Res. 84.

However, I would note that last year the House passed H.R. 2675, the Federal Employees' Life Insurance Improvement Act of 1997, which increased offsetting collections by $6 million in fiscal year 1998 and $72 million over five years. H.R. 2675 was also reported by the Committee on Government Reform and Oversight.

Sincerely,

JOHN R. KASICH,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Colorado for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

□ 1045

Mr. Speaker, I do not oppose this rule; it allows all germane amendments to be offered. However, the rule does include several waivers of House rules that trouble me. The rule waives clause 2(L)(6) of rule XI which provides for a 3-day layover of the committee report accompanying this bill. This House rule allows Members time to study the report and decide whether they would like to offer or support amendments. While this requirement is often waived for pressing budget or appropriations matters, there is nothing in the record as to why the House must take up H.R. 3310 in such haste.

Of more concern are the waivers in this rule of the Congressional Budget Act. Some are technical waivers, common for bills considered before the annual budget resolution is passed. However, this rule also waives section 311 of the Congressional Budget Act. Section 311 prevents measures from being considered which exceed the spending limits or lower revenues that have been set by the current budget agreement. The loss of receipts because of this bill are not large, about $5 million annually, but again nothing in the record indicates why a small offset could not have been found that would have allowed the House to consider this bill without violating our Budget Act and its pay-as-you-go provisions. As we all know, strict adherence to pay-as-you-go rules has been a key in our ability to lower the deficit and to balance the budget.

Mr. Speaker, I also have questions about some provisions of the underlying bill, H.R. 3310. I support efforts to reduce paperwork requirements on small business, and I have supported the legislation that was passed by Congress to reduce the paperwork requirements such as the Paperwork Reduction Act and the Small Business Regulatory Enforcement Fairness Act, and the administration has streamlined regulations through its initiative to reinvent government and the implementation of the White House Conference on Small Business Recommendations.

There are aspects of the bill that I support. H.R. 3310 would require Federal agencies to publish paperwork requirements for small businesses so that they can know exactly what is required of them. It would require each Federal agency to establish a liaison for small business paperwork requirements to help small businesses comply with their legal obligations, and would establish a task force to consider ways to streamline paperwork requirements even further.

It is unfortunate, however, that the Committee on Government Reform and Oversight included other provisions in this bill that could be dangerous to the safety and the health of the American people. This bill would prohibit the assessment of civil penalties for most first-time violations of information collection or dissemination requirements if those violations are corrected within 6 months. The civil penalty provisions in this bill effectively remove agency discretion from regulatory enforcement decisions against first-time violators. Although this provision may sound good on the surface, it could cause serious problems. It could hamper agency efforts to take actions to protect the health and safety of the American people.

For example, this bill could make it more difficult to catch drug dealers by weakening the enforcement of the requirement in the financial institutions report cash transactions that exceed $10,000, a requirement that obviously helps law enforcement officials identify criminal activity.

The bill can make our highways less safe by weakening the enforcement of reporting requirements on the transportation of hazardous materials.

The bill could make medicines more dangerous to take by weakening the enforcement of the requirement that manufacturers report adverse effects.

This bill could make it more difficult to protect investors and pensioners by weakening the enforcement of requirements that create audit trails and prevent fraud.

The bill could make it more difficult to deter illegal immigration by weakening the enforcement of the requirement that employers document the eligibility of new employees.

The bill could make our workplaces less safe by weakening the enforcement of health and safety requirements on the job.

While the bill does contain some exceptions to the suspension of first-time paperwork fines, the standards are high. They quote actual serious harm to the public health or safety, unquote, or, quote, eminent and substantial danger to the public health and safety, end quote. In fact, this provision provides no relief to honest businesses doing the best they can to obey the law. It gives an unfair advantage to the small minority of businesses that try to undercut their competition by willfully violating or ignoring the law. If this bill became law in its current form, those businesses disinclined to follow the law would have no incentive to obey the law until they had actually been cited for violation.

As has been pointed out often on this floor the past few years, many agencies do not have sufficient resources to regularly check on the businesses they regulate. That means that enforcement of public health and safety protections depends on voluntary compliance. This provision would reward noncompliance with a law.

For these reasons, this bill is opposed in its current form by the administration, consumer groups, labor unions, and environmental groups. However, the rule we are debating will allow the House to solve many of the problems in this bill. The gentleman from Ohio (Mr. KUCINICH) and the gentleman from Massachusetts (Mr. TIERNEY) will offer an amendment that provides for agency discretion in the imposition of civil penalties against first-time violations. The amendment also requires agencies to establish policies or waive or reduce civil penalties for first-time inadvertent violations.

Mr. Speaker, I support an H. Res. 396 provision that any germane amendment can be offered under the 5-minute rule.

I urge my colleagues to support the passage of the Kucinich-Tierney amendment allowed by the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. McINTOSH).

Mr. McINTOSH. Mr. Speaker, I rise in favor of the rule and the resolution and would like to share with my colleagues a brief outline of what this bill does and how it came forward to this floor.

We have had over 21 hearings, field hearings around the country, in our subcommittee, listening to Americans about the problems with regulations, and time and time again we heard from small businesses that they felt government was coming in and playing "gotcha." They would try to comply with all the different forms that they have to fill out. Oftentimes they found that that in itself was an enormous undertaking that costs them a great deal of money, took away their time from growing their small businesses.

One person who came and testified in Washington, Teresa Gearhart, who owns a small trucking company with her husband in Hope, Indiana, she told us that her company does have enough business to grow and create five new jobs next year, but they cannot create those new jobs because they cannot afford to fill out all of the paperwork that would go with those additional employees.

We also heard from Gary Bartlett and G.W. Bartlett Company in my district who sent us a ream of paperwork that he has to fill out for each of his employees.

At one of our field hearings in Minnesota, Bruce Goman who is in charge of a construction company said that he very consciously keeps the size of his small business under 50 employees because of all the Federal paperwork.

Well, Mr. Speaker, our committee looked at this, we passed a bill in the House of Congress in 1995, and it was signed by President Clinton, that mandated the Federal agencies to reduce their paperwork by 10 percent. Sadly, they failed to live up to that. In the first year after that bill was passed, the agencies only reduced their paperwork by 2.6 percent, and it is projected that last year, in 1997, it was only by 1.8 percent.

So our committee considered what can we do to seriously cut back on unnecessary Federal paperwork. We bring this bill to the floor that does four key things. First of all, it would put on the Internet a list of all of the different paperwork that is required by a small business to fill out in order to do their job. Many of the businesses who spoke with us told us they want to comply with Federal regulations, they just do not know all of the different requirements, all the forms they have to fill out, all the paperwork they have to keep at their job site. This would put it into one place, make it widely available to small businesses around the country on the Internet.

Second, it would offer small businesses compliance assistance instead of fines when they have a first-time violation. This is critical. So many times, even President Clinton has acknowledged, that agencies tend to play "gotcha" with small businesses where they come in and they say, well, we do not really see any real problem here, but you do not have this form filled out right, so that is a $750 fine. Or, you do not have this material data sheet, that is a $1,000 fine. Now for a small business, that can be the difference between survival and going out of business.

So our rule says that if they can correct that without causing any harm to the public health or safety, without undermining criminal enforcement, without causing any serious jeopardy to the public, then that company can go ahead and correct that mistake and not be fined because they were inadvertently not filling out Federal paperwork correctly.

The third provision says that we are going to establish a paperwork czar in each of the agencies, someone that small business will know is going to give them the answer from EPA or OSHA or the Treasury Department for every agency about the paperwork that they need to fill out as a small business and someone who will be an advocate within the agency to cut back on paperwork so that the agencies can start to meet their goal.

And fourthly, it will set up a multiagency task force to say how do we go further, how do we consolidate all of the different forms the Federal Government has so that we actually reduce the amount of paperwork that small businesses have?

I appreciate the efforts of my colleagues on the other side of the aisle to work with us on this bill. I urge my colleagues to support the resolution and the bill when it comes to the floor.

Ms. SLAUGHTER. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, before I rise in support of an open rule for debate on H.R. 3310, I want to commend my colleague, the gentleman from Indiana (Mr. McINTOSH) for his efforts in not only developing the rule but also in developing an attempt at a bipartisan relationship on the underlying substance. Mr. McINTOSH has certainly been open to the many discussions that we have had to try to improve the bill.

During this process today, we are hopeful that we will continue to see the kind of give and take here that can produce a better bill and can enable us to move this bill successfully out of the House. The gentleman from Massachusetts (Mr. TIERNEY) and I will be offering an amendment with that in mind.

In the meantime, as we go through this debate, I think Members of Congress need to look very carefully at the implication of this bill as it is currently formulated. It has been introduced under the title of paperwork reduction, yet it would have an enormous effect on the ability of Federal agencies to carry out and enforce the laws that have been passed by Congress. As it stands now, and I again say as it stands now, H.R. 3310 would grant mandatory waiver of civil fines to businesses that are first-time violators with a wide range of paperwork requirements.

Mr. Speaker, this language has been reviewed carefully by law enforcement officials in the Department of Justice, and they have raised a number of troubling issues. It is through information collection that law enforcement agencies can detect drug trafficking and money laundering. In turn, the Drug Enforcement Administration relies on written reports to ensure that controlled substances such as codeine and amphetamines are not diverted illegally. In order to carry out drug testing laws, the Department of Transportation requires reports from employers showing that their safety-sensitive employees have passed drug tests.

Under the bill's current language, DEA's oversight of dangerous drugs and the oversight of drug testing by DOT would be seriously undermined, and one of the reasons why it is important to have a rule where we can have open debate is to be able to bring into the record such testimony as was presented by the Federal Government in committee, where they talked about DOT requiring drug testing of safety-sensitive employees and various modes of transportation. When some entity involved in the drug testing process delays or deficiently reports the results of drug tests, it will delay the removal of employees from performing important safety functions.

Again, we would impose no fines for first-time violations even if the violation was intentional or careless and reckless. This was one of the concerns that was expressed in committee, and it is one of the concerns that needs to be fully aired in this discussion not only of the rule but in the underlying debate.

Furthermore, it has been stated that if a repair station fails to keep the necessary records showing that a required repair has been made to an aircraft, the Federal Aviation Administration generally will have to ground the aircraft for up to 5 days or longer until it can be shown that the aircraft was correctly repaired.

□ 1100

Grounding an aircraft could be extremely expensive for the airline as well as being disruptive for any passengers who had reservations on the flight in which the aircraft was to be used. Although the repair station may suffer contractually, we could not fine it for a first-time violation. Those remarks were made in committee, respecting the many difficulties which are inherent with the bill as it is drafted.

Now, Federal agencies believe that H.R. 3310, as it stands now, would interfere with the war on drugs, would undermine our ability to uncover criminal activity, would allow small businesses to evade drug testing statutes, and would harm our efforts to control illegal immigration.

The gentleman from Massachusetts (Mr. TIERNEY) and I will be introducing an amendment that is consistent with the underlying goals of this legislation to help small businesses with their paperwork requirements while protecting the health and safety of the public.

The Tierney-Kucinich amendment would ensure that Federal law enforcement agencies and others continue to have the tools they need to enforce many important statutes. It would do this by requiring all agencies to establish specific programs and policies to allow them to eliminate, delay, or reduce civil fines for first-time paperwork violations. It would mandate that agencies take a number of factors into account.

The amendment would ensure that paperwork reduction efforts are truly relevant to special circumstances. Agencies would be able to tailor their policies to the unique needs of the laws they are responsible to enforce, and congressional review of their policies would become a matter of course.

I urge my colleagues to support this open rule so that all of the implications of this bill can be fully and carefully examined. An open rule is important, Mr. Speaker, so that we can discuss the problems of a bill which currently grants mandatory waiver of civil fines to businesses that violate the law by failing to file reports, post OSHA notices in the workplace, or inform their communities about hazardous chemicals, so that we can talk about a bill which, in my estimation, currently would provide some protection for drug traffickers.

Law enforcement agencies which detect the drug trafficking and money laundering by using reports filed by businesses, we are told in the analysis that the Department of Justice did that.

This particular bill, as it is drafted, would cause problems in monitoring those important areas as well as encourage financial institutions to not report cash transactions that are more than $10,000.

Now, in the debate that will follow, we will go more into some of these details, but suffice it to say that the open rule is important.

I would like to conclude where I began these remarks on the rule, Mr. Speaker; and that is that I think that the gentleman from Indiana (Mr. MCINTOSH) has made a good-faith effort to attempt to come up with a bill that can be workable for all. I commend him on his efforts in that regard.

I have enjoyed the opportunity to work with the gentleman from Indiana (Mr. MCINTOSH). Again, I hope, as we go through this process today, we can find a way to improve this bill so that we can all come to an agreement.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentlewoman from New York for yielding to me.

Mr. Speaker, let me just start by saying that the gentleman from Indiana (Mr. MCINTOSH) and the gentleman from Ohio (Mr. KUCINICH) have done an admirable job of working through this bill.

There is much in this bill as it stands that can be supported. I think that everybody understands that small business has to have some relief from time to time over what might be overzealous application of the law. The idea of publishing in the Federal Register on an annual basis a list of the requirements applicable to small business concerns makes sense. That is fully supported by everybody that was involved in the drafting of this bill.

Establishing an agency point of contact where each agency must have a point of contact, a liaison for small businesses to work with, so that there can be ready compliance. And understanding what is entailed by compliance is something that everybody can support, as is the fact of establishing a tax force on the feasibility of streamlining information collection requirements.

That is why we need an open rule, so that we can talk not just about the things that we might disagree with, but those things that we find in this bill that are, in fact, good as it stands.

There are, however, the problems, as the gentleman from Ohio (Mr. KUCINICH) noted, with one provision in that bill. I congratulate, again, the gentleman from Indiana (Mr. MCINTOSH) on his continual work with the gentleman from Ohio (Mr. KUCINICH) and with me and the committee to try to resolve those differences.

Everybody here wants to make sure that business, particularly small businesses, has understanding and gets a break when it is deserved. We just want to make sure it is not a disincentive to filing some very serious documentation that protects the safety and the health and the welfare of the American people. I believe we can work toward that goal together through a good and open debate and through this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, this is an open rule. It is a good bill, and I urge its support.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. McINNIS). Pursuant to House Resolution 396 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3310.

□ 1106

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, with Mr. CALVERT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Indiana (Mr. McINTOSH) and the gentleman from Massachusetts (Mr. TIERNEY) each will control 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. McINTOSH).

Mr. McINTOSH. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, today the House takes up a bipartisan bill that I introduced with the gentleman from Ohio (Mr. KUCINICH), H.R. 3310, the Small Business Paperwork Reduction Act. This bill would give small businesses relief from government paperwork and agencies freedom from the "gotcha" techniques to which the President often refers.

As you know, Mr. Chairman, the burden of government paperwork is significant. It accounts for one-third of the total costs of all Federal regulations or about $225 billion a year. It took 6.7 million man-hours to complete all of the Federal paperwork in 1996, 6.7 million man-hours of work to complete government paperwork.

Now, our bill amends the Paperwork Reduction Act, which needs to be strengthened because the agencies have not met the goals to reducing paperwork set by the Paperwork Reduction Act of 1995.

The Office of Management and Budget reported to Congress that, instead of reaching the 10 percent goal in 1996, paperwork was only reduced across the agencies by 2.6 percent. It is estimated to have been reduced only by 1.8 percent in 1997, all this in spite of what President Clinton proclaimed as policy for his administration.

I would like to quote from a speech that the President gave in 1995 in Arlington, Virginia: We will stop playing "gotcha" with decent, honest business people who want to be good citizens. Compliance, not punishment should be our objective.

I wholeheartedly agree with the President on that objective, and our bill is a mechanism for furthering that goal.

At our first hearing the subcommittee held 3 weeks ago in which several small business owners spoke about their concerns and frustrations with government paperwork. Theresa Gearhart, who owns a small trucking company in Hope, Indiana, came and told us about how her company could grow and could create five new jobs next year. But they can't create those jobs because of all the paperwork that would come with them.

To demonstrate to my colleagues exactly how onerous that burden is, Gary Bartlett in my district sent the Federal paperwork that was required to be completed for one new hire. This stack of paperwork is all of the paperwork that is needed for one new hire. So if you have a company with 25 employees, they would have to complete the following paperwork. This is half of it, Mr. Chairman, and this is the other half. For 25 employees, that is what a small business has to fill out every year in government paperwork. I think it is outrageous. I think it is ridiculous.

Let me read to my colleagues just what some of those forms are. There is the insurance information for COBRA; the EEO-1 form listing race and gender of all employees, which then have to be kept hidden because you cannot use race and gender in making employment decisions; the employee evaluation, another document for EEOC; the disciplinary notices that may go out also have to be documented for EEOC; IRS tax payment form for automatic withdrawal of funds that have to be filled out weekly; Federal IRS withholding forms that have to be filled out every year; directory of new hires to comply with the Federal deadbeat dad law; form for Federal loans for mortgages; FAA loan form; Fannie Mae; COBRA notification explaining coverage options available when an employee quits his job; FMLA, Family Medical Leave Act forms; W-2 forms, one to the employee, and one must be kept on file for 8 years; employment application to comply with Federal standards for criminal and drug checks; receipt of safety glasses.

That is very important Federal paperwork that needs to be filled out for every employee. Form 15 is a form for badge timecards which have to be tracked to comply with the Fair Labor Standards Act. Then there is the IRS Form I-9 which has to be kept active for each employee and kept on file for the employee 3 years after they have been hired; the W-4 form, for new hires to comply, again, with the deadbeat dad law; health insurance form to keep track of COBRA; OSHA injury and illness report form; an employee handbook for exempt employees, another EEOC form; employee handbook for nonexempt employees, another EEOC form; employee's copy of COBRA, which has to be signed and kept on file.

This is the paperwork that goes along with every job that is created in America. If we do not do something to cut back on unnecessary paperwork, reduce the amount of forms that have to be filled out, we are making it more and more difficult for small businesses in this country to create new high-paying jobs.

Now, one of small business' greatest fears is that they may not know about all of these requirements. Mr. Bartlett happened to have kept them on his site and has an employee who keeps track of all of them. But when you only have four or five employees, or maybe 25 employees, you cannot afford to hire another person just to keep track of all these forms.

This is all in spite of the fact that some agencies have, indeed, made steps to reduce their paperwork and have, indeed, adopted policy that would waive fines for unintentional violations.

Gary Roberts, the owner of a small company which installs pipeline in Sulfur Springs, Indiana, told us that he was fined by OSHA $750 because of a hazardous communications program that was not on site.

All of his employees had been trained to comply with that hazardous communications program. A copy of it was in the main office that Mr. Roberts kept on file. But when the OSHA inspector came and they ran the copy out to the job site, he said, That is not good enough. Even though you have corrected the violation, you still have to pay $750. OSHA would not waive the fine in spite of President Clinton's directive not to play "gotcha".

Now, the consensus among the witnesses is that the small business owners genuinely want to comply with these regulations, they want to be good law-abiding citizens. They do not like filling out the form, but if that is what they are required to do, they will do it to meet their obligations under the law. But, frankly, they are overwhelmed, and they cannot do their job and run a business at the same time as they are filling out all of this paperwork.

The legislation that we bring to the floor today will help correct that. It does four things, Mr. Chairman. It would require that a list of all of these regulations and any other regulation that a small business has to comply with will be put on the Internet so that every employer has access to that via computer and can know what is expected of them.

Second, it would offer small businesses compliance assistance rather than fines. Let me go back again to President Clinton's quote, because I think our bill does exactly what he wanted to do: We will stop playing "gotcha" with decent, honest, business people who want to be good citizens.

Compliance, not punishment, should be our objective. So we have incorporated in section 2 a waiver that says if a small business makes a mistake somewhere in this stack of forms, they did not fill out the box correctly, or they did not keep it up to date, but it was a harmless mistake that did not endanger public safety, did not threaten law enforcement activities, did not interfere with the Internal Revenue Service collection of taxes, that harmless mistake can be corrected, and they will not suffer a fine for doing that in their business.

□ 1115

I think it is common sense. I think it is what small businesses have been telling us they want government to do. They want to be good citizens, they want our help, but they do not want to feel that they have to live in fear of a government agency that will come in and play "gotcha" if they happen to make a mistake in one of these stacks of forms.

Third, it would establish a paperwork czar in each of the agencies, someone where small business can go and talk to about the paperwork that they are required to do; someone who is an advocate for small businesses within the agency. Maybe over at the EEOC they could tell them, look, we have about 5 different forms here that we ask these businesses to fill out; why do we not think about consolidating that and just have one form that people can fill out for their employees? That is what is needed within the agency, to be an advocate for these small businesses. Finally, a multi-agency task force to study how we can further streamline these requirements.

Mr. Chairman, it would be my fondest dream if we could take these stacks of regulations for 25 employees and say, we do not need half of this. The government can get rid of half of this stack, and we can get all the information we need to know from those small businesses.

Now, I am pleased to say that this bill does have bipartisan support. There is some controversy that has come up around section 2, the provision that focuses on the suspension of first-time paperwork violations, and I want to say I appreciate the concerns that the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Ohio (Mr. KUCINICH) have raised as we have tried to craft that provision. They have given us some insight into areas where we can actually do a better job in crafting that, and in the committee we made changes to that provision.

We created an exemption for if there were actual harm, an exception if there was a threat to public health and safety, an exception for any IRS form, and that, by the way, would include any form that is required under the Internal Revenue Code. There is also an exemption of the waiver for fines in cases where the fines would interfere or impede the detection of criminal activity. This exemption covers any case where the waiver of a fine would interfere with or impede the detection of an illegal drug transaction.

This bill now includes many of the factors that the gentleman from Ohio (Mr. KUCINICH) brought forward to our committee, and I want to thank him for his hard work on this bill as well. He deserves a lot of credit for it, he has given a lot of thought to this bill, and the factors that he asked us to include are frankly common sense factors for when the agency might decide that in spite of the fact we are requiring a waiver, this business does not deserve it, and we have written that into the bill.

They can say, no, you do not have 6 months to correct it, you only have 24 hours, because it is so important, it is a threat to public health and safety, or if it impedes their effort to detect criminal conduct, they can decide they are not going to waive a particular fine for a particular business.

One of the things that I think it is important to stress here, by the way, is that our bill does not exempt any small business from the requirement to fill out these forms; this provision merely says, if you make a mistake, you have 6 months to correct it. But the requirement still remains in place until we have a chance to go through the agencies form-by-form and reduce that paperwork.

Now, all of these exemptions will ensure that the bill and the waiver provision do not have any unintended or harmful consequences. As I have said, this bill is consistent with Vice President GORE's Reinventing Government Initiative and President Clinton's statement that I read earlier. In 1995, the President actually ordered the agencies to waive fines for small businesses so that they could correct their mistakes. Our bill builds on that initiative of the President, puts it into law, because frankly, the testimony we took at a lot of our field hearings and the hearings we had 3 weeks ago showed that the agencies are ignoring the President's directive and continuing to fine small businesses.

Mr. Chairman, I think it is critical that we protect our Nation's small businesses from these kinds of "gotcha" techniques. The bill retains all of the agency's enforcement powers, except for the civil fine. So if they find out there is a real threat that a law might be violated in a criminal action or a real threat or imminent threat to health and human safety, they can still come in with all of the criminal law powers that the agency has, they can still come in with all of the injunction relief that they have.

Mr. Chairman, many agencies today can actually shut down America's small business if they feel that a crime is being committed. This bill continues to give them all of those tools to make sure that a bad actor is not allowed off the hook. This bill does allow fines where there actually is harm that has been created.

So, Mr. Chairman, in conclusion, I would ask the Members of the House to pass the Small Business Paperwork Reduction Act today so that we can bring some sanity back into the process to go a long way toward helping our Nation's small businesses deal with the excessive paperwork, get back to their real business of creating jobs for American workers.

Mr. Chairman, I urge my colleagues to support this bipartisan effort to reduce the burden of government paperwork for all of our Nation's small businesses.

Mr. Chairman, I reserve the balance of my time.

Mr. TIERNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that much of what the gentleman from Indiana (Mr. MCINTOSH) says is absolutely accurate, and I want to acknowledge his fine efforts and those of the gentleman from Ohio (Mr. KUCINICH) in trying to work at the committee level and the subcommittee level to make this a bill that would, in fact, be beneficial to the small businesses of this country. Much has been done in that regard and in that direction.

When the gentleman from Indiana (Mr. MCINTOSH), the chairman of the subcommittee, says that the President wanted to end "gotcha" politics or "gotcha" efforts in administration, he is absolutely right. But unfortunately, this bill has some major flaws that still exist that do not do anything with regard to moving that process along.

Let me initially say that there is nothing, and I think Mr. MCINTOSH acknowledges this, there is nothing that reduces paperwork in the current bill. There will be no particular small business, as a result of this legislation, should it pass, that will have to file one less piece of paper than it had to the day before it passed. What happens here is we have 3 out of 4 provisions of this bill that are, in fact, very good and very agreeable.

It makes sense that it has to be published in the Federal Register on an annual basis a list of the requirements applicable to small business concerns. No small business should have to wonder what its obligations are, what paperwork has to be filed; they should be able to readily go to the register and see exactly what the obligations are.

There should be one point of contact within every agency a small business can go to to find out what must be done to be in compliance with regard to the requirements of that particular agency, and that is a part of this bill that we can all get behind without any disagreement.

The idea of establishing a task force on feasibility of streamlining information and collection requirements is something that the entire committee, and in fact, the gentleman from Ohio (Mr. KUCINICH) worked very hard with the gentleman from Indiana (Mr. McIntosh) and others on that provision, so that we have a lot of this bill that makes absolute and perfect sense.

However, there are corrections that have to be made. The administration does not want a "gotcha" type of atmosphere out there, particularly with small business. It perfectly well understands the contribution that is made to our economy by small business, as does the gentleman from Ohio (Mr. KUCINICH), as do I, as do other members of the committee and subcommittee, but it should be noted in its present form, Mr. Chairman, in its present form, the administration strongly opposes H.R. 3310, because it believes it would waive fines for first-time violators of Federal information collection requirements and that that waiver provision could seriously hamper the agency's ability to ensure safety, protect the environment, detect criminal activity, and carry out a number of other statutory responsibilities.

In fact, the statement of the administration policy issued, Mr. Chairman, says that if H.R. 3310 were presented to the President in its current form, the Attorney General, the Secretary of Transportation, the Secretary of Labor, the Administrator of the Environmental Protection Agency would all recommend that the President veto this bill.

Current law already requires agencies to help first-time small business violators who make a good faith effort to comply. The primary beneficiaries of this law as it is currently written, Mr. Chairman, would appear to be those who do not act in good faith and those who intentionally and willfully violate the applicable regulations.

That is not what I believe this committee has in mind, and it is not what people in small business would want. They want fair competition. They want to know that when they are obligated to file some piece of paper or a document for safety reasons, for health reasons, for environmental reasons, that, in fact, their competitor also has to meet that requirement.

This particular law, as it is currently written, is an absolute disincentive to people complying with their obligations to provide information, whether it is about the environment, whether it is about safety, whether it is about pensions, and this is what we have an objection to, and the gentleman from Ohio (Mr. KUCINICH) and I will present an amendment to this bill at a later point this morning.

Mr. Chairman, if one reads carefully the bill language, and the gentleman from Indiana (Mr. MCINTOSH) referred to an attempt by the majority here to correct some of the provisions of the bill, it still says that failure to impose a fine would have to be filed in order for there to not be a waiver. Well, many times the detection of a criminal activity does not require, under the fine or the failure to impose a fine, but in fact whether or not the paperwork was filed, so it should be the failure of filing the required documentation that is a consideration, not whether or not failing to impose a fine would in any way impede the detection of a criminal activity.

They also talk about the problem of having an imminent or substantial danger to the public, a violation present that would be a factor in that, but the fact of the matter is, proving what is imminent or proving what is substantial is a cloudy area that leads everyone to the belief that they can get away with not filing any of this documentation for however long it takes somebody to find them, to discover the situation, and then to point out the violation, and then only the second time would they stand any risk. So that disincentive impacts badly on all small business as well as the public in general, and the people that are working within these companies.

Mr. Chairman, H.R. 3310 as currently constructed prohibits agencies from assessing civil fines for the first-time, information-related violations. It removes agency discretion. It actually creates a safe haven for willful, substantial and long-standing violations. It would have a wide-ranging and substantive negative effect, because it does not merely address technical violations and reporting requirements, it applies to the failure to distribute important information to the public, such as warning consumers of the dangers of a product or prescription drugs, educating employees on how to handle hazardous materials, and adequately disclosing a broker's disciplinary history to an investor. It would weaken the incentive to comply with the law because small businesses would be sure that they would not be fined even if they were caught, and it would put complying businesses at a competitive disadvantage.

The exemptions that the gentleman from Indiana (Mr. MCINTOSH) states that he did put in the law are still inadequate to protect the public. They would prohibit fines for most first-time violations unless the agency met some very extensive burdens of proof that the violation actually caused serious harm, that the failure to fine impeded the detection of criminal activity. These are standards that simply raise the bar so high that nobody will be encouraged to meet their requirement to file and they will know that they can get away in the first instance.

Mr. TIERNEY. Mr. Chairman, I yield 8 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding me this time. It has been a pleasure to work with both of my colleagues in trying to make this a better bill.

This bill that we are considering is the product of intensive bipartisan effort, and I think that since the beginning of our joint work on the bill, we have to realize that we have been focused on 2 goals: first, to help small businesses comply with paperwork requirements so that small business owners can devote more time to creating jobs for our people; and second, to make sure that the health and safety of the public and the integrity of environmental laws, worker protection and consumer protection laws are upheld.

I think we are all in agreement that small business is the backbone of our country, that small business creates the vast majority of new jobs, that small business owners work hard to build their communities; that small business needs to spend their time creating jobs, and it is the duty of the Federal Government to streamline paperwork requirements to allow small business to focus on job creation and economic development. We know that most small businesses obey the law. They are good Americans, I salute them, and I agree with both sides of the aisle, I think we are in agreement that we are both for small business.

But since the outset of this bill, we knew that the bill would go through improvements as we gain more and more information. I made this very clear in every statement that I made, both public and private, about the bill. In fact, every time that the gentleman from Massachusetts (Mr. TIERNEY) and I have consulted with agencies about the impact of the bill, we have made changes that have improved the legislation.

□ 1130

In turn, after hearing from small business owners recently, we have come up with more improvements in the bill that are consistent with our goals.

Based on the results of a hearing last Tuesday, we now have the benefit of the experience of a wide range of executive agencies, including the U.S. Department of Justice. All of these agencies, to one extent or the other, have implemented programs to help small businesses comply with their paperwork requirements.

At the same time, all of them are required to enforce a number of statutes. Oftentimes the ability of these agencies to protect the public interest depends, depends on the information that they collect through paperwork documents.

It has now become clear that one provision of the current draft of the bill, the mandatory waiver of civil fines, would in fact have the unintended consequence of making it more difficult to protect the health and safety of the public, of workers, of consumers, of all of those who are protected by law enforcement officials.

That, of course, was never my intent as a cosponsor, and when I heard this testimony from the U.S. Department of Justice, I have to say, Mr. Chairman, it gave me pause, because what the U.S. Department of Justice said was, "The civil penalty waiver would have adverse effects that I am confident neither you nor any of the bill's other sponsors would intend. As I will describe, this position would interfere with the war on drugs, hinder efforts to control illegal immigration, undermine safety protections, hamper programs to protect children and pregnant mothers from lead poisoning, and undercut controls on fraud against consumers and the United States."

The Department of Justice said that this result would put law-abiding businesses at an unfair competitive disadvantage, and could endanger the public. They go on to say, and I think it is critical that this be introduced into the RECORD in this debate, that the existing statutes and policies of the administration, and in particular, the President's memorandum of April 21, 1995, where he asked all agencies to reduce small business reporting requirements and to develop policies to modify or waive penalties for small businesses when a violation is corrected within a time period appropriate to the violation in question, and in addition to that, the Department of Justice's current policies, where they say that the components with regulatory functions provide for the waiver of civil penalties in appropriate circumstances, we have policies right now that respect small business.

We need to go further, but the Department of Justice has said about this bill, as it is currently constituted, that we have to recognize that we have statutes and policies appropriate to recognize a good-faith effort to comply with the law, the impact of civil penalties on small businesses and other factors that may appropriately be considered in insisting on civil penalties. This policy compliments ongoing agency efforts specifically designed to help small businesses understand and comply with the law.

The Department of Justice says, and I agree, that we must continue our search for effective ways to streamline and simplify reporting and recordkeeping requirements that apply to small businesses. But efforts to streamline reporting need not undermine law enforcement or regulatory safeguards that protect the public from safety, health, or environmental hazards.

After hearing this, the gentleman from Massachusetts (Mr. TIERNEY) and I drafted an amendment which we think will meet the needs of small business for relief, and at the same time provide continued protections for the people of this country with respect to public health, public safety, and the environment.

I believe that we have provided an opportunity to produce a bill which can be agreed on, not only on both sides of the aisle, but will get the approval of the administration. But lacking that, we are missing an opportunity to be of service to small business.

I want to commend the efforts of the gentleman from Indiana (Mr. MCINTOSH), the chairman, to try to develop a better bill. We are not there just yet, Mr. Chairman, but we can keep trying. We have another hour.

I want to thank the gentleman from Massachusetts (Mr. TIERNEY) for the leadership he has shown on repeatedly insisting on protecting the rights of small business, at the same time regarding our obligation for the safety, the health, and the environment of the people of this country.

Mr. McINTOSH. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, let me go through in some detail how this provision works on the suspension of fines for first-time violations.

Under the current law, what happens is paperwork is not filed or there is an error in the way the paperwork is filled out, or some other violation of the form not being in the right place at the right time. It is discovered by an agency, usually somebody who is coming in and inspecting a small business. Then there is a civil penalty. They are either written up on the spot or they receive in the mail a notice that they owe the government $750, $1,000, $2,000. That is the current law.

Now, what happens under our revision to the law has been greatly misunderstood by the agencies. When we hear about this "might impede criminal violations, it might cause a threat to health and safety," I hear those all the time when we talk about government regulations.

Frankly, the agencies are a lot like traffic cops, where it is a lot easier to give out a speeding ticket than it is to apprehend a criminal who has been robbing somebody's house. So they like to give out speeding tickets, but they are a little bit nervous about going after the armed criminal who just robbed somebody's house.

But frankly, my preference would be that the agencies go after the bad guys and spend a little less time harassing innocent small businesses. So we have written a provision that would take care of this. First of all, if the paperwork is not filed or filed incorrectly, or not on site where it should be, it is discovered by the agency, then they have to go through a series of decisions before they assess a civil penalty.

First, does the violation cause actual harm? In that case there is a civil penalty, because if it has actually caused harm in some way, it is only fair that that business be penalized because of that harm. The failure to fill out the paperwork was a grave error and they should have taken care of it.

Second, if it threatens harm. So if there is no actual harm that occurred, but it might have caused actual harm in an imminent dangerous situation, then there is a civil penalty.

The third decision is, does it involve the Internal Revenue Act? We have explicitly exempted all of the paperwork that is required under the Internal Revenue laws of the United States. So there would be a civil penalty.

By the way, much has been made in the discussion of this bill about the $10,000 cash transaction that is often used for laundering drug money. But frankly, there is no basis for saying that that transaction would not be covered under the civil penalties.

I happen to have brought with me one of the forms that is required to be filled out when you have cash payments over $10,000. It is Form 8300. It is issued by the Internal Revenue Service. Every bank has to fill it out if they get a deposit over $10,000. It has an OMB circular number. Because of this provision that the Internal Revenue laws are exempt from our waiver provision, if you fail to fill this out, you are going to be subject to a civil penalty.

The fourth is if it interferes with the detection of criminal activity, which, by the way, is the reason they have people fill out this $10,000 form, because money launderers tend to drop large amounts of cash into a bank and then withdraw it quickly. On that ground, you would still pay a civil penalty if you fail to fill out the form.

Finally, if a violation is not corrected within 6 months, or if it is a serious violation, within 24 hours, then there is a civil penalty.

In every case, all we are saying is we are waiving the fine and allowing people time to correct the error. But we still have the injunctive relief, we still have the ability to come in and, if there is criminal fraud involved, say they are going to be subject to criminal penalties.

I was, frankly, a little disturbed to hear from the agencies that they are opposed to this bill. Then I went back and looked at their records under the paperwork reduction policy.

I noticed the Department of Labor, which opposes this bill, has failed to meet its 10 percent goal in both years. They only reduced it by 9½ percent in 1996 and by 8 percent in 1997.

The Department of Transportation, it has a somewhat mixed record. It actually exceeded its goal and reached 27 percent reduction in 1996, but then in 1997 something must have gone haywire, and they have increased paperwork by 32 percent, for a net increase from that agency.

The Department of Justice initially did a terrible job, and in 1996 only reduced paperwork by 1.4 percent. Last year they did a lot better. I will give them credit for that. They were at 14.5 percent reduction, but they still failed to meet the 20 percent goal.

EPA, the final agency listed in the statement of administration policy, they have actually increased paperwork in both years. It went up 4.5 percent in 1996 and 6.9 percent in 1997. So these agencies, it does not surprise me that they are advising the President that this is not a good bill.

Fortunately, and the President is in Africa, when he gets back he will have a chance to review the record and realize that what we are doing is putting into law what he said he wanted to do back in 1995.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, that chart that says "current law" it seems to me is quite misleading, because nowhere in that chart does the gentleman indicate that just 2 years ago the Congress passed, and we all voted for it and heralded it as a great improvement, the Small Business Regulatory Enforcement Fairness Act.

That law, which is called SBREFA, was passed with strong bipartisan support. It calls on the agencies to use discretion not to impose civil penalties where there are other circumstances that ought to be factored in. It seems to me that should be reflected in the reality of current law.

Mr. McINTOSH. In fact, Mr. Chairman, the gentleman is correct, we did pass SBREFA 2 years ago. We gave the agencies discretion, as the gentleman mentioned, discretion to adopt policies that would allow a waiver of civil penalty. But as case after case has demonstrated, the agencies are refusing to use that discretion. They continue to impose the civil penalties.

The key difference between SBREFA and our law is that we take it the next step. We say, by right the small agencies can correct the mistakes, unless it causes harm, threatens to cause harm, violates the Internal Revenue Service, would impede criminal detection, or is not corrected in 6 months.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, the statement was made that in case after case the agencies have not gone along with the discretion the Congress required them to use before they imposed civil penalties. I do not see how the gentleman can make that statement.

The law specifically requires each agency to file with the Congress whether they have employed this discretionary authority or not. The reports are due in the next couple of days. I do not think the gentleman from Indiana (Mr. McINTOSH) has had any advance notice of it. He is making statements for which he has no backing, no authority. We ought to look at the reports from the administration on the exercise of SBREFA.

Mr. TIERNEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, first of all, it should be noted again, having looked at all this paperwork and posters that were put up, that there is no paperwork reduction even contemplated in H.R. 3310 as it is currently constructed. The only people that will now have to file less paperwork under this bill are people that said they want to be violating the law.

Law-abiding businesses are still going to have to file every piece of paper they ever filed, so that is not the issue. The issue is whether or not there will be a disincentive to file, and whether or not some businesses, law-abiding businesses, will be put at a disadvantage.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman from Massachusetts for yielding time to me.

Mr. Chairman, I rise today in opposition to H.R. 3310, the Small Business Paperwork Reduction Act, as it is currently constituted. This legislation is not only not needed and is unnecessary, but could in fact actually make the American workplace more dangerous than it currently is.

The United States Environmental Protection Agency states that this bill does not constitute a viable approach to addressing small business compliance with needed safety and health regulations. In fact, this bill would create disincentives for voluntary compliance, compromise consumer protection laws, and worker and passenger safety.

The AFL-CIO states this bill will weaken the pension safeguards currently in place to protect the American worker.

□ 1145

I agree with all of those who say that we must work to ensure that workers' retirement and health benefits will be there when we need them.

Information collection requirements are essential to a wide variety of protections on which we all must rely. A blanket provision waiving civil penalties for first-time violators could put the health and safety of our families and our communities at risk.

This bill is the start of a movement where the biggest and most powerful want more than what is offered. We must work together to protect the basic rights of our Democratic community.

I am reminded of something that A. Philip Randolph once said when he said that "a community is only democratic when the humblest and weakest person can enjoy the highest civil, economic and social rights that the biggest and most powerful possess."

Therefore, Mr. Chairman, I urge my colleagues to vote against this bill, which would instill substantive negative effects, hamper law enforcement, jeopardize human safety and health and environmental protection for working families.

Mr. TIERNEY. Mr. Chairman, would you instruct us as to how much time each respective side has remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. TIERNEY) has 13½ minutes remaining. The gentleman from Indiana (Mr. McINTOSH) has 9 minutes remaining.

Mr. TIERNEY. Mr. Chairman, I reserve the balance of my time.

Mr. McINTOSH. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in response to the query of the gentleman from California (Mr. WAXMAN) about do we see a problem, I would just mention to the gentleman the testimony we heard in subcommittee from Gary Roberts, the owner of a small company that installs pipelines in Sulfur Springs, Indiana. He was fined last May $750. This is after SBREFA had been passed and after OSHA was supposed to have adopted a policy in these areas. He had a hazardous communications program in his home office. His employees had been trained on that. When the inspector showed up at the job site, they brought the communications program to show the inspector right there as he was inspecting the job site, and yet Mr. ROBERTS was fined $750.

Now, I think there clearly is a problem. By the way, I do not think filling out this much paperwork for 12 employees has anything to do with democratic process. I am a big supporter of the democratic process, but it does not require this much paperwork for us to engage in the democratic process in this country.

Mr. Chairman, I reserve the balance of my time.

Mr. TIERNEY. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would point out that in fact we were all present at the subcommittee hearings when the witnesses came in, and could distinctly hear representatives from OSHA saying that they have in fact now in place a policy under SBREFA and they are, in fact, down to zero occasions when they fine somebody a civil penalty for failing to post or put paperwork in where it is appropriate. So I think we should have all the information when we move forward.

Mr. Chairman, I yield 5½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. TIERNEY) for yielding me this time.

Mr. Chairman, I think what we have before us today is a solution in search of a problem. If we listen to the gentleman from Indiana (Mr. MCINTOSH), he is raising concerns that we have a paperwork problem for small business. We all are concerned about the paperwork burden on small businesses, and that is why the Congress responded just 2 years ago by adopting the Small Business Regulatory Enforcement Fairness Act or what is called SBREFA. This was passed with strong bipartisan support. We all heralded it as a way to reduce that paperwork burden. It called on the agencies to use discretion and not to impose a fine if there was some inadvertence in filing the necessary paperwork that was required by law.

We have seen other reforms by both Democratic and Republican Congresses, and we have seen this administration attempt to reinvent government so that it would be more efficient and fairer.

But what we have in this bill before us today is not a reduction in the amount of paperwork that would be imposed on small businesses but an excuse for small businesses not to file the paperwork required of them.

The administration witnesses from the Department of Justice and the Environmental Protection Agency and other areas of the Federal Government came in and said that what this would do would encourage some small businesses to intentionally refuse to file the paperwork required of them, and that could interfere with the war on drugs, hinder efforts to control illegal immigration, undermine food safety protections, hamper programs to protect children and pregnant mothers from lead poisoning, and undercut the controls on fraud against consumers and the United States. That seems to me a risk not worth taking if that will be the result of this legislation.

The legislation says not that we use discretion to not impose a civil penalty. The legislation that the gentleman from Indiana is proposing says that under no circumstances will we ever impose a fine for failure to file the paperwork on the first offense. And that just says no matter what, we are not going to have a fine.

Well, if one is laundering money and there is a requirement to report $10,000 transactions and an institution is involved in some skullduggery, they will decide that it will be in their interest not to file that information. They know they have a safe harbor, they can never be fined or anyone take offense at their failure to abide by that law.

Now, there are times when health and safety can be affected, but we are not going to know whether health and safety will be affected unless the paperwork has been filed that might indicate that there is a drug for which there are side effects or there is lead in a house that is being sold. But the seller, small business seller, does not disclose that fact, as is required by the law, because they do not want to discourage the purchaser from going ahead and buying the property. They know that they can get away without making these disclosures because of this legislation.

We are going to have before us an amendment by the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Massachusetts (Mr. TIERNEY) that I think is a far more reasonable approach. It will say, in effect, that we should not go and impose a fine on small businesses if their inadvertence to file the paperwork was technical or inadvertent. If it involved willful or criminal conduct, we are not going to excuse that paperwork requirement. Or if they threaten to cause harm to health and safety of the public, consumers, investors, workers, or pension programs or the environment, we are not going to waive it. But if there were not that kind of matter, but in fact a good-faith effort to comply and rectify the violations, then there is no reason to have a civil penalty imposed.

There is going to be another amendment that we will have later today, and that is an amendment offered by the gentleman from Indiana (Mr. MCINTOSH), and it is going to say that we will prohibit the States from enforcing their own regulatory requirements. Now, all the Members of Congress who have come to this floor and extolled State's rights certainly ought to be opposing that amendment which will tell the States we are going to take away their ability to enforce their own laws and Federal laws and make all States abide by a one-size-fits-all approach that we in Washington will impose upon them.

Mr. Chairman, when we get into the amendment process, I would urge Members to support the Kucinich-Tierney amendment to make this bill worthwhile. If that amendment fails, then I want to point out that the administration is threatening a veto. In addition to that, the bill is opposed by the labor movement because they are worried about what it is going to do to workers, by environmentalists, by consumer advocates, by a wide range of groups that fear that this bill that sounds like it is doing something for small business is going to in fact do a great deal of harm to the American people.

Mr. TIERNEY. Mr. Chairman I reserve the balance of my time.

Mr. MCINTOSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before yielding to my distinguished colleague, the gentleman from Missouri (Mr. TALENT) the chairman of the Committee on Small Business, let me point out, and I understand how in debate we sometimes exaggerate things around here, but as I showed all of our colleagues, what the gentleman from California (Mr. WAXMAN) said was simply not true: that automatically we would waive all fines under my bill.

Mr. Chairman, if there is a serious threat of harm to public health, if there is actual harm. And all of these provisions have been written into the bill, and in spite of the fact that they are there in black and white in plain English, the gentleman from California continues to say the same lines that he knows are not true, over and over again.

Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Missouri (Mr. TALENT) chairman of the Committee on Small Business.

Mr. TALENT. Mr. Chairman, I thank the gentleman from Indiana (Mr. MCINTOSH) for yielding me this time.

Mr. Chairman, the Committee on Small Business had concurrent jurisdiction over this bill, and I was happy to waive it in part because we have had so many hearings on this and these kinds of issues that I thought it really was not worth additional hearings or deliberations on the part of the committee, because to me, this just seems to me a very simple thing. Do we want to stand with and for the small businesspeople of this country against one of the things that irks them and demoralizes them and costs them the most, which is useless kind of government paperwork and arbitrary kinds of fines? Or do we want to stand with the government, with big government, with the regulatory state that believes that unless these people are minutely watched in all they do, they are going to go out and do all of these terrible things? It is a question of where we put our faith.

Mr. Chairman, all the bill says is we do not want agencies to fine small businesspeople for paperwork violations that do not matter to anything, that do not matter to the interest of the agency or public health and safety. They can check the paperwork violation, they can inspect them and tell them to do it over again and tell them to do it over in the future, but they cannot fine them.

Mr. Chairman, I do not want the agencies spending their enforcement time and effort tracking down people like Mr. Pat Caden of Caden's Restaurant in Tacoma, Washington, who was fined **$1,000** because he had one missing material safety data sheet on handsoap, which he offered to provide by fax in 2 minutes. I want OSHA worrying about safety. I do not want them worrying about material safety data sheets that do not have anything to do with safety and that nobody even reads outside the context of an inspection.

Mr. Chairman, I do not want small businesspeople to feel like in order to do business in this country they have to pay protection to agencies, because that is what it amounts to. They come into the workplace and hit businesspeople with paperwork violations because that is easy for them to find. They pay the agencies **$1,000** or **$2,000**.

Mr. Chairman, I hate to stop when I am in the middle of "catharting." Mr. Chairman, businesses pay them fines of **$1,000** or **$2,000** and they go away for a while, just for a while. It is like the mob. They will leave people alone if they pay them protection. That is what this bill is about.

The argument on the other side seems to be that there are drug dealers out there, people smuggling in thousands and thousands of illegal immigrants who this bill will unleash, I suppose on the assumption that the possibility that the government might hit them with a fine for a paperwork violation is currently deterring them from selling millions and millions of dollars worth of illegal drugs on the black market or bringing in thousands and thousands of immigrants; that, Mr. Chairman, these people who are not deterred by the huge felony penalty for doing these things might be deterred by the prospect that INS might come on their workplace and fine them for a meaningless paperwork violation.

Again, we talk about the bill being a "solution in search of a problem." The arguments against it are rationalization. It is just a question of where one stands. I would say that these kinds of bills do highlight the deep philosophical divisions in the House.

My faith is with the small businesspeople in this country, the private sector in the country, 99 percent of whom are trying to do good things in their communities for good reasons. All we are saying is, look, do not fine them for meaningless things. Agencies should concentrate their energies on health and safety or social justice in the workplace or environmental quality, and let businesses concentrate their efforts on building jobs and building the economic infrastructure in their communities and everybody will be better off.

□ 1200

Mr. TIERNEY. Mr. Chairman, I yield myself 30 seconds.

Let me just say that this idea, that this one side is in favor of small business and the other side is against small business, is ludicrous when we think of the time and the energy that went in, with the gentleman from Indiana (Mr. MCINTOSH) and the gentleman from Ohio (Mr. KUCINICH) working diligently to try to find some common ground so that small business could in fact get the benefit of this law.

I will speak at greater length about the particulars of it.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I was just shocked by the comments of the last speaker, because he said that we want to extol the virtues of small business, and we all agree to that, but then described Federal agencies, government employees that are trying to enforce the laws as equivalent to the mob. He said they are out for protection money. Is that the way we view government? It just seems to me an opening, a window to the mentality that would present this kind of legislation to us.

There are willful, intentional, reckless violations of the law that will not be in any way prosecuted under this legislation, because if it is a first-time offense, even if it were reckless and willful, then it would not be enforced.

How does my colleague justify doing that sort of thing, even if it is a reckless, willful violation of filing the report that indicates there is a hazard that workers may be exposed to? How can he justify that?

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, in fact, we do not justify it because the bill does not allow that. It still requires people to fill out the paperwork. What it says is, if they can correct it and it causes no harm, they will not be zapped with a civil fine.

Mr. WAXMAN. Mr. Chairman, that is not what the bill says. The bill says there will be a safe harbor, that there may not be, under any circumstance, the imposition of a money penalty for a first-time violation even if it were willful.

I yield to the gentleman to explain why he would do that.

Mr. McINTOSH. Well, because in addition to a civil penalty, the agencies have the ability to enjoin the business from further conducting its affairs. That is not affected by our bill. They have criminal provisions if there is fraud or willful violation.

Mr. WAXMAN. Let me say, that is not adequate. The reason it is not adequate is because they are going to impose a worse scenario for small businesses if they expect the agency to come and get injunctions, if it is a drug company to shut them down. What is involved in getting this paperwork is to know if there are problems, and then try to clear them up, not give a safe harbor for those who willfully violate the law.

Mr. MCINTOSH. Mr. Chairman, I yield myself 1½ minutes.

Let me say very clearly, there is a huge difference here, because I think it may have been the gentleman from Massachusetts (Mr. TIERNEY) or the gentleman from Ohio (Mr. KUCINICH) who pointed out what all of us recognize, that probably 99 percent of America's small businesses are good actors; they are trying to comply, they are not willfully not following the rules and filling out the paper work.

In the case of the 1 percent who are bad actors, who are trying to commit a crime, trying to ignore the law, I think the agency should come in and hit them with whatever it takes to get them to comply with the law.

The real difference here is the view of small businesses, because the coalition that has been for the special interests here in Washington to oppose this bill thinks that what we do is give them a get-out-of-jail-free card.

I quote from an e-mail that they circulated this morning,

> They think small businesses are criminals, and that is, why they are opposing this bill is they think that the Nation's small businesses are criminals. We don't believe that.

And that is what the gentleman from Missouri (Mr. TALENT) was saying so emphatically. We think the vast majority of small businesses in this country are good, decent people who are trying to get a job done, trying to hire people and create jobs in their economy, and they do not deserve to be zapped by Federal agencies when they make an innocent mistake. That is what the essence of this bill is all about.

Mr. Chairman, I reserve the balance of my time.

Mr. TIERNEY. Mr. Chairman, I yield myself 2½ minutes.

Let me just say to the gentleman from Indiana (Mr. MCINTOSH) that this debate was going on rather high ground for a while as we were talking about some matters of disagreement. We had a speaker come down and throw in some bombast, and I think it has sort of taken us in a different direction.

Personally, I represented small businesses for 20 years. I was a small business. I was president of the local Chamber of Commerce. There is no belief in my heart or soul that small businesses, on the whole, that people try to comply with the law, but I try to recognize fully, Mr. Chairman, that there are those who do not.

My colleague's bill does nothing for that law-abiding small business person who continues to comply with paperwork filing requirements because they, first of all, do not reduce the amount of paperwork to be filed. And if we want to do that, then why do we not get our committee to start sitting down and sifting through those blocks of paper and weeding out those that should not be filed any longer and those that should be consolidated? That would be a worthwhile effort.

But to have an absolute disincentive for those who do not want to be a law-abiding business and to put the law-abiding businesses at a disadvantage is not the way to proceed. What we ought to do is make sure the agencies exercise their discretion, that those who are not willful violators, those who do not impose a serious harm to the public good or to the environment, let them deal with it in that way and let them use their discretion. Which is exactly what SBREFA does, which is what our proposed amendment demands that they do is set in place a policy to make sure that those businesses that deserve a break get a break, but reserving the ability to fine those that need to be fined in order to have compliance so that good law-abiding businesses will not be put at a disadvantage.

The language of 3310, as it is currently constructed, simply does not do that. It says that before they can have a fine, they have to show that the failure to impose the fine would impede detection of a criminal activity. Well, it would not be the failure to impose a fine that would in fact impede detection of criminal activity; it would be the failure to file the requisite paperwork. So now they have given them a disincentive on that basis.

They talk about occasions where there is actual harm that they would then not be able to give a waiver. But what about the case where there is a propensity for actual harm, where the failure to file work leads us to believe there will be resulting harm, but it may not have happened yet, but we want to make sure it does not happen?

My colleagues talk about threatening imminent and substantial, dangerous harm, but those are hard burdens for an agency to prove before it can go in there and ask somebody who is integrally involved and knowledgeable about business, Mr. Chairman. And let me tell my colleagues, given the choice of having to make my case that my mistake on paperwork was inadvertent and failure to do that might be a civil penalty, I will take that any day, besides them coming down with very expensive legal proceedings on an injunction or a criminal action. That is when it gets onerous.

That is when agencies go well beyond their bounds, and that is where the gentleman from Ohio (Mr. KUCINICH) and I have an amendment that tries to address that so that small businesses and law-abiding business can move in the proper direction.

Mr. McINTOSH. Mr. Chairman, we have no further speakers on my side. I would like to reserve the balance of our time for closing if the gentleman from Massachusetts (Mr. TIERNEY) has any on his side.

Mr. TIERNEY. Mr. Chairman, I do have some speakers. Would the Chair please instruct us as to how much time is left on this side.

The CHAIRMAN pro tempore (Mr. DICKEY). The gentleman from Massachusetts has 2¾ minutes remaining.

Mr. TIERNEY. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, I just want to commend the gentleman here, trying to change this bill. I was an original cosponsor. I believe in paperwork reduction. But what this bill would do, it would put in danger small businesses.

In my district, 90 people, including the president of the company, just lost their pension. Now, that happened even with the controls we have today. There is only one document really that gets filed on 401(k)s, which was the only pension these folks had, and that is Form 5500 from the Labor Department to find out if your 401(k) is really getting the money that it is supposed to be getting.

Under this bill, if you keep the original text, those workers are completely exposed. The biggest loser in this loss of the 401(k)? The president of the company, the head guy of the small business, because he had the biggest investment there.

This is not pro small business. This would support people who want to skirt and avoid the law and, frankly, would leave working families and small businessmen vulnerable in so many cases, so many cases where they buy products, where they have responsibilities to carry out for consumers.

Mr. TIERNEY. Mr. Chairman, I reserve the balance of my time.

Mr. McINTOSH. Mr. Chairman, I understand that when there are no other speakers, I have the right to close. Is that correct? Which I am willing to do now if the gentleman is finished.

Mr. TIERNEY. Mr. Chairman, I have an additional speaker. But my colleague still has time left, I believe.

The CHAIRMAN pro tempore. The gentleman from Indiana may reserve for closing. Is that the intent of the gentleman?

Mr. McINTOSH. Yes, it is, Mr. Chairman. I am prepared to close now if the gentleman is ready to proceed with amendments.

Mr. TIERNEY. We have one more speaker, if we might, Mr. Chairman.

Mr. Chairman, I yield the balance of the time to the gentleman from Ohio (Mr. KUCINICH).

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for 1¾ minutes.

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding me the time.

I do not think there is anyone in this Chamber who believes other than that most small businesses are law abiding. And the earlier reference that those who are standing up for environmental protections, workplace protections, fighting money laundering, and promoting drug testing somehow believe that small businesses represent a criminal class is fairly ridiculous, and it is unfortunate to have that kind of reference in what has been otherwise an important debate.

The problem with the bill is that, and this is a central part that has to be remembered, is the process of agency determination only kicks in if a violation has been discovered, because a business which has failed to file paperwork, that violation may never be discovered.

This is a matter of what we do not know may very well hurt us. It is not useless paperwork to require filings that have to do with drug testing, food safety, to avoid stock fraud, to stop money laundering, to promote workplace safety, to promote air passenger safety, to promote a safe environment. I mean, this is part of the responsibility of the government. This is our government, the government of the people; and one of the things we have to do is to promote for the general welfare of the people. That is why we are here.

And so the gentleman from Massachusetts (Mr. TIERNEY) and I will be offering an amendment which seeks to install in this legislation that essential imperative of our responsibility as government officials.

The violations that are discussed here, once they are uncovered, the onus is still on the agency to prove that one of five conditions has been met in order for the business to be fined. This bill would tie the hands of law enforcement in this country, and I urge its rejection.

The CHAIRMAN pro tempore. The gentleman from Indiana is recognized for closing for 2½ minutes.

Mr. McINTOSH. Mr. Chairman, in closing, let me return to the tone that we had at the beginning of this debate because I agree with the gentleman from Massachusetts (Mr. TIERNEY) that is a helpful one.

I do want to thank the gentleman from Massachusetts and the gentleman from Ohio for their input in this bill at the subcommittee and committee levels. We will not be able to have an exact meeting of the minds today on the amendment that they are offering, but some of the points that they raised have been very helpful in crafting this bill.

For example, Mr. GEJDENSON'S concern that perhaps 401(k) programs would be exposed because of this bill, I would reassure him that looking at section B(iii) that says, "the violation is a violation of an Internal Revenue law or a law concerning the assessment of collection of any tax debt revenue or receipt." Well, section 401(k) is section 401(k) of the Internal Revenue Code; and so that paperwork would continue to be fully covered even under the civil fine provisions.

Let me close, Mr. Chairman, by saying that many of the Nation's small business leaders have spoken out in favor of this bill. The National Federation of Independent Businesses, NFIB; the National Small Business United; the National Association of Women Business Owners; Small Business Survival Committee, American Farm Bureau; National Beer Wholesalers Association; National Association of Metal Finishers; National Automobile Dealers Association, and the printing industries of America have all endorsed our bill, H.R. 3110.

I think it is a very good bill. It moves forward under the Paperwork Reduction Act where the agencies have failed to act. And in particular, the provision that is a waiver of the first-time fines for failure to fill out the paperwork, I think is a good provision. What it says to our Nation's small businesses is, we know we are giving you too much paperwork. If you happen to make a mistake somewhere along the line and it does not cause any harm, is not a threat to harm, does not impede criminal investigations, does not have to do with your obligation to pay taxes or to protect your pension fund, then you are going to be given a second chance.

I think that is all that we can do. When our Nation's small business and one that employees 25 people has to fill out this much paperwork, Mr. Chairman, I think the least we can do is say, we are going to be on your side and be forgiving if you commit a harmless error somewhere in those thousands of pages.

I would urge all of my colleagues to support this bill, join the NFIB and other small businesses and the Farm Bureau and other groups in finally bringing this legislation to pass.

Mr. EHRLICH. Mr. Chairman, I rise today to offer my support to H.R. 3319, the Small Business Paperwork Reduction Act Amendments of 1998, introduced by my colleague, Representative DAVID MCINTOSH.

Small businesses are the engine of our national economy. Numbering twenty two million today, small businesses generate approximately half of all U.S. jobs and sales. Compared to larger businesses, they hire a greater proportion of individuals who might otherwise be unemployed—part-time employees, employees with limited educational background, young and elderly individuals, and individuals on public assistance.

Yet the smallest firms carry out the heaviest regulatory burden. They bear sixty-three percent of the total regulatory burden, amounting to $247 billion/year. Firms with under fifty employees spend on average nineteen cents out of every revenue dollar on regulatory costs. Small businesses desperately need relief from the burden of government paperwork.

One of small businesses' greatest fears is that they will be fined for an innocent mistake or oversight. The time and money required to keep up with government paperwork prevents small businesses from growing and creating new jobs. Paperwork counts for one third of total regulatory costs or $225 billion. In 1996, it required 6.7 billion man hours to complete government paperwork.

H.R. 3310 will give small businesses the relief they need from the burden of paperwork. It will put on the Internet a comprehensive list of all the federal paperwork requirements for small businesses organized by industry as well as establish a point of contact in each agency for small businesses on paperwork requirements. This legislation encourages cooperation and proper compliance by offering small businesses compliance assistance instead of fines on first-time paperwork violations which do not present a threat to public health and safety. Lastly, it will establish a task force including representatives from the major regulatory agencies to study how to streamline reporting requirements for small businesses. This legislation goes a long way in addressing the demands for reform of many of my small businessmen and women in the Baltimore area and the 2nd District of Maryland.

Mr. Chairman, the Small Business Paperwork Reduction Act will bring common sense into the process and go a long way toward relieving small businesses of excessive paperwork and fines. Please join me in strongly supporting this commonsense paperwork reduction bill for small business.

Mr. ALLEN. Mr. Chairman, I rise today in opposition to H.R. 3310, the Small Business Paperwork Reduction Act Amendments of 1998. The intent of H.R. 3310 is worthy. For years, the small business community has voiced its concerns about the scope and burden of regulatory costs. These concerns were addressed in the Paperwork Reduction Act (PRA) and the Small Business Regulatory Enforcement Fairness Act (SBREFA) and by the Administration in their current efforts to streamline paperwork requirements.

Small business is responsible for 80% of the jobs that are created in our country. We are innovative and prosperous when our capital markets are efficient and the demands by the federal government reasonable. I was self-employed not too long ago and remember well the challenges that any small business faces. Some of these challenges are addressed by H.R. 3310: requiring the Office of Information and Regulatory Affairs to publish a list annually on the Internet and in the Federal Register of all the federal paperwork requirements for small business; requiring each agency to establish one point of contact to act as a liaison with small businesses; and establishing a task force to study the feasibility of streamlining reporting requirements for small businesses.

The central problem with H.R. 3310 is its provision suspending civil fines for first-time violations by small businesses when they fail to comply with reporting and record-keeping requirements. I believe that this well-intentioned provision may reduce compliance and hamper the government's role to protect the public. When pension administrators, banks, financial advisors, food and drug manufacturers, and employers violate the law, these violations would not be addressed, even if willful, until a second violation.

Under H.R. 3310, a pattern of noncompliance would be difficult to detect by the agency with jurisdiction. For instance, the Consumer Product Safety Commission's efforts to monitor product safety would be hampered. Compliance with the Residential Lead-Based Paint Hazard Reduction Act of 1992, which requires disclosure of lead-based paint hazards to prospective renters or buyers, would be reduced. The same applies to OSHA and ERISA requirements.

The case is clear that the burden of paperwork requirements does not outweigh public health, safety, and financial security considerations. While the title of H.R. 3310 is appealing, I believe its enactment would have serious, negative consequences on our nation. That is why I voted against H.R. 3310.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3310

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Paperwork Reduction Act Amendments of 1998".

SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PAPERWORK REQUIREMENTS.

(a) REQUIREMENTS APPLICABLE TO THE DIRECTOR OF OMB.—Section 3504(c) of chapter 35 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(6) publish in the Federal Register on an annual basis a list of the requirements applicable to small-business concerns (within the meaning of section 3 of the Small Business Act (15 U.S.C. 631 et seq.)) with respect to collection of information by agencies, organized by North American Industrial Classification System code and industrial/sector description (as published by the Office of Management and Budget), with the first such publication occurring not later than one year after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1998; and

"(7) make available on the Internet, not later than one year after the date of the enactment of such Act, the list of requirements described in paragraph (6).".

(b) ESTABLISHMENT OF AGENCY POINT OF CONTACT; SUSPENSION OF FINES FOR FIRST-TIME PAPERWORK VIOLATIONS.—Section 3506 of such chapter is amended by adding at the end the following new subsection:

"(i)(1) In addition to the requirements described in subsection (c), each agency shall,

with respect to the collection of information and the control of paperwork—

"(A) establish one point of contact in the agency to act as a liaison between the agency and small-business concerns (within the meaning of section 3 of the Small Business Act (15 U.S.C. 631 et seq.)); and

"(B) in any case of a first-time violation by a small-business concern of a requirement regarding collection of information by the agency, provide that no civil fine shall be imposed on the small-business concern unless, based on the particular facts and circumstances regarding the violation—

"(i) the head of the agency determines that the violation has caused actual serious harm to the public;

"(ii) the head of the agency determines that failure to impose a civil fine would impede or interfere with the detection of criminal activity;

"(iii) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

"(iv) the violation is not corrected on or before the date that is six months after the date of receipt by the small-business concern of notification of the violation in writing from the agency; or

"(v) except as provided in paragraph (2), the head of the agency determines that the violation presents an imminent and substantial danger to the public health or safety.

"(2)(A) In any case in which the head of an agency determines that a first-time violation by a small-business concern of a requirement regarding the collection of information presents an imminent and substantial danger to the public health or safety, the head of the agency may, notwithstanding paragraph (1)(B)(v), determine that a civil fine should not be imposed on the small-business concern if the violation is corrected within 24 hours of receipt of notice in writing by the small-business concern of the violation.

"(B) In determining whether to provide a small-business concern with 24 hours to correct a violation under subparagraph (A), the head of the agency shall take into account all of the facts and circumstances regarding the violation, including—

"(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

"(ii) whether the small-business concern has made a good faith effort to comply with applicable laws, and to remedy the violation within the shortest practicable period of time;

"(iii) the previous compliance history of the small-business concern, including whether the small-business concern, its owner or owners, or its principal officers have been subject to past enforcement actions; and

"(iv) whether the small-business concern has obtained a significant economic benefit from the violation.

"(3) In any case in which the head of the agency imposes a civil fine on a small-business concern for a first-time violation of a requirement regarding collection of information which the agency head has determined presents an imminent and substantial danger to the public health or safety, and does not provide the small-business concern with 24 hours to correct the violation, the head of the agency shall notify Congress regarding such determination not later than 60 days after the date that the civil fine is imposed by the agency.".

(c) ADDITIONAL REDUCTION OF PAPERWORK FOR CERTAIN SMALL BUSINESSES.—Section 3506(c) of title 44, United States Code, is amended—

(1) in paragraph (2)(B), by striking "; and" and inserting a semicolon;

(2) in paragraph (3)(J), by striking the period and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) in addition to the requirements of this Act regarding the reduction of paperwork for small-business concerns (within the meaning of section 3 of the Small Business Act (15 U.S.C. 631 et seq.)), make efforts to further reduce the paperwork burden for small-business concerns with fewer than 25 employees.".

SEC. 3. ESTABLISHMENT OF TASK FORCE TO STUDY STREAMLINING OF PAPERWORK REQUIREMENTS FOR SMALL-BUSINESS CONCERNS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is further amended by adding at the end the following new section:

"§3521. Establishment of task force on feasibility of streamlining information collection requirements

"(a) There is hereby established a task force to study the feasibility of streamlining requirements with respect to small-business concerns regarding collection of information (in this section referred to as the 'task force').

"(b) The members of the task force shall be appointed by the Director, and shall include the following:

"(1) At least two representatives of the Department of Labor, including one representative of the Bureau of Labor Statistics and one representative of the Occupational Safety and Health Administration.

"(2) At least one representative of the Environmental Protection Agency.

"(3) At least one representative of the Department of Transportation.

"(4) At least one representative of the Office of Advocacy of the Small Business Administration.

"(5) At least one representative of each of two agencies other than the Department of Labor, the Environmental Protection Agency, the Department of Transportation, and the Small Business Administration.

"(c) The task force shall examine the feasibility of requiring each agency to consolidate requirements regarding collections of information with respect to small-business concerns, in order that each small-business concern may submit all information required by the agency—

"(1) to one point of contact in the agency;

"(2) in a single format, or using a single electronic reporting system, with respect to the agency; and

"(3) on the same date.

"(d) Not later than one year after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1998, the task force shall submit a report of its findings under subsection (c) to the chairmen and ranking minority members of the Committee on Government Reform and Oversight and the Committee on Small Business of the House of Representatives, and the Committee on Governmental Affairs and the Committee on Small Business of the Senate.

"(e) As used in this section, the term 'small-business concern' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 631 et seq.).".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3521. Establishment of task force on feasibility of streamlining information collection requirements.".

The CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to this bill?

□ 1215

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. DICKEY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KUCINICH:

Page 4, strike line 10 and all that follows through page 6, line 25, and insert the following:

"(B) establish a policy or program for eliminating, delaying, and reducing civil fines in appropriate circumstances for first-time violations by small entities (as defined in section 601 of title 5, United States Code) of requirements regarding collection of information. Such policy or program shall take into account—

"(i) the nature and seriousness of the violation, including whether the violation was technical or inadvertent, involved willful or criminal conduct, or has caused or threatens to cause harm to—

"(I) the health and safety of the public;

"(II) consumer, investor, worker, or pension protections; or

"(III) the environment;

"(ii) whether there has been a demonstration of good faith effort by the small entity to comply with applicable laws, and to remedy the violation within the shortest practicable period of time;

"(iii) the previous compliance history of the small entity, including whether the entity, its owner or owners, or its principal officers have been subject to past enforcement actions;

"(iv) whether the small entity has obtained a significant economic benefit from the violation; and

"(v) any other factors considered relevant by the head of the agency;

"(C) not later than 6 months after the date of the enactment of the Small Business Paperwork Reduction Act Amendments of 1998, revise the policies of the agency to implement subparagraph (B); and

"(D) not later than 6 months after the date of the enactment of such Act, submit to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate a report that describes the policy or program implemented under subparagraph (B).

"(2) For purposes of paragraphs (1)(B) through (1)(D), the term 'agency' does not include the Internal Revenue Service.".

Mr. KUCINICH. Mr. Chairman, I want to again commend the gentleman from Indiana (Mr. MCINTOSH) for the efforts that we have made throughout many long and arduous hearings over this important bill. I regret that we have not been able to come to an agreement, but I still can say that I admire his dedication and his willingness to attempt to craft a mutual agreement, and I look forward to an opportunity to work with him again on another occasion, hopefully something that could reach a mutual conclusion.

The amendment that the gentleman from Massachusetts (Mr. TIERNEY) and I are offering today is consistent with the goals that we have set out for this legislation, to help small business while protecting the health and safety of the public. I want to tell the gentleman from Massachusetts how much I have appreciated his assistance in trying to bring this bill back to a point where it is going to benefit small business and the public.

This amendment is also consistent with past action by the Congress on small business issues, issues such as SBREFA which the gentleman from California (Mr. WAXMAN) so ably spoke to a moment ago. This amendment would require, and I emphasize the word "require," all agencies to establish specific policies and programs to allow them to eliminate, delay or reduce civil fines for first-time violators of paperwork requirements. In putting together those policies, agencies would be required to take into account a number of factors. Those factors would include, first of all, the seriousness of the violation and whether it involved willful or criminal conduct. Agency policies must include whether the small business is making a good faith effort to comply with applicable laws and correct the violation as quickly as possible. It would also mandate that the agency look at the previous compliance history of the business and whether the small business gained an economic advantage or competitive advantage by its action.

Furthermore, the amendment includes a strict time frame for agencies to take these actions. Within 6 months agencies would have to implement these policies and report back to the Committee on Government Reform and Oversight. This amendment would ensure that paperwork reduction efforts are truly relevant to the special circumstances of all industries. Agencies would be able to tailor their policies to the unique needs of the statutes that they are responsible to enforce and congressional review of these policies would become a matter of course.

Mr. Chairman, in passing this amendment, Congress would be responsive to the concerns raised by the Department of Justice and other Federal agencies. During committee consideration of this bill, we heard testimony from the U.S. Department of Justice, the Department of Transportation, the Securities and Exchange Commission and OSHA. All of these agencies raised serious questions about the impact of H.R. 3310 on drug enforcement, employee protections, drug testing statutes and our ability to ensure that investors have the information they need to make wise decisions. The Department of Justice said that the current language in H.R. 3310, and I quote, could interfere with the war on drugs, hinder efforts to control illegal immigration, undermine food safety protections, hamper programs to protect children and pregnant mothers from lead poisoning and undercut controls on fraud against consumers and the United States.

Some examples. Without this amendment, the bill would protect drug traffickers. Law enforcement agencies detect drug trafficking and money laundering using reports filed by businesses. H.R. 3310 would encourage financial institutions to not report cash transactions that are more than $10,000. Without this amendment, this bill would undermine our ability to uncover illegal activity. The Drug Enforcement Administration relies on written reports to ensure that controlled substances are not diverted illegally. H.R. 3310 would encourage pharmacies to not report their distribution of controlled substances.

Finally, without our amendment, it would undercut drug testing statutes and public safety. The Department of Transportation requires reports from employers showing that drivers and other safety sensitive employees have passed drug tests. The current language would give an incentive to businesses to avoid reporting. With this amendment, with the Kucinich-Tierney amendment law enforcement officials would continue to have the tools they need to combat illegal drugs, guard the environment and protect the health and safety of our citizens. We will then have legislation that I believe will attract additional bipartisan support and the support of the administration.

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I again just reiterate the long road that this bill has taken and the fine work of the gentleman from Ohio in trying to make sure that it in fact does what everybody expresses is their intention, and that is aid small businesses.

Mr. McINTOSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, a lot of debate is going on right here about whether or not this bill is in the interest of the Nation's small business. Let me quote for my colleagues from a letter from the NFIB, the voice of small business, the Nation's largest small business organization. In their letter they point out that

> this bill will build on past efforts to reduce the flow of government red tape by taking steps to reduce the paperwork burden for small business. Importantly, the bill requires Federal agencies to waive civil fines for first-time paperwork violations so that small businesses can correct the violation. This provision provides small business owners with a one-time warning that they should comply with paperwork requirements, not a blank check to disregard government rules and endanger the welfare of their employees. Small businesses must still correct the violation under this legislation.

The text of the letter is as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, March 17, 1998.

Hon. DAVID MCINTOSH,
Chairman, Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 600,000 members of the National Federation of Independent Business, I am writing to express our strong support for the "Small Business Paperwork Reduction Act Amendments of 1998." We appreciate your leadership in moving forward with this legislation to address one of the perennial concerns of small business owners.

The burden of federal government paperwork continues to rank high among the top concerns of NFIB members. In our 1996 edition of Small Business Problems and Priorities, federal paperwork ranked as the seventh highest concern of our members. Because of their size, government paperwork hits small business particularly hard.

This bill will build on past efforts to reduce the flow of government red-tape by taking steps to reduce the paperwork burden for small business. Importantly, the bill requires federal agencies to waive civil fines for first time paperwork violations so that small businesses can correct the violation. This provision provides small business owners with a one-time warning that they should comply with paperwork requirements—not a blank check to disregard government rules and endanger the welfare of their employees. Small businesses must still correct the violation under this legislation.

We believe this legislation includes incentives for small business owners to comply with paperwork requirements by providing them with an agency point of contact, a one-time suspension of fines, and encourages further government action to streamline paperwork. We hope it receives the full support of your subcommittee and the full committee.

Sincerely,

DAN DANNER,
Vice President.

Mr. Chairman, this amendment, as well intended as it is, frankly would gut that provision in the bill, because it does nothing more than reenact the requirement in SBREFA that the agencies adopt a policy in appropriate circumstances, with discretion. What we have seen since SBREFA has been enacted is that the agencies have failed to meet the requirement on reducing paperwork and when they do have policies, continue to impose fines for innocent paperwork violations. I would like to point out the severity of the failure of the agencies to actually live up to SBREFA and submit for the RECORD a list of the performance standards as reported from OMB agency by agency. Several of them have actually increased their paperwork requirements since that law was passed. The Commerce Department went up by 8.8 percent last year, Interior by 16.3 percent, Transportation by 32.7 percent, EPA by 6.9 percent, FEMA by 7.7 percent, NSF by 4.9 percent, and the Office of Personnel Management by 4.4 percent. That is in spite of the mandate from Congress to reduce their paperwork by 10 percent each year. So the agencies are not paying attention to SBREFA. To merely reenact the requirement there that they adopt the policy in this area will fail to protect our Nation's small businesses.

I am with NFIB, that we need to keep the bill as written and we need to actually do what is good for our Nation's small businesses and sadly reject the effort of our colleagues to try to bring back SBREFA. We need to move forward in this area and keep the bill as it is written.

The document referred to is as follows:

TABLE 3.—TOTAL INFORMATION COLLECTION BURDEN BY AGENCY

	Fiscal year 1995 total hour burden	Fiscal year 1996 total hour burden	Estimated fiscal year 1997 total hour burden	Percent change from fiscal year 1995 to fiscal year 1996	Est. percent change from fiscal year 1996 to fiscal year 1997
Government Totals	6,900,931,627	6,722,553,928	6,599,717,955	−2.6	−1.8
Totals, excluding Treasury	1,569,633,594	1,369,708,498	1,305,372,478	−12.7	−4.7
Departments:					
Agriculture	131,001,022	107,248,206	96,361,525	−18.1	−10.2
Commerce	8,239,828	7,960,779	8,663,555	−3.4	+8.8
Defense	205,847,538	152,490,315	127,479,302	−25.9	−16.4
Education	57,554,905	49,111,300	44,000,000	−14.7	−10.4
Energy	9,187,531	[1]4,656,053	[1]4,167,682	−49.3	−10.5
HHS	152,615,502	137,540,947	123,004,913	−9.9	−10.6
HUD	33,769,554	37,245,148	35,742,755	10.3	−4.0
Interior	4,165,429	4,357,370	5,069,683	4.6	+16.3
Justice	36,670,323	36,162,128	30,910,453	−1.4	−14.5
Labor	266,447,906	241,077,975	221,847,999	−9.5	−8.0
State	8,678,480	[2]596,789	598,475	−93.1	+0.3
Transportation	91,022,665	66,167,487	87,832,271	−27.3	+32.7
Treasury	5,331,298,033	5,352,845,430	5,294,345,477	0.4	−1.1
Veterans Affairs	11,133,887	9,434,552	6,974,355	−15.3	−26.1
Subtotal	6,347,632,603	6,206,894,479	6,086,998,445	−2.2	−1.9
Agencies:					
EPA	103,066,374	107,655,255	115,056,000	4.5	+6.9
FAR	22,146,676	23,445,460	23,348,937	5.9	−4.1
FCC	22,644,046	23,879,914	22,002,682	5.5	−7.9
FDIC	8,502,121	8,633,570	7,974,929	1.5	−7.6
FEMA	5,175,501	4,802,083	5,172,159	−7.2	+7.7
FERC[1]		5,157,268	5,157,268		0
FTC	146,149,460	146,148,091	146,139,841	0.0	−0.0
NASA	9,561,494	9,228,714	8,813,813	−3.5	−4.5
NSF	5,691,560	5,760,203	6,043,963	1.2	+4.9
NRC	8,726,244	9,942,882	9,493,835	13.9	−4.5
OPM	1,038,719	933,086	974,490	−10.2	+4.4
SEC	191,527,284	142,105,083	135,774,892	−25.8	−4.5
SBA	2,355,150	2,288,365	2,160,000	−2.8	−5.6
SSA	25,307,594	25,679,475	24,606,701	1.5	−4.2
Subtotal	[3]553,299,024	515,659,449	512,719,510	−6.8	−0.6

[1] The paperwork burden for the Federal Energy Regulatory Commission was contained in the DOE burden inventory in FY 95 but counted separately in later years.

[2] State's FY 96 reduction is attributable to the expiration of OMB number 1405–0018 (8 million hours).

[3] Subtotal includes a total of 1,406,801 hours of burden from AID, GSA, NARA, and USIA.

Mr. POMEROY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin my remarks by commending the bill's sponsor as well as the amendment's sponsor for the thoughtful discussions that has unfolded on the House floor. I think that the tone and the depth of the debate has been extremely interesting. I want to also commend the bill's sponsor and the amendment's sponsor for advancing a very important public purpose of providing meaningful paperwork reduction to the small employers across the country.

I have spent probably the last 2 or 3 years in this Chamber focusing on how we expand employer-based retirement savings opportunities for the Nation's workforce. I have concluded that providing paperwork reduction is an important part of expanding the opportunity for employers to offer work-based retirement savings. We have simply made it too complex, too confusing, too cumbersome and we have actually discouraged employers from doing just what we want to encourage them to do, provide a retirement benefit for their workers.

I have joined this effort at paperwork reduction. We have passed some on defined contribution plans, we have got some that is proposed and under consideration for defined benefit plans. One of the things that I have learned as we have worked in this area of paperwork reduction for retirement benefits is that it is vitally important to get it right. Therefore, the amendment before us deserves very careful consideration. I would urge its adoption. I think that the bill overreaches relative to retirement benefits. Let me give my colleagues a couple of examples of where it would.

One of the requirements, one of the regulatory requirements of an employer offering retirement benefits to their employees is that they provide a summary plan description to the employee alerting the employee as to the benefit they are receiving. This can be very important. In a defined contribution plan, for example, it is quite often structured so the employer will match the employee's contribution into the retirement savings account. The employee, for example, for every dollar up to 3 percent of salary for example, the employer will match dollar for dollar. Imagine the situation, if you will, where the employer forgets to notify the employee that that program is available, that that match is available into the retirement account. The employee does not know of this retirement benefit, the employee does not exercise their opportunity to gain retirement savings, and there is nothing, virtually nothing the Department of Labor can do under the bill to respond to that situation.

We need to have our workforce have retirement benefits at work and we need to have them alerted to what those benefits are. I think the amendment would be much more appropriate than the bill itself relative to that issue.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I appreciate the gentleman's comments but

I want to ask the gentleman, is he aware that there is a specific exemption which covers all IRS regulations and all IRS paperwork requirements and that as a result of that exemption, ERISA, the act that he has just been discussing, is exempted; that is, the paperwork violation about which he is concerned which comes under ERISA is not covered; that is, is exempted from this provision?

Mr. POMEROY. I would be happy to respond. The regulatory requirement to which I was speaking is originally based in the ERISA legislation, but based in the Department of Labor. And so it is certainly my impression that the legislation before us does not waive that one, that it would be applicable as a Department of Labor requirement on small business.

Mr. SHADEGG. If the gentleman will yield further, it is my understanding and perhaps we can get a clarification from staff, that the exemption of ERISA from the provisions; that is, of all the IRS code and therefore of ERISA, takes care of the specific issue that he is raising.

Mr. POMEROY. I have another issue that I will raise in that respect, but I would love the clarification, that ERISA in total is not subject to the act. That is not my understanding.

Mr. SHADEGG. That is my understanding.

Mr. POMEROY. Can the gentleman clarify that?

Mr. TIERNEY. Mr. Chairman, will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from Massachusetts.

Mr. TIERNEY. The fact of the matter is that ERISA only partially deals with the collection of money issues. There are many other provisions of ERISA that deal with the collection of information for other pertinent and very valuable reasons that would not be involved with this particular exclusion concerning the internal revenue law.

Mr. POMEROY. Reclaiming my time, that is precisely my point. This is not an IRS "you owe the money" deal. This is a requirement on the employer that they notify the employee of what their retirement benefits are. It is my belief that that would be dealt with under the act, that part of ERISA is not exempted.

Mr. SHADEGG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Kucinich amendment and in support of the legislation as introduced. Let me make it clear why I feel that is appropriate. Under existing law, SBREFA as we have passed it, the Small Business Regulatory Enforcement Fairness Act, which was passed in 1996, the language in this proposed amendment, is already present law. That is to say, in the amendment now being offered, any agency which regulates small business would be required to establish a policy or program in appropriate circumstances for first-time violations of a paperwork requirement. The existing law, a copy of which I am holding here in section 223(a), already says that all agencies are required, and I quote, to establish a policy or program under appropriate circumstances for the waiver of civil penalties.

□ 1230

The requirement that is embodied in this amendment is already in existing law.

Mr. POMEROY. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. Certainly I yield to the gentleman from North Dakota.

Mr. POMEROY. Mr. Chairman, this is just for purposes of clarifying our earlier exchange.

I would point to page 4 of the bill, lines 22 through 25, as addressing the violation or violations of Internal Revenue law or laws asserting the assessment or collection of any tax debt, revenue or receipt, and the provision of ERISA to which I was referring was the requirement that an employer alert the employee of the retirement benefits in the plan. That is something that I believe we want to encourage, and I am afraid a blanket exemption as contained in the bill, unlike the proportional language dealt with in the amendment, would be an overreach, would be too much of a correction in that respect.

Mr. SHADEGG. Reclaiming my time, Mr. Chairman, it appears we have different interpretations, as occasionally happens. My understanding from the staff on our side is that because we get an IRS deduction for the establishment of a benefit plan which complies with ERISA, that everything that is required to comply with that and that is in order to get the benefit, one is required to do these certain things. That is, in fact, a provision of the IRS Code brought into this under ERISA and that it would apply.

Mr. POMEROY. Mr. Chairman, I thank the gentleman.

Mr. SHADEGG. Certainly.

To return to my point, Mr. Chairman, I think first of all, it is important for Members to understand that the language of the amendment is already the language of existing law. We have already told agencies to establish a policy or program under appropriate circumstances for the waiver of civil fines.

That language, I think if now reenacted, would make this bill almost meaningless, and I think it is important for Members to understand that this bill, as written and as introduced and brought here by the committee, covers first-time paperwork violations. And it seems to me quite clear that when you understand that we are leaving in place the ability to punish the underlying substantive offense, the underlying violation of the law, and when we are only talking therefore about the paperwork violation, that is, the failure to file the paperwork from which one might discover the underlying violation, I have a difficult time seeing the problem and a difficult time accepting an amendment which would gut that.

But beyond that, it is very important to understand that what this legislation does is it applies to first-time violations only. When we think of the businesses across America, no business can start business and exist and be profitable with the heavy paperwork burdens they have, and have to file literally dozens, if not hundreds, if not thousands of these forms, and there was plenty of testimony before the committee about the paperwork burden.

But the point here is that for any kind of a violation that might reveal a pattern of conduct that might result in harm, a one-time violation is not going to cause a serious problem. The form is going to have to be filed over and over and over again. This simply says that for the first violation there should not be a penalty, and it only says that in certain circumstances. If health and safety is still implicated, then there can be a penalty.

I will remind the Members of the discussion earlier about the gentleman who was visited at his restaurant. He was missing one form. The form was a data sheet about the safety of something in his restaurant. It was a soap in his restaurant, not a harmful product. He was fined $1,000 by OSHA. During the OSHA visit, his store manager called the company and had the data sheet, material safety data sheet, faxed to the office. It was there within that period of time, there within a matter of minutes, and OSHA still imposed the $1,000 fine.

Mr. Chairman, I think that makes no sense, and I think this is a reasonable piece of legislation on which we have tried to work with the other side in a bipartisan fashion, and they have proffered language which has improved it. I urge the rejection.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. SHADEGG) has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. SHADEGG was allowed to proceed for 2 additional minutes.)

Mr. SHADEGG. I urge the rejection of the amendment as being an amendment that would set this legislation so far back as to make it nearly meaningless, and I urge the adoption of the bill as proffered by the committee.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Texas.

Mr. DELAY. I really appreciate the statement that the gentleman from Arizona makes, Mr. Chairman, and I too rise in support of this legislation and, frankly, in opposition to this gutting amendment. And I appreciate the gentleman standing against this amendment.

I am just amazed at the liberal opposition to this legislation.

It must represent a really a low point.

It must really represent a low point in their anti-small business efforts; now we understand the real motives of the far left. The liberals are in favor of more paperwork, they want more work for government.

Mr. Chairman, it seems to me that the liberals are in favor of more paperwork, they want more work for government bureaucrats, they want more profits to be wasted on redundant forms and silly Federal regulations and requirements. I got to tell my colleagues, Karl Marx must be turning over in his grave. Is this the once proud left wing, is this all they have to fight over?

I too oppose this gutting amendment, Mr. Chairman, and support this commonsense legislation. I just think we ought to give small businesses a break today.

Mr. ALLEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the Members on the other side for the title of this bill, the Small Business Paperwork Reduction Act. That is a terrific title, and it is hard to imagine that any one of us could oppose a bill like that, except for the content of the bill. But that is a great title.

But the fact is that we have got two proposals in front of us. One is the Kucinich-Tierney amendment, and I believe that is the right sort of amendment because it gives our agencies the kind of flexibility that we need.

The other side has gone on about how the bill, as drafted and as reported out by the committee, only deals with paperwork violations. But there are paperwork violations and others. The fact is that for many of our agencies there has to be a regular period of reporting.

I want to mention a couple of things. The principal deputy, an associate general for the Department of Justice, has testified that automatic probation for first-time offenders would give bad actors little reason to comply until caught, and that would work to the economic detriment of those hard-working small business owners who work hard to comply with the law. And that is my fear about this particular legislation.

If we approve this legislation, we are creating a set of incentives, and among those incentives are an interest of some people in taking the reporting requirements less seriously; and, in my opinion, that hurts the legitimate small business owner who is out there trying to comply with the law, and helps those who are trying to get away with one thing or other.

As my colleagues know, the Department of Justice has also said that this bill could interfere with the war on drugs, hinder efforts to control illegal immigration, undermine food safety protections, hamper programs to protect children and pregnant mothers from lead poisoning, and undercut controls and fraud against consumers and the United States.

I am very concerned about this bill in a number of different respects, and I want to turn to one of them in particular. We have a set of protections that are designed to protect our safe drinking water, and self-monitoring and reporting are the foundations of the Clean Water Act and the Safe Drinking Water Act. These reporting requirements are designed to give State and Federal environmental protection officials knowledge of environmental compliance before any harm occurs.

Under H.R. 3310, the agency would have to prove the failure to report the pollutant, and not just the existence of the pollutant, posed a substantial and imminent threat before it could assess fines. And I do not think that relying on EPA inspections is a viable alternative. The EPA only has enough staff to inspect our 200,000 public water systems once every 40 years.

What we need is an effective system of reporting, and if my colleagues look at the Tierney-Kucinich amendment, what it is doing is saying that rather than a blanket exemption for all first time offenders, what they are doing is directing every agency to develop policies to deal with first time so-called paperwork violations.

That is a far more sensible approach. It is a kind of approach that I think makes sense. It is a kind of approach that will give our small businesses the relief they need, and yet not let people off the hook when they do not create any incentives for people not to keep the kinds of records that help keep our public safe in a wide variety of different areas.

As Franklin Raines has said, and I will yield in one second, the primary beneficiaries of section 2(B) would appear to be those who do not act in good faith and those who intentionally or willfully violate the applicable regulations.

That is what we are concerned about on this side of the aisle, and I urge my colleagues to support the Kucinich-Tierney amendment.

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. ALLEN. I yield to the gentleman from Indiana.

Mr. McINTOSH. First, Mr. Chairman, I want to make sure the gentleman is aware of section 2 that says in the case of imminent and substantial danger to public health or safety, the agency can continue to impose a civil fine.

Second, let me state for the record I do appreciate the work of the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Massachusetts (Mr. TIERNEY) on this amendment. We disagree about it. I do believe that it would ultimately gut this key provision in our bill. But he has worked in good faith in the committee in trying to develop this legislation, and I want to say in particular that many of the provisions in our bill that make sure that in cases of an imminent danger to public health and safety are there with the good work of the gentleman from Ohio (Mr. KUCINICH). We did not go as far as he wanted to in the language, and so we are debating his amendment, but I appreciate his good work on this.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us try to understand what is at issue. If small business did not do something that was technically required in terms of filing some paperwork, or if their failure to comply adequately was inadvertent, they acted in good faith, no one thinks that they ought to have a penalty imposed upon them.

But on the other hand, if a small businessman or woman willfully and recklessly were involved in criminal conduct and in pursuance of that criminal conduct did not file the reports that would disclose that conduct, that small business person should not be let off the hook.

And, no, I will not yield at this moment, but I hope the gentleman will listen to me because I think this bill is flawed, because the bill before us would allow such a small businessperson who willfully, recklessly and intentionally tried to take advantage of this law that said that they did not have to get penalized if they filed such a report.

I do want to yield to the gentleman from Indiana because I find that hard to justify.

Mr. SUNUNU. I am the gentleman from New Hampshire.

Mr. WAXMAN. The gentleman from Indiana is the author of this. I find it hard to justify.

Now, the exception that he wrote into his bill is if there is an imminent and substantial threat to harm or safety; but that does not answer the problem because the agency would have to prove this eminent and substantial threat.

It seems to me to make more sense, if we are trying to remove the threat on a small businessperson who acted in good faith and they are going to be fined, that we do not let the others off the hook who are acting recklessly and willfully.

Could the gentleman explain why he would allow that to happen?

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, I will be happy to explain once again that our bill does exactly what the gentleman wants do, which is target the efforts on those who are willfully violating the law.

In addition, I would ask the gentleman, is it not true that the agencies still have civil prosecutions in court? Is it not true that the agencies still have criminal prosecution available to them? Is it not true that the agencies still have injunctive relief to make sure that where there are willful bad actors, they will be dealt with with the full force of the United States Government?

□ 1245

Mr. WAXMAN. That is a very good question. But the problem is that the agency might not know about someone's 401(k) fraud unless they see what disclosures were in the paperwork. They have to find out about something for which they are not being informed.

The reason that certain forms are required to be filed is to give the agency the information to know whether that small business is complying with the law. If they do not file the form, they may not know that a small pharmaceutical company found out that there was a side effect that could do harm, or that a seller of property knew about a lead threat or did not disclose it, or that the employer knew that their employees may be harmed by some hazardous substance and did not disclose it to them or to the agency involved. The agency just would not know. That is the first reason.

The second answer to your question is, not only would the agency not know, but let us say the agency did know. To require the agency to come in and then have to get injunctive relief and criminal actions and all of that just seems to me to put the agency in a position where they are going after the small business with a sledgehammer. The reason for these reports is not to just collect money. The reason is to know whether there is a problem.

The Kucinich-Tierney amendment spells out very clearly that if there is a technical or inadvertent reason why that report was not filed, if it was in good faith, there were efforts to comply or rectify the violations and there was no previous lack of compliance history, that they would not be fined.

But, on the other hand, if there was a willful or criminal involvement that in fact there was a threat to harm and safety to consumers, investors and others, and that there was not this good-faith effort on their behalf, and in fact they had a very murky record in terms of complying, in fact they had not complied in the past with other requirements or they got an economic benefit for the violation, those factors would be taken into consideration, and they ought to be taken into consideration.

Unless this amendment is adopted, it could not even be looked at.

Mr. SUNUNU. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by repeating a point that was made here in response to the remarks that were made that did not receive any response, and that was simply that, under this underlying legislation, there is no restriction whatsoever on an agency's ability to pursue civil penalties. There is no restriction whatsoever on their ability to pursue criminal prosecution. There is no restriction whatsoever on an agency's ability to seek injunctive relief. The provisions are retained to pursue bad actors to the fullest extent of the law.

The only attempt to provide relief here is for those small businesses that are first-time paperwork violators. Even so, there are exemptions in the legislation that provide to make sure that if there is a threat to public safety, if we are dealing with fraudulent issues related to the IRS or tax matters, or if we are reducing an ability to pursue criminal activity, there is full exemption from those restrictions.

The goal here is to ensure that agencies can go after the bad actors, can go after those that are negligent, can go after those that pursue criminal activity. But for the small business that has a first-time paperwork violation, there is some relief.

Also, the legislation ensures that those small businesses are at least made aware of what the small business regulations are, the paperwork regulations are, through the Internet. I think that that is an important step in the right direction. I think it provides the kind of relief that small businesses certainly deserve.

A comment was made about the amendment, the Kucinich amendment, which I certainly oppose that somehow this amendment gives agencies the flexibility they need. The fact is this amendment gives agencies the flexibility they already have, because it essentially restates the Small Business Regulatory Enforcement Fairness Act that is already on the books.

The amendment, the Kucinich amendment, is nothing more than a status quo amendment. It reflects no change. SBREFA, Small Business Regulatory Enforcement Fairness Act, may be a good business regulation, but it does not bring us forward; it does not provide for additional relief.

The fact is, if you support the status quo, that may be fine, but there are small businesses out there in New Hampshire, all across the country that are concerned about the burden of paperwork, that are concerned about the cost of regulation; and this provides them with some relief for that small business that is a first-time paperwork violator.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, first, let me express appreciation for the gentleman from New Hampshire, vice chairman of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs. He has done a wonderful job on our committee in helping to craft this legislation and also overseeing the functions of the subcommittee.

I am amazed by the complex argument of my colleague, the gentleman from California (Mr. WAXMAN). But it seems to come down to, on the one hand, they are afraid that the agencies will not do enough because they do not have the civil fines. On the other hand, they are afraid they might do too much because they have civil penalties in the courts and criminal penalties and injunction.

I will, once again, share with my colleagues the analogy that I think fits the description here. The agencies are like traffic cops. They would rather give out tickets for speeding violations than apprehend who has broken into your house and is stealing your TV, because it is a lot easier to give out traffic tickets than to go after the real bad guys.

What this bill says is that we are going to give you a pass if you make an innocent mistake the first time; but if you are a bad actor, we are going to come after you with all the full force of the Federal Government.

In closing, I am sad to say, but a vote for the Kucinich-Tierney amendment is a vote against our Nation's small businesses because it would not move the dime forward on this key issue.

Mr. SUNUNU. Mr. Chairman, I thank the gentleman from Indiana very much for his remarks. In closing, I want to reemphasize the point that seems to have been missed by those who were opposed to this legislation and supportive of this gutting amendment; and that is that this legislation does nothing to limit the agency's ability to seek criminal penalties, to seek civil penalties and civil prosecution, to put an injunction in place and to pursue the bad actors or anyone that ought to be convicted of willful or negligent activity. We can prosecute them to the fullest extent of the law.

This is some relief for small businesses, relief only for first-time paperwork violations and provides full exemption when there is an imminent threat to public safety. The drinking water issues that were raised, lead poisoning, I think few would doubt that these are issues of public safety, a threat to public health; and that would certainly, in appropriate circumstances, be dealt with with the exemption of this legislation.

Mr. Chairman, I would urge my colleagues to oppose the Kucinich amendment and support paperwork relief for small businesses.

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just start by saying again most of the way along the path here, this has been an effort to cooperate with the gentleman from Indiana (Mr. MCINTOSH), chairman of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, with the gentleman from Ohio (Mr. KUCINICH), myself, and others on the committee to do something good for small businesses.

It was unfortunate to hear the gentleman from Indiana wrap up with some statement about this vote on the amendment being a vote against small business. That is clearly not so. I cannot believe that the gentleman from Indiana, after the long, cooperative effort that he has had with the gentleman from Ohio (Mr. KUCINICH), in particular, and myself and others on the committee really believes that is the case.

What we have is a vote about what each respective side believes is the appropriate way to both help small business and to also make sure that we put in place the requirements that would protect the public safety and the public health and the environment that we are all required to do. We can have an honest disagreement about how that might proceed, but we ought not to take this to the rhetorical level that somebody is for or against anything completely.

People on this side of the aisle, Mr. Chairman, are firmly for small business. We clearly understand that our amendment, the Tierney-Kucinich amendment, states that this will tighten up SBREFA, this will make small business violations, for the first-time instances, be addressed by an agency mandatorily with a waiver in those occasions where that is appropriate. That brings SBREFA further along with regard to that particular than it is today.

There is no place for bombasting in this debate, and there is no place for labels going on. This is simply, how do we best protect the public interest and protect small businesses as they go about their venture?

There are parts in this bill that are very good. Should we give notices to small businesses, provide a list so we know about the requirements that have to be met? Absolutely. We can all agree upon that. Might we have one point of contact so a small business goes to an agency to deal with one individual to get their issues resolved? Absolutely. Should we have a task force for streamlining the amount of paperwork that small business has done? That would really result in paperwork reduction. That is an excellent part of the bill that we support.

Mr. Chairman, I would yield for a couple of seconds to the gentleman from Indiana (Mr. MCINTOSH) to ask him to point out any part of H.R. 3310 that actually in itself reduces paperwork. There is nothing in that bill that does anything to reduce paperwork.

The closest thing that is arrived at is this provision to have a task force to streamline. We are firmly behind that. We would urge the committee to do just that, to get that report and then to take that stack that is on the table next to the gentleman from Indiana (Mr. MCINTOSH) and reduce it significantly.

All through my business career and the people that I represented, we complained about that amount of paperwork being there, thought that we might be able to reduce it, while at the same time, protecting the public interest. That is what the Kucinich-Tierney amendment portends to do. It portends to make sure that nobody is given an incentive not to comply.

Although we may disagree, Mr. Chairman, with the wording that is in that bill, I can tell you clearly that a practical reading of it would be an incentive to those businesses that are inclined to not comply to do just that.

For all the businesses that go out there day-to-day that are concerned about what they do and its effect on the environment, are concerned for the safety of their employees, are concerned for law enforcement, are concerned that everybody, including themselves, have their pensions protected. They simply want to be relieved from as much paperwork as they can be, and they want the ability for an agency to come in and apply a policy that would allow a waiver in a first-time violation where it is appropriate.

They are not looking for ways to have their competitors who might be unscrupulous avoid the obligation at a disadvantage to the law-abiding business person.

To say that the proper remedy here is injunctive relief, to say, well, you can still prosecute them criminally, to say that you can have more inspections, as a business person, let me tell the gentleman from Indiana, no, thank you. If it comes down to having an agency exercise its discretion and treat me fairly and, at most, give me a civil penalty. I am for that.

If you think the $750 fine that you keep repeatedly bringing up, and those on your side, is a big number, wait until you see what the cost for injunctive relief is when you have to go out and hire a lawyer to protect yourself against that. Wait until you see what the cost is for criminal prosecution. Wait until you see what those inspections, how onerous those can be when they are not there.

Let us do the appropriate thing and make sure that in a first-time violation, the agency has the discretion it should have.

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. TIERNEY. I yield just very briefly to the gentleman from Indiana.

Mr. McINTOSH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, in that example, Mr. Gary ROBERTS is fined $750. He actually brought the hazardous communication program right to the work site.

Mr. TIERNEY. Reclaiming my time, I will address that.

Mr. McINTOSH. There would be no need for an injunction, no need for a court case.

Mr. TIERNEY. Reclaiming my time, that example is a situation, and OSHA came in and testified before the committee and told you that has been addressed, that OSHA has a zero tolerance now for those situations. They do not fine people for failing to have something posted in a first-time violation and had put in fact a policy; we had agency after agency come in before us and tell us that they are moving in that direction.

The fact of the matter is, we are waiting on the reports on the SBREFA to see what the policies are and what the effect is. The majority on the committee got anxious and went forward with this bill before they even found out what the information was. That is not appropriate here. Your own party has raised some very important issues here.

Mr. Chairman, I would ask my colleagues to support the amendment. It does, in fact, help small businesses. We can all be on the same page here, and we ought to be.

The CHAIRMAN pro tempore (Mr. DICKEY). The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 396, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

The point of no quorum is considered withdrawn.

□ 1300

AMENDMENT OFFERED BY MR. MC INTOSH.

Mr. McINTOSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCINTOSH:

Page 6, strike line 25 and insert the following:

imposed by the agency.

"(4) Notwithstanding any other provision of law, no State may impose a civil penalty on a small-business concern, in the case of a first-time violation by the small-business concern of a requirement regarding collection of information under Federal law, in a manner inconsistent with the provisions of this subsection.".

Mr. McINTOSH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. McINTOSH. Mr. Chairman, this amendment came out of testimony that we did hear from OSHA and many of the States; where they do have enforcement of their regulations, the States actually are the entities that enforce it, and they said even if our bill passed, they would not be able to control what those State enforcement agencies did in terms of civil penalties for first-time violations.

So what this amendment does, it is a very narrow amendment that says, where there is a Federal law that is being enforced by State agencies, those agencies also will have to comply with the sections of this bill that allow small businesses to have an exemption for a first-time violation that does not pose imminent threat to health and safety, does not impede criminal investigation, does not involve an Internal Revenue Code provision.

So it is an amendment we probably should have put into the full committee draft when we had a substitute. We did not. But in reflecting upon the testimony given to us by the agency on a problem where their hands are tied in certain cases, where they do not really get to control enforcement activities, this would mean that all of the enforcement, whether it is done at the State or the Federal level, are on an equal basis so that one does not have small businesses in some States being harassed and some small businesses in other States being protected by the statute.

Mr. TIERNEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just would note the irony in this particular amendment coming from my colleagues on the other side of the aisle. For a group that repeatedly talks about States' rights and the Federal Government telling States what they can and cannot do, this would seem to me to be the ultimate example of that.

For those States that like to have some ability to exempt themselves from Federal programs or Federal requirements and impose their own set of priorities, for instance, if a State chooses to focus on reporting requirements instead of on-site inspections, it may well want to assess civil fines when there are intentional violations of those requirements. This, of course, would prohibit the State from having that kind of flexibility; it is ironic, and just a bit amusing on this side of the aisle to see how everyone who supports States' rights or would want to support them and vote for this amendment.

We regularly hear about how flexible approaches make more sense and how States know what is best for their constituents. However, a vote for this particular amendment would appear to be a vote against that flexibility and a vote against States' rights; and I, for one, would be very curious to see what support it has and does not have from those who have always professed the opposite.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. TIERNEY. I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I want to express my concern about this amendment. I have read the amendment and I understand the concern which is behind it, but I would offer this cautionary note, that States feel very strongly about their prerogatives with respect to oversight and enforcement. States' attorneys general, the attorneys at various district levels, county health officials, are all very much involved in enforcement processes, and as a matter of fact, I think one can argue that in some cases, they are the closest to it.

So to amend this law by taking the State out of it, by saying no State may impose a civil penalty on a small business concern, and then it goes on in a manner inconsistent with the provisions of this subsection, it takes the power away from the States. I think that we should be very cautious about doing that without having full hearings on this to hear testimony from State officials as to how this could impact their ability to enforce the law.

Mr. Chairman, I think there are instances where Congress needs to respect the rights of the States, and certainly this amendment calls into question whether we are really doing that; and for that reason, I have to reluctantly oppose the amendment by the gentleman from Indiana (Mr. McINTOSH), my good friend.

The CHAIRMAN pro tempore. Does any Member seek recognition?

If not, the question is on the amendment offered by the gentleman from Indiana (Mr. McINTOSH).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. McINTOSH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 396, further proceedings on the amendment offered by the gentleman from Indiana (Mr. McINTOSH) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 396, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 1 offered by the gentleman from Ohio (Mr. KUCINICH), and an amendment offered by the gentleman from Indiana (Mr. McINTOSH).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. KUCINICH

The CHAIRMAN pro tempore. The pending business is the request for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to House Resolution 396, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings after this 15-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 221, not voting 26, as follows:

[Roll No. 72]

AYES—183

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
John
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Redmond
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Skelton
Slaughter

Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Becerra
Brown (FL)
Cannon
Cardin
Conyers
Cook
Crapo
DeLay
Ford
Gillmor
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
McDermott
Millender-McDonald
Olver
Paxon
Payne
Rangel
Reyes
Riggs
Royce
Waters

☐ 1325

Mr. KIM and Mr. HORN changed their vote from "aye" to "no."

Mr. LIPINSKI and Mr. DIAZ-BALART changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COOK. Mr. Chairman, on rollcall No. 72, Kucinich amendment to H.R. 3310, had I been present, I would have voted "No."

I was giving a speech to the National Equipment Manufacturers at the Carleton Hotel at 16th & K; my beeper simply did not function, possibly because of being inside a center room on the ground floor. I am a bit miffed because it broke my 100% voting record!

AMENDMENT OFFERED BY MR. MCINTOSH

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. McINTOSH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 179, not voting 27, as follows:

[Roll No. 73]

AYES—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—179

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (OH)
Capps
Carson
Clay
Clayton
Clyburn
Condit
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Johnson (CT)
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Mink
Moakley
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney

Torres
Towns
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—27

Becerra
Bonilla
Brown (FL)
Cannon
Cardin
Conyers
Cook
Crapo
Ford
Frelinghuysen
Gillmor
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
McDermott
Millender-McDonald
Olver
Paxon
Payne
Rangel
Riggs
Royce
Sanders
Waters

☐ 1337

Mr. SHAYS changed his vote from "aye" to "no."

Mr. DIAZ-BALART changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COOK. Mr. Chairman, on rollcall No. 73, McIntosh Amendment to H.R. 3310, had I been present, I would have voted yes. I was giving a speech to National Equipment Manufacturers at the Carleton Hotel at 16th & K. My beeper simply did not function, possibly because of being inside a center room on the ground floor. I'm a bit miffed because it broke my 100% voting record!

The CHAIRMAN pro tempore (Mr. DICKEY). Are there any other amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. DICKEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, pursuant to House Resolution 396, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCINTOSH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 267, noes 140, not voting 23, as follows:

[Roll No. 74]

AYES—267

Aderholt
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kelly
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—140

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (OH)
Carson
Clay
Clyburn
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Furse
Gejdenson
Gephardt
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Mink
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Poshard
Rahall
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (NJ)
Snyder
Stark
Stokes
Strickland
Stupak
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—23

Archer
Becerra
Bonilla
Brown (FL)
Cannon
Cardin
Conyers
Crapo
Ford
Gillmor
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kasich
McDermott
Millender-McDonald
Payne
Rangel
Royce
Waters

☐ 1359

The Clerk announced the following pairs:

On this vote:

Mr. Royce for, with Mr. McDermott against.

Mr. Bonilla for, with Mr. Rangel against.

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCINTOSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3310, the bill just passed.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Indiana?

There was no objection.

CONFERENCE REPORT ON H.R. 1757, FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 385 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 385

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 385 waives all points of order against the conference report that accompanies this bill, the Foreign Affairs Reform and Restructuring Act of 1998, and against its consideration. The rule also provides that the conference report be considered as read. This of course is the traditional type of rule for considering conference reports and will allow expedited consideration of this legislation.

Mr. Speaker, on the conference report itself, I am pleased to say that I will be able to support a State Department authorization bill for the first time in many, many years. I am not in the habit of voting for foreign aid of any kind, and I am not in the habit of voting for the State Department authorization bill. But I think all Members ought to listen up, particularly those of conservative persuasion who may have some concern about this bill.

First of all, one reason I support it is because of the excellent work by the gentleman from New York (Mr. GILMAN), the gentleman from New Jersey (Mr. SMITH) and the rest of the conferees who have managed to retain some very excellent provisions relating to NATO expansion overseas, abortion issues and the United Nations. I am most pleased with the retention of the provision of the European Security Act, which supports something near and dear to my heart, and that is the expansion of NATO, which will guarantee peace in that part of the world for many years to come.

Twice in this century, American soldiers have gone to war on behalf of Europeans, and we fought a very, very costly financial war with the Cold War. The European Security Act designates Estonia, Latvia, Lithuania and Romania as eligible countries for transition assistance under the NATO Participation Act of 1994. It further expresses a sense of Congress that those four countries should be invited to become full NATO members at the earliest possible time.

Mr. Speaker, as we see democracy breaking out all over Eastern Europe, in countries that were enslaved by communism for decades, it is morally and strategically imperative that we do not shut these people out of the Western system, that we not draw a line in the sand as we did back in Yalta, which created this terrible situation of enslaving tens of millions of people behind this philosophy of deadly atheistic communism. Especially as they struggle valiantly to establish democracy and reform their economies, these great friends of America need security and stability.

That in itself is reason enough to come over here and vote yes on this bill. NATO of course is the key to security and stability in that part of the world. For 49 years, it has kept peace and helped nourish democracy and prosperity in Europe. Some say, let us shut it down, or let us keep the status quo. Mr. Speaker, some over in the other body wish to establish some sort of pause after Poland and the Czech Republic and Hungary get in. What an irresponsible and myopic policy that would be. We must not let that happen. That in itself is sending signals that we are willing to once again draw that line in the sand, and we cannot let that happen. In addition to betraying the people of that region, after decades of Communist slavery, leaving a gray area in Central Europe will only tempt demagogues and potential aggressors in that region and make it more, yes, more likely that United States soldiers will have to fight in Europe once again.

To those who say why should U.S. soldiers die for Danzig or Bucharest or Riga, I say they are right, they should not, and if they do not want it to happen, support NATO expansion that appears in this bill, because that is exactly what this bill does.

This conference report also retains the very strong restrictions supported by the gentleman from New Jersey (Mr. SMITH) on funding of overseas abortions and advocacy of abortions. There is not a more principled Member of this body than the gentleman from New Jersey. I commend him for standing up for what is right for the children of this Nation.

Finally, I am pleased that this conference report places strict conditions on the payment of our supposed arrears to the U.N. Members ought to listen up, because I am the author of the Kassebaum-Solomon amendment that has withheld dues from the United Nations until they cleaned up their house and they put their house in fiscal order. Yet I am the one standing up here today saying we ought to support this bill. It is because of what is written into this bill.

I have a great deal of trouble with paying these so-called arrears to the U.N., given its history of waste and abuse and, frankly, its lack of gratitude for all the expenses and danger on our troops that we incur in support of U.N. resolutions.

I also have trouble handing out any more money over to an organization whose Secretary General Kofi Annan has just cut an appeasement deal with Saddam Hussein, said that Saddam Hussein is a man he can work with and called U.S. weapons inspectors cowboys. That is what this head of the U.N. said? He ought to be horse whipped for saying it. I resent that, Mr. Speaker.

The gentleman from New York (Mr. GILMAN) and the conferees have done excellent work in placing strings on the money, strings that will help reduce bureaucracy, help reduce waste and abuse at that U.N. I am particularly pleased that they have retained my legislation, which would prevent any arrearages from going to the U.N. if that body attempts to create taxes on American citizens, and they are talking about that, as my colleagues know. We know that U.N. bureaucrats would like to do exactly that. This legislation is a shot across the bow. Do not try it.

The conferees have also included, and this is very, very important, conditions requiring that the U.N. reduce the U.S. share of the peacekeeping budget down to 25 percent and that the regular budget be no more than 20 percent. All fiscal conservatives, if they are listening, that is the reason they ought to come over here and vote for this bill.

What is extremely important is that the conference report also requires the President to seek and obtain a commitment from the United Nations that it will provide reimbursement to the United States for the costs incurred by our military in support of U.N. missions. Right now we get no credit. We just pay all that extra money in and it is a terrible, terrible drain on our military budget to do so. This bill says that they will take into consideration all of the moneys that we pay in in that respect and reimburse us for it. These and other conditions which should lead us to spending less on the United Nations in the future, as well as the previously mentioned support for NATO expansion, and the excellent anti-abortion provisions are why I grudgingly support this measure.

Mr. Speaker, in sum, this is a good conference report. I urge adoption of the rule so that we can get on with the expedited consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) for yielding me this time, and I yield myself such time as I may consume.

This resolution, H.Res. 385, is a rule that provides for consideration of the conference report on H.R. 1757, which authorizes appropriations, it makes policy changes for the State Department and related agencies. As the gentleman has described, this rule waives all points of order against the conference report. The bill, in my opinion, has some good sections and good ideas, especially humanitarian ideas and humanitarian concerns and human rights. I do have some concerns, though, about the bill and about the process. In his statement to the Committee on Rules, the gentleman from Indiana (Mr. HAMILTON), the ranking minority member of the Committee on International Relations, said that the conference report was rushed through a highly partisan process without any consultation with the minority. The gentleman from Indiana stated that Democrats had almost no opportunity to review the language in the report. I am also very concerned about the reduced funding levels that will cause cuts in American embassies. In this area of global uncertainty, our need for strong worldwide diplomatic presence has never been greater.

I want to take this opportunity to address a particularly difficult issue related to this bill. This is the stalemate between Congress and the administration over restrictions on international family planning and the payment of U.S. dues to the United Nations and funding for the International Monetary Fund. I am considering an alternative proposal that would allow some restrictions on family planning funds and that would require all future IMF financial packages to include microcredit programs to the poorest of the poor. Both sides could win something and the larger national and international interests would be advanced. I suggest microcredit programs because of their success, particularly with women. These small loans help women to invest in projects which can double or triple their family income. It helps pull families out of poverty. It reduces abortion and reduces the size of families.

Most individuals on both sides of this issue act out of deep convictions, and they should. Perhaps there is no middle ground on this fundamental issue. But as legislator, we are charged with finding a middle ground on legislation and there is a difference. We need to support the United Nations. Despite its problems, it is the best hope for peace in many of the troubled regions of the world. We need to support the International Monetary Fund. The IMF stands as a buffer between the financial shock in Asia and the world economy, including the United States. Lives are affected by the decisions on population planning funds. But the greater number of lives today and among future generations are threatened by our failure to deal with the bigger issues involved. Congress and the administration must be open to creative solutions to resolve this stalemate.

If my proposal is not satisfactory, then both sides need to work together to explore other options. I urge both sides to find common legislative ground so that we can pay our debts to the United Nations and fund the International Monetary Fund.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH), one of the most respected and distinguished Members of this body who has been here for about 16 years now. He has led the fight for the children of this country and for human rights for all American people.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from New York (Mr. SOLOMON) for those kind remarks. My sentiments are the same for him. He has always been a champion for human rights in China and in other captive nations. I applaud and deeply respect him for that work. I also want to thank the gentleman from Ohio (Mr. HALL) for his support for the rule and the bill, H.R. 1757, and for pointing out that there are a large number of very important human rights provisions in this bill that Members should be aware of, that will advance the goals that we care about so deeply with regard to human rights around the globe.

□ 1415

First, let me just make this point to all of my colleagues that this is not, per se, a foreign aid bill. It is a State Department bill. It contains important restrictions on foreign aid but authorizes no appropriations for these purposes except for a $38 million package of humanitarian assistance for the anti-Saddam Hussein, pro-democracy movement in Iraq.

The bill contains a compromise version of the pro-life Mexico City, cutting off funds to foreign organizations that promote abortion—lobby for abortion or attempt to influence legislation or policy as it relates to abortion. The compromise would allow the President to waive the prohibition on assistance to abortion providers. This was very hard for our side to concede, but in the legislative tug of war this is half a loaf, and our hope is that the administration will take note of that. There needs to be some give and take.

This bill also conditions funding to the U.N. Population Fund on an end to the UNFPA activities in cooperation with the coercive population control program in China.

Wei Jing Sheng testified before our subcommittee a few weeks ago and was absolutely aghast and appalled and outraged that the UNFPA worked side by side with the oppressors of women in the People's Republic of China, and said so in very, very clear and unambiguous language at the subcommittee. Wei asked how the U.N. could join and support the oppressors of women, babies—the family.

H.R. 1757 also contains U.N. reform and arrearages packages which, unlike some proposals, is not a blank check to the U.N. The U.N. arrearage money is delivered, in 3 tranches. Each payment is contingent on U.N. implementation of specific reforms, including reduction of U.S. dues from its current 25 percent to ultimately 20 percent but 22 percent on the near term, and a reduction of U.S. peacekeeping assessments from 31 percent down to 25 percent.

The bill reduces the number of Federal agencies by two. It merges the Arms Control and Disarmament Agency and USIA, U.S. Information Agency, into the State Department to achieve savings through efficiency and resource sharing. But it structures this merger very carefully to preserve the integrity of arms control process and especially of the pro-freedom and pro-democracy functions of USIA's public diplomacy programs like the radios.

This legislation enhances Radio Free Asia to provide a 24-hour pro-freedom broadcasting to China.

It also contains provisions designed to force deadbeat diplomats at the U.N. to pay child support judgments and to ensure that diplomats who commit crimes in the U.S. will be prosecuted for those crimes.

It reforms the State Department personnel law to restore the Secretary's power to fire convicted felons from the Foreign Service and to eliminate duplicative pension and salary provisions that allow double dipping at taxpayers' expense.

It contains provisions that will ensure vigorous enforcements of the Helms-Burton law which is designed to bring freedom and democracy to the Cuban people.

It sets aside $100 million of the State Department budget for implementation of the congressional directive that the U.S. Embassy in Israel be moved to Jerusalem, and it incorporates the McBride principles designed to end employment discrimination against Catholics in northern Ireland as a condition of U.S. foreign aid.

H.R. 1757 also includes a number of important provisions relating to human rights and refugees from Tibet, Burma, Vietnam, Cuba, Africa and elsewhere. These provisions have been endorsed by leading organizations, including the U.S. Catholic Conference, the Council of Jewish Federations, the Lutheran Immigration and Refugee Service, and the U.S. Committee for Refugees.

Mr. Chairman, I urge a yes on the rule, and I hope the Members will also vote yes on the conference report.

Mr. SOLOMON. Mr. Speaker, I yield another 2 minutes to the gentleman from New Jersey (Mr. SMITH) for the purpose of a colloquy with the chairman of the committee, the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I rise to join my friend and colleague on this measure, and I understand the gentleman from New Jersey wants to engage in a colloquy.

Mr. SMITH of New Jersey. Yes. First of all, I want to call attention to the language, Mr. Speaker, that deals with incorporation of the U.S. Information Agency into the State Department.

Mr. Speaker, the conference committee on H.R. 1757 carefully structured the merger of the U.S. Information Agency into the State Department so as to preserve the integrity of the pro-freedom, pro-democracy public diplomacy activities now carried out by USIA. This bill should not be interpreted as an authorization for the State Department to take the money and run by converting USIA resources into a massive domestic State Department public relations operation.

Accordingly, the programs to which the Smith-Mundt and Zorinsky amendments apply must be construed broadly in accordance with the purpose of the legislation to ensure that these important protections continue to apply to the activities now conducted by USIA once they have been incorporated into the State Department.

This is a matter on which a number of House conferees on both sides of the aisle felt very strongly. We should never have agreed to incorporate USIA into the State Department except on the understanding that the integrity of all USIA functions will be preserved. "Programs" means not just the materials that USIA produces and disseminates, but also the resources, including personnel and support services, that are necessary to conduct our public diplomacy abroad. I would ask the gentleman from New York (Mr. GILMAN) to comment on this very important provision.

Mr. GILMAN. Mr. Speaker, the gentleman's understanding is correct. USIA is to be incorporated into the State Department for protection for the integrity of its activities. The managers in this legislation do not contemplate any diminution of our public diplomacy activities or an expansion of the State Department's public affairs activities as a result of this merger.

I understand we have a bipartisan consensus on the issue both in the House and in the other body, and will engage in vigorous oversight to make sure the purpose of this legislation is faithfully implemented.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished chairman.

Mr. Speaker, I urge a "yes" vote on H.R. 1757, the Foreign Relations Authorization Act (FY 1998–99).

I would like to call attention to several important features of the bill:

First, this legislation is not a foreign aid bill. It contains several important restrictions on foreign aid, but authorizes no appropriations for these purposes—except for a $38 million package of humanitarian assistance to the anti-Saddam Hussein pro-democracy movement in Iraq.

This bill contains a compromise version of the pro-life "Mexico City Policy", cutting off funds to foreign organizations that perform or promote abortion. It enacts this policy as permanent law—not just for this year but forever. The compromise would allow the President to waive the prohibition on assistance to abortion providers—but not promoters—in exchange for a reduction in total population assistance.

This bill also conditions funding to the United Nations Population Fund (UNFPA) on an end to UNFPA activities in co-operation with the coercive population control program of the government of China, or on an end to forced abortions in that program.

Mr. Speaker, H.R. 1757 contains a U.N. reform and arrearages package which, unlike some other proposals, is not a blank check to the U.N. The U.N. arrearage money is delivered in three "tranches"; each payment is contingent on U.S. implementation of specific reforms, including reduction of U.S. dues from 25% to 22%, reduction of U.S. peacekeeping assessments from 31% to 25%, and an end to U.N. "global conferences" after 1999.

The bill reduces the number of federal agencies by two. It merges the Arms Control Agency and the U.S. Information Agency into the State Department, to achieve savings through efficiency and resource-sharing. But it structures this merger carefully, to preserve the integrity of the arms control process and especially of the pro-freedom and pro-democracy functions of USIA's "public diplomacy" programs.

This legislation enhances Radio Free Asia to provide 24-hour pro-freedom broadcasting to China. It also contains provisions designed to force "deadbeat diplomats" at the U.N. to pay U.S. child support judgments, and to ensure that diplomats who commit crimes in the United States will be prosecuted for these crimes.

It reforms State Department personnel law to restore the Secretary's power to fire convicted felons from the Foreign Service, and to eliminate duplicative pension and salary provisions that allow "double-dipping" at taxpayer expense.

It contains provisions that will ensure vigorous enforcement of the Helms-Burton law, which is designed to bring freedom and democracy to the Cuban people.

It sets aside $100 million of the State Department's budget for implementation of the Congressional directive and that U.S. embassy in Israel be moved to Jerusalem.

It incorporates the "McBride Principles", designed to end employment discrimination against Catholics In Northern Ireland, as a condition of U.S. foreign aid.

H.R. 1757 also includes a number of important provisions relating to human rights and refugees from Tibet, Burma, Vietnam, Cuba, Africa, and elsewhere. These provisions have been endorsed by organizations including the U.S. Catholic Conference, the Council of Jewish Federations, the Lutheran Immigration and Refugee Service, and the U.S. Committee for Refugees.

Mr. Speaker, I urge a "yes" vote on the rule and on the conference report.

Mr. SOLOMON. Mr. Speaker, if the chairman of the Committee on International Relations will stay on his feet, I yield 2 minutes to the very distinguished gentleman from New York (Mr. GILMAN). He is one of the few Members who has been a Member of this body longer than I have, and he has truly been a great, great leader in the field of foreign policy.

Mr. GILMAN. Mr. Speaker, I rise to urge my colleagues to support the rule on the conference report on the Foreign Relations Authorization Act. This measure reflects the serious efforts of Members of both sides of the aisle and the administration to try to craft a workable foreign affairs agency consolidation, to also provide reasonable funding levels to sustain our overseas operations and embassies, and to provide necessary forms linked to payment of our arrearages to the United Nations.

I think it is shortsighted of the administration to threaten a veto on this comprehensive measure because they are unwilling to work on a family planning compromise. This Congress needs to advance the authorities, to consolidate the foreign affairs agencies in keeping with the President's decision to merge those agencies and to hold the United Nations accountable for reforms while committing to the payment of arrearages.

Accordingly, I urge our colleagues to vote yes on this important rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Ms. SLAUGHTER) a member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I rise in strong opposition to House consideration of H.R. 1757, the Foreign Affairs Reform and Restructuring Act. This bill seeks to send our Nation's foreign policy back to the dark ages of women's reproductive health. This act would reinstate the Reagan-era Mexico City policy which seeks to limit the reproductive freedom of women in other nations, but it goes even further than Mexico City in posing arbitrary and cruel restrictions on women's legal health choices.

Not only does H.R. 1757 ban U.S. foreign assistance to any organization that engages in any kind of lobbying on the issue of abortion, but it defines lobbying to cover attending conferences or workshops, drafting and distributing materials on abortion laws. It is not enough that the majority wants to deny women access to reproductive health services, now they want to restrict the freedom of assembly and speech for women's health organizations.

We have this same debate time and time again on the House floor, and yet still many cannot grasp the critical importance of providing full and balanced information on reproductive health to women in developing nations.

This is a matter of life and death for many women. Denying access to vital health information and services will lead to the cruelest birth control of all: death. If we do not fund family planning organizations, women in the developing world will and are suffering.

For my colleagues who profess to be proponents of children's health, I would note that the availability of contraception has important health benefits for both women and their families. By spacing births, infant survival improves dramatically and families can ensure that they have the resources to support their children.

Studies indicate that spacing births at least 2 years apart could prevent an average of 1 in 4 infant deaths. Studies have also proved time and again that access to family planning reduces abortion. In Russia, where for decades abortion was the primary form of birth control, contraception first became widely available in 1991. Between 1989 and 1995 abortions in Russia dropped from 4.43 million per year to 2.7 million per year, a decrease of 16 percent.

Someone must speak for the millions of women around the world who desperately want access to family planning. Pregnancy and childbirth are still a very risky proposition for women in many parts of the globe that often lack electricity, clean running water, medical equipment or trained medical personnel.

The statistics are grim. In Africa, women have a 1 in 16 chance of death from pregnancy in childbirth during their lifetime. Over 585,000 women die every year from complications of pregnancy and birth. For each woman who dies, 100 others suffer from associated illnesses and permanent disabilities, including sterility.

According to the United Nations Fund for Population Activities, family planning can prevent at least 25 percent of all maternal deaths, and many of these are women with families who then leave their children motherless.

How dare we in the United States, blessed as we are with information overload and the best health care system in the world, attempt to deny the only source of information and services to families in the developing world? Who are we to dictate the terms under which these groups provide essential services across the globe? We would be outraged, and rightly so, if the legislative body of any other nation had the audacity to impose its will over organizations operating legally in our country by dictating the terms under which those groups would continue to receive the financial support that they need to operate.

I urge my colleagues to vote no on the rule and send this proposal back to the committee for revision.

Other reasons that I have, Mr. Speaker, for not voting for this bill is that Democrat Members of this House were completely excluded from any participation in this conference report. Indeed, the Democrat Members were not even shown a copy of the conference report until after it was filed. All Democratic Members refused to sign the conference report, and the partisan procedure undermines the longstanding tradition of bipartisanship on foreign policy issues.

For these reasons and all others, Mr. Speaker, I urge a no vote on the rule.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. BARTLETT) a very distinguished Member from close by in Maryland and a member of the Committee on Armed Services.

Mr. BARTLETT of Maryland. Mr. Speaker, I want to rise in support of the rule but, reluctantly, in strong opposition to the bill itself. What this bill does is to unfence $100 million that was fenced in appropriations last year and sends it on its way to the United Nations. It also authorizes another roughly $900 million, and this was about a billion dollars total. All that stands between that and moving our taxpayers' money to the U.N. is the appropriation of that money. The GAO report indicated that from 1992 to 1995 we spent $6.6 billion on legitimate U.N. peacekeeping activities. We were credited with 1.8 billion of that against dues. That recognizes the legitimacy of these figures.

More recently, CRS, the Congressional Research Service, says that between 1992 and May of last year we spent $11.1 billion on legitimate U.N. peacekeeping activities.

☐ 1430

The Department of Defense, the Pentagon itself, says that, last year, where he spent $3 billion dollars on legitimate U.N. peacekeeping activities. We are shortly going to vote on an emergency appropriations bill to cover the expenditures that are at $1.3 billion. We have spent, since 1992, about $14 billion on legitimate U.N. peacekeeping activities. We have been credited with only $1.8 billion of that against our dues.

What we want is a recognition in this bill that we may owe them some back dues, but they owe us five or more times as much money in legitimate expenditures against U.N. peacekeeping activities. We want an accounting of that before any of our hard-earned taxpayers' money goes to support the U.N.

What we get in return for this, if we vote this bill, is, by the admission of my friend, the gentleman from New Jersey, a really watered-down Mexico City language.

The President is going to veto this bill. The Senate voted 90 to 10 yesterday on a Helms amendment that there was no dues until there was a tally. That is an accounting. The Senate has voted 90 to 10.

All we would do in this vote is to send the message that we owe a billion dollars dues to the U.N., and we are not going to require an accounting. That is the wrong message to send.

It is not the message that the American people want sent. I have been on dozens of talk shows across the country. I have not had one caller that called in to say cough up a billion dollars for U.N. dues.

I have had unanimous support for our position that we need an accounting, we need an accounting before this becomes law. Please vote no on this bill. Do what they should have done, take it back to conference, and bring out a bill that the American people can support.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, there is some distance between myself and the gentleman who just completed speaking on this subject. While our interests may have differences, I certainly agree that we ought to reject the rule, and we ought to reject the bill.

This is both bad policy and bad process. Bad process often is ignored, but it is usually a symptom of an inability to confront the real issues. It is wrong simply to take the Mexico City language and tie in knots our entire foreign policy apparatus.

Additionally, I would say that those who are in favor of the Mexico City language in this bill, as earnest as they are, their logic is faulty. If their argument is that any dollars going to organizations that help with family planning are fungible, and thereby even 1 cent to tell people about birth control policies actually increase the availability of abortion, one, statistically that is wrong. If you look at countries where there is more information for alternatives, for education, for contraception, there is less abortion.

But if you carry their argument to its illogical conclusion, you have to come away believing that even food assistance to these countries would somehow leave more dollars for family planning and other areas where there is an objection.

I think the United States has a right to come to an agreement on a family planning policy that may not necessarily reflect my own views completely. But what is clear here is that the Congress and this country is being hammered on this issue and preventing us from moving forward on the fundamental foreign policy of the Nation.

There are serious issues at hand here. I have differences with the substance of the underlying legislation, but it seems to me that, as a Congress, the lesson we should have learned in the great government shutdown was that the losers are, one, the American people. And they get very annoyed at the political participants who will not compromise.

The right action to take is to reject this, to come forward with legislation the President will sign. After all, the constitutional responsibilities on us are such that we need to negotiate and come to a compromise and then, try as they might, force their particular family language on the rest of us.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I am happy to yield to the gentleman from New York, the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, for regular C-SPAN viewers they are going to think this Congress is topsy-turvy because, usually it is the gentleman in the well, the gentleman from Connecticut, that is standing up here arguing for this bill, and it is the JERRY SOLOMONS of this Congress that are standing up here arguing against it, and yet the tables are turned here.

Besides that issue, and the gentleman makes his point, and I do not question the gentleman's philosophy, but ordinarily he would be supporting this bill. What is the gentleman opposed to, other than that? The European Security Act is so terribly, terribly important. I know the gentleman shares my view on that and shares President Clinton's view as well.

The SPEAKER pro tempore (Mr. EWING). The time of the gentleman from Connecticut (Mr. GEJDENSON) has expired.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. Gejdenson).

Mr. GEJDENSON. Mr. Speaker, I think, first of all, for us to effectuate a policy, it is clear that we need to have a product that can either be signed by the President or have a congressional override. Since it is clear there will be no congressional override on this legislation, what we are essentially doing is playing chicken in the center of the road until there is some calamity.

I might tell the gentleman from New York one story. One of our officers at the State Department during the great government shutdown, I do not know if this really caused it, was on his way to meet with the Kurds to try to broker a deal where the Kurds would all come together.

Well, we had the government shutdown, and it turned out that his travel plans were deemed nonessential, and the meeting never happened, and that is where all the turmoil happened with some of the Kurds going over to the Iranians and others.

I would say that it is too important for the United States to continue to tie this up in a process that has excluded the minority party completely in this final presentation and that deals with an issue that we know will not become law.

Mr. SOLOMON. Mr. Speaker, if the gentleman would let me use up the balance of my time that I yielded him, I just think, in fairness to those Members that are watching the debate or those people back home, that the gentleman really ought to elaborate on the good points in the bill like the U.N. restrictions that we are making, things that I know you support. But all we talk is about the one issue.

Mr. GEJDENSON. I agree.

Mr. SOLOMON. I just wanted, sometime during debates, as TONY HALL did, perhaps the gentleman can say that we are not opposed to the main portion, of the bill, just that one portion. It would help, I think.

Mr. GEJDENSON. I think the honest answer is, however, that this activity we are involved in is not going to lead to a law. It is clear the President said he is going to veto it. It is clear that we do not have the votes to override it. So we are involved in an exercise, but it is not going to affect policy directly. We need to separate these two, both sides, the gentleman from New Jersey (Mr. Smith), who believes very strongly as he does, has shown his commitment; the President has shown his commitment. The only thing we are doing is avoiding the responsibility to deal with those other issues.

Mr. SOLOMON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman is saying we should not pass the bill because the President is going to veto it. I could also say, if the bill comes back without the pro-life position in it, I am not going to vote to pay these U.N. arrearages; and, therefore, we are at a stalemate. We have to work to compromise.

Mr. GEJDENSON. If the gentleman would yield, we have been in that fight, and that is why we need to separate the issues.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes again to the very distinguished gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, first of all, I want to make very clear, when we talk about legislative process, the Mexico City policy was offered on this floor, it mustered a clear majority vote when it was considered. The House even went on record and instructed conferees to retain the policy in conference. So it was a very real and legitimate part of the House/Senate conference that occurred.

The flip side of it is that, on the issue of arrearages, that measure did not pass here but passed on the Senate, but we acceded to the Senate to move that ball forward.

Let me also make a point, when Members suggest that my friends on the other side of the aisle were locked out of the price, let me just note that I chaired the subcommittee that wrote the major product that emerged as the State Department authorization bill. We had five hearings that preceded the markup of the bill that is now before us.

My good friend, the gentleman from California (Mr. LANTOS), and the Democrats were absolutely free to ask any question, to be part of that process, as they so engaged themselves. We had a markup in subcommittee. Twenty one amendments were offered. That markup went very well and the bill passed onto the full committee.

We went to the full committee. During several days of markup we considered 22 amendments to the State portion of the bill. The bill came over to the floor. We spent 4 days on the floor of the House of Representatives. Members who wanted to offer amendments on the other side of the aisle were free to do so provided they were germane. A total of 34 amendments were offered, fully debated, recorded votes occurred.

We then went to conference. On issue after issue, our staffs, as well as Members, met, talked about language and sections of the bill. There were some things that we came to an impasse on. The major issue upon which deadlocked the conference was the Mexico City policy.

This House instructed the conferees to stay with that the pro-life position.

We did so on the State Department bill as well. So this is a clear manifestation of House sentiment. That is part of this bill.

I would argue that this has been a give-and-take. We have provided a compromise Mexico City policy. We also provide the arrearages, which is an anathema to many Members of this side of the aisle, and many on that side of the aisle as well, but there are some reform provisions that make it very meaningful.

So there is give-and-take in the legislative process. The President regrettably or some on the other side want it to be all give from us and all take by them. That's unacceptable. Let me again say very clearly 77 amendments were offered to this legislation in subcommittee, full committee, and on the floor. The gentleman's side of the aisle had every effort to participate.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to this rule. The bill cuts family planning funding and imposes the gag rule on family planning organizations. It eliminates funding for the Arms Control and Disarmament Agency. The President has said very clearly that he will veto this bill.

Let us put this vote in perspective. This vote is the 82nd vote against choice in this body since 1995. This bill with this language in it is yet another attempt by extremists on the other side of the aisle to roll back a woman's reproductive choices, program by program, procedure by procedure. Now anti-choice extremists are trying to intimidate reproductive health workers restriction by restriction.

This agreement is a clear attempt to restrict the delivery of family planning information. It is misguided and just plain wrong. In developing countries, death from pregnancy-related causes is the single largest cause of death among women in reproductive ages.

Simply providing unhindered family planning information to all who need it could reduce maternal mortality by one-fifth. The proponents say they want to prevent abortions, but we all know that international family planning actually reduces the number of abortions around the world.

Recently, Mr. Speaker, I had the opportunity to speak with former Ambassador Wisner who represented our country in India. I asked him what was the single most important thing that we could do as a country in our foreign policy to aid the world's largest democracy? Quite frankly, I was surprised by his response.

He said family planning money. He said that, in India, you could go out into various cities and see families that were lined up for miles just trying to get basic information on family planning.

This language has absolutely no business being on the State Department authorization bill. I urge my colleagues to vote against it. I urge them to join the President in voting against it.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, the misguided Mexico City policy is not the only reason to oppose this bill. This bill will have a profoundly important impact on our nation's foreign policy.

We have heard today that this bill streamlines our foreign policy agencies.

Mr. Speaker, this bill streamlines our foreign policy agencies in the same way that last year's tax bill simplified the tax code. It is riddled with inconsistencies. For example, it claims to pay back dues to the United Nations, but actually increases them. It claims to streamline the State Department, but it establishes a new regulatory system to micromanage embassy staff. Never before have we tried to micromanage what the State Department can do with its individual embassies and their staffing policies.

It claims to get tough on war criminals like Saddam Hussein, but, actually, it cuts U.S. involvement in the international criminal justice system.

Furthermore, the reorganization plan has simply not been well thought out in my estimation.

We need only look to the genocide that occurred in Bosnia and Rwanda because of the hatred that was fanned by an evil propaganda machine. How, then, can we abolish the United States Information Agency? In reality, that is what we do by incorporating it within the State Department. It needs its independence.

Misinformation is best attacked at the grassroots level in an objective, credible fashion, not as part of a tightly controlled foreign policy agenda.

□ 1445

Our U.S. Information Agency should be able to provide the kind of information that relies upon local opinion leaders, not merely heads of state with all of their political agendas. I have great respect for the State Department, but USIA is independent for a reason. It guarantees that the focus will be on the unfettered, objective truth.

This bill zeroes out the Arms Control and Disarmament Agency at a time when nonproliferation efforts have never been more critical.

Mr. Speaker, I also am especially disappointed that we have not been able to include an agreeable compromise on the Mexico City policy. The conference agreement still includes the inhumane Mexico City language that denies some of the most destitute people in the world the ability to choose healthy and safe family planning practices while also denying them their health practitioners the fundamental right of free speech.

This is another of those misguided attempts that some people in the majority have made to deny economically disadvantaged women, both here and abroad, access to quality, reproductive health care and the information they need to plan their families.

The leadership knows that the Hyde amendment already ensures that no U.S. funding is being spent on abortions, and yet they would jeopardize final passage of this important legislation by including this regressive language under the guise of reducing the number of abortions performed with U.S. tax dollars. Studies have shown that family planning funds actually decrease the number of abortions performed. Private, non-governmental organization funds save lives and empower people. This bill does not let them accomplish this most critical mission and should be defeated.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), a very distinguished Member of this body, who is a member of the Committee on International Relations.

Ms. ROS-LEHTINEN. Mr. Speaker, I want to thank the gentleman from New York (Mr. SOLOMON), the very fair chairman of the Committee on Rules, for coming forth with a rule that all of us can adopt; and I would like to especially thank the Chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), who held a very long series of hearings on this bill where everyone had the opportunity to present amendments and discuss the controversial issues in this bill.

Mr. Speaker, there are some very good areas that we can all agree on, I think, in this conference report. I would like to especially thank our colleagues in the Committee on International Relations for allowing me to present and to have them approve, without problems, some amendments that I have dealing with the Castro dictatorship.

There are two provisions that I think are very important in establishing a firm position of U.S. policy toward that dictatorship. The first one stresses the concern of the United States Congress about Fidel Castro's completion of the very dangerous nuclear power plant in Juragua near Cienfuegos, Cuba.

Also, another amendment asked the Clinton administration to give us information about individuals and companies that are not complying with Helms-Burton, and this title IV gives us the opportunity to further protect U.S. property rights because these are people who are exploiting the Cuban worker and using illegally confiscated

U.S. property that used to belong to U.S. citizens. We want to make sure that folks have the opportunity to take their cases to court, and that the U.S. Government will bar entry to anyone who is not complying with our laws.

So I would like to thank the chairs of both committees, the Committee on Rules and the Committee on International Relations, for their very fair process; and I urge my colleagues to adopt both the rule and the conference report.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL), a distinguished member of the Committee on Rules, for yielding to me, and I rise in opposition to the rule.

Mr. Speaker, I rise in opposition to the rule because this bill was put together without any involvement of the Democratic conferees. The Democrats did not see a copy of the 350-page conference report until after it was filed. Because all Democrats refused to sign the conference report, a member had to be replaced on the conference in order to obtain enough signatures to sign the report.

The process had started in a bipartisan manner. Unfortunately, it ended in a cynically political way. Sad to say that the Republican majority did not want to bring this bill to the floor in a bipartisan manner.

Mr. Speaker, there are many reasons to oppose this bill, and the many reasons why the Democrats refused to sign the bill will be spelled out by the distinguished ranking member, the gentleman from Indiana (Mr. HAMILTON) when we take up the bill. But while we are on the rule, I oppose the process under which it was brought to the Committee on Rules, and therefore, oppose it on the floor.

Mr. Speaker, one of the reasons to object to this bill is that giving our negotiators at the U.N. the tools they need to achieve reform, to reduce our financial obligations, and to achieve consensus on issues such as Iraq is what we should do in this bill. What it does instead is to denigrate the U.S. in the eyes of the world because Congress has insisted on micromanaging the U.N. once again.

Last fall, the Congress had the opportunity to get a good deal for the American taxpayer. With a reasonable amount of arrears in place and guaranteed by Congress, we had a good opportunity to achieve a lower assessment rate, concrete budget caps, and even negative growth in U.N. budgets. Congress made the mistake of not acting at that time, and now Congress is making another mistake with the provisions in this legislation.

The real impact of the inaction last fall was to raise the amounts owed by the United States by at least $100 million. The bill is increasing every day. Our responsibility now is to give our negotiators at the U.N. the funds and flexibility they need to get the best deal they can for the U.S. taxpayer. What this bill does, unfortunately, is guarantee that any reduction in U.S. assessment rates will not occur.

Mr. Speaker, this conference report also makes good on the Republican majority's threat to link two totally unrelated issues, the U.N. arrears and the funding for international family planning. This legislation includes an altered version of the Mexico City restrictions on international family planning. Supporters of this language offered today will call it a "compromise." We who support family planning call it totally unacceptable.

What we compromise with this language are the lives of poor women and families throughout the world. The impact of this language will be equally devastating as previous restrictive amendments on international family planning. It will impose a global gag rule on family planning organizations, dictating what materials they may distribute and prohibiting them from participating in public debates; and this is important, Mr. Speaker, with their own private funds. We would certainly find a gag rule like this in violation of the First Amendment were it implemented in our own country.

The use of U.S. funds to perform abortion has been prohibited by law since 1993. No U.S. funds are used for the performance of abortion or abortion-related activities. No U.S. funds are used to promote abortion. That is the law. So there is no need to have this restrictive gag rule put in place under the guise of supporting the language that I just mentioned. It is already the law.

The cuts in funding set in motion by this language will limit the ability of family planning and reproductive health services to poor women and families. It will reduce access and quality of services. Programs will be terminated which will cause the number of abortions to rise and the number of deaths from unsafe abortions to increase, exactly the reverse effect it would have if we put out the funds, unrestricted, for international family planning, which would reduce abortion; and I think that is the goal that we all share.

We have debated this issue many, many times over, at least six times in the first session of the 105th Congress last year. Each time, we stand here and agree that we want to reduce the number of abortions. Voluntary family planning programs do just that. They prevent unintended pregnancies, unsafe abortion and infant deaths. For these reasons, Mr. Speaker, I urge my colleagues to vote against this conference report.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have been sitting here listening patiently to speakers who oppose this rule and this legislation. The previous speaker, for whom I have the greatest respect has fought many battles, along with me, on human rights issues, and stated very clearly that, yes, it is the law of the land that U.S. tax dollars shall not be spent on abortions in America. And she is right. There are those of us that do not believe that U.S. tax dollars should be spent on abortions anywhere in the world; those are U.S. tax dollars. And yet we are hard-pressed to prevent that, and therein lies the argument.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, just to clarify the point, perhaps this is good news to the gentleman, there would be no Federal dollars spent internationally to perform abortions.

I thank the gentleman for yielding.

Mr. SOLOMON. Mr. Speaker, I know the gentlewoman believes that, but I have traveled throughout this world and what I have seen just does not concur with that.

Nevertheless, we had another previous speaker from New York who said that someone had told her that there were lines 4 miles long, I believe she said, with people waiting to get information on family planning. I will tell my colleagues, as a member of the Committee on International Relations for many, many years, and someone who has been active for more than 20 years all around this world on these issues, I have never seen lines like that waiting for family planning information.

I find them in refugee camps waiting for food, but never have I seen anybody waiting for anything other than food in lines 4 miles long.

Mr. Speaker, let me just talk to the conservatives in this body about why they should come over here and vote for this bill. First of all, it does have the pro-life issue, and that is a compromise, and whether one is President of the United States or whether one is just a rank-and-file Member of this Congress, one has to learn to compromise. Ronald Reagan taught me that. We cannot always have it our own way, we have to give a little bit; and that is the success of legislating.

Secondly, this does reorganize the State Department somewhat. It is another step in the right direction to shrinking the size of the Federal Government and making it lean and workable, and that is what we are doing here. JESSE HELMS and Madeleine Albright both agree with what we are doing. So that is another reason why conservatives should come over here.

But more than that, what this bill does, this is a 2-year authorization bill, so listen up, conservatives. What this bill says is that it must be certified to include that the United States has no plans to tax U.S. citizens. There are people all around this world that belong to the U.N. These leaders that want to have a worldwide tax, they want to tax my people up in the Adirondacks and Catskill Mountains; and in the Hudson Valley, they want to levy, have a tax. Some One World government wants to levy a tax. This bill says we cannot do that or else we do not give them any money; it is as simple as that. It says that nothing in the U.N. will assume sovereignty over U.S. parks and lands. That is very important to me and the people I represent. It says that if there is any violation of the U.S. Constitution, we will not pay any more dues. Now, conservatives ought to come over here and vote for that.

More importantly, in the 2-year authorization bill, in the first year, coming next year in 1999, this says there will be a reduction in the U.S. share of the peacekeeping budget, down to 25 percent. That means that we are going to get credit for all of this extra money that we are spending on U.S. troops in Bosnia and in all of these peacekeeping efforts.

□ 1500

In addition, this says we are going to reduce the United States' share of the regular U.N. budget down to 22 percent. That is in the first year of this 2-year authorization bill.

In the second year of this 2-year authorization bill, it says we are going to reduce that regular budget cost to the American taxpayer down another 2 percent, down to 20 percent. Conservatives, what more do we want? That is what we have been fighting for, to get a fair share of the burden shared by other countries throughout this world.

I can go on and on with the reasons that we ought to come over here and support the bill, but I think one of the best reasons of all is the fact that this bill caps U.S. contributions to all international organizations.

Let us face it, America pays most of the costs for all of these international organizations, whether it is the IMF, the World Bank, or any of the rest. This caps our total contributions to all of these cumulative organizations to no more than $900 million, and we are paying way over $1 billion now. We are reversing that sieve of U.S. tax dollars going out of this country. We are turning it around. That is the reason Members ought to come over here and vote for this bill.

I am going to talk to each of the conservative Members as they come through that door. I ask them to please come by and say hello to me, and I will further convince them.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EWING). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 172, not voting 24, as follows:

[Roll No. 75]

YEAS—234

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King (NY)
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—172

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Greenwood
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
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Moran (VA)
Murtha
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Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Pickett
Pomeroy
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—24

Bonilla
Brown (FL)
Cannon
Cardin
Conyers
Crapo
Edwards
Ford
Gillmor
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
McDermott
McGovern
McNulty
Millender-McDonald
Moakley
Payne
Rangel
Royce
Waters

□ 1525

Messrs. RUSH, MILLER of California, HEFNER and VENTO changed their vote from "yea" to "nay".

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 385, I call up the conference report on the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and to ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. EWING). Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, March 10, 1998, at page H956).

The SPEAKER pro tempore. The gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

□ 1530

Mr. Speaker, today our committee brings before the House a conference report on the Foreign Affairs Reform and Restructuring Act of 1998. This measure has three major components. It provides for the consolidation of international affairs agencies. It provides funding in other authorities to support the State Department and related agencies, and it provides a U.N. reform and arrearage package.

Through this bill, support is provided for our government's activities abroad to include U.S. embassies, American citizens' services, passport and visa issuance, and international broadcasting programs, such as Radio Free Asia and broadcasting to Cuba.

In addition, it funds U.S.-Mexico and U.S.-Canada commissions that have been tasked with matters related to fisheries, sewage disposal, and other border issues. The bill authorizes $6.1 billion for fiscal year 1998 and $6.7 billion for fiscal year 1999. The authorized level for fiscal year 1999 is $125 million below the President's request.

Funding for a strong U.S. presence abroad is in our vital national interest and provides a platform for a myriad of U.S. overseas interests. Specifically, we need to have a healthy diplomatic presence abroad to develop markets to maintain stability, to protect our friends in this still dangerous world, and to meet humanitarian needs.

This bill incorporates the President's decision to consolidate the U.S. Information Agency and the Arms Control and Disarmament Agency into the State Department. The consolidation is the first step toward reforming the international affairs apparatus to meet the changed post-Cold War world.

The third major component of this conference report is the United Nations Reform Act of 1998, which includes payment of our U.N. arrears for reductions in our U.N. assessments, freezing of our overall payments to all international organizations, and the implementation of major reforms throughout the United Nations.

Mr. Speaker, according to a February GAO report on the U.N. financial status, our unpaid arrears have impeded progress in reducing our Nation's assessment rate and in encouraging other countries to pay their fair share of the costs of running this international organization. Many of our colleagues agree on the need for a plan to repay our debts to the U.N. which is linked to implementation of fundamental and thorough reform.

This conference report is a comprehensive multitrack approach that advances our Nation's interest while also overhauling the entire UN bureaucracy. It reduces our annual assessment to the U.N. down to 22 percent and ensures that our peacekeeping assessment rate would be capped at 25 percent. It also ensures that U.N. imposes no taxes or proposals for standing armies on member states. A further condition of the package is that the U.N. agrees that our arrears would be reduced to zero after implementation of the reform package.

In addition, this bill would cut through the underbrush of programs, commissions, and other committees that have grown up over the past 50 years, and it sunsets unneeded programs and strengthens the office of the U.N. Inspector General.

We can state that the American taxpayer comes out ahead with the full implementation of this U.N. reform package. The implementation of these reform proposals will save more money than the total of arrearages we are proposing to pay off over a 3-year period.

Accordingly, Mr. Speaker, I urge our Members to fully support this measure to ensure efficiencies in our foreign affairs agencies and to advance reforms with the United Nations.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

I rise in opposition to the conference report. This conference report is presented to us through a highly partisan process. I oppose it and I urge other Members to do the same.

We began last summer with a bipartisan product on this conference report. The conference committee did its work in a bipartisan basis. We halted our work at the end of July, as we got hung up on the Mexico City provisions. Since that time, not a single meeting of the conference has taken place.

The gentleman from New York (Mr. GILMAN) met with Senate Republican conferees in recent weeks to craft a Republican conference report. They gave no notice to the minority that they were reconvening the conference. They did not consult us in any way. They simply were not interested in the minority view.

In order to get this report to the floor, the Speaker of the House removed a very distinguished and senior member on the majority side from the conference committee. He appointed another member, and they were able to vote out the conference report because of the change in membership in the conference committee. With this kind of a process, Mr. Speaker, we are not deliberating, we are politicking; we are not making law, we are making political speeches; we are not working together, we are working separately.

Let me call to my colleagues' attention some of the troublesome issues, first with respect to the United Nations. This conference report creates more U.S. arrears to the United Nations. We are not going forward, we are creating larger arrears. And it fails to provide sufficient funds even for our current dues. It does not pay what we acknowledge we owe to the United Nations. It ties the funds to conditions which are very desirable in this Chamber and all of us would agree with them. The only problem is, those conditions are not doable in the context of the United Nations. When we pay late and in part and with imposed conditions, it is not likely that the United Nations is going to cancel hundreds of millions of dollars in debt that we say we will not pay.

The United States is already being called into question in the United Nations. We have already lost our position on the Committee on the Budget, perhaps the key committee of the United Nations. The Secretary General was here a week or 2 weeks ago, and he told us that we could lose our vote in the General Assembly.

Secondly, this conference report micromanages the State Department. It requires a whole new bureaucracy to report every single time a U.S. government official from any agency travels to an international conference. It tells the State Department how to staff its embassies overseas. It even tells the State Department how to submit nominations to the Senate for confirmation. It imposes a whole slew of new report requirements on the executive branch on everything from a proposed alliance on drug trafficking to child abduction in Vietnam and Laos.

It limits our ability to participate in the international criminal court. It mandates $38 million in various types of assistance for Iraq, but 20 million of that is for humanitarian assistance which Saddam Hussein is supposed to be providing to his own people out of oil-for-food funds. So the effect of this bill is to relieve Saddam Hussein of some of his responsibilities.

Third, this conference report contains a number of provisions designed to undermine the President's authority and undermine his ability to conduct foreign policy. It cuts funding for voluntary contributions to international organizations, including such key ones as the IAEA, a key agency in the fight against proliferation. If threatens the leadership position of the United States in helping parties to negotiate peace agreements in the Middle East and in Ireland. It requires the President to jump through all sorts of written and legal hoops before providing any assistance to the United Nations, even in an emergency, resulting in a holdup of a large number of funds even for peacekeeping. It zeros out funding for the Arms Control and Disarmament Agency.

Mr. Speaker, this report is a political product. We must understand it is not going to become law; it is going to be vetoed. It is not designed to become public law. It is not a carefully crafted document that would assert the role of the Congress in determining foreign policy. I urge a no vote on the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 7 minutes to the gentleman from New Jersey (Mr. SMITH), distinguished chairman of our Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding, the distinguished chairman of the full committee, and for his work on this very important legislation before us.

I just want to remind Members that during the course of the process of consideration of this bill we had 77 amendments that were offered in subcommittee, full committee, and on the floor from both sides of the aisle, 4 days on the floor for consideration and a number of very important and productive meetings of the conference committee. The issue that it all came down to, frankly and in all candor, was the Mexico City policy. It was the right-to-life issue.

Let me just say a couple of things on that this afternoon. I think it is important to clear up some of this information about the compromise language in the conference report that would impose some restrictions on U.S. assistance to foreign organizations that perform and promote abortions overseas.

During the last 3 years, the House has voted 10 separate times for the pro-life Mexico City policy, which prohibits U.S. population assistance to foreign organizations that perform abortions, violate the abortion laws of foreign countries, or engage in activities that change these laws. We have also voted to restrict aid to the United Nations Population Fund unless the UNPF ended its participation in the forced abortion program.

The People's Republic of China and the Mexico City policy was enforced throughout the Reagan and Bush administrations. It did not reduce family planning money by one dime. Rather, it protected genuine family planning programs by erecting a wall of separation between family planning and abortion. President Clinton repealed that policy. We in the House, thankfully, again and again have gone on record saying that wall of separation needs to be reerected.

Mr. Speaker, I and other pro-life Members were reluctant to agree to the compromise, and I want to say that very candidly and up front. We do give on this. Regrettably, we give but thus far there has been no give by the other side on this issue. We have done so because we believe this compromise is necessary to save some babies lives. We believe it will protect some unborn children by prohibiting a particularly ugly form of cultural imperialism in which U.S. taxpayers support entities that are actively engaged in bullying smaller nations into rejecting the traditions and moral values of their people.

Many of my colleagues have received some talking points sent out by population control organizations. These talking points are misleading and in many cases flatly untrue. First, the population control groups tell us over and over again that they are using what they call their own money to perform and promote abortions. This is a red herring. It is designed to divert attention from the undeniable fact that millions of our foreign aid dollars can and did finance some of the biggest abortion providers in the world.

Similarly, some of the biggest international population control grantees are actively engaged in efforts to overturn pro-life laws in countries around the world. This is because existing laws require only that the organization keep a set of books that shows that it did not use our money to pay for the actual abortions or for proabortion lobbying. This bookkeeping trick ignores the fact that money is fungible. When we subsidize an organization, we unavoidably enrich and empower all activities of that organization.

The Mexico City policy recognizes that money is fungible. Every million U.S. tax dollars that go to an abortion provider frees up another million dollars to pay for abortions and more proabortion lobbying.

□ 1545

The Mexico City policy also recognizes that our family planning grantees are seen as representatives in the countries within which we operate as extensions, as surrogates for U.S. foreign policies. When organizations prominently associated with the United States family planning programs perform and promote abortions, people in these countries logically associate these activities with the United States.

Opponents of the Mexico City policy also claim that if we require our family planning grantees to pledge not to perform or promote abortion, they will not participate in our programs. Yet when the Mexico City policy was in force, hundreds of population grantees agreed not to perform or promote abortions. Only two, let me repeat that, only two organizations decided not to agree to that and therefore were deprived of that money. More than 350 grantees took the money, and that wall of separation between destroying an unborn child and promoting violence against children and family planning was erected.

Some of the talking points that my colleagues have seen in their office claim that the compromise language would punish grantees for merely attending conferences at which somebody else discusses abortion. This too is demonstrably false. The Clinton administration knows it is false and the population control groups know it is false as well. The bill prohibits assistance of foreign organizations that, and I quote, engage in any activity or effort to change the laws of foreign countries with respect to abortion.

Every legislative provision has to be interpreted by the rule of reason. It is unreasonable to claim that activities that change laws includes merely attending a conference. As the conference report makes crystal clear, there is a world of difference between mere attendance and a situation in which an organization finances, sponsors and conducts a conference that is clearly designed to bring about the repeal of laws against abortion, as the International Planned Parenthood Federation recently did in the Francophone countries of West Africa and has done in other countries around the world.

Such sponsorship, financing and organizing should fairly be construed as an activity to change the abortion laws. But nobody on our side of this issue has suggested that such activities include mere attendance at a conference.

Finally, when pro-abortionists run out of arguments, they fall back on slogans that this is somehow a global gag rule because it says to organizations, they have to choose, either be international abortion lobbyists or they can be representatives and surrogates of the United States in family planning programs.

The administration says that the purpose of our family planning program is to prevent abortions. If we want to prevent alcoholism, would we hire the liquor industry to do it for us? If we wanted to stop gambling, would we do it by giving grants to casino owners? If we wanted to spend hundreds of millions of dollars on an international anti-drug campaign, would we give the money to organizations that use their own money to lobby for the legalization of drugs? Of course not. If Congress stands behind the position that there must be a wall of separation between abortion lobbying and U.S. family planning programs, we can save innocent lives. That is what this is all about. Nothing could be more important. I urge a yes vote on the conference report.

Mr. HAMILTON. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Florida (Mr. Hastings).

Mr. HASTINGS of Florida. I thank the gentleman for yielding me this time.

Mr. Speaker, it is regrettable that this measure is before us as the President is in Africa with 17 of our colleagues, one of whom is the chairwoman of the Black Caucus that asked that we not proceed in this matter. The historic visit and the important foreign policy statements by the President and our colleagues are undermined by our taking action on this extremely untimely and partisan process. This report was never even shared with Democrats before it was filed and the final product was signed only by Republicans, but not even all the Republicans originally on the conference committee.

Not surprisingly, the report that came out of the process is loaded with bad policy. Let me give my colleagues an example. The President announced last April that he would consolidate two foreign policy agencies into the Department of State. Those agencies are the United States Information Agency and the Arms Control and Disarmament Agency.

The Republicans purport to have done that in this conference report. They claim that they have done in this conference report only what the President announced last April. This is just not the case. The statement of managers for this flawed bill asserts that the State Department will be responsible for designing foreign assistance programs. This assertion is totally inconsistent with the language of the underlying bill. The bill consolidates USIA and ACDA into the State Department, but leaves to USAID the role of designing foreign assistance programs under the overall foreign policy guidance of the Secretary of State. Is this a mistake? Is this our Republican colleagues saying one thing but really meaning something completely different? We do not know, Mr. Speaker, because the regular process was short-circuited and upended.

I urge my colleagues to oppose H.R. 1757. This is a flawed conference report, the product of a flawed process, and it will result in flawed policy.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I rise today to speak to my colleagues who are fighting to get U.N. reforms and those who are fighting to protect the rights of the unborn. I urge them to vote yes on H.R. 1757, the Foreign Relations Authorization Act.

This bill has a version of the pro-life Mexico City policy supported by pro-life organizations, by pro-life leaders like the gentleman from New Jersey (Mr. SMITH), which will end all U.S. subsidies to organizations that lobby for legalized abortion in developing countries. This bill denies funding for the United Nations Population Fund if they support China's forced abortion or population control programs.

Further, the bill scales back U.N. arrearages from the administration's request and conditions the funding upon U.N. reforms. The bill has a number of U.N. reforms which are very important. In year number one in order to receive the $100 million appropriated in fiscal year 1998, the U.N. must not require the United States to violate the U.S. Constitution or any U.S. law, it must not attempt to exercise sovereignty over the United States or require the U.S. to cede authority, it must not make available to the U.N. on its call the armed forces of any U.N. member nation, must not exercise authority or control over any United States national park, wildlife preserve, monument or private property of a U.S. citizen without that citizen's permission, must not amend its financial regulations to permit external borrowing.

In year two, in order to receive the second arrears payment, the U.N. must reduce the U.S. dues from 25 to 22 percent of the total budget, must reduce U.S. peacekeeping assessments from 31 to 25 percent.

In year three, they must agree to reduce their staff by 1,000 persons, agree to a no growth budget, must agree to hold no more global conferences, among other reforms.

Mr. Speaker, we have a number of reforms in addition. Let us not lose this opportunity to reduce taxpayer forced abortions. Let us not use the chance to save babies overseas. This is a vote that is going to be scored by the National Right to Life Committee. That is important for the pro-life vote. I urge all the Members to vote yes on H.R. 1757 and save the lives of children overseas.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. TORRES).

Mr. TORRES. I thank the gentleman for yielding me this time. Mr. Speaker, I rise in strong opposition to this conference report on the State Department authorization legislation. As we have already heard from the gentleman from Indiana, I object not only to its substance but to the process that was used here and how we came about it today. Democrats were not involved in the fashioning of this conference report and there were no Democratic signatures on this measure.

Mr. Speaker, I do not think this is the best way to conduct foreign policy decisions. There is much in this conference report which I find objectionable. First, once again it contains the Mexico City restrictions on international family planning programs that are clearly unacceptable to the administration as well as to many Members of this body.

Secondly, the conference report does not solve the arrearages problems of the United Nations. It makes it worse. Rather than providing the extra funds, the conference report actually cuts authorized funding for U.S. dues.

Thirdly, I would note that the conference report contains provisions on Cuba which go really the wrong way. Certainly the Pope's visit, the unprecedented worldwide publicity and exposure about life in Cuba, the increase in religious freedom and practices and the recent release of Cuban prisoners are clear signals that the Cuban government is seeking a change in relationship to the United States. The conference report makes it appear that our foreign policy turns a blind eye to the signals for a change in Cuba or that we do not want a change, and we want to continue to punish the Cuban people because we disagree with their government. I urge my colleagues today here to reject this conference report and to make a more responsible approach to dealing with the crucial foreign policy questions of our Nation.

Mr. Speaker, I rise in strong opposition to this conference report on the State Department Authorization legislation. I object not only to its substance but to the process by which it has come to us today. Democrats were not included in the fashioning of this conference report and there are no Democratic signatures on this measure. Mr. Speaker, this is not the way to make important foreign policy decisions.

There is much in this conference report which I find objectionable. First, once again, it contains the Mexico City restrictions on international family planning programs that are clearly unacceptable to the Administration as well as to many member of this body. The conference report prohibits U.S. funding from going to foreign NGO if the organization uses its own money to engage in advocacy. Ultimately, its impact limits the availability of family planning services to poor women and families around the world, and will, tragically, result in an increase in abortions.

Second, the conference report doesn't solve the arrears crisis of the United Nations. It makes it worse. Rather than providing the extra funds, the conference report actually cuts authorized funding for U.S. assessed dues to the U.N. and other international organizations by over $40 million from the President's request. In essence, it creates even more arrears.

Third, I would note that the conference report contains provisions on Cuba which go the wrong way. Certainly, the Pope's recent visit, the unprecedented worldwide media exposure about life in Cuba, the increase in religious freedoms and practices, and the recent release of Cuban prisoners are clear signals that the Cuban government is seeking a changed relationship with the U.S. This conference agreement makes it appear that our foreign policy turns a blind eye to the signals for change from Cuba, or that we do not want change, and want to continue to punish the Cuban people because we disagree with their government.

I urge my colleagues to reject this conference report and take a more responsible approach to dealing with crucial foreign policy questions.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding me this time. Mr. Speaker, we must reject this conference report and allow families in the developing world to plan their families just as we insist upon planning our own. How many times are we going to have to scrub this bill of abortion to allow impoverished women and families lifesaving funds for family planning?

Do we care about life? We have taken care of the life of the fetus in this bill because there is not one dime for abortion. It is time to move on to care about millions of children in Africa and in South America and in Asia.

Do we care about life? Then care about family planning, the most important and effective tool against abortion.

Do we care about life? Then care about the 20 children and the one pregnant woman who lose their lives per day in the developing countries for lack of family planning.

Do we care about life? Then care about the 25 percent of women who lose their lives in childbirth because they have no family planning.

Do we care about life? Then care about sparing the lives of millions of children who are twice as likely to lose their lives before their first birthday because they are spaced less than 2 years apart because of lack of family planning.

First care about life, millions of these lives, and then care about the freedom to speak and to petition your government. We do nothing in this Chamber but talk and listen to our constituents talk. How can Americans, flag bearers of the First Amendment, condition funds on silencing people on any subject when we censor other nations for doing just that?

You might oppose abortion, my friends, you might oppose family planning, but not one of you would limit the right of any American to advocate abortion or family planning. Who are we to tell Africans and South Americans what they must say? We are Americans. We promote speech. We do not pay people to silence them.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BRADY), a member of the Committee on International Relations.

Mr. BRADY. Mr. Speaker, today I rise in support of the conference report and commend my colleagues on the Committee on International Relations, the gentleman from New York (Mr. GILMAN), and the Senate Foreign Affairs Committee, for their hard work on this bill and appreciate their perseverance in ensuring it is brought to the floor for a vote.

Historically, it seems appropriate we are discussing the world today because it was on this very day in 1979 that Egypt and Israel reached an agreement for peace at Camp David that many thought was impossible, was resisted by those on both sides within those countries, but everyone understood that while the accord was not perfect, it was a giant step in the right direction on a very significant issue. This bill is as well not perfect, but a very good step in the right direction on very important issues to this world. I believe the most important provisions of the conference report will curb finally United States support for overseas abortion programs.

Specifically, it contains compromise language on the Mexico City policy that will deny funding to foreign organizations that perform or promote abortions. In return, our leadership fulfills its promise to provide authorization for arrearage payments to the United Nations, provided long awaited and much needed reforms occur. Such reforms include lowering our share of the United Nations budget from 25 to 22 percent, decreasing our portion of peacekeeping dues from 31 to 25 percent, and other reforms to streamline that huge U.N. bureaucracy.

The final version also ensures that no U.S. funds will go to the United Nations Population Fund unless that agency ceases to assist the People's Republic of China in implementing China's strict birth quota plan. Mr. Speaker, as a pro-life Member of Congress, I am pleased to support these provisions which will genuinely move us forward toward the goal of protecting unborn children.

□ 1600

Mr. Speaker, these very important provisions authorize assistance to the democratic opposition in Iraq building toward the eventual end of the Saddam Hussein regime.

I am also pleased that the bill reaffirms the position taken by Congress in 1995 when it overwhelmingly passed the Jerusalem Embassy Act which requires that official government documents list Jerusalem as the capital of Israel and that the U.S. move its embassy from Tel Aviv to Jerusalem by May 31 of next year.

Finally, this bill also accomplishes our long term objectives of consolidating international affairs agencies within the State Department.

Mr. Speaker, I strongly urge the President to sign this bill into law.

Mr. HAMILTON. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, as my colleagues have noted, there is little to like in this conference report, but the worst of it is the restrictions on international family planning.

Let us be clear. We are not talking here about eliminating funding for abortions overseas. We have already done that. What we are talking about is eliminating U.S. funding for international family planning. Well, if my colleagues want to increase abortions and jeopardize the health of millions of women and children around the world, they should vote for this conference report to limit international family planning.

If my colleagues promised their constituents they would work to deny women across the globe desperately needed reproductive health services and vital pre- and postnatal care, they should vote for this conference report. If my colleagues want to drive women and families in developing countries further into poverty and despair, then they should vote for this conference report. And if my colleagues want to put a global gag on people around the world talking about these issues, then they should vote for this legislation. But if my colleagues care about saving lives and improving the quality of lives, then they should vote no on this conference committee report.

If enacted, this legislation will gut one of the jewels of the U.S. foreign policy. Voluntary family planning services work. They work in this country, they work around the world, and they work to reduce unwanted pregnancies and improve the quality of life for millions of families around the world.

I urge a no vote on this conference committee report.

Mr. HAMILTON. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, each year in the developing world, 600,000 women die from pregnancy-related complications. Maternal mortality is the largest single cause of death among women in their reproductive years. That is why, Mr. Speaker, support for reproductive health services becomes more important every day. Voluntary family planning services give mothers and their families new choices and new hope. These services increase child survival, they promote safe motherhood. Without support for international family planning, women in developing nations face more unwanted pregnancies, more poverty and more despair.

Mr. Speaker, it is ironic that the same people who would deny women in the developing world the choice of an abortion would also seek to eliminate support for family planning programs, programs that reduce the need for abortion. Without access to safe and affordable family planning services, there will be more abortions, not fewer. The abortions will be less safe and put more women's lives in danger.

Mr. Speaker, I wish that we were here today to support legislation that would pay for a full range of reproductive health services. But at the very, very least, we should keep the doors open for more family planning clinics. And we must do this so that we can provide these individuals and these families with the information and the services they need.

I urge my colleagues to vote against this conference report.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, there is no question that family planning has promoted the health and survival of women and children in undeveloped nations. For over 30 years, the United States has been a leader and a healer with family planning aid throughout the world. We have led an international crusade to promote child survival in the world, decrease maternal and infant deaths, and end the spread of disease. We have saved the lives of young girls by encouraging them to postpone childbearing. Because of our aid, our help, the size of the average family in poor countries has dropped from six to three. This reduction in family size has helped millions escape poverty. It has increased the prospects of an education and a richer, healthier life for women and children. It has given thousands of families a way up and a way out and helped them survive and thrive.

Despite all of our success, despite the distance we have traveled, there are some who do not understand the importance of our work. This legislation effectively cuts funding for family planning. It has a chilling effect on our family planning efforts abroad. This legislation is a step backward, it is a step in the wrong direction.

Let me be clear. Not one penny of U.S. family planning aid has ever been used to fund an abortion abroad. Our laws prevent it. We are not trying to change that. We are simply trying to continue a successful program that saves human lives. It is cruel and barbaric to stand in the way of poor families getting basic information about their health in this country or some distant land.

I urge my colleagues to support healthy families worldwide and vote down this destructive and mean legislation.

Mr. Speaker, I think it is unfortunate this legislation is coming to us today when 16 Members of our body, black Members, are in African countries, and I wish it could have been postponed and come up some time later.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DeLAURO. Mr. Speaker, I rise in strong opposition to this conference report. At this critical time, we should not hold U.N. and IMF funding hostage to the hardliners who oppose family planning funding. Business' economic and financial experts have told us that this IMF funding is needed to contain the Asian financial crisis and to protect American jobs. Our economy is too important to play Russian roulette with. But that is what this conference report does when it adds Mexico City language.

I remind my colleagues, under current law not one dollar of U.S. family planning funds can be used to perform or even counsel women to obtain abortions anywhere in the world. Women and children around the world depend on U.S. family planning funds to improve their health and to give them a real chance at a healthy life. If my colleagues vote for the Mexico City policy, they are voting to abandon these women and children. The President has said he will veto this legislation if this language is included.

Do not waste any more time. Vote against this bill. Remove this language from the conference report. Let us protect American jobs and let us get on with the people's business.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to this conference report. Once again the lives and well-being of women around the world are being held hostage. We are faced with a bill that forces the Mexico City global gag rule upon us. This bill, like so many defeated before it, prohibits organizations from receiving any U.S. funding if they use their own funds to provide abortion services or advocate on the abortion issue. The need for family planning services to prevent unintended pregnancies in developing countries is urgent, and the aid we provide is critical. When women are unable to control the number and timing of births, they have more dangerous and complicated pregnancies, and too many will turn to abortion, often illegal, unsafe and life threatening.

Passage of this conference report will mean more abortions, not fewer. It will mean women dying and children dying. It will mean an increase in unintended pregnancies, and it will mean women taking desperate, dangerous measures to end those pregnancies. And that is the fact, that is the reality.

Mr. Speaker, I am also opposed to the provisions in this bill regarding the United Nations. The funding level provided is too low, and the requirements attached to that funding micromanage the President as he attempts to push the U.N. to reform itself further. Our debt to the U.N. leaves the United States with no leverage to reduce our annual assessments and weakens our leadership in the organizations. This bill will not solve the critical problem.

Mr. Speaker, unfortunately this bill was pushed through to the floor with no bipartisan support and with a veto promise from the White House. I urge my colleagues to defeat H.R. 1757.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished subcommittee chairman of our committee.

Mr. SMITH of New Jersey. Mr. Speaker, I just want to advise Members that one provision in this legislation deals with the United Nations Population Fund, and it says very clearly and unambiguously that unless the UNFPA gets out of China, they lose the $25 million that they are slated to get.

I want to remind colleagues that in China, it is illegal to have more than one child. Brothers and sisters are illegal. The Government is aggressively antibaby. Wei Jing Sheng, the great human rights activist who appeared before my subcommittee just a few weeks ago, said he could not believe, he said he was outraged that the U.N. Population Fund and U.N. personnel were working side by side with those family planning cadres, those oppressors of women, who enforce the one-child-per-couple policy in China with forced abortion.

Forced abortion was construed to be a crime against humanity at the Nuremberg War Crimes Tribunal. It is no less a crime against humanity today. Our conference report says that we are serious in dealing with those crimes against humanity and any organization like the U.N. Population Fund will lose its funding unless they get out of China.

Earlier the gentleman from Georgia (Mr. LEWIS) said that for 30 years we have been the leaders in family planning. That was no less true during the Reagan and Bush years when the Mexico City policy was in effect. We provided 40 percent—40 percent of all the population control aid during the Reagan and Bush years. That is a fact, that is not an opinion, with the Mexico City policy in full effect.

It is a red herring when Members on the other side stand up and say that we are holding hostage family planning. Monies flowed; people were given the opportunity to take that money and give out condoms and do all kinds of family planning, but a wall was erected between performing child abuse, killing unborn children, the promotion of violence against children and preventive means.

One hundred countries around the world protect their unborn children from the violence of abortion on demand. The main engine trying to topple those laws are these so-called family planning organizations. Some see it as their mission to nullify pro-life laws in other lands. Planned Parenthood, in their "Vision 2000" statement adopted in 1992, lays out an action plan to vanquish legal protection for unborn children in other nations.

□ 1615

Here is what it says in part. It declares that family planning organizations around the world, and I quote this, must bring "pressure on governments and campaign for policy and legislative change to remove restrictions against abortion."

We provide the money to these organizations that "campaign" and "pressure" governments to topple their pro-life laws. That is what this is all about. That is why my good friends and colleagues on the other side of the aisle would not sign the conference report. The pro-life safeguards in a compromise version were in there.

I think we have a moral obligation to say, if we are going to pour hundreds of millions into groups that advertise as family planners, let us have a truth in advertising. Let us separate abortion out of it, because abortion takes a life, a life of a child—it is not family planning.

Finally, just let me say, Mr. Speaker, this conference report and the work that went into it was a bipartisan process, 77 amendments in subcommittee, full committee, and on the floor of the House, and many, many conference meetings

We went through a give and take. We had Democratic staff and Republican staff studying and working on the provisions of this conference report.

It is another red herring to say that they were not part of it. Yes, maybe in the end, when it came to signing it, but that is because the pro-life Mexico City policy was in there.

Again I say, if we are going to send out roughly $400 million to abortion providers or family planning providers, and they wear the same hat as abortion providers, those of us who do not want to see any more babies die or any more women exploited or any more forced abortion in China must stand up and say, well, on this bill or any other bill that comes down the pike, we will be offering this language. It is absolutely not going to go away. We have compromised as far as we can go. We have half of Mexico City in here. It is a significant half, but it is only half.

It is about time the President and those on the abortion rights side met us halfway, and then those other issues could go forward unencumbered. Fail to meet us halfway—and we will fight and unceasingly raise this issue on every vehicle imaginable.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise to oppose this conference report, and I do it with some pain, because I have always supported fully the men and women who work for the State Department and who represent us so well around the world.

But no matter how emotionally one speaks or how strongly one feels about both sides of this question, the fact of the matter remains that we do not have to codify the Mexico City language. It is unnecessary, because we know for a fact and we know from statute that U.S. funds cannot be used for abortion.

Second, if the President waives the Mexico City restrictions, there is the effect also that the bill would reduce the amount of money available for family planning. This is unacceptable because we all understand that family planning, and we agree, that family planning saves the lives of both mothers and children in developing countries. We do not think this should be the vehicle for reducing those funds.

But I think the thing that bothers me most, and I think worst, about this conference report is it is such a sharp limit on debate and discussion of the issue before us that is in contention: Choice.

Here we are today on the floor of this House, saying exactly how we feel, saying it as strongly as we might want to. Some of us are feeling very, really emotional about this issue, but understanding that we all can have those strong feelings and express them on this floor and then walk out and everything will be fine because we are in the United States of America. But the limits we put in this conference report would be unconstitutional in this country; and, yet, we ask other countries to abide what we are saying in this conference report.

Mr. Speaker, as the United States seeks to lead the world into a new century of democracy, I find it deeply disappointing that some seek to deny people in other nations the opportunity that we are carrying out and exercising at this very moment on this floor.

So as I say, with pain, I oppose this report. I do wish, as the gentleman before me said, that we could get together and face it and in the correct way.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, my friend from New Jersey says that the antiabortion compromise with this bill leaves us with half a loaf. In reality, it leaves us with a thin slice.

The President can waive the antiabortion provision and use hundreds of millions of dollars to promote and perform abortions. And even the thin slice we are left with will be vetoed by the President.

The fact that this report is scored both ways by family values groups indicates how weak this language is. But let me tell you what this report will do. It will send $100 million on its way that was appropriated last year. It is unfenced by this authorization. It goes to supposed U.N. dues. It also authorizes the rest of nearly a billion dollars and starts it on its way.

But in this report, there is no recognition of a GAO report that says from 1992 to 1995, we spent $6.6 billion on legitimate U.N. peacekeeping activities, $1.8 billion that was credited to us for dues that recognizes the legitimacy of these expenditures.

CRS, more recently, reported that between 1992 and May of last year, we spent $11.1 billion. The Pentagon said that last year alone, we spent $3 billion. Shortly, we are going to vote $1.3 billion, a supplemental emergency supplemental for Iraq.

We spent, since 1992, about $14 billion. We have been credited with $1.8 only. This is a fatal flaw in this bill. We need to send the message that we cannot pass this bill until there is a recognition of all the money that we have spent.

The Senate voted 90 to 10 yesterday, no dues without a tally of the peacekeeping. Please vote no on this, send it back to the conference so they can bring a bill to us that we can pass, recognizing the legitimacy of our U.N. peacekeeping activities, and trade those off against any dues we might owe them.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman from Indiana (Mr. HAMILTON) for yielding, and would ask this question: Why would we want poor children growing up in nations that are getting only poorer? Why would we oppose family planning money which prevents pregnancies and, in some cases, abortions?

It just does not seem logical to me that many on my side of the aisle would oppose family planning money which actually prevents abortions. Family planning money is not used for abortions or even to promote abortions. It is used to help women have the number of children they want and can afford.

When my colleague, the gentleman from New Jersey, talks about a compromise, I think the compromise was struck a long time ago. That compromise was the pro-life movement won. Federal dollars could not be spent worldwide for abortions. But under this compromise, it seems logical to me that family planning funds can be used to prevent abortions.

I think in the pro-choice movement, there is an extreme group that opposes the ban on partial birth abortions. The pro-choice movement opposes the ban on partial birth abortions and uses it as a litmus test. If you vote for the ban, you are not pro-choice. But I think there is also an extreme in the pro-life movement that opposes family planning. I just hope that this Congress can get to the point where we can have the extremes fall by the wayside and we can have a sensible policy.

I strongly support family planning money being used for family planning, and I believe that nations throughout the world need the help that we can provide them. As a country like Egypt sees its economy grow, it sees its population outpacing this economic growth, and it becomes a poorer and poorer nation. Why would we want children to continue to grow up in such a poor environment? They are basically the seed for the terrorists that ultimately may destroy this world.

Mr. Speaker, I strongly oppose the conference report, I think it is a mistake, and I am sad that my party has moved forward on this issue.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Indiana (Mr. HAMILTON) has 5½ minutes remaining, and the gentleman from New York (Mr. GILMAN) has 8½ minutes remaining.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend from Indiana, the ranking member of the committee, for yielding to me.

Mr. Speaker, I rise to oppose the bill. Undoubtedly, there are some good things in the bill, and I really wish that I could vote for the bill. But this bill is mixing apples with oranges. The Mexico City language, the whole controversy over abortion, does not belong in this bill. It sullies the bill and takes away from the bill. As far as I am concerned, it is really improperly in the bill.

It is an embarrassment that our country is the biggest deadbeat in the world of the United Nations. For the United Nations to function, we say that we are the leaders of the world, and we are the leaders of the world. We want to have influence on the world. We want to have influence.

We encourage countries to turn to free market economies. We encourage countries to turn to democracy. Then what do we do? We do not pay our U.N. dues. So we owe a billion dollars. Then when we want to try to attempt to pay our dues, we attach it to abortion language and Mexico City language and other language to placate the lobby, the pro-life lobby. But, in reality, it does not make any sense to put it in this bill.

If we want to build an international coalition against Saddam Hussein, if we want to build a coalition to march forward into democracy, then we really should not act irresponsibly. I believe this bill is acting irresponsibly by mixing apples with oranges and putting this abortion language in the bill.

We all know the President is going to veto this bill in its present form. So we know, in essence, this is a game and a charade. I do not know why we have to play again. We played this game last year, it was an embarrassment to the world, and we are playing it again this year.

I think the language pertaining to abortion ought to be struck out, and we ought to pass a bill that can go, pass a bill that will make us proud, pass a bill and act like the leaders of the world which we are. I cannot for the life of me understand why we continue to play these games. I do not doubt the sincerity of anybody on the other side, or of anybody else, but I think we ought not mix apples with oranges. This bill should be defeated.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I do so for the purpose of reading a letter from the White House, addressed:

Dear Representative Hamilton, I am writing to advise you that if H.R. 1757, the Conference Report on State Department Authorization, were presented to the President, he would veto the bill.

Sincerely, Larry Stein, Assistant to the President and Director of Legislative Affairs.

Mr. Speaker, I include the following letter for the RECORD.

THE WHITE HOUSE,
Washington, March 26, 1998.

Hon. LEE H. HAMILTON,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE HAMILTON: I am writing to advise you that if HR 1757, the Conference Report on State Department Authorization, were presented to the President, he would veto the bill.

Sincerely,

LARRY STEIN,
Assistant to the President and Director for Legislative Affairs.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield the balance of our time to the distinguished gentleman from Illinois (Mr. HYDE), senior member of our Committee on International Relations.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 8½ minutes.

Mr. HYDE. Mr. Speaker, I thank the gentleman from Indiana, ranking member of our Committee on International Relations.

This has been an interesting debate, and not too complicated, because there are a couple of ideas that are pretty crystal-clear that separate us. First of all, we have a lot of conservatives who do not like foreign aid. And anything that reeks of the U.N. is tainted and that involves us overseas, and we ought not to get into those sort of entanglements.

So we have a mountain to climb on our side to get enough people to support this. After all, this pays our U.N. arrearages, not perhaps in the manner in which the Democrats would like it paid, but it is $819 million plus $107 million in debt forgiveness over 3 years. That certainly beats where we are now, with zero. So if you think our membership in the U.N. is useful, I would think this is the best opportunity to get caught up on the arrearages.

I have always had a couple of fantasies about the U.N. One is I would like to move it from New York to Beijing. I think that would be a wonderful headquarters. We have had the glory of the U.N. being in New York and avoiding and evading our parking tickets. Let us give the rest of the world a chance at it. But I do not decry the U.N. I think it is useful. I think we should belong to it. I think we are a world leader, and we should lead in the U.N.

□ 1630

And so if we belong to it, we should pay our dues, and this is a medium by which we pay our dues. So I think we should do this.

Now, a couple of other things about the U.N. that bother me. We pay too much in peacekeeping cost, 31 percent. I would like to get that down to 25 percent. And our dues, it seems to me, ought to be reduced from 25 to 20 percent. We can do that with this bill. So that gives me an added incentive for voting for it.

The gentleman from New Jersey (Mr. SMITH), who has been heroic in defending the defenseless unborn, talks about Mexico City, and I was trying to communicate with him that he should explain Mexico City. People think that is a page out of National Geographic.

What it is is a policy that we followed under Presidents Reagan and Bush that said we will give you millions of dollars for family planning, but not to organizations that advocate or perform abortions. In other words, American money should not go to pay for killing unborn children, even if they are Third World unborn children, especially if they are Third World unborn children.

So that is the Mexico City policy, and that sticks in the craw of the left. That is the one thing, that common theme, why, my God, we are going to stop the torrent of abortions with this bill, and therefore, this is a bad bill. Why American taxpayers' money should be used to subsidize abortions overseas I cannot figure out.

Well, we hear that the money of the organizations spent for abortions is their own money. They are not mixing our money in with theirs. I wish my colleagues would stop insulting our intelligence. My colleagues know and I know that if we give them a few million dollars, we free up their own money for their own purposes. It is a bookkeeping transaction. We are subsidizing, effectively, abortions.

Some of us think there is a moral issue here, that this cultural imperialism of ours, telling a country, you have too many people, is across the line. It goes too far.

Now, this bill has so many good things in it that may not come this way again. One of them is the moving of our embassy to Jerusalem and another is requiring the McBride fair employment practices in Northern Ireland; there is full funding for Radio Marti to Cuba, Radio Free Iran, Radio Free Asia to Communist China. This bill authorizes a new assistance package to assist the democratic opponents of Saddam Hussein and Iraq. This bill begins that process of rolling back Saddam Hussein's tyranny in Iraq.

So there are so many reasons why this is a good idea, but most of all, I would like to please make clear family planning is distinct from abortion. Family planning is either getting one pregnant or keeping one from getting pregnant, it is not killing an unborn child once one is pregnant. Family planning, properly understood, does not include abortion, so why should we subsidize organizations that lobby countries to repeal their pro-life laws and that perform abortions?

The gentleman from New Jersey (Mr. SMITH), compromised as far as he could. Go ahead and perform abortions with a presidential waiver, but do not advocate, lobby countries to repeal their pro-life laws. That little speck of respectability you are unwilling to give us. You are not compromising; there is no compromise here, and that is tragic.

There is much that is good in this bill; there is much that strengthens our position in the international forum. It helps us get back in good graces with the U.N., it starts to roll back the arrogance of Saddam Hussein. There are so many good things.

It consolidates agencies that ought to be consolidated like the Arms Control and Disarmament Agency, the United States Information Agency, by putting them in the State Department. And so I just hope that my friends, the conservatives who cannot move their hand to vote for something that has foreign aid in it, would understand that this is important. There are many things in this bill that we ought to take advantage of, and most importantly, that little part of the Mexico City policy that is salvaged in this bill.

My friends over here, I know the President is the premier pro-abortion rights human being in the galaxy, but we have our own independent responsibilities, and we should make a statement that child survival, as I heard the gentleman from Georgia say, is important. One cannot have child survival when one aborts that child. Please support this legislation.

Mr. BARR of Georgia. Mr. Speaker, today the House considered H.R. 1757, the Foreign Affairs Reform and Restructuring Act conference report and passed it by a stealth vote; with no warning, while most of us were working in committees. This bill may contain some good provisions, such as those that deny funding to foreign organizations that perform or promote abortions, but Mr. Speaker, this bill contains far more provisions that are harmful. Most notably, this bill contains language that authorizes $100 million in FY 1998, $475 million in FY 1999, and $244 million in FY 2000 for payments to the United Nations. This is a grand total of $819 million that is to be paid to the United Nations for so-called "arrearages." It was the U.N., I remind you, that went to Iraq and let Saddam Hussein off the hook.

Mr. Speaker, I'm not sure what I object to more, the U.N. funding or the way this bill was passed. For you see Mr. Speaker, although the voters of the 7th District sent me here to represent their views, on this and other important legislation, I wasn't allowed to vote on this important bill. I don't mind losing a vote; I understand the process. But I do mind being denied the opportunity to do what my constituents sent me here to do. It is a shame that this important bill was steathily passed by an unannounced voice vote when it certainly should have come up for an up-front, honest, recorded vote. This is no way to run a railroad, Mr. Speaker. It may be good for the U.N. but it's not good for America.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to voice my strong support for Title XVI of H.R. 1757, "The European Security Act," particularly those sections relating to NATO enlargement. The language contained in this section is designed first and foremost to preserve the effectiveness and flexibility of NATO as a defensive alliance. For nearly five decades, the North Atlantic Alliance has served and advanced the interests of the United States in Europe by preserving peace, promoting economic prosperity, and advancing our shared principles of democracy, individual liberty, and the rule of law. As a long-standing advocate of NATO enlargement, and Co-Chairman of the Helsinki Commission, I have consistently emphasized the importance of Helsinki principles, including human rights, in the expansion process.

Today's consideration of the European Security Act language comes at a critical time, Mr. Speaker, as the United States Senate will soon vote on ratification of the necessary instruments for the admission of Poland, Hungary, and the Czech Republic as full members of NATO. Despite the fact that the NATO leaders committed themselves to a robust 'open door' policy concerning further accession, some seem determined to slam the door shut to other candidates. Instead of spurning those countries aspiring to future NATO membership, we should embrace those states that have demonstrated—in word and in deed—their commitment to the shared values enshrined in the North Atlantic Treaty.

The language designates Romania, Estonia, Latvia, Lithuania, and Bulgaria as eligible to receive assistance under the NATO Participation Act of 1994. Each of these countries has made important strides in political and economic reforms. With respect to the Baltic States, it is worth noting the Charter of Partnership, signed in Washington on January 16, 1998, acknowledges the fact that the United States has a "real, profound and enduring interest in the independence, sovereignty, and territorial integrity, and security of Estonia, Latvia, and Lithuania." In this historic document, the U.S. welcomes the aspirations and supports efforts of the Baltic States to join NATO, reiterating that enlargement of NATO is an ongoing process. Mr. Speaker, European Security Act provisions will advance U.S. interests by supporting the efforts of Estonia, Latvia, and Lithuania to provide for their legitimate defense needs, including the development of appropriate and interoperable military forces.

It would be an injustice of historic proportions, Mr. Speaker, if we did not take advantage of the unique opportunity we have today to embrace those countries of Central and Eastern Europe demonstrably committed to democracy, human rights and the rule of law. Having persevered for 50 years and overcome the odds by regaining their independence, the Baltic countries deserve to be fully integrated into the West, including NATO, without further delay.

Mr. Speaker, I appreciate Chairman GILMAN's willingness to incorporate several of my suggestions into the text of Title XVI. The first concern stems from the fact that Russia has not agreed to the demarcation of its international borders with several neighboring countries, including Estonia and Latvia. In addition, while a Framework Treaty has been concluded between Russia and Ukraine and signed by Presidents Kuchma and Yeltsin, the Russia's State Duma has yet to ratify this key accord which would among other things demarcate the Ukrainian-Russian border, including in the Sea of Azov. Moscow has purposefully dragged its feet on this important issue with the aim of intimidating a number of the countries concerned and erecting a potential obstacle to those aspiring to NATO membership.

The second issue concerns the deployment of Russian forces on the territory of other states. The language I introduced calls for the immediate and complete withdrawal of any armed forces and military equipment under the control of Russia that are deployed on the territories of the independent states of the former Soviet Union without the full and complete agreement of those states.

Today, there are thousands of Russian troops deployed in and around the Ukrainian port of Sevastopol. Meanwhile, an estimated 3,010 Russian troops continue to be stationed in Moldova along with a considerable supply of military equipment and munitions which could prove particularly destabilizing in the Trans-Dniester region.

Finally, the Title XVI calls for a commitment by the Russians to take steps to reduce nuclear and conventional forces in Kaliningrad, where Moscow has amassed a considerable arsenal that poses a potential threat to the Baltic States and Poland.

Mr. Speaker, progress in resolving these outstanding security concerns would go a long way to advance peace and stability throughout Europe, a region of critical importance to the security, economic, and political interests of the United States. I am pleased that the language of the European Security Act is included in the bill. We have an obligation to maintain the effectiveness and flexibility of NATO as a defensive alliance open to the inclusion of new members committed to the shared principles of democracy, individual liberty, and the rule of law, and able and willing to assume the responsibilities and obligations of membership.

Mr. CONYERS. Mr. Speaker, I want to register my strong opposition to the conference report for the Foreign Affairs Reform and Restructuring Act.

I urge my colleagues not be fooled by some of the bill's features such as payments to the United Nations because it also contains some incorrigible features. For example, it eliminates the Arms Control and Disarmament Agency, thereby denying our foreign policy makers the benefit of an independent voice on arms control matters. H.R. 1757 also resurrects the so-called "Mexico City" language that restricts funding for abortions overseas—even if they are paid for with private funds. But the offensive provisions in particular that I want to bring to your attention today deal with Haiti.

On September 25, 1997, Congresswoman WATERS and I wrote a letter to the chairman and the ranking member of the International Relations Committee, expressing our concern with provisions reflected in this bill in Section 1228. We were joined by CHARLIE RANGEL, ED TOWNS, JIM CLYBURN, RONALD DELLUMS, BILL JEFFERSON, EARL HILLIARD, JOHN LEWIS, BOBBY RUSH, and JULIAN DIXON. I am enclosing this information for the RECORD. Despite our efforts and those of the gentleman from Indiana, the ranking member, this problematic language stands.

Section 1228 creates vague new authority by which the Secretary of State can prevent certain Haitians from entering the United States. The fact of the matter is that the Secretary of State already has the authority to deny entry to persons who are suspected of human rights violations or terrorism under Title 8 USC Section 1182(a)(3). This bill has a new, ambiguous standard under which the Secretary of State can deny entry to someone who has been "credibly alleged to have ordered, carried out, or materially assisted" in specific killings listed in the conference report.

This new language in H.R. 1757 will be inconsistent with the existing law and create a new untested standard that will be open to manipulation by anyone who simply makes an allegation. Rather than promoting justice for all victims of violence, this will be used to politicize the murders of some Haitians, rather than serving as a tool to advance justice for all Haitians.

Furthermore, by singling out specific violators the bill fails to send a broad message about human rights violators in general. Perhaps worst of all is that the most egregious enemies of human rights, such as Toto Constant, the head of the paramilitary group FRAPH, are already in the United States. Constant slipped into the U.S. (and is comfortably living in New York) not because the Attorney General or the Secretary of State lacks the power to keep him out, but because like other opponents of democracy from Haiti, he is an old CIA asset. We've got to start dealing with these facts if we really want justice for Haiti.

I oppose H.R. 1757 for all these reasons and I thank the gentleman.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 25, 1997.

Hon. BEN GILMAN,
Chairman, House International Relations Committee, Rayburn 2170, Washington, DC.

We are writing in reference to amendment 383 of S. 903, the Senate Foreign Affairs Reform Act, offered by Senator DeWine. This provision would seek to deny entry into the United States to those whom the Secretary of State "has reason to believe is a person who has been credibly alleged to have ordered, carried out, or materially assisted in extrajudicial and political murders" in Haiti.

We strongly support the bill's basic premise that persons involved in political murders be denied entry to the United States. But, we believe this language raises a number of problematic legal issues, may weaken the ability of the U.S. to deal with extrajudicial killers, and may even make it easier to evade prosecution. We also wish to note that the substance of these provisions appear to be covered by existing law. As a result, we urge you to strike this contentious language and avoid the confusion and litigation guaranteed to result if it becomes law.

U.S. Code currently grants the Secretary of State the legal authority to deny a visa from individuals that the Secretary believes have engaged in extrajudicial killings. The Secretary of State can deny a visa application based either on anti-terrorist or foreign policy grounds.[1] A decision to deny a visa based on these grounds is not reviewable by any court.

In fact, the Secretary of State in the consular offices in the field already maintains a list of people who fall into one of these two exclusionary categories. This list, commonly known as the "lookout book" is kept by every American consulate. If your name is in the lookout book, the consular officer will deny your visa application.

The DeWine Amendment lists specific individuals, specific dates, and specific factual allegations. Although this may seem to focus the legislation and get tough on the alleged killers, in fact this language limits the ability of a prosecutor to bring these killers to justice. Any skilled attorney would recognize how any one of these named individuals could escape justice if the fact or dates cited turned out to be incorrect. By writing the legislation so narrowly Mr. DeWine and his cosponsors risk giving human rights abusers a legal escape hatch.

Beyond the legal problems with this proposed legislation, we also believe the DeWine amendment fails on moral grounds. In limiting the focus to Haiti this legislation fails to convey a universal condemnation against extrajudicial and political murders. We believe it is imperative to communicate our country's worldwide aversion to political assassinations. It is a matter of principled policy making to deny entry to all persons involved in political assassinations, whether they be from Bosnia, Russia, Guatemala, Haiti or anywhere else in the world.

We hope you agree with our analysis of this bill. We urge you to strike this amendment from the proposed legislation. We look forward to working with you on this important issue.

Sincerely,

John Conyers; C.B. Rangel; James E. Clyburn; William J. Jefferson; Julian C. Dixon; Bobby Rush; Maxine Waters; Edolphus Towns; Ronald V. Dellums; Earl F. Hilliard; John Lewis.

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[1] Sec. 212(a)(3) [8 U.S.C. Sect. 1182(a)(3)] re: terrorism and Sec. 212(a)(3)(C) re: foreign policy.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 25, 1997.

Hon. LEE HAMILTON,
Ranking Member, House International Relations Committee, Washington, DC

We are writing in reference to amendment 383 of S. 903, the Senate Foreign Affairs Reform Act, offered by Senator DeWine. This provision would seek to deny entry into the United States to those whom the Secretary of the State "has reason to believe is a person who has been credibly alleged to have ordered, carried out, or materially assisted in extra judicial and political murders" in Haiti.

We strongly support the bill's basic premise that persons involved in political murders be denied entry to the United States. But, we believe this language raises a number of problematic legal issues, may weaken the ability of the U.S. to deal with extra judicial killers, and may even make it easier to evade prosecution. We also wish to note that the substance of these provisions appear to be covered by existing law. As a result, we urge you to strike this contentious language and avoid the confusion and litigation guaranteed to result if it becomes law.

U.S. Code currently grants the Secretary of State the legal authority to deny a visa from individuals that the Secretary believes have engaged in extrajudicial killings. The Secretary of State can deny a visa application based either on anti-terrorist or foreign policy groups.[1] A decision to deny a visa based on these grounds is not reviewable by any court.

In fact, the Secretary of State in the consular offices in the field already maintains a list of people who fall into one of these two exclusionary categories. This list, commonly known as the "lookout book" is kept by every American consulate. If your name is in the lookout book, the consular officer will deny your visa application.

The DeWine Amendment lists specific individuals, specific dates, and specific factual allegations. Altough this may seem to focus the legislation and get tough on the alleged killers, in fact this language limits the ability of a prosecutor to bring these killers to justice. Any skilled attorney would recognize how any one of these named individuals could escape justice if the fact or dates cited turned out to be incorrect. By writing the legislation so narrowly Mr. DeWine and his cosponsors risk giving human rights abusers a legal escape hatch.

Beyond the legal problems with this proposed legislation, we also believe the DeWine amendment fails on moral grounds. In limiting the focus to Haiti this legislation fails to convey a universal condemnation against extra judicial and political murders. We believe it is imperative to communicate our country's worldwide aversion to political assassinations. It is a matter of principled policy making to deny entry to all persons involved in political assassinations, whether they be from Bosnia, Russia, Guatemala, Haiti or anywhere else in the world.

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[1] Sec. 212(a)(3) [8 U.S.C. Sect. 1182(a)(3)] re: terrorism and Sec. 212(a)(3)(C) re: foreign policy.

We hope you agree with our analysis of this bill. We urge you to strike this amendment by the proposed legislation. We look forward to working with you on this important issue.

John Conyers; C.B. Rangel; James E. Clyburn; William J. Jefferson; Julian C. Dixon; Bobby Rush; Maxine Waters; Edolphus Towns; Ronald V. Dellums; Earl F. Hilliard; John Lewis.

Mr. PAUL. Mr. Speaker, last year's attempts by some in Congress to tie the Mexico City Policy to the issues of funding for the United Nations (UN) and the International Monetary Fund (IMF) this week come back to haunt those of us who believe in the sanctity of human life, the inviolability of US Sovereignty, and the rights of the U.S. taxpayers to keep the fruits of their own labor. This week, we see, the "grand deal" struck which will see liberals back down from their opposition to Mexico City Language in exchange for conservative members voting to support funding of the United Nations, affirmative action, peacekeeping activities, and the National Endowment for Democracy.

MEXICO CITY POLICY DETAILED

The Mexico City Policy was drafted in the Reagan years as an attempt to put some limitations on US foreign aide being used for certain abortions overseas. While I believe that those who put this policy forward were well-motivated, I believe that time has shown this policy to have little real effect. I have continued to vote for this policy when it came up as a stand alone issue in this Congress because, by itself, its effect tends to be positive rather than negative, as I say, I consider it largely ineffective.

I believe that the only real answer to the concerns of sovereignty, property rights, constitutionality and pro-life philosophy is for the United States to totally de-fund any foreign aid for international "family planning" purposes. I introduced a resolution to that effect in 1997 and we received 154 votes in support of cutting off this unconstitutional funding program.

In fact, the deficiencies of the Mexico City Policy are such that the pro-family conservative group Concerned Women for America has withdrawn its support for the Mexico City Policy all together. This, in part, due to the fact that while the policy requires more creative accounting, it does not, by any stretch of the imagination, prohibit funding of many abortions.

UNITED NATIONS

The United Nations is an organization which frequently acts in a manner contrary to the sovereign interests of the United States. As such, I have sponsored legislation to get the United States out of this organization.

Currently, the most pressing battle is to stop the US from paying phony "back dues" which we supposedly "owe" this organization. Congressman ROSCOE BARTLETT put forward a bill to stop any payment of this phony UN debt and I proudly cosponsored Mr. BARTLETT's legislation.

LINKING THESE TWO ISSUES

We were able to put the breaks to the funding of the false UN debt and the IMF at the end of the last session of Congress by linking these items with the Mexico City Policy language. For political reasons President Clinton has steadfastly refused to sign any legislation which contains any anti-abortion language at all.

This linkage presented us with a short term tactical victory but its long term costs are now becoming quite apparent. In linking these two issues together an opportunity for a "deal" has become apparent, a deal which will compromise principles on several fronts.

THE SO-CALLED "BARGAIN"

The so-called bargain here is maintaining the flawed Mexico City language in exchange for paying the alleged back-dues to the United Nations. But this, from a true conservative standpoint, is a double negative. In a world of so-called give-and-take, this is a double-take. This is no bargain at all. Obviously, the Mexico City policy is riddled with fungibility holes in the first place. Moreover, it is morally repugnant to undermine our nation's integrity by trading votes in this fashion. Worse still, it is now apparent how willing "some" members have become to water the Mexico City Policy down still further in order to get President Clinton to sign legislation which shouldn't exist in the first place. Even the abortion restrictive language has been diluted to state that "the President could waive the restriction on funding groups that perform or promote abortion, but such a waiver would automatically reduce total U.S. funding for family planning activities to $356 million, 11% less then current appropriations. In other words, Abortion is A-O-K if done with 11% fewer taxpayer dollars. Now that's not worth compromising principle.

"PEACEKEEPING"

This compromise authorizes $430 million for U.S. contributions to our "police the world" program carried out through various arms of the United Nations. International peacekeeping operations are currently ongoing in the Middle East, Angola, Cambodia, Western Sahara, and the former Yugoslavia. Additionally, the measure authorizes $146 million to international operation in the Sinai and Cypress.

ADDTIONALLY

This "agreement" authorizes $1.8 Billion for multilateral assistance in excess of the previously mentioned contribution to the United Nations; $60 million dollars for the National Endowment for Democracy; $20 million for the Asia Foundation; $22 million for the East-West Center for the study of Asian and Pacific Affairs; $1.3 billion for international migration and refugee assistance and an additional $160 million to transport refugees from the republics of the former Soviet Union to Israel. Also, $100 million is authorized to fund radio broadcasts to Cuba, Asia and a study on the feasibility of doing so in Iran.

Lastly, foreign policy provisions in this report suggest an ever-increasing role for the United States in our current police-the-world mentality. Strong language to encourage all emerging democracies in Central and Eastern Europe to join NATO area amongst these provisions in the conference report. It also authorizes $20 million for the International Fund for Ireland to support reconciliation, job creation, investment therein. For Iraq, the bill authorizes $10 million to train political opposition forces and $20 million for relief efforts in areas of Iraq not under the control of Hussein.

Apparently contrary to the first amendment, the conference report contains language that the U.S. should recognize the Ecumenical Patriarchate in Istanbul, Turkey, as the spiritual center of the world's 300 million Orthodox Christians and calls upon the Turkish government to reopen the Halki Patriarchal School of Theology formerly closed in 1971. "Congress shall make no law respecting an establishment of religion * * * (Except abroad?)

CONCLUSION

Fortunately, many genuinely conservative pro-life and pro-sovereignty groups are making it known that they do not support this so-called "compromise." I, for one, refuse to participate in any such illusion and oppose any effort to pay even one penny of U.S. taxpayer dollars to the United Nations, subsidize family planning around the world, and intervene at U.S. taxpayer expense in every corner of the globe.

Ms. DANNER. Mr. Speaker, I regret the fact that H.R. 1757, The State Department Authorization Conference Report, was passed today on the floor of the House of Representatives by a voice vote, thereby authorizing payments to the United Nations by the United States of $819 million over fiscal years 1998 through 2000.

This legislation also includes language that would forgive up to $107 million in U.N. payments to the United States for U.S. military contributions in peacekeeping efforts. I do not believe that this widely-disputed amount takes into account all of the costs and expense incurred by the taxpayers of the United States in various peacekeeping missions.

I am very disappointed that I did not have an opportunity to cast a recorded vote on this measure. Had I been given the opportunity to cast a vote on this legislation in a rollcall vote, I would have voted against H.R. 1757.

Mr. BUNNING. Mr. Speaker, like many of my colleagues I am not completely happy with the final version of this bill. However, I have been around here long enough to know that some times you have to take what you can get.

While I am no fan of the United Nations, and I have serious reservations about paying any of the so-called debt to the U.N., we have an opportunity to make some very substantive changes to our nation's foreign policy regarding abortions. We need to seize this opportunity.

By ensuring that the Mexico City Policy is written into law we will send an important message of how much we cared and understood the needs of the unborn. For far too long, we have allowed the President to provide foreign aid to organizations that promote the use of abortion, even in countries that have laws on the books prohibiting the procedure. This is wrong, and by passing H.R. 1757, we can hopefully put a stop to it.

I understand that voting "Yes" on this bill is a tough pill to swallow. But, if we don't take action today, millions of abortions will occur around the world with the assistance of U.S. taxpayer dollars. This is unconscionable and it is time Congress stopped it. Vote "yes" on H.R. 1757.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong opposition to the Conference Report on H.R. 1757, the Foreign Affairs Reform and Restructuring Act. All I can think of as I stand before you this afternoon is "here we go again." It is disheartening to see certain Members of this body once again hold funding to meet our nation's commitment and investment in foreign affairs hostage to provisions placing stringent and unacceptable restrictions on funding for international family planning. And once again, those Members are inaccurately attempting to characterize this as a vote about abortion.

Proponents of the Conference Report on H.R. 1757, the Foreign Affairs Reform and Restructuring Act wrongly claim that release of family planning funds without restrictions will allow U.S. aid to support abortion services abroad. These funds, however, can not by law be used to provide or promote abortions. Proponents of this legislation argue that funding is fungible, but the Agency for International Development has a rigorous process to ensure that the current ban on the use of U.S. funds for abortions is adhered to and that no U.S. funds are spent on abortion services.

Funds to support family planning are not funds for abortions. Family planning funds are used to provide contraceptives to persons who would otherwise not have access to them. Family planning funds support education and outreach on family planning options, family counseling, health care, and technical training for personnel. These funds help to improve the health and increase the survival rate of women and children during pregnancy, in childbirth, and in the years after. Family planning allows parents to control the number of children that they have and the timing of those births. And in so doing it allows women the opportunity to reach beyond the walls of their homes, to get an education and to work outside of the family.

A recent report of the Rockefeller Foundation argued that devoting less time to bearing children, reducing family size, and improving the health and survival of women and children results in better economic prospects in developing countries. Withholding these funds will reduce access to contraception and in so doing increase unintended and unwanted pregnancies. Experience demonstrates that as unintended pregnancies increase, so does the abortion rate.

In fact, U.S. funding to Hungary has coincided with a 60% reduction in abortions in that country. In Russia, increased use of contraceptives has led to a 30% reduction in abortions.

My colleagues, this is not a vote on abortion. A vote against this Conference Report is a vote to provide more options and opportunities for the people of developing nations around the world. Once again we are here debating language that will codify a global gag rule—language that is clearly unacceptable to pro-family planning Members of this Congress and to the Administration and that the Administration has indicated that it will veto. For these reasons, I call upon each Member to signal their support for the health and welfare of women, children and families and vote against the Conference Report on H.R. 1757, the Foreign Affairs Reform and Restructuring Act.

Mr. DAVIS of Illinois, Mr. Speaker, I rise today to oppose the Foreign Affairs Reform Act. In this time of competitive interests and thoughts, the United States presence is more important to world peace and progress then ever before. As our world becomes more interdependent than ever before the United States must improve its relations. Most Americans know this. We must not ignore the benefits of cooperation nor must we ignore our own interdependence and responsibility as a leading nation to share the blessings of the entire world.

Mr. Speaker, I wholeheartedly reject the dangerous Mexico City Policy. It is my determination that any delay will cause serious, irreversible and avoidable harm. We must remember that in the balance are the lives and well-being of many thousands of women and children and American credibility as the leader in family planning programs around the world.

For half a decade anti-family planning lawmakers have attempted relentlessly to impose the Mexico City Policy on organizations that receive U.S. international family planning money, and make this debate a referendum on abortion. International family planning is not about abortion. No U.S. dollars are used to provide abortion services and in fact, access to international family planning services is one of the most effective means of reducing abortion.

I oppose the provision which allows the U.S. to renounce its full debt to the United Nations. The United States is $321 million behind in its payment. There is a great international game is being played out here today. Why must we continue to barter for the health and well being of millions of people around the world? I think it is the wrong time to do this and we will reap disastrous results.

We must remember and act as though this is an interdependent world. It cannot be overstated that building the Global Village and a better world for the 21st century requires a United Nations that is supported, fully funded, and respected. Achieving this momentous task must begin in the country where the U.N. was born.

Lastly, I have grave concerns with the Haitian language of the bill. I believe this is a step to decrease U.S. presence in a country which so desperately needs intervention. The secretary of state already has the authority to deny entry to persons who are suspected of human rights violations. This language is inconsistent with the existing law, which is working well, and I am worried this new untested standard will be open to manipulation by anyone who makes an allegation.

I urge members to vote against this bill and vote for preserving world peace, better conditions for the worlds families, caring for refugees and sharing the blessings of progress around the world.

Mr. POSHARD. Mr. Speaker, I rise today to register my strong opposition to H.R. 3246, the misnamed "Fairness for Small Business and Employees Act." This legislation is an outright attack on the rights of working men and women in this country and would erode many of the fundamental freedoms guaranteed by the National Labor Relations Act. I certainly hope that my colleagues will recognize this mean-spirited attempt to discriminate against organized labor and vote against the bill.

The right of workers to organized is a precious freedom, which I have fought for many years to strengthen and protect. Employers currently have at their disposal an arsenal of weapons with which to fight unionization, and tens of thousands of American workers lose their jobs illegally each year simply as a result of their support for union organizing campaigns. I fail to understand how my colleagues on the other side of the aisle can, with a straight face, claim that this bill is a necessary tool for employers. This bill is anything but necessary. Rather, it adds more injustice to an already uneven balance of power between workers and employers and effectively allows working men and women to be denied employment for exercising their federally-protected rights to organize to protect their interests.

Mr. Speaker, I serve as a member of the Small Business Committee, and I am proud of my strong efforts on behalf of the small business owners of this country. I recognize their contributions and am committed to working on behalf of their interests. But H.R. 3246 is not about fairness for small businesses, and it most certainly is not about fairness for their employees. Instead, it is nothing more than another attack on the hard-fought and fundamental rights of America's working men and women and a vicious attempt to further erode the already precarious ability of workers to organize. I will oppose this bill, and I urge my colleagues to do the same.

Mr. PORTER. Mr. Speaker, I am a strong supporter of our foreign policy initiatives, including payment of our arrears to the United Nations but I cannot support passage of this bill. I have actively supported the creation of Radio Broadcasting for Iran and Iraq and strongly approve of the new money for Radio Free Asia. My concerns lie with the reforms proposed in this bill for the UN and the restrictions placed on the funds of international organizations that provide family planning assistance.

The creation of the UN was prompted by United States leadership after World War II. The UN provides a multilateral forum for peace to be negotiated so that international tensions will never again escalate to another world war. H.R. 1757 does help to pay off the arrears that we have accumulated so that we can hopefully regain our leadership position in this organization. However, this bill also conditions this money on unilateral reforms that run in direct opposition to the spirit under which the UN was created. This lack of U.S. support for and leadership in the UN is an embarrassment which has also greatly encumbered the performance of our foreign policy.

In addition to the conditions on funding for the UN, this legislation also attaches extremely controversial and damaging restrictions on private organizations that provide family planning assistance. There has always been a prohibition on these organizations using U.S. funds to perform abortions, However, many feel that this is not a great enough safeguard and have chosen to also place an effective gag rule on what these organizations can do with their own funds. This restriction is in violation of our own Constitution yet many approve of requiring it abroad. To me, this is the greatest form of hypocrisy to which I am strongly opposed.

While I believe that nothing is more important to our foreign policy at this moment than paying our UN dues and regaining our credibility and leadership abroad, I cannot support this legislation because I believe it may do more harm than good for the long term. Placing unilateral conditions on UN funding and enacting unconstitutional requirements for family planning organizations into permanent law will only prolong the problems that have impeded our foreign policy. As we continue to experience international crises, whether they are military, economic or social, the UN and our foreign policy only become more important. We need to fully support the UN now and free our foreign assistance programs from restrictions that do nothing more than waste money and damage the effectiveness of our international development assistance programs.

Mr. CALVERT. Mr. Speaker, I rise today in support of the conference report to H.R. 1757, the Foreign Affairs Reform and Restructuring Act. This conference report accomplishes three important international goals by authorizing assistance to the democratic opposition in Iraq; reforming and consolidating the State Department; and most importantly, denying funding to foreign organizations that perform or promote abortions.

There is no justification for using our federal money to perform or promote abortions overseas, or here at home for that matter. This bill also takes an important step in consolidating two out of three international affairs agencies back into the State Department. And, it is important for the U.S. to support the democratic opposition in Iraq. The problems in the Middle East have continued for too long. It is time to put an end to Saddam Hussein's reign of terror.

I do not like the provision authorizing U.S. arrearages to the United Nations. I am no fan of the United Nations, and do not trust that institution to respect American sovereignty. It is our job as constitutionally elected representatives of the American people to protect our sovereignty. I am disappointed that this provision was included in such important legislation.

Again, I strongly support three out of the four key provisions of this bill, particularly regarding no U.S. funds being used to perform or promote foreign abortions. American foreign policy should not include promoting abortions, and no federal funding should be authorized abroad or domestically to pay for abortions. I urge President Clinton to do the right thing and sign this important legislation.

Mr. SKAGGS. Mr. Speaker, the conference report before us today is badly needed, but it is seriously flawed in its present form, and so, I'm sad to say, it should be defeated. The bill authorizes funds for the State Department and related agencies, and for money this country owes the United Nations. But the addition of the international gag rule on foreign nongovernmental organizations (NGOs) relating to international family planning funds is unacceptable. It attempts to do overseas something that would be unconstitutional if done here at home.

The "lobby" ban means that the United States would be using the threat of withholding U.S. money to blackmail foreign NGOs to promise not to use their own money not to lobby their own governments. The definition of "lobbying" is so broad that it includes making public statements that may call attention to "alleged defects" in abortion laws.

One of this country's most cherished foreign policy goals is to bring democracy and the values of civil society to other countries. This provision would stifle the kind of debate on a critical issue that we are free to conduct in this country.

As Secretary of State Madeleine Albright said: "This is basically a gag rule that would punish organizations for engaging in the democratic process in foreign countries and for engaging in legal activities that would be protected by the First Amendment if carried out in the United States."

The practical effects of the lobby ban would be ridiculous. For example, the "lobby" ban would mean that a foreign NGO could lose its U.S. family planning support if, with non-U.S. funds it writes a paper or makes a public statement that cites the incidence of maternal death due to illegal abortion, thus showing a "defect" in abortion laws. Or, in a country where abortion is legal, an NGO could lose U.S. support if it offered its own government advice on how to make abortion safer.

The gag rule approach contradicts deeply-held American values of free speech and participation in the political process. In the 104th Congress, we rejected a similar attempt to use the leverage of federal funds to prevent domestic NGOs from engaging in advocacy with their own money. We should not impose on foreign NGOs an anti-democratic gag rule that would be unconstitutional to impose on domestic organizations.

It is most unfortunate that this issue has delayed payment of U.S. arrearages to the United Nations. This country uses the United Nations to seek international support for many important foreign policy goals, most recently to enforce compliance by Iraq with its commitment to destroy its weapons of mass destruction. We risk influence in the international community on critical foreign policy goals by being seen as international deadbeats when it comes to paying our bills.

The same controversy over family planning funds last fall kept us from paying our arrearages to the UN. As a result, we lost negotiating leverage at the United Nations to lower the percentage assessment that determines our annual UN dues. That mistake is likely to cost us hundreds of millions of dollars in lower dues payments. Assessments were renegotiated last fall, and we have had to ask to reopen those negotiations. And now it is very unlikely that we can succeed in lowering our assessment from 25 to 20 percent, as called for in this conference report.

By the year 2000, Japan's assessment will be 20 percent. Surely the United States, which has a larger economy than Japan's will be expected to pay more than Japan. Other Asian countries, which had expected to take on larger assessments, are no longer able to because of the Asian financial crisis. At best, we're likely to get our assessment lowered to 22 percent, still saving taxpayers millions of dollars every year, but only if we pay our arrearages.

The simply truth is that we will continue to suffer a loss of influence and credibility in the United Nations if we continue to fail to pay these arrearages. I see no reason why this critical international responsibility should be held hostage to an extension of our domestic abortion debate. I urge my colleagues to defeat the conference report.

Mr. NADLER. Mr. Speaker, the State Department Authorization bill would place an international gag rule on organizations that use their own non-U.S. funds to provide abortion services. It also threatens to cut off $29 million from our international family planning efforts if the President attempts to defer the ban on funding to organizations that use their own private funds for abortion services. This policy is clearly unacceptable, and is not supported by the President or by the American people.

Why? Because the American people understand that family planning is necessary, successful, and addresses a critical need. According to the World Health Organization, nearly 600,000 women die each year of causes related to pregnancy and childbirth. International family planning efforts have been remarkably successful and have saved women's lives. I am shocked that proponents of these so-called "Mexico City" restrictions claim that our family planning programs actually increase the number of abortions, when, in fact, the exact opposite is true. Studies show that our efforts, as part of an international strategy, have prevented more than 500 million unintended pregnancies.

International family planning improves women's health, helps reduce poverty, and protects our global environment. Our family planning programs save lives, and they should be continued without unnecessary restrictions.

There is no need to impose this type of gag rule on organizations that use their own money to further their objectives and to make women's lives safer. The "Mexico City" restrictions are pernicious, unnecessary, and harmful. If this bill were to be enacted, it would severely limit family planning efforts and simply result in more unwanted pregnancies, more fatalities among women, and more abortions. I strongly oppose these provisions of the State Department Authorization bill.

Mr. CALLAHAN. Mr. Speaker, I rise to address several aspects of this legislation which authorize appropriations for activities under the jurisdiction of the Subcommittee on Foreign Operations, which I chair.

First, I would like to congratulate the gentleman from New York for his hard work on this conference report. He has produced a product that deserves our full support.

Sections 1104 and 1231 of the conference report authorize funds for International Organizations and Programs and for Migration and Refugee Affairs. There are several subauthorizations within these sections. However, the level appropriated for the accounts in 1989 is such that these subauthorizations will not result in the earmarking of funds for the purposes specified. For fiscal year 1999, I do not feel bound by the limitations imposed by the authorizations for specific activities within these accounts. The programs mentioned may all be meritorious, but they must receive funding on the basis of a balance among all the programs within the appropriations accounts.

Section 1815 of the conference report would earmark not less than $2,000,000 in fiscal years 1998 and 1999 for activities in Cuba. Despite the fact that the State Department has indicated that it will be obligating at least this level of funds in fiscal year 1998, this earmark does not conform with the proper roles of each committee in the allocation of appropriated funds. It is the role of the International Relations Committee to establish policy and to place a ceiling on the amount of funds that should be made available for appropriations accounts and activities. However, the allocation of funds within those authorization levels is reserved for the Appropriations Committee.

I must respectfully inform the House, and the authorization committee, that I will not be bound by such earmarks or limitations when I make my recommendations for fiscal year 1999 for the Foreign Operations appropriations act.

Once again, I congratulate the gentleman from New York for his work on this legislation. Aside from these minor matters, it is a conference report that deserves our full support.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois (Mr. HYDE) for his remarks, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KINGSTON). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

EXPRESSION FOR APPRECIATION FOR HARD WORK OF MEMBERS ON CONFERENCE REPORT

Mr. DELAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DELAY. Mr. Speaker, I appreciate this vote, and I appreciate the work of the chairman of the Committee on International Relations, and I appreciate all the hard work that has been put into this bill. Our Members are very appreciative of all of the cooperation of all of the Members on the floor.

We think this is an excellent bill, and we want to give credit where credit is due to the Members of the House, and particularly the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary. The chairman of the Committee on International Relations has done a great service for this House, and the gentleman is to be commended for a bill that is consolidating the State Department and bringing some very needed reforms.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank our distinguished whip for his kind remarks, and I just want to remind our Members that there are a number, as the gentleman from Illinois (Mr. HYDE) indicated, of significant provisions in the measure we have just adopted.

We consolidated foreign affairs agencies into the State Department, something that we have been advocating for a number of years, something the Senate has been advocating. We provided $38 million in assistance to the democratic opposition in Iraq, in attempting to move Iraq away from the violations that have occurred with regard to the biological and chemical weapons. We strictly conditioned U.N. arrearage payments on a number of internal reforms that we are seeking. We initiated long-term reforms of the United Nations; that is the Helms-Burton package. We are saving taxpayers money by reducing the United States assessment at the United Nations. And most importantly, we initiated the McBride fair employment principles for the troubles in Northern Ireland.

Mr. Speaker, we have accomplished a great deal by this measure.

Mr. DELAY. Mr. Speaker, reclaiming my time, I thank the gentleman for his remarks, and I think this is a wonderful day for the House of Representatives in reflecting this vote.

PROVIDING FOR CONSIDERATION OF H.R. 3246, FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 393 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from south Boston (Mr. MOAKLEY), my very good friend, who I am happy to say has just arrived in the Chamber, and pending that, I yield myself such time as I may consume. Mr. Speaker, all time yielded will be for debate purposes only.

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Mr. Speaker, this rule makes in order H.R. 3246, the Fairness for Small Business and Employees Act of 1998, under a structured rule providing for an hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce.

The rule makes in order one amendment by the chairman of the Committee on Education and the Workforce, offered by the gentleman from Pennsylvania (Mr. GOODLING). The rule provides that the amendment shall be considered as read and debatable for 20 minutes, equally divided and controlled by the gentleman from Pennsylvania (Mr. GOODLING) and an opponent.

The amendment shall not be subject to amendment, and shall not be subject to a demand for a division of the question. Further, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, although this is a structured rule, it would also be correct to characterize it as a very fair rule. As Members know, H.R. 3246 amends a broad cross-section of the National Labor Relations Act. The Committee on Rules required Members to prefile their amendments in advance, in an effort to ensure that the House would have a focused debate on the issues specific to this legislation.

Four amendments were filed with the Committee on Rules, and of those, three were actually withdrawn. In fact, two amendments filed by the ranking minority member of the Committee on Education and the Workforce, the gentleman from Missouri (Mr. CLAY), were withdrawn as a result of a motion offered by the gentleman from Massachusetts (Mr. MOAKLEY), which the Committee on Rules adopted by a voice vote. Those two amendments would have added 20 minutes and 60 minutes, respectively, to the debate.

Mr. Speaker, I want to applaud the gentleman from Pennsylvania (Chairman GOODLING) and the gentleman from Illinois (Mr. FAWELL), the chairman of the Subcommittee on Employer-Employee Relations, for their very thoughtful work on this bill in moving it forward.

If enacted, the bill will end abusive practices against workers by organized labor and the Federal bureaucracy. It will level the playing field for small businesses, small unions, and employees by creating an impartial National Labor Relations Board.

It will also end the practice of what is known as salting, whereby professional agents and union employees are sent in to nonunion workplaces under the guise of seeking employment, only to inflict harm on those employers.

So, Mr. Speaker, let me say, this is, I believe, a very fair and balanced structured rule. I urge my colleagues to support this measure, which makes in order this fair and commonsense bill which will provide relief for small businesses, for labor organizations, and employees.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my Republican colleagues have not named this bill very well. They call it the Fairness for Small Business and Employees Act, but it is neither fair, nor is it for small businesses.

Mr. Speaker, I urge my colleagues to oppose this rule and oppose the bill. This is bad news for American workers, particularly construction workers, and it seriously undercuts the National Labor Relations Board. This bill hurts workers' rights to bargain collectively by allowing businesses to refuse to hire or even fire people who have been members of unions or who have worked in union shops.

Let me repeat this, Mr. Speaker. This bill allows employers to refuse to hire people they suspect might be affiliated with a union. In other words, Mr. Speaker, it allows businesses to fire workers who might report unlawful conduct, but it allows businesses to keep hiring outside union busting consultants. That is all right.

Keep in mind, Mr. Speaker, that these so-called union organizers do a good day's work. They show up on time. They work hard. They follow the rules. They are not standing around the water coolers passing out leaflets all day. They do their jobs satisfactorily. If they do their job satisfactorily, Mr. Speaker, they should not be fired for union activities or affiliations. After all, Mr. Speaker, these people come to organize employees, not to eliminate their jobs, as my Republican colleagues will imply.

But, because some employers fear the power of collective bargaining, they want to be able to refuse to hire someone or even fire someone for suspicious siding with the unions. This bill allows them to do that, Mr. Speaker, and that is patently wrong.

It also gives employers a powerful tool to slow down workers' choice of unions. This bill makes taxpayers pay the legal fees under the National Labor Relations Act whenever the business wins. Mr. Speaker, making taxpayers pay, even in cases where the National Labor Relations Board's position was substantially justified, is in violation of the "American rule" under which each party to a suit pays their own costs.

There is no reason to think that the NLRB is bringing up frivolous cases. In fact, Mr. Speaker, last year the NLRB won 83.7 percent of the cases which went to the courts on appeals, so they are not just taking any old case lying around. When they do take a case, they prosecute it very well.

Perhaps, Mr. Speaker, that is the problem. Back in 1935, the National Labor Relations Act was enacted to encourage the practice and procedure of collective bargaining. But because "unions are essential to give laborers opportunity to deal on an equality with their employer," in other words, collective representation, it promotes American economic and social good.

Mr. Speaker, some of my colleagues talk about unions as if they were a dirty word. They imply that union organizers are only out to destroy businesses, and, Mr. Speaker, that absolutely is not true. Organized labor has just as much of an interest in keeping people's jobs as employees who have an interest in keeping businesses running.

Collective bargaining is not a tool to destroy companies, and neither are unions. Unions give workers a voice at a time when the gap between rich and poor is ever widening, so we need all the unionizing we can get.

Unions raise living standards, they help close the wage gaps between women and people of color, they fight discrimination, and promote civil and human rights. But as it stands today, Mr. Speaker, about 10,000 working Americans get fired every year just because they support unions. This bill is just one more attack on the working people's rights.

Mr. Speaker, this bill is a giant step backwards in worker-employer relations. It gives employers even more ways to trample the rights of workers to organize and bargain collectively, and, along with this rule, should be defeated.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all we are trying to do is make sure that small businesses have the exact same rights that the gentleman and I do in hiring practices in our offices.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. I concur, Mr. Speaker. That is all I am here for, is to make sure that unions and collective bargaining agents and employers have all the same rights.

Mr. DREIER. Mr. Speaker, we are trying to protect the rights of employees, the small labor groups, organizations, and, of course, the backbone, the backbone of the United States of America, the small businessman and woman.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, let us call this bill for what it is. It is shameful union-bashing. That is what it is. At least our Republican colleagues are consistent about being anti-worker, anti-union, anti-middle class persons. This amends the National Labor Relations Act to permit employers to refuse to hire a person who seeks employment in a nonunion firm to organize the workers into a union.

This is an anti-union bill. It is a bill to restrict workers from organizing, make no mistake about it. It makes it much more difficult to organize workers for better pay benefits, punishes workers for their affiliations with organizations outside of the workplace, and infringes on their right to free speech.

The President is going to veto this bill in its present form. The bill absolutely should be defeated. It is an absolute disgrace. It overturns the unanimous 1995 Supreme Court decision that said "Employees or job applicants attempting to organize a workplace have the same employment protections as any other employee or applicant."

This, again, is shameful union bashing. This body should reject it, and I urge its defeat.

Mr. MOAKLEY. Mr. Speaker, I yield 2¾ minutes to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the American tradition has been to organize all kinds of groups everywhere in this country. The National Labor Relations Act was intended to encourage people to organize on the job. This is a bill to discourage people from organizing.

What it says is that an employer can discriminate if the primary purpose of a person was furthering other employment or agency status. 50 percent of their intent is not to work for the employer. In that case, there is no protection.

Who is going to interpret this, and under what circumstances? If someone is fired, it is up to the NLRB to present a prima facie case showing that the employee applicant on whose behalf the charge of discrimination has been filed is not a person who has sought employment with such a primary purpose.

This is going to discourage organization. That is its purpose. There is reference in the report of the majority to paid union organizers. This applies to anybody, anybody at all, anybody who is seeking employment.

It also refers in the majority report to the fact that in some cases an employee may disrupt projects or disrupt the workplace. Look, in those cases the employer has the absolute right to discharge somebody if they disrupt a project or if they disrupt the workplace.

The real tip-off is right here on page 6. It says "These agents," and it does not have to be an agent, it says here that they often attempt to persuade bona fide employees to sign cards supporting the union. The purpose here is to try to discourage people from signing union cards.

Look, this is a deep disappointment to anybody who believes in the right of people to organize. This is class warfare. I have heard a lot of the Members of the majority talk on the floor about class warfare. That is what they are engaging in here, class warfare against working families, blue collar families, and increasingly, white collar families.

They should never have brought this to the floor. It will never pass, if it does the House, the Senate and be signed by the President. I do not know whose interest Members are trying to serve. It is not the interests of typical American working families.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Naperville, Illinois (Mr. FAWELL), chairman of the subcommittee.

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I will not take a great deal of time. I think that some kind of reply to these rather exaggerated statements that have already been made by the Members of the other side of the aisle is in order.

Mr. Speaker, we have four bills here that are included in one termed the Fairness for Small Business Act. From my viewpoint, and I think when we have the debate here we will find that we have relatively benign and very reasonable suggestions for improvement that will be good for employers, be good for employees, be good for labor organizations also. Truth in employment is not something that is bad, and in this bill it deals with salters, and we do have a problem.

Not all unions are involved in salting tactics, but what we simply say, and we do not repeal the Supreme Court decision in Town and Country whatsoever. We simply say that if there is a bona fide applicant that is applying, then the full accord of the Town and Country Supreme Court decision takes effect. That applicant is deemed to be an employee.

□ 1700

In no way can the nonunion shop discriminate in any way against that applicant because the applicant may be a member of a union or even a paid employee of the union.

What we do say is that if that applicant is not a bona fide applicant, if the person is seeking employment with the employer and the primary purpose of seeking employment is furthering another employment, for instance if one is full-time employed by the union, as is oftentimes the case with the salters, then we will say that if the facts show that the primary reason, that is, more than 50 percent of the reason for one applying is because they want to further some other employment, then we are suggesting that is it not common sense that under those circumstances the NLRA would not cover that kind of a situation, and only in that kind of a situation.

Then we also suggest for the small businesspeople of America, and for the small labor organizations, too, that if when there is a charge brought to the National Labor Relations Board and the general counsel decides that there is going to be a complaint that is issued, whether it is an unfair labor practice against a labor organization or unfair labor practice against an employer, and we are talking about small employers and small labor organizations that have less than 100 employees and net worth of less than $1.4 million, under those circumstances, if the small business or the labor organization actually wins the case, then the loser is the National Labor Relations Board which is financed by the taxpayers against these small businesses and against these small unions, then under those circumstances we are suggesting that the small business should be reimbursed for the legal fees because they cannot afford to continually try to defend themselves and oftentimes as many as 40 or 50 unfair labor practice charges.

Then we have several other bills, too, that I am not going to go into at this time. But suffice it to say that if Members will look carefully at this, it does not do any credit to call this union bashing. These are bills that we have worked on for quite some time. There is some bipartisanship to it. There is some opposition, obviously, but it is not union bashing. And hopefully we can have a debate that can be heightened over that kind of rhetoric.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this bill is the latest in a series of efforts by the Republican majority to undermine working men and women in this country. First the Republican Majority tries to silence the voices of rank-and-file Americans under their phony campaign finance reform bill. Now they want to give employers the power to hire and fire workers based solely on their support for union representation.

Again, we have very damaging legislation clothed in an innocuous title. This bill is called the Fairness for Small Business and Employees Act of 1998, but it is not fair, it is not limited to small businesses, and it certainly does nothing for employees.

Mr. Speaker, make no mistake about it, this bill permits employers to discriminate against workers on the basis of the worker's union support. It would permit and even encourage employers to interrogate applicants on their preferences for union representation and refuse to hire the applicants on that basis.

This bill overturns the unanimous 1995 Supreme Court decision. The Court said that a worker can be a company's employee and simultaneously work in support of union representation. But the Republican majority does not like the Supreme Court decision and they do not like labor unions so they plan to overturn the Court's decision with the passage of this bill.

The Republican majority says that this bill is necessary to prevent abuses by employers. This is nonsense. Employers already have more than enough power to control what goes on in the workplaces. Current law already provides that employers may prohibit union solicitation during working hours. Current law allows employers to prohibit their employees from even discussing the union during work time.

Current law allows companies to require employees to attend meetings, listen to campaign speeches and watch campaign videos. Current law allows employers to fire employees who refuse to listen or dare to ask questions in such captive-audience meetings.

Mr. Speaker, the message of this bill is that employers can never have enough power over their workers. The message of this bill is that employers' decisions to hire or fire employees can be based solely on that employee's beliefs and their desire to have a unionized workplace and their activities outside of nonworking hours. The message of this bill is regardless of how hard one works, how much they produce, how impeccable their record of service, they can be fired for wanting and seeking a better representation for themselves and their co-workers by having a union in the workplace.

Mr. Speaker, this bill is antidemocratic, it is antiworker, it is antiunion, and my colleagues ought to vote against it.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Speaker, today I rise in strong opposition to this bill. If there were ever a bill written to bust the unions, this is it.

Working families organized unions to give themselves a voice and to protect their safety. Unions provide workers with peace of mind because they know their leadership at the negotiating table with management is necessary to get the highest possible wages, the best possible health care and pension benefits. Without these collective bargaining guarantees, working men and women will not be afforded a place at the bargaining table to ensure the highest possible living standard for themselves and their families.

Mr. Speaker, this bill takes three steps backwards. It reverses a key provision of the National Labor Relations Act which prohibits employers from discriminating against who they hire. What this bill says is that if an employer suspects a person is applying for a job to organize a union, then the applicant is out the door. Imagine the leeway an employer would have to turn away job applicants. An employer's convenient excuse not to hire a person of color, for example, is because that person might be a union representative. This bill would gut the National Labor Relations Act to the point of ineffectiveness.

Mr. Speaker, I understand the gentleman from Pennsylvania will offer an amendment to attempt to eliminate the ambiguity. The amendment states that any "bona fide" applicant will be protected under the NLRA. What subjective criteria would an employer use to determine who is a "bona fide" employee? This is ludicrous.

Mr. Speaker, this bill should not be on the floor. Job applicants should never be discriminated against if they belong to a union, if they support a union, or if they want to participate in union organizing activities. This bill is a clear, shameless attempt to ban organized unions at nonunion workplaces. It is an attempt to deny collective bargaining rights to workers who want the right to organize.

Finally, this bill is an attempt to tear down the unanimous 1995 Supreme Court ruling that says that it is illegal to deny employment to a paid union organizer, or to fire that person, if the person applies for a job for the purposes of organizing a union in a nonunion workplace.

Mr. Speaker, in closing I ask my colleagues to vote against this bill. Its purpose is to bust unions, to bust the people that are in them, and to weaken the labor laws which were written to improve the lives of America's working families. We should not allow it. Let us fight with all we have got.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. CLAY) the ranking member on the Committee on Economic and Educational Opportunities.

Mr. CLAY. Mr. Speaker, I rise in opposition to this rule. It is appalling that we would limit amendments on a bill that tramples the rights of millions of workers and their families. It is no exaggeration that this bill rips the heart out of the National Labor Relations Act and says a good deal about the priorities of the majority.

Rather than working on measures that will improve the lives of working families, this legislation would jeopardize the great progress the NLRA has made in providing workers with better wages, benefits, and working conditions.

The enactment of the historic National Labor Relations Act was prompted by a severe and violent labor unrest. Back then, labor laws were stacked against workers. Management had the law on its side. The courts readily gave them injunctive relief, and the police also used excessive force to break strikes.

The NLRA created a careful balance of rights for employees and employers. This bill guts that law which has brought so much opportunity and stability for working families and, incidentally, for employers.

Mr. Speaker, we should emphatically reject this rule and I urge its defeat.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just respond briefly to the gentleman from Missouri (Mr. CLAY), my good friend from St. Louis, and say that we in the Committee on Rules planned to make every amendment that was submitted in order. And while I found the gentleman's remarks very interesting, the one little caveat, the gentleman did say that he did not want to offer amendments and that he just did not like the bill and did not want to do that when we were holding the hearing up in the Committee on Rules. I think it is important for the RECORD to show that.

Mr. Speaker, we were prepared to make the gentleman's amendments in order and, in fact, we did make them in order, and the gentleman from Massachusetts (Mr. MOAKLEY) offered the motion that unanimously passed in the Committee on Rules that, in fact, allowed for the withdrawal of those two amendments which had been submitted by the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Speaker, if the gentleman is going to quote me, I wish he would quote me accurately.

Mr. DREIER. Mr. Speaker, I am happy to yield to the gentleman to clarify that.

Mr. CLAY. Mr. Speaker, what I said to the gentleman was, first of all, it is not an open rule because the committee required preprinting in the RECORD.

Mr. DREIER. Mr. Speaker, that is correct.

Mr. CLAY. Mr. Speaker, the second thing I said before the Committee on Rules is that no amendments whatsoever could make this bill worth passing by this body, and that is how I wanted to be quoted. We cannot fix this piece of trash that we are now deliberating.

Mr. DREIER. Mr. Speaker, reclaiming my time, if we had an open rule, the gentleman would not offer any amendments. And we have now a very well-structured rule that would have made the amendments that the gentleman talks about offering and did initially submit in the Committee on Rules in order, and he has chosen not to do that.

Mr. CLAY. Mr. Speaker, if the gentleman would continue to yield, it would have permitted other Members who might have wanted to offer amendments to offer them. I said in my opening statement before the Committee on Rules that this should not even be considered by this body.

Mr. DREIER. Mr. Speaker, we certainly welcome the opportunity for all of our colleagues to submit amendments to us, as we had announced earlier on the House floor. And so I think that we have pretty well clarified the issue.

Mr. CLAY. Mr. Speaker, we are going through an exercise in futility. We do not know whether the Senate will take it up or not, but we know that the President has declared that he will veto this piece of legislation, and my colleagues on the other side of the aisle do not have enough votes to override a veto.

Mr. DREIER. Mr. Speaker, again reclaiming my time, I think the very hard work of the gentleman from Illinois (Mr. FAWELL) and the gentleman from Pennsylvania (Mr. GOODLING) has brought forth thoughtful legislation, and we are going to work our will here in the House.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), the minority whip.

Mr. LEWIS of Georgia. Mr. Speaker, this bill is a thinly veiled attack on America's organized workers. It is a Republican retribution bill. If one disagrees with the Republican majority, it will not be long before they are under investigation or under attack right here on the floor of the House of Representatives.

Mr. Speaker, this bill is not just an antiunion bill, it is un-American. This bill will allow employers to discriminate against and deny employment to workers based solely on their connection with a union.

What happened to freedom of speech? What happened to freedom of assembly? What happened to freedom of association? This bill is a naked attempt to intimidate American working families. It is a shame, it is a disgrace, and it has no place on this House floor.

I urge my colleagues to kill this bad un-American bill. Get it off of the floor, and send it to the trash heap dump right now.

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Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, any list of all-American, to-die-for rights will find the right to organize there at the top of the list. This bill tears up the right to organize, throws it in the dumpster.

How many violations of basic rights can the majority cram into one bill? The answer is, as many as it will take: freedom of speech, freedom of association, the right to organize, due process. How many ways are there to break unions? We will find a litany of them in this bill, including a brazen new employer right to discriminate against a worker who wants to organize a union in their company.

We want to start a union today? We already take our job in our hands. Ask the 10,000 who are unlawfully fired every year for union activity. We have blocked labor law reform to balance and bring fairness to labor law in this Chamber for 20 years. Now we are trying to kill what is left of the right to organize.

What do they want? We are already down to only 14 percent of workers organized in unions in this country. Have we forgotten that collective bargaining is a legitimate and time-honored part of the market system? In America, trying to organize a union should not make one a second-class citizen. Defeat this rule.

Mr. DREIER. Mr. Speaker, as we continue to pursue clarification on this issue, I yield 4 minutes, once again, to my friend, the gentleman from Illinois (Mr. FAWELL), chairman of the subcommittee.

Mr. FAWELL. Mr. Speaker, I hope we can clarify what the issues are.

I think I showed up in the wrong room. We are arguing about things that have nothing to do with the legislation that we have before us, and we are being accused of union bashing and all that; and I hear my colleagues say that a union member can no longer be engaged in organizing, that there is no ability to be involved in collective bargaining and things of this sort.

All that we are trying to clarify here, while keeping in complete accord with the Supreme Court decision in Town and Country where it was made very clear that an employer cannot discriminate against any applicant on the basis of the fact that he may be affiliated with a union or that he may even be a paid employee of a union.

The Supreme Court said there is not inherently a conflict. Now, there could be a conflict, but not inherently a conflict. So all we are trying to do, and I think almost every reasonable person would say that, however, where we have an applicant where it can be said that the primary reason that he is there is not because he wants to really go to work for that employer; the primary reason he is there is because he wants to further the interests of another employer.

Now, that is all we are trying to say. And I think inherently an American concept that would, any one of us, as a Member of Congress, think is right that we should hire someone who wants to work for us, and the primary reason they want to work for us is because they want to further the interests of another employer. That is all that we are asking, and that is a factual question.

Bear in mind that when a complaint is lodged of an unfair labor practice and the issue is whether or not the applicant was bona fide or not, guess who will make the initial decision in that regard? It will be the National Labor Relations Board, the general counsel, that will determine whether there is even a cause of action or a complaint that should be issued. Now that is what we are talking about here.

There is an old saying, "If the facts are with you, pound the facts; if the law is with you, pound the law; but if you do not have either, pound the table." And I am hearing a lot of pounding of the table here, but I hope we can get back on something that is relevant.

Every once in a while, as an attorney, I would like to think that we are talking about the issue that happens to be before us. And we are straying way out. And my colleagues make good points with labor organizations I think but not much, I think, as far as common-sense debate.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, my friends on the other side of the aisle are trying to put a smiling face on this effort to hurt the American worker and talk about it in some kind of legalese because they are a bunch of lawyers. But nobody is going to be fooled around here. There are a lot of lawyers over the years that tried to hurt the unions, and nobody is going to be fooled by what they are saying on the other side of the aisle here.

I remember a time when there were Republicans, particularly in the Northeast, who supported the average worker. But this Republican leadership is at war with America's workers. And since I consider workers the backbone of America, I think it is fair to say that the Republican leadership is at war with America and what it represents.

The Republican bill will allow employers to discriminate against people they suspect of trying to organize their workplace, and the employer can refuse to hire them, or fire them if they have already been employed, because of their union ties. If this country adopts the principle that union organizing is somehow against the public interest, then we are in serious trouble. America's strength is its middle class, and that middle class will dry up without organized labor. We will start to see lower wages, fewer pensions, and less health care benefits for workers.

Mr. Speaker, let us stop the union busting. If we do not provide the ability of workers to organize, we will be in serious trouble as a nation.

Mr. MOAKLEY. Mr. Speaker, may I inquire how much time remaining I have and the gentleman from California (Mr. DREIER) has?

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from Massachusetts (Mr. MOAKLEY) has 11 minutes remaining, and the gentleman from California (Mr. DREIER) has 18 minutes remaining.

Mr. MOAKLEY. Is the gentleman from California interested in yielding me any time, Mr. Speaker?

Mr. DREIER. Mr. Speaker, I do not think so.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I rise in opposition to the closed rule and the underlying antiworker bill. This debate is about fairness and the basic rights of hard-working Americans. If this bill passes, a worker could be fired just for trying to improve working conditions by organizing his or her fellow workers; or a worker may not even be hired in the first place, even though he or she is the most qualified applicant, just because the company executive thinks that that person might organize workers in the future.

In 1995, the U.S. Supreme Court said that it is unconstitutional for American executives to fire or discriminate against those who they want to silence. But these corporate executives refuse to take no for an answer, so they are trying to bring this bill to the floor.

H.R. 3246 defies what we fundamentally believe as Americans. It gives companies a license to discriminate against hard-working Americans who only want to be able to speak out and stand up for their rights, who want a safe work environment and who want to express their desire for reasonable health care for themselves and their family, and a livable wage.

I strongly urge that my colleagues vote against this rule and the bill.

Mr. DREIER. Mr. Speaker, I yield 2½ minutes to my good friend, the gentleman from Dallas, Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, 22 million small businesses thrive in America, thanks to the free enterprise system. Today, the bill before us, the Fairness for Small Business and Employees Act will further guarantee a fair and level playing field for all employees.

Many of America's small businesses are crippled by a tactic known as "salting." Salting has nothing to do with how our food tastes, believe me. But it will raise their blood pressure if they are a small business owner. Salting occurs when a union agent, which is known as a "salt," applies for a job in a nonunion workplace. The agent intentionally conceals his true objective, which is to sabotage the company and drive them out of business because it is nonunion.

Now, that is not American. I think my colleagues would agree. But some salts are straightforward and just come right out during the hiring process and interview and they identify themselves as union agents and they demand, if they are not fired, they will then file a grievance against the company. Either way, Mr. Speaker, this is criminal. It is not the American way.

Let me give an example of how salting destroyed a company in my home State of Texas. A nonunion electrical company in Dallas, about 30 employees, was hired to work on a school construction project. They advertised the jobs in the newspaper. The local electricians union saw the ad and paid union agents to go and apply for a job. The electrical contractor hired these agents, unaware that they had an ulterior motive. The agents then proceeded to destroy the company.

They staged small strikes by leaving the job for 3 or 4 hours, but returning just before they could be replaced. They also sabotaged the electrical work and went on to file close to 50 grievances against the company, eventually driving it out of business.

This bill will put a stop to malicious activity like this and protect small businesses in their efforts to hire loyal, hard-working employees. The small businesses will no longer fear the threat of destructive lawsuits filed by union agents.

This protection is long, long overdue. We are just asking, please, unions, obey the law, stop terrorizing working men and women. Small businesses are the backbone of this Nation and they deserve honest, hard-working, and dedicated employees. They deserve protection against unscrupulous union practices.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to the rule on this legislation. The rule blocks any amendment that might solve the problems created by the bill. The fact is that current law provides that employers may dismiss any worker, including an organizer, if that worker does not work.

The Fawell bill specifically permits employers to refuse to hire workers who seek to organize the workplace. This legislation does not bring fairness to the workplace. It reverses the unanimous Supreme Court decision that stopped companies from firing or refusing to hire employees simply because they are union organizers.

By reversing their decision, this bill undoes 100 years of progress. It returns the United States to a time when the government had not learned the meaning of basic employee rights and helped unscrupulous robber barons trample workers' rights. It returns the United States to a no-balance existence between employees and their employers.

I have experienced what happens when this balance is not protected. My mother worked in a sweatshop in New Haven, Connecticut, during the early part of this century, slaving over a sewing machine for next to nothing. America must not return to this low point in our history. This bill will allow our firms to discriminate against hard-working men and women who are exercising their basic right to organize.

American families are struggling. They scramble to make ends meet. This bill gives workers an untenable choice: Lose job opportunity or give up your basic right to organize for decent pay, safer workplaces and a secure retirement. Either way, it is American families who lose.

Our Nation is stronger when everyone who wants to work is able to work. I urge my colleagues to reward work and vote against this rule.

Mr. MOAKLEY. Mr. Speaker, once again, may I inquire as to the remaining time?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) has 8 minutes remaining, and the gentleman from California (Mr. DREIER) has 15½ minutes remaining.

Mr. DREIER. Mr. Speaker, I would be happy to yield time to my friend if he were to have maybe one more speaker and I would yield him one minute if that would be an arrangement.

Mr. MOAKLEY. The generosity of my colleague is just overwhelming.

Mr. DREIER. Do not say I did not offer.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Speaker, I am glad to follow my colleague from north Texas. Although I have to admit the free enterprise system is great, what concerns me about this bill is, it removes the free enterprise system from the employees. The Fairness for Small Business Employees Act of 1998 more appropriately should be called the antiworker freedom bill of 1998.

This Republican bill allows businesses to fire or refuse to hire employees based on their union affiliation. What concerns me is that this will now be used, if I went and applied right now for a job in a printing company because maybe I had at one time been a union member and maybe still am, I could not be hired based on that purpose, Mr. Speaker. And that is what this bill is allowing us to do.

I call the sponsors' attention to page 4 of the bill, where it says "a bona fide employee applicant." That language in there will allow that person making that hiring to say, you are not a bona fide employee just because you happen to maybe have been a union member or maybe a current union member, even if you are not an organizer.

☐ 1730

Furthermore, it would allow employers to discriminate against people who might try to organize in the workplace by simply refusing to hire them. How can you discriminate or even determine someone who might be a union member or former union member? These type of characteristics are not determined by physical characteristics, such as eye color or hair color. What is next? Maybe we are going to discriminate against individuals because maybe their religious beliefs maybe have more propensity to be a union member. Maybe Christian employees should not apply for businesses that maybe have a different religion. Is that what we are getting to in our country?

I think we are taking away the freedom of employees, in some cases the freedom of businesses to be able to say, "We're not going to hire you based on you may be a union organizer." I think that would leave such a gaping hole in our law. This rule does not allow us to amend that, Mr. Speaker. That is what is wrong with this rule.

This bill would overturn a unanimous 1995 Supreme Court decision which held that a union organizer employed by a company was entitled to the same protections as any other employee. My concern is that just because I am a union member and I may vote for a union if I worked at a nonunion company, this bill would allow me to be called a union organizer just as a union member. That is what this bill would allow us to do, Mr. Speaker.

Mr. FAWELL. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Speaker, I simply want to make it very, very, very clear that we do not in this legislation say that the employer has any right to discriminate against an applicant because the applicant is a member of a union. We make it clear that the Supreme Court decision is not in any way affected. One can also even be a paid member of a union. There can be no discrimination.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from Naperville, IL (Mr. FAWELL).

Mr. FAWELL. Mr. Speaker, the point I want to make is that you can have all the union organizing you want. There can be no discrimination against you because you are a member of a union or were a member of a union. Nothing like that is touched.

Mr. GREEN. If the gentleman will let me respond, I will be glad to read him the section of the law that I have the concern about.

Mr. FAWELL. Let me just conclude by saying, the only person that we are concerned about is the person who is applying for a job primarily, "primarily," so that is more than half of his basic reason for applying is because he wants to further some other business. It does not even have to be a union necessarily. Then he is not a bona fide applicant. That is all we are saying here. I hope the rhetoric can be turned in that direction.

Mr. GREEN. If the gentleman will yield, I will be glad to read the section, because I may have done my apprenticeship as a printer but I also went to law school and learned how to read the law. "Nothing in this subsection shall be construed as requiring an employer to employ any person who is not a bona fide applicant." My concern is the definition of bona fide is going to be made by that person making that decision to hire that person. That is my concern.

Mr. FAWELL. The gentleman did not read the definition of a bona fide applicant. The definition of a bona fide applicant, we tried to bend over backwards by saying it is somebody who basically is there who really does not want to work there, he is primarily there in furtherance, primarily, the motivation is in furtherance of another agency or another employment. Bear in mind that it is the general counsel of the NLRB that has to make the initial decision as to whether that is true.

Mr. GREEN. Again I am concerned about how it works in the real marketplace.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Pleasantville, PA (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise to support the rule. It is interesting as a former employer for 26 years and a small businessman myself, I guess I feel like I am suddenly the bad guy, that America's small businesses are some evil force that wants to hurt workers. If we are going to grow in this country and prosper, small business and workers and unions need to work together.

This bill addresses a practice of professional agents or union employees or other people, a competitor's employees coming into a workplace under the guise of wanting employment when they are really there to cause problems. If you had invested everything you have into a business, you would be much more willing to discuss this issue fairly. If you had everything you owned on the line in a business and somebody was coming to work for you who was there for subversive reasons, whether it is organizing or it is your competitor to cause problems with your workers, and it happens both ways, you would be very much against that. That is not fair.

In chapter 2, we talk about the NLRB to conduct hearings to determine when it is appropriate to certify a single location or multiple locations. What is wrong with business having a hearing? What is wrong with public process? Letting both sides be heard to make a decision?

Chapter 3 deals about a time limit of when the rules need to come out, the rulings. What is wrong with the 1-year time limit? That just makes sense. That is what is usually done. When it is not done, it is usually done to hurt somebody.

The final provision in chapter 4 is legal cost. If you are a small business and a bigger entity is after you and has unlimited legal ability, they can break you. If it is found that you have been fair, they should pay your legal fees. If we do not give small business a decent break in America, we are not going to grow, the poorest of America will not get jobs, because that is where they start, in small businesses who are growing and prospering. That is the future of America.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, what we are saying is that we want working families to live by a different set of rules. We want two Americas. Working families and the people who represent working families have to live by a different set of rules.

We want a loyalty oath for a worker going into a business; they must take a loyalty oath. We do not ask people going into management to take loyalty oaths. We do not ask consultants who come to work for a company to take loyalty oaths. They might be spying on you, industrial spying might take place by an outside company. Nobody asks them to take some kind of loyalty oath and prove their intent.

What would happen if Bill Gates was to say to all the young people who are information technology workers that if you want to come in, that you have got to take a loyalty oath that you are not going to use your experience here to develop some business later? Half of them who go in go into the larger enterprises for the purpose of learning the ropes, then they go out and they develop their own entrepreneurial activity. That is the American way. It is that way for businesspeople. Why should it not be that way for people who represent working people or working people?

You want a different set of rules. This is part of the Republican assault on working families. We had it in 1994. There was a Contract With America. In the Contract With America, they said nothing about attacking working families. But suddenly when they arrived, we found that they had a covert plan to attack unions and working families. They launched it. It was like Pearl Harbor. They launched a massive attack against unions and working families. The unions were not docile. They did not sit still and remain silent. They refused to take it. They fought back.

Now we have a regrouping. Speaker GINGRICH uses the metaphor often that politics is war without blood. Now you have the regrouping of all the forces. This Congress, they are now launching a new assault on working families. This is the first salvo of a new assault. There is coming later the Paycheck Fairness Act; they have got a whole line of things in respect to OSHA. Working families are still the target. This time it is going to be the Battle of the Bulge. They are going to go all out. The Paycheck Protection Act seeks to strangle, smother or stab unions in a way that they never would be able to recover. This is the opening salvo.

We have got a whole series of bills like this designed to create an America for working families and their representatives which has nothing to do with the America the rest of us live in. I appeal to the Republicans to call off their war against working families. Let us not go through it all over again. We went through it in 1994. All the salvos against OSHA, we beat them back. NLRB, you wanted to kill before by going through the appropriations process and lopping off half the budget. You had one attack after another that failed in the last Congress. Now you are launching a desperation attempt because unions would not take it, they fought back, and they are vocal, they are defending the interests of working people.

Now we have unheard of restrictions on activities that are designed to balance off the interests of the business class. Right wing, extreme business folks are demanding that you go through with this attack, you continue this attack, and we have a series of bills that now are clearly out to destroy the rights that everybody enjoys in the name of trying to protect us from unions that are extreme and subversive. Why should organizing a union be subversive? Why should a person who goes to work for a business be automatically suspect because they are a worker? Why should the NLRB now be reformed when it existed under the Bush and Reagan administration for many years and it took them forever to come out with decisions. The NLRB, OSHA, anything that relates to working people is under attack. This is the first salvo. I think we should understand it and get ready for it.

Davis-Bacon, all of the kinds of things that have been set up over the years, sometimes by Republicans. Davis and Bacon were Republicans. But Davis-Bacon is under attack, too, the prevailing wage law. There is nothing that benefits working families in America that will not be attacked in the next few months as the new Battle of the Bulge is launched to try to get even with the unions for defending their own interests.

You had Pearl Harbor. We suffered a terrible attack at Pearl Harbor. But remember who won the war. The unions in fighting back have only done what they are supposed to do in terms of representing the interests of workers. For representing the interests of workers now, they are told you are going to have to give reports; you are going to have to let every member vote and decide on any position you take. Corporations spend billions of dollars of shareholders money, but they never have to make reports. Corporations spend large amounts of political money, millions in soft money; they outspent the unions by more than 20 to 1 in soft money in the last election, but corporations will not have to make the same kinds of reports to their members. They will not have to have their members vote on every decision they make. This is clearly an attempt to create two societies in America, one for working families and one for everybody else. I think that we should understand this assault and stop it right now.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend and fellow Californian, the gentleman from Del Mar (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, this is laughable. Now the unions have won World War II. This is the same group that said that sharks still follow the ships because of the number of slaves that fell over. The gentleman is factually challenged. He talks about American families, American working families. Over 90 percent of the jobs in this country are small business and business, nonunion. Over 90 percent are nonunion. But yet the people that support this do everything they can to kill small business.

The issue, salting, you go into a small business and you try and destroy it. How many of them have ever been organized? Zero. Yet you go in and tie them up before the board and actually force them out of business. When you talk about the working family, talk about the 90 percent that are nonunion. You talk about Davis-Bacon, you say, "Well, I'm for the children." In Washington, D.C., schools, the buildings are over 60 years old. We could have gone in and waived Davis-Bacon to build schools and saved 35 percent. But are you for children or union bosses? No, the union bosses. Why? Look at the paper. The AFL–CIO, the Teamsters, hundreds of millions of dollars that go to the DNC tied to organized crime, but yet they support their campaigns. Less than 10 percent. They know that small business cannot organize. Then 30 percent of those less than 10 percent are Republicans, 10 percent are third party, and they charge that 40 percent union dues to be used against candidates that they do not support.

The gentleman talks about working families. Why does the gentleman not support the 90 percent of working families that are out there that the unions try and persecute? No, because they fund the gentleman's campaigns.

□ 1745

Mr. DREIER. Mr. Speaker, to close debate, I yield such time as he may consume to the gentleman from Jacobus, Pennsylvania (Mr. GOODLING) the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I have often heard it said that if one really wants to be passionate, they should not read what it is that is going to be discussed and debated, and then they can get up and wax eloquently. And I think I may have heard some of that this afternoon. I cannot believe that some of the people who were waxing eloquently have read anything about what it is that is in the legislation. It was amazing, all the things that I heard.

One of them that really concerned me is someone was talking about sweatshops, and then somebody else was talking about the workingmen and women, and I visited an area that somebody in this House represents, and I could not believe that it could happen in the United States. And guess what? Most of them were represented by organized labor. We will hear a lot more about that when we get to that point next week.

Well, let us make it very clear that all we try to do is bring labor and management into the 21st century. If we cannot bring labor and management into the 21st century, I will guarantee there will be no jobs out there for anybody. We will not be able to compete.

Keep in mind that all or most all the labor laws were written in the 1930s when it was men only in the work force, and when it was manufacturing predominantly. That is not the 21st century, my colleagues, and we have a worldwide competitive effort if we are going to succeed and provide jobs.

Well, someone said, "How are you going to determine whether somebody is a bona fide employee or not?" All we say is that one's motivation when they seek a job is 50 percent. The motivation is that, as a matter of fact, they want to help the company succeed so that they have a job, so that they can get better wages, so that they can get better fringe benefits. The motivation has to be 50 percent.

And, of course, the gentleman from Illinois said, "Who makes that determination?" The council at the NLRB, the council at the NLRB. Can we get any more protection than that in this day and age?

Well, let me refer to two editorials. I think they are kind of interesting. I think they also point out what it is we are trying do. One of them is entitled "When You Can't Afford To Win." "When You Can't Afford To Win." It happened to be a contractor in Little Rock, Arkansas. Two men appeared there, wanted a job.

He said, "I'm sorry, we don't have any openings. We don't need any employees."

Well, he thought, that was the end of it. A couple months later he is notified by the National Labor Relations Board that charges have been filed against him.

So he gets a good labor lawyer, and the labor lawyer said, "Well, there's no doubt about it, you win, but it will cost you."

Now how did the labor lawyer know that? Because most of those suits are thrown out. Most of the time they are strictly frivolous.

And so he started doing a little arithmetic, and he found out that it will cost him $23,000 to win.

Now it is a small business, he does not have $23,000. So he says, "What does it cost me to lose?"

And the lawyer said, "Well, that will only cost you 6,000. It will be 3,000 for each of the two that came looking for a job that you didn't have."

Well, he looked at his arithmetic and he said, "23,000 to win, 6,000 to lose; I'll take the $6,000." Obviously most small businesses are going to take the $6,000.

And so all we are trying to say is, well, it seems to me that one's motivation should be at least 50 percent that actually go there and work, actually try to make the business improved so they can get more money and so that they go get better benefits. It does not sound like that is some mean-spirited kind of nasty people over here on this side of the aisle that want to take advantage of the working Americans.

Well, we had one person testify who said that he was an organizer. That was his job. And he said to some of those who were involved, "Well, why don't we try to do a little more actually organizing and working to see whether we can bring about an organization of this company, because I know a couple members who are willing, who are employees who are willing to move ahead and help us."

And he was told by the higher-ups, "That isn't what we're in the business of doing. We're in the business of saying we're going to squeeze you and squeeze you and squeeze you. We want your money, we want to put you out of business. We're not necessarily interested in organizing a lot of these little businesses."

I think the closing paragraph of another editorial I saw is exactly what this is all about, exactly what we are trying to do. And the closing paragraph says, it is reassuring to know that some relief is being considered for the real victims of the status quo, workers, I repeat workers, small businesses and small unions. I repeat that also, and small unions.

That is what the legislation is all about. The legislation is to try to make things better for workers, small businesses, and small unions.

So I hope all will read the legislation and then be a little more passionate about the facts rather than fiction.

Mr. DREIER. Mr. Speaker, I urge support of this very fair and balanced rule, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 220, nays 185, not voting 25, as follows:

[Roll No. 76]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—185

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
John
Johnson (WI)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—25

Bonilla
Brown (FL)
Cannon
Cardin
Conyers
Cooksey
Crapo
Diaz-Balart
Engel
Ford
Gillmor
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
McDermott
McNulty
Millender-McDonald
Payne
Rangel
Royce
Waters
Yates

□ 1812

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MARCH 27, 1998, TO FILE 2 PRIVILEGED REPORTS ON BILLS MAKING SUPPLEMENTAL APPROPRIATIONS AND EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1998

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Friday, March 27, 1998 to file two privileged reports on bills, one making emergency supplemental appropriations for fiscal year 1998 and the other making supplemental appropriations for fiscal year 1998.

The SPEAKER pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXI, all points of order are reserved on the bills.

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

The SPEAKER pro tempore (Mr. KINGSTON). Pursuant to House Resolution 393 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3246.

□ 1817

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers, with Mr. MCCOLLUM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. FAWELL), the subcommittee chairman who studies carefully and knows what it is he says.

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, H.R. 3246, the Fairness for Small Business and Employees Act is a pro-employee, pro-employer, pro-labor organization bill that is also good for the economy and good for the American taxpayers.

Having introduced last session three of the four bills which comprise the four titles of this legislation, I would like to focus my time on two titles. Title I is a targeted provision intended to help employers who are being damaged and even run out of business due to abusive union "salting" tactics. Title IV is a provision allowing small employers and small labor organizations who prevail against the NLRB unfair labor practice complaint to recover their attorney fees and costs.

Title I says simply that someone must be a "bona fide" employee applicant before the employer has an obligation to hire them under the National Labor Relations Act. Mr. Chairman, a "bona fide" applicant is defined as someone who is not primarily motivated to seek employment to further other employment or other agency status. What this means in layman's terms is that someone who is at least half-motivated to work for the employer is not impacted by this legislation at all.

Now, significantly, and I want to make this clear, the test of whether a job applicant is a "bona fide applicant" under Title I is a decision that will, in the first instance, be made by the general counsel of the NLRB. This legislation seeks only to prevent the clear-cut abusive situations in which union agents or employees openly seek a job as a "salter" with nonunion businesses.

Mr. Chairman, if people will listen to this one point: A "salter" is described in the Organizing Manual of the International Brotherhood of Electrical Workers as an employee who is expected, now get this, and I quote,

> To threaten or actually apply economic pressure necessary to cause the employer to raise his prices to recoup additional costs, scale back his business activities, leave the union's jurisdiction, go out of business.

Now, that is an exact quote in the manual of the International Brotherhood of Electrical Worker's definition of what a salter can be. How is that for a bona fide applicant?

A final point on Title I. This legislation does not overturn, does not overturn the Supreme Court's decision in 1995 in Town & Country. That decision held very narrowly that the definition of an employee under the NLRA can include paid union agents. Title I does not change this, nor the definition of an employee, nor the definition of an employee applicant under the NLRA. They obviously can still be involved in customary efforts to organize a nonunion shop. It simply would make clear that someone must be at least 50 percent motivated to work for the employer to be taken seriously as a job applicant.

Title IV of the Fairness for Small Business and Employees Act is what we call a "loser pays" concept, applied against the NLRB when it loses complaints it brings against the very small companies or small labor organizations, those who have no more than 100 employees and a net worth of no more than $1.4 million.

Title IV is a reasonable provision which ensures that taxpayer dollars are spent wisely and effectively. It tells the Board that after it reviews the facts of a case, that before it issues a complaint and starts the serious machinery against the "little guy," whether union or business, that it should be very careful to make sure it has a reasonable case. If the NLRB does move forward against these small entities of modest means and loses the case, then it simply must reimburse the small business or labor organization, the winner's legal expenses.

Title IV is a winner for the small company and the small union who do not have the resources to mount an adequate defense against a well-funded, well-armed National Labor Relations Board who pays, by the way, from the taxes all of the expenses of the complainant, whether it is the union or an employer.

This bill ensures that the little guy has some sort of an incentive to fight a case and ensures that they will not be forced into bankruptcy to defend themselves, as countless employers have been. H.R. 3246 is a narrowly crafted, targeted bill attempting to correct four specific problems at the NLRB. It is benign, and it is fair, and I urge my colleagues to be serious and look at the real facts of this issue.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I rise in opposition to the bill.

This country was founded on democratic principles; on majority rule that protects the rights of the minority. Yet for 150 years, we failed to have democracy in the workplace.

In 1935, the passage of the National Labor Relations Act for the first time ensured that workers, unions, and employers were given a forum for resolving labor practice disputes.

Not every worker will join a union, or even has the desire to do so, but democracy in the workplace means that workers can make that choice. The bill before us today would take away that basic worker right to choose whether to join a union.

This legislation is being portrayed as necessary to modernize this law. I agree that given the fundamental changes in the labor market since the 1930's this law may be ripe for reform. But we must not undermine the principles of democracy that it took so long for workers to get.

In its 1994 report, the Dunlop Commission recommended a number of changes that would help clarify and update federal labor law. Unfortunately, the cosponsors of this bill did not attempt to integrate those changes into law. Instead, this bill would make it more difficult for those who want to exercise long-established and fundamental rights and responsibilities in their workplace, and make it more difficult for the Board to be an even handed arbiter of honest disagreements that arise from time to time.

Despite the nation's current economic strength, there is still a contingent of workers who have failed to benefit from this prosperity. The collective bargaining process provides a forum for workers and employers to discuss workplace conditions in an equitable way. This is especially important as companies wrestle with investment decisions in a changing technological environment and as workers struggle to adapt to that change.

Mr. Chairman, this bill would undermine democracy in the workplace. I urge my colleagues to reject this bill and to begin the serious work of ensuring that our Nation's labor laws reflect the labor market of today.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

From the start of the 104th Congress, the Republican leadership has tried to undermine workers' rights, tried to stop the minimum wage increases, trying to take away overtime pay, trying to gut workplace and environmental safety laws. Now, these same forces are trying to deny workers the right to join unions.

This bill is an assault on the National Labor Relations Act, which protects the right of workers to engage in collective bargaining. There are valid reasons why we should all support this right. Workers with union representation earn higher wages than their nonunion counterparts, have better benefits, have greater job security, and are much more productive. This bill destroys the rights of workers to organize. Title I directly overturns the unanimous decision of the United States Supreme Court that upheld the right of workers to engage in lawful organizing activities.

Title I allows employer interrogation of workers regarding their desire to be represented by a union. In effect, Mr. Chairman, this provision resurrects employer black lists and sanctions the no-union, yellow dog contracts that labor law was specifically designed to prohibit.

Supporters contend that H.R. 3246 is necessary because employers are forced to hire uncooperative and unproductive workers. Mr. Chairman, do not be misled. The law does not require any employer to hire anyone; it only prohibits discrimination on the basis of union support. Union organizers may be fired on the same basis as any other worker.

While this bill effectively denies employment to those who wish to form a union, it does nothing to prohibit employers from hiring outside, expensive, union-busting consultants. Other parts of the bill demonstrate an equal disregard for the rights of workers. Title IV effectively denies a whole class of workers any protection under the National Labor Relations Act.

My Republican colleague referred to title IV as the loser pays provision. The term is false. Nothing in this bill requires employers to reimburse taxpayers when the Labor Board prevails in a case, but taxpayers are required to pay if the board does not win. In other words, only one loser pays, and that loser is the taxpayer.

Mr. Chairman, under the Equal Access to Justice Act, the Board is already required to pay lawyer costs for frivolous actions. In fact, the Board must pay any time it takes a position that is not substantially justified in law.

Title IV is especially unfair to workers. Workers have no private right of action under the labor law, and are wholly dependent upon the Board to enforce their rights. However, under title IV, the Board is effectively precluded from acting unless it is guaranteed a win. Such a standard clearly and obviously chills reasonable and legitimate law enforcement efforts.

Finally, Mr. Chairman, this bill upsets a 40-year-old presumption in favor of single-site bargaining units. Under title II, workers may have to organize every facility an employer owns before they have a right to bargain.

This bill is a radical attack on the basic rights of workers, and I urge its defeat.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 3½ minutes to the gentleman from Missouri (Mr. TALENT), who has many talents, and is the chairman of the Committee on Small Business.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding and for his kind compliments.

I rise in support of the bill on each of its sections, and I want to address specifically the single facility site section and to do that, Mr. Chairman, I need to explain just a little bit of the background about what happens when a union seeks to organize a multifacility site.

□ 1830

That can occur in a lot of different lines of businesses. It can occur where you have a franchisor who owns several different shops or stores, restaurants. It can occur in the trucking business.

When a union wants to organize a site like that, we first have to determine what the appropriate unit is for bargaining. Is it one of the facilities, or is it all of the facilities, or is it some, but not all?

The union has the right in the first instance to file a petition and choose the size of the bargaining unit that it wants. If a union files a petition and limits it to one facility, that is presumptively, under Board law, and has been for 30 years, under both Republican and Democratic boards, that is presumptively the appropriate unit for bargaining.

But it was also possible for the last 30 years for a question to be raised concerning representation, a question to be raised concerning whether that was, indeed, an appropriate unit of bargaining. Then the Board would look at a hearing at a number of different factors. This is the way it has been for a generation.

Mr. Chairman, the key here is to decide whether the control over those facilities is so centralized; whether, for example, labor relations are controlled by one central supervisor at one location, and that controls it for all the locations, that it would be inappropriate, as the Board says, to have bargaining in one location.

You can understand why, Mr. Chairman. We do not want to have a franchisor who has several different chain restaurants, for example, bargaining with different unions in each different restaurant, when the classic tradition has been to have one set of policies, one set of pay, one policy regarding uniforms and vacations and the rest of it.

So the Board looked at a number of different factors to determine whether control was so centralized that one single facility would be an inappropriate unit for bargaining. Then a couple of years ago the Board decided to throw all that out. The Board proposed a rule and made the whole thing turn on the presence or absence of several factors, which really do not have anything to do with what the Board has traditionally considered to be relevant; factors like are the locations more than a mile apart?

What does that have to do with anything? What does that have to do with the stability of collective bargaining? That is what we are trying to achieve with these laws, the stability of labor relations. That is why the National Labor Relations Act was passed in the mid-1930s. Mr. Chairman, you can run a business from around the world today with a fax machine and a phone, so what difference does one mile make?

Another factor, whether there are more than 15 employees in the facility, it is a totally arbitrary criterion. So Congress for the last 2 years has passed riders in appropriations bills saying, no, do not implement that rule. It will disrupt collective bargaining, it is frankly kind of silly, and do not do that.

Now what we have is an opportunity to enshrine into law the standard that has been applied for 30 years that was developed by the Kennedy-Johnson Board in the sixties. It has worked very well. It is not overburdensome. It allows these matters to be taken up in a hearing, to be disposed of. Let us do that with this bill. Let us preserve the stability of labor relations in this country, and with regard to this important aspect of collective bargaining.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip.

Mr. BONIOR. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this bill is a dangerous, a dangerous attack on America's working families and their right to organize. It is dangerous because it says some Americans do not have the same rights to free speech as the rest of us. It is dangerous because it says some Americans do not have the right to voluntarily join together in pursuit of a common goal. It is dangerous because it encourages employers to discriminate against people simply on the basis of their beliefs.

It is about silencing the voices of people who speak out for decent wages, for basic health care, for a secure retirement. It is about silencing the voices of people who make this country work and expect the same rights as any other American, the right to express their own beliefs and act upon them.

This bill is radical. It singles out people who believe in unions. It is aimed at people with the courage to stand up against injustice and intimidation to organize democratic elections for their co-workers, so they might decide for themselves whether or not they want a union, people like Betty Dumas, a woman who worked for 18 years at the Avondale Shipyard in Louisiana, who was fired because she refused to denounce her democratically elected union. Betty Dumas was fired because of her beliefs.

So what is next? Are we to sanction discrimination because of religious beliefs, because someone is Catholic or Jewish or Baptist or Muslim? Such discrimination I think everyone would agree is morally repugnant, but this bill is no different. It overturns a unanimous Supreme Court decision that prohibits discrimination based upon people's affiliation with organizations outside of work.

It sanctions discrimination against people who believe in unions, organizations that speak out for working families on issues like raising the minimum wage, extending Medicare, protecting Social Security.

This country was founded by people who fought and died for the freedom to freely associate, to elect their own leaders, and to speak their own beliefs. This bill would take away these rights from millions of American families. Once some Americans begin to lose their constitutional rights, once we say it is okay to discriminate against some people simply on the basis of their beliefs, the rights of everyone are endangered.

This bill is cynical. It is a politically motivated attempt to silence the voices of America's working families. It is a shameful attack on all of us, and it threatens the constitutional rights that Americans hold dear.

It is almost impossible today in this country to organize, anyway. To come to the floor with a bill like this that would shut down the limited window that people have to express their views and to organize for a better living for them and their families is an outrage. I urge my colleagues to vote against this bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLENGER), someone who knows what is in the legislation.

Mr. BALLENGER. Mr. Chairman, I would like to ask a question: Why would any small business man who is sane hire someone to unionize his business? It does not make sense. Yet, the present law today demands that he must.

Some unions have concocted the ideal trap for employers, an unscrupulous workplace Catch-22 called salting. Dozens of union activists will show up at a nonunion company and apply for work. If they are not hired, they file an unfair labor practice charge. If they are hired, they disrupt the workplace, destroy property, and do whatever it takes to get themselves fired. Then they file an unfair labor practice charge, alleging wrongful discharge.

Do Members know how long it takes today for the NLRB to settle this? It takes an unlawful discharge union activist case, treated like any other labor dispute. Right now the median time for the NLRB to process an unfair labor practice case is 546 days. Imagine a small business man having to face this legal charge. The uncertainty for all sides can be maddening.

The answer is to clarify the rules so an employer is not forced to hire nor keep on the job any person with ulterior motives. The proposed measure takes pains not to infringe upon employees' existing protections, such as the right to organize.

Mr. Chairman, this bill, that is the only part of this bill that has any reason for the unions to fight. In reality, for years they have been taking the small business man for granted. I think we need to pass this bill.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), someone who knows more about this bill than anybody in the House.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me the time, and for his compliment.

Mr. Chairman, I rise to oppose this bill because of what it does to working people, what it does to working people and what it says to all people.

To understand what is wrong with this bill, we have to walk in the shoes of someone who wants a job and needs a job who does not intend to organize a union, who does not intend to do that.

If that person is denied that job because sometime in their past they have been a union officer, a union organizer, or even a union member, they have all kinds of rights. They can file a complaint with the National Labor Relations Board, and many months and many, many dollars later they can get a decision.

If they do not like that decision, they can hire an attorney. Many months and many dollars after they have hired an attorney, they can get another decision. After the decision has been made, they can have their attorney file or fight an appeal. Many months and many dollars after they have fought and determined the appeal, they get an outcome.

I may not be the expert that the gentleman from Missouri (Mr. CLAY) says on this bill, but I do have some common sense, and I know this, people who are looking for a job cannot afford to wait many months for an answer. They cannot afford the many dollars they would have to pay an attorney. They will not get the job they need because they had the audacity in the past to lead or join a union. That is what this bill does to men and women who need work and are pursuing it legitimately.

We should oppose this bill because of why it is being done. This is not a statement of fact, it is a statement of opinion. But I suspect if organized labor had slouched away from the challenge of the 1994 majority and never raised a fight, never tried to assist those of us who fight for working families to win the majority back, we would never be here this afternoon doing this. Because this is not about labor law reform, this is about retribution for people standing up for their rights at the polls and in campaigns across the country.

We ought to oppose this bill because of what this bill says. This bill is not worthy of the 1990s, it is worthy of the 1950s, because it does not remind me of the great efforts to write labor law, it reminds me of the McCarthy era in this country, when we had lists of people who could not get work.

That is what is going to happen if this bill becomes law. There will be lists of people who are troublemakers, who do not think and act the right way. The list will circulate, because she had the audacity to join a union, or he had the audacity to run for the presidency of a union.

Mr. Chairman, I oppose the bill.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I rise in very strong support of H.R. 3246, the Fairness to Small Business and Employees Act. I believe it strikes a unique balance that gives the more than 22 million small businesses in America relief against a very well-fortified bureaucratic NLRB, and gives employees something called "justice on time" to get their jobs back.

Title I, as we have heard, deals with the unions' practice of salting; some might say espionage, but it is salting, they say. It is unfortunate that many of my colleagues on the other side of the aisle have succumbed to the typical union practice of never letting the facts get in the way of a good story.

Title I sends a clear message that if a paid union employee's primary purpose is to work for the employer, he or she is protected. If, however, that person is found to be there to disrupt or inflict economic hardship on an employer, the law will not and it should not protect them.

Title II codifies the NLRB's longstanding practice of giving employers the right to argue before the Board whether a single site, and this has been repeated over and over this afternoon, whether a single site should be considered part of a bargaining unit. The Board's promotion of a one-size-fits-all approach was ill-conceived, it ignores reality, and it is inflexible in today's competitive global economy, which has also been pointed out.

Title III ensures that employees, their families and children, should not have to wait over a year for resolution of their cases, for over a year. The Board's bureaucratic practice thumbs its nose at these hardworking men and women by taking a median time of almost 600 days, and in some cases, 800 days to decide their fate. That is wrong, it is unacceptable, and it is frankly disrespectful. H.R. 3246 corrects this by making the NLRB issue a final decision within a year. This is justice on time.

Title IV, finally, protects the little guy against the heavy-handed lawyer-fortified NLRB. It will make the Board think twice before they bring a case against a small business or a labor organization. I did say labor organization. If they lose, the Board, not the little guy, should pay for the attorneys' fees and the expenses the company or the union had to spend to defend itself.

Mr. Chairman, this is a good bill. It is a fair and balanced bill. I commend the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Illinois (Mr. FAWELL) for their efforts to bring this bill to the floor, and I urge my colleagues to vote for its passage. It is common sense.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, this is not a fair and balanced bill. This is a bill filled with dirty tricks. The tricks are pretty obvious. This bill to restrict workers from organizing is radical and extreme. The bill is part of a larger plot to create a separate America for working families and their representatives. We want workers to abide by rules that we are not making for anybody else.

□ 1845

We do not require loyalty oaths for any other category of employees. Only the workers are required; middle management will not be required and technicians will not be required to take loyalty oaths. If the bill did that, of course, we would place businesses at a great disadvantage.

Mr. Chairman, as I said before, if Bill Gates of Microsoft required that every young person coming into his company must take a loyalty oath that they are there to be "bona fide"; They are never going to be entrepreneurs on their own; they are not going to walk away with certain secrets; they are forever loyal to the company; then he would destroy his own company.

Mr. Chairman, this bill is just one of about 10 more bills that we can expect which constitute a battery of assaults in the 105th Congress on working families. It is a renewal of the assaults that took place in the 104th Congress.

Labor unions have been good for America. The Republican attack is violating a commonsense bond, a commonsense covenant with the larger society. Labor unions are responsible for a lot of good things that have happened, including their drive and their willingness to take the case for the minimum wage to the American people, resulting in public opinion being changed in ways, marshaled in ways which the Republican majority could not ignore last year.

Last year, NLRB destruction was attempted. In 1994, the assault was to wipe out the effectiveness of the NLRB by cutting its budget drastically. Now they are proposing that they speed up their deliberations. I think a lot of workers and unions would love to have NLRB speed up also. But are my colleagues on the other side of the aisle ready to say that they are willing now to give additional funding for NLRB and do what is needed to make it effective?

The Reagan and Bush years almost destroyed the effectiveness of the NLRB. Let us restore the effectiveness by restoring their funding and let them serve the interests of both workers and business.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MCKEON), a fine subcommittee chairman.

Mr. McKEON. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time and commend him for his leadership on this bill. I also wish to commend the gentleman from Illinois (Mr. FAWELL), chairman of the subcommittee, for the fine work that he has done in bringing this bill to the floor.

Mr. Chairman, I rise in strong support of the Fairness for Small Business and Employees Act. H.R. 3246 is one of the most important pro-business, pro-employee bills before the House during this Congress. I am proud to say that I am a cosponsor of this legislation.

Mr. Chairman, as a small businessman, I am well aware of the burden of Federal taxes and regulations on our Nation's businesses. During the 105th Congress, we have fought hard to provide relief from these hardships. Last summer we enacted the Taxpayer Relief Act which provided billions of dollars in tax relief through capital gains and estate tax cuts. And now today, we are addressing the need for regulatory and legal relief.

Under this bill, we will make critical changes to the National Labor Relations Act that will ensure a more level playing field for small businesses, small unions, and employees.

H.R. 3246 incorporated four pieces of legislation that address distinctive parts of our labor law. Together, the Truth in Employment Act, the Fair Hearing Act, the Justice On Time Act, and the Fair Act accomplish much-needed reform to our Nation's labor laws.

For example, under H.R. 3246, an employer will be secure in the knowledge that an employee he or she hires is a bona fide applicant who is there to work, not there to harass or disrupt employee-company operations.

And then once they are working, employees are ensured that they will be given timely legal recourse in the event they feel their rights have been violated. Taken as a whole, these measures help correct some of the unfairness in Federal labor law and the NLRB. We need to remove these excessive, burdensome, and unfair regulations that create additional hurdles on our Nation's businesses, and I urge my colleagues to vote for H.R. 3246.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, the Fairness for Small Business and Employees Act is neither. It certainly is not fair to employees and it is certainly not fair to small businesses.

Mr. Chairman, H.R. 3246 allows any employer, large or small, to refuse employment to workers because of suspected labor union affiliations. Suspected.

This is the road that this Congress and this country should not and cannot go down. First of all, the right to organize and join a labor union is a basic American civil right. Unions give American workers a voice at their jobs and they give the union worker a voice in our economy. They also give American workers a voice in our electoral process, but that is another bill we are going to have to fight.

This bill, H.R. 3246, allows employers to refuse to give jobs to workers they suspect will organize other employees to join a union. Suspect.

Once employers can refuse to hire suspected union members, what will come next? Some employers may want to refuse to hire a young woman because they suspect she will get pregnant someday, or an older man because they suspect he will take too many sick days. We could end up with employers telling job applicants, I am just not going to hire you because I do not like the way you look.

Mr. Chairman, it is every American's right not to be judged by suspicions. Surely American workers have this right too.

H.R. 3246 punishes American workers. It is antiworker, it is anti-American. And I do not suspect, but I know, we must vote it down.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time.

Mr. Chairman, I rise in support of H.R. 3246. The purpose of the legislation, as I see it, is to help small businesses and labor organizations in defending themselves against government bureaucracy, to ensure that employees entitled to reinstatement get their jobs back quickly, and to protect the right of employers to have a hearing to present their case in certain representation cases and, of course, to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers.

H.R. 3246 contains four narrowly drafted titles addressing four specific problem in the National Labor Relations Act. The legislation recognizes that the NLRB, which is supposed to be a neutral referee in labor disputes, is applying the law in a way that not only harms small employers, business and unions, but does a great disservice to hardworking men and women who may have been wrongly discharged.

Mr. Chairman, title 4 of the bill is modeled on the effective "loser pays" concept and requires the NLRB to pay attorney's fees and expenses of small employers of modest means, including businesses and labor organizations, who win their cases against the Board.

H.R. 3246 only applies to the smallest businesses and unions which have 100 employees or fewer and a net worth of $1.4 million or less.

The bill before us today would force the government to consider carefully the merits of the case before it proceeded against a small entity with few financial resources.

Right now, small employers often settle with the Board rather than spend significant amounts of money and time in litigation. I believe Chairman GOODLING's legislation would make certain that small employers and unions have an incentive to stand up for their rights by fighting cases of questionable merit.

Mr. Chairman, I urge my colleagues to support H.R. 3246.

Mr. CLAY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I ask my colleagues to reject H.R. 3246. It should be titled the "Silence Working Families Act." It is a shame that the House is jeopardizing the living standards of working families.

As a result of the National Labor Relations Act and other Federal laws, working families have livable wages and job protections. And now the House is attempting to roll back the clock on American labor law.

Mr. Chairman, because workers can organize to represent themselves, workers are able to raise their families and to make this country strong. If workers have a pension, they can thank organized workers. Thank them again for the minimum wage. Thank them for the 8-hour day, for the 40-hour work week, for overtime pay and for compensatory time off. They can thank organized workers for workplace safety, for grievance procedures, and perhaps, most importantly, for health benefits.

Before workers could organize and represent themselves, we did not have maternity leave, let alone paid leave. These are just some of the improvements that all working families in the United States enjoy because of the struggles of organized labor.

Mr. Chairman, I ask my colleagues to reject H.R. 3246.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY. Mr. Chairman, thank goodness that the practice of salting is not applied to Members of Congress, because if the equivalent of salting were applied to us, we would easily see this scenario: If a Democratic Congressman or woman with a strong, proud, liberal philosophy were to seek applicants for an important job in their office, under salting an applicant who minimally met the criteria for that job position could walk in in a "Rush is Right" T-shirt and proclaim to that Congressman or woman that "I have no intention of representing your constituents, of serving the people in your district. My sole job in this job is to organize the workers on your staff against you, to create an environment resentful of your philosophy. And if you do not go along with this process, I have a right to bring your office and your staff down."

If that Congressman or woman were to make the right decision and not hire that person, they would be subject to a National Labor Relations Board complaint, subject to spending thousands of dollars to defend a reasonable decision, and perhaps compelled to hire that person.

As ridiculous as that seems, as crazy as it seems to push that merit and productivity as criteria out the window, small businesses face that same ridiculous scenario every day. Families who have risked their savings to trade a job, and who are fighting in the marketplace, are handcuffed to hire the best people, the most qualified, the meritorious people who can help them achieve their dream, and they face this every day.

Mr. Chairman, we need to pass this bill to bring some reasonableness and fairness into the decision making of small businesses. I urge my colleagues' support for this fairness and a healthier work environment.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Chairman, there they go again. The Republican leadership has once again launched a major attack on working families and the unions that simply try to represent their interests.

Just last week, Republicans passed a campaign reform bill through committee which has as its centerpiece a worker gag rule which would silence the voice of American workers by shutting them out of the political process.

Now, today Republicans have brought to the floor a bill which represents a frontal assault on the National Labor Relations Act and the rights it preserves for millions of working people across this country.

Mr. Chairman, this Republican bill would make it more difficult for workers to organize and easier for employers to get away with violating labor laws.

The most egregious part of this bill is the so-called antisalting provision which would seriously undermine the organized labor movement in the United States. Under the Republican bill, businesses could refuse to hire or fire people, just because the employer suspects them of trying to organize their workplace.

□ 1900

This legislation would overturn a unanimous Supreme Court decision which held that union organizers are entitled to the same worker protections as any other employee. In addition, the Republican bill, through the attorneys' fees provisions, would have a significant chilling effect on future NLRB actions, making it less likely that American workers will have their right vigorously defended and preserved.

Finally, the Republican bill provides employers with a new way to delay and challenge union elections and restrict the NLRB's ability to reach a fair and just conclusion on unfair labor practice complaints.

In conclusion, Mr. Chairman, one of the most precious freedoms of the working men and women in this country is their right to organize. The bill Republicans have brought to the floor today would have a devastating effect on the labor movement in this country, which has done so much to ensure that working Americans earn livable wages and have decent benefits for their families.

President Clinton has already pledged to veto this harmful legislation. I urge my colleagues on both sides of the aisle to vote against this bill and stand up for the rights of the hard-working men and women of this country.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

I would urge some of the previous speakers at some point recently to read the bill, because if they had read the bill, they would not have made the statements that were just made. In America, if we want the unemployed to have jobs, if we want working families and the underemployed to have better jobs, we need to nourish and be fair with small business.

The Fortune 500 companies are not growing. The small businesses are growing and will grow faster if we are fair with them. What is wrong with someone, who mortgages everything they own to start a business, to ask for loyalty from those they hire to help them build that business, and if they are there to help them do that, they are going to support them? That is America.

What is wrong with a hearing process to decide if they are being organized, and they have three or four sites, whether it is going to be a single site or collective? That is America.

What is wrong with putting a limit on a decision to 1 year? A year is long enough to have delay.

What is wrong with when the big NLRB, with all of our money and all of their lawyers, comes down on small businesses unfairly, and it is proven they were unfair, that that small business can at least get its legal fees back? That is the what America ought to be standing for and what America is all about.

Those who have talked about all the labor issues of the past have not read this bill. This bill is fair to small business giving an equal, level playing field so that we can grow small businesses, so unemployed people can have jobs, so underemployed people can have a better job. It is about fairness.

If we in this Congress are fair to small business, this country will grow and the workers of America will have choices of jobs.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, H.R. 3246 is a terribly unfair bill, but it is part of a wider assault on the rights of workers to free association. This bill would turn back the clock to a time when employers had absolute power over the lives of workers and their families. It would effectively blacklist people who believe that employees need to band together to pursue their collective interest.

This bill would have a huge negative impact on the rights of all working people, making it far more difficult for the NLRB to carry out our Nation's industrial relations laws. This bill would have a devastating impact on our Nation's workers and the building and construction trades.

Every day millions of men and women go to work building the roads and bridges, building the high-rise office towers, building the schools that our Nation depends upon. These workers risk their lives every day to build America and to maintain our infrastructure. They work under harsh conditions. They are compelled to move from job to job, from one employer to another, to make a decent living.

What keeps these workers productive is the skills that they have received from thousands of joint apprenticeship programs, high-quality programs that are only available to them because of their affiliation with construction unions. It is their union membership and their dedication to training, to education, to quality work which allows them to contribute to our economy. And they are proud to carry their union membership from job to job.

This bill would make these hardworking Americans second-class citizens. It would allow employers to fire construction workers, or not hire them in the first place, simply because they have chosen union membership. This is blatantly unfair. It is discriminatory. It is unworthy of the democratic traditions of the Nation. The right to organize, the right to join a union are not simply political rights, they are moral rights essentially to protect liberty and equality and justice.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. BOB SCHAFFER).

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I appreciate the gentleman, the distinguished chairman, yielding me the time.

Those who claim that there is some unfairness in this bill, I would submit, probably have not read the bill or are not knowledgeable about the component parts of the legislation. House Resolution 3246 does not affect in any way the legitimate applicant's or employee's rights to engage in union organizing efforts.

I have heard a lot of these stories about salting from many employers within my district in Colorado and other congressional districts in the State of Colorado. Here is how this works, for those who are unfamiliar: A union organizer with the deliberate, distinct purpose of dragging an employer before the Labor Relations Board walks into an employee's place of business and says, "Please hire me. I am a member of a labor union and I am an organizer and I am here to organize and destroy your place of business."

The employer takes the application, considers it among all other applicants, and if that employer decides for a variety of reasons, based on merit, based on qualifications, based on completeness of the application, and on many occasions based on whether the applicant signed the application, the employer may decide to hire someone more qualified.

If that occurs, in a salting case, that activity alone almost guarantees and compels a hearing in front of the National Labor Relations Board, a hearing which, if he wants to vindicate himself and declare his innocence and profess it, costs him attorneys' fees, costs him an incredible amount of time, and in the process, drags down his productivity.

What the current law does is to perpetuate a gross unfairness where one class of employees can, in fact, prey upon another group of employees in the same trade; and the only distinction between the two is that one has a singular deliberate motivation to drag down the place of employment of the others who are employed in a particular trade or business.

If someone has at least half on-the-job qualification designation under the bill, why should an employer be obligated to hire them? House Resolution 3246 guarantees small employers a hearing before the National Labor Relations Board. It has been the practice for decades in organizing cases involving single-site locations; it is the epitome of fairness, in my estimation, with workplace fairness and job security and job opportunity.

I think we should not attack those, as my colleagues on the other side of the aisle are suggesting here today, attack those who are legitimately employed, legitimately enjoy their opportunity to work, and are gainfully employed and wish to remain so.

Mr. CLAY. Mr. Chairman, may I inquire as to how much time is remaining on both sides?

The CHAIRMAN (Mr. MCCOLLUM). The gentleman from Missouri (Mr. CLAY) has 9 minutes remaining, and the gentleman from Pennsylvania (Mr. GOODLING) has 6½ minutes.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me the time.

It strikes me, the perspective of the sponsors of this legislation, I think, was fairly well recapped by the gentleman from North Carolina a few speakers ago who said, "Why would any small business member hire someone who wants to organize the workplace?" The answer is, he would not.

Well, that is the attitude of the sponsors of this bill. Right from the start, they suspect anyone they wish to hire to work with them. How sad that there are sponsors who believe that we cannot hire someone who we cannot look at as an enemy in the beginning. What a way to begin a working relationship.

Why would any new employee want to undermine the very employer who will issue her first paycheck? And more than that, if they think of some of our successful small businesses, they originally started as successful family-operated businesses, but once they became too successful they had to hire outside of the family. They expected the same things from these nonfamily employees as they got from their family employees, probably good working competency, commitment to the effort. And the employee, whether family or not, probably expected the same as well, a decent wage, reasonable benefits.

Well, what makes anyone believe that if we start off with suspicions, we are going to be able to treat anyone as a good worker, let alone the family of your business? Unfortunately, that is what this bill says. Beware, any employer; when you hire an employee, be suspicious; never be able to believe that that person you hire wants to make you succeed as well.

How shameful that is that we in Congress will stand here and tell the American people that America's working men and women must be treated with suspicion simply because they wish to work and work under decent working conditions and also receive decent benefits. And if we cannot do that collectively, why do families do so well? They do it collectively.

Let my employee come to any place of work and say, I will work competently for you, hard. I will make you succeed. I will make you have a profit. In return, let me have something decent. And if I wish to do it collectively, as many family-operated businesses do, do not think of me as someone you suspect.

Please defeat this bill.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. FAWELL).

Mr. FAWELL. Mr. Chairman, if I could just get this thought in. The Supreme Court in Town & Country made it very clear that an employer, in dealing with an applicant, has to treat that applicant, even though the applicant is a member of a labor union and even though he may be a paid employee of a labor union, he has got to give him all of the rights of the National Labor Relations Act.

Now, the only thing that the employer is coming back here and saying is, can I not at least, when I know that that person is primarily there, and I have got the facts to prove it and I am going to have to prove it, general counsel is going to have to agree that I can prove it. But if I can show that his primary motivation is going to be able to help some other employer by whom he is employed or to whom he has a loyalty, do I not at least have that much right? Are we going to say to the small business people of America they do not even have that right?

That is what we are trying to express here. And it has nothing to do with taking away the rights of people to collectively bargain or to organize or anything of that sort.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Chairman, I hope the gentleman from Illinois will listen, because his effort to make this Title I benign is very misguided. I want to tell him specifically why he is wrong. By the way, this has nothing to do only with small employers. Title I affects all employers. So do not wrap small employers around Title I, and do not say it applies only to paid union organizers. This applies to any employee, any prospective employee, any person. And here is what it says.

The person comes up, wants a job. This gives the right to the employer to read or try to guess his or her intent. And then if the employer decides what the primary purpose is, it is very clear from their own majority report who has the burden of proof, it is the NLRB, where a charge has been filed that has to show as part of its prima facie case that the employer was wrong.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Illinois.

Mr. FAWELL. It is the affirmative defense that the employer has to undertake to be able to show.

Mr. LEVIN. But the prima facie case, reading from their own language, the burden is placed on the NLRB.

Now what is going to happen here is, my colleagues are bringing about a chilling effect on the right of people to organize. They are letting an employer guess intent and then make somebody prove that that employer is wrong. That is wrong.

Already the deck is tilted in favor of the employer under the NLRA, as it has been interpreted in terms of captive audience provisions in terms of the right of people to express themselves on the floor of the shop. They cannot do that. And now they want to go one step further and try to chill the traditional American right to associate, to organize. They are wrong.

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Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to H.R. 3246 and would like to take this opportunity to talk about union organizing. The people of the debate here are correct. Much work needs to be done. But the work to be done is not to stifle people's opportunity to associate with one another on an economic basis, but to protect access of workers to legitimate union representation. The real problem which needs to be addressed in this House is that every year clear majorities of workers at businesses across the country indicate their support for union representation and 1, 2 or 3 years later the representation is still not approved because it is tied up with appeals to the National Labor Relations Board. In the meantime, unscrupulous employers too often take advantage of the opportunity to illegally intimidate, fire or commit other unfair labor practices against workers in order to defeat subsequent votes on union representation. H.R. 3246 would simply aggravate this problem. I urge my colleagues to join me in voting against the bill. Instead this House needs to pass real labor law reform.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. My goodness, how quickly some people forget our history, but we Democrats do not forget. We remember that less than 100 years ago in Centralia, Washington three woodworkers were hanged because they tried to organize the timber industry. But other courageous workers were not intimidated. They went ahead and they organized the mills and the woods. That is our history, too. We have a right in this country to organize. We must not be naive. This bill is antilabor, it is anti-organizing, it is antiunion. Vote no.

Mr. CLAY. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Chairman, I thank my good friend from Missouri, the ranking member of the Committee on Education and the Workforce, for yielding me this time. Again the name keeps changing every session. I rise in opposition to the bill. I spoke earlier on the rule. I am glad to have the opportunity to close, because, one, I think this legislation is misguided. The opposition is based on, one, it is a closed rule. There are some of us who would like to have a real debate on labor law reform. Yet from what I understood in committee, the bill came out on a party line vote and here on the floor those of us who may not serve on the committee anymore do not have the opportunity to offer amendments to correct what we see in the legislation. That is why the bill's intent is misguided, but it also did not give us the opportunity today to change it.

The bill withdraws the benefits of free enterprise to the employees. We heard a lot today about free enterprise is great, and it is. We are all products of the free enterprise system. But it includes both the employers and the employees, and that is what this bill takes away, the free enterprise of the employees. This free enterprise system is the greatest in the world and it is the greatest in the world because of the last 50 to 60 years we have recognized that. It has both sides of the bargaining table. This takes away even a level playing field. I do not think the playing field is level today even between the employee and the employer, but this makes it even more unlevel. That is why this bill is so wrong.

I guess I have a concern because only 14 percent of the workforce in the

United States is unionized. Granted, there are efforts to organize, but 14 percent. This is like taking a bomb that you could use a fly swatter for if you really needed it. This is so overwhelming for that 14 percent that are unionized. Maybe next year if this bill is not passed, maybe it is 15 percent, but we have not had this bill in the law and that percentage of unionization has actually gone down.

So what is the need for the legislation? Except to pay back a debt or to pay back what may have happened last year during the elections because organized labor tried to make sure that those of us on the floor of the House understand that, sure, they may be union bosses but they also represent workers and they represent employees to try and have that level playing field.

We do need real labor law reform, Mr. Chairman. I would have liked to have seen a real debate today and a real give and take for labor law reform, to say, yes, okay, maybe you do not like what is happening with salting. Maybe you do not like that. Also I do not like what happens because I see people who do sign cards or do have an election that may take them years before they actually have a contract or have that representation that they voted for. To this day we see people who are fired from their jobs because they voted for a union. It takes them years to get that job back. They ultimately may. But justice delayed is justice denied. That is what is happening today. That is why this bill is so wrong.

I asked earlier under the rule, because I happen to have a card in the union, I did my apprenticeship as a printer but I also went to law school. I said I had learned how to read law as well as print a newspaper. What worries me about page 4 of the bill is where it says, "Nothing in this subsection shall be construed as requiring an employer to employ any person who is not a bona fide employee applicant." My concern is that definition of bona fide employee. I looked in the report. I am concerned that the person who makes that hiring decision out there in the real world will not know what is in this report and does not even have the standard of law. If we want to make sure that they are not going to discriminate against someone because they had a union card or maybe they were a former union member, then we need to put it into law and put those protections in here.

That is why this bill ought to be defeated tonight. If it is not defeated, I hope to be able to stand here and oppose it, also, when the President vetoes it.

Mr. GOODLING. Mr. Chairman, I yield myself the balance of my time. This is not legislation that takes a step backward, as some people mention. As a matter of fact, it is an attempt to move into the 21st century. As I indicated before, unless we can get labor and management to move into the 21st century, there is very little hope for us to be competitive with the rest of the world. It is time we understand it is the 21st century, not the 1930s when the labor laws were written, not the 1930s when we talked about men only in the workforce, when we talked about only a manufacturing economy. It is the 21st century. Someone over there said, "Why would you seek employment to harm the company? No one would ever do anything like that."

Mr. Chairman, that is what this legislation is about, because that is exactly what is happening. Do not ask me whether that is happening. Listen to someone who was a union organizer who told us before our committee. This is what he said. Why don't we "spend more time negotiating in good faith with the company we were organizing, especially when we felt we had an employee or two willing to request us as an agent to collective bargaining?"

And what was the response that he got? "He told us that the NLRB is committed to prosecute every single charge, that there was no expense to us at all for it and that, at the very least, the contractor would be forced to spend time and money to defend themselves. . . ."

That is why these two people who came to a place of employment in Arkansas and were told, "We don't have any jobs," they left, the employer thought, "Well, that's it." Lo and behold, the National Labor Relations Board said, "No, we have a case against you, a discrimination case." He went to his lawyer, his lawyer said, "You have two choices. You can fight it and win and I'll guarantee you you'll win but it will cost you $23,000. You're a small business, that may put you out of business, but you'll win. Or you can pay $6,000 and lose." He did a little arithmetic and said, "Gee, I've got to pay to lose, otherwise I'm out of business." So he paid his $6,000 to lose rather than the $23,000 to win.

How frivolous are these suits? Time and time and time again. Let me just read my colleagues a list. From Indiana, 96 charges, 96 dismissed by the National Labor Relations Board. But what did it cost the small business? $250,000, to get 96 cases dismissed. From Maine, 14 dismissed without merit. What did it cost the small business? $100,000. In Missouri, 47 dismissed, one settled for $200. What did it cost? $150,000. Little Rock, Arkansas, 20 dismissed, $80,000.

All we are saying here is that your motivation to be employed, at least 50 percent of it should be a motivation to improve the company, to work to help make the company successful, so that you get higher wages, so that you get higher fringe benefits. That is all it says. In another part of the legislation, I have watched in my district and throughout this country people lose jobs, businesses go out of business. Why? Time and time again they were sitting there waiting rather than negotiating in good faith, labor and management both, waiting for the NLRB to act, because they both thought they will act in their favor, and they took 1 year, 2 years, 3 years. Finally, no jobs, no business. We are saying in the legislation, act in a year. The employee has the right to know. The employer has the right to know. Then we can get on with the negotiating business. Those who are so concerned, as I am, about the working men and women out there, I hope you will join with me as we move forward with some legislation, because I have been in the backyards of some of those who are speaking today, and I saw the most horrible conditions anyone can ever imagine, and you say, "It is in America?" What did I see? No unemployment compensation, no workers' compensation, no OSHA, no wage and hour, a fire trap, they would all die if there were a fire. There is only one exit to get out of the place. No ventilation, no overtime. Most of them were represented by organized labor. Where is the Federal Government? Where is the State government? Where is the city? Where is OSHA? Where is Wage & Hour? Let us really think about the difficult cases that are out there. Let us not try to put people out of business who are trying to do well, because it is the employee that loses the job. We protect the employee, we protect the small business, we protect the small unions in this legislation. That should be a reason for everyone to vote for this legislation.

Mr. NETHERCUTT. Mr. Chairman, I rise today in strong support for the Fairness for Small Business and Employees Act. According to the Small Business Administration, 19 cents out of every revenue dollar is spent on complying with federal, state, and local regulations. When you consider that there are over 22 million small businesses in the United States, these regulations more than add up—they cost jobs—they stifle the American dream.

For too long Congress has passed mandates on small businesses and federal agencies have regulated compliance without even considering its impact on a business.

Mr. Chairman, today Congress is going to do the opposite—we are going to bring some relief to small businesses. I hope my colleagues will review this legislation with small business in their district in mind.

H.R. 3246 has four provisions, but I want to focus my attention on Title I, the Truth in Employment Act. Under current labor law, job applicants may or may not be seeking employment for personal reasons, they may be seeking employment as a union agent solely in order to unionize the organization. This tactic, otherwise known as salting, is not truthful nor does it benefit the company for which they hope to work.

Mr. Chairman, in salting situations a company is put in the difficult position of deciding either to hire a union salt or face NLRB, OSHA and EEOC inquiries and possible federal fines. In some cases, salting has been used by labor unions to harass or disrupt operations of companies that have not been favorable to their cause. This is not right and I believe Congress should act.

A small business in my district has faced salting. The Company had some openings and sought applications. There were salt applicants and non-union applicants. One salt applicant told the company boss that his union determined that this Company was on the union hit list and that it better hire him or face the consequences. The salts had no desire to work at his company—only to unionize it. The company chose to hire the most qualified applicant, which this time was non-union, and his company was hit with NLRB grievances equal to the number of salt applicants. The company has spent thousands of dollars fighting these and other NLRB grievances. In the end, the federal government forced him through the NLRB to pay backpay and agree to hire those union salts on future jobs—union salts who have no desire to work for his company.

Mr. Chairman, salting affects hard-working small business owners. Unions have a valid place in American enterprise, and most union members are hard working, well intentioned employees. Unions have a heritage of which they are proud, but salting is a practice that hurts the labor movement, gives it a bad name, and doesn't serve well the cause of organized labor. I believe Congress should outlaw this tactic. I urge my colleagues to help small businesses in their district by supporting H.R. 3246.

Mr. KILDEE. Mr. Chairman, I rise today to voice my strong opposition to H.R. 3246. This bill is less about fairness to small business, and more about unfairness to working men and women.

H.R. 3246 would give employers the right to fire or deny employment to any worker they suspect is not a bona fide employee applicant. In the bill's words, someone whose primary purpose is not to work for the employer.

The committee report states that the primary purpose provision would apply to a person who was seeking a job without at least a 50 percent motivation to work for the employer.

What set of scales will employers use to determine what percentage of the employee's motivation is to work for the employer versus working to help organize his or ner coworkers?

Mr. Chairman, we are not engaged in an idle academic exercise here.

This legislation will have real-life consequences for real-life men and women in real-life workplaces.

The Dunlop Commission reported that, each year, 10,000 American workers are wrongfully fired from their jobs for trying to organize their co-workers.

H.R. 3246 would further weaken the federal laws which currently provide American workers with a modicum of protection.

As others have pointed out, the U.S. Supreme Court, in an unanimous 1995 decision, ruled that a worker could be both a company employee and a paid union organizer at the same time. The High Court further stated that employers have no legal right to forbid an employee from engaging in organizing activity protected by the NLRA.

Mr. Chairman, H.R. 3246 would overturn that unanimous opinion of the High Court.

H.R. 3246 is a terrible piece of legislation which should offend the sensibilities of every Member of this House who values our American tradition of freedom, fairness, and fair play.

Let's vote down this very bad bill.

Mr. HOYER. Mr. Chairman, I rise today in strong opposition to H.R. 3246, a bill the Republican Leadership has seen fit to name the "Fairness for Small Business and Employees Act" but should more appropriately be called a "Bill to Restrict Workers from Organizing". This bill should not have been brought to the House floor for a vote. The only reason we are debating this bill today is because the Republican Leadership has, as part of their agenda, set a goal of removing the right of American workers to organize.

The current law protects American workers. An employee who holds a job for the purpose of organizing a particular workplace is an official employee of the company that hired that person. If this worker performs their employment duties satisfactorily, they are protected against discrimination for union activity and affiliation. If H.R. 3246 passes, it will overturn a 1995 unanimous Supreme Court decision that upheld the current law. This bill will give employers the ability to discriminate against workers who exercise the right to organize. The NLRB will be unable to protect workers against unfair employer discrimination.

This anti-labor bill also gives employers the ability to frustrate and delay their employees' choice of union representation. The NLRB, through years of experience, has determined that in most situations, it is appropriate for workers to organize in a single location of a multi-facility business rather than organizing at all locations at once. This bill requires the NLRB to apply a subjective test to determine the appropriate unit to organize. This will allow employers to have control over their workers' right to organize.

Mr. Chairman, H.R. 3246 is unfair to our workers and unfair to America. One of the foundations of this Nation is the right for workers to organize. This bill is at odds with basic principles of American labor law and jeopardizes fundamental worker rights. The bill is a direct and specific attack by the Republican Leadership on American workers and unions and I urge my colleagues to oppose it.

Mr. KLINK. Mr. Chairman, let's face it. It's screw labor week!

My colleagues on the other side of the aisle have decided that they know better than the entire Supreme Court in this instance.

We're not talking about a 5 to 4 decision here, or 6 to 3. Noooo. My Republican friends want to overturn a unanimous, 9 to nothing Supreme Court decision that said that union organizers who apply for and hold jobs for the purpose of organizing employees in a workplace cannot be fired for disloyalty.

By reversing the Supreme Court on this issue, my colleagues are turning labor history on its head and giving employers another tool against organized workers.

And that's what this bill is all about, my friends. It's another battle in the Congressional Republicans continuing campaign against working families.

In the last Congress, the Republican-controlled House tried to repeal the Davis-Bacon Act, which provides for prevailing wages in Federal construction contracts. They tried to repeal the Service Contract Act, which provides for prevailing wages in Federal service contracts. They also tried to abolish the Department of Labor and they cut millions from job-training funding.

They tried to ram through legislation that would allow corporations to raid worker pensions to the tune of $20 billion.

In the 105th Congress, the attack continued within H.R. 1, The Comp Time Act and the "Team Act."

Later this week, the Republicans will be at it again. They are bringing the worker gag rule to the floor of the House, which will basically require workers to get a note from their mommy before they can be politically active.

But, before I get off course, let's get back to the Anti-Organizing Act currently before us. Because it goes beyond discrimination in hiring.

It would also make it harder for workers to organize by forcing them to organize all the facilities of an employer, instead of just one. So if you tried to organize the workers in a McDonalds, you would be forced to organize every worker in every McDonalds in the country.

And while we're at it, lets have the Federal Government pay the legal bills of businesses in National Labor Relations Board disputes. That will only ensure that fewer such cases are brought, and further weaken hard won worker protections.

The masks are off Mr. Chairman. We can see the true agenda this week. It's all about screwing the working families of America.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to HR 3246, a bill that is mislabeled the Fairness For Small Business & Employees Act. It should be titled a Bill to Keep Organizers From Organizing. This bill undercuts the fundamental right of workers to choose a collective bargaining representative free from employer coercion.

This bill just adds to the arsenal of weapons that employers currently use in their anti-union campaigns. Under current law, an employer may lawfully order all employees to listen to a speech or watch a video urging them to vote against union representation. Employees who refuse to attend such anti-union campaign meetings can be disciplined, including being fired.

Employers may also prohibit union organizers from entering their premises throughout the organizing campaign, and may prohibit employees from discussing the union among themselves except during breaks. This bill gives powerful new weapons to employers, large and small, to prevent employees from joining unions.

Let me turn my attention to the issue of "salting", because it deals directly with an issue in which the Supreme court has ruled. Contrary to the claims of the bill's supporters, "salts" do not come to a company to destroy it. They come to organize the company's employees—not to eliminate their jobs. They understand that they need to fulfill the employer's legitimate expectations.

Salts must obey employer rules that apply to all employees. In addition, employers may lawfully prohibit union activity in work areas during working time. Employees engage in salting activities who do not comply with such rules, or who are insubordinate or incompetent, can be lawfully fired on the same basis as other employees.

Clearly, employers who object to salting do so not because of any inherent unfairness in the practice, but because they object to the fact that the law permits their employees to organize, and prohibits them from firing employees who promote union organizing.

The Supreme Court, in a unanimous 1995 decision, NLRB v. Town and Country Electric, ruled that a worker could be both a company employee and a paid union organizer at the same time, and that an employer has no legal right to require that a worker, as a condition of employment, refrain from engaging in union activity protected by the NLRA. This bill would effectively overturn that ruling. This is unacceptable and should not be allowed.

I urge my colleagues to vote against this bill.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise in opposition to H.R. 3246, another example of the majority's continued assault on the rights of working men and women in this country.

If allowed to become law, H.R. 3246 would shift power away from workers, making it more difficult for them to organize and for the National Labor Relations Board to stop employers from violating labor laws.

When will these attacks on the men and women who are the backbone of this country end?

H.R. 3246 would allow employers to discriminate against people they suspected of trying to organize their workplace by refusing to hire them or firing them if they are already employed at the company. This clearly anti-union bill is intended to overturn a unanimous Supreme Court decision of 1995 which held that a union organizer employed by a company was entitled the same protections as any other employee.

My colleagues, employees' rights are already seriously in jeopardy. Thousands of working Americans lose their jobs every year just for supporting union organizing. H.R. 3246 would make an already difficult period of time for American workers even worse. We must oppose this attempt to give employers a license to discriminate against workers rights to organize and protect the integrity of the National Labor Relations Act as well as the collective bargaining process.

Support our American workers—vote no on H.R. 3246.

Mr. BONILLA. Mr. Chairman, I rise today in support of the Fairness for Small Business and Employees Act. This bill might just as easily be called the No-Brainer Act. If you support creating jobs and promoting a strong economy, you should support this bill. It should be a No-Brainer for all of us to support this goal.

This bill is necessary because for years the NLRB has considered imposing a single site rule. For over 40 years, the courts have interpreted the law to provide employers with the right to a hearing on whether a single facility selected by a union is an appropriate bargaining unit. A reversal of this precedence by NLRB would create a litigation nightmare. Simultaneously, it would increase business costs threatening jobs. It should be a No-Brainer to realize that this is a dangerous path to take. Passage of this bill helps ensure NLRB will not threaten jobs with this approach in the future.

This bill makes other necessary reforms to abuses of the current system of labor-management relations. The bill stops "salting," a practice where union organizers seek employment solely to organize a workforce. It should be a No-Brainer to recognize that a company must make hiring decision based on an employee's genuine interest in contributing to a company's success, not on their desire to promote big labor's agenda. The bill requires the NLRB to issue a final decision on certain unfair labor complaints within a year.

It should be a No-Brainer to support resolving these disputes in a timely manner and not leaving companies in bureaucratic limbo.

Finally, the bill requires the NLRB to pay attorney fees and costs to parties who prevail against the NLRB in administrative and court proceedings. It should be a No-Brainer to support this common sense effort to deter bureaucratic persecution.

The bill before us represents a common sense effort to protect our economic prosperity from costly government interference and small business from big labor.

Mr. SCHUMER. Mr. Chairman, I rise today to oppose H.R. 3246, another attempt by this Republican Congress to cripple the ability of working men and women of America to organize.

At the beginning of the 20th century, workers organized in order to attain a better standard of living for their families. As we approach the end of the century, unions still serve this noble purpose. The bill before us is another partisan attempt to end unions as we know them.

H.R. 3246 would debilitate unions by putting a scarlet letter on union organizers. Title I of this legislation makes it legal for companies to discriminate against job applicants who have been involved in union organizing. Furthermore, it would overturn a unanimous 1995 Supreme Court ruling that allows unions to place organizers in jobs for the purpose of organizing a particular shop.

The workers in my home state of New York cannot afford to lose these protections. Just this month, a U.S. District Judge ordered a company in Syracuse to rehire Kathy Saumier and Clara Sullivan. These two women had been fired for trying to organize a union at the plant because of unsafe working conditions. Under this law, those women would still be jobless because of their activism on behalf of their co-workers, In fact, companies could refuse to hire workers like Kathy Saumier and Clara Sullivan simply because they might become leaders. That is unfair. That is un-American.

Mr. Chairman, to protect American workers, we need to preserve their right to organize. That is why we need to oppose this legislation. I urge my colleagues to vote "no."

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3246 is as follows:

H.R. 3246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for Small Business and Employees Act of 1998".

TITLE I—TRUTH IN EMPLOYMENT

SEC. 101. FINDINGS.

Congress finds that:

(1) An atmosphere of trust and civility in labor-management relationships is essential to a productive workplace and a healthy economy.

(2) The tactic of using professional union organizers and agents to infiltrate a targeted employer's workplace, a practice commonly referred to as "salting" has evolved into an aggressive form of harassment not contemplated when the National Labor Relations Act was enacted and threatens the balance of rights which is fundamental to our system of collective bargaining.

(3) Increasingly, union organizers are seeking employment with nonunion employers not because of a desire to work for such employers but primarily to organize the employees of such employers or to inflict economic harm specifically designed to put nonunion competitors out of business, or to do both.

(4) While no employer may discriminate against employees based upon the views of employees concerning collective bargaining, an employer should have the right to expect job applicants to be primarily interested in utilizing the skills of the applicants to further the goals of the business of the employer.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining;

(2) to preserve the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; and

(3) to alleviate pressure on employers to hire individuals who seek or gain employment in order to disrupt the workplace of the employer or otherwise inflict economic harm designed to put the employer out of business.

SEC. 103. PROTECTION OF EMPLOYER RIGHTS.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended by adding after and below paragraph (5) the following:

"Nothing in this subsection shall be construed as requiring an employer to employ any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status: *Provided*, That this sentence shall not affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant.".

TITLE II—FAIR HEARING

SEC. 201. FINDINGS.

The Congress finds the following:

(1) Bargaining unit determinations by their nature require the type of fact-specific analysis that only case-by-case adjudication allows.

(2) The National Labor Relations Board has for decades held hearings to determine the appropriateness of certifying a single location bargaining unit.

(3) The imprecision of a blanket rule limiting the factors considered material to determining the appropriateness of a single location bargaining unit detracts from the National Labor Relations Act's goal of promoting stability in labor relations.

SEC. 202. PURPOSE.

The purpose of this title is to ensure that the National Labor Relations Board conducts a hearing process and specific analysis of whether or not a single location bargaining unit is appropriate, given all of the relevant facts and circumstances of a particular case.

SEC. 203. REPRESENTATIVES AND ELECTIONS.

Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c)) is amended by adding at the end the following:

"(6) If a petition for an election requests the Board to certify a unit which includes the employees employed at one or more facilities of a multi-facility employer, and in the absence of an agreement by the parties (stipulation for certification upon consent election or agreement for consent election) regarding the appropriateness of the bargaining unit at issue for purposes of subsection (b), the Board shall provide for a hearing upon due notice to determine the appropriateness of the bargaining unit. In making its determination, the Board shall consider functional integration, centralized control, common skills, functions and working conditions, permanent and temporary employee interchange, geographical separation, local autonomy, the number of employees, bargaining history, and such other factors as the Board considers appropriate.".

TITLE III—JUSTICE ON TIME

SEC. 301. FINDINGS.

The Congress finds the following:

(1) An employee has a right under the National Labor Relations Act to be free from discrimination with regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization. The Congress, the National Labor Relations Board, and the courts have recognized that the discharge of an employee to encourage or discourage union membership has a particularly chilling effect on the exercise of rights provided under section 7.

(2) Although an employee who has been discharged because of support or lack of support for a labor organization has a right to be reinstated to the previously held position with backpay, reinstatement is often ordered months and even years after the initial discharge due to the lengthy delays in the processing of unfair labor practice charges by the National Labor Relations Board and to the several layers of appeal under the National Labor Relations Act.

(3) In order to minimize the chilling effect on the exercise of rights provided under section 7 caused by an unlawful discharge and to maximize the effectiveness of the remedies for unlawful discrimination under the National Labor Relations Act, the National Labor Relations Board should resolve in a timely manner all unfair labor practice complaints alleging that an employee has been unlawfully discharged to encourage or discourage membership in a labor organization.

(4) Expeditious resolution of such complaints would benefit all parties not only by ensuring swift justice, but also by reducing the costs of litigation and backpay awards.

SEC. 302. PURPOSE.

The purpose of this title is to ensure that the National Labor Relations Board resolves in a timely manner all unfair labor practice complaints alleging that an employee has been unlawfully discharged to encourage or discourage membership in a labor organization.

SEC. 303. TIMELY RESOLUTION.

Section 10(m) of the National Labor Relations Act is amended by adding at the end the following new sentence: "Whenever a complaint is issued as provided in subsection (b) upon a charge that any person has engaged in or is engaging in an unfair labor practice within the meaning of subsection (a)(3) or (b)(2) of section 8 involving an unlawful discharge, the Board shall state its findings of fact and issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice and to take such affirmative action, including reinstatement of an employee with or without backpay, as will effectuate the policies of this Act, or shall state its findings of fact and issue an order dismissing the said complaint, not later than 365 days after the filing of the unfair labor practice charge with the Board except in cases of extreme complexity. The Board shall submit a report annually to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate regarding any cases pending for more than 1 year, including an explanation of the factors contributing to such a delay and recommendations for prompt resolution of such cases.".

SEC. 304. REGULATIONS.

The Board may issue such regulations as are necessary to carry out the purposes of this title.

TITLE IV—ATTORNEYS FEES

SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) Certain small businesses and labor organizations are at a great disadvantage in terms of expertise and resources when facing actions brought by the National Labor Relations Board.

(2) The attempt to "level the playing field" for small businesses and labor organizations by means of the Equal Access to Justice Act has proven ineffective and has been underutilized by these small entities in their actions before the National Labor Relations Board.

(3) The greater expertise and resources of the National Labor Relations Board as compared with those of small businesses and labor organizations necessitate a standard that awards fees and costs to certain small entities when they prevail against the National Labor Relations Board.

(b) PURPOSE.—It is the purpose of this title—

(1) to ensure that certain small businesses and labor organizations will not be deterred from seeking review of, or defending against, actions brought against them by the National Labor Relations Board because of the expense involved in securing vindication of their rights;

(2) to reduce the disparity in resources and expertise between certain small businesses and labor organizations and the National Labor Relations Board; and

(3) to make the National Labor Relations Board more accountable for its enforcement actions against certain small businesses and labor organizations by awarding fees and costs to these entities when they prevail against the National Labor Relations Board.

SEC. 402. AMENDMENT TO NATIONAL LABOR RELATIONS ACT.

The National Labor Relations Act (29 U.S.C. 151 and following) is amended by adding at the end the following new section:

"AWARDS OF ATTORNEYS' FEES AND COSTS

"SEC. 20. (a) ADMINISTRATIVE PROCEEDINGS.—An employer who, or a labor organization that—

"(1) is the prevailing party in an adversary adjudication conducted by the Board under this or any other Act, and

"(2) had not more than 100 employees and a net worth of not more than $1,400,000 at the time the adversary adjudication was initiated,

shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Board was substantially justified or special circumstances make an award unjust. For purposes of this subsection, the term 'adversary adjudication' has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

"(b) COURT PROCEEDINGS.—An employer who, or a labor organization that—

"(1) is the prevailing party in a civil action, including proceedings for judicial review of agency action by the Board, brought by or against the Board, and

"(2) had not more than 100 employees and a net worth of not more than $1,400,000 at the time the civil action was filed,

shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) or this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust.".

SEC. 403. APPLICABILITY.

(a) AGENCY PROCEEDINGS.—Subsection (a) of section 20 of the National Labor Relations Act, as added by section 402 of this Act, applies to agency proceedings commenced on or after the date of the enactment of this Act.

(b) COURT PROCEEDINGS.—Subsection (b) of section 20 of the National Labor Relations Act, as added by section 402 of this Act, applies to civil actions commenced on or after the date of the enactment of this Act.

The CHAIRMAN. No amendment to the bill is in order except the amendment printed in House Report 105–463, which may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, pursuant to the rule, I offer amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GOODLING:

Page 4, line 17, before the first period, insert ", including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection".

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, my amendment further spells out in the most direct and clear manner possible the intent of title I, which ensures that the truth in employment provisions of the Fairness for Small Business and Employees Act do not infringe upon any rights or protection for employees under the National Labor Relations Act. My amendment lays out specifically some of the important essential rights granted workers under the NLRA which are not impacted under title I so long as an individual is a bona fide employee applicant in that they are at least half motivated to work for the employer. While H.R. 3246, as currently drafted, does make clear that title I shall not affect the rights and responsibilities under this act of any employee who is or was a bona fide employee applicant, my amendment makes it explicitly clear that this includes the right to self-organization, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

□ 1930

Under my amendment, there should be absolutely no confusion whatsoever that H.R. 3246 does not seek to punish anyone for their union activities. It simply amends the NLRA to clarify that an employer is not required to hire anyone who seeks a job primarily to further other employment or agency status. So long as someone is at least half motivated to be a productive employee, then title I does not apply to them at all.

Title I of H.R. 3246 is only intended to address the egregious, abusive, salting practices involving individuals who, it is clear, are not applying for a job to go to work every day and be a productive worker, but rather applying so they can start filing frivolous charges, and I read all of those frivolous charges that are always thrown out, but rather are applying so they can start filing frivolous charges against the employer with NLRB in an attempt to cost the company money defending itself.

Mr. FAWELL. Mr. Chairman, would the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, there has been a lot of information floating around this week that title I of the Fairness for Small Business and Employees Act would gut workers' rights under the National Labor Relations Act and would take away employees' right to organize and participate in legitimate collective bargaining activities.

Does H.R. 3246 do any of this?

Mr. GOODLING. It does not. In fact, as I pointed out, the legislation has a provision spelling out quite clearly that nothing in the act shall, "affect the rights and responsibilities granted by the NRA," of any employee who is or was a bona fide employee applicant. The amendment I have offered is intended to provide all the more assurance that title I in no way would infringe on any NRA rights.

Mr. FAWELL. And what does all this mean in English?

Mr. GOODLING. It means that if an individual applies for a job at a company and expresses at least 50 percent interest in actually working there, then that individual is entitled to all the rights granted by the National Labor Relations Act. In fact, an individual could very well be a paid union organizer, and title I would not impact them one bit, so long as they are not applying for the job with the primary purpose of furthering interest of some other employer.

Mr. FAWELL. You have mentioned this 50 percent test several times. Who would determine what the level is of an applicant's motivation to work for the employer?

Mr. GOODLING. The level of intent would be determined by the general counsel of the National Labor Relations Board, and someone just a little while ago said we are putting it on the National Labor Relations Board. That is exactly who makes the decisions now. We are not giving them anything new. The same individual makes the determination of the intent of employers under current case law. If the appropriate referee of an employer's intent is the NLRB's general counsel, then certainly an appropriate referee of an employee's intent is also NLRB's general counsel.

Mr. FAWELL. I have also heard it said this week that union salting is protected by the United States Supreme Court in its unanimous 1995 Town and Country decision, and that title I seeks to overturn this case which held that union organizers are employees under the NLRA and enjoy all of the act's protections.

Mr. GOODLING. That is deliberate misinformation as well. The holding of NLRB versus Town and Country Electric was very narrow. The Supreme Court held simply that paid union organizers can fall within the liberal statutory definition of "employee" contained in section 23 of the NLRA.

Title I of the Fairness for Small Business and Employees Act does not change the definition of "employee" or "employee applicant" under the NLRA. It simply would change the NLRB's enforcement of section A by declaring that employers may refuse to hire individuals who are not at least half motivated to work for the employer. So long as even a paid union organizer is at least 50 percent motivated to work for the employer, he or she can not be refused a job in violation of section 8(A).

Title I thus established a test which does not seek to overrule Town and Country, does not infringe on the legitimate rights of bona fide employees and employee applicants to organize on behalf of unions within the workplace. Indeed, the Supreme Court's holding that an individual can be servant of two masters at the same time is similarly left untouched.

The CHAIRMAN. Is there an opponent of the amendment who seeks recognition?

Mr. CLAY. Mr. Chairman, I am not opposed to the amendment, but I ask to claim the time in opposition so I can speak in favor of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri for 10 minutes.

Mr. CLAY. Mr. Chairman, the majority must have some serious misgivings about title I of its own bill. Earlier this week, the gentleman from Illinois (Mr. FAWELL), chairman of the subcommittee, prefiled and then withdrew an amendment to strike title I from the bill. Now the gentleman from Pennsylvania is trying to salvage this extreme and reckless title through this amendment.

The truth is this amendment does nothing to fix this bill. It merely restates the current law protections while still allowing employers to refuse employment to workers, based on the outside group affiliations.

I have no intentions of opposing the amendment because it does nothing.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the ranking member for yielding this time to me.

I also support the amendment, but I do want to speak about how little I think it does to improve the very negative underlying bill.

I find it rather ironic that the party of Abraham Lincoln would be pursuing a piece of legislation that has such negative implications for people's individual liberty and autonomy. It is a concern that really has not been brought up yet about this bill, but it is a very practical one, and I want to spend a few minutes talking about it.

A few minutes ago, our friends from Pennsylvania and Illinois said that the party who would determine the employee's intent as to primary purpose would be the general counsel of the National Labor Relations Board. In fact, as a practical matter, the first person who would determine the employee's principal purpose would be the employer. The employer is going to determine what the principal or primary purpose of the employee is.

How exactly is the employer going to do that? Is the employer going to speak? I assume the employer is going to interview the employee, and most employees are going to say, my purpose is to do the job well. Then the employer has to start to ask other questions. Is the employer going to ask the spouse of the applicant what the applicant said to his or her spouse? Is the employer going to ask prior employers of the employee further information than that which would be on the normal letter of reference? Is the employer going to go to persons that the applicant may have talked to at the place of religious worship or at a social gathering or political gathering the person may have gone to?

I would suggest to my colleagues that the practical implication of this bill is that it opens up an Orwellian can of worms where an employer clearly has the right to ask all kinds of questions about what the employee's motive might be, and that Orwellian can of worms runs into some very real privacy considerations of the applicant or employee.

I am sure that Abraham Lincoln, who founded his party in part on the principle of individual liberty and autonomy, would be rather surprised to know that one of the prices now of applying for a job is evidently giving the employer to whom you have applied carte blanche to find out what you think and what you say to people outside the normal job application process. And if this were to become law, which I doubt and hope does not occur, I wonder exactly how this inquiry would be conducted and by whom. It is one more reason, whether any union or not any union, whether in the work force or not in the work force, it is one more reason to oppose this underlying piece of legislation.

Mr. GOODLING. Mr. Chairman, I yield myself 2 minutes.

I wish to continue the colloquy with the gentleman from Illinois (Mr. FAWELL).

As I was indicating, title I thus establishes a test which does not seek to overrule, does not seek to overrule Town and Country, does not infringe on the legitimate rights of bona fide employees and employee applicants to organize on behalf of unions within the workplace. Indeed the Supreme Court's holding that an individual can be a servant of two masters at the same time is similarly left untouched. Title I simply calls for at least 50 percent to be for the employer. If an applicant cannot show the NLRB's general counsel that he or she sought the job at least half because they really wanted to be an employee, then I believe we would all agree that the employer should not have to hire them.

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Illinois.

Mr. FAWELL. So under H.R. 3246, Mr. Chairman, even organizers are not prohibited from getting jobs.

Mr. GOODLING. That is correct. Title I is completely consistent with the policies of the National Labor Relations Act. All the legislation does is give the employer some comfort that it is hiring someone who really wants to work for the employer, and as my amendment points out with particularity, title I in no way infringes on the rights granted by the National Labor Relations Act.

I would hope my colleagues on both sides of the aisle support my amendment, which while granting some protection to the employers against clear instances of salting abuses, also makes crystal clear this legislation does not in any way scale back on the rights contained in the National Labor Relations Act.

Mr. Chairman, I reserve the balance of my time.

Mr. CLAY. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding and I appreciate the gentleman from Pennsylvania, the chairman, trying to correct the impression that I have from this bill. I think the problem is that this bill tends to want to throw out the existing law and existing court cases with regards to what constitutes a bona fide employee. The court has ruled on this, and the effect of this, of course, is to drag it back into court, change the circumstances and to undercut the ability of someone to be employed that happens to harbor the notion of organizing and of exercising their freedom to in fact seek a collective bargaining election or join a union.

That is what this is all about. It just reshuffles the deck to bring it back up again in the court with the option that they can undercut that person's ability to do what they see and what we think is proper in a free economy.

As has been said by my colleague from New Jersey, I think this goes right to the issue of mind control. This invites absolute control by the employers over the thoughts and over the views of employees with regards to how they ought to be organized and their opportunity to attain decent working conditions and wages.

Mr. Chairman, I rise in opposition to this bill H.R. 3246.

This measure has numerous provisions which are specifically defined to frustrate the ability of working men and women from organizing and joining a union. The result denys the fundamental freedom of association and speech at the core of our society and our basic freedoms.

The collective bargaining process is the vehicle that serves the workers and employer to achieve an agreed upon condition on the job with a fair wage and benefits.

Unfortunately because of the evolution of our U.S. mixed economy labor unions and organizations represent less than 20% of our total labor force. This is also a result of the fact that labor law and policy has not kept pace with the changes and a concerted effort by many businesses to contest and successfully resist efforts by workers to achieve union representation and access to the collective bargaining process.

This bill before the House will make that process even more difficult. In a situation where workers are already at a disadvantage this bill seeks to tilt the table and stack the deck against workers.

Working men and women deserve a fair shake and regard the law as a measure to undercut and shred what remains of our labor laws.

This bill plain and simple permits an employer to fire or not even hire a person who has an interest and may play a role in organizing a collective bargaining election. Today that is an unfair labor practice, but this proposes to make such a discriminatory action legal. Today a prospective worker's values and thoughts are private and an employer appropriately considers an employment situation based on qualification and the willingness of a worker to perform his or her assigned tasks. This bill crosses the line into mind control and invites absolute employer control of the workers' private thoughts and values as to their interest in collective bargaining and joining a union. Control of the communication and the thoughts of a worker deny the fundamental freedoms that characterize a free society and a free labor force.

Additionally this measure which purports to advocate for small business denys a collective bargaining election for a separate work place, rather it mandates that the collective bargaining election must take place on an overly broad basis rather than permit a one location election—turning a single facility collective bargaining election into a multi-state or even national collective bargaining election. Both the provision to prevent the hiring and permitting the firing of a employee and the mandate to deny a single site election overturn court cases and current law that permits union organization on this basis.

This legislation turns the process of litigation and National Labor Relations Board appeals inside out requiring in the bill that small business must be compensated if they prevail in a decision. Today the NLRB and court have such discretion, but to require such no matter the circumstance will assure that almost all decisions will be carried forth with the hope of success and payment.

These measures certainly don't achieve a common sense result in terms of labor-management accord and fair treatment, rather they are a transparent attempt to superimpose a disadvantage upon working men and women and their access to the collective bargaining process. One may wonder if this is some sort of retaliation for the fact that organized labor has become more politically active in recent years and that this in some small minds is the way to penalize labor.

These actions are poor policy and the wrong way to force or win the day. The reaction to this bill can only be to reject the proponents and to re-double the effort to change the political equation.

Rather than loading the NLRB down with more paper work and appeals and requests for reports along with the mandate to pay legal fees for those who successfully appeal, Congress should provide the resources that would address the backlog that has been building up the past decade to permit timely investigation and decision making by the NLRB.

This measure is a bad faith effort to disadvantage workers and the unions they may choose to represent them. I certainly urge its defeat.

Mr. CLAY. Mr. Chairman, I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

I would merely indicate to the gentleman who just spoke that obviously he has little faith in the general counsel at the National Labor Relations Board. I will guarantee him that all employees have great confidence in that general counsel. I will guarantee him that organized labor has great confidence in that general counsel at the National Labor Relations Board.

Let me close simply by repeating what was said in an editorial in a paper that I read today: It is reassuring to know that some relief is being considered for the real victims of status quo: workers, small businesses, and small unions.

Let me repeat that: It is reassuring to know that some relief is being considered for the real victims of status quo: workers, small businesses and small unions.

My colleagues have an opportunity to help all three. All they have to do is vote yes on the amendment and on the legislation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 398, noes 0, not voting 32, as follows:.

[Roll No. 77]

AYES—398

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—32

Bonilla
Brown (FL)
Cannon
Cardin
Conyers
Cooksey
Crapo
Engel
Ford
Gonzalez
Harman
Hefner
Houghton
Hunter
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Markey
McDade
McDermott
McNulty
Millender-McDonald
Payne
Rangel
Rogers
Royce
Sherman
Smith (OR)
Smith (TX)
Waters
Yates

☐ 2003

Messrs. BOUCHER, CUMMINGS, OBERSTAR, and STARK changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SHERMAN. Mr. Chairman, during roll call vote number 77 on the Goodling Amendment to H.R. 3246 I was unavoidably detained. Had I been present, I would have voted yes.

The CHAIRMAN. No other amendment being in order under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIAHRT) having assumed the chair, Mr. McCOLLUM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers, pursuant to House Resolution 393, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLAY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 200, not voting 29, as follows:

[Roll No. 78]

AYES—202

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Fox
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McIntyre
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rohrabacher
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (OH)
Campbell
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Johnson (CT)
Johnson (WI)
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McHugh
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Young (AK)

NOT VOTING—29

Bonilla
Brown (FL)
Cannon
Cardin
Conyers
Cooksey
Crapo
Engel
Ford
Gilman
Gonzalez
Harman
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
McDade
McDermott
McNulty
Millender-McDonald
Payne
Rangel
Rogers
Ros-Lehtinen
Royce
Smith (TX)
Solomon
Waters
Yates

□ 2022

The Clerk announced the following pair on this vote:

Mr. Bonilla for, with Mr. McDade against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, during the final vote on H.R. 3246 (Rollcall 78) I was in the Chamber and attempted to vote, but the Speaker closed the vote before I could cast my vote. I attempted to secure the attention of the Chair but was unsuccessful. Had I been allowed to vote I would have voted "no."

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3246, the bill just passed.

The SPEAKER pro tempore (Mr. TIAHRT). Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2515, FOREST RECOVERY AND PROTECTION ACT OF 1998, AND LIMITATION OF TIME FOR AMENDMENT PROCESS

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that House Resolution 394, the rule, be considered as adopted, and that during consideration of H.R. 2515, the forestry bill, in the Committee of the Whole, pursuant to that resolution, 1, that the amendment in the nature of a substitute made in order as original text be considered as read; and 2, after general debate, the bill be considered for amendment under the 5-minute rule for a period not to extend beyond 1:30 p.m. on Friday, March 27, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The text of House Resolution 394 is as follows:

H. RES. 394

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2515) to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Agriculture now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 3530. Each section of that amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 5(a) of rule XXI are waived. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2021

Mr. NETHERCUTT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor to H.R. 2021.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION FOR AUTHORIZATION TO SIGN AND SUBMIT REQUESTS TO ADD COSPONSORS TO H.R. 2009

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that I may be authorized to sign and submit requests to add cosponsors to the bill, H.R. 2009.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

□ 2030

PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, I would like the RECORD to reflect that I would have voted "no" on H.R. 3246, but the gavel was pounded before I registered my vote. I tried to get the Chair's attention, but I was not able to do so.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HULSOF). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESS MUST REFORM THE NATION'S TRANSPORTATION SYSTEM AND REGAIN THE PUBLIC'S TRUST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. COBURN) is recognized for 5 minutes.

Mr. COBURN. Mr. Speaker, I rise today to discuss a matter of grave concern to me and many of my colleagues. I am in great hope that the American public is paying attention to what I am about to say.

Mr. Speaker, I am going to talk about transportation dollars and budget authority and busting the budget. The transportation dollars that are being handled in this country are being handled in a way that I believe does not support the best interests of the American public nor support the quality of this institution.

Next week the House will be asked to vote on a transportation bill that could cost the American taxpayers $216 billion, money they have already paid into a taxpayers' fund. This will make this bill one of the largest public works bills in our history. The chairman of the Committee on the Budget has called the bill an "abomination" because it will bust the budget by at least $26 billion. That is $26 billion that we are going to pass on to our next generation. We have the assurances that this will be paid for in conference. Anybody that has been here for any length of time knows that that is not much in terms of assurance.

This Congress has made important steps toward reversing the fiscal irresponsibility of its recent past, and we must stay that course. We must not lose our bearings when we are so close to making significant strides towards reducing our $5.5 trillion debt.

I want to explain to the American people how transportation dollars are divided up in this country and where that process is corrupt and needs to be reformed. Every time Americans fill their cars up with gas, a few cents go towards a massive Federal transportation fund. Congress has set up a committee to divide these funds. Each member of this committee exercises enormous influence over where these dollars are spent.

Every Member of Congress has the authority to request special projects, based on the needs of their district and the recommendations of their respective State's Department of Transportation. Money should be awarded to these projects based solely on their merit, but this is often not the case, as anyone who has observed this process recently will admit.

Instead of dividing transportation money according to the merit of projects, money is divided based on political favors and political expediency. Stories in today's Associated Press will help explain what I mean.

The AP reports North Dakota and South Dakota are similar in size and population, but when it comes to the House's highway bill, they are nothing alike. The bill earmarks $60 million in special projects for South Dakota, six times as much as its neighbor to the north.

Mr. Speaker, let me ask my colleagues and the American public a question. Is it likely that the projects in South Dakota have six times more merit as the projects in North Dakota, or is there some political motivation involved?

In Minnesota, one district out of the eight congressional districts in that State received $80 million of the $140 million earmarked for projects in that State. Does that one district have such a disproportionate need for highway funds, or is there some other reason for this imbalance in funding? Is it a coincidence that an inordinately high proportion of transportation funds are targeted to districts represented by members of the Committee on Transportation and Infrastructure? Is it a coincidence that this bill sends outrageous sums of money to members in both parties who will face difficult reelections?

Also, if my colleagues examine this bill, they will find striking disparities in the amount of money one State receives over another, regardless of what they put into the trust fund.

Mr. Speaker, I invite the public and the press to examine this bill and decide for themselves whether this money is being divided according to merit or to politics. This bill includes over 1,400 special projects. In 1987, President Reagan vetoed a bill that had 150 such projects, which is just one-tenth the number in this bill.

We should ask ourselves what the typical American thinks of this process. I think we know. The public finds that it is sick, dirty, and corrupt, and a throwback to the system of "good ol' boys" that we came here in 1994 to end. We have $5.5 trillion worth of debt in this country. We cannot afford to play games with the public's money and more importantly we cannot afford to play games with the public's trust.

That is why I and several of my colleagues turned down funds in this year's highway transportation bill. I made a statement to the press that the committee had approached me in hopes of buying my vote. I stand by that statement.

But this is not an issue of one Member against another Member or one Member against a committee. This issue is about whether Congress will continue to look the other way on a system that encourages Members to do the inappropriate and wrong things. This system not only wastes the public's money, it degrades the public's trust in this institution. It is difficult to put a dollar value on trust because it is invaluable. As legislators, the public's trust is our most precious and scarce resource. Once that trust is lost, we all know it is hard to earn it back.

If this Congress and the class of 1994 is known for one thing, I hope it is for our unwavering crusade to regain the public trust. Without that trust, we are governed by suspicion, cynicism, and our society cannot be sustained for long with that foundation.

We can blame the spread of this acidic public cynicism on a variety of familiar culprits: the liberal media, a debased entertainment industry, voter apathy, and Presidential scandal. All of these factors have played a role, but we are wise to first seek improvement among the group we can most directly effect—ourselves. The Congress has lost the confidence of the public, and it is our duty to do what we can to win it back.

The typical American believes politicians are more concerned about preserving their position than the long-term consequences of their policies, and this system perpetuates that perception.

Reforming this system will be an important step in that process. We should let the states make decisions about transportation funding and get it out the hands of Washington.

We must do the right thing for the country on this issue before we throw away more of the public's money and trust.

Today, I believe the greatest temptation facing legislators in our party is to postpone doing the right thing for the country until our position as the majority party is more secure. If we make this our practice, with every compromise, with every sellout, we will drain the lifeblood from the movement that brought us into Congress. Our souls will depart from us and we will become the hollow politicians the public expects us to be, but sent here to replace.

I urge my colleagues to do what is necessary to reform this system when the House takes up the transportation bill next week.

YOUTH FIREARM VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON. Mr. Speaker, 2 days the ago the Nation was shocked when two adolescent boys opened fire on the students at Westside Middle School in Jonesboro, Arkansas, which killed four students and a teacher. Eleven others were wounded. One of the boys had told his friends that he had a lot of killing to do, according to the police.

Teacher Shannon Wright died trying to shield another student from the deadly fire. She was 32, the mother of a 2½ year old son. The police found a cache of guns at the site.

Just yesterday, a 14-year-old boy in Daly City, California tried to shoot his school principal, Matteo Rizzo, who had disciplined the boy last week for fighting with a schoolmate. The shot fortunately missed Rizzo and lodged in the wall behind him.

Today I have had a report from my home district of Indianapolis that a 7-year-old boy brought a loaded gun to school in his knapsack. When confronted by teachers, the boy said he had been threatened and brought the gun to school for his protection.

Last December, a boy opened fire on a student prayer circle at a high school in West Paducah, Kentucky, killing three students and wounding five. Two months earlier, two students died in a shooting in Pearl, Mississippi. And in December, a student wounded two students when he opened fire in a school in Stamps, Arkansas.

Mr. Speaker, we are facing a crisis when young kids can get guns easily and take them to school. Marion County, Indiana, a part of which I represent, has seen 115 children die by firearms in the last 5 years. Of these deaths, 33 were from handguns. Statewide in Indiana, some 40 children 19 and younger committed suicide with firearms in 1995. Four of these suicides were by children aged 10 to 14. Eighteen children died from firearm accidents in 1995.

Nationwide, more than 1,000 children aged 14 and younger committed suicide with firearms from 1986 to 1992, according to the Center to Prevent Handgun Violence. More than 1,700 were killed in accidents. An average of 14 teenagers and children are killed by guns each day.

Children committing acts of violence are not the only problem we have with children and guns. Adults carelessly leave guns around children and can be just as dangerous. Just this past Sunday in Indianapolis, a 3-year-old boy accidentally shot and critically wounded his mother's boyfriend. This man allowed a 3-year-old to hold his 9-millimeter handgun. Apparently the gun owner removed the ammunition clip but failed to remove the one round in the firing chamber. The boy pulled the trigger and the bullet struck the owner in the abdomen.

Two years ago, Michelle Miller of Indianapolis lost her 3-year-old son when a boyfriend let the child play with his gun. The gun went off, killing the child. As part of her sentence, Michelle is telling her story in public and urging families with guns to keep the weapons away from their children.

Mr. Speaker, what are 3-year-olds doing with guns? The Indianapolis Police Department responded to the most recent incident saying that gun owners should keep their weapons locked and out of the reach of children.

According to the Coalition to Stop Gun Violence, half of all gun owners keep their firearms in an unlocked area. One fourth keep their firearms unlocked and loaded, leaving their guns very vulnerable to threat, accidental shooting, suicides, and homicides.

Fortunately, we in Congress can do something to increase the safety of guns that are kept in homes and to keep guns out of the hands of children. H.R. 1047 that requires that handguns come equipped with safety locks is one such measure. A safety lock fits over the trigger of the gun, disabling the weapon until it is removed. With safety locks, parents would be able to secure guns and prevent their use either by their children or someone who steals their guns. We cannot force parents to use safety locks, but we can make sure that they are provided with a safety lock which every gun should carry.

That bill that I referenced is a simple, commonsense solution that we should enact immediately, and that is to require that trigger locks be placed on unattended guns so that our children cannot just use them wantonly. Perhaps we could look at ways to lock guns when they are manufactured, and require manufacturers to implement trigger lock devices in the manufacturing of firearms. And yes, I know that gun lobbies across this country would be opposed to this, but we as Members of Congress must step up very boldly and responsibly and act accordingly to the sentiments of this country and to the protection of our children.

□ 2045

EXCHANGE OF SPECIAL ORDER TIME

Mr. FOX of Pennsylvania. Mr. Speaker, I ask unanimous consent to take the time previously allotted to the gentleman from Florida (Mr. MICA).

The SPEAKER pro tempore (Mr. HULSHOF). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ISTEA BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FOX) is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to speak about a very important topic to my colleagues tonight, and that deals with the very important transportation bill.

The fact is that this new transportation bill is one that has been worked out on both sides of the aisle. It is paid for out of Transportation Trust Fund money. It is paid for each time the motorists go to pay for their gasoline. Those funds are being used and generated back to protect the public.

This transportation bill is a good one. It means jobs across America. It means improved road safety. It means new and improved public transit systems. It means improved air quality because more people are riding on the trains, subways, and buses. This ISTEA bill is a bipartisan piece of legislation.

The gentleman from Pennsylvania (Mr. SHUSTER), the chairman, and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, have worked over time with their staffs to make sure it is a positive piece of legislation in the fact it is fair to all States in its allocation and support of our Nation's governors, along with hundreds of other public service organizations.

We have reduced waste in this Congress. In the 104th Congress, we reduced spending by at least $53 billion. We continue reducing waste in the government by our own reexamination through the Results Caucus through our sunset procedures.

We have several bills, Mr. Speaker. As I am sure my colleagues are aware, we have bills that will make sure that our legislation for each agency we are going through with a fine-tooth comb to make sure that where agencies are duplicating what others are doing, whether it be State government or private sector, we are going to downsize, we are going to privatize, we are going to consolidate or eliminate.

So we have done the job, working with Citizens Against Government Waste, to reduce those kinds of expenditures that previous Congresses may have approved, but this Congress does not approve. But transportation, that is an investment for our children, for our families, for the public.

Many people do not own cars so they rely on public transit. Much of this bill deals with public transit and how to make sure those who do not drive and cannot afford a car can still go to work and still go to the doctor and still do the necessities of life.

I look forward to bipartisan support not only in the House, but in the Senate, so a bipartisan bill can be passed and sent to the President for signature.

RESTORATION OF THE FARM CREDIT BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, several of my colleagues have introduced a bill called the Restoration of the Farm Credit bill. I want to report to the House today that the Senate, with their supplemental spending, also adopted that bill, understanding the emergency nature of farmers needing credit.

In the 1996 farm bill meant that indeed credit had been denied to farmers who might have had a blemish on their record. For whatever cause, whether it is due to a disaster, whether it is due to a medical cause, whether it is due to foreclosure, whether it is due to discrimination, any of these reasons, if a farmer had had one blemish on his record, he was barred or she was barred from there on out to borrow any monies from the USDA, whether that is a guaranteed loan or direct loan. So what it meant was one strike and farmers had no recourse whatsoever.

Mr. Speaker, one of the reasons small farmers are going out of business so fast is because they do not have access to credit. Certainly, when the United States Government is lending money to farmers, usually this is the last resort, the last opportunity farmers have is to go to their government to borrow money. So when the government says, no longer are we interested in small farmers and small ranchers, that means consumers and farmers, all who depend on having small farmers and ranchers participate in farming, are put at risk. It means the quality of food is at risk. It means the low food prices that we enjoy are at risk.

So I am happy to say that the Senate, the other body, was able to see the wisdom of that. I hope, as we have the opportunity next week, that we will have the same opportunity to see the emergency nature of responding to the critical credit needs of small farmers and ranchers.

Mr. Speaker, I commend my colleagues to consider that when they have the opportunity.

GOP NATIONAL SALES TAX IS BAD IDEA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PALLONE. Mr. Speaker, this evening the Democrats plan to discuss the Republican plan to abolish the Tax Code and replace it with either a flat tax or a sales tax.

I yield at this point to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman from New Jersey and I also thank my other colleagues who were on the floor and those who are coming tonight to join in this special order to talk about the need to cut taxes for working middle-class families and to reveal the true cost, as my colleague from New Jersey pointed out, the true cost of a dangerous Republican proposal to impose a national sales tax on the American people.

We have heard quite a bit lately from our Republican colleagues about tax reform. But behind the rhetoric and the calls to "scrap the code," that mantra, if you will, repeated over and over again to scrap the code, behind the rhetoric of that phrase lie some very radical and some dangerous proposals that will actually raise taxes on working families and cut taxes for the wealthiest 1 percent of taxpayers.

I think we all agree that that is not reform, that is not what we are about. Abolishing the Tax Code, replacing it with a sales tax is one of those kinds of easy-listening proposals that Republicans are famous for. If you will, it is the legislative equivalent of elevator music; we might find ourselves humming along. But when we snap out of it, we realize that we hate the song. We have all had this happen to us.

The Republican national sales tax is a very bad idea. My Republican colleagues argue that a national sales tax would be simple and it would be fair. But take a closer look at it and we find that there is nothing simple or fair about it.

A national sales tax is not simple. In fact, several renowned economists have declared a national sales tax as unworkable. Even the conservative Wall Street Journal has panned the proposal and highlighted concerns about administration and about enforcement.

A national sales tax is not fair. The Brookings Institute says that of the GOP sales tax, "The sales tax would raise burdens on low- and middle-income households and sharply cut taxes on the top 1 percent of taxpayers." That is not fair.

The GOP national sales tax proposals call for replacing all individual and corporate taxes with a 23 percent sales tax. But there is a new analysis by Citizens for Tax Justice that shows that the actual rate would be at least 30 percent. That means the American people would pay 30 percent more for everything, 30 percent more for everything. They would pay a 30 percent tax every time they opened their wallet. Talk about being nickeled and dimed to death.

What does that mean to the average middle-class family? Let us take a look. This week U.S. News and World Report did a cover story on the cost of raising a child in today's world. It is an astounding piece. According to U.S. News, for a child born in 1997, a middle-class family will spend $1.4 million to raise that child to age 18. This is the cover of U.S. News and World Report this week, "The Real Cost of Raising Kids." Would my colleagues believe it is $1.4 million apiece? Put a 30 percent tax on top of that and we are looking at life for working families under a GOP national sales tax.

Let us take a look at a few examples of what a 30 percent tax means in real life. This is a box of diapers. It costs $23 today. Add a 30 percent GOP tax of $6.90 and we have the GOP price of $29.90. Let us take a look at what it costs for a pair of children's shoes. They cost about $20. Add the GOP sales tax, which is about $6, and we are paying $26 for the same pair of shoes.

Let us take a look at a box of cereal, and we all want to give our kids cereal. We want to make sure that they are healthy. The price is $2.99 today. The GOP tax of an additional 90 cents would bring the price of a box of Kellogg's Raisin Bran, Two Scoops of Raisin Bran here, up to $3.89.

Let us take a look at a loaf of natural grain bread. Price $2.59. GOP tax, 78 cents. GOP price, $3.37.

And what about baby food? Price 45 cents. GOP tax, 14 cents. GOP price, 59 cents.

This gives my colleagues some idea of the reality of a national sales tax and a 30 percent increase in that tax. Of course, we all know that children's shoes get more and more expensive. We saw here. So if they take a look at what happens as they grow up and they have a child that is a teenager, his or her shoes could cost $120. Add a 30 percent sales tax, and they are looking at a $36 tax, bringing the cost to $156. It is no wonder that, according to U.S. News and World Report, the cost of clothing a middle-class kid to age 18 costs $22,063.

My colleagues will see on this chart that the GOP sales tax would increase that cost significantly. I think it is important to take a look at this chart. This is the GOP 30 percent sales tax list for working families, the cost of raising a child.

If my colleagues will bear with me, housing, today's cost is $97,549. The GOP 30 percent sales tax would add $29,000. We are looking at a price tag from the GOP of $126,000.

Food, $54,795. Add to that the 30 percent sales tax of $16,400. We are talking about $71,000 to provide food for our kids.

Transportation costs, $46,000. Add $13,000 from the GOP tax, bringing it up to $60,000 to provide transportation for their child.

Clothing, $22,000; an additional $6,600, $28,600 in providing clothing for their child.

Health care, $20,700; $6,200 additional from the GOP tax; 26,000, almost $27,000 to provide health care for their child.

Day-care, $25,600; an additional $7,700; $33,300 to provide day-care for their child while they are working and trying to make ends meet and scrambling every month to pay the bills.

Miscellaneous costs, whatever it costs to raise kids, and we know that they are not all set and pat, we never know what is going to come up, $33-, almost $34,000. An additional $10,000 is what we would have to pay because of the 30 percent sales tax that the Republicans are talking about, bringing the total up to $44,000.

The cost of a college education, every family wants to be able to send their children to college if they can afford to do that. And if a child can get into a college today, it is $158,000 to send a child to college.

□ 2100

You would have to add a 30 percent sales tax to that, another $47,000, making it $205,000 to get your kid to school. What are working families in our country to do today? It is incredible what they are talking about with this 30 percent sales tax. That is what the Republican sales tax would mean in real terms to real families in this country.

Let me just take one other group, because there is one group that would be hit harder than others by the Republican sales tax, and that is the senior citizens in this country. Senior citizens would gain nothing, nothing from the elimination of income taxes since most are retired and many pay no income tax. But a 30 percent sales tax would hit seniors on a fixed income right between the eyes. That is where it hits these folks. One of the most burdensome expenses that is faced by senior citizens is the price of medication. All of us when we go to senior centers, when we go to senior housing, that is what we hear about, is what they are paying for medication and for their prescription drugs which many of them need to lead productive and healthy lives. We have taken a look at five of the most common medications used by seniors and looked at how the 30 percent Republican sales tax would impact those prices. Bear with me. These are monthly costs. For blood pressure medication, $110 now, the sales tax would add an additional $33, GOP price tag, $143 a month for blood pressure medication. Arthritis, it is now $75 a month for medication, add another $22.50, bringing that cost to almost $100 a month for senior citizens, again people on fixed incomes. Diabetes, $125 today, $37.50 through an additional 30 percent sales tax, bringing the total cost per month to $162.50. It is incredible what we would be doing to senior citizens in this country. Heart disease, $90, $27 additional in sales tax, $117 is the final cost to them per month for again seniors, elderly, people who are on fixed incomes. Our mothers, our fathers, paying this cost per month. An inhaler, $80 a month today, the tax would add another $24, bringing the cost per month to senior citizens to $104. This is really incredible and outrageous of what they would add to the cost of people who are frightened to death that these later years, instead of being the golden years, are the lead years, when they are most vulnerable and we are going to add these kinds of costs to medications that they need.

We need to have a real debate about reforming our tax system. I believe everybody here believes that. We need to cut taxes for working middle class families. We are for cutting taxes for working middle class families. This proposal moves us in the wrong direction. In fact, the Brookings Institute study of the GOP sales tax found that taxes would rise for households in the bottom 90 percent of the income distribution while households in the top 1 percent would receive an average tax cut of over $75,000. Millionaires get tax breaks and working families and senior citizens will be paying more. That is not reform. That is just so blatantly unfair to working families today.

Let me open the conversation to my colleagues. I am sorry I took so long, I truly am, but it is important to put this in context. We need to be doing this every single day and every single night in this body to make the people of this country understand what our Republican colleagues and the Republican majority are talking about with a national sales tax. A bit later we can talk about some of the things that the Democrats have done and would like to do to cut taxes for working families. Let me yield now to the gentleman from Michigan (Mr. BONIOR), the whip of this House.

Mr. BONIOR. I thank my colleague for her comments and for laying this out. I tell the gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from Michigan (Ms. STABENOW), who were here before me, that I will not take a lot of time but I thank them for being here and for participating in these remarks this evening. I think the gentlewoman has really demonstrated quite well and quite vividly the inequity here with the GOP 30 percent sales tax hike, which hits particularly hard those on fixed incomes, our senior citizens, as she has so well demonstrated, with the cost of medication for those who are suffering from blood pressure, arthritis, diabetes, heart disease or those who have lung problems.

This is really a loony idea, this whole sales tax thing. There is no other way to describe raising the sales tax 30 percent on American working men and women in this country, particularly those on a fixed income. I think the figure that the gentlewoman from Connecticut mentioned earlier with respect to the Brookings Institute and Mr. Gale's study is very interesting. William Gale of the Brookings Institute, a wonderful scholar, said taxes would rise for households in the bottom 90 percent. That means 90 percent of those people who are paying taxes today in America would have their taxes go up as a result of this. The top 10 percent would probably do okay. The top 1 percent would get about a $75,000 a year tax reduction out of this plan. This is so skewed, so regressive, so top heavy to the wealthy that it is sad. It is very tragic and it is very sad. The gentlewoman has given some very wonderful examples there. I liked the raisin bran particularly. I like raisin bran. I eat it in the morning. What else has she got there? Some bread.

Ms. DeLAURO. Natural grain. We have children's shoes. Kids grow out of shoes very, very quickly.

Mr. BONIOR. In my district and in the district of the gentlewoman from Michigan (Ms. STABENOW), we have automobiles. It is a big thing in our districts. Under the plan, an economy car that now costs about $12,000, there is another example here, I am giving one that costs 12, would cost about $14,600. Under the proposal that the gentlewoman from Michigan has, you take a family car priced at $21,000, the GOP tax is about $6,500 and that price goes up to $28,000, which is out of the range of many, many families today. In addition to that, you are talking about a modest home that would cost $100,000 today, you add $30,000 onto it, you are up to $130,000 with a home purchase with this tax.

I would like to just, if I could, for one second move to another, this is loony tune number two, this is the flat rate tax that my colleagues on the other side of the aisle seem to be in love with. Let us just take a look at what this does.

This is the Armey flat tax. It is going to raise taxes on working families. The green marker right here is what is paid percentwise in taxes now for people who make 25, 50, 100, 250,000 and 1 million a year. Under the Armey tax plan, flat tax plan, those who make $25,000 a year or more will have this much of a jump, from roughly less than 4 percent almost up to 12 percent for their tax increase. Those who make $50,000 a year will have a tax increase, roughly about 12.5 percent, their tax increase will go up to maybe 16, 17 percent. Those who make $100,000 a year will even have a tax increase under the Armey plan, not very much, but about a 1 percent increase. But those who make a quarter of a million dollars a year, you get a tax cut and a big one. If you make a million bucks a year, you get an even bigger tax cut under the Armey flat tax plan. Basically what this plan does, it raises taxes substantially for the middle income people, between $25,000 and $100,000 a year, substantially, and then it gives a huge bonus to the very people at the top, those who need it the least, turning over the whole concept of progressive taxes.

I just wanted to come to the floor today to thank my friends for their concern on this issue and to raise some of these concerns with the American people today. Tax day is coming up, in terms of our income taxes. They ought to know that there are some very strange proposals that are being taken seriously out there and they ought to be leery of them and look at them very carefully.

Ms. DeLAURO. Let me just ask my colleague from Michigan, with the Armey flat tax, what happens to unearned income?

Mr. BONIOR. Unearned income, under the Armey proposal the last time I saw it, is not taxed.

Ms. DeLAURO. These are stocks and bonds.

Mr. BONIOR. It is not taxed. If you make your money off the stock market or off of bonds, you do not have to pay a tax on that. That has got to be made up somewhere, so we can pay for the roads and for the military and for our national parks and the other things we do. Of course that is going to be taken out by who, well, these people here, the 25, the 100,000, here they go, up the red markers go, more taxes.

This is a huge tax shift, from working people to the wealthiest people in our society. What is so disturbing about this is that when we look at what happened to incomes over the last 20 years, it is the top 25, 20 percent in our country that have done extremely well. But everybody else below that have either stayed level in terms of their income ability, earnings, or they have fallen. Of course those at the bottom have fallen tremendously, over 25, 30 percent over the last decade or so.

The whole progressivity of what we are about as a party in terms of helping working, middle income families who are squeezed every day is being turned upside down by these regressive sales tax and flat tax proposals that the GOP is offering.

Mr. PALLONE. If I could point out another thing that is very unclear, it seems to me, and maybe the gentleman would respond to that right now, because he mentioned sale of a home, which is included in this proposal for the sales tax. We have people, homeowners that rely very heavily on mortgage interest deductions and also in my State, and I think many States, you can also deduct your local property taxes from your income tax. It is not at all clear to me that this would continue.

Mr. BONIOR. It would not under the Armey plan. Maybe the gentlewoman from Michigan who really knows these tax issues extremely well might want to comment on that.

Ms. STABENOW. If I might, just to add to what really is the burden under these proposals, not only would we lose the home mortgage deduction but on top of the price, and to continue with the charts, if we are looking at a $155,000 house, not only would the GOP price be $201,000, but under the sales tax proposal, this also taxes the insurance premium you pay every month, it taxes the electric bill that you have in your house, it taxes all services. I wanted to add that on top of what you have talked about, which is so important, in health care and so important as it relates to manufactured goods and so on, we are talking about every time we do something. So not only for the blood pressure medicine or the arthritis medicine, it is going to the doctor that will add 30 percent. We are now going to make doctors sales tax collectors, 30 percent. They have to now collect it.

We will be creating a whole new group of tax collectors, shifting the burden on to small businesspeople and professionals. We will see a wide range of services that will now be taxed. If you go to the barber shop, add 30 percent, if you go to the dry cleaner, add 30 percent, if you come home to your house, not only is your house payment up 30 percent but again everything related to your home is up 30 percent. We are talking about a use tax literally on everything.

Let me mention a couple of other things that I think are very critical to this. As we look at higher education, we have all worked very hard to provide tax breaks so that more people can go to college, more people can go back to school, get job training. Tuition and fees are exempt from the retail sales tax, but room and board is not. My daughter starts school at Michigan State University next fall. She will live in the dorm. Under this proposal, I would be paying 30 percent more for her dorm room, 30 percent more for her books, 30 percent more for her food. If she lived off campus, 30 percent more for her rent. So we are not just talking about goods, we are talking about literally everything that we do.

Let me add something else, because there are several other things, very interesting, in this proposal. This proposal eliminates a number of different taxes. It eliminates all of the excise taxes on alcohol and tobacco, right at a time when we are saying that we ought to be doing more to discourage, particularly children, from smoking.

□ 2115

Mr. BONIOR. So you are saying that this eliminates the taxes on tobacco and on alcohol, and it raises by this amount the taxes on prescription drugs for blood pressure and arthritis and diabetes and heart disease, and all of that it raises it to a huge 30 percent.

Ms. STABENOW. Absolutely. Which makes no sense whatsoever.

Ms. DeLAURO. I think your point, and please, you have got some wonderful data and personal experiences here, but the point you were making about we are in the midst here of trying to reduce smoking amongst youngsters, kids.

Ms. STABENOW. That is correct.

Ms. DeLAURO. Middle school kids. And we found, all the studies have found that you add $1.50 a pack, it reduces the smoking. So, really, we are running at cross purposes here.

Ms. STABENOW. It is really crazy.

Another thing that we found today in analyzing this bill is that it also eliminates the funding for the highway trust fund.

Now, this is particularly crazy, because we are in the process right now of passing a very important bill, one that we fought for hard in Michigan to be able to increase our fair share. We have not in Michigan over the years received our fair share, and we worked very hard to do that. But in the middle of this, it eliminates a wide variety of excise taxes and trust fund taxes, one being the highway trust fund.

So in so many ways, this particular bill makes no sense. It eliminates those taxes, it raises taxes on seniors, middle-income people. I do not know where we get the dollars then for the highway trust fund; I think that is an important question to ask.

Mr. PALLONE. Is it not also true, the way I understand this sales tax, this national sales tax, that the 30 percent sales tax will also be attached to goods and services that local and State governments purchase? So is it not likely that my local property taxes or even my local—you know, my State taxes are also going to go up another 30 percent because of the fact that this national sales tax is added.

Ms. STABENOW. The other part that I might add that also adds on top of that, my city of Lansing will pay, for instance, 30 percent more for a police car. But this proposal also counts the wages of public employees as taxable, as value in terms of the sales tax. So the police officer in that car will pay 30 percent more on top of their wages. Either the local unit will pay it, or they will have a new income tax essentially on the wage of that police officer, that firefighter, that school teacher, because it taxes wages of government employees.

So we are going to see the taxes go up for people who serve us in local communities at the same time local units will have to pay 30 percent more to provide the service.

Mr. BONIOR. We are likely to see huge property tax increases in this because the local community, in order to afford the EMS, the ambulance, the police car and the wage structure that you just talked about, is going to have to come up with the resources, and that means property tax.

So this is a huge shift, not only from income, but it is a huge shift on sales tax and on property taxes as well.

Mr. PALLONE. You know, I have to say another thing too. It is very difficult for me to trust the fact that these other taxes are going to go away and this new sales tax is going to take their place. I mean we do not have a national sales tax, we never had a national sales tax, and I would be very reluctant to suggest that somehow now all of a sudden we are going to allow this door to open where this whole new Federal tax is going to come into play, but we are going to assume that the Federal income tax and all these other taxes somehow are going to disappear.

So it bothers me to think that a precedent is even being set of establishing a new type of national tax that we have not had before, because it opens up a Pandora's box essentially, and I would be fearful of that in itself, just based on historical precedence.

Ms. STABENOW. And I would add, I know that the small business community is extremely concerned about that issue. Today we have been debating various issues related to small business, paperwork reduction, and so on, but the reality is that every small business, professional or retailer or manufacturer, will now become a tax collector for that sales tax.

And on top of that, the National Retail Federation, and I would quote, based on the last session's bill, this bill was put in last session, it has been put in in the same form this session. So last session when this bill was in front of us, in front of the Congress, the National Retail Federation said between 1990 and 1994 the retail industry created 708,000 new jobs. A study by Nathan Associates shows that a national sales tax would destroy 200,000 retail jobs over a similar period. Adding these jobs lost with the 708,000 that will not be created, we could result in a net impact of almost 1 million fewer jobs. This is the National Retail Federation talking about small business loss because there will be fewer people buying at Christmastime.

What are the headlines we always read? What are the retail sales, the concern of retailers that people be purchasing? This cuts down on purchasing, it eliminates jobs.

So this is a job killer on top of everything else.

Mr. PALLONE. You know the amazing thing to me, because you started to talk about implementing this, is that we have—you know, I understand we do a fairly good job compared to what would happen with the sales tax in terms of collecting taxes now, but it seems to me you are talking about a 30 percent sales tax. You are going to get a lot of cheating, it is going to be difficult to enforce. And you know here the Republicans and Democrats alike have been talking about trying to reform the IRS, and we have actually made some significant changes because we do not want them becoming like a police force cracking down.

Would you not have to do a tremendous amount of enforcement? Would not the IRS become even more, have to have more money and a larger budget in order to enforce this kind of a sales tax?

Ms. STABENOW. And on top of that, I would just indicate that one of the things we have heard over and over again from the other side of the aisle is that we are going to eliminate the IRS under this proposal. We will eliminate the IRS as we know it. In the bill it transfers all the powers of the IRS to a new Sales Tax Bureau. So the name is gone, but the powers are still there. So then we have to talk about reforming a sales tax bill.

I mean what we need to be doing is talking about ways to reform the system for taxpayers, not just playing around with the name, and that is what this does. It changes the name, and then it drops down and requires every businessperson now and every person that has never collected sales tax, like a doctor, like attorneys, accountants, anyone in any kind of business on their own that is providing service, a plumber, electrician, and so on, they now become a tax collector and have to report that to the government.

So this is certainly anti-small business.

Ms. DELAURO. I think it also, as our colleague from New Jersey pointed out, I mean it leaves you turning everybody, if you will, into a tax collector. You then have an enormous amount of room here for error, for fraud, for all kinds of things that are happening. It seems to me to be a multiplier effect here.

And I think the point you made before, that Mr. PALLONE made before, about folks are so skeptical about, you know, what taxes are going away before you begin to impose another 30 percent on whatever they are doing. And you know the public is smart. They are getting hammered, especially working families are getting hammered, and they have no guarantee over what is going to go away ultimately and what is going to be imposed on them.

I think the point that you made is so—really about the wage earner, the government wage earner; what happens with the property tax, in addition to which what happens to your own wages. So you are going to get hammered several times over on tax issues when people are feeling choked today by taxes, working people are.

I know in my State of Connecticut, I mean that is the cry that I hear about all the time, you know, that wherever they turn, there is another tax that they are paying.

Ms. STABENOW. Well, they certainly will feel that even more under this particular proposal, and right at a time when we have just passed a series of tax cuts, $95 billion in tax cuts. We have been able to focus more cuts on education. The ability for people to be able to go to school, all of those things would be gone.

In Michigan when I was a State senator, I sponsored the State's largest property tax cut. I am not interested in seeing this shift back and seeing property taxes go back up in the State of Michigan or in any State.

And so we are talking about those taxes that the average person pays. It is very easy for a wealthy individual to pick and choose what extra things they are going to buy, but the average person who is buying the house, sending the kids to school, needing to buy the clothes, the food, the car and so on, most of our income goes back out again in purchasing things, and that is why we see that shift that has been talked about onto middle-income and lower-income people, because we do not have as much discretionary income with which to decide whether or not to purchase items. Most of what we bring in, we are turning around and we are purchasing something with it.

Ms. DELAURO. I think it is worth pointing out what our colleague, Mr. BONIOR, talked about in terms of the flat tax proposal and people who are dealing in stocks and bonds and unearned income, and they are not paying any taxes on that. So what you are saying is that those people who work in the workplace day in and day out, they are the folks who are getting socked with the additional taxes, in addition to which you are going to take away with the mortgage deduction and some of the other tax relief, if you will, that middle-class families have been counting on, relying on, surviving on.

So you are really hitting them again twice. You know, they are picking up the slack for the folks who are holding the stocks and bonds, and then getting hammered again on things that they have counted on, that American dream and owning that home, and not being able to take the mortgage deduction.

Mr. BONIOR. I am flabbergasted. I do not know what more to say. I mean, I just cannot believe these things are being offered. It really is quite staggering. The problem is that we have unfortunately let them get away with portraying this as an innocent, wonderful thing for the American working family, when in fact it is just the opposite. And I think as it gets more exposure and people understand the regressivity and the inequities in it, I think it falls flat on its face, pardon the pun, and I do not think it is going anywhere.

I mean. It is just like this other proposal that my colleagues on the other side of the aisle have had now to do away with—have a drop-dead date on the Federal income tax. I think it is going—it just goes out of business in X year. Well, what does that do to the small business person or the businessperson in terms of planning, when they do not know what it is going to be substituted with; whether they are going to substitute it with this 30 percent sales tax; are they going to substitute it with this regressive flat tax? I think not.

When the American people figure this all out, they are not going to want either of these provisions. I think they want our present code to be leaner and trimmer and slimmer, and they want us to focus in on the things that the gentlewoman from Michigan mentioned: education, as we did in the last tax bill; they want us to focus in on tax credits for child care; they want us to be selective; and they want us to help average working families.

And I think that you could go overboard, and certainly these two proposals, the sales tax 30 percent increase and the flat tax by Mr. ARMEY, way overboard.

Ms. STABENOW. If I might also add that I do believe that the people I represent want to see a less complicated tax system, want to see it fairer. And I do, too. And they also want to see IRS reformed, which we passed in the House. It has not yet been taken up in the Senate, very important IRS reforms, changing the burden of proof from the taxpayer to the IRS in Tax Court, very significant changes that need to be moving quickly.

One of the things I am concerned about is that we have passed IRS reform in the House, it has not been taken up yet in the Senate, and that needs to happen, so that we can—we need to be calling on the majority in the Senate to be bringing that up, because while we talk about the proposals that do not make sense for middle-class families and working people, we do know that there needs to be change and that there needs to be positive things.

It is a question of where our values are, who it is that we believe needs to see tax cuts and tax reform. And my vote goes with small business people, family-owned farms, middle-class families working hard to make ends meet. Those are the folks who have not seen the same wage gains and have felt the burden, too much of the burden, on taxes.

And so those are the folks I want to see helped, not the kinds of proposals that have been submitted on the other side of the aisle that will just increase their taxes.

□ 2130

Mr. PALLONE. Maybe we could talk a little bit, because I know the gentlewoman from Connecticut mentioned about how Democrats have fought for tax relief, in the time that we have left this evening. We have been basically fighting for families that really need the relief, those with children who are trying to save for their kids' education and their own retirement. As the gentlewoman from Michigan mentioned, thanks in large part to Democratic efforts, the Federal tax burden on families in the middle-income distribution and below has fallen since 1984.

There is an analysis by the Treasury Department that found that the average Federal income tax rate for a median family of four in 1988 will only be 7.8 percent, down from 10.3 percent in 1984. This is the lowest income tax burden for a median family since 1966.

These historically low income tax rates are as a result of Democratic policies. If I can mention a few, some of them have already been alluded to, and that is the expansion of the earned income credit in 1993 that cut taxes for millions of families with children; the $500-per-child credit the Democrats ensured would be available to moderate-income families. In addition, Democrats proposed the HOPE education scholarship tax credit to help families afford postsecondary education for the children. And in 1988, Democrats had proposed expansion of the child care tax credit to increase the amount of the credit from 30 percent to 50 percent of expenses and make it available to more families. So Democrats also support efforts to reduce the marriage penalty.

We are trying to reduce and we have been successful in reducing the tax burden for families in middle-income families with children who have to pay for education expenses, who have to pay for child care expenses. These are the kinds of tax reforms and tax cuts that we need to continue with.

I am very proud of the fact that we, as Democrats, have emphasized those targeted tax credits rather than the kind of crazy schemes that we are hearing from the other side.

Mr. Speaker, I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I think that it is so important because not only can we not let folks get away with passing off these programs as a savior to working middle-class families, but when you go beneath the surface, you find out how seriously they are going to hurt working families. We should not let them get away with that, "the fact is that Democrats are not for tax cuts."

We have started that process over the last several years. It continues so that people can take advantage of a Tax Code and the tax credits to get their kids to school; to be able to afford the child care; that that small business that you speak so eloquently about has the opportunity for reducing health care costs; or for expanding their business and being able to get the tax relief on equipment that they might buy, and raising those percentages.

There were a whole series of capital gains tax cuts that went into effect for small businesses who ought to be able to take advantage of that, and farmers. And those continue. The benefits continue as pieces of these things get phased in, because I would venture to say today that people are not seeing, immediately, the results of some of these things, so that it is ongoing. We need to be working at that, increasing those opportunities and those targeted tax cuts. That is where they ought to be going. Those are the folks we ought to be helping at this point.

We ought to be helping seniors cope with fixed income, with a higher rate of illness, perhaps, so that these costs do not skyrocket for them. That is the way we bring some opportunity in folks' lives to be able to raise their standard of living, if you will.

Those who are at the upper end of the scale have these opportunities. Nobody is denying that. They can also be more selective in which taxes they are paying. They have different kinds of shelters, different kinds of opportunities within the Tax Code. I will not even call them loopholes, they are opportunities in the Tax Code, to take advantage of in some way. Working middle-class families do not have those opportunities.

Ms. STABENOW. If I might give just an example.

Ms. DELAURO. Sure.

Ms. STABENOW. In the last tax debate, when the original bill came to the floor, that was basically the Republican tax bill, we did not see an immediate increase in the exemption for the State tax for small businesses, family-owned businesses, and family-owned farms. It was a phased-in amount that you could exempt that was over 10 years. It really was not very much.

I have been hearing, particularly from my family-owned farmers, and also family-owned businesses, about the need it be exempting more of that income when there is a death and be able to protect that income. We fought hard. I voted no on that original bill because it did not have that in it. We have worked very, very hard.

When the final bill was written as a result of our initiatives, we have now exempted $1.3 million for family-owned farms, started this January, $1.3 million for family-owned farms or family-owned businesses. This is the amount of money you do not now have to pay taxes on in your estate. And this was a value that we had about family business and family-owned farms. We fought hard for it, and we were able to make the change.

So we have been moving. We have been taking the proposals and making them better and working very, very, very hard to make sure that we are focusing on families, we are focusing on middle-income people, small businesses, and so on.

I would mention one other thing that we are now working on, and that is, in working with the President in his new pension proposals for small business, I am very pleased to have introduced a bill that will give a tax credit over 3 years for small businesses that set up pension plans for their employees, another important use of the Tax Code in terms of tax relief.

We have now 51 million people working hard every day for small businesses, working full time, no pension; 40 million of those in small businesses with less than 100 employees. So we now are working on an effort to allow that small business to write off the cost of setting up a pension plan so that those people working hard every day, who need that pension when they retire, will have the opportunity to do that.

Mr. PALLONE. Reclaiming my time, I just wanted to mention, I appreciate the comments that the gentlewoman from Michigan and the gentlewoman from Connecticut made, because I think the bottom line is that you are talking about targeted tax cuts that help the average working family.

I wanted to say, though, you know, that just for those who think that perhaps the Democrats do not have an alternative, we really have the only new tax system, if you will, new proposal out there that sweeps away the old Tax Code, but at the same time provides fairness. This is the one that was introduced by our Democratic leader, the gentleman from Missouri (Mr. GEPHARDT).

It is the only major tax reform proposal that retains the progressive rate structure and ensures that this new system is fair. It is a 10 percent tax plan that has been offered by our House Democratic leader, the gentleman from Missouri (Mr. GEPHARDT), recognizing that the Tax Code is too complex and filled with special interest tax breaks that result in higher tax rates for middle-income families.

So what the gentleman from Missouri (Mr. GEPHARDT) has proposed is basically ratifying and simplifying the system and cutting taxes for 70 percent of families with children, with income between $20,000 and $75,000. Under his plan, more than 70 percent of all taxpayers would have a tax rate of 10 percent or less.

This proposal by the gentleman from Missouri also eliminates the marriage penalty by making the standard deduction in tax brackets for couples double those for single people. It eliminates special interest tax breaks. Very important.

You keep reading on a regular basis, particularly around April 15, about all these special interest tax rates. It eliminates them. It eliminates the role of the army of lobbyists who now dominate tax policy discussions. We see them around here. Every one of us has seen these people. This is the time of year when we see them the most.

It calls for a commission to identify and recommend elimination of wasteful and unwarranted corporate tax and spending subsidies. I think this is something we should look at. This is a Democratic proposal by our leader. It stands for a tax system that is fair and simple, in the event you want to look at an alternative.

Ms. DELAURO. I think what is important to mention there, it also maintains that home mortgage deduction, again, which is so critical to families today. As I say, that is part of the American dream. I just wanted to point out, because I know the gentlewoman from Michigan, if you will, she is a technology maven, you know, and is there all the time pushing as how we need to move families and so forth to take advantage of technologies, the way our kids are going to get ahead and so forth.

I think it is interesting in terms of this sales tax here, in every family, kids are coming home today, "Why can't I have a computer? I would like a computer. Why don't have one? You know, Mary has one. Jessica has one. Freddie has one. What about us?"

Well, hold up the chart. I think it is important to note that chart. Family computer, today's price is almost $2,000. It would add an additional 30 percent, another $600, bringing the cost of a family computer to almost $2,600, you know, for the most part, trying to put it out of the reach for working families. They are trying to respond to their kids to allow their kids to get ahead.

It is wrong. This is not what we ought to do. Let us target our tax credits to working families, to small businesses, to small farmers. Let us take a look at that Tax Code. Let us make it simpler. Let us make it easier. These catchwords scrap the code. They are radical. They are dangerous.

We are going to make it our mission here to continue to have these conversations so that the American public knows that they are being sold a pig in a poke. We are going to bring it to their attention so that they do not get fooled by this dangerous and extreme rhetoric.

Mr. Speaker, I think we will be up on our feet again on this issue.

TRAGIC U.S. POLICY IN RWANDA

The SPEAKER pro tempore (Mr. HULSHOF). Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come before the House tonight to reflect on what we have seen on television and heard about, relating to the President of the United States' visit to Africa. I think all of us have witnessed the President as he has made his way across the African continent.

I read in this morning's Washington Post, and I know it was covered by other newspapers, an account of what the President said. And he was in Rwanda when he made this statement. He said, "We did not act quickly enough after the killing began." I believe he was talking to Rwandans.

I want to talk about that statement in a second. But President Clinton will not be going to Somalia on this trip. In Somalia, our President took a humanitarian mission initiated by President

Bush, and turned it into a $3 billion disaster.

Remember, if you will, that President Clinton placed United States troops under United Nations command. Remember, if you will, that as Americans we watched in horror as our murdered troops were left under U.N. command, unable to defend themselves, were dragged through the streets of Mogadishu.

Today, Somolia has slipped back into chaos after this Clinton fiasco. We have to remember what took place in Africa and what the policies of this administration were. I protested the Clinton proposal for Somalia before that tragedy, time and time again, in the well and on the floor of this House.

Let me now turn to Rwanda. President Clinton, as I said in my opening statement, is quoted as saying, "We did not act quickly enough after the killing began." Pay particular attention to what the President said and what is printed in the papers.

Let me, if I may, as Paul Harvey says, tell you and repeat the rest of the story.

The President said we did not act quickly enough after the killing began. But what the President of the United States did not say to the world and to Africa is what we should now be remembering.

I saved the newspaper accounts of what the President said, because I was so stunned by the lack of action and actually the blocking of action by this administration, and brought them with me to the floor tonight. I saved them and had them blown up.

The Secretary General of the United Nations, Boutros-Ghali, begged President Clinton to allow an all-African U.N. force to go into Rwanda. Let me read what he said. This is what was in the newspaper.

□ 2145

When last year's peace agreement collapsed on April 7th and fierce fighting broke out between Hutu and Tutsi, the United Nations cut its 2,700-member force in Rwanda back to a few hundred at the urging of the Clinton administration.

I spoke out then, and I have spoken out afterwards on the floor when we saw what was happening with this administration and this policy before 1 million Africans were slaughtered.

Let me, if I may, recall some of the statements that I made on this floor. I made one statement on this floor, and I will read it. Let me, if I may, trace the history of this tragedy. Let me also, if I may, trace the history of our failed policy.

On April 6th, a plane with the presidents of Rwanda, Burundi was shot down. We knew then the potential for violence, terror and mass killings.

On May 11th, the United States criticized a U.N. plan to send 5,500 multinational soldiers into Rwanda to protect refugees and assist relief workers. No U.S. troops would have been involved.

On May 16th, the U.S. forced the U.N. to delay plans to send 5,500 troops to end violence in Rwanda, an all-U.N. force.

So we see that the history of action and inaction by this administration, and history should so properly record it.

THE STATUS OF OUR NATIONAL DEFENSE AND OUR NATIONAL SECURITY

The SPEAKER pro tempore (Mr. HULSHOF). Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to discuss an issue that is not one of the front page stories nationally, but which really needs to be discussed in this body, and that is the status of our national defense and our national security. It is an especially timely discussion tonight because we are about to take up for consideration both in this body and the other body a supplemental bill that will partially deal with the funds that we have been expending in Bosnia and in other parts of the world where our troops are currently deployed. But before I get into my overview, Mr. Speaker, let me respond to some of the discussion from our colleagues on the other side during the previous hour.

They attempted to portray the Republicans as being insensitive to the needs of working people, not caring about seniors, not caring about families, not caring about education, not caring about health care. In fact, nothing could be further from the truth, Mr. Speaker.

I take great pride in being a Member who, by profession, spent years as a public school teacher in a suburban district next to Philadelphia, ran a chapter 1 program for economically and educationally deprived children, and like my colleagues on the Republican and on the Democrat side, cared desperately about the future of our young people.

We in the Republican Party simply have a fundamental difference with our Democrat colleagues. We think that the American people can best decide how to spend their money, what the priorities should be. Obviously, we could spend the money of the American people in a number of different ways, and that is what many of our colleagues on the other side think should be the role of the Federal Government. We, however, believe that giving the American people more of their hard-earned money to spend on their priorities is in fact the best way to allow us all to enjoy the liberties under this system that we are so blessed with.

In fact, following my presentation tonight, one of our colleagues, the gentleman from Iowa (Mr. GANSKE), will be doing an in-depth discussion of health care, and I think he will be raising some very provocative issues about our need to look at the way health care is being provided in this country.

So Republicans do care, Mr. Speaker, and Democrats do care. And I think for Members of either party to get up and totally tear apart the other side is, in fact, what it appears to be; it is just shallow rhetoric, it is political rhetoric designed to try to continue what happened in the last campaign cycle. We do not need that. With the difficult problems that this Nation has, we need to have intelligent discussion, debate, and deal with the real issues that face this country.

One of those issues, unfortunately, Mr. Speaker, that has not been getting much attention has been our national security. In fact, if we look at the record over the past 7 years, the only major area of the Federal budget that has in fact been cut in real terms is our defense portion of the budget. In fact, it has gone down for 13 consecutive years.

Now, many would argue that the world has changed, and since we are no longer in the Cold War where we are having to keep up with a very powerful Soviet Union, that reductions in defense spending are appropriate; and in fact, Mr. Speaker, I agree with that, and I have supported many of the reductions that we in fact have caused to occur over the past several years.

For instance, for the past 3 years, I have been a Republican, as chairman of the Subcommittee on Military Research and Development, voting consistently against the B-2 bomber. It is not that I do not like the technology, I think Stealth technology is critically important, but I just do not think we can afford the B-2 bomber with the budget limitations we have and with the other problems that we have as a Nation.

But we need to look at the facts, Mr. Speaker, in terms of what has been happening with our defense posture, what the threats are, and where we are going to be at the beginning of the next century, because I think we are going to face a very perilous period of time.

First of all, let us make some comparisons. Now the people of America, my constituents back home in Pennsylvania, believe that we are spending so much more of their tax dollars today on defense than what we did in previous years. The facts just do not bear that out, Mr. Speaker. In fact, in the 1960s, and I picked this period of time because we were at relative peace, it was after Korea, but before Vietnam, the country was not at war. John Kennedy was the President. During that time period, we were spending 52 cents of every Federal tax dollar sent to Washington on our military. We were spending 9 percent of our country's gross national product on defense. We were at peace.

Today, Mr. Speaker, we are spending 15 cents of the Federal tax dollars sent to Washington on the military, about 2.9 percent of our GNP. So, in fact, as a percentage of the total amount of money taken in by Washington, we have in fact dramatically cut the amount of that money going for national security.

But some other things have changed during that time period that we have to look at. First of all, Mr. Speaker, back when John Kennedy was the President, we had the draft. Young people were sucked out of high school, they were paid far less than the minimum wage, and they were asked to serve the country for 2 years.

Today's military is all volunteer; we have no draft. Our young people are paid a decent wage. In fact, many of them have education well beyond high school, college degrees, some have advanced degrees. So we have education costs. We have housing costs because many of our young people in the military today are married; so we have health care costs, housing costs, education costs that we did not have when John Kennedy was President because our troops were largely drafted. So a much larger percentage of this 15 cents on the dollar that we bring into Washington for the military goes for the quality of life of our troops.

And in fact, the bulk of our money today, the bulk of the money spent in the defense budget goes to provide for quality of life for the men and women who serve this country. So that is a fundamental change. But some other things have happened, Mr. Speaker.

First of all, we have to look at what has occurred during the last 7 years or 6 years as this President has seen fit to dramatically cut defense far beyond what I think is a safe level in terms of long-term spending. During a time where the President has proposed massive decreases in defense spending, he has increased the deployment rate of our troops to an all-time high, in fact, the highest level of deployments in the history of America.

Now, let me give some examples, Mr. Speaker. I have a chart that bears this out. This chart shows the number of deployments that our country has provided our troops in terms of the past 7 years. We have deployed our troops, rather, the President has deployed our troops 25 times at home and around the world. These are deployments that involved military operations, some have involved confrontation, many are peacekeeping, some are involved with disaster relief, a whole host of missions. But the point is that during the period of time where we decimated defense spending to an all-time low, we increased the deployment low to an all-time high. Mr. Speaker, 25 deployments in the past 7 years.

Now, compare that to the previous 40 years. We had 10 deployments in that period of time. So in the previous 40 years, prior to Bill Clinton becoming the President, our troops were deployed a total of 10 times. Just in the last 7 years, our troops have been deployed 25 times.

Now, what is so significant about that, Mr. Speaker? Well, what is so significant about that is that none of those deployments were budgeted for, none of them were planned for. So to pay for those deployments, we had to take money from other accounts, because there were no special monies made available to pay for the costs of all of these deployments.

Now, Mr. Speaker, that has a devastating impact on our ability to modernize our military equipment and to maintain the morale of our troops. Let me give an example.

The Bosnian operation, we were told, would only last for a matter of months, perhaps a year to 2 years at the most. By the end of the next fiscal year, the American taxpayers will have spent $9.4 billion on the Bosnia operation alone. In fact, Mr. Speaker, over the past 7 years, with those 25 deployments, we have spent $15 billion on contingency operations around the world, none of which were budgeted for.

Now, someone might say, Mr. Speaker, well, that really does not matter. The military is getting paid anyway; why can they not do their training in these faraway places? Well, sometimes they can do some of that training, Mr. Speaker, but by and large, we cannot pay for the bulk of the support necessary to pay for our troops just out of the training accounts. It just does not work.

What is even more troubling is, as the President has deployed our troops at this rapidly escalating rate, he has not taken the time to get our allies to pay their fair share of the deployment costs.

Now, let me give a comparison. George Bush deployed our troops to the Middle East in Desert Storm, a very expensive operation. But there was a fundamental difference, Mr. Speaker. In Desert Storm, leading up to that operation, President Bush interacted with the leaders of the world on a regular basis. He said to them, we will go in there and we will provide the support of our military in cooperation with an allied forces group, and we will provide the bulk of the sealift and the airlift. But, he said to our allies, not only must you provide the troops to go in with our troops, but you must pay for the operation itself.

Desert Storm cost $52 billion. America was reimbursed over $53 billion. So that in terms of the cost, there was no negative impact on our budget process.

The $15 billion that we have spent on the 25 deployments since Desert Storm have not been paid for and shared by our allies. America has had to pay that bill itself, and all of that funding has come out of defense budgets, none of which was planned for.

What does that mean? That means we have slipped programs to the outyears. It means we have not bought new helicopters to replace old ones. We wonder why we are having helicopter accidents today. In fact, Mr. Speaker, we are going to be flying helicopters built during the Vietnam War that will be 45 years old before they are retired, because to pay for those deployments, we have had to stretch out the replacement buys that will allow those helicopters to be retired.

The B-52 bomber, Mr. Speaker, will be 55 years old before we ultimately retire that aircraft, yet it is still a critical part of our capacity in terms of bombing needs that we might have around the world.

So to pay for all of these deployments, we have had to raid the defense budget. We have kept the numbers that we agreed to, and our party has held fast. But we have eaten out of the Defense Department's capability to modernize our forces and to maintain the quality of life for our troops.

But it is even more outrageous than that, Mr. Speaker. In these deployments where our troops have been sent to Haiti and to Somalia and Macedonia and to Bosnia, the concern of our colleagues in Congress is not that we should not be there; I think almost all of us in this body, Democrats and Republicans, believe, as the world's only remaining superpower, we have an obligation to help settle regional conflicts.

□ 2200

That is not the issue. The issue in the Congress, Mr. Speaker, is that this administration has not gotten support from our allies to be involved and to pay their fair share.

When this body went on record and voted on whether or not to support the President's decision to go into Bosnia, the bulk of our colleagues that I talked to were not against going into Bosnia. They were upset that America was putting 36,000 young Americans in that part of the world when the Germans, right next door to Bosnia, were only committing 4,000 troops. Our colleagues and I say, what is going on here? If Bosnia is right next to Germany, why should not Germany be committing more of its troops, and why should not the European nations be paying more of the cost of the Bosnian operation?

In fact, Mr. Speaker, my understanding is that in the case of some of the Scandinavian militaries, we actually agreed to pay some of their housing costs to get their troops to be part of the multinational force.

The same thing has occurred in Haiti. Our troops are still in Haiti, still maintaining the peace, when we were told they would only be there for a few months at the longest period of time.

In Haiti the President has said to the Congress, I have gotten other nations to come in with America. He is right. But, Mr. Speaker, what he has not told the American people is that to get those countries to come in, he actually has had American DOD dollars pay for the salaries, the housing costs, and the food for those foreign troops. The Bangladesh military has sent 1,000 troops into Haiti to help out. Why? Partially because American tax dollars have paid for those troops to come into Haiti.

The point is one, I think, Mr. Speaker, that points up the fact of the problem of our defense budget. In a period where we have cut defense spending dramatically because the threats have decreased, we in fact, Mr. Speaker, have increased deployments and not gotten our allies to share that burden. It has caused us to face a crisis right now in the military.

There is one more factor we have to look at, Mr. Speaker. That is the fastest growing portion of the defense budget, the fastest growing portion of the defense budget, in a very quickly shrinking budget, is not for new weapons systems. It is not for salary increases for the troops. It is for a fund that we call environmental mitigation.

I take great pride in my environmental voting record, Mr. Speaker, as a Republican, and will continue that record as long as I am in this body. But we are spending $12 billion this year of DOD money for what we call environmental mitigation.

Some of that is critically important. When we decommission nuclear submarines, we have to make sure that we deal with that spent nuclear fuel and that we do it in a safe way. When we close down military sites, we have to make sure that we clean up those sites from any hazards that may be there.

But Mr. Speaker, we have gone to the extreme. We have begun to use the defense budget as a cash cow. A military base is open on one day, where you have the children, the offspring of military personnel, going to an elementary school on the base and not suffering any adverse consequences.

The base closes down, and then the local leaders of the community say, this base is a toxic waste site because the military used chemicals there. Then they demand from the Federal government, and we have gone along with this game, hundreds of millions of dollars not to just clean up those sites, but to develop very extensive reuse and economic development schemes, using money that was originally designed to be used for the defense of this country. That fund, Mr. Speaker, is now $12 billion, and it is growing each year.

The point that I am trying to make is not that we have in fact the need to dramatically increase defense spending, because we cannot do that. But, Mr. Speaker, we have some hard choices to make.

This President has either got to help us reform the laws dealing with these bases that we have closed, to give us some flexibility in the Congress and in the administration of these base closings in terms of the costs that we have to put forward, he has to get our allies to pay more of the share of these deployments, or reduce the deployment levels that our troops are being asked to commit to around the world, or he has to do what he has already asked for, and that is another round of base closings.

The administration today is pleading for this Congress to approve another round of military base closings. Let me say, Mr. Speaker, I agree with the President. We should close more bases in America. I agree with the President, but the President is not going to be able to get a base closing bill through this Congress.

The average citizen would say well, if we need to close more bases, if that is going to help us save money because it will reduce our military, why then will not the Congress approve a base closing process? The answer is simple, Mr. Speaker.

In the 12 years that I have been in Congress, one of the most difficult assignments that we had to make 6 or 7 years ago was how to reduce the military infrastructure as we cut the number of troops in the military. No Member of Congress wants to close a base in his or her district. It is political suicide. So we went to great lengths, Democrats and Republicans, to set up an independent process to remove politics from base closings, so neither Democrats nor Republicans could decide whose base would be closed based upon politics alone.

This independent commission twice recommended base closings. One of the first bases closed was the Philadelphia Navy Yard, right next to my district. When it closed, 13,000 people lost their jobs. But with a shrinking Navy, we cannot support eight public shipyards. We had to close four of them. So the base closing process worked twice. We closed a significant number of bases.

Then a third round of base closings was recommended, and something different happened. President Clinton, in the year that he was running for reelection, made a decision. He said, we are going to take the recommendations of the commission, except for two. I am going to recommend that we keep one base in California and one base in Texas open, even though it has been recommended for closure. So those two bases were given reprieves.

It just so happened that those two bases are in the two States with the most electoral votes. Many would say that the reason the President disagreed with the base closing commission was because he wanted to have California and Texas support him in the campaign. I am not going to make that accusation today, but what the President did do, Mr. Speaker, was that he soured the process.

Members of Congress today, Democrats and Republicans, will not vote for a new round of base closings because they do not trust this administration. We were fooled once, and we will not be fooled again. This President took a nonpolitical process that Republicans and Democrats agreed to and he violated that process. Now we do not have the confidence that this administration will go back to the way base closings occurred in the past.

Therefore, we are in a dilemma. We need to close more bases, but this administration, who says we need to close more bases, cannot get a base closing process approved by this Congress. It is because of the actions of this President.

All of these things occurring are affecting our defense budget. That is why the debate coming up this week and next week on the floor of the House and the floor of the other body will be about whether or not we replenish some of that money that has been spent on Bosnia into the DOD budget. I think that is the only thing we can do. We have had a budget agreement that has been very tight. We set caps on defense spending, and we have now violated those caps.

The Congress did not go in and take money out of that defense budget, we did not raise the caps. It was the President himself that deployed these troops to exotic places around the world, many of which I supported, and did not propose a way to pay for them. Therefore, our defense budget was unilaterally cut.

What we want the supplemental to do, what I want the supplemental to do, is to reinstate some of that money, less than $2 billion, to those defense accounts that have been decimated by over $9 billion just for Bosnia alone, and $15 billion for all of our contingency operations over the past 7 years. I think that is the right thing to do for our troops, and the right thing to do for our military.

Let me get on to the next point I wanted to make, Mr. Speaker: that is, the President lulling us into a false sense of security. The President is the Commander in Chief. When my constituents back in Pennsylvania listen to the President give a speech, they know he is also the Commander in Chief, and he knows what the threats are in the world. But let me talk about some of those threats. Let me talk about the President's use of the bully pulpit to convey to the American people a false sense that there are no longer threats in the world.

As I said earlier, I am the first to admit, it is a changed world. The Cold

War is over. But does that mean Russia is no longer a threat? Mr. Speaker, I do a significant amount of work with Russia. I formed and chair the initiative with their Duma. I have been to Russia 14 times, four times in the last year. My undergraduate degree is in Russian studies. I know the language, and I am working right now on a number of positive programs to help stabilize Russia.

I do not see Russia as an evil empire, Mr. Speaker. But let me say this: Russia is more destabilized today than at any time in the last 50 years. We need to understand that, not from fear of having Russia mount an all-out attack on America. I do not believe that is in any way, shape, or form what Boris Yeltsin or any other leader would want to do. But there is a heightened opportunity or a heightened potential for incidents involving and as a result of the instability in Russia today.

Let me give some examples. With the economic chaos in Russia today, more and more of Russia's conventional military is being decimated. The generals and admirals who were the key leaders in the Soviet military have been forced out of their positions with no pensions, with inadequate housing, in most cases no housing.

In many cases, as General Lebed testified before my subcommittee last week here in Washington, and as he has told me on two other visits in Moscow and Washington, they have now had to resort to criminal activities to take care of their families.

So these generals and admirals, who know where all the technology is in Russia, who know where the nuclear materials are in Russia, are now resorting to selling those materials on the black market because they feel betrayed by the motherland. We are seeing technology transfer occur at a rate now that we have not seen in the past 50 years.

This is not being fostered by Boris Yeltsin, it is occurring because of instability in Russia, because of Russian military officers who feel betrayed by their country. In addition to that, Mr. Speaker, Russia's demise of their conventional military has caused them to be more reliant on their offensive, long-range strategic missiles.

The President has given a speech three times in this well and 190 times in America where he has said something like this. He has looked in the camera and said, you all can sleep well tonight because, for the first time in 50 years, there are no long-range ICBMs pointed at America's children.

As the Commander in Chief, Mr. Speaker, he knows we have no way of verifying that. The Russians will not allow us to have access to their targeting, just as we will not allow them to have access to ours. But he also knows, Mr. Speaker, you can retarget an ICBM in 15 to 30 seconds. In addition, Mr. Speaker, he knows that China today has 18 to 25 ICBMs, each with a range of 30,000 kilometers, that are aimed at American cities that can launch at any city in America.

But let us look beyond that, Mr. Speaker. Let us look at whether or not there is a potential for an incident to occur that would threaten American troops or the American people.

In January, 1995, Norway announces to Russia in a written communication that they are going to launch a multistage weather rocket from an island off the coast of Norway. It is a courtesy to notify a neighboring country. The date of the launch comes about, and Norway launches this multi-stage weather rocket. Russian intelligence, with systems that are not being properly maintained, sees this multi-stage rocket taking off and mistakes it for an American multi-stage ICBM coming from one of our submarines at sea.

The Russian security system puts the system in Russia on a full alert, which means that they activate the black boxes, the cheggets, that control the Russian nuclear arsenal which are in the hands of Boris Yeltsin, at that time Pavel Grachev, the defense minister, and General Kolesnikov, the chief of the command staff, which meant that Russia had 15 minutes within which was the time period allocated to call off a nuclear response against America to a weather rocket that they had been forewarned of by Norway.

Mr. Speaker, this is not a Stephen Spielberg science fiction movie, this is what occurred. The Russians have acknowledged this. In fact, Boris Yeltsin's explanation was that it was a good test of their system; that with 7 minutes left, he overruled Kolesnikov and Grachev and called off the response.

□ 2215

Mr. Speaker, that is the threat. The threat is from an accidental launch. The threat is from a rogue Nation getting a capability that threatens our troops, our allies, and our people. That is why we need to continue to focus on national security. Not because Russia is the "evil empire," because they are not. Not because China is coming after us, because they are not. But because there are risks in the world today that I would argue are greater than what they have been for the past 50 years, mainly because of the lack of cohesion inside of Russia and with the Russian Government and its military.

Another example, Mr. Speaker, last May I was in Moscow, and among the meetings that I had were with the senior leaders of the Duma, including the Deputy Defense Minister; the Minister of Natural Resources, Orlov; the Minister of Atomic Energy, Mikhaylov; and Boris Nemtsov, the Deputy Prime Minister.

I met again with General Lebed. And as you know, General Lebed is a four-star retired general. He is the individual credited with ending two wars that Russia was involved in: the war in Moldavia and the war in Chechnya. Lebed himself ended both of those conflicts. He ran for the presidency against Yeltsin, and Yeltsin was so fearful of his candidacy that he enticed him to leave the race to come work for him as one of his top advisors.

Many give General Lebed the credit for allowing Yeltsin to win the last election, because if Lebed had stayed in the race, he would have taken enough votes away from Yeltsin that the Communist Zyuganov would have won the presidential election in Russia at the same time the Communist Party was winning 165 seats in the State Duma.

General Lebed, in our meeting last May, a private meeting with six Members of Congress, was talking to us about the security of Russian nuclear weapons. He was talking to us about decommissioned submarines, nuclear powered submarines sitting in dry-dock with no solutions in sight to deal with that nuclear waste and those contaminated products.

He gave us a number of examples of Russian military going into Mafia-type operations, selling equipment, hardware, and even the potential of selling nuclear materials. But then he talked about one specific incident. He said in response to a question I asked him about nuclear devices, whether or not Russia had any small nuclear devices, he said, "Let me tell you a story. When I was the secretary of the Defense Council for President Yeltsin, one of my assignments was to account for 132 suitcase-sized nuclear bombs. These are devices that could be carried by two people, each with the capacity of approximately 1 kiloton, which is about one-tenth the size of the Hiroshima bomb.

He said Russia built 132 of these. "I was given the assignment to account for them." He said, "My people could only find 48." We said, "General, where are the rest?" And he said, "I have no idea." He said, "They could be safe. They could be secure. We do not know where they are. They could be in someone else's hands. They could be on the border. They could be in the former Soviet States, I just do not know."

Mr. Speaker, I came back from that trip. There was no press in place. This was not an attempt, as the Russian Government would later say, by Lebed to get some headlines. There was no press in the meeting. There was no press conference. I came back to Washington and I debriefed the CIA and the DIA on what the Russian general had told me. They could not tell me whether or not they knew whether or not General Lebed knew that these devices were not secure. Our intelligence just did not know the answer to that question.

Now, the Russians trashed General Lebed. They called him a traitor. They said he did not know what he was talking about, this general had no idea of whether or not Russia ever built nuclear devices. And many of the senior officials from Russia denied that Russia ever built these devices.

"60 Minutes" contacted me in August when they read my trip report, which became a part of the CONGRESSIONAL RECORD, and they said, "Congressman, did the general really say this?" And I said yes. They said, "Can we interview you?" I said yes. They interviewed me and went to Moscow and interviewed General Lebed. And the first story in September of last year by "60 Minutes" was General Lebed repeating what he told me in that meeting in Moscow.

Again, the Russia media denied what the general said. They trashed him. In fact, our own Department of Defense, our press spokesman said publicly, "We have no reason to doubt that Russia does not control any small nuclear devices they may have built."

So in October, I invited one of my Russian scientific friends to come to Washington. Alexei Yablakov. Dr. Yablakov is one of the most world-renowned environmental leaders in Russia. He is an ecologist. Dr. Yablakov came. He is a member of the Academy of Sciences in Moscow. He came to Washington and testified before my committee. He said on the public record that he knew that General Lebed was telling the truth. Russia built these devices, and he knew scientists who were his colleagues who had worked on these devices and who told him that some of them were built for the KGB, and that it was imperative for Russia to find and locate and destroy these nuclear suitcases.

Yablakov was called a traitor back in Moscow. The media trashed him. They said he was no good. Yablakov defended his honor. The story was a major story all over Russia. In fact, the Defense Minister called Yablakov into the Kremlin, and working with him, said they would issue a decree, a presidential decree to account for any of these devices that may have been built which they denied had been built earlier.

Mr. Speaker, I was again in Moscow in December, and on that trip I met for an hour and a half with the Defense Minister of Russia, General Sergeyev. In his office I again asked him about the small nuclear devices. He said, "Congressman, we did build these devices. In fact, we built several types of them, as your country did. We know that have you destroyed all of your small nuclear devices. We still have approximately 200. But I commit to you that by the year 2000, we will have them all destroyed."

Now, why do I tell this story, Mr. Speaker? I tell this story because to create the impression that all is stable in Russia is exactly the wrong position to be stating to the American people. We do not need to scare the American people, but we need to be honest with them, candid with them, and the same thing applies with Russia itself.

Because of the instability in Russia, many individuals and entities are looking to sell off technologies and products to rogue nations. Two years ago, we caught Russian institutes and individuals transferring guidance systems for rockets to Iraq. In fact, the Jordanian and Israeli intelligence intercepted these devices which are very expensive, that had been taken off of Russian SSN–19 rockets, very sophisticated long-range rockets that were being shipped to Iraq.

Three times the CIA caught Russia transferring sets of guidance systems to Iraq. One hundred twenty sets of these guidance systems, Mr. Speaker, went from Russia to Iraq, to allow Iraq to improve the accuracy of their Scud missiles which killed our 27 Americans 7 years ago.

Not one time did this administration impose sanctions as required under the treaty between the U.S. and Russia called Missile Technology Control Regime, which requires sanctions when a nation or an entity is caught selling material that is covered by that treaty. In fact since 1993, we have caught Russia violating the Missile Technology Control Regime seven times. We have not imposed sanctions once.

This past summer, the Israelis came to America and they said, we have evidence that Russian scientists are working with Iran to allow Iran to build medium-range missiles that we cannot defend against. Initially the administration raised cain because that kind of intelligence information they did not want out. When the investigation was done, we found out exactly what happened, and that in fact was Russian entities involved with the Russian space agency had been transferring technology to Iran to allow Iran to build a medium-range missile partly based on the Russian SS–4 missile.

What does this mean, Mr. Speaker? This means that within 12 months, Iran will have a medium-range missile that can hit any one of 25,000 American troops that this President today has deployed in Bosnia, in other regions around the Middle East, Somalia, Macedonia, because of the capability of those missiles. It also means that Iran will be able to hit, from its homeland, Israel directly with a medium-range missile.

It means that Iran is working, as well as Iraq, on developing medium-range missile capabilities that is going to destabilize that part of the world. And the horror story here, Mr. Speaker, is we will have no system in place to defend Israel against those missiles when they are deployed.

Now, some say we have the Patriot system. It was great during Desert Storm. The Patriot system was not designed to take out missiles. It was built as a system to shoot down airplanes. When the risk of Saddam's Scud missiles appeared in Desert Storm, Raytheon Corporation was able to heat up that Patriot system to give us some capability to take out low-complexity Scud missiles. But our military has acknowledged publicly that during Desert Storm, the Patriot system was at best 40 percent effective, which meant that 60 percent of the time we could not take out those Scud missiles. And even when we did hit the Scud missile, we were not hitting the warhead where a chemical or biological weapon would be. We were hitting the tail section, so that the debris would actually land on the people and still do the devastating damage of the bomb or the weapon of mass destruction and have its impact on the people whom it was intended to hurt.

In fact we had our largest loss of life of American troops in this decade in Dhahran, Saudi Arabia, when that low-complexity Scud missile went into that barracks.

The point reinforces my notion, Mr. Speaker. While we need to continue to control the amount of defense spending, we need to be prepared for what is happening in the world today. China is spending a larger and larger amount of its money on defense. North Korea has now deployed a medium-range missile that we thought we would not see for 5 years. It is called the No Dong. It now threatens all of Japan. It threatens South Korea, and potentially troops in that theater, and they are working on a longer-range missile that eventually will be able to hit Alaska and Hawaii.

The point is that as much as we want to spend more and more money on domestic programs, we cannot do that by sacrificing the strong deterrent that a strong military provides. The reason we have a strong military is not just to fight wars. It is to deter aggression. There has never been a nation that has fallen because it is too strong. And while we do not want to be the bully of the world, we need to understand that strength in our military systems deters regional aggression. And regional aggression is what leads to larger confrontations and eventually world war.

Here is a summary, Mr. Speaker, of the budget projections from 1991 to 2001. The blue bar graph is mandatory outlays. They are going to increase by 35 percent during that 10-year period. The green bar graph is domestic discretionary spending. That is going to increase by 15 percent during the 10-year period. The red bar graph is defense spending. It is decreasing by 35 percent during that 10-year time period.

We need to be careful, Mr. Speaker, that we do not approach a similar situation to what occurred in the 1970s, because if we allow our military to not modernize, to not provide the support for the morale of the troops, we could begin to see a decay that we will not be able to reverse.

Now, why is all of this important and why do I discuss it today? Because the budget problems that I outlined at the beginning of my special order are going to be exacerbated after the turn of the century. This administration has postponed all modernization in our military and, therefore, everything has been slid until the next administration comes into office. This administration looks great. They have been able to balance the budget, they have been able to cut spending. They say they have cut Federal spending. They have only cut defense. That is the only area of the Federal Government where we have had real decline in real terms.

□ 2230

But in the process of doing that, they have postponed decisions for new systems until the next century. In the year 2000 and beyond, these are the systems that are currently scheduled by this administration to go into full production: the V-22 for the Marine Corps; the Comanche for the Army; the F-22 for the Air Force; the F/A-18E and F for the Navy; the Joint Strike Fighter for the Navy, Air Force, and Marine Corps; a new aircraft carrier; new destroyers.

The Army after next, an information-controlled Army: missile defense, theater missile defense, national missile defense. All of these programs, Mr. Speaker, are coming on line at the beginning of the next century and none of them can be paid for because of what we are doing to the defense budget today.

Now, what have I proposed? I have told the administration, cut more programs. If you are not going to cut environmental costs, if you are not going to reduce deployments, if you cannot close more bases, and if you are not going to give us more money for defense, then cancel more programs.

I voted to cancel the B-2, and the President kept the line open one more year during his election year in spite of the fact that we should have canceled it and saved that money. And I told the administration, cancel one of the tactical aviation programs. We cannot build three new TACAIR programs. This year we are spending $2.7 billion on tactical aviation that is buying new fighter planes.

The current plans of this administration in building the F-22, the Joint Strike Fighter, and the F/A-18E and F, the GAO and CBO estimate in 10 years would cost us between 14 and 16 billion dollars a year. Where does this President think he is going to get—he is not going to be here. Where does he think the next President is going to get an increase of $10 to $12 billion just for tactical fighters alone? It is not going to happen, Mr. Speaker.

That is why I am predicting a major train wreck, a train wreck that could jeopardize security of this country. We have got to be realistic about what the threats are. We have got to be realistic about what our needs are. We have got to be realistic about the way that we prioritize spending. We have got to be honest with the American people. And we have not done this.

This administration in the State of the Union speech two months ago mentioned national security out of an 80-minute speech in two sentences. Yet the President is quick to deploy our troops around the world, but does not want to fund the dollars to support those very troops and modernize them.

Something has got to give, Mr. Speaker. And I hope this special order tonight will make our colleagues, will make this city, and will make this country understand the dilemma we are facing. I am not here to advocate massive increases in defense spending. I am here to say help us control the amount of money we are currently putting forth, cut where we can, be realistic about what the threats are, and be honest about what our needs are in the 21st century. Because if we do not do that, I think the prospects for the long-term security of this country and the free world get dimmer and dimmer.

HMO CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, 2 years ago I met a woman who killed a man. I did not meet her in prison. She was not on parole. She had never even been investigated by the police. In fact, for causing the death of a man, she received congratulations from her colleagues and she moved up the corporate ladder. This woman, Dr. Linda Peeno, was working as a medical reviewer at an HMO.

In testimony before the Committee on Commerce on May 30, 1996, she confessed that her decision as an HMO reviewer to deny payment for a life-saving operation led to the preventable death of a man she had never seen. Dr. Peeno then exposed the ways that HMOs denied payment for health services. She showed how plans draft contract language to restrict access to benefits. She showed how HMOs cherry-pick healthy patients. She showed how HMOs use technicalities to deny necessary medical care.

Dr. Peeno also told Congress about the most powerful weapon in an HMO's arsenal to hold down costs. HMOs generally agree to cover all services that are deemed medically necessary. But because that decision is made by HMO bureaucrats, not by the treating physician, Dr. Peeno called it the "smart bomb" of cost containment.

Hailed initially as a great breakthrough in holding down health costs, the painful consequences of the managed care revolution are being revealed. Stories from the inside, like those told by Dr. Peeno, are shaking the public's confidence in managed care. We can now read about some of Dr. Peeno's experiences in the March 9 edition of U.S. News and World Report.

The HMO revelations have gotten so bad that health plans themselves are running ads touting the fact that they are different from the bad HMOs that do not allow their subscribers a choice of doctors or interfere with their doctors practicing good medicine.

Here in Washington one ad says, "We don't put unreasonable restrictions on our doctors. We don't tell them that they cannot send you to a specialist." This Chicago Blue Cross ad proclaims, "We want to be your health plan, not your doctor." In Baltimore, the Preferred Health Network ad states, "At your average health plan, cost controls are regulated by administrators. APHN doctors are responsible for controlling costs."

This goes to prove that even HMOs know that there are more than a few rotten apples in the barrel. The HMO industry has earned a reputation with the public that is so bad that only tobacco companies are held in lower esteem. Let me cite a few statistics.

A national survey shows that far more Americans have a negative view of managed care than a positive view. By more than 2-to-1, Americans support more government regulation of HMOs. The survey shows that only 44 percent of Americans think managed care is a good thing.

Do my colleagues want proof? Well, recently I saw the movie "As Good As It Gets." When Academy Award winner Helen Hunt expressed an expletive about the lack of care her asthmatic son gets from their HMO, people clapped and cheered. It was by far the biggest applause line of the movie. No doubt the audience's reaction has been fueled by dozens of articles and news stories highly critical of managed care and also by real-life experiences.

In September 1997, the Des Moines Register ran an op-ed piece entitled "The Chilly Bedside Manner of HMOs" by Robert Reno, a Newsweek writer. Citing a study on the end-of-life care, he wrote, "This would seem to prove the popular suspicion that HMO operators are heartless swine."

The New York Post ran a week-long series on managed care; headlines included. "HMOs Cruel Rules Leave Her Dying for the Doc She Needs."

Another headline blared out, "Ex-New Yorker Is Told, Get Castrated In Order To Save." Or this one: "What His Parents Didn't Know About HMOs May Have Killed This Baby." Or how about the 29-year-old cancer patient whose HMO would not pay for his treatments?

Instead, the HMO case manager told the patient to "hold a fund-raiser," a fund-raiser. Mr. Speaker, I certainly hope that campaign finance reform will not stymie this man's chance to get his cancer treatment.

To save money, some HMOs have erected increasingly steep barriers to proper medical care. These include complex utilization preview procedures, computer programs that are stingy about approving care, medical directors willing to play fast and loose with the term "medically necessary."

Consumers who disagree with these decisions are forced to work their way through Byzantine appeals processes which usually excel at complexity, but generally fall short of fairness; and these appeals, unfortunately, Mr. Speaker, can last longer than the patient. The public understands the kind of barriers they face in getting needed care.

Republican pollster Frank Luntz recently held a focus group in Maryland. Here is what some consumers said. One participant complained, "I have a new doctor every year." Another said she is afraid that if something major happened "I wouldn't be covered." A third attendee griped that he had to take off work twice because the plan requires people to see the primary care doctor before seeing a specialist.

Those fears are vividly reflected in editorial page cartoons. Here is one that reflects what the focus group was talking about. It shows a woman working in a cubicle in a claims department of an HMO. In talking with the customer she remarks, "No, we don't authorize that specialist. No, we don't cover that operation. No, we don't pay for that medication. No, we don't consider this assisted suicide." These HMO rules create ethical dilemmas.

A California internist had a patient who needed emergency treatment because of fluid buildup in her lungs. Under the rules of the patient's plan, the service would come at a hefty cost to the patient. She told the doctor that she could not have the treatment because she did not have the money. However, if she was admitted to the hospital, she would have no charges. So her doctor bent the rules. He admitted her and then he immediately discharged her.

Now, Mr. Speaker, are HMOs now forcing doctors to lie for their patients? HMOs have pared back benefits to the point of forcing Congress to get into the business of making medical decisions. Take, for example, the uproar over the so-called drive-through deliveries. This cartoon shows that some folks thought health plans were turning their maternity wards into fast food restaurants. As the woman is handed her new child, the gate keeper at the drive-through window asks, "Would you like fries with that?"

Well, in a case that is not so funny, in 1995 Michelle and Steve Bauman testified before the Senate about their daughter, Michelina, who died two days after she was born. Their words were powerful and eloquent. Let me quote from Michelle and Steve's statement. "Baby Michelina and her mother were sent home 28 hours after delivery. This was not enough time for doctors to discover that Michelina was born with streptococcus, a common and treatable condition. Had she remained in the hospital an additional 24 hours, her symptoms would have surfaced and professional trained staff would have taken the proper steps so that we could have planned a christening rather than a funeral. Her death certificate listed the cause of death as meningitis." Michelle and Steve went on to say, "when it should have read, death by the system."

In the face of scathing media criticism and public outrage, health plans insisted that nothing was wrong, that most plans allowed women to stay at least 48 hours and that babies discharged the day of delivery were just as healthy as others.

Mr. Speaker, that line of defense sounds a lot like the man who was sued for causing an auto accident. "Your Honor, he says, I was not in the car that night. But even if I was, the other guy was speeding and swerved into my lane."

□ 2245

For expectant parents, however, the bottom line was fear and confusion. There is nothing more important to a couple than the health and safety of their child. Because managed care failed to condemn drive-through deliveries, all of us are left to wonder whether our plans place profits ahead of care. The drive-through delivery issue is hardly the only example of the managed care industry fighting to derail any consumer protection legislation. What makes this strategy so curious is that most plans had already taken steps to guarantee new moms and infants 2 days in the hospital. Sure, there were some fly-by-night plans that might not have measured up, but most responsible plans had already reacted to the issue by guaranteeing longer lengths of stay. The HMOs' efforts to reassure the public that responsible plans do not force new mothers and babies out of the hospital in less than 24 hours, however, were completely undermined by their opposition to a law ensuring this protection to all Americans. That was a missed opportunity for the responsible HMOs to get out front, to proactively work for legislation that reflected the way they already operated. Not only would it have improved managed care's public image, but it would have given them some credibility.

Why then did managed care oppose legislation on this issue? Because the HMO industry is Chicken Little. Every time Congress or the States propose some regulation of the industry, they cry, "The sky is falling, the sky is falling." I would suggest that by endorsing some common sense patient protections, managed care would be more believable when they oppose other legislation.

Mr. Speaker, today's managed care market is highly competitive. Strong market rivalry can be good for consumers. When one airline cuts fares, others generally match the lower prices. In health care when one plan offers improved preventive care or expanded coverage, other market participants may follow suit. But the competitive nature of the market also poses a danger for consumers. In an effort to bolster profits, plans may deny coverage of care that is medically necessary. Or they may gag their doctors to cut costs. Some health plans have used gag rules to keep their subscribers from getting care that may save their lives.

During congressional hearings 2 years ago, we heard testimony from Alan DeMeurers who lost his wife Christy to breast cancer. They are pictured here with their children. When a specialist at UCLA recommended that Christy undergo bone marrow transplant surgery, her HMO leaned on UCLA to change its medical opinion. Who knows whether Christy would be with her two children today had her HMO not interfered with her doctor-patient relationship. HMO gag rules have even made their way onto the editorial pages. Here is one such cartoon. A doctor sits across the desk from a patient and remarks, "I'll have to check my contract before I answer that." Dr. Michael Haugh is a real life example of this problem. He testified before the Committee on Commerce and told how one of his patients was suffering from severe headaches. He asked her HMO to approve a specific diagnostic procedure. They declined to cover it, claiming that magnetic resonance arteriogram was experimental. Remember, Dr. Peeno testified about the clever ways that health plans decide not to cover requested care. So Dr. Haugh explained the situation in a letter to his patient. In it he wrote, "The alternative to the MRA is to do a test called a cerebral arteriogram which requires injecting dye into the arteries and carries a much higher risk to it than MRA. It is because of this risk that I am writing to tell you that I still consider that an MRA is medically necessary in your case." Two weeks later, the medical director of BlueLines HMO wrote to Dr. Haugh. He said, "I consider your letter to the member to be significantly inflammatory. You should be aware that a persistent pattern of pitting the HMO against its member may place your relationship with BlueLines HMO in jeopardy. In the future I trust you will choose to direct your concerns to my office rather than in this manner."

Amazing. The HMO was telling this doctor that he could not express his professional medical judgment to his patient. Cases like these and others demonstrate why Congress needs to pass legislation like the Patient Right to Know Act to prevent health plans from censoring exam room discussions. This gag rule cartoon is even more pointed. Once again a doctor sits behind a desk talking to a patient. Behind the doctor is an eye chart saying "ENUF IZ ENUF." The doctor looks at a piece of paper and tells his patient, "Your best option is cremation, $359, fully covered," and the patient says, "This is one of those HMO gag rules, isn't it, Doctor?"

The HMO industry continues to fight Federal legislation to ban gag rules. The HMOs and their minions in Congress still keep the Patient Right to Know Act from coming to the floor, despite the fact that it has been cosponsored by 299 Members of this House, endorsed by over 300 consumer and health profession organizations and has already been enacted to protect those receiving services under Medicare and Medicaid, but not for those of you who are not poor or elderly. Even some executives of managed care plans have privately told me that they are not opposed to a ban on gag rules, because they know that competition can result in a race to the bottom in which basic consumer protections are undermined.

My bill to ban gag rules presents managed care with an opportunity to be on the vanguard of good health care. Instead, they are frittering away another opportunity just like they did with drive-through deliveries. In opposing a ban on gag rules, HMOs have only fueled bipartisan support for broader, more comprehensive reform legislation.

In recognition of problems in managed care, last September three managed care plans joined with consumer groups to announce their support of an 18-point agenda. Here is a sample of the issues that the groups felt required nationally enforceable standards, things like guaranteeing access to appropriate services, providing people with a choice of health plans, ensuring the confidentiality of medical records, protecting the continuity of care, providing consumers with relevant information, covering emergency care, disclosing loss ratios, banning gag rules. These health plans and consumer groups wrote, "Together we are seeking to address problems that have led to a decline in consumer confidence and trust in health plans. We believe that thoughtfully designed health plan standards will help to restore confidence and ensure needed protection." Mr. Speaker, I could not have said it better myself. These plans, including Kaiser Permanente, HIP, the Group Health of Puget Sound probably already provide patients with these safeguards. So it would not be a big challenge for them to comply with nationally enforceable standards. By advocating national standards, these HMOs distinguish themselves in the market as being truly concerned with the health of their enrollees. Noting that they already make extensive efforts to improve their quality of care, the chief executive officer of Health Insurance Plan, known as HIP said, quote, "Nevertheless, we intend to insist on even higher standards of behavior within our industry and we are more than willing to see laws enacted to ensure that result." Let me repeat that. "We are more than willing to see laws enacted to ensure that result."

One of the most important pieces of their 18-point agenda is a requirement that plans use a lay person's definition of emergency. Too often health plans have refused to pay for care that was delivered in an emergency room. The American Heart Association tells us that if we have crushing chest pain, we should go immediately to the emergency room because this could be a warning sign of a heart attack. But sometimes HMOs refuse to pay if the patient tests normal. If the HMO only pays when the tests are positive, I guarantee you, Mr. Speaker, people will delay getting proper treatment for fear of a big bill and they could die if they delay diagnosis and treatment. Another excuse HMOs use to deny payment for ER care is the patient's failure to get preauthorization. This cartoon vividly makes the point.

Kuddlycare HMO. My name is Bambi. How may I help you?

You're at the emergency room and your husband needs approval for treatment?

Gasping, writhing, eyes rolled back in his head? Doesn't sound all that serious to me.

Clutching his throat? Turning purple? Um-huh. Have you tried an inhaler?

He's dead? Well, then he certainly doesn't need treatment, does he?

Gee, people are always trying to rip us off.

Does this cartoon seem too harsh? Ask Jacqueline Lee. In the summer of 1996, she was hiking in the Shenandoah Mountains when she fell off a 40-foot cliff, fracturing her skull, her arm and her pelvis. She was airlifted to a local hospital and treated. You will not believe this. Her HMO refused to pay for the services because she failed to get preauthorization. I ask you, what was she supposed to do with broken bones lying at the base of the cliff? Call her HMO for preauthorization? I am sad to say that despite strong public support to correct problems like these, managed care regulations still seem stalled here in Washington. Some opponents of legislation insist that health insurance regulation, if there is to be any at all, should be done by the States.

Other critics worship at the altar of the free market and insist its invisible hand can cure the ills of managed care. As a strong supporter of the free market, I wish we could rely on ADAM SMITH's invisible hand to steer plans into offering the services consumers want. And while historically State insurance commissions have done an excellent job of monitoring the performance of health plans, Federal law puts most HMOs beyond the reach of State regulations. Let me repeat that. Federal law puts most HMOs beyond the reach of State regulations. How is this possible? More than two decades ago, Congress passed the Employee Retirement Income Security Act, which I will refer to as ERISA, to provide some uniformity for pension plans in dealing with different State laws. Health plans were included in ERISA, almost as an afterthought. The result has been a gaping regulatory loophole for self-insured plans under ERISA. Even more alarming is the fact that this lack of effective regulation is coupled with an immunity from liability for negligent actions. Mr. Speaker, personal responsibility has been a watchword for this Republican Congress. This issue is no different. I have worked with the gentleman from Georgia (Mr. NORWOOD) and others to pass legislation that would make health plans responsible for their conduct. Health plans that recklessly deny needed medical service should be made to answer for their conduct. Laws that shield them from their responsibility only encourage HMOs to cut corners.

Take this cartoon, for instance. With no threat of a suit for medical malpractice, an HMO bean counter stands elbow to elbow with the doctor in the operating room. When the doctor calls for a scalpel, the bean counter says, "pocket knife." When the doctor asks for a suture, the bean counter says, "Band-Aid." When the doctor says, "Let's get him to the intensive care unit," the bean counter says, "Call a cab."

Texas has responded to HMO abuses by passing legislation that would make ERISA plans accountable for improper denials of care. But that law is being challenged in court and a Federal standard is needed to protect all consumers. The lack of legal redress for an ERISA plan's act of medical malpractice is hardly its only shortcoming. Let me describe a few of ERISA's other weaknesses.

□ 2300

ERISA does not impose any quality assurance standards or other standards for utilization review. Except as provided in Kassebaum-Kennedy, ERISA does not prevent plans from changing, reducing or terminating benefits. With a few exceptions, ERISA does not regulate a plan's design or content, such as covered services or cost sharing. ERISA does not specify any requirements for maintaining plan solvency.

ERISA does not provide the standards that a State insurance commissioner would.

It seems to me that we can take one of three approaches in reforming the way health plans are regulated by ERISA. The first would be to do nothing, but I think I have already demonstrated why that is not acceptable.

The second option would be to ask the States to reassume the responsibility of regulating these plans. This was the traditional role of the States, and they continue to supervise other parts of the health insurance market. But I will tell you why that will not work.

Turning regulation of ERISA plans over to the States will be fought tooth and nail by big business and by HMOs, and it will not happen. That leaves only one viable option: some minimal reasonable Federal consumer health protections for patients enrolled in ERISA plans.

Now there are many proposals on the table, including the Patient Access to Responsible Care Act, the Patients' Bill of Rights, the 18-point agenda released by Kaiser HIP and AARP. Whether we enact one of these options or some other yet to be drafted, Congress created the ERISA loophole and Congress should fix it.

Now, defenders of the status quo sometimes say that making plans subject to increased State or Federal regulations is not the answer. They insist that like any other consumer good, managed care will respond to the demands of the market. I would note that other industries are liable for their acts of misconduct.

So the shield from liability provided by ERISA by itself distorts the health care market. It differs from a traditional market in other ways as well. For example, the person consuming health care is generally not paying for it. Most Americans get their health care through their employer because the primary customer, the one paying the bills, is the employer. HMOs have to satisfy their needs before they satisfy the needs of their patients. And the employer's focus on the cost of the plan may draw the HMO's attention away from the employee's desire for a decent health plan.

As Stan Evans noted in Human Events, many HMOs operate on a capitated basis. This means that plans are paid a flat monthly fee for taking care of you. This translates to the less they spend on medical services, the more profit they make.

Now, how many markets function on the premise of succeeding by giving consumers less of what they want?

Take a look at this cartoon which illustrates perfectly the problem of health plans focusing on the bottom line. The patient is in traction. This is the HMO bedside manner. And the doctor standing next to him says, "After consulting my colleagues in accounting we have concluded you are well enough. Now go home."

Are HMOs paying attention to their patients' health or to their stockholders' portfolios?

Stan Evans again hit the nail on the head when he noted:

> Paid a fixed amount of money per patient regardless of the care delivered, HMOs have a powerful motive to deliver a minimum of treatment. Care denial, pushing people out of hospitals as fast as possible, blocking access to specialists and the like are not mistakes or aberrations. They stem directly from the nature of the setup in which HMOs make more money by delivering less care, thus pitting the financial interests of the provider against the medical interests of the patient.

His comment raises an important issue. Presented with tragedies like those of the Baumans or Mrs. DeMeurers, managed care defenders argue those are just anecdotes. What Mr. Evans points out is that cases like these are not mistakes or aberrations or anecdotes. They are exactly the outcomes we would expect in a system that rewards those who undertreat patients.

Finally, markets only function when consumers have real choices. Dissatisfied consumers have limited options. Most employers offer employees very few health plans. For many, the choice of their health plan is simple: Take it or leave it. Freedom in the health insurance market now means quitting your job if you do not like your HMO. There is not a free market when consumers cannot switch to a different health plan.

But even if we were to put aside all these arguments and assume that health insurance was a free market, there is still a need for legislation to guard patients from abuses. The notion of consumer protections is consistent and supportive in our concept of free markets. In his book, Everything for Sale, Robert Kuttner points out the problems of imperfect markets. He says:

> Industries such as telecommunications, electric power and health care retain public purposes that free market forces cannot achieve. For example, as a society we remain committed to universal access for certain goods. Left to its own devices the free market might decide that delivering electricity and phone service to rural areas and poor city neighborhoods is just not profitable, just as the private market brands cancer patients as "uninsurable."

Think for a moment about buying a car. Federal laws ensure that cars have horns and brakes and headlights. Yet despite these minimum standards, we do not have a nationalized auto industry. Instead, consumers have lots of choices. But they know that whatever car they buy will meet certain minimum safety standards. You do not buy safety a la carte.

The same notion of basic protections and standards should apply to health plans. Consumer protections will not lead to socialized medicine any more than requiring seat belts has led to a nationalized auto industry. In a free market, these minimum standards set a level playing field that allows competition to flourish.

Critics of regulating managed care also complain that new regulations will drive up the costs of health insurance. In criticizing the Patient Access to Responsible Care Act, they cite a study showing that certain provisions could increase health insurance premiums from 3 to 90 percent. Three to 90 percent. I mean, that is a joke. Such a wide range is meaningless. It must be an accountant's way of saying I do not know.

Other studies have said that costs may go up slightly, but nothing near the doomsday figures suggested by opponents of this legislation. A study by the accounting firm Muse and Associates shows that premiums will increase between seven-tenths of 1 percent and 2.6 percent if the Patient Access to Responsible Care Act is enacted.

And do not let the HMOs tell you that the rising premiums we are seeing this year are the result of Federal legislation. HMOs have been charging below cost premiums for a long time. As a result, we are now seeing premium increases long before passage of any Federal consumer protection legislation.

And keep in mind also the shareholder's philosophy of making money can come into conflict with the patient's philosophy of wanting good medical care. To save money, many plans have nonphysician reviewers to determine if callers requesting approval for care really need it. Using medical care cookbooks, they walk patients through their symptoms and then reach a medical conclusion.

These cookbooks do not have a recipe for every circumstance. Like the woman who called to complain about pain caused by the cast on her wrist. The telephone triage worker asked the woman to press down on her fingernail to see how long it took for the color to return. Unfortunately, the patient had polish on her nails.

How far can this go? Like this cartoon shows, pretty soon we could all be logging on to the Internet and using the mouse as a stethoscope.

This trend should trouble every one of us. Medicine is part science, part art. Computer operators cannot consider the subtleties of a patient's condition. Sometimes you can know the answer by reading a chart, but sometimes doctors reach their judgments by a sixth sense that this patient really is sick. There are certain things that computers just cannot comprehend.

Now doctors are expected to be professional, to adhere to standards and to undergo peer review. Most of all, they are expected to serve as advocates for their patients' needs, not to be government or insurance apologists. It is in the interests of our citizens that their doctor fights for them and not be "the company doc."

Like a majority of my colleagues, I am a cosponsor of H.R. 1415, the Patient Access to Responsible Care Act, otherwise known as PARCA. In an attempt to derail this legislation, the managed care community has made a number of false statements about this bill. For example, they repeatedly state that PARCA would force health plans to contract with any provider who wanted to join its network. That is clearly a false statement. In two separate places in the bill, it states that it should not be considered an "any willing provider" bill.

PARCA simply includes a provider nondiscrimination provision similar to what was enacted in Medicare last year. Provider nondiscrimination and "any willing provider" are no more the same than equal opportunity and affirmative action.

Similarly, some opponents have suggested that the bill would force health insurance to be offered on a guaranteed issue or a community rated basis. This is a nonissue. Congressman NORWOOD and I oppose community rating and guaranteed issue and will not support any bill coming to the floor that would result in community rating or guaranteed issue.

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Our goals should be passage of comprehensive patient protection legislation. I am committed to seeing legislation enacted before the close of the 105th Congress. I am open to working with all interested Members, Republican, and Democrat, to develop a bipartisan patient protection bill.

In the meantime, H.R. 586, the Patient Right to Know Act, which would ban gag rules, should be brought to the floor for a vote.

Mr. Speaker, just last week, a pediatrician told me about a 6-year-old child who had nearly drowned. The child was brought to the hospital and placed on a ventilator. The child's condition was serious. It did not appear that he would survive.

As the doctors and the family prayed for signs that he would live, the hospital got a call from the boy's insurance company. Home ventilation, explained the HMO reviewer, is cheaper than in-patient care. I was wondering if you had thought about sending the boy home.

Or consider the death of Joyce Ching, a 34-year-old mother from Fremont, California. Mrs. Ching waited nearly 3 months for an HMO referral to a specialist despite her continued rectal bleeding and severe pain. She was 35 years old when she died from a delay in the diagnosis of her colon cancer.

Joyce Ching, Christy DeMeurers, Michelina Baumann, Dr. Peeno's patient, Mr. Speaker, these are not just anecdotes. These are real people who are victims of HMOs.

Let us fix this problem. The people we serve are demanding it. Let us act now to pass meaningful patient protections. Lives, Mr. Speaker, are in the balance.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GILLMOR (at the request of Mr. ARMEY) for today on account of emergency dental work.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today after 2:00 p.m. on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 4:30 p.m. on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes, today.
Ms. CARSON, for 5 minutes, today.

The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:

Mr. COBURN, for 5 minutes, today.
Mr. HULSHOF, for 5 minutes, on March 31.
Mr. HUNTER, for 5 minutes, today.
Mr. PETERSON of Pennsylvania.
Mr. BARR of Georgia, for 5 minutes, today.
Mr. GUTKNECHT, for 5 minutes, on March 27.
Mr. MICA, for 5 minutes, today.

The following Member (at her own request) to revise and extend his remarks and include extraneous material:

Mrs. CLAYTON for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. PALLONE) and to include extraneous matter:

Mr. KIND.
Mr. ALLEN.
Ms. SANCHEZ.
Mr. VISCLOSKY.
Ms. VELÁZQUEZ.
Mr. FORD.
Mrs. MEEK of Florida.
Mr. KLECZKA.
Ms. MCCARTHY of Missouri.
Mr. DAVIS of Illinois.
Mr. STARK.
Mr. BORSKI.
Mr. TORRES.
Mr. VENTO.
Mr. FILNER.

The following Members (at the request of Mr. NETHERCUTT) and to include extraneous matter:

Mr. ROGERS.
Mr. DAVIS of Virginia.
Mrs. JOHNSON of Connecticut.
Mr. HORN.
Ms. ROS-LEHTINEN.
Mr. BILIRAKIS.
Mr. WICKER.
Mr. CALVERT.
Mr. EHRLICH.
Mr. WALSH.
Mr. PAPPAS.
Mr. SMITH of New Jersey.

The following Members (at the request of Mr. GANSKE) and to include extraneous matter:

Mr. PAPPAS.
Mr. ALLEN.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Friday, March 27, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8235. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule— Specialty Crops; Import Regulations; Extension of Reporting Period for Peanuts Imported Under 1997 Import Quotas [Docket No. FV97-999-1 FIR] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8236. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerance [OPP-300628; FRL-5778-3] (RIN: 2070-AB78) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8237. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerance [OPP-300625; FRL-5776-5] (RIN: 2070-AB78) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8238. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Colorado; Correction [FRL -5977-5] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8239. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Promulgation of Extension of Attainment Date for Ozone Nonattainment Area; Ohio;

Kentucky [OH107a; KY101–9809a; FRL–5985–9] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8240. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH103–1a; FRL–5978–6] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8241. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Additional Update of Post-Rebuild Emission Levels in 1998 [FRL–5986–2] (RIN: 2060–AH45) received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8242. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 98–29), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8243. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 98–31), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8244. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 98–32), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8245. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Australia (Transmittal No. DTC–21–98), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8246. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

8247. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Closures of Specified Groundfish Fisheries in the Gulf of Alaska [Docket No. 971208297–8054–02; I.D. 031098C] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8248. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Inshore Component Pollock in the Aleutian Islands Subarea [Docket No. 971208298–8055–02; I.D. 031398A] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8249. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 and 0070 Series Airplanes [Docket No. 96–NM–269–AD; Amendment 39–10310; AD 98–03–18] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8250. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 97–NM–261–AD; Amendment 39–10300; AD 98–03–08] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8251. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes [Docket No. 97–NM–219–AD; Amendment 39–10309; AD 98–03–17] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8252. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Luftfahrt GmbH Models 228–100, 228–101, 228–200, and 228–201 Airplanes [Docket No. 97–CE–124–AD; Amendment 39–10391; AD 98–06–13] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8253. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0070 and Mark 0100 Series Airplanes [Docket No. 97–NM–245–AD; Amendment 39–10396; AD 98–06–18] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8254. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Mystere Falcon 900 Series Airplanes [Docket No. 97–NM–193–AD; Amendment 39–10395; AD 98–06–17] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8255. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes [Docket No. 95–NM–38–AD; Amendment 39–10393; AD 98–06–15] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8256. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model CN–235 Series Airplanes [Docket No. 97–NM–162–AD; Amendment 39–10392; AD 98–06–14] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8257. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 96–NM–114–AD; Amendment 39–10394; AD 98–06–16] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8258. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes [Airspace Docket No. 98–NM–64–AD; Amendment 39–10397; AD 98–06–19] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8259. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GKN Westland Helicopters Ltd., 30 Series Helicopters [Docket No. 97–SW–26–AD; Amendment 39–10383; AD 98–06–06] (RIN: 2120–AA64) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8260. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Eastland, TX [Airspace Docket No. 98–ASW–20] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8261. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Gallup, NM [Airspace Docket No. 98–ASW–19] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8262. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Wrangell, AK, and Petersburg, AK [Airspace Docket No. 97–AAL–11] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8263. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Realignment of Colored Federal Airway; AK [Airspace Docket No. 97–AAL–10] (RIN: 2120–AA66) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8264. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wagoner, OK [Airspace Docket No. 98–ASW–03] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8265. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Pawnee, OK [Airspace Docket No. 98–ASW–02] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8266. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Coalgate, OK [Airspace Docket No. 98–ASW–01] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8267. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Miami, OK [Airspace Docket No. 98–ASW–11] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8268. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Idabel, OK [Airspace Docket No. 98–ASW–09] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8269. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Henryetta, OK [Airspace Docket No. 98–ASW–08] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8270. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; McAlester, OK [Airspace Docket No. 98–ASW–10] received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8271. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revision to the NASA FAR Supplement Coverage on Alternative Dispute Resolution [48 CFR Part 1833] received March 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8272. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Contract Financing [48 CFR Parts 1832 and 1852] received March 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 2786. A bill to authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran; with amendments (Rept. 105–468 Pt. 1).

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X, the Committee on International Relations discharged from further consideration. H.R. 2786 referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2786. Referral to the Committee on International Relations extended for a period ending not later than March 26, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER:

H.R. 3558. A bill to provide that the exception for certain real estate investment trusts from the treatment of stapled entities shall apply only to existing property, and for other purposes; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. Inglis of South Carolina, Mr. Hutchinson, Mr. Pease, Mr. Graham, Mr. Conyers, Mr. Boucher, and Mr. Delahunt):

H.R. 3559. A bill to modify the application of the antitrust laws with respect to obtaining video programming for multichannel distribution, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Michigan:

H.R. 3560. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for a pilot program for personalized retirement security through personal retirement savings accounts to allow for more control by individuals over their Social Security retirement income, and for other purposes; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself, Mr. Shays, Mr. Clay, Mr. Roemer, Mr. Walsh, Mr. Farr of California, Mr. Neal of Massachusetts, Mr. Dooley of California, Mrs. Morella, Mr. Quinn, Mr. Barrett of Wisconsin, Mr. Sandlin, Mr. Miller of California, Mr. Menendez, Mr. Kennedy of Massachusetts, Mr. Lewis of Georgia, Mr. Cardin, Mr. Dingell, Mr. Frost, Mr. Horn, Mr. Underwood, Mr. Maloney of Connecticut, Mr. Hinchey, Mr. Murtha, Mrs. Kennelly of Connecticut, Mr. Borski, Mr. Fazio of California, Mr. Martinez, Mr. Baldacci, Mr. Fattah, Ms. Woolsey, Mr. Kind of Wisconsin, Ms. Sanchez, Ms. Jackson-Lee, Mr. Moran of Virginia, Mr. Peterson of Minnesota, Mr. Vento, Mr. Frank of Massachusetts, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. Leach, Mr. Adam Smith of Washington, Mr. Sabo, Mrs. Lowey, Mr. Sawyer, Mr. DeFazio, Mr. Ackerman, Mr. Houghton, Mr. Hall of Ohio, Mr. Sanders, Mr. Lantos, Mr. Klink, and Mr. Scott):

H.R. 3561. A bill to extend for five years the authorization of appropriations for the programs under the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3562. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to C corporations which have substantial employee ownership and to encourage stock ownership by employees by excluding from gross income stock paid as compensation for services, and for other purposes; to the Committee on Ways and Means.

By Mr. BILIRAKIS (for himself, Mr. Brown of Ohio, and Mr. Upton):

H.R. 3563. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that part or all of any income tax refund be paid over for use in biomedical research conducted through the National Institutes of Health; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUNNING of Kentucky:

H.R. 3564. A bill to exclude the receipts and disbursements of the Abandoned Mine Reclamation Fund from the budget of the United States Government, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM (for himself, Mr. Schumer, Mr. Buyer, Mr. Chabot, and Mr. Gekas):

H.R. 3565. A bill to amend Part L of the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. PAPPAS:

H.R. 3566. A bill to establish a pilot program to facilitate the protection and preservation of remaining open space and farmland in the mid-Atlantic States; to the Committee on Resources.

By Mr. PAPPAS (for himself, Mr. Smith of New Jersey, Mr. Saxton, and Mr. Coyne):

H.R. 3567. A bill to amend title XVIII of the Social Security Act to provide for equitable payments to home health agencies under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA (for herself, Mr. DeFazio, Mr. Wise, Mrs. Morella, Mr. Shays, and Mr. Strickland):

H.R. 3568. A bill to amend the Public Health Service Act, Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to prohibit group and individual health plans from imposing treatment limitations or financial requirements on the coverage of mental health benefits and on the coverage of substance abuse and chemical dependency benefits if similar limitations or requirements are not imposed on medical and surgical benefits; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Oregon:

H.R. 3569. A bill to transfer administrative jurisdiction over certain parcels of public domain land in Lake County, Oregon, to facilitate management of the land, and for other purposes; to the Committee on Resources.

By Mr. STARK (for himself, Mr. Leach, Mr. Waxman, Mr. Towns, Mr. Hilliard, Mr. Frost, and Mr. Torres):

H.R. 3570. A bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the Medicare skilled nursing facility prospective payment system; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Virginia (for himself, Mr. Moran of Virginia, Mr. Scott, Mr. Goode, Mr. Boucher, Mr. Sisisky, Mr. Bateman, Mr. Wolf, Mr. Bliley, and Mr. Goodlatte):

H. Con. Res. 251. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to commemorate the life of George Washington and his contributions to the Nation; to the Committee on Government Reform and Oversight.

By Mrs. MALONEY of New York (for herself, Mr. BILIRAKIS, Mr. ANDREWS, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BROWN of Ohio, Mr. CUNNINGHAM, Mr. DOYLE, Mr. ENGEL, Mr. FILNER, Ms. FURSE, Mr. HORN, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. KLINK, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. MENENDEZ, Mr. PALLONE, Mr. PAPPAS, Mr. PASCRELL, Mr. PAYNE, Mr. PORTER, Mr. SHERMAN, Mr. TIERNEY, Mr. VISCLOSKY, Mr. HINCHEY, Ms. ROS-LEHTINEN, and Mr. FRANKS of New Jersey):

H. Con. Res. 252. Concurrent resolution relating to a United States initiative to help resolve the situation in Cyprus; to the Committee on International Relations.

By Mr. REYES:

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the 150th anniversary of the presence of Fort Bliss in the El Paso, Texas, area; to the Committee on Government Reform and Oversight.

By Mr. GILMAN (for himself, Mr. BURTON of Indiana, Mr. SOUDER, Mr. MANTON, Mr. BALLENGER, and Mr. HASTERT):

H. Res. 398. A resolution urging the President to expeditiously procure and provide three UH-60L Blackhawk utility helicopters to the Colombian National Police solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States; to the Committee on International Relations.

By Mr. BASS (for himself, Mr. GOODLING, Mr. GREENWOOD, Mr. RIGGS, Mr. BALLENGER, Mr. GRAHAM, Mr. BALDACCI, Mr. BATEMAN, Mr. BERRY, Mr. BILBRAY, Mr. BLUNT, Mr. BOEHLERT, Mr. CHAMBLISS, Mr. ENGLISH of Pennsylvania, Mrs. FOWLER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mr. GANSKE, Mr. GILMAN, Mr. HILLIARD, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. NETHERCUTT, Mr. SNOWBARGER, and Mr. SUNUNU):

H. Res. 399. A resolution urging the Congress and the President to work to fully fund the Federal Government's obligation under the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsor were added to public bills and resolutions as follows:

H.R. 26: Mr. WATT of North Carolina.

H.R. 44: Mr. SMITH of New Jersey, Mr. LEWIS of Kentucky, Mr. DEUTSCH, and Mr. DIAZ-BALART.

H.R. 65: Mr. DEUTSCH and Mr. WELDON of Pennsylvania.

H.R. 135: Mr. MEEKS of New York.

H.R. 192: Mr. CLYBURN.

H.R. 303: Mr. THUNE.

H.R. 372: Mr. KILDEE and Mrs. LOWEY.

H.R. 414: Mr. CLYBURN.

H.R. 457: Mr. GILLMOR.

H.R. 530: Mr. UPTON, Mr. GALLEGLY, Mr. SMITH of Michigan, Mr. SNOWBARGER, Mr. TANNER, Mr. COBLE, Mr. CHRISTENSEN, Mr. WELLER, Mr. WATKINS, Mr. PETRI, Mr. METCALF, Mr. DUNCAN, Mr. TIAHRT, Mr. WELDON of Pennsylvania, Mr. BERRY, and Mr. BLILEY.

H.R. 536: Ms. WOOLSEY.

H.R. 633: Mr. TRAFICANT.

H.R. 699: Mr. THUNE and Mrs. FOWLER.

H.R. 981: Mr. KILDEE, Mr. CONYERS, and Mr. JACKSON.

H.R. 1023: Ms. KAPTUR.

H.R. 1032: Mrs. TAUSCHER.

H.R. 1061: Mrs. JOHNSON of Connecticut.

H.R. 1151: Mr. HASTINGS of Florida, Mr. HILL, Mr. PAUL, Mr. GRAHAM, Mr. PRICE of North Carolina, and Mr. PICKETT.

H.R. 1176: Mr. CLYBURN.

H.R. 1231: Mr. HILLIARD and Mr. SANDLIN.

H.R. 1356: Mr. STEARNS and Mr. BARR of Georgia.

H.R. 1415: Mrs. CLAYTON.

H.R. 1505: Mr. SNYDER and Mr. FILNER.

H.R. 1525: Mr. CLYBURN and Mr. GANSKE.

H.R. 1577: Mr. SUNUNU.

H.R. 1737: Mr. JACKSON and Mr. SHAW.

H.R. 1951: Mr. STOKES, Mr. BECERRA, Mr. MATSUI, Mrs. CLAYTON, and Mr. FILNER.

H.R. 2009: Mr. LOBIONDO and Mr. STARK.

H.R. 2020: Mr. PETERSON of Minnesota, Mr. HAYWORTH, Mr. LEWIS of Georgia, and Mr. ADAM SMITH of Washington.

H.R. 2072: Mr. WATKINS.

H.R. 2094: Mrs. TAUSCHER and Mr. MALONEY of Connecticut.

H.R. 2103: Mr. SANDLIN.

H.R. 2120: Ms. NORTON.

H.R. 2125: Mr. FRELINGHUYSEN.

H.R. 2359: Mr. SHERMAN.

H.R. 2409: Mr. WAXMAN, Mr. MILLER of California, and Mr. ABERCROMBIE.

H.R. 2488: Mr. SESSIONS, Ms. LOFGREN, and Ms. CHRISTIAN-GREEN.

H.R. 2497: Mr. SUNUNU.

H.R. 2568: Mrs. CLAYTON and Mr. BOEHNER.

H.R. 2598: Mr. SESSIONS, Mr. SHIMKUS, and Mr. ADERHOLT.

H.R. 2670: Mr. SHAYS.

H.R. 2708: Mr. MORAN of Kansas.

H.R. 2723: Mr. GOODLING.

H.R. 2754: Mr. TOWNS.

H.R. 2804: Mr. WATT of North Carolina and Mr. HILLIARD.

H.R. 2908: Mr. DOOLEY of California, Mr. SPENCE, Mr. ADERHOLT, Mr. EDWARDS, Mr. FRELINGHUYSEN, Mr. HAYWORTH, Mr. BOSWELL, Mr. CUNNINGHAM, Mr. JENKINS, Mr. BALDACCI, and Ms. DANNER.

H.R. 2912: Mr. CAMP and Mr. OLVER.

H.R. 2921: Mr. HULSHOF, Mr. GANSKE, Mr. KLUG, and Mr. MCINTYRE.

H.R. 2923: Mr. KLUG, Mr. PASTOR, Mr. MILLER of California, Mr. ACKERMAN, Mr. BUNNING of Kentucky, Mr. SHAW, and Mr. GEJDENSON.

H.R. 2942: Mr. MICA and Mr. DIAZ-BALART.

H.R. 2963 Mrs. CLAYTON, Mr. ALLEN, Mr. MEEHAN, Mr. DOYLE, Ms. CARSON, Mr. DEFAZIO, Mr. WAXMAN, Mr. GEJDENSON, and Mr. PALLONE.

H.R. 3008: Mr. FILNER and Mrs. THURMAN.

H.R. 3048: Mr. CASTLE.

H.R. 3126: Mr. RANGEL.

H.R. 3156: Mr. DICKS, Mr. POSHARD, Mr. BARCIA of Michigan, Mr. BLILEY, Mr. STUPAK, Mr. COX of California, Mr. RAHALL, Ms. PRYCE of Ohio, Mr. GORDON, Mr. PASTOR, Mr. EHLERS, Mr. GONZALEZ, Mr. KLINK, Mr. BATEMAN, Mr. WHITFIELD, Mr. HEFNER, Mr. COOKSEY, Mr. BERRY, and Mr. SKELTON.

H.R. 3205: Mrs. MINK of Hawaii.

H.R. 3217: Mr. MCNULTY.

H.R. 3236: Mr. BOEHNER, Mr. SALMON, Mr. BLAGOJEVICH, Mr. WAXMAN, Mr. GREEN, Ms. FURSE, Mr. CLYBURN, Mr. KNOLLENBERG, Mr. BORSKI, and Mr. BILBRAY.

H.R. 3241: Mr. SALMON.

H.R. 3251: Mr. COYNE, Mr. FROST, Mr. FRANK of Massachusetts, Ms. LOFGREN, Mr. SANDERS, Mr. BALDACCI, and Mr. ENGEL.

H.R. 3265: Mr. ETHERIDGE.

H.R. 3267: Mr. ENGLISH of Pennsylvania, Mr. WOLF, Mr. EWING, Mr. JENKINS, Mr. FALEOMAVAEGA, and Mr. KING of New York.

H.R. 3269: Mr. KENNEDY of Massachusetts and Mr. TORRES.

H.R. 3270: Mr. ENGLISH of Pennsylvania.

H.R. 3284: Mr. CLYBURN.

H.R. 3298: Ms. WOOLSEY and Mr. LEWIS of Georgia.

H.R. 3313: Mr. DOOLITTLE.

H.R. 3320: Mr. MEEKS of New York, Mrs. CLAYTON, Mr. MENENDEZ, Mr. FATTAH, Mr. CLAY, Mr. CUMMINGS, Mr. TORRES, Mr. JACKSON, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. ALLEN, Mr. BALDACCI, Ms. SLAUGHTER, Mr. MARTINEZ, and Mr. BARRETT of Wisconsin.

H.R. 3331: Mr. DUNCAN.

H.R. 3334: Mr. TAUZIN, Mr. GIBBONS, and Mr. COOKSEY.

H.R. 3342: Mrs. TAUSCHER, Mr. METCALF, Mr. WEXLER, Mr. BLUMENAUER, Ms. SLAUGHTER, and Mr. LAMPSON.

H.R. 3396: Mr. MICA, Mr. CUNNINGHAM, Mr. PICKETT, and Mr. KNOLLENBERG.

H.R. 3400: Mr. FALEOMAVAEGA and Mr. TORRES.

H.R. 3511: Ms. DUNN of Washington.

H.R. 3523: Ms. BROWN of Florida, Mr. MEEHAN, Mr. COSTELLO, Mr. FORBES, Ms. ROS-LEHTINEN, Mr. SHIMKUS, Mr. ENGLISH of Pennsylvania, Mr. RILEY, Mr. SKEEN, Mr. BONILLA, and Mr. PALLONE.

H.R. 3530: Mr. TURNER.

H.R. 3538: Mr. WAXMAN, Mr. HASTINGS of Florida, Mr. OLVER, Mr. FILNER, and Mr. FRANK of Massachusetts.

H.R. 3552: Mr. ISTOOK, Mrs. MYRICK, and Mr. ENGLISH of Pennsylvania.

H.R. 3555: Ms. NORTON.

H.R. 3557: Mr. BOB SCHAFFER.

H.J. Res. 108: Mr. DUNCAN.

H.J. Res. 111: Mr. BRYANT.

H. Con. Res. 52: Mr. SMITH of Texas and Mr. BAESLER.

H. Con. Res. 162: Mr. TOWNS.

H. Con. Res. 203: Mr. GEJDENSON.

H. Con. Res. 210: Mr. PETERSON of Minnesota.

H. Con. Res. 212: Mr. COMBEST, Mr. BARR of Georgia, Mr. CALVERT, Mr. EDWARDS, and Mr. WICKER.

H. Con. Res. 248: Mr. GREEN.

H. Res. 247: Mr. ADAM SMITH of Washington.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 981: Mr. BALLENGER.

H.R. 2021: Mr. NETHERCUTT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 10

OFFERED BY: MR. DREIER

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike everything after the enacting clause and insert the following new text:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Financial Services Competitive Enhancement Act".

TITLE I—FINANCIAL SERVICES COMPETITIVE ENHANCEMENT

SEC. 101. ANTI-AFFILIATION PROVISIONS OF "GLASS-STEAGALL ACT" REPEALED.

(a) Section 20 Repealed.—Section 20 of the Banking Act of 1933 (12 U.S.C. 377) is repealed.

(b) Section 32 Repealed.—Section 32 of the Banking Act of 1933 (12 U.S.C. 78) is repealed.

SEC. 102. FINANCIAL ACTIVITIES.

Section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)) is amended to read as follows:

"(8) shares of any company the activities of which the Board, in accordance with subsection (l), has determined (by regulation or order) to be financial in nature or incidental to such financial activities and—

"(A) effective 90 days after the date of the enactment of the Financial Services Competitive Equality Act, it shall be financial in nature to provide insurance as principal, agent, or broker in any State, in full compliance with the laws and regulations of such State that uniformly apply to each type of insurance license or authorization in such State, except that in no event shall the company, the bank holding company, or any affiliate of the company or bank holding company be subject to any State law or regulation that restricts a bank from having an affiliate, agent, or employee in such State licensed to provide insurance as principal, agent, or broker; and

"(B) the Board shall prescribe regulations concerning insurance affiliations that provide equivalent treatment for all stock and mutual insurance companies that control or are otherwise affiliated with a bank and fully accommodate and are consistent with State law;".

SEC. 103. INSURANCE COMPANY INVESTMENTS.

Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended by adding at the end the following new subsection:

"(k) Insurance Company Investments.—Notwithstanding subsection (a), a bank holding company may directly or indirectly acquire or control, whether as principal, on behalf of 1 or more entities (including any subsidiary of the holding company which is not a depository institution or subsidiary of a depository institution) or otherwise, shares, assets, or ownership interests (including without limitation debt or equity securities, partnership interests, trust certificates or other instruments representing ownership) of a company or other entity, whether or not constituting control of such company or entity, engaged in any activity not authorized pursuant to this section if—

"(1) the shares, assets, or ownership interests are not acquired or held by a depository institution or a subsidiary of a depository institution;

"(2) such shares, assets, or ownership interests are acquired and held by an insurance company that is predominantly engaged in underwriting life, accident and health, or property and casualty insurance (other than credit-related insurance);

"(3) such shares, assets, or ownership interests represent an investment made in the ordinary course of business of such insurance company in accordance with relevant State law governing such investments; and

"(4) during the period such shares, assets, or ownership interests are held, the bank holding company does not directly or indirectly participate in the day-to-day management or operation of the company or entity except insofar as necessary to achieve the objectives of paragraph (3).".

SEC. 104. FINANCIAL IN NATURE.

Section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843) is amended by inserting after subsection (k) (as added by section 4 of this Act) the following new subsection:

"(l) Engaging in Activities Financial in Nature.—

"(1) In general.—Notwithstanding section 4(a), a bank holding company may engage in any activity which the Board has determined (by regulation or order) to be financial in nature or incidental to such financial activities.

"(2) Factors to be considered.—In determining whether an activity is financial in nature or incidental to financial activities, the Board shall take into account—

"(A) the purposes of this Act and the Financial Services Competitive Enhancement Act;

"(B) changes or reasonably expected changes in the marketplace in which bank holding companies compete;

"(C) changes or reasonably expected changes in the technology for delivering financial services; and

"(D) whether such activity is necessary or appropriate to allow a bank holding company and the affiliates of a bank holding company to—

"(i) compete effectively with any company seeking to provide financial services in the United States;

"(ii) use any available or emerging technological means, including any application necessary to protect the security or efficacy of systems for the transmission of data or financial transactions, in providing financial services; and

"(iii) offer customers any available or emerging technological means for using financial services.

"(3) Activities that are financial in nature.—The following activities shall be considered to be financial in nature:

"(A) Lending, exchanging, transferring, investing for others, or safeguarding money or securities.

"(B) Insuring, guaranteeing, or indemnifying against loss, harm, damage, illness, disability, or death, or providing and issuing annuities, and acting as principal, agent, or broker for purposes of the foregoing.

"(C) Providing financial, investment, or economic advisory services, including advising an investment company (as defined in section 3 of the Investment Company Act of 1940).

"(D) Issuing or selling instruments representing interests in pools of assets permissible for a bank to hold directly.

"(E) Underwriting, dealing in, or making a market in securities.

"(F) Engaging in any activity that the Board has determined, by order or regulation that is in effect on the date of enactment of the Financial Services Competitive Enhancement Act, to be so closely related to banking or managing or controlling banks as to be a proper incident thereto (subject to the same terms and conditions contained in such order or regulation, unless modified by the Board).

"(G) Engaging, in the United States, in any activity that—

"(i) a bank holding company may engage in outside the United States; and

"(ii) the Board has determined, under regulations issued pursuant to section 4(c)(13) of this Act (as in effect on the day before the date of enactment of the Financial Services Competitive Enhancement Act) to be usual in connection with the transaction of banking or other financial operations abroad.

"(H) Directly or indirectly acquiring or controlling, whether as principal, on behalf of 1 or more entities (including entities, other than a depository institution or subsidiary of a depository institution, that the bank holding company controls) or otherwise, shares, assets, or ownership interests (including without limitation debt or equity securities, partnership interests, trust certificates or other instruments representing ownership) of a company or other entity, whether or not constituting control of such company or entity, engaged in any activity not authorized pursuant to this section if—

"(i) the shares, assets, or ownership interests are not acquired or held by a depository institution or subsidiary of a depository institution;

"(ii) such shares, assets, or ownership interests are acquired and held by a securities affiliate or an affiliate thereof as part of a bona fide underwriting or merchant banking activity, including investment activities engaged in for the purpose of appreciation and ultimate resale or disposition of the investment;

"(iii) such shares, assets, or ownership interests, are held for such a period of time as will permit the sale or disposition thereof on a reasonable basis consistent with the nature of the activities described in clause (ii); and

"(iv) during the period such shares, assets, or ownership interests are held, the bank holding company does not actively participate in the day to day management or operation of such company or entity, except insofar as necessary to achieve the objectives of clause (ii).

"(4) Actions required.—The Board shall, by regulation or order, define, consistent with the purposes of this Act, the following activities as, and the extent to which such activities are, financial in nature or incidental to activities which are financial in nature:

"(A) Lending, exchanging, transferring, investing for others, or safeguarding financial assets other than money or securities.

"(B) Providing any device or other instrumentality for transferring money or other financial assets;

"(C) Arranging, effecting, or facilitating financial transactions for the account of third parties.

"(5) Post consummation notification.—

"(A) In general.—A bank holding company that acquires any company, or commences any activity, pursuant to this subsection shall provide written notice to the Board describing the activity commenced or conducted by the company acquired no later than 30 calendar days after commencing the activity or consummating the acquisition.

"(B) Approval not required for certain financial activities.—Except as provided in section 4(j) with regard to the acquisition of a savings association, a bank holding company may commence any activity, or acquire any company, pursuant to paragraph (3) or any regulation prescribed or order issued under paragraph (4), without prior approval of the Board."

SEC. 105. STREAMLINING BANK HOLDING COMPANY SUPERVISION.

Section 5(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(c)) is amended to read as follows:

"(c) Reports and Examinations.—

"(1) Reports.—

"(A) In general.—The Board from time to time may require any bank holding company and any subsidiary of such company to submit reports under oath to keep the Board informed as to—

"(i) its financial condition, systems for monitoring and controlling financial and operating risks, and transactions with depository institution subsidiaries of the holding company; and

"(ii) compliance by the company or subsidiary with applicable provisions of this Act.

"(B) USE OF EXISTING REPORTS.—

"(i) IN GENERAL.—The Board shall, to the fullest extent possible, accept reports in fulfillment of the Board's reporting requirements under this paragraph that a bank holding company or any subsidiary of such company has provided or been required to provide to other Federal and State supervisors or to appropriate self-regulatory organizations.

"(ii) AVAILABILITY.—A bank holding company or a subsidiary of such company shall provide to the Board, at the request of the Board, a report referred to in clause (i).

"(iii) REQUIRED USE OF PUBLICLY REPORTED INFORMATION.—The Board shall, to the fullest extent possible, accept in fulfillment of any reporting or recordkeeping requirements under this Act information that is otherwise required to be reported publicly and externally audited financial statements.

"(iv) REPORTS FILED WITH OTHER AGENCIES.—In the event the Board requires a report from a functionally regulated nondepository institution subsidiary of a bank holding company of a kind that is not required by another Federal or State regulator or appropriate self-regulatory organization, the Board shall request that the appropriate regulator or self-regulatory organization obtain such report. If the report is not made available to the Board, and the report is necessary to assess a material risk to the bank holding company or its subsidiary depository institution or compliance with this Act, the Board may require such subsidiary to provide such a report to the Board.

"(C) DEFINITION.—For purposes of this subsection, the term 'functionally regulated nondepository institution' means—

"(i) a broker or dealer registered under the Securities Exchange Act of 1934;

"(ii) an investment adviser registered under the Investment Advisers Act of 1940, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

"(iii) an insurance company subject to supervision by a State insurance commission, agency, or similar authority; and

"(iv) an entity subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.

"(2) EXAMINATIONS.—

"(A) EXAMINATION AUTHORITY.—

"(i) IN GENERAL.—The Board may make examinations of each bank holding company and each subsidiary of a bank holding company.

"(ii) FUNCTIONALLY REGULATED NONDEPOSITORY INSTITUTION SUBSIDIARIES.—Notwithstanding clause (i), the Board may make examinations of a functionally regulated nondepository institution subsidiary of a bank holding company only if—

"(I) the Board has reasonable cause to believe that such subsidiary is engaged in activities that pose a material risk to an affiliated depository institution, or

"(II) based on reports and other available information, the Board has reasonable cause to believe that a subsidiary is not in compliance with this Act or with provisions relating to transactions with an affiliated depository institution and the Board cannot make such determination through examination of the affiliated depository institution or bank holding company.

"(B) LIMITATIONS ON EXAMINATION AUTHORITY FOR BANK HOLDING COMPANIES AND SUBSIDIARIES.—Subject to subparagraph (A)(ii), the Board may make examinations under subparagraph (A)(i) of each bank holding company and each subsidiary of such holding company in order to—

"(i) inform the Board of the nature of the operations and financial condition of the holding company and such subsidiaries;

"(ii) inform the Board of—

"(I) the financial and operational risks within the holding company system that may pose a threat to the safety and soundness of any subsidiary depository institution of such holding company; and

"(II) the systems for monitoring and controlling such risks; and

"(iii) monitor compliance with the provisions of this Act and those governing transactions and relationships between any subsidiary depository institution and its affiliates.

"(C) RESTRICTED FOCUS OF EXAMINATIONS.—The Board shall, to the fullest extent possible, limit the focus and scope of any examination of a bank holding company to—

"(i) the bank holding company; and

"(ii) any subsidiary of the holding company that, because of—

"(I) the size, condition, or activities of the subsidiary; or

"(II) the nature or size of transactions between such subsidiary and any depository institution which is also a subsidiary of such holding company,

could have a materially adverse effect on the safety and soundness of any depository institution affiliate of the holding company.

"(D) DEFERENCE TO BANK EXAMINATIONS.—The Board shall, to the fullest extent possible, use, for the purposes of this paragraph, the reports of examinations of depository institutions made by the appropriate Federal and State depository institution supervisory authority.

"(E) DEFERENCE TO OTHER EXAMINATIONS.—The Board shall, to the fullest extent possible, address the circumstances which might otherwise permit or require an examination by the Board by forgoing an examination and instead reviewing the reports of examination made of—

"(i) any registered broker or dealer or registered investment adviser by or on behalf of the Securities and Exchange Commission;

"(ii) any licensed insurance company by or on behalf of any state regulatory authority responsible for the supervision of insurance companies; and

"(iii) any other subsidiary that the Board finds to be comprehensively supervised by a Federal or State authority.

"(3) CAPITAL.—

"(A) IN GENERAL.—The Board shall not, by regulation, guideline, order or otherwise, prescribe or impose any capital or capital adequacy rules, guidelines, standards, or requirements on any subsidiary of a bank holding company that is not a depository institution and—

"(i) is in compliance with applicable capital requirements of another Federal regulatory authority (including the Securities and Exchange Commission) or State insurance authority; or

"(ii) is registered as an investment adviser under the Investment Advisers Act of 1940.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as preventing the Board from imposing capital or capital adequacy rules, guidelines, standards, or requirements with respect to activities of a registered investment adviser other than investment advisory activities or activities incidental to investment advisory activities.

"(4) TRANSFER OF BOARD AUTHORITY TO APPROPRIATE FEDERAL BANKING AGENCY.—

"(A) IN GENERAL.—In the case of any bank holding company which is not significantly engaged in nonbanking activities, the Board, in consultation with the appropriate Federal banking agency, may designate the appropriate Federal banking agency of the lead insured depository institution subsidiary of such holding company as the appropriate Federal banking agency for the bank holding company.

"(B) AUTHORITY TRANSFERRED.—An agency designated by the Board under subparagraph (A) shall have the same authority as the Board under this Act to—

"(i) examine and require reports from the bank holding company and any affiliate of such company (other than a depository institution) under section 5;

"(ii) approve or disapprove applications or transactions under section 3;

"(iii) take actions and impose penalties under subsections (e) and (f) of section 5 and section 8; and

"(iv) take actions regarding the holding company, any affiliate of the holding company (other than a depository institution), or any institution-affiliated party of such company or affiliate under the Federal Deposit Insurance Act and any other statute which the Board may designate.

"(C) AGENCY ORDERS.—Section 9 (of this Act) and section 105 of the Bank Holding Company Act Amendments of 1970 shall apply to orders issued by an agency designated under subparagraph (A) in the same manner such sections apply to orders issued by the Board.

"(5) FUNCTIONAL REGULATION OF SECURITIES AND INSURANCE ACTIVITIES.—The Board shall defer to—

"(A) the Securities and Exchange Commission with regard to all interpretations of, and the enforcement of, applicable Federal securities laws relating to the activities, conduct, and operations of registered brokers, dealers, investment advisers, and investment companies; and

"(B) the relevant State insurance authorities with regard to all interpretations of, and the enforcement of, applicable State insurance laws relating to the activities, conduct, and operations of insurance companies and insurance agents.".

SEC. 106. AMENDMENT TO DIVESTITURE PROCEDURES.

Section 5(e)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1844(e)(1)) is amended—

(1) by striking "Financial Institutions Supervisory Act of 1966, order" and inserting "Financial Institutions Supervisory Act of 1966, at the election of the bank holding company—

"(A) order"; and

(2) by striking "shareholders of the bank holding company. Such distribution" and inserting "shareholders of the bank holding company; or

"(B) order the bank holding company, after due notice and opportunity for hearing, and after consultation with the bank's primary supervisor, which shall be the Comptroller of the Currency in the case of a national bank, and the Federal Deposit Insurance Corporation and the appropriate State supervisor in the case of an insured nonmember bank, to terminate (within 120 days or such longer period as the Board may direct) the ownership or control of any such bank by such company The distribution referred to in subparagraph (A)”.

SEC. 107. AUTHORITY OF STATE INSURANCE REGULATOR AND SECURITIES AND EXCHANGE COMMISSION.

Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end the following new subsection:

“(g) AUTHORITY OF STATE INSURANCE REGULATOR AND THE SECURITIES AND EXCHANGE COMMISSION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, any regulation, order, or other action of the Board which requires a bank holding company to provide funds or other assets to a subsidiary insured depository institution shall not be effective nor enforceable if—

“(A) such funds or assets are to be provided by—

“(i) a bank holding company that is an insurance company or is a broker or dealer registered under the Securities Exchange Act of 1934; or

“(ii) an affiliate of the depository institution which is an insurance company or a broker or dealer registered under such Act; and

“(B) the State insurance authority for the insurance company or the Securities and Exchange Commission for the registered broker or dealer, as the case may be, determines in writing sent to the holding company and the Board that the holding company shall not provide such funds or assets because such action would have a material adverse effect on the financial condition of the insurance company or the broker or dealer, as the case may be.

“(2) NOTICE TO STATE INSURANCE AUTHORITY OR SEC REQUIRED.—If the Board requires a bank holding company, or an affiliate of a bank holding company, which is an insurance company or a broker or dealer described in paragraph (1)(A) to provide funds or assets to an insured depository institution subsidiary of the holding company pursuant to any regulation, order, or other action of the Board referred to in paragraph (1), the Board shall promptly notify the State insurance authority for the insurance company or the Securities and Exchange Commission, as the case may be, of such requirement.

“(3) DIVESTITURE IN LIEU OF OTHER ACTION.—If the Board receives a notice described in paragraph (1)(B) from a State insurance authority or the Securities and Exchange Commission with regard to a bank holding company or affiliate referred to in such paragraph, the Board may order the bank holding company to divest the insured depository institution within 180 days of receiving notice or such longer period as the Board determines consistent with the safe and sound operation of the insured depository institution.

“(4) CONDITIONS BEFORE DIVESTITURE.—During the period beginning on the date an order to divest is issued by the Board under paragraph (3) to a bank holding company and ending on the date the divestiture is completed, the Board may impose any conditions or restrictions on the holding company's ownership or operation of the insured depository institution, including restricting or prohibiting transactions between the insured depository institution and any affiliate of the institution, as are appropriate under the circumstances.”.

SEC. 108. PRUDENTIAL SAFEGUARDS.

Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by inserting after subsection (g) (as added by section 8 of this Act) the following new subsection:

“(h) PRUDENTIAL SAFEGUARDS.—

“(1) IN GENERAL.—The Board may, by regulation or order, impose restrictions or requirements on relationships or transactions between a depository institution subsidiary of a bank holding company and any affiliate of such depository institution (other than a subsidiary of such institution) which the Board finds is consistent with the public interest, the purposes of this Act, the Financial Services Competitive Enhancement Act, the Federal Reserve Act, and other Federal law applicable to depository institution subsidiaries of bank holding companies and the standards in paragraph (2).

“(2) STANDARDS.—The Board may exercise authority under paragraph (1) if the Board finds that such action will have any of the following effects:

“(A) Avoid any significant risk to the safety and soundness of depository institutions or any Federal deposit insurance fund.

“(B) Enhance the financial stability of bank holding companies.

“(C) Avoid conflicts of interest or other abuses.

“(D) Enhance the privacy of customers of depository institutions.

“(E) Promote the application of national treatment and equality of competitive opportunity between nonbank affiliates owned or controlled by domestic bank holding companies and nonbank affiliates owned or controlled by foreign banks operating in the United States.

“(3) REVIEW.—The Board shall regularly—

“(A) review all restrictions or requirements established pursuant to paragraph (1) to determine whether there is a continuing need for any such restriction or requirement to carry out the purposes of the Act, including any purpose described in paragraph (2); and

“(B) modify or eliminate any restriction or requirement the Board finds is no longer required for such purposes.”.

SEC. 109. EXAMINATION OF INVESTMENT COMPANIES.

(a) EXCLUSIVE COMMISSION AUTHORITY.—

(1) IN GENERAL.—The Commission shall be the sole Federal agency with authority to inspect and examine any registered investment company that is not a bank holding company.

(2) PROHIBITION ON BANKING AGENCIES.—A Federal banking agency may not inspect or examine any registered investment company that is not a bank holding company.

(b) EXAMINATION RESULTS AND OTHER INFORMATION.—The Commission shall provide to any Federal banking agency, upon request, the results of any examination, reports, records, or other information with respect to any registered investment company to the extent necessary for the agency to carry out its statutory responsibilities.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) BANK HOLDING COMPANY.—The term “bank holding company” has the meaning given to such term in section 2 of the Bank Holding Company Act of 1956.

(2) COMMISSION.—The term “Commission” means the Securities and Exchange Commission.

(3) FEDERAL BANKING AGENCY.—The term “Federal banking agency” has the meaning given to such term in section 3(z) of the Federal Deposit Insurance Act.

(4) REGISTERED INVESTMENT COMPANY.—The term “registered investment company” means an investment company which is registered with the Commission under the Investment Company Act of 1940.

SEC. 110. LIMITATION ON RULEMAKING, PRUDENTIAL, SUPERVISORY, AND ENFORCEMENT AUTHORITY OF THE BOARD.

The Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) is amended by inserting after section 10 the following new section:

“SEC. 10A. LIMITATION ON RULEMAKING, PRUDENTIAL, SUPERVISORY, AND ENFORCEMENT AUTHORITY OF THE BOARD.

“(a) LIMITATION ON DIRECT ACTION.—

“(1) IN GENERAL.—The Board may not prescribe regulations, issue or seek entry of orders, impose restraints, restrictions, guidelines, requirements, safeguards, or standards, or otherwise take any action under or pursuant to any provision of this Act or section 8 of the Federal Deposit Insurance Act against or with respect to a regulated subsidiary of a bank holding company unless the action is necessary to prevent or redress an unsafe or unsound practice or breach of fiduciary duty by such subsidiary that poses a material risk to—

“(A) the financial safety, soundness, or stability of an affiliated depository institution; or

“(B) the domestic or international payment system.

“(2) CRITERIA FOR BOARD ACTION.—The Board shall not take action otherwise permitted under paragraph (1) unless the Board finds that it is not reasonably possible to effectively protect against the material risk at issue through action directed at or against the affiliated depository institution or against depository institutions generally.

“(b) LIMITATION ON INDIRECT ACTION.—The Board may not prescribe regulations, issue or seek entry of orders, impose restraints, restrictions, guidelines, requirements, safeguards, or standards, or otherwise take any action under or pursuant to any provision of this Act or section 8 of the Federal Deposit Insurance Act against or with respect to a bank holding company where the purpose or effect of doing so would be to take action indirectly against or with respect to a regulated subsidiary that may not be taken directly against or with respect to such subsidiary in accordance with subsection (a).

“(c) ACTIONS SPECIFICALLY AUTHORIZED.—Notwithstanding subsection (a), the Board may take action under this Act or section 8 of the Federal Deposit Insurance Act to enforce compliance by a regulated subsidiary with Federal law that the Board has specific jurisdiction to enforce against such subsidiary.

“(d) REGULATED SUBSIDIARY DEFINED.—For purposes of this section, the term ‘regulated subsidiary’ means any company that is not a bank holding company and is—

“(1) a broker or dealer registered under the Securities Exchange Act of 1934;

“(2) an investment adviser registered under the Investment Advisers Act of 1940, with respect to the investment advisory activities of such investment adviser and activities incidental to such investment advisory activities;

“(3) an investment company registered under the Investment Company Act of 1940;

"(4) an insurance company or an insurance agency subject to supervision by a State insurance commission, agency, or similar authority; or

"(5) an entity subject to regulation by the Commodity Futures Trading Commission, with respect to the commodities activities of such entity and activities incidental to such commodities activities.".

EXTENSIONS OF REMARKS

HONORING THE 37TH ANNUAL HUMANITARIAN AWARD WINNERS

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. FORD. Mr. Speaker, I rise today to honor the winners of the 37th annual Humanitarian Awards. These men and women have fought hard to ensure improved lives for others. They have each shown a tremendous dedication to reducing bigotry and injustice in the Memphis community. This year's award winners are: Rabbi Harry Danziger of Temple Israel; Retired Criminal Court Judge H.T. Lockard; Bishop J. Terry Steib of the Catholic Diocese of Memphis; and Dr. Jane Walters, state education commissioner.

These awards, as presented by the National Conference of Christians and Jews (Memphis Region), recognize the leaders in our community who have gone beyond their call to ensure a better, more equitable future for all of us.

Rabbi Danziger is a lifetime board member of NCCI as well as a member of the boards of the Metropolitan Inter-Faith Association and the Memphis Jewish Federation. Danziger is a long time leader in Memphis' Jewish Community.

Judge Lockhardt served for 19 years on the bench before retiring in 1994. As an attorney, he was involved in numerous cases that helped end the bitter segregation in education, and in public facilities. Judge Lockhardt will always be remembered as the first African-American elected to old Shelby County (TN) Court.

In addition to his important work with the Catholic Diocese in Memphis, Bishop Steib is a board member of the National Civil Rights Museum and the African-American Bishops' Committee. Bishop Steib, through his service to these organizations, has worked tirelessly to bring together people from all backgrounds, classes and races.

Another deserving winner of the NCIC Humanitarian Award is Dr. Jane Walters. As an educator, Dr. Walters has devoted her career to improving the lives of others. She has touched the lives of countless young Tennesseans, first as teacher, as Principal of Craigmont High School in Memphis and now as Governor Sundquist's Commissioner of Education in the State of Tennessee.

Under her leadership as Principal of Craigmont, the school was designated by the Department of Education as a Blue Ribbon School. Today, as Commissioner of Education, Tennessee is well ahead of the nation in connecting all of the state's schools to the Internet. The Horatio Alger Association named her National Educator of the Year in 1991. We are all grateful to Dr. Walters for her contributions in the field of education.

These men and women can not be praised enough for their contributions. With a tremendous amount of hard work and foresight, these individuals are determined to eliminate bias, bigotry and racism in our community. Honoring these heros is a perfect way to celebrate the 70th anniversary of the NCCJ.

Mr. Speaker, I ask my colleagues to join me in honoring the 37th annual Humanitarian Award Winners.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. KIND. Mr. Speaker, today was to be the day that the House of Representatives finally debated campaign finance reform. After over a year of lobbying by a majority of the members of the House to consider some form of campaign finance reform legislation, the leadership had finally relented and were to allow this day to be dedicated to this very important issue.

Unfortunately the leadership of this House designed a bill that was destined to fail, and the majority of the House rejected that approach. So here we stand, with no bill to debate and no assurances of when we will finally have our chance.

The solution is simple: allow an open rule on campaign finance reform. It is time we end the political games and give members an opportunity to clearly state, on the record, where they stand on cleaning up our campaign finance system. We have waited too long. It is time to stop the delay and allow a vote on campaign finance reform. The people of my district will not accept "no" for an answer.

THE MEDICARE SOCIAL WORK EQUITY ACT OF 1998

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. STARK. Mr. Speaker, I am pleased to introduce The Medicare Social Work Equity Act of 1998.

The Balanced Budget Act of 1997 includes a provision that will discourage nursing homes from utilizing social workers. This unintended consequence occurs because the legislation requires social workers' services to be included in the consolidated billing of the nursing home while psychologist and psychiatrist services remain outside of the consolidated billing.

Under this construction, if a nursing home utilizes social workers' services, those dollars come out of the nursing home payment. Psychologist and psychiatrist payments do not. The effect of such a policy will be to encourage nursing homes to avoid social workers and instead rely on the more expensive services of psychologists and psychiatrists.

Several firms that provide mental health services to nursing homes across the country have already informed me that they will cease hiring social workers and replace them with psychiatrists and psychologists beginning July 1, 1998.

Clinical social workers are the primary providers of mental health services to residents of nursing homes, particularly in underserved urban and rural areas. Without correcting legislation, mental health services to nursing home residents will be reduced and Medicare costs for these services will most likely increase.

I do not believe that Congress intentionally crated this problem. The Medicare Social Work Equity Act of 1998 seeks to address these concerns by excluding clinical social workers from the consolidated billing provisions of the Balanced Budget Act of 1997 and treating them identically to other mental health providers.

This bill has been endorsed by the National Association of Social Workers, the Clinical Social Work Federation, the American Health Care Association and the National Citizens' Coalition for nursing Home Reform. Several firms that provide mental health services to nursing homes across the country have also pledged their support. I am attaching a letter I received from one such firm, MHM/Bay Colony Counseling Services.

I urge my fellow Members of Congress to join with me in passing this crucial piece of legislation. Together, we can ensure that social workers continue to provide essential mental health services to nursing home residents.

MHM/BAY COLONY
COUNSELING SERVICES,
Cambridge, MA, March 10, 1998.
Representative FORTNEY "PETE" STARK,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE STARK: I am contacting you to extend my enthusiastic support for your efforts in pursuing the Medicare Social Work Equity Act of 1998 which excludes social workers from the new consolidated billing requirement in skilled nursing facilities.

I am the Clinical Director at MHM/Bay Colony Extended Care Service. We provide comprehensive mental health services to the residents of about 125 nursing home facilities in the state of Massachusetts, and we employ about 100 professional clinicians, 60% of which are licensed social workers.

The social workers we employ are trained, and exceptionally skilled psychotherapists who have made a purposeful professional career choice to provide psychotherapeutic services to the medically and psychiatrically frail and compromised older population. In doing so, they also provide consultation and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

support to the nursing home staff who are extremely challenged in providing front line care to this needy population.

If this consolidated billing requirement for skilled nursing facilities by Medicare includes social workers, the impact will have an enormously destructive effect on systems and services; i.e.:

Our services to these residents will be decimated in terms of available and acceptable trained professionals.

60% of our case load of frail aging nursing home residents, most in their last years of life will lose services. (This is the population who are most intensely affected by severe emotional distress, or progressive dementia and in need of management consultation intervention).

60 to 70 social workers will be unemployed from our program. (I speculate about 200 to 400 additionally from other services in Massachusetts).

The assumption for this Medicare consolidated billing requirement, I believe, is that it is a cost saving device. In all actuality, in terms of mental health services, the costs will ultimately increase for Medicare. Programs, like ours, will be forced to employ only doctorate level psychologists who are exempt from this consolidated billing. Medicare reimburses psychologists at a higher rate than social workers for the same billing code.

In closing, I need to emphasis that our services are essential for the fundamental well-being of this population and that our social workers are the foundation of our services.

My staff and I thank you for your leadership in expending this so rapidly. I am available for contact if further efforts are needed.

Sincerely,

MURIEL ELLMAN,
Clinical Director, Extended Care Service.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION

SPEECH OF

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. HORN. Mr. Speaker, I want to join with my colleagues tonight to pay special recognition to this anniversary of the independence of Greece. This year, we join together again to honor the hard won independence of a land that will forever hold a special place in American culture. Also, I want to take this opportunity to thank Representatives BILIRAKIS and MALONEY for their efforts to organize the House's celebration of this event tonight.

Mr. Speaker, more than 2,500 years ago the people of Greece began to formulate the ideas that now serve as the foundation for our system of government, science, philosophy, law, literature, and art. The gift of Greek culture to the world, and the special debt this nation owes to Greece, is priceless. The Greek tradition that began in the mists of time with Homer led to the Golden Age and later to the intellectual and aesthetic enrichment of the Roman Republic and Empire, the European Renaissance, and our own nation's founding principles.

We also share with Greece the triumphant experience of fighting for and winning independence. In 1821, after nearly 2,000 years of foreign rule, the people of Greece rose up and declared their independence from the Ottoman Empire. After nearly a decade of struggle, the Greek people won their freedom. Their cause was celebrated throughout the democratic world at the time, and continues to inspire us today.

Greece has contributed to this nation in other ways. It is difficult to find areas of this country where Greek-Americans have not contributed to the betterment of their communities. In my own area of Southern California, the vibrant Greek-American community has enriched all our lives. Recently, I was honored to take part in the annual celebration of the Hellenic-American Council of Southern California. Through this and many other excellent organizations, the Greek-American community has made important contributions to the United States.

In the Second World War, Greeks fought with Americans to turn back Nazi and Fascist aggression. After that war, Greece remained on the side of freedom and democracy, serving as an early bulwark against the spread of communist totalitarianism. The assistance provided to Greece beginning under the Truman Doctrine and later continued within the NATO alliance continued the strong link between our nations. This cooperation continues today, as both nations face the instability in the Balkans and other threats to peace in the region.

Again, Mr. Speaker, I want to extend my sincere good wishes to the people of Greece and those of Greek heritage on this happy occasion.

COPYRIGHT TERM EXTENSION ACT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2589) to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of H.R. 2589, the "Copyright Term Extension Act of 1997" and of the Sensenbrenner amendment.

H.R. 2589 will extend existing U.S. copyrights for another 20 years. It will also align U.S. copyright laws with those in many European nations and in so doing prevent American creations from falling into the public domain while the works of authors in other countries are still being protected.

H.R. 2589 will benefit our nation's authors, songwriters, and other copyright holders who would enjoy 20 or more years of ownership rights and profits from their works. It is important that we recognize the contributions of our artistic community in this way. Artists who are talented or fortunate enough to see their work released to the public are entitled to retain control over that work, or at the very least continue to share in the financial benefits associated with it. This basic principle of copyright law becomes no less valid because a time limit set decades ago expires.

Our rapidly developing society means that information—and in fact the artistic properties we deal with in this matter—are readily accessible and exploited once in the public domain. This bill adequately strikes a balance between the interests of the creators and of the consumers of artistic works.

I support any effort here to ensure better compensation of those artists who do not currently benefit from the collective bargaining agreement struck in the early 1960's. Of course we must respect that agreement and its limitations, but we must also provide for fair compensation of those artists whose work brings great profits to the copyright holders.

I also urge support for the Sensenbrenner amendment which will protect small businesses from the "double dipping" that would occur if small businesses had to pay fees already paid by radio and television stations. The amendment will not exempt small businesses from fees for playing compact discs or other recorded music. This amendment will protect our small—and often minority—businesses from the crushing burden of payment of these fees.

A TRIBUTE TO JERRY O. RAINER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. ROGERS. Mr. Speaker, April 3, 1998 marks the conclusion of a remarkable term of service to Kentucky and our Nation. After a 34-year career, Jerry O. Rainer will retire from the U.S. Army Corps of Engineers as the Deputy District Engineer for Project Management of the Nashville District.

During his tenure and under his leadership, this country has witnessed the construction of some of its largest public works, all bearing Jerry's combination of engineering skill, a drive to accomplish complex projects, a dedication to serving the customer, and an admirable public reserve.

The constituents of Kentucky's Fifth Congressional District will remain in debt to Jerry for his stewardship of the massive flood control works now nearly complete along the Upper Cumberland River. Thousands of citizens now live and work without fear of being washed out of their homes and businesses, owing their newfound security to these projects and the people who prosecuted them under Jerry's day to day leadership

Kentucky's most revered statesman, Henry Clay, is remembered among other things for emerging early in his U.S. Senate career as a spokesman for a system of federally funded improvements to our Nation's infrastructure. Clay's American System was an ambitious program of roads and canals needed to nurture our young union into an economically self-reliant nation.

The work that Clay championed is not unlike that which Jerry has been critical in implementing during his career with the Corps of Engineers: the massive Tennessee-Tombigbee Waterway, the rehabilitation of Wilson Lock, the Piney Grove Recreation Area, the Upper Cumberland River Flood Prevention Project, and the new lock at Kentucky Dam. These and many other works are proof positive of the dedication and experience which Jerry has applied to the benefit of thousands of citizens living within communities served by the Nashville Corps District.

In recognition of his performance, Jerry is the recipient of no less than 21 service awards, including the Meritorious Civilian Service Award for outstanding leadership and management skills. And though a native of Mississippi and a life long Tennessean, we in Kentucky are proud to claim Jerry as one of our own.

The citizens of Kentucky and the House of Representatives thank and congratulate Jerry O. Rainer on his outstanding contributions to the Nashville District, the U.S. Army Corps of Engineers and the Nation.

IN HONOR OF POLICE CAPTAIN JOSEPH D. SILVA AND HIS 35 YEARS OF SERVICE TO THE RESIDENTS OF MILPITAS, CA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. STARK. Mr. Speaker, I would like to take this opportunity to honor and congratulate Captain Joseph D. Silva, a dedicated member of the Milpitas Police Department. After thirty-five years of outstanding service, Captain Silva will be retiring from the force.

Joseph Silva joined the Milpitas Police Department on February 4, 1963. Since then he has served in several capacities, making many lasting contributions to the force and community along the way. Joseph was promoted to Sergeant in 1966, Lieutenant in 1973, and again to Captain shortly thereafter.

Captain Silva played a major role in guiding the evolution of the department as Milpitas grew from a small farming town to a large urban community. He started the department's first inventory procedures for equipment and the first suspect identification system.

For eight years Captain Silva was a K–9 officer, wearing out five dogs in that time. He has served as a supervisor in patrol, traffic, and investigations, and was the first of many Milpitas Police Supervisors to attend the FBI Academy.

Captain Silva was pivotal in planning and establishing the modern police administration building and the new police car design. They will stand as tributes to his leadership and dedication.

Over his many years of service, Joseph Silva has been commended numerous times by the citizens of Milpitas and the law enforcement community. On March 1, 1998 the city will thank him again upon his retirement. I would like to join them by expressing my appreciation for his efforts. His leadership and commitment are an example and an inspiration for all of us. I wish him much happiness and success in his future endeavors.

HONORING THE 1997 PRINCE WILLIAM COUNTY CHAMBER OF COMMERCE VALOR AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to the 1997 Prince William Regional Chamber of Commerce Valor Award winners. The Valor Awards honor public service officers who have demonstrated extreme self-sacrifice, personal bravery and ingenuity in the performance of duty. There are five categories: The Gold Medal, the Silver Medal, the Bronze Medal, the Certificate of Valor, and the Lifesaving Award.

The Silver Medal Award Winners are Lieutenant Steve Barr, Technician I Richard Scott, and Technician I Channing Furr.

Lieutenant Barr, Technician I Scott, and Technician I Furr showed outstanding judgement and initiative after a car crashed into the rear of a restaurant. Beneath the car, a natural gas line severed by the crash created an explosion hazard, with the driver, suffering from severe traumatic injuries, trapped inside. Acting quickly and effectively, the team members were able to mitigate the gas leak and attend to the patient, by demonstrating outstanding initiative and judgement.

The Bronze Medal Award Winners are Officer Bryan E. Sutton and Officer J.S. Dillon.

Officer Sutton responded to a complainant whose husband was threatening suicide. The husband appeared before the wife and Officer Sutton brandishing a knife. Officer Sutton placed the wife out of harm's way and calmly talked the husband into surrendering, thereby bringing a potentially volatile situation to a safe conclusion.

Officer Dillon responded to a burglary in progress where shots had been fired. He arrived to find that suspect had taken an occupant hostage at gunpoint. Officer Dillon negotiated with the hostage, successfully diffusing a potentially life-threatening situation with no injuries or loss of life.

The Certificate of Valor Award Winners are HM3 Robert R. Robinson II and Police Administrative Specialist Donna Lisa Belcher.

Petty Officer Robinson, while on vacation, heard about a severe accident on his CB radio. He proceeded to the scene where he located and assisted victims until medical help could arrive. Petty Officer Robinson's expertise, dedication to duty, and professionalism were a tremendous asset to the arriving rescue personnel.

Police Administrative Specialist Belcher assisted in the apprehension of a suspect who had been wanted for murder for several months. Due to her persistence and ingenuity, she was able to locate an address for an out-of-state relative where the suspect was found and arrested.

The Lifesaving Award Winner is Telecommunicator Alma Boteler.

Telecommunicator Boteler received an emergency 9–1–1 call from a man whose pregnant wife of six months was giving birth to her baby in a toilet. Because of Telecommunicator Boteler's ability to effectively communicate life-saving procedures under difficult circumstances, the husband was able to remove the baby from the toilet and give it mouth to mouth resuscitation, saving the baby's life.

Mr. Speaker, I know my colleagues join me in congratulating these fine heroes, who every day, unselfishly devote themselves to aiding those in need. I have the highest appreciation for their untiring dedication and outstanding service.

TRANE COMPANY'S APPLIED GLOBAL SYSTEMS GROUP E.P.A.'S 1998 ENERGY STAR BUILDINGS ALLY OF THE YEAR RECIPIENT

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. KIND. Mr. Speaker, it is my honor to congratulate the La Crosse-based Trane Company's Applied Global Systems Group for being recognized by the U.S. Environmental Protection Agency as a recipient of the 1998 Energy Star Buildings Ally of the Year Award. This award is given to businesses that promote the use of energy-efficient products and contribute to air pollution prevention. The E.P.A.'s Energy Star Buildings Ally Program proves that business and government can not only coexist, but can actually achieve mutually beneficial goals, energy efficient cost-savings and lower emissions.

This award symbolizes a great success for Trane Company and demonstrates how far the company has come since the late 1980's and early 1990's when they faced a steadily declining sales and workforce reductions. It was feared this employer, a cornerstone of employment in the region, would leave the community.

Fortunately, a commitment was made by both management and the employees of the International Association of Machinists and Aerospace Workers Union Locals 21 and 1115 to cultivate a team concept and to foster a partnership for a friendly work environment that promotes pride, encourages a new level of trust and embraces new negotiation tactics in labor relations. Today, the employees and management view each other as allies rather than adversaries, and they work to achieve goals that are fair and productive to the employees and the company. That is part of the reason why the La Crosse Business Unit of Trane Co., responsible for the design, marketing and manufacture of centrifugal water chillers, absorption cold generators and scroll compressors for commercial air conditioning products, was named the 1996 Wisconsin Manufacturer of the Year.

Currently, Trane Company employs more than 3,000 employees in La Crosse. They offer industry leading products to an international market. The drive to succeed and dominate in the heating, ventilating, air conditioning and building management industries has enabled them to successfully identify the need for energy efficient and environmentally friendly products. The confidence Trane Co.

has in their employees' ability to offer bold, new products to their customers ensures that the company will continue to dominate the market for years to come.

I take this opportunity to congratulate Trane Company and its employees on a well-deserved award and wish them continued success in what promises to be a bright and prosperous future as they enter the 21st Century.

TRIBUTE TO FIRST SERGEANT CHARLES PARKER UPON HIS RETIREMENT FROM THE MISSISSIPPI NATIONAL GUARD

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. WICKER. Mr. Speaker, I rise today to pay tribute to one of my constituents for his long and distinguished career in the Mississippi Army National Guard. First Sergeant Charles Parker of Calhoun City, Mississippi, is the full-time Non-Commissioned Officer in charge of Company B, 223rd Combat Engineer Battalion in Calhoun City. He is retiring this spring after 33 years of honorable service to his state and nation.

His steady leadership and hard work earned First Sergeant Parker the respect of his peers and his subordinates throughout the Mississippi National Guard. He is credited with raising the strength level of his unit by more than 50 percent after it was reorganized. His technical, administrative, and leadership skills have been key factors in the company's consistently high performance ratings over the years. First Sergeant Parker has also led by example. In each of the last 14 Army physical fitness tests, he has scored more than 300 point maximum.

His commanding officer said there is no better soldier anywhere in the Mississippi National Guard, citing his positive attitude and willingness to go beyond the call of duty in support of his fellow Guardsmen and their mission.

Mr. Speaker, I ask my colleagues join me in saluting First Sergeant Charles Parker for a job well done.

IN HONOR OF COMDR. DONNA M. LOONEY FOR HER APPOINTMENT TO THE COMMAND OF THE U.S.S. PLATT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and appreciation that I rise today to express my congratulations to CDR Donna Looney for her appointment to the command of the U.S.S. *Platt* by the United States Navy tomorrow evening.

CDR Looney, originally from Simsbury, Connecticut, recently graduated from the U.S. Naval War College, in Newport, RI, and is being honored with the command of a U.S. Navy fleet oiler, the U.S.S. *Platt*. As one of the few female pioneers to command a Naval ship, CDR Looney has set herself apart as a fine role model for young women as well as fellow Naval officers. For her leadership and tremendous achievements in the United States Navy, CDR Looney deserves our praise and recognition.

Today, I congratulate CDR Donna Looney for her appointment as commander of the U.S.S. *Platt* and I commend her for the hard work and sacrifices which were instrumental in attaining this meritorious position in the United States Navy.

IN HONOR OF SUNIL AGHI, AN ADVOCATE FOR THE INDO-AMERICAN COMMUNITY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Ms. SANCHEZ. Mr. Speaker, I rise today to honor an advocate of the Indo-American community, Mr. Sunil Aghi. Mr. Aghi is founder and President of the Indo-American Political Foundation, an organization dedicated to bringing Indo-Americans into the mainstream political process. Through this Foundation, Mr. Aghi hopes to bring full equality and participation of minorities and other ethnic groups into the political process. Mr. Aghi has also worked hard to ensure that Indo-Americans are fully represented in political and elected offices. He understands that Indo-Americans should have their own voices in all levels of government to ensure that the needs of the Indo-American community are met by our elected officials.

Mr. Aghi looks forward to joining forces with other organizations which represent diverse ethnic groups to form coalitions that will give an even stronger voice to new citizens who are eager to learn more and become involved in American politics.

But the most important work that Mr. Aghi does, in his work as founder of Thank You America. Thank You America is an organization dedicated to providing food and clothing to the homeless of Orange County on Thanksgiving Day. Each year this group assists over 500 homeless individuals and families with warm meals and clothing during the holidays. Mr. Aghi is planning to expand Thank You America's services to help needy families year round.

Mr. Aghi truly understands the meaning of thanks. His tireless efforts are a model for all to follow. Mr. Aghi gives thanks everyday to America through his unselfish work, and I thank Mr. Aghi for his vital role in our communities.

IN HONOR OF WOMEN OF GREAT ESTEEM

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay tribute to Women of Great Esteem, an organization that supports the advancement of women in a multi-cultural environment. This worthy group assists the homeless, works to combat violence in the community, provides educational training, and conducts AIDS outreach. Each year, Women of Great Esteem honors women who embody these goals of service to others. This week, seven women who have dedicated their lives to the community will be honored at the Second Annual Women of Great Esteem Awards.

The Honorable Una S. Clarke, Dr. Rosalind Jeffries, Dr. Karen McCarthy Brown, Rev. Barbara Pennant, Ms. Waveny Joseph, Ms. Alourdes C. Lovinski and Ms. Ivonne Mercado-Ford each deserve our sincerest thanks for their commitment to bettering the lives of women everywhere. They have challenged the community to recognize the appreciate diversity and affirm the gifts, talents and dignity of all women.

It is a great pleasure to congratulate these women for their achievement, and I too express my gratitude to Women of Great Esteem for their valuable service.

COMMENDING DR. PANAYOTIS IATRIDIS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to commend Dr. Panayotis Iatridis, a decorated physician who has devoted his life to the scholarly pursuit of medical education, on his 23rd anniversary as Assistant Dean and Director of the Northwest Center for Medical Education at the Indiana University School of Medicine. In honor of his 23 years of outstanding service, the Advisory Council for the Northwest Center for Medical Education will host a recognition dinner on the evening of Saturday, March 28, 1998, at the Radisson Hotel at Star Plaza in Merrillville, Indiana.

On July 1, 1975, Dr. Iatridis was named Director of the Northwest Center for Medical Education, where he had served as Associate Professor and Director of the Physiology Course for medical students since 1972. During his 25 years with the Northwest Center, he has been integrally involved in every aspect of its operation, including the curriculum, administration, and service to students. As a member of the faculty, Dr. Iatridis organized and implemented a variety of courses, seminars, educational programs, and conferences for medical students, graduate students, post-doctoral trainees, faculty, and physicians in Northwest Indiana. Perhaps Dr. Iatridis' most noteworthy contribution to the Northwest Center's curriculum came in 1990, with his development and implementation of the "Regional Center Alternative Pathway", which is the educational program for first- and second-year medical students. Dr. Iatridis is also responsible for all administrative and academic affairs of the Northwest Center, and he has devoted much of his time to assisting medical students through different aspects of counseling and advising, including pre-medical student counseling and research project advising.

In addition to his dedicated work with the Indiana University School of Medicine, Dr. Iatridis has utilized his talents for the betterment of the Northwest Indiana community. Some of the organizations he has served include the City of Gary Economic Development Commission, the Gary Community School Corporation, the Lake and Porter County Medical Society Care of the Indigent Committee, and the Northwest Indiana Forum Foundation. Dr. Iatridis has also served as a board member of the Porter County Mental Health Association, Vice-Chairman of the Lake County Community Health Association, Chairman of the Lake County Medical Advisory Committee of the Community Health Association, the Program Committee of the Gary Rotary Club, and the Porter Starke Infection Control Committee.

Dr. Iatridis has received numerous prestigious awards, honors, and recognitions for his many professional and public service achievements. In recognition of his professional accomplishments, he received a Special Recognition for Outstanding Contributions to Medical Education by the Asian-American Medical Society, in 1991; a commendation from the Asian-American Medical Society for Outstanding Contribution to Medical Education in Northwest Indiana, in 1997; and the Wisdom Award of Honor from the Wisdom Society for the Advancement of Knowledge, Learning, and Research in Education, earlier this year. For his service to the community, Dr. Iatridis earned the Hank Jacobsen Award from the Gary Rotary Club, in 1985; the Edgar L. Mills Community Service Award from the Post-Tribune, in 1987; and the Medal of St. Paul from the Archdiocesan of the Greek Orthodox Church of North and South America.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Dr. Panayotis Iatridis on the occasion of his 23rd anniversary as Assistant Dean and Director of the Northwest Center for Medical Education. His wife, Catherine, their two daughters, Yanna and Mary, and their two granddaughters, Katerina and Anastasia, should be proud of his achievements. Indeed, Dr. Iatridis' efforts have made an indelible mark on the advancement of medical education, as well as an improvement in the quality of life for everyone in Northwest Indiana.

TRIBUTE TO DR. FRANK L. SELKIRK

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Ms. MCCARTHY of Missouri. Mr. Speaker, I am honored to rise today on behalf of the Zion Grove Missionary Baptist Church and its congregation. This Sunday, March 29, Dr. Frank L. Selkirk III, a respected leader and friend in Kansas City, Missouri will be installed as the Senior Pastor.

The history of Rev. Selkirk and Zion Grove are very much intertwined. At the age of eight, Rev. Selkirk became a member of Zion Grove, and at the age of twelve, preached his first trial sermon there. He was fondly referred to as the "Boy Wonder" by ministers in our community. Rev. Selkirk has more than the name of his father and grandfather, he continues to follow the Selkirk tradition by becoming a third generation preacher in his family.

After graduating from the University of Kansas, he received his Master of Divinity at Central Baptist Theological Seminary, and his M.A. and Ph.D. at Harvard University. He has traveled extensively to sixty countries serving as a minister in several of them. Rev. Selkirk has established an outstanding reputation among his peers and is known for his down home preaching. Rev. Selkirk has served as senior pastor in California and as an area minister for the American Baptist Churches where he served ninety churches as "pastor to pastors."

Under his direction as Pastor, the Zion Grove Missionary Baptist Church raised one hundred thousand dollars in ninety days to pay off the Church mortgage. In celebration of this feat, I joined the entire congregation and many guests from our area in January for a mortgage Burning Service whose theme was "Burning the Past—Blazing on Toward the New."

This is an appropriate theme for Rev. Selkirk's ongoing mission to his growing congregation. His goal is to provide day care and after school services as additional resources for his congregation. As a counselor, gang prevention specialist, and revival preacher, he uses his faith as an influential tool to solve the problems which afflict our community.

I recognize Rev. Selkirk today because of his distinguished accomplishments. He continues to deliver positive messages to encourage a legacy of new beginnings. Rev. Selkirk envisions a future brimming with opportunity and charity for all people. Our community is blessed to have a leader who creates a significant difference in the lives of everyone he encounters. Those that hear his sermons or work with him on civic projects realize that he leaves his impression upon their lives. Recipients of his message walk away with a lasting feeling that motivates them to take action and use their talents to better the lives of everyone.

Mr. Speaker, it is an honor for me to recognize Rev. Frank Selkirk III, and the Zion Grove congregation. Together they have formed a union devoted to serving the needs of our community through Christian example and duty.

TRIBUTE TO JOHN R. HARRISON

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. CALVERT. Mr. Speaker, one of the things that makes America great is that in towns and cities across our nation there are citizens who are willing to step forward to dedicate their talent and energy to make life better for their friends and neighbors. The city of Perris, California has been fortunate to have many citizens who have given so freely of themselves in their dedication to the future of the youngest members of our district. Mr. John R. Harrison is one of these outstanding individuals.

Mr. Harrison has been an instrumental part of Perris Valley area business and youth programs for many years. After graduating from college, he became a partner in Dan's Feed & Seed, a business which supplies the Perris Valley and surrounding areas with animal feed, seed, veterinary supplies, hardware and plumbing items. He has since become a 100% shareholder in Dan's Feed & Seed and expanded his operation to include stores in Perris, Hemet, and Temecula. He also owns a grain handling facility in Blythe. As a result of his dedication to the business community, Mr. Harris is active in various civic groups in Perris. He is the past president and only remaining charter member of the Perris Rotary Club, past president of the Chamber of Commerce, past president of the Perris Farm Bureau, and the current president of the Perris Alumni Association. In 1994, Mr. Harrison received the Howie Award from the Riverside County Farm Bureau.

In 1953, he started the Perris Panthers 4–H club and was its leader until the mid-1960's. His continued involvement in the organization has produced one of the strongest 4–H clubs in Riverside County. Mr. Harrison has also been instrumental in the original organization of Perris Little League. Mr. Harrison has been a member and past president of the Farmers Fair Board and has served as chairman of the Farmers Fair Livestock Auction for 30 years. Due to his dedication, this auction is one of the most prosperous in the fair system, successfully raising money for the 4–H club and Future Farmers of America member's college tuition.

In recognition of his many accomplishments in various business and youth organizations in Perris, I commend John Harrison for his contributions and dedicated service to his community. I encourage Mr. Harrison to continue with his involvement and wish him much success and happiness in his future endeavors.

TRIBUTE TO THE POLISH FALCONS, NEST 725

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to the Milwaukee-based Nest 725 of the Polish Falcons of America, as they celebrate their 82nd anniversary with a banquet dedicated to the Mystical Rose, Our Lady of Czestochowa, on Sunday, April 19, 1998.

A nationwide fraternal organization, the Polish Falcons are dedicated to the physical fitness of youth. By offering classes in tumbling, dance (traditional Polish, modern, and tap), aerobics, track and field, basketball, volleyball, and soccer, the Polish Falcons provide a varied program for all skills levels and ages. The group believes in a strong mind and a strong body.

Organized in Milwaukee of December 10, 1916, Nest 725 members have participated in numerous national and district athletic competitions, gaining the National All Around Championships in 1984, 1988 and 1992. Furthermore, Nest 725 was crowned National

Gymnastics Champions in 1984 and the Adult Dance Class achieved the National Championship in both 1986 and 1994.

To the adult leaders of the Polish Falcons, Nest 725, I commend you on your fine example of providing structured athletic guidance for today's youth, while maintaining an all-important tie to our proud Polish history and traditions. And to all the members, best wishes for the future and Sto Lat!

HONORING MAJOR ROBERT A. PORTZ, NORTH MIAMI POLICE DEPARTMENT

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mrs. MEEK of Florida. Mr. Speaker, on Thursday, March 26, 1998, Major Robert "Bob" Portz will bid farewell to his duties with the North Miami Police Department and retire to the Texas wilderness. He has received numerous commendations during his 22 years of service and is highly regarded by his peers.

Major Portz was then the youngest member of the North Miami force when he assumed his duties at the age of 20 on December 29, 1975. Over the years, he has demonstrated his talents in the patrol division, detective bureau, traffic unit, and tactical unit. He was promoted to Major on July 7, 1992, and made a lasting impression on the department by introducing the community policing concept to North Miami.

Major Portz assumed command of the Patrol Division in October 1994, where he still oversees operations.

A graduate of the Federal Bureau of Investigation's prestigious National Academy, Major Portz has been recognized by his peers three times as Officer of the Month for his outstanding police work.

The husband of Linda and father of Jennifer, Major Portz has been a shining example of honor and professionalism throughout his career. As he enters the next stage of his life, I congratulate him and wish him continued happiness.

INTRODUCTION OF LEGISLATION

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. ARCHER. Mr. Speaker, today, I introduce H.R. 3558, a bill to limit the tax benefits of so-called "stapled" or "paired-share" Real Estate Investment Trusts ("stapled REITs"). Identical legislation is being introduced in the Senate by Senator ROTH.

In the Deficit Reduction Act of 1984, Congress eliminated the tax benefits of the stapled REIT structure out of concern that it could effectively result in one level of tax on active corporate business income that would otherwise be subject to two levels of tax. Congress also believed that allowing a corporate business to be stapled to a REIT was inconsistent with the policy that led Congress to create REITs.

As part of the 1984 Act provision, Congress provided grandfather relief to the small number of stapled REITs that were already in existence. Since 1984, however, almost all of the gandfathered stapled REITs have been acquired by new owners. Some have entered into new lines of businesses, and most of the grandfathered REITs have used the stapled structure to engage in large scale acquisitions of assets. Such unlimited relief from a general tax provision by a handful of taxpayers raises new questions not only of fairness, but of unfair competition because the stapled REITs are in direct competition with other companies that cannot use the benefits of the stapled structure.

This legislation, which is a refinement of the proposal contained in the Clinton Administration's Revenue Proposals for fiscal year 1999, takes a moderate and fair approach. The legislation essentially subjects the grandfathered stapled REITs to rules similar to the 1984 Act, but only to acquisitions of assets (or substantial improvements of existing assets) occurring after today. The legislation also provides transition relief for future acquisitions that are pursuant to a binding written contract, as well as acquisitions that already have been announced (or described in a filing with the SEC).

A technical explanation of the legislation is provided below.

TECHNICAL EXPLANATION

The tax benefits of the stapled real estate investment trust ("REIT") structure were curtailed for almost all taxpayers by section 269B, which was enacted by the Deficit Reduction Act of 1984 ("1984 Act"). The bill limits the tax benefits of a few stapled REITs that continue to qualify under the 1984 Act's grandfather rule.

A REIT is an entity that receives most of its income from passive real-estate related investments and that essentially receives pass-through treatment for income that is distributed to shareholders. In general, a REIT must derive its income from passive sources and not engage in any active trade or business. In a stapled REIT structure, both the shares of a REIT and a C corporation may be traded, and in most cases publicly traded, but are subject to a provision that they may not be sold separately. Thus, the REIT and the C corporation have identical ownership at all times.

Overview

Under the bill, rules similar to the rules of present law treating a REIT and all stapled entities as a single entity for purposes of determining REIT status (sec. 269B) would apply to real property interests acquired after March 26, 1998, by the existing stapled REIT, or by a stapled entity, or a subsidiary or partnership in which a 10-percent or greater interest is owned by the existing stapled REIT or stapled entity (together referred to as the "REIT group"), unless the real property is grandfathered under the rules discussed below. Different rules would be applied to certain mortgage interests acquired by the REIT group after March 26, 1998, where a member of the REIT group performs services with respect to the property secured by the mortgage.

General rules

The bill treats certain activities and gross income of a REIT group with respect to real property interests held by any member of the REIT group (and not grandfathered under the rules described below) as activities and income of the REIT for certain purposes. This treatment would apply for purposes of certain provisions of the REIT rules that depend on the REIT's gross income, including the requirement that 95 percent of a REIT's gross income be from passive sources (the "95-percent test") and the requirement that 75 percent of a REIT's gross income be from real estate sources (the "75-percent test"). Thus, for example, where a stapled entity earns gross income from operating a non-grandfathered real property held by a member of the REIT group, such gross income would be treated as income of the REIT, with the result that either the 75-percent or 95-percent test might not be met and REIT status might be lost.

If a REIT or stapled entity owns, directly or indirectly, a 10-percent-or-greater interest in a subsidiary or partnership that holds a real property interest, the above rules would apply with respect to a proportionate part of the subsidiary's or partnership's property, activities and gross income. Thus, any real property acquired by such a subsidiary or partnership that is not grandfathered under the rules described below would be treated as held by the REIT in the same proportion as the ownership interest in the entity. The same proportion of the subsidiary's or partnership's gross income from any real property interest (other than a grandfathered property) held by it or another member of the REIT group would be treated as income of the REIT. Similar rules attributing the proportionate part of the subsidiary's or partnership's real estate interests and gross income would apply when a REIT or stapled entity acquires a 10-percent-or-greater interest (or in the case of a previously-owned entity, acquires an additional interest) after March 26, 1998, with exceptions for interests acquired pursuant to agreements or announcements described below.

Grandfathered properties

Under the bill, there is an exception to the treatment of activities and gross income of a stapled entity as activities and gross income of the REIT for certain grandfathered properties. Grandfathered properties generally are those properties that had been acquired by a member of the REIT group on or before March 26, 1998. In addition, grandfathered properties include properties acquired by a member of the REIT group after March 26, 1998, pursuant to a written agreement which was binding on March 26, 1998, and all times thereafter. Grandfathered properties also include certain properties, the acquisition of which were described in a public announcement or in a filing with the Securities and Exchange Commission on or before March 26, 1998.

In general, a property does not lose its status as a grandfathered property by reason of a repair to, an improvement of, or a lease of, a grandfathered property. On the other hand, a property loses its status as a grandfathered property under the bill to the extent that a non-qualified expansion is made to an otherwise grandfathered property. A non-qualified expansion is either (1) an expansion beyond the boundaries of the land of the otherwise grandfathered property or (2) an improvement of an otherwise grandfathered property placed in service after December 31, 1999, which changes the use of the property and whose cost is greater than 200 percent of (a) the undepreciated cost of the property (prior to the improvement) or (b) in the case of property acquired where there is a substituted basis, the fair market value of the property on the date that the property was acquired by the stapled entity or the REIT. A non-qualified expansion could occur, for example, if a member of the REIT group were to construct a building after December 31, 1999, on previously undeveloped raw land that had been acquired on or before March 26, 1998. There is an exception for improvements placed in service before January 1, 2004, pursuant to a binding contract in effect on December 31, 1999, and at all times thereafter.

If a stapled REIT is not stapled as of March 26, 1998, or if it fails to qualify as a REIT as of such date or any time thereafter, no properties of any member of the REIT group would be treated as grandfathered properties, and thus the general provisions of the bill described above would apply to all properties held by the group.

Mortgage rules

Special rules would apply where a member of the REIT group holds a mortgage (that is not an existing obligation under the rules described below) that is secured by an interest in real property, where a member of the REIT group engages in certain activities with respect to that property. The activities that would have this effect under the bill are activities that would result in a type of income that is not treated as counting toward the 75-percent and 95-percent tests if they are performed by the REIT. In such cases, all interest on the mortgage and all gross income received by a member of the REIT group from the activity would be treated as income of the REIT that does not count toward the 75-percent or 95-percent tests, with the result that REIT status might be lost. In the case of a 10-percent-or-greater partnership or subsidiary, a proportionate part of the entity's mortgages, interest and gross income from activities would be subject to the above rules.

An exception to the above rules would be provided for mortgage the interest on which does not exceed an arm's-length rate and which would be treated as interest for purposes of the REIT rules (e.g., the 75-percent and 95-percent tests, above). An exception also would be available for certain mortgages that are held on March 26, 1998, by an entity that is a member of the REIT group. The exception for existing mortgages would cease to apply if the mortgage is refinanced and the principal amount is increased in such refinancing.

Other rules

For a corporate subsidiary owned by a stapled entity, the 10-percent ownership test would be met if a stapled entity owns, directly or indirectly, 10 percent or more of the corporation's stock, by either vote or value. (The bill would not apply to a stapled REIT's ownership of a corporate subsidiary, although a stapled REIT would be subject to the normal restrictions on a REIT's ownership of stock in a corporation.) For interests in partnerships and other pass-through entities, the ownership test would be met if either the REIT or a stapled entity owns, directly or indirectly, a 10-percent or greater interest.

The Secretary of the Treasury would be given authority to prescribe such guidance as may be necessary or appropriate to carry out the purposes of the provision, including guidance to prevent the double counting of income and to prevent transactions that would avoid the purposes of the provision.

HONORING SOUTH FLORIDA WOMEN IN COMMUNITY SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today in recognition of women who have served as a wonderful example to the nation of true commitment and service to their community. "In the Company of Women" was begun in 1989 when a need was identified to recognize outstanding local women for their service to the South Florida community.

This year, 13 women leaders will be recognized for their contributions to the Miami-Dade County community at the 10th annual "In the Company of Women" celebration. The honorees will be Marleine Bastien, Laura Bethel, Mona Bethel Jackson, Kathy Gomez, Daniella Levine Cava, Diana Montes de Oca Lopez, Mary Lynch, Maria Marquez, Robin Riether-Garagalli and Meredith Pleasant Sparks. The women honored as pioneers are Sheba Major Martin, Ruth Wolkowsky Greenfield, and Mary Stanley-Low Machado.

The Cuban patriot Jose Marti once said: "Action is the dignity of greatness." These women have personified the true meaning of community action in giving of themselves and utilizing their God-given talents to help others. The women honored at this month's ceremony, which culminates Women's History month, have been key players in advancing the quality of life in South Florida. They have managed to balance family and career while caring for those in our community who are in most need.

THE 1998 PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. BORSKI. Mr. Speaker, I rise today to congratulate and honor a young Pennsylvania student from my district who has achieved national recognition for exemplary volunteer service in her community. Kelly Shelinsky of Philadelphia has just been named one of my state's top honorees in The 1998 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Ms. Shelinsky is being recognized for establishing Kelly's Books for Bedsides, a campaign to collect new and gently used children's books which are then donated to the local hospital. Kelly believes in the power of books to energize the imagination, especially for those children recovering from an illness in a hospital bed. After spending many nights in Children's Hospital recovering from a chronic illness, Kelly realized that the children's playroom had many toys and games, but only a handful of books. She began to solicit donations through local newspapers, church bulletins, and word-of-mouth, and has collected more than 3,700 books. Thanks to Kelly's efforts, Children's Hospital has initiated a program called Reach Out and Read, for which books are being placed in the homes of families who have none. She plans to expand Kelly's Books for Bedsides further to help improve literacy among inner city children.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contribution this young citizen has made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Ms. Shelinsky are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—The Prudential Insurance Company of America in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. In only three years, the program has become the nation's largest youth recognition effort based solely on community service, with more than 30,000 youngsters participating.

Ms. Shelinsky should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Ms. Shelinsky for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. Her actions show that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

TRIBUTE TO THE HON. FLOYD R. GIBSON

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to Floyd R. Gibson, Senior Judge, U.S. Court of Appeals for the Eighth Circuit who will be celebrating his recent birthday this Sunday with his friends. Judge Gibson has dedicated his professional career to public service. From his graduation from the University of Missouri-Columbia in 1933 where he earned both his law degree and bachelor's degree, through his 32 years on the Eighth Circuit, Floyd R. Gibson has enriched our community.

Floyd and his lovely wife, Gertrude have raised three successful children, Charles, John, and Catherine. His family accomplishments occurred while demonstrating a distinguished career in public policy and the law. Judge Gibson entered private practice in the Kansas City area upon his graduation where he rose to become a named partner in three firms. While in private practice, Judge Gibson was elected County Counselor for Jackson County.

He later turned his efforts to state government where he served 21 years in both the House and Senate of the Missouri General Assembly. The Judge distinguished himself in the Missouri Senate as Chairman of the Judiciary Committee, Majority Floor Leader, and in his final term as President Pro Tem of the Senate. His success did not go unnoticed—in 1960 the "St. Louis Globe Democrat" newspaper named Floyd Gibson the Most Valuable Member of the Legislature.

With such credentials, President John F. Kennedy nominated him in 1961 to become a U.S. District Judge for the Western District of Missouri. Judge Gibson was named to the position of Chief Judge one year to the day of his September 1961 appointment. In June of 1965 President Johnson appointed Judge Gibson to the U.S. Court of Appeals for the Eighth Circuit. He served as the Eighth Circuit Chief Judge from 1974 to 1980 when he assumed senior status.

The Judge has received numerous awards and honors, as well as having been published on many occasions. A member of the Missouri, Kansas City, Federal, and American Bar Associations, Judge Gibson has distinguished himself through his legal work. He gives back to our community through his service on the Board of Trustees for the University of Missouri-Kansas City and as an Advisory Director to the Greater Kansas City Community Foundation.

A Kansas Citian for more than 80 years, Senior Judge Floyd Gibson is a critical part of our community's fabric and history. Through his decisions he has invoked a sense of equity and fairness that have benefitted our citizens. His work in codifying the probate statutes have improved the system significantly.

Mr. Speaker, it is my honor to salute a great friend and legal scholar of the bar, Floyd R. Gibson, Senior Judge for the U.S. Court of Appeals Eighth Circuit.

RECOGNIZING JUDY STANLEY

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. PAPPAS. Mr. Speaker, this Sunday, March 29, 1998, The Friends of Monmouth Battlefield will host their annual Molly Pitcher Awards Reception. The recipient of this year's Molly Pitcher Award is Judith Hurley Stanley, a lifelong resident of Monmouth County, New Jersey who has selflessly served the community in so many ways.

Mr. Speaker, Judy Stanley has been active in issues and causes at a local, county and state level for as long as I can remember. She has been involved in the health care profession and has held numerous positions in the Visiting Nurse Association of Central Jersey of which she currently serves as chairman. The Monmouth Medical Center and the Mid-Atlantic Health Group have also been blessed with Judy's involvement. The Governor recognized Judy's expertise in this area when she was appointed to the Statewide Health Coordinating Council.

Judy is also the founder and president of the Monmouth County Conservation Foundation. Generations of New Jersey residents will reap the benefits of Judy's efforts to preserve countless acres of beautiful open space in the Garden State through her activity in this organization and through her service on the Governor's Council on New Jersey Outdoors.

Beyond the preservation of open space, Judy has helped preserve the history of Monmouth County through her association with the Monmouth County Historical Association. And it is noteworthy that beyond the efforts to preserve space and facts, Judy's numerous associations in the area of education have illustrated her desire to share the facts, ideas, and knowledge that she has sought to maintain.

Mr. Speaker, Molly Pitcher's fame stemmed from her heroic service to our nation's troops during the Revolutionary War. During the War, Molly tirelessly refreshed the troops with pitchers of water. Judy Stanley truly exemplifies the true spirit of Molly Pitcher through her countless efforts to replenish and maintain Monmouth County and the state of New Jersey.

I would like to add my name to the extensive list of organizations, association, and clubs that have recognized Judy's outstanding service and extend my congratulations to her on this award.

SALUTE TO A GREAT AMERICAN

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. BILIRAKIS. Mr. Speaker, on March 25, 1998, I had the privilege of introducing a close friend of mine, Wayne Hitchcock, to the members of the House and Senate Committees on Veteran's Affairs. Wayne is the National Commander of the American Ex-Prisoners of War and was appearing to present his organization's legislative priorities to the Committees.

Throughout the history of the United States, in six major wars spanning 221 years, more than 500,000 Americans have been taken prisoner. Each of these courageous men and women has experienced horrors unimaginable and undefinable in the annals of civilized existence. Most endured long-term deprivation of freedom and the loss of human dignity. Wayne was among those 500,000 Americans, and I wanted to take a moment to share his story with my colleagues.

Wayne was reared on a farm in Indiana and entered the military in 1942. He was assigned to the Army Air Corps and sent to Aerial Gunnery School at Buckingham Air Base. He remained there as an instructor and later joined a combat crew and trained for overseas duty in B–24s.

Upon arriving in Foggia, Italy, his crew was assigned to B–17s. Wayne, flying as tail gunner, was short down on his 14th mission over Hungary. After a few infamous box car rides, he spent 13 months in Stalag 17B in Krems, Austria.

The camp was evacuated on April 8, 1945. The prisoners were marched across Austria and liberated on May 3, 1945 by Patton's Third Army.

Wayne was awarded, among others, the Air Medal with one Oak Leaf, the European Campaign Medal with four stars and the Prisoner of War Medal.

Upon returning home, Wayne became a homebuilder, land developer and real estate broker. He later returned to government service and retired after 30 years, including 23 years as postmaster.

Upon his retirement, he and his wife, Jo, moved to Florida. Since then, they have donated their time to the American Ex-Prisoner of War. Wayne has held office and served on essential committees at the department and national level since 1982. He was also instrumental in obtaining funds for the National Prisoner of War Museum at Andersonville, Georgia.

This past year, he served as Senior Vice Commander for the American Ex-POWs and as their National Legislative Chairman and Legislative Reporter. He was elected and installed as National Commander of the American Ex-Prisoners of War on September 27, 1997, at the 50th National Convention held in Tacoma, Washington.

Wayne is also a life member of the VFW, the American Legion and the DAV. His service to the community goes beyond his work for our nation's veterans. He also served as a Boy Scout master for 20 years and is a 40 year member of Lions International.

I have known Wayne and Jo since I became a member of Congress. Without question, they are among the finest people that I know.

Over the years, Wayne has served as a member of my veteran's advisory council. As a member of the House Committee on Veteran's Affairs, I have always valued his advice and support. He is a good friend and a great American.

CONGRATULATIONS ON THE 80TH ANNIVERSARY OF MARCH AIR BASE AND THE 50TH ANNIVERSARY OF THE AIR FORCE RESERVES

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. CALVERT. Mr. Speaker, the 43rd Congressional District has been fortunate to participate in the writing of United States military history. I take the floor today to praise and honor a military installation that is an important part of Riverside, California. For the past 80 years, March Air Reserve Base, as it is now called, has contributed to the defense of our country and made a lasting impression in the lives of many service men and women. The March community is currently celebrating a milestone—the 80th anniversary of the installation and the 50th anniversary of the Air Force Reserve.

As March Air Force Base, it witnessed many advances in aircraft technology, from the JN–4D "Jenny" which landed there in 1917, to the KC–10 which was housed at the base in the 1980's. On March 20, 1918, March Field was officially named in honor of Second Lieutenant Peyton C. March, who had been recently killed in a flying accident. From there, Captain William Carruthers took over as the field's first commander. Following World War I, March Field was forced to close its doors due to budget cuts. With the creation of the Army Air Corps in 1926, March Field soon reopened as a pilot training field, training such luminaries as Hoyt Vandenberg, Nathan Twining, Thomas Power and Curtis LeMay. March Field became an operational base in 1931 and in 1949 became a part of the relatively new Strategic Air Command. From 1949 through 1993, March Air Force Base served as an integral part of the Strategic Air Command and America's nuclear deterrent force, a logistical springboard for supplies and equipment during the conflict in Southeast Asia and an effective support for the United States' defensive posture. March Air Force Base received its first Reserve unit in 1960.

In 1993, March Air Force Base was selected for realignment. Knowing how important the base has been historically and realizing its significance for the future, I fought vigorously to insure that it remained open. From its inception as a dirt air strip to today, the base has been a key element in the advancement of aviation and the growth of the modern Air Force. The impact of March Air Reserve Base's contributions to the community and the nation will be appreciated for many years to come. As March Air Reserve Base restructures, I want to offer them my full support, encourage them to look to their future as a large and important Air Force Reserve Base and look forward to their continued contributions to the defense of the United States.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION

SPEECH OF

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

Mr. LANTOS. Mr. Speaker, it is a distinct privilege and honor to congratulate the people of Greece on the 177th anniversary of their nation's independence. The Hellenic Republic has held high the torch of democracy since its inception in 1821, reflecting a love of freedom, justice, and self-government rooted both in its renowned history as well as in the exuberant spirit of its people. The ancient Greeks served as one of America's most inspiring examples during the creation of our Republic, and more recently has stood by our side as one of our closest and most loyal allies.

The governments of ancient Greece were the original laboratories of democratic government. Thousands of years ahead of their time, the leaders of these legendary city-states were powered by the then-revolutionary notion that the choices of individual voters could result in a fair, free, democratic government emboldened by the confidence of the populace and driven by the interests of its constituents. Centuries later, the lessons of their civic experiments would provide the intellectual foundation for the birth of America's own democracy. "To the ancient Greeks," Thomas Jefferson once proclaimed, "we are all indebted for the light which led ourselves, the American colonies, out of Gothic darkness.'

Forty-five years after the birth of the United States, the Greek people determined to fight to end their own "darkness." Following both the examples of their forefathers and the encouragement of their American contemporaries, the Greeks rebelled against hundreds of years of domination by the Ottoman Empire. Their war of independence, which began on March 25, 1821, lasted seven years and received the full support of the young American nation. President James Monroe described the Greek struggle in 1822: "That such a country should have been overwhelmed and so long hidden under a gloomy despotism has been a cause of unceasing and deep regret. A strong hope is entertained that these people will recover their independence and resume their equal station among the nations of the Earth." Six years later this battle for freedom ended victoriously, as the Greek people overcame seemingly insuperable odds to establish a modern state with the intellectual and moral strength to match their ancient predecessors.

The record of the Hellenic Republic shows the realization of this early promise. Greece has stood on the front lines of the fight for international justice as one of only three nations in the world outside of the British Empire to serve on the side of the United States in every major international conflict of this century. One our of every nine Greeks died while defending their country against Nazi oppression during World War II. During the half-century since that brutal conflict, a strong and principled Greece has worked with the United States as member of NATO, standing firm against communism and, in more recent times, the abridgement of human rights in the Balkans and elsewhere throughout the world. Throughout all of these obstacles, Greece's dedication to democratic principles has remained steadfast and proud.

Mr. Speaker, as a member of the Hellenic Caucus and on behalf of the citizens of California's Twelfth Congressional District, I am proud to commemorate the 177th anniversary of Greek Independence Day.

IN HONOR OF THE 100TH BIRTHDAY OF THE MARIA JEFFERSON CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mrs. FOWLER. Mr. Speaker, I am pleased today to offer my congratulations to the Maria Jefferson Chapter of the Daughters of the American Revolution on celebrating 100 years of service to northeast Florida.

The National Society of the Daughters of the American Revolution was founded in Washington, DC in October of 1890 with Caroline Scott Harrison, the wife of U.S. President Benjamin Harrison, as its first president. Just eight years later, on March 26, 1898, Saint Augustine, Florida became home to the Maria Jefferson Chapter of the DAR, named for the daughter of President Thomas Jefferson. I am proud to represent Saint Augustine, the nation's oldest city of European extraction, and proud to call many of the Chapter's members my constituents and friends. The Florida State Society of the DAR boasts 106 chapters with over 8,000 members.

Members of the Daughters of the American Revolution are descendants of those who aided in achieving American Independence. The National Society accepts service, with some exceptions, for the period between April 19, 1775 (Battle of Lexington) and November 26, 1783 (withdrawal of British Troops from New York). Among those ancestors with accepted service are signers of the Declaration of Independence, those with military service and those whose ancestors gave patriotic service in the Continental Congress, State Conventions and Assemblies, committees made necessary by the war, members of the Boston Tea Party, doctors and nurses and other rendering aid to the wounded and prisoners of war or refugees from occupying forces.

Those of us who have been to the DAR Constitution Hall, here in Washington, DC, have enjoyed the building's beauty and grandeur, courtesy of the devoted members of the DAR. However, because of the selfless way in which the members perform their community service, most of us have never heard what the DAR usually does on a daily basis. Members of the Daughters of the American Revolution are dedicated to the lofty goals of honoring our nation's historic forebears, preserving our nation's heritage and promoting education.

The members of the DAR not only honor their ancestors who have served our country, they themselves serve its citizens by visiting disabled veterans at their homes, in hospitals and in nursing homes. They sold recreational activities for patients such as carnivals and picnics and participate in special programs for homeless veterans such as medical and social screening and providing buddy bags. Some chapters give special support to needy, individual women veterans and participate in special women's health care programs. This year, five chapters in Florida are raising special funds towards the purchase of a van to transport veterans between medical appointments.

The DAR works with schools to help instill historical awareness and pride in our country by presenting medals and college scholarships and provide boarding schools for underprivileged children. DAR members also present American flags to schools and other public institutions and sponsor historic plaques.

I am thrilled to be able to use this opportunity to call attention to the work of the National Society of the Daughters of the American Revolution, Saint Augustine's Maria Jefferson Chapter and the Chapter's regent Jane Rhea Douglas for their selfless and important work on behalf of our nation's veterans both past and present.

Congratulations Maria Jefferson Chapter on your 100th birthday. I send to you my sincere wishes that the new millennium may hold in store many more years of commendable service to our community.

CURBING UNAPPROVED UNION SPENDING

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. PACKARD. Mr. Speaker, last week the AFL–CIO announced that it would launch a campaign against California Proposition 226, the June 2 referendum that suspends labor unions' incessant practice of contributing portions of dues to political campaigns that their members may oppose. This initiative and others like it in states across the country require unions to receive approval from union members before contributing dues money to political entities.

Labor organizations feel that their role in the political arena would suffer if they were forced to tell the truth about union dues. Mr. Speaker, the issue here pertains to individuals' hard-earned wages, not the unions ability to influence government. Working Americans must be assured of their right to decide where to spend their paychecks. The overbearing role that the forced-membership labor groups have played in the lives of dedicated men and women is appalling.

I find it unbelievable that, in a nation that guarantees liberty and justice for all, unions can force members to fund political campaigns that they do not support. Proposition 226 and similar initiatives in 30 other states would put an end to this injustice.

Mr. Speaker, we must do our part in this fight against ruthless labor unions and the obtrusive role that they have played in the lives of so many Americans. Curbing unsolicited political donations from union members is a good place to start.

EXTENDING THE VISA WAIVER PILOT PROGRAM

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General:

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of HR 2578, a bill to extend the visa waiver pilot program till the year 2000. The current law is a good measure and is expected to red line this April 30, 1998.

I think it is important to allow tourists and business travelers from many Western European countries as well as Australia and Japan to come here for business and for pleasure. It boosts the economy and it allows people to see our great country first-hand. However, I also believe that the visa waiver pilot program should be extended to other countries, such as; Greece, Portugal, and South Korea. Thus, I support the Pombo-Frank-Kennedy-Pappas amendment.

Furthermore, this amendment supports an increase in the visa refusal rate from 2% to 3% in order to support other countries taking part in the tourist visa waiver program. However, I would like to mention that the refusal rate process is in need of new measures in deciding who receives a visa waiver.

I cannot tell you how many letters I write every single day to U.S. Embassies abroad, asking them to reconsider their visa denials of my constituents. In many cases, there is no solid basis for the denial, rather it is a class issue. They want to make sure that those individuals traveling abroad are leaving behind property, bank accounts, jobs, etc. If not, often times their visas are denied. Are these people not coming here to visit family and friends? Are these people not going to visit our country and spend money—will this not boost the economy? We cannot deny visas to those individuals wanting to come to this country at face value. What substantive basis does this derive from?

Mr. Speaker, for the aforementioned reasons, I rise in support of the bill coupled with the Pombo-Frank-Kennedy-Pappas Amendment.

RECOGNIZING PAUL SAUERLAND

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. PAPPAS. Mr. Speaker, on Friday, March 27, 1998 the Hunterdon County YMCA will recognize Paul C. Sauerland, Jr. as its Man of the Year with its 1998 Lend-A-Hand-to-Youth-Award.

Paul's longtime and wide ranging service to the community, county and state have earned him this well deserved recognition.

Since 1991, Paul has served as a Freeholder in Hunterdon County, New Jersey. His service to the county though began a long time before his first election to the Freeholder Board. He has been actively involved in numerous county boards, councils, and committees ranging in issues from transportation, housing, planning, human services, to health care.

Beyond the service that Paul has given to his local and county government, he has also served his state and country through his service of over thirty years as a member of National Guard.

Mr. Speaker, Paul has also been dedicated to serving the youth of his area. Through the many roles and positions that he has held in the local chapters of the Boy and Girl Scouts, he has helped to educate the youth of his community and instill in them a sense of community service and awareness. He has given of his time and knowledge so that young people have a greater opportunity of learning the values and skills that are needed to succeed. The participants of these programs represent the future leaders of our communities, state and country. Paul should be commended for his valuable contribution to our future.

I would like to congratulate Paul on this award. His service to the community is one that we are able to share in.

IN HONOR OF THE STRONGSVILLE RECREATION AND SENIOR COMPLEX

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to announce the opening of the Strongsville Recreation and Senior Center, a state-of-the-art facility with something for everyone in Strongsville, Ohio.

After nearly a decade of planning and construction, the 157,000 square foot facility opening this month will provide a variety of health, fitness, leisure, and cultural activities to everyone in the community. The residents of Strongsville expressed their collective need for such a complex when they approved a one-half percent increase in the city income tax in 1993 to fund construction. Now, they no longer have to leave their community to participate in fitness classes, or senior programs.

The Complex promises to be a popular place for fitness enthusiasts who will enjoy the swimming pool, gymnasium, cardio-conditioning area and strength training center. Young people from the community can entertain themselves in the game area playing pool, air hockey and video games. Parents will appreciate the child care services offered. Seniors will gather for craft classes, socializing, and the wellness clinic. In short, the health and quality of life for everyone in Strongsville will improve greatly with the opening of this Complex.

My fellow colleagues, please join me in recognizing dedication of the residents of Strongsville to building largest Recreation and Senior Complex in Ohio, and in congratulating Strongsville mayor Walter Ehrnfelt and the city council for their contributions to improving the quality of life in their fine city.

RECREATION, SENIOR COMPLEX TO BENEFIT ENTIRE COMMUNITY

After nearly a decade of planning, discussions and actual construction, the new Strongsville Recreation and Senior Complex will open this month, providing the community with a state-of-the-art facility with 21st Century amenities for everyone who lives or works full time in the City of Strongsville.

The unique 157,000-square-foot facility, which is the largest of its kind in the State of Ohio, is dedicated to improving the quality of life in Strongsville by providing a wide variety of leisure and cultural activities, special events, facilities and services that encourage health, fitness, relaxation, enjoyment, cultural enrichment and learning, as well as providing opportunities for community involvement.

As Mayor Walter F. Ehrnfelt points out, the center is family-oriented and offers something for everyone.

"This recreation and senior complex is designed to satisfy the needs of seniors, of young people and of everyone else so that we can all enjoy a greater quality of life within the City of Strongsville," the mayor said, adding:

"We do not have to leave our home (community) for physical fitness classes, senior programs, health care services and even a food program. This facility covers the spectrum for all generations in Strongsville now and in the future."

Planning for the center actually started back in 1989 when a committee of various individuals in the community studied and identified the recreational needs of the city.

Committee members and city officials worked with numerous architects and engineering firms with extensive experience in building recreation centers and sports complexes to determine what was needed to make a great recreation/senior facility.

The project moved closer to reality in 1993 when the city's voters approved a one-half percent increase in the city income tax.

"City Council financed the complex out of the general fund with money generated from the additional income tax which was provided by businesses through jobs within the city," the mayor said.

"We now have the finest recreation/senior facility in the State of Ohio and perhaps in the country for a reasonable charge."

Membership packages are available at special rates for city residents and for anyone who works full time for a business located in the city.

Mayor Ehmfelt said the city is asking for nominal membership fees to offset the cost of operating the facility, which is estimated at $1.8 million per year.

In a letter of invitation to the community, the mayor said, "The completion of the new Strongsville Recreation and Senior Complex brings our residents a facility that compares to no other in the State of Ohio. This facility is another great step for Strongsville's future and continues in providing the very best for all citizens."

"Please take the time to visit and become a member and use the facility to the maximum to improve and maintain your health and quality of life. Remember to use the facility. . . . Just for the 'Fun of it.'"

RECREATION CENTER

Central attraction in the recreation area is the Aquatics Center which features an eight-lane, 25-yard-long competition pool with three diving boards and a bleacher seating area for approximately 500 spectators.

Another highlight of the center is the activity pool with zero depth entry, a circular water slide and even a pirate's ship with a water cannon. The aquatics area also has steam and sauna rooms and an 18-person whirlpool.

The four-lane indoor track circles the upper level of the recreation area. Thirteen laps are the equivalent of one mile.

The main gymnasium has two high school regulation basketball courts and a volleyball area. The auxiliary gym is a utility gymnasium which can be used as one high school regulation basketball court, volleyball, indoor soccer, and tennis.

The cardio conditioning area on the upper level is equipped with treadmills, stair steppers, bikes, ski machines, rowing machines, Gravitron and AB trainers.

The strength training center on the complex's lowest level offers Nautilus ZST resistance training equipment, plate loading equipment, free weights, and accessories.

A popular spot for teens will be the game area on the main level which is equipped with billiard tables, air hockey and foosball machines, video/arcade games and snack, soft drink and juice/water vending machines.

The Recreation Center also features two wood floor aerobics and activity studios (1,400-square-foot each), meeting and conference rooms, a tot room for morning and evening child care services and two sets of locker rooms for men and women.

The center, which has ten full-time employees and 75 part-time employees, will be open from 6 a.m. to 10 p.m. Monday through Friday 9 a.m. to 6 p.m. Saturday and 11 a.m. to 5 p.m. Sunday.

SENIOR CENTER

The spacious Senior Center located at the west end of the complex is designed to promote the physical, emotional, social and intellectual well-being of all seniors in the community.

A major attraction is the Community Room which has a casual and comfortable atmosphere where people can relax, read a book, watch TV, visit and hold meetings.

The back porch off the Community Room is equipped with benches where guests can relax and enjoy the view of the city park.

The center also has a woodworking room which will be used for classes and open shop time; a craft room for quilting, knitting, sewing, needlepoint and other projects; two meeting rooms for seminars, lectures and club meetings; an art room for all types of projects, and a wellness clinic which will be operated in partnership with community health care providers.

A wide variety of activities will be offered for seniors. Including arts and crafts, line dancing, card games, bingo, physical fitness programs and many types of educational and fun classes.

More information on the senior programs can be obtained by calling the center at 238-7111.

CULTURAL CENTER

The Cultural Center on the complex's main floor is a common area which will be shared by users of both the recreation and senior centers. It seats 400 at tables and chairs and has an area of entertainment.

The center will be open to the public for breakfast from 6 a.m. to 10 a.m. Monday through Friday and for discounted lunches for seniors each weekday at noon.

The dining area and many of the other facilities in the recreation/senior center will be available for rental by the public for nominal fees.

GRAND OPENING

Everyone in Strongsville is invited to come and join the fun and excitement during the Community Open House Monday, March 16, through Saturday, March 28, and for the Ribbon Cutting Ceremonies on Sunday, March 29.

The Strongsville Chamber of Commerce joins with Mayor Walter F. Ehrnfelt and other city officials in welcoming the opening of this state-of-the-art facility and encourages everyone to join the Strongsville Recreation and Senior Complex . . . Just for the "Fun of it."

TRIBUTE TO GERALDINE CLAWSON

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. SPRATT. Mr. Speaker, I rise today to honor one of my constituents, Geraldine Clawson, of Chester, South Carolina.

Geraldine Clawson, a former nurse, has spent countless hours as a volunteer in her community, working to help those struggling with homelessness, spousal abuse, alcoholism, and drug dependency. The organization she founded, "The Turning Point," offers counseling, an emergency food bank, a 60-day treatment program for drugs and alcohol, a women's shelter, and a program for abused or homeless women.

Because of her selfless dedication to those in need, Geraldine Clawson received the Jefferson Pilot Award for Public Service in 1993 and the Delta Sigma Phi Sorority Community Service Award in 1994.

Mr. Speaker, it gives me great pleasure to recognize the outstanding volunteer work of Geraldine Clawson.

TRIBUTE TO THE U.S. VIETNAM VETERANS OF SOUTHERN CALIFORNIA IN RECOGNITION OF THE 25TH ANNIVERSARY OF THE END OF HOSTILITIES OF THE VIETNAM CONFLICT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. TORRES. Mr. Speaker, I rise to pay tribute to the men and women who faithfully served our nation during the Vietnam Conflict, 1954–1973, on the occasion of the 25th anniversary of the end of hostilities in the Vietnam Conflict.

On Sunday, March 29, 1998, the U.S. Vietnam Veterans of Southern California, Montebello Veterans of Foreign Wars Post 2317, and the City of Montebello will host a special ceremony at the Montebello City Memorial Park in observance of the patriotic service of our Vietnam veterans. At this special event, local veteran's organizations, including the Montebello VFW Post 2317, Brother's of Vietnam, Vietnam Veterans Association, Disabled American veterans, Hispanic Airborne Association, and the American Legion Post 323, will come together with the community and local elected and military officials to commemorate the 25th anniversary of the end of hostilities in the Vietnam Conflict.

I commend the members of the U.S. Vietnam Veterans of Southern California for bringing together this patriotic salute to the brave men and women who answered our nations call during the Vietnam Conflict. I proudly salute the membership of the local chapter of the U.S. Vietnam Veterans of Southern California: President Michael Delgado (USMC), Vice President Gale Hulett (USAF), Secretary Gilbert Perez (USA), Treasurer Augustine Auggie Galaviz (USA), Champlain Lance Campbell (USMC), and Color Guard Jose Garcia (USA).

Members who served in the United States Army: Tom Aki, Robert Barrientos, Manny Calazada, Bernie Castaneda, Rudy Espinoza, Henry Galindo, Frank Garza, John Gomez, Mel Henfenfeld, Barry Hardy, Bill Harrell, Lou Hernandez, Marty Intergrand, Ed Kwan, Ed Lara, Romero Lopez, Robert Mejia, Carlos Mendez, John Nay, Frank Nieto, Oscar Ornelas, John Paniagua, Robert Preciado, Manny Ramos, Miguel Reyes, Russ Rivera, Rob Robinson, Ed Rodriguez, Bobby

Rodriguez, John Williams, Ignacio Zararte, David Cardenas, Richard Gallego, Louis Guillen, Norman Hagelstorm, Michael Hambelton, Michael Montalvo, Henry Morales, Jr., Albert Rodriguez, Tony Rodriguez, Rudy Rubio, John Sanchez, Leonard Xiochiva, Salvador Pinon, and Ralph De La Torre, Jr.

Members who served in the United States Marine Corps: Carlos Aldona, Ted Barragan, Dave Castillo, David De La Cruz, John Leisure, Rudy Loera, Guillermo Gonzales, Leroy Martinez, Tony Morris, Don Usery, Richard J. Acuna, Robert A. Galis, Javier Gallardo, Henry Garcia, Arthur J. Hurtado, Roger Ortega, and Donald Snyder.

Members who served in the United States Navy: Pete Aragon, Rod Cargonell, John Schembari, Mich Slleck, Pete Walker, Carlos Gomez, Charles A. Holling, and Joe V. Ugarte.

Members who served in the United States Air Force: Joe Balli, Memo Munoz, and William Aguilar.

Mr. Speaker, at this special event ceremonial recognition will be given to our nation's POW/MIA's and to the thousands of men and women who gave the ultimate sacrifice in service to our grateful nation. It is with pride that I ask my colleagues to join me in saluting and paying tribute to our American Vietnam Veterans and their families for their selfless sacrifice in service to our country.

HONORING THE LIFE OF CHARLES HATCH STODDARD

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. VENTO. Mr. Speaker, I rise to offer my condolences to the family of Charles Hatch Stoddard, a former and courageous Interior Department official who made a significant contribution to the quality of life of his fellow Minnesotans and all Americans.

In the late 1960's Mr. Stoddard, then a top regional official at the U.S. Department of the Interior, coordinated a study of taconite wastes that a company was dumping into Lake Superior. He found that these asbestos fibers were harmful to human health, but was savagely attacked by opponents who claimed his report was biased and unsubstantiated. Stoddard's health findings, however, were ultimately upheld by federal courts and applauded by the Secretary of the Interior and all the public.

Mr. Stoddard served the United States in several other respects. He was a Naval Reserve officer in World War II, worked as an employee of the U.S. Forest Service, and held such important posts as Assistant Secretary and director of the Bureau of Land Management.

He was also a highly acclaimed conservationist, one of our nation's most effective environmentalists, spending a year as President of the Wilderness Society.

I have attached Mr. Stoddard's obituary from the Minneapolis Star Tribune for my colleagues' review. It highlights his courage in bringing to the public's attention a matter that was crucial to their health and the health of their children in Minnesota and was repeated many times. The values and integrity that guided his decision and work reflect well upon the purpose of public service and the impact a good man can make.

I applaud Mr. Stoddard and present his model of courage yesterday as a benchmark for the environmentalists and policy making for citizens today and tomorrow.

[From the Star Tribune, Dec. 30, 1997]

CHARLES STODDARD DIES; HE PLAYED KEY ROLE IN RESERVE MINING CASE

A CONTROVERSIAL 1968 INTERIOR DEPARTMENT STUDY HE HEADED SAID TACONITE TAILINGS WERE POLLUTING LAKE SUPERIOR

(By Dean Rebuffoni)

Charles Hatch Stoddard was a besieged man 29 years ago.

As a top regional official of the U.S. Interior Department, Stoddard, who died Thursday at 85, had coordinated a major federal study on the taconite wastes that Reserve Mining Co. of Silver Bay, Minn., was dumping into Lake Superior.

Although the study had just been completed, it hadn't been released to the public.

However, Stoddard had provided copies to Reserve, which quickly went over his head to Interior Secretary Stewart Udall.

The company urged Udall not to release the study, arguing that it was riddled with errors. Some critics suggested that Stoddard, a Democratic political appointee and longtime conservationalist, was biased against Reserve.

Reporters were constantly calling Stoddard's office in Duluth, seeking information about the study.

Also, Stoddard knew that he'd have to resign soon from his federal post: Richard Nixon, a Republican with strong political ties to Reserve, was about to be inaugurated as president.

So Stoddard decided to release the study without Udall's approval.

On Jan. 16, 1969, the biggest headline on the front page of the Minneapolis Tribune read: "U.S Study Finds Taconite Tailings Pollute Superior."

The study, which quickly became known as "the Stoddard Report," made him a hero among conservationists.

Udall, however, told Congress that the study was "a preliminary staff report," a statement that Reserve repeatedly cited in its effort to discredit it.

The study also was attacked by U.S. Rep. John Blatnik, a Duluth Democrat who called it a preliminary report with no official status.

Ultimately, Stoddard was vindicated by the federal courts, which ruled that Reserve was polluting Lake Superior with potentially injurious asbestos-type fibers.

Reserve was fined more than $1 million and shifted its taconite wastes to an onland disposal site.

Udall eventually retracted his statement, telling the New York Times that the study was an official Interior Department report.

He said his original discrediting of it was prompted by concerns raised by Blatnik, who in 1969 was a powerful politician whose support on many issues was needed by the Interior Department. Blatnik died in 1991.

Udall's recanting also was vindication for Stoddard, who died Thursday at a nursing home in Spooner, Wis. He had suffered from Parkinson's disease for several years.

"Chuck Stoddard was a fearless public servant," said Grant Merritt, a Minnesota conservationist who played a key role in the campaign to end Reserve's discharge into Lake Superior.

"Chuck did his job regardless of the heat he had to take," Merrit said. "The Stoddard Report gave us the scientific basis we needed to seek on-land disposal of Reserve's tailings."

Stoddard was born in Milwaukee in 1912 and earned bachelor's and master's degrees in forestry from the University of Michigan in the 1930s. He later did graduate studies at the University of Wisconsin and at Princeton.

He was a Naval Reserve officer during World War II, and while serving in the South Pacific, he discovered a species of tropical tree that later was named after him: *Mastixiodendron stoddardii.*

He had several stints as a federal employee specializing in conservation issues, including work as a U.S. Forest Service economist in the 1930s.

During the late 1940s and early 1950s, he was a private forestry consultant in Minnesota and Wisconsin and was active in several conservation groups.

From 1955 to 1961, he worked for Resources for the Future, a nonprofit conservation research organization based in Washington, D.C.

Stoddard also was involved in Democratic Party politics, and during the 1960 presidential campaign, he worked first for candidate Hubert Humphrey, then as an adviser to John F. Kennedy on conservation issues.

After Kennedy was elected, Stoddard was named an assistant secretary of the Interior Department and, later, was appointed director of the Bureau of Land Management.

After retiring from federal employment, he served for a year as president of the Wilderness Society.

He wrote numerous reports on environmental issues, often focusing on land-use matters, and was the author or coauthor of three books on forestry and conservation practices.

Shortly after the lawsuit, *United States v. Reserve Mining Co.*, went to trial in 1973, Stoddard encountered the trial judge, Miles Lord, in a hall of the federal courthouse in Minneapolis.

"Do you know me, Judge Lord?" he asked. When Lord said he didn't, Stoddard explained: "I'm the guy who got you into this."

Stoddard is survived by his former wife, Patricia Coulter Stoddard of Duluth; a daughter, Abby Marrier of Milaca, Minn.; four sons: Charles Jr. and Paul, both of St. Paul, and Glenn and Jeffrey, who live in Wisconsin, and five grandchildren.

A private memorial service will be held at Wolf Springs Forest, the Stoddard family's nature preserve near Minong, Wis. The family suggests that memorials go to the Sigurd Olson Institute for Environmental Studies at Northland College in Ashland, Wis.

THE MEDICARE HOME HEALTH EQUITY ACT OF 1997

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. PAPPAS. Mr. Speaker, it is my privilege to introduce today The Medicare Home Health Equity Act of 1997. This legislation will return equity to the Medicare system of reimbursing home health agencies for the valuable care they provide throughout our country.

The Balanced Budget Act of 1997 had the unintended effect of creating an inequity in the way Home Health Agencies are reimbursed for services provided to America's seniors and the chronically ill through Medicare. My legislation will correct this inequity and accomplish the following:

The Medicare Home Health Equity Act removes the IPS penalty on cost-efficiency and levels the playing field. The Interim Payment System (IPS) inadvertently penalizes cost-efficient home health agencies (HHA) by basing 75% of agencies' per patient payment limits in fiscal years (FY's) 1998–99 on their FY 1994 average cost per patient. Because an agency's average cost per patient in FY 1994 is based on the number of visits the agency provided per patient that year, agencies that provided the most visits to patients—regardless of whether the care was medically necessary or not—now have the highest per patient cost limits. As a result, high-cost agencies continue to receive a disproportionate share of Medicare home health dollars. This outcome is the opposite of what Congress sought last year.

The Medicare Home Health Equity Act is budget neutral according to Price Waterhouse. It does not bust the balanced budget agreement reached last year. It also does not jettison the many good steps taken in the Balanced Budget Act to address the very real problems of fraud and abuse in the Medicare home health benefit. However, it does address the one provision that rewards high cost agencies and penalizes low cost agencies.

The Medicare Home Health Equity Act moves Medicare home health reimbursement more quickly to prospective payment by basing payments on national and regional cost data rather than on agency-specific data. Prospective payment will bring Medicare home health expenditures under control by reversing the incentive under cost-reimbursement to maximize patient costs. The incentive for HHAs under prospective payment will be to manage costs efficiently over an episode of care. Prospective payment in hospitals has demonstrated that this can be done while maintaining high quality of health services.

The Medicare Home Health Equity Act recognizes that Medicare home health costs have been managed effectively in 34 states. The average cost per patient in these states is below the national average cost per patient. Agencies in these states should not be penalized by the higher than national average costs experienced in 16 states.

The Medicare Home Health Equity Act will not harm patient care by lowering the per beneficiary cost limit for home health agencies with costs above the 75% national—25% regional cost limit. HCFA data shows little difference among types of home health agencies (e.g. non-profit, for-profit, hospital-based, government-affiliated) in regard to their level of patient "case-mix"—or level of patients with similar conditions (from minor to severe). Therefore, it is hard to believe that high costs must be protected by the current IPS agency-specific formula when VNAs and other cost-efficient agencies provide high quality care to diverse populations at less than national average costs.

Mr. Speaker, I urge my colleagues to join me in restoring home health care equity by cosponsoring this important legislation.

PERSONAL EXPLANATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. KLECZKA. Mr. Speaker, on Wednesday, March 25, 1998, I was granted an Official Leave of Absence to attend a family funeral.

As an elected Representative of Wisconsin's Fourth Congressional District, I have responsibility to my constituents to inform them of the votes from yesterday and to apprise them of how I would have voted.

The following indicates how I would have voted on Rollcall Votes Nos. 68, 70 and 71.

Rollcall No.	Bill No.	Position
68	H.R. 2589 (McCollum Amdt.)	No
70	H.R. 2578 (Pombo Amdt.)	Yes
71	H.R. 2578	Yes

The outcome would have been no different on any of these votes if I had been present.

RESTORE FAIRNESS TO MEDICARE'S HOME HEALTH CARE SYSTEM

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. SMITH of New Jersey. Mr. Speaker, today I am joining with my good friend and colleague, Rep. MIKE PAPPAS, in introducing legislation to restore fairness and equity to the Health Care Finance Administration's (HCFA's) new Medicare reimbursement program for home health care.

This new Medicare reimbursement program, known as the "Interim Payment System" (IPS), is based on an incomplete and inequitable funding formula which directly jeopardizes home health care agencies and the elderly they serve in my state.

The value of home health care is obvious. All of us intuitively know that enabling our seniors to receive quality, skilled nursing care in their own homes is preferable to other, more costly, sometimes isolated, settings. Senior citizens receive the peace of mind from familiar settings and their loved ones close at hand. And the cost savings to Medicare from proper use of home health care are considerable.

The legislation we have introduced today corrects several flaws contained in the IPS formula and assures fair and reasonable Medicare reimbursement for quality home health care. This bill is a good complement to another legislative effort (H.R. 3108) I am supporting with fellow New Jersey Representative JIM SAXTON. The Pappas-Smith bill is more targeted and limited in scope, focusing on equity issues between home health care agencies, while H.R. 3108 is broader in application and primarily deals with providing more resources to all home health agencies.

One thing that both bills address, however, is the need to reform the IPS. If left unchanged, the IPS will cut Medicare reimbursement for home health care in New Jersey by $25 million in fiscal year 1998 alone. Several agencies in New Jersey could lose $2 million or more in anticipated reimbursement for homebound Medicare patients.

One of the most unfair aspects of the IPS is that it seeks to treat efficient and inefficient home health agencies alike, despite the fact that average utilization rates in New Jersey's agencies—43 visits per beneficiary served in 1996—are far lower than the national average of 74 visits that year.

Because the IPS reimbursement rates for each home health care agency are linked to earlier utilization rates and costs, agencies that were efficient and honest all along still find themselves struggling to squeeze another 12 to 15 percent reduction in aggregate reimbursement rates from already lean operations—a very tall order indeed. Meanwhile, agencies in other parts of the country with abnormally high home health costs and utilization rates are permitted to use base year utilization rates that were badly inflated in the first place. Thus, they will continue to receive high reimbursement rates because they had inflated costs in the past. The IPS, therefore, effectively punishes efficient operations and does not comprehensively address the problem in areas with inordinately high home health utilization statistics.

For example, home health agencies serving senior citizens in NJ will only receive enough funding to provide as few as 30 to 35 visits per patient. Meanwhile, agencies in other parts of the country—such as Tennessee and Louisiana—may continue providing their patients with almost triple that number of visits at twice the cost per visit. Disparities of this magnitude are inherently unreasonable and unfair, and must be corrected.

There is no reason whatsoever why the senior citizens of New Jersey should receive less quality care than senior citizens of any other state. While I understand that special circumstances in other states and counties will always generate some variation in home health car usage, the disparities that are enshrined in the IPS are simply absurd. Are Louisianans and Tennesseans that much sicker or that much more frail that they need to receive 100 or more visits per person? And how can the costs of treating these patients in other states be significantly higher than New Jersey? The wage rates and cost of living indexes in many of these high utilization states are among the lowest in the entire nation. Senator JOHN BREAUX stated that in Louisiana, there are more home health care agencies than there are McDonalds restaurants. Clearly, something is amiss.

In response, our bill—which we have strived to craft in a budget neutral manner—restores fairness and equity to the Interim Payment System in the following ways:

First, our bill will protect efficient home health agencies from drastic cuts in Medicare home health reimbursement through the IPS. Under our legislation, we provide relief from the Interim Payment System for those home health care agencies whose average cost per patient served, as swell as their average number of visits per patient, are below the national average. In this manner, agencies that have been doing a good job in keeping their cost structures under control will not be punished for their own best efforts.

The second provision contained in our bill restores the per visit cost limits for home health agencies to their September 1997 levels. The reason for this change is based on an assessment that unless this change is made, it will be virtually impossible for home health agencies to reduce their average number of visits per patient, and still live within their cost limits.

The provision is a matter of basic math: if an agency is to reduce its average number of visits per patient—as HCFA demands—it must do more with each visit. However, if an agency fits more activities and services into each visit, then by definition its costs per visit are going to rise significantly. So while the number of visits per patient will fall, its costs per patient will rise to some extent, because more services are being performed in an attempt to make the most out of each home health visit.

Under our bill, home health agencies will reduce their visits per patient and still operate within realistic per visit cost limits. HCFA's per visit cost targets, upon close examination, are unrealistic and will not allow home health agencies to accomplish the goal of more efficient home care.

Lastly, our legislation will give the Secretary of Health and Human Services the flexibility to make special exceptions for home health agencies treating unusually expensive patients. Among the problems with the IPS is that as initially implemented, the IPS gives providers a perverse incentive to avoid treating critically ill, chronic, or more expensive patients. Unlike a fully implemented prospective payment system (PPS), the Interim Payment System (IPS) makes no attempt to distinguish between agencies that are simply inefficient and agencies that are treating a disproportionately sicker patient population. Our legislation creates a mechanism for financially pressed home health care agencies to address and care for unusually expensive patients.

Mr. Speaker, this legislation is balanced and carefully crafted to make improvements to the Medicare Interim Payment System. It is designed to be budget neutral. It will enable our senior citizens to continue to receive high quality, medically necessary home health care services. It also will appropriately target federal efforts to reduce waste and fraud in the Medicare program. I urge all of my colleagues to consider this legislation and support our efforts to protect the homebound Medicare patients who are now at risk.

HONORING THE JEWISH HERALD-VOICE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Jewish Herald-Voice as it celebrates 90 years of uninterrupted weekly publication on April 1, 1998. Established in 1908, The Jewish Herald-Voice has a rich tradition of serving and reflecting the pride of the steadily growing Jewish communities in the Greater Houston and Gulf Coast areas.

Published weekly, plus two annual holiday magazines for Passover and Rosh Hashanah, this award-winning publication is read by almost every Jewish household in the area. Besides covering national and international news and events from over 90 local Jewish organizations, the Herald publishes monthly specialty pages for the Greater Southwest Houston Chamber of Commerce, seniors, parents of young children, party planners, plus weekly pages devoted to business, medical issues, singles, food, arts, and entertainment.

Three families have been responsible for this exceptional continuity; founder, Edgar Goldberg—1908–1937; David H. White—1937–1973; and Joe and Jeanne Samuels—1973–present. Not only is this the 90th anniversary of the paper, but also Joe and Jeanne Samuels' 25th Anniversary as owners and publishers of The Jewish Herald-Voice.

Ninety years ago, Edgar Goldberg envisioned a newspaper that would reach everyone in Houston's diverse Jewish community, crossing denominations, transcending organizational boundaries and providing a platform for every Jewish citizen regardless of affiliation. Goldberg started with a circular, the Houston Jewish Bulletin in 1907; then in 1908, the first edition of The Jewish Herald began publication.

In 1914, appealing to Jewish communities statewide, Goldberg created an advertising slogan—"Texas News for Texas Jews"—and changed the paper's title to The Texas Jewish Herald. Throughout the prosperous years of the 1920s, The Texas Jewish Herald grew in circulation and content. The Great Depression struck the Herald hard and Goldberg was forced to scale the paper back to four pages from its usual eight. The paper was his livelihood and as long as the U.S. Postal service would cooperate, he was determined to carry on. In 1933 Goldberg grew weary at fighting the battle to keep the paper afloat. While deciding to put the paper up for sale, Goldberg was diagnosed with cancer. Sadly, he died in 1937, 29 years after his first edition of the Herald went to press. Goldberg's wife, Esther, maintained control of the paper for several years but she, too, grew weary from the effort from the effort and agreed to sell.

The chain of weekly Jewish Heralds continued unbroken when David H. White, publisher of the recently established Jewish Voice in Houston, purchased The Texas Jewish Herald. Preserving the name of both publications, White continued Goldberg's legacy, renaming the paper The Jewish Herald-Voice. Throughout the 1940s the Herald-Voice continued to grow as White instituted additional columns and special holiday editions, creating a reflection of the times.

In 1972 when David White died, his wife, Ida Schwartzberg White, who worked by his side throughout the years, stepped up to edit and publish the Jewish Herald-Voice during the remainder of the year. Shortly thereafter, she sold the highly successful D.H. White Company printing plant and began to search for a successor to continue publishing the Jewish Herald-Voice.

A casual conversation with a neighbor prompted Joseph W. Samuels to telephone Murray White, David White's youngest brother and part owner of the Jewish Herald-Voice. In April of 1973, Joe and his wife Jeanne F. Samuels purchased the 65-year-old paper. It was a dream come true for Joe, whose father, Morris Samuels, a printer in Dallas, had planned to begin his own Jewish newspaper.

What Joe Samuels and Jeanne purchased 25 years ago was the name and reputation of a 65-year-old weekly newspaper, a mailing list of less than 3,000 subscribers, its payables and receivables, together with archives, a typewriter, two desks, two chairs and two filing cabinets. Over the past 25 years, they have nurtured the paper, more than doubling the number of subscribers and increasing its size from 8–12 pages to 36–80 pages.

Since 1994, when the Jewish Herald-Voice entered its first newspaper competition, it has received various awards each year. The Herald-Voice has received award recognition from the Texas Press Association, Gulf Coast Press Association, and the American Jewish Press Association, as well as honors from local Jewish agencies and organizations. Most recently, in 1997, the Herald received two awards from the American Jewish Press Association: first place for Excellence in Special Sections covering "Educational Alternatives: Where Do They Go From Here?" and second place for Excellence in Overall Graphic Design.

The Herald-Voice continues to grow and constantly endeavors to broaden its scope and appeal for readers and advertisers, alike. It is comforting to know, that the next generation, the Samuels' daughter, Vicki Samuels Levy, who has headed the advertising department for many years and knows the operation of the paper, is destined to take the reins one day as owner and publisher of the Jewish Herald-Voice.

Mr. Speaker, I congratulate the Jewish Herald-Voice on 90 continuous years of excellence in journalism and the current owners and publishers, Joe and Jeanne Samuels, who have successfully continued the founder's dream. Ever since it was established in 1908 by Edgar Goldberg, the Herald has upheld the promise of remaining the voice of the Jewish community of Greater Houston and the Texas Gulf Coast.

TOWN OF ONONDAGA CELEBRATES BICENTENNIAL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. WALSH. Mr. Speaker, as a newly born nation expanded and grew two centuries ago, townships in America sprouted amidst the excitement and despite great obstacles. Such a town was mine, the Town of Onondaga, which this week celebrates its 200th Birthday.

Although many of the festivities will occur this summer, culminating with a Bicentennial Parade on August 15, many are focused now on the Annual Dinner Dance April 4.

I would like to thank the entire Town of Onondaga Bicentennial Committee for their important and historic work. I would ask my colleagues to join me in congratulating this fine group of civic leaders for their dedication to preserving the history which guides us into our future.

They are: L. Jane Tracy, town historian and co-chair; Thomas Andino, Jr., town supervisor and co-chair; David and Cathy Hintz; Ken Pienkowski; Gwynn Morey; Beatrice Malfitano; Mr. and Mrs. Willie Royal; Bonnie Romano; Gary and Karen Livent; Suzanne Belle; Mary Ryan; Charles Petrie; Donald Hamilton; Dorotha Schmitz; Leo Kelly; Margaret Chesebro; Jeanne Tanner; and Dan Willis.

On a related note, I am very proud to be one of three Onondaga residents in town history to have represented Central New York in Congress. The others included my father, William F. Walsh, and one of the first settlers, James Geddes, who also served as Town Supervisor in 1799.

I am pleased also to mark this memorable time for us in the CONGRESSIONAL RECORD, in addition to presenting a United States flag to town leaders in a ceremony April 2.

Together, these people named today, joined by our fellow residents, thank God for our freedom, our country and our homes—just as we pray that we will impress on the next generation the importance of what our ancestors accomplished and the magnitude of the task. Only from history will we learn.

RECOGNIZING AUGUST KNISPEL

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. PAPPAS. Mr. Speaker, on Saturday, March 21, 1998, residents from Franklin Township in Hunterdon County, New Jersey will honor one of the area's political legends at a testimonial dinner. For 31 years August Knispel has served the residents of Franklin Township as their Mayor and as a member of the Township Committee.

Mr. Knispel, the son of German born parents that immigrated to America, is a living example of the American Dream come true. He grew up on his parents farm in Franklin Township raising and selling ducks to make extra money during the depression at the age of seven. It was not too long thereafter that August became an active hand in the family farm which itself has become an area landmark.

In 1963, Mr. Knispel made his first run for Township Committee. The election ended in a tie that ultimately was decided in favor of his opponent. Not one to be discouraged, Mr. Knispel entered the race a year later and was successful. His election to the Township Committee that year began the first of 11 more victories. During his years of service, Mayor Knispel has been a leader in agricultural and open space issues.

Mr. Speaker, I would like to join the residents of Franklin Township and Hunterdon County in thanking August Knispel for dedicated service to his community. For almost a generation Mr. Knispel has dedicated a tremendous amount of his time and effort to serving the needs and addressing the concerns of Franklin Township. Saturday night's dinner is just a token of the well deserved recognition that is appropriate in thanking him for his service.

THE COMMUNITY MOBILIZATION CONFERENCE AND TRAINING ON GANGS, VIOLENCE AND DRUGS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize the Annual Community Mobilization Conference and Training on Gangs, Violence and Drugs which will take place in my hometown of San Diego, California April 1–3, 1998.

This will be the ninth annual conference convened by Nu-Way Youth and Social Services, a local community-based organization. The conference will be a national, collaborative event that will bring together parents, educators, law enforcement officers, probation officers, prosecutors, health and social service providers, together with civic, political and spiritual leaders to discuss the latest technologies and strategies for combating juvenile crime in our communities.

I would also like to give recognition to the National Crime Prevention Council (NCPC) and the Bureau of Justice Assistance (BJA) of the U.S. Department of Justice for their support and co-sponsorship of Nu-Way's 9th Annual National Conference. The NCPC and the BJA will add programmatic support and technical assistance. By doing so they are providing Nu-Way access to greater numbers of nationally recognized trainers, and broader participation. Conference participants will come from throughout the United States and Canada.

This support will further strengthen the Educating, Motivating, Organizing and Mobilizing (E.M.O.M.) process and demonstrate the effectiveness of the partnership between community and government.

This conference is a true collaborative project. And by its very nature, will reinforce the proverb that "it takes a whole village to raise a child"—and will challenge all of our citizens to accept the responsibility and join in our struggle to keep our youth free from the influence of gangs and drugs.

Mr. Speaker, I am proud that Nu-Way, a valuable resource in the fight against gangs, drug abuse and violence, is based in my Congressional district, and I applaud the efforts of Nu-Way and the Community Mobilization Conference for their important role in our fight against juvenile crime.

SENATE—*Friday, March 27, 1998*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of judgement and grace, tomorrow we commemorate the death of Katherine Lee Bates 69 years ago. Many of us may not recognize her name but we all know the words of the beloved prayer she wrote as part of what is now a favorite hymn.

O beautiful for patriot dream
That sees beyond the years.
Thine alabaster cities gleam
undimmed by human tears.
America! America!
God shed His grace on thee,
And crown thy good with brotherhood
From sea to shining sea.

Father, cleanse any prejudice from our hearts and help us press on in the battle to assure equality of education, housing, job opportunities, advancement, and social status for all, regardless of race or creed. May this Senate be distinguished in crowning good with brotherhood in the ongoing challenge to extricate people from the syndrome of poverty and in the effort to assure life, liberty, and the pursuit of happiness for all people. Crown our good with a renewed commitment to You as our Father and one another as equal sisters and brothers. Through Him who taught us that how we care for the poor and disadvantaged will affect where we spend eternity. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Alabama, is recognized.

SCHEDULE

Mr. SESSIONS. Mr. President, this morning the Senate will immediately proceed to executive session for a rollcall vote on the confirmation of the nomination of M. Margaret McKeown to be United States Circuit Judge for the Ninth Circuit.

Following that vote, the Senate is expected to begin consideration of the budget resolution. Under the statute, there are 50 hours of debate on the resolution. However, I hope we could yield a good portion of that time back. On Monday, if an adequate amount of time is yielded back on the budget resolution, then it would be the leader's intention to postpone any votes on Monday until Tuesday. As always, all Senators will be notified when that is worked out.

Next week, in addition to completing action on the budget resolution and the Coverdell A+ education bill, we may also take up and finish the emergency supplemental appropriations conference report, if available. Colleagues are warned in advance that next week will be a hectic week as we work toward the Easter recess.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF M. MARGARET McKEOWN, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

The PRESIDENT pro tempore. The clerk will report the nomination.

The legislative clerk read the nomination of M. Margaret McKeown, of Washington, to be United States Circuit Judge for the Ninth Circuit.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of M. Margaret McKeown to be United States Circuit Judge for the Ninth Circuit?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. BENNETT), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Texas (Mr. GRAMM), the Senator from Utah (Mr. HATCH), the Senator from North Carolina (Mr. HELMS), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "yea."

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 11, as follows:

[Rollcall Vote No. 48 Ex.]

YEAS—80

Abraham
Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Gregg
Hagel
Harkin
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Wellstone
Wyden

NAYS—11

Allard
Ashcroft
Coats
DeWine
Grassley
Kyl
McConnell
Nickles
Santorum
Smith (NH)
Warner

NOT VOTING—9

Bennett
Enzi
Faircloth
Gramm
Hatch
Helms
Hutchinson
Inhofe
Kerry

The nomination was confirmed.

THE NOMINATION OF EDWARD F. SHEA, OF WASHINGTON, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON

The PRESIDING OFFICER. Pursuant to the previous order, Executive Calendar No. 504, Edward F. Shea, of Washington, is confirmed as United States District Judge for the Eastern District of Washington.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I understand both nominees are now confirmed?

The PRESIDING OFFICER. That is correct.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Washington.

THE CONFIRMATION OF JUDGES MARGARET McKEOWN AND ED SHEA

Mrs. MURRAY. Mr. President, this is really a great morning. After 2 years, I have the immense pleasure of voting

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

with the majority of my colleagues to confirm two judges that I have worked very hard to get through this often difficult process. I thank my colleagues for their support of these two fine individuals, Ms. Margaret McKeown and Mr. Ed Shea. In particular, I thank our chairman, Senator HATCH, our ranking member, Senator LEAHY, and my colleague, Senator GORTON, for their perseverance on behalf of these two individuals.

I would first like to tell my colleagues about the newest judge to the Ninth Circuit, Ms. McKeown. Before coming to the Senate, I had heard across the spectrum that Ms. McKeown was one of the finest business lawyers in the northwest. Now that she and I have spent time together, I have come to understand why she had that reputation: she is tenacious, does outstanding work, is an accomplished advocate, and has the patience of Job.

Let me summarize some of the high points of Ms. McKeown's career:

She was the first woman partner at the 70-year-old, prestigious firm of Perkins Coie;

She has served for 11 years on the Perkins Coie executive and management committees;

She is a nationally recognized litigator who was named in Top Players in High Tech Intellectual Property;

Her range of litigation is amazing: one day she is litigating about the typeface in personal computers, the next day she is defending a securities case, the next day she might be litigating avionics in military aircraft;

She was president of the Federal Bar Association for the Western District of Washington and a lawyer representative to the Ninth Circuit Judicial Conference;

She has worked as an aide to United States Senator Cliff Hansen of Wyoming, as a special assistant under President Carter to Interior Secretary Andrus, and as White House Fellow under President Reagan;

She is on the executive committee of the Washington State Council on International Trade; and

She has served as counsel for the Downtown Seattle Business Association.

While who you know is important, and what you do as a lawyer is critical, where you put your priorities is also vital. One of the reasons I so strongly supported Ms. McKeown's nomination is because of her commitment to her community and family.

I am amazed that the same person who represented Boeing in a multi-billion dollar merger and who has successfully defended Citibank in a complex leverage buy out case has also served in virtually every position in the Girl Scouts. She has been a Brownie leader, troop consultant, committee member, and for nine years, member of the National Board of Directors of Girl Scouts of the USA and a member of the Executive Committee. Even with her national commitments, Ms. McKeown makes time for the girls themselves, leading her daughter, Megan's, Junior Girl Scout Troop #1091.

Ms. McKeown is active in other arenas as well. She volunteers in the schools, with YMCA, with the Children's Museum, and on abused children projects. I want to point out something else special about Ms. McKeown: She has received the Good Housekeeping seal of approval. That magazine several years ago named Ms. McKeown as one of the "100 Women of Promise in America."

Mr. President, Margaret McKeown is a highly-qualified lawyer with a diverse background, who has demonstrated her commitment to community and family. Now, finally, after surviving the political and judicial battles for two years, she will take her seat on the Ninth Circuit and become an outstanding judge. Congratulations, Margaret, we finally made it!

Mr. President, I also want to thank my colleagues for confirming Mr. Shea this morning to serve on Washington's Eastern District Court. While Mr. Shea's road to confirmation has not been as filled with hurdles as Ms. McKeown's, it is a great pleasure to see this fine lawyer move onto the Federal bench.

Mr. Shea will make an excellent judge. He is a highly respected member of the legal profession. He has served with distinction as a trial lawyer, including national recognition as a Fellow of the American College of Trial Lawyers.

The five superior court judges in Benton and Franklin counties, where Mr. Shea has lived and practiced for more than 25 years, have written a letter describing him as having a "well-earned reputation, not only in our community but throughout the Northwest, as an outstanding trial lawyer." His fellow Washington state lawyers honored him by electing him president of the Washington State Bar Association, where he served with distinction. Many of them have approached me to congratulate me on my role in promoting Mr. Shea's judicial candidacy.

While we must look first to his legal qualifications, I believe the best judges are those who have worked in their communities to make them better places. Mr. Shea is well-qualified in that arena, too. He has been an advocate of equal access to the law, volunteering and working to get free or reduced legal services to local organizations, such as the March of Dimes, the Sexual Assault Response Center, and the Faith Christian Academy.

Mr. Shea also worked hard in an area nearest to my heart: education. He pushed to improve access to education in his community by helping establish a branch campus of the Washington State University in the Tri-Cities. He too has been a stalwart supporter of the March of Dimes, recently being named the Chapter Counsel of the Year by the national March of Dimes.

Mr. Shea is a well-respected member of the business community. He has the unanimous support of the board of the Tri-City Industrial Development Council. Mr. Shea has received two strongly-supportive editorials in the Tri-City Herald. Numerous members of the business community have thanked me for championing his nomination.

Mr. President, Mr. Shea was selected by a bi-partisan Judicial Merit Selection Committee comprised of a diverse group of lawyers and community leaders. I have faith in that selection process and believe Mr. Shea will be an outstanding member of the Federal bar.

Let me close by saying a few words about judicial nominations and the process we have developed in Washington. As I travel around my state, people ask me why we have so many judicial vacancies. I haven't been able to give them a good answer, but can only point to political one-upmanship as the culprit.

After this morning, I can happily report we are finally moving forward and that two excellent judicial candidates have been confirmed.

Let me also add that while I have been the Senator of the same party as the President, I have invited and encouraged Senator GORTON to participate in judicial nominations. I recognize this is a tremendous break in tradition, but I know our citizens are best served when we work together.

I intend to continue working with Senator GORTON to find the very best and most able members of the Washington bar to recommend to President Clinton. I will fight to ensure our citizens have their day in court and that justice is not denied because nominations are delayed.

Mr. President, I appreciate the endorsement of my colleagues for Ms. McKeown and Mr. Shea. There are many other qualified judges waiting to move through the process. I urge the Senate to move quickly to hear and confirm them so the crisis our judiciary faces will come to an end.

Mr. LEAHY. Mr. President, I wish to applaud the distinguished Senator from Washington State. Senator MURRAY has stated the reasons why the Senate voted the right way on Margaret McKeown and on Ed Shea. I would also note for the record that the Senator from Washington has been extraordinarily diligent in working very hard for these two highly qualified nominees. I know the frustration she has felt with the delay, especially on Margaret McKeown and with so many vacancies on the Ninth Circuit and given that this has been 2 years—in fact, 2 years this Sunday.

This delay is the result of a process that has become a little bit crazy. I commend the distinguished Senator, and I thank her for her help on this. I think it would have been impossible for us to be here for this vote without her help, and I applaud her for that.

Mr. GORTON. Mr. President, I am pleased to congratulate the two judicial nominees from Washington state. The federal bench will be enriched by the addition of Margaret McKeown to the Ninth Circuit Court of Appeals, as it will by Edward Shea's presence on federal district court for the Eastern District of Washington.

Both Margaret McKeown and Edward Shea are deservedly respected within the legal community and in the community at large, and well qualified to perform the important jobs for which they have been chosen.

Ed Shea has been in private practice in Pasco, Washington for many years. He has handled a wide range of cases, both civil and criminal, and his experience will have prepared him well for the job he's about to undertake. As testament to the respect he commands within the Washington legal community, Ed served as President of the Washington State Bar Association in 1996. Equally impressive as his commitment to his profession is his commitment to his community. Over the years, he has contributed his time and talent to a host of worthy causes, including the March of Dimes, the Tri-Cities Sexual Assault Response Center, and the Association of Retarded Citizens.

Margaret McKeown also comes to the bench from private practice. She is a high technology litigator of national repute, with a particular expertise in antitrust and intellectual property. She was also the first woman partner at the prestigious Seattle law firm, Perkins Coie, where she practices today. Her remarkable intellect, and the accomplishments that evidence speak to her ability to perform the job with which she has been entrusted. There is no question that Margaret McKeown is familiar with the law. But, as her statement to the graduating class of the University of Washington Law School last year reflects, in this case familiarity did not breed contempt. Her mastery and understanding of the legal process rang through her commencement address. As did her continued respect for the law. She also urged the new lawyers to bear in mind her own formula for survival, a formula composed of five elements: humor, humility, hubris, humanity and home. The formula is one that has made Margaret an excellent lawyer. I am confident it will make her an excellent judge.

I thank my colleagues for joining me in supporting both of these nominees. And I congratulate them again.

THE NOMINATION OF MARGARET McKEOWN AND THE JUDICIAL EMERGENCY AMONG THE FEDERAL COURTS OF APPEALS

Mr. LEAHY. Mr. President, let me speak a little bit about Margaret McKeown. She was reported favorably by the Judiciary Committee on a vote of 16 to 2. She has the support of Chairman HATCH, a number of Republican Senators, is supported by both Senators from her State. Why this was held up for 2 years, I cannot understand. And then she is confirmed 80 to 11. How many of us have ever won an election with those kinds of percentages? Yet, apparently somebody held her up for 2 years because she was supposed to be controversial. How controversial is 80 to 11? Those are pretty good numbers. Perhaps her secret critics will explain their views, the reason she has been held up for 2 years.

I have been urging action on judicial nominees for many months. This week, faced with 5 continuing vacancies on a 13-member court, Chief Judge Winter of the United States Court of Appeals for the Second Circuit certified a "judicial emergency" and took the unprecedented step of authorizing panels including only one Second Circuit judge and two visiting judges. In addition he has had to cancel hearings.

The Judiciary Committee has reported to the Senate the nomination of Judge Sonia Sotomayor to the Second Circuit, but that nomination continues to sit on the Senate calendar. This is another woman who has sat here and had to wait and wait and wait, while the Senate holds her up. Her nomination was received back in June 1997. She was finally favorably reported by a committee vote of 16 to 2—pretty good odds. She is strongly supported by both New York Senators, one Republican, one Democrat. But the nomination continues to languish without consideration. And three more Second Circuit nominees are pending before the Judiciary Committee, and await their confirmation hearings.

I mention the Second Circuit because that is my Circuit. It is the Circuit to which my State resides. I have been urging action on the nominees for this Circuit for many months. The Senate is failing in its obligations to the people of the Second Circuit—to the people of New York, Connecticut and Vermont. We should call an end to this stall and take action. We should consider the nomination of Judge Sotomayor. We should do it today. We should hold hearings on the three other Second Circuit nominees next week and confirm them before the upcoming recess. Our delay is inflicting harm and giving proof to the warning that the Chief Justice of the U.S. Supreme Court gave in his 1997 Year End Report that continuing vacancies would harm the administration of justice. I urge the Republican leadership to proceed now.

Earlier this week, the distinguished majority leader indicated that he feels he has proceeded too quickly with respect to judicial nominations. I strongly disagree. No reference to the number of judges the Senate has begrudgingly confirmed over the past 2 years excuses the delay on any of the nominees pending on the Senate Calendar. There is no excuse or justification for the judicial emergency the Senate is inflicting on the Second Circuit.

The distinguished majority leader says there is no clamor for Federal judges. I recognize that there are no vacancies on the Federal bench in Mississippi, but there are numerous, longstanding vacancies in other places, vacancies that are harming the Federal administration of justice.

The people and businesses in the Second Circuit and other circuits and districts need additional Federal judges. Indeed, the Judicial Conference of the United States recommends that in addition to the almost 80 vacancies that need to be filled, the Congress authorize an additional 55 judgeships throughout the country, as set forth in S.678, the Federal Judgeship Act that I introduced last year.

Must we wait for the administration of justice to disintegrate further before the Senate will take this crisis seriously and act on the judicial nominees pending before us? I hope not.

We are sworn to uphold the Constitution, we are sworn to uphold the laws, and we are paid pretty well to do that. We are failing our oath and we are failing the job the taxpayers of this country pay us to do.

* * *

CONFIRMATION OF EDWARD F. SHEA

Mr. LEAHY. Mr. President, I am delighted to see the Senate confirm Ed Shea as a Federal District Judge. I attended his confirmation hearing back on February 4 and found him to be all that his supporters and friends had said he would be. I know that he has the support of the Senators from the State of Washington. He also has the strong support of this Senator from Vermont. Ed Shea was nominated last September for a vacancy that occurred in 1996, over 15 months ago. Mr. Shea was reported by the Judiciary Committee without dissent and without objection. He was rated qualified for this position by the American Bar Association. I spoke of his nomination last week and am now delighted to see this nomination considered by the Senate.

With this confirmation the Senate will have acted favorably on only 14 nominees this year. I am glad that Margaret McKeown is luck number 13 and Ed Shea is number 14, but remain concerned for the other nominees who have been unlucky and remain stalled on the Senate calendar.

I have tried to bring to the attention of the Republican leadership the need to consider and confirm the two judicial nominees for District Courts in Illinois who have been languishing on the Senate calendar without action for the last five months.

It is time for the Senate to consider the nominations of Patrick Murphy and Judge Michael McCuskey. The Senate Judiciary Committee unanimously reported these two nominations to the full Senate on November 6, 1997. Their confirmation are desperately needed to help end the vacancy crisis in the District Courts of Illinois.

Pat Murphy is an outstanding judicial nominee. He has practiced law in the State of Illinois for 20 years as a trial lawyer and tried about 250 cases to verdict or judgment as sole counsel. During his legal career, Mr. Murphy has made an extensive commitment to pro bono service—dedicating approximately 20 percent of his working time to representing disadvantaged clients in his community. For instance, Pat Murphy has served as the court-appointed guardian to a disabled minor since 1990, without taking any fee for his services. The American Bar Association recognized this extensive legal experience when it rated him as qualified for this nomination. Mr. Murphy also served his country with distinction as a Marine during the Vietnam War.

Judge Michael McCuskey is also an outstanding judicial nominee. Judge McCuskey served as a Public Defender for Marshall County in Lacon, IL from 1976 to 1988. In 1988, he left the Public Defender's office and the law firm, Pace, McCuskey and Galley to sit on the bench in the 10th Judicial Circuit in Peoria, IL. He has served as a judge of the Third District Appellate Court of Illinois since his election in 1990.

The American Bar Association recognized his stellar qualifications by giving Judge McCuskey its highest rating of well-qualified for this nomination.

The mounting backlogs of civil and criminal cases in the dozens of emergency districts, in particular, are growing more critical by the day. This is especially true in the Central and Southern District Courts of Illinois, where these outstanding nominees will serve once they are confirmed. Indeed, in the Southern District of Illinois, where Pat Murphy will serve if his nomination is ever voted on by the full Senate, Chief Judge Gilbert has reported that his docket has been so burdened with criminal cases that he went for a year without having a hearing in a civil case. In 1996, 88 percent of the cases filed in all federal trial courts were civil, while 12 percent were criminal. But in the Southern District of Illinois, not one of those civil cases was heard by Chief Judge Gilbert.

The Chief Justice of the United States Supreme Court has called the rising number of vacancies "the most immediate problem we face in the federal judiciary." There is no excuse for the Senate's delay in considering these two fine nominees for Districts with judicial emergency vacancies.

I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and to work with us to have the Judiciary Committee and the Senate fulfil its constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

I hope that the Majority Leader will soon set a date certain to consider the nominations of G. Patrick Murphy and Judge Michael McCuskey.

These nominees may well be a case in which a secret hold by one Senator is delaying Senate action. I recall receiving a Dear Colleague letter from the Majority Leader in January 1997, the first day of this Congress. In that letter he proposed to address the frustrations with the hold system and what he termed "a correction." The letter goes on to describe the hold as "a request for notification of or protection on an unanimous consent request or proposed time agreement." The Majority Leader advised a Senator placing a hold "should understand that he . . . may have to come to the floor to express his objection after being notified of the intention to move the matter to which he objects."

I also recall last summer when the nomination of Joel Klein to be the Assistant Attorney General for the Antitrust Division was a source of some controversy. I recall then that the Majority Leader proceeded to consideration of that nomination and allowed opponents to debate their concerns and the Senate was able to proceed to a vote and to Mr. Klein's confirmation.

I hope that model will be utilized without further delay in connection with the Murphy and McCuskey nominations. These nominees are strongly supported by their home State Senators. Any Senator outside those Districts who wishes to oppose, speak against or vote no for any reason or no reason is free to do so. What we need to find a way to overcome is the veto of these nominations by a single Senator when a majority of the United States Senate is prepared to confirm them.

We are falling farther and farther behind the pace the Senate established in the last nine weeks of last year. When the Chief Justice of the United States Supreme Court wrote in his 1997 Year End Report that "some current nominees have been waiting a considerable time for a . . . final floor vote" he could have been referring to Patrick Murphy, Judge Michael McCuskey, Margaret McKeown and Judge Sonia Sotomayor.

Nine months should be more than a sufficient time for the Senate to complete its review of these nominees. During the four years of the Bush Administration, only three confirmations took as long as nine months. Last year, 10 of the 36 judges confirmed took nine months or more and many took as long as a year and one-half. So far this year, Judge Ann Aiken, Judge Margaret Morrow, and Judge Hilda Tagle have taken 21 months, 26 months and 31 months respectively. Margaret McKeown's nomination has already been pending for 24 months. Judge Sotomayor's nomination has already been pending for 9 months. Pat Murphy's and Judge McCuskey's nominations have already been pending for 8 months. The average number of days to consider nominees used to be between 50 and 90, it rose last year to over 200 and this year stands at over 300 days from nomination to confirmation. That is too long and does a disservice to our Federal Courts.

I urge the Republican leadership to proceed to consideration of each of the judicial nominees pending on the Senate calendar without further delay.

SPECIAL PROSECUTOR STARR

Mr. LEAHY. Mr. President, every week I wonder just what new step the special prosecutor, Mr. Starr, will find himself carrying out, and each week it seems he does not disappoint.

One week, we will recall, a citizen had the temerity to ask why Prosecutor Starr was using the results of an illegal wiretap, something that had been reported in the press that, without a doubt, he was using an illegal—illegal—wiretap. This citizen had the audacity to question Mr. Starr. Of course, he got slapped with a subpoena, had to spend as much money on a lawyer as he saved for a year's college tuition for one of his children and was brought into the star chamber, the grand jury, and had to say why he dared question the man behind the curtain.

This was probably as outrageous an abuse of prosecutorial discretion as anything I have seen in a while, but unlike prosecutors who are elected or Senators who are elected or people who are elected, Mr. Starr, the Republican prosecutor, does not have to respond to anybody, and he has an unlimited budget. He sent a very clear signal: "If you dare question my use of illegal tactics, I'll stop you from questioning me, I'll make you spend so much money that you can't do it." And, of course, he has an unlimited amount of money himself so he can do that.

He then topped that outrageous activity by bringing Monica Lewinsky's mother before him and for day after day grilled her on things that her daughter may have told her in confidence. So he set the precedent that a prosecutor will have a mother in there for something that has nothing to do with violent crime or crime against the country or anything else and say, "You have to tell us what your daughter told you." If your daughter dares to confide in you, if your child dares to come to a parent and ask advice or confide in a parent, then Prosecutor Starr will want to know what you said to your parent. This is in between giving paid speeches to groups to talk about family values.

I was outraged as were many others. I have introduced a measure to lead to our reviewing the law on this point. On March 6, I introduced S. 1721 to develop Federal prosecutorial guidelines to protect familial privacy and parent-child communications in matters that do not involve allegations of violent conduct or drug trafficking. In addition, the legislation would direct the Judicial Conference to undertake a study and then report whether the Federal Rules of Evidence should be amended explicitly to recognize a parent-child privilege.

Then what was this week's latest outrage? As I said, I keep wondering how he is going to top himself. He did this time by going to a bookstore and saying I want to know what books somebody was buying and reading. Now, the bookstore knows that this is an outrageous request, and the bookstore knows that people ought to be able to come into a bookstore, read anything they want, look at anything they want, buy anything they want without having Prosecutor Starr and his henchmen come right in behind them and see what they read.

The bookstore had it made very clear to them by Prosecutor Starr and his henchmen that "If you want to fight this, you are going to have to sell one heck of a lot of books to pay the lawyers. You probably won't sell enough books this year to pay what we will cost you for defending the rights of your customers."

Prosecutor Starr doesn't have to worry because he has already spent $40 million of what we, the taxpayers, have given him, with no end in sight. So he can tell that bookstore, "Go ahead, make my day, you go on in and try to fight this. I'll bankrupt you. I'll just grind you down into the ground."

So now there is this idea, Mr. President, that everyone has to think if they go into a bookstore, "Am I going to have a subpoena in there to see what I read or don't read?"

I remember when Judge Bork was before the U.S. Senate for confirmation. Somebody came into the Senate Judiciary Committee and said, "We have a list of what Robert Bork has been renting from video stores." I was so incensed that anybody would do that, I introduced legislation to make it illegal to give out the lists of what people rented in a video store. To make it bipartisan, my good friend Alan Simpson, the distinguished Republican whip and a conservative Republican, joined me on that, and we passed the Leahy-Simpson bill. What we said in the Leahy-Simpson bill is that it is nobody's business what you rent for videos, and I think the American people agreed with us.

The difference is we had Democrats standing up for the rights of a Republican nominee in that instance and all Americans. Now, of course, we have a Republican prosecutor who says it doesn't make any difference to him, "I want to know what you are reading." Are we going to start with people following us through a video store now and say, "Well, we can't tell you what he rented, but we know he glanced over at one of the R-rated videos."

Or are they going to follow us into the library and say, "He read Chaucer's 'Canterbury Tales,' and you know what they say." Actually most people don't, because they never bothered to read it in an English class—but they think something unseemly may be in there.

Or, "He read 'Catcher in the Rye.'" Woo-wee, there is going to be a field day.

If Prosecutor Starr followed me through a bookstore, he is going to find me reading everything from "Angela's Ashes" to "Batman." He can have a lot of fun with this. "Angela's Ashes" talks about Frank McCourt going into the library and reading dictionaries, where he looked up words that his parents wouldn't tell him the meaning of. Of course, "Batman" is a guy who runs around in a suit with a mask on. Now, that is going to kind of raise some questions.

What about the person who goes into a magazine store to buy Time or Newsweek magazine, but they may have slowed down by the magazines that had pictures of unclothed people or certain sports magazines with their swimsuit editions?

Or what about this—here is something for Prosecutor Starr to look at—check the person who has an average income who goes into the magazine store and picks up the magazine with expensive sports cars that they couldn't possibly afford. They are reading about Ferraris, Maseratis and Porsches. Maybe we better subpoena that person's bank accounts; maybe we better check him out. Why would they be reading about a Maserati and a Ferrari if they only make $40,000 a year? Something is going on here.

New Englanders have asked during witch hunts whether there is any sense of decency. Let's get a grip.

If, as Mr. Starr has indicated in his activities with the Paula Jones attorneys and with other groups, that he wants to get rid of the President of the United States who was elected twice—fine, let him just come forward and say so. Just say, "Look, I want him out of office; I will do anything possible to get him out of office," and maybe people will understand. But let us at least realize the damaging precedents that are being set.

Are we going to have thought control? Are we really going to go to the point where we ask people what they read, what they see? Are we going to next ask, "Well, what newspapers do you read?" It is not enough to ask what newspaper do you read. "What sections of the newspaper do you read? I mean, do you read the sports section or the business section? Do you read the comic page or the gossip page? Do you read the front page or the obituaries, and why those obituaries, what were you looking for?"

We Americans have a sense of privacy. We ought to be able to read anything we want. We ought to be able to look at what we want. We shouldn't have to worry that a prosecutor is going to come in and, basically, threaten a bookstore with bankruptcy if they don't tell you what their customers read or buy.

Just as Senator Simpson and I passed a law so people couldn't ask Judge Bork or any other nominee what videos they rent, we ought to be protecting what people read. This is America. This is not some totalitarian, thought-controlled country.

So let us have a sense of right and wrong. Frankly, this Vermonter finds the idea of asking bookstores what books their patrons read or buy, wrong. I find it chilling, I find it frightening, and I hope that the press and everybody else will consider it. I hope they will, because if they can ask what books you read, they can ask what newspapers you read, what television news programs you watch or radio stations you listen to. It is all one in the same.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

TRIBUTE TO ROY JOHNSON

Mr. SESSIONS. Mr. President, I rise today to recall the contributions made to Alabama and the Nation by Roy Johnson, the district attorney for the Fourth Judicial Circuit of Alabama. Roy's untimely death on February 11, 1998, at age 49, cut short his career and deprived his wife Anita, his son Matthew, and his daughter Gabrielle of a loving and devoted husband and father.

Roy was the friend of thousands, and I was pleased to call him a personal friend. In addition, I knew him well as a professional prosecutor with whom I worked on a regular basis during the years I served as U.S. attorney for the Southern District of Alabama.

Service to his country as a Marine captain demonstrated his love for country, but it also caused him to develop, during his service time, a form of hepatitis that damaged his liver and which ultimately resulted in his having to undergo a liver transplant operation.

There were high hopes for the success of the operation. He seemed to be doing well when there occurred a sudden turn for the worst, and Roy was gone.

After nearly 18 years of service to Bibb, Dallas, Hale, Perry and Wilcox Counties, Roy had made plans to retire from his post as district attorney and to commence the practice of law with his brother Robert W. "Robin" Johnson II in his beloved hometown of Marion. And they also have law offices in Birmingham and Washington, DC.

I am pleased today, Mr. President, that his brother Robin is here today to hear these remarks about my good friend, his brother, Roy Johnson. As his long-time chief assistant, Ed Greene said, "Everything seemed so bright for him." His death was truly a shock to me and to many.

Roy had great pride in his circuit and the people in it. He loved them deeply. He worked tirelessly on their behalf. The fourth judicial circuit is located in the heart of Alabama's Black Belt region—a beautiful area of the State in which the people know not only their neighbors, but they know the grandparents and grandchildren of their neighbors.

E.T. Rolison, Jr., supervisory U.S. attorney in Mobile, AL, noted, "Roy did as much for law enforcement coordination as anyone I have [ever] seen in my 25 years with this office." And this was a high compliment from Mr. Rolison, who served for many years in the U.S. attorney's office and worked hard to further coordination between local, State and Federal law enforcement agencies.

Mr. Barron Lankster, himself a district attorney in nearby Marengo County, and an African American, noted that he had commenced his career in Roy's office. Mr. Lankster said, "He fully integrated his office when he took over and treated everyone fairly and equitably."

A graduate of Tulane University and the University of Alabama School of Law, Roy was prepared intellectually and professionally for the broad demands of his work. He loved history and he loved the wonderful Antebellum home in which he lived. The home was located right on the parade grounds at Marion Military Institute, an excellent military school. MMI, along with Judson College, have played a key role in making the town of Marion an extraordinary academic and intellectual community.

Roy's love and support for Marion Military Institute was deep and longstanding. Certainly, his career in the U.S. Marines helped shape his belief that we must have a strong national defense. I remember with delight the occasion when Roy's fellow marine, Col. Ollie North, was under great attack in Washington. This was before Colonel North's rebuttal that turned the tables on his accusers a bit. But Roy spoke out for him then. He served with him in the Marines, and he spoke up at a time of great unpopularity. I congratulated him later when it turned out that Colonel North had turned the tables a bit on that circumstance. He stood by his friends. He was indeed forever true.

During the mid-1980s, we worked together on the prosecution of three individuals for voter fraud in Perry County. The prosecution caused a great deal of furor locally and nationally. During that time I came to appreciate Roy's cool head, his innate decency, his legal skills, and his character.

Despite political pressure, this marine never wavered. He stood firm for what he believed to be right, and did so in a fair and just manner. The bond which we developed in that case was never broken.

There is much more that can be said about this educated, caring, fair, strong, loyal and kind son of the South. Certainly he was big in stature and big in spirit.

I am confident that if we were able to accomplish a fully accurate analysis of the many contributions he made to his judicial circuit and his region, the most significant would be his skill and determination during a period of rapid social change. He helped provide equal justice to all and conducted himself and his office in a manner that reflected fairness to everyone.

His leadership and his strength of character provided a framework which allowed for the development of harmonious relations between the races. Sometimes there would be periods of good feeling and sometimes there would be periods of tension and conflict. But whatever the situation, Roy stood firm and strong for justice and contributed mightily to the historic changes that have taken place in this region.

Roy loved Marion. He loved the Black Belt and the people who lived there and the people he represented. I know he is pleased that his strong and effective chief deputy, Ed Greene, in whom he placed such trust over the years, has been appointed to complete his term. I have the greatest respect for Ed's ability and have enjoyed working with him over the years, and I compliment Governor Fob James for his wise appointment.

I have been honored to know Roy Johnson. He was a superior public servant, an outstanding prosecutor. And I thank the Chair for allowing me to place these remarks upon the record and to express my sincerest sympathy to his fine family for the great loss they have suffered.

Thank you, Mr. President.

Mr. President, a few comments on another subject.

SPECIAL PROSECUTOR KENNETH STARR'S INVESTIGATION

Mr. SESSIONS. Mr. President, another Senator in this body made some very strong criticisms of the special prosecutor, Mr. Ken Starr. Judge Starr was appointed to that office some time ago. In recent months he was asked to continue his investigation into matters involving the Monica Lewinsky situation and to the possible obstruction of justice.

It happened this way: Mr. Starr presented information to the Attorney General of the United States, Janet Reno. He told her about the circumstances and what he knew and the evidence that had been obtained. She agreed that a special prosecutor should be appointed. They then went to a three-judge court, and the three-judge court, as the law requires—Federal judges, all with lifetime appointments, above politics—those three judges commissioned Kenneth Starr to be an investigator of this circumstance. He, therefore, has been directed by a court. He accepted that responsibility. As a result of that, he has a duty to perform.

Now, Mr. President, I know that the Chair has served, himself, as attorney general of the great State of Missouri. I have served as attorney general of Alabama. And I served almost 12 years as a Federal prosecutor, a U.S. attorney. I have prosecuted a great many public corruption cases, fraud cases, white-collar-crime cases. They are not easy. The people who have committed those kinds of crimes do not desire that they should be caught. They do not make it easy that they should be apprehended. It would be their preference to be able to get away with whatever they may have committed.

Now, many say Ken Starr as special prosecutor has a duty or responsibility to get someone. I assure you, that is not true. I assure you, with all confidence, because I have served in the Department of Justice with Mr. Starr and I know his reputation, that he has absolutely no desire to get anyone. But he has been commissioned, he has been given a mandate, he has been given a responsibility to find out what the facts are. Sometimes that requires issuing subpoenas. If you do not get the facts, you have not conducted an investigation, and you have violated your responsibility and the requirements that have been given to you. If you do not interview the secretary sitting outside the office about what went on there, what kind of investigation is that? What kind of investigation is that? That would be like no investigation at all.

What about this circumstance—some say that his attempt to question the mother of Miss Lewinsky is somehow wrong. Congress makes the laws of the United States. I was a prosecutor for nearly 17 years. I know how the law is written. There is no grant of immunity or protection for a mother for confidentiality of communications under these circumstances. It is not there.

If the Senator from Vermont or other Senators in this body want to change the Federal law to create a protection for that, let them introduce the legislation. Let us have it out right here. Let us discuss it. But that is not the law.

So we have, in the special prosecutor, an individual who is supposed to gather the evidence he can legally gather. Presumably he believes the mother of this young lady has information that she ought to give, and he has every right to ask for it. In fact, to fail to ask for that information would be a failure of the responsibility that has been given to him by the courts and laws of this country.

There are a lot of other things being said, such as why would you dig into his books? I saw a report recently about an individual who was charged with poisoning someone. This is not hypothetical but it is an example, I think, of why subpoenas sometimes are issued. Under the subpoena the authorities discovered and uncovered a book the individual had describing how to make poisons.

I had an occasion to personally prosecute, a number of years ago, a doctor. He was the subject of two national television movies and a book. In the course of that, we discovered a book that he had on deadly poisons and how to commit murder. It was relevant to our case, and it was introduced in the case.

So I do not know what it is that Mr. Starr issued that subpoena for. He cannot defend himself. He cannot run in here and say, "Oh, Senator, let me tell you why we did that. Your remarks are unkind. They're unfair. I had a specific reason for issuing that subpoena. Let me tell you what it is." He can't do that. So he is a victim of these kinds of complaints by those who want to undermine his ability to do the job he has been commissioned to do.

I am really troubled by this. I am very, very troubled that we in this body, and, in fact, the President of the United States of America and his staff, are systematically trying to intimidate and undermine the legal and moral authority of the commissioned special prosecutor. To my knowledge, that has never happened before in our country.

If there is nothing to hide, why not let him do his job? They say, why doesn't he finish? If they would be more forthcoming, he would have already been finished. How can you finish when people refuse to give testimony? They claim executive privilege and therefore make you go to court to obtain court orders, which takes months to get, to argue over these issues.

The President committed early on that he would be forthcoming, that he would give all the evidence, and the truth should come out. But, as so often occurs with this President, we are finding that not to be the case.

Mr. President, I will just conclude and say that, if nothing else, we need to respect the rule of law. That great hymn, "Our Liberty is in Law," that is the American form of government. We respect the rule of law. We do not use political power or other efforts to undermine that rule. We trust our system to work. We have multiple opportunities to appeal if the system goes awry at any stage. Ultimately we have to accept that. And if we respect it and give ourselves to it with integrity and ability, I think we can get just results.

We may not ever know the full truth in this circumstance. That is not Mr. Starr's responsibility. Mr. Starr's responsibility is to get as much truth as he can get. He can find the truth within the rule of law. So it is really discouraging to me to see when a subpoena is issued to any institution for a specific piece of information, it is to be compared to some fishing expedition. Because I assure you, that is not true. I assure you that that subpoena would not be issued unless there was a sound basis for it.

THE PRESIDENT'S ACTIONS

Mr. SESSIONS. Mr. President, this President has not defended his actions on the basis that this is a private matter; "it is something between me and my wife and consenting adults," and that sort of thing. He has denied these allegations flat out, and he has placed in dispute, under oath, contradicting statements.

So now we have a mess in this country, and it is a direct result of the actions of the President of the United States. He has gotten himself in a situation in which his statements directly contradicts that of other people's statements, under oath. That is a matter that is not going away lightly.

I will say what is offensive to me and is of concern to me: He has embroiled the Office of the Presidency in this matter. He has used the power, the staff, the people of his office to defend himself and to entwine them into this affair. He has, therefore, during the course of this activity, in my opinion as one Senator—and I had no intention to speak this morning on this subject, but it has been troubling me for a long time—I think he has dishonored the Presidency in that regard. He has not handled it properly. I wish it were not so. It is not good for this country. It is not the right thing for us to have to be going through today.

There is no one who has any responsibility for it but the President. If he thinks he can go around and claim that is the fault of the person who has been commissioned by an objective Federal court to investigate his activities instead of the President—that is what he is suggesting—then that is not accurate. I am very troubled by this matter.

I think what we need to do is simply to allow the special prosecutor to do his job. He may well find there is evidence of wrongdoing. He may find there is no evidence of wrongdoing. He may find there might be some evidence of wrongdoing but there is insufficient proof to bring charges. I don't know what will happen. I hope we get it over with. I hope the President will cooperate. But I think we need to be respectful of the legal process in this country and not attempt to undermine it, because we don't undermine a part of it without undermining all of it.

Every day, by a prosecutor in America, young people are being tried for drug offenses and other offenses, and they have to accept the workings of that system. Police accept the workings of that system. Mothers and fathers accept the workings of that system when their children are charged with a crime. It is a painful, horrible, difficult time for all, but we have to respect the rule of law. I am very, very troubled by those who, in my opinion, make comments and suggestions to try to attack an investigation and, in effect, undermine the law by political power and political influence. This should not happen. I think it is a matter we need to talk more about in this body.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISING OUR NUCLEAR STRATEGY AND FORCE POSTURE

Mr. DASCHLE. Mr. President, over the course of the last several months, I have come to the Senate floor 3 times now to discuss this nation's nuclear strategy and forces in the post-cold-war era. In each of those previous statements, I made the central point that I perceive a growing mismatch between our strategy and forces and the real world considerations they were designed to address. I also used these opportunities to indicate several practical steps I thought we could take immediately to correct this growing imbalance.

I come to the floor today, not to amend my previous observations, but rather to provide new, more compelling evidence to buttress my earlier conclusions.

Let me reiterate the context of this debate.

First, despite the end of the cold war nearly 7 years ago, the United States and Russia together still field roughly 14,000 strategic nuclear weapons—each with a destructive power tens or hundreds of times greater than the nuclear devices that brought World War II to a close. The closest rival, friend or foe, has less than 500 strategic weapons.

Second, both the United States and Russia continue to keep roughly 5,000 of their strategic nuclear weapons on a high level of alert, ready to be launched at a moment's notice.

Third, the United States and Russia continue to adhere to an overall strategic concept known as mutual assured deterrence or MAD. In addition, each side follows operational concepts that permit the first use of nuclear weapons and allow for the launch of weapons after receiving warning of attack but before the incoming warheads detonate.

This set of facts is disconcerting to say the least. It has led the National Academy of Sciences, in an excellent report entitled "The Future of U.S. Nuclear Weapons Policy," to conclude that:

> The basic structure of plans for using nuclear weapons appears largely unchanged from the situation during the Cold War, with both sides apparently continuing to emphasize early and large counterforce strikes . . . As a result, the dangers of initiation of nuclear war by error or by accident remain unacceptably high.

This same set of circumstances moved General Lee Butler, who just 4 years ago as a former commander of the Strategic Command was responsible for setting U.S. policy for deterring a nuclear war and, if deterrence failed, fighting such a war, to observe that, "our present policies, plans and postures governing nuclear weapons make us prisoners still to an age of intolerable danger."

Mr. President, I agree with the National Academy of Sciences and General Lee Butler. Our strategic nuclear forces are too large for the post-cold-war period, and our operational procedures carry an unacceptable level of risk.

What are the practical ramifications of this assessment? I have concluded that the United States should seek an agreement to dramatically cut these forces and change the way they are operated. Mutually agreed upon and significant reductions in the numbers of strategic nuclear weapons are in the best interests of the United States. Mutually agreed upon changes in how we operate our forces and systems will increase trust and reduce pressure to launch nuclear weapons on a moment's notice.

As I noted earlier, I have held these views for some time and have seen nothing to convince me otherwise. To the contrary, recent events have only served to strengthen my convictions.

In particular, I am referring to an excellent two-part series from last week's Washington Post entitled, "Shattered Shield: The Decline of Russia's Nuclear Forces," and a study released last Friday by the Congressional Budget Office.

The main conclusion reached in the Washington Post series is that Russia's nuclear forces and its early warning and command and control systems suffer from a lack of resources that jeopardizes their very existence.

According to these articles, knowledgeable experts in the United States and Russia have concluded that, "regardless of whether the United States and Russia move ahead on bilateral arms-control treaties, a decade from now Russia's forces will be less than one-tenth the size they were at the peak of Soviet power." Russia's strategic nuclear arsenal is expected to decline from a cold war high of nearly 11,000 weapons in 1990 to a low of roughly 1,000 by 2007—less than 10 years from now. As evidence, experts point to growing number of Russia's nuclear-powered submarines piled up in port unfit for patrol, her strategic bombers incapable of combat, and a steady deterioration of her land-based missile force.

In addition, they note that Russia is dedicating few resources to address this decline by developing new strategic systems.

In short, Russia's strategic triad could cease to exist within the next 10 years.

If forecasts about this decline are correct, as I and most experts believe, this turn of events presents an opportunity for U.S. and Russian policymakers to immediately push for much deeper joint reductions than currently contemplated under START II or even the START III framework. If the Russians are headed downward, now is the time to lock them in on significantly lower levels.

If we fail to reach an agreement with the Russians on lower levels, future Russian governments will be free to act unencumbered by strict and verifiable limits. Fewer Russian nuclear weapons will reduce the threat this nation faces from intentional, accidental or unauthorized launch. Fewer U.S. nuclear weapons will still allow us to effectively deter any adversary and makes sense in the post-cold-war environment.

In addition, this Post series highlighted a troubling development. Russia's systems designed to give it warning of an attack and command and control of its nuclear forces are facing the same precipitous decline as its nuclear forces for the same reason—lack of resources.

Russia has lost access to many radar sites located on the territory of newly independent states while its system of satellites for detecting missile launches is slowly being depleted. According to one former Russian air defense officer, "Russia is partially blind." And the situation is no better with respect to its command and control structure. About a year ago, then Defense Minister Igor Rodionov observed, "no one today can guarantee the reliability of our control systems. . . . Russia might soon reach the threshold beyond which its rockets and nuclear systems cannot be controlled."

These developments should not cause anyone in this country to rejoice. Russian problems with their early warning and command and control systems can very quickly become our problem. Russian inability to correctly assess whether a missile has been launched or to properly control all of its nuclear weapons puts our national security at risk. All of this is compounded by the fact that both sides continue to maintain excessively large numbers of nuclear weapons at excessively high levels of alert.

It is in our interest to reduce Russia's dependence on these aging systems. This can best be done by changing the way the U.S. and Russia operate their forces. Each country should lower the number of weapons on hair-trigger alert, and the United States should consider sharing early warning intelligence with the Russians.

A final piece of evidence to back up my conclusions surfaced late last week. The Congressional Budget Office, in a study carried out at my request, concluded that the Pentagon spends between $20 and $30 billion annually to maintain and operate our current level of nuclear weapons—roughly 7,000 deployed strategic weapons and between 500 and 1,000 tactical weapons.

Moreover, if my colleagues on the other side of the aisle continue to reject the advice of many outside experts and prevent us from even reducing to the Senate-ratified START II level of 3,500 strategic weapons, CBO estimates this shortsightedness will cost the Pentagon nearly $1 billion a year in constant 1998 dollars.

If the Pentagon is forced to stay at these excessive nuclear weapons levels, the Defense Department must dump a billion dollars a year on unneeded systems, thereby depriving much more worthy Defense Department programs of much needed resources.

If the Pentagon were allowed to follow a more rational course, this funding could be used to enhance the housing of our military personnel, to improve their quality of life, to increase their readiness and to arm them with the most sophisticated conventional weaponry available. If we are forced to stay on our current track, we will do none of these.

Incidentally, CBO noted that if we were to reduce down to the level the Russians are expected to reach shortly, roughly 1,000 strategic nuclear weapons, the savings could reach as high as $2.5 billion annually.

In summary, Mr. President, I stand by the conclusions I stated in my previous statements on this subject. Our current strategic nuclear policy and force posture is outmoded and in need of major and immediate reassessment. The only change in the intervening period since my first address on this subject is the emergence of new information that has strengthened my case and heightened the sense of urgency on this issue.

As the Washington Post series points out, we have an opportunity and a responsibility to act quickly to change both our policy and our forces.

The decline in Russian nuclear forces provides an ideal opportunity for us to make significant progress on the arms reduction front. The deterioration of Russia's early warning and command and control systems compels us to seek ways to reduce the unnecessary level of risk brought about by how we operate our forces. Finally, CBO's study demonstrates there is a financial cost from inaction as well. Our current defense posture forces the Pentagon to divert billions of dollars of scarce resources from more needed and important defense programs.

Mr. President, now is the time to step into the future. We must dramatically reduce the levels of nuclear weapons and the associated risk levels.

If we act in this manner, we will greatly reduce the risks of nuclear war, enhance our conventional force capabilities, and improve our own national security.

Mr. President, acknowledging the presence of the distinguished Chair of the Senate Budget Committee, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

THE BUDGET

Mr. DOMENICI. Mr. President, might I say that I understand that Senator CONRAD is going to manage the bill for the Democrats. He didn't know exactly when we were going to start. We are calling now to tell his staff, which is observing that maybe he could come down. I say to the Senate, however, that we don't intend to do a great deal today on the budget. We have agreed that when we are finished with some preliminary remarks—and I don't even know how long they will be—the majority and minority have agreed that we would then, by unanimous consent, take 6 hours off the bill, which has 50 hours, as everybody knows. So we would have accomplished a reduction in the time by 6 hours. That is not an exorbitant amount. But we will wait for the Senator before we do that. In the meantime, while we are waiting, we need unanimous consent, and I will wait for his arrival.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 1874 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

"SNUB DIPLOMACY"

Mr. NICKLES. Mr. President, I rise today to object to the Clinton administration's continual, I would say, anti-Israel position, but certainly the anti-Prime Minister Binyamin Netanyahu position. President Clinton, during the 1996 Israeli election, was very involved, and he was very involved in favor of the Labor candidate.

U.S. News & World Report quoted an aide in the White House saying:

> If he could get away with it, Clinton would wear a "Peres for Prime Minister" button.

He was very involved in the election. His candidate didn't win. Since then, we have seen more anti-Netanyahu, or anti-Israel, statements from the administration that bothers this Senator.

Yesterday there was a report in the paper that the United States was pressuring Israel to give up more of the West Bank. And I am wondering where my colleagues were. I remember when they thought that the Bush administration—and particularly Jim Baker—was putting pressure on Israel. They objected very strongly. They spoke out very strongly against that coercion.

This administration has repeatedly tried to put pressure on Mr. Netanyahu, or repeatedly snubbed the Prime Minister of Israel, our best ally in the region, the only democracy in the region, and they have almost resorted to a philosophy of, Well, we are going to use snub diplomacy. As a matter of fact, an administration official was quoted in the Washington Post as calling the Clinton Administration's actions towards Mr. Netanyahu as snub diplomacy.

There was an incident in November of last year where both planes—the President's plane and Netanyahu's plane—were adjacent to each other, and yet President Clinton couldn't find time to meet with him. This year, in January, Mr. Netanyahu was scheduled to be here in Washington—I will read something that was in the January 20 edition of the Washington Post:

> Having declined to find time for Netanyahu in November, even as the aircraft parked nose to tail at Los Angeles International Airport, Clinton is continuing what one administration official described as a deniable but obvious pattern of "snub diplomacy." Today's schedule includes no breaking of bread, no visit to the Blair House, no joint public appearance, no touch at all of the usual warmth that greets Israeli leaders on visits of state.

The Washington Post article includes this telling quote from an administration official:

> We are treating him like the President of Bulgaria, who is arriving to a modest reception on February 10. Actually, I think Clinton will go jogging with the President of Bulgaria. So that is not fair.

I am embarrassed by this.

Then there was a snub by the Secretary of State, Madeleine Albright, when she returned to Israel in February and expressed publicly that she was "sick and tired" of the positions taken by both sides in the peace process. I can understand why she might be upset at the Palestinians, after they continued to embrace violence and refused to change their national charter—which they have agreed to do on at least three previous occasions—that calls for the destruction of Israel, when the Palestinians have yet to reduce the size of their police force, as again they have agreed to do. And when the Palestinians walked away from the bargaining table when Israel was more than willing to work out problems encountered by the first phase of the troop redeployment. But to criticize Israel—for what? They have complied. The Palestinians didn't comply, but yet our Secretary of State treats them as equals.

In the meetings that I alluded to before, the administration went to great lengths in January to give the same amount of attention—which is very little—to Mr. Netanyahu as it did to Mr. Arafat.

I might mention that Mr. Arafat, not long before, was embracing one of the leaders of Hamas who was directly responsible for terrorism and violence and death on innocent women and children in the Middle East—embracing him. Yet they were treating Mr. Netanyahu and Mr. Arafat as equals.

Then the administration remained silent when Mr. Arafat on February 13 was quoted as saying the "peace negotiators achieved nothing, nothing, nothing." And then he goes on a little bit further. I will read this. It says:

> Reuters reported the same day that Mr. Arafat stated, "We declared the Palestinian

> state in Algiers in 1988, and we will declare it again in 1999 over our Palestinian land, despite those who wish it wouldn't happen, and whoever doesn't like it may drink from the Gaza Sea or the Dead Sea. We have made the greatest intifada. We can erase those years and start all over again."

As a matter of fact, Mr. Arafat said he was going to cross out the peace agreements and unleash a new uprising against Israel.

Mr. President, to me those hardly seem to be the words of a man, who is really interested in peace.

Did the administration criticize him for those kind of remarks? Not to my knowledge. As a matter of fact, we searched to see if there was any response from the State Department for any criticism for such unacceptable comments. There was nothing.

Did they condemn him for those kinds of outlandish statements? No. Did they criticize him for not complying with the peace accord that he agreed to? No.

Now we find the administration dragging its feet to fulfill the commitment that Congress has made—by a bipartisan, overwhelming vote in Congress—to move our Embassy from Tel Aviv to Jerusalem. What has the administration done? Absolutely nothing. Absolutely nothing. Have they spent any money for site selection? Or have they done anything to make it happen that we would move our Embassy, as Congress called for, which we are supposed to be doing next year? The answer is no. This administration has done nothing in that regard.

Now, what has the administration done? In yesterday's paper, the Washington Post, it is reported that President Clinton decided in principle to unveil an American peacemaking package that the Israeli Government categorically rejects. The article reports that the Clinton plan will require Israel to withdraw its troops from about 13 percent of the West Bank, calls for a time-out on Jewish settlements and includes unspecified steps by the Palestinians to address Israeli security concerns. In other words, the administration is trying to dictate to Israel, that yes, you have to give up more land. Our policy, ever since the recreation and recognition of the state of Israel in 1948, has always been to say that Israel has the right—not the United States—to guarantee the security of its land and its people. Yet, this administration is trying to put pressure on Israel.

Are they putting pressure on the Palestinians for not living up to their commitments? For the third time, Mr. Arafat signs a document and says they will eliminate in their charter the section calling for the destruction of Israel. They have not done it yet. Why aren't they calling on the Palestinians to comply? Instead they put more pressure on Israel to give up more land.

I think it is unconscionable that the United States would use our force, our leadership, our power, and our prestige to try to dictate to Israel that they must give up land that might jeopardize its security. I think that is a mistake. This administration has been doing it, certainly, ever since Mr. Netanyahu's election. They have not treated him with the respect that I think he should be accorded as the elected leader of Israel. Instead, this administration seems to think, we weren't happy with the election, so we are going to undermine Mr. Netanyahu. I resent that.

I don't think this President of the United States, or any President of the United States, should be getting involved in Israeli politics and trying to influence elections, as this President did in 1996. Now he is putting continued pressure on the Netanyahu administration and Israel as a country to try to compel or force it to give up additional lands, which might jeopardize its security. Who should make the decision whether it jeopardizes Israel's security, the United States or Israel? Frankly, I think it should be Israel. They are a sovereign nation, and they have the right to defend themselves and to protect themselves. They are willing to engage in the peace process, and that takes two sides to comply. Yes, we can cajole people or encourage participation and compliance. We have encouraged participation, but we haven't encouraged compliance. The Palestinians have not complied with the peace process. They have not done what they said they were going to do on several occasions. So the administration should direct their pressure, their leverage, their leadership on the Palestinians, and particularly Mr. Arafat, to comply and stop this snub diplomacy, and diplomacy by dictating, on a plan that is going to be released, what we think is best, regardless of Israel's security needs.

Mr. President, I hope this administration will have a change in policy, in its attitude, and towards the way it has treated Israel over the last 3 years.

I ask unanimous consent that a March 26, 1998, Washington Post article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, March 26, 1998]

U.S. to Push Peace Plan Israel Rejects—Split With Jerusalem Grows On West Bank Withdrawal

(By Barton Gellman)

Convinced that flagging Israeli-Palestinian talks are near collapse and already doing substantial harm to U.S. regional interests, President Clinton has decided in principle to unveil an American peacemaking package that the Israeli government categorically rejects, according to senior policymakers.

Palestinian leader Yasser Arafat has yet to commit to the proposal, but he has signaled growing approval as the depth of disagreement between Washington and Jerusalem became plain in recent weeks. Unless averted by a final round of diplomacy in the region beginning today, senior Clinton administration officials say, the initiative will step up pressure on Prime Minister Binyamin Netanyahu by casting him as the lone holdout against his country's strongest ally.

Developed in White House meetings of Clinton's closest advisers, the American package falls well short of a comprehensive peace plan and is intended only to break an impasse and restore productive talks. The initiative nonetheless highlights the Clinton administration's alarm and the extent to which it has interjected itself as a party to Israeli-Palestinian talks begun without U.S. knowledge five years ago.

Though the main elements of the American package already are well known, Netanyahu has strongly opposed its formal announcement. In recent days, the Israeli premier has intensified a campaign to raise the political price for Clinton, dispatching cabinet ministers and friendly American Jewish leaders to tell Washington it is on a collision course. Israeli Communications Minister Limor Livnat, who shared a Capitol Hilton stage Tuesday with Vice President Gore, ambushed him before more than 1,000 Jewish fund-raisers with the rhetorical question, "Will the United States stand by its commitment that Israel will be the one to decide her own security needs?"

Clinton and Netanyahu spoke at length by telephone on Thursday and Saturday in conversations described as "very tough" by U.S. policymakers, with Clinton declining to budge from a proposal combining Israeli withdrawal from 13.1 percent of the West Bank, a precisely stated "time out" on Jewish settlement building and a series of concrete Palestinian steps to address Israeli security demands.

Netanyahu, who sought unsuccessfully this month to arrange a meeting with Secretary of State Madeleine K. Albright, urged Clinton to dispatch special envoy Dennis B. Ross for one more Middle East tour. According to accounts from both governments, the premier said he had detailed new ideas in which Israel would give up less land but make it more attractive by choosing portions of the West Bank that would connect scattered Palestinian enclaves.

On Sunday, the morning after his last talk with Clinton, Netanyahu orchestrated a cabinet statement affirming that his ministers unanimously regarded the U.S.-supported 13 percent withdrawal as out of the question. On Monday, he told a parliamentary committee that it was "unacceptable" for Americans to impose "dictates from outside."

Clinton administration officials expressed skepticism about Netanyahu's new proposals and said they had heard of nothing like the offer of 11 or 12 percent of the West Bank that some Netanyahu allies have been shopping privately to opinion-makers in the United States. Israel's offer to the Palestinians for the present stage of interim withdrawal remains at 9.5 percent.

By temperament and philosophy, according to aides, Clinton is not eager to break publicly with Netanyahu. But he authorized Martin Indyk, assistant secretary of state for Near Eastern affairs, to testify to Congress recently that "the role of facilitation is coming to its end point" and that "the strategic window for peacemaking is now closing."

If the current round of diplomacy fails, according to aides, Clinton intends to permit Albright to deliver a fully drafted speech she has urged on the president for some time, coupling a public recitation of the American package with a blunt admission that the American efforts have not borne fruit.

"The president is comfortable in his mind with the proposals he put on the table in January, which haven't changed substantially, and he recognizes that if he doesn't get the support of the parties we will have to explain where we came out," a senior administration official said yesterday.

The admission of failure is not intended as a hand-washing exercise, officials said. Arafat, under this scenario, is believed likely to come forward publicly and accept the American plan. This would re-create roughly the dynamic that forced Israeli Prime Minister Yitzhak Shamir to accept the U.S.-Soviet invitation to the Madrid peace conference in 1991 after Syrian President Hafez Assad agreed to attend.

In recent days, U.S. Consul General John B. Herbst in Jerusalem gave Arafat a detailed briefing on the American package, which Palestinians disliked initially because it is closer in substance to the Israeli position than to theirs. But Arafat encouraged the United States to present the initiative and spoke positively of its contents without committing himself, according to diplomats familiar with the exchange.

"We would like to have in our pocket a 'yes' from Arafat," said one U.S. official, describing that commitment as a principal objective of the trip that Ross begins today. Palestinians are tempted, the official said, using Netanyahu's Israeli nickname, "because they see Bibi making a big fuss about it, and they wonder if it's in their interest to say yes and watch us duke it out with the Israelis."

Ross plans a side trip to Egypt to recruit President Hosni Mubarak to press Arafat. Clinton asked for Mubarak's support in a telephone call late last month, but the Egyptian leader has thus far not acted. Jordan's King Hussein told Clinton last week that he will work to persuade Arafat.

In Miami yesterday, where he stopped en route to the Middle East, Ross told Israeli Defense Minister Yitzhak Mordechai that Clinton will make his final decision on the package after returning from Africa on April 2. Mordechai, who is Clinton's strongest ally in the Netanyahu cabinet, told Ross that "there is not any chance" that Israel will accept the American package as now formulated, according to an Israeli with firsthand knowledge of the exchange. "We are trying to convey to the American decision-making process the information that confrontation will not help," the Israeli said. "There are limits that Israel will not cross, whatever will be the decision in Washington."

American Jewish leaders, meanwhile, have warned Clinton and Gore of repercussions in the event of a public breach with Israel. Malcolm Hoenlein, executive vice chairman of the Conference of Presidents of Major American Jewish Organizations, said in an interview that the Clinton administration was on the verge of unveiling its package earlier this month "and I think we've staved it off."

But David Bar Illan, a top political adviser to Netanyahu, said by telephone yesterday that "obviously they still have an intention to come out with something."

"Since for us it's a pure question of security, and since every administration since FORD has said over and over that matters of security are up to Israel and only Israel to decide, we feel this is a departure—let's say in diplomatic language —from a policy that has been honored until now," said Bar Illan.

Trade Minister Natan Sharansky, whom Netanyahu dispatched to meet Albright and Gore last week, said by telephone last night that the cabinet is united as on few other subjects against the American demands. "If there is external pressure, it can only strengthen the resistance," he said.

Among the premises of the administration's plan, however, is that Netanyahu has at least as much to lose from a public conflict as Clinton, whose share of the U.S. Jewish vote was high in 1992 and higher in 1996. Management of the crucial U.S. alliance is seen as a central test of Israeli premiers, and Clinton's approval ratings in Israel regularly exceed Netanyahu's.

"If you did a survey either of the American Jewish community or the Israeli people and asked who has been the president who in the last 50 years has done the most to enhance Israel's national security . . . the overwhelming result would be Bill Clinton," said Steven Grossman, national chairman of the Democratic National Committee and a former chairman of the American Israel Public Affairs Committee.

Both leaders have suffered, by their own and U.S. government accounts, from the 14-month stalemate in peacemaking. "Almost all our friends in the region are in a worse position," said a senior Middle East policy-maker, citing also Morocco, Tunisia, Saudi Arabia and Persian Gulf emirates, including Oman. "They staked their positions on pursuit of peace, and it is eroding."

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, what is the current business?

The PRESIDING OFFICER. The Senate is in legislative session.

Mr. KERREY. Mr. President, do I need to ask unanimous consent to speak as in morning business?

The PRESIDING OFFICER. The Senator should seek consent to speak in morning business.

Mr. LAUTENBERG. How much time does the Senator need?

Mr. KERREY. About 10 minutes.

Mr. LAUTENBERG. I yield 10 minutes to the Senator from our side.

The PRESIDING OFFICER. Without objection, the Senator from Nebraska is recognized for 10 minutes.

IRS REFORM

Mr. KERREY. Mr. President, the Senate Finance Committee, since last fall, has been holding hearings on the Internal Revenue Service. We now expect to mark a bill up sometime next week, though we have not yet seen the bill.

I appreciate very much the leadership of the chairman of the Finance Committee. However, Mr. President, I must say that I believe we are doing what is commonly referred to as "making the perfect the enemy of the good." In other words, we are taking a good piece of legislation that passed the House last November in a 426-4 vote, which would give taxpayers substantial new powers. Over 100,000 collection notices are sent out every single day. There are over 238,000 incoming phone calls to the IRS every single day and, by some estimates, over 40 percent of them are not answered, and a very high percentage of those calls that are answered are answered incorrectly. The collection notices go out with no concern about whether or not negligence has occurred. So fearful are the American people when they receive a collection notice that former Commissioner Richardson—when she came before the Finance Committee this year, she said that her first paycheck came with an IRS return address and it terrified her to open it. She was the Commissioner of the IRS, and she was practically too frightened to open a letter from the IRS.

About 114,000 collection notices go out every single day. The bill that passed the House would say that, if an error has been made, the taxpayer can recover the cost that they put into trying to defend themselves against the IRS. If the IRS is negligent, the taxpayer would be able to collect up to $100,000 in punitive damages. For the first time, we change the environment in which the IRS sends out its collection notices.

In addition, the IRS would be required to publicly say: Here is the objective criteria for our audits. Today to get that information, you have to put in a Freedom of Information Act request. Thus, in the hearings we have had, both in the Restructuring Committee as well as the Finance Committee, through this Freedom of Information Act request, we had an opportunity to see substantial differentials between the bases of audits in one State versus another State and examples where the IRS agents were actually given quotas and incentives to go out and get more, even though there was no basis for it. There are all sorts of examples of abuses that are corrected in the bill that passed the House.

The chairman of the Finance Committee is trying to improve that bill. I think that is terrific. He has a lot of terrific ideas that he has pulled from the hearings he has had. I think that is all well and good.

Mr. President, I hope the Republican leader will say to the chairman of the Finance Committee that we need a process that will meet the deadline that the American people have. The deadline they have is April 15. That is after we go out of session next Friday. But for 120 million taxpayers, they have to have their taxes paid by the 15th of April. I hope we can put together an expedited process that would have the chairman of the Finance Committee meeting with Ways and Means Committee Chairman ARCHER, the ranking members of both committees, with the administration, sometime early next week, because if we can pass a bill in the Finance Committee and on the floor of this Senate which could be conferenced quickly with the House and signed by the President, we could give the taxpayers of the United States of America a tremendous bonus on the 15th of April—more power, more certainty that, if the IRS sends a collection notice out, they are going to send a notice out to the taxpayer that actually owes additional money rather than one that doesn't.

In addition, this new legislation, again, was passed by the House with some good improvements that the chairman wants to put on this bill, which would give the commissioner authority to manage the agency. This is a terribly important issue, Mr. President. Currently, we have regions, districts and areas, and we organize the IRS geographically. What the Commissioner indicated he wants to do is restructure the IRS so that it is organized around the category of taxpayer—small business, large corporation, individual payers, as well as nonprofit. That way the Commissioner is going to have an opportunity to not only run the IRS more efficiently, but to reduce the cost to the taxpayer to comply with the Tax Code. By organizing it by category of taxpayer, the Commissioner has indicated, and I think quite correctly, that he is going to be able to say to some taxpayers that it costs us more to collect the money than we get from you; thus, we are going to provide regulatory relief, especially in the area of small business, in situations where the cost exceeds what we are able to collect, be able to manage the problems that large businesses have, that nonprofits and individuals have, in a much different way than we currently see.

Next, with that authority, and especially with an oversight board that is independent from the executive branch, and hopefully a restructured congressional oversight—and, remarkably, some have actually proposed that we strike the consolidation of the oversight in the Congress. We had hearings in the Restructuring Commission with Congressman PORTMAN, a Republican from Ohio, and I for over a year, and almost every witness said problem No. 1 is Congress. Remember, the IRS is not Sears & Roebuck. This is not a private-sector organization. They have 535 members of their board—the Congress. There are six committees that have oversight responsibility over the IRS, and what we were told repeatedly, both with anecdotes and with data, was that they need to consolidate the oversight so the Commissioner, with a new independent board, can meet and achieve consensus on what the vision and the purpose of the IRS is going to be. Why? For a variety of reasons, Mr. President. One is making certain that funding is going to be constant, but, more importantly, to make certain that the investment in technology is done right.

This whole effort started a couple of years ago. Senator SHELBY and I, in oversight hearings on the Appropriations Committee, noted with considerable concern that almost $4 billion of taxpayer money had been wasted in a thing called "tax system modernization," trying to get the computers to operate, to talk to one another so the stovepipes would not prevent the conversations back and forth.

Tax systems modernization, Mr. President, is very difficult to do, unless you have a shared consensus between the executive and legislative branches, with consolidated oversight on the congressional side and with an independent board that is able to act on behalf of the taxpayers. In that kind of environment, it is much more likely that technology investments will be made right.

Most importantly, I hope the majority leader will instruct the Finance Committee chairman, let's get a meeting next week with Mr. ARCHER, Mr. RANGEL, Senator MOYNIHAN, and Mr. Rubin, and whatever we pass in the Senate committee, let's do it in a fashion that enables us to meet this April 15 deadline.

Mr. President, there are important things in this legislation. I have behind me a chart which I call the IRS Reform Index. I will mention some of the things that are on that chart. The date the IRS reform legislation passed the House with 426 votes to 4 was November 5, 1997. The date by which the Senate Republican leadership promised to bring the IRS reform to the floor is March 30, 1998. I think the majority leader understood why it needed to be done then—because we need to set a deadline of April 15 to complete our work, and I very much appreciate that that in fact is what is possible for us.

Still, if we expedite the process, rather than putting something out of committee that has no chance of being conferenced and perhaps won't be signed by the President as well—again, one of the worst mistakes here is making the perfect the enemy of the good. Since November 5 to March 30, over 17 million Americans have received a collection notice. That is a huge number of people who have received a collection notice without the power of the law that has passed the House, as well as some significant new powers the chairman wants to provide. That legislation would pass 100-0 if we brought it up quickly, 34 million Americans called the IRS since November 5, nearly 17 million did not get through and of those who did, over 1 million received wrong answers. We have 40 cosponsors in the Senate, and 14 of the Finance Committee's 20 members are cosponsors of the bill. All this is to say that, if we want to pass good, strong legislation and meet the April 15 deadline, there is absolutely no legislative reason for us not to.

I am hopeful that sometime early next week the majority leader will talk with the Finance Committee chair and say meet with Mr. RANGEL, meet with Mr. ARCHER, meet with Mr. MOYNIHAN and Mr. Rubin; let's have a joint meeting so whatever we pass out of the Finance Committee we can pass here on the floor of the Senate, conference it quickly with the House, get it on to the President for signature, meet the April 15 deadline that 120 million American taxpayers have imposed upon them under current law.

I thank my colleagues and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—SENATE CONCURRENT RESOLUTION 86

Mr. DOMENICI. Mr. President, I ask unanimous consent that when we complete our business today there be 44 hours remaining for debate on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I further ask that when the Senate completes its business on Monday, March 30, there be 34 hours remaining on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE U.S. GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 330, the fiscal year 1999 concurrent resolution on the budget.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 86) setting forth the Congress budget for the U.S. Government for fiscal years 1999, 2000, 2001, 2002, 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the presence and use of small electronic calculators be permitted on the floor of the Senate during consideration of the 1999 concurrent resolution on the budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent that staff of the Senate Budget Committee, including congressional fellows and detailees named on the list that I send to the desk, be permitted to remain on the Senate floor during consideration of S. Con. Res. 86 and that the list be printed in the RECORD. Mr. President, the list is for both majority and minority.

I send the list to the desk at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list follows:

MAJORITY STAFF

Victor Block, Amy Call, Jim Capretta, Lisa Cieplak, Allen R. Cutler, Kay Davies, Larry Dye, Beth Felder, Alice Grant, Jim Hearn, Bill Hoagland, Carole McGuire, Anne Miller, Mieko Nakabayashi, Maureen O'Neill, Brian Riley, Mike Ruffner, Amy Smith, Austin Smythe, Bob Stevenson, Donald Marc Sumerlin, Winslow Wheeler, Sandra Wiseman, Gary K. Ziehe.

MINORITY STAFF

Amy Peck Abraham, Phil Karsting, Daniel Katz, Bruce King, Jim Klumpner, Lisa Konwinski, Diana (Javits) Meredith, Martin S. Morris, Sue Nelson, Jon Rosenwasser, Paul Seltman, Scott Slesinger, Barry Strumpf, Mitchell S. Warren.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the full floor access and privileges of the floor be granted to Austin Smythe and Anne Miller on S. Con. Res. 86.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, fellow Senators—Senator LAUTENBERG is present on the floor—we have just agreed that we will relinquish 6 hours of the debate time of the 50 hours that we are allotted under statute. I personally do not intend today to make an opening statement explaining this budget. I will do that Monday evening when I arrive back from a funeral in New Mexico for Representative Steve Schiff. Anybody who would like to come down and speak is welcome. I now yield the floor to the distinguished Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the chairman of the Budget Committee for initiating some movement now. We want to try to get this budget done. We do not, however, want to deprive any of our Members, be they Republican or be they Democrat, from the opportunity of offering amendments in accordance with the procedure as we know it, with the time consumed, again, according to the structure for budget resolution consideration. But I want to make sure for those Members who want to start the process that we give them the courtesy of using time in accordance with their need and that we don't deliberately invade the response time because we want to consume time to be able to get the process really underway.

First of all, I ask whether or not we can start the debate on Monday somewhat later—if we are here late, we will be here late; we are willing do that—whether we can start perhaps at 1 o'clock or 12 o'clock? We are going to consume 10 hours on Monday. I ask the distinguished chairman of the Budget Committee whether that is a problem.

Mr. DOMENICI. Mr. President, let me respond in this way. Normally what time we start Monday would be up to the distinguished Republican leader. I strongly recommend and concur with the Senator that there is no real need to start early. They are going to have plenty of time. I concur with my colleague and want to make sure everybody knows, we are not going to cut off any debate as far as debate on this resolution. As a matter of fact, what is going to happen is unless we fix the process up a little bit, we are still going to have, at the end, 10 or 15 or 20 amendments. I would like to find a way to alleviate that.

But in the meantime, it seems to me, it would be better to start sometime after lunch. We will have somebody here representing me. I think the Senate knows I cannot be here until sometime shortly after 5. The distinguished Senator from New Jersey is not going to be available in the morning either, is he?

Mr. LAUTENBERG. That is true, Mr. President. And we have a designee, a member of the Budget Committee, who will represent us to make the process available, make the resolution available for laying down amendments. There is not going to be any problem with that.

Mr. DOMENICI. I would ask the majority leader, and will do that immediately upon our completing here, that we not be back on this resolution before 1 o'clock on Monday. I cannot agree to that at this point, but I will ask and I think it will be agreed to.

Mr. LAUTENBERG. I appreciate that. At the same time, just to make sure that we have the appropriate, usually competent staff that we always have working with us when we do our committee work, I ask unanimous consent that Sue Nelson and Amy Abraham, who are analysts with the Budget Committee, be given full floor privileges for the duration of all debate on the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2165

(Purpose: To establish a deficit-neutral reserve fund to reduce class size by hiring 100,000 teachers)

Mrs. MURRAY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2165.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CLASS SIZE REDUCTION.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to reduce class size for students, especially in the early grades, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

Mrs. MURRAY. Mr. President, the amendment that we have sent to the desk has to do with education and class size. I ask this amendment be laid aside and have debate at a time to be determined by the ranking member.

Mr. DOMENICI. Let me just state, it has been our precedent around here that we do not have amendments for the first 4 hours we invite general discussion. But we are going to count 6 hours against the bill, and I think it is only fair, under those circumstances, rather than make her wait for 4 hours, that she be allowed to introduce this amendment now.

I want it understood that we have not agreed as to the timing of this amendment in that it has usually been a Republican has an amendment, then a Democrat. This sequencing or chronology of her amendment, the amendment of the distinguished Senator, will be up to the Senator from New Jersey as it pertains to Democratic amendments. Is that acceptable, Senator?

Mrs. MURRAY. That is fine.

Mr. LAUTENBERG. I thank the chairman of the Budget Committee for conceding this opportunity for Senator MURRAY. I do not know whether the Senator from New Mexico has any further business. We have nothing.

The PRESIDING OFFICER. As modified, the unanimous consent agreement with respect to the Murray amendment is agreed to.

Mr. DOMENICI. We have nothing further, no further discussion, and we have under the unanimous consent agreement how much time is taken off the bill.

Mr. President, I assume until the leadership decides otherwise, we will be in open session in quorum calls or other business. But if Senators want to speak to the budget resolution, I assume for a significant amount of time the floor is going to be open for them to do that. I have already indicated that I cannot stay here and manage under these circumstances, but I assume that, with the Parliamentarian, things will run pursuant to the unanimous consent agreement.

The PRESIDING OFFICER. It will run pursuant to the unanimous consent agreement.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent to such time as I might use from the Democratic side on the budget debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the Nation's students deserve modern schools with world class teachers, but too many students in too many schools in too many communities across the country fail to achieve that standard.

The latest international survey of math and science achievement confirms the urgent need to raise standards of performance for schools, teachers and students alike. It is shameful that America's 12th graders rank among the lowest of the 22 nations participating in this international survey of math and science.

Schools across the Nation face serious problems of overcrowding. Antiquated facilities are suffering from physical decay, and are not equipped to handle the needs of modern education.

Across the country, 14 million children in a third of the Nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It will take over $100 billion just to repair the existing facilities nationwide.

This chart is a good summation as to what the current conditions are. This year, K-12 enrollment reached an all-time high and will continue to rise over the next 7 years; 6,000 new public schools will be needed by the year 2006 just to maintain current class sizes. We will also need to hire 2 million teachers over the next decade to accommodate rising student enrollments and massive teacher requirements. And because of the overcrowding, schools are using trailers for classrooms and teaching students in former hallways, closets, and bathrooms. Overcrowded classrooms undermine discipline and decrease student morale.

This chart reflects, again, the kind of crisis we are facing for our 52 million American students: 14 million children learn in substandard schools; 7 million children attend schools with asbestos, lead paint, or radon in their ceilings or walls; 12 million children go to school under leaky roofs; a third of America's children study in classrooms without enough outlets and electrical wiring to accommodate computers and multimedia equipment.

The General Accounting Office has determined that it will take in excess of $100 billion just to repair existing facilities nationwide. We send a very powerful message to the children in this Nation when they are going to substandard schools. The message is this: The parents, or the older generation, don't give education the priority which it deserves.

Politicians of both parties are out there talking about our responsibility to education and to our children and our future, but we fail to have decent facilities with enough classrooms and well-trained teachers and fail to care for children both before they get into school and in the after school hours. Putting children first—when we fail to do that, we send a very powerful message to children that it really doesn't make an awful lot of difference how they perform in school and whether they conform to various rules and regulations. We send a message to children every single day that they go to dilapidated schools or overcrowded schools that education for the children of this country is not our first priority.

We have to ask ourselves as we begin the budget debate, How does this budget reflect our Nation's priorities? This budget, which we are beginning a debate on today and will continue to debate through the course of next week, how is that really going to reflect our Nation's priorities? What are we prepared to do to try to work with States and local communities to improve the schools in our country?

Just throwing money at a problem is not the answer; we have all learned that. But I tell you that the amount of resources you allocate to a particular purpose or policy is a pretty clear reflection about what kind of priority the Nation is going to place on it.

If we are not going to provide the resources that are necessary to reduce class size and enhance educational achievement, if we are not going to try to address the problems of dilapidated and decaying schools, not only in urban areas but in rural areas, if we are not prepared to help recruit additional schoolteachers who are well trained and certified to teach the courses which they are instructing, if we are not going to help provide education opportunity zones to assist communities that are trying to innovate and be imaginative and work with teachers and parents to enhance academic achievement—all of which have been proposed by the President—if we are not going to say we care sufficiently about children when they leave school in the afternoon, the 5 million children that go home to empty houses every single day, we don't care about them—if we don't care enough about children before they go to school in Head Start programs, if we are not prepared to invest in children, then we are sending a very powerful message.

Those speeches that Members are making in here are empty. We are challenging our Republican leadership and Republican colleagues to invest in children, reject what the Budget Committee has done in turning its back on children—and I say "turning their back on children." We will get into the particular details of the budget resolution later.

Now, incredibly, the Republican budget proposal ignores the pressing needs that I have outlined here. The Republican plan cuts funding for education. It refuses to provide key new investments to improve public education. If that anti-education plan is passed, schools and students will get even less help next year than they are getting this year. Let me repeat that: If this budget that is before the Senate now is not altered and changed, then the help and assistance for public schools will be less next year than it was this year. That is the end result, because even if the Appropriations Committee increases funding later on during the course of this Congress, it will violate the budget resolution.

This budget resolution is the time to debate the allocations of resources to enhance the public schools in this country. Under the resolution that is before the Senate this afternoon, there is a real cut, a real cut in support for public education. That is what I find so incredibly offensive in terms of the budget proposal that is before the Senate. The Republican anti-education budget cuts discretionary spending by $1.6 billion below the President's budget. It cuts funding for education and Head Start programs by $1 billion below the level needed to maintain current services.

The Head Start Program had bipartisan support. We have expanded Head Start programs for Early Start on the basis of the Carnegie Commission Report and the wide range of different testimony that has been before our Education Committees: The earlier the kind of contact, as the child's brain is developing, and building confidence and helping and assisting that child through a nurturing experience and expanding their horizons, has a very, very important impact in the ability of that child to expand their academic achievement in the growing years of education. That has been proven. We saw a small allocation—about 4 percent—in the early education programs in the Head Start Program, and it has been successful. We have been trying to expand it. But all of those resources are being cut back in the Republican budget proposal that is out here before the Senate.

As I said, it cuts the Head Start Program. The Republican anti-education budget denies 3.7 million students the opportunity to benefit from smaller class size. It denies 900,000 disadvantaged students the extra help they need to improve their reading and math skills. It denies 400,000 students the opportunity to attend after-school programs, those programs which are so essential.

We know that the best teacher that any child has is the parent—the parent; second, it is the schoolteacher. But we also know what children do before they come to school in the morning is important, and we know what happens to children in the afternoon is very important. We won't take the time to elaborate on the after-school programs and what it means in terms of helping and assisting a child, working with that child, to help them with their homework, help them with auxiliary programs as I have seen out in Dorchester, MA, just 3 weeks ago in an excellent program. I saw the liveliness of those children in the after-school programs.

You would think a child, after going through a full day of education, would be pretty tired, but the light in those children's eyes as they are involved in doing their homework and involved in artwork, involved in photography, and even in cooking so that they would be of help and assistance in the home—the idea of helping those children get their homework done in the afternoon with help and assistance, so when their parents are at home at nighttime after a full day of work, they can enjoy some common time together and the parents are not going to the child saying, "You better go off and do your homework."

These are pretty commonsense recommendations, after school programs. I won't take the time, at least now, to go through the excellent presentations of Paul Evans, our police commissioner in Boston, who talks about the importance of after-school programs in order to reduce crime and violence in a community—eloquent, eloquent testimony. I daresay that we have had a better record in Boston in reducing youth homicide than any city in the country. We went over 2 years without a single youth homicide—over 2 years without a single youth homicide.

If you had Paul Evans here on the floor of the U.S. Senate this afternoon, he would say there are three elements. You need to have a tough kind of action in dealing with the violent youth that are involved in gangs, you have to have an effective program to police the proliferation of weapons, and you have to have an effective after-school program. How many times I have listened to his eloquence. Those three elements are the key.

But an after-school program is key if we are serious in terms of trying to do something about violence in our society, and that case is so powerful. The President has an after-school program. It has been a modest program for the last year. It has been tried and tested. It recognizes that the increase in crime among juveniles rises about 60 percent between the hours of 3 and 4 every single day, just when kids get out. And 70 percent of the illegitimate births among teenagers are caused during the time of between 3 and 6 in the afternoon. It is a key time, Mr. President, when too many of our young people are cast loose out into society, or just into their own homes with a television set, or if they are older, to a street corner. This is an important ingredient in terms of the education component.

Now the President requested that program, and it is effectively zeroed out in the Republican program. So you are going to deny some 400,000 students the opportunity to attend after-school programs.

The Republican budget denies 6,500 middle schools, serving 5 million students, extra help to ensure that they are safe and drug free. It denies 1 million students in failing schools the opportunity to benefit from innovative reforms. It denies 3.9 million needy college students an increase in their Pell grants.

The President requested a very modest increase in Pell grants, which would have a significant impact on students such as those who attend UMASS-Boston. Their tuition may be up now to $1,350 a year. Eighty-five percent of those kids' parents never went to college. Eighty-five percent of them are working 25 hours a week or more. When the tuition is up $100 at UMASS-Boston, they see a 10 percent decline in admissions requests. That $100 makes a difference to those kids. That $100 is a life-and-death thing to those kids. And the President had recommended some $300 on it. The way it works out, in terms of the formula, it would be a little over $100 per kid in the Pell grant program that was lost dramatically in purchasing power over the past years. That is eliminated, Mr. President.

All of these are paid for in the President's program. These aren't add-ons to the budget. They are all paid for under the President's program that moves us to a balanced budget. But no, no, we have to cut those programs investing in kids and provide a $30 billion tax cut for wealthy individuals. Take that money that is going to after school, take that money away from Pell grants, take that money away from children for math and science, take that money away from smaller classrooms and take that money away from strengthening teacher training, and put it where? In a tax break. Now, that is the issue. It is an issue of priorities. It is an issue of priorities. It is who is on whose side? If you want to cut to the meat of it, who is on the side of working families and their kids, and who is on the side of those that need another tax break? It isn't the working families that get a tax break, because the Republicans have opposed any increase in the minimum wage. This isn't even a tax break. These are men and women who are working hard, playing by the rules, and want to provide their kids with food on the table and, after working two jobs, to be able to spend some time with them.

You would think they would at least say that if we are not going to give them a tax break—because they don't benefit from a tax break—at least say let's give them an increase in the minimum wage. No, no, no. That is what we heard last year, but we were eventually able to win it. But we haven't got one single Republican cosponsor of an increase in the minimum wage for this year—not one—when we have seen the most expanding, growing economy, with 320,000 jobs added in the job market last month, and 12,000 in the restaurant industry; they are always complaining about any increase and how it is going to be devastating to the restaurant industry, but they grew 12,000 jobs just last month.

So, Mr. President, these are some of the issues that are in this budget and what we have to address. We must test students early so that we know where they need help in time to make that help effective. We must provide better training for current and new teachers so that they are well prepared to teach to high standards. We must reduce class size to help students obtain the individual attention they need. We must provide after-school programs to make constructive alternatives available to students. We must provide greater resources to modernize and expand the Nation's school buildings to meet the urgent needs of schools for up-to-date facilities.

I hope that during the consideration of the budget resolution next week, we will give education the high priority that it deserves.

CIGARETTE PRICE INCREASE

Mr. KENNEDY. Mr. President, I want to take a moment of the Senate's time to talk about another decision and another priority that was made in the Budget Committee in the past 10 days.

The Republican budget would also prohibit using the money raised by a cigarette price increase from being directed to programs that prevent children from starting to smoke and help those who are already addicted to quit smoking. These programs are essential to any effective antismoking effort.

What you have to have, if you are going to be serious about trying to stop the youth from smoking, is a dramatic increase in costs in a short period of time. That is the record. We have examples of it. We can spend some time in going through those various reports. You need to have that. It also has to be accompanied by an effective counteradvertising campaign. If you only rely on an increase, what happens is the tobacco industry goes out and increases their advertising, and that overwhelms the discouraging aspect of a price increase. That is the record of it. We have seen that, and we will have a chance at another time when we go through the whole debate on tobacco.

So you have to find a corresponding action. What the public health community, who studied this for years, says is that you not only have to have counteradvertising of tobacco, which amounts to $5 billion a year—you don't expect to match it with $5 billion a year, but under the Republican proposal it talks about $125 million that they are prepared to authorize but won't even guarantee. Even the last spring settlement, which was deficient in some important areas, provided for the mandatory spending for counteradvertising. But not this Republican budget, not this Republican budget. No. They said, effectively, no, we won't require that moneys that come in as a result of an increase in price—sure there should be some moneys for the Medicare Program, but let me depart for a moment.

The best way to help the Medicare Program is to get kids to stop smoking. The costs of the Medicare Program are $9 billion a year, approximately. When you stop kids from smoking, you are going to save Medicare billions of dollars. So we allocate, under the Conrad proposal, some resources on Medicare. But we are talking now about the public health measures that have been turned down by the Budget Committee. These public health measures had been included in the first McCain proposal that was offered last fall. He knew they were important. They were included in the Hatch proposal, which also includes these measures, funds to try to deal with the public health aspects of children. They were included in a bipartisan program on Harkin-Chafee. They included that. But not the Budget Committee, not the Budget Committee, well-known protectors of the public health; not the Budget Committee, no, sir.

Zero in terms of counteradvertising; zero in support of local communities for cessation programs to stop kids from smoking in the schools, to try to help local communities, work in local schools, nonprofit agencies, groups that have been working with cessation programs for years, zero for them, no way; zero for studying the problems of addiction to narcotics, and to study the problems with health-related issues that are attached to tobacco, such as lung cancer; effectively zero for any kind of a review, study, or investment in those particular programs; and zero with regard to looking out after farmers who are going to be impacted by this program. I may have my differences on the public policy issue on tobacco, but I am not prepared, like the tobacco industry has done it, to do it on the backs of those tobacco farmers.

If you look back over what those tobacco farmers' increase has been over the past 10 years, when you have had record profits by the tobacco industry, it was pittance for those tobacco farmers. The first thing that happens, if the tobacco industry gets in any problem, they rent those big buses and park them on the mall and let them come up here and ask us why we are against those individuals and their families. How many times have we done that, Mr. President? We will have a chance to go on through that.

But the point that we are making, Mr. President, is that these programs are essential to any effective antismoking effort and education on the dangers of tobacco use, counteradvertising, deglamorizing smoking among children, smoke cessation programs, and medical research to cure tobacco-induced diseases. They should be the first priority for the dollars produced by a cigarette price increase.

All of us agree that Medicare should be protected for future generations. All of us recognize that tobacco imposes a heavy cost exceeding $9 billion a year on Medicare, and that a share of any tobacco revenues should be used for Medicare.

But one of the best ways to keep Medicare strong for the future is to invest in important public health and tobacco control programs that prevent children from beginning to smoke and help current smokers to quit smoking.

But not this budget. Every public health official that has appeared before Republicans and Democrats alike in the House and in the Senate has said these are essential. But not the Budget Committee. But we will have a chance to address that. That is an important priority. Americans will lead healthier lives, and the burden of tobacco-induced diseases will be greatly reduced.

Obviously, it makes good sense to earmark funds for Medicare and smoking cessation programs, for tobacco counter-advertising campaigns, for tobacco-related research and education programs, and for FDA enforcement of provisions to reduce smoking by children.

Unfortunately, the Republican budget earmarks all of the tobacco revenues for Medicare. It prohibits using even one dollar of the tobacco revenues to deter youth from smoking. That's unacceptable.

Smoking has inflicted great damage on people's health. It makes sense to use tobacco revenues for these important anti-tobacco initiatives too.

These programs work. Every dollar invested in a smoking cessation program for a pregnant woman saves $6 in costs for neonatal intensive care and long-term care for low birthweight babies.

Listen to this. Every $1 invested in a smoking cessation program for a pregnant woman saves $6 in costs for neonatal intensive care and long-term care for low-birthweight babies. But there is nothing in this program for that.

The Republican budget offers no help in cases like this, and that makes no sense.

The Republican budget offers no help to states and communities for public health advertising to counteract the $5 billion a year—$5 billion—that the tobacco industry pours into advertising to encourage people to start smoking and keep smoking.

The Republican budget offers no help to the Food and Drug Administration to enforce the laws against the sale of tobacco products to minors, even though young people spend $1 billion a year to buy tobacco products illegally.

You would think that we would want to try to do something about that as well. Talk to any serious official in the public health community; and they will say that we need a multidisciplined approach if we are going to have an impact in reducing tobacco use among young people. We have to do all of these things. But not the Budget Committee. And the Republican budget offers no help for medical research on tobacco-related diseases, even though such research can lead to enormous savings for Medicare. The country supports, I believe, these fundamental, sound public health proposals, and the Senate should as well.

MEDICARE BUY-IN AND THE BUDGET

Finally, Mr. President, I want to mention just two other areas. One is the area of the Medicare buy-in and the budget.

Mr. President, the President has advanced a proposal to permit those near the age of 65 and those 62 years old to be able to buy into Medicare and do it in a fiscally sound way that will not interfere with the financial integrity of Medicare. These individuals in their early sixties are too young for Medicare but too old for affordable private coverage. Many of them face serious health problems that threaten to destroy the savings of a lifetime and prevent them from finding or keeping a job. Many are victims of corporate down-sizing or a company's decision to cancel the health insurance protection they relied on. No American nearing retirement can be confident that the health insurance they have today will protect them until they are 65 and are eligible for Medicare.

Three million Americans aged 55 to 64 have no health insurance today. The consequences are often tragic. As a group, they are in relatively poor health, and their condition is more likely to worsen the longer they remain uninsured. They have little or no savings to protect against the cost of serious illness. Often, they are unable to afford the routine care that can prevent minor health problems from turning into serious disabilities or even life-threatening illness.

The number of uninsured is growing every day. Between 1991 and 1995, the number of workers whose employers promise them benefits if they retire early dropped twelve percent. Barely a third of all workers now have such a promise. In recent years, many who have counted on an employer's commitment found themselves with only a broken promise. Their coverage was canceled after they retired.

The plight of older workers who lose their jobs through layoffs or downsizing is also grim. It is hard to find a new job at age 55 or 60—and even harder to find a job that provides health insurance. For these older Americans left out and left behind through no fault of their own after decades of hard work, it is time to provide a helping hand.

And finally, significant numbers of retired workers and their families have found themselves left high and dry when their employers cut back their coverage or canceled it altogether.

Democrats have already addressed legislation to address these issues—and the budget must provide for its enactment. The legislation allows uninsured Americans age 62–64 to buy in to Medicare coverage and spread part of the cost throughout their years of eligibility through the regular Medicare program. It allows displaced workers aged 55–62 to buy into Medicare to help them bridge the period until they can find a new job with health insurance or until they qualify for Medicare. It requires companies that drop retirement coverage to allow their retirees to extend their coverage through COBRA until they qualify for Medicare.

This legislation is a lifeline for millions of older Americans. It provides a bridge to help them through the years before they qualify for full Medicare eligibility. It is a constructive next step toward the day when every American will be guaranteed the fundamental right to health care. It will impose no additional burden on Medicare, because it is fully paid for by premiums from the beneficiaries themselves.

In the budget there ought be the opportunity for us to debate this issue, and if judgment is made that we are going to move forward on it to ensure that we are going to have the votes and not be blocked from moving forward on it because of the failure of the Budget Act, to at least consider that possibility.

INVESTMENT IN CHILDREN

Mr. President, everyone knows that investments in children pay off, and focusing the attention of the Nation on a central priority for vast numbers of American parents—the availability and affordability and quality of child care and after-school programs—I believe is essential. There is a shocking lack of child care that meets these three basic tests: Affordability, availability, and quality. It is a dramatic fact of life for millions of families across the Nation. Thirteen million children spend all or part of their day in child care. Five million are left unsupervised after school. Their parents are working parents and deserve to know that their children are not just safe but well cared for.

We must make sure that we take care of our children and have child care development programs. We need to expand the child care development block grant and ensure there is mandatory money to invest in our kids. And we have failed to do so in this budget.

EEOC ENFORCEMENT

Mr. President, this year, Congress must commit greater resources to the Equal Employment Opportunity Commission. Although many of my Republican colleagues want to eliminate all forms of affirmative action that have benefited women and minorities, shouldn't everyone—Republicans and Democrats alike—support strong enforcement of our civil rights laws? To do otherwise undermines the promise of equal justice and equal opportunity for all.

The EEOC is the only government agency solely devoted to enforcing our great civil rights laws—the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Equal Pay Act. But, while the agency has received greater enforcement responsibilities, including the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991—its congressionally appropriated resources have decreased.

The Republican leadership must support its anti-discrimination rhetoric and support the work of this agency. The EEOC needs the tools necessary to quickly investigate charges of discrimination against individuals, as well as patterns of discrimination found in the workplace. I hope my Republican colleagues agree with the sentiment of our former majority leader, Bob Dole. Senator Dole said,

> [W]e must conscientiously enforce our antidiscrimination laws. Those who violate the law ought to be punished, and those who are the victims of discrimination must be made whole. Unfortunately, our nation's top civil-rights law enforcer, the Equal Employment Opportunity Commission, is burdened with an unacceptably high . . . case backlog. We must give the EEOC the tools it needs to do its job properly.

The budget must include President Clinton's request for $270 million for the Equal Employment Opportunity Commission. It is the right thing to do for our country.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, am I correct that we are in morning business?

The PRESIDING OFFICER. The Senate is currently considering the concurrent Senate budget resolution.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak in morning business for not more than 7 or 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

Mr. President, first let me say in response to the recent statement by my good friend from Massachusetts about the degree of compassion associated with the Republican Members of the Senate that I disagree. I am sure that the Budget Committee and its able chairman, Senator DOMENICI, will respond in detail to the generalizations that have been expressed by my friend from Massachusetts. But let me just make one specific point.

We have heard that the Republicans and the Republican budget do not invest enough in education; that they have not adopted the two key plans of the President's budget: $5 billion for school construction, and $7.3 billion to hire 100,000 more teachers over the next 5 years.

The facts show that, indeed, the Republicans have kept their word. We have increased education spending by exactly what the President and the Congress agreed to do last year in the balanced budget agreement. We have provided $8 billion in additional discretionary education funding over the 5-year period, and in total we will provide close to $20 billion in kindergarten-through-grade 12 education funding this year. That is a 98-percent increase over the last 10 years.

I would not take criticism relative to the Republicans' commitment to education. It supports exactly what the President has asked for. Again, that is $20 billion for kindergarten through grade 12 education funding and a 98-percent increase over the last 10 years.

I am sure others on the Budget Committee will address other generalizations in more detail.

WARD VALLEY TRESPASSERS

Mr. MURKOWSKI. Mr. President, my purpose in seeking time this morning is to communicate to the other Members of a grievous trespass occurring on public lands, a trespass that would certainly not be allowed in the State of Minnesota or in my State of Alaska.

Today we have a significant standoff in the southern California desert between the Federal Government and trespassers at the Ward Valley site. For several years, the State of California and Governor Wilson have sought to purchase from the Federal Government the 1,000-acre Ward Valley site in southern California out in the Mojave Desert, a pretty inhospitable area. Large transmission lines go over the property. You can hear the buzz of the electrical energy going through those wires. And it has been determined to be a suitable site for low-level waste. California wants to build a low-level waste disposal facility on this Federal property which is located in a federally designated utility corridor, as I have indicated, with the power lines going over it. It is close to an interstate highway. The State of California has proposed to purchase this land from the Department of the Interior. It is appropriate to reflect that this waste has to go somewhere. Nobody wants waste, either high- or low-level, but we have to acknowledge the merits of the technologies that produce the waste. They improve our health. Because most of this waste is biotech, used for the treatment of cancer and other medical uses, x ray and radiological type of medical treatments that we all receive. It lengthens our lives and eases our misery.

Currently this waste is located at just the State of California, over 800 temporary sites throughout the State. Many of these locations are in urban areas, near universities, communities, clinics.

It has been determined that Ward Valley would be an appropriate disposal facility. The State of California, as well as other States, has been given the authority under certain terms and conditions to basically provide long-term waste storage, assuming that the Federal and State criteria are met. In this case Ward Valley has met the State of California criteria, yet the Department of the Interior refuses to support the selection of this site and move with the land purchase. We have had is a decade of environmental tests. I guess we are stuck with decades and a confirmation by the National Academy of Science—the last word, if you will, in science—that this property is suitable for low-level radioactive waste disposal facility.

It is either this property or leave it where it is, 800 sites throughout California, on the way to schools, churches, shopping centers; facilities that have never been designed to hold this waste. However, the Interior Department still is not satisfied with the tests that have taken place. It is not satisfied with the report from the National Academy of Sciences.

In February of 1996, the Interior Department announced it had planned on conducting additional environmental tests at Ward Valley. Let's do some more tests. These tests were finally scheduled to begin last month, 2 years after the original announcement. That is how long it takes, and I am not sure it is over yet. The tests still have not begun. They have not begun now because protesters at the site have refused to move off the site.

These are protesters, trespassers on Federal land. Last month, the California State Office of the Bureau of Land Management ordered the protesters at the Ward Valley site to relocate by February 18 so the tests could begin. The protesters have been occupying the property for the last couple of years under a land use permit, issued by the BLM. I did not know this, but you can evidently get a land use permit to initiate civil disobedience.

These protesters are already in violation of their original land use permit. They have refused to comply with the February 18 deadline. Incredibly, the protesters, who are clearly trespassing on Federal land, are still there today. February 18 has come and gone. Federal rangers made no effort to evict them from the property. In fact, on February 25 all Federal rangers were withdrawn from the property. The question is, why?

Even more incredibly, over the past 6 weeks the trespassers have now taken control of the property. They now, the trespassers, mind you, refuse to allow the BLM employees access to the property to initiate the testing. The protesters have also refused to allow the U.S. Ecology, the State's licensee who is going to do the test, access to the property for environmental monitoring and refueling of its generators. When the BLM and the U.S. Ecology employees have been allowed to enter the property, they have been frisked by the protesters and all vehicles have been searched by the protesters' so-called security forces.

Isn't that a turnaround? This is Federal property. The trespassers have taken it over and are dictating the terms and conditions by which the Federal agencies can have access to their own property. Where in the world is the Secretary of the Interior? Where in the world is the Attorney General? As chairman of the Committee on Energy and Natural Resources, I am extremely disappointed with how the Department of the Interior has handled this entire matter. The Department of the Interior is allowing persons who are in clear violation of the law to not only occupy Federal land but also control the Federal land by determining whether or not tests can occur. Even more incredible, the Department is allowing the trespassers, who are now outfitted with knives, cans of Mace and handcuffs, to dictate the terms and conditions under which the Federal employees have access to the Federal lands. What message does this send to our Federal employees? What message does it send to our citizens?

The Department of the Interior says they are in negotiation with the trespassers, who include representatives of environmental groups and Indian tribes. However, there should be no room for negotiation with trespassers. They are just holding the Federal government hostage. The trespassers say that they will not leave Ward Valley until the Department of the Interior promises that no testing will occur and the property will not be transferred to the State of California. So they are saying, in effect, it cannot be used.

The Federal government has spent tens of millions of dollars, to date, on Ward Valley. The State of California has spent tens of millions of dollars. California's licensee alone has spent about $80 million in preparation for their license to build the facility. Yet, protesters are dictating the terms and solutions. With such an absolute position, well, there doesn't appear to be much room for negotiation.

I have asked the Secretary of the Interior, Secretary Babbitt, to inform me and advise me how he intends to deal with the trespassers on the Department of the Interior land and how he intends to deal with them on other Federal lands he controls. I also want to know what the Department intends to do if the standoff continues. Does the Department intend to allow our public land to be controlled by trespassers? This is an unacceptable and dangerous precedent.

I have also written the Attorney General, Janet Reno. As this Nation's chief law enforcement officer, I want to know how she plans to handle the trespassing at Ward Valley. Does she condone this illegal activity? Is she prepared to enforce Federal law? Will she fully and faithfully prosecute those trespassers? I hope this standoff can be peacefully resolved, but it needs to be resolved now—now, rather than later. It has already been 6 weeks in the making.

Mr. President, I ask unanimous consent correspondence I have directed to both the Honorable Bruce Babbitt, Secretary of the Interior, and Janet Reno, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, March 24, 1998.

Hon. JANET RENO,
Attorney General, Department of Justice, Washington, DC.

DEAR MADAME ATTORNEY GENERAL: For several years, the State of California has sought to purchase from the Federal Government the 1,000 acre Ward Valley site in southern California for the construction of a low-level radioactive waste facility. Before deciding whether or not to transfer the property, the Department of the Interior plans on conducting additional environmental tests. At present, however, trespassers at the site refuse to allow these tests to begin. As this country's chief law enforcement official, this letter is to determine the extent of the Department of Justice's involvement with the current stand-off at the Ward Valley site.

Last month, the Bureau of Land Management (BLM), which manages the site, ordered protesters on the property to relocate so that the tests could begin. The protesters refused to comply with BLM's February 18th deadline and Federal rangers made no effort to evict them from the property. In fact, on February 25th, all Federal rangers were withdrawn from the property. For the past six weeks, the protesters have refused to allow BLM employees access to the property for purposes of conducting additional tests. The protesters, with one exception, also have refused to allow U.S. Ecology—the State's licensee—access to the property for environmental monitoring and refueling of its generators. when BLM and U.S. Ecology employees have been allowed to enter the property, they have been frisked and all vehicles have been searched by the protesters' "security forces."

As Chairman of the Senate Committee on Energy and Natural Resources, which has jurisdiction over this nation's public lands, I am extremely disappointed with how this matter has been handled. Persons—in clear violation of the law—have been allowed to not only occupy Federal land but also control whether or not environmental tests occur at the Ward Valley site. Even more incredible, the trespassers—outfitted with knives, cans of mace, and handcuffs—are dictating the terms and conditions under which Federal employees have access to public land. What message does this send to our Federal employees? What message does this send to our citizens?

To help me, and the Committee, assess this troubling situation, please respond to the following questions by Wednesday, April 1st:

1. Has the Department of the Interior consulted with, or sought assistance from, the Department of Justice on this matter?

2. What must happen before the Department of Justice assumes control over the current stand-off at the Ward Valley site?

3. What is the general policy of the Department of Justice with respect to trespassers on public lands?

Include in your response, the name, title, and phone number of the Department of Justice official with responsibility for monitoring the situation at Ward Valley.

In an effort to assist the Department in preparing thorough and responsive answers to these questions, and to ensure that there is a clear understanding as to the scope and nature of this request. Committee staff is available to meet with your staff to discuss any matter raised in this letter. If you have any questions about this request or if your staff would like to meet with Committee staff, contact Kelly Johnson, Counsel to the Energy and Natural Resources Committee, at 224-4911. All correspondence regarding this request should be addressed to the attention of Ms. Johnson.

Thank you in advance for your cooperation with the work of the Committee.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

COMMITTEE ON
ENERGY AND NATURAL RESOURCES,
Washington, DC, March 24, 1998.

Hon. BRUCE BABBITT,
Secretary, Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: In February 1996, Deputy Secretary John Garamendi announced that the Department of the Interior intended to conduct additional testing at Ward Valley before deciding whether or not to transfer the property to the State of California for a low-level radioactive waste disposal facility. The Interior Department's field tests finally were scheduled to begin last month. These tests have now been indefinitely postponed because of the illegal occupation of the Ward Valley site. I write to find out how you, as Secretary of the Interior, intended to proceed with the tests and handle the protesters at the Ward Valley site.

Last month, the California State Office of the Bureau of Land Management (BLM) ordered protesters at the Ward Valley site to vacate the property by February 18th so that field testing could begin. The protesters refused to comply with the deadline and Federal rangers made no effort to evict them from the property. In fact, on February 25th, all Federal rangers were withdrawn from the property. For the past six weeks, the protesters have refused to allow BLM employees access to the property for purposes of conducting additional tests. The protesters, with one exception, also have refused to allow U.S. Ecology—the States' licensee—access to the property for environmental monitoring and refueling of its generators. When BLM and U.S. Ecology employees have been allowed to enter the property, they have been frisked and all vehicles have been searched by the protesters' "security forces."

As Chairman of the Senate Committee on Energy and Natural Resources, I am extremely disappointed with how the Department of the Interior has handled this entire matter. The Department of the Interior is allowing persons—who are in clear violation of the law—to not only occupy Federal land but also control whether or not tests occur at the Ward Valley site. Even more incredible, the Department is allowing trespassers—outfitted with knives, cans of mace, and handcuffs—to dictate the terms and conditions under which Federal employees have access to public land. What message does this send to our Federal employees? What message does this send to our citizens?

To help me, and the Committee, assess this troubling situation, please respond to the following questions by Wednesday, April 1st.

1. Is the Department of the Interior negotiating with the protesters? If so, what is the status of these negotiations? When will these negotiations be complete? Include in your response, the name, title, and phone number of the Department official responsible for conducting these negotiations.

2. When does the Department anticipate beginning its field tests? When does the Department anticipate completing these tests?

3. Does the Department intend to enforce the BLM's order to the protesters to vacate the Ward Valley site? If so, when?

4. Does the Department intend to enforce the terms of the BLM permit issued to U.S. Ecology allowing it to collect environmental data at the Ward Valley site?

5. What are the current instructions to Federal rangers regarding surveillance, enforcement of permit conditions, and reports of illegal activities at the site to other law enforcement authorities?

In an effort to assist the Department in preparing thorough and responsive answers to these questions, and to ensure that there is a clear understanding as to the scope and nature of this request, Committee staff is available to meet with your staff to discuss any matter raised in this letter. If you have any questions about this request or if your staff would like to meet with Committee staff, contact Kelly Johnson, Counsel to the Energy and Natural Resources Committee, at 224-4971. All correspondence regarding this request should be addressed to the attention of Ms. Johnson.

Thank you in advance for cooperation with the work of the Committee.

Sincerely,

FRANK H. MURKOWSKI,
Chairman.

Mr. MURKOWSKI. I thank the Chair and wish the occupant a good day.

Mr. JOHNSON address the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. I ask unanimous consent to address the Senate for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with consideration of the concurrent resolution.

Mr. JOHNSON. Mr. President, we have before the Senate today, and will have on into next week, the budget resolution which has been reported from Senate Budget Committee, on which I serve. I commend ranking member LAUTENBERG from New Jersey for his leadership as well as Chairman DOMENICI for his work on the budget resolution. Obviously, we have differences relative to some components of the budget resolution. I think the current resolution is significantly lacking in many serious ways. At the same time, however, I want to acknowledge the extraordinary circumstance that we now find ourselves in as Americans here in the spring of 1998.

Many of us recognize that, upon his election 5 years ago, President Clinton faced a pool of red ink totaling around $292 billion per year, a pool of red ink that had exploded through the 1980s. When President Carter left office, this nation had accumulated a national debt of around $1 trillion. At the end of the 1980s, the accumulated debt of this country was four times that, in the $4 trillion range, and growing beyond sight.

After five successive years in reducing the annual budget deficit, we now find ourselves, in this fiscal year, with a budget surplus as measured under the unified budget-scoring system. We are in the black for the first time in 30 years. The last time the Federal Government had a unified budget surplus was in 1969 during the Lyndon Johnson administration when taxes were raised in order to pay for the Vietnam war. We slipped back into deficit again and then drowned in red ink through the 1980s.

So, we find ourselves in an extraordinary time. We must decide what kind of framework our Federal Government should have, and what kind of framework our budget should have, going on into the next millennium. After 5 years of budget discipline—in no small measure as a consequence of a very difficult vote on the 1993 budget reconciliation bill, which laid much of the groundwork for this progress—we find ourselves with record low inflation, record low unemployment, one of the highest levels of housing ownership that we have seen in decades, record low levels of crime and, again, the first budget surplus, at least under a unified budget, that we have seen in 30 years.

Where do we go from here? That is the question that the pending budget resolution asks. This is not just a budget issue. This is one that really reflects the values and the priorities and the philosophy of the American people. It has enormous ramifications for us all.

There are some very fundamental areas where the two political parties are in agreement on the budget resolution. I am thankful for that. I am pleased we have found common ground, first of all, in deciding that the budget resolution should sustain and continue the budget discipline mechanism that has been a factor in producing a budget surplus for the first time in 30 years. We will continue on a pay-as-you-go basis. No more new spending unless the cost is offset by spending decreases or revenue adjustments; no more tax cuts, even in an election year, unless those cuts are paid for by reduced spending or revenue increases somewhere else in the budget.

This is the kind of discipline that one would have thought should have been present in our Government for 200 years but, in fact, has been present for just this past decade. It is the kind of discipline that we must sustain. While there are some who, I think, are expressing some sense of giddiness over a budget surplus, we need to recognize that that surplus will remain only with continued budget restraint and discipline; that we must face the question of budget priorities; and that the election year Christmas trees that took place in the past are no longer an accepted part of budget strategy in this day and age.

Secondly, there is agreement between the parties, at least in the Senate Budget Committee, that the so-called budget surpluses ought to be preserved for the purpose of strengthening Social Security. We ought not to run off in any number of directions with tax cuts or spending increases premised on utilizing those particular dollars. These so-called surpluses are really surpluses only if the Social Security trust funds are included in the budget, which is the nature of the unified budget.

We have an agreement on the budget resolution that has emerged from our committee that those two underlying principles will be continued. I acknowledge the very great importance of those two underlying principles.

There are some great differences, however, that I am hopeful can be addressed with amendments during the course of debate this coming week.

One of the most fundamental differences, frankly, is how to utilize any resources that might be generated by a tobacco settlement. We all understand that a tobacco settlement is still only a possibility—it may occur or it may not—and the terms of any tobacco settlement ought to be driven by the merits of that issue itself. We should not see the settlement as simply a revenue generator for other purposes, regardless of how worthy they might be.

Nonetheless, the President in his budget and Democrats in their alternative budget recognize that we do need to be thinking about how to utilize most constructively additional resources if they are, in fact, made possible by a tobacco settlement. Therein lies one of the most fundamental differences between the two parties.

We are in agreement on preserving the Social Security trust funds; we are in agreement that we need to shore up Medicare. I think few people have done more to protect, preserve and strengthen Medicare than my colleagues on the Democratic side. We are pleased, however, to have support from our Republican colleagues on an issue that ought not to be partisan and one where we should be able to find common ground.

The budget resolution that is coming to this floor, over the objections of the White House and over the objections of Democrats on the Budget Committee, sees to it that none of the potential new resources from a settlement will be used for health care for children; for schools; for child care; for expanding the National Institutes of Health research on cancer, heart disease, and so on; for rural development, or for deterring youth smoking. That is not to say that there are not attempts in other areas of the budget to touch on some of these issues, but certainly none of the tobacco funds could be used for these purposes.

I have to say, simply being candid and looking across the political landscape in the Budget Committee, that what we have here is not so much a concern about the long-term viability of Medicare—we all share a concern for that. It seems to me that those who are making certain that none of the tobacco money may be used for many of the other problems created by use of tobacco, or for child care or education, are less concerned about Medicare, than they are simply opposed to creating a better partnership among the Federal, State, and local governments, and public and private entities, to address the problems of education and child care and health care in general.

Mr. President, we have some enormous needs that the Federal Government cannot fix by itself, nor should it attempt to fix by itself, but where a constructive partnership makes a lot of common sense.

We have found over the last several budget debates that the American people are not terribly ideological in the sense that they are far right or they are far left, they tend to be fairly pragmatic and down the center. That is why Democrats on the Budget Committee attempted to pass an alternative budget. In doing so, we recognized that replacing and renovating schools has always been and will always be primarily a function of local school districts and local citizens, taking it upon themselves to determine whether a particular school needs to be replaced or renovated. Those are local decisions and will remain so. But we have suggested that a small portion of these resources ought to be used to help buy down interest rates for the bond issues that are supported at the local level.

Because of the enormous backlog of school repair and renovation work that is out there—it is in small towns, it is in large cities, suburban areas, rural and urban alike. As we head into this next millennium, we understand that those countries which focus on quality education and developing the brain power of the next generation are nations that will do well; those nations that neglect those resources, those nations that think these needs will somehow take care of themselves will slide backwards.

We need a new commitment to education and to providing the resources for education, not simply for the intrinsic value of increasing the intellectual capability of our young people—although that certainly is the principal goal—but also from even a purely dollars-and-cents point of view. Our economy cannot thrive, our communities cannot prosper, unless we do better at making sure that every young person in this country has an opportunity to develop his or her God-given talents to the maximum extent possible, and that the resources are there to make it happen. We must have a public and private, a Federal, State, and local partnership that can make it happen.

So it is with some frustration that I view this budget resolution, in its current form, as a wasted opportunity.

I am hopeful that we can restore some of these priorities in the context of a balanced budget in a way that does, in fact, make some of these key investments in other areas as well.

In the area of child care, we have an increasingly stark reality of more and more children being unsupervised, not having constructive after-school programs, that they are getting along on a latchkey basis. More and more often we have single-parent households. We also have more dual-income households, not necessarily because they want that to be their circumstance but because economic reality dictates that circumstance.

Yet, at the age when children have the greatest brain development, when it is determined how well these children will succeed in their later years in terms of their fitting into society and being constructive citizens, that is the one age where we make the least commitment, where we have the greatest patchwork system, where quality is uneven, where affordability is uneven.

I have held child care meetings all around my State with parents and child care providers and other concerned citizens. I am pleased that the Republican Governor of my State is very supportive of strong new initiatives for after-school programs and for child-care. We ought to be able to bridge this nonsensical partisan gap and look after the needs of our kids and the future generations of this country. That means, again, some level of partnership, not a system that is micromanaged out of Washington or that involves a new bureaucracy out of Washington. We do none of that in the Democratic alternative budget. We allow the decisionmaking to be made at the local level. We allow the initiative to be there. We allow tremendous innovation at the State and local level, but we believe there is a partnership needed for those communities and for those nonprofit organizations and for those schools to make a viable investment in our children.

Mr. President, there is no funding for President Clinton's education initiatives in this budget resolution. There is no help for school construction. Fourteen million children currently attend classes in buildings that need major renovations; 7 million kids in our country go to school in buildings that currently have safety code violations; 16 million children are in classrooms without proper ventilation, heating, or air conditioning.

This is where we get on to a particular concern of mine involving Native American children. We have currently 60 BIA schools that need complete replacement. We are replacing them at the rate of one per year. I thank Chairman DOMENICI for his sharing a concern with me about this. We haven't really reached an entirely satisfactory solution to this problem, but I do appreciate that we have joined together in the inclusion of report language expressing our concern to the appropriators that additional funds be allocated for these Indian schools. These schools have some children from the most difficult circumstances imaginable, with 40 percent studying in portable classrooms, with dropout rates and other attendant problems of poverty and desperation at such high levels.

I thank the chairman for his work with me on this very significant problem, and I understand his profound appreciation of the challenges we face in that regard.

So, we have a budget resolution, Mr. President, that contains some strong underlying principles, and I am very, very pleased at that, because I think by maintaining a balanced budget, we can do more than almost any other single thing the Federal Government can do to reduce the cost of borrowing money. That makes going to college, buying a house, buying a car, expanding a business, hiring more employees, all more affordable. That will do more to maintain America's role as the world's great economic superpower than any other single thing we can do, and there is strong bipartisan support in that regard.

But we have these other fundamental differences that I am hopeful can be addressed, at least in part, in the course of this coming debate on the Senate budget resolution. We can create a framework for investment in our communities, investment in our kids, in our schools, in health research, in a more meaningful way than the budget resolution that we currently have on the floor allows.

We can do that. We can sustain Social Security, we can sustain Medicare, we can make other needed investments, while keeping the budget in balance. This is a remarkable point in time, one that many people thought would never occur in our lifetime. This, along with the fall of the Berlin Wall and some other events, are things that many people thought would not happen, but they are on the verge of happening. Now it is our responsibility in this body, the U.S. Senate, to make sure it happens in a responsible, sustainable way and we continue to make the key investments that will create the framework, create the foundation, for our country to prosper and to continue to grow, to create greater opportunity for all of its citizens. Not to guarantee success for anyone—that comes only about through their own labor, their own efforts, and their own talent—but to create the tools, the starting point for every American, regardless of his or her background, as an opportunity to prosper and to succeed.

Mr. President, I want to make one additional comment unrelated directly to the budget resolution but on an issue which does impact our overall economy. I wish to express great, great concern over recent action by our colleagues in the other body who have failed to extend the ethanol fuel tax incentives that the Senate, by a large bipartisan majority, included in the ISTEA legislation.

It appears, at this point, that our colleagues on the other side managed in effect to terminate a critically needed tax provision. This provision will not only allow ethanol fuel usage an opportunity to reach critical mass, a substantial benefit to farmers, but also will help clean our air and make this Nation less reliant on unstable Third World nations as sources of petroleum. At this point, however, it appears that there will not even be an opportunity for members of the other body to vote for an extension of the ethanol tax incentives.

I am very concerned about this, and it is certainly my hope and expectation that Senate conferees, in the course of negotiating differences between the Senate and the House highway legislation, will give this a very high priority. It is important that we make the proper investments in our Nation's transportation infrastructure.

It is also important that we move forward with a commonsense, cost-efficient strategy for expanding use of clean, American alternative fuels. That can only be done by the conferees on the Senate side looking after the interests of the American people in that regard when the conference committee comes about.

So, Mr. President, this coming week should be tumultuous but very important for the American people as we deal with the fundamental issues in the budget for the coming fiscal year, as well as transportation and fuel strategy into the next century.

With that, Mr. President, I yield back my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERTS). If there is no objection, time will be divided equally between both sides. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Also, Mr. President, I ask unanimous consent that I be allowed to speak for up to 3 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRAMS. Thank you very much.

SALUTE TO THE 1997–1998 NIT CHAMPIONS, THE MINNESOTA GOLDEN GOPHERS

Mr. GRAMS. Mr. President, I just rise for a few moments this afternoon to pay tribute to the University of Minnesota basketball team—the Golden Gophers of Minnesota.

Just a little over a year ago I stood here on the Senate floor saluting the Minnesota Gophers basketball team for their accomplishment of winning the Big Ten championship. That was the team that eventually went on to the NCAA Final Four.

Mr. President, I want to take time to salute an equally deserving team—and that is the 1998 NIT champions, the Minnesota Golden Gophers, who defeated the Penn State Nittany Lions last night by a score of 79–72.

Now, this team overcame the loss of many key players from last year's Final Four squad, but the leadership from seniors Sam Jacobson and Eric Harris, and the excellent play from Kevin Clark and Quincy Lewis helped the Gophers improve from their slow start this season to finish the year by winning eight of their last nine games.

Every member on the team contributed to the success of this Gopher team, leading to the Gophers' sixth consecutive 20-win season.

Mr. President, Coach Clem Haskins received many coach-of-the-year awards last year. But I must say, the job he did this year is equally impressive and truly deserves recognition today.

So, again, Mr. President, I rise to salute the 1997–1998 NIT champions, the Golden Gophers of the University of Minnesota.

Thank you very much. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. If there is no objection, the time utilized by the Senator from Minnesota will be taken from each side equally, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I seek recognition as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DURBIN. Thank you, Mr. President.

CHILDREN AND GUNS

Mr. DURBIN. Mr. President, the tragedy which occurred in Jonesboro, AR, this week raises many questions. Two come to mind immediately. Why do children kill? I do not know the answer to that. I have heard a variety of opinions from people who suggest that violent television and violent movies are somehow contributing to this. There are others who say, if the children would just pray in school, it would make all the difference in the world. Some look to the families more than the schools; others think the schools have a greater role to play.

We will debate at length, and I am sure many of us will come up with a lot of different explanations as to why children reach that point in their young lives when they would take the life of another.

But the tragedy in Jonesboro raised another question which I think we can address because it is a simpler question. It is a question of, how do children at that young age come to possess lethal weapons? Think about it. An 11-year-old and a 13-year-old with 10 firearms—rifles, shotguns, and handguns, and 3,000 rounds of ammunition—went into the woods behind that middle school, tricked the students out with a fake fire alarm, opened fire and shot off somewhere in the range of 30 to 40 rounds before they were finally stopped.

Four little girls were killed. A teacher, who deserves all of our recognition and praise for her courage, stood in the line of fire to protect one of those little girls and lost her own life. This teacher, the mother of a 2-year-old, lost her life defending her students.

How do kids come into possession of firearms? They do not buy them. In most States it is unthinkable that they would even approach a counter and try. And yet, day after day in America there is further evidence of children, younger and younger, being found with firearms.

The day after the Jonesboro, AR, tragedy, in Cleveland, OH, it is reported a 4-year-old showed up at a day-care center with a loaded handgun.

In my home State of Illinois, in Marion, IL, a high school student showed up at school the next day with a handgun.

In Daly City, CA, the day after Jonesboro, a 13-year-old was arrested for attempting to murder his principal with a semiautomatic pistol.

There is something we can do about this. I am not sure that it will solve the problem completely, but it can help. Fifteen States have already recognized this problem and done something about it. These States have passed a childhood access prevention law which is known as a CAP law, saying to those who purchase and own handguns, it is not enough for you to follow the law in purchasing them and to use those guns safely; you have another responsibility. If you are going to own a firearm in your home, you have to keep it safely and securely so that children do not have access to it.

Should we consider this as a national model? I think the obvious answer is yes, because the tragedy in Jonesboro, which we will not forget for a long, long time, unfortunately, is not unique. Every day in America 14 young people, ages 19 and under, are killed in gun homicides, suicides and unintentional shootings, with many more wounded.

The scourge of gun violence frequently attacks the most helpless members of our society—our children.

Here is what I am proposing. I am proposing Federal legislation that will apply to every State, not just 15, but every State. And this is what it says. If you want to own a handgun, a rifle or shotgun, and it is legal to do so, you can; but if you own it, you have a responsibility to make certain that it is kept securely and safely. You may buy a trigger lock. Senator HERB KOHL of Wisconsin has a proposal that all handguns be sold with trigger locks. I support it. I am a cosponsor of it. It makes sense.

How many times do you read in the paper, how many times do you listen on TV, to kids with their playmates and the gun goes off and someone is killed? A trigger lock, as Senator KOHL has proposed, is sensible. It should be required. It shouldn't even be debated. I think that legislation will go a long way toward reducing gun violence. Beyond that, we say to every gunowner, if it is not a trigger lock, put that gun in a place where that child cannot get to it.

As to these two kids, 11 and 13 years old, God only knows what was going through their minds when they were setting out to get the guns to go out and start shooting. They first stopped at the parents of one of the kids and wanted to pick up that parents' guns. That parent had the guns under lock and key in a vault and they couldn't get to them. So they thought about it and said, wait a minute, my grandfather has some, too; let's go over to his place. And that is where they came up with the weapons and the ammunition.

In one instance, one parent had taken the necessary steps to take the guns and keep them away from kids. Sadly, it appears—and I just say "appears" because I do not know all the details—in another case that did not happen.

Now a lot of people will say to me, "There they go again, those liberals on Capitol Hill. Another bill, another law to infringe on second amendment rights." Oh, I know I will hear from the folks from the National Rifle Association, all the other gun lobbies, screaming bloody murder about the second amendment.

Look at 15 States that have already passed these laws, these child access prevention laws, to protect kids, to say to gunowners "you have a special responsibility." You will not find a list of the most liberal States in America. The first State to pass this legislation in 1989 was Florida. The list goes on: Connecticut, Iowa, California, Nevada, New Jersey, Virginia, Wisconsin, Hawaii, Maryland, Minnesota, North Carolina, Delaware, Rhode Island, and in 1995, the last State to pass a child access prevention law, certainly no bleeding heart State by any political definition, was Texas—Texas. The Texas law says it is "unlawful to store, transport or abandon an unsecured firearm in a place where children are likely to be and can obtain access to it," and it is a criminal misdemeanor if you do it.

I am going to ask my colleagues in the Senate to not only return home this weekend, as I am sure we all will, and witness those sad events on television, the funerals in Jonesboro, the tributes, the teacher who gave a life, but to resolve to do something about it. That is what we are here for. That is why we were elected to the Senate and the House, not just to be sad as we should be, but to do something about it. Not to infringe on people's right to own firearms, but to say "Own them responsibly, put them securely in your homes, keep them safely, keep them away from children."

Mark my words, my friends, and you know this from human experience, no matter where you hide a gun or a Christmas gift, a kid is going to find it. You can stick it in a drawer and say, "Oh, they will never look behind my socks, that is the last place in the world," or up on some shelf in the closet and believe your child can't reach that, but you know better. You know when you are gone and the house is empty those kids are scurrying around and looking—I plead guilty and did the same thing as a kid, and it helps now with tragic consequences when a gun is involved. So I hope we can address this issue.

First, Senator KOHL's legislation for these child safety devices, these trigger locks, will help. But then take the extra step, follow these 15 States and say as we address the overriding question, the big question, why do children kill, we will come to a conclusion that there are troubled children in America and we should never ignore that fact.

But please, let this Senate and this House, before we leave this year, do something to make certain that those troubled children cannot get their hands on a firearm. I think every parent in America, particularly those of children of school age, paused at least for a moment after they heard about Jonesboro and thought, could it happen to my son, my daughter, my grandson, my granddaughter? The sad reality of life in modern America, is, yes, it could. There are so many weapons being kept so carelessly that it could happen to any of us or any of our children in virtually any school in America.

Mr. President, I know that the Senate has a very busy schedule and limited opportunity this year, but I hope as part of our work we will let the lesson of the tragedy of Jonesboro result in legislation that will be designed to protect children and schoolteachers and innocent people in the future.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

CONGRATULATIONS JUDITH M. BARZILAY

Mr. SPECTER. Mr. President, for the Barzilay, Morgenstern and Specter families, it is a great honor for Judith M. Barzilay to become a judge on the U.S. International Court of Trade. She was nominated by the President on January 27 and confirmed by the Senate March 11, 1998.

For her immigrant grandparents, Harry and Lillie Specter and Max and Regina Morgenstern, it is an accomplishment beyond their aspirations even though they knew they came to a land of great opportunity.

In May of 1947, Max and Regina left the bar and grill which they operated on Flatbush Avenue in Brooklyn to visit their son, Arthur, his wife Hilda, her parents in Russell, KS, and, most of all to see their granddaughters, Judith, age 3, and Julia, 3 months old. By then, Judy pretty much presided over her parents' household just as she had over the household of her Specter grandparents after she was born on January 3, 1944.

Judith was the New Year's baby of Russell for 1944. In New York City, the first born in the New Year probably arrived at 12:01 a.m., but it took 3 days for Russell's first arrival in 1944. She came with a retinue of presents from the town's merchants and to our five-room bungalow at 115 Elm Street.

My sister, Hilda, her mother, was a brilliant graduate from the University of Wichita in 1942, had won a scholarship to Syracuse University to pursue a masters degree in governmental administration. She had met, Arthur Morgensten, a handsome lieutenant stationed at Fort Riley, when he came to Wichita in the fall of 1941 to attend Yom Kippur services. They fell in love. So when he was about to ship overseas to the South Pacific in April 1943, Hilda took the transcontinental train ride to San Francisco where they were married. It was not the typical wartime romance with a weekend honeymoon, because the marriage has lasted 1 day shy of 55 years and is still going strong.

When Hilda came home to Russell, KS, to await Judith's arrival, our family was overjoyed, including me, her little brother, although I took up residence in the scorpion-infested basement and gave up high school basketball to take over Hilda's bookkeeping job at O.K. Rubber Welders I might add—at 50 cents an hour.

For me, Judy was more like a sister than a niece during that time. For my parents, Judy was the apple of their eyes. When our sister, Shirley, took off a year from Oklahoma College for Women to teach country school, my father would leave his junkyard to drive Shirley to school with his virtual constant companion, Judith, sitting beside him in the truck without the modern safeguards of seat belts.

My brother, Morton, returned to Russell to join my father and Arthur in a partnership which moved from junk, that is scrap metal, to used oil field equipment to stripper wells. The Morgenstern children, Judy and Julia, joined by twins Jonathan and Johanna in 1952, were the centerpieces of our close-knit family.

When the children grew older and their parents wanted a Jewish education for them, the Morgensterns moved to Wichita where Hilda took on the job of superintendent of the Hebrew School. Wichita was inadequate so they moved to Denver. Denver was inadequate so they moved to New York City. New York City was inadequate, so they moved to Jerusalem where Hilda and Arthur live to this day.

Meanwhile Judy was a serious and accomplished student receiving a B.A. degree from Wichita State University and M.L.S. and J.D. from Rutgers University. After graduation from law school, she was a staff attorney with the International Trade Office of the U.S. Department of Justice from 1983 through 1986. She then practiced law with the prestigious firm of Siegel, Mandell & Davidson in New York City for 2½ years before joining Sony Electronics, Inc., where she worked from October 1988 to the present attaining the position of vice president of government affairs.

With 16 years of experience as a manager, litigator, and business adviser, she was appointed by Treasury Secretary Robert Rubin in 1995 to the

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service. She has lectured on international trade law and its application to business. With this extraordinary background, she is preeminently well qualified for the U.S. International Court of Trade.

While it is customary to make a floor speech on confirmation of a nominee, I have taken a little more time of the Senate and the cost of printing in the CONGRESSIONAL RECORD because I believe it is worthwhile to note the accomplishments and contributions of families of America's immigrants. We debate the immigration issue in Congress in a variety of contexts, so it is important to chronolog how our country has been enriched by the immigrants' families as evidenced by the new judge for the U.S. International Court of Trade: the Honorable Judith M. Barzilay.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

TRIBUTE TO DAVE POWERS—A GIANT OF THE NEW FRONTIER

Mr. KENNEDY. Mr. President, I was saddened to learn this morning of the death of Dave Powers, who was one of President Kennedy's closest friends and advisors throughout my brother's entire political career.

President Kennedy loved Dave Powers like a brother, and so did all of us in the Kennedy family. My brother couldn't have had the New Frontier without him, and we will miss him very much.

Dave had a warmth and wit and charm that were impossible to match. His Irish eyes were always smiling, and almost everyone he met became his "pal." His extraordinary common sense and his down-to-earth genius for politics at its best made Dave Powers at home in the White House and in anyone else's house.

President Kennedy and Dave discovered each other while climbing the stairs of three-decker houses in Charlestown, MA, in my brother's first campaign for Congress in 1946, and they were inseparable ever after.

They both were veterans of World War II, and both were new to politics. The instant bond they formed took them to the House, the Senate, the White House, and around the world, including their most moving and memorable journey of all, to the Ireland of their dreams. Together, they touched and improved and inspired the lives of countless people in this country and many other lands.

In happy times and stressful times, Dave had a special human quality that could bring an instant smile from Jack or Jackie, or a hug from John and Caroline. Dave's total recall made him the unofficial historian of the New Frontier. He loved to regale my brother by reciting the earned run average of a Red Sox pitcher, or the name of a State convention delegate from a decade ago.

Later, Dave's extraordinary energy and dedication in carrying out his labor of love at the Kennedy Library made it a magnificent tribute to my brother and the years of the New Frontier. In a very real sense, Jack's Library became Dave's Library too.

I extend my deepest sympathy to Dave's wife, Jo, his children Mary Jo, Diane, and David John, and all of Dave and Jo's wonderful grandchildren.

"David, we hardly knew ye."

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, March 26, 1998, the federal debt stood at $5,546,161,688,949.53 (Five trillion, five hundred forty-six billion, one hundred sixty-one million, six hundred eighty-eight thousand, nine hundred forty-nine dollars and fifty-three cents).

One year ago, March 26, 1997, the federal debt stood at $5,377,852,000,000 (Five trillion, three hundred seventy-seven billion, eight hundred fifty-two million).

Five years ago, March 26, 1993, the federal debt stood at $4,224,085,000,000 (Four trillion, two hundred twenty-four billion, eighty-five million).

Twenty-five years ago, March 26, 1973, the federal debt stood at $457,356,000,000 (Four hundred fifty-seven billion, three hundred fifty-six million) which reflects a debt increase of more than $5 trillion—$5,088,805,688,949.53 (Five trillion, eighty-eight billion, eight hundred five million, six hundred eighty-eight thousand, nine hundred forty-nine dollars and fifty-three cents) during the past 25 years.

SERIOUS PROBLEMS FACING THE HIGH TECH INDUSTRY

Mr. ABRAHAM. Mr. President, it's painfully obvious that the nation faces a serious problem in providing our companies with the skilled workers they need to grow and create jobs in America. We do not need a report to tell us there's a problem. All one needs to look at are the job ads in newspapers and on the Internet which are exploding with offers of high tech jobs that cannot be filled. There are even reported shortages of the recruiters needed to recruit other skilled workers.

There is ample evidence that companies face an inability to fill key skilled positions. The Federal Reserve's latest survey of nationwide economic conditions made public on March 19 stated "shortages of both skilled and entry-level workers worsened."

The unemployment rate among electrical engineers nationwide is 0.4 percent. Congressional testimony shows that leading American companies like Microsoft and Sun Microsystems have over 2,000 unfilled positions each. CEOS of companies like Dell Computers and Texas Instruments warn that America's global leadership in high technology fields will be threatened if this problem is not addressed. "We are disarming the economy of the United States if we don't allow skilled workers to come in," explained Dell Computer Corp. CEO Michael Dell.

Companies are so desperate for workers they are even hiring teenagers part-time at $50,000 a year, as The Washington Post reported in a March 1st front-page article. The National Software Alliance, a consortium of concerned government, industry, and academic leaders that includes the U.S. Army, Navy, and Air Force has warned that the current severe understaffing could lead to inflation and lower productivity and threaten America's competitiveness.

And in the last two years, difficulties finding workers, economic growth and the globalization of business has led to a dramatic increase in the use of H-1B visas for skilled foreign-born professionals. The situation has changed so swiftly that the allotment of these visas will be exhausted an astounding four to five months before the end of this fiscal year.

The recent General Accounting Office report is little more than an inside-the-beltway squabble over how to measure shortages that ignores the real marketplace. The GAO report focused on one study by the Commerce Department, a study that was not even raised by witnesses at a recent Senate Judiciary Committee hearing on H-1B visas. In turn, the Commerce Department has responded by criticizing GAO for doing a report that "contains several inaccuracies."

The GAO acknowledges it "did not perform any independent analysis to determine whether a shortage of IT workers exists in the United States" but merely critiqued the methodology of a Commerce Department study, a critique the Commerce Department critiques. In fact, the GAO does not question that the U.S. economy will create more than 100,000 jobs a year in information technology over the next decade.

There is a legitimate debate about how best to address the supply of needed skilled workers. The legislation I have introduced is a balanced approach that utilizes a combination of college scholarships for young people, training for the unemployed, and an increase in foreign-born professionals on H-1B temporary visas. The legislation, supported by my colleagues Senators HATCH, MCCAIN, DEWINE, SPECTER, GRAMS and BROWNBACK, will be strongly pushed before the April recess. If American companies cannot find home grown talent, and if they cannot bring talent to this country, a large number are likely to move key operations overseas, sending those and related jobs currently held by Americans with them. We do not want that to happen. I encourage my colleagues to support the American Competitiveness Act.

I ask unanimous consent that letters of support for the bill from Empower America's Jack Kemp, the National Asian Pacific American Legal Consortium, and the U.S. Hispanic Chamber of Commerce, as well as recent editorials in the Oakland Press and the Washington Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 18, 1998.

Hon. WILLIAM J. CLINTON,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you are aware, America's high-technology firms are among the most dynamic and innovative in the world today. From the stock market—where the current boom has been fueled, in large part, by high-tech stocks—to the retail market—where consumers benefit from steadily decreasing prices and expanding choices—the success of U.S. high-tech businesses has played an integral role in creating prosperity and opportunity that transcends Silicon Valley.

Despite aggressive recruitment and education efforts, America's high-technology sector faces a severe labor shortage. The unemployment rate among electrical engineers has plummeted to 0.4%. According to the Information Technology Association of America, more than 346,000 skilled positions remain vacant. A shortage of skilled workers is preventing high-tech U.S. firms from growing at their full potential.

By November of 1997, the U.S. issued its annual cap of 65,000 H-1B temporary visas, which allow skilled foreign professionals to work in the United States. This year the cap will be hit at least four months before the end of the fiscal year, shutting the door to thousands of skilled employees and causing serious disruption to high-tech industry. U.S. companies and universities will effectively lose access to a crucial pool of skilled labor within eighteen months unless the cap is expanded. This will devastate many of the most dynamic sectors of our economy.

In public statements by Commerce Secretary Daley, and in Congressional testimony from the Department of Labor, your administration has not only expressed opposition to increasing the cap; it has insisted on vastly expanded regulatory burdens that will dramatically reduce U.S. employers' access to this key source of personnel.

Equally troubling, these so-called reforms are packaged in a way that can only be described as anti-immigrant, and I do not use the term casually. It cannot be lost on Department of Labor officials that the majority of the people entering the United States on-H-1B visas are of Hispanic or Asian Pacific origin. Cypress Semiconductor CEO T.J. Rodgers recently testified to Congress, "Most of our H-1B hires are individuals of either Asian Pacific or Hispanic descent, just like many other immigrants. Neither these individuals nor anyone who comes through the family immigration or refugee system should be maligned unfairly for 'taking away American jobs.'" I agree.

Mr. Rodgers has also stated, "We would lose jobs without our immigrant talent. The logic of those who claim otherwise including high-ranking members of the Clinton Administration, borders on folly."

I have been dismayed to hear nativist appeals to "protect U.S. workers" coming from the Labor Department. I urge you t overrule those protectionist sentiments and support an increase in the H-1B cap without attaching new and highly restrictive measures that will harm the H-1B recipients, U.S. employers, and the U.S. economy. These new burdens will ultimately cost American jobs by pushing American firms offshore.

I also urge you to support the American Competitiveness Act, authored by Senator Spencer Abraham. This bill increases the cap on H-1B visas sufficiently to meet the current needs of companies and universities; it provides college scholarships for 20,000 more young people a year to study in math, engineering, and computer science; and it targets enforcement at serious violators of the H-1B program, rather than restricting the ability of law-abiding employers to hire needed employees.

The American Competitiveness Act will allow an additional 25,000 skilled workers to enter the United States this year on H-1B visas. This and its attention to education will help to ameliorate labor shortages in high-tech industry now and in the future. In the interest of encouraging economic growth and expanding employment opportunities throughout the entire economy, I hope that you will instruct members of your administration to end their nativist attacks and support Senator Abraham's bill.

Very sincerely yours,

Jack Kemp.

NATIONAL ASIAN PACIFIC
AMERICAN LEGAL CONSORTIUM,
Washington, DC., March 26, 1998.

Senator SPENCER ABRAHAM,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ABRAHAM: We are writing to you regarding your proposal, S. 1723, which seeks to increase the annual number of H1-B visas to allow U.S. companies to employ additional foreign-born professionals on a temporary basis. First and foremost, we would like to thank you for your leadership in Congress in support of legal immigration. In particular, the Asian Pacific American community recognizes your strong leadership in ensuring the preservation of family immigration during the 1996 debates in Congress.

Your proposal to increase the annual number of H1-B visas further highlights the significant contributions that immigrants make to this country and to the U.S. economy. As you know, 38% of those entering the United States through the H1-B program are from Asian countries, with the largest numbers coming from India, China, Japan and the Philippines. Your proposal, if passed, will help to guarantee that the American economy will continue to benefit from the talents and skills of individuals from Asia.

It has come to our attention, however, that House Immigration Subcommittee Chairman Lamar Smith (R-TX) is preparing to add a provision in the companion House bill which would impose new restrictions on family immigration. Although we support the entry of more professionals under the H1-B visa program, we would oppose any legislation that contained provisions to limit or further restrict the current family immigration system in any way. We understand that you will strenuously oppose any attempt by Rep. Smith or others to add a "poison pill" provision on family immigration, and that you will withdraw your bill if such a provision is in fact added to the final version.

In addition, we hope that you will be vigilant in pushing for all appropriate safeguards and measures to protect the wages and working conditions of H1-B workers, with proper enforcement mechanisms should an employer fail to comply with these measures.

We understand that your bill will be marked up on April 2 before the full Senate Judiciary Committee. We support your bill based on your commitment and continued assurance to withdraw the bill if a provision is added that limits or further restricts family immigration in any way.

Sincerely,

KAREN K. NARASAKI,
Executive Director.

U.S. HISPANIC CHAMBER OF COMMERCE,
Washington, DC, March 26, 1998.

Hon. SPENCER ABRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the United States Hispanic Chamber of Commerce we would like to congratulate you for introducing legislation such as the American Competitiveness Act. This legislation will help many Hispanic-owned businesses in finding the key personnel they need to grow and prosper in an increasingly competitive global market.

As you know, many companies are finding it extremely difficult to find skilled personnel. Clearly there is a shortage of skilled workers in America, particularly in high technology fields. This has meant that many companies are leaving positions unfilled, which affects their ability to provide new products and services to customers, and to create more jobs in this country. Moreover, many of our members are establishing greater ties to global export markets. To succeed, they often need people who have grown up and experienced the cultures and markets to which these companies are exporting.

The need for skilled people will not disappear soon. And your legislation takes a balanced approach by raising the cap on H-1B visas for foreign-born professionals, while also increasing efforts at education and training in this country.

As you know the USHCC's goal is to represent the interests of over one million Hispanic-owned businesses in the U.S. and Puerto Rico. With over 210 Hispanic Chambers of Commerce across the country, the USHCC has become the umbrella organization which actively promotes the growth and development of Hispanic entrepreneurs.

Sincerely,

JOSE F. NINO,
President/CEO.

[From the Oakland Press, Mar. 19, 1998]

ADMITTING MORE IMMIGRANTS WOULD PROVIDE MORE WORKERS

(By Neil Munro)

Would you believe we're running out of workers in this country?

It's true, especially those capable of serving in our technology industry—computer programmers, for example. Some employers in Oakland County reportedly are having a problem finding enough workers.

But something can be done to ease the squeeze, as they say.

And U.S. Sen. Spencer Abraham is working on it.

He has introduced legislation to increase the number of temporary immigrants who can come here to work in high-skilled occupations. A 1990 law limits their ranks to 65,000 annually.

This year, that is expected to be reached by summer. Just a year or so ago, it came into play for the first time. And if there is no change, the limit will be enforced earlier next year, even sooner the year after that, and so on.

Abraham's bill would increase the cap to 90,000 this year, automatically increase that by 25,000 if it is reached, and automatically keep moving it upward in subsequent years.

The obvious question is why can't employers find such workers in this country?

It seems youngsters aren't being encouraged or trained to enter the field—the old disconnection between education, people's expectations and the real world.

In addition, there have been published complaints that too many employers are unwilling to hire older qualified Americans who say they can't re-enter the high-tech work force they left.

Both those who meet that definition and people who oppose added immigration argue that some employers prefer younger, cheaper workers who are willing to put in more hours than they perhaps should.

Whatever the truth of all this may be, the fact is a significant employee shortage in the computer industry—or any other industry—would likely end the nation's longest-running economic boom. That boom began in 1990.

We really wouldn't want to end up with a lot of Americans lining up for unemployment checks again.

Except for largely rural backwaters and resort areas in which work is highly seasonal, joblessness is all but unknown in Michigan.

The unemployment rate in Oakland County, for instance, is just 3 percent of the work force—about the number of people normally between jobs because they're changing them voluntarily.

Of course, there's nothing bad about immigrants. Except for native Americans, our families all originally are from somewhere else. Abraham's bill no doubt will face opposition for the above-mentioned reasons. But it's hard to imagine that the nation dares do without it.

[From the Washington Times, Mar. 16, 1998]

FRUITS OF THE BUMPER JOB CROP

(By Donald Lambro)

The continuing decline in America's jobless rate to 4.6 percent, the lowest level in nearly 30 years, is welcome news. We added another 310,000 workers to payrolls last month, and more than 3.4 million over the past year.

"It's worker heaven driven by consumer heaven. There are more jobs for more people with more pay and more worker power than in decades. It's stunning," economist Allen Sinai told The Washington Post's business reporter John Berry.

Traditionally, economists have viewed full employment to be around 4 percent. That is the normal percentage of people who are at any given time out of work because of layoffs, bankruptcies or job changes. So, with some exceptions (in West Virginia the jobless rate is a bleak 6.4 percent), we are at nearly full employment in the economy right now.

But this good news on the job front masks a serious labor force problem that is not getting the news media attention it deserves: not enough qualified workers to meet the growing demand of America's expanding high-tech industries.

Sen. Spencer Abraham of Michigan put this issue into sharp perspective in a recent speech in the Senate:

"All is not well with this crucial sector of our economy. American companies today are engaged in fierce competition in global markets. To stay ahead in that competition, they must win the battle for human capital. But companies across America are faced with severe high-skilled labor shortages that threaten their competitiveness in this new Information Age economy."

A study by Virginia Tech for the Information Technology Association of America finds there are now more than 340,000 unfilled, high-skilled U.S. jobs in the information technology industry. And this excludes government agencies, non-profits, mass transit systems and businesses with 100 employees or less.

In this one high-tech field alone, the U.S. Department of Labor projects that American businesses will create more than 130,000 information technology jobs a year over the next 10 years. That's 1.3 million job openings. But our colleges and universities are producing less than a fourth of the number of qualified graduates' needed to fill them.

The National Software Alliance, a consortium of industry, government and academic leaders, recently concluded that "The supply of computer science graduates is far short of the number needed by industry."

This is a critical problem that threatens to undermine economic growth and new job creation. Computer hardware and software industries have become one of the fastest-growing sectors of our economy and now account for about a third of our economic growth rate. A study by the Hudson Institute, an Indiana think tank, warns that if this shortfall persists, it will result in a 5 percent decline in the rate of economic growth—the equivalent of $200 billion in lost output.

High-tech companies around the country are already reporting that they have had to forgo major new contracts because they cannot find enough skilled workers to fulfill them. This is resulting in untold billions of dollars in lost business and lost employment opportunities.

Mr. Abraham has a short-term solution to this problem and a long-term one as well.

In the short term, he proposes we modestly raise the immigration restrictions on the entry of skilled workers from abroad by about 25,000. The number of allowable skilled temporary workers has been frozen at 65,000 for nearly a decade and last year businesses reached that yearly limit by the middle of August. This year that limit could be reached in May.

His bill, the American Competitiveness Act, also takes a long-term approach to the problem, offering $50 million to pay for more than 20,000 scholarships each year for low-income students in the fields of math, engineering and computer sciences. It also contains some additional funding to train unemployed workers for related high-tech jobs.

No doubt his bill will be attacked by the protectionists and nativists who continue to believe immigrants are a net cost to our economy when, as the declining jobless rate overwhelming shows, they are a net plus as workers and job-creating employers.

But there is a very strong argument against the anti-immigration offensive that every American will understand:

"If American companies cannot find homegrown talent, and if they cannot bring talent to this country, a large number are likely to move key operations overseas, sending those and related jobs currently held by Americans with them," Mr. Abraham told his Senate colleagues last week.

Needless to say, his bill has a lot of support among hundreds of high-tech executives like T. J. Rodgers, chief executive of Cypress Semiconductor, Scott McNealy of Sun Microsystems, and Bill Gates, head of Microsoft, all of whom are desperate for skilled workers. Mr. Gates and Mr. McNealy alone have 4,522 technical job openings right now that they cannot fill.

"Raising these [skilled immigrant] caps . . . would be a good thing for the technology industry and for the country," Mr. Gates told the Senate earlier this month.

Not too many years ago the overriding issue in our country was unemployment and job security. Today it is skilled, high-paying jobs going begging and the specter of the mighty American economy turning away business opportunities and markets because it lacks qualified workers.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4443. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule received on March 20, 1998; to the Committee on Veterans' Affairs.

EC–4444. A communication from the Secretary of Energy, transmitting, the report of the Comprehensive Electricity Competition Plan; to the Committee on Energy and Natural Resources.

EC–4445. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule received on March 26, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–4446. A communication from the Executive Director of the District of Columbia Housing Finance Agency, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–4447. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4448. A communication from the General Sales Manager and Vice President of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the monetization report for the fiscal years 1993 through 1995; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4449. A communication from the Deputy Director of the Regulations Policy and Management, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Labor and Human Resources.

EC-4450. A communication from the Director of Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Labor and Human Resources.

EC-4451. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 26, 1998; to the Committee on Labor and Human Resources.

EC-4452. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4453. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4454. A communication from the Staff Director of the U.S. Commission on Civil Rights, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4455. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the report of the strategic plan for fiscal years 1999 through 2004; to the Committee on Environment and Public Works.

EC-4456. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules received on March 25, 1998; to the Committee on Environment and Public Works.

EC-4457. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on March 25, 1998; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-372. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Appropriations.

Senate Resolution No. 147

Whereas, The Great Lakes are unique and priceless resources. In addition to their importance as the world's most accessible source of fresh water, this network of inland seas plays pivotal roles in transportation and in the economies of the bordering states and Ontario; and

Whereas, A key component of Michigan's maritime infrastructure is our system of small harbors. These harbors are in jeopardy of losing the federal funding that provides for maintenance through the U.S. Army Corps of Engineers. The Corps of Engineers has reportedly informed the Michigan Department of Natural Resources that it plans to eliminate funds for small harbor dredging and maintaining seawalls and docks. For many years, the federal government and the state have operated a partnership in keeping the small harbors. While these are not major contributors to commercial interests, the nearly fifty small harbors presently in jeopardy are very important to boating and fishing activities in this state. Boating and fishing represent as much as one fifth of the state's tourism industry, a fundamental part of our economy; and

Whereas, Another federal program in danger of being eliminated or inadequately funded is the work of combating the sea lamprey in the Great Lakes. This species is a persistent threat to fishing. Individual states should not be required to bear this economic burden alone. The federal government has underfunded the lamprey control program to an extent that forces Michigan to spend much more than it should to deal with a problem facing several states and our neighbors in Canada; and

Whereas, If the federal government abandons its commitments in the areas of small harbor maintenance and lamprey control, the ultimate result will be higher costs and more difficulties for the region's economy and countless communities. To eliminate or seriously cut federal investment in the Great Lakes is a short-sighted approach to take; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to provide full funding for harbor maintenance and lamprey control in the Great Lakes and to urge other Great Lakes states to join in this effort; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the legislatures and governors of the other states bordering the Great Lakes.

POM-373. A resolution adopted by the House of the Legislature of the State of New Hampshire; to the Committee on Finance.

House Resolution 55

Whereas, the forests of New Hampshire are one of the state's most valuable natural resources, providing wood and timber products, wildlife habitat, recreational opportunities, clean air and water, and scenic vistas throughout the state; and

Whereas, there are more than 80,000 owners of forestland in New Hampshire; and

Whereas, the forest products industry is the third largest sector of the state's manufacturing economy, employing over 15,000 individuals and providing economic benefits to communities throughout the state; and

Whereas, the ice storm of January 1998 had a significant effect upon the forests of New Hampshire by damaging hundreds of thousands of acres of timberland; and

Whereas, the storm caused financial loss to landowners throughout the state estimated in the tens of millions of dollars; and

Whereas, the downed or damaged trees present long-term threats to the state's forests from increased danger of fire and insect and disease outbreaks; now, therefore, be it

Resolved by the House of Representatives:

That the New Hampshire house of representatives hereby urges landowners of the State to take all necessary and responsible actions to protect forests from future threats of fire and insect and disease outbreaks; and

That the New Hampshire house of representatives hereby urges municipalities to work closely with landowners, foresters, loggers, and arborists to provide for the removal of storm-damaged timber in a timely, efficient, and safe manner; and

That the New Hampshire House of Representatives urges landowners of the state to utilize wood from the ice storm of 1998 in the State's biomass plants and pulpwood plants; and

That the New Hampshire house of representatives hereby commends the New Hampshire congressional delegation for their efforts to assure federal assistance to the State's landowners and forest industry in the form of low-interest loans and cost-share programs that encourage responsible land stewardship; and

That the New Hampshire house of representatives hereby encourages the New Hampshire congressional delegation to strive to provide tax incentives that recognize the economic loss suffered as a result of the ice storm of 1998; and

That copies of this resolution, signed by the speaker of the house of representatives, be forwarded by the clerk of the House of Representatives to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, to each member of the New Hampshire congressional delegation, and to the state library.

POM-374. A resolution adopted by the House of the Legislature of the State of New Hampshire; to the Committee on Rules and Administration.

House Resolution 53

Whereas, the state of New Hampshire has in place more rigorous statutes for the disclosure of campaign finances than the federal government of the United States of America; and

Whereas, the disclosure of campaign finances is of major importance to the bond of trust between our citizenry and our federal and state governments, and to the deterrence of government corruption; and

Whereas, the gap between federal and state laws in the disclosure of campaign finances and the assertion of federal sovereignty in this area has meant that our state candidates for the federal offices of United States Representative and Senator have not abided by the same high standards we require of state and local candidates; now, therefore, be it

Resolved by the House of Representatives:

That the house of representatives of New Hampshire hereby urges the United States Congress to pass, and the President to sign, a bill requiring at least as much disclosure of finances by federal candidates as the state from which the candidate seeks election requires of its state and local candidates; and

That the house of representatives of New Hampshire hereby urges all New Hampshire candidates for federal office to respect the spirit of our laws by voluntary compliance with the state's disclosure laws as spelled out in RSA 664:6-7; and

That copies of this resolution, signed by the speaker of the house of representatives, be forwarded by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the New Hampshire congressional delegation; and

That copies of this resolution be made available to all candidates for federal office by the secretary of state.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself, Mr. INOUYE, Mr. HOLLINGS, Mr. LOTT, Mr. THURMOND, Mr. STEVENS, Mr. HELMS, Mr. WARNER, Mr. LUGAR, Mr. NICKLES, Mr. SMITH of New Hampshire, Mrs. HUTCHISON, Mr. DOMENICI, Mr. CRAIG, Mr. INHOFE, Mr. MURKOWSKI, Mr. BURNS, Mr. BENNETT, Mr. MACK, Mr. MCCONNELL, Mr. D'AMATO, Mr. KEMPTHORNE, Mr. ALLARD, Mr. SESSIONS, Mr. FAIRCLOTH, Mr. COVERDELL, Mr. SHELBY, Mr. THOMPSON, Mr. BOND, Mr. HAGEL, Mr. FRIST, Mr. ABRAHAM, Mr. KYL, Mr. ROBERTS, Mr. SMITH of Oregon, Mr. ASHCROFT, Mr. MCCAIN, Ms. SNOWE, and Mr. GRAMS):

S. 1873. A bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack; to the Committee on Armed Services.

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. THOMPSON, Mr. BINGAMAN, and Mr. REID):

S. 1874. A bill to improve the ability of small businesses, Federal agencies, industry, and universities to work with Department of Energy contractor-operated facilities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE:

S. 1875. A bill to initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LUGAR:

S. 1876. A bill to amend part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the use of certain amounts for assistance to jail-based substance treatment programs, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1877. A bill to remove barriers to the provision of affordable housing for all Americans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KENNEDY (for himself and Mrs. FEINSTEIN):

S. 1878. A bill to amend the Immigration Nationality Act to authorize a temporary increase in the number of skilled foreign workers admitted to the United States, to improve efforts to recruit United States workers in lieu of foreign workers, and to enforce labor conditions regrading non-immigrant aliens; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. LIEBERMAN, Mr. THOMPSON, Mr. BINGAMAN, and Mr. REID):

S. 1874. A bill to improve the ability of small businesses, Federal agencies, industry, and universities to work with Department of Energy contractor-operated facilities, and for other purposes; to the Committee on Energy and Natural Resources.

THE DEPARTMENT OF ENERGY SMALL BUSINESS AND INDUSTRY PARTNERSHIP ENHANCEMENT ACT OF 1998

Mr. DOMENICI. Mr. President, partnerships among our federal laboratories, universities, and industry provide important benefits to our nation. They help to create innovative new products and services that drive our economy and improve our quality of life.

I have personally observed the positive impacts of well crafted partnerships. These partnerships enhance the ability of the laboratories and other contractor-operated facilities of the Department of Energy to accomplish their federal missions at the same time that the companies benefit though enhanced competitiveness from the technical resources available at these sites.

I have also seen important successes achieved by other federal agencies and companies that utilized the resources of the national laboratories and other Department sites through contract research mechanisms. Contract research enables these sites to contribute their technical expertise in cases where the private sector can not supply a customer's needs. Partnerships and other interactions enable companies and other agencies to accomplish their own missions better, faster, and cheaper.

I've seen spectacular examples where small businesses have been created around breakthrough technologies from the national laboratories and other contractor-operated sites of the DOE. But, at present, only the Department's Defense Programs has a specific program for small business partnerships and assistance.

All programs of the Department have expertise that can be driving small business successes. Historically, in the United States, small businesses have often been the most innovative and the fastest to exploit new technical opportunities—all of the Department's programs should be open to the small business interactions that Defense Programs has so effectively utilized.

I have been concerned that barriers to these partnerships and interactions continue to exist within the Department of Energy. In addition, the Department's laboratories and other sites need continuing encouragement to be fully receptive to partnership opportunities that meet both their own mission objectives and industry's goals. And finally, small business interactions should be encouraged across the Department of Energy, not only in Defense Programs.

For these reasons, I introduce today the Department of Energy Small Business and Industry Partnership Enhancement Act of 1998. This Partnership Enhancement Act removes barriers to more effective utilization of all of the Department's contractor-operated facilities by industry, other federal agencies, and universities. The bill covers all the Department's contractor-operated facilities—national laboratories and their other sites like Kansas City, Pantex, Hanford, Savannah River, or the Nevada Test Site.

This bill also provides important encouragement to the contractor-operated sites to increase their partnerships and other interactions with universities and companies. And finally, it creates opportunities for small businesses to benefit from the technical resources available at all of the Department's contractor-operated facilities.

This bill amends the Atomic Energy Act, which limited the areas wherein the Department's facilities could provide contract research, not in competition with the private sector, to only those mission areas undertaken in the earliest days of the AEC. My bill recognizes that the Department's responsibilities are far broader than the original AEC, and that all parts of the Department should be available to help on a contract basis wherever capabilities are not available from private industry.

One barrier at the Department to contract research involves charges added by the Department to the cost of work accomplished by a site. This bill requires that charges to customers for contract research at these facilities be fully recovered, and stops the addition of extra charges by the Department. The bill requires that any customer of these facilities pay only the direct charges at that facility for their contracted work, plus an overhead rate that is calculated for broad groups of customers. For example, where other federal agencies, companies, or universities do not require secure facilities or do not utilize the extensive special nuclear material capabilities of the laboratories, then the customer will be charged an overhead rate that excludes security costs and environmental legacy costs. This will ensure that each class of customers is paying for the services they actually utilize.

The bill provides direct encouragement for expansion of partnerships and interactions with companies and universities by requiring that each facility be annually judged for success in expanding these interactions in ways that support each facility's missions. The bill requires that the external partnership and interaction program be considered in evaluating the annual contract performance at each site.

And finally, the bill sets up a new Small Business Partnership Program in which all of the Department sites participate. This action will enable small businesses across the United States to better access and partner with any of the Department's contractor-owned facilities. A fund for such interactions up to 0.25 percent of the total site budget is available for these small business interactions.

With these changes, Mr. President, the Department of Energy facilities will be better able to meet their critical national missions, while at the same time assisting other federal agencies, large and small businesses, and universities in better meeting their goals and missions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy Small Business and Industry Partnership Enhancement Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) partnerships between contractor-operated facilities of the Department of Energy and small businesses can enhance growth of competitive small business opportunities;

(2) the contractor-operated facilities represent a national resource in science and technology;

(3) capacity for innovation in the United States is enhanced when the capabilities of the contractor-operated facilities are engaged with other providers and users of the Nation's science and technology base;

(4) contributors to the Nation's science and technology delivery system, Federal agencies, private industry, universities, and the contractor-operated facilities can best perform their missions through partnerships and interactions that leverage the resources of each such entity;

(5) interactions of the contractor-operated facilities with industry and universities serve to—

(A) expand the technology base available for missions of the Department of Energy; and

(B) instill sound business practices in the contractor-operated facilities to enable cost-effective realization of the Federal missions of the facilities;

(6) the contractor-operated facilities benefit from university interactions through access to leading edge research and through recruitment of the talent needed to pursue the missions of the facilities;

(7) industry can improve products and processes leading to an enhanced competitive position through simplified access to the science and technology developed by the contractor-operated facilities; and

(8) other Federal agencies can advance their own missions by using capabilities developed within the contractor-operated facilities.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve the ability of small businesses, Federal agencies, industry, and universities to work with the contractor-operated facilities of the Department of Energy while ensuring full cost recovery of each contractor-operated facility's expenses incurred in such work;

(2) to encourage the contractor-operated facilities to expand their partnerships with universities and industries; and

(3) to expand interactions of contractor-operated facilities with small businesses so as to—

(A) encourage commercial evaluation and development of the science and technology base of the contractor-operated facilities; and

(B) provide technical assistance to small businesses.

SEC. 4. CONTRACT RESEARCH SERVICES.

Section 31a. of the Atomic Energy Act of 1954 (42 U.S.C. 2051(a)) is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) areas of technology within the mission of the Department of Energy as authorized by law.".

SEC. 5. COST RECOVERY.

Section 33 of the Atomic Energy Act of 1954 (42 U.S.C. 2053) is amended—

(1) by striking "SEC. 33. RESEARCH FOR OTHERS.—Where" and inserting the following:

"SEC. 33. RESEARCH FOR OTHERS.

"(a) IN GENERAL.—Where"; and

(2) by striking the last sentence and inserting the following:

"(b) COST RECOVERY.—

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary of Energy shall not recover more than the full cost of work incurred at contractor-operated facilities of the Department of Energy.

"(2) ADMINISTRATIVE COSTS.—Any costs incurred by the Department of Energy in connection with work performed by contractor-operated facilities of the Department of Energy shall be funded from departmental administration accounts of the Department of Energy.

"(3) CHARGES.—For work performed for a person other than the Department of Energy (including non-Federal entities and Federal agencies other than the Department of Energy) (referred to in this paragraph as an 'external customer'), a contractor-operated facility may assess a charge in an amount that does not exceed the sum of —

"(A) the direct cost to the contractor in performing the work for the external customer; and

"(B) a pro rata share of overhead charges for overhead-funded services directly required for performance of the specific work for external customers as a whole or to a category of external customers that includes the external customer.".

SEC. 6. PARTNERSHIPS WITH UNIVERSITIES AND INDUSTRY.

(a) IN GENERAL.—Chapter 4 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2051 et seq.) is amended by adding at the end the following:

"SEC. 34. CONTRACTOR-OPERATED FACILITIES OF THE DEPARTMENT OF ENERGY.

"(a) METRICS.—

"(1) DEFINITION OF METRICS.—In this subsection, the term 'metrics' means a system of measurements to determine levels of specific areas of performance.

"(2) INCLUSION IN CONTRACTS.—Metrics—

"(A) shall be developed jointly by the Secretary of Energy and each contractor operating a facility of the Department of Energy to ensure that realistic goals are established that are directly supportive of the mission and responsibilities of the contractor-operated facility;

"(B) shall be specified in the contract for operation of the facility; and

"(C) shall be used to evaluate the effectiveness of partnership development by the facility.

"(b) PARTNERSHIPS AND INTERACTIONS.—

"(1) ENCOURAGEMENT OF PARTNERSHIPS AND INTERACTIONS.—The Secretary of Energy shall encourage partnerships and interactions with universities and private industry at each contractor-operated facility.

"(2) COMPONENT OF PERFORMANCE EVALUATIONS.—The development and expansion of partnerships and interactions with universities and private industry shall be a component in evaluating the annual performance of each contractor-operated facility.

"(c) SMALL BUSINESS TECHNOLOGY PARTNERSHIP PROGRAM.—

"(1) IN GENERAL.—The Secretary of Energy shall require that each contractor operating a facility of the Department of Energy create a small business technology partnership program at each contractor-operated facility.

"(2) FUNDING LEVEL.—A contractor may spend not more than 0.25 percent of the total operating budget of a contractor-operated facility on the program.

"(3) EVALUATIONS.—The Secretary shall annually evaluate the effectiveness of the program with each contractor to ensure that the program is providing opportunities for small businesses to interact with and use the resources of each contractor-operated facility.

"(4) USE OF FUNDS.—Funds from the program—

"(A) shall be used to cover a contractor-operated facility's costs of interactions with small businesses; and

"(B) shall not be used for direct monetary grants to small businesses.".

(b) CONFORMING AMENDMENT.—The table of contents of the Atomic Energy Act of 1954 (42 U.S.C. prec. 2011) is amended by adding at the end of the items relating to chapter 4 of title I the following:

"Sec. 34. Contractor-operated Facilities of the Department of Energy.".

By Mr. DASCHLE:

S. 1875. A bill to initiate a coordinated national effort to prevent, detect, and educate the public concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect and to identify effective interventions for children, adolescents, and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and for other purposes; to the Committee on Labor and Human Resources.

THE FETAL ALCOHOL SYNDROME AND FETAL ALCOHOL EFFECT PREVENTION AND SERVICES ACT

Mr. DASCHLE. Mr. President, in numerous ways, this nation demonstrates that our children are our most valuable investment and our most precious asset. We work to improve their education, to give them greater access to high quality health care, to minimize their exposure to tobacco and other addictive agents. We are driven to do all we can to help them realize their potential and achieve their personal and professional goals.

In that context, it is inconsistent and shortsighted that, year after year, we pay little or no attention to a public health problem that is 100 percent preventable, yet affects more and more children each year, and that inalterably damages physical, mental and emotional processes critical to a child's ability to grow into an independent, fully functioning adult. The public health problem I am referring to is fetal alcohol syndrome. Fetal alcohol syndrome (FAS) and the related condition, fetal alcohol effect (FAE), are lifelong conditions characterized by multiple physical, mental, and behavioral handicaps. FAS and FAE cross racial, ethnic and economic lines to affect families throughout the United States. Both conditions are 100 percent preventable—and 100 percent irreversible.

In January of 1997, I introduced S.148, a bill to establish a program for the prevention of FAS and FAE. S.148 calls for the development of an interagency task force at the federal level to promote prevention and detection of FAS and FAE, as well as a grant program to help communities expand public awareness and prevention at the state and local levels.

I introduced bills similar to S.148 in the 102nd, 103rd and 104th Congresses, but, as is too often the case, these measures were too modest in scope to compete against "the issue of the moment." Seven years is a long time to push a bill, but I don't see this effort as a matter of choice so much as a matter of necessity. It is a crime to sit back while more and more women each year drink during pregnancy and more and more children each year are handicapped for life because of it.

In fact, the more I have learned about these conditions and their impact on children and their families, the more apparent it is to me that, if we truly care about children, we must not only embrace the goals of S.148, we must go beyond them. Not only should we do all we can to protect more children from a life sentence of devastating handicaps, we should acknowledge that for many children, prevention comes too late.

We must open our eyes to the fact that FAS and FAE children and their families often have nowhere to turn for information, guidance and the social services necessary to respond to their special needs.Up to 12,000 children with FAS are born each year in the United States. According to some estimates, the rate of FAE is 3 times that.

The incidence of FAS is nearly double that of Down's syndrome and almost 5 times that of spinal bifida. The incidence of FAS may be as high as one per 100 in some Native American communities.

FAS and FAE are characterized by a complicated and debilitating array of mental, physical, and behavioral problems. FAS is the leading cause of mental retardation, and, let me repeat, it is 100 percent preventable.

But rather than setting our sites on decreasing the incidence of FAS and FAE, the nation is witnessing a rapid increase in its incidence. In 1995, the Centers for Disease Control reported a six-fold increase in the percentage of babies born with FAS over the preceding 15 years. Again according to the CDC, rates of alcohol use during pregnancy increased significantly between 1991 and 1995, especially the rates of "frequent drinking."

This trend defies the Surgeon General's warning against drinking while pregnant. It defies a strongly worded advisory issued in 1991 by the American Medical Association urging women to abstain from all alcohol during pregnancy. Clearly, we need to do more to discourage women from risking their children's future by drinking while pregnant.

In addition to the tragic consequences for thousands of children and their families, these disturbing trends have immense implications from a fiscal perspective. The costs associated with caring for individuals with FAS and FAE are staggering.

The Centers for Disease Control and Prevention estimates that the lifetime cost of treating an individual with FAS is almost $1.4 million. The total cost in terms of health care and social services to treat all Americans with FAS was estimated at $2.7 billion in 1995. This is an extraordinary and unnecessary expense.

To the extent we can prevent FAS and FAE and help parents respond appropriately to the special needs of their children, we can reduce institutionalizations, incarcerations and the continual use of medical and mental health services that otherwise may be inevitable. It makes fiscal sense, but far more importantly, it is the humane thing to do.

The bill I am introducing today will establish a national task force comprised of parents, educators, researchers and representatives from relevant federal, state and local agencies. That task force will take on a difficult and critically important task. It will be responsible for reporting to Congress on FAS and FAE—on the nature and scope of the problem, the current response at the federal, state and local levels, and on ways the federal government can help states and localities make further progress. In conjunction with the task force efforts, the Secretary would establish a competitive grants program. This program would provide the resources necessary to operationalize the task force recommendations.

The concept of a national task force with membership from outside of, as well as within, the federal government make sense for FAS and FAE, because the true experts on these conditions are the parents and professionals who deal with the cause and effects of these conditions day in and day out. If we want to respond appropriately, parents, teachers, social workers, and researchers should have a place at the table. A national task force will also provide the opportunity for communities to share best practices, preventing states that are newer to this problem from having to "reinvent the wheel."

Mr. President, responding to the tragedy of alcohol-related birth defects is an urgent cause. I would like to thank the many concerned parents, researchers, educators, and federal agencies who helped develop this bill. Their input has produced what I believe is a solid response to the challenge and obligation before us. I urge my colleagues from both sides of the aisle to join me in an effort that can save children from a legacy of unnecessary and overwhelming handicaps, and help those for whom prevention is too late to live independent, fulfilling lives. I believe that if they look at this issue closely, they will agree that it would be a crime to do any less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fetal Alcohol Syndrome and Fetal Alcohol Effect Prevention and Services Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) Fetal Alcohol Syndrome is the leading known cause of mental retardation, and it is 100 percent preventable;

(2) each year, up to 12,000 infants are born in the United States with Fetal Alcohol Syndrome, suffering irreversible physical and mental damage;

(3) thousands more infants are born each year with Fetal Alcohol Effect, also known as Alcohol Related Neurobehavioral Disorder (ARND), a related and equally tragic syndrome;

(4) children of women who use alcohol while pregnant have a significantly higher infant mortality rate (13.3 per 1000) than children of those women who do not use alcohol (8.6 per 1000);

(5) Fetal Alcohol Syndrome and Fetal Alcohol Effect are national problems which can impact any child, family, or community, but their threat to American Indians and Alaska Natives is especially alarming;

(6) in some American Indian communities, where alcohol dependency rates reach 50 percent and above, the chances of a newborn suffering Fetal Alcohol Syndrome or Fetal Alcohol Effect are up to 30 times greater than national averages;

(7) in addition to the immeasurable toll on children and their families, Fetal Alcohol Syndrome and Fetal Alcohol Effect pose extraordinary financial costs to the Nation, including the costs of health care, education, foster care, job training, and general support services for affected individuals;

(8) the total cost to the economy of Fetal Alcohol Syndrome was approximately $2,500,000,000 in 1995, and over a lifetime, health care costs for one Fetal Alcohol Syndrome child are estimated to be at least $1,400,000;

(9) researchers have determined that the possibility of giving birth to a baby with Fetal Alcohol Syndrome or Fetal Alcohol Effect increases in proportion to the amount and frequency of alcohol consumed by a

pregnant woman, and that stopping alcohol consumption at any point in the pregnancy reduces the emotional, physical, and mental consequences of alcohol exposure to the baby; and

(10) though approximately 1 out of every 5 pregnant women drink alcohol during their pregnancy, we know of no safe dose of alcohol during pregnancy, or of any safe time to drink during pregnancy, thus, it is in the best interest of the Nation for the Federal Government to take an active role in encouraging all women to abstain from alcohol consumption during pregnancy.

SEC. 3. PURPOSE.

It is the purpose of this Act to establish, within the Department of Health and Human Services, a comprehensive program to help prevent Fetal Alcohol Syndrome and Fetal Alcohol Effect nationwide and to provide effective intervention programs and services for children, adolescents and adults already affected by these conditions. Such program shall—

(1) coordinate, support, and conduct national, State, and community-based public awareness, prevention, and education programs on Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(2) coordinate, support, and conduct prevention and intervention studies as well as epidemiologic research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

(3) coordinate, support and conduct research and demonstration projects to develop effective developmental and behavioral interventions and programs that foster effective advocacy, educational and vocational training, appropriate therapies, counseling, medical and mental health, and other supportive services, as well as models that integrate or coordinate such services, aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families; and

(4) foster coordination among all Federal, State and local agencies, and promote partnerships between research institutions and communities that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, surveillance, prevention, and interventions and otherwise meet the general needs of populations already affected or at risk of being impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

SEC. 4. ESTABLISHMENT OF PROGRAM.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART O—FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM

"SEC. 399G. ESTABLISHMENT OF FETAL ALCOHOL SYNDROME PREVENTION AND SERVICES PROGRAM.

"(a) FETAL ALCOHOL SYNDROME PREVENTION, INTERVENTION AND SERVICES DELIVERY PROGRAM.—The Secretary shall establish a comprehensive Fetal Alcohol Syndrome and Fetal Alcohol Effect prevention, intervention and services delivery program that shall include—

"(1) an education and public awareness program to support, conduct, and evaluate the effectiveness of—

"(A) educational programs targeting medical schools, social and other supportive services, educators and counselors and other service providers in all phases of childhood development, and other relevant service providers, concerning the prevention, identification, and provision of services for children, adolescents and adults with Fetal Alcohol Syndrome and Fetal Alcohol Effect;

"(B) strategies to educate school-age children, including pregnant and high risk youth, concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect;

"(C) public and community awareness programs concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

"(D) strategies to coordinate information and services across affected community agencies, including agencies providing social services such as foster care, adoption, and social work, medical and mental health services, and agencies involved in education, vocational training and civil and criminal justice;

"(2) a prevention and diagnosis program to support clinical studies, demonstrations and other research as appropriate to—

"(A) develop appropriate medical diagnostic methods for identifying Fetal Alcohol Syndrome and Fetal Alcohol Effect; and

"(B) develop effective prevention services and interventions for pregnant, alcohol-dependent women; and

"(3) an applied research program concerning intervention and prevention to support and conduct service demonstration projects, clinical studies and other research models providing advocacy, educational and vocational training, counseling, medical and mental health, and other supportive services, as well as models that integrate and coordinate such services, that are aimed at the unique challenges facing individuals with Fetal Alcohol Syndrome or Fetal Alcohol Effect and their families.

"(b) GRANTS AND TECHNICAL ASSISTANCE.—The Secretary may award grants, cooperative agreements and contracts and provide technical assistance to eligible entities described in section 399H to carry out subsection (a).

"(c) DISSEMINATION OF CRITERIA.—In carrying out this section, the Secretary shall develop a procedure for disseminating the Fetal Alcohol Syndrome and Fetal Alcohol Effect diagnostic criteria developed pursuant to section 705 of the ADAMHA Reorganization Act (42 U.S.C. 485n note) to health care providers, educators, social workers, child welfare workers, and other individuals.

"(d) NATIONAL TASK FORCE.—

"(1) IN GENERAL.—The Secretary shall establish a task force to be known as the National task force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (referred to in this subsection as the 'task force') to foster coordination among all governmental agencies, academic bodies and community groups that conduct or support Fetal Alcohol Syndrome and Fetal Alcohol Effect research, programs, and surveillance, and otherwise meet the general needs of populations actually or potentially impacted by Fetal Alcohol Syndrome and Fetal Alcohol Effect.

"(2) MEMBERSHIP.—The Task Force established pursuant to paragraph (1) shall—

"(A) be chaired by an individual to be appointed by the Secretary and staffed by the Administration; and

"(B) include the Chairperson of the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services, and representatives from research and advocacy organizations such as the Research Society on Alcoholism, the FAS Family Resource Institute and the National Organization of Fetal Alcohol Syndrome, the academic community, and Federal, State and local government agencies and offices.

"(3) FUNCTIONS.—The Task Force shall—

"(A) advise Federal, State and local programs and research concerning Fetal Alcohol Syndrome and Fetal Alcohol Effect, including programs and research concerning education and public awareness for relevant service providers, school-age children, women at-risk, and the general public, medical diagnosis, interventions for women at-risk of giving birth to children with Fetal Alcohol Syndrome and Fetal Alcohol Effect, and beneficial services for individuals with Fetal Alcohol Syndrome and Fetal Alcohol Effect and their families;

"(B) coordinate its efforts with the Interagency Coordinating Committee on Fetal Alcohol Syndrome of the Department of Health and Human Services; and

"(C) report on a biennial basis to the Secretary and relevant committees of Congress on the current and planned activities of the participating agencies.

"(4) TIME FOR APPOINTMENT.—The members of the Task Force shall be appointed by the Secretary not later than 6 months after the date of enactment of this part.

"SEC. 399H. ELIGIBILITY.

"To be eligible to receive a grant, or enter into a cooperative agreement or contract under this part, an entity shall—

"(1) be a State, Indian tribal government, local government, scientific or academic institution, or nonprofit organization; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may prescribe, including a description of the activities that the entity intends to carry out using amounts received under this part.

"SEC. 399I. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this part, $27,000,000 for each of the fiscal years 1999 through 2003.

"(b) TASK FORCE.—From amounts appropriate for a fiscal year under subsection (a), the Secretary may use not to exceed $2,000,000 of such amounts for the operations of the National Task Force under section 399G(d).

"SEC. 399J. SUNSET PROVISION.

"This part shall not apply on the date that is 7 years after the date on which all members of the national task force have been appointed under section 399G(d)(1).".

By Mr. LUGAR:

S. 1876. A bill to amend part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to permit the use of certain amounts for assistance to jail-based substance treatment programs, and for other purposes; to the Committee on the Judiciary.

THE JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAM ACT OF 1998

Mr. LUGAR Mr. President, I rise today to offer legislation amending the Residential Substance Abuse Treatment program, known as R-SAT, to enable jurisdictions below the state level to realize greater benefits from the program. The R-SAT program allows the Attorney General to make grants for the establishment of treatment programs within local correctional facilities, but only a few jurisdictions have been able to take advantage of these grants.

The legislation I am offering today will solve this problem by establishing a separate Jail-Based Substance Abuse

Treatment Program, or J-SAT. Under this new program, states will be explicitly authorized to devote up to ten percent of the funds they receive under R-SAT to qualifying J-SAT programs.

This legislation will provide matching funds to jail-based treatment programs that meet several criteria. First, the program must be at least three months in length. This is the minimum amount of time for a treatment program to have the desired effect. To qualify for funding, a program must also have been in existence for at least two years. This criterion is intended to ensure that jurisdictions which have already demonstrated a commitment to treatment programs at the local level receive first priority for funding. It also ensures that scarce treatment resources are allocated to programs with a demonstrable track record of success. The third criteria for programs seeking J-SAT funding is that the treatment regimen must include regular drug testing. This is necessary to ensure that some objective measure of the program's success is available. Grant recipients are also encouraged to provide the widest range of aftercare services possible, including job training, education and self-help programs. These steps are necessary to leverage the resources devoted to solving the problem of substance abuse, and to give individuals involved in treatment the best possible chance for successful rehabilitation.

I am offering this legislation because substance abuse and problems arising from it are putting a severe strain on the resources of local jurisdictions throughout the nation. This is not a minor problem. The Office of National Drug Control Policy indicates that approximately three-fourths of prison inmates—and over half of those in jails or on probation—are substance abusers, yet only a small percentage of inmates participate in treatment programs while they are incarcerated. The time during which drug-using offenders are in custody or under post-release correctional supervision presents a unique opportunity to reduce drug use and crime through effective drug testing and treatment programs.

Research indicates that programs like J-SAT can help to reduce the strain on our communities by cutting drug use in half; by reducing other criminal activity like shoplifting, assault, and drug sales by up to 80 percent; and by reducing arrests for all crimes by up to 64 percent.

I would also note that jail-based treatment programs are cost effective. In 1994, the American Correctional Association estimated the annual cost of incarceration at $18,330. The Office of National Drug Control Policy states that treatment while in prison and under post-incarceration supervision can reduce recidivism by roughly 50 percent. Thus, for every $1,800 the government invests in treatment, it saves more than $9,000. Former Assistant Health Secretary Philip Lee has estimated that every dollar invested in treatment can save $7 in societal and medical costs.

For these reasons, I ask my colleagues to support the Jail-Based Substance Abuse Treatment legislation I am introducing today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JAIL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS.

(a) IN GENERAL.—Part S of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff et seq.) is amended by adding at the end the following:

“SEC. 1906. JAIL-BASED SUBSTANCE ABUSE TREATMENT.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘jail-based substance abuse treatment program’ means a course of individual and group activities, lasting for a period of not less than 3 months, in an area of a correctional facility set apart from the general population of the correctional facility, if those activities are—

“(A) directed at the substance abuse problems of prisoners; and

“(B) intended to develop the cognitive, behavioral, social, vocational, and other skills of prisoners in order to address the substance abuse and related problems of prisoners; and

“(2) the term ‘local correctional facility’ means any correctional facility operated by a unit of local government.

“(b) AUTHORIZATION.—

“(1) IN GENERAL.—Not less than 10 percent of the total amount made available to a State under section 1904(a) for any fiscal year may be used by the State to make grants to local correctional facilities in the State for the purpose of assisting jail-based substance abuse treatment programs established by those local correctional facilities.

“(2) FEDERAL SHARE.—The Federal share of a grant made by a State under this section to a local correctional facility may not exceed 75 percent of the total cost of the jail-based substance abuse treatment program described in the application submitted under subsection (c) for the fiscal year for which the program receives assistance under this section.

“(c) APPLICATIONS.—

“(1) IN GENERAL.—To be eligible to receive a grant from a State under this section for a jail-based substance abuse treatment program, the chief executive of a local correctional facility shall submit to the State, in such form and containing such information as the State may reasonably require, an application that meets the requirements of paragraph (2).

“(2) APPLICATION REQUIREMENTS.—Each application submitted under paragraph (1) shall include—

“(A) with respect to the jail-based substance abuse treatment program for which assistance is sought, a description of the program and a written certification that—

“(i) the program has been in effect for not less than 2 consecutive years before the date on which the application is submitted; and

“(ii) the local correctional facility will—

“(I) coordinate the design and implementation of the program between local correctional facility representatives and the appropriate State and local alcohol and substance abuse agencies;

“(II) implement (or continue to require) urinalysis or other proven reliable forms of substance abuse testing of individuals participating in the program, including the testing of individuals released from the jail-based substance abuse treatment program who remain in the custody of the local correctional facility; and

“(III) carry out the program in accordance with guidelines, which shall be established by the State, in order to guarantee each participant in the program access to consistent, continual care if transferred to a different local correctional facility within the State;

“(B) written assurances that Federal funds received by the local correctional facility from the State under this section will be used to supplement, and not to supplant, non-Federal funds that would otherwise be available for jail-based substance abuse treatment programs assisted with amounts made available to the local correctional facility under this section; and

“(C) a description of the manner in which amounts received by the local correctional facility from the State under this section will be coordinated with Federal assistance for substance abuse treatment and aftercare services provided to the local correctional facility by the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services.

“(d) REVIEW OF APPLICATIONS.—

“(1) IN GENERAL.—Upon receipt of an application under subsection (c), the State shall—

“(A) review the application to ensure that the application, and the jail-based residential substance abuse treatment program for which a grant under this section is sought, meet the requirements of this section; and

“(B) if so, make an affirmative finding in writing that the jail-based substance abuse treatment program for which assistance is sought meets the requirements of this section.

“(2) APPROVAL.—Based on the review conducted under paragraph (1), not later than 90 days after the date on which an application is submitted under subsection (c), the State shall—

“(A) approve the application, disapprove the application, or request a continued evaluation of the application for an additional period of 90 days; and

“(B) notify the applicant of the action taken under subparagraph (A) and, with respect to any denial of an application under subparagraph (A), afford the applicant an opportunity for reconsideration.

“(3) ELIGIBILITY FOR PREFERENCE WITH AFTERCARE COMPONENT.—

“(A) IN GENERAL.—In making grants under this section, a State shall give preference to applications from local correctional facilities that ensure that each participant in the jail-based substance abuse treatment program for which a grant under this section is sought, is required to participate in an aftercare services program that meets the requirements of subparagraph (B), for a period of not less than 1 year following the earlier of—

“(i) the date on which the participant completes the jail-based substance abuse treatment program; or

“(ii) the date on which the participant is released from the correctional facility at the end of the participant's sentence or is released on parole.

"(B) AFTERCARE SERVICES PROGRAM REQUIREMENTS.—For purposes of subparagraph (A), an aftercare services program meets the requirements of this paragraph if the program—

"(i) in selecting individuals for participation in the program, gives priority to individuals who have completed a jail-based substance abuse treatment program;

"(ii) requires each participant in the program to submit to periodic substance abuse testing; and

"(iii) involves the coordination between the jail-based substance abuse treatment program and other human service and rehabilitation programs that may assist in the rehabilitation of program participants, such as—

"(I) educational and job training programs;

"(II) parole supervision programs;

"(III) half-way house programs; and

"(IV) participation in self-help and peer group programs; and

"(iv) assists in placing jail-based substance abuse treatment program participants with appropriate community substance abuse treatment facilities upon release from the correctional facility at the end of a sentence or on parole.

"(e) COORDINATION AND CONSULTATION.—

"(1) COORDINATION.—Each State that makes 1 or more grants under this section in any fiscal year shall, to the maximum extent practicable, implement a statewide communications network with the capacity to track the participants in jail-based substance abuse treatment programs established by local correctional facilities in the State as those participants move between local correctional facilities within the State.

"(2) CONSULTATION.—Each State described in paragraph (1) shall consult with the Attorney General and the Secretary of Health and Human Services to ensure that each jail-based substance abuse treatment program assisted with a grant made by the State under this section incorporates applicable components of comprehensive approaches, including relapse prevention and aftercare services.

"(f) USE OF GRANT AMOUNTS.—

"(1) IN GENERAL.—Each local correctional facility that receives a grant under this section shall use the grant amount solely for the purpose of carrying out the jail-based substance abuse treatment program described in the application submitted under subsection (c).

"(2) ADMINISTRATION.—Each local correctional facility that receives a grant under this section shall carry out all activities relating to the administration of the grant amount, including reviewing the manner in which the amount is expended, processing, monitoring the progress of the program assisted, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

"(3) RESTRICTION.—A local correctional facility may not use any amount of a grant under this section for land acquisition or a construction project.

"(g) REPORTING REQUIREMENT; PERFORMANCE REVIEW.—

"(1) REPORTING REQUIREMENT.—Not later than March 1 of each year, each local correctional facility that receives a grant under this section shall submit to the Attorney General, through the State, a description and evaluation of the jail-based substance abuse treatment program carried out by the local correctional facility with the grant amount, in such form and containing such information as the Attorney General may reasonably require.

"(2) PERFORMANCE REVIEW.—The Attorney General shall conduct an annual review of each jail-based substance abuse treatment program assisted under this section, in order to verify the compliance of local correctional facilities with the requirements of this section.

"(h) NO EFFECT ON STATE ALLOCATION.—Nothing in this section shall be construed to affect the allocation of amounts to States under section 1904(a).".

(b) TECHNICAL AMENDMENT.—The table of contents for title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended, in the matter relating to part S, by adding at the end the following:

"1906. Jail-based substance abuse treatment.".

By Mr. WYDEN (for himself and Mr. BENNETT):

S. 1877. A bill to remove barriers to the provision of affordable housing for all Americans; to the Committee on Banking, Housing, and Urban Affairs.

THE AFFORDABLE HOUSING BARRIER REMOVAL ACT OF 1998

Mr. WYDEN. Mr. President, In Oregon and across America, people are starting to think that "affordable housing" is the biggest oxymoron since "jumbo shrimp". Decent houses have become unaffordable for many working moderate-income families. Mr. President, today I am introducing the "Affordable Housing Barrier Removal Act." This bill encourages all governments to streamline regulations to help bring home ownership within the reach of middle class families who can only dream of it today.

The Department of Housing and Urban Development (HUD) says that housing is affordable if all costs—mortgage, utilities, property taxes and insurance—consume no more than 30 percent of household gross income. Yet in Clackamas County, Oregon, for example, the median family income is $49,600, while the average cost of a house is $200,000. This makes it virtually impossible for many people, especially young families, to obtain all the benefits of home ownership.

While many factors contribute to real estate prices, one of the main things that drives prices higher is the proliferation of government rules and fees. In Portland, fully 5 percent of the average home price of $155,400 comes directly from permit fees and so-called "system delivery charges," some of which may serve worthwhile purposes, but should be re-examined as a total package. All of these added costs are eventually passed onto the buyer and often keep families from buying homes they could otherwise afford.

The federal government has a role to play in the affordable housing debate. It can promote community goals of environmental protection, access for people with disabilities, and better transportation planning, in the context of their financial impact on home buyers.

This bill, the Affordable Housing Barrier Removal Act of 1998, would do this by encouraging the formation of Barrier Removal Councils in every local jurisdiction that receives HUD block grants for community development. Mr. President, back home in Oregon I have assembled a housing task force to advise me on housing policies. My task force told me that communities need to sit down and examine the issue of affordable housing before the bricks are set and the mortar is poured. That's why these Barrier Removal Councils are important. These councils would be charged with taking the kind of big-picture approach that can identify ways to lower barriers to home ownership that overlapping and outdated regulations cause. In other words, we need to look at the forest as a whole, not just one tree at a time.

This bill is similar to legislation I introduced last week to establish a special bicameral Sunset Committee in Congress to review every federal program every five years. Programs, regulations, and laws tend to pile up because legislatures at both the local and federal levels generally work to address specific problems, one at a time, often forgetting to examine the cumulative effect of prior laws. There is a need to set up mechanisms to examine regulations affecting affordable housing in their totality. This bill would also call for a special national conference every two years to discuss regulations that may be barriers, and creates a national clearinghouse to provide information to communities on the work being done to remove barriers in other parts of the country.

This legislation will help home buyers by improving some of the ways the Federal Housing Administration—the lender for many middle-income families—operates. It allows them to make loans to more people, by redefining the areas they operate in. And it simplifies the convoluted process that FHA uses to determine the down payment that a family is expected to make. You should not need Bill Gates' money to afford a home and you should not need his math skills to figure out how much your house is going to cost.

Finally, Mr. President, our bill asks the federal government to take the impact on home buyers into account by requiring all federal agencies to include a housing impact analysis, except on policies where there is no impact. The Housing Impact Statement focuses the attention of agencies on the question "how does this policy affect home prices" every time it tries to solve a problem by instituting a new regulation. It is always important for government at every level to understand the consequences of its actions. This is an effort to try to instill that good government philosophy into the housing area.

Home ownership has always been part of the American Dream. It is everyone's responsibility to keep it from just being a dream for working families.

Mr. BENNETT. Mr. President, I rise today to introduce, with Senator WYDEN, the Affordable Housing Barrier Removal Act of 1998. According to the National Association of Home Builders, housing compromises 12 percent of the economy of the United States and the housing construction and remodeling industries employ approximately 2 million people each year. However, housing costs continue to rise and housing affordability continues to be a challenge for many American families.

Unnecessary regulations contribute significantly to the costs of housing. Layers of excessive and unnecessary regulation imposed by all levels of government—federal, state, and local—can add 20 to 35 percent to the cost of a new home.

Mr. President, the removal of regulatory burdens is essential to increasing the home ownership rate in the United States. Home ownership is the cornerstone of family security, stability, and prosperity. Congress has the responsibility to do all that it can to encourage and promote policies that increase homeownership.

Mr. President, it is for these reasons that Senator WYDEN and I introduce the Barriers bill today. This bipartisan bill has three major goals. First, the bill require federal agencies to evaluate any new rule or regulations to determine if they have an impact on the cost of housing. Second, the bill will encourage states and localities to bring together all the parties involved in the production of housing and those who regulate them to discuss barriers and how to remove them. Third, the bill will remove outdated requirements in the Federal Housing Administration's single-family mortgage insurance program to make the program more efficient.

In addition to the major goals of the legislation, the Barriers bill will authorize the United States Department of Housing and Urban Development (HUD) to become more involved in comprehensive efforts to encourage barrier removal activities. As the federal entity that oversees our national housing policy, HUD must be actively involved in strategies and activities to remove regulatory burdens to produce more affordable housing.

Mr. President, while there is no doubt regulations are necessary to protect our workers and our environment, there must be a commonsense approach to relief from excessive regulatory burdens that impact other sectors of the economy. I look forward to the input from my other colleagues and others involved in the housing industry about this legislation. I believe it opens an important and timely dialogue, and I commend Senator WYDEN for the leadership he is showing on this issue.

By Mr. KENNEDY (for himself and Mrs. FEINSTEIN):

S. 1878. A bill to amend the Immigration Nationality Act to authorize a temporary increase in the number of skilled foreign workers admitted to the United States, to improve efforts to recruit United States workers in lieu of foreign workers, and to enforce labor conditions regrading non-immigrant aliens; to the Committee on the Judiciary.

THE HIGH-TECH IMMIGRATION AND U.S. WORKER PROTECTION ACT

Mr. KENNEDY. Mr. President, I am honored to join Senator FEINSTEIN to introduce legislation to grant a temporary increase in immigration quotas for high tech jobs, while taking additional steps to ensure that more American workers are trained for these jobs.

For the next decade, high tech industries will create over a million new jobs in the United States. Some have called for a permanent increase in the quotas, to ensure that companies have the workers they need to survive in this highly competitive market.

The problem is obvious. A permanent increase would permanently deny these good jobs to American workers, and that's not acceptable. The labor market will adjust in time, as it always does, as more and more Americans enter this field. It would be a mistake to tilt the balance unfairly against them.

Our immigration laws should not undercut the ability of young Americans, downsized defense workers, and others to enter this dynamic field.

This week, the General Accounting Office sent a clear warning on this issue, saying that the job market studies used by the industry are flawed, and do not prove that significant worker shortage exists.

Our legislation will accomplish three goals:

First, it provides a temporary increase in immigration quotas from 65,000 to 90,000 visas a year for the next three years. This increase will enable U.S. companies to hire the workers they need now.

Second, we invest in training U.S. workers. Americans want these jobs, and they deserve the training needed to get them. Our bill proposes a modest $250 application fee for each foreign worker sought under the immigration quota. The fee will raise approximately $100 million each year over the next three years to fund training opportunities for Americans.

Third, our bill strengthens the enforcement of the immigration laws. It gives the Labor Department greater authority and resources to ensure that employers pay the proper wage and meet other standards in hiring foreign workers. We specifically make it illegal for employers to lay off American workers and hire foreign workers to replace them. In other words, employers should hire at home first in obtaining new workers, before importing them from abroad.

We believe these steps meet the immediate needs of this important industry, while preserving the priority we own our own workers, and we urge Congress to enact them.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KENNEDY-FEINSTEIN HIGH-TECH IMMIGRATION AND UNITED STATES WORKER PROTECTION ACT

Temporarily increases 65,000-visa immigration quota of temporary foreign professional and skilled workers ("H-1B visas").

FY 98–2000: 90,000 visas.

After FY2000, return to 65,000 visas annually.

Creates $100 million training program funded through $250 employer user fee.

$90 million for loans to workers to obtain training.

$10 million to local "regional skills alliances" to identify local labor market needs and develop strategies.

Enhances Accountability and Program Integrity.

Authority to investigate: Provides Labor Department independent ability to enforce labor laws against those who break the law instead of waiting for a complaint. Provides $5 million for this purpose.

Requires attestation that companies will not lay off American workers: Bars employers from laying off U.S. workers and bringing in replacement foreign workers.

Requires attestation that companies will recruit at home first: Requires local recruitment efforts before employers can obtain foreign workers under the program.

Expedited process: Retains requirement that Labor Department process employer applications within 7 days to ensure that new requirements pose no additional delay.

ADDITIONAL COSPONSORS

S. 89

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 153

At the request of Mr. MOYNIHAN, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 153, a bill to amend the Age Discrimination in Employment Act of 1967 to allow institutions of higher education to offer faculty members who are serving under an arrangement providing for unlimited tenure, benefits on voluntary retirement that are reduced or eliminated on the basis of age, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from Missouri (Mr. BOND) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1260, a bill to amend the

Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1643

At the request of Mr. KENNEDY, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1643, a bill to amend title XVIII of the Social Security Act to delay for one year implementation of the per beneficiary limits under the interim payment system to home health agencies and to provide for a later base year for the purposes of calculating new payment rates under the system.

S. 1710

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island (Mr. REED) was withdrawn as a cosponsor of S. 1710, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

S. 1802

At the request of Mr. MCCAIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1802, a bill to authorize appropriations for the Surface Transportation Board for fiscal years 1999, 2000, and 2001.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

MURRAY AMENDMENT NO. 2165

Mrs. MURRAY proposed an amendment to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CLASS SIZE REDUCTION.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to reduce class size for students, especially in the early grades, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

ADDITIONAL STATEMENTS

MEXICO DRUG DECERTIFICATION

• Mr. McCAIN. Mr. President, I voted yesterday against the legislation to disapprove the certification of Mexico as cooperating with U.S. counter-narcotics efforts. Given the level of attention that has been paid recently to continuing problems with Mexican anti-drug efforts, I want to make clear the reasons for my vote.

I am under no illusions about Mexican performance in combating drug trafficking and corruption. But the question we face is whether decertification would make the situation better or worse.

We have a long land border with Mexico. Our economies are closely linked. Our relationship with Mexico is much more diverse and significant than the single issue of drugs. We need Mexico's cooperation on drugs, and we need it on a host of other issues as well. If we were to decertify Mexico, we would kill all cooperation in the drug war and spoil the atmosphere in the rest of our relationship as well. We would be sending a message of a complete loss of confidence in Mexico. I do not believe that this is a message we really want to send.

Fighting the drug war is no simple task. A country's efforts cannot be reduced to a simple statement of "fully cooperating" with the United States or not. In this respect, the entire drug certification process is fatally flawed. While the senior leadership in Mexico is committed to fighting drugs, the task before them is enormous. Even the most strenuous efforts by a government could not guarantee 100 percent success against a multi-billion dollar industry. There is no black or white answer.

What matters most is that U.S. assistance to Mexico to help fight the war on drugs serves U.S. interests. For as challenging as the situation is now, imagine how much worse it would be if there were no U.S. assistance to Mexico to combat drug trafficking at the source. We would be hurting our own interests as much as Mexico's if we were to decertify Mexico and dramatically reduce our counter-narcotics assistance.

Finally, we need to bear in mind that the only reason there is such a massive effort by the drug lords to supply drugs is because the United States provides such a massive demand. By all means, we must fight the supply chain by working together with our neighbors against drug production and trafficking. But we must also continue to take our share of the responsibility in the United States and fight the demand for drugs here at home.•

MEXICO DRUG DECERTIFICATION

• Mr. SHELBY. Mr. President, I rise in support of Senate Joint Resolution 42, the resolution of disapproval.

Much has already been said on this issue, and I will make my comments brief.

The United States Government has been working with the Government of Mexico for over a decade on fighting the flow of drugs.

Year after year, we have received promises, commitments, and declarations to reduce the flow of narcotics from Mexico. But we have not seen the concrete actions that are required to block the flow of cocaine, heroin, and marijuana into the United States.

For example, in 1997, Mexico agreed to facilitate the extradition of narcotics traffickers. In fact, no Mexican national has been extradited and surrendered to the United States as a result of that agreement.

In a recent hearing, the Senate Select Committee on Intelligence heard from witnesses from the Justice Department, the Central Intelligence Agency, and the Drug Enforcement Administration on the status of Mexican antidrug efforts.

While I cannot go into detail, their testimony was not at all optimistic and was, in fact, extremely disturbing to me.

Of greatest concern is the endemic corruption that runs rampant at all levels throughout those Mexican institutions tasked with combating narcotics trafficking.

The story on the front page of today's New York Times, describing corruption in the ranks of the Mexican military is, if accurate, especially disturbing, since the military is considered less corrupt than the Federal police force.

While Mexican officials often speak of efforts to prevent this corruption, no definitive steps have been taken to target the illicit drug monies that make this corruption possible. New laws are discussed, debated, in some cases even enacted, but they are not implemented.

And while there have been a few highly publicized prosecutions of corrupt officials, many more are allowed to retire or are simply reassigned.

I wonder whether criminal prosecution is selective and whether such determinations are themselves reflections of such corruption.

Again, actions speak louder than words.

I understand that the Clinton administration and other regional governments are discussing the concept of a regional approach to drug cooperation certification, to replace the current process.

I have serious doubts about replacing the current system with regional certification, since the almost certain result would be that Mexico and others would be given a pass rather than being held accountable for their actions. Simply stated, it would make certification a meaningless process of averaging an array of mediocre and poor performances.

Furthermore, before considering Mexico as a member of such a regional group, we should consider Mexico's participation in current regional counternarcotics efforts. It is hardly encouraging.

For example, the Joint Inter-Agency Task Force located in Key West, FL, is one such organization. It includes representatives from all of the United States armed services, as well as law enforcement agencies, and an equal contribution from our British and Dutch allies.

I urge my colleagues to visit the Task Force and hear their frustrations regarding Mexico. Again, while Mexico says it is using every asset to prevent the transshipment of drugs into the United States, the officials there will tell you this is just not so.

They cite example after example of the detection and tracking of drug-carrying ships and planes.

But when it comes to handing off these targets to the Mexican authorities, there is either no response or such a limited and late response, the traffickers often escape and disappear into Mexico.

When we make informal suggestions that Mexico send its representatives to the multi-national task force to correct this problem, the response is that they are willing to discuss it. But, they have been discussing it for several years now.

Mr. President, for these reasons I strongly support the resolution to decertify Mexico. It is time to judge Mexico on its actions rather than empty promises.•

THE PRESIDENT'S TRIP TO AFRICA: AN IMPORTANT STEP FOR U.S. NATIONAL INTERESTS

• Mr. BIDEN. Mr. President, I rise today to speak on the President's current trip to Africa and the importance of Africa to United States national interests. I highly applaud the President's decision to go to Africa. The President's trip to Ghana, Botswana, South Africa, Uganda, Senegal and Rwanda comes on the heels of visits to the region last year by both the First Lady and the Secretary of State. This marks only the second time that an American President has undertaken an official trip to sub-Saharan Africa, and the first visit to any of the countries on the President's itinerary. As we have seen by the warm reception that the President has enjoyed so far, this first visit in 20 years by an American President carries considerable symbolic significance for the 650 million people in Africa. For the 270 million people of America, the President's visit will help further strengthen U.S.-Africa relations and promote important national interests.

President Clinton's trip highlights a very different Africa from the one President Carter saw during the first Presidential visit in 1978. At that time, Washington largely viewed Africa as merely another battleground for U.S.-Soviet Cold War competition. Today, in many parts of the region nations are working to reform politically and economically. More elections have occurred at all levels of government in the last five years than in the last two decades. The traditional image of African states controlled by dictatorial strongmen is giving way to multiparty political systems with an increasing appreciation for democratic institutions and processes. And economically, many African countries have rejected the failed policies of central planning in favor of privatization of state assets and the creation of free markets.

Mr. President, the image that we often see of Africa in the media largely is one of famine, instability, and ethnic conflict. The purpose of the President's trip is to refocus the international spotlight to include the emerging economic and political renaissance that is occurring in some countries. I applaud President Clinton's recognition of the importance of including Rwanda in his itinerary. In contrast to the relatively positive outlook for the other countries on the President's itinerary, the outlook for Rwanda is not so clear and bright. Rwanda is still reeling from the aftershocks of the brutal 1994 genocide that resulted in the deaths of upwards of 800,000 men, women and children. For the last two years, more than 120,000 accused genocidaires have waited in prison for a trial. The country remains under insurgent attack by the 1994 genocidaires who are now based in neighboring Congo.

Rwanda is still waiting for justice. Rwanda—and the rest of Central Africa—will not be able to move forward until there is justice for the victims of genocide. Justice is the critical factor that will either allow that country to move forward, or see it fall backwards into bloodshed. I support the President's proposed Great Lakes Justice Initiative to assist the states of the region to strengthen judicial systems and the rule of law. I also urge the Administration to continue its efforts to ensure the effectiveness of the International War Crimes Tribunal for Rwanda. The Tribunal was established over three years ago to bring to justice leaders of the 1994 genocide. To date, however, only 35 persons have been indicted and the Tribunal has yet to hand down its first sentence. By contrast, the Yugoslav Tribunal already has cases in the appeal stage. The Tribunal's effective and efficient functioning will be key to allowing the Rwandan justice system the political and legal flexibility it needs to deal with the 120,000 men in prison.

Mr. President, Rwanda is not the only troubled African nation. Some nations, such as Liberia, the Central African Republic, and Angola, are at critical crossroads and will make decisions that will have a significant impact on their political and economic futures. Others, such as Nigeria, Sudan and Cameroon, have resisted the tide of political openness and economic reform that is sweeping through their neighbors and have remained repressive. As the President continues current efforts in Africa and undertakes new initiatives, it is critical that the United States strongly and clearly encourages those countries at the crossroads to choose the right road. At the same time, we should be unambiguous in our non-acceptance of those countries that continue to choose political repression and failed economic policies.

One of the most critical tests that United States foreign policy currently faces in Africa is the Democratic Republic of Congo. An enormous country the size of the United States east of the Mississippi River, the Congo is strategically located in the heart of Africa. Bordered by nine different countries, it is at once a Southern and Central African state. Blessed with natural and human resources, this country for the last thirty years has been cursed with poor leadership and financial ruin. The term kleptocracy was coined for the despotic rule of former President Mobutu Sese Seko which saw billions of dollars of foreign assistance misappropriated and the national coffers drained.

Foreign Relations Committee staff members who traveled to Congo last month saw a country in crisis. Critical infrastructure such as health and transportation are in disarray. There is no justice system to speak of. Human rights conditions are, in the words of one international human rights worker, catastrophic. The Congolese President, Laurent Kabila, a guerilla opposed to the former government for most of his adult life, has no relevant experience governing a country. The same is true for most of his cabinet. Perhaps the only positive news to report is that the security situation is relatively calmer for the moment than it has been in recent years. As discouraging a picture as this might be, recent Central African history has shown that Congo's future disposition will have a significant impact on its neighbors with potential consequences for much of Africa—and United States national interests.

Mr. President, some might wonder whether the United States has any interests in Africa. Since the end of the Cold War, there are those who have argued that the United States should cut back on its engagements abroad. In regards to Africa, they argue that we should focus on regions of greater geopolitical and economic importance. Let me state clearly my belief that without a doubt the United States needs to be actively engaged in Africa.

Why? Because just as we support democracy, free trade and human rights in the rest of the world, so too should we continue to support these goals in Africa. Moreover, the United States has strong economic interests in Africa. U.S. exports to Africa last year totaled $6.2 billion, more than total U.S. exports to all of the states of the former Soviet Union combined. Since 1994, U.S. trade with sub-Saharan Africa has grown on average at 16.9% annually, outpacing growth in global trade in 1995 and 1996. Through our engagement with Africa we support and encourage partners who cherish the same values that we do. By encouraging political and economic stability we contribute to the preservation of our own nation s continued prosperity and security.

Mr. President, some among us may be disillusioned into believing that our interests in Africa are purely humanitarian, that Africa doesn't hold any strategic value for the United States. When I hear statements to this effect, I have to wonder whether they are living in the same world as the rest of us. As we have seen with the recent Asian financial crisis, global drug trade, and even the El Niño weather phenomenon, Americans today are more interconnected, if not interdependent, with the rest of the world than at any previous time in our nation's history. At this unique point in time as the sole superpower with the ability virtually to reach around the globe, the rest of the world has an equally unprecedented ability to touch us back. In such a global environment it is vital to our nation's security that we exercise vigilance in the conduct of our foreign relations.

Mr. President, even if we could stick our head in the sand, the rest of our body would be exposed to all of the negative consequences that a neglected Africa would incur. Imagine the effects of a large region of the world ignored and not encouraged to develop effective health systems, where new exotic diseases are not checked but given free reign to develop and old ones can develop drug resistance. The Asian bird flu would be nothing compared to what we might see. Imagine nations with minimal resources but great needs not supported to effectively maintain their natural environment, and compelled to compromise rainforests and natural ecosystems vital to our planet's wellbeing. If we think El Niño is bad, just wait until we meet his big brother.

Mr. President, we wouldn't allow this to occur in any other part of the world, and we certainly can not afford to allow this to happen in Africa. Protecting American interests in Africa is no simple task. The subtleties and complexities that confront us in the 48 nations of sub-Saharan Africa require diplomatic skill and finesse. How does Rwanda move to democracy whilst Hutus vastly outnumber Tutsis, and distrust and violence on both sides goes back generations? How do ethnic communities in Kenya share power in such a way that the rights of the minority are protected? How does the Congo move towards democratic governance and financial responsibility after a generation of misgovernment and kleptocracy?

There are no easy solutions to any of these questions, but the answers must be found if Africa is to advance politically and economically—and U.S. national interests are to be protected—into the next century.●

TRIBUTE TO SHANNON WRIGHT

● Mr. HUTCHINSON. Mr. President, I rise today to remember and honor a young Arkansas school teacher who made the ultimate sacrifice for one of her students.

Children often think of their teachers as heros. And there is no better word than "hero" to describe a courageous woman named Shannon Wright, a thirty-two year old English teacher at Westside Middle School. Shannon died in the tragic schoolyard shooting Tuesday along with four students. In the hail of gunfire, she gave her life in order to protect an eleven-year old girl, Emma Pittman. Emma says she believes Mrs. Wright saw the bullets coming and shielded her from being hit. Shannon was shot twice while she tried to protect the young girl from injury.

In the words of Emma Pittman's mother, "I feel she needs a hero award for saving our child. I want her family to know how grateful we are because she didn't think of herself—she thought of the children."

While Shannon will forever be remembered as a hero, it will be extremely difficult to ease the pain her death has brought. Shannon Wright was not only a teacher, she was a mother, a daughter, and a wife. She left behind her husband of twelve years, Mitchell, and her 2½ year old son Zane. Her life was devoted to serving others, and she was deeply loved by her family and her many friends. The loss of Shannon Wright will be mourned not only by those whose lives she touched everyday, but by the entire Jonesboro community, the state of Arkansas, and people throughout our nation.

This horrible act of violence has caused incredible pain for the people of Northeast Arkansas. We grieve not only for Shannon Wright, but for the four girls who were killed, Natalie Brooks, Paige Herring, Stephanie Johnson, and Brittheny Varner. It's impossible to understand why such a tragedy occurred, especially in a schoolyard. While it seems that nothing good could ever come from something so terrible, Shannon Wright's death taught her students and the rest of us an incredibly important lesson about the power of selfless action. Shannon Wright's selfless action saved a young girl's life.

Shannon Wright will always be remembered as a hero who gave her life to protect the children.●

ORDER FOR STAR PRINT—SENATE REPORT 105-170

Mr. LOTT. I ask unanimous consent that Senate Report No. 105-170 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-38

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on March 27, 1998, by the President of the United States: Treaty with Venezuela on Mutual Legal Assistance in Criminal Matters, Treaty Document No. 105–38.

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations in order to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Republic of Venezuela on Mutual Legal Assistance in Criminal Matters, signed at Caracas on October 12, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States for the purpose of countering criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including those involved in terrorism, other violent crimes, drug trafficking, and money laundering and other white collar crime. The Treaty is self-executing, and will not require new legislation.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: (1) locating or identifying persons or items; (2) serving documents; (3) taking testimony or statements of persons; (4) transferring persons in custody, or persons subject to criminal proceedings, for testimony or other purposes; (5) providing documents, records, files, and articles of evidence; (6) executing requests for searches and seizures; (7) assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; (8) executing procedures involving experts; and (9) any other form of assistance appropriate under the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 27, 1998.*

UNANIMOUS-CONSENT AGREEMENT—H.R. 2646

Mr. LOTT. Mr. President, momentarily I believe that the minority leader will be in the Chamber. We have a unanimous consent agreement that we want to enter into with regard to the Coverdell education savings account bill. I think everybody knows it has been one we have gone back and forth on for a week. I think what we have come up with is a fair process, if I can describe it while we wait on Senator DASCHLE.

Basically, it would be in order, under the unanimous consent agreement, that we go to the Coverdell A+ bill as has been amended with the prepaid college tuition issue and the deduction for employer-provided education benefits, as well as the school construction bond issue.

It would make in order, I believe it is 17 amendments, 12 that would be offered by identified Senators on the Democratic side, 5 on the Republican side, but all amendments are education related, all of them are subject to second degree and they would be debated 30 minutes each on the first- and the second-degree amendments.

I think it is a fair agreement. If we were able to achieve cloture, which we might have been able to do on the next vote, we still would have had 30 hours that could have been spent on it.

I think to have a good healthy debate on education is long overdue. Democrats have some ideas; Republicans have some ideas. But the important thing is, what can we do to help the quality of education in America, what can we do to deal with violence in schools? We saw just this past week what happened in Arkansas, and it has happened in my own State of Mississippi, and it has happened in Kentucky. There are growing incidents of children coming to school with guns or knives. It is good to have a healthy discussion on both sides of the aisle and consider each other's ideas.

I have looked down at the list of these amendments, and I see amendments on both sides of the aisle that look attractive to me. I think it is not only good, I think it is long overdue. I know it has been a long process, difficult for the leaders on both sides, but I think it is a good agreement, and I would like to enter into it now.

Mr. President, I ask unanimous consent that the cloture vote scheduled for later next week be vitiated, and on Monday, April 20, notwithstanding rule XXII, the Senate resume consideration of H.R. 2646, the Coverdell A+ savings account bill; that it be considered under the following agreement, with each amendment to be offered in the first degree subject to education second degrees, except that no second-degree amendment relative to IDEA uniform standards be in order, and the time on the first degree be limited to 30 minutes, except for a time limit of 1 hour on the Moseley-Braun amendment, and second-degree amendments limited to 30 minutes to be equally divided in the usual form.

The amendments are as follows: Boxer amendment regarding afterschool programs; Bumpers amendment regarding increased funds for Individuals with Disabilities Education Act; Bingaman amendment regarding dropout prevention; Conrad amendment regarding education IRA income limits; Dodd amendment regarding special education; Glenn amendment regarding strike IRA for private school use; Kennedy amendment regarding teachers; Landrieu amendment regarding blue ribbon schools; Moseley-Braun amendment regarding school construction; Murray amendment regarding class size; Levin amendment regarding technical training and vocational education; Wellstone amendment with regard to education as work for TANF, that is basically going from welfare to work; the Hutchison amendment regarding same-sex schools; Coats amendment regarding increase in charitable deductions; Mack amendment regarding teacher testing and merit pay; Gregg amendment regarding IDEA flexibility; and the Gorton amendment regarding block grant.

I further ask unanimous consent that following the disposition of the above-listed amendments, the bill be advanced to third reading, and final passage occur, all without any intervening action or debate.

Finally, I ask unanimous consent that the Senate insist on its amendment or amendments and request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

Before the Chair rules, I would like to see also if Senator DASCHLE would like to have any comment.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I appreciate the majority leader's consideration. I ask the majority leader whether he anticipates we would have votes on Monday, April 20, given the fact that that would be our first day back.

Mr. LOTT. Mr. President, I would indicate to the minority leader, as we discussed yesterday and as I indicated on the floor last night, in view of the cooperation we have had and the fact that the Budget Committee managers are going to be working on the general debate on the budget and have a time agreement that they are going to try to use on Monday, and since we have this agreement, there would be no votes on Monday.

Mr. DASCHLE. I am sorry, I think I indicated April 20; I may not have. In referring to the unanimous consent request, he cites the scheduled date for which there would be consideration of the bill as April 20. I am simply asking whether—on the first page of the unanimous consent agreement, on top, you note that we would begin the votes or begin the consideration.

Mr. LOTT. Yes. Right.

Mr. President, I am sorry, I was inquiring about another issue, and I misunderstood the Senator's question. In view of the time that is necessary under the budget law for the budget resolution, I thought that it was more important next week that we stay focused on that. Also, because this does provide for second-degree amendments, I think Senators on both sides of the aisle would like to either adjust their first-degree amendments or prepare, thoughtfully, second-degree amendments. So I thought the best thing for us to do would be to move this and have it the pending business, and go right to it when we come back from the recess. I thought that the Senator——

Mr. DASCHLE. Would it be the majority leader's intention, therefore, to schedule votes on that first day, or would we begin the debate and have——

Mr. LOTT. Begin the debate, and have votes early on Tuesday, the 21st.

Mr. DASCHLE. The leader and I both have expressed ourselves on this bill so many times that I do not know that we need to elaborate anymore. I share the view just expressed by the majority leader that this is as good as it is going to get for both sides. We can continue to be paralyzed and in a standoff or we can find a way with which to cooperate and come to some conclusion.

I have expressed myself about my disappointment in the way in which our colleagues have been constrained, but I also recognize that the majority leader, as he has noted, is giving us far more amendments than what the Republicans are proposing. And so I think, all things considered—I know my colleagues have expressed great personal concern about this approach, but I also know that if we are ever going to resolve this matter, this is as good as it is going to get.

So I commend the leader for his diligence and commitment to resolving these matters. I have pledged to him my cooperation to see if we can get to this point. We have done so. I am relieved that at long last we may have a real opportunity, as he has noted, to talk about ways in which to address a national problem, a national challenge.

This provides a panoply of different approaches and different ideas. We feel very strongly, very excited, about many of the ideas that we have to offer. We will have that chance under this agreement. So I certainly would not object, and I encourage my colleagues to accept it, deal with it, offer amendments, and let us get on with the debate.

Mr. LOTT. Mr. President, I say again, I agree, it certainly has not been easy on either side of the aisle. Senators had issues that they felt very strongly about. Many of them were not education related on both sides of the aisle. There will be other opportunities to do that. I think this will be a fair way for us to have an equal debate on both sides. Some of these amendments, as I indicated, may actually wind up being accepted and we may not have to go through each one of them in a second degree. I think it is fair.

Before the Chair rules, I ask unanimous consent that the agreement may be vitiated by the majority leader only at no later than 12:15 on Monday, March 30.

The PRESIDING OFFICER. Is there objection to the leader's request?

Mr. DASCHLE. Mr. President, just for the record and for clarification, as I understand it, there is a need to clarify or to——

Mr. LOTT. We had one Senator who indicated a desire to be notified and had been in the air. He is in his State, and I understand we can't talk to him for 2½ hours. And for us to just mark time until then didn't seem fair. I think it will be all right. I felt that after discussion with Senator DASCHLE, that was the only thing I could do. But I think it is fair and we should move forward with it.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 30, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, March 30, and immediately following the prayer, the routine requests through the morning hour be granted, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator THOMAS for 30 minutes, from noon until 12:30; Senator DASCHLE or his designee for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that at 1 p.m. the Senate resume consideration of S. Con. Res. 86, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, I have just indicated the Senate will be in a period of morning business then for 1 hour when we come in on Monday, and then we will resume the budget resolution.

For the information of all Members, per the agreement reached during today's session, of the 50 hours under the statutory limit for the budget resolution, as of Monday there will be 44 hours remaining, and as of the close of business on Monday there will be 34 hours remaining on the resolution.

There will be no rollcall votes conducted during Monday's session. However, the managers do expect amendments to be offered during that day. And the next rollcall vote will occur then on Tuesday morning at a time to be determined by the majority leader, after notification of the Democratic leader.

Therefore, Members can anticipate votes on amendments to the budget resolution on Tuesday. As always, Members will be notified as to the time of those votes. I should indicate that we will certainly find a way to have a vote at about 9:30 on Tuesday morning so we can get things moving right along.

In addition, the Senate may consider Executive Calendar or legislative business cleared by the Senate.

In regard to the balance of the week, we are expected to complete action on the budget resolution and the supplemental appropriations conference report, if available, prior to recessing for the Easter holidays. I do believe that we will be able to act on the supplemental appropriations to its final conclusion either late Tuesday night or Wednesday, giving the conferees, hopefully, time to act on the conference before we go home and to complete action on the budget resolution. We need, again, to make Members aware now that we must do those two items next week before we leave.

As a reminder, the next rollcall votes then will occur on Tuesday.

Does the Senator wish to speak further?

ADJOURNMENT UNTIL MONDAY, MARCH 30, 1998

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:53 p.m., adjourned until Monday, March 30, 1998, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 27, 1998:

THE JUDICIARY

EDWARD F. SHEA, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON.

M. MARGARET MCKEOWN, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT.

HOUSE OF REPRESENTATIVES—*Friday, March 27, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 27, 1998.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We respond to Your love, gracious God, with words of gratitude, thoughts of praise, an attitude of thanksgiving, and hearts full of appreciation for Your marvelous gifts to us and to all people. Above all else we have been blessed with the gift of life and with that gift the great opportunities to appreciate our families, our friends and our colleagues. You have given us a moment to live in this turbulent world with times of majestic nobility and times of despair. Help us, O God, so to live our lives that we will not be satisfied with the darkness but delight in Your light and in Your will. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. BLUNT) come forward and lead the House in the Pledge of Allegiance.

Mr. BLUNT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five 1-minutes from each side.

SPRINGTIME BRINGS BLOSSOMS AND TAX TIME

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, just look outside. The cherry blossoms are blooming, the weather is warm here, it is officially spring in our Nation's Capital. It is a glorious time. Or is it?

Let me give the American worker's vision of spring. Madam Speaker, can you say "tax time," "budding IRS audits," and "blossoming tax forms"?

In a recent survey, when given the choice between being audited by the IRS or having root canal surgery, more Americans chose root canal surgery. More and more American working men and women are fed up with being bullied by the IRS, a bureaucratic behemoth that tramples the rights of the taxpayers, the very customers the IRS is charged to serve.

Americans are completely fed up with paying thousands of dollars and spending countless hours on their tax returns only to incur abuse from the customer-unfriendly and arrogant IRS. Today, it is actually an anomaly to find anyone left in this country who can do his or her taxes.

Madam Speaker, our current Tax Code must be abolished and replaced with one that is fair, simple, and honest.

"SHAM" CAMPAIGN FINANCE REFORM BILL PULLED FROM CONSIDERATION

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, the Republican leadership had planned to bring up its sham campaign finance reform legislation today, but we learned this morning that they had pulled the bill.

Today's New York Times editorial describes the reasons for Speaker GINGRICH's retreat. It says, "In a brazen repudiation of his own promises, NEWT GINGRICH has yanked campaign finance reform from the House agenda. The Speaker's action yesterday came after a frantic but fruitless effort by his aides to round up the votes to block genuine reform legislation on the House floor. Mr. GINGRICH's allies are now reportedly plotting to reschedule consideration of reform bills next month, but only under rules requiring a two-thirds vote for approval. These desperation tactics are an abuse of power reminiscent of conduct Mr. GINGRICH himself deplored for years."

Madam Speaker, the gentleman from Georgia (Mr. GINGRICH) tried to foist a sham bill on the Members of this House with an antiunion provision, unacceptable to the Democrats, tied to a procedural rule designed to prevent a vote on genuine reform. The Speaker's tactics clearly backfired, and I am glad that they did.

CHRISTOPHER SIMMONS TO RECEIVE SCOUT'S MEDAL OF HONOR

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute.)

Mr. SHIMKUS. Madam Speaker, I come to the House floor to praise the heroic action of 8-year-old Christopher Simmons of Mount Vernon, Illinois. On April 6 of last year, Christopher and his younger brother Michael were helping their neighbor with some yard work when out of nowhere, a 95-pound dog attacked young Michael. Instantly, Christopher's quick intuitions led him to save his younger brother's life from the vicious jaws of the male boxer. Had it not been for Christopher's selfless and chivalrous behavior, this life-threatening situation could have resulted in tragedy.

Madam Speaker, I am honored to announce today that Christopher will be presented the distinguished Scout's Medal of Honor. His heroism is worthy of much praise and serves as a model to the American people.

NOW IS THE TIME FOR CAMPAIGN FINANCE REFORM

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Madam Speaker, I was hoping that we could deal with campaign finance reform this week. I come fresh from the campaign trail. Mine was a hard-fought race, too close to call even on the last day. That was just 3 weeks ago, and today I feel like a foot soldier come back from the frontlines to find that the generals do not seem to understand the battlefield.

Madam Speaker, in my race, so-called issue advocacy dominated the landscape. My opponent and I did not agree on much, but we were both dismayed at special interest outside groups with unlimited funds which interfered with our ability to communicate with voters on matters of concern to them.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

These folks will be back this fall in every contested race, and they have said that eventually candidates will be incidental in congressional races. Madam Speaker, they are talking about me and all of my colleagues. We have the responsibility in this place to return the power of the elections to the citizens of our district. We must pass bilateral, bipartisan campaign finance reform such as the Shays-Meehan bill. Our credibility depends on it. We must do it now.

PRESIDENT OWES THE AMERICAN PEOPLE THE TRUTH

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, this whole presidential scandal is a sad, unfortunate situation, but it will not end until Bill Clinton comes forward and tells the American people the truth.

We have heard enough from the presidential political hit men and spin doctors. It is time for Mr. Clinton to come forward so that we can put this behind us and move forward.

Madam Speaker, the presidency belongs to the American people, not to one individual. Being President is more than a privilege, it is a profound responsibility, a sacred duty. The individual who sits in the White House is less important than the honor and integrity of the institution itself.

Mr. Clinton owes it to the American people, to the proud tradition of the presidency, and to the country to come forward and tell the truth so that we can return to the Nation's business. The truth.

ECONOMISTS' CLAIMS OF JOB AVAILABILITY BOGGLES THE MIND

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, economists say there are jobs everywhere. Check this out: messenger singer, press clipping cut-and-paster, sandwich signboard carrier, drive-in theater specialist, dust collector, pretzel twister, pantyhose crotch specialist.

Madam Speaker, I suggest there be a new job title called "sleeper specialist," because it is evident even when these economists are working, they are sleeping on the job.

Madam Speaker, I would like to just yield back all the boxer shorts sorters and the brassiere cup molders.

Beam me up.

Madam Speaker, if these are jobs, I am a fashion leader.

UNFORTUNATE PASSAGE OF FOREIGN AFFAIRS CONFERENCE REPORT

(Mr. PAUL asked and was given permission to address the House for 1 minute.)

Mr. PAUL. Madam Speaker, yesterday the foreign affairs conference report was unfortunately passed without a recorded vote. For weeks, arms had been twisted because the votes were not available to pass it. This surprised some and pleased many who preferred not to be recorded on this crucial issue.

But, unfortunately, the process only adds to the cynicism that many Americans hold for the U.S. Congress. Nearly a billion dollars were appropriated for the controversial back dues to the United Nations, which for many of us was not owed.

It was argued by many right-to-life advocates that the bill was worth passing because the antiabortion language was stronger than ever and would now be codified. Unfortunately, the antiabortion language was weaker than ever with a convenient, huge loophole for the President to continue funding countries and groups that perform and promote abortion, language now to be codified.

Events surrounding the passage of the foreign affairs conference report occurring yesterday should not make any of us proud.

WHAT HAPPENED TO $250 MILLION?

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Madam Speaker, yesterday the Republican majority brought together three committees, the Committee on the Budget, the Committee on Appropriations, and the Committee on Resources, to hear the General Accounting Office and the Inspector General tell us that the Forest Service had lost and could not find $250 million.

Later today, the Republican majority will ask this Congress to give the Forest Service another $250 million to go back to the old, discredited policies that gave us this kind of devastation of our national forests: clear-cuts and ravages of riparian watersheds that will not be corrected, will not be brought back for decades and decades after they cut the logs.

Madam Speaker, we must stop the Smith forest bill because it is not about forest health, it is about a waste of the taxpayers' money and it is about devastation of our national environment, of our national forests. We should not give $250 million more to an agency that cannot account and cannot find and cannot tell us how they spent the $250 million we gave them last year.

CONGRESS SHOULD SPEND HIGHWAY TRUST FUNDS ON TRANSPORTATION NEEDS

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Madam Speaker, next week we have a chance to give taxpayers some tax relief simply by spending their tax dollars the way they were supposed to be spent.

We are going to be dealing in the House with a highway bill that has the potential to take the highway trust fund off budget so that it can never again be used to mask the size of the deficit. In other words, this highway bill enable us to spend highway money to really help the infrastructure and the transportation needs of America.

If we are going to maintain a highway trust fund and collect tax revenues for it, then we should spend that money for transportation needs. If we can't do that, or won't do that, then we should eliminate the gas tax and the trust fund altogether.

Many of our colleagues think we ought to continue to "borrow" from the highway trust fund to make the budget look better than it really is. We have a chance to say no to that kind of "sleight of hand" next week. Spending money for the purpose we tell taxpayers we're collecting it for is one of the kinds of tax relief that taxpayers will appreciate. One of our priorities should be "truth in taxing."

IN RECOGNITION OF STUDENT MEMBERS OF THE "KICK BUTTS CONNECTICUT" CAMPAIGN TO END YOUTH SMOKING

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Madam Speaker, I rise today to pay tribute to a great bunch of kids who are sitting in the gallery this morning with their parents and their advisers. These students are all members of the "Kick Butts Connecticut" campaign, which I started 2 years ago to help combat smoking in my home State. They are true heroes, acting as antismoking peer counselors for school children.

Madam Speaker, I do not have time in 1 minute to talk about all their many accomplishments, but I would like to acknowledge them each by name: Rhiann Hinckley from Memorial Middle School in Middlefield; Emily Parmenter also from Memorial Middle School in Middlefield; Josh Zelem from Amity Junior High School in Bethany; Lindsey Norman from Amity Junior High School in Orange; and Chika Anekwe from Wooster Middle School in Stratford. Two additional students who made the trip down to Washington but have already returned to Connecticut:

Dan Lerman from Amity Junior High in Bethany and Shannon Mason from Hamden Country Day School in Hamden, CT.

Madam Speaker, I salute these young people for their creative efforts, for their hard work, and for their dedication in the fight to reduce youth smoking. Every single day they are saving children's lives and we are all very grateful and we are all very proud.

FOREST RECOVERY AND PROTECTION ACT OF 1998

The **SPEAKER** pro tempore. Pursuant to House resolution 394 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2515.

□ 1015

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2515) to address declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes, with Mr. COLLINS in the chair.

The Clerk read the title of the bill.

The **CHAIRMAN**. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Oregon (Mr. SMITH) and the gentleman from Texas (Mr. STENHOLM) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon (Mr. SMITH).

Mr. **SMITH** of Oregon. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Forest Recovery and Protection Act of 1998 is the result of some 14 months of listening and learning and fact-gathering. It is the result of seven hearings in which we heard from a broad array of people across this Nation, including scientists, academics, State foresters, professional associates, environmental groups, wildlife organizations, citizens, community leaders, elected officials, organized labor, the forest products industry and the administration.

Beyond the hearing process, the committee has worked exhaustively with minority Members, northeastern Republicans, hopefully all Members of this body to refine the bill to broaden support for what we believe is a very necessary and a very reasonable initiative. We extended a hand and we worked with those who have expressed concerns with the bill and we were willing to work in good faith to find solutions.

I am delighted to stand here today and to tell my colleagues that because we have collaborated with these concerned parties we have a stronger bill and one that truly represents, we believe, diverse interests. Here are just a few of the groups, by the way, that support this bill: the AFL-CIO, the United Brotherhood of Carpenters and Joiners of America, the National Association of Counties, the Society of American Foresters, the National Association of State Foresters, the National Association of Professional Forestry Schools.

But despite our best efforts to include all interests in crafting this legislation, there are those of course who have elected to remain outside the process rather than coming to the table to seek solutions. Unfortunately, because they have not been engaged, there are some misunderstandings about this bill, which I would like to clear up.

There are a number of people who are talking about this bill, about what it is not. I would like to explain to them about what the bill does. It is a five-year pilot project providing a timely and organized and scientific strategy to address the chronic conditions of our national forests. The bill establishes an independent scientific panel through the National Academy of Sciences to recommend to the Secretary of Agriculture the standards and criteria that should be used to identify which national forests are in the worst shape and where restoration efforts are needed most.

The public then provides input on the standards and criteria which the Secretary publishes. Based upon the standards and criteria, the Secretary then determines which forests have the greatest restoration needs and allocates amounts to those forests. On-the-ground forest managers then begin planning projects to restore degraded and deteriorating forest resources.

I have been hearing information to the contrary, so I want to make this clear to everyone in this assembly. These projects must comply with all applicable environmental laws. This legislation does not in any way limit public participation under existing laws and regulations. More than that, a full, open, public process must be conducted by all recovery projects. All project planning, including analysis of environmental impacts, must comply with NEPA, the National Environmental Policy Act. Recovery projects must be consistent with land and resource management plans, plans that have been analyzed by NEPA and have been deemed consistent with environmental laws and regulations. There is no short-circuiting, circumventing or limiting of laws. Public process or judicial review anywhere in this bill are always protected.

So those who oppose 2515, the original bill, must oppose current environmental laws and regulations. Those who oppose this bill must oppose restoring fish habitat. They must oppose reducing the threat of epidemic levels of insects and disease. They must oppose replanting trees and stabilizing slopes after catastrophic events, and they must oppose reducing the risk of wildfire.

Those who oppose this bill say the forest health crisis is a myth, that forest health is an excuse to log our national forests. Of course, not every acre in the National Forest is degraded or deteriorating, but over the last decade an enormous body of scientific literature has been generated about our degraded, deteriorating forest resources. Scientists agree that our forests are "outside the historic range of variability," and that active management is necessary in some areas to begin to return forests to their historic conditions.

The Chief of the Forest Service has said that there are some 40 million acres of national forest at unacceptable risk of destruction by catastrophic fire, and listed these sources: the Integrated Scientific Assessment for Ecosystem Management in the Interior Columbia Basin says, "We found that forests and ecosystems have become more susceptible to severe fire and outbreaks of insects and disease"; the Southern Appalachian Assessment states, "Several tree species in the Southern Appalachians are at risk of extinction or significant genetic loss because of exotic pests" and "lack of active management in other stands has led to development of dense understories, and to the senescence of overstory trees of some species"; the Sierra Nevada Ecosystem Project states, "Fire protection for the last half century has provided for the development of continuous dense forest stands which are in need of thinning to accelerate growth, reduce fire hazard, provide for more mid-successional forest habitat and yield of usable wood."

Well, there is no question about it in my mind and all others that this is an essential bill. "Active management" is a term that is frequently distorted. Active management could be creating instream structure for fish habitat. It could be planting native grasses to stabilize the stream bed; it could be planting trees near a stream to provide shade to reduce stream temperatures; and yes, it could also be cutting trees to prevent the spread of insects and disease or reduce the risk of catastrophic wildfire.

It seems to me, Mr. Chairman, that the Forest Service is in some state of catatonic immobilization in that the direction; and the goals of the Forest Service are somehow hidden, and direction is essential, which certainly this legislation does. The Forest Service, I believe, needs emergency care here to help them direct resources in this Nation to protect this very valuable resource.

On-the-ground managers are confused and frustrated with their missions. While environmental laws, no question about it, have shut down logging, particularly in the Pacific Northwest, please give us an opportunity to nurture and care for this resource. To let it burn is huge waste; to let it burn means we lost all the environmental issues that we all deem important; we lost stream bank protection, we lost the resource, we lost wildlife, we lost all of those important issues to all of us in the West for some 250 years.

Will this legislation answer all the questions? Of course not. This is a moderate, meager, bipartisan effort to answer some of the problems and some of the forests that are in the worst condition in this Nation. We think that this will give the Forest Service the direction necessary and again, I reiterate, abide by every environmental law in this land.

Mr. Chairman, I reserve the balance of my time.

Mr. STENHOLM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2515, the Forest Recovery and Protection Act. H.R. 2515 creates a 5-year national program that requires the Secretary of Agriculture to identify, prioritize, and conduct recovery projects. This program includes public notice and comment before any money is allocated to the local forests for recovery projects. Once they reach the local level, all projects will go through the appropriate environmental review before any work is performed on the ground.

□ 1030

In the past, forest fires burned timber stands on a regular basis, purging the forest floor of the sickly trees and other undergrowth that fuel catastrophic wildfires and hinder the development of mature disease resistant trees. Throughout the 20th century, Federal agencies have worked to extinguish virtually every fire. This is for good reason, as uncontrolled fires threaten lives and property.

However, allowing forest overgrowth to accumulate contributes to the current tinderbox conditions and reduces habitat for deer and other wildlife. Not fighting fires, however, is not the cure-all some assume. With so much accumulated fuel, prescribed burning, intentionally setting fires or allowing naturally occurring ones to burn is a real risk. All too often fires intended to rehabilitate a forest grow outside their boundaries, destroying millions of acres of healthy green trees as well as wildlife, watersheds and other critical parts of the ecological system.

In short, fires reduce the number of uses our forest lands with support. Current moves toward hands-off policies which are applauded by extremists posing as environmentalists fail on several levels, including preventing catastrophic natural events like uncontrolled wildfire and insect infestations. Policies based on neglect also prevent us from protecting a full range of threatened and endangered species and reducing atmospheric carbon dioxide emissions caused by fires. By abandoning active forest management, including timber harvesting in our national forests, we are condemning them to a cycle of unnaturally overcrowded, unhealthy tree stands which serve as poor habitat for native species and deprive Americans of quality wood products and a vibrant rural economy.

Proper management of our forests is as important to Members from southeastern districts as it is to those from the Pacific northwest. My district, the Sixth District of Virginia, is home to large portions of the George Washington and Thomas Jefferson National Forests. Teams of natural resource specialists, including the Forest Service, EPA, the Appalachian Regional Commission, and the Fish and Wildlife Service, assessed the health of forest lands, including the George Washington and Thomas Jefferson National Forests, in the Southern Appalachian Assessment. These experts noted the following. Several tree species in the southern Appalachians are at risk of extinction or significant genetic loss because of exotic pests. Lack of active management in other stands has led to the development of dense understories and to the senescence of overstory trees of some species. That is the Southern Appalachian Assessment.

By not managing our forests, we are in fact mismanaging them. I urge all Members to support H.R. 2515, the Forest Recovery and Protection Act. This bill abides by all applicable environmental laws and forest plans, creates a 5-year program to address forest health, creates a scientific advisory panel to help administer the national program, requires audits of the program and ensures that foresters have the access to the best and most current data. Most importantly, it enables the Secretary immediately to conduct forest health projects in those areas where there is sufficient science to move quickly. I strongly urge passage of this legislation.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Ms. FURSE).

Ms. FURSE. I thank the gentleman for yielding me this time. Mr. Chairman, I would like to talk today about this bill, the so-called Forest Recovery and Protection Act. We are going to hear a great deal about forest health today, so I want my colleagues to know that one of the reasons our forests are so unhealthy is because of clear-cutting. This bill is a straightforward attack on natural resources. It is an attack under the guise of forest health.

I would like my colleagues to think back to those days in the last Congress when we passed the salvage logging rider. Do you remember it? Well, I do. I remember the piece that 60 Minutes did revealing how bad policy led to the worst environmental mistakes of this decade. Let us not repeat the mistakes of the salvage rider. The bill before us would disrupt local partnerships, local community efforts to restore sensitive habitat. This bill is a Washington, DC, answer, not a local answer. We have people working together to solve these problems and this bill will disrupt it.

We have heard talk about the hearings. My Governor, the Governor of Oregon stressed that active management in our national forests should avoid areas such as roadless areas, old growth stands, fragile watersheds and sensitive fish habitat. H.R. 2515 would not avoid those areas. My Governor has given us good advice. Let us follow it. This bill is based on the premise that these forests are unhealthy and that logging is the cure. I would again point out this picture. Logging created the problems, in some places clear-cutting. Over 100 scientists oppose this bill. They say that increased logging will not cure a forest's ills.

I join with many groups today opposing this bill. The League of Conservation Voters has said that they will score this bill. The President has sent us a message that he will consider vetoing this bill. The other people who are opposing the bill are Taxpayers for Common Sense, the Presbyterian Church, the Methodist Church and the League of Conservation Voters. Join them, my friends, join them and vote no on H.R. 2515. This is a bad idea.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to support the Forest Recovery and Protection Act and to praise the gentleman from Oregon (Mr. SMITH) for his dedication to forest health issues and things that have bedeviled Congress for many years. I also want to commend the gentleman from Texas (Mr. STENHOLM) for his willingness to work with our chairman and for his leadership on this specific issue. Many of my colleagues perhaps do not realize that Nebraska is the home of a national forest. Fortunately, the Nebraska National Forest does not have any major health problems. Neither is it threatened by destructive fires or infestation of disease and insects. However, I know that many of our forests in this country are at code red levels. According to the U.S. Forest Service's own analysis, between 35 and 40 million of the 191 million acres it manages is, quote, at an unacceptable risk of destruction by catastrophic wildfire.

I realize that some of my colleagues oppose this bill. I wonder if they would oppose it, however, if the town in their district had an out-of-control fire racing right toward that community. We are also going to hear many reasons to support the bill throughout the debate.

Mr. Chairman, I would like to reiterate a few that I think are critical. This bill is a timely solution to a very real problem. It requires all decisions made under a forest recovery plan to comply with all Federal laws. It uses an independent panel of forest scientists to advise the Forest Service on which forests are at greater risk. And it requires the Forest Service to be accountable for its performance. The bill has undergone numerous changes, all in an attempt to address specific Members' concerns.

Again I praise the gentleman from Oregon (Mr. SMITH) and the gentleman from Texas (Mr. STENHOLM) for their tenacity and willingness to work with their colleagues. I think it is time to accept the bill, Mr. Chairman. I urge Members to support it. I think it is a responsible solution to a very serious problem that our forests face.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, today I rise in strong support of H.R. 2515, the Forest Recovery and Protection Act. This bill is the product of seven hearings in the Agriculture Committee on forest conditions in the United States, which included witnesses from the administration, scientists, academics, lawmakers, state foresters, land managers, local elected officials, environmentalists and the forest products industry. This bill provides a bipartisan plan for restoring and protecting damaged forest resources in all regions of the country. H.R. 2515 requires priority recovery of forest resources at greatest risk using prescribed burning, insect disease control, riparian and other habitat improvement, reforestation and other appropriate recovery activities. It operates in strict compliance with all environmental laws and forest plans and prohibits entry into wilderness, roadless areas, old growth stands or riparian areas and other areas currently protected by law, court order or forest plan.

Additionally, this bill establishes an independent interdisciplinary panel of scientists to advise the Secretary on how to identify and prioritize appropriate reforestation priorities for forest resources that are either damaged or at risk. It gives priority to recovery projects conducted in areas where thorough scientific assessments have been completed. I think the Forest Recovery and Protection Act is a sensible bipartisan approach to improving and protecting our country's most endangered forest resources. I urge my colleagues to support H.R. 2515.

Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Chairman, I rise to speak in strong support of the Forest Recovery and Protection Act. I have the great privilege to represent a district in northern California that includes all of or parts of nine national forests. Historically, these forests were filled with stands of large trees. The forest floors were less dense and were often naturally thinned out by fires that would clean out dense underbrush and would leave the big trees to grow even larger. However, because of decades of aggressive fire suppression and modern hands-off management practices, these forests have grown out of hand, creating an almost overwhelming threat of fire.

According to Forest Service estimates, approximately 40 million acres of the agency's lands are at a high risk for catastrophic fire. The cause of this fire threat is an unnatural accumulation of vegetation and small trees on western forest floors. The U.S. Forest Service estimates that the forests are 82 percent denser than in 1928. Dense undergrowth combined with increasingly taller layers of intermediate trees has turned western forests into deadly fire time bombs. Under these adverse conditions, fire quickly climbs up dense tree growth like a ladder until it tops out at the uppermost or crown level of the forest and races out of control as a catastrophic fire. Because of its high speed and intense heat, a crown fire has the capability of leaving an almost sterile environment in its wake with almost no vegetation, wildlife or habitat left behind. We must then ask ourselves, what habitat do we have left if everything in the forest burns?

Mr. Chairman, the legislation of the gentleman from Oregon (Mr. SMITH) takes a much needed first step in the right direction toward prioritizing efforts to restore forest health. This legislation prioritizes areas at greatest risk of destruction while working in compliance with all environmental laws and forest plans. It establishes an independent scientific panel to ensure that all activities are applied in a way that improves forest health using the best available science, not politics. It establishes agency accountability for on-the-ground results, and ensures fiscal responsibility by requiring annual reports to Congress, and creates independent audits of agency performance. But most importantly, this legislation creates incentives for the Forest Service to make timely, efficient management decisions before our forests burn up.

Mr. Chairman, I urge my colleagues to vote yes on the Forest Recovery and Protection Act.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. I thank the gentleman for yielding me this time. Mr. Chairman, I would hope that we would reject this legislation. Yesterday we sat in the Committee on Resources along with our colleagues from the Committee on the Budget and the Committee on Appropriations as members sat stunned when they were told of the deficiencies in the accounting system of the off-budget funds in the Forest Service. We were told that it is some $215 million that the Forest Service could not identify how it spends. We were told by the IG of the problems of the off-budget funds. Yet this legislation now comes along and takes money from one off-budget fund to put it into another off-budget fund. It takes it from a fund that is trying to restore the forests from all of the damages of roads and constructions and logging that has taken place in the past and now puts that in to promote salvage and thinning, a proposal that this Congress and the administration has turned down time and again. In this legislation they removed the words "salvage" because they knew they could not stand by them, but they went right back to the legislation and authorized the very same practices.

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It is those very same practices, both financial and forestry practices, that have caused the Secretary of Agriculture to say that he would recommend to the President a veto of this legislation. It is those very same practices, both financial and forestry practices, that tell the League of Conservation Voters that they will score this vote as an anti-environmental vote.

This bill is not necessary. This bill engages us in the same old practices that have brought us the disaster on America's forests. Time and again our committee and the Committee on Agriculture and others have listened to the scientists that told us the forests that are in the most trouble, the forests that have suffered the most damage, are those forests that have already gone through the logging. The healthiest forests, the best forests in this country, are those that have not gone through the logging, and yet this legislation would put us back into the same old tired discredited forest practices.

We should not do that in this legislation, my colleagues. We should understand that and reject this legislation.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to this bill. I want to begin, though, by commending the chairman, the gentleman from Oregon (Mr. SMITH). As always, he has proven to be open to negotiation and has indeed made changes that do improve the bill. But I have come to the reluctant conclusion that this bill is simply too flawed to move forward. The bill just reaches more broadly than is necessary to address the forest health problems it is ostensibly designed to address.

Mr. Chairman, if the goal is to solve fire and infestation problems, we ought just to give the Forest Service additional funding and require them to begin planning projects swiftly under current rules and regulations. That is the approach we took with the Quincy Library bill which I helped negotiate, a bill which passed the House with only one dissenting vote. Instead, this bill creates an elaborate new program that could turn out to be just another logging and road building program in disguise.

Why are we so concerned about potential abuse of this program? Are we just suffering some sort of paranoia? The answer is clearly no. The salvage rider proved that programs that are supposedly designed to deal with forest health can turn out to be uncontrolled large-scale timbering programs that have nothing to do with forest health.

I am also concerned about moving ahead with bills that purport to help people but that have no chance of becoming law. I thought it was an axiom of legislating that a bill cannot help anyone if it does not become law. The administration has said in no uncertain terms that this bill would be vetoed. Every single environmental group, without exception, vehemently opposes this bill. If we are serious about solving problems on the ground, we ought to go back to the drawing board and come up with a signable bill.

I have at the ready an amendment to ensure that this program created by the bill cannot be used as an excuse to build new forest roads, and I will strongly oppose any efforts to weaken the roads language that is already in the bill. I may also offer a substitute that would turn this into a signable bill with just a few changes. I think it is unfortunate that we are spending time voting on a bill that will be vetoed instead of passing a bill that will actually address forest health.

Mr. STENHOLM. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding this time to me, and I thank him for his leadership on this bill along with the gentleman from Oregon (Mr. SMITH) for their leadership on this Forest Recovery and Protection Act, which really is a good bill that is used to address the problems of forest health in an environmentally sensitive and scientifically sound manner.

Many opponents here have argued that the bill is not needed because the problem with our forest health is just a myth. Does that mean that millions of acres are being destroyed by mythical forest fires and outbreaks of disease? I wish someone could tell me.

Know that in northern Michigan our forests are not dying from disease, and, no, our homes were not destroyed in the wildfire. It was all just a dream conjured up by the politicians in Washington. It is not. It is a reality.

The fact is that our forests are in trouble, and it is not just a problem with the forests out west. In the Great Lakes, in my district, about half of the 90 million acres of jack pine in the Hiawatha National Forest alone are highly susceptible and are being destroyed by jack pine budworm infestation.

Furthermore, a letter from the Forest Service to my office dated April 23, 1997, states gypsy moth infestations continue to be a problem for the people of the State of Michigan. In fact as we are debating here today, the gypsy moths are destroying our forests in northern Michigan.

Severe infestations can and are causing extensive damage and creating catastrophic fire conditions. In Michigan approximately 600 wild forest fires are reported each year. Michigan's Stephan Bridge fire in 1990, just 1990, destroyed 76 homes and 125 buildings in just one afternoon.

Mr. Chairman, these are real problems facing our forests, not myth. The Forest Recovery and Protection Act is a sensible approach to improving forest health. The bill adheres to sound scientific principles, is subject to all current environmental laws and land management plans, and leaves the decision with local communities by involving Federal and State foresters and local citizens in a process of identifying the risk forest areas.

I thank the gentleman from Texas (Mr. STENHOLM) and the gentleman from Oregon (Mr. SMITH) for bringing forth this legislation, and I urge all my colleagues to support this very important bill.

Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST) who has been an integral part of the negotiation on this bill, and I thank him for that.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Oregon for yielding this time to me, and I want to emphasize the word "gentleman" when I say the gentleman from Oregon, with capital letters.

Quickly, in response to one of my earlier colleagues, I have drawn a conclusion that this bill represents the best of the Quincy Library bill. The Quincy Library bill brought this House together in understanding the difficulties of managing the Nation's forests, and we passed that bill. I think this bill does the same thing.

Very quickly, I would like us to look at the big picture here. This country was founded on four very positive things: democracy, character, an endless frontier, and an abundance of natural resources. Well, our resources are diminishing quickly. Our frontier is gone. Basically what we have left to manage our resources for future generations, yes, hundreds of years in the future, is democracy and character. We have to rely on democracy and character.

What is the next frontier? It is an intellectual frontier. An intellectual frontier means we have to put aside rancorous debate, personal prejudices, sit together and discuss these issues in as intelligent a manner as is possible so that we can manage those few remaining resources for generations to come.

Can we sustain logging, mimic nature and protect biological diversity? Yes, we can. Do we have the knowhow? Yes, we do. How do we implement that knowhow? The first step to implementing that particular skill is through this bill. Is this bill based on the best available scientific data? Absolutely without question. Does this bill protect all environmental regulations? Absolutely without question.

What are some of the things this bill does? It goes in and finds those areas of the riparian places in our national forests that are damaged, and we will fix them. Soil stabilization, water quality improvements, thinning, habitat improvement, et cetera, et cetera et cetera; this bill does that.

The chief of the Forest Service said 35 to 40 million acres are in danger of catastrophic fire, soil erosion, habitat loss. So what do we do? Do we come up to the plate and respond? The answer is yes.

This is not about forest roads, it is not about commercial logging, it is not about clear-cutting. This is about funding a recovery program for our Nation's forests.

Is this bill more positive than negative? That is the question. More than we can ever know at this point, this bill is positive, and I urge my colleagues to vote yes.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in opposition to the bill. This measure is predicated on a false premise, and that is that there is a crisis. The fact of the matter is that the problems that persist in our national forests today have persisted for some time, and the fact is that as the forest chief had pointed out in his testimony before the committees that had hearings on this, that this sort of concept of cutting it to save it is inappropriate and ineffective.

The causes of what today is stated as forest health are many. Part of it is the fact that we have high-graded and put inroads and in fact suppressed fires in many cases, and then there has been some fuel buildup. That is not going to be solved by cutting down trees in the selected areas. In fact, many other problems have persisted in terms of urban interface where people have built, in the forest safety questions persist. Cut down one area, you have fire in another. So this bill and harvest clearly is not the answer.

No, the Forest Service has the tools to deal with forest health today. The fact is, as I said, this issue has built up over many decades. A 5-year program is hardly even a start. The fact is that this has to be premised and placed in the responsibilities today of the total Forest Service, not just in this narrow bill that we have before us. And I suggest as my colleagues go through the details of this bill and look at the requirements, there are a couple of requirements that stick out that are not now the basis on which the Forest Service Policy and Law functions.

One, this legitimizes the low-cost sales, so the fact is when one goes into an area and makes the sale, the predicate is instead of just the forest health treatment, we know a lot of issues do not make money, but this justifies further below-cost sales. That is what it does. Notwithstanding that, that is not a consideration in this particular bill. That is a requirements of this bill.

The other is that it suggests that we look at what the economic impact is on the community, and I think that that is an important issue. We are all concerned about helping our constituents, but not at the expense of the public taxpayer, not at the expense of losing our forests.

The bottom line here is we are going to lose the forest and we are going to pay money to do it in terms of the taxpayer. I urge Members to reject this bill.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I thank the gentleman for yielding this time to me.

This bill is not needed to address real problems of forest health. The Forest Service has now authority to take actions that are needed, such things as prescribed burns, thinning, et cetera, where the health of the forest requires it and where there is a risk of wildfire. The bill would establish a new, cumbersome, bureaucratic administrative process that is not needed.

The Forest Service financing methods and accounting systems have long been a subject of criticism. Yesterday, a joint hearing looked into those issues. What we found was that there were problems, but the Forest Service is cleaning up that mess. This bill would impede that process and make matters worse.

First, it would divert money from a road and trail maintenance fund at a time when the service has a huge maintenance backlog, $10½ billion, and put it into a new recovery trust fund not subject to appropriations. The fact that that is not subject to appropriations should set off a warning bell for every Member of this House. How will that money be used? Who will scrutinize it? What is the potential for abuse and mismanagement?

Under the bill, any revenue from timber sales conducted under this plan will be turned over to the States, not to the Federal Treasury. This is a giveaway of Federal resources and Federal money, money earned from land that is owned by all the people of this country. Imagine if all the revenue from the Customs levees at New York were turned over to the State of New York. That is essentially what is happening here.

We have heard that the bill has been changed to reflect expressed concerns about environmental impacts. It has indeed been changed at the last minute so that few people have had much time to examine the new text, but the changes have not in any way satisfied environmental concerns. Although most of the references to salvage have been removed from the bill, the substance has not changed. The bill is based on the premise that the best way to protect the forest health is to cut the forest down. The new improved bill not only allows cutting in roadless areas, cutting of large old-growth healthy trees, but it authorizes cutting in the name of so-called recovery if forest problems are merely anticipated or that somebody thinks there might be a problem at some time in the future.

□ 1100

These practices are obviously ridiculous. They would not be limited to the size of the forest either. These are just some of the reasons why this bill creates bad public policy and should be defeated.

Mr. SMITH of Oregon. Mr. Chairman, I yield 3 minutes to the gentleman from northern California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I rise in strong support of the SMITH bill, the Forest Recovery and Protection Act of 1998. Let me assure my colleagues that our forests are in danger. They are not in danger due primarily to the existence of the forest roads, which facilitate the proper management of the forest, they are in danger from the disastrous policies that have been pursued just in the last few years. But, indeed, we could go back over several decades and look at the cumulative impact of the way we have suppressed fires and allowed the tremendous buildup of fuel in the forest.

These forests have to be managed. The forests we think of as the idyllic version back during the days of John Muir were, in fact, managed forests. We need to act now. The gentleman from Oregon (Mr. SMITH) is right, this is a critical point.

The greatest single danger to our forests, at least in California, is the threat of catastrophic wildfire. We learned in testimony the other day from the Forest Service and from other experts in forestry, a couple of very interesting facts.

Fact number one, for every live tree that is harvested during a year, there are three dead trees in the forest. Fact number two, we add each year to the forest four to five times the amount of board feet of timber as we harvest.

Our forests are choked with overgrowth. Just like in our garden, we get to a point with overgrowth, and we start crowding out the desirable species. We start crowding out life for a lot of the plants that are growing there. What we get is a tremendous potential for forest fire. We need to adopt the Smith bill. We need to treat now while we can the issue of the overgrowth and render safer our forests.

Let me tell my colleagues, in my district, we had a catastrophic forest fire several years ago, the Cleveland forest fire. To this day, the hills are barren. There are tremendous problems with erosion. Let me assure my colleagues, if they care about the environment, they will support this legislation.

The devastation that occurs from a catastrophic forest fire exceeds any devastation caused by other forms of forest management activity. There is no comparison. For that reason, we must have the Smith bill. The condition of our forest demands it. I strongly urge my colleagues' support for this legislation.

Mr. STENHOLM. Mr. Chairman, how much time do we have remaining on both sides?

The CHAIRMAN. The gentleman from Texas (Mr. STENHOLM) has 14½ minutes remaining, and the gentleman from Oregon (Mr. SMITH) has 4½ minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I rise in opposition to this bill. While I agree that some of our forests are in trouble, I actually think this legislation could increase that trouble. The legislation before us has been presented as a compromise, but this compromise does not in any way address the fundamental flaws that still exist in the bill.

The bill sets up a quick and dirty review process in which timber is harvested under the guise of improving forest health. Proponents have trumpeted this legislation as based on science. Yet, no scientific consensus exists for the perceived forest health crisis. In fact, over 100 scientists have signed a letter which directly disputes this assertion.

Currently, the Forest Service has the authority to undertake restoration work on particular forests. Yet, this bill would take that ability away, because it uses forest health as an excuse to increase commercial logging by minimizing forest analysis and determining the appropriate value of the land. It sets up a separate account to pay for this forest health program, following $30 million of receipts to the States.

The current recipient of these funds, the Forest Service, estimates that a repair backlog of $10 billion exists for maintenance needs. These funds are needed to address legitimate and substantial ecosystem maintenance needs, such as removing old roads that are degrading water quality and degrading our forest. Yet, under this bill, the Forest Service would not have access to these much-needed funds, and the diverted money would allow States to build new roads for the purposes of logging.

Finally, this legislation does not forbid the use of money for new temporary roads. So under the guise, again, of forest health, this bill could open up wide tracks of currently unspoiled forests to logging, wreaking havoc on wildlife and decimating forests for decades to come.

Mr. Chairman, building these roads will not increase our forest health, it will erode it; and for that reason, I urge a no vote on this legislation.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Chairman, I am a member of the House Committee on Agriculture, and I realize the hard work that has gone into this legislation. But I must, despite my great respect for the chair and the ranking member and the hard work they put in, I must rise today to oppose this bill. For many of the reasons that my colleagues have indicated, it is fundamentally flawed.

We have three wonderful national forests in Michigan. Yes, there are management issues that need to be addressed, but they can be addressed. They need to be addressed in ways that do not include the fundamental process under this bill.

What we have here is a Forest Preservation and Recovery Act that authorizes money-making activities that could actually hurt the forests. Underneath all of today's discussion about forest health, land management, scientific panels of experts, and environmental stewardship is actually a money-generating provision that harbors the potential to do great harm to our forests.

As has been indicated, the basis of the bill is a provision that permits commercial timber sales. The philosophical assumption in the bill is that it is okay to cut down trees to save trees; and I believe that that is wrong.

In addition, by establishing an off-budget source of money, the incentives are even greater for the USDA and the Forest Service to seek revenue that is free of the appropriations process. I believe the management of our most endangered forest should be subject to the oversight of Congress, not an off-site revolving fund.

So as long as the bill contains this provision where we are saying that, in order to preserve and protect, we must cut down, this is not the kind of provision that makes sense. It does not make sense for Michigan forests. It does not make sense for the country.

With this provision in it, I cannot support the bill, and I would urge my colleagues to vote no.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I rise in opposition to the Forest Recovery and Protection Act of 1998. This legislation is reminiscent of the infamous salvage logging rider which suspended all environmental safeguards to increase logging on every national forest for 18 months on the grounds that it would improve forest health.

I take issue with the bill's definition of forest health. The author of the bill would have us believe that there is a forest health crisis and that the only way to alleviate the scourge that this crisis will cause is for increased logging.

A group of scientists from universities across the country, including the home State of the author, have come out in opposition to the bill and have stated that there is no scientific consensus that commercial logging is a cure for particular problems to individual national forests.

Furthermore, the National Forest Service has recently concluded that the Nation's forests are generally in a healthy condition. While each region does have a variety of health concerns in need of attention, a listing of these concerns should not be interpreted as a description of forest health crisis.

I introduced the Act to Save America's Forests, and it is endorsed by over 500 scientists, and it defines forest health as a forest which has a broad range of native biodiversity. It would protect native biodiversity in our Federal forest lands by abolishing clear-cutting in Federal forests. It would ban logging and road building in remaining core areas of biodiversity in Federal forests. It would protect the less than 10 percent of original unlogged forests in the United States.

The bill before us today, Mr. Chairman, is overly broad in its definition of areas in need of recovery. It does not, unlike my bill, make roadless areas off limits to logging. It lacks a clearly defined limit on how recovery areas would be managed, and it limits citizen participation by giving the Forest Service broad discretion to take short-cuts through environmental laws.

Mr. Chairman, I urge my colleagues to oppose this legislation.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, what we have heard is a myth. Nothing about this bill coordinates with any of these speeches that we have heard. The public is invited twice in this bill to state their opinion.

We have a scientific panel of the finest academicians in the United States, 11 of them, and they must be hydrologists, wildlife biologists, fisheries biologists, entomologist or pathologist, fire ecologist, silviculturist, economist, soil scientists, and the State forester. Does that sound like some sort of effort to, in the name of salvage, to cut down the forest?

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Forest Recovery and Protection Act. This bill starts with the assumption that our national forests are sick and diseased and, as a result, need more clear-cutting.

This assumption is a myth. There is no direct scientific evidence that our national forests are suffering from excessive amounts of dead or diseased trees. Tree mortality remains well below 1 percent of live tree volume throughout the country. This rate has not changed in 40 years.

The bill attempts to save our public forests by cutting them down. In my book, cutting down a forest does not save a forest. This mentality reminds me of the idea behind the timber salvage rider we passed last Congress. Proponents of the timber salvage rider claimed it would improve forest health. Well, the trees were cut, but the proponents of the Forest Recovery and Protection Act claimed we still have a forest health crisis.

What we found was that the type of logging advocated in this bill will create problems rather than solve them. Mr. Chairman, 95 percent of America's original forests have been cut down. Just 5 percent remains standing, mostly on Federal lands, which is owned by the American people.

Logging under the timber salvage rider upset forest ecosystems by draining the soil of important nutrients. It weakened the land, creating the potential for dangerous mud slides.

Instead of this legislation, Congress should be working on the forest restoration bill like the one that my colleague just mentioned, the Act to Save America's Forests. This legislation would improve forests by prohibiting clear-cutting and even aged logging and other abusive practices on Federal land. It would all save hundreds of millions of road building subsidies and prevent dangerous mud slides.

The Act to Save America's Forests would effectively shift our forest management focus from corporate profit to protection and nurturing of our rare and natural resources.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I rise in support of the Forest Recovery Protection Act, and I thank the gentleman from Oregon (Mr. SMITH), chairman, and the gentleman from Texas (Mr. STENHOLM) for their leadership on this issue.

I represent a district in east Texas that has four national forests. In fact, all of the national forests that are in Texas are located in the 2nd Congressional District. I understand full well the threats that our forests, our national forests, face today from mismanagement and lack of proper management. I think this bill takes a major step forward in ensuring that we will apply sound management practices to our national forests.

We have a battle ongoing in this country between the environmentalists and those who support the sound forestry management practices and preservation of the forest. That really is somewhat irrational because we all believe in the same thing.

The main difference is those of us who support this legislation understand that trees are renewable resources and that we cannot have a sound forest management plan unless we have the tools necessary to manage those forests.

This bill does not disturb any of the wilderness areas that are specified by existing law. In fact, it changes nothing about existing laws that protect our forests. It is a bill designed to ensure that those forests are there for the future.

I appreciate the fact that this bill dedicates the small revenues that will come from the proceeds of any sales on the Forest Recovery Act management practices to the counties and the school districts who depend upon those funds for their school districts for their children and to be sure that the agreement that has been long-standing between the counties and the school districts that have national forests in the Federal Government are maintained.

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Because when national forces were created they took property off the tax rolls of those local counties, and it is appropriate that those counties receive some remuneration under the provisions of the bill which they do.

I commend this bill to the House, and I thank the gentleman from Oregon (Mr. SMITH) and the gentleman from Texas (Mr. STENHOLM) for their leadership.

Mr. SMITH of Oregon. Mr. Chairman, what time remains, please?

The CHAIRMAN. The gentleman from Oregon (Mr. SMITH) has 4 minutes remaining, and the gentleman from Texas (Mr. STENHOLM) has 4½ minutes remaining.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Chairman, I want to join with others in commending the gentleman from Oregon (Mr. SMITH), the chairman of the Committee on Agriculture, and the ranking member for bringing forward this bipartisan and common-sense proposal.

Mr. Chairman, we need healthy forests, and all the experts agree that the public forests in the United States are in a serious and unhealthy condition. Unhealthy forests create significant fire hazards, and in the post-El Nino period that we are about to experience in the West, those are dry conditions, and we have unprecedented buildup of fields in these forests, and the fire hazards are extraordinary.

I want to point out to my colleagues that the fire hazards today in the West are significantly higher than they were 10 years ago while Americans watched as Yellowstone Park burned up. Catastrophic fires, Mr. Chairman, scar the landscape, they erode critical topsoils, they destroy wildlife and their habitat, and they destroy critical spawning areas. We cannot save the forests by burning them down; we save them by managing them, and that is what the goal of this legislation is.

Mr. Chairman, I have heard in this debate that this group or that group is going to score our votes. Mr. Chairman, it does not matter to me how those groups in Washington score my vote today, it is how the people in the Northwest and the people in western Montana score my vote. It is their communities that are at risk of destruction. The sportsmen and women and fishers and campers and hikers and berry pickers, they are going to be scoring this vote because they want healthy forests, because catastrophic fires are going to destroy their opportunities to use and enjoy these forests.

Mr. Chairman, I urge my colleagues to support this bill, protect the environment, enhance wildlife, protect our streams, save our communities, vote "yes" on the Forest Recovery and Protection Act.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding me this time. I have a little bit more to say than I can say in this amount of time, but I may take a little time under the 5-minute rule to speak further.

First, I want to commend the work that has gone into this bill. I know how hard the chairman and the gentleman from Texas (Mr. STENHOLM) have worked on it. I appreciate their point of view. I do not agree with them, but I think that they have made every reasonable effort to accommodate differences, and I want to commend them for doing that.

Mr. Chairman, my experience with the forest goes back quite a ways. I have been on the Committee on Agriculture for the last 25 years, and I have been a member of the Subcommittee on Forestry, Resource Conservation, and Research for many of those years. In my opinion, we established the proper framework to protect the health of the forests with the Forest Management Act of 1976, I think it was. Unfortunately, that act was never adequately administered under the Reagan-Bush years, and the purpose of the Forest Service seemed to be to maximize the amount of timber that was cut, rather than to manage the forests for forest health and for multiple use, which is incorporated in the act, as well as adequate provisions to protect all of the users and protect the health of the forests.

We do not need this bill if we would merely utilize the existing authorities, which I do not think that we have adequately; and since we do not need it, it is not my intention to support it. Frankly, I think the reason for introducing the bill is to make it easier to cut the forests, which is not an ignoble goal, and I sometimes share it.

I think that we have to be extremely prudent. In California, our forest ecosystems are not healthy. They need to be managed to restore their health. That management does not consist of cutting any more timber off of those forests, but it includes a much more sophisticated approach, based on a whole-ecosystem type of management that we have not been getting.

In my own district we have forest areas which have been completely destroyed, and they are getting worse, not better. I would like to see us do something about it, but it is not going to consist of increasing the amount of logging that we are doing there.

Mr. Chairman, for these reasons, I would like to continue to work on the committee and with the administration, which opposes this bill, as I presume has been mentioned, to strengthen the existing management for the creation of healthy forests and for agreeing on some appropriate level of logging which will contribute to the health of the forests and to the economy of the regions. I think a good deal of what is driving this bill is that increased logging is important to the economy of the region in many cases, and that is driving action that I think is inappropriate over the long run.

The CHAIRMAN. Each side has 2½ minutes remaining.

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentleman from Texas (Mr. TURNER) a moment ago made an observation that I hope was not lost on the House. The gentleman stated that forest trees are a renewable resource. The intent of this legislation was to recognize that in the same spirit the gentleman from California (Mr.

BROWN) just spoke in recognizing that there are differences of opinion.

Many times, I have come to the floor on agricultural bills in which the same, much of the same opposition to science-based agricultural production practices are opposed by those who believe that somehow, some way, we can produce the abundance of food and the quality of food and the safety necessary of food supply at the lowest cost to our people of any other country in the world and do it without science and technology.

The same is true for our forests, the idea that we should not use the best science available in order to preserve and protect and utilize a renewable resource, because we will hear many times this year the importance of housing. It is awfully important to a housing industry that we have a reliable supply of timber.

Mr. Chairman, I would just make one other observation. The House Committee on Agriculture, under the leadership of the Chairman, invited all interested parties to participate in this discussion and debate. It was interesting that the National Wildlife Federation, the Defenders of Wildlife, the Environmental Defense Fund, the Western Ancient Forest Campaign, the Sierra Club declined to participate in the hearings or participate in discussions of how to make this bill different or better.

Those who did participate and made a better bill that we bring to the floor today included the Northern Forest Lands Council, the Rocky Mountain Elk Foundation, the Black Bear Conservation Committee, the Nature Conservancy, the American Forests, the International Association of Fish and Wildlife Agencies, the Ruffed Grouse Society, the Wildlife Management Institute, and the Wilderness Society.

Now, to those I appreciate very much their participation in crafting this bill, controversial to say the least, but making it in a way in which we can preserve and protect our forests, and make certain that a renewable resource will be there for the best interests of all of the American people.

I encourage the support of this legislation.

Mr. SMITH of Oregon. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I rise in support of the bill, and I too commend the gentleman from Oregon (Mr. SMITH), chairman of the committee, and the gentleman from Texas (Mr. STENHOLM) for the hard work that they have done on this bill.

The legislation before us today is one way that we truly can actually do what we need to do and what we all want to do, and that is have healthy and productive forests.

Like the gentleman from California (Mr. BROWN) who preceded me, for whom I have the utmost respect for his experience in forestry and his service on the committee, I too have extensive experience when it comes to forests and forest health. I live in a district, I represent the entire State of Wyoming, and I live in a district and visit the forests about twice a month. I have flown over the forests in helicopters, and I have seen the national forests that have so much dead timber in them that it caused the chief of the Forest Service, Chief Dombeck, to say this, and I quote, that there are 40 million acres of Forest Service land that, in his words, "are at an unacceptable risk of destruction by catastrophic wildfire." This is true. This is a real threat. It not only threatens human lives, but it threatens animal habitat.

The only way we can deal with this problem is to manage the forests. We all want a healthier, we all want healthy forests. The insect infestation that causes dead trees can be controlled if we allow logging to be done. I do not think anyone has heard anyone over here say we want to clear-cut the forests; that is a thing of the past, we do not want to do that. But we want scientists, we want those Forest Service people who are on the ground to be able to produce timber from the forests when they think it is the scientifically healthy thing for the Forest Service to do; and they at this time cannot do this.

We need this legislation. It is time that we push the Forest Service into action to harvest this timber to make our forests healthy and beautiful for recreation for people and for the animal wildlife.

Mr. SMITH of Oregon. Mr. Chairman, I yield myself the remainder of the time.

Mr. Chairman, I just wanted to extend my gratitude to the gentleman from Texas (Mr. STENHOLM), and to the gentleman from Maryland (Mr. GILCHREST) and to many on the minority side and many on this side who have really made an effort to step forward and create a bill that is truly designed to take care of the forest health of America. To those people I extend my heartiest congratulations, and I thank them immensely for their efforts.

Ms. PELOSI. Mr. Chairman, make no mistake—there's nothing healthy about this bill. It's "managed care" gone off the scale.

HR 3530 would encourage further destruction of our national forests by encouraging logging, limiting public participation in the process and exploiting some of our most environmentally sensitive forest areas. We have been through this debate. The rationale in HR 3530 is the same rationale used in the "Salvage Logging Rider" which had devastating effects on forests in the name of "forest health." It was a mistake then; it is a mistake now.

The U.S. Forest Service has already confirmed that the "forest health" crisis this bill purports to address does not exist. It is simply another excuse for salvage logging that will permit logging of old growth forests and transfer money from road and trail maintenance to unnecessary logging activities. Currently, there is a $10 billion backlog in road maintenance throughout our national forests. It does not make sense to defer this spending and embark on a frivolous logging program.

In addition to this, the bill actually creates an incentive for logging by setting up a special forest management fund that would be fed by the sale of commercial timber. The more trees you cut in the name of "forest health"—the more revenues deposited in the account. We do not need another fund. In the bill, it is "available without further appropriation"—a determination that should be made by the Appropriations Committee in its review of funding for the Forest Service.

Over 100 scientists have registered their opposition to this bill. One of them is quoted: "The Forest Recovery and Protection Act of 1998 is a stealth attack on natural resources in the guise of 'forest health.'" Another states: "The Forest Service already has the authority to undertake these appropriate activities * * * new legislation that provides a broad mandate to institute 'recovery projects' on potentially very large national forest areas is not needed."

The Administration opposes this bill. A letter from Agriculture Secretary Glickman states: "* * * the Forest Service would be much better served by continuing its program for improving forest resources using its existing authorities rather than be encumbered by this bill's controversial provisions and lengthy and costly processes."

Secretary Glickman's letter concludes with: "I share your broad goal of improving our forest resources, but the Administration strongly opposes this bill; it would curtail important environmental and administrative laws, create a tremendous bureaucratic burden, and ignite another round of controversy over salvage and forest health operations."

This bill is unnecessary; this debate is unnecessary. The concept behind this H.R. 3530 is the same scorched-earth approach that the majority has taken time after time in promoting its war on the environment.

I urge my colleagues—do not vote for chain saw surgery. Today's vote is an opportunity for a second opinion—there is no forest health crisis; the Forest Service already has the authorities included in this bill; H.R. 3530 is opposed by over 100 forest scientists and the administration. There is no need for the legislation.

Vote no on H.R. 3530.

Mrs. EMERSON. Mr. Chairman, I rise in strong support of H.R. 2515, the Forest Recovery and Protection Act. I am pleased to be an original cosponsor of this bill, a bipartisan measure that reflects sound and scientific management of our national forests. Furthermore, I would like to make note of the tremendous efforts of the author of this bill, Chairman of the Agriculture Committee BOB SMITH. Chairman SMITH has conducted extensive hearings to review the health of our forests and has reached out to those holding different viewpoints. His steady, informed leadership on this critical issue is to be commended.

H.R. 2515 recognizes that the long term well-being of our forests depends on active, not passive, care and protection. As the Agriculture Committee hard from scientists and professional foresters in recent hearings, active management measures are vital to sustaining the health of a forest. Without these measures, forests become vulnerable to insect infestation, disease, and fires, and in fact this has already occurred in many of our forests across the country. H.R. 2515 will provide the Forest Service with the necessary tools and scientific input to manage our national forests in the most responsible way.

A key point that I would like to make is that this bill helps us achieve all of the environmental, economic, and recreational goals that we have for our forest lands. By looking out for our forests, we are looking out for the sportsmen, the local timber businesses, the wildlife, and everyone else who benefits from this wonderful natural resource. H.R. 2515 represents a commitment to keeping our national forests healthy and strong for the long term.

I urge a firm yes vote on H.R. 2515.

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to the Forest Recovery and Protection Act (HR 3530).

The bill, introduced by House Agriculture Chairman BOB SMITH (OR), creates a five-year national program allowing the Secretary of Agriculture to identify and pursue an unlimited number of "forest health recovery areas and projects" within the National Forest Service. That means that logging of our National Forests could occur anywhere in the National Forests without any limits on the number or sizes of the logging projects.

This bill would allow unlimited clearcuts, invasion sand logging of roadless areas and cutting of old growth forests.

This bill reduces the level of agency review and public comment to a level significantly lower than protections provided by the National Environmental Policy Act.

The bill creates an off-budget fund in which 100% of the receipts from logging projects would go to the local counties to fund schools and roads. By linking funding for local projects to logging, this off-budget fund will create enormous and inappropriate financial incentives for the Forest Service to pursue logging projects in every National Forest. If this bill is passed, we can soon expect public school teachers coming to Congress to lobby for more logging projects so that they can teach school.

The off-budget fund that this bill would create within the Forest Service would bypass the Appropriations process. The off-budget fund would be completely unaccountable to Congress and mirror problems found in the existing Salvage Fund, Knudsen-Vandenberg and Brush Disposal Funds.

This bill attempts to correct a forest health crisis that the USDA and environmental groups say does not exist. The recommendations of this bill are based on pseudo-scientific research and questionable conclusions.

This bill is opposed by Democrats, Republicans, environmental and religious groups. Environmental groups (more than 100 groups including Sierra Club, League of Conservation Voters, Friends of the Earth, PIRG, Kettle Range Conservation Group, Western Ancient Forest Campaign) and religious groups (Presbyterian Church, United Methodist, Reform Judaism) have contacted my office in opposition to this bill.

This bill would eradicate environmental protections provided by the National Environmental Policy Act, Endangered Species Act and Clean Water Act.

The American public does not support this bill. A clear majority of Americans nationwide oppose commercial logging in National Forests

President Clinton has already said that he will veto this bill.

I urge you to vote no on H.R. 3530.

Mr. PORTER. Mr. Chairman, reluctantly, I rise in opposition to this legislation. The Chairman of the Committee, Mr. SMITH, and his staff have been extremely patient in working to address my concerns and I am disappointed to not be able to support the end result. I understand that the Chairman is trying to improve the management of our national forests but I do not feel that this bill provides the best means.

I believe the substitute amendment to the bill greatly improves the public participation and the environmental review of the recovery areas and projects authorized in the bill. Specifically, the public comment and notice periods added to the recovery area designation phase will provide in important opportunity for interested parties to provide input on those areas designated for potential treatments. In addition, the extended time periods for identification of recovery projects by the regional forester will guarantee the application of all relevant environmental laws to be sure that the health of the entire project is considered before implementation of treatments.

While I do not support the concept of off-budget funds, I am pleased with the additional safeguards that the Committee has added for the oversight of the Forest Recovery Fund authorized in this bill. In one of the first drafts of this legislation, any funds generated by recovery projects were deposited back in the Fund established by this bill. I raised concerns that this process would provide incentive for projects to be revenue generating instead of promoting a treatment that, while more appropriate to improve the health of the forest, would operate at a cost. The Committee worked tirelessly to address this concern and, in the end, I believe that this money should simply be sent back to the General Fund of the Treasury.

My remaining concerns with this legislation are the use of this bill's funds for the construction of roads, either permanent or temporary, and the lack of protection of roadless areas. These concerns are obviously directly linked. I am not against all road building in our national forests. However, the $10 billion backlog in road maintenance and obliteration estimated by the Forest Service for the transportation system within our national forests is a crisis in its own right. The solution to this need is not the construction of more roads. Further, and I realize that there is disagreement on this issue, I believe that roadless areas provide important habitats and are imperative in maintaining balance in ecosystems and should therefore, be left undisturbed. The areas of the national forest system in greatest need of attention are those that are in close proximity to urban centers and areas that have not been properly managed after resource extraction. Since the program authorized by this legislation is only for five years, I believe that these areas in urgent need should be highlighted as a priority and roadless area left untouched.

Again, I want to thank my colleague from Oregon for his extensive discussions with me on this legislation. I hope that such negotiations will continue in the future as we discuss other legislation pertaining to the management of our nation's forests.

Mr. BLUMENAUER. Mr. Chairman, I rise today in opposition to H.R. 3530, the Forest Recovery and Protection Act. First, I would like to commend my colleague Rep. SMITH for his efforts to reach a compromise and his willingness to make some pretty significant changes to his original proposal. While the revised version of the legislation does not address all my concerns, I did want to take a moment to recognize Rep. SMITH and his staff have really made an effort to accommodate a number of the issues that have been raised.

Despite the revisions, however, I still remain deeply concerned about the impact of this legislation on our Nation's forests, as outlined below.

Is the legislation necessary? Scientists disagree strongly as to the current status of our forests. While I don't fee qualified to pick and choose between scientific assessments of forest health, I do feel comfortable in my understanding that the Forest Service already has the authorization to undertake recovery projects along the lines of those proposed in this legislation. No one has adequately demonstrated to me that our forests are in such a deplorable state that the type of dramatic expansion of Forest Service authority as proposed in the bill is necessary.

Will the proposed prescriptions do more harm than good? Under the bill, a recovery project is defined in a variety of ways, including options I strongly support, such as riparian restoration, soil stabilization and water quality improvement, and seedling planting and protection. However, also included are projects such as the removal of trees to improve stand health by stopping or reducing actual or anticipated spread of insects or disease. Although I do understand that in some cases, removal of trees can be a good prescription for forest health, this particular option strikes me as very open-ended—especially the suggestion that trees should be removed to stop the anticipated spread of insects or disease. What if we're wrong as to the spread of insects or disease? Once the trees are gone, it is impossible to put them back.

In addition, while I appreciate Rep. SMITH's efforts to ensure that recovery projects could not take place in wilderness, riparian, or old growth areas, the bill, in my opinion, still leaves open the possibility that entire forests could be designated for intrusive and environmentally harmful recover projects. It simply does not limit the size or scope of these proposed actions.

Is there sufficient time available for public comment and review of recovery projects? The time frames in this bill are very tight, especially considering the unlimited magnitude of the possible projects. The Secretary has only 210 days to propose standards and criteria, and only 45 days are allowed for public comment on the proposed standards. The Secretary then has only 30 days to assimilate the comments and issue final regulations. If we are to ensure that our actions actually improve the health of our forests, we must allow more time for analysis of the standards.

Are there built in incentives for recovery projects that remove trees? By focusing efforts on options that are highly "cost-effective" and designating revenues from the recovery projects would go directly to the states, the legislation skews recovery prescriptions toward those that generate revenues. The revenue provision, in particular, builds in an incentive for State foresters (who must be consulted under this proposal) to suggest prescriptions that would provide revenue.

Is the Scientific Advisory Board sufficiently oriented toward true Forest health? Under the proposal, the SAB is divided equally between individuals with natural science expertise who are leaders in the field of forest resource management, and state foresters who are versed in forest resource management. Obviously, this puts emphasis on those individuals who actively manage the forests, as opposed to those who might focus more on preservation. In addition, I am somewhat concerned about the politicized appointment process outlined in the bill. This could lead to less qualified individuals being members of the board, as well as an extremely slow selection process.

Concerns on Advanced Recovery Projects. The bill also allows for the selection of Advance Recovery Projects, within 30 days after the enactment of the act. I am very concerned that this provision could allow for implementation of large scale recovery projects in a variety of forests with very little scientific or public review. Again, once we have cut down the trees in the name of forest health, only Mother Nature can bring them back.

Concerns on financing of the projects and roadless areas. Financing for these recovery projects would be provided through annual Congressional appropriations and unobligated amounts in the roads and trails funds. Given the $10 billion backlog of road maintenance needs, I am not convinced that these recovery projects would be the best use of these funds. In addition, I am deeply concerned that while the forest recovery fund does limit the use of funds for new permanent roads, there is no limitation on the building of temporary or even semi-permanent roads—even in roadless areas.

Mr. Chairman, again I recognize that Mr. SMITH has really made an effort to craft a bill to which we all can agree. This is not that bill. For the reasons outlined above I will oppose H.R. 3530, and I urge my colleagues to do the same.

Mr. SHAW. Mr. Chairman, I rise today in support of H.R. 2870, the Tropical Forest Conservation Act.

Despite international conservation efforts, clearcutting and logging are occurring in tropical rain forests at an astonishing rate. While I am aware of efforts and plans to replace these trees by replanting, I saw no such activity when I visited the Republic of Congo in 1997. Clearcutting of rainforests is particularly tragic because tropical rainforests, with their dense growth and high biodiversity, are home to the greatest number of species of any ecosystem on earth. The majority of these species have yet to be even identified. Moreover, humankind has barely scratched the surface of the uses and medicinal properties of those plants and animals we have already identified. Unchecked logging threatens the existence of thousands of species.

Mr. Chairman, because of my trip to the Republic of Congo, I see the urgent need for legislation such as H.R. 2870. This "debt-for-nature" exchange would empower developing countries to fight to protect these vital forests against extreme logging practices. Because of the economic status of these developing countries, it is unlikely that the U.S. would ever see these debts repaid. This legislation ensures that the American people get something in return for their generosity.

Mr. Chairman, I urge my colleagues to support the Tropical Forest Conservation Act.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of Thursday, March 26, 1998, the amendment in the nature of a substitute consisting of the text of H.R. 3530 is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Forest Recovery and Protection Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. National Pilot Program of Forest Recovery and Protection.
Sec. 5. Scientific Advisory Panel.
Sec. 6. Advance recovery projects.
Sec. 7. Monitoring plan.
Sec. 8. Forest Recovery and Protection Fund.
Sec. 9. Authorization of appropriations.
Sec. 10. Audit requirements.
Sec. 11. Forest inventorying and analysis.

SEC. 2. FINDINGS.

Congress finds the following:

(1) There are tradeoffs in values associated with proactive, passive, or delayed forest management. The values gained by proactive management outweigh the values gained by delayed or passive management of certain Federal forest lands.

(2) Increases in both the number and severity of wildfire, insect infestation, and disease outbreaks on Federal forest lands are occurring as a result of high tree densities, species composition, and structure that are outside the historic range of variability. These disturbances cause or contribute to significant soil erosion, degradation of air and water quality, loss of watershed values, habitat loss, and damage to other forest resources.

(3) Serious destruction or degradation of important forest resources occurs in all regions of the United States. Management activities to restore and protect these resources in perpetuity are needed in each region and should be designed to address region-specific needs.

(4) According to the Chief of the United States Forest Service, between 35 and 40 million of the 191 million acres of Federal forest lands managed by the Forest Service are at an unacceptable risk of destruction by catastrophic wildfire. The condition of these forests can pose a significant threat of destruction to human life and property as well as to the habitat for fish and wildlife (including threatened and endangered species), public recreation areas, timber, watersheds, and other important forest resources.

(5) Restoration and protection of important forest resources require active forest management involving a range of management activities, including thinning, salvage, prescribed fire (after appropriate thinning), sanitation and other insect and disease control, riparian and other habitat improvement, soil stabilization and other water quality improvement, and seedling planting and protection.

(6) Many national forest units of the National Forest System have an increasing backlog of unfunded projects to restore and protect degraded forest resources. Adequate funding, structured so as to maximize the allocation of monies for on-the-ground projects, is needed to address this backlog in an efficient, cost-effective way.

(7) A comprehensive, nationwide effort is needed to restore and protect important forest resources in an organized, timely, and scientific manner. There should be immediate action to improve the areas of Federal forest lands where serious resource degradation has been thoroughly identified and assessed or where serious resource destruction or degradation by natural disturbance is imminent.

(8) Congress and the Comptroller General have identified the need to increase agency accountability for achieving measurable results at all levels of government, both in the management of fiscal resources and in carrying out statutory mandates. Additional funding to address the backlog of recovery projects in the National Forest System must, therefore, be accompanied by performance standards and accountability mechanisms that will clearly demonstrate the results achieved by any additional investment of taxpayer dollars.

(9) Frequent forest inventory and analysis of the status and trends in the conditions of forests and their resources are needed to identify and reverse the destruction or degradation of important forest resources in a timely and effective manner. The present average 12- to 15-year cycle of forest inventory and analysis to comply with existing statutory requirements is too prolonged to provide forest managers with the data necessary to make timely and effective management decisions, particularly decisions responsive to changing forest conditions.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) FEDERAL FOREST LANDS.—The term "Federal forest lands" means lands within the national forest units of the National Forest System.

(2) FUND.—The terms "Forest Recovery and Protection Fund" and "Fund" mean the fund established under section 8.

(3) IMPLEMENTATION DATE.—The term "implementation date" means January 15, 2000, or the first day of the 19th full month following the date of the enactment of this Act, whichever is later. However, if the implementation date under the second option would occur within six months of the next January 15, the Secretary may designate that January 15 as the implementation date.

(4) Land management plan.—The term "land management plan" means a land and resource management plan prepared by the Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for Federal forest lands under the jurisdiction of the Secretary of Agriculture.

(5) National pilot program.—The term "national pilot program" means the National Pilot Program of Forest Recovery and Protection required by section 4.

(6) Overhead expenses.—The terms "overhead expenses" and "overhead" mean—

(A) common services and indirect expenses, as such terms are defined by expense items 1–10 in Appendix E of the United States Forest Service Timber Cost Efficiency Study Final Report, dated April 16, 1993 (pages 125–126);

(B) direct and indirect general administration expenses, as such terms are identified in Appendix D of the United States Forest Service Forest Management Program Annual Report, Fiscal Year 1996 (FS–614), dated December, 1997 (pages 110–111); and

(C) any other cost of line management or program support that cannot be directly attributable to specific projects or programs.

(7) Recovery area.—The term "recovery area" means a national forest unit of the National Forest System, identified by the Secretary under section 4(c)—

(A) that has experienced disturbances from wildfires, insect infestations, disease, wind, flood, or other causes, which have caused or contributed to significant soil erosion, degradation of water quality, loss of watershed values, habitat loss, or damage to other forest resources of the area; or

(B) in which the forest structure, function, or composition has been altered so as to increase substantially the likelihood of wildfire, insect infestation, or disease in the area and the consequent risks of damage to soils, water quality, watershed values, habitat, and other forest resources from wildfire, insect infestation, disease, wind, flood, or other causes.

(8) Recovery project.—The term "recovery project" means a project to improve, restore, or protect forest resources within an identified recovery area, including the following types of projects: riparian restoration; treatments to reduce stand density for the purpose of reducing risk of catastrophic loss; soil stabilization and other water quality improvement; removal of dead trees or trees being damaged by injurious agents other than competition; prescribed fire; integrated pest management, including the removal of trees to improve stand health by stopping or reducing actual or anticipated spread of insects or disease; vegetative treatments and other habitat improvement activities; and seedling planting and protection.

(9) Scientific advisory panel.—The term "Scientific Advisory Panel" means the advisory panel appointed under section 5.

(10) Secretary.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

SEC. 4. NATIONAL PILOT PROGRAM OF FOREST RECOVERY AND PROTECTION.

(a) National Pilot Program Required.—Not later than the implementation date, the Secretary shall commence a national pilot program to restore and protect forest resources located on Federal forest lands in the United States through the performance of recovery projects in identified recovery areas.

(b) Standards and Criteria.—

(1) Initial publication.—Not later than 210 days before the implementation date, the Secretary shall publish in the Federal Register the proposed standards and criteria to be used for the identification and prioritization of recovery areas. In establishing the standards and criteria, the Secretary shall consider the standards and criteria recommended by the Scientific Advisory Panel under section 5(f). The Secretary shall include in the Federal Register entry required by this paragraph an explanation of any significant differences between the recommendations of the Scientific Advisory Panel and the standards and criteria actually proposed by the Secretary.

(2) Comment period and final publication.—Upon the publication of the proposed standards and criteria under paragraph (1), the Secretary shall provide a 45-day period for the submission of comments regarding the proposed standards and criteria. Not later than 30 days after the close of the comment period, the Secretary shall publish the final standards and criteria in the Federal Register.

(c) Identification of Recovery Areas.—

(1) Initial publication.—Not later than 105 days before the implementation date, the Secretary shall publish in the Federal Register a list, in order of priority, of the proposed recovery areas within which recovery projects are to be conducted under the national program in accordance with the standards and criteria established and in effect under subsection (b).

(2) Comment period and final publication.—Upon the publication of the proposed recovery areas under paragraph (1), the Secretary shall provide a 45-day period for the submission of comments regarding the proposed recovery areas. Not later than 30 days after the close of the comment period, the Secretary shall publish the final list of recovery areas, in order of priority, in the Federal Register.

(3) Modification.—The Secretary may not modify the final list of recovery areas published pursuant to paragraph (2).

(d) Annual Allocation of Amounts to Recovery Areas.—

(1) Allocation required.—Not later than the implementation date, and each January 15 thereafter, the Secretary shall allocate amounts from the Forest Recovery and Protection Fund to regions of the Forest Service for the purpose of conducting recovery projects in recovery areas identified in subsection (c). In making such allocations, the Secretary shall identify the total acreage nationally that the Secretary expects to be treated during the fiscal year using allocated amounts.

(2) Authorized use of amounts for multi-year projects.—Amounts allocated by the Secretary pursuant to paragraph (1) shall be available, without further allocation by the Secretary, to carry out and administer multi-year recovery projects beyond the fiscal year in which the amounts are allocated by the Secretary.

(e) Recovery Projects.—

(1) Initiation of project level analysis.—Not later than 30 days after the date on which the Secretary allocates amounts from the Forest Recovery and Protection Fund under subsection (d), the regional forester (or the designees of the regional forester) in each region to which amounts have been allocated shall initiate project planning, including any activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for each recovery project to be conducted during that fiscal year.

(2) Prohibited project locations.—The regional forester (or the designees of the regional forester) shall not select or implement a recovery project under the authority of this Act in any of the following:

(A) Any unit of the National Wilderness Preservation System or any primitive area or area identified for study for possible inclusion in such system under the Wilderness Act (16 U.S.C. 1131 et seq.).

(B) Any riparian area, late successional reserve, or old growth area within which the implementation of recovery projects is prohibited by the applicable land management plan.

(C) Any other area in which the implementation of recovery projects is prohibited by law, a court order, or the applicable land management plan.

(f) Requirements for Recovery Project Selection.—In selecting recovery projects as required under subsection (e), the regional forester (or the designees of the regional forester) in each region shall—

(1) identify for each recovery project the total acreage requiring treatment, the estimated cost of preparation and implementation, and the estimated project duration;

(2) consider the economic benefits to be provided to local communities as a result of each recovery project, but only to the extent that such considerations are consistent with the standards and criteria for recovery areas established and in effect under subsection (b) and the priorities established by the ranking of recovery areas under subsection (c);

(3) ensure that each recovery project complies with the land management plan applicable to the recovery area within which the recovery project will be conducted;

(4) ensure that each recovery project is designed to be implemented in the most cost-effective manner, except that a recovery project is not precluded simply because the cost of preparing and implementing the recovery project is likely to exceed the revenue derived from the recovery project; and

(5) ensure that each recovery project will maintain or enhance the ecological functions and conditions of the forest in which the project will be conducted.

(g) Annual Report to Congress.—

(1) Report required.—Not later than the implementation date, and each January 15 thereafter, the Secretary shall submit to Congress a report on the identification and prioritization of recovery areas required under subsection (c) and the allocation of amounts from the Forest Recovery and Protection Fund under subsection (d).

(2) Report contents.—Each report required under paragraph (1) shall include the following:

(A) A breakdown of the amounts allocated to each region of the Forest Service under subsection (d).

(B) The total acreage nationally expected to be treated by recovery projects during the fiscal year using amounts allocated under subsection (d).

(3) Additional requirements.—After the initial report required by paragraph (1), each subsequent report shall also include the following:

(A) A list, by recovery area, of the recovery projects for which planning has been initiated during the prior fiscal year including, for each recovery project, the following:

(i) A description of the management objectives of the project that will be monitored for implementation and effectiveness using the monitoring plan established under section 7.

(ii) The total acreage requiring treatment, the estimated cost of preparation and implementation, and the estimated project duration.

(iii) The total acreage treated by the recovery project during the fiscal year.

(iv) The projected economic benefits (if any) the project will provide to local communities.

(B) An explanation of the following:

(i) Whether the planning for recovery projects during the prior fiscal year was initiated within the timeframe required under subsection (e)(1) and an accounting of the steps taken by the Secretary relative to the projects pursuant to the requirements of section 8(d); and

(ii) An explanation of the status of recovery projects for which planning was initiated in prior fiscal years.

(C) A list, by recovery area, of the recovery projects completed during the prior fiscal year including, for each recovery project, a comparison of the following:

(i) The projected and actual management objectives achieved by the project, as determined using the monitoring plan established and in effect under section 7.

(ii) The projected and actual preparation and implementation costs and duration of the project.

(iii) The projected and actual economic benefits to local communities provided by the project.

(D) A description of any additional resources or authorities needed by the Secretary to implement and carry out the national pilot program in an efficient and cost-effective manner.

(4) Notice of availability.—Not later than the implementation date, and each January 15 thereafter, the Secretary shall publish in the Federal Register a notice of availability of the most-recent report to Congress required by this subsection.

(h) Applicability of Federal Laws.—Nothing in this section exempts any action authorized or required by this section from any Federal law.

SEC. 5. SCIENTIFIC ADVISORY PANEL.

(a) Establishment.—There is established a panel of scientific advisers to the Secretary to be known as the "Scientific Advisory Panel".

(b) Composition of Panel.—

(1) Appointment from list of experts.—The Scientific Advisory Panel shall consist of 11 members appointed as provided in subsection (c) from a list, to be prepared by the National Academy of Sciences, that consists of—

(A) persons with expertise in the natural sciences who, through the publication of peer-reviewed scientific literature have demonstrated expertise in matters relevant to forest resource management; and

(B) State foresters (or persons with similar managerial expertise) who, through the publication of peer-reviewed scientific literature or other similar evidence of significant scientific or professional accomplishment, have demonstrated expertise in matters relevant to forest resource management.

(2) Preparation of list.—The National Academy of Sciences shall prepare the list required by paragraph (1) not later than 30 days after the date of the enactment of this Act. In the preparation of the list, the National Academy of Sciences shall consult with scientific and professional organizations whose members have relevant experience in forest resource management.

(c) Appointment Process.—The members of the Scientific Advisory Panel shall be selected from the list described in subsection (b) as follows:

(1) One member appointed by the Chairman of the Committee on Agriculture of the House of Representatives, in consultation with the ranking minority member of the Committee.

(2) One member appointed by the Chairman of the Committee on Resources of the House of Representatives, in consultation with the ranking minority member of the Committee.

(3) One member appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate, in consultation with the ranking minority member of the Committee.

(4) One member appointed by the Chairman of the Committee on Energy and Natural Resources of the Senate, in consultation with the ranking minority member of the Committee.

(5) Three members appointed by the Secretary.

(6) Four members appointed by the National Academy of Sciences.

(d) Administrative Matters.—

(1) Time for appointment.—Appointments of members of the Scientific Advisory Panel shall be made as follows:

(A) The appointment of members under paragraphs (1) through (4) of subsection (c) shall be made within 30 days after the date on which the list described in subsection (b) is first made available.

(B) The appointment of members under paragraphs (5) and (6) of subsection (c) shall begin after the appointments required under paragraphs (1) through (4) of such subsection have been made so that the persons making the appointments under paragraphs (5) and (6) of such subsection can ensure that the requirement specified in subsection (e) for a balanced representation of scientific disciplines on the Scientific Advisory Panel is satisfied. The appointments shall be completed within 60 days after the date on which the list described in subsection (b) is first made available.

(2) Term and vacancies.—A member of the Scientific Advisory Panel shall be appointed for a term beginning on the date of the appointment and ending on the implementation date. A vacancy on the Scientific Advisory Panel shall be filled within 30 days in the manner in which the original appointment was made.

(3) Commencement of activity.—The Scientific Advisory Panel may commence its duties under subsection (f) as soon as at least eight of the members have been appointed under subsection (c). At the initial meeting, the members of the Scientific Advisory Panel shall select one member to serve as chairperson.

(4) Conflict of interests.—A person may not serve as a member of the Scientific Advisory Panel if the member has a conflict of interest with regard to any of the duties to be performed by the Scientific Advisory Panel under subsection (f). Decisions regarding the existence of a conflict of interest shall be made by the Scientific Advisory Panel.

(e) Balanced Representation of Scientific Disciplines.—The Scientific Advisory Panel shall include at least one representative of each of the following:

(1) Hydrologist.

(2) Wildlife biologist.

(3) Fisheries biologist.

(4) Entomologist or pathologist.

(5) Fire ecologist.

(6) Silviculturist.

(7) Economist.

(8) Soil scientist.

(9) State forester or person with similar managerial expertise.

(f) Duties In Connection With Implementation.—During the period beginning on the initial meeting of the Scientific Advisory Panel and ending on the implementation date, the Scientific Advisory Panel shall be responsible for the following:

(1) The preparation and submission to the Secretary and the Congress of recommendations regarding the standards and criteria that should be used to identify and prioritize recovery areas.

(2) The preparation of and submission to the Secretary and the Congress of recommendations regarding a monitoring plan for the national pilot program of sufficient scope to monitor the implementation and effectiveness of recovery projects conducted under the national pilot program.

(g) Considerations.—In the development of its recommendations under subsection (f), the Scientific Advisory Panel shall—

(1) consult as appropriate with region-specific scientific experts in forest ecology, hydrology, wildlife biology, entomology, pathology, soil science, economics, social sciences, and other appropriate scientific disciplines;

(2) consider the most current peer-reviewed scientific literature regarding the duties undertaken by the Panel; and

(3) incorporate information gathered during the implementation of the advance recovery projects required under section 6.

(h) Allocation of Forest Service Personnel.—The Forest Service shall allocate administrative support staff to the Scientific Advisory Panel to assist the Panel in the performance of its duties as outlined in this section.

(i) Federal Advisory Committee Act Compliance.—The Scientific Advisory Panel shall be subject to sections 10 through 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 6. ADVANCE RECOVERY PROJECTS.

(a) Selection of Advance Projects.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall allocate amounts from the Forest Recovery and Protection Fund to Forest Service regions for the purpose of conducting a limited number (as determined by the Secretary) of advance recovery projects on Federal forest lands. The regional foresters of the Forest Service (or the designees of the regional foresters) shall select the advance recovery projects to be carried out under this section. However, the selection of an advance recovery project in a State shall be made in consultation with the State forester of that State.

(b) Selection Criteria.—In selecting advance recovery projects, the regional foresters (and their designees) shall comply with the requirements of subsections (e)(2) and (f) of section 4 applicable to the selection of recovery projects under the national pilot program. Priority shall be given to projects on those Federal forest lands—

(1) where the Regional Forester (in consultation with the appropriate State forester) has identified a significant risk of loss to human life and property or serious resource degradation or destruction due to wildfire, disease epidemic, severe insect infestation, wind, flood, or other causes; or

(2) for which thorough forest resource assessments have been completed, including Federal forest lands in the Pacific Northwest, the Interior Columbia Basin, the Sierra Nevada, the Southern Appalachian Region, and the northern forests of Maine, Vermont, New Hampshire, and New York.

(c) Initiation of Project Level Analysis.—Not later than 30 days after the date on which the Secretary allocates amounts from the Forest Recovery and Protection Fund under subsection (a), the regional forester (or the designees of the regional forester) in each region to which amounts have been allocated shall initiate project planning, including any activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), for the advance recovery projects to be conducted in that region.

(d) Effect of Failure To Comply With Time Periods.—If the deadline for the initiation of project planning specified under subsection (c) is not met for any advance recovery project, the Secretary may not use amounts in the Forest Recovery and Protection Fund to carry out the project and shall promptly reimburse the Fund for any expenditures previously made from the Fund in connection with the project.

(e) Reporting Requirements.—Not later than the implementation date, and annually thereafter until completion of all advance recovery projects, the Secretary shall submit to Congress a report on the implementation of advance recovery projects. The report shall consist of a description of the accomplishments of each advance recovery project and incorporate the requirements of section 4(g)(3).

(f) Notice of Availability.—The Secretary shall publish in the Federal Register a notice of the availability of each report to Congress required by this section.

(g) Applicability of Federal Laws.—Nothing in this section exempts any advance recovery project authorized or required by this section from any Federal law.

SEC. 7. MONITORING PLAN.

(a) Plan Required.—Not later than the implementation date, the Secretary shall prepare and submit to Congress a monitoring plan for the national pilot program of sufficient scope to monitor the implementation and effectiveness of recovery projects conducted under sections 4 and 6.

(b) Recommendations of Scientific Advisory Panel.—In preparing the monitoring plan required under subsection (a), the Secretary shall consider the monitoring plan recommended by the Scientific Advisory Panel under section 5(f). The Secretary shall include with the monitoring plan submitted to Congress under subsection (a) an explanation of any significant differences between the recommendations of the Scientific Advisory Panel and the monitoring plan actually submitted to Congress.

SEC. 8. FOREST RECOVERY AND PROTECTION FUND.

(a) Establishment.—There is established on the books of the Treasury a fund to be known as the "Forest Recovery and Protection Fund". The Chief of the Forest Service shall be responsible for administering the Fund.

(b) Credits to Fund.—During the time period specified in section 9(a), there shall be credited to the Fund the following:

(1) Amounts authorized for and appropriated to the Fund.

(2) Unobligated amounts in the roads and trails fund provided for in the fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501) as of the date of the enactment of this Act, and all amounts which would otherwise be deposited in such fund after such date.

(3) Amounts required to be reimbursed to the Fund under subsection (d) or section 6(d).

(c) Use of Fund.—

(1) Authorized uses.—Amounts in the Fund shall be available to the Secretary, without further appropriation—

(A) to carry out the national pilot program;

(B) to plan, carry out, and administer recovery projects under sections 4 and 6;

(C) to administer the Scientific Advisory Panel; and

(D) to pay for the monitoring program established under section 7.

(2) Effect of completion.—Upon completion of all recovery projects for which planning was initiated under section 4(e)(1), and the contracts identified in section 9(c), all remaining amounts in the Fund shall be transferred to the general fund of the Treasury.

(d) Effect of Failure To Comply With Annual Deadlines.—

(1) Prohibition on use of fund.—The Secretary may not use amounts in the Fund—

(A) to allocate monies to regions of the Forest Service during a fiscal year under section 4(d)(1), if the deadlines specified in such section are not met for that fiscal year; or

(B) to carry out a recovery project, if the final decision on project planning is not initiated within the time frame required by section 4(e)(1).

(2) Fund reimbursement.—If the deadlines referred to in paragraph (1)(A) are not met for a particular fiscal year, the Secretary shall promptly reimburse the Fund for any expenditures previously made from the Fund in connection with the allocation of monies to regions of the Forest Service during that fiscal year. If the time frame referred to in paragraph (1)(B) is not met for a particular recovery project, the Secretary shall promptly reimburse the Fund for any expenditures previously made to carry out that recovery project.

(e) Limitation on Overhead and Other Expenses.—

(1) Overhead expenses.—The Secretary shall not allocate or assign overhead expenses to the Fund or to any of the activities or programs authorized by sections 4 through 10.

(2) Scientific advisory panel.—The Secretary may allocate up to $1,000,000 from the Fund to finance the operation of the Scientific Advisory Panel.

(3) Monitoring plan.—The Secretary may allocate up to $500,000 from the Fund during a fiscal year to implement the monitoring plan established under section 7.

(4) Prohibition on use of any funds to construct new, permanent roads.—For purposes of the recovery projects authorized by this Act, amounts in the Fund shall not be used, either directly through direct allocations from the Fund, or indirectly through allocations to recovery projects from other Forest Service accounts, for the construction of new, permanent roads.

(f) Treatment of Revenues From Recovery Projects.—All revenues generated by recovery projects undertaken pursuant to sections 4 and 6 shall be paid, at the end of each fiscal year, to the States pursuant to the formula for distribution to the States under the sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; commonly known as the Weeks Act; 16 U.S.C. 500).

(g) Conforming Amendment.—The fourteenth paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), is amended by adding at the end the following new sentence: "During the term of the Forest Recovery and Protection Fund, as established by section 8 of the Forest Recovery and Protection Act of 1998, amounts reserved under the authority of this paragraph shall be deposited into that Fund.".

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act for the fiscal year in which this Act is enacted and each fiscal year thereafter through September 30, 2005, or September 30 of the fifth full fiscal year following the implementation date, whichever is later.

(b) Deposit in Fund.—All sums appropriated pursuant to this section shall be deposited in the Forest Recovery and Protection Fund.

(c) Effect on Existing Projects.—Any contract regarding a recovery project entered into before the end of the final fiscal year specified in subsection (a), and still in effect at the end of such fiscal year, shall remain in effect until completed pursuant to the terms of the contract.

SEC. 10. AUDIT REQUIREMENTS.

(a) Annual Report Verification.—At the request of any committee chairman identified in section 5(c), the Comptroller General shall submit to Congress a report assessing the accuracy of an annual report prepared by the Secretary pursuant to section 4(g). The Comptroller General's report shall be completed as soon as practicable following the date of the publication by the Secretary of the annual report for which the request under this subsection was made.

(b) National Pilot Program Audit.—At the request of any committee chairman identified in section 5(c), the Comptroller General shall conduct an audit of the national pilot program at the end of the fourth full fiscal year following the implementation date.

(c) Elements of Audit.—The audit under subsection (b) shall include an analysis of the following:

(1) Whether advance recovery projects, the national pilot program, and the administration of the Forest Recovery and Protection Fund were carried out in a manner consistent with the provisions of this Act.

(2) The impact of the advance recovery projects conducted under section 6 on the development and implementation of the national pilot program.

(3) The extent to which the recommendations of the Scientific Advisory Panel were used to develop the standards and criteria established under section 4(b) and the monitoring plan under section 7.

(4) The extent to which the Secretary has carried out the monitoring plan required under section 7 and the extent to which the monitoring plan has been successful in monitoring the implementation and effectiveness of recovery projects.

(5) The current and projected future financial status of the Forest Recovery and Protection Fund.

(6) Any cost savings or efficiencies achieved under the national pilot program.

(7) Any other aspect of the implementation of this Act considered appropriate by the chairman or chairmen requesting the audit.

SEC. 11. FOREST INVENTORY AND ANALYSIS.

(a) Program Required.—The Secretary shall establish a program to inventory and analyze, in a timely manner, public and private forests in the United States.

(b) Annual State Inventory.—Subject to subsection (c), not later than the end of each full fiscal year beginning after the date of the enactment of this Act, the Secretary shall prepare for each State, in cooperation with the State forester for that State, an inventory of the forests in that State. For purposes of preparing the inventory for a State, the Secretary shall measure annually 20 percent of all sample plots that are included in the inventory program for that State. Upon completion of each annual inventory, the Secretary shall make available to the public a compilation of all data collected from the year's measurements of sample plots and any analysis of such samples.

(c) Modifications.—At the request of the State forester (or equivalent State officer) of a State, the Secretary may modify for that State the time interval for preparing forest inventories, the percentage of sample plots to be measured annually, or the requirements for making data available to the public required under subsection (b), except that 100 percent of the sample plots in the inventory program for that State shall be measured, appropriate analysis of such samples shall be conducted, and corresponding data shall be compiled during the time intervals described in subsection (d).

(d) 5-Year Reports.—At intervals not greater than every five full fiscal years after the date of the enactment of this Act, the Secretary shall prepare, publish, and make available to the public a report, prepared in cooperation with State foresters, that—

(1) contains a description of each State inventory of forests, incorporating all sample plot measurements conducted during the five years covered by the report;

(2) displays and analyzes on a nationwide basis the results of the State reports required by subsection (b); and

(3) contains an analysis of forest health conditions and trends over the previous two decades, with an emphasis on such conditions and trends during the period subsequent to the immediately preceding report under this subsection.

(e) National Standards and Definitions.—To ensure uniform and consistent data collection for all public and private forest ownerships and each State, the Secretary shall develop, in consultation with State foresters and Federal land management agencies not within the jurisdiction of the Secretary, and publish national standards and definitions to be applied in inventorying and analyzing forests under this section. The standards shall include a core set of variables to be measured on all sample plots under subsection (b) and a standard set of tables to be included in the reports under subsection (d).

(f) Protection for Private Property Rights.—The Secretary shall obtain written authorization from property owners prior to collecting data from sample plots located on private property pursuant to subsections (b) and (c). Nothing in this section shall be construed to authorize the Secretary (directly or through the use of State foresters or other persons) to regulate privately held forest lands, the use of privately held forest lands, or the resources located on privately held forest lands.

(g) Strategic Plan.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a strategic plan to implement and carry out this section, including the annual updates required by subsection (b), any modifications made to pursuant to subsection (c), and the reports required by subsection (d). The strategic plan shall describe in detail the following:

(1) The financial resources required to implement and carry out this section, including the identification of any resources required in excess of the amounts provided for forest inventorying and analysis in recent appropriations Acts.

(2) The personnel necessary to implement and carry out this section, including any personnel in addition to personnel currently performing inventorying and analysis functions.

(3) The organization and procedures necessary to implement and carry out this section, including proposed coordination with Federal land management agencies and State foresters.

(4) The schedules for annual sample plot measurements in each State inventory required by subsection (b), as modified for that State under subsection (c), within the first five-year interval after the date of the enactment of this Act.

(5) The core set of variables to be measured in each sample plot under subsections (b) and (c) and the standard set of tables to be used in each State and national report under subsection (d).

(6) The process for employing, in coordination with the Department of Energy and the National Aeronautics and Space Administration, remote sensing, global positioning systems, and other advanced technologies to carry out this section, and the subsequent use of such technologies.

The CHAIRMAN. The bill shall be considered for amendment under the 5-minute rule for a period not to extend beyond 1:30 p.m. today.

During consideration of the bill for amendment, the Chair may accord priority and recognition to a member offering an amendment that he has printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SMITH OF OREGON

Mr. SMITH of Oregon. Mr. Chairman, I offer a technical amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of Oregon:

Page 33, beginning on line 4, strike section 11.

Mr. SMITH of Oregon. Mr. Chairman, quickly, this is the Forest Inventory Analysis portion of this bill, which has already been included in the research bill, which has been conferenced and is rapidly on its way to the President. It is a very important part of this whole program, yet it is unnecessary in this bill, and therefore, the reason to strike.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. Smith).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

I have an amendment in the nature of a substitute drafted, but I do not intend to offer it. The substitute would enable the bill's proponents to do what they claim they want to do: get a bill signed into law. This substitute makes some simple changes to the bill, which would not impair the program, but that would allow the bill to be signable.

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The substitute will protect forests and people. The bill, I am afraid, will end up helping no one. Only ideology stands between the House and a signable bill that will improve the health of our Nation's forests.

My substitute makes three changes in the original bill. The first would prevent the construction of new roads under this bill. This is the change I had planned to offer in my original amendment that was printed in the Record.

Let me be clear. My roads provision deals only with road construction under the program created by this bill. It would have no impact on road construction under any other Forest Service program, so I hope we can have a debate on this that focuses solely on the issue at hand; that is, should road building be a part of the forest health program in this bill? I think the answer is clearly no.

Forest health problems occur primarily in areas where logging has occurred. Those areas already are accessible by roads. Therefore, if this bill is designed to remedy forest health problems, there is no reason to build any roads. The only reason to build roads would be to facilitate more logging, including in roadless areas, and the bill's sponsors claim that that is not the purpose of the bill.

I am sure the chairman will point out that this bill already bans the construction of permanent roads. That is true. The inclusion of that language was a significant concession on his part. But temporary roads are almost as damaging as permanent ones. They can cause erosion and other problems while they are in use, and for years thereafter. As erosion increases, streams are damaged. As one environmentalist said to me, the fish do not know whether the road is permanent or temporary.

The bill as it stands allows environmental degradation to occur without any balancing benefit. The temporary roads will cause ecological damage, but they are not needed to fulfill the purposes of this bill.

Everyone around here who sings the praises of cost-benefit analysis ought to be appalled by a cost-benefit ratio where the benefit is zero. My substitute will ensure that we do not build roads under a program that does not require them.

My second change would be a boon to the American taxpayer. Under the bill, any revenues generated by timber sales under the health program go to the States. This is bad in two ways. First, it deprives the Federal taxpayer of revenues gained from national, that is Federal, forests. No existing Forest Service programs return all revenues to the States.

Second, the bill's scheme creates an incentive to log in a program that is not designed to promote logging. Under the bill, State and local officials will pressure the Forest Service to log to give more revenue. We want decisions on logging to be based on forest sites, not local economics.

Third, my substitute makes a number of technical changes, many of which had already been welcomed by the staff of the Committee on Agriculture. Some of these changes are of greater advantage to the bill's sponsors than they are to the opponents, but their primary impact is to guarantee all existing environmental reviews are carried out under this new program. That is the sponsors' stated intent, and these changes would ensure that their intent is realized.

This substitute presents Congress with a simple choice: we can function as an ideological debating society, spending time on bills that cannot possibly become law, like the bill before us today, or we can make some changes that ensure that this forest health program actually functions as described, and that the program actually becomes law. To me, that seems like an easy choice.

I am not going to offer this substitute because it has been developed at the last minute, out of necessity, because of the dynamics of this process, with changes being made from hour to hour. But it demonstrates how easy it would have been to craft a signable bill. I urge defeat of this bill so we can start again and end up with a law that will make a difference.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I want to thank the gentleman from New York (Mr. BOEHLERT) for all of the work he has attempted to do on this legislation and the substitute that he was working on, because I think he addressed a number of important problems that certainly are not cured or addressed in this legislation, the most fundamental of which is the roads and the ability to go into roadless areas under this legislation.

As we have heard time and again in our committee, the most degrading conditions in the forest are those due to past mismanagement, which include the clear-cutting of old growth, and which leads, then, to very crowded, less fire-resistant, disease resistant second growth, the roadbuildings, overgrazing of these lands, and the fire suppression policies.

We do not need roads to go back and to improve the health of those forests and restore them to make them viable for us. This legislation does not do that. Instead, this legislation pushes forward, including road construction, in the name of forest health.

I think the point is this, that this legislation works on the premise that the only way you can restore the health to the forest is to engage in large-scale commercial logging once again to improve forest health. All of the past practices over the past 50 years suggest that it is just the opposite of that, that that is exactly what got us into this crisis. It was not just that these forests all of a sudden have become susceptible to fire and diseases, but because of the management in the past, that relied heavily on commercial logging that far outstripped the sustainability of the forests to engage in that level of cut.

Somebody said earlier that they wanted us to remember that trees are renewable resources. I would like to take them to vast areas of southern Oregon, vast areas of northern California, where 30 years ago, 20 years ago, 15 years ago, trees were replanted because of the cuts on steep grades, and in unsustainable levels. They planted trees.

If you go out on those 30-year cuts you will find those trees barely come up to your knees. Why? Because the manner in which they practiced forestry, they cut down the trees, the top soil gets washed down into the streams, it kills the streams, kills the fishery, and the replanting has no value. It has no value.

What are we left with? We are left with high elevation desert landscapes that are denuded of any ability to support forests. Do Members know what? The Forest Service and the timber industry count those replants as sustaining the yields so that it can cut more trees, because they say in 30 years those trees will be on line. It is 30 years, Mr. Chairman, and those trees are not fit for a Christmas tree in a one-room apartment, but they want to pretend that somehow that is commercial forests, and the way to get these forests healthy is to continue that process.

It has been discredited. This Congress has refused to engage in that practice. We went through a great deal of pain in the Pacific Northwest, in the State of California because of this kind of mismanagement, and in other areas of the Rocky Mountain northern tier. We are not going to go back to those days. It is not supported by our communities, it is not supported by the constituents throughout our States.

Mr. Chairman, this legislation in fact again allows large-scale commercial timbering in the Sierra Nevada Mountains. We have received report after report in recent times here that the Sierra Nevada is absolutely a fragile forest, that we have to make some very difficult decisions if we are going to maintain any of the late succession of old growth forest, if we are going to retain any of the ancient forests in the Sierra Nevada.

Yet, this legislation will allow them as part of these plans to push right on into those roadless areas, the last vestiges we have in a State of 30 million people, a State soon to be at 45 million people, that want to use these forests with their families for a whole series of multiple uses. They do not want them sacrificed under a disguised salvage policy.

This Nation looked on in shock as this country was shut down over a salvage rider on an appropriations bill, as we shut down the government when the President would not accept it. They could not believe that would happen. Finally, we sorted it out and Congress rejected that approach to forest practices.

This legislation is designed to go back to those practices. They have dressed it all up, they have camouflaged it the best they can, but we are back to basic salvage policy.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, we are back to the basic problems. Not only do they raid the national forests with the practice allowed under this legislation, they raid the national Treasury. They raid the national Treasury, because all of the money that would be derived from selling these trees is not put into the Treasury for the taxpayers of this country, who paid for this function, who you are asking to put up $100 million over the next 5 years. They do not get a return on the money they put. No. We give it to the local community, to try to provide an incentive to cut more trees. That makes no sense at all. It makes no sense at all, and we should not do it.

Finally, let me say that this continues the process of creating unappropriated funds. Without regard to annual appropriations, a fund is created here. We sat in shock, Democrats, Republicans, liberals, and conservatives, in our committee hearing yesterday, members of the Committee on the Budget, the Committee on Appropriations, the Committee on Resources, as we listened to the Inspector General, the CRS, the GAO tell us of the shambles, the unaccountability, the loss, the waste, the abuse of money within these funds that no longer come back to Congress and are accountable. We ought not to create those funds and recreate that mistake.

For reasons of fiscal policy, for reason of forestry policy, this legislation should be rejected. This is legislation that cannot be fixed. Members ought to vote against it.

AMENDMENT OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bass:

Add at the end the following new section:

SEC. . NORTHERN FOREST STEWARDSHIP.

(a) Short Title.—This section may be cited as the "Northern Forest Stewardship Act".

(b) Declarations.—Congress declares as follows:

(1) The 26,000,000-acre Northern Forest region is an extraordinary resource. The forests in the region are rich in natural resources and values cherished by residents and visitors: timber, fiber, and wood for forest products and energy supporting successful businesses and providing stable jobs for residents; lakes, ponds, rivers, and streams unspoiled by pollution or crowding human development; tracts of land for wildlife habitat and recreational use, and protected areas to help preserve the biological integrity of the region. This section is enacted to implement the Northern Forest Lands Council's vision of the Northern Forest as a landscape of interlocking parts and pieces, reinforcing each other: local communities, industrial forest land, family and individual ownerships, small woodlots, recreation land, and public and private conservation land.

(2) Current land ownership and management patterns have served the people and forests of the region well, but conditions that up to now have conserved the Northern Forest are no longer capable of ensuring perpetuation of the forests; public policies relating to the Northern Forest should seek to reinforce rather than replace the patterns of ownership and use of large, unbroken forest areas that have characterized the land in the Northern Forest for decades.

(3) This section effectuates certain recommendations of the Northern Forest Lands Council that were developed with broad public input and the involvement of Federal, State, and local governments. The actions described in this section to implement those recommendations are most appropriately directed by the Northern Forest States, with assistance from the Federal Government, as requested by the States. Implementation of the recommendations should be guided by the fundamental principles laid out by the Northern Forest Lands Council report. Those principles provide the foundation for the intent of this section: to support the primary role of the Northern Forest States in the management of their forests, to support the traditions of the region, to emphasize the rights and responsibilities of the landowners, and to advance new mechanisms for cooperative conservation of the Northern Forest lands and its resources for future generations.

(c) Support for Sustainable Forest Management.—At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont, the Secretary of Agriculture, acting through the Chief of the Forest Service, may provide technical assistance under the Cooperative Forestry Act of 1978 (16 U.S.C. 2101 et seq.) to—

(1) support a State-based process, directed by the State, to define benchmarks of sustainability for a variety of forest types to achieve the principles of sustainability developed by the Northern Forest Lands Council;

(2) publicize, explain the application of, and distribute the benchmarks to forest landowners; and

(3) educate the public that timber harvesting is a responsible forest use so long as the long-term ability of the forest to continue producing timber and other benefits is maintained.

(d) Northern Forest Research Cooperative.—At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont, the Secretary of Agriculture (acting through the Northeastern Forest Experiment Station and the Chief of the Forest Service) may work with the State, the land grant universities of the State, natural resource and forestry schools, other Federal agencies, and other interested parties in assisting the State in coordinating ecological and economic research, including—

(1) research on ecosystem health, forest management, product development, economics, and related fields;

(2) research to help the States and landowners achieve the principles of sustainability under subsection (c) as recommended by the Northern Forest Lands Council;

(3) technology transfer to the wood products industry on efficient processing, pollution prevention, and energy conservation;

(4) dissemination of existing and new information to landowners, public and private resource managers, State forest citizen advisory committees, and the general public through professional associations, publications, and other information clearinghouse activities; and

(5) analysis of strategies for the protection of areas of outstanding ecological significance, high biodiversity, and the provision of important recreational opportunities, including strategies for areas identified through State land conservation planning processes.

(e) Interstate Coordination Strategy.—At the request of 2 or more of the Governors of the States of Maine, New Hampshire, New York, or Vermont, the Secretary of Agriculture, acting through the Chief of the Forest Service, may make a representative available to meet with representatives of the States to coordinate the implementation of Federal and State policy recommendations identified in the Northern Forest Lands Council report.

(f) Land Conservation.—

(1) Federal assistance.—At the request of the Governor of the State of Maine, New Hampshire, Vermont, or New York, the Secretary of Agriculture (acting through the Chief of the Forest Service) and the Secretary of the Interior (acting through the Director of the National Park Service and Director of the United States Fish and Wildlife Service) may provide technical and financial assistance for a State-managed public land conservation planning process and land conservation initiatives directed by the State that employ a variety of conservation tools, consistent with the recommendations of the Northern National Forest Lands Council.

(2) Program development.—The planning process for a State described in paragraph (1) shall establish a goal-oriented land conservation program that includes, at the discretion of the Governor—

(A) identification of, and setting of priorities for the acquisition of, fee or less-than-fee interests in exceptional and important lands, in accordance with criteria set by the State that are consistent with the recommendations of Northern Forest Lands Council, including—

(i) places offering outstanding recreational opportunities, including locations for hunting, fishing, trapping, hiking, camping, and other forms of back-country recreation;

(ii) recreational access to river and lake shorelines;

(iii) land supporting vital ecological functions and values;

(iv) habitats for rare, threatened, or endangered natural communities, plants, or wildlife;

(v) areas of outstanding scenic value and significant geological features; and

(vi) working private forest lands that are of such significance or so threatened by conversion that conservation easements should be purchased;

(B) acquisition of land and interests in land only from willing sellers, with community support consistent with Federal, State, and local laws applicable in each State on the date of enactment of this Act;

(C) involvement of local governments and landowners in the planning process in a meaningful way that acknowledges their concerns about public land acquisition;

(D) recognition that zoning, while an important land use mechanism, is not an appropriate substitution for acquisition;

(E) assurances that unilateral eminent domain will be used only with the consent of the landowner to clear title and establish purchase prices;

(F) efficient use of public funds by purchasing only the rights necessary to best identify and protect exceptional values;

(G) consideration of the potential impacts and benefits of land and easement acquisition on local and regional economies;

(H) consideration of the necessity of including costs of future public land management in the assessment of overall costs of acquisition;

(I) minimization of adverse tax consequences to municipalities by making funds available to continue to pay property taxes based at least on current use valuation of parcels acquired, payments in lieu of taxes, user fee revenues, or other benefits, where appropriate;

(J) identification of the potential for exchanging public land for privately held land of greater public value; and

(K) assurances that any land or interests inland that are acquired are used and managed for their intended purposes.

(3) Willing seller.—No Federal funds made available to carry out this section may be expended for acquisition of private or public property unless the owner of the property willingly offers the property for sale.

(4) Land acquisition.—

(A) Funding.—After completion of the planning process under paragraph (2), a Federal and State cooperative land acquisition project under this section may be carried out with funding provided in partnership with the Federal Government or with funding provided by both the Federal Government and a State government.

(B) Objectives.—A cooperative land acquisition project funded under this section shall promote State land conservation objectives that correspond with the recommendations of the Northern Forest Lands Council.

(5) Authorization of appropriations.—There are authorized to be appropriated under sections 5 and 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–7, 460*l*–8) such sums as are necessary to carry out the purposes described in this subsection.

(g) Sense of Congress Concerning Federal Tax Policy.—It is the sense of Congress that—

(1) certain Federal tax policies work against the long-term ownership, management, and conservation of forest land in the Northern Forest region; and

(2) Congress and the President should enact additional legislation to address those tax policies as soon as possible.

(h) LANDOWNER LIABILITY EXEMPTION.—

(1) FINDINGS.—Congress finds that—

(A) many landowners keep their land open and available for responsible recreation; and

(B) private lands help provide important forest-based recreation opportunities for the public in the Northern Forest region.

(2) SENSE OF CONGRESS.—It is the sense of Congress that States and other interested persons should pursue initiatives that—

(A) strengthen relief-from-liability laws to protect landowners that allow responsible public recreational use of their lands;

(B) update relief-from-liability laws to establish hold-harmless mechanisms for landowners that open their land to public use, including provision for payment by the State of the costs of a landowner's defense against personal injury suits and of the costs of repairing property damage and removing litter;

(C) provide additional reductions in property taxes for landowners that allow responsible public recreational use of their lands;

(D) provide for purchases by the State of land in fee and of temporary and permanent recreation easements and leases, including rights of access;

(E) foster State and private cooperative recreation agreements;

(F) create recreation coordinator and landowner liaison and remote ranger positions in State government to assist in the management of public use of private lands and provide recreation opportunities and other similar services;

(G) strengthen enforcement of trespass, antilittering, and antidumping laws;

(H) improve recreation user education programs; and

(I) improve capacity in State park and recreation agencies to measure recreational use (including types, amounts, locations, and concentrations of use) and identify and address trends in use before the trends create problems.

(i) NONGAME CONSERVATION.—

(1) FINDINGS.—Congress finds that—

(A) private landowners often manage their lands in ways that produce a variety of public benefits, including wildlife habitat; and

(B) there should be more incentives for private landowners to exceed current forest management standards and responsibilities under Federal laws.

(2) SENSE OF CONGRESS.—It is the sense of Congress that Congress should make it a priority to consider legislation that supports the conservation of nongame fish and wildlife and associated recreation activities on public and private lands and does not replace, substitute, or duplicate existing laws that support game fish and wildlife.

(j) WATER QUALITY.—At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont, the Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Agriculture and the Secretary of the Interior, may provide technical and financial assistance to assess water quality trends within the Northern Forest region.

(k) RURAL COMMUNITY ASSISTANCE.—

(1) IN GENERAL.—At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont, the Secretary of Agriculture may provide technical and financial assistance to the State, working in partnership with the forest products industry, local communities, and other interests to develop technical and marketing capacity within rural communities for realizing value-added opportunities in the forest products sector.

(2) RURAL COMMUNITY ASSISTANCE PROGRAM.—Subject to the availability of appropriations, funds from the rural community assistance program under paragraph (1) shall be directed to support State-based public and private initiatives to—

(A) strengthen partnerships between the public and private sectors and enhance the viability of rural communities;

(B) develop technical capacity in the utilization and marketing of value-added forest products; and

(C) develop extension capacity in delivering utilization and marketing information to forest-based businesses.

(l) NO NEW AUTHORITY TO REGULATE LAND USE.—

(1) NO NEW AUTHORITY.—Nothing in this section creates new authority in any Federal agency to regulate the use of private or public land in any State.

(2) NO EFFECT ON OTHER LAW.—Nothing in this section affects, modifies, or amends any law regarding the management of any Federally owned land within the boundaries of any Federal unit.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsections (c), (d), (e), (f), (j), and (k) of this section and section 2371 of the Rural Economic Development Act of 1990 (7 U.S.C. 6601) in the States of Maine, New Hampshire, New York, and Vermont.

Mr. BASS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BASS. Mr. Chairman, I rise today to offer the Northern Forest Stewardship Act as an amendment to the forest health bill offered by the gentleman from Oregon (Mr. SMITH). This amendment will give the States of Maine, New Hampshire, Vermont, and New York, the tools they need to provide for the long-term management of their forests.

The amendment I am offering today grew from the 1994 report of the Northern Forest Lands Council, which the gentleman from Mississippi mentioned in his opening statement. The Council was congressionally mandated in 1991, and tasked with determining the best way to preserve the unique forests that exist across the northern portion of these four States.

The product of the Council's work was a report that recognizes the importance of promoting responsible, private stewardship of forest lands, and utilizing government resources to ensure that these lands remain commercially and aesthetically productive for generations to come.

During development of the Council's report, nearly 3,000 people attended nearly 20 listening sessions and 12 open houses. Furthermore, the Council received 1,676 comments on the draft report, many from Maine, New Hampshire, New York, Vermont, and 165 from other States outside of New England.

The amendment that I am offering today is based on the report of the Council, which recognizes the current land management in the region, where most of the forest land is privately held, has been successful. The amendment seeks to reinforce these patterns of responsible land management.

The specific recommendations were developed with broad public input, involvement of Federal, State and local governments, and the goal of these provisions is, and I quote from the amendment, to "support the primary role of the Northern Forest States in the management of their forests, to support the traditions of the region, to emphasize the rights and responsibilities of the landowners, and to advance new mechanisms for cooperative conservation of the Northern Forest lands."

To make clear that the bill is not intended to inject more Federal government into land management, each substitute section of this amendment begins with the words "At the request of the Governor of the State of Maine, New Hampshire, New York, or Vermont," and goes on from there.

Furthermore, Section 12 specifically states, "Nothing in this act creates new authority in any Federal agency to regulate the use of private or public lands." In short, Mr. Chairman, this bill comes from the State and local level, not the Federal level, and will only provide benefits at the State and local level.

Some may be concerned that this bill has not been fully vetted in the hearing process. To this I respond that it has been fully vetted at the local level. The Northern Forest Lands Council held hundreds and hundreds of hours of public hearing on this bill, on this concept, and the open process has allowed all interested parties to participate.

Another concern I have heard is that the language of this bill is a land grab. Nothing could be farther from the truth. In fact, the amendment specifically states that the Federal Government can only engage in land acquisition at the request of the State, and with a willing seller.

Furthermore, any acquisition that occurs as a result of this amendment must have community support, a provision that will make the conservation efforts in the northern forests even more locally driven.

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Mr. Chairman, earlier, at the end of the summer last year, I traveled to the States of Wyoming and Montana and Idaho, and I know and I understand the problems that they face. We also have problems in the Northeast. We have national forests. Sixteen percent of my district is a national forest, and we need to plan for the good and proper use of these forests over the next 20 to 30 years, not only the national forests but the land outside of those forests.

Mr. Chairman, I urge my colleagues to accept this amendment to the bill before us today.

Mr. BASS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Ms. FURSE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just would like to address a couple of issues. I want to congratulate the gentleman from New York (Mr. Boehlert) on trying to bring this scientific management to the issue before us. We do need scientific management of our forests, but forest management is a far more complicated issue than flying over a forest in a helicopter. What we have to understand is that it is complicated by many, many factors.

One of the factors is whether or not logging, large-scale logging, will raise the temperature of the streams in which our salmon spawn. Well, is that just an environmental issue? No, it is an economic issue, because all across the West we are finding that the families who have relied on fishing as a livelihood, that has been diminished because of the diminishment of the ecology in which those salmon spawn.

Logging has a tremendous effect on salmon and so does forest management, but I will admit freely that I am not a scientist. So I have looked carefully at a letter which was sent by 100 scientists. On this list there is a scientist from every university, I would suppose, from every university in this country. This is not a western scientist group or an eastern scientist group. They are throughout the country.

Mr. Chairman, I want to just quote from them because they are the people who understand the complexity of this issue.

They say that, H.R. 2515 is reminiscent of the "Salvage Logging Rider." They say that it would create community disharmony and less healthy forests. They go on to say, and I am quoting, "There is little scientific evidence that the national forests are suffering from a widespread forest health crisis." They go on to say, "Moreover, ecological problems in our national forests are not going to be addressed by increased commercial logging. Not only is salvage logging not necessary for forest restoration, it can cause additional damage to watersheds and fish and wildlife habitats, as well as increased severity and probability of uncontrolled natural fire."

Mr. Speaker, I get outside the quote to remind my colleague from Montana, who brought up the whole idea of forest fires, this letter goes on to say, "Scientists with the Sierra Nevada Ecosystem Project have said that logging has increased fire severity more than any other human activity due to increased fuel accumulation and changes in local microclimate."

From the Pacific Northwest, a scientific assessment by the Federal Government's Interior Columbia Basin Ecosystem Management Project found that current salvage logging practices are, quote, "not compatible with contemporary ecosystem management."

The scientists go on to say that where there are problems in the forest, "The Forest Service already has the authority to undertake the appropriate activities." They say for these reasons, new legislation that provides a broad mandate to institute, quote, "recovery projects" on potentially very large national forest areas is not needed.

They end by saying, and I quote: "We hope you will seriously consider our concerns about H.R. 2515. This is not legislation that will protect forest ecosystems, and it should not be passed by the United States Congress." I end the quote.

Mr. Chairman, these are the words of scientists, not of people here in Washington, D.C. These are scientists on the ground, in our universities, and I think we should listen to them.

Mr. Chairman, I submit the following for the Record.

Over 100 Scientists Oppose the "Forest Protection and Restoration Act"

Kenneth P. Able, Ph.D., Department of Biology, University of Albany, SUNY, Albany, New York; Susan B. Adams, Ph.D. Candidate, Flathead Lake Biological Station; David E. Allen, Ph.D., College of Business, Northern Michigan University, Marquette, Michigan; Professor R. Thomas Alley, Ph.D., Clemson University, Clemson, South Carolina; G. Thomas Bancroft, Ph.D., Vice President, Ecology and Economics Research Department, The Wilderness Society, Washington, D.C.; Richard C. Banks, Ph.D., USGS Patuxent Wildlife Research Center, Washington, D.C.; Robert G. Beason, Ph.D., State University of New York, Geneseo, New York; Craig W. Benkman, Ph.D., Department of Biology, New Mexico State University, Las Cruces, New Mexico; David H. Benzing, Ph.D., Department of Biology, Oberlin College, Oberlin, Ohio; David E. Blockstein, Ph.D., The Ornithological Council, Washington, D.C.; Daniel T. Blumstein, Ph.D., Postdoctoral Associate, Department of Systematics and Ecology, University of Kansas, Lawrence, Kansas; P. Dee Boersma, Ph.D., Professor of Zoology, University of Washington, Seattle, Washington; Richard Bradley, Ph.D., Associate Professor of Zoology, Ohio State University, Marion Ohio; Richard Brewer, Ph.D., Western Michigan University, Kalamazoo, Michigan; Len Broberg, Ph.D., Environmental Studies Program, University of Montana, Missoula, Montana; Paul R. Cabe, Ph.D., Biology Department and Environmental Studies Faculty, Saint Olaf College, Northfield, Minnesota; William A. Calder, Ph.D., Department of Ecology and Evolutionary Biology, University of Arizona, Tucson, Arizona; Kenneth L. Campbell, Ph.D., Department of Biology, University of Massachusetts-Boston, Boston, Massachusetts; Christopher Camuto, Author, Buena Vista, Virginia; Jot D. Carpenter, FASLA, Professor of Landscape Architecture, The Ohio State University, Columbus, Ohio.

Douglas R. Cornett, Ph.D., Biologist, Northwoods Wilderness Recovery, Inc., Marquette, Michigan; Robert R. Curry, Ph.D., Watershed Institute, California State University, Monterey, California; Calvin DeWitt, Ph.D., Institute for Environmental Studies, University of Wisconsin-Madison, Director, Au Sable Institute, Madison, Wisconsin; Chris Elphick, Ph.D., University of Nevada, Reno, Nevada; George W. Folkerts, Ph.D., Professor of Zoology and Wildlife Science, Auburn University, Auburn, Alabama; Christopher A. Frissell, Ph.D., Flathead Lake Biological Station, The University of Montana, Polson, Montana; Barrie K. Gilbert, Ph.D., Senior Scientist, Department of Fisheries and Wildlife, Utah State University, Logan, Utah; Nancy B. Grimm, Ph.D., Arizona State University, Tempe, Arizona; Richard S. Grippo, Ph.D., Assistant Professor of Environmental Biology, Department of Biological Sciences, Arkansas State University, State University, Arkansas; R. Edward Grumbine, Ph.D., Sierra Institute, University of California Extension, Santa Cruz, California; Andrew Gunther, Ph.D., Vice President, Applied Marine Science, Inc., Livermore, California; Steven P. Hamburg, Ph.D., Ittleson Associate Professor, Environmental Studies and Biology, Brown University, Providence, Rhode Island; Jeremy Hatch, Ph.D., University of Massachusetts, Boston, Massachusetts; Gene Helfman, Ph.D., University of Georgia, Athens, Georgia; Deborah B. Hill, Ph.D., Professor/Forestry Extension Specialist, Department of Forestry, University of Kentucky, Lexington, Kentucky; Professor Gerald E. Hite, Ph.D., Texas A&M University, Galveston, Texas; James R. Hodgeson, Ph.D., Professor of Biology and Environmental Science, Department of Biology, Division of Natural Sciences, St. Norbert College, De Pere, Wisconsin; D. E. Holt, Test Systems Engineer, B.S. and M.S. Education, B.S. and M.S. Physics, MBA; Robert W. Howe, Ph.D., Associate Professor, Department of Natural and Applied Sciences, University of Wisconsin-Green Bay, Green Bay, Wisconsin.

Robert M. Hughes, Ph.D., Regional Aquatic Ecologist, Dynamic Corporation, Corvallis, Oregon; Tim Hunkapillar, Ph.D., Department of Molecular Biotechnology, University of Washington, Seattle, Washington; Timothy Ingalsbee, Ph.D., Director, Western Fire Ecology Center, Fall Creek, Oregon; Thomas Jervis, Ph.D., New Mexico Audubon Council, Los Alamos, New Mexico; Lawrence Kaplan, Ph.D., Emeritus Professor of Biology, Editor, Economic Botany, Department of Biology, University of Massachusetts, Boston, Massachusetts; Stephen R. Kellert, Ph.D., Professor, Yale School of Forestry and Environmental Studies, New Haven, Connecticut; Diana Kimberling, Ph.D., Fisheries Center-University of Washington, Seattle, Washington; Rebecca Klaper, Ph.D., Institute of Ecology, University of Georgia, Athens, Georgia; Walter D. Koenig, Ph.D., University of California, Berkeley, California; Alan J. Kohn, Ph.D., President, Society for Integrative and Comparative Biology, Department of Zoology, University of Washington, Seattle, Washington; John Lattke, Graduate Student, Department of Entomology, University of California-Davis, Davis, California; Foster Levy, Ph.D., Department of

Biology, East Tennessee University, Johnson City, Tennessee; David R. Lighthall, Ph.D., Department of Geography, Colgate University, Hamilton, New York; Robert J. Meese, Ph.D., Biodiversity Group, Information Center for the Environment, Department of Environmental Science and Policy, University of California, Davis, California; DeForest Mellon, Jr., Ph.D., Professor of Biology, Gilmaer Hall, University of Virginia, Charlottesville, Virginia; Brent D. Mishler, Ph.D., Director, University and Jepson Herbaria, Professor, Department of Integrative Biology, University of California-Berkeley, Berkeley, California; Joseph C. Mitchell, Ph.D., University of Richmond, Richmond, Virginia; David R. Montgomery, Ph.D., Associate Professor, Geomorphology, University of Washington, Seattle, Washington; Robert H. Mount, Ph.D., Professor Emeritus, Auburn, Alabama; Peter Morrison, Ph.D., Pacific Biodiversity Institute, Winthrop, Washington.

Dennis Murphy, Ph.D., Research Professor, Department of Biology, University of Nevada, Reno, Nevada; Julie Murray, Ph.D., Candidate, University of Georgia, Savannah River Ecology Laboratory, Aiken, South Carolina; Henry R. Mushinsky, Ph.D., Herpetologists' League Conservation Committee, Past President of the Society for the Study of Amphibians and Reptiles, University of South Florida, Tampa, Florida; Reed F. Noss, Ph.D., Conservation Biology Institute, Corvallis, Oregon; Mary H. O'Brien, Ph.D., Botanist, Independent Contractor, Eugene, Oregon; Marcia Ostrom, Ph.D., Program on Agricultural Technology Studies, University of Wisconsin-Madison, Madison, Wisconsin; Lawrence M. Page, Ph.D., Principal Scientist, Illinois Natural History Survey, Champaign, Illinois; Dennis Paulson, Ph.D., Director, Slater Museum of Natural History, University of Puget Sound, Tacoma, Washington; Bernard C. Patten, Regent's Professor of Ecology, Institute of Ecology, University of Georgia, Athens, Georgia; Scott M. Pearson, Ph.D., Biology Department, Mars Hill College, Mars Hill, North Carolina; James L. Pease, Ph.D., Department of Animal Ecology, Iowa State University, Ames, Iowa; James W. Petranka, Ph.D., Department of Biology, University of North Carolina, Asheville, North Carolina; James W. Porter, Institute of Ecology, University of Georgia, Athens, Georgia; Michael S. Putnam, Ph.D. Candidate, Department of Zoology, University of Wisconsin, Madison, Wisconsin; Robert Michael Pyle, Ph.D., Biologist, Writer, Gray's River, Washington; Lisa Rapaport, Ph.D., Department of Anthropology, University of New Mexico, Albuquerque, New Mexico; Charles Rhyne, Ph.D., Associate Professor of Biology, Jackson State University, Jackson, Mississippi; Eric Roden, Ph.D., Department of Biological Sciences, University of Alabama, Tuscaloosa, Alabama; Steven H. Rogstad, Ph.D., Associate Professor, Biological Sciences, University of Cincinnati, Cincinnati, Ohio; Matthew Rowe, Ph.D., Department of Biology, Appalachian State University, Boone, North Carolina; Emma Rosi, M.S., Institute of Ecology, University of Georgia, Athens, Georgia.

Janice Sand, Institute of Ecology, University of Georgia, Athens, Georgia; Aristotelis Santas, Ph.D., Associate Professor of Philosophy, Coordinator, Center for Professional and Applied Ethics, Valdosta State University, Valdosta, Georgia; Jeffrey P. Schloss, Ph.D., Professor of Biology, Westmont College, Director, Biological Programs, Christian Environmental Association, Santa Barbara, California; Steven R. Sheffield, Ph.D., Clemson University, Pendleton, South Carolina; Philip C. Shelton, Ph.D., Professor of Biology, Clinch Valley College, Wise, Virginia; Mark A. Sheridan, Ph.D., Professor of Zoology, North Dakota State University, Fargo, North Dakota; Fraser Shilling, Ph.D., Division of Biological Sciences, University of California-Davis, Davis, California; Samuel M. Simkin, Ph.D., University of Georgia, Athens, Georgia; Michael G. Smith, Ph.D., Los Alamos National Laboratory, Los Alamos, New Mexico; Michael Soule, Ph.D., President, The Wildlands Project, Hotchkiss, Colorado; Roy A. Stein, Ph.D., The Ohio State University, Columbus, Ohio; Robert D. Stevenson, Ph.D., Associate Professor of Biology, University of Massachusetts, Boston, Massachusetts; Douglas Stotz, Ph.D., Environmental and Conservation Programs, Field Museum, Chicago, Illinois; Harry M. Tiebout III, Ph.D., Department of Biology, West Chester University, West Chester, Pennsylvania; Howard Towner, Ph.D., Professor of Biology, Loyola Marymount University, Los Angeles, California; Peter Warshall, Whole Earth Quarterly, San Rafael, California, Judith S. Weis, Ph.D., Department of Biological Sciences, Rutgers University, Newark, New Jersey; Bradley A. Wiley, Research Assistant, University of Kansas, Lawrence, Kansas; Bill Willers, Ph.D., Biology Department, University of Wisconsin-Oshkosh, Oshkosh, Wisconsin; Herb Wilson, Ph.D., Associate Professor of Biology, Colby College, Waterville, Maine; John A. Witter, Ph.D., University of Michigan, School of Natural Resources, and Environment, Ann Arbor, Michigan; George Woodwell, Ph.D., Woods Hole Research Director, Woods Hole, Massachusetts; Ruth D. Yanai, Ph.D., Assistant Professor, Faculty of Forestry, SUNY College of Environmental Science and Forestry, Syracuse, New York; Eric Zwerling, Ph.D., Director, Rutgers Noise Technical Assistance Center, Founder, Faculty Advisor, Students for Environmental Awareness, New Brunswick, New Jersey.

Mr. SMITH of Oregon. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have listened to arguments against this bill which are really arguments against the so-called "salvage rider" bill of 2 or 3 years ago. Those arguments simply fall on deaf ears if we carefully read this bill because, very frankly, let me take my colleagues through it one more time so that they understand how different this is from anything Members have seen before.

We recognize that there are those who do not trust the Forest Service, and we recognize that there are those people who do not trust environmentalists, and we realize that there are people who do not trust foresters. So in order to place someone in the context of the analysis, we chose to place 11 scientists. No one has identified who they are, but we have identified their character and we have identified where they should come from and their expertise.

We have suggested that four of them be appointed by the National Academy of Sciences. We suggested three of them be appointed by the Secretary of Agriculture and two by the House and two by the Senate, agriculture and resources respectively.

In that manner, we think we have provided a broad base of selection process that will give comfort to any of those who see emotionally this issue running one way or running another. And in that light, we of course have brought judgment to this whole question.

The scientific panel is appointed to identify the most difficult and problematic areas of the forest in the Nation. They submit that report to the Secretary, from which he chooses the most difficult problems that he faces in forest management throughout the country; and to that, he allots resources under a fund called the roads and trails fund that has not been used, by the way, at all for any purpose, and was returned to the Treasury between 1982 and 1996 and, after 1996, has been accumulating dollars, not being used by the Forest Service or anyone else.

So it is apparent to us that that is a proper way of providing forest health, using those dollars that have not been used before in the road and trails fund. And by the way, the FIRM program by the Forest Service used the same identical kind of process in their Forest Improvement Act in another fund.

Beyond that, the selection process is open to the public at the commencement of the program. It may be appealed by environmentalists if they choose. It is open at end. There are no time frames. The reason the Forest Service does not like this bill is because we are looking over their shoulder. They have only to report to Congress every year about what they are doing, and if Congress does not like it, your side or mine, they can use that opportunity to accuse the Forest Service of not following the law. And at the end of the process, we ask the General Accounting Office to review the total 5 years for the Congress to determine whether the process has been working, what has happened, and if there is on-the-ground improvement.

We have used every dollar of this fund for improvement on the ground. Not one dime can be spent for Forest Service overhead, which is important because we want to see results on the ground. We have been accused, by the way, of saying you are trying to make money from this fund. And I heard the gentleman from Minnesota say these are low-cost sales. Which do we like here? The point is that both may be true. Some of this deteriorating wood may be of some value. We do not know. However, there are efforts that must be made on the ground to improve the forest floor that likely will be under cost or under any retrievable monetary impact, so that we are looking to improve the forest floor and we are not looking directly or indirectly at commercial activity.

We have said if there are any funds that are available, they go back to the county. That is a legitimate position to take, I think.

Now, we have listened to these kinds of announcements about this scientific community and that one. I just want to straighten out for the record the one that has been quoted twice now, the Sierra Nevada Ecosystem Project. It has been reported that it says that increased logging has increased fire severity more than any other human activity.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Oregon (Mr. SMITH) has expired.

(By unanimous consent, Mr. SMITH of Oregon was allowed to proceed for 1 additional minute.)

Mr. SMITH of Oregon. Mr. Chairman, just to go on with that report and to show how we can take these things out of context, let me read, quoting the Sierra Nevada Ecosystem Project further in the body of the bill and not quoting out of context.

> Fire protection for the last half century has provided for the development of continuous dense forest stands which are in need of thinning to accelerate growth, reduce fire hazard, provide more mid-succession forest habitat, and yield usable wood.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I also had several amendments that I had intended to offer, but I have decided that I will not offer those amendments. I rise in opposition to the bill because I feel that it is fundamentally flawed and unnecessary.

The Forest Service, which also strongly opposes the bill, has testified before the Committee on Agriculture that there is no forest health crisis and that they have adequate existing authority under law to carry out needed forest health projects. It is my view, incidentally, that they have had this authority for at least a couple of decades and in previous administrations have not used it, which to some degree accounts for some of the truly difficult forest health problems that we have at the present time.

Mr. Chairman, H.R. 3530 is one in a string of bills that we have seen over the last few years that are based on a dubious scientific hypothesis that logging will alleviate the forest health crisis in our national forests. I am troubled by claims that the solution to problems in our national forests is continued commercial logging such as what we saw under the "salvage rider" provisions of previous legislation.

The salvage rider that was attached to the fiscal year 1995 rescissions bill had an unhealthy effect on our national forests and further eroded the public's confidence in the ability of the Forest Service to manage our public lands. It is my view that this current land proposes to give the Forest Service more authority to engage in logging that is not subject to annual appropriations. The Forest Service itself has told the sponsor of this bill that it does not need or want this legislation.

Mr. Chairman, there have been a number of changes made in this bill with the intention of trying to alleviate some of the problems that have existed there. Some of the changes have been more or less cosmetic. The original versions of the bill continued to use the term "forest health," which is a catch word that we have heard over and over again to justify more logging in national forests.

As I have indicated, forest health improvement has been so closely associated with logging that this term was advisedly removed from the revised version of the bill. But otherwise the bill was not substantively changed. The point is, changing the words does not change the fact that this bill is written and designed to encourage commercial logging, more commercial logging in our national forests, period.

If there was not to be an increase in logging under this bill, I doubt if the sponsors would be seeking so enthusiastically to get it passed. If there is truly a crisis in our national forests, as the supporters of the bill contend, the Congress should appropriate funds specifically to address the problems. The type of off-budget funding mechanisms that we have in this bill have failed in the past and have seriously biased the management of our national forests.

□ 1200

Rather than repeating past mistakes, we should be moving in a new direction of forest management, and we should fund programs that will truly alleviate forest health problems. During an era of fiscal conservatism, we should not continue to allow logging off budget. If these problems are real, they should be addressed and justified in the full light of day and subject to the appropriations process.

Mr. Chairman, the Secretary of Agriculture yesterday sent the chairman of the Committee on Agriculture a letter setting forth in more detail some of the things that I have mentioned and other objections that the administration has to the bill.

Mr. Chairman, I include the following for the RECORD:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, March 26, 1998.

Hon. ROBERT F. SMITH,
Chairman, Committee on Agriculture,
Washington, DC.

DEAR BOB: I appreciate your efforts to address the Administration's concerns with H.R. 2515, "The Forest Recovery and Protection Act of 1998," by introducing a revised version, H.R. 3530. I know this legislation is a priority for you; I do not come to my recommendation lightly.

However, because H.R. 3530 contains several objectionable provisions not changed from the previous bill, H.R. 2515, and because it makes a material change in one significant respect from the bill the Committee reported, as I discuss below, the Administration cannot support it.

The Administration's primary objections to H.R. 3530 are that it: 1) expands an existing forest restoration program to allow commercial timber harvesting and other activities; 2) places pressure on local forest supervisors to generate large timber receipts under the program because the bill gives states, for the benefit of counties, 100 percent of the receipts, which is inconsistent with the Administration's fiscal year 1999 budget proposal; 3) establishes unreasonable deadlines on public comment and the agency's review of those comments; 4) greatly limits the agency's ability to conduct sound environmental analysis on the program's standards and criteria within the deadlines; and 5) contains costly administrative and reporting processes, which would take personnel and funds away from priority, on-the-ground forest improvement activities.

The Administration strongly opposes the bill's funding mechanism, which turns an existing restoration-type fund, the Roads and Trails Fund, into a commercial timber harvesting program that would include salvaging and thinning of timber in entire forests, which section 3 defines as recovery areas. Requiring the Forest Service to designate forests as recovery areas would unnecessarily open entire forests to these activities when, in fact, restoration is required only on specific, discrete areas, not forest-wide. Such a forest-wide designation would further weaken the existing restoration fund by imprudently broadening the scope of commercial timbering activities the fund could finance.

Moreover, section 8 in H.R. 3530 broadens the Committee-reported bill by requiring that all revenues generated from timber sales and other activities be given to counties, for the benefit of local schools and roads, creating an incentive for communities to place enormous pressure on forest managers to offer commercial timber sales rather than conduct needed, noncommercial restoration projects. This provision also greatly expands a 90-year-old statute which provides 25 percent of receipts from timber, mining, and grazing to states and counties.

In doing so, the changes incorporated into H.R. 3530 from the Committee-reported bill would enhance the link between timber, schools, and roads and create expectations in communities that more timber receipts will be available under this program for these purposes. The Administration's fiscal year 1999 budget proposes to eliminate the direct connection of Federal timber receipts and contributions to schools and roads, providing instead stable, yearly payments based on a formula using receipts received in previous years, a policy we believe will better serve both local needs and sound forest management.

Section 4 would limit the public's comment period on the proposed standards and criteria for the program and the identification of recovery areas, severely limit the time the Forest Service would have to review comments and publish final decisions, and preclude the agency from modifying decisions on designated recovery areas. The Administration opposes these provisions because they 1) limit the public's ability to be heard on how its forests are managed, 2) limit the agency's ability to respond to the public's concerns, and 3) impede the ability of the Forest Service to conduct meaningful environmental analysis, putting those important assessments on an artificial timetable instead of one determined by the schedule of sound science.

I appreciate your interest in forest restoration and the progress you have made in improving the legislation from its original form; nonetheless, if H.R. 3530 is presented to the President in its present form, because of the objectionable provisions I have outlined and other concerns, I would have to recommend that the President veto it.

With best personal regards, I am

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. GILCHREST. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to point out to my colleagues some of the provisions as they are stated within the context of the bill. First of all, I would like to make very clear that this, as far as my understanding of the bill, working on this piece of legislation for several weeks now, this bill is not a logging bill, this bill is a recovery bill. This deals with the recovery of certain areas that the chief of the Forest Service has described as needing some recovery, some management. This is not a logging bill.

I would like to bring to my colleagues' attention page 7 of the bill, line 8, where it says, "identifying recovery areas," what areas are going to be worked on. "The recovery area that will be designated will be an area that has experienced disturbances from wildfires, insect infestations, disease, wind, flood, or other causes which have caused and contributed to," which is what we want to recover and repair, "significant soil erosion, degradation of water quality, loss of watershed values, habitat loss, or damage to other forest resource areas." That is what we are looking at. These are the areas which will be considered recovery areas.

Now, the recovery project. I would ask my colleagues to turn to page 8, starting on line 3. A recovery project means, this is what we are going to do when they get on the ground, a recovery project means "to improve, restore, or protect forest resources within an identified recovery area, including the types of projects, riparian restoration, treatments to reduce stand density for the purpose of reducing risk of catastrophic loss."

Let me bring to my colleagues' attention the Southern Appalachian assessment of their forests. It states, "Several tree species in the Southern Appalachians are at risk of extinction or significant genetic loss because of exotic pests and the lack of active management in other stands that has led to the development of dense forest understories."

I go on. "Soil stabilization and water quality improvement," this is what is going to happen on the ground, "removal of dead trees or trees being damaged by injurious agents other than," other than, "competition from other trees, prescribed fire, integrated pest management." And the list goes on. This is a list of recovery projects. It is not a list of logging.

Now I would like my colleagues to turn to page 21. What kind of scientists are going to be looking at these areas and what kind of scientists will be designating the standards and the criteria upon which we will base these recovery projects, picked independently. They will be hydrologists, wildlife biologists, fisheries biologists, entomologists or pathologists, fire ecologists, silviculturists, economists, soil scientists.

I would like to remind my colleagues of something that the gentleman from Texas talked about when he said we should compare our forest to our agriculture. The only way we are going to improve agriculture is to bring scientific data into the equation so we can not only increase the yield, but protect the environment at the same time.

Can we sustain logging? Maybe the question is, should we sustain logging? People wanting homes, with the need for construction, do we need wood? The answer is yes. How do we sustain logging? We mimic nature and we protect biological diversity and we harvest trees. It is the injection of scientific data.

Now, the last comment I want to make on this, because there will be some amendments coming up, this has been a tremendously healthy exercise. We are bringing in a lot of information. There is an exchange of information. And to the extent that I can see what is happening on the floor, there is a tolerance for someone else's opinion. But the bottom line is, does this bill move us a little bit forward in understanding the limited and diminishing resources that we people depend upon? And it is my judgment that this legislation moves us in the right direction. And I encourage my colleagues to vote for the bill.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the sponsors and the proponents of this bill say that they are passing this measure because they have the best interest of the national forests at heart, that what they want to do is to promote programs and policies which will make the forests healthier, stronger, both now and in the future. And I believe that some of them actually believe that.

I have tried to find within this proposal evidence to support that proposition, and I have looked in vain. They tell us that they are establishing a network of scientists who have certain credentials which will enable them to make sound scientific judgments with regard to how the forests should be managed. That, I suppose, is okay, except that that duplicates the abilities already contained within the National Forest Service.

The National Forest Service now has people that have the ability to make these decisions. That kind of expertise exists within the Forest Service. In fact, we could look far and wide and not find people who are better able to make those judgments based upon silviculture, based upon biological diversity, based upon maintaining the soil, based upon the effects of soil erosion on aquatic life. All of that expertise now currently resides within the Forest Service, and it exists in great abundance.

All of the intellectual resources that one could want to make these decisions exists in the Forest Service. Why do we need this new, cumbersome, bureaucratic arrangement that is only going to complicate matters to superimpose their judgment over the judgment of people who are more capable of making them, already working for the Federal Government? That does not make any sense to me.

What this bill will simply do is promote logging. Now, a certain amount of logging, it is recognized, is good and healthy. But this bill is going to promote amounts of logging that are unhealthy and unreasonable, unnecessary, and will be counterproductive to the stated objectives of the proponents of this legislation.

When we come right down to it, Mr. Chairman, what this bill is is a license to steal. It is a license to steal a vast amount of the precious natural resources of this country, and it is a license to steal taxpayers' money.

Now, how does it do that? It does that by setting up this kind of arrangement, which is the kind of arrangement that I have discussed, which will enable vast amounts of cutting to go on in the national forest, based upon the idea that by so doing they are going to somehow protect the forests. It will set up a bureaucratic arrangement whereby if someone believes or supposes or imagines that there is some kind of danger occurring to the national forests, that vast amounts of that forest can be cut, clear-cutting can take place.

Now, is the size of that clear-cutting defined? Not at all. Entire forests could be cut down under the provisions of this bill. Entire forests could be clear cut under the provisions of this bill. So this bill sets up a program which will allow those misguided people who want to clear cut the national forests to have a license to do that, a license to steal vast amounts of the natural resources of this country.

And then when there is revenue produced as a result of this larcenist logging that will take place, those financial resources will not accrue back to the taxpayers of the country, as it should because, after all, all of these resources are owned by all of the people of this country jointly. No, what this bill will do is take those monies and deposit them in certain places in the country to benefit certain constituencies or certain constituencies of certain Members of this body, so taking money that belongs to all the people of the country and putting it into special places in the country at the expense of everyone else.

That money, by the way, should be used for what it would be used under normal circumstances under the provisions of the existing law, to enable the Forest Service to conduct their business in the way that they should and the way that they want to.

The CHAIRMAN. The time of the gentleman from New York (Mr. HINCHEY) has expired.

(By unanimous consent, Mr. HINCHEY was allowed to proceed for 1 additional minute.)

Mr. HINCHEY. Mr. Chairman, so if we allow this bill to pass, what we succeed in doing is allowing vast amounts of natural resources to be stolen and vast amounts of revenue to be stolen.

I made the point in my opening remarks that the customs duties in the City of New York could be taken by the City of New York under the same kind of reasoning that goes on here or in the Port of Miami or the Port of Los Angeles under the same reasoning. Because the port is there, should all of those resources go to New York or Miami or Los Angeles or any other port? Obviously not. Those resources belong to all the people of the country, as these resources belong to all the people of the country and should not be expropriated as they would under the provision of this bill.

This bill is bad public policy, and I urge its defeat.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, under the procedures today in considering the context of this legislation, I had noticed several amendments which I do not intend to offer. Time does not permit me to. And quite frankly, I think the scope of this bill, working on this particular bill, amendments to modify, would be like buying a ticket on the Titanic Sea Cruise.

The fact is that the bill is not a good policy and, frankly, is based on a premise that is not correct that there is a forest crisis. I very much agree with the comments made by my colleague, the distinguished gentleman from California (Mr. BROWN), who preceded my statement in this 5-minute-rule time frame. The fact is that there is not a crisis that would require this measure and this unusual legislative measure.

Do we have problems in terms of forest health? Yes. But the answer is not one that has come just in recent years it has been growing for many decades. The fact is that it is something that has grown out of mismanagement, frankly, and I think, in a sense, really a lack of knowledge with regards to the dynamics of the management of our landscapes of these national forests and many other of our public lands.

We have today a tremendous problem that we need to address. As has been pointed out during this debate and in testimony, we spend literally billions of dollars each year and some years too many billions in terms of suppressing or fighting fire. But we found that many times fire policies and activities of the past are responsible for many the problems in the forests, the way we fought fires.

I would suggest another issue is the fact that the way we manage the lands in terms of permitting interface with personal properties, the "urban interface" as we refer to it, that again is inviting problems and it should be addressed. We have talked about the tremendous backlog in terms of the mileage of roads that we have in our forests, mostly roads, legal but some, what we call "ghost roads," or illegal roads, total some 433,000 miles of roads in our forests; and the Forest Service reports to us the $10.5 billion backlog in terms of maintaining them and we provide but a token amount for such.

That is why so many of us are concerned that even under this bill, new roads would be permitted in unroaded areas. We cannot maintain what we have got. common sense would dictate that when we are in a hole and we want to get out, Mr. Chairman, we quit digging. But that is obviously not a message, that understanding, that this Congress has yet come to grips with.

□ 1215

Although the Forest Service itself has taken a very bold move in trying to call a time out, an 18-month moratorium on the construction of roads until we can reframe our policies as to the management of these lands and road policy.

I noted very appropriately that the gentleman from Maryland (Mr. GILCHREST) pointed out some of the good features of this bill. I would recognize the chairman and ranking member have written some provisions in this bill that I think are appropriate in terms of talking to forest health. The problem is that the deficiencies in the bill simply are such that it does not function, and doesn't add up to good policy.

He did not talk about page 13 section and the requirements spelled out on page 13 and 14 of the substitute as to how you select these particular projects. One of them dealt with and directs these scientists to use these particular criteria in selecting the projects. They cannot look at cost-benefit in the sense they are going to provide for below-cost sales. That is not a factor in terms of forest health. Another requirement is they need to look at what the economic impact is in an area. That is another factor. These are all requirement, but these are not the criteria that relate to forest health.

Indeed, we have the criteria that relate to forest health that have been testified to by the Forest Service, by the chief of the Forest Service. This bill does not direct itself to that. The chief talked about maintaining diversity, resiliency of the components, such as wildlife and fish riparian areas, soils, range lands, economic potential that will require active management, it will require road maintenance and obliteration, use of prescribed fire, grazing, thinning, and some salvage. He talked about, of course, the private sector involvement in terms of technical assistance on private lands as being a major problem in terms of this area.

The fact is that trying to provide these dollars in an unaccountable manner in spite of the fact you are asking for studies and reports back, if that is going to be the new template for us in the future as to how we provide accountability, why do we not pass 5-year appropriation bills? We do not do that because we know that even on a short-term we have to come back and reference and try to determine what is happening.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Minnesota (Mr. VENTO) has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, if you want to talk about good intentions, I suppose I could be generous and say that the intentions under the salvage rider were good intentions, but the fact is today that it is almost universally criticized in terms of what the consequence was of the salvage rider. Others will say that was not their intention. But the fact is that was just a short 2 years ago. And we have had all kinds of problems and controversy.

This particular measure, untested, deserves accountability on an annual basis, and forest health deserves far more dollars of commitment. It deserves the solid support to the United States Forest Service in terms of dealing with forest health, not something superimposed with new criteria which I think has the potential to continue road building, continue business as usual at the expense of the taxpayer and at the expense of losing our natural forest legacy, the proper inheritance, I think, of all Americans.

Mr. Chairman, I rise in opposition to H.R. 3530, the Forest Recovery and Protection Act of 1998. I can think of few bills in my experience in Congress or back in Minnesota that were more ironically named. In short, this bill is about neither the recovery nor the protection of our National Forests. It's about more logging, plain and simple. This policy reminds one of a false syllogism: state some information in an arbitrary fashion, then draw a conclusion which is entirely inconsistent and incorrect.

As most of you know, this bill is a rerun of the salvage logging rider; a new incarnation of an old ideal a bad idea. Introduced as H.R.

2515 late last year, it has been changed in recent days in a failed attempt to achieve consensus. Mr. Chairman, I say to those members who are suspicious of this new bill, you have every right to be skeptical and yes cynical. This bill does not accomplish consensus. It does not improve upon H.R. 2515. The most crucial and damaging aspects of that legislation remain intact, and in fact a number of adverse additional new proposals have been added. I will certainly vote no and urge others to do the same.

I will vote no because this legislation is based on an entirely faulty premise. While we all realize that there are problems in some Western forests, there is no forest health crisis. Mike Dombeck, Chief of the U.S. Forest Service, agrees and testified to this point. In testimony before the House Agriculture Committee last year, Mr. Dombeck referred to the "generally . . . healthy" condition of our nation's forests. He admitted there are problems. But he also detailed the Forest Service's current problem solving tools, like thinning, maintenance and obliteration of roads, and prescribed fire. A committee of more than 100 independent scientists, furthermore, recently sent a letter to Congress, in which they claim that "there is no widespread or universal forest health crisis." But the proponents of this measure must establish a crisis in order to justify the policy in this bill. It's like a policy in search of a crisis. Creating the crisis justifies in their minds' eyes the salvage harvest of our National Forests.

This bill is unnecessary and harmful. The recovery projects proposed by this bill will most likely lead to commercial logging. Yet it was precisely these sorts of activities that created our current problems in the first place. Scientists working on the Sierra Nevada Ecosystem project concluded that logging increased the severity of forest fires more than any other human activity. There's one thing worse than a solution to a problem that doesn't exist, and that's a solution that makes the problem worse.

There are a few specific problems with this bill that I would like to focus on. First, it creates an off-budget fund for the Forest Service. I find it ironic that on the same day that the major committees of jurisdiction are holding a hearing at which they blast the Forest Service for being poorly managed, we are considering giving them more money with even less accountability to the public. If, Mr. Chairman, the sponsor of this legislation is serious about solving forest health problems, he should consider putting the fund it creates back on budget and subject such expenditures to open Congressional and public scrutiny.

Second, this salvage program could take place virtually anywhere, not just in areas where forests are in so-called "poor health." Sponsors claim that they are protecting wilderness, old growth and riparian areas. Protecting wilderness isn't just a good idea or a choice: logging in areas of the National Wilderness Preservation System is against the law. And the claims of protecting old growth and riparian areas are disingenuous at best. This bill only prohibits logging in riparian and old growth areas that are currently protected by land management plans. Unfortunately, many current land management plans are out of date and not in sync with current scientific information. This bill takes advantage of that lack of protection in such plans and roadless areas not protected are opened to logging and treatment in the name of forest health rather than integrating new information into current forest plans.

Finally, this bill codifies below-cost timber sales. It states that "a recovery project is not precluded simply because the cost of preparing and implementing the recovery project is likely to exceed the revenue derived from the recovery project." Mr. Chairman, passage of H.R. 3530 would codify below cost timber sales in permanent law justifying such subsidized harvest as far as the eye can see. That sends a very bad message to the taxpayers, it's bad environmental policy, and it alone is a reason to oppose this bill.

H.R. 3530 is far from a solution to the forest health problems in our National Forests—it will just make our current problems worse. I urge my colleagues to join me in voting against this measure. Once you see beneath the veneer of forest health, what is evident is the establishment in law of a collection of the deficient practices that have existed within our National Forests in the past decades. This is just another new verse to the same music. It's business as usual and instant gratification for the timbering special interests at the expense of taxpayers and future generations. Passage of this measure puts their resource legacy, their American forest heritage, very much at risk.

Mr. SMITH of Oregon. Mr. Chairman, I ask unanimous consent to speak for 1 minute out of turn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. SMITH of Oregon. Mr. Chairman, I just want to correct the record from the last speaker. There is accountability every year, because the GAO reports every year on what occurs on the ground. There is accountability, fiscally and on the ground. On page 13 which he mentioned, he failed to tell you what is the rest of page 13:

Ensure that each recovery project complies with the land management plan applicable to the recovery area within which the recovery project will be conducted; and ensure that each recovery project will maintain or enhance the ecological functions and conditions of the forest in which the project will be conducted.

Mr. VENTO. Mr. Chairman, I ask unanimous consent to proceed out of order for 1 minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Chairman, I recognize that reports are required, but the fact is that this is a less precise way and a less effective way in terms of attaining accountability from the program. We do not do that through the regular process. Regular appropriations might be a little better for such an untested program. I would further point out that the amount of dollars in this measure is not nearly enough to begin to deal on a broad basis with forest health, which the gentleman acknowledges. We have a problem here with road building and with taking care of the roads and I think that we are not addressing that particular problem in the regular land plans, a $10.5 billion backlog exists in repair and maintenance. This is at the best cosmetic, but I think it has some other serious problems and deficiencies that I pointed out in my previous statement.

AMENDMENT OFFERED BY MR. SMITH of OREGON

Mr. SMITH of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Oregon:

On page 29, beginning on line 15, strike paragraph (4) and insert instead:

"(4) PROHIBITION ON USE OF ANY FUNDS TO CONSTRUCTION ROADS.—For purposes of recovery projects authorized by this Act, amounts in the Fund shall not be used, either directly through direct allocations from the Fund, or indirectly through allocations to recovery projects from other Forest Service accounts, for the construction of roads, in those areas within the recovery project where the construction of roads would be prohibited by any Federal environmental law or the applicable land management plan.".

Mr. SMITH of Oregon (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. MILLER of California. Mr. Chairman, reserving a point of order, I want to make sure we have the right amendment.

Mr. SMITH of Oregon. Let us continue with the reading for the gentleman. It is not that long.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk concluded the reading of the amendment.

The CHAIRMAN pro tempore. Does the gentleman reserve a point of order?

Mr. MILLER of California. Yes, Mr. Chairman. We would like to see the amendment, would be the first point of order.

The CHAIRMAN pro tempore. The gentleman reserves a point of order.

Mr. SMITH of Oregon. Mr. Chairman, this issue has been hovering around the debate on this bill for some time. It has been very controversial. It is the question in two parts, one, of whether or not this involves roadless areas which the chief of the Forest Service has placed a moratorium on. It does not.

Then there was this effort to discuss permanent roads, new roads. We heard the gentleman from New York discuss that earlier. There was some debate about whether this allowed roads, did not allow roads, and whatever. What I have done with this amendment is simply to lift the whole question of roads out of this bill, so that the decision as to whether or not recovery projects will be involved with roads will be finally decided by the scientists who propose these programs as well as by the Secretary of Agriculture as well as by those forest managers on the ground.

Let me make the point that the gentleman from Minnesota just made, and that is simply that the meager amounts of money in the road and trails fund certainly are not enough to take care of the health problems in this country. There is no question about that. That is why we have had this selection process to find the most critical problems in forest in the country and then allow the Secretary to allot funds.

I want to ask you the question rhetorically. If the Secretary of Agriculture determines through his chief that there be a moratorium on roadless areas, what in the world would make the Secretary of Agriculture identify one of these recovery areas that violated his stipulation that you cannot build roads in roadless areas during the moratorium? Or maybe at any other time? The fear that will emanate from this discussion simply is not there.

What I am trying to do here again is lift the debate of roads out of this question. It is not a forest health issue, by the way. It should not be a forest health issue. This whole bill in its direction is determined to be how can we improve the forest health, the ecosystem health of our Nation's forests. It ought not to be about roads.

I am sorry that I had to bring this amendment, frankly, because it raises the debate and I understand the emotion that is centered around it. However, lifting the language in this manner takes the question of roads out of the issue, and therefore I suggest and I ask the body to accept this amendment.

The CHAIRMAN pro tempore. Does the gentleman from California insist on his point of order?

Mr. MILLER of California. I do not, Mr. Chairman. I withdraw it.

The CHAIRMAN pro tempore. The gentleman withdraws his point of order.

AMENDMENT OFFERED BY MR. BOEHLERT TO THE AMENDMENT OFFERED BY MR. SMITH OF OREGON

Mr. BOEHLERT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT to the amendment offered by Mr. SMITH of Oregon:

In the last line of the amendment, insert after "law" the following: "or policy that is in effect or has been proposed in the Federal Register by the date of the enactment of this Act."

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, this amendment says that no roads could be built if doing so would violate any law or policy in effect or proposed on the date of enactment. This complex language boils down to one thing. The amendment's language will prevent this bill from being used to build roads in roadless areas. It is that basic. Let me repeat. This amendment will prevent this bill from being used to build roads in roadless areas.

As I already said and many others have repeated, no roads are needed for forest health. Let us not be misled. This amendment applies only to road construction under this bill, not to other Forest Service programs.

Mr. MILLER of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the Smith amendment does not do what the gentleman from Oregon said that it does do. I appreciate while he would prohibit Federal roads prohibited by any Federal environmental law, of which would obviously be, that is just current law, and the second one, any applicable land management plan.

The problem is most land management plans, one, are out of date and, two, never spoke to the issue of creating roads because most of the land use management plans for the national forests were designed to allow for the continued construction of roads because that is what they were predicated upon.

We are undergoing a review in California in the Sierra Nevada of the land management plans for the very reason that they do not address these issues. That makes it imperative if the Smith amendment is going to be accepted that it be accepted with the Boehlert language, because the Boehlert language speaks to the reality of what is taking place; that is, that we have some 380,000 miles of roads in the national forests.

We have a $10 billion backlog in these forests because they are deteriorating. We cannot take care of the ones that we have. They are starting to wreak havoc with good portions of the forests as they fall into disrepair. They are destroying the fisheries and the streams and the watersheds of some of our most valuable rivers for the production of fish for sports purposes and for commercial purposes.

That is why the Secretary of Agriculture has asked for a moratorium so they can sort out the road policy. Now the gentleman from Oregon wants to come in and impose a road policy on this legislation that does not stop road building from taking place, it allows it to continue because the forest plans allow it to continue, and we need the Boehlert amendment.

It is very interesting that now we are going to rush to make a road policy in the Smith bill when 2 days ago in the Committee on Resources they were asking for 120 hearings before we could consider any change in the road policy. They wanted every national forest to hold a hearing before they tampered with it at all. But now all of a sudden we are going to create a road policy here that under the Smith amendment allows you to continue to build roads and ignores the moratorium by the Secretary.

That is the purpose of this amendment, because everybody here who is knowledgeable in the land management plans knows that the land management plans when they were drafted were designed to continue the commercial harvesting of the forests and part of commercial harvesting of the forests is the continuation of road building. So the land management plans would not outlaw and in fact you could continue to go into roadless areas.

There is no designation, there is no Federal law, there is no land management plan. It really concentrates these dollars, if you will, on the roadless areas. That is why we have got to have the Boehlert amendment. We should vote aye on the Boehlert amendment. If it is not accepted, we should vote no on the Smith amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Minnesota.

Mr. VENTO. I would just point out that this amendment knocks out the prohibition on the use of any funds to construct new permanent roads.

□ 1230

So, under this amendment as I read it, and I admit obviously funds are limited here, but we are talking about what we are doing. New permanent roads, I guess, would be okay, temporary roads would be okay, other types of roads would be okay if they are not prohibited by Federal environmental law or applicable law or policy in effect at this date with the Boehlert amendment.

But what I am pointing out is that this simply means business as usual. Obviously, we are only talking about the selected forest health areas, but they are knocking out the provision that had put a limitation on permanent roads.

I mean, we are dealing here, because the policy is deficient, and what they are trying to do is to rewrite those assets and policies, and the statement came up that roads were not a factor in terms of forest health. Well, that is news to the scientists and to the Forest Service, because these roads are a major health problem in terms of our forests. They are a major problem in terms of where fire incidents occur is along these roads, of the slumping that occurs in the soils that are choking the streams of the unmaintained nature of these 433 miles of legal and illegal roads.

There are major forest health problems.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman, and he makes the exact point. As my colleagues know, okay, the Smith bill just got caught with his hand in the cookie jar because they are going to allow increased road building, that Congress for the most part is against increased road building, the administration has a moratorium on it. So now they are trying to offer some camouflage in this amendment to pretend like they are going to take road building.

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 1 additional minute.)

Mr. MILLER of California. And to pretend that they are going to take it out, because they are not going to do it where it is prohibited by Federal law. I suggest they could not do it where it was prohibited by Federal law, because that would be FIRM law and where there is land management plans, except that they know that the land management plans do not prohibit road building.

So the Boehlert amendment must be adopted if we are going to protect the Federal Treasury, if we are going to protect the national forests, if we are going to protect the local users of these forests. We must have the Boehlert amendment at a minimum. If we take the Smith amendment, all bets are off, we are just back to using Federal dollars to build roads where they are not needed, and it is these very roads that have caused a great deal of the forest health problems that supposedly this bill is addressing.

I urge my colleagues to support the Boehlert amendment and oppose the Smith amendment.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is a crisis on our forests that has been well documented. The administration agrees that there is a crisis. The Forest Service chief has testified that 40 million acres of our national forests are in unacceptable condition, and this amendment by the gentleman from Oregon (Mr. SMITH) is needed. The amendment by the gentleman from New York (Mr. BOEHLERT) would be very detrimental.

How do we clean up the forests? We know we are going to have to have a substantial amount of cleanup involving the trees.

The gentleman from California (Mr. MILLER) talks about protecting the Federal Treasury. How are we going to protect the Federal Treasury? How are we going to protect the Treasury if we ban the construction of roads needed to take the timber out, and so then we go to helicopter logging, and we will be spending 3 or 4 times what it costs to take this material out over the roads. This is going to be highly detrimental to the taxpayer, but further than that, the forest fires that will result by this roadless policy being imposed will be much more detrimental in terms of lives lost by Federal firefighters and others fighting the fire, in terms of the costs of fighting the fire, and we as a Congress will step up and appropriate whatever it takes to pay for those costs.

But the point we are trying to make is the Smith bill, which is trying to give effect to this amendment, is going to help reduce the threat of fire and danger to our communities. Why would anybody build roads that are not necessary? Roads are extremely expensive. Anybody who has ever built a road knows how expensive it is. I built a road, a half mile long, gravel, it was $26,000, and that was 10 years ago. I do not even know what the price is today. People do not go out and do these things because they are spending somebody else's money, they are spending their own money.

I would submit, Mr. Chairman, that this policy in the Smith amendment is needed. We are in compliance with all the environmental laws. The language of this amendment makes that clear. To take the next step and go to the Boehlert amendment to this amendment would basically say clean up the forests, reduce the fire risk; but, by the way, do not use any roads that might need to be constructed to accomplish that. Figure out some other way to do it. Go to helicopter logging, go to, I do not know how else to do it other than helicopter logging.

This is absurd. It would be extremely burdensome to the taxpayer. It is a very extreme agenda. This is the extreme environmentalist agenda right here that we cannot even build roads to protect the health of the forest, to protect the endangered species that so many on this side are always upset about protecting, and indeed we will be wreaking havoc in the national forests.

In our committee we heard testimony on this. Our forests today are in the worst condition they have ever been in the entire 20th century, and it is largely due to the tremendous overgrowth of the forests, the tremendous threat of catastrophic fire that we face, and the inability to effectively address this.

When the Smith bill comes forward to try and proactively address this issue and respond even to the concerns of the administration, we are then going to be offered an approach such as that of a Boehlert amendment that ties our hands, and it will cost the taxpayer hundreds of millions of dollars if this policy is allowed to go into effect.

So I will speak for the taxpayer and urge my colleagues to defeat the Boehlert amendment and to pass the Smith amendment.

Mrs. CUBIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find the Smith amendment to be very good for one of our most precious natural resources; that is, our forests and our ability to use them. And I find the Boehlert amendment to be radical and extreme. The Boehlert amendment locks up one-third of the forests in this country. So if a road washes out, a temporary road in a forest washes out, or if there is a blowdown and a road is blocked, his amendment could even be construed that those could not be repaired.

And do my colleagues know what that does? It does a lot of things, but one of the main things is that it violates the Americans With Disabilities Act. If we cannot have roads in forests, not only can we not harvest the timber and not realize the value that that has in preserving the health of the forest and bringing revenues to the communities, but we cannot have recreation in the forests either. We cannot go sightseeing, we cannot go picnicking, fishing, hunting or camping unless we want to parachute in, unless we want to walk, unless we want to ride a mule. And having just gone through some very serious surgery which limited my ability to be able to walk around, to be able to ride a horse or a mule, I cannot do that anymore, and there are millions of Americans who cannot do that either.

Locking up one-third of America's forests and not allowing people to get in there is simply wrong, and that could very well be the effect that the Boehlert amendment has, not to mention the fact that when we do not keep these roads, temporary or permanent, in conditions so that we can fight fires, we are asking for the ravages that we have seen on the 6 o'clock news to habitat for animals and to income for communities, as well as our beautiful forests.

What the Boehlert amendment is truly about is about pure unadulterated politics. According to the Forest Service communications plan, the agency is preparing to use major forest fires during the summer and fall of 1998 for political purposes. These political purposes are to help Vice President GORE run for President and to advance an extreme radical environmentalist agenda, which is exactly what the Boehlert amendment does.

According to the Washington Post, the Forest Service intends, and this is a quote, "to manipulate the media and everyone else to get support for the administration's policies over the next 8 months." That is a quote. The Washington Post article outlined the Forest Service and, therefore, the administration's strategy regarding how to get this watershed aspect of their agenda enacted. The communications plan includes having Forest Service chief Don Beck travel extensively to, again I quote, "travel extensively to fires receiving high media coverage," unquote, and to provide similar media advance for Vice President GORE prior to the 2000 presidential election. That is what is in the communication plan of the Forest Service. It is not about good forest health, it is not about managing the forests. It is about politics.

It is unconscionable to think that people will be killed and property will be lost and habitat will be destroyed in this blatant attempt to push the administration's misguided environmental agenda. The trust that we have instilled in this Forest Service has been compromised because of this attempt at making it all the more incumbent that this Congress step forward and reject the extreme radical environmental agenda that is personified in the Boehlert amendment. We should pass the Smith amendment and then pass the bill.

Ms. MCKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I thank the gentlewoman for yielding. Two points I wish to make:

In response to the gentleman from California (Mr. DOOLITTLE) I wish to point out this is hardly an extreme measure. No roads are needed to accomplish forest health purposes. My amendment is narrower than the original bill language agreed to by the chairman, the gentleman from Oregon (Mr. SMITH). So I want to point that out to one and all.

Secondly, in response to my colleague from Wyoming (Mrs. CUBIN), her interpretation is wrong. My amendment does not eliminate anything or limit anything being done to deal with existing roads. They can be repaired, they can be maintained. Her interpretation is clearly wrong.

Ms. MCKINNEY. Mr. Chairman, I rise in opposition to the Smith amendment and the misnamed Forest Recovery and Protection Act and to suggest a more mainstream alternative. This fiscally irresponsible, environmentally destructive legislation, along with the infamous "salvage rider" is based on the incorrect assumption that there is a forest health crisis in the national forests and that the best way to cure a sick forest is to log it. It is nothing more than a clever use of words to hide its true intentions.

Mr. Chairman, here are some of the more creative examples of language used to foster more logging. Whether it is meadow enhancement, linear wildlife opening, vista enhancement or cross-country ski enhancement, the bottom line is that it is all the same, more logging. The only crisis in our national forests is excessive road building and destructive logging.

In contrast, H.R. 2789, the National Forest Protection and Restoration Act introduced by the gentleman from Iowa (Mr. LEACH) and myself would preserve our remaining old-growth forests by investing in environmental restoration. Furthermore, unlike the legislation we are considering today, our bill would invest in worker retraining and would end the corporate welfare practice of stealing money earmarked for environmental restoration and placing it into off-budget slush fund accounts used to promote clear-cutting.

Lastly, unlike the bill today, H.R. 2789 is consistent with the views of the American people who in recent polling have indicated that they oppose logging on national forests. Therefore, H.R. 2789 offered by Mr. LEACH and myself would end commercial logging on our national forests while providing for worker retraining and environmental restoration.

The bill before us today falls far short of H.R. 2789, and I urge my colleagues to vote down this misnamed bill.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that it is important to understand exactly what the Smith amendment attempted to do. The language of the Smith amendment states that no funds shall be used either directly through direct allocations from the fund or indirectly from allocations to recovery projects from other Forest Service accounts for the construction of roads in those areas within the recovery project where the construction of roads would be prohibited by any Federal environmental law or applicable land management plan.

Now the Boehlert amendment, and I doubt very strongly if there is a Member of the House, if they actually read the Boehlert amendment, would vote for it. And please, before my colleagues cast their vote, actually read the Boehlert amendment because it goes on to change that and say, ". . . policy that is in effect or has been proposed in the Federal Register by the day of the enactment of this law."

□ 1245

So any policy, any policy. We are not just talking about roadless areas. We are talking about any policy that is in effect or has been proposed in the Federal Register now becomes law.

The gentleman is completely and thoroughly abdicating any responsibility that the legislative branch has. Any authority that the legislative branch has. He is saying any policy that this administration has in effect today or that they have even proposed, that they have even put in the Federal Register, we are giving up on that. That is the effect of putting the Boehlert amendment in.

We can have a grand debate about roads. We have heard a lot of pretty funny stuff that has come out here today. I have heard people say that our forests are not in bad condition and that they do not need to be taken care of and that the only way that we can manage them is just to leave them alone and keep people out of it. I think that just shows a complete lack of knowledge as to what is going on in our forests, in our national forests in America today.

The truth of what we are saying is we do not care if the Committee on Agriculture has held any hearings on this or not. We do not care if the Committee on Resources has held any hearings on this or not. We do not care whether or not Congress agrees with these policies or not. We do not care about any of that.

What we are saying is any policy that is in effect or has been proposed in the Federal Register all of a sudden becomes law. I would guarantee that if we knew all of the policies that are in effect, all of the policies that have been proposed, there is no way we would support that.

The gentleman from New York (Mr. BOEHLERT) would have us believe that all that this affects is a little roadless area, and that is all we are doing. That is not all we are doing. By the very language that he uses in his amendment, this is as extreme and radical as we can possibly get. We just give up on everything and say whatever the administration has proposed, any policy they have in effect, anything that they want, we are going to put that on this bill. We are just going to go that way. That is the exactly wrong way to go.

I know the gentleman from California (Mr. MILLER) and I have had a lot of discussions over the years about our forests, the health of our forests, and had some great debates on the floor of this House about what to do on environmental policy and on forest policy. But I am sure that he and his colleagues on the other side of the aisle would agree that it is bad policy for this House to, all of a sudden, say any policy that the administration has in effect, and I know he disagrees with the policies that the administration has in effect, I know many of my colleagues disagree with the policies that this administration has in effect, but any policy that they have in effect today becomes law. It is not just the ones that they are already using, that they are already implementing out in the field; it is anything that they have proposed in the Federal Register all of a sudden goes into effect with the enactment of this law.

I do not think any of my colleagues, if they read this amendment and truly understand what the impact of this amendment is, could possibly, possibly support this, because this is about as extreme an abdication of our responsibilities and our authority as the legislative branch as we could possibly get.

The CHAIRMAN. The time of the gentleman from California (Mr. POMBO) has expired.

(By unanimous consent, Mr. POMBO was allowed to proceed for 1 additional minute.)

Mr. POMBO. Mr. Chairman, if we are going to have some kind of a national forest policy that takes care of our forests, that ensures that we have healthy forests that are full of wildlife and all the things that in our mind's eye we think of when we think of national forests, this is the wrong way to go; because what this is saying is we are not going to get together in a bipartisan fashion, we are not going to hold hearings, we are not going to go out to the forests and look at them and see what is there. We are not going to do anything that our constituents expect us to do.

What we are going to do is, we are just going to willy-nilly accept any policy that this administration has in effect, or anything that they have proposed to put into effect, and we are going to accept that. That is not what our constituents expect us to do. That is not what they sent us back here to do.

Whether we agree or disagree with the underlying bill, our constituents did not send us back here to vote blindly for any policy that this administration has in effect or anything that they proposed.

When we talk about the roadless, they have not even finished the hearing process. They have not even finished the comment period process, and we are going to accept it. They have not even finished it yet, and we are going to accept it. That is bad public policy.

I have only been here for a short period of time compared to most of my colleagues, but I can tell them there is no way that their constituents expect them to come back here, and I have never seen anything like this put on the floor of the House, where we will just blindly accept whatever policies the administration has in effect or anything that they have proposed

Mr. RADANOVICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, right now there is an ongoing public comment period on the administration's proposed moratorium on road building. This amendment, the Boehlert amendment, would override that public process. This amendment, the Boehlert amendment, would put the road moratorium proposal into law and cut the public entirely out of the process.

The Boehlert amendment then violates the public process that the other side claims to be so important. The Boehlert amendment overrides the regulatory process. It overrides the Administrative Procedures Act. But, most importantly, it violates the people who in good faith are participating in a national discussion on how to manage the road and infrastructure in our national forests.

The Smith amendment reaffirms this Congress' commitment that we shall not, I repeat, "not" build roads in sensitive areas that are off limits to roads under our current environmental laws; and that is the bottom line.

Ms. FURSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a number of colleagues here have spoken about why would anybody build a road that is not needed; that it is very expensive to build a road. One colleague pointed out what it cost him to build his own road.

Yes, I agree it is extremely expensive to build roads, but the reason that we build these roads is that it is the public who pays for the roads. We build these roads so that companies can go in, get the timber out, but they do not pay for the roads.

So that is why it is a problem. Yes, it is expensive and, yes, the public has paid twice: for the road and for the loss of the natural resources.

Mr. Chairman, I am happy to yield to my colleague, the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I thank the gentlewoman from Oregon for yielding, because she makes a very important point, that is, why we had so many roads; because nobody had to figure out the cost-benefit of those roads.

But if anybody wondered what the impact of the Smith amendment is without the Boehlert amendment, the gentleman from Oregon (Mr. SMITH) got up and said he wanted to offer his amendment because it would take road building out of this bill.

Yet the very people who have gotten up and spoken said the Smith amendment is key to continue road building. They cannot envision the bill without the Smith amendment, because they cannot envision this bill without road building, so therefore they want the Smith amendment.

I think it is very clear that we need the Boehlert amendment, because the Smith amendment would eviscerate the moratorium with respect to these projects. These projects are so loosely defined that they can be a whole national forest.

So we all know that the current law would not prohibit the road building that the gentleman from Oregon (Mr. SMITH) talked about. In fact, under the Smith amendment, and the reason these people support the Smith amendment who have gotten up to speak here is because they are in support of road building, and they wanted more roads, and that is what the Smith amendment allows. So we should vote aye on Boehlert and no on Smith.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Chairman, I do want to speak very briefly to rebut the argument by the sponsor of this amendment when he said that maintaining and repairing roads would not be possible. Well, if we read the amendment, we will see that in fact what I said is true, that maintaining and repairing roads is not possible, because it says "or policy that is in effect."

The Clinton administration policy right now is to not allow those roads to be maintained and repaired. So I just want everyone to know that that was factual.

Mrs. CHENOWETH. Mr. Chairman, this is a sad day. I would think that this proposal would be funny because it is so extreme, if it were not so sad, with regards to what is actually happening in these public lands.

The gentleman from New York (Mr. BOEHLERT) tried to convince us that the plain reading of this language would affect only presently designated roadless areas. He has been here a long time, and he knows how to read law, but he also knows how to try to convince people to vote for his amendment, because he is absolutely wrong.

The plain reading of the language says that it not only reaches to what has been presently designated roadless, but all public forests, all public lands, and anything else that they want to dream up, including ecosystem management plans that are now going on in the Pacific Northwest, which, by the way, affects private and State resources also. So this is very, very far-reaching. I think that this demonstrates how far and how extreme this extreme environmental movement has reached.

I know the gentleman from New York was very concerned about the Sherwood Forest, and he fought very hard for that. But if this proposal were made and employed against the Sherwood Forest, he would be as upset as we are.

The issue also is public access. These lands, these public lands, especially in the West, were set up for humans to also have public access for recreational purposes, but also to be able to fight fires.

Last year, in just 1 year, we burned more trees than we harvested in the whole history of the United States. We burned those trees, and they are left standing as lonely sentinels in the forest, and we are not able to get in and recover them because of the existing extreme policies. Now Mr. BOEHLERT wants to take it even further.

Another problem is wildlife habitat. When we have burned forests, when we have forests that have been degraded of the foodstock for our wildlife, we lose our wildlife. In fact, in Idaho, the elk herd is diminishing because the habitat is diminishing.

Watershed stability. We have heard debate today about the fact that roads create sediment in the streams. I could tell my colleagues that if all of these people who I have invited to come to the Northwest and view these forests situations with me, who also are on my committee, would accept the invitation and come out and see for themselves, they truly would see it is not the roads that are the biggest problem; it is unstable watershed because of fire. When the forests burn, of course it creates a situation where we have a lot of mud slides. That is what is destroying our streams.

Again, I would like to say that this is a proposal that is extreme, the most extreme proposal I have ever seen. It ratifies and memorializes in law the illegal activity of the present administration in setting aside a roadless moratorium without the benefit of going through present legal requirements, like the National Environmental Policy Act, the Administrative Procedures Act. Even in the open houses that the Forest Service is having all over this Nation, especially in the West, the overwhelming opinion is against this roadless moratorium because it shuts humans out of the forests.

Mr. POMBO. Mr. Chairman, will the gentlewoman yield?

Ms. CHENOWETH. I yield to the gentleman from California.

☐ 1300

The CHAIRMAN. The time of the gentlewoman from Idaho (Mrs. CHENOWETH) has expired.

(On request of Mr. POMBO, and by unanimous consent, Mrs. CHENOWETH was allowed to proceed for 2 additional minutes.)

Mr. POMBO. Mr. Chairman, in the hearings of the Subcommittee on Forests and Forest Health that the gentlewoman held here in Washington, and I understand the gentlewoman has held field hearings on these issues as well, has this policy that has been proposed, not even enacted, but a proposed policy by the administration, is there any consensus out in the gentlewoman's area or anywhere throughout the West?

Mrs. CHENOWETH. Mr. Chairman, in the West, in the areas where it will affect people, human beings, the consensus is very strongly against this roadless policy, very, very strongly against it.

Mr. POMBO. Mr. Chairman, so the people that are affected by this directly, those people who have chosen to live and work near our national forests, are opposed to it; and yet this amendment, if adopted, would adopt this policy?

Mrs. CHENOWETH. Mr. Chairman, I would say to the gentleman that they are strongly opposed to it not only because of their jobs, but because of their knowledge that it will continue to degrade the forest health.

Mr. POMBO. Mr. Chairman, if the gentlewoman will continue to yield, is it the gentlewoman's understanding that the normal course of action around here is that before a normal law is enacted, Congress hold hearings and hold votes and have the great debate on that particular law before it becomes the law; and yet if this policy were adopted, we would have numerous policies and proposals from the administration which would all of a sudden become law. Is that the normal course?

Mrs. CHENOWETH. Mr. Chairman, it is not the normal course, as I understand it and as most Americans understand it. It is a big disappointment.

Mr. POMBO. Mr. Chairman, if the gentlewoman will yield further, does the gentlewoman know of any time in the history of Congress where we just willy-nilly adopted all policies and proposals from the administration?

Mrs. CHENOWETH. Mr. Chairman, reclaiming my time, no, and such a vast policy would affect the national forests on one-third of our land base.

The CHAIRMAN. The time of the gentlewoman from Idaho (Mrs. CHENOWETH) has again expired.

(On request of Mr. POMBO, and by unanimous consent, Mrs. CHENOWETH was allowed to proceed for 1 additional minute.)

Mr. POMBO. Mr. Chairman, as chairwoman of the committee of jurisdiction over this issue, and probably the person with the greatest knowledge of our national forests, would the gentlewoman have any clue how many policies and proposals this could possibly impact?

Mrs. CHENOWETH. Mr. Chairman, reclaiming my time, it would impact all of the public lands on one-third of the Western continent.

Mr. POMBO. Mr. Chairman, I would ask the gentlewoman, how many policies and proposals are there out there that the administration has that this could possibly impact?

Mrs. CHENOWETH. Mr. Chairman, again reclaiming my time, I would respond by saying, literally, hundreds of thousands.

Mr. POMBO. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. MILLER of California. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, in talking about hearings on the Boehlert amendment, how many hearings were there on the Smith bill in the Subcommittee on Forests and Forest Health?

Mrs. CHENOWETH. Mr. Chairman, none.

Mr. POMBO. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, I would answer that by saying at least we are having debate and a vote on that. The gentleman from California (Mr. MILLER) has no clue, all of the policies and proposals that the Boehlert amendment would include. We cannot even debate that single issue.

Mrs. CHENOWETH. Mr. Chairman, reclaiming my time, there is joint jurisdiction between the Committee on Resources and the Committee on Agriculture. There were seven hearings held on the Smith bill.

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the Smith amendment before us and oppose the extreme amendment offered by the gentleman from New York (Mr. BOEHLERT).

The legislation of the gentleman from Oregon (Mr. SMITH) is a critical step forward as we seek to restore the health of our national forests. I am disappointed that there are some of my colleagues that would be willing to sacrifice the health of our national forest system to advance an extreme environmentalist agenda which could lead to no fuel reduction and no more road building on Federal lands.

Our forests need the option of building roads as an integral tool in allowing access to restoring forest health. According to forest fire-fighters in my district in northern California, in order to survive wildfires are very often those areas that have been treated for fuel reductions. This means that the dense underbrush and the intermediate levels of trees are thinned, not clearcut. They are not harvested using traditional commercial harvest methods, but carefully thinned so that fire will not destroy the entire forest. These threatened areas are also relatively safe havens for our fire-fighters as they battle a raging blaze as an untreated area of the forest.

For the safety of our brave fire-fighter crews, as well as the health of our forests, we need the legislation offered by the gentleman from Oregon (Mr. SMITH), and we need it without the extreme Boehlert amendment.

Mr. Chairman, I would like to refer now to two photographs next to me. These photographs graphically illustrate some of the problems that we must address before our forests are tragically destroyed by catastrophic fire. These gray areas represent both an unhealthy forest condition and an extraordinary fire hazard. Areas like this do not simply burn, they explode into devastating, highly intense fires, such as we see on the far left. These fires are absolutely devastating to the landscape. These areas must be treated.

In 1994, our worst fire season on record, former chief of the Forest Service, Jack Ward Thomas, stated, quote, "We cannot, in my opinion, simply step back and wait for nature to take its course. I do not believe that what has happened this fire season is acceptable as a solution to the problem. These fires of this scale and intensity are too hot, destructive, dangerous and too ecologically, economically, aesthetically and socially damaging to be tolerable," end of quote.

Historically, Western forests were filled with stands of large trees, and the forest floors were less dense and were periodically thinned out by small fires that effectively removed dense underbrush while sparing the large trees.

The Smith amendment is a science-based, environmentally sound mechanism to begin the long process of restoring our forests to a more natural state. This legislation prioritizes areas at the greatest risk of destruction, while complying with all, and I emphasize, complying with all, current environmental laws and forest plans. It establishes an independent scientific panel to ensure that all activities are applied in a way that improves forest health, using the best available and most current science. It establishes agency accountability for results on the ground and ensures fiscal responsibility by mandating annual reports to Congress. It also creates independent audits of agency performance. Most importantly, this legislation creates incentives for the Forest Service to make timely, efficient management decisions before our forests are destroyed by catastrophic fire.

While some will argue that we should simply allow these forests to heal themselves over time, that approach does not adequately consider the tinderbox conditions of many areas of our national forests. We cannot simply pretend as though many decades of well-intentioned, but environmentally unwise fire suppression activities have not impacted our forests. We cannot just walk away from this problem.

Mr. Chairman, I urge my colleagues to listen to the science, listen to the concerns.

The CHAIRMAN. The time of the gentleman from California (Mr. HERGER) has expired.

(By unanimous consent, Mr. HERGER was allowed to proceed for 2 additional minutes.)

Mr. HERGER. Mr. Chairman, I urge my colleagues to listen to the science, listen to the concerns voiced by former Forest Service chief, Jack Ward Thomas. Vote against the extreme Boehlert amendment and vote yes on the Forest Recovery and Protection Act.

Mr. Chairman, I want to make a special invitation to my colleagues. We in my district in northern California for each of the last 8 years have had what we call a woods tour to which we invite Members of Congress and others to come into our woods and see firsthand what we have in northern California to visit, some of the nine national forests that are in our beautiful area of the Sierra Nevada mountains and cascades and, too, as Paul Harvey would say, show you the rest of the story.

Well, let me just share with my colleagues just a little bit of the rest of the story, and at this time I want to invite you to come with us on this year's tour which will be June 12, 13 and 14, to come and visit our forests. Let me show my colleagues some of what my colleagues would see there. Again, look at these forests here.

We know about the heavy rains we are receiving this year and last year, but guess what? Over the last 12 years, 6 of those 12 years have been drought years; 5 of those 6 years have been continuous drought years, and what we see in our northern forests in northern California are many areas just as my colleagues see here of dead and dying trees.

We have areas of our forests that are 60 and 70 percent dead and dying, and unless we have a road that can get us into these areas so as to be able to remove these trees, these trees, it is not a question of will they burn in an area where we have natural lightning strikes, it is only when they will burn; and when they do burn, not only are these gray areas completely burned, but they completely destroy all of the healthy areas.

Again, I urge my colleagues' strong opposition to the extreme Boehlert amendment.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Smith amendment and would urge this House and my colleagues to overwhelmingly reject the Boehlert amendment.

Mr. Chairman, I am struck by the irony and indeed the absurdity of what I hear from my friends on the left, and we hear echoes through history. One of the most absurd statements of our recent history was this: In order to save the village, we had to destroy it. And make no mistake, Mr. Chairman, the extreme notions offered in the Boehlert amendment offer the same rationale. For indeed, Mr. Chairman, I would invite all of my colleagues, as my colleague from California just has, to come to the 6th District of Arizona, to see what is about to transpire, and if some colleagues are more comfortable in the concrete canyons of Manhattan or the cocktail parties of the bay area, then that is fine, but I can tell them firsthand what exists in the 6th District of Arizona, in the wake of what transpired with our last bout with El Nino, we had rapid and massive undergrowth, and in the 6th District of Arizona, there was a fire that came to be known as the "Dude Fire." It threatened real people.

It is not a matter for humor, to some of the staffers who would smile in bemusement on this floor. It threatens the very livelihoods and homes of the people who live in the 6th District of Arizona. This is not some far-flung rationale for fund-raising by an interest group. This is not some way to get back at corporate America, for in abdicating our constitutional responsibility, as the gentleman from California (Mr. POMBO) from California so eloquently pointed out, we allowed, by bureaucratic fiat, the systematic destruction of homes and livelihoods across the country, but especially in the American West.

Mr. Chairman, long before I came to this Chamber in the 103rd Congress, a group of dendrologists testified before various committees that because of a lack of reasonable forest management, a corridor of fire could extend from Idaho to Mexico, and what will happen in the 6th District. God forbid, but what most likely will happen is that we will have a fire this summer, and I hope not, I fervently pray not, but conditions can exist where we could have a fire that should not be named "Dude 2," it ought to be named after the devil himself. And we have this type of inaction because it seems, sadly, that there are those who would abdicate the responsibility that we have constitutionally in favor of bureaucratic fiat and in favor of a misguided notion that if somehow we stop roadbuilding, if somehow we stop effective forest management, somehow we are saving the forests.

Mr. Chairman, while there may be some ideological bank accounts in terms of mail order ideology and scaring the American people, the real fear should come from this, that we are threatening people's homes, we are threatening people's livelihoods and fundamentally, we are threatening the very forests we allegedly have pledged to save.

Mr. Chairman, with every ounce of sincerity and honesty, and while we acknowledge freely differences of opinion in this Chamber, Mr. Chairman, I appeal to this House not to abandon the rural citizens of America, not to abandon their livelihoods, their well-being, not to abandon reasonable forest management with what is a renewable resource.

□ 1315

This is a health and public safety issue my colleagues neglected for the sensational headlines of today, and at the same time put the lives and livelihoods of Americans at peril.

I urge the Members, overwhelmingly, reject the Boehlert amendment, preserve the Smith language, preserve our national forests, preserve a way of life that calls for a true balance between environmental safety and economic well-being.

Mr. RADANOVICH. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentleman from California.

Mr. RADANOVICH. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, the Smith amendment does not change any current policy on roadbuilding. The Boehlert amendment would codify an administrative process on road moratoriums that is currently under a public hearing process and is not finished. I urge all of my colleagues to vote no on Boehlert, yes on Smith, and yes for forest health.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Boehlert amendment.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman from California for yielding to me.

Mr. Chairman, I would point out, we did not raise this issue. We were offering no amendments until we needed to respond to the base amendment that was offered here. My amendment was not the extreme amendment. It is an effort to get back to the language in the original bill of the gentleman from Oregon, Chairman SMITH.

This amendment, my amendment, the perfecting amendment, applies only to programs in this bill, not to other Forest Service programs. I want to make certain everyone understands that clearly.

Mr. BONIOR. Mr. Chairman, I move to strike the requisite number of words.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding to me, Mr. Chairman.

Mr. Chairman, we are about at the end of this debate, under the rule. I want to say to my colleagues who have been listening to the debate, we were told at the outset of this debate that this legislation had nothing to do with salvage. During the debate we learned it had a lot to do with salvage. Although we changed the words, it was still basically a salvage and commercial timber bill.

We were told with the offering of the Smith amendment this debate and this bill had nothing to do with roads. Now we see, with the debate of the Smith amendment, it has everything to do with roads, because the proponents of this legislation do not believe that we can have forest health if we do not continue to push roads into roadless areas, into areas that have not yet been logged.

Yet, all of the scientific data that we have gathered says that in fact the areas where there are already roads, where there is a $10 billion backlog in the Federal effort to go back and try to restore and clean up those forests, those are the forests that are most devastated. Those are the forests that are the most denigrated by past policies. Yet, we are told by the proponents of this bill that unless we push roads into new areas we cannot have forest health.

We cannot take care of the 380,000 miles of roads we have today. We have not even begun to repair those areas. We can do all of the salvage logging that the Federal budget will handle off of existing roads, and yet somehow they insist that they must have the right to push in tax-subsidized roads into roadless areas.

The roads we have in the national forests are greater than the roads we have in the National Highway System. We have more miles in the national forests than we have in the National Highway System. We have enough roads in the national forests to go around the world 16 times.

Those roads are killing our national forests. Yet, the proponents of the Smith amendment, the proponents of the Smith bill, insist that they cannot have forest health without spending millions and millions of taxpayer dollars to subsidize roads into the new areas. That is why they are speaking so strongly in front of the Smith amendment. That is why the gentleman from New York (Mr. BOEHLERT) was forced to offer this amendment, to say stop, to say stop, because the Smith amendment provides for increased roadbuilding in the national forests.

When my colleagues come here to vote on the floor, they have to vote for the Boehlert amendment to have any opportunity to restore forest health, and they have to vote against the Smith amendment, because it simply increases the waste and abuse of taxpayer dollars to build subsidized roads to take logs off of the forests, which continues to create the forest health problems we have.

If we go to the top areas in the forest across the country where we have forest health problems, they are areas that have been heavily logged, they are areas that have been heavily roaded, and it has been devastating to the pocketbook of the taxpayer, it has been devastating to the local environment.

Mr. Chairman, this is not about rural voters. In the State of California we have so over-roaded the Sierra Nevada that we now risk losing the entire forest in that area. Yet, our colleagues would have us believe that the only way we can save the Sierra Nevada is to punch more roads into it. We now find ourselves in the middle of every rainstorm having huge landslides that continue to destroy more of the forests, they destroy the roads, and they destroy the streams.

That is the policy that this administration is trying to fix. That is the policy that the Smith amendment does not agree with. That is why they are pushing for the Smith amendment, to increase the obscene mileage of roads that are already in the national forests. That is why they need $150 million out of the current trust funds to pursue this. That is why they need another $100 million in taxpayers' money to pursue these roads.

This should not be allowed to happen. We should vote yes on the Boehlert amendment and no on the Smith amendment.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just have a question to ask. First of all, in my judgment this is a bill not about roads, it is not about logging, it is not about salvage, it is not about inappropriately using the taxpayers' dollars. This is a bill to target areas that need recovery. That is basically what this bill is, to recover those areas of our national forests that are having problems.

Mr. Chairman, the area we are discussing now is on page 29, lines 15 through 22. It starts out by saying, and this is the original language before it was amended, "Prohibition on use of any funds," "prohibition on use of any funds to construct new permanent roads." It seems to me they can construct roads that are not permanent.

What I would like to do, I would say that is a prohibition on new permanent roads in all recovery areas, all recovery areas, whether they are roadless or whether they are not roadless.

My question to the gentleman from New York (Mr. BOEHLERT), could he explain his amendment briefly? The gentleman has a prohibition of?

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I would say for my distinguished colleague, the gentleman from Maryland, for whom I have the greatest respect, that this bill was not about roads primarily, initially, but this amendment suddenly makes it about roads.

My amendment simply says for the programs in this bill, and only the programs in this bill, you cannot build roads in roadless areas. It is that basic.

Mr. GILCHREST. So, Mr. Chairman, the gentleman's amendment would allow the building of roads in recovery areas that are not roadless areas?

Mr. BOEHLERT. That is correct. The gentleman is correct.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding to me.

It was not my intention to speak on this matter. However, it is my understanding that the recovery areas have not been determined in any final form yet, and that there are portions of the forest that could very well be included in recovery areas that could be a surprise to almost anyone on the floor.

I gather it has been suggested that the San Bernadino National Forest, which is in my territory, could very well be designated as a recovery area. If that was the case and San Bernadino National Forest was included, I would have to conclude that there would be some threat to the access to those forests that we might need if there were a horrendous fire. Can somebody help me with that?

Mr. BOEHLERT. If the gentleman will continue to yield, Mr. Chairman, this is limited only to places where timbering already occurs or is likely to occur. So that is the original bill.

What I am saying, what my perfecting amendment says, it wants to get more in line with the original language of the gentleman from Oregon (Chairman SMITH), but the gentleman from Oregon (Chairman SMITH) has been besieged by a few members of the conference to make an adjustment.

Mr. GILCHREST. Mr. Chairman, reclaiming my time, my concern was trying to understand the nature of the amendment compared to the original text of the bill, and try to differentiate between the Boehlert amendment and the Smith amendment to the original text of the bill.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN pro tempore. The gentleman from California (Mr. LEWIS) is recognized for the time remaining between now and 1:30 p.m.

Mr. LEWIS of California. Mr. Chairman, I wonder if I could ask a question of my colleague, the gentleman from California (Mr. POMBO).

I had heard in the earlier debate that it is conceivable that as recovery areas are designated, that indeed, my own national forest could end up being possibly a part of a recovery area. Is that correct?

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, I would tell the gentleman, yes, it is correct.

Mr. LEWIS of California. Help me with this hypothetical; not exactly a hypothetical.

Last year we had a major fire in the San Bernadino forest. In fact, my wife and I were driving past the front of that fire on a valley road and noted the helicopters up there, and said, my goodness, that is a very dangerous job these guys have. They were doing it because of a limitation of access, not available roads, et cetera. The following day we learned that one of those helicopters had crashed and this fellow, the pilot, was killed.

Indeed, our region has huge problems with fire threats, and the national forest has been in horrid condition. I am concerned that if it were part of a recovery area, conceivably suddenly we would have a major limitation to repairing access roads, building necessary access roads.

Is that the case in this circumstance?

Mr. POMBO. Under this circumstance, that would be the case, Mr. Chairman. Unfortunately, I am familiar with the San Bernadino forest and I know it would be an excellent place for a recovery area, because it does need some help. But in trying to recover that particular forest, they would be limited by this amendment on being able to construct access points into that particular forest.

Mr. LEWIS of California. Mr. Chairman, it seems to me that this forest conceivably could be part of a recovery area. It has been under serious difficulty in recent years because of the recent history of dry weather. A spark could literally ungulf the whole mountainside.

To pass an amendment that conceivably could put in jeopardy a protection program relative to preserving ourselves against fire disaster seems to me to be a pretty extreme position, for someone who lives in the territory, at any rate.

Mr. POMBO. If the gentleman will continue to yield, Mr. Chairman, the gentleman from New York (Mr. BOEHLERT) is trying to have us believe that this amendment he has is somehow a limited amendment, in some way it is limited to one specific problem that he perceives there to be.

The fact of the matter is, read his amendment. It says, any public policy that is in effect or has been proposed in the Federal Register. So there is no one on this floor today who can tell us how many public policies are in effect today, and how many have been proposed.

So if the gentleman's forest is a recovery area, we are talking about any public policy that is in effect, or anything that has been proposed is going to be covered.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I want to point out that the example cited by the gentleman, and I am very sensitive to that, would be taken care of under existing Forest Service programs. This is a very narrow, targeted area.

Mr. LEWIS of California. I would ask the gentleman from New York (Mr. BOEHLERT), I have read his amendment with care. It says, following the word "law," "or policy that is in effect on the date of the enactment of this Act, or has been proposed in the Federal Register."

□ 1330

The CHAIRMAN pro tempore (Mr. LATOURETTE). Under the previous order of the House of Thursday, March 26, 1998, all time for consideration of amendments has expired. The Chair will now put the question on the pending amendments.

The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT) to the amendment offered by the gentleman from Oregon (Mr. SMITH).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 2 of rule XXIII, the Chair will reduce to 5 minutes the time for a recorded vote, if ordered, on the underlying Smith amendment.

The vote was taken by electronic device, and there were—ayes 200, noes 187, not voting 43, as follows:

[Roll No. 79]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Bentsen
Berman
Bilbray
Bilirakis
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (OH)
Capps
Carson
Castle
Chabot
Clayton
Clement
Clyburn
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Goodling
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hinchey
Holden
Hooley
Horn
Hoyer
Hulshof
Jackson (IL)
Johnson (CT)
Johnson (WI)
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McHale
McIntyre
McKinney
Meehan
Meeks (NY)
Menendez
Miller (CA)
Miller (FL)
Mink
Moakley
Moran (VA)
Morella
Murtha
Nadler
Neal
Nussle
Obey
Olver
Ortiz

Owens
Pallone
Pappas
Pascrell
Pastor
Pelosi
Petri
Porter
Poshard
Price (NC)
Quinn
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Sununu
Tanner
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Walsh
Waxman
Weldon (PA)
Wexler
Weygand
White
Woolsey
Wynn
Yates

NOES—187

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bishop
Bliley
Blunt
Boehner
Boyd
Brady
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chambliss
Chenoweth
Coble
Collins
Combest
Condit
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
Delahunt
DeLay
Dickey
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Ewing
Fossella
Fowler
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Graham
Granger
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Mascara
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Minge
Mollohan
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oberstar
Oxley
Packard
Parker
Paul
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rohrabacher
Ryun
Salmon
Sandlin
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wise
Wolf
Young (FL)

NOT VOTING—43

Becerra
Berry
Bonilla
Brown (FL)
Bryant
Cannon
Cardin
Christensen
Clay
Coburn
Conyers
Cook
Cooksey
Ford
Frost
Gonzalez
Hansen
Harman
Hinojosa
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Lipinski
Maloney (NY)
McCollum
McDermott
McNulty
Meek (FL)
Millender-McDonald
Paxon
Payne
Pomeroy
Rangel
Rogers
Royce
Sanchez
Smith (TX)
Waters
Watkins
Watt (NC)
Wicker
Young (AK)

☐ 1349

Mr. HASTERT, Mr. RILEY and Mrs. CHENOWETH changed their vote from "aye" to "no."

Messrs. FAWELL, FOLEY, and HOLDEN changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The question is on the amendment offered by the gentleman from Oregon (Mr. SMITH), as amended.

The amendment, as amended, was rejected.

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. LATOURETTE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2515) to address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes, pursuant to House Resolution 394, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. BOEHLERT. Mr. Speaker, I demand we have a vote on the Smith amendment, as amended.

The SPEAKER pro tempore. That amendment was not reported to the whole House. It was defeated in the Committee of the Whole.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 201, not voting 48, as follows:

[Roll No. 80]

AYES—181

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bishop
Bliley
Blunt
Boehner
Boyd
Brady
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Coble
Collins
Combest
Cox
Cramer
Crane
Cubin
Danner
Deal
Diaz-Balart
Dickey
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fossella
Fowler
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilliard
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Mascara
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Moran (KS)
Myrick
Nethercutt
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Northup
Norwood
Nussle
Oberstar
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Packard
Paxon
Pease
Peterson (MN)
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Pitts
Pombo
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Radanovich
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Redmond
Regula
Riggs
Riley
Rohrabacher
Ros-Lehtinen
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Salmon
Sandlin
Schaefer, Dan
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Sessions
Shadegg
Shaw
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Shuster
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Skeen
Skelton
Smith (MI)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
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Bass
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Blumenauer
Boehlert
Bonior
Borski
Boswell
Brown (CA)
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Campbell
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Chenoweth
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Delahunt

DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fox
Frank (MA)
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Gilman
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Jackson (IL)
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Lowey
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Maloney (CT)
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Manton
Markey
Martinez
Matsui
McCarthy (MO)
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McGovern
McHale
McIntyre
McKinney
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Meek (FL)
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Menendez
Miller (CA)
Minge
Mink
Moakley
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Skaggs
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Smith (NJ)
Smith, Adam
Snyder
Spratt
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Bonilla
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Bryant
Cannon
Cardin
Christensen
Clay
Coburn
Conyers
Cook
Cooksey
Cunningham
DeLay
Edwards
Ford
Frost
Gonzalez
Green
Hansen
Harman
Hinojosa
Houghton
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Lipinski
McCollum
McDermott
McNulty
Millender-McDonald
Miller (FL)
Parker
Payne
Pomeroy
Rangel
Rogers
Royce
Sanchez
Smith (TX)
Waters
Watkins
Watt (NC)
Wicker
Young (AK)

□ 1409

The Clerk announced the following pair:

On this vote:

Mr. Edwards for, with Mr. Green against.

Mr. FOLEY and Mr. CRAPO changed their vote from "aye" to "no."

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 27, 1998.

Hon. NEWT GINGRICH,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: Please accept this letter as my formal resignation from the House Committee on Small Business.

With best wishes,
Sincerely,
JOHN E. BALDACCI,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 400) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 400

Resolved, that the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on International Relations: Lois Capps of California.

To the Committee on Science: Lois Capps of California.

To the Committee on Transportation and Infrastructure: John Baldacci of Maine; Marion Berry of Arkansas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from Texas for the announcement of the schedule for next week.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce we have concluded legislative business for the week. The House will next meet on Monday, March 30, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. Members should note that we do not expect any recorded votes before 6 p.m. next Monday.

On Monday, we will consider the following bills under suspension of the rules: House Resolution 398, a resolution urging the President to provide three Blackhawk helicopters to the Colombian National Police to eliminate the production of illicit drugs; H.R. 2186, a bill to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming; H.R. 3113, the Rhinoceros and Tiger Conservation Reauthorization Act of 1998; H.R. 2574, a bill to consolidate certain mineral interests in North Dakota; H.R. 2686, the Iran Missile Protection Act of 1997; H.R. 3485, the Campaign Reform and Election Integrity Act, the Illegal Foreign Contributions Act, the Paycheck Protection Act, and the Campaign Reporting and Disclosure Act.

On Tuesday, March 31, the House will meet at 11 a.m. On Wednesday, April 1, the House will meet at 10 a.m. to consider the following legislation:

The 1998 Emergency Supplemental Appropriations Act, H.R. 10, the Financial Services Competition Act of 1997, and H.R. 2400, the Building Efficient Surface Transportation and Equity Act of 1997.

□ 1415

Mr. Speaker, we hope to conclude legislative business for the week by the evening of Wednesday, April 1. As with the start of any district work period, it is difficult to predict an exact getaway time, but I imagine we should be done with our work by 6 or 8 o'clock on April 1.

Thursday, April 2, marks the beginning of the spring district work period from which the House will return on Tuesday, April 21. We expect recorded votes to be after 5 o'clock on that day.

Mr. Speaker, I would also like to discuss the funeral arrangements for our late colleague from New Mexico, Steve Schiff. A ceremony will be held on Monday, March 30, at 10 o'clock a.m. in Albuquerque, New Mexico. A funeral delegation is scheduled to leave the House steps at 6 o'clock a.m. and return to the House steps at 5:45 p.m. Members desiring to attend the funeral services should contact the Sergeant at Arms office.

I thank the gentleman for yielding me the time.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, I would inquire of the leader, are we expected to have any late nights next week, and how late would we go on Monday night?

Mr. ARMEY. I thank the gentleman for your inquiry. If the gentleman will yield?

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. Mr. Speaker, we should expect that we could conclude our business between 7 and 8 on Monday night, and Tuesday night we might be prepared to go late in order to accommodate a completion of work on Wednesday evening.

Mr. FAZIO of California. If I can reclaim my time and ask of the leader, is there a commitment to complete H.R. 10, the Financial Services Act, before we go into recess?

Mr. ARMEY. I thank the gentleman.

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. Yes, we intend to consider that on Tuesday of next week. Completed.

Mr. FAZIO of California. In addition, if I could ask of the leader, the Speaker has promised a vote on campaign finance reform by the end of March. I note that we have what appear to be four individual bills; I do not know the content of all of them. But is this the fulfillment of that commitment? Are we finished with campaign finance reform when we vote on the four bills that seem to be, at least in the past, part of one campaign finance reform bill?

Mr. ARMEY. If the gentleman will yield?

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. Next Monday is March 31, and we do have the four bills that we indicated will be up on suspension. That does include the large bill that the gentleman from California (Mr. THOMAS') committee reported out, and then some selections within that bill.

Mr. FAZIO of California. Well, in order to get more information about this, because obviously it is of great interest to the Members, we have been waiting for this for a number of months. Let me yield to the gentleman from California (Mr. FARR) who is a leader in this effort on the House Democratic side.

Mr. FARR of California. I thank the gentleman very much for yielding. And my question pursuant to the campaign finance reform: Are any of those bills democratic bills?

Mr. ARMEY. I appreciate the gentleman's inquiry, and if the gentleman from California will yield?

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. They are all bills that have been worked on in the House by a number of people from both sides of the aisle. They have all been under consideration in the Committee on House Oversight, and we are of course confident that Members from both sides of the aisle, especially those Members who have so often expressed their hope and their desire to have this vote by the end of March, will have an opportunity to make the votes that they would find useful in advancing their concerns about election reform.

Mr. FARR of California. So there are no Democratic authors. Is Mr. SHAYS', the Meehan bill, one of the bills?

Mr. ARMEY. If the gentleman will yield?

Mr. FAZIO of California. I am happy to yield to the gentleman.

Mr. ARMEY. I am sorry, I just do not know the sponsors of the separate bills.

Mr. FARR of California. And do I understand that on suspension it requires a two-thirds vote in order to pass any of those bills?

Mr. ARMEY. The gentleman's understanding is correct.

Mr. FAZIO of California. I am happy to yield to my friend from Texas.

Mr. DOGGETT. Do I understand from the majority leader, then, that the only discussion of campaign finance scheduled after these many months, and committee comments from both sides of the aisle in favor of it, will be under a procedure that permits no amendments and only 20 minutes to a side to debate each bill and that no bill that passes by a simple majority will become law or be passed by this House?

Mr. FAZIO of California. I am happy to yield to the gentleman.

Mr. ARMEY. I thank the gentleman, and I appreciate the inquiry from the gentleman from Texas.

Obviously, we have been receiving an enormous amount of requests, a sense of urgency that would suggest that perhaps in order to respond to those people who have been so vocal on this matter that haste was more important to their concerns than the substance of the matter, and in this case we believe that we have addressed the critical issues before the electorate in this country, including, and especially, the issue of protecting the paychecks of working men and women of this country, and the opportunities to vote on them will be available, and certainly for those of my colleagues who are so anxious to have this opportunity, I look forward to watching them as they vote for this.

Mr. DOGGETT. Well, if the gentleman will yield further?

Mr. FAZIO of California. I am happy to yield.

Mr. DOGGETT. Haste was very important to us last September when the gentleman told us this issue was going to be coming up, but I missed the answer to my question. Is it correct that the only debate that will be permitted next week on campaign finance will allow 20 minutes to a side for debate, no amendments, and none of this legislation will pass the House if it only secures a majority vote?

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. I thank the gentleman for yielding. To the gentleman from Texas' inquiry, the answer is yes.

Mr. DOGGETT. I thank the gentleman. It would appear, then, that the last bill that leadership offered is not the only one that has been killed by this House. Campaign finance is as dead as a door nail.

Mr. FAZIO of California. I am happy to yield at this time to one of the cosponsors of the leading bill, the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman from California for yielding, and I just would like to clarify a few points.

Our distinguished majority leader says that haste is more important than substance, and I do not understand why he feels that way. Would he please explain to me why he thinks haste is more important than substance?

Mr. ARMEY. I thank the gentleman.

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. I thank the gentleman from California for yielding, and I thank my colleague for his inquiry.

The leadership of this House is prepared to deal with this issue and to deal with it in the most judicious way, through the efforts of the committees of jurisdiction, and to do so in a manner that does in fact give us an opportunity to comprehensively understand and measure all the concerns of the American people and appropriately respond to them.

I might say, if the gentleman would continue to yield, I am particularly proud of the work that has been done by the Committee on House Oversight, and I believe that the first of the bills that we will consider is very comprehensive, very responsive, very inclusive, and should provide each and every Member of this body with a wonderful opportunity to vote for campaign finance reform in the best interests of honest elections for the American people and all of the American people.

I am very pleased to have the opportunity to put this forward, and for those Members who felt so insistent that it ought to be done by the end of March, I would only suggest that obviously it is those Members that place the emphasis on haste as opposed to substance. The committee of jurisdiction was perfectly prepared to take that time which was necessary to do this job thoroughly, completely, and correctly, and given the strictures of time under which they operated, I think they are to be commended for the thoroughness of their work.

Mr. FAZIO of California. I am happy to yield further to my friend from Connecticut, if he wishes.

Mr. SHAYS. With all due respect to the majority, I never stood in 11 years and questioned my majority leader, and I do not do this lightly, but I am having a difficult time understanding what is being said and what will happen, and I would like to have that clarified for me.

Are you saying that we are moving in haste and that these bills are not substantive? Or that we are not moving in haste?

I would like a clarification.

Mr. FAZIO of California. I am happy to yield further.

Mr. ARMEY. I thank the gentleman for his request, and I appreciate him.

In order to be clear what it is, in fact, that we are saying here, we are saying that on Monday, March 31, under the suspension calendar we will take under consideration the Campaign Reform and Election Integrity Act, a comprehensive campaign finance reform bill that has been reported by the committee of jurisdiction, the Committee on House Oversight. We will then, after that is considered, move on to consideration of a bill that is written for the purpose of stopping illegal foreign contributions in American elections, I am sure a matter of great importance to all Americans, on a bill that should attract a very high vote count in this body.

In addition to that, we will look at the opportunity that has been made available to us to vote, through the Paycheck Protection Act, to protect the paychecks of every working man and woman in this country from mandatory use of their revenues, their incomes, by unions for political purposes without their consent and permission. I believe that too would be a very important vote, desirable by most of us.

And then finally, the Campaign Reporting and Disclosure Act will be considered, an opportunity for all of us to see to it that all of America knows promptly and thoroughly and completely who receives what campaign contributions from which sources and how those campaign funds are used as the day-by-day operations of the campaign go on.

I believe these represent opportunities for every American to have a greater confidence in the honesty and integrity of our American elections, and I am sure that all Members will look forward to the opportunity to vote on them.

Mr. FAZIO of California. I am happy to yield further to the gentleman from Connecticut (Mr. SHAYS), and I would hope that he would inquire as to whether or not we are going to have a vote on Shays-Meehan, because I could not tell.

Mr. SHAYS. I intend to, but I thank the gentleman, and I thank the gentleman for yielding. I am trying to understand that we began this session last year, we waited all year long for a debate on campaign finance reform, at the end of that year of our legislative session, we asked the leadership if and when we would be having a debate on campaign finance reform. Our leadership, my leadership, said we would have a fair and open debate in February or March, and I am interested to know if this meets the leadership's definition of a fair and open debate on campaign finance reform.

Mr. FAZIO of California. I am happy to yield further to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman from California for yielding me the time, and I appreciate so much the ongoing interest of the gentleman from Connecticut.

As the gentleman knows, we have worked diligently on this whole issue in committee and in leadership, and with a great deal of commitment and conviction to the purposes at hand, that of securing honest elections, with great integrity on behalf of the American people.

We believe that we are bringing to the floor next week, under suspension, all opportunities of merit that could not be available to the American people to provide them that assurance, and we are very excited and proud for the opportunity for all of our Members to have the opportunity to express their commitment to that by a yes vote.

Mr. FAZIO of California. I am happy to yield further to the gentleman from Connecticut.

Mr. SHAYS. Will you tell me who has decided that we brought all bills of merit? Who has made that decision?

Mr. ARMEY. If the gentleman will yield, again I appreciate the gentleman from Connecticut. This has been a decision that has been made through the entire leadership team in consultation with the committee of jurisdiction, and I appreciate my colleague's interest.

Mr. FAZIO of California. I am happy to yield to the gentleman from Connecticut.

Mr. SHAYS. Were any Democrats consulted on whether there would be bills that they think deserve debate and discussion? Was anyone on the other side of the aisle considered before the leadership made the determination to come out with these bills?

Mr. FAZIO of California. I am happy to yield.

Mr. ARMEY. I appreciate the gentleman from California yielding to my good friend and colleague from Connecticut. I should, of course, feel reassured, and as it should be, we have bipartisan activity in the committee of jurisdiction, and we are very proud of the work that the committee reported out.

Mr. FAZIO of California. I am happy to yield further to the gentleman.

Mr. SHAYS. Mr. Leader, I asked a sincere question, and I would appreciate a sincere answer. And the question was: Was anyone in leadership on the other side of the aisle consulted before it was decided to bring out four Republican bills?

Mr. ARMEY. If the gentleman will yield, I thank the gentleman for yielding, and again I appreciate the gentleman from Connecticut for his interest, and the answer is no.

Mr. FAZIO of California. I am happy to yield further.

□ 1430

Mr. SHAYS. Then, Mr. Leader, how can that be a fair and open debate if we have not allowed people with differing views to present their bills and to make their arguments before this Chamber? How does that meet the requirement of my leadership, who I like to believe is telling the truth.

Mr. FAZIO of California. Mr. Speaker, I am happy to yield to the gentleman from Texas (Mr. ARMEY) for response.

Mr. ARMEY. Mr. Speaker, under these circumstances, I appreciate the extraordinary generosity of time of the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, it is reminding me of a tennis match. The ball is in your court.

Mr. ARMEY. Mr. Speaker, to my friend, the gentleman from Connecticut (Mr. SHAYS), let me just say, we are perfectly prepared to continue any further consideration of this subject as the year passes by. But certainly we feel we have identified, through the efforts of the committee on a bipartisan working basis, the key crucial issues that are under concern before the American people. We are very excited about the opportunity we have afforded the body to vote on these next Monday, March 31.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for giving me the opportunity to ask just one or two more questions. I would like to know if our leadership has made a determination to bring up the McCain-Feingold bill that was voted on in the Senate; and if so, when they intend to bring that up for a vote.

Mr. FAZIO of California. Mr. Speaker, I would be happy to yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding, and I appreciate again the interest of the gentleman from Connecticut. And these are the decisions that have been made with respect to what will be brought to the floor next week.

Mr. FAZIO of California. Mr. Speaker, I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, has the leadership made any determination on whether or not they are going to bring McCain-Feingold to the floor of the House?

The SPEAKER pro tempore (Mr. HOBSON). The Chair will remind the gentleman from California that the customary extended 1 minute has expired, and the Chair believes that Members have explored this at some length.

Does the majority leader have any unanimous consents that he wishes to continue with?

Mr. SHAYS. Mr. Speaker, has the Chair made a ruling that I may not continue?

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Does the majority leader have unanimous consents that he wishes to continue with?

Mr. ARMEY. Mr. Speaker, point of clarification: If the Speaker is asking if the majority leader would be willing to ask unanimous consent to continue, the answer is no.

Mr. HOYER. Mr. Speaker, may I ask unanimous consent to speak out of order?

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. CASTLE. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, has objection been heard?

The SPEAKER pro tempore. Objection was heard by the gentleman from Delaware (Mr. CASTLE).

PARLIAMENTARY INQUIRIES

Mr. HOYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Maryland will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, obviously I have not had an opportunity to review the precedents, but I have been here for many years, and rarely, if ever, have I seen a Speaker determined that the unanimous consent for 1 minute, while the schedule was being discussed, and the substance of that schedule being discussed——

Mr. BURTON of Indiana. Mr. Speaker, this is not a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Speaker, my question is, under what precedents or practices does the Speaker make such a ruling, and on what does the Speaker rely in terms of what a reasonable time for such inquiry is?

The SPEAKER pro tempore. The Chair was trying to have a reasonable time of recognition. The Chair granted an unusually long period of time for discussion. The calendar was no longer really under discussion. The Chair has ruled. The House has important business to move on to.

Mr. BURTON of Indiana. Mr. Speaker, parliamentary inquiry before we go to that.

We have on the schedule a number of 5-minute special orders and 1-hour special orders, and I just wonder, do the 1-minutes that are now being requested take precedence over that?

The SPEAKER pro tempore. As is customary the Chair intends to recognize 1-minutes first.

Mr. BURTON of Indiana. Thank you, Mr. Speaker.

ALLOWING SECRETARY OF THE TREASURY GREATER DISCRETION WITH REGARD TO INSCRIPTIONS

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the bill, (H.R. 3301) to amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program, and ask its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

Mr. WEYGAND. Mr. Speaker, reserving the right to object, I do so for the purpose of an explanation from the sponsor of the bill and a description of the bill.

Mr. CASTLE. Mr. Speaker, will the gentleman yield?

Mr. WEYGAND. I yield to the gentleman from Delaware.

Mr. CASTLE. Mr. Speaker, I thank the gentleman from Rhode Island for yielding. This will be very brief.

At the request of the administration, this bill was introduced to authorize the Secretary of the Treasury and the Mint to move statutory wording on the State quarters from one place to another as required by design considerations.

You will recall, we are going to have 50 State quarter bills in the next 10 years. No statutory wording such as "In God we trust" will be removed from the coins or any other statutory wording that is on the coins now. The bill simply grants more freedom for individual States that propose designs of their own choice.

It is a noncontroversial, technical bill that has been discussed with the minority. You have no objection. It complements the 50 States Commemorative Coin Program Act of 1997 that was passed and signed into law last year.

Mr. WEYGAND. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5112(l)(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

"(C) FLEXIBILITY WITH REGARD TO PLACEMENT OF INSCRIPTIONS.—Notwithstanding subsection (d)(1), the Secretary may select a design for quarter dollars issued during the 10-year period referred to in subparagraph (A) in which—

"(i) the inscription described in the 2d sentence of subsection (d)(1) appears on the reverse side of any such quarter dollars; and

"(ii) any inscription described in the 3d sentence of subsection (d)(1) or the designation of the value of the coin appears on the obverse side of any such quarter dollars.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. FARR of California. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FARR of California. Mr. Speaker, I am inquiring regarding the Suspension Calendar. It is my understanding, Mr. Speaker, the Suspension Calendar requires a two-thirds vote; is that correct?

The SPEAKER pro tempore. The gentleman is correct for passage of measures under suspension of the rules.

Mr. FARR of California. Mr. Speaker, is my understanding that the Suspension Calendar is done usually on a travel day when most of the Members are in the process of getting to Congress, and that is why the vote is not scheduled until 6 o'clock? Is that correct?

The SPEAKER pro tempore. That is not a parliamentary inquiry. That is a matter of scheduling.

Mr. FARR of California. Mr. Speaker, is it my understanding that under suspension——

The SPEAKER pro tempore. Is the gentleman stating another parliamentary inquiry?

Mr. FARR of California. Yes, Mr. Speaker, the parliamentary inquiry is that the debate is limited to 20 minutes?

The SPEAKER pro tempore. That is the Chair's understanding, 20 minutes on each side.

Mr. FARR of California. Mr. Speaker, and it is my understanding that this is——

The SPEAKER pro tempore. Is the gentleman stating another parliamentary inquiry?

Mr. FARR of California. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. FARR of California. Mr. Speaker, is this how the House normally debates substantive legislation?

The SPEAKER pro tempore. Under the standing rules of the House, at the Speaker's discretion motions to suspend the rules are in order on Mondays and Tuesdays.

Mr. FARR of California. Thank you, Mr. Speaker.

MEMBERS SHOULD SIGN CAMPAIGN FINANCE DISCHARGE PETITION

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, with regard to the last discussion regarding the schedule for Monday and the question of whether or not we should have a true discussion of campaign finance reform, let me remind all of my colleagues that we have a discharge petition at the Clerk's desk. It has 187 signatures on it.

If we can get to 218 Members of the House who wish to see campaign finance reform, all ideas, the Shays-Meehan and all other ideas of serious debate on campaign finance reform, all we have to do is line up here at the Clerk's desk and get 218 signatures, and the regular order of the House will prevail, and we will be able to have the kind of discussion for campaign finance reform that I believe the overwhelming majority of Members on both sides of the aisle really would like to see.

But it is up to us now. Since the leadership has ruled, rather arbitrarily, on how we shall proceed, it is up to Members of the House to use regular House order and sign the discharge petition.

CAMPAIGN FINANCE REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, in a Congress that has been full of outrageousness, what we have seen here this afternoon represents by far the greatest outrage of all.

To imagine that the Republican leadership, as announced by the majority leader, could get together in a secret meeting and plot to deny the American people an opportunity to have a bipartisan discussion and debate about how to clean up our corrupt campaign finance system is incredible.

The majority leader has placed this matter on the docket for action on a day that many Members of this body will be at the funeral of a distinguished statesman, a Republican colleague, the late Honorable Steve Schiff in Albuquerque.

Unfortunately, on Monday, it will not only be Mr. Schiff who is buried, but campaign finance, an incredible action in which Members are denied any opportunity to offer an amendment, any opportunity to debate beyond 20 minutes per side, and in which, if after all those contortions to defeat campaign finance, if that is not enough, if only a simple majority of this body should vote for campaign finance reform, it would be defeated because they demand a two-thirds vote. A disgrace has occurred here today.

CAMPAIGN FINANCE REFORM

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, I was going to take a 5-minute special order, but because of all the tactics that have been employed today, I will not have that time to get into the details.

I would just like to say that the outrage that has been expressed regarding the campaign finance reform bill should also include the dilatory tactics employed by the White House in keeping the Independent Counsel from getting information that is necessary to conclude his investigation into illegal campaign finances and into the allegations that took place down at the White House regarding Ms. Lewinsky.

Now the White House is claiming executive privilege to drag this investigation out and drag it out and drag it out and keep Mr. Starr from getting to the bottom of it. They have done this on four separate occasions here in the House of Representatives by claiming executive privilege. It did not work. They have done it three times in the courts, and it did not work. It will not work this time.

But the White House continues to drag it out and drag it out. And the President continues to take these trips abroad to try to take attention away from this scandal that is taking place. It will not work.

But the President should make a clean breast of this and stop this from going on and on and on as he has over the past several months. He should not claim executive privilege. It has not worked in the past, and it will not work now.

PARLIAMENTARY INQUIRY

Mrs. CAPPS. Mr. Speaker, as the newest Member of Congress, I have a parliamentary inquiry.

I am very interested in campaign finance reform, and I wish to know how to sign the discharge petition which will bring this discussion to the floor.

The SPEAKER pro tempore. The petition resides with the Journal Clerk at the desk.

Mrs. CAPPS. I thank the Speaker. May I sign it now?

The SPEAKER pro tempore. Yes.

CAMPAIGN FINANCE REFORM

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his.)

Mr. MEEHAN. Mr. Speaker, I cannot believe what we have just heard from the other side of the aisle here, the substance of which was pathetic. Can you imagine trying some way, somehow to excuse the outrageous behavior of the Republican leadership on the floor of the House of Representatives right now?

Every major newspaper in the country was outraged at the fact that they had a rigged rule. If that was not bad enough to have a rigged rule, they took that off, because the McCain-Feingold-Shays-Meehan bill was about to pass this House. Now they are going to bring up the campaign financial reform suspension, unprecedented, that requires a two-thirds vote before anything could pass.

The leaders of campaign finance reform in this institution are outraged. The American people get what is going on. It is an outrage that this leadership is going to, after promising campaign finance reform, is going to bring this up when one of our Members is being buried and other Members want to be out at the service.

I cannot believe the total disregard to the public interest that we have seen here this afternoon, an absolute outrage. I have never seen it this bad before. The American people see what is going on here, and it is a disgrace.

□ 1445

SHAMEFUL LEADERSHIP PLAGUES HOUSE OF REPRESENTATIVES

(Mr. WEYGAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEYGAND. Mr. Speaker, I am a member of the freshman class, a freshman class that came in here on the role of amending our campaign finance laws to make it better for all citizens to participate in this Congress. It was a bipartisan commission of freshmen, freshmen Republicans and Democrats, who crafted a bill, who worked hard all last year and this year.

So what does the Republican leadership do here today? It says, to heck with all that you have done, to heck with the people of America, do not consider what is a bipartisan, good-faith effort to revise our laws with regard to an open government. We are going to close it down. We are going to take what we have done in a smoke-filled back room and put it before you and try to jam it down the throats of America. That is what the Republican leadership has said here today.

We should be ashamed of what they have done, we should be ashamed of the leadership that they have shown America, and we should vote down anything they present to us next week; and I ask my fellow colleagues, particularly the freshmen, to oppose what they are doing to us next week and oppose what they are doing to America.

REPUBLICANS CANNOT STAND OPEN DEBATE ON CAMPAIGN FINANCE REFORM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, after 15 months, after 15 months and campaign scandals across this country, the best the Republican leadership can come up with is to give Members in the House of Representatives 20 minutes of debate on hand-picked, hand-selected pieces of the campaign finance reform issue.

It is an insult to the American people, it is an insult to the membership of this House, it is an insult to the constituents that we represent, because we tell them that we can come here and debate the great issues that confront this country, but NEWT GINGRICH and the Republicans have decided they cannot stand an open debate on campaign finance reform. They cannot stand a little bit of sunshine on an issue that plagues our democratic institutions, scandals that are across this country, scandals that beset every officeholder in this country, but we cannot debate it in front of the American people.

While Members are away at a funeral, they are going to debate it and then vote later that night. It is an insult. It is no wonder, 20 minutes after 15 months, 20 minutes. That is the best that Speaker GINGRICH can come up with. What a fraud, what a deception. No wonder we are adjourning on April Fools Day.

No wonder we are adjourning, because the fools are going home without doing campaign finance reform.

REPUBLICANS SHOULD RECONSIDER SHAMEFUL TACTICS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I serve on the Committee on House Oversight. It was said that this legislation was brought to the committee. Let me disabuse any of my colleagues on the theory that this got any kind of thoughtful consideration in committee. It certainly will not receive any thoughtful consideration on the floor under the procedures that have been devised by the majority.

A bill was noticed to the members of the committee less than 24 hours before we marked it up in committee. We met, we offered some substantive amendments; they were rejected on a straight party line vote, and without further discussion, this bill was adopted. It was supposed to come to the floor this Thursday.

We thought it was going to come to the floor with a motion to recommit so we could have offered McCain-Feingold. However, the Republican majority was even afraid of that procedure, limited though it was, so they have now devised a procedure which will allow not one single suggestion other than that which has been written in the back room by the Republican majority.

What a travesty. Not only will we not get campaign finance reform, but we will have a procedure that will further denigrate the democratic process that this House likes to pride itself on.

Mr. Speaker, I would hope that cooler, more rational heads would prevail, and that the Republican majority would reconsider this shameful process that they are foisting on the American public.

OUR DEMOCRACY IS DYING

(Mr. DeFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeFAZIO. Mr. Speaker, our democracy is dying under a flood of special interest campaign dollars, and it is a problem on both sides of the aisle, I admit that, and it needs to change. But the Republican leaders today, instead of tossing the American people and our democracy a life preserver with real campaign finance reform, tossed out a big lead sinker.

The debate on Monday will require a two-thirds vote to pass any tiny part of what they have deemed to be campaign finance reform, which does not even go to the heart of the issue, the soft money to the so-called "issue ads," and why is that? Because apparently, for now, according to the New York Times, there is a majority in the House to pass an overhaul bill that would ban political parties from taking unregulated money known as "soft money" and would also curb issue ads by outside groups. It is fiercely opposed by the Republican leaders whose party generally has a fund-raising advantage.

Fiercely opposed, they did more than fiercely oppose it; they gutted democracy here today on the floor with this travesty. That will be nothing but a travesty of a debate on Monday.

It is disgusting, the worst thing I have seen in 11½ years in this House of Representatives.

REPUBLICAN TACTICS ARE A SHAM

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise today to show my shock at this House's procedure in bringing up campaign finance reform.

Let us recall a little bit of history. When the Democrats were in control of this House, we passed out campaign finance reform in every session. The bill was vetoed by President Bush, the bill that we passed out was filibustered by the Republican Senate, and now, when the President of the United States comes to this hall and asks the Republican leadership to give a campaign finance reform bill to him, last year and they failed, they have now scheduled it the same day that they are sending half the House to New Mexico for a funeral, they are limiting debate to 20 minutes, and they are requiring a two-thirds vote.

Now, if we do not need some reform of the reform, then we are crazy. This is a sham, and the American public will know it is a sham and demand campaign finance reform in a true fashion, such as the Democratic bill or the Shays-Meehan bill, be voted on in this House with a good, solid debate.

ORDINARY CITIZENS NEED A FAIR CHANCE TO GET ELECTED

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, I was first elected to the State house of representatives in the State of Hawaii in 1974, when we had campaign expenditure limitations. I found myself in a contest with very wealthy people and a high-ranking bank official; I had to depend upon the goodwill of many of the young people who supported me. We did grass-roots efforts.

I would like to have the opportunity for any citizen to be able to run for office, as I did, and have an opportunity to be elected. That is why it is so important for us to take up these various forms of campaign finance reform. I do not pretend to have the final answer, and I do not think that the final answer necessarily exists in all of these bills, but surely we deserve the opportunity to vote on it.

In this particular instance where campaign finance reform is concerned, we have seen over and over again the press saying that the Congress failed to do it, or the House failed to do it. In this instance, I hope it will be noted by the public and by the press that takes this information to the public that it is Mr. GINGRICH and the Republican leadership which is thwarting the opportunity for us to be able to vote on campaign finance reform.

Please give us that opportunity. Let the ordinary, average citizen have a chance again in this democracy.

TIME TO KEEP THE PROMISES

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, next week we have got time for some things to do on this floor. For months we have had floating around here a bill called H.R. 10 that deals with modernization of financial services and, lo and behold, next week, in that week when we do not have time to deal with campaign finance reform, we have this 400- or 500-page bill, and we have the time, thanks to the House leadership.

A full-page ad in the paper today to deal with the problems of American insurance, the Council of Insurance Agents, the investment bankers, J.P. Morgan, we have time for that next week; but what about trying to reform the process around here in which we can get a people's bill on the agenda like campaign reform? That is what is important. But this bill has a priority over that, Mr. Speaker, and I think it ought not to have that priority. I think we ought to get our act together and do it right.

This can wait. This does not have to be jammed down our throats next week. What we need to do is deal with the campaign reform problem. It is 15 months past due. It is time to face up to this and meet the promises and commitments that were made around here last week.

PARLIAMENTARY INQUIRY

Mr. MILLER of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HOBSON). The gentleman will state it.

Mr. MILLER of California. Mr. Speaker, if the debate is held on campaign finance reform during the day, is the House going in at 12:00, first of all?

The SPEAKER pro tempore. That order has not yet been set.

Mr. MILLER of California. Mr. Speaker, if the debate is held during the afternoon, are procedural votes in order during the debate, before and after the suspensions?

The SPEAKER pro tempore. The ordinary rules of the House will apply.

Mr. MILLER of California. Mr. Speaker, a further parliamentary inquiry. Would a motion to adjourn be in order?

The SPEAKER pro tempore. Yes, during the legislative session.

Mr. MILLER of California. Mr. Speaker, would a quorum call be in order?

The SPEAKER pro tempore. No, not by way of a point of order. Where a question has not been put to a vote.

Mr. MILLER of California. Mr. Speaker, it would not be in order, so a motion to adjourn would, at a minimum, be in order.

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. MILLER of California. I thank the Speaker. I would just say that the cloakrooms ought to inform Members that if campaign finance reform is brought up, they should expect procedural votes on Monday.

DEMOCRACY DENIED IN HOUSE OF REPRESENTATIVES

(Mr. TURNER asked and was given permission to address the House for 1 minute.)

Mr. TURNER. Mr. Speaker, the effort in the House of Representatives to reform campaign finance laws in this country has died today without a single word of debate being spoken. It died by a procedural move on the part of the Republican leadership to place this very critical issue on a suspension calendar, a calendar normally reserved for bills that are not of great controversy, that require two-thirds vote for passage, bills that normally would be heard in an uncontested manner. Yet, the most important issue of campaign finance reform was placed on that calendar for this next Monday before the House of Representatives.

It is a tragedy that with hundreds of thousands of hours of effort being put in in the last 15 months in this Congress to study the abuses of campaign finance, committee hearings that have taken place in the committee I serve on, the Committee on Government Reform and Oversight, hearings in the Committee on House Oversight, and the pledge by the Republican leadership to allow this House to have an open and bipartisan debate, that has been denied by a procedural move that will not allow this House to completely debate that bill.

McCAIN-FEINGOLD CAMPAIGN FINANCE REFORM BILL A DISASTER FOR AMERICA

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute.)

Mr. DOOLITTLE. Mr. Speaker, I would like to praise the House leadership unabashedly for making the decision they did and allowing this to go before the House on a suspension calendar. I wholeheartedly endorse that decision. All of this folderol about the McCain-Feingold bill, it is a disastrous concept. It would hurt America. It would destroy our constitutional right to free speech.

I hear such moral indignation from the other side, but when we see the myriad of campaign abuses written about, engaged in by one branch of government in particular, everything is so muted.

I would submit, Mr. Speaker, that we have not properly diagnosed what the problem is in our campaign system. It is severely flawed, and we need to correct it, but rushing out here with a bill that everybody is afraid not to support, although I am happy not to support it, and many others, more than some might think, would be happy not to support it, I think we would be premature in bringing it up in that fashion.

This needs to be thoroughly discussed. The procedure of the leadership, as adopted by the supermajority, is entirely appropriate because the subject of this bill would hurt our constitutional rights.

□ 1500

GENERAL LEAVE

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2515.

The SPEAKER pro tempore (Mr. HOBSON). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 30, 1998

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE 65TH ANNIVERSARY OF THE FARM CREDIT ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I would like to take this opportunity to remind our colleagues that today, March 27, marks the 65th anniversary of the creation of the Farm Credit Administration by the executive order of President Franklin Delano Roosevelt.

The FCA is the independent arm's length reporting of the $78 billion Farm Credit System. It provides credit and financial services to this country's farmers, ranchers, and agricultural cooperatives.

The FCA is charged with a highly challenging mission: to promote a safe and sound, competitive Farm Credit System by creating an environment that enables System institutions to serve rural America as a dependable source of credit and financial services within the authorities established by Congress.

The FCA is ably led by a distinguished three-person board chaired by the Honorable Marsha Pyle Martin, who hails from the great State of Texas. In addition to her significant roots, Ms. Martin is the first woman chair of the FCA board and, together with fellow board members Doyle Cook and Ann Jorgensen, directs the regulatory activities of a small cadre of highly qualified professionals.

While the FCA is a small agency with only 300 personnel nationwide, it is an impressive group of dedicated professionals, possessing insightful knowledge about how to ensure that sound financial institutions thrive to better serve agriculture. It is an agency with a rich history of profound service to agriculture, and is one of the surviving entities of FDR's New Deal.

I would like to share a brief bit of FCA history with the Members today, because I believe it demonstrates how well government can work, and points clearly to the importance of those institutions which will maintain our Nation's position as the world leader in agriculture as we move forward into the next millenium.

Shortly after President Roosevelt was inaugurated in 1933, he issued an executive order that established the FCA as an independent credit agency and consolidated under it all the fragmented programs previously created to improve the availability and deliverability of agricultural credit.

The 1930s were not a good time for agriculture. Farm prices had hit an all-time low and hundreds of thousands of farmers were finding it impossible to produce enough income to pay their debts. One of the FCA's first major responsibilities was to implement the Emergency Farm Mortgage Act of 1933, designed to halt the wave of farm foreclosures by refinancing farmers' debt.

Through radio broadcasts, President Roosevelt told farmers to write or wire Washington if their farms were threatened by foreclosure. The response was an avalanche of wires, letters, and phone calls, totaling 43,000 in less than 4 months. The newly formed Farm Credit Administration moved vigorously to intercede with creditors, asking them to wait long enough to see if farms could be refinanced. Most of the farms were refinanced, and the FCA's history of dedicated service to agriculture had begun.

More recently, the FCA was instrumental in helping the Farm Credit System and its borrowers survive the severe disruption of agriculture that occurred during the 1980s. Like the 1930s, the 1980s were not a good time for agriculture. I think we all remember when land values spiralled downward and the devastating impact on the many farmers and financial institutions that financed the legitimate credit needs of those farmers.

The FCA was there again, but in a different role, this time as the independent regulator of the Farm Credit System. In this new role the FCA ensured that farmers who had been devastated by economic circumstances were afforded the opportunity to restructure their loans, thereby enabling them to remain in farming.

The FCA also ensured that cooperative financial institutions took proper management action to financially strengthen their operations so they could remain as a viable source of credit to their farmer borrowers. Though the FCA role had changed over time, the outcome of fulfilling their role remained the same, and the needs of individual farmers were met.

Moving to the present, the FCA has become one of the more stellar performers to emerge from implementing the Administration's program to reinvent government. The FCA has reduced its expenses by nearly 15 percent since 1995, and has slashed its work force by nearly 30 percent since 1993. The agency is almost 25 percent below Office of Management and Budget's established personnel target for the FCA under the Administration's program to reinvent government.

The agency is at the forefront of developing increasingly efficient and innovative programs that not only ensure that the safety and soundness requirements are adhered to by the Farm Credit System, but also result in minimal disruption to the vital business activities of the institution it regulates.

The Farm Credit System today is financially sound, and stands on the threshold of making innovative progress at better meeting the credit and financial needs of farmers and ranchers and their cooperatives. The FCA has played a key role in the system's success, and is there to ensure that these institutions exercise safe and sound banking practices that comply with the law and regulations, as new endeavors take form. Over time, farmers, ranchers, cooperatives, and the public have all benefited from the professional activities of the FCA.

Mr. Speaker, the FCA record reflects a deep commitment to agriculture. It is a record of exceptional performance from 1993 to the present. I am proud to recognize it here today.

REFORMS NEEDED IN THE AGRICULTURAL COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. Gutknecht) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, nearly 2 years ago Congress approved landmark legislation giving farmers the freedom to farm. Supply management and command control agricultural policy had failed our farmers. The safety net that was intended was acting more like a ceiling, so farmers, locked arm in arm with consumers and taxpayers, changed the course of agriculture policy in this country.

Today, instead of talking about expanding the acreage reduction program and conceding critical world market share, farmers are now asking Washington for fast track. Today farmers are talking about the need to keep a lid on their out-of-pocket expenses, especially those imposed by Uncle Sam by way of taxes and regulations.

In short, our farmers do not want to depend on the government to merely survive. Rather, our farmers want the tools and the global markets necessary to actually succeed. Improved research and the development of more effective risk management tools, such as crop revenue coverage, are good examples.

Unfortunately, the progress I have just described does not characterize Federal dairy policy, where regional divisions have prevented any kind of meaningful reform. Instead, price-fixing, whether by regional compact, cartels, bogus price floors, or an irrational order system, is still fashionable.

I think it is ironic that this Congress, which never misses a chance to champion market-oriented reform, growth, and opportunity, still clings to a dairy policy that has fallen out of fashion, even in Moscow. When I see so many folks championing the status quo, I wonder if I have missed something.

Since 1985, my home State of Minnesota has lost more than half of our dairy farmers, over 11,000. That is a rate of three per day. Nationally the U.S. has lost over 152,000 dairy producers under the very system which today so many are attempting to save.

I hope when all the dust settles, we will put aside our regional bickering, abandon the failed policies of supply management and command control economics, and embark on a new path. We should not be striving for a policy that simply slows down the hemorrhaging, but we should work for a policy that puts our dairy farmers on the road to recovery.

We can start by creating a more market-oriented order system, rejecting harmful regional compacts and price floors, implementing a dairy options pilot program that can eventually become national in scope, authorizing forward pricing to shift risk away from the producers, and by developing a kind of market-oriented insurance program which farmers, taxpayers, and consumers can all support.

On this note, I seriously doubt that anyone in Congress would ever deny our grain farmers the right to forward contract to protect against price volatility. Yet, we do exactly that to our dairy farmers. It is bad policy, and we have the power to stop it.

Tax and regulatory relief, better research and risk management tools, and expanded global markets for U.S. agricultural products offer our Nation's dairy farmers real opportunity, but price floors and supply management only offer a frustrating ceiling thinly disguised as a safety net. The difference is as stark as saving and investing for your retirement, or relying on Social Security to bring about the good life.

Mr. Speaker, when the Kremlin collapsed, a newspaper editorial commented that "Markets are more powerful than armies." Because history has demonstrated this time and again, I am convinced that fluid milk will be sold according to the dictates of supply and demand. If Members do not believe me, just look at the editorials in the Washington Post, the New York Times, and the Wall Street Journal. It is only a matter of time.

The question before us today is, will we in the agricultural community accomplish reform on our own terms and at our own pace, or will change be forced down our throats after we have surrendered yet more farmers and more potential markets? The choice, Mr. Speaker, is ours to make.

CAMPAIGN FINANCING AND THE NEED FOR REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, over the last 15 months many, many Members of the House of Representatives and Members of the Senate, on a bipartisan basis, have worked to try and see whether or not we could reform the campaign finance system in this country.

The gentleman from Connecticut (Mr. SHAYS) worked very hard on the Republican side, the gentleman from Massachusetts (Mr. MEEHAN) on the Democratic side, the gentleman from California (Mr. FARR) on the Democratic side, and many, many others, to see whether or not we could present a system of campaign finance to the American public that would start to restore their faith in how we elect people in this country; that the race just does not go to the person with the most money, that the race just does not go to the person with the most special interest money, that the decisions are not made here based on campaign contributions and who gave money to whom. If you give $10,000, you get more say than somebody who gave $1,000, and more than somebody who gave you $5; and try to see if we could return this system, that has become awash in money, that has distorted the basic decision-making process in the House of Representatives and in the United States Senate and in the administration.

Our basic democratic institutions are threatened by the vast amount of money that is now finding its way into campaigns. It comes in straight-up contributions to individual Members, it comes from Political Action Committees, it comes from soft money, it comes from independent expenditures.

We are having a primary in California. The primary is in June. This is only the end of March. Three candidates have already reported almost $25 million being spent for the Governor's race. One candidate has reported $18 million being spent.

□ 1515

Pretty soon, this will be a hobby for rich people, or this will be a place where only those who have the money of the special interests will come to work, and the people will take second best.

Mr. Speaker, we all know, those of us who serve here, those of us who go through campaigns, we all know that the influence of money is getting more and more pervasive in every decision made in the Congress of the United States; that it is distorting the decision-making process; that it is corroding the underpinnings of the democratic institutions. And we cannot allow it to continue.

But what did we find out today? After many, many disruptions last year in the House of Representatives to try to get the Republican leadership to give us a vote, to give us a fair and open debate on competing plans, to debate this subject in front of the American public, what did we find today? That Speaker GINGRICH has decided that we will get 20 minutes on each side of an issue to decide campaign finance reform.

Mr. Speaker, we just spent 5½ hours here debating a bill of no urgency, a bill that was eventually defeated. We could have debated it all day today. We could have debated it in the weeks where the Congress has only worked 1 and 2 and 3 days a week. We get paid for 5 days a week, we get paid for 7 days a week, but most of this year we have been working 2 and 3 days a week. We could have debated campaign finance on any one of those days. But they waited right until we get to the Easter break, and then they said we will give 20 minutes.

Why did they give us 20 minutes and why did they hand-pick the bill that we would vote on? Because they know that that bill does not have enough support to pass. They know there is in this House a bipartisan bill that will reform this system, that will pass, and they will not let us vote on that. Twenty minutes or no 20 minutes. They are cooking the books, they are rigging the game, they are tilting the field, all against reform.

Even those huge majorities in this country want the current system of finance, of campaign finances reformed and changed and made more democratic. But the Republican leadership does not even want to let us debate the bill. They do not want to let us amend the bill. They do not want to let us change the bill. They want to put a bill out here that they know will not pass, and force us to kill it, and then they can blame Democrats or Republicans or liberals and conservatives and say, "They killed campaign finance reform."

No, Mr. Speaker; NEWT GINGRICH, the Speaker of the House who sets the agenda, who sets the calendar, he killed campaign finance reform because he was afraid of the debate. He pledges allegiance to the flag every day. He talks about democracy. And he is afraid of the debate in front of the American people.

Mr. Speaker, how cynical can one become when they cannot trust the American people and cannot trust their representatives, so they have to schedule the debate so they can get an outcome that a majority of the House does not want? It is a terrible, terrible day for democracy and it is a terrible day for our democratic institutions, and it is a terrible day for the American voter because the race will continue to go to the people that accept more special interest money and the most money and not the best candidate in the race.

CAMPAIGN FINANCE REFORM GIVEN SHORT SHRIFT IN HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DOGGETT) is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, as I listened to this afternoon's disgraceful announcement given to us, I gather, with some glee by the Majority leader, that the American people would be denied any free and fair debate on the issue of campaign finance reform, I could not help but reflect on how this Congress began back in January of 1997.

Mr. Speaker, we assembled here on this floor to begin the people's business. We have come now through the full year of 1997 and well into 1998. It was on that very first day in January of 1997 that we cast a vote on the issue of campaign finance reform and were denied an opportunity to move forward on it in this Congress. And repeatedly, over the course of 1997 and 1998, there have been those of us, both Democrats and Republicans, who have come to this floor asking not to have it exactly our way, the way we would write a campaign finance bill, but to have a free and fair debate of this issue that goes to the core of the problems that surround this institution, the Congress and the Government of the United States and the way that it operates.

Over that time period, we first were told by some that we could accomplish the issue of campaign finance reform in time for our Nation's birthday, on July 4 of last year. That time came and went. I think some looked to that date, because a couple of years earlier Speaker GINGRICH went up to New Hampshire and shook hands and smiled with President Clinton and said that they would move forward on real campaign finance reform. That was in 1995. He delayed for a year and then engaged in the kind of sham maneuver we have seen this afternoon in order to kill campaign finance reform in 1996.

So we came to the fall of last year, after many speeches and many demands for action on campaign finance reform and, lo and behold, the majority leader, the same gentleman from Texas who stood before us today to kill campaign finance reform, he announced that we would have action on campaign finance reform last fall before the Congress recessed. Of course, as we all know, that time went by and no action occurred. No debate on any proposal was permitted.

But we heard, with some degree of incredulity I suppose, as we listened to the discussion on the last day of that session, the Republican leadership assembled upstairs in front of the press and they announced a great task force. They had all of these proposals they were going to put together and they were going to put a Republican fix on the campaign finance reform system and they were going to be ready to debate that when we gathered here in 1998.

Well, now we are in 1998, and we reached the day yesterday when they were going to present their great proposal, and they have since found now that they have presented it, that it is being rejected by the majority of Republicans. And so they have decided to pull down that proposal and to deny us full and fair debate of that, because if we began debating that fully and fairly, we might be able to offer a motion to recommit it to the committee and get some genuine reform of the campaign finance system.

So, Mr. Speaker, on a day when many Members of this Congress will be traveling to New Mexico to honor our distinguished colleague, the late Steve Schiff, at his funeral, on that day they have scheduled the debate in which any of the Members who will be traveling to the funeral will be unable to participate. And should they get back here in time to vote on Monday night, if only a majority of this body votes to approve campaign finance reform, it will be defeated because Speaker GINGRICH and Majority Leader ARMEY and, to hear the gentleman from Texas (Mr. ARMEY) say it, all of the Republican leadership has agreed on one thing: The only way they will permit any Democrat or any Republican to discuss and debate the issue of campaign finance reform is in a contrived procedure designed for one purpose and one purpose only, and that is to ensure that campaign finance is dead and gone for this session, that nothing will happen.

Mr. Speaker, why is this issue, which frankly, as we travel around the country, we do not hear on the tips of the tongues of the ordinary working people of this country, why is it so important? Well, the reason that it is so critical that we have a full debate is that it goes to every other issue that occurs in this Congress. Because increasingly, there are Americans out there who say that in this Congress we do not decide issues, whatever they might be, in terms of what is good for America. Rather, we decide them principally on the basis of who gave how much to whom and how often they did it.

It is that kind of corrupting influence in our democracy, to the extent it actually occurs, and more importantly perhaps to the extent that that is the way the American people feel about this system and they lose faith and confidence in our democracy because of the role of big money and corrupting this system, that this is so critical.

Perhaps some in America are concerned with our tax system or with Social Security or education or child care. If we are to deal with any of those issues constructively, we have to reform this system, and that is why today's action is so disgraceful.

WHO ARE WE REALLY PUNISHING: THE TOBACCO COMPANIES OR PEOPLE WHO CAN LEAST AFFORD THE TAX INCREASE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to remind my colleagues of those Americans who are being pushed aside in our zeal to punish the tobacco companies and curb youth smoking. The rhetoric and demagoguery waged against tobacco gives new meaning to the "politics of fear." If only there was the same commitment to wipe out illegal drugs, violence and illegitimacy, the hypocrisy of this campaign would not be so blatant.

Yes, Mr. Speaker, here we go again. From no new taxes to lining up for pushing to the limits the most regressive tax in America. Mr. Speaker, let me say it once and say it loud and clear: A tax is a tax is a tax.

The Senate Budget Committee resolution to raise tobacco excise taxes by $1.50 is far from an act of courage and wisdom. Rather, the decision is borne out of fear, expedience, and illusion. This tax is income redistribution at its worst, pure and simple. The very defenders of our poor and middle-class citizens prefer to ignore the ugly truth of the proposed excise tax increase. Instead, they have convinced themselves that they know what is best for Americans. Once again, these Members of Congress will look the other way because they know that already over 50 percent of the Federal cigarette excise tax is paid by American taxpayers who earn less than $30,000 a year. Even worse, only 7 percent is paid by folks with incomes over $75,000.

Mr. Speaker, we cannot hide from the burden that this huge tax increase will have on our lower-income families. For someone who smokes a pack of cigarettes a day, our Federal Government will be taking an additional $550 a year, and this is no small change if someone is making less than $20,000 a year.

And where is all the money going? For starters, the antitobacco trial lawyers are lining up at the trough, when and if the States ever receive their portion of the new taxes and direct payments from the tobacco companies. But that is not all. We also have the Conrad and Kennedy bills, among others, that are ready to launch a new era of big government with hard-earned dollars from low-income taxpayers.

Even worse, there are some Members who believe we can use this tax increase on smokers and pay for other Americans to enjoy a tax cut.

Mr. Speaker, I will be among the first to support a much-needed tax relief bill. But the excise tax is an income transfer, not a tax break. Who are we really punishing? The tobacco companies? Or people who can least afford the tax increase?

The fact is that this new cost will be passed on to the consumer by the companies, whether it is from a tax or a national settlement. Twenty-five percent of American adults who choose to buy a legal product, albeit one that causes serious health problems, may soon be lining the pockets of trial lawyers and funding new Federal programs that have precious little to do with stopping kids from smoking.

We are told that smokers must be held accountable for the increased medical cost brought on by smoking-related illnesses. There is a myth that smokers impose higher medical costs on society and this justifies the increase in our Federal excise tax. A study published in the New England Journal of Medicine tells us otherwise. The uncomfortable truth is that the lifetime medical costs of smokers are smaller than those of nonsmokers.

No doubt that many of us have encountered the suffering of a friend, a relative or a loved one who has been diagnosed with lung cancer or perhaps emphysema. I believe there are more effective ways, however, that will help us convince young and older Americans alike that smoking does have dire consequences for them, and for themselves and for the people that care for them.

One young man from Murray, Kentucky, said it best during his recent testimony to the House Committee on Commerce. The answer to reducing teen smoking lies with the family, and I quote, "This can be done in the home, not in Washington." His answer is hard to argue with, but I would add that our Federal Government can play a valuable role in supporting this message at home by helping to educate our youth through the media and the classroom.

We have made tremendous progress in this country in reducing the prevalence of smoking, and we can do even more with realistic constructive policies. Are we going to further punish adults who choose to smoke with higher taxes? Or is it time to embrace an imperfect but comprehensive settlement that, in the words of the Louisville Courier Journal Editorial Board, seeks an opportunity to make smoking more expensive and less attractive, especially to kids?

Congress must find the courage to adopt sensible national tobacco legislation. Ample evidence here at home and around the world shows the folly of taxing cigarettes out of the marketplace. Look no further than to our Canadian neighbors to understand the very real possibility of black market imports of cigarettes that will elude high Federal tax. Despite the fact that Canada doubled its tax on cigarettes in 1983, the increased levy has failed to reduce youth smoking and may have even made it more difficult to control because of smuggling. In our own Nation's history, we need to look no further than the era of prohibition to see how our government can create black market windfalls for criminals.

If we follow the mad rush towards another new tax, we will begin to destroy the livelihood of thousands of small family farms. Yes, we can spend millions of dollars to retrain these farmers, but I assure my colleagues that Congress cannot replace the way of life and culture they have cherished in our State for generations.

Once again, Mr. Speaker, Americans and people throughout the world will continue to smoke for years to come despite all our efforts to tax tobacco to death. I urge my colleagues to seek a solution that strives for prevention and cessation, not the punishment of fifty million Americans and thousands of tobacco farmers and workers.

□ 1530

OPPOSING THE MAKAH WHALE HUNT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, recently one of the television networks presented a new production of Herman Melville's Moby Dick. As we all know, this is a drama about a whale hunt in the 18th century. In this drama, Melville gives a detailed and gory account of a whale hunt.

Now, two centuries later, whaling has become one of the things that just is not done anymore. Because the world's whaling ships hunted whales almost to extinction 100 years ago, whales occupy a special place in our conscience. Protecting whales has become one of our civilization's most noble undertakings. But the struggling to protect these special animals is not over yet.

I regret that it is in my State, the State of Washington, that an Indian tribe has announced its intention to hunt whales again. The Makah tribe, backed by the U.S. Government, is preparing to repudiate rulings of the International Whaling Commission and kill four California gray whales each year.

Furthermore, it is evident that the tribe, with the backing of the United States Government, is willing to set a trend which will lead to a resurgence of whaling around the world. And here is the reason: If they are allowed this hunt, 13 bands and tribes of Indians in British Columbia say that they will also begin to hunt whales.

Earlier this month, the Makahs met with other aborigines around the world to talk about whale hunting. They attempted to keep the meeting quiet by staging the meeting in Canada and avoiding the press. They intend to assert a "cultural subsistence" right to hunt whales. But here is the danger.

If a cultural subsistence is recognized, then what do we say to Japan and Norway, two nations that we have for years tried to get them to stop whale hunting but still hunt whales? If anybody has a cultural right to hunt whales, it is Japan and Norway. Whether or not the Makahs are justified in these claims, the real danger in allowing their hunt to go on is the encouragement it will give to others around the world.

Mr. Speaker, this is a slippery slope. Once aborigines around world are whaling again, will that not give encouragement to nations who want to continue commercial whaling?

I have already mentioned Japan and Norway, and they continue to practice commercial whaling in violation of the International Whaling Commission. I have just learned that the Japanese and Norwegians were both represented at the Makah meeting in Canada earlier this month with the other aborigines. It is unimaginable that this killing could start up again on a commercial scale, starting in our State of Washington.

The gory drama in Moby Dick cannot be repeated in the 20th century. For the Nation, it will be a horrible spectacle certain to be televised. As the Makahs set out in their canoes, a media event will be created. The tribe's reputation and our Nation's reputation will be sullied as the Makahs pursue and kill their four gray whales. The gray whales swim together, and it is certain that more than four gray whales will be wounded or will die for the four that the tribe will take back to shore. Because they do not kill each whale; they have a lot of misses too and injuries.

But the worst aspects of the Makah whale hunt are the worldwide ramifications, the possible resurgence of commercial whaling. The 18th century killing described in Moby Dick will be repeated many times around the world. I shall continue to oppose the Makah hunt or any other killing of whales.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, MARCH 25, 1998

THREATS TO U.S. NATIONAL SECURITY FROM CUBAN DICTATORSHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 60 minutes as the designee of the majority leader.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks.)

TRIBUTE TO HONORABLE STEVEN SCHIFF

Mr. DIAZ-BALART. Mr. Speaker, the Speaker of the House of Representatives just a few hours ago had the sad duty to report to us the death of one of our colleagues, the gentleman from New Mexico (Mr. SCHIFF). So I would like to begin my remarks this evening expressing my sincere condolences to the Schiff family and letting them know that my prayers go out to them in this very difficult moment.

We will miss in this House STEVE SCHIFF. He was a great man. But I would say that he was really a great man, above all else, because he was a good man. He was a man of extraordinary integrity as well as great intelligence. He possessed a brilliant legal mind that he put to use serving not only this House but our country.

And so, I will certainly miss my friend and colleague STEVE SCHIFF. I will always recall with much affection how, based on the fact that he was of such discipline of mind, he was, for example, teaching himself Spanish and he would enjoy conversing in Spanish; and it was remarkable that just literally months after beginning his Spanish classes he had achieved a great fluency.

Anyway, we will miss, I will certainly miss my friend STEVE SCHIFF.

Mr. Speaker, in just a few days, and I think it is important for the American people to realize it, the Pentagon, the Department of Defense, is scheduled to make public a report, an assessment, of the security risks, the danger to the national security of the United States posed by the Cuban dictatorship just 90 miles from our shores.

A number of us here in Congress have received preliminary reports with regard to that assessment that will be made public in just a few days by the Department of Defense, disturbing reports, because we are of the understanding, we have been led to believe that the Pentagon is about to say that there is, in essence, no threat from the Cuban dictatorship. That is a grave mistake if, in fact, that is the assessment that is made of the threat.

It is a grave mistake and it is really unfortunate. Because the only way in which the conclusion can be reached that there is no threat from the Cuban dictatorship 90 miles from our shores is based on a political decision, an imposition by the White House upon the Department of Defense with regard to the report, its threat assessment, of just a few days.

So if it is the case then, the preliminary reports that we have received, that in effect the Pentagon will say in a few days that there is no threat coming from the Cuban dictatorship, if that is the case, we, those of us in Congress who had received these preliminary reports are of the belief that a political decision is motivating that report.

Just a few days ago, a number of us wrote to the Secretary of Defense and Secretary of State with regard to this very issue. And if I could, I would like, Mr. Speaker, to be able to read this letter:

"Dear Mr. Secretary,

"We are writing to express our concern about the ongoing national security threat from the Cuban dictatorship. Specifically, we are convinced that the Castro dictatorship is a major enemy of our efforts to shield America's frontiers from the drug threats, and we are additionally concerned about Castro's ability to develop biological and chemical weapons. Castro is technically capable of many of the same types of things we know Saddam Hussein is doing, and the Castro dictatorship is the only rogue regime that is 90 miles from our shores.

"We are appalled about current attempts to downplay the Castro threat and are deeply disappointed that the Department of Defense refuses to acknowledge Castro's ongoing threats to the United States. We have received extremely disturbing reports that the Department of Defense plans to officially minimize the threat assessment of Castro's Cuba and that this may be utilized to subsequently remove Castro from the State Department's terrorist list. Despite Cuba's economic situation, Castro remains a dangerous and unstable dictator, with the intentions and the capability to hurt U.S. interests.

"Thirty-five years ago, during the Cuban missile crisis, Castro urged a nuclear first strike by the Soviet Union against the United States. Ten years ago, Cuban General Rafael del Pino disclosed that Cuban combat pilots trained for air strikes against military targets in south Florida. Five years ago a Cuban air force defector in a MiG-29 fighter aircraft, flying undetected until just outside Key West, Florida, confirmed that he had received training to attack the Turkey Point nuclear power facility in south Florida.

Two years ago, Castro ordered Cuban MiG-29 fighter aircraft to attack and kill unarmed American civilians flying in international air space just miles from the United States.

□ 2100

There is a pathologically unstable tyrant in the final years of his dictatorship just 90 miles from our shores. His four-decade record of brutality, rabid hostility toward the Cuban exile community, anti-Americanism, support for international terrorism, and proximity to the United States is an ominous combination.

When considering the potential threat from Castro, the following must be noted.

Despite the end of the cold war, Castro continues to espouse a hard line, using apocalyptic rhetoric, proclaiming socialism or death, ranting about a final reckoning with the United States, and punishing any Cuban who advocates genuine political or economic reform.

Castro maintains one of Latin America's largest militaries with capabilities completely inconsistent with Cuba's economic reality and security needs.

Despite Cuba's economic failure, Castro has the capability to finance special projects through his network of criminal enterprises and billions of dollars of hard currency reserves he maintains in hidden foreign accounts. Forbes magazine has calculated a minimum of $1.5 billion that Castro has in such foreign accounts. Castro has a proven capability to penetrate U.S. airspace with military aircraft and to conduct aggressive shootdown operations in international airspace just outside the United States.

Castro is training elite special forces units in Vietnam who are prepared to attack United States military targets during a final confrontation, according to Janes Defense Weekly.

Castro actively maintains political and scientific exchanges with each of the countries on the Department of State's list of terrorist nations. Castro continues to provide logistical support for international terrorism and pro-Castro guerrilla groups, and Cuban-trained international terrorists are still active around the world, most ominously these days in Colombia.

Castro continues to coordinate and facilitate the flow of illicit drugs through Cuba into the United States. We will talk more about that later. Castro continues to offer Cuba as a haven for drug smugglers, criminals and international terrorists, including more than 90 felony fugitives wanted by the Department of Justice.

The Lourdes electronic espionage facility is used to spy against U.S. military and economic targets, including the intercept of highly classified Persian Gulf battle plans in 1990–1991. Castro is working with Russia, which recently extended a $350 million line of credit for priority installations in Cuba, and anyone else willing to offer assistance to complete the nuclear reactor at Juragua.

Castro has access to all the chemical and biological agents necessary to develop germ and chemical weapons. Despite Cuba's failed economy, Castro has constructed a secretive network of sophisticated biotechnology labs, fully capable of developing chemical and biological weapons. These labs are operated by the Military and Interior Ministry, are highly secure and off-limits to foreigners and visiting scientists. Under the guise of genetic, biological and pharmaceutical research, Castro is developing a serious germ and chemical warfare capability. Castro has the ability to deliver biological and chemical weapons with military aircraft, various unconventional techniques and perhaps even missile systems increasingly available in the international black market.

Tyrants are most dangerous when they are wounded and dying. Given Cuba's proximity to the United States and Castro's proven instability, it would seem to be an unacceptable and potentially tragic mistake to underestimate his capabilities. We request that Castro be kept on the State Department's list of terrorist nations and that a realistic threat assessment be made, which includes an examination of Cuba's biotechnical capabilities, as the Castro dictatorship moves towards its final stage.

This letter was sent by nine Members of Congress just a few days ago as I stated, Mr. Speaker, to the Secretary of State and the Secretary of Defense. The evidence with regard not only to what we mentioned in that letter but specifically with regard to narcotrafficking is extensive. The really sad aspect of this, in addition to the fact that it takes place, is that there is an undeniable pattern on the part of the Clinton administration to cover up and deny every single piece of evidence existing linking Castro and his regime to narcotrafficking into the United States. A number of colleagues and I sent a letter back in November of 1996 to General McCaffrey, the Director of the Office of National Drug Control Policy in the White House. We stated, after some introductory paragraphs, "There is no doubt," we told General McCaffrey, "that the Castro dictatorship allows Cuba to be used as a transshipment point for drugs. We were deeply disappointed when DEA Administrator Tom Constantine testifying before the House International Relations Committee in June said that 'there is no evidence that the government of Cuba is complicit in drug smuggling ventures.' On the contrary, there is no doubt that the Castro dictatorship is in the drug business."

We continue in our letter to General McCaffrey: "Your appearance before the committee that day was also very disappointing on this critical issue. Castro and his top aides have worked as accomplices for the Colombian drug cartels and Cuba is a key transshipment point. In fact, just this year sources in the Drug Enforcement Agency's Miami field office stated to the media that more than 50 percent of the drug trafficking detected by the U.S. in the Caribbean proceeds from or through Cuba. Since the 1980s, substantial evidence in the public domain has mounted showing that the Castro dictatorship is aggressively involved in narcotrafficking. In 1982, four senior aides to Castro were indicted by a Florida grand jury for drug smuggling into the United States. They were Aldo Santamaria, Fernando Ravelo, Gonzalo Bassols and Rene Rodriguez-Cruz. In 1987 the U.S. Attorney in Miami won convictions of 17 south Florida drug smugglers who used Cuban military bases to smuggle at least 2,000 pounds of Colombian cocaine into Florida with the direct logistical assistance of the Cuban armed forces. Evidence in this case was developed by an undercover government agent who flew a drug-smuggling flight into Cuba with a MiG fighter escort. In 1988, federal law enforcement authorities captured an 8,800-pound load of cocaine imported into the United States through Cuba. In 1989, U.S. authorities captured 1,060 pounds of cocaine sent through Cuba to the United States."

"Prior administrations," we wrote to General McCaffrey, "have correctly identified the Castro regime as an enemy in the interdiction battle. As early as March 1982, Tom Andrews, then Assistant Secretary of State for Inter-American Affairs, stated before the Subcommittee on Security and Terrorism of the Senate Judiciary Committee that 'we now have also detailed and reliable information linking Cuba to trafficking narcotics as well as arms.' On April 30, 1983 James Michel, Deputy Assistant Secretary of State for Inter-American Affairs, testified before the Subcommittee on the Western Hemisphere of the Senate Foreign Relations Committee, his remarks validated prior findings. 'The United States has developed new evidence from a variety of independent sources confirming that Cuban officials have facilitated narcotics trafficking through the Caribbean. They have done so by developing a relationship with key Colombian drug runners who on Cuba's behalf purchased arms and smuggled them to Cuban-backed insurgent groups in Colombia. In return the traffickers received safe passage of ships carrying cocaine, marijuana and methaqualone through Cuban waters to the United States.'

July 1989. "Ambassador Melvin Levitsky, Assistant Secretary of State for International Narcotics Matters, testified that, 'there is no doubt that Cuba is a transit point in the illegal drug flow. We have made a major commitment to interdicting this traffic. Although it is difficult to gauge the amount of trafficking that takes place in Cuba, we note a marked increase in reported drug trafficking incidents in Cuban territory during the first half of 1989.'

"We are sure," we continued in our letter to General McCaffrey, "that while in Panama as Commander of the U.S. Southern Command, you (General McCaffrey) became aware of General Noriega's close relationship with Castro and of Castro's intimate relationship with the Colombian drug cartels.

"Because past administrations identified Cuba as a major transshipment point for narcotics traffic, it was integrated into the larger interdiction effort. By contrast, under the existing strategy, no aggressive efforts have been made to cut off this pipeline despite the growing awareness of its existence.

"In April 1993, the Miami Herald reported that the U.S. Attorney for the Southern District of Florida had drafted and prepared an indictment charging the Cuban government as a racketeering enterprise and Cuban Defense Minister Raul Castro as the chief of a 10-year conspiracy to send tons of Colombia cocaine through Cuba to the United States. Fifteen Cuban officials were named as co-conspirators and the Defense and Interior Ministries cited as criminal organizations."

We continued in our letter to General McCaffrey, In the last few months, the prosecution of Jorge Cabrera, a convicted drug dealer, has brought to light additional information regarding narcotrafficking by the Castro dictatorship. Cabrera was convicted of transporting almost 6,000 pounds of cocaine into the United States, sentenced to 19 years in prison, and fined $1.5 million. Cabrera made repeated specific claims confirming cooperation between Cuban officials and the Colombian cartels. His defense counsel has publicly stated that Cabrera offered to arrange a trip under Coast Guard surveillance that would proactively implicate the Cuban government.

"Overwhelming evidence points to ongoing involvement of the Castro dictatorship in narcotrafficking. The Congress remains gravely concerned about this issue and we are deeply disappointed that the administration continues to publicly ignore this critical matter."

We ended our letter to General McCaffrey stating, "We appreciate the opportunity to share these concerns with you and can assure you that further administration inaction on this matter will be met by serious congressional concern as well as investigation as to its cause."

Administration inaction has continued for the over 1 year after this letter. The letter in reply that we received was a form letter, totally unacceptable. Even more unacceptable has been the continued cover-up of the administration of this evidence and much more that exists directly connecting the Castro regime to the narcotrafficking of cocaine and other deadly substances into the United States. This is a situation that the American people have got to become aware of. The Clinton administration is covering up the connection, covering up the reality of the Cuban dictatorship's cooperation with the drug traffickers, conspiracy with the drug traffickers to import narcotics into the United States. There is a cover-up of this issue by the Clinton administration. Every time that we hear the President and the drug czar and other leaders of this administration talking about this issue, the cover-up continues, the cover-up is intensified, the cover-up is magnified. There is absolute silence with regard to this evidence.

But there is more. There is a spy center, an espionage center in the outskirts of Havana that picks up every single telephone conversation in the eastern United States. The Clinton administration systematically ignores the existence of that espionage center and is doing absolutely nothing about it. It is a Russian espionage center that has remained from before the collapse of the Soviet Union, and the Russians maintain it. Even though the Soviet Union collapsed, that espionage center continues to pose a threat to the national interests of the United States.

It is the Lourdes espionage center. It was built in Cuba, according to a secret agreement between former Soviet and Cuban special services, in the early 1960s. The station is controlled and operated by the GRU, the Russian Military Strategic Intelligence Agency, and establishes a radio and electronic intelligence field over the southeast United States and the Atlantic region, collecting intelligence cyberdata in close cooperation with Russian intelligence stations and field offices, military spy satellites, Navy reconnaissance and Air Force reconnaissance. This information came from a high ranking Russian defector who recently came to the United States.

The main mission of the Lourdes espionage station is registration and penetration through coded and ciphered radio, radio-technical/electronic, micro-waves and cellular signals in the eastern part of the United States, disclosing American nuclear missile submarines' combat patrol routes throughout the Atlantic. The station routinely provides to Moscow's military-political leadership extremely important strategic military and economic, commercial and private information about the U.S. and other countries in the Atlantic Basin.

The station is capable of compromising the United States Government's secrets, commercial and private communications, monitoring all American military movements throughout the Atlantic region. This is something that was just confirmed. During Desert Storm, in that extraordinary effort led by President Bush and the United States of America in 1990–1991, when this Nation's military demonstrated to the world not only its technological prowess but the genuine superpower status of the United States of America and liberated Kuwait, during Desert Storm in 1991, in the Lourdes espionage center in Cuba, Russian specialists obtained and disclosed to the Iraqis the U.S. military plans of the battle against Iraq, thus directly compromising American and allied troops in Saudi Arabia and in Iraq.

□ 2115

That has been confirmed by a Russian defector. The plant that Castro is running in cooperation with the Russians not only was able to obtain in Desert Storm all of our military plans, but made it available to Saddam Hussein. The same thing without any doubt is happening now with regard to the plans that we have in case we have to go back into Iraq.

And what are we hearing from the Clinton administration with regard to the Russian espionage center in Havana? Nothing.

I see my friend from California here.

Mr. ROHRABACHER. I would just like to commend my colleague for not only this speech, but the diligence that he has shown over the years in alerting us and the American people to what Fidel Castro is all about. I do not know why, but there seems to be a romance with this bearded fascist down there in Havana, and people do not want to admit the horror that he has brought to the people of freedom all over the world. He has been one of the strongest enemies of freedom anywhere in the planet in the last 40 years, and his dirty deeds; you, know I could see back in the 1960s when people were idealist, they would overlook the fact that when he came to power he just cleared jails out and went out and shot people, you know, just summarily executed people; said those were Batista-ites or something. But as time went on, it seems that the liberal left in this country seems to bend over backwards never to acknowledge the wrongdoing of Fidel Castro.

You mentioned, for example, his drug dealings. We know about his drug dealings. I mean, it is clear that this man and his cohorts down there have been involved up to their necks in drug dealings for decades. Robert Vesco, who we know as probably the fellow who went down and organized the modern drug movement in Latin America, where was his headquarters all of these years? It was in Cuba. Yet when we try to confront our administration with facts about who or where, you know, where are the drugs coming from and who are the kingpins, you never hear Fidel Castro mentioned.

And some of the things you are bringing up tonight about what he has done, and even a few years ago in Desert Storm, that threaten our national security, put the lives of our young men and women in the military at risk; why is it that LINCOLN DIAZ-BALART has to be the one talking to an empty Chamber here and trying to gain the attention of the people of the United States? Where is our administration? Where are the people who are supposed to be watching out for our security? Well, they are making overtures to try to think, well, now is the time we should loosen these restrictions on Castro.

It is beyond me.

Mr. DIAZ-BALART. Mr. Rohrabacher, it is worse than that. Not only are we not hearing anything from our administration, from the Commander in Chief whose responsibility under the Constitution is to protect the security of the American people, not only are we not hearing anything, but in a few days we are going to hear something officially coming from the Pentagon, politically ordered, saying in effect that there is no threat coming from Castro's Cuba.

And what is really sad is that you and I and most of the men and women in this Congress are extraordinary admirers of our men in uniform and our women in uniform, and they are great professionals. But the reality of the matter is that there are sometimes, sometimes examples of undue influence of political decisions made in the White House that are imposed upon the agencies of the executive branch, including the Pentagon.

So I urge, and a number of us have sent in writing our concerns to the Secretary of Defense and the Secretary of State with regard to this upcoming whitewash. This will simply be unacceptable to publicly say that a drug trafficker who maintains that Russian espionage center, and we have not gotten into the nuclear power plants yet, the Soviet-designed nuclear power plants that Castro is doing everything in his power, and he just received a $350 million line of credit from the Russians to complete less than 200 miles from the United States these Soviet-designed nuclear reactors. Defectors that worked in the initial stages of their construction have sworn here under oath in congressional committees and have stated to our intelligence community that, even beyond the inherent dangers of those nuclear plants, all of which, by the way, of that design have been closed in the former Soviet Union and in the former Communist countries of Eastern Europe. Each of those former Communist countries, now liberated, has shut down those, they are called DD–440 Soviet nuclear power plants, because of their inherent dangers. But over and above the inherent dangers, defectors have stated that there were so many mistakes made in the initial stages in their construction that they are literally ticking time bombs. And we are hearing absolutely nothing from our administration with regard to those nuclear plants.

I think it is indispensable. I think it is the constitutional duty of the President of the United States to say those plants are not going to become operational, period. Because that madman, that tyrant, if he is able to blackmail the President of the United States with refugees, imagine with Soviet-designed nuclear power plants. We are not only talking about a Chernobyl-type accident possibility, and I have the records in my files that within 72 hours as far north as Washington, D.C. would receive the radiation, the disaster would be without parallel, without precedent in this country. Not only an accident, but an incident manufactured or threatened by the Cuban tyrant with those nuclear power plants. Simply unacceptable. We are not only talking about the Cuban people being wiped out in the case of a Chernobyl, it is less than 200 miles from the United States. We are not talking about Chernobyl in the Ukraine. We are talking about Soviet-designed power plants less than 200 miles from the United States of America.

And where is the administration?

Mr. ROHRABACHER. Well, this administration, if the gentleman will yield, is a horrible record. This is totally consistent with what the administration did the last time we were out on vacation. What did they do? They moved to eliminate the final impediments to any type of trade with Vietnam. This administration which, by the way, has of course been involved in a scandal dealing with campaign donations that may have come from Red China, has done more to eliminate those people, the efforts by people to confront the Red Chinese on their human rights abuses.

So, should we be surprised that in this vicious dictatorship in Cuba that they overlook all of the evil that is so apparent to anyone who gives an honest look at the situation?

You know, I used to think these people were, you know, they just briefed in peace and they were so blinded by some desire for peace, but this is not a desire of peace. This is something pathological that when Communist countries and enemies of the United States are doing these type of things that you have outlined today, that we in some ways should try to befriend them and in some way that the threat to us is going to be less because we are befriending this type of monstrous regime.

Mr. DIAZ-BALART. The gentleman is correct in his analysis. The reality of the matter is that just a few days ago, March 20, a Fox News Service release which was distributed, I do not know how many newspapers in the United States picked it up, but nevertheless there was a release, a news release specifying this new commitment by the Russians of a $350 million line of credit to Castro for the completion of the nuclear power plants. This was in the news wires. And reading from that news wire, the scenario could not be more dire.

A nuclear disaster in Cuba that would send a plume of radioactive fallout across Florida and as far as Texas, the likes of which have not been seen since the 1986 accident at Chernobyl in the Ukraine. And it also could not be more plausible, say some Cuba experts now, that Cuba and Russia have announced plans to resume work on two long-stalled nuclear reactors located in the island Nation's western province of Cienfuegos, 180 miles from the United States.

The announcement came in the wake of Russia's decision just a few weeks ago to free up $350 million in credits offered to Cuba last year.

Quote, "This is a Chernobyl-like disaster just waiting to happen right off of our shores," end quote, said Roger Robinson, former senior director of international economic affairs at the National Security Council. Quote, "Anything could happen given such horrendous deficiencies in design and safety," end quote.

"So concerned is the U.S. Department of Defense," here is the reaction of the administration, "So concerned is the U.S. Department of Defense over the plant's safety that it plans to build a radiation detection facility in Florida that would alert residents" in the United States along the entire Gulf of Mexico and as far north as Washington, D.C. "of leaks from the two reactors."

The 1998 defense budget approved by Congress provides $3 million for the early warning system. That is not the solution. It is too late. If this warning, if this detection facility ever picks up radiation coming from those Chernobyl-style plants, it is too late. They cannot be permitted to come on line.

I would ask the gentleman from California, knowing of his leadership and his interest in the national security of our country to join me in forming a coup de grace caucus in this Congress to educate our colleagues with regard to these nuclear reactors, the first one that is scheduled to come on line being at Hidalgo that Castro was so desperate to complete. We have to educate our colleagues and the American people with regard to the fact that those nuclear power plants are being systematically ignored by the Clinton administration and that we in Congress, since the administration is not doing anything about it, we cannot let them come on line.

Mr. ROHRABACHER. I would gladly join with my colleague from Florida, and let me just say that if we are committed to protecting our people from this nuclear catastrophe that could happen, we have the means to prevent this from happening. We have the leverage on the former Soviet Union now. They must deal with this issue if we put it on the top of our list in dealing with Russia. And they have no money in Russia. We have the ability, even right now with just a concerted economic commitment, to tell the Russians they will not do this or we will bring them down, and we could do that even with our economic power. And for us to sit by and let them just transfer this $300 million nuclear plant is unconscionable.

And again it is commendable that you, like Paul Revere, are riding through the dark, warning of the coming danger, and the American people have got to wake up. They cannot be lulled to sleep by the images of an old man with a gray beard meeting with the Pope. This is not an old man with a gray beard meeting with the Pope. This is the Pope, unfortunately, meeting with Satan.

I mean, Fidel Castro has committed every evil that we can imagine on this planet, and the fact that he is willing to put nuclear reactors that are unsafe for his own people and put them on his island threatening the existence of every man, woman, and child on his island shows you the evil that is still in his heart.

There is nothing that motivates Fidel Castro except the hatred of the United States of America, and he is willing to sacrifice even the lives of every man, woman, and child on his island.

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Mr. DIAZ-BALART. I thank the gentleman from California, and we will work very intensely in the coming months on this caucus in the Congress to educate our colleagues and the American people with regard to simply the unacceptable reality of the construction of those plants and that they cannot be completed.

With regard to the point made by the gentleman from California with regard to Castro's hatred of the United States, just the day before yesterday, a dear friend of mine, a former Cuban political prisoner, spoke by phone with one of the most respected and leading dissidents inside of Cuba.

There is an extraordinary story going on unreported in Cuba. I have a list of 500 activists in my office, in the streets of Cuba, in all the provinces who are disarmed, and they are seeking, they are fighting for democracy day in and day out peacefully, in the midst of that totalitarian system and suffering extraordinary repression.

Of course, there are thousands in prison. But just the day before yesterday, perhaps one of the most respected of those dissidents, a young lawyer, 33 years old, who we in this Congress nominated for the Nobel Peace Prize when he was in prison last year, and the gentleman from California joined in that petition to the Nobel Peace Prize Commission, because that young man certainly deserved it, and we hoped to see if we could help him in his physical integrity and protection while he was a political prisoner last year. He has now been released.

He was able to speak to a former political prisoner and very good friend of mine the day before yesterday. I would like to read the remarks and answers in his reply to the questions posed by this gentleman who is now in exile, because one of the points he makes is precisely about Castro's hatred for the United States.

But if I may, Mr. Speaker, the question was, what is Leonel Morejon Almagro, this renowned and respected dissident, what is he doing presently for his country?

"We are working," he answered. "Working and asking God to end this nightmare. We continue working on the plebiscite; we have a good number of signatures." Under the Cuban Castro constitution, theoretically, you can put something on the ballot if you have 10,000 signatures. Of course, they never recognize those signatures. He is working on that. He is thrown in jail on that, but nevertheless, he is working on it, trying to find unity, a consensus of the people to achieve something important in this country.

In everything else, trying to grow each day in the people, which is what is vital, to be able to perform a civic action that has real repercussions and can create a movement with the strength of the people, to make the government sit down and talk to us. Or to change the political map of the country. That or any other project that can bring about a consensus among the opposition, and in the end mobilize the masses of the people, the opposition, the dissidents with a common goal. That is the solution. I believe that revitalizing the Cuban Council at this point is important.

What are the changes that Castro has made?

Castro has made absolutely no change. Please, let us not make mistakes, let us not get happy, let us not have futile fantasies, nor celebrations in vain. Because Castro was very clear in his last speech. In his love to talk and talk, he said the following: "If they lift the embargo, those who are saying that if they lift the embargo we are going to change, we tell them," Castro said that if they lift the embargo, "we will create true socialism."

Please, Castro has not changed in the least. Castro has played a political hand, gentlemen. A pardon, to forgive some people. We are happy because here are our brothers such as Alonso Romero, Omar del Pozo, et cetera. They have not left Cuba, but they are supposed to, they are being held in Villa Marista. Each time a political prisoner is freed, we are happy, but that is not the solution. What do we gain if one political prisoner is released when tomorrow 20 others are arrested? The punishment is still there.

I am threatened with a 20-year prison sentence. They have told me this to my face, that if I continue working for democracy, they will put me away for 20 years. They do not let me speak, they shut me up. How can I possibly believe in a change in Fidel. Do not believe that, because if Castro fools you, then you are really dumb.

Question: How do you see the U.S. capitalist sectors who wish to invest in Cuba?

Until now, the United States has, more or less, been able to hold back Americans from investing in Cuba. I think that if they allow this to happen, this would be a great lack of respect toward the Cuban people. Not only do they want to invest in Cuba, they want to come here for the "mulatta," to be with the "Caribbean mulatta" or the tanned boy. The investors who are already in Cuba are paying trifles. We are like the Indians. They are buying us with necklaces, with glass beads. That is immoral. It is indignant.

If they are able to achieve their wishes of investing, where does that leave us; where does that leave the Cuban people who have been kicked around for years, insulted; where does that leave the people who have suffered beatings, the disrespect, the intolerance? Where does that leave us?

I believe in democratic capitalism, in the one that helps man. If they come here to invest, it is going to be a disaster, because the Cuban people are not ready at this time, under these circumstances. Because the Cuban people are a slave people. The Cuban people are slaves.

And under those conditions we cannot win, because nobody who respects himself, for a little bag at the end of the month and for $148 a year is going to work in this country, nobody is going to do it. And those who do it are unhappy doing it.

For this country to take off economically, there needs to be economic freedom. Cubans have to be able to invest. The people need to live. The people need to prosper, the people need to be able to buy a car when they want to, save money whenever they want to, and Castro is not going to allow that, because that is the way to losing power. Because for Castro to remain in power, he needs the CDR, the Committees for the Defense of the Revolution, militants among the youth, among the party. He needs to have the people hungry and the people under control.

Everyone knows that I am in favor of the Helms–Burton law.

We are talking about a brave man, talking by telephone to the United States. Everyone knows that. He says that he is in favor of the Helms–Burton law.

What I want is for Castro and the Cuban Government to give my people rights, to me, to my daughter, to my wife, and everyone.

The embargo is not a Cuban problem. I remember when I was in high school, in 12th grade. During that time, petroleum was being thrown away. Petroleum and gasoline were wasted, were used for no reason. Because 13 million tons were received each year. There was too much for an island such as this. To the point that oil was sold to Nicaragua, to Africa, and the Caribbean.

At that time, Fidel Castro didn't even remember the embargo. My God, it is not a blockade problem. Fidel Castro uses it as a shield, but when Castro does not have an embargo, he is going to have a conflict with the United States to say, well, the gringos lifted the embargo, but now we cannot leave our one party, nor can we abandon socialism.

And then he will say to those who come to invest that they have to be very careful, because they are our eternal enemies. The speech will then be that it is a strategy to threaten him, Castro. It is a strategy so that we open up and lose power. And then he will ask more than ever not to lay down arms. They will celebrate the lifting of the embargo as a political victory, and everything will remain the same.

Question: What policy should be followed?

Until there is a real opening in democratic Cuba, until we have the possibility of publicly debating the country's problems, until there is the possibility for real change, there can be no softening of the sanctioning of the government, with regard to the pressure on the government, acting as though it were a normal government. If the embargo is lifted, we are lost. It will be a great defeat for the country.

Question: In Europe they say that if the embargo is lifted, Castro will be forced to make changes.

No, not true. The economic avalanche will not have any effect because, in Cuba, there is no will for change. There is no entrepreneurial spirit in the regime. The economic avalanche, whatever it may be, is going to be calculated, controlled by the government. Precisely to avoid change. Because the Cuban people are under a strong economic, political and social control.

The world may open up for Castro, but Castro is not going to open up for the world. Because Castro is only going to open up to his interests or for the benefit of the Communist Party's interests.

Tomorrow the blockade or embargo can be lifted, and the Europeans want to invest in Cuba. But to invest in Cuba, they need to go through the government's commercial filters, because in Cuba there is no commercial freedom, it does not exist in an external or internal sense.

In Cuba, every internal investment needs to go through a commission which decides what is going to be done. Foreign investors cannot meet with Cuban partners.

What do you think motivates those who wish to save Castro? The underlying envy of Europe and the rest of the Americas towards the United States. Castro has utilized that very well. They see Castro as the symbol of anti-Americanism, the anti-yankee, and they want to save him. They want to save his legend.

But Castro has used that legend to hurt the Cuban people, to hurt you, and to hurt me. I cannot have a normal life. What I want most is to enjoy my life. I do not want to be president or even a councilman from Marianao.

What I want is democracy in Cuba. Then after that, I want to write poetry, study piano, I want to travel, I want to study ecology, dedicate myself to my wife and to my daughter. I want to dream. I want to write a book. I want to live, damn it. And that is impossible in Cuba, just impossible.

I am not a politician. What I am is an idealist. And, in Cuba, one cannot live. It is impossible. Because, in Cuba, one cannot live under this system. In Cuba, our dreams have been castrated, there is a castration of the Cuban youth.

What do you recommend be done at this time?

It is necessary to help the opposition. The opposition needs real and concrete help, not just in heart and soul, it is needed in every sense. Much can be done, but there are too few resources for everything. There is nothing here. There is not even a Crayola to paint.

The Cuban Council is hope. And what people do is flee, leave the country. That takes away from us. It takes away from us and we leave the solution in the hands of that man, of this man who is a monster, who is delirious, who is paranoid, a lunatic, whatever he is. Who has ruined our lives, who has ruined my life.

Are you scared of anything?

Yes, I am. I do not want to walk alone at night. I am worried because my wife is very nervous, due to threats I have received. I do not want a bus to mysteriously run over me. I am 33 years old, I do not want to be crucified. I aspire to live the happiest moment of my life, the moment of meeting again with you, with the good that you are, not the bad. The good that can be found in Cuba, to meet again and breathe, breathe in a free country. I want that. That will be the happiest moment of our lives.

I have a 6-year-old daughter. I sleep in one room with my wife and my daughter. She is growing. And I would like to offer her a better life. I am an attorney, I did well in my career, the time that I was working. I lost my career, I lost the possibility of practicing because I thought, and I think, that it was my duty as a man to tell the truth in court and not remain quiet before injustice. I have lost, not lost, but gained years lived in prison, because they have given me the honor of being able to tell my daughter and my grandchildren tomorrow that I suffered in prison for opposing Castro.

I do not want to lose my life, but if I have to lose it, I'd do it happily to destroy a hateful dictatorship in my country. But truly I want to live. I want to live. I want to be able to live. Look, in Cuba, one does not live, people leave Cuba because you cannot live here.

In Cuba, there is no future. Cuba is a country condemned to a totally indecent present. A hateful present. And somebody has to do it. It is my place to speak in the name of those Cubans who are afraid, very afraid, who have many responsibilities, what they cannot say.

Is there hope?

In Cuba, there are thousands of people who are waiting for the opportunity. We can really destroy this in a matter of months, but we need to see the formula. What the people need to understand is that the solution is within us. Let us see how we get there. I have been trying to figure out how to do it. But we have on top of us the entire intelligence apparatus. We are a people controlled by the yoke.

What is the future of the Cuban opposition?

I can guarantee you something. Perhaps tomorrow we cannot call upon a million people to show strength among the people, but I can tell you that no matter what they do to us, they will not be able to get rid of us, to eliminate us. The Cuban opposition was born, grew, and here to stay. Fall who may, and do what they do, we will be here.

What would you say to those who wish to invest while Castro is still in power?

We have to tell them not to get desperate to invest in Cuba because they will lose more investing today than waiting for tomorrow. They should invest in a country with full economic rights and guarantees.

That is the message that we have to give the Americans who are dying to invest in

> Cuba. We have to tell them to remain calm. They will have opportunities to invest in a country that really has economic potential, with security, and peace. Because Cuba right now is a time bomb, because a people such as this, is not going to, even if it is dormant, even if it is in a long lethargy difficult to wake from, it is not going to resign itself to live as slaves. Because Cuba, at this time, is a country of people who are tired and sodomized. Castro has simply sodomized the Cuban people.
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> And we must tell those investors not to get desperate, help more by pressuring the government, more so that it opens up, more to make a safe society, a pluralistic society, a society with all its social dynamics, its freedom, and its capabilities open so that they may prosper.

Leonel Morejon Almagro, from Cuba, the national coordinator of the umbrella of 140 dissident and independent press and professional and workers organizations. This is the Cuban people speaking.

In addition to that, you know that the three Cuban American Members of Congress, both Republicans and Democrats speak like this man speaks, because we know what the Cuban people feel.

Our friends in Congress here, who are all of you, coincidentally, who are here this evening, from both parties, the friends of the Cuban people respect the Cuban people and want free elections for the Cuban people, and they listen to the Cuban people's representatives like Leonel Morejon Almagro. I thank the representatives.

On behalf of Leonel Morejon Almagro and the Cuban people, I thank the representatives of the American people and the American people for standing on the side of Cuba's right to be free.

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Mr. ROHRABACHER. Mr. Speaker, if the gentleman will yield, I think that it is vital that we understand that if we do what is right now, and we have the courage, as this man suggested in the reading, that we discipline ourselves and not rush in to try to invest in Cuba before Castro is gone.

Castro will some day be gone, whether it is natural causes or otherwise, and the Cuban people will have a chance to be free. But I fear that American businessmen, as they are doing in China and as they are doing in other dictatorships, are rushing not to try to have a positive influence, but instead, are looking at the quick buck and are establishing economic ties with these totalitarian regimes which will give life to those regimes.

In other words, I believe that once American businessmen invest in Cuba, we will find that Communist Cuba has a whole new group of advocates in the United States, as we have seen in China, as we have seen people who are supposed to be talking about democracy in China because they are Americans and they are investing in China and up spending all of their time trying to do what? Trying to lobby us not to be tough on China because of the abuses of human rights there. This same thing could happen in Cuba.

Mr. DIAZ-BALART. Mr. Speaker, reclaiming my time, at the very least, even though we have not been able to prevent what I personally consider an immoral policy with regard to the Chinese Government, because the real matter is that the Chinese Government uses slave labor and the multinational corporations are investing in that market and benefiting from the slave labor of the Chinese people. We have not been able to stop that because it is a billion people and it is too strong for us to have stopped it.

But at the very least we can say in this hemisphere, this is a hemisphere of democracy and this is a hemisphere of freedom and the Cuban people are not the only people that should be condemned to live in tyranny in this hemisphere; no, they deserve to be free.

Mr. Speaker, I thank the gentleman from Florida (Mr. BILIRAKIS), the gentlewoman from New York (Mrs. MALONEY), the gentleman from New Jersey (Mr. PALLONE), my colleagues that are here. They are representative of the overwhelming majority of the Congress of the United States in both parties who stand with the right of the Cuban people to be free.

We are, in the next few days, going to celebrate the 100th anniversary of the resolution passed by this Congress that said Cuba is and it ought to be free and independent, as we told the Spanish colonialists, who invented the concentration camp under General Wahler. By the way, interestingly enough, Castro's father was sent to Cuba to fight the Cuban insurrection as a Spanish soldier under General Wahler and General Wahler invented the concentration camp, and he put entire segments of the Cuban population in concentration camps to defeat the insurrection.

Mr. Speaker, it was the American people, and the American people alone, that stood with the Cuban people, and Cuba was free and independent. The United States withdrew from Cuba after helping the Cuban people defeat Spanish colonialism in 1888 and the United States withdrew in 1902.

The relationship between Cuba and the United States has always been friendly, except for this madman who represents the anti-Cuba and who will soon be gone from the face of the Earth and will be in the dust bin of history.

I thank the Congress of the United States; I thank the leaders who are here who represent the majority opinion of the Congress and of the American people, and I thank the American people for time after time after time standing with freedom, standing with democracy, two times in this century, saving the world from tyranny. This is a noble people, and what an honor to be able to stand in this Congress of this great Nation of the United States of America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERRY (at the request of Mr. GEPHARDT) for today, on account of attending a funeral in the district.

Mr. BRYANT (at the request of Mr. ARMEY) for today, on account of his wife's surgery.

Mr. ROGERS (at the request of Mr. ARMEY) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. STENHOLM, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. DOGGETT, for 5 minutes, today.

(The following Members (at the request of Mr. LEWIS of Kentucky) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day on March 30, 31, and April 1.

Mr. TIAHRT, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. LEWIS of Kentucky, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Mr. KIND.
Mr. MENENDEZ.
Mr. STOKES.
Mr. HOLDEN.
Mr. EVANS.
Mr. MCDERMOTT.
Mr. SERRANO.
Ms. SLAUGHTER.
Ms. LOFGREN.
Mr. BLAGOJEVICH.
Mr. KLINK.
Mr. LANTOS.
Mr. VENTO.
Mr. ENGEL.
Mr. SCHUMER.
Mr. DELAHUNT.
Mr. VISCLOSKY.

(The following Members (at the request of Mr. LEWIS of Kentucky) and to include extraneous matter:)

Mr. WALSH.
Mr. FRELINGHUYSEN.

Mr. ARMEY.
Mr. HAYWORTH.
Mr. GILMAN.
Mr. BEREUTER.
Mr. PORTER.
Mr. MICA.
Mr. FRANKS of New Jersey.

ADJOURNMENT

Mr. METCALF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, March 30, 1998, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8273. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin; Assessment Rate and Establishment of Late Payment and Interest Charges on Delinquent Assessments [Docket No. FV97–930–1 FIR] received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8274. A letter from the Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule—Voluntary Shell Egg Regulations [Docket No. PY–97–003] received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8275. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Extension of Tolerance for Emergency Exemptions [OPP–300630; FRL–5779–1] (RIN: 2070–AB78) received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8276. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Drug Products Containing Quinine for the Treatment and/or Prevention of Malaria for Over-the-Counter Human Use [Docket No. 94N–0355] received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8277. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins [AD–FRL–5988–5] (RIN: 2060–AH47) received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8278. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plan; Colorado; PM10 and NOx Mobile Source Emission Budget Plans for Denver, Colorado [CO–001–0022 and CO–001–0023; FRL–5981-4] received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8279. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that State has Corrected the Deficiency; State of California; San Joaquin Valley Unified Air Pollution Control District [CA 207–0068b; FRL–5987–3] received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8280. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Oregon [OR–69–7284a; FRL–5984–7] received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8281. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans and Redesignation of California's Ten Federal Carbon Monoxide Planning Areas [CA 041–0067b; FRL–5983–9] received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8282. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Maricopa County [AZ 059–0011; FRL–5988–9] received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8283. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to Reporting Regulations Under TSCA Section 8(d) [OPPTS–42188B; FRL–5750–4] (RIN: 2070–AD17) received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8284. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emission Standards for Locomotives and Locomotive Engines [FRL–5939–7] (RIN: 2060–AD33) received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8285. A letter from the Interim District of Columbia Auditor, District of Columbia, transmitting a copy of a report entitled "District's Department of Public Works Improperly Collected and Retained Millions In Parking Ticket Overpayments," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform and Oversight.

8286. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting the Department of the Army's Civil Works Program Strategic Plan FY 1999—FY 2004, pursuant to Public Law 103–62; to the Committee on Government Reform and Oversight.

8287. A letter from the Acting Comptroller General, General Accounting Office, transmitting a monthly listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 2400. A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with an amendment (Rept. 105–467 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. LIVINGSTON: Committee on Appropriations. H.R. 3579. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–469). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Mr. LIVINGSTON: Committee on Appropriations. H.R. 3580. A bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–470). Referred to the Committee of the Whole House on the State of the Union, and ordered to be printed.

Pursuant to clause 5 of rule X, the Committee on the Budget discharged for further consideration. H.R. 2400 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. KENNEDY of Massachusetts, Mr. FILNER, Mr. GUTIERREZ, Ms. BROWN of Florida, Mr. DOYLE, Mr. MASCARA, Ms. CARSON, Mr. REYES, and Mr. RODRIGUEZ):

H.R. 3571. A bill to amend title 38, United States Code, to extend through December 31, 2001, the period for the provision of priority health care to Persian Gulf War veterans; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS (for himself and Mr. KLINK):

H.R. 3572. A bill to ensure the availability of spectrum to amateur radio operators; to the Committee on Commerce.

By Mr. DINGELL (for himself, Mr. MURTHA, and Mr. REGULA):

H.R. 3573. A bill to impose certain limitations on disbursements from the Exchange Stabilization Fund to certain countries, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington:

H.R. 3574. A bill to permit increased local management and control of Fullbright Park, a city park in the City of Union Gap, Washington, that was purchased in part with monies from the land and water conservation fund; to the Committee on Resources.

By Mr. HASTINGS of Washington:

H.R. 3575. A bill to preserve the integrity of the Kennewick Man remains for scientific study, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KIND of Wisconsin:

H.R. 3576. A bill to amend title 31, United States Code, to prohibit the inclusion of legislative provisions and nonemergency spending in emergency appropriation laws; to the

Committee on Government Reform and Oversight.

By Ms. LOFGREN (for herself, Mr. NADLER, Mr. CONYERS, Mr. WATT of North Carolina, Ms. DELAURO, Ms. ESHOO, Ms. HOOLEY of Oregon, Mrs. LOWEY, Mrs. MINK of Hawaii, Mrs. TAUSCHER, Ms. WOOLSEY, Mr. DEFAZIO, Mr. FAZIO of California, Mr. HASTINGS of Florida, and Mr. MILLER of California):

H.R. 3577. A bill to provide parent-child testimonial privileges in Federal civil and criminal proceedings; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. PALLONE, Mr. PAYNE, Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, Mr. FRANKS of New Jersey, and Mr. TRAFICANT):

H.R. 3578. A bill to provide for a judicial and administrative remedy for disputes arising under certain agreements with foreign entities; to the Committee on the Judiciary.

By Mr. FAZIO of California:

H. Res. 400. A resolution designating minority membership on certain standing committees of the House; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. COBURN and Mr. GOSS.

H.R. 8: Mr. ROHRABACHER and Mr. COX of California.

H.R. 44: Mr. SPENCE.

H.R. 726: Ms. DELAURO.

H.R. 775: Mr. KUCINICH and Mr. LUTHER.

H.R. 815: Mr. JOHN.

H.R. 1047: Mr. NADLER.

H.R. 1134: Mr. MURTHA and Mr. DUNCAN.

H.R. 1151: Mr. LAHOOD, Mr. POSHARD, and Mr. ADAM SMITH of Washington.

H.R. 1240: Mr. KUCINICH and Mr. SHAYS.

H.R. 1415: Ms. KAPTUR.

H.R. 1526: Mr. BEREUTER.

H.R. 1715: Mr. GEJDENSON, Mr. BILBRAY, and Mr. PETERSON of Minnesota.

H.R. 1861: Mr. BERMAN.

H.R. 1951: Mr. KANJORSKI, Mrs. TAUSCHER, and Ms. DEGETTE.

H.R. 1995: Mr. RAHALL, Mr. PICKETT, and Mr. TOWNS.

H.R. 2113: Ms. PRYCE of Ohio, Mr. LOBIONDO, Mr. MASCARA, Mr. GOODE, Mr. FRELINGHUYSEN, Mr. PICKERING, Mr. SMITH of Texas, and Mr. ENGEL.

H.R. 2151: Mr. RANGEL.

H.R. 2187: Mrs. KELLY.

H.R. 2224: Mr. MARTINEZ and Mr. GUTIERREZ.

H.R. 2228: Mr. HINCHEY.

H.R. 2431: Mr. RAMSTAD, Mrs. MORELLA, Mr. HASTINGS of Washington, Mr. ABERCROMBIE, Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. SAXTON, Mr. ROGERS, and Mr. BLAGOJEVICH.

H.R. 2454: Mr. TRAFICANT.

H.R. 2457: Mr. TRAFICANT.

H.R. 2489: Mr. BARCIA of Michigan, Mr. HOUGHTON, Mr. HASTINGS of Florida, Mrs. THURMAN, Mr. HAMILTON, Mr. REDMOND, Mr. ABERCROMBIE, and Mr. BLAGOJEVICH.

H.R. 2671: Mr. FRANK of Massachusetts.

H.R. 2789: Ms. RIVERS, Mr. KENNEDY of Massachusetts, Mr. LUTHER, and Mr. PASCRELL.

H.R. 2792: Mr. ENGLISH of Pennsylvania.

H.R. 2829: Mr. LAFALCE and Mr. SCOTT.

H.R. 2840: Mr. ARCHER.

H.R. 2849: Mr. LAFALCE, Mr. HINCHEY, Mr. FILNER, Ms. SLAUGHTER, Mr. OLVER, Ms. KILPATRICK, Mr. METCALF, Mr. HUTCHINSON, and Mr. BLUMENAUER.

H.R. 2888: Mr. CASTLE.

H.R. 3000: Mr. SMITH of Oregon.

H.R. 3043: Ms. MILLENDER-MCDONALD.

H.R. 3048: Mr. TORRES and Mr. MARTINEZ.

H.R. 3107: Mr. GALLEGLY and Mr. STUMP.

H.R. 3121: Mr. LAMPSON, Mr. RUSH, and Mr. KUCINICH.

H.R. 3150: Mrs. FOWLER, Mr. GOODLATTE, Mr. BOEHNER, Mr. FROST, Mr. CUNNINGHAM, Mr. FAZIO of California, Mrs. MYRICK, Mr. PEASE, Mr. HILLEARY, Mr. CALVERT, Mr. BLUNT, Mr. ENSIGN, Mr. JENKINS, Mr. CHRISTENSEN, Mr. BOEHLERT, Mr. ADAM SMITH of Washington, Mr. CLEMENT, Mr. METCALF, Mr. SESSIONS, Ms. FURSE, Mr. GOODE, Mrs. KELLY, Mr. GRAHAM, Mr. KING of New York, Mr. EHRLICH, Mr. DEAL of Georgia, Mr. COOK, Mr. GOODLING, Mr. SHAYS, Mr. BLUMENAUER, Mr. BARR of Georgia, Mr. COOKSEY, Mr. LIVINGSTON, Mr. HUTCHINSON, Mr. HALL of Texas, and Mr. CAMP.

H.R. 3181: Mr. PETERSON of Minnesota.

H.R. 3206: Mr. MCDADE.

H.R. 3261: Mr. CAMPBELL.

H.R. 3269: Mr. DELAHUNT.

H.R. 3279: Mr. CRAMER and Mr. STENHOLM.

H.R. 3281: Mr. WHITFIELD and Mr. ROGERS.

H.R. 3292: Mr. HINCHEY, Ms. LOFGREN, Mrs. CLAYTON, and Mr. KENNEDY of Rhode Island.

H.R. 3331: Mr. COX of California.

H.R. 3396: Mr. CLAY, Mr. CALLAHAN, and Mr. LOBIONDO.

H.R. 3400: Mr. STARK, Mr. RODRIGUEZ, and Mr. GUTIERREZ.

H.R. 3433: Ms. SLAUGHTER, Mr. SHAYS, Mr. CRANE, and Mr. CAMP.

H.R. 3462: Mr. BARRETT of Wisconsin.

H.R. 3475: Mr. ENGLISH of Pennsylvania.

H.R. 3494: Mr. ENSIGN and Mr. ENGLISH of Pennsylvania.

H.R. 3503: Mr. BLILEY, Mr. SCHUMER, and Mr. ENGEL.

H.R. 3514: Mrs. THURMAN and Mr. MCGOVERN.

H.R. 3526: Ms. WOOLSEY and Mr. SHERMAN.

H.R. 3557: Mr. COOK.

H.R. 3568: Mr. STARK.

H.J. Res. 99: Mr. WHITFIELD, Mr. LEACH, and Mr. MASCARA.

H.J. Res. 102: Mr. BISHOP, Ms. BROWN of Florida, Mr. COLLINS, Mr. COOK, Mr. COOKSEY, Mr. CRAMER, Ms. DEGETTE, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EHRLICH, Ms. ESHOO, Mr. GEPHARDT, Mr. GILCHREST, Mr. GREENWOOD, Mr. HALL of Texas, Mr. HASTINGS of Washington, Mr. HEFLEY, Ms. HOOLEY of Oregon, Mr. INGLIS of South Carolina, Ms. JACKSON-LEE, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LATOURETTE, Mr. LEWIS of Kentucky, Mr. MCDADE, Mr. MCINTOSH, Mr. MCKEON, Mr. MARTINEZ, Mrs. MYRICK, Mr. OBEY, Mr. PAYNE, Mr. PITTS, Mr. RANGEL, Mr. SAXTON, Mr. DAN SCHAEFER of Colorado, Mr. STEARNS, Mr. TORRES, Mr. VENTO, Mr. WAMP, Mr. WEYGAND, Mr. WYNN, and Mr. YOUNG of Alaska.

H. Con. Res. 154: Ms. SLAUGHTER.

H. Con. Res. 203: Ms. MILLENDER-MCDONALD.

H. Con. Res. 210: Mr. COOK.

H. Con. Res. 211: Mr. GREENWOOD.

H. Con. Res. 214: Mr. WAMP.

H. Con. Res. 228: Mr. PRICE of North Carolina.

H. Con. Res. 229: Ms. CARSON, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. FROST, Mr. MASCARA, Ms. SLAUGHTER, Mr. TORRES, and Mr. WEYGAND.

H. Con. Res. 233: Mrs. KELLY and Mr. CALVERT.

H. Res. 45: Mr. FOX of Pennsylvania.

H. Res. 212: Mr. CRAMER and Mr. STARK.

H. Res. 353: Mr. WELDON of Florida, Mr. BONIOR, Mr. HASTINGS of Florida, Mr. ADAM SMITH of Washington, Mrs. MEEK of Florida, Mr. WOLF, and Ms. FURSE.

H. Res. 387: Mr. TORRES, Mr. STARK, and Mr. ENGEL.

H. Res. 392: Mr. GILMAN and Mr. KOLBE.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. BAESLER on House Resolution 259: Lois Capps.

The following Member's name was deleted from the following discharge petition:

Petition 3 by Mr. BAESLER on House Resolution 259: Walter H. Capps.

EXTENSIONS OF REMARKS

CLINTON'S FAILED AFRICAN POLICY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. MICA. Mr. Speaker, fortunately, history will cast final judgment on this administration and President Clinton's failed African policy.

After the made-for-T.V. and carefully staged events fade from memory, some grim scenes of Clinton failed African policies will haunt us for generations.

There won't be a Clinton visit to Somalia. Somalia has returned to chaos.

While we hear the cheers in African streets today—we must not forget the jeers of crowds in Mogadishu.

We must not forget that this President placed U.S. troops under disorganized U.N. command and they were killed and dragged shamelessly on African soil. This President turned a Bush humanitarian mission into a foreign relations and military disaster.

History will also record this administration's failure to halt a "Holocaust of our time" in Rwanda.

Not only did the President fail to act after the killing began—In fact, President Clinton and his administration repeatedly blocked U.N. efforts to send in an All-African force before the genocide began.

Mr. Speaker, fortunately history will not be blinded by the temporary glare of a television camera either in Africa or in America.

HONORING JUDGE FRANK C. WISE

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. KLINK. Mr. Speaker, I rise today to congratulate the Honorable Frank C. Wise on his retirement after over forty years of service to the citizens of Pennsylvania and the United States of America.

Judge Wise enlisted in the Pennsylvania State Police in 1960 after serving four years in the U.S. Navy. He was first stationed in Troop A Greensburg, but moved to Troop B in Pittsburgh after a few years. Judge Wise served as a state policeman for 26 years before retiring in 1986.

The retirement of Frank Wise was short-lived, however. He was appointed district justice by Governor Dick Thornburg to fill a vacancy in Saxonburg. Judge Wise was elected to his first full term in 1987 and was re-elected in 1993. He has faithfully served the community in this capacity ever since.

Judge Wise has also been active in other areas of public life over the years. He has served as the Special Court Judges Association's liaison with the Pennsylvania State police. In this role, he has been instrumental in the establishment of experimental programming for the cadets of the Pennsylvania State Police Academy. In addition to this duty, Judge Wise has also served on my yearly panel that interviews candidates for appointment to the U.S. Service Academies.

Judge Frank Wise epitomizes the image of the public servant. His work in both facets of our justice system, law enforcement and the courts, has left an indelible mark upon them and upon the people of Pennsylvania. Judge Wise, your legacy will live on in all those who have had the opportunity to work with you and learn from you.

On behalf of my fellow members, I commend Judge Frank C. Wise for all his achievements. He has demonstrated a commitment to service that all citizens can be proud of. We congratulate you, Judge Wise and wish you all the best in the future.

PRISONERS OF CONSCIENCE IN CHINA: HAO FUYUAN AND NGAWANG OESER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. LANTOS. Mr. Speaker, it is my honor to call to the attention of my colleagues Mr. Hao Fuyuan, a Chinese Prisoner of Conscience adopted by my office as part of the Congressional Human Rights Caucus'Adopt-a-Political Prisoner campaign. Mr. Hao is a peasant from the province of Shandong who, inspired by the Tiananmen Square disturbances he saw on television, joined some students making their way to join the fray.

Upon returning from Tiananmen Square, Mr. Hao purchased a blank tape and recorded such messages as "Li's words deceive the masses; You must not believe him"; "You should listen to Voice of America"; and "Students and workers all over the country, strike!" Mr. Hao played this tape in seven peasant homes in his village.

Arrested during the aftermath of the bloody crackdown in Tiananmen Square, June 4–5, 1989, Mr. Hao was tried and found hostile to the socialist system and sentenced to ten years imprisonment and three years loss of political rights for "broadcasting dissent to the masses." He has currently served eight of those ten years in Shandong Prison 3 in Weifang, punished simply for exercising his right of free speech, a right recognized by most governments throughout the world as a fundamental human right.

Mr. Speaker, in March, 1997, the category of "counterrevolutionary crimes", under which Mr. Hao was charged, was eliminated by the Chinese legislature. Even more suggestive, four men charged with counterrevolutionary crimes for their involvement in the 1989 protests were recently released. This suggests that the Chinese government, under its new leadership, may be rethinking the Tiananmen Square incident. The time is right, Mr. Speaker, for the release of Hao Fuyuan, and I invite my colleagues to join me in urging the Chinese government to release him from prison.

My office has also adopted Mr. Ngawang Oeser, a monk from the Drepung Monastery currently jailed in Drapchi. Mr. Ngawang was arrested for "spreading counterrevolutionary propaganda", such as a translation of the Universal Declaration of Human Rights, which China itself signed fifty years ago. For this "egregious crime", Mr. Ngawang received the outrageous sentence of seventeen years in jail with loss of political rights for an additional five years. He has so far served nine years of that sentence.

Mr. Speaker, Amnesty International rightfully considers Hao Fuyuan and Ngawang Oeser Prisoners of Conscience, those imprisoned solely for the non-violent expression of their beliefs, who have not used or advocated violence. In cooperation with Amnesty International, the Congressional Human Rights Caucus in October of last year sponsored a campaign urging congressional offices to adopt a Tibetan or Chinese Prisoner of Conscience. Many of my colleagues in Congress have participated in this project, joining the Congressional Human Rights Caucus in the belief that a violation of human rights anywhere is a violation of human rights everywhere.

All Prisoners of Conscience, insofar as they have defended human rights without resorting to violence, are eminently deserving of our assistance. Mr. Hao is especially significant, however, because like most of the more than 2,500 political prisoners in China, he is not a well-known intellectual or activist. Hao Fuyuan is a simple man who was dissatisfied with his country's leaders and who communicated that dissatisfaction to his neighbors. He did nothing more. He is a testament to the truth that, though occasionally perceived as the property and passion of an educated elite, human rights are universal . . . and they must be universally recognized.

THE 50TH ANNIVERSARY OF THE KIWANIS CLUB OF SPARTA, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 50th Anniversary of the Kiwanis Club of Sparta, New Jersey.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Kiwanis Club of Sparta was organized and chartered in 1948 and has for the past fifty years provided leadership, personal service, commitment and financial support to the Sparta Township community. The Club currently consists of fifty-five members who each contribute thousands of voluntary hours of service to the community and have faithfully followed the ideals and principles of Kiwanis International, its parent organization.

The Club has been recognized as one of the leading service clubs in Sussex County, New Jersey, as a result of its many community activities. Some of these activities including sponsoring high school Key Clubs, giving over $98,000 in scholarships to high school seniors over the past twelve years, providing approximately $35,000 per year in financial support for community groups and activities in Sparta Township, as well as community service projects ranging from flower planting and roadside cleanups to providing volunteer assistance to senior citizens and delivering food to the needy.

As the Kiwanis Club of Sparta continues its long tradition of dedicated service to the Sparta community, I want to ask you, Mr. Speaker, and my colleagues, to join me in commemorating the 50th anniversary of their organization. I sincerely wish that it may enjoy many more years of fellowship and service.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. KIND. Mr. Speaker, today is a sad day for our democracy. This was the week that the House of Representatives was to debate and vote on campaign finance reform. Yet, here we are on Friday with the news from the leadership that a vote has been delayed. What is most upsetting is the reason for the delay, a majority of the House supports campaign reform.

The leadership, out of fear of actually doing something, first tried to push a bill that contained so many poison pill provisions that it was destined to fail. Now that this strategy appears doomed, the leadership simply pulled the bill and refuses to even consider a vote. The will of the majority in the House has now been denied, just as a majority in the Senate was denied passage of a reform bill.

The reason a majority of members support real reform is because they have heard from their constituents, just as I have, that the citizens are tired of the influence of big money in the political process and they want reform. If we fail to change the current system, we will continue to erode the confidence of the public in our democratic system.

I hope that next week brings, at last, the chance for this body to make a difference in our campaign finance system. The people of my district want action now!

HONORING THE MIDLAND VOLUNTEER FIRE DEPARTMENT

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. KLINK. Mr. Speaker, I rise today in recognition of the Midland Volunteer Fire Department of Beaver County. The fire department was recently named to the Pennsylvania Fire Services Institute's 100 Year Honor Roll. This honor roll commemorates fire departments with more than a century of service. I would like to take this opportunity to congratulate the volunteers, both past and present, for more than 100 years of public service to their community.

The Midland Volunteer Fire Department is made up of individuals who risk their lives in the service of their fellow citizens. The volunteers have other concerns in their lives including their careers and their families. However, when the emergency call sounds, the members of the Midland Volunteer Fire Department put their own lives on hold to provide safety and emergency services to the citizens of Midland. They provide an invaluable service to the entire community.

On behalf of my colleagues in the House of Representatives, I would like to wish the Midland Volunteer Fire Department many more years of successful public service. They have protected the lives of the families, the property, and the spirit of their community with honor and dignity. I ask you and all members to join me in a special salute to the Midland Volunteer Fire Department.

SECRETARY OF STATE MADELEINE K. ALBRIGHT'S STRONG SUPPORT FOR RELIGIOUS FREEDOM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. LANTOS. Mr. Speaker, on Thursday, March 12, the Congressional Human Rights Caucus held an important meeting with a number of the distinguished members of the Advisory Committee on Religious Freedom. I had the great honor of chairing that meeting of the Caucus. The Advisory Committee on Religious Freedom was established last year by the Secretary of State to report to the Secretary and to the President on issues of religious persecution and appropriate United States Government policy on religious liberty issues.

The Advisory Committee is composed of a number of distinguished religious, academic, human rights and foreign policy leaders. The Committee members have spent a great deal of time meeting and examining the relationship between religious freedom and American foreign policy.

Mr. Speaker, earlier this year, the Advisory Committee on Religious Freedom Abroad presented its Interim Report to the Secretary of State and the President. Our hearing on Thursday focused on this significant report. In order to deal with serious, and in many places growing, pressure upon believers who wish to practice their religion in peace, the Advisory Committee on Religious Freedom Abroad has met a number of times this past year and has prepared an excellent report on the problem of religious persecution. The report of the Advisory Committee includes a series of thoughtful and useful recommendations for United States policy to encourage and promote religious liberty.

I am delighted, Mr. Speaker, that Secretary Albright began immediately to implement the recommendations made by the Committee. At the time the Advisory Committee's Interim Report was made public, she announced that she was implementing the first recommendation of the Committee by designating a new senior-level coordinator at the Department of State who will have responsibility for integrating concern for religious freedom into U.S. foreign policy and for developing a coordinated interagency strategy on this issue of great importance to the American people.

As Secretary Albright said when she met with journalists at the time the report was released,

> America is a leader in promoting religious freedom because it serves our interests and because it is right. We hope to pursue that goal with even more vigor and effectiveness in the days ahead.

REMARKS BY SECRETARY OF STATE MADELEINE K. ALBRIGHT ON THE INTERIM REPORT TO THE SECRETARY OF STATE AND THE PRESIDENT OF THE UNITED STATES FROM THE ADVISORY COMMITTEE ON RELIGIOUS FREEDOM ABROAD, WASHINGTON, D.C., JANUARY 23, 1998

> Good afternoon. I wanted to come down here today to bring to your attention the very constructive and timely interim report I've just received from my advisory committee on religious freedom.
>
> I very much welcome this report. Although I've just begun to study it, its overall direction and tone is very much in keeping with the Administration's own intentions and aspirations. So I'm pleased to tell you now what I told the committee just a little bit earlier, which is that I'm taking immediate action on the report's first and most important recommendation.
>
> I will designate a new, senior-level coordinator within the Bureau of Democracy, Human Rights and Labor to ensure that our efforts to advance religious freedom are integrated successfully into our broader foreign policy. The coordinator's responsibilities will include developing a strategy for appropriate overall implementation of the advisory committee's recommendation. This work will be done under the direction of Assistant Secretary John Shattuck, and in consultation with the White House, religious leaders, members of the advisory committee and of Congress.
>
> In this way, we can assure the American people and the committee that its best ideas will be brought to life, not studied to death. I also assured the committee that I consider the promotion of religious freedom to be an integral component of US foreign policy to be pursued not in isolation, but as part of our efforts to increase the respect for human rights around the world.
>
> That's why I've urged our diplomats to raise our concerns about religious freedom energetically; report on these issues thoroughly; and maintain contact with NGOs and

local religious leaders on a regular basis. We will continue these and other efforts and give serious consideration to the committee's ideas on how we can do them better.

As we speak, the resilience and depth of the human desire to worship freely is on display in Cuba Decades of repression could not vanquish the thirst for religious liberty on that island, just as it has not diminished the desire among the Cuban people for political liberty. The Cuban Government did the right thing in permitting His Holiness, the Pope, to accept the invitation of his church to visit.

Let us pray that the message of freedom and respect for the individual which he is conveying will influence the direction of government policies long after this historic visit is concluded so that Cuba, indeed, becomes more open to the world, and the world can, indeed, become more open to Cuba.

In closing, I want to thank publicly every member of the religious freedom advisory committee. This is a committee uniquely qualified to discuss and review America's approach to promoting religious freedom abroad. Its members include religious leaders who represent millions of Americans of all major faiths and denominations, and scholars who have dedicated their professional lives to the study of issues related to religious liberty.

In the course of their work, they interviewed such eminent figures as the Dalai Lama, Cardinal Daly of Northern Ireland and Pastor Robert Fu of China. The committee clearly took its work very seriously, and we take it seriously as well.

America is a leader in promoting religious freedom because it serves our interests and because it is right. With the committee's counsel, we hope to pursue that goal with even more vigor and effectiveness in the days ahead.

THE 100TH ANNIVERSARY OF THE BOROUGH OF NORTH CALDWELL, ESSEX COUNTY, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 100th Anniversary of the Borough of North Caldwell, Essex County, New Jersey

The Borough of North Caldwell was part of a large tract of land known as "Horseneck" that was purchased by a group of colonists from the Indians who lived in the area in 1701. In 1784 a group living in Horseneck organized a Presbyterian Church Society and in 1787 they voted to change the name of their community to Caldwell in honor of the Reverend James Caldwell who had helped them form their church group. North Caldwell continued as part of Caldwell Township until the last 19th century, when citizens, wanting improved roads and a better school, felt they could better achieve these goals as an independent municipality.

Since its modest beginning, the Borough of North Caldwell has steadily developed into a thriving residential community, counting among its residents a nationally known portrait painter and an American Poet Laureate and Pulitzer Prize winner in poetry. While the area was originally farm country, North Caldwell soon had its share of local industry. By the early half of the 19th century a large bark mill was established, which boasted a water wheel that was five feet wide and eighteen feet in diameter. After changing ownership in 1846, the mill was converted to operate as a grist mill and a saw mill. By 1931, multistory buildings had been erected and a prosperous local economy was in full operation.

The ensuing years brought many complexities and the demand for organization of a variety of resources for citizens' needs. North Caldwell currently has a full-time professional staff, including a police department, which has grown from three officers in 1930 to seventeen today, and a fire department incorporated in 1922, which is 28 members strong. The Borough's excellent school system dates back to 1770, when the first schoolhouse was built. Several subsequent schools were built during the 19th century, and the first Board of Education was appointed in 1903. Today there are several schools in the Borough, including the West Essex Regional Schools opened in 1961.

Mr. Speaker, for the last 100 years, the Borough of North Caldwell has prospered as a community and remains a thriving municipality today. By all accounts, it will continue to prosper in the future and I ask my colleagues to congratulate all residents of North Caldwell on this special anniversary year.

STATEMENT UPON THE INTRODUCTION OF LEGISLATION TO PROHIBIT THE ATTACHMENT OF NONEMERGENCY ITEMS TO EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILLS

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. KIND. Mr. Speaker, "Emergency" supplemental bills should contain funding for just that—emergencies. They should not be golden opportunities to attach funding for pet projects or legislative riders.

That is why I have introduced this legislation to "prohibit nonemergency spending or legislative provisions in emergency appropriation laws." This bill will not effect nonemergency spending bills, supplemental or otherwise. It is my belief that emergency bills are larger magnets for nonessential spending and inappropriate legislative provisions because they have the greatest likelihood of passing.

Our government should spend money on many worthwhile projects and programs. But a responsible government should make those spending decisions during the course of considering annual appropriations bills and other nonemergency supplemental bills. We shouldn't slow down much needed emergency money, or bank on its urgency, to pass all sorts of extraneous measures.

This legislation is a way to assure the people I represent that nothing will be stuck into these emergency bills "in the middle of the night." I want people to start trusting Congress again!

IN HONOR OF HARRISON PUBLIC SCHOOLS BEING AWARDED THE TECHNOLOGY LITERACY CHALLENGE GRANT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. MENENDEZ. Mr. Speaker, on behalf of the House of Representatives I would like to congratulate the Harrison School District for being awarded the Technology Literacy Challenge Grant.

The Harrison Public School System understands that the Internet is not a novelty anymore. Increasingly it is an essential tool for information gathering.

The grant which totals over $94,000, will be used to provide public Internet computers at Harrison High School, Harrison Community Center, and the Harrison Town Library. These funds will also pay for community Internet training programs. This program is not limited to students. When the town's technology plan is fully implemented, all of Harrison's citizens will be able to share and collect information through the Internet. No one will be excluded from this virtual community because of a lack of equipment or expertise.

On May 31 Harrison Schools will be sponsoring a "Technology Fest." This event will open the schools to the public to share students' technology related projects. I would like to thank District Technology Coordinator, Frank A. Cappelle, and Superintendent John Di Salvo for making these educational opportunities possible.

THE FUTURE OF PUBLIC HOSPITALS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. STOKES. Mr. Speaker, as we examine proposed changes to the nation's health care delivery system, we must consider the vital role that public hospitals play in our communities. Recently, Dr. Bailus Walker, Director of the Health Policy Program at the Joint Center for Political and Economic Studies and Deitra Hazelwood Lee, a Research Analyst, prepared a report which is entitled, "The Future of Public Hospitals." The report gives in-depth insight of the problems confronting the nation with regard to the decline of public hospitals. The work is worthwhile reading and I am pleased to share it with my colleagues and others throughout the nation.

THE FUTURE OF PUBLIC HOSPITALS

Public hospitals nationwide are struggling to provide medical care to those Americans who need it most—the poor, the underinsured, and the uninsured. Because of the growth of Medicaid managed care, reductions in federal and state government funding, and the rise in the number of people without insurance, some public hospitals no longer have the financial stability to stay afloat. Many are merging, converting to private institutions, or closing their doors.

In the past, most cities had at least one public hospital, and cities like New York and Los Angeles had entire public hospital systems. But between 1981 and 1993 the number of public hospitals fell by 25 percent, a trend that is accelerating. Now Congress plans to cut Medicaid funding given specifically to public hospitals that serve a large number of Medicaid, low-income Medicare, and uninsured patients. The pending budget cuts are also going to shrink public hospitals' revenues far below what is necessary to meet the many health care needs of those who rely on this system for treatment.

Given the popularity of privatizing services, and the apparent growth of so many forms of health care, some—though not the poor—may wonder, Why is it worth preserving public hospitals at all? Can't the rest of our health system pick up the slack? It would be nice if that were possible, but the facts prove otherwise. Indeed, already the tears in the public hospital safety net are creating a new healthcare crisis in its own right. It we continue to lose these hospitals, many African Americans and other minorities, especially in urban communities, stand to lose their last certain access to medical care.

Public hospitals provide a significant share of all hospital care for those who are socially and economically underprivileged. As hospitals of last resort, they have become a health care safety net because of their policy of admitting anyone, insured and uninsured alike. They also have a tradition of striving to be culturally sensitive. Finally, public hospitals provide essential medical services—which few clinics can offer and private hospitals often find unprofitable—such as emergency care, trauma care, burn care, and neonatal care, and they provide these vital services for the entire community.

The importance of this situation is brought into sharper focus by the increase in the number of uninsured. The most recent data suggests that there are more than forty million people in the United States who lack health insurance, including more than seven million African Americans. The number of uninsured is growing steadily as the cost of insurance continues to rise and as full-time, full-benefit employment remains scarce for urban minorities. Many full-time positions are being replaced as well by temporary of part-time jobs without health coverage. If the number of uninsured continues to grow, public hospitals will be the most affected because a large percentage of their patient base is the uninsured.

Many large, urban public hospitals also conduct medical education and research, which benefits the entire health care system. Many serve as teaching hospitals, where they train students. In addition, some urban public hospitals are major employers in the cities they serve. Closing these hospitals therefore increases the potential unemployment of both skilled and unskilled workers given the changes not only in the health care industry but in other related industries as well.

Many states have modified their Medicaid programs by shifting their method of delivering health care to managed care. Federal waivers now allow states to require that their Medicaid recipients enroll in managed care organizations, and many states have already modified their Medicaid programs with this new requirement. As of June 1996, this changeover had been carried out by 29 states and the District of Columbia.

This change in Medicaid policy is causing public hospitals to lose a large percentage of their patient base to managed care organizations. Approximately 43 percent of public hospitals' patients are covered by Medicare, Medicaid or other public insurance, and an equal proportion are uninsured. Even more important, 50 percent or more of these hospitals' revenue has been based on Medicaid payments. Unless they can effectively compete for low-risk Medicaid patients, they may soon lose so much revenue that they will simply have to close.

In addition to the managed care changeover, Congress plans to cut the Medicaid funding that has long been given specifically to public hospitals that serve large numbers of Medicaid, low-income Medicare, and uninsured patients. This special assistance, known as Disproportionate Share Hospital (DSH) payments, is set to be reduced by $10.3 billion over the next five years according to the proposed Balanced Budget Act of 1997.

According to the National Association of Public Hospitals, federal DSH payments account for 13 percent of public hospitals' total revenues and pay for 40 percent of the cost of treating uninsured patients. The spending budget cuts are therefore going to shrink public hospitals' revenues far below what is necessary to meet the many health care needs of those who rely on this system for care.

The Joint Center for Political and Economic Studies, a research and policy think tank which attempts to increase black involvement in public issues, recently held a series of forums on these issues, including a Capitol Hill briefing chaired by Congressman Louis Stokes. The forums were supported by a grant from The Commonwealth Fund of New York. What emerged from these forums was a set of six policy options and positions that, if adopted, could go a long way toward ensuring that the health care resource that public hospitals represent to inner city residents is preserved.

First: Maintain support from the community and local government by ensuring that these groups and officials are well informed and can participate in the decisions affecting the survival of public hospitals.

Second: Public hospitals should aggressively compete with managed care organizations for low-risk Medicaid and Medicare patients.

Third: State and local governments should upgrade urban public hospitals so they can have a realistic chance of competing for patients.

Fourth: Urban hospitals should reduce or reorganize their staffs to reduce their costs and improve quality service. A reduction in cost along with an improvement in public perception will help public hospitals compete.

Fifth: Federal and state governments should give Medicare and Medicaid subsidies to hospitals based on their service to the poor and uninsured.

Sixth: Federal and state governments should establish a way to monitor the care given by urban public hospitals.

Public hospitals today are suffering from a condition that, if left untreated, may prove fatal. The importance of their survival needs to be recognized and addressed. If we lose these safety-net institutions, many people will no longer have access to any medical care. The health of the people who live in urban communities—the majority of whom are African American, Hispanic, and other minorities—depends on public hospitals' remaining viable American institutions.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. McDERMOTT. Mr. Speaker, I was traveling with the President in Africa yesterday, March 25, 1998, and was unable to vote. I would have voted in favor of the McCollum-Conyers amendment to H.R. 2589 (Rollcall No. 68). I would have voted against the Sensenbrenner amendment to H.R. 2589 (Rollcall No. 69). I would have voted in favor of the Pombo amendment to H.R. 2578 (Rollcall No. 70). I would have voted in favor of H.R. 2578 (Rollcall No. 71).

CELEBRATING THE RETIREMENT OF JAMES ALEXANDER AND ARISTEO TORRES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. VISCLOSKY. Mr. Speaker, The United Steelworkers of America (USWA) Local 1010, a union that has represented the Inland Steel labor force since early this century, has worked tirelessly over the years to better the living conditions and increase the living standards of Inland steelworkers and the communities in which they live. It is my distinct pleasure to announce that Local 1010 will be celebrating the retirement of two of its devoted members, Mr. James Alexander and Mr. Aristeo "Art" Torres, who retired from Inland Steel in January of this year. The celebration in honor of James and Art will feature an evening of dinner and music, and will be held today, March 27, 1998, at the American Legion Post #369, in East Chicago, Indiana.

James Alexander, a life-long resident of Gary, Indiana, began his dedicated career with Inland Steel in 1957. Over the years, he has held several positions within the company, including those within the coke plant, open hearth, cold strip, and 80-inch rolling operator. Perhaps James' most noteworthy achievement, however, was his devoted service to Local 1010, where he served as a respected union voice for his fellow steelworkers for 35 years. As a union representative, James held a variety of offices, ranging from safety steward to financial secretary, and he was elected union representative under six different administrators. Through his work with the union, James had the opportunity to meet several United States presidents, including Dwight Eisenhower, John Kennedy, and Richard Nixon. In addition to his service to the union, James devoted much of his time to community initiatives. He spent 21 years on the Gary Public Transportation Board, held the office of 1st Vice-President of the Gary Housing Commission, and is currently a precinct committeeman. James has also been an active member of his parish, St. Monica and Luke Roman Catholic Church, for 50 years.

A native of East Chicago, Indiana, Art Torres worked at Inland Steel as a craneman for 46 years. Throughout his career, he remained active within Local 1010, serving as assistant griever, trustee, chairman of education, and board member. Realizing the importance of a unified membership, the focal point of Art's efforts with Local 1010 was educating steelworkers about the union and their rights as laborers. In addition, he participated in numerous pickets, including the Bridgestone/Firestone strike in the 1950s. Art has also been politically active over the years, serving as state delegate, working on various political campaigns, and carrying out the vital function of mobilizing voters within his community. In addition, he has been a long-time member of the Union Benifica Mexicana (UBM), an organization for Mexican-Americans, where he has served as an officer and chairman of various activities. In working for the betterment of Local 1010 and his community, Art takes great pride in his strides to be a good role model for young people, stressing the importance of earning a good education.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating James Alexander and Art Torres on their retirement from Inland Steel. James' family, consisting of his wife, Terry, and their eight children, Melanie, James Jr., Robert, Michael, Marcus, Barbara, Terese and Terrell, should be proud of his efforts. Art's wife, Cecelia, their children, Elizabeth and Angelina, and their grandchildren, Kathy and Jason, should also be very proud of his many achievements. Indeed, James' and Art's work for the labor movement and their communities has served as a beacon of hope and pride for all great Americans who continue to pursue the American dream.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall votes 76, 77, and 78. If present, I would have voted "no" on rollcall vote 76, "aye" on rollcall vote 77, and "no" on rollcall vote 78.

WELCOMING THE NWPC NATIONAL STEERING COMMITTEE TO NEW JERSEY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. MENENDEZ. Mr. Speaker, I would like to welcome the National Women's Political Caucus 1998 Spring National Steering Committee (NSC) meeting to Newark, New Jersey. This marks the first time New Jersey has hosted this important event.

The National Women's Political Caucus (NWPC) is the only national, grassroots organization designed to help women from both political parties attain public office. Each year the Caucus trains and supports more than 50,000 women who are seeking elected or appointed government positions.

As Eileen P. Thornton, former WPC–NJ president, has written, "As we look back, it is good to reflect on how far women have come. But looking ahead, it is very important that we understand how far we still have to go to reach our goals."

The National Women's Political Caucus has served as a catalyst for getting women into public office. We can now say that due in part to this organization's efforts we have more women in the House of Representatives than ever before. But the NWPC understands that more must be done.

The organization's National Steering Committee meeting will bring women from across the country to develop strategies to elect more women to federal offices and to make NWPC endorsements. The National Women's Political Caucus National Steering Committee meeting will be held at the Newark Airport Marriott, March 26–28. 1998.

I would like to thank NWPC president Anita Perez Ferguson, WPC–NJ president Paige Berry and former WPC–NJ president Eileen P. Thornton for making this event possible. The political future of the women's movement is safe in their hands.

IN HONOR OF JOSEPH JACOBSON'S 100TH BIRTHDAY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. SCHUMER. Mr. Speaker, I ask my colleagues to join me in sending warm wishes to Mr. Joseph Jacobson on the occasion of his 100th birthday.

Mr. Jacobson has been busy this last century it seems. He began his career in the construction industry in 1921, by 1923 he became a member of Local Union #3, International Brotherhood of Electrical Workers. He has remained an active member, in good standing, for over 75 years. Joseph literally worked his way up through the construction trade, holding a number of positions during his career. Today we see the magnificent projects he had the opportunity to work on, such as, the Metropolitan Life Insurance Building, Parkchester Housing Complex in the Bronx and the Port Authority Bus Terminal in Manhattan.

Throughout the years, Mr. Jacobson has also found time to dedicate himself to fine causes dear to his heart. For these efforts he has been recognized a number of times by organizations such as the Allied Union Club of Queens, Bronx Acorn Electrical Club, the Bronx Scouting Council and the New York City Central Labor Council. Because of his continued commitment and level of service to the community, the Bronx Acorn Club and the Electrical Square Club have awarded scholarships in his name. One in particular which makes him most proud is the Educational and Cultural Fund of the Electrical Industry which has awarded a scholarship in his name for the past 20 years.

Despite his retirement from the industry, he has remained quite active with his union helping organize retirees. Mr. Jacobson is currently President of the Retirees Association of Local union #3 I.B.E.W. He has also been active with the National Council of Senior Citizens and the New York State Council of Senior Citizens.

I would like to take this time to say that we should not let this birthday be just a celebration of how many years Mr. Jacobson has lived. Rather it should be a celebration of the events that have taken place during these precious years he has been given. Let us measure the life he has lived by the good deeds, by the joy he has shared and brought to others, by the generosity he has bestowed to friend and stranger alike and by the countless ways he has been an inspiration to those who have had the pleasure to meet him.

Happy Birthday, Mr. Jacobson, and I wish you many more.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. McDERMOTT. Mr. Speaker, I was traveling with the President in Africa yesterday, March 26, 1998, and was unable to vote. I would have voted in favor of the Kucinich amendment to H.R. 3310 (Rollcall No. 72). I would have voted against the McIntosh amendment to H.R. 3310 (Rollcall No. 73). I would have voted against H.R. 3310 (Rollcall No. 74). I would have voted against the Solomon amendment H. Res. 385 (Rollcall No. 75). I would have voted against the Dreier resolution H. Res. 393 (Rollcall No. 76). I would have voted against the Goodling amendment to H.R. 3246 (Rollcall No. 77). I would voted against H.R. 3246 (Rollcall No. 78).

PERSONAL EXPLANATION

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. BLAGOJEVICH. Mr. Speaker, on Thursday, March 26, 1998, on Roll Call 75, the rule for consideration of H.R. 1757, I inadvertently voted aye. I intended to vote no.

RECOGNIZING VETERAN OLYMPIAN AMY PETERSON

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. VENTO. Mr. Speaker, I am pleased to have the opportunity to recognize one of my constituents, Amy Peterson, who deserves a standing ovation from our nation for her magnificent achievements as a member of the U.S. Olympic speed skating team. Amy has endured an impressive battle to become the most decorated Olympian in Minnesota history!

Amy is from Maplewood, Minnesota and attended Johnson High School, graduating in 1990. She began competing in the Olympics in the 1990 Albertville Games, taking home a silver medal on the 3000 meter relay team. In 1994, she returned to Lillehammer to take home the bronze medal in the 500-meter race, and another bronze in the relay event.

Amy was diagnosed in 1995 with chronic fatigue syndrome, which severely hindered her energy level and limited her training. As we are all aware, Olympic training requires an intense athletic and mental commitment of no less than 100%. Amy struggled through her condition for 18 months until 1996, all the while training to the best of her abilities. For the first time in years, Amy again felt comfortable on the ice at the Olympic trials in January 1998, enough to win first place in the short-trials in all four of her races. Amy went on to take 4th place in the 500 meter race this year in Nagano, and 5th place with the U.S. Team in the 3000 meter relays.

I personally greatly admire Amy's incredible grit and determination. Amy's life story and experience captures the true meaning of the Olympics, the power of the human spirit demonstrated in this special competition. Amy has proven to the world, and especially to herself, that she can beat the odds to surpass all limits. My congratulations to Amy Peterson for her extraordinary achievements!

EXTENDING THE VISA WAIVER PILOT PROGRAM

SPEECH OF

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 25, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2578) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrations who remain in the United States after the expiration of the period of stay authorized by the Attorney General:

Mr. MENENDEZ. Mr. Chairman, the issue before us today is not a question of illegal immigration, there is no threat of an impending wave of illegal Greek or Portuguese immigration to the United States.

The question before us is one of fairness. It is a question of doing what is right by two countries who are our allies, our friends and our business partners. It is fair and right to extend the same rights to Greece and Portugal that we do to 25 other nations—the right to enter the U.S. freely for travel and business.

Prior to the passage of the 1996 Illegal Immigration Reform Act, Greece and Portugal would have been admitted to the Visa Waiver Program because their visa refusal rates are below three percent.

Concern about illegal immigration is misplaced and fails to recognize that the Greek and Portuguese economies are strong and unemployment rates are among the lowest in Europe—there is little incentive for people to leave their enchanting countries for ours.

Moreover, immigration to the United States from those countries is no greater than U.S. immigration to Greece and Portugal.

Finally, both of these communities have made enormous contributions to our country. In my district, the Portuguese American community has transformed part of New Jersey's great cities—Newark, Elizabeth, and Perth Amboy. And the Greek community's influence has been equally remarkable.

We need to level the playing field and let the Portuguese and Greek people know that the United States welcomes them as tourists and business travelers, as we do their other European counterparts.

CONFIDENCE IN THE FAMILY ACT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Ms. LOFGREN. Mr. Speaker, there now exists a serious defect in our Federal criminal and civil law and procedures that has unfortunately been brought into focus by Independent Counsel Kenneth Starr's investigation of the President. Under Federal law and the law of most States, children can be compelled to testify against their parents, and parents against their children. Although most prosecutors refrain from subjecting a family to this terrible situation, it can and does occur. I have long believed that parents and their children should be shielded from this trauma, and that doing so would not do significant damage to the administration of justice.

Therefore, today I am introducing a bill, the Confidence in the Family Act, to ensure that parents and children cannot be compelled to testify against one another, and that confidential communications between parents and children will be protected. These privileges would be similar to the privileges provided to spouses under current Federal law, and would be developed by the Federal courts in light of the common law, reason, and experience.

Under current law a mother can be given the choice of providing testimony that reveals her daughter's most personal confidences, or go to jail herself. A child can be put on the witness stand and forced to reveal personal discussions with his Dad. It does not matter if this testimony relates to the most private confidences that parents and children often share in the course of seeking comfort, support, or advice.

The damage that such an experience can cause parents, children, and familial relationships is readily apparent, and worthy of our concern.

It is not at all clear that forcing parents and children to testify against each other provides great access to truth and justice. When a potential witness is put into such a predicament, they face what legal scholars refer to as the cruel "trilemma." The witness has three choices: they may testify truthfully, they may testify and lie, or they may refuse to testify and risk contempt charges and imprisonment. Among these options, testifying falsely may often be the most appealing. The other choices certainly have serious societal repercussions.

Most jurisdictions recognize privileges for individuals in certain relationships (e.g., husband-wife, lawyer-client, psychiatrist-patient) to refrain from testifying. Surely, the confidences shared between a mother and daughter deserve at least as much respect as those between psychiatrists and patients. I believe that the law should recognize the special nature of the relationship between a parent and child, and that is the basis for this legislation.

I hope that my colleagues will join me in support of this important decision.

PERSIAN GULF VETERANS HEALTH CARE EXTENSION ACT OF 1998 H.R. 3571

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. EVANS. Mr. Speaker, today, I am introducing legislation to extend the period that Gulf War veterans with undiagnosed illnesses will be able to receive Department of Veterans Affairs (VA) health care. This measure will extend the authority for VA to provide treatment from December 31, 1998 until December 31, 2001. This extension makes the timeline for health care eligibility consistent with the presumptive period the Secretary of Veterans Affairs defined for compensation for disabilities due to undiagnosed illnesses.

More than a year ago, I encouraged VA to extend the presumptive period for compensation because no one could explain why so many veterans had health care problems following their military service in the Persian Gulf. Former VA Secretary Jesse Brown justified the extension of the presumptive period by stating that no one knows why so many veterans are still sick—seven years after serving in the Southwest Asian theater. Of the almost 700,000 individuals who served in the Persian Gulf, about 65,000 veterans have signed onto the VA's Persian Gulf Registry and about 19,000 have registered for DOD's Comprehensive Clinical Evaluation Program. VA's latest Gulf War Veteran's Statistics indicate that, of those veterans on VA's registry, about 11% have undiagnosed illnesses. In response to the continuing health care problems reported by these veterans, Congress enacted legislation last year to require VA to develop innovative treatment programs for these veterans and to document the effectiveness of these programs in treating veterans. I believe the large number of veterans still suffering demonstrates the need for continuing to provide VA health care services for undiagnosed illnesses.

The Persian Gulf Veterans Health Care Extension Act of 1998 follows my introduction of H.R. 3279, the Persian Gulf Veterans Act of 1998. H.R. 3279 establishes a permanent process for awarding compensation for conditions presumed to be service-connected by virtue of Gulf War service. It also addresses the need for research in many areas, including defining effective health care treatments for those who have vague or undiagnosed symptoms and investigating emerging technologies to asses exposure to various hazards and agents. The legislation would also require VA and DOD to develop information resources, and mandate VA and DOD to document their outreach programs for veterans and active duty military members.

Our nation must continued to respond to Persian Gulf veterans' need for a complete range of benefits. Veterans still want to know why they are sick, but also need health care that can alleviate their pain and compensation to ensure that the effects of their illnesses do not impoverish them and their families. Continuing VA's authority to deliver health care benefits for conditions resulting from undiagnosed illnesses is critical to ensuring that Persian Gulf veterans get the services they still need. It is essential to continue to provide health care treatment to veterans as we continue to seek answers about the cause of their conditions.

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers.

Ms. PELOSI. Mr. Chairman, I rise in opposition to this legislation, which attempts to silence workers and diminish their ability to stand against discrimination in the workplace.

This bill prevents employees the opportunity to bargain or to protect their rights in the workplace. The bill subjects workers to an unreasonable and unjust test of motivation in order to gain employment, and will intimidate employees into giving up their right to join a union.

We currently have established laws to protect employers from workers performing illegal activities in the workplace. Union organizing is not an illegal activity. This bill would overturn a unanimous Supreme Court decision which provided that a union organizer should be treated as an employee as long as union organizing does not interfere with his or her service to the employer. This bill singles out the National Labor Relations Board for the unreasonable burden of paying all attorney's fees of all prevailing parties in judicial proceedings, regardless of whether the boards position was justified.

Mr. Speaker, this is not fairness for employees. This is an unfair gag on working people. I urge my colleagues to oppose this harmful legislation.

RAISING THE AWARENESS OF FIBROMYALGIA

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to raise the awareness of a debilitating illness that currently affects more than five million Americans—fibromyalgia.

Fibromyalgia syndrome (FMS) is a chronic, widespread musculoskeletal pain and fatigue disorder that afflicts two percent of the general population. There is no known cause for FMS, a disease whose symptoms—in addition to the pain and fatigue—include chronic headaches, cognitive or memory impairments, and decreased endurance. FMS can be as disabling as rheumatoid arthritis, and while 24 percent of rheumatoid arthritis sufferers are classified as disabled, FMS is not recognized in the Social Security Disability Law.

A majority of FMS patients are female, and symptoms may begin in young, school-aged children. The average person spends five years and thousands of dollars in medical bills just to receive a diagnosis—all because few physicians possess the education to diagnose and treat FMS. In fact, prior to diagnosis, often 60 percent of patients with FMS undergo costly and unsuccessful surgeries. Tragically, even with a diagnosis there is no single therapeutic agent capable of controlling the symptoms of FMS.

Mr. Speaker, it is overwhelmingly apparent that awareness of this disease must be increased so as to ease the suffering of millions of Americans. Research funding for Fibromyalgia at the National Institute of Arthritis, Musculoskeletal and Skin disease measured out to only 0.6 percent of their annual budget in 1996. Unfortunately, very little grant money is awarded because awareness of this problem is so low. The time has come to address this obstacle so that the proper attention can finally be given to fibromyalgia sufferers. I challenge the medical and research communities to work toward increasing awareness and promoting treatments for fibromyalgia.

TOWN OF ONONDAGA CELEBRATES BICENTENNIAL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. WALSH. Mr. Speaker, as a newly born nation expanded and grew two centuries ago, townships in America sprouted amidst the excitement of freedom and despite great obstacles. Such was the founding experience of my home town, the Town of Onondaga, which this week celebrates its 200th Birthday.

Although many of the festivities will occur this summer, culminating with a Bicentennial Parade on August 15, many proud residents are focused now on the Annual Dinner Dance April 4.

On behalf of our forefathers and generations to follow, I would like to thank the entire Town of Onondaga Bicentennial Committee for their important and historic work. I would ask my colleagues in the House of Representatives to join me in congratulating these civic leaders for their dedication to preserving the history which guides us into the future.

They are: L. Jane Tracy, town historian and co-chair; Thomas Andino, town supervisor and co-chair; Charles Petrie; David and Cathy Hintz; Kenneth Pienkowski; Gwynn Morey; Beatrice Malfitano, dinner dance chair; Mr. and Mrs. Willie Royal; Bonnie Romano; Dr. Gary Livent; Suzanne Belle; Mary Ryan; Donald Hamilton; Dorotha Schmitz; Leo Kelly; Dr. Arthur Dube; Margaret Boyd; Sherman V. Saunders; Mary Nowyj; Cara Burton; Jeff Martin; Mr. and Mrs. Michael Keegan; and Daniel Willis.

On a related note, I am very proud to be one of three Onondaga residents in town history to have represented Central New York in Congress. The others included my father, William F. Walsh, and one of the first settlers, James Geddes, who also served as Town Supervisor in 1799.

I am pleased also to mark this memorable time for all Town of Onondaga families in the CONGRESSIONAL RECORD on this date, forever preserving this memorable time.

Together, we in the Town of Onondaga thank God for our freedom, our country and our homes—just as we pray that we will impress on the next generation the importance of what the Founders of our nation and our town accomplished and the magnitude of the task. Only from history will we learn.

IN HONOR OF THE FIFTEENTH ANNIVERSARY OF THE NAM VETS ASSOCIATION OF THE CAPE AND ISLANDS, INC.

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. DELAHUNT. Mr. Speaker, I rise today to draw my colleagues' attention to a remarkable institution located in my Congressional District, that through years of hard work and sacrifice has become one of the premier social service centers for Vietnam-era veterans in the country.

For the past fifteen years, the Nam Vets Association of the Cape and Islands has provided a haven in Hyannis, Massachusetts for the veterans throughout our region. I would like to recount the story of how this organization was created by a handful of men, and how it has since affected so many lives.

In 1983, after viewing the unveiling of the Vietnam Veterans Memorial in Washington, five Vietnam vets from Cape Cod decided to create an organization to address the human service needs of veterans at home. The five leased a small room staffed by a single volunteer to provide peer counseling. Today, the association purchased its own building and developed it into a well-equipped, one-stop Veterans Service Center that distributes over 55,000 meals annually from its food pantry, and provides over 1,300 units of social services a month.

The Nam Vets Association stepped in to provide desperately needed services that the state was not equipped to supply. The Commonwealth of Massachusetts granted Nam Vets a contract to oversee the delivery of these services but required a $10,000 balance in the association's account before disbursing any funds. Short on cash, but not on valor, James Michael Trainor, then the group's president, mortgaged his own home to obtain the funds to ensure that the necessary care would be delivered to Cape and Islands vets.

The Nam Vets have also struggled through times when there was no state support. When the Commonwealth rescinded funding due to state budget constraints, the association's Board of Directors, made personal loans to cover staff salaries and maintain operations without interruption.

Over the past decade and a half, the Nam Vets Association has opened its doors to all local veterans. As the executive director John Eastman said, "Let no generation of veterans ever forget another generation of veterans." The Outreach Center has become a major health care facility—providing prescription drugs, psychiatric diagnosis, and follow-up counseling. For years, the Center was the only place on the Cape and Islands where these types of services were made available to veterans.

The Nam Vets have also become deeply involved in addressing the problem of adequate housing by providing assistance to vets and their families in finding affordable shelter. In 1993, working with the Barnstable Housing Authority, Nam Vets won a HUD Section 8 Single Room Occupancy Program grant to address the needs of the area's single homeless vets. The structure that became the SRO is affectionately knows as "The Homestead" and was originally intended to house 40 to 60 homeless veterans. Since 1994 it has processed over 300 applications. The Nam Vets Association also participates in the VA's Homeless Provider Program which markets foreclosed properties at a discount to non profit agencies. Nam Vets has successfully found two homes for needy families through this program and is currently looking for other affordable homes to meet demand.

The Vietnam Veterans of America Convention recently acknowledged something I have known all along, that the Nam Vets Association is worthy of national attention. The Convention honored the Nam Vets with the 1997 Community Service Chapter of the Year award for their outstanding commitment and for the variety of the services they provide to the community.

As we celebrate Vietnam Veterans Day in the Commonwealth of Massachusetts this Sunday, I am proud to say I represent the members of the Nam Vets Association of the Cape and Islands and commend them for their years of hard work to establish this service organization. Its founders have worked countless hours to ensure that needed assistance is available to those who have made such sacrifices for our country.

Next time any of my colleagues visit Cape Cod, I encourage you to stop by the Hyannis Village Green and view the Vietnam Veterans' Memorial, which the Nam Vets built with their own hands—an act which symbolizes not only their commitment to their country but their continued dedication to honor all those who served.

RECOGNIZING PHYLLIS KORN

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Ms. SLAUGHTER. Mr. Speaker, I rise to recognize a true heroine of my community: Phyllis Korn, retiring director of Alternatives for Battered Women, Inc. (ABW) in Rochester, New York.

Phyllis Korn has devoted almost twenty years of her career to helping battered women and their children. As director of ABW, Ms. Korn shepherded the organization from being a part-time hotline operated from a church basement to a full domestic violence agency featuring a 24-hour hotline, a 38-bed shelter, children's services, support groups, on-site court advocacy, and other services. Today ABW serves more than 4,000 callers per year and employs 27 staff full-time, 25 part-time, and 35 to 50 volunteers.

Under Ms. Korn's leadership, ABW has been a leader in awareness and prevention of domestic violence as well as conference organization and education of local leaders. Ms. Korn is also a founding member of the New York State Coalition Against Domestic Violence and is an Advisory Board Member of the New York State Office for the Prevention of Domestic Violence. She has established formal and informal collaborations between ABW and local institutions including hospitals, community health centers, legal services groups, and community organizations, innovations which have allowed our community to treat battered women and families more effectively and with more compassion.

Whether counseling battered women or educating law enforcement officers, Ms. Korn has been a tireless advocate for the most vulnerable members of our society. The long list of awards and honors she has received are testimony to the widespread and lasting impact of her work; most recently, she was named 1998 Woman of the Year by the Susan B. Anthony Society in Rochester. I am proud to count her among my constituents and, more importantly, among my friends.

Phyllis Korn has touched the lives of thousands of Monroe County citizens, offering a lifeline to women and children with nowhere else to turn. She has left an indelible mark on our community and a legacy for the future. With her as our inspiration, we can all work toward a day when domestic violence is only a distant memory.

IMF RECIPIENTS MUST MAINTAIN FREE AND OPEN MARKETS AND THE BURDEN OF PROVIDING IMF ASSISTANCE MUST BE EQUALLY SHARED

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. DINGELL. Mr. Speaker, I an introducing legislation today which will require the Administration to monitor Asian countries that receive financial assistance from the International Monetary Fund (IMF) or from the U.S. Exchange Stabilization Fund, to ensure that these countries comply with commitments they have made to the IMF, that they fully implement market opening commitments they have made under bi-lateral and multilateral trade agreements, and that our IMF partners, especially Japan and the European Union, open their markets so that increased Asian exports are not dumped in the U.S. market, robbing American workers of their jobs and American firms of hard won market share. In addition, the legislation directs the Commerce Department to determine the appropriate application of U.S. antidumping and countervailing duty laws in light of currency devaluations in Asia, in order to prevent the dumping of subsidized and price-devalued Asian exports in our market.

I am happy to have my Colleagues, Congressman JOHN MURTHA and Congressman RALPH REGULA, joining me in the introduction of this legislation as original cosponsors.

Mr. Speaker, the House may soon consider legislation that would appropriate $18 billion for the IMF, which has recently entered into assistance agreements with the troubled Asian economies of Korea, Indonesia, and Thailand. The Appropriations Committee has already conditioned the obligation of this funding on compliance by these Asian nations with their trade agreement obligations, and on the elimination of Government directed lending. This is an important step in the right direction, but more is needed.

Without the kind of careful monitoring required by the legislation I am introducing, we cannot be certain that the American taxpayers' contribution to Asian stability will be used to tear down already existing market restrictions and industrial policies in these countries, as well as subsidies, the irrational allocation of resources and other non-market decisions that caused this economic collapse in the first place. We must also make sure that our major IMF partners, particularly Japan and the European Union, do their part both to support the IMF effort and to open their markets to Asian exports.

Under the agreements that have been negotiated, the IMF is requiring these Asian countries to terminate national industrial policies and to undertake a number of other economic and financial reforms that should strengthen their economies. True economic stability can only be achieved in Korea and the other troubled Asian countries allow free markets to direct their national investment and resource decisions. Competitiveness is the key to stability in Asia, and investing in industries that are already producing far in excess of demand will not contribute to the long-term competitiveness of Asian industries.

Despite this fact, Korea has continued to invest heavily in automobile production, despite worldwide excess capacity in the production of motor vehicles. The IMF must be careful, therefore, that its funding is not misused by those in Korea who may be inclined to pursue the failed policies of the past in which the Korean government tightly restricted foreign motor vehicle imports (the foreign share of the Korean auto market is only 0.6%) and heavily promoted investment in Korean auto production.

Not only would significant new investment in Korean auto production provide a very unstable basis for that country's future economic growth, but a sharp rise in Korean auto exports to the U.S. could also severely threaten the health of U.S. and other foreign auto manufacturers and the workers they employ. This is not a remote concern. Based largely on the impact of currency devaluations in the last few months of last year, Korean automobile exports to the U.S. increased 8% in 1997 over their 1996 level. Clearly, there is a need to carefully monitor Korea's automobile exports to the U.S. and to other IMF partners, so that future IMF funding decisions can promote stable commercial and trade, as well as financial relations among nations.

It is not just Korean motor vehicle exports to the U.S. that have risen sharply in recent months, either. Although the U.S. had been running a healthy trade surplus with Korea, that surplus turned into a substantial deficit during the last three months of 1997, as the U.S. market began to be flooded with price-devalued imports from Korea. It was reported recently in the Financial Times that in the first 20 days of February, Korea's exports to the U.S. jumped 35%. During that same period, Korean exports to Japan increased by only 8.3%.

If a disproportionate share of Korea's exports are directed at the U.S. market, American workers and American firms will pay the price with lost jobs and lost market share. It is critically important, therefore, that Japan, the European Union, and other IMF partners share the burden of the new flood of exports coming out of Asia, by promoting consumption and opening their markets to exports from Korea and the other East Asian economies.

In this regard, I find it extremely unwise and unfortunate that the government of Japan announced last month that it would increase its duties from zero to 3 percent on 78 import items from Korea, including steel, textiles, and petrochemical products. This move is both harmful to the ultimate success of the IMF's efforts to build Asian economic stability and a direct threat to industries, like steel, in the U.S. and other countries where markets are open. The U.S. market must not become the world's dumping ground for price-devalued imports from Korea.

Steel is a good example of why I believe legislation needs to hold our other major IMF partners accountable for taking their fair share of Korean exports. Although trade agreements have eliminated many of the tariffs, quotas, and other formal government barriers to steel imports, steel producers in Japan, the European Union, and many other countries have entered into private, "mill-to-mill" agreements under which steel exports are tightly restricted. For example, Japanese steel producers have an agreement with the largest steel producer in Korea, POSCO, that limits Korea's exports of carbon steel products to Japan to a little over 2 million metric tons per year.

Korea's POSCO has a similiar agreement with the European Union, the so-called London Agreement or the East of Burma Agreement. Under that agreement, POSCO has agreed to ship no more than 200,000 tons of steel to the European Union in 1995, and steel producers in the European Union have agreed to ship no more than 200,000 tons of steel to Korea. That same agreement also limits the European Union's steel producers' exports to about 150,000 tons per year for Japan and to about 200,000 tons per year for the other Asian markets east of Burma.

Trade statistics for 1997 show how these agreements have severely restricted Korean steel exports to the European Union and have forced those exports into the U.S. market. For 1997, the U.S. was the only, I repeat, the only, significant non-Asian importer of Korean steel. On the other hand, the European Union imported only 0.6% of all the Korean steel sold on the world market during 1997.

For the U.S., the implication of these unfair and harmful export agreements is clear. The U.S., not Japan or the European Union, is most likely to become the dumping ground for price-devalued steel exports from Korea that, in turn, will rob American workers of their jobs and American firms of hard-won market share.

The only way to prevent this from happening is for Japan and the European Union to open, not close, their markets to steel and other imports from Korea. Clearly, Japan's recent tariff hike on Korean steel goes in exactly the opposite direction of what needs to occur. Failure to open markets elsewhere to exports from Korea and the other East Asian economies would only force the U.S. to take action under the anti-dumping and countervailing duty statutes to prevent the dumping of subsidized and price-devalued Asian exports in our market.

Mr. Speaker, it is essential that IMF funding legislation also provide for careful monitoring by the Administration and Congress of how IMF assistance is used by Korean and the other troubled Asian economies, as well as the extent to which our IMF partners open their markets to exports from these countries. Without such information, the U.S. cannot know whether IMF assistance is contributing to stable financial and commercial relations among nations, or whether future IMF assistance should be denied.

The legislation I am introducing would give this monitoring responsibility principally to the U.S. Trade Representative and the Secretary of Commerce. The legislation would require these officials to consult regularly with key industry groups to share and confirm information that is pertinent to the monitoring effort. The monitoring results should be submitted bimonthly to the Congress for as long as IMF-assistance is being provided to Korea and the other East Asian economies.

To prevent undermining the effectiveness of U.S. trade remedy laws that limit the dumping of imports and that offset the anti-competitive impact of subsidized imports, the legislation also requires the Commerce Department to take steps to ensure that appropriate consideration is given to the currency devaluations and the extension of government subsidized loans to manufacturers in those Asian countries receiving IMF assistance.

Mr. Speaker, I know my Colleagues share my concern that the generosity and willingness of the American taxpayer to provide assistance for the IMF's efforts to build economic stability in Asia not undermine the strength and competitiveness of U.S. products in both our own domestic market and the world market. American workers and American firms have fought hard and long for the success they have earned. Let us not take away their hard-won gains.

250TH BIRTHDAY OF READING, PENNSYLVANIA

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. HOLDEN. Mr. Speaker, today I rise to ask my colleagues to join me in celebrating the 250th birthday of the largest and oldest city in my district, Reading, Pennsylvania.

Reading was founded by Thomas and Richard Penn, sons of William Penn, on March 30, 1748. The city was named for Reading, England, William Penn's ancestral home. The establishment of Reading was imminent because a number of Indian paths and primitive roads converged at the site along the Schuylkill River, which was a successful transportation corridor to Philadelphia.

During the late 18th Century, Reading was an important center for business, culture and military affairs. On July 8, 1776, Sheriff Henry Vanderslice read the Declaration of Independence from the Court House steps; and in the 1790s, President George Washington visited the city several times.

The railroads, iron industries, and textile mills provided a variety of employment opportunities to support the many workers who settled in Reading. The city grew quickly, from 3,000 in 1800 to 80,000 in 1900, and became a leading city of Pennsylvania.

Highlighted by a rich cultural and historical heritage, Reading is a unique city, which I take great pride in representing. In three days, Reading will celebrate its 250th birthday, a 5 x 10-foot Birthday card, signed by all the Members of Congress, will be on display.

Currently, the Card is on display in the Speakers' Lobby. I would greatly appreciate it if you would take a minute to stop by and sign this special card. It is not every day that a city turns 250 years old, and I hope you will take time to be part of this special recognition. Thank you!

PROPOSAL TO EXPAND MEDICARE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this March 19, 1998, Lincoln Journal Star editorial on President Clinton's proposal to expand Medicare.

[From the Lincoln Journal Star, Mar. 19, 1998]

EXPANDING MEDICARE MEANS BIGGER PROBLEMS IN LONG TERM

President Clinton's proposal to expand Medicare has immense sugar-coated appeal.

It would allow those age 55 through 64 to obtain Medicare coverage as long as they paid the full cost of the federal health insurance program. There would be no cost to taxpayers for providing this new option to a supposedly needy group.

Congress, however, should reject the idea. This is no time to broaden a program already facing fiscal collapse in a few years when baby boomers start to retire.

In pushing for his program Tuesday, Clinton released a report showing that 4.6 million Americans are uninsured or rely on expensive individual insurance policies.

That represents 22 percent of Americans age 55 through 64. Nebraska, North Dakota and Texas were listed as states with the highest percentages of people with difficulty finding health insurance, a factoid that is not surprising because many self-employed farmers and ranchers have individual policies.

The biggest problem with the expansion of Medicare is that it would increase the role of government in health care. Government history here does not encourage optimism that good things will result.

In 1996, for example, the government overpaid health providers by $23 billion. That represents 14 percent of all the money spent in the program. It represents about $88 for each of the 260 million people in the country.

Obviously, the entrance of government into an entirely new market segment will hurt private insurance providers. But providing a government option also could have unintended effects on the private sector. It might encourage employers, for example, to drop insurance plans. Rather than offer post-retirement health insurance plans to early retirees, companies could rely on Medicare to supply the coverage.

Eventually, of course, as Sen. Chuck Hagel and Rep. Jon Christensen have predicted, there would be efforts in Congress to provide financial help for those in the new, lower age bracket. Instead of covering the full cost of the Medicare premiums, financial aid would be granted to those supposedly unable to afford Medicare premiums. The likelihood of that expansion happening is greatest in today's era of possible budget surpluses.

As it is, officials estimate that only about 10 percent of those eligible will buy into the Medicare program, because the premiums are expensive. People between 62 and 65 years old could buy in for a base premium of about $300 per month. Those between 55 and 62 would pay about $400 a month.

Despite its surface appeal, expansion of Medicare to those 55 through 64 would be only the first chapter in a script with an unhappy ending. Congress should refuse to start something destined to turn out badly. Medicare already is facing fiscal trouble. The expansion will only make its future more bleak.

AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE HONORS MELVIN A. DOW

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

Mr. ARMEY. Mr. Speaker, on April 6, the American Israel Public Affairs Committee (AIPAC) will honor the Texas congressional delegation for the work we do here in Congress on behalf of a strong U.S.-Israel relationship. I appreciate the dedication of the members of AIPAC and stand with the pro-Israel community in celebrating 50 years of friendship between our great nations.

Also on April 6 there will be a special tribute to Melvin A. Dow, the president of AIPAC, for his dedication and commitment to our country's vital alliance with the nation of Israel. The Melvin A. Dow Distinguished Leadership Award, which will be established on April 6, will be a lasting tribute to an individual who has provided great leadership and vision. The award will be presented annually to a deserving Houstonian who exhibits exemplary leadership in AIPAC and on behalf of the U.S.-Israel relationship.

Mr. Speaker, I insert a brief biography of Melvin Dow to be included in the CONGRESSIONAL RECORD.

Melvin Dow is a lawyer and is Chairman/CEO of Dow, Cogburn & Friedman, P.C., a 36-lawyer firm in Houston, Texas. He was born in Houston, attended Houston public schools, received a B.A. degree from Rice University (Phi Beta Kappa and with Honors in Philosophy) and a J.D. (magna cum laude) from Harvard Law School, where he was an editor of the Harvard Law Review.

Following law school, he was commissioned a first lieutenant in the U.S. Army and served in the Army General Counsel's office in the Pentagon. Following Army service, he returned to Houston, where he has lived and practiced law ever since.

He is board certified as a specialist in commercial real estate law by the Texas Board of Legal Specialization, and is a charter member of the American College of Real Estate Lawyers. He has lectured on real estate law subjects at various legal seminars.

He is currently on the Board of Trust Managers (Directors) of Weingarten Realty Investments, a New York Stock Exchange real estate investment trust. He has previously served as a director of a bank and as a director of a title insurance company.

Mr. Dow has also previously served on the Board of Trustees of St. John's School, as President of Congregation Beth Yeshurun, Vice-President of the Jewish Federation of Houston, as a member of the Harvard Law School Board of Overseers' Visiting Committee and on various other boards or committees (e.g., U.J.A. budget and allocations committee, Jewish Community Center resident scholar program committee, etc.). He is currently President of the American Israel Public Affairs Committee (AIPAC), a Trustee of the Jewish Publication Society and a board member of the Houston Chapter of the National Conference of Christians and Jews. He was the recipient of the 1995 NCCJ Humanitarian Award.

He has been married to the former Frieda Katz (a psychotherapist) for over 38 years. She has held positions in various civic and religious organizations and is currently a board member of the Joint Distribution Committee, the Houston Holocaust Museum and Education Center and Congregation Beth Yeshurum. Frieda and Melvin Dow have 5 sons (no daughters): David (married to Katya Glockner), Mark, Steven (married to Stacy Schusterman), Stuart and Leon (married to Bruria Wiener) and three granddaughters. The sons are, respectively, a law professor; poet-writer; executive director of a social service agency (and lawyer); lawyer; and graduate student at the Hebrew University in Jerusalem.

SENATE—*Monday, March 30, 1998*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Ultimate Sovereign of this Nation and of our lives, we commit this week to seeking and doing Your will. We all desire to do what is best for our Nation. Help us to wait on You and listen patiently for Your voice whispering in our souls solutions for the complexities we face. Guide us to express our convictions with courage but also with openness to others. We have in common our trust in You and our dedication to serve our Nation. We relinquish our desire simply to win in a contest of wills or party loyalties. If we all seek You and Your righteousness, we know You will show us the answer. For Your name's sake and the good of America. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. HAGEL. Thank you, Mr. President.

SCHEDULE

Mr. HAGEL. Today the Senate will be in a period of morning business until 1 p.m., at which time the Senate will resume consideration of the budget resolution. As previously announced, there will be no rollcall votes conducted during today's session. However, the managers do expect amendments to be offered, and the next rollcall vote will occur on Tuesday morning at a time to be determined by the majority leader. As always, Members will be notified as to the time of those votes.

In addition, today the Senate may consider any executive or legislative business cleared for Senate action. In regard to the balance of the week, the Senate is expected to complete action on the budget resolution and the supplemental appropriations conference report, if available, prior to recessing for the Easter holidays. Therefore, Members can anticipate a very busy week of floor action.

As a reminder to Members, the next rollcall vote will occur on Tuesday at a time yet to be determined. It will be announced later.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

SPENDING AND TAXES

Mr. THOMAS. I will take some time, and I think I will be joined by at least one Member, to talk just a little bit about spending and taxes in general.

We are coming into a time, of course, this week, and I suspect now for a number of weeks, when the focus of this Congress will be budgets, on appropriations, on spending, as it should be. I want to talk a little bit about at least my perception of some of the broader objectives that go into debate that extends beyond mathematics, that extends beyond the dollars—actually measures these dollars, about how spending really impacts on the philosophy of government, how spending impacts upon the priorities that we have here in the Congress, how spending impacts upon our whole philosophy of whether or not we want to increasingly have a larger Federal Government delving into all activities of our lives, or whether, in fact, there is a limited role for the Federal Government as opposed to State and local governments, and if so, then what does our decision reflecting spending have to do with that.

It does seem to me that one of the real issues that we have is the extent and the role of the Federal Government's involvement in all the activities in our country. Many would argue, and I argue, that the Constitution clearly defines that there is a limited role for the Federal Government. As a matter of fact, I think it says in the 10th amendment that those things not precisely and clearly described in the Constitution are left to the States and to the people. I take that part of the Constitution very seriously.

As we talk about problems that arise throughout the country, some of them are appropriate to take care of in the Federal Government, some are not. We find on almost everything we talk about, not always recognized, not always defined, but I think if you look through the things we talk about, it is the basic first decision that probably should be talked about.

We talk a lot about balancing the budget. We balanced the budget last year for the first time in, what, 25 years. That was when income reached expenditures for the first time in 25 years. That is an excellent start. I think it is something this Congress ought to be particularly proud of. It is an excellent start.

But you can balance the budget at almost any level if you continue to increase revenues, increase taxes, increase the burden of taxes on the American people. You can increase revenues and spending can go on and still be balanced, and it gets away from the philosophy of having a smaller Federal Government. So the choices that we make and the choices that we take are very often directed by spending.

I think we find ourselves in an interesting situation, talking about surpluses. First of all, there is no surplus at this point even though there is an expectation of one. So we find ourselves in great debates over spending a surplus that has not yet appeared. Further, almost an indication that if there is a surplus, by gosh, we have to find some way to spend it. Now, that really doesn't necessarily need to be the case. We could apply it to the debt. We have a little debt, remember—$5.7 trillion I believe it is—a debt that we could be paying. When we don't, pages like those sitting here before the Senate will be paying for it. We put it on the credit card and the credit card is maxed out. There are places to do something with surpluses besides spending them.

The Senator from Massachusetts last Friday arose with four or five problems he talked about: We need school repair. Of course we need school repair. We need more teachers. I suspect we need more teachers. Nobody would argue with the idea there ought to be improvements in education. There ought to be more money spent in education, but there is a philosophy and there is a question as to where that money should come from. Schools have basically been under the control of the States and local school districts and local governments. As a matter of fact, out of all the billions of dollars we spend in education, only about 7 percent is contributed by the Federal Government. That is almost all in special education. Each time there is a problem defined, it doesn't automatically mean that the best solution is to take Federal money and spend it, and spend it along with the Federal regulations that inevitably go with it.

Mr. President, I think as we go through this next several weeks of debates and discussions about budgets and about appropriations some of the first decisions we make ought to be philosophical decisions as to what is the role of the Federal Government, what is the role of the Federal Government with regard to the taxes?

I don't know about the rest of you, but I spent at least part of this lovely weekend doing some things that weren't that much fun, and that was doing my income taxes. I didn't complete it, by the way. I got to that page with 59 questions on capital gains, and I gave up for the weekend. There is some philosophy as to what we do about that, what the level of taxation ought to be, and we ought to be dealing with that. There are lots of things that we are talking about. We are talking about highway funding. A great debate is going on in the House. We have generally completed our debate here.

We intend to spend more money on highways. Why? Because there is a need, but because there are the Federal taxes where we raise the money for highways. There was quite a large TV story the other night—on ABC, I think—about pork-barrel highway spending. They failed to mention during the whole 10 minutes that the dollars that came from there all came from the taxes you and I pay on a gallon of gas—the Federal tax that is raised for highways. There was no mention of that. I was a little distressed.

So I would like to think, Mr. President, that as we go forward here, we give some thought to the appropriateness of programs, whether they should be at the Federal level, whether they should be at the State level, and how much government we want at the Federal level and centralized government and the things that ought to be there that are more properly done at the local level, more properly done at the State level. I have a bill that I think is very important which carries out the idea of contracting in the private sector. We have had, almost for 50 years, a policy of taking those activities within Government that are commercial in nature and giving the private sector an opportunity to bid and to contract those. We have not done it. There has been a policy, but it has not been implemented. In doing that, we would keep more activities in the private sector, we would have a smaller centralized Government, and, indeed, save money.

These are the kinds of philosophical issues that seem to me to be important as we move forward to try to determine what size of Government we think we ought to have and is necessary at the central level—to talk about the level of taxation and the variants of taxation among the American people. These are very important issues. Also, we talk about being responsible, in terms of the $5 trillion debt, and being responsible in terms of balancing the budget, being responsible in terms of having Medicare and Social Security that will continue, which is essentially and fundamentally based on sound economics. These are the things we talk about. I know the politics of it is different. Increasingly, our politics and our governance are driven by the media, by polling. It has almost become a sideshow of political activities rather than really talking about governance, which is what politics is all about.

Mr. President, I have been joined on the floor by my friend, the Senator from Montana, and I would like to yield to him as much time as he might use to talk some about taxation and some of the areas of taxation that are of concern to him.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I thank my friend from Wyoming.

Mr. President, the 45th parallel up there is the only thing that keeps us apart, and we get arguments over that. Nonetheless, we get along pretty well as neighbors. A lot of what I am going to talk about today is what we have in common. Our agriculture is similar, and a few other things that one might not recognize at first. Montana and Wyoming are watershed states, Wyoming is the only State in the country where the water runs from it from all four directions. There may be a reason for that, maybe not.

My colleague talked about dealing with a $5 trillion national debt. I would take that another step forward and remind the American people and my colleagues who make decisions based on history that we have almost double that number in a little fund, an unfunded liability, when we talk about Social Security. So in our dealings with doing something about the national debt, we are in essence dealing with the problem that we have in Social Security.

I thank my friend from Wyoming for allowing me to edge in on his time here.

Mr. President, I have another subject on which I want to speak.

The PRESIDING OFFICER. The Senator from Montana is recognized.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1879 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, let me close by saying I hope that, as we go into this all-important time of budgets and spending, we really take a long look at how it impacts where we are going in the future and how it impacts the size and composition of Government. I hope it is not just driven by polls. I hope we don't find ourselves trying to get some political advantage by standing up when there is a problem somewhere and declaring that it is the Federal Government's obligation to fix everything by spending Federal money. I hope we don't live by sound bites indicating that these are the political things that people want, but, rather, talk really about how it impacts our future and our kids' future and our debt. I hope we don't contribute to the cynicism of Government by making it show business and sales promotion.

Politics is the way we govern ourselves. Politics is how we take to our precincts the decisions of what kind of government we are going to have, what our spending matters will be, what our taxes will be, and what our debts will be. I think this administration has perfected the idea of using sales promotion and sound bites. I think polling has become sort of the direction for the White House and for this administration.

Taking all the issues that people care about—of course they care. Who doesn't care about child care? Who doesn't care about education? Who doesn't care about school buildings? Who doesn't care about insurance for everyone? Social Security? Those are issues that everyone embraces. The question is how do you best deal with it?

The White House tends to talk about the issue and declare their interest in the issue with no plans to resolve it. It is sort of triangulation. If somebody in the Congress finds some sort of a resolution to it, then the White House claims success. If it fails to happen, then the White House criticizes Congress but never has a plan of its own. I hope we move away from that. I hope we really address the legitimate question.

There are those who support more government, more Federal Government, a larger Government, and more taxes. It is a belief—and an honest belief, I think sometimes—that that is the best way to govern, that the best way is to take the money from people, bring it here, and then spread it out as they see fit. They believe that. I happen not to share that notion. I happen to share the notion that the better government and the stronger government is closer to the people who are governed; that in fact a smaller central government and a more efficient central government is better and leaves the ability to govern closer to the people.

Mr. President, I hope those are some of the issues and some of the really basic fundamental things that we include as we talk about budgets and as we talk about spending.

I thank you for the time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. Con. Res. 86, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the current resolution on the budget for fiscal year 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

Murray amendment No. 2165, to establish a deficit-neutral reserve fund to reduce class size by hiring 100,000 teachers.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ABRAHAM. Mr. President, thank you very much.

For the information of the Senate, we will now, as indicated, begin consideration of the budget resolution. Although there are not any votes scheduled for today, it is certainly the hope of the majority leader and of the Budget Committee that we can begin the process of hearing from those who wish to bring amendments so they can be fully debated and discussed. I urge any colleagues who might be thinking about offering amendments to join us today. We have heard that a couple may be coming in a little bit. We will welcome them and begin this process of trying to sort through them in the hours ahead.

At this time, it is my understanding that the Senator from North Dakota has opening comments to make. I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from North Dakota is recognized.

Mr. CONRAD. I thank the Chair.

Mr. President, today is a historic day. For the first time in 30 years, the Budget Committee is able to present a budget that is balanced on a unified basis. I think all of us have looked forward to the day when we would be able to say to our colleagues, "The deficit has been erased." That is what we are able to come to the floor and say today.

We all understand that there is more to do, because we all understand we are continuing to use the Social Security trust fund surpluses. So that is the next challenge that faces us. But on that front, we are making progress as well, because in this budget resolution, we are saving the surpluses until Social Security can be strengthened, and we are doing it on both sides. The Republican budget resolution and the alternative Democratic resolution will both be balanced on a unified basis and also preserve all of the surpluses generated by the 5-year spending plan until Social Security is strengthened.

I thought it might be useful to recount for our colleagues and those who might be watching how we got to the position we are in today, what it took to get here, what is the history, how did it happen, because I think it is an important story.

In 1993, President Clinton was inaugurated, came into office and laid down an economic plan to reduce the deficit. It was a controversial plan, one that cut spending and also raised income taxes on the wealthiest 1.5 percent of the people in this country. Many said that plan would not work. In fact, our friends on the other side of the aisle said it would crater the economy.

How well I remember the debate we had on the floor of the Senate. How well I remember the description that came from our colleagues on the other side who told us, "If you pass this plan, it will not reduce the deficit, it will increase the deficit." They said it would increase unemployment; that it would increase inflation; that it would increase the debt; that it would stifle economic growth. Mr. President, the record is now clear. Our friends on the other side of the aisle were simply wrong. They were wrong on every single count. The plan that we passed in 1993 not only reduced the deficit, it has done it each and every year since the 1993 plan was passed.

It has also led to a remarkable economic resurgence. It has led to the lowest unemployment in 24 years, the lowest rate of inflation in 31 years, the strongest business expansion in any of our memories, and put this country on a sound financial footing.

But, again, I think we must all recognize the challenge is not over, because the next step is to stop using the Social Security trust fund surpluses. Again, the budget resolution offered by our friends on the other side of the aisle this year and the alternative that will be offered by our side recognize the Social Security surpluses should no longer be used in the calculation of the budget deficit and that we will preserve all budget surpluses until the time Social Security is strengthened.

Mr. President, this first chart shows that the unified budget is balanced for the first time in 30 years. Here is the record since 1969. Thirty years ago is the last time we were able to achieve unified balance—30 long years ago. And in between, we saw deficits rising inexorably, until in 1992 they reached $290 billion. Then, as I indicated, President Clinton came into office and proposed the 1993 budget plan, a 5-year economic blueprint that has made dramatic progress. You can see what has happened since: The deficit has been in steep decline, until this year when we anticipate we also may run a small unified surplus, but clearly we are on the right track.

I thought I might also help to put in perspective what has happened in the last three Presidencies, what the record has been on the question of budget deficits, because those budget deficits weighed down on this economy and prevented the kind of economic growth that we have now enjoyed since progress has finally been made.

This chart shows from 1981 through 1999 the budget deficit record. We can see during the Reagan administration, he came in and inherited a deficit of $79 billion. That promptly skyrocketed so that we were running on almost a consistent basis deficits of $200 billion a year, absolutely unheard of before that time.

In the last years of the Reagan administration, some improvement was made. We were still running budget deficits of $150 billion a year.

Then we had the 4 years of the Bush administration, and the deficits took off like a scalded cat. Deficits went up, as I indicated before, so that at the end of the Bush administration, the deficits were running $290 billion a year. And with the election of President Clinton, a Democratic Congress passed a budget plan in 1993 that has succeeded in reducing the deficits every year of that 5-year plan. The deficit went down in 1993 to $255 billion; the next year was down to $203 billion; then $164 billion; then $107 billion; then down to $22 billion and, as you can see, additional progress is being made so that in 1999, we are now anticipating a unified budget surplus.

As I indicated, the 1993 plan was controversial: Cut spending, raise taxes, income taxes on the wealthiest 1.5 percent in this country. Some told the American people that all of their income taxes were going up. It was not true. But they were able to confuse an awful lot of people, make an awful lot of people believe that was what was happening.

The fact is income taxes went up on the top 1.5 percent, but others actually had their taxes cut because of the expansion of the earned income tax credit. In fact, many more people had their taxes cut as a result of the 1993 plan than had their income taxes increased. The news media never told that story. But that is a fact. Yes, we increased the income taxes on the wealthiest 1.5 percent, but we also reduced taxes by expanding the earned income tax credit for more modest wage earners in this country, and millions of them received a tax reduction.

But this shows what has happened to both the spending and the revenue of the Federal Government since 1980. The blue line represents the spending of the Federal Government. The red line represents the receipts, and these are all stated as a percentage of our national income or, as sometimes said by the economists, our gross domestic product, because that is probably the most realistic way to look at the trends in spending and revenue.

What you can see is that the spending, as a percent of our national income, has come down; the revenue has come up. And it is that combination—reduced spending, increased revenues—that has allowed us to achieve unified balance. And it is that unified balance that has taken the pressure off interest rates, that has improved the economic climate in this country, so that we now enjoy very healthy economic growth, low inflation, low unemployment, and all of the other benefits that flow from a strong national economy.

This chart shows how we achieve a balanced unified budget. Looking back to 1992, looking at the savings from the 1993 deficit-reduction package that I have previously referenced, and looking at the additional savings that will be achieved as a result of the 1997 bipartisan budget deal—I think it is very important that we be direct with everybody.

In 1993, the Democrats did the heavy lifting. In 1993, there was not a single Republican vote for the budget plan that year—a 5-year economic plan to get us back on track. And we understood it was controversial. We did cut spending. We did raise income taxes on the wealthiest 1 percent. And the Republicans all voted no. Again, I think they were simply wrong. They were wrong in their anticipation of what it would mean to this economy. But in 1997, we had a bipartisan budget deal. That made further progress at getting our fiscal house in order.

Now, I prepared this chart to show the relative size of the two plans. The 1993 budget package had $2.5 trillion of savings between 1992 and 2002, that 10-year timeframe. The 1993 budget package will account for $2.5 trillion of the savings.

The 1997 bipartisan budget deal, between 1997 and 2002, will account for $600 billion of budget savings. So there is no question in terms of the 10-year period, part of that is attributed to the bipartisan budget deal of 1997, $600 billion. But most of it can be attributed to the 1993 package—$2.5 trillion of savings.

As I have indicated, Federal spending has been declining under the budget agreement of 1993 and the follow-on bipartisan budget agreement in 1997. And if we look at Federal spending as a percentage of gross domestic product for national income, we can see in 1992 the Federal Government was spending 22.5 percent of our national income. In each and every year under the budget plan that was passed by Democrats in 1993 and the follow-on plan that was a bipartisan plan in 1997, Federal spending has been coming down as a percentage of our national income.

In 1993, it was down to 21.8 percent; in 1994, 21.4 percent; in 1995, 21.1 percent; in 1996, down under 21 percent to 20.7 percent; in 1997, 20.1 percent. In 1998 we are now anticipating Federal spending will be down to 20 percent of our national income—a dramatic improvement under the budget plan first passed in 1993, the 5-year plan passed by the Democrats, and the follow-on bipartisan budget plan passed last year.

The result has been a dramatic improvement in the economic health of this country. Economic performance has been sustained, it has been strong, and it has produced the third largest postwar expansion in our history. You can see from 1961 to 1969, we had 106 months of economic expansion. From 1982 to 1990, we had 92 months of economic expansion. From 1991 to now, 84 months of economic expansion.

The economy has grown at a very healthy rate. This chart shows the real growth of our gross domestic product, and the growth in 1997 was the best in a decade. The central, underlying reason is the budget plan passed in 1993 that led to the deficit reduction, that allowed interest rates to come down, that made this economy much more competitive, much stronger, put us in a position to be the most competitive nation in the world.

Mr. President, I think this record is now becoming very clear. Deficit reduction, fueled by the 1993 budget plan, has led to reduced interest rates, stronger economic growth, and that has meant many positive things for the U.S. economy.

The first, perhaps most important, is job growth. We have now seen 15 million jobs created since the Clinton administration came into office. That is the first 61 months. We compare that to the first 61 months of the Reagan administration. We can see during that period about half as many jobs were created—about 7.7 million. And that is why we see such strong economic performance across the country.

Well, it is not just job growth where we have seen dramatic results of getting our fiscal house in order. In other areas of the economy, we have also seen a dramatic improvement. This chart shows what has happened to investment in business equipment.

One of the real strengths of the national economy, one of the reasons the United States is performing so well in competition with others around the world is because our economy is improving its productivity. One of the reasons we are improving our productivity is because of the computerization of our businesses. One of the key investments they make is in business equipment. That has been growing at an 11 percent annual rate for 4 years.

You can see, going back to 1985, we were going along at between $300 and $400 billion, in 1992 dollars, of business equipment investment. Once we got that 1993 budget plan in place, business investment took off, and we are now approaching $700 billion a year in business investment in this economy. It is one of the key reasons this economy is performing so well.

Again, it is not just business investment that shows the power of the economic plan that was put in place in 1993 and the follow-on bipartisan plan of last year. We can see in unemployment—here is what has happened with unemployment, looking back to 1991. Our unemployment rate is now the lowest since 1973. In over 24 years, we have the lowest level of unemployment in this country.

In my home State of North Dakota, we now see an unemployment rate of under 2 percent. The economists said that was not possible. The economists said full employment was an unemployment rate of 3 percent because of people changing jobs in the economy and other structural factors. But in my State of North Dakota, we have now an unemployment rate of less than 2 percent, and, of course, nationally, the lowest level since 1973.

There is not only good news on the unemployment front, there is also good news on the inflation front. And generally those two do not go together. Generally, if you have good news on unemployment, you have bad news on inflation. That is not the case with this economy. The inflation rate is showing its best sustained performance since 1967—the best rate in over 31 years—and that inflation performance is anticipated to continue.

So inflation is under control, with low levels of unemployment, high levels of business investment, and the budget deficit eliminated on a unified basis, and moving towards preserving the Social Security surpluses by preserving the budget surpluses.

We have heard a lot of talk from some: "Well, but you raised taxes in 1993. You raised income taxes on the wealthiest 1.5 percent." Yes, that is true, because that was important to balancing the budget, to getting these deficits behind us, to putting this country on a firmer economic footing. We also cut spending. And it is that combination that has made possible the deficit reduction we enjoy today.

But it has also translated into tax relief for many of the people in this country because, as I indicated before, while we have raised income taxes on the top 1.5 percent, we also cut income taxes for millions of Americans through expansion of the earned income tax credits. In fact, as this chart shows, the tax burden is declining for a family of four. When you look at the payroll taxes they pay and the income taxes they pay, if you take those with a family income of $27,450 or less, you see they have had their tax burden reduced.

In 1984, they were paying over 13 percent of their income in income taxes and payroll taxes. That has been reduced for 1999, under the budget plan we are offering, to 6.5 percent—a 50 percent reduction in the effective tax rate on payroll taxes and income taxes for a family of four earning $27,000, in 1999 dollars.

Now, some of our friends on the Republican side say, "Well, the Democrats just want to spend money." And there are places that Democrats believe we ought to spend some more money. We have the agreement from Republicans that we ought to spend more money on highways in this country. We also think more money ought to be spent on education.

We think we ought to do something about the crumbling schools. We think we ought to do something to reduce class sizes, to add 100,000 teachers in this country just as we added 100,000 police in the crime bill in 1993 that has had such a remarkable effect in reducing the crime rate in the Nation over the last 5 years. Each and every year, the crime rate has come down once we put 100,000—the authorization, at least, for 100,000 additional police on the streets and took tough measures to strengthen the crime laws of this country. We also believe we ought to provide 100,000 additional teachers across America to improve the educational performance of our kids.

So there are places that where think additional funds should be spent. The truth is, if you look at the next year or next 5 years in terms of spending, there is very little difference between the Republican plan and the Democratic plan—very little difference.

This shows, in the 1999 budget, the red is the Republican spending plan, the blue is the Democratic spending plan. You will notice there is very little difference, indeed, hardly any. There is about a $12 billion difference between the Republican plan and the Democratic plan, out of a $1.7 trillion budget. In fact, the Republicans' spending plan is for $1.73 trillion for 1999; the Democratic plan is for $1.74 trillion.

The difference is, Democrats believe we ought to put some more money into education. We believe we ought to put some more money into child care, because the vast majority of parents are both working and they tell us, we need some help; we are under enormous pressure.

I just had a neighbor of mine come and tell me he is spending $17,000, he and his wife, this year—$17,000—for child care. Now, he is probably relatively highly paid, a hard-working guy. Both he and his wife work, have two kids. They are paying $17,000 for child care.

All across the country, parents are coming to us and saying, "Look, this is a part of our expenses that we really need some assistance on. Can't there be some tax relief for child care expenses that is above what we currently are provided?"

The Democratic response has been, yes, we have made dramatic progress on getting our fiscal house in order. We are preserving the budget surpluses until we get Social Security secured for the long term. But we have some additional revenue because of the proposed tobacco settlement, and we could use some of that money for smoking-related matters, health research, smoking prevention, smoking cessation, but we could also use some of it to strengthen child care in this country. We could use some of it to improve education in this country.

So the Democrats say, yes, we will take a little bit of that money and use it for those purposes. For the 5-year spending plan, from 1999 to 2003, the Republican spending plan is in red—that is $9.16 trillion; the Democratic plan is in blue, $9.24 trillion. A little bit more money, $80 million more over 5 years in the Democratic plan as contrasted with the Republican plan.

Again, why the difference? Because we believe we ought to invest a little more money in education. Yes, we believe we ought to invest a little more money in child care because working parents all across America tell us that is a priority for them. And yes, we ought to use a little of that money for increasing the investment in highway funds, a priority that our Republican friends on an overwhelming basis have agreed with us on.

There are other areas of disagreement and perhaps the big area of disagreement is on the question of providing for the use of the tobacco funds. In the budget resolution, the Republicans say all of the money that comes from a possible settlement of tobacco, all of that ought to go to Medicare. Democrats disagree. Democrats say some of the money ought to go to Medicare, absolutely, that is appropriate. Some of the money, we believe, ought to be used to strengthen Social Security. The Republicans say no, not a dime should be used to strengthen Social Security. We disagree with that. We also believe some of the money ought to be used to fund smoking cessation and smoking prevention and counter tobacco advertising, and have health research, and improve the funding for the National Institutes of Health. The Republicans say no, none of the money, none of it, not a dime, from the tobacco settlement should go for those purposes; all of it, every penny, should go for Medicare. We just disagree. We don't think that is the appropriate set of priorities.

Obviously, Medicare is important. No question about that. Democrats are the ones who helped pass it, the ones who helped preserve it, the ones who helped protect it. But we also recognize there are other critically important priorities from a windfall that might come from a tobacco settlement—shouldn't spend it all; some of it should be saved. That is why we say some of it should be used to strengthen Social Security. Yes, some of it should be for Medicare. We also recognize that if we are really going to be protecting Medicare, then we have to take steps to keep young kids from getting hooked and addicted to tobacco, because 90 percent of those who are smokers started before age 19; nearly half started before they were age 14. And the addiction of kids puts a later burden on Medicare and Medicaid and veterans' programs because of that addiction.

We think an ounce of prevention is worth a pound of cure. The Republicans just want to deal with it at the final result stage. They just want to deal with it once the people are addicted and diseased. We say let's prevent addiction and disease. Let's spend some of that money on smoking prevention, smoking cessation, counter tobacco advertising, so that we really prevent people from getting in those situations.

The fact is the Republican plan in terms of revenue that might come from the tobacco settlement puts all the money into Medicare, none to these other purposes. They say to us, "We are funding some of those tobacco control efforts other places in the budget." That is their answer. The problem with that answer, if you look at numbers what, is that what they have put elsewhere in the budget is nowhere adequate to meeting the need; it doesn't take care of the problem.

We have had all the health experts come in and they have told us you need to be spending about $2 billion a year on tobacco control, smoking cessation, smoking prevention, counter tobacco advertising. Interestingly enough, every comprehensive bill introduced on this floor by Republicans or Democrats adopts a spending pattern on tobacco control efforts of about that magnitude, about $2 billion a year—some much more, some are as much as $4 billion a year. The proposed settlement itself contains $11.3 billion for these purposes. The Republican budget over this next 5-year period provides $600 million, about 1/20th of what the experts say is necessary in order to really accomplish the goals of reducing teen smoking and of protecting the public health.

The budget resolution that Republicans have offered also ignores FDA funding for tobacco. In all of the bills that are out there—Republicans and Democrats—every comprehensive tobacco bill that has been offered says we ought to expand FDA authority to control this drug like they were given authority and responsibility to control every other drug in our society. Obviously, there is a cost to that. The proposed settlement says that cost is $1.5 billion over 5 years. The Republicans haven't given a dime for that purpose. It really makes you wonder if our friends on the other side of the aisle are at all serious about accomplishing the goals for the reduction of teen smoking and protecting our citizens from addiction, disease, and death caused by this industry.

These are the matters that will be central to this debate as we go forward. It is important to define differences between us because those differences are real and we have seen the difference they have made over the last 5 years. We believe the record has proved the Democrats were right when they cast a courageous vote in 1993 to really get our fiscal house in order. The results are undeniable. They are just as clear as they can be: deficit reduction, strong economic growth, the best performance on inflation and unemployment in nearly a quarter of a century. That is the record. It is a powerful one. It is one of which we are proud.

Now the question is, what do we do going forward? The Democratic answer is we have to maintain fiscal discipline. Yes, we have to achieve that unified balance in our budget, but we have to go further and preserve budget surpluses until we have secured the future of Social Security. As the President said to us, "Save Social Security first." The Democrats agree to that position.

In addition, we believe with the windfall that may be anticipated as a result of any tobacco agreement, we ought to use some of that funding to accomplish the goals of protecting the public health, reducing teen smoking, and also we ought to put some of it toward strengthening Social Security, we ought to use some of it for preserving Medicare, and yes, we ought to improve health research in this country and children's health care. Those are things that the American people think are important, and we agree. No higher priority can be attached to anything than improving the education of the children of our country. That is something we simply must do.

If we are going to preserve the competitive position of the United States, we must have the best educated work force in the world. That is one reason we are doing well. If we are going to continue to do well, we must make certain that educational excellence is at the top of our priority list.

I yield the floor.

Mr. ABRAHAM. Mr. President, it is my understanding that the Senator from Alabama, Senator SESSIONS, will be here momentarily for the purpose of offering the first substantive amendment to be considered. In light of that, perhaps we could enter into a unanimous consent agreement. I ask unanimous consent that after the Senator from Alabama offers and discusses his amendment, we then allow the other Senator from North Dakota, Senator DORGAN, to seek recognition and be recognized following the Senator from Alabama.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ABRAHAM. I ask unanimous consent Philippe Ardanaz, an American Association of Political Science fellow with the Budget Committee, be granted floor privileges during consideration of the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. I yield 20 minutes to the Senator from Alabama for the purpose of introducing an amendment and speaking to the amendment.

The PRESIDING OFFICER. The distinguished Senator from Alabama is recognized.

AMENDMENT NO. 2166

(Purpose: Expressing the sense of Congress that the Federal Government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children)

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS], for himself and Mr. ENZI, proposes an amendment numbered 2166.

Mr. SESSIONS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . FINDINGS; SENSE OF CONGRESS.

(a) Congress finds that—

(1) studies have found that quality child care, particularly for infants and young children, requires a sensitive, interactive, loving, and consistent caregiver;

(2) as most parents meet and exceed the criteria described in paragraph (1), circumstances allowing, parental care is the best form of child care;

(3) a recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is "what is happening at home and in families";

(4) as a child's interaction with his or her parents has the most significant impact on the development of the child, any Federal child care policy should enable and encourage parents to spend more time with their children;

(5) nearly ½ of preschool children have at-home mothers and only ⅓ of preschool children have mothers who are employed full time;

(6) a large number of low- and middle-income families sacrifice a second full-time income so that a mother may be at home with her child;

(7) the average income of 2-parent families with a single income is $20,000 less than the average income of 2-parent families with 2 incomes;

(8) only 30 percent of preschool children are in families with paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;

(9) child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent; and

(10) any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home for a young child.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that—

(1) many families in the United States make enormous sacrifices to forego a second income in order to have a parent care for a child at home;

(2) there should be no bias against at-home parents;

(3) parents choose many different forms of child care to meet the needs of their families, such as child care provided by an at-home parent, grandparent, aunt, uncle, neighbor, nanny, preschool, or child care center;

(4) any quality child care proposal should include, as a key component, financial relief for those families where there is an at-home parent; and

(5) mothers and fathers who have chosen and continue to choose to be at home should be applauded for their efforts.

Mr. SESSIONS. Mr. President, I think the issue before the Senate as we debate the budget resolution is how to set our priorities as a nation. Where do we want to spend our resources? Are we expending our resources in ways that strengthen our American Republic and the people who make it up? Are we using resources in a way that will strengthen families? And are we using resources in a way that undermine families or at least undermine the freedom of families to make choices they believe are important in their lives?

I have just introduced an amendment which expresses the sense of Congress that the Federal Government should acknowledge the importance of stay-at-home parents and should not discriminate against families who decide to forego a second income in order for a mother or father to be at home with their children. The resolution is nearly identical to the House resolution sponsored by Representative BILL GOODLING, chairman of the Education and Work Force Committee, which passed the House of Representatives on February 11 by a vote of 409–0.

President Clinton has proposed spending $21.7 billion over the next 5 years in new Federal child care programs. Although the money the President is proposing to spend will benefit parents who use business and institutional day-care providers, it will not assist the single largest provider of child care in this country, at-home parents. The President's plan does provide us with an opportunity to think seriously about this subject and see if we can provide a better way to help parents raise their children.

I believe this resolution is critically important. It provides this body with an opportunity to discuss and debate our Nation's focus on the issue of child care: Should our Government continue to promote and fund child care programs designed to give middle-class parents who hire others to care for their children tax cuts or other benefits while at the same time denying relief to parents who make sacrifices so that one parent can remain at home to care for their young children?

It seems unfair to me that we tax families who sacrifice outside earnings to ensure that one parent is home with their children while subsidizing families in which both parents work. In fact, the statistics show that when both parents work, they have a higher income. So in fact we are taxing those with a lower income to subsidize decisions of those with a higher income.

Studies show that most parents would prefer to work less and spend more time with their children if they could afford to do so. By subsidizing only nonparental care for our children, our Government is pushing many families in a direction they do not wish to go. More parents are staying home. They are choosing to forgo extra income. These private, personal, and family decisions are being reached on long-term moral, religious, and educational considerations. Good decisions by parents in these matters benefit our Nation, and they should be affirmed by governmental policy, not undermined by governmental policy.

As I traveled my State over the last recess and talked with people raising this issue, people would come up to me after meetings, and they would say: "JEFF, we agree with you. We both used to work. Now only one of us works. We prayed about it and we know we are going to have to get by with less money. But we decided this is the best for our family."

I don't denigrate in any way families who choose for both parents to work. I don't ask that we diminish support for the single parent who works. I just say, Mr. President, it is time for this body to join the House and to send a message to America and a statement to the President and to the rest of this Government that we believe that those parents who stay at home to raise their children ought to be affirmed also. They also should receive benefits, and they ought not to be the chumps in this process. Because they are giving of themselves with great sacrifice to raise the next generation of Americans who will lead this country.

Make no mistake our economy is in great shape. This Nation is strong and vibrant economically. The one threat I see that could undermine that strength is for us to undermine the values that we pass on to our children. That our work ethic is reduced, that our moral discipline and integrity as a people is undermined. These qualities are strengthened when families can spend those formative years with their children in a close relationship. Psychiatrists and psychologists refer to it as "bonding." During those first years, it is important for a parent and a child to bond in order for that child to develop confidence and a sense of self-worth that can only be gained in many instances from that relationship with their parents. We have many difficult societal problems, and none are more important than developing properly the next generation of leaders.

I just say this, Mr. President: Our Nation can never rise higher than the individual quality of the citizens who make it up. And what are those qualities that make us a great people? It goes beyond mere education. It goes beyond how much money we make or how smart we are. It really depends on a willingness to cooperate, to work together, on whether or not we have high ideals, whether or not our children are raised with hope and a vision for progress, whether or not they have integrity, good discipline, a work ethic that will allow us to be competitive in the world. We need to strengthen our families as they endeavor to raise the next generation of leaders.

Now, Mr. President, last year, we passed a budget that wonderfully provided a $500 per child tax credit to families in this country—one of the finest steps we have taken in many years to actually help families. This allows them to keep money that they could spend as they wish. A family of three could, in effect, have $120 extra each month, tax free, not taxable, a tax credit that they could use for their children. This extra money may mean buying shoes, textbooks, or the extra money it takes to go to a movie or on a school trip. These families are able to make their own decisions about spending. That was a wonderful step in the right direction. It did not discriminate against those families who work or those who choose not to have both parents work. It was an equal, across-the-board benefit, something that was good. I think now we need to make this additional statement by this body: That we expect in the future to treat all parents equally. The amendment makes a number of points, Mr. President, and I will share those briefly. I don't know what my time is, but I don't want to go over.

The PRESIDING OFFICER. The Senator has 11 minutes remaining on the time requested.

Mr. SESSIONS. All right. Mr. President, the resolution notes a number of things. It notes that, whereas "a recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is 'what is happening at home and in families.'"

That is something all of us have known instinctively, and we believe that our public policy has not affirmed that effectively. Our resolution would move us in the right direction.

It goes on to note: Whereas,

> as a child's interaction with his or her parents has the most significant impact on the development of the child, any Federal child care policy should enable and encourage parents to spend more time with their children;
>
> nearly ½ of preschool children have at-home mothers and only ⅓ of preschool children have mothers who are employed full time;
>
> a large number of low- and middle-income families sacrifice a second full-time income [by their own decision] so that a mother may be at home with her child;
>
> the average income of 2-parent families with a single income is $20,000 less than the average income of 2-parent families with 2 incomes;
>
> only 30 percent of preschool children are in families with paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;
>
> child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent;
>
> any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home with a young child.

Therefore, it be resolved that the Congress of this United States recognizes that:

> many families in the United States make enormous sacrifices to forego a second income in order to have a parent care for a child at home;
>
> there should be no bias against at-home parents;
>
> parents choose many different forms of child care to meet the needs of their families, such as child care provided by an at-home parent, grandparent, aunt, uncle, parent, neighbor, nanny, preschool, or child care center;
>
> any quality child care proposal should include, as a key component, financial relief for those families where there is an at-home parent; and

mothers and fathers who have chosen and continue to choose to be at home [with their children] should be applauded for their efforts.

Mr. President, the purpose of this resolution is not to suggest that we do not need more relief for families. We need relief for families where both parents work or where the only parent works. They need relief. But we ought not to discriminate and be biased against those parents who sacrificially choose to spend the time they believe is necessary for their child to develop emotionally, morally, religiously, and ethically.

That is a good thing for America. It is a good thing when parents can and are willing to spend their time with their children. Public policy should affirm that choice, just as it affirms other choices that parents make or feel compelled to make. I would suggest that this is a matter we ought to support aggressively. I believe it is a matter that will help set the tone for our budget process as we go forward. It will send a signal to those on the committees who will be considering legislation to see what we can do to strengthen our ability to care for children, and I believe this resolution to be quite significant and representative of a marked change in the direction that we have followed before.

Mr. President, I ask unanimous consent that Senator DODD be added as a cosponsor to this amendment. He called our office before I had a chance to add his name to the sponsors of this resolution, among whom are Senators LOTT, SHELBY, ENZI, FAIRCLOTH, HELMS, NICKLES, GRAMS, MCCONNELL, LIEBERMAN, BROWNBACK, INHOFE, CRAIG, HUTCHISON, FRIST, COVERDELL, ASHCROFT, ABRAHAM, MACK, DEWINE, and COATS, and others are being added as we go along.

Mr. DORGAN. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator wish to add those names as cosponsors?

Mr. SESSIONS. The names I read, except for Senator DODD, have already been listed as sponsors on the legislation.

I ask that Senator DODD and Senator DOMENICI be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. SESSIONS. Yes.

Mr. DORGAN. I ask the Senator if he would allow my name to be added also as a cosponsor.

Mr. SESSIONS. I would be honored to have that.

Mr. DORGAN. I ask unanimous consent that my name be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I thank the Chair. Mr. President, I also ask unanimous consent that the occupant of the Chair, Senator ROBERTS, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Thank you. Mr. President, I think, indeed, we are dealing with an important issue. I know the Chair himself, along with other Senators, has introduced legislation that would, in effect, accomplish many of the things that are called for in this amendment. I salute you for your concern for children and your work in that regard. I think it is time for us to make sure that we establish a policy in this body that treats parents equally who sacrifice for their children. I think this amendment makes that point, and I am proud to offer it.

Mr. President, I believe we do have, by consent, 2 hours set aside for debate on this amendment. At this time, I ask unanimous consent that the remainder of that time be reserved. I would like to speak on it some more, and other Senators have advised me that they would be speaking on this.

The PRESIDING OFFICER. Without objection, it is so ordered. The time is reserved.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, under the previously agreed-to unanimous consent agreement, I believe that the Senator from North Dakota will be recognized for up to 20 minutes, and I would like to seek unanimous consent that following the statement of the Senator from North Dakota we would then recognize the Senator from New Hampshire, Mr. GREGG, for up to 20 minutes.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator is correct. Without objection, it is so ordered.

The Senator is recognized.

BUDGET PRIORITIES

Mr. DORGAN. Mr. President, I may not take the entire 20 minutes. But I thank the Senator.

Mr. President, we are talking about the budget. This is a ritual that occurs here every year in the U.S. Senate. And the budget reflects our priorities. What do we think is important? What do we hold dear? What do we think are the most important issues in this country?

I have said before that 100 years from now we will all be dead. None of us will be here. Historians will look at what this Congress felt was important, and find that out by evaluating what kind of a budget this Congress enacted. That will tell historians what Congress felt was important about the lives of the people who live in this country and what matters. What is the priority? That is what this budget debate is all about.

The Senator from North Dakota, Senator CONRAD, spoke a bit ago about where we have been. I recall a few years ago, during a particularly aggressive debate about the economy and fiscal policy, a colleague of mine standing on the floor of the Senate talking about how awful things are in America and how we really ought to be ashamed about what has happened in the last 35 years in this country. I sat over here. I listened to that. I thought, gosh, we must be living in different places.

I think this is a remarkable country. Yes; we have significant challenges. But I look at the last 50 years as 50 years of significant advancement in this country in a dozen different ways. Yet some see it differently.

We find ourselves in this country today living in a country with an economy that is growing, more people working and fewer people unemployed. The inflation rate is down; the unemployment rate is down; economic growth is up; the crime rate is down; and the welfare rolls are down. Things are moving in the right direction in this country. It doesn't mean we don't have some challenges. But the fact is things are moving in the right direction.

I suppose some have their own ideas about why this has happened, why is it that we have reached this intersection and why this country is doing quite well.

Senator CONRAD indicated that in 1993—at a time when our budget deficits were growing year after year and a swollen budget deficit that was getting worse, not better—that Congress was called upon by a new President to do something serious about fiscal policy and to send a message to the people of this country that times in the future will be different, that Congress and a President would no longer sit around and accept increasing budget deficits. He proposed a plan that was enormously controversial. It passed by one vote here in the Senate and one vote in the House of Representatives.

For anybody who asks if one vote matters, it does. In 1993, a plan that was very controversial passed by one vote in both bodies. The result was the American people finally understood that we were going to put this country on the right track on reducing the Federal budget deficit and getting this country's fiscal policy under some kind of control. Yes, that bill made the right investments in the future, but it cut a good deal of spending, and yes, it did increase certain taxes, in most cases only for the wealthiest Americans. But it did. And that is what made it so controversial. It was hard to vote for. Some of my colleagues who voted for it are not here any longer. But it was the right thing to do, and it put this country on the right track. We find ourselves in a country where things are better.

Now the question is, What should this budget provide? What is important now for the future—education, health care, safe food, a clean environment, safe workplaces, jobs? What represents the priority of those of us serving now today? Are we trying to move forward, or are we holding back?

Let me just again remind people that we have always had in the Congress folks who have their dander up, saying, "Don't go there. Don't do that. It won't work." We had that with Social Security. We had it with Medicare. We had it with virtually everything that was intended to be done to make this a better country. When we decided to stop employing children in this country—let us stop having 12-years-olds work 12 hours a day in the mines—we will have child labor laws, we had people who said, "Don't do that. It will ruin the economy." When we decided we were going to have a minimum wage law, we had people saying, "Don't do that. It will ruin the American economy." When we decided to have Social Security, we had people who said, "Don't do that. It is socialism." When we said let us have a Medicare program because half the senior citizens in the country can't afford health care, people said, "Don't do that. It will ruin this country."

This country has been strengthened by a lot of good ideas that have made this a better place. Yes. Social Security. Yes. Medicare. Yes. Food safety standards, clean air requirements, child labor law, minimum wages—a whole series of things that have made a better country. This country has a wonderful, wonderful history, and I think a better future.

We survived a civil war. We survived a depression. We won two world wars. We defeated Hitler. We cured polio. We put people on the Moon. We invented the television, the computer, and the jet airplane. This is quite a remarkable country. There is nothing quite like it on Earth.

If you look at other developed nations around the world, their economies have slowed down and are not doing well. Yet this country—the biggest, most successful democracy in the world, truly a country with significant economic might—is on the move again, on the march again, and doing much, much better.

So what do we have to do now, in order to keep our country moving forward? We need to face several big challenges: Medicare and Social Security. Before I talk about the priorities in the budget, let me talk about Medicare and Social Security. Those are the two big entitlements that we have to deal with. Even though we have dealt with most of the fiscal policy problems, we have a demographic problem in the future with Medicare and Social Security. I want to make one point about that.

The problems in Medicare and Social Security are born of success. We could solve Medicare and Social Security instantly if we simply go back to the same life expectancy that we had 30 or 60 years ago. Those who created the Social Security program created a program that said, by the way, you are expected to live, on average, to be 63 years of age and we will pay a retirement benefit after 65. I went to a small school. But I understand that adds up pretty well. If you are paying benefits at 65 years and people are living on average 63 years, that works out pretty well.

But from the turn of the century, when we were expected to live to age 48 in this country, to now, when you are expected to live to age 77, nearly 78 years of age, we have increased life expectancy in this country by nearly three decades. Does that put some strain on Social Security and Medicare? Yes; it does. But, again, it is born of success. Just ratchet back life expectancy 30 years and you will solve the financing problem for Social Security and Medicare.

So we ought not shirk from these challenges. These are not difficult challenges. We can solve the demographic problems confronting Social Security and Medicare. But let us remember that the reason these problems exist is because we have had significant success in this country. People are living longer, better, and healthier lives. That is what is causing the problems in these areas.

Let me just for a moment talk about the priorities in the budget. Senator CONRAD talked about several of them. I want to focus on a couple.

Tobacco: Senator CONRAD has done a lot of work on the tobacco issue as the chairman of the task force here in our caucus. This budget resolution indicates that all of the revenue that will come from a tobacco settlement must be used exclusively to adjust the balances of the Medicare trust fund. In other words, it explicitly says no money from any tobacco settlement can be used for the central goal of the tobacco legislation, and that is, preventing people from starting to smoke in the first place, protecting young people in this country from the dangers of smoking.

Almost no one reaches 25 or 30 years of age and wonders what they can do to further enrich their lives and come up with the idea they ought to start smoking. Nobody does that because at that age they understand smoking can kill you. Cancer, heart diseases, and other illnesses persuade people who know the facts not to start smoking. The only future customers who exist for tobacco are kids. The targeted capability to try to addict our kids is something we are trying to attack in tobacco legislation.

The use of the funds from the tobacco settlement must be, it seems to me, used for anti-smoking education initiatives all across this country, for smoking cessation programs, for those who are addicted, for FDA tobacco-control activities, to counter tobacco advertising, and a range of other ways. But none of them are capable of being funded in this budget. None of them.

It doesn't make any sense at all to write handcuffs into this budget resolution that stop us from using the proceeds of the tobacco settlement to do the very things that we are having the tobacco settlement for in the first place, and that is to try to address the issue of teen smoking and to stop cigarette companies from addicting teens. Yet none of it is possible in this budget agreement. That cannot stand. We must have amendments and will have amendments on that issue.

Second, education: We have had a number of people here in the U.S. Congress who forever have said, "Let's just say no on education" when it comes to the U.S. Congress. I understand and respect the fact that most of elementary and secondary education funding comes from State and local governments. It is that way and ever should be that way. Yet we in the Congress have developed some niche financing and some assistance in certain areas that help invest in education and make our schools better.

President Clinton has made some proposals dealing with education that are very, very important proposals that will not be funded in this budget. The proposal dealing with repairing America's schools is a very important proposal.

We have thousands of schools in this country that are 50 years old, or 60 years old, or 80 years old. They are coming apart at the seams. We send our children there. In the morning we tell our children good-bye. We kiss them good-bye and send them to school. We in this country don't want our kids to go to unsafe schools or go to schools that are in disrepair. None of us want, as parents, to do that.

I have two young children in public school. The taxes I pay to support their education are something that I am enormously proud of. I want those children, and all American children, to be the best educated children that they can possibly be. I want them to be able to say, "I went to the best schools in the world." That is what I want our public education system to be in this country. Yet, this budget says no to those education initiatives. It says we can't do anything about trying to stimulate the repair of crumbling schools by providing just a basic incentive from the Federal level to State and local school districts and others who would be able to put up the money at reduced interest charges to repair crumbling schools. This budget says we can't do that. It just says no to fixing crumbling schools.

Or, the question of class size. My daughter last year was in public school in a class of 30 students. Does anybody believe that it doesn't matter if your kid is in a class with 35 students or 30 students versus 15 students or 18 students? We know better than that. All of us know better than that. We all know that smaller class sizes mean better education, particularly more teacher time for each student. President Clinton talks about funding 100,000 new teachers, to try to reduce class sizes in this country. He is proposing after-school programs for school-age children who don't have any place to go after school because both parents are working. For all of these initiatives, the response is the response that we have had for 50 years from some of the same voices. "Just say no to these issues. It is not the Federal Government's job." Gosh, if we had relied on that advice we wouldn't have done much of anything that has made this a better country. A fair amount of what we have done in terms of public investment has made this country a much, much better place in which to work and to live.

When President Clinton proposes smaller class sizes with qualified teachers, he is talking about an initiative of over 7 years to help local schools provide small classes by hiring more teachers in the early grades. When he talks about modern school buildings, he is talking about Federal tax credits to pay interest on $22 billion in bonds to build and renovate public schools in this country.

But this budget that came out of the Budget Committee falls far short on these issues. The suggestion is, Well, this isn't a priority. This doesn't rank with other priorities. I disagree with that. And we have room, obviously, to disagree on these issues.

But if one doesn't believe that education is the first priority in this country—that our future is our children and the education of our children will determine what kind of country we have in the future, how we compete in the global economy, whether this country grows—if we don't believe that, we are not going to do well in the future. We must do as those who came before us have done and say that education is a priority. It represents the first priority for this country.

There is another little part of this budget we are considering that I find highly troubling, and I know at first blush it will be very, very interesting to some people. It is a piece that says let us sunset the Tax Code. In other words, it is saying that the Congress should sunset and get rid of the existing income tax system we have in this country. It includes a sense of the Senate provision providing for repealing the entire Internal Revenue Code at the end of 2001. Notice that it doesn't say what they would replace it with. It just says repeal the Tax Code.

Well, what that says to somebody who just bought a home yesterday or is considering buying a home tomorrow or next month or did 6 months ago, it says, "By the way, don't count on your interest deduction on your mortgage being deductible, because there may not be a tax system that allows you to deduct interest on your mortgage." Can you imagine that coming from this Congress?—this Congress saying, "Don't count on that?"

By the way, are you contributing to an IRA? This budget says, "Don't count on that being treated as it is now for tax purposes." Are you making a charitable contribution? "Don't count on that being deductible." Are you a business person about to make an investment, or a business about to make an acquisition of another company, and it hinges on the question of, How will this be handled from the Tax Code standpoint?" What this says is, "Don't count on it. Don't count on this Tax Code, because we have other ideas."

We have billionaires walking around saying, "We want a flat tax." Only in Washington, DC, would it be a new idea to hear a billionaire talking about a flat tax plan that cuts his own taxes. Only here could someone call that a stroke of genius. Flat tax, VAT tax, sales tax—these are the alternatives that are being proposed to the current system. What is behind this proposal to abolish the current Tax Code at 2001 without providing for an alternative? The stimulus behind this is that some people want to create a national sales tax, a national VAT tax, or some sort of national flat tax, all of which will cut taxes for the wealthiest Americans and increase taxes for working Americans.

Let me say that again, because it is important. This budget bill does not tell us what people have in mind as a replacement for the current system, because the majority can't agree on that. But all the plans that are being discussed to replace the current IRS Code—all of them would essentially say we are going to tax work and we are going to exempt investment.

I ask people this: Why is the income from work any less worthy than the income from investment? Why this romance with a plan that says, if you are a worker, we tax you; if you are an investor, we don't? If you get your money by working all day and you are bone tired at night after 10 hours going out working for a wage, trying to provide for your family, you pay a tax. But if you sit in a chair and clip your coupons and make your $10 million a year from interest and dividends, this Congress likes you so much that you don't have to pay any tax. It is just the work that is taxed, the investment is not. We will have an amendment to strike this provision.

Get rid of the Tax Code? I don't particularly like the Tax Code. I think we could substantially improve it, dramatically simplify it. But get rid of it and replace it with a plan that says the upper-income people pay less taxes and lower- and middle-income people pay more taxes? I don't know who came up with this approach, but I hope they are prepared to defend it on the floor in discussing this amendment that I will offer at some point during the debate.

Mr. President, those are some of the differences I have with this budget. But I don't want people to believe that there is nothing in common among Senators. There are things in the budget resolution to which we will all agree.

I just stood and asked the Senator who was introducing the child care amendment to add my name as a cosponsor. He is a Republican; I am a Democrat. I happen to think what he has said on the floor and what he has written on that amendment make good sense. It is right to say to those who need to find good child care, when both parents have to go off to work because they must make ends meet, and they have child care problems—can we and should we help them? Yes, I think we could and we should. Does it also imply that those who make sacrifices to have one spouse stay at home to take care of those children, should they have some opportunity to see us reach out to try to provide some help to them? Absolutely.

There are a number of things—this being just one example—where we agree on public policy issues. I have mentioned a few where we don't agree. Where we don't agree, from time to time we have significant debate about that, and then we vote, and when the vote is over, we count the votes. The winner is the one with the most votes. We understand that. My party here in this Chamber has fewer votes than the other party. Hopefully, a number of these amendments will not be party line votes. The child care issue, which I just mentioned, is a good example of that.

I hope the first issue I mentioned will be another example. On tobacco, there is a big difference, I mean a huge difference. There are billions of dollars coming from a tobacco settlement that the majority says cannot be used under any circumstance to deal with teenage addiction. But the whole purpose of this settlement is to say to tobacco companies, "We won't allow you to addict our kids anymore. It is wrong." And we want to use some of the money from a tobacco settlement to fund smoking prevention, smoking cessation, addiction treatment and other public health work to deal with smoking. But the majority's budget says "No, you can't do it." Well, this budget has to be changed, and we are going to have a big debate about that.

The last item I mentioned, the Tax Code, do we want a budget to go through the Congress that says: "By the way, American people, we are going to sunset the Tax Code; we are going to get rid of the Tax Code at the end of 2001. So now, if you have your house, and you sit out there and wonder whether you are going to be able to deduct the interest on your mortgage? Just go ahead and wonder, because we are going to get rid of the Tax Code that allows to you do that and we are not going to tell you what we are going to put in its place. We may put a national sales tax in its place," they would say. "We will not tell you that yet, because we know that is controversial and we know how you will react when you find out what a national sales tax would do."

Well, we know what a national sales tax does because all the studies show it. There is no dispute about it. We know it will cut taxes for upper-income folks and raise taxes on working people. But the majority says, "We are not going tell you what we are going to replace it with, but all we are going to do is serve notice on you today that your home mortgage interest may not be deductible tomorrow or in 2001." So we are going to have an amendment on that. We need to change that provision in this budget resolution.

Mr. President, I have used my time. There are several other items that I will talk about later in this debate. I have mentioned a couple of amendments I intend to offer. I thank Senator CONRAD for giving me the time on this side.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 20 minutes.

Mr. GREGG. Mr. President, a number of points have been made by the Senator from North Dakota. He always makes them well. Even when I disagree with him, I enjoy listening to him.

Let me point out a few things that I want to talk about initially relative to this budget that, if you were to listen to the other side, you might not fully understand, because there appears to be an incomplete explanation.

For example, on the issue of education, the Senator from North Dakota used the term: "The Federal Government has niches which it is responsible for in the area of funding education." I think that is a good term, "niches." The Federal Government does not have responsibility for the overall funding of elementary and secondary school education. In fact, that has always been reserved to the local community, and should be reserved to the local community. It should be parents and teachers who are empowered, controlling their schools by controlling their local dollars.

But yes, we do have some niches that we are interested in as the Federal Government. Probably the primary niche we are interested in is taking care of the special-needs child. In fact, we have a law called 94–142, otherwise known as IDEA, the purpose of which is to make sure the special-needs children get adequate funding as they try to get decent schooling. When this law was passed, the Federal Government said it would pay 40 percent of the cost. Regrettably, the Federal Government, as of 2 years ago, was only paying about 6 percent of the cost. But as a result of the leadership of people on our side of the aisle, myself included, and Senator LOTT and a number of other people—Senator COLLINS from Maine—we have aggressively pursued trying to increase the funding for special education, and we have gotten it up to about 9.5 percent of the local cost. But it still remains the single largest unfunded mandate the Federal Government puts on local school districts and basically has the effect of saying to the local school district: You must educate these children. The Federal Government said it will pay 40 percent. We are not going to pay our 40 percent. Therefore, you must use your local tax dollars to pay the Federal share, and therefore you have very little flexibility in how you use your local tax dollars, because the Federal Government is requiring you to use them to educate children to pay for costs which the Federal Government was supposed to pay for in the first place.

Well, the administration has been grotesquely lax in its fulfillment of this obligation also. When the Senator from North Dakota says the administration has all these wonderful new education initiatives—they are going to go out and build schools and reduce class sizes, they are going to add proposals and programs for after-school education—what they do not mention—what they do not mention—is the administration, the White House, the President, and the Democratic Members of this Congress, in their own budget as proposed, failed to increase at all, for all intents and purposes, funding for special-ed kids. They failed to even make a minor attempt to try to fulfill the obligation of the special-ed child, something that we are by law required to do.

So, yes, the Federal Government has niches in education. One of those primary niches, which we have cited, by law, is that we will pay 40 percent of the cost of the special-needs child. We don't do it. The Democratic Membership is unwilling to do it. The White House is unwilling to do it. Why? They want to take all kinds of new programs to take care of new constituencies to generate new press releases. It is about time they lived up to the obligation on the books. Our budget, the Republican budget, does that. It moves one more time aggressively—in fact, outlines $2.5 billion of new spending for special education over the next 5 years—with a strong, firm commitment to try to get to that 40 percent, something that is totally ignored on the other side.

So, when you wanted to talk education, the Republican budget lives up to the obligation of the Congress, the Federal Government, in the area of education. The Democratic proposals just put out press releases and try to buy new constituencies and do nothing for the special-needs child. Basically, they failed in that arena.

Now we go to the issue of the tobacco settlement, and that is what I want to talk about primarily here today. The tobacco settlement is obviously a very complex and intricate piece of process. But there should be some black-letter rules that guide us in this settlement. The Senator in the chair has been a leader on identifying one of these black-letter rules, which is that attorneys should not get an outrageous amount of income out of these settlements. The billions of dollars in attorney's fees that are being awarded in Texas and Florida are just obscene, obscene. They are going out of the pockets of the taxpayer into the attorneys' pockets, and they are not doing anything for anybody. Clearly, there should be some action taken in that arena. That should be a black-letter law addressing this issue, and I congratulate the Senator in the chair for his leadership on that count.

Equally, we ought to recognize what the problems are that are created for the Federal Government as a result of tobacco smoking. The single biggest problem we have as a Federal Government as a result of tobacco smoking from a health standpoint is that senior citizens are disproportionately impacted by the health impacts of smoking all their life, and that impact on senior citizens flows directly back to the cost being on the Federal Treasury in the Medicare system. So it is perfectly reasonable and appropriate and right, to the extent that the Federal Government receives revenues as a result of this tobacco settlement, that those revenues should go to support the primary cost which the Federal Government incurs as a result of tobacco smoking in this country, which is the cost to take care of our senior citizens.

I point out, the other side of the aisle suddenly has decided to spend this tobacco settlement money on all sorts of new initiatives for a panoply of new constituencies and programs, the purpose of which appears to be once again to create press releases rather than create substantive progress. I point out to the other side, it was just a year ago we saw from the other side such crocodile tears, it now appears—because they wouldn't be genuine tears or they would be supporting us in this matter—crocodile tears about their concern for the trust fund, Medicare trust fund, and how it was being raided, they alleged, by the Republican side of the aisle.

We made a firm, unalterable commitment to Medicare. We recognize on our side that Medicare remains probably the single most difficult entitlement program, from the standpoint of fiscal solvency, that we have on the books. Social Security is a tough one, but Medicare is even tougher. If we are going to address it effectively, we do need those revenues from the tobacco settlement in order to make sure that our seniors have a legitimate health insurance program.

So this proposal that we have in this budget to put the money into Medicare is the most logical place that it should go. It should not go to some new program that the President announces. Every day, he seems to announce a new program on the basis of the tobacco settlement. There was a week where I think literally every day of the week he announced a new program.

Let's support the programs we have on the books, both in education and in health care.

The tobacco settlement raises other issues, issues that I am concerned about. I read in the papers about the movement toward an agreement on the tobacco settlement. From my standpoint, I find the issue of immunity to be really the core issue of how this settlement comes down. Of course, it is the issue of immunity which the tobacco companies are trying to buy as they try to settle this lawsuit—this situation; it is not a lawsuit. It is a lawsuit in some areas but not a lawsuit at the Federal level. They are trying to buy immunity, and I have a lot of problems with that, and I should think any thinking Americans would have a lot of problems with that.

Basically, what we would be doing if we give the tobacco companies immunity—remember that we as a Congress have been unwilling to give product liability protection, not immunity, just plain little old protection to company after company that functions across this country producing legitimate products that make sense for the American people, that they use regularly and that they need, whether it happens to be your toaster oven, or whether it happens to be some gadget in your car, or whether it happens to be some other item—your computer screen. Company after company which has sought product liability reform in this Congress has met with a stone wall. The only product liability we have given in this Congress over the last 10 years has been for the small plane producer, which was a very good decision, and it has worked great for them.

For every other industry in this country, legitimate industries producing legitimate products that are used daily by Americans and that benefit Americans—benefit Americans—we have said no, absolutely no product liability protection.

Yet, the tobacco companies come to us—the producers of a product which, by its very nature, causes an addiction which it appears the tobacco companies knew caused an addiction, the purpose of which was to not only addict Americans generally but specifically targeted at our kids to addict them to something that will kill them—when the tobacco companies come to us, we say, "Oh, maybe we should give them immunity."

What great irony. What incredible irony. We won't give immunity to the person who is making the toaster oven or the person who is making the computer or the person who is maybe making the device that allows somebody to live longer and live a better life, but we will give immunity to companies which are producing a product the purpose of which is to kill people, addict people and specifically targeted on our kids. I just find it incredible—incredible—that we would be considering that.

What is the argument for giving immunity? "Well, if we don't give them immunity, the tobacco companies won't agree to advertising restraints." That is the only thing they give us for their immunity. We allow them to continue to produce a product which is inherently deadly, which is addictive, and what do we get? We get a little less of Joe Camel. What a great deal that is for the American people and for this Congress. It is absurd. Yes, we can't put limitations on their advertising without their agreeing to it because of the first amendment, in many ways, but there are limitations we can put on that are within the first amendment.

More importantly, we could act unilaterally as a Congress in all the other areas of this tobacco settlement, whether it has to be raising the cost of cigarettes so they become less marketable—which is exactly what we should do—whether it happens to be addressing the issues of immunity, or whether it happens to be initiating our own counteradvertising campaign, and certainly the Government of the United States has the capacity, the will and the dollars to do that without any question in a manner that will be equally effective. I will be happy to go into the arena of advertising and debate the issue.

We can do everything in this tobacco settlement without granting immunity, but by granting immunity, we get virtually nothing. All we get is the tobacco companies agreeing to advertising limits. To me, it is inherently inconsistent and affronts the logic of the institution for us to be having our first major product liability protection flow to companies, flow to an industry which is producing a product the purpose of which is to addict people, specifically children, with the knowledge that it will kill them. It makes no sense.

For that reason, I am offering a sense-of-the-Senate amendment on the issue of immunity.

I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2167.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING IMMUNITY.

It is the sense of the Senate that the levels in this resolution assume that no immunity will be provided to any tobacco product manufacturer with respect to any health-related civil action commenced by a State or local governmental entity or an individual prior to or after the date of the adoption of this resolution.

Mr. GREGG. I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, what this amendment says is it is the sense of the Senate that we won't grant immunity. Really this is a very simple vote for people. You can either come down on the side of setting the worst precedent I can imagine, which would be that the first major product liability reform in this country would be immunity, total absolute immunity, for all intents and purposes, granted to tobacco companies in exchange for their paying us money which we could obtain, if we decided to go that route, through some other policy without having to grant immunity.

The same amount of revenue can be generated a number of other ways without their agreement for advertising restraints, which means little to us, because we can address the advertising in other forums. For those two reasons, we grant immunity and, in the process, give a product which, as I mentioned a number of times, is inherently harmful, addictive, and aimed at our children and kills you, protection from lawsuits. It makes no sense.

Thus, I think the Congress should speak on this. I know a number of committees in the Congress are addressing this issue right now. They are negotiating through the process. But I believe we should as a Congress, as a Senate, speak on it early so that we lay out the framework of this debate early. If Members feel there is some value from giving immunity, let them vote that way. From my point of view, there is no value in giving this type of immunity. I just don't think the pluses outweigh the minuses in any sense of the word.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. KENNEDY. I ask that that request be withheld.

Mr. GREGG. Reserving the right to object.

The PRESIDING OFFICER. We have a reservation of a right to object.

Mr. GREGG. Mr. President, I simply don't want to yield back the time on my amendment. I will be happy to have the Senator proceed——

Mr. KENNEDY. On the bill, on our time.

Mr. GREGG. Right.

Mr. President, I ask unanimous consent that the Senator from Massachusetts proceed under the bill and not under the time on my amendment which is pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Senator.

Mr. President, over the next few days, we will cast important votes on the budget resolution, including some of the most important votes this year on education priorities. We will also address issues affecting children, health care, enforcement of our antidiscriminatory laws, and on the proposed tobacco legislation.

I look forward to those debates. We will be having virtually all of them within a relatively short period of time. We will be debating many public policy questions. I want to take a few moments this afternoon to address some of those issues that I believe deserve the attention and support of the Members of the Senate.

We will consider a very important amendment by the Senator from the State of Washington, Senator MURRAY, on reducing class size. The President proposed to help ensure high academic achievement by all students by reducing the ratio of the number of teachers per student. It would help increase effective communication between the teacher and the students, and give students more individual attention. The President's proposal will help reduce class size by increasing the total number of teachers for students in K through 12. We are going to have to actually increase the number of teachers by 50,000 a year just to maintain the current ratio of teachers to students, and this doesn't take into consideration the fact that in many parts of the country, we have an aging teaching population, as well as current shortages of teachers.

There was a request by the President of the United States to recognize that need and to also commit resources to that effort, and that was turned down by the Republican Budget Committee. The Budget Committee did not address the need to modernize our schools, even though a General Accounting Office study showed that we need over $110 billion to ensure that students in our schools are safe and secure, free from environmental hazards, and in an atmosphere and climate where students can grow and learn. That effort, led by Senator CAROL MOSELEY-BRAUN, would provide $22 billion in bonding authority to States and communities—and they would get the bonds interest-free.

The President has also advanced a concept called education opportunity zones. We should help school districts and communities address the challenges that they are facing, whether it is academic failure or significant problems in school dropouts or other kinds of difficulties giving them needed resources to implement creative and innovative reforms that work for their communities.

Chicago, for example, seems to be having success with its reforms. This city is tackling school reform head on, and it's working. We should help more communities that are attempting to do that. But the Republican budget ignores those needs, and turned down the Education Opportunity Zones proposal as well.

The Republican Budget ignores the fact that 5 million children were going home to empty homes or empty apartments, unattended, unsupervised, after school. Their only friend was a television set—with all of the problems and challenges that exist out there for young students, creating temptations for misbehaving. After-school programs have been so successful in this country, and they have had a dramatic impact in reducing violent crimes, reducing teenage pregnancy, and increasing academic achievement. Some of the programs I have seen in Boston help students develop skills that might eventually develop into job skills in photography or in cooking.

Parents and students alike support after-school programs. Parents know their children are safe and engaging in productive activities, and when they get home, the children have done their homework and are able to spend quality time with their parents.

It is clear that the Republicans do not want to address these issues. Perhaps we will have a chance later on in the Congress to resurrect these measures. But the way that the procedures work here, they will need what we call a supermajority, not just a bare majority, to get approval—we will need more than 60 in order to be successful.

So these debates will be very, very important in these next few days. We also should support efforts to increase funding for the IDEA program, for children with disabilities. There was some increase in those funds, but not nearly to the degree that they should be. We ought to at least have an opportunity to debate those issues and make a judgment on them.

We are effectively cut into a short period of time as a result of the Budget Act. And then when we return after the Easter break, we are restricted further on debate on the Coverdell bill. So it is obviously frustrating, when we know that the American people put the question about education front and foremost, but we are not being able to give the kind of full attention and support that we think these issues require.

Nonetheless, I wanted to say why I support the proposal that Senator MURRAY will be advancing and we will have an opportunity to debate on tomorrow, on the question of reducing the class size in grades K through 3 across the country.

And I say, Mr. President, I hope that all of our Members will pay special attention to Senator MURRAY as a former schoolteacher, former member of a school board, someone who has been active in the local life of a community, in the school policy issues. She brings enormous, refreshing insight and awareness and understanding of what really works in local communities, and I congratulate her on her leadership on this particular issue. I think all of us who listen to her benefit immensely from her range of knowledge, her understanding, and her real insight into education issues, and particularly when she speaks to the importance of reducing class size in grades K through 3 across the country.

A necessary foundation for success in school is a qualified teacher in every classroom to make sure that young children receive individual attention. That is why it is so important we help bring the 100,000 new qualified teachers into the public schools and reduce class size in the elementary schools. Research has shown that students attending small classes in the early grades make more rapid progress than students in larger classes. The benefits are greatest for low-achieving, minority, and low-income children. Smaller classes also enable teachers to identify and work effectively with students who have learning disabilities and reduce the need for special education in later grades.

A national study of 10,000 fourth-graders in 203 school districts across the country and 10,000 eighth-graders in 182 school districts across the country found that students in small classes perform better than students in large classes for both grade levels. Gains were larger for fourth-graders than eighth-graders. Gains were largest of all for inner-city students in small classes. They were likely to advance 75 percent more quickly than students in large classes.

Another significant analysis, called Project STAR, studied 7,000 students in grades K through 3 in 80 schools in Tennessee. Again, students in small classes performed better than students in large classes in each grade from kindergarten through third grade. The gains were larger for minority students.

We also know that overcrowded classrooms undermine discipline and decrease student morale. Many States and communities are considering proposals to reduce class size, but you cannot reduce class size without the ability to hire additional qualified teachers to fill the additional classrooms. And the Federal Government should lend a helping hand.

This year, California Governor Wilson proposed to spend $1.5 billion to reduce fourth-grade classes to 20 students or less, after having reduced class sizes for students in grades K through 3 last year.

In Pennsylvania, a recent report by the bipartisan legislative commission on urban school restructuring recommended capping class sizes in kindergarten through grade 3 in urban districts at 20 students per teacher.

In Wisconsin, the Student Achievement Guarantee In Education Program is helping to reduce class size in grades K through 3 in low-income communities.

In Flint, MI, efforts over the last 3 years to reduce class size in grades K through 3 have led to a 44 percent increase in reading scores and an 18 percent increase in math scores.

Congress can do more to encourage all of these State and local efforts. We've tested the effects of reducing class sizes, and we are seeing positive results. But it is only taking place in a handful of places across the country. The Murray amendment will take the success of those particular impressive outcomes and make them available to other communities across the country so that when the demonstrated success is out there, it will be replicated and duplicated all across the Nation.

This is a concept whose time is overdue. We have an excellent opportunity to make a very, very important contribution to helping local communities. This is a partnership between the local, State, and the Federal Government. We have all acknowledged that our participation at the Federal level is extremely small, about 7 cents out of every dollar. This is a modest program but one that can demonstrate very, very significant. We can help lead the way in reducing class size. I certainly urge my colleagues to support Senator MURRAY's amendment and to increase our investment in education. The Nation deserves our support.

TOBACCO LEGISLATION

Mr. President, on another subject, while I have great respect for the time and the effort which the chairman of the Commerce Committee has devoted to tobacco legislation in recent weeks, the proposal he announced over the weekend is inadequate to address the public health crisis of youth smoking.

The seriousness of the threat to our children requires a much stronger response. The chairman's mark does too little to protect children from smoking, and it does far too much to protect the tobacco industry from its victims. On each of the key issues, this proposal falls short of what comprehensive tobacco control legislation should be.

First, the significant price increase of $1.10 per pack over 5 years, which the Commerce bill proposes, is not substantial enough to produce the dramatic reduction in youth smoking which all of us desire. Public health experts have concluded that an increase of $1.50 per pack swiftly instituted and indexed for inflation is necessary to achieve our youth-smoking-reduction goals.

Dr. Koop and Dr. Kessler, the National Academy of Sciences, the ENACT Coalition, and the Save Lives, the Not Tobacco Coalition have all stressed the importance of a price increase of at least $1.50 per pack. Nearly half the Members of the Senate have already cosponsored bills proposing a $1.50 per pack increase within 3 years. The Budget Committee also endorsed a $1.50 increase on a bipartisan vote of 14–8.

According to Deputy Treasury Secretary Lawrence Summers, every 10 cents in price will reduce youth smoking by 270,000 children over 5 years. Thus, the difference between $1.10 and $1.50 will be more then one million additional kids smoking in the year 2003.

Only an increase of at least $1.50 a pack can reduce youth smoking to the targets outlined in the June 20 settlement, which is 60 percent in 10 years, and prevent these additional children from a lifetime of nicotine addiction and tobacco-induced diseases.

One million young people between the ages of 12 and 17 take up this deadly habit every year—3,000 smokers a day. In fact, the average smoker begins smoking at the age of 13 and becomes a daily smoker before the age of 15.

These facts are bad enough, but the problem is growing worse. According to a spring 1996 survey conducted by the University of Michigan Institute for Social Research, the prevalence of teenage smoking in America has been on the increase over the last 5 years. It rose by nearly one-half among 8th graders and 10th graders, and nearly a fifth among high school seniors between 1991 and 1996.

I point out on the floor that we have seen a dramatic difference in our own State of Massachusetts where we have reduced the consumption by a third of the national average. It is very interesting. We had a very modest increase in the cost of tobacco in my State, but we also had a counteradvertising campaign. And lo and behold, the tobacco industry reduced the prices to absorb all of the increase that had been required by the State. But with the tobacco education campaign, we saw a reduction of a third as measured to other kinds of nationwide figures.

So the point that we are making here is that with the additional $1.50 to $2, which virtually every one of the public health authorities have mentioned to be essential within the short period of time of 3 years, and the attendant kind of counteradvertising campaign and the cessation programs to help to assist kids to stop smoking and the support for antismoking campaign efforts by nonprofit and community-based organizations—all of those programs can have a dramatic impact.

Now we know that there will be those who say—$1.12 at least is where the President's request would have been in terms of his budget submission. But the fact is the President and the Vice President, the administration, have basically supported the $1.50 in the shorter period of time. I hope that we are not looking for what is the least we can do for the young people of this country. I hope what we would be saying as a test is that we are looking for what is in the best interest of the young people of this country. How are we going to set that standard? Rather than what is the least we can penalize the tobacco companies in order to please them, we ought to be looking for what is in the best interest of these young people in order to meet that particular responsibility.

Mr. President, I hope we will have an opportunity to vote on that during the course of the consideration of the budget. I know we have inclusion in the budget of $1.50 per pack, but I hope that we will, or I expect we will, have a chance to vote on $1.50 as well and put the Members on record on this particular issue, and I welcome the chance to support that if our leaders, Senator CONRAD and Senator DASCHLE, offer that.

We have a very simple way of doing this, making sure the FDA is going to have the kind of legislative authority to be able to deal with the problems of addiction. And it is very clear what words have to be added to the authority of the FDA to be able to do that. We know the FDA will have the authority and the power to do so. However, the Commerce Committee refused to accept this regulatory approach, and they have other language in there which I am very much concerned may create endless litigation opportunities for America's most litigious industry, big tobacco.

We will look forward to seeing the details of the language. Again, I wonder why we don't try and do it right, do what is in the public health's interest, but that is the standard rather than what is more acceptable to the tobacco industry.

I know our friend and colleague, Senator CONRAD from North Dakota, will go into considerable detail. The fact is that these look-back provisions in the Commerce Committee draft are fundamentally flawed, and I think all of us in this body understand if we don't have adequate penalties, then we really don't have adequate protections. Penalties have to be effective, at least have an effective action in discouraging youth from smoking. As designed in the Commerce Committee proposals, I believe they are woefully lacking.

Once children are hooked into cigarette smoking at a young age, it becomes increasingly hard for them to quit. Ninety percent of current adult smokers began to smoke before they reached the age of 18. Ninety-five percent of teenage smokers say they intend to quit in the near future—but only a quarter of them will actually do so within the first eight years of lighting up.

If nothing is done to reverse this trend in adolescent smoking, the Centers for Disease Control and Prevention estimate that five million of today's children will die prematurely from smoking-caused illnesses.

Increasing cigarette prices is one of the most effective ways to stem this tide. Study after study has shown that it is the most powerful weapon in reducing cigarette use among children, since they have less income to spend on tobacco and many are not already addicted.

An increase of $1.50 per pack in cigarette prices is also realistic. It will not bankrupt the industry, which will pass it on in the form of higher prices. If we increase the pack by $1.50, the total cost will be $3.45 a pack—still lower than the cost in many European countries—$3.47 in France, $4.94 in Ireland, and $5.27 in England.

Secondly, I am concerned about the FDA provision in the Commerce Committee draft. It will not allow FDA to regulate nicotine as a "drug" and cigarettes as "drug delivery devices." Public health experts strongly believe that this is the most effective way to regulate tobacco products. When the Commerce Committee refused to accept this regulatory approach, compromise language was drafted to create a new FDA chapter for tobacco products. I am concerned that this approach will create endless litigation opportunities for America's most litigious industry—Big Tobacco. Why not provide the public health advocates with the legal tools which they believe will be the most effective in regulating tobacco products? Why place unnecessary hurdles in their path?

Third, the lookback provisions in the Commerce Committee draft are fundamentally flawed. The penalties for the tobacco industry's failure to meet the youth smoking reduction targets are arbitrarily capped at $3.5 billion, which is the equivalent of only 15 cents a pack. An increase this small will hardly give tobacco companies a strong economic incentive to stop marketing its products to children. It will just become a cost of doing business. This proposed cap will destroy the effectiveness of the lookback penalties as a meaningful deterrent.

In addition, the penalties are imposed on an industry-wide basis, which removes the incentive for an individual company to stop marketing its products to children. In fact, the Commerce Committee draft will create a perverse incentive for a company to increase its marketing to children. Each company knows that if it captures a greater youth market share, its own costs will rise by no greater an amount than its competitors, while its future profits will be increased and its competitors will bear a portion of the cost associated with gaining that long-term competitive advantage. It is critically important that the penalties are assigned on a company-specific basis to give each individual company a strong economic incentive to discourage children from beginning to smoke.

The targets for the reduction in smokeless tobacco use among children are also not in parity with the targets for cigarette use reduction.

The use of oral snuff and chewing tobacco is a serious public health problem. It causes cancer, gum disease, tooth loss, as well as nicotine addiction and death.

The Committee should not let smokeless tobacco products become a cheaper substitute for children if the price of cigarettes increases due to the lookback penalties. In Massachusetts, once the price of oral snuff and chewing tobacco was brought into parity with cigarettes, its use among adolescents fell by over two-thirds between 1993 and 1996. Smokeless tobacco deserves equal attention, and we should expect similar reductions in use among children.

Fourth, the environmental tobacco smoke provisions are clearly unacceptable. States will be allowed to opt out of providing protections from exposure to secondhand smoke to workers and their families. This means there will be no national minimum standard to protect non-smokers, particularly children, from exposure. The Commerce Committee draft also exempts restaurants from smoke-free requirements, despite the fact that the Journal of the American Medical Association has reported that environmental tobacco smoke exposure for restaurant workers are estimated to be two times higher than for office workers, and at least 1.5 times higher than for persons who live with a smoker.

Fifth, the provisions on document disclosure in the Commerce mark are grossly inadequate. It would not require disclosure of many of the most significant documents. It would allow the industry to hide behind a "trade secret" privilege no matter how significant the information concealed was to advancing the public health.

Sixth, while the Chairman has not yet publicly disclosed the full extent of the litigation protection he intends to offer the industry, the proposals being promoted in private discussions are truly draconian. They would prohibit all class actions for past misconduct, prohibit punitive damages for past misconduct, prohibit all third party claims and impose other serious restrictions on aggregation of claims. Collectively, these restrictions would make it practically impossible for the victims of smoking induced illness to recover from the industry whose product is killing them. We must not bar the courthouse doors to the victims of the tobacco industry. I hope these extreme and grossly unfair proposals are never put before the Commerce Committee.

One litigation protection for the tobacco industry is already in the Commerce Chairman's mark. It is really the ultimate protection any industry could be given. On page 96 of the draft, tobacco companies are granted an 80 percent tax credit for money paid in judgments or settlements for lawsuits. In plain language, this means that the American taxpayers will pay 80 cents of every dollar the industry is ever required to pay to its victims. Instead of using the money raised by the $1.10 per pack cigarette price increase to deter youth smoking, to conduct anti-smoking education and counter-advertising campaigns, to assist smokers who want to quit, and to conduct medical research into smoking related diseases, this legislation proposes to give it back to the tobacco industry to cover its litigation losses. This outrageous idea should be rejected by all one hundred Senators. Congress was embarrassed last summer by the $50 billion tobacco industry tax credit snuck into the Balanced Budget Act. Enactment of the tobacco company tax credit in the Chairman's mark would be an even greater embarrassment.

The legislation which the Commerce Committee is scheduled to consider this week is seriously flawed. It should be sent back to the drawing board for a major redesign. Congress has an extraordinary opportunity this year to protect generations of children from a lifetime of addiction and premature death. To accomplish that great goal will require a much stronger bill than the one currently before the Commerce Committee.

I want to next address the child care challenges that we are facing in the budget. President Clinton is right in giving it a high priority. Cutting-edge research is giving us a greater understanding of the great significance of the early childhood years and development. Obviously, the best possible care should be available and affordable, and it should be quality. That is central to what this issue is really all about.

We know we need more child care and child development programs. We know we need money to pay for those programs. The Senate Democrats have proposed increasing our commitment to child care improvements by at least

$14 billion in mandatory spending over the next 5 years. This was immediately attacked as "big government spending" on new programs. Why is it only when the investment is in our children that it is considered "big government spending"?

The Republican budget would preclude the possibility of child care legislation beyond their proposed increase of $5 billion in discretionary authority for the Child Care and Development Block Grant and $9 billion in tax cuts. Both of these approaches are problematic. We know we will never see discretionary money for child care, given the discretionary spending squeeze.

Obviously, these child care dollars would only become available if offsets were made in other discretionary programs, and programs for low-income children and families are always most vulnerable. In addition, the proposed tax cuts are unlikely to help the very families who most need assistance in paying for child care—low-income working families. As long as the dependent child care tax credit remains nonrefundable, expanding it does nothing to assist low-income working families, who have no tax liability. In effect, the child care proposals in the Republican budget are empty promises that simply give Republicans a chance to say that they have done something for child care. Our children and families need guarantees. We must have real, mandatory money for children and their families.

On another issue, employment discrimination takes many forms, whether based on gender, age, race, or national origin. Bigotry in the workplace undermines the fabric of our country and society.

When the Civil Rights Act of 1964 was signed over 30 years ago, Congress intended that the Equal Employment Opportunity Commission serve as a national watchdog against workplace discrimination. The Agency's mission is laudable. It has been an important force in curbing real and widespread problems of work force bias.

For example, the EEOC was able to reach a settlement with Del Laboratories after 15 women brought charges alleging several decades of egregious sexual harassment. The Agency was also able to end 15 years of discrimination against African Americans and women at Estwing Manufacturing Company. Estwing had a policy of race-coding applications to prevent the hiring of African Americans and refusing to hire women to perform certain jobs.

Who can forget the outrageous incidents of gender discrimination taking place at Mitsubishi Motor Company. The EEOC is currently representing over 300 women in that Mitsubishi legislation.

In recent years, the Agency has "reinvented" itself, and, without additional resources, managed to decrease the number of cases waiting for investigation and resolution. There is a limit, however, to what the EEOC can do without a budget that reflects its responsibilities.

I urge my colleagues to support the President's request for $279 million for the EEOC. The Senate must earmark these funds for the Agency. It is the right thing to do and this is the time to do it.

MEDICARE

Too many Americans nearing age 65 face a crisis in health care. They are too young for Medicare, but too old for affordable private coverage. Many of them face serious health problems that threaten to destroy the savings of a lifetime and prevent them from finding or keeping a job. Many are victims of corporate down-sizing or a company's decision to cancel the health insurance protection they relied on.

Three million Americans aged 55 to 64 are uninsured today, but no American nearing retirement can be confident that the health insurance they have today will protect them until they are 65 and are eligible for Medicare.

The consequences of being uninsured at this age are often tragic. As a group, they are in relatively poor health, and their condition is more likely to worsen the longer they remain uninsured. They have little or no savings to protect against the cost of serious illness. Often, they are unable to afford even the routine care that can prevent minor health problems from turning into serious disabilities or even life-threatening illness.

If we do not act to stem this trend, the problem will only get worse. Between 1991 and 1995, the number of workers whose employers promise them benefits if they retire early dropped twelve percent. Barely a third of all workers now have such a promise.

In recent years, many others who have counted on an employer's commitment found themselves with only a broken promise. Their coverage was canceled after they retired.

For these older Americans left out and left behind through no fault of their own after decades of hard work, it is time to provide a helping hand.

Democrats have already introduced legislation to address these issues—and the budget must provide for its enactment. The legislation allows uninsured Americans age 62–64 to buy in to Medicare coverage and spread part of the cost throughout their years of eligibility through the regular Medicare program. It allows displaced workers aged 55–62 to buy into Medicare to help them bridge the period until they can find a new job with health insurance or until they qualify for Medicare. It requires companies that drop retirement coverage to allow their retirees to extend their coverage through COBRA until they qualify for Medicare.

This legislation is a lifeline for millions of older Americans. It provides a bridge to help them through the years before they qualify for full Medicare eligibility. It is a constructive next step toward the day when every American will be guaranteed the fundamental right to health care. It will impose no additional burden on Medicare, because it is fully paid for by premiums from the beneficiaries themselves.

MANAGED CARE

A week ago, Helen Hunt received an Oscar for her role as the mother of a severely asthmatic child in the movie "As Good As It Gets." In the movie, she delivers a line of unrepeatable insults aimed at her son's HMO. And audiences across the nation burst into applause and hoots of knowing laughter. In some cases, life imitates art. In this case, however, art imitates life.

We face a crisis of confidence in health care. A recent survey found that an astonishing 80 percent of Americans now believe that their quality of care is often compromised by their insurance plan to save money. Another survey found that 90 percent of Americans—men and women, across the political spectrum—say a Patients' Bill of Rights is needed to regulate health insurance plans. And they report that they are willing to pay for it, despite a campaign of disinformation from the business community and insurance industry.

One reason for this concern is the explosive growth in managed care. In 1987, only 13 percent of privately insured Americans were enrolled in HMOs. Today 75 percent are in some form of managed care.

At its best, managed care offers the opportunity to achieve both greater efficiency and higher quality in health care. In too many cases, however, the priority has become higher profits, not better health.

The list of those victimized by insurance company abuse grows every day.

These abuses are not typical of most insurance companies. But they are common enough that Congress needs to act to protect the American public. A recent report in California found that 17 percent of managed care enrollees developed permanent disabilities as a result of plan denials. The Clinton Administration is prepared to support legislation to address these issues. Members on both sides of the aisle in both chambers are prepared to act. And the time to act is now.

We need to ensure access to appropriate specialty care—care that people pay for through their premiums, deductibles and copayments. We need to ensure that patients have the rights to appeal plan denials, especially those that threaten the life, health or future potential of those in need of services. We need to take action to monitor and improve the quality of care for everyone. We need to make plans accountable for their decisions, and provide all patients, regardless of whether they receive their insurance in the individual market, from a public program or through an employer, with the right for redress when plan denials result in injury or death. We need to simply make sure that people are aware of their rights and able to compare their options—when they are fortunate enough to have a choice of plans.

Legislation must be carefully crafted, so that it curbs abuse without stifling innovation and appropriate measures to control costs, but action is essential. The American people know that the current system is out of control, and they want protection. This can be the Congress that finally enacts a health insurance bill of rights to assure that patients receive the protection their insurance company promises but too often fails to deliver. Our national bottom line must be patient needs, not industry profits.

CHILDREN'S HEALTH

Last year, we created a new children's health program designed to reach uninsured children in working families whose income is too high for Medicaid but too low to afford private health insurance. We made an unprecedented investment of 24 billion dollars over the next five years. More than 10 million children are uninsured, and approximately one-third of those children are already eligible for, but not participating in, Medicaid. We need to do more to enroll children in the programs for which they qualify. And we need to ensure that the proper resources and options are available to states to encourage enrollment in the new program.

The President included proposals in his budget to expand the outreach opportunities available to states. They were paid for by other administrative savings in Medicaid. But they have mysteriously disappeared in this Republican budget. Instead, it appears that the savings extracted from a program that serves primarily low-income women and children are being used to buy bridges and roads. Gone are the provisions, scored by CBO at only $400 million, that would help states fulfill our goal of enrolling every eligible child in the health insurance program for which they qualify. Why? They could have included the outreach provisions and still had a billion dollars to spend on other priorities.

Mr. President, these games have to stop. When the Congress acts to provide its citizens with opportunities, we should make every effort to follow-through with policies that address implementation concerns. If we really want children to receive the health insurance we extended to them last year, we need to fully fund outreach activities. This budget fails to deliver the funds necessary to ensure uninsured children receive the care to which they are entitled.

DISABLED PERSONS

Mr. President, I want to reinforce an issue of great importance to every American in this country that Senator JEFFORDS will be speaking about later today—the need for accessible and affordable health care for disabled persons, so they can work and live independently.

Disability does not pick its owner—it can happen to any of us here today, and we have seen many of our own colleagues and Members of this Congress struggle with the unexpected consequences of disability in their lives. Yet disability policies in this country continue to impoverish disabled persons and disregard their ability to be productive members of their community.

The lack of accessible and affordable health care is the reason that only one half of 1 percent of disabled persons ever go to, or return to work. There are 54 million disabled people in this country who may have the capacity to work but cannot because they are afraid of losing their health care.

This Congress needs to put in place health care options that support disabled persons to work, live independently, and be productive and contributing members of their community. I encourage your support in funding these options during this budget process.

Mr. CONRAD. Mr. President, I wish to recognize the leadership of Senator KENNEDY on the critical issue of protecting the public health and the tobacco legislation. He has been one of the most valued members of the task force on tobacco in the Democratic Caucus. No one has worked harder to make certain that we keep our eye on the ball of what are the important priorities. Over and over, he has reminded our colleagues that the priority is to protect the public health and to reduce teen smoking. Those are the things that I think all of us want to accomplish. I thank him publicly for the extraordinary leadership he has brought to the cause.

Mr. GREGG. Mr. President, I understand the Senator from North Dakota is willing to yield back the time remaining on my amendment.

Mr. CONRAD. We are prepared to yield back, and the Senator is prepared to yield back.

Mr. GREGG. I ask unanimous consent we both be allowed to yield back—I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

AMENDMENT NO. 2168 TO AMENDMENT NO. 2167

(Purpose: To express the sense of the Senate that this resolution assumes that no immunity from liability will be provided to any manufacturer of a tobacco product)

Mr. GREGG. I send to the desk an amendment in the nature of a second degree.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. CONRAD, proposes an amendment numbered 2168 to amendment No. 2167.

Mr. GREGG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

3 . SENSE OF THE SENATE CONCERNING IMMUNITY.

It is the sense of the Senate that the levels in this resolution assume that no immunity will be provided to any tobacco product manufacturer with respect to any health-related civil action commenced by a State or local governmental entity or an individual or class of individuals prior to or after the date of the adoption of this resolution.

Mr. CONRAD. I ask unanimous consent I be added as a cosponsor to the amendment that has been sent by the Senator to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I understand Senator SESSIONS would like to get the yeas and nays on his amendment.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Alabama.

Mr. SESSIONS. Madam President, I ask for the yeas and nays on my amendment No. 2166 offered previously.

The PRESIDING OFFICER. Is there an objection to it being in order at this time for the yeas and nays?

Without objection, the Senator may request the yeas and nays.

Mr. SESSIONS. I request the yeas and nays of my amendment No. 2166.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays are ordered.

Mr. CONRAD. Now we go to the Senator from Arizona.

Mr. KYL. Madam President, I ask unanimous consent the pending amendment be laid aside for the purpose of offering an amendment.

The PRESIDING OFFICER. The amendment is laid aside.

AMENDMENT NO. 2169

(Purpose: To express the sense of Congress regarding freedom of health care choice for medicare seniors)

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2169.

Mr. KYL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

SEC. . SENSE OF CONGRESS REGARDING FREEDOM OF HEALTH CARE CHOICE FOR MEDICARE SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Medicare beneficiaries should have the same right to obtain health care from the physician or provider of their choice as do Members of Congress and virtually all other Americans.

(2) Most seniors are denied this right by current restrictions on their health care choices.

(3) Affording seniors this option would create greater health-care choices and result in fewer claims being paid out of the near-bankrupt medicare trust funds.

(4) Legislation to uphold this right of health care choice for seniors must protect beneficiaries and medicare from fraud and abuse. Such legislation must include provisions that—

(A) require that such contracts providing this right be in writing, be signed by the medicare beneficiary, and provide that no claim be submitted to the Health Care Financing Administration;

(B) preclude such contracts when the beneficiary is experiencing a medical emergency;

(C) allow for the medicare beneficiary to modify or terminate the contract prospectively at any time and to return to medicare; and

(D) are subject to stringent fraud and abuse law, including the medicare anti-fraud provisions in the Health Insurance Portability and Accountability Act of 1996.

(b) Sense of Congress.—It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to treat seniors on a private basis, and that the assumptions underlying the functional totals in this resolution assume that legislation will be enacted to ensure this right.

Mr. KYL. Madam President, this amendment is a sense of the Senate entitled "Freedom of Health Care Choice for Medicare Seniors." The purpose of this amendment is for Members of the Senate to go on record as supporting the eventual adoption of legislation that will ensure that all seniors have freedom of choice in obtaining health care services for themselves and members of their families.

As a result of the balanced budget amendment of last year, an amendment went into effect on January 1 that precludes most seniors from having this freedom to contract. While it establishes the principle that they may do so, it puts forth a condition that is virtually impossible for them to satisfy; namely, to find a physician who is willing to dump all of his Medicare patients for a period of 2 years prior to the time that their services are sought. As a result, it is impossible for most seniors to exercise a choice that is theoretically theirs in the law today.

This proposal to be amended into the Balanced Budget Act is to express our sense that we intend to adopt legislation later that will provide for this right. As a matter of fact, I have introduced legislation, as has Congressman BILL ARCHER from Texas in the House of Representatives, that would fulfill this commitment. Mine is Senate bill 1194, the Medicare Beneficiaries Freedom to Contract Act. We have 49 cosponsors for this at the moment, and I think number 50 is on the way. Clearly, it is a popular idea because of the expressions of concerns by our senior citizens that they would like to have the freedom to contract for the services they desire. In the House of Representatives, Representative ARCHER, chairman of the Ways and Means Committee, has over 190 cosponsors.

What is this sense of the Senate, and why do we need it? We believe the sense-of-the-Senate amendment here provides that Medicare beneficiaries should have the same right to obtain health care from the physician or provider of their choice as do Members of Congress and virtually all other Americans, and that there should be no unreasonable provisions or unreasonable conditions that prevent them from obtaining this care. Moreover, we specifically provide that the assumptions underlying the budget resolutions assume that this legislation will be enacted.

So what is the problem here? Prior to January 1 of this year, and for all of the time that Medicare has been in effect, Americans have had the ability to go to the physician of their choice, and if that physician did not feel he could treat them under Medicare, or chose not to do so, or they chose not to be treated under Medicare, they would have the choice to contract outside of Medicare. Obviously, they had to pay the bill themselves.

For most Americans, Medicare is such a good deal that this was rarely taken advantage of. However, there are situations in which a senior citizen might want to take advantage of this requirement. It had always existed. For example, a constituent of mine wrote to me and pointed out that in her community there was only one specialist that she felt could take care of her particular kind of diabetic condition. She went to see that physician, and he said that since she was 65 years of age, she was a Medicare beneficiary, she was Medicare eligible, and since she was Medicare eligible, he would have to submit the bill to Medicare if he treated her, but that he could not take on any more new Medicare patients, that he had as many as he could afford to continue to provide care to. She said, "No problem, I'll pay you. You bill me directly, and we will save Medicare the money." He pointed out—and verified this with the Health Care Financing Administration—that they would assume he had committed fraud if he took care of her, submitted the bill to her, and had her pay him directly.

Unless the bill is sent to Medicare, the care can't be provided. In effect, it is Medicare or no care. As of January 1 of this year, that is the law of the United States of America, believe it or not. Once you turn 65, you lose a right that all other Americans have, which is to go to the physician of your choice. It is Medicare or no care. You cannot contract outside of Medicare for Medicare-covered benefits. That is fundamentally un-American.

If you have saved all of your life to provide for health care for yourself, your spouse, and your family, you are going to do anything within your power to help your spouse, let's say, who is ill, and if she wants to go to someone who is not treating new Medicare patients, for example, or is a non-Medicare-treating physician, you are going to spare no expense to save her life. I had this happen to a friend of mine. I was able to get a compassionate release from FDA to get an experimental drug so she could use it in the last few months of her life. Unfortunately, she passed on anyway. Her husband was willing to do anything to preserve her life, go to any lengths.

Are we going to tell senior citizens in the United States they can't do that, they can't go to the doctor of their choice, that they have to go through Medicare or they can't be cared for at all? If they can't find somebody willing to treat their particular condition under Medicare, that is it, sorry, this is the United States of America, but they don't have that right anymore?

If you are 64½, of course, you have that right. If you are a Member of Congress, you have that right. If you are in Great Britain, under a socialized medicine system, you have that right. Even in Great Britain, which has socialized medicine, you can either go to that program or contract privately, so long as you pay the bill yourself. That is all we are asking for the United States of America. Yet, under an amendment that the President insisted be part of the Balanced Budget Act of last year, that right has been taken away from seniors in this country.

All over the country, seniors are beginning to complain because they have figured out what has been taken away. This is one of the first things being brought up in town hall meetings. They ask me, "Why are you taking away the Medicare rights?" I have said, "Look, I didn't do it. I didn't know that agreement had been struck in the middle of the night and snuck into the Balanced Budget Act. Everyone voted for it, and we knew nothing about it. A couple of days later, it was revealed that the President had insisted that this provision go into the law."

So, Madam President, I think it is important for the Members of the Senate to go on record in the Budget Act here as supporting the principle of freedom to contract. The measure I have introduced has all kinds of safeguards to prevent fraud and abuse. We can have a good discussion about exactly what those should be. If you have a suggestion on how to make it better, fine with me, let's talk that out. At some point, we will actually bring that legislation to the floor and have that debate.

I think all of us can agree on the basic principle that, A, we should have the freedom of choice to contract with the physician of our choice in this country; B, there should be adequate provisions to prevent fraud and abuse; and, C, we need to get this done as soon as possible. That is what our sense of the Senate calls for, Madam President. I hope that those people who have expressed opposition to this legislation will come forward and debate the issue. Let's have an open public debate, because the people of America need to understand what the Congress and the President did to them last year when it took away this fundamental right. Those of us who believe in the principle of doing everything you can for your loved ones need to support this.

One final thought before I sit down. This law that is currently in effect is just like saying to seniors on Social Security that the only way you can provide for your retirement, your financial needs, is through the Government's Social Security system; you can't save any money, you can't have any stocks and bonds, you can't have any pension, you can't have any insurance annuities—none of that; it is either the Social Security system, the Government program, or no system. That is what we have said with regard to health care—you either take the Medicare health care program or nothing; you cannot contract outside of Medicare for covered benefits. As I said, it is ludicrous when you present it that way.

Opponents say that there might be some fraud and abuse here. I think that sells the physicians in this country and our senior citizens very short. I know of nobody more careful about their bills than seniors. I know my mom and dad are. They can tell you whether they were overcharged. We can put provisions in this to ensure that there is no fraud and abuse. I think it is fundamentally wrong for us to deny this right to citizens just because we feel there may be some physician out there who would abuse the system.

So I conclude by urging colleagues, when we have an opportunity to vote on this, to support this principle again in the Budget Act—and at this point it can only be a principle; it cannot be the effective legislation. We will propose that later. Surely we can support this principle through the sense of the Senate and, at a later time, actually support the legislation that would accomplish the principle.

Madam President, at this time I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KYL. I thank my colleagues.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, earlier, Senator KENNEDY raised concerns about the tobacco legislation that is moving through Congress. Obviously, tobacco legislation is part of the budget resolution as well. The budget resolution provides a special reserve fund so that, in fact, if the tobacco legislation moves, it will be possible to use those funds for a number of purposes.

Senator KENNEDY had indicated that at the same time there is legislation moving through the Commerce Committee. He raised a number of concerns about the legislation as it has been described in the press. Madam President, just let me add my voice of concern to what we have heard about that legislation moving through the Commerce Committee. One of the major issues on comprehensive tobacco legislation is, Will this industry be given special, unprecedented protection—protection that has never been granted any other industry at any time? That is, special protection against suits by victims of the industry, whether they be individuals or third parties who have had costs imposed on them by the use of tobacco products.

Madam President, the bill going through the Commerce Committee at this point is silent on the question of liability—liability for the tobacco industry. Being silent on liability in tobacco legislation is like having a discussion of the Titanic and failing to mention the iceberg. This is central to any discussion that anybody can have about tobacco legislation. How can you be silent on the question of liability?

Many of us believe that there should be no special protection granted this industry. Many of us believe it is inappropriate to give this industry, of all industries, the kind of unprecedented protection that they seek. It is troubling that we saw this industry come before Congress and swear under oath that their products caused no health problems, swore under oath that they had never targeted our kids for marketing and advertising, swore under oath they had never manipulated nicotine levels in order to make their products more addictive, and that their products were not addictive.

Now the documents have come out. The documents show that, without question, in fact, these products cause the health problems that they have sworn they do not cause. We know, based on the release of the documents, that they have targeted our kids for marketing and advertising. In fact, they have targeted kids as young as 12 years old in their marketing and advertising. The documents disclose it. The documents also disclose that they knew their products were addictive. The documents disclose that they knew they were engaged in these efforts, which they absolutely denied when they were before Congress. And now they come to us and they say, well, look, if we are going to be involved in this, you have to give us special protection.

The Senator from New Hampshire sent an amendment to the desk that says we ought not to give this industry immunity, we ought not to give them special protection, and we ought to deal with this industry the way we have dealt with every other industry; we ought to address head-on the problems that they create and do it without giving them some kind of special deal. I think the overwhelming majority of Americans would say that is exactly the right thing to do. We should not be giving them special protection. They don't deserve it. They don't need it. It is not necessary in order to accomplish the result.

So at some point very soon we are going to have a chance to debate and discuss the amendment of the Senator from New Hampshire. I just want to commend him this afternoon for offering that amendment. I look forward to the debate. I want to hear on the floor of the Senate the argument advanced that this industry should be given special protection. I want to hear people in public defend the position that this industry should be given special treatment. I want to hear on the floor of the Senate how somebody rationalizes and defends this industry. I don't think it is possible. I don't think it will stand the light of day.

Out here in the back room someplace when nobody is around and nobody is reporting, all of a sudden there is a lot of grave talk about, oh, we have to give this industry special protection. I want to hear those arguments made out here in the cold light of day. I want to see our colleagues have a chance to vote on the question of whether we are going to give special protection to this industry or not.

Madam President, I very much look forward to our debate and discussion on that question. I thank the Senator from New Hampshire for offering that amendment.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I certainly appreciate the support of the Senator from North Dakota on this amendment. I believe he has summarized the concern which I have as well. The fact is you can't defend immunity. It is just inconsistent with the policies of discovery to give immunity to a business which has basically targeted young people with an addictive product which was intended to kill them. The idea that we would start by giving immunity to that industry is not only ironic but totally wrong.

So I certainly appreciate the support of the Senator from North Dakota in this effort.

Madam President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Madam President, I seek the floor for purposes of speaking in regard to the budget resolution.

The PRESIDING OFFICER. The resolution is the pending business. The Senator is recognized.

Mr. ASHCROFT. Thank you very much.

Madam President, I rise today to express my opposition to the budget resolution.

More than just being an accountant's ledger, the Federal budget should embody our Nation's values. Yet, from looking through the budget, the values that are transmitted here seem to be nothing more than an inflated sense of Washington's self-arrogance. The budget represents Washington's arrogance, Washington's belief that the interests of the individual and individual taxpayers are second, if not third, fourth, or fifth, as compared to the bureaucrat and the bureaucratic appetite to consume resources at the Federal Government level.

I think it is a slap in the face of Americans who thought they sent individuals to Washington to curtail the size of Government, those who have worked to make sure that they sent individuals here to guard their freedoms. It is a challenge to them when they see the House and the Senate march steadily forward on bigger and bigger budgets consuming more and more of the resources of an average family. I believe that I was sent to Washington to cut taxes to make it possible for people to retain more of what they earn to spend on their own families rather than have Washington somehow come to the conclusion that Washington could spend the money more effectively on America's families than America's families could.

I oppose this budget based on the fact that it is designed to grow Government substantially and it is designed to take more and more of what people earn. I have prepared a series of proposals of $1 trillion in tax cuts and debt and tax limitation measures. I would like to see us put those in our public policy. But, frankly, there is really not a chance to do that because this budget and the budget rules that are proposed are designed to block such measures, ensuring that the priorities and judgments of the Budget Committee remain inviolable. I would like to explain in detail my opposition to this budget.

First, it increases the size of the Government. The budget resolution recommends that the Federal Government spend $9.15 trillion over the next 5 years. That represents a 17.3 percent increase over the previous 5 years. The past 5 years as compared to the next 5 years, a 17.3 percent increase. Five years from now the Federal Government would spend $276.5 billion more than it will spend this year. That is an increase of 16.5 percent.

So this massive growth of Government I don't believe is consistent with the mandate of the American people. Even President Clinton intoned in his State of the Union Message a little over a year ago that the era of big Government was over. He could hear the footsteps of the electorate in their steady march demanding that we have smaller Government—meaning greater capacity for our families. And, yet, here we go again. We have growth that amounts in the next 5 years to 16.5 percent.

Second, I oppose the budget because it takes far more tax revenue from the American people than ever before. The budget resolution recommends that the Federal Government collect $9.3 trillion in tax revenue over the next 5 years. That is a 27.5 percent increase over the previous 5 years. Five years from now the Federal Government would collect $327.9 billion more than it will collect this year. That is an increase of 19.5 percent.

Now that we know what the budget resolution does, we should address the one thing that the resolution does not do. This budget resolution does not cut taxes.

As a recent report by the Senate Republican Policy Committee reads, "The fiscal year 1999 budget resolution provides for no reconciliation bill. It, therefore, contains no specific tax-cut instruction."

Year by year, the amounts by which the aggregate levels of Federal revenues should be changed are as follows: Zero, zero, zero, zero, zero, zero.

The numbers in this resolution do not reflect that the report accompanying the resolution holds out the hope that Congress might pass a $30 billion tax cut over 5 years. $30 billion over 5 years is a number which might be hard for folks to anticipate. But here is what it amounts to. It amounts to $1.83 per person per month in terms of tax relief—$1.83 per person per month. Inflation may be tame. But even the most frugal consumer would be hard pressed to stretch $1.83 very far.

Looking at this another way, $30 billion in tax relief out of the $9.3 trillion in tax revenue represents a cut of three-tenths of 1 percent over 5 years. That is the equivalent of getting a 30-cent discount on a $100 order of groceries. And if that weren't bad enough, this budget resolution would consider offsetting those cuts with tax increases.

Page 70 of the committee report accompanying the budget resolution reads:

> This "reserve fund" would permit tax relief to be offset by reductions in mandatory spending or revenue increases.

This is no idle threat. The last page of the chairman's mark lists illustrative examples of taxes that could be raised, including taxes on vacation and severance pay, and adopting some of President Clinton's proposed tax increases.

I believe it is wrong for us to be considering tax increases, especially at a time when the average American is still working for the Government this year. I say "still working for the Government this year" because, according to authorities, we all work until May 9 now in order to pay for Government. It is only after we have worked all the way until the second week in May that we begin to pay ourselves instead of to pay our Government.

Compared to last year's resolution, this budget resolution recommends that the Federal Government collect $212 billion more in tax revenue than was recommended for the same period last year.

Whose interest does this resolution serve? As I mentioned earlier, this budget has its priorities upside down. They are inverted. They are skewed. My clear understanding of Government is that it exists to serve the people. But this budget has that backwards. This has people existing to serve the interests of Government.

Let me read a disturbing line from page 52 of the committee report accompanying the budget resolution:

> The tax writing committees will be required to balance the interests and desires of many parties while protecting the interests of taxpayers generally in drafting the tax cut.

Why did the Budget Committee feel a need to include a reminder in this report to keep the interests of the taxpayers in mind? Taxpayers should have been in the forefront of our mind. It read as if the interests of the taxpayers are secondary. That said, the American taxpayers deserve more consideration than this budget allows.

Relief for taxpayers cannot come a moment too soon, and we should have a budget which reflects our ability to constrict Government and to enlarge the capacity of individuals.

Allow me to place this budget package within the context of the overtaxed worker.

For the past 5 consecutive years, the growth in personal tax payments has outstripped that of wages and salaries. This is an important point. People have had their taxes going up faster than their salaries and wages have been going up. Not since 1980–1981 have there been more than 2 consecutive years in which tax growth had exceeded wage growth. Well, not until the past 5 years.

The average American now works until May 9, as I mentioned, a full week longer than the average American worked for the Government when Bill Clinton assumed the Presidency.

The average American now is working to May 9 to pay Federal, State, and local taxes. Some individuals think that includes State and local taxes. What do we have to do with that? Frankly, a significant share of what State and local governments charge in terms of taxes is being charged because we have mandated programs on the State and local governments.

I can't help but think of President Reagan's definition of a taxpayer: "Someone who works for the Federal Government but doesn't have to take a civil service exam."

Frankly, all of us have been working for the Federal Government. We will all be working for the Federal Government until May 9 this year—for the government at least.

The last year that the Federal Government collected less tax revenue than it did the year before was 1983. That was 16 fiscal years ago. If you define a "tax cut" as when the Government collects less in taxes, we have not had a true tax cut since 1983.

Because of the tax increases of 1990 and 1993, taxpayers will give the Federal Government $600 billion more over the next 5 years than they would have otherwise.

Why are taxes so high? Taxes are high because Government is too big and because Government spends too much. Taxes are high because our budgets reflect that we believe that the bureaucracy is better at spending money on American families than American families are. I believe that is a mistaken belief.

This year the $1.7 trillion that Washington will spend is more, in inflation-adjusted dollars, than the Federal Government spent cumulatively from 1800 to 1940. Over the past 20 years, Congress has allowed Federal spending to increase 291.3 percent. Adjusted for inflation, that represents a real spending increase of nearly 60 percent. In the past 10 years nondefense Federal outlays adjusted for inflation have increased by one-third.

The last year that the Federal Government spent less than it did the year before was in 1965, 34 fiscal years ago.

When I entered the Senate in 1995, I hoped that the new Republican majority in Congress would pursue a general downsizing of the Federal Government, allocating to States and local governments, and, yes, to the best government of all, the family, which obviously finds the best department of social services and the best department of education, the best department of health when it spends its own resources fostering the needs, ambitions, aspirations, hopes, and achievements of the family. I had hoped that we would reduce the size of the Federal Government to make the resource allocation of this culture more effective and more efficient by placing it in the family and close to the family, where good decisions could best be made.

Despite our efforts, the Federal establishment is growing more costly and more intrusive than ever before. Federal spending has grown by $200 billion just since 1995. Nobel laureate Milton Friedman observed, "Congress will spend whatever revenue it receives plus as much more as it collectively believes it can get away with." Another way folks say that, back in Missouri, is, "We live by the 'they send it, we spend it' motto."

Frankly, it is time to say to the American people "You earned it, we returned it." We need to give to the American people some of their money back so they can make good judgments and good decisions of how to deploy their own resources on themselves and their families and in their own communities without sending it through the shrinking process of the bureaucracy in Washington, DC.

This budget resolution assumes a cumulative surplus of $149 billion before any tax cuts over the next 5 years. As each week passes, the call for new spending seems to grow. The Senate spent last week debating whether to pass emergency legislation that would breach the discretionary spending caps, including $4.48 million for maple syrup producers to replace taps and tubing damaged by ice storms in the Northeast.

Before closing, let me just reiterate my opposition to the resolution for these reasons:

No. 1, the budget increases the size of Government. It is time for us to increase the size of opportunity for American families.

No. 2, the budget resolution does not instruct Congress to cut taxes. We were sent here to limit the size of Government, to cut the burden on the American people. The American people are paying more in taxes than ever before in history. It is time—we are not at war—to understand if we are at war, that we are at war with ourselves and we should stop taking so much of the resource of American families. We should make it available to them.

No. 3, when spoken about, the so-called predicted tax relief would be a proverbial slap in the face, or at least in the wallets, of the American people: $1.83 per person per month. You can't get a cup of gourmet coffee—I couldn't get it if I drank it—at that price.

No. 4, it would allow Congress to offset the tax cut with a tax increase rather than with spending cuts.

And, No. 5, it would have the Federal Government collect $212 billion more than the budget resolution agreed to just last year.

The Senate should reject this budget resolution and adopt a resolution that reflects the values of those who sent us here, one that curtails spending, one that provides tax relief, and one that further limits the Federal debt. I encourage my fellow Senators to vote no on this backwards budget, this budget that really believes and sets a value on the idea that Washington knows best.

It is pretty obvious to me that you let the person spend the money who you think can make the best investment. And it is pretty clear to me that Washington thinks it can make better investments and better judgments about our family and our culture than can people in their families and businesses in their institutions. I do not believe that Washington knows best. The genius of America is not that the values of Washington would be imposed on the people; the genius of America is that the values of people would be imposed on Washington. But this budget gathers to the bosom of the bureaucracy the capacity to confiscate the resources of the people and to spend them in an arrogant sense that we know better how to spend resources on America and her families than America's families do. Nobel laureate Milton Friedman observed Congress will spend whatever revenue it receives plus as much as they can get away with, and this is one of those settings where it looks to me like we are making that kind of commitment to expenditure.

I believe Members of this body should look carefully at this budget and should understand it does not reflect the values of the American people. It fails, for instance, to obliterate or to curtail or to remove the marriage penalty. If we want a system which would reflect the values of America, understanding that this country is most likely to succeed in the next century if we have strong families, then we would endow the family with strength and the finances to do what families ought to do. Instead, this budget resolution provides the basis for continuing the marriage penalty, which is really a way of fining people for being married and saying to individuals who are married in this culture: We will charge you $29 billion a year. That is the freight for being married in America.

It is time for us to abandon that and say what we want in this culture is lasting, durable marriages and families that will provide the basis for a culture in the next century which will allow America to continue to prosper and to lead. We cannot do that if we have a value system reflected in a budget which attacks America's principle of strong families rather than reinforces that principle.

I urge my colleagues in the Senate to reject this budget and to call for a budget which would reduce the impact and size and onerous burden of the Federal Government and to empower the people to make decisions that will foster families and institutions at the local level with the requisite strength to preserve and protect America's greatness.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Madam President, I am here today to discuss aspects of the budget. Today we continue the discussion on our 1999 budget, and I am generally pleased with the work that the committee has done. I am generally optimistic about our country as we progress, but today I wish to place an emphasis on education with a special emphasis on the congressional responsibility for the education of the children of the District of Columbia, the Nation's Capital.

In 1995, when the Republicans took over the leadership role in Congress, I became chairman of the subcommittee responsible for education on the Labor and Human Resources Committee. I also, as No. 13 in seniority on the Appropriations Committee, became the subcommittee chairman on the DC Appropriations Subcommittee.

Although I left the Appropriations Committee in 1997 to go to the Finance Committee, I vowed to continue my work for the schoolchildren of the District. I did so to follow through with the work I helped start in 1996, with the writing of the new education plan for the District.

Also, when I became chairman of the Labor and Human Resources Committee, I believed I had a special obligation for education in the District of Columbia. The Constitution, through the District clause, confirmed by the Supreme Court, endows in Congress the same powers over the District of Columbia that a State has—not only powers but responsibilities. Thus, Congress is responsible under the Constitution for the District's education. We must not forget that.

As Republicans, we believe strongly that State and local governments are the key players in establishing education policy. This conviction works beautifully for every State in the Nation except for the Nation's Capital. What an irony. We, as Republicans in leadership of this Congress, have not fully recognized that under the Constitution we must act as both the State entity for the District and the local governing entity for education.

In 1996, Congress did recognize that the District's educational system was indeed in trouble; in fact, the whole city was in deep trouble.

The control board was established to help the District's education crisis. The present DC education reform plan was written in the 1996 appropriations bill with assistance from Congressman Steve Gunderson, who had strong support from the Speaker, and also with the help of the then-Senate majority leader, Bob Dole. The implementation of this plan began in earnest under the leadership of General Becton and continues under Chief Academic Officer Arlene Ackerman. They recently gave a nationally known student achievement test to evaluate basic student performance in the District. It clearly established a severe problem. The Nation's Capital, for which we are constitutionally responsible, has the worst educational results in the country, including the worst student dropout rate of close to 40 percent.

In addition, through decades of neglect, the District of Columbia has one of the worst school infrastructure problems in the Nation. GSA found that $2 billion of repairs and improvements are needed.

When I took the chairmanship of the DC Appropriations Subcommittee in 1995, I immediately met with the superintendent, then-Superintendent Franklin Smith, who was a member of the DC school board.

They all had great intentions and great plans. And, in fact, they had great plans and great intentions for many years, but evaluation results got worse, not better. This was true even though teachers were teaching to the same tests they had been using since 1978. They told them what the tests were going to be. It was obvious that the superintendent of the school board had no control over the system.

The control board had been established realizing the dimension of the problem. This is back in 1996. They knew that the firm leadership with appropriate authority had to be established. In my mind, the board very wisely chose two generals to answer that challenge—General Williams as financial officer and General Becton as superintendent. In my opinion, the generals, with considerable personal sacrifice, performed admirably, and ably. We are indebted.

In particular, General Becton is a unique individual. He is 70-plus, but looks 50, and has the energy of a 40-year-old. He is personable and tough. Although not primarily an educator, his accomplishments as president of Prairie View A&M University proved his ability in this field. He got the job done. They both got the job done. The generals had to kick a lot of butts. Friends are not made that way, wounded critics are. But they got results.

Per-pupil costs are down to within the average in the Washington metropolitan region, a constant source of irritation with many Members who claim they add all this money. They do not anymore. Personnel numbers had been reduced. Many inefficient managers were replaced. The congressionally enacted school reforms are being implemented. Tough decisions, such as ending social promotion, have been made; and that is a tough one. This, of course, has created a great need for remedial help for tens of thousands of kids who must improve to warrant graduation.

A most qualified chief academic officer, soon to be superintendent, Arlene Ackerman, has been hired. The challenges before her are daunting. The dimension of the remedial help required for ending social promotion, not only in Washington but nationwide, has not yet been fully appreciated. She will need our help. She must have our help.

As mentioned above, the education infrastructure is in a shameful condition after decades of neglect, requiring $2 billion worth of improvements. Fortunately, Parents United had been formed some time ago and has brought a lawsuit to enforce corrective action.

Unfortunately, after Generals Williams and Becton had initiated their plans for school repairs, and finally having funding available in a manner that would not have required any closing of the schools, the judge, in her frustration, ordered the schools closed anyway. This caused emergency actions in contracting to get the schools opened and raised the costs considerably. I was present with the control board education trustees the night this happened. They did what they had to do. In fairness to the judge, her frustration, expressed in her ruling, raised the public's awareness to the deplorable condition of the schools.

But where will the $2 billion needed for repairs come from? Congress is responsible for making it available. This may require money from the budget, it may not, but it has to be found. Bonding is obvious, but how is it to be paid for?

This January, I held hearings on the DC school situation. I have attached Professor Raskin's applicable testimony that the Constitution requires us to find the funds.

At the beginning of 1997, I left the Appropriations Committee and went to the Finance Committee. I vowed to continue to fight for funds for DC. During reconciliation, I nearly got an amendment for $1 billion passed in the committee. The Senate did provide $50 million for the repairs of the Washington, DC, schools—a small amount, relatively, to the $2 billion.

In conference with the House, at the House's insistence, the $50 million was cut. But OMB Director Frank Raines agreed to work with me to find the money. He asked me to put together a working group. This has been done. To help prepare material for the working group, I held three days of hearings in January. Material from these hearings has been forwarded to the members of the working group.

I have also outlined several options for the working group's consideration. Some require no Federal funds; others are completely Federally funded. Somewhere we have to find the answer.

I hope we can furnish guidance soon. I have attached materials showing the need for congressional action, as the DC financial system under present circumstances cannot provide a sufficient revenue stream to pay for bonds.

Let us end on a positive note. Progress is being made to improve the DC school system. I recently traveled to Chicago with General Becton. I also traveled to Long Beach, CA, with Arlene Ackerman. These school systems are examples of sound reform where corrective action is being taken. We learned a great deal on these trips. And work is starting here.

First, we must make sure children can read and comprehend. Programs such as Everybody Wins!, a literacy-mentoring program I am deeply involved with, have been started, helping thousands of youngsters. Hundreds of our volunteers come from the Senate, and they have been doing a wonderful job in bringing the reading situation in that school under control, but thousands more are needed to help. The flow of nonreaders to upper grades must stop. Substantial growth here is expected by next year in these programs. There are two others called the President's Program for Reading and also another one called the Everybody Reads Program started by the District.

To help the students "in the pipeline," summer schools will be held. The second thing: A group to find remedial solutions through information technology has been formed. Much needs to be done.

No. 3, legislation has been introduced, S. 1070—my bill—to form regional efforts in skill training, giving an opportunity for those young people to be able to get those $30,000 to $50,000 jobs, high-paying jobs, that are available and can be filled.

No. 4, I also met with the presidents of regional universities and colleges to work together with the business community to form a cohesive, seamless educational system, for which the comprehensive framework should be established by the end of May. And that is critical. We have the resources in this region, we have the people in this region, but we must work together to all do what we can for the school system.

No. 5, the critical needs for in-service training of teachers must be met. The Department of Education and the local teacher colleges are pledged to help. I just met with some from the Department of Education. The Higher Education Act soon will be out on the Senate floor, and that will help, also across the Nation, to assist us with respect to the serious problems we have with our schools not having the professional development necessary.

Let me close by emphasizing that our problems in education will end only when the classrooms provide the appropriate education. This is a primary responsibility of the States and local school districts. Just remember, as for DC, under the Constitution, DC is our "State." And we are responsible for our local schools, those in the Nation's Capital. Right now, we have the worst schools in the Nation. They must and they should be the best.

Madam President, at this time I would like to turn to another education issue dealing with the budget also, and I just alert the Budget Committee as to what is being done.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 1882 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. Finally, I will talk to another matter which will have an impact upon the budget also. Hopefully, CBO comes up with figures you like; these figures are so small in terms of what the good is we should find no cause for alarm here.

I rise to discuss an issue that is critically important to this Nation. Today there are millions of people with disabilities who want to work but just cannot. Why? Because the day they start work they lose access to affordable health insurance. These bright, intelligent, and very willing individuals are denied the right that every other citizen in this Nation has—the right to work. We have the responsibility to reverse this desperate situation and grant people with disabilities the right to become productive, taxpaying workers.

Last week, I introduced legislation with Senator KENNEDY and Senator HARKIN entitled the Work Incentives Improvement Act. This bill will reform Social Security's work incentive programs and remove employment barriers for people with a disability. This legislation was developed over many months with the help of the disability community, the Social Security Administration, the Health Care Financing Administration and other congressional offices. This bill will end the insurmountable health barriers to individuals who wish to work.

Our friends with disabilities do not need an incentive to work. They want to work. In fact, they are so desperate to obtain gainful employment that they are pushing this Congress to complete action on this legislation this year. And we must. These citizens are trapped by a system that penalizes their attempts to be productive. Social Security's current work incentive system has had limited success. Out of 7.5 million people who are social security disability beneficiaries, less than one percent can take advantage of these work incentives and actually are employed. The benefits offered are too expensive, time limited, and offer too few health care services for the many persons with disabilities who wish to work.

For many years I have assessed why so few disabled social security beneficiaries return to work. The primary barriers relate to their inability to obtain or keep adequate and affordable health care coverage. For example, disabled social security beneficiaries who return to work are covered through Medicare, but after 39 months they must pay full fare for their health benefits—more than $370 every month. I seriously doubt that even a well-off person can afford to pay this rate every month over the course of their working life. In fact, out of more than 3.5 million beneficiaries, only 114 have chosen to take advantage of this Medicare coverage, preferring the alternative—staying at home and receiving it for free. I don't know whether they prefer it; that is probably not right.

Another barrier to work is the inability to get coverage for certain medical services. These services are usually unavailable in the private markets. If they are available, they are unaffordable. Necessities like personal assistance services and prescription drug coverage are offered through some state Medicaid plans, but disabled social security beneficiaries who need access to these Medicaid services must impoverish themselves to get them. Many are doing just that. These disabled social security individuals who have coverage for low-income Medicaid, called "dual eligibles," are the fastest growing entitlement population in the government.

The Work Incentives Improvement Act will provide access to appropriate health insurance for those persons with disabilities who wish to return to work. Many of these beneficiaries will be eligible for affordable Medicare. Beneficiaries will have access to limited Medicaid services through State Work Options Programs. They will be able to access critical services like Personal Assistance and prescription drugs in states that chose to offer them. Such incentives will allow people to return to work, confident in the knowledge that they will both keep their health care and get coverage for other needed services.

No one in this body can disagree with the idea that work is a central part of the American dream. This budget resolution should provide funding for these and other initiatives designed to allow people with disabilities to work. Providing cost-effective assistance for people to work is both fiscally responsible and morally right. Those who work will become fully contributing members of society by paying for their own insurance coverage, and as taxpaying citizens of our nation, paying for these government programs as a whole.

Inaction by this body will ensure that our Government continues to deny a person's dream to get back to work to help himself, to help herself, to pay taxes, to be able to participate in our society in a meaningful way. I hope the Senate will move ahead to resolve this problem and help persons with disabilities realize their dream to work.

I wish everyone had a chance to be at the press conference we held with former leader Bob Dole and Justin Dart and other leaders in this field to see the expression on their faces and the joy that came when we announced what we would do to help those who were assembled to be able to participate in the workplace. I can assure Members that this bill—we have had CBO estimates much lower than previous estimates. It is hard to conceive why it costs money because all you are doing is allowing people benefits to work and to start paying taxes and to contribute to the cost.

It is very difficult for me to see how there is any cost whatever. I yield the floor.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. COVERDELL. As everybody knows by now all too well, we have been in the midst of a filibuster going all the way back to last summer on education reform proposals. We have been battling the White House, the minority leadership and the status quo. I am pleased to announce—in fact, I am ecstatic—that the filibuster is over and that a unanimous consent has been entered into, I think a reasonable agreement, that does adhere to our view that all amendments should have been related to education and not extraneous and not broad new tax policy. We will go to our education reform on the day we return from the recess on April 20 of this year.

Now, the majority leader needs to be commended for the diligence and the attention he gave to try to end this filibuster. I also am complimentary of the minority leader and his attempt to bring this filibuster to an end. But I am especially grateful to the Members on the other side of the aisle, principally my key cosponsor, Senator TORRICELLI of New Jersey, for the attempts and effort they made—under very difficult circumstances I might add—for an extended period of time to recommend that a filibuster was not the way to handle education reform.

Because the filibuster has been ended, America's children are going to be the major beneficiaries—and their families. At the end of the day, millions of American families are going to be able to open education savings accounts to help children in public schools, private schools and home schools. Now with the suggestions from the other side of the aisle, we are going to have an opportunity for expanded school construction and financing that aids and abets school construction across our Nation.

After all is said and done, bringing this to a favorable conclusion will lead to a very healthy and wholesome debate about reforming education and moving away from the status quo. Madam President, the winners, those who are going to gain the most from the fact that we have set this filibuster aside, are America's children. They are going to be the beneficiaries of the fact that the Senate has now, on a bipartisan basis, agreed to go to an extended and meaningful debate about reforming education in America, principally grades kindergarten through high school.

I thank all who have been involved on both sides of the aisle. I think it will prove most beneficial to America and her children.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I will take just a moment. I did want to respond ever so briefly to the remarks of Senator COVERDELL.

I did not object to the unanimous consent request by which we will consider the Coverdell proposal. Amendments have now been made in order and the proposal will be considered on the floor of the Senate in a way that limits the amendments and limits the time for each amendment.

I say the Senator from Georgia puts his own construct on exactly what has happened. There is another construct, and that is that this was not a filibuster but a lockout—circumstances where we were told that a bill was to come to the floor of the Senate, a bill dealing with tax credits for education, and the only circumstance under which it could come to the floor of the Senate is if those on the minority side would be willing to restrict their amendments both as to type of amendments and as to time.

It is a very unusual Senate procedure. It is not a procedure that has been followed by the majority side, I might say. As one Member of the Senate who will not want to see this habit-forming, I simply say to the Senator from Georgia that I am happy he will get his day on this piece of legislation. The amendments have indeed been limited. I think he would not want to be in a similar circumstance on the next issue on which someone on this side would, if in the majority, say we would like to bring our bill to the floor, and by the way, we will only do that in ways that restrict your opportunity to offer amendments, and only do that in ways that restrict the time of the amendments that you do offer.

For example, among the ideas that exist here are not just an idea to provide tax credits for people who send their children to nonpublic schools—all schools, but especially nonpublic schools; among the ideas that exist here are, for example, a proposal to provide some assistance to repair some of the crumbling schools in this country, not so that the Federal Government will be involved in rebuilding local schools—that is the job of local school districts, State and local governments —but an incentive in a way that says we can at least pay some of the interest on the bonds that provide the right incentive to invest in our schools because so many of them are now 30, 50, 70 years old and more, and some of them are in desperate condition and need help.

On that amendment, for example, under this agreement there will be, I believe, 1 hour of debate. A significant amendment of significant importance, but the Senate will only devote 1 hour to that subject because to devote more would somehow abridge the interests of those who want to contain the debate on education here in the Senate.

I use that as an example. There are others. I say to the Senator from Georgia, I did not, since the first day of this discussion, feel the problem was a filibuster. I felt and still do feel very strongly the problem is that the majority leader said this is our bill, this is our agenda, it is what we feel is important, and we will bring it to the floor, but you must comply with what we expect of you. Don't you be offering amendments we don't want. Don't you be demanding time for your amendment to talk for 3 hours on school construction, for example—and that was what was happening to us over all of these weeks and what resulted in a number of cloture votes.

So I see it differently than does the Senator from Georgia. But as I indicated, he will have his day on his amendment, and I have indicated previously I have great respect for him, but this ought not be habit-forming. This is not the way the Senate works with respect to the current rules of the Senate. It is not the way your side of the aisle dealt with issues when you were in the minority, and I don't think you would expect us to deal with these issues in that manner on a routine basis.

As I said, I did not object to the unanimous consent request after this had been worked out by the majority leader and the minority leader. Education is critically important. In my judgment, there aren't many more important issues than education here in the U.S. Senate. This ought to be job one for the Senate to deal with the critical education issues. We have now a list of them, albeit limited in time and scope with respect to the amendments, but when we get to this issue we will have, I think, a good and thoughtful and constructive debate.

I stand today to say do not make it habit-forming to say it is our agenda and we will demand every other Senator in this place who is not part of the majority conform to our description of how we want to debate these amendments, because that is not the way the Senate should work.

I yield the floor.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 1999, 2000, 2001, 2002, AND 2003

The Senate continued with the consideration of the bill.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I ask unanimous consent that the pending amendments be laid aside so I may offer 4 amendments on behalf of Democratic Senators and that these amendments be sequenced between the Republican amendments when we vote.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair. The first amendment is on behalf of Senator DODD of Connecticut. It is an amendment to establish a deficit-neutral reserve fund for child care improvements.

AMENDMENT NO. 2173

(Purpose: To establish a deficit-neutral reserve fund for child care improvements)

Mr. CONRAD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Mr. DODD, proposes an amendment numbered 2173.

Mr. CONRAD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CHILD CARE IMPROVEMENTS.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to improve the affordability, availability, and quality of child care and to support families' choices in caring for their children, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

(d) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—Section 202 of H. Con. Res. 67 (104th Congress) shall not apply for purposes of this section.

Mr. CONRAD. Madam President, the second amendment is on behalf of myself, Senator LAUTENBERG, Senator BINGAMAN and Senator REED. This is to ensure that the tobacco reserve fund in the resolution protects public health.

AMENDMENT NO. 2174

(Purpose: To ensure that the tobacco reserve fund in the resolution protects public health)

Mr. CONRAD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself, Mr. LAUTENBERG, Mr. BINGAMAN, and Mr. REED, proposes an amendment numbered 2174.

Mr. CONRAD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1)(A) public health efforts to reduce the use of tobacco products by children, including youth tobacco control education and prevention programs, counter-advertising, research, and smoking cessation;

(B) transition assistance programs for tobacco farmers;

(C) increased funding for the Food and Drug Administration to protect children from the hazards of tobacco products; or

(D) increased funding for health research; and

(2) savings for the Medicare Hospital Insurance Trust Fund.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation and used to fund subsection (a)(2) shall not be taken into account.

Mr. CONRAD. Madam President, the third amendment is on behalf of Senator CAROL MOSELEY-BRAUN.

AMENDMENT NO. 2175

(Purpose: To express the sense of the Senate regarding elementary and secondary school modernization and construction; improving the educational environment for the 14 million children who attend severely dilapidated schools, the millions of children in overcrowded classrooms, and the 19 million children who are denied access to modern computers because their schools lack basic electrical wiring; relieving overcrowding in our Nation's classrooms; and generally helping States and school districts bring their school buildings into the 21st century)

Mr. CONRAD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 2175.

Mr. CONRAD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SCHOOL MODERNIZATION AND CONSTRUCTION.

(a) FINDINGS.—The Senate finds that—

(1) the General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States;

(2) the General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life safety code violations, and 12,000,000 children attend schools with leaky roofs;

(3) the General Accounting Office has found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced;

(4) the condition of school facilities has a direct effect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of

school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility;

(5) the General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems;

(6) the Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools;

(7) the General Accounting Office has determined the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollent levels;

(8) schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, "Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology;"

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement;

(10) the Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction; and

(11) the Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume the enactment of legislation to allow States and school districts to issue $21.8 billion worth of zero-interest school modernization bonds to rebuild and modernize our Nation's schools, and to provide Federal income tax credits to the purchasers of those bonds in lieu of interest payments.

AMENDMENT NO. 2176

(Purpose: To increase Function 500 discretionary budget authority and outlays to accommodate an initiative promoting after-school education and safety)

Mr. CONRAD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for Mrs. BOXER, proposes an amendment numbered 2176.

Mr. CONRAD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 9, increase the amount by $50,000,000.

On page 16, line 10, increase the amount by $6,000,000.

On page 16, line 13, increase the amount by $50,000,000.

On page 16, line 14, increase the amount by $40,000,000.

On page 16, line 17, increase the amount by $50,000,000.

On page 16, line 18, increase the amount by $49,000,000.

On page 16, line 21, increase the amount by $50,000,000.

On page 16, line 22, increase the amount by $50,000,000.

On page 16, line 25, increase the amount by $50,000,000.

On page 17, line 1, increase the amount by $50,000,000.

On page 25, line 8, decrease the amount by $50,000,000.

On page 25, line 9, decrease the amount by $6,000,000.

On page 25, line 12, decrease the amount by $50,000,000.

On page 25, line 13, decrease the amount by $40,000,000.

On page 25, line 16, decrease the amount by $50,000,000.

On page 25, line 17, decrease the amount by $49,000,000.

On page 25, line 20, decrease the amount by $50,000,000.

On page 25, line 21, decrease the amount by $50,000,000.

On page 25, line 24, decrease the amount by $50,000,000.

On page 25, line 25, decrease the amount by $50,000,000.

AMENDMENT NO. 2174

Mr. CONRAD. Madam President, I will say a word on the amendment offered on behalf of myself, Senator LAUTENBERG, and others. The purpose of that amendment is to make possible comprehensive tobacco legislation on the floor of the U.S. Senate.

As the occupant of the chair knows, in the Budget Committee a resolution came out that provides that the funding from any possible resolution of the tobacco issue can only go for Medicare. While Medicare is clearly a key priority, there are other priorities as well. Among those are the question of preventing kids from taking up a habit. The experts have all told us that we need to use some of the funds for the purpose of tobacco prevention programs, smoking cessation programs, counter-tobacco advertising programs, to increase health research, to provide some easing of the transition for tobacco farmers, and also to fund the expanded role of FDA and the question of regulating these products.

The experts have told us, unanimously, that there is simply no way to have comprehensive tobacco control legislation without those priorities being included. In fact, every single bill that has been introduced that is comprehensive in nature on the floor of the Senate, by Republicans and Democrats, provides for taking some of that money for those purposes. Unfortunately, under the budget resolution, every single comprehensive bill—those introduced on the Republican side and those introduced on the Democratic side—is out of order. Not a single one of the bills would be in order under the budget resolution as it came out of the committee.

So the amendment offered by myself, Senator LAUTENBERG, Senator BINGAMAN, and Senator REED is to correct that deficiency, to allow the Senate to work its will on comprehensive tobacco legislation, so that we have a chance when we finally get to a discussion of the tobacco bills, that the budget resolution is not an impediment to passing national tobacco policy.

Mr. DORGAN. I wonder if the Senator will yield for a question.

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Madam President, the provision in the budget prohibits the use of any of the funds from the tobacco settlement for the range of programs, such as the program for smoking cessation, for education, to try to prevent teens from beginning smoking; is it the case that this budget provision prevents the use of any of the tobacco settlement money for any of those programs?

Mr. CONRAD. Yes, exactly. It seems startling, but that is what the budget resolution provides. The resolution says that not one dime of any tobacco settlement money can go for tobacco smoking cessation, smoking prevention, or any of the other programs that all of the experts have said are required. We could not have any of this money go for the National Institutes of Health and Research. We could not use any of the money for the expanded FDA role in regulating tobacco products. None of the money could be used for counter-tobacco advertising programs. Every single expert that has come to us has said those are essential to a comprehensive plan to actually reduce teen smoking. So the budget resolution is clearly deficient in that regard.

Mr. DORGAN. Will the Senator yield further for a question?

Mr. CONRAD. Yes.

Mr. DORGAN. I understand that those who put this prohibition in the budget agreement said, "But there are areas in the budget and other areas that expend money for these programs, so these programs are not being shorted."

Can the Senator describe whether in fact the money is available in other programs sufficient to address these issues?

Mr. CONRAD. Well, that is the convention of those who debated this issue in the Budget Committee. They said, "Well, we have provided the funding elsewhere in the budget . . ."—not out of the tobacco revenues, which is a curious thing if you think about it. Since these are clearly tobacco-related expenses, you would think you would fund them out of the tobacco revenue. They said, "Don't worry, we funded it somewhere else."

Let me say to the Senator that there is not any assurance that there would be one thin dime anywhere else in the budget for that purpose because, as you know, the Budget Committee does not make those determinations. What has been set up by the Budget Committee is mounds of money that would be a jump ball. The appropriators would decide. You serve on the appropriation committee and you understand that the Budget Committee gives you an overall spending limit and you decide what the priorities are. If you decided that existing priorities were more important, there might not be any money for smoking cessation, smoking prevention, counter-tobacco advertising, and all the rest. So that is the problem with the budget resolution. They have an assumption in there. The assumption is that the appropriators will provide something over $100 million a year for these purposes, but every single major bill that is out here provides $2 billion a year for these purposes—smoking prevention, smoking cessation, counter-tobacco advertising, expanded health research, FDA authority—and so there is no way that this comes anywhere close to meeting the need.

Mr. DORGAN. Madam President, I have one additional question. The Senator indicated that the Budget Committee does not determine the level of expenditures—the actual expenditures. That is the Appropriations Committee's job. I agree with that. But it is true that the Budget Committee, with this provision, will determine what you cannot expend money for. They, apparently, by this provision, determined that any money coming from the tobacco settlement cannot and will not be used for these specific areas—smoking cessation, curbing teen smoking, a National Institutes of Health investment, and so on.

So is it not the case that, while they don't determine what the money is going to be spent for, they are with this provision trying to determine what you cannot spend the money for? I guess it would require at least a 60-vote provision on the floor to overturn what they are trying to prevent. Can the Senator tell me why on earth the Budget Committee—because the Senator serves on that committee—can bring a bill to the floor that says we are going to have a tobacco settlement, but, by the way, you can't use any money from the settlement to deal with teen smoking, or addiction, or smoking cessation? What on earth could have persuaded them to provide a provision like this in the budget bill?

Mr. CONRAD. I tell you, I have no idea. I will respond in this way. I find it the most curious thing that has happened all year—why you would provide a special reserve fund so that if there is tobacco legislation that passes, you can have the revenue flow to the Federal Treasury; but then you say, when we go to spend the money, none of it can be used for smoking cessation, smoking prevention, counter-tobacco advertising, expanded health research, funding the FDA so that they can attend to their added responsibilities under any of the bills that have been offered, by either Republicans or Democrats.

The curious thing is that every single bill that has been offered out here, whether it is the bill of Senator HATCH, who is chairman of the Judiciary Committee, the bill of Senator MCCAIN, who is chairman of the Commerce Committee, or Senator JEFFORDS' bill, all those bills would be out of order. So you have three Republican chairmen who have offered bills out here, and their bills would be out of order under what has been provided for under the budget resolution.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, in listening to the debate brought forward through questions on the floor, I would like to put some factual statements into the RECORD. First, the budget resolution puts Social Security and Medicare first. I think people recall that the President was saying we should use any surplus to save Social Security, that this is an important program and we need to invest and protect Social Security and, therefore, we should take any surpluses and put it into Social Security.

We agree, but we also believe that we should go one step further and say that any extra funds and resources here should be used to preserve and protect Medicare as well. Medicare is an enormously important program to the American public. I don't know how many people remember last year when we debated how to save, preserve, and protect Medicare. What is being talked about in the budget agreement is using the resources to save Medicare. Now, you can go a couple of ways here. You can say, OK, I am going to use these resources to save Medicare, this enormous program that provides health care for over 35 million Americans that have had a very difficult financial time, or you can say we are going to start a whole bunch of other programs to do this—which, by the way, we are taking care of in other parts of the agreement. The Budget Committee decided to save and use these resources to preserve and protect Medicare. Let's take care of first things first, and Medicare is one of those programs. Instead of promising to spend billions of dollars on new programs, we propose to dedicate any tobacco receipts, if there are any, to Medicare solvency. Let's protect what we have first. I think that is an important point that needs to be brought into this debate.

Madam President, I have an amendment to offer, but before I do that I will yield to the Senator from Wyoming for a statement that he has. He has been on the floor waiting for a longer period of time than I.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, my original intent was to give some comments on amendment No. 2166. Before I do that, since the topic is opened up on the tobacco settlement, I feel compelled to make a few statements based on what has been said on the floor.

I am on the Labor Committee and that has been a part of the tobacco settlement debate. I can tell you how far we have gotten on that committee. We have had a filibuster so far on the very issues the Senators from North Dakota have been saying they want to get into the budget. So the progress on this thing has been so disappointing to me. Last week, when I was flying back from Wyoming—I go back almost every weekend, and it's quite a trip to get from there back to Washington—I started working on my laptop computer and listing the reasons why a tobacco settlement might not happen this year. There were three single-spaced pages on why it won't happen this year. I changed it to why it won't happen this year.

What we are suggesting here is that we ought to go ahead and spend the money anyway. I can't tell how the negotiations have gone that you have been in, but I certainly never have liked to be in negotiations with anybody where I had already spent the money I might get out of the program. That is why we are taking some precaution with that. That is why we are saying let's put it in Medicare. That is the biggest program that we have to save that deals with health—particularly the health of people in the United States. It is something we have to be concerned about. We put that first. There can be changes made later. But after that, there is some agreement from these three pages, single spaced, and reasons why 100 Senators here may not be able to come to any agreement on why there ought to be a tobacco settlement, let alone how that tobacco settlement ought to take place.

Having said that, I ask unanimous consent that I be allowed to speak for up to 10 minutes on amendment 2166, the Sessions-Enzi amendment.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

AMENDMENT NO. 2166

Mr. ENZI. Madam President, I rise today in support of amendment 2166 introduced by me and my colleague and good friend from Alabama, Senator SESSIONS. Our amendment is entitled the "Antidiscrimination of At-Home Parents Amendment."

I am proud to lend my support of this amendment that would give at-home parents, who forego a second income so that one parent can raise their children, the recognition by the federal government that they truly deserve.

There has been a lot of talk about beefing up the quality and availability of child care across our nation. I, too, have played a role in this debate and feel it's one to be taken seriously. Parents who choose to enroll their kids in day care face a difficult decision—one based on trust, reliability, the quality of care and, of course, the high costs. Moreover, that decision touches one of our nation's most important resources—our children.

Unfortunately, this debate has unfairly excluded married couples who face an even bigger decision—at-home care. There are more families that fit this mold than I think many of us are aware. In fact, only 37 percent of mothers with children under the age of 6 are employed on a full-time basis. The remaining percentage includes a constituency with little representation. That must change.

It is true that conditions can be difficult for two income families. I don't refute that. It is very hard for single, working moms to raise children. To be fair, however, we must not imply that families who choose to keep one parent home with their children are not making sacrifices. For years now, the debate on family policy has been centered on single working parents and day care. For years the sub-text of federal family policy has been that everyone should work and that the burden of accommodation should be on those parents who choose to stay at home to raise their children. However, if the debate revolves around the quality of care our children receive, we must modify existing federal policy and end this senseless discrimination.

It would seem at times as if all forces conspire against single income families. America's tax burden has grown so large that in many instances, a second parent has to work just to pay their families tax burden. A 1993 survey found that more than 50 percent of working women would "stay at home if money weren't an issue." Most families in which both parents work would much prefer to have one parent stay at home with the children if expenses would allow.

The financial penalty inherent in having one parent stay at home to raise the children is large indeed. The few families who pursue such an arrangement don't do it because they can easily afford it. They do it because they believe that it is best for their kids. It should not be the work of this body to second guess their judgement of their values. Most importantly, these parents should not be discriminated against by its own federal government simply because they sacrifice greater financial gain for their children.

As you can see, there are a growing number of parents who give up one income so that the mother or father can stay at home and be with their children. Not long ago, this decision to utilize at-home care was commonplace. However, our nation's workplace has changed significantly as more parents move into the workforce—making parent's decision to sacrifice one income for their child all the more difficult. This is truly saddening, because the people who can best care for our nation's children are the parents.

I have listened during the last few months to members implying that parents who choose to forego a second income to stay home with their children do so at no financial sacrifice. It has even been implied that such parents lead a life of luxury and self-indulgence while working mothers make the real sacrifice for their children. This notion is as offensive as it is unfounded.

Parents who decide to forego a second income so that one parent might be at home during their children's formative years incur quite an expense, as several members of my own staff can attest. I have two fathers on my staff that have made this difficult decision. One of those parents on my staff spends four hours each work-day commuting to and from work—only because raising a family on a single, moderate income simply cannot be done here in Washington, DC. I am confident that parents all over the nation are in similar straits.

If the Senate is serious about issues facing our nation's children, then it must not exclude parents who choose at-home care for the benefit of their kids. If those parents are left out, then the message this body sends about the quality of care for American's children is short-sighted at best. This amendment is geared to provide that recognition and I encourage all members of the Senate to carefully read it, cosponsor it, and vote in favor of its passage.

Thank you, Madam President.

I yield the remainder of my time but reserve the time remaining for the amendment.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 2177

(Purpose: To express the sense of the Senate regarding economic growth, Social Security, and Government efficiency)

Mr. BROWNBACK. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK) proposes an amendment numbered 2177.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON ECONOMIC GROWTH, SOCIAL SECURITY, AND GOVERNMENT EFFICIENCY.

It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the elimination of a discretionary spending program may be used for either tax cuts or to reform the Social Security system.

(2) the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and other appropriate budget rules and laws should be amended to implement the policy stated in paragraph (1).

Mr. BROWNBACK. Madam President, this amendment to the budget resolution being considered before us today would make it a priority for this Congress to cut taxes and to begin shoring up our teetering Social Security system.

Madam President, before I begin I wish to commend Chairman DOMENICI and other Members for their excellent work on the budget committee. While I would prefer a budget that cut government spending more as well as cut taxes more; I appreciate the enormity of the task before the chairman and would like to compliment him for his leadership in this area. As well, I look forward to working with the chairman to both ensure a more fiscally responsible government as well as lower taxes for all Americans.

Madam President, I would like to begin by making a few remarks on the size and scope of our federal government and the importance of keeping our promise with the American people by living up to the spending parameters outlined in the bipartisan budget deal reached last year between the Congress and the administration and with the American people; and also to speak on the importance of honestly addressing the need to begin reforming our Social Security system.

It is absolutely paramount and fundamental and something we must give our attention to.

Although many of us agree that the Federal government is too large, and too intrusive, most of us seldom seem to be able to make the necessary cuts to the federal government that will actually curtail its size and curb its consumptive desires. In fact, the Administration which once declared that "the era of big government is over," has now proposed an expansion of government programs that will have the effect of busting the bipartisan budget deal that was so difficult to get to in the first place. This is not only inconsistent but bad policy.

In contrast, I believe that it is imperative that we live within the constraints agreed to last year during negotiations with the administration. We had a deal. We had a deal with the administration that set the limits on the size and scope of the federal government. And, we had a deal with the American people.

Now is not the time to walk away from the principles that we outlined in our bipartisan agreement just a few months ago simply because the budget—thanks mostly to the entrepreneurial spirit of main street America—is now near balance.

The fact of the matter is that our books aren't really balanced at all because we are continuing to allow the federal government to raid the social security trust fund in order to finance its day to day operations. If a company in the private sector tried to do that they would be shut down—and rightfully so.

If the President is serious about saving social security then he would not continue raiding the Social Security trust fund to prop up his government programs and he would not be proposing $140 billion in new spending (which is coincidentally just a little more than expected surplus receipts to the OASDI trust fund this year), rather he would be cutting government spending and paying down the debt in anticipation of unfunded future social security obligations. But he is doing just the opposite.

Because this administration doesn't want to lead, the Congress must. And my amendment takes the lead by prioritizing Social Security solvency and tax cuts over more government spending and budget games.

Let's stop the nonsense.

Americans don't want more glib talk about big government programs solving all of their problems. They don't want more empty promises. They want a less intrusive government, they want lower taxes and they deserve retirement security.

In order to help in our efforts to cut the size of the government I am offering an amendment expressing the sense of the Senate that we should destroy the firewall between spending reductions and tax cuts; by allowing for government spending reductions to be used for either tax cuts or Social Security solvency.

Heretofore we have had a firewall between cutting domestic discretionary programs and paying for tax cuts, saying we can't cut this to pay for tax cuts. I am saying let's have a provision such that you can eliminate discretionary spending in certain categories and that money to be used to pay for tax cuts or Social Security solvency.

Currently, according to budget law Congress cannot make cuts in discretionary spending programs in order to finance tax cuts. Rather, Congress has to make cuts in mandatory spending programs like Social Security and Medicare in order to pay for its tax cuts. It is wrong to pit Social Security against tax cuts.

My amendment flips the table on this false tradeoff by pitting Social Security and tax cuts against big Government spending on the other side. Let's use the cuts in big Government spending to support Social Security and tax cuts.

According to the current budget law every time someone wants to cut taxes they are essentially forced to propose cuts in either social security or Medicare. That just isn't right.

Our federal government is too large, and this arcane law is part of the reason. We need to focus our efforts on cutting government spending—not increasing it. And I believe one way to help accelerate the downsizing of our massive federal bureaucracy is by allowing cuts in discretionary spending to be used for tax cuts and Social Security accounts.

My amendment would call for a change in budget law that would allow for tax cuts to be implemented in the amount of program eliminations and for saving Social Security. So, when we eliminate a program during consideration of an appropriations measure that money would be credited to the PAYGO scorecard and reserved for tax cuts and Social Security.

Therefore, should my amendment pass and budget law be changed, we can eliminate programs like the Advanced Technology Program, the National Endowment for the Arts, the Department of Commerce, and a whole host of other government programs while at the same time giving the taxpayers the tax relief they deserve and the retirement security they need—and we can do it without making draconian cuts to mandatory spending programs that ultimately do little to save the programs and much to simply prolong the crisis.

With my amendment we can eliminate wasteful programs and at the same time provide the American taxpayers with a solvent Social Security System along with the tax relief that they deserve.

That is why I am offering this amendment. We can begin to cut taxes and to reform our Social Security system by transforming the debate about Social Security from rhetoric into reality.

We have a unique opportunity to substantively begin to reform our social security system in order to ensure long-run solvency.

We have this opportunity in large part because for the first time in over a generation we will have a balanced budget this fiscal year.

This presents Congress with a chance to begin making changes to the Social Security system that will both protect current benefits for retirees, and those about to retire, as well as to help preserve benefits for future generations.

We must make use of this historic opportunity to cut more government spending and to use those cuts along with the unified budget surplus to help shore up the Social Security trust fund.

My amendment begins the process of reforming our government by making it a priority for this Congress to cut taxes and to begin shoring up our teetering Social Security system.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BROWNBACK. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2178

(Purpose: To express the sense of the Senate regarding the use of agricultural trade programs to promote the export of United States agricultural commodities and products)

Mr. BURNS. Madam President, I send the desk an amendment to the budget. It is a sense-of-the-Senate amendment. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 2178.

Mr. BURNS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE REGARDING AGRICULTURAL TRADE PROGRAMS.

It is the sense of the Senate that the functional totals in this concurrent resolution assume the Secretary of Agriculture will use agricultural trade programs established by law to promote, to the maximum extent practicable, the export of United States agricultural commodities and products.

Mr. BURNS. Madam President, this is a sense-of-the-Senate amendment. Every year, we have authorized and we have appropriated moneys for programs sponsored by the U.S. Department of Agriculture to help market grain abroad; in other words, to beef up our exports and to be able to compete in the international market.

We are going through times now where prices are very, very stressed and depressed, I would say. We need all the help we can get to move the supply that we have into foreign hands after the collapse of the financial markets in the Pacific rim that have been major buyers of our agricultural commodities. Of course, the actions of the IMF and what this country has undertaken to help those countries out of that financial condition will help those of us who depend heavily on agricultural exports.

This is just a sense of the Senate to tell the USDA and the International Trade Representative that we need help. It does no good to put the loaded pistol in the holster if the USDA doesn't pull it in times when we really need it. The time is now. This is just a sense of the Senate to say that we have authorized it, we have funded it, and we hope the USDA will use it.

Mr. LAUTENBERG. I ask unanimous consent that Senator KENNEDY's name be added as a cosponsor to the Conrad amendment No. 2174.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. And I ask unanimous consent that I be added as a cosponsor to the Gregg amendment No. 2168.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, I also ask unanimous consent that I may proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN MISSILE PROTECTION ACT OF 1998

Mr. COCHRAN. Madam President, I ask unanimous consent that Senator ENZI be added as a cosponsor to S. 1873, the American Missile Protection Act of 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, this bill was introduced by Senator INOUYE and me on March 19. After we sent a letter to all Senators inviting cosponsors, we received a very positive response. I am pleased to advise the Senate that with the addition of Senator ENZI, there are now 40 cosponsors of S. 1873.

This bill would make it the policy of the United States to deploy as soon as technologically possible an effective national missile defense system capable of defending the territory of the United States against limited ballistic missile attack, whether accidental, unauthorized or deliberate.

We believe this policy is necessary because of the growing proliferation threat. The proliferation threat includes both weapons of mass destruction and long-range ballistic missile delivery systems.

The fact is that determining how quickly the United States will be facing an ICBM threat from a rogue nation is difficult to estimate. The Director of Central Intelligence recognized this point last year when he said to the Senate, "Gaps and uncertainties preclude a good projection of exactly when 'rest of the world' countries will deploy ICBMs."

That "gaps and uncertainties" exist is not an indictment of our intelligence agencies. We have many fine and dedicated people in the intelligence community who have devoted their professional careers to obtaining information about and analyzing proliferation. But it is extremely difficult to predict accurately just how quickly technology will move forward and will be made in certain countries.

Predicting the rate of technological advance would be difficult even if rogue states were to accept no outside assistance in their pursuit of mass destruction weapons and missile delivery platforms of ever-increasing range. But adding the knowledge now available in the information age to anyone with a computer and a telephone line to the fact that some nations are actively assisting pursuit of these capabilities makes for a situation in which predictions can be outdated soon after they are made.

Take, for example, the case of the Shahab-3 and Shahab-4, two intermediate-range ballistic missiles Iran is pursuing with substantial help from Russian organizations. Last Friday's Washington Times carried an article entitled "Pentagon Confirms Details on Iranian Missiles." It describes this situation, and I think it is very alarming.

It is no secret that Iran is pursuing these missiles. The Shahab-3, with a range of 1,300 kilometers, will be capable of striking U.S. forces throughout the Middle East and our close allies in the region as well. The Shahab-4, with a range of 2,000 kilometers, will be able to reach into Central Europe.

We all understand that neither of these missiles will have the range to strike the United States unless they are launched from some kind of a mobile platform, like a ship. But the important point is that these missiles are proceeding at a much more rapid pace than anticipated just last year, and the reason these missiles can be ready sooner than we expected is because of Russian expertise provided to Iran.

In February the Director of Central Intelligence testified to the Senate:

> . . . since I testified, Iran's success in getting technology and materials from Russian companies, combined with recent indigenous Iranian advances, means that it could have a medium-range missile much sooner than I assessed last year.

Madam President, the very kind of outside assistance that is speeding this Shahab-3 along so rapidly could also contribute in a similar way to the acquisition of long-range ballistic missiles by rogue nations. These kinds of nations are interested in ICBMs because they make the United States vulnerable to coercion or intimidation in time of crisis. It is a vulnerability that disappears when an effective national missile defense is deployed.

That is why we have introduced the American Missile Protection Act of 1998. America should end its ICBM vulnerability as soon as the technology is available.

Madam President, given the uncertainties about just when other nations will possess ICBMs, it only makes sense to be clear now in our commitment to deploy defenses against these systems as soon as the technology is ready. If the choice is to deploy a national missile defense capable against a limited threat 1 year too soon or 1 year too late, let it be 1 year too soon. The lesson of the Shahab-3 is that even the best intentioned estimates can be wrong.

I ask unanimous consent, Madam President, that the article I referred to from the Washington Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 27, 1998]

PENTAGON CONFIRMS DETAILS ON IRANIAN MISSILES

(By Bill Gertz)

The Pentagon identified Iran's two medium-range ballistic missiles for the first time publicly this week, giving their ranges and also providing details on an older Chinese nuclear-tipped missile.

Iran's Shahab-3 missile will have a range of about 800 miles and a second version, the Shahab-4, will be able to hit targets as far as 1,240 miles away, according to Senate testimony by Air Force Lt. Gen. Lester Lyles, director of the Ballistic Missile Defense Organization.

It was the first time the Pentagon has confirmed the existence of the Shahab missiles, which were disclosed last year by The Washington Times.

U.S. intelligence officials have said the missiles could be deployed within two years and that both Russia and China provided materials and technology.

"The development of long-range ballistic missiles is part of Iran's effort to become a major regional military power and Iran could field a [medium-range ballistic missile] system in the first half of the next decade," a Pentagon official said.

The chart made public Tuesday identified the Iranian and Chinese missiles as potential targets for U.S. regional missile defense systems under development. It was part of Gen. Lyles' testimony before the Senate Armed Services Committee.

The chart also listed the range of China's CSS-2 nuclear missile, which has a range of about 1,860 miles and is the only intermediate-range missile ever exported. Saudi Arabia purchased about 40 of the missiles. China has deployed about 40 CSS-2s for more than 25 years.

According to an Air Force intelligence report obtained by The Times last year, the CSS-2 is being replaced by China's new and more capable CSS-5. About 40 CSS-5s, with a ranges of about 1,333 miles, have been deployed, and a more accurate version, is awaiting deployment.

The chart showed two Scud missiles with ranges of between 62 and 186 miles, China's M-9 missile with a 372-mile range, and the North Korean Nodong, with a 620-mile range.

Meanwhile, Pentagon officials yesterday disclosed new details of global missile deployments and developments that will be made public in a report due out next week.

The officials, who declined to be named, revealed that Russia and China are developing new short-range missiles called the SSX-26 and CSSX-7, respectively. Both will have ranges greater than 185 miles. Egypt also has a new 425-mile-range missile called Vector, they said.

Pakistan and India also have new missiles and are in the process of building longer-range systems, the officials said. Pakistan's will have a 700-mile range and India is working on a longer-range version of the Agni missile with a 1,250-mile range.

The new missiles could be used in regional conflicts, armed with nuclear, chemical or biological warheads, or against U.S. troops abroad. There is also the danger that they might be transferred to rogue nations.

According to the Pentagon, more than 19 developing nations currently possess short-range ballistic missiles and six others have acquired or are building longer-range missiles with ranges greater than 600 miles.

North Korea has three longer-range missiles dubbed Nodong and Taepodong 1 and 2. They have ranges of between 600 miles and 3,700 miles—enough to hit Alaska.

The longer-range missiles of China, Saudi Arabia, North Korea, India, Pakistan and Iran "are strategic systems and most will be armed with nonconventional warheads," one official said.

Missile states of concern include Afghanistan, Belarus, Bulgaria, China, Egypt, India, Iran, Iraq, Kazakhstan, Libya, North Korea, Pakistan, Russia, Slovakia, Syria, Turkmenistan, Ukraine, Vietnam and Yemen.

TRIBUTE TO JOHN PERKINS

Mr. COCHRAN. Madam President, at the end of this month, my long-time good friend, John Perkins, will retire from service as a member of my personal staff. He has served as press secretary in my office since August 1979.

Our friendship dates from the 1940s when we were students in elementary school at Byram Consolidated School near Jackson, MS. We also were members of the same Boy Scout troop.

John got his first newspaper job when we were in high school. My father was our principal, and he and our football coach were asked to recommend a stringer for the Jackson, MS, papers to report scores and highlights of our football games. The person they recommended was John Perkins. The year was 1953, and John was in the ninth grade.

From that beginning, he went on to serve on the student newspaper staff at Millsaps College where he graduated with a major in history in 1961. After college, he served in the U.S. Army Reserves, and then became a docket and reading clerk in the Mississippi State Senate.

He attended graduate school in journalism at the University of Mississippi and worked in press relations for the Charles Sullivan campaign for Governor, in our State, in 1963.

He then held a series of newspaper jobs covering a range of subjects from sports to local governments at the Jackson Daily News and the Meridian Star before being named managing editor of the Daily Corinthian in 1965. The next year John returned to the Meridian Star as managing editor and political writer.

He was elected to the Mississippi House of Representatives for a 4-year term in 1967 and was an active member of the coalition that successfully worked for passage of Governor John Bell Williams' highway program in the House.

When David Bowen was elected to Congress in 1972, he recruited John Perkins to come to Washington as his press secretary. As a member of our State's delegation in the House, I had the opportunity to observe the work of all the press secretaries from Mississippi. And soon after I became a Member of the Senate, I invited John to join my staff.

I have enjoyed very much working with him for these 18½ years. Our State and Nation have been well-served by the diligence, dedication and commitment to excellence of John Perkins. He has put forth his best efforts to reflect credit on me, our State, and the U.S. Senate, and he has succeeded.

He will be missed by us all, but we intend to stay in close touch and continue the close friendship that began 50 years ago.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Madam President, I ask unanimous consent to proceed for the next 8 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALCOHOL-IMPAIRED DRIVERS ON OUR ROADS

Mr. DEWINE. Madam President, I rise today to discuss a major threat to the life and health of countless Americans. I am referring to the alcohol-impaired drivers on our roads.

Madam President, as part of the Senate's action on the highway bill, we passed an extremely valuable measure that would save many of these precious lives. Through the amendment offered by myself and my colleague from New Jersey, who is on the floor now, we said that if a person's blood contains .08 percent alcohol or higher, that person is not fit to drive.

This Lautenberg-DeWine amendment, passed this body by a very wide margin. I rise this afternoon because there is a rising tide of disinformation being spread about this .08 legislation. This misinformation campaign is funded in large part by the alcoholic beverage industry.

I strongly believe that as we move this measure forward through the legislative process, we all must be guided by the facts. The facts are simple: All widely accepted studies indicate that the blood alcohol standard should be set at .08 BAC. "BAC," of course, stands for "blood alcohol content." At .08 BAC, individuals simply should not be driving a car.

The risk of being in a crash rises gradually with each increase in the blood alcohol content level of an individual. But when a driver reaches or exceeds the .08 blood alcohol content level, the risk rises very rapidly.

At .08 a driver's vision, balance, reaction time, hearing, judgment, and self-control are seriously impaired. Moreover, at .08, critical driving tasks—concentrated attention, speed control, braking, steering, gear changing and lane tracking—are also all negatively affected.

The alcohol industry, in arguing against the .08 standard, claims that "only" 7 percent of fatal crashes involve drivers with blood alcohol content levels between .08 and .09. Well, let us look at what that really means. If we take their own statistics, if we use the 1995 figures, that means that approximately 1,200 Americans died because of alcohol, drivers impaired at the levels of .08 and .09—1,200 lives were lost.

Madam President, that obviously is too many. Changing the blood alcohol standard to .08 could have saved these lives.

Let me talk now about the tragic consequences of .08 alcohol driving for some real Americans.

State trooper Steven Blue of Toledo, OH, arrested a young woman who was driving at a blood alcohol level of .15. She was convicted and spent the mandatory 3 days under Ohio law in jail. Madam President, 8 months later the same officer arrested the same person again. This time she was driving with a blood alcohol content level of .085. The officer wanted to charge her with impaired driving, driving under the influence, but her defense attorney argued that because the per se standard in Ohio is .10, the charge should be knocked down to reckless operation.

Now, of course, Madam President, in Ohio, as in most States, if you are below .10 but still seriously impaired, you can be charged with driving under the influence. In fact, the Ohio law reads, as most States do, "appreciably impaired." So even if you test at .10, technically you can be charged with this offense, but as a practical matter, the standard is .10, pure and simple.

In this case, regrettably, the prosecutor felt compelled to reduce the charges. If these charges had not been reduced, if they had gone ahead with the original charge of driving under the influence, the young woman would have spent 10 days in jail, and maybe, just maybe, that would have turned her life around and at least warned her off from further alcohol-impaired driving.

But that did not happen. She then moved to San Diego, and 2 years later Trooper Blue got a call from a law firm asking him for his testimony about his earlier arrests of the same young woman. You see, she had taken up drunk driving again. Driving the wrong way down a one-way street, she killed two people.

Madam President, the State trooper, Steven Blue, has to deal with the real-life consequences of .08 alcohol driving. So did I when I was a local county prosecutor in Greene County, OH, dealing with mangled bodies and devastated relatives of people who died much too soon.

But you don't have to be a State trooper or county prosecutor to understand a simple fact: .08 drivers kill people. No amount of propaganda can obscure that fact. That is why in this morning's Washington Post an editorial calls our .08 measure "a most reasonable and effective measure to curb deadly drunk driving." The Washington Post is not alone in praising this bill. The Austin American-Statesmen from Austin, TX, the Baltimore Sun, Omaha World Herald, Toledo Blade, New York Newsday, and many, many other papers have all endorsed this legislation.

Madam President, this measure will save lives. That is why I will continue to fight for its enactment all the way through this legislative process.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent we continue in morning business, as has just been requested by the Senator from Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I want to say a couple of words about the dialog that Senator DEWINE and I have had, working together, about the reduction of the blood alcohol content to .08. I listened very carefully to the information he just gave regarding repetitive assaults on excessive alcohol in this one case even, at the fairly reduced level of .085. It kind of forecast a tale that would have an unfortunate outcome.

I think it is important, as we consider legislation on ISTEA that carries this prohibition of driving over .08 blood alcohol content, we ought to review the case and see what it is we are discussing because I, too, in the State of New Jersey and around the country, have been subjected to criticism from the restaurant associations, the Alcoholic Beverage Association, and others who say, "What do you want to do, take away social drinking and friendliness?"

We have only one mission, and I share this with the distinguished Senator from Ohio on this particular issue. That is to protect the lives of between 500 to 700 people a year, it is predicted, and also to send out notice that drinking and driving is an unacceptable condition in America. Mr. President, .08 certainly is a level which, I think it is fair to say, has conclusively been established as the beginning of significant impairment behind the wheel, including slowness in adjusting to different speeds, braking, turning.

It happens enough. We lose 17,000 people a year, Mr. President, to traffic accidents that involve alcohol. Over 40,000 to 41,000 people are killed each and every year. I use a reference fairly frequently that, in the worst year of Vietnam—when this country was, if not in virtual mourning, certainly in virtual internal turmoil about what was happening there—in its worst year, we lost about 17,000-plus people in Vietnam, and every year we lose 17,000-plus people on our highways and it doesn't get the same kind of public reaction as it did when we were engaged in combat in a cause that our people served but one that had us challenging the policy decision that got us there in the first place. There can't be any challenge here. It is such an easy thing.

I was the author of the uniform drinking age bill that raised the age to 21 across the country. We had had modest alcohol requirements in legislation offering incentives for States to get this thing done—reduce, make sure you had your road checks, and make sure you were cautioning people about driving while under the influence of alcohol, driving while intoxicated. It never quite did the trick.

But we found out when we raised the drinking age to 21, and we said those States that don't do it will be subjected to penalties by virtue of a loss of the highway or infrastructure funding that they may get, we had a devil of a time. It took a long time to persuade some places, like Washington, DC, which was making the callous calculation about whether or not revenues derived from tavern receipts, restaurant receipts, would be more than that which they would lose if they failed to raise the drinking age to 21. They finally agreed, and we had the unanimous support of all 50 States and the District of Columbia.

I am pleased to report that it is estimated that over 15,000 lives are saved as a result of a minimum drinking age of 21. Imagine, 15,000 families that don't have to mourn, 15,000 families that don't even want to contemplate what it might be like to have an empty place at the table.

We both have heard from the Frazier family in Maryland that lost a 9-year-old daughter. Her name was Ashley Frazier. When you see her parents and her sister talk about the emptiness that surrounds that household, about the place at the table where the mother sits occasionally because they want to be reminded that Ashley was a significant part of their everyday lives—they set the table for four, and only three of them are there for dinner. I have watched Mrs. Frazier compelled to tell her story through tears because she doesn't want another family to have to go through that experience. Her daughter was killed at 8 o'clock in the morning by a woman who was just over .08, who drove up on the sidewalk as Ashley and her mother were waiting for the schoolbus to pick her up. She describes in the most horrifying language how she felt when she heard the impact and realized what happened to her daughter.

So, Mr. President, this is a pursuit that we are going to continue to engage in, the Senator from Ohio and I and many others who supported us when we had the vote on the issue here, because it is the right thing to do.

The one thing that I can't believe is that the Licensed Beverage Association wants to stand up and challenge whether or not .08 is really an impairment. Mind you, it takes, according to the National Highway Traffic Safety Education, over four beers, four drinks, four highballs—over four—4½, to be precise—for a 170-pound person on an empty stomach to reach the .08 level. Now, that sounds like fairly heavy drinking. A woman of roughly 135 pounds would have to take 3½ drinks for her to get to .08 in 1 hour on an empty stomach.

That is pretty significant drinking. And so we say to the Restaurant Association, Why? "Well, it could ruin our business and throw all of these people out of work." Well, Mr. President, I can tell you this—we heard the same appeal or the same challenge in 1984 when the drinking age was raised to 21, and the Restaurant and the Licensed Beverage Association said, "You are going to ruin business in this country."

I don't know whether anybody has noticed an absence of restaurants or hospitality spots in our society since 1984, but I can tell you that I haven't. I don't think anyone else has. Just read the list of the better restaurants and of the new beverages that come out, the new concoctions, mixed drinks. They are not going to lose any business with this either. And if they do, so what? If they save somebody's child from dying because someone was too drunk to drive, then that is a price that ought to be paid. I, frankly, think that if they are serious about this and they remind their bartenders and servers and people are reminded through campaigns that when you get to .08, you can't go behind that wheel—not without risking serious punishment, perhaps loss of a license and something even worse if it is repeated.

And so, Mr. President, so many times we go through the legislative process here and we forget, at times, the impact that it has on a family or on an individual. It becomes too much a calculation of other things than the right thing. We ought to do this. I am hoping that as ISTEA moves along, we will not only have .08 in there but we will have it with the measures that we have introduced and said, at the end of 3 years, if you haven't reduced your blood alcohol level acceptance to .08, you lose 5 percent, and if it goes for another year, you lose 10 percent. But at the end of 6 years, you still state A, B, or C, and you still have the opportunity to reclaim those funds that you would have lost, because we are giving it that much latitude. The program begins 3 years out and goes until 6 years without permanent loss of funding.

So I commend the Senator from Ohio for his interest and his attention to the details. As a prosecutor, we heard him say, he saw too much of the mayhem that is produced from someone getting behind the wheel who is unfit to drive. I look forward to working with him on this issue and other issues in which we share a common interest.

I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I ask unanimous consent to proceed as in morning business for the next 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I congratulate my colleague from New Jersey for an excellent statement and for his long-time dedication to this very important issue. The point he makes he makes very well. We are dealing with real people here. Sometimes when we come to the Senate floor, we don't know the consequences of our actions. But this is a case when we came here and the Senate passed, by a very, very substantial margin, this amendment and put it into the ISTEA bill. We knew what the consequences were. As I said at the time, before the vote, this is one of the few times when you can come to the Senate floor and know that if you cast a yes vote as a Member of the U.S. Senate, that yes vote is going to save lives. You will never know whose life will be saved, but you can be assured that hundreds and hundreds of people will live because of that law that is getting ready to be passed that you were voting on. The majority of the Members of the Senate, by a big margin, did in fact agree with that.

I would like to, as I did a moment ago, focus on individuals and on real stories. I did that a moment ago when I talked about the woman who had been convicted of DUI in the State of Ohio and tested at a high level. The same highway patrol officer arrested her again a few months later. This time, she tested "only" .08. Under Ohio law, the prosecutor did not feel they could go forward with the DUI, so she was ultimately charged with reckless operation. Then, of course, the tragic end to that story, as I related a moment ago, is that it wasn't too long after that when she showed up in San Diego, and this time deaths occurred as a result of her drinking and driving, and the family had to suffer that horrible, horrible tragedy.

Let me tell another story, and this is true. This happened a couple of weeks ago. Just a couple of weeks ago in Ohio, on March 1, in Montgomery County, OH, a Dodge Ram pickup truck collided with the rear of a stopped Honda Prelude. The Dodge Ram rode up right on top of the Honda and turned over on its side. The Honda was pushed forward into traffic, where it hit a sheriff's cruiser that was stopped in traffic. The sheriff's cruiser was pushed forward, and it hit a Chevrolet C10 van.

How can one car hit another car—a stopped car—so fast that it rides up on top of it and tips over? The answer is simple: The driver of the Dodge Ram was impaired, in this case, with a blood alcohol level of .76.

Mr. President, the risk of being in a crash rises gradually with each increase in the blood alcohol level. When a driver reaches or exceeds a .08 blood alcohol level, the risks rise very, very rapidly. They take off at about that point. At .08 a driver's vision, his or her balance, reaction time, hearing, judgment, self-control, are all seriously impaired; critical driving tasks, like concentrated attention, speed control, braking, steering, gear changing, and lane tracking, are also negatively affected.

That is why the driver of this Dodge Ram piled on top of a stopped car and caused a four-car pileup that led to the summoning of emergency medics. Just another example, another unnecessary casualty, of a blood alcohol limit that is simply too high.

Let me relate to the Members of the Senate several other true stories. We talked in the last several days to another highway patrolman in Ohio, Barry Call of Gallipolis, OH. He has been a highway patrolman for 6 years and has seen about a dozen cases where the driver was clearly impaired but could not be charged because they tested "only" between .07 and .09 on the breathalyzer.

Trooper Barry Call, in one case, saw a car pulling left of center a couple of times and pulled over the driver. The driver was clearly impaired, and she should not have been behind the wheel of a car. Her breathalyzer test showed a blood alcohol level of .084.

Another example: Trooper Richard Donley of Wilmington, OH, has seen fatalities in cases where drunk driving was a factor and the blood alcohol level was .06, .07, or .08. Sadly, says Trooper Donley, the courts, as a matter of practice, generally will throw out any DUI charge under .10, because the reality is that when you set your level, whether it be .08 or 10, or, as it was many years ago, .15, while the law says that if you hit that level and you test that, under most State laws it is a per se violation in and of itself. That level, at the same time, also really sets the standard. So anything below that, even if the officer observes very erratic driving, even if the person fails the sobriety test—what they call "field test" out on the road—the reality is that those cases are very difficult to win if the driver does not test over that limit. And so that limit really becomes the standard of the State.

As my colleague from New Jersey pointed out so very well, when we say .08, what we have to understand is that an average male, a male of 165 pounds, would have to consume over four beers in an hour on an empty stomach. I think most of us know from our own experience that if we have four beers in an hour on an empty stomach, we absolutely have no business being behind the wheel of an automobile. We know that—absolutely.

Another way of looking at it is to ask a question: If you were at a party—maybe some people were at your house—and you observed a friend of yours have four beers in an hour on an empty stomach, and didn't eat anything, would you put your 5-year-old daughter in the car and let him take her out to get an ice cream cone or something? We all know what the answer to that would be. It would be a very foolish and reckless person that would do that. No one would do that. No one in their right mind would do that.

So we know from our own experience that that person who tested .08 simply should not be behind the wheel of a car. What the Senate did, and what I hope the Congress will do, is set this very minimum national standard so that wherever you drive—if you live in Cincinnati, for example, you might be in Kentucky one minute and in Indiana the next minute. We all move around from State to State. If you live in this area, you might be in Washington, DC, and then Virginia, and then Maryland. We move around. There will be some minimum standard so a driver and passengers can be assured that it will be illegal for a driver who is coming at them or who is on the other side of the road to test over .08, no matter where they are, on what road, anyplace in these great 50 States.

Let me give some more personal testimonies or examples. We have talked to Ken Betz, whom I have known for a number of years in many capacities. He is now the director of the Coroner's Office in Montgomery County, OH. Of the 36 alcohol-related driving fatalities his office has seen in just the past year, seven of these involved drivers who had a blood alcohol content of .08 or less. I will repeat that. In Montgomery County, OH, there were 36 alcohol-related driving fatalities in the last year. Of those 36, seven of them involved drivers who had a blood alcohol content of .08 or less.

One driver lost control of his car late at night and was killed. His blood alcohol level was .06. Another driver was killed when he ran into the back end of a stopped construction truck. His blood alcohol level was under .06. Another person was driving a motorcycle and turned left into an oncoming Ford Mustang. He wasn't wearing a helmet. He was killed. His blood alcohol content was .07. Another driver went off the right side of the road, down into a culvert. He and a passenger were both killed. His blood alcohol level was .07.

These are actual cases from Montgomery OH, in the last year.

Another driver lost control and struck several steel poles before plowing into a stopped car. He was killed. His blood alcohol level was .08.

Mr. President, people who drive at a .08 blood alcohol level are clearly impaired. There is absolutely no doubt about it. The risk of being in a crash rises gradually with each increase in the blood alcohol level, beginning at .01. But when a driver reaches or exceeds the .08 blood alcohol level, the risk rises very, very rapidly. At .08, a driver's vision, balance, reaction time, hearing, judgment, and self-control are all seriously impaired.

It is interesting, Mr. President, as this debate continues, and as we read some of the information that is put out by the alcohol industry. They can't really seriously cite or argue that anyone who tests .08 is not appreciably impaired in their reaction time, in their concentration, in their judgment. No one can say that. We all know that for a fact. Moreover, at .08, critical driving tasks like concentrated attention, speed control, braking, steering, gear changing, and lane tracking are all affected.

The Senate overwhelmingly passed our legislation. I hope the whole Congress will pass it. It would help America crack down on these impaired drivers and make our roads safer for our children and for our families. That is why I will continue to fight for this lifesaving measure throughout the legislative process.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 27, 1998, the federal debt stood at $5,547,110,706,640.96 (Five trillion, five hundred forty-seven billion, one hundred ten million, seven hundred six thousand, six hundred forty dollars and ninety-six cents).

One year ago, March 27, 1997, the federal debt stood at $5,378,489,000,000 (Five trillion, three hundred seventy-eight billion, four hundred eighty-nine million).

Twenty-five years ago, March 27, 1973, the federal debt stood at $458,073,000,000 (Four hundred fifty-eight billion, seventy-three million) which reflects a debt increase of more than $5 trillion—$5,089,037,706,640.96 (Five trillion, eighty-nine billion, thirty-seven million, seven hundred six thousand, six hundred forty dollars and ninety-six cents) during the past 25 years.

MISSOURI HOME SCHOOLERS

Mr. ASHCROFT. Mr. President, I rise today to congratulate Missouri home schoolers who will observe Missouri Home Education Week, May 3–May 9, 1998. As a parent and former educator, it is a privilege for me to participate in celebrating this event.

As a nation we promote education as a key to success. A good education is associated with responsible, intelligent, and productive citizenship. To maintain greatness as a nation, we must strive for excellence as individuals. And the standard of excellence is largely set by our nation's leaders—especially those in the home. Training in the home that guides children in setting the highest standards for their lives is essential to the continuity of morality in our culture. I am encouraged by all parents and students who take on the task of education in the home.

There is no bigger responsibility than being a parent. It is my desire that parents be role models to their children. Teachers have always had a place as role models in our society. Each of us can probably remember a teacher who pushed us to achieve more and to reach higher. We are thankful for the leadership of those who promote education and serve as role models. So for home schooling parents, may you find inspiration in performing the dual role of parent and teacher, and may you be doubly rewarded for your efforts.

In Missouri, home schooling has had great success. I look forward to the continued contributions that Missouri home schoolers will have in education and to the positive impact home schooled children will have in Missouri's communities and across the United States.

HONORING DR. DAVID B. HENSON, THE SEVENTEENTH PRESIDENT OF LINCOLN UNIVERSITY

Mr. ASHCROFT. Mr. President, I rise today to honor the new Lincoln University President, Dr. David B. Henson. On April 4, 1998, Dr. Henson will gather with friends, family, colleagues, faculty, and students to be inaugurated as the seventeenth President of Lincoln University which opened its doors on September 17, 1866, in Jefferson City, Missouri as the Lincoln Institute.

Dr. Henson has a twenty-five year history of service to higher education. The list of educational institutions he has served is a prestigious one. At Howard University College of Medicine, Dr. Henson served as the Acting Chairperson in the Department of Biochemistry, the Assistant Dean of Student Affairs, and an Associate Professor of Biochemistry. At Yale College, he was the Dean of Student Affairs and the Associate Dean. Dr. Henson's work in the fields of science is commendable. He was a Lecturer in Molecular Biophysics and Biochemistry and a Fellow in Timothy Dwight College at Yale University, a Professor of Chemistry at Alabama A&M, and a Provost and Professor of Chemistry at the Broward Campus of Florida Atlantic University. Furthermore, at the University of Colorado at Boulder, Dr. Henson held the position of Associate Vice Chancellor of Academic Services and Student Support Services. Dr. Henson also served as Vice President of Student Services at Purdue University.

President Henson is actively involved in state and local community services. He is an honorary member of Purdue Iron Key Society; a member of the Executive 21 Continuous Quality Improvement Steering Committee; a steward at St. John's AME Church in Huntsville; on the National Committee on International Science and Education; on the Education Committee, U.S. Space & Rocket Center; and on the Board of Huntsville Boy's and Girl's Clubs of America.

Dr. Henson contributes his services to Missouri organizations as well. He currently is the Treasurer of the Council on Public Higher Education of Missouri; on the Board of Directors with the Jefferson Chamber of Commerce; on the Board of Governors at Capital Region Medical Canter; a member of the Steering Committee for the River Rendezvous; an active member of the Rotary Club of Jefferson City; and a member of the Dr. Martin Luther King, Jr. Central Missouri Celebration Planning Committee.

To his credit, Dr. Henson has received the African Americans Who Make a Difference Award, the Howard University College of Medicine Student Council's Award for Excellence in Teaching, the George Washington Carver Research Foundation Student Award, and an American Council on Education Fellowship.

For this lifetime of service to education and commitment to community involvement, I rise today to recognize and salute Dr. David B. Henson as he becomes the seventeenth President of Lincoln University. I think I speak for all Missourians when I say that we are grateful that he has chosen a Missouri university to continue his service to higher education.

MESSAGES FROM THE HOUSE

At 12:07 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3246. An act to assist small businesses and labor organizations in defending themselves against Government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economics harm on employers.

H.R. 3310. An act to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 1879. A bill to provide for the permanent extension of income averaging for farmers; to the Committee on Finance.

By Mr. CLELAND:

S. 1880. A bill to provide States with the authority to permit certain employers of domestic workers to make annual wage reports; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1881. A bill to amend title 49, United States Code, relating to the installation of emergency locator transmitters on aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. COATS, and Mr. DODD):

S. 1882. A bill to reauthorize the Higher Education Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KEMPTHORNE (for himself, Mr. ABRAHAM, Mr. AKAKA, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWNBACK, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FAIRCLOTH, Mrs. FEINSTEIN, Mr. GLENN, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. LUGAR, Mr. MCCAIN, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mrs. MURRAY, Mr. NICKLES, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. THURMOND, Mr. TORRICELLI, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 201. A resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 202. A resolution to authorize representation by the Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 1879. A bill to provide for the permanent extension of income averaging for farmers; to the Committee on Finance.

FARMERS' LEGISLATION

Mr. BURNS. Mr. President, I introduced an amendment to the Revenue Reconciliation Act of 1997 back in 1997. It extended to our agriculture producers—farmers and ranchers—the ability to average their income over a 3-year period. The amendment was included and made part of the U.S. Tax Code, but only after further negotiations, sunset the provision after 3 year which would make it run out in 2001.

Today, I would like to introduce a bill that would make income averaging for our agriculture producers permanent in the U.S. Tax Code. This bill will give our agriculture producers—farmers and ranchers—a fair tool to offset the unpredictable nature of their business.

Our man in the chair this morning from the great agricultural State of Nebraska, and the rest of us in the breadbasket of this country understand what farmers and ranchers go through. It has always been a good business and at times it is a great business. But we are going through some times now that are very stressful. As a friend of mine said the other day, there is nothing wrong down on the farm except the price. That is what we have now.

There are not very many segments of the American economy that are taking in the same amount of money for their commodity today as they were taking when World War II ended, some 50 years ago. However, they are expected to keep producing food not only in generous proportions but also the safest, the best quality and nutritious food in the world.

What makes this Nation unique is, we not only produce it, but we have the infrastructure that allows distribution—our processors, purveyors, transportation, grocery stores, everything from the breakfast table of America all the way back to the first seed that goes into the ground is unmatched anywhere in the world. It is something of a great marvel in this country. And it is also true that every one of us alive today in this country goes about our daily business of feeding the Nation. Somewhere along the line, we are participants in this great infrastructure to deal with our own subsistence.

But basically, I want to talk about—the production level. I don't think there is a commodity today that is not hurting when it comes to the marketplace and to the whims of Mother Nature's elements that she rains down on agriculture. Agriculture production is a 7-day-a-week job as anybody that has ever worked on a dairy farm knows. I assumed that most Americans knew that, but I am finding out that I was wrong. They think milk cows take off the weekend, too, but they don't. Farming is an ongoing situation—7 days a week, 52 weeks a year. Farmers and ranchers take pride in their work. They produce as economically as they possibly can, knowing that they fall under the old philosophy that they although they sell wholesale, they have to buy retail, and they pay the freight both ways, knowing that agriculture has always been in that kind of a predicament.

Not only do they take great pride in what they produce, but probably no other segment of the American public has a greater understanding of land stewardship and the environmental problems that face our country today. Yet, very few of them are ever asked their advice on how to deal with an environmental problem. Several colleagues that serve in this body, who grew up on a farm or a ranch, certainly understand the frustration of the business. They only get paid about two, maybe three times a year. So it is a crucial time for the farm families across this country when we take a look at the situation we find ourselves in now. With the financial collapse of many Asian markets in the Pacific rim, we see wheat at an all-time low. Our corn and soybeans will suffer. As far as export trade is concerned, we export a lot more than we receive. We also see a time when we fall whim to the psychology of the market more than the market itself.

With the recent passage of the freedom to farm bill, we told farmers that subsidies were going to go away, that they were going to have to stand on their own. We also said that we would give them the tools with which to operate their farms.

Market forces are unique. We still fall victim to flood and drought, disease, new infestations which are far, far beyond the control of the producer himself. Farmers make money one year, but may break even the next year, and then lose money the next two years. If you take market elements and Mother Nature into consideration, farmers fall outside of the business of control. So, at best, they are lucky to break even 2 years in a row, and if they have done that, they think they are really ahead.

The business is capital intensive, and labor intensive. To give you an idea just why this is an important thing, many young people right now due to death taxes—in other words, estate taxes—agriculture producers usually find themselves in the situation where they are land rich but they are cash poor. Passing the farm and ranch on to the next generation is hard when the tax situation is where they cannot do it. They may have exceeded the limit and heavy estate taxes prevent that. With increases in the top marginal tax and with a record of high commodity taxes, it is time to allow some of that income that goes back to the farm to be retained and to allow them to average their income over 3 years at those marginal tax rates.

We made a deal with agriculture when we passed the Freedom to Farm Act. We made a deal with them that there would be no more subsidies, but we would give them income averaging and all the tools that it would take to hang on to their money so that they could invest in next year's crop. If you want to really measure a man's faith, have him take his money, his time, his efforts, and his investment and have him put a seed in the ground in hopes that it will just sprout, let alone harvesting a crop.

That is faith, we have always had it in agriculture, and it has always been the backbone of every State economy and it still is. When things are good in agriculture, they are usually good for the rest of the country. But I would say this economy right now, the one we are experiencing that everybody raves about is still riding the backs of those who are in the business of producing a raw commodity.

So, Mr. President, I offer this bill to put in a permanent place for income averaging for agriculture producers.

Mr. President, there will be letters coming out to my colleagues explaining what we have done here. I think it is very important. It is important to my State. It is important to all of us. It is important to the smaller communities of America, because if agriculture is not healthy, those communities suffer also. That is why we work very hard on communications infrastructure, and that is why we work awfully hard on power infrastructure. Smaller communities that rely so heavily on agricultural income must find ways to attract other economic opportunities and those two other parts are very important to their infrastructure in the future.

I appreciate the time from my friend from Wyoming. I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, thank you very much. I thank the Senator from Montana for his comments with respect to income averaging and agricultural activity. I certainly support that. I think, as evidenced by its passage last year, it is generally supported.

Mr. BURNS. Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON TAXATION,
Washington, DC, March 19, 1998.

Hon. CONRAD BURNS,
U.S. Senate, Washington, DC.

DEAR SENATOR BURNS: This is in response to your letter of March 16, 1998, requesting a revenue estimate for a permanent extension of income averaging for farmers.

Under present law, an individual taxpayer generally is allowed to elect to compute current year tax liability by averaging, over the prior three-year period, all or a portion of the individual's taxable income from the trade or business of farming. The election applies to taxable years beginning after December 31, 1997, and before January 1, 2001.

Under your proposal, the election to average farm income over a three-year period would be extended permanently. The proposal would become effective on the date of enactment.

For the purpose of preparing a revenue estimate for your proposal, we have assumed that enactment will occur during calendar year 1998. Estimated changes in Federal fiscal year budget receipts are as follows:

[In millions of dollars]

Item	Fiscal years—						
	1998	1999	2000	2001	2002	1998–2002	1998–2007
Permanent extension of income averaging for farmers				−2	−21	−23	−138

I hope this information is helpful to you. If we can be of further assistance, please let me know.

Sincerely,

LINDY L. PAULL.

By Mr. CLELAND:

S. 1880. A bill to provide States with the authority to permit certain employers of domestic workers to make annual wage reports; to the Committee on Finance.

DOMESTIC WORKERS LEGISLATION

Mr. CLELAND. Mr. President, I rise today to introduce important legislation which will remove a significant tax filing burden currently imposed on employers of domestic workers.

In 1994, Congress adopted legislation reforming the imposition of Social Security and Medicare taxes on domestic employees. These new rules introduced more rationality into the tax system, and relieved reporting requirements of domestic employers.

Unfortunately, the legislation did not go as far as needed. By not fully reforming the federal unemployment tax (FUTA), Congress left in place a significant burden on domestic employers which previously existed. Today I urge you to consider my legislation which would amend FUTA as well by removing the burden of filing quarterly state employment tax returns for employers of domestic workers.

The Social Security Domestic Employment Reform Act of 1994, Public Law 103-387, changed the Social Security and Medicare tax rules. The new law provides that domestic employers (employing maids, gardeners, babysitters, and the like) no longer owe these taxes for any domestic employee who earned less than $1,000 per year from the employer.

In addition, the Act aimed to ease reporting requirements. Under the act, domestic employers need no longer file quarterly returns regarding Social Security and Medicare taxes nor the annual FUTA return. Rather, all federal reporting is now consolidated on an annual Schedule H filed at the same time as the employer's personal income tax return.

Nevertheless, the goal of the 1994 act—to substantially reduce reporting requirements for domestic employers—has not been fully accomplished for employers who endeavor to comply with all aspects of the law. Under FUTA, employers must make quarterly reports and payments to state unemployment agencies, then pay an additional sum of federal tax (now once a year, as part of schedule H). In addition, The Social Security Act continues to require that employers report wages quarterly to the states regarding all employees. In other words, despite the 1994 act, a domestic employer who abides by the law must still keep track of all domestic employees, and must still fill out forms and send tax payments on a quarterly basis to his or her state employment agency.

Congress was not unaware of the relationship of FUTA to Social Security taxes at the time it passed the 1994 act. Besides eliminating the separate FUTA return for domestic employers, the act also added a provision which permits the Secretary of the Treasury to enter agreements with States to permit the federal government to collect unemployment taxes on behalf of the States, along with all other domestic employee taxes, once a year. That statute, if used, would eliminate the need for domestic employers to report to state unemployment agencies. However, to date no state has entered such an agreement. Undoubtedly, that is because the Social Security Act continues to require quarterly reports anyway.

The primary justification cited for the quarterly reporting requirement is that it makes information more accessible to state agencies that investigate unemployment claims. However the burden of this provision far outweighs its benefit. The number of household employer tax filings is relatively small. Representatives from the Georgia Department of Labor and their counterparts in other states are confident that the investigation of unemployment claims will not be hindered by annual rather than quarterly reporting requirements.

I suppose one could argue that the change this legislation proposes is unnecessary, since few people even bother to comply with the FUTA requirements for domestic employees. I believe that avoiding a change for that reason is an insult to citizens who endeavor to comply with all tax laws. For example, one Pennsylvania resident paid a 12 year old girl $4 per hour during one quarter for her babysitting services. This resident was then required by law to record, then pay eight cents in tax on her behalf. Needless to say, this is ridiculous. The young babysitter would never claim unemployment compensation.

In short, the federal requirement of quarterly state employment tax reports for purely domestic employers should be eliminated. To ease the reporting burden on domestic employers, my legislation proposes that states be allowed to provide for annual filing of household employment taxes. Under my bill, any state which so chooses could retain quarterly reporting, but I believe few states would opt for such an unnecessary burden on its taxpayers. I urge my colleagues to join me in the effort to finish the job of rationalizing the taxpayer obligations for domestic employment taxes by supporting this bill. I ask unanimous consent that the text of my bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION FOR STATE TO PERMIT ANNUAL WAGE REPORTS.

(a) IN GENERAL.—Section 1137(a)(3) of the Social Security Act (42 U.S.C. 1320b–7(a)(3)) is amended by inserting before the semicolon the following: ", and except that in the case of wage reports with respect to domestic service employment, a State may permit employers (as so defined) that make returns with respect to such service on a calendar year basis pursuant to section 3510 of the Internal Revenue Code of 1986 to make such reports on an annual basis."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to wage reports required to be submitted on and after the date of enactment of this Act.

By Mr. LIEBERMAN:

S. 1881. A bill to amend title 49, United States Code, relating to the installation of emergency locator transmitters on aircraft; to the Committee on Commerce, Science, and Transportation.

THE AIRPLANE EMERGENCY LOCATOR ACT

Mr. LIEBERMAN. Mr. President, I am pleased to rise today to introduce the Airplane Emergency Locator Act. This important legislation would require most small aircraft to have emergency locator transmitters. A similar bill was introduced in the House by Representative CHRISTOPHER SHAYS.

On Tuesday December 24, 1996 a Learjet with Pilot Johan Schwartz, 31, of Westport, Connecticut and Patrick Hayes, 30, of Clinton, Connecticut lost contact with the control tower at the Lebanon, New Hampshire airport. The crash occurred in poor weather and after an aborted landing. Despite efforts by the federal government, New Hampshire state and local authorities, and Connecticut authorities, extremely well organized ground searches failed to locate the two gentlemen or the airplane. The thick pines of the NH countryside have hampered the effort. This plane did not have an emergency locator transmitter, a device which could have made a difference in saving the lives of these two men.

The legislation I am introducing today is straightforward—the only aircraft that would be exempt from having emergency locator transmitter's would be planes used by manufacturers in development exercises and agricultural planes used to spread chemicals over crops. It is my strong belief that these devices will play a vital role in search efforts, where timing is so critical in any rescue mission.

I applaud my colleague CHRISTOPHER SHAYS for introducing similar legislation in the House and I urge my colleagues to join us in support of the Airplane Emergency Locator Act. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airplane Emergency Locator Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) on December 24, 1996, a plane piloted by Johan Schwartz and Patrick Hayes disappeared near Lebanon, New Hampshire;

(2) an extensive search was conducted by the States of New Hampshire, Connecticut, Vermont, New York, Maine, and Massachusetts, in cooperation with the Federal Government, in an unsuccessful effort to locate the plane and any survivors;

(3) the plane described in paragraph (1) was not required under law to carry an emergency locator transmitter; and

(4) emergency locator transmitters have been found to be very helpful in locating downed aircraft and saving lives.

SEC. 3. APPLICABILITY OF REQUIREMENT.

Section 44712(b) of title 49, United States Code, is amended to read as follows:

"(b) NONAPPLICATION.—Subsection (a) does not apply to aircraft when used in—

"(1) flight operations related to the design and testing, manufacture, preparation, and delivery of aircraft; or

"(2) the aerial application of a substance for an agricultural purpose.".

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. COATS, and Mr. DODD):

S. 1882. A bill to reauthorize the Higher Education Act of 1965, and for other purposes; to the Committee on Labor and Human Resources.

THE HIGHER EDUCATION AMENDMENTS OF 1998

Mr. JEFFORDS. Mr. President, I will be introducing a bill today in relation to the changes that we have worked on with members, of course, of both parties in our committee with respect to the higher educational programs.

There is nothing more important to this Nation than maintaining our international superiority as the country with the best higher education. That is the reason this Nation is where it is today. And if we allow that to sink, as we have allowed our k-12 to sink, then, Mr. President, we will be sliding down, in the next century, to a position of lesser importance.

I am introducing the bill today—with Senators KENNEDY, COATS, and DODD—

the Higher Education Amendments of 1998. This legislation is a product of work begun by the Committee on Labor and Human Resources over a year ago.

The Higher Education Act is among the most significant statutes under the jurisdiction of the committee. Since its inception in 1965, the act has been focused on enhancing the opportunities of students to pursue postsecondary education. The grant, loan, and work-study assistance made available by this act has made the difference for the countless millions in pursuing their dreams for a better life.

At the start of the reauthorization process, we set out to achieve a number of important goals designed to strengthen these programs. I am pleased to say that this legislation achieves the five major objectives identified at the beginning of our efforts.

First, the bill preserves the focus on students, who are the prime reason we have a Higher Education Act in the first place. Students now in school will be assured of receiving a lower interest rate on their loans and will see less of their own earnings penalized with respect to the Pell grant awards they receive. Students now in high school who aspire to a college education will continue to benefit from early intervention programs, including the National Early Intervention Scholarship Program—NEISP—and TRIO. Students who have graduated and are faced with exceptionally high loan burdens will be able to take advantage of extended repayment options under the Guaranteed Student Loan Program.

Second, the bill takes a two-pronged approach to helping our Nation's elementary and secondary school teachers. They will be thoroughly prepared to offer the quality of instruction needed to assure that students achieve the standards we need and expect. Working at both the State level to promote system-wide reforms and at the local level to develop partnerships to enhance the quality of teacher training, the bill offers a comprehensive and systematic approach to this pressing national need. No longer will the Higher Education Act contain a collection of small, unfunded teacher training programs. Rather, the good ideas represented in these proposals—along with the many useful suggestions made by members of the committee—have been shaped into a broad approach. It is an approach which I hope will command the attention and support of Congress when we turn to the appropriations bill.

Third, the bill reflects a strong commitment to the maintenance of two viable loan programs—the guaranteed or Federal Family Education Loan Program, known as FFELP, and the Direct Loan Program. To the extent possible within budgetary constraints, the bill levels the playing field to assure the continuation of fair and healthy competition between the two programs.

Fourth, the bill takes important steps to improve the delivery of student assistance programs. In cooperation with the administration, we have developed a performance-based organization—a PBO—designed to strengthen the management of key systems with the Department of Education. A number of provisions in the legislation also pave the way toward taking advantage of efficiencies made possible through electronic processing and other technological advances.

Finally, we have made every attempt to streamline programs, including the streamlining of the act itself. This bill takes nearly 50 programs off the books—off the books—and cuts in half the number of titles in the act. We have also attempted to relieve the regulatory burden on program participants while protecting the strong and effective integrity provisions included in the 1992 reauthorization.

Perhaps one of the most difficult issues to resolve has been the change in the student loan interest rate scheduled to take effect on July 1 of this year. This has, of course, been a strong concern of the Budget Committee. This legislation adopts the proposal approved a few weeks ago by the House Committee on Education and the Workforce. For several months, Members of the House and the Senate have grappled with the issue. The dilemma has been to balance the desire to offer students the lowest possible interest rate while assuring an uninterrupted flow of loan capital so that borrowing will be possible.

All analysts have concluded that allowing the scheduled rate to go into effect will mean the demise of the FFEL program. That outcome is unacceptable, given the substantial likelihood of program disruption.

The Direct Loan Program, which now handles only 30 percent of total loan volume, simply is not in a position to pick up the slack. To do anything to interrupt the ability of our young people to participate in the FFEL program would be a disaster at this time. The solution offered by the House committee included in the bill is by no means perfect. Like Winston Churchill's comments about democracy, however, I say: This proposal is the worst possible option, except for all others.

I am extremely appreciative of the hard work which my colleagues on the committee put into the development of this bipartisan bill. The committee will be considering this measure on Wednesday, and I hope that the full Senate will have the opportunity to debate it in the near future.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

HIGHER EDUCATION ACT AMENDMENTS OF 1998—SUMMARY

TITLE I: GENERAL PROVISIONS

Current Title 1—Partnerships for Educational Excellence—is repealed, as programs authorized under the title have not been funded.

General Provisions, now included in Title XII, will be transferred to Title I.

Obsolete/unfunded sections of Title XII are repealed.

Language is added to require the Secretary to publish the expiration dates of terms of members of the National Advisory Committee on Institutional Quality and Integrity and to solicit nominations for vacancies on the Committee.

TITLE II: IMPROVING TEACHER QUALITY

The teacher education provisions from Title V will be moved to Title II. All unfunded programs are repealed and replaced with a comprehensive program whose purpose is to improve student achievement, to improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing professional development activities, and to hold institutions of higher education accountable for preparing teachers who have necessary teaching skills and are highly competent in the academic content areas in which they plan to teach, including training in the effective use of technology in the classroom. The proposal provides a "top-down" and "bottom-up" approach for improving teacher quality.

States will be eligible to compete for Teacher Quality Enhancement Grants that would be used to institute state level reforms to ensure that current and future teachers possess the necessary teaching skills and academic content knowledge in the subject areas in which they are assigned to teach.

Teacher Training Partnership Grants will be made to local partnerships comprised of academic programs and education programs at institutions of higher education, local education agencies, K-12 schools, state education agencies, Pre-K programs, non-profit groups, businesses and teacher organizations. Partnerships will be eligible to receive a "one time only" grant to encourage reform and improvement at the local level.

The proposal includes strong accountability measures for both Enhancement and Partnership grants. Grant recipients receiving assistance under this title will continue to receive support after the second year of the grant only if they have shown that they are making substantial progress in meeting such goals as improving student achievement, increasing the passage rate of teachers for initial state licensure or certification, and increasing the classes taught in core academic subject areas.

TITLE III: INSTITUTIONAL DEVELOPMENT

Part A—Strengthening Institutions

Encourage institutions to improve their technological capacity and make effective use of technology.

Allow institutions to use up to 20% of their awards to establish or expand an endowment fund.

Require a two-year wait out period between the receipt of consecutive grants.

Authorize at $135 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Section 316—Hispanic serving institutions

Simplify definition of Hispanic Serving Institution.

Allow institutions to use up to 20% of their awards to establish or expand an endowment fund.

Encourage institutions to collaborate with community-based organizations on projects that seek to reduce drop-out rates, improve academic achievement and increase enrollment in Higher Education.

Repeal the funding trigger which requires that funding for Title III, Part A grants exceed $80 million before any funds may be provided for grants under Section 316.

Authorize at $45 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part B—Historically Black Colleges and Universities

Allow institutions to use up to 20% of their awards to establish or expand an endowment fund under the terms and conditions of Part C.

Authorize at $135 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Section 326—Professional or graduate institutions

Clarify that eligible institutions must match only those funds received in excess of $500,000.

Provide eligible institutions with multiple eligible graduate programs the flexibility to spend Sec. 326 funds on any qualified graduate program.

Authorize at $30 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part C—Endowment challenge funds for institutions eligible for assistance under part A or part B.

Authorize at $10 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part E—Historically black college and university capital financing

Move from current Title VII, Part B.

Expand the definition of capital project to include administrative facilities, student centers, and student unions.

Clarify that the Secretary may sell qualified bonds guaranteed under this provision to any party that the Secretary determines offers the best terms.

Authorize at $110,000 for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part F—Minority science and engineering improvement program

Move from current Title X, Part B.

Modify definition of science to include behavioral sciences.

Authorize at $10 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

TITLE IV: STUDENT ASSISTANCE

Part A, subpart 1—Pell grants

Change the name of the program from Basic Education Opportunities Grants to the Federal Pell Grant program.

Allow for the Department, after allowing for a formal comment period, to institute an accurate and timely payment process replacing the mandatory 85% advance funding to institutions.

Update and increase the Federal Pell Grant maximum awards.

Eliminate the minimum step function for the minimum Pell grant by setting the Pell minimum at $200.

Place a time limit on the period during which students may receive a Federal Pell Grant equal to 150 percent of the period normally required to complete a course of study.

Tighten provisions dealing with English as a Second Language "stand alone" programs.

Part A, Subpart 2, Chapter I—Early outreach, federal TRIO programs

Increase the minimum grant level for TRIO programs so as to ensure comprehensive services remain available to students.

Permit TRIO directors to administer more than one program for disadvantaged students.

Increase authorization level to $700 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Expand authorized activities in the Talent Search Program to include activities designed to acquaint youth with careers in which individuals from disadvantaged backgrounds are under represented.

Expand authorized activities in Upward Bound to include summer work study and permit higher stipends for those Upward Bound students participating in summer work study positions.

Require the Secretary to consider the institution's efforts to provide sufficient financial assistance to meet a student's full financial need when awarding Student Support Services grants to institutions.

Reserve up to 2% of TRIO funds for Evaluation and Dissemination/Partnership grants. The new Dissemination/Partnership provision would encourage partnerships between TRIO programs and other institutions, community based organizations or both offering programs or activities serving at-risk students to provide technical assistance and disseminate program best practices.

Part A, Subpart 2, Chapter 2—National early intervention scholarship and partnership program

Reauthorize the program with no changes.

Part A, Subpart 3—Federal supplemental education opportunity grants

Increase the authorization level for the SEOG program to $700 million for FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Eliminate the percentage reference to less than full time or independent students.

Provide institutions with the authority to carry-back and carry-forward 10% of the institution's SEOG funds.

Part A, Subpart 4—Grants to states for state student incentives

Adopt Senators REED and COLLINS proposal (S. 1644) strengthening the SSIG program and renaming the program the Leveraging Educational Assistance Partnership Act (LEAP), with modifications.

Part A, Subpart 5—Special programs for students whose families are engaged in migrant education

Increase the authorization level for the HEP and CAMP programs to $25 million and $10 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part A, Subpart 6—Robert C. Byrd honors scholarship program

Increase the authorization level to $45 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part A, Subpart 7—CAMPUS

Incorporates S.1151 with small modifications.

Part B and D—Federal family education loan program and the William D. Ford federal direct loan program

Require non-state designated guarantors to have capacity to respond to electronic inquiries.

Clarify that for the purpose of calculating cohort default rates loans that are successfully challenged on the basis of improper servicing will be removed from both the numerator and the denominator.

Require institutions that unsuccessfully appeal high cohort default rates and that choose to receive loans during the appeal process be held liable for loans made during the appeal process and to post surety in an amount sufficient to cover these costs.

Allow institutions with a student loan participation rate index of .0375 or lower to be exempted from sanctions related to high institutional cohort default rates.

Extend and modifies current exemption from cohort default rate sanctions enjoyed by HBCUs, HSIs, TCCCs and Navajo Community Colleges.

Reduce paperwork for institutions by only requiring them to transmit information to lenders which is needed by the lenders for originating and servicing the loan.

Eliminate 30-day disbursement delay for first time undergraduate borrowers at institutions with cohort default rates of 5% or less.

Eliminate multiple disbursement requirements for 4th and 5th year undergraduate students attending institutions with cohort default rates of 5% or fewer who will receive a loan to complete their degrees in less than one year.

Provide loan forgiveness for teachers.

Provide extended repayment terms for FFEL students with loans in excess of $30,000.

Exempt low volume lenders from annual lender audit requirements.

Allow borrowers to request forbearance electronically.

Allow lenders to provide 60 day forbearance for requests that require additional research. Interest may not be capitalized.

Repeal requirement that states share in costs of guarantying student loans that go into default (provision never implemented as a result of technical problems).

Allow Secretary to specify additional factors that may be considered in determining PLUS loan eligibility.

Allow Secretary to verify immigration status and social security number of PLUS loan applicants.

Exclude borrowers from whom involuntary payments are secured through litigation or administrative wage garnishment from eligibility for consolidating defaulted loans.

Eliminate 180-day rule for packaging of consolidation loans.

Encourage the development and use, free of charge to borrowers, of electronic applications and forms that are approved by the Secretary.

Authorize the Secretary to develop and implement a multi-year promissory note for Parts B & D.

Allow guaranty agencies and lenders to provide required disclosures electronically at the request of the borrower.

Clarify that the representative sample of loan servicing and collection records that will be made available to a school that is appealing its cohort default rate based upon allegations of improper loan servicing will be those that the guaranty agency used in making the determination whether to pay an insurance claim to the lender.

Repeal D.C. Student Loan Insurance Program—currently served by ASA.

Clarify the responsibility of program participants for the program compliance of their contractors.

Repeal requirement that an authority using tax-exempt funding submit a plan for doing business.

Allow the Secretary to pay for data that the Department considers essential to the efficient administration of the programs under Title IV.

Authorize the Secretary to allow borrowers under Parts B and D to use the FAFSA as their loan application.

Allow institutions to use electronic technology to provide personalized exit counseling to students.

Clarify that for purposes of calculating the FFEL program in-school interest subsidy that disbursement means disbursement by the school.

Clarify the loan limits available to borrowers who are eligible for FFEL and DL loans while taking non-degree course work necessary for enrollment or teacher certification.

Delete obsolete language referring to the 7-month interval of eligibility carried over from SLS program and clarify that annual loan limits are based on the statutorily defined academic year.

Clarify that interest that accrues and is capitalized on unsubsidized loans is not considered for purposes of computing aggregate loan limits.

Repeal payment to guaranty agencies for lender referral services.

Allow institutions to participate in one or more programs under Part B or Part D.

Recall $200 million in guaranty agency reserve funds.

Clarify that reserve funds are the sole property of the Federal government.

Eliminate preclaims and supplemental preclaims assistance and replace with a new default aversion program. GA's will be reimbursed only for those accounts which are brought current.

Restructure GA reimbursement to more accurately reflect cost structure. Eliminate the administrative expense allowance and replace with a loan origination fee and a portfolio maintenance fee.

Encourage greater emphasis upon default aversion by reducing reinsurance from 98% to 95% and by reducing the GA collection retention amount from 27% to 24%.

Authorize the Secretary to enter into voluntary flexible agreements with guaranty agencies in lieu of their agreements under section 428 (b) and (c).

Require the Secretary to report to Congress on the status of efforts to bring mission critical systems into Y2K compliance.

Direct the Secretary of Treasury to conduct a study, in consultation with institutions of higher education, lenders, students, and other participants in the student loan programs, of the impact and feasibility of using market-based mechanisms to establish interest rates on student loans.

Authorize the Secretary to verify the incomes of the parents of dependent applicants with the IRS.

Establish the student loan interest rate 91-day T plus 1.7% in school and 91-day T plus 2.3% in repayment. Establish the rate paid to lenders at 91-day T plus 2.2% in-school and 91-day T plus 2.8% in repayment.

Part C—Federal work-study programs

Increase the authorization level for the Federal Work Study Program to $900 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Maintain provisions allowing for graduate student participation in FWS in position that reinforces the educational program or vocational goals of the student.

Expand the definition of community service to allow for certain types of on-campus jobs to count as community service jobs.

Eliminate the percentage reference to less than full time or independent students.

Allow for a higher federal contribution for community service jobs.

Delete the requirement that FWS-equivalent institutional employment be available to all students desiring such employment.

Part D—(See parts B and D summary above)

Part E—Federal Perkins loans

Eliminate the percentage reference to less than full time or independent students.

Increase loan limits in Perkins and eliminate the Expanding Lending Option program.

Allow higher loan limits for student pursuing an education and career in teaching.

Strengthen the penalties for high default in the Perkins program including the loss of eligibility to participate (defined as the liquidation of the institution's Perkins fund) in Perkins for institutions with default rates of 50 percent or greater for 3 years in a row.

Eliminate the requirement that institutions establish a default management plan if its defaults are 15 percent or above.

Eliminate the exclusion of improperly serviced loans from the calculation of cohort default rates.

Define default for a borrower in the Perkins loan program.

Establish a loan rehabilitation program for the Perkins loan program.

Require credit bureaus to report defaulted Perkins loans until a loan is repaid in full and allow the Secretary to establish criteria under which an institution may cease reporting such information before a loan is paid in full.

Include discharge provisions in cases where an institution has closed.

Strengthen the language that includes Perkins loans in the Student Status Confirmation Report process.

Create an incentive repayment plan in the Perkins loan program.

Update dates for the mandatory liquidation of Perkins loans funds.

Part F—Need analysis

Adopt increases in the income protection allowances (IPA) for dependent and independent students.

Index IPA changes for inflation.

Add a dependent student offset in the amount of the negative adjusted parental income available.

Move authority to reduce or deny loans to section entitled "Discretion of Student Financial Aid Administrators.

Remove the requirement that Cost of Attendance include a cost of living minimum amount for all populations.

Prorate student contributions for periods of enrollments of less than 9 months.

Part G—General provisions

Require the Department, to the extent feasible, to publish minimal software and hardware requirements by December 1 prior to the start of an award year.

Move from December 1 to November 1 the deadline by which the Secretary must publish regulations affecting federal student assistance programs in order for those regulations to be applicable to the following award year and authorize the Secretary to designate regulatory provisions that institutions may choose to implement before the effective date which would otherwise apply.

Remove the reference to accrediting agency approved refund policies from the list of policies to be compared to determine which produces the largest amount.

Revise methods for determining the "last day of attendance" for purposes of making pro-rata refund calculations.

Clarify that institutions may provide students and prospective students with a list of information and a statement of the procedures required to obtain it in order to comply with information dissemination requirements.

Define "prospective student" as one who has requested information regarding application for admission to an institution.

Clarify that the provision of comparable data by a national collegiate athletic association satisfies the disclosure requirement regarding athletically related student aid.

Eliminate duplicative athletic reporting provisions.

Add a provision to athletic reporting provisions regarding disclosure when institutions intend to reduce the number of athletes who will be permitted to participate in any collegiate sport or in the financial resources that the institution will make available to that sport.

Revise and expand the list of crimes that must be included in campus crime statistics to include arson and hate crimes; require institutions to maintain a daily log that records the nature, date, time and general location of each crime reported to the local police or campus security; make explicit that neither victims nor persons accused of a crime may be identified in the reporting of campus crime statistics, except as required by state or local laws; require a national study to examine procedures undertaken after an institution of higher education receives a report of sexual assault; and exclude criminal activities from a post-secondary student's educational records.

Section 486, "Training in Financial Aid Services" is repealed, as it has not been funded.

Require the National Center for Education Statistics (NCES) to develop standard definitions for a few basic financial items to help families make decisions about college; require institutions to report these items annually; and make the information available to the public. In addition, NCES would work in consultation with the Bureau of Labor Statistics to examine expenditures at institutions of higher education and to develop a "Higher Education Market Basket."

Clarify that only for-profit institutions have "owners."

Reauthorize the Advisory Committee on Student Financial Assistance at a funding level of $800,000 and direct the committee to conduct studies and evaluations of the modernization of student financial aid systems and delivery processes; the use of appropriate technology in delivery and management of student aid; the implications of distance learning on student financial aid eligibility and other requirements. In addition, the committee is to make recommendations to the Secretary regarding redundant or outdated sections of the Act and regulation to assist in the review of those sections.

Expand the categories of activities for which institutions participating in the Quality Assurance Program develop their own management approaches and clarify that the Secretary may waive regulatory—but not statutory—requirements of Title IV that are addressed by the institution's alternative management system.

Require the Secretary to report to Congress regarding the results of experiments conducted under the current experimental sites authority and make recommendations based on those findings regarding amendments to the Higher Education Act which would improve the operation of the Act. Addition of new experiments will not be permitted until this report is provided to Congress.

Continue negotiated rulemaking and add Part D to the parts (B, G, & H) which were subject to negotiated rulemaking following the 1992 reauthorization. In addition, negotiated rulemaking would be a requirement for developing all regulations for student loan programs.

Part H, Subpart 1—Program integrity triad, state role

State Postsecondary Review Entity (SPRE) provisions are repealed.

Replace SPRE with language which defines State responsibilities as being licensure and notification to the Secretary of revocation of license or evidence of institutional fraud. Require institutions to prove they have authority to operate in a state.

Part H, Subpart 2—Accrediting agency recognition

Substitute the word "recognition" for "approval" each time it appears in Subpart 2. Substitute "criteria" for "standards," consistent with current regulations.

Modify provisions relating to accrediting agency assessment of institutions to delete "in clock hours or credit hours" relating to measure of program length and to clarify that accrediting agencies are not expected to enforce compliance with Title IV.

Strengthen statutory requirements relating to the time frame within which an accrediting agency must come into compliance after the Secretary has determined the agency has not met the requirements of Section 496.

Part H, Subpart 3—Eligibility and certification procedures

Require that an institution maintain a copy of any contract between the institution and a financial aid service provider or loan services, and provide a copy of any such contract to the Secretary upon request, instead of requiring that the institution supply the copy with its application to participate in the student aid programs under Title IV (as is currently the case).

Substitute more general language for the specific listing of financial responsibility measures now included in the Act in order to conform with current financial responsibility regulations.

Specify that the Secretary may accept any reasonable third-party financial guarantees in cases where an institution fails to meet overall financial responsibility standards.

Specify that "ownership" applies only to for-profit institutions.

Eliminate the requirement that the Department conduct site visits of all institutions and eliminate the ability of the Department to charge fees to cover the expenses of certification and site visits.

Give the Secretary the authority to recertify an institution for up to 6 years (rather than the 4 years in current law) and require the Secretary to information institutions 6 months in advance of the expiration of its eligibility.

Establish a special rule dealing with the recertification schedule for institutions of higher education located outside of the United States which receive less than $500,000 annually in Federal Family Education Loans.

Clarify that, prior to seeking certification as a main campus or free-standing institution, a branch is required to be in existence for at least 2 years after it has been certified by the Secretary as a branch campus participating in a Title IV program.

Require the Secretary to establish priorities for program reviews of institutions of higher education, update priority criteria, and include among the additional categories of institutions which the Secretary may identify as requiring priority review those which may pose significant risk of failure to comply with the administrative or financial responsibility provisions of Title IV.

Add special administrative rules to: (1) require the Secretary to inform institutions of the criteria involved in program reviews; (2) require the Secretary to implement a system of "cures" to allow institutions to correct minor record-keeping errors; (3) require "proportionality" in civil penalties; and (4) facilitate the exchange of information between the Secretary and state authorizing agencies and creditors.

Require the Secretary to establish processes for ensuring that eligibility and compliance issues are considered simultaneously and for identifying unnecessary duplication of reporting and related regulatory requirements.

Part I—Performance based organization

Establish a performance based organization within the Department of Education for the purpose of simplifying and improving the delivery of student financial aid under this title. The Secretary of Education will be provided with personnel and procurement flexibilities in order to allow for the establishment of an organization rewarded for meeting specified contractual goals for the management and delivery of student financial aid. Personnel will be rewarded in accordance with their ability to meet objective performance measures. Proposed personnel and procurement flexibilities include: alternative job evaluation systems, ability to establish award programs, broad banding, alternative ranking procedures for evaluating job applicants, ability to hire technical and professional employees under excepted service, simplified contracting procedures for commercial items, modular contracting authority, and two-way selection procedures.

TITLE V: GRADUATE AND POSTSECONDARY EDUCATION IMPROVEMENT

Parts A and B—Jacob K. Javits fellowship program and graduate assistance in areas of national need

Repeal unfunded programs.

Maintain separate Jacob K. Javits Fellowship Program, permit forward funding of it, and permit the Secretary to contract out administration of the program if such a contract would be more effective and efficient.

Limit eligibility to students who demonstrate financial need.

Add an evaluation component.

Maintain the Graduate Assistance in Areas of National Need (GAANN) program, with minor amendments.

Authorize the Jacob K. Javits Fellowships at $30 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Authorize Graduate Assistance in Areas of National Need (GAANN) at $30 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part C—Urban community service

Move from current Title XI, Part A.

Give priority to applicants which have shown prior commitment to urban community service.

Authorize at $20 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part D—Fund for the improvement of postsecondary education (FIPSE)

Move from current Title X, Part A.

Permit greater flexibility within current personnel ceilings to bring in technical experts.

Revise special projects list to include: international exchanges; institutional restructuring to improve learning and promote cost efficiencies; evaluation and dissemination of model programs; and articulation between two-year and four-year institutions, including developing innovative methods for ensuring the successful transfer of students from 2-year to 4-year institutions.

Authorization:

FIPSE General: $26 million in FY 99 and "such sums" in 4 succeeding years.

Planning Grants: $1 million in FY 99 and "such sums" in 4 succeeding years. Special Projects: $5 million in FY 99 and "such sums" in 4 succeeding years.

Part F—Improving access to higher education for students with disabilities

This program authorizes a competitive grant program to provide assistance for improving disability support services offered by institutions of higher education. Grants would be awarded for a period of three years. $10 million are authorized to be appropriated for this part in FY 1999 and such sums as may be necessary in each of the 4 succeeding years.

Funds would be available to institutions of higher education to develop and identify effective approaches that enable individuals with disabilities to participate in post-secondary education, conduct training sessions and workshops for faculty and other personnel of institutions of higher education to help them meet the special needs of postsecondary students with disabilities, research the effectiveness of support services to individuals with disabilities in postsecondary education, prepare products from the project and disseminate those products, and coordinate projects with existing technical assistance and dissemination networks in postsecondary education.

TITLE VI: INTERNATIONAL EDUCATION

Repeal unfunded/obsolete provisions.

Add a foreign language component to the summer institutes authorized under Sections 602 (Graduate and Undergraduate Language and Area Centers), 604 (Undergraduate International Studies and Foreign Language Programs), and 612 (Centers for International Business Education).

Modify Section 603 (Language Resource Centers) to permit the operation of intensive summer language institutes, to permit the development and dissemination of resource materials for elementary and secondary school language teachers, and to make dissemination a component of each Center activity.

Consolidate provisions and streamline Section 604 (Undergraduate International Studies and Foreign Language Programs).

Add two new authorized activities to Section 606 (Research; Studies) dealing with evaluation of programs receiving assistance under Title VI and of effective dissemination practices.

Clarify that the establishment of new American Overseas Research Centers is allowable under Section 610.

Specifically mention that community college representatives may serve on the advisory council to Centers for International Business Education.

Increase required match by Minority Foreign Service Professional Development Program grant recipients from one-fourth to one-half, with the non-federal contribution being made by private sector contributions.

Authorize the Institute for International Public Policy to make sub-grants to strengthen institutional international affairs programs at HBCUs, HSIs, and Tribal Colleges.

Clarify that summer abroad programs are permissible under the Junior Year Abroad Program (Section 623).

Authorization Levels:

Part A: $80 million in FY 1999 and "such sums" in succeeding 4 years.

Part B:

Section 612: $11 million in FY 1999 and "such sums" in succeeding 4 years.

Section 613: $ 7 million in FY 1999 and "such sums" in succeeding 4 years.

Part C: $10 million in FY 1999 and "such sums" in succeeding 4 years.

TITLE VII: RELATED PROGRAMS AND AMENDMENTS TO OTHER LAWS

Part A—Indian higher education programs

Change reference to "Tribally-Controlled Community College" to "Tribally Controlled College or University" and make conforming and technical changes.

Authorization Level (Department of the Interior):

Technical Assistance Centers $3.2 million in FY 1999 and "such sums."

Grants to TCCCs $40.0 million in FY 1999 and "such sums."

Renovation/Construction of Facilities $10.0 million in FY 1999 and "such sums."

TCCC Endowment Program $10.0 million in FY 1999 and "such sums."

Tribal Economic Development $2.0 million in FY 1999 and "such sums."

Part B—Advanced placement fee payment program

Move from current Title XV, Part G.

Modify program to encourage States to support advanced placement teacher training and related activities designed to increase the participation of low-income individuals and to permit up to 5% of funds to disseminate information about the availability of test fee payments.

Authorize at $10 million in FY 1999 and such sums as may be necessary for each of the 4 succeeding years.

Part C—Amendments to institute for peace act

Technical changes.

Part D—Community scholarship mobilization

Authorize a competitive grant program which will allow the grant recipient, using the interest from an endowment grant, to establish and support state or regional program centers to foster the development of local affiliated chapters in high poverty areas that promote higher education goals for students from low income families by providing academic support and scholarship assistance.

Seventy percent of interest income would support the establishment or ongoing work of state or regional program centers to enable such centers to work with local communities to establish local affiliated chapters in high poverty areas and provide ongoing assistance, training workshops, and other activities to ensure the success of local chapters.

Thirty percent of the interest income would be used to provide scholarships for students from low income families, and scholarships would be matched 1:1 from funds raised by the local community.

The proposal provides and authorizes the appropriation of $10 million for fiscal year 2000 to carry out the purposes of this part.

Part E—Incarcerated youth offenders

Move from current Title X, Part E.

Authorized at $14 million in FY 1999 such sums as may be necessary for each of the 4 succeeding years.

Part F—Amendments to Education of the Deaf Act

Update references to IDEA. Includes technical and conforming amendments to make the provisions pertaining to Gallaudet's Kendall Elementary School and the Model Secondary School for the Deaf consistent with the 1997 IDEA.

Extension of authorization of appropriations. Extends authorization of appropriations from fiscal year 1998 through fiscal year 2003.

Clarification of audit requirements. Clarifies that audits include the national mission and school operations of the elementary and secondary education programs at Gallaudet University; and adds a requirement that a copy of each audit be provided to the Secretary within 15 days of the acceptance of the audit by Gallaudet University or the institution authorized to establish and operate the National Technical Institute for the Deaf.

Removal of restrictions on investment of non-Federal portion of endowment. Allows institutions to invest the non-Federal share of their endowments without the restrictions placed on Federal contributions to the endowments.

Immediate access to interest on endowment. Provides immediate access to the interest on their endowments, rather than as under current law, having access to only 50 percent of the interest from the prior year.

Limitation with regard to international student enrollment. Requires that, in any school year, no qualified U.S. citizen, who elects to enroll in Gallaudet University or the National Technical Institute for the Deaf, is denied admission because of the admission of an international student.

Institutional Research Plans. Requires Gallaudet University and the National Technical Institute for the Deaf establish and disseminate priorities and prepare and submit an annual research report to the Secretary and Congress.

Commission on education of the deaf. Requires the Secretary of Education to establish a Commission on Education of the Deaf to identify those education-related factors in the lives of individuals who are deaf that result in barriers to successful postsecondary education experiences and employment and those education-related factors in the lives of individuals who are deaf that contribute to successful postsecondary education and employment experiences.

Part G—Repeals

TITLE I—PARTNERSHIPS FOR EDUCATIONAL EXCELLENCE

PART A—School, College, and University Partnerships.

PART B—Articulation Agreements.

PART C—Access and Equity to Education for All Americans Through Telecommunications.

TITLE II—ACADEMIC LIBRARIES AND INFORMATION SERVICES

*Title II was repealed by P.L. 104–208 (FY 1997 Department of Education Appropriations Act).

TITLE IV—STUDENT ASSISTANCE

PART A—Grants to Students in Attendance at Institutions of Higher Education.

Chapter 3—Presidential Access Scholarships.

Chapter 4—Model Program Community Partnership and Counseling Grants.

Chapter 5—Public Information/Database and Information Line.

Chapter 6—National Student Savings Demonstration Program.

Chapter 7—Preeligibility Form.

Chapter 8—Technical Assistance for Teachers and Counselors.

Subpart 8—Special Child Care Services for Disadvantaged College Students.

PART H—Program Integrity Triad.

Subpart 1—State Postsecondary Review Program (SPRE).

TITLE V—EDUCATOR RECRUITMENT, RETENTION, AND DEVELOPMENT

PART A—State and Local Programs for Teacher Excellence.

PART B—National Teacher Academies.

PART C—Teacher Scholarships and Fellowships.

Subpart 1—Paul Douglas Teacher Scholarships.

Subpart 2—Christa McAuliffe Fellowship Program.

Subpart 3—Teacher Corps.

PART D—Innovation and Research.

Subpart 1—National Board for Professional Teaching Standards.

Subpart 3—Class Size Demonstration Grant.

Subpart 4—Middle School Teaching Demonstration Programs.

PART E—Minority Teacher Recruitment.

Subpart 1—New Teaching Careers.

PART F—Programs for Special Populations.

Subpart 1—National Mini Corps Program.

Subpart 2—Foreign Language Instruction.

Section 586—Demonstration Grants for Critical Language and Area Studies.

Section 587—Development of Foreign Language and Culture Instructional Materials.

Subpart 3—Small State Teaching Initiatives.

Subpart 4—Faculty Development Grants.

Subpart 5—Early Childhood Education Training.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

Section 604(b)—Programs of Demonstrated Excellence in Area Studies, Foreign Languages, and other International Fields.

Section 605—Intensive Summer Language Institutes.

Section 607—Periodicals and Other Research Materials Published Outside the United States.

TITLE VII—CONSTRUCTION, RECONSTRUCTION, AND RENOVATION OF ACADEMIC FACILITIES

PART A—Improvement of Academic and Library Facilities.

PART D—College Construction Loan Insurance Association.

**The cooperation has since been privatized.*

TITLE VIII—COOPERATIVE EDUCATION

No funding for this title.

TITLE IX—GRADUATE PROGRAMS

PART A—Grants to Institutions and Consortia To Encourage Women and Minority Participation in Graduate Education.

PART B—Patricia Roberts Harris Fellowship Program.

PART E—Faculty Development Fellowship Program.

PART F—Assistance for Training in the Legal Profession.

PART G—Law School Clinical Experience.

TITLE X—POSTSECONDARY IMPROVEMENT PROGRAMS

PART B—Minority Science and Engineering Improvement Programs.

Subpart 2—Science and Engineering Access Programs.

PART C—Women and Minorities Science and Engineering Outreach Demonstration Program.

PART D—Dwight D. Eisenhower Leadership Program.

TITLE XI—COMMUNITY SERVICE PROGRAMS

PART B—Innovative Projects.

Subpart 1—Innovative Project for Community Service.

Subpart 2—Student Literacy Corps and Student Mentoring Corps.

Mr. KENNEDY. Mr. President, it is an honor to be a sponsor of the Higher Education Act Amendments of 1998 with Chairman JEFFORDS and Senators COATS and DODD. The reauthorization of this Act is a bipartisan effort of all members of the Labor Committee, and I am pleased that we have achieved a consensus on so many issues.

Our goal in this bill is to strengthen federal support for higher education. Our legislation increases the maximum authorization for Pell grants, and expands the formula for need analysis to protect more of the income of working parents and students.

The bill also continues the critical investment in graduate education through the institution-based program of Graduate Assistance in Areas of National Need, as well as the portable Javits Fellowships, which are vital for talented students in the arts, humanities, and social sciences, where other sources of funding are limited.

An additional initiative in the bill will enable institutions to work with faculty and administrators to improve teaching for students with disabilities. Increasing numbers of students with disabilities are participating in higher education, and faculty members often have little experience in adapting their teaching techniques for these students. This initiative will reach out to many different types of institutions, including community colleges, graduate schools, and urban and rural institutions. It also includes graduate teaching assistants—the faculty of the future. This program was first suggested by the University of Massachusetts, and it is supported by the Consortium for Citizens with Disabilities on behalf of 20 disability groups.

The bill takes a major step to improve the training of teachers by creating strong programs for training and recruitment. The training program has two parts. Fifty percent goes to local partnerships that include elementary and secondary schools, programs or schools of teacher training, schools of arts and sciences, and other groups, such as teachers unions, businesses, and community organizations. The other 50 percent of the funding goes to competitive grants to state education agencies. This teacher training proposal represents a thoughtful compromise, and I hope it will receive strong support in the Senate.

The bill helps teachers in another way, through loan forgiveness. I have long supported more loan forgiveness for teachers, and I am pleased that there is bipartisan support for this proposal. It forgives loans for teachers who teach for at least 3 years in high-need schools. Many college graduates with heavy debt loads cannot afford to go into teaching in schools where we need them most. This loan forgiveness program will make it easier for idealistic young men and women to work with needy children.

The bill also calls for the creation of a Performance Based Organization at the Department of Education. Following Vice President GORE's initiative to re-invent government, this organization will streamline and improve the financial aid functions at the Department. We are working with the Department to make a plan that will work well for it, for students, and for all others involved in student aid.

Two provisions of the bill raise significant question. One of those provisions modifies the payment structure for the guaranty agencies that work with banks in the student loan program. But greater reform of these agencies is needed. They are paid too much if students go into default, and they are not paid enough for preventing defaults in the first place. I am pleased, however, that the bill does allow guaranty agencies to enter into voluntary, flexible agreements with the Secretary of Education that will be more business-like and will focus more heavily on preventing defaults. ASA, the guaranty agency in Massachusetts, has been at the forefront of the reform movement, and supports these voluntary agreements.

Finally, the bill, like the House bill, reduces the interest rate that students pay on their college loans by almost 1% from the current rate. This reduction will be a substantial benefit for students. The average borrower with a loan of $12,000 will save $650 in interest over the life of the loan, and the average master's degree student with a debt of $20,000 will save more than $1000. For borrowers with larger loans, the savings will be greater. I am pleased that Republicans and Democrats agree that reducing the interest rate on student loans is necessary.

But the bill trims the rates paid to banks only slightly. As under the House bill, students will pay less interest to the banks, but the federal government will make an additional payment to the banks, so that bank receipts will go down only slightly from the high rates now in effect. This subsidy is paid by the taxpayers. The cost is at least $1.2 billion over 5 years, and may be as high as $3.9 billion.

The banks complain that they cannot live with even this very modest cut. In 1992, they told us that they could not accept any cut in the interest rate on student loans. Congress cut the rate anyway, and the bank loan program continued to thrive. Today, however, at a time when interest rates in the economy are low, the interest rate for government guaranteed student loans is higher than the rate for either car loans or home mortgages. A recent report from the Treasury Department shows that if the interest rate on student loans is cut by almost 1%, the banks can still make a reasonable profit.

The interest rate subsidy in this bill is not offset by other revenues. We will have to work with the Budget Committee, with our colleagues in the House, and with the Administration to resolve this problem. We must do all we can to reduce the high cost of borrowing for students, without subsidizing banks at the expense of taxpayers.

This legislation is designed to improve higher education in all parts of America. It renews our commitment to needy students, to graduate education, to teacher training, and to improving loan service for students. I look forward to working with my colleagues on this important legislation in the weeks to come.

Mr. DODD. Mr. President, I rise today to join my colleagues, Senator JEFFORDS, Senator KENNEDY, and Senator COATS, in introducing the Higher Education Act Amendments of 1998.

The Higher Education Act is the foundation of opportunity and access to post-secondary education. Pell Grants, College Work Study, federal student loans and federal TRIO programs are what make college possible for the all Americans. The bill we introduce today makes important changes in these programs and updates and streamlines the law to ensure the vitality of federal aid programs in the next millennium.

There are few pieces of legislation that we will consider this Congress that are as important to American families as this bill. Parents recognize that their child's success is in no small measure dependent on their educational achievement. Statistics bear this out—a person with a Bachelor's degree earns twice as much as one with just a high school education.

But this issue is not only of concern to families; higher education has defined and shaped America's economy in the post World War II era. Our economy has grown on the strength of knowledge-based, highly-skilled industries and workers. This would not have been possible without higher education or without our federal commitment to ensuring access to college.

Since the GI Bill, millions of Americans have been able to attend college because of the assistance offered by the Federal Government. Today, 75 percent of all student aid is federal.

And yet, with rising college costs and growing student debt, families increasingly worry that college is slipping beyond their grasp. Studies suggest that, even with the nearly $35 billion of federal aid available each year, affordability is already becoming a factor for those at the lowest income levels.

And in nearly all families, a letter offering financial aid is as, if not more, important than the actual letter accepting the student into a college of his or her choice. This bill works to make sure that the serious problem of rising college costs does not become more of a reality for America's families and reaches out to those who already believe that college is slipping beyond their reach.

In particular, we have adopted many of the recommendations of the Cost of College Commission, formed by the Congress last year. We streamlined many regulatory requirements that may contribute to rising costs. We also adopted strong new disclosure requirements about cost. These provisions will provide families with new, reliable and comparable information on college costs, so they can exercise their power as consumers to choose institutions that are of high quality and reasonable cost.

This legislation also strengthens federal financial aid programs which are a lifeline for millions of families as they struggle with cost increases. We authorize an increase in the maximum Pell Grant award and hope that appropriators and our Budget Resolution will follow through with adequate funds. We also adjust the treatment of the neediest students' earnings to ensure that they and their families are not penalized in the award of aid because the student works, as I recommended in earlier legislation. We also expand campus-based aid programs, like College Work Study and low-cost Perkins Loans, to reach more students. We improve the federal student loans programs by providing extended repayment for students with large balances and by giving colleges more tools to help their students avoid expensive loans.

Students are also guaranteed a substantially lower student loan interest rate. As many members are aware, the issue of the student loan interest rate has been the most controversial and closely followed issue in this bill. I am very pleased that the solution we put forward today ensures that students will receive the long-term benefit of substantially lower rates. However, I am disappointed that this bill expects taxpayers to foot this bill with a new subsidy to banks. This new entitlement to banks is also costly and raises serious budget concerns on our bill. I am hopeful that we can continue to work on this issue with the majority, the Budget Committee and the Administration to reach a better solution for taxpayers than the one proposed today.

This legislation also includes new authority for the Secretary to explore the potential of distance education and learning. In the past, distance education too often meant correspondence courses with little merit and high cost. Today, the Internet, the World Wide Web, and other emerging technologies offer new opportunities for quality, interactive learning right from a student's home. However, current law provides little opportunity for institutions and their students to explore these exciting opportunities. The bill we introduce today directs the Secretary to undertake and carefully monitor a demonstration program in distance education.

The bill also includes another important initiative to increase access to post-secondary education—the Child Care Access Means Parents in School Act, which Senator SNOWE and I introduced last year. This bill will support campus-based child care centers meeting the needs of low income students. As the non-traditional student population grows, one of the major obstacles facing students who are parents is locating affordable, quality child care. Campuses are a key place to meet this need. In my home state of Connecticut, all of our community-technical colleges have campus-based child care facilities. The centers provide student-parents with convenient, high quality care and also serve as laboratories for training new child care providers.

Colleges are also our nation's laboratories for training teachers. This bill offers significant new support in this area. The committee has worked hard with its members and developed a comprehensive teacher training program that supports state-level initiatives and local partnerships. This two-track approach will ensure that colleges and schools who work together to improve teacher training will be rewarded at the state level with recognition for achieving higher standards. In another important initiative, this bill also offers teachers working in high poverty schools with loan forgiveness. This effort will provide highly qualified teachers with a powerful incentive to share their talents, skills and knowledge with the neediest children.

Beyond bringing student aid programs in line with today's realities, we also take a key step to modernize and improve the delivery of these crucial student aid programs in the creation of the Performance-Based Organization within the Department of Education. the PBO will administer and deliver all federal student aid. At nearly $35 billion a year, the complexity of this undertaking demands talent, energy, experience, and performance. A PBO will ensure that the Secretary can recruit the best people to this job and retain them based on their performance.

Mr. President, this is a strong and comprehensive bill. But perhaps most importantly for its future, it is a bipartisan bill. I was pleased to be a part of the effort of our chairman, Senator JEFFORDS, Senator KENNEDY, and Senator COATS in pulling this bill together. It may not be everything any one of us wanted; however, it is what America's students and their families need.

ADDITIONAL COSPONSORS

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for Fiscal Year 1997 and to make other improvements to that chapter.

S. 1192

At the request of Ms. SNOWE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1192, a bill to limit the size of vessels permitted to fish for Atlantic mackerel or herring, to the size permitted under the appropriate fishery management plan.

S. 1221

At the request of Mr. STEVENS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1221, a bill to amend title 46 of the United States Code to prevent foreign ownership and control of United States flag vessels employed in the fisheries in the navigable waters and exclusive economic zone of the United States, to prevent the issuance of fishery endorsements to certain vessels, and for other purposes.

S. 1260

At the request of Mr. MCCAIN, his name was withdrawn as a cosponsor of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1325

At the request of Mr. FRIST, the names of the Senator from New Mexico (Mr. BINGAMAN), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1334, a bill to amend title 10, United

States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1534

At the request of Mr. TORRICELLI, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1534, a bill to amend the Higher Education Act of 1965 to delay the commencement of the student loan repayment period for certain students called to active duty in the Armed Forces.

S. 1536

At the request of Mr. TORRICELLI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1536, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis and to help women make informed choices about their reproductive and post-menopausal health care, and to otherwise provide for research and information concerning osteoporosis and other related bone diseases.

S. 1584

At the request of Mr. FRIST, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1584, a bill to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

S. 1677

At the request of Mr. CHAFEE, the names of the Senator from Michigan (Mr. ABRAHAM), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1680

At the request of Mr. DORGAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the Medicare program.

S. 1764

At the request of Mr. THURMOND, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1764, a bill to amend sections 3345 through 3349 of title 5, United States Code (commonly referred to as the "Vacancies Act") to clarify statutory requirements relating to vacancies in certain Federal offices, and for other purposes.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1873

At the request of Mr. COCHRAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1873, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 1874

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 1874, a bill to improve the ability of small businesses, Federal agencies, industry, and universities to work with Department of Energy contractor-operated facilities, and for other purposes.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. GREGG, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Concurrent Resolution 55, a concurrent resolution declaring the annual memorial service sponsored by the National Emergency Medical Services Memorial Service Board of Directors to honor emergency medical services personnel to be the "National Emergency Medical Services Memorial Service."

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

SENATE RESOLUTION 202—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 202

Whereas, in the cases of *William L. Singer* v. *Office of Senate Fair Employment Practices*, No. 98-6002, and *Office of the Senate Sergeant at Arms* v. *Office of Senate Fair Employment Practices*, No. 98-6003, pending in the United States Court of Appeals for the Federal Circuit, petitioners William L. Singer and the Office of the Senate Sergeant at Arms have sought review of a final decision of the Select Committee on Ethics, which had been entered, pursuant to section 308 of the Government Employee Rights Act of 1991, 2 U.S.C. §1208 (1994), in the records of the Office of Senate Fair Employment Practices;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend committees of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 303(f) of the Government Employee Rights Act of 1991, 2 U.S.C. §1203(f)(1994), for purposes of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices, the respondent in this proceeding, is deemed a committee within the meaning of sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1)(1994): Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the Cases of *William L. Singer* v. *Office of Senate Fair Employment Practices* and *Office of the Senate Sergeant at Arms* v. *Office of Senate Fair Employment Practices*.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

SESSIONS (AND OTHERS) AMENDMENT NO. 2166

Mr. SESSIONS (for himself, Mr. LOTT, Mr. ENZI, Mr. HELMS, Mr. GRAMS, Mr. BROWNBACK, Mr. CRAIG, Mr. FRIST, Mr. ASHCROFT, Mr. MACK, Mr. COATS, Mr. GREGG, Mr. SANTORUM, Mr. LIEBERMAN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. NICKLES, Mr. MCCONNELL, Mr. INHOFE, Mr. HUTCHINSON, Mr. COVERDELL, Mr. ABRAHAM, Mr. DEWINE, Mr. HAGEL, Mr. ALLARD, Mr. THURMOND, Mr. SMITH of Oregon, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, and Mr. ROBERTS) proposed an amendment to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998; as follows:

At the appropriate place, insert the following:

SEC. ___. FINDINGS; SENSE OF CONGRESS.

(a) Congress finds that—

(1) studies have found that quality child care, particularly for infants and young children, requires a sensitive, interactive, loving, and consistent caregiver;

(2) as most parents meet and exceed the criteria described in paragraph (1), circumstances allowing, parental care is the best form of child care;

(3) a recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is "what is happening at home and in families";

(4) as a child's interaction with his or her parents has the most significant impact on the development of the child, any Federal child care policy should enable and encourage parents to spend more time with their children;

(5) nearly ½ of preschool children have at-home mothers and only ⅓ of preschool children have mothers who are employed full time;

(6) a large number of low- and middle-income families sacrifice a second full-time income so that a mother may be at home with her child;

(7) the average income of 2-parent families with a single income is $20,000 less than the average income of 2-parent families with 2 incomes;

(8) only 30 percent of preschool children are in families with paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;

(9) child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent; and

(10) any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home for a young child.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that—

(1) many families in the United States make enormous sacrifices to forego a second income in order to have a parent care for a child at home;

(2) there should be no bias against at-home parents;

(3) parents choose many different forms of child care to meet the needs of their families, such as child care provided by an at-home parent, grandparent, aunt, uncle, neighbor, nanny, preschool, or child care center;

(4) any quality child care proposal should include, as a key component, financial relief for those families where there is an at-home parent; and

(5) mothers and fathers who have chosen and continue to choose to be at home should be applauded for their efforts.

GREGG AMENDMENT NO. 2167

Mr. GREGG proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE CONCERNING IMMUNITY.

It is the sense of the Senate that the levels in this resolution assume that no immunity will be provided to any tobacco product manufacturer with respect to any health-related civil action commenced by a State or local governmental entity or an individual prior to or after the date of the adoption of this resolution.

GREGG (AND OTHERS) AMENDMENT NO. 2168

Mr. GREGG (for himself, Mr. CONRAD, and Mr. LAUTENBERG) proposed an amendment to amendment No. 2167 proposed by Mr. GREGG to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

Strike all after the first word and insert the following:

3 . SENSE OF THE SENATE CONCERNING IMMUNITY.

It is the sense of the Senate that the levels in this resolution assume that no immunity will be provided to any tobacco product manufacturer with respect to any health-related civil action commenced by a State or local governmental entity or an individual or class of individuals prior to or after the date of the adoption of this resolution.

KYL AMENDMENT NO. 2169

Mr. KYL proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. ___. SENSE OF CONGRESS REGARDING FREEDOM OF HEALTH CARE CHOICE FOR MEDICARE SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Medicare beneficiaries should have the same right to obtain health care from the physician or provider of their choice as do Members of Congress and virtually all other Americans.

(2) Most seniors are denied this right by current restrictions on their health care choices.

(3) Affording seniors this option would create greater health-care choices and result in fewer claims being paid out of the near-bankrupt medicare trust funds.

(4) Legislation to uphold this right of health care choice for seniors must protect beneficiaries and medicare from fraud and abuse. Such legislation must include provisions that—

(A) require that such contracts providing this right be in writing, be signed by the medicare beneficiary, and provide that no claim be submitted to the Health Care Financing Administration;

(B) preclude such contracts when the beneficiary is experiencing a medical emergency;

(C) allow for the medicare beneficiary to modify or terminate the contract prospectively at any time and to return to medicare; and

(D) are subject to stringent fraud and abuse law, including the medicare anti-fraud provisions in the Health Insurance Portability and Accountability Act of 1996.

(b) SENSE OF CONGRESS.—It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to treat seniors on a private basis, and that the assumptions underlying the functional totals in this resolution assume that legislation will be enacted to ensure this right.

ALLARD AMENDMENTS NOS. 2170–2172

(Ordered to lie on the table.)

Mr. ALLARD submitted three amendments intended to be proposed by him to the concurrent resolution Senate Concurrent Resolution 86, supra; as follows:

AMENDMENT NO. 2170

At the end of title II, add the following:

SEC. ___. REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—In the Senate, beginning with fiscal year 1999 and for every fiscal year thereafter, it shall not be in order to consider any concurrent resolution on the budget, or amendment thereto or conference report thereon, that—

(1) that would cause budgeted outlays for that fiscal year to exceed budgeted revenues; and

(2) does not provide that actual revenues shall exceed actual outlays in order to provide for the reduction of the gross Federal debt as provided in subsection (b).

(b) AMOUNT.—The amount of reduction required by this section shall be equal to the amount required to amortize the debt over the next 30 years in order to repay the entire debt by the end of fiscal year 2028.

(c) WAIVER.—The Senate may only waive the provisions of this section for a fiscal year in which a declaration of war is in effect.

(d) PASSAGE OF REVENUE INCREASE.—No bill to increase revenues shall be deemed to have passed the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

AMENDMENT NO. 2171

At the end of the budget resolution add the following new section:

SEC. . SENSE OF THE SENATE ON REPAYMENT OF THE FEDERAL DEBT.

(a) FINDINGS.—The Senate Finds that—

(1) Congress and the President have a basic moral and ethical responsibility to future generations to repay the Federal debt, including money borrowed from the Social Security Trust Fund;

(2) the Congress and the President should enact a law that creates a regimen for paying off the Federal debt within 30 years;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the Congress provide for the amortization of the Federal debt over 30 years, including money borrowed from the Social Security Trust Fund.

AMENDMENT NO. 2172

At the end of title II, add the following:

SEC. . USE OF BUDGET SURPLUS FOR DEBT REDUCTION

(a) DEBT REDUCTION RESERVE FUND.—The budget resolution shall include a Debt Reduction Reserve Fund (referred to as the "reserve fund") for the budget year if a unified budget surplus will occur in the budget year.

(b) AMOUNT OF RESERVE.—The amount of the reserve fund shall equal the total amount of any surplus not exceeding $11,750,000,000.

(c) USE OF RESERVE FUND.—Amounts set aside in the reserve fund shall be used to reduce the debt and may not be expended for any purpose.

DODD AMENDMENT NO. 2173

Mr. CONRAD (for Mr. DODD) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CHILD CARE IMPROVEMENTS.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to improve the affordability, availability, and quality of child care and to support families' choices in caring for their children, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

(d) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—Section 202 of H. Con. Res. 67 (104th Congress) shall not apply for purposes of this section.

CONRAD (AND OTHERS) AMENDMENT NO. 2174

Mr. CONRAD (for himself, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. REED, and Mr. KENNEDY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) (A) public health efforts to reduce the use of tobacco products by children, including youth tobacco control education and prevention programs, counter-advertising, research, and smoking cessation;

(B) transition assistance programs for tobacco farmers;

(C) increased funding for the Food and Drug Administration to protect children from the hazards of tobacco products; or

(D) increased funding for health research; and

(2) savings for the Medicare Hospital Insurance Trust Fund.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation and used to fund subsection (a)(2) shall not be taken into account.

MOSELEY-BRAUN (AND BINGAMAN) AMENDMENT NO. 2175

Mr. CONRAD (for Ms. MOSELEY-BRAUN for herself and Mr. BINGAMAN) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING SCHOOL MODERNIZATION AND CONSTRUCTION.

(a) FINDINGS.—The Senate finds that—

(1) the General Accounting Office has performed a comprehensive survey of the Nation's public elementary and secondary school facilities and has found severe levels of disrepair in all areas of the United States;

(2) the General Accounting Office has concluded that more than 14,000,000 children attend schools in need of extensive repair or replacement, 7,000,000 children attend schools with life safety code violations, and 12,000,000 children attend schools with leaky roofs;

(3) the General Accounting Office has found the problem of crumbling schools transcends demographic and geographic boundaries. At 38 percent of urban schools, 30 percent of rural schools, and 29 percent of suburban schools, at least one building is in need of extensive repair or should be completely replaced;

(4) the condition of school facilities has a direct effect on the safety of students and teachers and on the ability of students to learn. Academic research has provided a direct correlation between the condition of school facilities and student achievement. At Georgetown University, researchers have found the test scores of students assigned to schools in poor condition can be expected to fall 10.9 percentage points below the test scores of students in buildings in excellent condition. Similar studies have demonstrated up to a 20 percent improvement in test scores when students were moved from a poor facility to a new facility;

(5) the General Accounting Office has found most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of schools lack the requisite electrical power. Fifty-six percent of schools have insufficient phone lines for modems;

(6) the Department of Education has reported that elementary and secondary school enrollment, already at a record high level, will continue to grow over the next 10 years, and that in order to accommodate this growth, the United States will need to build an additional 6,000 schools;

(7) the General Accounting Office has determined the cost of bringing schools up to good, overall condition to be $112,000,000,000, not including the cost of modernizing schools to accommodate technology, or the cost of building additional facilities needed to meet record enrollent levels;

(8) schools run by the Bureau of Indian Affairs (BIA) for Native American children are also in dire need of repair and renovation. The General Accounting Office has reported that the cost of total inventory repairs needed for BIA facilities is $754,000,000. The December 1997 report by the Comptroller General of the United States states that, "Compared with other schools nationally, BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for education reform, and are less able to support computer and communications technology;"

(9) State and local financing mechanisms have proven inadequate to meet the challenges facing today's aging school facilities. Large numbers of local educational agencies have difficulties securing financing for school facility improvement;

(10) the Federal Government has provided resources for school construction in the past. For example, between 1933 and 1939, the Federal Government assisted in 70 percent of all new school construction; and

(11) the Federal Government can support elementary and secondary school facilities without interfering in issues of local control, and should help communities leverage additional funds for the improvement of elementary and secondary school facilities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume the enactment of legislation to allow States and school districts to issue $21.8 billion worth of zero-interest school modernization bonds to rebuild and modernize our Nation's schools, and to provide Federal income tax credits to the purchasers of those bonds in lieu of interest payments.

BOXER AMENDMENT NO. 2176

Mr. CONRAD (for Mrs. BOXER) proposed an amendment to the concurrent, Senate Concurrent Resolution 86, supra; as follows:

On page 16, line 9, increase the amount by $50,000,000.

On page 16, line 10, increase the amount by $6,000,000.

On page 16, line 13, increase the amount by $50,000,000.

On page 16, line 14, increase the amount by $40,000,000.

On page 16, line 17, increase the amount by $50,000,000.

On page 16, line 18, increase the amount by $49,000,000.

On page 16, line 21, increase the amount by $50,000,000.

On page 16, line 22, increase the amount by $50,000,000.

On page 16, line 25, increase the amount by $50,000,000.

On page 17, line 1, increase the amount by $50,000,000.

On page 25, line 8, decrease the amount by $50,000,000.

On page 25, line 9, decrease the amount by $6,000,000.

On page 25, line 12, decrease the amount by $50,000,000.

On page 25, line 13, decrease the amount by $40,000,000.

On page 25, line 16, decrease the amount by $50,000,000.

On page 25, line 17, decrease the amount by $49,000,000.

On page 25, line 20, decrease the amount by $50,000,000.

On page 25, line 21, decrease the amount by $50,000,000.

On page 25, line 24, decrease the amount by $50,000,000.

On page 25, line 25, decrease the amount by $50,000,000.

BROWNBACK AMENDMENT NO. 2177

Mr. BROWNBACK proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON ECONOMIC GROWTH, SOCIAL SECURITY, AND GOVERNMENT EFFICIENCY.

It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the elimination of a discretionary spending program may be used for either tax cuts or to reform the Social Security system.

(2) the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and other appropriate budget rules and laws should be amended to implement the policy states in paragraph (1).

BURNS AMENDMENT NO. 2178

Mr. BURNS proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF SENATE REGARDING AGRICULTURAL TRADE PROGRAMS.

It is the sense of the Senate that the functional totals in this concurrent resolution assume the Secretary of Agriculture will use agricultural trade programs established by law to promote, to the maximum extent practicable, the export of United States agricultural commodities and products.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an executive session of the Senate Committee on Labor and Human Resources will be held on Wednesday, April 1, 1998, 1:30 p.m., in SD–430 of the Senate Dirksen Building. The following is the committee's agenda.

1. S. 1882, Higher Education Act Amendments of 1998.
2. S. 1754, the Health Professions Education Partnerships Act of 1998.
3. Presidential nominations.

For further information, please call the committee, 202/224–5375.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Wednesday, April 1, 1998 at 10:30 a.m. in room 106 of the Dirksen Senate Office Building to conduct a mark-up on the following business: (1) the nomination of Katherine Archuleta of Denver, Colorado to serve on the Board of Directors of the Institute of American Indian and Alaska Native Culture and Arts Development; (2) S. 1279, Indian Employment, Training and Related Services Demonstration Act Amendments of 1997; and (3) S. 1797, the Reduction in Tobacco Use and Regulation of Tobacco Products in Indian Country Act of 1998 to be followed immediately by a hearing on amendments to the Indian Gaming Regulatory Act of 1998.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on Thursday, April 2, 1998 at 9:00 a.m. in SR–328A. The purpose of this meeting will be to examine recently proposed legislation aimed at managing animal waste.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, April 2, 1998, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Metered Dose Inhalers. For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Monday, March 30, 1998, at 2 p.m. for a hearing on the nominations of Elaine D. Kaplan to be the special counsel in the Office of Special Counsel, and Ruth Y. Goldway to be Commissioner of the Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

VENEZUELA'S IMPORTANCE TO HEMISPHERIC ENERGY SECURITY

• Mr. MURKOWSKI. Mr. President, recently some of my colleagues on the Energy Committee and I traveled to Venezuela to tour some of the oil and gas operations run by the state-owned oil company, Petroleos de Venezuela, S.A. (PDVSA), and to learn more about the U.S.-Venezuela relationship on energy matters. Not many weeks prior to our trip, I had traveled to Venezuela for the first time to attend and address the Hemispheric Energy Conference in Caracas, which was co-chaired by Energy Secretary Federico Pena.

As Chairman of the Committee on Energy and Natural Resources, I believe my colleagues should know the important role Venezuela plays in U.S. and hemispheric energy security. And, as a Senator strongly committed to preserving and strengthening the U.S. oil and gas industry, I believe it is essential that we understand to the fullest extent possible the relationships between our countries and energy industries, and how we stand in relation to the rest of the world. I think it is safe to say, Mr. President, that very few people in our country appreciate Venezuela's importance in the global energy picture.

Our visit to Venezuela was particularly timely in light of the recent drop in world oil prices and the agreement among OPEC and non-OPEC members to curtail production to halt the downward fall in prices. Venezuela is a member of OPEC, and is a country others are looking to for cooperation in scaling down production.

What my colleagues and I learned about Venezuela's energy industry from our brief visit, Mr. President, is very impressive. I want to share some of the information we gathered with the rest of our colleagues in the Senate.

The United States and Venezuela have a long history of cooperation on energy matters. Venezuela has continuously provided oil to the U.S. for more than 70 years. During World War II, the Korean War, the conflict in Vietnam, and more recently the oil embargos and Persian Gulf War, Venezuela has been a stable and reliable source of oil for the United States. The U.S. presently imports just under 1.5

million barrels of oil a day from Venezuela, making Venezuela the largest supplier of crude. Venezuela, Mexico and Canada are the leaders in the Western Hemisphere in supplying oil to the U.S., which imports 52 percent of its daily production from that region.

Because of the proximity of our two countries, and certain synergies in our energy industries, the U.S. and Venezuela now enjoy a robust energy relationship that is triggering economic development and opening new trade and investment opportunities in both countries. To date, Venezuela's oil company has invested $2 billion in the U.S., and is importing hundreds of millions of dollars in U.S. goods and services used for energy production in Venezuela. A new bilateral investment protection treaty presently being negotiated between the two countries will afford U.S. investors greater safeguards in such important areas as capital transfers, international arbitration, intellectual property rights and others, and will put U.S. investors on an even playing field with investors from other countries.

Venezuela has 75 billion barrels of proven conventional crude oil reserves, ranking fifth-largest in the world and first outside of the Middle East. By comparison, U.S. crude oil reserves are three times smaller. In Venezuela's Orinoco Belt, which we visited, there are 1.2 trillion barrels of extra-heavy oil in place. Using a conservative rate of recovery of 20 to 25 percent at today's technology, it is estimated that 270 to 320 billion barrels of this resource could be recovered and used as a boiler fuel. In addition, Venezuela has 146 trillion cubic feet of natural gas reserves, which rank seventh-largest in the world. The U.S. is sixth in the world with 165 trillion cubic feet of natural gas reserves.

Mr. President, Venezuela is prepared to share its abundant oil resources with the rest of the world, and is implementing plans to almost double oil production from 3.7 to 6.5 million barrels per day by the year 2007. In order to do so, PDVSA plans to invest $65 billion in the next 10 years, $37 billion of which will come from its own revenue stream. $18 billion will come from PDVSA's foreign partners, and $10 billion will come from strategic alliances with foreign firms. Of the $65 billion total investment, PDVSA plans to invest $1.5 billion in the U.S.

To expand production and improve operating efficiency, PDVSA has undertaken several rounds of "oil openings," a process in which participation of companies operating around the world is solicited in an open bidding process. In the first round of bidding, ten light- and medium-crude fields were opened to foreign investment. Eight of the ten successful bidders were companies operating in the U.S.—Amoco, BP America, Benton Oil and Gas Company, Dupont Conoco, Enron Oil and Gas Company, Louisiana Land and Exploration Company, Maxus Energy Corp., and Mobil Corp.

PDVSA is involved in five joint ventures with U.S. companies to open Venezuela's extensive heavy oil reserves in the eastern Orinoco Belt and the western Boscan field. Those companies are Arco, Chevron, Conoco, Mobil and Total, N.A.

In addition, PDVSA has issued more than a dozen contracts to companies to develop marginal and inactive oil fields that contain approximately 2 billion barrels of light and medium crude oil. Those companies include Amoco, Benton Oil and Gas Co., Chevron, Mosbacher Energy Company, Occidental, Pennzoil, Total, and Shell.

Similar opportunities for investment in Venezuelan joint ventures lie ahead for U.S. companies.

Mr. President, the harsh reality is that the U.S. will import greater and greater amounts of oil to meet its domestic energy needs in the coming decades, notwithstanding our efforts to maintain a viable domestic oil and gas industry. Presently, the U.S. is importing about 54 percent of its daily crude oil needs, and that level is expected to exceed 60 percent in a few short years.

I believe U.S. government policies should favor reasonable oil and gas exploration and production efforts, fair royalty and tax treatment, and balanced environmental and conservation measures so that we can produce our own energy for our growing economy. Unfortunately, the Administration does not have those goals in mind, and does not see the importance of setting a national energy policy.

In my State of Alaska, we have potentially large untapped crude oil reserves in the ANWR and on the Alaska Outer Continental Shelf. The Administration does not support environmentally responsible exploration of ANWR, however. Elsewhere in the lower 48 states, the Administration is frustrating exploration and production activities on federal lands by removing promising acreage from inventory of lands accessible for exploration purposes, and is making more difficult the job of producing energy by imposing onerous economic and regulatory requirements.

Now, at a time when world oil prices are plummeting to record lows, it will be more and more difficult for American companies to produce oil at a reasonable price. While this is good news to the people of the U.S. because gasoline is at its lowest price ever when adjusted for inflation, it is not welcome news to small and independent oil and gas producers who will be especially hard hit, or to the larger energy producing companies.

It stands to reason, Mr. President, that the U.S. economy and industrial sector will benefit during times of low energy prices. The bad news is that there is a down-side to lower energy prices, and one that few people fully appreciate. When world oil prices fall below a certain level, as they have recently, the U.S. stands to lose production from stripper wells and marginally economic wells, along with the jobs associated with those wells. That, in turn, has ripple effects elsewhere in the economy through loss of jobs in the industries that supply goods and services to producers, and in the communities where they operate.

While we can take comfort in knowing that Venezuela is prepared to meet our oil import needs now and in the future, Mr. President, our trip served to bring more clearly into focus the U.S. energy situation and the need for policies and programs to preserve domestic production so that the current price situation does not cause permanent loss of jobs and domestic oil and gas reserves.

I intend to take important steps in the coming weeks to address the U.S. energy situation, Mr. President.•

HONORING RICHARD M. WILLIAMS FOR 24 YEARS OF SERVICE

• Mr. LEAHY. Mr. President, I rise today to pay tribute to a man who has spent the last twenty four years of his life working to ensure that Vermonters who are struggling to make ends meet, can afford to keep a roof over their heads. Richard Williams is far too humble to ask for recognition for those years of service, but that service has meant too much to go unrecognized.

The Vermont State Housing Authority (VSHA) was the first statewide housing authority in the United States, and Richard has been with it almost from the beginning. He came to VSHA in 1974 as an accountant when the organization itself was only six years old. Through the years he has served as Director of Fiscal Management, Deputy Director, and since 1984, Executive Director.

Under his leadership, VSHA has grown considerably. Today it administers the Section 8 program providing 4,585 families with rental assistance. The organization's non-profit arm, The Housing Foundation Inc. (HFI), which Richard helped to establish, created additional units of affordable housing and mobile home park lots. Through the HFI and various partnerships 1,050 units of affordable housing are now available for low-income families in Vermont. Just recently, Richard oversaw a creative interpretation of the tax code which, with the help of the Howard Bank, produced an $8.1 million tax exempt bond to refinance most of the mobile home parks in The Housing Foundation portfolio, to the benefit of 565 Vermont households.

But Richard was never content to limit himself to the work of VSHA. He sits on more boards and has served in more associations than I could recount here today. Among them are the Governor's Housing Council, the Advisory Group for the Consolidated Plan, and the Low-Income Housing Tax Credit Committee. With all of these commitments, it amazes me that he gets any rest at all. Vermonters are fortunate indeed to have someone so dedicated to making housing affordable for all, and who apparently needs so little sleep.

This year, the Vermont State Housing Authority is celebrating its thirtieth anniversary, and that is indeed cause for celebration. I applaud VSHA for thirty years of outstanding service to Vermont, and at the same time recognize Richard Williams for the large part he has played in that success. I know I speak for thousands of Vermonters who have a roof over their heads today because of his efforts, in saying thank you to Richard for twenty four years of service to Vermont.●

EXTENSION OF DEADLINE FOR SUBMISSION OF COMMISSION REPORT

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Intelligence Committee be discharged from further consideration of S. 1751, and, further, the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1751) to extend the deadline for submission of a report by the Commission to Assess the Organization of the Federal Government to combat the proliferation of weapons of mass destruction.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1751) was read the third time passed.

The bill is as follows:

S. 1751

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE FOR SUBMISSION OF COMMISSION REPORT.

Section 712(c)(1) of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (contained in Public Law 104–293) is amended by striking "enactment of this Act" and inserting "first meeting of the Commission".

AUTHORIZATION FOR SENATE LEGAL COUNSEL REPRESENTATION

Mr. DEWINE. Mr. President, further, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 202 submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 202) to authorize representation by the Senate legal counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, as my colleagues are aware, the Congressional Accountability Act of 1995 created procedures for judicial review of employment discrimination claims throughout the Congress to govern cases arising after the requirements of the law took effect on January 23, 1996. The Senate's antecedent process for review of discrimination claims in Senate employment, which was created by the Government Employee Rights Act of 1991, continues to govern older cases. The cases of William L. Singer versus Office of Senate Fair Employment Practices and Office of the Senate Sergeant at Arms versus Office of Senate Fair Employment Practices, now pending in the United States Court of Appeals for the Federal Circuit, arise under the 1991 Act.

These consolidated cases present the Federal Circuit with two petitions for review of the same underlying order. The first petition was filed by William Singer, a former member of the Capitol Police. After Officer Singer filed his petition for review, the Office of the Senate Sergeant at Arms, Officer Singer's "employing office" under the statute, filed its own petition for review. Both petitions seek review of a ruling of the Select Committee on Ethics concerning Officer Singer's request for reimbursement of attorneys' fees incurred in an underlying employment discrimination action.

Under the Government Employee Rights Act, a final decision of the Ethics Committee is entered in the records of the Office of Senate Fair Employment Practices, which is then named as the respondent if the decision is challenged in the Federal Circuit. As petitions for review in the Federal Circuit challenge final decisions of a Senate adjudicatory process, under the Government Employee Rights Act the Senate Legal Counsel may be directed to defend those decisions through representation of the Office of Senate Fair Employment Practices in court.

Accordingly, this resolution directs the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices, in the cases of Singer versus Office of Senate Fair Employment Practices and Office of the Senate Sergeant at Arms versus Office of Senate Fair Employment Practices, in defense of the Ethics Committee's final decision.

Mr. DEWINE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this measure appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 202) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 202

Whereas, in the cases of William L. Singer v. Office of Senate Fair Employment Practices, No. 98–6002, and Office of the Senate Sergeant at Arms v. Office of Senate Fair Employment Practices, No. 98–6003, pending in the United States Court of Appeals for the Federal Circuit, petitioners William L. Singer and the Office of the Senate Sergeant at Arms have sought review of a final decision of the Select Committee on Ethics, which had been entered, pursuant to section 308 of the Government Employee Rights Act of 1991, 2 U.S.C. §1208 (1994), in the records of the Office of Senate Fair Employment Practices;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend committees of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 303(f) of the Government Employee Rights Act of 1991, 2 U.S.C. §1203(f) (1994), for purposes of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices, the respondent in this proceeding, is deemed a committee within the meaning of sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1)(1994): Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the cases of William L. Singer v. Office of Senate Fair Employment Practices and Office of the Senate Sergeant at Arms v. Office of Senate Fair Employment Practices.

ORDERS FOR TUESDAY, MARCH 31, 1998

Mr. DEWINE. Mr. President, on behalf of the majority leader, I ask unanimous consent that at 10 a.m. on Tuesday, the Senate resume consideration of the Sessions amendment No. 2166, and there will be 30 minutes of debate equally divided between the proponents and opponents. I further ask consent that following that time the Senate then proceed to a vote on or in relation to amendment No. 2166, and that no second-degree amendments be in order to that amendment. I finally ask consent that following that vote the Senate resume debate on the Murray amendment No. 2165.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, again on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, March 31, and immediately following the prayer the routine requests through the morning hour be granted, and the Senate resume consideration of S. Con. Res. 86, the budget resolution, with the time between 9:30 a.m. and 10 a.m. being equally divided between the two managers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I also ask unanimous consent that from 12:30 p.m. to 2:15 p.m. the Senate stand in recess for the weekly policy luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Again, on behalf of the majority leader, tomorrow the Senate will resume consideration of the budget resolution. At 10 a.m. the Senate will resume consideration of the Sessions amendment No. 2166 with 30 minutes of debate equally divided, with a vote occurring on or in relation to the amendment at approximately 10:30 a.m. Following that vote, the Senate will resume debate on the Murray amendment No. 2165.

During Tuesday's session of the Senate, Members can anticipate debate on a number of amendments expected to be offered to the budget resolution. Any Members wishing to offer amendments should contact the managers of their intentions.

In addition, the Senate may consider any executive or legislative business cleared for Senate action. Therefore, Members can anticipate a very busy week of floor action.

As a reminder to all Senators, tomorrow the first vote will occur at approximately 10:30 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DEWINE. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Tuesday, March 31, 1998, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, March 30, 1998*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 30, 1998.

I hereby designate the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Virginia (Mr. GOODLATTE) for 5 minutes.

THE SECURITY AND FREEDOM THROUGH ENCRYPTION ACT

Mr. GOODLATTE. Mr. Speaker, strong encryption products are the locks and keys of the digital age. To ensure that the computer files of American citizens are protected, I have introduced H.R. 695, the SAFE Act, Security and Freedom through Encryption, which has 250 bipartisan cosponsors. The SAFE Act is supported by organizations from across the political spectrum. It is not often that legislation brings together such a diverse array of Members and interest groups.

On one side of this debate are the United States Chamber of Commerce, the National Association of Manufacturers, the Law Enforcement Alliance of America, the American Civil Liberties Union, the National Rifle Association, Americans for Tax Reform, Eagle Forum, the Center for Democracy and Technology, and a whole host of business organizations concerned about the security of their computer communications.

Who is on the other side? The administration, which continues to pursue a policy that threatens the privacy of American citizens. If the Government can access your encrypted computer files, medical records, tax returns and personal financial information, then hackers can, too.

I am pleased to be the sponsor of this legislation with the gentlewoman from California (Ms. LOFGREN), the lead Democrat cosponsors. There are about 150 Republican cosponsors of this legislation, and over 100 Democrat cosponsors as well.

This is truly a bipartisan effort. This legislation is designed to do three things: First, protect the privacy of law-abiding American citizens. People know today that their e-mail, their credit card numbers, their medical records, their tax returns, if they are submitted electronically, their industrial trade secrets, their copyrighted material, are all subject to invasion by hackers, by criminals and others who will make their communications available to who knows who for what reason.

Privacy is important in the Information Age, and we need to protect it.

Secondly, this is an important anticrime measure. This legislation will help to make sure that people who do use the Internet for electronic commerce will have that credit card number protected from a hacker stealing it.

The New York Stock Exchange, which has to encrypt its financial communications, which go all over the world, to make sure somebody does not break into that system and cause a financial crisis by changing the numbers in the computer system, or the same thing for a nuclear power plant, somebody breaking into its computer system and causing a meltdown. This is something that protects the infrastructure of our country and it protects individuals using the Internet, making sure their medical records are secure.

Industrial espionage is one of the largest problems we have in the criminal area in this country. The FBI has estimated more than $24 billion and/or more a year in industrial espionage takes place, and what is the prime place of that? Breaking into somebody's computer to steal information. Encryption, the scrambling of information to make sure it cannot be decoded by somebody intercepting it, is the Number one way to make sure this is safe.

Finally, this is an issue about jobs, jobs of American citizens. We dominate the software industry in the world. Today, nearly 75 percent of all the software sold in the world is created in the United States. But our foreign competition is on to the fact that this administration is using our export control laws to limit access to strong encryption by our software companies, by our citizens, and by those overseas who would like to buy the quality software products American companies make and cannot do so because of the fact that we have these export laws that limit access to this valuable software.

So they are using that to gain a competitive advantage, and we will lose the advantage we have in the world as we move more and more into encrypted software, as we move into the next century.

So these three things, protecting the privacy of American citizens, fighting crime, and making sure that we protect and create new jobs in a growing dynamic Information Age industry, are reasons why this legislation has been offered.

What does it do? It eases our export control laws and says that if foreign competition is offering a particular type of software, or if it is available off-the-shelf, our American industry should be allowed to compete and offer the same software overseas.

It prohibits the Federal Government from setting up what is called a mandatory key recovery system. What is that? That is where the government requires you to put the key to your computer, your encrypted computer software, the contents of your computer, in a location where government can get ahold of it without your knowledge.

Mr. Speaker, this is something that I would urge my colleagues to strongly support. This legislation has bipartisan support. Support the SAFE Act, H.R. 695.

SUPPORT THE SAFE ACT, H.R. 695

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California (Ms. LOFGREN) is recognized during morning hour debates for 5 minutes.

Ms. LOFGREN. Mr. Speaker, I am also here to discuss my proud cosponsorship of the SAFE Act. As the preceding speaker, my colleague from Virginia has noted, it is time, finally, for the United States to take the forward-thinking policy to avoid and abandon the flawed policies of key recovery, and to allow Americans to have complete protection from hackers and others

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

who would steal and invade their privacy, and, in some cases, their well-being.

Mr. Speaker, the current administration is searching for answers to the current encryption dilemma. As with their preceding administrations, they are listening, as they should, to the concerns of law enforcement and their needs to keep us safe from predators and terrorists. That is absolutely appropriate, but it is not appropriate to fail to take action when the policy that we have today is so seriously flawed.

Mr. Speaker, I am hopeful that as we continue this dialogue, the American people will become more vigorous in standing up for their rights to privacy in the digital age and on the Internet. There are many things that Republicans and Democrats disagree about. Today, we will have most likely very vigorous, perhaps even acrimonious disagreements, about the way campaign finance reform has been brought to this floor, the limitations on debate, and really the very unfortunate attention that has been given to campaign finance reform, legitimate campaign finance reform, by the majority.

Putting that to one side, we should, nevertheless, work together where we do agree, and there is broad support among both Democrats and Republicans for a sound encryption policy that makes sure that all of us have access to the strongest encryption available in the world at large.

I commend my colleague, the gentleman from Virginia, Mr. GOODLATTE, for his leadership in this effort, and look forward to resounding support from the entire House, and later the Senate.

DEBATING CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts (Mr. MEEHAN) is recognized during morning hour debates for 5 minutes.

Mr. MEEHAN. Mr. Speaker, April Fool's Day has come to the House 2 days early, and, unfortunately, the joke is on all of us who took the Speaker at his word when he promised last December to allow a fair debate and vote on campaign finance reform.

Today, we are going to consider four so-called reform bills under the suspension calendar. Now, the suspension calendar is usually reserved for noncontroversial legislation. Campaign finance reform is a tough issue and a controversial issue.

Here it is now, it is 12:30 in the afternoon. We are supposed to have a debate on this at 2 o'clock. We do not even have the language of all of the various proposals that on Friday afternoon the Republican leadership said we were going to vote on. We do not even have all of the language that we are going to be asked to vote on later on this afternoon.

The truth is, during the 104th Congress, Mr. Speaker, the Republicans passed a House rule that required the Speaker to notify the minority before scheduling suspensions. Yet these bills were put on the calendar without any consultation with the minority or the bipartisan group of legislators interested in passing real campaign finance reform legislation.

Needless to say, absent from the list of those bills to be voted on today is the bipartisan McCain-Feingold-Shays-Meehan bill, which could pass on a simple majority vote. It is clear to me that the Speaker and the Republican leadership have been promoting an outrageous lie that the House will seriously consider reform. It is a disgrace.

After all of the time and money that we have dedicated to discussing and investigating the problems with our current system, here we are, we cannot get a fair vote on bipartisan reform.

Yes, Mr. Speaker, April Fool's Day has come to the House early, and, unfortunately, the joke is on the American people. And one need not look very far to find out what independent sources are saying about today's mockery.

For example, if you look at today's New York Times and look at the lead editorial, it states, Today in place of real debate on campaign finance reform, the House is set to stage a mock debate on phony campaign finance reform. It is outrageous enough that the Republican House leaders' version of reform is the Thomas bill, which fails to end the corrupt soft money system, would triple contribution limits, and is laced with poison pill provisions.

Mr. Speaker, many in this House, on both sides of the aisle, have been working literally for years to try to form a consensus to pass real meaningful campaign finance reform. The American people have watched the news on all the major networks and have watched the debate and the hearings that have been held about the abuses of the soft money system and the influx of literally millions and millions of dollars into our campaign finance system.

Yet, when this debate is held today, it will be held under a suspension of the rules. There will not be an offer to have a vote up or down on bipartisan campaign finance reform, even though a majority of the Members of the United States Senate passed real campaign finance reform by a majority vote of 53, only to have that majority vote burst asunder by a filibuster that requires 60 votes in the other body.

Now, we have an opportunity to get that bill back to the United States Senate and have the United States Senate decide to pass real campaign finance reform by simply only allowing a majority vote. But we are going to be unable to do that this afternoon. We are going to be unable to do that because the leadership on Friday afternoon decided that we are going to have a debate under suspensions, that requires a two-thirds vote to pass anything. That is why usually when suspensions are up, noncontroversial items are brought up.

You look at the New York Times this morning. The New York Times says, "Now by bringing the phony Thomas bill up under suspension of the rules, the Republican leadership has rigged the process for this rigged bill, prohibiting House Members from offering any amendments or any alternative legislation and denying them a way to vote against the process."

□ 1245

The American people deserve a real debate on campaign finance reform," especially, according to the New York Times, after the campaign fundraising scandals and abuses in the last elections.

Finally, Mr. Speaker, the New York Times said that the Shays-Meehan bipartisan bill, which is a companion measure to the McCain-Feingold bill that received a majority vote in the Senate, deserves a fair vote.

Mr. Speaker, let us take this suspension back, and let us come back with a real vote on campaign finance reform and allow the vote on bipartisan reform.

CONCERN REGARDING CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Connecticut (Mr. SHAYS) is recognized during morning hour debates for 5 minutes.

Mr. SHAYS. Mr. Speaker, I do not usually address the House on 5 minutes before the session, but I am not sure how much time will be given to debate campaign finance reform when these bills are brought before us under suspension. I just want to make a number of points for the RECORD for that debate.

First, I want to express my concern that on a Friday afternoon, after Members were proceeding to leave, the House was told for the first time that we would have debate on four campaign finance bills, debate that likely will begin before many Members get back to Washington.

I would also like to express concern as to how we will be debating these bills. We will have four campaign bills debated under suspension of the calendar, which has three major flaws:

We cannot amend a bill under suspension.

The debate is limited to each side having 20 minutes, so a total of 40 minutes for the major issue of campaign finance reform. Admittedly, there will be four 40-minute debates, because there are four bills.

And it takes, as has been pointed out by my colleague, the gentleman from Massachusetts (Mr. MEEHAN), a two-thirds vote to pass legislation. In the Senate, they need 60 votes to invoke cloture and actually end debate and have a vote on a bill, 60 votes out of 100, or 60 percent. Here we need, in the House, under suspension, 66 and two-thirds percent of the membership's vote. Mr. Speaker, this is not the Senate, thank goodness, and it should not take a supermajority to pass meaningful campaign finance reform.

I would like to now address the issue of what bills are coming forward. They are all bills that have been promoted by Republicans, not Democrats, so the Democrat party and leadership was not consulted in what bills would come up. It strikes me that, at the very least, they should have been. Had I been in the minority, I would be outraged to see Democrats do the same thing to a Republican minority.

Second, not only were Democrats not consulted, Democrat proposals are not being allowed to be debated. I am wondering why we would not allow such a debate, given the rule says we need two-thirds to pass.

Third, I would like to express the concern that a bipartisan group of Members who have been working in good faith have not been consulted and that some of the bills are bipartisan. So there are many reasons to express concern about the process, which, is deplorable.

Having said that, I want to acknowledge that three of these bills, in my judgment, merit support. I do not intend to vote against a good bill just because I do not like the process. I vote against a rule because I do not like the process. I have been in public life 24 years in the State House and in Congress, and I learned a long time ago you do not vote against a good bill simply because you do not like the process.

The Thomas bill is a comprehensive bill worked on just by Republicans. It is a good-faith attempt to get a bill the Republican party likes. To me, it is not a bill that merits support in its present condition. It has flaws to it that I hope are pointed out during the debate, but it was a comprehensive effort to deal with Republican concerns.

The FEC bill, providing disclosure when you raise and spend money, is a no-brainer for me. That should get our support.

A ban on foreign contributions, how could we vote against a bill that bans foreign contributions? It gets my support, if that is, in fact, the bill that comes forward.

Paycheck protection is a little more controversial. I understand why some might not vote for it. It basically says if you are a member of a union, the union has to get your permission before it supports particular candidates or political causes. I think they should get permission of a member beforehand.

My wife had to get out of the union because her money was being given to candidates she did not support. The only way she could prevent this was to invoke the Beck rule and say her money could not be used. Under the Beck rule she is forced out of the union, and pays an agency fee.

Mr. Speaker, 84 percent of my constituents said they believe, and I quote, "Our democracy is threatened by the influence of unlimited campaign contributions by individuals, corporations, labor unions, and other interest groups." A biased statement?

I asked what my constituents felt in a questionnaire I sent to them. Fifty-one percent strongly agreed, 33 percent agreed. Eighty-four percent of my constituents believe our democracy is threatened by the influence of unlimited campaign contributions by individuals, corporations, labor unions, and other interest groups. Regrettably, their Representative will not be able to vote for the McCain-Feingold bill, which prevents soft money, those unlimited contributions my constituents abhor.

CAMPAIGN FINANCE REFORM PROCESS HAS BEEN RIGGED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from California (Mr. FARR) is recognized during morning hour debates for 5 minute.

Mr. FARR of California. Mr. Speaker, let the record show that we have three former Peace Corps volunteers on the floor today, the gentleman from Connecticut (Mr. SHAYS), I appreciate his remarks, the Speaker pro tempore, and myself.

Mr. Speaker, I rise today to discuss probably the issue of today, which is campaign finance reform. What is happening today is that the process has been rigged. We have a suspension of democracy, not a suspension of consent items before the House.

We are scheduled to vote this evening on campaign finance reform, on four bills, as the gentleman from Connecticut (Mr. SHAYS) pointed out, all Republican bills without any Democrat input, although the Democrat bill that I authored has 106 cosponsors, the most that any campaign finance reform bill has ever had in the history of this House.

I would like to speak a little bit about that history, because we have, in the past, passed campaign finance reform. In fact, if Members will go back to probably times when some of the Members here were serving, the 100th Congress, in 1987 and 1988, the House bill was introduced by a House Member from California, Mr. Coelho. It had 96 cosponsors in all.

Then the Senate bill, which was S. 2, was introduced by a Democrat from Oklahoma, Senator Boren. That bill was filibustered by the Republicans for a record of seven cloture votes, and it was defeated by the Republican filibuster.

In the 101st Congress, 1991 to 1992, again Mr. Swift, a Democrat from Washington, introduced the House bill here, which had several cosponsors, and it passed the House. It passed on a bipartisan vote, 255 to 155, including 15 Republicans that voted for the bill.

Then what happened is that the conferees, because the Senate blocked the conferees, were never appointed. So, again, the second time that a bill had gotten blocked by Republican efforts.

In the 102nd Congress, which is 1991 to 1992, the gentleman from Connecticut (Mr. GEJDENSON) sponsored the bill. It had 82 cosponsors in all. It passed the House on November 25, 1991, by a vote of 273 to 156. The Senate had a similar measure.

The House agreed to the Senate measure and it passed the Senate, it was again by Senator Boren, by a vote of 56 to 42. It went to conference. The conference report was voted on by this House 259 to 165 on April 9, 1992. Guess what happened in 1992? On May 5, President Bush vetoed the bill.

That is similar to the bill that I have up today, H.R. 600. There is not much difference. It became, I think, the bill, most of which is in the Shays-Meehan bill. Again, an effort by the Republicans to block campaign finance reform.

Then in the 103rd Congress, the gentleman from Connecticut (Mr. GEJDENSON) again introduced this bill, H.R. 3. It passed the House on November 22, 1993, by a vote of 255 to 175. The Senate bill passed again, introduced by Senator Boren, a Democrat from Oklahoma, passed the Senate on June 7, 1993, by a vote of 60 to 38. The cloture failed on the motion to go to conference on September 23; and due to a filibuster by Senator GRAMM, a Republican from Texas, the cloture failed on September 27.

Again, in the 104th Congress I took over the work of the gentleman from Connecticut (Mr. GEJDENSON), I guess because both of us are SAMs, and I guess the Sam Caucus sticks together. I introduced the H.R. 3505. It had numerous cosponsors. It was a substitute to the Republican campaign finance reform bill, and it failed on this floor by 177 to 243. It received bipartisan support. And the act goes on.

Now we are in the 105th Congress. I have introduced H.R. 600. It had a 106 cosponsors. It cannot get out of committee. It cannot even be offered as a substitute. So history has shown that when the Democrats were in power, we were able to get bills off this floor. We were able to get more substantive bills than are being addressed today.

I think what is happening today a real sham. It is a sham on democracy. It is shameful what we are doing.

There is a funeral going on right now in New Mexico. Most of our Members are there. They cannot even participate in this discussion.

The vote is on the suspense calendar, which requires a two-thirds vote, an extraordinary vote. The suspense calendar is for things that are automatic, that people have no debate on. They are not controversial issues. Yet, this day was the day chosen to hear this.

Let me tell the Members what has been going on in this House. We ought to all be outraged because, since the beginning of this year, this session, the oversight committee chaired by our colleague, the gentleman from Indiana (Mr. BURTON), and by Senator FRED THOMPSON have subpoenaed in the House 587 people, put 114 depositions, had 13 days of public hearings, had 33 witnesses and spent $6.8 million, and nothing coming out for campaign finance reform. This is outrageous.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Members are reminded not to make reference to individual Members of the other body when they speak.

THE SPEAKER PROMISED DEBATE AND A VOTE ON REAL, BIPARTISAN CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from New York (Mrs. MALONEY) is recognized during morning hour debates for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, a promise is a promise. Back in November, the Speaker promised us a bipartisan campaign finance bill, a vote here on this floor. This is not a bipartisan campaign finance bill. It is a partisan campaign finance reform bill. This plan to put campaign finance bills up for suspension votes is like a magic trick: Now you see them, now you do not. The House leadership is using the process to ensure that these reform bills disappear into their magic black hats.

The American people must know that their own democratic process is being used against them. There are enough Members of this House willing to vote for reform, and the House leadership simply will not put the bill out on the floor for a vote. They are manipulating the system. We need pressure; and we will keep pressure on until we bring a real bill, like Shays-Meehan, up for a real vote on this House floor.

If the House leadership spent as much time fixing the Nation's problems as it spends figuring out how to avoid having a vote on this Shays-Meehan bill on the floor, our work here in Washington would have been completed. If the House leadership appropriated as much money trying to fix the Nation's problems as it spends figuring out how to shoot down the opposition, our work here in Washington would be finished.

Millions have been spent so far on clearly partisan investigations into the 1996 elections, but there has been no serious attempt to reform the system. We have had many, many hearings in the Burton committee on alleged campaign finance abuses; and absolutely every single one of the abuses involved the use of soft money. Instead of continuing to look at problems, we should be spending time on how to fix the problems.

Even if we just had a vote on one segment out of Shays-Meehan, which is banning soft money, we would have removed the ability for campaign finance abuse, which is being alleged in the many hearings before the Burton committee.

□ 1300

Another point that is particularly troubling is the funding for the Federal Elections Commission. This is the only body that is empowered, and it is a bipartisan body, it is the only body that is empowered to look at campaign finance abuses and to try to correct the system, and to find those that abuse it. Yet the Federal Elections Commission has not been appropriated the money that they requested just to investigate the abuses that are before them. Yet there have been multimillions appropriated, $40 million appropriated to look into investigations before the House Committee on Government Reform and Oversight on alleged abuses. Yet the Federal Elections Commission, the one bipartisan body that is empowered to actually do something about it, has not received the funding that they requested to get the job done.

The money keeps pouring in. The FEC recently released a report showing that congressional candidates are setting new fund-raising records. In 1997 candidates for House and Senate seats raised $232.1 million. That is a $48 million increase from the same period in the cycle before.

Mr. Speaker, the problem is getting worse on both sides of the aisle and Members from both sides of the aisle are asking for reform. More than 300 Members of this body have signed on to one form or another of reform campaign finance legislation before this body. Mr. Speaker, let us bring it to the floor for a vote. We certainly need to vote for campaign finance reform before we go back to our constituents and ask them to vote for us in our own reelection bids.

Mr. Speaker, a promise is a promise, and it is time to turn the promise of the Speaker's handshake with President Clinton and others confirming support for campaign finance, it is time to turn the promise of that handshake into the reality of a law. At the very least, we should bring Shays-Meehan to the floor for a vote.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 2 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GIBBONS) at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We recognize, O God, how we long for unity in our communities and we pray for a harmony that brings people together in a spirit of cooperation and teamwork. Yet, we know, too, that there can be enmity and animosity which does no one any good and which weakens us as a Nation.

So we pray, gracious God, that we will be instruments of Your peace, and messengers of Your reconciliation so that our faith will be active in love, and our citizenship will be seen in our deeds. Help us to translate our words of prayer this day into respect for others and a reverence for all Your people. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

UNFAIRNESS IN TAX CODE: MARRIAGE TAX PENALTY

(Mr. WELLER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, questions are often asked why should we pass the Marriage Tax Elimination Act, and I think a series of questions best explain why. Do Americans feel that it is fair that working married couples pay more, that they pay higher taxes than identical couples living together outside of marriage? Do Americans feel that it is fair that 21 million married working couples pay on the average of $1,400 more in higher taxes just because they are married? Do Americans feel that it is fair that there is actually an incentive in our Tax Code which encourages divorce? Of course not.

Americans recognize the marriage tax penalty is unfair, that 21 million married working couples pay $1,400 more in higher taxes just because they are married. On the south side of Chicago and the south suburbs, $1,400 is 1 year's tuition at Joleit Junior College, 3 months of day care at a local day care center in the south suburbs.

The Marriage Tax Elimination Act, which would eliminate the marriage tax penalty, eliminate it now, now has 238 cosponsors. It deserves bipartisan support. Let us eliminate the marriage tax penalty. Let us eliminate it now.

THE CONSTITUTION NEVER INTENDED TO BAN SCHOOL PRAYER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, America is still in shock. Two boys, age 11 and 13, gunned down four young students in a middle school in Arkansas, and the experts are asking what happened to parents? What happened to values? What happened to our schools?

Schools are overrun with drugs, violence, guns, rape, murder, and now even mass murder. It seems America's schools have everything, Congress, everything except prayer. Maybe the so-called experts might finally realize that a nation that denies God in our schools is a nation that encourages the devil in our schools. The Constitution never, never intended to ban school prayer and never intended to separate God and the American people. Think about it.

YUCCA MOUNTAIN IS NOT SUITABLE FOR NUCLEAR WASTE STORAGE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, when I was a child, people thought that little green men lived on Mars and that the Moon was made of cheese. That was when imagination was stronger than science. Unfortunately, many of my colleagues look at transporting and storing nuclear waste in much the same way.

A recent scientific study claimed that the proposed storage site at Yucca Mountain, Nevada, is at least 10 times, that is right, 10 times more prone to earthquakes and lava flows than government scientists previously estimated. Nevada ranks third in the Nation for current earthquake activity.

Recognition and proper use of this information could potentially save thousands of lives. With over 30 earthquakes a year, clearly, Yucca Mountain is not suitable, and it may very well be the worst place to store the deadliest material man has ever created.

The space program proved that little green men did not live on Mars. And as long as the DOE applies this new scientific information, America will not force little green people to live in Nevada.

SECOND ANNUAL UNITED STATES-MEXICO BORDER CONFERENCE TO BE HELD ON CAPITOL HILL TOMORROW

(Mr. REYES asked and was given permission to address the House for 1 minute.)

Mr. REYES. Mr. Speaker, tomorrow, the second annual U.S.-Mexico Border Conference will be held on Capitol Hill. The purpose of this conference is to familiarize Members of Congress and their staff with the unique changes facing the U.S.-Mexico border.

Speakers from the border area will address issues under consideration by Congress that directly affected the southwest border, including infrastructure and economic development, education and the workforce, immigration and drug trafficking, health and the environment. The luncheon keynote speaker will be Ambassador of Mexico to the United States Jesus Reyes-Heroles.

During this 1-day event, you will hear about the effects of immigration policy, problems with illegal drugs, dislocated workers, the economy of both sides of the border, and the strain on our border infrastructure due to issues in NAFTA, and health care will also be discussed.

I hope that you will join me and the U.S.-Mexico Chamber of Commerce as we explore the needs of our 2,000-mile border with Mexico and discuss serious policy issues concerning the U.S.-Mexican border. I urge my colleagues to come and spend 1 day learning about the U.S.-Mexican border.

TAX SYSTEM IN THIS COUNTRY IS ANTIFAMILY

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, I see a lot of problems with our current tax burden, but today I want to highlight one of the biggest. The tax system in this country is antifamily. American families today spend more money on taxes than they spend on food, clothing and housing combined. They are taxed for most everything they do, even for taking the first step in getting married.

The marriage penalty is just one of many antifamily taxes in this country. It penalizes more than 21 million couples an average of $1,400 annually simply because they are married. In my opinion, this penalty goes against the tradition moral fabric of our Nation.

It is past time that we terminate the marriage penalty and other antifamily taxes that are placing such a tremendous burden on American families. Mr. Speaker, we need to be helping families, not penalizing families.

MORALITY IN LEADERSHIP

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the current situation at the White House has, at some point, caused each of us to pause and ask how has this soap opera changed the debate in this country? What do people care about? Is it really just the economy, stupid? Or do American citizens, as I know each of us wants to believe, hope for a truly honest and moral individual in the White House and, for that matter, in all positions of leadership.

Whatever happened to the expecting leaders who exemplified ideals of fidelity, character, honesty, and trustworthiness. If our children are not seeing these traits in us from the White House to the Halls of Congress, can we expect them to hold this high and timeless standard for themselves?

How unfortunate, the first thing that Americans now think of when we hear the name, President Clinton, has nothing to do with an African safari or balanced budget. What message is Bill Clinton sending to America? By his silence, is Bill Clinton condoning improper behavior? When will the Americans finally hear the truth? Character counts. It is that simple.

PUT THE SOCIAL SECURITY SURPLUS IN A TRUE TRUST FUND

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, not since Neil Armstrong walked on the Moon and Mod Squad was on our television screens in the houses of America, the New York Mets were on their way back to one of the best come-back stories in baseball history, have we had a balanced budget or surplus in the budget.

But it is true, this year we are on our way to a budget surplus. So how does Washington react? The President goes out and breaks last year's budget agreement and calls for $56 billion in new spending. And there you go, status quo in Washington.

Why do we have this balanced budget to begin with? Well, a couple things. Number one, we have slowed down the growth of government spending. Number two, we have a robust economy. And number three, sadly to say, we have put the Social Security surplus in with general revenues.

I believe, as do most Republican Members of Congress, if you want to put Social Security first and protect and preserve it, not just for the current generation of retirees, but for future generations, that you must separate the Social Security surplus and take it off budget and put it in a true trust fund with a fire wall from general revenue. I believe that is the number one thing this Congress should be doing.

U.S. SHOULD LEARN HOW TO DISPOSE OF NUCLEAR WASTE

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I want to offer my personal welcome to the distinguished members of the House of Commons, the Parliament of Canada. They are members of the Canadian Parliament Committee on International Relations and Trade.

They have expressed an interest to discuss with our colleagues the important issues of nuclear nonproliferation and its impact, not only to our Nation, to the region, and to the world for that matter.

Mr. Speaker, with approximately a $34 billion budget for the production and safeguard for our own nuclear arsenal, Mr. Speaker, we do not even know what to do with the billions of dollars expended on what to do with nuclear waste.

Why is Nevada made the only State to carry such a tremendous burden? We have developed the technology on perfecting the nuclear trigger, Mr. Speaker, but we do not even know how to control nuclear waste. What a travesty, Mr. Speaker. We need to look a little closer into this important issue.

SUPPORT BESTEA

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, I rise in strong support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act or BESTEA. The House will consider BESTEA on Wednesday, and I urge my colleagues to support this violation legislation.

BESTEA provides $217 billion in contract authority from the Highway Trust Fund over the next 6 years. This amount represents a 43 percent increase in funding over the 6 years of ISTEA. Further, this legislation was off the Transportation Trust Fund and ends the assault on the fund to mask the deficit and fund other domestic priorities.

A few of my colleagues have expressed concern over funding levels in BESTEA, and I would like to address this for a moment. Mr. Speaker, BESTEA keeps our commitment to the American people to spend gas tax revenue solely for transportation.

Mr. Speaker, I am a budget hawk who came here to balance the budget. BESTEA ends the Washington charade of masking the deficit with money that should have been spent on the Nation's transportation. I look forward to the overwhelming passage of BESTEA Wednesday and urge my colleagues to support it.

CAMPAIGN FINANCE REFORM

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, certainly the American people have a great deal of cynicism and outright apathy some days about the United States Congress because of the way that they handle campaign finance reform and other kinds of activities, sometimes late at night, sometimes at 2 or 3 o'clock in the morning, and sometimes not at all.

Tonight, I think we have the worst of all possible worlds. The Republican leadership has put an important issue to the American people, campaign finance reform, on the Suspension Calendar. Many Members are coming back home. They will not even be able to be involved in the debate. It requires two-thirds vote for passage on the Suspension Calendar. That is an unbelievably high hurdle or obstacle to overcome for any bill, let alone campaign finance. So we have got more and more cynicism, more and more distrust of our system here in Washington, D.C.

Let us debate this bill in the middle of the day so the American people can pay attention and decide which way they think legitimate campaign finance reform needs to go.

CAMPAIGN FINANCE REFORM

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, I rise today just to point out to the House what we have been doing this year when we have been here, both the House and the Senate when they began looking into campaign filings of the White House.

This House subpoenaed 587 subpoenas. They deposed 114 people. They held 13 days of public hearings. They had 33 witnesses. The House gave them $5 million. On the Senate side figures are about the same, only the Senate gave them $3.5 million.

□ 1415

In addition to what the House gave the committee they have now appropriated another $1.8 million, and what have we gotten for it? Nothing but a sham.

These bills that come before my colleagues tonight are bills that require a two-thirds vote. Most of the Members of Congress are not even here for the debate. This is not campaign finance reform, this is a travesty on democracy.

CYNICISM IN THE AMERICAN ELECTORATE

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, I began my political career after I left the University of Hawaii, was teaching at Leeward Community College, had little or nothing in the way of fiscal resources. We had the backing of young people, ran a grass roots campaign in 1974 when we had campaign expenditure limits. No matter how wealthy one was, and I was up against candidates who had great wealth available to them, we could not spend any more than the amount that was allocated.

We will not have an opportunity today to even debate whether we can get democracy back to the ordinary person. That is why we have such cynicism in the electorate today. And the approach today, and I ask my Republican colleagues to take this into account, I do not want to make this a partisan issue; but if we put this bill forward today with the two-thirds requirement when the membership is not even here, it will add to the cynicism of the American people that prevents young people from being able to run for office or even consider it.

Please do not move forward with this bill today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

PROVIDING ASSISTANCE TO NATIONAL HISTORIC TRAILS INTERPRETIVE CENTER IN CASPER, WYOMING

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2186) to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming.

The Clerk read as follows:

H.R. 2186

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares the following:

(1) The city of Casper, Wyoming, is nationally significant as the only geographic location in the western United States where 4 congressionally recognized historic trails (the Oregon Trail, the Mormon Trail, the California Trail, and the Pony Express Trail), the Bridger Trail, the Bozeman Trail, and many Indian routes converged.

(2) The historic trails that passed through the Casper area are a distinctive part of the national character and possess important historical and cultural values representing themes of migration, settlement, transportation, and commerce that shaped the landscape of the West.

(3) The Bureau of Land Management has not yet established a historic trails interpretive center in Wyoming or in any adjacent State to educate and focus national attention on the history of the mid-19th century immigrant trails that crossed public lands in the Intermountain West.

(4) At the invitation of the Bureau of Land Management, the city of Casper and the National Historic Trails Foundation, Inc. (a nonprofit corporation established under the laws of the State of Wyoming) entered into a memorandum of understanding in 1992, and have since signed an assistance agreement in 1993 and a cooperative agreement in 1997 to create, manage, and sustain a National Historic Trails Interpretive Center to be located in Casper, Wyoming, to professionally interpret the historic trails in the Casper area for the benefit of the public.

(5) The National Historic Trails Interpretive Center authorized by this Act is consistent with the purposes and objectives of the National Trails System Act (16 U.S.C. 1241 et seq.), which directs the Secretary of the Interior to protect, interpret, and manage the remnants of historic trails on public lands.

(6) The State of Wyoming effectively joined the partnership to establish the National Historic Trails Interpretive Center through a legislative allocation of supporting funds, and the citizens of the city of Casper have increased local taxes to meet their financial obligations under the assistance agreement and the cooperative agreement referred to in paragraph (4).

(7) The National Historic Trails Foundation, Inc. has secured most of the $5,000,000 of non-Federal funding pledged by State and local governments and private interests pursuant to the cooperative agreement referred to in paragraph (4).

(8) The Bureau of Land Management has completed the engineering and design phase of the National Historic Trails Interpretive Center, and the National Historic Trails Foundation, Inc. is ready for Federal financial and technical assistance to construct the Center pursuant to the cooperative agreement referred to in paragraph (4).

(b) PURPOSES.—The purposes of this Act are the following:

(1) To recognize the importance of the historic trails that passed through the Casper, Wyoming, area as a distinctive aspect of American heritage worthy of interpretation and preservation.

(2) To assist the city of Casper, Wyoming, and the National Historic Trails Foundation, Inc. in establishing the National Historic Trails Interpretive Center to memorialize and interpret the significant role of those historic trails in the history of the United States.

(3) To highlight and showcase the Bureau of Land Management's stewardship of public lands in Wyoming and the West.

SEC. 2. NATIONAL HISTORIC TRAILS INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management (in this section referred to as the "Secretary"), shall establish in Casper, Wyoming, a center for the interpretation of the historic trails in the vicinity of Casper, including the Oregon Trail, the Mormon Trail, the California Trail, and the Pony Express Trail, the Bridger Trail, the Bozeman Trail, and various Indian routes. The center shall be known as the National Historic Trails Interpretive Center (in this section referred to as the "Center").

(b) FACILITIES.—The Secretary, subject to the availability of appropriations, shall construct, operate, and maintain facilities for the Center—

(1) on land provided by the city of Casper, Wyoming;

(2) in cooperation with the city of Casper and the National Historic Trails Interpretive Center Foundation, Inc. (a nonprofit corporation established under the laws of the State of Wyoming); and

(3) in accordance with—

(A) the Memorandum of Understanding entered into on March 4, 1993, by the city, the foundation, and the Wyoming State Director of the Bureau of Land Management; and

(B) the cooperative agreement between the foundation and the Wyoming State Director of the Bureau of Land Management, numbered K910A970020.

(c) DONATIONS.—Notwithstanding any other provision of law, the Secretary may accept, retain, and, subject to the availability of appropriations, expend donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of development and operation of the Center.

(d) ENTRANCE FEE.—Notwithstanding section 4 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a), the Secretary may—

(1) collect an entrance fee from visitors to the Center; and

(2) subject to appropriations, use amounts received by the United States from that fee for expenses of operation of the Center.

(e) CONCESSIONS.—The Secretary may—

(1) take actions to encourage and enable private persons to provide and operate facilities and services at the Center in the same manner and extent as the Secretary may take such actions, with respect to areas administered by the National Park Service, under the Public Law 89-249 (16 U.S.C. 20a et seq.), popularly known as the National Park System Concessions Policy Act; and

(2) subject to appropriations, use amounts received by the United States from such facilities and services for development and operation of the Center.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $5,000,000 to carry out this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would establish the National Historic Trails Center and Interpretive Center in Casper, Wyoming.

H.R. 2186 was introduced in an effort to preserve and interpret several historic trails which crossed western America during the 1800s. These historic trails represent valuable historic and cultural themes that help shaped the West. This bill is the result of a cooperative partnership with Federal and non-Federal interests which will help fund, construct, operate and maintain the trails center. The partnership includes the Bureau of Land Management, the City of Casper, the State of Wyoming and the nonprofit National Historic Trails Foundation, which have been invaluable in their contribution to this effort. The non-Federal partners have made a clear commitment to share approximately one-half of the total cost to construct, maintain and operate the trails center.

At this point the design work is done, the land is available, and most of the non-Federal funds have been accrued. Now the actual interpretive center needs to be constructed. H.R. 2186 authorizes the appropriation of funds to complete this construction.

This bill really is a showpiece of what can be accomplished as a result of cooperative partnerships between Federal and non-Federal interests. This bill is noncontroversial, Mr. Speaker, and is supported by the administration. I urge my colleagues to voice support for passage of H.R. 2186.

H.R. 2186, the National Historic Trails Interpretive Center Authorization Act, requests an amount of $5 million be authorized for use by the Bureau of Land Management in the Department of the Interior to construct the National Historic Trails Interpretive Center in Casper, Wyoming.

Over a century and a half has now passed since the historic overland migrations of people across America's western frontier began. Their stories of hardship, perseverance and courage are legendary, and they figure prominently in the history of the West. The trails they traveled, especially in Wyoming, still remain a visible testimony to the great struggles of these early American pioneers.

During the mid-1800's, Casper, Wyoming was the only geographic location in the western United States where the Oregon, Mormon, California and Pony Express trails, as well as many Indian trails converged. A fork of the Bozeman Trail and the beginnings of the Bridger Trail also originated in Casper. These trails are a distinctive part of our nation's past and they possess important historical and cultural values representing themes of migration, settlement, transportation, and commerce that shaped the landscape of the West.

Congress has recognized the historical significance of these trails. The National Trails Systems Act, as amended in 1978 and 1992, designates the Oregon, Mormon, California, and Pony Express Trails as National Historic Trails. The Act also directs the Secretary of the Interior to protect, interpret and manage the remnants of these trails on federal lands.

While large segments of these trails, and their associated historic sites, lie on Bureau of Land Management (BLM) lands in Wyoming, no interpretive center is available in Wyoming, or any adjacent state, to educate the public on the role of these trails in our nation's history.

In an effort to preserve and interpret this important history, I have introduced H.R. 2186 to establish the National Historic Trails Interpretive Center (NHTIC) in Casper, Wyoming. The bill encompasses a unique partnership of federal and non-federal interests to jointly construct and operate this Center. These interests include the BLM, the city of Casper, and the nonprofit National Historic Trails Foundation. These entities came together in 1992 to build a center to memorialize and interpret the national historic trails in the West.

The interpretive and educational programs that will be associated with the Trails Center in Casper will enable visitors to discover and appreciate the miles of untouched trails that lie on public lands in the West. The Center will identify and help protect sensitive historic trail remnants to prevent degradation. The National Historic Trails Centers will also provide an opportunity for the BLM to showcase public lands emphasizing the bureau's commitment to preserve lands of historical value.

Under the cooperative agreement, there is a clear commitment of non-federal partners to share costs to construct, maintain and operate the Trails Center. City, state, foundation and private interests will bear approximately half of the total costs of the project. The City of Casper provided funds to initiate work on the Center. The city has also donated more than 10 acres of prime land overlooking the site of the North Platte River crossings of the historic trails for the Center. Furthermore, the citizens of Casper increased local sales taxes and have raised the required 1.5 million of construction dollars to meet their financial commitment under the cooperative agreement. The State of Wyoming has joined the partnership by giving $700,000 for the Center. The cooperative agreement also requires non-Federal entities to establish a $1 million endowment, the interest thereof to maintain exhibits for the life of the Center. The overwhelming amount of non-federal support for the Center is precisely the kind of cooperation Congress intended in managing and interpreting the historic trails of the nation.

The BLM, under the cooperative agreement, has an important but limited role in establishing and operating the National Historic Trails Interpretive Center. The BLM has already completed a striking design as well as the engineering blueprints of the Center. With this work completed, the land available, and most of the non-federal funds in hand, the Center is now ready for construction This legislation provides congressional authorization of funds for the BLM to do so. Once the Center is completed, the BLM will own and operate the facility. However, with the endowment, the authorization to charge visitors a modest entrance fee, and commitments for volunteer staffing, the facility will be largely self-sustaining from a financial perspective. This is important in view of the present and anticipated future funding restrictions of the Federal government.

In Wyoming, we are experiencing great interest in the historic trails that cross the state. In 1992, a year when visitation to Yellowstone National Park and Grand Teton National Park was down, the Wyoming Department of Tourism reported an increase in tourism along the Oregon Trail route during the sesquicentennial of that trail. This year is the sesquicentennial of the Mormon Pioneer Trail. BLM officials have estimated that between 200,000 and one million visitors participated in "trails" events in Wyoming this year. We expect similar interest in trails during the sesquicentennials of the California and Pony Express historic trails. In truth, an increasing number of Americans are discovering, enjoying, and learning the history of these treks and are seeking to experience natural settings, landmarks, and physical remains of the trails.

I am pleased with the broad level of support the National Historic Trails Interpretive Center enjoys. Wyoming State Representative Dorothy Perkins, who testified on behalf of the bill before the Resource Subcommittee on National Parks and Public Lands, along with Executive Director of the Center, Edna Kennell, have both worked tirelessly to make this project a reality. As noted earlier, the city of Casper and the State of Wyoming have provided tremendous assistance to the effort—for that I thank them. The governor of Wyoming, Jim Geringer, as well as Wyoming's former governor, Mike Sullivan, have endorsed the Center from the beginning. Wyoming's U.S. Senators, MIKE ENZI and CRAIG THOMAS, support the project. Especially gratifying has been the support and encouragement from interests outside of Wyoming, such as the Oregon-California Trails Association. I deeply appreciate the support of my respected colleague from Utah, Representative JIM HANSEN, Chairman of the House National Parks and Public Lands Subcommittee.

The establishment of the National Historic Trails Interpretive Center is in the public interest. The project contains the best elements of private and public cooperation. The construction and operation of this Trails Center is altogether consistent with the BLM's criteria for projects of this kind. I urge my colleagues to help advance our efforts to preserve and interpret a significant chapter of American history by lending their support for this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2186 directs the Secretary of the Interior to establish a National Historic Trails Interpretive Center in Casper, Wyoming, and to carry out this legislation the bill authorizes an appropriation of $5 million, and I want to certainly commend my good friend, the gentlewoman from Wyoming (Mrs. CUBIN), who is the chief sponsor of this piece of legislation.

Mr. Speaker, the center would encompass 4 designated historic trails, national historic trails, the Oregon Trail, the California trail, the Mormon Pioneer Trail and the Pony Express Trail, that pass through the Casper area. The center would include displays and provide visitor education on the historical impacts of the trails. Exhibits would depict the pioneers' travels, and I have been told that that would also include a focus on Native Americans.

The Bureau of Land Management is currently a partner with the State of Wyoming, the City of Casper and the National Historic Trails Center Foundation on this project. The partners are operating under a 1992 memorandum of understanding and a 1997 cooperative agreement.

The Bureau of Land Management has also committed $450,000 for the engineering and design of the center, and the Wyoming legislature has appropriated $700,000, and the local county has provided $1.5 million for the center through local sales taxes. The City of Casper has donated $700,000 to the foundation and has pledged to provide the land on which the center will be built. The foundation has raised $3 million towards the $4.5 million commitment to the project. In addition, efforts are underway to establish an endowment of at least $1 million to help with the maintenance and operation costs of the center.

Mr. Speaker, as this statement shows, there has already been a significant amount of work done to establish a National Historic Trails Center in Casper, Wyoming, and I add my support to these efforts in the bill. I believe H.R. 2186 is a noncontroversial measure, it does have the support of the administration, and I ask my colleagues to support this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

I wish to thank my colleague from American Samoa for his support and work on this bill.

I do not have any further speakers, so is the gentleman prepared to yield back the balance of his time?

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. ROEMER) to speak on this legislation.

Mr. ROEMER. Mr. Speaker, I thank my good friend for yielding this time to me, and congratulate him and gentlewoman from Wyoming (Mrs. CUBIN) for her hard work on this very important noncontroversial bill on the trails interpretive center. Certainly the engineering design center that they are discussing is important in a host of different ways, and the money they have worked to allocate for this legislation is extremely important too. But I would say, Mr. Speaker, in terms of this historic trail that is going to lead somewhere and has been designed for specific purposes, certainly the campaign trail for finance reform in this country is leading absolutely nowhere.

Mr. Speaker, we have scheduled it tonight, we have scheduled it at a time when we are supposed to be debating during the course of today's calendar, we are debating, I am sure, a very important piece of legislation here today for this National Historic Trails Interpretive Center in Casper, Wyoming, and we are giving 20 minutes to this particular bill and the same amount of time and importance to each one of the campaign finance bills tonight, 20 minutes apiece.

Then, Mr. Speaker, we are also saying tonight that these bills have to be on the suspension calendar, which I think is a travesty to the system, it is unfair to the American people's desire for campaign finance reform, and it does not do justice to the amount of work that many Members of Congress have put into this historic campaign finance reform legislation that they have worked hard on, that they think that their constituents are very interested in, that they think is important for the integrity of our system here in America.

And certainly as we look at the calendar for the rest of the day, 20 minutes today on this National Historic Trails Interpretive Center in Casper, Wyoming, 20 minutes on these particular bills on campaign finance reform, I am sure that we are going to spend more than 20 minutes on the tobacco legislation that is going to be coming before Congress. And with the amount of money that big tobacco has put into the legislation that is going to be before Congress, certainly there might be some out there, Mr. Speaker, that do not want any kind of legitimate campaign finance reform going on tonight to talk about the roles of special interest groups in the system today.

I think the American people, whether they are in Indiana or California or New Jersey, want to do specific things to try to clean up the system. They want to have more faith in their people in public service, they want to see some lids on the amount of money being spent in campaigns across the country today. They want to see this soft money or sewer money not being flushed into every particular district in the country at the last minute and having no accountability to either one of the candidates, Democrat or Republican. They want to see that we have a fair system in the campaign finance reform system in the future.

I think more and more, Mr. Speaker, we are seeing the candidates that are running for different elective office out there more and more reflective of the higher income groups, and more and more the middle class and lower income people are not going to be able to run for office in the future if we are not able to debate and discuss in a genuine sense, with a lot of integrity and some considerable time, campaign finance reform.

So to put campaign finance reform on a Monday night, to put campaign finance reform before the American people at the same time that there is a very important basketball game taking place tonight, to put campaign finance reform at 20-minute intervals, the same 20 minutes that I am sure that this important bill deserves, but I think campaign finance reform is certainly something the American people are probably more interested in and affects more of them than this National Historic Trails Interpretive Center in Casper, Wyoming.

We need to make sure that we are doing a service to campaign finance reform, and let the American people know what is in these bills, let the American people contact our offices and let us know how we should vote on a particular matter of this kind of importance to the American people.

I would hope that the Republican leadership, Mr. Speaker, would do a service to the body, do a service to the people of this country and not put such an important bill up for debate when Members are traveling back from the Midwest and back from the West Coast, when many of them are not even here to partake in the debate or listen to the debate, and when we only put 20 minutes forward on such an important piece of legislation.

So, Mr. Speaker, I rise in support of this very important bill before us, and I appreciate my colleagues' patience.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the fine gentleman from Indiana for his support, and I congratulate him on his creativity in debate. I would add one little bit of information. Actually there is 20 minutes of time allocated to each side, so if it makes my colleague feel any better, it is 40, but I doubt that is the case.

Mr. Speaker, I have no further speakers, so I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, it is nice to see a speaker from Nevada, an author from Wyoming and a legislator from California all up here to support the National Historic Trails Center in Casper, Wyoming. I am a big supporter of historic trails. In fact, we are going to authorize to spend $5 million of taxpayers' money, and I think it is money well spent. But we are going to see probably everybody is voting for this bill because it is a good thing to do, to support historic trails.

I wonder if this trail is going to lead us into some meaningful campaign finance reform. Do my colleagues think that we could sort of get, in a bipartisan spirit, this idea that we ought to probably limit the amount of money that goes into campaigns, not expand them, that I understand is the proposal, kind of limit it down here? I mean, there was so much money spent in campaigns in the 1996 election, if we limited it to $5 million like the center would have, we would have meaningful reform.

□ 1430

Mr. Speaker, I appreciate this, and I hope that when we have similar type legislation for similar bills in California, that Wyoming supports us as well. I hope this trail center, when you interpret it, it will be able to interpret why we have not had meaningful campaign reform here on the floor of the House in March of 1998.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman for her tremendous patience, and I want to commend the gentleman from California for his remarks. I think that perhaps we should provide a special area in this historic center we are going to build in Casper, Wyoming, and put all the memorabilia about campaign finance reform in it. Maybe that might be of help.

I want to truly thank the gentlewoman for our dialogue this afternoon and in passage of this bill. I urge my colleagues to vote for passage of this legislation.

Mr. HANSEN. Mr. Speaker, I wish to support H.R. 2186, a bill introduced by my colleague Congresswoman BARBARA CUBIN from the State of Wyoming. Mrs. CUBIN has worked very hard for the citizens of Wyoming to help establish the National Historic Trails Interpretive Center. These historic trails, including four Congressionally designed trails, form a distinctive part of our Nation's history and represent valuable historic and cultural themes which helped shaped the West.

This bill is showpiece of a cooperative partnerships between federal and non-federal interests that will fund, construct, operate, and maintain the Trails Center.

This bill is non-controversial and is supported by the Administration, trails groups, and the City of Casper, Wyoming. I urge my colleagues to support H.R. 2186.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 2186.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2186.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

RHINOCEROS AND TIGER CONSERVATION REAUTHORIZATION ACT OF 1998

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3113) to reauthorize the Rhinoceros and Tiger Conservation Act of 1994.

The Clerk read as follows:

H.R. 3113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rhinoceros and Tiger Conservation Reauthorization Act of 1998".

SEC. 2. REAUTHORIZATION OF RHINOCEROS AND TIGER CONSERVATION ACT.

Section 7 of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306) is amended by striking "fiscal years" and all that follows through "2000" and inserting "fiscal years 1998, 1999, 2000, 2001, 2002, 2003, and 2004".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. FARR) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present the House of Representatives H.R. 3113, to extend the Rhinoceros and Tiger Conservation Act of 1994 until September 30, 2004.

The fundamental purposes of this landmark law were to establish a conservation fund and to authorize the Congress to appropriate up to $10 million per year to finance worthwhile projects to assist highly endangered species of rhinos and tigers.

Since its enactment, the Congress has appropriated $1 million over the last three fiscal years. While this is much less than the $30 million that was authorized, this money has funded 31 conservation projects at a cost of $585,000. The sponsors of these projects will match these funds, and I am confident that these grants will help stop the destruction of these animals.

According to the U.S. Fish and Wildlife Service, 16 rhino projects, 7 tiger projects, and 8 projects to benefit both species have been funded. These have included an adopt-a-warden program in Indonesia, aerial monitoring of rhinos in Zaire, investigation of poaching and illegal trade of wild tigers in India, and the training of wildlife rangers in Tanzania.

Without this fund, I am convinced that rhinos and tigers would continue to slide toward extinction. After all, there are only 11,000 rhinos and fewer than 5,000 tigers living in the wild.

This small investment has become a powerful weapon in the international fight to stop the poaching of these species, and it is one of the only continuous sources of money available to range states.

During the subcommittee hearing on this legislation, every witness, including the administration, the American Zoo and Aquarium Association, Safari Club International, and the World Wildlife Fund spoke in strong support of H.R. 3113. Each of these witnesses testified that the grants made under this act will make a positive difference in conserving rhinos and tigers.

Mr. Speaker, I urge my colleagues to vote aye on this important wildlife conservation bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise also to enthusiastically support this legislation. This will provide much-needed funds, again, taxpayer money, for the protection of highly endangered rhinos and tigers throughout the world.

Why do we spend American taxpayer money on this? There is probably no two animals more urgently in need of strong conservation programs. Throughout their range, these two magnificent species have been brought to their knees by habitat destruction and commercial trade in products made from their carcasses, essentially, greed.

Today, our President is viewing wildlife on a safari in Botswana. Hopefully, he will be able to see a rhino, perhaps a black or even more endangered and rare, a white rhino.

If we do not act and pass legislation like this, the next President to visit Africa may not be so fortunate to ever see a rhino.

While CITES, which is the Convention on International Trade in Endangered Flora and Fauna, has made great strides in controlling the international trade of rhino horn daggers and tiger skins, these species continue to decline due to massive habitat destruction and the black market demand for traditional medicines using rhino and tiger products.

Here in the United States, we sometimes find it hard to believe that a relatively small amount of money can produce such tremendous conservation benefits when applied to on-the-ground programs in other parts of the world, but, believe me, it works. The desperate situation of all species of rhinos and tigers worldwide makes every conservation dollar that much more critical in the battle to save them from extinction.

Since its enactment in 1994, the rhino and tiger conservation fund has supported the investigation of poaching and illegal trade in wild tigers in India, a Tiger Community Education Program in Indonesia, aerial monitoring of white rhinos in Zaire, and other programs that are desperately needed if we are to have any hope of saving these species for future generations.

This is simple and straightforward law, thanks to the excellent management and implementation by the Department of the Interior, which has provided great conservation bang for a very limited buck.

Mr. Speaker, I urge my colleagues to support this much-needed legislation.

Mr. SAXTON. Mr. Speaker, I am pleased to speak in favor of H.R. 3113, a bill introduced by the distinguished Chairman of the House Resources Committee, to extend the Rhinoceros and Tiger Conservation Act.

Prior to 1994, the United States had not provided any financial assistance to those countries that were desperately trying to stop the slaughter of their rhino and tiger populations. In fact, today all species of rhinos and tigers are listed as endangered in the United States and internationally.

With the passage of the Rhinoceros and Tiger Conservation Act, this Nation took a bold step when we told the rest of the world that we would support conservation projects to assist these two irreplaceable species.

While the amount of assistance has been small, about $585,000, our government has now funded 31 conservation projects for rhinos and tigers, and the Department of the Interior is now carefully reviewing an additional 70 proposals.

It is essential that this assistance be available in the future, and that is why I support H.R. 3113. During our Subcommittee hearing on this legislation, Secretary Bruce Babbitt testified that "the Rhino and Tiger Conservation Fund has gotten off to an excellent start over the past three years. The job has only just begun, however. There is much more work to do and no shortage of committed partners seeking our help in Africa and Asia." At the same hearing, Dr. Terry Maple, the President-Elect of the American Zoo and Aquarium Association, states that "this Fund is designed to be a 'quick strike' in assisting conservation organizations on the front lines of saving these animals from extinction."

Mr. Speaker, it was no surprise that every witness strongly supported the enactment of H.R. 3113 because they believe, as I do, that the grants made from this Fund are making a positive difference in the international fight to save rhinos and tigers.

I urge an AYE vote on this important wildlife conservation measure.

Mr. FARR of California. Mr. Speaker, there is such unanimous support on this legislation that no one asked for time, and I yield back the remainder of my time.

Mrs. CUBIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the bill, H.R. 3113.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3113.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

CONSOLIDATING CERTAIN MINERAL INTERESTS IN NATIONAL GRASSLANDS IN BILLINGS COUNTY, NORTH DAKOTA

Mrs. CUBIN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 750) to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

The Clerk read as follows:

S. 750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGE OF CERTAIN MINERAL INTERESTS IN BILLINGS COUNTY, NORTH DAKOTA.

(a) PURPOSE.—The purpose of this Act is to direct the consolidation of certain mineral interests in the Little Missouri National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests in order to enhance land management capability and environmental and wildlife protection.

(b) EXCHANGE.—Notwithstanding any other provision of law—

(1) if, not later than 45 days after the date of enactment of this Act, Burlington Resources Oil & Gas Company (referred to in this Act as "Burlington" and formerly known as Meridian Oil Inc.), conveys title acceptable to the Secretary of Agriculture (referred to in this Act as the "Secretary") to all oil and gas rights and interests on lands identified on the map entitled "Billings County, North Dakota, Consolidated Mineral Exchange—November 1995", by quitclaim deed acceptable to the Secretary, the Secretary shall convey to Burlington, subject to valid existing rights, by quit-claim deed, all Federal oil and gas rights and interests on lands identified on that map; and

(2) if Burlington makes the conveyance under paragraph (1) and, not later than 180 days after the date of enactment of this Act, the owners of the remaining non-oil and gas mineral interests on lands identified on that map convey title acceptable to the Secretary to all rights, title, and interests in the interests held by them, by quitclaim deed acceptable to the Secretary, the Secretary shall convey to those owners, subject to valid existing rights, by exchange deed, all remaining Federal non-oil and gas mineral rights, title, and interests in National Forest System lands and National Grasslands identified on that map in the State of North Dakota as are agreed to by the Secretary and the owners of those interests.

(c) LEASEHOLD INTERESTS.—As a condition precedent to the conveyance of interests by the Secretary to Burlington under this Act, all leasehold and contractual interests in the oil and gas interests to be conveyed by Burlington to the United States under this Act shall be released, to the satisfaction of the Secretary.

(d) EQUAL VALUATION OF OIL AND GAS RIGHTS EXCHANGE.—The values of the interests to be exchanged under subsection (b)(1) shall be deemed to be equal.

(e) APPROXIMATE EQUAL VALUE OF EXCHANGES WITH OTHER INTEREST OWNERS.—The values of the interests to be exchanged under subsection (b)(2) shall be approximately equal, as determined by the Secretary.

(f) LAND USE.—

(1) EXPLORATION AND DEVELOPMENT.—The Secretary shall grant to Burlington, and its successors and assigns, the use of Federally-owned surface lands to explore for and develop interests conveyed to Burlington under this Act, subject to applicable Federal and State laws.

(2) SURFACE OCCUPANCY AND USE.—Rights to surface occupancy and use that Burlington would have absent the exchange under this Act on its oil and gas rights and interests conveyed under this Act shall apply to the same extent on the federally owned surface estate overlying oil and gas rights and interests conveyed to Burlington under this Act.

(g) ENVIRONMENTAL PROTECTION FOR ENVIRONMENTALLY SENSITIVE LANDS.—All activities of Burlington, and its successors and assigns, relating to exploration and development on environmentally sensitive National Forest System lands, as described in the "Memorandum of Understanding Concerning Certain Severed Mineral Estates, Billings County, North Dakota", executed by the Forest Service and Burlington and dated November 2, 1995, shall be subject to the terms of the memorandum.

(h) MAP.—The map referred to in subsection (b) shall be provided to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives, kept on file in the office of the Chief of the Forest Service, and made available for public inspection in the office of the Forest Supervisor of the Custer National Forest within 45 days after the date of enactment of this Act.

(i) CONTINUATION OF MULTIPLE USE.—Nothing in this Act shall limit, restrict, or otherwise affect the application of the principle of multiple use (including outdoor recreation, range, timber, watershed, and fish and wildlife purposes) in any area of the Little Missouri National Grasslands. Federal grazing permits or privileges in areas designated on the map entitled "Billings County, North Dakota, Consolidated Mineral Exchange—November 1995" or those lands described in the "Memorandum of Understanding Concerning Certain Severed Mineral Estates, Billings County, North Dakota", shall not be curtailed or otherwise limited as a result of the exchanges directed by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Mrs. CUBIN) and the gentleman from California (Mr. FARR) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate 750, an act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

Mr. Speaker, S. 750, introduced by the senior Senator from North Dakota, Mr. DORGAN, is identical to H.R. 2574, introduced by our House colleague, the gentleman from North Dakota (Mr. POMEROY). Indeed, it is the request of the gentleman from North Dakota (Mr. POMEROY) that the full House take up the Senate bill rather than his own in order to expedite passage of this legislation. The gentleman's bill was referred to the Committee on Resources and then to the Subcommittee on Energy and Mineral Resources, as well as the Subcommittee on Forests.

The legislation directs the Secretary of Agriculture to conclude an equal-value exchange of 9,582 of private oil and gas rights for 8,796 acres of Federal oil and gas rights beneath a national grassland within Billings County, North Dakota, managed by the U.S. Forest Service. The legislation also authorizes the exchange of any other private mineral rights in the same area. S. 750 passed the Senate by unanimous consent.

Mr. Speaker, our colleague from North Dakota has worked diligently to bring together differing interests to make this bill happen. The private mineral owner is the successor in interest to a land grant to the Northern Pacific Railroad. The land surface estate was acquired by the Secretary of Agriculture many decades ago, but the mineral estate was reserved by the railroad.

To have meaning, such reservations obviously must include the right to use the surface estate to the extent necessary to access one's own mineral rights. Such is the case here, but the oil and gas company that has these rights has patiently negotiated with Forest Service and the environmental community to avoid actions which would disturb the roadless character and solitude of the area in question.

Mr. Speaker, now is the time to ratify the exchange contemplated in the moratorium of understanding referenced by the bill. Although it may well be possible to administratively exchange the mineral estates in question, all parties seek the blessing of Congress in order to expedite the deal already struck.

Further delay is unwarranted. Without this exchange, the Boundary Butte area of the National Grassland, which the Forest Service and the environmental community wish to protect from intrusions such as oil and gas development, remains threatened by the exercise of legitimate private property rights.

If we do not act, the long delay to legally access the private mineral estate will be exacerbated further and could possibly lead to a successful takings claim against the United States.

Mr. Speaker, this legislation makes both economic and environmental sense by consolidating mineral ownership and by reducing any potential conflict between surface and subsurface management of the National Grasslands. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FARR of California. Mr. Speaker, I yield such time as he may consume to the gentleman from North Dakota, Mr. POMEROY.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to thank everyone involved with the Committee on Resources for allowing this bill to come to the floor today, specifically the gentlewoman from Wyoming (Mrs. CUBIN), the gentlewoman from Idaho (Mrs. CHENOWETH), the chairs of the subcommittees of the Committee on Resources, the gentleman from Alaska (Chairman YOUNG) and the ranking member, the gentleman from California (Mr. MILLER), for their participation.

Mr. Speaker, I am proud of this legislation. This bill to authorize a mineral exchange has been the result of extensive negotiations between Burlington Resources, an oil and gas development company, the U.S. Forest Service, the North Dakota chapters of the Sierra Club and Wildlife Society, the Governor of North Dakota and the Bureau of Land Management Resources Advisory Council.

Now, why so much time and attention put on such an issue? As you can see, this is some of the most beautiful scenic area in western North Dakota. It is of a unique historical nature as well. General Custer and his troops rolled through this area looking for gold. Teddy Roosevelt ranched and hunted bison and grizzly in this region. There are unique geological formations which have caused the area to be considered sacred by the native Mandan and Hidatsa Indian tribes.

In this area alone, 26 archeological, 8 historical and 27 isolated artifact sites are known to exist. By passing this legislation, you will help us protect this region.

The bill is a win-win, because both the environmental and mineral exploration in western North Dakota are advanced by this legislation. Because of the fragmented land ownership pattern in this area, this exchange is going to have the effect of better protecting bighorn sheep habitat and lambing areas, and the viewshed of the Little Missouri River, indicated by this picture. For the mineral company, the exchange facilitates exploration in a way that is compatible with the unique features of the area.

□ 1445

The bill accomplishes the following:

Swaps mineral interests of the Federal Forest Service for mineral interests of the Burlington resources area; it authorizes the exchange of any other private mineral rights for the Federal mineral rights within 180 days of enactment subject to the Secretary's approval; it requires Burlington Resources, as a condition of exchange, to secure the release of any contractual property rights that may exist; assures no provision of the legislation can be interpreted to limit, restrict, or otherwise affect the application of the principle of multiple use in the national grasslands.

Also, the bill does not change the amount of surface ownership of the Federal Forest Service; decrease the Federal land available for oil and gas development; decrease the revenue to the county, State, or Federal governments. It does not provide Burlington Resources or the Forest Service with mineral rights of a greater value than those they now hold, and it does not change or address the ongoing issue of wilderness designation in this area.

In conclusion, this is simply positive legislation that allows for optimal preservation and optimal development in western North Dakota.

There is a specific issue raised by the Committee on Commerce which I want to speak to in the concluding portion of my remarks.

After the Committee on Resources reported out H.R. 2574, an identical version of the bill before us today, S. 750, a question was raised by the Committee on Commerce regarding the applicability of section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act, known as CERCLA, or Superfund, to the exchange involved in this legislation.

Section 120(h) imposes certain requirements on the Federal agencies concerning hazardous substances whenever the agencies dispose of real property, particularly when any hazardous substance was stored for 1 year or more, known to have been released, or disposed of there, and when the Federal Government plans to terminate the Federal Government operations there. CERCLA does not define "real property".

This legislation involves the exchange of only private and Federal undeveloped oil and gas rights, all of which will remain under federally-owned surface in the National Grasslands. We understand no hazardous substance was stored for 1 year or more, known to have been released, or disposed of on this Federal surface. Furthermore, the United States does not plan to terminate the Federal Government operations on this Federal surface.

For all these reasons, we believe that section 120(h) of CERCLA is not applicable to the transaction authorized by this legislation. It is, therefore, not the sponsor's intention nor the committee's intention that the legislation affect in any way the responsibilities and obligations of the parties to the transaction directed by the legislation under any applicable provisions of CERCLA.

That said for the RECORD, Mr. Speaker, I again want to thank really very sincerely the leadership of the Committee on Natural Resources and the ranking minority member for their assistance. This is important to us in North Dakota. I thank the Members for their help.

Mrs. CUBIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it has been a pleasure to work with the gentleman from North Dakota (Mr. POMEROY) on behalf of his constituents.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have not had the privilege of visiting this area, but I understand that President Theodore Roosevelt was among one of many Americans who appreciated the stark beauty of the North Dakota lands. In this bill we are really providing an opportunity for what he noticed generations ago to be saved for generations to come; and I applaud the work of our colleague, the gentleman from North Dakota (Mr. POMEROY), on this.

I do want to point out, Mr. Speaker, that the administration supports the objectives of this exchange; but they did raise some concerns in the hearing testimony about the procedural language in the bill.

We, too, would have preferred it had the Forest Service prepared a legislative environmental impact statement for Congress to consider ratifying; and we urge the Forest Service to do so in the future. But in this case the Forest Service has engaged in a thorough process of extensive public outreach in negotiating this exchange. The major stakeholders in North Dakota, including environmental groups, support the exchange in the bill; and there appears to be nothing to be gained by undue delay in its implementation.

Therefore, Mr. Speaker, I compliment the gentleman from North Dakota for his dedication and work on this important legislation. I urge my colleagues to support this bill.

Mr. Speaker, I rise in support of S. 750. This bill is identical to H.R. 2574, sponsored by our Democratic colleague Representative EARL POMEROY. The gentleman from North Dakota is a strong advocate for the interests of his constituents and has worked very hard on this legislation.

The purpose of this bill is to ratify an exchange of mineral assets between the U.S. Forest Service and Burlington Resources in order to consolidate federal land holdings in the National Grasslands of North Dakota. The exchange is deemed desirable because the land and mineral ownership pattern in this area is fragmented, with the Forest Service managing the surface estate of the lands while Burlington Resources owns subsurface mineral rights.

The Forest Service supports the objectives of the exchange in order to protect significant resources values in the National Grasslands, including the Kinley Plateau roadless area which provides critical habitat for bighorn sheep. The exchange will also have the benefit of protecting view-shed lands along the scenic Little Missouri River. A Memorandum of Understanding between the Forest Service and Burlington Resources concerning exploration and development of Burlington's mineral rights is also intended to provide additional protection to sensitive lands.

I have not had the privilege of visiting this area, but it is my understanding that President Theodore Roosevelt is among the many Americans who have appreciated the stark beauty of these North Dakota lands. In this bill, we are providing the opportunity for future generations to use and enjoy these lands as well.

Mr. Speaker, the Administration supports the objectives of this exchange but did raise concerns in hearing testimony about procedural language in the bill. We, too, would have preferred it had the Forest Service prepared a legislative environmental impact statement for Congress to consider and ratify. And we urge the Forest Service to do so in the future.

But in this case, the Forest Service has engaged in a thorough process with extensive public outreach in negotiating this exchange. Major stakeholders in North Dakota, including environmental groups, support the exchange and the bill. There appears nothing to be gained by undue delay in its implementation.

Again, I compliment the gentleman from North Dakota for his dedication and work on this important legislation. I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. CUBIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The question is on the motion offered by the gentlewoman from Wyoming (Mrs. CUBIN) that the House suspend the rules and pass the Senate bill, S. 750.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. CUBIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 750, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

URGING THE PRESIDENT TO PROVIDE HELICOPTERS TO THE COLOMBIAN NATIONAL POLICE

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H.Res. 398) urging the President to expeditiously procure and provide three UH–60L Blackhawk utility helicopters to the Colombian National Police solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States, as amended.

The Clerk read as follows:

H. RES. 398

Whereas Colombia is the leading illicit drug producing country in the Western Hemisphere;

Whereas 80 percent of the world's cocaine originates in Colombia;

Whereas based on the most recent data of the Drug Enforcement Administration (DEA), more than 60 percent of the heroin seized in the United States originates in Colombia;

Whereas the Colombian National Police is led by the legendary and incorruptible Director General Jose Serrano, who has dedicated his life to fighting drugs;

Whereas the elite anti-narcotics unit of the Colombian National Police ("DANTI"), under the direction of Colonel Leonardo Gallego, is one of the best and most effective anti-narcotics police forces in the region and the world;

Whereas in the last 10 years more than 4,000 officers of the Colombian National Police have died fighting the scourge of drugs;

Whereas in one recent year alone, according to data of the United States Government, the United States had 141,000 new heroin users and the United States faces historic levels of heroin use among teenagers between the ages of 12 and 17;

Whereas once Colombian heroin is in the stream of commerce it is nearly impossible to interdict because it is concealed and trafficked in very small quantities;

Whereas heroin does not require the traditional large quantities of precursor chemicals and large laboratories to produce and therefore there are fewer opportunities to disrupt its production and distribution;

Whereas the best and most cost efficient method of preventing Colombian heroin from entering the United States is to destroy the opium poppies in the high Andes mountains where Colombian heroin is produced;

Whereas the elite anti-narcotics unit of the Colombian National Police has the responsibility to eradicate both coca and opium in Colombia, including the reduction and elimination of cocaine and heroin production, and they have done a remarkably effective job with the limited and outdated equipment at their disposal;

Whereas more than 40 percent of the anti-narcotics operations of the Colombian National Police involve hostile ground fire from narco-terrorists and 90 percent of such operations involve the use of helicopters;

Whereas the need for better high performance helicopters by the Colombian National Police, especially for use in the high Andes mountains, is essential for more effective eradication of opium in Colombia;

Whereas on December 23, 1997, one of the antiquated Vietnam-era UH–1H Huey helicopters used by the Colombian National Police in an opium eradication mission crashed in the high Andes mountains due to high winds and because it was flying above the safety level recommended by the original manufacturer;

Whereas in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118), amounts were appropriated for the procurement by the United States for the Colombian National Police of three UH–60L Blackhawk utility helicopters that can operate safely and more effectively at the high altitudes of the Andes mountains where Colombian opium grows at altitudes as high as 12,000 feet;

Whereas the Blackhawk helicopter is a high performance utility helicopter that can perform at the high altitudes of the Andes mountains, as well as survive crashes and sustain ground fire, much better than any other utility helicopter now available to the Colombian National Police in the war on drugs;

Whereas because the Vietnam-era Huey helicopters that the United States has provided the Colombian National Police are outdated and have been developing numerous stress cracks, a sufficient number should be upgraded to Huey IIs, and the remainder should be phased-out as soon as possible;

Whereas these Huey helicopters are much older than most of the pilots who fly them, do not have the range due to limited fuel capacity to reach many of the expanding locations of the coca fields or cocaine labs in southern Colombia, nor do they have the lift capacity to carry enough armed officers to reach and secure the opium fields in the high Andes mountains prior to eradication;

Whereas the elite anti-narcotics unit of the Colombian National Police has a stellar record in promoting respect for human rights and has received the seal of approval of a leading international human rights group in their operations to reduce and eradicate illicit drugs in Colombia;

Whereas the Congress also would support assistance to the Colombian military if the military demonstrates the will to fight effectively while respecting civilian non-combatants in the same way the anti-narcotics unit of the Colombian National Police has;

Whereas the narco-terrorists of Colombia have announced that they will now target United States citizens, particularly those United States citizens working with their Colombian counterparts in the fight against illicit drugs in Colombia;

Whereas a leading commander of the Revolutionary Armed Forces of Colombia ("FARC") announced recently that the objective of these narco-terrorists, in light of recent successes, will be "to defeat the Americans";

Whereas United States Government personnel in Colombia occasionally fly in these helicopters with the Colombian National Police on their missions are now at even greater risk from these narco-terrorists and their drug trafficking allies;

Whereas in the last six months four anti-narcotics helicopters of the Colombian National Police have been downed in operations;

Whereas the Congress intends to provide the necessary support and assistance to wage an effective war on illicit drugs in Colombia and provide the equipment and assistance needed to protect all of the men and women of the Colombian National Police as well as those Americans who work side by side with the Colombian National Police in this common struggle against illicit drugs; and

Whereas the Administration, in a letter to the Miami Herald from the Office of National Drug Control Policy (ONDCP) concerning the issue of anti-narcotics assistance to Colombia, stated that the strategy of the "source country", such as the strategy of Colombia, is the best and most effective methods to fight the war on illicit drugs:

Whereas the new Government of Bolivia has made a commitment to eradicate coca/cocaine production in that country within 5 years;

Whereas the United States should support any country that is interested in removing the scourge of drugs from its citizens;

Whereas Bolivia has succeeded in reducing acreage used to produce coca, which is the basis for cocaine production; and

Whereas United States assistance has been a crucial element of this success: Now, therefore, be it

Resolved, That—

(1) the House of Representatives urges the President to expeditiously procure and provide to the Colombian National Police three UH-60L Blackhawk utility helicopters solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States; and

(2) if the President determines that the procurement and transfer to the Colombian National Police of three UH-60L Blackhawk utility helicopters is not an adequate number of such helicopters to maintain operational feasibility and effectiveness of the Colombian National Police, then the President should promptly inform the Congress as to the appropriate number of additional UH-60L Blackhawk utility helicopters for the Colombian National Police so that amounts can be authorized for the procurement and transfer of such additional helicopters; and

(3) the House of Representatives supports maintaining assistance for Bolivia at least at the level assumed in the fiscal year 1998 budget submission of the President and directs the Administration to act accordingly.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 398.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, late last week the Committee on International Relations passed House Resolution 398, a resolution in support of providing high-tech helicopters to assist the Colombian National Police in their fight against the drug traffickers in Colombia.

Colombia is a key drug source nation in our Western Hemisphere. Eighty percent of the world's cocaine originates there. More than 60 percent of the heroin seized in the United States originates there, as well. The Vice President has estimated that illicit drugs have been costing American society some $67 billion annually.

Experts agree that stopping the flow of drugs at their source is the best and most effective way to combat this program. Stopping drugs before they reach our shores should be a top foreign policy priority of our Nation. It is what our American people want us to do.

The struggle to change administration policy to permit more anti-narcotic aid to Colombia ended in February of this year, when President Clinton certified Colombia in the vital national interest of our Nation. We now have an opportunity to begin a new chapter in U.S.-Colombia relations in our fight against illicit drugs and the narco-guerrillas. Let us hope that the administration's latest action on certification is not too little, too late.

General Charles Wilhelm, the head of our U.S. Southern Command, notified Congress 2 weeks ago that Colombia is a nation at grave risk. I believe Wilhelm stated that the drug crisis there poses a serious regional threat to Panama, to Ecuador, to Venezuela, and to its southern neighbors as the tentacles of narco-guerrilla activity spreads to those countries.

The guerrillas' monthly income from drugs exceed the entire annual budget of the nation's Drug Control Program and is more than the U.S. annual aid to Colombia. We must take this drug problem seriously. The Colombian National Police need these high-performance utility helicopters. Ninety percent of their anti-drug missions involve choppers that have been taking hostile fire 40 percent of the time.

This resolution calls for the administration to deliver those Black Hawks which we promised in the foreign operations appropriations bill that was signed into law nearly 6 months ago.

A few days ago the Colombian National Police suffered a severe loss that cost the lives of four officers because they did not have a Black Hawk helicopter. On a mission to destroy a cocaine lab, a police Huey helicopter was damaged and forced to land. Four men were left to guard that helicopter until a crew of mechanics could return the next morning to repair the damage. When the repair unit returned the next morning, they found one officer slain and the other missing.

Had a Black Hawk helicopter been available the day before, it would have been able to lift out that stricken Huey, saving both it and the lives of those brave officers who are now among the missing.

In addition, we are now informed that four Americans taken hostage last week by the narco-guerrillas are being held at an altitude of 12,000 feet in the Andes. The Colombian National Police need these Black Hawks in order to reach those altitudes and to get enough armed officers to rescue our fellow citizens.

This legislation also takes note of the important efforts being made by the government of Bolivia. The Department of State has been trying to play Bolivia and Colombia off against one another. This is an improper choice. There are ample funds available to aid both of those countries, which are helping us in the struggle against drugs.

This may require the administration to reprogram funds from other recipients; and, in passing this resolution, the House is calling upon the administration to provide sufficient funds for both Colombia and Bolivia to address the ongoing crisis by reprogramming funds needed from another source.

I want to take this opportunity to express my thanks to the Speaker for his permanent support in providing the kind of help that is needed for our allies in the Colombian National Police. His support is most important and most meaningful, and so it is duly noted by the Department of State.

I include for the RECORD the U.S. Army's grounding notice on U.S. Hueys, as well as a letter from Col. Gallego of the CMP'S anti-drug unit to the gentleman from Indiana (Chairman BURTON) on the critical need for these Black Hawk helicopters.

The material referred to is as follows:

SUBJECT: GROUNDING OF THE UH-1 HELICOPTER FLEET

1. Purpose: To provide information on the Army's decision to ground its UH-1 Helicopter fleet.

2. Facts.

a. Since November 1997, the Army has placed flight restrictions on UH-1 helicopters in response to a trend of spur gear failures in the aircraft's T-53 engines caused by vibration.

b. After careful consideration and as a prudent measure of safety, the Army is grounding its fleet of UH-1 helicopters until each helicopter engine can be tested to determine if the vibration is present. Those aircraft with engines that are experiencing the vibration will remain grounded until new carrier assemblies and spur gears can be installed. Engines that are not experiencing vibration will be temporarily returned to flight with restrictions imposed by the current safety of flight message, until a new improved coated spur gear can be procured and installed in the engines. Once the improved spur gears are installed and tested in the engines that do not exhibit the vibration, those aircraft will be returned to full service without flight restrictions. The Army is making every effort necessary to ensure that essential missions continue.

c. The Army's UH-1 fleet currently consists of 907 aircraft, 284 are in the active Army and 623 are in the Army National Guard. The Army National Guard leadership has been an integral part in the decision process to ground the UH-1 fleet. Although the majority of the UH-1s belong to the Army National Guard, they have more than 400 UH-60 Blackhawks in 37 states which will help alleviate the operational impact until the UH-1 fleet is ungrounded.

d. A "Blue Team" was formed at the US Army Aviation and Missile Command to address the engine problem. The team includes members from the Army and Allied Signal, the engine manufacturer. The team is dedicated to identifying and isolating the root cause of the failures and to developing and implementing a corrective action plan to lift the aircraft flight restrictions as soon as possible.

e. The team has conducted 25 engines tests at the Allied Signal facility in Arizona to isolate the root cause or cause of this vibration. Based on analysis of these extensive tests, the team has found that an engine vibration causes the spur gear failures. It has been determined that the gear fractures are due to high cycle fatigue as the result of excessive vibratory stresses that appear to occur when the engine power turbine operates close to 98% N2 speed. These stresses cause the spur gear to fracture.

f. The long-term solution is to redesign the gear and the N2 Carrier Drive Assembly so that it operates at acceptable stress levels. This solution also incorporates additional features that will improve reliability/durability of the assembly. Over the next 2-3 months development and testing will be underway to verify the corrective action. When the corrective action is verified, we can immediately begin fielding of the improved parts. The lead-time for corrective implementation to begin is driven by 6-month lead-time to design and manufacture new N2 Carrier housings. Installation of the new carrier assembly is scheduled to begin in October of 1998 and will take 18-24 months to complete fleet-wide implementation.

g. An interim approach has been recommended involving spray coating of the spur gear to attenuate the stresses to lower levels. In conjunction, engines on all aircraft will be screened for the root cause vibration using vibration analyzers. Pending successful results from the fatigue life test on the spur gears and engine screening procedures, fielding of the interim fix should be underway by late May 1998. These interim measures will be accomplished with a modification to the Aviation Vibration Analyzer currently fielded in the Army. A scheduled buy of new-coated spur gears will be executed. Delivery of the first 40 gears is scheduled in mid-May with the balance to be delivered in mid-July.

SANTA FE DE BOGOTÁ, D.C.
March, 1998.

Hon. DAN BURTON, *Chairman,*
Government Reform and Oversight Committee,
U.S. Congress, Washington, DC.

DEAR CHAIRMAN BURTON: I wanted to thank you for your comments at the International Relations hearing last month. I appreciate your courage and dedication to the men and women of the Colombian National Police.

I want to reemphasize a point from my testimony in front of the International Relations Committee last month. Since that time Colombia has seen a horrible increase in violence by the narco-terrorists. Hundreds of government troops have been killed in attacks by the FARC. This new activity by the FARC validates my testimony that the Colombian National Police need at least six Blackhawk helicopters to operate anti-narcotics missions in the poppy growing region in the high altitudes of the Andes Mountains.

Congressman, my men need these Blackhawks to reach these high altitudes. If we are to have a reasonable chance of eradicating the opium poppy, the Blackhawk is essential to accomplishing this mission.

Thank you again for all of your efforts.

Sincerely,
JOSÉ LEONARDO GALLEGO CASTRILLÓN,
Colombian National Police.

Mr. Speaker, I will quote from the article in the Washington Times, which reported that "The military has grounded Huey helicopters as of today."

The report goes on to say, "The U.S. Army and the National Guard have grounded their fleets of UH-1 Huey helicopters, which have an unexplained history of potentially catastrophic mechanical problems." These are the same helicopters we provided to the Colombian police to help them fight the narcotics.

The report goes on to state, "In all, 907 Huey helicopters are expected to be grounded between 6 months and 2 years. The majority of those are used by the National Guard.

"Gearbox problems in the Hueys were blamed for some near disasters last year. Pilots reported the engines would speed up while gauges dropped to zero.

"The Army still has not found out the cause. According to an internal review, 22 'mishaps' related to the gearbox were reported in the last 2 years. None resulted in death."

These were, again I underscore, the very same Hueys we have provided to the Colombian police and are being used today in Colombia to try to fight their drug war. Leaders such as General Serrano and Colonel Gallego deserve the support of our Nation in the struggle against drugs. They deserve the support with proper equipment.

Accordingly, I ask my colleagues to support this resolution to provide the kind of help that the dedicated police in Colombia deserve and need as they fight our fight, as well as theirs.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, for raising the important matter of the United States' support for Colombia in the war against narcotics production in that country.

Mr. Speaker, however, I, along with the ranking Democratic leader of the Committee on International Relations, the gentleman from Indiana (Mr. HAMILTON), must reluctantly oppose the measure, House Resolution 398 before us, because there are, I believe, better alternatives to aid the Colombian government in their drug-fighting efforts than by sending three Blackhawk utility helicopters.

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Mr. Speaker, the United States is facing a narcotics epidemic of troubling dimension, especially with heroin addiction. Recent government estimates project that we add over 141,000 new users of heroin a year. With the use of heroin by America's teenagers at historic levels, I find it particularly tragic that many of these new addicts are only children, some as young as 12 years of age now.

According to the Drug Enforcement Agency, the vast majority of heroin in the U.S. comes from Colombia, which produces over 80 percent of the world's supply of cocaine as well.

Mr. Speaker, the most effective way I believe to stop this flow of narcotics is to destroy the growing fields of opium poppy and coca plants at its sources in Colombia's Andes Mountains using helicopters. To that effect, I applaud the courageous efforts of the Colombian national police and its Director General, Jose Serrano, in waging the ground war of crop eradication against narcoterrorists. The war has taken a high toll, with over 4,000 Colombian police officers having sacrificed their lives.

Mr. Speaker, I think we all agree that the United States needs to support the Colombian national police in their drug fighting efforts, which rely heavily on helicopters for field operations. However, I believe it is clearly more cost-effective to upgrade the present fleet of 36 Huey helicopters used by the Colombian national police rather than to provide three new Blackhawk helicopters.

The Blackhawks provided in the past to the Colombian Army have proven to be a financial strain for their government to maintain and even to operate. Furthermore, the Colombian national police does not have pilots and mechanics trained to operate these Blackhawks.

Another important consideration, Mr. Speaker, is that the funds to purchase these Blackhawks, approximately $36 million, may well jeopardize our important counternarcotics programs in the countries of Peru and perhaps even Bolivia.

Mr. Speaker, I urge our colleagues to oppose House Resolution 398. There are, I believe, better ways to provide assistance to the Republic of Colombia, and I sincerely hope that our colleagues will support us in this effort.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. GEJDENSON), a senior member of our committee.

Mr. GEJDENSON. Mr. Speaker, I think all of us are frustrated in trying to deal with the drug epidemic. There is no question that there are multiple approaches that we should be involved in. Clearly trying to reduce demand is as important an effort as any trying to deal with the addiction issues of American citizens.

But when we look at these other nations and the cost in human lives where their police, government officials, judicial officials have been assassinated, murdered, victims of bombs and other assaults, and to say that they need to be the front line of this battle against these drug cartels which are in reality small armies, and to tell them as we have grounded the helicopters they have in this country, that we will not allow them to have the technology necessary to confront what is a serious threat to their national security and to the lives of many children and adults in this country, I just think is unacceptable.

Mr. Speaker, I think many of my colleagues are correct, we ought to be doing more. We ought to be doing other things as well. But to tell countries whose military and police personnel have died in large numbers in a battle that we have a hard time imagining, because of the economic attraction to a very large degree of the profits that come out of the American market, to turn around and say that we are not going to sell them, we are not going to allow them to have the very best technology to confront these military drug units, and they are of military capability, a helicopter that recently was downed in the jungle, the police were killed by the drug lords. The equipment was devastated.

I understand people's concerns, but let me tell my colleagues something. We have sold and given helicopters to countries that had a lot less serious threat than what the Colombians are facing and we have given things more powerful than helicopters to countries that are a lot less stable and have been a lot less cooperative than they have.

This is something that I think, if we are going to continue to have credibility when someone who wants to join us in the fight against drugs says this is what we need, then it seems to me the United States Government ought to make sure they have at least the basic tools to confront the drug cartel. Without these helicopters, the Colombians are going to be at a military disadvantage, and I do not think that is what anybody in this Chamber wants.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, first of all, I thank the gentleman from Connecticut (Mr. GEJDENSON) for his supportive arguments.

Mr. Speaker, I think the gentleman from American Samoa (Mr. FALEOMAVAEGA) stated there must be a better way of doing this than just providing Hueys. But I ask the gentleman to note this article that I noted that was in the Washington Times today, that said the military has grounded our Huey helicopters. We are put in a position where we are trying to help them fight a battle, we have given them secondhand, Vietnam-era Huey helicopters that our own Nation now has grounded for at least 6 months to 2 years while they are trying to find out what is wrong with them. It would seem to me that in that kind of a situation, that we could provide the kind of equipment that is truly needed to fight a war.

Mr. FALEOMAVAEGA. Mr. Speaker, reclaiming my time, I fully appreciate the gentleman's position on this issue, but it is my understanding that it is the intention of the administration to do an upgrading and make sure that these Huey helicopters will be in performance.

Now, we do have problems with the Hueys. There is no question about that. But we also have problems with the Blackhawk helicopters. We do not even have properly trained Colombian officers even to operate and to maintain the Blackhawk helicopters, even if we should give them three of them.

While I can appreciate the concerns of the gentleman from New York here, our concern is that they already know how to operate these Hueys. We do have maintenance problems with them, but it is our hope that the administration will fulfill their commitment to make sure that we not only provide proper maintenance, because in fact these Huey helicopters can be operated and piloted by Colombian officers, that is the concern that we have.

Mr. GILMAN. Mr. Speaker, if the gentleman would continue to yield, I have been informed that the Huey IIs do not survive the kind of fighting that is taking place. And they cannot take the kind of shoot-downs that they have been involved with.

Blackhawk helicopters have trained mechanics and have now hired some trained pilots to utilize them. This is something that is needed now, not to wait 6 months to a year or 2 years until our own military has found out what is wrong with the Huey helicopters.

Mr. FALEOMAVAEGA. Mr. Speaker, again reclaiming my time, I would say with utmost respect to the gentleman from New York, our chairman and my good friend, I think the problem that we have here is that we need to have the administration come forward and explain to the Congress what their firm commitment is about not only providing proper maintenance for these 26 Hueys, but to make sure that they operate well.

Now the fact that we do have problems with the Blackhawks, I think we also need a firm commitment from the administration that they will not only give the three helicopters, the Blackhawks, but make sure that the Colombian officers of that country are able to operate them. I think this is one of the problems that we are faced with here.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise with great concern about this bill. I do not think this is about Colombian drugs; I think this is about Colombian pork, and I will tell my colleagues why.

I lived in Colombia. I know the country well. What we are getting is the Colombian military coming up here and asking us to give them $36 million for three new Blackhawks. We give $120 million for all of Latin America to fight drugs, so this is about 25 percent of the entire Latin American drug budget going to Colombia for those three Blackhawk helicopters.

Mr. Speaker, let me tell my colleagues how Colombia has taken advantage of us. Not only do they come here and get free helicopters, but they are importing every day 70 percent of the cut flower market into the United States. They come in free.

We ought to get that money from the business that is making $300 million off of United States consumers buying Colombian flowers that do not have to pay any tariffs that all other flowers from all other countries in the world have to pay. And our flower growers in California and New York and other States are going out of business because of the free Colombian imports.

So here we have a bill where the Colombians come up here, ask us for $36 million for Blackhawks, we give it to them because we are fighting drugs, and at the same time we will not close that open door that we have given them to grow other crops other than drugs.

Mr. Speaker, they are getting it both ways. They get free military equipment, and that free military equipment sometimes is used to suppress human rights in Colombia. More than 3,500 human people were killed in Colombia last year at the hands of military, paramilitary, and guerrilla forces. Yes, there are some bad dudes in Colombia, and the Colombian military supported civilian paramilitary groups which have murdered, tortured and forced the migration of thousands of peasants and villagers.

So here we have a country that does not have the personnel to fly the helicopters, does not have the mechanics to repair the helicopters, but because it is in the drug war, we support it. I think we need to get our priorities straight. We cannot have it both ways. If they get three helicopters eating up most of the drug money for all of Latin America, at the same time we allow them to import all of their flowers here and do not charge them anything, no tariff whatsoever, that is outrageous.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to note that the gentleman is mixing flowers with coca bushes, and I think he fails to recognize the serious impact that the coca trade has had upon the youth of our Nation. 80 percent of the cocaine in the entire world is coming out of Colombia.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, as the gentleman from New York (Mr. GILMAN) knows, I serve on the Committee on National Security, and I have a couple of questions I would like to put to the chairman of the Committee on Foreign Affairs. I understand this is a $36 million price tag; is that right?

Mr. GILMAN. Mr. Speaker, the gentleman is correct. It already has been approved and appropriated by our committees last year.

Mr. SKELTON. Mr. Speaker, out of whose budget does this come, if I may ask?

Mr. GILMAN. The State INF, International Narcotics Fund.

Mr. SKELTON. Mr. Speaker, this did not come before the Committee on National Security whatsoever, did it?

Mr. GILMAN. Mr. Speaker, I would say to the gentleman that it went before the Appropriations Committee.

Mr. SKELTON. But not the Committee on National Security. I have no recollection of it. I think I would, had it come before that committee.

Mr. GILMAN. Mr. Speaker, I would just like to note that in fiscal year 1998, $50 million was appropriated for 12 Huey IIs and three Blackhawk choppers. Colombia is the only nation in South America facing a very heavy guerrilla insurgency, and as I noted before, Colombia is a prime supplier of cocaine not only to our Nation but throughout the world. If we are going to turn our back on their request to give them the proper equipment to fight this war, we are doing a disservice not only to our own Nation but to other nations throughout the world.

Some nine Blackhawk-qualified pilots have been flying more than 3,000 flying hours in Blackhawk helicopters. The question was whether there were qualified pilots. I just would like to notify the gentleman from American Samoa that there are also 11 trained mechanics to keep these Blackhawk helicopters in the air.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 5 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. GILMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Hawaii (Mr. ABERCROMBIE) is recognized for 6½ minutes.

Mr. ABERCROMBIE. Mr. Speaker, I rise to speak against this bill, and reluctantly because of my friendship and high regard for the gentleman from New York (Mr. GILMAN), which I think goes without saying, as well as my regard for the gentleman from Connecticut (Mr. GEJDENSON).

Nonetheless, I feel, Mr. Speaker, that it is imperative that everyone recognize, as has been indicated by the gentleman from Missouri (Mr. SKELTON) our ranking member on the Committee on National Security, that this particular purchase has not come through the procedures and hearings in National Security. I believe we should properly have jurisdiction in this regard.

We are criticized constantly for having a defense budget that is not adequate, or we are criticized for the transfer of technology for profit as opposed to actually meeting the defense interest of this country, and I most certainly understand the idea that we have to defend ourselves against drugs. But in this instance we have advanced navigational and plotting systems associated with the Blackhawk that I believe may very well fall into the category of transfer of technology which many members of the Committee on National Security on a bipartisan basis oppose.

□ 1315

Now, I believe that we will be taking funds away from Peru and Bolivia. Whether that is true or not, I am not exactly certain because we have not had the hearings on it. Colombia, as has been well stated, already has a minimum capacity apparently at the present time to deal with the Black Hawk program. Yet, I understand that Colombia is cutting its defense budget.

Now, if we are to form that budget forum, I think that we need to make that part of the dialogue that takes place in the Committee on National Security. Black Hawks are used by our frontline troops. The administration, I understand, is indicating that it will propose super Huey helicopters that are adequate for the drug missions, that can be utilized for night vision, for example, and that the situation now about insurgency requires that we take very, very careful notice of whether or not the military utilizing these helicopters would be people who are actually going to take up the cause against drug trafficking. The corruption factor, aside from those who are heroically trying to pursue it right now within the Colombian military, is a very real question that needs to be answered.

Now, we have already had arguments on this floor or discussion on this floor today about the capabilities of the Black Hawk versus the Huey helicopter, the survivability of the Black Hawks versus the Huey helicopter. That is the proper jurisdiction and purview of the Committee on National Security. I think that we need to take it up in that context.

My understanding is, as well, that the administration is claiming, as has been asserted elsewhere, that we will be taking away from the budget allotted to counternarcotics programs elsewhere in Latin and South America.

Now, Mr. Speaker, that may be the case, or it may not. I am not entirely certain. But I do know this, that in order for us to proceed on these matters, I implore my colleagues, please make these kinds of things a matter of joint jurisdiction with the Committee on National Security which sets the policy here. I think there is a fundamental point not just of procedure in the House, but of acting in the best interests of the security interests of the United States by asking that this be done.

If we are going to simply move to the appropriations committees and have the appropriations committees make these decisions with respect to expenditures, how are we supposed to put together a rational national defense policy in coordination with the international relations aspect that we need to sustain and maintain?

I think, Mr. Speaker, that the distinguished chairman, and I mean that in every sense, that is not a pro forma utilization of the word by me. The distinguished chairman of the Committee on International Relations would agree that those of us who are on the national security side of policy have worked with him in the past and in every instance where he has requested it. He knows that not only myself, but every member of the Committee on National Security would be willing to work with him in any instance where the international relations and national security interests of this country are at stake.

On that basis, I would appeal, then, to the chairman of the Committee on International Relations to recognize that our interest is legitimate and that we want to work very closely with him to have a resolution of this matter that would be in the interest of everyone, Colombians and the people of the United States alike.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, it was in October of 1996 that the administration supported the sale of 12 Black Hawks to the Colombian Army. These choppers were delivered, three were destroyed last month in fighting. Nine of the police pilots have had more than 3.000 hours flying helicopters. Eleven Black Hawk maintenance men have been qualified to work on Black Hawks.

So there is an adequate ability to utilize this equipment. And 36 million of the appropriation that was approved last year included maintenance and training for the police. What I am saying is, they are adequately trained. They need this equipment. They need it now. Their police are dying on the battlefront. We are not helping them. What we have given them are used Huey helicopters from the Vietnam era that have now just this week been grounded because of a failure of equipment.

Mr. ABERCROMBIE. Mr. Speaker, I do not dispute any of that. As I said, I have great respect for the gentleman. However, we battle every day in the Committee on National Security for those millions of dollars. We are not able to maintain our own troops. We are not able to train our own troops. We are not able to equip our own troops. We are not able to maintain quality of life for our own troops.

I am quite willing, in fact I will state that I am prepared today to work with the gentleman to try to accomplish this, but the gentleman is making a case for having joint consideration by the Committee on National Security and the Committee on International Relations so that our own forces can be adequately funded as well.

I thank the gentleman for his kind indulgence.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in support of this legislation to send three Black Hawk utility helicopters to help the Colombian national police win the war on drugs. That is what this is about. Illegal drugs rob Americans of their futures.

Today, approximately 600,000 Americans are heroin users; 1.45 million Americans use cocaine. At least a quarter of the 5- to 7,000 people who try cocaine each year become addicts losing their careers, their families, and often their lives. Colombian drug traffickers dominate the supply of these illegal drugs. Eighty percent of America's supply of cocaine, and over 6 percent of the heroin seized comes from Colombia.

At a July 1997 hearing in front of the Committee on Government Reform and Oversight, Subcommittee on National Security, International Affairs, and Criminal Justice, the DEA testified that a drug "flow reduction strategy will be extremely effective in denying transportation options to traffickers and substantially reduce the movement of cocaine in Colombia."

By sending Black Hawks to the Colombian national police for the sole purpose of fighting the illegal drug traffickers and the thousands of guerrillas protecting them, the United States will provide state-of-the-art replacements for the national police's 36 Vietnam era Huey helicopters, four of which have crashed in the last 6 months and, I might add, which now have been grounded by the U.S. Army and the National Guard. Only Black Hawks have the capability to reach the poppy field in the Andes and to sustain ground fire attacks.

I urge support of this legislation. Send Black Hawks to the Colombian national police. Stop the flow of illegal drugs at the source and take a critical step toward ending the illegal drug crisis in America.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana (Mr. HAMILTON), our distinguished democratic leader on the committee.

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Indiana (Mr. HAMILTON) is recognized for 4½ minutes.

Mr. HAMILTON. Mr. Speaker, I rise in opposition to the resolution. We all support the work of the Colombian national police. We abhor the violence that has taken over Colombia and threats that these policemen face because of millions of dollars Americans spend on Colombian cocaine.

The chairman is certainly right in wanting to help them, but I do not really think this is the best way to do it. I oppose this resolution for several reasons. I think it is bad policy. As I understand it, the administration is consulting with Members in the hopes of reaching a compromise on this issue of funding for helicopters to the Colombian national police.

They are looking for a compromise because the earmark that designated this money for helicopters came out of accounts that were destined for counternarcotics operations in Peru and Bolivia. The resolution now expresses the sense of Congress that full funding for Bolivia should be provided. If that direction is followed, then what additional countries' counternarcotics programs must be cut?

I do not know if the resolution drafters have considered that issue. They are also looking for a compromise because our people on the ground in Colombia have a lot of questions about whether this is the best way to put the money to use.

The Colombian national police do not have pilots for the Black Hawks and they do not have mechanics for Black Hawks. Yet, getting their people up to speed may take away from the missions they already undertake. We are considering this resolution without asking, I think, a lot of the tough questions about our overall policy toward Colombia and the proper allocation of limited antinarcotics resources.

When this earmark was first discussed, the Chairman and others said that these three Black Hawks would leverage the Colombian Government to match these with three more of their own. What the Colombian Government has shown, after being decertified for the past 4 years, is that they will not commit the Black Hawks we sold them over the past decade to this fight.

So now without examining whether the Colombian national police can put this equipment straight to use, and without a committed partner in the Colombian Government, we are encouraging the President to provide as many helicopters as the Colombian national police need.

I oppose the resolution, but I do not plan to ask for a vote on it. I regret that we are not taking a clear bipartisan step while Colombia is in the midst of such turmoil.

Mr. Speaker, I commend to my colleagues' attention the attached letter that I received yesterday from the State Department regarding House Resolution 398. The letter points out the Administration's concerns with the provision, which I believe was handled in our Committee in a flawed manner. Rather than making a clear bipartisan statement in support of democracy, civilian control of the military and human rights, the Committee hurried through this flawed and partisan resolution. Before we consider it on the Suspension calendar on Monday afternoon, I encourage my colleagues to read the concerns raised by the State Department in this letter.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 26, 1998.

Hon. LEE H. HAMILTON,
Committee on International Relations,
House of Representatives.

DEAR MR. HAMILTON: Thank you for the opportunity to comment on the draft House Resolution on provision of UH-60 Black Hawk helicopters to the Colombian National

Police. The Administration supports the broad sentiments of the Colombia resolution even as we differ from its prescribed remedy. Our source country strategy is a regional effort. This resolution, focussed only on Colombia, would necessarily draw funds away from our programs in Peru and Bolivia, where we have witnessed dramatic successes in the past two years. Our Peruvian and Bolivian programs have been instrumental in producing a 9.6% drop in regional coca cultivation. Now is not the time to undercut these successful programs.

Colombia is a country besieged by the intertwined threats of illicit narcotics trafficking and the violent insurgency. The Colombia National Police (CNP) and its leadership have done tremendous work, performing with courage and dedication under difficult and dangerous conditions. They deserve both our support and our admiration.

Colombian heroin is a serious threat to our national interests, although the emergence of this threat has not diminished the threat posed by Colombian cocaine. We agree that eradication is the most efficient, but not the only, method for stopping the flow of heroin. Given that opium poppy is grown at high altitudes, improved performance helicopters are necessary to eradicate effectively.

The UH–1H is an older aircraft, but we note that the CNP and the INL Air Division have maintained a high readiness rate at relatively low cost with more than 45 of these helicopters for several years now. The Black Hawk is a high performance helicopter capable of performing well at higher altitudes than the UH–1H, but it is considerably more expensive to procure and maintain and would represent a new and unfamiliar aircraft in the CNP Air Wing. The difficulties of introducing an entirely new aircraft into an existing inventory should not be underestimated. For example, the Colombian Army has had an extremely difficult time integrating the Black Hawks purchased over a year ago into its force structure, and still can not operate them independently.

We believe that a UH–1H upgraded to the SuperHuey configuration can perform quite adequately at higher altitude at far lower cost and disruption to the CNP Air Wing. The State Department has such a refurbishment program underway for 10 UH–1Hs and will continue the program next fiscal year. Contracts were signed with Bell Textron and U.S. Helicopter for the first of these upgrades on March 18.

We believe that the purchase of 3 Black Hawks for the CNP is neither cost effective, nor tactically wise. To contemplate the replacement of the entire CNP UH–1H force with Black Hawks would be financially reckless for both the U.S. as the purchaser and Colombia as the operator. The financial costs of replacing all of the CNP's UH–1Hs (some 35 currently) with Black Hawks and operating them would be prohibitive.

We do not support the purchase of 3 Black Hawks for the CNP and we do not support the wholesale replacement of UH–1Hs with Black Hawks. We believe that the Huey upgrade program which is currently underway is the most cost-effective program for Colombians and the taxpayers of the United States.

As you know, the Administration is currently consulting with interested Members of Congress, including the Foreign Operations Appropriations Subcommittee, to determine an alternative approach to fulfilling the interdiction and eradication needs of the CNP. We contracted your staff on March 24 to schedule a meeting for you with Administration officials to discuss this matter, and were told that you would prefer to postpone such a meeting until after your trip to Colombia. We remain available to brief you at your earliest convenience and look forward to providing the Administration's views on Colombia before your Committee next week.

Again, we strongly support the efforts of Colombian National Police and their need for increased helicopter lift capability at higher altitudes. In the last three years, we have dramatically increased counternarcotics funding for Colombia. In FY–95, we provided a total of $28.85 million, including INL funds, FMF and other assistance. In FY–96, we increased this to $62.93 million with an increase in Air Wing spending in Colombia and a $40 million drawdown of defense equipment. In FY–97, the total climbed to more than $90 million, with dramatic increases in INL program and Air Wing budgets in Colombia, another drawdown, and the release of up to $30 million in frozen Foreign Military Financing. This makes Colombia the single largest recipient of U.S. counternarcotics assistance in the world, a measure of our commitment.

Please do not hesitate to contact us if you have any questions on this or any other matter.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have an emergency in Colombia. Good men and women are dying. Our youth are being impacted throughout our country and throughout the entire world because of the major supply of cocaine. Just last week four more of our fellow Americans were taken hostage by the narco-guerrillas who have been openly targeting U.S. civilian military, and even our own DEA personnel.

I remind our colleagues that SOUTHCOM commander U.S. Marine Corps General Wilhelm, just a little over a week ago said this about the events in Colombia: Colombia is very much at risk today.

With regard to the defeat of the Colombian army in the cocaine regions he said, the activities of last week are grim. And on the need for good helicopters in Colombia, General Wilhelm stated, you either get there through the air or in the rivers or you do not get there at all.

Mr. Speaker, we have had hearing after hearing on the Colombian drug policy, including September 1996, when the State Department promised better helicopters for the Colombian National Police Antinarcotics Unit. None, none have yet been delivered and will not for another 4 months. And if they are going to deliver Hueys, we find out that the military has grounded those Hueys.

What this resolution is about is implementing the provisions of last year's fiscal year 1998 foreign operations appropriations bill, a bill that was signed into law by the President last November and has yet to be implemented. The law called for the purchase of three Black Hawk utility helicopters to help fight drugs before these poisons reach our shorelines and destroy our young people.

I might note, in response to the gentleman from Indiana, three Black Hawks have previously been destroyed as they were out there fighting the battle.

□ 1530

The Office of National Drug Control Policy, the ONDCP, on March 10 in a 1998 letter to the Miami Herald on Colombia anti-drug aid, stated, "Source-country strategy to fight narcotics trafficking is the most effective way to stop the flow of drugs."

This resolution supports more such source-nation aid for Colombia that has been producing 80 percent of the world's cocaine and, most recently, 60 percent of the heroin seized in our Nation. Even the other provision in the same bill to provide Huey upgrades for the police has not been implemented yet, and that contract was signed in March of this year and probably now will not be implemented for a year or more based on the recent grounding of those Hueys.

We are told not one upgrade chopper will even be delivered this fiscal year. The Huey upgrade first promised 18 months ago will not be delivered until a full 2 years later. That is inexcusable when there is a war going on, a war to destroy the drug-producing operations of one of the largest producers in the world.

We need to light a fire under our State Department before we have a full-blown narco-state in Colombia. That is only 3 hours away from Miami, and we are spending more than just the money for three military helicopters. If these inexcusable delays are processed, I, too, have concerns.

This resolution is an effort to send in a strong message to the administration that the Colombian police need good helicopters now and not later. We are looking at a potential narco-state that threatens our own vital interests.

On March 23, the Colombian National Police had to leave four of their officers in a downed Huey. They butchered these four officers. The CNP had Black Hawks that could have lifted that $1.4 million U.S.-provided Huey helicopter immediately and, more importantly, prevented those four CNP officers from being murdered by the narco-terrorists.

Also, our Black Hawk Huey helicopters have the lift and payload capacity to get enough police, 18, in each unit into the high Andes, where at least four Americans have been taken as hostages. Today, the Colombian police do not have any helicopters that could adequately serve to mount a rescue mission for those American hostages who are being held at some 12,000 feet in altitude.

So let us stop worrying about process and let us get on with helping our fellow Americans and, above all, to help our youth.

Mr. CALLAHAN. Mr. Speaker, I rise in support of House Resolution 398.

As Chairman of the Subcommittee on Foreign Operations, I have jurisdiction over a relatively small but important component of the War on Drugs. The International Narcotics Control account of the Department of State is responsible for counter-narcotics activities in foreign countries, in cooperation with the Drug Enforcement Administration. Most of the funds in this account are intended for eradication of coca and opium crops, primarily in Latin America. Total funding is $230 million.

One of the important countries in this effort is Bolivia. It has a new government that is committed to eliminating coca and cocaine production in that country in the next five years.

Unfortunately, the State Department decided to reduce United States funding for Bolivia's counter-narcotics efforts by $31 million, or by over two-thirds from the projected level of $45 million. This reduction was taken despite the fact the House Appropriations Committee has more than doubled funding for this account in the past three years.

I strongly support providing adequate air assets for the Colombian National Police. I also strongly support maintaining Bolivia's counternarcotics program.

I urge the Administration take the necessary steps to address both concerns in the near future. In particular, I urge the Administration to respond to the need to restore funding for Bolivia's counter-narcotics program as soon as possible.

In that regard, at my request the International Relations Committee modified the pending resolution to express support for the restoration of funding for Bolivia's programs, and directing the Administration to act accordingly.

I'd like to thank the Chairman of the International Relations Committee, the gentleman from New York, for his courtesy in agreeing to this modification. I think it makes the resolution stronger, and I urge the House to approve this resolution.

Mr. ACKERMAN. Mr. Speaker, I have both procedural and substantive problems with this resolution.

First, this resolution was circulated among committee members only last Wednesday evening. The International Relations Committee held a mark-up less than 24 hours later to consider the bill. The Subcommittee on the Western Hemisphere never had a chance to consider the resolution.

Second, committee rules require a week's notice before mark-up legislation. In this instance we got only a few hours notice. Only in unusual circumstances are such procedures allowable under the rules and then only after consultation with the ranking minority member. No such consultation took place.

Mr. Speaker, I cannot understand why we must ram this resolution through the House. It's not as though the helicopters called for by the bill will get there any more quickly. They're not even built yet.

With regard to the resolution itself, Members should be aware that, as the resolution implies, this is not about just 3 Blackhawks. This about many more. Three is nowhere near enough for the Colombian National Police to have an effective capability. In fact, to be effective, they need more like 12. The 3 Blackhawks in last year's foreign operations bill cost $36 million. That means that Congress will be on the hook for $144 million, not $36 million. And that's without even considering the outyear costs for additional training and maintenance.

Mr. Speaker, the language in last year's foreign operations bill was not considered by the House or Senate before it emerged from conference and it has never been the subject of hearings. Never aired in subcommittee or full committee in either the House or the Senate. I submit that it has skewed the entire anti-narcotics budget for Latin America, causing cuts in funding for both Bolivia and Peru, countries which have been very successful in their anti-narcotics efforts. This congressionally driven mandate has never received any sort of formal assessment to determine whether it meets the most pressing counter-narcotics needs of the Colombian police. We have never asked ourselves whether the CNP has the pilots to fly these or whether they have the mechanics to maintain them. The answer to both is no. No pilots. No mechanics. No capability.

In fact, both the Colombian Army and Air Force already have Blackhawks, already have the pilots, and already have the mechanics. Yet they seem unwilling to support the counter-narcotics mission of the CNP. As I understand it, the Blackhawks that were sold to Colombia previously were supposed to support that counter-narcotics mission. This lack of support indicates to me that the Colombian Defense Ministry does not believe that the counter-narcotics effort is a matter of national security. I believe it is perfectly reasonable for us to ask for—and get—cooperation between the Colombian military and the CNP.

Mr. Speaker, just a month ago the GAO criticized the administration for not prioritizing the types of equipment that should be provided to Colombia. To my knowledge, no such assessment has been done with regard to Blackhawks. I think we should at least hold ourselves to the standard that we criticize the administration for not meeting.

Let me say finally, that the Colombian National Police, led by General Serrano and the anti-narcotics unit led by Colonel Gallego, have a difficult and dangerous mission. Thousands of their men have given their lives in the fight against narcotics. I believe we should assist Colombia. The question is how best to do that. Last year's bill was not the way to do it and this resolution does not make the situation any better.

I urge my colleagues to oppose the resolution. Thank you.

Mr. MANTON. Mr. Speaker, I rise in strong support of this legislation urging the President to assist the Colombian National Police by providing them with three UH–60L Blackhawk utility helicopters. As an original cosponsor of H. Res. 398, I believe it is important that we provide Colombia with the state-of-the-art equipment they need to fight their war on drugs.

The UH–60L helicopter would be an integral weapon in the war against drugs in Colombia. With its high performance, it is able to withstand the winds associated with the high altitudes of the Andes Mountains, and have the capacity to endure crashes and ground fire better than the outdated UH–1H helicopters. In addition, the UH–60L has the ability to carry sufficient armed anti-drug officers to the areas where they are needed most, in the opium fields high in the Andes mountains.

Colombia is the leading illicit drug producer in the Western Hemisphere, producing 80% of the world's cocaine. In the United States alone, 60% of the heroin seized on our streets originates in Colombia. An immense amount of these drugs arrive in my Congressional District in Queens, New York for distribution around New York City and areas of the eastern United States. It is imperative we win the war on drugs at the source—in the Andes Mountain and other producing areas of Colombia.

In 1996, the government of Colombia was afflicted with major political corruption involving President Ernesto Samper and the Cali drug cartel, leading to the country's decertification as a cooperating nation in the war on drugs by the United States. This year, although it was once again decertified, a national interest waiver allowing for continued economic aid for national security purposes was set in place for Colombia. It is important the United States recognize that Colombia has made major strides in their fight against drugs thanks in large part to the work of the Colombian National Police.

The elite anti-narcotic unit of the Colombian National Police (CNP) has played a vital role in fighting the war against drugs. The men and women who served in the CNP have risked their lives—losing more than 4,000 officers in combat over the past ten years. The impeccable attention the CNP pays to human rights has been lauded by numerous human rights groups around the world, illustrating their commitment to making their country a better place to live and work without the constant threat of drug-related violence.

While visiting Colombia last year, I saw first hand the workings of the Colombian National Police. Although they have made enormous progress in the fight against illicit drug trade, they need updated equipment to keep up with the forces which they are fighting—guerrillas and the drug cartels.

As a former New York City police officer, I have seen the devastating effects drugs have on our communities. Ignoring the circumstances in Colombia will not make the situation go away. The United States must stand up and actively help those who risk their lives everyday in the war against drugs.

I urge my colleagues to join me in supporting H.R. 398. This legislation sends the right message to the Colombian National Police and to the people they protect from the drug-related violence that has plagued their country for far too long. The UH–60L helicopter would bring the CNP one step closer to winning this ongoing war.

Mr. EVERETT. Mr. Speaker, I rise in strong support of this resolution to urge the President to promptly procure Black Hawk (UH–60) helicopters to assist the Colombian National Police in their fight against the production of heroin.

Last year, this Congress passed the Foreign Operations Appropriations bill with specific direction to the State Department under the International Narcotics Control Program. Within this program, $50 million was slated for helicopter procurement, including three new Black Hawks and a package of upgrades for Huey (UH–1) aircraft to a Huey II configuration. I'm pleased to say that the Administration has just signed a contract for the delivery of five Huey II's, with the option for five more. Now the Administration must honor the full intent of Congress, and commit to the procurement of three new Black Hawk helicopters.

The upgraded Huey's will meet most of the Colombian National Police's counter drug mission requirements, but a number of high performance Black Hawk helicopters are necessary to reach the poppy fields in the high elevations of the Andes Mountains.

Mr. Speaker, if we are serious about fighting the war on drugs, we must first keep these narcotics from reaching our borders. Our allies in Central and South America are struggling against the international drug cartels—they are out-gunned, out-manned and out-financed. These helicopters are force multipliers, and will go a long way in helping Colombia halt the flow of these drugs to America's children, and I urge the adoption of this resolution.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise today to support H. Res. 398 and urge the President to expedite the procurement of three UH–60L Blackhawk utility helicopters and to provide them to the Colombian National Police in support of their efforts against drug producers and traffickers.

Eighty percent of the world's cocaine and more than 60 percent of the heroin seized in the U.S. originates in Colombia. In one recent year, the federal government estimated that there were 141,000 new users of heroin in the U.S. Indeed, the U.S. faces historic levels of heroin use among teenagers between the ages of 12 and 17. This is a significant social, crime, and health issue.

We will not win the war against cocaine and heroin solely by trying to stop these drugs at our borders. We must go to the source. H. Res. 398 urges the President to carry out current law and provide Colombia with three UH–60L Blackhawk helicopters. These aircraft will offer a significant improvement over the National Police's present abilities to eradicate poppy and coca crops in remote areas. In contrast to the much older UH–1H Huey helicopters now in use, Blackhawks have greater range, carry more personnel, and operate more effectively at the high elevations at which opium-producing poppies are grown in the Andes.

The Colombian National Police use helicopters in 90 percent of their counter-drug operations. Over the last six months, at least four crashed or were shot down during such operations. Blackhawk has increased survivability against hostile fire and is more likely to survive crashes. The U.S. benefits directly from the National Police's drug eradication and interdiction efforts. We should ensure that Colombia has the best equipment to wage an effective war on drugs. I urge my colleagues in the House to pass this resolution unanimously.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from American Samoa has 1½ minutes remaining.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, House Resolution 398, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read as follows:

"A resolution urging the President to expeditiously procure and provide three UH–60L Blackhawk utility helicopters to the Colombian National Police solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States, and for other purposes.".

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:30 p.m.

Accordingly (at 3 o'clock and 34 minutes p.m.), the House stood in recess until 5:30 p.m.

☐ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 6 o'clock p.m.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE STEVEN SCHIFF

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 395, the Chair, without objection, announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Steven Schiff.

Mr. SKEEN of New Mexico;
Mr. GINGRICH of Georgia;
Mr. REDMOND of New Mexico;
Mr. SENSENBRENNER of Wisconsin;
Mrs. JOHNSON of Connecticut;
Mr. BARTON of Texas;
Mr. GALLEGLY of California;
Mr. MCNULTY of New York;
Mr. PAXON of New York;
Mr. ROHRABACHER of California;
Mr. MICA of Florida;
Mr. EHLERS of Michigan;
Mr. SHADEGG of Arizona; and
Mr. CAMPBELL of California.

There was no objection.

PERSONAL EXPLANATION

Mr. MCNULTY. Madam Speaker, due to my attendance at the wake and funeral of my good friend, Judge Francis Bergan, I missed rollcall votes 75, 76, 77 and 78 on Thursday, March 26, and rollcall votes 79 and 80 on Friday, March 27, 1998.

Had I been present, I would have voted in the following manner: "No" on rollcall vote number 75; "no" on rollcall vote number 76; "yes" on rollcall vote number 77; "no" on rollcall vote number 78; "yes" on rollcall vote number 79; and "no" on rollcall vote number 80.

THEATER MISSILE DEFENSE IMPROVEMENT ACT OF 1998

Mr. SPENCE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2786) to authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran, as amended.

The Clerk read as follows:

H.R. 2786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Theater Missile Defense Improvement Act of 1998".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Development of medium-range ballistic missiles by potential adversaries, such as Iran, has proceeded much more rapidly than previously anticipated by the United States Government.

(2) Existence of such missiles in potentially hostile nations constitutes a serious threat to United States forces, allies, and friends in the Middle East and Persian Gulf region and cannot be adequately countered by currently deployed ballistic missile defense systems.

(3) It is a matter of high national interest to quickly reduce the vulnerability of United States forces, allies, and friends to these threats.

(4) Meaningful and cost effective steps to reduce these vulnerabilities are available and should be pursued expeditiously.

SEC. 3. ACCELERATION OF DEPARTMENT OF DEFENSE PROGRAMS TO COUNTER ENHANCED BALLISTIC MISSILE THREAT.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 1998 for Defense-wide research, development, test, and evaluation in the amount of $147,000,000, to be available as follows:

(1) JOINT COMPOSITE TRACKING NETWORK.—$35,000,000 to be available for the Joint Composite Tracking Network program.

(2) PATRIOT REMOTE LAUNCH CAPABILITY.—$15,000,000 to be available to accelerate development of the remote launch capability for the Patriot Advanced Capability (PAC–3) missile defense system.

(3) PAC–3 AND NAVY AREA DEFENSE TESTS.—$40,000,000 to be available to test the capabilities of the Patriot Advanced Capability (PAC–3) missile defense system, and to test the capabilities of the Navy Area Defense System, against missiles with the range of the Iranian ballistic missiles under development.

(4) EARLY WARNING ENHANCEMENT.—$6,000,000 to be available for improved integration of the various elements of the SHIELD system.

(5) PAC–3 PRODUCTION RATE ENHANCEMENTS.—$41,000,000 to be available for production rate enhancements for the Patriot Advanced Capability (PAC–3) missile defense system.

(6) ISRAELI ARROW MISSILE DEFENSE SYSTEM.—$10,000,000 to be available to improve interoperability of the Israeli Arrow tactical ballistic missile defense system with United States theater missile defense systems.

SEC. 4. IDENTIFICATION OF OTHER POSSIBLE ACTIONS.

(a) IDENTIFICATION.—The Secretary of Defense shall identify actions in addition to those authorized by section 3 that could be taken by the Department of Defense to counter the threats posed to the United States and its national security interests by the development or acquisition of medium-range ballistic missiles by Iran and other nations.

(b) SPECIFIC ACTIONS TO BE TAKEN.—The Secretary specifically shall explore—

(1) additional cooperative measures between the Department of Defense and the Ministry of Defense of Israel to further enhance Israel's ability to defend itself against the threat posed by ballistic missiles deployed by Iran and other nations; and

(2) actions within the existing Navy Theater Wide Missile Defense System program that could provide additional capabilities useful to addressing the threat posed by medium-range ballistic missiles within one to two years.

(c) INTERGOVERNMENTAL COORDINATION.—The Secretary shall undertake appropriate intergovernmental and interagency coordination that would be necessary to the conduct of any of the actions identified pursuant to subsection (a).

SEC. 5. REPORT TO CONGRESS.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report providing—

(1) a description of the Secretary's plans for use of funds appropriated pursuant to the authorizations of appropriations in this Act; and

(2) a description of possible additional actions identified by the Secretary pursuant to section 4(a) and the steps taken or planned (as of the time of the report) to carry out section 4(c).

SEC. 6. OFFSETTING REDUCTIONS IN AUTHORIZATIONS.

The total amount authorized in section 201 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) to be appropriated for fiscal year 1998 for research, development, test, and evaluation for the Department of Defense is hereby reduced by $147,000,000, of which—

(1) $126,000,000 is to be derived from savings from the use of advisory and assistance services by the Department of Defense in accordance with section 8041 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56; 111 Stat. 1230); and

(2) $21,000,000 is to be derived from savings from the use by the Department of Defense of defense federally funded research and development centers in accordance with section 8035 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56; 111 Stat. 1227).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

GENERAL LEAVE

Mr. SPENCE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2786.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SPENCE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 2786, the Theater Missile Defense Improvement Act of 1998, is intended to address the accelerated threat posed by recent theater ballistic missile development around the world. North Korea has deployed the No Dong-1 missile. Iran's development of the Shahab-3 missile has proceeded rapidly and could be flight tested within the next year and will have sufficient range to strike Turkey, Saudi Arabia and Israel.

The speed of these developments was unanticipated by the intelligence community and they warrant an immediate response. Our currently deployed missile defense systems were designed against older and slower threats and have only limited capabilities against this new generation of more lethal missiles. The steps taken in this bill will provide additional defensive capabilities for our troops and their dependents more quickly than is currently being planned.

The measures in this bill meet three important criteria. First, all are executable in the current fiscal year. It is therefore important for us to provide the funding and the authority to proceed in a timely manner. Second, all measures in this bill are consistent with planned missile defense systems and architectures. Third, this legislation is entirely consistent with current international agreements.

The gentleman from Pennsylvania (Mr. WELDON), who has spearheaded this effort with both patience and persistence, has been quite, quite frankly, ahead of both the Intelligence Community and the Department of Defense when it comes to the seriousness of this threat and the need for a rapid response.

Likewise, the efforts of the gentleman from Virginia (Mr. PICKETT) and the gentleman from South Carolina (Mr. SPRATT) as cosponsors have strengthened this legislation and helped make it a strong bipartisan response to a serious threat.

The bill was approved unanimous by the Committee on National Security on a vote of 45 to 0. I commend all three of the bills' sponsors for their diligence. The Department of Defense believes that the bill's measures are important and constructive steps in any effort designed to address this rapidly evolving threat.

Madam Speaker, I once again commend the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Virginia (Mr. PICKETT) and the gentleman from South Carolina (Mr. SPRATT) for their leadership and their effort. I express my strong support for this measure and urge my colleagues' support as well.

Madam Speaker, I ask unanimous consent that the gentleman from Pennsylvania (Mr. WELDON) be allowed to control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SKELTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are here today to approve H.R. 2786, the Theater Missile Defense Improvement Act of 1998 under the suspension of the rules of this House.

This bill addresses the earlier than expected development of theater or tactical ballistic threats to our men and women in uniform around the world, threats that I believe are real and, given the limitations of currently deployed theater missile defense systems, demand a priority response.

H.R. 2786 is a bill that responds to the recent threat developments quickly, crisply and affordably. Moreover, it was approved unanimously by the committee.

In terms of process, I cannot be more pleased. H.R. 2786 is the result of an open, deliberative and nonpartisan effort by our committee. I want to thank the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Pennsylvania (Mr. WELDON), chairman of the Subcommittee on Research and Development, for their openness and willingness to work on this issue.

In addition, I believe we owe a debt of gratitude to the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Virginia (Mr. PICKETT) and the gentleman from South Carolina (Mr. SPRATT), whose vision brought us this bill today.

I also want to recognize the hard work of their staffs and the committee staff in translating that vision into legislation that we can all vote for today. In the strongest possible terms, Madam Speaker, I urge all my colleagues to vote in favor of this bill.

Madam Speaker, I yield the balance of my time to the gentleman from Virginia (Mr. PICKETT), the distinguished ranking member of the Subcommittee on Research and Development, and ask that he be allowed to control the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. WELDON of Pennsylvania. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, first of all, I want to thank the distinguished chairman of the full committee, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON), and the ranking member of my subcommittee, the gentleman from Virginia (Mr. PICKETT) and the gentleman from South Carolina (Mr. SPRATT), for their tireless efforts in putting forth this compromise legislation today.

Madam Speaker, the largest loss of life that we have had in our military troops from one single incident in this decade was 7 years ago when 28 of our young soldiers were killed by a low complexity Scud missile entering into a barracks in Dhahran. We vowed as a Nation not to let that happen again, and we have been aggressively pursuing various theater missile defense systems to protect our troops and our allies from shorter range missiles that could not hit the United States.

Unfortunately, our schedule for deploying those theater missile defense systems was not able to meet the threats as they are in fact emerging. We saw several years ago North Korea begin deploying a No Dung missile that has a range of in the range of about 1,000 kilometers, and this past summer we saw, with the help of both Russia and China, Iran get the capability to deploy two different types of missiles that will have a range between 600 and 1,200 kilometers.

Looking at the chart, Madam Speaker, we can see that this missile that Iran will be able to deploy within the period of 12 to 24 months has the capacity to hit our allies, Israel, Saudi Arabia and other countries in the area, as well as our troops stationed in the theater around Iran.

This is unacceptable to us, Madam Speaker, and so back in the fall of last year we got together and put together a bipartisan effort to provide short-term enhancements to improve our capability to defeat the missiles that Iran may in fact deploy, and that we know North Korea is already deploying.

These enhancements are basically contained in this bill. They involve providing additional footprints to existing systems with enhanced radar and providing interoperability between a number of different systems which gives us a better capability to more quickly identify a target and take that target out. So by putting forth the $147 million dollars in this legislation, we are going to allow our missile defense programs that are currently in place to come together in a unique way, to give us enhanced interoperability, to give us a longer footprint in terms of taking out systems and missiles that may in fact threaten our troops and our allies, and to also begin to cooperate with other nations.

In fact, in this legislation, we include money for interoperability with Israel, so that Israel, as it develops its Arrow program, will in fact be able to have that system interoperate with our PAC-3 program and eventually with our Navy and other Army programs.

So what we are talking about today, Madam Speaker, is a new opportunity to protect our troops in the shortest possible time using existing systems by enhancing them, not with new dollars, but with dollars that are already available within the budget agreement.

Madam Speaker, the other body has in fact passed in its supplemental bill a $151 million allocation that in fact is designed to fund almost all of our priorities in this legislation. I have received a commitment from the gentleman from Louisiana (Chairman LIVINGSTON). In fact, we will do a colloquy on the floor in the supplemental that he will work in the conference to make sure that funding is made available to fund the authorization that we provide today in this legislation.

Finally, Madam Speaker, I want to add one other dimension to this legislation. We are dedicating this legislation today to the memory of those 28 young soldiers, many of them from Pennsylvania, who were killed by that Scud missile attack 7 years ago. We do not want their names to be left unnoticed in terms of protecting our other troops, and so I will include for the record the names and classifications and titles and cities of each of those 28 brave Americans who made the ultimate sacrifice and lost their lives in Dhahran, Saudi Arabia, 7 years ago, to that Scud missile.

This legislation, Madam Speaker, in honor of those 28 brave Americans, will allow us to ensure that no other Americans will lose their lives in a similar situation.

Madam Speaker, the measure before the House today, H.R. 2786, is the result of a bipartisan effort to identify the most effective actions that could be taken to enhance our defenses against a greatly accelerated missile threat to our troops and allies around the globe.

Late last summer we learned that Iran, assisted by Russian technology transfers, could deploy a missile capable of striking U.S. forces and our allies in the Middle East within a year to eighteen months. Recognizing that threat—which the intelligence community had previously predicted to be several years away—and the lack of any U.S. system fully capable of defending against it, I asked the ballistic missile defense organization to recommend steps that could be taken to enhance our defensive capabilities as soon as possible. Based on the initial feedback I received, I introduced H.R. 2786, the Iranian Missile Protection Act.

That bill gained strong, bipartisan support, with one hundred and ten cosponsors. Although Congress adjourned before acting on the bill, the case for timely TMD enhancements is stronger than ever. In the six months since the bill was introduced, Iran successfully tested, the engines of its medium-range missile, the Shahab-3. Despite Russia's recent agreement with the U.S. to limit future missile technology transfers, reports indicate that controlling such transactions may still be a problem. Meanwhile, North Korea continues aggressive development of its No-Dong missile, and Saddam Hussein remains intent on intimidating the U.S. with all options at his disposal.

Unfortunately, seven years after twenty-eight American soldiers perished in the Iraqi Scud attack on Dharan, we have no missile defense system in place or planned for deployment within the next year fully capable of defending against the increased Iranian missile threat—or against one which could emerge sooner than we expect from North Korea. At this point, we won't be able to get our longer range TMD systems deployed in time to meet the accelerated Iranian threat. But there are things we can do to make systems that will be fielded more effective against that threat.

Initially, there was some disagreement between Congress and the administration on how to proceed with theater missile defense enhancements. But there was no argument that we would soon need better capabilities to respond to the emerging threats. That is why committee Republicans and Democrats approached the administration again requesting a refined set of recommendations for near-term TMD enhancements.

The legislation before the House today, renamed "the Theater Missile Defense Improvement Act" in committee, is the product of that bipartisan initiative. It reflects the advice of the services, the Joint Theater Air and Missile Defense Organization (JTAMDO), the commanders in chief of our military theaters of operation, and the ballistic missile defense organization. It reflects the administration's conclusion that there are concrete steps that we can and should take to enhance TMD capabilities in the near term, and its recommendation of several high payoff options that can be executed in fiscal year '98. Based on this input, we narrowed the scope of the bill to actions executable in 1998. As a result, the cost of the bill has been cut by more than half—from $331 million to $147 million. It includes:

(1) ($35m) Joint composite tracking network development—ensure connectivity of ground-based radar, Pac-3 and Navy cooperative engagement capability.

(2) ($15m) Pac-3 remote launch capability development—accelerates doubling of Pac-3 footprint from 2000 to 1999.

(3) ($40m) Pac-3 and Navy area defense systems testing—provides for one test on each system to determine capabilities against Iranian threat.

(4) ($41m) Pac-3 production enhancement—funds tooling and equipment to double production in 2001–2.

(5) ($10m) Arrow interoperability testing—tests with U.S. TMD systems.

(6) ($6m) Early warning enhancement—links sensors, communications and command and control to provide improved early warning.

The ballistic missile defense organization believes these are the most valuable steps we can take in the near term to enhance TMD capabilities against emerging threats. This package is supported by the administration and was reported out of committee 45–0. Our commanders in the field want this protection, and our allies such as Israel are calling for added enhancements in light of the imminent Iranian threat. The House has already passed legislation calling for sanctions against Russian entities that aided Iran in its missile development. Now it must pass this bill to provide the best protection possible for our troops and allies. Passage of this measure will do just that, allowing our existing missile defense systems to "be all they can be" against the near-term missile threats. In honor of those who lost their lives in the Scud attack on Dharan:

Specialist Stephen Atherton—Dayton, PA.

Specialist Stanley Bartusiak—Romulus, MI.

Specialist John Boliver—Monogahela, PA.

Sergeant Joseph Bongiomi—Hickory, PA.

Sergeant John Boxler—Johnstown, PA.

Specialist Beverly Clark—Armagh, PA.

Sergeant Alan Craver—Penn Hills, PA.

Specialist Rolando A. Deigneau—Unknown address.

Specialist Steven Famen—Salisbury, Missouri.

Specialist Duane Hollen—Bellwood, PA.

Specialist Glen Jones—Grand Rapids, Minnesota.

Specialist Frank Keough—Rochester Mills, PA.

Specialist Anthony Madison—Monessen, PA.

Specialist Steven Mason—Paragould, Arkansas.

Specialist Christine Mayes—Rochester Mills, PA.

Specialist Michael Mills—Panora, Iowa.

Specialist Adrienne Mitchell—Moreno Valley, CA.

Specialist Ronald Rennison—Dubuque, IA.

Private First Class Timothy Shaw—Alexandria, VA.

Sergeant Stephen Siko—Latrobe, PA.

Specialist Brian Simpson—Indianapolis, IN.

Specialist Thomas Stone—Falconer, NY.

Specialist James Tatum—Athens, TN.

Private First Class Robert Wade—Savannah, GA.

Sergeant Frank Walls—Hawthorne, PA.

Corporal Jonathan Williams—Portsmouth, VA.

Specialist Richard Wolverton—?, PA.

Specialist James Worthy—Albany, GA.

I urge my colleagues to vote "yes" for H.R. 2786 and join me in dedicating passage of this bill to their memory.

Mr. PICKETT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 2786, the Theater Ballistic Missile Defense Improvement Act of 1998. I want to thank our committee chairman and ranking member, and also our subcommittee chairman, the gentleman from Pennsylvania (Mr. WELDON), for the fine work they have done in bringing this bill to this point.

The Theater Missile Defense Improvement Act is a quick, direct and bipartisan response to the earlier than expected development of theater ballistic missile threats to our troops by Iran and North Korea. It would authorize $147 million to increase the defended footprints of our current theater missile ballistic defense system by enhancing early warning, increasing connectivity among systems and providing for an increased deployment rate for the Patriot PAC-3 TMD system.

Supported by the Department of Defense, the bill is fully consistent with current and planned United States TMD programs and can be carried out by the Pentagon almost immediately. Further, it does not require future funding that DOD is not in a position to request, and it is within the scope of existing international agreements.

Because it responds to actual threat developments that would put our deployed troops at risk, I believe it is our duty to pass this bill today. Therefore, and in the strongest possible terms, I urge my colleagues to support our men and women in uniform and vote for H.R. 2786, the Theater Missile Defense Improvement Act of 1998.

Madam Speaker, I reserve the balance of my time.

Mr. WELDON of Pennsylvania. Madam Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. LIVINGSTON), the distinguished chairman of the Committee on Appropriations, a Member who has been a tireless advocate for missile defense for this country, and we welcome his participation today.

Mr. LIVINGSTON. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in strong support of H.R. 2786, the Theater Missile Improvement Act, because it is a good bill. It is a good initiative.

Madam Speaker, first of all, I want to thank my friend for his time, but also his dedication to our Nation's defense and to this particular subject of missile defense. This issue has gone too far unattended.

Many of us in Congress have been convinced for a very long time that we need to protect against the possible threat of incoming missiles and that we need to protect our troops and our cities but the fact is, while most American people think we can defend against such missiles, in truth we cannot defend against the first missile.

□ 1815

We do not have the first defense system deployed.

So while I might disagree in some of the assessments of priorities in this bill, I rise in support of it for two critical reasons: North Korea and Iran.

North Korea has already deployed the No Dong-1 missile, which has a range of 1,000 kilometers, a sufficient range to threaten Japan; and it is developing the Taepo Dong-1, expected to have a range in excess of 1,500 kilometers, which would have the capacity to threaten Alaska and Hawaii.

According to our own director of Central Intelligence, Iran is very close to deploying the medium range Shahab-3 Missile. This missile will have the capability of striking areas in the Middle East such as Turkey, Israel and Saudi Arabia.

Secondly, I think it is absolutely imperative that we begin to actually deploy systems; not just study them, or research them forever, as this administration continues to propose, but to deploy them. We need systems in place to defend against incoming missiles.

I believe this act will further our ability to do exactly that. I urge passage of H.R. 2786.

Mr. PICKETT. Madam Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Speaker, the bill before us is carefully crafted. It was worked out in a completely bipartisan spirit by the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Virginia (Mr. PICKETT), and myself and, truth be told, by our staff, in close consultation with the ballistic missile defense office, BMDO.

Over a period of weeks, we went through an exacting process to winnow down the increases to BMDO programs that can be used to deal with this emerging intermediate-range missile threat. Our process identified those programs with the most potential in the short term to enhance missile defense capability which can be executed this year, fiscal year 1998.

Wherever possible, we tried to speed up program improvements that had already been planned or programmed by BMDO and link up or improve interoperability among existing systems. As a result, we have a bill which is focused on the emerging threat, consistent with the progress that the ballistic missile defense organization is making, and affordable.

Each item in this bill has been scrubbed by the Defense Secretary, Deputy Secretary of Defense John Hamre, and stamped with his approval as a sensible use of the funds. The authorizations are fully offset within the Department of Defense, and we have sought to work with the Committee on Appropriations to find outlay offsets, in order to appropriate these dollars this year.

In addition to increasing our BMDO capabilities in the short term, this bill will enhance the long-term performance of our systems as well. The Joint Composite Tracking Network, funded by this bill at $35 million, will network the sensing, tracking, command and control capabilities of PAC-3, THAAD, Navy Area Defense system and, eventually, the Israel Arrow and the Navy's Upper Tier systems, so missiles can be detected as soon as possible after launch and defenses can be cued up as soon as possible. The total flight time for these missiles is measured in seconds, and every second we gain in locating them is a gain towards taking them out.

This network is probably the single greatest step we can take in the short term to enhance our existing capabilities. It is also the logical next step to a layered defense or a family of systems architecture, which BMDO is working on.

This bill will lower the operational risks of the PAC–3 and Navy Area Defense Systems also by funding more testing. The bill allocates $20 million each for testing of these systems against longer or intermediate range threat. Although this testing is primarily designed to probe and stretch the limits of these systems, we will gain more knowledge and we hope more confidence in their general performance by more testing. And this goes to a recommendation pointedly made by General Larry Welsh in a recently completed review of our theater ballistic missile systems.

This bill also contains $41 million for production enhancements to the PAC–3 system, and that will allow for increased production of PAC–3 missiles and a faster deployment of this system, which has some potential for dealing with this threat into the field.

That is why I say this bill is a measured response to emerging threats. It is a sensible piece of legislation. I urge every Member of the House to support it.

Mr. WELDON of Pennsylvania. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Madam Speaker, I have sat in hearing after hearing where our intelligence community has told us that it would take rogue nations using indigenous capabilities 10 to 15 years to develop missile technologies that would threaten us or our allies. I never quite understood this. If I needed a moped, I am not sure that I would build a factory to build a moped. I think that I would go buy one from people who build them, which is precisely what Iran has done.

A few months ago, we were informed by our intelligence community that Iran has now acquired technologies from Russia which will permit them, years and years ahead of any projected schedule, to launch missiles with 600 and 1,200 kilometer ranges that threaten our allies.

This bill is a very measured response to this. It is not forging new frontiers. What we are doing in this bill is accelerating programs which are already in existence, where additional funds could move them forward so that we could meet the emerging threats.

I want to compliment those on both sides of the aisle that worked to craft this bill. My only regret is that it could not have come to us several years ago, because we needed it then. We need it far worse now. Please support this very good legislation.

Mr. PICKETT. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, this bill is a very good example of bipartisanship producing good policy. I am proud to be an original cosponsor.

I commend my friend, the gentleman from Pennsylvania (Mr. WELDON), for his leadership and his bipartisanship. Like him, I believe the proliferation of weapons of mass destruction and the means to deliver them is the key national security threat in the post-Cold War world.

In particular, many of us have been concerned about the transfer of ballistic missile capabilities from Russia to Iran. This is profoundly destabilizing to the region, and it presents a direct threat to U.S. forces in the region and to U.S. allies. To properly stem this threat, we need a two-pronged approach, prevention and defense.

Last fall, Senator KYL and I introduced a concurrent resolution which passed both Chambers overwhelmingly, urging the President to impose sanctions on the Russian entities that have been providing technical assistance and technology to Iran's programs.

The Harman-Kyl resolution addressed the preventive aspect of a nonproliferation strategy. Sanctions make it unprofitable for anyone to transfer sensitive weapons technology to Iran, but stopping the flow is only part of the answer. We also need to defend against the capability that has already slipped through.

This bill is an important step in that process. It accelerates the development of important capability that can improve the region's missile defense in the short term. Assembled in cooperation with the Defense Department, these measures are designed to put in place the best defense possible by the time Iran's medium-range missile capability is fully realized.

Let me underscore just one measure that is in this bill and was mentioned by its sponsor, that is funding for interoperability of Israel's cost-share Arrow system, our best bet short term to protect our only democratic ally in the region.

Madam Speaker, I strongly support this bill and urge our colleagues, all of them, on a bipartisan basis, to support it, too.

Mr. WELDON of Pennsylvania. Madam Speaker, I yield 2½ minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I rise in strong support of H.R. 2786, the Theater Missile Defense Improvement Act of 1998; and I commend the gentleman from South Carolina (Chairman SPENCE), the author of this measure, and the gentleman from Pennsylvania (Mr. WELDON) for their extensive work on this important bill.

One of our Nation's most important national security and nonproliferation objectives is to reduce the vulnerability of our own forces, allies and friends in the Middle East from the threat of ballistic missiles by Iran and other potential adversaries.

As my colleagues well know, most critical in the short term is the threat posed by Iran's acquisition of ballistic missiles with a range of up to 1,300 kilometers or more. I fully support providing additional resources for those programs which can counter that kind of threat, which is the primary purpose of this bill.

I want to focus our colleagues' attention on the language contained in section 4 of the bill, which directs the Secretary of Defense to explore additional cooperative measures between our Defense Department and the Ministry of Defense in Israel to further enhance Israel's ability to defend itself against the threat posed by ballistic missiles deployed by Iran and other nations.

Just as important, perhaps even more important, as increasing funding for programs to counter the threat posed by Iran's missile programs is the necessity to halt assistance to the Iranian program in the first place. It is obvious that Russia has already provided Iran with critical know-how and technological support which has resulted in the Iranians achieving a significant leap in their missile programs.

An incremental approach to this issue relies on friendly persuasion. It is not achieving any demonstrable results in our negotiations with the Russians. Dialogue cannot substitute for more forceful and immediate action, including the imposition of sanctions on those entities engaging in missile cooperation with Iran. That is why we urge the Senate to take action on H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997, which was passed by the House last November.

As I have stated on a number of occasions, it is hard to believe that Russia's assistance to Iran does not violate Russia's international obligations as an adherent to the Missile Technology Control Regime. It is inconceivable that such transfers do not trigger U.S. missile sanction laws.

In the 1980s, the world sat by while Saddam Hussein built up his arsenal of weapons of mass destruction that we have not yet fully identified and destroyed; and our Nation cannot afford to do the same with Iran, as it uses its petrodollars to purchase weapons systems that will threaten its neighbors and endanger our forces throughout the Persian Gulf region.

I urge my colleagues to support this important measure.

Mr. PICKETT. Madam Speaker, I yield 2 minutes to the gentleman from Guam, Mr. UNDERWOOD.

Mr. UNDERWOOD. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I enthusiastically support the bill, H.R. 2896, as offered by the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Virginia (Mr. PICKETT), and the gentleman from South Carolina (Mr. SPRATT). The gentleman from Pennsylvania (Mr. WELDON) deserves our gratitude for his persistence in moving this legislation, which is cosponsored by no less than 111 members.

The Theater Missile Defense Improvement Act of 1998 is one of the most important and timely pieces of legislation to be presented before this body.

As a member of the Committee on National Security, I have become keenly aware of the many threats posed by adversarial missile defense development and deployments and illicit technology transfers around the world. We only know too well the potential for destruction these weapons hold.

In the hands of our friends and allies, these weapons are valuable tools that safeguard democracy. In the hands of our adversaries, where the potential exists to arm them with chemical and biological warheads, the results are potentially catastrophic.

Madam Speaker, in a world rocked with uncertainties, we must remove the cloak of fear utilized by our adversaries. This important legislation will ensure in no small manner that the United States will have the technology and capability to defend our troops, no matter where they are, and citizens of every State and territory in the land. The real danger posed by rogue states such as Iran, North Korea, and Iran compel us to prepare to defend our vital assets.

I support this bill because it is the best way to assure our friends and allies that we will not be placed in a tactically compromising position. I support H.R. 2796 because it is non-scenario, non-geographic specific. It cuts to the core of the issue, to produce for the defense of the United States a highly capable, highly robust TMD system that could be deployed anywhere our enemies pose a ballistic missile threat.

Finally, Madam Speaker, on behalf of the people of Guam, I support this bill for the safety and defense of our fellow U.S. citizens, who have been specifically targeted by North Korean military as they develop the Taepo Dong-1 and 2.

I congratulate this bipartisan effort and especially the work of the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Virginia (Mr. PICKETT).

Mr. WELDON of Pennsylvania. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAPPAS), one of our young rising stars in this Congress.

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Mr. PAPPAS. Madam Speaker, I believe this country owes a great deal of gratitude to the gentleman from Pennsylvania (Mr. WELDON) for his leadership on this issue. This Congress is faced with a situation of whether to stick our heads in the proverbial sand or open our eyes to see the threats that we have to our national security. This bill moves us from the hand-wringing stage into the stage of action.

This bill will leverage existing systems to advance missile defense for our troops. Part of the ability to leverage existing technologies is to capitalize on what has worked elsewhere. For example, Israel has an ongoing missile defense system that has demonstrated favorable results. In this age of limited defense dollars, the Pentagon cannot afford to, quote-unquote, "reinvent the wheel" or be a slave to bureaucracy to develop technology and implement systems that will protect our troops now.

Recently, 36 members of the Committee on National Security signed a letter to the President circulated by myself and the gentlewoman from California (Ms. HARMAN) urging him to work with Israel and leverage existing technology to develop Arrow, THEL, and BPI. Many share my concern about a seeming lack of commitment by this administration to deal with missile defense and the very real risks our troops, interests, and allies face in the Middle East, Korea and throughout the world.

Madam Speaker, this bill is a first step and I am hopeful that this Congress will seek to protect our troops. Failure to do so would be to shirk our duty to uphold the Constitution and to provide for the common defense. I urge passage of this bill.

Mr. PICKETT. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Speaker, I appreciate this opportunity to speak in support of this important bill which will provide our troops better protection from ballistic missile threats. I am proud to be an original cosponsor of this bill, and I am pleased that this issue is finally getting the attention of the full House of Representatives.

Fort Bliss, which is located in my district, trains all the soldiers who provide air and missile defense for our military. Also, and perhaps most importantly for the purposes of this bill, most of the Patriot batteries are located at Fort Bliss.

As such, the increased funds for PAC-3 technologies will directly affect our soldiers. The Fort Bliss air defenders will be using these technologies to better defend our military and our allies. Our soldiers at Fort Bliss are pleased that we are working to provide the resources necessary to move PAC-3 into the field as effectively and as quickly as possible.

The bill includes $15 million to accelerate completion of the PAC-3 remote launch capability. This technology will allow the Patriot soldiers to place their missiles and launchers further out in front of the radar and the battery, which in turn expands the battle space. This will allow each Patriot unit to defend a larger area.

Second, the bill provides $41 million to allow for an increased rate of production for PAC-3. This will move PAC-3 missiles out into the field more rapidly so that every Patriot unit will have the PAC-3 capability.

At the beginning of the Gulf War conflict, our Patriot soldiers had only three PAC-2 missiles, missiles that were capable of defending against other ballistic missiles. Not only were there few PAC-2 missiles, but PAC-2 could only achieve missile kill against the incoming ballistic missile and not kill the actual warhead. As a result, some diverted incoming missiles caused collateral damage in civilian areas.

PAC-3 will have hit-to-kill capability, eliminating the fear of hitting other areas and destroying offensive missiles and their warheads which could include weapons of mass destruction. The funds we provide today will equip our Patriot units more quickly with this technology.

Third, the bill provides $40 million for tests of PAC-3 and Navy Area. Our air defenders will feel more comfortable knowing that these technologies have been sufficiently tested with live fire tests against longer range missiles.

Madam Speaker, I want to thank the gentleman from South Carolina (Mr. SPENCE), the gentleman from Missouri (Mr. SKELTON), the gentleman from Pennsylvania (Mr. WELDON), the gentleman from Virginia (Mr. PICKETT) and the gentleman from South Carolina (Mr. SPRATT) for their bipartisan work to get this bill to the House floor today. I strongly urge all of my colleagues to support this legislation in a bipartisan manner.

Mr. WELDON of Pennsylvania. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Florida (Mrs. FOWLER), one of the leading advocates for a strong defense in our country.

Mrs. FOWLER. Madam Speaker, I rise to commend the gentleman from Pennsylvania (Mr. WELDON), my good friend, and the other authors of this bill for their hard work in putting together a measure that will help address critical threats that will soon be facing our service personnel in the Persian Gulf.

The Iran Missile Protection Act would authorize the shifting of $147 million in Defense Department funds to proceed with the most promising technologies available for enhancing theater missile defense capabilities. This step is necessary because recent intelligence indicates that Iran, thanks to Russian technology transfers, is much closer to developing a medium-range ballistic missile capable of threatening U.S. forces and regional allies that was previously believed to be the case.

This bill would pursue technologies that are executable in fiscal year 1998 and provide the most immediate return on investment. It received strong support in the House Committee on National Security and merits the approval of the House. I urge my colleagues to support H.R. 2786.

Mr. PICKETT. Madam Speaker, I reserve the balance of my time.

Mr. WELDON of Pennsylvania. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, first of all, let me again thank the leadership of our committee. The gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) are outstanding leaders working in a true bipartisan manner.

Let me also thank Ron Dellums, who was our ranking member up until a few short weeks ago. He, too, lent his support from the time we introduced the original legislation until the time it appears on the floor, and I appreciate his role in that process as well. I also thank the gentleman from Virginia (Mr. PICKETT) and the gentleman from South Carolina (Mr. SPRATT) for their tireless effort on the other side.

Madam Speaker, let me also thank the Speaker of the House, who agreed to move this legislation through, and our colleagues in the other body for their commitment to move this legislation off the desk and get it passed in the Senate as well, and to the appropriators for their commitment to fund these priorities.

Madam Speaker, when we look at what is really going to happen in terms of this legislation, I think this chart perhaps sums it up best. We cannot get into actual distances and capabilities because that is classified information.

But if we look at the Patriot system, which all of America knows was the workhorse in Desert Storm, and its capability for knocking down Scuds, the capability of the Patriot system against the kind of threat that Iran will have 1 year from now means the Patriot could not handle this at all. Patriot has no capability against a 1,000 kilometer DBM threat. None whatsoever. If we just had the original Patriot system, we could do nothing. We would be shooting missiles in the air with no real capability of knocking those offensive missiles down.

By enhancing the Patriot system as we have done to improve it to become the PAC-2, this green area shows the approximate area that this missile would be effective, in these two concentric circles. From a distance standpoint, that is the approximate distance that PAC-2 upgrade would give us.

When we implement the provisions of this legislation, we provide for the enhanced radar, the interoperability, the use of existing systems interconnected, the blue area is the result that we get. So my colleagues can see that we are much better able to protect our troops and protect our allies. We have a much greater distance where we can take out that offensive missile while it is still over the country that is shooting at us, and if there is any hostile material in the warhead of that missile, it will rain down on their own citizens and not on our troops or allies.

Madam Speaker, this legislation is critically important. It will give us a short-term capability in fiscal year 1998 to give enhanced protection for our troops and for our allies around the world. I thank my colleagues for their support.

Madam Speaker, I yield back the balance of my time.

Mr. PICKETT. Madam Speaker, I have no further requests for time. I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. WELDON) that the House suspend the rules and pass the bill, H.R. 2786, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

"A bill to authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies by the accelerated development and deployment of ballistic missiles by nations hostile to United States interests.".

A motion to reconsider was laid on the table.

CAMPAIGN REFORM AND ELECTION INTEGRITY ACT OF 1998

Mr. THOMAS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3581) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes.

The Clerk read as follows:

H.R. 3581

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Campaign Reform and Election Integrity Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VOLUNTARY CONTRIBUTIONS

Sec. 101. Prohibiting involuntary use of funds of employees of corporations and other employers and members of unions and organizations for political activities.

TITLE II—BANNING NONCITIZEN CONTRIBUTIONS

Sec. 201. Prohibiting noncitizen individuals from making contributions in connection with Federal elections.

Sec. 202. Increase in penalty for violations of ban.

TITLE III—IMPROVING REPORTING AND ENFORCEMENT

Sec. 301. Expediting reporting of information.

Sec. 302. Expansion of type of information reported.

Sec. 303. Promoting effective enforcement by Federal Election Commission.

Sec. 304. Banning acceptance of cash contributions greater than $100.

Sec. 305. Protecting confidentiality of small contributions by employees of corporations and members of labor organizations.

Sec. 306. Disclosure and reports relating to polling by telephone or electronic device.

TITLE IV—EXCESSIVE SPENDING BY CANDIDATES FROM PERSONAL FUNDS

Sec. 401. Modification of limitations on contributions when candidates spend or contribute large amounts of personal funds.

TITLE V—ELECTION INTEGRITY

Subtitle A—Voter Eligibility Verification Pilot Program

Sec. 501. Voter eligibility pilot confirmation program.

Sec. 502. Authorization of appropriations.

Subtitle B—Other Measures to Protect Election Integrity

Sec. 511. Requiring inclusion of citizenship check-off and information with all applications for voter registration.

Sec. 512. Improving administration of voter removal programs.

TITLE VI—REVISION AND INDEXING OF CERTAIN CONTRIBUTION LIMITS AND PENALTIES

Sec. 601. Increase in certain contribution limits.

Sec. 602. Indexing limits on certain contributions.

Sec. 603. Indexing amount of penalties and fines.

TITLE VII—RESTRICTIONS ON SOFT MONEY

Sec. 701. Ban on soft money of national political parties and candidates; ban on use of soft money by State political parties for Federal election activity.

Sec. 702. Ban on disbursements of soft money by foreign nationals

Sec. 703. Enforcement of spending limit on presidential and vice presidential candidates who receive public financing.

Sec. 704. Conspiracy to violate presidential campaign spending limits.

TITLE VIII—DISCLOSURE OF CERTAIN COMMUNICATIONS
Sec. 801. Disclosure of certain communications.
TITLE IX—EFFECTIVE DATE
Sec. 901. Effective date.

TITLE I—VOLUNTARY CONTRIBUTIONS

SEC. 101. PROHIBITING INVOLUNTARY USE OF FUNDS OF EMPLOYEES OF CORPORATIONS AND OTHER EMPLOYERS AND MEMBERS OF UNIONS AND ORGANIZATIONS FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c)(1)(A) Except with the separate, prior, written, voluntary authorization of the individual involved, it shall be unlawful—

"(i) for any national bank or corporation described in this section to collect from or assess a stockholder or employee any portion of any dues, initiation fee, or other payment made as a condition of employment which will be used for political activity in which the national bank or corporation is engaged; and

"(ii) for any labor organization described in this section to collect from or assess a member or nonmember any portion of any dues, initiation fee, or other payment which will be used for political activity in which the labor organization is engaged.

"(B) An authorization described in subparagraph (A) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such subparagraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(2)(A) Prior to the beginning of any 12-month period (as determined by the corporation), each corporation described in this section shall provide each of its shareholders with a notice containing the following:

"(i) The proposed aggregate amount for disbursements for political activities by the corporation for the period.

"(ii) The individual's applicable percentage and applicable pro rata amount for the period.

"(iii) A form that the individual may complete and return to the corporation to indicate the individual's objection to the disbursement of amounts for political activities during the period.

"(B) It shall be unlawful for a corporation to which subparagraph (A) applies to make disbursements for political activities during the 12-month period described in such subparagraph in an amount greater than—

"(i) the proposed aggregate amount for such disbursements for the period, as specified in the notice provided under subparagraph (A); reduced by

"(ii) the sum of the applicable pro rata amounts for such period of all shareholders who return the form described in subparagraph (A)(iii) to the corporation prior to the beginning of the period.

"(C) In this paragraph, the following definitions shall apply:

"(i) The term 'applicable percentage' means, with respect to a shareholder of a corporation, the amount (expressed as a percentage) equal to the number of shares of the corporation (within a particular class or type of stock) owned by the shareholder at the time the notice described in subparagraph (A) is provided, divided by the aggregate number of such shares owned by all shareholders of the corporation at such time.

"(ii) The term 'applicable pro rata amount' means, with respect to a shareholder for a 12-month period, the product of the shareholder's applicable percentage for the period and the proposed aggregate amount for disbursements for political activities by the corporation for the period, as specified in the notice provided under subparagraph (A).

"(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office, influencing the consideration or outcome of any Federal legislation or the issuance or outcome of any Federal regulations, or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

TITLE II—BANNING NONCITIZEN CONTRIBUTIONS

SEC. 201. PROHIBITING NONCITIZEN INDIVIDUALS FROM MAKING CONTRIBUTIONS IN CONNECTION WITH FEDERAL ELECTIONS.

(a) PROHIBITION APPLICABLE TO ALL NONCITIZENS.—Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)(2)) is amended by striking "and who is not lawfully admitted" and all that follows and inserting a period.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to contributions or expenditures made on or after the date of the enactment of this Act.

SEC. 202. INCREASE IN PENALTY FOR VIOLATIONS OF BAN.

(a) APPLICATION OF PENALTY TO FOREIGN NATIONALS AND CITIZENS WHO SOLICIT OR ACCEPT FOREIGN PAYMENTS.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) Notwithstanding any other provision of this Act, the amount or duration of any penalty, fine, or sentence imposed on any person who violates subsection (a) shall be 200 percent of the amount or duration which is otherwise provided for under this Act or any other applicable law.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring on or after the date of the enactment of this Act.

TITLE III—IMPROVING REPORTING AND ENFORCEMENT

SEC. 301. EXPEDITING REPORTING OF INFORMATION.

(a) PERMITTING CANDIDATES TO ELECT TO FILE REPORTS FOR CONTRIBUTIONS AND EXPENDITURES MADE WITHIN 90 DAYS OF ELECTION WITHIN 24 HOURS AND POST ON INTERNET.—

(1) IN GENERAL.—Section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)) is amended by adding at the end the following new paragraph:

"(12)(A) Notwithstanding any other provision of this Act, any authorized political committee of a candidate may notify the Commission that, with respect to each contribution received or expenditure made by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election, the candidate elects to file any information required to be filed with the Commission under this section with respect to such contribution or expenditure within 24 hours after the receipt of the contribution or the making of the expenditure.

"(B) The Commission shall make the information filed under this paragraph available on the Internet immediately upon receipt.".

(2) INTERNET DEFINED.—Section 301(19) of such Act (2 U.S.C. 431(19)) is amended to read as follows:

"(19) The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet-switched data networks.".

(b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE WITHIN 20 Days of Election; Requiring Reports to Be Made Within 24 Hours.—Section 304(a)(6)(A) of such Act (2 U.S.C. 434(a)(6)(A)) is amended—

(1) by striking "after the 20th day, but more than 48 hours before any election" and inserting "during the period which begins on the 20th day before an election and ends at the time the polls close for such election"; and

(2) by striking "48 hours" the second place it appears and inserting the following: "24 hours (or, if earlier, by midnight of the day on which the contribution is deposited)".

(c) REQUIRING ACTUAL RECEIPT OF CERTAIN INDEPENDENT EXPENDITURE REPORTS WITHIN 24 HOURS.—

(1) IN GENERAL.—Section 304(c)(2) of such Act (2 U.S.C. 434(c)(2)) is amended in the matter following subparagraph (C)—

(A) by striking "shall be reported" and inserting "shall be filed"; and

(B) by adding at the end the following new sentence: "Notwithstanding subsection (a)(5), the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.".

(2) CONFORMING AMENDMENT.—Section 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is amended by striking "or (4)(A)(ii)" and inserting "or (4)(A)(ii), or the second sentence of subsection (c)(2)".

(d) REQUIRING REPORTS OF CERTAIN FILERS TO BE TRANSMITTED ELECTRONICALLY; CERTIFICATION OF PRIVATE SECTOR SOFTWARE.—Section 304(a)(11)(A) of such Act (2 U.S.C. 434(a)(11)(A)) is amended by striking the period at the end and inserting the following: ", except that in the case of a report submitted by a person who reports an aggregate amount of contributions or expenditures (as the case may be) in all reports filed with respect to the election involved (taking into account the period covered by the report) in an amount equal to or greater than $50,000, the Commission shall require the report to be filed and preserved by such means, format, or method. The Commission shall certify (on an ongoing basis) private sector computer software which may be used for filing reports by such means, format, or method.".

(e) CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.—Section 304(b) of such Act (2 U.S.C. 434(b)) is amended by inserting "(or election cycle, in the case of an authorized committee of a candidate for Federal office)" after "calendar year" each place it appears in paragraphs (2), (3), (4), (6), and (7).

SEC. 302. EXPANSION OF TYPE OF INFORMATION REPORTED.

(a) REQUIRING RECORD KEEPING AND REPORT OF SECONDARY PAYMENTS BY CAMPAIGN COMMITTEES.—

(1) REPORTING.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2

U.S.C. 434(b)(5)(A)) is amended by striking the semicolon at the end and inserting the following: ", and, if such person in turn makes expenditures which aggregate $500 or more in an election cycle to other persons (not including employees) who provide goods or services to the candidate or the candidate's authorized committees, the name and address of such other persons, together with the date, amount, and purpose of such expenditures;".

(2) Record keeping.—Section 302 of such Act (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) A person described in section 304(b)(5)(A) who makes expenditures which aggregate $500 or more in an election cycle to other persons (not including employees) who provide goods or services to a candidate or a candidate's authorized committees shall provide to a political committee the information necessary to enable the committee to report the information described in such section.".

(3) No effect on other reports.—Nothing in the amendments made by this subsection may be construed to affect the terms of any other recordkeeping or reporting requirements applicable to candidates or political committees under title III of the Federal Election Campaign Act of 1971.

(b) Including Report on Cumulative Contributions and Expenditures in Post Election Reports.—Section 304(a)(7) of such Act (2 U.S.C. 434(a)(7)) is amended—

(1) by striking "(7)" and inserting "(7)(A)"; and

(2) by adding at the end the following new subparagraph:

"(B) In the case of any report required to be filed by this subsection which is the first report required to be filed after the date of an election, the report shall include a statement of the total contributions received and expenditures made as of the date of the election.".

(c) Including Information on Aggregate Contributions in Report on Itemized Contributions.—Section 304(b)(3) of such Act (2 U.S.C. 434(b)(3)) is amended—

(1) in subparagraph (A), by inserting after "such contribution" the following: "and the total amount of all such contributions made by such person with respect to the election involved"; and

(2) in subparagraph (B), by inserting after "such contribution" the following: "and the total amount of all such contributions made by such committee with respect to the election involved".

SEC. 303. PROMOTING EFFECTIVE ENFORCEMENT BY FEDERAL ELECTION COMMISSION.

(a) Requiring FEC to Provide Written Responses to Questions.—

(1) In general.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 308 the following new section:

"OTHER WRITTEN RESPONSES TO QUESTIONS

"Sec. 308A. (a) Permitting Responses.—In addition to issuing advisory opinions under section 308, the Commission shall issue written responses pursuant to this section with respect to a written request concerning the application of this Act, chapter 95 or chapter 96 of the Internal Revenue Code of 1986, a rule or regulation prescribed by the Commission, or an advisory opinion issued by the Commission under section 308, with respect to a specific transaction or activity by the person, if the Commission finds the application of the Act, chapter, rule, regulation, or advisory opinion to the transaction or activity to be clear and unambiguous.

"(b) Procedure for Response.—

"(1) Analysis by staff.—The staff of the Commission shall analyze each request submitted under this section. If the staff believes that the standard described in subsection (a) is met with respect to the request, the staff shall circulate a statement to that effect together with a draft response to the request to the members of the Commission.

"(2) Issuance of response.—Upon the expiration of the 3-day period beginning on the date the statement and draft response is circulated (excluding weekends or holidays), the Commission shall issue the response, unless during such period any member of the Commission objects to issuing the response.

"(c) Effect of Response.—

"(1) Safe harbor.—Notwithstanding any other provisions of law, any person who relies upon any provision or finding of a written response issued under this section and who acts in good faith in accordance with the provisions and findings of such response shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1986.

"(2) No reliance by other parties.—Any written response issued by the Commission under this section may only be relied upon by the person involved in the specific transaction or activity with respect to which such response is issued, and may not be applied by the Commission with respect to any other person or used by the Commission for enforcement or regulatory purposes.

"(d) Publication of Requests and Responses.—The Commission shall make public any request for a written response made, and the responses issued, under this section. In carrying out this subsection, the Commission may not make public the identity of any person submitting a request for a written response unless the person specifically authorizes to Commission to do so.

"(e) Compilation of Index.—The Commission shall compile, publish, and regularly update a complete and detailed index of the responses issued under this section through which responses may be found on the basis of the subjects included in the responses.".

(2) Conforming amendment.—Section 307(a)(7) of such Act (2 U.S.C. 437d(a)(7)) is amended by striking "of this Act" and inserting "and other written responses under section 308A".

(b) Standard for Initiation of Actions by FEC.—Section 309(a)(2) of such Act (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe" and all that follows through "of 1954," and inserting the following: "it has a reason to investigate a possible violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 that has occurred or is about to occur (based on the same criteria applicable under this paragraph prior to the enactment of the Campaign Reform and Election Integrity Act of 1998),".

(c) Standard Form for Complaints; Stronger Disclaimer Language.—

(1) Standard form.—Section 309(a)(1) of such Act (2 U.S.C. 437g(a)(1)) is amended by inserting after "shall be notarized," the following: "shall be in a standard form prescribed by the Commission, shall not include (but may refer to) extraneous materials,".

(2) Disclaimer language.—Section 309(a)(1) of such Act (2 U.S.C. 437g(a)(1)) is amended—

(A) by striking "(a)(1)" and inserting "(a)(1)(A)"; and

(B) by adding at the end the following new subparagraph:

"(B) The written notice of a complaint provided by the Commission under subparagraph (A) to a person alleged to have committed a violation referred to in the complaint shall include a cover letter (in a form prescribed by the Commission) and the following statement: 'The enclosed complaint has been filed against you with the Federal Election Commission. The Commission has not verified or given official sanction to the complaint. The Commission will make no decision to pursue the complaint for a period of at least 15 days from your receipt of this complaint. You may, if you wish, submit a written statement to the Commission explaining why the Commission should take no action against you based on this complaint. If the Commission should decide to investigate, you will be notified and be given further opportunity to respond.'".

SEC. 304. BANNING ACCEPTANCE OF CASH CONTRIBUTIONS GREATER THAN $100.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) No candidate or political committee may accept any contributions of currency of the United States or currency of any foreign country from any person which, in the aggregate, exceed $100.".

SEC. 305. PROTECTING CONFIDENTIALITY OF SMALL CONTRIBUTIONS BY EMPLOYEES OF CORPORATIONS AND MEMBERS OF LABOR ORGANIZATIONS.

Section 316(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by adding at the end the following new paragraph:

"(8)(A) Any corporation or labor organization (or separate segregated fund established by such a corporation or such a labor organization) making solicitations of contributions shall make such solicitations in a manner that ensures that the corporation, organization, or fund cannot determine who makes a contribution of $100 or less as a result of such solicitation and who does not make such a contribution.

"(B) Subparagraph (A) shall not apply with respect to any solicitation of contributions of a corporation from its stockholders.".

SEC. 306. DISCLOSURE AND REPORTS RELATING TO POLLING BY TELEPHONE OR ELECTRONIC DEVICE.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

"DISCLOSURE AND REPORTS RELATING TO POLLING BY TELEPHONE OR ELECTRONIC DEVICE

"Sec. 323. (a) Disclosure of Identity of Person Paying Expenses of Poll.—Any person who conducts a Federal election poll by telephone or electronic device shall disclose to each respondent the identity of the person paying the expenses of the poll. The disclosure shall be made at the end of the interview involved.

"(b) Reporting Certain Information.—In the case of any Federal election poll taken by telephone or electronic device during the 90-day period which ends on the date of the election involved—

"(1) if the results are not to be made public, the person who conducts the poll shall report to the Commission the total cost of the poll and all sources of funds for the poll; and

"(2) the person who conducts the poll shall report to the Commission the total number of households contacted and include with such report a copy of the poll questions.

"(c) Federal Election Poll Defined.—As used in this section, the term 'Federal election poll' means a survey—

"(1) in which the respondent is asked to state a preference in a future election for Federal office; and

"(2) in which more than 1,200 households are surveyed.".

TITLE IV—EXCESSIVE SPENDING BY CANDIDATES FROM PERSONAL FUNDS

SEC. 401. MODIFICATION OF LIMITATIONS ON CONTRIBUTIONS WHEN CANDIDATES SPEND OR CONTRIBUTE LARGE AMOUNTS OF PERSONAL FUNDS.

(a) In General.—Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 304, is amended by adding at the end the following new subsection:

"(j)(1) Notwithstanding subsection (a), if in a general election a House candidate makes expenditures of personal funds (including contributions by the candidate to the candidate's authorized campaign committee) in an amount in excess of the amount of the limitation established under subsection (a)(1)(A) and less than or equal to $150,000 (as reported under section 304(a)(2)(A)), a political party committee may make contributions to an opponent of the House candidate without regard to any limitation otherwise applicable to such contributions under subsection (a), except that no opponent may accept aggregate contributions under this paragraph in an amount greater than the greatest amount of personal funds expended (including contributions to the candidate's authorized campaign committee) by any House candidate (other than such opponent) with respect to the election, less any personal funds expended by such opponent (as reported in a notification submitted under section 304(a)(6)(B)).

"(2) If a House candidate makes expenditures of personal funds (including contributions by the candidate to the candidate's authorized campaign committee) with respect to an election in an amount greater than $150,000 (as reported under section 304(a)(2)(A)), the following rules shall apply:

"(A) In the case of a general election, the limitations under subsections (a)(1), (a)(2), and (a)(3) (insofar as such limitations apply to political party committees and to individuals, and to other political committees to the extent that the amount contributed does not exceed 10 times the amount of the limitation otherwise applicable under such subsection) shall not apply to contributions to any opponent of the candidate, except that no opponent may accept aggregate contributions under this subparagraph and paragraph (1) in an amount greater than the greatest amount of personal funds (including contributions to the candidate's authorized campaign committee) expended by any House candidate with respect to the election, less any personal funds expended by such opponent (as reported in a notification submitted under section 304(a)(6)(B)).

"(B) In the case of an election other than a general election, the limitations under subsections (a)(1) and (a)(2) (insofar as such limitations apply to individuals and to political committees other than political party committees to the extent that the amount contributed does not exceed 10 times the amount of the limitation otherwise applicable under such subsection) shall not apply to contributions to any opponent of the candidate, except that no opponent may accept aggregate contributions under this subparagraph in an amount greater than the greatest amount of personal funds (including contributions to the candidate's authorized campaign committee) expended by any House candidate with respect to the election, less any personal funds expended by such opponent (as reported in a notification submitted under section 304(a)(6)(B)).

"(3) In this subsection, the term 'House candidate' means a candidate in an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress.".

(b) Notification of Expenditures of Personal Funds.—Section 304(a)(6) of such Act (2 U.S.C. 434(a)(6)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph:

"(B)(i) The principal campaign committee of a House candidate (as defined in section 315(j)(3)) shall submit the following notifications relating to expenditures of personal funds by such candidate (including contributions by the candidate to such committee):

"(I) A notification of the first such expenditure (or contribution) by which the aggregate amount of personal funds expended (or contributed) with respect to an election exceeds the amount of the limitation established under section 315(a)(1)(A) for elections in the year involved.

"(II) A notification of each such expenditure (or contribution) which, taken together with all such expenditures (and contributions) in any amount not included in the most recent report under this subparagraph, totals $5,000 or more.

"(III) A notification of the first such expenditure (or contribution) by which the aggregate amount of personal funds expended with respect to the election exceeds the level applicable under section 315(j)(2) for elections in the year involved.

"(ii) Each of the notifications submitted under clause (i)—

"(I) shall be submitted not later than 24 hours after the expenditure or contribution which is the subject of the notification is made;

"(II) shall include the name of the candidate, the office sought by the candidate, and the date of the expenditure or contribution and amount of the expenditure or contribution involved; and

"(III) shall include the total amount of all such expenditures and contributions made with respect to the same election as of the date of expenditure or contribution which is the subject of the notification.".

TITLE V—ELECTION INTEGRITY

Subtitle A—Voter Eligibility Verification Pilot Program

SEC. 501. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) In General.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and last 4 digits of the social security account number of the individual.

(b) Initial Response.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) Secondary Verification Process in Case of Tentative Nonconfirmation.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) Design and Operation of Pilot Program.—

(1) In general.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act; and

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) Use of employment eligibility confirmation system.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-664).

(e) Responsibilities of the Commissioner of Social Security.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and last 4 digits of the social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) Responsibilities of the Commissioner of the Immigration and Naturalization Service.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) Updating Information.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) Limitation on Use of the Pilot Program and Any Related Systems.—

(1) In general.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) No national identification card.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) No new data bases.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) Actions by Election Officials Unable to Confirm Citizenship.—

(1) In general.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) Registration applicants.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) Ineligible voter removal programs.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) Authority to Use Social Security Account Numbers.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the last 4 digits of the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the last 4 digits of the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner. Nothing in this subsection may be construed to prohibit or limit the application of any voter registration program which is in compliance with any applicable Federal or State law.

(k) Termination and Report.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. 502. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this subtitle.

Subtitle B—Other Measures to Protect Election Integrity

SEC. 511. REQUIRING INCLUSION OF CITIZENSHIP CHECK-OFF AND INFORMATION WITH ALL APPLICATIONS FOR VOTER REGISTRATION.

(a) In General.—Section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7) is amended by adding at the end the following new subsection:

"(c) Citizenship Check-Off and Other Information.—

"(1) In general.—Effective January 1, 2000—

"(A) the mail voter registration form developed under subsection (a)(2) and each application for voter registration of a State shall include 2 boxes for the applicant to indicate whether or not the applicant is a citizen of the United States, and no application for voter registration may be considered to be completed unless the applicant has checked the box indicating that the applicant is a citizen of the United States; and

"(B) such form and each application for voter registration of a State shall require the applicant to provide—

"(i) the city, State or province (if any), and nation of the individual's birth; and

"(ii) if the individual is a naturalized citizen of the United States, the year in which the individual was admitted to citizenship and the location where the admission to citizenship occurred (if applicable).

"(2) State opt-out.—Paragraph (1) shall not apply with respect to applications for voter registration of any State which notifies the Federal Election Commission prior to January 1, 2000, that it elects to reject the application of such paragraph to applications for voter registration of the State.".

(b) Conforming Amendments.—The National Voter Registration Act of 1993 is amended by striking "requirement;" each place it appears in section 5(c)(2)(C)(ii) (42 U.S.C. 1973gg–3(c)(2)(C)(ii)), section 7(a)(6)(A)(i)(II) (42 U.S.C. 1973gg–5(a)(6)(A)(i)(II)), and section 9(b)(2)(B) (42 U.S.C. 1973gg–7(b)(2)(B), and inserting "requirement (consistent with section 9(c));".

SEC. 512. IMPROVING ADMINISTRATION OF VOTER REMOVAL PROGRAMS.

(a) Permitting State to Require Affirmation of Address of Registrants Not Voting in 2 Consecutive General Federal Elections.—Section 8(e) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(e)) is amended by adding at the end the following new paragraph:

"(4)(A) If a registrant has not voted or appeared to vote in two consecutive general elections for Federal office, a State may send the registrant a notice consisting of—

"(i) a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address; and

"(ii) a notice that if the card is not returned, oral or written affirmation of the registrant's identification and address may be required before the registrant is permitted to vote in a subsequent Federal election.

"(B) If a registrant to whom a State has sent a notice under subparagraph (A) has not returned the card provided in the notice and appears at a polling place to cast a vote in a Federal election, the State may require the registrant to provide oral or written affirmation of the registrant's identification and address before an election official at the polling place as a condition for casting the vote.".

(b) Permitting State to Place Registrants With Inapplicable Addresses on Inactive List.—

(1) In general.—Section 8(d)(1)(B)(i) of such Act (42 U.S.C. 1973gg-6(d)(1)(B)(i)) is amended by striking "paragraph (2);" and inserting "paragraph (2), or has provided a mailing address which the Postal Services indicates is no longer applicable and has provided no other applicable address;".

(2) Requiring confirmation of address prior to voting.—Section 8(d) of such Act (42 U.S.C. 1973gg-6(d)) is amended by adding at the end the following new paragraph:

"(4) The second sentence of paragraph (2)(A) shall apply to an individual described in paragraph (1)(B)(i) who has provided a mailing address which the Postal Services indicates is no longer applicable and has provided no other applicable address in the same manner as such sentence appiies to an individual who has failed to respond to a notice described in paragraph (2).".

(c) Effective Date.—The amendments made by this section shall take effect January 1, 1999, and shall apply with respect to general elections for Federal office held on or after January 1, 1998.

TITLE VI—REVISION AND INDEXING OF CERTAIN CONTRIBUTION LIMITS AND PENALTIES

SEC. 601. INCREASE IN CERTAIN CONTRIBUTION LIMITS.

(a) Contributions by Individuals.—

(1) Contributions to candidates.—Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)(A)) is amended by striking "$1,000" and inserting "$2,000".

(2) Contributions to State or local political parties.—Section 315(a)(1) of such Act (2 U.S.C. 441a(a)(1)) is amended—

(A) by striking "or" at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) to the political committees established and maintained by a State or local political party, which are not the authorized political committees of any candidate, in any calendar year which, in the aggregate, exceed $15,000; or".

(3) Contributions to national political parties.—Section 315(a)(1)(B) of such Act (2 U.S.C. 441a(a)(1)(B)) is amended by striking "$20,000" and inserting "$60,000".

(4) Aggregate annual limit on all contributions.—Section 315(a)(3) of such Act (2 U.S.C. 441a(a)(3)) is amended by striking "$25,000" and inserting "$75,000".

(b) Contributions by Political Parties.—Section 315(a)(1) of such Act (2 U.S.C. 441a(a)(1)), as amended by subsection (a)(2), is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) in the case of contributions made to a candidate and any authorized committee of the candidate by a political committee of a national, State, or local political party which is not the authorized political committee of any candidate, in any calendar year which, in the aggregate, exceed $15,000; or".

SEC. 602. INDEXING LIMITS ON CERTAIN CONTRIBUTIONS.

(a) In General.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended by adding at the end the following new paragraph:

"(3)(A) The amount of each limitation established under subsection (a) (other than any limitation under paragraph (1)(E) or (2)) shall be adjusted as follows:

"(i) For calendar year 2001, each such amount shall be equal to the amount described in such subsection, increased (in a compounded manner) by the percentage increase in the price index (as defined in paragraph (2)) for 1999 and 2000.

"(ii) For calendar year 2003 and each second subsequent year, each such amount shall be equal to the amount for the second previous year (as adjusted under this subparagraph), increased (in a compounded manner) by the percentage increase in the price index for the previous year and the second previous year.

"(B) In the case of any amount adjusted under this subparagraph which is not a multiple of $100, the amount shall be rounded to the nearest multiple of $100.".

(b) Application of Indexing to Support of Candidate's Committees.—Section 302(e)(3)(B) of such Act (2 U.S.C. 432(e)(3)(B)) is amended by adding at the end the following new sentence: "The amount described in the previous sentence shall be adjusted (for years beginning with 1999) in the same manner as the amounts of limitations on contributions under section 315(a) are adjusted under section 315(c)(3).".

SEC. 603. INDEXING AMOUNT OF PENALTIES AND FINES.

(a) Indexing to Account for Past Inflation.—

(1) Penalties.—Section 309(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (5)(A), by striking "$5,000" and inserting "$15,000";

(B) in paragraph (5)(B), by striking "$10,000" and inserting "$30,000";

(C) in paragraph (6)(A), by striking "$5,000" and inserting "$15,000";

(D) in paragraph (6)(B), by striking "$5,000" and inserting "$15,000"; and

(E) in paragraph (6)(C), by striking "$10,000" and inserting "$30,000".

(2) Fines.—Section 309 of such Act (2 U.S.C. 437g) is amended—

(A) in subsection (a)(12)(B)—

(i) by striking "$2,000" and inserting "$6,000", and

(ii) by striking "$5,000" and inserting "$15,000"; and

(B) in the second sentence of subsection (d)(1)(A), by striking "$25,000" and inserting "$75,000".

(b) Indexing for Future Years.—Section 309 of such Act (2 U.S.C. 437g) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(13) Each amount referred to in this subsection shall be adjusted (for years beginning with 2001) in the same manner as the amounts of limitations on contributions under section 315(a) are adjusted under section 315(c)(3)."; and

(2) in the second sentence of subsection (d)(1)(A), as amended by subsection (a)(2)(B), by inserting after "$75,000" the following: "(adjusted for years beginning with 2001 in the same manner as the amounts of limitations on contributions under section 315(a) are adjusted under section 315(c)(3))".

TITLE VII—RESTRICTIONS ON SOFT MONEY

SEC. 701. BAN ON SOFT MONEY OF NATIONAL POLITICAL PARTIES AND CANDIDATES; BAN ON USE OF SOFT MONEY BY STATE POLITICAL PARTIES FOR FEDERAL ELECTION ACTIVITY.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 306, is amended by adding at the end the following new section:

"RESTRICTIONS ON USE OF SOFT MONEY BY POLITICAL PARTIES AND CANDIDATES

"Sec. 324. (a) Ban on Use by National Parties.—

"(1) In general.—No political committee of a national political party may solicit, receive, or direct any contributions, donations, or transfers of funds, or spend any funds, which are not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Applicability.—Paragraph (1) shall apply to any entity which is established, financed, maintained, or controlled (directly or indirectly) by, or which acts on behalf of, a political committee of a national political party, including any national congressional campaign committee of such a party and any officer or agent of such an entity or committee.

"(b) Candidates.—

"(1) In general.—No candidate for Federal office, individual holding Federal office, or any agent of such a candidate or officeholder may solicit, receive, or direct—

"(A) any funds in connection with any Federal election unless the funds are subject to the limitations, prohibitions and reporting requirements of this Act;

"(B) any funds that are to be expended in connection with any election for other than a Federal office unless the funds are not in excess of the applicable amounts permitted with respect to contributions to candidates and political committees under paragraphs (1) and (2) of section 315(a), and are not from sources prohibited from making contributions by this Act with respect to elections for Federal office; or

"(C) any funds on behalf of any person which are not subject to the limitations, prohibitions, and reporting requirements of this Act if such funds are for the purpose of financing any activity on behalf of a candidate for election for Federal office or any communication which refers to a clearly identified candidate for election for Federal office.

"(2) Exception for certain activities.—Paragraph (1) shall not apply to—

"(A) the solicitation, receipt, or direction of funds by an individual who is a candidate for a non-Federal office if such activity is permitted under State law for such individual's non-Federal campaign committee; or

"(B) the attendance by an individual who holds Federal office at a fundraising event for a State or local committee of a political party of the State which the individual represents as a Federal officeholder, if the event is held in such State.

"(c) STATE PARTIES.—

"(1) IN GENERAL.—Any payment by a State committee of a political party for a mixed political activity—

"(A) shall be subject to limitation and reporting under this Act as if such payment were an expenditure; and

"(B) may be paid only from an account that is subject to the requirements of this Act.

"(2) MIXED POLITICAL ACTIVITY DEFINED.—As used in this section, the term 'mixed political activity' means, with respect to a payment by a State committee of a political party, an activity (such as a voter registration program, a get-out-the-vote drive, or general political advertising) that is both for the purpose of influencing an election for Federal office and for any purpose unrelated to influencing an election for Federal office.

"(d) PROHIBITING TRANSFERS OF NON-FEDERAL FUNDS BETWEEN STATE PARTIES.—A State committee of a political party may not transfer any funds to a State committee of a political party of another State unless the funds are subject to the limitations, prohibitions, and reporting requirements of this Act.

"(e) APPLICABILITY TO FUNDS FROM ALL SOURCES.—This section shall apply with respect to funds of any individual, corporation, labor organization, or other person.".

SEC. 702. BAN ON DISBURSEMENTS OF SOFT MONEY BY FOREIGN NATIONALS.

(a) PROHIBITION ON DISBURSEMENTS BY FOREIGN NATIONALS FOR POLITICAL PARTIES AND INDEPENDENT EXPENDITURES.—Section 319 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e) is amended—

(1) in the heading, by striking "CONTRIBUTIONS" and inserting "DISBURSEMENTS";

(2) in subsection (a), by striking "contribution" each place it appears and inserting "disbursement"; and

(3) in subsection (a), by striking the semicolon and inserting the following: ", including any disbursement to a political committee of a political party and any disbursement for an independent expenditure;".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to disbursements made on or after the date of the enactment of this Act.

SEC. 703. ENFORCEMENT OF SPENDING LIMIT ON PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES WHO RECEIVE PUBLIC FINANCING.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003) is amended by adding at the end the following new subsection:

"(f) ILLEGAL SOLICITATION OF SOFT MONEY.—No candidate for election to the office of President or Vice President may receive amounts from the Presidential Election Campaign Fund under this chapter or chapter 96 unless the candidate certifies that the candidate shall not solicit any funds for purposes of influencing (directly or indirectly) such election, including any funds used for an independent expenditure under the Federal Election Campaign Act of 1971, unless the funds are subject to the limitations, prohibitions, and reporting requirements of the Federal Election Campaign Act of 1971.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

SEC. 704. CONSPIRACY TO VIOLATE PRESIDENTIAL CAMPAIGN SPENDING LIMITS.

(a) IN GENERAL.—Section 9003 of the Internal Revenue Code of 1986 (26 U.S.C. 9003), as amended by section 703, is further amended by adding at the end the following new subsection:

"(g) PROHIBITING CONSPIRACY TO VIOLATE LIMITS.—

"(1) VIOLATION OF LIMITS DESCRIBED.—If a candidate for election to the office of President or Vice President who receives amounts from the Presidential Election Campaign Fund under chapter 95 or 96 of the Internal Revenue Code of 1986, or the agent of such a candidate, seeks to avoid the spending limits applicable to the candidate under such chapter or under the Federal Election Campaign Act of 1971 by soliciting, receiving, transferring, or directing funds from any source other than such Fund for the direct or indirect benefit of such candidate's campaign, such candidate or agent shall be fined not more than $1,000,000, or imprisoned for a term of not more than 3 years, or both.

"(2) CONSPIRACY TO VIOLATE LIMITS DEFINED.—If two or more persons conspire to violate paragraph (1), and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than $1,000,000, or imprisoned for a term of not more than 3 years, or both.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections occurring on or after the date of the enactment of this Act.

TITLE VIII—DISCLOSURE OF CERTAIN COMMUNICATIONS

SEC. 801. DISCLOSURE OF CERTAIN COMMUNICATIONS.

Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

"(d)(1) In addition to any other information required to be reported under this Act, any person who makes payments described in paragraph (2) in an aggregate amount or value in excess of $250 during a calendar year shall report such payments and the source of the funds used to make such payments to the Commission in the same manner and under the same terms and conditions as a political committee reporting expenditures and contributions to the Commission under this section, except that if such person makes such payments in an aggregate amount or value of $1,000 or more after the 20th day, but more than 24 hours, before any election, such person shall report such information within 24 hours after such payments are made.

"(2) A payment described in this paragraph is a payment for any communication which is made during the 90-day period ending on the date of an election and which mentions a clearly identified candidate for election for Federal office or the political party of such a candidate, or which contains the likeness of such a candidate, other than a payment which would be described in clause (i), (iii), or (v) of section 301(9)(B) if the payment were an expenditure under such section.".

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply with respect to elections occurring after January 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 3581 has a strong resemblance to H.R. 3458 that came out of committee, with a couple of changes based upon information which was provided to us after the committee met. As a matter of fact, the gentleman from Connecticut (Mr. SHAYS), indicated that he was concerned that although there was a soft money ban at the national level, there was not a commensurate soft money ban of Federal money at the State level. And so to address that particular concern, the bill was modified to follow the 103rd Congress's Republican campaign reform bill which banned soft money at both the Federal and the State level.

There were a number of other very minor adjustments that were made, so that the bill that is in front of us tonight says, number one, that only American citizens may contribute to political campaigns. Anyone who is a noncitizen may not participate in a political campaign, either in contributions or in spending. No one need go into any detail as to why that is part of a campaign reform bill, based upon what we now know and are continuing to learn from the 1996 presidential campaign.

In addition, it seems to a number of Members that if someone were compelled to provide money which could be used for political contributions, that it somehow seemed to violate the spirit of voluntary participation, and so we include a provision which requires that if any money from paychecks is spent by organizations in political campaigns, that money would have to have been solicited from individuals. They would have had an opportunity to say, "Yes, you may utilize that money for that purpose," rather than having it removed from their paycheck without their permission.

In addition, there is a very long section which will be offered later as a separate bill on suspension, as well, which has basically pulled together a number of the reforms that the Federal Elections Commission has been advocating for the last several years. They are contained in a number of Members' bills, and what they do is bring up to date the disclosure of campaign spending either through a more detailed reporting procedure or, a shortening of the time line for reporting, given the electronic world that we now live in.

In addition, the Supreme Court has spoken very clearly about the ability of an individual to spend as much money as they so choose when it is their own money, and it is therefore extremely difficult for the average candidate to compete in an election against someone who has millions and millions of dollars to spend. It is quite clearly unconstitutional to not allow an individual to spend that money but we believe it is quite constitutional, based upon a threshold of personal spending by that individual, to allow for a modification of the contribution rules that permit an individual who does not have the wherewithal from their own resources to be able to run a credible and viable campaign.

□ 1845

In addition, all of us have read the headlines about the kind of election activities that have been occurring in various regions of the United States, California, and Texas, for example. Miami, I believe, is one that comes to mind rather vividly in terms of the concern about whether or not the voting rolls contain only those individuals who should be on those rolls, and also whether or not even if individuals are legally on those rolls, it is the individuals on the rolls who are in fact casting their own ballots. So there is a section on voter fraud which is an enabling section. The section does not mandate anything upon the chief election officer of a State or a local election unit. It does, however provide the procedure, so that if that election officer wishes to validate the roll, he or she has the ability to do so. I previously mentioned the soft money ban at both the Federal and the State level.

The other area concerns a number of Members as well in terms of more recent political activities. It deals with the issue of independent expenditures. Once again, the United States Supreme Court has made it clear that unless someone is advocating the election or defeat of a particular candidate, that expenditure of funds in that category is protected by the Constitution. That is, the person has a constitutional right to spend the money.

We believe that the American people need to know fully who is participating in the elections, notwithstanding the court's statement that individual groups have a constitutional right to engage in independent expenditures. What we propose is to designate a so-called election season, that is the last 90 days of a campaign. We choose that period as the election season because here in the House of Representatives, no elected Member is allowed to use taxpayer dollars to send out mass mailings during that period because it is a sensitive period. It is, in essence, the election season. The bill then says anyone who is advocating the election or defeat of a candidate or mentions a candidate or political party, if they do so during the political season, 90 days prior to an election, must report. They must disclose.

That is the basic bill although we borrowed from a number of other Members' particular provisions, and I am sure they will wish to address those particular provisions.

Madam Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Madam Speaker, I yield myself such time as I may consume.

I want to say to my colleagues that, first, I do not believe that this is a process that the gentleman from California (Mr. THOMAS) himself would have chosen. I am not going to ask him to answer that question but we have a situation on the floor where Members have been denied an opportunity, I think, to even read the legislation, many Members returning from a funeral, that we are about to vote on here tonight. I think we have to start off with the fundamentals.

In China, at one point Mao Tse Tung announced the cultural revolution. The cultural revolution was really about cultural destruction. To call this bill before us campaign finance reform, it should be more properly referred to as campaign finance reform destruction.

It raises the amount of money individuals can give, hard dollars from $25,000 a year to $75,000 a year. This is consistent with what many of the Republicans believe. Speaker GINGRICH himself said that more money was a sign of a healthy debate. Well, the voters have not felt that way. The voters in this country, as spending has gone up, voter participation has shot down. So they are sending us a message.

But not just the substance of this legislation is bad. The process before us is horrific. This is a process the Politburo under Joseph Stalin would have been proud of. Think about what we are doing here today.

We are taking up campaign finance reform after the Senate has definitively shown they can filibuster the bill to death. Strike one.

We have made sure that no alternative from the opposition can be heard here today. Strike two.

And just in case by some faint stretch of the imagination the Republican bill might pass, we have come to the floor with a process where we do not need 51 percent of the vote to win today. We have to have two-thirds of the votes because they know they cannot get them. So we are here.

Let us see what some of our friends are saying about this process not to pass campaign finance reform, not to put in spending limits to try to restrain the amount of money that is in campaigns. We are here as a charade.

Members might say that this is simply my assessment of the situation. Before I go to the New York Times, let me say the Democrats have a record here that we can be proud of.

In 1971, the Democrats in the House and the Senate overrode a veto by President Nixon, overrode that veto to begin the road on campaign finance reform. In 1974, the most substantial bill ever to pass Congress passed by a Democratic House and Senate in 1992. We passed campaign finance reform through the House and Senate. I had the privilege of leading that effort, vetoed by President Bush.

We finally elect a Democratic President. This Congress, under Democratic leadership, passed campaign finance reform that was comprehensive. Even the Senate was able to pass campaign finance reform. But then in sheer horror, the Republicans understood that the President would sign the bill. So they filibustered the bill from going to conference. So we had no reform.

It is not just what I say and others are going to say about this process that has demeaned this House. It is the assessment of almost every major publication in the country.

A plot to bury reform, the New York Times; campaign finance charades, the New York Times; the Washington Post, mocking campaign reform. And it goes on. A cynical sham, a hoax on the American people, a complete travesty, several of the worst campaign ideas rolled into one, repugnant and partisan.

I ask the handful of Members on that side of the aisle, and there is only a handful, I am sorry to say, to join with the Democrats in this House to reject this charade, to give the American people a real debate on real campaign finance reform that would limit spending, that would limit the amount of money in campaigns. At the end of the day we might not win, but at least we would have a straight-up discussion and an honest vote. And what we are doing here today is not honest.

Madam Speaker, I reserve the balance of my time.

Mr. THOMAS. Madam Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON) one of the major forces in reshaping the direction of campaign reform.

Mr. HUTCHINSON. Madam Speaker, I came to Congress with a desire to reduce cynicism and to build confidence in our institutions of government. That is why I have worked with a bipartisan group of freshman Members to accomplish reform and to empower individuals in our political process. Because of those beliefs and work, I rise in support of this legislation sponsored by the chairman, the gentleman from California (Mr. THOMAS). It is not a perfect bill but it is a good bill. It bans soft money to our national parties, which has been the greatest source of campaign abuse, and I compliment the chairman for his willingness to make adjustments through this process to accomplish substantial reform.

I am pleased to express my support of this bill, but I am deeply disappointed that in the last moments the people's hope for reform was crushed when majority rule became defeat by design.

While the bill is worthy of support, the process today will not produce victory but reflects the dark side of this institution, and both sides of the aisle have contributed to this darkness.

The last minute move to put a few bills on suspension sent a message to the American people that we are afraid of reform, and that we will undermine it at any price, even that highest price, the confidence of the American people.

The public has become cynical in regard to the process of government. Each election we lose more voters. Each year more voters say, what is the point. I do not have enough money to compete with the corporations and unions who really control our government.

When we act with such transparent tactics can we blame the public for giving up hope? Do we really believe that we can go home and tell our constituents that we had an honest debate in voting reform. I do not think so. I came to the United States Congress to change the status quo, not defend it. I will not go home and look my constituents in the eye and tell them Congress made an honest effort to reform a deeply flawed system despite the merits of this bill.

I have not been in Washington that long. In 1994, the Republican Party took Congress by storm. There was enough fire in the belly of those reformers to light up the city of Washington. I hope that we will not let that fire die; that we will vote for this legislation but build on this effort today, and accomplish reform and build confidence in what we are doing in Congress.

Mr. GEJDENSON. Madam Speaker, I yield 1 minute to the gentleman from Maine (Mr. ALLEN), who has done such a terrific job leading the freshman class.

Mr. ALLEN. Madam Speaker, I feel like I am in wonderland. This is supposedly a debate on campaign reform but the vote is rigged, the process is rigged. And one way my colleagues can tell that is the gentleman from Arkansas (Mr. HUTCHINSON) and I, who spent 6 months working with freshmen on both sides of the aisle to develop a bipartisan approach to this problem, are now on opposite sides.

This bill that is coming to the House today is not a bipartisan bill. The fact is that there are ways to deal with this issue. We can deal with it the way the freshmen did in a bipartisan way over a period of months. We can deal with it the way the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) have dealt with this bill, in a bipartisan way over a period of years. This is a sham. It is a fraud.

We started our freshman process by agreeing that we have to take the poison pills off the table and this bill has a poison pill. It has the biggest of all. That is a worker gag rule, a rule that is aimed unfairly at the men and women in this country who contribute a few bucks a month. It promotes big money in politics. It continues big money in politics. It is aimed directly at working Americans.

Mr. THOMAS. Madam Speaker, I yield 1 minute to the gentleman from Montana (Mr. HILL).

Mr. HILL. Madam Speaker, I thank the chairman for yielding me this time. I would like to invite my colleagues tonight to vote yes on this measure, but I must confess that my vote will be a very reluctant yes. I would far prefer today to be voting on the freshman bipartisan Campaign Integrity Act or the Shays-Meehan bill.

Finding a bipartisan approach to campaign finance reform is not easy. That is because of the abuse of soft money. This bill does work to end the influence of soft money, the money coming from corporations and labor unions, and they oppose these provisions because they benefit from it. From 1992 to 1996, soft money going to our national parties went from 35 million a year to 270 million. It is estimated now that it will go to 500 million in the next cycle. It is overwhelming our system. I am deeply concerned about the process that brought us here today.

I am deeply concerned that the two bipartisan measures, the freshman measure and Shays-Meehan, are not being voted on tonight. I will work for the balance of this Congress to find an opportunity for a serious vote on a bipartisan measure, either the freshman bill or the Shays-Meehan bill, that will ban soft money.

Mr. GEJDENSON. Madam Speaker, I yield 1 to the gentleman from California (Mr. FARR) who has led efforts in this and previous Congresses on campaign finance reform.

Mr. FARR of California. Madam Speaker, we are here tonight to discuss campaign finance reform. Where is everybody else? Half the Nation is watching basketball games. Half the Congress is attending a funeral. What kind of business are we in?

This House, your side, the House Committee on Government Reform and Oversight spent $5 million, had 13 days of public hearings, 33 witnesses and you bring nothing to the floor that deals with that issue. You try to say you are having campaign finance reform that requires a two-third vote of this House? This is a mockery of democracy. It is a violation of the spirit of Hershey. There is no bipartisan effort here. There is no Democratic bill on the floor. There is no substance to our debate.

We cannot have a debate in 20 minutes on an issue like this. There is no amendment allowed. It increases the limits one can give to campaigns. It triples and doubles the amount of money that can go to campaigns, not caps them out.

The timing tonight, this is a mockery of democracy.

Mr. THOMAS. Madam Speaker, I yield 2 minutes and 30 seconds to the gentleman from California (Mr. HORN), one of the cosponsors of the bill, someone who has been involved as long as anyone else in honest, earnest campaign reform.

□ 1900

Mr. HORN. Madam Speaker, I want to congratulate my colleague (Mr. THOMAS) from California. He has spent untold days, hours, and weeks to create a bill with some sense and to bring key issues before the House.

There is no question there are stark and fundamental disagreements between the two parties on the issue of campaign finance reform. There is no question that a lot of us on both sides of the aisle have tried to build a genuine bipartisan effort. If we are ever to achieve real reform, it must be done on a fair, bipartisan basis.

But do not give up hope. The reality is the other body says they want disclosure. We have given them disclosure, the last 90 days of the campaign. We have a bipartisan support for a disclosure bill. One of the ones I put in has as many Democrats as there are Republicans; and the commission bill, there are many from both parties.

But the bill offered by my colleague from California is a truly serious effort to meet the standard of progress. He starts in with banning so-called soft money. Now, our friend on the other side of the aisle knows well that the great abuse of the 1996 presidential campaign was the misuse of soft money at the national and State party level. We ban that.

The gentleman from California (Mr. THOMAS) requires disclosure of all campaign contributions and expenditures within 90 days of an election. Those are special interest group expenditures. For the first time, we will have progress in this area. The special interests will have to meet the test that we meet as candidates disclosing money in the last weeks of the election.

Mr. THOMAS also requires members of unions and business corporations to approve of electoral activity. The fact is, that is real progress.

So let is not hear all this rhetoric on the floor, the screaming, arm waving, and shouting. Let us get down to cases.

Do my colleagues want to make progress? This is the bill that makes progress.

We are banning soft money.

We are disclosing all special-interest money in the last 90 days of the campaign.

We are requiring members of unions—and that hurts our friends on the other side of the aisle—and business corporations, which hurts a few on this side of the aisle. We have required membership approval if those in a union or a business corporation use individual dues or funds to engage in electoral activity. That is progress.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Connecticut (Mr. GEJDENSON) has 13½ minutes remaining, and the gentleman from California (Mr. THOMAS) has 8½ minutes remaining.

Mr. GEJDENSON. Madam Speaker, it is my privilege to yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Minority Leader and future Speaker of the House.

Mr. GEPHARDT. Madam Speaker, since the opening days of this Congress, Democrats have been fighting for a fair and open debate, an open debate on all of the campaign finance bills that have been presented in this Congress. In the last election, the money in politics hit an all-time high of $4 billion, while voter turnout fell 50 percent, a record low for a presidential election.

Average Americans feel that their voice is not being heard and does not count anymore, that they are being drowned out by the wealthy special interests. Democrats believe and know that we need campaign reform to regain the trust of America's families and restore integrity to the electoral process. But every time Democrats have called for a vote on reform, Republicans have refused to take action.

It took the specter, literally the specter, of a discharge petition to spook the Republican leadership into finally scheduling what they called a vote tonight on reform. But the bill Republicans have come up with is anything but reform. The Republican bill would be a bonanza for wealthy special interests and a nightmare for average citizens. The Republican bill would allow wealthy citizens to have even greater influence in the political process by tripling the amount that people could give.

At the same time, it effectively silences the voice of working families by imposing a worker gag rule on union members and others and blocking access to the ballot for Hispanic citizens.

Common Cause has called the Republican bill a cynical sham laced with poison pill amendments. The nonpartisan League of Women Voters called it a complete travesty, a big step in the wrong direction. Public Citizens said, it is the exact opposite of reform. But that, frankly, is only half of the outrage we are witnessing tonight.

Not only have the Republicans put a phoney bill on the floor but they have done it in a way that prevents Democrats and reform-minded Republicans from offering any, any, alternatives for what they wrongly call reform. Instead, we are racing through this debate on these phoney reform bills which, thanks to this trumped-up procedure, will not pass unless they get a supermajority vote.

Imagine, they are saying tonight we cannot have reform, the one thing that people said they wanted in the last election, unless we get a two-thirds vote of the House of Representatives. It is a travesty to put that kind of test on reform. We know the Republican leadership is scared to death of what would happen if the House ever got to vote in a real way on real reform, like the bipartisan McCain-Feingold II, sponsored by the gentleman from Massachusetts (Mr. MEEHAN) on our side and the gentleman from Connecticut (Mr. SHAYS) on the Republican side that we wanted voted on tonight.

Finally, we will not give up. Democrats will continue to fight every day for real reform. One of the ways we have kept up the fight is the discharge petition; and just last Friday, our newest Member, newest Democratic Member, the gentlewoman from California (Mrs. CAPPS), signed the discharge, which will provide for a full and fair debate on these issues. The American people deserve nothing less.

Tonight is a travesty to the American people; and Democrats will continue to fight with like-minded Republicans to have, finally, real reform on the floor with votes on all the plans which the American people deserve tonight. We are going to get that vote before this Congress ends.

Mr. THOMAS. Madam Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 8½ minutes remaining, and the gentleman from Connecticut (Mr. GEJDENSON) has 9 minutes remaining.

Mr. GEJDENSON. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. ESHOO), who has done such a great job at all our meetings on campaign finance reform.

Ms. ESHOO. Madam Speaker, I rise today in opposition to H.R. 3485, the so-called Campaign Reform and Election Integrity Act. It is not reform, and it bears no integrity relative to elections. It is a grave-side ceremony to bury reform by the Speaker.

We should be having a real debate on real reform, the Shays-Meehan bill. It bans the unregulated, unlimited donations to political parties known as soft money; it establishes exacting disclosure requirements; and it limits the fund-raising of independent groups who run those infamous TV attack ads.

Listen up, America. If you think there is too much money in the system now, the Republican bill will make you fasten your seatbelts. Because the Speaker's bill increases the amount that individuals can give in a yearly cycle up to $75,000 a year. The Speaker has placed a two-thirds approval requirement on the bill so it simply will not pass. This is a charade meant only to cynically produce the sentence to be uttered, "the House considered campaign finance reform."

I urge my colleagues to get rid of this bill. The New York Times, the Washington Post, Public Citizens, Common Cause, League of Women Voters, and many of us oppose it. Vote against it.

Mr. THOMAS. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Madam Speaker, a great many Americans think that asking Members of Congress, Republican or Democrat, to reform campaign finance reform is asking the fox to watch the chicken coop. And I agree that, until there is sufficient public outcry and understanding to fully change the inequities and loopholes in our campaign law, politicians, presidents, and the biased media will continue to use this issue as a political football.

Having said that, I do believe that H.R. 3485 makes important improvements in the way we manage our campaigns. I congratulate the gentleman from California (Mr. THOMAS) for his very hard work and this good legislative product. This bill ends the abusive practice of using union, association and corporate mandatory dues for political campaigns. It provides a ban on raising or spending soft money on national political parties and candidates and a ban on disbursements of soft money by foreign nationals, and it makes clear that only American citizens should be able to make political contributions. I am also pleased that this increases accountability and disclosure by expediting and expanding FEC reporting requirements.

Although I strongly support H.R. 3485, I wish to include a significant component of my own campaign finance reform bill requiring that a high percentage of all contributions come from the geographical area a candidate seeks to represent. After all, it only makes sense that the majority of our contributions should come from the folks we represent.

But, as I said, H.R. 3485 is a good bill. It is incremental, the changes are incremental, but they are better than no change at all. No one should be encouraged into thinking that this is the final or total solution to the problems facing the current campaign system. They are very great problems. Nevertheless, this is a very good beginning; and I urge strong support.

For those of my colleagues who do not get all of the pieces in this that they wanted, such as getting the taxpayers to pay for campaigns or having other limitations, please use the same spirit I did of compromise on this. I did not get everything I wanted either. But it is an awfully good start. And the alternative is going to the American people and saying, we did nothing on campaign reform. Who wants to be among those who voted "no" on campaign reform?

Mr. GEJDENSON. Madam Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN), who has led on this issue persistently since his first days in the House.

REQUEST TO SUSPEND RULES AND PASS H.R. 3526, BIPARTISAN CAMPAIGN REFORM ACT OF 1998

Mr. MEEHAN. Madam Speaker, I ask unanimous consent to suspend the rules and ask for consideration of H.R. 3526, the bipartisan campaign finance reform bill.

The SPEAKER pro tempore. The Chair does not recognize the gentleman for that purpose. The gentleman cannot be recognized for that purpose. The gentleman may speak to the issues in his bill but not ask for it to be considered.

Mr. MEEHAN. Madam Speaker, but I cannot ask for unanimous consent to suspend the rules and ask for consideration of the bill?

The SPEAKER pro tempore. There is already one motion to suspend the rules pending.

Mr. MEEHAN. So this amendment cannot be amended to include it?

The SPEAKER pro tempore. This motion is not amendable. The gentleman may speak to the issues in his bill in general.

PARLIAMENTARY INQUIRY

Mr. GEJDENSON. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GEJDENSON. Madam Speaker, I hope that time will not be taken from the gentleman from Massachusetts (Mr. MEEHAN).

The SPEAKER pro tempore. This parliamentary inquiry will not.

Mr. GEJDENSON. So I will ask the Speaker the question, then.

So a Member of Congress is not capable or able to ask the Chair whether or not he could, by unanimous consent, not by any parliamentary motion, by unanimous consent, change the procedures we are operating under? I believe that the gentleman has a right to ask for unanimous consent at any time.

The SPEAKER pro tempore. The Chair does not recognize the gentleman to make that unanimous consent request.

Mr. MEEHAN. Madam Speaker, that is exactly the point. I have worked with Republican and Democratic Members over the last 5 years working to find a way to find bipartisan campaign finance reform, to level the playing field and treat both Democrats and Republicans fairly. I have worked with the gentleman from Connecticut (Mr. SHAYS), the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentleman from Iowa (Mr. LEACH), the gentlewoman from Maryland (Mrs. MORELLA), the gentleman from Tennessee (Mr. WAMP), the gentleman from Wisconsin (Mr. BARRETT), the gentleman from Virginia (Mr. MORAN), the gentleman from Michigan (Mr. LEVIN), the gentleman from Minnesota (Mr. MINGE), the gentlewoman from New York (Mrs. MALONEY), and the gentleman from California (Mr. FARR) and a number of other Members; and, finally, the day is here.

We had a bill that passed the United States Senate. It got 53 votes in the other body. That is the bill that we wanted to vote on today. But what did the Republican leadership do? Made a mockery of this debate, a sham of this debate by going through a suspension of the rules where a two-thirds vote is required and calling it campaign finance reform.

Shame on them. This is not the way to have campaign finance reform. There are Members who worked too hard, too long trying to pass a campaign finance reform bill that is fair to both political parties, that ends the corrupt system of raising more and more money through soft money contributions. All anyone has to do is look at the contributions of big tobacco in 1997 and how much money they are spending in attempting to try to influence the process as we try to make a decision on tobacco.

This debate is, without question, one of the lowest moments for this House of Representatives. Every conceivable public interest group in America that has been fighting for campaign finance reform has asked for a debate.

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Mr. MEEHAN. Madam Speaker, every public interest group that has been fighting for reform over the last decade have worked with a bipartisan group to put real reform before the table.

Members of the press, New York Times, the Washington Post, every credible editorial in America have called on this body to have a vote on real bipartisan campaign finance reform. And what do we have? We have a motion to suspend the rules that requires a two-thirds vote.

Members of the majority party may think that they are fooling the American public, but I have to tell them, the public gets it. They understand what is at work here, and they are just as disgusted at this process as the Democrats are.

Mr. THOMAS. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from Delaware (Mr. CASTLE), a member who has been involved for years both at the State and Federal level in campaign reform, a cosponsor of H.R. 3581.

Mr. CASTLE. Madam Speaker, I thank the gentleman for yielding. Let me start by saying I agree with virtually everybody who spoke tonight, that this process is not what we would have wanted, those of us who are trying to reform campaign finance.

Let me just also say that both parties have had problems. I am not saying whether it is equal or not. Who knows what the circumstances are with respect to campaign finance. I think the whole country knows that.

I also am a supporter of Shays-Meehan. I like the freshman bill. I think there is a lot of good things that have happened over in the Senate as well. Unfortunately, we are not going to be able to get to all of those.

This is what we have before us, and we have to make a decision tonight on whether or not we are going to vote for this, because this may be the only vote we are going to get. So I did something unusual. I read the bill, and I decided to make up a list of reasons as to why we should support it. And after David Letterman, I did this. This is the top 10 reasons to support it.

Let me start with Number 10. This bill removes soft money from the Federal election process. That is extraordinarily important. We have already heard about all the soft money problems. It removes it from the Federal election process.

Number 9, the bill contains the core elements of campaign finance reform that Republican and Democratic reformers have agreed upon.

Number 8, it keeps foreign money outside of the United States elections.

Number 7, it helps States maintain accurate voter registration rolls.

Number 6, it adjusts hard money contributions for inflation.

Number 5, it strengthens FEC reporting requirements.

Number 4, it levels the playing field for candidates running against millionaires.

Number 3, it ensures voluntary contributions for members of corporations and unions.

And Number 2, it strengthens disclosure requirements for interest groups to prevent them from anonymously financing expensive advertising campaigns.

And Number 1, first, a bill that offends Republicans, Democrats, and interest groups alike is worth considering. This bill will cause everyone in the election process some pain, but it is the first step to achieve real campaign finance reform.

Madam Speaker, that is what it truly is all about. Most of the public believes that we will never be able to do this. The bottom line is, if we are going to be able to do it, we are going to have to take on our own political parties, all the outside interest groups, and we are going to have to make it tell.

The way to do that tonight is to cast a "yes" vote on this, start the process, get it over to the Senate, debate this in every way we possibly can; hopefully finish the process so that we, indeed, can be proud at some point with the fact that we have campaign finance reform.

Mr. GEJDENSON. Madam Speaker, I yield 1 minute to the courageous gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, there are people of good faith, both Democrats and Republicans, who have some good idea about how to clean up the corrupting influence of big money in our campaign system. But every one of our Republican friends will have to admit that the only reason that those ideas are not being considered tonight is because the gentleman from Georgia (Mr. GINGRICH), and the gentleman from Texas (Mr. ARMEY) do not want them considered. They know if we had a full and fair debate, as some of us have been demanding since January of 1995, that we would approve real reform and respond to the needs of the American people.

So this year, the Republican leadership, unlike 1996 when they were satisfied with a mere knife in the back of campaign finance, this year they prefer an axe murder. They have chopped this bill up. They want the blood to splatter across this Chamber and let everyone share a little bit of the blame.

The blame is clearly placed in one and only one place: Those who have chosen to deny a fair debate on Republican and Democratic proposals alike. They are the people who said they came here as revolutionaries. But when it comes to campaign finance, there they are only revolting. Some of us say they delayed too long on this, but I think we were wrong. They should have brought this bill up a day later, on April Fool's Day.

Mr. THOMAS. Madam Speaker, we have one remaining speaker, and I believe it is our right to close.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman is correct.

Mr. GEJDENSON. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. MILLER), a senior Member of Congress who has fought for campaign finance reform for many years.

Mr. MILLER of California. Madam Speaker, this weekend, Speaker GINGRICH went home to his district, and he was giving a speech in his district, and he talked about how, under our system, the power rests with the people, and we as elected officials can only borrow that power, because, eventually, we have to do what the people want.

With this rule tonight or with this suspension vote tonight, Speaker GINGRICH has ripped the power away from the people who are represented by the freshman coalition. Millions of Americans who are represented by the freshman bipartisan coalition who had a campaign finance bill they wanted to present, debate, and vote on, they cannot do it under this measure.

With this procedure, Speaker GINGRICH and the gentleman from Texas (Mr. ARMEY) have ripped the power out of the hands of hundreds of millions of Americans who are represented by a majority of this House who want to vote on Shays-Meehan. Those people do not get to exercise their power because their elected officials are silenced by the suspension process.

As we just heard, there are no amendments in order. There is no way to spread, to broaden the debate. There is no way to bring up those provisions that are supported by people throughout the country. Why? Because Republicans found out last week, if they let it happen, it would pass. So they had to go back to trickery. They had to go to the suspension of the rules. They had to protect their Members and protect themselves from amendments, from democracy, from free and open debate.

That is why we are here tonight. We are here because the Republicans, for the last 15 months, could not stand to trust the people and their elected representatives. So tonight they decided to suspend the rules and give us 20 minutes to debate these measures that are so complicated and so important to the continuation of our democratic institutions, democratic institutions that are being corroded, that are being corrupted by the huge amount of money, tonight the Republicans think the answer is to let wealthy people give more money to campaigns rather than to give the American people a voice in the reform of this system.

Mr. GEJDENSON. Madam Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the ranking member very much for this time.

Madam Speaker, I rise in opposition. This is campaign finance sham. It increases the amount of money the wealthy can give to candidates.

Madam Speaker, I rise this evening in strong opposition to H.R. 3581, the so-called "Campaign Finance Act of 1998." I am here today to express my commitment to reform of our current campaign finance system and to urge my colleagues to support meaningful and comprehensive campaign finance reform. H.R. 3581, however, is neither. Instead, this bill is a sham—it is the antithesis of genuine campaign finance reform.

Genuine campaign finance reform would empower America's working families—our average citizens—and decrease the disproportionate influence that wealthy special interests now command in our political system. H.R. 3485 acts in exactly the opposite manner to further amplify the already loud political voice of the wealthy. If adopted, this legislation would: inject as much as 3 times more money into federal campaigns and elections than current law permits; impose onerous requirements on groups that have a legitimate right to engage in political activities on behalf of their dues-paying members; and single-out for scrutiny citizens who have a right to vote in this nation's elections.

Let's begin with a discussion of the so-called "Paycheck Protection" provision—more accurately named the "Worker Gag Rule." This provision will prohibit unions from making political expenditures without prior written consent from their members. Proponents of this legislation have dishonestly agreed that it is intended to protect the rights of union members. In reality, it is intended to effectively silence the ability of America's working families to have a voice in the political process by singling out American workers for burdensome restrictions on their right to have their voices heard here in Washington. Although cleverly disguised as campaign finance reform, this legislation is clearly a coordinated effort to silence workers and their families and remove them from the political playing field.

H.R. 3485 also sets up a "pilot" program to verify the citizenship of voters in the five states that contain the majority of our nation's Hispanic and minority voters. Does that sound familiar? It should. This provision is very similar to H.R. 1428, the Voter Eligibility Verification Act, legislation that was overwhelmingly defeated by the House just this past February. This provision will allow local election officials to submit voter's names to the Immigration and Naturalization Service and the Social Security Administration for citizenship verification. However, according to testimony from both the INS and SSA, this is utterly unworkable because neither agency can confirm the citizenship of a majority of Americans. Like the bill, that preceded it, this provision purports to eliminate voter fraud by requiring proof of citizenship for registered voters and applicants for voter registration. In fact, it is nothing more than a thinly veiled tool for suppressing the minority vote.

Finally, H.R. 3485 doubles the contributions for individuals to $2000 and triples the amount that wealthy special interests can give to political parties to $60,000. This will quite obviously result in more money in politics and greater influence by wealthy special interests.

I am honored to have been chosen by the people of the 18th Congressional District of Houston to serve as their representative in this Congress. And I never lose sight of the fact that this body in which I serve is a body of the people. It is the People's house. It belongs to the people of the 18th Congressional District and to all the citizens of this nation. As the People's Congress, the doors of this Congress must be open to all the People. It must be accessible to every man and woman, not just the powerful and wealthy.

It is clear that the American people are disgusted with our current campaign finance system. They believe it to be inaccessible and corrupt. During the 1996 election cycle, an unprecedented amount of money was spent, further heightening public cynicism of how our democracy works.

The American people have voiced their concern and it is our duty to answer those concerns. The American people are calling out to all of us in Congress to restore their confidence in Congress's ability to act for the good of the nation. I believe that we can enact campaign finance reform. We can work together to find a balance between protecting the first amendment rights of individuals and fostering a positive role in reducing the influence of special interests. H.R. 3581, however, is not the right answer and I urge my colleagues to signal their disgust with the partisanship gamesmanship that this legislation represents with a "no" vote.

Mr. GEJDENSON. Madam Speaker, I yield 2½ minutes to the eloquent gentleman from Maryland (Mr. HOYER) to close on our side.

Mr. HOYER. Madam Speaker, this is a 52-page bill. We got it at 4 o'clock this afternoon. Debate started shortly after 6:00. This is a sham.

Now, I could hopefully try to follow the introduction of my friend, the gentleman from Connecticut, of being eloquent, but let me read from the New York Times.

I tell my friend, the gentleman from Delaware, the bills that the gentleman from Georgia, (Mr. GINGRICH) are sponsoring are either anemic, irrelevant, or tied to an antiunion provision repugnant to most Democrats. With a two-thirds approval requirement, they cannot pass.

Of course, the gentleman from Georgia (Mr. GINGRICH) does not care if his own fraudulent legislation wins or loses. All he seeks is the chance to say the House considered campaign finance reform and was unable to pass a bill.

They end their editorial with this, "It is a cynical maneuver that will come back to haunt Mr. GINGRICH and any House Member who supports it." I tell my friend, the gentleman from Delaware, for whom I have great respect, he intones that this is the last opportunity.

Why, my friend, is this the last opportunity? Why would the power of the majority that has been exercised so effectively to push through what it wants, why I ask my friend, the gentleman from Delaware, can the Speaker of the House not say to the American public I am going to allow a bill on this floor to be fully debated, to be amended, and to be discussed in the presence of the American public, perhaps I might even suggest for 2 hours. A significant, most significant issue such as this surely deserves at least that much time.

But, no, my colleagues, this bill has been brought to the floor, as the New York times said, as a cynical maneuver to claim that they are doing something to reform campaign finance when they most assuredly know it will inevitably fail.

My friends, campaign finance reform is a critically important issue. We have twiddled our thumbs for the first 3 months of this session, largely at home, not here doing the people's business. But in the last minute, this legislation is brought to us. Let us reject it and demand that real reform be brought to this floor for full and honest debate.

Mr. THOMAS. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, apparently moral outrage is alive and well on the floor. The argument is that reform is owned by only one group. It really is not owned by anyone.

It has been said that only one side plays politics. The other side, as I said, claims the moral high ground. But what is the moral high ground in campaign reform? Quite frankly, if we examine Shays-Meehan, McCain-Feingold, earlier versions, we really come to the conclusion that it is for sure a title that will remain, but the contents will change.

It is kind of interesting that the moral outrage today is that we have to ban soft money. When McCain-Feingold started, it was to ban political action committees. But nowhere in the current bill do they find banning political action committees. Does that mean that they were wrong earlier, and they are right now? Or were they right earlier and they are wrong now?

It seems to me that, if we will examine those earlier bills, we will find that they banned leadership PACs. Members will find no provision in the current bill banning leadership PACs. At one time, they banned leadership PACs. Was it wrong earlier to ban leadership PACs and right now to exclude them?

So I think, when we are talking about looking for the moral high ground, one of the things we ought to do is what the gentleman from Delaware did, and that is read the bills. Because I think, notwithstanding the rhetoric on the other side of the aisle, Members will be surprised, indeed some Members might be shocked, to find out what H.R. 3581 holds and what Shays-Meehan does not hold.

I mentioned earlier, at the beginning of the debate, millionaire candidates. Although the court has said, constitutionally, that candidates are allowed to spend their money, we are trying to create a level playing field. Guess what? When we read Shays-Meehan, they exclude the primary. When we read H.R. 3581, the primary is included. On their moral high ground bill, millionaires can still buy primaries. In our bill, they cannot.

They say the bane of this system is soft money. What would we do to a Presidential candidate who promised to take only public financing but went ahead and raised soft money? What H.R. 3581 does is ban the ability of candidates taking public money if they take soft money. What does Shays-Meehan do? It is silent.

Let us go to the heart of banning money both at the Federal and the State level. Guess what? H.R. 3581 is a hard ban on soft money both at the Federal and the State level. If Members actually read Shays-Meehan, they will find that, in fact, there are a number of loopholes on soft money at the State level. It is not a hard ban on soft money. We can use it for a number of overhead costs. We can use it for staff if it is less than the majority of the time.

Of course one of the glaring neglects in Shays-Meehan is the whole question of voter fraud that has gained the headlines all across the country, it contains not one provision to guarantee that only people who are supposed to vote can actually participate in the election.

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Let me indicate another area where, if my colleagues are honestly for reform, they might be somewhat shocked. Today one of the dirtiest campaign tricks is what we call push polling. It is where they poll but then they say, "If candidate X had done 1, 2 or 3, what would you think about that candidate?" Guess what? We require disclosure if it is not in the public domain. What does Shays-Meehan do? Absolutely nothing, no addressing of push polling.

And then of course when we take a look at the way in which the Federal Election Commission requires us to report, we can put down $10,000 to campaign committee X, and we do not have to itemize. Shays-Meehan allows this block registration of money; it is wrong. We require that campaigns break down to secondary givers.

It is amazing that when we look at real reform, we find far more specific real reforms in H.R. 3581 than we do in the bill that will be changed tomorrow, the day after tomorrow, just as it was changed yesterday and the day before yesterday, but they retain moral outrage.

I would ask for an "aye" vote on 3581.

Mrs. MORELLA. Madam Speaker, I rise today in opposition to H.R. 3485. Although this legislation addresses some important reform components, it is flawed in many ways. The biggest travesty, however, is the process by which this legislation is being considered. There is no opportunity to debate or vote on real campaign finance reform. The American people deserve better than what we are offering today.

Regrettably, we are considering four pieces of legislation to change our campaign financing system under the suspension calendar, a process that is reserved for non-controversial legislation, precluding an honest debate over one of the most complicated, pressing national issues before us. I am deeply troubled that this process does not allow any Member to offer amendments to this legislation, and we do not even have the opportunity to consider H.R. 3526, Congressmen SHAYS and MEEHAN'S companion bill to McCain-Feingold.

Through my service on the Government Reform and Oversight Committee, it has become obvious that we need real reform. Clearly, the Federal Election Campaign Act prohibits contributions by foreign nationals in connection with any election. But, it has become increasingly difficult to distinguish which campaign practices are legal and which are not—and most important, which campaign practices should be illegal.

Soft money began to fill campaign coffers following the Federal Election Campaign Act Amendments of 1979, which allowed a greater role for state and local parties by exempting certain grassroots and generic party-building activities from FECA coverage. Although they are legal, soft money contributions have led to questionable fundraising practices and to the escalating costs of elections. Shays-Meehan truly closes the soft money loophole. It is not clear that the soft-money ban in H.R. 3485 would prevent unlimited and unregulated soft money to be laundered through state parties to influance federal elections.

Title I of H.R. 3485 would unduly burden unions and the nonprofit community. H.R. 3485 requires unions to get "prior, written, separate permission" to use dues for political activities. This goes beyond the Beck decision, which applies only to mandatory union dues-paying, non-members. It also requires corporations to annually notify shareholders of its intended political spending, and the shareholder's pro rata share of such spending. However, the burden of proof is inconsistent. Union members' consent is not presumed and unions must affirmatively obtain members' consent. For corporations, shareholders' consent is presumed unless they affirmatively object. Furthermore, the definition of political activity goes far beyond electioneering and would hinder the ability of unions and nonprofits to communicate directly with federal agencies and the Congress to discuss public policy issues.

H.R. 3485 also contains provisions that would allow states to discriminate against voters. Mr. Speaker, all Americans are concerned with maintaining and improving the integrity of our nation's elections. We know that, in some recent cases, illegal immigrants and others not legally qualified to vote have registered and cast ballots. A number of bills have been introduced in this Congress to deal with this problem.

Another bill to be considered under suspension, H.R. 1428, while attempting to restore electoral integrity, actually threatens to return us to a darker era in our nation's history, when people's voting rights were frequently challenger or harrassed and their rights to cast ballots shall.

H.R. 1428 would allow local officials to check the eligiblility of registered voters by submitting names from the voting rolls to the Immigration and Nationalization Service or the Social Security Administration. But how will the names be chosen? Will the Smiths, the Johnsons, and the Andersons be scrutinized, or will the effort of local officals be more focused on the Singhs, the Martinezes, and the Nguyens? Unfortunately, the historical record would indicate the latter.

In addition, the bill presumes that the INS and the SSA will have their records available and updated for use by local officials, which we know is not likely to be the case. And should local election officials not be able to confirm citizenship, they can drop voters from the rolls without having proven that they are not qualified to vote.

Madam Speaker, rightly or wrongly, Hispanic-Americans and other immigrants to our country feel a growing bias against them. U.S. citizens living in my district who were born in Latin America have expressed their growing frustration and fear with harassing INS raids which treat all immigrants as suspects; they are being denied the presumption of innocence. A Salvadoran-American woman living in my district, who have been a resident and a citizen for more than 20 years, never leaves her house without her U.S. passport, for fear that she may be harassed or detained by immigration or other law enforcement authorities.

H.R. 1428 threatens to intensify the growing feeling of alienation among immigrants U.S. citizens, without assuring that it can easily, reasonably, or fairly accomplish its objective of ballot integrity. For these reasons, I must oppose H.R. 1428

Madam Speaker, it's not too late to bring real reforms to the floor. After the defeat of today's measures under suspension, let's work to bring about an honest debate and real campaign reform—what the American people deserve.

The SPEAKER pro tempore (Mrs. EMERSON). The time of the gentleman from California (Mr. THOMAS) has expired.

The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3581.

The question was taken.

Mr. THOMAS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ILLEGAL FOREIGN CONTRIBUTIONS ACT OF 1998

Mr. THOMAS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 34) to amend the Federal Election Campaign Act of 1971 to prohibit individuals who are not citizens of the United States from making contributions or expenditures in connection with an election for Federal office, as amended.

The Clerk read as follows:

H.R. 34

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Illegal Foreign Contributions Act of 1998".

SEC. 2. PROHIBITING NON-CITIZEN INDIVIDUALS FROM MAKING CONTRIBUTIONS OR EXPENDITURES IN CONNECTION WITH FEDERAL ELECTIONS.

(a) PROHIBITION APPLICABLE TO ALL NON-CITIZENS.—Section 319(b)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(b)(2)) is amended by striking "and who is not lawfully admitted" and all that follows and inserting a period.

(b) PROHIBITION APPLICABLE TO EXPENDITURES.—

(1) IN GENERAL.—Section 319(a) of such Act (2 U.S.C. 441e(a)) is amended by inserting "or expenditure" after "contribution" each place it appears.

(2) CONFORMING AMENDMENT.—Section 319 of such Act (2 U.S.C. 441e) is amended in the heading by inserting "AND EXPENDITURES" after "CONTRIBUTIONS".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to contributions or expenditures made on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a bill by our colleague from Nebraska (Mr. BEREUTER). It was introduced on January 7, 1997, and in yielding myself such time as I may consume, let me read what the bill does in sum and substance:

It is to amend the Federal Election Campaign Act of 1971 to prohibit individuals who are not citizens of the United States from making contributions or expenditures in connection with an election for Federal office.

Rarely have we had a bill in front of us that is so plain, simple to understand, and so necessary.

Madam Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would just like to say, having taken this opportunity to yield myself as much time as I may consume, the gentleman from California, who I believe in my heart would have not moved forward with a process like this that denied Members a real opportunity to debate and discuss these issues, his point argues for an end to this insane process. Yes, amendments are needed; yes, changes are needed, and Members ought not be able to be restricted in the manner they are as we deal with this legislation on the floor.

It is his party that chose to set up a process that sets a standard that we need two-thirds to move forward. They waited until after the Senate had already filibustered campaign finance reform to death. Our party has a record of moving forward on campaign finance reform, and today the Republican Party again paints itself with a brush against reform.

Madam Speaker, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Speaker, I rise in opposition to H.R. 34, cynically misnamed the Illegal Foreign Contributions Act. The title of this bill is there to lure Members into thinking that it deals with illegal foreign contributions. That is simply not the case.

What this bill does is to prohibit legal residents who are living here in the United States legally, working, paying their taxes, fighting in the military, giving up their lives, denying them the right to participate in the political process in this country. That is absolutely unconstitutional; it is a denial of the First Amendment rights of free speech. The Supreme Court has repeatedly said political voice can be done in many ways, and contributions of money constitutes free speech.

Madam Speaker, therefore I concur with the 100 law professors who have submitted a letter to all the Members of this body decrying this bill, denouncing it as unconstitutional, and certainly if this Congress should pass it and it should become law, it will be contested and it will be found unconstitutional.

Mr. THOMAS. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG) who also had legislation dealing with this area as well.

Mr. KNOLLENBERG. Madam Speaker, I thank the gentleman for yielding this time to me. I rise today in strong support of the Illegal Foreign Contributions Act of 1998. As everyone knows, during the 1996 election cycle the Democratic National Committee was forced to return over $2.8 million in illegal or improper donations. I join the American people in shock to realize the frustration over the ability of foreign nationals to wield such power, such influence over our election process without casting a single vote.

That is why I introduced H.R. 767, called the Common Sense Campaign Finance Reform Act. This bill provided a common sense three-step approach to address the problems inherent in the current system. One step would prohibit individuals who are not eligible to vote from contributing to candidates for Federal office or political parties.

I commend my colleague, the gentleman from Nebraska (Mr. BEREUTER), for incorporating into his bill the spirit of H.R. 767 and, of course, to the gentleman from California (Mr. THOMAS) for his work. Banning contributions from non-U.S. citizens reinforces the important message that American citizens and only American citizens elect their representatives in government, not foreigners.

Madam Speaker, foreign influence on our elections has eroded the American people's confidence in our democratic process and left far too many voters feeling demoralized and disenfranchised. While this bill is no sweeping reform effort, it does address one of the system's most glaring problems, the influx of foreign money in our political process.

I urge my colleagues to support this vital piece of legislation.

Ms. KAPTUR. Madam Speaker, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Madam Speaker, I would like to know if the gentleman's measure, where he says noncitizens, does that include foreign-controlled corporations?

The SPEAKER pro tempore. The time of the gentleman from Michigan (Mr. KNOLLENBERG) has expired.

Mr. GEJDENSON. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Speaker, I would like to comment on this bill, since this is the subject I have been working on for over a decade and have tried to get a bill on this floor. I am very curious that the gentleman merely, as I read the bill which we only got a few minutes ago, essentially says noncitizens. Does this include foreign-controlled corporations and foreign-controlled trade associations as well as noncitizens, those who are not citizens of this country?

I think the gentleman's bill is seriously lacking in covering where most of the money comes from, which is from legally incorporated foreign corporations which are back-dooring money into our elections. I do not believe the gentleman's bill covers that.

Am I correct?

Mr. KNOLLENBERG. Madam Speaker, would the gentlewoman yield for a moment?

Ms. KAPTUR. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Madam Speaker, this bill, and by the way my colleague may have just seen it, but it has been there for a year. It was a part of a larger bill that I introduced. But let me just say that I am talking about the individual that writes a check must be a citizen. It is that simple.

Ms. KAPTUR. Madam Speaker, I would like to reclaim my time and say that I have been working on this for 10 years, and I know the difference between foreign corporate money and money that should not be coming in here from noncitizens in the first place, and this bill is an absolute sham. I cannot believe it, after all the efforts that we have made and all the agreements.

I am glad there is a Ross Perot, and I hope that that particular party runs candidates across this country because this bill is a sham. It does not close a loophole that the American people have known, they have known this has existed for years. This is a sham.

This entire debate, cynically orchestrated by NEWT GINGRICH, is a sham—why? Because just a few days ago, the Republican Campaign Committee leader in the Senate [the other body] called him Mr. Money Bags from Kentucky, killed campaign reform for this year. Even if this chamber passed the finest reform in the country, nothing is going to happen. It takes both chambers to tango.

This House bill is particularly cynical because the suspension procedure under which we are considering it is a gag rule. No amendments are allowed; it allows only 20 minutes debate on each side in this serious debate. What a travesty! And then to gain passage, it requires ⅔ of the Members to achieve passage, not a majority.

These bills have no spending limits; in fact, these bills allow wealthy individuals to triple the amount of money they can contribute. Yet, they cut off the legs of ordinary working men and women by demeaning their participation in our political life by requiring them to get written permission. What an insult.

I urge the American people to call their Members of the House to urge them to sign on the discharge petition on the Shays-Meehan bill to get a real reform debate on the Floor of this House.

And I wish to enter into the RECORD the editorial in the New York Times today that strikes the heart of the deceitful process underway here tonight—"The Plot to Bury Reform."

The Plot to Bury Reform

Newt Gingrich has selected today as the moment to line up his firing squad and kill campaign finance reform in Congress this year. Yet the House Speaker may be surprised. Republicans and Democrats who favor reform are so outraged over Mr. Gingrich's broken promises and heavy-handed tactics that they could seize the moment and force him to back down. Whether the reformers succeed depends on their ability to hold together and find ways to get genuine reform to the floor, where a majority of members appear ready to vote for it.

Just how desperate Mr. Gingrich is to thwart reform is clear from the parliamentary tactics he is preparing to use. Last week, the Speaker broke his promise to debate the issue of a campaign cleanup and pulled all relevant legislation from the House agenda. In doing so, he virtually acknowledged that he and his wrecking crew lacked enough support from fellow Republicans to prevent passage of genuine reform. Then the Republican leadership abruptly announced it would bring four watered down reform bills up today, but under rules preventing amendments or substitutions and requiring a two-thirds vote for approval of anything. Clearly, the Speaker's goal is to insure that nothing gets passed, and hope someone else can be blamed.

Republicans are ready to defy the Speaker by joining with most Democrats to vote for legislation sponsored by Representatives Christopher Shays of Connecticut and Marty Meehan of Massachusetts. The Shays-Meehan bill would ban the unregulated and unlimited donations to political parties that are known as "soft money" and were at the heart of the recent scandals. It would also establish exacting disclosure requirements and apply fund-raising limits to independent groups running attack ads on television.

The bills that Mr. Gingrich is sponsoring are either anemic, irrelevant or tied to an anti-union provision repugnant to most Democrats. With a two-thirds approval requirement, they cannot pass. Of course Mr. Gingrich does not care if his own fraudulent legislations wins or loses. All he seeks is the chance to say the House considered campaign finance reform and was unable to pass a bill. It is a cynical maneuver that will come back to haunt Mr. Gingrich and any House member who supports it.

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am actually having a little difficulty understanding the last exchange, since under Federal law all corporate money, whether it is foreign or domestic, is not allowed to be in campaigns.

This bill deals with individual contributions which are legal under the Federal Election Act, and the gentleman from Nebraska wishes to say that there is an additional criteria on individuals to contribute, and that is that they must be citizens.

Ms. KAPTUR. Madam Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Now I want to say to the gentleman I have testified before his committee. We have defined foreign interests. Those include not only foreign citizens but foreign-controlled corporations and trade associations through which the majority of these dollars flow.

When the gentleman defines noncitizens, does that include foreign-controlled corporations and foreign-controlled trade associations?

Mr. THOMAS. Madam Speaker, I tell the gentlewoman that I still do not fully appreciate or understand her question, since it is the individual in that structure and not the association or the corporation that makes the contribution. Corporate contributions are illegal whether the corporation is a domestic corporation or a foreign corporation.

Ms. KAPTUR. So the gentleman would define foreign interests or foreign citizens as including foreign corporations in which over half the stock is owned by foreign interests, as well as foreign trade associations in which over half of the money comes from foreign individuals or foreign interests, so this bill does cover that?

Mr. THOMAS. Madam Speaker, I tell the gentlewoman that in a bill she has an opportunity to vote on, H.R. 3581, we ban all soft money. So if the gentlewoman is talking about soft money in the system——

Ms. KAPTUR. How about hard money that comes through foreign corporation and foreign trade associations?

Mr. THOMAS. Madam Speaker, I will tell the gentlewoman one more time, and I do not know how to explain it to her any other way but to say that there is no corporate money that is legally allowed under the so-called hard money definition. It is not allowed, either domestic or foreign.

When individuals contribute today under the Federal Election Act, individuals who are not citizens can contribute, as we saw paraded over and over again in terms of the individuals that participated in the presidential election in 1996, some of whom have now come forward and admitted guilt in carrying on the raising of illegal contributions. Those are individuals; those are not corporations.

Could I ask the gentlewoman a question to respond to her?

Ms. KAPTUR. Madam Speaker, the gentleman is not answering my question. More than foreign individuals contribute, and they do so illegally. That is the very point.

Mr. THOMAS. And the law says it is illegal.

Ms. KAPTUR. That is correct.

Mr. THOMAS. Reclaiming my time, Madam Speaker, I tell the gentlewoman that if she is interested and if her point is that we ought to enforce the laws that are on the books, then I wholeheartedly agree with her, we should enforce the laws that are on the books. We just think that one more ought to be added, and that is the one before us.

Mr. GEJDENSON. Madam Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Madam Speaker, it is an outrage that wealthy individuals can contribute huge sums of money to both political parties and that so-called independent expenditures, under which there are no regulations, can attack candidates all over this country in ugly 30 second ads.

Madam Speaker, this bill would close the door even further on working people's participation in the electoral process by making it harder for union members to participate. Apparently our Republican friends are not content that during the 1995–1996 election cycle corporations, groups and individuals representing business interests outspent organized labor 12 to 1.

□ 1945

Twelve to one, and apparently that gap is not wide enough. Our Republican friends wanted to make it even wider.

The legislation before us would increase, not decrease, the influence of wealthy contributors, by tripling the amount of money individuals can donate to Federal candidates and political parties.

Madam Speaker, currently the wealthiest one-quarter of 1 percent of Americans contribute 80 percent of all political contributions. That is an outrage. We have got to end it.

Mr. GEJDENSON. Madam Speaker, I yield such time as she may consume to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Madam Speaker, I rise in opposition of H.R. 34, cynically misnamed the Illegal Foreign Contributions Act. Instead of standing here having a full and fair debate on campaign finance reform, we are here debating whether legal permanent residents have a right to free speech.

The title of this bill is there to lure the Member into thinking that it deals with illegal foreign contributions. That is simply not the case. Legal permanent residents play by the rules in this country. They are legal residents. We have acknowledged their contribution to our society. They must have the right to express their political views. I am mortified that this Congress is about to deny legal residents First Amendment rights guaranteed by the Constitution. The Supreme Court has ruled that making contributions is the exercise of free speech.

Legal permanent residents have a stake in the future of America, and should be allowed to voice their support for candidates and be assured a part in the political process. If we enact this bill, we will be telling thousands of individuals that you can contribute to our economy, register for the draft, serve in the military, and lose your life as a result, but you cannot exercise your freedom of speech.

Who are these individuals? Most are in the United States to join close family members; or to escape persecution based on political opinion, race, religion, national origin or membership in a particular social group. Twenty thousand legal permanent residents serve in the armed forces. They have pledged their life to defend and protect our country, and we respond by silencing their participation in the political activities that help to choose our leaders and decide our policies.

Banning legal permanent residents from contributing to political campaigns is not only scape goating, it is a violation of our Constitution. The Supreme Court has ruled that campaign contributions are considered "political speech" and therefore protected under the First Amendment. Moreover, unless the Constitution specifically designates otherwise, legal permanent residents share many of the same constitutional protections as citizens. Where does it say in the United States Constitution that Congress shall make no law abridging the freedom of speech of U.S. citizens only? Nowhere does it say the First Amendment shall apply only to U.S. Citizens.

Don't take my world for it, take the word of almost 100 law professors who have contacted Congress on this issue. I would like to submit the Law Professor's Letter on Campaign Finance Reform and the Rights of Legal Permanent Residents for the RECORD. This letter clearly states that prohibiting Legal Permanent Residents from making contributions in support of candidates would violate their constitutional free speech rights.

Look at the language of H.R. 34. What campaign abuses are we curtailing by this provision? It says nothing about foreign governments "buying influence" in the United States. After H.R. 34 becomes law, foreign governments seeking influence need only use citizens. We already have laws that bar these actions. Instead of silencing permanent residents, we should enforce current laws.

Legal permanent residents are an ever increasingly important segment of our population. Not withstanding, this bill makes them scapegoats for our current campaign finance scandals. We attack legal residents who are unable to defend themselves.

This unconstitutional denial of the protections of First Amendment rights of free speech to legal residents must be rejected. Vote 'no' on H.R. 34.

LAW PROFESSORS' LETTER ON CAMPAIGN FINANCE REFORM AND THE RIGHTS OF LEGAL PERMANENT RESIDENTS

March 20, 1998.

DEAR MEMBER OF CONGRESS, Recently, several bills have been introduced which would impose new restrictions on the political activities of Legal Permanent Residents (LPRs) by prohibiting them from making campaign contributions. Two other bills—H.R. 34 and S. 11 (the Daschle bill)—would prohibit LPRs from making both contributions and independent expenditures in support of candidates. We, the under-signed law school professors, believe that if enacted into law, these proposals would violate the free speech rights of LPRs. Further, these proposals offer no additional protection from the flow of money from foreign governments into political campaigns. We therefore urge you to vote to strike these proposals from any campaign finance bill you are asked to consider.

In 1976, the Supreme Court established in Buckley v. Valeo, 424 U.S. 1 (1976), that campaign contributions and independent expenditures are forms of "political speech" entitled to full First Amendment protection. Political contributions are one of the ways that like-minded individuals associate in furtherance of common objectives. Under Buckley and subsequent cases, any law which limits expenditures or completely prohibits campaign contributions from particular natural persons presumptively violates the First Amendment.

Regardless of one's views on the Buckley decision, the Court's constitutional analysis applies whether the person making the expenditure or contribution is a citizen or an LPR. Courts have consistently held that LPRs enjoy the same First Amendment rights as do United States citizens. To bar legal immigrants from showing support for the candidate of their choice would be like requiring them to sit out during a demonstration, or denying them the right to hold a rally in a park, or banning them from running a political ad in a newspaper.

Proponents of this legislation have suggested that, as LPRs do not enjoy the right to vote, Congress may prohibit them from contributing. We disagree. The right to vote and the right to speak on political matters are, for constitutional purposes, distinct. For example, persons under age 18, certain corporations, and in many states, even convicted felons, do not enjoy the right to vote, but nonetheless enjoy the right to engage in "political speech" by making campaign contributions or expenditures as do others. The right to speak is not limited to those who have the right to vote. Everybody can participate in the marketplace of ideas regardless of whether they can vote, and the voices of LPRs, like those of the members of every segment of our society, only contribute to the variety that marketplace has to offer.

Legal permanent residents have a substantial stake in our society and are entitled to be heard in the political process. They have been invited by the U.S. government to live permanently within our borders. They pay taxes on their world-wide income as citizens do, are subject to the draft, and serve in the military. It is in our national interest that public policy reflect their needs and their views. It would be ironic, indeed, to deny to LPRs the inherently American right to engage in political speech when so many questions of public policy directly affect them.

Aside from being unconstitutional, these proposals are also unnecessary and unlikely to be effective. 2 U.S.C. Sec. 441(f) already prohibits anyone, whether a citizen or an LPR, from laundering money from foreign entities and governments into political campaigns in the U.S. Even if LPR political contributions are banned, foreign governments seeking to circumvent this prohibition would simply use U.S. citizens as fronts.

Because prohibitions on LPR political contributions and independent expenditures would violate the First Amendment, we urge you to ensure that campaign finance legislation excludes such proposals.

Sincerely,

Lillian R. BeVier, Henry and Grace Doherty Charitable Professor and Class of 1948, Professor of Scholarly Research, University of Virginia School of Law; Joel M. Gora, Professor of Law, Brooklyn Law School; Harold Hongju Koh, Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School; Stephen H. Legomsky, Charles F. Nagel Professor of International and Comparative Law, Washington University School of Law; Roy A. Schotland, Professor of Law, Georgetown University Law Center; Peter H. Schuck, Simeon E. Baldwin Professor of Law, Yale Law School; T. Alexander Aleinikoff, Professor of Law, Georgetown University Law Center; Larry Alexander, Warren Distinguished Professor of Law, University of San Diego School of Law; Albert W. Alschuler, Wilson Dickenson Professor of Law, University of Chicago Law School; Alberto Manuel Benitez, Associate Professor of Clinical Law and Director of the Immigration Clinic, George Washington University Law School; Lenni Benson, Associate Professor of Law, New York Law School; Maria Blanco, Associate Professor of Law, Golden Gate University School of Law; Carolyn Patty Blum, Lecturer in Law, University of California at Berkeley, School of Law.

Linda Bosniak, Associate Professor of Law, Rutgers, University School of Law; Richard A. Boswell, Professor of Law, University of California, Hastings College of the Law; Alexander J. Bott, Professor of Law, University of North Dakota School of Law; Francis A. Boyle, Professor of Law, University of Illinois College of Law; Daan Braveman, Dean and Professor of Law, Syracuse University College of Law; Mark R. Brown, Professor of Law, Stetson University College of Law; Penelope Bryan, Associate Professor of Law, University of Denver College of Law; Gilbert Paul Carrasco, Professor of Law, Villanova University School of Law; Ronald A. Cass, Dean and Melville Madison Bigelow Professor of Law, Boston University School of Law; Howard F. Chang, Professor of Law, University of Southern California Law School; Erwin Chemerinsky, Legion Lex Professor of Law, University of Southern California Law School; Gabriel J. Chin, Assistant Professor of Law, Western New England College, School of Law.

Margaret Chon, Professor of Law, Seattle University School of Law; Leroy D. Clark, Professor of Law, Catholic University of America School of Law; David Cole, Professor of Law, Georgetown University Law Center; Perry Dane, Professor of Law, Rutgers University School of Law; Edward DeGrazia, Professor of Law, Cardozo Law School; Nora V. Demleitner, Associate Professor of Law, St. Mary's University School of Law; Peter Edelman, Professor of Law, Georgetown University law Center; Deborah Epstein, Visiting Associate Professor of Law, Georgetown University Law Center; James M. Fischer, Professor of Law, Southwestern University School of Law; Joan Fitzpatrick, Professor of Law, University of Washington School of Law; Niels W. Frenzen, Lecturer in Law, UCLA School of Law; Diane Geraghty, Professor of Law, Loyola University Chicago School of Law; David Goldberger, Professor of Law, Ohio State University College of Law; Frank P. Grad, Chamberlain Professor Emeritus of Legislation, Columbia University School of Law.

Jack Greenberg, Professor of Law, Columbia University School of Law; Susan Gzesh, Lecturer in Law, University of Chicago Law School; Phoebe A. Haddon, Charles Klein Professor of Law and Government, Temple University School of Law; Emily Fowler Hartigan, Associate Professor of Law, St. Mary's University School of Law; Jeffrey A. Heller, Adjunct Assistant Clinical Professor, Brooklyn Law School; Arthur C. Helton, Adjunct Professor of Law, New York University School of Law; Louis Henkin, University Professor Emeritus, Columbia University School of Law; David M. Hudson, Professor of Law, University of Florida College of Law; Marsha Cope Huie, Professor of Law, St. Mary's University School of Law; Carol L. Izumi, Professor of Clinical Law, George Washington University Law School; Kevin R. Johnson, Professor of Law, University of California at Davis School of Law; Jerry Kang, Acting Professor of Law, UCLA School of Law; Daniel Kanstroom, Associate Clinical Professor of Law, Boston College Law School; Daniel M. Kowalski, Adjunct Professor of Law, University of Washington School of Law; William P. LaPiana, Professor of Law, New York Law School; Stephen R. Lazarus, Associate Professor of Law, Cleveland-Marshall Coll. of Law, Cleveland State Univ.

Arthur S. Leonard, Associate Professor of Law, New York Law School; Martin L. Levine, Professor of Law, University of Southern California Law School; Sanford Levinson, Professor of Law, University of Texas School of Law; Lance Liebman, Professor of Law, Columbia University School of Law; Gerard E. Lynch, Paul J. Kellner Professor of Law, Columbia University School of Law; Pedro A. Malavet, Assistant Professor of Law, University of Florida College of Law; Michael M. Martin, Associate Dean and Professor, Fordham Law School; M. Isabel Medina, Associate Professor of Law, Loyola University School of Law, New Orleans; Carlin Meyer, Professor of Law, New York Law School; Eben Moglen, Profesor of Law and Legal History, Columbia University School of Law; Hiroshi Motomura, Professor of Law, University of Colorado School of Law; Rev. Craig B. Mousin, Adjunct Professor of Law, DePaul University College of Law; Subha Narasimhan, Professor of Law, Columbia University School of Law; Lori Nessel, Clinical Assistant Professor of Law, Seton Hall Law School; Gerald L. Neuman, Professor of Law, Columbia University School of Law; Marcia O'Kelly, Professor of Law, University of North Dakota School of Law; Robert M. O'Neil, Professor of Law, University of Virginia School of Law.

Juan F. Perea, Professor of Law, University of Florida College of Law; Bill Piatt, J. Hadley Edgar Professor of Law, Texas Tech University School of Law; William Quigley, Associate Professor of Law, Loyola University School of Law, New Orleans; Jonathan Romberg, Associate Director, Center for Social Justice, Assistant Clinical Professor of Law, Seton Hall University School of Law; Theodore Ruthizer, Lecturer in Law, Columbia University School of Law; Irene Scharf, Associate Professor of Law, Southern New England School of Law; Philip G. Schrag, Professor of Law, Georgetown University Law Center; Herman Schwartz, Professor of Law, American Univ., Washington College of Law; Andrew Silverman, Professor and Director, Clinical Studies, University of Arizona College of Law; Girardeau A. Spann, Professor of Law, Georgetown University Law Center.

Peter J. Spiro, Associate Professor of Law, Hofstra University Law School; Irwin P. Stotzky, Professor of Law, University of Miami School of Law; Peter Strauss, Professor of Law, Columbia University School of Law; Nadine Strossen, Professor of Law, New York Law School; Lee J. Teran, Clinical Professor of Law, St. Mary's University School of Law; Chantal Thomas, Associate Professor of Law, Fordham University School of Law; Eugene Volokh, Acting Professor of Law, UCLA Law School; Charles D. Weisselberg, Professor of law, University of Southern California Law School; Harry Wellington, Dean, New York Law School; Peter Winship, Professor of Law, Southern Methodist University School of Law; Mark E. Wojcik, Assistant Professor of Law, John Marshall Law School; Stephen Yale-Loehr, Adjunct Professor of Law, Cornell Law School; Alfred C. Yen, Associate Professor of Law, Boston College Law School; Mary Marsh Zulack, Clinical Professor of Law, Columbia University School of Law.

Mr. GEJDENSON. Madam Speaker, I yield one minute to the gentleman from Arkansas (Mr. SNYDER.)

Mr. SNYDER. Madam Speaker, those of us on this side were admonished a few minutes ago to read the bill and pointed out that perhaps moral outrage does not belong just on this side. The problem I have is not moral outrage over any one bill. I think a lot of good bills have been considered here. The problem is the process.

Madam Speaker, we were told to read the bill. I could not get a copy of the bill until a quarter to 6 this evening. The computer program of the House did not have this bill. When you punch in H.R. 3581, I got nothing. It is difficult to read something that does not exist until an hour or so before the debate begins for a topic this important.

This bill is the only option out on this floor. There are no amendments. It has to have a two-thirds vote. This process was designed to fail, even if we read and understand the bill.

So my only question is what is the gentleman from Georgia (Mr. GINGRICH) afraid of? What is the Speaker afraid of? Is he afraid of a true, open and fair debate? Is he afraid that this House may actually exert the will of the American people?

Madam Speaker, say it is not time to be afraid of campaign finance reform; do not be afraid of the will of the American people; but let us have a fair and truly open debate on the House floor on this issue.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my assumption is that that was a speech addressing the bill that is no longer in front of us. The bill in front of us is H.R. 34. It was introduced on January 7, 1997, and that is the bill that is before us.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA), a member of the Committee on House Oversight and a member of the Committee on Government Reform and Oversight, who is extremely knowledgeable on the question of noncitizens contributing to American campaigns.

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I have the unique responsibility of serving on the Committee on House Oversight. In addition, I serve on the Committee on Government Reform and Oversight and have been on that committee actually since I came to Congress. What has been stunning to me as a member of that committee is dealing with the scandal that we have seen dealing with campaign finance contributions.

Mr. Speaker, this measure before us does not in fact address all the problems, but I venture to say that if you ask the American people what would you consider one of the greatest abuses that you saw in the last election, they would say it was undoubtedly foreign money coming in to our Federal political elections process.

I sat on that committee and I saw an unprecedented trail of money. We have a chart here that just shows a little bit of that money, money that came from China, from Indonesia, from Thailand, from various countries around the world, to influence our elections.

Madam Speaker, again, I know that this amendment does not address all the problems, but what it does do is very clearly say that if you are not a citizen of the United States, you cannot contribute. It clearly spells out that foreign contributions from a noncitizen are prohibited.

So, again, we cannot change all of the provisions in our election law, and I might say that 99 percent of those who serve in this body or who run for Federal office obey the law and the law does work. But what we have seen, again, is an unprecedented trail of money.

Just the money that we have seen in foreign and illegal contributions returned by the DNC, the Democratic National Committee, is over $2.8 million.

Again, we cannot address every single wrong that we have seen in the election process, but we can make a beginning. We can get some of our campaign finance election laws in order and address the real problem, the real concerns that the American people have seen.

Mr. Speaker, I urge Members to support both this measure and also the bill that our committee has brought before the House. It is not everything that everyone would like to see, but in fact it is a beginning, and it does address the major concerns that the American people have brought to the Congress.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to say Members of my side out of frustration are going to be discussing the whole issue of campaign finance reform because of the limited amount of time. I would say on the desire to keep corruption out of campaigns, this side is ready to have an open debate and actually offer amendments on that.

Mr. Speaker, we have had a member of the gentleman's own party indicted and convicted on campaign violations, a member of the Republican caucus. He still sits here. The head of the Republican Party, Mr. Barbour, Haley Barbour, got millions of dollars from a Hong Kong bank. Let us get those things on the floor.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, does the gentleman believe that that gentleman intends to vote on this campaign reform bill?

Mr. GEJDENSON. Mr. Speaker, reclaiming my time, I certainly hope that he uses better judgment than he has used to date.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I rise in strong opposition to this legislation.

Mr. Speaker, I am disappointed to find myself rising today in opposition to this campaign finance legislation. However, given the unfair process which has brought this legislation to the House floor, I find that I have no other choice.

Since I took office in 1993, I have been hearing from my constituents that campaign finance reform is an important issue to them. I have been told—and all of us who have run campaigns have seen first-hand—that our current system is broken. It is awash in money and without meaningful controls. Individual voters feel increasingly out of touch with their government, and believe that unless they can make significant contributions, they cannot access their elected officials.

Since 1993, I have been committed to changing the way our election system works. Unfortunately, at every step along the way, the efforts of a thoughtful and bipartisan group of legislators have been stymied.

The Majority leadership has spoken eloquently of the need for reform. Speaker GINGRICH shook hands with President Clinton, promising to move campaign finance reform forward by establishing a Commission to make recommendations. That never happened. Earlier this year, Speaker GINGRICH indicated that he believed the House should debate campaign finance reform in a "fair and bipartisan" manner. The situation we find ourselves in today shows that will not happen.

Today, the House leadership has brought up a disingenuous bill. This is no more "campaign finance reform" than the moon is made of green cheese. To make matters worse, the bill is being considered under suspension of the rules, a procedure that is generally reserved for non-controversial legislation. It allows only 40 minutes of debate and requiring a 2/3rds majority for passage. No amendments can be offered that might turn this counterfeit legislation into real reform.

The Majority leadership is so threatened at the prospect of true reform, that they refused to give a single bipartisan bill the opportunity to beat the same difficult odds: passage by a 2/3rds majority of members. The Shays-Meehan legislation, of which I am a co-sponsor, will not be allowed on the floor for fear that it just might pass.

This is not in the public interest. Failure is guaranteed. The Majority Leadership's legislation, HR 3485, deserves to fail; but bipartisan campaign finance reform as a whole does not. The Leadership will now claim that it kept its promise to bring campaign finance reform legislation before the House by the end of March. What a hollow promise that has proven to be.

The Shays-Meehan legislation, like the McCain-Feingold bill in the Senate, would bring an end to the soft money chase; would reform issue advocacy; would increase disclosure of contributions and spending; and strengthen FEC enforcement.

An overwhelming majority of Americans support real campaign finance reform. How disappointed they will be to learn that their Congress has let them down once again. I renew my call on the Majority Leadership to stop playing partisan games with such an important issue. Let's have a "fair and bipartisan" debate on real campaign finance reform. The American people deserve no less.

Mr. GEJDENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH), who has been fighting for campaign finance reform since the day he got here.

Mr. KUCINICH. Mr. Speaker, the so-called reform bill has silenced the voice of working people. It would stop them from using the organized power of their representatives, to use the political system for better wages, to obtain more benefits, to achieve better working conditions.

This bill is an abridgement of free speech of workers and a violation of their freedom of association. It puts onerous conditions on when unions can represent workers in political matters, all in the name of greater political freedom for workers, saying that they should have the additional consent, that workers should be able to give their consent to their leaders.

We know the essence of a union is that people declare an identity of interests right from the very beginning. This bill attacks that principle. It is an attack on unions. It is an attack on workers' rights. It is an attack on workers and the very thing that they labor for.

You cannot put the house of labor outside this political process in a democracy. Working people will be watching to see who would dare to take the fruits of their labor, the very taxes which they pay our salaries with, and use that process to silence them and to try to shut them out of the political process.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us remember the rules we have for voting is only people who are citizens are supposed to vote as well. My assumption is there may be some moral outrage somewhere about the fact that only citizens are allowed to vote.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I hear what the gentleman is saying. A number of you have indicated "not voting." Would a 17-year-old under your bill be able to contribute to a campaign?

Mr. THOMAS. Is the gentleman indicating that that 17-year-old is a citizen or a noncitizen?

Mr. HOYER. A citizen.

Mr. THOMAS. It is not my bill, it is the bill of the gentleman from Nebraska (Mr. BEREUTER), and if in fact they are a citizen, they can contribute.

Mr. HOYER. But not vote.

Mr. THOMAS. Mr. Speaker, it is now my pleasure to yield 2 minutes to the gentleman from Wisconsin (Mr. NEUMANN), a Member who has lived firsthand, both at the State and Federal level, a meaningful, quote-unquote, campaign reform.

Mr. NEUMANN. Mr. Speaker, I rise to address what is a very important issue and has been uniquely addressed in the great State of Wisconsin. In a Senate race developing out there, of course, campaign finance reform came up, and the debate really is about whether the people here in Washington know best how to draw up the campaign finance laws and whether or not what we think here in Washington should be mandated and dictated to every State all over the Nation, or whether it would be more appropriate to do as we have done in the great State of Wisconsin and reach some voluntary agreements in limiting various parts of the campaign finance reform in compliance with what the people in the State of Wisconsin want us to do.

This very quickly becomes a debate about whether the people in Washington know what is best for every State all across the United States, for California, for New York, for Wisconsin, or whether it would be better in fact to have the people out there in those States make voluntary agreements amongst themselves as to how best to apply some campaign finance restrictions.

In Wisconsin, we have reached voluntary agreements to limit the overall spending. We have reached voluntary agreements to limit the percent of money coming from PACs and special interests. We have reached voluntary agreements to limit the amount of money coming from out-of-State.

We have accomplished in about a 2-week period of time out in Wisconsin voluntarily what has been attempted out in this city for a long sustained period of time. The reason for that is very simple and very clear: Out here in Washington, we somehow think that we are best able to dictate to everyone all over the country what is best for them. But the reality of this situation is that the people in each one of these States, in compliance with what their people want and what their citizens and constituents want, have every possibility and capability in the world of reforming campaign finance reform by simply sitting down and reaching a voluntary agreement amongst themselves to supply their constituents with what it is that they are asking for.

Again, in Wisconsin we have been very successful with this, and I think voluntary agreements between competing candidates in races, whether it be Congressional or Senate, any of the Federal races, is certainly the appropriate way to go when it comes to campaign finance reform.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would hope the gentleman's commitment would extend to signing the discharge petition to get a real debate on campaign finance reform on the floor.

Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this bill because it has really nothing to do with the real needs of campaign finance reform. What it is is the continuation of a mean-spirited attack on immigrants who have come to this country, who are now permanent legal residents, seeking a voice, an opportunity to participate. They work hard every day, pay taxes, contribute their money to other causes, and now we tell them that they cannot contribute to campaigns in America?

What kind of country is this? We need real campaign reform, not a sham, not a shack. Let us get with it and do it the real way.

Mr. Speaker, I rise against the Illegal Foreign Contributions Act because it is not really a vehicle for true campaign finance reform. Rather, it is a mean-spirited bill that simply bans legal permanent residents from exercising their first amendment right, their civil right that guarantees them freedom of expression. The 1st amendment protects everybody in the U.S., not just "eligible voters." Isn't one of the most valued and time-cherished acts of expression the right to participate in our great political process? I believe that a society can only be a true democracy when even the weakest of all individuals has a voice.

Banning legal permanent residents from contributing is not the solution to the alleged abuses of the 1996 campaign. The problem was the alleged illegal contributions that are already covered under existing law. A fundamental requirement of direct contributions under the current law—is that the source of money must not be a foreign corporation or a foreign national. Legal permanent residents (valid green card holders) were not included in this prohibition and currently are allowed to make campaign contributions. Thus, this proposal does not effectively prevent the flow of foreign money into the American political system.

Legal permanent residents are hard working people who earn their money in the U.S., they pay taxes in the U.S. and contribute to the U.S. economy by buying products in the U.S. Legal permanent residents are even required to register for the draft. Like U.S. citizens, legal permanent residents are stakeholders in America who care about the status of our country. They should be afforded the right to support candidates whom they believe will make it a better place to live.

I reiterate the fact that court cases have found that legal permanent residents are afforded the protections contained in the first amendment. Furthermore, the Supreme Court has ruled that campaign contributions are a form of speech protected under the first amendment.

Thus, I believe that the prohibition to deny legal permanent residents the right to make campaign contributions would be a continuation of the attacks on immigrants that we have seen take place during the last several years. This troubling pattern of anti-immigrant actions fosters the malicious notion that legal permanent residents somehow do not share an interest in the well-being of this nation and do not deserve basic rights and benefits. However, I submit that legal permanent residents are our "citizens in training."

Illinois just had their primary elections—voter turn out was at an all-time low. I think we need to be thinking of ways to encourage people to participate in the political process rather than hindering them.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), our newest Member.

Mrs. CAPPS. Mr. Speaker, I am truly sorry that I must rise today and oppose campaign finance reform bills. These bills do not represent true reform and the hasty process by which they were brought to the floor does not honor the bipartisan approach which must characterize any serious debate on campaign finance reform.

Mr. Speaker, I know I have only served in this House for 2 weeks, but it is really difficult for me to understand why we will not have the opportunity to debate, much less vote on, the Shays-Meehan bill, which is a bipartisan bill.

In contrast to the bills being considered tonight, the Shays-Meehan bill will end what I consider the most egregious abuse of the current system, the so-called issue advocacy ads.

In my recently completed campaign, my conservative Republican opponent and I both agreed that in our campaigns these ads flooded the airwaves with misleading information. Although the ads clearly targeted us for election or defeat, there was no disclosure and no limits on how they were being funded.

□ 2000

But this issue is not even being debated today. We should not pass legislation in the dead of night and in such a fiercely partisan manner.

We cannot lose sight of the dramatic shift that, even as we speak, is occurring out there in our campaigns. Voters are becoming just pawns in the battle between special, powerful, outside interest groups. We must pass the bipartisan Shays-Meehan bill and bring the political process back to the people. The dignity of our democratic institution and tradition deserves nothing less.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to speak for a second about the process of the multiple bills we have facing us today. The debate we are having tonight is long overdue. The political process is in need of reform, yet for almost a year and a half we in Congress have never been given the chance to debate campaign finance reform. Now, here we are, with a very divisive, partisan bill which is, to quote the New York Times, "Sham legislation dressed up to look like reform, with no chance for Members to vote on the real thing."

This process could have been done a lot better and a lot differently. I have been a member of a bipartisan freshman group who, for the past year and a half, have been crafting a bipartisan form of finance reform. The bill we drafted represented an honest effort to seek middle ground that eliminates the poison pills that we are facing here tonight. It was a real effort at reform, not a sham bill designed to offer cover to those who oppose real reform.

But, ultimately, this debate is about whether we believe there is too much money in the political process or not enough money in the political process. Those who believe in the need for more campaign spending and more special interest influence on the process will support many of these bills we face tonight. But those who want to put elections back into the hands of the people will see through this charade, will see through this sham and will support real campaign finance reform.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it really, really difficult to argue that the bill in front of us, offered by the gentleman from Nebraska (Mr. BEREUTER), which very plainly says that only citizens should be able to participate in the financial aspects of a campaign, just as only citizens are supposed to be able to participate in the voting part of the campaign, is in fact meaningless and a charade.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I rise in support of the Illegal Foreign Contributions Act of 1998 and the Campaign Reform and Election Integrity Act. These bills represent a good-faith effort to begin to address the problems in our campaign finance system. They merit support.

Do they solve every problem? No. But that is no reason to oppose these bills. Campaign finance is a complicated issue. We have not even reached consensus on the problems, let alone the solutions.

When I was first elected, I led an effort in our freshman class to develop a campaign finance package. We came up with several commonsense reforms like the ones in the bills before us today. Since that time, a number of new problems have developed that these bills attempt to address. It is an incremental approach, but it is a good start.

Among other things, the bills create a pilot program in five States, including my State of Florida, to crack down on voting by non-citizens. They toughen the ban on contributions from noncitizens and increase the penalties. They also include the Paycheck Protection Act.

Let us pass these bills today and begin the effort to clean up our campaign finance systems. I urge my colleagues to vote yes for reform.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE), someone who has again for many years made a great effort in campaign finance.

Mr. PRICE of North Carolina. Mr. Speaker, colleagues know that "outrage" is not a word I use with great frequency, but I can think of few words that better describe the insult to this House and to our constituents represented by the procedure the leadership has chosen for debating reform of our election laws.

I have been involved in this debate for the many months of the 105th Congress. I have cosponsored the Shays-Meehan proposal for campaign finance reform. I have authored my own stand-by-your-ad bill, which would require candidates and groups to assume responsibility for the ads they air. Last week I asked the Rules Committee to make this bipartisan proposal, sponsored by Representative Horn, myself, and 12 other colleagues, in order on the floor.

To have this and all other amendments barred, to have a motion to recommit barred, to have any substantive discussion of this issue barred by this procedure is an outrage that should be rejected by this House.

We have a responsibility to our democracy to end the abuses of our present campaign system. The Republican leadership has promised Members a vote on campaign reform in this session of the 105th Congress, and the charade we witness on the floor tonight represents a mockery of that promise.

I, for one, am willing to postpone our recess schedule. Let us do that. Let us stay here and devote the time necessary to complete our job. I have signed the discharge petition to bring a real reform debate to the floor. I urge any colleagues who have not signed to do so.

Mr. Speaker, the House and our country deserve better than this scheme devised to foreclose debate and to deny a simple majority vote for serious reform proposals. It is an outrage, and this House must not stand for it.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, this is a sad occasion for taking up this piece of legislation. I wish it could have been done on a bipartisan basis; but, unfortunately, this is not the case.

Mr. Speaker, I am very concerned about the status of legal permanent resident aliens who pay Federal income taxes on their income, wherever earned around the world. Legal permanent residents have always been given the privilege of contributing to campaign elections, but why are my Republican friends now putting on such a prohibition? I suspect, Mr. Speaker, perhaps the vast majority of the permanent resident aliens are Hispanic Americans and Asian Pacific Americans. I would like to look into this to examine what exactly is the basis for this.

Legal permanent residents are also required to register for the military draft, and nearly 20,000 serve voluntarily in America's Armed Forces. The record reveals that none have fought harder to protect America's freedoms. In fact, one out of every five Congressional Medal of Honor recipients has been a legal resident permanent alien or a naturalized American citizen.

The Supreme Court has already recognized that the first amendment of our Constitution protects the rights of legal immigrants as well as citizens. Mr. Speaker, I cannot even introduce an amendment concerning the rights and privileges of a U.S. national. It is a sad day, Mr. Speaker. It is a sad day.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before Members get too carried away, I would like someone to look at the CRS report for Congress on campaign finance legislation in the 105th Congress. I was just perusing it in terms of the numbers of bills that were introduced.

I would call my colleagues' attention to H.R. 140, introduced by the gentleman from Michigan (Mr. DINGELL). One of the provisions of H.R. 140 is that it would prohibit contributions from non-citizens in U.S. elections.

There is another bill I would call my colleagues' attention to in the 105th Congress. It is H.R. 1777. It is sponsored by the gentleman from Massachusetts (Mr. MEEHAN). Among the provisions in that bill is a section on foreign contributions, which says that it would prohibit contributions in Federal elections by non-citizens and others not qualified to vote.

So I would appreciate, Mr. Speaker, if those on the other side, when they make their comments, not get too carried away when, in fact, Members on both sides of the aisle have introduced worthwhile legislation which would ban contributions from individuals who are not citizens.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD. Mr. Speaker, I appreciate the gentleman yielding time to me.

Mr. Speaker, I find it ironic this evening that some of our Democratic friends, certainly not all of them but some of them, have expressed such moral outrage at the lack of action in the 105th Congress in bringing meaningful campaign finance legislation to the floor. Prior to 1995, the Democrats controlled the United States Congress for 40 uninterrupted years. I do not recall in the last 10 years the Democrats making much of an effort to bring this type of legislation to the floor.

I remember in 1992, when then candidate Bill Clinton listed it as one of his priorities if he were elected president, that he would strive to bring meaningful campaign finance reform to the floor of this House. After he was elected, when the Democrats controlled the Congress in the 103rd Congress in 1994 and 1993, they did not bring meaningful campaign finance reform to this floor. Yet now they express such outrage.

President Clinton did not live up to his commitment. The Democratic leadership did not live up to their commitment. But the Republican leadership this evening are bringing four bills to the floor. They made a commitment to do so by the end of March of this year. They are living up to that commitment.

Everyone in this House will have the opportunity to vote on four bills. So I think if we just think about this, we will see which party is delivering on its promise.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. WHITFIELD. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, the gentleman is completely, factually incorrect.

Mr. WHITFIELD. The gentleman's party did not control the House for 40 years? They did not control the House for 40 years?

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am sure the gentleman is earnest; but the gentleman is just factually wrong. I will tell the gentleman why. I will tell the gentleman in what way.

We passed campaign finance reform as Democrats in 1971 and had to override Nixon's veto. We passed campaign finance reform in 1974, and it got signed into law. We passed campaign finance reform in the 1992, and George Bush vetoed it. We passed campaign finance reform when Bill Clinton got to town. It passed the House, it passed the Senate, and the Republicans in the Senate filibustered it to death.

We had a real debate. We gave people a chance to offer an amendment. That is the difference here.

Mr. GEJDENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. Speaker, I rise in strong opposition to this legislation which would ban political contributions by legal permanent residents of the United States.

Mr. Speaker, the measure before us is tremendously unjust, clearly unfair, and an insult to the millions of people, over 4% of this country's population, who are legal permanent residents of our great nation.

Legal permanent residents have worked diligently within the law to legitimize their immigration status in America. They are hard-working, law-abiding individuals who are fulfilling their requirements to become citizens of this great country.

As with U.S. citizens, legal permanent residents are stakeholders who hold responsibilities for the well-being and future of this great nation; and, they have fulfilled their obligations magnificently.

Legal permanent residents pay U.S. Federal income tax on their income from wherever derived around the world.

Legal permanent residents are also required to register for the military draft, and nearly 20,000 serve voluntarily in America's Armed Forces. The record reveals none have fought harder to protect America's freedom. In fact, one out of every five Congressional Medal of Honor recipients has been a legal permanent resident or naturalized American.

The Supreme Court has already recognized that the first amendment of our constitution protects the rights of legal immigrants as well as citizens. Clearly, the right to financially support one's candidate or political party of choice is a form of speech and association that is protected by the first amendment.

Already, U.S. legal permanent residents cannot vote in electing the democratic government that they support with taxes and fight overseas to preserve and protect.

Now, the measure before us seeks to silence the political voice of legal permanent residents and take away their first amendment rights to express their viewpoint through political support of those they believe.

Mr. Speaker, the legislation before us is the ugly antithesis of what America and her democratic ideals have always stood for.

Legal permanent residents of the U.S., like citizens, have an important stake in the well-being of America and they have earned the right to voice their support for candidates whom they believe will contribute to a better America for them and their children tomorrow.

I strongly urge our colleagues to oppose the dangerous measure before us.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say, we set a bar that we needed 51 percent to pass the bill, not two-thirds.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, the current Members of Congress can be broken into two groups, those who think that there is too much money in politics in an election and those who think there is not enough. That goes across party lines.

Mr. Speaker, whether we want to admit it or not, the fact is that our campaign finance system is jeopardizing our credibility. We should not fool ourselves into believing that the problem is only the illegal activities that occur during campaigns. Quite to the contrary, the real problems stem from what is legal. It is the abuse of soft money time and time again. We heard it from both sides of the aisle in the campaign finance bill submitted by the freshman bipartisan committee.

Instead of bringing up our bill, instead of bringing up McCain-Feingold II, for which there is also widespread bipartisan support, the leadership on the other side of the aisle has decided to hide behind some parliamentary tactics. This is a low point in the 14 months that I have been in here. In fact, it may be the lowest point.

Mr. GEJDENSON. Mr. Speaker, I yield 2¼ minutes to the eloquent gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, let me read again the New York Times editorial: "Newt Gingrich has selected today as the moment to line up his firing squad and kill campaign finance reform." It concludes by saying, "It is a cynical maneuver."

Mr. Speaker, the bill before us is another one of those cynical maneuvers. Let me tell the Members why. The gentleman from Florida got up and talked about all those campaign contributions. They were, in fact, illegal, should not have been accepted. They were returned. The Republican party has returned over $1 million, as well. They should not have been received. This bill will not affect any of those contributions. They were illegal at that time and are now.

What is this bill about? It was introduced some time ago. Then it was changed. Let me tell the Members what it was changed to. It added one line. It added the title: Illegal Foreign Contributions Act of 1998.

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This is a 30-second ad. That is all it is. It is a 30-second cynical ad to pretend that this bill affects that poster. It does not, I say to the gentleman from Florida, because they were illegal from the beginning and should not have been accepted.

Soft money is made illegal by this bill. There is much support for that. Not for this bill, but much support for that objective. But the fact of the matter is, this bill is for one purpose only: For a press release that the Republicans can say they were against illegal foreign contributions, which of course they accepted and it was wrong. It was wrong. We did the same. It was wrong. But this bill is simply a PR effort. It has no substance to it.

Mr. GEJDENSON. Mr. Speaker, I yield the balance of our time to the eloquent gentleman from California (Mr. FARR) who has led the effort on campaign finance reform for Congress after Congress.

Mr. FARR of California. Mr. Speaker, just a moment ago it was said that we were getting too carried away. Let us look at the record of who is getting a little carried away. According to Congressional Quarterly, the Republican leadership has had the most expensive congressional investigation in the history of the House. Their investigator, they spend over $10,000 a month on his own salary. They sent five investigators to Taiwan to look at bank records. They came back and my colleagues on the other side of the aisle introduced this bill.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. FOLEY). Does the gentleman from California (Mr. FARR) yield for the purpose of a parliamentary inquiry?

Mr. FARR of California. No, Mr. Speaker, I will not yield.

Mr. Speaker, I will answer the gentleman's question. Nothing that they have investigated was brought for campaign finance reform. This has nothing to do with the investigation. They have not limited foreign corporations from contributing to campaigns. It has cost this House $5 million so far.

What this bill says is that 1-day-old babies can participate in contributing to campaigns through their parents, but if someone is a Congressional Medal of Honor winner, if they won the Gold Medal in the Olympics, if they won the Nobel prize and they happened to be born somewhere else, they cannot contribute a dime, not even if they are a military retiree.

Mr. Speaker, this is a sham. This bill does nothing to reform campaigns, and the investigation that they spent $5 million on is not even seen in this bill. This is outrageous.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill of the gentleman from Nebraska (Mr. BEREUTER) is a very simple bill. It says if someone is a citizen, they can contribute. If they are not a citizen, they cannot.

The gentleman from Nebraska was not able to be with us tonight, but if he were here I am quite sure he would say, "Please join me and the gentleman from Michigan (Mr. DINGELL) who sponsored the same measure in H.R. 140, and the gentleman from Massachusetts (Mr. MEEHAN) who sponsored the same measure in H.R. 1777, and the gentleman from Massachusetts (Mr. FRANK) who cosponsored H.R. 1777, and the gentleman from Virginia (Mr. MORAN) who cosponsored H.R. 1777."

So, apparently, there are a number of Members of this House on both sides of the aisle who believe that banning foreigners from contributing in elections is something that should be done. And all I have heard from the other side of the aisle is that none of this is bipartisan.

Mr. Speaker, I believe if it is supported by the gentleman from Michigan (Mr. DINGELL), the gentleman from Massachusetts (Mr. FRANK), the gentleman from Massachusetts (Mr. MEEHAN), that this clearly indicates that this measure is bipartisan, and I would ask for an "aye" vote.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of H.R. 34 to prohibit foreign individual campaign contributions or expenditures, which this Member sponsored as one aspect of necessary campaign finance reform legislation. This Member would also like to thank the gentleman form California [Representative BILL THOMAS] the Chairman of the Committee on House Oversight and the gentleman from Connecticut [Representative SAM GEJDENSON] the ranking member of the Committee on House Oversight for their support in bringing H.R. 34 to the House Floor. Chairman THOMAS also independently introduced similar legislation on the first day of this 105th Congress.

As many of this Member's colleagues know, this Member has long been a supporter of campaign finance reform. It is clear to this Member that effective campaign finance reform is of fundamental, even crucial, importance to our political system. Our failure to reduce the disproportionate impact of money in elective politics is having a corrosive influence on the American political process contributing to suspicion and cynicism in the American people. Furthermore, there is more than enough blame to go around, as this Member believes it is deplorable that the two political parties have been unwilling to come together to reform this process by relinquishing the elements of our current campaign finance system that favor each particular party. However, this

Member has not given up the fight and remains committed to such reform and will continue to be active in pursuing it.

In the past, this Member introduced legislation that included a number of campaign finance reform provisions including a provision requiring that a majority of campaign funds raised by Congressional candidates must come from residents in their own state or district. However, while this Member has always been concerned regarding the influence of out-of-state money in congressional elections, it is apparent that a serious problem that really for the first came to the attention of the American public during the 1996 presidential election season—campaign contributions from foreign sources.

On December 16, 1996, during a meeting with the Lincoln Chamber of Commerce, this Member announced his intention to introduce specific campaign finance reform legislation which would prohibit foreign individual campaign contributions when the 105th Congress convened in January of 1997. This Member kept his promise as on the very first day of the 105th Congress this Member introduced H.R. 34 (i.e., January 7, 1997).

Many Americans believe that it is already illegal for foreigners to make Federal campaign contributions. The problem is that they are both right and wrong under our current Federal election laws. The fact of the matter is that under our current Federal election laws, you do not have to be a U.S. citizen to make campaign contributions to Federal candidates. Under our current Federal elections laws, you can make a campaign contribution to a candidate running for Federal office if you are a permanent legal resident alien—a permanent legal resident alien and you, in fact, reside in the United States.

This Member believes that this situation is wrong, this Member believes that most Americans would agree it is wrong, and this Member believes that it is a problem begging for correction.

Therefore, this Member introduced H.R. 34 on the very first day of the 105th Congress to change our current Federal election laws so that only U.S. citizens are permitted to make an individual contribution to a candidate running for Federal office.

To this Member it's very simple—if you want to be fully involved in our political process, then you must become a citizen of the U.S. If you don't make the full commitment to our country by becoming a U.S. citizen, then you shouldn't have the right to participate in our political system by making a campaign contribution and affecting the lives of American citizens—you shouldn't have a role in electing American officials. This Member believes it is a very obvious conclusion that the process of electing our officials should be a right reserved for citizens. It is wrong and dangerous to allow even the potential to exist for undue foreign influence in electing our government, and H.R. 34 is one of the numerous important steps to do so.

The abuse that allegedly resulted from foreign campaign contributions in the recent presidential campaign is a terrible indictment of our current campaign finance system.

Indeed, the Congress must be concerned about the issue of legal and illegal foreign campaign contributions. Everyone here today should be concerned about this recent insidious development in our presidential election process, and should understand that these statutory and procedural changes like the passage of H.R. 34 are necessary to protect the integrity of the American electoral process. We must insure that it is Americans who choose our President and Congress.

We simply cannot allow foreign corporations and foreign individuals to decide who is elected to public office at any level of our government. Therefore, my legislation (H.R. 34) to require that only U.S. citizens be allowed to make contributions to candidates for Federal office is one of my priorities for the 105th Congress. This issue must be addressed and this Member intends to push for this change until successful.

With regard to soft money from American subsidiaries of foreign corporations, we must, as a minimum, enforce the current law that such contributions can only come from the profits of their U.S. subsidiaries until greater and appropriate changes can be made.

This Member would ask his colleagues to support H.R. 34 as an important step toward campaign finance reform.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 34, as amended.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

PAYCHECK PROTECTION ACT

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2608) to protect individuals from having money involuntarily collected and used for political activities by a corporation or labor organization.

The Clerk read as follows:

H.R. 2608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paycheck Protection Act".

SEC. 2. PROHIBITING INVOLUNTARY ASSESSMENT OF EMPLOYEE FUNDS FOR POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b) is amended by adding at the end the following new subsection:

"(c)(1) Except with the separate, prior, written, voluntary authorization of each individual, it shall be unlawful—

"(A) for any national bank or corporation described in this section to collect from or assess its stockholders or employees any dues, initiation fee, or other payment as a condition of employment if any part of such dues, fee, or payment will be used for political activity in which the national bank or corporation is engaged; and

"(B) for any labor organization described in this section to collect from or assess its members or nonmembers any dues, initiation fee, or other payment if any part of such dues, fee, or payment will be used for political activity in which the labor organization is engaged.

"(2) An authorization described in paragraph (1) shall remain in effect until revoked and may be revoked at any time. Each entity collecting from or assessing amounts from an individual with an authorization in effect under such paragraph shall provide the individual with a statement that the individual may at any time revoke the authorization.

"(3) For purposes of this subsection, the term 'political activity' means any activity carried out for the purpose of influencing (in whole or in part) any election for Federal office, influencing the consideration or outcome of any Federal legislation or the issuance or outcome of any Federal regulations, or educating individuals about candidates for election for Federal office or any Federal legislation, law, or regulations.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts collected or assessed on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield the balance of my time to the gentleman from Colorado (Mr. BOB SCHAFFER) and ask unanimous consent that he be allowed to manage the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Thomas Jefferson once said that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

Mr. Speaker, this really is the quote that epitomizes House Resolution 2608 that is before us now, the Paycheck Protection Act, and I would commend it to the House's consideration and urge its adoption.

The Paycheck Protection Act is a piece of legislation that came to many of us here in Congress at the urging of working men and women from throughout the country, working men and women who are fed up and tired of seeing portions of their wages, their paychecks, being siphoned off and directed toward political purposes of various causes without their consent, many times without their knowledge.

The Paycheck Protection Act applies to all wage earners across the country, all paychecks. This is not an act that singles out any one group or organization. It is not a bill that proposes to place a greater burden on one organization or another. This is a bill that speaks directly to paychecks and wage earners.

The fact of the matter is that many people who join various groups and organizations pay for their dues associated with those clubs and groups through wage deductions out of their paychecks. They may sign up for collective bargaining, for agency representation, for various sorts of worthwhile causes, and are frustrated to find that a portion of those funds are frequently and routinely siphoned off to pay for politics.

Mr. Speaker, this bill puts an end to that. It protects paychecks for all wage earners in America. Let me say this, there are people who do not like this. There are many people throughout the country who are political operatives of various sorts who pay for huge campaigns of various kinds, ballot initiatives subsidizing candidates, various political messages. This bill does add one more step of inconvenience to their lives because it requires them to go seek the permission of those who are working hard to earn the cash to pay for these various political games.

But I say, Mr. Speaker, that it is high time that we depoliticize people's paychecks. In fact, survey after survey that has been conducted throughout the country on this topic suggest that the American workers are, squarely with us, the proponents of this bill. Eight percent of union households agree with us that they would like to see legislation passed by this Congress that would shut off the practice of siphoning off portions of wages for political purposes.

Today I ask the Congress to stand with me, to stand with the 165 cosponsors of H.R. 2608, to stand with the hard-working men and women throughout the country who work hard to put bread on the table, to put shoes on the feet of their children, to live the American dream, and who would like to be participants in a political process on a voluntary basis. Who believe that Thomas Jefferson was absolutely right years ago when he said, and once again I repeat, to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

Mr. Speaker, I reserve the balance of my time

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes and 20 seconds to the gentleman from Michigan (Mr. BONIOR), one of our great leaders on the Democratic side and someone who has been fighting for justice and campaign reform for as long as he has been in Congress.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Connecticut (Mr. GEJDENSON) for yielding me this time.

Mr. Speaker, invoking the name of Thomas Jefferson in support of this bill is sacrilegious to say the least. This bill, this idea, is the concept and the efforts of special interests and multimillionaires who are running around the country trying to convince people that workers do not have a right to speak on their own behalf. The Grover Norquists, the Patrick Rooneys of the world pretending to speak for people who pack a lunch and punch a clock and work hard every day.

This bill, Mr. Speaker, is a Trojan horse. It is a sneak attack on working families. It is an ambush designed to silence their voices with a workers gag rule. This bill says if there is a debate over Social Security or minimum wage or Medicare, democratically elected unions cannot even talk about it with their own members. That is what this bill says.

This gag rule would actually prohibit millions of Americans from communicating with each other about their elected representatives, about the political process, of which we have very little tonight, by the way, and about the policies that affect them.

Mr. Speaker, shutting down free speech like this does not just border on tyranny, something Mr. Jefferson knew something about, it crosses the line. Today my colleagues on the other side are trying to silence people who believe in unions. Tomorrow, will they be trying to silence people who believe in a particular religion?

And who is behind this attack on working families' freedom of speech? Well, the answers should not surprise us. It is those special interests, the very wealthy in this country who want to break the backs of workers and unions in this Nation. And they are aligned with Speaker GINGRICH to do it. They want to silence the voices of people who speak out for decent wages, affordable health care, and a secure retirement. And at the very same time, they want to open up the floodgates of special interest money from corporations and the very wealthy in our society.

Mr. Speaker, this bill is a sham. It is a travesty. The majority of this House would vote today on a genuine bipartisan campaign reform bill, the McCain-Feingold bill, if we had a chance, if we had an opportunity, but the Speaker is denying us that opportunity. The only option we have is to march to this well and to sign the discharge petition to get true, open, effective campaign debate on this floor.

And I would say to my friends on this side of the aisle, they have eight courageous people, I believe, who have signed that petition today. In the next days, weeks, months, we will be watching. If Members believe in changing this system that denigrates all of us, a system in which we have to parade over and spend a good part of our day dialing for dollars, a system which has ruined the confidence of the American people in our government, and anybody who cannot see that cannot see the numbers declining every year participating, if Members want to change that, come down and sign the discharge petition and vote against this bill.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I rise in support of the Paycheck Protection Act and I do so because I believe as Americans we should have control over the money that we earn, especially when the money goes to support a political opinion or a political candidate.

Now, there are some, as the previous speaker noted, who would say that this will go so workers do not have a right to speak. Well, that is not true. Workers do have a right to speak. All that this requires is they will have to say, "Yes, I want you to take my money and I want you to spend it however I see fit."

And to say that Thomas Jefferson did not say what he said, it was not sacrilegious, it is very clear what he said. He said it was tyranny.

It has been said that the unions will not be able to talk to their members because of this bill. Again, that is not true. In my district the unions communicate weekly with their members through newspapers. They talk to them and have union meetings. People freely come and go. All this bill says is that if organizations are going to use money for political purposes, they just have to get permission.

□ 2030

You just have to ask people for it. Who is behind this? Eighty percent of union households and about 90 percent of Americans that are not in union households. They want to protect the paychecks that people work so hard for. I think every one of us should be involved in the political process. But I think you should control how your political support goes.

I think you should control who your political money goes to support. In America today that does not happen. Millions of dollars are deducted directly from hard-working Americans' paychecks and sent to organizations that never ask for permission. They never ask if they support issues. They never ask if they support candidates. They take the money and they spend it how they see fit.

The gentleman from Colorado quoted Thomas Jefferson. He simply said that process is sinful and tyrannical. I believe Thomas Jefferson was right. The Paycheck Protection Act overcomes this tyranny that exists right here in America. I think we all ought to vote in support of this. I think we all ought to be in favor of protecting workers' paychecks. Let them control how their money is going to be spent in the political process.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute and 10 seconds to the gentleman from Kentucky (Mr. BAESLER), who has been leading the effort on the petition drive to get the discharge petition. He has 181 brave souls on it.

Mr. BAESLER. Mr. Speaker, back in November, the Republican leadership promised a fair and bipartisan vote on campaign finance reform. This is not a fair, bipartisan vote. This is a cynical fraud being perpetuated on the Congress here tonight. But we have an opportunity to have a bipartisan vote on real campaign finance reform. I urge all my colleagues, if they really want reform but just do not want to talk about it, walk down and sign the discharge petition. It is the only way left to reverse this fraud that has been perpetuated on us tonight.

The blue dog discharge petition would give us a fair and open debate on all the leading reform bills: McCain-Feingold, Shays-Meehan, the freshman bill, the Republican leadership bill, the Democrat bill. It would even give us a vote on the Doolittle bill, which abolishes all limits on contributions. We need only 31 more signatures.

I urge my 25 Democratic colleagues who have not signed to do so and also see if we can get 7 or 8 more Republicans. The discharge petition means that campaign reform would not die today, it will not die this week, or over the recess.

Mr. Speaker, the game is not over. After we get through with this cynical exercise tonight, sign the discharge petition.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, it is sacrilegious, it is a Trojan horse, we are working somehow to gag and to silence the opposition. We are shutting down the opposition, shutting down free speech, and we are trying to silence people and this is a cynical fraud. We hear all of these very pejorative phrases, and Members seem to be trying to do everything they possibly can not to focus on exactly what we are debating here.

It is one thing to stand up and call everybody a bunch of names, but it is another thing to try to confront exactly what we are voting on. We are voting here, and what we are supposed to be discussing is whether or not people who are working should be permitted, should be required, before they can take something out of their paycheck and use it for political purposes, that they should have the right to have to have a signoff, that before you can take something from somebody, they should sign a document saying, it is okay for you to take it and use it for political purposes.

I do not think calling it sacrilegious, a Trojan horse and talking about we are trying to silence somebody, we are trying to prevent people from being robbed. We are trying to prevent people from saying, you have a right to take something out of your paycheck and use it for something that you do not believe in. We are not the government. We are a private group and we have that right with your money. Well, that is what we are defining here.

It is not sacrilegious. It is not trying to silence anybody. It is simply trying to set down, is it proper to give the power to the individual who is working out there in whatever company the right to control his own paycheck so people do not take it away from him without his permission and use it for political purposes that he or she may not agree with. That is very reasonable. This is a very reasonable bill. The hysterics that I am hearing from the other side would indicate that there are other things at work here.

Mr. GEJDENSON. Mr. Speaker, I just want to say this is about warning, as the lost in space movie comes out, if you do not vote for Republicans, they will get you. That is what this is about.

Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to be able to rise today and acknowledge that finally we have brought to the floor of the House the campaign finance sham act of 1998. These collective bills double the amount of money wealthy special interests can give. They silence the most vulnerable working families in America, not allowing them to come before the body that makes laws for all of this Nation, the United States Congress. Then the bill attempts to intimidate our newest and most innovative and interesting and wonderful voters, our voters who will become new citizens, particularly targeting Hispanic voters.

What more can one say than this is a sham? If this is not against what America stands for, 293 charitable groups, including the League of Women Voters, say do not vote for this bunch of sham. The gag rule is a gag on the Constitution of the United States of America. I am ashamed of this sham.

I ask my colleagues to defeat all of these bills, bring real campaign finance reform to the floor of the House. Vote for the discharge. Vote for the bills that have been put on that really mean something and take the Constitution and make it work.

Mr. Speaker, I rise this evening in strong opposition to the Paycheck Protection Act, a bill that more appropriately should be titled the Worker Gag Rule. This legislation will prohibit unions from making political expenditures without prior written consent from their members. It requires labor unions to obtain written, prior authorization from each member before collecting money from him or her to be used for the union's political activity. At the same time, the bill allows corporations to spend corporate funds for political purposes—unless individual shareholders object.

Proponents of this legislation have dishonestly argued that it is intended to protect the rights of union members. In reality, it is intended to effectively silence the ability of America's working families to have a voice in the political process by singling out American workers for burdensome restrictions on their right to have their voices heard here in Washington.

This legislation is an attack on working families who freely choose to organize and to join together to fight for access to health care, better education, pensions, safer workplaces, and other important issues that some of my colleagues find to be uncomfortable. Although cleverly disguised as campaign finance reform, this legislation is clearly a coordinated effort to silence workers and their families and remove them from the political playing field.

Make no mistake, this represents an effort to punish the American labor movement for supporting working families. Unfairly, but not surprisingly, this legislation only singles out union for these new restrictions. Corporations are not subject to the same burdensome requirements. In fact, corporations are required only to provide their shareholders with an annual statement detailing the proposed amount of money to be spent on political activities in the upcoming 12-month period, the percentage of that amount attributed to the individual shareholder, and a form allowing the shareholder to object to the expenditure of the funds for political purposes. This one-sided approach creates an unfair advantage in the political system for wealthy special interests, when business already out spends unions by an 11-to-1 margin.

My colleagues, I urge you to oppose this transparent attempt to make working families more irrelevant to the American political system by increasing the power of the rich. I urge to oppose this legislation.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Colorado for yielding me this time.

I think it is very instructive for Members of this House and those who join us coast to coast beyond these walls on C-SPAN to hear the familiar cacophony of complaints, criticism and carping from those who claim to champion the rights of workers, but yet would move to abridge the most fundamental right, the freedom of any citizen to say, I do not agree with the political endeavor. How dare you reach into my pocket and take any of my pay and use it for a political cause with which I fundamentally disagree. And that is the issue which this House debates tonight.

And it is very, very instructive that amidst all the arguments, we have heard nothing substantive tonight from the other side. We have heard no one try to stand up and defend the rights of abridging workers. Instead, we hear these playground taunts and this type of class warfare, but, Mr. Speaker, the fact is that on this one, the American people, regardless of their work status and affiliation, are speaking with a united voice. They know this is all about freedom of association, freedom of dissent, first amendment rights. And this is the real campaign reform that Members can vote for.

So I would urge my colleagues to resist the temptation of class warfare and driving wedges amongst the so-called classes of the American people and in fact cast a vote for freedom.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. No, I will not yield at this time. The gentleman has his own time on which he can speak. This time has been given to me by my colleague, and I am going to make this case for the American people because not only with poll numbers, but with principles the American people say, it is our money. Let us spend it as we see fit. Adopt this act.

Mr. GEJDENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ) who has worked with us and toiled on this issue as well from his first day in the House.

Mr. MENENDEZ. Mr. Speaker, what the authors of these bills forget is that in America voting is not a dream. It is not just another government benefit or program to be means tested. It is a constitutional right. And Americans should not be subjected to a Federal Government background check when they register to vote. But that is what these bills do.

It turns the ballot box into an interrogation zone where Americans are guilty until they are proven innocent. And to show they are citizens, Republicans want the Social Security Administration and the INS to run background checks and share private information on American voters.

Not surprisingly, Republicans want this test to be taken out where? In California, in Texas, in Florida, in Illinois and New York, States with large minority populations, especially Americans of Hispanic descent. We know already what they tried to do in the discredited Dornan investigation. We will not permit you to do that under the name of campaign finance reform. The right to vote in this Nation should not be subject to government intrusion, and Hispanic-American voters will not forget their continuing persecution of their rights.

Lastly, the founders of the union movement battled corporate-sponsored, club-wielding thugs who tried to silence them with beating and violence. Today Republicans are trying to accomplish in a law what they could not accomplish with a billy club.

Democrats stand with working people and their families who still believe that a person who puts in a full workweek deserves a fair wage to support their family and to have a voice here in the Congress. We will not let you stop unions from speaking on behalf of working families in this country.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, may I inquire how much time remains between the two sides?

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Colorado (Mr. BOB SCHAFFER) has 10½ minutes remaining, and the gentleman from Connecticut (Mr. GEJDENSON) has 12½ minutes remaining.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield 1¾ minutes to the gentleman from Florida (Mr. BOYD). I apologize for being so stingy with the time, but the other side, the leadership in this House, has given us so little time.

Mr. BOYD. Mr. Speaker, I came into this Congress over a year ago as a part of a class of 73 Members, Democrats and Republicans, who had two mandates from our electorate. One was to stop the partisanship. Two was to reform the campaign finance laws of this Nation.

Mistakenly and naively, most of us believed that we could do that. Today we learn the truth.

There are several real campaign finance reform proposals the House should be debating today. Unfortunately, all we are allowed to vote on are four campaign finance deform bills, designed to promote a partisan advantage for the majority party, not real campaign finance reform.

What is missing from the debate today? The sad truth is we are not even allowed to consider legislation developed by Members from both sides of the aisle. Why is not the House debating Shays-Meehan or the bipartisan freshman bill? Because the House Republican leadership is afraid one of those solutions might actually pass.

Last year, Speaker GINGRICH promised the American people and this House a fair and open debate on campaign finance reform. Unfortunately, the American people will see today what that promise really means. Debate limited to 20 minutes per side, no amendments allowed and a two-thirds majority for passage.

My colleagues on the other side of the aisle also like to talk about how they have opened up the process by allowing open rules. That is simply not true. The charade we are witnessing today on campaign finance reform cheats the American people of the open, honest debate they have demanded and more importantly deserve.

I urge my colleagues to vote against H.R. 2608, the worker gag act, and sign the discharge petition Number 3 so we can help the Speaker deliver on his promise.

□ 2045

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, the first amendment is quite clear, "Congress shall make no law bridging the freedom of speech." And yet, the whole business of campaign reform as has come out before the Members of the House largely centers on how do we bridge the freedom of speech. There is a whole litany of ways, many of which are displayed before us. However, the bill by the gentleman from Colorado (Mr. BOB SCHAFFER) is designed to protect the freedom of speech, the freedom of speech of those members of the unions who have the right to make sure that their money is not spent contrary to their own purposes.

It is a good bill. It is one of the few bills out here I can say I support wholeheartedly today.

Mr. Speaker, I listened to the gentleman from Connecticut (Mr. GEJDENSON) cite the history of the Democrats' involvement with campaign finance reform. He quite correctly pointed out in 1974 they did pass the present law, the disastrous present law that skewed contributions to PACs over contributions to individuals. We never really heard of PACs before, until that became the law.

By the way, 2 years ago, as recently as that, PACs was the great Satan; and today it is soft money. Soft money was given to us as well by this law, which places such severe restraints on direct contributions to candidates that money could flow then into the area of soft money, the unregulated area.

Of course, this Congress seems to want to regulate many things; and, happily, we have been able to resist that because regulation oftentimes is not the answer. Regulation has compounded the problem in the area of free speech. Now, having limited the amount of hard dollars that go to candidates, we see efforts to limit and regulate soft money. And, yes, let us get those evil issue advocacy ads.

I would say if we would go back and diagnose the problem correctly and recognize what it is, we could stop treating the symptoms of the problem and go right to the problem. The problem is too much regulation.

I urge support for the Schaffer bill.

Mr. GEJDENSON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI), a Member who has led this House on so many important fights and who has been so helpful in this particular area.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time and for his leadership on this very important issue.

In fact, I do not think there is any issue more important than this one because it is about nothing less than our oath of office. Every single person who comes to this body to serve takes an oath of office to protect and defend the Constitution against all enemies, foreign and domestic. The greatest enemy to our democracy is foreign and domestic money poisoning our system.

On top of it all, we have the cynical, cynical action on the part of the Speaker today which gags American workers. The deck is so stacked against the average American today, the way is greased for corporate America and wealthy Americans to have their voices heard; and today in this body the Republican majority wants to add an additional burden to average Americans having their voices heard here.

Mr. Speaker, when Washington first became the capital of our country, it was built on a swamp. It is still a swamp, a swamp putrid from the huge amounts of money that pours in here, special interest money stacking, as I said, the deck against the average American.

Let us rid ourselves of this poison. Let us rid our system of this poison. Let us honor our oath of office. Let us ask the Speaker to have freedom of speech on this floor, allowing us to support the bipartisan McCain-Feingold bill and restore freedom in our country.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, when the other side says that they support the working man and woman, it is not true. Over 90 percent of the jobs in the United States are small and large business, nonunion affiliated. What they support are the big union bosses that want bigger government because they want the power; and that causes higher taxes, higher spending, which goes right along with the Democratic leadership.

Secondly, that over 30 percent of union workers are Republican, 10 percent of the workers are third party, and they are coercing that 40 percent to spend their money on campaigns against candidates that they support. And that is wrong. What this bill does is says that the union has got to ask those members, if they use their dollars, can they use them against the opponents. And that is wrong.

Thirdly, let us say that a Republican, there are a great number of them that represent union districts, let us say that they vote along with the unions. The President will veto anything that is kicked out against the unions because he wants that power also.

If the Republicans vote along with the unions, we lose that. If they vote against it, the President vetoes it; and the Senate probably will not pass it. But let us just say that the union stuff is kicked out. That leaves a disaster in campaigns, because it throws the majority of power to the Democrats.

That is exactly what they want. That is why they want the campaign finance reform, because they know it is a lose-lose situation. They want their unions to be able to contribute hundreds of millions of dollars. They want the Lincoln bedroom. They want the Tries, the Riadys and the Jeffersons and the rest of them to contribute, but yet they do not want the other side of it. They caused the problem in 1974 with the PAC money. We are trying to clear it up.

Mr. GEJDENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this bill is another example of the Republican majority's strategy to silence anyone who dares to disagree with its extremist agenda. The worker gag rule muzzles the legitimate voice of working men and women who dare to tell the truth about the Republican leadership's anti-labor agenda.

It is amazing that supporters of this proposal claim to be concerned about union workers. Where was that concern when they tried to bring back company unions, eliminate overtime pay, gut health and safety protections, repeal the Davis-Bacon Act, or oppose an increase in the minimum wage?

Mr. Speaker, let us get the facts straight. No worker may be forced to join a union. Union membership is always voluntary. And no worker may be forced to pay union dues. In right-to-work States, unions must fairly represent all workers in a bargaining unit, but individual workers may be free riders and pay nothing for their share of representation costs.

In other States, unions and employers are permitted to agree on union security clauses that require all employees to pay an agency fee to cover their fair share of collective-bargaining-related costs. No worker may be required to pay any fee for a political activity. Further, unions must notify all workers that they are not required to join the union and that such workers are not required to pay full union dues.

This bill imposes onerous burdens on the labor movement that do not apply to corporations or to nonprofit groups such as NRA and the Christian Coalition. This bill is nothing but a politically motivated attack on the workers of America.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, Thomas Jefferson once said, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." His thoughtful observation appeared a few years ago to be validated by the United States Supreme Court in the Beck decision.

Many of my colleagues have stated this evening that union workers do not need the protections given in this legislation. But let me give them a clear example of the effect this bill can have and what union leaders so fear.

In 1992, the voters of Washington State approved Initiative Measure 134, a state law prohibiting labor unions from withholding or diverting portions of an employee's wage for political purposes without the employee's written consent. The effect of the new law, which essentially implements the spirit of the Supreme Court ruling, has been striking. Prior to Initiative 134, one union, the Washington Federation of State Employees and American Federation of State, County and Municipal Employees, was among the Nation's leaders in terms of money raised and the number of workers contributing through payroll deductions.

Since I-134, more than 90 percent of this union's members chose not to give the union access to their earnings to pay for the union leaders' political agenda. The number of contributing union members dropped from 2,500 workers to 82 workers, this as a result of giving union members choice. Clearly, there is need to give the Supreme Court ruling in Beck the visibility and force of the Federal law.

How can this same kind of awareness in paycheck protection be extended to all American workers? Federal legislative action is needed. The Paycheck Protection Act addresses the core issue spotlighted by the Supreme Court preventing forced collection of union dues before the fact. The worker would not, as Beck allows, be required to request a refund of his dues after the dues have already been seized.

I encourage all my colleagues to vote for this legislation.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Connecticut (Mr. GEJDENSON) has 7¾ minutes remaining, and the gentleman from Colorado (Mr. BOB SCHAFFER) has 4½ minutes remaining.

PARLIAMENTARY INQUIRY

Mr. PASCRELL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. PASCRELL. Mr. Speaker, on paragraph 2 of the bill that is before us right now, paragraph 2, line 11, on page 3 of the bill, it says "an authorization described in paragraph (1) * * *" And we go back to paragraph (1), Mr. Speaker. It says, "except with the separate, prior, written, voluntary authorization of each individual * * *"

What do we mean in that paragraph number 2? What does that mean? That is a parliamentary inquiry.

The SPEAKER pro tempore. The Chair cannot interpret the bill. That is for the House to determine in debate.

Mr. PASCRELL. May I ask through the Speaker to the sponsor?

The SPEAKER pro tempore. The gentleman has rhetorically posed his question and may pursue it in debate.

Mr. PASCRELL. I was asking for a parliamentary inquiry. Point of order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may propound the question on time yielded by the gentleman from Connecticut.

Mr. GEJDENSON. We will have to do that later, we are so short on time. Unless the gentleman from California has some extra time he might yield at this point just to explain that to one of our Members. The language is so new.

Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, when I saw this bill came up today, I thought I read the calendar wrong; I thought it was April Fool's Day. Because this is an April Fool's joke. This bill should be up Wednesday, not today, because this bill is nothing more than a joke and a pretense to reform our campaign finance system.

These bills do nothing more than deform the system. Because this is not an honest attempt to reform the system. The only honest attempt to reform the system is a bipartisan attempt. The gentleman from Georgia (Mr. GINGRICH) and his followers have refused to let this House consider any bipartisan legislation. It is an attempt to gag not only the workers in this country in this bill but the members of the minority party.

Mr. Speaker, the American people are not going to be fooled by this. It may be April Fool's week, but it is not the time to try to pull one over on the American people. What we should be doing in this House is addressing real campaign reform. Let us do the McCain-Feingold bill. Let us do the freshmen bipartisan bill. But we have to do it on a bipartisan basis.

Any attempt to jam this down our throats on a partisan basis is nothing more than a sham, and the American people know it. The people of this House know it.

Mr. GEJDENSON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this so-called campaign finance reform debate. I hope my Republican colleagues do not think that they are going to pass this debate off as genuine campaign finance reform. It is a sham, it does not have any integrity, and the American people know that.

I just want to ask my colleagues, who do they think they are fooling in this process? We know that this is a hodgepodge of measures that the House has already rejected. We know that this "reform" would intimidate voters from registering to vote. This particular piece, the Paycheck Protection Act, is a dishonest proposal. It is meant to silence workers, prevent them from having a voice in the political process.

As a matter of fact, it requires labor unions to get written prior authorization before assessing a fee to finance political activities; and, conversely, it allows corporations to make political contributions unless and until individual shareholders or members object. It is mindless what they are proposing here today.

□ 2100

The fact of the matter is and the tragedy of this is that, in this House, we have the votes to pass real reform. They figured out that we could pass it, so they have come up with this charade here tonight that says we have got to get two-thirds of this body in order to pass reform. It is nonsense. We can pass it. It is nothing but a way to deny the people in this country a voice in the democracy. It is wrong. Vote against these bills.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I have no further speakers on my side. I would reserve the right to close and reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, tonight's process is such a sham. It brings shame on its perpetrators. They use the argument about free speech when it comes to campaign reform, but they thwart free speech right on this floor.

Public cynicism is already too high. They are only going to increase it. There is already too much money in politics. They are going to bring in more. They talk about coercion, even though they know every union member who wants out in terms of use of his or her money has the right to exercise that.

I want to say one thing to each and every one of them, those of us who live with the present system should be the ones who take the lead in reforming it. Instead, the Republicans have finally brought a set of proposals here precisely because they know they will fail. They will fail. And you, Mr. Speaker, and company, will have failed the American people.

Mr. GEJDENSON. Mr. Speaker, how much time do I presently have?

The SPEAKER pro tempore. The gentleman from Connecticut has 4¼ minutes remaining.

Mr. GEJDENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. HEFNER), who has done such an outstanding job; and we will all miss him as he is not seeking reelection. We thank him for all of his contributions.

Mr. HEFNER. Mr. Speaker, if this was not such a serious subject, this would be laughable. It is unfortunate we would not all be under oath. If we were under oath, we would be issued subpoenas for perjury for calling this campaign reform.

I ran for office the first time and spent $70,000, and that was a lot of money. Now it is not uncommon to spend $1 million to get elected to Congress.

I remember we had a debate around here, and we were talking about unions, we were talking about special interests and PACs and GOPAC. We do not, to this day, know who the contributors to GOPAC are.

At least when we get a contribution from the labor union, we know it is from the teamsters, the steelworkers or carpenters, whoever. We know who it is from. This is absolutely a charade.

If it were not for a good people that I am leaving in this place, I would say, hallelujah, I am glad I am out of here. This is an absolute travesty that is being perpetrated on the American people.

It is a mystery to me why Members put a bad bill under suspension. They have got to get two-thirds of the Members of the House to vote for a bad bill. It seems to me, if they are going to bring a bad bill out here, they should bring it out under regular order where they could at least get 51 percent.

I know what the spin is going to be, the Democrats kill campaign financing. If Members are able to do that, they are masters of it. But I do not believe you are going to be able to put it off this time, boys. You are not that good.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, this Paycheck Protection Act provision is one more step in the oppression of working families by the Republican majority. If they are interested in stopping people from involuntarily contributing to political campaigns, then they should single out the corporations that can outcontribute the Democrats, the unions, by 20 to 1 in soft money.

How many of the millions of shareholders in America were consulted or asked their opinion as to what position these corporations took when they contributed that soft money on which candidates they endorse? We are talking about many millions more than unions spend.

Unions are under the control of the Beck decision. They have to do a lot of reporting. Each union member has certain rights in terms of the positions taken by the union, but what rights do shareholders have?

Thomas Jefferson has been misquoted here several times. Certainly Thomas Jefferson will be in favor of equal oppression and equal repression if the government is going to oppress anybody. Why do we not do the same for corporations that we do for unions?

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the great gentlewoman from Marin, California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, for years the American people have told us loud and clear what they want with campaign finance reform. They want a system that encourages every American to participate, they want a system to close special interest loopholes, and they want to ban all soft money.

But instead of what the American people want, we have the special interest groups and their friends giving us a bill that benefits big business and their lobbyists.

The worker gag rule singles out workers, making it not easier but more difficult for them to participate in the electoral process. At the same time, large corporations are allowed to pour shareholder money into campaigns.

The fact is, Mr. Speaker, in the last election cycle alone, corporations outspent unions by a margin of 11 to 1. This is like letting a CEO vote 11 times while giving the worker only 1 vote. That is the worker gag bill.

Mr. GEJDENSON. Mr. Speaker, I yield three-quarters of a minute to the gentleman from New York (Mr. NADLER); and I hope the Chair will be generous with his gavel.

Mr. NADLER. Mr. Speaker, let us go to basics here. The basics are that unions are voluntary democratic institutions. We do not tell library associations how they can spend their money. The members determine that by majority vote and by the leaders they elect.

If a union member under current law does not want his money spent to explain legislation to members or for other political reasons, he can ask that his money not be spent, which is more than most organizations.

This bill is hypocritical. This bill says a union cannot spend money for these purposes until they get every individual signed off, but a corporation can spend money unless the individual shareholder says no. Why do we not make them both the same? The union and the corporation can spend money unless the individual says no, or neither can spend money unless the individual said yes. Then the bill would not be hypocritical.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Colorado (Mr. BOB SCHAFFER) has 4 and one-half minutes remaining.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I yield myself the balance of time that has been allotted.

Mr. Speaker, this is a simple bill. It is one and a half pages long. It is not complicated. It applies to paychecks, period, paychecks across the board. Whether they are union paychecks, whether they are corporate paychecks, whether they are paychecks associated with banks or any other organization, this bill protects the wage earners who earn paychecks wherever they may be. It says this, no portion of their wages can be siphoned off and directed toward political causes unless we previously have the consent of the wage earner.

The other side who have come up and opposed this campaign finance reform measure have time and time and time again mentioned every topic under the sun except for the issue at hand. They have talked about extremist agendas, worker gag rules, overtime pay, minimum wage, Davis-Bacon Act, McCain-Feingold, and on and on and on.

Let me tell you, Mr. Speaker, why there is a reluctance to address the issue at hand. And 80 percent of the American public agrees with us when surveyed and polled. Union households, 80 percent of union households agree that the Paycheck Protection Act needs to be passed in order to protect their paychecks.

For the other side here who says this is radical, they agree with 16 percent of the union households in America. For the other side that says protecting paychecks is radical, they are agreeing with 16 percent of voters overall.

When it comes to teacher union households, they agree with 13 percent of teacher union households, 16 percent of nonunion households.

Mr. Speaker, I cannot say it loudly enough: 80 percent of the American public believes that it is right and just to protect paychecks and prevent a portion of someone's wages from going toward a political cause unless the wage earner agrees and approves.

Let me say this, the people of America tonight have a big question. They want to know who is in control of Congress and who is listening to whom here. They want to know whether this Congress is going to listen to the 80 percent of the American people, union households and nonunion households alike, who want their paychecks protected or whether this Congress is going to listen to the very small, extreme minority who believes that it is fair and just to steal cash out of someone's wages without their consent and without their approval.

That is the question that needs to be resolved today; and I say, Mr. Speaker, this question needs to be resolved as forcefully and clearly as it possibly can.

Mr. Speaker, Thomas Jefferson's name has come up a couple times; and the quote has come over three times tonight. Let me make it a fourth time, Mr. Speaker, because I believe it is most compelling. Thomas Jefferson said, to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical.

The question, also, tonight is whether Thomas Jefferson's legacy is correct or whether it will be ignored and trampled by those who believe that union bosses should have their voices heard over and above the voices of common, everyday, hard-working Americans.

There is precedence for this, Mr. Speaker. The State of Washington passed similar legislation where 72 percent of the voters approved the Paycheck Protection Act. The teachers union, 48,000 members strong, dropped their political contributions down to 8,000 members when voluntary standards were applied to those laws. That is freedom, Mr. Speaker. That is liberty. That is real fairness.

That is why the Paycheck Protection Act has more cosponsors in this House than any other campaign finance reform effort. It is the compelling reason that we put the voices, the concerns of every honest American hard-working taxpayer ahead of those of large, loud union interests.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 2608.

The question was taken.

Mr. GEJDENSON. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

CAMPAIGN REPORTING AND DISCLOSURE ACT OF 1998

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3582) to amend the Federal Election Campaign Act of 1971 to expedite the reporting of information to the Federal Election Commission, to expand the type of information required to be reported to the Commission, to promote the effective enforcement of campaign laws by the Commission, and for other purposes.

The Clerk read as follows:

H.R. 3582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campaign Reporting and Disclosure Act of 1998".

SEC. 2. EXPEDITING REPORTING OF INFORMATION.

(a) REQUIRING REPORTS FOR CONTRIBUTIONS AND EXPENDITURES MADE WITHIN 90 DAYS OF ELECTION TO BE FILED WITHIN 24 HOURS AND POSTED ON INTERNET.—

(1) IN GENERAL.—Section 304(a)(6) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended to read as follows:

"(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received and expenditure made by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution or the making of such expenditure and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the identification of the contributor or the person to whom the expenditure is made, and the date of receipt and amount of the contribution or the date of disbursement and amount of the expenditure.

"(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.

"(C) The Commission shall make the information filed under this paragraph available on the Internet immediately upon receipt.".

(2) Internet defined.—Section 301(19) of such Act (2 U.S.C. 431(19)) is amended to read as follows:

"(19) The term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet-switched data networks.".

(b) Requiring Reports of Certain Filers to be Transmitted Electronically; Certification of Private Sector Software.—Section 304(a)(11)(A) of such Act (2 U.S.C. 434(a)(11)(A)) is amended by striking the period at the end and inserting the following: ", except that in the case of a report submitted by a person who reports an aggregate amount of contributions or expenditures (as the case may be) in all reports filed with respect to the election involved (taking into account the period covered by the report) in an amount equal to or greater than $50,000, the Commission shall require the report to be filed and preserved by such means, format, or method. The Commission shall certify (on an ongoing basis) private sector computer software which may be used for filing reports by such means, format, or method.".

(c) Change in Certain Reporting From a Calendar Year Basis to an Election Cycle Basis.—Section 304(b) of such Act (2 U.S.C. 434(b)) is amended by inserting "(or election cycle, in the case of an authorized committee of a candidate for Federal office)" after "calendar year" each place it appears in paragraphs (2), (3), (4), (6), and (7).

SEC. 3. EXPANSION OF TYPE OF INFORMATION REPORTED.

(a) Requiring Record Keeping and Report of Secondary Payments by Campaign Committees.—

(1) Reporting.—Section 304(b)(5)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(5)(A)) is amended by striking the semicolon at the end and inserting the following: ", and, if such person in turn makes expenditures which aggregate $500 or more in an election cycle to other persons (not including employees) who provide goods or services to the candidate or the candidate's authorized committees, the name and address of such other persons, together with the date, amount, and purpose of such expenditures;".

(2) Record keeping.—Section 302 of such Act (2 U.S.C. 432) is amended by adding at the end the following new subsection:

"(j) A person described in section 304(b)(5)(A) who makes expenditures which aggregate $500 or more in an election cycle to other persons (not including employees) who provide goods or services to a candidate or a candidate's authorized committees shall provide to a political committee the information necessary to enable the committee to report the information described in such section.".

(3) No effect on other reports.—Nothing in the amendments made by this subsection may be construed to affect the terms of any other recordkeeping or reporting requirements applicable to candidates or political committees under title III of the Federal Election Campaign Act of 1971.

(b) Including Report on Cumulative Contributions and Expenditures in Post Election Reports.—Section 304(a)(7) of such Act (2 U.S.C. 434(a)(7)) is amended—

(1) by striking "(7)" and inserting "(7)(A)"; and

(2) by adding at the end the following new subparagraph:

"(B) In the case of any report required to be filed by this subsection which is the first report required to be filed after the date of an election, the report shall include a statement of the total contributions received and expenditures made as of the date of the election.".

(c) Including Information on Aggregate Contributions in Report on Itemized Contributions.—Section 304(b)(3) of such Act (2 U.S.C. 434(b)(3)) is amended—

(1) in subparagraph (A), by inserting after "such contribution" the following: "and the total amount of all such contributions made by such person with respect to the election involved"; and

(2) in subparagraph (B), by inserting after "such contribution" the following: "and the total amount of all such contributions made by such committee with respect to the election involved".

SEC. 4. PROMOTING EFFECTIVE ENFORCEMENT BY FEDERAL ELECTION COMMISSION.

(a) Requiring FEC to Provide Written Responses to Questions.—

(1) In general.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by inserting after section 308 the following new section:

"OTHER WRITTEN RESPONSES TO QUESTIONS

"Sec. 308A. (a) Permitting Responses.—In addition to issuing advisory opinions under section 308, the Commission shall issue written responses pursuant to this section with respect to a written request concerning the application of this Act, chapter 95 or chapter 96 of the Internal Revenue Code of 1986, a rule or regulation prescribed by the Commission, or an advisory opinion issued by the Commission under section 308, with respect to a specific transaction or activity by the person, if the Commission finds the application of the Act, chapter, rule, regulation, or advisory opinion to the transaction or activity to be clear and unambiguous.

"(b) Procedure for Response.—

"(1) Analysis by staff.—The staff of the Commission shall analyze each request submitted under this section. If the staff believes that the standard described in subsection (a) is met with respect to the request, the staff shall circulate a statement to that effect together with a draft response to the request to the members of the Commission.

"(2) Issuance of response.—Upon the expiration of the 3-day period beginning on the date the statement and draft response is circulated (excluding weekends or holidays), the Commission shall issue the response, unless during such period any member of the Commission objects to issuing the response.

"(c) Effect of Response.—

"(1) Safe harbor.—Notwithstanding any other provisions of law, any person who relies upon any provision or finding of a written response issued under this section and who acts in good faith in accordance with the provisions and findings of such response shall not, as a result of any such act, be subject to any sanction provided by this Act or by chapter 95 or chapter 96 of the Internal Revenue Code of 1986.

"(2) No reliance by other parties.—Any written response issued by the Commission under this section may only be relied upon by the person involved in the specific transaction or activity with respect to which such response is issued, and may not be applied by the Commission with respect to any other person or used by the Commission for enforcement or regulatory purposes.

"(d) Publication of Requests and Responses.—The Commission shall make public any request for a written response made, and the responses issued, under this section. In carrying out this subsection, the Commission may not make public the identity of any person submitting a request for a written response unless the person specifically authorizes to Commission to do so.

"(e) Compilation of Index.—The Commission shall compile, publish, and regularly update a complete and detailed index of the responses issued under this section through which responses may be found on the basis of the subjects included in the responses.".

(2) Conforming amendment.—Section 307(a)(7) of such Act (2 U.S.C. 437d(a)(7)) is amended by striking "of this Act" and inserting "and other written responses under section 308A".

(b) Standard for Initiation of Actions by FEC.—Section 309(a)(2) of such Act (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe" and all that follows through "of 1954," and inserting the following: "it has a reason to investigate a possible violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 that has occurred or is about to occur (based on the same criteria applicable under this paragraph prior to the enactment of the Campaign Reform and Election Integrity Act of 1998).".

(c) Standard Form for Complaints; Stronger Disclaimer Language.—

(1) Standard form.—Section 309(a)(1) of such Act (2 U.S.C. 437g(a)(1)) is amended by inserting after "shall be notarized," the following: "shall be in a standard form prescribed by the Commission, shall not include (but may refer to) extraneous materials,".

(2) Disclaimer language.—Section 309(a)(1) of such Act (2 U.S.C. 437g(a)(1)) is amended—

(A) by striking "(a)(1)" and inserting "(a)(1)(A)"; and

(B) by adding at the end the following new subparagraph:

"(B) The written notice of a complaint provided by the Commission under subparagraph (A) to a person alleged to have committed a violation referred to in the complaint shall include a cover letter (in a form prescribed by the Commission) and the following statement: 'The enclosed complaint has been filed against you with the Federal Election Commission. The Commission has not verified or given official sanction to the complaint. The Commission will make no decision to pursue the complaint for a period of at least 15 days from your receipt of this complaint. You may, if you wish, submit a written statement to the Commission explaining why the Commission should take no action against you based on this complaint. If the Commission should decide to investigate, you will be notified and be given further opportunity to respond.'".

SEC. 5. BANNING ACCEPTANCE OF CASH CONTRIBUTIONS GREATER THAN $100.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) No candidate or political committee may accept any contributions of currency of the United States or currency of any foreign country from any person which, in the aggregate, exceed $100.".

SEC. 6. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall apply with respect to elections occurring after January 1999.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from Connecticut (Mr. GEJDENSON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

This is the fourth item before us tonight. A little bit of math will tell us that, when we are finished with this particular measure, we will have been debating campaign reform for 2 hours and 40 minutes. The phrase "this is a sham" has been repeated, I believe, a world record number of times on this floor, perhaps for a want of a different term.

This particular measure, if anyone bothers to look at it, has 10 specific provisions. Seven of them are FEC, Federal Election Commission, recommendations. They were contained in the Republican campaign reform bill of the 104th Congress. They are, by anyone's examination, absolutely appropriate, indeed, long overdue and necessary reforms.

Of the other three, one especially, the electronic reporting on the Internet, I will leave to my colleague to explain in more detail, as one of the younger, more astute, computer knowledgeable Members of the House.

The other two provisions, are not FEC recommendations, but I believe any Member would have a very difficult time not agreeing that they are also appropriate and indeed overdue.

One of the provisions provide that, when a standard FEC complaint form is filled out, that such complaint indicates that it has not been verified by the FEC. In too many campaigns, someone files a complaint form. It is accepted by the FEC, and the statement is made: The FEC has accepted my complaint. In fact, on the form itself, it will say the complaint has not been verified.

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The final provision was in a bill by our colleague from California (Mr. DREIER). It says that the Federal Election Commission, when a question is submitted in writing, can submit a written response to the individual. It just seems to me that if the Federal Government is going to control the election process, someone ought to be able to get an answer from the government when they ask a question. If the question is in writing, then the answer ought to be in writing.

Mr. Speaker, I yield the balance of my time to the gentleman from Washington (Mr. WHITE) and I ask unanimous consent that he manage the balance of the time.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WHITE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for his work and leadership on this issue. This certainly is a contentious issue, one that we sometimes have some hard times dealing with, but he has exercised some leadership and we appreciate it very much.

Mr. Speaker, this bill is a small bill, but it is a good bill, and I like to take some time and go through it point by point. But before I do that I want to say and make one point that I think may be of more importance than really the details of what is in this bill.

The fact is, as we have heard today from many Members on the other side of the aisle and probably some Members on our side of the aisle, too, there is some disappointment in this Chamber about some of the bills that we are going to go voting on today; and I have to tell my colleagues very frankly I am disappointed, too, because I had a bill with 118 cosponsors, a commission bill that is not going to be voted on today, and I see the gentlewoman from New York and others on the other side who have cosponsored this bill, and there is certainly disappointment in my heart, too, that we have not been able to vote on all the bills we would like to vote on. But I would ask us all not to let our disappointment prevent us from doing some good things, and that is essentially what this bill is about.

The measures in this bill are all bipartisan, they are common to almost every single campaign finance bill that we have seen in the Congress this year, whether proposed by a Republican or by a Democrat, and it would be a shame to let ourselves miss this opportunity to do something important just because we are upset with one part of the process or another.

I will take just a couple minutes to go through some of the specifics of what we are doing in this bill.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, has the gentleman signed the discharge petition?

Mr. WHITE. I have not signed the discharge petition.

Mr. GEJDENSON. Will the gentleman sign it?

Mr. WHITE. There are several good reasons for why I will not, and I will explain those during the course of this process.

Mr. Speaker, the gist of this bill, the main thing this bill does and the thing I wager that even the gentleman from Connecticut really would not be able to defend voting against is the idea that we put FEC reports on the Internet. Really very hard to disagree that that would not be good for his constituents, for my constituents, for everybody in the country, rather than doing it on microfiche, which was wonderful technology in the 1970s. Let us put it on the Internet so everything can be seen. That is really the heart of what this bill does.

It also does a couple other good things. It says that the gentleman from Connecticut would have to file his campaign finance reform reports electronically so that they can be put on the Internet in a much shorter period of time. It says that within 24 hours after he receives a nickel of contribution in the last 90 days of the campaign he would have to put that information on the Internet.

So the gist of what this bill does is to use this technology to make sure that the American citizens do have the ability to see in a very short period of time what sort of contributions their Members of Congress and their candidate are accepting. I think it is very hard for any of us in this House to suggest that that is something we should vote against.

In addition, this bill does some other good things. It goes through a list of five or six more or less technical changes that have been requested by the FEC.

This is a good government bill, it is bipartisan, does not have anything to do really with either party. It just increases disclosure and lets the American people see what is going on.

So, Mr. Speaker, I would respectfully urge all my colleagues to vote for it.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FAZIO), who has led an effort through this Congress trying to coordinate campaign finance reform efforts, and we are going to miss him as well.

Mr. FAZIO of California. Mr. Speaker, I thank the gentleman from Connecticut (Mr. GEJDENSON) for yielding me this time.

As the gentleman from Washington said, this legislation has been included in most of the campaign finance reform bills that have been introduced on both sides of the aisle, and certainly I do not believe there is any reason to oppose it. But it is rather ironic that this is presented as additional responsibilities for the Federal Election Commission when in fact, if my colleagues read the bill, there is no new authorization for what the report that accompanies the bill says would cost another $2 million simply to perform.

That is not unusual when we look at the history of how Republicans have handled the FEC. Year after year after year the commission charged with responsibility for compliance under current law comes to the Congress and asks for a budget that would increase their ability to enforce the law, only to be rebuffed by the appropriations process dominated in the last 3 cycles by the Republican Party, cutting 8–10 percent from the requests, always cutting in the area of compliance, therefore requiring in 1996 hundreds of complaints to be thrown out, so that we cannot even finish requiring people under existing law to live up to their responsibilities as candidates.

Now last year they did not make a very deep cut. A change was made, but it is pointed out in report after report that Republicans have only allowed the fund to go for computer modernization, never for the kinds of activity that would allow the American people to know who is not living up to the requirements of our campaign law.

So there is no reason to oppose this legislation except to say we would hope that this Republican Congress would fund the FEC adequately so that we could see the laws currently on the books, let alone these that would be enacted in this bill, enforced.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I have never been so ashamed as I am tonight of the tactic that is being deployed to deprive both Democrats and Republicans from having a serious debate in taking up campaign finance reform. Relegating this issue to a series of very limited debates is depriving both Republicans and Democrats the opportunity to take up and pass the McCain-Feingold bill which closes one of the gaping loopholes in our system today, soft money, and forces outside third party groups to put their names on their ads. Those who have taken control of this process tonight are standing up for the obscene amount of moneys that are flooding into our campaigns today, that really a stop ought to be brought to.

Let me give my colleagues an example about the freshman campaign finance reform bill we brought up. These outside third party groups objected to our bill, similarly the McCain-Feingold bill. They said, "If you force us to put our names on these ads, we won't run these ads." Well, that is exactly what the bill was all about, and by adopting this masquerade tonight when we are supposed to be debating campaign finance reform but we are really not, we are depriving the American public of the chance to make sure those ads have their names on them and to ban soft money.

The American people are watching, they care deeply about this issue. We need take up and debate campaign finance reform.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, for over 15 months this Congress has spent thousand of hours and billions of dollars investigating campaign finance abuses, and this is what it has all come down to: a package of four partisan bills brought to this floor on a calendar that offers no opportunity for amendment and little debate.

Those who work for genuine reform on both sides of the aisle are outraged by this thinly disguised charade. I call on every American to send a message to this Congress that they too are outraged, that they deserve and rightly expect a system of democracy where their voice and their vote determine the outcome of elections, not the hundreds of thousands of dollars poured into campaigns by special interests, dollars hidden in so-called soft money.

Every American understands that true campaign reform must be accomplished in a bipartisan effort. No such bill was allowed on this floor tonight. Instead we were given the illusion of reform. I am confident that the American people know the difference and that they will demand government in the public interest, not the special interests.

Mr. WHITE. Mr. Speaker, I yield myself 30 seconds to point out to the gentleman from California, who may have left the Chamber, that it is absolutely our intention to fund the FEC separately to accomplish all the goals that are at issue on this bill. So I think he can rest assured that that will actually happen.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Washington for yielding me this time and for his leadership on this issue.

I too have introduced legislation to require electronic filing of Federal Election Commission reports, and I would hope that our colleagues on the other side of the aisle who have complained about the lack of opportunities to support real campaign finance reform will join us in supporting this important measure, because who could possibly be opposed to this common sense reform? It ensures accountability and provides access to essential information regarding our political system.

Right now when we file a campaign finance report with the FEC, we have to file it by the deadline imposed by the FEC. But that filing simply means putting it in the mail, the U.S. Postal Service, and sometimes it can take a week to get that report to the FEC. They then might take another several days or more to get it up and available to the public, so the news media, campaigns, the general public have a delay of sometimes 10 days or even 2 weeks between when a contribution is made and when they can learn about who contributed to whom in this situation.

I think it is critically important that we adopt this legislation with electronic filing. We can still file on the deadline, but they will receive it on the deadline as well. And if we require them to immediately put it up on the Internet, everyone in the country with access to a computer in their home and libraries and schools can have access to this information instantaneously, and that is a critical reform, letting people decide for themselves what the purpose of campaign contributions are, who is receiving what for what purpose. The best way to deal with campaign finance is to lay it out on the table and let the public know exactly who has received what.

Who could possibly oppose requiring campaign committees that raise or spend more than $50,000 to file their reports electronically with the FEC? Who could possibly oppose a requirement that Federal committees immediately report contributions and expenditures made within 90 days of an election?

I urge adoption of this legislation.

Mr. GEJDENSON. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from New York (Mr. SCHUMER), an excellent legislator, an orator and someone who has fought for reform for decades in this Congress.

Mr. SCHUMER. Mr. Speaker, I hope the introduction did not count against my time. In any case, I thank the gentleman and my friend for yielding this time to me, and I would like to make 2 points.

One, the desperate need for campaign finance reform. It hit me about 7–8 years ago. My best friend came down and worked in the Congress for 3 months, one of my best friends, and he is a smart and sensitive person. I asked him at the end of the three months, we went out to dinner and I said, "Well, Mark, what do you think of the Congress?"

He said there was good news and bad news. He said the good news was that the quality of the people was much better than he ever imagined. He thought the staffs were better than anything he had seen in business or law or anything else. He said the bad news what it all did not matter because the way we finance campaigns vitiated the entire system.

Mr. Speaker, tonight does not do justice to that problem. Four quick bills put on suspension, calculated, carefully crafted to simply get the issue off their back; it is not right, it is not fair. Sooner or later, I do not know if it will be sooner or whether it will be later, but they will pay the price for trying to play a game with a very serious issue.

The second point I would like to make is the one also made by my colleague from New York (Mr. OWENS), this idea that there should be choice applies to labor unions but not to corporations. What hypocrisy. Do shareholders get the right to determine whether a big company makes a contribution or cascades soft money into a campaign? Not under this logic. What is good for the goose is good for the gander. If my colleagues believe it for one, they believe it for the other. But if my colleagues want the American people to think they really care about the issue, and are not engaged in just a cheap political trick to go after their opponents but not those who support them, they would never put such a bill on the floor.

□ 2130

Mr. WHITE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, we need full and immediate disclosure, and that is what H.R. 3582 does. At the end of next month, most of us will file our FEC report for the first time since 1997. I cannot imagine a Member here or a challenger that does not have a fax machine, a telephone, e-mail, the ability to get on the Internet.

This bill will require reports by all committees that raise or spend $50,000 to be filed electronically so that we can see an immediate reporting of contributions and expenditures within 24 hours. What is wrong with that? Nothing, and that is why every Member here should support it. This bill is an important first step as we look for full disclosure and the need to enforce the law.

Last year, there was a report in the magazine, The Hill, that all of us receive here in Washington in our offices, and it said that most Members do not comply fully with the laws that are already on the books.

Well, I have a fourth grader at home, and I know that when she does not fully comply with her homework assignment, that her dad, myself, or her mom, makes sure that in fact that work is done before she goes to school the next day.

I would say that both this bill and other measures will seek full compliance with the law so that every constituent can see how we raise and spend money which is very important as we look forward to the days when we receive the full confidence that our constituents should have in the Members that run for office.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY), who has worked on campaign finance reform from the day she got here.

Mrs. MALONEY of New York. Mr. Speaker, the Republican majority has spent in this Congress $8 million investigating alleged campaign finance abuses, yet the same Republican majority failed to fund the Federal Elections Commission at the level they requested and said they needed to do the job. It was $6 million short.

I am pleased my colleague says he will get the funding for this bill, but we have to get the funding they said they need in order to investigate the cases before them, the only group charged to investigate in a bipartisan way.

The Speaker earlier said we would have a vote on campaign finance reform in this Congress, but what we have tonight is a campaign finance reform kill. Everyone knows that true reform has to be comprehensive. A little small approach, although worthy, will not get the job done.

We have a comprehensive bill, Shays-Meehan. We should allow a vote on this bill before we go home and ask our constituents to vote for us.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the able gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, what is going on this evening is really a cruel hoax on the American people. I would like to say to the Republican leadership, what are you afraid of? Why can we not have an open debate and real campaign finance law?

Today's Roll Call has it right. It says, "Angry GINGRICH scheduled doomed reform votes." It says, "Angry GINGRICH scheduled doomed reform votes," and it says that "GINGRICH scheduled four reform votes under the suspension calendar, requiring a virtually impossible two-thirds majority to pass."

The fact is the Republican leadership does not want campaign finance reform, so they will not give us real reform. Of all these bills, the anti-union bill is the worst bill. It is nothing more than a cheap political trick to try to punish labor unions for supporting Democratic candidates. It is a sham, and it ought to be exposed for what it is.

The fact of the matter is that we need to have a discharge petition signed so that this Congress can vote on McCain-Feingold and Shays-Meehan and have a real debate on campaign finance reform.

Let the majority of this Congress prevail. Let us have an up or down vote on campaign finance reform, not the sham being perpetrated this evening.

Mr. WHITE. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Speaker, when I came here 3 years ago, I came, I think, full of fire in the belly ready to make some major changes in this place.

I, too, am very disappointed tonight. There are a lot of reformers on both sides. The gentleman that just spoke is a true hero of mine, the gentleman from New York (Mr. ENGEL). I think he is a great guy and somebody that stands for the right thing time and time again. Hopefully, he sees there are some of us on the other side that try to do the same thing.

We get a little tired of the games between the leadership on both sides. Frankly, we stand here tonight, and I am ashamed, I really am ashamed to see how this is coming up tonight, that it is in the same manner as that of the leadership who ran the House for 40 years under the Democrats. It is wrong. It is wrong when they did it, and it is wrong if we do it, and I don't think this is a service to the American people.

Let me say something. We are here to talk about a very sensitive issue, special interest influence on Washington. I come from a State that passed the most comprehensive campaign finance reform in the Nation. You can only give $300 to a candidate in the State of Arizona, yet scandals still persist, problems still occur, because people do break the law.

Let us stop telling lies to the American people. Everybody knows that the Republicans want to preserve the ability for big corporations to give bucks on the side through soft money to the ones in charge.

By the way, if the Democrats were in charge, they would be giving to you, because, frankly, I do not think they have a soul. They give to whoever is in charge of the place so they can get what they need.

But the Democrats do not want the unions to be restricted in any way. They do not want union employees to know where their money is going. So there is this perpetration on both sides. I think it is wrong.

Frankly, I think that until we have a real debate, and I hope we do, we are never going to get this resolved. Let us finally realize what will really make a difference. It is not about stopping PACs or stopping this or that. What is going to stop it is full disclosure.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the articulate gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman for his previous comments a moment ago, and I applaud his common sense in approaching this. I join him, Mr. Speaker, in the idea that having come here to Congress and knowing before I got here, obviously, there is a great deal of cynicism about our process, speaking to any number of students that come to Washington or going throughout the district and speaking to students, trying to address them and tell them they ought not to be caught up in the cynicism, it is very hard to watch what has been going on here tonight.

Although this particular portion of the bill may indeed be well-intended, and what you intend to do with this may, in fact, have some merits that could be supported, the whole process by which you have gone about doing this tonight, the whole idea of not even addressing any of the bills that have been filed for some period of time now, not giving them the period of time for debate and discussion, putting it forward tonight in a late-drafted bill, broken down into four parts, very cynically, looking to get people on record for campaign purposes, but never really dealing with any details of campaign finance reform. We do not talk about getting money out of campaigns, we do not talk about shortening campaigns.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the able gentlewoman from New York (Mrs. McCarthy).

Mrs. McCARTHY of New York. Mr. Speaker, I am a freshman, and one of the things that we first did when we first got here, freshmen Republicans and Democrats, we tried to work together on campaign finance reform. We wanted to make a difference.

Tonight what is going on is wrong, only because there are a lot of good bills out there that could make a difference.

We have to go home and face the people and they do not understand. To be very honest with you, when I am working with people and they are thinking that because someone comes in to lobby me I am getting money out of this, I do not like it.

I have a campaign coming up. I do not want to have to raise the amount of money I have to raise. I think it is obscene. I would rather see it go to education and health care. I think our businesses and people would rather see the money go there also.

I hope tonight does not end the debate. I am hoping we will truly get finance campaign reform before I retire from this place.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. Slaughter), who has fought for this issue year after year.

Ms. SLAUGHTER. Mr. Speaker, Congress desperately needs to reform our campaign finance laws. The Federal campaigns are becoming little more than a money chase to pay for increasingly expensive elections, and voter turnout is at an all time low. The most recent election cycle spent on the Federal election an estimated $1.6 billion, but less than half of the eligible Americans exercised their right to vote.

The cost of political campaigns has simply become too high, threatening the integrity of our system of representative government. The American people are discouraged by a system in which money seems more important than issues, and the interests of money seems more important than the concerns of working families.

But the legislation the House will vote on today actually increases the amount of money that can be contributed by wealthy individuals and special interests, and it includes a gag rule that makes it even more difficult for working Americans to get information on issues that matter to their families.

To add insult to injury, this misguided legislation has been brought to the House under suspension of the rules.

Mr. GEJDENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. Meehan), another gentleman deprived of the opportunity to offer his legislation.

Mr. MEEHAN. Mr. Speaker, not that long ago I listened to my friend, the gentleman from California (Mr. Thomas), state all kinds of reasons as to what was wrong with the Shays-Meehan-McCain-Feingold bill, and he went on and on and on about all these problems with this bipartisan approach to campaign finance reform.

It kind of made me wonder why the Republican leadership has gone to great lengths, such great lengths, to prevent a vote on this bill, if it is such a bad bill. It is incredible how far the Republican leadership has come to try to stop this debate.

We were promised a debate; a full, fair debate, with integrity and honesty on the floor of this House, and we have not gotten it.

The gentleman from California (Mr. Thomas) knows full well that every public interest group in America who has been fighting for campaign finance reform supports the bipartisan approach, and he knows as well that every major editorial board in America favors the bipartisan approach. He also knows that Members on both sides of the aisle have been working for 3 years to get a debate and get a vote on meaningful bipartisan campaign finance reform, and he also knows that the other body just voted 53 votes for the same bill in the United States Senate.

Well, we are going to get this bill sooner or later, because the American people will respond and newer Members will respond. All I have to do is look at the newest Member of this body, the gentlewoman from California (Mrs. Capps), who walked into my office with the gentleman from Connecticut (Mr. Shays), and made this legislation the first bill that she signed on to as a new Member, and the people of the 22nd District of California are proud of the gentlewoman from California (Mrs. Capps), and Walter is as well, and there will be more Members that will be elected in the November elections, and campaign finance reform will be an issue. There will be a price to be paid for this disgusting maneuver.

Mr. WHITE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. Ehlers).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, my interest in campaign finance reform goes back to 1972 when I became very angry at a fellow Republican, Mr. Nixon, for the manner in which he raised and disbursed money in his Presidential campaign, and that, in fact, is one of the reasons that I ran for public office the following year.

Today, we have decided that those laws which were passed after Watergate simply no longer do the job, and I speak particularly in favor of the bill that is before us, the one introduced by the gentleman from Washington (Mr. White). It is something we should do. I am sorry we are not debating it more. But in this electronic age we clearly should do precisely what this bill requires, and that is to have instantaneous disclosure, instantaneous reporting of contributions received. The money contributed will be known to the entire world and to the opponents of the person involved.

Now a few general comments about the debate. Several speakers have said we need comprehensive campaign finance reform. Those are the bills that do not pass.

I think what we are doing here tonight is right. I am hopeful that at least one, perhaps two, maybe even three, and, if a miracle occurs, all four will pass. But I am convinced that the only way we are going to get campaign finance reform passed in this House is to take it bit by little bit, put it up for a vote, up or down, and some will pass and some will fail, and we will keep plugging away.

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Parkinson's law, for those of us who are old enough to remember Parkinson's law, tells us that the difficulty in getting something passed in a decision-making body is inversely related to the experience that body has with the issue.

We all know and understand campaign finance reform, and we can find something wrong with every bill. The more comprehensive the bill is, the harder it is to get it passed. So I think doing what we are doing tonight, breaking it into little pieces and saying we will pass each individually, is the right way to go. We have to continue doing that.

Mr. GEJDENSON. Mr. Speaker, I yield 2½ minutes to the articulate gentleman from Maryland (Mr. Hoyer).

Mr. HOYER. Mr. Speaker, even in the perpetration of a sham, a little light comes through. There is nothing wrong with this bill. It is the right thing to do.

I would hope everybody would support this bill, even in their disappointment about this process, even in their disappointment that this bill is a sliver of what we ought to be doing, even though this bill, introduced by the gentleman from Washington (Mr. WHITE), does not cover soft money. There is no disclosure of soft money in the bill offered by the gentleman; and, furthermore, there is no disclosure of independent expenditures: who come into your districts and spend all sorts of money.

Both candidates, both the gentlewoman from California (Mrs. LOIS CAPPS) and her opponent, said that that kind of expenditure undermined the integrity of their election.

So even though the bill of the gentleman from Washington (Mr. WHITE) goes only a little bit, it is a proper bill, so it would be foolish to oppose this bill.

I suggest to my colleagues that this bill was put last in this group of four because, number one, it is such a small facet, a correct one but a small facet, that it would perhaps clean up what has been an otherwise desultory representation of campaign finance reform.

Let me again repeat to all the editorial referencing this process.

> Newt Gingrich has selected today as the moment to line up his firing squad and kill campaign finance reform in this Congress. Just how desperate Mr. Gingrich is to thwart reform is clear from the parliamentary tactics he is preparing and is using this night. It is a cynical maneuver that will come back to haunt Mr. Gingrich and any House Member who supports it.

Yes, this facet is an acceptable small but appropriate facet. But the package that has been presented is a sham and a shame.

Mr. WHITE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the gentleman from Maryland (Mr. HOYER) said it would be foolish to oppose this bill, and that it was a bright light shining in an otherwise dark universe, I realized how very articulate he really is. I appreciate that very much.

Mr. Speaker, I yield 1¼ minutes to the equally articulate gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would like to respond to my good friend, the other gentleman from Maryland (Mr. STENY HOYER) that the part of this legislation that is by the gentleman from Washington (Mr. WHITE) is a good piece of the puzzle.

I would also add, however, that I think the package that we are voting on tonight, the fundamental issue here is that the package that we have an opportunity to vote on tonight pushes the whole campaign finance funding problem into a better situation. Basically what we are voting on is a package that will put the whole campaign funding situation in a much better light for the American public.

I would like to say one other thing, that each succeeding Member that speaks to the House tonight, Mr. Speaker, should also tell the American people that we as individuals have an opportunity every single day, every day we have the option, we have the choice, to reject all out-of-State money, all PAC money, all out-of-district money. Each of us can just say, I will only accept money from those people who vote and live in my district.

Mr. GEJDENSON. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BECERRA), a fighter for campaign finance reform.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, because we have not been given enough time to truly and meaningfully debate this, let me tell a story about a meeting I had with some constituents on Friday night. I met with folks from the Citizens Committee to save Legion Park on Friday night, and I had a chance to briefly speak to them.

I said this morning, meaning today, we are going to be debating campaign finance reform, but I said, do not hold your breath. Chances are we are going to do it in the dead of night, and it is going to be a stacked deck against the passage of any bill. Sure enough, that is what we have.

But perhaps the worst thing and saddest thing about this is that none of my constituents were surprised. They all knew that we were not going to head toward any type of meaningful reform. So for me to stand here and tell why this legislation we have before us is bad for the average citizen who is fed up with money-driven elections, or bad for working men and women who simply want to keep their meager voice in society heard, or it is bad for long-term legal residents who are always asked to pay their taxes, but the little chance they have to express their voice in this democracy is now going to be stifled through this legislation. It is also bad for new citizens, whose new voice through their vote will be stifled, as well.

That is okay with this bill, but we will not pass it because we know it is being done in the dead of night, stacked against us. It will go nowhere. Vote against this legislation.

Mr. WHITE. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I probably will not take the 2 minutes, because I want to say that we have heard some harsh rhetoric in the last few minutes, but it is actually harsh rhetoric that hides a relatively pleasant fact: That there probably is one piece of legislation that just about everybody in this Chamber can agree on.

I will grant that it does not do everything that any of us would like it to do, but it is a small step in the right direction. It may be all that we are able to do this year, but by golly, let us at least do something. Let us not miss this opportunity to take a step, small though it may be, to move in the direction of real campaign finance reform.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Connecticut (Mr. GEJDENSON) is recognized for 3½ minutes.

Mr. GEJDENSON. Mr. Speaker, it is time for a little review. We have been here going over four proposals, all authored by the Republicans. I have been in this Congress for 18 years. I have spoken to Members in this Chamber who have been here longer. I have never, ever in my life been on the floor debating campaign finance reform where the other party was not given an opportunity to put forth a proposal.

My parents fled Hitler and Stalin. In those countries there was no debate. We have just done that here on the floor of the House. Unless you are an R, unless you are a Republican, you do not get to offer something.

That is not bad enough. Even on the proposals they have put forth here, they have chosen a procedure that guarantees failure on the Thomas proposal, because they choose a procedure that guarantees a necessity of two-thirds of the House of Representatives.

Let me get this straight: They get to set up the rules for their own proposal, and rather than half, they choose two-thirds. Why? Because they do not want to succeed.

We look at this institution we serve in, and we look back to our Founding Fathers. There have been references here to Jefferson. I would venture to say, none of us can speak for Jefferson, none of us can match his imagination, but I would be shocked to find Jefferson being for a system that did not allow the other party in the Congress to offer even one alternative proposal.

I can read from Madison. Madison, in questioning who the electors are, who should control the great fate of this country, he said, "Not the rich," "Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of the distinguished names more than the humble sons of obscure and unpropitious fortune. The electors are the great body of the people of the United States."

We have come a distance from democracy's beginnings in England and elsewhere: A Magna Carta that gave rights to wealthy lords, so they could protect their property against the nobility of the King. Along came the revolutionaries on this continent, and they gave the power of the vote to white men who owned property, even though without title. It was a step forward.

Through years and struggles, we extended that vote to blacks and Indian males, and finally, yes, we included women. But there is still one great divide. If you have money, you get to speak and you get to be heard. If we get the Republican proposal of the gentleman from California (Mr. THOMAS), money speaks louder than it ever has in this Chamber.

Mr. Speaker, I ask Members to tell me, is what is wrong with the American political system that rich people cannot find their voice? Do we need to triple the amount of money that wealthy individuals can give? I do not believe there is a nonpartisan American in this country that believes it.

Give us a chance to vote on real reform. Reject this fundamental proposal that the gentleman from California (Mr. THOMAS) has put before us. Vote for American clean government. Reject that proposal.

Mr. WHITE. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. THOMAS).

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for the 4 minutes remaining in the debate.

Mr. THOMAS. Mr. Speaker, if some are looking for the definition of "cynical," I would suggest they go back to the 103rd Congress. The current minority party controlled the House of Representatives, controlled the United States Senate, controlled the office of the presidency. The Democratic Party could pass in the House or in the Senate and sign by their President campaign reform. Guess what happened? Guess what happened? Nothing. Nothing went to the President.

So what I find about these fervent reformers is simply this: They are fervent. The problem is, if we look at the previous legislation, McCain-Feingold or Shays-Meehan, what they are fervent about changes. Go back to the original McCain: This country is being undermined by Political Action Committees. We have to ban PACs. We have to ban leadership PACs. Take a look at their bill. It is not in there.

Now, does it mean that what was fundamentally important to Americans has changed, or are they in search of a political answer that they can use under the guise of real reform? If we want to ban soft money, take a look at H.R. 3581. This bill tonight bans soft money at the Federal and the State level tougher than they do. Yet they are going to complain and moan about soft money.

Take a look at what we are doing in terms of non-citizens. The gentleman from Massachusetts (Mr. MEEHAN) has a bill that agrees with that, but he has been coming to the floor and berating what we are doing. It seems to me that at some point cynicism has to stop, and it stops now.

They have had 2 hours and 40 minutes more time than we have had previously to debate reform. It seems to me that the key to good legislation, the key to following the process, is to see if any of these measures pass. I believe campaign reform tonight will pass.

Mr. FROST. Mr. Speaker, the Republican Majority is again bringing to the floor of this House legislation designed to discourage voter registration and participation and our electoral process.

H.R. 3582 is but another attack on the rights of thousands of citizens to vote, aimed primarily at our nation's Hispanic citizens. Earlier in this Congress, Republicans targeted Hispanic voters in the 46th Congressional District of California during their outrageous investigation of LORETTA SANCHEZ's victory in 1996. What happened there was simply an effort to deny a Hispanic candidate a legitimately won seat in Congress, while attempting to intimidate lawful citizens and discourage them from voting.

But that's not all. The Republicans are also attempting to limit the impact of Hispanics in the political process by setting up a Census procedure that will severely undercount Hispanic and other minority populations. They are promoting a method that by all accounts will prevent an accurate Census count, with Hispanics in particular being harmed by their proposal.

Now this troubling trend is continuing with this unwarranted provision of H.R. 3582, a provision which could allow state and local officials to drop thousands of American citizens from the voter rolls, solely on the basis of race or an "ethnic-sounding" name. I find it incredible and intolerable that the Republicans would so blatantly go after Hispanic Americans and attempt to deny them their rights at the voting booth.

Mr. Speaker, Hispanic Americans are watching, and they understand that they are being targeted by the Republican Majority for discriminatory treatment. It is absolutely critical that we stand up to this attack against Hispanic citizens, and defeat this and other provisions promoted by the Republicans that would erect substantial barriers to voter participation and undermine the right to vote.

The priority under our Constitution is on citizens' rights to participate in democratic elections. This proposal undermines that right, and it must be soundly rejected.

Mr. POSHARD. Mr. Speaker, I rise today to register my strong opposition to H.R. 3582, the majority's embarrassing attempt to bring campaign finance reform to the House floor. As a member who has worked for meaningful campaign reform for many years, who refuses PAC money and voluntarily limits individual campaign contributions, I find it offensive that the leadership would try to fool the American people into believing that they have kept their promise to allow debate and a vote on real reform. However, I am confident that the people will not be fooled, and I trust that my colleagues will join me in my opposition if they truly believe in our duty to reduce the overwhelming influence of money and return our campaign system to its roots of citizen legislators who challenged each other on the issues and their vision of the future.

It is incredible to me that one of the most complex, contentious and critical issues facing this Congress could be brought up under suspension of the rules, but it is no more than a thinly veiled attempt by the Republican leadership to stifle debate and disallow amendments, thereby locking out Democrats and Republicans who would embrace the challenge of implementing true reform. H.R. 3582 ignores the most pressing issues in campaign financing and focuses instead on intimidating working men and women and attempting to shut them out of the political process. The Republican bill delivers yet another unwarranted and mean-spirited attack on the labor movement by erecting barriers to the political participation of working families and making it more difficult for them to exercise their fundamental right to join together to protect their interests. Furthermore, this legislation seeks to silence minority populations by establishing a "ballot integrity" pilot program in, certainly not by coincidence, the five states with the largest Hispanic populations.

Mr. Speaker, my colleagues and I were promised the opportunity to debate and vote on meaningful campaign finance reform during the 105th Congress. Instead, all we have seen are delays, stalling tactics and tricks designed to place the blame for failing to enact campaign reform on those who have gone to the line to press for its passage. I am confident that my constituents, and the American public, will see this sham for what it is and will instead reward the efforts of those who have continued to work against the odds in the hopes that someday this tainted system can again be a source of pride for all of us.

Mr. MALONEY of Connecticut. Mr. Speaker, I am a strong supporter of campaign finance reform. I firmly believe that we must work to end the money chase and put power back in the hands of voters, not special interests. The political process should be a competition of ideas, not of checkbooks.

To this end, I am a co-sponsor of H.R. 493, the Shays-Meehan legislation which is the companion bill to the McCain-Feingold legislation introduced in the Senate, and also a cosponsor of the Bipartisan Campaign Integrity Act of 1997, legislation introduced by both Democratic and Republican members of the current freshman class of Congress. In addition, I am one of 187 signatories to the discharge petition to force comprehensive campaign finance legislation to the floor for a vote.

Along with many of my Democratic colleagues, I have also signed two letters to Speaker GINGRICH and Chairman SOLOMON of the House Rules Committee to urge a fair and open bipartisan debate on campaign finance reform. Our Republican reform colleagues have also submitted similar letters to Speaker GINGRICH and Chairman SOLOMON.

Unfortunately, Republican Leadership has ignored our plea with its decision to bring bills today to the House floor under suspension of the rules, seriously jeopardizing their passage and tabling open discussion of campaign finance reform for the remainder of this Congress. For example, Republican Leadership is recommending passage of H.R. 3485 which would triple the amount of money individuals may contribute to federal candidates and political parties.

Placing these bills on the suspension calendar effectively precludes free and open debate on these bills from occurring on the House floor, which would include the option of considering the Shays-Meehan/McCain-Feingold bills, comprehensive legislation which is supported by legislators on both sides of the aisle as well as by citizens groups serious about campaign finance reform.

This move on the part of the Republican Leadership reflects their desire to block the House from enacting true campaign finance reform and cheapens bipartisan efforts to address the concerns of American voters across the country who feel politics are unduly influenced by checkbooks. To restore voter confidence in the American electoral process, we need authentic, comprehensive campaign finance reform.

Reform-minded Republicans and Democrats alike have worked very hard to craft legislation that deals with the real issues behind campaign finance reform, such as banning soft money contributions and tightening up disclosure requirements. Partisan Republican Leadership should not be allowed to defeat our efforts with transparent political posturing such as bringing disingenuous legislation to the floor in the name of campaign finance reform.

Mr. EWING. Mr. Speaker, I rise today in support of the four bills on the floor to reform our campaign finance system. While I am a cosponsor of H.R. 2183, The Bipartisan Campaign Integrity Act of 1997, the legislation on the floor today would make many needed improvements. The campaign finance system needs to be reformed in order to improve public confidence and accountability in the system. The investigations of campaign finance abuses during the 1996 presidential campaign only serves to further the public's distrust and cynicism of our election system. However, new laws would not have prevented many of these abuses from occurring—the abuses occurred despite the laws already on the books. We need to ensure that the opportunity to violate the law is as limited as possible, and that when the law is broken, the responsible parties are swiftly punished. Today's debate is an important step in strengthening our democracy, and ensuring that continued violations of campaign finance laws are stopped.

While reform measures can benefit our political process, we must be careful not to compromise the free speech constitutional rights of voters, candidates and other participants in the system. I am concerned that some of the reform proposals seek to adopt public financing of congressional campaigns. Some measures advocate free television advertising for candidates, an unwarranted provision that is inevitably intended to lead to eventual taxpayer-funding of national elections. Further, legislation has been introduced which prohibits any PAC contributions to federal candidates, a very likely unconstitutional provision which would remove citizen's constitutionally guaranteed rights to free speech and to support groups that participate in public advocacy.

The campaign finance abuses that we have witnessed over the last few years could be all but eliminated by adopting two reform measures, and Congress has the opportunity to do just that today. The first is to ban the use of soft money by state and national political parties and federal candidates, and to ban the transfer of soft money between state and political parties. Unlike hard money (which can legally be accepted by a candidate or used by a party for political advocacy), soft money is raised outside the federal limits on campaign contributions, and can be used for such events like party building and voter registration drives, which were abused during the last election cycle. The current controversies over illegal fundraising activities by the administration focus almost entirely on abuses in raising soft money. Soft money is not subject to any donation limits, meaning corporations, labor unions, and wealthy individuals can donate massive amounts of money to political parties, completely unregulated by the Federal Election Commission.

We also need to adopt measures requiring complete and immediate disclosure of campaign donations. Implementing a full disclosure policy will ensure that the public has quick access to candidates' campaign activities, which would also have greatly curbed the fundraising abuses of the last presidential campaign. The Campaign Reform and Election Integrity Act we are considering requires all contributions that a campaign receives within the last 20 days of an election to be reported within 24 hours, requires mandatory electronic filing for campaign committees which raise or spend more than $50,000, and prohibits a candidate from accepting cash contributions greater than $100. Further, the bill takes steps to curb the use of "push polls" by requiring a disclaimer on who is paying the expenses of a federal election poll and requires that the contributions and expenditures for non-publicized polls of more than 1,200 people and conducted within 90 days of the election to be reported to the FEC.

Congress has the opportunity to adopt rules that will require a corporation or labor union to obtain the written and voluntary consent of their employees or union members before removing from their pay any portion of their wages for political purposes. These reform measures also prohibit campaign contributions from individuals who are not United States citizens. Also, "issue advocacy" is a practice that has been prone to abuse, and the Campaign Reform and Election Integrity Act requires disclosure of all contributions and expenditures for communications that identify a federal candidate or political party within 90 days of the election.

We have the opportunity today to ban soft money, mandate full disclosure of campaign spending, require workers' consent to use their dues for political purposes, and ban noncitizen contributions to political campaigns. While we will never be able to eliminate the possibility of campaign abuses occurring, today's legislation would put in place campaign finance reforms that will greatly reduce the chance of future abuses, and that will make it extremely difficult to hide abuses of campaign law. Congress is faced with the task of reforming our campaign funding system so that public confidence in our democratic system is strengthened, but that at the same time protects citizens' basic constitutional free speech rights.

Mr. FAWELL. Mr. Speaker, today we are considering legislation which addresses in part the issue of union dues being taken from workers without their consent and spent on activities which have nothing to do with legitimate collective bargaining activities.

I rise to point out that H.R. 1625, the Worker Paycheck Fairness Act, which the Committee on Education and the Workforce favorably reported to the House November 8, 1997, after six hearings the past two years in my Employer-Employee Relations Subcommittee, addresses the issue of compulsory union dues from a different perspective.

While H.R. 3485 would amend federal election campaign law to require written consent of employees before funds could be taken from their paychecks to fund political activities, H.R. 1625 is a free-standing federal statute, also requiring written consent, but which focuses on the union security agreement, contains tough enforcement measures, provides for notice and disclosure to workers, and prohibits unions from retaliating against those exercising their rights under the statute. It is my hope that the House will consider H.R. 1625 later this year, perhaps in June, when the State of California will be voting on a similar initiative in its drive for fairness.

Indeed, decades ago Congress granted unions as extraordinary power—the power to require employees to give financial support to unions as a condition of employment. This mandate is called a union security agreement, and such agreements are currently legal in 29 states. Simply put, a union security agreement forces a worker to pay an agency fee to the union, or the worker has no right to work. The reason I introduced H.R. 1625 is because unions are diverting wages from employees working under such security agreements and spending it on activities having nothing to do with a union's legitimate activities.

In the six hearings I chaired on this issue during the past two Congresses, we heard from worker after worker telling us one thing they wanted from their union: "Give me the respect,' they all said, 'of asking me for my permission before you spend my money for purposes unrelated to your union obligations.' Yes, most of these employees were upset over finding out their hard-earned dollars were being funneled into political causes or candidates they did not support. However, these employees supported their union and still overwhelmingly believe in the value of organized labor. A number of them were stewards in their union. All they want is to be able to give their consent before their union spends their money on activities which fall outside collective bargaining activities and which subvert their deeply held ideas and convictions.

At its simple core, H.R. 1625 is about common sense and basic fairness. It is not about trying to silence unions or interfere with the role they play in the political process. In fact, nothing in H.R. 1625 keeps unions from spending their money exactly as they currently do.

What H.R. 1625 does is grant to workers, union members and non-members alike, the ability to give their consent to unions before they direct workers' funds into activities that are not "core" union functions. H.R. 1625 is about implementing the spirit of the Supreme

Court's Beck decision nearly a decade ago, which held that workers cannot be required to pay for activities beyond legitimate union functions. It is about the freedom of all men and women to make individual and informed choices about the political, social or charitable causes they support.

H.R. 1625 also requires employers whose employees are represented by a union to post a notice telling workers of their right under this legislation to give their prior consent. It also amends the Labor-Management Reporting and Disclosure Act of 1959 to ensure that workers will know what their money is being spent on. Under this change, unions will have to report expenses by "functional classification" on the LM-forms they are currently required to file annually with the Department of Labor. This change was proposed by the Bush administration in 1992 but was done away with by the Clinton administration. H.R. 1625 also puts real enforcement into place, as those whose rights are violated would be entitled to double damages and attorney's fees and costs—similar to relief available under the Family and Medical Leave Act.

Finally, H.R. 1625 includes a common employment law provision making it illegal for a union to retaliate against or coerce anyone exercising their consent rights. This provision is intended to overrule the Fourth Circuit's 1991 Kidwell decision, a case arising under the Railway Labor Act, which has been interpreted by some to hold that a union can kick a member out of the union for exercising his or her Beck rights. H.R. 1625 applies to all employees—union members and non-members alike—and under it unions may not discriminate against any worker for giving, or not giving, their consent.

Some say the current system is working fine and no changes are needed because workers already have the right under the Supreme Court's Beck decision to opt-out of paying non-collective bargaining fees under a union security agreement. To them I say two things. First, the current system absolutely is not working. As my six hearings have shown, individuals attempting to exercise their rights under current law often face incredible burdens, including harassment, coercion, and intimidation. Second, no one would argue that just because the Supreme Court has issued decisions regarding racial or gender discrimination, or on the rights of handicapped children to a quality public education, that Congress was somehow precluded from passing legislation addressing due process concerns guaranteeing such rights. The current system is badly broken, and it is our responsibility to fix it.

It is my strong belief that equity and fairness in the area of compulsory union dues would become a reality under H.R. 1625, and it is my hope that the House of Representatives will consider this legislation this June.

Mr. HINOJOSA, today we are scheduled to debate what is purported to be campaign finance reform. If only that were the case. Sadly, it is not.

When I ran for this office I said I wanted to see substantive change. I, in fact, co-sponsored a bipartisan bill to bring about such change. It is a measure which would ban soft money and take the biggest of the big money out of the political system. It would replace unregulated, million dollar contributions with limited, hard money contributions. It also would require advocacy groups to disclose their identify and expenditures when they run advertisements to affect a political race. Tough new candidate disclosure provisions are also part of the bill.

But what is before us today does not bear any semblance to this solid package. What is before us is a bill that locks average citizens out of the political process, and gives even greater influence to big money contributors. Americans want less money in politics, not more.

Simply put, this bill is not genuine campaign finance reform. And what is even more onerous is that this bill has been placed on the suspension calendar, a procedural tactic effectively blocking the House from having a free and open debate that allows consideration of alternative measures. I have brought with me an article printed in this past Saturday's New York Times which I would like to have inserted into the Congressional Record elaborating on this sham, and which I find to be nothing less than a total disregard for public interest.

The opportunity that should be before us today is one to make the system better. That is what the public wants and that is what we need to do. However, the legislation before us will do nothing more than preserve the status quo. It is egregious, to say the least. That is why I cannot vote for this package. The status quo must be changed and I will continue to fight instead for real campaign reform, so that Congress responds to the needs of all Americans, not just those who are able to contribute the most money.

House G.O.P. Shifts on Campaign Bills Vote Set for Next Week, but Not on the Main Bipartisan Proposal

(By Steven A. Holmes)

Washington, March 27.—Abruptly shifting gears, the House Republican leadership announced today that it would take up four campaign finance bills on Monday—but not the main bipartisan bill, which would not be allowed to the floor.

The four measures would be considered on a special calendar under which they could not be amended and would require a nearly insurmountable two-thirds vote to pass. These rules are usually reserved for non-controversial legislative items like resolutions honoring a group or an individual.

The announcement was made by Representative Dick Armey, the Texas Republican and majority leader, and was the latest twist in efforts to overhaul campaign finance. Democrats and some moderate Republicans responded with indignation.

Among them was Representative Martin T. Meehan, the Massachusetts Democrat who is co-sponsoring the bipartisan bill with Representative Christopher Shays, Republican of Connecticut.

"I cannot believe the total disregard for the public interest that we have seen this afternoon," Mr. Meehan said, "It's an absolute outrage. I have never seen it this bad before."

In November, Speaker Newt Gingrich, hoping to secure enough votes from Republican centrists to adjourn the House, promised a vote on campaign finance legislation by the end of March. In announcing plans to vote on the four bills, Mr. Armey said the Republican leadership was fulfilling the commitment made by Mr. Gingrich, a Georgia Republican.

Christina Martin, his press secretary, explained the decision this way: "Today, in an elected leadership meeting, it became clear that there were a number of members who had informed their constituents that there would be a vote on campaign finance before Easter, regardless of their stance on the issue. Therefore, they wanted the promise fulfilled."

House Republican leadership is fiercely opposed to the Shays-Meehan proposal, which is similar to one sponsored in the Senate by John McCain, an Arizona Republican, and Russell D. Feingold, a Wisconsin Democrat. The House bipartisan proposal would restrict so-called issue ads, which often skirt campaign rules by focusing on candidates, and ban the unlimited and unregulated donations that corporations, unions and individuals give to political parties for general activities, not for specific candidate elections.

The Shays-Meehan bill would not have gained the two-thirds vote to pass if it had been included on the special calendar. But the Republican decision to exclude the bill in the package to be voted on next week eliminated not only the possibility of a test vote showing that it could obtain a majority but also campaign television commercials singling out Republicans who voted against the Shays-Meehan proposal.

The Republican leadership's maneuver provoked the unusual scene on the House floor today as Democrats stepped back to allow some Republicans to direct sharp questions at their own leaders.

For several minutes, Mr. Shays mordantly questioned Mr. Armey on how he could call the new approach a fair and open debate. To question Mr. Armey, Mr. Shays had to ask the opposition Democrats to yield some of their speaking time. Each time he made the request, the Democrats complied, producing the legislative version of holding Mr. Shays's coat while he did the fighting.

"I yield to the gentleman from Connecticut," Representative Vic Fazio, Democrat of California, said eagerly as Mr. Shays pressed the majority leader. "I'm more than happy to yield."

The House leadership's maneuver came just a day after the Republicans abandoned their plans to vote this week on campaign legislation. The vote was put off because enough Republicans were leaning toward the Shays-Meehan bill that it threatened to pass on a procedural motion. The Republican rebellion showed that the bill could very likely have achieved a majority.

But the decision to kill any vote on campaign finance until after the House recess, which begins next mid-week, did not sit well with some members of the Republican leadership, said senior aides. Some Republicans did not want to be left vulnerable to criticism from Democrats and some moderate Republicans.

Thursday's decision provoked a group of conservative Democrats to press a petition that would allow a number of campaign finance bills, including the Shays-Meehan proposal, to be considered. The petition is about 30 signatures short of the necessary 188 needed to bring it to the floor.

One of the Democrats, Scotty Baesler of Kentucky, said he wanted "to challenge those who say they are for campaign reform to fish or cut bait."

Although Mr. Shays and Mr. Meehan cannot block the leadership's plans for Monday, they signaled that it would bolster the efforts by Mr. Baesler and others to collect enough signatures for the petition.

Mr. Shays offered this assessment: "I think every Democrat and every reform-minded Republican would want to sign a discharge petition that allows for a free and open debate on campaign."

Of the four bills to be considered on Monday, one would ban the national political parties from receiving the unlimited donations to the national political parties, known as soft money, but would still allow state parties to use such contributions for Federal candidates. The bill includes a number of other elements that are certain to provoke opposition from Democrats.

The second bill would prohibit noncitizens from contributing to political campaigns. The third bill, which is opposed by Democrats but embraced by many Republicans, would require labor unions to seek permission from members to spend their dues on political activity. The fourth bill, which might receive a two-thirds majority, would expand reporting and disclosure requirements for campaign contributions.

Mr. KIND. Mr. Speaker the campaign finance reform legislation we are considering today, and the process by which we reached this point is a complete sham and a fraud. The Republican leadership of the House of Representatives is engaged in a purely partisan attempt to kill campaign finance reform. As was illustrated by the debate last Friday, the scheduling of this bill took place without any consultation with the Democrats or even with moderate Republicans who are committed to reform. With the scheduling of reform under "Suspension of the Rules", which requires the support of 2/3 of Congress to pass, it is guaranteed that campaign reform will fail.

It is clear that a bipartisan majority of this House supports campaign finance reform. The delay of the vote from last week, and now the parliamentary tricks the leadership is using today, show the lengths the Republican leadership will go to kill campaign finance reform.

For the past year I have worked with my fellow freshman members on the Bipartisan Campaign Finance Reform task force. Our group came up with a strong, bipartisan bill that had no poison pills. No one from our group was consulted in scheduling this vote. Representatives CHRIS SHAYS and MARTY MEEHAN have been working in a bipartisan manner for more than three years to craft a campaign finance reform bill. They were not consulted in scheduling this vote. The members who are committed to changing the status quo have been shut out by the leadership in favor of those who want to increase the amount of money in the campaign system.

For the second time this year, the will of the majority to pass meaningful campaign finance reform has been denied. In the U.S. Senate, a majority of Senators supported the McCain-Feingold reform bill, but because of a Senate rule, 60 votes were needed to pass the bill. Now in the House, through the creative use of legislative tactics, the leadership is on its way to defeating reform legislation.

Mr. Speaker, it is time to end this deception and allow an honest vote on campaign finance reform. The House Republican leadership's attempts to deny the will of the majority and kill campaign finance reform is a black mark on this House. The only way to restore the faith of the public in their elected officials is by reforming our broken system. This is a sad day for our democratic process.

Mr. SERRANO. Mr. Speaker, I rise to express my outrage at the manner in which the Republican leadership has decided to bring campaign reform to the House floor and my opposition to the bills we are considering tonight.

Mr. Speaker, despite the well-remembered handshake with the President in New Hampshire, despite promises last fall that the House would have a full, fair debate this spring on reforming the way political campaigns are financed, the process your side has contrived goes in the opposite direction. Procedures that were designed to speed passage of non-controversial legislation are being bent to prevent passage of any meaningful reform.

Under the suspension procedures the Republicans have decided to use, each of the four bills being presented today will receive only twenty minutes of debate on each side. None can be amended unless by the bill's manager. To pass, each must gain two-thirds of the votes, not the usual majority, making passage virtually impossible.

Moreover, even though there is visible bipartisan interest in campaign finance reform, and even though several bipartisan bills have been introduced, the content of the four bills comes entirely from the Republican side. Democrats were simply not part of the process.

H.R. 3582, the so-called "Campaign Reform and Election Integrity Act", is far and away the worst bill of the bunch because it contains so many outrages. It is appropriate that the Republicans call this "Campaign Reform" instead of "Campaign Finance Reform", because it would vastly increase—double or even triple—the amounts of money that wealthy special interests could pour into political campaigns and political parties.

At the same time, its Worker Gag Rule provisions would silence working men and women by making union political activity subject to an expensive and cumbersome approval process. And political activity is defined so broadly that it would even keep unions from educating their members about legislation that could directly affect their health, safety, pensions, or bargaining rights.

It would continue the Republicans' recent string of immigrant-bashing measures in two ways:

It would prohibit non-citizen legal residents from contributing to federal campaigns—which, since they cannot vote, is the only way they can exercise their First Amendment rights and participate in the political system. I'm not aware of any legal barrier to felons contributing to candidates, although a candidate might think twice about accepting such a contribution. But legal permanent residents, who work, pay taxes, serve in the military, and spend their lives under our laws, would be silenced by this bill.

Moreover, the bill would establish a voter citizenship verification pilot program in the five states with the largest immigrant populations—a provision explicitly designed to harass and intimidate Hispanic and other ethnic voters by threatening would-be voters who look or sound "foreign" with investigation. It certainly can't be intended to actually verify anyone's citizenship, because the Immigration and Naturalization Service (INS) and the Social Security Administration (SSA) have said their records and databases are not complete or up-to-date enough to be used for that purpose. it can only be meant to intimidate and suppress minority voters.

Mr. Speaker, these are only a couple of the flaws in this bill, but the bottom line is that the process is outrageous. Members of this House, and the people we represent, have the right to full and open debate and votes on the range of proposals for reforming the campaign finance system. This is not that debate and the major reform proposals are left entirely out.

I intend to vote against all of these bills tonight and I will work to win the 218 signatures needed to free the discharge petition that would bring the various campaign finance reform proposals to the floor. I urge my colleagues to vote against these bills and to sign the discharge petition so we can finally engage in fair and open debate, with votes, on meaningful campaign finance reform.

Mr. DINGELL. Mr. Speaker, in one of the most outrageous, cynical, and arrogant displays I have seen in my long service in the Congress the Republican leadership put the bill H.R. 3485, the Campaign Reform Election Integrity Act, on the floor today under suspension of the rules.

This procedure allows no amendments, and only forty minutes of debate.

This is one of the most important issues in the Nation today.

Americans are being alienated by the deluge of money entering our political system and being alienated from their government and our political system by practices they believe are corrupting our entire political system.

I cannot and will not vote for bad legislation protected by a gag rule and outrageous procedure, without opportunity for either debate or amendment.

The SPEAKER pro tempore (Mr. FOLEY). All time has expired.

The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3582.

The question was taken.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 2000

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3581, by the yeas and nays;

H.R. 34, by the yeas and nays;

H.R. 2608, by the yeas and nays; and H.R. 3582, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CAMPAIGN REFORM AND ELECTION INTEGRITY ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3581.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3581, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 74, nays 337, answered "present" 1, not voting 18, as follows:

[Roll No. 81]

YEAS—74

Archer
Bachus
Ballenger
Bartlett
Bass
Bryant
Buyer
Camp
Campbell
Castle
Chambliss
Coburn
Cook
Duncan
Ehrlich
English
Ewing
Fawell
Fowler
Fox
Frelinghuysen
Gilchrest
Gillmor
Goss
Granger
Greenwood
Gutknecht
Hansen
Hayworth
Herger
Hill
Hilleary
Horn
Hulshof
Hutchinson
Kasich
Kingston
Kolbe
Livingston
Lucas
McCollum
McKeon
Metcalf
Mica
Miller (FL)
Petri
Porter
Pryce (OH)
Radanovich
Rogan
Rohrabacher
Roukema
Salmon
Sanford
Scarborough
Schaefer, Dan
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (MI)
Souder
Spence
Sununu
Tauzin
Taylor (NC)
Thomas
Thornberry
Upton
Watkins
Weldon (FL)
Weldon (PA)
Weller
White

NAYS—337

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bunning
Burr
Burton
Callahan
Calvert
Canady
Capps
Carson
Chabot
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Kim

NOT VOTING—18

Bereuter
Bliley
Cannon
Cardin
Coble
Cooksey
Cox
Gonzalez
Hunter
Jefferson
McCarthy (MO)
Payne
Rangel
Riggs
Royce
Solomon
Waters
Yates

□ 2219

Mrs. CUBIN, and Messrs. GIBBONS, PICKERING, EVERETT, RYUN, WICKER, BARRETT of Nebraska, and RILEY changed their vote from "yea" to "nay."

Messrs. FOX of Pennsylvania, SMITH of Michigan, and WELDON of Pennsylvania changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

ILLEGAL FOREIGN CONTRIBUTIONS ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 34, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 34, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 369, nays 43, answered "present" 1, not voting 17, as follows:

[Roll No. 82]

YEAS—369

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing

Fawell
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—43

Becerra
Berman
Davis (IL)
Diaz-Balart
Dingell
Dixon
Doolittle
Ehlers
Farr
Fattah
Fazio
Filner
Gutierrez
Hoyer
Jackson-Lee (TX)
Johnson, E. B.
Kaptur
Kennedy (RI)
Lofgren
Martinez
McDermott
McKinney
Meek (FL)
Meeks (NY)
Mink
Mollohan
Morella
Murtha
Oberstar
Pelosi
Pombo
Ros-Lehtinen
Roybal-Allard
Sabo
Scott
Serrano
Skaggs
Torres
Towns
Velázquez
Watt (NC)
Waxman
Wynn

ANSWERED "PRESENT"—1

Kim

NOT VOTING—17

Bereuter
Bliley
Cannon
Cardin
Coble
Cooksey
Gonzalez
Hunter
Jefferson
McCarthy (MO)
Payne
Rangel
Riggs
Royce
Solomon
Waters
Yates

□ 2226

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PAYCHECK PROTECTION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2608.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 2608, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 166, nays 246, answered "present" 1, not voting 18, as follows:

[Roll No. 83]

YEAS—166

Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilbray
Bilirakis
Blunt
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Christensen
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Riley
Rogan
Rogers
Rohrabacher
Roukema
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
White
Wicker
Wolf
Young (FL)

NAYS—246

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Castle
Chenoweth
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilman
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Neumann
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter

Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (NC)
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn
Young (AK)

ANSWERED "PRESENT"—1

Kim

NOT VOTING—18

Bereuter
Bliley
Cannon
Cardin
Coble
Cooksey
Gekas
Gonzalez
Hunter
Jefferson
McCarthy (MO)
Payne
Rangel
Riggs
Royce
Solomon
Waters
Yates

☐ 2233

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

CAMPAIGN REPORTING AND DISCLOSURE ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3582.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3582, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 6, answered "present" 1, not voting 18, as follows:

[Roll No. 84]

YEAS—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—6

Dingell
Martinez
Mollohan
Murtha
Sabo
Shadegg

ANSWERED "PRESENT"—1

Kim

NOT VOTING—18

Archer
Bereuter
Bliley
Cannon
Cardin
Coble
Cooksey
Gonzalez
Hunter
Jefferson
McCarthy (MO)
Payne
Rangel
Riggs
Royce
Solomon
Waters
Yates

☐ 2239

Mr. GILLMOR and Mr. MCINTOSH changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, on rollcalls no. 81, on HR 3581, Campaign Reform & Election Integrity Act; 82, on HR 34, Illegal Foreign Contribution Act; 83, on HR 2608, the Paycheck Protection Act; 84 and on HR 3582, the Campaign Reporting and Disclosure Act.

I was absent due to respiratory illness.

Had I been present, I would have voted no on rollcall 81, yes on rollcall 82, no on rollcall 83, and yes on rollcall 84.

UTAH VICTORY OVER NORTH CAROLINA TARHEELS

(Mr. COOK asked and was given permission to address the House for 1 minute.)

Mr. COOK. Mr. Speaker, I am delighted to stand here and to recount the Utah victory last Saturday night over the North Carolina Tarheels. It gives me particular great pleasure because just a year ago I was forced to wear all day the cap of the Chicago Bulls when a bet of mine went sour with my colleague and good friend, the gentleman from the State of Illinois (Mr. JACKSON). But tonight I get to stand here; and my very good friend, the gentleman from the State of North Carolina (Mr. PRICE), is wearing the Utah red and acknowledging his loss to the bet we had last week.

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will yield, I have to say red is not normally my color. I usually prefer a light shade of blue. But the outcome of Saturday's game between the University of Utah and the Tarheels of North Carolina has forced me to alter my wardrobe this evening.

I do want to thank my friend and colleague, the gentleman from Utah (Mr.

COOK), for the T-shirt. Make sure we see it. This may be the last time, though, it is seen on me. I am not the only Tarheel politician seeing red today. I believe the Governor, a United States Senator, many others were run over by the Rick Marjerus-led Utes last Saturday.

In North Carolina, of course, we are very proud of our school and players. I mostly feel bad for my colleague from Utah because he missed out wearing that fine light blue T-shirt I had for him. But I hope Saturday's victory is a source of some consolation.

Mr. COOK. Mr. Speaker, reclaiming my time, I want to thank very much the gentleman from North Carolina and just to say, as I left the cloakroom just a few minutes ago before this last vote, Utah was ahead by almost six points, on the verge of winning the national championship; and I have to tell him that all day today I searched for someone from the Kentucky delegation to take me up on a bet. I thank my colleague. Go Utah.

Mr. PRICE of North Carolina. Well, my colleague certainly beat a highly regarded Carolina team. We are real proud of that team, led by Coach of the Year Bill Guthridge. The Tarheels ended their season with 34 wins and just four losses, a great year by any measure.

So I will save this T-shirt for next year. I will suggest that it would be a fine fit, that blue T-shirt for my colleague or anyone else after next season.

□ 2245

I say to the gentleman from North Carolina, I hope he enjoyed today. I know he is doing real well right now, not doing too badly at the moment as that Kentucky game moves on. But Carolina blue is not the only blue that can cause you trouble. Good luck.

PERSONAL EXPLANATION

Mr. BERRY. Mr. Speaker, unfortunately because of the tragedy in the district that I represent, I missed rollcall votes numbers 79 and 80 on Friday, March 27, 1998.

Had I been present, I would have voted "no" on rollcall vote number 79. Had I been present, I would have voted "yes" on rollcall vote number 80.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the four bills just debated, H.R. 3581, H.R. 34, H.R. 2608, and H.R. 3582.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore (Mr. SHIMKUS) laid before the House the following resignation as a member of the Committee on Small Business:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 1998.

Hon. NEWT GINGRICH,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the House Committee on Small Business.

Sincerely,

MARION BERRY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3060

Mr. WATTS of Oklahoma. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 3060.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

QUESTIONS REGARDING CHINESE EXPORT OF MISSILES AND NUCLEAR TECHNOLOGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, earlier this year I stood in this Chamber and expressed my concern regarding the administration's certification that China had provided clear and unequivocal assurances that it was not either directly or indirectly assisting nonnuclear weapon states, and the states that I used as an example were Pakistan and Iran, in the acquisition of nuclear explosive devices. I had pointed out that this was the first time in 12 years that a U.S. President had granted such a certification.

Mr. Speaker, last Thursday, the administration officials in China reaffirmed their claim that China had kept its pledge. They had accepted the Chinese assurances that they have not helped Iran build nuclear weapons. They were, however, concerned about Chinese missile sales to Tehran. They also declined to discuss a foiled plan by a Chinese firm to sell Iran a chemical that could be used in the enrichment of uranium for nuclear weapons.

Sources have said that the meeting between the administration and the Chinese Government was to work out an agreement to give China access to Washington's more advanced missile technology if the Chinese agree not to export missiles to Iran and Pakistan.

Mr. Speaker, I must express tonight my concern regarding statements made by the administration regarding nuclear technology and China. As many Members of this body are aware, China is a major supplier of weapons of mass destruction, nuclear and missile technology.

When the United States and China signed an accord in 1985 to allow American firms to export nuclear technology to China, Members of Congress were concerned over China's sales of nuclear weapons technology to third countries. In response, Congress quickly passed legislation to require the President to first certify that China has not sold or transferred nuclear technology to countries that are not subject to inspection by the International Atomic Energy Agency.

In granting the certification, the Clinton Administration has chosen to overlook China's recent transfer of nuclear technology to unregulated nuclear facilities in Pakistan and Iran. The administration has accepted so-called assurances by Beijing that it would cancel or postpone indefinitely several projects, especially secret nuclear facilities in Pakistan and a uranium conversion facility in Iran, as the basis for the U.S. granting the certification.

Earlier this year, the Congressional Research Service stated that China may be continuing to violate its commitment to abide by international nuclear proliferation guidelines. Yet, the administration continues to overlook CIA findings that the Chinese have sold 5,000 ring magnets to Pakistan for its uranium enrichment facility. The ring magnets were transferred to a laboratory in Kahuta, Pakistan. The facility in Kahuta is named after the founder of Pakistan's nuclear weapons program. I would like to note that ring magnets are used for the building of nuclear weapons.

The administration has overlooked a CIA report that described the Chinese sale of special industrial furnace and high-tech diagnostic equipment to Pakistan. The furnace and diagnostic equipment have dual use and can be used to melt plutonium and uranium for nuclear weapons.

Paul Levanthal of the Nuclear Control Institute said that the United States should be on the lookout for China providing Pakistan with heavy water to start up a military plutonium production reactor at Khushab.

Mr. Speaker, I would like for the administration to outline the Chinese policy on controlling sales of missile technology. Unfortunately, they cannot. As several sources have correctly pointed out, the Chinese have not established export controls that meet the international standards.

Despite the foiled Chinese plan and Mr. Levanthal's concerns regarding the sale of heavy water to Pakistan, the administration continues to look the other way. The administration will continue to support China's export of technology and ballistic and missile components to Pakistan.

The administration is willing to approve China's continued support of Pakistan's commitment to build a plutonium production reactor and a plutonium reprocessing plant. These facilities are essential for a nuclear weapons program. Despite the repeated protests by Members of this body, China continues to assist Pakistan in building a sophisticated nuclear arsenal. Unfortunately, this nuclear arsenal is not subject to international inspection.

I would like to remind my colleagues that Pakistan is not a member of the International Atomic Energy Agency and bans investigators from several of its nuclear facilities.

Members of this body have supported, and at times insisted, that China receive U.S. peaceful nuclear technology only if China halts all nuclear exports to nations with unregulated nuclear facilities. Last year, a letter was sent to President Clinton by Members of this body stating that China has not earned or behaved in a manner that warrants such certification.

The Arms Control and Disarmament Agency's annual report to Congress stated that while the administration could not stipulate a violation, questions remain about contacts between Chinese entities and elements associated with Pakistan's nuclear weapons program.

Last week I cosigned a letter with Members from both sides of the aisle, authored by the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN), that urged the President to prevent the delivery of reactors and nuclear technology to China. Many of my colleagues share the same concerns that I have outlined today. We are concerned that the Chinese Government has not held true to its promise.

Many of my colleagues share the same concerns that I have outlined today. We are concerned that the Chinese Government has not held to its promises in stopping the spread of its own technology to countries that are trying to develop nuclear weapons.

Mr. Speaker, the Members of this body have continued to send a message that we will not turn our heads away and accept the Chinese nuclear weapons relationship with Pakistan and Iran. We cannot accept the assurances made by the Chinese government when it has failed to be a responsible member of the international nuclear proliferation community.

HISTORIC PRESIDENTIAL VISIT TO AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the last couple of days I had the honor of joining the President of the United States in a very historic visit to the continent of Africa. For those of us who care very much for this emerging relationship, let me applaud the President and the First Lady for making the larger statement, the viability of Africa as a world partner, both socially and as well as economically.

The President's journey to Ghana, Uganda, Rwanda, South Africa, Botswana and Senegal, albeit a small portion of the 53 nations of the continent and certainly of sub-Saharan Africa, counting 48, was not only symbolic, but meaningful and filled with substance for the world as well as this Nation.

The coverage by our media that followed and saw fit to respond and report on this story overall symbolizes the changing attitude about Africa. The front page or cover story on Time Magazine and the commentators from local news around the Nation showed our country willing to learn more about Africa and willing to accept Africa for what it is, a brilliant continent, rich in history and great in its future.

It was important that my local station, Channel 13, traveled all the way to South Africa to cover this historic journey. My local paper, the Houston Chronicle, carried a series day after day on the President's visit and the importance of its opening the doors of opportunity and economic opportunity as far away as Houston, Texas.

I was very pleased to have the opportunity one on one to discuss in meetings with business persons, both Americans doing business in South Africa and Africa, and African companies who wanted to extend the opportunity to do business in the United States.

I was encouraged by the attitude. I was greatly encouraged by the interest in Houston's port, and as well the noted recognition of the amount of business already done with our Houston port and the availability of doing more business with our port.

I was very much involved in discussing the ability of capital financing for joint ventures between businesses in the United States, particularly in Houston, particularly minority and small businesses, and South African businesses, and talking with business persons and owners of companies in South Africa that would provide for the financing of many of our small and minority businesses to engage in the right kind of successful business opportunities.

I am likewise very much encouraged by the potential opportunity for direct air routes to West Africa from Houston and other parts in the United States, and as well the recognition by the United States in making sure that our foreign policy is not trade instead of aid, but trade and aid, that we have the ability to respond to the great need of infrastructure, building and rebuilding, as well as the great health needs, particularly involved in the HIV ravaging epidemic in Africa.

Let me also pay special tribute to Alma Brown, who joined us in celebrating the opening of the Ron Brown Commercial Center in Johannesburg, South Africa. Her eloquent words and tribute to her late husband, Secretary Ron Brown, highlighted the importance of his legacy and message, joined by President Clinton and Secretary Daley and Congressman RANGEL, that we all must be committed to economic enhancement.

But needless to say, we must recognize the doors that were opened by Ron Brown's commitment to Africa and recognition of the kind of partner it can be on the world stage.

Let me say that this was not only an economic trip or a trip that would promote businesses and cooperative efforts between Africa and the United States of America, but it was one for social justice. With the visiting of Robin Island as well as the visiting of Soweto and Johannesburg, acknowledging the killing of young Mr. Peterson, 12 years old, in a 1976 uprising against apartheid, we knew full well the commonality between those of us of African American decent and our African brothers and sisters in the fight for social justice.

It was quite appropriate for our President to speak up eloquently on what slavery did to both continents and how in fact it enslaved all of us and how wonderful it was that we must move forward in the future, to never be shackled again by human bondage.

□ 2300

With that in mind it was very important that we spoke in Rwanda, as I close, Mr. Speaker, about the abuses in Sudan and other places in Africa against human rights. We must stand for human rights around the world.

All in all, Mr. Speaker, this was an outstanding effort to raise up the bonding between Africa and the United States, and I believe it is only a start and we must continue to work together to make it a reality.

YUCCA MOUNTAIN MUST BE DISQUALIFIED AS A SITE FOR REPOSITORY OF DEADLIEST MATERIAL EVER MADE BY MAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Mr. GIBBONS) is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, the proponents of storing nuclear waste in Nevada suffered a huge setback last week when scientists from the California Institute of Technology and Harvard University reported that the strain in the Earth's crust near Yucca Mountain makes it at least 10 times more prone to earthquakes and lava flows than government scientists previously estimated.

The study commissioned by the Nuclear Regulatory Commission concluded that the ground around Yucca Mountain could stretch more than 3 feet over the next 1,000 years. While this may not sound like a great deal of movement, this distance is a distance that would easily crush any canister of nuclear waste buried there, exposing a wide area including the water table of the Southwest to deadly radioactivity and pollution.

When the original criteria for a long term nuclear storage site was created, the Environmental Protection Agency ruled that any site that would be stable for 10,000 years would be appropriate for a high-level nuclear waste dump. However, now this latest data shows that the ground around Yucca Mountain will not be stable for even one-tenth of that time. It is a sure bet though, if we give the U.S. Department of Energy a scientific reason to doubt the wisdom of storing high-level waste at Yucca Mountain, the agency will simply ignore the findings.

Nevada ranks third in the Nation for current seismic and earthquake activity. Earthquake databases indicate that since 1976 there have been 621 seismic events of a magnitude greater than 2.5 within a 50-mile radius of Yucca Mountain. The most notable event that occurred this period was a earthquake with a magnitude of 5.6 that occurred in 1992.

Now, the mountain ranges and valleys in the Yucca Mountain area are a result of millions of years of intense faulting and volcanism. With 33 earthquake faults and more than 30 earthquakes a year, Yucca Mountain is not geologically safe. Any nuclear accident at Yucca Mountain could send invisible but deadly radioactive dust across the Nation, contaminating everyone and everything in its path, since the winds blowing across the country move from West to East.

Mr. Speaker, on December 1997 an incident occurred near Kingman, Arizona in which a truck carrying radioactive waste had leaked from one of its nuclear waste containers. The nuclear waste canister leaks proved that transporting this refuse poses a real threat to our children and our communities. DOE's previous statement and guarantees made about the safety of transporting nuclear waste are now clearly irrelevant.

Their findings confess to four reasons why this incident occurred. First, containers were used for shipping after design flaws were identified in earlier container failures. Second, lack of understanding of the properties of the waste, specifically that excess free liquid would form during transportation. Third, lack of formality and rigor in contractor oversight between DOE Fernald and DOE Nevada. And finally, fourth, failure to provide the appropriate attention and oversight to these shipments because of the relatively low potential threat to public health and safety.

Acting Assistant Secretary for Environmental Management Jim Owendoff stated, "We are troubled by lapses in contractor management and DOE oversight, especially because problems with the containers had been identified on previous occasions."

These canister leaks were not caused by an accident or other large catastrophe. The Accident Investigation Board concluded that stress fractures caused the leaks in the shipping containers and were widened by vibration and wear associated with normal highway transport. Yet the DOE would have us believe that canisters that cannot withstand highway travel are impervious to earthquakes and other natural disasters.

When looking ahead to the possibility of canisters carrying high-level nuclear waste to Yucca Mountain, Nevada, canisters that carry 10 times the long-lived radiation that the bomb on Hiroshima released, citizens across this country must be protected, and cannot be threatened and endangered by canister leaks caused by simple highway vibrations.

Yucca Mountain must be disqualified as a site for a temporary or a permanent repository for the deadliest material ever made by man. The Department of Energy cannot safely transport nuclear waste, and this Congress wants to store the refuse in the third most active earthquake area in the United States.

Mr. Speaker, it becomes apparent that the lives of our constituents and their communities depend on the decisions we make on this floor. I encourage all Members and the American people to learn the true science surrounding this issue, for our children and their future depend on it.

THIS IS NOT THE END OF CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FARR) is recognized for 5 minutes.

Mr. FARR of California. Mr. Speaker, I notice the gentleman from Nevada, who is just leaving the room, arrived here almost 12 hours ago and began the session today. It is now ended, we are in special orders, and it has been quite a day.

This was the day we were supposed to deal with substantive debate on campaign finance reform. It is now 11 p.m. in the Nation's Capital. As I speak, here in the East they are watching the last minute of the national collegiate basketball championships. We have Members, as you heard earlier, that came back from Africa today; we had Members that spent the day in New Mexico. It has been quite a day.

But I think what is so shocking to me and to many other people who spoke today is that today, with all of these other activities, was the day we were going to try to adopt in this House a comprehensive campaign finance reform bill, and we had votes on bills. There were four bills up today. They were under extraordinarily difficult procedures. No amendments were allowed, no Democratic bills, there were not bipartisan bills on the floor. A vote was taken on the Republican bill, H.R. 3581, and that vote, I think after you heard the comments, people were not surprised that that bill because what it did was, it did not do campaign reform.

It tripled the total Federal limit from $25,000 to $75,000 that can be given to a campaign, it tripled the party contributions from $20,000 to $60,000, and it doubled the individual, which under present law is $1,000, and would increase it to $2,000. I think what this body saw was by putting more money into campaigns you cannot call that campaign finance reform.

And so this House in an overwhelming bipartisan effort rejected that bill brought here by the leadership of the House, brought here with the idea that this was going to be the most substantive bill on campaign reform, and as the vote was tallied tonight you saw that it got 74 votes in favor of it and 337 votes against it and one abstention.

I think that the tragedy is that, perhaps for a lot of people leaving tonight in frustration, was that now that we have been there and done that, that campaign finance reform is over. I hope not. The issue started in this House. It started when the President of the United States came and, Mr. Speaker, spoke right in front of the podium you are now at and asked this House to give him a complete, comprehensive campaign finance reform bill in a timely fashion. We missed the deadlines, we missed any action last year on the bill, and now we have a vote that has rejected a bad bill.

Let us hope that that is not the end. Let us hope that we can do several things. One is regroup, because I think the public is going to be outraged by this action tonight and bring to the floor a true bipartisan bill or all the bills, and allow all of them that were not discussed here today to be voted on. We can do that by signing the discharge petition, and I hope my colleagues have; I know I have and many others have.

But let us bring a bill that does some reform. This bill tonight had no cap or no limit on what you could spend; it had no ban on soft money. What was passed in the House were noncontroversial issues, essentially saying that you have to be a United States citizen to contribute to a campaign. I am very curious that a House that has been so concerned about unfunded mandates would pass such a comprehensive law, requiring the FEC to monitor the nationality and the citizenship of everybody who contributes to a campaign either in kind or by money, because that is going to be very difficult to do, very difficult to enforce.

And so I think what we have passed here tonight is another huge unfunded mandate which may cripple the FEC, the Federal Elections Commission.

The other thing we did was to pass a bill that says let us file reports in a timely fashion electronically, and obviously that had overwhelming support. But this, my colleagues, is not campaign finance reform. Campaign finance reform has not been voted on by the House of Representatives, we have not dealt with the issue in a substantive way, we have not had a bipartisan bill on the floor, and, Mr. Speaker, as I close I hope that you will convey to your leader that we may have had a day discussing some bad bills, but we have not yet dealt with campaign finance reform.

RECESS

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 12 of rule I, the Chair declares the House in recess, subject to the call of the Chair.

Accordingly (at 11 o'clock and 12 minutes p.m.), the House stood in recess, subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 12 o'clock and 48 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3579, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–473) on the resolution (H. Res. 402) providing for consideration of the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 10, FINANCIAL SERVICES ACT OF 1998

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–474) on the resolution (H. Res. 403) providing for consideration of the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes, which was referred to the House Calendar and ordered to be printed.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, MARCH 24, 1998

A PORTION OF THE FOLLOWING SPECIAL ORDER WAS INADVERTENTLY OMITTED

RELIGIOUS FREEDOM

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes.

Mr. ISTOOK. Mr. Speaker, I am thankful for the opportunity to address an extremely significant issue that relates to our schools, that relates to some of our most cherished principles as citizens of the United States of America and that unfortunately involves things which the courts of the United States have thrust upon the people despite the unwillingness of the people, in fact despite great concern and opposition by the public.

This relates, Mr. Speaker, to the matter of what happens in our public schools. It relates to the practices that have gone on for generations upon generations in this country involving prayer in public bodies, in particular, in our schools.

I am not talking about this just to be talking about it, Mr. Speaker. I am doing it because we are going to have an opportunity in the next few weeks here in the House of Representatives to vote on correcting what the courts in the United States have done, what the U.S. Supreme Court has done in its bans and restrictions and prohibitions on the practice of simple prayers being offered at public school. That particular legislation is the Religious Freedom Amendment, House Joint Resolution 78. I am privileged to be the principal sponsor of it. There are over 150 Members of this body who are sponsors as well. I would like to share with my colleagues the text of that. The Religious Freedom Amendment is very simple and straightforward and tries to return us to what were bedrock principles of this country until the Supreme Court began undercutting those principles some 36 years ago. The text is very straightforward and reads as follows as an amendment to the U.S. Constitution:

> To secure the people's right to acknowledge God according to the dictates of conscience, neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion or deny equal access to a benefit on account of religion.

It is simple and it is straightforward. It states that just as the constitutions of every single State in this country state, we believe in the people's right to acknowledge God, and expressly mentions Him, as the constitutions of the States do. No official religion, but not these restrictions that are put on prayer and positive expressions of religious faith but that are not applied to other forms of speech.

Why is religious speech singled out for discrimination? Mr. Speaker, in 1962, the U.S. Supreme Court ruled that even when participation was voluntary and even if it was some sort of nonsectarian prayer, it was unconstitutional, they said, for school children to join together in a prayer in their classroom. That was followed by other Supreme Court decisions, Stone v. Graham in 1980, in which the U.S. Supreme Court said that the Ten Commandments could not be displayed on the walls of a public school. Mr. Speaker, I would note that that decision came out of your home State of Kentucky because it was Kentucky schools that had the practice. Groups would make copies of the Ten Commandments available and they would be hung with other important documents as the source of law as well as the source of spiritual guidance.

I notice, Mr. Speaker, here in the Chamber of this House as I am facing and as the Speaker faces from the Speaker's dais, right there is the visage of Moses looking down on this Chamber, the great lawgiver who brought down from Mount Sinai the Ten Commandments which cannot be displayed in public schools. The U.S. Supreme Court says it is unconstitutional.

They went beyond that. They ruled in a case that came out of Pennsylvania, they ruled that a nativity scene and also a Jewish menorah could not be placed on public property during the holiday season unless right up there next to it you put nonreligious emblems, like plastic reindeer and Santa Claus and Frosty the Snowman. They had to be balanced. But, Mr. Speaker, I have never heard of any community that is required if they want to put out Santa Claus that they have to balance him with a nativity scene or a menorah or whatever it may be. It seems to be a one-way street.

The U.S. Supreme Court kept going. They had the case in 1985 of Wallace v. Jaffree. It came out of Alabama. Alabama had a law that said you can have a moment of silence to start the day at school, a moment of silence. The U.S.

Supreme Court ruled that was unconstitutional, because one of the permitted uses of that moment of silence was to enable students to have a silent prayer, and thus they said the whole moment of silence is even unconstitutional. And then a case upon which I would like to elaborate in 1992. By a 5-4 decision, the case of Lee v. Weisman out of Rhode Island, the U.S. Supreme Court ruled a prayer at a school graduation to be unconstitutional. It was a prayer that was offered by a Jewish rabbi. The court held it was unconstitutional.

All of these things, Mr. Speaker, are what the Supreme Court has done to twist and distort and undermine our First Amendment, the very first right mentioned in the First Amendment, Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. Now, without even getting into the point of whether a school is creating an act of the Congress, and we are kind of two different bodies at two different levels, but to say that they are ignoring the part of the Constitution that says you do not prohibit the free exercise of religion, because what the Court did, Mr. Speaker, in all of these cases is to say that having a prayer or the Ten Commandments or a moment of silence or a nativity scene or a menorah, that that was the same as creating an official church. How absurd. An official church created just because you have a prayer? We open sessions of this Congress with a prayer. The House and the Senate, just like legislative bodies all around the country, be it State legislatures or city councils or private groups, Chamber of Commerce meetings, Kiwanis Club, Rotary Club, PTA meetings, people commonly open those things with prayer, just as we do here in Congress. It is normal. It does not make us a church just because we have a prayer. But the Supreme Court says, "Oh, you have a prayer at school and you're turning the school into a church." Therefore, they ignore the free exercise clause of the Constitution.

We have been living under this for 36 years. The only way that we are going to be able to fix this is with the religious freedom amendment, to straighten out the courts, by saying that the things they have said are somehow wrong are indeed, as the American people believe, right.

I said I wanted to focus on a particular case. That was the case in 1992 of Lee v. Weisman. What I would like to do, Mr. Speaker, is in different evenings during these special orders in talking about the Religious Freedom Amendment, I think it is important to dissect and to help Members of this body as well as the general public to understand what the courts said so that we can understand the necessity of correcting it with the Religious Freedom Amendment. After all, that has been the method that we have used to correct Supreme Court decisions ever since the 1800s in America, including, for example, Supreme Court decisions such as the Dred Scott decision that were trying to uphold the practice of slavery. We made sure that it was outlawed.

Mr. Speaker, looking at the Lee v. Weisman case, and I would note, it is a 5-4 decision of the U.S. Supreme Court. Had one justice, just one of the nine justices of the U.S. Supreme Court gone the other way, we would not have this same problem when it comes to being able to have a prayer at a school graduation. Yet because one justice would not go the other way, we have to get two-thirds of the House of Representatives, two-thirds of the Senate to approve a constitutional amendment, and of course then it has to be ratified by the legislatures in three-fourths of the States, all because by a margin of 5-4 the Supreme Court made this ruling.

This was a very strange ruling, Mr. Speaker, because the Supreme Court rested the whole decision on the notion that to expect someone during a prayer is psychological coercion that the majority of the Supreme Court equated with the same as using compulsion on someone to have a particular religion just because at this graduation the students were expected to be respectful, not only respectful of the prayer offered by the rabbi but respectful of the other speakers, respectful of the people as they came in as a group, as part of this graduation, respectful of the other people in attendance. But, oh, if it was respect for the rabbi's prayer, oh, there the Supreme Court said, "Well, you can't expect people to be respectful of religion. After all, they may disagree." Okay. I disagree with many of the things said on the floor of this House. That does not mean that I have a right to silence and to censor the people who may say it. It is common in everyday life. In all sorts of settings, we hear things with which we disagree. That does not give us the right to censor and silence people. But this notion of political correctness which has been extended into schools is saying, "Oh, but my goodness, if somebody doesn't like it, let's see if we can find an excuse to silence them," and they twist and distort the First Amendment to make it anti-religious instead of positive toward religion and use that as an excuse to silence people. Let us look at this decision. The decision came down from the U.S. Supreme Court June 24, 1992. The justices who said that this prayer at a school graduation was unconstitutional were Justices Kennedy, Blackmun, Stevens, O'Connor and Souder. Dissenting and, boy, did they dissent in very clear terms, dissenting were Justices Scalia, Rehnquist, the Chief Justice, White, and Thomas.

I am looking at the Supreme Court decision and for people that look up these things and want to look up the reference, which is called the citation, it is cited as 505 U.S. 577. That is 505 United States Reports, page 577. As the Court wrote, and Justice Kennedy wrote the opinion for the majority and a lot of organizations got involved in this, and I am glad to say, Mr. Speaker, by the way, that most of those who were arguing in favor of the graduation prayer are also supporters of the religious freedom amendment. The prayer actually happened in 1989. The Supreme Court took 3 years to make its decision. But it was a public school, Nathan Bishop Middle School in Providence, Rhode Island. There was a 14-year-old girl who was one of the graduates of middle school, her name was Deborah Weisman. At the time she was about 14 years old. Now, it was the policy in the schools and the superintendent to permit principals to invite members of the clergy to give invocations and benedictions. Often, it was not always but often they chose to make these part of the graduation ceremonies.

□ 2230

The objector in this case was Deborah Weisman and her father Daniel Weisman. The school principal invited a Jewish rabbi to offer the prayer. The rabbi's name was Leslie Gutterman, and he was from the Temple Beth El in Providence, Rhode Island.

Now these were the two prayers that he offered Mr. Speaker, which the Supreme Court held were unconstitutional, and I think people can decide for themselves if they think there is something offensive here. The invocation offered by Rabbi Gutterman was as follows:

> God of the free, hope of the brave, for the legacy of America where diversity is celebrated and the rights of minorities are protected, we thank You. May these young men and women grow up to enrich it. For the liberty of America, we thank You. May these new graduates grow up to guard it. For the political process of America in which all its citizens may participate, for its court system where all may seek justice, we thank You. May those we honor this morning always turn to it in trust. For the destiny of America, we thank You. May the graduates of Nathan Bishop Middle School so live that they might help to share it. May our aspirations for our country and for these young people who are our hope for the future be richly fulfilled. Amen.

So the invocation by Rabbi Gutterman even praised the very courts which later said that he violated the Constitution in doing so.

Then there is the benediction that the rabbi offered at the close of the graduation. These were the words that he pronounced:

> O God, we are grateful to You for having endowed us with a capacity for learning which we have celebrated on this joyous commencement. Happy families give thanks

> for seeing their children achieve an important milestone. Send Your blessings upon the teachers and administrators who helped prepare them. The graduates now need strength and guidance for the future. Help them to understand that we are not complete with academic knowledge alone. We must each strive to fulfill what You require of us all, to do justly, to love mercy, to walk humbly. We give thanks to You, Lord, for keeping us alive, sustaining us and allowing us to reach this special happy occasion. Amen.

That was the benediction offered by Rabbi Gutterman which again the U.S. Supreme Court, because someone chose to find it offensive, the U.S. Supreme Court ruled it unconstitutional.

Now in this, Mr. Speaker, do you notice the case was brought by and on behalf of one student?

Now the Court does not tell us clearly just how big the class was. It was evidently, from other comments you know, a good-size graduating class from this middle school.

No one else joined in the court case to say I also object, just one student, and that is part of the problem with the standard, the erroneous standard that has been created by the Supreme Court. If one person objects, everyone else is censored. In fact, they have even said even if nobody does object, the possibility that somebody could object is enough to make us say that you should not have prayers at school graduations or prayers at the start of the school day.

Since when, Mr. Speaker, does something have to be unanimous before we can say it under free speech in the USA? And why should we restrict religious speech?

But let me get back to what Justice Kennedy wrote for this five—four-Court majority. He mentioned

> * * * the parties stipulate attendance at these graduations is voluntary, and they also note the students stood for the Pledge of Allegiance, and then they remained standing for the rabbi's prayers,

and the court wrote that they assume that there was a respectful moment of silence just before and just after the prayers, but despite that, the rabbi's two prayers probably did not last much beyond a minute each, if even that much.

Now the school board, and by the way the United States of America through the Solicitor General's Office, sided with the school board. The Solicitor General filed a brief on behalf of the school. The school board argued that the short prayers and others like it are of profound meaning to many students and parents throughout the country. As Justice Kennedy noted, they consider that

> * * * due respect and acknowledgment for divine guidance and for the deepest spiritual aspirations of our people ought to be expressed at an event as important in life as graduation.

Now first the plaintiffs, the Weismans, asked for a court injunction to stop the prayer from taking place. The court said we do not have time before the graduation, did not grant the injunction. They maintained the suit after the prayers were given, the court made the decision, oh, it should not have happened, it was unconstitutional, and they held, of course, a violation of the first amendment. They issued a permanent injunction against the school system there in Providence, Rhode Island, saying you are permanently enjoined, do not do this again, do not have one of these horrible prayers at school graduation.

Of course, I do not think it is horrible, I think it is normal. But the court held that it was unconstitutional, and on appeal the U.S. Court of Appeals agreed with the district court, as ultimately the U.S. Supreme Court did.

Now Justice Kennedy wrote, well, even though attendance is voluntary at graduation it is really kind of obligatory because you expect students to want to be at their graduation. And they found a lot of criticism with the fact that the actual invitation to the rabbi, rather than coming maybe from a student body officer or something like that, the fact that the invitation was extended by the principal of the school, the Supreme Court thought that was very significant. Now I do not know how that affected necessarily the nature of the prayer that the rabbi gave, but the rabbi was given a copy of different guidelines for civic occasions. And that was the name of the document, Guidelines for Civic Occasions, that the principal gave him and said, I hope your prayers are going to be nonsectarian. And, as the Court said, well, that was a State effort to control the prayer.

Now imagine that. They say we hope that you will offer a prayer that will be as acceptable as possible to people, and the Court says that is the same as controlling the content.

And then the Court went on to say that it is unconstitutional for the government to try to suggest that a prayer seek common ground. Really, they really said that. This is what Justice Kennedy wrote, these are his words:

> If common ground can be defined which permits one's conflicting faiths to express the shared conviction that there is an ethic and morality which transcends human invention, the sense of community and purpose sought by all decent societies might be advanced. But though the First Amendment does not allow the government to stifle prayers which aspire to these ends, neither does it permit the government to undertake that task for itself.

I find it very interesting, Mr. Speaker, that Justice Kennedy says the first amendment does not allow the government to stifle prayers, and yet that is what the Supreme Court did in this very case. They stifled the prayers. They said that it may have happened that time but do not let us catch you doing it again.

Then Justice Kennedy said, "Let's look at the position of the students, both those who desired the prayer and she who did not."

Now that is interesting, it is in the plural. Those who desired the prayer, that is plural; and "she," one person who did not want the prayer to occur.

Justice Kennedy wrote:

> To endure the speech of false ideas or offensive content and then to counter it is part of learning how to live in a pluralistic society, a society which insists upon open discourse towards the ends of a tolerant citizenry. Against this background, students may consider it an odd measure of justice to be subjected during the course of their education to ideas deemed offensive and irreligious, but to be denied a brief formal prayer ceremony that the school offers in return.

Now, I am glad he noticed that. It does seem strange, Mr. Speaker, all the things that happen in schools, all the things that are advanced as part of school curriculums that so many people find distasteful and objectionable, whether it be things that relate to evolution, some people find offensive same-sex marriages, rainbow curriculums, a lot of the things that are done in public schools today that offend a great many people. But we are told we have to learn to live in a pluralistic society except when it comes to a situation such as a prayer, and then we are told, oh no, tolerance does not go that far, tolerance does not dictate that we listen to or respect religious expression on public property.

Here was the linchpin of what Justice Kennedy wrote. He went on to say:

> The undeniable fact is that the school district's supervision and control of a high school graduation ceremony places public pressure as well as peer pressure on attending students to stand as a group or at least maintain respectful silence during the invocation and benediction. This pressure, though subtle and indirect, can be as real as any overt compulsion.
>
> Of course, in our culture, standing or remaining silent can signify adherence to a view or simple respect for views of others, and no doubt some persons who have no desire to join a prayer have little objection to standing as a sign of respect for those who do. But for the dissenter of high school age who has a reasonable perception that she is being forced by the State to pray in a manner her conscience will not allow, the injury is no less real. What matters is that, given our social conventions, a reasonable dissenter in this milieu could believe that the group exercise signified her own participation or approval of it.

Notice what Justice Kennedy said. People, by standing, do not indicate that they are agreeing with the prayer. People, by being quiet and respectful, that does not necessarily mean that they are joining in the prayer, becoming participants in it. But because one individual might think that that is the same as participating in a prayer in which they did not want to join, therefore you cannot have it.

You can teach people, you can teach our children at school, and I sure hope they do, Mr. Speaker. You can teach them to be tolerant and respectful and courteous about other things, but not to be respectful of religion or of prayer.

Justice Kennedy wrote further:

> It is, we concede, a brief exercise during which the individual can concentrate on joining its message, meditate on her own religion, or let her mind wander. But the embarrassment and the intrusion of the religious exercise cannot be refuted by arguing that these prayers are of de minimis character. To do so would be an affront to the rabbi who offered them.

Can you understand that, Mr. Speaker? The Supreme Court ruled that we cannot say that it was just a minimal intrusion, because otherwise it would be insulting the rabbi, so instead of insulting the rabbi by saying that maybe there is somebody in the audience that did not want to hear the prayer, the Supreme Court says let us insult the rabbi by just saying you violated the Constitution.

□ 2245

What a remedy. They say that they knocked out the prayer to avoid insulting the rabbi who offered the prayer.

It is really hard for me, Mr. Speaker, to follow this psychological coercion test that Justice Kennedy and the majority of the Supreme Court wrote about in this decision. I think it is much more fruitful to look at what the four Justices wrote when they dissented, that being Justices Scalia, Chief Justice Rehnquist, Justice White, and Justice Thomas.

This is what they wrote countering what the Supreme Court had done. I would like to advise you, Mr. Speaker, that it is the philosophy that was voiced by four Justices of the U.S. Supreme Court in this dissent; it is that philosophy which is embodied in the Religious Freedom Amendment. In fact, in other cases impinging upon religious freedom, there were dissents filed by other Justices of the Supreme Court.

We have taken to heart what they said, and what they believe is the proper interpretation of the Constitution and I think what the American people believe is the proper interpretation. We have sought to incorporate that in the religious freedom amendment upon which we will soon be voting.

So let us look then at what these four Justices wrote through Justice Scalia. Talking about the majority ruling, they wrote:

> As its instrument of destruction, the bulldozer of social engineering, the Court invents a boundless and boundlessly manipulable test of psychological coercion; lays waste a tradition that is as old as public school graduations themselves, and that is a component of an even more long-standing American tradition.
>
> Today's opinion shows more forcibly than volumes of argumentation why our Nation's protection, that fortress which is our Constitution, cannot possibly rest upon the changeable, philosophical predilections of the Justices of this Court, but must have deep foundations in the historic practices of our people.

They went on to discuss, Mr. Speaker, some of the historic practices of prayer in public settings. As they wrote,

> * * * the history and tradition of our Nation are replete with public ceremonies featuring prayers of thanksgiving and petition.
>
> In his first inaugural address, after swearing his oath of office on a Bible, George Washington deliberately made a prayer part of his first official act as President. Such supplication has been a characteristic feature of inaugural addresses ever since.
>
> Thomas Jefferson, for example, prayed in his first inaugural address. In his second inaugural address, Jefferson acknowledged his need for divine guidance and invited his audience to join his prayer.

Reading further from the Court dissent,

> * * * similarly, James Madison, in his first inaugural address, placed his confidence in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations.
>
> Most recently, President Bush, continuing the tradition established by President Washington, asked those attending his inauguration to bow their heads and made a prayer his first official act as President.

Reading further from Justice Scalia,

> * * * the day after the First Amendment was proposed, Congress urged President Washington to proclaim a day of public thanksgiving and prayer to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God. President Washington responded by declaring Thanksgiving for November 26, 1789.

Reading further from the dissent in the Lee v. Weisman case,

> * * * the other two branches of the Federal Government also have a long-established practice of prayer at public events. As we detailed in Marsh v. Chambers, congressional sessions have opened with a chaplain's prayer ever since the first Congress. And this Court's own sessions have opened with the invocation "God save the United States and this Honorable Court" since the days of Chief Justice Marshall.
>
> In addition to this general tradition of prayer at public ceremonies, there exists a more specific tradition of invocations and benedictions at public school graduation exercises.
>
> By one account, the first public high school graduation ceremony took place in Connecticut in July 1868, the very month, as it happens, that the Fourteenth Amendment was ratified, when 15 seniors from the Norwich Free Academy marched in their best Sunday suits and dresses into a church hall and waited through majestic music and long prayers.
>
> As the Court acknowledges in describing the customary features of high school graduations, the invocation and benediction have long been recognized to be as traditional as any other parts of the school graduation program and are widely established.

Yet, Mr. Speaker, despite what 4 dissenting Justices were telling them in the words which I am reading to you, Mr. Speaker, despite that, just by a margin of 5 to 4, the Supreme Court said you should not have prayer at school graduations.

Now, these dissenting 4 Justices, Mr. Speaker, they turned their attention then to the argument, this psychological coercion argument that had been made by Justice Kennedy on behalf of the majority. Let me read you what they wrote about this.

> According to the Court, students in graduation who want to avoid the fact or appearance of participation in the invocation and benediction are psychologically obligated by public pressure as well as peer pressure to stand as a group or at least maintain respectful silence during those prayers.
>
> This assertion, the very linchpin of the Court's opinion, is almost as intriguing for what it is does not say as for what it says. It does not say, for example, that students are psychologically coerced to bow their heads, to place their hands in a prayerful position, to pay attention to the prayers, to utter amen, or in fact to pray.
>
> It claims only that the psychological coercion consists of being coerced to stand or at least maintain respectful silence. That is all anybody was coerced to do. Nobody was required to join in a prayer. They were just expected to be respectful.

Mr. Speaker, it is a sad day when students in public schools are not taught to be respectful even, and perhaps especially, when somebody is saying or doing something with which they disagree.

The 4 dissenting Justices called the arguments of their 5 brethren "ludicrous." That is their word for it, ludicrous. But they wrote further,

> * * * let us assume the very worst, that the nonparticipating graduate is suddenly coerced to stand. Even that does not remotely establish a participation or an appearance of participation in a religious exercise.
>
> The Court acknowledges that in our culture, standing can signify adherence to a view or simple respect for the views of others. But if it is a permissible inference that one who is standing is doing so simply out of respect for the prayers of others, then how can it possibly be said that a reasonable dissenter could believe that the group exercise signifies her own participation or approval.
>
> The opinion manifests that the Court itself has not given careful consideration to its test of psychological coercion. For if it had, how could it observe with no hint of concern or disapproval that the student stood for the pledge of allegiance which immediately preceded Rabbi Gutterman's invocation?

Does that not ring a bell, Mr. Speaker? Is that now how we open our sessions of this Congress? We stand together, and we say the Pledge of Allegiance to the flag that is draped behind you, Mr. Speaker, and a prayer is offered. The Supreme Court said that that simple pattern was unconstitutional in a public school setting.

Now, about this requirement of standing, which is the only thing that any student was asked, not compelled, but they said, well, it was coercion. It was coercion to expect him to stand, even though they were not forced to.

As Justice Scalia wrote in the dissent,

> * * * if students were psychologically coerced to remain standing during the invocation, they must also have been psychologically coerced moments before to stand

> for, and thereby, in the Court's view, to take part in or appear to take part in the Pledge of Allegiance. Must the Pledge, therefore, be barred from the public schools?

I mention that, Mr. Speaker, because there is another U.S. Supreme Court decision, it is 50 years old now, 50 years old this year, relating to the Pledge of Allegiance in public schools. I think, Mr. Speaker, that it incorporates the proper standard, whether you are talking about at the graduation or the classroom setting, the proper standard.

Because in that case, which came out of West Virginia, West Virginia versus Barnette, the U.S. Supreme Court said no child can be compelled to say the Pledge of Allegiance. That is fine with me, Mr. Speaker. I do not want to compel someone to say the Pledge of Allegiance if they do not wish to say it. But what the Court did not do was to say that, because one child objects or might object, therefore, they can stop the other children from saying the Pledge of Allegiance.

That ought to be the standard that applies to prayer, to voluntary prayer at public schools or at a school graduation. No one is compelled to participate. The Religious Freedom Amendment makes that explicit. You cannot require any person to join in prayer or other religious activity, but that does not give you the right to censor and silence those who do.

And as Justice Scalia noted here, does this mean that under this test that the Supreme Court applied to graduation prayer, now we are going to have to go back and ban the Pledge of Allegiance from our public schools? Because it is the same coercion to be respectful for that.

Mr. Speaker, it is long overdue that we correct decisions like this that have come from the U.S. Supreme Court, decisions that have used the First Amendment not as a shield of protection for religious freedom of the U.S.A., but as a weapon to stifle simple prayers, simple expressions of faith, whether it be at a school graduation or in a classroom.

Let me read some of the last words that were written by the 4 Justices who stood strong for our values and our traditions and dissented from this decision in Lee versus Weisman. Here is what they wrote in closing their decision or their dissent:

> The reader has been told much in this case about the personal interest of Mr. Weisman and his daughter and very little about the personal interests on the other side. They are not inconsequential. Church and State would not be such a difficult subject if religion were, as the Court apparently thinks it to be, some purely personal avocation that can be indulged entirely in secret, like pornography in the privacy of one's room. For most believers, it is not that and has never been.
>
> Religious men and women of almost all denominations have felt it necessary to acknowledge and beseech the blessing of God as a people and not just as individuals, because they believe in the protection of Divine Providence, as the Declaration of Independence put it, not just for individuals, but for societies.
>
> One can believe in the effectiveness of such public worship or one can deprecate and deride it, but the long-standing American tradition of prayer at official ceremonies displays with unmistakable clarity that the establishment clause does not forbid the government to accommodate it.
>
> Nothing, absolutely nothing * * *

the closing words of Justice Scalia,

> Nothing, absolutely nothing is so inclined to foster among religious believers of various faiths a toleration, no, an affection for one another than voluntarily joining in prayer together. No one should be compelled to do that, but it is a shame to deprive our public culture of the opportunity and, indeed, the encouragement for people to do it voluntarily.
>
> The Baptist or Catholic who heard and joined in the simple and inspiring prayers of Rabbi Gutterman on this official and patriotic occasion was inoculated from religious bigotry and prejudice in a manner that cannot be replicated.
>
> To deprive our society of that important unifying mechanism in order to spare the nonbeliever what seems to me the minimal inconvenience of standing or even sitting in respectful nonparticipation is as senseless in policy as it is unsupported in law.

□ 2300

We have had a lot of senseless decisions from the U.S. Supreme Court when it comes to prayer in public schools, at graduation, the ability to have the Ten Commandments displayed in public places, or a nativity scene, a menorah, or it might be an emblem of some other religious holiday at an appropriate time of celebration. But, Mr. Speaker, to strip away the history, the culture, the tradition, the beliefs, the faith and the heritage of the people of the United States of America, not by a joint decision of the people of this country, but by bare majorities or even a 9-to-0 decision of the U.S. Supreme Court, to tromp upon the beliefs and convictions of the people of this country is not justified by the First Amendment.

Mr. Speaker, I do not want to change the Constitution to fix this, but there is no other way, because the Supreme Court has already distorted our First Amendment, using it as a weapon against public expression of faith; using it to censor and to silence simple prayers of hope and faith by children in our schools.

The Religious Freedom Amendment, Mr. Speaker, addresses this, and we will be addressing it in the next few weeks. It has been approved by the Subcommittee on the Constitution; it has been approved by the House Committee on the Judiciary; it will be coming to this floor for a vote, to correct decisions such as this one and others of the U.S. Supreme Court.

I repeat, Mr. Speaker, a simple text, the Religious Freedom Amendment:

> To secure the people's right to acknowledge God according to the dictates of conscience. Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize the religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, proscribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion.

Religion is something that is good in this country. It has had a positive influence ever since it motivated the pilgrims to come to America and to found this Nation, because they sought religious freedom; they sought the protections that the Supreme Court would deny people today.

Mr. Speaker, I urge my colleagues to support the Religious Freedom Amendment. To those who have not joined the more than 150 cosponsors, I invite them to join and put their name on this amendment and join with us today in that. I hope that their constituents will call their offices and tell them they need to be supporting the Religious Freedom Amendment, they need to put their name on it. They need to be helping Congressman Istook and the others who are supporting this.

Mr. Speaker, this is something that is so vital because our cherished first freedom is being undercut by the Supreme Court that is supposed to be its guardian, and the Constitution sets up a system where if something goes wrong with interpretation of the Constitution, we offer an amendment, because we, Mr. Speaker, are charged to be the protectors of what the Founding Fathers intended, and the Religious Freedom Amendment helps us to provide that protection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. ARMEY) for today and March 31 until 1 p.m., on account of official business.

Mr. CANNON (at the request of Mr. ARMEY) for today and the balance of the week, on account of the birth of his child.

Mr. BEREUTER (at the request of Mr. ARMEY) for today, on account of official business.

Mr. SOLOMON (at the request of Mr. ARMEY) for today, on account of official business.

Mr. BLILEY (at the request of Mr. ARMEY) for today, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of physical reasons.

Mr. CARDIN (at the request of Mr. GEPHARDT) for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. GIBBONS, for 5 minutes, today.

Mr. HUTCHINSON, for 5 minutes, today.

Mr. EWING, for 5 minutes each day, today and on March 31 and April 1.

Mr. KINGSTON, for 5 minutes each day, today and on March 31.

Mr. SMITH of Michigan, for 5 minutes each day, on March 31 and April 1.

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. KLINK, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) and to include extraneous matter:)

Mr. KIND.
Mr. MORAN of Virginia.
Mr. SKELTON.
Mr. KUCINICH.
Ms. LOFGREN.
Ms. DELAURO.
Mr. CLYBURN.
Mr. HINOJOSA.
Mr. TOWNS.
Mr. LEVIN.
Mr. FORD.
Mr. ANDREWS.
Mr. HALL of Ohio.
Mr. DINGELL.
Ms. SANCHEZ.
Ms. BROWN of Florida.
Mr. FROST.
Ms. EDDIE BERNICE JOHNSON of Texas.

(The following Members (at the request of Mr. FOLEY) and to include extraneous matter:)

Mr. HAYWORTH.
Mr. FAWELL.
Mr. BILBRAY.
Mr. FRANKS of New Jersey.
Mr. GILMAN.
Mr. ENSIGN.
Mr. FORBES.
Mr. EVERETT.
Mr. WOLF.
Mr. SOLOMON.
Mr. BALLENGER.
Mr. CASTLE.
Mr. HORN.

(The following Members (at the request of Mr. FARR of California) and to include extraneous matter:)

Ms. BROWN of Florida.
Mr. BECERRA.

ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 50 minutes a.m.), under its previous order, the House adjourned until today, Tuesday, March 31, 1998, at 9:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8288. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Brucellosis in Cattle; State and Area Classifications; Florida [Docket No. 98–014–1] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8289. A letter from the General Sales Manager and Vice President of Commodity Credit Corporation, Foreign Agricultural Service, transmitting the Service's final rule—Foreign Donation of Agricultural Commodities (RIN: 0551–0035) received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8290. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Department of Defense Grant and Agreement Regulations (RIN: 0790–AG28) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8291. A letter from the Comptroller, Department of Defense, transmitting the Department of the Navy's plans to initiate a multiyear procurement for the AV–8B Harrier aircraft beginning in fiscal year 1998 and continuing through fiscal year 2001; to the Committee on National Security.

8292. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule—Bank Holding Companies and Change in Bank Control; Clarification to the Board's Section 20 Orders [Regulation Y; Docket No. R–1010] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8293. A letter from the Administrator of National Banks, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, transmitting the Office's final rule—Lending Limits [Docket No. 98–04] (RIN: 1557–AB55) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8294. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Notice of a Final Funding Priority for Fiscal Years 1998–1999 for a Rehabilitation Engineering Research Center—received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8295. A letter from the Assistant Secretary for Children and Families, Department of Health and Human Services, transmitting the Department's final rule—Head Start Program (RIN: 0970–AB53) received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8296. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the semi-annual report for the period April 1, 1998 to September 30, 1998 listing Voluntary Contributions made by the United States Government to International Organizations, pursuant to 22 U.S.C. 2226(b)(1); to the Committee on International Relations.

8297. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Removal of Solvent Free Basis Calculation Requirement and Trace Quantity Exemption [Docket No. 980219044–8044–01] (RIN: 0694–AB66) received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8298. A letter from the Chairman, Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1997, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

8299. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled "The Changing Federal Workplace: Employee Perspectives," pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

8300. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Survey Order Month Change for Jefferson, New York, Nonappropriated Fund Wage Area (RIN: 3206–AI01) received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8301. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Labor Certification Process for the Permanent Employment of Aliens; Researchers Employed by Colleges and Universities, College and University Operated Federally Funded Research and Development Centers, and Certain Federal Agencies (RIN: 1205–AB11) received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8302. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Service; Requiring Completion of Criminal Background Checks Before Final Adjudication of Naturalization Applications (RIN: 11150–AF03) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8303. A letter from the Administrator, Foreign Agricultural Service, transmitting the Service's final rule—Modification of the Tariff-Rate Import Quota Licensing for Certain Cheeses From Hungary [7 CFR Part 6] received March 20, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8304. A letter from the Assistant Secretary for Import Administration, International Trade Administration, transmitting the Administration's final rule—Procedures for Conducting Five-year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders [Docket No. 980313063–8063–01] (RIN: 0625–AA51) received March 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8305. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide the Secretary of Agriculture with the authority to pay employees of the Food Safety and Inspection Service working in establishments subject to the Federal Meat Inspection Act and the Poultry Products Inspection Act for overtime and holiday work perfomed by such employees at rates the Secretary deems appropriate; jointly to the Committees on Agriculture and Government Reform and Oversight.

8306. A letter from the Acting Assistant Secretary for Environmental Management, Department of Energy, transmitting the Savannah River Site Nuclear Material Stablization Activities report for fiscal year 1998, as requested in the Conference Report 105–27; jointly to the Committees on Commerce and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2574. A bill to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes (Rept. 105–471). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 1151. A bill to amend the Federal Credit Union Act to clarify existing law and ratify the longstanding policy of the National Credit Union Administration Board with regard to field of membership of Federal credit unions; with an amendment (Rept. 105–472). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 402. Resolution providing for consideration of the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–473). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 403. Resolution providing for consideration of the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes (Rept. 105–474). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1778. Referral to the Committees on Commerce, Government Reform and Oversight, and Transportation and Infrastructure extended for period ending not later than March 31, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS (for himself, Mr. Castle, Mr. Horn, and Mr. Upton):

H.R. 3581. A bill to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for election for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. WHITE (for himself, Mr. Thomas, Mr. Goodlatte, Mr. Paxon, Mr. Franks of New Jersey, and Mrs. Linda Smith of Washington):

H.R. 3582. A bill to amend the Federal Election Campaign Act of 1971 to expedite the reporting of information to the Federal Election Commission, to expand the type of information required to be reported to the Commission, to promote the effective enforcement of campaign laws by the Commission, and for other purposes; to the Committee on House Oversight.

By Mr. WOLF:

H.R. 3583. A bill to amend the Internal Revenue Code of 1986 to increase the child tax credit to $1,000 for children under the age of 5 and to allow such credit against the alternative minimum tax; to the Committee on Ways and Means.

By Mr. BOSWELL:

H.R. 3584. A bill to delay the effective date of the final rule promulgated by the Secretary of Health and Human Services regarding the Organ Procurement and Transplantation Network; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 3585. A bill to suspend temporarily the duty on Pigment Red 177; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3586. A bill to suspend temporarily the duty on diclofop-methyl; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3587. A bill to suspend temporarily the duty on piperonyl butoxide; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3588. A bill to suspend temporarily the duty on tralomethrin; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3589. A bill to suspend temporarily the duty on deltamethrin; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3590. A bill to suspend temporarily the duty on thidiazuron; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3591. A bill to suspend temporarily the duty on Triflusulfuron Methyl; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3592. A bill to suspend temporarily the duty on resmethrin; to the Committee on Ways and Means.

By Mr. ENSIGN (for himself and Mr. Gibbons):

H.R. 3593. A bill to improve the ability of small businesses, Federal agencies, industry, and universities to work with Department of Energy contractor-operated facilities, and for other purposes; to the Committee on Commerce.

By Mr. HILL:

H.R. 3594. A bill to provide for the permanent extension of income averaging for farmers; to the Committee on Ways and Means.

By Mr. MANTON (for himself, Mr. Dingell, Mr. Spratt, Mr. Hall of Texas, Mr. Boucher, Mr. Klink, Mr. Stupak, Mr. Gordon, Mr. Rush, Mr. Sawyer, Ms. McCarthy of Missouri, Mr. Strickland, Mr. Brown of Ohio, Mr. Deutsch, Ms. Eshoo, Ms. Furse, Mr. Waxman, Mr. Markey, Mr. Wynn, Mr. Green, Ms. DeGette, Mr. Towns, Mr. Engel, Mr. Hinchey, Mrs. Lowey, Mr. Meeks of New York, Mrs. McCarthy of New York, and Mr. Ackerman):

H.R. 3595. A bill to reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEEK of Florida (for herself and Mrs. Northup):

H.R. 3596. A bill to authorize the Secretary of Education to make grants to institutions of higher education for demonstration projects to ensure equal educational opportunity in post-secondary education for individuals with learning disabilities; to the Committee on Education and the Workforce.

By Mrs. MEEK of Florida (for herself, Mr. Frank of Massachusetts, and Mr. Watt of North Carolina):

H.R. 3597. A bill to amend the Immigration and Nationality Act to prohibit discrimination in the issuance of nonimmigrant visas, and for other purposes; to the Committee on the Judiciary.

By Mr. REYES:

H.R. 3598. A bill to designate the Federal building located at 700 East San Antonio Street in El Paso, Texas, as the "Richard C. White Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself, Mr. Watts of Oklahoma, and Mr. Sanford):

H.R. 3599. A bill to ban the provision of Federal funds to the International Monetary Fund until Iraq is expelled from the International Monetary Fund; to the Committee on Banking and Financial Services.

By Mr. SAXTON:

H.R. 3600. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from retirement plans to provide medical care for relatives who are 55 years old or older; to the Committee on Ways and Means.

By Mr. SHADEGG (for himself, Mr. Clement, Mrs. Myrick, Mr. Tiahrt, Mr. Calvert, Mr. Martinez, Mr. Filner, Mr. Coburn, Mr. Hostettler, Mr. Hoekstra, Mr. Engel, Mr. Ackerman, Mr. Hayworth, and Mr. Solomon):

H.R. 3601. A bill to amend chapter 47 of title 18, United States Code, relating to identity fraud, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANKS of New Jersey (for himself, Mr. Diaz-Balart, and Ms. Ros-Lehtinen):

H. Con. Res. 254. Concurrent resolution calling on the Government of Cuba to extradite to the United States convicted felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba; to the Committee on International Relations.

By Mr. HOYER (for himself, Mrs. MORELLA, Mr. WYNN, Ms. NORTON, Mr. WOLF, Mr. MORAN of Virginia, and Mr. DAVIS of Virginia):

H. Con. Res. 255. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. MARTINEZ (for himself and Mr. RIGGS):

H. Res. 401. A resolution expressing the sense of the House of Representatives that social promotion in America's schools should be ended and can be ended through the use of high-quality, proven programs and practices; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

265. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 112 memorializing the Congress of the United States to overturn the ruling of the United States Labor Department that subjects workfare/welfare recipients to the provisions of the Fair Labor Standards Act and other regulations as the ruling pertains to certain recipients; to the Committee on Education and the Workforce.

266. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4030 praying that the President submit and Congress quickly pass legislation that grants states extensive flexibility in the use of Medicaid funding for acute and long-term care services; to the Committee on Commerce.

267. Also, a memorial of the Senate of the State of Texas, relative to Senate Concurrent Resolution No. 34 memorializing the improvement of patient access to quality health care by facilitating the rapid review and approval of new drugs, biological products and medical devices; to the Committee on Commerce.

268. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 33 expressing its complete support for full inclusion of the Republic of Poland, the Republic of Hungary, and the Czech Republic into the North Atlantic Treaty Organization; to the Committee on International Relations.

269. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4032 praying that the United States Government immediately resolve the United States-Canada fishing dispute, enforce the two hundred-mile limit and the ban on high seas drift net fishing, and provide funding for salmon recovery efforts which mitigate the loss of habitat caused by the construction of hydroelectric dams on the Columbia River; to the Committee on Resources.

270. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4035 praying that the United States Government promptly complete the proposed Interstate 90 land exchange, thus securing the greatest possible environmental, recreational, and land-management benefits at the earliest possible time; to the Committee on Resources.

271. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 16 urging the reauthorization of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) at a level of funding for highway and mass transportation purposes that is no less than ISTEA authorization levels; to the Committee on Transportation and Infrastructure.

272. Also, a memorial of the Senate of the State Legislature of Alaska, relative to Senate Resolve 1 memorializing the Senate's gratitude to the members of the Swiss government and banking officials who have cooperated thus far in allowing investigations to be carried out because, without their assistance, these investigations would not be possible and none of the assets in question would be recoverable by their rightful owners or their heirs; jointly to the Committees on International Relations and Banking and Financial Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. SCOTT, Mr. LAFALCE, Mrs. MINK of Hawaii, and Mr. NEAL of Massachusetts.

H.R. 614: Mr. PASCRELL.

H.R. 619: Mr. DELAHUNT and Mrs. JOHNSON of Connecticut.

H.R. 860: Mr. FORBES.

H.R. 872: Mr. PAPPAS.

H.R. 979: Mr. PAYNE and Mr. YATES.

H.R. 981: Mr. CLEMENT, Mr. BROWN of Ohio, Mr. MENENDEZ, and Mr. STOKES.

H.R. 1041: Mr. STUPAK.

H.R. 1126: Mr. GREENWOOD, MR. WEXLER, Ms. HOOLEY of Oregon, Mr. ROTHMAN, and Mr. BROWN of California.

H.R. 1151: Mr. MINGE.

H.R. 1176: Mr. PASTOR.

H.R. 1283: Mrs. FOWLER, Mr. CHAMBLISS, and Mr. MILLER of Florida.

H.R. 1315: Mr. TORRES.

H.R. 1605: Mr. WAXMAN.

H.R. 1737: Mr. COOK.

H.R. 2004: Ms. KAPTUR.

H.R. 2397: Mr. FILNER.

H.R. 2427: Mr. FROST, Mr. LEWIS of Georgia, and Mr. KUCINICH.

H.R. 2606: Mr. KUCINICH and Mr. MEEKS of New York.

H.R. 2671: Mr. UNDERWOOD.

H.R. 2788: Mr. MATSUI.

H.R. 2792: Mr. MANZULLO.

H.R. 2821: Mr. ENGEL and Ms. MILLENDER-MCDONALD.

H.R. 2931: Ms. SANCHEZ.

H.R. 3010: Mr. FILNER.

H.R. 3029: Mr. ENGLISH of Pennsylvania.

H.R. 3048: Mr. ETHERIDGE.

H.R. 3049: Mr. SMITH of New Jersey.

H.R. 3086: Ms. CARSON, Mr. BOUCHER, Mr. POMEROY, Mr. FRANK of Massachusetts, and Mr. RODRIGUEZ.

H.R. 3107: Mr. MORAN of Virginia and Mr. SPENCE.

H.R. 3131: Mr. DOYLE.

H.R. 3149: Mr. SESSIONS.

H.R. 3151: Mr. SESSIONS.

H.R. 3156: Mr. TIERNEY, Mr. ALLEN, Mr. RAMSTAD, Mr. OBEY, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. OXLEY, Mr. MALONEY of Connecticut, Ms. ROYBAL-ALLARD, Mr. DREIER, Mr. PICKETT, Ms. HOOLEY of Oregon, and Mr. BOSWELL.

H.R. 3181: Mr. FILNER.

H.R. 3216: Mr. ENGEL and Mr. ENGLISH of Pennsylvania.

H.R. 3242: Mr. WATTS of Oklahoma.

H.R. 3247: Mr. WISE, Mr. GOODE, Ms. PRYCE of Ohio, Mr. STRICKLAND, Mr. HINCHEY, Mr. PORTMAN, Mrs. NORTHUP, Mr. RAMSTAD, Mr. BOUCHER, Mr. RAHALL, and Ms. KAPTUR.

H.R. 3331: Mr. SUNUNU and Ms. DANNER.

H.R. 3447: Mr. PAUL and Mr. FROST.

H.R. 3448: Mr. PAUL and Mr. FROST.

H.R. 3449: Mr. PAUL and Mr. FROST.

H.R. 3510: Mr. DEUTSCH and Mr. JEFFERSON.

H.R. 3557: Mr. STUMP.

H.R. 3567: Mr. SANDERS and Ms. KAPTUR.

H. Con. Res. 55: Ms. KILPATRICK.

H. Con. Res. 247: Mr. HILLIARD, Ms. HARMAN, Mr. HINCHEY, Mr. DOOLEY of California, Mrs. KENNELLY of Connecticut, Mr. FARR of California, Mr. GREEN, Mr. OLVER, Mr. STOKES, Mr. KENNEDY of Massachusetts, and Mr. WEXLER.

H. Res. 313: Mr. BARRETT of Wisconsin, Mr. HILLIARD, and Mr. ABERCROMBIE.

H. Res. 340: Mr. BOYD.

H. Res. 399: Mr. FAWELL and Mr. UPTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3060: Mr. WATTS of Oklahoma.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3579

OFFERED BY: MR. FAZIO OF CALIFORNIA

AMENDMENT NO. 1: At the end of chapter 1 of title I (relating to Department of Agriculture), insert the following:

GENERAL PROVISIONS

SEC. 101. Notwithstanding the area loss requirements of section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) and the regulations promulgated under such section, agricultural producers in areas declared a disaster pursuant to a Presidential declaration that suffered an agricultural loss due to a natural disaster that occurred between January 1, 1998, and the date of the enactment of this section, shall be eligible for Noninsured Crop Assistance Program payments calculated pursuant to such section 196.

EXTENSIONS OF REMARKS

THE MULTICHANNEL VIDEO COMPETITION AND CONSUMER PROTECTION ACT OF 1997

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. BILBRAY. Mr. Speaker, I rise today to lend my support to H.R. 2921, the Multichannel Video Competition and Consumer Protection Act of 1997. This Act, which I cosponsored earlier this year, will allow the Federal Communications Commission (FCC) to conduct an inquiry into competition in the multichannel video market. I agree with my colleague, Representative BILLY TAUZIN, whose goal with respect to video markets, is to create a policy environment that encourages vigorous competition. This will provide consumers with a choice of providers, new services, and competitive rates. I would like to take this opportunity to commend Representative TAUZIN for his leadership on this issue, and I look forward to working with him in the future to enact this bill into law.

A recent action by the Library of Congress flies in the face of these goals. The Library of Congress has upheld a decision of the Copyright Arbitration Rate Panel, which dramatically increases the price that Director-To-Home (DTH) satellite television companies pay in copyright fees. At the moment cable operators pay an average of 9.7 cents per subscriber for superstations, and 2.5 cents for network stations. DTH companies, on the other hand, have been paying an average of 27 cents per subscriber for both signals since the Library of Congress decision came into effect on January 1 1998. At these rates, the satellite service providers will be paying 275 percent and 900 percent more respectively for the very same signals.

In the short term, this has a detrimental impact on America's 7.5 million satellite subscribers. For example, in my home state of California, these costs have already been passed on to consumers through DTH subscription increases. Strangely enough, cable subscribers could suffer too. In the year between July 1996 and July 1997, we witnessed cable rates increase at nearly 4 times the rate of inflation. In order to remedy this situation we must listen to some sensible advice from the FCC. They have told us that the most effective regulator of cable rates is more robust competition from satellite television services.

Let's create an environment in which the satellite television industry can compete, not one where their competitiveness is reduced. I urge my colleagues to cosponsor this legislation, and help create a better multichannel video market for consumers.

HONORING MONTGOMERY'S HABITAT FOR HUMANITY

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. EVERETT. Mr. Speaker, I am pleased to pay tribute to an outstanding organization that is building lives as it builds homes for the needy in my congressional district in central Alabama. I'm speaking about the Montgomery, Alabama Habitat for Humanity. I would like to enter into the RECORD this recent editorial in The Montgomery Advertiser honoring our local volunteers' selfless efforts.

> For sheer effectiveness, few charitable undertakings rival the work of Habitat for Humanity. The Montgomery chapter of that organization will soon begin its most ambitious project yet, a neighborhood of perhaps as many as 50 homes built the Habitat way—with donated money, materials and labor in what can only be described as the spirit of love.
>
> Habitat enjoys such wide support and admiration because it accomplishes its stated mission without a lot of frills or fanfare. It puts in decent housing people who are willing to work and be responsible homeowners, but who would never qualify for a mortgage from a conventional lender.
>
> Its most famous volunteer worker is former President Jimmy Carter, who is a pretty fair carpenter, but anyone who can drive a nail or carry some lumber or make sandwiches for lunch or do any of scores of other necessary tasks can find a way to help with a Habitat project.
>
> Montgomery Habitat for Humanity envisions a neighborhood off the Alabama River Parkway, near North Pass neighborhood. The land is in hand, foreclosed property donated by Troy Bank and Trust.
>
> Habitat officials favor the idea of creating neighborhoods over building individual houses scattered around a community. Montgomery Habitat built Litchfield, a 16-home neighborhood near Maxwell Air Force Base. Now it's looking at a project three times that size.
>
> Habitat is not some no-strings giveaway program. Those for whom Habitat homes are built make monthly payments on their homes, with the money going into a revolving account that helps pay for building other homes. They also are required to invest 400 hours of "sweat equity" on their homes and others.
>
> Habitat founded by former Montgomerian Millard Fuller 22 years ago, has built homes from the start, but by building neighborhoods it also builds lives. It builds a sense of community and gives hard-working, low-income people a stake in their neighborhood that rental property or government-subsidized housing cannot provide.
>
> Habitat is effective, which makes it especially appealing to those people who can contribute their time and labor and those whose contributions can only be financial. The proposed new neighborhood is an exciting prospect for Habitat and for Montgomery.

RECOGNIZING BARBARA WHEELER

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. FAWELL. Mr. Speaker, it is my privilege to introduce to the Speaker and my associates in the House a prominent resident of the 13th Illinois Congressional District, prominent in terms of public service and professional accomplishments. Barbara M. Wheeler was recently elected President of the National School Boards Association, a nationwide advocacy organization comprised of 95,000 local school board members governing 15,000 local school districts.

Even before taking her law degree, Barbara Wheeler became actively involved in her local public school system, serving as a school board member, school board president, and chair of several school board advisory committees. She has been a member of the board of directors of the Illinois Association of School Boards and has held the office of president. More recently, she served as Secretary-Treasurer of the National School Boards Association, the organization she will now lead. She continues to speak on the challenges facing public education to conferences across the country. For more than 12 years, she has been a valuable member of my Congressional District Advisory Committee.

Barbara Wheeler, as President of the National School Boards Association, will be a vigorous, knowledgeable and articulate advocate of the interests of that organization and local school boards. I expect she will testify before Congress and represent the Association in many of its relationships with the executive branch of the federal government. I respectfully ask my colleagues in this House to join me in congratulating Barbara and wishing her well as she carries out her new responsibilities.

FRANKLIN TOWNSHIP BICENTENNIAL CELEBRATION

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, I would like to extend my sincere congratulations to the citizens of Franklin Township on their bicentennial celebration. The history, tradition, and values which have made Franklin into a leader in New Jersey, exemplify the values upon which our great nation has risen. Since its incorporation in 1798, Franklin has continued to prosper as a business and industrial leader, while maintaining its rural sense of community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Today, I join my colleagues and fellow citizens of New Jersey in extending our congratulations to the citizens of Franklin Township. We take great pride in celebrating your history, achievements and future prosperity.

IN HONOR OF MR. CARL VAIL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. FORBES. Mr. Speaker, rare is the occasion when one person so defines the character of a place, but I stand here today reflecting on just such a man, Mr. Carl Vail, of Southold, Long Island, New York. A man of great dignity and integrity, someone who held dear his Long Island home and served his country with special distinction, Carl Vail was someone that made you feel proud to be an American. That is why it is with great sadness that I inform my colleagues in the U.S. House of Representative of the passing of Carl Vail, at 102 years of age, on Thursday, March 12, 1998.

Born on August 12, 1895, Carl Vail lived his life as a reflection of the view that our national and familial legacy are gifts to nurture and pass on to our sons and daughters. The Vails are one of Long Island's and America's oldest families, having served and protected this land since the early 1700's. A Vail has fought in nearly every American conflict since the French and Indian War. Just last year, Carl discovered that he was a descendant of Christopher Vail who fought in the Revolutionary War. His own son Everett Flew B–24s in World War II and his seven grandsons served during the Vietnam conflict.

That tradition of service and patriotism ran deep in Carl Vail, who left the family's Southold farm to join the U.S. Army in December of 1917 and served his country in World War I. Carl was wounded in combat a month before the war ended after an enemy mustard-gas attack in France's Argonne Forest. Due to lost paperwork and a modest regard for his own heroic service to our country, Carl did not receive his Purple Heart until 1982. Until he passed away, Carl Vail was one of two dozen surviving World War I veterans living in Suffolk County.

After courageously serving his country, Carl returned to Southold, where he and his brother started a Hupmobile franchise, the beginning of an automobile sales business that lasted nearly 70 years. Generations of East Enders purchased their cars from Vail Brothers in Southold, Vail Motors in Riverhead and Seavale Motors in Southampton, dealerships that sold 20 different makers of cars, from Packards to Hudsons to Model T Fords.

I am proud to have come to know Carl during my service as a Member of the Congress representing Brookhaven, Smithtown and the five East End towns of Suffolk County. Born and raised in the same East End community, I can tell you that Carl Vail was the epitome of Eastern Long Island: friendly, proud, independent-minded and loyal to the core of this place to which the Vail family was such an integral part.

Carl Vail was a spirited man who cared about our community and participated in it to the last hours of his 102 years. May God bless and keep him. He will be sorely missed by all who knew him and all who so dearly love the East End.

CARL VAIL, WWI VETERAN, DIES—SOUTHOLD FAMILY'S LEGACY OF SERVICE

(By George DeWan)

The Vail family name is one of Long Island's oldest, and a Vail has fought in most of America's wars going back to the French and Indian War in the mid-1700s.

On Thursday, Carl Vail of Southold, who was gassed as an infantryman in France in World War I and was one of about two dozen surviving World War I veterans in Suffolk County, died at 102. He passed away at the Veterans Affairs Medical Center in Northport after an eight-month illness.

Vail was best known on the East End for the automobile dealerships he founded: Vail Brothers Inc. in Southold, Vail Motor Corp. in Riverhead and Seavale Motors in Southampton. He had sold 20 makes of cars—including Packard, Willys, Nash, Hudson, Maxwell and Model T Ford—and became one of the top dealers in eastern Suffolk.

Born in Peconic on Aug. 12, 1895, Vail was 22 when he was drafted in 1917. He was a farmer at the time, but was in love with the water. "I wanted to get in the Navy," he said in an interview with Newsday last year. "They said they'd take me only as a ship's cook." He didn't want to be a cook, so he went to the draft board in December, 1917.

Vail was a member of the Army's 77th, known as the Rainbow Division, which trained at Camp Upton in Brookhaven. He was hospitalized after an enemy mustard-gas attack in France's Argonne Forest in early October, 1918, a month before the war ended. After a number of governmental paperwork snafus, he was awarded the Purple Heart in 1982.

"My son, Everett, was a B–24 pilot in World War II," he has said. "He did 35 missions over Germany and came home without a scratch. During the Vietnam War, I had seven grandsons in the service." Vail learned only last year that he was a descendant of Revolutionary War soldier Christopher Vail.

Vail first learned to drive in a 1905 Pierce Arrow, and cars became a hobby, then a business. In 1919, he and his brother got a Hupmobile franchise, the beginning of an automobile sales business that grew and grew, lasting until 1983, when he retired at 88.

"In '27 I brought an acre of potato land for $8,000," he said. "We built a garage, and I built up a $100,000 business in a little town."

"When World War II started, most car dealers went out of business," Vail's grandson, Carl III, said yesterday. "He went out and bought a lot of cars. He once told me he was either going to go bankrupt or make a lot of money. After the war, he had a lot of cars, and he made a lot of money."

Vail helped found chapters of the American Legion in Mattituck and Southold. He was a life member of Eastern Long Island Hospital, a member of the Southold Universalist Church, the Southold Rotary Club and the East End Surf and Fishing Club.

Vail is survived by three children: Mary Hart of Southold, Virginia Bard of New York City and C. Everett Vail of Malabar, Fla.

Cremation was private. A memorial service will be held 3 p.m. Sunday, May 3, at the Universalist Church in Southold.

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers:

Mr. STOKES. Mr. Chairman, I rise to strongly oppose H.R. 3246, mistakenly called the Fairness for Small Business and Employees Act.

I use the adverb "mistakenly" because I do not believe that this bill would provide fairness for either small businesses or for employees.

This proposed legislation would allow employers to discriminate against any applicant who he or she determines have been either a union organizer or an activist in an union, and who is suspected of engaging in union activity as the "primary purpose" of seeking employment.

For 60 years, the National Labor Relations Board (NLRB) made rulings, acting under the authority of the National Labor Relations Act (NLRA), that clearly prohibited discrimination against workers based on their union membership or activities. The principles supporting these rulings have been upheld by the U.S. Supreme Court (NLRB v. Town and Country Electric, 1955.)

Title I of H.R. 3246 would amend the National Labor Relations Act to permit employers to refuse employment, or to fire, a person who is not a "bona fide employee applicant", if the employer believes that the applicant is not 50% motivated to work for the employer. Both of these conditions are, of course, subjective measures and would thus, give employers unrestricted ability to exclude from hiring any person suspected of union activity.

Title II would restrain the right of workers to organize by making it more difficult for a union to be recognized as the bargaining representative at a single facility of a multi-facility employer. The NLRB has, for over thirty five years, recognized that each separate workplace of an employer is an "appropriate" unit for collective bargaining. Forcing workers to organize all sites of a single employer in order to have union representation at one site of course presents a nearly unsurmountable obstacle to having any representation. Instead, title II imposes on the NLRB a set of subjective tests, and lengthy hearings by which the board is to determine the appropriate bargaining unit.

However, title III is partly acceptable. The positive part is that it would require the NLRB to decide wrongful termination cases within one year. However, there are no enforcement measures and this title needs to be amended to require the NLRB to reinstate a discharged worker should a preliminary investigation indicate that there is reasonable cause to believe that the discharge violated the NRLA.

Lastly, title IV of H.R. 3264 would have the effect of severely limiting the NLRB's ability to enforce worker protection rights at small business sites. It would require the NLRB to pay attorney fees and expenses of any small business that prevails in administrative and judicial proceedings, regardless of whether the NLRB's position was substantially justified or reasonable.

Earlier, I stated that H.R. 3246 was not fair to either small business or employees. I believe that the moral strength, and the economic vigor of this country derive from a healthy balance of power between employer and employee. H.R. 3246 would destroy that balance by removing some of the fundamental protections of workers in this country. For all of the reasons above, I urge my distinguished colleagues to vote against H.R. 3246.

PROJECT HOPE

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. HAYWORTH. Mr. Speaker, I come to the well of the House today to recognize a community success story: Project HOPE (Hayden Offers Positive Encouragement).

Project HOPE is a pro-recreation program for youth in Hayden, Arizona. The program was started by David Elmira, a former Hayden town councilman, in 1993 and has been supported every year since then by Hayden's mayors, Melesio R. Chavez and Jose Aranda. The program's purpose is to encourage youth to participate in after-school activities in order to keep them from getting into trouble.

Mr. Speaker, we often talk about the importance of local control. This program helps youth without the bureaucratic strings from the federal government. More importantly, Project HOPE doesn't rely on federal funds. Therefore, they can craft a program that fits their youth, instead of the federal government's "one-size-fits-all" approach. This gives them the freedom and flexibility to create a program that can succeed.

Project HOPE organizes various sporting activities including basketball, golf, and volleyball tournaments and football pass, punt, and kick competitions. Night swimming also remains a central component of this program. The program enters its fourth year under the leadership of Hayden Vice Mayor David Aguirre, who heads up the town council's Parks and Recreation Department. Carlos Galindo-Elvira, who is the Economic Development Program Coordinator, also deserves credit for the success of this program.

Project HOPE is primarily funded by the Town of Hayden, along with various grants. This year, Project HOPE will open a new youth recreation center. The center, a renovated fire station located in downtown Kearny, will have a physical exercise room and group activity room for all youth from the surrounding community to enjoy. It is local programs like this that need to be replicated in other communities. I wish Project HOPE continued success in the future.

IN RECOGNITION OF NORTHERN VIRGINIA'S FAIRFAX COUNTY 1997 CITIZEN OF THE YEAR AND MERIT AWARD WINNERS

HON. JAMES P. MORAN

OF VIRGINIA

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. MORAN of Virginia. Mr. Speaker, my colleague Mr. DAVIS of Virginia and I are honored to recognize four outstanding Northern Virginians who are being recognized this week by the Fairfax County Federation of Citizens Association as the Citizen of the Year and as Citation of Merit Award recipients for their community contributions.

The Fairfax County Federation of Citizens Associations is a volunteer, nonpartisan, umbrella for the organized citizenry of Fairfax County. For the past forty years it has represented the interests of hundreds of civic, condominium and town house associations working together with the magisterial district councils of citizens associations.

Minerva W. Andrews is the Fairfax County of Citizens Associations 1998 Citizen of the Year award recipient. Ms. Andrew's record of lifetime achievement and her dedication to country issues sets a shining example of public service for the Fairfax County community. Born and raised in South Carolina, Ms. Andrews distinguished herself by pursuing a career in law at a time when social mores directed women toward "traditional" occupations. She came to Fairfax County after graduating from the University of Virginia's Law School in 1948. Formerly a partner with McGuire, Woods, Battle and Boothe, Ms. Andrews specialized in real estate law. Her professional interest and civic commitments dovetailed as she worked to strengthen land development environmental practices. Ms. Andrews assisted in drafting the very first Erosion Control Ordinance adopted by Fairfax County.

During the 1950's, when Virginia entered the era of "massive resistance," Ms. Andrews served as the Fairfax League of Women Voters' President. Under her leadership, the LWV strongly supported integration of public schools and took the lead in opposing the states' actions to close the public school system. Ms. Andrews has been active in providing opportunities for young people throughout her life. She served on the Fairfax County Vocational Educational Foundation Board for 25 years (renamed the Foundation for Applied Technical Education) and served as the organization's President from 1977 to 1980.

Since her retirement, she has increased her participation on the National Society of Arts and Letters Board, an organization that recognizes talented students in the creative and literary arts. First associated with the Washington Chapter of the National Society of Arts and Letters, she served as the Chapter President from 1973–1974 and more recently has served as the National President from 1994–1996. Ms. Andrews has been an active member of the Fairfax-Falls Church United Way Executive Committee for many years and is a past chair of the Government Relations Committee.

Ms. Andrews was an early supporter of the Fairfax Committee of 100 having served on its Board and as its volunteer registered Agent. Until her retirement she also served for twelve years as a board member of the Greater Washington Research Center, a forum supported by the business community to encourage research on regional business, social issues and public policy, with an emphasis on transportation issues.

In addition to her county-wide and national activities, she has been active in her home community of McLean, serving as the president of the McLean Citizens' Associates from 1971–1972 and working with her husband Robert in forming the McLean Planning Commission that helped secure a federal grant for McLean's central business district. She has also served as a board member of the McLean Citizens' Foundation, the McLean Community Center and the McLean Project for the Arts.

She is a life Elder in the Lewinsville Presbyterian Church and has just completed a term as vice President on the board of the National Capitol Presbytery. She is also on the board and serves as counsel for the Lewinsville Retirement Residence.

In addition to Ms. Andrews, three citizens will be honored with Citations of Merit. They include: Mildred Corbin who will be recognized for her work in many county wide organizations such as the National Political Congress of Black Women, the Fairfax Care Network for Seniors, the Fairfax Commission for Women, the Route One Human Service Task Force, the Fairfax Committee of 100, and the Steering Committee for the Human Services Alliance to name just a few. She is also a two-term member of United Community Ministries and dedicates time to the Mount Vernon Mental Health Center and the Eleanor Kennedy Homeless Shelter. She actively supports Fairfax Offender Aid and Restoration Program, Black Women United for Action, the National Association of Retired Federal Employees and the American Association of Retired Persons. In 1997, she became the District representative to the Fairfax Area Commission on Aging. Ms. Andrews also participates in the Pinewood Lake Civic Association. Her volunteer contributions span more than forty years of service to young people, as well as senior citizens in the Northern Virginian community.

Shirely O. Nelson will also be recognized for her contributions to the Chantilly community and for her county-wide volunteerism. Her work has focused on innovative and practical youth programs, such as the Chantilly Pyramid Minority Achievement Committee (CPMSAC), a program that serves twenty eight schools. CPMSAC works toward improving youth motivation and awards academic achievement; it is currently in its thirteenth year. She also has been a lynchpin in saving and expanding the Saturday Toward Excellence Program (STEP). After serving on the Fairfax County Council of PTA for seven years, Ms. Nelson became its first African-American President in 1996. Since then she has spearheaded planning and communications program activities for the PTA. She has also coordinated community activities such as the first County-wide extended Family Solutions Conference. Additionally, Ms. Nelson founded and directs the Young Voices of Chantilly, an ensemble of fifteen elementary, middle and high school students. This group provides positive and inspirational messages to youth through song.

Thomas E. Waldrop will add the Fairfax County Federation of Citizens' Associations Citation of Merit award to his 1998 Jinx Hazel Arts Citizen of the Year Award, a Northern Virginia Community Foundation Founders Award in 1997 and his designation in 1996 as the Fairfax County Chamber of Commerce Citizen of the Year. He has served for an unprecedented third term as Chairman of the Board of the Arts Council and is on the Board of Directors for numerous arts and educational organizations. In addition, he has supported many county-wide and national human service causes such as the American Heart Association, United Way, the Hospice of Northern Virginia, the Women's Center, the Adopt a Family Program, and Ronald McDonald House to name only a few.

Mr. Speaker, we thank you for this opportunity to recognize such valuable members of the Northern Virginia community. We wish each of them the best in their endeavors to improve the lives of our constituents. Their lifetime dedication to volunteering is truly an inspiration to us all.

TRIBUTE TO WILLIAM L. CULVER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. SKELTON. Mr. Speaker, today I would like to recognize a fellow Missourian, Mr. William L. Culver, for his contributions to culture and history. In February 1998, Bill Culver participated in a C–SPAN contest that outlined the travels of Alexis de Tocqueville. He captured in art the essence of Tocqueville's travels in search of American democracy and was recognized as a top 10 national prize winner. He is an avid C–SPAN watcher and has faithfully shared his caricatures with this organization.

Bill Culver has been interested in art since he was a small child. He grew up in Northwest Missouri, attended the University of Missouri Law School, and successfully practiced law for many years. Bill now spends time doing what he enjoys most—writing and illustrating children's books. Also, he teaches part time at Columbia College at the Lake of the Ozarks.

Mr. Speaker, I ask my colleagues to join me in congratulating Bill Culver on this award and wish him good luck as he continues to illustrate art and developing legacies for future generations to enjoy.

PUT WORDS INTO ACTION: GIVE A TAX BREAK TO STAY-AT-HOME PARENTS

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. FRANKS of New Jersey. Mr. Speaker, last month, Congress voted on Daycare Fairness for Stay-at-Home Parents, a resolution recognizing the importance of stay-at-home parents and the care they give their kids.

I supported H. Con. Res. 202, because I believe that the Federal Government has for too long discriminated against parents who choose to stay at home to raise their children. We as lawmakers need to recognize the sacrifices these parents make to be at home with their kids, and encourage the kind of care that only they can give.

But a sense of Congress means nothing unless we back these words up with action. We should pass legislation that brings real tax relief to parents who stay at home.

The keystone of our child care effort should be to reverse current federal tax policy which effectively discriminates against parents who choose to stay at home to raise their children.

That is why I have introduced legislation that will universalize the Dependent Care Tax Credit (DCTC) to give stay-at-home parents tax relief equal to that received by parents who choose to leave their children with an outside caregiver. Under my bill, H.R. 3176, parents who stay at home with their pre-school age children will receive credit on $2,400 of expenses for one child, and $4,800 for two or more children.

The Dependent Care Tax Credit (DCTC) is currently available only to working parents for expenses related to non-parental child care. In effect, the DCTC subsidizes parents to leave their children in the care of others. In my view, this is a fundamentally misguided and harmful policy.

While I supported H. Con. Res. 202, parents who sacrifice a second income to stay at home with their kids deserve more than just a pat on the back. Let's show stay-at-home parents that we mean what we say. Support extending the Dependent Care Tax Credit. America's families and our children will be better off for it.

INTRODUCTION OF THE IDENTITY PIRACY ACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Ms. DELAURO. Mr. Speaker, last week I introduced the Identity Piracy Act to give the Secret Service and prosecutors more crime fighting tools to protect victims of identity fraud. Under current law, the attempt to defraud an individual by using his or her identity is not by itself a punishable offense. The Identity Piracy Act (IPA) closes this loophole, and makes the theft of one's identity a specific category of crime punishable under federal law.

In order to prosecute someone for identity fraud under current law, a person must commit another type of fraud such as wire, bank, or credit card fraud. The IPA would make the act of obtaining someone's identity with the intent to defraud a person or entity a federal crime. Punishment would include up to twenty years in prison, additional time for a conspiracy to commit identity fraud, fines, and restitution.

Imagine learning that someone has stolen your name and social security number and used an out-of-state address to apply for nearly 15 credit cards. Imagine that you didn't learn about the theft of your identity until the credit card company calls to check with you about $2,500 worth of charges you didn't make. Under current law, only the theft of the $2,500, and not the assumption of your identity, is punishable by federal law. The Identity Piracy Act (IPA) closes this loophole, and makes the theft of one's identity a crime.

The provisions of the IPA are similar to those of the Senate Identity Theft and Assumption Deterrence Act. However, the IPA contains language endorsed by the Secret Service that clearly defines identity fraud as a federal crime and expands penalties for this crime.

Like the Identity Theft and Assumption Deterrence Act (ITADA), the IPA would give law enforcement officials more crime fighting tools to protect victims of identity fraud. It would also enable victims to seek financial restitution from identity fraud thieves, and give law enforcement officials expanded authority to seize the equipment that enable thieves to steal the identities of consumers.

Unlike other proposed identity fraud legislation, the IPA clearly defines the threshold that makes identity fraud a federal crime. The threshold provisions enable prosecutors to determine what actions trigger a federal identity fraud crime.

The IPA eliminates the dollar threshold for making identity fraud a federal crime. Under ITADA, a person must use an individual's identity to steal at least $1,000 to make this type of fraud a federal crime.

The IPA would make taking the identity of both a person or an entity, such as a corporation, a federal crime. ITADA only covers theft from a person, not an entity.

The IPA refines what a court may provide in restitution to the victim of identity fraud. Under the IPA the court can provide restitution for attorney fees, to clear credit or debt history problems, and to clear debts and liens against a person. ITADA does not clearly define the restitution that can be provided.

The IPA refines the punishment for conspiracy to commit identity fraud. ITADA does not clearly define the punishment for conspiracy. IPA would increase the penalty for conspiracy by half of the maximum sentence for identity fraud.

The IPA creates definitions for what constitutes: a "means of identification," a "personal identifier," an "identification device," and "personal information or data." For example, use of data such as a fingerprint, a voice print, and a retina or iris image are identifiers that if used by an identity thief would be punishable under this law.

Federal law enforcement officials need to be able to keep up with changes in technology that have increased the number of identity fraud cases, in order to protect victims. We need to protect the rights of consumers like my constituent, Denise, whose case involving the theft of $2,500 I described earlier. Denise has had to fight to clear her credit record of illegal charges. Since the initial theft, Denise learned that the identity thiefs obtained credit in her name to lease housing. Landlords trying to collect from their tenants in out-of-state courts have led to a credit reporting nightmare for Denise.

The IPA would enable the Secret Service to pursue Denise's identity thieves. Under this bill, if these thieves are caught, they can be arrested on identity theft charges alone, their equipment for obtaining Denise's identity can be confiscated, and the courts can provide Denise the restitution she needs to clear her credit.

The IPA also gives people like my constituent, Denise, the assurance that law enforcement officials will have all of the tools they need to combat identity theft. I am sure that many of my colleagues will learn about situations similar to Denise's, and I urge you to consider cosponsoring the IPA to advance this important crime fighting tool.

SMALL BUSINESS PAPERWORK REDUCTION ACT AMENDMENTS OF 1998

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3310) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses:

Mr. STOKES. Mr. Chairman, I rise in opposition to H.R. 3310, the Small Business Paperwork Reduction Act Amendments of 1998. One of the purposes of the original Paperwork Reduction Act of 1995 was to promote prompt dissemination of public information for major Federal agencies which depend on vital information from businesses. However, the proposed amendments will indirectly contradict the original intent.

Although I support the financial relief offered to small businesses in this bill, it would open the door for willful mistakes that would put various elements of Government control and worker safety at a disadvantage. For example, the Pension and Welfare Benefits Administration [PWBA] which depends on reports to ensure proper investing to secure our retirement savings for the future. This bill will weaken the ability of PWBA to protect workers' benefits by undermining current disclosure requirements. Another agency that would be adversely affected is the Drug Enforcement Administration [DEA] which uses business reports in order to detect drug trafficking. This bill would jeopardize reporting requirements that could provide evidence of criminal activity. Our Immigration Department relies on employers to file reports to monitor the hiring of illegal immigrants.

H.R. 3310 would weaken the ability of Federal agencies to receive vital information by making it easier for companies to bypass their responsibility to provide basic statistics needed for regulatory purposes.

In addition to the adverse effects this bill will have on Government regulations, it also places millions of American workers at risk by undermining the hard work of unions across America which have been successful in promoting the safety and health for workers in mines, factories, and other workplaces. These amendments would erode hard-fought protections that have played a significant role in the decreased deaths of workers.

Mr. Speaker, businesses have an obligation to adhere to governmental regulations that protect workers and the American people by building a healthy society which ultimately benefit businesses.

I strongly support our small businesses as they are fundamental to the well being of our society, however, I do not support putting American workers at physical risk by removing penalties for ignoring the law. I urge my colleagues to defeat this bill.

IN HONOR OF THE LAKE ERIE NATURE AND SCIENCE CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the dedication celebration of the newly renovated Lake Erie Nature and Science Center (LENSC) in Bay Village, Ohio.

In 1996, more than 124,000 people participated in the Center's programs. Students came from Cuyahoga and Lorain Counties, and other visitors represented 30 states and 11 countries. LENSC provides educational programs, wildlife rehabilitation, non-releasable wild animals and exhibits. The Center's goal is to involve individuals of all ages from every background in learning to care for wildlife and the earth in a fun, hands-on way.

LENSC recognized the growing need for more educational programs and exhibits and planned a $2.3 million renovation project. The dedication ceremony will take place on Saturday, April 4th. Since its founding in the home of Dr. Elberta Wagner Fleming in 1945, LENSC has undergone remarkable changes and growth. This newest renovation added a new classroom designed for preschoolers, an event center, an expanded resource center, a new lobby with a nature art mural, a courtyard, volunteer room and a new conference room.

My fellow colleagues, please join me in honoring the accomplishments of the Lake Erie Nature and Science Center.

TRIBUTE TO THE REVEREND DR. MARTIN LUTHER KING JR.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to honor the legacy of the Reverend Dr. Martin Luther King Jr., who, thirty years ago this week was senselessly murdered by an assassin in Memphis, Tennessee.

Dr. King contributed more to the causes of national freedom and equality than any other man or woman of our century. His achievements as an author and as a minister were surpassed only by his leadership, which transformed a torn people into a beacon of strength and solidarity, and united a divided nation under a common creed of brotherhood and mutual prosperity.

It was Dr. King's policy of nonviolent protest which served to open the eyes of the American populace to the horrors of discrimination and police brutality. This policy revealed the Jim Crow laws of the South as hypocritical and unfair, and forced civil rights issues into the national dialectic. It is due to the increased scope and salience of the national civil rights discussion that the movement achieved so much during its decade of greatest accomplishment, from 1957 to 1968.

It was in 1955 that Dr. King made his first mark on the nation, when he organized the black community of Montgomery, Alabama during a 382-day boycott of the city's bus lines. The boycott saw Dr. King and many other civil rights activists placed in prison as "agitators," but their efforts were rewarded in 1956, when the Supreme Court declared that the segregational practices of the Alabama bus system was unconstitutional, and demanded that blacks be allowed to ride with equal and indistinguishable rights. The result proved the theory of nonviolent protest in practice, and roused the nation to the possibilities to be found through peace and perseverance.

In 1963, Dr. King and his followers faced their most ferocious test, when they set a massive civil rights protest in motion in Birmingham, Alabama. The protest was met with brute force by the local police, and many innocent men and women were injured through the harsh response. However, the strength of the police department worked against the forces of discrimination in the nation, as many Americans came to sympathize with the plight of the blacks through the sight of their irrational and inhumane treatment.

By August of 1963 the civil rights movement had achieved epic proportions, and it was in a triumphant and universal air that Dr. King gave his memorable "I Have a Dream" speech on the steps of the Lincoln Memorial. In the next year, Dr. King was distinguished as Time magazine's Man of the Year for 1963, and he would later be awarded the Nobel Peace Prize for 1964.

Throughout his remaining years, Dr. King continued to lead the nation towards increased peace and unity. He spoke out directly against the Vietnam War, and led the nation's War on Poverty, which he saw as directly involved with the Vietnam struggle. To Dr. King, the international situation was inextricably linked to the domestic, and thus it was only through increased peace and prosperity at home that tranquility would be ensured abroad.

When Dr. King was tragically gunned down in 1968 he had already established himself as a national hero and pioneer. As the years passed, his message continued to gather strength and direction, and it is only in the light of his multi-generational influence that the true effects of his ideas can be measured.

Dr. King was a man who lacked neither vision nor the means to express it. His image of a strong, united nation overcoming the obstacles of poverty and inequality continues to provide us with an ideal picture of the "United" States which will fill the hearts of Americans with feelings of brotherhood and common purposes for years to come.

Mr. Speaker, I urge my colleagues to appropriately remember the significant deeds of the Rev. Dr. Martin Luther King Jr., and to join in a moment of silent meditation in his honor.

PERSONAL EXPLANATION

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Ms. BROWN of Florida. Mr. Speaker, I was away from the House with the President on the historical visit to Africa. I was unable to vote on Rollcall votes 68 through 80. If I had been here I would have voted as follows:

Rollcall—68, aye; 69, nay; 70, aye; 71, aye; 72, aye; 73, nay; 74, nay; 75, nay; 76, nay; 77, yea; 78, nay; 79, aye; 80, nay.

CAMPAIGN FINANCE REFORM—AN OPPORTUNITY TO MAKE SOME PROGRESS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. HORN. Mr. Speaker, last October, a group of 30 Republican members asked Speaker GINGRICH to set open ground rules for the House debate on the issue of campaign finance reform. He promised to bring up these issues in March and he has done so.

I and other co-signers hoped that we could build a bipartisan consensus to bridge the disagreements on campaign finance that divide the parties. As one who has been involved in this issue for many years, I had few illusions about the difficulties of this effort. But I believed that the House had developed a bipartisan group committed to genuine reform and that this group could become the nucleus for a broad agreement.

The bipartisan Shays-Meehan group, the Tuesday Group Republicans, the Blue Dog Democrats, and the bipartisan freshman group of 1996 had demonstrated the possibilities on a limited scale. By joining forces, I hoped we could be the engine of bipartisan campaign reform in the House.

Beginning last October, members of these groups and their staffs worked many long hours in an intense effort to produce the broad, bipartisan consensus all of us wanted. Unfortunately, despite the best of intentions and the good-faith efforts of all involved, we simply could not come to a final agreement.

We diverged on a number of issues, including the extent of a ban on so-called "soft money" which seems unlimited and is largely unregulated contributions that both parties collect from corporations, unions, and wealthy individuals outside the scope of our present Federal election laws. Some of us were committed to a full and complete soft-money ban at the Federal, State and local levels. Others preferred the more limited approach in the freshman bill that bans soft-money at the national party level and prohibits Federal officeholders, candidates, and their agents from any involvement in raising, soliciting, directing, or transferring such funds. But it would not ban soft money at the State level.

This disagreement was fundamental—it reflects strongly held principles on both sides and it is an honest difference of opinion.

The members of the bipartisan working group also could not resolve disagreements over so-called "issue ads"—the television and radio advertisements that flood the airwaves at the end of a campaign launching anonymous attacks on candidates without being required to disclose the source of their funding.

A number of us wanted all special interest issue ads to comply with the same Federal election disclosure laws that bind us as candidates. That would include limits on contributions from individuals and political action committees and full disclosure and complete reporting of all contributions and expenditures. Others believed that imposing those restrictions on non-candidates would violate First Amendment freedoms and that, at most, we should require disclosure.

Again, Mr. Speaker, these are not phony arguments. These are real differences of opinion on complex issues.

There were other less severe disagreements, but in hindsight we failed to give adequate consideration to what is probably the most serious roadblock to any broad bipartisan consensus on campaign finance. That roadblock is the role of union money in our campaigns.

From the start of the bipartisan discussions, Democratic members were very clear that they were united in opposition to certain Republican proposals, such as the "Paycheck Protection Act" that would require unions to obtain permission from individual union members before their dues could be used for political activities. This proposal was viewed as a pure "poison pill" intended to kill reform and therefore not subject to compromise.

At the same time, a majority of House Republicans—162 of 225 are cosponsors of the paycheck bill—view this legislation in the exact opposite light. That is, many Republicans believe that failure to include Paycheck Protection is a poison pill for reform because a soft-money ban would cut off Republican funds for grassroots activities such as voter registration and get-out-the-vote efforts while leaving largely pro-Democratic unions free to spend their own money on such efforts for the Democrats.

In short, Mr. Speaker, there are stark and fundamental disagreements between the two parties on this issue and the efforts to resolve those conflicts have not succeeded despite the very intense effort that was made over the past 5 months.

The failure of the bipartisan working group means we are largely back where we began—splintered on two or three plans that are nominally bipartisan. While I believe that each of these proposals has merit, the reality is that each also lacks the depth of support and the staying power necessary to win passage in the House and the other body, to survive a difficult conference, and to be signed into law.

Barring the development of a genuine bipartisan consensus, I see little reason to hope that we can pass a significant campaign reform bill this year. While some argue that a majority of the House supports the McCain-Feingold II proposal, I question the wisdom of trying to force the passage of a bill that already has been killed in the Senate and that does not enjoy broad bipartisan support here.

If we are ever to achieve real reform, it must be done on a fair, bipartisan basis and the unfortunate truth is that that basis does not now exist. As one who has spent a great deal of time on the McCain-Feingold proposal, a Commission bill and major disclosure legislation, and a lot of energy in seeking a bipartisan consensus, I am disappointed but I am not willing to give up. Neither am I willing to waste time trying to assign blame or score partisan points on this issue.

Republicans and Democrats must share equally in the failure to achieve consensus on this issue and both must be prepared to make important compromises if we are ever to move forward. That means we must craft legislation with real reforms that affect both parties and every special interest group.

The bill offered by Rep. BILL THOMAS, chairman of the Committee on House Oversight is a serious effort. He accepted a number of our ideas. He worked avidly to build a consensus. He sought to strike a balanced and fair framework for campaign finance reforms. The legislation is not perfect. No bill is. Among other reforms, this bill would:

Ban soft money contributions and spending by the national party committees and prohibit federal officeholders, candidates and their agents from being involved in soft money activities.

Require full public disclosure of the sources of the special interest funding for issue ads that identify a candidate for federal office in the last 90 days of a campaign. Voters have a right to know who is trying to influence an election.

Provide basic tools for state and local officials to combat voter fraud so that the votes of U.S. citizens are not canceled out by illegal votes.

Require that unions and corporations give their members or stockholders the power to block the use of their dues or funds for political activities. Frankly, I believe some of the language in this section is too broad and needs refinement but the goal of balanced limits on unions and corporations is sound and necessary.

These are real reforms. This bill would produce genuine, substantive and far-reaching changes in the way our campaigns are conducted. I support it and I urge my colleagues to do the same. If it passes, real progress will have been made.

IN CELEBRATION OF EDWARD RYBKA'S 70TH BIRTHDAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to recognize a leader in the Polish-American community in Cleveland, Ohio, Edward Rybka, who will celebrate his 70th birthday on April 14, 1998.

Edward has worked for years to promote understanding between the Catholics and the Jewish in Cleveland. His dedication has earned him the Good Joe award from the Cleveland Society of Poles as well as the Brotherhood Award from Fairmount Temple. Edward is also owner and President of a prosperous real estate agency, Rybka Realty.

Edward will celebrate his birthday with a family reunion in Florida with his wife, Irene, son, Robert, daughter Michelle, and his two grandchildren. My fellow colleagues, please join me in wishing a happy birthday to Edward Rybka, a great community leader and family man.

DR. NAPOLEON B. "PAPA BEAR" LEWIS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with deep sadness that I stand to offer my condolences to the family of Dr. Napoleon Lewis of Dallas, Texas. Dr. Lewis was a good friend of mine and a role model to generations of students at Lincoln High School in Dallas.

On Friday, March 27, 1998, Dr. Lewis passed away at the age of 76, leaving a long legacy of love and concern for his students at Lincoln High. Indeed, Dr. Lewis was recognized nationally for his outstanding leadership of Lincoln High School in south Dallas.

He earned his bachelor's degree in biology from Morgan State College in Baltimore in 1945. While he wanted to earn his master's degree at the University of Maryland, only 15 minutes from his home, the school did not admit blacks into its graduate programs. Therefore, he was forced to attend New York University during the summers and even commuted a couple of semesters by bus for Saturday classes, beginning his journey at 2 a.m. in Washington.

He supplemented his salary during those days by doing odd jobs, never complaining, never stopping and always striving.

In 1980, Lincoln High School was ranked second from the bottom in the Dallas school district. Students were not challenged and they never envisioned a life of success in college and the workforce. When Dr. Lewis was brought from Washington, D.C. to be named principal at Lincoln, he made caring for students a priority and preparing them for college a reality.

By the time he retired in 1997, the seniors at Lincoln established a record of attending the best colleges in America, including such schools as Northwestern and Howard.

Dr. Lewis was known and respected for his high standards of discipline, his values and his high expectations for his students. Dr. Lewis improved Lincoln's library, strengthening the school's broadcasting curriculum and, most impressive, increased the students' achievement scores.

Many times, individuals do not expect some of our young African-American youth to meet high standards and to have high goals. My friend, Dr. Lewis, raised our expectations of the students and showed them how to set and accomplish goals that they never dreamed possible. He pressed for replacing remedial subjects at Lincoln with physics and advanced math, subjects much more fitting for our students preparing to meet the challenges the 21st century.

All of us who care about the educational opportunities of our children in the Dallas area will miss the faith and discipline that Dr. Lewis brought to the work of educating Dallas' students.

Mr. Speaker, Dr. Lewis started his educational career in Washington, D.C. where he began developing his successful formula for shaping the minds of young students. Dr. Nolan Estes, superintendent of Dallas Schools recruited him to Dallas as part of a national search to help reform the district and how it did business in teaching our children.

The way that he reformed Lincoln High School and influenced its children to reach for the stars reflected his own path to learning. He did not grant excuses or breaks to his students, because he knew that life offers little success to those who are not willing to fight, struggle and persevere.

On behalf of the many students whose lives he has touched and influenced, I would like to say that we will miss his unbounded generosity and concern for their futures. His years of guidance and devotion to the Dallas area students will never leave our hearts and minds, and he will forever leave a mark in our community.

A TRIBUTE TO COLUMBIA, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the town of Columbia, Illinois which will be celebrating Space Shuttle Columbia Day. The celebration will commemorate the launch of the namesake shuttle at Kennedy Space Center on April 16, 1998. The Space Shuttle Columbia is commonly referred to as OV–102, for Orbiter Vehicle–102. The Shuttle has completed 24 successful flights and has traveled nearly 100 million miles. The crew of seven for the April 16 launch will carry the payload Neurolab and the astronauts will study the human nervous system in space. The mission will fly at an orbital inclination of 39 degrees, passing over Southern Illinois and its namesake City of Columbia.

As it flies over Columbia, the city will be displaying the Avenue of Flags and a commemorative space hologram postmark and envelope will be issued at the Columbia, IL Post Office 62236. A proclamation has also been issued by the City of Columbia, the Columbia Chamber of Commerce, the USS Columbia (SSN 771) and the Commander and Crew of the Space Shuttle Columbia Mission STS–90. The original proclamation will be stowed onboard the Space Shuttle Columbia during its mission. The citizens of Columbia have signed oversized copies of the proclamation that will be sent as a show of support to the Shuttle Columbia crew.

Eight community leaders including Mayor Lester Schneider, Ron Raeber, Curt Kopp, Roman Altgilbera, Franklin Kohler, Scott Simpson, Don Stumpf and Don Stumpf, Sr. will witness the launch as the Space Shuttle Columbia embarks on its 25th mission.

Columbia is the oldest orbiter in the Shuttle fleet and is named after the sloop captained by Robert Gray. On May 11, 1792, Gray and his crew maneuvered the Columbia past the dangerous sandbar at the mouth of a river extending more than 1,000 miles. The river was later named after the ship. Gray also led Columbia and its crew on the first American circumnavigation of the globe.

Other sailing ships have further enhanced the honor of the name Columbia, including the first US Navy ship to circle the globe. The City of Columbia also has a rich connection to the Navy and has a namesake submarine, the USS Columbia. The community was very involved in the namesake program and has participated in both launching and commissioning ceremonies.

I ask my colleagues to join me in acknowledging the City of Columbia's Space Shuttle Columbia Day and celebrating its namesake's historic 25th launch.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. BECERRA. Mr. Speaker, on March 27, 1998, I was unavoidably detained during two roll call votes: number 79, on agreeing to the amendment and number 80, on passage of the Forest Recovery and Protection Act. Had I been present for the votes, I would have voted "yes" on number 79 and "no" on number 80.

IN HONOR OF BASEBALL HALL-OF-FAMER LARRY DOBY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor a pioneer in ending baseball's color barrier, Larry Doby. His accomplishments in the sport have earned him a spot in Major League Baseball's prestigious Hall of Fame.

Doby, the first African-American to play in the American League, joined the Cleveland Indians in 1947. He was instrumental in the Indians' victory in the 1948 World Series, the first for the city in twenty-eight years. Doby led the American League in home runs in 1952 and 1954, hallmarks of a distinguished career in baseball.

After leaving baseball on the field, Doby served as a manager for the Chicago White Sox in 1978 and is currently special assistant to American League president Gene Budig. His election to the Hall of Fame in 1998 reflects his life-long contributions to the game of baseball.

My fellow colleagues, join me in saluting one of baseball's greats, Larry Doby—a true American hero.

INTRODUCTION OF LEGISLATION TO SUSPEND TEMPORARILY THE DUTY ON CERTAIN CHEMICALS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. CASTLE. Mr. Speaker, I rise today to introduce eight bills to suspend temporarily the imposition of duties on the importation of certain products

I am pleased to introduce six bills to suspend temporarily the imposition of duties on imports of certain chemicals used in the production of pesticides. These chemicals are deltamethrin, diclofop methyl, piperonyl butoxide, resmethrin, thidiazuron and tralomethrin. By temporarily suspending the imposition of duties, these bills would help AgrEvo USA, a company located in Wilmington, Delaware, lower its cost of production and improve its competitiveness in global markets.

I am also pleased to introduce a bill to suspend temporarily the imposition of duties on imports of Pigment Red 177. Its full subheading number is 3204.17.0435. This high quality coloring material is imported for sale in the United States by Ciba Specialty Chemicals Corporation (Pigments Division), a company located in Newport, Delaware. By temporarily suspending the imposition of duties, this bill will reduce significantly the cost of a coloring material that is used in a wide variety of finished products.

Finally, I am pleased to introduce a bill to suspend temporarily the imposition of duties on imports of Triflusulfuron Methyl. By temporarily suspending the imposition of duties, this bill will help DuPont, a company located in Wilmington, Delaware, lower its cost of production and improve its competitiveness in global markets. I had the pleasure of introducing a bill to suspend the duty on this same chemical on June 12, 1997 through 1999. Today I introduce a bill to extend the duty suspension through 2000.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Ms. SANCHEZ. Mr. Speaker, due to an event in my district, I unavoidably missed roll call votes #79 and #80 on the afternoon of March 27, 1998. Had I been present I would have voted "yes" on Roll Call vote #79 and "No" on Roll Call vote #80.

THE OUTSTANDING ACHIEVEMENTS OF RABBI EDGAR GLUCK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to call to the attention of our colleagues the outstanding record of our good friend and religious leader, Rabbi Edgar Gluck.

Rabbi Edgar Gluck is a man of exceptional qualities. His hard work and dedication has helped to make his community, New York City and the State of New York a better place. Rabbi Gluck has worked for many years in the public sector. His innovative and intelligent solutions have helped to solve many of today's most pressing problems. Each of Rabbi Gluck's numerous accomplishments have been a reflection of his earnest and profound desire to help others. It is Rabbi Gluck's selfless dedication that makes him the remarkable man he is.

Rabbi Gluck's dedication and perseverance has brought a better life to hundreds of people. Early in his long career Rabbi Gluck fought to incorporate the Hasidic Village of New Square in Rockland County, N.Y. Rabbi Gluck was faced with many obstacles including antisemitism. He petitioned and worked along side government officials and bureaucrats in hopes of helping his community. Rabbi Gluck's diligence, understanding and intelligence made the incorporation of the Village of New Square possible.

Rabbi Gluck has used his insight and intellect to bring about many meaningful changes. Rabbi Gluck has been personally responsible for our Nation's largest and fastest Volunteer Ambulance Corps. What is most remarkable about Rabbi Gluck's accomplishments is that each program, issue or organization he has worked with has involved bettering people's lives. His convictions and love for community is an example for all of us. For bringing about meaningful change.

Mr. Speaker, for my colleagues information about the Rabbi's exemplary life, I would like to submit into the RECORD an article entitled "Rabbi Edgar Gluck: Personifying the Ideal of Service" from the Jewish Press's March 20th, 1998 edition.

[From the Jewish Press, March 20, 1998]

RABBI EDGAR GLUCK: PERSONIFYING THE IDEAL OF SERVICE

(By Jason Maoz)

Rabbi Edgar Gluck first navigated the bureaucratic maze of government as a yeshiva bochur back in the days of the Eisenhower administration in the 1950's. Forty-plus years later, in the Clinton 90's, he's still at it full force, utilizing his savvy and his skill, his contacts and his connections, working incessantly on behalf of the community.

A full and detailed account of each of Rabbi Gluck's accomplishments through the years would easily fill half this newspaper; certainly there are too many to list in this space. But it is not very difficult to appreciate the scope of his success: Just think of him the next time you see an Hatzolah ambulance racing to the scene of an accident, or the next time you pass—or use—the designated safe-site for Mincha on the New York State Thruway.

Born in Hamburg, Germany in 1936, Rabbi Edgar Gluck came to the United States at the age of two. His family settled in the Bronx, where as a young boy he attended yeshiva Ahavas Torah. In later years he would learn at Beis Medrash Elyon, Chasam Sofer Rabbinical College and Mesifta Talmudical Seminary.

It was as a talmid at Beis Medrash Elyon that Rabbi Gluck became involved in the battle to incorporate the village of New Square—a particularly fierce battle, given the prevailing anti-Jewish attitudes in neighboring communities—and learned how to deal with all manner of government officials and bureaucrats.

"I was asked by the Rosh Yeshiva to work with some other people on this issue and see if we could make any headway," Rabbi Gluck recalls. "It was a real education, getting to know about all of the various state agencies and how each differs from the other in terms of specific responsibilities. I figured out my way around Albany and made my first trip to the Governor's office—Rockfeller was just starting his first term—and we made steady progress toward achieving our goal."

It took several years and a lot of behind-the-scenes maneuvering, but in 1961 the village of New Square was finally incorporated. Rabbi Gluck saw first-hand that while the wheels of government turn slowly, they do turn; the trick is knowing how to steer.

Rabbi Gluck developed a close relationship in the early 1960's with then-Congressman John Lindsay. After Lindsay became Mayor, Rabbi Gluck was appointed Supervisor and Coordinator of Area Services, charged with overseeing nine field offices of the Mayor's Urban Task Force, the Neighborhood Conservation Bureau, and Nieghborhood City Halls in Williamsburg, Boro Park and Coney Island.

'There was so much going on in New York during that period of time, the late Sixties, early Seventies," he says. "I was fortunate to be right in the middle of things, on the local neighborhood level, interacting with so many constituency groups. It helped me gain immeasurably in my knowledge of the communities that make up the city."

Rabbi Gluck continued working in city government under Mayors Beame and Koch, serving as Director of Neighborhood Conservation in the Office of Housing Preservation and Development and as city liaison to the Port Authority Police, the U.S. Departments of Customs and Immigration, and Orthodox communities around the city.

"The Rabbi played a key role in many high-level negotiations," says a former official who worked on some of the same sensitive issues. "Racial problems, crime, health services—these were the city's biggest headaches, and Rabbi Gluck always brought to the table a cool head and an amazing amount of relevant information. I remember that people who dealt with him invariably came away with a great amount of respect for the man."

In 1979, Governor Hugh Carey named Rabbi Gluck Special Assistant to the Director at the New York Division for Youth where, working in tandem with legislators and community leaders, he helped resolve a wide range of local problems. Since 1984 he's served as Special Assistant to the Superintendent of the State Police, acting as liaison between the office of the Superintendent and state and federal lawmakers, government agencies, and private-sector organizations.

The many achievements for which Rabbi Gluck can justly take credit include the Hatzolah Volunteer Ambulance Corp., which he co-founded decades ago and which, he points out with pride. Newsweek magazine has called it the largest such organization in the country, with the fastest response time; the Mincha site on the New York Thruway, which he fought for despite fierce opposition from a number of secular organizations; and the new stipulations—agreed to by Governor Pataki at Rabbi Gluck's behest and now officially written into state contracts—that all construction crews on the Thruway work only until 12 noon on Fridays, a measure that greatly facilitates the flow of traffic up to the Catskills.

Rabbi Gluck has been instrumental in the matter of Jewish cemeteries, working to incorporate the first new Chassidic cemetery in New York State when Grand Rabbi Twersky died and a new cemetery in Monroe when the Satmar Rebbe, Rabbi Joel Teitelbaum, was niftar. He also helped increase the size of the cemetery in Mount Kisco when the Pupa Rebbe, Rabbi Grunwald, passed away.

Dennis Rapps, the executive director and general counsel at COLPA, the National Jewish Commission on Law and Public Affairs, has known Rabbi Gluck for more than 20 years. The two of them have worked closely together on a number of issues and have successfully influenced legislation, perhaps most notably the autopsy law of 1983. Mr. Rapps describes Rabbi Gluck as a "pioneer" on the matter of autopsies and how they affect the Jewish community.

"I personally know so many people," he says, "who have been helped by Rabbi Gluck on autopsies alone. This was the case before we got the law passed and it's the case even now, when there are still problems that can come up. Whether it's help to arrange for a special visa, or to get the medical examiner to release a body in time for a flight to Israel, or to make sure an autopsy is not performed on a loved one who unexpectedly dies while abroad, everyone knows Rabbi Gluck is the one to call—and they call him whenever they need him, many times in the middle of the night. He is truly a remarkable individual."

A particular source of personal satisfaction, says Rabbi Gluck, is his work with the U.S. Commission for the Preservation of America's Heritage Abroad. Starting on his own in 1984, and continuing as a member of the Commission since 1987, he's traveled to Poland once a year for the purpose of assessing the condition of shuls and cemeteries in order to restore as many as possible.

Each stay in Poland runs about a week, and while he's there he lends a hand whichever way he can—as rabbi, chazzan, and all-around troubleshooter. He also makes trips on behalf of the Commission to cities as disparate as Moscow and Kiev, Hamburg and Prague, Jerusalem and Tel Aviv.

Rabbi Gluck has won numerous awards and citations over the years, including the U.S. Presidential Award for Community Service, presented to him by Ronald Reagan, and the Man of the Year Award of the Council of Neighborhood Organizations. Later this month, he will be the Guest of Honor and receive the Humanitarian Award at the annual Journal Dinner of the Yeshiva of Manhattan Beach.

Asked who has been the most help to him over the years, Rabbi Gluck names several elected officials, among them State Assembly Leader Sheldon Silver and U.S. Representative Benjamin Gilman (whom he describes as his closest political confidante).

But ultimately, he says, the lion's share of the credit must go to his wife, Fraidy: "She never complains about my crazy schedule, or about having to answer the phone at all hours of the night. My real help, my most invaluable advice and assistance, comes from her."

INTRODUCTION OF THE "FAMILY FRIENDLY TAX RELIEF ACT OF 1998"

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. WOLF. Mr. Speaker, it has been said that there is no greater job than to raise a child, and I believe that's true. Children are our country's greatest resource. Their stability is America's stability, because they are our future. That's why it's so important that as we think and talk about children and families, balancing work and family time, and the decisions families face about how to best care for their children, we need to have all the facts. We need to know what will work for our family. Every family is different.

Parents today are facing very tough choices. It seems like there is never enough time to spend with their children, yet they are hard-pressed to work and earn the money they need to make ends meet. American families need more options, more choices and more opportunities as they decide how to balance their work and home responsibilities.

There are a lot of reasons for these increased pressures. The American family is under great stress today. Half of all marriages end in divorce. Domestic violence is on the rise. Drug use and suicide among teens is on the rise. And now, we're seeing one of the most heartbreaking tragedies of all—kids killing other kids at our nation's schools. These are tough times for the family.

There is an added pressure, and that is that it's so expensive to raise a family these days. The latest issue of U.S. News and World Report's cover story, "The Real Cost of Raising Kids," says that one government report showed that the cost of raising a child to age 18 has risen by 20 percent since 1960. The magazine conducted its own study to see how much it costs a typical, middle-income family today to raise a child from birth to college graduation. The answer: $1.45 million per child.

But this figure did not take into account another reason why many families are so hard-pressed for time and money: They are weighed down with an incredible tax burden. The average American family of four used to pay about 5 percent of its income in federal taxes. According to a recent Wall Street Journal editorial, federal taxes have gone up faster than wages every year for the last five years, leaving the tax burden on families higher now than at any time since the end of World War II. While families used to pay 5 percent of the family budget in federal taxes, now that figure has ballooned to 23 percent. That doesn't even count state, local and indirect taxes. If you added those on, the tax burden on today's family would be 37 percent.

We in Congress need to help moms and dads who are struggling to make ends meet. To do nothing to help lift this incredible tax burden from off of their backs is neither fair nor right. But neither is it fair nor right to merely direct new spending to day care centers or to just expand federal programs. Let's give back to families their own hard-earned. Let them decide how to use it to meet their family's needs.

Over the past few months, I've been working with various child and family experts, child psychologists, researchers and groups and have listened to what they had to say. In February, Senator DAN COATS held a congressional symposium on child care and parenting. Other Members of Congress and I heard from 17 different experts, most of whom said the same thing: What parents want and need most is time with their kids, and what kids need and want most is time with their parents. What can we do to help parents and kids receive what they really want and need?

Today I am introducing the "Family Friendly Tax Relief Act of 1998." The $500-per-child tax credit for families with children under the age of 17 enacted last year was a great first-step in helping our nation's families. My bill does not take anything away from these families. But what it does do is to recognize the special economic needs of families with preschool children—children ages 0 to 4—by giving these families an additional $500 per child to help them in their care options.

If you pay income taxes, you have a child under the age of 5, and you are not currently receiving the Dependent Care Tax Credit, you would be eligible to receive this tax credit. You could receive one or the other—either the DCTC, or my tax credit—but not both. People who do not pay taxes would not be eligible to receive this tax credit because they are already receiving the Earned Income Tax Credit.

Last year's child tax credit had a technical problem regarding the Alternative Minimum Tax. There are a lot of people who are not able to receive last year's $500-per-child tax credit, because the Alternative Minimum Tax took precedence. This is a technicality which will grow more and more pronounced over the next few years as more and more people will have to file taxes under the AMT—not just wealthy people looking for tax shelters, but more and more middle-income people who qualify for tax credits. This was a glitch that needed adjusting. My bill will correct this problem so that more families with children will be able to receive a tax credit.

Back in January, President Clinton announced his child care proposal, much of which merely expands current government programs. It is my understanding that his proposal would cost the American taxpayer $21 billion over five years. The cost of my legislation would be roughly the same, with one important difference—my bill gives families choices.

Now I think we need to do everything we can to help our country's moms and dads who are struggling to raise their families. But I think we could help them more if we would give them back their own money, and let them decide how to best use it to meet their family needs. My proposal will help everyone—parents who work outside the home, parents who work inside the home, parents who use commercial day care, parents who take care of their kids themselves or have relatives or friends care for their children—everyone.

I don't believe in a Washington-mandated, "one-size-fits-all" solution when it comes to child care. Let's do what is right and fair and equitable for all. Let parents decide how to best care for their children, not Washington. We shouldn't tell parents what to do. Parents want control over their own lives and their own families so they can make their own decisions and choices to be able to spend more time with their children. Let's give parents freedom and flexibility.

The Family Friendly Tax Relief Act of 1998 will allow moms and dads who are both working outside the home to take this money and use it to help pay for day care, if they use paid day care. Or, for other families who either have one parent staying home to care for their kids or have relatives, friends or neighbors helping them with child care, they could use this tax credit to help with other family budget needs. But it would be fair, giving back parents' hard-earned money, whether they worked outside or inside the home. I think it's important that whatever we do to help families, it should be fair and equitable for all. Everyone should be treated the same.

Parents know that when their kids are small, before they start going to school, they have special needs. They are the most vulnerable during the ages of 0 to 4. Parents know that these are the formative years. As child psychologist Stanley Greenspan and other researchers have observed, intimate, ongoing interactions between children and their parents are essential for the healthy growth and development of the brain and mind, particularly during this critical period of life. This kind of time and care is needed if our children are going to grow up to be reflective citizens and, ultimately, if we are going to have a cohesive, functioning society. Dr. Greenspan and other researchers have found that it is also the crucial period when a child: develops a sense of empathy, compassion, trust and relating, develops the capacity to learn, develops the ability to form language and logical communication, creativity, early types of thinking and social skills, and develops awareness, attention, self-control, and a sense of self.

It is because of the incredible importance of these early, preschool years that I am introducing this legislation. Our nation's preschool-aged children have special needs. Their parents are under tremendous pressures. We need to recognize this and help them every way we can.

And there is one more thing that I think we need to think about as policymakers. Over and over again, American parents are saying that they need more time with their kids. Moms and dads need more options, more choices and more flexibility in the workplace. Over the years I have focused my work in Congress developing what I call "family friendly" policies that give moms and dads those choices. I have sponsored legislation and have long advocated these kinds of policies for the federal government. Some of these now in effect as public law are:

1) Telecommuting. Allowing employees to work at home or at a central telecommuting center nearby equipped with a computer, phone, fax, and other office tools. That allows parents to do their jobs at home or near home and gives them more time to be with their families. The first federal telecommuting center opened several years ago in Winchester in my congressional district, and more are springing up as the idea takes hold.

2) Job Sharing. Splitting job duties to allow employees who want to work part-time the opportunity to be in the workforce and bring home a paycheck, but also to have time to spend with their families, or get an advanced degree, or take care of an aging parent, or fulfill other needs.

3) Leave Sharing. Allowing employees to donate annual leave to help a fellow employee who needs extra time off for their own health needs or to care for family members. It kindles the spirit of community by allowing employees to help out their fellow worker, and its costs the employer nothing.

4) Child Care. Providing on-site or near-site child care centers in federal buildings. It was my legislation several years back that allowed child care centers to be housed in federal buildings to help federal employees and others with child care needs.

I have also worked in Congress with others to implement for federal workers the policy of flextime—the staggering of work hours to allow one working parent to come in early while the other gets the kids off to school and comes in later. The earlybird gets off in time to be at home at the end of the school day so that the problem of "latch-key children" does not arise.

Just as we have implemented these policies in the federal workplace, I think we in Congress need to talk about and to look at what we might be able to do to encourage employers in the private sector to give these kinds of choices and options to their employees as well. Maybe we ought to provide incentives or find ways to reward companies which provide more flexibility in the workplace for their employees.

But here in Congress, let's not just expand more government programs. Let's give American families what they really want and need—their own money. Their own choices. Flexibility. Options. The time has come to give all taxpaying families with children broad-based tax reductions. I urge my colleagues to support this bill.

H.R. 3583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Friendly Tax Relief Act of 1998".

SEC. 2. $1,000 CHILD TAX CREDIT FOR CHILDREN UNDER AGE 5.

(a) IN GENERAL.—Section 24 of the Internal Revenue Code of 1986 (relating to child tax credit) is amended by redesignating subsections (e) and (f) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

"(f) $1,000 CREDIT FOR QUALIFYING CHILDREN UNDER AGE 5.—

"(1) IN GENERAL.—Subsection (a) shall be applied by substituting '$1,000' for '$500' with respect to any qualifying child who has not attained the age of 5 as of the close of the calendar year in which the taxable year of the taxpayer begins.

"(2) COORDINATION WITH DEPENDENT CARE CREDIT.—This subsection shall apply to a taxpayer for a taxable year only if the taxpayer elects not to have section 21 apply for such year."

(b) CONFORMING AMENDMENT.—Subparagraph (I) of section 6213(g)(2) of such Code is amended by striking "section 24(e)" and inserting "section 24(f)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 3. CHILD TAX CREDIT ALLOWED IN DETERMINING ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 is amended by inserting "(other than the credit allowed by section 24)" after "credits allowed by this subpart".

(b) CONFORMING AMENDMENT.—Section 24 of such Code is amended by inserting after subsection (f) (as added by section 2) the following new subsection:

"(g) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate credit allowed by this section for the taxable year shall not exceed the sum of—

"(1) the taxpayer's regular tax liability for the taxable year reduced by the sum of the credits allowed by sections 21, 22, 23, 25, and 25A, plus

"(2) the tax imposed by section 55 for such taxable year."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

IN HONOR OF ROBERT A. POOLE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Robert A. Poole, a man who is dedicated to his family, his country and his community. He was honored on March 28, 1998 by the Veterans of Foreign Wars for his leadership in the organization.

Robert served in the United States Army from 1968–1970 and was sent to Vietnam with

I-Core and the 101st Airborne Division in 1969. He has been active in the VFW since 1979 and is a life member of Andrew A. Bachleda Post 2850 on West 61st Street in Cleveland, Ohio. Robert served as Post Commander twice and also became active in the County Council, serving as Commander from 1989–1990. He has been involved in District Seven and was honored as a five star Cottie Commander and all state Quartermaster. Robert has served on numerous committees and has held countless chairmanships. He is currently Cuyahoga County Council Commander.

His wife, Susan, his sons, Robert, Matthew, Brian, and his grandchildren must be proud of the dedication Robert has shown to them and to his community. My fellow colleagues, please join me in recognizing a truly great American.

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

SPEECH OF

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economic harm on employers:

Mr. ANDREWS. Mr. Chairman, this list will be used to keep these troublemakers from interfering with the operations of companies and businesses throughout the country. The problem is, however, these troublemakers are not troublemakers at all. On this list will be working men and women who are no different from the tens of millions of working Americans who have chosen to exercise their right to organize.

This bill, therefore, affects not only the "undercover union agent" whom the proponents of this bill fear so much. It affects all working Americans by encouraging potential employers to make unsupported, unjustified, and unfair decisions about whom to hire. We as lawmakers have done much to ensure that the hiring of workers is done in a non-discriminatory and fair manner. By passing this bill, we will undo that progress and prompt a return to practices of unwarranted retribution and illegitimate blacklisting.

Mr. Chairman, I oppose the bill and urge my colleagues to join me in opposition.

TRIBUTE TO MR. JOSEPH C. SANDERS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. CLYBURN. Mr. Speaker, I rise today in recognition of May 23, 1998 as "Joe Sanders Day" in Moncks Corner, South Carolina. Joseph C. Sanders is a successful businessman and true humanitarian. Born in the Berkeley County town of Cross, he moved to Moncks Corner at a very early age where he attended the public schools. In 1958, "Joe Cleve," as he is affectionately known, graduated from Berkeley Training High School and matriculated at South Carolina State College (State) in Orangeburg, South Carolina. Upon graduating from State in 1962 he was drafted into the United States Army and served for two years.

Joe completed his military assignment in Germany, and upon returning to the United States moved to New York City in 1964 to pursue his goal of "acquiring a piece of the American dream." He worked as a recreational leader with the Children's Aid Society, which inspired him to pursue a Master's Degree in Urban Education at Brooklyn College. it was in graduate school that Joseph Sanders developed an interest in the business sector and seized an opportunity to work as an insurance agent for the New York Insurance Company. Mr. Sander's employment with New York Life Insurance Company heightened his entrepreneurial interests, and in 1972, Mr. Sanders and a partner, Charles Baylor, founded BaySan Holding Corporation.

Mr. Sanders attributes his success and business awareness to his mother, Eliza, and lots of hard work. He credits Mrs. Addie W. Rivers, a high school teacher, Coach Ollie C. Dawson, and the late H.N. Vincent, both of South Carolina State College as professionals and friends who contributed greatly to his social, personal, and educational growth. Sanders stated, "Their interest in my personal growth created a desire within me to help others." His commitment to helping others is evident in the $100,000 scholarships he established at Allen University, Voorhees College, Claflin College, and South Carolina State, all located in the Sixth Congressional District of South Carolina which I proudly represent in this body. He was also instrumental in the establishment of the "Dean H.N. Vincent Scholarship Fund" to honor and perpetuate the memory of Dean Vincent of South Carolina State College.

Joseph Sanders has been granted innumerable awards and citations highlighting his contributions to and concern for "Excellence in Education" at Historically Black Colleges and Universities. Allen University conferred upon Sanders a Doctorate of Humane Letters at its 116th Commencement ceremony on May 10, 1986. As a Certified Property Manager, President of Vis-Chet Holding Limited of Brooklyn, NY; and avid golfer, Joseph Sanders is presently developing an eighteen-hole golf course on a 227-acre tract of land he owns near Santee, South Carolina.

With knowledge under his belt and a proven track record, Sanders spends a great deal of time traveling and enjoying the fruits of his labor. Sanders is a member of several business organizations and is a life member and Basileus of Iota Xi Chapter of Omega Psi Phi Fraternity, Inc. He is a Golden Heritage Life member of the NAACP and a 32nd degree Prince Hall Mason. Sanders resides in Manhattan, New York and has two daughters, Vista and Conchetta, one son, Michael, and five grandchildren. Joe and I met on State's campus where we forged a friendship which we continue to enjoy today. Please join me Mr. Speaker in saluting the humanitarian efforts of Mr. Joseph C. "Joe Cleve" Sanders, and thanking the people of Moncks Corner, South Carolina for declaring the 23rd day of May, Nineteen Hundred and Ninety-Eight "Joe Sanders Day."

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. BALLENGER. Mr. Speaker, on Friday, March 27, I missed rollcall vote 80, final passage of H.R. 2515. Had I been present, I would have voted yea.

IN HONOR OF ARLENE RYHTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor Arlene Ryhter for her continued service to her country and her community. Arlene was recently honored by the Veterans of Foreign Wars for her leadership in that organization.

Arlene first joined the Local Ladies Auxiliary to the VFW in 1966. She worked her way up through the ranks serving on various committees and holding several chairmanships to become President of both the Ladies Auxiliary Bedford Post 1082 and the Cuyahoga County Council. She has also served as a flag bearer and color bearer for District Seven.

In addition to her activities at the VFW, Arlene has been active in the Girl Scouts and Brownies and is an honorary Boy Scout Father in the community of Bedford, Ohio. She has also served as President of the Democratic Party in Bedford and continues to work in voting booths. Arlene also volunteers her time at local Senior Citizen Centers and Veterans Hospitals.

My fellow colleagues, please join me in recognizing Arlene Ryhter, a model American of whom her family and her community can be proud.

SOUTH GLENS FALLS HIGH SCHOOL MARATHON DANCE CELEBRATES 21 YEARS OF VOLUNTEERISM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. SOLOMON. Mr. Speaker, these days, young people are often discounted as self-absorbed and apathetic about the problems facing others in their community and society at large. The students at South Glens Falls High School in my congressional district in upstate New York prove that this stereotype does not universally apply. Over the past twenty-one years, the remarkable students of South High have raised over $400,000 for local individuals and projects, dedicating their time and effort to making life easier for their less fortunate neighbors.

On March 6–7, 1998, South Glens Falls High School held its 21st annual Marathon Dance. Under a spinning ball and colored lights, 243 high school students danced for twenty-seven hours, with family and friends looking on in the special t-shirts which they had bought in support of the students' efforts. When it was over, the jubilant young people celebrated the highest total in two decades of the Marathon, as the announcement came that the dance had raised $54,000 through direct pledge money and other sources in the community, including a church benefit breakfast. Another year's worth of tremendous effort has resulted in yet another astounding success.

The impressive amount of money raised will reach several charitable destinations. First, a new van will be purchased for a local citizen with multiple sclerosis, which will allow her to travel as needed to attend to her daily activities. The remaining funds will be divided between donations to a medical mission which aids the impoverished in Guatemala, a fund used to help local families at holiday time, and a fund dedicated to supporting a local youngster who is fighting Pompe's Disease. Through their hard work and determination, the students of South High help to ensure that others, both within and far from their community, know that they are not alone in coping with the travails of their daily lives.

Mr. Speaker, the efforts of South High's students stand as an example of how young people can and should give back to their community. These remarkable young people have shown just how vibrant the spirit of volunteerism remains in the small towns and cities of upstate New York, and I am proud to count them among my neighbors. With that in mind, Mr. Speaker, I ask that all members join me in paying tribute to the students of South Glens Falls High School on the occasion of their 21st Annual Dance Marathon. Their success has been truly spectacular, and, considering their dedication to these selfless pursuits, I know will be duplicated or even eclipsed in the years to come.

TRIBUTE TO ALDO VAGNOZZI

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. LEVIN. Mr. Speaker, I rise to day to join in the celebration of uniquely talented and dedicated citizen of Michigan, Aldo Vagnozzi.

He has had an unusually long and distinguished career in journalism. For about one-half of a century, his beat has been the lives and interest of working families of Michigan. With the AFL–CIO in Michigan, he has dedicated himself to providing hundreds of thousands of Michigan workers with information about key aspects of their labors and the broader issues that affect the well-being of their families. While he served as editor, he was indeed a working journalist reflecting his personal concerns about working families reading his reports and comments. He became a model in Michigan and beyond.

His strong beliefs were combined with modesty, a sense of goodwill and respect for the beliefs of others. They helped propel him into elective office with support from people of a wide array of political ideologies and backgrounds. As the first directly elected Mayor of his home city of suburban Farmington Hills, Michigan, he as helped build and strengthen that fast-growing community.

Also Vagnozzi can leave his position as editor of the Detroit Labor News with a sense of major accomplishment and pride. Like so many others, I have been privileged to know him and his family over several decades and join all who gather to pay tribute to him on April 1 in wishing him the best of luck in the years ahead.

* * *

PERSONAL EXPLANATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. FORD. Mr. Speaker, on the dates of March 25–27, 1998, I missed votes due to official travel with the President's delegation to Africa.

On March 25, 1998, Rollcall No. 68, H.R. 2589, Copyright Term Extension Act—Licensing Fee Exemption, by Mr. McCollum, R–Fl, amendment to Sensenbrenner amendment, I would have voted aye.

On March 25, 1998, Rollcall No. 69, H.R. 2589, Copyright Term Extension Act—Licensing Fee Exemption, by Mr. Sensenbrenner, R–WI, amendment, I would have voted nay.

On March 25, 1998, Rollcall No. 70, H.R. 2578, Visa Waiver Pilot Program—Refusal Rate, by Mr. Pombo, R–CA, amendment, I would have voted aye.

On March 25, 1998, Rollcall No. 71, H.R. 2578, Visa Waiver Pilot Program—Passage, I would have voted aye.

On March 26, 1998, Rollcall No. 72, H.R. 3310, Small Business Paperwork Reduction Act Amendments—Waiver Policies, by Mr. Kucinich, D–Ohio, amendment, I would have voted aye.

On March 26, 1998, Rollcall No. 73, H.R. 3310, Small Business Paperwork Reduction Act Amendments—Waiver Policies, by Mr. McIntosh, R–Indiana, amendment, I would have voted nay.

On March 26, 1998, Rollcall No. 74, H.R. 3310, Small Business Paperwork Reduction Act Amendments—Passage, I would have voted nay.

On March 26, 1998, Rollcall No. 75, H.Res. 385, waiving points of order against conference report on H.R. 1757 (State Department Authorization)—Agreeing to the Resolution, I would have voted nay.

On March 26, 1998, Rollcall No. 76, H. Res. 393, providing for the consideration of H.R. 3246 (Fairness for Small Business and Employees Act)—Agreeing to the Resolution, I would have voted nay.

On March 26, 1998, Rollcall No. 77, H.R. 3246, Fairness for Small Business and Employees Act—Job Applicant Protection, by Mr. Goodling, R–Penn, amendment, I would have voted aye.

On March 26, 1998, Rollcall No. 78, H.R. 3246, Fairness for Small Business and Employees Act—Passage, I would have voted nay.

On March 27, 1998, Rollcall No. 79, H.R. 2515, Forest Recovery and Protection Act—Roads, by Mr. Boehlert, R–NY, amendment, I would have voted aye.

On March 27, 1998, Rollcall No. 80, H.R. 2515, Forest Recovery and Protection Act—Passage, I would have voted nay.

* * *

FAMINE IN NORTH KOREA

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. HALL of Ohio. Mr. Speaker, I rise today to bring a grave situation to the attention of my colleagues.

As we hurry away to recess, we all have many things on our minds. But by the time we return in a few weeks, millions of people halfway around the world will be facing the worse famine to threaten any people since a million died in Ethiopia a decade ago.

That experience seared all who witnessed that famine's horror. And, as many of our colleagues know, it transformed me in a fundamental way. I went to Ethiopia just before the world learned what was happening there and watched a dozen children die in a single day. Since then, I have seen other famines, and genocides, and humanitarian disasters, and I have committed myself to doing whatever can be done to ease the suffering of the innocent people who always are the first to die.

In North Korea, there are millions of such people—innocent Koreans who don't know anything about their government's international reputation, who don't follow the twists and turns of the peace talks, who simply want to eat. They have been plagued by successive crop failures due to floods and a drought, natural disasters that have compounded the man-made ones that we all know well.

Now, they are out of food. Agriculture experts from the United Nations and seasoned aid workers from dozens of organizations agree that food stocks will not last beyond late April. And people inside North Korea now say that storehouses in a growing number of villages already are empty.

Wherever blame for the famine that threatens the lives of so many Koreans lies, their only hope for survival is with the aid of private individuals and the contributions of governments. Korean-Americans, people of faith, and thousands of others are joining an initiative launched in South Korea to remember the people of North Korea during a world day of fasting and prayer that begins on April 24.

The list of organizations who have joined together in support of this one-day fast is an impressive one. Presbyterians, Methodists, National Council of Churches, Lutherans, Christian Reformed, and other churches are involved. United Way, Bread for the World, Mercy Corps, World Vision, ADRA, the U.S. Committee for UNICEF, Holt International, Food for the Hungry—the list is a long one, and growing. And Korean-Americans have been at the forefront, with the initiative endorsed by the Korean American Sharing Movement, the Korea Society, and others.

I urge my colleagues to join us on April 24. Candlelight vigils are planned in communities around the United States, Canada, and South Korea to help alert the world that this silent famine is claiming many people who are outside the range of TV cameras. The Council on Foreign Relations, one of the most respected organizations in our country, recently estimated that a million people already have died in North Korea, based on its evaluation of the numerous reports of famine deaths.

We can be proud of the United States for what it has done to help the ordinary people of North Korea. The military, the elites—those people always eat in any crisis. But our country has stood up for the little people, leading the international response to this crisis and insisting that the food is monitored to ensure that it does not end up in the military or government's hands. We have been joined in this by our allies, but there are alarming signs that they are imposing a political agenda on humanitarian aid.

The European Union has just announced that it will not contribute food to North Korea, complaining that reform has not come quickly enough. Most people agree that North Korea must change, but few would starve a nation's citizens to try to change its government's ways.

Japan continues to use food as a weapon, letting millions of people just across the channel starve while it presses for answers about several Japanese people it charges North Korean spies abducted during the past 20 years. Its stinginess is particularly appalling because Japan is now paying $380 million just to store its surplus rice. To put that sum into perspective, the cost of storage alone is roughly equal to the total amount of humanitarian aid the United Nations has requested.

And China shows no sign that it will change its pattern of donating food to North Korea without any assurance that it will reach the people who are suffering.

I hope that our country will continue to lead the way in providing humanitarian aid, and that our example will spur others to do the right thing. A century ago, Ireland's famine claimed a million people—while just across the channel, the superpower of the 1800s ate well. History judged Britain harshly for its failure to act, and I doubt it will be more forgiving of Japan and others who ignore the clear evidence that ordinary people in North Korea are starving today. It is not enough that we live in a country that is responding more humanely than others. We all have plenty to eat, so much that few of us ever feels hunger's pangs. On April 24, I hope that you will join with me in sharing that experience.

I know from firsthand experience that the survivors of any crisis remember those who helped them, and they never forget those who found an excuse to do nothing, or do too little, to save their families and friends. The people of North Korea are beyond the reach of TV cameras, beyond the reach—so far—of democracy, almost beyond hope as they head into six months with no food supply.

But they are not beyond our prayers. On April 24, please join me and thousands of others in praying and fasting for the ordinary people of North Korea.

BROOKLYN YOUNG WOMAN WINS NATIONAL SEVENTEEN/COVER GIRL VOLUNTEERISM AWARD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. TOWNS. Mr. Speaker, I am very pleased that one of my constituents, La-Kee-A Lowry, a 21-year-old young lady from Brooklyn, New York will be honored tomorrow as one of the six top winners in the first annual Seventeen/Cover Girl Volunteerism Awards.

Growing up in a Brooklyn housing project, La-Kee-A found a sanctuary in her public library, heading there after school and remaining until closing time. One day she arrived at the library to find a sign announcing it was being shut down due to budget cuts. Horrified, La-Kee-A moved immediately to action. She started a local petition, collected over 1500 signatures, and organized her classmates to write letters to the White House. She appealed to elected officials in her area and at one point even staged a sit-in in front of the library. Local gang members threatened La-Kee-A and her grandmother, who largely raised her, begged her to just "let it go". But La-Kee-A prevailed and the library remained open. Today, La-Kee-A helps others reap the benefits of her work by, among other endeavors, working with children to spread the pleasures of reading.

La-Kee-A is a young woman who demonstrated through pride and courage that young people can make a difference. I am proud that Seventeen and Cover Girl have recognized her important contributions to the Brooklyn community. Their efforts to reward the positive actions of young women are highly commendable and should be replicated by others. La-Kee-A is truly an example for young people everywhere that volunteerism can make a difference in their communities. Congratulations, La-Kee-A for your courage and for showing the world that young people can make important contributions if they are simply willing to stand up for their beliefs.

IN HONOR OF TONY GEORGE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor a great American. Tony George is an entrepreneur, a civic leader and a family man who has, over his lifetime, made a deep impression on Cleveland, Ohio.

Tony is known around Cleveland for his chain of sports bars, Slam Jams, and his new restaurant, the Harry Buffalo opening on April 6, 1998. All of Cleveland flocks to Tony's restaurants, and he has served host to some of America's luminaries. His fine establishment has been patronized by the Honorable William William J. Clinton and Donna Shalala, Secretary of the Department of Health and Human Services.

Born in Cleveland in 1957 to Arab-American immigrant parents, Tony George is a hardworking, innovative and personable man. His sweet demeanor and generosity spring from deep within him. He is a man who has known adversity and has overcome it.

When he was just seventeen, Tony's father passed away, leaving Tony, his five sisters and mother. Tony grew up quickly. He assumed the responsibility of maintaining his father's business. He continued where his father left off to provide for the family. Tony also handled all of the family's finances. He even managed to finish school, graduating from St. Edward's High School. Tony's ability to put family values into effective action made it possible for his sisters to grew up and mature into fine individuals.

Tony is raising his own family in Fairview Park, Ohio with his wife, Christine. Their five children are fine young people: Joseph, Bobby, Justin, Krystle, and Jonathon.

Tony George is a man who does so much for so many people. Cleveland and all those who know him around the country are fortunate to have such a man among us.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily

Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 31, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 1

9:00 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for military construction, focusing on the Department of Defense's Base Realignment and Closure Commission's (BRAC) environmental programs.
SD–138

Governmental Affairs
To hold hearings on the nomination of Melvin R. Wright, to be an Associate Judge of the Superior Court of the District of Columbia.
SD–342

Labor and Human Resources
Business meeting, to mark up S. 1754, to consolidate and authorize funds for health professions and minority and disadvantaged health professions and disadvantaged health education programs, proposed legislation authorizing funds for programs of the Higher Education Act, and to consider pending nominations.
SD–430

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of the Interior.
SD–124

Commerce, Science, and Transportation
Business meeting, to mark up proposed legislation to reform and restructure the process by which tobacco products are manufactured, marketed, and distributed, to prevent the use of tobacco products by minors, and to redress the adverse health effects of tobacco use.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for Department of Defense medical programs.
SD–192

Banking, Housing, and Urban Affairs
Financial Services and Technology Subcommittee
To hold hearings to examine how identity theft contributes to electronic crime.
SD–538

Finance
Business meeting, to continue markup of proposed legislation to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service.
SD–215

Governmental Affairs
To hold hearings to examine the Year 2000 computer transition.
SD–342

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine airline competition and pricing.
SD–226

10:30 a.m.
Indian Affairs
Business meeting, to mark up S. 1797, to reduce tobacco use by Native Americans and to make the proposed tobacco settlement applicable to tobacco-related activities on Indian lands, and S. 1279, proposed Indian Employment Training and Related Services Demonstration Act, and to consider the nomination of Katherine L. Archuleta, of Colorado, to be a Member of the Institute of American Indian and Alaska Native Culture and Arts Development; to be followed by hearings on proposed legislation to revise the Indian Gaming Regulatory Act of 1988.
SH–216

1:30 p.m.
Environment and Public Works
To hold hearings to examine indoor air quality and involuntary exposure to environmental tobacco smoke or second-hand smoke in the workplace and in homes.
SD–406

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Institutes of Health, Department of Health and Human Services.
SD–192

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles I, II, III, and V of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD–366

2:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

APRIL 2

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1323, to regulate concentrated animal feeding operations for the protection of the environment and public health.
SR–332

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Executive Office of the President.
SD–192

Banking, Housing, and Urban Affairs
To resume hearings to examine implications of the recent Supreme Court decision concerning credit union membership.
SD–538

Energy and Natural Resources
To hold hearings to examine the status of Puerto Rico.
SH–216

Small Business
To resume hearings on the President's proposed budget request for fiscal year 1999 for the Small Business Administration.
SR–428A

10:00 a.m.
Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the economic and political situation in India.
SD–419

Judiciary
Business meeting, to consider pending calendar business.
SD–226

Labor and Human Resources
To hold hearings to examine the extent of chlorofluorocarbon in the atmosphere.
SD–430

2:00 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
Business meeting, to mark up S. 1301, to provide for consumer bankruptcy protection, and S. 1352, to amend Rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions.
SD–226

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD–192

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD–138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Forest Service, Department of Agriculture.
SD–124

Labor and Human Resources
Children and Families Subcommittee
To resume hearings on proposed legislation authorizing funds through fiscal year 2002 for the Head Start program.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–192

APRIL 28

10:00 a.m.
Labor and Human Resources
To hold hearings to examine reading and literacy initiatives.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Labor and Human Resources
To hold hearings to examine proposed legislation relating to assistive technology.
SD–430

Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD–138

10:00 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To resume hearings to examine the role of the Agency for Health Care Policy Research in health care quality.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on title IV of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 624, to establish a competitive process for the awarding of concession contracts in units of the National Park System.
SD–366

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

MAY 7

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD–366

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 14

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.
SD–366

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

MARCH 31

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 1515, to amend Public Law 89-108 to increase authorization levels for State and Indian tribal, municipal, rural, and industrial water supplies, to meet current and future water quantity and quality needs of the Red River Valley, to deauthorize certain project features and irrigation service areas, and to enhance natural resources and fish and wildlife habitat.
SD–366

APRIL 1

2:30 p.m.
Judiciary
Immigration Subcommittee
Business meeting, to consider pending calendar business.
SD–226

POSTPONEMENTS

APRIL 1

9:30 a.m.
Indian Affairs
To hold oversight hearings on barriers to credit and lending in Indian country.
SR–485

APRIL 2

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine airline ticketing practices.
SD–138

HOUSE OF REPRESENTATIVES—*Tuesday, March 31, 1998*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore (Mr. SNOWBARGER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 31, 1998.

I hereby designate the Honorable VINCE SNOWBARGER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

FURTHER DEBATE IS NEEDED ON THE IMF

Mr. STEARNS. Mr. Speaker, I rise today to discuss attempted misappropriation of American taxpayers' money for the International Monetary Fund.

I applaud the efforts by our Speaker to create a second supplemental appropriations bill to handle this. This will give the House the ability to have a straight up or down vote on increasing our financial commitment to the IMF.

The U.S. now presently provides about 18 percent of the IMF funds, and we are being asked to cough up another $18 billion without a full debate on the House floor about the merits of such a proposal.

In a recent Wall Street Journal article, three outstanding experts on international finance gave their views on the International Monetary Fund. George Shultz, President Reagan's Secretary of State; William Simon, Presidents Nixon and Ford's Secretary of Treasury; and Walter Wriston, former Chairman of Citicorp and Citibank. They asked the question, who needs the IMF? They point out that President Clinton and the IMF have shifted into overdrive in their efforts to save the economies of Indonesia, the Philippines, South Korea, and Thailand, or to be more accurate, to save the pocketbooks of international investors who can face a tide of defaults if these markets are not now shored up.

I welcome the support of these distinguished experts on this subject. The way I see it, the IMF places American taxpayers in the position of guaranteeing a return on investment to those who engage in these risky schemes. The likelihood of an IMF bailout removes the incentive for nations to not engage in bad economic policies or pursue unsound financial practices.

As these distinguished gentlemen note in this article, the IMF can lull nations into complacency by acting as the self-appointed lender of last resort, a function never contemplated by our Founding Fathers. The world has changed a great deal since the IMF was founded in 1944 to assist in global trade by supporting currency convertibility and providing needed financing to defend exchange rates.

The financial crisis in Asia results from decades of direct government regulation, the absence of foreign competition, and closed financial systems. By relying on heavy-handed bureaucracies managing every aspect of their economies, these nations are destroying themselves financially.

This observation was echoed in the Wall Street Journal article recently. "Asian nations are facing financial difficulties not because outside forces have imposed bad economic policies on them, but because they have imposed these policies on themselves."

According to Shultz, Simon, and Wriston, "the Mexican people suffered a massive decline in their standard of living as a result of their crisis. As is typical when the IMF intervenes, the governments and the lenders are rescued, but not the people."

They conclude the following. "The IMF is ineffective, unnecessary, and obsolete. We do not need another IMF. Once the Asian crisis is over, we should abolish the one we have."

Now the President is asking us to increase our quota to the IMF without a constructive debate on the merits of this proposal. In fact, there is clear evidence that the IMF has sufficient capital to withstand any immediate financial distress anywhere in the world. The IMF right now has close to $50 billion in reserves and access to another $25 billion through their general arrangements to borrow.

In addition, the IMF will receive nearly $28 billion in loan repayments from other borrowing nations by the end of the year 2000.

If we add the more than $100 billion being borrowed and repaid by Thailand, Indonesia, and South Korea, the IMF will basically have $200 billion in its coffers, the same amount it had before the Asian crisis began.

Mr. Speaker, today I ask my colleagues, what is the rush of throwing more American taxpayer money at the IMF, when there is substantial capital already in place? It is for one reason only. The proponents of the IMF do not want to just replenish the IMF fund; they want to expand the breadth and scope of the IMF itself so that the IMF will play an even more dominating role in global finances.

It is our responsibility in Congress to prevent this latest abuse of taxpayers' money and to defeat the proposal to increase the U.S. share of IMF money by $18 billion.

SUPPLEMENTAL APPROPRIATIONS BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California (Ms. ROYBAL-ALLARD) is recognized during morning hour debates for 2 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, later today the Republican leadership will bring to the floor the supplemental appropriations bill. I regret that I must oppose this bill because the offsets included in this legislation are simply not acceptable.

It is unconscionable that badly needed funding to support our troops in Bosnia and Iraq, and disaster relief for States like California, which have sustained upwards of $500 million in damages this winter, are unnecessarily being pitted against important programs which benefit the American people.

Despite the fact that more than 80 percent of the funds in this bill are for the Department of Defense, the Republican majority has not offset these costs by making one cut in defense spending. Instead, they have chosen to play partisan political games by making cuts in programs they know the administration and Democrats cannot support.

For example, Republicans have chosen to make cuts in education, the AmeriCorps Service Program, which gives disadvantaged youth a chance,

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and the Section 8 Program, which provides critically needed housing for our Nation's families, the elderly and the disabled.

The Republican leadership is sending this bill to the floor knowing it will be vetoed, and knowing that our troops and our communities will be left waiting for desperately needed relief.

Mr. Speaker, the American people deserve more. These funds should not be held up by political gamesmanship. I ask my Republican colleagues to put our troops and our communities first and to reconsider this ill-conceived tactic.

HEADING TOWARD A FAILED CENSUS IN 2000

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida (Mr. MILLER) is recognized during morning hour debates for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today to once again express my deep concern that we are headed towards a failed Census in 2000. Last week, the General Accounting Office released a new report stating that the risk of a failed Census had increased since their last report in July. Census 2000 was already in their high-risk category, and now things have gotten worse. We are just 2 years away from Census day, and the risks are increasing.

Why are we headed towards a failed Census? For one very simple reason: The Clinton Administration has unilaterally designed the largest statistical experiment in U.S. history. And despite their sincerity, the Census Bureau just does not have the technical capability to pull it off.

The plan that they and their statistical experts developed is breathtaking in its complexity. I have a Ph.D. in marketing and statistics, and I must say, from an academic standpoint, it is an interesting theory.

But the Census is not a theory; it is a massive field operation, and the more complex you make it, the more the chance of failure.

Now, some in the media who have sided with the administration do not want to face reality. They have invested so much in this polling theory that they want to find some other reason why this Nation is headed towards a failed Census. So now they, with the help of my friends in the Democratic Party, have come up with a new reason: It is Congress' fault.

Of course, it is the administration's plan that is headed towards failure. The majority in Congress has been warning for almost 3 years now that the administration's plan cannot work, but that does not matter. The defenders of polling theory have to blame someone, so it is Congress.

Now, I am fair-minded, so at the first hearing last week of the new Census Subcommittee, we decided to ask the GAO some questions. We asked if Congress was responsible for the following problems that are leading towards a failed Census. We asked the following questions:

We asked if the Commerce Department's Inspector General finding that the decennial census software is not being developed in accordance with any well-defined process; and the answer was, Congress has nothing to do with it.

The Commerce Inspector General's finding that estimates of software development schedules and resources are not realistically for the dress rehearsal or the Census; the answer was Congress has nothing to do with it.

The Commerce Inspector General's conclusion that he questions the Bureau's ability to develop and implement complete accurate software for the Census; no congressional fault.

The Commerce Inspector General's reporting that the Bureau's matching and unduplication programs are so geographically restricted that they will virtually guarantee more errors; again, no congressional fault.

The fact that the ICM sample drawn by the Bureau mistakenly included commercial addresses which would have thrown it completely off; again, no congressional fault.

The vague and incomplete guidance provided by the Bureau to local governments that, according to GAO, hindered efforts to establish complete count committees; no congressional fault.

The Commerce Inspector General's finding that the Bureau is not giving itself enough time to follow up on households that do not respond in the first 2 weeks; no congressional fault.

The fact that the Bureau's plan forces nonresponsive follow-up to be completed in just 6 weeks, instead of a more realistic time frame given that it took 13 weeks last time we did a decennial Census; this is not Congress' fault.

The fact that the Bureau's plan for the ICM assumes it can contact five times as many people as it did in 1990, and do it in half the time, 13 weeks versus 28 weeks; that is not Congress' fault.

The fact that if the response rate in this short 13-week time frame for the ICM falls below 98 percent, the Census will become less accurate.

The Commerce Inspector General reporting that experimented field managers feel the ICM sampling plan is unrealistic and they are assuming a 98 percent response rate; this is not Congress' fault.

The incompatibility of the Census Bureau's plan to start the ICM before nonresponsive follow-up is complete with the findings of the Inspector General that "the integrity of the ICM hinges on the assumption that it is fully independent of nonresponsive follow-up;" again, this is not Congress' fault.

The strategy of hiring moonlighters as Census enumerators, that the GAO has described as questionable; this is not Congress' fault.

The high rate of duplicative or nonexisting households on the address lists; that is not Congress' fault.

The problem with accuracy and completeness of the address list and matches provided to the localities by the Census Bureau; it is not Congress' fault.

The lack of information and resources provided by the Bureau to local communities that wish to review the address list; again, not Congress' fault.

The Bureau's failure to complete and present a comprehensive design review in January 1998, as promised, to the Inspector General; that is not Congress' fault.

The answer to all these questions was the same. Congress has nothing to do with the problems. These are specific design flaws in the Clinton Administration's unprecedented plan.

If you want to save the Census, simplify the design and go back to what you know works.

□ 0945

GIVE THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT THE HIGHEST PRIORITY

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 21, 1997, the gentleman from New Hampshire (Mr. BASS) is recognized during morning hour debates for 5 minutes.

Mr. BASS. Mr. Speaker, last week I introduced House Resolution 399, to work toward fully funding the Federal Government's statutory obligation under the Individuals with Disabilities Education Act, IDEA. This resolution says, and I quote, "Resolved, that the House of Representatives urges the Congress and the President to give programs under the Individuals with Disabilities Education Act the highest priority among Federal education programs by working to fund the maximum State grant allocation for educating children with disabilities under such Act."

For those who may not be familiar with IDEA, it came about in 1975 as a result of a Supreme Court decision in the early 1970s that essentially said that we have an obligation under our Constitution to provide education for all Americans, regardless of what level of educational ability one might have; a very good decision and an important decision.

Unfortunately, however, when Congress passed the original IDEA bill in 1975, we enacted a statutory commitment to cover 40 percent of the excess costs of educating a learning-disabled student. Mr. Speaker, we have never done it. The fact of the matter is that, since 1975, we have never funded IDEA at any higher rate than about 7 to 7½ percent.

It is this Member's opinion that this practice has to end. There is no issue, there is no issue, that is more important to school districts, to school administrators, to school boards, to parents, and perhaps most importantly, to property taxpayers across this country than the chronic underfunding of special education.

I introduced this resolution last week. It is currently pending in the Committee on Education and the Workforce. I am hopeful we will see some action on it in the near future.

I believe it is time for this Congress to step forward and say it is time to end the mother of all unfunded mandates, a mandate that costs our cities and towns and municipalities over $10 billion a year. It is time, in 1998, to fully fund IDEA.

If we want to improve local education, if we want to take the burden off of families that are under stress to provide education for their children if their children may be disabled or coded in some form or fashion and not separate them from the rest of the community, if we want to fulfill the Government's mandate that was enacted over 20 years ago, do it for the first time in 1998. This is the year to fully fund special education.

I urge my colleagues, Mr. Speaker, to join me in cosponsoring this important legislation and send a message back to our constituents that the time has come for the Federal government to live up to its obligation to provide our school districts, our cities and towns, with the relief that we promised to provide them over 20 years ago in fully funding special education.

CURRENT HIGH OIL PRICES CAUSED BY GREED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Illinois (Mr. JACKSON) is recognized during morning hour debates for 5 minutes.

Mr. JACKSON of Illinois. Mr. Speaker, today I rise to call attention to a contradiction in market economics. About 2 weeks ago, American consumers were told that oil prices had hit a record low, and last Tuesday the New York Times reported that crude oil prices rose 13 percent on the basis of a pledge to cut the supply. Thirteen percent was the biggest one-day rise in oil prices since the Persian Gulf War more than 7 years ago, yet there was no national or international crisis that precipitated the rise to 13 percent.

There is presently an oversupply of oil on the market. One would expect prices to be low and stay that way until demand overtakes supply. But this is not a rise in price because of a reduction of the supply or increase in demand. That just simply could not happen in a week. This is not a response to the market. This is a reaction to the promise, the promise, of cuts in crude oil supplies.

From my perspective, this is raw greed. For those Americans who are observing this process today, there is not one product that I can imagine, that many of us can imagine, that is not impacted by the price of crude oil, from our cars, motors, our engines, to the suit that I am wearing, to the tie that I am wearing, to our socks, to our shoes, to paper products, to all plastics, to paint, to chemical manufacturing, to computers. You have named it, just about every product that we produce in our Nation has some oil-based content.

So today the Federal Reserve Board will meet to set interest rates. If they raise interest rates because they think oil prices will be low and overheat the economy, the economy will simply slow and the oil companies will make out like bandits.

With the mere promise of higher oil prices, they can continue to produce oil in a glutted market, charge higher prices and, clearly, make out like bandits. So if the Federal Reserve Board today meets to raise interest rates, and therefore slow down growth of the U.S. economy, please do not blame the Democrats and, for that matter, do not even blame the Republicans. Just blame the oil companies, who happen to be Republicans.

THE PARENTAL FREEDOM OF INFORMATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Kansas (Mr. TIAHRT) is recognized during morning hour debates for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I want to take a few minutes this morning to talk about the Parental Freedom of Information Act.

Educators and parents agree that students do much better when parents are involved in the education. But there are many barriers to getting parents involved in the education process. What the Parental Freedom of Information Act does is try to remove some of those barriers.

Some of those barriers are something that are just indications of how far down our culture has slid. We have many broken homes, and many homes have both parents working. It is quite often too difficult for parents to spend the time they need to be involved in their children's education.

It certainly is a sacrifice of time when there are so many financial demands on parents these days because of the cost of housing, the cost of clothing, the cost of living, that they cannot spend the time to get involved because they are working.

Mr. Speaker, other forces in society have also caused a downhill slide. Quite often, we have lost touch with the virtues that built this great Nation, virtues like faith in God, hard work, honesty, integrity. That loss of virtues is also reflected in our school system.

Getting parents involved in the child's education will help build a structure where children will be able to rely on their parents to help improve their education. Like I said, in education, teachers, superintendents and parents all agree.

What the Parental Freedom of Information Act does is it allows parents access to the information related to their children's education. That includes medical records. It includes psychological testing. It includes test scores. It includes curriculum, anything involved with the curriculum.

What we have seen in some situations across America is that school systems have denied parents access to the information, even when it includes medical treatment or psychological testing.

In one case in Pennsylvania, in excess of 60 young women, girls, actually, in junior high were subjected to physical exams, which included exams that required them to take their clothes off. This was very much a shock for these girls. It was very difficult for them, traumatic for them, and many had to receive counseling afterwards. This was all done without parental consent, without parental notification.

The Parental Freedom of Information Act would give parents access to medical tests and require that they get permission before they conduct something like this. Anything that is mandatory would require that parent consent before it is conducted.

It's the same with psychological testing, if there is any psychological testing; and there has been across the United States. In Texas and California, they have had psychological testing without parental consent.

This legislation does not prevent students from voluntarily seeking psychological testing, psychiatric help, or medical help if they do so voluntarily. In some cases, there are conflicts between parents and students; and they do need to get some type of counseling. That is not excluded by this bill. I think that is very healthy for students to try to work through some of their problems so they can communicate better with their parents, and vice versa.

Other barriers exist, especially related to some testing, that have been very difficult for parents to accept, especially when they are not involved in the process.

In my home State of Kansas there was part of a standardized test that was given to junior high students was a reading comprehension test. The story that was selected was of a 7th grade girl who developed a relationship with an inanimate object, actually a statue of a crow. In this story this junior high girl begins to communicate with this statue, and the statue becomes her spiritual guide.

Many parents in Kansas found that having junior high kids subjected to spiritual guides, or the philosophy of a spiritual guide, was offensive. They decided that they would try to do something about it. Eventually, the test was changed. But, parents were excluded from finding out about such types of standardized tests, tests that would subject every child in Kansas, sooner or later, to that.

Mr. Speaker, I would just ask that my colleagues help support the Parental Freedom of Information Act and strengthen education.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 9 o'clock and 56 minutes a.m.) the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

O gracious God, You have given us the great promises of life and we see Your glory and majesty of the heavens and the miracles of life and hope. On this day we pray that we will see Your blessings in the day-by-day events, the ordinary circumstances that touch our lives. May we realize that when we say a good word, we are Your people; when we listen to others and respect their traditions, we are doing Your work; when we give honor and dignity to those who disagree with us, we are truly acting our faith in our daily lives. As we seek to do Your will in the daily routines of life, so we bless You, our creator and our redeemer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McINNIS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McINNIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. GIBBONS) come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a bill of the following title, in which concurrence of the House is requested:

S. 1751. An act to extend the deadline for submission of a report by the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 one-minutes on each side.

DEMOCRATS ARE NOT FOR TAX CUTS

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, the Republican Party stands for lower taxes, and that is not news. The Democrat Party stands for higher taxes, and that is not news either. What is news is that we have yet another Democrat who has had the courage to say out loud what liberal Democrats believe with great conviction to the depths of their souls.

Just last week, one liberal Democrat, proud to call herself a liberal and a leader of the party of big government, said point blank, "The fact is that Democrats are not for tax cuts." Let us all listen to that again, because I find her candor quite refreshing: "The fact is that Democrats are not for tax cuts."

Now, I am sure that the White House spin machine could probably take that statement and show how we are all just cretins for thinking that these words mean what they say. But I am afraid most Americans understand exactly what these words mean without the benefit of the White House spin doctors.

How far the Democrat Party has come from the days of Andrew Jackson. Mr. Speaker, I tremble at the thought that the Democrat Party will practice what it preaches.

MAJORITY WHIP OWES AN APOLOGY

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I was deeply saddened and chagrined to read in the paper the remarks of our colleague, the gentleman from Texas (Mr. DELAY), the Majority Whip, regarding slavery and the President's remark on the subject.

According to my colleague, and I quote, "Here is a flower child with gray hair doing exactly what he did back in the '60s. He is apologizing for the actions of the U.S." While there is nothing wrong with apologizing, that is not what the President did.

What President Clinton did on his recent trip to Africa was express his regret over slavery. He said slavery was wrong, something we should all be able to agree on. At a time when the President and others are trying to nurture racial healing and reconciliation, it is unfortunate that there are those who would use the issue of race as a wedge to divide us.

Mr. Speaker, the gentleman from Texas (Mr. DELAY) owes this House, the American people, and the President an explanation and an apology. He has said that the President cannot tell the truth about his mistakes and own up to them.

Mr. DELAY should admit his own error of judgment and apologize.

NEW TRIBES MISSIONARIES

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today to speak on behalf of three American missionaries who have been held hostage for over 5 years by FARC guerillas.

In January of 1993, Colombian guerillas crossed the border and kidnapped David Mankins, Richard Tenenoff, and Mark Rich from a Panamanian Indian village. During the first year of captivity, FARC intermittently contacted New Tribes Missions to demand payment of a $5 million ransom. But, in 1994, the guerillas cut off all contact.

According to the New Tribes Missions authorities, there are credible reports that the three Americans are still alive. Last July, Assistant Secretary of State John Shattuck committed to doing everything possible to secure the release of these three Americans. In addition, a number of Latin American countries have pledged their assistance to resolving this hostage situation.

Mr. Speaker, American citizens' lives are at stake. I urge President Clinton, Secretary Albright, the State Department and all other appropriate American officials to work with other countries to help bring an end to this tragic situation.

CAMPAIGN FINANCE REFORM KILLED ONCE AGAIN

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, well, we were here yesterday for almost 12 hours; and we were able to kill campaign finance reform. It reminds me of borrowing a lyric from the old song "The Party's Over:" "It's time to wind up the masquerade. But make up your mind, the piper must be paid."

The campaign finance reform has not been done. There are no limits on expenditures. There is no ban on soft money. There is no disclosure for independent groups that campaign for or against politicians. History reveals again last night that the Republican Party has killed the campaign finance reform once again.

In 1992, a bill got to the President's desk and Bush vetoed it. In 1994, the Senate Republicans filibustered against campaign finance reform and killed it. In 1996, this House, under present leadership, killed H.R. 3505. And now, in 1998, the House leadership once again killed campaign finance reform.

Mr. Speaker, the Republican Party does not want to bite the money interests that field their campaigns. But do not forget, it is not the money that elects us, it is the people who vote.

NO EMBARGO ON FOOD AND MEDICINE GOING TO CUBA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, a portion of the infrastructure of Fidel Castro in the United States is here in Washington today to promote the lives and propaganda of the regime. They will speak of a political embargo on the sending of food and medicine from the U.S. to Cuba while never mentioning an unkind word about the regime.

But, once again, Mr. Speaker, let us set the facts straight. There is no embargo on food and medicine going to Cuba. The United States is, in fact, the largest humanitarian aid donor to Cuba, sending more aid to the island than all of the other nations in the world combined.

If there are no medicines in Cuba, why do foreign tourists with hard currency receive top-quality health care on the island? If there is a shortage of food in Cuba, why do luxury hotels pamper tourists with world-class meals? If there are no medicines in Cuba, why has Castro exported $300 million in medicines over the past 2 years?

Do not believe the propaganda. The only embargo that has to be lifted is the embargo on freedom, human rights, and democracy that the Cuban dictator has imposed on the people of Cuba.

☐ 1100

KEEP TALKING ABOUT THE MINIMUM WAGE

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, last week as the cherry blossoms bloomed in Washington, Americans were treated to yet another sight that they had long awaited, a Republican legislative agenda. Finally the GOP articulated an issue when the leader of the other body declared that Republicans would block any increase in the minimum wage. Yes, while the Dow Jones climbs higher, Republicans say that some workers are unworthy of sharing in America's prosperity.

As my colleagues know, when trading closes each day on Wall Street, someone has to clean up the Stock Exchange, someone is serving drinks to the investors getting together to celebrate, and somebody is stitching together the $3,000 suits fashionable in the financial district. Yet some of those workers are struggling to get by on an annual income lower than the wardrobe expenses of some of the well-dressed brokers.

Mr. Speaker, I have one request of the Republican leader of the other body: Keep talking about the minimum wage. The staunch opposition can only help us in uniting working families, and when we Democrats pass a minimum wage increase over objections, we will be saying, "Senator LOTT, thanks a lot."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA). Members should avoid references to Members of the other body.

NO TAXATION WITHOUT COMPREHENSION

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the stirrings of patriotic revolution in this country 222 years ago were energized by the cries of "No taxation without representation." Today it is time for a new call to common sense: "No taxation without comprehension."

That is right, Mr. Speaker, a tax code that even the experts cannot figure out is an assault on common sense, an assault on logic and an assault on the American conception of self-government. Formerly loyal British subjects were so offended by the idea of taxation without representation that soon a revolution of American patriots was born, and today more and more ordinary taxpaying Americans are so offended by a system of taxation without comprehension that a taxpayers revolt is emerging now across the land.

In simple terms, Mr. Speaker, it makes no sense to have a tax system that makes no sense. It is time to stop the madness and stand up to our absurd Tax Code, all 3,500 pages of it.

Democrats and Republicans unite. No taxation without comprehension.

DO-NOTHING CONGRESS IN RECESS FROM REALITY

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, as this Congress concludes the first 100 days of 1998, it is quite appropriately in recess. Indeed, the Republican leadership of this House has been in recess for most of this year on most issues that could really make a difference in the lives of most Americans.

They were in recess yesterday when, after demands for over a year to have a real debate on how to get the big money influence in this Congress controlled, they presented a phony bill that was rejected by even most of their own Members. They talk about taxes, but when it comes to closing the tax loopholes and ending the corporate welfare for those same big money contributors, this Congress has been in recess. When it comes to passing a budget that would protect Social Security first, in recess. On child care, on improving the quality of education, on pension protection, they have been in recess.

The first 100 days of this Republican Congress: a do-nothing Congress in recess, in recess from reality.

AMERICANS SHOULD OBSERVE APRIL FOOL'S DAY ON APRIL 15

(Mr. GIBBONS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, we are roughly 13 hours away from the first day of April, also known as April Fool's Day. This year, Mr. Speaker, I think America should observe April Fool's day on April 15. Why? Well, April 15 is the day when the IRS plays the biggest prank of all, trying to convince the Americans that it has turned over a new leaf as a kinder, gentler agency.

Mr. Speaker, Americans are no fools. They see the IRS for exactly what it is, out of control. April 1 has been dedicated to fools, and April 15 has been dedicated to the IRS, just 14 days between losing one's mind and losing one's money.

Working men and women in this country are sick and tired of having the joke played on them. Our families deserve a government that is dedicated to reform and accountability, not abusive power and status quo.

I urge my colleagues to join me in support of real and practical IRS reform, tax reform now, not tomorrow. We must end the practical joke on the taxpayers of this country.

FLORIDA FIXES THEIR ELECTRIC CHAIR

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Daniel Remeya said he killed people for the fun of it. In 1985 he killed a clerk for $50. Two days later he killed a grocery clerk. Two days after that he killed a restaurant manager. That same day he killed two repair men, my colleagues. Now, after all that his attorneys said Florida's electric chair does not work properly, constituting cruel and unusual punishment, therefore Remeya should be spared.

Beam me up.

I want to commend Florida for, No. 1, fixing their electric chair; and, No. 2, for using the electric chair on this creep who killed innocent victims for the fun of it.

Good night, sweet prince.

I say one last thing, Congress. An America that gives murderers three square meals, a roof and a law library is an America that will continue to have mass murderers. I yield back all the carnage in our cities.

BESTEA WILL BENEFIT ONE OF AMERICA'S MOST DANGEROUS HIGHWAYS

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, I rise today to urge my colleagues to support BESTEA when it comes to the House floor this week. BESTEA focuses on safety and keeping our nation's highways safe like never before.

An example of this commitment is the High Risk Roads Interstate Program. This program, Mr. Speaker, allocates $5.75 billion to fund safety improvements to high risk roads with high accident rates. Funding of this program requires that safety must be the primary purpose of any project.

Mr. Speaker, this program will directly benefit my home State of Washington, which has the dubious distinction of having one of America's most dangerous highways. Highway 522 is a 10.5 mile road where 42 people have lost their lives in the past 20 years. Without this new program, the estimated $180 million price tag would remain out of reach, leading to more and more senseless deaths.

I urge my colleagues to support BESTEA.

CONTINUE THE FIGHT FOR CAMPAIGN FINANCE REFORM

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, the Congress yesterday missed a great opportunity to reform the finance campaigning that we do in our country. I am happy to report that on a vote of 337 to 74 this House turned down some atrocious campaign finance reform legislation that was a total sham, and we did it in a bipartisan way. Americans have said we want campaign finance reform, we want to take the money out, we want to participate in the process, and we want an open debate on it.

I applaud my colleagues. Democrats have been strong in it. All 196 of us said "no" to the sham campaign finance reform legislation that was on the House floor last night, and I am happy that 74 of Republicans stood up to that challenge as well.

Let us reform the laws. Let Americans participate in campaign finance reform.

I commend my Democratic Caucus, Mr. GEPHARDT for his leadership. Let us continue the fight.

NO APOLOGIES NEEDED

(Mr. McINNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McINNIS. Mr. Speaker, it is time for our President to come home. We owe no more apologies to the world. I am tired of hearing people go out and apologize for the United States of America.

Take a look at the United States of America's history. Look how many millions and millions and millions of people that we have helped. Look how many of our soldiers have given the ultimate sacrifice to defend freedom in this world.

Take a look at what our country offers the world today. We do more for the environment than any other country in the world. We have the best health care system of any country in the world. We have the strongest military of any country in the world which helps our friends at our expense.

Take a look at what we do for education for our own citizens. Take a look at what we do through the United Nations for other countries. Take a look at our foreign aid.

Mr. Speaker, we have got nothing to apologize about. The President needs to come home. If apologies are due, maybe they are due over at the White House, but they are not due for being citizens of the United States.

I am a citizen of the United States of America, and let me tell every one of my colleagues I have no apologies.

THE CONGRESS HAS GONE WILDLY ASTRAY

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, it is time for Congress to get to work on the people's agenda, the people's business, and to quit playing partisan games. Last year after passing a successful budget resolution the Congress today has gone wildly astray. The Republican Congress today cannot get along with the Clinton administration, it cannot get along with the Democrats, and the Republicans in Congress cannot get along with themselves.

Look what has been going on the last 2 weeks in the House: Making a mockery out of campaign finance legislation yesterday, partisan bills considered under suspension where there was certainty such bills would fail. Secondly, last week giving short shrift to the environment and fortunately the so called Forest Health measure was defeated. The bills are failing; we cannot agree on subjects we should agree on and find a sound common ground upon.

And today we have got a bill scheduled on financial modernization, the bill that we have been working on for a decade, and what is happening is that the Republican leadership is hijacking the credit union bill to put it onto this badly flawed bill, H.R. 10. It is like giving a ticket to somebody on the *Titanic*. This bill makes a mockery out of the due process and deliberate consideration. Substantive amendments will not be considered, we are going to have a total of about four or five hours to debate it, and it is all but immunized from substantive debate on important issues in terms of our economy and the people we represent. When are we going to get to work and quit the partisan antics that seem to touch every item on the House agenda.

WILL OUR MILITARY FORCES BE UNABLE TO MEET NATIONAL SECURITY NEEDS BECAUSE OF ILL-CONCEIVED BUDGET CUTTING?

(Mr. RILEY asked and was given permission to address the House for 1 minute.)

Mr. RILEY. Mr. Speaker, as my colleagues know, this year will represent the 14th consecutive year of real decline in Federal defense spending. In less than a decade we have gone from 18 Army divisions down to 10. We have gone from a 600-ship Navy down to 300. Our soldiers' optempo continues to increase, our equipment continues to age, and yet the defense budget seems to get smaller and smaller with each passing year.

Yet to my dismay, I read in the March 25 Congress Daily that some of my colleagues are disappointed that the supplemental appropriations bill was not offset with DOD funds.

Mr. Speaker, I would like to remind my colleagues that we have a constitutional obligation to provide for the common defense of this Nation. It will be far more costly in dollars, and potentially in American lives, if our military forces are unable to meet the Nation's national security needs because of ill-conceived budget cutting.

CAMPAIGN FINANCE REFORM—THANKS FOR NOTHING

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, thanks to the Republican leadership's planned defeat last night of campaign finance reform, I wanted to give my colleagues an update on the current state of the law.

If someone is a small business person in Arkansas grossing $100,000 a year, it is still legal for them to give $1 billion to the political party of their choice. If this is a family of four making $30,000 a year, it is still legal for them to donate $1 billion to the political party of their choice. If they retire on Social Security and on fixed income, it is still legal for them to give $1 billion to the political party of their choice. And if this is a young couple in their 20s still trying to pay off student loans, it is still legal for them to give $1 billion to the political party of their choice.

Thank you, Mr. Speaker, for nothing.

HONESTY IN OUR LEADERS DOES MATTER

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, we are losing the concept of honesty and trust in our society. Over the last few months here in Washington the concept is fading and being replaced by denial, distraction, delay and destruction of those seeking the truth. We all know in our hearts that honesty is always the best policy, but when leadership in a free society lowers the standard, it affects us all.

Mr. Speaker, leadership does matter. We all saw that when the President spoke on MTV, saying he would inhale if he had to do it all over again, and then drug use actually increased.

If we lower the standard of honesty and trust, it means we no longer honor our commitments to our checking accounts, resulting in bounced checks. It means that we no longer honor our commitments to credit card accounts, meaning more bankruptcy. It means we no longer honor our commitments to marriage, meaning divorces will rise.

Are there not enough hot checks today? Do we not have enough bankruptcy? Are there not too many divorces today? Let us demand honesty and trust from ourselves, our neighbors and our elected officials.

BANNING SOFT MONEY

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, the freshman campaign finance bill takes the bold and important step of banning soft money. In the last election Democrats and Republicans combined to raise more than $260 million in soft money. That was a 206 percent increase from 1992. If we extrapolate, when we get to the year 2000 we will be spending $1 billion in soft money.

□ 1130

We divide the House into two groups: Those who think there is not enough money in the pot to spend doing elections, and those who think there are far too many dollars to be spent. And the problem is not what is illegal, so much as what is legal that we accept. Let us bring credibility back to the Congress. Let us have real campaign finance reform, and let us not think that the public is going to accept the sham that went on last night.

HELP FOR WORKING FAMILIES

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, for 40 years, as Americans watched the Tax Code grow to 5.5 million words, special interests were gaining power at the expense of working families, families who formed the backbone of America, who work hard, play by the rules, and pay more than their fair share of the taxes.

James Madison warned about the evils of special interests, which he called "factions" because special interests could make demands, demands at the expense of the public good, at the expense of common interests, at the expense of sound policy.

James Madison was right, and history, for the past 40 years, has shown that special interests have grown in power while ordinary middle-class families watch their tax bills grow year after year.

Last year, for the first time in 16 years, we gave American families a tax break. Let us eliminate the marriage penalty; let us help working families. Let us let the Tax Code work for Americans and not for the special interests.

RESTORE THE PUBLIC'S TRUST

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, as public servants, we are commissioned to be guardians of the public trust, but each year the public's trust steadily declines. And why? Because too often Presidents, the new ones, and the new Congresses, go on with practices that are established by the old Congresses that violate that trust.

Take, for example, the Social Security Trust Fund. Every year we borrow from that trust fund, and we do not have the money to pay it back. We give that to the next generation.

This year, the President's proposal not only says we should borrow this year, but for the next 3 years, for a so-called balanced budget. He takes $101 billion out of people's retirements and spends it on his programs and says, isn't that great? And now he is traveling the world giving out foreign aid to other countries that he has taken out of people's retirement funds.

It is time to restore the trust in America to trust funds and stop this stealing.

CONGRATULATIONS TO TENNESSEE LADY VOLS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, I rise today to congratulate the Tennessee Lady Vols on once again becoming the national champions of women's collegiate basketball. This is an unprecedented third national championship in a row for Coach Pat Head Summitt and her staff and players.

Led by a young woman who has already been described as the greatest women's basketball player ever, Chamique Holdsclaw, the Lady Vols went 39 and 0 on the way to the national championship.

Coach Pat Head Summitt has now won an unbelievable six national championships and is considered one of the top basketball coaches of all time, male or female.

The dedication, the determination, the discipline of these young women is truly amazing. This is my hometown team, representing one of my alma maters, so I am especially proud of this outstanding group, but they have made all of Tennessee very proud, indeed.

Coach Pat Head Summitt, her assistants, Mickie DeMoss, Holly Warlick, Al Brown, and the Tennessee Lady Vols are great representatives for the sport of basketball and for this Nation.

ETHICAL STANDARDS IN POLITICAL FUND-RAISING

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Mr. Speaker, I wonder if the Democrats' call for national standards in education reflects their high regard for high ethical standards when it comes to raising money for their political campaigns?

I have no doubt that the other side, so proud of what they did during the 1996 elections, have learned a few lessons from the most ethical administration in history. Selling the Lincoln bedroom to the highest bidder; White House coffees with the most impressive rogues gallery of drug smugglers, arms dealers and con artists ever assembled.

I wonder if the national standards they have in mind will help with the little "I do not recall problem" that seems to afflict the majority from the White House who are asked to come to Capitol Hill to testify about campaign finance law breaking.

I wonder if the national standards they have in mind will do anything about shaking down impoverished Indian tribes for money, using the power of the IRS to target America's most vulnerable citizens, or invading the privacy of ordinary citizens by illegally obtaining their FBI files.

I wonder, Mr. Speaker. I wonder.

CAMPAIGN FINANCE REFORM

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, there was some debate yesterday on the floor about whether or not the majority party, the Republicans, were serious, coming to the floor with a bad campaign finance reform proposal, and setting up a procedure that meant they needed two-thirds of the House, not one-half-of-the-House-plus-one to win.

Well, I think there were two-thirds votes for something. There was two-thirds of the House at least that voted against the Republican proposal, and, frankly, it just shows how insincere this effort has been.

Mr. Speaker, we need to take back the political system in a way that will give the American people confidence. We have to put limits on spending. We have to decrease the amount of money to campaigns, not increase the amount of money to campaigns, and we have to have an honest debate on this floor with not just the ideas that have been created inside the Republican caucus, which were even rejected by a large number of the Republicans, but the ideas that are out here in the American public.

I have a proposal to limit spending to a $100 contribution from any person in the country; not thousands, not $25,000, not $75,000. Other people have other ideas. I believe in public financing. Many people agree with that; some disagree with that.

We ought to have an honest debate about these issues, and not let it die with the sham that occurred last night.

MAKING TAXES UNDERSTANDABLE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, this year, millions of Americans will buy new cars. We will go on to car lots and select cars of our choice, and be told how much they cost.

But think about it for a minute, how complicated it must be to price a car; tires, computer systems, the radios and speaker systems and bumpers. And then there are the labor costs involved in it, and the liability for the insurance, and the utilities for the factory.

It is indeed a very, very complicated process to bring a car to your lot nearest to you in your hometown and say that car costs $31,286. It is a miracle of the capitalist system.

Now think in terms of what it is to pay your taxes. Have you paid your taxes yet? Probably not. Why not? Because it is too complicated. You know it is going to take hours and hours. You will have to sacrifice two or three evenings of your busy schedule, all to figure out what you owe Uncle Sam.

Why can the IRS not take a lesson from the motor companies and the private sector and just have clarity and simplicity, so that when you and I go to pay our taxes on April 15th, even though we might not like the amount, at least we understand what it is?

SETTING THE RECORD STRAIGHT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last week several of my colleagues and myself stood in the well of this House, and we talked to the American public about the Republican leadership's lunacy and their crazy idea to impose a 30 percent sales tax on the American public. Lunacy. A 30 percent increase in the sales tax, a national sales tax.

In the course of that debate, I spoke out and I said that Republicans want to say that Democrats are not for tax cuts, and that we should not let them get away with saying that Democrats are not for tax cuts, because, quite frankly, Democrats have been standing on their feet talking about targeted tax cuts for working middle-class families in this country, and not the richest people in this country, which is where the Republican leadership and my colleague from Texas (Mr. DELAY) are coming from.

The gentleman from Texas, Mr. DELAY got up to speak this morning, and I say to him, watch the debate on the floor before you distort the words of a colleague. The CONGRESSIONAL RECORD is being corrected on how they misinterpreted the comments that I made.

We have the tape. You are going to have to eat your words.

DEFEAT OF CAMPAIGN FINANCE REFORM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise to comment on yesterday's debacle. Some rose and said that this was legitimate campaign finance reform. The American public wants campaign finance reform. They do not want money to be the arbiter of the politics of America. They want money contributed honestly and reported effectively.

The chairman of the Committee on House Oversight, who offered these bills to the Congress, had one principal large bill. That bill, he said, would pass. We said it was a sham. The New York Times said it was a sham. The Washington Post said it was a sham. We were criticized on our side of the aisle for being partisan and saying it was a sham.

But, Mr. Speaker, when the vote was called, two-thirds of the majority party voted against their leadership's bill, including their leadership.

It was, indeed, a sham.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 3579, EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1998

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 402 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 402

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 7 of rule XXI, or section 306 of the Congressional Budget Act of 1974 are waived. General debate shall not exceed 90 minutes, with 60 minutes of general debate confined to the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and 30 minutes of general debate confined to title III equally divided and controlled by Representative Skaggs or his designee and a Member opposed to title III. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. The amendments printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived. No other amendment shall be in order except the further amendment printed in part 2 of the report of the Committee on Rules. That amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against that amendment are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendment as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for purposes of debate on this issue only.

Mr. Speaker, House Resolution 402 is a modified closed rule that will allow the House to consider H.R. 3579, the Emergency Supplemental Appropriations for Fiscal Year 1998, in an expeditious and responsible manner.

The rule waives points of order against consideration of the bill for failure to comply with clause 2(L)(6) of rule XI, requiring a 3-day layover of the committee report; clause 7 of rule XXI, requiring a 3-day availability of relevant printed hearings and reports on general appropriations bills; or section 306 of the Budget Act of 1974, prohibiting consideration of legislation within the jurisdiction of the Committee on the Budget unless reported by that committee.

The rule provides 1 hour of general debate, equally divided and controlled between the chairman and ranking minority member of the Committee on Appropriations. It also provides an additional 30 minutes of debate on the provision of the bill in title III relating to the prohibition on the use of funds in the bill for military operations against Iraq. This time is to be equally divided between the gentleman from Colorado (Mr. SKAGGS) and an opponent of the bill language.

I am sure Members on both sides of this issue would agree this is a timely and important debate, and I am pleased we were able to accommodate additional time for this purpose.

The rule provides that the bill be considered as read and that amendments printed in part 1 of our Committee on Rules report be considered as adopted. The rule waives points of order against the bill, as amended, for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in a general appropriations bill, or clause 6 of rule XXI, prohibiting reappropriations.

Additionally, the rule makes in order the amendment printed in part 2 of the Committee on Rules' report and provides that such amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The rule waives all points of order against this amendment, which is a manager's amendment designed to meet a specific need in the Northeast.

For the record, I have been advised by the chairman, the gentleman from Louisiana (Mr. LIVINGSTON), that additional specific needs for the State of Florida, this recent emergency and tragedy that has happened in that State, have not been incorporated in this bill because of the timing of matters. These points will be addressed in conference with the other body, I am informed.

Lastly, Mr. Speaker, this rule provides for a motion to recommit with or without instructions. It is a somewhat complicated rule, which is why I have taken so long to lay it out. There are other points about it that are worth noting by Members.

What we are attempting to do today is move ahead with an important supplemental spending bill made necessary by a series of natural disasters and several ongoing military missions in need of additional funding in this fiscal year.

I have heard little disagreement about the merit of the funding proposals that are included in today's legislation. We have all been saddened, in fact horrified, by the devastating impact of a series of storms and weather phenomena associated with El Nino in congressional districts across the country.

I think we also all recognize that the young men and women doing the hard work of peace in such places as Bosnia and the Persian Gulf rely on us to ensure that they have the resources necessary to conduct their missions as safely as possible. Whether we agree with the long-term policy that put them in harm's way or not is not the issue at this point.

On the other hand, Mr. Speaker, there has been much public commentary and disagreement among Members about the process by which these needs are to be met. We did hear much testimony yesterday from Members seeking to offer amendments to this bill. Most of the amendments were in some way or another in violation of House rules. Some of them dodge the tough issue of offsets, and some were not germane to the subject matter of this bill.

Based on that, and the importance of getting this bill done quickly, we have crafted a structured rule that seeks to keep the focus on the matters at hand; that is, the emergencies and keeping our military supported.

For instance, I know that some of our colleagues believe this bill should have been tied to funding for the IMF and United Nations funding. Given the complexity and the clear controversy surrounding both of those matters, I believe that marrying them with the disaster and defense proposals would only serve to delay our ability to get needed relief to victims and provide adequate funding for our troops overseas.

We cannot allow our efforts to help flood- and storm-ravaged communities or bring peace of mind to our troops to become bogged down in protracted negotiations over International Monetary Fund and United Nations funding. Those matters will be the subject of a subsequent bill next month.

In addition, we have discussed the ramifications of funding these needs with and without spending offsets. I am pleased that this legislation incorporates offsets for the spending it proposes, a difficult task in these times of tightened belts in light of last year's budget agreement.

By adopting this rule, the House will go a step further and declare its support for the general policy that all spending in this bill should be offset. I salute the appropriators for doing due diligence in coming up with the offsets for the new spending in this legislation. They have remained true to the principle of fiscal responsibility our majority has espoused since taking control of this House in 1994: There is no free lunch when it comes to taxpayers' money. Everything has a price, and all spending must be done in the context of making choices.

They are tough choices, but we are accountable. That does not mean that I agree with each and every choice that was made in this bill, nor does every other Member.

In one area involving funding for the airport improvement program, I think the wisdom of this House will enhance the judgment made by the Committee on Appropriations. In adopting this rule, we will adopt an amendment that restores cuts proposed to the airport program, cuts that could have seriously jeopardized the continued progress of airport expansion and air travel safety across this country, in my view, and in the view of many others.

Mr. Speaker, we know this bill will not meet every need for the current fiscal year. Even as the Committee on Appropriations was marking up this bill, the administration was preparing an additional natural disaster-related funding request of $1.6 billion. Since that time, sadly, we have seen additional damage done to communities from violent storms. I gather the weather forecasters say we could see more. Mother Nature has never adhered to our congressional timetable and probably does not care much about our policies, either.

As chairman of the Subcommittee on Legislative and Budget Process, I continue to be troubled by the difficulty we face each year in coping with such natural disasters, emergencies whose specific timing, severity and targets are not predictable, but our only certainty is that we know that they are going to come at some time, somewhere, in some form. Somebody is going to be hurt, and we are going to have victims looking to the government for relief.

I will continue my efforts to find a better way, perhaps through a rainy-day type of reserve fund that we can better plan for these contingencies and make our spending decisions more predictable and rational in the future, but now we have to cope with the disasters at hand.

Finally, Mr. Speaker, let me speak in general to an issue raised by the distinguished ranking minority member of the Committee on Appropriations about funding in this bill for intelligence-related activities and programs.

There is some money within this bill for intelligence and intelligence-related activities that are critical to our national security interests. Although some have suggested that this funding is only a result of congressional prompting, let me assure the Members that this request is not from whole cloth. These are areas that the administration has identified as being a significant need at this time. The requests go to the very fiber of protecting our domestic tranquility.

This is accomplished by ensuring that we will have the human and technical means necessary to protect our deployed forces, to protect American citizens abroad and their interests, and to provide the eyes and ears that truly supply the first line of defense for our Nation.

We have let down this defense, particularly over the past year, and we have to make some repairs. These investments that we have before us are not always easy, but who among us is ready to further put our Nation at risk? I daresay, not a Member of this House.

Having been charged by all of this House to keep the portfolio on intelligence and to keep watch over this area of our national security, I can affirm to every Member that the items in this bill are needed and they are needed now.

In closing, I wish to commend, again, our colleagues on the Committee on Appropriations for their hard work in getting this bill to the House expeditiously and in a fiscally responsible way.

Mr. Speaker, I urge support for the rule, and I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule will allow for the consideration of H.R. 3579, which is a bill that makes $2.9 billion in emergency supplemental appropriations. As my colleague, the gentleman from Florida (Mr. GOSS), has described this rule, it provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. It provides an additional 30 minutes of debate on title III of the bill.

The rule self-executes three amendments. Only one amendment will be made in order on the House floor. Members will not have the opportunity to offer other amendments.

I oppose this restrictive rule, and all the Democrats on the Committee on Rules opposed it. A total of 32 amendments were submitted to the Committee on Rules. By permitting so few changes in the bill, the House will not be permitted to work its will. Members will not be able to fully represent their constituents during the floor amendment process.

The bill provides vital funding for our troops overseas and for recovery from natural disasters. That is good. However, the bill itself is seriously flawed. The increased appropriations contained in this bill are emergency spending, and they do not have to be matched with offsetting decreases in spending.

However, the Republican majority has chosen to include offsets anyway, using this bill as an excuse to cut important domestic programs. These cuts include a major reduction in housing for low-income people and the elderly. The cuts would also force the AmeriCorps program to shut down, ending this valuable source of people-to-people assistance for the poor, the needy, and the hungry.

I am constantly amazed, especially in the last few years, how, when we bring a bill like this to the floor, we, in order to find some money someplace, the first thing we do is always cut the programs that hurt the most needy of people in our country. I do not know what the reason is. It seems like maybe these people do not have a voice. They do not seem to maybe vote like they should. They do not have PACs or what have you. But we always cut them. This is another example of that.

My friend and colleague, the gentleman from Pennsylvania (Mr. MURTHA), wanted to offer an amendment striking the offsets. His amendment would remove the cuts that hurt the poor and the needy. By removing the bill's most controversial section, his amendment would reduce the chance that the bill would get bogged down in partisan politics and ensure that the emergency funds for our military troops would be delivered as quickly as possible.

The Committee on Rules denied the gentleman from Pennsylvania (Mr. MURTHA) the opportunity to offer his amendment, and it denied the House the right to vote on it.

The gentleman from Wisconsin (Mr. OBEY) asked the Committee on Rules permission to offer an amendment that would combine this bill with other emergency supplemental appropriations bills reported by the Committee on Appropriations. This action was requested by President Clinton.

Again, the Committee on Rules denied the gentleman from Wisconsin the opportunity to offer his amendment, and it denied the House the right to vote on it. So it went with most amendments that House Members wanted to offer.

Mr. Speaker, I believe that this bill is a mean-spirited, controversial, and very partisan bill.

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It should not go to the floor without the opportunity for Members to improve it. I urge the defeat of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, might I inquire how much time remains on either side?

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Florida (Mr. GOSS) has 20½ minutes remaining, and the gentleman from Ohio (Mr. HALL) has 26 minutes remaining.

Mr. GOSS. Mr. Speaker, I would be very happy at this time if the gentleman from Ohio (Mr. HALL) would yield some more of his time so we could equalize the time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, I rise in opposition to this closed and cruel rule. This rule is cruel because it is closed and it does not allow any Democratic amendments, including the amendment that I offered to respond to the emergency facing this Nation's farmers and ranchers. It is also cruel because it cuts programs vital to children, vital to senior citizens, immigrants, and others of those who are most unfortunate.

This closed and cruel rule does not allow an amendment that would have corrected the provision contained in the 1996 farm bill that treats American farmers and ranchers worse than we treat individuals who declare bankruptcy, worse than we treat foreign governments to whom we extend credit, and it sought to correct this provision before the planting season is over and before it is too late for many of these farmers.

Mr. Speaker, this is an urgent situation. This is an emergency situation. Contained in the 1996 farm bill is a provision that denies thousands of family farmers and ranchers eligibility to receive FSA direct and guaranteed loans if they have received a loan write-down or a settlement. There is no lending practice in the private sector as harsh and limited as the provisions in the 1996 farm bill, and it is particularly cruel because spring planting season is now and without access to credit, many farmers and ranchers will indeed go out of business and will not be able to produce.

Mr. Speaker, these farmers are not derelicts; they are hard-working citizens, many of whom face a credit crunch because of a hurricane, flooding, drought or other unanticipated economic downturn. This unique, callous provision was not contained in either the House or the Senate version of the 1996 farm bill. It was added in conference without the benefit of hearings, committee consideration or public debate. It was added without the vision of what its impacts would mean on thousands of small farmers and ranchers.

Mr. Speaker, it is especially brutal to those farmers who have been discriminated against and have pending cases. They are being denied a remedy of past discrimination, and they are also being denied the right that most of us have, a right to work and provide for their families.

It is even more astonishing that this closed rule does not permit the amendment that I offered, because the very same amendment is included in the Senate version of the emergency supplemental bill.

Mr. Speaker, it is most unfortunate what this rule does to small and family farmers who so much want to be a part of the American dream. But it is equally shameful that H.R. 3579, if passed, will take money from public housing and will shut down AmeriCorps.

Mr. Speaker, I urge a "no" vote on this closed and cruel rule.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Speaker, I rise in strong support of this rule which self-executes the McIntosh-Neumann amendment to H.R. 3579. This amendment expresses the sense of this House that any fiscal year 1998 emergency supplemental appropriations considered by the 105th Congress must not result in an increased level of total Federal spending.

I think it is absolutely critical that we stick to this principle in this Congress, that if we are going to spend more than the balanced budget, we will have offsets to reduce spending in other areas.

Mr. Speaker, I personally support the President's request for emergency supplemental appropriations to fund disaster relief and U.S. troop deployments in Bosnia and Iraq. However, this funding does not have to come at the expense of last year's budget agreement.

After working diligently to balance the budget for the first time in 30 years, many members of the Republican Conference, especially members of the Conservative Action Team, believe it is counterproductive for us to consider funding the President's emergency spending requests without providing the means to pay for them.

For this reason, I want to personally express my gratitude to the gentleman from Louisiana (Chairman LIVINGSTON) of the Committee on Appropriations, and all of the members of that committee that voted to include a package of offsets in the emergency supplemental bill. This was the right thing to do, and I applaud their efforts.

Unfortunately, while the House bill contains these offsets, the Senate version does not. To send the strongest possible message to both the other body and the White House that this House is fully committed to offsetting the President's request for additional spending, this rule self-executes the McIntosh-Neumann amendment. This amendment demonstrates the House's commitment to fiscal responsibility and is intended to ensure that the Federal deficit does not increase as a result of this bill.

Mr. Speaker, the fact is this Congress is perfectly capable of providing emergency spending relief to disaster victims and our troops without retreating from our commitment to the American people to keep a balanced budget and not go back to deficit spending.

(By unanimous consent, Mr. NADLER was allowed to speak out of order for 1 minute.)

ANNOUNCEMENT OF THE DEATH OF FORMER CONGRESSWOMAN BELLA ABZUG

Mr. NADLER. Mr. Speaker, I have the sad duty to inform the House of the passing of a distinguished former Member of this House. Bella Abzug, who served here from 1970 to 1976 and had a distinguished career before her service here and after her service here, passed away this morning.

We will arrange a special order to talk about Bella and her many contributions to the welfare of this country. When we know about arrangements, we will inform the House, but we have just found out and she passed away just about an hour and a half ago.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Mr. RODRIGUEZ.

Mr. RODRIGUEZ. Mr. Speaker, the emergency supplemental appropriations bill for 1998 is a vicious Republican attempt to pit children against the disaster victims. It is an attempt to pit children against the situation that we find ourselves in in Bosnia.

The bill cuts bilingual and immigration education programs by $75 million. The cuts mean that half a million youngsters will be denied the opportunity to be able to learn English as quickly as possible.

I want to add again that this particular cut will strike deeply into the States of California, Florida, Texas, and several other States; that at the same time yesterday the particular amendment that came up regarding the investigation of making sure that citizens were made citizens before they vote, that that particular amendment struck at those particular States instead of trying to make it universal.

Mr. Speaker, it is a deliberate attempt to go after Hispanics. The administration strongly opposes these offsets, none of which are included in the Senate-based version of this bill. The President's senior advisors are recommending a veto of the bill as drafted in the House.

In addition, the Republican leadership has refused to let the House debate the bill under a fair rule, and we only ask that the leadership give us an opportunity to debate it in a fair rule so that we have an opportunity, so that the House, both Republicans and Democrats, will be able to vote up or down whether we should cut those education programs or not.

Bilingual and immigration education services for the neediest children are critical. This is important for them to continue to be able to learn English. For the House leadership and the Committee on Rules to deliberately not allow this democratic process to go forward, to not allow us an opportunity to continue to be able to debate this issue, is an outright attack on Hispanic youngsters throughout this country.

At a time when we are moving to a global economy, we should be making sure that youngsters learn as much about other languages as possible. We are doing just the reverse. Mr. Speaker, I ask that we make sure that we vote this down.

Mr. GOSS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, who we are pleased to welcome back.

Mr. SOLOMON. Mr. Speaker, let me say to the previous speaker, the gentleman from Texas (Mr. RODRIGUEZ), I have great respect for the gentleman. He is one of the Members that stands and speaks his piece on the floor. We know it comes from his heart, and I understand that. But maybe after the gentleman hears my statement here, he might understand a little bit, because there is certainly no intent ever to go after anyone in this country. That is why we have fought to remain the greatest, freest Nation on Earth and we are the beacon of hope for all people in the world, and we want to continue to do that.

Mr. Speaker, last night I was unavoidably detained on my return from Europe where the plane we were flying in had the door burst its seals on two separate occasions and we had to return twice. I would say to the gentleman from Missouri (Mr. SKELTON), we came back and hitched a ride back from Europe in a C-141, and I tried to sleep on the floor of that cargo plane, but it did not work. So I may not make any sense here today.

Mr. Speaker, the Committee on Rules, under the very able leadership of the gentleman from California (Mr. DREIER) reported out this rule which attempts to be as fair as possible while providing for expedited consideration of this emergency spending bill.

It is true that we were not able to make many amendments in order. I personally favored an amendment offered by the gentleman from California (Mr. HUNTER) which would have added money to badly underfunded defense procurement accounts, paid for with cuts in unproductive and unfunded foreign aid programs like aid to Russia. I would much rather have seen the offsets come from there.

But the vast majority of amendments submitted to the Committee on Rules did in fact have violations of either germaneness, and we have to pay attention to this because we, unlike the other body that has no rules over there, we have to live by the rules that we have in the House. These amendments did, in fact, violate the germaneness, legislating in appropriation bills or Budget Act waivers, and we have sworn to the men and woman that we will not bust the budget, these waivers, and we are trying to stick to that.

So all in all, this is a fair rule that will expedite this badly needed legislation in the wake of this winter's disasters around the country, whether it is El Niño in the western part of the country or the terrible ice storms up in my district, up on the Canadian border.

On the bill itself, Mr. Speaker, I am most pleased that the supplemental helps alleviate some of the costs of the devastating ice storm that struck the northern part of my district, the entire northern part of New York, as well as Vermont, New Hampshire and Maine and a great deal of the Northeast, as a matter of fact. I could not possibly describe to any of my colleagues the damage that was done to the terrain, to the livelihoods and infrastructure of the area, but I ask my colleagues to just listen to a couple of them.

This storm lasted for 3 days and by many accounts left more than 5 inches of ice coating, toppling trees and telephone poles and power lines, just falling like dominos all across this entire north country in the Adirondack Mountains. One million people were without power, some for as long as 3 weeks, in the dead of winter and below zero temperatures. If any of my colleagues have had to live through that, I can tell them it was devastating.

FEMA, HUD and the SBA, among State and local government agencies, did yeoman's work in the immediate aftermath to help get people back on their feet and get their electricity back on so they would not freeze or starve to death.

However, there is still long-term damage to the roads, to the forests, whether it is the apple trees where the limbs were just totally decimated, whether it was maple trees that produced 90 percent of the syrup in this country that were just absolutely decimated, utility companies, and especially the struggling dairy farmers of that region.

Mr. Speaker, that is why I am particularly pleased that this bill provides some much-needed additional relief to the dairy farmers up there who lost their livestock and lost their milk. These people, Mr. Speaker, live on an income of maybe 10 or 11 or 12 or $13,000 per year. Per year. And now they have lost 50 percent of that income for the remainder of this year. I mean, that is absolutely devastating to people like this. They operate on the tiniest of margins and a storm with devastating costs like this threatens to put them all out of business.

Thankfully, working with the gentleman from New York (Mr. MCHUGH), whose district was literally devastated even more than mine, the gentleman from New York (Mr. WALSH) sitting over here, who represents the Syracuse area and some of the northern reaches, the gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations, and the gentleman from New Mexico (Mr. SKEEN), chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations, we were able to come through with additional relief for these farmers.

The relief came most importantly through two forms, Mr. Speaker. Four million dollars is included to help cover the cost of livestock that was lost during the storm. That is where the cows literally died because they could not be milked, and if they are not milked they die by the hundreds.

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Just as importantly, we were able to add $6.8 million for the milk that was lost due to the power outage, and to help with diminished future production of cows who were struck with mastitis because they couldn't be milked for days.

Mr. Speaker, this is the least we can do for these areas that have been so hard hit by unexpected storms. I have stood here in this well and helped many areas throughout the country, whether it was the flooding in Iowa and North Dakota in the past, and now we would appreciate this little bit of help for the northern reaches of New York, which benefit from very, very few Federal programs. There is no way to prevent these tragedies but thankfully we can help them with this hardship. This bill starts to do that, Mr. Speaker.

On the defense portions of the bill, and this is even more important, I think, or just as important, let me say that I am extremely pleased that the additional funding for our military operations overseas is not paid for with cuts in other areas of the defense budget. That is very important.

For several years running now, this administration has made a habit of underfunding the defense budget, overcommitting our forces throughout the year time after time, and then coming to this Congress with a supplemental funding request for those operations paid for with cuts in defense procurement and research and development out of military personnel.

In other words, this administration has been robbing tomorrow's military preparedness in order to pay for the multiple overseas adventures on which they have sent the U.S. military, adventures like in Bosnia and Somalia and a half dozen other places. In fairness, most of this supplemental request is for operations in Iraq, a mission that I strongly support. However, it is imperative that even that funding not come out of tomorrow's military.

Mr. Speaker, this year we will most likely cut the defense budget for the 14th straight year, over my objections, but it is probably what will happen. And the logical, predictable results of that are now plaguing the United States Armed Forces and my colleagues all know it, if they go back home and talk to their recruiters. Our force structure has shrunk massively. The Army does not have the number of divisions today to repeat Desert Storm without pulling our forces from Bosnia and perhaps even Korea, which we cannot afford to do.

Our weapons systems are aging rapidly. I know. I was a victim of one trying to come back from Europe last night. Just the other day, the Pentagon announced it was grounding some Vietnam era Huey helicopters for safety reasons. It goes back to what we were doing with the old B-52 bombers when the doggone wings were falling off because they were so old and in disrepair.

How could this situation be? We have cut the military procurement budget by nearly 70 percent since 1985, 70 percent. What else could we expect? Recruiters are failing to meet their quotas. Go into your recruiters and ask them if they are getting a cross-section of American young men and women today. No, they are not, because they know they cannot depend on the military for a career anymore because of what we have been doing here in Congress. Pilots are leaving the Navy and Air Force in record numbers. This slide has got to be halted, Mr. Speaker.

This bill is a good start in that direction because we do not allow for these supplemental spending increases to come out of the military budget. The choice is this: If President Clinton wants to deploy the U.S. military every time there is a problem throughout the world, some civil strife someplace, he is going to have to provide adequate funding for defense on top of it. And if he does not, he is going to have to pay for those military missions with cuts in some of the domestic spending programs that he considers a priority such as in this bill now. The bottom line is simple. There is no free lunch, Mr. Speaker.

(Mr. HOYER asked and was given permission to proceed out of order for 1 minute.)

IN HONOR OF THE MEMORY OF MICHAEL CARDIN

Mr. HOYER. Mr. Speaker, we just heard, minutes ago, about the death of one of our former colleagues, Bella Abzug. She had a full career and made contributions that her talent and commitment enabled her to do.

Mr. Speaker, I rise today in great sadness to honor the memory of a young man who did not get the time to live out the promise of his ability, of his character, of his unbelievably goodwill. The son of our colleague, BEN CARDIN, and his wife, Myrna, died suddenly last week. I know, Mr. Speaker, that the entire House of Representatives joins me in extending condolences to the very sad Cardin family on the loss of a gifted and caring young man.

Mr. Speaker, I have known Michael Cardin since he was a very young boy. His father and I went to the general assembly in 1967 together. BEN first became a member of the Maryland general assembly on the year that Michael was born. He graduated from the University of Maryland law school on that day as well, in that year. But the proudest event of 1967 in the Cardin family was the birth of Michael.

I and some of the rest of my colleagues, perhaps, had the opportunity to watch Michael grow as he and his sister, Deborah, and their mother, Myrna, would visit their father in the House of Delegates and here in Congress. There were two characteristics, Mr. Speaker, that I remember most about Michael. He cared more for others than for himself, and he was an intelligent young man whose greatest concern was for those less fortunate than himself.

As a student at Wesleyan University in Connecticut, Michael continued to develop the commitment to serving others that he had shown even as a child. He served as editor in chief of the school newspaper where he demonstrated his strong communication skills and dedication to justice. In 1993, following in the footsteps of his grandfather, a great and good man, who has celebrated 93 years of service to his State and Nation, and his father, like both of them, Michael graduated from the University of Maryland School of Law. With his grandfather in attendance, Michael received his juris doctorate degree after hearing his father deliver the commencement address.

The occasion was a fitting honor for the Cardin family, which has contributed so very, very much to this State and this Nation. At the University of Maryland, Michael was remembered as being a talented student dedicated to becoming a lawyer to help people, not for profit. This past winter Michael was admitted to the Maryland bar, a bright future lay ahead. After passing the bar, he worked in Baltimore for the special counsel and volunteered at the Hamden Family Center working with children and families.

Everyone that I have talked to who worked with Michael at the Hamden Center said he was one of the brightest lights for all the children who were benefited by that center. His willingness to help others has always been a core value to Michael, and he demonstrated it in every part of his life.

At the service this past Sunday, his father rose and said that there were many instances of which he and Myrna had no knowledge, incidents that demonstrated with individual people, homeless, children, people in trouble, Michael repeatedly showed the character that he had, which I suspect was in his genes, because it was consistent with the Cardin contribution.

Mr. Speaker, Michael was 30 years of age. He left us too soon. All those who know him are heart sick. We can take comfort, perhaps, in knowing that in the time he spent with us he made a tremendous difference in the lives of all those he touched. His parents can take comfort in knowing, and I know they do, that Michael was a wonderful son from a wonderful family.

I do not know any family that I have ever met, Mr. Speaker, that is more supportive, closer, more giving, more respectful of one another than the family headed by BEN and Myrna Cardin. They are wonderful human beings, good and decent people who loved and nurtured their son without reservation. Michael, for the 30 years that he had, got the best that there was in the Cardin family.

I know that all my colleagues who know BEN so well, some who know Myrna and some who know Michael will join all of us in Maryland in honoring the memory of Michael Cardin, this compassionate and caring young man, and we will join together in extending our deepest sympathies, love and caring to BEN, Myrna, the Cardin family. We are a lesser land for Michael's loss.

The SPEAKER pro tempore (Mr. SNOWBARGER). Without objection, the time of the gentleman from Maryland (Mr. HOYER) will not come out of the time of the gentleman from Ohio (Mr. HALL).

There was no objection.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Speaker, if I might just speak out of order for 30 seconds, I would like to join with my good friend, the gentleman from Maryland (Mr. HOYER) to just let our good friend, BEN CARDIN, know on his first day back how much we care for him, how much we respect what he has accomplished here in the House but, more importantly, the kind of individual he is, and how much he has given, not only to his family, but to his country, and the quiet confidence that he walks these halls with and the important contribution that he will continue to make to this country. BEN, you are a dear friend to many of us, and we welcome you back.

Given the gravity of these last few minutes on the House floor, it seems almost inconsequential to go back to the normal business of what we take up in this Chamber. But the bill that is before the House today, which will provide badly needed assistance and aid to families throughout our country that have been devastated by storms, to people in Bosnia, and to our military troops is something that everyone on both sides of the aisle support. There is money in our country to provide that support. In fact, as many of us have talked about, for the first time in several decades, there is actually going to be a surplus this year. But rather than deal with that surplus issue, what this bill says is something different.

What this bill says is in order to provide payments to these programs, we are going to go out and we are going to cut money that needs to be spent to fight homelessness in America. We are going to go out and cut money that needs to be spent on providing section 8 housing. We are going to provide cuts on money that needs to be spent on education programs.

There is no reason, there is no reason why we have to cut the homeless, why we have to cut section 8 housing, why we have to cut education in order to fund people that have been devastated by storms. There is a process laid out called emergency spending. The President has paid attention to that process. He has declared an emergency. That is what this bill is about.

The SPEAKER pro tempore. The Chair reminds Members that the gentleman from Florida (Mr. GOSS) has 10 minutes remaining, and the gentleman from Ohio (Mr. HALL) has 19 minutes remaining.

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Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, we are all in favor of emergency help to people who suffered from storms and to pay the bills for what we are doing in Bosnia. But, Mr. Speaker, some of the offsets here are unconscionable.

Mr. Speaker, in the entire budget there is $10 billion for section 8 housing. This is not for new section 8 units. This is for supplementing the rent payments of low-income people in existing housing. This bill proposes to cut that by $2.2 billion, 22 percent.

And since there is no new section 8 housing, what does it mean? It means we are going to not renew the contracts of existing section 8s. It means that, in the next couple of years, we are going to say to 350,000 families, leave your homes. We are going to throw them out on the street. We are going to tell them the subsidies end. The rent doubled, they are guaranteed not to be able to pay that because, if they could afford it, they would not be in the program in the first place.

So, in order to meet some people's definition that we should not fund emergency programs out of emergency funds, those 350,000 people are out of their homes. I hope that is not what we want to do, Mr. Speaker.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. WALSH), who is on the Committee on Appropriations and who is able to talk on this subject.

Mr. WALSH. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I rise in strong support of the rule and also in strong support of the emergency supplemental. This rule allows for emergency disaster help to thousands of people throughout the country, and it also allows for a manager's amendment that will allow for additional CDBG funds which are offset.

Mr. Speaker, these people were harmed by these storms. They lost livestock. They in many cases lost the farm in this disaster.

In the northern part of New York State, literally thousands of power poles came down when the ice came. And then the wires laid across the road. Snow came on top of the wires. The plows could not get out. The roads were closed.

Farmers were absolutely isolated. Some of these folks live on roads 2 miles off the main drag with nothing on their road but their farm. So they were in a terrible condition. We need to get this aid to them as quickly as possible so that they can get about getting their lives back in order.

Mr. Speaker, we have done the responsible thing. We have chosen to offset these expenditures. That has not been done in the past. We put it on the credit card and let our children pay for those bills. We are going to pay for these expenses now.

The way we do it primarily is through section 8 housing. And the comments have been made that we are going to put people out on the street, that people are going to lose their subsidies, that they are going to be thrown out of their homes. That is not true, Mr. Speaker. That is absolutely not true.

These are future obligations under section 8 housing. These are next year's expenditures under section 8 housing. Our subcommittee, under the gentleman from California (Mr. LEWIS), the chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations, has pledged to make this program whole. These funds will be put into the budget.

But, Mr. Speaker, if the President of the United States had done the responsible thing and funded the military adventures that he is not paying for, we would not be put in this position.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, it pains me to talk about the situation in which we find ourselves. Our colleague from New York pointed out a few moments ago the underfunding of the defense budget, and I agree; of our overcommitting our troops, and I agree. But that is not the issue before us today.

The issue before us today is whether we truly recognize an emergency, as has been so recognized by the White House and has been so recognized by the Senate, or whether this is to be an offset against other items in the budget.

The rule before us authorizes us to take up a bill that allows offsets. I think, Mr. Speaker, that is a mistake. This is a matter of process. It is a matter of doing it right. Though 80 percent of the bill's appropriations are for military programs, all of the measures are offsets in the domestic programs. I think there should be no offsets, whether they come from the military or whether they come from the domestic.

This is an emergency. We do not plan on hurricanes. We do not plan on tornadoes. We do not plan on floods. We do not plan on those international crises, such as Bosnia and Iraq. And yet, this is not treated as an emergency.

This bill rescinds money from the low-income rental housing assistance, from the airport program, from the National Community Service Program, from bilingual education. Should this bill pass in this forum, it is a sure invitation for a Presidential veto, an invitation that I am sure will not be refused.

Mr. GOSS. Mr. Speaker, may I ask for a statement of the time remaining?

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Florida (Mr. GOSS) controls 8 minutes, and the gentleman from Ohio (Mr. HALL) controls 16 minutes.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the distinguished gentleman for yielding me the time; and I rise in what I would call tepid support of the rule here.

I believe that what we are going through could be prevented, and I think we need to start discussing this on the floor of the House of Representatives. We may have a balanced budget this year, I think CBO says by perhaps $8 billion. But in the 5 years, now my sixth year, that I have been in this Congress, every year we have wrestled at least once, if not more than once, with the emergency appropriations process; and the question is, do we offset it or not offset it? And now that we are starting to balance the budget, we are starting to offset it.

If we do not offset it, all of a sudden we have spending out there which has just been added to the debt in the past and now may take away from the surplus in the future.

If we do offset it, what are we going to offset it with? There lies an entirely different fight, which we will get into later when we get to the bill itself.

But the bottom line is there is a way of avoiding this. I have introduced legislation to this effect which is of a particular consequence because it is budget mechanisms we need to look at. A budget reserve account would do this. They do it in virtually every State and city and county government now. They have an emergency set-aside so that if they run into problems such as these very real emergencies, and they are going to happen, then they are able to pay for it out of that amount of money, which is built into the budget to begin with, and we prevent all this.

Do we not all want to prevent this? Can anybody possibly enjoy what we are going through here?

It is very simple. We look back over a period of 10 years. It comes out to about $5 billion or $6 billion a year. We already have the White House preparing another emergency request right now which would fall into this. If there are large exceptions, such as a war, whatever it may be, obviously, we would have to waive the act in that circumstance and treat it in a different sense. But for the average expenditure, the average emergency which comes along, it could fit into that. And then, instead of talking about set-asides and how we are going to pay for it, that amount of money would already be put into our budget. It makes all the sense in the world.

And, yes, there is a jolt when we initially do it; but the bottom line is this is less than 1 percent of the entire budget amount that we appropriate each year. There is simply no reason why we are not able to do it. It is called a rainy day fund in some States. I think we should call it a budget reserve account.

I believe we should do it. I believe we should do it rapidly so that we can prevent these incredible struggles, which are very counterproductive to what we are doing in Congress.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me also add my sympathy and love to the Cardin family.

As my colleague, the gentleman from Massachusetts (Mr. KENNEDY), said, it seems almost without meaning to be here discussing these issues at this very sad time for one of our colleagues. But I do want to say that what concerns me about this legislation, and I vigorously oppose the rule, is that we seem to be returning to the radical legislative agenda of the 104th Congress, no bipartisanship, no caring.

There is no doubt that we are concerned as Americans about those who have suffered at the hand of these terrible, disastrous weather events. However, this supplemental appropriations legislation that we bring today is a cold wind from the winter as we enter into the spring to displace thousands upon millions of citizens out of their housing by cutting $2.2 billion from section 8 housing for those who need housing in this Nation? Twenty-five thousand people are on the list needing public housing in Houston, Texas, alone.

Section 8 housing gives a push to those who are moving from welfare to work. It allows opportunities for young families and women to be housed throughout the community. We are pitting airline safety with housing for the poor. How tragic. How ridiculous. How shameless. Vote no on this rule.

Mr. Speaker, I include the following for the RECORD.

Mr. Speaker, I rise to voice my dissent to the rule prohibiting the two amendments I offered to the emergency supplemental appropriations bill.

The first amendment moved to strike the rescission of $1.9 billion cuts from the Department of Health and Urban Development (HUD) section 8 program. The program provides section 8 subsidies to owners of low income housing.

The program is among our Nation's core housing programs—it provides safe, decent and affordable housing to families, the elderly and the disabled.

It is, therefore, a shame that I will not be able to give voice to the supporters of the section 8 program since there are many supporters. The American people strongly support this program. The administration and the Banking Committee Democrats support this program.

Because of the Draconian cuts in this program, 2.1 million units now are at risk and 4.4 million Americans face the cold possibility of homelessness.

Let me be clear: A vote to restore the funds taken away from the section 8 contract subsidies is not in any way a vote against the expenditures for recovery efforts from natural disasters, support of our troops in Bosnia, IMF loans or the payment of arrearages to the U.N. The two are unrelated. Therefore, it is disappointing to me that the section 8 subsidies were used to offset the emergency appropriations when such offsets were not required to keep the budget balanced. We had the opportunity to provide for the section 8 program and to address the urgent needs arising in Bosnia and areas hit by natural disasters at home. What we chose instead was to tell the American people that although we are engaged in a peacekeeping mission in Bosnia and attending to the victims of natural disasters around the country, there will be no relief for the economically disadvantaged, the elderly and the disabled to maintain affordable housing.

The second amendment moved to strike the rescission of $250 million from the AmeriCorps program in the supplemental emergency appropriations bill. AmeriCorps embodies the spirit of public service where young people nationwide are involved in community work, education and senior citizen programs.

The National Service Program was founded in the same tradition created by President Kennedy, who challenged each American citizen, "ask not what your country can do for you, ask what you can do for your country" according to the CEO of Corporation for National Service, Harris Wofford, the Rescissions mean that approximately 85% of all AmeriCorps programs will be shut down by September 1, and no new programs will start as planned this coming summer and fall. In addition, 8 percent of the Learn and Serve America Program will be closed. For the residents of my home State of Texas, the cuts mean that the AmeriCorps State program will be slashed from $14 million to $2 million; the AmeriCorps National Program, from $2 million to $500,000; the Learn and Serve America Program, from $2 million to $500,000. The total amount of cuts is nearly $16 million.

AmeriCorps encourages its members to attend college by offering financial assistance for tuition purposes if they complete a term of service. In a single stroke, the rescissions will squash any hopeful expectations that the 4,181 currently qualified AmeriCorps members in Texas may have had to apply for the education awards.

In summary, the fate of the AmeriCorps Program is now tied to that of the emergency supplemental bill and unnecessarily, I may add. I hope that for the sake of our young people that AmeriCorps will be saved.

Thank you for allowing me to voice my dissent to the rule before the committee.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I am a strong supporter of maintaining our presence in Bosnia until lasting peace is established. I was privileged to visit our troops in Bosnia to witness the progress being made. Our continued presence in that region is important to the stability of the region. Yet I rise to oppose the rule and the emergency supplemental appropriation bill.

It is a disservice to Americans to force Congress to vote between full funding of important domestic programs and funding for peacekeeping. It is a disservice that is not necessary. These appropriations do not have to be offset. A choice between helping the survivors of genocide overseas and the much-needed domestic programs in the United States is a choice worthy of this House.

$1.9 billion in low-income housing assistance is at risk here, resulting in more than 800,000 Americans losing their housing beginning in October, many of them elderly. The Bible says, "Who among you, when your brother asks for bread, would give him a stone?" I ask, who among you, when your brother asks for shelter, would you turn a deaf ear? Who among you, when your brother suffers from devastation in one place, would take money from brothers in another place where they suffered devastation?

We speak of the requirements of budget mechanisms. Let us also speak of the requirements of people who are trying to survive.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, let me quote from a letter that I recently received from Colchester, Vermont, from a senior citizen who does not have a lot of money. She wrote, "The list of persons who qualify for the section 8 program" that she is applying for "puts my name on a list with 990 persons ahead of me. When you enter your seventh and eighth decade, you don't have to be a rocket scientist to surmise that the likelihood of ever deriving benefit from this program is pretty minimal." And that is the story all over this country, elderly people needing affordable housing, working people needing affordable housing.

Mr. Speaker, at a time when we have given huge tax breaks to the wealthiest people in America, when we spend $2 billion for B-2 bombers that the Pentagon does not want, when we provide $125 billion a year on corporate welfare, we do not have to continue the assault on affordable housing and on education.

Yes, the Northeast and the rest of this country was hurt by a disaster; and, as Americans, we must rise up, as we always have, to protect those people who were hurt. But let us not take away from the elderly and the working people and the poor to do so. It is unnecessary. Vote down this rule and support emergency relief.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, while I am not authorized, I think on behalf of the Clinton administration I can thank the Republican Party.

There has been a lot of controversy about the President's decision to have troops in Bosnia. This bill, if it passes as is, will give him full legal authorization to keep troops in Bosnia longer.

The current law says the funding runs out June 30. This appropriations bill specifically earmarks $486 million to continue the troops in Bosnia beyond the June 30 deadline. For as long as this appropriations bill is in effect, it gives the President the authority to keep the troops in Bosnia.

Now I differ with the President. Because the Republican Party believes that to pay for the additional 3 months in Bosnia prospective, not because of any back pay, we should cut section 8. The President and the Republican Party both want to keep troops in Bosnia for 3 more months. I disagree. The Republicans want to pay for it in part with section 8 reductions. The President disagrees.

I think the President's position, while wrong, is a little better than theirs. But be very clear, if we pass this bill—and I offered an amendment that was rejected by the Committee on Rules that would have let the House vote and restrict and give the President only 1 more month in Bosnia and then they would have had to pull out in 90 days. But this bill, and we are not talking about past money owed to Bosnia that was authorized and appropriated through June 30, this bill says $486 million for July and August and September.

□ 1245

Pass this bill as is, those of my colleagues who vote for this rule and this bill, and understand that there is no basis for criticizing the placement of the troops in Bosnia. My colleagues are voting here prospectively to give the President authority, but I am not sure how grateful he will be in the end.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Speaker, let me say what worries me about this whole procedure.

We anticipated that this bill would come out of committee not offset. We expected to have some sort of a vote on the floor, where on the floor they could make a decision one way or the other.

Now the normal procedure in the House is that we pass a version and the Senate passes another version, and in most cases we can reconcile that. Here is the problem with this bill: This bill is so different from the Senate version of the bill. From everything I can get from the Defense Department, there is a high degree of possibility that we will be laying off civilian employees in the Defense Department after this is passed because they cannot anticipate that a bill will be passed finally that will be agreed to beyond the Senate and the House.

For instance, the version in the Senate side has IMF in, it has all the things that many Members in the House do not agree on. The House obviously does not have all those things in it. The Mexico City language will come into play.

So we have a strong possibility, if this rule passes and we are not able to amend it, that this bill may never be passed into law. It means that training will be cut back substantially, it means that we could only train at the platoon level, that recruiting would have to be cut back. The Defense Department right now is working on a plan about what they would have to do because there is only four months left in the end of the fiscal year after we get back in June.

So I would urge the Members to vote against this rule. I will offer a motion to reconsider in the bill which will eliminate the offsets, and I think it is important that the Members of the House recognize the seriousness that this supplemental is in if it passes the House because there is a great danger that neither will be reconciled and that the Defense Department, because of the short time they have left, will lay off substantial numbers of civilian employees.

So I urge the Members to vote against this rule, come back with another rule where we can offer some amendments which will allow us to adjust the bill.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. NEUMANN).

Mr. NEUMANN. Mr. Speaker, I would like to express my appreciation to the Committee on Rules for making the amendment, the Neumann-McIntosh amendment, self-enacting in this rule. The amendment that we propose to this bill would simply say that if we spend money, if our generation is going to spend money on something useful and productive, that we have to pay the bill for it.

I have heard a lot of discussion out here today about whether or not this should be paid for, or offset, as we call it here in Washington. We need to all understand that the alternative is not simply that money is going to flow to here from heaven or some other way. The alternative to not paying for this bill is that we simply add it to the debt that is going to be passed on to our children.

I am not opposed to spending money for an emergency disaster relief bill. I think that most people in Wisconsin and most people in this country would look at a disaster situation and say we are willing to help the folks that have been hit by this disaster. I think that is common sense in America, and I think common decency in America would allow us to do that. The question is, when we spend the money to help those people where the disaster has occurred, do we offset that spending by reducing government spending elsewhere someplace in the budget, and that is really what is being debated here.

I heard a lot from the other side that we cannot do the offsets in the way they have been proposed, but I have heard very little about what we might do instead to reduce wasteful Washington or wasteful government spending someplace else. If somebody has got a better idea of how to reduce spending elsewhere so that we do not have to pass this additional expenditure on to our kids, I for one would certainly be listening.

But the bottom line is this: If our generation is going to spend money on something, on virtually anything, whether it be disaster relief or to pay for the fact that our President has forced our troops to stay in Bosnia or the Iraqi situation, when our generation spends that money, we do have a moral and ethical responsibility to pay for what we are spending.

Before 1995 nobody ever paid for these bills. They just simply spent the money, and it was tacked onto the amount of debt that we are going to pass on to our children. Since 1995 I am happy to say that has changed, and since 1995 every time one of these supplementals the has been proposed, at least in budget authority the spending has been offset. That is, we have paid attention to where the money is coming from.

Somehow in this city, in Washington, D.C., I get out here and there seems to be this huge disconnect between spending money and where the money is coming from. That money is coming from the taxpayers' pocket; it is not free.

Mr. GOSS. Mr. Speaker, my understanding of the situation is that the distinguished gentleman from Ohio has one more speaker, and he is going to yield to that speaker in a minute. I am going to yield to the distinguished gentleman from California (Mr. CUNNINGHAM) and then ask the gentleman from Florida (Mr. YOUNG) to close for our side.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, Alan Greenspan has told us that we dare not break the budget caps, that the growing economy, interest rates, low inflation are because of that, that the balanced budget is a very important document that we bipartisanly worked on in this House. But if my colleagues take a look, we pay nearly a billion dollars a day on just the interest of the debt. That is before we pay for anything, one area.

Now some of us feel that those offsets, some offsets are good, but one cannot find any offsets in this body that people will agree on that is not painful, should it be National Endowment for the Arts, should it be AmeriCorps that costs $27,000 per volunteer, should it be such things as bilingual education, which over 72 percent of Californians want to get rid of because we are last in literacy, it has been in effect all this time.

But regardless, it is difficult, and we are going to have to make those kinds of decisions, but we feel that instead of going ahead and spending the money, which when we did not have the majority was the case for 30 years that put us into debt, then we have got to offset these and it is going to be painful.

I disagree with my own side on the housing issue; I think that is one area where we need to invest, but I would also say that Somalia was put there by the White House. The White House did Haiti without our input, they armed the Muslims in Bosnia without our input, they kept us in Bosnia, $16 billion without any offsets or just increases in spending.

And so when we make these deployments, 300 percent uptempo increase for our military while it is about half the size, it means our kids are overseas and doing three times the work and we have a retention rate of our senior enlisted of only 24 percent. That means the quality. Our equipment is 1970s technology. I have got squadrons that have one or two airplanes left in the United States because their parts and all the equipment has got to be to the deployed units. And our kids are saying, "Enough is enough, in a growing economy I can't hack this away from my family."

We need to offset this. The fraud, waste and abuse in the military and other areas we need to eliminate, and it is going to be a difficult job, Mr. Speaker.

Mr. HALL of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY) certainly the distinguished ranking minority member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman from Ohio (Mr. HALL) very much for the time.

Let us review why we are here. We have this legislation before us today because the President determined that we had an emergency with respect to Iraq; that we have an emergency need for additional funds to support our troops in Bosnia; that we have had a number of natural disasters around the country which require assistance to localities; we had a severe economic emergency facing the country because of the collapse of Asian currencies, something which will result in a huge trade deficit in this country which will close American factories and put American workers out of work; and that it was also time for us to pay the almost $1 billion in back dues that we owe the United Nations and its associated agencies.

The normal process under the budget rules is that, if the President declares an emergency and if Congress concurs, that these funds will be provided without offsets, on the theory, for instance, that if God decides that there is going to be a hurricane somewhere, he does not first have to check with the House of Representatives to make certain that his actions fit under our rules. Some people I guess disagree with that.

The response that we have had from the Congress and from the majority party leadership has been to insist that a number of large cuts in domestic programs be attached to the President's emergency request. And what has happened is that instead of dealing with this bill in an atmosphere of conciliation and partnership, instead we are facing an atmosphere of extreme confrontation as a result of that decision.

Now I believe there are 3 basic problems with the rule before us and with the legislation before us. First of all, it strips out of the bill any ability to deal with the economic crunch facing the country because of the disequilibrium between Asian currencies and our own. That is, in my view, the most serious economic problem faced by the country at this time. And yet we are not going to be allowed to do anything about that despite the fact that the President requested we do so on an emergency basis.

Secondly, this proposal blocks our consideration of 75 percent of the President's request for disaster assistance. That will mean that if we have one more major storm in summer, our ability to deal with emergency needs of communities will be gone, it will be eliminated, we will not have funds readily available to deal with those problems and we could face not only substantial delay in providing assistance to those communities, but they would also see the need for FEMA to take money from States who have already experienced disasters in order to try to deal with those emergency problems. That would slow down the recovery effort in States that are already receiving Federal funds.

Thirdly, it breaches the agreement of the budget deal last year which said that we would not raid domestic programs to pay for defense and we would not raid defense programs to pay for domestic, we would keep a fire wall between the two. This blows that away. Instead it says we are going to cut $2.2 billion in housing costs.

Now it was asserted by one Member on that side of the aisle that that will not cause a problem because these funds are not needed until next year. The fact is we do not just need $2.2 billion in funds next year in order to renew the contracts for subsidized housing for low-income citizens and the elderly. We need $10.8 billion in the budget next year for that purpose or else, if we do not provide that $10.8 billion, there are going to be millions of low-income people and senior citizens knocked out of their housing.

This bill takes 20 percent of that money and uses it for this purpose. That means if it is not replaced, if it is not replaced we will have 935,000 low-income Americans evicted from their supported housing, and one-third of those folks are elderly. I do not believe that is what America wants to see done.

This bill also terminates one of the President's favorite programs in a stick-it-in-your-eye response to the President, namely AmeriCorps.

It also cuts $75 million from bilingual education. I do not know about my colleagues' districts, but in my district I have thousands of Hmong refugees who do not even have a written language, who desperately need help in order to learn language, and I resent the fact that my local taxpayers are going to get stuck with the tab because the Federal Government will not meet its responsibilities in this area.

This reminds me of something an old friend of mine used to say when I served with him in the legislature, a fellow by the name of Harvey Dueholm who said, "You know the problem in American politics is that all too often the poor and the rich get the same amount of ice, but the poor get theirs in the wintertime."

□ 1300

That is what the Congress is doing by reshuffling priorities the way it is doing it here. I can find no rule, I can find no rule, which governs the debate for supplementals, I can find no rule that has ever in the past denied the minority an opportunity to offer an amendment to a supplemental appropriation. But that is what this rule does. That alone is reason enough for Members to turn it down.

Mr. Speaker, this bill, in its refusal to move ahead with the IMF, represents a reckless disregard for the future economic security needs of this country, and we ought not to ignore that problem today.

There is one other problem associated with the bill. I will be moving immediately after the rule to ask the House to go into executive session, that means secret session, to discuss a classified item in this bill.

The reason I need to do that is because last year this Congress made significant cuts in the intelligence programs of the country in order to pay for a number of projects not requested by the administration. The two major add-ons in the bill last year were a $700 million piece of pork for the Senate majority leader in Mississippi, and a $500 million piece of pork for the Speaker of the House in his home State of Georgia.

Now, this bill would make further domestic cuts in order to restore some of those intelligence fund reductions. Since that funding is contained in the classified portion of the bill, the House has to go into executive session to discuss this bait-and-switch strategy. So I will be making that motion at the end of consideration of the rule.

Mr. Speaker, I urge Members to vote "no" on the rule, to vote "no" on the gag rule, and to vote "no" on the bill. This is no way to establish bipartisan consensus. This is no way to establish a decent working relationship between the executive and legislative branches of government.

We need to try to find common ground between the two parties. I thought we had done that fairly well in the appropriations process last year, but apparently the confrontation artists in the majority caucus won the day, and so the rule today, instead of cooperation, is going to be confrontation. I think that is highly unfortunate. I think the best way to avoid needless confrontation is to turn down this rule and start over.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to Members in response to a procedural statement just made by the gentleman from Wisconsin (Mr. OBEY) that there is no need for the House to go into secret session, because the gentleman's complaint is about the offsets, not about the need for the intelligence matters.

Mr. Speaker, I yield the balance of my time to my friend, the distinguished gentleman from Florida (Mr. YOUNG).

The SPEAKER pro tempore (Mr. SNOWBARGER). The gentleman from Florida is recognized for 2 minutes.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, in 2 minutes I certainly do not have time to respond to all of the arguments I heard here today. I just want to remind Members that in the last 13 years, we have seen the investment in our national security go down dramatically every year, while at the same time spending on the other parts of the government was going up, up and up. So the argument that the gentleman from Wisconsin (Mr. OBEY) has just made about domestic spending versus national security, I think Members should analyze that very closely before making that decision.

I was interested in the comment that our colleague from Massachusetts (Mr. FRANK) made about not voting for the supplemental that provides for the balance of the year in Bosnia. I would say to the gentleman, whether you vote for that or not, the President is not going to bring those troops home at the end of June. We know that and the gentleman knows that.

The proof of the pudding is that in 5 years the President, without the approval of the Congress, has deployed troops to the area near Iraq, to Bosnia, to Somalia, to Rwanda, to Haiti and to a number of other places, without having the money in advance, and then he sent us the bill.

The problem is we did not appropriate any of this money up front, but we got the bill and we had to pay for it. And if we do not pay for those supplementals, and the biggest part of this defense supplemental, by the way, is not Bosnia, but for the deployment to the Southwest Asia area, but if we do not provide these funds that are already spent, we are going to have to stand down training.

Tomorrow is the beginning of the third quarter of this fiscal year. The Army, the Navy, the Air Force, the Marine Corps are all going to have to stand down training. They are not going to be able to get the spare parts that they need to keep the equipment working that is already being worn out. Our troops are being worn out because of these deployments.

There is no question we have to pay the bill in order to support our own troops. But we would be better served if we were to get the message to the President that before you start these major deployments that you will send us the bill for later on, you had better come to Congress and get some kind of support here, or at least some indication of whether you have the support or not.

Mr. Speaker, we will go into more of the details as we have more time as we debate the bill itself.

Mr. HALL of Ohio. Mr. Speaker, I certainly would urge a "no" vote on this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I urge a "yes" vote.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 199, not voting 11, as follows:

[Roll No. 85]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones

Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Baesler
Cannon
Davis (IL)
Gonzalez
Jefferson
Paxon
Payne
Rangel
Riggs
Royce
Waters

□ 1324

Mr. BERRY and Mr. MCHALE changed their vote from "yea" to "nay."

Mr. TAYLOR of North Carolina and Mr. HEFLEY changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION THAT THE HOUSE RESOLVE ITSELF INTO SECRET SESSION

Mr. OBEY. Mr. Speaker, to enable the House to discuss an item in the classified annex to this bill, I offer a motion.

The SPEAKER pro tempore (Mr. SNOWBARGER). The Clerk will report the motion.

The Clerk read as follows:

> Mr. OBEY moves, pursuant to rule XXIX, that the House resolve itself into secret session, that the galleries of the House Chamber be cleared of all persons, and that the House Chamber be cleared of all persons except the Members of the House and those officers and employees specified by the Speaker whose attendance on the floor is essential to the functioning of the House and who subscribe to the notarized oath of confidentiality.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) qualifies by citing rule XXIX that he has secret communications to make to the House.

The question is on the nondebatable motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 227, not voting 10, as follows:

[Roll No. 86]

AYES—194

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—227

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary

Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Becerra
Cannon
Gonzalez
Hoyer
Jefferson
Payne
Rangel
Riggs
Royce
Waters

□ 1345

Mr. PICKERING changed his vote from "aye" to "no."

So the motion was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 111

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Illinois (Mr. JOHN PORTER) as a cosponsor of House Joint Resolution 111.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SNOWBARGER). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

The SPEAKER pro tempore. Pursuant to House Resolution 402 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3579.

□ 1348

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Wisconsin (Mr. OBEY), each will control 30 minutes of debate confined to the bill; and the gentleman from Colorado (Mr. SKAGGS) and a Member opposed, each will control 15 minutes of debate confined to title III.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUYER. Mr. Chairman, as I understand the rule here to be structured, there will be 60 minutes debate on the present bill and then the gentleman from Colorado (Mr. SKAGGS) will be debating for 30 minutes.

I ask unanimous consent that the first 30 minutes be debated on the underlying measure, the middle 30 minutes to be shared equally, 15 minutes by the gentleman from Colorado (Mr. SKAGGS), 15 minutes by myself leading in opposition, with the remaining 30 minutes to the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Louisiana (Mr. LIVINGSTON).

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. OBEY. Mr. Chairman, reserving the right to object, we have just had a rule passed which denied the minority an opportunity to offer any significant amendment whatsoever. It is a rule that I strenuously opposed and asked the House to turn down.

Now I understand that the gentleman is asking unanimous consent that some other arrangement be agreed to other than that in the rule. I, for the life of me, do not understand why we ought to do that. If Members did not like the rule, then I wish they would have followed my request and voted against it as I did.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, the only reason I asked for this is to make sure that the debate is structured. If we are going to take the 90 minutes and have it commingled with the measure of the gentleman from Colorado (Mr. SKAGGS), it would be lost in the debate. Not only for the Members, but also for the American people to understand this important measure with regard to tying the hands of the Presidency, we should be able to debate for clarity.

Mr. OBEY. Mr. Chairman, I understand the gentleman's concern, but with all due respect, we wanted the debate structured, too. We wanted to have a structured debate on offsets. We wanted to have a structured debate on the fact that this rule does not allow 75 percent of the President's request. We wanted a structured rule, too. We were not given that. Under those circumstances, I do not see why I should accommodate this request when we were turned down on every single request that we made to structure the rule.

Mr. BUYER. Mr. Chairman, if the gentleman will continue to yield, this is our opportunity to structure a debate so that there will be clarity and understanding.

Mr. OBEY. Mr. Chairman, with all due respect, our opportunity was by voting down the rule and coming back with a new rule. That is the way the House is supposed to operate under regular order. If the gentleman was not satisfied with the rule, he should have voted against it.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I think what we have is an ambiguity in the way the rule deals with this 30 minutes allocated to this particular issue. I would assume the Chair has discretion, given that ambiguity, to deal with it as seems reasonable. I had understood the gentleman from Wisconsin in particular, through his staff, to be concerned that we not have this 30-minute debate follow the general debate on the bill. I think that is what informs the gentleman from Indiana.

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. On the assumption that the gentleman from Wisconsin yields for the purpose, the gentleman will state it.

Mr. BUYER. Mr. Chairman, I understand we have pending a reservation on my unanimous consent request. My parliamentary inquiry is, is it within the prerogative of the Chair to designate time if there is 60 minutes debate on the underlying measure, and in the rule it states 30 minutes on the gentleman from Colorado (Mr. SKAGGS), whether the first 60 minutes would in fact be on Mr. LIVINGSTON's bill, and the remainder on the Skaggs provision, would it be within the Chair's prerogative to designate the time?

The **CHAIRMAN**. The Chair intends at this moment to accommodate the preference of the chairman of the committee, as the rule is structured, by starting with the chairman and the ranking minority member of the committee.

Is there objection to the request of the gentleman from Indiana?

Mr. **OBEY**. Mr. Chairman, for the reasons I have stated, since we were given no consideration whatsoever in our desire to offer even a single amendment to this amendment, I object to the unanimous consent request.

The **CHAIRMAN**. Objection is heard.

The gentleman from Louisiana (Mr. LIVINGSTON) is recognized for 30 minutes.

Mr. **LIVINGSTON**. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to bring this emergency supplemental appropriations bill to the floor today. This bill provides important funding to sustain our troops in Bosnia and in Iraq in the amount of $1.8 billion. It also provides $575 million in assistance to those suffering from natural disasters throughout the country.

Since this last fall, there have been typhoons, ice storms, excessive rains causing flooding and mud slides, beach erosion, late spring hard freezes and tornadoes. Because of these extreme weather conditions, there has been significant widespread damage to crops, livestock, natural resources and the country's infrastructure.

The funding in this bill provides assistance to farmers, ranchers and dairymen. It funds repairs to highways, railroads, harbors and flood control facilities, national parks, forests and wildlife refuges and agricultural flood prevention facilities. In addition to providing direct support to the troops in Bosnia and Iraq, the bill also funds repairs to military facilities caused by typhoons, ice storms and the El Nino-related extreme weather.

The funding in this bill is fully offset with an equal amount of rescissions. This is consistent with the policy adopted by the Republican majority when we took control of the Congress in January of 1995. The struggle to offset emergency supplemental bills gets harder every year. With lean regular appropriations bills and half the year already over, it is even more difficult.

The leadership, and I agree that we should not go deeper into the defense function to pay for peacekeeping missions. And, in fact, I think one can make a very good case that the non-deployed forces would be unfairly robbed to keep the deployed forces going.

After a very tight regular defense appropriations bill and a continued proliferation of unbudgeted peacekeeping missions, we are simply not able to find the defense programs and activities that we could reduce that are removed from the direct support of the peacekeeping missions, which would also not hurt overall national security. Cutting them would only result in a weakening of one element of national security to help another. It makes no sense to hobble national security in this manner. Therefore, the offsets included in the bill are all in the non-defense area.

The funds proposed for rescission are generally in excess to those that would be needed this fiscal year. They have no impact during this fiscal year for the most part. You will hear a lot of worried talk today about the impact of those rescissions and their impact will not be felt if their restoration is accomplished later on.

But they are excess funds right now, and we need offsets, and that is why we have chosen them. We will be able to consider restoring them at the appropriate time later on. We need to pass this bill today to move the process forward, making emergency supplemental appropriations a real possibility. I urge support of this fiscally responsible bill.

At this point in the RECORD, I would like to insert a detailed table reflecting the status of this bill since adoption of the rule governing its consideration.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, FY 1998 (H.R. 3579)

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	FY 1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS			
	TITLE I - EMERGENCY APPROPRIATIONS			
	CHAPTER 1			
	DEPARTMENT OF AGRICULTURE			
	Farm Service Agency			
105-220	Emergency conservation program (contingent emergency appropriations)	20,000,000	20,000,000	
	Tree assistance program (contingent emergency appropriations)		4,700,000	+4,700,000
	Agricultural Credit Insurance Fund Program Account:			
	Emergency insured loans:			
105-220	(Loan authorization)	(87,000,000)	(87,000,000)	
105-220	Loan subsidy (emergency appropriations)	6,000,000		-6,000,000
105-220	Contingent emergency appropriations	15,000,000	21,000,000	+6,000,000
	Total, Agricultural Credit Insurance Fund Program Account	21,000,000	21,000,000	
	Total, Farm Service Agency	41,000,000	45,700,000	+4,700,000
	Commodity Credit Corporation Fund			
105-220	Dairy and livestock disaster assistance program (emergency appropriations)	4,000,000		-4,000,000
	Livestock disaster assistance fund (contingent emergency appropriations)		4,000,000	+4,000,000
	Dairy production indemnity assistance program (contingent emergency appropriations)		6,800,000	+6,800,000
	Total, Commodity Credit Corporation	4,000,000	10,800,000	+6,800,000
	Natural Resources Conservation Service			
105-220	Watershed and flood prevention operations (emergency appropriations)	5,000,000		-5,000,000
105-220	Contingent emergency appropriations	35,000,000	65,000,000	+30,000,000
	Total, Natural Resources Conservation Service	40,000,000	65,000,000	+25,000,000
	Total, Chapter 1:			
	New budget (obligational) authority	85,000,000	121,500,000	+36,500,000
	Emergency appropriations	(15,000,000)		(-15,000,000)
	Contingent emergency appropriations	(70,000,000)	(121,500,000)	(+51,500,000)
	(Loan authorization)	(87,000,000)	(87,000,000)	
	CHAPTER 2			
	DEPARTMENT OF DEFENSE - MILITARY			
	Military Personnel			
105-220	Military personnel, Army (emergency appropriations)	184,000,000	184,000,000	
105-220	Military personnel, Navy (emergency appropriations)	22,300,000	22,300,000	
105-220	Military personnel, Marine Corps (emergency appropriations)	5,100,000	5,100,000	
105-220	Military personnel, Air Force (emergency appropriations)	10,900,000	10,900,000	
105-220	Reserve personnel, Navy (emergency appropriations)	4,100,000	4,100,000	
	Total, Military personnel	226,400,000	226,400,000	
	Operation and Maintenance			
105-220	Operation and maintenance, Army (emergency appropriations)	1,886,000	1,886,000	
	Contingent emergency appropriations		700,000	+700,000
105-220	Operation and maintenance, Navy (emergency appropriations)	48,100,000	48,100,000	
	Contingent emergency appropriations		5,700,000	+5,700,000
	Operation and maintenance, Marine Corps (contingent emergency appropriations)		26,810,000	+26,810,000
105-220	Operation and maintenance, Air Force (emergency appropriations)	27,400,000	27,400,000	
	Contingent emergency appropriations		21,800,000	+21,800,000
105-220	Operation and maintenance, Defense-wide (emergency appropriations)	1,390,000	1,390,000	
105-220	Contingent emergency appropriations	50,000,000		-50,000,000
105-220	Operation and maintenance, Army Reserve (emergency appropriations)	650,000	650,000	
105-220	Operation and maintenance, Air Force Reserve (emergency appropriations)	229,000	229,000	
105-220	Operation and maintenance, Army National Guard (emergency appropriations)	175,000	175,000	
	Contingent emergency appropriations		5,750,000	+5,750,000
	Operations and maintenance, Air National Guard (contingent emergency appropriations)		975,000	+975,000
105-220	Overseas contingency operations transfer fund (emergency appropriations)	1,621,900,000	1,829,900,000	+208,000,000
	Total, Operation and maintenance	1,751,730,000	1,971,465,000	+219,735,000
	Emergency appropriations	(1,701,730,000)	(1,909,730,000)	(+208,000,000)
	Contingent emergency appropriations	(50,000,000)	(61,735,000)	(+11,735,000)
	Revolving and Management Funds			
105-220	Navy working capital fund (emergency appropriations)	23,017,000	23,017,000	
	Contingent emergency appropriations		7,450,000	+7,450,000
105-220	Defense-wide working capital fund (emergency appropriations)	1,000,000	1,000,000	
	Total, Revolving and management funds	24,017,000	31,467,000	+7,450,000

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, FY 1998 (H.R. 3579)— continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	Other Department of Defense Programs			
	Defense Health Program:			
105-220	Operation and maintenance (emergency appropriations)	1,900,000	1,900,000	
	(By transfer) (sec. 204(f))		(5,000,000)	(+5,000,000)
	General Provisions			
	Reserve mobilization income insurance fund (contingent emergency appropriations) (sec. 203)		37,000,000	+37,000,000
	Total, Chapter 2:			
	New budget (obligational) authority	2,004,047,000	2,268,232,000	+264,185,000
	Emergency appropriations	(1,954,047,000)	(2,162,047,000)	(+208,000,000)
	Contingent emergency appropriations	(50,000,000)	(108,185,000)	(+58,185,000)
	(By transfer)		(5,000,000)	(+5,000,000)
	CHAPTER 3			
	DEPARTMENT OF DEFENSE - CIVIL			
	DEPARTMENT OF THE ARMY			
	Corps of Engineers - Civil			
105-220	Operation and maintenance, general (contingent emergency appropriations)	25,000,000	84,457,000	+59,457,000
105-220	(By transfer) (contingent emergency appropriations)	(5,000,000)		(-5,000,000)
	DEPARTMENT OF THE INTERIOR			
	Bureau of Reclamation			
105-220	Water and related resources (contingent emergency appropriations)	2,340,000	4,520,000	+2,180,000
	Total, Chapter 3:			
	New budget (obligational) authority	27,340,000	88,977,000	+61,637,000
	(By transfer) (contingent emergency appropriations)	(5,000,000)		(-5,000,000)
	CHAPTER 4			
	DEPARTMENT OF THE INTERIOR			
	United States Fish and Wildlife Service			
105-216	Construction (emergency appropriations)	3,688,000	3,938,000	+250,000
105-220	Contingent emergency appropriations	25,000,000	25,000,000	
	National Park Service			
105-220	Construction (contingent emergency appropriations)	8,500,000	8,500,000	
	United States Geological Service			
105-220	Surveys, investigations, and research (contingent emergency appropriations)	1,000,000	1,000,000	
	Total, Department of the Interior	38,188,000	38,438,000	+250,000
	DEPARTMENT OF AGRICULTURE			
	Forest Service			
105-220	State and private forestry (emergency appropriations)	20,000,000	20,000,000	
105-220	Contingent emergency appropriations	28,000,000	28,000,000	
105-220	National forest system (emergency appropriations)	5,000,000	5,000,000	
105-220	Contingent emergency appropriations	5,000,000	5,461,000	+461,000
	Total, Forest Service	58,000,000	58,461,000	+461,000
	Total, Chapter 4:			
	New budget (obligational) authority	96,188,000	96,899,000	+711,000
	Emergency appropriations	(28,688,000)	(28,938,000)	(+250,000)
	Contingent emergency appropriations	(67,500,000)	(67,961,000)	(+461,000)
	CHAPTER 5			
	DEPARTMENT OF DEFENSE - MILITARY			
	Base realignment and closure account, Part III (contingent emergency appropriations)		1,020,000	+1,020,000
	Family Housing			
105-220	Family housing, Navy and Marine Corps (emergency appropriations)	15,600,000	15,600,000	
	Contingent emergency appropriations		1,000,000	+1,000,000
105-220	Family housing, Air Force (emergency appropriations)	1,500,000	1,500,000	
	Contingent emergency appropriations		900,000	+900,000
	Total, Family housing	17,100,000	19,000,000	+1,900,000
	Total, Chapter 5:			
	New budget (obligational) authority	17,100,000	20,020,000	+2,920,000
	Emergency appropriations	(17,100,000)	(17,100,000)	
	Contingent emergency appropriations		(2,920,000)	(+2,920,000)

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL, FY 1998 (H.R. 3579)— continued

Doc No.		Supplemental Request	Recommendation	Recommendation compared with request
	CHAPTER 6			
	DEPARTMENT OF TRANSPORTATION			
	Federal Highway Administration			
	Federal-aid highways (Highway Trust Fund):			
105-220	Emergency relief program (emergency appropriations)	224,000,000	224,000,000	
105-220	Contingent emergency appropriations	35,000,000	35,000,000	
	Total, Federal Highway Administration	259,000,000	259,000,000	
	Federal Railroad Administration			
	Emergency railroad rehabilitation and repair (contingent emergency appropriations)		9,000,000	+9,000,000
	Total, Chapter 6:			
	New budget (obligational) authority	259,000,000	268,000,000	+9,000,000
	Emergency appropriations	(224,000,000)	(224,000,000)	
	Contingent emergency appropriations	(35,000,000)	(44,000,000)	(+9,000,000)
	Total, title I:			
	New budget (obligational) authority	2,488,675,000	2,863,628,000	+374,953,000
	Emergency appropriations	(2,238,835,000)	(2,432,085,000)	(+193,250,000)
	Contingent emergency appropriations	(249,840,000)	(431,543,000)	(+181,703,000)
	(By transfer)		(5,000,000)	(+5,000,000)
	(By transfer) (contingent emergency appropriations)	(5,000,000)		(-5,000,000)
	(Loan authorization)	(87,000,000)	(87,000,000)	
	TITLE II - RESCISSIONS			
	DEPARTMENT OF EDUCATION			
	Bilingual and immigrant education (rescission)		-75,000,000	-75,000,000
	DEPARTMENT OF TRANSPORTATION			
	Federal Aviation Administration			
	Grants-in-aid for airports (Airport and Airway Trust Fund):			
	Rescission of contract authorization		-366,400,000	-366,400,000
	(Limitation on obligations)		(1,668,600,000)	(+1,668,600,000)
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
	Public and Indian Housing			
	Section 8 reserve preservation account (rescission)		-2,173,600,000	-2,173,600,000
	INDEPENDENT AGENCY			
	Corporation for National and Community Service			
	National and community service programs operating expenses (rescission)		-250,000,000	-250,000,000
	Total, title II:			
	New budget (obligational) authority		-2,865,000,000	-2,865,000,000
	Rescissions		(-2,498,600,000)	(-2,498,600,000)
	Rescission of contract authorization		(-366,400,000)	(-366,400,000)
	(Limitation on obligations)		(1,668,600,000)	(+1,668,600,000)
	Grand total:			
	New budget (obligational) authority	2,488,675,000	-1,372,000	-2,490,047,000
	Emergency appropriations	(2,238,835,000)	(2,432,085,000)	(+193,250,000)
	Contingent emergency appropriations	(249,840,000)	(431,543,000)	(+181,703,000)
	Rescissions		(-2,498,600,000)	(-2,498,600,000)
	Rescission of contract authorization		(-366,400,000)	(-366,400,000)
	(By transfer)		(5,000,000)	(+5,000,000)
	(By transfer) (contingent emergency appropriations)	(5,000,000)		(-5,000,000)
	(Limitation on obligations)		(1,668,600,000)	(+1,668,600,000)
	(Loan authorization)	(87,000,000)	(87,000,000)	
	RECAP			
	Gross emergency appropriations	2,488,675,000	2,863,628,000	+374,953,000
	Defense	(2,021,147,000)	(2,288,252,000)	(+267,105,000)
	Non-defense	(467,528,000)	(575,376,000)	(+107,848,000)
	Non-defense rescissions		-2,865,000,000	-2,865,000,000

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), minority leader.

Mr. GEPHARDT. Mr. Chairman, I rise in strong opposition to this disaster relief and Bosnia-Iraq Supplemental Appropriations Act. I strongly support the provisions in this legislation that help Americans who have been involved in disasters around the country. I strongly support the activity of our military in Bosnia and Iraq. And I hope that we can get to a piece of legislation as quickly as possible that will support all of those efforts.

I know full well how important those efforts are. We had a big flood in my district in 1993 and in 1995. I stood on this floor and pleaded with the House to give timely help to my constituents, and the House did. So I have a very deep feeling about the need for this legislation. But the Republican leadership, just as they did a year ago, has refused to act responsibly and in a straightforward manner to provide these funds that have been requested by the administration.

□ 1400

They have insisted wrongly, in my view, on offsets which can be done under our budget act but which are not required under our budget act. In fact, we have provisions in our budget act that say that expenses like this which are truly emergencies do not need to be offset. But, again, the Republican leadership has decided to put in offsets; and, in my view, these offsets are very damaging in many, many areas of life in our country.

Let me just mention some. It will hurt children who need help so that they can learn English. It will undermine the ability of our airports to construct needed runway enhancements and install new security equipment, as we are trying to do in St. Louis, Missouri. It would effectively end the Americorps program and could lead to more than a 100,000 of our elderly citizens losing their housing. I do not think these are the trade-offs that we should be considering when we are considering emergency legislation.

These are emergency items. That is why we put that into the budget. These were things that were unforeseen when the budget was put together. If they had been foreseen, we would have found room in the budget. And we may find room in next year's budget. But to now come at the 11th hour and wipe out these domestic programs so that we can take care of bona fide emergencies makes no sense.

If Members want an alternative approach, we will have a motion to recommit that I urge Members on both sides of the aisle to vote for that would simply take out the offsets and say that this should be treated as we believe it should be, as an emergency.

But let me go further on why I think this bill is ill-advised. The Republican leadership has refused to allow the House to consider all the supplemental requests the President has forwarded. They left out the International Monetary Fund request. We have countries in Asia going into bankruptcy. The only thing that is keeping many of them afloat so that we do not lose more exports and have more unneeded imports in this country is the IMF request. If it sits for another 5, 6, 8 weeks, what will happen to the IMF and the countries that need help?

Finally, there is the matter of United Nations dues. Here we are today, the leader of the world, the leader of the United Nations, and we cannot find a way to bring ourselves to pay our dues. We have the unseemly situation where the Secretary General has gone and made a peace in Iraq, which is good for the entire world, and he cannot get the leader of the world to pay our debts, our dues to the United Nations.

The President wanted that in this bill, and it is not. It is being separated out. And all of this is being made subject to an untimely and unneeded request on the part of the Republicans again to put a family planning issue which has no place in any of this legislation as part of that legislation.

My colleagues, this is the wrong bill. It has been constructed in the wrong way. It has the wrong offsets. I am for the disaster relief, and I am for giving the money for our troops in Iraq and Bosnia, but not in this form, not with these offsets.

Vote for the motion to recommit. Vote for the motion to recommit to fund these programs properly. If that fails, vote against this legislation. It is the wrong thing to do.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), a distinguished member of the Committee on National Security, after which I will yield to him for a colloquy.

Mr. WELDON of Pennsylvania. Mr. Chairman, first of all, let me thank the chairman of the full committee and the chairman of the Subcommittee on National Security for this piece of legislation. I think we need to get to the heart of the issue here and what is at stake. Why do we need this supplemental and why do we need to not further degradate the dollars to support our military?

Mr. Chairman, if we look at the facts, in the past 6 years we have seen our troops deployed 25 times at home and around the world. Now if we compare that to the previous 40 years, they were deployed 10 times. Now, Mr. Chairman, the problem is that none of those 25 deployments were budgeted for; none of those 25 deployments were paid for.

In the case of Bosnia, Mr. Chairman, by the end of the next fiscal year we will have spent $9.4 billion on Bosnia. In fact, Mr. Chairman, if we look at the previous 7 years, we have spent $15 billion on contingencies around the world. Now, the problem in the Congress is not that we oppose going into Bosnia. That is not the issue. The problem in Bosnia is why was America asked to put in 36,000 troops while the Germans, right next door, put in 4,000 troops? Why are we paying the costs for the troops, the housing and food for the Bangladesh military in Haiti?

The problem is that this administration has not done enough to get our allies to kick in their fair share of the cost of these deployments.

Look at Desert Storm. The Desert Storm operation cost us $52 billion. We were reimbursed $54 billion. But that has not been the case for the past 6 and 7 years. We have seen time and again money taken away from readiness, from modernization, from R&D, from those programs that we agreed to within a 5-year balanced budget context to be used to pay for deployments, none of which were budgeted for.

Therefore, we need to restore this money because the quality of life for our troops is at stake, because the modernization of our systems is at stake, and because we have robbed the military to the core, to the bone.

Talk to our troops in the field, Mr. Chairman. Listen to those young kids in Somalia who are on their second and third straight deployments. Listen to their stories of being away from home because of the cuts that we have made.

We need to understand these monies are desperately necessary to replenish funds that have been taken away from the military to pay for deployments that were never considered priorities by this administration when our troops were committed in the first place.

I ask my colleagues to support this appropriation measure, to oppose any measure to change it, to support the leadership of the gentleman from Louisiana (Mr. LIVINGSTON) and the gentleman from Florida (Mr. YOUNG) because what they are doing is right for our troops, it is right for America, and it is right for our role in the world today.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WELDON) for the purposes of colloquy only.

Mr. WELDON of Pennsylvania. Mr. Chairman, the supplemental appropriations measure before the House today goes a long way to support the needs of our troops, supporting the added cost of Bosnia and Iraqi enforcement operations while ensuring that we are not further eroding a defense budget that is already stretched too thin.

As we move the bill forward, we must consider the many remaining needs of our troops around the globe. Of particular concern to our military commanders stationed abroad are the increasing range of missile threats, particularly those that could emerge this year as a result of Russian technology transfers.

Last night, the House unanimously adopted an authorization bill, H.R. 2786, designed to enhance our missile defense systems against that very threat. Unfortunately, due to the timing of that action, we were unable to include those funds in this supplemental. However, it is my understanding that the administration supports execution of the actions in H.R. 2786 in fiscal year 1998.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will yield, the gentleman is correct. Not only are we in complete agreement with the need to ensure effective missile defenses for our troops abroad, but we agree that these actions should remain a funding priority for fiscal year 1998. Although the administration limited the Bosnia supplemental to paying for the cost of that operation in the Persian Gulf, they are now supporting execution of theater missile defense enhancements this year.

Mr. WELDON of Pennsylvania. Mr. Chairman, it is my understanding that the Senate approved funding for the theater missile defense enhancements in its supplemental bill. Given the tight constraints we are working under here today, I will not offer an amendment, but ask the chairman and the chairman of the subcommittee to ensure that this funding remains in the supplemental conference report.

Mr. LIVINGSTON. I share the interest of the gentleman in moving the theater missile defense initiative forward, and I assure my colleague that I will do my very best to preserve necessary funds in the supplemental conference.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from Maine (Mr. Baldacci).

Mr. BALDACCI. Mr. Chairman, I thank the gentleman for the time to talk about the manager's amendment. I rise to issue my strong support for it.

The ice storm of 1998 devastated 4 States in the Northeast. The damage was unlike anything ever experienced, and it was severe.

This amendment will provide funding through community development block grants. It will address needs not met through other disaster relief programs, either the Federal Emergency Management Agency or the Small Business Administration. It will give States the flexibility to meet the critical needs of residents still recovering from the storm. And, most importantly, it will ease the economic burden of citizens least able to bear it.

I ask my colleagues to support the manager's amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. McHugh).

Mr. McHUGH. Mr. Chairman, let me begin by expressing my appreciation to the gentleman from Louisiana (Mr. Livingston), chairman of the full committee; the entire Committee on Appropriations members and staff; and particularly my colleagues, the gentleman from New York (Mr. Walsh); and the gentleman from New York (Mr. Solomon), chairman of the Committee on Rules, for their very effective work on this bill.

As we have heard here today, Mr. Chairman, this is an initiative to try to redress a good many problems that are in this land today. People are struggling with the challenges of dealing with natural disasters, and I think by that very reason alone it deserves all of our unqualified support.

I just want to talk a moment about one particular portion, and that is the assistance that is provided for the dairy farmers of this Nation.

I know that some of this funding, particularly as it relates to the compensation for diminished milk production, is unprecedented and that some Members are concerned about this fact. But let there be no mistake about it, Mr. Chairman, the losses in northern New York and, in fact, throughout the entire Northeast represent a very unique situation.

The assistance we are providing in this bill represents a small but a vitally important step on their road to recovery. The loss of electric power in this region had enormous repercussions beyond just inconvenience, although certainly inconvenient it was.

New York is the Nation's third largest dairy producer; and, without power, dairy farmers were unable to milk their herd. Those few with generators who could milk frequently had to dump their milk because the roads were impassable. And those who were rarely, on occasion, able to get to the milk trucks were unable to get to plants that were in operation. So the losses were absolutely devastating.

The inability to milk has caused, as I said, unique problems. No milking on normal schedule means sick animals, animals that contract mastitis, an illness which if not treated properly can kill the animal.

As I said, I thank the chairman for his assistance and urge the support of this initiative.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. Stokes), the distinguished ranking member of the most effective HUD subcommittee.

Mr. STOKES. Mr. Chairman, I thank the distinguished gentleman from Wisconsin for yielding me the time.

I reluctantly rise in strong opposition to this bill, and I say "reluctantly" because I very much favor the emergency supplemental appropriations that the bill contains. However, the construction of this bill forces me to oppose it.

The biggest problem with the bill is the domestic rescissions that the bill contains, none of which are required by the budget rules and all of which do great damage to important programs. By far the largest portion of these cuts, about three-quarters of the total, fall on section 8 housing assistance. This program helps people with very low incomes afford one of the basic necessities of life, a place to live.

Of the 2.8 million households receiving section 8 housing assistance, 32 percent are elderly, another 11 percent are disabled, 50 percent are families with children. Their median income is just over $7,500 per year. The funds being rescinded are reserves that are urgently needed to help meet the cost of renewing section 8 housing assistance contracts expiring next year.

If this rescission is allowed to stand and the funds are not replaced, contracts for 410,000 units of section 8 housing would not be renewed and the elderly and disabled people and young families living in these apartments would face the choice of paying large increases in rent, which they cannot afford, or losing their place to live.

We have more than 5 million low-income families with worst-case housing needs receiving no Federal housing assistance at all. Waiting lists for housing programs are years long in many areas. The number of families helped by Federal housing programs is going down.

In light of all this, we must stop using section 8 and other housing programs as the piggy bank every time someone wants to find some money to pay for something else. We ought to defeat this bill and bring back a clean supplemental appropriations bill that takes care of the urgent emergency needs without further devastating housing and other vital domestic programs.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Cunningham), distinguished member of the Committee on Appropriations.

Mr. CUNNINGHAM. Mr. Chairman, let us talk about those piggy banks. The gentleman from Missouri and his statements, I would like to speak directly to those.

First of all, for 30 years, Democrats controlled this Congress; and the debt has soared, where we pay over a billion dollars a day on just the interest. That is before law enforcement. That is before education. That is before anything that we want to pay for. The liberal Democrat leadership was against a balanced budget because that limits their ability to spend. They were against a tax relief for working families.

□ 1415

They were against welfare reform. They just wanted to spend more money for it. Who has to pay all of those extra costs for not having a balanced budget, for not having tax relief? They increase taxes and they put increase on Social Security tax. They cut veterans and military COLAs. They increase the tax on working families.

So the record is very clear. But who is going to pay for that? We had a D.C. bill where we would waive Davis-Bacon to pay for 60-year-old schools. The word "children" was mentioned, but do we think the leadership would waive Davis-Bacon that saves 35 percent to build schools in Washington, D.C.? No, because they are tied to their union brothers. It is 35 percent savings. Again, who has to pay for that 35 percent? Working families and senior citizens.

Alan Greenspan has told us that we cannot bust these budget caps because the interest rates right now are between 2 and 8 percent lower. Now, what does that mean to working families? That they have more money for education, for their children. They have more money to buy a car, or even a double egg, double cheese, double fry burger if they want. But it is more money in their pocket instead of having to pay for the debt or come back in Washington, D.C.

They want to pay for IMF, $18 billion, when the economists debate on the value of that. It is $18 billion, but yet we are having to find offsets. Yet, the gentleman from Missouri wants to pay.

The United Nations, we pay 30 percent of all peacekeeping. The President has put us in Somalia without Congress. They put us in Haiti without Congress. They have kept us in Bosnia without Congress. Yet, we have to pay for it. Yet, our European nations have not paid for their share.

They say, why can we not pay our bills? Well, who pays for that $18 billion? Who pays for the billions of dollars that go to the U.N.? The working families. That is what I am saying.

There is a big difference between our plan and what the Democrats want to do, which is just spend more money without offsetting it and continue with the 30 years of tax-and-spend big government, liberal government. We are not going to allow that to happen.

Now, it is legitimate. They feel that big government can do everything. We do not. There is a difference in the choice, Mr. Chairman.

Mr. OBEY. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, 3 years ago, as every American knows, this Congress was a snake pit of confrontation. There was one fight after another between the Congress and the White House, which led to a sustained government shutdown. It took a long time for the reputation of this Congress to recover from that obstreperousness.

Last year, in contrast, I felt we had a pretty good year in the appropriations process. Most of the time the appropriations bills were dealt with on a bipartisan basis. I think that that made people in the country feel better about their government. I think it made us feel a whole lot better about it. I think it made us feel a whole lot better about each other, because we were able to work out differences after we had defined those differences. We were able to find a common solution to many of those questions.

This year, unfortunately, we now seem to be walking right back into the confrontation mode. There have been numerous stories in the press reporting that those in the majority party caucus with the more militant attitude on political matters simply want the Congress to take the President on, on a whole range of issues.

So as a result, this bill, which ought to be an emergency appropriation which goes through rather quickly, this bill is going to take a long time to get out of the Congress, out of conference. When it gets to the President, it is going to be vetoed in its present form. That makes no sense, because we have a great deal of work to do. We have a very few days left in the legislative schedule to do it.

Let us take a look at the points of controversy in this bill. First of all, this bill refuses to appropriate 75 percent of the disaster assistance requested by the President. Now, the President does not ask for that money because he likes to ask for money. He asks for it because we have had a series of natural disasters around the country. Unless we are not going to help communities recover, we need to provide this money.

The President has asked for more money than we have in this bill because he understands that with the funding of the disasters that we have already had, if we have any significant storm activity in the summer, we will not have the money in the till to help the communities who need help on the dime, immediately.

Yet, despite the fact that on a bipartisan basis the Senate committee, under the leadership of the chairman of that committee, Senator STEVENS, despite the fact that the Senate added the full amount of the President's request, the majority party in this House refuses to provide that same funding.

Then in a second effort to establish confrontation with the President, the House majority party insists that to the President's request it add large cuts in housing, which will cut 20 percent of the funds that are needed next year to sign the contracts to sustain the living quarters for low-income Americans and senior citizens who are now living in subsidized housing around the country. One-third of the persons who will be forced out of those homes, if this action occurs, are elderly. That is a great Easter gift for this Congress to give those folks before we go home on 20 days recess.

Then it says we are going to cut $75 million for bilingual education. I did not used to care about that issue as much as I do now. But now I have had a huge influx of H'Mong population into my hometown and other communities. The H'Mong are the folks who did our dirty work during the war in Laos. They did the CIA's undercover dirty work. So the Federal Government made a decision to allow them to come into this country.

But now the Federal Government is bugging out on its responsibility to help train them and educate them. They do not even have a written language, so they are very hard to teach English. Yet, one of the programs that would help us do that is being shrunk by a very large amount by this action.

Then we come to the IMF. Nobody likes to come in here and ask for money for the International Monetary Fund. But the fact is we live in the real world, and if we do not defend ourselves in that real world, we are going to suffer the consequences.

Japan has been running an irresponsible fiscal policy for years. That and other actions finally led to a currency collapse in Asia. There is a huge overproductive capacity in this world in certain industries, a lot of it in Asia. Because of that currency collapse, a lot of very cheap goods which are artificially underpriced because of that currency collapse are going to shortly be under way to the United States to undercut American goods.

We are going to see plants close. We are going to see American workers go out of work. We are going to see the largest trade deficit in the history of the world. Yet, this Congress is choosing to do nothing whatsoever about it by holding the IMF hostage to a nongermane proposal.

Then what we find is that the Speaker of the House is reported in a number of press accounts to have threatened majority party Members of the Committee on Appropriations with the loss of their committee assignments if they do not follow the leadership's so-called strategy on this issue.

I do not understand why anyone thinks that it is for the good of America that we resurrect a confrontational attitude rather than a cooperative attitude in this Congress. I do not understand even how politically people think that that is going to win votes in an election year. I do not think it is.

So I regretfully and respectfully ask the House to turn this bill down. I know that the pragmatists on the majority side of the aisle did not want to see this confrontation occur, but they have been overruled. I regret that.

Until such time as reason prevails, we have no choice but to ask Members to vote against this proposal. That is what I am asking Members to do.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman from Wisconsin for his statement and associate myself with it, especially the issue concerning housing cuts. We have a $23 billion commitment over the next two years. Last year we cut $3.6 billion out of housing. We promised to make it up. We have not done it. This year we are taking more out. This is going to put people in the street.

Mr. Chairman, I rise in opposition to the supplemental emergency assistance measures. I very much regret and strongly oppose the "offset" provisions of these proposals which has ensured a collision course with the President's emergency request for additional fiscal 1998 funding for disaster aid and military action in Bosnia and Iraq as well as standing U.S. commitments to the United Nations and the International Monetary Fund (IMF). This IMF Funding means that our 183 nation member program is running on empty, the only tool that we have to prevent the global economic catastrophe, that could devastate our domestic economy. This measure, in fact, only provides 25% of the President's total request for funding of disaster assistance. After dragging this bill out for months on the eve of an Easter recess period, apparently the GOP assumes that the House can be forced to accept a deficient product. If we oppose them, they will lay the blame on others. Frankly, the blame and the shame is the GOP leadership. As the adage states: lead, follow—or get out of the way so that we can get the job done.

Our GOP colleagues' insistence on including offsetting cuts in solely domestic programs illustrates their reluctance to provide basic programs that form the foundation of trust and the tools that American families need to care for themselves and one another. The GOP's package of cuts produces a number of offsets that would slash $2.9 billion in peoples priorities, and programs. These offsets jeopardize low-income housing programs for 100,000 people (many of whom are elderly 32% and disabled 11%), much needed airport improvements, terminating the AmeriCorps national service program for 1998, and major cuts in this year's bilingual education. These programs are vital to the real needs of the most vulnerable in our society. While natural disaster needs would be met, this action would create a new disaster for those impacted by the offset cuts.

These harmful rescissions are unnecessary under the budget rules, which designate that true emergency funding may proceed without offsets. Nonetheless, the Republican Majority in this House has chosen to cut key domestic spending initiatives to offset defense and natural disaster emergencies; breaching the "firewalls" between the two categories of defense and domestic expenditures and the 1998 budget enacted into law last year.

These offsets are strongly opposed by the President and many Members of Congress. The Senate included no such offsets in its version of the bill, and there are no indications that they would do so. This clearly is a partisan effort to inject this new and divisive issue into the supplemental emergency assistance measures that will complicate the passage of this legislation. This raises questions as to the motives involved. The Republican Majority shut down the government with unrelated policy for several months in 1996. They denied much needed disaster help in 1997 because of an unrelated rider. Here we go again in 1998. The Republicans are holding hostage the emergency funding for the Department of Defense and disaster assistance, in an attempt to force feed their unpopular and unfair agenda on the American people. This agenda gives new meaning to women, children, the disabled, and the elderly first. It is time to call a halt to the GOP political games and get on with the people's business, not a GOP partisan policy agenda.

The next two fiscal years the committed renewal of section 8 housing units existing contracts serving existing low income families with children, the elderly and disabled will demand over $23 billion. The 1997 emergency supplemental did the same as this in removing $3.6 billion of the housing reserve funds and pledged to make it up, but they have not replaced the fund, but take more—this is not a honey pot and it hurts real people.

Mr. Chairman, the much-needed assistance for natural disasters and peacekeeping missions are sound and urgently needed. However, we must not permit this offset package to become our final action. This bill is a step backward, not forward. We should reject it.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, just to assure the Members that the sky is not falling, I just want to make a few points. First of all, if it is confrontation that we have opposing views on how to treat the supplemental appropriations bill, then yes, it is confrontation. But I think it is not angry confrontation, it is simply a matter of differing philosophies.

For the last 60 years of this century, the now minority party, which used to be the majority party, guided the affairs of the country with the idea that we continue to spend and never worry about whether the money was there. All we are saying on the supplementals is that, sure, we can continue to spend, but it has to be within the budget.

For the last 4 years, we have in effect said that we will pay for the supplemental spending. We are coming up with $2.29 billion in extra spending for defense. We are coming up with $575 million for disaster relief. But we are going to offset. That is all we are saying.

The Senate has not said that, and we are going to meet them head on. But for our purposes in the House, we are going to offset this extra spending. I dare say we have succeeded.

We have got all these cries that the cuts in other existing unobligated funds are going to cause a disaster and the people are going to go homeless. The fact is that is not going to happen. These are unobligated funds, and they are not needed this year, this fiscal year. If they are needed later on, we will address that.

My friend, the gentleman from Wisconsin, has said that a militant majority is demonstrating that we should do something so awful as pay as we go. We happen to think that is fiscal responsibility. It is not militant. It is just common sense.

He says that we have not adequately provided for the disaster relief that is needed. In effect, he is right, because the President, the day after we reported this bill out of the full committee, the President finally sent over an additional request of $1.6 billion for disaster relief that we have not had time to address, and we will address before this bill gets through its normal processes.

He says that he is concerned that we have attacked bilingual education. Look, the H'Mong have been here for 20 years. If they have no written language, we have got a good one. It is called English. Well, if they have not been here for 20 years, then they have been here for 10 or 15; I do not know how long. Anyway, we have got English. We have got English, and it is a perfectly good language.

We would like to teach them how to assimilate themselves into the United States, just like we would like to teach people of all ethnic backgrounds to assimilate themselves in the United States and teach their kids how to be productive American citizens. Just from day one, that is what we have done in America. That is why we are the melting pot. That is why we have succeeded in bringing cultures of all sorts together and have succeeded in becoming the most dynamic free Nation on earth.

□ 1430

The fact is, look, I adopted a little girl with my wife, a little girl from Taiwan. She came here at almost 7 years old. She could not speak English. She spoke Chinese. But we put her in an "English as a second language" course, and within 3 months she was speaking fluent English. She is a productive American citizen. I hope that others will likewise become productive American citizens.

Mr. Chairman, if I were to take a kid to Spain, I would not expect that child to only speak English and to be taught English in the schools. I would expect that child to be taught Spanish in the schools so that that child would live in Spain and become a productive Spanish citizen, if my colleagues will.

The point is, bilingual education in and of itself has been a failed program. It ought to be abolished. English as a second language is a successful program, and should be encouraged and hopefully will be because of the steps that we take here today.

These are good changes. This is a good bill. The offsets are simply common sense. I urge the adoption of this bill, the rejection of the motion to recommit, and hopefully we will get a conference soon, right after we come back from the break, and we will get this disaster relief to the people who need it.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding this time to me, and I want to associate myself with the remarks the gentleman from Wisconsin (Mr. OBEY) made earlier.

I regret that I come to this floor to oppose this bill. Instead of coalescing funding to continue our peacekeeping operations in Bosnia and ensure a strong and forceful presence in the Gulf, we are being asked to undercut important domestic programs included in last year's budget agreement to finance our national security interests.

It is not enough that the budget agreement of 1985 provides for emergency spending without offsets during domestic or international crisis. It is not enough that the chairman of the Committee on Appropriations, my good friend, the gentleman from Louisiana (Mr. LIVINGSTON), it is not enough that Mr. LIVINGSTON fought hard to prevent making unwise and devastating cuts in domestic programs, notwithstanding the fact that he just said something a little different. In fact, Mr. Speaker, it apparently is not enough that the United States Senate, with the support of the President of the United States, passed this emergency spending without gutting domestic programs by voice vote.

No, Mr. Chairman, instead today this body is being asked to gut the Section 8 low income housing program which could leave 800,000 Americans without housing next year. We are being asked to effectively shut down the AmeriCorps program through a 60 percent cut, and perhaps in one of the most outrageous affronts contained in this bill, the leadership is advocating a cut of $75 million in bilingual and immigrant education.

Let there be no mistake, Mr. Chairman, as to the importance of the emergency funding the President is seeking. Continuing the U.S. presence in Bosnia is critical. Progress is being made in the implementation of the Dayton Accords, and this progress has only been possible because of U.S. participation in the NATO-led stabilization force. There is not one of us that has visited that force, that has not been proud of our men and women and the effect that they have had.

Apparently the majority party did not learn the lessons of the 1995 disaster relief supplemental. The chairman learned them; I think most of the chairmen of our subcommittees learned them. But their caucus did not learn them. There are very serious issues to be debated in this Chamber. However, we should not hold emergency funding hostage when on its surface we all support the need for a strong presence in Iraq and a need to respond to the ravages of El Nino.

I urge my colleagues to vote down the latest sham of the Republican leadership and release this funding from the daily game of politics in which we have been embroiled. Vote "no."

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MCDADE), distinguished chairman of the Subcommittee on Energy and Water.

Mr. MCDADE. Mr. Chairman, I thank the distinguished gentleman for yielding this time to me.

Mr. Chairman, at this time I yield to my distinguished friend from Guam (Mr. UNDERWOOD) for purposes of a colloquy only.

Mr. UNDERWOOD. Mr. Chairman, as my colleagues know, Guam suffered extensive damages due to Typhoon Paka last December. Due to Typhoon Paka the commercial port, which is the principal lifeline for all the residents of Guam, needs to be restored to its economic vitality. I understand that the bill before us today provides $84.5 million for the Corps of Engineers for emergency repairs due to flooding and other natural disasters.

Mr. MCDADE. Mr. Chairman, the gentleman's statement is accurate.

Mr. UNDERWOOD. I understand further that the $84.5 million is not project-specific and that there may be an opportunity to review Guam's request for port projects.

Mr. MCDADE. Mr. Chairman, may I say to the gentleman that the committee did not earmark disaster relief funds provided to the Corps of Engineers. The additional funding in the operation and maintenance account will be used to address high priority needs resulting from recent natural disasters at Corps-operated or Corps-maintained projects. The Corps of Engineers should consider Guam's request in conjunction with other projects eligible for emergency assistance consistent with current law and authorities.

I want to assure the gentleman that we will examine this issue as the process proceeds to conference with the Senate, and we will do our best.

Mr. UNDERWOOD. I thank the distinguished chairman.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON) the distinguished ranking member of the Committee on National Security.

Mr. SKELTON. Mr. Chairman, let us clarify the issue before us today. We are not here to correct the overdeployment of our military troops or the underfunding of our military troops. The issue before us today is whether this is an emergency as prescribed by the budget law or whether it is one that is not and calls for an offset.

Mr. Chairman, I wish I could rise in support of this bill, the emergency supplemental appropriation bill for fiscal year 1998. Unfortunately, the bill in its current configuration falls short in terms of timing, process and interpretation.

First there is a matter of timing. Once again this body has reacted slowly to an emergency situation, with consequences that will affect our fellow citizens both here at home and overseas. And yet, while the other body has essentially passed a bill to deal with these measures, we are still debating the matter in this body, and the result is that by the time we begin our 2-week spring recess we will not have completed this important work.

Second, there is a matter of process. Though 80 percent of the bill's appropriations are for military programs, all of the measure's offsets are in domestic programs. This is a sure invitation for a presidential veto, and I am sure that the President will accept that invitation.

As many know, the other body has not offset, I will repeat, has not offset its version of the supplemental with spending cuts. It has accepted the emergency designation for the supplemental, as it should have. I can envision a scenario where the other body would offer to accept offsets, but with a condition that those offsets come from the military appropriation accounts. What a disaster that would be.

Third, there is a matter of interpretation. I voted for last year's Balanced Budget Act. I believe we made great progress in the past 8 years to get our Nation's finances in order. The 1993 bill which I supported; last year, the Balanced Budget Act which I supported; and this year we see a surplus possibly of $8 million, according to the Congressional Budget Office, the first surplus since 1969. While provisions under the Budget Act will allow us to fund genuine emergencies, the other body has chosen to use those provisions. That is what we should do.

Secretary of Defense Bill Cohen wrote earlier this month that if the Department of Defense were required to provide offsets from within the DOD budget, the effect on DOD programs would prove calamitous.

I have seen the same thing for the domestic side. That has been well thought out. It is a matter of accepting what is reality. A rose by any other name is still a rose; an emergency by any other name is still an emergency. I think that in this present form it is very difficult for us to support, and I will not support this bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from

Wisconsin (Mr. NEUMANN), distinguished member of the Committee on Appropriations.

Mr. NEUMANN. Mr. Chairman, I rise today. First I would like to commend the chairman of the Committee on Appropriations for sticking to our core principles, that 3 years ago we made a commitment that we were going to stop spending our children's money, and I would like to commend the chairman for sticking to those principles in this bill and sticking to the offsets. We understand the other body, the Senate, has not proposed offsets yet, and I would also like to express my appreciation for accepting the Neumann-McIntosh amendment that puts this body on record when we pass this bill, saying that when it goes to conference it should come back with the offsets intact.

I would also like to do, as I made it my custom to do over the last 3 years, to report to my colleagues what the actual numbers are in this spending bill.

The total new spending, the total, quote, emergency spending in this bill, is $2.865 billion in outlays and budget authority, and in fact the offsets amount to 1 million more than what the proposed new spending is as it relates to budget authority.

In outlays, the outlays are $350 million short, but I would add that it is the closest that we have come of any of the supplemental appropriation bills that have passed through this body since we came here in 1995. It is the closest we have come to offsetting it in outlays as well as budget authority, and again in budget authority, to my colleagues, it is not only offset but there is actually $1 million extra in it.

Again, I would like to address the concerns of the other side. I heard the statement that 800,000 Americans will be without housing if this bill is passed. Well, first let me say that that is absolutely not true. But second, let me suggest to my colleagues on the other side that if in fact they genuinely believe that is true, then they have a moral and an ethical responsibility to bring something forward that allows these offsets to come from some other part of this budget.

Look, what we are asking for is to stop spending our children's money. We are asking to find offsets, that is, wasteful government spending that amounts to $2.8 billion out of $1700 billion of government spending. Let me say that once more, so we understand just exactly what this debate is all about. What we are saying is that, I want to make sure that this debate is very, very clear when we talk about finding these offsets or reductions in wasteful Washington spending to counter the new spending, we are looking for a grand total of $2.8 billion out of $1700 billion of government spending.

Now is there anyone in the entire United States of America that believes there is not $2.8 billion of wasteful Washington spending that can be eliminated so that we do not go and tack this new spending onto the legacy that we are going to give our children?

I would like to conclude by again commending our chairman for sticking to his guns and demanding that these offsets be included in this bill, because for years that was not the practice, and that is in fact how we got to the $5.5 trillion debt that we currently have staring us in the face.

I would conclude with the memory it is $2.8 billion in offsets. We are open to other suggestions; $2.8 out of $1700 is what we are looking for in terms of offsetting the bill.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, am I correct that under the rule no amendments are allowed, no alternatives can be proposed? Am I correct on that? It is a closed rule; am I correct?

The CHAIRMAN. There is one amendment.

Mr. HOYER. One amendment made in order. No other amendments other than an amendment allowed by the Committee on Rules can be made, no alternatives can be proposed for other offsets; am I correct, Mr. Chairman?

The CHAIRMAN. There is one amendment that was made in order under the rule.

Mr. HOYER. But no amendments can be offered; am I correct, Mr. Chairman?

The CHAIRMAN. There is one amendment to be offered in the Committee of the Whole.

Mr. HOYER. I understand that.

Can any additional amendments be offered, Mr. Chairman?

The CHAIRMAN. There can be an amendment offered as a recommittal in the House.

□ 1445

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the previous speaker talked about wasteful Washington spending. I do not consider enabling senior citizens to have housing in my hometown or anybody else's hometown in the countryside to be wasteful Washington spending. I consider those to be necessary mercy initiatives so good and decent low-income Americans and retired senior citizens can live in decent housing.

I do not consider providing funding to persons who are willing to give of their time to assist with finding volunteers to deal with our kids after school so that they are in a safe place and are not committing crime is wasteful Washington spending. I call that good community activity.

I would point out that the rule the gentleman just voted for precluded us from attacking real wasteful spending. It precluded me from offering the amendment which would have reduced by 5 percent the Pentagon account that allows the Pentagon to pay $76 for a 57-cent set screw, and allows the Pentagon to pay $38,000 for aircraft springs that they previously paid $1,500 for. That is true wasteful Washington spending, I would submit to the gentleman from Wisconsin, and it is the kind of wasteful spending the gentleman protected with his vote for the rule.

PARLIAMENTARY INQUIRY

Mr. LIVINGSTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LIVINGSTON. Mr. Chairman, we are trying to determine when the Skaggs provision will be up for debate. I understand that 30 minutes are allotted for that as well.

The CHAIRMAN. The Chair could entertain that debate at any time during general debate.

Mr. OBEY. Mr. Chairman, I need to go up to the Committee on Rules. I would ask that the gentleman from Maryland (Mr. HOYER) be allowed to control my time.

The CHAIRMAN. Without objection, the gentleman from Maryland will control the time for the gentleman from Wisconsin (Mr. OBEY) while he goes to the Committee on Rules.

There was no objection.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Guam, (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I wish to engage in a colloquy with the chairman of the Subcommittee on Military Construction, the gentleman from California (Mr. PACKARD).

In the disaster relief section of the fiscal year 1998 supplemental appropriations bill, the committee accepted report language that makes mention of the ongoing discussion between the Government of Guam and the Navy over the repair responsibility for the repair of typhoon BRAC damaged properties on Guam. I have been assured by several civilian naval officials that the U.S. Navy, at a minimum, will be flexible if it is decided that the U.S. Navy is, indeed, responsible for said repairs.

Mr. Chairman, is it your understanding that if this action so occurs, the committee will entertain a request for funds in the regular fiscal year 1999 appropriations bill?

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, yes, that is true. If the matter is settled between the Guam Government and the U.S. Navy and the U.S. Navy will accept the responsibility for the repair of certain typhoon damaged BRAC properties on Guam, our committee will consider such a request for funds in the fiscal year 1999 appropriations bill.

Mr. UNDERWOOD. Mr. Chairman, reclaiming my time, I thank the gentleman for this clarification. We will work on the issue.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, here is the problem that I see as we go forward with this process. Normally, when we pass a bill, we have a good idea that we will be able to continue the process in the Senate. It is not so late in the year, and if it is, we will pass a bill very similar to the Senate bill.

Now, this bill is so different than the Senate bill, we have a bill here which has a lot less money in it. We have a bill here which, in my estimation, when it is offset from domestic policy, will either assure a veto or, in the end, the Senate will not recognize it.

I just do not see any possibility of this kind of a bill being the end product when it goes to conference.

Now, if we do not accept the amendment that I am going to offer, the recommittal motion I am going to offer, then we have a situation where the Defense Department will not be able to go forward because it will not be assured of a bill happening.

One of the things that has happened in the past, when they are assured of a conference, they can work different departments, they can get money, they can hold back money, and they can work out something to get them through.

But here, they are not going to be able to do that, because they cannot be assured of a bill. Now, why do I say they cannot be assured of a bill?

Let us say that we pass this bill with offsets. Well, in the first place, the White House is against that. We go over to the Senate, we sit down, the Senate adds IMF, the Senate adds UN, and the Senate adds Mexico City.

Now, in my estimation, there is no way that they can come back to the House with a bill the size it is, with no offsets, and pass it in the House, and yet, on the other hand, there is no way we can go to the Senate with all offsets and pass it in the Senate.

So we have got a real problem, which leads me to believe that past history shows that the Defense Department cannot predict that they are going to have a bill. They only have 4 months left in the fiscal year, and the problem we are going to have when you only have 4 months, the Defense Department has to make a decision, how do I find the money to get us through the rest of the year.

All right, we cut back on training, we layoff civilian employees, substantial numbers of civilian employees for 10 or 15 days. We shut down the Defense Department. There are all kinds of options the Defense Department is investigating right now, looking at what we can do in case a bill, which is absolutely the opposite of the bill that is pending in the Senate, it has not passed yet, but it is pending.

We always in the past have been able to work these things out. This is an entirely different situation, which worries me. I am concerned, all of us have been through the committee process, if we pass a bill that is offset with domestic policy, the additional thing we do, we set domestic policy against defense policy, and when that happens we lose.

Mr. Chairman, I would urge Members to support my motion to recommit when it comes up.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise to express my opposition to H.R. 3579 and would like to associate myself with the remarks made by the gentleman from Wisconsin (Mr. OBEY) earlier.

I am in opposition basically because this bill would take away greatly needed funding for Section 8 low-income housing, and take away greatly needed funding for bilingual education. If there is a way to achieve the objective without desecrating our social programs, then so be it. I am opposed.

Mr. Chairman, I rise today to express my opposition to H.R. 3579, the Defense and Disaster Supplemental Appropriations Bill for Fiscal Year 1998.

I join my fellow colleagues in opposition to this bill not because I believe we need not provide our troops with enough resources to succeed, whether it be in Bosnia or Iraq. I oppose this bill not because I believe we need not come to the aid and rescue of our fellow Americans who have suffered as a result of some national disaster. Nothing could be further from the truth.

I oppose this bill because it sets up a framework that takes $2.2 billion in funding from the section 8 low-income housing program; because it reduces funding for the bilingual education program by $75 million. This is absolutely unacceptable to me, to my constituents who reside in public housing and benefit from the section 8 program—a program that is currently underfunded, I might add—and to the legal immigrants who reside in my district and participate in the bilingual education program, which helps them transition into mainstream America.

Mr. Chairman, yes, indeed, this body appears to be revisiting, unfortunately, an all-too-familiar refrain and motif: when confronted with a tough decision, do not follow the dictates of what is fair or equitable; instead choose the path of least resistance. I am reminded of the saying that those who are whipped the easiest are whipped the most often. And, invariably, the target for cuts are those programs that serve public housing residents and benefit our immigrant population. Those groups that do not have an army of lobbyist to argue the merits of their case.

Consequently, I am compelled to oppose and urge my fellow members of Congress to oppose this measure, H.R. 3579, in an effort to restore equity and fairness and a sense of what is right to the decision-making process in this body.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Chairman, I hope today that we will not diminish one of the most successful initiatives that has come from this city in the last 30 years, and that is the President's Corporation for National and Community Service. This legislation today proposes a significant decrease in what has been domestically one of the most successful initiatives that I can recall.

AmeriCorps has served hundreds of domestic violence victims throughout the State of Massachusetts. It has been enormously successful. It seems to me it goes hand-in-hand with what the other side has been talking about for the last decade about personal responsibility, a better and higher sense of citizenship, but, most importantly, and it has been inclusive, it suggested to millions of young Americans that the opportunity for some sort of tuition assistance down the road will be there if they only give back to this Nation the opportunity that the Nation has granted to them.

Mr. Chairman, I would hope that in this supplemental that is being proposed today we would resist any effort along the way to curtail what I think has been an enormously successful Presidential initiative, and that has been the President's proposal for National Service Learning.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman from Louisiana (Mr. LIVINGSTON), our chairman, and the gentleman from Wisconsin (Mr. OBEY).

Mr. Chairman, I stand to oppose the supplemental for two reasons: Number one, we have the kind of sacrifice that we have to make here in the Congress, which says that we know that we need a strong military, we need to strengthen our military, but we also need to take care of the poor. We also need to take care of the housing needs of this country.

I do think that the two of them are compatible, that we can do both, and we should not use this particular bill to try to even things out between the military and the poor people who need housing and who need care in this country.

Mr. Chairman, this bill cuts education, it cuts the National Volunteer Service, it cuts any number of things which mean a lot to us here in the Congress representing all the people.

I say to the Congress we can do both. We need to vote no on this supplemental and go back and do the right thing, separating those two, doing what we should do by the military, and certainly immediately sending emergency assistance to our needy counties and cities.

The CHAIRMAN. The remaining 30 minutes for general debate on title III of the bill is equally divided and controlled by the gentleman from Colorado (Mr. SKAGGS), and a Member who is opposed to title III.

Mr. MURTHA. Mr. Chairman, I am opposed to title III.

The CHAIRMAN. The Chair will confer the time in opposition to the gentleman from Pennsylvania (Mr. MURTHA) given the fact that he is a member of the committee.

The Chair recognizes the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, whether to take this country into war, even a limited war, is a fundamental responsibility of this body, the Congress of the United States. Article I, Section 8 of the Constitution states very clearly that "Congress shall have the power . . . to declare war, grant letters of mark and reprisal."

As George Mason, one of the delegates to the Constitutional Convention observed in debating this provision in 1787, it was meant to "Clog the path to war."

The Constitution is a terribly inconvenient thing. It imposes all sorts of rules that get in the way of this body when we want to run rough-shod over freedom of speech, or in this case, ignore our own responsibilities to make that fundamental decision.

Right now we have a welcome break in the action in the Persian Gulf anyway. Thank goodness we are not now faced with the immediate prospect of offensive military action, and that respite gives us a chance, which I appreciate our having, an opportunity to seize this afternoon to give some considered debate to the responsibilities that we have.

□ 1500

The limitation on funding that is now in the bill, as approved by the Committee on Appropriations, provides that none of the funds in this bill may be used to initiate offensive military action by the Armed Forces of the United States in order to enforce the inspection and destruction of weapons of mass destruction in Iraq. It is carefully drawn to be narrowly limiting only of the President's authority, essentially, to take the country into offensive war. That is what it does.

It is also important to understand what it does not do. That is, it does not impede the continued deployment of troops in anticipation of the possible need for action against Iraq. It does not get in the way of the no-fly rules or any of the other current military operations in the region.

Why do this? It is because we know full well that, while there is a moment now when Saddam Hussein is complying, history instructs us that it is very likely that we will be back soon into a situation in which he is again confronting the international community. And the President has made it very clear that, under those circumstances, he would attack in order to enforce the U.N. inspection regime.

There is never a good time to do this. It is, by definition, only when we are faced with a ticklish international security problem, such as we now face in the Persian Gulf area, that the question comes up.

But, as my colleagues will recall, we had the good sense 7 years ago to make sure that then President Bush sought and received authority from Congress before launching the war against Iraq at that time. The same basic constraints ought to apply to this President in 1998.

Coupled with the sensible judgment that we made 7 years ago to insist on Congress' responsibility under the circumstances that existed then, with a similar assertion in 1998, we have an important opportunity to change the practice that existed throughout the Cold War years in which Congress deferred, I believe inappropriately, to the executive in these kinds of situations.

We should be proud to assume and to assert this most important responsibility that the Constitution gives to the Congress, not to the executive.

Mr. Chairman, I reserve the balance of my time.

Mr. MURTHA. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding me the time.

First of all, I want to thank the gentleman from Louisiana (Chairman LIVINGSTON) and the gentleman from Florida (Mr. YOUNG) for the fine work in this bill.

I rise in strong opposition to section 3002 of the bill, which prohibits the use of funds for military operations against Iraq unless the President gains congressional approval for the use of the military force regarding the compliance with U.N. resolutions relating to inspection and destruction of weapons of mass destruction.

I have opposed President Clinton on the use of military force on many occasions in this House. On this issue, though, I look at this, and as a matter of fact, my opposition has been really on two grounds, one on philosophy and the other with regard to poor consultation with this administration and Congress.

When I think of the President's use of military force, he likes to use our military force in every corner of the world based on some form of moral authority, humanitarian missions, and peacekeeping missions.

When I think of the Skaggs amendment, I believe the amendment of the gentleman from Colorado (Mr. SKAGGS) highlights the very poor consultation that the administration has with this Congress. It is tempting to support the Skaggs amendment. I cannot, because I happen to believe that this is much bigger than Bill Clinton. This, in fact, is about the presidency and its relationship to the Congress. It is a constitutional question, as the gentleman from Colorado (Mr. SKAGGS) just mentioned.

When I think of this question, or any Commander in Chief as such, I believe that the Commander in Chief requires the flexibility to respond to the international crises as they arise.

Congress has only actually declared war five times. There have been many occasions where troops have found themselves in harm's way in response to crises around the world. As a matter of fact, the crises sometimes are immediate and emergent, and the presidency needs that type of flexibility.

Iraq is one area where history shows that a crisis arises unpredictably and on short notice. I do not want to tie a President's hands in a critical area of the world. I believe that could be irresponsible and potentially dangerous.

When I think of about a month ago, when an offensive action was imminent in the Persian Gulf, I was one of the few voices here on Capitol Hill that was asking for a go slow-caution approach, because use of force is a last resort, not a first resort.

When we are operating in the arena of diplomacy, I do not believe we ever want to remove one of the tools from the toolbox. When in fact we are going to say to the world, or in particular to Saddam Hussein, that this President can take no actions unless Congress first responds, just permit the mind to flow and create every imaginable consequence that could arise from a mind like Saddam Hussein's.

As we depart from here for 2½ weeks, anything could happen while we are away. Saddam Hussein, by example, could use weapons of mass destruction against the Kurds or the Shi'ites, permit some type of spraying operation with regard to the spores of anthrax in that part of the world. As the winds swirl, they could find their way into Kuwait, and this President might want some form of an immediate response.

I know the gentleman from Colorado (Mr. SKAGGS) could possibly, and I am not going to argue for him, he is very capable of doing that, but I think he put it in some kind of Dear Colleague that the President could call the Congress back into session. How realistic is it that he would do that? How often does that happen?

I really do like the flexibility on the part of the Commander in Chief to respond, especially to stand up against someone like Saddam Hussein. For us to somehow tie his hands to respond would be very poor. I do not want to do that.

What I want to share with my colleagues is, and I know I am fighting with my own temptation to support the gentleman from Colorado, but this issue is much bigger than this President. It is about the relationship between this Congress and the presidency.

Now the United States, as we find ourselves the sole remaining superpower in the world, many nations of the world look to us for their immediate consultation. Whether it is a consultation, counsel, support, the President needs the ability to respond. When there is a problem anywhere in the world and that commander goes to the President of the United States for any type of support, he needs that ability to respond.

The Congress, all of us, and there have been many debates over the past years about the use of force and Congress' prerogative. We control the pursestrings. We have those debates.

I think every Member of the Congress, if it came down to a sustained offensive military operation in Iraq, would require a vote here on the House floor. But when it would be responding, whether in self-defense or in response to Saddam Hussein's bizarre behavior, this President needs the flexibility to respond.

Mr. SKAGGS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Louisiana (Mr. LIVINGSTON), chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I want to commend my friend, the gentleman from Colorado (Mr. SKAGGS) for his initiative at putting this in the bill. I certainly believe it is in the best interests of this body to maintain the provisions in the bill, and hopefully we will keep it in throughout the duration of this supplemental appropriation.

The fact is, in 1991 we had an incredibly wonderful debate, an intense debate, a debate that strongly divided parties on both sides, as to whether or not we should go to the initial battle against Saddam Hussein, whether or not we should commit thousands of troops, along with the troops of many other countries to battle what was then the fourth largest army in the world.

By a somewhat narrow margin, the House and the Senate agreed that we should go forth. In fact, we did, and we had one of the most lopsided victories in the history of American warfare; in fact, in the history of world warfare. It just strikes me that here, some 7 years later, it is not any less important an issue that should be debated between the Members of Congress, members of all parties, all philosophies, and both Houses.

I am very concerned today, as I was a few months ago, when it looked very much like we were going to commit lots of American men and women in uniform to the potential of losing their lives in battle against the new Iraqi threat, but under the leadership of the same despot, Saddam Hussein.

We might well have brought about the death of tens of thousands of Iraqi citizens, and we might well have earned for ourselves the enmity of the entire Arab world. All of that would have been possible, and maybe it was for a good cause. Maybe it was necessary, but then again, maybe it was not.

The fact is, it would have been done without so much as a "by your leave" in Congress. This is a momentous issue. We debated it well 7 years ago. We should debate it equally well today.

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the fallacy I see in the argument that both gentlemen are making is that we have forced Saddam Hussein to back down. Our inspectors are doing their work, and at a critical stage in the inspection process where half of it is over, we are saying to Saddam Hussein, okay, Congress is going to have to vote on this issue. We voted in 1991.

Members know, I led the fight on the Democratic side for going to war, and I believe very strongly a President should come to Congress to get authorization. I believe he still has authorization to go to war. I do not think, in this particular situation, there is any need for the Congress to act again on something that is clearly in our national security interest.

There are deployments Presidents have made I have disagreed with, that I do not believe were in our national security interest. I believe this is in our national security interest. More than half the energy resources in the world are in this area. It is absolutely essential we have stability. We need to react timely in order to prevent a war.

What happened the last time is when the United States had to react, he had to react immediately. He sent in the 82nd Airborne right before the marines. He sent in the marines. He sent in the air wing. They could have run over us, but because of the force of the United States, because the President of the United States acted, we were able to stop him from going into Saudi Arabia.

I am absolutely convinced, though, if he thought Congress was going to wait, and he was convinced Congress was going to vote against going to war. It is very easy now to say Congress passed a resolution to go to war, but let me tell the Members, in those days President Bush withstood tremendous pressure. He did a phenomenal job in getting that authorization passed. It was bipartisan, but it was obviously a very difficult debate.

So I think the timing is terrible. I know the President will veto this bill. There is another reason for him to veto this particular bill, if this provision is in this piece of legislation. So I would hope that the Members would think very clearly, they would listen to this debate, and then when it goes to conference, that we will be able to get this amendment removed so we can go on with our business, if this gets to conference.

Mr. SKAGGS. Mr. Chairman, I yield 1 and a half minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I give high commendation to my colleague, the gentleman from Colorado, for bringing this to the floor.

Two arguments have been made against what the gentleman has achieved. I wish to respond to them. First, to the gentleman from Pennsylvania (Mr. MURTHA) that the authorization to go to war passed in 1991 would still apply today, it does not. Today we are discussing the use of force in response to the failure of Saddam Hussein to allow inspection of his mass destruction weapons facilities, which occurred after we drove him out of Kuwait. Logically, this could not have been anticipated at the time of the 1991 vote. I was here. I voted yes then, as well. But we had no consideration then of force to terminate weapons' programs.

It would be as dangerous to say that the 1991 authorization applies today, as it was to say that the Gulf of Tonkin resolution gave approval for everything that followed in Vietnam. We must be careful in what we approve. We were careful in 1991, so that the men and women in our armed forces whose lives are at stake might know what their representatives have approved. And that was not an unbridled authorization for action seven years later.

The argument of the gentleman from Indiana, that because of this provision, the President will not be able to respond to Saddam Hussein's use of anthrax, is absolutely false. The ability of the President to respond to such an attack would be constitutionally possible, and also financially possible under this provision, simply by using money in the general Defense Department budgets.

The only effect of the restriction of the provision by the gentleman from Colorado (Mr. SKAGGS) is that funds used in this supplemental may not be used for the purpose of enforcing the U.N. inspections regime, without getting the approval of Congress. There is no restriction on responding to an attack upon the United States' interests or people, including the hypothetical case of Saddam Hussein's use of anthrax.

□ 1515

I conclude by saying I have done my very best to attempt to bring back to Congress the authority the Constitution gives and requires of us. Let us not let it slip through our hands once more. Let us instead stand up for our obligation under the Constitution.

Mr. MURTHA. Mr. Chairman, I reserve the balance of my time.

Mr. SKAGGS. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I want to thank the gentleman from Colorado (Mr. SKAGGS) for his amendment which puts into law our joint resolution, of which he is one of 108 cosponsors, to require just this.

Mr. Chairman, I wanted to mention in just the few moments I have, not only does Article I, Section 8 of the Constitution apply, but also Article II, Section 2, where it says the President shall be Commander in Chief of the Army and the Navy of the United States and the militia of the several States, when called into the actual service of the United States. It is the Congress that does that. After they have been called into service, the President is then the Commander in Chief.

This is a good amendment. It needs to stay in the bill.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman from Colorado (Mr. SKAGGS) for yielding me this time, and I appreciate very much his work in this effort.

Mr. Chairman, this is a very important part of this legislation. This is not BESTEA, but it is "best part." By far Section 3002 of this bill is the best part of this entire bill. The only thing I would like to add is that the money being spent in Bosnia and Iraq, $1.8 billion, should not be spent there either, because I am frightened that we will put our men in harm's way and then a situation will occur, and it will be virtually impossible for the Congress to turn down acceleration and amplification of the conflict over there.

Mr. Chairman, it has been stated that only five times we have declared war in our history. True. But who is going to stand here and say that men that died in Vietnam and in Korea were not in a war? They were illegal. They were unconstitutional. This is a very sound effort to bring back once again the constitutional responsibility of all of us to declare war, and only Congress can do that.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, this is very difficult for me, because there is nobody on the other side that I respect more, and he knows I speak that from my heart, than the gentleman from Pennsylvania (Mr. MURTHA). The gentleman from Indiana (Mr. BUYER), who is a veteran, I have a lot of faith in.

Mr. Chairman, I soul-searched this very issue myself, and the bottom line is it is our responsibility as Members of Congress, and I think that is where the line splits.

We have a responsibility. It is difficult for me to blast the White House on getting us into the Somalia extension, putting us in Haiti against Congress, and putting us in Bosnia, arming the Muslims against the wishes of Congress and putting up billions of dollars, and then come out in support of this bill that does those very same things. This makes Congress uphold its responsibility, and I think it is very, very important that this debate is going on.

President Bush came to Congress and asked Congress to vote on this. President Clinton never does that. He just goes ahead and does it. In the case of Somalia, as we downsized, we denied armor, the White House denied armor to them and we lost 22 Rangers. In the case of Haiti, and especially in Bosnia where we are arming the Muslims and there are 10,000 Mujahedin and Hamas there, that is going to cause in my opinion World War III.

So with bad decisions on foreign policy and military deployment, and when we are operating at 300 percent the OPTEMPO and killing our military, we need this amendment and I ask my colleagues to support it.

Mr. SKAGGS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. KAPTUR), also a member of the committee.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Colorado (Mr. SKAGGS) for yielding me this time, and I want to lend my strong support to the Skaggs provision in the bill, though I will oppose final passage of the bill because it puts the costs on the backs of the elderly and Section 8 contract renewals across this country.

Mr. Chairman, I support the Skaggs provision completely, and just wanted to say for the record how heartily I congratulate the gentleman. I also want to say to the gentleman from Pennsylvania (Mr. MURTHA), my good friend, as well as others on the committee who may not agree with us, when I was first elected to Congress, having been a child of the Vietnam era and watching my friends shot to death and come home dismembered and so forth, I made a promise that I would never be a part of a Congress that sent our troops into battle without a vote.

I think all of us understood what that war did to this country, dividing us even until today. Many high level elected officials, sometimes rising as high as the Presidency of the United States, not wanting to reflect on that experience, still being afraid of it and all the feelings that it dredges up. 50,000 people killed in Vietnam, over 54,000 since that time by death through suicide. It was an experience that none of us alive today should ever forget.

Mr. Chairman, I decided I could never be here and allow that type of backdoor war to occur again. And yet I experienced the Persian Gulf buildup as a Member of this Congress and was a party to a suit filed by 52 colleagues to force President Bush to come to this Congress. There was no prouder moment. Judge Green said in his ruling when we went to court that the Court had no hesitation in concluding that an offensive entry into Iraq by several hundred thousand servicemen could be described as war within the meaning of Article I, Section 8, Clause 11.

I think that this Congress has no more serious constitutional responsibility and obligation than to vote on any offensive military action. I want to say to the gentleman from Colorado, I really congratulate him in his closing months here as a Member of the House for having the courage to bring this up and having this country and its people meet its constitutional obligations.

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. MURTHA) for yielding me this time, and I want to make sure that Members understand we are not talking about an amendment. There is not going to be a vote on this issue today. This question has been presented to me several times. This is in the bill.

As much as I agree with the comments being made by the gentleman from Colorado (Mr. SKAGGS), and those who support him, and I did not object to this being put in the bill in the full committee, I have to tell my colleagues that this does not solve the problems that the gentleman is talking about. This is very narrow. It goes only to the issue of Saddam Hussein's unwillingness to stay with the agreement that he has made now as far as inspection of his weapons cache.

Mr. Chairman, as the gentleman from Louisiana (Mr. LIVINGSTON) said, rightfully so, this is a monumental decision. Others have made similar statements. This is extremely important. It deals with the constitutional relationship of the Congress vis-a-vis the President of the United States, that is true. This Congress needs to address these issues, but not in a supplemental.

Mr. Chairman, a supplemental appropriations bill is not the place to solve this problem. Congress needs to address this issue full up, head on, to debate a revision or a reconsideration of the War Powers Act to properly establish the role of the Congress in the deployment of U.S. troops.

This amendment or this language today does not affect Bosnia. It does not affect Haiti. It does not affect anything else in the Iraqi area. It only affects that one very narrow circumstance.

So let us set aside some time for this Congress to establish once and for all what the proper relationship is of the Congress and the President before American troops are deployed to an area of hostility, before we get the bill to pay for these operations, despite the fact we had nothing at all to do with the decision to make those troop deployments.

Let us not be sending American troops all over the world unless Congress is a player and unless there is a darned good reason to do it.

The CHAIRMAN. The gentleman from Colorado (Mr. SKAGGS) has 2½ minutes remaining, and the gentleman from Pennsylvania (Mr. MURTHA) has 5½ minutes remaining.

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me stress the fact of why this supplemental is so important in the overall context of what we are talking about. The gentleman from Florida (Mr. YOUNG), the chairman of the committee, said there is no amendment before the committee. But what will be before the Committee very shortly is a motion to recommit this bill. And the reason I think it is important to look at it, I just have been trying to find out what is the Defense Department all about? What is it trying to do and what is it looking at as far as what will happen if this recommittal motion does not pass, and why?

Now, I explained earlier this bill will be so different, if it is offset, than the bill in the other House. Here is what they are considering: Laying off substantial numbers of civilian workers, because they are not sure that there will finally be a final resolution of the bill; furloughs at Defense bases across the country; they are also talking about delays in promotion, delays in moving families, and training cutbacks throughout the entire Defense Department.

The thing that worries me is that if this bill passes with offsets, we are talking about a stalemate between the House and Senate. We are talking about substantial disruption of the Pentagon's ability to operate because it is so late in the year. And when I offer the motion to recommit, I hope the Members will consider the fact that the motion to reconsider will only strike the domestic offsets, and immediately we can report the bill back without the offsets. Then the Defense Department can go forward without these offsets which destabilize the Defense Department

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, the gentleman from Pennsylvania (Mr. MURTHA) has read off a litany of terrible things that would happen if the Defense Department did not get the funds that have been allocated in this bill by a certain time. Would the gentleman tell me when that time might be?

Mr. MURTHA. Mr. Chairman, reclaiming my time, I will tell the gentleman here is the problem. As he knows, in the past when we have come to the floor with supplementals, the Defense Department knew that the Senate and the House were very close in the versions they were going to pass. Here we are talking about two versions which are so different, and the addition of IMF and the U.N. and the Mexico City language, and the fact that the President will veto it if the Skaggs provision is in the bill. They are not sure they are going to get a bill.

So by March 31, which is today, they are in serious planning right now. And if this bill passes with the offsets, they say that they will have to take some of these steps in order to protect themselves.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman would continue to yield, I would have to tell the gentleman that the Defense Department has not made the first suggestion to me that they need any money immediately. I would expect if they did not get the money by May, that that certainly would be the case. But I would think if things were that dire, that they would have contacted the chairman of the Committee on Appropriations and let him know.

Mr. MURTHA. Mr. Chairman, I do not mean to mislead the chairman of the Committee on Appropriations. I am not saying if they do not have the money. I am saying that they had no way of knowing what the supplemental was going to agree with. Until last week, all of us thought it would come out of committee with no offsets and then we would decide the issue on the floor.

So the Defense Department was in the unenviable position of not thinking that we were going to have the offsets and they also thought that bills might be put together. They did not face this thing until over the weekend, and I started to nose around and this is when I found out that this is a problem.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman would yield, finally I would tell the gentleman that it is my expectation that by the third or fourth week in May that this bill is going to be on the President's desk, and I would certainly hope that he would sign it if he is as concerned about the problems as the gentleman has described, as I am.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I say to the gentleman from Louisiana (Chairman LIVINGSTON), my friend, I tell him honestly that I have heard him say that before. He said it on the emergency bill that we had for the flood victims in the Midwest. The gentleman has said it before in terms of the budget and the shutdown of government.

The fact of the matter is this President believes he is part of this process and he believes that there are certain things he will not accept. We understand that. And I agree wholeheartedly with the gentleman from Florida (Mr. YOUNG) who said some of these items, yes, they ought to be debated in a larger context, but not on an emergency supplemental.

The gentleman from Louisiana (Chairman LIVINGSTON) himself was for not having offsets, and I agreed with him on that. This is important and ought to pass as quickly as possible. And to facilitate that, we ought to take these extraneous issues, bring them on the floor, put in a day or two of debate. We certainly have not used much time in the last 90 days. We would have time to debate.

Mr. Chairman, I will tell the gentleman from Pennsylvania (Mr. MURTHA), ranking member of the Subcommittee on National Security, I intend to enthusiastically support his motion to recommit because I think it is the right way to go to get this critical bill through in a timely fashion.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I would point out that this gentleman shares the concern of the gentleman from Maryland (Mr. HOYER) about extraneous issues. That is why we divided the U.N. arrearages, the IMF, and the abortion lobbying restrictions and put them on a different bill.

□ 1530

Mr. SKAGGS. Mr. Chairman, I yield myself the balance of my time.

I have been criticized with regard to the reach of the language that is in the bill, section 3002, by the gentleman from Indiana (Mr. BUYER) as being too broad so as to tie the President's hands. The gentleman from Florida (Mr. YOUNG) seemed to suggest that it was too narrow, that we did not tie them quite enough. I figure I must have it about right if I am getting criticized from both sides on this.

If the President would merely pledge that he would come to Congress for a vote before initiating offensive action against Iraq, should that again become necessary, we would not have to do this.

The problem is the President of the United States has asserted, wrongly, I believe, that he has all the authority he needs now to launch an offensive war against Iraq if circumstances dictate.

I think that is wrong on the facts. It is certainly profoundly wrong on the Constitution.

We can get no better instruction in what our role in this ought to be than to listen to the voice of the one person who had more to do with drafting the Constitution than anyone else: Mr. Madison.

This is what James Madison said, "In no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature and not to the executive department. The trust and the temptation would be too great for any one man." Including President Bush; including President Clinton.

The issue here is not whether we should be consulted in a Presidential decision. The question is the extent to which we will consult with the President in what is our decision. We should not defer, the Constitution does not give us the power to pass this responsibility to anyone else, including the President of the United States.

I appreciate my colleagues' participation in this debate on this very important matter. I just wish that we could have a vote so that the gentleman from Louisiana (Mr. LIVINGSTON) would take the views of this House to conference with him to reinforce what I hope is his intention to keep this provision in the bill.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding to me. I wanted to thank him for reading from James Madison. That is what I was trying to say, but I would have to admit and concede that James Madison said it far more eloquently than I did.

But we are saying the same thing. Congress and the President have proper relationships that must be better defined for all of us.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman.

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the rule.

If there was any question about the fairness of determining important items for floor consideration after yesterday's treatment of campaign finance reform, the House is now assured that even matters concerning disasters and spending for crucial military operations will be dealt with in a partisan manner.

First, despite a number of worthy amendments offered by Democrats, the Rules Committee chose only to adopt and consider Republican amendments. There is one exception—the Skaggs amendment—but the Rules Committee takes the tack that a Democratic amendment adopted unanimously by the Appropriations Committee should be debated again so that newly-found opponents can be given a chance to strike it.

Otherwise, the Rules report consists only of Republican amendments. Yet it still doesn't given the House a full debate and vote on those amendments. In fact, three amendments are just considered adopted.

One is a parochial amendment by Mr. HASTINGS—who just happens to be a member of the Rules Committee.

A second amendment is the McIntosh/Neumann "sense of the Congress" amendment about spending offsets for emergency supplemental appropriations bills. However, nowhere in this rule may Members actually offer additional offsets, or can the House make adjustments to the offsets that have been served up, or can the House consider the question of whether offsets should be required at all.

That leads us to the third amendment—the Tiahrt amendment—which changes the offsets approved by the Appropriations Committee just last week.

I disagreed with the offsets that were offered by Chairman LIVINGSTON last week, and I voted against the bill as a result. But I believe that once the Appropriations Committee has made such a decision, it shouldn't be changed by a self-executing rule served up by the Rules Committee.

Why can't Mr. TIAHRT bring his amendment to the floor for debate? Or why didn't he bring it to the Appropriations Committee, of which he is a Member? During our debate last week, Mr. TIAHRT didn't breathe a word about his objections to the Airport Grants In Aid rescission. In fact, Mr. TIAHRT didn't even propose the amendment approved by this rule. The amendment offered to the Rules Committee by Mr. TIAHRT would have replaced the Airports rescission with a rescission from the GSA building repair account.

But the Rules Committee, in their wisdom, straightened Mr. TIAHRT out, and made him realize that what he requested wasn't really what he wanted at all. The Rules Committee decided that Mr. TIAHRT really wanted to take additional rescissions out of Section 8 housing—he just didn't know it.

Finally, I have to protest the ill treatment given to Mr. WALSH and Mr. SOLOMON and New England Members in the manager's amendment. Why weren't these Members included in the self-executing rule? What does the leadership have against these champions of assistance to New England? Why are they singled out for 10 minutes of actual debate and a vote on their meritorious amendment? Only the Republican leadership knows for sure.

Unfortunately, the House will never know what it is missing today. Democrats proposed some good amendments to this bill—amendments and policy questions worthy of consideration by this House.

I proposed an amendment to the Rules Committee myself concerning the way USDA's Non-insured Crop Assistance Program—a disaster program of last resort—was working against farmers in California and other parts of the country who had suffered 80- to 100-percent agricultural losses, but happened to live in counties that had not experienced 35-percent losses county-wide.

I'm particularly disappointed that the Rules Committee did not make it in order because the Chairman of the Appropriations Committee had indicated a willingness to have my amendment considered today. I proposed it at the Appropriations Committee but withdrew it at the chairman's request, pending its scoring by the Congressional Budget Office.

As expected, CBO determined my amendment had a spending impact. However, the Rules Committee never set conditions for proposed amendments to this bill. I believe the House should have had the opportunity to decide whether my amendment was worthwhile and to be given the opportunity to determine offsets if offsets were believed to be warranted.

But I'm not the only Democrat left in the lurch.

Mr. MURTHA proposed an amendment to strike the offsets.

Mr. OBEY proposed an amendment to link the Administration's entire supplemental request in one bill, just as the Senate has done. Mr. OBEY also proposed an amendment to include the Administration's $1.8 billion request for the Federal Emergency Management Agency (FEMA). Instead, in a somewhat contradictory fashion, the House will act on an emergency bill that contains no funds for the emergency agency.

Ms. CLAYTON proposed an amendment matching a Senate provision clarifying "debt forgiveness" for USDA loans. This is an important issue that has never been debated by this House. And the effect of ruling Ms. CLAYTON's amendment out of order is that it won't be decided by the House, but will be decided instead by a handful of conferees.

In short, this rule is a sham. It turns upside down the notion that Members with legitimate amendments will get a fair hearing from the Rules Committee or that major policy issues on perhaps the most crucial function performed by the House—appropriations—will be debated and decided on the House floor.

I'd ask my Republican colleagues to join us in opposing this exercise in unfairness, but then I remember that members of the Appropriations Committee have been threatened with removal from the Committee if they don't go along with the leadership's strategy on this important bill. I can only imagine what will be done to those Republican Members not on the Appropriations Committee. They are likely to be drawn and quartered, or perhaps even worse—left out of the next self-executing rule.

I urge my colleagues to oppose the rule.

Mr. ALLEN. Mr. Chairman, I rise today in strong support of the manager's amendment to supplement the community development block grant (CDBG) Program by $20 million. While I regret that the offset comes from section 8 housing, the Northeast needs CDBG funding to recover from the aftermath of ice storm 1998.

In January, Maine was hit by the worst natural disaster in its history. Heavy ice accumulation—up to five inches of ice—snapped utility poles in two. Two million feet of cable line, 2,600 utility poles, and 1,500 transformers were replaced. Roughly 649,000 customers—half of the population of Maine—were out of electricity in the dead of winter. For some rural areas, it took three weeks for electricity to be restored.

When Vice-President Gore visited Maine after the first of two ice storms in January, he said that it looked as if a neutron bomb had hit Maine—the people were fine, but the utility infrastructure had been destroyed. The cost of repairing the electrical infrastructure in Maine was $81 million.

The Federal Emergency Management Agency (FEMA) has identified utility costs as a major unmet need. In the President's action plan for recovery, the CDBG Program is cited as one that can supplement other Federal assistance in repairing and reconstructing infrastructure. 24 CFR §570.201(1) provides that CDBG funds may be used to acquire, construct, reconstruct, rehabilitate, or install the distribution lines and facilities of privately-owned utilities.

Supplemental CDBG funding is critical to address needs stemming from the ice storm that devastated Maine and the other Northeastern States. Without the additional CDBG funding, our residents would bear much of the high cost of this natural disaster. That would be unfair. Mainers have paid their fair share over the years to defray the costs associated with other natural disasters.

I commend Chairman LIVINGSTON's recognition of the need for additional funding for the CDBG Program. FEMA recognizes that there are unmet needs related to the ice storm and that the CDBG Program can address these needs. I urge my colleagues to support this amendment.

Mr. PAUL. Mr. Chairman, I rise in opposition to H.R. 3579, the Emergency Supplemental Appropriations Act, a bill to further fund, at the expense of airports and Section 8 Housing Assistance, the unconstitutional effort to "police the world." Having submitted amendments to the Rules Committee to defund the "police the world" aspects of this bill only to be denied in the Rules process, I must oppose final passage of this supplemental Appropriations bill.

One of the truly positive aspects of H.R. 3579 is Sec. 3002 stating that "none of the funds appropriated or otherwise made available by this Act may be made available for the conduct of offensive operations by United States Armed Forces against Iraq for the purpose of obtaining compliance by Iraq with United Nations Security Council Resolutions relating to inspection and destruction of weapons of mass destruction in Iraq unless such operations are specifically authorized by a law enacted after the date of the enactment of this Act." This language is virtually identical to H.R. 3208, a bill I introduced in February of this year to require Congressional consent prior to any offensive attack by the United States on the Republic of Iraq.

Unfortunately, Congress has refused to acknowledge anytime recently that the proper and constitutional role of the U.S. military is to provide for the national defense and not the security of all foreign entities against attacks by all other foreign entities. It was for this reason that I submitted amendments to defund the military appropriations in H.R. 3579. The proper amount of appropriations for unjustifiable United States peacekeeping missions around the world is zero. Instead, this bill rescinds funding from domestic programs such as airport funding to be spent on our "police-the-world" program.

It has become the accepted political notion in this century that war is a Presidential matter in which Congress may not meddle, and certainly never offer dissenting views. Yet, no place in the Constitution do we find a presidential fiat power to conduct war. To the contrary, we find strict prohibitions placed on the President when it comes to dealing with foreign nations. The Constitution is clear: No war may be fought without a specific declaration by the Congress.

I, in fact, introduced H.R. 3208, in an effort to protect US troops from unnecessary exposure to harm and to stop President Clinton from initiating the use of force in the Persian Gulf. As a former Air Force flight surgeon, I am committed to supporting troops and believe the only way to completely support soldiers is to not put them in harms way except to defend our nation. Of course, those drumming for war say they want everyone to support the troops by sending them into battle: a contradiction, at best.

There is absolutely no moral or constitutional reason to go to war with Iraq or further intervene in Bosnia at this time. To go to war to enforce the dictates of the United Nations, or to play the part of 'policemen of the world,' offends the sensibilities of all who seek to follow the Constitution. I refuse to participate in (or fund) an action which would possibly expose even one soldier to risk when there is absolutely no immediate threat to the territory of the United States.

For these reasons I must oppose this bill which provides additional funding for exactly these purposes.

Mr. EVERETT. Mr. Chairman, I rise in strong support of this emergency supplemental appropriations bill. The Nation has two compelling needs that warrant immediate attention by this Congress. First, the Clinton Administration's foreign policy has launched our military to the four corners of the world without the appropriate funding to conduct these missions. Whether or not you support the Administration's policy in Bosnia or Southwest Asia, we must give the men and women in uniform our full support. The defense budget has been in great decline for 13 consecutive years, and cannot sustain the continual drain of these types of forward deployed operations without sufficient funding. In the past, the costs associated with these operations were taken "out of hide" by raiding the readiness accounts. Unless we provide DOD with an additional $2 billion for these operations, our military leaders have testified that all training will be halted during the fourth quarter to pay for the Administration's foreign policy forays. That is unacceptable, so we must move expeditiously with this appropriations bill.

Secondly, and most important to many of my constituents in southeast Alabama, is the $175 million in disaster assistance funding included in this legislation. Just three weeks ago, a large portion of my district, encompassing 12 of the 15 counties, have been declared a disaster area due to extreme flooding from the El Nino rains. One city in particular, Elba, was especially hard hit when a levee breached, resulting in two tragic deaths. The entire town was submerged in six feet of water, and displaced 2,000 residents.

The State is still in the preliminary stages of making final damage assessments, but it's clear that, in addition to the loss of personal property, serious road, bridge and railroad damage has resulted from this flooding. I'm pleased that the committee has made additional funding available for the emergency relief program to repair damaged highways and rail lines. The Administration has sent up an additional request for 1.66 billion for future and unmet FEMA requirements, which I understand will be dealt with during the House-Senate conference. This FEMA funding will go along way in helping with their much-needed individual and family grant programs, relocation assistance and disaster mitigation plans.

Prior to the flood, area farmers were also experiencing problems with the heavy rains that prevented necessary field preparations for this crop year. To add insult to injury, these heavy rains follow on last summer's drought that greatly reduced our farmer's crop yields. The bill provides additional funding for USDA's Emergency Conservation Program, Agricultural Credit Insurance Fund Program, Livestock Disaster Assistance, and Watershed and Flood Prevention Operations. Our farmers do a great job in providing the United States with the cheapest and most plentiful food supply in the world. The least we should do as a National is make these assistance programs more readily available to our farmers to help mitigate damages from natural disasters.

Mr. Chairman, I applaud the Committee's work on this bill and urge its immediate adoption.

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I rise to speak about a subject that is very much on people's minds these days. That is, the upcoming sale of oil from the Strategic Petroleum Reserve for budgetary purposes. This past week there have been articles and editorials in newspapers across the country from places as different as Chicago, New Orleans, Syracuse, and Dallas noting the foolishness of the sale this Congress authorized last fall.

For the past three years, Chairman BLILEY and I have stood on this House floor and opposed sales of oil from the Reserve as a means of raising revenues. I opposed these sales first and foremost because of their impact on our energy security. Diminishing the Reserve which we paid such a dear price to create, over $21 million, will increase our vulnerability to those who would hold this nation hostage by withholding critical oil supplies.

Second, it has never made any fiscal sense to buy high and sell low. We have spent over $35 in purchasing and maintaining every barrel of oil in the Reserve. When the upcoming oil sale was approved last year I criticized it because it looked like the government was going to lose $10 per barrel sold. Now that oil prices have dropped that oil will be sold at a loss of nearly $20 a barrel and people are starting to wake up to the folly of their actions. As Charles Osgood is his Osgood File noted last week "This is what you call being penny-wise and pound foolish. Its what you call being short-sighted. It's what you call being dumb."

Finally, I would like to point out that an oil sale of nearly 20 million barrels will be devastating to a domestic oil industry that is already almost decimated by low oil prices. Instead of hurting our industry by adding to an already glutted market, we should be taking advantage of today's low prices to help ourselves by purchasing oil.

Mr. Chairman, I don't have an amendment to offer today, but I know that language striking the sale is in the companion bill considered by the other body. I would urge the

House to accept such language when we go to conference on these bills.

I also hope that we learn from the consequences of our actions and hope that this year we finally end the practice of selling our energy security at bargain basement prices so that we never find ourselves in this situation again. As was stated in the Chicago Tribune editorial this past Sunday, "Selling the oil into a flooded market at what amounts to a half-off price is just plain nutty."

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am rising today to speak in opposition to this poorly crafted emergency supplemental appropriations bill being presented before us today. The fact of the matter is that this bill as it stands, would callously harm the most vulnerable members of our society, and do so, for what? Why must this Congress make a mutually exclusive choice between on one side, our troops overseas who need our support and those who are suffering as a result of natural disasters, and on the other side, several essential programs that were funded in last year's balanced budget agreement.

This bill, as proposed, would cut nearly 2 billion dollars from section 8 funding for elderly and low-income housing, 75 million dollars from bilingual education programs and effectively terminate the AmeriCorps program. Frankly, this is an unacceptable assault on several currently funded Federal programs both without any demonstrated cause or fair warning.

Although I think everyone knows how I feel about this, I will state on the record anyway that I fully support and appreciate the difficult duty that our Armed Forces have been asked to perform overseas. I do not take that duty for granted, and cherish their bravery in the face of danger above all else.

Nevertheless, we can not harm a delicate balance of important domestic interests just because we are either in a rush to fund our troops' activities abroad or because we have ancillary political and partisan interests at stake in the cuts made by this bill. Honestly, either reason is an unacceptable motive for robbing hundreds of thousands of Americans of the opportunity to have adequate shelter over their heads.

I have made a good faith effort to relieve the unnecessary pressures of this difficult "either-or" choice by offering two wide-sweeping amendments to this supplemental appropriations bill. These two amendments would do the following, one would restore the 1.9 billion dollars for elderly and low-income section 8 housing stricken by the bill, and the second amendment would reauthorize the AmeriCorps program. Both of these amendments would at least minimize the unjustifiable harshness of this hurried piece of legislation.

If we are going to make drastic changes in the current appropriations for a host of Federal programs, let's do it aboveboard. Let's address each of these programs specifically, and not destroy these programs under the guise of essential military and disaster relief spending. For these reasons, I oppose this emergency supplemental appropriations bill unless significant changes are made.

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to H.R. 3579. This House has a responsibility to help those affected by the terrible El Nino-driven rains and midslides in the West, ice storms in the Northeast, tornadoes, floods and other natural disasters. We have a very real responsibility to our troops in Bosnia and the Persian Gulf. However, we cannot abandon our responsibility to protect the most vulnerable members of our society. I am appalled that Republican leaders plan to offset disaster and emergency assistance with cuts in programs that will hurt the elderly, children and low-income Americans.

I am disappointed I am being forced to vote against funding for disaster assistance. However, we cannot kowtow to another Republican maneuver to rob from the poor to protect the interests of the rich. The spending cuts that Republicans have demanded are targeted on the most vulnerable in our society. These cuts will force more than 800,00 low-income Americans from their homes, including more than 100,000 older Americans. I cannot support such drastic cuts to our Section 8 low-income housing program. I will not be a party to evicting almost a million Americans from their homes.

These offsets—which drastically cut or eliminate important safety-net programs—are being offered up by the same Republican leaders who want more tax cuts for the rich. We should be closing corporate loopholes rather than closing off opportunities and programs that provide a lifeline for the poor and vulnerable in our society. If we would end just some corporate subsidies we could ensure that our military troops overseas and those impacted by natural disasters here at home will receive the assistance they need. They deserve no less.

I urge my colleagues to reject this bill. We should send this bill back to the Committee to find offsets that do not compromise the health, safety and well-being of the most vulnerable in our society.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of H.R. 3579, the FY 1998 Emergency Supplemental Appropriations Act.

First, this bill meets our obligations to our young men and women who are serving our country in our Armed Forces halfway around the world—in Bosnia and the Persian Gulf.

It should be noted that this Administration, knowing full well that our troops would remain in Bosnia long after their promised departure date, failed to request funding for that mission for the full fiscal year. That, Mr. Speaker, is unacceptable and with this bill we in Congress will provide the necessary leadership to meet those commitments.

Second, with this bill we are responding to the needs of families and communities here in the United States that have been devastated by flooding, tornadoes and other natural disasters.

With this bill, we are also keeping our commitment to pay for this added spending and we are meeting our obligations under the Balanced Budget Agreement.

I urge passage of the bill.

Ms. DELAURO. I rise in strong opposition to this bill. Once again, emergency funds are being held hostage by an extreme Washington political agenda.

The President and Congressional Democrats proposed passing one single bill with funds for families hit hard by natural disasters, for our troops stationed in Bosnia, and for the businesses weathering the Asian financial crisis.

Instead, my Republican colleagues have chosen to play political games. They have coupled money for rebuilding communities hit by El Nino, keeping Saddam Hussein in check, and preventing the former Yugoslavia from flaring out of control with almost $3 billion in unnecessary cuts in housing, education, and community services. Why? To force the President to veto this bill with its urgently needed funds.

By playing politics, my colleagues in the majority are holding America's national security—at home and abroad—hostage. This is no time to play politics. People are suffering. American families' futures are in jeopardy.

I urge my colleagues to vote against politics as usual. Vote against this bill.

Mr. UNDERWOOD. Mr. Chairman, I rise today to discuss the federal response to natural disasters, particularly as it relates to the recent devastating storm which hit Guam. Last December, Supertyphoon Paka, with winds gusts of about 200 miles per hour, damaged about 70 percent of the homes, toppled concrete telephone poles, damaged much of the island's infrastructure, and caused thousands of people to be homeless.

The Federal Emergency Management Agency, the Small Business Administration, and other federal agencies responded to the immediate needs of the people of Guam, with emergency food and shelter, individual and family assistance, the clean-up of debris, and temporary unemployment assistance. While we appreciate the immediate federal response, the devastation is such that the ability to address the long-term recovery needs is beyond the capability of the Government of Guam.

On behalf of my constituents, I want to express my deep disappointment that Guam's needs as a civilian community were not addressed in the President's submission in this disaster bill. To be sure, there is proposed funding for the repair of military facilities in this submission and I certainly support this. However, the needs of the people of Guam for housing and repair of economically vital facilities like the Port have not been included.

Guam estimates that 5,774 houses were damaged by Typhoon Paka, of which 1,716 received major damages and 1,284 were totally destroyed. The individuals whose homes were damaged or destroyed applied for SBA loans. Many of those loans were approved; however, many families fell through the cracks. Families who were denied SBA loans returned to substandard houses or to rebuilt wooded or tin structures. The Government of Guam estimates that 759 families, fifteen percent of the total households that were damaged, are now living in substandard housing. Many of those who continue to be homeless are now residing with relatives until they are able to rebuild their homes through whatever means possible.

I am hopeful that Guam's request for disaster housing assistance can be addressed by the conferees or dealt with by the Department of Housing and Uban Development in its regular appropriations process.

I have also written to the members of the Appropriations Committee requesting supplemental funds for improvements to Guam's port facility. Our commercial port, which is the lifeline for all of the residents of Guam, was damaged by the storm and needs to be restored to its economic vitality. The emergency supplemental bill includes funds for the Corps of Engineers to help with disaster-assistance projects across the country. I am pleased that the Chairman of the Energy and Water Appropriations Subcommittee agrees with me that the Corps of Engineers should consider Guam's request in conjunction with other projects eligible for emergency disaster assistance. I will urge the House and Senate conferees to acknowledge this need and to urge the Corps of Engineers to prioritize the port reconstruction projects for Guam. These port projects will have a positive effect on Guam's long-term recovery and its ability to withstand future devastating storms such as Typhoon Paka.

Mr. Chairman, the people of Guam have a history of weathering countless tropical storms because we are geographically in a typhoon alley. We learn from each experience and we have taken positive steps after each storm to harden our homes and structures and to prepare for hard times. Currently, FEMA and the Government of Guam are working on a task force to recommend a number of hazard mitigation activities which will help us in future devastating storms. To have survived Supertyphoon Paka with no loss of life is a testament to the resilience and vitality of the people of Guam.

As Congress and the Administration addresses the needs of the various communities which have suffered from natural disasters, I hope that Guam's request for disaster assistance will be taken into account. Disasters are disasters wherever they occur, and the American citizens in the States and the territories—from the Caribbean to the Pacific areas—look to the federal government for leadership and cooperation during difficult times. I trust that the Congress will augment this emergency supplemental bill with some much-needed funds for Guam's recovery from Supertyphoon Paka.

The CHAIRMAN. The 30 minutes for debate under the rule has expired. The gentleman from Louisiana (Mr. LIVINGSTON) has 7 minutes remaining in general debate, and the gentleman from Wisconsin (Mr. OBEY) has 1 minute remaining.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The amendments printed in part I of House Report 105–473 are adopted.

The text of H.R. 3579, as amended by the amendments printed in Part I of House Report 105–473, is as follows:

H.R. 3579

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For an additional amount for "Emergency Conservation Program" for expenses resulting from ice storms, flooding, and other natural disasters, $20,000,000, to remain available until expended, which shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

TREE ASSISTANCE PROGRAM

An amount of $4,700,000 is provided for assistance to replace or rehabilitate trees and vineyards damaged by natural disasters: *Provided*, That the entire amount shall be available only to the extent that an official budget request of $4,700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For additional gross obligations for the principal amount of emergency insured loans authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, for losses in fiscal year 1998 resulting from ice storms, flooding and other natural disasters, $87,000,000.

For the additional cost of emergency insured loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $21,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $21,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

COMMODITY CREDIT CORPORATION FUND

LIVESTOCK DISASTER ASSISTANCE FUND

Effective only for losses incurred beginning on November 27, 1997, through the date of enactment of this Act, $4,000,000, to implement a livestock indemnity program to compensate producers for losses of livestock (including ratites) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such period in a manner similar to catastrophic loss coverage available for other commodities under 7 U.S.C. 1508(b): *Provided*, That the entire amount shall be available only to the extent that an official budget request of $4,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DAIRY PRODUCTION INDEMNITY ASSISTANCE PROGRAM

Effective only for losses incurred beginning on November 27, 1997, through the date of enactment of this Act, $6,800,000 to implement a dairy production indemnity program to compensate producers for losses of milk that had been produced but not marketed or for diminished production (including diminished future production due to mastitis) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such period: *Provided*, That payments for diminished production shall be determined on a per head basis derived from a comparison to a like production period from the previous year, the disaster period is 180 days starting with the date of the disaster and the payment rate shall be $4.00 per hundredweight of milk: *Provided further*, That the entire amount shall be available only to the extent that an official budget request of $6,800,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to the waterways and watersheds resulting from ice storms, flooding, tornadoes and other natural disasters, $65,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $65,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

CHAPTER 2

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $184,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Military Personnel, Navy

For an additional amount for "Military Personnel, Navy", $22,300,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Military Personnel, Marine Corps

For an additional amount for "Military Personnel, Marine Corps", $5,100,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force", $10,900,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Reserve Personnel, Navy

For an additional amount for "Reserve Personnel, Navy", $4,100,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

For an additional amount for "Operation and Maintenance, Army", $2,586,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of this amount, $700,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Operation and Maintenance, Navy

For an additional amount for "Operation and Maintenance, Navy", $53,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of this amount, $5,700,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Operation and Maintenance, Marine Corps

For an additional amount for "Operation and Maintenance, Marine Corps", $26,810,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Operation and Maintenance, Air Force

For an additional amount for "Operation and Maintenance, Air Force", $49,200,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of this amount, $21,800,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Operation and Maintenance, Defense-Wide

For an additional amount for "Operation and Maintenance, Defense-Wide", $1,390,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Operation and Maintenance, Army Reserve

For an additional amount for "Operation and Maintenance, Army Reserve", $650,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Operation and Maintenance, Air Force Reserve

For an additional amount for "Operation and Maintenance, Air Force Reserve", $229,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Operation and Maintenance, Army National Guard

For an additional amount for "Operation and Maintenance, Army National Guard", $5,925,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of this amount, $5,750,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Operation and Maintenance, Air National Guard

For an additional amount for "Operation and Maintenance, Air National Guard", $975,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Overseas Contingency Operations Transfer Fund

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Overseas Contingency Operations Transfer Fund", $1,829,900,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the Secretary of Defense may transfer these funds to fiscal year 1998 appropriations for operation and maintenance, working capital funds, the Defense Health Program, procurement, and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in Public Law 105–56.

REVOLVING AND MANAGEMENT FUNDS

Navy Working Capital Fund

For an additional amount for "Navy Working Capital Fund", $30,467,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of this amount, $7,450,000 shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Defense-Wide Working Capital Fund

For an additional amount for "Defense-Wide Working Capital Fund", $1,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program", $1,900,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this chapter shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 202. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 203. In addition to the amounts appropriated to the Department of Defense under Public Law 105–56, there is hereby appropriated $37,000,000 for the "Reserve Mobilization Income Insurance Fund", to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 204. (a) QUALITY ASSURANCE REPORT ON MILITARY HEALTH CARE.—The Secretary of Defense shall appoint an independent panel of experts to evaluate recent measures taken by the Acting Assistant Secretary of Defense for Health Affairs and the Surgeons General of the Army, Navy and Air Force to improve the quality of care provided by the Military Health Services System.

(b) MEMBERSHIP.—(1) The panel shall be composed of nine members appointed by the Secretary of Defense. At least five of those members shall be persons who are highly qualified in the medical arts, have experience in setting health care standards, and possess a demonstrated understanding of the military health care system and its unique mission requirements. The remaining members shall be persons who are current beneficiaries of the Military Health Services System.

(2) The Secretary shall designate one member to serve as chairperson of the panel.

(3) The Secretary shall appoint the members of this panel not later than 45 days after enactment of this Act.

(c) FUNCTIONS OF THE PANEL.—The panel shall review the Department of Defense Access and Quality Improvement Initiative announced in early 1998 (together with other related quality improvement actions) to assess whether all reasonable measures have been taken to ensure that the Military Health Services System delivers health care services in accordance with consistently high professional standards. The panel shall specifically assess actions of the Department to accomplish the following objectives of that initiative and related management actions:

(1) Upgrade professional education and training requirements for military physicians and other health care providers;

(2) Establish "Centers of Excellence" for complicated surgical procedures;

(3) Make timely and complete reports to the National Practitioner Data Bank and eliminate associated reporting backlogs;

(4) Assure that Military Health Services System providers are properly licensed and have appropriate credentials;

(5) Reestablish the Quality Management Report to aid in early identification of compliance problems;

(6) Improve communications with beneficiaries to provide comprehensive and objective information on the quality of care being provided;

(7) Strengthen the National Quality Management Program;

(8) Ensure that all laboratory work meets professional standards; and

(9) Ensure the accuracy of patient data and information.

(d) REPORT.—Not later than six months after the date on which the panel is established, the panel shall submit to the Secretary a report setting forth its findings and conclusions, and the reasons therefor, and such recommendations it deems appropriate. The Secretary shall forward the report of the panel to Congress not later than 15 days after the date on which the Secretary receives it, together with the Secretary's comments on the report.

(e) PANEL ADMINISTRATION.—(1) The members of the panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized by law for employees of agencies while away from their homes or regular places of business in the performance of services for the panel.

(2) Upon request of the chairperson of the panel, the Secretary of Defense may detail to the panel, on a nonreimbursable basis, personnel of the Department of Defense to assist the panel in carrying out its duties. The Secretary of Defense shall furnish to the panel such administrative and support services as may be requested by the chairman of the panel.

(f) PANEL FINANCING.—Of the funds appropriated in Public Law 105–56 for "Research, Development, Test and Evaluation, Navy", $5,000,000 shall be transferred to "Defense Health Program", to be available through fiscal year 1999, only for administrative costs of this panel and for the express purpose of initiating or accelerating any activity identified by the panel that will improve the quality of health care provided by the Military Health Services System.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

OPERATION AND MAINTENANCE, GENERAL

For emergency repairs due to flooding and other natural disasters, $84,457,000, to remain available until expended, of which such amounts for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund pursuant to Public Law 99–662, shall be derived from that Fund: *Provided*, That the entire amount shall be available only to the extent an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources" to repair damage caused by floods and other natural disasters, $4,520,000, to remain available until expended, which shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

SEC. 301. The Secretary of the Army shall not authorize, permit, or undertake any activity to stabilize, cover, or permanently alter the site where the Kennewick Man remains were discovered prior to the final disposition of the lawsuit entitled Bonnichsen, et al. v. United States, et al. and designated as United States District Court, District of Oregon CV No. 96–1481, unless such district court makes a determination that such activity is reasonable and necessary in light of potential adverse impacts on scientific investigation of the site or other relevant considerations. For the purposes of this paragraph, the term "site" means any land, beach, or river bank within 100 yards of the location where any portion of the Kennewick Man remains were discovered.

CHAPTER 4

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION

For an additional amount for "Construction", $28,938,000, to remain available until expended, to repair damage caused by floods and other acts of nature: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, $25,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to Congress.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", to repair damage caused by floods and other acts of nature, $8,500,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to Congress.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for emergency expenses resulting from floods and other acts of nature, $1,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

For an additional amount for "State and Private Forestry" for emergency expenses resulting from damages from ice storms, tornadoes and other natural disasters, $48,000,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, $28,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to Congress.

National Forest System

For an additional amount for "National Forest System" for emergency expenses resulting from damages from ice storms, tornadoes and other natural disasters, $10,461,000, to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, $5,461,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to Congress.

CHAPTER 5

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

Base Realignment and Closure Account, Part III

For an additional amount for "Base Realignment and Closure Account, Part III" to cover costs arising from El Niño related damage, $1,020,000, to be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Family Housing, Navy and Marine Corps

For an additional amount for "Family Housing, Navy and Marine Corps" to cover costs arising from Typhoon Paka related damage, $15,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Family Housing, Navy and Marine Corps" to cover costs arising from El Niño related damage, $1,000,000, to be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Family Housing, Air Force

For an additional amount for "Family Housing, Air Force" to cover costs arising from Typhoon Paka related damage, $1,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For an additional amount for "Family Housing, Air Force" to cover costs arising from El Niño related damage, $900,000, to be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 6

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

For an additional amount for the Emergency Relief Program for emergency expenses resulting from floods and other natural disasters, as authorized by 23 U.S.C. 125, $259,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That of such amount, $35,000,000 shall be available only to the extent that an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement as defined in such Act is transmitted by the President to the Congress: *Provided further*, That any obligations for the Emergency Relief Program shall not be subject to the prohibition against obligations in section 2(e)(3)(A) and (D) of the Surface Transportation Extension Act of 1997: *Provided further*, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from flooding during the fall of 1997 through the winter of 1998 in California.

Federal Railroad Administration

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $9,000,000, to be awarded to the States subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That not more than $2,650,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997: *Provided further*, That not more than $6,350,000 shall be solely for damage incurred as a result of El Niño in the fall of 1997 through the winter of 1998: *Provided further*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head, unless the rights-of-way, bridges, or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: *Provided further*, That railroad rights-of-way, bridges, and other facilities owned by passenger railroads or by tourist, scenic, or historic railroads are not eligible for funding under this head: *Provided further*, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That all funds made available under this head are to remain available until September 30, 1998.

TITLE II

RESCISSIONS

DEPARTMENT OF EDUCATION

Bilingual and Immigrant Education

(RESCISSION)

Of the amounts made available under this heading in Public Law 105–78, $75,000,000 are rescinded: *Provided*, That, to the extent necessary to carry out such rescission, the Secretary of Education shall deobligate funds that have been obligated but have not been expended.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Grants-in-Aid for Airports

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this heading, $610,000,000 are rescinded.

Grants-in-Aid for Airports

(LIMITATION ON OBLIGATIONS)

Notwithstanding the provisions of Public Law 105–66, none of the funds in this or any other Act shall be available for the planning or execution of programs the obligations for which are in excess of $1,425,000,000 in fiscal year 1998 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, United States Code.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Public and Indian Housing

Section 8 Reserve Preservation Account

(RESCISSION)

Of the amounts recaptured under this heading during fiscal year 1998 and prior years, $2,173,600,000 are rescinded: *Provided*, That the Secretary of Housing and Urban Development shall recapture $2,173,600,000 in amounts heretofore maintained as section 8 reserves made available to housing agencies for tenant-based assistance under the section 8 existing housing certificate and housing voucher programs.

INDEPENDENT AGENCY

Corporation for National and Community Service

National and Community Service Programs Operating Expenses

(RESCISSION)

Of the amounts made available under this heading in Public Law 105–65, $250,000,000 are rescinded.

TITLE III

GENERAL PROVISIONS—THIS ACT

Sec. 3001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

PROHIBITION ON USE OF FUNDS FOR MILITARY OPERATIONS AGAINST IRAQ

Sec. 3002. None of the funds appropriated or otherwise made available by this Act may be made available for the conduct of offensive operations by United States Armed Forces against Iraq for the purpose of obtaining compliance by Iraq with United Nations Security Council Resolutions relating to inspection and destruction of weapons of mass destruction in Iraq unless such operations are specifically authorized by a law enacted after the date of the enactment of this Act.

SENSE OF THE HOUSE ON SPENDING OFFSETS FOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS

SEC. . (a) FINDINGS.—The House of Representatives finds that——

(1) the House has worked diligently to balance the Federal budget for the first time in 30 years;

(2) the House is committed to fiscal responsibility and continued balanced budgets and will not allow Washington to return to the days of deficit spending;

(3) the House is committed to ensuring that the current level of Federal discretionary spending does not increase as a result of any emergency supplemental appropriations; and

(4) reducing spending to offset emergency supplemental appropriations will send a clear message to the American people that the Congress is serious about preventing uncontrolled Federal spending.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that any emergency supplemental appropriations considered in the 105th Congress shall not result in an increased level of total Federal discretionary spending.

In title II (relating to rescissions), in the item relating to "Department of Transportation—Federal Aviation Administration—Grants-In-Aid for Airports (Airport and Highway Trust Fund) (Rescission of Contract Authority)", after the dollar amount insert the following: "(reduced by $243,600,000)".

In title II (relating to rescissions), in the item relating to "Department of Transportation—Federal Aviation Administration—Grants-In-Aid for Airports (Limitation on Obligations)", after the dollar amount insert the following: "(increased by $243,600,000)".

This Act may be cited as the "1998 Emergency Supplemental Appropriations Act".

The CHAIRMAN. No other amendment to the bill is in order except the further amendment printed in part II of the report. That amendment may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

AMENDMENT OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part II amendment printed in House Report 105-473 offered by Mr. LIVINGSTON:

CHAPTER 7

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

For an additional amount for "Community development block grants fund", as authorized under title I of the Housing and Community Development Act of 1974, $20,000,000, which shall remain available until September 30, 2001, for use in states affected by the January, 1998 Northeast ice storm for which a Presidential disaster declaration under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act has been issued, to assist in the long-term recovery and mitigation from the effects of that ice storm; *Provided*, That such funds may be used for eligible activities, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency or the Small Business Administration: *Provided further*, That in administering these amounts, the Secretary may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds, except for statutory requirements related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon a finding that such waiver is required to facilitate the use of such fund: *Provided further*, That the entire amount shall be available only to the extent that an official budget request of $20,000,000, that includes designation of the entire amount of the budget request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

On page 29, line 9 increase the pending figure by $20,000,000 and on line 11 increase the pending figure by $20,000,000.

The CHAIRMAN. Pursuant to House Resolution 402, the gentleman from Louisiana (Mr. LIVINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

The amendment before the committee would provide $20 million for HUD's Community Development Block Grant Program to assist in the recovery from the recent Northeastern U.S. ice storm. This storm caused damage to property and utilities in this area of the country in an unprecedented manner.

Providing funding in this account is similar to what has been done in recent past disasters. The funding in this amendment would be offset by an increase to the Section 8 housing excess reserve rescission. This amendment will bring important additional relief to this area caused by the huge ice storm that devastated the Northeastern U.S. and Canada. I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) claim the time in opposition to the amendment?

Mr. OBEY. Mr. Chairman, yes, I do.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, I thank the gentleman for yielding me the time. I wanted to thank the gentleman from Wisconsin (Mr. OBEY) for his work in addressing the issue and regret that we could not work on this given the time constraints.

I want to thank the chairman of the Committee on Appropriations, the gentleman from Louisiana (Mr. LIVINGSTON) for remembering the Northeast in the manager's amendment.

This amendment addresses the particular dilemma created in the ice storm of January and the destruction of the infrastructure in the Northeast. The ice storm of 1998 was perhaps the most far-reaching disaster that has ever hit Maine. Every county in my State was declared a Federal disaster area.

Across the region, families lived without heat or electricity, many for upwards of 2 weeks. Roads became impassible due to ice and to fallen trees. Our forest suffered devastating damage. Farmers suffered significant loss of livestock, milk, buildings and equipment. Federal agencies responded promptly to the crisis created by the unprecedented storm. They tried to get there as quickly as possible in marshaling forces to assist farms, food pantries and more. However, the resources they had on hand were insufficient. This manager's amendment goes a long way toward providing those resources, and it will help to rebuild the infrastructure through the community development block grant.

I rise today in support of the disaster relief funding provided in this legislation. I know that in this beautiful 80-plus degree weather we are enjoying now in Washington, it may be easy to forget the recent natural disasters that have ravaged Maine and other parts of the country.

The Ice Storm of '98 was perhaps the most far-reaching disaster that has ever hit Maine. Every county in my state was declared a federal disaster area. Across the region, families lived without heat or electricity, many for upwards of two weeks. Roads became impassable, both due to ice and to fallen trees. Our forest suffered devastating damage. Farmers suffered significant losses of livestock, milk, buildings and equipment.

Federal agencies responded promptly to the crisis created by the unprecedented storm. Staff from FEMA, the Farm Service Agency and the Natural Resources Conservation Service quickly helped, marshaling forces to assist farms, food pantries and more.

However, the resources they had on hand were insufficient. This bill goes a long way toward providing those resources. It will help the farmers who in many cases were least able to afford the cost of recovery. It will help us to recover our forests. We are still in a recovery stage, and the funding provided in this bill will greatly assist us in that long and arduous process.

I want to especially thank the Chairman of the Appropriations Committee, Mr. Livingston, for remembering the Northeast in his manager's amendment. This amendment addresses the particular dilemma created in the Ice Storm of January, the destruction of the infrastructure of the Northeast.

I am concerned with the rescissions called for in the bill, particularly for the deep cuts in the Section 8 housing program and the AmeriCorps program. The funding provided for in this bill, as defined by the Budget Act, falls under the definition of a true emergency, and I therefore believe that offsets are not necessary. I appreciate the efforts of the Ranking Member, Mr. OBEY, in addressing this issue, and regret that he has not been allowed to offer an amendment to rectify this situation.

Again, I want to extend my appreciation to the Appropriations Committee for their efforts to provide needed disaster assistance in this Emergency Supplemental bill. The people of Maine suffered greatly at the hand of Mother Nature this winter. They look to us to help them in their recovery, much as we have helped in the recovery for other areas of the country in other natural disasters. I urge my colleagues to support both the manager's amendment and the bill.

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SOLOMON), very distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I spoke at length earlier in the introductory remarks on this bill. Like the gentleman from Maine (Mr. BALDACCI), I want to thank the chairman and certainly the ranking member. The devastating damage in the Northeast is almost indescribable. It is still there.

Secretary Andrew Cuomo, Secretary of Housing and Urban Development, has pledged his support. He would be in support of this amendment. We again thank both sides for their consideration. We really need it and we just appreciate it so much.

Mr. OBEY. Mr. Chairman, I yield 1 minute to gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding me the time. I also want to thank the gentleman from Louisiana (Mr. LIVINGSTON) for recognizing the need for additional funding for the CDBG program. I rise today in support of the manager's amendment to supplement that block grant program by $20 million.

I do regret that the offset comes from Section 8 housing, and I hope that at some point that can be changed, but the Northeast has a real need for CDBG funding in the aftermath of the ice storm. This was for Maine the worst natural disaster in our history. Heavy ice accumulation accumulated on trees, on utility poles. We lost 2,600 utility poles, 2 million feet of cable and 1,500 transformers, all of those had to be replaced. Roughly 650,000 customers, half the State of Maine, were out of power for at least some point, many people for up to 2 weeks.

Supplemental CDBG funding is critical to address their need. I support this manager's amendment.

Mr. LIVINGSTON. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Let me simply say that I know that the gentleman from Vermont (Mr. SANDERS) was also interested in this amendment and contacted me numerous times on it. I personally have no problem with the action taken by the gentleman in his amendment to provide additional community development block grant assistance in the Northeast. My only problem with this amendment, again, is that I do not like the fact that we are cutting an additional $20 million out of housing for the most needy human beings in this country.

Mr. Chairman, I reserve the balance of my time.

Mr. LIVINGSTON. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from New York (Mr. WALSH).

The CHAIRMAN. The gentleman from New York (Mr. WALSH) is recognized for 3¾ minutes.

Mr. WALSH. Mr. Chairman, I thank the gentlemen, the chairman of the Committee on Appropriations and the ranking member, for the hard work that has been put in on behalf of all the people in the country who have had such a difficult time this year. We were just meeting with the National Aeronautics and Space Administration talking about some of the effects of the El Niño weather pattern and their ability to track it, and try to predict it for the future because it will return. And that is planning for the future, Mr. Chairman.

But what we are doing now is trying to respond to the damage that has already been done. The amendment that the chairman has will help us to help those communities through community development block grants to put back together the damage that was done earlier. This ice storm in our part of the country, northern New York, and as Members know, these funds cover all the areas that were harmed by the weather, in California, New Mexico and the South, Georgia, Florida, New York, Maine, Vermont, Massachusetts, New Hampshire, the ice storm was a catastrophe of a magnitude such that Canada, the Nation of Canada, this was the greatest natural disaster in the history of Canada.

All the areas of the Northeast that border Canada were damaged equally. There were estimates of over 30,000 power poles taken down in this storm. As the ice came and accumulated, we had telephone electrical wire that was just a hair's breadth thick covered with that much ice. So the weight of the ice pulled down one after another of these power poles, and the electric wires and telephone wires were lying all over the roads, and then it snowed on top of the ice in the roads, covered over the wires so the plows could not go out and clean up the roads so that there was no passable commerce, and the dairy farmers in particular had to throw milk away.

You had barns collapsing from the weight of the ice and the snow and animals dying in the collapsed barns. You had animals that were out in the weather that couldn't get back in who died because of the inclement weather. You had fires that began because of electrical breakdowns and the fire departments could not get to those homes because of the impassible roads. It was clearly a catastrophe.

So these funds, while they will not be enough to make everybody whole again, will go to communities and in many cases people do not realize the State of New York is primarily still an agricultural State. New York State is not a parking lot around New York City. It is a huge expanse of forest land and agricultural land and impoverished rural communities. So all these communities will qualify as they will in Maine, Vermont, New Hampshire, for community development block grant funds, which are there to help our poorest communities and our poorest neighbors to help to ameliorate some of the losses that they have incurred.

Mr. Chairman, I will conclude by saying I am very grateful to my colleagues on the Committee on Appropriations, both sides of the fence, who brought this bill to this point. I look very much forward to working with them to pass this bill and to get it through the conference.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

All I would say, I would simply make an observation that what we are doing in this legislation today is reimbursing farmers for the loss of animals. That is fine. I do not disagree with that.

However, unfortunately, we are not going to be reimbursing families for the loss of housing for their grandparents. I do not think that is fine. But nonetheless, the Congress will work its wondrous ways as it usually does, often with the national interests being damaged in the process. I am sorry about that, but I guess that is the way it goes.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. LIVINGSTON).

The amendment was agreed to.

□ 1545

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHAW) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes, pursuant to House Resolution 402, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. SHAW). Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MURTHA. Yes, Mr. Speaker, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MURTHA moves to recommit the bill, H.R. 3579, to the Committee on Appropriations with instructions to report the same back to the House forthwith with an amendment to strike title II of the bill.

Mr. MURTHA. Mr. Speaker, let me reiterate my concern about this piece of legislation. Normally, when we would come to the floor from the Committee on Appropriations, we would have pretty well fashioned legislation which we knew was very close to something that the Senate was going to consider; and, in the end, we would be convinced that it would pass both bodies.

As late as Thursday or Friday of last week, we believed that we would be able to report out of Committee a bill that was not offset. Even today, the Defense Department is not sure whether this particular piece of legislation will be offset. They know now that we will not have IMF. We know that we will not have the U.N. attached to this bill.

On the other hand, the other body has an entirely different bill with no offsets. It is over $5 billion, almost twice as large as this particular bill.

Under normal circumstances, the Defense Department would not be caught in the middle. It would be able to say, okay, we are going to try to get a bill and work things out. All day long, as I understand it, they have been trying to come up with provisions of what would happen if we passed a bill that is offset with the Skaggs amendment, which the President will veto, and with provisions which offset the domestic policy, which concerns the White House and they claim they will veto. It puts us in a position where we have a bill which will not be signed into law, and they only have 4 months left in the fiscal year. So the Defense Department is in a position where it has to begin to find ways to find the money for the last 4 months of operation.

We have cut the Defense Department substantially. There is no question about it. They have been overdeployed. There is no question about that. But we are talking about money that is absolutely essential to replace the money for the deployment in Iraq and the deployment in Bosnia.

We have already voted on the floor of the House to continue the operation in Bosnia. We have already spoken to the fact that we believe it is absolutely essential to our national security to be in Iraq. So what are they talking about?

Here is what they are talking about as far as what they would do in order to recoup the money because they are not sure it is going to be passed into law and signed by the President. Civilian worker furloughs at defense bases. And it may be, I have heard a rumor, as high as all the Defense Department civilian employees could be laid off across the country for 10 days. My colleagues can imagine how disruptive that would be.

They are also talking about delays in promotions, which has happened before with minor delays in funding from the Congress, delays in moving families.

I remember last year going to the Presidio in California, and they were talking about they could not move students from one place to another. They had to delay the moving of students because they had run out of money at the end of the fiscal year.

We talk about training cutbacks down to platoon level. That is what could happen if the Defense Department did not get this money.

Now I paint dire circumstances, but I paint that because the Defense Department is in the middle. And I do not doubt the integrity of the Chairman of the Committee on Appropriations if he is going to tell us there is going to be a bill passed and if it passed he can assure that. But he also thought before we brought this bill to the floor that it was not going to be offset. And I do not know if he advised that, and I understand. I think all of us appreciate the need to offset some of these expenses that the Senate has in, and I think in the end we could probably work something out like that.

So I would hope that the Members of Congress would not take a chance on destabilizing the Defense Department and they would vote to recommit this bill and then report it right back out without the offsets and allow the Defense Department to find a way to get by the next month until a final bill is passed into law and signed by the President.

Mr. LIVINGSTON. Mr. Speaker, I am opposed to the motion to recommit.

Mr. Speaker, and I will try not to use all 5 minutes, I am sympathetic to the argument of the gentleman from Pennsylvania (Mr. MURTHA).

The last thing in the world we want to do is adversely impact the Defense Department. But the gentleman might remember that the President did not request enough money to complete fiscal year 1998, let alone fiscal year 1999, for the troops in Bosnia.

Mr. Clinton wrote in his budget a shortfall, for whatever reason. I do not want to question his motivation. He may have had good reason. We were not sure whether we were pulling the troops out a year and a half ago. We were not sure whether we were going to pull the troops out this year. But the fact is the President did not request enough money to support our troops.

So we cannot accept that stipulation of fact and then argue, well, if we do not act fast enough, the troops are not going to have enough money. I mean, whose fault is that? It is not Congress' fault. It is the President's fault.

We are coming up with the list here of extra money for the Defense Department, $2.2 billion in defense, and that provides for Iraq and Southwest Asia and Bosnia and disasters affecting military installations and reserve mobilization insurance programs. We are providing the money for the Defense Department. In addition, we are providing for well over half a billion dollars in disaster relief for people that have been affected by all sorts of disasters all over the country.

The fact also is that the prime rate in the American economy is something like about 8.5 percent. You can get a mortgage at around 7 percent interest rate. Fifteen years ago that was a 14-percent prime and 21 percent for a mortgage in some areas. The American economy is spinning.

Why is it doing very well? The fact is, one of the principal reasons it is doing very well is that the Congress has acted responsibly with respect to its financial affairs over the last 4 years. The Congress has not spent more money than was budgeted. We are spending a billion dollars less on nondefense discretionary spending than we spent 4 years ago.

If we looked at the President's own projections for spending 4 years ago, 1994, that was $120 billion over what we have spent in those 4 years for nondefense discretionary. The point is, this is a fiscally responsible approach. Will it pass through all of the hurdles and get through the Senate and get to the President's desk? I do not know. I do not want to prejudge that one way or the another.

All I am saying is this House of Representatives has been fiscally responsible by saying, yes, we will spend more money for defense, we will spend more money for disasters, but we will take it out of existing spending in the rest of the budget. That is not too much to ask.

Let us keep the interest rates low, let us keep the American economy spinning, and let us make sure that we continue to be fiscally responsible.

I urge the defeat of the motion to recommit, which would eliminate the offsets of this bill. I urge passage of the bill itself. And I hope that when we return from the recess that we will have a quick conference and that we will be able to get this down to the Pentagon so they will have the money that they need and so that the gentleman from Pennsylvania (Mr. MURTHA) will not be distressed any further.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MURTHA. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 15-minute vote, which, if the motion to recommit is rejected, under the rules, will be followed by another 15-minute vote on final passage.

The vote was taken by electronic device, and there were—yeas 195, nays 224, not voting 11, as follows:

[Roll No. 87]

YEAS—195

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NAYS—224

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Berry
Cannon
Fawell
Gonzalez
Jefferson
Johnson, Sam
Payne
Rangel
Riggs
Royce
Waters

□ 1616

Mr. PAXON and Mr. SOLOMON changed their vote from "yea" to "nay."

Ms. KILPATRICK, Mr. LIPINSKI, Mrs. CAPPS and Mr. MARKEY changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SHAW). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and the nays are ordered.

The vote was taken by electronic device, and there were—yeas 212, nays 208, not voting 10, as follows:

[Roll No. 88]

YEAS—212

Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood

Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—208

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—10

Berry
Cannon
Gonzalez
Jefferson
Payne
Rangel
Riggs
Royce
Schumer
Waters

□ 1634

Mr. MINGE changed his vote from "yea" to "nay."

Mr. SMITH of Michigan changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. METCALF. Mr. Speaker, last night I was tied up in the Committee on Rules testifying on my amendment to the Financial Modernization Bill.

Due to this, I arrived on the floor at the very last minute and inadvertently voted "aye" on rollcall No. 81. My intention was to vote "no" because of my opposition to the language in the bill. I would like the Record to show on rollcall No. 81, my vote would have been "no."

PERSONAL EXPLANATION

Mr. COBLE. Mr. Speaker, last evening I was the visiting lecturer at the Columbia University School of Law in New York and, therefore, unable to participate in the rollcall votes.

Had I been present and voting on rollcall votes 81, 82, 83 and 84, the campaign reform issues, I would have voted "aye."

PROVIDING FOR CONSIDERATION OF H.R. 10, FINANCIAL SERVICES ACT OF 1998

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 403 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 403

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 10) to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Financial Services and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1645

The SPEAKER pro tempore (Mr. Barrett of Nebraska). The gentleman from New York (Mr. Solomon) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. Frost), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 403 is a modified closed rule providing for consideration of H.R. 10, which is the Financial Services Act of 1998. The rule provides 2 hours of general debate: 1 hour equally divided between the chairman and ranking minority member of the Committee on Banking and Financial Services, and 1 hour equally divided and controlled by the chairman and the ranking member of the Committee on Commerce. The rule also waives all points of order against consideration of this bill.

The rule provides that the amendment in the nature of a substitute, which is printed in part 1 of the Committee on Rules report on the rule, which appears on these desks here, shall be considered as an original bill for the purposes of amendment. That amendment shall be considered as read.

Mr. Speaker, let me take a moment to describe the amendment in the nature of a substitute, so the Members are clear on what this rule makes in order as a new base text for H.R. 10.

Mr. Speaker, the amendment in the nature of a substitute consists of the following parts: The compromise text for H.R. 10 reached between the Committee on Banking and Financial Services and the Committee on Commerce, and printed in the CONGRESSIONAL RECORD of March 19, so if Members want to read the bill, they can look in the CONGRESSIONAL RECORD on March 19; the credit union legislation, as reported from the Committee on Banking and Financial Services and approved by voice vote last Thursday, March 26, in that committee; a new thrift title which replaces Title 4 with an amendment which closes the unitary thrift holding company loophole as of March 31, 1998. That is a change from September up to March 31, 1998. So Members should be aware of that, because a number of Members have come to me over the last several days and wanted to know what we are doing with this thrift section of the bill. That is what it does. And changes necessary to ensure that the legislation is fully offset.

In order to comply with the Budget Act, the amendment in the nature of a substitute made in order by the rule transfers funds out of the Federal Reserve and into the general fund.

Mr. Speaker, this rule also waives all points of order against the amendment in the nature of a substitute. The rule then makes in order five amendments which shall be offered in the order printed in the report, may only be offered by a Member printed in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by a proponent and an opponent. The amendments shall not be subject to amendment except as specified in the report, shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Mr. Speaker, the rule also allows the chairman of the Committee of the Whole to stack votes, and finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is an abundantly fair rule on an extremely complicated and delicate piece of legislation. It deals with the future of the banking industry in this country, of the securities industry in this country, and the insurance industry.

If Members think about that, each of these three industries really is involved with all of the other industries throughout America, and more so in not only the Fortune 500 companies and how they conduct their business overseas in this new global economy, but also with the small entrepreneurial businesses, the businesses that really run the economy of this country, and how they can participate in this new world global economy. That is how important this bill is before us today.

The chairmen of the committees of jurisdiction have spent countless days, they have spent months, even years, laboring to achieve some kind of consideration of this issue. It has been going on for at least the 20 years that I have been a member of this body; I see the gentleman from New York (Mr. JOHN LAFALCE) sitting there, for as long as he has been here, and he has been here longer than I have.

I salute the gentleman from Iowa (Mr. LEACH) and my friend, the gentleman from Virginia (Mr. BLILEY) for their work on this very, very important subject, as well as the gentleman from Ohio (Mr. JOHN BOEHNER), who happens to be our conferences chairman, who has headed up the task force which has really brought all of these industries together.

No industry is completely happy. If they were, then there would be something wrong with this bill. But the fact that they are not means that we have reached compromise, and we can now move forward into the 21st century in making these industries competitive.

Mr. Speaker, the rule makes in order an amendment in the nature of a substitute which I believe will garner a high degree of support on this floor. The compromise text of H.R. 10 has been met with considerable begrudging support from many of the industries, but again, they are now willing to sit down and understand that we have to have this bill. It has to become law.

The credit union legislation received broad support in the Committee on Banking and Financial Services last week, which we just mentioned, and passed by voice vote; and the thrift fix addresses concerns expressed by many Members in the weeks since the committees reached a compromise on the underlying bill, so we have tried to bring all Members and all of these industries together.

The rule allows for very important discussions on the commercial basket concept, with two alternataives allowed. It also allows a significant amendment by the ranking member of the Committee on Commerce.

Finally, there is an amendment offered by the gentleman from Alabama (Mr. BACHUS) to relieve some of the burden of the Community Reinvestment Act on small banks.

I am going to tell the Members, small bankers have been out there calling Members of Congress saying they are all upset with this piece of legislation. I am going to tell the Members, the small bankers cannot have it all their way. It has to be a compromise. This is a tremendous compromise by making this amendment in order, which is going to benefit these small banks and community banks across this country.

Mr. Speaker, this legislation represents, I think, a visionary effort to reform our Nation's complicated and outdated financial services law.

The Glass-Steagall Act, the law which prohibits the affiliations between commercial banking and securities activities, dates back to 1933. That is 3 years after I was born, Mr. Speaker. I have been amazed at how much the world has changed in just the last 5 years, let alone since 1933. The marketplace has evolved so much that it is unrecognizable from the era in which these laws were written.

Congress, given the rapid pace of change in the market, has been perceived to be irrelevant to our Nation's financial services debate. Think about that. I am going to repeat it one time. Congress, given the rapid pace of change in the market, has been perceived to be irrelevant to our Nation's financial services debate. That is because we have not done our job on this issue over the last 20 years.

Congress has, unfortunately, shirked its responsibility to write the Nation's laws, and the courts and regulators have written them for us. I am going to tell the Members, that is a disgrace. Any time this Congress sits back and refuses to face the important issues facing this country, and lets the courts and regulators do it for them, it is a shame. We all should be ashamed of it.

Mr. Speaker, the inability of the legislative branch for many years to pass meaningful financial services reform has harmed our markets and our ability to compete in that world global market that I have spoken about earlier.

American financial institutions, and all the affected industries with an interest in reforming these laws, have been at a competitive disadvantage with our international competitors all over this world. Passage of this legislation is critical to our ability to compete overseas.

Mr. Speaker, the bill before us today is balanced, it is fair, and it is a measured proposal which addresses all of the critical issues in the current financial landscape. It provides for affiliations between banks, securities firms, insurance companies, and other financial firms by eliminating the Glass-Steagall protections between those industries.

The bill also allows for these expanded activities in a bank holding company structure, which is critical to ensure the safety and the soundness of our country's financial institutions.

Recent history has shown the enormous cost that can result from rash and unfettered deregulation of certain types of financial institutions. As a result of the savings and loan debacle that we all went through here, and we had to spend billions of dollars of the taxpayers' money to bail out those S&Ls, the resulting explosive costs have just been insurmountable. A bipartisan consensus has developed around the holding company framework as the prudential way to allow for expanded financial services.

The bill also addresses the critically important question of credit union membership, which has received a great deal of attention since the Supreme Court ruled in February on the "common bond" issue. The bill grandfathers existing multiple common bond groups and allows such groups to continue accepting members, thereby protecting all current credit union members, regardless of the Supreme Court decision.

Mr. Speaker, this bill also contains important language ensuring functional regulation of insurance sales, and that is so terribly, terribly important. Insurance underwriting regulation will be the same for all competitors and regulated by the States, and that is the way it should be. That is what is provided for in the Constitution of our country. H.R. 10 also codifies a consensus definition of insurance, ensuring appropriate functional regulation and a level competitive playing field.

Mr. Speaker, writing a financial services reform bill which contemplates a marketplace of the 21st century does not mean we should disregard the lessons of the past.

This legislation will provide the legal structure for a marketplace of the future, while still ensuring regulatory structures which have demonstrated their effectiveness in acknowledging the importance of protecting depositors and protecting investors.

Mr. Speaker, again, it just bothers me to see some Members shirk their duty. They worry about offending this group of constituents or that group. But there comes a time when we know better. We know best, we know what is going on here, and we have to put together something that is going to allow these three very important industries to be able to compete.

This legislation will be a step in the right direction. It does not mean that we are going to solve it. This is not the final step, the passage of this legislation. As Members know, there is another body over there. It is called the Senate. They have no rules over there, but we are told that if we can pass this legislation with a substantial vote, that Senator AL D'AMATO, the chairman of the Banking Committee, will take up this legislation. He will work with us to work together for a compromise that will be acceptable to all the industries. But if we do not pass the rule today and we do not pass the bill, we are not going to have that opportunity.

I am going to say one more time to the Members here, they think there is a lot of time left, but there is not. We are going to hopefully adjourn this place at least by October 1 so Members can at least spend 30 days home campaigning for reelection. If we do that, Members will only have about 40 legislative days on this floor to pass 13 appropriation bills, to pass the conference report and the supplemental we just put out of here.

To pass this kind of legislation, we need to do it now so we will have time to work with the other body and with the White House, because there is a third party of the government, before we can really put the bill together as a compromise. That is why Members need to come here today, they need to vote for this rule, and then they need to participate in the debate.

There is plenty of debate time. Ask the questions, get the answers to questions, then vote one's conscience on this bill. But at least let us pass the rule and give ourselves the opportunity.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to this rule. I oppose it because the Committee on Rules Republicans have combined two major legislative initiatives, and in doing so, have denied the House the opportunity to fully examine, debate, and work its will on these matters.

H.R. 10, the Financial Services Modernization Act, and H.R. 1151, the Credit Union Membership Access Act, are probably two of the most important and far-reaching legislative proposals this House will consider this year.

H.R. 10, the financial services modernization bill, is very controversial and has been the subject of contentious debate in both the Committee on Banking and Financial Services and the Committee on Commerce for the past 10 years.

The other bill, H.R. 1151, was reported last week by voice vote from the Committee on Banking and Financial Services.

□ 1700

And so in what seems to be an effort to find votes to pass the former, the Republican leadership has tied the credit union fix to it.

Mr. Speaker, this tactic should be rejected. The House should have the opportunity to debate the merits of both financial modernization as well as the credit union fix, but the House should not be forced into using H.R. 1151 as the tail that wags the dog of H.R. 10.

Each of these proposals are extremely important in their own right and considering them tied together does a disservice to the House. I urge every Member to reject this rule.

Compounding the dilemma we now face, the Republican majority on the Committee on Rules has effectively cut off debate on H.R. 10 and has allowed for the House to consider only five amendments to the financial services modernization portion of the bill. In addition, no amendments were made in order to the credit union provisions.

Forty amendments were submitted to the Committee on Rules for our consideration, including 19 amendments by Republican Members and 21 amendments by Democratic Members. Only one Democratic amendment was included in the amendments made in order by the rule. While this amendment will be offered by the ranking Democratic Members of the Committee on Banking and Financial Services and the Committee on Commerce, other amendments offered by those two Members, as well as the ranking member of the Subcommittee on Financial Institutions and Consumer Credit, were shut out of the process.

These Members proposed important and relevant amendments, and in some case those amendments reflected the action of the committees of jurisdiction which were exorcised from the text of H.R. 10 that is before us today. This action on the part of the Republican majority does nothing to open up the process and allow the House to comprehensively debate the issues surrounding this complex and controversial bill.

Mr. Speaker, in the years I have served in Congress, it has never been easy for the House to consider banking legislation. But this rule makes it almost impossible for the House to fully consider the merits of these two major legislative proposals.

First, by tying the two bills together the Republican leadership may be sabotaging the passage of the credit union legislation which, if considered on its own, might well pass on the suspension calendar. Second, the Republican leadership has denied many Members the opportunity to offer substantive amendments to the text of the underlying bill.

For these two reasons I urge defeat of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BLILEY), the chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule for consideration of H.R. 10, the Financial Services Act of 1997. Congress has tried 10 times since 1979 to repeal Glass-Steagall. It is time that the elected representatives of the Congress, rather than appointed regulators, make the legislative decisions affecting the powers of the financial services industry.

This rule eliminates the bulk of the thrift title from the legislation. This change will allow thrifts to continue to offer credit to customers for home ownership without having to become banks or to be subject to onerous restrictions on their authority. The revisions allow existing thrifts to continue operating exactly as they are now. It also preserves the ability of thrifts to be sold or transferred to new owners.

The rule also incorporates provisions of H.R. 1151, the Credit Union Membership Act, which is of a great interest to many members of credit unions across this country. This rule allows for consideration of repeal of Glass-Steagall as well as a number of amendments from Members on both sides of the aisle. I urge its adoption.

CALL OF THE HOUSE

Mr. SOLOMON. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device and the following Members responded to their names:

[Roll No. 89]

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

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The SPEAKER pro tempore (Mr. BARRETT of Nebraska). On this rollcall, 387 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

PERSONAL EXPLANATION

Mr. BERRY. Mr. Speaker, unfortunately, I missed rollcall votes number 87, 88, and 89 on Tuesday March 31, 1998, due to the memorial service that was held in Jonesboro, Arkansas for the victims and survivors of last week's tragic shooting.

Had I been present, I would have voted: "Yes" on rollcall vote number 87; I would have voted "No" on rollcall vote number 88; and, I would have voted "Present" on rollcall vote number 89.

PROVIDING FOR CONSIDERATION OF H.R. 10, FINANCIAL SERVICES ACT OF 1998

Mr. FROST Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Speaker, the Republican leadership wants the United States House of Representatives to play Russian roulette with the future of the credit union industry. We refuse to play that game.

One month ago, the Supreme Court cast in doubt the future viability of federally chartered credit unions; and men and women of goodwill in both the Republican and Democratic parties said, we have an enormous problem and we must come up with an immediate solution. Working together, working cooperatively, working collegially, we came up with that solution, an excellent solution that passed, I believe, unanimously by voice vote last Thursday.

Some have now said that what the Republican leadership has done in joining together this unanimously passed credit union bill, which could pass the House floor tonight or tomorrow by voice vote in my judgment if brought up separately, is give credit union members a first-class ticket on the ship Titanic. We do not know if that is going to be the case. Because if this should pass, it would be a long sail; and it might go down.

But we in the Democratic Party do not wish to play Russian roulette with the future of the credit union industry. We have the solution. We want to pass that solution today independently and solve the problem once and for all.

With respect to H.R. 10, who opposes it? The consumer groups oppose it. Who else opposes it? The administration opposes it. As a matter of fact, the most recent statement of opposition says that the Treasury Department will recommend that the President veto the bill in its present form, and that is the bill that the Republican leadership wishes to attach the credit union bill to. We reject that approach.

There are so many problems with H.R. 10. Now, a rule ought to permit us to deal with those problems, the problems of the National Bank Charter in particular, the problems of the Thrift Charter. The rule does not permit even one amendment on any of the issues the Treasury says will compel it to recommend a veto with respect to the National Bank Charter and the Thrift Charter. Not one amendment is permitted on the National Bank Charter or the Thrift Charter by this Committee on Rules.

This rule must be rejected.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, has 15½ minutes remaining. The gentleman from Texas (Mr. FROST) has 23½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Claremont, California, (Mr. DREIER), vice chairman of the Committee on Rules, who is a very valuable Member and has formerly served on the Committee on Banking and Financial Services. He and I do not always agree on these banking matters, but I yield him such time as he may consume.

Mr. DREIER. Mr. Speaker, I thank my friend from Glens Falls, the distinguished chairman of the committee, for yielding me the time.

I do rise in support of this rule. The distinguished chairman of the Committee on Banking and Financial Services, the gentleman from Iowa (Mr. LEACH), and the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, have worked long and hard to produce what many believe to be a fragile compromise to bring about long overdue reforms to the financial services industry; and, for that reason, they deserve to be heard; and that is why I am going to be voting in support of the rule.

At the same time, as has been said during this debate earlier, I have more than a few very serious concerns about H.R. 10 that I do not believe can be fixed by the amendments that have been made in order under this bill. I think they could have if we had been able to make a substitute that I was proposing in order, but I do not believe they can be fixed under the structure that we now have.

Among those many concerns is the fact that H.R. 10 imposes massive new regulatory burdens on financial institutions, destroys a very valuable private sector charter, and encourages excessive litigation.

We are going to hear a lot today about how functional regulation will create a more level playing field for financial services firms to compete. But, in reality, Mr. Speaker, functional regulation does little more than saddle already highly regulated companies with additional layers of government regulation and bureaucracy in an effort to protect markets of less competitive firms. It responds to the parochial interests of government regulators rather than the preferences of consumers, which really should be our top priority here.

In short, this is really the Japanization of our financial services industry. By preventing the chartering of any new unitary thrift holding companies, H.R. 10 also punishes sound, profit-making private-sector companies because another industry wants them obliterated as a competitor.

Because H.R. 10 confers a competitive advantage to so-called grandfathered thrifts, Congress will be under constant pressure to take the next step, which is to impose a Soviet-style growth cap on that industry like that which was imposed on the non-bank banks 11 years ago. Imagine if 10 years ago, as computer makers began to embrace the Windows operating system, Congress mandated that all computers be loaded only with a DOS operating system. The cry of outrage would be deafening.

I also find it troubling that H.R. 10 attempts to hide behind the mantle of States' rights in an effort to perpetuate an obsolete regulatory system that is destructive to the economy. The U.S. has six major, well-entrenched financial regulators and a duplicative set of regulators in all 50 States. In the name of States' rights, H.R. 10 significantly increases uncertainty over the scope of State regulation of insurance. This, in turn, will lead to costly and unnecessary litigation. It will increase the insurance products to consumers, again the group that should be our top priority.

If my colleagues agree that excessive litigation is an ever-tightening noose around the neck of our economy, they should think twice about supporting a bill that promises litigation against any bank that attempts to devise innovative financial products and services for its customers, the consumer.

Mr. Speaker, in early 1995, the gentleman from Iowa (Mr. LEACH) began the process that eventually led to H.R. 10 by focusing initially on a narrow Glass-Steagall repeal bill that was devoid of the regulatory shenanigans and government intervention that characterizes this current bill. There was a fear that efforts to pass comprehensive legislation to modernize the financial services industry would get bogged down by legislative industry and regulatory turf battles.

Well, Mr. Speaker, those fears have come true once again. Instead of letting the marketplace determine winners and losers, H.R. 10 attempts to legislate who can compete with whom and who can produce and sell what. It is bad for consumers; and, Mr. Speaker, it is therefore bad for our economy.

However, as I said, the authors of this measure do deserve to be heard. So I do support the rule, but I will oppose this bill when it comes forward.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, one of the problems of this bill has been put together by two categories of people. First of all, a bunch of people out there in the business world think they are going to cut a fat hog free from exemptions and free from responsibilities and free from good sense controls to ensure that there would be fair behavior and proper behavior in the marketplace. The other is a group of people who do not understand what is going on in the financial world.

Financial world people think it runs on money. It does not. It runs on public confidence. And as long as we remember that and craft our laws in the proper fashion, we will have the confidence of the public and we will have the most successful financial operation in the whole world.

I rise not in anger but really in sorrow. And I want to say that I have tried to work with my Republican colleagues to cut a deal to preserve certain essential protections for American investors, for American consumers, and for the American financial community and industry.

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Regrettably, I did not do that. I was not successful. But in any event, we are now confronted with whether or not this rule should be granted. It is with regret I suggest to my colleagues that the rule ought not be granted and, rather, that we ought to proceed to go back to the drawing board and come up with a better piece of legislation, which protects consumers, which protects investors, and which protects the confidence of the American people in what is the most extraordinarily successful financial community, financial undertaking in the history of the world.

Let us look at some of the defects in this. One of the most noteworthy is that the bill, under the rule, we would find would preempt State insurance commissioners from regulating the solvency of insurance companies. I have an amendment that would have corrected this problem. The rule does not permit me to offer it. Certainly to attack the solvency of the insurance world and the insurance industry is not the way to enhance confidence or, indeed, to ensure the safety of American investing public.

It was only about 10 years ago that lax regulation allowed the savings and loan industry to become insolvent, and that cost the American taxpayer more than $150 billion. I wonder if we are prepared, then, to gamble with the taxpayers' money once again, this time on insurance. If Members vote for this rule, that is what is going to be moving forward in the financial community.

Does it surprise anyone that the managers amendment would also preempt State securities administrators from enforcing antifraud statutes to protect investors? I have an amendment that would have fixed this problem, but the rule does not allow me to offer it.

Last Congress we enacted legislation that confirmed State responsibility for enforcement of security antifraud statutes, simply because they do a good job. Many of these issues are local in character, and because we do not have enough money to put into Federal responsibilities.

Are we going to allow that authority to be taken away from the States? I suggest not. My counsel to my colleagues is, let us not vote for a bad rule; let us reject the rule and go on.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my very good friend and classmate, the gentleman from Ohio (Mr. OXLEY), who worked long and hard as chairman of the subcommittee.

Mr. OXLEY. Mr. Speaker, I rise in support of this rule.

Let us take a look at where we have been. We have been, the last many years, controlled in this financial services industry essentially by court decisions and by fiat from unelected regulators and bureaucrats. Is that the way we want our financial services industry to be conducted? Or do we want to have the Congress of the United States, who is responsible to the voters and the citizens of this country, to make these ultimate decisions?

If we do not pass this rule, we do not have the opportunity to have Congress step in where courts and regulators have always penetrated and give us an opportunity to set the basic framework for financial services into the next century. That is really what this debate is all about.

But we cannot get to that debate, no matter what our particular position is, unless we pass this rule. This has been heavy lifting. Those of us who have worked in the Committee on Banking and Financial Services and the Committee on Commerce trying to craft compromises have worked long and hard to get to this day.

In my own Subcommittee on Finance and Hazardous Materials, we had a historic agreement between two warring factions that had gone on for years and years, the independent insurance agents and the banks. The insurance agents finally recognized that today banks are going to be able to sell insurance, and banks finally recognized that they had to follow a certain set of guidelines and be regulated by State insurance regulators. We came to that historic agreement, something that had held up this legislation time and time and time again.

So we have seen these compromises made, and we have seen this product come together for the first time in 10 attempts by this recent Congress to reform Glass-Steagall. The WTO agreement that was recently signed in Geneva opens up markets all over the world. Countries all over the world are liberalizing their markets and allowing Americans and other companies to come in and compete for insurance.

We gave up nothing in those agreements in WTO, but other countries throughout the world, 100 of them, have agreed to open up their markets, many of which have been closed from time immemorial.

Are we going to, in this Congress, fail to pass a rule and fail to pass a bill that would modernize our financial structure at the same time we see the rest of the world coming our way and opening up their markets? I hope not. There has been too much work, too much sincere effort at compromise to get us where we are today to throw it all away and say Congress is incapable of dealing with these difficult issues.

I ask all of my colleagues on both sides of the aisle, vote for this rule. Give us an opportunity to explain how effective this bill can be in providing a modern financial services industry that will be the envy of the world.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I rise in strong opposition to the rule. Not because there is substantive differences with regards to the bill itself, H.R. 10, where, as my colleague referred to it as Titanic, no, not because of that, but this rule does not permit us to deal with the major substantive issues that this body needs to deal with.

This bill was heard in neither the Committee on Commerce nor the Committee on Banking and Financial Services. This bill is an assault on the committee process in this House. This was put together by a few individuals and excluding those that disagree with them; and now they are surprised and say to us, in order to debate it, we have to do it according to this rule.

What does this rule do? First of all, it hijacks the credit union bill, which is a noncontroversial bill that could pass and should pass. It is urgently needed. It should pass on suspension. But what this rule does is said we cannot talk about and we cannot vote and will not vote on the thrift charter and the character of the thrift charter. This rule says we cannot and will not talk about the credit union bill, even though it incorporates it into this. No vote. No consideration.

This rule suggests that we will not vote on something called an operating subsidiary in terms of the corporate structure that a financial institution may choose.

This rule dismisses something called deference in terms of what regulators have, both State and Federal, and sets up some cockamamy type of court procedure in terms of how we are going to arrive at that. To suggest it is going to eliminate the court, this sends an engraved invitation to the courts to deal with this issue in a highly unusual and, I think, yet ineffectual matter.

On and on this bill goes and offers a few amendments on topics that have little substantive effect in terms of what was going on, which were never heard. This bill certainly was opposed by consumer groups, opposed by the administration, opposed, of all groups, by the American Bankers Association. And Republicans are bringing this bill up here? I cannot believe it.

In fact, if we pass this bill, we will be taking a step backward, not forward. This does violence and undercuts and atrophies the National Bank Charter. We are suggesting we are going to modernize banks at the same time we are undercutting one of the most innovative charters we have in terms of providing opportunities for financial growth in this economy.

This will be a step backwards from where we are going in terms of facing the problems and providing the tools that our economy needs in order to be successful.

This rule needs to be defeated. If we send this over to an icy death in the Senate, we will envy progress that can be made and should be made on financial modernization in this session. Members should vote no on this and reject this type of tactic. We ought to know there is something wrong with it. If Members read all 350 pages and they think they understand it, then vote for it. But if they do not, they better not vote for it.

Ask your leadership to provide some leadership and to provide the opportunity to deal with the people's business and not to jam these things through in a partisan manner. But to start calling for a partisan vote in terms of a financial modernization bill, I will tell my colleagues there is something dramatically wrong with the direction they are going. Vote no.

Mr. Speaker, I rise in opposition to this rule on H.R. 10. Why am I opposed? Let me count the ways.

First, I object strenuously to this attempt to hijack H.R. 1151 by linking it to H.R. 10. Regardless of the underlying merit of H.R. 10, regardless of where one might stand on the politics or the process that has brought us here today, there is no rational reason to link this 350-plus pages of controversial bill with the must-pass credit union legislation. This rule must be viewed as an attempt to slow down, if not imperil, the solution to the credit union membership dilemma resulting from the Supreme Court's February ruling. There is no other way to view it. If this rule passes, I urge that the motion to recommit contain instructions to pass only the credit union legislation as passed by the Banking Committee last week.

Many Members filed many amendments to this bill. Yet we see only five, and really only three substantive, amendments before us under this. There definitely should be time and certainly accommodation to address the key issues on this bill. There should be an opportunity to improve this bill. But against the backdrop of a self-imposed deadline and the excuse for urgent action on the credit union issue, this House and the public are to be short changed on even a debate, much less a fair vote on the policies at hand.

The most important amendment discussed last night in the Rules Committee was the LaFalce-Vento-Bentsen amendment to reinstate and restore the Banking Committee's financially viable and safe operating subsidiary for national banks. The operating subsidiary amendment raised issues of great import to the overall issue of financial modernization and to the Members of the Banking Committee and the Administration. But adoption of this deficient rule would mean that amendment won't even be considered. We can't vote on an alternative corporate structure for banks, or stop the shredding of the national bank charter the policy in the H.R. 10 that is before the House. This rule on H.R. 10 denies all of us a vote on the key issue in this bill.

No, we can't discuss substance on the future of financial services in this country. But we can discuss an amendment—for 20 minutes—that would gut the Community Reinvestment Act for banks with less than $250 million in assets, an issue that has nothing to do with financial institution modernization. This amendment was not offered in either Committee's consideration and certainly represents yet another poison pill for this rule and H.R. 10, or should I say the H.R. Titanic.

Mr. Speaker, I have worked long and hard and in good faith on a financial services modernization bill for many years as have most of my colleagues on the Banking and Financial Services Committee. This rule and this bill make a mockery of a deliberate consideration and of the contributions of many Members. This is a bad faith effort to avoid issues that this House should consider. This measure was reported from the Banking Committee over nine months ago. This rule and this H.R. 10 has made partisan a bill that was a balanced, bipartisan effort when it passed the Banking Committee on June 20, 1997, with the support of 10 Democrats. A version of H.R. 10 was also passed by the House Commerce Committee and our two committees began work last fall on a compromise.

But the fact is H.R. 10 for the past five months has been a moving target. Just last night, March 30th, the 350-page version that is before the House was finalized. If Members are comfortable with such a procedure and the resulting substance, then we could dispense with the committees and let a handful of the select and self-appointed decide what we will vote upon and what we can debate. If you are willing to dismiss the committees in favor of such a procedure, just vote for this rule. And I hope you can explain this 350-page bill and why banks and others are cut off at the knees and impacted adversely. I cannot and I will vote no on this pseudo modernization bill. I urge you to do the same.

Vote "no" on the rule at the very least to provide the time to pull together a serious debate and a balanced bill for consideration by the House. Vote no on this rule and send a message to the Republican leadership to schedule the credit union bill for the suspension calendar tomorrow, instead of sending it down to the icy waters of a protracted consideration with the other body. Vote no on this rule.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce for a response.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me this time. I had not planned to speak again, but after the last speech by the gentleman in the well, the gentleman from Minnesota, I feel obligated to do so.

The gentleman worked long and hard in his committee. He produced a bill with a by-two-vote majority, and the chairman reserved the right to vote against it on the floor.

The insurance agents were opposed. The insurance companies were opposed. The brokers were opposed. The banks were opposed. Indeed, the banks have been opposed to everything we have tried to do ever since day one. Why? Because they get everything they want from the regulators. They do not want a bill.

I will tell my colleagues, if we do not get a bill in this Congress before we get back to it or our successors get back to it in the next Congress, the regulators will have given even more authority, and it will be even harder to move a bill. So it rings kind of hollow.

If we do not vote for this rule, we do not get to consider the underlying bill and the various amendments. And we must remember, even as it goes across the aisle to the other body, they will have to be considered in committee. They will have to be considered on the floor. There will be a conference which the gentleman from Minnesota will be a member of. There will be opportunities to further improve the bill.

But if we stop it tonight, as we can do if we vote against this rule, there will be no bill this year. It will be even harder to move in the next year.

Mr. FROST. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose this rule for the unfortunate and unfair linking of H.R. 1151 and the very bad provisions eliminating the Community Reinvestment Act.

I rise in opposition to the rule on H.R. 10, the Financial Services Competition Act of 1997. While I support the provisions dealing with Credit Unions, I cannot support the rule on this bill as it stands, coupled with H.R. 1151.

The rule joins H.R. 1151, non-controversial credit union legislation, with H.R. 10. This unnecessarily links H.R. 1151, the overwhelmingly bipartisan supported credit union legislation, to the more controversial H.R. 10, thus endangering passage of H.R. 1151.

H.R. 1151 was passed out of the Banking Committee by voice vote last week and has received the bipartisan support of the leadership both in the House and Senate.

There is no question that the credit union legislation would pass both Houses of Congress this year and be signed into law by the President. Therefore, H.R. 1151 should not be jeopardized by the more controversial H.R. 10.

In addition, H.R. 10 is a creation of the Republican leadership with no input from Democratic Members. In their effort to patch together compromise legislation from bills marked up by the Commerce and Banking Committee, the Republican leadership has stripped the bill of important consumer protection amendments.

While the Dingell/LaFalce amendment that was made in order represents some key Democratic consumer protection provisions, there were a number of other important Democratic consumer protection amendments that were not made in order. Instead, the rule makes in order a Bachus amendment that would strip essential Community Reinvestment Act provisions, an amendment that was not considered by either the Banking or Commerce Committees.

Based on the linkage of the non-controversial credit union legislation and the lack of Democratic consultation, I oppose this rule.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, a year ago, in a bipartisan effort, a young man from Ohio joined me to put together a bill to solve the problem of allowing American credit unions to continue to survive in anticipation of the Supreme Court ruling that happened a little more than a month ago. That bill was fairly simple. Here is the copy of it.

As of this moment, we have 207 cosponsors in this House in support of H.R. 1151. But understanding the legislative process, H.R. 1151 came to the hearing process and the markup; and, ultimately, last week, H.R. 1151 survived as a bill of approximately 31 pages that did not satisfy anyone completely but satisfied enough of the Members of this House that almost the majority are still cosponsors of H.R. 1151.

And if left to come to this floor, I have not any doubt it would survive on a voice vote under suspension to be sent on to the Senate and with a good opportunity to be taken up to the Senate and passed as it is presently structured and sent on to the President for his signature.

The indication today from the notification we have received from the Secretary of the Treasury, we would have his recommendation that the President sign the bill and put it into law, thus freeing the credit unions from captivity.

Instead, that 35-page bill has been weighed down by the Committee on Rules tonight by 350 pages of some of the most contentious financial modernization, if that is what it can be called, legislation that we can imagine.

The thing that disturbs me about the House of Representatives when they do something like this is they try and defy the rules of physics. There is no way this little skinny bill is going to carry this heavy contentious bill into law.

So the ultimate result will be that we subject the 70 million American members of credit unions that we may end up, over the next 42 days of legislative days, without the rescue, without the life jacket that is absolutely necessary that could be obtained if the leadership and the Committee on Rules would just free H.R. 1151.

□ 1800

Now I guess there are people like me that this jointure is trying to attract. I have told the leadership on both sides of the aisle that in the present state of what I know about H.R. 10, the modernization bill, not even if the Deity himself came to Earth and asked me to vote for that bill could I support it.

I am talking to the 207 Members now that are now cosponsors of 1151. It is time that we assert our right, by voting "no" on this rule, to free 1151 to go through the process and assure 70 million Americans that they will have the right to exercise their free choice in financial services in this country, and then perhaps, I suggest to the leadership that we take the process that was carried on to come up with a compromise 1151 and apply those same tactics to trying to solve the financial modernization bill.

There are amendments that were offered that would have given great strength to that bill. The gentleman from Michigan (Mr. DINGELL) indicated desires, the gentleman from New York (Mr. LAFALCE) indicated desires, the gentleman from California (Mr. DREIER) indicated desires, amendments that would help that bill. Instead, H.R. 10 is going to sink 1151 unless we are smart enough today to vote "no" on this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

In all my 31 years in government I have never seen anything happen like is happening today. The phones are ringing off the hook, including my own, and they are coming from the friendly banker, and this lobbying effort is something I have never seen in my life happen here, and the country is going to regret it because this body is not going to work its will.

Mr. Speaker, I withdraw the resolution from consideration.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from New York (Mr. SOLOMON) withdraws House Resolution 403.

ANNOUNCEMENT OF COMMITTEE ON RULES MEETING REGARDING BESTEA

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I have an announcement.

Mr. Speaker, the Committee on Rules will meet at 6:30 sharp to consider the rules resolution on BESTEA, and I would hope that all Members would be there because this will be the floor action for tomorrow.

CERTIFICATION TO CONGRESS REGARDING LONG-RANGE AIR POWER—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–236)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Appropriations and the Committee on National Security, and ordered to be printed:

To the Congress of the United States:

In accordance with the Department of Defense Appropriations Act, 1998, Public Law 105–56 (1997), and section 131 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105–85 (1997), I certify to the Congress that no additional B–2 bombers should be procured during this fiscal year.

After considering the recommendations of the Panel to Review Long-Range Air Power and the advice of the Secretary of Defense, I have decided that the $331 million authorized and appropriated for B–2 bombers in Fiscal Year 1998 will be applied as follows: $174 million will be applied toward completing the planned Fiscal Year 1998 baseline modification and repair program and $157 million will be applied toward further upgrades to improve the deployability, survivability, and maintainability of the current B–2 fleet. Using the funds in this manner will ensure successful completion of the baseline modification and repair program and further enhance the operational combat readiness of the B–2 fleet.

The Panel to Review Long-Range Air Power also provided several far-reaching recommendations for fully exploiting the potential of the current B–1, B–2, and B–52 bomber force, and for upgrading and sustaining the bomber force for the longer term. These longer term recommendations warrant careful review as the Department of Defense prepares its Fiscal Year 2000–2006 Future Years Defense Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 31, 1998.*

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

Pursuant to clause 1, rule I, the Journal stands approved.

THE MARRIAGE TAX ELIMINATION ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, the question of the day is why is the enactment of the Marriage Tax Elimination Act so important? I believe the best way to answer that question is with a series of questions. Do Americans feel that it is fair that our Tax Code imposes a higher tax on marriage? Do Americans feel that it is fair that 21 million average working married couples pay an average of $1,400 more in higher taxes than an identical couple living together outside a marriage? Do Americans feel it is right that our Tax Code actually provides an incentive to get divorced?

The answer is clear. Of course not. It is not only wrong, it is unfair. It is immoral that our Tax Code punishes marriage.

The south side of Chicago, in the south suburbs, $1,400, the average marriage tax penalty, is 1 year's tuition at Joliet Junior College. It is 3 months of child care at a local child care center. It is real money for real people.

The Marriage Tax Elimination Act has 238 cosponsors, effectively eliminating the marriage tax penalty. Let us eliminate the marriage tax penalty. Let us do it now.

Mr. Speaker, I rise today to highlight what is arguably the most unfair provision in the U.S. Tax Code: the marriage tax penalty. I want to thank you for your long term interest in bringing parity to the tax burden imposed on working married couples compared to a couple living together outside of marriage.

In January, President Clinton gave his State of the Union Address outlining many of the things he wants to do with the budget surplus.

A surplus provided by the bipartisan budget agreement which: cut waste, put America's fiscal house in order, and held Washington's feet to the fire to balance the budget.

While President Clinton paraded a long list of new spending totaling at least $46–$48 billion in new programs—we believe that a top priority should be returning the budget surplus to America's families as additional middle-class tax relief.

This Congress has given more tax relief to the middle class and working poor than any Congress of the last half century.

I think the issue of the marriage penalty can best be framed by asking these questions: Do Americans feel it's fair that our Tax Code imposes a higher tax penalty on marriage? Do Americans feel it fair that the average married working couple pays almost $1,400 more in taxes than a couple with almost identical income living together outside of marriage? Is it right that our Tax Code provides an incentive to get divorced?

In fact, today the only form one can file to avoid the marriage tax penalty is paperwork for divorce. And that is just wrong!

Since 1969, our tax laws have punished married couples when both spouses work. For no other reason than the decision to be joined in holy matrimony, more than 21 million couples a year are penalized. They pay more in taxes than they would if they were single. Not only is the marriage penalty unfair, it's wrong that our Tax Code punishes society's most basic institution. The marriage tax penalty exacts a disproportionate toll on working women and lower income couples with children. In many cases it is a working women's issue.

Let me give you an example of how the marriage tax penalty unfairly affects middle class married working couples.

For example, a machinist, at a Caterpillar manufacturing plant in my home district of Joliet, makes $30,500 a year in salary. His wife is a tenured elementary school teacher, also bringing home $30,500 a year in salary. If they would both file their taxes as singles, as individuals, they would pay 15%.

MARRIAGE PENALTY EXAMPLE IN THE SOUTH SUBURBS

	Machinist	School teacher	Couple
Adjusted gross income	$30,500	$30,500	$61,000
Less personal exemption and standard deduction	6,550	6,550	11,800
Taxable income	23,950	23,950	49,200
Tax liability	3,592.5	3,592.5	8,563
Marriage Penalty	....	....	1,378

But if they chose to live their lives in holy matrimony, and now file jointly, their combined income of $61,000 pushes them into a higher tax bracket of 28 percent, producing a tax penalty of $1400 in higher taxes.

On average, America's married working couples pay $1,400 more a year in taxes than individuals with the same incomes. That's serious money. Everyday we get closer to April 15th more married couples will be realizing that they are suffering the marriage tax penalty.

Particularly if you think of it in terms of: a down payment on a house or a car, one year's tuition at a local community college, or several months worth of quality child care at a local day care center.

To that end, Congressman DAVID MCINTOSH and I have authored the Marriage Tax Elimination Act.

It would allow married couples a choice in filing their income taxes, either jointly or as individuals—which ever way lets them keep more of their own money.

Our bill already has the bipartisan cosponsorship of 232 Members of the House and a similar bill in the Senate also enjoys widespread support.

It isn't enough for President Clinton to suggest tax breaks for child care. The President's child care proposal would help a working couple afford, on average, three weeks of day care. Elimination of the marriage tax penalty would give the same couple the choice of paying for three months of child care—or addressing other family priorities. After all, parents know better than Washington what their family needs.

We fondly remember the 1996 State of the Union when the President declared emphatically that, quote "the era of big government is over."

We must stick to our guns, and stay the course.

There never was an American appetite for big government.

But there certainly is for reforming the existing way government does business.

And what better way to show the American people that our government will continue along the path to reform and prosperity than by eliminating the marriage tax penalty.

Ladies and Gentleman, we are on the verge of running a surplus. It's basic math.

It means Americans are already paying more than is needed for government to do the job we expect it.

What better way to give back than to begin with mom and dad and the American family—the backbone of our society.

We ask that President Clinton join with Congress and make elimination of the marriage tax penalty—a bipartisan priority.

Of all the challenges married couples face in providing home and hearth to America's children, the U.S. Tax Code should not be one of them.

Lets eliminate The Marriage Tax Penalty and do it now!

WHICH IS BETTER?

NOTE: The President's Proposal to expand the child care tax credit will pay for only 2 to 3 weeks of child care. The Weller-McIntosh Marriage Tax Elimination Act H.R. 2456, will allow married couples to pay for 3 months of child care.

WHICH IS BETTER, 3 WEEKS OR 3 MONTHS

CHILD CARE OPTIONS UNDER THE MARRIAGE TAX ELIMINATION ACT

	Average tax relief	Average weekly day care cost	Weeks day care
Marriage Tax Elimination Act	$1,400	$127	11
President's Child Care Tax Credit	358	127	2.8

MOURNING THE PASSING OF BELLA ABZUG

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, I rise to acknowledge sadly the passing of Bella Abzug, a former Member of this House of Representatives. Bella Abzug was a fearless defender of the rights of the people. She was always there arguing on behalf of the downtrodden, arguing on behalf of civil rights, staking out a claim for the rights of women, fearless defender of the rights of women, someone who was admired across this country for her independence, for her courage, for her willingness to stand up and speak out for what she believed in.

Bella Abzug was a legendary figure not only in the politics of New York State but in the Government of the United States. She became a symbol of someone who would fearlessly represent the interests of her constituency, someone who had the ability through her personality to summon masses of people to the standards of truth and justice in this country.

Bella Abzug is going to be missed in this country, and she will be missed by millions of Americans who have appreciated her dedication, her love of our Nation and her understanding that America can always be better, that it has a higher truth to resonate to, that it should be an all-inclusive Nation, a Nation where the rights of women are upheld as well as everyone, a Nation where the rights of the poor are upheld as well as everyone, a Nation where all of us have a chance to make this a better place.

I will miss Bella Abzug. She was a personal friend. She was someone with whom I had the opportunity to share many moments, and I could tell my colleagues I have learned from her and I consider her a treasure for this country, and on behalf of the people of the 10th District of the State of Ohio I want to say, "Farewell, Bella. Thank you for serving this Nation."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE IMPORTANCE OF SMALL BUSINESSES IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EWING) is recognized for 5 minutes.

Mr. EWING. Mr. Speaker, I would like to speak today about a success story that is close to home. It is about an independent business located in my hometown in Illinois where I grew up, which is a farming community in central Illinois. The business is the farm implement business which has served many beautiful and profitable farms that are located in this part of Illinois for many years.

In fact, on July 25, 1998 this business will celebrate its 100th anniversary. The business I am referring to is Schmidt-Marcotte, Inc. I am pleased, therefore, to come to the floor today to recognize this business, but in a larger sense to recognize the importance of small businesses throughout America.

Whether we are celebrating their 100th anniversary, their 50th anniversary or their 1st anniversary, it is a known fact that small businesses in America create more jobs for working men and women than all the industrial giants of our country together. Therefore, small business is truly the engine that keeps the great American economic machine running.

Another point that I think is extremely important about small business is the opportunity it gives to men and women who want to have the independence, and, yes, take the responsibility of being on their own so that they can have the opportunity to be entrepreneurs. There are those in our society who may be happier working for a giant corporation. There are many who feel the need and the stirring in their souls to be entrepreneurs, to own their own business, to have the opportunity in this way to seek success for themselves and their families.

□ 1815

Small businesses, like the Schmidt-Marcotte, are truly important to rural America. I am pleased to recognize this business and all the others like them across America for what they do for the rural economy.

I may not have mentioned, but at the beginning I intended to say that not only does this business deserve to be honored for the number of years, but that I have a personal involvement with Schmidt-Marcotte, Inc.; it has been a part of my life when I was growing up for many years. I have known the principals for my entire life, which is over half the time that they have been in business.

When I was growing up, the then Schmidt Blacksmith Shop and Implement Business was located just on the back of the block where my parents' home was located. I would, as a young child playing in the neighborhood, often pass the blacksmith shop and look in the door. Maybe I would venture inside to see and talk to the men that were working at their jobs.

At that time, the blacksmith shop was still outfitted with the billows and fires burning in the keels, which were part of the trade of a blacksmith. You would see the owner making horseshoes or other apparatus for use for horses and farm machinery.

I have known all the generations except the founder, who was an immigrant named Richard Schmidt, who came from Germany. He was the first generation, and he immigrated to Central Illinois in 1881. He was followed in the business by his son, Paul A. Schmidt, his son, Richard E. Schmidt, and his son, Steven P. Schmidt, and his two children, Michael and Jenny. They are all very real people to me, not just names.

As has been the pattern over the years, small businesses grow and merge. Sometimes they divide. But in this case the Schmidt Implement Business has grown and merged with the Marcotte Implement Business, and then in the nineties merged with the Cox-Evans Implement Business, and here again my relationship with the Cox-Evans family goes back for almost my entire life. This family is now in its fourth generation in the farm implement business.

It is my hope as we recognize the Schmidt-Marcotte Implement Business today we will also reflect a little bit upon what in this country has made it possible for this country to grow and prosper, and with those reflections, we should rededicate our efforts and our commitment to keeping America strong and our government supportive and not overpowering, so that this small business can survive a second 100 years, and so that all small businesses across America can continue the opportunity to grow and prosper.

Mr. Speaker, I include for the RECORD my full text of the history of the Schmidt-Marcotte Implement Business in Illinois.

The business actually began with Richard Schmidt's immigration to Atlanta, Illinois, from Germany in 1881. Upon his arrival, Richard began work for Mr. Demer Rhodes, the local blacksmith. Richard worked for Mr. Rhodes for several years, learning the "smithy" business. In 1895, Richard married Minnie Butler and set up housekeeping. Three years later, two events occurred which would eventually set the course for the business: Richard purchased the blacksmith shop from Mr. Rhodes and his son, Paul A. Schmidt was born.

The first shop, a two-story building, was located near the railroad on First Street. The lower level was a general blacksmith shop. A day's work consisted of shoeing horses, sharpening plow shares, and general welding, all very hard, physical labor. The firing of the metal was done in two coal-fired forges and then pounded into shape on anvils. The second floor of the building housed a complete wagon and buggy manufacturing facility and repair shop. Finished buggies and wagons were moved upstairs by means of an outdoor ramp.

Around 1915, Richard purchased a gas engine to power a set of overhead line shafts which ran various machines by individual belts. This engine powered a 75 pound trip hammer to forge metal once done by human hand, a punch and sheer to cut iron, a drill press, and a threat cutting machine. This was the beginning of automation for the business. Eventually the gas engine was replace by an electric motor.

In 1916, Richard's son, Paul, graduated from Atlanta High School and joined his father in the business. When World War I started in 1917, Paul went into the armed services and served a tour of duty in France. Upon his son's return in 1918, Richard had added to the blacksmithing business a line of horse drawn implements—the beginning of the family farm implement business as I know it today.

The first horse-drawn implements sold by the business were manufactured by Emerson-Braningham Company. The line of implements included horse-drawn gang plows, sickle mowers, and disk harrows. Still, the blacksmithing business flourished as the bulk of farm power was still furnished by horses.

1926 was to become a letter year for the business; Richard Schmidt died and son, Paul, took over the business. In that same year, the Emerson-Braningham Company was bought out by J.I. Case Company of Racine, Wisconsin, and Paul Schmidt signed his first contract with J.I. Case Company, the beginning of 72 years of continuous service to the local farm community. Two years later, Paul and his wife Ruth, had a son—Richard E. Schmidt—the third generation.

With the onset of the Great Depression in the 1930's, the word for the next several years was "survival." In 1933, total cash sales for Paul Schmidt were less than $1,500.00. in order to keep the business going, a large portion of the work done was either for barter or charged on the book. Few tractors and machines were sold at this time. The business survived once again on blacksmith work and welding. Life was hard for farmers. A bushel of corn was worth $.10. The heat wave and great drought of 1936 caused many crop failures and that winter was one of the coldest on record.

1937 seemed to be the turning point in the farm machinery business. The economy had picked up and the Great Depression appeared to be over. Paul purchased two train carloads of Case two-row cornpickers. The cost of these machines was approximately $900.00. Modern combines that could be pulled by a tractor, began to replace the threshing machines.

The farm economy was on an upswing. The practice of trading horses and cow for new machines was common-place. At one time, Paul had eight horses and two cows boarded at Hoblit Farms south of Atlanta. The late 1930s introduced rubber tractor tires, taking the place of steel-lugged wheels. This enabled the farmers to travel faster, provided more traction in the fields, and made local road commissioners happier.

Few farm machines were made with the onset of World War II in 1941. Farm machinery manufacturers turned their efforts to making war equipment. The bulk of the business at the blacksmith shop was that of repairing old equipment. By the end of the war in 1946, Paul Schmidt had built a new modern tractor shop, a parts room and office facility.

It was always Richard E. Schmidt's intention to join the family business. He graduated from Atlanta High School in 1946 and was accepted at the University of Illinois. After one year of college, Richard returned home to help manage the business. In 1950, Richard was drafted into the U.S. Army and served his tour in Korea. At the same time, post-war sales increased and the business flourished. By the end of the Korean Conflict in 1953, the business had changed from a blacksmith shop selling some machinery to a farm machinery dealership doing some blacksmith work. Richard returned home from the war, and in January of 1953 married Dema Smith. One year later, the future fourth generation to take over the business, Steven Paul Schmidt was born.

The late 1950's brought major growth to the business and to the farm economy. In 1958, Case Company introduced their first automatic tractor transmission. This was the beginning of major technological advances for farm machinery manufacturers. Machinery was becoming larger and more sophisticated.

With the addition of the New Idea farm machinery line in 1960, Richard E. Schmidt broadened the business' customer-base twofold. First, to include a larger group of farmers and second to the seed corn industry. New Idea appealed not only to area farmers but to the seed corn industry because of its introduction of self-propelled corn harvesters. With the addition of this new equipment line, an additional building was erected at the downtown location in 1968 so that machinery could be repaired inside where it was sheltered from the weather. Paul A. Schmidt and Son employed five people at this time. Sadly, the decade closed with the passing of Paul A. Schmidt on February 4, 1969. Paul had enjoyed over 50 years in the farm machinery business.

Schmidt Implement Company was formed in 1970. Good grain prices during the mid-1970s encouraged rapid growth in the business. In 1976, Dick's son, Steven P. Schmidt graduated from Illinois Wesleyan University, Bloomington, Illinois; with a degree in business administration. Shortly after graduation, Steven joined the family business.

The growth of the business determined the fate of the original blacksmith shop. It had become apparent that the business had outgrown its original downtown location; a move was required. An eight-acre tract of land was purchased on the south edge of Atlanta. The business would be bordered by I–55 and U.S. 66. An 11,200 square foot metal building was constructed on the site in May of 1978, doubling the original shop size. The new site, once the northwest edge of the old Atlanta fairgrounds, is marked by a cornerstone. The day of the village blacksmith has passed on.

This was a busy time for both Richard and Steven Schmidt. 1977 welcomed the birth of son Michael to Steven Schmidt; daughter Jenni was to follow in 1979. The fifth generation of Schmidts had arrived.

For Richard, 1978 found him elected to the office of president of the J.I. Case Dealer Council. This council was formed to provide a common link between dealers and corporate management.

The business continued to flourish under the government's PIK (payment-in-kind) program and in 1985, two major equipment lines, J.I. Case and International Harvester, merged to become Case International. This merger eventually precipitated another partnership. On November 1, 1987, two Logan County farm equipment dealers joined forces, Schmidt Implement Company and Marcotte International, Inc. of Lincoln, Illinois. This merger became operational under the name of Schmidt-Marcotte, Inc., resulting in the cloture of the Marcotte dealership on Woodlawn Road in Lincoln. With the merger came the construction of two more buildings and doubled the number of employees.

William (Bill) Marcotte brought to the business 21 years of association with International Harvester products. Bill graduated from Southern Illinois University in 1966 with a degree in agriculture. He worked for International Harvester as a sales representative out of their Peoria office. In 1973, he was transferred to Lincoln, Illinois as an assistant manager and purchased the dealership in 1974. He had been owner/operator until the merger in 1987.

In 1992 Schmidt-Marcotte further enhanced their central Illinois leadership in agriculture implement sales by merging with Evans Implement of Lawndale. David Evans closed his business in Lawndale, purchased stock in Schmidt-Marcotte, and joined the Schmidts and Bill Marcotte as a business partner. This merger provided the company with their second major farm equipment manufacturer-New Holland-as well as several short line companies including Kinze, an industry leader in planting equipment.

David Evans' family has been involved in the farm equipment business since 1953. That year his grandfather and uncle, John Cox and John R. Cox, started Cox implement Company, an Allis-Chalmers dealership in Lincoln. Cox Implement flourished and in 1966 they moved their business to Lawndale to accommodate the business' growth and need for space. In 1979, David and his father, Tom, bought the dealership and operated it under the name of Evans Implement. As the years passed, the Allis-Chalmers dealership grew with the addition of Steiger, Kinze, New Holland, and a host of short line companies. Tom Evans retired in 1991. That same year Dave's son, Tim Evans, joined the business. Tim, currently the office manager of Schmidt-Marcotte, is a fourth generation family member involved in the farm equipment business.

Schmidt-Marcotte's merger with Evans resulted in greatly expanded customer services in areas including sales and parts.

Schmidt-Marcotte, Inc., currently operates with Steve Schmidt as president, Bill Marcotte as vice-president, and Dave Evans as treasurer, and currently employs 30 individuals. In December, 1998, Michael Schmidt will graduate with a degree in agriculture from Western Illinois University, and plans to join his father, Steve, in the business, marking five generations in the farm implement business.

In closing, a celebration marking their 100 years of service will be held in Atlanta, Illinois at the business on July 25, 1998.

TRIBUTE TO CADET SHIRER

The SPEAKER pro tempore (Mr. JENKINS). Under a previous order of the House, the gentleman from Pennsylvania (Mr. MASCARA) is recognized for 5 minutes.

Mr. MASCARA. Mr. Speaker, I rise today to congratulate Cadet Shirer, a lifelong Western Pennsylvanian, a very special person who is celebrating his 100th birthday.

Mr. Shirer was born and raised in Westmoreland County in the community of Alverton, Pennsylvania, on March 31, 1898. He still calls Alverton his home, a community which also is the residence of his two children, Thomas and Joyce, and their families.

I want to take this opportunity also to honor Mr. Shirer for his dedication to his country. At the age of 19, he joined the Army to defend his country during World War I. He served in the E Company of the 10th Pennsylvania Infantry, and later as a member of the medical troop that was shipped to France.

He is one of the few remaining World War I veterans in Western Pennsylvania, and the last surviving charter member of the Veterans of World War I and the VFW Post in Scottdale, Pennsylvania.

His commitment to the ailing troops did not end with the signing of the Armistice. For 20 years, beginning in 1961, Mr. Shirer took it upon himself to help veterans in Westmoreland County by providing them with the necessary transportation to the nearby Veterans Administration Hospital in Pittsburgh.

I have had the pleasure of meeting Mr. Shirer at several events in my district. He is a distinguished man who still proudly wears the Army uniform when attending veterans events. What strikes me most about him is his ability to recite by memory John McCrae's great war poem, "In Flander's Fields," and the Gettysburg Address, remember, without the assistance of notes. He is truly a remarkable man.

In your honor, Mr. Shirer, we are having a flag flown over the Nation's Capitol building today. I join Mr. Shirer, his children, his grandchildren and his great-grandchildren in wishing him a very happy 100th birthday. He stands as a symbol for all veterans who have fought to keep this country's freedom.

A VISION FOR THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. NEUMANN) is recognized for 5 minutes.

Mr. NEUMANN. Mr. Speaker, I rise tonight for a very special reason. A lot of times we talk about having a vision for the future of this country, and we talk about a social vision for the future of this country and we get all confused about Washington's role in that social vision. This morning I was reading the Washington Times, and there is an article that I would just like to call everyone's attention to, because it says a lot about this vision.

We talk a lot, first, about education and how we can make education number one in the world. We talk here in Washington about how if we get out of the way and get control of education back into the hands of the parents and the community, and we get our parents back actively involved in making the decision on where their kids could go to school, and what should be taught in the schools. If we can get the parents involved actively in these kids lives, then education will once again be number one in the world, and that is the best thing we could do here in Washington.

This article this morning that I was reading talks about a lot of the other implications of getting the parents back involved in the lives of the kids. This article was a national study of 12,000 teens, and they found the influences of family, school and personal character, and they found that these influences can either protect teens from all kinds of problems or result in teens having more problems.

Listen to some of these results, because these are the issues we talk about here in Washington, and we sometimes get hung up out here in Washington about how Washington can fix these problems.

How do we stop teenagers from cigarette use? Listen to what they found in this survey of 12,000 students. Cigarette use among teens: How do you slow it down? Number one, parent, family, connectedness. Parents and family doing things together.

Number two, parent at home before and after school, at dinner time, and at bedtime.

Number three, parents and teens do activities together regularly.

Notice what is missing from this list? There is no new Washington program to solve the problem, but rather parents involved with their teenagers.

Let's go on to another one. Alcohol use among teens. You see this idea of getting parents back involved in education of their kids is going to have a lot of side effects. Let's talk about alcohol use among teenagers.

Number one among these 12,000 students surveyed, number one to slow alcohol use among teenagers, parent-family connectedness.

Number two, parent at home before and after school, at dinner time, and at bedtime. And listen to this one: Teen religious identity. You want to slow down alcohol use amongst teenagers? Parents need to be involved with their kids once again.

Marijuana use, how do you stop marijuana use amongst teenagers? Again, no new Washington program, no new Washington spending, number one to stop marijuana use amongst kids, remember, this was 12,000 students surveyed: Parent-family connectedness. Parents doing things with their kids.

Number two, parents at home before and after school, at dinner time and bedtime. Notice the consistency here. When the parents are around for their kids, the abuse of whether it is alcohol or cigarettes or marijuana goes down dramatically.

How do you solve teen pregnancy in the United States of America? You are here in Washington. You would think the solution to teen pregnancy is handing out condoms in school. That is not how you solve it.

Listen to what 12,000 students told in answer to this survey: The best way, teens need to know that parents disapprove of teen use of birth control. The number one thing that resulted in fewer teenage pregnancies was when the teens know that parents disapprove of birth control activities.

What do we do here in Washington? We encourage additional birth control, and it is exactly the opposite outcome of what we should be doing.

Number two, parents and teens do activities together regularly. This is how you slow teen pregnancy in America. Number one and two are exactly the opposite of what we are recommending here in Washington.

Number three, teen use birth control properly at first and last act. Again, that is three, that is down the list with these students as opposed to parents being actively involved with their kids.

I pointed this out because there is a lot of discussion in this city about how Washington can solve these problems, and the reality is when you actually talk to the students, the right answer is parents being actively involved with their kids is the best thing that can happen.

Now, what could Washington do to help this situation? We have a tax rate that says $37 out of every $100 that a typical American family earns gets paid into taxes to the government in one shape or form or another, either State, Federal, local or property taxes.

So if we really want to help solve the problems of cigarette use in teens, alcohol use in teens, marijuana use in teens, if we want to slow the pregnancy rate amongst teenage girls, if we really want to help with these things, why don't we talk about reducing this tax burden on families so that one of the parents or both of the parents can be home more often and more actively involved with their kids?

TRIBUTE TO PAUL ROBESON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, Paul Robeson, accomplished scholar, Phi Beta Kappa, Rutgers University valedictorian, twice All-American Football hero, graduated Columbia University Law School, practicing attorney, Shakespearian actor, and, for two decades, was considered one of the greatest baritones in the world.

Mr. Speaker, on April 9th, thousands of his fans and admirers throughout the world will celebrate the 100th birthday of one of America's most gifted and accomplished individuals, Paul Robeson.

For several years now, there have been efforts under way to try and have a commemorative stamp in his honor and bearing his name. For some reason, the Postal Service has not seen fit to do so. Therefore, I take this opportunity to ask the question, why, and urge the Postal Service to correct this oversight.

Surely Paul Robeson fits the criteria. Dr. James Alsbrooks points out that various reference books refer to Mr. Robeson as an "American Treasure" and deserves respect. Among them are the World Book Encyclopedia, Britannica, Collier's Encyclopedia, and the Academic American Encyclopedia, which states that Paul Robeson was one of the most distinguished Americans of the 20th Century.

In addition to his brilliant stage career, Robeson learned several foreign languages. He played the title role in the 1943 Broadway production of "Othello," which ran a record 296 performances.

In 1944, he was awarded the Academy of Arts and Letters Gold Medal for best diction in American Theater and the Donaldson Award for Best Actor. In the 1930s, Robeson spent a great deal of time in Europe and was deeply impressed by the Soviet Union and its seeming lack of racial prejudice.

In 1939, he returned to the United States. He supported the American war effort during World War II and campaigned for the sale of war bonds.

After the war, Paul Robeson became increasingly disillusioned with the treatment and status of blacks in American society. He became a spokesman on civil rights issues. In 1950, as a result of some pro-Soviet Union statements, the State Department revoked his passport, charging him with procommunist leanings. However, in 1958, the Supreme Court upheld his right to go abroad.

Paul Robeson was what we today would call an activist-artist-scholar, who had a profound impact on forcing America to look at racism, classism, militarism and a concept of mass struggle. He was attacked relentlessly, brought before the House un-American Activities Committee, and hounded continuously by ultra right wing conservatives. However, Robeson continued to stand, fight, speak out and perform. He was indeed a tall tree in the American forest.

☐ 1830

Given all of these accomplishments and all of these attributes, it is inconceivable that we could deny the placement of such an American on one of our postage stamps, especially given the fact that Bugs Bunny, Wolfman, Frankenstein, John Henry, Paul Bunyan and other symbols adorn these precious vehicles of communication.

As we proceed to the 100th birthday of Paul Robeson, I urge the U.S. Times Postal Service to move expeditiously to correct the gross injustice, to correct and recognize the enormous contribution of one of our most gifted, most talented, and most impactful citizens. He stood for what America is destined to become: free, just and equal. Let us put him on a stamp.

REFORM OF THE INTERNATIONAL MONETARY FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SAXTON) is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, as chair of the Joint Economic Committee, sometime ago I began or the Joint Economic Committee began a review of a proposal which came to us from the International Monetary Fund through the Treasury of the United States. Secretary Rubin, in essence, passed along the request of the International Monetary Fund, the IMF, for an appropriation of $18 billion to, in their words, permit the IMF to continue their work.

It is interesting, Mr. Speaker. The IMF, which was established in 1945, over the years since 1945 has had a total, a quota appropriated to it, of about 36 billion U.S. dollars. So one might ask why it would be that the IMF would come to us today and in one lump sum request the appropriation of $18 billion, a 50 percent increase in 1 year over what they have had over the past 50-some odd years?

So we began to look at this as a very serious matter. This is $18 billion of U.S. taxpayers' money that would be used for purposes around the world; for perhaps good purposes, in some instances, and perhaps for questionable purposes in other instances; but $18 billion, billion with a B, of U.S. taxpayers' funds.

So when we began to look at the operations of the IMF, we noticed that something was quite peculiar. That was that, after a great deal of study, we determined that the average amount of interest that the IMF obtains in making its loans to risky creditors in other countries is about 4.7 percent; that is right, 4.7 percent.

By today's standards, or by any standards in the modern world, 4.7 percent is a fairly low interest rate. Americans who buy homes pay in the neighborhood of 7 percent. Americans in this day and age who buy cars pay an interest of 9 or 9½ percent. Americans who use credit cards pay interest rates from 18 to 24 percent. So 4.7 percent interest is a relatively low interest rate.

After we determined that this was the case, we drafted some legislation to try to change the way the IMF does business. Mr. Speaker, we did not suggest that the $18 billion of American taxpayers' money should be forwarded, appropriated and forwarded to the International Monetary Fund. We said, before we even consider sending them another dime, that we ought to change the rules as we see them, as we participate in the IMF, as to how it operates. They would be some fairly simple and straightforward changes.

The first change would involve our ability to find out what the IMF is doing, why they make their decisions and how they make them. Because today they do it in secret, Mr. Speaker. They do it in secret. And, as a matter of fact, even when Members of Congress ask why the decisions were made that were made, we cannot see their minutes, we cannot see their reports, we cannot see the studies of the results of what they obtained. So we are requesting to be able to see into their procedures: transparency, we call that.

We also introduced in the same bill, which happens to be H.R. 3331, a provision that would require them to use American dollars, both in the case of the $36 billion they already have and in the case of whatever we may appropriate in the future, and that they loan at market interest rates, adjusted for risk.

That is an important factor, because, Mr. Speaker, if you have the opportunity to go out and borrow some money, if you are a lender and you start loaning at 4.7 percent, believe me, you have lots of customers. So we would require that they loan at market rates, and we would also require that they establish an independent advisory board that would report to the public periodically about their activities.

The reason for me taking the floor to explain this tonight, because I have done this before, is that a very prestigious organization in Washington, the Heritage Foundation, will soon release a report, a draft of which I have here. They support the notions and the concepts contained in H.R. 3331.

They say, for example, that with regard to the issue of being able to see what the IMF does, they say, "Demands for greater transparency are a part of nearly every piece of legislation involving the IMF."

Mr. Speaker, I include for the RECORD an article by Brett Schaefer on this subject.

The material referred to is as follows:

HOW CONGRESS SHOULD REFORM THE INTERNATIONAL MONETARY FUND

(By Brett D. Schaefer)

Recent weeks have seen vigorous debate in Congress over America's participation in and funding of the International Monetary Fund (IMF). Both the Senate and the House of Representatives have passed supplemental appropriations bills containing the $17.9 billion requested by the Administration for the IMF. Both bills request specific reforms in IMF operations or policy. Unfortunately, either these reforms would have little impact on the current operations of the IMF, or they are completely unenforceable.

Congress should utilize the rare opportunity offered by this legislation to reform the economically harmful activities of the IMF.[1] Short of denying funding for or eliminating the IMF, the best way for Congress to correct its failings would be by enacting legislation like The IMF Transparency and Efficiency Act of 1998 (H.R. 3331), sponsored by Representatives Jim Saxton (R-NJ), Richard K. Armey (R-TX), and Tom Campbell (R-CA). This bill attempts to shine a bright light on the internal workings of the IMF, which have been all too often closed to outside scrutiny. In addition, it would mitigate the market distortion caused by IMF loans. It requires the IMF to charge market interest rates on its loans, and establish an independent review board to examine its policies, practices, and results. Finally, H.R. 3331 contains the most stringent enforcement measures of any current reform proposal.

CURRENT LEGISLATION

The Senate passed a supplemental appropriations bill on March 26, 1998, to grant the Administration's request for $17.9 billion for the IMF. Negotiations between the Administration and the leadership in the Senate resulted in changes that greatly weakened the reforms demanded by earlier versions of the bill. For example, instead of demanding that the IMF pass a resolution to change its loan policies, a provision approved in the earlier version by the Senate Appropriations Committee, the new agreement only requires the Secretary of the Treasury to certify that the world's seven largest economies—the so-called Group of 7 (G–7) nations—agree to use their influence to push two specific reforms in IMF policies.[2] These reforms would obligate recipients of IMF assistance to: (1) end government subsidies and directed lending and (2) comply with international trade agreements. This deal removed the provision in the original legislation that would punish the IMF for failing to enact congressionally mandated reforms. Instead of demanding concrete results on reform before granting money to the IMF, the legislation recently passed by the Senate merely requests a nebulous promise from the G–7 countries to pursue reform.

The Appropriations Committee in the House of Representatives passed two supplemental appropriations bills on March 24, 1998. One contains appropriations for both the IMF and the United States' arrears to the United Nations, and the other provides funding for U.S. participation in the Bosnia peacekeeping mission, military expenses in the Middle East, and disaster relief. The reform provisions for the IMF in the House bill are very similar to those originally present in the Senate bill. Specifically, before the funds appropriated in the bill could be dispersed, transferred, or made available to the IMF, the Secretary of the Treasury must certify that the IMF Board of Executive Directors had passed a resolution requiring every user of IMF resources to: (1) comply with all international trade agreements and obligations to which the borrower is a party; (2) eliminate government directed lending or subsidies; and (3) guarantee that countries would not discriminate between domestic and foreign creditors or debtors when resolving debt problems.

In addition, the House bill includes three directives that (1) the Treasury report on advances in financial transparency, application of internationally accepted accounting practices, elimination of subsidies, and improving the effect of IMF assistance on worker's rights; (2) the President ensure that no U.S. resources are "made available, directly or indirectly, to promote unfair competition against the American semi-conductor industry"; and (3) the IMF member countries establish an advisory commission on the international financial system.

Although the House bill is stricter than the Senate legislation, it remains far from ideal. Both would give the IMF $17.9 billion—the entire Administration request—with ineffective or unenforceable conditions, and would result in little change in how the IMF does business, which is the root of the problem.

THE IMF TRANSPARENCY AND EFFICIENCY ACT OF 1998

As a lender of last resort, the IMF disrupts the global market. Worse, the secretive nature of the IMF prevents any accurate evaluation of the extent of this disruption. The problem, therefore, is not that the IMF lacks sufficient funds, but that its distribution of subsidized loans and its secretive nature reward poor governance, encourage excessive risk-taking by investors, and conceal information necessary to counter these effects. The best way to avoid these outcomes would be to shun these kinds of subsidized loans altogether. Short of eliminating the IMF, which would be the ideal solution, Congress can focus on mitigating the more harmful consequences of IMF lending.

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[1] For detailed criticism of the IMF and the detrimental effects of its policies on developing countries and the global economy see: Bryan T. Johnson and Brett D. Schaefer, "Congress Should Give No More Funds to the IMF," Heritage Foundation Backgrounder No. 1157, February 12, 1998; "No New Funding for the IMF," Heritage Foundation Backgrounder Update No. 287, September 23, 1997; and "The International Monetary Fund: Outdated, Ineffective, and Unnecessary," Heritage Foundation Backgrounder No. 1113, May 6, 1997; Bryan T. Johnson, and John Sweeney, "Down the Drain: Why the IMF Bailout in Asia is Wasteful and Won't Work," Heritage Foundation Backgrounder No. 1150, December 5, 1997.

[2] The G–7 includes Canada, France, German, Italy, Japan, the United Kingdom, and the United States. It meets periodically to coordinate economic policies, discuss treaties or agreements, and issue policy statements. The G–7 are the seven largest contributors to the IMF and control 44.82 percent of its votes, according to the 1997 IMF Annual Report.

The best vehicle for achieving this goal is The IMF Transparency and Efficiency Act of 1998 (H.R. 3331), sponsored by Representative Jim Saxton (R-NJ), Richard K. Armey (R-TX), and Tom Campbell (R-CA). H.R. 3331 demands that the Executive Directors of the IMF initiate specific reforms:

Increase transparency. Demands for greater transparency are a part of nearly every piece of legislation involving IMF reform. Despite Congress's appropriation of $17.9 billion in American taxpayer dollars to the IMF, the organization refuses to grant Congress or the American public timely access to the minutes of its board meetings, its loan agreements, and its performance evaluations.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I was on official travel with the President of the United States last week, and I missed a number of votes.

Had I been present, I would have voted no on rollcall numbers 80, 78, 76, 75, 74, 73, and 69. I would have voted yes on rollcall numbers 79, 77, 72, 71, 70, and 68.

A HISTORICAL HEALER: MARY JANE LAWSON BROWN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise today to recognize a historical healer, Mary Jane Lawson Brown, who has been considered to be one of the most important figures in the history of health care in Palatka, Florida.

Born in 1882, Mary Jane Lawson was an incredible person by any measure, let alone an historic and extraordinary woman. In 1915, Mary Jane Lawson enrolled in training school for embalming, one of the only two women at the school. Completing her courses of study in the same year, she became the first African American licensed to perform funerals in the State of Florida.

In 1918, she opened the Mary Lawson Sanatorium. At first, the sanatorium cared for the African American residents of the Palatka area. However, by 1922, the sanatorium was caring for people of all races in a community desperately short of health care facilities.

The 35-bed Mary Lawson Sanatorium, later to be renamed the Mary Lawson Hospital during the 1930s, housed x-ray equipment, a laboratory, and surgical facilities. For a long period in Putnam County history, the Mary Lawson Hospital was the only location in the county equipped for physicians to perform surgery.

As the owner and administrator of the primary health care center in Putnam County throughout the Roaring Twenties, the Great Depression, World War II, and the 1950s, Mary Jane Lawson has been regarded as a blessing to Palatka.

In 1925, Mary Jane Lawson and her close friend, Mary McLeod Bethune, started the first chapter of the Advancement of Colored Women, which continues to be a large national organization today. Mary McLeod Bethune founded the Bethune Cookman College in Daytona Beach, Florida, and lived in Palatka during the 1920s.

During this time period, Mary Jane Lawson provided assistance on several efforts to attain funding for the college that Cookman had started. This was yet another way Ms. Lawson gave back to the community.

Mary Jane Lawson lived to be 79 years of age. The efforts of Ms. Lawson extended to her granddaughter, Mary Lawson Brown. Ms. Brown and her son, Theodore Brown II, are both licensed funeral directors who live and own the Lawson & Son Funeral Home; and it has remained one of the largest and oldest business in the Palatka community.

As we celebrate Women's History Month, I ask that my colleagues join me as I applaud this historical healer who shares her talents among the residents of the great State of Florida.

PARENTS' TRUE PRIORITY: TIME WITH THEIR CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, as I was driving to the airport last Friday, I heard on the CBS News part of a statement by the national head of the YMCA. He said, because of all the broken homes and other factors, children are being deprived of time, love, and attention like never before in our history. He was speaking out because of the horrendous tragedy in Arkansas.

Then I switched stations and heard Dr. Laura Schlesinger, the radio psychologist, read something written by a third grader about his heroes, his parents. He emphasized, and Dr. Laura emphasized by reading it twice and stressing the word, "time."

Then in Sunday's Knoxville News Sentinel was an article by Mike Barnicle of the Boston Globe. The headline said, "How much time do we really spend with our children?"

Mr. Barnicle wrote, "It's not the guns. It's not TV. It's not movies featuring enormous amounts of gratuitous violence." He said,

> "We can indulge ourselves in all of the semantic or psychological contortions available. We can assemble commissions, tie yellow ribbons around trees, shed tears, utter prayers, listen to speeches, read editorials, and we are still left with the apparent stone-cold fact that these multiple homicides were committed allegedly by two boys. One is 11, the other 13."

Mike Barnicle continued by pointing out that,

> "Today we communicate by e-mail, cell phones, laptops, the Internet, websites, and home pages. Yet we don't know what a 13-year-old is doing in his spare time."

He ended his article in this way:

> Accountability rarely makes its way to the conversation table because so many parents are busy, too preoccupied with the moment to realize that the true priority—the most difficult task, as well as their greatest achievement, potentially—is staring them in the face with a . . . look that says, "Talk to me, man."

For 7½ years before I came to Congress, I was a criminal court judge trying primarily the felony cases. The first day I was Judge, I was told that 98 percent of the defendants in felony cases came from broken homes.

I went through thousands of cases and read over and over again, "Defendant's father left home when defendant was 2 and never returned. Defendant's father left home to get a pack of cigarettes and never came back."

Then 3 or 4 years ago, I read an article about two leading criminologists who had studied 11,000 felony cases from around the country; and they said, the biggest single factor in serious crime, nothing else was even close, was father-absent households. Then I read that the 13-year-old boy in Arkansas, probably the leader, was the son of parents who divorced when he was 9; and his father lives in Minnesota.

I know there are exceptions to every rule. I know that many wonderful people come from broken homes. I know there are hundreds of thousands of single mothers who are doing miraculous, even heroic, jobs raising their children. I also know that divorce hurts children; and many of them are hurt deeply, far worse than we realize, and scarred for life.

So many fathers are slowly going out of the lives of their children. This hurts both boys and girls, but girls, who so often stay with their mothers, seem to be able to handle it better. We have a very serious epidemic in this Nation of small boys growing up without a good male role model. I know sometimes divorce is inevitable. It is the only choice. But I also believe that one of the greatest blessings you can give any child is two loving parents.

Government cannot solve this problem alone. We need more men who will get active with the Boy Scouts and Sunday school and organizations that work with young boys, but government can help. We need school systems which will make a greater effort to hire male teachers at the elementary level. A very small percentage of elementary teachers are male right now.

But the biggest way government could help, Mr. Speaker, is by lowering its budget and increasing the family's budget. The biggest factor in most divorces is strong, even bitter disagreements over money.

In 1950, the Federal, State and local governments took about 3 or 4 percent each from the average family. Today, the government at all levels takes almost 40 percent in taxes and another 10 percent in government regulatory costs. One spouse has to work to support the government while the other works to support the family. If the government at all levels took less from the average family, there would be far fewer families that would split up due to the millions of arguments over family finances.

There is nothing we can do to end all divorce or end all crime, but if we could greatly downsize government and decrease its cost, we would greatly strengthen the family. If we could substantially decrease the government's budget, we could increase the family's budget. Many more families would stay together; and parents, whether single or married, could do far more for their children. It is no accident that when government was much smaller and took far less of our incomes, there was far less divorce and far fewer broken homes than today.

I think it is obvious that serious crime would go way down if we made government much smaller and let families keep more of what they earn.

Unfortunately, we will see even more serious crimes committed by children if we continue to see broken homes at the rate of the past several years.

One last thing, Mr. Speaker, is the fact that acts of violence and other very serious problems have become much more frequent since prayer and Bible-reading were taken out of the schools.

There has been much national publicity given to the study that showed the most serious problems in schools in the 1940s were things like chewing gum and talking in class, while today teachers have to deal with guns, knives, drugs, violence, and so forth.

I know that most children, on most days probably did not listen when we had prayer and Bible reading in the schools.

But you never knew when some child might have come to school hurting in some way because of a problem at home or something else and who might have been helped by a prayer or a particular Bible verse.

Also, it sent a daily message to our children that there was some chance of help when our problems got too big. Now, and for many years, children do not and have not received that message.

Once again, it would not solve all problems if we put prayer and Bible reading back in the schools, but it would help, and it would do much more good than harm.

PRESIDENT CLINTON'S REMARKS ON SLAVERY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think it is very important that I bring to the attention of this House a very fitting commentary by Richard Cohen, printed today in the Washington Post, March 31, 1998. It is titled, "A Fitting Apology." Might I just share partially some of the comments made in this article?

It starts off by saying, "Should President Clinton now apologize for apologizing? It seems he should. His remarks about the American role in the slave trade, neither historically inaccurate nor, you would think, all that controversial, have been denounced by no less a personage than a key member of the House GOP leadership and mocked, nay, scorned, by pundits galore. We are not, I take it, sorry about slavery, a rhetorical question.

"Clinton's words are worth setting down in their full unremarkableness."

As the author says, quoting President Clinton, "Going back to the time before we were even a Nation, European Americans received the fruits of slave trade, and we were wrong in that."

You may want to read that statement a second time, and once you have done so, let me assure you that nothing has been left out.

Again, might I quote this statement? It says, "Going back to the time before we were even a Nation, European Americans received the fruits of slave trade, and we were wrong in that."

As the author says, and once you have done so, reading it twice, as I have done, let me assure the Members that nothing has been left out. There it is, a bland statement of regret. Yet, the august majority whip of the House of Representatives, THOMAS DELAY, blasted the President for what he said in Africa.

"Here is a flower child with gray hair doing exactly what he did back in the sixties." DELAY said, referring to Clinton's antiwar activities, according to Richard Cohen's column. "He is apologizing for the actions of the United States."

Not exactly. Clinton did not say anything about the United States, although he certainly could have. Slavery, after all, was not ended until the Civil War and the capitulation of the confederacy.

□ 1845

Until then, it was legal in the State of Texas for one human being to own another and to sell his or her children if he so chose. Our colleague further objected that Clinton said nothing about the role of Africans, such as the chieftains in Uganda who were selling blacks to slave traders. Others of an equally scholarly bent have noted that it was West Africa, not Uganda, that supplied most of the slaves to the New World.

This has not been limited, of course, to those in the United States Congress, for Patrick Buchanan added another bit of history, seemingly inaccurate and small in mind. He said, "When Europeans arrived in sub-Saharan Africa the inhabitants had no machinery, no written language," he wrote. "When the Europeans departed, most of them by 1960, they left behind power stations, telephones, telegraphs, railroads, mines, plantations, schools, a civil service, a police force and a Treasury. Now with the Europeans gone, much of sub-Saharan Africa has reverted to chaos."

I am very delighted, as a Member of the United States Congress who has had the opportunity in recent months to visit Africa, first with the presidential mission of the gentleman from New York (Mr. RANGEL) and recently with the President of the United States, that history tells us differently.

First of all, sub-Saharan Africa is an emerging 48 nations, along with the 53 nations of the continent, that is quite progressive. And frankly, the colonizers who came did not leave Africa in such good repair. I am delighted that this Congress passed, with the support of Speaker NEWT GINGRICH, the African Growth and Opportunity Act that will recognize Africa as an equal partner.

Mr. Speaker, I also am very saddened by the lack of acknowledgment that all of us should regret slavery, whether we live on the continent of Africa or whether we came here in the bottom of the belly of a slave boat, as my ancestors did, or whether we are of European descent.

The statement by the President was not one, I believe, of a flower child; it was that of the President of the United States of America, the leader of the free world, acknowledging an era in all of our history which we would like to forget or at least acknowledge that it was a bad time for all of us.

Mr. Speaker, I hope that we in the United States Congress can recognize that an apology is simply that, an acknowledgment of something that happened that was wrong. I have always taught my children, and I was always taught, that a simple apology goes a long way. And that it is.

Of course, President Clinton did not make an apology; he simply expressed regrets. And all of the press and the media and the recordings of what he said simply acknowledge a regretful period in the history of America and Africa.

Mr. Speaker, I think it is time that we begin a healing process. There is nothing wrong with simply admitting that was a regretful time, a time we wish not to repeat.

RELIGIOUS FREEDOM AMENDMENT

The SPEAKER pro tempore (Mr. JENKINS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes as the designee of the majority leader.

Mr. ISTOOK. Mr. Speaker, I appreciate the opportunity to visit with you and other Members of the House and talk this evening about not just a piece of legislation but something that is affecting the way that we live in this country, and what happens when a number of people who are quite unfortunately intolerant of basic values in America got the court systems to go along with them and to start silencing people who are trying to exercise free speech and trying to exercise their right under the First Amendment of freedom of religion. But unfortunately the First Amendment has been twisted against it.

Let me share, Mr. Speaker, the story of a young man in Medford, New Jersey. His name is Zachariah Hood. Now he is 8 years old, but things began for him when he was in first grade. First grade, boy, that is a joyful time. I have got five kids. They are in college and high school now, but I recall the life and the energy and the vigor of a first grader. And especially when they get a chance to do something on their own in the class, to be in charge of the class, even for a few minutes.

Well, Zachariah Hood was in first grade in Medford, New Jersey, and the class had a reading contest and whoever won the contest would get to read a story to the class. Not only that, they could pick the story they wanted to read.

Little Zachariah was happy and he won the contest. Zachariah got the right. He was going to read a story to his classmates and he proudly brought his own book to school to read a brief story. Now, Mr. Speaker, I want to share the story that he wanted to read, because, Mr. Speaker, he was told he could not do it. When the teacher saw the book that he brought in and the story that he wanted to read, the teacher told him, "Oh, no, the Constitution does not let you read this at public school."

The book was called The Beginner's Bible. It was not the King James, it was not the Revised Standard or any other edition. It was just a book for kids telling some Bible stories, and this is the story that he wanted to read and he was told was unconstitutional. Mr. Speaker, the story is about Jacob and Esau and here I quote from it. I quote it in its entirety:

> Jacob traveled far away to his uncle's house. He worked for his uncle taking care of sheep. While he was there, Jacob got married. He had 12 sons. Jacob's big family lived on his uncle's land for many years. But Jacob wanted to go back home.
>
> One day, Jacob packed up all of his animals and his family and everything he had. They traveled all the way back to where Esau lived. Now, Jacob was afraid that Esau might still be angry at him, so he sent presents to Esau. He sent servants who said, "Please do not be angry anymore." But Esau was not angry. He ran to Jacob. He hugged and kissed him. He was happy to see his brother again.

Mr. Speaker, that is the story. I have finished quoting it, the story about the reunion of Jacob and Esau. Esau, of course most of us know, had previously sold Jacob his birthright for a bowl of pottage. And Zachariah Hood just wanted to read a story to his classmates about Jacob and Esau and the reunion of two brothers. He thought that was a nice story, and I think it is too.

But the school system said, "Oh, the First Amendment will not let you do that." They told him, "We have something called separation of church and State." I will comment about that in a minute, Mr. Speaker, about what that really means. But the school said, "We have separation of church and State and you cannot read in public school this story out of your Beginner's Bible."

Zachariah's parents were not real happy. They sued the school. Now one would think over something like this the kid ought to win his case. He ought to be able to read a nice simple story about two brothers getting back together. But no, the United States District Court, basing it on rulings that our Supreme Court has been making over the last 36 years, said "Oh, the school is right. You cannot read that story at public school." The story that I just read they held was unconstitutional, that it violated the separation of church and State, and it was prohibited by the very First Amendment which was enacted by our Founding Fathers to protect us.

What kind of malarkey is this, Mr. Speaker, when the First Amendment that is supposed to protect faith in America is being used as a weapon against it?

Now, I have here, Mr. Speaker, a copy of the story that the Associated Press ran on this from the newspaper in New Jersey, the Star Ledger, which was printed January 29 of this year. I provided a copy to the Clerk, Mr. Speaker, and I submit it for inclusion in the CONGRESSIONAL RECORD:

MEDFORD FIRST-GRADER'S BIBLE STORY STIRS A BATTLE OVER RELIGIOUS RIGHTS

(By Melanie Burney)

> The case of a New Jersey boy barred from reading a Bible story to his first-grade class is bound for a federal appeals court as the battle continues over religious expression in public schools.
>
> The lawsuit centers on whether the Medford elementary school teacher violated the 6-year-old boy's First Amendment rights.
>
> U.S. District Court Judge Joseph H. Rodriquez in Camden ruled last month that the teacher was justified and school officials acted appropriately.
>
> But an attorney for the boy's family, backed by the Virginia-based Rutherford Institute, filed an appeal Tuesday with the 3rd U.S. Circuit of Appeals in Philadelphia challenging the lower court ruling.
>
> While prayer in school has been barred for decades, court rulings have allowed some religious expression in schools. U.S. Department of Education guidelines also permit students to express their religious beliefs in some circumstances through homework, artwork and other assignments.
>
> "This case isn't an attempt to argue that Bible-reading and prayer should be returned to school or anything of that sort," said attorney F. Michael Daily of Merchantville, who filed the appeal. . . . This case is really one of trying to obtain some equilibrium in religious rights of students.
>
> Some legal experts say the case could ultimately land before the U.S. Supreme Court to define the boundaries for religion in public schools.
>
> "It's potentially precedent-setting," said Douglas Laycock, a professor at the University of Texas Law School in Austin. "I think there's a need to clarify."
>
> The controversy began in February 1996 when Zachariah Hood chose a story about Jacob and Esau from The Beginner's Bible to read aloud to the class. Students in the class were rewarded for good reading performances by being allowed to read a story of their choice. Zachariah initially selected Dr. Seuss' "The Cat in the Hat," but decided it was too long.
>
> Teacher Grace Oliva instructed him to read the story to her privately first, and decided it was inappropriate, said attorney John Dyer, who represents the Medford Board of Education.
>
> "Should a child be able to espouse a belief at any time that child wishes in a first-grade classroom?" asked Dyer. "The answer that most people would say is no because the teacher must retain control over the classroom."
>
> "The problem is hard because the teacher tells the kids you can choose anything you want and then it turns out there are some things you can't choose," Laycock said. "Once you give kids a choice, discrimination against religion is a real problem.
>
> The boy's family filed suit in June 1996.
>
> "I never expected it to become a lawsuit," the boy's mother, Carol, said. "We are not religious fanatics. We are very normal. We are mainstream, religious people."
>
> The Rutherford Institute—the conservative organization representing Paula Jones in her sexual harassment lawsuit against President Clinton—is paying the family's legal bills.
>
> The institute is pressing this case as part of its strategy to clarify the religious expression permitted in public schools, said Kim Hazelwood, eastern regional coordinator.
>
> "We're finding that there's a lot of confusion around the country on what the boundaries are," Hazelwood said. "This case shows that there are still individual students whose religious speech is being restricted."
>
> Zachariah left the school district shortly after the incident; the family moved to nearby Lumberton, for reasons related to the lawsuit.
>
> The lawsuit, which names state and local school officials, seeks unspecified compensatory damages from the school board. It also calls for a new policy to "protect students who present religious views."

Mr. Speaker, I think it is really important that people be able to look at this and think upon it and ponder. What has the Supreme Court done? Think about something as simple as the Ten Commandments. The decisions the U.S. Supreme Court has made have not just been against prayer in public schools, but they said that the Ten Commandments cannot be posted on the walls of the public school.

Here in the House Chamber we have, and I am facing it right now, we have the image of Moses where we can see it, and it reminds us of Moses as the great lawgiver because he brought the Ten Commandments down from Mount Sinai. In fact, the U.S. Supreme Court has a depiction of Moses and the Ten Commandments on the wall in the chambers, the official chambers of the U.S. Supreme Court.

We have right above your head, Mr. Speaker, "In God We Trust," which we have on our coins and dollar bills and other places as a national motto. But the U.S. Supreme Court said, "No, you cannot have the Ten Commandments either just posted on the wall of a public school." They did that in the case in 1980 of Stone v. Graham, and their reasoning they wrote in their opinion: Because if the Ten Commandments were there, students might read them, might revere them, and might obey them.

Just think of what they would be asked to obey, the values that are fundamental to us, commandments such as, "Thou shalt not kill." When we hear, Mr. Speaker, about the terrible thing that happened in Jonesboro, Arkansas just last week, would we not like to be free to teach our kids in public school that it is wrong to kill? I mean they do not get that message on television. Why, why are some intolerant people trying to separate us from our values by stripping out prayer, stripping out references to religion or the Ten Commandments, or stripping out the reunion of two brothers from our public schools, as happened to Zachariah Hood, a first grade student?

Mr. Speaker, trying to address this and similar decisions, sad distortions of the First Amendment, is the very reason that over 150 Members of this body have come together as cosponsors of the religious freedom amendment. It is a constitutional amendment, Mr. Speaker. We revere the U.S. Constitution. I hold it as a sacred document. But the U.S. Supreme Court has twisted it beyond recognition.

□ 1900

The first amendment, the very first part of it says Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. It does not say you have to strip away religious references in our society. It does not say you cannot have prayer. It does not say you cannot refer to the Ten Commandments. It just says we will not have an official religion. We will not have a government-designated religion in the USA, but we are going to have religious freedom. But we are caught in a Catch 22, devised by the court. If you try to exercise freedom of religion on public property, you are told, no, we are saying that is the same as establishing a national church, and we are going to stop you.

And you have this debate that goes on about taking away our heritage. I want to share with you, Mr. Speaker, the religious freedom amendment. The full text, it is pretty straightforward, we tried to track what the first amendment really said and really intended and followed that as our pattern, but at the same time reversed the distortions that the U.S. Supreme Court has made of it.

The religious freedom amendment, House Joint Resolution 78, simply states, to secure the people's right to acknowledge God according to the dictates of conscience, neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, proscribe school prayers, discriminate against religion or deny equal access to a benefit on account of religion.

That is it, Mr. Speaker. That is the positive statement of our rights and the protection against government trying to create a national church or trying to compel people to pray or tell them how to pray or what to pray, but to secure our rights, which have been stripped away systematically by these series of decisions of the U.S. Supreme Court, rights that have not just affected me and my family, but Zachariah Hood, the first grade student of New Jersey, and his family and people all around the country.

Mr. Speaker, it is really sad to see and hear about the things going on, like in Ohio, there is a lawsuit now in Ohio, Mr. Speaker, that is related to their State motto. We can say in God we trust as it does in the House Chamber as our motto. In fact, the Star-Spangled Banner states, in one of the verses, and this be our motto, in God is our trust. Ohio, as its State motto, makes a similar reference. But unfortunately it is being sued to take it away.

The motto is simply, with God all things are possible. That is it. Pretty straightforward. Pretty simple. But the ACLU does not like that, the same people who are bringing the lawsuits against school prayer, against the Ten Commandments, against all sorts of simple, nonthreatening references, to strip away, to censor them; they are suing Ohio. They are suing West Virginia to stop prayers at football games. They are suing to take things off of city seals and logos. They will get around to our currency in God we trust at one time or another, I am sure, but, Mr. Speaker, the standard ought to be pretty straightforward and simple.

You do not compel anybody to participate, just like when we have the pledge of allegiance at school, nobody is compelled to join in. The U.S. Supreme Court has given them that right, and I agree with that decision, but let us apply the same standard to school prayer to say nobody can be compelled to participate, but that does not give you the right to censor those that do want to participate. That is fair. It protects minority and majority.

That is what the first amendment is supposed to do, to protect all of us. I think it is fascinating that some people think the first amendment is only meant to protect them, but no one else, and it is to protect their right to be intolerant and not my might to express my faith or the rights of children who want to start the day with a simple prayer, not because they are compelled by the school, the school should not compel them to do that. But if the students say we want to start the day with a prayer, why not? If someone does not want to join in, they do not have to join in, but why tread on the rights of those who want to start the day at school the same way we start the day here in the Congress of the United States, with a prayer; the same way that the Oklahoma legislature and probably every legislature in this country opens every day, with a prayer; the way that city councils begin their meetings, with a prayer; the way that Rotary Clubs will start their meetings, with a prayer, or Kiwanis clubs or Chambers of Commerce or Boy Scouts or Girl Scouts or whoever it might be? It is common. It is ordinary. It is good. It is positive. Yet we have intolerant people saying, oh, it is horrible. It offends me to hear you pray.

Mr. Speaker, I think the problem is with the person that chooses to take offense, not with the person that chooses to express hope. Unfortunately, our courts have sided with those who want to suppress simple expression of faith. The religious freedom amendment will be on the floor of this House in the next few weeks. It has been approved by the Subcommittee on the Constitution. It has been approved by the House Committee on the Judiciary.

This is the first time that a school prayer amendment has been approved by a committee of Congress, even though the decision against voluntary prayer in public schools was rendered by the U.S. Supreme Court back in 1962, 36 years ago. We have not had a vote in this House on a proposal like that for 28 years. Even then it took some special maneuvering to get it around the committee process.

I am appreciative of the Judiciary chairman, the gentleman from Illinois (Mr. HYDE), who has helped to shepherd it through and get it to where now we are about to have an historic vote.

Mr. Speaker, it is long overdue that we address the problem of court discrimination against religion. Mr. Speaker, I think that as we do this, we need to focus on the fact that we are doing this because the American people have never accepted what the Supreme Court did. I have a collection of 36 years of public opinion polls and consistently three-fourths or more of the American people say, yes, we support a constitutional amendment to make it possible to have prayers in public schools again. If you ask them to, if you go to another question, you say, well, what about songs around, dare I say it, around Christmastime, because some schools do not even want to call them Christmas pageants they have anymore. They are winter programs. And you will find places where you can go that they will say, you can sing Frosty the Snowman, you can sing Walking in a Winter Wonderland, you can sing Here Comes Santa Claus, but you better leave out Silent Night and O Come All Ye Faithful.

The religious freedom amendment says that is an expression of religious heritage or tradition. That ought to be permitted, whether it is a Christian song or it is a Jewish song or that of another faith, let people understand that there is faith as a normal part of life. We may have some differences among us, some people may pray different ways. Let them hear each other pray different ways. Let them be aware that beyond the differences and even more important than the differences is a unity, a unity and a belief in God. The Declaration of Independence states that belief.

The founding document of the United States of America says, we hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights governments are instituted among men.

Our Founding Fathers wrote the very reason for government is not to create rights or to establish rights, but to protect, to secure the rights which come to us from our Creator, from God. Is that taught? It is in the Declaration of Independence. Yet some people are telling us that that is not a proper teaching these days.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding. As I am sitting here listening to your great explanation of the need for this amendment, it occurs to me that there is not a single thing in this amendment that was not thought to be commonplace, that was not thought to be absolute, that was not thought to be definite for the 175 years after the Bill of Rights became part of the Constitution.

Certainly, when you look back at the Founding Fathers, the men, and they happened to be men at that time, we would have women if we had a constitutional convention today there, but those people who were in Philadelphia, as you look at their debates, as you look at their discussions, it is so clear that they understood, Mr. ISTOOK, the difference in separation of church and State and removing God from country. In fact, in comment after comment that Washington and Franklin and others make, it is so clearly an interwoven part of what they thought was absolutely essential that we not eliminate God from country, that in the furthest reaches of their imagination, the interpretation of the documents they worked on that has happened in the last 5 years by the courts would not have been thought to be even remotely possible.

When you look at Washington's comments that religion and morality are the key cornerstones for a democracy, when you look at John Adams' comments when he, I think he was the minister, the Ambassador to Great Britain, he saw the Constitution for the first time, and as he wrote back his observations about the Constitution, he said, surely this is a document for a godly people because it will serve no other. It was not the kind of document that could work in a society that did not have a basis and belief, and faith and belief in God. But they did not want to really determine what faith or what God that was.

From the heritage that they were coming out of, where many of the colonies had had a State-supported church, it was clear what they wanted the first amendment to do. It was clear what that immediate addition to the Constitution was all about. Not to eliminate God from country, not to eliminate religion from society, but in fact to say, we are not going to have a State-sponsored church. We are not going to use tax money to support one religion over another. We are going to be sure that all religions can freely be expressed, can freely be established in this country.

And then if you look at right away what happens, as the government is founded, you see that religion is part of that, that God is part of that. Washington, as he established the tradition when he wanted to put his hand on the Bible to be sworn in as the President of the United States, he wanted the document, the book that he based his faith on to be the basis for the beginning of that administration. And that has become obviously part of our tradition, that we swear not only before God as people become President of our country, but we swear with a binding commitment to what they have based their faith on as we use the Bible.

As you have pointed out already, not only the first Congress, but every day of every Congress since then, as far as I know, and certainly every day of the Congress since I have been here, we start with ceremonies that would be a violation of high school graduation. We start every day with ceremonies that then we turn, by ignoring this problem, we turn to people all over America and say, we are certainly not going to start a day of the Congress without time to pause, time to meditate, time to ask the Chaplain or a guest Chaplain to come in and pray, but we are not really going to stand up and make it clear that you should be able to do that, too.

I think that the Capitol, most Americans would sense that we were in a very public building, that we were definitely in a tax-supported and, most people would probably say, tax-supported in excess institution, as we are here in the Congress and in the Capitol. And we start each day with that prayer.

As I think you also pointed out, the Speaker looks directly in front of him and sees Moses, the lawgiver. The Supreme Court sets under the carving of the lawgiver, of Moses, the giver of the Ten Commandments and decides we cannot put those same commandments on a schoolhouse wall if the school board wants to. How contradictory could you be? How can the court do that without asking that somebody come in and sandblast the lawgiver, that very reference to the Ten Commandments, sandblast that off their wall.

□ 1915

If they are going to say that some school can't hang that on the wall for fear that the students who walk by it every day might begin to emulate those commandments, might begin to think, well, you know, maybe stealing and killing and lying is wrong.

Our society, our laws are based on those very premises. And, really, all the amendment that I was pleased to cosponsor with my colleague, along with many others in this Congress, all this does is get us back to where Americans from 1787 until the 1960s thought without question we could and should in our Nation be. This is just going back and clarifying something that nobody had a problem with for 175 years.

But somehow, in our sophistication, somehow in our higher view of things, we figured out what the people that drafted these documents apparently did not understand. Because if they understood them, they were immediately and constantly and consistently in violation of them. And then in the 1960s and the 1970s and 1980s and 1990s, we further and further move away from those principles that are so basic and were so easily understood for so long in America.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. ISTOOK. I yield to the gentleman from North Carolina.

Mr. JONES. Mr. Speaker, there is something that the gentleman from Missouri (Mr. BLUNT) was making comment about; and I certainly appreciated his going from the beginning of this country, which was founded on Judeo-Christian principles, to the time that we are here tonight and talking about the good things that those of us who believe strongly in the right to practice our religion freely, which this Constitution guarantees us.

But one thing that my colleague was saying that really rang up there with me is that it is so tragic in this Nation today where I believe the Justice Department reports that 100,000 young people bring guns to school every day. I want to repeat that. 100,000 students bring guns to school every day. Yet those same students, and please correct me if I am incorrect, those same students cannot bring a Bible to the school but yet they can carry guns.

Mr. ISTOOK. Reclaiming my time, I would say to my colleague that, fortunately, few schools try to actually ban the Bible, although there have been cases of it. At this point, the courts have not gone so far to say the student cannot bring a Bible to school.

But the test, of course, is not how many rights do we have left. The test is how many rights have already been taken away from us. Because if that student, with or without a Bible, says we want to have a prayer at graduation or a football game or school assembly or to start the day in class, they are told, oh, no, someone might not want to hear it.

Mr. JONES. If the gentleman would further yield for just a moment, and I want him to correct me if I am wrong. Is it not true that in Texas, and I forgot the town, somewhere around Galveston I believe, a couple, 3 years ago, that a Federal judge actually told the principal of a school that if during the graduation that the person giving the prayer would use the name Jesus that if that was going to be done that the judge would order that U.S. marshals be stationed at the school and the person that used the word Jesus in a prayer would be removed? Am I correct or incorrect in that?

Mr. ISTOOK. I wish I could tell my colleague that he is incorrect; but, unfortunately, he is correct. The high school, I believe, was Ball High School in Galveston, Texas.

I read the transcript of the judge's remarks because of an appellate decision, which is still subject to the Supreme Court's changing. But at that time, because of an appellate decision, he felt that he had to honor their request to let them have a prayer at graduation, but he started putting limitations on it saying, if anyone mentions Jesus, I will have the U.S. marshal there to arrest them.

So he was telling them, you know, I am going to tell you how to pray. And, unfortunately, most of the court decisions, including the U.S. Supreme Court decision in 1992, said we should not have prayers at graduation. That was the Lever v. Weisman case, which came out of Rhode Island.

So the gentleman is correct that they are saying we should not have prayers at graduation. They are suing West Virginia now over prayers at football games. There are other lawsuits going on. There are still some schools which, frankly, have students practicing civil disobedience, that they are having prayers during school instructional hours, basically because the ACLU has not gotten around to suing them yet.

I will make some more comments on this, but I would like to hear more from the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Just one more question while my colleagues are standing here to talk about this issue.

Is it not true that a constitutional amendment, as my colleague said in his earlier remarks, certainly the Constitution is like the Bible. It is sacred. It guarantees our right to practice our freedom, which, again, religion to be practiced freely. If the Constitution is to be amended, if it passes the House, and I want my colleague to touch on this, and the Senate, then it goes back to the States. Would the gentleman briefly explain that process for those that might be watching around this country so they know that they will actually have the final say through their legislative process?

Mr. ISTOOK. Certainly.

The Founding Fathers, in their wisdom, understood there could be some problems that would require somebody who misinterpreted the Constitution, as the Supreme Court has done. So they created within the Constitution a mechanism which is a constitutional amendment, which has been used a couple dozen times in this country; and it is a very straightforward mechanism. There is an alternate one with conventions.

But basically it says, two-thirds of the House and two-thirds of the Senate approve a constitutional amendment. Then it goes to the States for ratification. Three-fourths of the States must ratify that amendment. Now, they do not need a two-thirds vote in each of those States. They only need a simple majority. But it is done through the legislatures.

We notice there is no official role of the President or of the governors of the State. It is done by the House and the Senate of the Congress, and then it goes to the State legislature for the Houses and Senates and Assemblies, as they are called, in the various States.

That is the process. That is the process we are following with the religious freedom amendment. I would like to point out that that is the process that has been followed several times when the U.S. Supreme Court had a distortion that Congress thought was necessary to correct.

The 11th amendment to the Constitution was to overturn a U.S. Supreme Court decision about whether States could be sued in Federal courts by citizens of other States. And the 14th amendment, the first portion of it, was intended to overturn the Dred Scott decision, which had held that African Americans, whether slave or free, could not become citizens of the United States. So the 14th amendment was a constitutional correction of a U.S. Supreme Court decision. The income tax amendment involved changing a U.S. Supreme Court amendment. That was the 16th amendment.

So this is the process that has been followed in other cases. Also, the 26th amendment, to make 18 the voting age. They are all responses to decisions of the U.S. Supreme Court. So, too, the religious freedom amendment is in response to a number of decisions of the U.S. Supreme Court.

We may want to detail some of those in a minute and how this affects some of those decisions. But it is responding to the anti-prayer, anti-Ten Commandments, anti-nativity scenes, and anti-graduation prayer and similar decisions by the U.S. Supreme Court. We are following the process set up by the Founding Fathers.

Mr. JONES. I want to thank the gentleman very much for his leadership and to tell him that many people in the Third District of North Carolina are very pleased that he, along with many of his colleagues, some here tonight, have fought on this issue. We hope and we pray that we do have a debate this year on this floor dealing with trying to clarify our constitutional rights to practice our religion.

Mr. ISTOOK. I very much appreciate the comments of the gentleman from North Carolina.

Before recognizing another colleague, I would like to elaborate a bit on something the gentleman from Missouri (Mr. BLUNT) brought up, which was the Founding Fathers' intent.

He talked about George Washington. A lot of people do not know that the day after the first amendment was approved by the Congress, Washington asked Congress to declare a national day of prayer and fasting. Obviously, he did not think that was inconsistent with what Congress had just done, because they turned around and they approved a day of prayer and fasting.

In fact, when we talk about the intent of the Founding Fathers, I know different people say, well, Thomas Jefferson said this and that. Of course, he did not draft the first amendment. He was not there. But if we want to go to an authoritative source for what the first amendment really intended to do and to look for some guidance on this catch phrase that is used often without thinking, this catch phrase that says, "separation of church and State," what does it mean, why do we not choose for our authority the Chief Justice of the United States Supreme Court, William Rehnquist?

I am not talking about the Chief Justice 200 years ago. I am talking about the one today that, as part of his work, has gone through and studied it. And in one of the official decisions, and he was a dissenter in this decision, but he talked about this; and that was the 5–4 decision that came down in 1985 in the case of Wallace v. Jaffrey, where the U.S. Supreme Court said that for a State to permit a moment of silence, for a State to permit a moment of silence in public schools was unconstitutional because it could be used by students to say a silent prayer.

That is how outrageous the decisions have gotten. It was a 5–4 decision of the Supreme Court. And Justice Rehnquist, in commenting about what the other Justices were doing, wrote about this term "separation of church and State."

I want to tell my colleagues what Chief Justice Rehnquist said. He said, the term "separation of church and State" has caused a "mischievous diversion of judges from the actual intentions of the drafters of the Bill of Rights. The wall of separation between church and State is a metaphor based on bad history, a metaphor which has proved useless as a guide to judging. It should be frankly and explicitly abandoned."

Those are the words of the Chief Justice of the U.S. Supreme Court, who wrote them just right across the street from this building as part of an official opinion. Why? Because he studied it. And, as he said, "The evil to be aimed at, so far as its drafters were concerned, appears to have been the establishment of a national church and perhaps the preference of one religious sect over another. But it was definitely not concerned about whether the government might aid all religions evenhandedly."

So I take no less authority than the Chief Justice of the U.S. Supreme Court to say that that term has been used to twist and distort the real meaning and the real intention of the first amendment. The religious freedom amendment follows what Justice Rehnquist said was the actual intention and should still be the actual intention of the first amendment had it not been corrected.

Mr. Speaker, I yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, I am grateful to my friend for yielding. I had a few remarks in response to the gentleman's points, but I wish to begin by commending him for the thoughtful research that he has put into this resolution and into this draft.

First, though, let me just observe, as the gentleman from Oklahoma observes quite accurately and also the gentleman from Missouri observes, the Supreme Court sits in a building with the symbols of Moses and the Ten Commandments.

I had the very great honor to serve as a law clerk to Mr. Justice White on the United States Supreme Court. And every day when we opened argument, the Supreme Court began in the following manner: "Oyez, oyez, oyez. All persons having business before the honorable, the Supreme Court of the United States are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this honorable court."

Now, if those exact same words were said by a high school valedictorian in her commencement address, I take it that at least some Federal judge would say, "Impermissible because you have asked God's blessing on government's property."

☐ 1930

It must be remarkably ironic for the Supreme Court to deal with this issue, knowing that the very day they began the argument they invoked God's blessing on their proceedings.

The second point I wanted to share, the gentleman from Oklahoma (Mr. ISTOOK) has been quite scholarly in his research of the Constitution and the fact that we have amended it many times in response to Supreme Court opinions, that one must be thoughtful one does not do this lightly. But the process is such that it cannot be done lightly, requiring, as it does, the two-thirds approval of the Senate, excuse me, of the other body, of the House of Representatives, and then three-quarters approval of the various States.

Then, in addition to the amendments that the gentleman raised which were in response to the Supreme Court opinions, I do not know if you mentioned, but the 16th belongs there as well, when the Supreme Court had said the Congress could not constitutionally impose a tax on incomes. There are some of us who might have wished that that decision of the Supreme Court stood forever, but it was reversed by an amendment to the Constitution to permit the income tax as well as all of the other examples that the gentleman raised.

Thirdly, there is a most remarkable difficulty in consistency with the Supreme Court's teaching on free speech. *Tinker* v. *Des Moines* is a case that speaks to conduct in schools. I am sure that the gentleman remembers, I certainly do, during the Vietnam war a number of students in the Des Moines school district were interested in expressing their opposition to the Vietnam war by wearing black arm bands. The Supreme Court not only held that the wearing a black arm band was a form of speech, but that it could not be prohibited by the local school board, that the individual student had the right to express himself in this case by wearing a black arm band.

I can only speculate, but suppose the student wanted to wear a cross or wanted to wear a yarmulke or wanted to wear another symbol of his or her particular faith, if engaged in this conduct on government property, would the Court say that this is impermissible, when the Court said that the school district could not prevent the individual from expressing his point of view about the Vietnam war?

If that is so, then we have created not a protection against the establishment of religion, but we have created a discrimination against religion. Then the expression of religion is in a lower status than the expression of a political point of view.

Mr. ISTOOK. Mr. Speaker, if the gentleman would engage in a dialogue on this, because you are exactly right, you are right on target, I believe, with your analysis, because religion has been relegated to a category of speech which must be controlled and limited, because supposedly it carries some danger or some threat.

You are familiar, as an attorney, with a number of cases where the U.S. Supreme Court has said, even though the First Amendment states an absolute right of free speech, that does not give you the right to incite a crowd to rebel against the government or to engage in libelous and slanderous comment or to yell "fire" in a crowded theater and so forth.

So, too, we have some limits on free speech, but we also have freedom of religion. They have placed expression of religion, prayer and similar things in a category that does not have the same protection as you mentioned of wearing a black arm band.

There may be some other students in class who say, "I am offended by your wearing of a black arm band," but that does not give them the right to censor the other student. But if the student says, "I am offended because they offer the prayer," then the Supreme Court says, oh, well, in that case, we are going to say you cannot do it.

The U.S. Supreme Court has passed decisions protecting the Nazi swastika. They have passed decisions protecting the burning of a cross. The case I am thinking of, the swastika, it was where the American Nazis were wanting to march through Skokie, Illinois, a Jewish community with a number of Holocaust survivors. The U.S. Supreme Court said no, free speech, no matter how insulting or horrible you may see it to be, they still have their right of free speech. But when it comes to religious expression, they have said, oh, it is okay, you can suppress it.

In your State of California, the Internal Revenue Service, one of its big district offices is Laguna Niguel. I have got a copy of the memo that was circulated to the employees of the IRS saying you cannot have in your desk or your personal work space a Bible, a picture of Christ, a cross, a Star of David, or other religious symbols.

I wrote the IRS. I said what is this about, telling people that in their own desk that they cannot have these? This is part of their personal effects out there. The IRS wrote back and they said items which are considered intrusive, such as, and I am quoting by the way, "items which are considered intrusive, such as religious emblems or sexually suggestive cartoons or calendars" had to be controlled and restricted. They have placed religious speech in the same category as pornography, requiring not only restriction but prior restraint by the government. That is the danger. I wanted to share that with you.

Mr. CAMPBELL. Mr. Speaker, I appreciate the gentleman yielding additional time to me to comment.

Mr. ISTOOK. Certainly.

Mr. CAMPBELL. The examples you give are most disturbing. I would add to them a case with which the gentleman is familiar. It never went to the Supreme Court, but a teacher assigns his class a moment, several minutes to read an assignment, during which he reaches into his valise, produces a Bible, reads from the Bible; when the time is up, closes the Bible and puts it back into his valise. Had he been reading the Wall Street Journal, it would not have been an issue. Had he been reading Das Kapital, it would not be an issue. But because he was reading a Bible, it became an issue of disciplining that teacher for having done so on school property.

I would like to, if the gentleman would allow me, to draw particular attention to the phraseology of the amendment that he has drafted. A number of people of goodwill are concerned that the gentleman is amending the First Amendment, and they hold the First Amendment in high esteem and veneration; one might almost say almost as a religious matter.

The care with which this amendment is drafted, however, surely should reassure them that we are not undermining in the slightest the protections against the government establishing religion. All the gentleman's amendment does is to say that conduct which would otherwise not violate the First Amendment, establishment of religion, shall not be deemed to violate the First Amendment because it happens to occur on government property.

So if the school says, this is the prayer we will say violates the First Amendment, and the Istook amendment would not change that, if the school says there shall be only Christian prayer, it violates the First Amendment. But if a student in the lunch hour says we would like to have a group of Christian students who wish to read the Bible at this corner of the lunchroom, it would not be struck down simply because it happened on government property. That is a very essential but a very narrow change.

I suspect, without knowing, that the gentleman probably took some grief from his friends, from our friends, on this debate for not going far enough. Let me commend him for being very careful and guiding his direction in this amendment just to the situation where the location of speech that would otherwise not violate the First Amendment becomes the issue.

So it must be action of the individual, not the government, as it was in the case of that student giving her valedictorian speech. It must be action that would not establish religion or choose between religions. But the mere fact that it occurs on government property would not make it impermissible any more than it is against government, it should be against the First Amendment for me tonight to invoke the Lord's name on behalf of the cause that we both defend.

Mr. ISTOOK. Mr. Speaker, if the gentleman would yield a moment, and let us look at this specific example of prayer in public schools. It should not be the role of a principal or a teacher to say we are going to have prayer at school or prayer to start the school day or football game or whatever. But if the students are saying, and it could be individually, it could be collectively, are saying we want to have that, then the government is in the position of accommodating that.

So we have here the language that says the people have a right to pray. The government does not prescribe it. It does not prescribe it. It does not say you must have the school prayer. It does not say what the content has got to be. So the government does not prescribe it. But if the people exercising their right say we want to be able to have a prayer, we are required by law to be here at school all day, why should we be isolated from what is normal just because we are required by law to be at school.

U.S. Supreme Court Justice Potter Stewart wrote about that in some of these cases. He stated in a society that so structures a child's life where attendance at public school is compulsory, if the child is required to be isolated from normal everyday religious influences, then religion has been placed in an artificial and State-created disadvantage. I think Justice Stewart had it right.

I would yield further to Mr. CAMPBELL.

Mr. CAMPBELL. Mr. Speaker, I only have one final remark, although I am more than happy to continue if the gentleman would like. You have been very gracious in yielding me time.

Mr. Speaker, I was struck by the eloquence of the gentleman from Oklahoma by adding the references to God in the Declaration of Independence. The gentleman from Oklahoma spoke to the opening phrases of the Declaration of Independence. I wanted to conclude with the ending phrase of the Declaration of Independence.

As the heroes drew together in Philadelphia to create our country and knew they were risking their lives, they concluded by saying,

> And for the support of this declaration, with a firm Reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our Fortunes, and our sacred Honor.

Just as they began the declaration with an invocation to God, they concluded it with an expression of firm reliance on the protection of Divine Providence. Surely it would confound every one of them to think that the Lord's name could not be expressed by individual citizens on government property.

I do believe that if the Supreme Court interpreted the Independence Hall to be government property in Philadelphia in 1776, they would have been hard-pressed to strike down this invocation to the Deity. I applaud the gentleman's effort.

Mr. ISTOOK. I thank the gentleman from California. Mr. Speaker, I would note, too, that it is not only the Founding Fathers of the country as a whole that were so desirous of making sure that we expressed our reliance upon God for our rights and for our values that we teach to our children and want to pass on from one generation to another, it was not just those who founded the United States, but also those who have served as Founding Fathers of our different States have seen fit to incorporate language into our State constitutions that acknowledges our reliance upon Divine Providence.

For example, the different State constitutions, each and every one of them, all 50 States include an express reference to God within their State constitutions. I mention that to some who say, why should we mention God in the U.S. Constitution? Why have all 50 States seen fit to mention Him in theirs?

For example, the State constitution in Alaska states that its citizens are, "grateful to God and to those who founded our Nation in order to secure and transmit to succeeding generations our heritage of political, civil, and religious liberty."

In Colorado, their constitution includes the phrase, "with profound reverence for the Supreme Ruler of the universe." The constitutions of Idaho, California, Nebraska, New York, Ohio, and Wisconsin all use this exact phrase, "grateful to Almighty God for our freedom."

It goes on. I have got a list of all 50 State constitutions and the different references to them. It is about time that we understand that we have had Founding Fathers, and some of them may have been female as well as male, but in all 50 States that have seen this necessity to reflect a pillar principle upon which this Nation was founded.

Mr. Speaker, I yield to the gentleman from Missouri.

Mr. BLUNT. Mr. Speaker, if the gentleman would yield, I would just like to point out this is not just something that State constitutions recognize. An overwhelming majority of Americans in every single poll express belief in God, 96 percent, 97 percent, 98 percent.

Then we go about our public business as if the 2 percent or the 3 percent that have questions about the existence of God should determine the way the rest of us approach these topics. Those constitutions reflect that every time Americans are polled. That is clear.

Americans believe that there is a Creator. Certainly, if we approach our public business as if there is a Creator, we are going to approach public business differently than if we believe that all this is some bizarre accident, that these are not creatures of God indeed, but these are some accidental collision of protoplasm that have resulted in somebody who has become a person on the street.

□ 1945

Americans believe in God. This amendment allows that to be expressed in whatever way they want to express it, and I would just also like to point out that the work that you have done on this has been so well received that the groups, among many other groups that support, those groups would include the American Conference of Jews and Blacks, the Catholic Alliance, the Concerned Women of America, the International Pentecostal Church of Christ, the Jewish Union, the Salvation Army, the Southern Baptist Convention, the Traditional Values Coalition, the U.S. Family Network, a broad base of groups that find many topics frankly that they do not agree on, agree that this amendment gets us back to what the Constitution was intended to say and allows, as our friend from California has so well pointed out, allows what is otherwise protecting the Constitution to also be part of public functions and public ceremonies, and I am grateful to you for your leadership on this and grateful to you for yielding me some time to join you tonight and in every other effort you make in this regard.

Mr. ISTOOK. I appreciate the comments of the gentleman from Missouri and his very excellent insights that he has expressed. I want also to express, Mr. Speaker, and I will not go through the whole laundry list of other organizations that are supporting the religious freedom amendment, but I would like to observe that one of them is, for example, the National Association of Evangelicals which represents some 48 different denominations.

This is long overdue, Mr. Speaker, that we recognize that all the problems in America are not solved by doing things with taxes or highways or national defense, that this Nation was founded by people who believed in God and believed that our rights came from God as they stated in the Declaration of Independence, and if we try to sever our freedom and our rights from He who gave our rights to us, and if we say that we have to isolate children while they are required to be at school, they have to be isolated from these references just because there may be some among them or among their parents who are so intolerant that they want to silence other people.

Mr. Speaker, if my freedom of speech exists only when everybody around agrees with me, I do not have free speech. If my freedom of religion exists only when I am around people who believe the same things that I do, then I do not have freedom of religion. If I can not express my religious beliefs even when people may disagree with them or express my political beliefs or social beliefs or just flat my opinion, then I do not have freedom any more. The essence of freedom is that we tolerate our differences rather than trying to suppress them, and for the courts to take the First Amendment and twist and distort it, and say this is now a tool for stopping people from expressing their religious belief because they happen to be on public property?

My kids are required to be on public property to be at school. Does that mean they are required to leave behind the teachings that we try to give them at home and at church?

I hear some people say, oh, my goodness, you ought to be happy, you can pray at home and you can pray at school. Well fine. But I happen to believe in a faith that says pray without ceasing, and it does not say that you have to stop praying when you enter onto government property or when somebody else is around that says, "Well, I do not like what you are doing." I say to them, "I appreciate that. I am sure that there are some things that you may do which I may not like either, but I respect and would fight for your right to say and do things with which I may disagree, and I would hope that you would have the same understanding, the same belief in our Constitution and our principles, and that you would say whether I agree with your prayer or your religious thoughts or not, I believe you have a right to express them."

The problem is not with people who want to express the hope and faith of prayers. The problem is with people who are intolerant and do not want to hear it.

Mr. Speaker, the religious freedom amendment protects these freedoms and these rights, whether it be first grader Zachariah Hood who was told he could not read the story of the brothers Jacob and Esau reuniting, or whether it be my children or anyone else's or those of us in this Congress or any place on public property.

I hope, Mr. Speaker, that people will support the religious freedom amendment and that more Members will proclaim its necessity.

TRIBUTE TO BELLA ABZUG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. KENNELLY) is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, I rise tonight to pay tribute to one of the greatest women who ever served in the Congress of the United States of America, Bella Abzug of New York, who died today.

I remember when I first was considering running for Congress I went to New York to seek Bella Abzug's counsel. What I got was one of the most intense question and answer sessions of my life.

Why was I running?

What did I really care about?

Was I willing to fight for women and for families?

Bella wanted to make sure that I could answer those questions to her satisfaction.

Today when I was here in the Congress, we were voting all day, today I stopped down below this Chamber and stopped for a few moments for lunch, and I saw CAROLYN MALONEY, a woman who represents New York City like Bella did, and she said, "Did Bella treat you like she treated me, saying are you tough enough, are you strong enough, do you care enough about representing your people?"

And I said, "CAROLYN, she asked me all those questions that she asked you: Were we tough enough, were we strong enough to represent the people of the United States of America?" And I think that CAROLYN MALONEY and I think that BARBARA KENNELLY could answer those questions yes, we were tough enough, we were strong enough.

Could we do it in the style of Bella Abzug? No.

Could we be so delightful, in how she could fight for those fights for the families of America? Probably not.

But do we look at her as our leader? Yes, we did.

It is worth remembering today what it was about when Bella ran for Congress, about what drew me and dozens of other women to look at her as a touchstone, to look at her as someone who we could look to and then run for Congress. It was her strength, her commitment, it was her passion, Bella Abzug's conviction about what she believed in.

Yes, many of us who entered public life after her, we wanted to be in her footsteps, but we found different ways to get where she wanted to go, different ways to express ourselves, different ways to approach issues. But our differences were of style, not of substance.

Bella was, for many of us, our inspiration.

I would have to say to you today that I think about Bella, I think about where she was and where I was, where so many of us were that come to this body, work so hard from early morning until late night. We have to say that she was always our conscience. We always wanted to work as hard as she did, to care as much as she did, to really be as committed as Bella Abzug was for the families of the United States of America.

Today we should not only mourn her death, but I stand here tonight, Mr. Speaker, and say to you we should recommit ourselves to her vision of an America where men and women have equal chances, where ordinary citizens could hold their government accountable.

Bella Abzug would say, what is happening, where are we, what are we about? And she would demand answers. She knew that the men and women and their families had to have those answers.

Did we ever live up to what Bella thought possible? I stand here tonight feeling very badly about her death. Talked to Bella over the years, talked to her so often. Did I ever reach to where she thought I should reach? Probably not. But I have to say to you that she was there for all of us, especially for we women who came to the Congress, to make sure that we understood that we had to care about what we were representing. Everybody in our districts, we all, every man and woman that comes to this body represents everybody in their districts. But when we women come, we have to make sure, because there are many fewer of us, that we represent women and families. And she understood that so clearly, and she made that so clear to us. Because we were so few, we had to make our argument to be so absolutely on the mark.

And I have tried to do that, and I used to say to Bella, "Look, I don't talk like you, I'm not as extreme as you, I'm not as exciting as you, I'm not as compelling as you. But I am here, like you, to represent all the families, all the children of the United States of America."

Do we win some of those fights? Of course we did. We have absolutely won many of those fights, and what we cared about she cared about, and I look at Bella now and I think that she held a standard for me all these years, a standard to make sure that I could do as well as I can do. Did I do ever as much as she wanted me to do? Of course I did not. Anybody who served in this House, we could never do as much as Bella wanted us to do. But what Bella Abzug made us do was know that we could do better, that we could work harder, that we could get up early in the morning, that we could work later in the day, that we could take care of the families of the United States of America, that we could take care of the children.

I can remember one day when I did not know Bella. It was a day that I feel like I feel today, I feel so badly about this woman who was so wonderful. Bella Abzug was an absolutely wonderful woman.

I had another wonderful woman in my life, and her name was Ella Grasso, Governor of the State of Connecticut. I was Secretary of State in her administration, and she always made me feel wonderful like Bella did. She always also wanted me to do better, to work harder, to get more done, and I kept trying. But she was the first Governor that ever served, the first woman in the United States of America who served as Governor of the State of Connecticut in her own right, and she knew Bella Abzug because they served together in the Congress, and Ella died earlier than she should have died. She died of cancer when she was Governor of the State of Connecticut. And of course Ella was Governor, and I do not even think Bella was Congresswoman at that time. But I can remember I was Secretary of the State of Connecticut, and I was very involved in Ella's funeral, and there was not a lot of Congress people at Ella's funeral. But guess what? Bella Abzug came to Ella's funeral. She understood a good woman. And I am standing here tonight telling you we had a wonderful women with Bella Abzug, and I say with sadness, but with great pride, we needed her when we had her, we will miss her.

Bella Abzug, I loved you. I just hope I can do as much as you want me to do.

HMO CRISIS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, 2 years ago I met a woman who killed a man. I did not meet her in prison; she was not on parole. She had never even been investigated by the police. In fact, for causing the death of a man she received congratulations from her colleagues and moved up the corporate ladder.

The woman, Dr. Linda Peeno, was working as a medical reviewer at an HMO. In testimony before the Committee on Commerce on May 30, 1996, she confessed that her decision as an HMO reviewer to deny payment for a lifesaving operation led to the preventable death of a man she had never met.

Since then Dr. Peeno has regretted her HMO deeds every day of her life. In contrition she has blown the whistle on the ways that HMOs deny payment for health services. She showed how plans draft contract language to restrict access to benefits. She showed how HMOs cherry-pick healthy patients, and she showed how HMOs use technicalities to deny necessary care.

□ 2000

Dr. Peeno also told Congress about the most powerful weapon in an HMO's arsenal; to hold down costs. HMOs generally agree to cover all services that are deemed "medically necessary." But because that decision is made by HMO bureaucrats, not by the treating physician, Dr. Peeno called it "the smart bomb of cost containment."

Hailed initially as a great breakthrough in holding down health costs, the painful consequences of the managed care revolution are being revealed. Stories from the inside, like those told by Dr. Peeno, are shaking the public's confidence in managed care. You can now read about some of Dr. Peeno's experiences in the March 9 edition of U.S. News & World Report.

The HMO revelations have gotten so bad that the health plans themselves are running ads touting the fact that they are different from the bad HMOs that don't allow their subscribers their choice of doctors, or who interfere with their doctors practicing good medicine.

Here in Washington one add says, "We don't put unreasonable restrictions on our doctors. We don't tell them that they can't send you to a specialist."

In Chicago, Blue Cross ads proclaim, "We want to be your health plan, not your doctor."

In Baltimore, the Preferred Health Network ad states, "As your average health plan, cost controls are regulated by administrators. At PHN, doctors are responsible for controlling costs."

This goes to prove that even HMOs know that there are more than a few rotten apples in the barrel. The HMO industry has earned a reputation with the public that is so bad that only tobacco companies are held in lower esteem.

Let me cite a few statistics. A national survey shows that far more Americans have a negative view of managed care than a positive view. By more than 2 to 1, Americans support more government regulation of HMOs.

The survey shows that only 44 percent of Americans think that managed care is a good thing. Do you want proof? Well, recently I saw the movie, "As Good As It Gets." When Academy Award winner Helen Hunt expressed an expletive about the lack of care her asthmatic son gets from her HMO, people in the audience clapped and cheered. It was by far the biggest applause line of the movie.

No doubt the audience's reaction was fueled by dozens of articles and news stories highly critical of managed care, and also fueled by real live experiences.

In September 1997, the Des Moines Register ran an op-ed piece entitled

"The Chilly Bedside Manner of HMOs" by Robert Reno, a Newsweek writer.

Citing a study on end-of-life care, he wrote, "This would seem to prove the popular suspicion that HMO operators are heartless swine."

The New York Post ran a week-long series on managed care. Headlines included, "HMOs' cruel rules leave her dying for the doc she needs."

Another headline blared out, "Ex-New Yorker is told get castrated so we can save."

Or this one, "What his parent didn't know about HMOs may have killed this baby."

Or how about the 29-year-old cancer patient whose HMO would not pay for his treatments. Instead, the HMO case manager told him to hold a "fund-raiser." A fund-raiser.

Mr. Speaker, I certainly hope that campaign finance reform will not stymie this man's chance to get his cancer treatment.

To save money, some HMOs have erected increasingly steep barriers to proper medical care. These include complex utilization review procedures, computer programs that are stingy about approving care, medical directors willing to play fast and loose with the term "medically necessary."

Consumers who disagree with these decisions are forced to work their way through Byzantine appeals processes which usually excel at complexity, but generally fall short in terms of fairness, and these appeals, unfortunately, Mr. Speaker, sometimes last longer than the patient.

The public understands the kind of barriers they face in getting needed care. Republican pollster, Frank Luntz, recently held a focus group in Maryland, and this is what consumers said. One participant complained, I have a new doctor every year. Another said she is afraid that "if something major happened, I won't be covered." A third attendee griped that he had to take off work twice because the plan required people to see the primary care doctor before seeing his specialist.

Those fears are vividly reflected in editorial page cartoons. Here is one that reflects what that focus group was talking about. It shows a woman working in a cubicle in the claims department of an HMO. In talking to a customer she remarks, no, we don't authorize that specialist. No, we don't cover that operation. No, we don't pay for that medication. She is then surprised, no, we don't consider this assisted suicide.

These HMO rules create ethical dilemmas. A California internist had a patient who needed emergency treatment because of fluid buildup in her lungs. Under the rules of the patient's plan, the service would come at a hefty cost. She told the doctor she couldn't have the treatment because she didn't have the money. However, if she was admitted to the hospital, she would have no charges. So the internist bent the rules. He admitted her, and then he immediately discharged her.

Now, I ask you, Mr. Speaker, are HMOs forcing doctors to lie for their patients?

HMOs have pared back benefits to the point of forcing Congress to get into the business of making medical decisions. Take for example the uproar over so-called drive-through deliveries. This cartoon shows that some folks thought health plans were turning their maternity wards into fast food restaurants.

As the woman is handed her new child, the gatekeeper at the drive-through window asks, congratulations, would you like fries with that?

Well, in 1995, Michelle and Steve Bauman testified before the Senate about their daughter, Michelina, who died 2 days after she was born. Their words were powerful and eloquent. Let me quote from Michelle and Steve's statement.

Baby Michelina and her mother "were sent home 2 hours after delivery. This was not enough time for doctors to discover that Michelina was born with streptococcus, a common and treatable condition. Had she remained in the hospital an additional 24 hours, her symptoms would have surfaced and a professional trained staff would have taken the proper steps so that we could have planned a christening, instead of a funeral.

Her death certificate listed the cause of death as meningitis, said Michelle and Steve, when it should have read "death by the system."

In the face of scathing media criticism and public outrage, health plans insisted that nothing was wrong, that most plans allowed women to stay at least 48 hours, that babies discharged the day of delivery were just as healthy as others.

You know, Mr. Speaker, that line of defense sounds a lot like the man who was sued for causing an auto accident. "Your Honor," he says, "I was not in the car that night, but even if I was, the other guy was speeding and swerved into my lane."

For expectant parents, however, the bottom line was fear and confusion. There is nothing more important to a couple than the health and safety of their child. Because managed care failed to condemn drive-through deliveries, all of us were left to wonder whether our own plans place profits ahead of care.

The drive-through delivery issue is hardly the only example of the managed care industry fighting to derail any consumer protection legislation. What makes this strategy so curious is that most plans had already taken steps to guarantee new moms and infant 2 days in the hospital. Sure, there were some fly-by-nights that might not have measured up, but most responsible plans had already reacted to the issue by guaranteeing longer hospital stays.

The HMO efforts to reassure the public that responsible plans don't force new mothers and babies out of the hospital in less than 24 hours, however, was completely undermined by their opposition to a law ensuring this protection for all Americans. This was a missed opportunity, Mr. Speaker, for the responsible HMOs to get out front, to proactively work for legislation that reflected the way they already operated.

Not only would it have improved managed care's public image, but it would have given them some credibility.

So why then did managed care oppose legislation on this issue? Because the HMO industry is Chicken Little. Every time Congress or the States propose some regulation on this industry, they cry, "The sky is falling; the sky is falling."

I would suggest that by endorsing some common-sense patient protections, managed care would be more believable when they oppose legislation.

Today's managed care market is highly competitive. Strong market rivalry can be good for consumers. When one airline cuts fares, others generally match those fares. In health care, when one plan offers improved preventive care or expanded coverage, other market participants may follow suit.

But the competitive nature of the market also poses a danger for consumers. In an effort to bolster profits, plans may deny coverage of care that is medically necessary, or they may gag their doctors to cut costs.

Some health plans have used gag rules to keep their subscribers from getting care that may save their lives.

During congressional hearings 2 years ago, we heard testimony from Allen DeMeurers, who lost his wife, Christy, to breast cancer. They are pictured here with their children. When a specialist at UCLA recommended that Christy undergo bone marrow transplant surgery, her HMO leaned on UCLA to change its medical opinion.

Mr. Speaker, who knows whether Christy would be with her two children today had her HMO not interfered with her doctor-patient relationship?

HMO gag rules have even made their way on to the editorial pages. Here is one such cartoon. A doctor sits across the desk from a patient and remarks, "I will have to check my contract before I answer that question."

Dr. Michael Haugh is a real live example of this problem. He testified before the Committee on Commerce and told how one of his patients was suffering from severe headaches. He asked her HMO to approve a specific diagnostic procedure. They declined to cover it, claiming that magnetic resonance arteriogram was "experimental."

Now, remember, Dr. Peeno testified about the clever ways that health plans decide not to cover requested care.

□ 2015

Dr. Haugh explained the situation in a letter to his patient. In it he wrote: "The alternative to the magnetic resonance arteriogram is to do a test called a cerebral arteriogram, which requires injecting dye into the arteries, and carries a much higher risk to it than the MRA. It is because of this risk that I am writing to tell you that I still consider that an MRA is medically necessary in your case."

Two weeks later the medical director of BlueLines HMO wrote to Dr. Hough. He said, "I consider your letter to the member to be significantly inflammatory. You should be aware that a persistent pattern of pitting the HMO against its member may place your relationship with BlueLines HMO in jeopardy. In the future, I trust you will choose to direct your concerns to my office, rather than in this manner."

This is amazing. The HMO was telling this doctor that he could not express his professional medical judgment to his patient. Cases like these and others demonstrate why Congress needs to pass legislation like the Patient Right to Know Act, to prevent health plans from censoring exam room discussions.

This gag rule cartoon is even more pointed. Once again, a doctor sits behind a desk talking to a patient. Behind the doctor is an eye chart saying, "Enuf iz enuf." The doctor looks at a piece of paper and tells his patient, "Your best option is cremation, $359, fully covered." And the patient says, "This is one of those HMO gag rules, isn't it, doctor?"

The HMO industry continues to fight Federal legislation to ban these gag rules. The HMOs and their minions here in Congress still keep the Patient Right to Know Act from coming to the floor, despite the fact that it has 299 cosponsors, Members of Congress, on the bill. The bill is endorsed by more than 300 consumer and health professional organizations and has already been enacted into law for Medicare and Medicaid patients.

Mr. Speaker, I ask the Members, what is wrong with covering all Americans? Even some executives of major managed care plans have privately told me that they are not opposed to the ban on gag rules, because they know that competition can result in a race to the bottom in which basic consumer protections are undermined.

My bill to ban gag rules presents managed care with an opportunity to be on the vanguard of good health care. Instead, they are frittering away another opportunity, just like they did with the drive-through delivery issue. And in opposing a ban on gag rules, HMOs have only fueled bipartisan support for broader and more comprehensive reform legislation.

In recognition of problems in managed care, last September three managed care plans joined with consumer groups to announce their support of an 18-point agenda. Here is a sample of the issues that the groups felt required nationally enforceable standards: guaranteeing access to appropriate services, providing people with a choice of health plans, ensuring the confidentiality of medical records, protecting the continuity of care, providing consumers with relevant information, covering emergency care, disclosing loss ratios, banning gag rules.

These health plans and consumer groups wrote, "Together we are seeking to address problems that have led to a decline in consumer confidence and trust in health plans. We believe that thoughtfully designed health plan standards will help to restore confidence and ensure needed protection."

Mr. Speaker, I could not have said it better myself. These plans, including Kaiser Permanente, HIP, and Group Health of Puget Sound, probably already provide patients with these safeguards. So it would not be a big challenge for them to comply with nationally enforceable standards. By advocating national standards, these HMOs distinguish themselves in the market as being truly concerned with the health of their enrollees.

Noting that they already make extensive efforts to improve their quality of care, the chief executive officer of Health Insurance Plan, known as HIP, said, "Nevertheless, we intend to insist on even higher standards of behavior within our industry, and we are more than willing to see laws enacted to ensure that." Let me repeat that: "We are more than willing to see laws enacted to ensure that result."

One of the most important pieces of their 18-point agenda is a requirement that plans use a layperson's definition of an emergency. Too often, health plans have refused to pay for care that was delivered in an emergency room.

The American Heart Association tells us that if we have crushing chest pain, we should promptly go to the emergency room, because that could be a warning of a possible heart attack. But sometimes HMOs refuse to pay if the tests later on are normal. Mr. Speaker, if the HMO only pays when the tests are positive, I guarantee that people will delay getting proper treatment for fear of them getting a big bill. They could die if they delay diagnosis and treatment.

Another excuse HMOs use to deny payment for ER care is the patient's failure to get preauthorization. This cartoon vividly makes the point: "Kuddlycare HMO. My name is Bambi. How may I help you? You are at the emergency room and your husband needs an approval for treatment? Gasping? Writhing? Eyes rolled back in his head? Doesn't sound all that serious to me. Clutching his throat? Turning purple? Uh-hmm. Have you tried an inhaler? He's dead? Well, then he certainly doesn't need treatment, does he?" And then the reviewer puts down the phone and says, "People are always trying to rip us off."

Does this cartoon seem too harsh? Ask Jacqueline Lee. In the summer of 1996 she was hiking in the Shenandoah Mountains when she fell off a 40-foot cliff. She fractured her skull, her arm, her pelvis. She was airlifted to a local hospital and treated. Now, Members will not believe this. Her HMO refused to pay for the services because she failed to get "preauthorization." I ask the Members, what was she supposed to do, lying at the bottom of the 40-foot cliff with broken bones? Call her HMO for preauthorization?

I am sad to say that, despite strong public support to correct problems like these, managed care regulation still seems stalled here in Washington. Some opponents of legislation insist that health insurance regulation, if there is to be any at all, should be done by the States. Other critics worship at the altar of the free market and insist that it is "the invisible hand" that cures the ills of managed care.

I am a strong support of the free market, and I wish we could rely on ADAM SMITH's invisible hand to steer plans into offering the services that consumers want.

While historically State insurance commissions have done an excellent job of monitoring the performance of health plans, Federal law puts most HMOs beyond the reach of State regulation. Let me repeat that. Most people do not know this. Federal law puts most HMOs beyond the reach of State regulation.

So we ask, how is that possible?

More than 2 decades ago Congress passed the Employee Retirement Income Security Act, which I will refer to as ERISA, in order to provide some uniformity for pension plans in dealing with different State laws. Health plans were included in ERISA almost as an afterthought, and the result has been a gaping regulatory loophole for self-insured plans under ERISA.

Even more alarming is the fact that this lack of effective regulation is coupled with an immunity from liability for negligent actions. Let me repeat that: This lack of effective regulation is coupled with an immunity from liability for negligent actions. If the HMO has made a negligent action which has resulted in harm or death of a patient and they are under the ERISA exemption, they are scot-free of any liability.

Mr. Speaker, personal responsibility has been a watchword for this Republican Congress. This issue is no different. I have worked with the gentleman from Georgia (Mr. CHARLIE NORWOOD) and others to pass legislation that would make health plans responsible for their conduct. Health plans that recklessly deny needed medical service should be made to answer for their conduct. Laws that shield them from their responsibility only encourage HMOs to cut corners.

Take this cartoon, for example. With no threat of a suit for medical malpractice, an HMO beancounter stands elbow to elbow with the surgeon in the operating room.

□ 2030

When the doctor calls for a scalpel, the bean counter says "pocket knife." The doctor asks for suture, bean counter says "Band-Aid." The doctor says "Let's get him into intensive care," HMO bean counter says, "Call a cab."

Mr. Speaker, some States have responded. Texas, for instance, has responded to HMO abuses by passing legislation that would make ERISA plans accountable for improper denials of care. But that law, Mr. Speaker, is being challenged in court and a Federal standard is needed to protect all consumers.

The lack of legal redress for an ERISA plan's medical malpractice is hardly its only shortcoming. Let me describe a few of ERISA's other weaknesses: ERISA does not impose any quality assurance standards or other standards for utilization review. Except as provided for in Kassebaum-Kennedy, ERISA does not prevent plans from changing, reducing or terminating benefits.

With few exceptions ERISA does not regulate a plan's design or content, such as covered services or cost sharing. ERISA does not specify any requirements for maintaining plan solvency. ERISA does not provide safeguards of a State Insurance Commissioner.

It seems to me that we can take one of three approaches to reforming the way health plans are regulated by ERISA. The first would be to do nothing. But, Mr. Speaker, I have demonstrated why I think, and I think most of my colleagues would agree, that is not acceptable.

The second option would be to ask the States to re-assume the responsibility of regulating these plans. This was the traditional role of States and they continue to supervise other parts of the health insurance market. But I will tell why that will not work. Turning regulation of ERISA plans over to States will be fought tooth and nail by big business and by HMOs and it will not happen.

That only leaves one viable option: some minimal, reasonable, Federal consumer health protections for patients enrolled in ERISA plans.

There are many proposals on the table, including the Patient Access to Responsible Care Act, the Patient Bill of Rights, the 18-point agenda released by Kaiser H.I.P. and AARP. Whether we enact one of these options or some other yet to be drafted, Congress created the ERISA loophole and Congress should fix that loophole.

Defenders of the status quo sometimes say that making plans subject to increased State or Federal regulation is not the answer. They insist that like any other consumer good, managed care will respond to the demands of the market. I would note, Mr. Speaker, that I know of no other industry that is not liable for their acts of misconduct like self-insured ERISA health plans. So the shield from liability provided by ERISA by itself distorts the health care market.

It differs from a traditional market in other ways as well. For example, the person consuming health care is generally not paying for it. Most Americans get their health care through their employer. Because the primary customer, the one paying the bills, is the employer, the HMOs have to satisfy their needs before they satisfy the needs of the patients. And the employer's focus on the cost of the plan may draw the HMO's attention away from the employee's desire for a decent health plan.

As Stan Evans noted in "Human Events," many HMOs operate on a capitated basis. This means that plans are paid a flat monthly fee for taking care of you. This translates to the less they spend on medical services, the more profit they make. How many markets, Mr. Speaker, function on the premise of succeeding by giving customers less of what they want?

Take a look at this cartoon which illustrates perfectly the bottom-line mentality of HMO plans. The patient is in traction while the doctor reviews his chart. The HMO bedside manner, the doctor says, "After consulting my colleagues in Accounting, we have concluded you are well enough. Now go home."

Are HMOs paying attention to their patients' health or to their stockholders' portfolios?

Stan Evans again hit the nail on the head when he noted "Paid a fixed amount of money per patient regardless of the care delivered, HMOs have a powerful motive to deliver a minimum of treatment. Care denial, pushing people out of hospitals as fast as possible, blocking access to specialists and the like are not mistakes or aberration. They stem directly from the nature of the setup in which HMOs make more money by delivering less care, thus pitting the financial interest of the provider against the medical interest of the patient."

His comment raises an important issue. Presented with tragedies like those of the Baumans or Mrs. DeMeurers, managed care defenders argue that "those people are just anecdotes."

What Mr. Evans points out is that cases like these are not mistakes or aberrations or "anecdotes." They are exactly the outcomes we would expect in a system that rewards those who undertreat patients.

Finally, Mr. Speaker, markets only function when consumers have real choices. Dissatisfied consumers have limited options. Most employers offer employees very few health plans. For many, the choice of health plans is simple: "Take it or leave it."

Freedom in the health insurance market for many now means quitting your job if you do not like your HMO. There is not a free market when consumers cannot switch to a different plan. But even if we were to put aside all of these arguments and assume that health insurance was a free market, there is still the need for legislation to guard patients from abuses. The notion of consumer protections is consistent and supportive of our concept of free markets.

In his book, "Everything For Sale," Robert Kuttner points out the problems of imperfect markets. "Industries such as telecommunications, electric power and health care retain public purposes that free-market forces cannot achieve. For example, as a society we remain committed to universal access to certain goods. Left to its own device, the free market might decide that delivering electricity and phone service to rural areas and poor city neighborhoods is not profitable, just as the private market brands cancer patients as 'uninsurable.'"

Think for a minute, Mr. Speaker, about buying a car. Federal laws ensure that cars have horns and brakes, headlights. Yet despite these minimum standards we do not have a "nationalized auto industry." Instead, consumers have lots of choices. But they know that whatever car they buy will meet certain minimum safety standards. You do not buy safety "a la carte."

The same notion of basic protections and standards should apply to health plans. Consumer protections will not lead to socialized medicine any more than requiring seat belts has led to a nationalized auto industry. In a free market, these minimum standards set a level playing field that allows competition to flourish.

Critics of regulating managed care also complain that new regulation will drive up the cost of health insurance. How often have I heard this argument. In criticizing the Patient Access to Responsible Care Act they cite a study showing that certain provisions could increase health insurance premiums from 3 to 90 percent. Three to 90 percent. What a joke. Such a wide range is meaningless. It must be an accountant's way of saying, "I don't know."

Other studies have said that costs may go up slightly but nothing near the doomsday figures suggested by opponents of this legislation. A study by the accounting firm Muse & Associates shows that premiums will increase between seven-tenths of 1 percent and 2.6 percent if the Patient Access to Responsible Care Act is enacted.

And do not let the HMOs tell anyone that the rising premiums we are seeing this year are the result of Federal regulation. HMOs have been charging below-cost premiums for years, and as a result we are now seeing premium increases long before the passage of any Federal consumer protection legislation.

Keep in mind also the shareholder's philosophy of making money can come into conflict with the patient's philosophy of wanting good medical care. To save money many plans have nonphysician reviewers to determine if callers requesting approval for care really need it. Using medical care "cookbooks," they walk patients through their symptoms and then reach a medical conclusion.

Unfortunately, the cookbooks do not have a recipe for every circumstance, like the woman who called to complain about pain caused by the cast on her wrist. The telephone triage worker asked the woman to press down on her fingernail and see how long it took for the color to return. Unfortunately, over the phone she could not see that the patient had fingernail paint.

How far can this go? Well, like this cartoon shows, pretty soon we could all be logging on to the Internet and using the mouse as a stethoscope.

This trend should trouble every one of us. Medicine is part science, it is part art. Computer operators cannot consider the subtleties of a patient's condition. Sometimes answers can be known by reading a chart. But sometimes doctors reach their judgments by a sixth sense that this patient is really sick. There are certain things that computers cannot comprehend.

Mr. Speaker, doctors are expected to be professional, to adhere to standards and to undergo peer review. Most of all, they are expected to be their patients' advocates, not to be government or insurance apologists. It is in the interest of our citizens that their doctor fights for them and not be the "company doc."

Like a majority of my colleagues, I am a cosponsor of H.R. 1415, the Patient Access to Responsible Care Act, otherwise known as PARCA. In an effort to derail this legislation, the managed care community has made a number of false statements about this bill. For example, they repeatedly state that PARCA would force health plans to contract with any provider who wanted to join its network. That is clearly a false statement.

In two separate places the bill states that it should not be considered an "any willing provider" bill. PARCA simply includes a provider nondiscrimination provision similar to what was enacted in Medicare last year. Provider nondiscrimination and "any willing provider" are no more the same than equal opportunity and affirmative action.

Mr. Speaker, similarly, some opponents have suggested that the bill would force health insurance to be offered on a guaranteed issue or a community rating basis, and I say this is a nonissue. The gentleman from Georgia (Mr. NORWOOD) and I oppose community rating and guaranteed issue, and will not support any bill that would result in community rating or guaranteed issue.

Mr. Speaker, when I began these remarks I mentioned the focus group held in Maryland by Frank Luntz. At end of the session he described a package of consumer protections much like the Patient Access to Responsible Care Act and he asked participants whether they were in favor. All 28 hands shot up. One woman even said she was shocked that it did not already exist.

Next Mr. Luntz asked how many would support the package if it caused health insurance premiums to increase 5 percent. All 28 thought that was a reasonable price to pay for those protections. In fact, 27 out of 28 would support the proposal even if it caused insurance premiums to increase by 10 percent, and nearly three-quarters still supported the package if it caused insurance premiums to increase by 15 percent. Yet, as I mentioned, Mr. Speaker, a study by Muse & Associates shows that enactment of PARCA would only raise premiums between seven-tenths of 1 percent and 2.6 percent.

Mr. Speaker, consumers have lost confidence in their HMOs. The public clearly thinks that they have cut costs at the expense of quality. It is time for reform. The American public is crying for help and is looking to Congress for answers. The time for talking has passed. Our goal should be passage of comprehensive patient protection legislation.

Mr. Speaker, I am committed to seeing legislation enacted by the close of this 105th Congress, and I am open to working with all interested Members, Democrat or Republican, to develop a bipartisan patient protection bill. In the meantime, Mr. Speaker, H.R. 586, the Patient's Right to Know Act, which has 299 cosponsors and would ban gag rules, should be brought to the floor for a vote.

□ 2045

Mr. Speaker, just last week a pediatrician told me about a 6-year-old child who had nearly drowned. The child was brought to the hospital and placed on a ventilator. The child's condition was serious. It did not appear that he would survive. As the doctors and the family prayed for signs that the boy would live, the hospital got a call from the boy's insurance company. Explained the HMO, "Home ventilation is cheaper than inpatient care. I was wondering if you had thought about sending the boy home."

Or consider the death of Joyce Ching, a 35-year-old mother from Fremont, California. Mrs. Ching waited nearly 3 months for an HMO referral to a specialist, despite continued rectal bleeding and severe pain. Joyce Ching was 35 years old when she died from a delay in diagnosis of her colon cancer. Joyce Ching, Christy DeMeurers, Michelina Baumann, Dr. Peeno's patient, Mr. Speaker, these are not just "anecdotes." These are real people who are victims of HMOs. Let us fix the problem. The people we serve are demanding it.

To paraphrase Shakespeare: Hath not these "anecdotes," these HMO victims' eyes? Hath not these "anecdotes" hands, organs, dimensions, senses, affections, passions, fed with the same food, hurt with the same weapons, subject to the same diseases, warmed and cooled by the same winter and summer as these same HMO apologists? If you prick the "anecdotes," do they not bleed? If you tickle these "anecdotes," do they not laugh? If you shortcut their care for profits, do they not die? And for those who dismiss them as "anecdotes," will they not revenge?

Mr. Speaker, let us act now to pass meaningful patient protections. Lives are in the balance.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1997

Mr. McINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–476) on the resolution (H. Res. 405) providing for consideration of the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER ON WEDNESDAY, APRIL 1, 1998, MOTION TO SUSPEND THE RULES AND PASS H.R. 1151, CREDIT UNION MEMBERSHIP ACCESS ACT

Mr. McINNIS. Mr. Speaker, I ask unanimous consent that, notwithstanding clause 1 of rule XXVII, it be in order at any time on Wednesday, April 1st, 1998, for the Speaker to entertain a motion to suspend the rules and pass the bill, H.R. 1151, Credit Union Membership Access Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREENWOOD (at the request of Mr. ARMEY) for after 5:00 p.m. today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CLEMENT) to revise and extend their remarks and include extraneous material:)

Mr. MASCARA, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Member (at the request of Mr. DOOLITTLE) to revise and extend his remarks and include extraneous material:)

Mr. HOEKSTRA, for 5 minutes each day, today and on April 1st.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SAXTON for 5 minutes today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. KENNELLY of Connecticut, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CLEMENT) and to include extraneous matter:)

Mr. KIND.
Mr. MCDERMOTT.
Mr. STARK.
Mr. FILNER.
Mr. CRAMER.
Mr. BENTSEN.
Mr. LAFALCE.
Mr. ALLEN.
Mr. MOAKLEY.
Mr. VENTO.
Mr. KANJORSKI.
Mr. SCHUMER.
Mr. WYNN.
Mr. RUSH.
Mr. SABO.

(The following Members (at the request of Mr. DOOLITTLE) and to include extraneous matter:)

Mrs. ROUKEMA.
Mr. GILMAN.
Mr. REDMOND.
Mr. WOLF.
Mr. SOLOMON.
Mr. GEKAS.
Mr. KLUG.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1751. An act to extend the deadline for submission of a report by the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction; to the Committee on International Relations, and in addition, to the Permanent Select Committee on Intelligence, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p.m.) the House adjourned until Wednesday, April 1, 1998, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the second quarter of 1997 and the first quarter of 1998 by various Committees of the House of Representatives, pursuant to Public Law 95-384, as well as consolidated report of foreign currencies and U.S. dollars utilized for Speaker-authorized official travel in the first quarter of 1998 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 22 AND JUNE 30, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tom Bliley	3/22	3/25	Brazil		850.00						850.00
	3/25	3/28	Argentina		822.00						822.00
	3/28	4/1	Chile		1,165.00						1,165.00
Hon. Henry Waxman	3/22	3/25	Brazil		850.00						850.00
	3/25	3/28	Argentina		822.00						822.00
	3/28	4/1	Chile		1,165.00						1,165.00
Hon. Billy Tauzin	3/22	3/25	Brazil		850.00						850.00
	3/25	3/28	Argentina		822.00						822.00
	3/28	4/1	Chile		1,165.00						1,165.00
Hon. Edward Markey	3/22	3/25	Brazil		850.00						850.00
	3/25	3/28	Argentina		822.00						822.00
	3/28	4/1	Chile		1,165.00						1,165.00
Hon. Michael Bilirakis	3/22	3/25	Brazil		850.00						850.00
	3/25	3/28	Argentina		822.00						822.00
	3/28	4/1	Chile		1,165.00						1,165.00
Hon. Paul Gillmor	3/22	3/25	Brazil		850.00						850.00
	3/25	3/27	Argentina		822.00		1,767.55				2,589.55
Hon. Joe Barton	3/22	3/25	Brazil		850.00						850.00
	3/25	3/28	Argentina		822.00						822.00
	3/28	4/1	Chili		1,165.00						1,165.00
James Derderian	3/22	3/25	Brazil		850.00						850.00
	3/25	3/28	Argentina		822.00						822.00
	3/28	4/1	Chile		1,165.00						1,165.00
Edward Hearst	3/22	3/25	Brazil		850.00						850.00
	3/25	3/28	Argentina		822.00						822.00
	3/28	4/1	Chile		1,165.00						1,165.00
Patricia Paoletta	3/22	3/25	Brazil		850.00						850.00
	3/25	3/28	Argentina		822.00						822.00
David Schooler	3/22	3/25	Brazil		850.00						850.00
	3/25	3/28	Argentina		822.00						822.00
	3/28	4/1	Chile		1,165.00						1,165.00
Marie Burns	3/22	3/25	Brazil		850.00						850.00
	3/25	3/28	Argentina		822.00						822.00
	3/28	4/1	Chile		1,165.00						1,165.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 22 AND JUNE 30, 1997—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Patricia Paoletta	4/14	4/17	Mexico		400.00		1,056.83				1,456.83
Edward Hearst	4/13	4/17	Mexico		500.00		1,089.83				1,589.83
Hon. Anna Eshoo	3/31	4/2	Guatemala		378.00						378.00
	4/2	4/6	Jamaica		972.24						972.24
Hon. Bobby Rush	5/25	5/25	Cape Verde								
	5/26	5/28	South Africa		501.00						501.00
	5/28	5/30	Angola		688.00						688.00
	5/30	5/30	Zaire								
	5/30	6/2	Zimbabwe		1,122.00						1,122.00
Committee total					36,275.24		3,914.21				40,189.45

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

TOM BLILEY, Chairman, Apr. 17, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. AND MAR. 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. F. James Sensenbrenner	1/2	1/9	India		1,570.00		6,392.00				7,962.00
Todd R. Schultz	1/2	1/9	India		1,570.00		6,392.00				7,962.00
Hon. George E. Brown	2/13	2/18	Mexico		1,084.00		608.25				1,692.25
Michael Quear	2/13	2/18	Mexico		1,084.00		556.25				1,640.25
Committee total					5,308.00		13,948.50				19,256.50

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, Chairman, Mar. 17, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY VISIT TO BRUSSELS, BELGIUM, FRANCE, AND THE U.K., HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 14 AND FEB. 22, 1998

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Doug Bereuter	2/14	2/16	Belgium		$540.00		[3]				
	2/16	2/17	France		287.00						
	2/21	2/22	U.K.		354.00						$1,181.00
Hon. Gerald Solomon	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Hon. Tom Bliley	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Hon. Paul Gillmor	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Hon. Porter Goss	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,027.00						2,428.00
Hon. Herb Bateman	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Hon. Scott McInnis	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Hon. Norm Sisisky	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Susan Olson	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Jo Weber	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Martin Sletzinger	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Robin Evans	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Linda Pedigo	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Jim Doran	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Ron Lasch	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Mark Gage	2/14	2/16	Belgium		540.00		[3]				
	2/16	2/19	France		861.00						
	2/19	2/22	U.K.		1,062.00						2,463.00
Total					38,091.00						38,091.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUGLAS BEREUTER, Mar. 5, 1998.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO FRANCE, VIETNAM, MALAYSIA AND HOLLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND JAN. 12, 1998

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Uyên T. Dinh	1/	1/	France								
	1/6	1/12	Vietnam		1,300.00						1,300.00
	1/12	1/1	Malaysia		350.00		20.00				370.00
	1/1	1/13	Holland								
Total					1,650.00		20.00				1,670.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

UYÊN DINH, Mar. 9, 1998.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8307. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Service's final rule—Grapes Grown in a Designated Area of Southeastern California; Temporary Suspension of Continuing Assessment Rate [Docket No. FV98-925-1 FIR] received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8308. A letter from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Department's final rule—General Administrative Regulations; Nonstandard Underwriting Classification System (RIN: 0563–AB05) received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8309. A letter from the Director, Office of Regulatory Mangement and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Extension of Tolerance for Emergency Exemptions [OPP-300629; FRL-5778-9] (RIN: 2070–AB78) received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8310. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); to the Committee on National Security.

8311. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Central Contractor Registration [DFARS Case 97–D005] received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

8312. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule—Reserve Requirement of Depository Institutions [Regulation D, Docket No. R–0988] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8313. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule—Expanded Examination Cycle For Certain Small Insured Institutions [Regulation H; Docket No. R–0957] received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8314. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting the Office's final rule—Expanded Examination Cycle for Certain Small Insured Institutions (RIN: 1550–AB02) received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8315. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Service, transmitting the Department's final rule—Food Labeling: Nutrient Content Claims, Definition of Term: Healthy [Docket Nos. 91N–384H and 95P–0241] (RIN: 0910–AA19) received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8316. A letter from the Deputy Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Direct Food Substances Affirmed as Generally Recognized as Safe; Maltodextrin Derived From Rice Starch [Docket No. 91G–0451] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8317. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Technical Requirements to Enable Blocking of Video Programming Based on Program Ratings [ET Docket No. 97–206] received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8318. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of the Commission's Rules Regarding Installment Payment Financing for Personal Communications Services (PCS) Licensees [WT Docket No. 97–82] received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8319. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 98–A, which relates to the Department of the Air Force's proposed enhancements or upgrades from the level of sensitivity of technology or capability of defense article(s) previously sold to Saudia Arabia, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

8320. A letter from the Acting Director, Defense Security Assistant Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for Saudi Arabia (Transmittal No. C–98), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

8321. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract with the Netherlands, pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

8322. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Italy (Transmittal No. DTC–46–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8323. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with the United Kingdom (Transmittal No. DTC–28–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8324. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Switzerland (Transmittal No. DTC–29–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8325. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Italy (Transmittal No. DTC–23–98), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

8326. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period of April 1, 1997, through September 30, 1997, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

8327. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract with Israel, pursuant to 10 U.S.C. 118; to the Committee on International Relations.

8328. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report of enhancement or upgrade of sensitivity of technology or capability for United Arab Emirates (Transmittal No. B–98), pursuant to 22 U.S.C. 2776(b)(5)(A); to the Committee on International Relations.

8329. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Israel (Transmittal No. DTC–26–98), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

8330. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in February 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

8331. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletion from the Procurement List [98-004] received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8332. A letter from the Acting Inspector General, Department of the Interior, transmitting the Department's Strategic Plan and Fiscal Year 1998 Annual Performance Plan, pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

8333. A letter from the Postmaster General, United States Postal Service, transmitting a report of activities under the Freedom of Information Act for the calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

8334. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Shenandoah National Park, Recreational Fishing Regulations (RIN: 1024-AC33) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8335. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revisions to the NASA FAR Supplement on Contract Administration and Audit Services [48 CFR Part 1842] received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8336. A letter from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Revision to NASA FAR Supplement Clause— Submission of Vouchers for Payment [48 CFR Part 1852] received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

8337. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Revenue Ruling 98-20] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8338. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Application Procedures for Qualified Intermediary Status and Witholding Agreement [Revenue Procedure 98-27] received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8339. A letter from the Secretary of Defense, transmitting contingent liabilities of the United States under the vessel war risk insurance program under title XII of the Merchant Marine Act, 1936, pursuant to Public Law 104—201, section 1079(a) (110 Stat. 2670); jointly to the Committees on National Security and Transportation and Infrastructure.

8340. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to repeal or reduce various Congressionally mandated reporting requirements that the Department of Defense views as being obsolete, unnecessary or overly burdensome; jointly to the Committees on National Security and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on the Revised Suballocation of Budget Totals for fiscal year 1998 (Rept. 105-475). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 405. Resolution providing for consideration of the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes (Rept. 105-476). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker.

H.R. 1778. Referral to the Committees on Commerce, Transportation and Infrastructure, and Government Reform and Oversight extended for a period ending not later than April 1, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself and Mr. Ramstad):

H.R. 3602. A bill to correct the tariff classification of 13" televisions; to the Committee on Ways and Means.

By Mr. STUMP (for himself, Mr. Evans, Mr. Stearns, and Mr. Gutierrez):

H.R. 3603. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1999, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CAPPS (for herself and Mr. Thomas):

H.R. 3604. A bill to establish the Carrizo Plain National Conservation Area in the State of California, and for other purposes; to the Committee on Resources.

By Mr. DINGELL (for himself, Mr. Gephardt, Mr. Brown of Ohio, Mr. Rangel, Mr. Stark, Mr. Clay, Mr. Payne, Mr. Fazio of California, Mr. Waxman, Mr. Abercrombie, Mr. Allen, Mr. Andrews, Mr. Baesler, Mr. Bentsen, Mr. Berman, Mr. Boswell, Mr. Boucher, Ms. Brown of Florida, Mr. Brown of California, Mrs. Capps, Mr. Cardin, Ms. Carsón, Ms. Christian-Green, Mrs. Clayton, Mr. Clement, Mr. Coyne, Mr. Cummings, Ms. DeGette, Mr. Delahunt, Ms. DeLauro, Ms. Eshoo, Mr. Evans, Mr. Filner, Mr. Ford, Mr. Frank of Massachusetts, Mr. Frost, Ms. Furse, Mr. Gejdenson, Mr. Green, Mr. Hastings of Florida, Mr. Hilliard, Mr. Hinchey, Mr. Hoyer, Mr. Jackson, Ms. Jackson-Lee, Ms. Eddie Bernice Johnson of Texas, Ms. Kaptur, Mr. Kennedy of Massachusetts, Mrs. Kennelly of Connecticut, Mr. Klink, Mr. LaFalce, Mr. Lantos, Mr. Lewis of Georgia, Ms. Lofgren, Mrs. Maloney of New York, Mr. Manton, Mr. Markey, Mr. Martinez, Mr. Matsui, Ms. McCarthy of Missouri, Mr. McGovern, Ms. McKinney, Mrs. Meek of Florida, Mr. Menendez, Mr. Miller of California, Mr. Minge, Mr. Nadler, Ms. Norton, Mr. Olver, Mr. Owens, Mr. Pallone, Mr. Pascrell, Ms. Pelosi, Mr. Peterson of Minnesota, Mr. Rahall, Ms. Rivers, Mr. Romero-Barcelo, Mr. Sandlin, Mr. Rothman, Mr. Rush, Mr. Sabo, Mr. Sanders, Mr. Sawyer, Mr. Serrano, Ms. Stabenow, Mr. Strickland, Mr. Stupak, Mr. Thompson, Mrs. Thurman, Mr. Towns, Ms. Velázquez, Mr. Vento, Mr. Wexler, Mr. Weygand, Mr. Wise, Ms. Woolsey, Mr. Wynn, and Mr. Yates):

H.R. 3605. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. Barrett of Wisconsin):

H.R. 3606. A bill to provide for drug testing of and interventions with incarcerated offenders and reduce drug trafficking and related crime in correctional facilities; to the Committee on the Judiciary.

By Mr. CONYERS (for himself and Mr. Hyde):

H.R. 3607. A bill to provide grants to grassroots organizations in certain cities to develop youth intervention models; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRAMER (for himself, Mr. Abercrombie, Mr. Parker, and Mr. Wicker):

H.R. 3608. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that certain employees of Federal, State and local emergency management and civil defense agencies may be eligible for certain public safety officers death benefits, and for other purposes; to the Committee on the Judiciary.

By Ms. DeGETTE:

H.R. 3609. A bill to ban the importation of large capacity ammunition feeding devices, and to extend the ban on transferring such devices to those that were manufactured before the ban became law; to the Committee on the Judiciary.

By Mr. GREENWOOD (for himself, Mr. Manton, Mr. Paxon, Mr. Engel, Mr. Oxley, Mr. Norwood, Mr. Shimkus, Mr. Stupak, Mr. Boehlert, Mr. Solomon, Mr. King of New York, Mrs. McCarthy of New York, Mr. Holden, Mr. McDade, Mr. Andrews, Mrs. Roukema, Mr. Gekas, Mrs. Kennelly of Connecticut, Mr. McHale, Mr. Frelinghuysen, Mr. Ehrlich, Mr. Pappas, Mr. Weldon of Pennsylvania, Mr. Ackerman, Mr. Cardin, Mr. Hoyer, Mr. Neal of Massachusetts, Mr. Olver, Mr. Goode, Mr. Roemer, Mr. Fox of Pennsylvania, Mr. Meeks of New York, Mr. Bass, and Mr. Baldacci):

H.R. 3610. A bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; to the Committee on Commerce.

By Mr. KING of New York:

H.R. 3611. A bill to prohibit United States citizens from traveling into or through a country or area for which a United States passport is invalid; to the Committee on International Relations.

By Mr. PALLONE:

H.R. 3612. A bill to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the "Pat King Post Office Building"; to the Committee on Government Reform and Oversight.

By Mr. WATTS of Oklahoma (for himself, Mr. CUNNINGHAM, Mr. THORNBERRY, Mr. MICA, Mr. INGLIS of South Carolina, Mr. CANNON, Mr. BARR of Georgia, Mr. RIGGS, Mr. HANSEN, Mr. GOODE, Mr. NORWOOD, Mr. HUNTER, Mr. FILNER, Mr. PICKERING, Mr. SESSIONS, Mr. MCCOLLUM, Mr. METCALF, Mr. GIBBONS, Mr. RYUN, Mr. ENSIGN, Mr. BILBRAY, Mr. FOX of Pennsylvania, Mr. BOEHLERT, Mrs. EMERSON, Mr. COOK, Mr. JENKINS, Mr. ENGLISH of Pennsylvania, Mrs. CHENOWETH, Mr. PALLONE, Mr. BARTLETT of Maryland, Mr. MCINTYRE, Mr. CONDIT, Mr. REDMOND, Mrs. LINDA SMITH of Washington, Mr. BAKER, Mr. COSTELLO, Mr. ROYCE, Mr. LOBIONDO, and Ms. GRANGER):

H.R. 3613. A bill to amend title 10, United States Code, to permit certain beneficiaries of the military health care system to enroll in Federal employees health benefits plans; to the Committee on National Security, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WOLF (for himself, Mr. DAVIS of Virginia, Mrs. MORELLA, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. SKEEN, Mr. BURTON of Indiana, and Mr. WYNN):

H.R. 3614. A bill to amend title 5, United States Code, to extend certain procedural and appeal rights to employees of the Federal Bureau of Investigation; to the Committee on Government Reform and Oversight.

By Mr. CONYERS:

H. Con. Res. 256. Concurrent resolution expressing the sense of Congress with regard to Lifer Groups; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. HAMILTON, Mr. BEREUTER, Mr. SMITH of New Jersey, Mr. BERMAN, Mr. ROHRABACHER, Mr. MENENDEZ, and Mr. FALEOMAVAEGA):

H. Res. 404. A resolution commemorating 100 years of relations between the people of the United States and the people of the Philippines; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. EVANS, Mr. JEFFERSON, Mr. WYNN, and Mr. RUSH.

H.R. 86: Mr. PAUL.

H.R. 347: Mr. BARR of Georgia.

H.R. 1047: Ms. CARSON.

H.R. 1121: Mr. SMITH of Michigan.

H.R. 1126: Mr. KLINK.

H.R. 1154: Ms. SANCHEZ.

H.R. 1173: Mr. BASS, Ms. ESHOO, Mr. ORTIZ, Mr. SAWYER, Mr. STOKES, Mr. DOYLE, and Mr. WAXMAN.

H.R. 1371: Mr. THOMPSON.

H.R. 1375: Mr. RODRIGUEZ.

H.R. 1376: Mr. ENGEL.

H.R. 1531: Mr. MCGOVERN.

H.R. 1858: Mr. MEEKS of New York.

H.R. 2174: Mr. TORRES, Mr. PASCRELL, Mr. TRAFICANT, and Mr. DELAHUNT.

H.R. 2202: Mr. SMITH of Oregon.

H.R. 2365: Mr. QUINN and Mr. LAZIO of New York.

H.R. 2409: Mr. MCDADE.

H.R. 2568: Mr. RUSH.

H.R. 2665: Mr. BROWN of California and Mr. RODRIGUEZ.

H.R. 2760: Ms. STABENOW.

H.R. 2819: Ms. PRYCE of Ohio, Mr. KENNEDY of Massachusetts, and Mr. SAM JOHNSON.

H.R. 2869: Mr. BONILLA.

H.R. 2871: Mr. BONILLA.

H.R. 2873: Mr. BONILLA.

H.R. 2875: Mr. BONILLA.

H.R. 2879: Mr. BONILLA.

H.R. 2881: Mr. BONILLA.

H.R. 2990: Mr. BOUCHER, Mr. MCGOVERN, and Mr. TORRES.

H.R. 3081: Mr. KOLBE, Mr. BARRETT of Wisconsin, and Mr. MILLER of California.

H.R. 3107: Mr. SCARBOROUGH.

H.R. 3140: Mr. SCARBOROUGH, Mr. CHAMBLISS, Mr. SHIMKUS Mr. GIBBONS, and Mr. SANDLIN.

H.R. 3168: Mr. TIERNEY.

H.R. 3181: Ms. JACKSON-LEE and Mr. REYES.

H.R. 3205: Mrs. KELLY, Mr. SESSIONS, Mr. THOMPSON, and Mr. BORSKI.

H.R. 3217: Mr. MATSUI.

H.R. 3279: Ms. DANNER.

H.R. 3290: Mr. BLILEY, Mr. ROMERO-BARCELO, Mr. BOUCHER, and Mr. LEWIS of California.

H.R. 3293: Mr. LEWIS of Georgia, Mrs. TAUSCHER, and Mr. MCGOVERN.

H.R. 3318: Mr. BOEHLERT, Mr. HOLDEN, Mr. JOHN, Ms. KILPATRICK, Mr. LARGENT, and Mr. WATTS of Oklahoma.

H.R. 3376: Mr. UPTON and Ms. FURSE.

H.R. 3382: Mr. PORTER.

H.R. 3396: Mr. BLILEY, Mr. DREIER, Mr. YOUNG of Alaska, Mr. KLINK, Mr. FATTAH, Mr. WALSH, Mr. RAHALL, Mr. VISCLOSKY, Mr. WAMP, Mr. SPENCE, Mr. CALVERT, Mr. CONDIT, and Mr. FORBES.

H.R. 3400: Mr. THOMPSON and Mrs. MALONEY of New York.

H.R. 3470: Mr. CLYBURN, Mr. KANJORSKI, and Ms. LOFGREN.

H.R. 3474: Ms. PELOSI.

H.R. 3506: Mrs. MALONEY of New York, Mr. GIBBONS, Mr. HOUGHTON, Mr. OXLEY, Mr. QUINN, Mr. WATTS of Oklahoma, Mr. GOODLATTE, Mr. RAMSTAD, Mr. YOUNG of Florida, Mr. MCKEON, Mrs. FOWLER, Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. PASTOR, Mr. CALVERT, Mr. MCGOVERN, Mr. FROST, Mr. FOLEY, Mr. BOEHLERT, Mr. UPTON, and Mr. BASS.

H.R. 3513: Mr. HEFNER, Mr. SPRATT, Ms. WATERS, and Mrs. CAPPS.

H.R. 3524: Mr. LEWIS of Georgia and Mrs. THURMAN.

H.R. 3545: Mr. HOLDEN.

H.R. 3551: Mr. FROST and Mr. YATES.

H.R. 3553: Mr. FRANK of Massachusetts and Mr. WYNN.

H.R. 3567: Mr. DOYLE.

H.R. 3571: Mrs. MEEK of Florida and Mr. FROST.

H. Con. Res. 210: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 247: Mr. FROST, Mr. MCNULTY, and Mr. SANDLIN.

H. Con. Res. 249: Mr. SNYDER, Mr. COOK, and Mr. RUSH.

H. Con. Res. 250: Mr. KILDEE, Mr. WAXMAN, and Mr. BILIRAKIS.

H. Con. Res. 252: Ms. KAPTUR, Mr. HOLDEN, and Mr. WEYGAND.

H. Res. 399: Mr. MCINTOSH and Mr. FOX of Pennsylvania.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 111: Mr. PORTER.

SENATE—*Tuesday, March 31, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of history, we gain perspective on the perplexities of the present by remembering how Your power has been released in response to prayer in the past. Gratefully, we remember Your answers to prayers seeking Your strength in struggles and Your courage in crises. We remember those times when Your guidance brought consensus out of conflict and creative decisions out of discord.

Once again, we need Your divine intervention and inspiration. Watch over the Senators as they unite in seeking Your best for the future of our Nation. Give them strength to communicate their perception of truth with mutual respect and without rancor. We are of one voice in asking for Your blessing on this Senate as it exercises the essence of democracy in its vital debates. You have been our Guide over the years of United States Senate history, and we trust You to lead us forward today. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from New Mexico.

SCHEDULE

Mr. DOMENICI. Mr. President, on behalf of the leader, I announce that this morning the Senate will resume consideration of S. Con. Res. 86, the budget resolution. Under a previous unanimous consent agreement, at 10 a.m. the Senate will resume consideration of the Sessions amendment, No. 2166, with 30 minutes of debate equally divided, with a vote occurring on or in relation to the amendment at approximately 10:30 a.m. Following that vote, the Senate will resume debate of the Murray amendment, No. 2165.

During today's session of the Senate, Members can anticipate debate on a number of amendments expected to be offered to the budget resolution. Any Members wishing to offer amendments should contact the managers with their intentions. Any Members, I repeat, wishing to offer amendments should contact the managers with their intentions.

In addition, the Senate may consider any executive or legislative business cleared for Senate action. Therefore, Members can anticipate a very busy day of floor action. As a reminder to all Senators, the first vote will occur at approximately 10:30 a.m.

Mr. President, the distinguished Senator from Indiana, Senator COATS, wishes a few moments on the Sessions sense-of-the-Senate resolution. He cannot be here at 10 or later, which is the time prescribed for discussion on that resolution, so I ask consent it be in order for the distinguished Senator from Indiana to discuss this sense-of-the-Senate resolution that Senator SESSIONS offered before 10 o'clock, as he arrives on the Senate floor. I will yield time to him off our side of the bill at that point.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Con. Res. 86, which the clerk will report.

The assistant legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

Murray amendment No. 2165, to establish a deficit-neutral reserve fund to reduce class size by hiring 100,000 teachers.

Sessions/Enzi amendment No. 2166, to express the sense of Congress that the Federal Government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

Gregg amendment No. 2167, to express the sense of the Senate that this resolution assumes that no immunity from liability will be provided to any manufacturer of a tobacco product.

Gregg/Conrad amendment No. 2168 (to amendment No. 2167), of a perfecting nature.

Kyl amendment No. 2169, to express the sense of the Congress regarding freedom of health care choice for medicare seniors.

Conrad (for Dodd) amendment No. 2173, to establish a deficit-neutral reserve fund for child care improvements.

Conrad/Lautenberg/Bingaman/Reed amendment No. 2174, to ensure that the tobacco reserve fund in the resolution protects public health.

Conrad (for Moseley-Braun) amendment No. 2175, to express the sense of the Senate regarding elementary and secondary school modernization and construction.

Conrad (for Boxer) amendment No. 2176, to increase Function 500 discretionary budget authority and outlays to accommodate an initiative promoting after-school education and safety.

Brownback amendment No. 2177, to express the sense of the Senate regarding economic growth, Social Security, and Government efficiency.

Burns amendment No. 2178, to express the sense of the Senate regarding the use of agricultural trade programs to promote the export of United States agricultural commodities and products.

The PRESIDING OFFICER. Under the previous order, the time until 10 a.m. shall be equally divided between the two managers.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum with the time to be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2166

Mr. COATS. Mr. President, I would like to take just a few moments, no more than 5 minutes, if that is acceptable, to speak about the pending amendment.

Mr. President, just a couple of weeks ago I was privileged to chair a congressional symposium on the question of child care and parenting held by the Subcommittee on Children and Families. The purpose was to examine many of the issues surrounding the whole question of child care and the needs of America's working families.

We tried to do what very few policymakers do these days. Instead of starting with an assumption that a certain program and place ought to just be expanded, we went back to the basics, back to fundamentals. We asked the questions: What do the experts think is best for children? What do families think is best for them? What do they think they need? Politics aside, special interests aside and, in the best of all worlds, if we were starting over, where would we start?

What we learned from that symposium, convening experts from all across the political spectrum, different philosophies represented, but experts in the field, including mothers who have spent a great deal of time raising their families and studying these issues is that families want more time with their children, not less time. They want Government to allow them to keep more of their hard-earned dollars so that they have more choices in terms of how they spend those dollars, rather than deciding here that we are just simply going to spend more money on new programs or new bureaucracies.

We learned that they want to rely less on child care, to have more flexible work hours, comptime and other profamily benefits that many Federal employees currently enjoy. We learned what children have is what Dr. Stanley Greenspan calls "irreducible needs." He indicated the studies have shown there is a significant concern that our society "has begun to advocate out-of-home care as the desired option rather than as a backup system for those who need it."

According to experts like Jay Belsky of Penn State University, prolonged exposure to out-of-home care can have very serious results on long-term child development, because it impacts adversely on the way a child relates and bonds with his mother. It appears to have a negative impact on maternal sensitivity to the child, which is critical, as these experts have said, to child development.

These are facts, Dr. Belsky said, that are overwhelming and should not be dismissed. He said they—this early interaction and bonding between mother and child—are as profound as the effects of child care on cognitive and social development.

We have invested very heavily in the question of child care, but we ought to be wary of proposals which fail to address the needs and desires of a majority of American children and American families. So instead of choosing to promote a continuation of the current system, we ought to look at what these experts are telling us and at least try to find a way to balance what we do to provide incentives for parents who often, at considerable financial sacrifice, choose to stay home with their children, particularly in the early months and early years.

We need to talk about positive family-friendly policies, extended job leaves, part-time work, flextime, comptime, job sharing, telecommunicating and other corporate policies which allow families to have more time with children, not less time with children.

We ought to encourage ways in which we can increase parental involvement through tax fairness. Anybody who studies the Tax Code knows it is the families raising children that are most discriminated against in our Tax Code. We have often allowed more tax credits, as a former Representative used to say, for breeding racehorses than for raising children, because we penalize families that choose to stay home with their children by narrowly linking tax benefits to day care expenses. The dependent-care tax credit says that the more time you spend away from your children, the more time in out-of-home care, the greater the expense, the greater the credit.

The Sessions amendment, which I am here to advocate support for and vote for, is a good first step, hopefully the beginning of an extensive congressional recognition of the importance of at-home care.

We do need a strong, quality child care program for parents who work out of the home. We need to make sure that it is available to parents, but we also need to make sure that what is available to parents is maximum choices in terms of how they determine the best way to raise their children. They need to be treated equally, and the experts tell us that they need to be treated equally because ultimately this is the best for children. We recognize that not every working family can afford a stay-at-home parent, but we also recognize and need to understand that what the experts are telling us is that this is the preferred option, this is the option for which we ought to be providing incentives.

This sense-of-the-Senate amendment before us today is a way that we as a body can recognize that fact and we can endorse, so that in our debates about how we expand the Tax Code, in our debates about how we address work policies, in our process of determining what is best for children, we will focus on what is best for children and look at the balance that is necessary to address those families that want a parent to stay at home and take care of their children, primarily because that is what is best for children. If we are talking about cognitive development, if we are talking about social development, we are talking about uniting parents and children at the earliest stages of their lives.

There is no child care provider who can provide what a motivated mother and informed mother can provide for their child. There is no child care provider who can provide the love and nurturing necessary for the development of that child, and we need to have incentives built into our law that don't discriminate against but actually encourage and enhance that selection.

Mr. President, I am pleased to support the amendment of Senator SESSIONS that we will shortly be voting on and trust that it will receive an overwhelming bipartisan encouragement and affirmation.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator COATS, I was very hopeful that in spite of your schedule you would have time to speak here this morning. Your staff spoke to us about it. I am very pleased you did that.

Mr. COATS. I thank the Senator from New Mexico for providing the time.

Mr. DOMENICI. The reason I am is because I really believe when it comes to this issue, while there are many people involved and many people who work on the issue, I listened tentatively to the Senator's observations and his rationale, his common sense applied to it, and I think he articulated the very best American approach to this.

While we may not be able to get policy adopted that accomplishes that—it is always difficult—I compliment the Senator from Indiana because, indeed, I think what he said today and what he said before is right for the country and right for our children and right for the American system of work, people working to get ahead and people who want to take care of their children instead of going to work for part of their lives. I really commend him for that.

Mr. COATS. I thank the Senator.

Mr. DOMENICI. Mr. President, even though it is 5 minutes of 10 and the order said we will start debating the Sessions amendment at 10, I ask unanimous consent that, since we already discussed it, we start the discussion now and it be equally divided over the next 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senate will now resume consideration of the Sessions amendment No. 2166, on which there shall be 30 minutes of debate equally divided.

Mr. DOMENICI. I note the presence of the sponsor of the amendment, Senator SESSIONS, on the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I am one of the cosponsors of the amendment. I yield myself 5 minutes for comments.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I want to make sure that he does speak, but time is controlled.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. The sponsor is on the floor, and he controls the time. Will

Senator SESSIONS designate that to me for now to try to use our time?

Mr. SESSIONS. I will be pleased for Senator ENZI to have 5 minutes.

Mr. DOMENICI. All right.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. ENZI. Mr. President, I am an original cosponsor of the Sessions sense-of-the-Congress amendment No. 2166. I firmly believe that the at-home parents who forgo a second income so that one parent can raise their children do deserve some formal recognition by their Federal Government. That is a tough decision for parents to make, but it is one that is being made every day, and it is making a difference to kids. All this sense-of-the-Congress amendment does is to give some extra emphasis to say to parents, if you are making this decision, consider it carefully, consider having one of the parents forgo their income and stay at home and make a better life for the kids. The purpose of it isn't to make anybody feel guilty. The purpose of it is simply to make sure that when we are building basic policy, that basic policy includes families and basic policy includes an emphasis on families, and basic policy makes it possible, in any way that we can do it, of keeping parents with their kids.

All forms of day care touch on one of our Nation's most important resources—our children. If Congress is serious about addressing day care, then we must do so in a fairminded way and not exclude at-home care from the debate. It is unfortunate that at-home care has not received its day in the spotlight. There are more families that fit this mold than I think many of us are aware.

We have an opportunity through this body to change that and should change it in any way we can. Conditions are difficult for two-income families. It is even harder for single working moms to raise children. Few would argue differently.

To be fair, however, we must not imply that families who choose to keep one parent at home with their children are not making any sacrifices. They are sacrificing, too. For years, the subtext of Federal family policy is that everyone should work and that the burden of accommodation should be on those parents who choose to stay at home to raise their children. But if the debate revolves around the quality of care our children receive, we must modify existing Federal policy and end this senseless discrimination.

If we are really concerned about the quality of care for our children, then single-income families should be formally recognized. America's tax burden has grown so large in many instances that a second parent has to work just to pay the family's tax burden.

A 1993 survey found that more than 50 percent of working women would stay at home if money were not an issue. These parents should not be discriminated against by their own Federal Government simply because they sacrifice greater financial gain for their children.

The financial penalty inherent in having one parent stay at home to raise their children is large indeed. I do not believe that a majority of single-income families pursue such an arrangement because they can easily afford it. They do it because they believe it is best for their kids. They do it as a conscious decision. It should not be the work of this body to second-guess their judgments and their values.

Parents who decide to forgo a second income so that one parent might be at home during their children's formative years incur quite an expense, as several Members of my own staff can attest. And I am proud of them for the sacrifices that they are making. But I do not think it is fair, when we talk about Federal policy, that we should build a special policy that discriminates against them. We should be encouraging that kind of behavior.

It is quite clear that at-home care is beneficial to our Nation's kids. If this viable alternative is excluded from debate, then the message this body sends about the quality of care for America's children is shortsighted, at best. This amendment is geared to provide the recognition that at-home care and the parents who utilize it deserve some recognition.

This amendment is supported by Democrats and Republicans alike. That is how families are, and it should pass unanimously. I encourage all Members of the Senate to read this amendment, cosponsor it, and vote in favor of its passage.

Mr. President, I yield the floor.

Mr. SMITH of Oregon addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I rise to associate myself with the comments of my friend from Wyoming and as a strong supporter of the Sessions amendment, a sense-of-the-Senate amendment, on the importance of at-home parents and the Government role in child care.

I am a proud cosponsor of this amendment and thank Senator SESSIONS, the Senator from Alabama, for his leadership in this area. The Clinton child care policy is always a direct or indirect subsidy to the marketplace day care industry. The President only seeks to help a small portion of working parents, ruling out those who wish to stay at home and take care of a child and those who do not want to use the marketplace day care.

Government policy ought not to discriminate against the best form of child care—where a child is taken care of by his or her parents or family. I believe that the Federal Government should subsidize the family, just as it subsidizes the workplace, giving money back to the family. The family can make the best choices in child care. At best, President Clinton's day care policy is only a subsidy of another workplace, the institutionalized day care industry.

Mr. President, I will soon be introducing legislation to change the Tax Code to put stay-at-home parents on at least an equal footing with two-income families. My legislation will increase the current $500 per child tax credit to $1,500 per child for children up to 6 years of age. This credit would replace the current dependent-care tax credit with real money that directly benefits families and restores equality and fairness in child care.

I think this is an important piece of legislation, Mr. President. And if, in fact, we go forward in this session of Congress and the President's idea comes forward—an idea that costs roughly $20 billion—then I suggest my bill ought to replace it. My bill ought to replace it because it does not discriminate between stay-at-home parents or those who choose to work. It affects each of them equally, because they all have children and needs with respect to those children.

Mr. President, I thank again Senator SESSIONS for bringing this important issue to the floor as part of the budget resolution. I urge every Senator to strongly support his amendment. I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I am very proud of the excellent comments that have been made by a group of distinguished Senators today regarding this amendment. It is not an itty-bitty matter; it is a very serious matter. And it reflects a reevaluation by this body of the priorities we are placing on helping families raise children. It reflects a change in what we have been doing, because we have been, in fact, subsidizing one form of child care, a form of child care used by only a few American families, and have been taxing all the other American families to support that one form, which is institutional public day care essentially. And I do not believe that is good policy.

As Senator COATS mentioned earlier, mothers want, if they are given a choice, to be at home with their children, for the most part, during their formative years. We know that. Scientists and people also, who have studied this, have concluded that it is better for them to be at home, when they can. So we need to subsidize and support equally all forms of child care, if we do so, and we ought to do it in a way that allows parents the choices that they prefer.

All right. Let me just mention, first, the background on which we are operating. This is from the census report, the last census report. This is titled: "Patterns of Child Rearing for Children Under Age 5."

The mother is not employed; the care is by the mother in the home—almost 50 percent; 48 percent of mothers with children under age 5 raise them in their home. The President's proposal in current law provides no benefit for those families—zero—even though they may be giving up substantial income because the mother has been in the workplace before and chooses to stay at home because they believe, after prayerful thought and concern in the family, that this is the best way to raise their children. We ought to affirm that. We ought not to penalize that by taxing the decision to support this decision.

The mother is employed, and the child is in a group day care preschool program—16 percent. That is what we have been subsidizing. That is the group we have been subsidizing. You have the mother who is working, but the child is taken care of by a nonrelative, somebody in the home. Maybe it is a nanny who comes and stays in their home and takes care of the children because parents feel, where possible, they would like their children to grow up in their home and have the stability and the confidence that comes from that kind of environment. And 11 percent do that. They get no benefits under this proposal.

The mother is employed and the care is by a relative, an aunt, a mother, a grandmother or sister. They are taken care of. That is 13 percent. They have no benefit under the current law or the President's proposal.

The mother is employed—employed—and the care is by the father or the mother—12 percent.

For all of these, only this group gets compensation. That is not good policy. This Congress, this Government in America ought to adopt public policy that in fact encourages our highest and best choices. We ought to do that, and I think we can do that.

Now, to point out the unfairness of it, look at this chart. This is where a husband and a wife are employed, both of them employed, one may not be full time. Their average income is $57,000.

Where there is a dual-earner family, both husband and wife work and are employed full time, their average salary is $64,000.

But where you have a single earner, a husband is employed and the wife not employed, and the husband may not be employed full time—and many do not have full-time jobs; they cannot get them—their average income is $38,000.

Where the husband is employed and the wife is not employed, the husband is employed full time, the average income is $42,000.

You see the difference. We are subsidizing this choice. We are not subsidizing this choice where parents stay at home. That is not good public policy, and I think we need to change it.

I congratulate Senator SMITH, who just spoke, because he is asking us to consider what we are going to do to eliminate this imbalance. I think he has thought the matter through, and he has come up with some conclusions that he has put in legislation to which this body needs to give serious thought.

Of course, this resolution basically does not suggest a solution to the problem. It just says we are going to set a policy here to change the way we have been doing business. I think we ought to affirm parents who, after prayerful, careful, serious thought among themselves, conclude that it is best for their children to forgo a second income and stay at home. I think we ought to affirm that with public policy.

Finally—I know my time is about up—this is a matter of significance. I have been delighted to see Senators calling our office the last 2 days wanting to sign on as cosponsors of this amendment. While I was on the floor yesterday, three Senators asked me could they join as a cosponsor of this amendment. It has broad bipartisan support—Democrats and Republicans. I hope we have a unanimous vote on this issue.

But what I want to say is this: Do not sign on as a cosponsor, do not vote for this resolution, if you are not prepared to back it up by votes on the floor when we start setting tax policy and we start appropriating funds. If you are not prepared to support this philosophy, do not sign on because that is what erodes public confidence in America.

We talk a good game, but when the chips are down we often find reasons not to follow through on our commitments. I believe this is good public policy. I believe it is a resolution that sets the tone for this Congress. The House has passed a similar resolution, 419-0. I think that says something. I believe this body will be virtually unanimous, if not unanimous. After that, we are going to have to talk with Senator SMITH and other Members of this body to figure out a way to implement that policy.

It is a challenge to all the committees that are going to be dealing with these issues. They are going to have to reflect this view. I hope that they will. If they don't, we need to stand up and say we are not going to pass or support legislation that is not consistent with this resolution that treats all parents equally.

Mr. President, thank you for the time.

I thank my fellow Senators for their support for this resolution. I believe it is a great step forward in improving child care and development in America. Thank you, and I yield the floor.

Mr. DODD. Mr. President, I would like to applaud the Senator from Alabama for focusing attention on the important concerns of stay-at-home parents. I have said repeatedly, and continue to believe, that the best child care providers, particularly in the earliest months and years, are parents. Clearly, where both parents must work, we should try to help them provide the best possible care of their children. However, we should also help parents who make the difficult decision to forego a second income so that one parent can stay at home to care for a child.

That is the reason why I introduced legislation, S. 1610, the Child Care ACCESS Act, that will, for the first time, extend the Dependent Care Tax Credit to parents who stay at home to care for their young children. In fact, this piece of legislation, co-sponsored by 26 of my Democratic colleagues, does more for stay-at-home parents than any other proposal that has been introduced. Only this legislation would extend this important financial assistance to stay-at-home parents earning less than $30,000. For such families, the financial sacrifice of forgoing a second income is severe. They certainly deserve as much, if not more, support in staying home to care for their children as families earning more than $30,000.

Mr. President, if we are serious about helping parents who want to be home with their children, we should also promptly enact an expansion of the Family and Medical Leave Act of 1993. I have introduced legislation which would extend the benefits of the Family and Medical Leave Act to allow an additional 13 million parents to stay at home for up to 12 weeks to care for a newborn or sick child without fear of job loss.

I think we would all agree that we must support all parents—mothers and fathers—in the decisions they make, whether it is to work in the paid labor force, to stay home with their children, or do some of each. Indeed, many parents move in and out of the labor force at different points in their children's lives—depending on the ages and needs of their children and their financial situations. All families deserve our help in raising the next generation of Americans. We must invest in our future if that future is to hold promise for our children, for our families, and for our country.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. With regard to the amendment we have been discussing this morning and the fact that families are choosing to give up a second income in order that they may have a parent stay home with their children in the early, formative years, I want to share a few thoughts with this body.

As I traveled my State last month and I discussed this issue, time and time again families would come up to me after my remarks and say, "Thank you for saying that. We made that exact decision in our family. My wife had worked, and she decided she wanted to stay home with the children while they are young. It costs us a lot of money. We don't regret it. We are glad you have considered us raising children and you believe we ought to have a fair shake in that regard."

My wife taught school for 4 years. When we had children, we made a decision she would cease teaching. I was able to have a decent income and take care of the family. We were not rich, but that was a decision we made, and we were very glad we did that. In fact, we probably would not have qualified for benefits under this program because this would be a program favoring lower income people.

Additionally, I wanted to share some numbers with the Members of this body. According to the most recently available data from the Census Bureau, a dramatically different picture is showing up than the one many would project. The facts show that although day care use did increase rapidly through the 1980's, the increase in the use of day care has come to a halt. The percentage of children under age 5 with employed mothers nearly doubled from the mid-1970's through 1998, but in subsequent years maternal employment remained fixed. In 1994, the last year recorded by the Census, the percentage of preschool children with employed mothers was still 52 percent, the same as it was in 1998.

My personal observations of the people I associate with, that my children have gone to school with, are that people are questioning the mentality that it is always best for both parents to work, and they are making different decisions. It is time for us to have Government policy that reflects that. I am very pleased with the bipartisan support this amendment is receiving. I think it reflects a serious reevaluation on behalf of this Congress on how to spend money in aid of children. I solicit the support of all Senators for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. I want to clarify exactly where we are, what the schedule calls for.

The PRESIDING OFFICER. The Senate is voting on Sessions amendment No. 2166 at 10:30. The remaining time is under the control of the Senator from New Jersey.

Mr. LAUTENBERG. I am pleased to support the amendment that the distinguished Senator from Alabama offers, because I think we all share the view that if a parent can stay at home—mother can stay at home, typically—then that is the best way to go and there ought not to be any discrimination against that kind of a policy or program. But people are forced, because of the pressure on incomes, to often look for the second or even the third job in the household.

As we examine the programs that will promote the parents at home, I think we have to consider this amendment as an indication of where we all stand. The amendment, as I see it, simply affirms the view that families should not be punished for their child care choice. There is no better babysitter, no better caregiver, than the mother of the child. I don't think anyone will disagree with that.

Democrats are proud of our long record of helping families with a stay-at-home parent to make ends meet. When you got to a particular vintage, kind of like mine—advanced middle-age, I think we call it—it was typical, regardless of the difficulty that existed financially in the household; somehow or other it all came together.

My mother was widowed when she was 36. I had already enlisted in the Army. I had a little sister at home. Mom managed to take care of my sister, get a modest allotment from my military pay, and at the same time have a job. She made all those arrangements, and my sister was never neglected and grew up a happy, fulfilled person, as did my mother and I. But things are different now. We live in a pressure-cooker world where people just can't seem to get by unless there are multiple jobs in the household. For the middle-income family, it is not atypical.

So Democrats, maybe we kind of harken back to a different day and say those were the proper kinds of functions to be going on in the household. Things were modest, but people accepted their fate and tried to work their way out of it. In 1993, what we tried to do was to establish the opportunity for a family to take care of their kids. We secured an expansion of the earned-income tax credit, giving a refund to those people who just didn't make enough to care for their families. In 1996, we secured an increase in the minimum wage. Last year, we won the $500-per-child tax credit.

Now, all of these initiatives put more money in the pockets of American workers, and I, as a Democrat, and those of us who are Democrats were happy to see that. This is not to suggest that many of our Republican friends were not happy, but it put a Democratic stamp on these programs. I am sure, again, many of our colleagues on the other side of the aisle support it. These things have made a real difference. Also, the Family and Medical Leave Act, signed into law by President Clinton, has given parents the flexibility to take time off to care for a newborn or a sick child. When it comes to helping working moms, I think we are all on the same page.

Once again, I commend Senator SESSIONS for offering this amendment. I am pleased to support it.

I yield the floor.

Mr. SESSIONS. I express my appreciation to the Senator from New Jersey for his support.

I add as original cosponsors of this legislation the names of Senators ROTH and KAY BAILEY HUTCHISON, who have asked to be cosponsors. I ask unanimous consent they be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I wonder, Senator LAUTENBERG, if I could offer three amendments now—not speaking to them, but allowing them to be read.

Mr. LAUTENBERG. I have no objection to the Senator from Oregon offering his amendments, but we are on a 10:30 schedule and I think it is important we preserve that schedule.

I am happy to yield the floor to the Senator from Oregon.

AMENDMENT NO. 2179

Mr. SMITH of Oregon. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH] proposes an amendment numbered 2179.

Mr. SMITH of Oregon. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY TAXES.

(A) FINDINGS.—The Senate finds that—

(1) financing for Social Security Old Age, Survivors, and Disability Insurance (OASDI) is provided primarily by taxes levied on wages and net self-employment income. The level of these tax rates is set permanently in the law at the rate payable today;

(2) more than ninety-five percent of the work force—an estimated 148.2 million workers in 1998—is required to pay Social Security taxes;

(3) Social Security taxes are paid both by employees and employers and the self-employed on earnings up to a maximum amount

of $68,400 in 1998, the amount increasing at the same rate as average earnings in the economy;

(4) the Social Security tax was first levied in 1937 at a rate of 1% on earnings up to $3,000 per year;

(5) the rate in 1998 has risen to 6.2 perecent—an increase of 620 percent, and a majority of American families pay more in Social Security taxes than income taxes;

(6) in his State of the Union message on January 27, 1998, President Clinton called on Congress to "save Social Security first" and to "reserve one hundred percent of the surplus, that is any penny of the surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century."

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that when the Congress moves to work in a bipartisan way on specific legislation to reform the Social Security system, it will not consider increasing Social Security tax rates on American workers, beyond the permanent levels set in current law nor increase the maximum earnings subject to Social Security taxation beyond those prescribed by the wage indexing rules of current law.

Mr. SMITH of Oregon. Briefly, Mr. President, this amendment is a very simple sense of the Senate on Social Security that says that when we act to save Social Security, we will not be doing so by increasing Social Security taxes.

AMENDMENT NO. 2180

(Purpose: To clarify Federal law with respect to the use of marijuana)

Mr SMITH of Oregon. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH] proposes an amendment numbered 2180.

Mr. SMITH of Oregon. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

SEC. . GENERAL PROHIBITION ON THE USE OF MARIJUANA FOR MEDICINAL PURPOSES.

It is the Sense of the Senate that the provisions of this resolution assume that no funds appropriated by Congress should be used to provide, procure, furnish, fund or support, or to compel any individual, institution or government entity to provide, procure, furnish, fund or support, any item, good, benefit, program or service, for the purpose of the use of marijuana for medicinal purposes.

Mr. SMITH of Oregon. Briefly, Mr. President, this is a sense-of-the-Senate amendment on an issue that has become of great concern to me and to many in my State, the legalization of marijuana for medical use. I will speak to this later.

AMENDMENT NO. 2181

(Purpose: To express the sense of the Senate concerning increases in the prices of tobacco products)

Mr. SMITH of Oregon. I send an additional amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. SMITH] proposes an amendment numbered 2181.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, strike lines 1 through 22 and insert the following:

SEC. 316. SENSE OF THE SENATE ON PRICE INCREASE ON TOBACCO PRODUCTS.

(a) FINDINGS.—The Senate finds that—

(1) the use of tobacco products by children and teenagers has become a public health epidemic and according to the Centers for Disease Control and Prevention, more than 16,000,000 of our Nation's children today will become regular smokers;

(2) of the 16,000,000 children who become regular smokers, approximately one-third or 5,000,000 children will die of tobacco-related illness;

(3) the Centers for Disease Control and Prevention reports that tobacco use costs medicare approximately $10,000,000,000 per year, and the total economic cost of tobacco in health-related costs is more than $100,000,000,000 per year; and

(4) the public health community recognizes that by increasing the cost of tobacco products by $1.50 per pack, the rate of tobacco use among children and teenagers will be reduced.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that, if comprehensive tobacco legislation requires an increase in the price of cigarettes, any such revenue should be used to restore solvency to the medicare program under title XVIII of the Social Security Act.

Mr. SMITH of Oregon. Briefly, this amendment is a sense of the Senate regarding the use of tobacco revenue to restore the solvency of the Medicare Program, an amendment similar to the one that Senator LAUTENBERG introduced in the Budget Committee.

I yield the floor.

VOTE ON AMENDMENT NO. 2166

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 2166.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "yea."

Mr. FORD. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—4

Bennett
Hatch
Inhofe
Mikulski

NOT VOTING—4

Bennett
Hatch
Inhofe
Mikulski

The amendment (No. 2166) was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside for up to 1 minute so that I may offer three amendments to be sequenced just as the Senator from Oregon did for his three amendments before the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object. What was the request?

Mr. KENNEDY. It was to temporarily set aside, for 1 minute, the pending amendment so I may offer three amendments to be sequenced just as the Senator from Oregon did for his three amendments before the vote. I ask that they be sequenced in an order that would be satisfactory to the minority leader.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2183 THROUGH 2185, EN BLOC

Mr. KENNEDY. Mr. President, I send three amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mrs. BOXER, proposes amendments numbered 2183 through 2185, en bloc.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2183

(Purpose: To express the sense of the Senate concerning the enactment of a patient's bill of rights)

At the end of title III, add the following:

SEC. ___. SENSE OF THE SENATE CONCERNING A PATIENT'S BILL OF RIGHTS.

(a) FINDINGS.—Congress finds that—

(1) patients lack reliable information about health plans and the quality of care that health plans provide;

(2) experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death;

(3) some managed care plans have created obstacles for patients who need to see specialists on an ongoing basis and have required that women get permission from their primary care physician before seeing a gynecologist;

(4) a majority of consumers believe that health plans compromise their quality of care to save money;

(5) Federal preemption under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for the 125,000,000 workers and their families receiving health insurance through employment-based group health plans; and

(6) the Advisory Commission on Consumer Protection and Quality in the Health Care Industry has unanimously recommended a patient bill of rights to protect patients against abuses by health plan and health insurance issuers.

(b) SENSE OF THE SENATE.—It is the sense Senate that the assumptions underlying this resolution provide for the enactment of legislation to establish a patient's bill of rights for participants in health plans, and that legislation should include—

(1) a guarantee of access to covered services, including needed emergency care, specialty care, obstetrical and gynecological care for women, and prescription drugs;

(2) provisions to ensure that the special needs of women are met, including protecting women against "drive-through mastectomies";

(3) provisions to ensure that the special needs of children are met, including access to pediatric specialists and centers of pediatric excellence;

(4) provisions to ensure that the special needs of individuals with disabilities and the chronically ill are met, including the possibility of standing referrals to specialists or the ability to have a specialist act as a primary care provider;

(5) a procedure to hold health plans accountable for their decisions and to provide for the appeal of a decision of a health plan to deny care to an independent, impartial reviewer;

(6) measures to protect the integrity of the physician-patient relationship, including a ban on "gag clauses" and a ban on improper incentive arrangements; and

(7) measures to provide greater information about health plans to patients and to improve the quality of care.

AMENDMENT NO. 2184

(Purpose: To increase Function 500 discretionary budget authority and outlays to support innovative education reform efforts in urban and rural school districts)

On page 16, line 9, increase the amount by $200,000,000.

On page 16, line 10, increase the amount by $10,000,000.

On page 16, line 13, increase the amount by $318,000,000.

On page 16, line 14, increase the amount by $146,000,000.

On page 16, line 17, increase the amount by $386,000,000.

On page 16, line 18, increase the amount by $276,000,000.

On page 16, line 21, increase the amount by $359,000,000.

On page 16, line 22, increase the amount by $358,000,000.

On page 16, line 25, increase the amount by $272,000,000.

On page 17, line 1, increase the amount by $359,000,000.

On page 25, line 8, strike "–$300,000,000" and insert "–$500,000,000."

On page 25, line 9, strike "–$1,900,000,000" and insert "–$1,910,000,000."

On page 25, line 12, strike "–$1,200,000,000" and insert "–$1,518,000,000."

On page 25, line 13, strike "–$4,600,000,000" and insert "–$4,746,000,000."

On page 25, line 16, strike "–$2,700,000,000" and insert "–$3,086,000,000."

On page 25, line 17, strike "–$3,000,000,000" and insert "–$3,276,000,000."

On page 25, line 20, strike "–$3,800,000,000" and insert "–$4,159,000,000."

On page 25, line 21, strike "–$7,000,000,000" and insert "–$7,358,000,000."

On page 25, line 24, strike "–$5,400,000,000" and insert "–$5,672,000,000."

On page 25, line 25, strike "–$5,000,000,000" and insert "–$5,359,000,000."

AMENDMENT NO. 2185

(Purpose: Expressing the sense of Congress regarding additional budget authority for the Equal Employment Opportunity Commission.)

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS REGARDING EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that the Equal Employment Opportunity Commission should receive $279,000,000 in budget authority for fiscal year 1999.

Mr. KENNEDY. Mr. President, I ask that the three amendments be sequenced after amendments to be offered by Senators HOLLINGS, LAUTENBERG and DASCHLE, and that they alternate with Republican amendments, in whatever form——

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Yes. I object. I thought your request was that you send them to the desk and that they be sequenced as the leadership is sequencing in a manner we consider to be fair.

Mr. KENNEDY. That is exactly what I am requesting.

Mr. DOMENICI. I thank the Senator.

AMENDMENT NO. 2165

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the Murray amendment No. 2165.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we are about to consider, I believe, one of the most important amendments that this body faces. It has to do with public education and the direction that this Congress, this Senate, this budget is going in that will affect the lives of thousands of students and their families and their neighborhoods and communities across this country.

Mr. President, I believe one of the main principles that this country was founded on was that of education, public education, the ability for every child in this country, no matter who they are, where they come from, what their financial background is, to have a strong education, an education that will allow them to learn how to read, how to write, how to participate in a democracy, and how to be a contributing citizen to our economy once they have reached the adult age.

Mr. President, I think it is very shocking that this budget which sits before us and the policies we are about to put in place say to students and their parents across this country that education is no longer a top priority in this country. I think that is a terrible message and one that we have to change with this budget today. Now is the time.

Mr. President, it is amazing to me that in the fiscal year 1998 budget, the entire budget—look at this chart—2 percent of our entire Federal budget goes to education. Yet, when you ask parents and families and people across this country whether or not we are spending enough on education, only 9 percent of this country think we are spending too much; only 26 percent think we are spending the right amount; and 58 percent of the people in this country believe we are spending too little on education. Mr. President, I could not agree more.

Two percent of our budget is not enough. It is not enough funds for our children, and it is the wrong message in this country, where we believe that democracy will survive if every one of our children has the access they need to a quality education—be it public or private. But in particular, in terms of what we spend here in the Nation's Capital for students across this country, it is far too little.

The amendment that we now have before us simply establishes a deficit-neutral reserve fund for class size improvement, especially in the early grades. It was used as an offset for any available mandatory savings or revenues, with the exception of tobacco revenues. What this amendment does is put in place a placeholder, if you will, in the budget so when this Congress begins to listen to parents and students and families and teachers and communities across this country, we will have a placeholder in the budget that we can at our discretion put available funds into to make sure that we address the issue of class size.

I know that class size reduction makes a difference. Every parent in this country knows that, every teacher knows that, businesses know that, and communities know that. And throughout this morning's debate, I will talk about what parents say, what students say, and what teachers say, because I believe if we begin to fundamentally address the issue of class size and the tremendous loads in our classrooms today, we will begin to address the critical need of education and make a tremendous difference for our country in the future.

Mr. President, at this time, I will yield such time as he may need to Senator WELLSTONE to speak on behalf of this amendment, and then I will go into detail about my amendment and what I want to do in this budget.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair. First of all, let me thank Senator MURRAY for her leadership. Senator MURRAY has an unusual background. She comes to the U.S. Senate having been a teacher.

Mr. President, if I might ask the Senator, what level did she teach? I believe it was elementary school or preschool.

Mrs. MURRAY. Mr. President, I taught at the community college level, parent education, and I taught preschool, 4- and 5-year-olds.

Mr. WELLSTONE. Mr. President, my colleague from Washington really brings to this debate her own life experience, both at the higher education level, training other men and women to be teachers, and also herself having taught really at the critical age, in the very early years of a child's education. We don't have that many Senators with this background. I think all of us are lucky that the State of Washington has sent Senator MURRAY here to the U.S. Senate. Quite often when we get into these discussions, they are very abstract and very theoretical and all about strategy. But Senator MURRAY has really lived this debate. She brings, I think, a special expertise and a special passion. I wish more Senators, as we get into this debate, could draw from the same kind of background.

Mr. President, I did not teach at the elementary school level or early childhood development; I was a college teacher. But in the last 7 years I tried my very best to be in schools around the country, but in the main in Minnesota. I think I have been in a school probably about every 2 weeks. What I try to do is turn these assemblies or classes—and there can be anywhere from 100 or 200 to 1,000 students and teachers and support staff in town meetings like all of us have in our States. I say to the students, look, it is kind of like everybody is talking about you but very few people are talking to you or with you. Give me your best wisdom as to what would make for the best education reform. What makes for a good education from your point of view? I say to my colleague from Washington, by coming to the floor with this amendment, she is right on target. Students talk about smaller class size everywhere I go.

Now, I personally think—and my colleague from Washington mentioned this—that especially at the elementary school level, small class sizes really make a huge difference. I think actually as you look at from K through 12—actually, I argue, after that, in colleges and universities as well—smaller class sizes make a huge difference. With a smaller class size, we have an opportunity to get to know our teachers, they say, to have more rapport with teachers. Our teachers can give us more special attention. We have an opportunity to have teachers that can fire our imagination, teachers that are really free to teach. And teachers say it as well.

So let me just be clear with colleagues. I remember when I first came here—and I haven't changed my view at all, I say to my colleague from Washington—I was debating with a good friend, Senator HATCH from Utah. I said to the Senator from Utah, "I just feel that this debate is ahead of the story." When you can come to the floor, or any Senator can come to the floor, and say we have made the commitment to public education—we made the commitment to smaller class size; we made the commitment to making sure that children, by kindergarten, come ready to learn; made the commitment by way of equity financing to schools in districts where people don't have all the financial resources, don't have the good facilities and the textbooks, the buildings are in disrepair; we made the commitment to summer institutes for teachers to meet other teachers and get renewed and fired up about teaching—we have made all those commitments, and it still isn't working, then I say let's consider something else.

But we have an amendment on the floor that Senator MURRAY has now introduced, based upon her own life's work, upon what people in communities around the country tell us is important for their children, tell us what is important to them—that is to get some additional Federal resources back at the school district level to reduce class sizes, so all of our children have an opportunity to do well in school, all of our children have an opportunity to reach their full potential. No one amendment, no one expenditure of money accomplishes this goal.

I say to my colleague from Washington that I thank her for being out here on the floor with this amendment, because this is a concrete step that can make a very positive difference in the improvement of the lives of children in our country.

I yield the floor.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I thank the Senator from Washington. I speak in strong favor of her amendment. The resolution offers a deficit-neutral reserve fund for class size improvement. Specifically, it states that if funds become available, budget levels may be adjusted for legislation to improve, or in effect lower, class size for students, especially in the earliest grades.

I thank the Senator from Washington, Senator MURRAY, for being the leader on this issue of class size for public schools. She and I share the same commitment to public education and believe strongly that the Federal Government has a limited but very important role in supporting public education.

Today's resolution, Mr. President, is very important because it demonstrates a commitment by the U.S. Senate to dedicate available Federal funds to reduce class size in the earliest grades.

Parents, teachers and school administrators are increasingly aware of the very positive impact smaller class size can have on student achievement. It is about time that the Senate goes on record in support of smaller classes for our public school children in the earliest grades.

The positive impact of smaller classes came to my attention in my State of Wisconsin, and that is because Wisconsin, as is often the case in public education, has been a leader on this issue. In 1995, the Wisconsin State Legislature created the successful pilot program called the Student Achievement Guarantee in Education program, known as the SAGE program.

Wisconsin's SAGE program has demonstrated again and again what we really know instinctively: Students in smaller classes benefit from more attention from teachers, and teachers with fewer students will have more time and energy to devote to their jobs.

A December 1997 study found that the first-graders participating in the Wisconsin SAGE program scored higher on standardized tests than other students in comparison schools.

It is my hope that the SAGE program and this budget resolution offered by the Senator from Washington reinforce what should be good common sense. If you have smaller classes, children will get more attention from teachers, and it stands to reason that more attention will translate into greater learning.

In supporting this resolution, Mr. President, I want to clearly state that I believe there is a great national purpose in trying to reduce class sizes for children in the earliest grades. However, I do not support a national mandate for smaller classes. Instead, I support smaller classes as a national goal that would be primarily controlled by the local government and local school boards and the administrators.

Additionally, I want to be sure that any distribution formula for the funds that would become available to reduce class size should give credit to States, like my State of Wisconsin, which have already invested substantial resources in this effort.

Finally, I want to again stress the importance of this resolution being deficit neutral. The Senator from Washington has been sensitive to that. The resolution is deficit neutral. The days of deficit spending and borrowing from Social Security have to be over.

To conclude, Mr. President, I think this resolution takes a very positive step toward helping school districts reduce class size as a part of an overall effort to improve education and ensure that our children have the best chance to excel and reach their full potential. Let me finally thank the Senator from Washington again. I have heard her speak both publicly and privately on this issue of class size. She speaks with experience, but she also speaks with great feeling and eloquence on this subject. She knows what she is talking about, and she is a great force in the Senate and in the Congress on this issue.

I thank the Chair.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleagues from Minnesota and Wisconsin for their support of this issue, for their understanding of this issue, for their backing and their commitment to making sure that we set as a priority in this country the issue of education and, most critically, the issue of class size across this country.

Mr. President, I came to the Senate 5 years ago. And I was frustrated when I came, and I felt that leaders in Washington, DC, were not really dealing with the issues that I talked about and I worried about at home at my kitchen table every night 2,500 miles away in the State of Washington.

I have to say that over the past 5 years we have begun to make progress and talk about the real issues that everyday families talk about at their kitchen tables every night. Certainly we have finally balanced the budget and stopped deficit spending, something that families worry about. But, more importantly, we have faced issues such as family medical leave that allows parents to take time off from their jobs to take care of a sick child. We have put 100,000 police officers on the streets because many families across this country at their kitchen tables worry about the safety of their families on a daily basis. We have addressed some of those critical issues and much more.

But today on the floor of the Senate, I can say with certainty that this Congress, under this proposed budget, is badly missing the mark when it comes to addressing the most important concern that every parent faces today and every family talks about at their kitchen table at night. Families ask: Will my child get a good education? Will my child get the attention they deserve? Will they be safe? Will they be taught the skills they need to get a job in tomorrow's economy? Those are the kitchen table conversations that worry every single family in this country.

Mr. President, I can tell you today I feel absolutely confident that I can speak to this issue with a lot of background and understanding. I came to the Senate with a daughter who was in 7th grade and a son who was in 10th grade. They both have spent their entire K–12 years in public education. I am a product of public education.

Today my daughter is a senior in high school, and she is my best adviser about what is happening in our public education system. And what they say to me—what my daughter and my son say to me—is, it is difficult to learn the skills that they need when they are in crowded classrooms. They do not get the attention they need in math or science or English, and they tell me that there is what they call "hall rage" in our classrooms because of crowded classrooms with a lot of kids in our classrooms. It tends to generate a lot of frustration and rage among our children, and safety is a concern.

Mr. President, as Senator WELLSTONE said, I come here as an educator. I am a former community college instructor. I taught parent education, and I also taught preschool. I had in my class twenty-four 4- and 5-year-olds. I know what a difference it makes when you reduce the number of children that are in a classroom.

When I had 18 children in my classroom, I could take the individual time that I needed to work with these young children to help them get a grasp on the alphabet, to begin to learn to spell their names, to understand the world around them, to sit down in groups with other children and learn how to "get along" —a skill too many kids do not have today. I know what happened the next year when I had 24 children in my class—much less individual attention; it became no longer teaching, it became crowd control.

I know as a teacher that reducing class size, particularly in the young grades, will make a difference for children across this country.

I also come here with experience being a school board member. I have managed budgets at the school district level. I know how tough those decisions are. I know how difficult it is to meet the demands that everyday school districts have. As a school board director in a suburban district, I was frustrated with the lack of funding that we got. We were frustrated with the lack of priority that education had at the Federal level, and we were constantly frustrated that we could not do the right thing.

I can tell you, as a schoolboard member who has managed thousands of dollars in education funding at the local level, this amendment, this goal, this direction for our country, is badly needed.

I also come here as a former State senator. I served on the budget-writing committee in my State senate. I know what a priority education is for our States, and I know how difficult it is for them to address this issue. My State of Washington has the fourth worst class size in the Nation.

If my State and other States across this country were told that this was a national priority and one that they would not just be told is a priority they have to do, but one that they got a jump-start with from the Federal level, it would make it easier for them and a priority for them to do what we are asking them to do and what they know they need to do.

I come here today as a budget writer in the U.S. Senate. I have served on the national budget-writing committee for 5 years. I have worked diligently to reduce the deficit and to make sure that we put our priorities in place. That is why, when I look at the budget that is on the floor today, I say the priorities are not in the right place. My amendment simply puts aside a reserve fund so that when this Congress begins to do what parents are asking them to do across this country, and to make this a national priority, we have in place a deficit-neutral account that we can begin to put funds in so that we can address this absolutely critical issue.

I have told you what my personal experience is. You have heard from several of my colleagues. But most importantly, studies back up what I have just told you. A 1989 study of the Tennessee STAR Program, which compared the performance of students in grades K through 3 in small and regular-sized classes, found that students in small classes—13 to 17 students—significantly outperformed other students in math and reading every year at all grade levels across geographic areas.

Mr. President, I have heard a number of my colleagues come to the floor and worry and fret over the fact that students are not graduating from high school with the skills they need to get into the job market. Class size makes a difference in their ability to get these skills. The studies show it. The followup study of the STAR Program in 1995 found that students in small classes in grades K through 3 continued to outperform their peers at least through grade 8 with achievement advantages, especially large for minority students. Class size reduction makes a difference. How long are we going to ignore these studies on the floor of the

Senate? How long are we going to say no, not here?

Other State and local studies have since found that students in smaller classes outperform their peers in reading and math, they perform as well or better than students in magnet or voucher schools, and that gains are especially significant among African American males. The studies back up what my experience shows, and the studies back up what every single Senator and Congressman says that they have as a goal today, which is to improve math and science and reading skills across this country.

But we do not just have to listen to what the studies say; we should listen to what parents say. When any parent is sitting there the afternoon that their child comes home from their very first day of school in September, there are two questions that every single parent in every household across this country asks their child on that first day of school when they come home. They say: "Who is your teacher? How many students are in your classroom?" Who is your teacher? Universal questions in every home across this country. Why? Because parents know that who that teacher is and the quality of that teacher is critical to their child's learning for the next entire 9 months:

"How many children are in your classroom?" Every single parent intuitively knows that their child will get a better education the smaller the class size. And I can tell you, when that student answers, "35 children, 40 children," that parent feels, "This is not going to be a great year." Parents know that the skills their child needs to succeed will be better learned in a smaller class size. And that is why they ask on the first day of school, "How many students are in your classroom?"

Parents today are also concerned about children's safety. No surprise. And I can tell you as a teacher, and I know that every parent knows, that if a teacher has the ability to listen to their children, to work with their children, to prepare their children, and to really get to know those young people in their classrooms, their safety will be much, much better. And discipline will be much less of a problem, because that teacher has time to work with those tough kids that are in their classes today.

But, we have heard what parents say. We know what the studies say. What are teachers saying? I have taken some time over the last few weeks to ask teachers what they said about class size. These are the people, the professionals that are in our classrooms every day with our young people.

Here is what some teachers have said to me: This "is the most important improvement we can make. A working condition that in many ways is [far] more important [to me] than salary. If teachers feel like they are making progress, other complaints seem minimal. If teachers feel behind, at a loss, and overwhelmed by large classes, any other problems loom large."

"It's not only important for classroom management, but also for time spent evaluating each student's work, and time for individual attention with each student."

One teacher told me: "The difference between teaching a class of 31 high school students and teaching 28 is the difference between lion-taming and teaching."

Mr. President, students and teachers and parents know that class size reduction makes a difference.

I also have a young group of students that I work with in my home State. They are called my Student Advisory Youth Involvement Team. I go to them on a regular basis, and I tell them, as young people under the age of 18, that their voice is important here in the Nation's Capital and their priorities are important as well. And I ask them how they feel about different issues that are coming before the Senate.

I took some time to talk to some of those young students over the past several weeks about class size and what is happening in their schools and what could make a difference. Christopher Shim, who is a 17-year-old from Mercer High School, said, "In elementary school, I actually felt I was pretty lucky. I was able to get personal time with the teacher, even though we had 30-35 students in my elementary classrooms." He continued, "In high school, I have 40 people in my calculus class. This means any time I have a question, there are 10 people in line."

Mr. President, we stand out here on the floor of the Senate and we talk about how important it is for our young people to get math and science skills, and yet here is a student who says when he needs help with a question in calculus, there are 10 people consistently in line. Smaller class sizes make a difference.

I had another student who said to me, "In [my] high school civics class, there is only one teacher teaching two classes of 40 students each. It's harder to get through the curriculum and get answers to your questions."

Mr. President, consistently students gave me comments. And I will be reading more of them throughout the debate. But one after the other, what these young people—who are in the classrooms today, where the stress is on them to get the good grades, to go on to college, to get a good job—what they told me consistently was that they felt that reducing class size was important.

Are we going to listen to parents? Are we going to listen to teachers? Are we going to listen to the young people themselves? Are we going to listen to the thousands of families across our communities today who know this makes a difference, who say to their child when they come home, "How many kids are in your classroom?" because they know? Are we going to listen to the studies? Are we going to say it is the right thing to do to make this a national priority? Or today on the floor of the Senate, are we going to say no? Are we going to say that 2 percent is enough? Are we going to say that education is no longer a priority of this Government?

I have heard too many people say, "Leave it to the local school boards. Leave it to the States. It should not be a national priority." I could not disagree more. We cannot pass the buck any longer. Making sure that every one of our children gets a good education is a priority for every adult in this country, whether they are a parent, a community leader, a State leader, or a national leader. It is our responsibility to set the priorities within this budget. My amendment allows us to do that as the debate progresses across the rest of this year.

Mr. President, as you know, I feel strongly about this, and I know there are a number of my colleagues who are here today who support this as well.

I yield to the Democratic ranking member at this time for a statement.

Mr. LAUTENBERG. I will try not to take more than 5 minutes, but I appreciate having 5 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I rise in support of the Murray amendment because it very simply focuses on a problem that is of critical importance. It establishes a deficit-neutral reserve fund to help reduce class sizes. I have to commend the Senator from Washington because her focus on children extends to the whole range, from nutrition, health, education, and child care. She is right, in my view, to bring this amendment up before the Senate, and now before the American people.

What she is saying is young people need more attention from their teachers and thus the class size reduction is a perfect avenue toward getting them more attention. The capacity for the child to learn increases when class sizes are smaller.

Once again, I commend our friend and colleague from Washington. She is one among several of our colleagues who call education focus of their agenda. The reserve fund would allow the Congress to help the States and local educational agencies recruit, train, and hire the 100,000 additional teachers by the year 2005. These teachers would reduce class sizes in grades 1 to 3 to an average of 18 students per classroom. Mr. President, this is a very important initiative and deserves our support.

I will now speak for a moment about a personal experience. I grew up in what is now one of America's poorest cities, an industrial city, in New Jersey. The city is called Paterson, NJ. I was born there. I and a couple of my business associates decided to try to help out because of our good fortune and our interest in what was taking place within that old favorite city of ours. We provided a program for extending free tuition—we paid for it—for students who, from the sixth grade, our targeted grade, went on to pass their high school requirements and we would pay for their education in college. I thought it was a pretty significant inducement. We had academic counselors that worked with these students. Then-Vice President Quayle was very kind, spending 45 minutes with these youngsters. It was a real treat for them. We took them on various trips and tried to help them along.

I am ashamed to say, pained to say, really, that the program did not do a lot of good. We are reexamining why. The principal thing that jumped out at us was that the sixth grade was too late to start, too late to make a difference with these youngsters.

When examined it further, we look to the earliest grades, grades 1, 2, and 3. We found that those early learning experiences matter most. So I think that this amendment helps us to concentrate on putting our resources where they will do the most good. It is critical to get the kids off on a good start at that tender age. That is why President Clinton proposed this major national effort to limit class sizes in the early grades. That is why the proposal enjoys such strong support among the American people.

Unfortunately, the budget now before the Senate rejects this proposal. Frankly, I believe it is one of the major shortcomings of the resolution. Senator MURRAY offered this amendment in the Budget Committee's markup, but it was defeated on a straight party line. I hope today's vote will be different. I urge my colleagues to support this amendment and, once again, commend the distinguished Senator from Washington for her leadership on this issue. Since coming to the Senate, she has been an outspoken advocate for education, for our children in all aspects. I know she speaks not just for America's parents, grandparents, but families all across our country in urging this Nation to make education our top priority.

I yield the floor.

Mr. KENNEDY. Mr. President, the Republican budget is anti-education. It sets up too many roadblocks to a brighter future for the nation's children. We should be doing more, not less, to improve the nation's public schools.

The budget should reflect our true national priorities. The American people give top priority to education, and Congress should too. But, the Republican education budget goes against what the American people want by cutting education funding.

Republicans say that they are pro-education. But, there is a massive disparity between their rhetoric and the reality of their budget. Our Republican colleagues say that they support education and children. But their current tax proposal and their current budget proposal make it very clear that they are no friends of public education.

If Republicans were friends of public schools, they would not divert $1.6 billion of scarce resources to private schools.

They would not cut education by $400 million next year, and prohibit funding for any new programs.

They would not ignore the pressing need to repair our crumbling schools—to train more teachers, to reduce class sizes, to provide more after-school programs to keep children off the streets, away from drugs and guns, and out of trouble.

They would not propose tax breaks that benefit wealthy families who send their children to private schools.

There are many good ideas to improve education that deserve support. We need to increase our investment in public schools. We need to raise academic standards. We need to modernize school buildings. We need to reduce class size. We need to support more teachers and better training for current teachers. We need to expand after-school programs.

Students deserve modern schools with world-class teachers. But too many students in too many schools in too many communities across the country fail to achieve that standard. The latest international survey of math and science achievement confirms the urgent need to raise standards of performance for schools, teachers, and students alike. It is shameful that America's twelfth graders ranked among the lowest of the 22 nations participating in this international survey of math and science.

Schools across the nation face serious problems of overcrowding. Antiquated facilities are suffering from physical decay, and are not equipped to handle the needs of modern education.

Across the country, 14 million children in a third of the nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It will take over $100 billion to repair existing facilities nationwide.

America's children are learning in overcrowded classrooms. This year, K-12 enrollment reached an all-time high, and it will continue to grow over the next 7 years. Communities will need to build 6,000 new public schools to maintain current class size. Due to overcrowding, schools are using trailers for classrooms and teaching students in hallways, closets, and bathrooms. Overcrowded classrooms undermine discipline and decrease student morale.

In Springfield, Massachusetts, student enrollment has increased by over 1,500 students, or 6 percent, in the last two years, forcing teachers to hold classes in storage rooms, large closets and basements.

In addition, too many schools are already understaffed. During the next decade, rising student enrollments and massive teacher retirements mean that the nation will need to hire 2 million new teachers. Between 1995 and 1997, student enrollment in Massachusetts rose by 28,000 students, causing a shortage of 1,600 teachers—without including teacher retirements.

The teacher shortage has forced many school districts to hire uncertified teachers, and ask certified teachers to teach outside their area of expertise. Each year, more than 50,000 under-prepared teachers enter the classroom. One in four new teachers does not fully meet state certification requirements. Twelve percent of new teachers have had no teacher training at all. Students in inner-city schools have only a 50% chance of being taught by a qualified science or math teacher. In Massachusetts, 30% of teachers in high-poverty schools do not even have a minor degree in their field.

Incredibly, the Republican budget ignores these pressing needs. The Republican plan cuts funding for education. It refuses to provide key new investments to improve public education. If their anti-education plan is passed, schools and students will get even less help next year than they are getting this year, just when they need help the most.

The Republican budget cuts discretionary funding by $1.6 billion below the President's budget. It cuts funding for education and Head Start by $1 billion below the level needed to maintain current services. In fact, it cuts education and Head Start funding by $400 million below last year. And to make matters worse, the Republican budget prohibits funding for new education programs.

It denies 3.7 million students the opportunity to benefit from smaller class sizes.

It denies 900,000 disadvantaged students the extra help they need to improve their reading and math skills.

It denies 400,000 students the opportunity to attend after-school programs.

It denies 6,500 middle schools serving 5 million students extra help to ensure that they are safe and drug free.

It denies 1 million students in failing schools the opportunity to benefit from innovative reforms.

It denies 3.9 million needy college students an increase in their Pell grants.

The Republican anti-education budget does nothing to help recruit and train qualified teachers.

It does nothing to improve failing schools by creating Education Opportunity Zones.

It does nothing to help disadvantaged students attend college and graduate from college.

It does nothing to increase funding for Title I to improve students' math and reading skills.

It does nothing to increase funding for Pell grants.

The challenge in education is clear. We must do all we can to improve teaching and learning for all students across the nation.

That's why I strongly support the amendment by Senator MURRAY to reduce class size in grades K–3 across the country. A necessary foundation for success in school is a qualified teacher in every classroom, to make sure that young children receive the individual attention they need. That's why it is so important that we help bring 100,000 new qualified teachers into the public schools and reduce class size in the elementary grades.

Research has shown that students attending small classes in the early grades make more rapid progress than students in larger classes. The benefits are greatest for low-achieving, minority, and low-income children. Smaller classes also enable teachers to identify and work effectively with students who have learning disabilities, and reduce the need for special education in later grades.

A national study of 10,000 fourth graders in 203 school districts across the country and 10,000 eighth graders in 182 school districts across the country found that students in small classes performed better than students in large classes for both grade levels.

Gains were larger for fourth graders than eighth graders. Gains were largest of all for inner-city students in small classes—they were likely to advance 75 percent more quickly than students in large classes.

Another significant analysis called Project STAR studied 7,000 students in grades K to 3 in 80 schools in Tennessee. Again, students in small classes performed better than students in large classes in each grade from kindergarten through third grade. And the gains were larger for minority students.

We also know that overcrowded classrooms undermine discipline and decrease student morale.

Many states and communities are considering proposals to reduce class size. But you can't reduce class size without the ability to hire additional qualified teachers to fill the additional classrooms. The federal government should lend a helping hand.

This year, California Governor Wilson proposed to spend $1.5 billion to reduce fourth-grade classes to 20 students or less, after having reduced class sizes for students in grades K–3 last year.

In Pennsylvania, a recent report by the bipartisan legislative commission on urban school restructuring recommended capping class sizes in kindergarten through grade 3 in urban districts at 20 students per teacher.

In Wisconsin, the Student Achievement Guarantee in Education program is helping to reduce class size in grades K–3 in low-income communities.

In Flint, Michigan, efforts over the last three years to reduce class size in grades K–3 have led to a 44% increase in reading scores and an 18% increase in math scores.

Congress can do more to encourage all of these state and local efforts across the country. We can help lead the way in reducing class size. I urge my colleagues to support Senator MURRAY's amendment and to increase our investment in education. The nation's children deserve our support.

Mrs. FEINSTEIN. Mr. President, I am pleased to support Senator MURRAY's amendment today to create a reserve fund for adding 100,000 public school teachers and to reduce class sizes in the early grades to 18 students per classroom.

CALIFORNIA'S SCHOOLS ARE OVERWHELMED

I come from the State that has some of the largest class sizes in the Nation in our public schools. In 1994, California's schools averaged about 30 students per class, the highest in the country. In 1995–1996, when the average pupil teacher ratio for all grades, elementary and secondary in the Nation was 17.3 students per teacher, in California, it was 24.0.

In the 1993–1994 school year, in elementary schools, California had 29.4 students per class while the U.S. average was 24.1. For secondary schools in 1993–1994, the average California classroom had 29.7 students while the average U.S. classroom had 23.6 students, according to the National Center for Educational Statistics.

When one computes total teaching staff per pupil, again, California's numbers are substantially higher than national rates, says NCES. In 1995–1996, California's pupil-teacher ratio was 24.0, compared to the U.S. average of 17.3 pupils per teacher. The 1997 estimate likewise has California exceeding national rates: California, 22.7 students per teacher; U.S. 17.0 students per teacher.

Today, many classes have 40 or more students per teacher. Our students and teachers are crammed into every available closet, cafeteria and temporary building available. At John Muir Elementary School in San Bruno, one class spent much of the year on the stage of the school's multipurpose room as it waited for portable rooms to arrive. Los Angeles Unified School District has 560,000 seats for 681,000 students.

To add to the problem, California will have a school enrollment rate between 1997 and 2007 of 15.7 percent, triple the national rate of 4.1 percent. We will have the largest enrollment increase of all states during the next ten years. By 2007, our enrollment will have increased by 35.3 percent. To put it another way, California needs to build seven new classrooms a day at 25 students per class just to keep up with the surge in student enrollment.

The California Department of Education says that we need to add about 327 schools over the next three years, just to keep pace with the projected growth. But these phenomenal construction rates will only maintain current use. They do not begin to relieve overcrowding, our current large class sizes.

Fortunately, California has embarked on an effort to reduce class size, providing state funds to local school districts to hire more teachers for grades K through 3. The goal is to cut class sizes from 28.6 students to no more than 20 students in grades K through 3. California is spending $2.5 billion over two years to cut class size and the annual cost of this reform will be about $1.5 billion. California has created at least 17,000 new classes and over half of the State's 1.9 million eligible students are now in classes of 20 or fewer students. A similar federal effort, like President Clinton's initiative and Senator MURRAY's amendment, can complement California's effort.

SMALLER CLASSES IMPROVE LEARNING

Studies show that student achievement improves when class sizes are reduced.

California's education reforms relied on a Tennessee study called Project STAR, in which 6,500 kindergartners were put in 330 classes of different sizes. The students stayed in small classes for four years and then returned to larger ones in the fourth grade. The test scores and behavior of students in the small classes were better than those of children in the larger classes. A similar 1997 study by Rand found that smaller classes benefit students from low-income families the most.

Sandy Sutton, a teacher in Los Angeles's Hancock Park Elementary School, used to have 32 students in her second grade class. In the fall of 1997, she had 20. She says she can spend more time on individualized reading instruction with each student. She can now more readily draw out shy children and more easily identify slow readers early in the school year.

The November 25, 1997, Sacramento Bee reported that when teachers in the San Juan Unified School Districts started spending more time with students, test scores rose and discipline problems and suspensions dropped. A San Juan teacher, Ralphene Lee, said, "This is the most wonderful thing that has happened in education in my lifetime."

Other teachers say that students in smaller classes pay better attention, ask more questions and have fewer discipline problems.

A San Diego initiative to bring down class sizes found that smaller classes mean better classroom management; more individual instruction; more contact with parents; more time for team teaching; more diverse instructional methods; and a higher morale.

Smaller classes make a difference.

SMALLER CLASSES REQUIRE GOOD TEACHERS

Class sizes cannot be reduced without hiring more teachers. And these teachers must be trained and credentialed teachers.

California has 21,000 teachers on emergency credentials. Unfortunately, in California nearly 22,000 of the 240,000 public school teachers in California are not fully credentialed or have not passed a basic skills test. Half of California's math and science teachers did not minor in those subjects in college, yet they are teaching. The October 13, 1997, U.S. News and World Report reported that in Los Angeles, "new teachers have included Nordstrom clerks, a former clown, and several chiropractors."

California will need up to 300,000 new teachers in the next decade because of our escalating enrollment. A 1996 analysis by Policy Analysis for California Education found that my state could only expect about 9,000 new credentialed teachers per year in current trends continue.

Without good teachers, no plan, however visionary or revolutionary, can improve student learning. But sadly, a November 1997 report card by the National Commission on Teaching and America's Future ranked California near the bottom of states in the quality of our public school teaching force because we have some of the highest proportions of uncertified or undertrained teachers, particularly in math and science. The Commission defined "well-qualified" as a teacher with full certification and a major in their assigned field. By this measure, only 65 percent of the state's teachers meet the standard. Nationally, that figure is 72 percent. In California, 46 percent of high school math teaches did not minor in math. The national average is 28 percent.

CONCLUSION

There is hardly a more worthy endeavor than strengthening our schools' ability to better educate our children. The Murray amendment before us today can make an important contribution in partnership with state and local efforts by providing extra resources to reduce class sizes and hire more teachers.

Mrs. MURRAY. I yield such time as she may consume to the Senator from Illinois.

Ms. MOSELEY-BRAUN. Just to put in context what this debate is and is not about in regard to Senator MURRAY's amendment, and there will, of course, be other amendments on education seeking to bring this issue to the attention of the American people, and hopefully to give us an opportunity to actually legislate.

The issue here starts from the fact that as we went into the budget negotiations, the Republican majority cut $1.6 billion from the President's request for elementary and secondary education. Unfortunately, this has become not only a partisan debate among and between the parties here in the Senate but it really is a debate that, in my opinion, is kind of like trying to find out who to blame for the fact that elementary and secondary education is not receiving the kind of support nationally it ought to receive.

My mother used to have an expression, "When you point a finger at somebody, you have three pointing back at yourself." I think nothing describes this debate around education as much as that expression. The fact is that there is an awful lot of finger-pointing going on in regard to education—whose responsibility it is, whose fault it is, who should do what, instead of a sense that the real answer here lies in our ability as a nation to come together, to work together, to cooperate, to collaborate, to form partnerships to address an issue that is in our national interests.

There is no question that education is a core value for our country. It correlates with opportunity, opportunity not just for individuals but for America as a whole. That notion of opportunity, I think, goes to the heart of what it is about to be an American. Frankly, the rungs of opportunity are crafted in the classroom. Public education has made this the greatest country in the world, and if we don't engage in this together to work out the challenges to public education, we will see that American dream erode in our lifetime. I do not think that is something any American parent wants to see. I think that every parent, every citizen, wants to see us engage, regarding this issue, in ways that serve the public interests and in ways that do justice and honor to our generation's stewardship of this great country. That is the core issue, I think, in all of this debate and in what it is we are debating with regard to Senator MURRAY's amendment, as well as others.

First, I will for a moment sketch out in terms of the dollar value of an education, first to individuals. There is no question; studies have shown us that high school graduates earn 46 percent more every year than those who do not graduate, that college graduates earn 155 percent more every year than those who do not complete high school, and over the course of a lifetime the most educated Americans will earn five times as much as the least educated Americans. So education correlates directly to an individual's well-being. In fact, it correlates to almost every indicia of economic and social well-being. Educational attainment can be tied directly to income, to health, to the likelihood of being on welfare, to the likelihood of being incarcerated, and even to the likelihood of an individual voting and participating in our democracy.

Education, however, is more than a tool just to lift people out of poverty or to give them a better standard of living. It is the engine that will drive America's economy into the 21st century. In a Wall Street Journal survey last year of leading U.S. economists, 43 percent of them said that the single most important thing we can do to increase our long-term economic growth would be to invest more in education, research, and development. Nothing else came close to the indicia of what will help our economy do well. One economist said, "One of the few things that economists will agree upon is the fact that economic growth is very strongly dependent on our own abilities."

In a recent study by the Manufacturing Institute, the conclusion was reached that increasing the education level of workers by 1 year raises the productivity level in manufacturing by 8.5 percent. So making certain that we invest in education is something that we ought to do not just for the children who will be benefited but for our country and for the economy as a whole.

There are those who say that is fine, that is all well and good, but in any event it is not our job to do. In fact, this $1.6 billion cut, as Senator MURRAY pointed out, means we will spend in this budget, this 1998 budget, a full 2 percent on education; 2 percent is the Federal contribution out of this budget to education. That is so because a number of people argue that it is not the Federal Government's job to be involved with financially supporting elementary and secondary education. They point the finger and say it is somebody else's job.

Let's take a look at who else's job it might be. Some of our colleagues say the economy is doing so well, the States should do it, that the States are now in a position to supplement what they spend on education because they have surpluses accumulating in their economy. Well, the truth is that even if the States were to stretch out, to use all of their surplus, that would not be enough money to provide the support to rebuild crumbling schools, to reduce class size, to give teachers the tools they need, to give children what they need to actually be able to get the kind of world-class economy that I believe we have to provide for every American child.

All but two of the States had at least some surplus at the end of fiscal year 1997, ranging from a $3.2 billion surplus in Alaska to a $32 million surplus in Alabama. My own State of Illinois ended 1997 with an $806 million surplus.

Of course, the sum total of all the States' surpluses at the end of fiscal year 1997 was $28.2 billion.

In addition—and this is not on the class size debate but efforts with regard to rebuilding the schools—the General Accounting Office tells us that just to bring the schools in this country up to code we have to spend $112 billion. Well, you don't have to have a whole lot of education to do the math on that one. If all the surpluses taken together are $28.2 billion, that doesn't begin to even address the issue of funding $112 billion worth of need just to get the facilities up to code. So if you are talking again about reducing class size, as well as fixing crumbling schools and the other things that the schools will need, the $28 billion surpluses of the States will not do it.

Assuming that every State were to maintain its past effort, and in addition spend every penny of its surplus on schools, they would still be left with a huge amount of needs, $153 billion worth of needs in terms of school construction, and again the costs of reducing class size.

Then there are those who say, OK, it is not just the State's job. In any event, it is not just the State's job to do this. It is really a matter of each community weighing in and fixing up their schools. That translates into an argument that the full costs of education or the bulk of the cost of education ought to come out of the property taxes.

I don't know if you noticed, but the property tax is a singularly inelastic tax—without doubt, the worst place to try to fund a school system. And what we have seen over time is that the property tax has been inadequate to fund education. In fact, it has given rise to what Jonathan Kozol referred to as "Savage Inequalities." That is to say, in the communities where the demographics support an easily tapped property tax, where there are nuclear power plants or shopping centers, those communities can afford to support their schools with relatively little effort from individual taxpayers, whereas other school districts where there are a number of retirees or poor people have a harder time supporting their schools. So relying on the property tax alone, or largely relying on the property taxes, is one of the reasons why we have such a patchwork in terms of the quality of schools in this country. There is no coherence. There is no systematic support for education from the local property tax. So we have a situation where the local property tax is stretched beyond what it can bear in terms of providing for education. The States are doing an inadequate job in support of education, and this budget gives us all of a 2 percent Federal contribution to that challenge. Small wonder, Mr. President, that the United States is beginning to lose ground worldwide in education.

Just a couple weeks ago we had a report on the performance of students in this country on math and science exams. It should have been a wake-up call to everybody when we found that the U.S. students, in some categories—in physics—came in dead last, dead last. We came in below Slovenia on mathematics. We are doing poorly on all of these indicia of international measurements of competency in the schools.

Given this patchwork quilt, given the results of the finger-pointing, small wonder that our kids are not doing as well as they should or that they could. Let me make a point about that. I think the point has to be made that our children, American kids, are just as capable as kids anywhere in the world of learning, if they are given an opportunity.

They are as capable of doing as much as any other community on this planet, if given the opportunity. The direction that we take, the decisions we make in this Senate will in large part determine what direction we take to get there, to get to the point of giving them an opportunity. Will we support a partnership in which we come together at the Federal, the State, and the local level? Or will we take the position that everybody have at it and do the best job you can, wherever you are, and make educational opportunity an accident of geography and an accident of someone's situation in life, whether their parents were born wealthy. I don't believe we can afford to waste a single mind, to waste a single child's talent. We have a responsibility as Americans to come together as parents and stop this finger pointing, stop this blame game and put this argument aside and recognize that it is in our national security interest that we give every child the ability to be educated to the maximum extent of his or her ability.

Mr. President, I commend Senator MURRAY for her activity on the Budget Committee in this regard, for her advocacy for children. She has been an advocate across the board on a variety of issues. I submit that there is no issue on which advocacy can be more important than the direction we take in education in this country.

I believe the bottom-line question here is whether or not we are prepared to face the fact that we cannot go it alone, we cannot point fingers, and we cannot allow for a child's educational opportunities to depend on the accident of where they were born. We have a responsibility to come together as Americans to make certain that all levels of government contribute to the maximum extent we can so that local governments, parents, communities, people at the local level can provide the children who live there with the best possible opportunity.

We can do better than 2 percent. I submit that we ought to restore the $1.6 billion the President proposed, restore that to the budget and have a debate on how we send that out to the States. We ought to be able to send it to the States and the school districts without a whole lot of strings or bureaucracy. Nobody is hiring $1.6 billion worth of new bureaucrats. We are talking about sending money directly to benefit the schools. I believe we have not only an opportunity to do that, but an obligation to do it. The opportunity is with us because we have a balanced budget. After decades of wallowing in red ink, we have a budget surplus—or at least we are on a glidepath from deficit territory. It seems to me, if we are going to look at the priorities of this country, no priority comes higher than providing for education, no priority comes higher than providing States and local communities with the support they need to give our children a chance.

Therefore, I commend Senator MURRAY.

I yield the floor.

Mrs. MURRAY. Mr. President, I thank my colleague from Illinois for putting in perspective what we are talking about today. The students in my classroom weren't Republican, Democrat, or Independent. They didn't say, oh, this is a local issue; oh, this is a State issue, those Federal people should not be involved. They looked around in their classroom and said: How many kids are in here with me? Do I get time with my teacher; do I get personal attention?

As my colleague from Illinois notes, there is no silver bullet to making education better across this country. But we have to put our efforts in places where we know they make a difference. My colleague from Illinois has addressed tirelessly the issue of crumbling schools across the country. And the issue of safety and the ability to learn, and the issue of class size, again, where school buildings simply can't expand, where our children are in unsafe situations. If together we address the crumbling schools, and class size, and if we train our teachers with the skills they need to teach effectively in our classrooms today and tomorrow, we will turn public education around.

I know my colleague from Illinois has heard as much as I have from all those politicians and leaders who are saying public education has failed. I don't believe public education has failed. I believe we have failed public education. We have a responsibility to turn it around right now, today, in the Senate. I thank my colleague from Illinois. I yield to her.

Ms. MOSELEY-BRAUN. Mr. President, I wanted to engage in a colloquy with the Senator from Washington. Every politician who runs for office runs on an education platform. I don't know a Governor in this country who hasn't run on an education platform. I don't know a Senator in this country who hasn't run on an education platform. Somewhere out there, there is probably a coroner and a dogcatcher who will run on an education platform. And yet education doesn't have the financial support at any level that it needs to have. That should be evident in how we are coming in on these international tests and exams. The response that I see from all too many of my colleagues is to say, as the Senator so eloquently put it, public education has failed, let's run away from it. The old runaway response is not a response, because we can't afford to triage, to waste a single child.

Again, I commend my colleague for requiring some of us to put our money where our mouths are, that we really support education and begin to vote for education and fund education and to put real meat on the bone of our commitment to public education.

Mrs. MURRAY. I thank my colleague. I absolutely agree. I believe we are at a fundamental crossroads in this country, where we are going to decide now, today, whether we are going to go down a narrow path of just letting a few kids succeed in education across this country, with vouchers, block grants, and eliminating the Federal role altogether; or we can collectively say, no, not in my country, not in my home, not in my community, not in my State.

In this country, where we believe that public education is critical for every student, we want to go down the road that makes a difference. By making sure our crumbling schools are fixed, making sure that there are teachers who are well-trained, and making sure there is a number of students in a classroom that allows them to learn those math skills and English skills they so desperately need in today's and tomorrow's economy. I look forward to working with my colleague to make sure we go down the right road and not the wrong road. We will find out today what the Senate says.

I yield 5 minutes to my colleague from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my colleague for yielding me this time. Senator MOSELEY-BRAUN had to leave the floor, but her leadership on the crumbling schools initiative has just been incredible. She is the one who called our attention to the fact that if our kids are going to learn, they have to have decent schoolbuildings. I was saying the other day we want our kids to learn about gravity by reading about it in the science book, not by having the ceiling falling on them while sitting in the classroom.

I say to my colleague, Senator PATTY MURRAY, how much I have enjoyed serving with her in the Senate and, beyond that, serving with her on the Budget Committee, because the two of us believe very strongly, as do a number of Democratic colleagues. If everybody is saying children are our priority, education is a priority, and everyone is saying this is so important, then it's time they voted with us and did something about it.

When my colleague offered her amendment on children in the committee, suddenly our Republican colleagues were not there. I am hoping they are having second thoughts and that when we get to the vote on her amendment, they will come here and support it. We need bipartisanship on this issue.

Now, I think it's interesting, as we look back on the Federal role in education, to recognize the President who, in my opinion, did more for the Federal role in education than anyone else, in terms of winning public approval for it, and that was President Dwight D. Eisenhower. Senator MURRAY is a little younger than I am, and I think about that now and then, but I well remember when the Russians launched the Sputnik and the Americans sat back and said: How could this be? We were the ones who had the educated work force. We were the ones who had the new technology. How could it be that they could get ahead of us in this way? Dwight Eisenhower came forward, a Republican President with broad bipartisan support, and said the following: "The education of our children is just as important to our national security as the size of our military budget." He pushed for the National Defense Education Act.

I say to my colleague, we are following in those footsteps with a series of amendments we will be offering—Senator MURRAY on class size, Senator MOSELEY-BRAUN on crumbling schools, myself on after school, and Senator DODD on child care. We are following in the footsteps of a Republican President, who recognized in the 1950s that we have to do something about education.

Now, in terms of my colleague's amendment, I am very proud to support it. I want to say a thank you not only to her, which I have done, but to our President, because our President shared with us his vision of 100,000 new teachers in schools, and everybody sat back and said that is a goal we ought to attain. At least the vast majority of the American people—and we will find out if it is a majority of this body—said yes. This is the same President who had the goal of putting 100,000 police on the street. If you put 100,000 police on the street, which I have strongly supported—what happened in California is that we have a 20 percent reduction in crime because we have community police. If you listen to those community police, let me tell you what they will say. I have had many townhall meetings throughout my State. They say to me: "Senator, we have to prevent a lot of these problems before they start." Yes, we can help. But the fact is, once a child gets into the juvenile justice system, sometimes we can't turn them around. So we do need to give our children something to say yes to. And law enforcement looks at these measures—in my State at least—with great support.

I have an after-school bill that I will be offering. We know that, in California, when we give the kids something to say yes to in after-school programs—we give mentoring, tutoring, help with homework, and we bring in business and they learn on computers—their performance has gone up 75 percent in Sacramento's START program and in L.A.'s BEST. There has been a 75 percent increase in performance. Now, we can't expect that for every child, but this is the experience that we are having.

I submit to my colleague that when you put a child in a smaller class where that child doesn't get lost in the shuffle, where that child gets the individual attention from the teachers, from the teacher's aide, it makes an enormous difference. I sometimes think a lot of our kids' problems are overlooked because the teachers cannot possibly, if they have a class of 40 children, pick up every nuance and problem a child is having in learning or in their social behavior. That issue has come to the floor lately.

I say to my friend in closing that, in California, in a bipartisan way, the Governor, the superintendent of public instruction, from different parties, all agreed that we should lower class sizes in the lower grades. We do not have the official studies because this is a new program. But the reports that are coming back are extraordinary. The stories we are hearing from the children, from the parents, from the teachers, from the principal, from our Governor, who is a Republican, from our superintendent of public instruction, who is a Democrat, all of what we are hearing is positive. It's not really rocket science to figure out that, if you can spend more time with each child, you are going to have a better result.

So, again, I say to my colleague how much I enjoy working with her. She has put children first from the moment she came on to the Senate floor. It has been a breath of fresh air for all of us. I really look forward to helping her with this amendment. If we do not succeed today, if the other side puts up procedural hurdles and tells us you need 60 votes, I hope you will keep bringing this issue back again and again and again—for one reason: The parents want it, the children need it, and America supports it.

I thank my colleague and I yield the floor.

Mrs. MURRAY. Mr. President, I thank my colleague.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mrs. MURRAY. I thank my colleague for her tremendous leadership on this issue. There is nobody from the other side on the floor here. If they can find the chairman, we would like to find out what their intent is on this vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I have concurred with the minority regarding an agenda from now until some time after 4 o'clock this afternoon. And I would like to propose it by way of a consent decree which I understand is satisfactory to the other side.

I ask unanimous consent that the following be the sequence of amendments debated between now and 4 p.m. today, and that a vote occur on or in relation to the Murray amendment at 2:20 p.m., with the time prior to 2:20—5 minutes—to be equally divided between Senator MURRAY and Senator DOMENICI or his designee. I further ask unanimous consent that the Gregg amendment No. 2167, and the Dodd amendment No. 2173—that votes occur on or in relation to the remaining above listed amendments beginning at 4 p.m., with 2 minutes of debate between each vote for an explanation, and with no second-degree amendments in order prior to the votes at 4 p.m.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I apologize to the Senate for the lack of business in the last few moments. We had some amendments that we had to clarify with sponsors. So let me continue and make sure we are clear on the unanimous consent that I have proposed. Let me start over since none of it had been granted.

Mr. President, I ask unanimous consent that the following be the sequence of amendments debated between now and 4 p.m. today, and that a vote occur on or in relation to the Murray amendment at 2:20 p.m. with the time prior to 2:20 being equally divided between Senator MURRAY and Senator DOMENICI or his designee; that regarding the Gregg amendment, No. 2168, and the Dodd amendment, No. 2173, votes occur on or in relation to those amendments beginning at 4 p.m., with 2 minutes of debate between each vote for explanations, with no second-degree amendments in order prior to the vote at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Parliamentary inquiry. Are we scheduled to go in recess at 12:30?

The PRESIDING OFFICER. Under the previous order, we will recess for the caucus luncheons at 12:30.

Mr. DOMENICI. Let me say we now have a starting list of about 12 amendments. When we start at 2:15, I will make sure everybody knows what they are. We are asking that we sequence them in some way so we know where we are going. Frankly, I think either we are going to have to be relieved of some time on the resolution or we are going to stay in tonight and use some time because we really have to finish this this week.

Mr. President, let me use the remaining time that I have, with Senator MURRAY having half of the 5 minutes, to debate her amendment prior to the vote.

First, let me say I understand the sincerity and the genuine concern that the distinguished Senator who proposes this amendment has expressed here on the floor, and that she genuinely and generally expresses with reference to education. But I think it is very interesting; we all want to educate our children, but it seems that we are having a little trouble with math, mathematics, adding and subtracting, right here on the floor of the Senate.

I have read and reread the amendment of the distinguished Senator, and I cannot find any way that it truly means anything with reference to classroom size. A reserve fund is set up and there is nothing in it, zero. There are no dollars, there are no taxes, there are no statements that we should cut certain programs. As a matter of fact, this amendment says at sometime in the future we sure hope Congress will find a way to cut spending someplace, perhaps cut a mandatory program, that is an entitlement, someplace; or perhaps increase taxes sometime. Then it says: Put those in this reserve fund, this box, and we will spend it for reducing classroom sizes.

That is very interesting. If somebody thinks he or she is going to tell the American people that Senators who vote against this measure voted against a reduction in classroom size, then just take it from me, we will put an ad right up under that that says, "The program had no money in it, no way to pay for it, did not have enough courage to say what program you would cut or which taxes you would raise. It just said, I am for—and I want—and I hope—and I wish—and it would be great if we have—a reserve fund someday, if we use it for classroom size reduction."

That is essentially the amendment. It is out of order under the Budget Act and under the processes, and we will raise that point. The vote will be on whether or not it is out of order, for I assume the distinguished Senator will move to waive it. But I cannot find it.

Normally, you set up a reserve fund and you say, We are going to put taxes in this reserve fund or receipts from someplace, or we say, We are going to cut certain entitlement programs and use that money for some program, project or activity. What has happened here is the following: No one yet on that side of the aisle who wants to spend more money than required in this budget resolution has found a way to cut any program to pay for it—not yet. I have been looking. There are already a series that I have looked at. None cut any program to pay for a higher priority program.

Second, none say, even though we insist on keeping a balanced budget, and they do also, these amendments—they don't want to break that balanced budget era we have—nonetheless, the amendments go right back to the era when we had programs for which we did not know how to pay. I defy anyone to tell me how we are going to pay for this program if we ever did it.

Frankly, that is a statement of where we are. The same is going to be true for the amendment of my good friend, Senator DODD, on child care. They found a way to set up a reserve fund with nothing in it and they say, "When something happens, then we will pay for this wonderful program for the American people." I use that word in its fairest sense. Some people think these programs ought to be paid for by the Federal Government. I do not.

I just want you to look at one chart. Everybody can look at it here. The business of classroom size in the United States is the business of the sovereign States of America, and they know there is a problem. Mr. President, they are spending more and more money in the school districts across America to reduce class size than on almost anything else they are doing, and they are doing a wonderful job of it. This simple chart up here says from 1960 to 1996 classroom sizes have been reduced 51 percent, from 25.8 to 17.6. That is the green line. That is because the red line shows how many more teachers have been added. Not because we are paying for them at the national level, but because our States are paying for them and the school boards are paying for them. In New York, where the cities pay for it, they are paying for it.

Now we are going to come along in an amendment and try to tell the American people if you don't vote for this, you are against education, which amendment has no way of paying for the teachers. These States cannot do that. You know that green line did not come about because somebody set up a reserve fund and said if we ever find that we raise taxes, we can put the taxes in that reserve fund—"if"—or we can cut some other program and put that in there—"if." You know that green line would not have come down one bit if that is what States said. That is what we are saying here today.

The truth of the matter is the teacher ratio is coming down and it is coming down dramatically. Frankly, I am not very impressed with Senator after Senator from whatever side of the aisle coming down here and essentially saying, "Education is not going well in America and we know how to fix it up here in Washington. What we ought to do is have a new program, a new mandate." But this one is even worse than that, because it suggests we ought to do that, and there is no money to do it, which is a very interesting phenomenon—if you can help education without putting any money into a program but saying you wish it would happen.

The truth of the matter is that the National Center for Educational Statistics, commonly known as NCES, projects that trend is going to continue and, I might say, continue without anybody ever having thought the Federal Government would start paying for reducing classroom size. They estimate, in their publication, that by the year 2006 there will be as many as 3 million K-12 public school teachers, an additional 16 percent over the 1996 number. This same organization, highly renowned, says that the pupil-teacher ratios will continue to decline and they will continue to drop as low as 15.4 in the year 2006, an 11 percent decrease from 1996. And, Mr. President and fellow Senators, let me repeat: They did not expect that the Federal Government would get involved in telling these schools how they can reduce class size.

Let me also suggest this is an interesting reserve fund in another way, because it proposes to fund a program that is unknown. The President suggests that there be this program. And, incidentally, for those who wondered how he paid for it—for he paid for it—he paid for it out of the cigarette tax, the settlement. But the budget office said you can't do that, because in doing that you break the budget. But he did plan to pay for it. Let me suggest that NCES projects these without ever contemplating that the United States of America would get involved in paying for pupil-teacher ratio reductions.

Where is the program? The White House has not sent up their program, but let me tell you there is a formula about. For Senators who might think this amendment is determinative of something—I don't believe it is determinative of anything, but let's assume you really think it might be—then I suggest you might not like the proposal if it was to be carried out, because, since 20 States have invested additional funds in targeted efforts to reduce class size, that means that under the formula they are not even given credit for that. They are penalized, for more money goes to States that have not done that. You know if we get a bill, if ever—and I don't think it will ever happen that we get a bill on the floor of the Senate that attempts to get the U.S. Government into determining class sizes—you know that the formula is not going to work. But there is no bill, no substance. Nobody has written the flesh on the bones that will tell us what kind of program this is.

Senator MURRAY does not know how much or how it is paid for. The President's plan actually estimates $12 billion over 7 years—$12 billion. If that is the plan, I wonder why the sponsors—and there are more than one—don't look through the budget and find $12 billion to spend. I wonder why they don't say maybe we are going to increase taxes to pay for it. Is the era of balanced budgets gone? Are we going to come up with a program we don't know how to pay for and try to let somebody think it is a real, vital, operative set of words called a "reserve fund" that will get anything done about classroom size?

Frankly, I am very grateful that to this point in our history we have not asked the Federal Government to do this kind of thing. I am very grateful because, as a matter of fact, everything they get into of this type ends up with more bureaucracy, more redtape, more mandates on the States than do most programs that truly produce beneficial results.

But I am also thankful we are not in it because the States and school districts see the problem. They do not come up to the floor of the Senate when the problem is getting solved. They start solving it. They didn't start solving this problem when we were already down to about 16.8, they started solving it when it was 25. So it is obvious to me that there is a reason for this amendment being subject to a point of order. That point of order should be sustained.

I am not going to second-degree amendments which should fall by a point of order, because I believe that is what we should do to them: One by one, every one that is subject to that, like this one is, we ought to quickly not waive the budget process and not waive the rules of the Senate and say the program just doesn't fit. Having said that, I will have 2½ minutes later. Let me conclude.

Mr. President, I do want to say to the distinguished Senator, Senator MURRAY, I, too, was a schoolteacher—not with the great prowess and experience that she had, but I taught one of those subjects we are all worried about, mathematics. I taught that. I didn't take political science; I took chemistry and math. I don't know how that prepared me to be a Senator, but I did teach algebra and arithmetic. Frankly, it is hard work. Frankly, believe it or not, I believe I taught every single child in my class who knew how to add and subtract—I believe I taught them algebra.

Frankly—God forbid—I have to tell you, I had 44 students in each class. I am not suggesting we do that. I am delighted to see this green line. In fact, for some of our children—and our States are on to this, too—with great disabilities, we are going to have to do better than this. And they are, they are. They are doing better than this.

Let me just close by suggesting that if this program which is encapsulated in these reserve language words is as important as my good friend contends, then it would seem to me we ought to find some other program in the U.S. Government's litany of programs—which is still around 2,600 and growing—we ought to find some programs we could terminate or cut to pay for it. As a matter of fact, the entitlement programs of America, while somewhat under control, are a burgeoning part of the American budget. Essentially, if you want a real reserve fund, you ought to be able to find something in this enormous number of billions of dollars of entitlement programs that is a little less important than the program the distinguished Senator says is so important.

Frankly, I do not in any way contend that we know that classroom size is the answer to every issue. I don't want to get into a debate on that. We will just accept the Senator's language and words about how important it is. But there is a growing dispute, nonetheless, between competent schools of academics and education, as to whether the current problem in the American schools is as much related to classroom size as one of the other groups says. There is one group of experts who say it is not as important as some other things.

The reason I say that is because that is exactly the kind of thing we should not be resolving up here. It is right at the State legislatures, it is right in the offices of superintendents and boards of education, and it is not right in Washington with another Washington-based program.

I see that the time for recessing has arrived. I will be asking Senators to concur with me that this amendment should fall because it is subject to a point of order under our rules, and in this case the rules make great sense, for to vote on a program like this as if it did something, as if there was real money in it, as if there was a way to find real money—our processes are pretty good when they say that kind of amendment, for whatever reason, is subject to a point of order in the Senate.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask for 5 minutes off the budget time on the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Time is up. I understand there is an order to go into recess.

The PRESIDING OFFICER. Under the previous order, we were to be in recess at 12:30.

Mr. DOMENICI. I ask for the regular order. I will be glad to give her some additional time when the amendment comes up again. I think we are supposed to go into recess right now.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2165

The PRESIDING OFFICER. Under the previous agreement, there are 5 minutes of debate equally divided on the amendment that is pending.

Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, the amendment that we will vote on shortly simply puts in place a deficit-neutral reserve fund for class-size improvement, especially in the early grades. And, it would use as an offset anything we designate over the coming year in available mandatory savings or revenues, except for tobacco revenues.

I know that the chairman is going to say that this reserve fund has no money and it has not set up any specific policy on class size reduction. He is absolutely right. It is exactly what he has done in his budget with the tobacco reserve fund and with the tax cut fund. I have learned from him that if we want priorities within our budget, this is the way we go about it.

Education is a priority. As I pointed out this morning, 2 percent of our budget goes to education. At a time when parents and families and communities and States are struggling with this issue. Parents say to us that they want their children's class sizes reduced. I have talked to parents, I have talked to students, teachers, principals. Down the road, they say, this is going to make an important difference in our children's education.

I think the most important thing to remember is what every parent says to their child when they come home on the first day of school. They ask two questions: Who is your teacher? and how many students are in your classroom? because they know that the best qualified teacher, the best trained teacher will make a difference for their child, and they know that the number of students who are in that classroom will make a difference in their child's ability to learn and be productive and get the skills they need to grow up and get a job and be a positive member of our economy and society in the future.

Budgets are not just about today. Yes, we have a balanced budget before us today. But, more importantly, we have to ask "will it be balanced in the future?" The only way for our budget to be balanced in the future is for us to make sure that our students, who are in school today, have adequate resources available. To make sure they get the skills they need to contribute to the economy, so that we have a strong budget in the future.

Mr. President, I ask unanimous consent to add Senator DODD and Senator KENNEDY as original cosponsors of this amendment, as well as Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, we will vote on this shortly. I believe it is one of the most important issues that is before us, and I urge its adoption.

Mr. President, I ask unanimous consent that material regarding class size reduction be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHY IS CLASS SIZE REDUCTION SO IMPORTANT?

WHAT STUDENTS SAY

Christopher Shim, 17 years old, Mercer Island High School: "In elementary school, I actually feel I was pretty lucky. I was able to get personal time with the teacher, even though we had 30-35 students in my elementary classrooms."

Chris continues: "In high school, I have 40 people in my calculus class. This means anytime I have a question, there are 10 people in line."

Ahmad Javid (A.J.) Aaf, 15 years old, Tahoma High School, Maple Valley, Washington: "Kids need more attention—personal attention for students is important."

Antonella Novi, 18 years old. Anacortes High School, Anacortes, Washington: "In elementary school or high school, class size is really important. Because interpersonal relationships among students are important, and being able to talk to the teacher is important. Closeness leads to comfort—if you ask teachers about school, then you can ask teachers about things outside the classroom. It's easier to go to teachers you know."

Antonella continues: "In high school civics class, there is only one teacher, teaching two classes of 40 students each. It's harder to get through the curriculum, and to get answers to your questions.

"When I was younger, I went to school in California. We were in one school building when I started, but by the time I left, the building was surrounded by portables.

"I always got my questions answered by the teachers. I spoke up; I asked questions. But there were lots of kids who were quiet, who didn't get the attention they needed from teacher.

"In smaller classes its easier to relate to your peers. You get to know each other better. In large classes, if you don't like talking in front of large groups, you're out of luck."

Devone Van Dyne (female), 16 years old, University High School, Spokane, Washington: "Class size is really, important. For example, my high school chemistry class has almost 40 students. It's hard to get individual help; lectures alone don't work. If there were fewer students, we could get the kind of help we need.

"I have trouble keeping up—it's easier to fall behind in a large class. You don't feel the same investment. I have to make sure and find the time outside class to meet with the teacher."

Amber Casali, 16 years old, and Rebecca Dean 15 years old, Shorecrest High School, Seattle, Washington: "In elementary school, the benefits of having smaller class size include getting more attention from teachers. You can do more activities, and fewer lectures. You can plan, and work more cohesively as a class. Especially for the early grades 1-3, smaller class sizes are very important. It's so important to start early. Students can develop good working skills, and get more attention from the teacher early on, when it counts the most."

STATEMENT BY SANDRA FELDMAN, PRESIDENT, AMERICAN FEDERATION OF TEACHERS ON REDUCING CLASS SIZES

Modern schools and more well-trained teachers are the right antidote for the overcrowding that plagues too many American schools. Research shows that youngsters, especially in the early grades, perform better in smaller classes that allow for greater one-on-one instruction. Smaller classes also help teachers maintain discipline. Parents and teachers understand this well, and that's why Senator Murray is absolutely correct in supporting the President's proposal to provide subsidies for school construction and to emphasize teacher recruitment.

Several new studies clearly demonstrate the link between reduced class sizes and improved academic achievement. A sampling:

STAR, the highly reputed Tennessee class-size study, analyzed the achievement levels of K–3 students randomly assigned to classes of 13 to 17. Those in small classes did much better than students in regular classes in math and reading, every year and in all grades. The small classes made the biggest difference in the scores of children in inner-city schools.

SAGE, a Wisconsin program begun in 1996–97, reduces class size for K–3 children in certain high-poverty schools. At the end of the first year, SAGE kids had made significantly greater improvements in reading, language arts, and math than children had in similar schools.

THE ASSOCIATION OF WASHINGTON SCHOOL PRINCIPALS

The Association of Washington School Principals (AWSP) is strongly committed to supporting legislation which reduces class size in our public school system. It is increasingly evident that students entering our schools have diverse and unique needs which can only be addressed by principals, teachers, and support personnel who are not overwhelmed by crowded classrooms. Rather, educators must be able to devote attention to each student in smaller, more manageable classes.

Recent studies on reduced class size and their impact on student performance, undertaken in Tennessee (STAR study) and Wisconsin (SAGE study), speak to learner benefits in areas such as reading, language arts, and math. In our own state of Washington, reduction of class size and improved student performance are priorities for both legislators and educators.

AWSP is convinced that class size reduction is essential if our state's, and nation's, efforts towards school improvement are to be successful. We appreciate and support Senator Patty Murray's commitment to this end.

WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION

"As we pursue our state's goal of improving learning for all of our students," Larry Swift, executive director of the Washington State School Directors' Association, said, "it becomes increasingly important that all of our resources be used efficiently and effectively. The most valuable resource in today's schools is the people who devote their time and effort to make schools successful—the teachers. Reducing the ratio of students to adults is particularly critical for youngsters with a variety of learning challenges that must be overcome if those students are to meet the new, higher learning standards.

"We acknowledge and commend Senator Murray for leading the way to assuring that our students have the learning environment and the human resources necessary for the kind of schools that will provide the opportunities and training they need to become successful," Swift said.

The Washington State School Directors' Association is a statewide organization representing all of the 1,482 locally-elected school board members from the state's 296 school districts. WSSDA serves as an advocate for the state's public schools, provides training and technical assistance for school board members and is very active in the legislative process.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, it is with regret that I, once again, tell the Senate that this is an empty amendment—empty. It states a wish, a hope, and maybe a prayer, and it couches it in language that says we are setting up a reserve.

Reserves normally have something in them. This reserve says maybe at some point in time we will have something to put in this reserve. Maybe we will raise taxes and put the raised taxes in this reserve. Maybe we will cut a mandatory program, take away from some entitlement program and put it in there. Otherwise, it is an empty amendment. To have an empty amendment on a budget resolution ought to violate some rule, and, as a matter of fact, it does. This is subject to a point of order.

I think from time to time we wonder whether points of order really contribute substantively to an argument. This one does. For anybody who thinks this amendment proposes anything real for the classrooms of America—if one wanted to have the Federal Government involved in a program and if one knew what the program was—the truth of the matter is that this is empty and, therefore, is subject to a point of order.

Mr. President, I yield back any time that I have remaining. The pending amendment is not germane to the provisions of the budget resolution pursuant to section 305(b)(2) of the Budget Act. I raise a point of order against the pending amendment.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I move to waive all points of order against the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the Murray amendment No. 2165. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON), is necessarily absent.

I further announce that if present and voting, the Senator from Arkansas (Mr. HUTCHINSON) would vote "no."

Mr. FORD. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The yeas and nays resulted—yeas 46, nays 52, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Faircloth
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NAYS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—2

Hutchinson
Mikulski

The PRESIDING OFFICER. On this vote, there are 46 yeas and 52 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is therefore sustained, and the amendment falls.

The Senator from New Mexico.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, what is the pending business, I inquire of the distinguished manager through the Chair?

The PRESIDING OFFICER. Under the previous order, debate is to continue until 4 p.m., evenly divided, at which point the Senate will vote with respect to the Senator's amendment.

Mr. DODD. I appreciated that.

The PRESIDING OFFICER. And the amendment of the Senator from New Hampshire.

Mr. DODD. The Senator from New Hampshire, Senator GREGG, had an amendment. I see the manager is here.

The PRESIDING OFFICER. That amendment will be voted on also at that time.

Mr. DODD. The debate on that is over?

Mr. DOMENICI. Well, Senator GREGG, we understand, desires no more time on his amendment, which is his second-degree amendment.

The PRESIDING OFFICER. It is the understanding of the Presiding Officer that the debate is concurrent, but apparently the Senator from New Hampshire did not desire additional time.

Mr. DODD. Parliamentary inquiry. Will the Senator allow me to make that amendment?

Mr. DOMENICI. I ask unanimous consent, if Senator GREGG desires the time, that he be allotted time after the debate on the Dodd amendment. I am not sure the Senator will desire that. The regular order would now prescribe, if that unanimous consent is granted, the next amendment is Senator DODD's amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. It is my understanding, therefore, if the unanimous consent is agreed to, that Senator DODD will have as much as an hour on his amendment based on the unanimous consent that was constructed.

The PRESIDING OFFICER. The time between now and 4 p.m. will be equally divided.

Mr. LAUTENBERG. Between the proponents and the opponents?

The PRESIDING OFFICER. The Senator is correct.

Mr. LAUTENBERG. But if there is any opposition, then, of course, that time would be available. But let us assume for a moment that there might not be. Would Senator DODD then have an hour at his disposal?

The PRESIDING OFFICER. Under the unanimous consent request, if it is agreed to, he would be able to secure the time.

Mr. LAUTENBERG. I thank the Senator.

Mr. DOMENICI. And that is a very big assumption.

The PRESIDING OFFICER. There is a unanimous consent request on the floor; is there objection?

Without objection, the unanimous consent request is agreed to.

AMENDMENT NOS. 2186 THROUGH 2188, EN BLOC

Mr. WELLSTONE. If I could ask for 10 seconds to send three amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is the Senator from Minnesota seeking consent they be called up and then set aside?

Mr. WELLSTONE. I want to put them in proper sequence.

The PRESIDING OFFICER. Without objection, the clerk will report those amendments.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes amendments numbered 2186 through 2188, en bloc.

Mr. WELLSTONE. I ask unanimous consent reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2186

(Purpose: to ensure that the provisions in this resolution assume that Pell Grants for needy students should be increased)

At the appropriate place insert the following:

"It is the sense of the Senate that the assumptions underlying the functional levels in this concurrent budget resolution on the budget assume that corporate tax loopholes and corporate welfare should be reduced in order to produce the funds necessary to increase the maximum Pell Grant award to $4,000."

AMENDMENT NO. 2187

(Purpose: To express the sense of the Senate regarding a report of the Secretary of Health and Human Services evaluating the outcomes of welfare reform)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AN EVALUATION OF THE OUTCOME OF WELFARE REFORM.

It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the Secretary of Health and Human Services will, as part of the annual report to Congress under section 411 of the Social Security Act (42 U.S.C. 611), include data regarding the rate of employment, job retention, and earnings characteristics of former recipients of assistance under the State programs funded under part A of title IV of the Social Security Act (42 U.S.C. 401 et seq.) for each such State program; and

(2) for purposes of the annual report for fiscal year 1997, the information described in paragraph (1) will be transmitted to Congress not later than September 1, 1998.

AMENDMENT NO. 2188

(Purpose: To provide an additional $40,274,000 for fiscal year FY 1997 for medical care for veterans)

On Page 21, strike lines 7 through 10 and insert the following:

Fiscal Year 1999:

(A) New Budget Authority, $42,840,274,000.

(B) Outlays, $43,340,274,000.

On Page 53, after line 22, add the following:

SEC. 317. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the assumptions underlying the functional levels in this concurrent resolution on the budget assume that any additional amounts made available for the Department of Veterans Affairs in fiscal year 1999 as a result of the declarations of additional budget authority and outlays for fiscal year 1999 for Veterans Benefits and Services (budget function 700) by reason of the adoption by the Senate of this amendment be available for medical care for veterans.

AMENDMENT NO. 2173

Mr. DODD. I call up my amendment for immediate consideration.

The PRESIDING OFFICER. The clerk will now report the amendment of Senator DODD.

The legislative clerk read as follows:

Amendment No. 2173 previously proposed by the Senator from Connecticut [Mr. DODD].

Mr. DODD. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the March 30, 1998, edition of the RECORD.)

PRIVILEGE OF THE FLOOR

Mr. DODD. Mr. President, I ask unanimous consent a member of my staff, Dr. Caryn Blitz, be given floor privileges during consideration of the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I have some comments to make on my own amendment, but several of my colleagues have other matters to attend to, and I will yield, if I may, whatever time she may consume to the distinguished colleague from California and then to my colleague from Minnesota.

I yield first to my colleague from California.

Mrs. FEINSTEIN. I thank the Senator from Connecticut. I want the Senator to know what a pleasure it is for me to be able to support the Senator's amendment and also to say many, many thanks for his leadership on this issue. I am a member of his task force. He has been absolutely indefatigable in the pursuit of quality child care for the citizens of our country. I am very proud to support this amendment.

Mr. President, if I might begin by asking a quick question through the Chair. I ask the Senator from Connecticut this question: Is he aware of how many children are on the waiting list for child care facilities in the largest State in the Union?

Mr. DODD. I would say to our colleague from California I am aware of this figure. It is 200,000. The reason I know that number is because in 1996 I asked the General Accounting Office to do an assessment to determine the extent to which the child care needs of working families were being met, including whether there were waiting lists for child care. California was one of the States that was surveyed. The report found that California presently has some 200,000 families who are waiting for a quality, affordable, accessible child care slot to open up so they may leave their child in a safe place.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, on behalf of Senator BOXER and I, I think this one statistic irrefutably points out the need for this amendment. I did not support the welfare reform bill. The reason I didn't support the welfare reform bill was exactly this. The way the bill is weighted, the targets that need to be met in the State of California increase with time. We estimated that we had to develop in California 600,000 additional child care slots a year just to keep up with the need.

What the Senator has just revealed to me indicates that within this first year we already see a waiting list of 200,000. I expect in the next 2 years this waiting list to increase threefold, up to 600,000 families waiting for adequate child care.

If we want Americans to leave welfare behind as a way of life, if we want to see Americans entrepreneurial and working, then we must see there is adequate child care available for the children of these families. A great bulk of the people involved here are single parents with children. They need to earn a living. They have no choice. They must find child care.

This amendment creates in the reserve fund some moneys to be able to help the State create the slots. Let me say how difficult this is in California, an earthquake-prone State, tough building codes, tough individual county and city codes. Therefore, these facilities are expensive to build. This amendment provides an opportunity to try a number of different approaches, including employer-based child care, child care that is shared, chambers of commerce working with schools, working with college districts to provide teachers for these child care facilities. All of this can be done. You cannot do it without money. Therefore, I think this reserve fund is certainly small to begin with but certainly necessary.

It is with great pride that I thank the Senator for his leadership and that both Senator Boxer and I are delighted to support this amendment.

Mr. DODD. I thank both of our colleagues from California, Senator Feinstein and Senator Boxer.

To our colleague from Minnesota, I yield such time as he may desire.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. First, I ask unanimous consent Joseph Goodwin, an intern, be allowed to be on the floor during the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, first of all, let me start out on a personal note. I really consider it an honor to work with Senators. I consider it an honor to be here. Every time I come to the floor of the Senate, I still get goose bumps, and I think it is something I never expected to have a chance to do.

Senator Dodd is one of the Senators I most love working with because he has been, over the years, such a strong and such a committed voice for children. I thank him for that.

I think this amendment is extremely important, because all it is really saying is let's hold out a reserve fund for children so when it comes to our commitments here in the Senate, we make the investment.

I will be brief. I have had a chance to travel the country. I have been in a lot of low- and moderate-income communities. I have been in a lot of other communities. Let me just say that the initial travel I did from Appalachia to Letcher County, KY, to Delta, MS, to inner city Baltimore, to public housing in Chicago, to urban and rural Minnesota, everywhere I go people ask the same question: Where is the equal opportunity for our children? Everywhere I go this focus on how we can make sure the children come to school ready to learn is the priority. We just have to do a lot better for our children. We have to do a lot better for all of our children.

My colleague from California talked about the welfare bill. She is absolutely right, there are long waiting lists for affordable child care, even longer now, because of the welfare-to-work provisions.

Above and beyond that, I say that I meet people, they are heroes and heroines of Head Start and child care, they do their very best, and they can make a huge difference for children, but we have long waiting lists all across our country for affordable child care. When you talk to middle-income families—this is not just low-income—working families, they will tell you that the expense may be up to $10,000 or more per child, and it can be up to a quarter of their income.

This is a huge issue. If there is anything that we could do in the U.S. Senate that would be good for families, that would be good for our country, it would be to make this investment.

I have said this before and I will say it one more time and I will not say it in a shrill way. I say to both colleagues—and I see my colleague from Washington here on the floor, as well—every time there is a discussion of child care, every time we have a discussion about children, I think of Fannie Lou Hammer, the civil rights leader, Mississippi, daughter of a sharecropper, who said in one of her speeches, "I'm sick and tired of being sick and tired." Sometimes I get tired of the symbolic politics. Everyone loves children. Everyone wants to have a photo opportunity next to a child. Everyone says they are for children and education. Every breed of political person says that. But there comes a point in time when if we are really for children we have to dig into our pockets and make the investment.

There is no more important national security issue than to invest in the health and skills of intellect and character of our children, all of our children. That is what this Dodd amendment speaks to, that is what the position that Democrats are taking speaks to, and I really think that this is where the rubber meets the road. This is where "the differences make a difference."

I am hopeful that colleagues on the other side, many of them good friends, many of whom I think do have this commitment, will support Senator Dodd in his amendment. It is just not enough to give speeches. It is just not enough to be talking about how we are for child care and children and education. We have to make the investment. That is what this amendment speaks to.

I yield the floor.

Mr. DODD. I thank my colleague from Minnesota for his eloquent remarks. Let me turn to my colleague from the State of Washington who has been a leader long before she arrived in the Senate on the child care issue as a member of the legislature in Washington.

Mrs. MURRAY. Thank you, Mr. President.

I thank my colleague from Connecticut, Senator Dodd, for offering this amendment I offered in the Budget Committee. I can tell you, as a working parent, one of the most critical issues that faces parents every single morning across this country is, will my child have a place to be? I have had the experience, and I guess that many parents across this country have had the experience, of dropping their child off at day care on a Friday and have them say to you, "We will not be here on Monday. We decided to go out of the business." There is nothing worse that can happen to you in a day than to all of a sudden panic and try to find a place to put your child who may be 2, 3, 8, or 10, and you know they need a safe place, you know you need to be at work Monday morning, and there is nowhere for your child.

Mr. President, across this country businesses are recognizing this critical issue because they know they need their employees to be productive. A productive employee is not sitting at work worrying about whether their child is safe or taken care of; a productive employee is one who knows their child is all right. This amendment simply puts in place a placeholder so that this Congress will address the issue that is discussed at almost every kitchen table of every family across this country.

I thank my colleague from Connecticut for being a leader on this issue for so many years.

Mr. DODD. I thank our colleague from Washington as well. As I mentioned, her experience goes back to her years of public service and her years as a parent.

I was looking at the clock as she spoke. It is almost 3 o'clock. This would not apply to all parts of the country, but certainly on the east coast right now there are as many as 5 million children who have no safe place to go after leaving school. We know that for parents who have no choice but to be in the workplace, when school lets out, and before they get home from work at 5 o'clock or 6 o'clock, there is a great sense of anxiety about where their child is? They worry: Who is watching my child? What is my child doing?

We know from police chiefs all over the country, that juvenile delinquency rises, not after 11 p.m. at night, but between 3 o'clock and 8 o'clock in the evening.

My hope is to raise some legislative ideas which would allow us to at least deal with after-school care, with infant care, with the quality of child care. But, I am being told by the budget resolution I cannot do that; I cannot bring up my idea on after-school care on child care in this Congress because it is subject to a point of order. I don't think it is fair. I don't think it is right. I think it is harmful to children and working families.

My colleague from Massachusetts cares about this issue very, very much. I know he has some comments he would like to share as well.

Mr. KERRY. Mr. President, I thank my colleague from Connecticut for the time. I also thank him particularly for his longstanding leadership in the Congress on this issue. There has been no more persevering or more eloquent voice on the subject of children than Senator DODD.

This is really the most important work we can do in America today: pay attention to our children. All across this country, on a daily basis, we pick up a newspaper and read a headline about trouble that comes from children who are not structured in their lives in the course of a day, who don't have the care they ought to have at the earliest stages of their lives. Every bit of pediatric, psychological, psychiatric, early child development evidence that we have in this country indicates that the first years of a child's life are absolutely the most important in the development of that child. You could literally have a brain that is 25 or 30 percent larger, based on the appropriate nurturing, attention, problem-solving, love, and focus that children get in the earlier stages. Why? Because that is when the brain connections are being made. We know this scientifically beyond any doubt whatsoever.

In Boston the other day, I was in the Castle Square Early Child Development Center. There are 67 kids there. They are getting a nurturing, caring, structured environment which, while their parents are out at work, is precisely what we required in the welfare bill. Precisely what most Americans want most other Americans to be sharing along with them is the burden of work in America. So while they are out doing it, where are their kids? For the 67 kids in the Castle Square Early Child Development Center, there are 500 on the waiting list—500 kids who will never cross the threshold of that center by the time they reach 6 years of age and are supposed to go to school and be ready to learn. The truth is that in too many schools in America today, when kids are 6 years old and they go to school, there are among them children who cannot recognize numbers, who cannot recognize colors or shapes or forms or even perform the most simple kinds of problem-solving.

Now, I know our Republican friends speak a lot about values and about the nature of parenting and the importance of it. But the fact is that, in America today, one-third of our children are born out of wedlock. They start with a single parent. In too many cases, that single parent is out in the workplace trying to make ends meet, and the child has nobody at home. I was in a middle school the other day in Boston, with kids age 10 to 14, 35 kids in a class. I asked them, "When you go home at 2 o'clock in the afternoon, how many of you go to a house, apartment house, or whatever, where there is no adult present until around 6 o'clock in the evening?" Fully 50 percent of the hands in that room went up, Mr. President. Whose fault is that, theirs or ours? It is ours.

What the Senator from Connecticut is trying to say is, let us at least have the vision of trying to set aside a reserve fund that will permit us to be able to come down the road and say that we are going to help America do this. Out of 3 million children in the United States of America that are eligible for early Head Start, only 30,000 get it. Out of 1.6 million kids in America that are eligible for Head Start itself, only about 800,000 get it.

Now, Mr. President, if we don't want to come back here and decide how many prisons we are going to build and how many drug abuse programs we need and how we are going to cope with the trauma in our streets or deal with countries that can outcompete us in the marketplace because our kids don't have the skills for the new world of globalization and technology, this is the business of America that we should be paying attention to. I think it's unconscionable that we can have a reserve fund for tax cuts but not a reserve fund for children. I can't think of anything more important in the business of the Senate than to at least say let's avoid the parliamentary chicanery of a point of order on behalf of our children. A point of order can deprive our kids of the opportunity to have child care, because I will tell you, Mr. President, there is a majority in the Senate prepared to vote for it—a majority. To steal from the majority of those Senators the right to be able to give those children that child care is to take it away from those children itself for the sake of parliamentary process and not for a future vision of this country.

I thank my colleague profoundly for his willingness to bring this to the floor of the Senate.

Mr. DODD. Mr. President, I thank my colleague from Massachusetts. And I'd like to recognize him for his significant contribution to the issue of child care, particularly to early child development. We've all learned a great deal over the past year about brain development and the critical period in children's growth from the ages of zero to 3. My colleague from Massachusetts has been instrumental in focusing attention on the needs of children during the earliest years. I am particularly grateful that he is here today to comment on this amendment.

I ask unanimous consent that Senators MURRAY, KERRY of Massachusetts, DASCHLE, KENNEDY, LAUTENBERG, LANDRIEU, DURBIN, WELLSTONE, KOHL and HARKIN be listed as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I want to express my strong support for the Dodd amendment. This amendment would provide a reserve fund to improve the affordability, availability, and quality of child care. It also would support families' choices in caring for their children.

As you know, Mr. President, child care remains a pressing national problem. More families need it. Not enough families can afford it. And there aren't enough qualified professionals to provide it.

Families with children under 5 and with incomes under $14,400 a year today spend one-quarter of their incomes on child care. Yet only 1 of every 10 children eligible for child care assistance receives it. Most modest-income families are getting crushed by the costs of child care.

Compounding matters, the quality of much child care remains seriously deficient. And a major reason is the high rate of turnover among child care providers. More than one-third of them leave their jobs each year, largely because of low wages.

Mr. President, this amendment would help address these problems by providing a mechanism for additional federal support for child care. And it is critically important.

Some have argued that working families don't need this help, because the states already are getting more federal child care funding than they can spend. But that is just wrong. According to the latest HHS data, states' child care outlays are 90 percent of total budget authority for 1997, and states have obligated 99.8 percent of those funds. Morover, so far in 1998, states are drawing down child care funds at a higher rate than last year—and at a higher rate than either CBO or OMB had projected.

I also have heard the argument that we don't need to support spending on child care when we can expand the dependent care tax credit instead. But that's just not sufficient.

As long as the dependent care tax credit remains non-refundable, expanding it will not help modest-income working families. In fact, a two-parent family with two children that pays $400 per month for child care would not begin to benefit from a non-refundable expansion until its annual income reaches almost $31,000.

Let me emphasize that. If you have two kids, a $30,000 income, and you pay $400 a month for child care, you're not going to benefit at all from current proposals to expand the dependent care tax credit. Your income is just too low.

Finally, I know that the Republican budget resolution is assuming some additional discretionary funds for child care. But I question whether these funds will materialize given the strict overall caps on discretionary spending. And, in any case, discretionary spending is a 1-year, short-term approach to a long-term problem. Americans' child care needs are increasing, and families should have our commitment that we will lend a helping hand.

Mr. President, I hope my colleagues will agree that it's time to address child care needs in a serious way. And I hope we can get bipartisan support for Senator DODD's important amendment.

Ms. MOSELEY-BRAUN. Mr. President, first, let me thank Senator DODD for his important leadership on this issue. I am a cosponsor of his child care ACCESS bill and I am proud to join him in supporting this amendment.

I have been on this floor already today talking about the importance of education and how closely educational attainment is tied to every indicia of well being. From an individual's physical health to the nation's economic health, education is the key.

With this amendment, we turn to the issue of child care. I submit that adequate public and private funding for child care is a necessary foundation for educational attainment and economic well being at every level. Children who are not well cared for have trouble thriving and succeeding in school and in life. Parents who cannot find or afford decent child care cannot work or are less productive and reliable when they are working. We all suffer when good, safe child care is not available.

Children who have the opportunity to learn and grow with adult care and attention will do better throughout their lives. Recent studies have confirmed that the first three years of a child's life are the most critical in a child's development. For a child, it is these first three years that have, as a Carnegie study stated, ". . . a decisive, long-lasting impact on their well-being and ability to learn."

There are many child care alternatives for families ranging from small, home care settings to child care centers with low child to teacher ratios to a stay-at-home mother or father—but only if the families can afford them. The key to successful child care is that the parents have choices about how to best care for their children. For too many American families the high cost of child care puts options out of their reach.

In Illinois, full-day child care can cost from $4,000 to $10,000 per year for just one child. This can be compared to the cost of a college tuition at the University of Illinois of just over $4,000. These high costs often force parents into unsafe choices. A recent national study found that 40 percent of the rooms used to provide care for infants in child care centers provided care that was so poor as to put the child's health, safety or development at risk. Only 8 percent were rated as providing quality care for infants and toddlers. These statistics do not even take into account those parents who cannot find care at all. In Chicago, for example, a 1995 report found the demand for child care for infants exceeded the supply.

Without choices, parents are unable to work, have to forgo needed family income, or are unable to devote their full time and attention to their work. The lack of choices not only affects the family but has a direct and negative impact on the economy as a whole in public assistance and lost productivity costs.

A 1991 study for the Illinois Department of Public Aid, for instance, found that for single parents in Illinois receiving welfare, child care problems kept 42 percent of them from working full time. Twenty percent of those women who worked but returned to welfare within a year were forced back onto welfare because of child care problems. For those who had to quit school, 42 percent left because of child care programs. While the statistics may not be so stark for middle-class families, the effects can be as great. The lack of decent, affordable care crosses economic lines.

The fiscal year 1999 budget resolution has several provisions for improving child care, but these are tentative and modest compared to the need. This amendment will allow those in the Senate concerned with the lack of child care choices for at-home and working parents to effectively target public and private resources to address the child care crisis. We cannot slam the door on child care as we open the door to the 21st Century. It would be irresponsible. I urge my colleagues to vote for this amendment.

Mrs. MURRAY. Mr. President, I rise in support of the amendment offered by Senator DODD, and I commend the Senator from Connecticut for attempting to make the Senate address the need to improve affordable childcare in this nation.

Mr. President, few issues are more important in determining the future of our children and our nation than access to safe and affordable child care. Ensuring the availability of affordable, quality child care programs must be a top national priority for us as lawmakers, as parents, and as citizens. Today, we have a rare opportunity to offer hope to families struggling to find or keep their children safe and learning.

By sponsoring this amendment, Senator DODD has sent an important message to every American who is working hard to raise a child—we know it is sometimes difficult, and we know your government has a responsibility to assist you in your most important work. With this amendment, of which I am lead cosponsor, we make room in the budget to lay out a vision for the type of assistance the American public has told us will truly help.

First, I must say that like many issues affecting children and families, child care is not a Republican or a Democratic issue. Senator DODD and I have had the opportunity to work toward child care solutions with several Republican senators over the past couple of months. Although both parties and the administration have submitted differing child care proposals, I know we can all work together to create a new child care law that does what American families need. With the right mix of participation from families and communities, private industry, and government, we can create a child care system that is the envy of the world.

But we don't have that system today. And, this is why the Senator from Connecticut's proposal is so critical to our nation's success. Because child care is not just a place you put a child until you get home from work. If we know one thing about child care today, that many of us have long intuitively known was the case, it is that child care is an enterprise defined by the quality of education and care that it provides.

Let us examine some of what we know about child care in America today:

Recent research about the way a child's brain develops shows us the importance of quality care to a child's healthy development. The first three years of a child's development are decisive in determining that child's future. Quality child care, with an age-appropriate developmental and educational focus, provides the early stimulation required to correctly develop a child's sensitive neural systems.

It is time for policy-makers and the American public to reject the narrow view of early child care and education as separate entities. Early child development must now assume its place in our local and national funding priorities as an integral piece of the educational process. Child care lays the foundation required for a lifetime of learning.

Children who experience quality care demonstrate higher language and math skills when entering school. Our first National Educational Goal is that by the year 2000 every child will enter school ready to learn. Without quality early child development programs for all children, we cannot meet this important goal. Early child development also gives children the increased self-perception and social skills that allow them to succeed in school and in life.

We cannot continue to view child care as "just another expense." Funding for quality care represents a wise investment in our nation's future. Studies consistently show that quality child development programs produce long-term positive social benefits.

Quality care reduces the anti-social behavior and chronic delinquency which threaten the stability of our communities. Early child development must also be a priority if we truly want to halt the spread of crime. Law enforcement leaders across the nation agree that investments that create a safe and nurturing environment for children, especially in the critical hours between 3 and 10 p.m., will sharply reduce crime.

Some early childhood services for low-income toddlers have been found to cut the number of chronic criminal offenders by 80 percent and delinquency by 90 percent. By providing children with the preparation to learn, quality child care prevents the lack of literacy and marketable skills that force many people to rely on public assistance.

By reducing the later, more-expensive costs of public assistance and imprisonment, investment in child care can save billions of taxpayer dollars. The High Scope Preschool Study found that by providing increased tax revenues and reduced costs of crime and welfare, every dollar invested in high quality early childhood programs for low income children eventually saved $7 of taxpayer money.

Despite the monumental consequences, the current American "system" of early child development meets neither the demand for supply, nor the quality required of it. In too many communities, parents are simply unable to find affordable, quality care. The situation is especially acute for low-income parents; the working poor currently face waiting lists in thirty-eight states. Although children from low-income families receive the most benefit from child care, they attend child development programs at only half the rate of children from high-income families.

The 1996 welfare law dramatically increased the already urgent demand for affordable, quality child care. Welfare plans will direct over two million parents, mostly mothers, into the workforce. Without the support provided by child care which meets at least minimal standards of affordability and quality, few parents can afford to leave the home for the workplace.

Too many existing child care programs fail to provide developmentally-appropriate care. Studies show that less than a tenth of child care centers provide appropriate care. A recent national study found that most centers provide care that is poor or mediocre. The widespread lack of appropriate training and experience, and the lack of safe facilities, holds long-term consequences for the health and development of American children.

Efforts to improve K–12 education can never be fully successful when one-third of our children enter kindergarten unprepared to learn.

We cannot allow providers to maintain environments which harm our children. The federal government must do something to help states improve their standards—we cannot allow dangerous and inadequate child care environments to continue. A recent analysis of state regulations found that no states have child care safety regulations above the "mediocre" level.

We must also improve standards in the half million to million unlicensed home child care businesses operating in this country. Simply because a child is in an unlicensed facility does not decrease her need for developmentally-appropriate challenges. There are things we can do to increase the kind of care that stimulates a child's early growth.

Parents are an integral part of a child's early developmental growth and must have the opportunity to become involved in early child care programs. Parents cite lack of time as the top reason for not becoming involved in their children's education. I am proud to have sponsored the Time for Schools Act of 1997 which expands uses for time under the Family Medical Leave Act to allow parents to be involved in their children's education, or to take care of child care emergencies, without losing their job.

There is also so much more we can do to involve parents in the care and education of their children. Across this nation, people have worked to put tools in the hands of parents, so they can make the best choices possible when it comes to the care of their children. The family is the engine that drives our economy and society. Any child care legislation must include efforts to get parents and families the information they need, whether it's about choosing quality child care, choosing to stay home and care for a child, or choosing strategies to make caring for a child safer and more affordable.

There are things that states across the nation can learn from the experiences of my home state of Washington. Washington state has a child care system nationally recognized for its excellence. State licensing requirements far exceed federal standards and go further than almost all state regulations towards ensuring safe child care. The state has implemented an integrated system of child care assistance for all low-moderate income families, regardless of whether they are involved in work first programs. In addition, the state legislature has instituted a training requirement for child care professionals, and provided initial funds for a training system and a registry to track that training.

But even in a state like Washington, the lack of investment from the federal level forces difficult choices at the state level—in our case, lower subsidies which are reducing options for low-income parents.

So whatever solutions we seek here must give assistance flexibly to states, so individual states can make improvements in the areas where they need it most.

Two other discussions in my state are very promising, and they deserve your attention.

First, there is the work of the Human Services Policy Center at the University of Washington. The Policy Center has reached out to leaders in the private and public sectors, and to parents and the child care community, and come up with recommendations to improve child care financing. Their study, "Financing Quality Child Care in Washington," provides a thorough review of the state of child care financing in one state, with implications for our national debate.

Another very exciting discussion and project is underway in Spokane, Washington, of which you all should be aware. It is a family child care demonstration home and small business center, created by a wide array of partners:

Founding partners, including The Health Improvement Partnership of Spokane, Holy Family Hospital, the Nevada-Lidgerwood Neighborhood, and Northwest Regional Facilitators (the local child care resource and referral agency); and newer partners, including the Child Care Facility Fund of Washington State, the Dayton Hudson Foundation, Spokane Falls Community College, Eastern Washington Association for the Education of Young Children, Eastern Washington Family Child Care Association, Family Care Resources, Kathy Modigliani National Accreditation, the National Association of Child Care Resource and Referral Agencies, the Washington State Office of Child Care Policy, the Small Business Development Center, and the Washington State Child Care Resource and Referral Network.

The project is called the "Family Child Care HOME (Hands On Model Environment)" and provides child care in a high quality family child care setting for children from infant to age twelve. The projects also provides orientation and training for child care providers, and a business incubation center for new family child care businesses. The HOME project partners have also set up a revolving microcredit loan program, for child care providers to purchase equipment, expand their business, acquire professional training and remodel their facilities. On site at the child care home, there is a library, equipped with toys, books, start-up supplies, videos, and child centered leaning materials for all child care providers throughout the county. In addition, there is a consumer education center for parents, businesses, and communities to learn more about family child care.

I have gone into some detail today, about the state of child care in this nation, and some examples from my own home state, because the Dodd amendment gives us a chance to do something good for American families.

The Senator from Connecticut has introduced legislation to address this issue more comprehensively than the amendment before us today. I am proud to be a cosponsor of that bill as well. But if we do not pass this amendment, this Senate will never even have a chance to debate the merits of the bill that could actually improve child care for working parents.

Working Americans, many of them lower income, are in the greatest need for assistance in our current child care system; the Dodd-Kennedy-Harkin-Murray ACCESS bill would do a lot of important things to help them. It includes refundable tax credits to provide such assistance. The ACCESS bill does not mandate national standards; it gives states the funding and flexibility to make quality improvements where they see them as necessary. The bill expands Family and Medical Leave to more employees. Taken along with my "Time for Schools Act" allowing parents to take care of child care emergencies, this represents a true step forward.

The ACCESS bill provides funding for important quality improvements, including resource and referral services—currently the best source parents have for child care information in many states. Parent education can be expanded with these funds—giving parents the kind of information and resources they are looking for.

The bill makes several changes to promote the kind of private/public partnerships happening in my state. It sends out challenge grants and employer tax credits, but doesn't limit businesses' involvement to the children of their own employees. The quality of child care in the community as a whole will benefit from such provisions.

But the point here today is that we will never even have a chance to pose such questions to the Senate if the Dodd amendment is rejected. That is because the budget resolution before us today does not allow us to debate childcare. It makes no provisions for addressing the childcare needs of American families. By reading this resolution, one could easily conclude the majority party in the Senate simply does not care about childcare.

Not every parent can afford to hire a nanny to look after their children. When we begin to see child care, especially family child care, as a business opportunity, and supporting investments that lead to child care businesses becoming licensed and meeting other quality guidelines then we will begin to build capacity in our communities. We want people to enter this business, to do it well, and to succeed.

As I mentioned, there is bipartisan agreement about the need to improve child care in this country. There must also be agreement about funding, or we will not have child care improvement this year. I can assure the American public that if Congress hears loudly enough about the interest and need for child care improvement, we will find the money for this. Within the context of a balanced budget, with or without a tobacco settlement or any other possible funding source—if this is a national priority, we can take this step.

But the American people must weigh in, or it will not happen. Increasing the supply of quality child care must become a top national priority. Failure to do so threatens our children's future, and that of our nation. I urge my colleagues to support the Dodd amendment.

Mr. DODD. Mr. President, let me take a few minutes and describe what we are trying to do. This amendment is a procedural one. I am not really debating the issue of how we should resolve the child care crisis—although there are certainly no shortage of opinions on how we ought to do that. All I am trying to do here with this amendment is to say, at some point later this year, if the funds are available, can I bring up a child care amendment without being subjected to a point of order? That is all I want to do. We can get to the merits of various child care proposals at some point later. But under this budget resolution, I am precluded from bringing up such proposals, unless I can override a point of order that requires a supermajority. I don't think that is right or fair.

I don't disagree with those who might say we want to provide a tax cut as a result of having additional revenues, either because the economy is doing tremendously well or if we are able to come up with a tobacco settlement. But what I don't understand is, if it's OK to bring up those issues, why can't I bring up child care, which is a staggering problem? Five million children at this hour, as they finish school for the day, are home alone, unattended. Thirteen million children, every day need some kind of child care setting. And their parents need the ability to pay for that care. But, as you can see from this graph, due to inadequate funding, only 1 in 10 eligible children are receiving assistance from the Child Care and Development Block Grant. Many other families are left to cope with skyrocketing costs. As you can see from this second chart the cost of child care in various cities across America is truly astonishing. In Boston, child care for an infant is $11,860 a year. For a 3-year-old, it's $8,840. For 6-year-olds, it's $6,600. Costs of child care in other states—Florida, Minnesota, Texas, Colorado—range from $4,000 to $9,000.

These figures are all the more astonishing when you realize that half of all the parents with young children earn less than $35,000. Can you imagine how difficult it must be for a family in the city of Boston that earns $35,000 a year to afford $11,000 in child care for an infant? Your family is making $35,000 a year and you may have to spend a third of your budget on child care. How do you make ends meet?

I am not suggesting that the federal government should pick up the whole tab here. But I have some ideas about how we can leverage funds from states, from communities, and from businesses. But I can't even offer these ideas without overcoming a point of order.

Whatever else you may agree or disagree with when it comes to child care, isn't it at least fundamentally fair on an issue this important that we be allowed in this body to debate our options? The budget resolution is about making decisions on how to spend the money of the American people. Now not all of my constituents may agree that child care is important, but a lot of people do. I am going to have to say to them: I am sorry, I can't even bring up your ideas about what we should do to make sure that your child has a safe place to be when you can't be with them. I am not allowed to raise your concerns under this budget resolution. We are allowed to have, on page 27 of this bill, title II, budgetary restraints and rulemaking, line 3, a tax cut reserve fund. That is allowed. So we are allowed to have a reserve fund for tax cuts, but we're not allowed to have a reserve fund for child care.

All I want to do is to create a reserve fund to leave open the possibility of dealing with the issue of child care. Vote against me later if you want. Stand up and say you're sorry, but you don't like my ideas. I will accept it if you disagree with me. But, I can't imagine anybody here, regardless of ideology or party, would say I should not be allowed, in a budget resolution—to address a priority we all agree is pretty high on the list. I ask my colleagues here, 50 plus 1, to say we agree with you, we think that ought to be a priority and we are going to support you. As it stands right now, if it tries to raise concerns or offer solutions to this problem then I have to produce a supermajority to overcome a point of order—which everybody around here knows is virtually impossible to do.

Mr. President, this is a very real issue, one that I think is important. I only have half an hour and to even debate this issue and to tell people why I feel so strongly about it. We have to move along.

I will say from the outset that I have great respect for the chairman of the Budget committee. He has a thankless job, as does my colleague from New Jersey. It is difficult work. I sat on his committee for a number of years. I realize it is not easy to put a budget resolution together. But I believe I ought to have a chance—I believe I deserve a chance—to speak to the needs of children in this nation. There are millions of children, Mr. President—who don't have access to high quality care. Only 17 States have child care standards that meet even minimal standards of quality. In most States, if give manicures, if you work on someone's nails, you have to meet tough standards. But only 17 States require any training at all for somebody who is going to hold a child's life in their hands. Where is the logic in that?

What I would like to see is debate on how we can improve the quality of child care, through training, and by improving provider-child ratios. I want to debate tax cuts to assist businesses that want to provide child care to their employees. I know my colleague from Wisconsin, Senator KOHL, would like the chance to present this very good idea.

There is something fundamentally wrong with a process that would preclude debate on those ideas.

I see my colleague from Louisiana, Senator LANDRIEU, is here. Let me, if I can, yield a few minutes to her. I turn to my colleague from Louisiana, who has worked for many years on children's issues in her state and has brought great energy to these matters since her arrival in the U.S. Senate.

Ms. LANDRIEU. I thank my colleague from Connecticut for his great and tireless leadership on this important issue.

Mr. President, it has been well stated, the need for child care in the United States. But the point I want to make is that the child care that is just barely there now in our system is not really affordable to working families. As much as there is not enough of it, and not enough spots, we have a real crisis, as my colleague from Connecticut and others realize, because even if it were available under the current system, it is not really affordable to working families.

We have the majority, 65 percent of moms—and I am in that 65 percent; I am a working mom here in the Senate. I have a 6-year-old and an 8-month-old, so I can really speak to all those mothers and fathers who are working with children at home. Some of us work out of choice, but many of us work out of necessity. Many, many parents have to work; they don't have a choice to be at home. Because of some laws that we just recently passed—welfare-to-work and welfare reform, which I generally supported—we have now mandated it. It is not a choice that many poor women have now; we have actually mandated that they leave home and go to work. So we have made what was a problem 2 years ago even greater by forcing many women, who were home, out to work.

It seems to me that in our efforts towards welfare reform—which, again, I support—some Members of this Congress might be somewhat hypocritical in mandating poor women to go to work, wanting to give tax breaks for middle class women to stay home, and then not providing child care to anybody that is affordable to anybody. Mr. President, that is really the situation we are in, which is a crying shame for the working families in our country.

I know my colleague from Connecticut knows the average cost of out-of-home care is $6,000. For even two parents who are working at a minimum wage 40 hours a week, their income is $21,000. By the time they pay whatever taxes and other requirements for that paycheck, they don't even take home enough money to pay for the child care.

So what are some of the options? Some of the options have been outlined, mostly on this side of the aisle. Tax credits for businesses—we have to do a better job as an employer, ourselves, in the Senate, in the Federal Government, to make our systems and our centers more affordable to all of our employees, from our highest paid to our lowest paid. We can do that. We can also provide some direct subsidies, some tax credits, and then some block grants, in addition, to States to expand the slots that they have.

But my final point on this is to say to this Senate and to our colleagues that we can talk about family values, talk about how much we love our children, talk about how important families are, but, really, our checkbooks reflect our priorities. In this budget, it doesn't reflect that our priorities are our families or our children. Only Government, through some action—not by doing it all—can pull this system in our country together for child care and reward, if we will, the families who are working and have made the best choices they can for their families.

I hope we can adopt the amendment of Senator DODD and many other amendments that speak to this issue, because there is a crisis in this country and one that we should not ignore and one that our checkbook—not our words but our checkbook—should reflect.

I thank the Senator from Connecticut.

Mr. DODD. I thank my colleague.

Let me reiterate the point of this amendment. What this amendment would do is establish a deficit-neutral reserve fund, similar to the tax reserve fund created by the Chairman on page 27 of the resolution, to improve the availability, affordability, and quality of child care. A reserve fund—for those who may not be aware—is simply a mechanism that allows legislation, in this case child care legislation, to be offered later in the year without the threat of a budget point of order being brought against it.

Why is that necessary? The budget resolution before us today forecloses the possibility of other meaningful and comprehensive solutions to child care. It does contain some proposals for child care, but it doesn't allow us to offer our alternatives for meeting the concerns of families in this country.

Senator MURRAY, our colleague from Washington, offered an amendment as a member of the Budget Committee in the markup which would have kept our options open. That amendment and this one would allow the Senate to consider mandatory funding—just consider it, not require it—for child care. This amendment was rejected by the committee along party lines. So, as the budget resolution now stands, future legislative attempts to improve the quality of child care, or to help families afford the skyrocketing costs of care, or to create after-school programs for the 5 million children home alone each day after school, to provide for care for children with special health needs, are all shut out. I would like the opportunity to offer those ideas. To do so, this amendment must be adopted. If not, then I am foreclosed from doing so, and that is the reason I am asking for support.

Mr. DOMENICI. Will the Senator yield for a question?

Mr. DODD. I am happy to yield to my colleague.

Mr. DOMENICI. I do not need time in opposition for another 5 or 6 minutes, if he wants to speak some more. He is eloquent on the subject. Even though his amendment is quite deficient, he is spectacular in terms of his presentation.

Let me just ask a question.

Mr. DODD. Certainly.

Mr. DOMENICI. You said even if you wanted to present a child care proposal, you would be precluded from doing that unless there were something in this budget resolution that allowed it. I don't believe the Senator meant that. For, let me tell you, this budget resolution does nothing to the right of anyone to bring up a bill with a new entitlement, which is what you are contemplating, so long as it is paid for. You would have to provide tax increases or entitlement restraint. And you can offer all the child care add-on mandatories you would like; they may not pass, but they would not be subject to a point of order. The budget processes are complicated and in some cases arcane, but there is a simple one: You pay for entitlements with entitlement cuts or tax increases. So you could do that.

I am not suggesting that is the best way, or the only way, but I believe you said you could not, and I just wanted to make sure that, at least from my standpoint, you either—if you meant what you said, you at least take into consideration what I have said—or perhaps you could suggest that I am in some way in error?

Mr. DODD. To my good friend and colleague, who is so knowledgeable on these issues, let me state this as I understand it, and you respond, if you will.

In order to do what you have suggested, of course, I would have to operate within the existing budget structure—which means I would have to take from one critical program—perhaps Head Start or education, to fund child care. I would have to make families compete against themselves. But if I want to take anticipated tobacco revenues or draw from the additional resources of a growing economy, as I understand it, I am precluded under this budget resolution from doing so.

Out of that $300 billion or $500 billion in tobacco funds—whatever amount we ultimately decide here—I believe that $15 billion or $20 over 5 years can be found to commit to child care. But under this budget resolution, I would be subject to a point of order; is that not correct?

Mr. DOMENICI. The Senator is correct. But I didn't raise that point. I answered a statement you made that you would be precluded from offering it under this budget resolution. All I said is, anybody can offer a spending bill, an entitlement, mandatory spending bill. It will not be subject to a budget point of order if it is paid for, and the "paid for" is either cutting other similar programs or tax increases that you use for it.

You raise a different question. You raise the question now, which I did not think was in your reserve fund, because the reserve fund is set up for all of the tobacco settlement receipts. If you want to take something out of that, then, like others, you might want to amend that. If you try to amend that, we suggest that money should go to Medicare. So that will be the battle, and we will have that out. There will be a number of amendments which handle it that way.

Let me just also suggest that you mentioned appropriated accounts. I don't want to get this to be a mumbo-jumbo "budgetese" discussion here, but your amendment is not one that has anything to do with discretionary programs. It creates an entitlement program. So the discretionary caps which we are all—excepting maybe three Senators or four—coming down here saying we want to keep—and I don't know where you stand on that, whether you want to break them or not—you break those by spending discretionary money. You don't break them by creating a new mandatory program, a new entitlement. Although nobody thought we would be creating new entitlement programs once we got the budget balanced; most people thought we would not do that anymore because we want to keep it balanced. But if you want to do it some more, you have to pay for them in the ways I have described.

Mr. DODD. I thank my colleague. I agree that we should not be creating programs that we can't pay for. That is the purpose of creating a deficit neutral reserve account. Like all reserve funds, including that of my friend and colleague from New Mexico, this reserve fund makes the hypothetical statement that if we somehow find additional revenues we should use them for the purpose stated in the fund. Being deficit neutral means that we would be required to find an offset. We don't know where the funds might come from, obviously. Around here, anything can happen between cup and lip. But we are working on an assumption that there will be some revenues available this year, and we want the opportunity to debate whether those funds can be used for child care.

With regard to potential tobacco funds, the majority has made the decision that they must exclusively be used for Medicare. What some of us are saying here is that we don't disagree that certainly part of it ought to be for that purpose. But we think in addition to Medicare there are some other legitimate purposes, and one of them is child care.

The fact is that the tobacco industry has, for generations, targeted children—and we all know that to be the case. Certainly their advertising, Joe Camel for example, has been designed to appeal to kids. Why? Because the industry knows that 90 percent of the adults who smoke began as teenagers.

We are suggesting if you have some additional resources generated by tobacco company payments, shouldn't some of those funds be targeted to children and families? That is all we are suggesting. I am certainly not asking for the money to go exclusively to child care. I am not asking for a provision which says that money from tobacco can only be used for children. I wouldn't say that, because I respect the fact that there are other activities that need and deserve these dollars—public health programs, smoking cessation and biomedical research, and certainly Medicare. But I think that child care also has merit and that I ought to be allowed to make a case on why it deserves some of these tobacco dollars.

Again, we may differ, as we certainly do, about how a child care bill ought to be framed. My colleague, for instance, from Vermont and my colleagues from Kansas, PAT ROBERTS, Senator SNOWE from Maine, Senator COLLINS from Maine, Senator SPECTER of Pennsylvania and others—all have had ideas on child care which are ones they would like to have considered. So when I stand here to try to set up a reserve account, it isn't just to protect my proposals, it is to protect ideas they may have as well. But in the absence of the adoption of this amendment, whether it is my colleagues from the Republican side who care about child care, or colleagues from this side, unless we have the reserve account, we are precluded from doing anything meaningful in this area.

I see my time has expired, the time of those who are the proponents of this amendment. I will yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Are we scheduled now to vote on the Gregg amendment at 4 o'clock, except that each side has 1 minute to discuss the Gregg amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. That will be followed by the Dodd amendment, which is not amendable, and there will be 1 minute on each side after that vote has expired.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Clearly, Senator DODD has perceived my position correctly. I will make a point of order with reference to his amendment. It clearly is subject to a point of order, and then I presume he would like to vote on a waiver. That is probably what the vote is going to be when it comes to the amendment of Senator DODD, because we have waived no points of order as we have gone through this process.

Mr. President, I say to Senator DODD, while I believe I am entitled to the rest of the time, of course, in the interest of half the time to each side, if the Senator from Connecticut needs some time, he can call on me and I will relinquish some of my time.

I will discuss various reserve funds shortly, but I would like very much to talk about this amendment which, in essence, as to its substantive effect, is very, very similar to the Murray amendment which was denied germaneness by the Senate in the last vote, and it fell. With regard to what it attempts to do, it is a different subject matter but the same kind of process.

There is a little-used process called a reserve fund. There is nothing wrong with trying to expand. We will get a proliferation of reserve fund attempts this year. It is interesting, and perhaps, Mr. President, you would be interested in why there will be a proliferation of reserve funds.

First of all, most reserve funds create a new spending program, and almost all reserve funds—there have been very few—when it comes to a new program, they are entitlements that are created. Essentially, reserve funds say that if you want to fund a new transportation program or Amtrak, that if, in fact, you put into that reserve fund the resources to do it, then the chairman of the Budget Committee says the budget accommodates it, and it would, obviously, be neutral, by definition; it would not increase the deficit or the expenditure.

The problem this year is most interesting. The era of the balanced budget is bringing forth a plethora of suggestions—get this—that we increase entitlement programs, not necessarily in dollars spent on each one, but brand new ones. Isn't that interesting? At the time we finally have our budget under control, when we have spent the best part of 18 years, that I am aware of, saying, "Let's get entitlements under control"—that is, the automatic spending items; they just spend pursuant to a formula or the letter of the law, and they spend until you change the law, whereas appropriations you do every year—every year.

The plethora of these new ones is because we found a way, believe it or not, to say you can't spend any more money on this other kind of account, the annual appropriations bills, in which these programs belong. This child care program belongs in that category called an annual appropriation. But if you put it in there, you have to do two things, and that is why there will be reserve funds, because you have to cut some domestic program to make room for it, or you break the budget, which has a dollar number in for each year.

So now that that is firmly fixed and we have it under control and Wall Street and Alan Greenspan and those who make interest rates in America are saying, "The one thing you really did"—now let's follow through—"is you placed that cap, annual amount, that dollar number, that you can't exceed, you put it in each year," now they said, "Prove it; do it." What we do is say we don't want to provide any cuts, reductions, or eliminations, so we are coming around and creating new mandatory expenditures.

Frankly, the problem with mandatory expenditures is, they go on almost forever, but, secondly, you frequently underestimate them. Yet, if they spend out above the estimate, they just spend out. An example is Medicaid. Medicaid was created on the floor of the Senate with an estimate of less than a billion dollars in cost. It became an entitlement. I don't remember, when we finally reformed it and made it a block grant, how many billions it was, but it was many tens of times bigger than the estimate. When we changed it, we usually changed it to spend more.

You can see why we were so worried that if we wanted to get to an era of balanced budgets and surpluses—"Good for America," everybody in the world said; "It is great for America that our unified budget is balanced; you have to try to keep those caps in place, and you have to try to not create any new entitlement programs." But if you cannot spend any more on this side of the ledger, then go over to this side and say we will create a new one over here, and we will try to pay for it one way or the other so it won't increase—it won't affect the budget surplus.

The problem with this one is very, very simple. Just like Senator MURRAY's reserve, it said we would like to spend more money on child care and we would like to have our programs expanded rather substantially—I don't know how many billions; it just says child care program.

Then it says here is a reserve fund, but the reserve fund is only half filled, because it says what we want to spend the money on but it does not say where we get the money to spend. It does not say increase taxes $15 billion to pay for it. It does not say decrease entitlement programs in some way to pay for it, because what no one wants to do is, no one wants to go home and tell their constituents that in order to have a new program, "We had to raise your taxes." They just want to say, "We are giving you a new program."

No one wants to go home and say, "We got you a new program, and we had to cut these other programs," because, obviously, there will be people who like the programs that were cut, too.

So here we are with, as I said, a number of these proposals going to be forthcoming, and they are going to sound, for all intents and purposes—and I really give Senator DODD credit in this area. He has been a leader in bringing everybody's attention to child care needs and getting it started in one very serious way. We had a big compromise battle one time. He gave, we gave, and we actually got a bipartisan bill, the first one that was bipartisan. He deserves credit, no doubt about it.

What we are doing now is saying we want more of those but we don't want to tell anyone what we have to do to pay for it. We just want to put it in this reserve fund, and that will happen some other time, but let everyone know the sponsors want an expanded child care program. I have no doubt that they do. It is just that the budget law says you can't do it this way.

It is going to be subject to a point of order, and I am very hopeful it will fail on that. I am very hopeful that those in the country who look at this will conclude that it was not a proposal that had much of a chance to ever be carried out, because there was no money to do it. If you are going to spend $12 billion or $16 billion, keep a balanced budget—and you know how that is already planned; it is called the baseline—if you already know that, and then somebody comes along and says, "We want $16 billion more," it is pretty obvious you have to raise taxes or you have to cut something. That is one argument for today. But I want to give you a couple others.

First of all, according to the General Accounting Office, there are now 22 separate programs and tax expenditures which support and fund child care. The combined Federal programs provide child care services and subsidies to over 5.1 million children, or half the children under 5 with working mothers. The Federal Government, as one part of government in America, pays for 40 percent of all child care expenditures that are governmental.

In 1997, the Federal Government spent $13.8 billion on child care programs. And I will give you the range of them:

Dependent care tax credit, child care programs ranging from Head Start to the program I just mentioned, and a couple of others. The military has the largest single program, $302 million, 166,000 kids.

The Federal Government spending on child care has increased $6.1 billion, for an 82-percent increase since 1990. Not too shabby. Under current law, by 2003 the Federal Government will spend almost $17 billion for child care programs and subsidies. The budget resolution would increase this spending to $20 billion and an increase of almost 20 percent. In particular, the budget resolution more than doubles the size of the child care and the child care development block grant, increasing the funds from $1 billion in 1998 to $2.2 billion by the year 2003.

The budget resolution also assumes that tax relief of up to $9 billion could be afforded as a portion of the funds and a portion of the funds could go to tax relief to stay-at-home parents if the tax-writing committee so decides.

All of these funds are within the $1.7 trillion budget. They are all within the $1.7 trillion. We do not increase taxes to pay for them; we do not worsen the deficit to pay for the new spending. The amendment before us is different from that, albeit, in the mind of the principal sponsor, totally justifiable. But the $1.7 trillion is not enough, and we must ask the taxpayers to give us, the Federal Government, more so that we can spend even more on child care than is assumed in this resolution.

In short, while I am not necessarily arguing that under no circumstances should we ever put any more money in child care, I am suggesting that this year in this budget resolution we do provide some significant increases.

Let me make one other statement and then call one precise item to the attention of the Senate. I know this sounds like a lot of money and, on the other hand, my friend Senator DODD might say it is not enough money, but just prior to the budget markup I asked for a breakdown of all of the money being spent on what would commonly be called child care.

Mr. President, Senator DODD may still maintain that we need more and he may have evidence that we need more, but, obviously, there are a lot of things we need more in America, and we can't afford to pay for them all. The Senator from Connecticut voted many times not to pay for something because we didn't have enough money.

I went through and looked at the total amount of money that we will spend under this 5-year budget, under the discretionary part of this budget—that is, the annual appropriations for child care of various types, special education for infants and toddlers, development block grant, Head Start—we will spend $31 billion in just that one category over these 5 years.

Then I looked and said, what about mandatory programs, those that you do not have to appropriate each year? I found a child care development fund, which is a perpetual fund, not one that you feel you must vote on each year, a child care feeding program, social service block grant, and I found that $23 billion is spent over the next 5 years for that.

Then I looked on the tax side to see how we were doing, and I found that dependent-care tax credit, $15 billion for 5 years; employer-provided child care exclusion, $22.3 billion; dependent-care assistance program, $800 million. Now if you add them all up, it is $76.8 billion that goes out of the Federal Treasury in this area helping little children with developmental funds, feeding programs and child care. This number is without the add-ons. This is if we started off the budget process and said we are going to make no reductions and no increases; that is it.

I want to raise one other program with you, I say to Senator DODD. Maybe you are unaware of it. Maybe you and others, if you are made aware of it, might say we should do something about this. But I think you recall—you probably were part of it—when we did the welfare reform, we put $1.7 billion in there for child care.

Remember the package. We said, let us help with child care, let us help with training; and all that went into welfare. I understand that 55 percent—just a moment. CBO estimates, and this is a current estimate, that States will use only 80 percent of the available funding in 1999. States have obligated all funds, but if they do not obligate, they lose any rights to the funds. So they are not going to be able to draw down all the money. Frankly, I think we ought to try to do something about that. That has already been provided for. I do not know what we can do about it.

Mr. DODD. If my colleague will yield on that last point.

Mr. DOMENICI. I will be glad to.

Mr. DODD. We anticipated that this might be one of the arguments that would be raised, and asked the Department of Health and Human Services to tell us exactly what the status of child care spending by the States is. I think this graph here states it well. My colleague from New Mexico just pointed out that 98.8 percent of child care funds have been obligated, but in addition, by January of this year 90.6 percent of funds had actually been spent. So the notion somehow that states are not spending the available child care money is not valid. I appreciate the Senator raising this point, but according to our latest data, the States have already spent pretty much 90 percent of available child care dollars. And they have obligated, of course, virtually 100 percent of it, which demonstrates, I think, a clear need out there.

Mr. DOMENICI. I say to the Senator, let me tell you, we are both right. It is just that those numbers of what HHS is telling you about are the moneys that the Treasury of the United States has turned over to be spent. But now we have to have the States literally draw them down. The Congressional Budget Office is saying that they estimate that the States will draw down and use only 80 percent, and there is a chance they will lose some money, according to what my staff says. So maybe we can work on something there saying that they are extending something so they will not lose it. That might be one thing we could work on.

Now, Mr. President, let me ask my friend, Senator DODD, if he needs another 5 minutes or so.

Mr. DODD. If I could. I appreciate, Mr. President, the chance to, if I could, take just a couple minutes to rebut.

Mr. DOMENICI. I will split the time with you.

Mr. DODD. I have my colleague from Illinois and the ranking member from New Jersey who would like to be heard. So I will take a couple minutes, if I can, and just respond.

Let me, first of all, thank my colleague from New Mexico for his generosity.

Mr. DOMENICI. Could I ask a question?

Mr. DODD. Yes.

Mr. DOMENICI. It is the regular order, however, unless changed by UC that we will start voting by 4 o'clock?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I will give you half the time and keep half for myself and Senator ENZI.

Mr. DODD. Very quickly, first let me thank my colleague from New Mexico for his generosity in providing time here, on his time, to respond to his arguments.

They still come back to the central point. We can debate all day the question of whether or not you think we are doing enough or not enough for child care.

I tell you again that there are waiting lists in California of 200,000, Texas of 25,000, Florida 30,000—and in my State they don't even keep the waiting lists any longer. I say again that there are parents out there, as we sit here today, worried about where their children are. And the costs of child care, when it can be found, are staggering.

Putting aside those issues—all I want to be able to do is at some point this year, before we adjourn, is to be able to offer child care legislation. I want to create a reserve account for children just like Senator DOMENICI has created for tax cuts.

And I would like the chance to use some of the tobacco dollars, Mr. President. There may be as much as $600 billion in tobacco funds. But my good friend from New Mexico has said you cannot touch that money. That money is only going to be for Medicare.

I do not disagree that Medicare is a priority. But if the tobacco companies for decades have targeted young people in my State of Connecticut and all across this country and 1,000 of the 3,000 children who every day start smoking will die prematurely, I think we ought to be able to take some of those moneys from tobacco and apply them to kids' needs in this country. I think most Medicare recipients would tell you they think their children and their grandchildren are important. You go ahead and ask any grandparent in this country whether or not they think every dollar we get from tobacco ought to go to Medicare. I think many of them will say that we should give something to our children—that they are also a priority. But unless I get this amendment adopted here, I am not going to be able to ask that question.

I would like to have a debate about whether or not you think we do too much or too little in child care. But we are never going to get to that debate unless this amendment is adopted.

This is not the time to debate child care, although I know I can make a case for the tremendous need that exists. The question my colleagues have to ask themselves is, should this body have the right to debate the issue of child care? Should we be allowed to go after some revenues that are coming in from the tobacco resources? Yes or no?

If we adopt my amendment, you give me a chance to try. It does not guarantee me that I am going to get what I want. You may defeat me, but at least I get a chance to try.

With that, let me yield a minute or two to my friend from Illinois.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut has 1 minute under his control. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Senator from Connecticut.

Let me say, I hope those who are listening to this debate understand the issue that is at stake here. It is the care of our children. When Senator DOMENICI speaks about 4.5 percent of the Federal budget going to the care of our children, that is not an overwhelming percentage. But I will tell you what is overwhelming, speak to the working families who show up every day at day care centers struggling to pay for quality, safe child care. Senator DODD understands what their concerns are.

I hope this Senate will support his effort to finally let this Federal Government go on record as saying, yes, let us reward work but let us also care for the children. We pay a fortune when we fail with children. And we pay it every day. Let us invest some money to help families take care of their kids and in a safe, quality setting.

I yield back my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I have the remaining time?

The PRESIDING OFFICER. The Senator has 5 minutes remaining. The Senator from Connecticut has 12 seconds.

Mr. DOMENICI. Twelve seconds. Do you want to use your 12 seconds?

Mr. DODD. If you would give me 1 minute.

Mr. DOMENICI. I yield 1 minute of mine.

Mr. LAUTENBERG. That is very kind. I thank the Senator from New Mexico for his generous giving up of some time here.

In 1 minute, very succinctly, Mr. President, it is this: I heard our friend from New Mexico talk about the proliferation of reserve funds. I want to remind the Senator that he and I were part and parcel of an agreement to establish a major reserve fund last year in the budget agreement. It was designed for transportation.

We encouraged that process to make sure that there would be money to take care of the transportation needs. We had a commitment by the chairman of the Finance Committee that that was an appropriate use of process, to set up a reserve fund. Well, we have a reserve fund now to make sure our kids, when they grow up, are healthy and learned and ready to take on their responsibilities. I do not mind a little reserve fund. I hope that the Senator's vote carries.

Mr. DOMENICI. Mr. President, I am kind of confused on my side for the moment. I see two Senators. I yield time to Senator ENZI. I ask the Senator, do you want to speak on the DODD amendment or do you want to speak on another amendment?

Mr. ENZI. I would like to speak on the Gregg amendment.

Mr. DOMENICI. I ask Senator HATCH, do you want to speak 1 minute on the Gregg amendment?

Mr. HATCH. One minute on the Gregg amendment.

Mr. DOMENICI. I will give you each 1 minute on mine. I will try to go quicker than that.

The argument has now reached the point where everybody can understand it. Although the amendment which the Senator offered does not address the reserve funds set up with the tobacco settlement money, he has clearly stated his case. He would like to be able to spend some of the tobacco settlement on his ideas on child care.

Even if his amendment passed, he could not do that. But let me just tell you what this means. This means that the Senator from Connecticut wants to spend tobacco settlement money on child care where the Budget Committee wants to spend it on Medicare. Medicare spends $25 billion a year and thus it is in default and will be bankrupt in 10 years because of cigarette smoking which causes illness and cancer in the seniors covered.

The Budget Committee said the best place to use the money is to put it in the Medicare fund so we do not let the program go bankrupt. I continue to say that is the best place and the highest priority.

Today is another good example. No matter what the Government of America is doing, we must do more. Whatever we are doing in child care, we must do more. Whatever we are doing in some other area, it is not enough. Now we have heard that for a long time, but I believe we are passed that stage. I think we are in an era of balanced budgets and surpluses. You will not stay there very long if you return to the day that whatever the Government is spending, it is not spending enough, let us have a new program.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. ENZI. Thank you, Mr. President.

AMENDMENT NO. 2168

Mr. ENZI. Mr. President, I reluctantly rise in opposition to the amendment offered by my friend and colleague from New Hampshire, Mr. GREGG. I think it is too early in the process to talk about whether we are going to limit liability or not. I have never accepted any money from the tobacco companies.

I am not trying to help the tobacco companies. What I want is for the smokers of America to realize that there is not enough money in all of the assets of all of the tobacco companies to take care of the problems that have already been caused. What the smokers need to be worrying about is how they are going to divide up those assets to take care of the health problems which have already been caused to be sure that they are getting a piece of the money that they have already paid in and will be paying in through higher taxes.

We need to wait on the debate to make sure that we are debating the issues on liability and leaving the options open to protect those people who have already been harmed by smoking and those people that will be harmed by smoking.

As I said, Mr. President, I reluctantly rise in opposition to the amendment offered by my friend and colleague from New Hampshire, Mr. GREGG. I have worked with the Senator from New Hampshire on the tobacco issue in the Labor Committee and I can appreciate his position on this aspect of the settlement. However, I oppose this amendment because I believe it is premature for this body to decide the issue of immunity, even in a sense of the Senate resolution, before we have the opportunity to debate tobacco legislation on the Senate floor.

First, I would like to explain that my reasons for opposing this amendment are not based on any desire to protect the tobacco companies from legitimate legal actions. I have explained before that I did not accept any money from the tobacco companies during my campaign because I have seen the destructive effects of cigarette smoking my entire life and I have never seen that smoking ever helped anyone. In short, I oppose this amendment because it is too early in the debate to limit our options on the issue of liability.

Mr. President, let me make it very clear that we will not help one person suffering from smoking-related illnesses by adopting this sense-of-the-Senate resolution. Rather, we will send a green light to plaintiffs' lawyers that Congress will not stand in the way as they fill their retirement coffers at the expense of the smokers and the American public.

By prohibiting any type of current or future immunity for the tobacco manufacturers, we actually do a disservice to the very people we are trying to help. If Congress is really concerned about providing long-term reimbursement for people suffering from smoking-related illnesses, we should look at ensuring that the money will actually go to smokers—not into the pockets of trial lawyers.

Mr. President, I have proposed for some time that we should take a look at a smokers' compensation fund, whereby individual smokers could be reimbursed for their smoking-related medical expenses from an account funded by payments by the tobacco companies. Such a system as this would ensure that real stakeholders in the tobacco debate—smokers themselves, would receive the proceeds from any tobacco settlement. It would also be a good way to help the long term solvency of both the Medicare and Medicaid programs by alleviating some of the burden of reimbursing providers for smoking-related medical expenses.

I understand that any such comprehensive reimbursement scheme is not going to be accomplished this year. That is why I support the efforts of the chairman of the Budget Committee in his efforts to ensure that any money received from a tobacco settlement is going to be dedicated to the Medicare trust fund. I applaud his efforts in ensuring that any possible proceeds actually be used to help pay for the smoking-related expenses of Medicare beneficiaries instead of being used for any number of unrelated programs.

I urge my colleagues to join me in opposing this amendment. We should send a message to the American people that any money from the tobacco settlement should be used for smokers—not inflated legal judgments.

I thank the Senator from New Mexico for the time to speak on this. I fully support putting that money, if we ever get it, into the Medicare Program. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Utah is recognized for 1 minute.

Mr. HATCH. I rise in opposition to the Gregg amendment. The Gregg amendment is an attempt to put the Senate on record against any liability provisions in connection with the tobacco bill now being formulated in the Commerce Committee.

True, the amendment refers to "immunity." Now, I do not want to give the tobacco industry and nobody else wants to give them immunity. No one does. However, the term "immunity" is broader than the limited liability provisions many of us believe are key to the comprehensive antitobacco global settlement bill.

I fear many will seize upon what will be a near unanimous vote today to say the Senate opposes any liability provisions. That is not the case. And 284 days ago, 40 courageous State Attorneys General, both Democrats and Republicans, announced an agreement which should continue to be the basis of any legislation to curb youth smoking. It is predicated on large tobacco industry payments for a whole host of antitobacco programs, including cessation, prevention, and biomedical research.

I, for one, continue to believe that the best way to ensure we will have the huge sums necessary to wean a generation of teens off tobacco is to guarantee there are industry payments. I do not believe that it will be possible to attain that without endorsing the framework of the AG settlement which does include some liability provisions.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. I ask for the yeas and nays on the second-degree amendment of Senator GREGG.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I ask unanimous consent for it to be in order for me to make a point of order on the Dodd amendment so he can make the motion to waive, so that will have been accomplished, and we will, therefore, have that be the second vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Regarding the Dodd amendment, it is not germane to the provisions of the budget resolution pursuant to section 305(b)(2) of the Budget Act, and I raise a point of order against the Dodd amendment.

Mr. DODD. Mr. President, I move to waive the point of order and I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2168

Mr. LAUTENBERG. Mr. President, I rise in strong support of the amendment offered by the distinguished Senator from New Hampshire, Mr. GREGG, which expresses the sense of the Senate that Congress should not grant immunity to the tobacco companies as part of comprehensive tobacco legislation.

Mr. President, I want to commend the Senator from New Hampshire for offering this sense of the Senate. It's a clear statement on a critical issue.

Mr. President, there is no valid reason to give the tobacco industry special protections from liability. The tobacco industry, for decades, has lied to the American people. It's intentionally boosted the addictive power of its products to hook consumers. And, worst of all, it's conspired to illegally market its products to children.

The end result of all this fraud and deception is that millions of Americans have died prematurely. Families have lost mothers. Fathers. Grandparents. Brothers. Sisters. And all too often, these families watched helplessly as their loved ones smoked themselves to death, unable to break this deadly addiction.

Now. Mr. President, the tobacco industry is asking for a special favor. They want to be shielded from liability for the harms they've caused. A shield that hasn't been granted to any other industry.

Mr. President, why would Congress give special immunity to the tobacco industry, of all industries?

Well, the main argument you hear is that Congress must let the industry off the hook because otherwise they'll keep marketing tobacco to our kids. It's as if the industry has a gun to our heads. Or, more precisely, the heads of our children.

Well, Mr. President, that's an outrageous threat. And I don't think we should give in to it. After all, the U.S. Government doesn't negotiate with terrorists. And the same should be true for those who threaten to market deadly drugs to our children.

I also would point out, Mr. President, that if we did give the industry the broad liability restrictions that it wants, we still wouldn't get much in return. And it's important to understand why not.

The tobacco industry has said that it would be willing to give up advertising to kids if we give it immunity. But the tobacco manufacturers can't make an agreement on behalf of all those who might want to advertise. So, instead of RJR buying ads, its distributors could. Or retailers. Or anyone else. These others would not be bound by any agreements entered into by manufacturers.

It's also important to remember that many constitutional experts believe that these agreements could be ruled unenforceable. So we could discover later that we have compromised the legal rights of tobacco victims, and gained absolutely nothing in the process.

Mr. President, instead of giving special breaks to the tobacco industry, Congress should be developing legislation that keeps our kids away from tobacco. That helps adults kick the habit. And that saves lives.

We need legislation that will increase the price of cigarettes to at least $1.50 per pack—as the Budget Committee agreed, in a bipartisan vote.

We need legislation to give FDA the authority to regulate tobacco as a drug. Legislation to fund anti-teen smoking programs, smoking cessation programs, counter advertising, and other anti-tobacco initiatives.

Mr. President, there's no reason to give the tobacco industry veto rights over that kind of legislation. None.

Mr. President, this is the Senate of the United States of America. And our job is to do what is right for the American people. It is to do what we can to save lives. And if the tobacco industry doesn't like it—frankly, that's too bad.

So, Mr. President, I hope my colleagues will support the amendment offered by the distinguished Senator from New Hampshire. Let's not give the tobacco industry a special handout. This is an industry that has lied to the American people. It's an industry that's directly responsible for the deaths of millions of Americans. And they should be held accountable. There just is no excuse for letting them off the hook.

The PRESIDING OFFICER (Mr. GORTON). The question is on agreeing to the Gregg second-degree amendment No. 2168. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 51 Leg.]

YEAS—79

Abraham
Akaka
Allard
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Byrd
Chafee

Cleland
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Frist
Glenn
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hutchison
Inouye
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—19

Bennett
Burns
Campbell
Coats
Cochran
Enzi
Faircloth
Ford
Gorton
Hagel
Hatch
Helms
Hollings
Inhofe
Jeffords
Lott
McConnell
Sessions
Stevens

NOT VOTING—2

Hutchinson
Mikulski

The amendment (No. 2168) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2167, AS AMENDED

The PRESIDING OFFICER. The question is on the first-degree amendment, as amended.

Mr. DOMENICI. I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 2167), as amended, was agreed to.

VOTE ON MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act as to the amendment of the Senator from Connecticut, Mr. DODD. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arkansas (Mr. HUTCHINSON) is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The yeas and nays resulted—yeas 50, nays 48, as follows:

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—50

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Cleland
Cochran

Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Faircloth
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NAYS—48

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Chafee
Coats
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—2

Hutchinson
Mikulski

The PRESIDING OFFICER. On this vote the yeas are 50, the nays 48. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I will offer two amendments. Both of them clarify outlay levels for fiscal year 1999 and thereafter. One amendment is with respect to national defense, and the other is with respect to outlay levels for major functional categories in the budget.

AMENDMENTS NOS. 2191 AND 2192, EN BLOC

Mr. THURMOND. Mr. President, I send two amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes amendments numbered 2191 and 2192, en bloc.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2191

(Purpose: To clarify outlay levels for major functional categories)

On page 26, after line 25, insert the following:

SEC. 104. OUTLAY LEVELS FOR MAJOR FUNCTIONAL CATEGORIES.

(a) DETERMINATIONS FOR FISCAL YEAR 1999.—Notwithstanding the provisions of section 103, outlay levels for the major functional categories for fiscal year 1999 shall be determined in the following manner:

(1) Prior year outlays shall be determined using historical rates as employed by the Office of Management and Budget.

(2) Current and future year outlays shall be determined using rates calculated by the Congressional Budget Office.

(b) DETERMINATIONS FOR FISCAL YEARS 2000 AND THEREAFTER.—Notwithstanding the provisions of section 103, outlay levels for the major functional categories for fiscal years 2000 and thereafter shall be determined in the following manner:

(1) The Office of Management and Budget and the Congressional Budget Office shall annually attempt to reconcile their technical assumptions with respect to preparing estimates for all accounts in those categories, and shall report the outcome of these attempts to the Committees on the Budget not later than December 15 of each year.

(2) If the Office of Management and Budget and the Congressional Budget Office are able to reconcile their technical assumptions by the date of that report, the technical assumptions used to determine outlay levels shall be those agreed to by those agencies.

(3) If the Office of Management and Budget and the Congressional Budget Office are unable in any year to reconcile their technical assumptions, the outlay levels for that fiscal year shall be determined by the Committee on the Budget of each House, prior to the receipt by the committee of the estimate of the Congressional Budget Office.

AMENDMENT NO. 2192

(Purpose: To clarify outlay levels for national defense)

On page 26, after line 25, insert the following:

SEC. 104. OUTLAY LEVELS FOR NATIONAL DEFENSE.

(a) DETERMINATIONS FOR FISCAL YEAR 1999.—Notwithstanding the provisions of section 103, outlay levels for major functional category 050 (national defense) for fiscal year 1999 shall be determined in the following manner:

(1) Prior year outlays shall be determined using historical rates as employed by the Office of Management and Budget.

(2) Current and future year outlays shall be determined using rates calculated by the Congressional Budget Office.

(b) DETERMINATIONS FOR FISCAL YEARS 2000 AND THEREAFTER.—Notwithstanding the provisions of section 103, outlay levels for major functional category 050 (national defense) for fiscal years 2000 and thereafter shall be determined in the following manner:

(1) The Office of Management and Budget and the Congressional Budget Office shall annually attempt to reconcile their technical assumptions with respect to preparing estimates for all accounts in those categories, and shall report the outcome of these attempts in the report required by section 226 of title 10, United States Code.

(2) If the Office of Management and Budget and the Congressional Budget Office are able to reconcile their technical assumptions by the date of that report, the technical assumptions used to determine outlay levels shall be those agreed to by those agencies.

(3) If the Office of Management and Budget and the Congressional Budget Office are unable in any year to reconcile their technical assumptions, the outlay levels for that fiscal year shall be determined by the Committee on the Budget of each House, prior to its receipt of the estimate of the Congressional Budget Office.

Mr. THURMOND. Mr. President, I ask unanimous consent that these two amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the amendments are laid aside.

Mr. DOMENICI. I don't think we have anything further by unanimous consent. By virtue of the list we have, the next amendment is Senator KYL's. That will be followed by a Democratic amendment yet to be chosen.

Mr. LAUTENBERG. Mr. President, I ask the manager if we can take a couple of minutes to lay down some amendments here—I think people have had a chance to look at them and know what they are—so that we are in the order to be considered.

Mr. DOMENICI. Is the Senator talking about the two amendments we had agreed we were going to dispose of by Senator BURNS and Senator KERRY?

Mr. LAUTENBERG. We have the two that were cleared by Senator BURNS and Senator KERRY. We can do those. I was talking about in advance of Senator KYL's amendment.

Mr. DOMENICI. Does the Senator have more amendments?

Mr. LAUTENBERG. We have two we would like to lay down on behalf of some of our Members here.

Mr. DOMENICI. Let's do that.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for that purpose.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the following amendments be called up and set aside for disposition in a sequence that would be agreed to by the managers. There are four first-degree amendments and one second-degree amendment. We have an amendment on behalf of Senator HOLLINGS which concerns Social Security, a Lautenberg amendment, a Conrad second-degree amendment, a Lautenberg amendment on the environment, and a Boxer amendment on education. I ask unanimous consent that these be accepted at the desk.

Mr. DOMENICI. Mr. President, parliamentary inquiry. I am not objecting on the basis that the second-degree amendment alluded to is not automatically called up as a second-degree amendment to the amendment suggested, because I believe we will have an opportunity, even if we have to have the majority leader here, to offer the second-degree amendment before it is offered on that side. Is that correct?

The PRESIDING OFFICER. The second-degree amendment will not be a part of the unanimous consent agreement if the Senator from New Mexico objects to it. If the Senator accepts the unanimous consent agreement as propounded——

Mr. DOMENICI. I didn't think it was a unanimous-consent request. I object. I have no objection to the amendments.

The PRESIDING OFFICER. The four first-degree amendments——

Mr. DOMENICI. They are just going to be pending like the other amendments, as I understand it.

Mr. LAUTENBERG. Mr. President, in the interest of moving the program along, we will eliminate the Conrad second-degree amendment at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 2193 THROUGH 2195, EN BLOC

Mr. LAUTENBERG. Mr. President, I send three amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes amendments numbered 2193 through 2195, en bloc.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2193

(Purpose: To provide a supermajority point of order against any change in the off-budget status of Social Security)

At the end of title II, add the following:

SEC. . PROTECTING THE OFF-BUDGET STATUS OF SOCIAL SECURITY.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, resolution, or amendment or motion thereto or conference report thereon, including legislation reported by the Committee on the Budget of either House pursuant to section 306 of the Congressional Budget Act of 1974, that changes section 301(i), 302(f), 310(g), or 311 of the Congressional budget Act of 1974, or section 13301 of the Budget Enforcement Act of 1990, section 202 of H. Con. Res. 67 (104 Congress), or this section, or would otherwise change budget procedures regarding Social Security.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

AMENDMENT NO. 2194

(Purpose: To ensure that the tobacco reserve fund in the resolution may be used to protect the public health)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON PRICE INCREASE ON TOBACCO PRODUCTS OF $1.50 PER PACK.

(a) FINDINGS.—The Senate finds that—

(1) smoking rates among children and teenagers have reached epidemic proportions;

(2) of the 3,000 children and teenagers who begin smoking every day, 1000 will eventually die of smoking-related disease; and

(3) public health experts and economists agree that the most effective and efficient way to achieve major reduction in youth smoking rates is to raise the price of tobacco products by at least $1.50 per pack.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that comprehensive tobacco legislation should increase the price of each pack of cigarettes sold by at least $1.50 through a per-pack fee or other mechanism that will guarantee a price increase of $1.50 per pack within three years not including existing scheduled Federal, State, and local tax increases, with equivalent price increases on other tobacco products, and should index these price increases by an appropriate measure of inflation.

AMENDMENT NO. 2195

(Purpose: To establish a deficit-neutral reserve fund for environmental and natural resources)

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR ENVIRONMENTAL AND NATURAL RESOURCES.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to improve the quality of our nation's air, water, land, and natural resources, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed reinstatement or modification of expired excise or environmental taxes) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that these three amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the amendments are laid aside.

AMENDMENT NO. 2176, AS MODIFIED

Mr. LAUTENBERG. Mr. President, I send a modification of the Boxer amendment to the desk.

The PRESIDING OFFICER. The amendment will be so modified.

The amendment (No. 2176), as modified, is as follows:

On page 16, line 9, increase the amount by $50,000,000.

On page 16, line 10, increase the amount by $6,000,000.

On page 16, line 13, increase the amount by $50,000,000.

On page 16, line 14, increase the amount by $40,000,000.

On page 16, line 17, increase the amount by $50,000,000.

On page 16, line 18, increase the amount by $49,000,000.

On page 16, line 21, increase the amount by $50,000,000.

On page 16, line 22, increase the amount by $50,000,000.

On page 16, line 25, increase the amount by $50,000,000.

On page 17, line 1, increase the amount by $50,000,000.

On page 25, line 8, strike "–$300,000,000" and insert "–$350,000,000."

On page 25, line 9, strike "–$1,900,000,000" and insert "–$1,906,000,000."

On page 25, line 12, strike "–$1,200,000,000" and insert "–$1,250,000,000."

On page 25, line 13, strike "–$4,600,000,000" and insert "–$4,640,000,000."

On page 25, line 16, strike "–$2,700,000,000" and insert "–$2,750,000,000."

On page 25, line 17, strike "–$3,000,000,000" and insert "–$3,049,000,000."

On page 25, line 20, strike "–$3,800,000,000" and insert "–$3,850,000,000."

On page 25, line 21, strike "–$7,000,000,000" and insert "–$7,050,000,000."

On page 25, line 24, strike "–$5,400,000,000" and insert "–$5,450,000,000."

On page 25, line 25, strike "–$5,000,000,000" and insert "–$5,050,000,000."

AMENDMENTS NOS. 2186 AND 2188, AS MODIFIED

Mr. LAUTENBERG. Mr. President, Senator WELLSTONE has three amendments that are at the desk and have been laid aside. I understand that amendments 2186 and 2188 need to be modified. I now ask that those two amendments be modified with the changes that are now at the desk. They have been reviewed by the majority.

The PRESIDING OFFICER. The Senator has the right to modify the amendments.

The amendments (Nos. 2186 and 2188), as modified, are as follows:

AMENDMENT NO. 2186

At the end of title II, add the following:

SEC. 204. DEDICATION OF CORPORATE WELFARE SAVINGS TO PELL GRANTS.

(a) SPENDING RESERVE.—In accordance with section 312(a) of the Congressional Budget Act of 1974 and for the purposes of title III of that Act, the Chairman of the Committee on the Budget may reserve the estimated increased revenues resulting from changes in legislation specified in subsection (b) for the purpose of offsetting additional outlays not to exceed $12,450,000,000 for fiscal years 1999 through 2003 for increasing the maximum Pell grant award from $3,000 to $4,000.

(b) OFFSETS.—

(1) IN GENERAL.—For purposes of subsection (a), increased revenues from the elimination of corporate welfare tax provisions not to exceed $12,450,000,000 for fiscal years 1999 through 2003 are reserved in function 920, Allowances.

(2) SPECIFIC TAXES.—The tax provisions referred to in paragraph (1) include—

(A) expensing for oil and gas exploration;

(B) elimination of the oil and gas allowance for producers; and

(C) elimination or reduction of the foreign-earned income exclusion.

AMENDMENT NO. 2188

On page 53, after line 22, add the following:

SEC. 317. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the functional totals underlying this resolution assume that $40,274,000 in additional amounts above the President's budget levels will be made available for veterans health care for fiscal year 1999.

Mr. LAUTENBERG. I thank the chairman for permitting me to send those amendments to the desk. We are ready to proceed.

Mr. DOMENICI. Mr. President, I yield the floor to Senator KYL.

AMENDMENT NO. 2169

Mr. KYL. Mr. President, we are now back on amendment No. 2169. That amendment is a sense of the Congress, and it is very simple. I will read the operative clause:

> It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice and not be limited in such right by the imposition of such unreasonable conditions on providers who are willing to treat seniors on a private basis, and that the assumptions underlying the functional totals in this resolution assume that legislation will be enacted to assure this right.

It is that simple, Mr. President. Senior citizens should not be discriminated against because when they turn 65 they are eligible to receive Medicare. Unfortunately, the administration has taken the position that eligibility to receive Medicare is exclusive; that is to say, that it's either Medicare or no care, that a senior citizen has no right to be treated outside of Medicare for Medicare-covered services. How could we be in that situation in the United States of America, where the Government provides a good program for senior citizens which, in most cases, is going to be precisely what they want to take advantage of, but it says to them that, if there is some reason why you might want to privately contract and pay the bill yourself, you can't do that.

Here is the history of it, Mr. President. For over 20 years during the time Medicare has been in force, senior citizens have had the right either to go to the physician of their choice and have him submit a bill to Medicare or, if they choose, to be treated outside of Medicare and not submit the bill. There are some people who have not wanted their records to be part of the official Government archive.

They may have psychiatric problems, for example, and they didn't want to have their treatment be a part of Medicare and they were willing to pay the bill themselves. That is just one example.

But recently HCFA, the Health Care Financing Administration, began taking the view that that was illegal and began sending letters to physicians threatening them with prosecution if they treated patients outside of Medicare. So, as part of the Balanced Budget Act, I offered an amendment which prevailed on an overwhelming vote here last year that citizens did, in fact, have the right to privately contract—a very straightforward proposition.

During the last-minute negotiations of the Balanced Budget Act, however, the administration representatives convinced whoever was negotiating on our side that the President would veto the entire Balanced Budget Act if the Kyl amendment stayed in, and it was changed, pursuant to the administration's request, to provide that while the right of the senior citizen existed, it could only be exercised by a physician who, in advance, dumped all of his Medicare patients for a period of 2 years. That is obviously an unreasonable requirement. Very few, if any, physicians are going to do that. So, as a practical matter, the right of senior citizens to go to a physician of their choice under Medicare was eliminated.

We have not yet offered legislation for a vote here which would reverse that. But this is the first opportunity we have had, so we present to the Senate a sense of the Senate, as part of the budget resolution, which says that senior citizens should have this right. Then, when the opportune time comes, we will be offering the legislation which has already been introduced and has 49 cosponsors in the Senate, and 190 cosponsors in the House of Representatives, a bill sponsored by the Ways and Means Committee Chairman BILL ARCHER called the Medicare Beneficiaries Freedom to Contract Act. That legislation, which, as I say, has 49 cosponsors here and 190 in the House already, will be offered, so we will have the opportunity to actually change the law. But pending that, this presents the principle that seniors ought to have this freedom to contract.

Our resolution, by the way, is sponsored by Senator HOLLINGS, Senator LOTT, Senator FRIST, Senator GRAMM, Senator DOMENICI, Senator STEVENS, Senator GORTON—the Presiding Officer—and, as I say, 49 Members total.

Let me give an example of a specific situation which came to my attention. One of my constituents from Prescott, AZ—a relatively small town—has a severe case of diabetes. She went to a physician who said, "I am sorry, I am not taking any Medicare patients, so I cannot take care of you." He was the only specialist, really, in the small community who could care for her.

Why is it, by the way, that some physicians are in that position? We know that Medicare reimburses at such a low rate—the average is 70 cents on the dollar of cost—that many physicians simply cannot take all Medicare patients. So they have to draw the line and not take any beyond a certain point.

In any event, she said, "That's fine, bill me directly, and I will be happy to pay." He said, "Medicare will prosecute me for fraud if I do that." And that is what we are trying to fix here. There are a lot of situations where people may wish to go to the doctor of their choice and be treated outside of Medicare.

I know of a situation in which I helped a constituent obtain a compassionate release from FDA so that constituent could take an experimental drug to treat her for cancer. The reason is that her husband was willing to go to any lengths, to do anything, to preserve her life. She ended up dying, but I think her case is illustrative of what every one of us would do in her husband's position. If we had the money, if we had the ability, we would go to any length to do anything to save our loved one's life. That is what is being denied American citizens today.

Believe it or not, the socialized medicine system in Great Britain allows patients this choice. They can either be treated under their socialized medicine system or they can go to a private physician and pay the bill themselves. But here in the United States of America, once you turn 65, you lose that right. This amendment simply expresses the sense of Congress that that should not be the case. The seniors here should have the freedom of choice. That right should not be limited by any unreasonable conditions placed upon providers.

Mr. President, I thank the Chair for the opportunity to present these views. I would love to hear from anyone who would like to speak in opposition to this principle that senior citizens should have the right to privately contract. I invite anyone who is in opposition to present those views here, because I would love to debate that, as I said. Constituents all over this country are writing in and calling me saying, this is outrageous; please reestablish this right.

So I am going to cease my presentation now since we are limited in the amount of time we have. I reserve whatever time we have to respond to anyone who is willing to come defend the proposition that senior citizens should not have the right to privately contract in the United States of America.

Mr. President, observing no other Members on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

Mr. SMITH of Oregon. Also, that the Kyl amendment may be temporarily laid aside so I may speak to an amendment I introduced early this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2180

Mr. SMITH of Oregon. Mr. President, I sent an amendment to the desk earlier today to modify my original amendment numbered 2180. This amendment simply provides an exception for federally funded research projects being conducted on marijuana. This is to ensure that the National Institute of Drug Abuse at NIH and other agencies may continue their important research on the long-term effects of drug use, and possible alternatives to the persistent use of marijuana.

This amendment addresses an issue which has become a great concern to me and to many in my State—legalization of marijuana for medical use. While this is simply a sense of the Senate to prohibit the use of Federal funds for medical use of marijuana, I intend to work with my colleagues on legislation on this issue following the budget resolution. While this is not a new issue for the State of Arizona, or for the State of California, which have already passed laws and put them in place following the passage of Proposition 215, there are other States, including Oregon, Maine, Alaska, Nevada, Florida, and the District of Columbia, which are facing similar ballot measure proposals.

In my State of Oregon alone, five ballot measures have been proposed which would legalize the use of marijuana in varying degrees, from an outright legalization of the drug to legalization for medical purposes. California and Arizona have already passed legislation legalizing medical use of marijuana and are already experiencing the adverse effects on their communities. In California, for instance, the law has become almost impossible to enforce, as the law enforcement community has had difficult times suppressing illegal marijuana use and its sale. With the opening of "pot cafes" in that State, it is impossible to prove whether patrons are there for medicinal or recreational use.

At a time when illegal drug abuse is on the rise, legalizing the use of marijuana in any form, medical or recreational, sends a mixed signal at best to our children, particularly when there are prescription drugs in the marketplace such as Marinol.

While the effectiveness of these prescription drugs is varied, I believe it is our responsibility to encourage a healthy alternative to marijuana that is effective, safe, and can be regulated like any other prescription drug in the marketplace. I would be interested in working with any of my colleagues on both sides of the aisle who have an interest in this issue, particularly those who want to keep drugs, such as marijuana, out of the reach of our children.

In a study released by the National Institute of Drug Abuse at NIH, marijuana is noted as the most commonly used drug in America. In fact, 18 million Americans used it last year alone. In fact, smoking marijuana over a long term has the same damaging effects on the brain as long-term use of cocaine and heroin and produces the same lung damage and potential cancer risk as smoking cigarettes, even though marijuana smokers smoke less.

Perhaps even more disturbing is that the National Institute of Drug Abuse also reported that 23 percent of all eighth graders in the United States used marijuana in 1996 and that marijuana use overall has steadily increased since 1993.

Mr. President, while this is a sense of the Senate and it is only a start, I believe this is our opportunity to voice our opposition to these efforts to legalize the use of marijuana in our States. Through these laws, we are proceeding down a dangerous path by sending a mixed signal to our children that marijuana use is an acceptable alternative. It is not. It is dangerous. It is deadly.

I thank the Chair and encourage my colleagues to adopt this amendment.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2169

Mr. ROCKEFELLER. Mr. President, are we now back on the Kyl amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROCKEFELLER. Mr. President, I hope that Senator RICHARD BRYAN from Nevada is on the way to the floor as I speak. I speak in opposition to this amendment.

I need to point out that Medicare beneficiaries did not ask for this so-called "new right." This is a proposal which is written to, frankly, charge seniors more money. That comment can be thrown around and thrown around very glibly when one is trying to make a populist point. On the other hand, therefore, it is true—and it has to be said in that manner—92 percent of beneficiaries are satisfied or, in fact, very satisfied with the availability of care under the Medicare Program now.

It is this Senator's belief that fraud and abuse in the Medicare Program will increase very substantially if private contracting is allowed to occur. The Congressional Budget Office has this to say about the Kyl-Archer bill:

> HCFA's efforts to screen inappropriate or fraudulent claims could be significantly

> compromised because it would be difficult to evaluate episodes of care with gaps where services were directly contracted—

A very complicated way of saying a rather easy thing. It would not be very easy to track this:

> Without adequate regulatory oversight, unethical providers could bill Medicare while also collecting from directly-contracted patients.

In other words, they could collect twice from Medicare and the patient.

The bill would almost certainly raise national health spending.

The Government Accounting Office.

Private contracting, further, Mr. President, is not about the freedom of choice, as some of our friends from across the aisle would have us believe. The effort to privately contract is really, as I indicated much earlier, about money. Seniors have freedom of choice now.

You can make a very, very good case that the strength of Medicare is based upon an original concept that no longer exists, and that is one gigantic pool. Because everybody is in that pool, almost like the original Blue Cross, Medicare wins money on some, loses on others, but in the end everything tends to wash out evenly.

Seniors now are given many options. I participated in one of the options myself, the PSO amendment, which I did with Senator BILL FRIST, and it was successful. But all this does not indicate, therefore, that seniors do not have the freedom of choice now. They do. They can go in many directions, and that is increasing all the time. They can see any doctor they want now, and they have adequate protections that the Medicare Program has and is providing them.

The proposal to privately contract is opposed by the American Association of Retired Persons, the American College of Physicians, the National Council of Senior Citizens, Families USA, et cetera, and that is not really the point, is it? Because one can always find groups that are for or against something.

While private contracting may be a good deal for doctors, it really is not necessarily a very good deal for beneficiaries, and that becomes important in the Medicare communities. Seniors would pay 100 percent of the bill when they privately contract. That is the way it would work—a large price tag for services that Medicare would otherwise cover.

Private contracting would cripple Medicare's ability to hold down health care costs and would put elderly and disabled citizens at serious financial and medical risk. Under the Kyl-Archer bill, doctors can charge whatever they want for a Medicare-covered service. One would ask, why would one want to do that? The Kyl-Archer bill would allow doctors to give priority, frankly, to wealthy patients who are willing and able to pay out of pocket.

My wife and I recently had an event—not serious—with our 18-year-old son. We took our son to six different physicians, most of them specialists. So when I say this, I say this in the context of an enormous regard for physicians and for the field and for the fact that our 18-year-old son wants to become a physician himself. Nevertheless, it is an incentive for doctors to go to those who are able to pay and get them to pay out of their pocket and pay more.

In a February 23, 1998, letter from the GAO—which I believe is fairly broadly respected around here—to Senator MOYNIHAN, the GAO's findings do not support Senator KYL's sense-of-the-Senate amendment. Senator KYL's amendment, for example, reads, according to the GAO, "most seniors are denied this right (to obtain health care from physicians or providers of their choice) by current restrictions on their health care choices."

Again, a denial of choice argument.

The GAO letter to Senator MOYNIHAN reads:

> Nearly all physicians treat Medicare patients and accept new patients covered by Medicare. Recent data from the AMA indicate that 96.2 percent of all non-Federal physicians treated Medicare beneficiaries in 1996. Moreover, the percentage of physicians treating Medicare patients has increased—from 95.2 percent in 1995 and 94.2 percent in 1994—over the last 2 years.

A 1-percent increase. It simply shows the direction of more physicians treating Medicare patients.

Again, the GAO says:

> According to the recent reports from PPRC, "access for most [fee-for-service] beneficiaries remains excellent and . . . measures of access are essentially unchanged from previous years."

In closing, Mr. President, I wish to make this statement. Much has been made of the United Seniors Association, which is a conservative fundraising arm of the Republican Party, in fact, and is the No. 1 supporter of the Kyl private contracting amendment. But then again, those things happen, too. I will say when Chairman ROTH of the Senate Finance Committee heard their testimony, he said, "I just want to make it clear that those kinds of statements are not satisfactory to this chairman." And he was not at that point a particularly happy chairman.

At the beginning of the Kyl amendment, frankly, there were some of us who were very, very concerned because there were 47 cosponsors, including one Democrat. There has been a lot of emphasis, I think, in the last number of weeks to try to get this to be a better-understood proposition. In fact, I think now people are beginning to understand that this is not necessary, and there is a way for physicians to be able to charge Medicare beneficiaries more, and, in a sense, if a Medicare beneficiary is in a very sick condition or bad condition, how are they able to negotiate in the first place? I think the Senate would do best to simply send this sense of the Senate underground.

I thank the Presiding Officer for his courtesy.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Massachusetts.

Mr. KENNEDY. Can I yield myself 8 minutes off the amendment?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I yield myself 8 minutes off the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank my friend and colleague, the Senator from West Virginia, for his analysis of this issue. He is one of the real experts on Medicare and Medicaid and is very much involved in the subcommittee of the Finance Committee dealing with all of these issues. He brings a very sound perspective to this issue. His comments identified the weaknesses of the Kyl proposal and also what are the dangers for so many of our senior citizens. I hope that our colleagues pay close attention to his words.

I join in urging the Senate to oppose the Kyl amendment and defeat this attempt to undermine Medicare by eliminating the protections in current law that prevent doctors from overcharging senior citizens. This is not a "freedom of choice" amendment for patients; it is a "freedom to price gouge" amendment for physicians, and it deserves to be rejected by the Senate.

Medicare patients already have freedom of choice. In fact, because Medicare is one of the only insurance programs that still offers a true fee-for-service option, senior citizens generally have more choices in health care than other citizens, including those of us in the Senate.

According to a February 23 report from the General Accounting Office, the information available to us indicates that Medicare beneficiaries have ready access to physicians. The report emphasizes the high participation rate in Medicare by physicians. Ninety-six percent of all the doctors accept and treat Medicare patients.

The report also emphasizes that few Medicare patients have problems in obtaining health care. Only 4 percent report difficulty in finding a physician. This does not appear to be due to the reimbursement levels. The GAO found reimbursement levels for physicians under Medicare are adequate and do not jeopardize access to health care for senior citizens.

The Kyl amendment is no answer to the problems of Medicare. It will only make those problems worse. The freedom it proposes is the freedom to exploit senior citizens and the freedom to dismantle the fundamental guarantee of affordable health care for the elderly that has served American senior citizens well for so many years.

Senior citizens deserve affordable health care provided by Medicare, and that they have earned through a lifetime of hard work and service to this country. The Kyl amendment takes the choice out of the hands of the vast majority of senior citizens and puts it in the hands of the doctors. That is the key flaw in the Kyl amendment.

Who is going to be making the decision? Is it going to be the patient, or is it going to be the provider? The patient already has that kind of freedom today. If they want to indicate that they do not want their doctor to bill the Medicare system, then they can go ahead and pay if they want to. They have that opportunity to do so.

That is not what the Kyl amendment is about. The Kyl amendment puts the power in the hands of the doctors. If such legislation were to pass, doctors would be free to charge unlimited fees and patients would be free to pay them. Some freedom. Some choice.

Medicare works well for patients and physicians alike. Senior citizens are free to choose their doctor and are free to self-pay if they desire. Physicians must abide by limits on what they can charge for services covered by Medicare, which means that senior citizens know they cannot be overcharged.

In addition, because Medicare covers the basic services, but not all services, the elderly are free to pay out of pocket for services not covered by Medicare. If they are able to afford it and they want to pay privately for Medicare-covered service, they can do that too by asking the doctor not to submit a claim. If the patient wants to pay the doctor, and pay the doctor more, and pay the doctor an exorbitant amount, the patient is free to do so now at the present time and not have them submit the claim to Medicare.

This was the case before the Balanced Budget Act was enacted last year, and it is the case today. The current system works and works well. This aspect of Medicare is not broken, and it does not need to be fixed. The only fix the Kyl amendment provides is the authority for doctors to fix the higher prices than Medicare allows.

Current law favors the patient by guaranteeing that it is the patient who initiates actions to pay outside of Medicare. Medicare's balanced billing limits continue to apply. The patients have the choice. They are the ones who can initiate or end the private transaction. The power is in the hands of the patient. That is where it should be. The Kyl amendment gives that choice to the physician. That is the serious mistake that would jeopardize Medicare coverage for large numbers of senior citizens.

The reality is that in a number of instances the patient will ask the doctor not to submit the claim or the bill under Medicare. These are primarily in the cases of mental health and substance abuse where the individual, for any number of reasons, fears what might happen to them in the job market or because it might make it more difficult or complex in terms of other different personal reasons and chooses to pay themselves and tells the doctor, "Look, don't bill Medicare. I'll pay you. I'll pay you." That happens today. It is not widely advertised, not widely proclaimed, but it happens today. That goes on, and the Medicare system respects that.

But that isn't what this is about. This is about where the doctor says to the patient who is in that doctor's office and needs help and assistance, "Look, you're not going to effectively get it"—it might be a little smoother than this, but the message is going to be clear—"unless you're going to pay me whatever I say." Now, that is the beginning of the end. That is something that we have guarded against over a long period of time, and we should not open up those gates today.

Congress should not imperil the financial security of 38 million senior citizens. Congress should not take the money out of the pockets of the elderly and put it in the bank accounts of wealthy physicians. That is what this issue is really about. Simply put, who is going to be the one who is going to make the decision? Is it going to be the patient, which I think all of us feel is the way that it should go, and it is that way at the present time, or is it going to be the physician who is going to be making that judgment, looking into the eyes of a sick patient, virtually at the will of the physician, when they have that illness and sickness and are told, "Look, if you want my treatment, if you want to be treated by me, it's going to cost you a bundle." That we have guarded against over a long period of time. It is a key element in terms of the whole guarantee of quality, good care for our senior citizens, and we should not alter and change that particular protection now.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I would like to respond to the remarks of the Senator from Massachusetts, and perhaps those of the Senator from West Virginia as well.

First of all, let me clarify something. The Senator from Massachusetts says that this is the "freedom to price gouge" and the "freedom to exploit." In so saying, the Senator misrepresents significantly the amendment, or the bill that Representative ARCHER and I have introduced, which has a variety of provisions specifically designed to prevent fraud and abuse.

The only thing that we have before us here today is the sense-of-the-Congress resolution. I draw the Senator's attention to some of the provisions on page 2 which specifically set forth the requirements that would protect against fraud and abuse. In other words, what we are saying is that this freedom to choose must—and I am quoting now from the amendment that we are debating—must include provisions that "are subject to stringent fraud and abuse law, including the Medicare antifraud provisions in the Health Insurance Portability and Accountability Act of 1996."

Now, if those are not good enough, then perhaps we ought to be changing the existing law. But we are going to actually have more stringent fraud and abuse provisions than the existing law has. So I really in a sense resent the suggestion that there is nothing in here that prevents fraud and abuse. This legislation has more antifraud and abuse provisions than existing law.

Second point. The Senator from Massachusetts says that only 4 percent, according to a study, only 4 percent of seniors have difficulty getting their health care under Medicare. Well, by my calculation that is "only" 1,360,000 seniors. That is a lot of seniors.

The truth of the matter is most seniors will take advantage of Medicare. It is a good deal. We hope that will continue to be the case. But for those few who choose to contract privately, why deny them that right? The GAO study cited by the Senator from Massachusetts says, "If direct contracting continued to be rarely used"—and I say "continued to be" because the right does exist today—"there would be no changes in the benefit payments, no additional difficulties in combating fraud and abuse, and no major new administrative burdens placed on HCFA."

So if it is not a problem, then why oppose this amendment? GAO says it would not be a problem. And, in fact, the Senator proves too much by the last point that he made. He said, actually it is the case today that if a patient wants to ask the doctor not to submit a claim, the doctor does not have to do that and therefore we already have this so we do not need the Kyl amendment—to which there are two responses. First of all, if current law already provides this, then why does the Senator object to the mere statement of the principle that the choice should exist? If the Senator is happy with existing law, he can't very well oppose the principle that simply restates existing law.

I again quote from what we are debating. It is frequently helpful to do that. All the sense-of-the-Senate provides is, and I quote, "It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to treat seniors on a private basis. . . ."

Does the Senator oppose that principle? The Senator suggests that that is already existing law. If so, then what is the problem? The truth, however, Mr. President, is that it is not existing law. As a matter of fact, the Senator from Massachusetts cannot cite either a statute or a regulation which says that this is existing law, because it is not. HCFA will quietly tell you that they would not mind if a patient did that, but they do not want to advertise it and there is no legal authority for it.

The truth of the matter is that, as the GAO pointed out, it has always been the case up until January 1, 1998, that patients had this right to privately contract. You have all of the great concerns about fraud and abuse that have been articulated by the Senator from West Virginia and the Senator from Massachusetts, but I have never heard of one single case—and I would be delighted if the Senator could cite one—where in the past 20 years, since this right did exist until January 1 of this year, there was fraud and abuse as a result of this. I know of none.

So, Mr. President, I will make one final point. The Senator from West Virginia is not on the floor, but he made the point that this isn't good for Medicare beneficiaries. I suggest, that goes to the heart of this debate. Who decides what is good for the beneficiaries? Washington, DC, bureaucrats or the beneficiaries? Let the beneficiaries decide.

As the GAO points out, if most beneficiaries do not take advantage of this freedom to contract—and I doubt that they will—then there is no problem. But let them make the decision. We should not be making the decision that they do not have the right even if they desire to exercise it.

I think it is pretty hard to argue with the proposition that patients should have this freedom of choice. And I have not heard anything yet that persuades me that this is not a good amendment.

I again urge my colleagues to support it. I thank the Chair.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, I rise in respectful opposition to the amendment of my friend, the junior Senator from Arizona. Although this amendment is dressed in the robes of patient choice, in my view it dramatically changes the nature of the Medicare system and now, for the first time in more than three decades of Medicare experience, would give to the physician the ability to determine how much a Medicare patient pays for Medicare-covered services. I believe it is a prescription for disaster for the Medicare system and for the patient himself or herself.

Let me put this in some context, if I may. For 30 years-plus Medicare patients have come to their physician and have known with reasonable certainty what kind of financial expectation they are required to pay in order to receive Medicare-covered benefits. This amendment would change that and allow the physician to make that determination.

No. 2, we are plagued in the Medicare system today with fraud that some estimate may exceed $20 billion a year. I believe that this change would make it more complicated in addressing the problems of fraud that the system confronts.

And, finally, for the Medicare patient himself or herself, I think it injects a notion of uncertainty and confusion when that Medicare patient goes to the physician.

Let me put this in some context, as I understand it, so we can talk about what is not involved here. Since the inception of Medicare, and continuing beyond the 1998 balanced budget agreement for noncovered Medicare services—that would be, for example, plastic surgery—a Medicare patient has always had the right to enter into a private contractual arrangement with the physician of his or her choice. That is the history. That was unchanged by the balanced budget agreement of 1997, and it continues to be the law today.

With respect to a Medicare-covered service, such as a diagnostic test in which Medicare pays for only one or two of those diagnostic tests, if a Medicare patient is uncertain as to the kind of advice he or she is getting as a consequence of that test, it has always been the case that if a second or third or fourth opinion is sought by the Medicare patient, that Medicare patient has the right to enter into a private contractual arrangement with the physician of his or her choice. That has been true historically. That was true prior to the balanced budget agreement and remains the case as well.

Thirdly, this applies to part B Medicare, so we are not talking about the trust fund. For an individual who is philosophically opposed or for whatever reason chooses not to be a part of Medicare part B, that is his or her absolute choice. No one is required to participate or to pay that premium. And that is true with the physician as well.

What I apprehend will occur here is a rather dramatic change in the Medicare system. A Medicare patient goes to a physician, and the Medicare physician says, "Look, there are three or four procedures which I believe you need. With respect to three of those procedures, I'm satisfied that the Medicare reimbursement schedule is adequate. As to the fourth, I will need additional compensation in order to provide that service."

The net effect of all of that, I respectfully submit, is that no Medicare patient, going to his or her doctor's office, will know with certainty what the financial expectation will be of that Medicare patient. That changes the system rather dramatically.

For more than three decades, to the best of my ability, there has been no private contracting between Medicare patient and physician with respect to covered service. My distinguished colleague may be right that there may not be carved in stone any legal prescription, but that indeed has been the practice. And 96 percent of physicians in America cover and treat Medicare patients. So I think we ought to give a considerable reflection to what is at issue here.

My distinguished friend and colleague offered in the balanced budget amendment an amendment which was ultimately fashioned into law. That provided, for the first time, an opportunity for a physician who wants to enter into a private contractual arrangement with a Medicare patient to do so.

If the Medicare physician chooses to do so, then that Medicare physician may not have other Medicare patients for a period of 2 years. That was, in effect, an opening, if you will. That provided an expanded opportunity which did not heretofore exist.

There are some groups who I think have been irresponsible in characterizing that as a limitation. That is not the case, as I understand it.

I simply say to my colleagues, the Medicare system is not perfect. There are certainly some things which we need to do, and, indeed, the Medicare Commission has been formed for that purpose. Hopefully, it will come with some bipartisan recommendations. But I do not believe we will want to change dramatically the nature of that system which does have certainty; namely, a fee schedule for reimbursement to a physician for Medicare-covered services. That has been the hallmark of the Medicare system. That will change rather dramatically if the proposal which my friend from Arizona offers is accepted, and would allow not the patient, but the physician, to make that judgment.

Most of us, when we go to our physician, even those of us who might be described as being in the "pre-Medicare age"—that is, we are not quite eligible for Medicare services—approach the annual visit to our physician with some trepidation. A physician has the ability to say, "Look, that condition that you have is terminal." So there is some apprehension, some ill at ease, no matter how many times you have been to a doctor. When you are in that context, it is not a level playing field, and the doctor saying to you, "Look, I no longer accept this rate of reimbursement from Medicare which I previously accepted," places, in my view, the patient at a decided disadvantage in dealing with that physician and is more likely than not to say, "Well, all right, I will agree to pay."

As I indicated previously, if there are two or three Medicare services that the patient requires, the confusion of, "I will accept Medicare reimbursement for two of the services but not a third," I think leaves the patient in a very confused situation.

I urge my colleagues to reject this amendment. Let's all work together as a result of the Medicare Commission and see what kind of changes we need to make to improve the system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I rise in opposition to the amendment.

I don't know what the time allocation is. I believe Senator LAUTENBERG is in charge of our side.

Mr. LAUTENBERG. Mr. President, I am happy to yield 8 minutes to the Senator from Illinois.

Mr. DURBIN. I thank my colleague and friend.

The great philosopher Kris Kristofferson once said, "Freedom is just another word for nothing left to lose." I believe those were actually sung or spoken by the late, great Janice Joplin.

This amendment characterized as the Freedom of Health Care Choice for Medicare Seniors, on its face, appears to be a positive addition to the Medicare system. You would think if you proposed, as the Senator from Arizona does, that we will give more freedom to Medicare seniors—more freedom—that you would just guess that the major senior organizations from around the country would be unified in support of this amendment. In fact, they are unified in opposition to this amendment. So there might be more to this amendment than freedom. There is something to lose in this amendment.

Let me get down to the bottom line of what all this debate is about. This debate is about whether a Medicare senior going into a doctor's office is going to have to pay according to an established Medicare schedule or whether that doctor can charge more. So it is whether the doctor—some doctors have the freedom to charge some seniors more for services. You might argue that that is necessary if there is a shortage of doctors providing benefits to Medicare seniors. But, lo and behold, 96 percent of doctors are already providing benefits to Medicare seniors. So virtually all of the doctors, 96 percent of them nationwide, have signed on. They are prepared to treat Medicare seniors and to be paid according to the fee schedule.

What is at stake here is not about doctors in service but, rather, whether or not some doctors can charge more. What will this mean to us when we reach the Medicare eligibility age, which is creeping up on many of us, or our parents, or grandparents? It may mean before you have a chance—if the amendment of the Senator from Arizona prevails, before you have a chance to talk to your doctor about your problem, if you are a Medicare senior with this new "freedom," first you will have to talk to the accountant in the office, who is going to want to know a little bit about your salary, your net worth, and how much they can charge you for the benefits they will provide. For some, that may be freedom. From where I am standing, that is not freedom. In fact, it restricts the rights which seniors already have.

I think we ought to take a look at this amendment for what it really does. Private contracting sounds good on its face, unless you understand what you lose in the process of private contracting. In this situation, it means for seniors that instead of knowing what they pay when they go to the doctor's office, it really is going to be an uncertainty; they won't know. They will walk into the office uncertain whether that doctor will charge considerably more than they might have expected. That is the reason every seniors group—the AARP, the National Council of Senior Citizens, Families USA, and others—have come out in opposition to this amendment.

I might also add that there have been groups, one group in particular, which is called the United Seniors Association, which is sending mailings to seniors and would-be seniors. Lo and behold, I ended up on their mailing list. They were writing on behalf of this amendment's concept. I don't believe they were authorized by the Senator from Arizona. I am sure they were not. But they are, unfortunately, spreading some rather alarming news to seniors across America.

Listen to what it says on the front of the envelope sent to my home in Springfield, Il:

> Mr. and Mrs. Richard Durbin: As of January 1998, our government for the first time ever will stop everyone over age 64 from getting lifesaving medical treatment.

If you receive this and you are a senior, or close to it, boy, you will open it up in a hurry. What you find in here is a total misrepresentation of the Medicare system as it currently exists. The Medicare system in America is a very successful medical system. It is true that we will need to deal with the fact that the cost of health care continues to go up and our resources to pay for it are not matching that, but the bottom line is from the viewpoint of parties. They are happy with the system. They are content with the care they are receiving. They don't want Members of Congress, House or the Senate, meddling with the basic Medicare system. This amendment, this so-called private contracting freedom amendment, meddles with the system in a way that most seniors are not going to be happy with.

Some doctors will, because they can charge more. But for a lot of seniors, we will find them really disadvantaged. For 38 million Americans who rely on the system, I think it would be a serious mistake for us to adopt this amendment. As a matter of fact, Senator CHAFEE and I will be offering an amendment at a later time in this debate which I think more correctly addresses the feelings that I hope more Members of the Senate share about the future of the Medicare system. In that amendment, we say as a sense of Congress that the assumptions underlying the functional totals in this budget resolution assume that seniors have the right to affordable, high-quality health care, and they have the right to choose their doctors, and no change should be made to the Medicare Program that could impose unreasonable and unpredictable out-of-pocket costs for seniors or erode their benefits.

If the Senator from Arizona prevails with his amendment, we cannot make that claim, because the benefits provided to seniors will be unpredictable in cost. Each doctor can decide how much more they want to charge.

We also say in our resolution that we don't want to compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement and, finally, to allow unscrupulous providers under the program to bill twice for the same services. Senator CHAFEE and I will offer this later during the course of the debate. I hope my colleagues, Democrat and Republicans, will join us in supporting it.

In closing, let me say I know the Senator from Arizona is firm in his belief that this would be a solid addition to the Medicare system. I happen to think the system as it currently exists, with predictable costs and predictable services for seniors, is exactly what they want to protect.

I yield back the remainder of my time.

Mr. BUMPERS. I wonder if the Senator from New Jersey would yield 8 minutes.

Mr. LAUTENBERG. I am pleased to yield 8 minutes to the Senator from Arkansas.

Mr. DOMENICI. Might I inquire how much time remains on the amendment and how much in opposition?

The PRESIDING OFFICER. The Senator from Arizona has 39 minutes, and the Senator from New Jersey has 28 minutes.

Mr. DOMENICI. If we use that, each side has used an hour.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Thank you.

Senator BUMPERS.

Mr. BUMPERS. Mr. President, I have the utmost respect for the sponsor of this bill, but I have utterly nothing but contempt for the amendment.

Medicare has done more to provide a good night's sleep to the elderly of this country than any other single program, with the possible exception of Social Security. We made a solemn contract with the elderly of this country to provide them with medical care. When I was first elected Governor of my State, I found that 50 percent of the people didn't even know what to do in case they got sick. But when you polled the people over 65, they knew what to do and they knew where to go and they knew their bill was going to be paid.

The underlying assumption of the Kyl amendment is that somehow or other people are having a difficult time getting a doctor to take them. Now, the General Accounting Office has answered a number of questions propounded to them by the distinguished senior Senator from New York, Mr. MOYNIHAN, and in answer to one of the questions: How much difficulty are they having? here is the answer. According to the GAO, 96 percent of the Medicare-eligible people in this country stated that they had some difficulty getting medical care. But listen to this. The Kyl amendment goes to this figure: Only two-tenths of 1 percent said they had difficulty getting satisfactory assistance because of Medicare. Here we are tinkering with a system that has been so successful and so rewarding to our elderly, because two-tenths of 1 percent of the people in this country said they had difficulty getting the kind of care they wanted under Medicare.

No. 1, doctors right now, under the Balanced Budget Act of 1997, are eligible to charge 15 percent more than the Medicare allowance. For example, you have a procedure—say, laser surgery for your eyes. Assume that the Medicare limit on laser surgery for your eye, or eyes, is $1,000, but the doctor can charge 15 percent more than that, or $1,150. Medicare may only pay 80 percent of the allowable charge, or $800, but the doctor can charge 15 percent more than the Medicare allowance.

The balanced budget amendment also provided that if a doctor wants to privately contract, he or she may privately contract, but they have to drop out of the program for 2 years.

Now, we feel strongly—many of us—that this is an elitist amendment. Obviously, there are a lot of people in this country—perhaps 2 percent to 5 percent—who will pay a doctor of their choice whatever he charges. They want him; they are used to him. Say I worked from the time I was 30 years old until I was 65 and went to the same doctor, and when I became 65 I said, "Doctor, I am switching from my Blue Cross policy over to Medicare." The doctor says, "I'm sorry, I'm not going to be able to take care of you anymore because Medicare is simply not meeting my expenses." You think about that. The patient may be a person of very modest means but who, above all, wants to go to the doctor he or she has been going to for years, and the doctor says, "Well, now, if you are willing to pay, that is a different matter, I will let you keep coming to see me."

Let me tell you another thing the doctor can do. Assume you are in a fairly big-sized clinic, and the doctor says, "We will take you for your heart conditions under Medicare, but we can't take your liver," or, "we can't take your kidneys." Think of all the different kinds of contracts people would enter into. If this amendment ever became law—God forbid—you would start hearing some of the most fraudulent contracts and some of the most exorbitant charges for medical services that would choke a mule.

Mr. President, if there is a problem with Medicare, if we are not paying enough to entice a majority of the doctors in this country to provide services under Medicare, let's raise the rates. But for Pete's sake, let's not allow people to enter into these private contracts. I have the utmost respect for the medical profession. But I am telling you, you are giving them unbelievable leverage over millions of Medicare patients if you allow them to say, "I can't take you because Medicare is not enough." If only two-tenths of 1 percent of the people in this country are having difficulty getting medical care because of Medicare rates, I suggest to you that that is not a sufficient number to warrant tinkering with one of the finest programs this country has ever produced.

I yield the floor and yield the remainder of my time.

Mr. WELLSTONE addressed the Chair.

Mr. LAUTENBERG. Mr. President, I yield up to 6 minutes to my friend from Minnesota. If more is needed, let me know.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for up to 6 minutes.

Mr. WELLSTONE. Mr. President, let me just say one more time to my colleague from Arkansas, I wish he wasn't leaving the Senate. I can't add too much to what he said.

Let me just say to my colleague from Arizona, whom I really respect, that I don't agree with him on a lot of issues, but I respect him. I mean that very sincerely. I think this amendment is mistaken, and I rise in strong opposition to it.

I have just a few quotes. Families USA Foundation states that this provision, the Kyl amendment, "may put increasing pressure on older Americans to choose between getting the health services they need or putting food on their table." I think Families USA has really had a great deal of credibility. I know what they mean. I think the fear is now, what would happen with the Kyl amendment is that doctors could charge an elderly person, a senior citizen, just about any fee for any visit or service. The problem is that if doctors are now going to be making this judgment and they can charge more than Medicare payments and stay in the Medicare system, the danger is that many will do so.

I had two parents with Parkinson's, and neither one of them made much money. The Medicare Program was the difference for them between being able to live a life toward the end of their years with dignity, albeit a struggle, and going under. Who is to tell what a doctor decides in any given community? A lot of elderly people are going to be put under enormous pressure. Indeed, it could be a choice between whether or not people get the services they need or whether they put food on the table.

Also, remember that senior citizens are paying more and more out of pocket. Since we had the debate on universal health care coverage, national health insurance, a few short years ago—a debate we should get back to—the fact is that seniors are paying even more out of pocket for health care costs. For many of them, it is the prescription drug costs.

I don't know about other States, but my guess would be that in Minnesota the median income for senior citizens may be $15,000 or $16,000 a year. I suppose if you are a senior citizen with an income of $150,000 a year—there are very few, contrary to the stereotype—then you know a doctor could say, "I want you to pay what I am going to charge and we will have this private contract." Those people would be all right, but for the vast majority of elderly people in our country—and we are not talking about a high-income profile—the Kyl amendment is a very real threat to a system that has worked well for people.

Catholic Charities USA, representing nearly 13 million people, states that the Kyl legislation would "dangerously undermine the Medicare Program." They are right.

It would leave "average and low-income Medicare patients at grave risk of substandard care and second-class medicine." That was in a letter to all Senators from Fred Kammer, March 31—today, my son's birthday.

The National Council of Senior Citizens, asserting that the Kyl legislation "is fraudulent and should be defeated," says that the bill would "essentially end Medicare as a national health insurance program for almost 40 million Americans."

"This proposal would essentially license doctors to gouge millions of seniors for Medicare services." That is from a letter to Senator DASCHLE from Steve Protulis dated today.

If the Kyl amendment succeeds, "seniors will be left with big medical bills and the doctors will have new weapons to exploit health needs for profit." That comes from a memo by the National Council of Senior Citizens.

I ask unanimous consent that quotes from these organizations, along with a series of other letters from organizations representing senior citizens, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRIVATE CONTRACTING—LETTERS

1. Families USA Foundation states that the Kyl provision "may put increasing pressure on older Americans to choose between getting the health services they need or putting food on their table." [Press Release, Families USA, 10/8/98]

2. Catholic Charities USA, representing nearly 13 million people, states that the Kyl legislation would "dangerously undermine the Medicare program." [Letter to all Senators from Fred Kammer, 3/31/98]

It will leave "average- and low-income Medicare patients at grave risk of substandard care and second class medicine." [Letter to all Senators from Fred Kammer, 3/31/98]

3. The National Council of Senior Citizens, asserting that the Kyl legislation "is fraudulent and should be defeated," says that the bill would "essentially end Medicare as a national health insurance program for almost 40 million Americans." [Letter to Sen. Daschle from Steve Protulis, 3/13/98]

"This proposal would essentially license doctors to gouge millions of seniors for Medicare services." [Letter to Sen. Daschle from Steve Protulis, 3/31/98]

If the Kyl Amendment succeeds, "seniors will be left with big medical bills and the doctors will have new weapons to exploit health needs for profit." [Memo from National Council of Senior Citizens, 10/27/98]

4. The Service Employees International Union, on behalf of 1.2 million workers and retirees, strongly opposes S. 1194 saying that "this legislation is an underhanded effort to destabilize the entire Medicare system and make it unaffordable for poor and working class citizens." [Written statement submitted to Senate Committee on Finance for hearing record, 2/26/98]

This legislation would give "doctors more leeway to rush people into contracts they don't understand, to charge higher rates, and to select to serve people who will make them the most money." [Written statement submitted to Senate Committee on Finance for hearing record, 2/26/98]

5. Beatrice S. Braun, M.D., currently a member of AARP Board of Directors testified that "AARP firmly believes that if S. 1194 were adopted, beneficiaries and the Medicare program would be more vulnerable to fraud and abuse." [Written testimony: Senate Committee on Finance hearing, 2/26/98]

6. Dr. William A. Reynolds, President of the American College of physicians, testified that the Kyl legislation would: "(1) create access problems where none existed; (2) increase administrative complexity for physicians, who will be struggling with billing errors and ad hoc incoming testing of their patients; and (3) produce conflict in the physician-patient relationship." [Written testimony: Senate Committee on Finance hearing, 2/28/98]

The ACP strongly believes that "the Kyl bill threatens Medicare's viability as a health plan." [Letter to Sen. Moynihan from Dr. Reynolds, 10/5/97]

7. The National Association of Retired Federal Employees, urging opposition to the Kyl legislation, wrote that Medicare patients would negotiate from a position of weakness if doctors were allowed to pick and choose when to be in or out of Medicare. [Letter to Sen. Daschle from NAREE, 3/31/98]

8. OWL, the Older Women's League, believes that the Kyl legislation would take away "guarantees of access and quality that Medicare has always provided to America's older women." [Press Release, OWL, 10/8/98]

9. The National Council on the Aging fears that "access to specialists would suffer, as they could refuse to see the vast majority of Medicare beneficiaries so that a small handful of the wealthiest seniors could pay their highest rate." [Press Release, The National Council on the Aging, 10/97]

10. The Leadership Council of Aging Organizations believes that the passage of S. 1194 "would be anti-consumer and would hurt Medicare beneficiaries and the program generally." [Letter to ALL Representatives from the Leadership Council of Aging Organizations, 10/30/97]

11. Retired Public Employees Association believes that under the Kyl legislation, "the possibility exists that less affluent Medicare beneficiaries will be forced to choose between a private contract which they can ill afford and or an interruption in their continuity of care." [Stanley Winter, Written Statement submitted to Senate Committee on Finance for hearing record, 2/26/98]

12. Jane Bryant Quinn, with the Washington Post, wrote that this "anti-senior law" would be "freedom for Doctors to charge you more." [Jane B. Quinn. Washington Post. 3/8/98]

13. The New York State Council of Senior Citizens, representing over 200,000 elders, wrote that this "pernicious bill masquerades under a pretense of increasing 'free-choice' to Medicare beneficiaries." [Letter to Sen. Moynihan from Eleanor Litwak, 1/26/98]

They fear that were the bill to be enacted, "Medicare would become impoverished and would rapidly become a program for the poorest and the sickest instead of the great universal entitlement it is now." [Letter to Sen. Moynihan from Eleanor Litwak, 1/26/98]

WRITTEN STATEMENT SUBMITTED TO THE SENATE FINANCE COMMITTEE BY PATRICIA A. FORD, EXECUTIVE VICE PRESIDENT OF THE SERVICE EMPLOYEES INTERNATIONAL UNION, IN OPPOSITION TO MEDICARE PRIVATE CONTRACTING LEGISLATION (S. 1194; H.R. 2497)

The Service Employees International Union strongly opposes S. 1194, the Medicare private contracting legislation. We are deeply concerned about the consequences that this legislation would have for access to affordable, quality care for Medicare beneficiaries. In our view, this legislation is an underhanded effort to destabilize the entire Medicare system and make it unaffordable for poor and working class senior citizens.

Our union represents over 1.2 million workers and retirees. More than 600,000 of these are front line health care workers, including nurses, hospital workers, nursing home workers and home health workers, who provide Medicare funded services to senior citizens every day. We also represent our retired members—former public sector, building service and health care workers. These retired janitors, secretaries, and clerks live on fixed incomes and rely on Medicare to cover the bulk of their health care needs.

Some have touted that this amendment is about offering patients more choice, but this is very misleading. Medicare beneficiaries have always been free to privately purchase services that Medicare does not cover. Last year's Balanced Budget Act broadened choice even further by allowing beneficiaries to privately contract for services that are already covered under Medicare. Medicare Beneficiaries already have choice.

The Medicare private contracting legislation is really about offering physicians, not consumers, more choice. This legislation would remove the two-year exclusion provision and other consumer protections that govern these private contracts, giving doctors more leeway to rush people into contracts they do not understand, to charge higher rates, and to select to serve people who will make them the most money.

Currently, even with Medicare coverage, more than one out of every five retiree dollars goes to covering health care costs. And when the median income for those over 65 is a little over $11,000 that leaves precious little for food and much less for clothing and shelter. This means that the vast majority of senior citizens in this country will not have the means to enter into private contracts.

One of our major concerns—that lies at the heart of this bill—is that it would destabilize the entire Medicare system and make it unaffordable for many beneficiaries. This legislation would have the effect of transforming Medicare from a social insurance program that everyone pays into and everyone benefits from to a privatized program with incentives for doctors to serve only the most profitable patients.

The 1.2 million members of our Union, along with all working families in this country, count on care being available when they need it—that is why health insurance was developed in the first place. By allowing physicians to charge for services at will this basic premise is lost. The Medicare private contracting legislation would destroy the stability of paying into a system that insures available, affordable coverage for those who need it. Getting medical treatment—although vital—is a service and as such should not fluctuate in price depending on the income of the person who seeks it.

We object to the premise of this legislation and question why the Federal Government would want to replace a system in which 95% of all physicians provide care to 100% of qualified enrollees with a two-tiered system in which access to quality care is determined by income rather than illness. The potential effect of this legislation on overall health spending is also very alarming. The non-partisan Congressional Budget Office (CBO) predicts that if this legislation is approved it would "almost certainly" send national health care spending spiraling upwards.

Again, on behalf of our more than 1.2 million members and our thousands of low-income retired members, I urge you strongly to oppose Medicare private contracting legislation, S. 1194. Thank you.

NATIONAL COUNCIL OF
SENIOR CITIZENS,
Silver Spring, MD, March 31, 1998.

Senator TOM DASCHLE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DASCHLE: The National Council of Senior Citizens urges you and your Senate colleagues to vote against Senator Kyl's amendment to S. Con. Res. 86. In our view, Senator Kyl's proposal would essentially end Medicare as a national health insurance program for almost 40 million Americans. It would virtually destroy the price protections that beneficiaries now enjoy.

This proposal would essentially license doctors to gouge millions of seniors for Medicare services. It would add not a scintilla of "freedom of choice" for Medicare beneficiaries in finding a doctor to treat their medical needs. Ninety-five percent of all doctors already treat Medicare patients.

The recent hearing held by the Senate Finance Committee demonstrated that current Medicare rules allow Medicare patients to pay their doctors for specific services without requiring the doctor to withdraw from Medicare for two years.

In short, Senator Kyl's sense of the Congress resolution would add no benefit or freedom to the lives of seniors. It is fraudulent and should be defeated.

Sincerely,

STEVE PROTULIS,
Executive Director.

NATIONAL ASSOCIATION OF
RETIRED FEDERAL EMPLOYEES,
Alexandria, VA, March 31, 1998.

To: Hon. TOM DASCHLE.

From: Charles R. Jackson, NARFE President.

Misinformation and deliberate distortion of facts about Medicare's Private Contracting rules should not be the basis for attaching even a non-binding version of Senator Kyl's bill, S. 1194, to the Senate budget resolution, S. Con. Res. 86. Federal retirees, particularly the 8,296 annuitants in your state ask that you vote against this amendment.

Medicare patients would negotiate from a position of weakness if doctors were allowed to pick and choose when to be in or out of Medicare. Absent private contracting protections, physicians—not beneficiaries—would decide what to charge for their services. That is the only freedom being enhanced by the Kyl and Archer bills, S. 1194 and H.R. 2497.

Congress and President Bush approved legislation in 1989 to limit doctor fees to 115 percent of the Medicare fee schedule. Fee limitations were enacted to ensure that beneficiaries have access to health care at predictable costs. More than 90 percent of America's physicians participate in Medicare despite fee limitations which private contract protections help to enforce. Fee limitations have not resulted in services being denied to Medicare patients, but we fear repealing private contract protections will render fee limitations meaningless.

The nonpartisan Congressional Budget Office (CBO) has warned Congress that this legislation could significantly compromise Medicare's ability to screen inappropriate claims. As a result, CBO says that it would be easier for an unethical physician to bill both Medicare and the private contract patient for the same service.

Fraud, waste and abuse is already a $23 billion a year problem in Medicare. NARFE believes unrestricted private contracting will only increase fraud at a time when public policy makers are trying to preserve Medicare for current and future generations.

MEDICARE RIGHTS CENTER

F.A.L.S.E. ALARM FOOLING AMERICANS INTO LOSING SENIOR ENTITLEMENTS

Seniors around the country are being fooled into believing that Medicare won't take care of them. Americans Lobbying Against Rationing Of Medicaid Care (A.L.A.R.M.). Alarm of United Seniors Association, is falsely scaring seniors and tricking them into giving up one of Medicare's greatest protections: the limit on the amount doctors can charge Medicare patients.

"A.L.A.R.M. is not telling seniors the truth when they state that Medicare won't pay for their health care and they will be left with nowhere to go to get it." says Diane Archer, Executive Director of the Medicare Rights Center, a national not for profit consumer service organization.

Currently, traditional Medicare pays for all reasonable and necessary services and limits seniors' out-of-pocket costs. Seniors can see almost any doctor they want anywhere in the country: 96% of doctors treat Medicare patients and agree to charge these patients at a fixed rate set by the government.

"The real alarm is that unless Medicare retains its billing protection, seniors will have to pay out of their own pockets whatever fees their doctors come up with. If they cannot afford the fee, they will be forced to go without health care," says Ms. Archer.

The current limits on doctors' charges allow people on Medicare freedom to get the health care they need. permitting doctors once again to set their own fees only makes health care unaffordable for many seniors.

In short, says Ms. Archer, "A.L.A.R.M. wants to shift responsibility for the cost of health care from the government to seniors who cannot afford to pay for it."

A copy of A.L.A.R.M.'s letter is attached along with a MRC fact sheet about what Medicare really provides seniors.

NEW KYL LEGISLATION WOULD DISPROPORTIONATELY HARM OLDER WOMEN

OLDER WOMEN ARE POORER, HAVE MORE, AND MORE COMPLEX, ILLNESSES; INCREASED COSTS WOULD PRICE THEM OUT OF HEALTH CARE MARKETPLACE

OWL, an organization representing the more than 57 million American women over the age of 40, today (October 8) issued the following statement opposing S 1194/HR 2497, bills that would enable physicians, without any consumer protections, to contract privately for services with Medicare beneficiaries:

"Kyl II," which would give doctors license to charge whatever the market would bear for services that already have Medicare-imposed cost ceilings, would be particularly damaging to women who suffer from more, and often more complex conditions than men. Requiring more general physician care and more specialist care, these already vulnerable patients, who even now have trouble affording the out-of-pocket health care expenses they must pay, could be faced with a choice of private treatment or a Medicaid-funded nursing home stay.

"Kyl II" would make bad public policy worse. The so-called Medicare "reforms" that were included in the Balanced Budget Act have aptly been identified as the start down a slippery slope that will eventually lead to the total dismemberment of Medicare. OWL believes that "Kyl II" would be a large rock rapidly careening down that slope, taking with it the guarantees of access and quality that Medicare has always provided to America's older women.

21.8 million (out of 38.1 million) of all Medicare beneficiaries are women, and 83% have an annual income of less than $25,000 per year. In fact, older women live on a median income of $9,355 a year (compared to a man's $14,983), and depend upon Medicare and their monthly Social Security check for maintaining their independence at home rather than entering a nursing home. This proposed legislation not only threatens to destroy the foundation of a critical social insurance program, but could seriously threaten the lives of America's older women.

STATEMENT BY JUDY WAXMAN, DIRECTOR, GOVERNMENT AFFAIRS, FAMILIES, USA

The Medicare Beneficiary Freedom to Contract Act of 1997 could result in beneficiaries being held hostage to high-priced doctors. Doctors could seek any fee they want for any service, and Medicare beneficiaries would feel compelled to pay such unlimited fees to retain their doctors.

Out-of-pocket health care costs have continued to rise for America's seniors since Medicare's inception. This provision may put increasing pressure on older Americans to choose between getting the health services they need or putting food on their table. This choice is simply unacceptable.

Families USA is the national health consumer group.

THE NATIONAL COUNCIL ON THE AGING

LCAO OPPOSES MEDICARE PRIVATE CONTRACTING PROPOSAL

My name is Howard Bedlin and I am the Vice President for Public Policy and Advocacy for the National Council on the Aging, which currently chairs the Leadership Council on Aging Organizations (LCAO). The LCAO represents 43 national organizations serving over 40 million older persons.

The Leadership Council of Aging Organizations opposes efforts to overturn current provisions that protect Medicare beneficiaries from physician overbilling. Doctors are already permitted to charge 15% more than what Medicare considers to be a reasonable price, and now they want to charge even more. We oppose opening up Medicare provisions enacted under the Balanced Budget Act just two months ago on an issue that has far reaching implications, yet has never been the subject of a congressional hearing or even debated on the House or Senate floor. LCAO members will be sending a letter to members of Congress next week to express our opposition to this ill-conceived, anti-consumer proposal.

The National Council on the Aging believes that the proposals introduced by Senator Kyl and Chairman Archer are not designed to solve any problem experienced by Medicare beneficiaries. Well over 90 percent of physician's bills accept Medicare rates and there is no evidence to indicate that access problems exist because of Medicare payments to doctors. The proposals would, however, increase physicians' income and fundamentally change the nature of the doctor-patient relationship.

Without notice, or in the middle of a course of treatment, doctors could tell Medicare patients that treatment will be denied unless payment is made for the full amount of whatever the doctor wants to charge. No other insurance policy, in either the public or private sectors, permits this. Access to specialists would suffer, as they could refuse to see the vast majority of Medicare beneficiaries so that a small handful of the wealthiest seniors could pay their higher rates. Instances of fraud and abuse would increase, as unscrupulous doctors would have an easy time getting away with double billing both Medicare and the patient.

Beneficiaries could be subject to bait-and-switch tactics, in which doctors begin a course of treatment under Medicare and then turn around and demand full payment of higher charges out-of-pocket for treatment

> to continue. What if a particular doctor doesn't like what Medicare is paying him for one particular service? What if the doctor notices that the patient has driven up in a nice new car? The kind of uncertainty this proposal would create would be extremely harmful to Medicare beneficiaries.
>
> We strongly urge members of Congress to reject this proposal, to act in the interest of 33 million Medicare beneficiaries, and to refuse to line the pockets of a few greedy doctors.

Mr. WELLSTONE. Mr. President, I say to my colleague from Arizona and to other colleagues, this amendment is profoundly mistaken. This amendment, if passed, I believe, really puts way too many senior citizens at risk.

The Medicare Program is a universal coverage program. The Medicare Program is, for many seniors, the difference between survival and even life with dignity versus going under. To all of a sudden now say to doctors and other providers in this country that you can charge what you want and still stay in the Medicare system now, I am not in favor of that. But if they do it for 2 years, they are out of Medicare. To tell the doctors and providers they can charge what they want and stay in Medicare, that doctors can decide, for any senior citizen and their families, whether or not they have the money to pay for additional costs the doctors want to impose on them does a grave injustice to the Medicare system.

I don't hear a lot of senior citizens—I say to my colleagues—in Minnesota saying they want to see the Medicare system "fixed" in this direction. I hear people talking about, "Can there be coverage for prescription drug costs?" I hear people talking about the problems they have when they are faced with catastrophic expenses, not wanting to spend the end of their lives in a nursing home and maybe going under because of that. I hear senior citizens talking about the need to have more funding for home-based health care so they can live at home in as near normal circumstances as possible with dignity. I don't hear senior citizens in Minnesota saying they want the Kyl amendment passed, which will enable providers, in too many cases, to gouge them, to charge what they want to charge to seniors, to put a whole lot of senior citizens at risk. This amendment is mistaken. This amendment undermines the Medicare system, and this amendment should be resoundingly defeated.

Mr. President, I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, might I inquire about the time remaining?

The PRESIDING OFFICER. The Senator from Arizona controls 39 minutes 30 seconds. The Senator from New Jersey controls 14 minutes 15 seconds.

Mr. KYL. I thank the Chair.

I think it is probably time for me to respond to some of the things that have been said. I appreciate the spirit in which the comments were made by the Senator from Minnesota, and earlier by the Senator from Arkansas, and certainly also by the Senator from Nevada. We have reasonable differences of opinion about certain matters here. I appreciate the spirit in which their comments have been made.

But my, oh, my, Mr. President, it is amazing to me that we would have 49 or 50 cosponsors of this legislation in the Senate and almost 200 in the House if it were going to do all of the horrible things that have been suggested by my colleagues. I don't think I could go home. I daresay that I probably represent more senior citizens—or at least as many as my distinguished colleague from Minnesota. In fact, half of the State of Minnesota comes to my State in the wintertime, and we really enjoy visiting with his constituents. Obviously, they probably receive some medical care in our State, too. Obviously, we are not going to be doing something by which my mother and father and all of their friends and all of my other senior constituents are going to feel threatened.

What could it be that is so horrible about this?

The Senators from Arkansas and Nevada made, I think, a very telling point. They said that Medicare has certainty. The Senator from Nevada said that it may not be perfect but at least it has certainty. Mr. President, that is true. The Congress began here with a program, an entitlement for senior citizens, to provide certain medical care—not all care, but certain care for senior citizens. Gradually, over time, that has transformed from an entitlement into an exclusive program. It is Medicare or no care, as of January 1 of this year.

Up to that point, you had options. You could go outside the Medicare system, if you wanted to, for covered services. As the Senator from Nevada pointed out, it wasn't done very much, but you had the right. That is the point. All of these dire warnings about price gouging and people having to choose between food and medical care, that has been the situation for the last 20 some years. Patients have always had this right to privately contract. It was taken away from them, as a practical matter, on January 1 of this year. That is why I am standing here. I would not be here otherwise.

What happened was that because the Health Care Financing Administration was writing letters to doctors threatening them that they had to submit a bill to Medicare for anyone who was "Medicare eligible"—obviously, that is everybody over 65—the doctors were worried. They said, "We never had to do this before," and, as a colleague pointed out, "If the patient doesn't want to have this done, we don't have to do it. They could be treated outside of Medicare. So would you please confirm that, make it absolutely certain in the law?" So I introduced the amendment. It passed overwhelmingly, like 65–35 or so.

All of us want to give patients the freedom of choice: Even if the right isn't going to be exercised very much, let the patient decide. But what happened was that after that became part of the Balanced Budget Act of last year, as it was being negotiated in its details at the very end of the year, in the middle of the night, the administration officials convinced some House and Senate negotiators that they had to attach a condition onto our amendment; namely, in order for a patient to have this right, they had to find a doctor who would dump all of that doctor's Medicare patients for 2 years in advance, or you could not contract privately. As a practical matter, that eliminated the choice, because very few doctors are going to dump all of their existing Medicare load to just treat a few private contract patients.

So, as a result, we are now dealing with a new phenomenon. What started as a great program, an entitlement, which people could take advantage of, has now become the exclusive, only way for senior citizens to receive care in our country. As I pointed out earlier, even in England where they have socialized medicine, they have a system whereby, if you don't want to go to the socialized medicine program, you can go to a doctor of your choice. Many people do, and has it ruined the English system of health care? No. If this is going to be such a horrible thing and ruin Medicare, why hasn't it ruined the English system, where this right of private choice always has existed? Why didn't it ruin the Medicare system before January 1, when this right existed? It may not be perfect, but at least there is certainty. We are saying the certainty has now gotten to the point where it is a constraint, the denial of a right and the denial of a freedom. In that regard, certainty is less desirable than choice.

Now, my colleague from Minnesota made an interesting point in concluding. He said doctors could overcharge here and you could actually create two classes of medicine. Mr. President, I think this says a lot, because what it says in the long run is that we are going to have one level of care for senior citizens. We can't predict exactly what that level of care is going to be, but whatever it is, if a senior feels dissatisfied with that level of care, he or she is stuck with it; there is no way out. Even in Great Britain, you have a way out. If you are not satisfied with it, if you don't think it suits your particular needs, you at least have the right to go to the doctor of your choice outside the system. But not in the United States of America.

We are going to say, "No, no, there has to be only one type of care and it has to be the same for everybody once you hit 65." What we are saying is that there may be a few people—and I grant it will not be a large number—but there may be a few people who are not satisfied with that, who, for whatever reason, decide they want to have care outside of the Medicare system and they are willing to pay for it. Why deny them that right? This is America.

One of my colleagues made the point, I think it was the colleague from Arkansas, that this is elitist because some people will pay for their own care. Perhaps you have a patient who has been treated by the same doctor for many years and he just wants to go back to that same doctor even though he would have to privately contract. That could well happen, but I don't call that elitist. I cited the example of a friend of mine, who is not a senior citizen, by the way, but his wife was very, very ill with cancer. He would have spent every nickel that he had, he would have spent his life savings, he would have done anything to save her life. In the end he couldn't, but he went to great lengths to try to save her life.

As I said, I was successful in getting a compassionate release from FDA so she could be treated with some experimental drugs. When it is your life, or your wife, your spouse, you will do anything when their health care, their life, is involved. Are we going to say to them, in the United States of America, "No, you are stuck with Medicare whether you like it or not," even though you might be able to go to a great specialist somewhere at some great university who is not taking very many Medicare patients and he doesn't want to take any more Medicare patients but he is willing to treat you? We are saying, "No, we are not going to let that great surgeon, that university research expert, treat you outside of Medicare because we only have one level of care in this country and we don't want anybody to have any better care than anybody else."

I don't call that elitist. I call that the denial of the basic American right of freedom. That is why I think we need to get this back to what we are really talking about.

Let me read again the words, because I find it hard to believe that my colleagues would really vote against these words. This is the amendment we are debating here:

> It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice.

Those who vote no are saying, no, they should not have that right. It is that simple.

Finally, perhaps I could refer to some of the antifraud provisions. I had not wanted to take the time to do this, but there has been a suggestion that patients are in jeopardy, that seniors would be in jeopardy because doctors could charge all kinds of extra money. I really don't have the time to read all of this; it is page after page after page. Let me just cite some examples here of some of the things that are included that a physician would have to do in order to enter into this kind of contract, in order to assure that there is no fraud or abuse. And HCFA, Health Care Finance Administration, would have total control over this. The requirements are as follows.

First of all, a contract would have to be in writing and signed. No claims could be—the contract provides that no party to the contract and no entity on behalf of any party to the contract shall submit any claim or request for payment to Medicare.

The contract must identify the Medicare-covered professional services and the period, if any, to be covered, but does not cover any services furnished before the contract is entered into for the treatment of an emergency medical condition. So this couldn't be used when the patient is in extremis unless the contract was entered into before the onset of the emergency medical condition. There must be clear disclosure of terms. The contract must clearly indicate that by signing the contract the Medicare beneficiary understands and agrees not to submit a claim to Medicare, agrees to be responsible, whether through insurance or otherwise, to pay for the services, acknowledges that no limits under this title may be charged, acknowledges that Medicare supplemental policies do not make payments for such services, acknowledges that the beneficiary has the right to have such services provided by other physicians or health care practitioners for whom payment would be made by Medicare; that the contract must also clearly indicate whether the physician or practitioner is excluded from participation; the parties can modify the contract if they consent, the health care practitioner must submit a variety of—a whole variety here of things to HCFA, including information to HCFA which makes it clear as to what the charges are, what the services are for which the payment is being made by the patient, and other information that Medicare—HCFA deems necessary to prevent fraud and abuse. It goes on and on and on. I don't need to quote it all.

The point is the sense-of-the-Senate resolution that we have before us here also makes reference to and summarizes those provisions. I noted just one of the provisions. I will cite it again, that the legislation we are talking about here must include provisions that are subject to stringent fraud and abuse law, including the Medicare antifraud provisions in the Health Insurance Portability and Accountability Act of 1996.

The point is, if the existing law antifraud provisions are good enough for the existing law, then it is kind of hard to criticize them as applicable to this.

So I think it is a red herring to say doctors could somehow gouge patients under this. They are going to be subject to very stringent antifraud provisions, at least as stringent, and frankly more stringent, than those under existing law. So I really don't think that is a fair criticism of what we are trying to do here.

This is merely a sense of the Senate that people in this country, just because they turn 65, should not be precluded from making the choice—that they are willing to pay for—to be treated outside of the Medicare Program. Most will not want to do so. But who are we to say in those cases in which a person does want to do so that they can't do it, whatever it means to their life or the life of their loved ones? I think that is what is elitist. I hope my colleagues will join me in supporting this amendment.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, I ask for 4 minutes to respond.

Mr. LAUTENBERG. Mr. President, I yield the Senator from Minnesota 4 minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for up to 4 minutes.

Mr. WELLSTONE. Mr. President, again, colleagues should understand exactly what this sense of the Senate is about. What this amendment is about is what the Kyl legislation is about, which is really quite a change from current policy. Right now what we have said is that if a doctor or provider wants to charge more than the reimbursement he or she will get from Medicare, fine. Go ahead and do it. But if you do that with your own private contracting, then for 2 years you are not in the Medicare system. The reason for that is to protect people, elderly people, who rely on this program.

Mr. President, again I present to colleagues a very important letter on private contracting, a GAO letter to Senator MOYNIHAN of February 23, 1998:

> Nearly all physicians treat Medicare patients and accept new patients covered by Medicare. The recent data from the AMA indicate that 96.2 percent of all non-Federal physicians treated Medicare beneficiaries in 1996. Moreover, the percentage of physicians treating Medicare patients has increased to 95.2 percent in 1995 from 94.2 percent in 1994; over the last 2 years.

Mr. President, here is the point. The point is that the Medicare Program is a program that seniors rely on. A lot of Senators may not understand where the Kyl amendment takes us. Where the Kyl amendment takes us is the following direction.

By the way, people who are covered by Medicare are covered. They are able to get the care they need. My colleague was talking about the horrible example of someone who had a loved one who was struggling with cancer. It's the vast majority of people in the country who do not have insurance or are underinsured who need the most help. We really ought to be expanding Medicare for people in our country. We ought not to be about the business of dismantling Medicare.

I will use the same example as my colleague from Arizona used, but I will reach a whole different set of conclusions. I will simply say to you: Imagine a situation where you have an elderly couple, age 70. The wife is now battling cancer. It turns out that in the community where they live, under the Kyl amendment, given where the Kyl amendment is taking us, the vast majority of doctors in the community have decided, "Listen, we are going to charge more than Medicare reimbursement will give us. We are going to charge more." It just so happens that this couple can't afford it. They maybe have a total income of $20,000 or $25,000 a year.

Now it is two classes of medicine. If you are wealthy, you are going to be able to afford it. But what about the vast, vast majority of senior citizens who can't afford now what doctors are charging them? That is really what we are going into. We are not talking about freedom of choice for elderly people. We are taking a lot of choice away. We are talking about a situation where conceivably in a given community doctors could get together, or the majority of doctors could get together, charge more, still be in the Medicare system, and decide for each and every elderly person and their loved one what they pay—what they pay.

A whole lot of people who now can go and get the care they need, given the Medicare system, may no longer be able to afford it. The whole purpose of Medicare was that we said when you get to be older, you are going to incur more health care costs and we want to make sure that there is coverage for you, that we should at least do that for elderly people. Why in the world would we want to turn the clock back? Why in the world would we want to turn our backs on elderly people? Why in the world would we now want to create a situation where, if you are wealthy—and by the way most senior citizens are not—you have it made. Yes, you can contract with this doctor and these doctors. This doctor or these doctors can charge you anything they want to. But for the vast majority of people, Medicare beneficiaries, this will not work well. This will not work well.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUTENBERG. The Senator can have a couple more minutes as he needs.

Mr. WELLSTONE. I thank my colleague.

Let me just give an analogy. Take the Kaiser plan. It is well known, a managed care plan. You join the Kaiser plan and you are going to pay a given fee, the enrollees pay a given fee. Can you imagine what it would be like if all of a sudden doctors in the Kaiser plan could decide on their own, based upon what particular citizens they were seeing, that they would charge more for service? You join the plan just like people join Medicare. You join the Kaiser plan. Where Senator KYL is taking us, it would be as if doctors in the Kaiser plan could now say to the enrollees, "By the way, we have decided we are going to charge you more for coverage of this service." I mean, people would be furious. People would feel betrayed. People would say, "Wait a minute, that is not the contract with us."

Medicare is a sacred contract with senior citizens. We ought not create this gigantic loophole for too many providers who I fear rip off elderly people to charge fees for services that senior citizens cannot afford. We ought not tear up a very sacred contract.

I hope we will have a strong vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, if I could make just a couple of comments in response to the Senator from Minnesota. If an insurance company or plan like Kaiser company has a contract to provide care, they would be obligated to provide the care they contracted to provide. They can't all of a sudden just opt out and say we have decided we don't want to do that anymore or we are going to charge more money for it. I really don't understand the point of the Senator from Minnesota in that regard.

Second, he argued that under this amendment it could well come to pass, probably would come to pass, that so many physicians would charge so much more that pretty soon people wouldn't be able to afford their medical care. Yet it has also been argued here that very few people would want to take advantage of this; that 92 percent of the people in Medicare are happy with the care that they are getting. I don't think you can have it both ways. I don't think you can argue on the one hand that there would be dire consequences because everybody will want to do this and on the other hand everything is just fine and nobody is going to want to do it.

The truth of the matter is that probably not very many people will want to do this and therefore it will not have dire consequences on the system. But for those people who do want to do it, it becomes a very important matter to them. They may want to spend whatever they have—whether they have very much or not—in order to get that physician of their choice.

Let me present an analogy to you, Mr. President, about what the Senators who are arguing in opposition to this are really arguing.

They said we provided this great health care system for the citizens of the United States, and so it has to be the only system. To be consistent, they should also say we provided a great retirement system for people in this country; it is called Social Security. So in order to prevent anybody from getting any more money than anyone else in retirement, we are going to provide that under Social Security; that is what you got; you can't go outside; you can't have pension benefits, insurance benefits, stock paying you dividends or money from your kids or whatever. It is the Government plan or no plan, just like they are saying, here it is, Medicare or no care. Same thing, Mr. President. You can see how absurd the proposition is when presented in that way.

For retirement savings, we acknowledge the fact that people ought to have a choice. They can have the Government plan but they can also exercise their own freedom of choice to provide for themselves as they see necessary. But what our colleagues on the other side are saying is, when it comes to health care, which I argue is even more important to people than money, "No, you don't have that choice, because the Government has decided not only is it going to provide you an entitlement of health care, but it has now decided that is the only thing you can get once you turn 65; that you cannot go outside of that system."

That, Mr. President, is what is so wrong with the law that took effect as of January 1 of this year and what we are trying to correct. That is why we need to go on record expressing the sense of the Senate, and I will read it again:

> [Expressing] the sense of the Senate that seniors have the right to see the physician or health care provider of their choice . . .

I hope my colleagues will support us in that expression.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the sense-of-the-Senate amendment offered by Senator KYL, which calls for the expansion of private contracting between physicians and Medicare beneficiaries. This proposal could leave beneficiaries vulnerable to higher out-of-pocket costs for Medicare services. And it could leave the Medicare Program more vulnerable to fraud and abuse.

Mr. President, the Balanced Budget Act of 1997 allows physicians to enter into "private contracts" with Medicare enrollees and set their own fees for services covered by Medicare. The intent of this provision was to allow the 9 percent of physicians who don't participate in the Medicare Program, to continue to treat their Medicare-eligible patients through private contracts.

To protect Medicare from fraud and to ensure that private contracting arrangements are limited to physicians who otherwise would not be available to Medicare beneficiaries, the law is limited to those physicians who agree, in an affidavit, to forgo all reimbursement from Medicare for at least 2 years. The law also requires a physician to disclose to the patient that no Medicare payment will be made for privately contracted services, no balance billing limits will apply, no Medigap coverage will be available, and the services to be performed would be paid for by Medicare if provided by another physician.

The proposal advocated by Senator KYL could jeopardize these important protections by allowing all physicians to charge Medicare beneficiaries more than the levels set by the Congress on a service-by-service or patient-by-patient basis. And that could lead many seniors vulnerable to pressure from providers to pay higher rates. For example, a physician could tell someone with a serious illness that they would have to pay extra to get the services they need. And for a desperately ill person, that may leave them feeling that they have no real choice.

So, Mr. President, we need to evaluate the impact of the law we just passed before we make changes that could raise costs for beneficiaries or add to the already critical problems of fraud and abuse. The American College of Physicians has recommended that we not legislate further on the issue of private contracting at this time. They have advised that any further expansion of private contracting could have many unknown effects that should be studied in the broader context of Medicare reform by the bipartisan commission on Medicare. I believe that's good advice, Mr. President, and I would urge my colleagues to oppose this amendment.

Mr. REID. Mr. President, I rise in opposition to the Kyl amendment. I do so because I am not convinced that a private contracting provision is necessary in the first place. This amendment is presented in the name of freedom of choice when in fact it has a potentially devastating effect on the Medicare program and the health care costs paid by America's senior citizens. Seniors today have a choice in their health care options. They have the ability to privately contract for care not covered by Medicare as they always have. They also have payment protection in terms of how much they can be charged for Medicare covered services. Under the Kyl amendment these protections are removed and seniors who engage in private contracting would be responsible for 100% of the cost of their care. Even if this care is for Medicare covered services. Medicare would not pay for these services under private contract nor would supplemental policies pay as well. Seniors would be 100% responsible for these costs.

Today, 92% of Medicare beneficiaries are satisfied with Medicare. Under this amendment, the potential for significant out of pocket costs for seniors becomes a reality. When seniors already pay 21% of their health care costs out of pocket, any amendment to raise these costs should be closely scrutinized. The potential for fraudulent activity is also significantly increased under this amendment. While I have faith in our physician community and don't believe they are waiting in the wings to defraud our Medicare system, the potential for the Health Care Financing Administration (HCFA) to monitor claims that might be submitted while a private contracting relationship has been established is questionable. We have a responsibility to minimize any scenario that might lead to fraudulent activity and under this amendment, those guarantees to do not exist. The Congressional Budget Office reports that the HCFAs efforts to screen inappropriate or fraudulent claims could be significantly compromised. There is no system is a place that would allow HCFA to determine which patients are paying for their care out of pocket from those whose physician is submitting claims to Medicare for these same services. It is for this reason that the private contracting clause in the balanced budget Act of 1997 has a 2-year exemption clause which would require physician's who participate in private contracting to see no other Medicare patients during this period. This would enable HCFA to ensure that no double payments are being made. This is the only way HCFA at this time could preclude possible fraudulent activity.

Prior to the Balanced Budget Act of 1997 few of us in Congress had ever heard about private contracting in Medicare. This is because our senior constituents were not concerned about this issue and our physician constituents had never surfaced the issue either. My sense is that the truth of the matter is that they would not be concerned about this issue now as well had it not surfaced during the balanced budget debate. The cost protections afforded by Medicare are valuable to seniors and the peace of mind that is achieved knowing out of pocket costs will be limited means a great deal to those on fixed incomes. In that 96 percent of physicians participate in Medicare, there were no signs of their dissatisfaction or a call for change. Perhaps rather than voting on this amendment which is framed in the name of freedom of choice, the better approach would be to remove the private contracting choice provision in the Balanced Budget Act of 1997 and return to the way things were. I do not believe that this debate is about freedom of choice for seniors nor do I believe that physicians are standing in line to defraud our Medicare system. What I do believe is that we are debating an issue that before we learned what it meant seven months ago, few of us, constituents included, were even aware of. I submit that change for change sake is a mistake. We have a strong Medicare Program with protections in place to protect beneficiaries from high out of pocket costs and one that is committed to removing the potential for fraudulent activity from the system. We must be very cautious before we take steps to destroy the success of this program and the many protections this program provides to the 38 million beneficiaries who count on it for their day to day health care. In my view, the Kyl amendment does not pass the test to ensure payment protection for beneficiaries nor does it ensure the potential for fraudulent activity is removed. As such, I must oppose this amendment.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time remains on the Kyl amendment and the opposition to it?

The PRESIDING OFFICER. The Senator from Arizona controls 22 minutes 40 seconds; the Senator from New Jersey controls 8 minutes 30 seconds.

Mr. DOMENICI. I wonder if the distinguished Senator from New Jersey can agree we will both yield back the remainder of the time. I wonder if you intend to second degree the amendment. If you do not, then based on a UC that says that, we won't offer a second-degree amendment. If not, we intend to——

Mr. LAUTENBERG. Mr. President, we have no indication from anybody here that they want to offer a second-degree amendment. So that would take care of that.

Is the Senator proposing that we yield back all remaining time from the Senator from Arizona as well as our side; all yielding back?

Mr. DOMENICI. Yes, I am. Obviously, when this amendment comes up, if you desire to yield off the resolution, we can still do that. I just want to get on to another amendment, if we can.

Mr. LAUTENBERG. When is the Senator proposing to set the vote on this amendment?

Mr. DOMENICI. Mr. President, I say to the Senator from New Jersey, I received a note from the majority leader that votes will start tomorrow at 12 noon on a number of stacked amendments.

Mr. LAUTENBERG. So all the people who want to rush down here and offer amendments will still have time to do so tonight?

Mr. DOMENICI. We know of three that will take quite a bit of time, and they are willing to do that.

Mr. LAUTENBERG. That would be wonderful. We are not thinking of closing up shop until we have heard all the amendments.

Mr. DOMENICI. All amendments that can possibly be taken up on the floor.

Mr. LAUTENBERG. Oh, that would be excellent. I can't wait to hear them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I say this in all sincerity, because the votes were very long. One was in excess of a half hour, and quorum calls before the votes don't count and the vote time doesn't count. We have not even used 5½ hours today from starting at 9:30 this morning. We still have 29 hours remaining at this point, and we have essentially 2 days, Wednesday and Thursday, to get it done. That is going to be very difficult.

I am going to stay here, and we are not going to close the Senate. We would like Senators to come down and offer amendments.

I propose the following so there will be a sequence: First of all, there will be no votes until 12 noon tomorrow, and then there should be three votes. While this is not a unanimous consent request—it will be proposed later—let me say those votes will be on or in relation to the Kyl amendment, on or in relation to the Conrad amendment, and on or in relation to the Coverdell-McCain amendment. We are expecting to debate at least, if not more, Senator CONRAD's amendment and the Coverdell, McCain, et al. amendment. We are trying to get Senator CONRAD, and I hope Senator COVERDELL is on notice we will be ready soon after that. With that, I yield to my friend from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I appreciate the message that the chairman of the Budget Committee is sending out here, and that is the time is going to be consumed. We always know what happens when it gets to the bewitching hour, which is the end of the week, and people want to go home or take care of other business.

I say to my colleagues on my side, as well as the other side, do not be surprised, if you want to delay doing it now, that you are not going to be able to get enough time, in many cases, to really explore the amendment that you want to present. We could wind up in a vote-a-thon. That is going to be allowed. It means 1 minute debate and a vote. I don't think that is a good way to do legislation.

I say we are going to be here. Senator DOMENICI and I have agreed we will stay as long as we can, to use the expression, to do some business, to have people come down and offer their amendments. We invite them, whether it is 10 o'clock or 12 o'clock. We don't want an hour to elapse in between them, frankly, but we are here and we will stay as long as our colleagues want to bring amendments. We hope they will. If I still have the floor, I have a couple of amendments to send to the desk.

Mr. DOMENICI. Will the Senator let me make an assignment? Mr. President, Senator GORTON is going to take over my responsibilities as manager, and whatever privileges I have under the Budget Act belong to Senator GORTON from this point until I return.

The PRESIDING OFFICER. Do the Senators yield back the time on the pending amendment?

Mr. DOMENICI. I yield back any time Senator KYL had on his amendment.

Mr. LAUTENBERG. And we yield back on our side as well.

The PRESIDING OFFICER. All time is yielded back.

Mr. DOMENICI. It is understood there will be no second-degree amendments, and the Kyl amendment will be voted on tomorrow in sequence. I ask unanimous consent that that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I yield the floor.

AMENDMENTS NOS. 2204 AND 2205

Mr. LAUTENBERG. Mr. President, I have two amendments that I send to the desk. One is for Senator KOHL from Wisconsin and the other is for Senator DURBIN and Senator CHAFEE. I send these to the desk and ask they be held pending further action.

The PRESIDING OFFICER. If there is no objection, the pending amendment will be set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes amendments numbered 2204 and 2205.

The amendments are as follows:

AMENDMENT NO. 2204

(Purpose: To express the sense of the Senate regarding the establishment of a national background check system for long-term care workers)

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Over 43 percent of Americans over the age of 65 are likely to spend time in a nursing home.

(2) Home health care is the fastest growing portion of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), with an average annual growth rate of 32 percent since 1989.

(3) A 1997 report from State Long-Term Care Ombudsmen assisted under the Older Americans Act of 1965 indicated that in 29 States surveyed, 7,043 cases of abuse, gross neglect, or exploitation occurred in nursing homes and board and care facilities.

(4) A random sample survey of nursing home staff found that 10 percent of the staff admitted committing at least 1 act of physical abuse in the preceding year.

(5) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect do occur at an unacceptable rate and are not limited to nursing homes alone.

(6) Most long-term care facilities do not conduct both Federal and State criminal background checks on prospective employees.

(7) Most State nurse aide abuse registries are limited to nursing home aides, thereby failing to cover home health and hospice aides.

(8) Current State nurse aide abuse registries are inadequate to screen out abusive long-term care workers because no national system is in place to track abusers from State to State and facility to facility.

(9) Currently, 29 States have enacted varying forms of criminal background check requirements for prospective long-term care employees. However current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers.

(10) Many facilities would choose to conduct background checks on prospective employees if an efficient, accurate, and cost-effective national system existed.

(11) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care.

(12) It is incumbent on Congress and the President to ensure that patients receiving care under the medicare and medicaid programs (42 U.S.C. 1395 et seq.; 1396 et seq.) are protected from abuse, neglect, and mistreatment.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that—

(1) funds should be directed toward the establishment of a national background check system for long-term care workers who participate in the medicare and medicaid programs (42 U.S.C. 1395 et seq.; 1396 et seq.);

(2) such a system would include both a national registry of abusive long-term care workers and a requirement for a Federal criminal background check before such workers are employed to provide long-term care; and

(3) such a system would be created with ample input and comment from representatives of the Department of Health and Human Services, State government, law enforcement, the nursing home and home health industries, patient and consumer advocates, and advocates for long-term care workers.

AMENDMENT NO. 2205

(Purpose: To express the sense of Congress regarding the right to affordable, high-quality health care for seniors)

At the end of title III, insert the following:

SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et

seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(8) Allowing private contracting on a claim-by-claim basis under the medicare program would impose significant out-of-pocket costs on beneficiaries under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care and that they have the right to choose their doctors, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

Mr. LAUTENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent that a vote occur on or in relation to the Kyl amendment at 12 noon, Wednesday, April 1, and no amendments be in order to the Kyl amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. I announce on behalf of the majority leader there will be no further votes this evening.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING SEPTEMBER 30, 1998

The PRESIDING OFFICER. Under the order of March 26, 1998, the Senate has received H.R. 3579, the supplemental appropriations bill, recently passed by the House. All after the enacting clause of H.R. 3579 is stricken and the text of S. 1768, as amended, is inserted in lieu thereof; the House bill is considered read a third time and passed; the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The PRESIDING OFFICER (Mr. BROWNBACK) appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, and Mrs. BOXER conferees on the part of the Senate.

Mr. GORTON. Does the Presiding Officer have any additional appointments? If not, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNIVERSITY OF TENNESSEE LADY VOLUNTEERS

Mr. FRIST. Mr. President, on this past Sunday night history was made, perfection was attained, and a dynasty was firmly established in women's collegiate basketball. It is with great Tennessee pride that I salute the 1998 NCAA National Championship Lady Vols of the University of Tennessee.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 203, submitted earlier today by myself and Senator THOMPSON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 203) expressing the sense of the Senate that the University of Tennessee Lady Volunteers basketball team is the new dynasty in collegiate women's basketball.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this evening, along with my fellow Lady Vol fan, Senator FRED THOMPSON, I introduce this sense-of-the-Senate resolution establishing the Tennessee Lady Vols as the new dynasty in collegiate women's basketball. When one recites the great basketball dynasties of all time, the Boston Celtics, the Chicago Bulls, and the UCLA Bruins Men's team, one should certainly complete that list with the Tennessee Lady Vols.

The greatest coach in women's basketball history, Pat Summitt, who recently appeared on the cover of Sports Illustrated as the "Wizard of Knoxville," has led the Lady Vols to their third national championship in a row by defeating a great Louisiana Tech team by the score of 93–75 in the NCAA Tournament final. This victory capped a perfect season at 39 wins and zero losses, the most victories ever for a woman's team. In fact, their current winning streak is 45 games.

I watched, along with my fellow Tennesseans, with pride as the Lady Vols marched through their perfect season, defeating 39 teams by an average margin of 30 points. And 16 of these victories were against teams ranked in the top 25 in the Nation. This dominance is likely to continue into next year because, as all Lady Vol fans know, only one of these champion players is a senior.

In closing, I would like to acknowledge the tremendous effort and the team play by the Lady Vols, who include team members, now familiar to this country, Niya Butts, Kyra Elzy, Laurie Milligan, Misty Greene, Kellie Jolly, Semeka Randall, Chamique Holdsclaw, Tamika Catchings, Brynae Laxton, Kristen Clement, LaShonda Stephens, and Teresa Geter.

I would especially like to acknowledge the tremendous coaching job of Pat Summitt, and all the members of the University of Tennessee who have helped contribute to the building of this great dynasty. Lastly, I would like to recognize the most important group, and one which I am honored to be included in, the great Tennessee Vol fans.

Mr. President, I yield the floor.

Mr. THOMPSON. Mr. President, I rise today to recognize the outstanding victory of the University of Tennessee Lady Volunteers in capturing their third consecutive national basketball championship. And I ask my colleagues to join me in formally recognizing the Lady Vols as our country's newest sports dynasty.

Under the leadership of Coach Pat Summitt, the Lady Volunteers went undefeated this season. Only a few weeks ago, Sports Illustrated compared Coach Pat Summitt to the great John Wooden. I think the magazine was right on the mark.

Of course, many of my colleagues had their own home-state favorites in the tournament. But Mr. President, I say that they shouldn't be too disappointed with the outcome. They might want to keep in mind that all those other teams were, after all, up against a basketball dynasty that just finished an undefeated season of 39 wins, coming off back-to-back national championships. Plus, we're talking about a Tennessee team here, so what else could you expect? Frankly, Mr. President, my heart goes out to anybody who would get between the UT players and the win that marks their third consecutive national championship.

Back home in Tennessee we are very, very proud of this team. We're proud of the scholar-athletes. We're proud of the coaching staff. We're proud of the parents and the friends and the faculty who support them. We're proud of a program that has made women's basketball into a national phenomenon. And we're proud that at the end of this season, this team wrote itself into the sports history books with six championships in twelve years.

This is just about as flawless a season of athletic performance as you're ever going to see, and we're fortunate in Tennessee to have this tremendous program and these gifted, talented young people.

So today, I congratulate them. My colleagues have enjoyed this kind of excitement with teams from their own states. And I know they appreciate just how pleased we are in Tennessee to get bragging rights for 1998. Year after year, this tremendous program and these outstanding young people make us proud. So, Mr. President, I ask my colleagues to join me in declaring the University of Tennessee Women's Basketball program a certified, world-class sports dynasty.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 203

Whereas the Lady Volunteers (referred to in this resolution as the "Lady Vols") won its third straight National Championship in the National Collegiate Athletic Association women's basketball tournament on March 29, 1998;

Whereas the Lady Vols finished the 1997-1998 basketball season with a perfect record of 39 wins and zero losses; and

Whereas the Lady Vols have won 6 National Championships in the last 12 years: Now, therefore, be it

Resolved, That it is the sense of the Senate that the University of Tennessee Lady Volunteers basketball team should be recognized as the new dynasty in collegiate women's basketball.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

COMMENDING AND CONGRATULATING THE UNIVERSITY OF KENTUCKY ON ITS MEN'S BASKETBALL TEAM WINNING ITS SEVENTH NATIONAL COLLEGIATE ATHLETIC ASSOCIATION CHAMPIONSHIP

Mr. FORD. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 204) to commend and congratulate the University of Kentucky on its men's basketball team winning its seventh National Collegiate Athletic Association championship.

Whereas the University of Kentucky Wildcats men's basketball team defeated the University of Utah's team on March 30, 1998, in San Antonio, Texas, to win its seventh National Collegiate Athletic Association (NCAA) championship; and

Whereas, the Wildcats overcame the largest halftime deficit in a championship game, earning for themselves the nickname "The Comeback Cats", and

Whereas, Coach Tubby Smith, his staff, and his players displayed outstanding dedication, teamwork, unselfishness, and sportsmanship throughout the course of the season in achieving collegiate basketball's highest honor; and

Whereas Coach Smith and the Wildcats have brought pride and honor to the Commonwealth of Kentucky, which is rightly known as the basketball capital of the world: now, therefore, be it

Resolved, That the Senate commends and congratulates the University of Kentucky on its outstanding accomplishment.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the president of the University of Kentucky.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. FORD. Mr. President, I thank the clerk for reading it. I apologize for imposing upon him, but I wanted that to be a part of the RECORD. Not many people will read the RECORD back home. I would like for them to see and hear it. On behalf of the fans and the people of the Commonwealth of Kentucky, it is a great pleasure for me to come to the Senate floor today to brag on a group of young men that refused to give up, a team that showed us all the best about teamwork, selflessness, and dedication—the 1998 NCAA National Champion University of Kentucky Wildcats.

The University of Kentucky has a storied tradition of outstanding basketball teams; the "Fabulous Five," the "Fiddlin Five," "Rupp's Runts," and more recently, "The Unforgettables," to name just a few. But today, we have a new team to add to that list: "The Comeback Cats."

Faced with a 10-point half-time deficit, the Cats overcame that deficit and rallied to beat Utah, a team of outstanding athletes playing under a fine coach. And by doing so, they broke the all-time record for the largest half-time deficit overcome in the NCAA Title game.

But this was not the first time the Wildcats had to make a rally in this tournament. Down to Duke by 17 in the Elite Eight and down by 10 points to Stanford in the National Semifinal, the Wildcats did what we've become accustomed to in Kentucky. They turned up the defense, they hit the offensive boards and they hit the "threes" when they counted.

And they did it on a team that can best be described as a celestial body—a team with no individual stars. As Washington Post sportswriter Michael Wilbon noted this morning, "This is one of the few Kentucky basketball teams that is completely without a star player. But Coach Tubby Smith convinced the players many games ago they don't need one."

This is a team with three seniors as tri-captains who have all sacrificed: Cameron Mills, a player who'll be long remembered for his clutch three-pointers, came to the team as a walk-on after passing up scholarships to play at other schools; Allen Edwards, a three-position player fighting on after the loss of his mother; and Jeff Sheppard, a red shirted player last year who became this year's Most Valuable Player in the Tournament.

Of course all of this would not have been possible without the guidance and steady hand of Coach Tubby Smith, a man filling the shoes of a coach who became a legend in Kentucky over a few short years, Rick Pitino.

Today in Kentucky they're talking about a man who led this team to the Championship and has shown, as a local paper noted, that "skill, intelligence and a self-effacing gentlemanliness are enough to win games—and hearts." Tubby Smith has shown us that nice guys do, indeed, finish first.

For all the players, the coaches, the managers—and anyone else associated with the team—let me say congratulations on a job well done, and please know there are thousands of Kentuckians who are very proud of you.

Mr. President, I might say that of the three times the Tennessee women will have been at the White House to be honored, Kentucky will have been there two of those, and they had to go into overtime to lose the third one. I think we have an outstanding group of people.

I ask for approval of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 204) was agreed to.

The preamble was agreed to.

Mr. FORD. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, while the Senator from Kentucky is here, I appreciate the resolution that was offered and that was just passed in the Senate. In my estimation, there have never been two teams that had such good sportsmanship. The two coaches were of such high quality. In all their victories along the way, they complemented each other, and last night, even though one was a victor and one was the vanquished, they both talked as if they had won. It was very good performance and set a good standard for sportsmanship.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002 AND 2003

The Senate continued with consideration of the concurrent resolution.

Mr. GORTON. Mr. President, we are operating under a unanimous consent agreement under which the next two amendments are to be proposed by Senator CONRAD of North Dakota and Senator COVERDELL of Georgia. Neither of them is here. We do have two Senators here who are ready to offer amendments, Senator REID of Nevada and Senator ALLARD of Colorado.

I ask unanimous consent now that we hear first from Senator REID and then from Senator ALLARD, warn the other two Senators that this will take perhaps half an hour combined, something of that sort, and they will come after that.

Mr. LAUTENBERG. If I may, in my discussion with Senator REID of Nevada, he believed about 15 to 20 minutes would be his maximum requirement, and I spoke to the Senator from Colorado, Mr. ALLARD. He also talked about the possibility of a matching 20 minutes. So in the unanimous consent agreement, why don't we do that, recognizing that one Senator may not be available to do his immediately, and as such, would the Senator from Colorado be willing to do his when there is a break in the schedule?

Mr. ALLARD. I am more than glad to work with the floor managers on this. I am set to preside over the Senate until 8 o'clock. I have to set up some charts and I am ready to go. I can be flexible, and any Member who thinks they want to go ahead and make comments, it is all right with me.

I just was hoping I could get to go this evening. If there was nobody else that was willing to go, I was ready to go so we wouldn't lose time.

Mr. GORTON. This sounds like a generous offer. I will ask now that Senator REID of Nevada be recognized to offer an amendment in spite of the existing unanimous consent agreement, and then when he is done, we will see who is here and perhaps be able to accommodate Senator ALLARD.

Mr. LAUTENBERG. If I may, Mr. President, we are expecting the unanimous consent agreement that was propounded before that includes Senator CONRAD followed by Senator COVERDELL, and we intend to follow that order, but understanding that after Senator REID presents his, at Senator ALLARD's convenience when we have a break, we will include him as part of the unanimous consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

AMENDMENT NO. 2206

(Purpose: To express the Sense of the Senate that the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding and that public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act)

Mr. REID. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If there is no objection, the pending amendment will be set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID), for himself and Mr. BRYAN, proposes an amendment numbered 2206.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE ON OBJECTION TO THE USE OF THE SALE OF PUBLIC LANDS TO FUND CERTAIN PROGRAMS.

(a) FINDINGS.—The Senate finds that the Budget Committee Report accompanying this resolution assumes that the landowner incentive program of the Endangered Species Recovery Act would be funded "from the gross receipts realized in the sales of excess BLM land, provided that BLM has sufficient administrative funds to conduct such sales."

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the functional totals underlying this resolution assume that:

(1) the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding; and

(2) public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act.

Mr. REID. I ask unanimous consent that Senator BRYAN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this amendment is important because I think what we are doing here is setting some very important public policy. That public policy is that we should not auction off Federal land to take care of the Endangered Species Act.

In short, this sense-of-the-Senate resolution I have presented to the Senate deals with the budget resolution and its report concerning the sale of excess public lands. The provision in question calls for financing of certain landowner incentive programs through the sale of excess BLM land. What this means, in layman's language, is that the Environment and Public Works Committee came up with an endangered species reauthorization compromise. It came out of the committee by a vote of 16-3 and received bipartisan support in the committee.

The problems that have arisen since we reported that bill are relatively minor in nature. However, one of the problems that has been talked about is some permanent means of financing the programs in the new Endangered Species Act. I support the new Endangered Species Act, but I know that there must be some form of financing for that. I am convinced this is not the way to finance it. As someone who has been involved in the negotiations on the reauthorization of the Endangered Species Act, I am aware of the need to provide a dedicated source of funding for these programs. These programs assist private landowners in carrying out the purpose, the intention, the aim of the Endangered Species Act. That is basically protection and recovery of threatened and endangered species.

I am supportive of providing the landowners with incentive for proactive efforts to conserve endangered species. However, the Federal Government's responsibility in assisting landowners carrying out this act should not be borne by Western States, and principally one Western State, at this time because the real estate market is so hot in the southern Nevada area. This responsibility should not be borne basically by one State. The Endangered Species Act covers the whole country. In that it does cover the whole country, the whole country should be involved in solving the details of it, especially the financing. It is not fair that States like Colorado, Arizona, Idaho, Nevada, and New Mexico be the cash cow for the Endangered Species Act.

The Endangered Species Act and requirements apply to all 50 States. It is a national Federal law because, Mr. President, there is a national Federal interest in the protection and conservation of endangered species. We shouldn't turn our Federal lands into a land bank that finances this important act.

I understand the importance of Federal land. The State of Nevada is 87 percent owned by the Federal Government. I repeat, 87 percent of the State of Nevada is owned by the Federal Government; 13 percent of that land is owned by private parties. We want to get more of that land in the public sector into the private sector, but we want to do it in an orderly fashion, and we have done that in the soon-to-be second largest city in Nevada. Henderson, NV, is the place where I went to high school. At that time, it was a community of about 10,000 people. It is now approaching 200,000 people and growing very rapidly—the most rapidly growing city in all of Nevada; in fact, one of the most rapidly growing communities in all of America.

Now, the reason it has been allowed to grow is because we have added Federal land to the land base of the city of Henderson. It has had a very orderly growth. We have some planned communities. One of the most important planned communities anywhere in the country is a place called Green Valley. It is a beautiful community. Mr. President, that has been done in an orderly fashion. It hasn't been forced upon anyone. It wasn't done at auction. That, in effect, is what we are talking about here. They are public lands that belong to the public for their enjoyment.

Not only has Henderson received the benefit of public lands, but other places throughout the State of Nevada, like Mesquite, Carlin, NV. We could go on with many other examples. These are public lands and they belong to the public for their enjoyment.

Are we going to auction off all the nice places in Nevada and then only people of wealth who can buy those lands will be able to use those nice places in Nevada? I hope not. That is in effect what they are doing here. They are mandating in this budget resolution the sale of public lands to meet the needs of the Endangered Species Act. Mandating the sale and using the proceeds to fund programs outside the State where the land is would be patently unfair.

This body should reject this misguided proposal and support this amendment. It is surprising to me that any Western Senator could support the underlying provision in this budget resolution saying we are going to auction off Federal lands the purpose of which is to carry out the intent of the Endangered Species Act. Apart from the regional States' specific bias, the amendment should also be rejected on environmental grounds. This will be one of the key environmental votes of this Congress, or any Congress.

Opponents of this provision in the budget resolution are Friends of the Earth, American Oceans Campaign, Center for Marine Conservation, Defenders of Wildlife Earthjustice Legal Defense Fund, Environmental Defense Fund, Grassroots Environmental Effectiveness Network, Izaak Walton League of America, National Audubon Society, National Wildlife Federation, Natural Resource Defense Council, Trout Unlimited, U.S. Public Interest Research Group, Western Ancient Forest Campaign, the Wilderness Society, the World Wildlife Fund, and many others.

The League of Conservation Voters is looking at this very closely, I am told, as they should.

We have worked closely with these groups over the past years in coming up with the Endangered Species Act. One of their strongest concerns in this period of time is to ensure that we put in place a long-term mechanism to finance these programs. The proposal included in this resolution funds these important programs only for limited times and only for the one-time revenue scheme. As a matter of public policy, this doesn't make sense. The demand to participate in the program and additional obligation to maintain incentives over time is going to create a tremendous pressure to sell additional public lands.

That isn't how we should get rid of public lands, how we should get public lands into the private sector. We should not do it on a forced sale. It should be done in an orderly process, certainly not an auction so that we need money this year because we have three endangered species listed in Florida, two in Colorado, one in Nevada, and three in Hawaii. That isn't the way it should be.

To show you how disingenuous those who are pushing this proposal are, the Bureau of Land Management sells an average of 5,000 acres per year for about $2.5 million. It is interesting to note that Congress Daily quotes an unnamed BLM official as saying the Budget Committee estimates $350 million revenue from this proposal. Absurd. It is impossible.

Mr. President, there are a number of appropriate justifications for disposal of public lands. I have talked about the city of Henderson, the city of Carlin, the city of Mesquite, and other places in Nevada. I have also worked closely with Senator BRYAN and my two colleagues from the House on the Nevada Public Lands Act, which provides for the disposal of certain public lands in Nevada—a good piece of legislation. We are going to have a hearing in May on this matter before the committee of the senior Senator from Alaska, who is the chairman of the committee. We have confidence that he will report that bill out favorably and that it will pass.

Now, why in the world would they—whoever "they" are pushing this budget resolution—want to undermine something that is working well? We have general support from the committee—I spoke to the chairman myself—on the Nevada Public Lands Act. And it applies not only to Nevada, but to the entire West. It would allow lands to be auctioned, and those moneys would stay in the State from where the land is sold for environmental concerns. There may be a special piece of land that the Federal Government wants. There may be some things that the Federal Government needs, and auctioning off these lands would allow them to do that.

For example, we have a number of things in the State of Nevada for which the Federal Government wants these lands. They do not want the land to be subdivided. It is a special place to be used for a park or recreational purposes. So these lands would be auctioned off, and you could purchase that land to put it in the public sector or the private sector.

So I think it is important that some of the lands we identified in our legislation—the Nevada Public Lands Act—would, of course, be used now for this legislation, the budget resolution. That is not the way it should be. I am very concerned. I have worked long and hard on the Endangered Species Act, but I am not about to be part of an Endangered Species Act if it has this as a source of funding. I think there is probably some concern about why this is put in the budget resolution. I guess it is kind of like a fire auction. You get the best you can with what you have. I think what they have in this instance is a hot real estate market in the State of Nevada, southern Nevada particularly, and they are going to sell this land as quickly as they can. I think that is wrong. The amount of public lands in Las Vegas would be the only likely source today of a significant amount of money to fund these proposed programs. Tomorrow, it may be the outskirts of Denver. Next year, it may be the outskirts of Albuquerque. These would be places they would go to raise as much money as they could as quickly as they can—fire sales to fund the Endangered Species Act. Funds would then be made available for incentives throughout the country, not just in Nevada. This is a conflict with the legislation that I have talked about earlier that is now before the Energy Committee. The resolution puts in place a public lands disposal policy that is entirely driven by the need to sell excess lands. But unlike the meritorious programs they will fund, which are temporary, the disposal of public lands is permanent.

Mr. President, I have said that this proposal is a poison pill. I believe it is intended to kill reauthorization of the Endangered Species Act. We have been negotiating the reauthorization of this monumental act for 2 years or more, along with Senators BAUCUS, CHAFEE, KEMPTHORNE, and the administration. We sought to secure a dedicated source of funding for these private land programs. This is not it. While I can't speak for the administration, I repeat that we were never consulted on this proposal. Frankly, I don't like it. I think it is a poison pill. If our amendment is defeated, as far as I am concerned, it is the death of the Endangered Species Act. I could not agree to supporting a bill which so unfairly exploits the value of Nevada public lands and undermines the legislation. It has been more than a year in the making, the Nevada Public Lands Act.

Mr. President, I would like to make part of the RECORD a letter from the group of environmental concerns, including Friends of the Earth, American Oceans Campaign, and others, dated March 30, 1998. I ask unanimous consent that this letter be printed in the Record, along with a letter dated March 31 from the Sierra Club dealing with this subject, and a letter from the League of Conservation Voters.

There being no objection, the material was ordered to be printed in the Record, as follows:

March 30, 1998.

Dear Senator: We are writing to express our concern over a proposal described in the Senate Budget Resolution to use the proceeds from the sale of public lands under the Interior Department's Bureau of Land Management (BLM) to fund the private landowner incentive programs of S. 1180.

In general, we are supportive of providing private landowners with incentives for proactive efforts to conserve endangered species and would like them funded through sustainable, long-term revenue mechanisms. However, under the proposal being developed, the landowner incentives programs in S. 1180 would be funded presumably only for a limited time from a one-time revenue scheme. Thereafter, additional revenues would need to be generated to continue funding of these programs. The demand to participate in this program, and the obligation to maintain the incentives over time, could create pressure to sell additional public land if other, more acceptable, revenue sources were not identified. We believe a more sustained funding mechanism is needed.

In addition to failing to establish a reliable source of funding, the proposal would set an unacceptable precedent regarding the sale of public lands. Our public lands are an integral part of America's national heritage, and we strongly oppose the sell-off of such important assets. Disposing of public lands may be appropriate when the planning process concludes it is in the public interest to exchange or sell certain parcels. In such cases, the lands could be exchanged for—or revenues dedicated to—acquisition and permanent protection of lands that contain important natural habitats and/or resources. However, the need for revenues should not drive the decision-making on disposal of public lands. That is exactly the wrong reason to sell off public lands. From a policy and budget perspective, it is not appropriate to tie the permanent disposal of taxpayer-owned property to temporary measures for endangered species.

While we support efforts to find the necessary resources to fund the protection of endangered species, we believe this proposal creates serious problems and we will oppose it.

Sincerely,

Gawain Kripke,
Director, Appropriations Project, Friends of the Earth.

Ted Morton,
Program Counsel, American Oceans Campaign.

Wm. Robert Irvin,
Vice President for Marine Wildlife, Conservation and General Counsel, Center for Marine Conservation.

Michael Senatore,
Legislative Counsel, Defenders of Wildlife.

Heather Weiner,
Policy Analyst, Earthjustice Legal Defense Fund

Michael J. Bean,
Director, Wildlife Program, Environmental Defense Fund.

Roger Featherstone,
Director, Grassroots Environmental Effectiveness Network.

Jim Mosher,
Conservation Director, Izaak Walton League of America.

Mary Minette,
Director, Endangered Species Campaign, National Audubon Society.

Sara Barth,
Legislative Representative, Endangered Species, National Wildlife Federation.

Philip M. Pittman,
Policy Analyst, Natural Resource Defense Council.

Steve Moyer,
Vice President of Conservation Programs, Trout Unlimited.

Kim Delfino,
Staff Attorney, U.S. Public Interest Research Group.

Jim Jontz,
Executive Director, Western Ancient Forest Campaign.

Fran Hunt,
Director, BLM Program, Wilderness Society.

Christopher E. Williams,
Director, Endangered Species Policy and Chihuahuan Desert Conservation, World Wildlife Fund.

Sierra Club,
Washington, DC, March 31, 1998.

Dear Senator: On behalf of Sierra Club's over half million members, I am writing to convey our opposition to a provision currently in the Senate Budget Resolution which assumes the sale of Bureau of Land Management land in order to fund landowner incentives for endangered species programs.

While land exchanges may be appropriate for some federal lands if they have little public, ecological, or wildlife value, these exchanges should result in the acquisition and permanent protection of the scarce remaining lands that do have these values. This proposal would set a dangerous precedent regarding the management of our federal public lands and the amount and quality of public land available to future generations of Americans. The Sierra Club is firmly opposed to the selling off of these important assets.

Sierra Club is generally supportive of providing small, private landowners with incentives for proactive conservation measures, but such measures should be funded through sustainable means. The mechanism proposed in the Senate Budget Resolution is problematic because it fails to establish a reliable source of funding. Under the Proposal, funding for landowner incentives would likely come from the one-time sale of BLM lands. This would not provide a sound funding program for landowner incentives, and would create pressure to sell off additional public lands.

Some in Congress support the outright "disposal" of our public lands. The budget bill should under no circumstances be used as a backdoor mechanism to achieve this controversial goal.

Later this week, a Sense of the Senate amendment will likely be offered by Senator Harry Reid and Dale Bumpers in opposition to this provision. We strongly urge you to support this amendment and protect our federal public lands from this precedent setting provision. In addition, we urge you to refer to our previously delivered coalition letter in support Senator Frank Lautenberg's amendment to provide adequate funding for environmental protection programs. . .

Sincerely,

Debbie Sease,
Legislative Director.

League of Conservation Voters,
March 30, 1998.

Re Senate Concurrent Resolution 86, supporting the Latenberg amendment to fund environment and national resource protection.

U.S. Senate,
Washington, DC.

Dear Senator, the League of Conservation Voters is the bipartisan, political arm of the national environmental movement. Each year, LCV publishes the *National Environmental Scorecard*, which details the voting records of Members of Congress on environmental legislation. The *Scorecard* is distributed to LCV members, concerned voters nationwide and the press.

Last year's balanced budget agreement contemplated decreasing spending every year until at least 2003 for natural resources and environmental programs. The American public has made clear that clean water, our public lands, fisheries and wildlife management, and other environmental programs require a higher priority than was reflected in this agreement.

During consideration of the Budget Resolution, S. Con. Res. 86, LCV urges you to support an amendment by Senator Lautenberg (D-NJ) that would restore funding for critical environment and natural resource programs that were proposed in the President's budget but omitted from the Resolution. This amendment would address the following crucial environmental initiatives:

The Clean Water Action Plan which will provide increased resources to states, tribes and individuals in order to address polluted runoff from urban areas, agriculture, mining and other sources.

A continuation of funding for the Drinking Water and Clean Water State Revolving Loan Funds which will help to ensure that our drinking water and wastewater treatment infrastructure can meet water quality and public health needs for the next century.

The Land, Water and Facility Restoration Initiative, which provides increased funding for "Safe Visits to Public Lands" and "Supporting the Land and Water Conservation Fund Vision".

An increase in funding to continue progress in cleanups at Superfund sites around the nation, where many communities have been waiting for over a decade to have toxic and hazardous sites restored to safety.

In addition, LCV urges you to support any amendments to address the following:

We understand that an amendment may be offered to reduce or eliminate the existing tax subsidy for mining on public and parented lands—known as the percentage depletion allowance.

The Budget Resolution assumes that landowner incentives programs for endangered species would be funded from the proceeds of the sale of public lands under the Interior Department's Bureau of Land Management. This proposal would set an unacceptable precedent regarding the sale of public lands and would fail to provide a sustainable, long-term revenue mechanism for endangered species protection.

America's land, water, fish, wildlife and plants are irreplaceable natural assets that belong to, and benefit our entire nation: their protection and stewardship warrant the modest increase in funding that Senator Lautenberg's amendment would allow. LCV's Political Advisory Committee will consider including votes on S. Con. Res. 86 in compiling LCV's 1998 *Scorecard*. Thank you for your consideration of this issue. If you need more information please call Paul Brotherton in my office at (202) 785-8683.

Sincerely,

DEB CALLAHAN,
President.

Mr. REID. Mr. President, as I have indicated earlier in my presentation, I think that Senator BUMPERS, at a subsequent time, would like to come speak on this. His not being here today does not waive his ability to come.

I yield the floor.

Mr. LAUTENBERG. Mr. President, if the distinguished Senator from North Dakota is ready, we just heard from the Senator from Nevada; he put his amendment in. Further action will occur at the appropriate time.

I would like now to ask our colleague from North Dakota to present an amendment he has been waiting for.

AMENDMENT NO. 2174

Mr. CONRAD. Mr. President, I rise to speak on the amendment on behalf of myself; Senator LAUTENBERG, the ranking member on the Budget Committee; Senator BINGAMAN of New Mexico; and Senator REED of Rhode Island.

Mr. President, this amendment will address one of the problems with the budget resolution that was passed out of the Senate Budget Committee. The Senate budget resolution says that if any tobacco revenues are forthcoming as a result of a conclusion to the tobacco controversy, that money can only be used for the Medicare Program.

I would be the first to acknowledge the critical importance of Medicare and to say that some of the tobacco revenues ought to go for that purpose. In fact, the measure that I have introduced, which has 32 cosponsors in the U.S. Senate, provides for some of the funds to go to strengthen the Medicare Program. But there are other important priorities as well. Under the budget resolution passed by the Republican majority in the Budget Committee, none of the funds can go for other purposes to address the tobacco challenge facing our country. In fact, none of the funds that could come from a resolution of the tobacco issue could be used for smoking cessation, smoking prevention, counter-tobacco-advertising programs, to expand health research on tobacco-related issues, to provide for additional funding for FDA increased regulatory authority over the tobacco industry.

That just seems to be a serious mistake. Every single expert that came before our task force on the tobacco legislation said that if you are going to be serious about protecting the public health, if you are going to be serious about reducing youth smoking, you need a comprehensive plan, a plan that raises prices to deter youth from taking up the habit; you need to have smoking cessation and smoking prevention programs; you need to have counter-tobacco advertising. You also need to expand FDA's regulatory authority. And, yes, you should have expanded health research into the diseases caused by tobacco addiction and tobacco use.

The resolution from our friends on the other side of the aisle says no to all of those other priorities. It says there is only one priority. It says all of the money should go for only one purpose. Mr. President, that is just a mistake. If we look at all of the comprehensive bills that have been introduced in this Chamber by Republicans and Democrats, every single one of those comprehensive bills provides funding for matters other than just Medicare. They provide money for smoking cessation, for smoking prevention, for counter-tobacco advertising, for expanded FDA regulatory authority, for increased health research into the problems caused by the addiction and disease brought on by the use of tobacco products.

I brought this chart that compares reality to rhetoric. If we look at the policy goals in all of the comprehensive bills that have been introduced in this Chamber, bills by three Republican chairmen—Senator MCCAIN, chairman of the Commerce Committee; Senator HATCH, chairman of the Judiciary Committee; and also Senator LUGAR, chairman of the Agriculture Committee—all of those bills provide for funding for these other priorities. In addition to my own bill, the HEALTHY Kids Act, Senator LAUTENBERG's bill and Senator KENNEDY's bill, all of them use tobacco revenue for anti-youth-smoking-education initiatives—every single one of them, Republicans and Democrats, provide for using some of the funds for that purpose. The Republican budget alternative available on the floor says no money for that purpose. All of the bills, Republicans' and Democrats', that have been introduced on the floor, use some of the tobacco revenue for public service advertising to counter the industry's targeting of our kids. But the Republican budget that is before the Senate says no money can be used for counter-tobacco advertising.

Mr. President, all of the major bills that have been introduced say use some of the tobacco revenue to fund tobacco-related medical research. That just makes common sense. But the Republican budget alternative says not one dime from a resolution of the tobacco controversy can be used for that purpose. What sense does that make? All of the major bills that have been introduced by Republicans and Democrats say some of the tobacco revenue should be used to fund smoking cessation programs. The Republican budget says no. The Republican budget says not one penny out of the tobacco revenues for the purpose of funding smoking-cessation programs. What sense does that make? All of the major bills say use part of the tobacco revenue to assist tobacco farmers.

The Republican budget resolution says no; not one dime to ease the transition for tobacco farmers that would result from the passage of tobacco legislation.

Mr. President, the Republican budget resolution would hold every comprehensive tobacco bill that has been introduced by Republicans or Democrats to be out of order on the floor of the Senate—all of them. They would all be out of order under the Republican budget resolution. What sense does that make?

I submit that we can do better. We should do better. We have the opportunity to respond by taking what is in the Republican budget resolution with respect to the funds that would be taken in, the revenue that might result if we are able to resolve the tobacco question, and, instead of only allowing those funds to be used for the Medicare Program, to broaden the use of those funds to allow them to be spent in a way the American people want to see them spent, and the way every bill which is comprehensive which has been introduced by Republicans or Democrats provides. It is in my amendment; that is, not only should the money go for Medicare; yes, some of the money should go for that purpose; but some of the money should go for public health efforts to reduce the use of tobacco products by children, including tobacco control, education, and prevention programs, counteradvertising, research, and smoking cessation.

Every expert who came before our task force—we heard from over 100 witnesses—said you have to have a comprehensive plan, you have to do some or all of these things, if you are going to be successful at protecting the public health; you have to do some or all of these things if you are really going to be successful at reducing youth smoking.

We should also provide the chance, at least for comprehensive tobacco legislation, to provide assistance for tobacco farmers. The budget resolution before us says no; no help for tobacco farmers. Not only are we not going to have any money from tobacco revenues for smoking cessation, for smoking prevention, or for health research, we have no money to assist tobacco farmers and their communities.

We also provide increased funding, or at least the chance for increased funding, for the Food and Drug Administration, which, under virtually every bill that is out here, would be asked to take on a greater role and more responsibility. If they are going to be given more obligations, they ought to be given the funding to match those obligations. They ought to be told yes, those additional resources to regulate the tobacco product will be provided. Virtually every bill that has been introduced here by Republicans and Democrats says that is an appropriate outcome. The Republican budget resolution says no—not one thin dime for that purpose, or for the purpose of the farmers, or for the purpose of smoking cessation, smoking prevention, health research, or countertobacco advertising—no tobacco revenues to be used for that purpose.

Mr. President, it just doesn't make sense. Yes, we provide that the funds which would be set aside taken from the tobacco revenues could also be used for expanded health research. If there is one thing we have heard from the experts, it is that we need to know more about the causes of the diseases which flow from the addiction and the use of these tobacco products.

The National Institutes of Health need additional funding to look into the cancers caused by the use of tobacco products, to examine the heart problems caused by the use of tobacco products, to examine the emphysema which is caused by the use of tobacco products. We need to do more research to understand the role of addiction in causing the diseases which flow from the use of tobacco products. But the budget resolution which is before us says no; not one thin dime for any of those purposes out of tobacco revenue.

That contradicts every single public health organization and every single public health leader in America. Dr. Koop and Dr. Kessler have pleaded with us: If you are going to have an effective program of protecting the public health, if you are going to have an effective program to reduce use of smoking, you have to have a comprehensive plan; you have to have one which addresses every one of these aspects. You can't just limit it to Medicare.

Yes, Medicare is very important. There is no question about it. Our legislation would provide some of the funding for Medicare. Our legislation would provide some of the funding for Social Security, which the Republican budget resolution also precludes. They wouldn't provide a penny to strengthen Social Security. They oppose providing any help to Social Security, even though we know it faces a demographic time bomb, the same demographic time bomb that Medicare faces. But they say no for any money to strengthen and protect Social Security. And they say no to any funding for smoking prevention, smoking cessation, countertobacco advertising, and additional health research out of the tobacco revenues. It does not make sense.

Mr. President, I am going to turn now to my colleagues, my leading cosponsor, Senator LAUTENBERG, the ranking member of the Budget Committee, and Senator REED of Rhode Island, who is here as well. I don't know—Senator REED has been waiting—if he would like to comment now, or if Senator LAUTENBERG would like to take this opportunity.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask how much time the Senator from Rhode Island would need.

I yield up to 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island may proceed.

Mr. REED. Thank you, Mr. President.

I strongly support the amendment proposed by Senator CONRAD, Senator LAUTENBERG, and my colleagues. The budget resolution before us today does not give us a fighting chance to do what we want to do, but more importantly, what the American people want us to do. That is to reduce teenage smoking in the United States. We know it is a curse. We know it is causing incalculable pain throughout this country in terms of health problems down the road.

But this budget resolution does not give us the tools to grapple with the issue of teen smoking. It is illogical, too, as Senator CONRAD pointed out so eloquently. All of the major legislative initiatives have specific provisions which require anti-youth-smoking efforts, increased research at the National Institutes of Health, FDA regulatory authority, State regulatory authority, and none of these can be funded from the budget resolution.

But there is something that is even more illogical, in my view. I do not want to take a brief for the tobacco industry. But with every one of these major pieces of legislation for the tobacco industry, you must reduce teen smoking by 50 percent, 60 percent, or 70 percent in so many years. Yet, if we take all of the proceeds from the increased tobacco taxes and all the other payments and we don't use them in some way to try to suppress teen smoking through counteradvertising campaigns, to try to get people who are addicted to nicotine over the addiction, there is no way that these goals can be met. We are setting up a test that is bound to fail. We have to recognize that if we are serious about mandating the reduction of teen smoking by significant percentages over the next several years, we have to provide the resources to do that job. This budget resolution does not make such a provision. It does not allow us to take the proceeds of whatever tobacco deal is ultimately reached and use those proceeds to invest in a healthier America, to invest in the health of our children.

All of these provisions, which Senator CONRAD has outlined, are so absolutely necessary in making any proposed agreement work, and also, fundamentally, to ensure that we reduce teen smoking, we have to adopt a very strong anti-youth-smoking effort. The principal means to do that is a counteradvertising campaign. Every year, the tobacco industry spends $5 billion on advertising, billboards, sporting events, teams, sponsorships, giveaways—hats, jackets, whatever, key chains—a powerful influence on the youth of America. In fact, all of us can think back through our sort of history, and, even if we do not smoke, we know we have been terribly influenced by tobacco advertising campaigns.

I was on the floor a few weeks ago talking about the legislation which I had, and it came to me that if I asked anyone who is roughly my age—I will be kind, about 40—if I asked them what LSMFT meant, the light bulb would go right on. If I ask these young ladies and gentleman, they would say it is gibberish. I see the shake of the head. They do not know. LSMFT means "Lucky Strike Means Fine Tobacco." Through literally millions of dollars of advertising over 20 or 30 years, a whole generation, or more, of Americans understood that. We have to reverse that. We have to convince a whole generation of Americans now and in the future that tobacco is dangerous, addictive, and will ultimately kill them. We can't do it just with good wishes here on the floor of the Senate; we have to do it with real resources. This budget resolution will not give us a chance to do that.

We have to look seriously at NIH research, because there are opportunities perhaps to develop antidotes to nicotine, to the harmful effects of tobacco smoke. There are ways through science and research. We might have better ways to wean individuals off tobacco smoke. All of these things have to be done if we are going to meet our objective of using this historic opportunity, this historic agreement, to improve the public health of Americans.

We also have to ensure that the FDA has the resources to do the job of enforcing on the tobacco industry. We know every year it is a battle here through the appropriations process to fund worthwhile programs for the FDA. We know at the end of the day that there are many worthwhile programs which just do not make the cut, not because they are bad but just because we run out of money long before the public health community runs out of problem. If we do not provide within this resolution for the use of the resources of the tobacco industry to invest in FDA, we are not going to be able to give them the tools to do the job to make sure that smoking is not contagious among young people.

Add to that our responsibility to help the States provide an important part of this overall agreement. We expect—in fact, in most of the legislation it is clearly explicitly written—that the States will fund elaborate programs of access control to tobacco through licenses of clerks, thorough investigations and inspections of facilities that are selling tobacco products, ensuring that products don't mysteriously appear in the State without these controls.

All of that takes money, and the States are going to look to us and say, "Listen. You are the folks that have all of the money. You are the ones that are getting the $500 billion over so many years from increased taxes and increased fees and penalty payments. We need this to ensure that we can control access to tobacco products."

One of the other aspects is thrown in our face constantly when we talk about this tobacco arrangement. That is the possibility, or the probability, the eventuality, of a black market in cigarettes because the price is going up. How are we going to counteract this black market if we do not have the resources at the State level and the FDA level and through other law enforcement means to actually counteract the potential growth of black markets? Once again, I don't see within this budget resolution those types of resources being available.

We also have to fund smoking cessation programs. Mr. President, 70 percent of smokers today want to quit. But wanting to quit and being able to beat this addiction are two different things. They cannot do it without resources—without access to counsel, without access to nicotine patches, without access to those items which are going to ensure that they can avoid their present dilemma, which is smoking but wanting desperately to quit.

Then, as Senator CONRAD also pointed out, every one of these pieces of legislation includes substantial payments to farmers who are likely to lose their valuable crops because tobacco is going to be suppressed in this country—not prohibited, not outlawed—but certainly we hope the demand will begin to shrink for tobacco products as fewer people smoke, particularly fewer young people smoke. Every one of these bills has it. Both sides of this aisle are trumpeting their support for the farmer. They are not going to let these innocent victims of this industry be left adrift without any resources, cut off from a lucrative economic crop and left to their own devices. Yet, once again, within the confines or context of this resolution, there is no resource to do the job.

We have to do something. Frankly, this amendment makes so much sense. It allows for the funding of all of these provisions. It allows for other important uses of the tobacco settlement, too. But at a minimum it allows us to do what we have to do, and I am supportive, not only of this effort but overall of developing strong and tough tobacco legislation. We have an opportunity, a historic opportunity, for the first time in many, many years, to put America on the path of sense and sanity when it comes to smoking policy.

We can, we hope, empower a generation of young Americans with the knowledge and with the support to stop smoking. If we do that, we will reap a tremendous benefit in a healthier America and a healthier society. Yet, without these resources we cannot, in fact, go forward because this budget resolution does not give us the opportunity and the flexibility to go ahead and do, again, not only what I want to do, what I assume the vast majority of my colleagues want to do, but what our constituents demand that we do: Use these historic opportunities, when the industry has recognized its past mistakes, when the industry is attempting to change its culture, when we have for the first time the support not only of the American people but the cooperation, to a degree at least, of the industry, to ensure that we prevent young people from smoking.

The fear is we will have debates on this floor about all of these legislative materials and all of the different aspects of the proposed agreements, but, ultimately, when it comes down to the bottom line, when we have to put our money where our words are, there will be no money because this resolution takes that option off the table for us. So I hope all of my colleagues will join us in supporting this amendment, will join us in the continued effort to ensure that we have good, tough tobacco legislation, but legislation that not only will say the right things but have the money and resources to do the right things.

My colleague from New Jersey, I think, is going to speak in a moment. I think he is present. While he is coming forward, let me just say that we have before us a very challenging set of issues. This is a critical one, getting this budget resolution in a shape where it will support sound legislation on the floor. There are other issues, too, that will come up before us.

Many aspects of this proposed settlement are controversial, not only between the two contesting parties, the tobacco industry and those who are trying to protect the public health, but also controversial by their nature. I talked a little bit about the need for adequate resources to fund smoking cessation advertisements that will actually go out and convince young people not to smoke. That will become particularly crucial if some provisions we have in the legislation are stricken down because of the first amendment. As you realize, most of these legislative initiatives contain language which essentially asks that the industry give up their first amendment rights to advertise in exchange for immunity protection. There is always the threat that someone—perhaps not even in the tobacco industry, perhaps a third party, like convenience stores—would come out and suggest that these restrictions are contrary to the first amendment. In this regard, we would really definitely, most definitively, need resources to keep up an effective counteradvertising campaign.

So for these reasons and many others, we must, I think, support this amendment, and we must, in fact, ensure that we have the dollars as well as the legislative language to prevent teen smoking. If we do that, then we will achieve the historic conclusion to these debates.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Senator from Rhode Island, Senator REED. He has been one of the most dedicated members on our task force on tobacco. He has been absolutely committed to the effort to form sound national tobacco policy. Nobody worked harder in our task force. Nobody is more thoughtful, more creative about how we approach this set of challenges and problems than the Senator from Rhode Island. I thank him personally and publicly for the role that he has played.

If we ultimately succeed in passing comprehensive national tobacco legislation, in no small measure it will be because of the contribution of the Senator from Rhode Island, Senator REED. I especially thank him for his contribution to the debate on this amendment, because I think this goes right to the heart of the question. Are we going to have a chance to write comprehensive national tobacco legislation or are we going to be foreclosed and that effort endangered because the Republican budget resolution puts at risk any chance of passing a comprehensive bill? They would create supermajority vote requirements to pass any comprehensive tobacco bill. Instead of requiring 50 votes or 51 votes, we would have to have supermajority votes of over 60 because they have created points of order against any of the major bills that have been introduced by Republicans or Democrats.

This is a matter that must be fixed. This amendment that Senator LAUTENBERG and Senator REED and Senator BINGAMAN and I have introduced is the key to unlocking the chance to have national tobacco legislation. So I especially thank my colleague from Rhode Island, Senator REED.

Mr. REED. If the Senator will yield 30 seconds, just to not only commend the Senator and thank him for his kind words, but also for his tremendous leadership with respect to the tobacco task force and also to commend the senior Senator from New Jersey for his leadership over many years. I thank both the Senators.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleagues for their kind comments and would say, while this looks like a mutual admiration society, we kind of get that way because we work on an issue we care an awful lot about, something with which several of us have had a history for a long time. I particularly say what a delight it is to work with our distinguished Senator from North Dakota, Senator CONRAD. He is always very thorough in his review of budget matters or whatever the subject is. He is on the Finance Committee. He has done a lot of good work there and has earned the respect of all the people he works with because he is so thoughtful and so deliberate and so direct in the things he sees and that he wants to work on.

Senator CONRAD was designated as chairman of the tobacco task force by our leader. It was a singular honor, because what the minority leader wanted to do was to pick someone whose objectivity could be counted on because we do have different views on how we ought to treat the tobacco negotiations, deal with the tobacco companies, and deal with our constituents and the public at large. The Democratic leader, Senator DASCHLE, chose Senator CONRAD because he knew he could be counted on to do a thorough analysis, bring the parties together, and certainly that has been the case. Senator CONRAD had people there who were friends of the industry, unabashedly. They made sure the industry point of view was being represented. On the other hand, we had those from the science community, Dr. Koop and Dr. Kessler, and people who had seen the effects of tobacco directly in their homes and often on their own person.

So he has done a thorough job all the way through the discussions here. We have a chance now to finally come to the beginning of the analysis of what might take place here in the Senate as it regards a kind of comprehensive settlement. It is discouraging, I must say, at this point, to find out, despite the good intentions of our friends on the other side, that we wind up with a budget resolution facing us that totally restricts our ability to work with the problem. The problem, very simply, is how do we protect young people—kids, if I may use the affectionate expression—kids, from starting to smoke when they are 8, 9, 10, 11 years old? We had a boy, a young man, in front of our committee. I think he was 12, a young man from Iowa, 12 years old. He was pleading for help to stop his addiction—12 years old—because he didn't want his little brother to start smoking and be addicted to tobacco—12 years old. He said he was already hooked and he tried to stop several times.

I looked at him and I said, "My gosh, how can that happen that someone that age, still in the full bloom of development and growth, how could he be hooked on tobacco?" He told it as it was. He wasn't a city slicker. He was a boy from—kind of country. He came in with a member of the police department, as I remember, who was his friend and kind of counselor.

We have lost the mission, I think, by directing the language so that we are hamstrung. We are unable to say to the country at large that what we want to do is we want to see that the tobacco industry finally makes up for some of the terrible damage it has brought on our community, brought on our people. We lose sight of that sometimes, the damage, as we go through the debate, because we talk about immunity from the suit, protection from litigation, talking about how we can cut a deal with the tobacco industry. I, frankly, think it comes under the umbrella of nonsense.

I don't like to be casual with language. We are dealing with an industry that has taken a terrible toll on America. To put it in some frame that makes it quite clear, in all of the wars of the 20th century—World War II, World War I, Korea, Vietnam—the casualties, those killed in combat in all the wars of the 20th century, don't equal the number that die each year as a result of smoking. It is incredible when you think about it.

We know there are over 400,000 deaths a year, most of them premature, often fatal after surgery—after surgery—lungs, throat, you name it, respiratory conditions galore, gastrointestinal conditions. We found out not too long ago, via the Harvard School of Public Health, that in addition to those who we knew died from tobacco-developed illnesses, that those who have exposure to secondhand smoke, numbering over 50,000 persons a year, 50,000 persons a year have fatal heart attacks, fatal heart attacks from exposure to secondhand smoke.

We look at this and we say, "Well, what do we do about our arrangement with the companies?"

The first thing we have begun to find out—and we are about to find out a lot more—is what they have hidden in their planning over the years, their papers over the years, their attempt to hide information from the public by pretending that there is a client-attorney relationship.

The reason I mention these things is, we have to understand who it is that we are working with, that we are talking to. This is an industry which has been a foul-play industry for decades, knowing very well that addiction was being created by the manipulation of the nicotine, trying to grow plants that have a higher nicotine content that will addict quicker and firmer.

After a lot of discussion, after the attorneys general of most of the States in the country have met and have fashioned out what they think is a settlement—which we didn't all fully agree with, but they made a start, and I give them credit—they began to lay out what the parameters might be, an arrangement which would have the companies stepping up to help us develop a proper public health policy, because that is the primary mission.

Money, in this case, while not unimportant, is certainly a secondary part of the discussion, because with that money what we want to do is stop kids from smoking. We want to teach people how to stop even after they have begun smoking. We want to do some research. We want to find out what that nicotine does to the body, to the lungs, to the digestive system—the whole thing. We want to be able to stand up face to face with the powerful tobacco industry and say, "Hey, listen; whatever you do, understand that we are going to limit your ability to get your message out to children and to other unsuspecting people, and we want you to pay for it, but we want you to work with us to help us develop these programs."

We thought we were doing pretty well, because that proposed settlement served as a springboard for other discussions. It served as a springboard for what else we might do, as the President so carefully and positively laid out. We saw that there would be programs as a result of an agreement with the tobacco companies and to ask the public to join in and help pay for some of the costs that tobacco renders on our society. There are guesstimates that it goes from $30 billion, $40 billion a year, up to $100 billion a year when you talk about lost productivity and problems which arise for individuals and families which go beyond just the treatment of the health problem. We worked hard.

Mr. President, we have just been joined by the distinguished chairman of the Budget Committee, who has become a friend over the years as we worked together and with whom we had an unusually successful program last year to get to a balanced budget, to help continue the process begun by President Clinton and his policy and watch that deficit go down. We look forward to surpluses in the future, possibly over $1 trillion in the next decade. Think about what good we could do with that money.

The President laid it out very carefully. It had to do with teen smoking programs, how we stop that from happening, and all the things I just talked about to improve health, prevent people from becoming addicts, which they are, over 41 million of them—addicts. It doesn't sound pleasant, but that is the truth. As a matter of fact, it is said in some quarters that addiction to smoking is almost deeper and longer lasting than it is with some of the illegal drugs that we hear so much about in our society.

We were enthusiastic. I know I speak for the Senator from North Dakota and I speak for myself, Senator REED, Senator DURBIN, and Senator BINGAMAN, when I say we thought, "OK, we're on a good track; we talked to our friends on the Republican side of the Budget Committee, and we worked to find a plan so that we could use whatever revenues developed effectively," even as we developed a good health policy, because that was outside the Budget Committee directly. But it did include the programs which would be considered as part of the budget resolution, budget planning, for fiscal year 1999.

I don't have to tell you how disappointing it was to find out we were not at all going to be able to implement the policies we thought were positive—that we thought would prevent the kids from starting to smoke, that we thought would help us counter advertising, that we thought would help us with research, the NIH—to find out that by design, certainly more than by coincidence, what we were doing was restricting the use of any funds which might derive from a fee—we might even call it a user fee—from those who smoke, but a fee, an excise tax—that it was going to be restricted to something we like, by the way.

All of us want to see a more solvent Medicare, a stronger Medicare. The President has confirmed his view of what ought to be done, because he has appointed a commission. They are going to have a chance for deliberation. In the next year, there are going to be specific recommendations on how to protect Medicare, how to create the kind of solvency which will give us all some confidence that Medicare is going to be there as a program to use for all who reach 65.

We find out, however, despite the fact that we want to see Medicare protected, what has happened is the use of funds has become so narrowed that we can't do the other programs; that we are going to be unable to take the money which was earned off the addiction, off the habit that ruined so many people's health. Out of the 41 million people who are out there, we don't know how many are going to die prematurely, but we know a lot of them are, and we know a lot of them will be wrestling with diseases which will render them unable to conduct their lives in a normal fashion, and we are not going to be able to use those funds for that.

Again, there is not a suggestion of anything underhanded—not at all, Mr. President. I want to make sure that is completely understood. It is a focus on what the programs are that we are going to be able to put into place as a result of having those funds available. Our friends on the Republican side have decided you are not going to use it for any of those things; you are not going to use it for developing an appropriate health policy program; you are not going to be able to use it to stop teen smoking. I know there are programs within the basic budget resolution to encourage that, but, Mr. President, those programs are financed to the tune of $125 million a year. That is the recommendation. My gosh, even the tobacco companies, who hate to admit they have done anything wrong, were willing to put $2 billion into the anti-teen-smoking program.

We find ourselves in the position where we agree with the interests and the effort on behalf of the majority of the Budget Committee in developing a program, but we also find ourselves saying, "Hey, wait a second, is this going to help the tobacco companies in some way? Is this going to hurt our ability to attack the programs that we so desperately need to do? Or is it just a little bit of a disguise to say, 'Well, OK, what we are going to do is, we are going to support health programs very narrowly'?"

It is with regret that we talk about that today. Mr. President, you have seen the list that the Senator from North Dakota has alongside him there: Reality versus rhetoric. We have some work to do. We have to try to amend what it is that came out of the Budget Committee. I am the ranking member. I like working with Senator DOMENICI. I hope he will like working with me when I am the chairman. But that is the way these things go, Mr. President. Sometimes what goes around comes around.

Mr. DOMENICI. How long do you plan to be a Senator?

Mr. LAUTENBERG. Long enough to accomplish that objective. Anyway, we are going to want to amend this, and I hope we can get that done. That would be a positive start. Think about it: 3,000 young people a day start smoking; over 1 million a year. One-third of them will die prematurely, just as sure as we are standing here, if we don't make significant changes in the way tobacco is understood in our society—1 million kids a year. Wow, that is larger than some of our biggest cities. It is certainly larger than a lot of the countries that are on this globe.

It is time we reach out a helping hand and say, "OK, we are going to help you stop before you get started on this addiction." I hope our friends on the Republican side will join us.

It was interesting for me to see what happened on two different occasions in these last couple of weeks. One was this very day, when a senior Member of the Senate on the Republican side, the Senator from New Hampshire, offered an amendment to say that there would be no protection for the tobacco companies, that they would have to face up to what the process is—whether it is the courts or negotiated settlements, or what have you—and take their chances. It drew a lot of votes. I think there were 75 votes in favor of the Gregg amendment.

The other was an earlier time, when we were marking up the budget resolution, when we had six members of the Republican Party stand up with Democrats and confirm the fact that we think the $1.50 price per pack of cigarettes put in place over 3 years at the rate of 50 cents a year ought to move ahead.

And that was the only amendment that had any bipartisan support—the only amendment. It meant that some of our friends on the Republican side, just as we have heard in these Capitol Grounds, just could not say no. They had to say yes. They had to say yes, we want to see a $1.50 per pack fee imposed on cigarette use.

We are looking at a lot of money. We are looking at hundreds of millions of dollars over the next 25 years. I make a plea for those who are going to be voting on this amendment tomorrow sometime: Take a look at what it is you are doing. We understand the interests in Medicare, but we want you to share our concern that the place to start in preventing disease from the use of tobacco starts with kids, starts with the youngest of them, starts with the most helpless of us, and join us in amending this budget resolution so that we can get a different kind of message out there.

Mr. President, to reiterate I strongly support this amendment, which would expand the tobacco reserve fund to allow tobacco revenues to be used for anti-tobacco efforts.

This amendment, in effect, is a test of whether the Senate is serious about comprehensive tobacco legislation. If we vote down this amendment, then we're saying "no" to tackling the issue of tobacco this year.

Senators on both sides of the aisle have various visions of how tobacco revenue should be spent. But there had been a bipartisan consensus that, at the very least, we should dedicate tobacco revenue to fighting teen smoking and developing smoking cessation programs.

The majority leader, Senator LOTT, has taken that position. Senator

McCain is developing legislation that would use tobacco revenues for anti-smoking efforts. And other bills by Senators Hatch, Conrad, Jeffords, Kennedy, and myself all would devote tobacco revenue to anti-teen smoking programs, tobacco-related research, smoking cessation, and other tobacco related programs.

Even the tobacco industry's proposed settlement called for tobacco revenue to be used for a variety of programs, including teen education, smoking cessation and tobacco research.

Unfortunately, this budget would block all of these activities. That's wrong. And it just makes no sense.

The distinguished chairman of the Budget Committee has argued that there is enough funding available in the resolution for these activities. I strongly disagree.

The budget resolution assumes $125 million in budget authority for anti-youth smoking and cessation in fiscal year 1999. But that is far below any of the major tobacco bills. In fact, it's not even in the same ballpark.

The tobacco industry's original proposed settlement included over $2 billion per year for these programs. Senator Conrad's bill included a similar figure. That's $2 billion versus $125 million.

That is not even close.

Also, the $125 million assumed for teen smoking reduction programs and smoking cessation in the budget resolution must be accommodated within the discretionary spending caps. And there's reason to be skeptical that this will happen. After all, those caps are very tight. And increasing funding for these activities would require cuts in other programs. Maybe that will happen. But I certainly wouldn't count on it.

The bottom line, though, is that the restrictive reserve fund language in this resolution makes it much less likely that we will pass tobacco legislation this year. That's a grave concern to me, and to most of my colleagues on this side of the aisle.

After all, 3,000 kids a day start smoking every day; 1,000 of them will die prematurely as a result. We simply must act. And this resolution would create a major roadblock.

I ask my colleagues to support the Conrad amendment, and pave the way for comprehensive tobacco legislation this year.

With that, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. What is the status of time under the Budget Act on the Conrad amendment?

The PRESIDING OFFICER. The proponents have 8 minutes remaining, and the opponents have 1 hour.

Mr. DOMENICI. I say to the Senator, my friend, the ranking member from New Jersey, when we are finished with this, however soon it is or in a half hour, the Senator from Colorado is going to be heard next. Is that what we have tentatively understood?

Mr. LAUTENBERG. Absolutely. That is what we promised him.

Mr. DOMENICI. I say to the Senator, can you let me respond a bit since there has been a little response? I will certainly not use anything like an hour.

Mr. ALLARD. Take your time, Mr. Chairman. I will be glad to wait until you are finished.

Mr. DOMENICI. For your State and mine, a half hour from now or so is a better time for your people anyway.

Mr. ALLARD. That is correct.

Mr. DOMENICI. Mr. President, let me start by saying that the Senator that has proposed this amendment, in my opinion, even though we may not have agreed on a number of things, as I have watched things evolve on matters pertaining to fiscal policy, has grown tremendously in his understanding and his forthrightness and his ability to articulate the fiscal condition of this country.

I want to acknowledge right up front that there are some who worry about this budget resolution, but there are some who worry about 10 years from now. And, frankly, we have an awful lot of new sources of information and new sources of estimating that have become very, very reliable so that as adult leaders of our country we ought to be able to look at a budget 10 years from now and 15 years from now in terms of some big big-ticket items and be able to honestly and forthrightly indicate where we are.

I just say to him, he has done a very good job in that respect, and I thank him for that. Like I say, I do not necessarily, when he gets up and makes his frequent speeches about how wonderful America has become since the Democrats voted in a budget, I join him in attributing to that the great success of the American economy. But I do acknowledge that he has a perfectly valid opportunity to so allege to the world. I have not yet really found enough time to really talk with the American people about how that is impossible in terms of having been the primary reason for America's sustained economic recovery. I am not going to do that tonight either, but in a sense—in a sense—I am going to talk about something that I believe my good friend, the proponent of the amendment that is before us, has stated as well as I will or better time and again in the Budget Committee and in the Committee of Finance.

That is what this chart before us, in back of me, shows to all of us—a very, very simple chart. You see that red line, and you see 2021. That red line is the Medicare hospitalization trust fund balances at the end of each year.

Now, you see, anything close to that zero line means that the balances are pretty close—the outgo and the intake. But look what happens to that red line out there in the future, but not so far in the future that people like Kent Conrad would not stand up and say, with Pete Domenici, for all the accolades we are giving ourselves about how great we have done on fixing the fiscal policy of our Nation, if we sit back and do not fix that, where that red line can, in a year or so when we have reformed this program, start to move up and parallel the line that is at about zero, we have failed the American people in a most serious way.

Because of that we could put one up here on Social Security. We could argue about their trust fund. And, frankly, that is a very, very exciting argument for 2 or 3 hours, if we want to do it. But essentially, in terms of the impact on America, if we do not fix something, the impact is apt to be more severe if we do not fix this than if we do not fix Social Security.

Both are serious. Both are predictable. We understand all the reasons for what is happening. And we can choose, as we have in the past when we did not know any better, we could wait 10 years. We could all be running around saying how wonderful everything is. Probably 25 years ago nobody could run around after us as we campaigned and say, "You're not facing up to the facts." But I tell you, they can now, because we know that red line is a pretty accurate presentation of the most serious fiscal and social problem that this country has—bar none.

Now, having said that, the budget I chose to present, after much consultation with the Budget Committee, which was adopted by the Senators on that committee, I regret, on a party-line basis—but I actually believe the total reason for that party-line vote had to do with this issue that is before us, because I do not believe that every Democrat who voted against the Domenici mark voted against it because they want to spend a lot more money on new programs.

As a matter of fact, if this tobacco settlement, as fragile and as amorphous as it is, had not come along—and it was not available either to the President in his budget or to us in our markup—there would have been little to argue over, because we do not have any money to spend unless we want to break the agreement and knock those caps on discretionary spending off of their pillars and say, "We just made a deal, but we're going to break it." I do not believe that would have happened. And I do not think Senator Conrad, who is here with an amendment tonight on the tobacco settlement—I do not think he would have joined in saying, "We've got to invent some new programs and spend some new money and break those caps."

Essentially, we got off on the wrong foot, because the President of the United States gave a speech called a State of the Union Address, and, in his normal manner, he was eloquent. The problem was, nobody had an opportunity to check his budget. So America got excited about an era of balanced budgets where all of a sudden we could spend a lot of money that we did not spend the year before. And it was interesting. Some of us listened and said, what's happening? I mean, we have a literal freeze on all the programs the President is talking about—more education money, classroom sizes, interest reduction so you can build more classrooms, child care—you know, on and on—oh, more health programs for children who are smoking, and a huge advertising campaign for that.

And I was thinking, "Man, all of those belong over here on that side of the ledger where already we've agreed we can't spend any more money." The President said, "Well, we'll spend it out of the tobacco settlement" that may never occur. If it occurs, it might be very different than he assumed. And lo and behold, the Congressional Budget Office told us, he cannot spend it the way he says without breaking the Budget Act of the United States and breaking the caps by $68 billion over 5 years.

That is where we found ourselves, with everybody getting excited that we could have some new programs, we could preserve the surpluses, right—which my friend from Colorado is going to speak to in a minute—and we could spend on at least six new programs that pop in my head, and a whole bunch of add-ons, we could spend $124 billion over 5 years on things we were not paying for last year.

Mr. President, that sounded like a fairy land, that we would have tombs and beautiful songs and we could dream and say, "Boy, isn't that just fantastic?" Sort of like Alice in Wonderland. But we soon found out it was all predicated upon a tobacco settlement that the tobacco companies agreed to with the attorneys general. And we had no more idea up here how that was going to get resolved than the Man in the Moon.

And I regret to say, while I think we ought to try to settle that dispute—I am not averse to raising cigarette taxes—we are still not very close, when you look at the House and the Senate, to coming up with a way to do that which has enough votes to do what Howard Baker used to say, "Whatever the rules and procedures are, don't worry about it if you've got enough votes." Nobody has enough votes yet. But I believe there are enough votes for this budget resolution, because it does the right thing. This Republican budget—which I wish some Democrats would vote for—says: Don't spend the surplus in the regular budget of the United States on anything but Social Security, or, as we put it, "Social Security reform."

My friend from Colorado has another suggestion—it is intriguing, and I hope everybody looks at it—as to the surplus. But we said that. And the President said it a little differently than us. But essentially, for the year 1999, don't touch it. For those who might think it is very big, let me remind you, "Don't touch it '99" means don't touch $8 billion worth of surplus, I say to my friend in the Chair, not $30 billion, not $60 billion, not $100 billion—$8 billion.

So this euphoria about, "We've got to protect that, we can't spend it," with others saying, "Let's cut taxes"—it is $8 billion. So we said two big goals: Save Social Security—and I might add, under our budget resolution that is before us, we literally use the word "reform," so that we do not just contemplate putting the surplus into the Social Security trust fund; we contemplate having it available for those who will reform and rewrite Social Security to use, if they need it, to make that program one that is far better for America's retired people in the future and which has a chance of making the fund itself more solvent.

The second thing we said was once the next program that the American U.S. Government has a responsibility to pay for—not a State issue, not a city issue, one of ours—and lo and behold, we find the American U.S. problem is that one, Medicare. Medicare. We found the second big problem is that, one, that huge red line on the chart going down. It almost moves in a direction like when you are a young kid and you wondered where hell was—that is sort of looking like it is going down to hell, down into the depths of the Earth, in the red, going broke.

We said, what do we do about that? There is nothing more important than doing what we can to start fixing that. We said whatever the Federal Government keeps from the settlement—if it ever happens, and we assume the President's number, but we said whatever it is and whenever it happens—put the Government share in that fund.

What we are going to do with the amendment of my friend, whom I have just spoken to, is to say we are not going to put all the money in that hospital insurance fund for seniors that is going bankrupt; we are going to spend it on some other things. Frankly, I believe for a budget, a blueprint, that is a mistake. It will be subject to a point of order, and I will make it. It is not with any reluctance that I make it, because I think what we have planned in the budget before the Senate is better for our country, so long as we have no agreed-upon plan to do otherwise. I remind the Senators, and the occupant of the Chair was working hard and very knowledgeable about the tobacco settlement, we don't have a plan. We have a lot of people talking about a lot of things, and a lot of wonderful things we ought to buy, but we don't have a plan that has broad-based bipartisan support. I believe unless and until that happens, the money ought to go where this budget says—every nickel should go in Medicare.

Now, I am amazed—and I want to allude back and forth to other proposals—that the President of the United States in his State of the Union Address, and in his budget which followed, which not even the Democrats have used in budget debates, that budget that he told the American people about, that he sent us, I am amazed in that budget there was $124 billion in new expenditures from this, that, and the other, but a huge amount of it from the tobacco settlement and not a penny for the second worst problem that America has. Not a penny.

Not so with the budget that is before the Senate. The reverse. Not a penny for any other new program but all the money for that one.

Now, from this Senator's standpoint, I did not set about to ignore what many people said we ought to pay for if we get the tobacco settlement. Fellow Senators, I want you to know if there is never a settlement of the cigarette controversy, if it is never settled and never resolved, the budget before the Senate, because we chose to prioritize, to put first things first, has the largest increase for the National Institutes of Health over the next 5 years for research related to the effects of cigarette smoking that we have ever put together in the history of our biological and chemical research programs of America, the largest. On average, 11 percent a year. We are not waiting for a cigarette settlement to pay for that.

When you vote for the budget before the Senate that I put together—and I hope it is not just Republicans—we will have dramatically increased the National Institutes of Health because we chose to look at the President's cuts, and he had many. And we said, amen. But we want to spend it where we think we should spend it and we put it in NIH. This afternoon we argued about child care, and we put it there, too. We put $5 billion there in a new block grant to add to what we are doing, and we don't have to wait for the tobacco settlement to do it.

A number of other items, such as an advertising campaign to address the issue of trying, with advertising, to mellow the effect of cigarette advertising on young people. We don't have to wait around for the cigarette settlement. We have funded that to the tune of $825 million.

Now, frankly, we will never have enough for some. There are some who would think we should spend $2 billion a year on children's programs and on health programs for children out of this settlement. Mr. President, what is intriguing about it all is that in order to get that done, most amendments around here, and the amendment that is presently before the Senate, attempt to solve these problems by creating new mandatory permanent programs for ideas that are being implemented about which we have little certainty they will succeed. If anything, they ought to be annually appropriated so we can look at them each year. Mr. President, you understand that can't be done without breaking the budget agreement because we don't have any more room in our budget for that kind of expenditure. So this amendment and others spend it in a new entitlement program for kids' advertising or for tobacco research or whatever the five or six programs are that are there.

Now, $825 million over 5 years for various antiteen smoking and public health initiatives—I have heard from some of my colleagues we have not put enough resources into these antismoking initiatives, without a settlement. I have even heard that we need to spend, maybe, and I repeat, "multiple billions of dollars, perhaps even as much as $2 billion a year," on such a campaign. Frankly, fellow Senators, I find those proposals hard to believe. First, the President's budget identified $400 million over the next 5 years for antismoking initiatives at the Federal level through the Centers for Disease Control.

Let me quote from the HHS 1999 budget press release. This was when the President was still living off the budget that turned out not to be doable because it violated the budget but they had money to spend. It said, "We will expand our support for State and community programs from $34 million in 1998 to $51 million in 1999," a 50 percent increase. "The Centers for Disease Control," the quote continues, in their public relations submission, "will now fund all States and the District of Columbia to implement innovative tobacco prevention programs as a core component of the public health." We fund that much and more without waiting around for the tobacco settlement. Now, it more than doubles the funds identified in the President's budget for this initiative.

Let me also point out that we have some history with public campaigns aimed at youth. According to this administration, we have increased our efforts to prevent and treat drug use from $4.1 billion in 1992 to $5.4 billion in 1998. Much of that funding was aimed at young Americans. Nonetheless, teenage drug use has increased from 15 percent in 1992 to 22.2 percent in 1995, the last year we have evidence, and everyone here knows it is higher now than 1995, and the campaign continues to spend money, to affect their lives on drugs, with advertising and other programs.

I only say that not because I do not think we should continue trying, but I firmly believe it would be wrong to put huge amounts of money in an entitlement program in this area and just say for the next 5 to 10 years, that is where it goes. So, wherever I look and however I think about this, I say to those committees and those assigned by our leadership to try to work a tobacco settlement—good luck. I also say, if you put it together and you can find 60 votes, you will pass your program in the Senate. And if you do, who knows? I may be one of the 60. I haven't said I would not, but I believe since we are not anywhere close to that and we have no consensus on that, that we ought to do what is the most prudent thing.

I have failed to discuss and I have failed to put up the chart that clearly depicts what is happening to Medicare spending on tobacco-related illnesses. It is there now. It is simple and frightening.

The hospital insurance trust fund for the seniors of America has been made stable for about another 10 years. But we didn't really reform the program; we reformed the payment plan. It will, once again, as that red line on the previous chart, it will start to go down again, and when the baby boomers hit entitlement age, it will go broke. But look at that, one of the reasons it has gone broke is we never could have estimated the costs that program would bear on its shoulders from tobacco-related illnesses of senior citizens. And there it is, $25.5 billion, 14 percent of total Medicare spending, in 1995. Mr. President, 1995 is the best we can do. Say it got better. I don't believe so. In fact, I am prepared to speculate with a bit of intuition that I think is right that it is higher now, not lower.

So I submit the budget that is before us is better for America and has a better chance of solving our serious problems than a budget with the amendment before the Senate added to it, because I do not believe there is a better way to spend that money than on the program that is going bankrupt and is so necessary and was so infringed upon by smoking costs that we cannot ignore the reality of the relationship between the smoking and the bankruptcy of the hospital insurance program.

Now, this does not mean, Mr. President, that the Senator from New Mexico thinks the distinguished Senator, whom I have spoken of this evening with great affection and as honestly and positively as I have spoken about a Democrat Senator since I have been here— perhaps my friend Sam Nunn has had me do that once before, and perhaps my friend, the ranking member, has had me do that before. But in any event, that is not to say that this is a wild idea. It is just that I believe if you have the facts before you and you don't know how the tobacco is going to come out at all, we have no idea—and there are all kinds of things people want to spend it on, right? We could add to this list here, in the next 48 hours, another six or seven things, and we might, I say to my friend from Colorado. If this amendment fails, we are going to see more. They won't all try to do the same things. They will have other things we ought to do and pay for it out of this fund.

So the best I can do is to say that I believe the best budget we can do is to save the surplus for reform and solvency of Social Security, save the Government's share of the cigarette tax to save Medicare, increase the National Institutes of Health, put some additional money in child care, add about $9 billion to education. A whole bunch of amendments are going to say we didn't do enough about education. I just want to say to everybody that we will take those one at a time, one at a time. But we put everything in this budget on education that the bipartisan administration budget agreement contemplated for the year 1999. There is an $8 billion-plus increase year after year on education, which is exactly what we contemplated. It is there. When the appropriators finally do it—we don't know what they are going to do, but we suggested some things that were very interesting. We don't wait around for the settlement of the tobacco issue for those educational add-ons. The President did. We don't. We put $2.5 billion in IDEA or disability education to try to move forward in our commitment to pay our share. It is embarrassing that we have mandated that disabled young people be educated in a certain way from here down to our school districts and we are supposed to pay 40 percent of the tab. Senator, if you are not embarrassed that your schools have never seen the Government put up more than 9 percent of that program, I am. We are going to start putting more in there, and do you know what. They are going to be relieved of expenditures and be able to hire new teachers, as they see fit, and do the other things they may need. We will live up to our responsibilities. They will have money left over to do theirs. That is in our budget.

Yet, whatever you do, it isn't enough. Tomorrow, we will speak about building classrooms. Let me suggest, for those who want to build classrooms and think the President is for it, you will have a surprise tomorrow. Two budgets ago, the President said in his Department of Education that it is no business of the Federal Government to build schools in the school districts of America. He said it even better than that. And then he canceled the $100 million worth of programs to build schools. All of a sudden, it's the greatest program ever and we better do it from up here, even though we have never done that in any big way as part of American Government's help to our schools. We will debate that. Some will say we should pay part of that out of the cigarette settlement. Can you imagine. If you are talking about things related to cigarette smoking, isn't that one more related? Isn't that fund more bankrupt than any other fund around and any other obligation? So, Mr. President, when the time comes after tomorrow—we have a few more minutes, and I hope some people listened tonight—we will vote. The point of order will be the issue. I have no doubt that significant numbers of Senators will vote with my friend. I have nothing but praise for him, and if they do that, that is OK. But I don't believe there are going to be enough votes to get around the point of order. We will be back to where we started, which we think is a very good place to be. That is, we are going to spend the money, if we ever get the tobacco settlement, to pay for making that Medicare Program solvent.

Mr. President, make no bones about it; we have appointed a national commission. It is bipartisan. I have already seen them on C-SPAN, and they disagreed violently. I don't know if the chairman is going to be able to ever get them together. We were all wondering who ought to be chairman and we said, "Senator BREAUX, you ought to be." I like him very much. He is a Democrat. Frankly, the more I look at the different views, I am glad that he is there because, frankly, it is going to be hard to put them together. If we have a few tens of billions of dollars to help them get this reform put together, it will be one of the best things we have ever done. It may just be the ointment, along with reforms, that will glue it together. And, conversely, if we throw it away on programs that we are not sure will work, we will be real sorry if they can't put together a Medicare reform package because we spent the money that might have helped them do it.

With that, I don't know how much time remains, but from my standpoint, I yield the floor on this. I will shortly be prepared to move with the distinguished Senator from Colorado.

Mr. LAUTENBERG. Mr. President, I wonder if we can get the Senator's question answered as to how much time is left on both sides.

The PRESIDING OFFICER. The proponents have 7 minutes 42 seconds. The opponents have 24 minutes 42 seconds.

Mr. LAUTENBERG. Mr. President, the Senator from New Mexico just volunteered to give us 5 minutes on our side, with the understanding that the rest will be yielded back. What I would like to do is ask my colleague from North Dakota to say what he wants to do. Does he want 7 minutes or so? I would like 5 minutes. If that would be all right, I would agree with the proposal offered by the Senator from New Mexico.

Mr. CONRAD. That would be acceptable.

Mr. LAUTENBERG. I thank the Senator from Colorado thus far for his ever-present indulgence.

I will take my 5 minutes first, and I ask the Chair to remind me when my 5 minutes is up so that I can give the remaining 7 minutes to the Senator from North Dakota.

First of all, I am not personally insulted, I promise you that, not at all. I heard the chairman of the Budget Committee talk about what a great guy and a good friend and a nice Democrat and everything else the Senator from North Dakota was. Then he talked about the Senator from Louisiana. It doesn't bother me. It is just one of those things, Mr. President, two Democrats being described as great guys and all that. But we will go on from there.

Mr. DOMENICI. Will the Senator yield?

Mr. LAUTENBERG. Yes.

Mr. DOMENICI. Let me say, Mr. President, whatever I have said about other Senators from the other side of the aisle, it is quite obvious that the most significant achievement that I have participated in was the balanced budget agreement of last year, and without my good friend, Senator LAUTENBERG from New Jersey, we could not have achieved that result. So he knows with that statement that I am very proud to work with him. You got it, Senator.

Mr. LAUTENBERG. We are together, believe me. As a matter of fact, I want to tell you something, Mr. President. You have no idea—few have—how hard I worked to get this man to stop smoking. It showed my true affection for him because I wanted him to be around here. Even when I disagree with him, I like him here because he stimulates reactions and gets us going at times, if you know what I mean.

Mr. President, I ask people to consider this question with me. What grandparent, I ask you, would not say: Take care of my grandchild first, help my grandchild so that when he or she grows up, they are healthy, help my grandchild to not become an addict to tobacco or other drug substances? What grandparent would not stand up and proudly say "take care of them first" because eventually they will be the ones who will shoot the Government programs and health insurance programs up through the roof?

Yes, there is $22 billion worth of spending in Medicare on tobacco-related illness. We are not sure, but there is a significant amount, perhaps a like amount, in Medicaid tobacco-related illness. But if we don't inhibit smoking among the youngsters today, this price will continue. Sometimes you have to make an investment in the long term before you can obtain the result that you want. You can't always do it overnight.

So I submit, Mr. President, that we are determined not to break the caps. We are determined to abide by CBO accounting. We are determined not to spend money that we don't have. And to correct something the Senator from New Mexico said a moment ago, he said the surpluses should be used for Medicare. I think he didn't quite mean it that way because, technically, the words are, "surplus is going to Social Security," and hopefully the proceeds from the tobacco legislation would go toward creating a more solvent Medicare.

So, Mr. President, I kind of rest the case here. My colleague from North Dakota is going to want to wrap up, as they say, but I say as an experienced grandparent—and if anybody wants to see the pictures of my five grandchildren, I have them here in my pocket. But I tell you that there is nothing—nothing—in my life that I would not give to prevent sickness or illness to any one of my grandchildren. There is no price that is too high to pay. I will take care of myself, but I want to make sure I give my grandchildren a chance to grow, develop, and be healthy.

With that, Mr. President, I yield the floor for my friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, first of all, I want to say to the chairman of our committee, he knows that I have the utmost regard for him for the way he conducts our committee. I have real respect for the chairman. I have, as well, an affection for the chairman. That really is not the issue before us tonight. We work together, and on the larger issues of where we are going for the long term, there is much more that unites us than divides us because we are both persuaded that if we don't address the long-term entitlement changes that are necessary in this country, we put this country at risk.

We are talking about the national security of our Nation because, fundamentally, that cannot be preserved if we don't get our long-term fiscal house in order. We are united on that question. Mr. President, the issue before us tonight is a reserve fund in the budget for tobacco revenue. The chairman of our committee says that he believes if we get a tobacco settlement, all of the revenue ought to go for Medicare. I would be swift to acknowledge that Medicare is a priority, but it's not the only priority. Medicare does not represent the national tobacco policy. We have to do more with those tobacco revenues than just strengthen the Medicare Program. And, in fact, I think the chairman would be quick to acknowledge that even if we took all of the revenue from tobacco, we would not do the job that needs to be done with respect to Medicare. We need fundamental reform of Medicare, and I voted in the Finance Committee very controversial votes to do precisely that, because I deeply believe we do need to reform the Medicare Program, to preserve it and protect it for the long term.

Mr. President, the tobacco revenues won't do that job. In fact, in an odd way, they actually may retard our facing up to the long-term challenge of Medicare. But there are other challenges we face as well. One of them is, if we get the tobacco revenue, how should it be used? The Republican budget resolution says none of it should be used for youth-smoking-reduction-education programs. None of it should be used for public service advertising to counter the tobacco advertising of the industry. Their resolution says none of it should be used for tobacco-related medical research; that none of it should be used for smoking cessation and prevention programs; none of it should be used to assist tobacco farmers in their communities in the transition. That is an honest disagreement.

In the bill I introduced, some of the money was used for Medicare, some of it was used to strengthen Social Security. But we also believe that, just as every comprehensive bill that is before this body by Republicans and Democrats has said, some of the money has to go for tobacco control problems, smoking cessation, smoking prevention. The chairman says he has money elsewhere in the budget. Let me just say that what he has elsewhere in the budget is wholly inadequate. That is not just my judgment; that is the judgment of the public health community on a united basis.

In the budget resolution, there is $125 million a year for smoking cessation, smoking prevention, counter-tobacco advertising, and health research that is specific to the question of tobacco issues. That is apart from the NIH money. But in every comprehensive bill that is out here by Republicans, or Democrats, it is not $125 million for those purposes. It is $2 billion a year to $4 billion a year. The chairman elsewhere in the budget has provided for $125 million, and the truth is that under the budget resolution it may be the result that not a single dime is available for any of those programs because the Budget Committee doesn't make that decision. All the money goes in a pot and the appropriators determine what are their priorities. If they have a difference on that question, they may decide not to provide one thin dime for smoking cessation, smoking prevention, counter-tobacco advertising, or even health research. That is the hard reality.

That is why some of us believe deeply that we have to broaden out this reserve fund to accommodate the other priorities, to have a chance to have comprehensive tobacco legislation without a supermajority requirement here on the floor of the U.S. Senate. A 60-vote point of order lies against any of these comprehensive tobacco bills that have been offered by three Republican chairmen on that side and every comprehensive tobacco bill on our side. We do not believe we should put supermajority hurdles in the way of accomplishing national tobacco legislation.

I will just conclude by saying I respect our chairman, I respect the work of his staff, I respect the work of our ranking member, and his staff. Let me just say with respect to our ranking member that no one has been more dedicated on the question of reforming our Nation's policy with respect to tobacco than the Senator from New Jersey. If people on airplanes like the fact that they are smoke free, there is one person who is responsible for it—more responsible than any other individual—and that is the Senator from New Jersey. We can all thank him for the contribution he has made to try to do something to get our kids off the tobacco habit, off the addiction, and the diseases that it causes. I think we should recognize his leadership in this regard. Nobody has been a more forceful advocate of changing the tobacco culture than the Senator from New Jersey.

At some point we are all going to be on the same page because I believe we are going to find a way to get together on national tobacco legislation. But I hope that we do not put in the way as a roadblock the budget resolution. We could broaden that reserve fund so that if we do get tobacco revenue it can be used, yes, for Medicare, and, yes, to help strengthen Social Security, as my bill also provides, but in addition to that provide for smoking cessation, smoking prevention, counter-tobacco advertising—all of the things that the public health community has told us is important to a comprehensive approach to protecting the public health.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from ENACT, a coalition of more than 45 major public health organizations with millions of volunteers and members who support comprehensive legislation that will prevent children from taking up tobacco and will dramatically reduce tobacco use among adults. They support the type of amendment which I have offered.

I ask unanimous consent to also have printed in the RECORD a letter from the American Lung Association, who say in their letter, "As you know, the budget resolution recently approved by the Budget Committee is a disaster for public health."

I also ask unanimous consent to have printed in the RECORD a letter from Public Citizen making the same point; finally, a letter from Smoke Free 2000, a coalition interested in advancing the public health with respect to the question of tobacco policy.

So, we will have those letters in the RECORD demonstrating the support of the public health community for broadening our tobacco reserve plan so that a comprehensive bill is possible.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENACT,
March 27, 1998.

DEAR SENATOR: The ENACT coalition of more than 45 major public health organizations with millions of volunteers and members supports comprehensive legislation that will prevent children from taking up tobacco and dramatically reduce tobacco use among adults.

We are writing to express our serious concerns regarding the restrictions contained in the Budget Resolution that limit the use of money in the Tobacco Reserve Fund to the Medicare Hospital Trust Fund. These restrictions will hinder efforts to enact effective and comprehensive tobacco legislation by requiring 60 votes to include funding for key anti-tobacco programs. We believe that the Budget Resolution should be changed to allow the Tobacco Reserve Fund to be used for programs that will reduce the use of tobacco and its harmful effects.

To reduce tobacco use among children and adults, comprehensive tobacco legislation must contain funding for tobacco-related public health programs, including:

1. A nationwide public education and counter advertising program as well as state and local tobacco control programs and projects.
2. Cessation programs to help children and adults who want to quit.
3. Regulation of tobacco products by the Food and Drug Administration.
4. Research into how we can best prevent tobacco use and help those who want to quit—this research will build on what we already know and ensure that our efforts to drive down smoking rates are effective.

Funding for tobacco-related public health programs should be the first priority for any funds raised through tobacco legislation; we are therefore opposed to the current provision in the Budget Resolution that limits the use of such revenue to the Medicare Hospital Trust Fund.

We recognize that the Budget Resolution includes funding for teen smoking prevention and cessation programs, but these programs would have to compete for limited discretionary dollars available in the Labor-HHS-Education appropriations bill. Additionally, the funding called for in the Budget Resolution under the discretionary caps is far below the funding levels recommended by virtually every major public health organization and below what was outlined in the proposed Attorneys General agreement.

The undersigned groups support amending the Budget Resolution to ensure that funds in the Tobacco Reserve Fund can be used to support critical tobacco-related programs that will help drive down smoking rates. This is a historic opportunity to achieve fundamental change in tobacco addiction and disease and to save lives. We are committed to working with you and other members of Congress to pass a Budget Resolution that will help protect America's children from the dangers of tobacco addiction.

Sincerely,

Allergy & Asthma Network—Mothers of Asthmatics, Inc.; American Academy of Family Physicians; American Academy of Pediatrics; American Association for Respiratory Care; American Cancer Society; American College of

Chest Physicians; American College of Preventive Medicine; American Heart Association; American Psychiatric Association; American School Health Association; American Society of Internal Medicine; Campaign for Tobacco-Free Kids; College on Problems of Drug Dependence; Family Voices; Federation of Behavioral, Psychological and Cognitive Sciences; The HMO Group; Interreligious Coalition on Smoking or Health; Latino Council on Alcohol & Tobacco; National Association of Children's Hospitals; National Association of County and City Health Officials; National Association of Local Boards of Health; National Hispanic Medical Association; Oncology Nursing Society; Partnership for Prevention; and Summit Health Coalition.

AMERICAN LUNG ASSOCIATION,
New York, NY, March 25, 1998.

Hon. FRANK LAUTENBERG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: As you know, the Budget Resolution recently approved by the Budget Committee is a disaster for public health.

Instead of allowing the use of tobacco revenues for public health programs, as is the case with every major piece of tobacco control legislation before the Congress, the committee bill actually precludes the use of any new tobacco revenues for public health. Moreover, the provisions of committee bill will set up procedural barriers that will hamstring the use of these new revenues for preventing youth smoking, lifesaving research at the National Institutes of Health, or FDA efforts to rein in the tobacco industry. Monies that are provided—$800 million over five years, is way below most other bills. For example, the Health Kids Act, (S. 1638) calls for over $2 billion per year for tobacco control efforts.

The American Lung Association strongly supports an amendment to the Budget Resolution that would include funding for public health programs in the tobacco reserve fund established by the Budget Committee. We believe that the goal of tobacco control legislation should be to control tobacco use—not raise revenue.

Lastly, we support any amendment expressing the sense of the Senate opposing immunity and supporting full FDA authority to control tobacco. Recent public opinion polls conducted by the American Lung Association indicate the American people strongly oppose granting special protections to the tobacco industry. The Senate should follow their lead.

We look forward to working with you to craft tobacco control legislation that protects the public health without creating special protections, like immunity, for the tobacco industry.

Sincerely,

FRAN DU MELLE,
Deputy Managing Director.

PUBLIC CITIZEN,
Washington, DC, March 26, 1998.

Hon. FRANK LAUTENBERG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: Public Citizen has long supported efforts to reduce the death and disease caused by tobacco products and has worked for years against legislation that would protect corporate wrongdoers from legal accountability for the harm caused by their dangerous products. We applaud your work in pursuit of the same public health goals.

We are concerned that the Budget Resolution recently approved by the Senate Budget Committee does not reflect sound public health priorities. The measure contains no funding for many of the health related programs that should be funded by new tobacco revenues. Instead, the Budget Resolution proposes that these new tobacco revenues be earmarked for Medicare. In addition, the money the Budget Resolution provides for tobacco control—$800 million over five years—is well below the amount that would be generated by most of the tobacco bills now before Congress. For example, the Healthy Kids Act, (S. 1638), calls for over $2 billion per year for tobacco control efforts. We urge that these deficiencies be corrected.

Further, Public Citizen strongly supports a floor amendment expressing the sense of the Senate that the tobacco companies must not be given any special protection from legal liability as a *quid pro quo* for its payments—or for anything else. We oppose any sweetheart deal for this industry that lied to and cheated the American public and costs the U.S. economy over $90 billion each year in health care costs alone.

Finally, Public Citizen believes that the FDA must be given full authority to regulate nicotine and tobacco products, and we would also support a sense of the Senate amendment advancing that position.

Thank you for your leadership on these important issues. We look forward to working with you to craft tobacco control legislation that protects the public health without creating special protections, like immunity, for the tobacco industry.

Sincerely,

JOAN CLAYBROOK,
President.

SMOKE FREE 2000 COALITION,
St. Paul, MN, March 25, 1998.

Hon. FRANK LAUTENBERG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: The Minnesota Smoke-Free Coalition strongly supports an amendment to the Budget Resolution that would include significant funding for public health programs in the tobacco reserve fund established by the Budget Committee.

In order to reduce tobacco and prevent tobacco use, a comprehensive approach is needed including, counter-advertising and education campaigns, reducing illegal sales to minors, smoking cessation for those who want to quit. The goal of tobacco control legislation should be to control tobacco use—not just raise revenue.

The budget resolution recently approved by the Budget committee prohibits the use of tobacco control revenues for public health programs. This would be a disaster for public health and exactly what the tobacco industry would support.

The Minnesota Coalition represents more than 60 health, education, consumer and civic organizations from across the state of Minnesota. Collectively, we urge your support of an amendment to the Budget Resolution that would include funding for public health.

Sincerely,

A. STUART HANSON, M.D.,
President.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, is it fair to assume now that we have both yielded our time on this?

Mr. LAUTENBERG. Yes.

AMENDMENT NO. 2209

(Purpose: To express the sense of the Senate that the Committee on Finance shall consider and report a legislative proposal this year that would dedicate the Federal budget surplus to the establishment of a program of personal retirement accounts for working Americans)

Mr. DOMENICI. Before our friend from Colorado proceeds, I send to the desk an amendment on behalf of Senators ROTH, BREAUX, GREGG, ROBB, HATCH, NICKLES, GRAMM, GORDON SMITH, and SANTORUM, and ask it take its place among the amendments to be determined in the future as to when a vote will occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for himself, and Mr. ROTH, Mr. BREAUX, Mr. GREGG, Mr. ROBB, Mr. HATCH, Mr. NICKLES, Mr. GRAMM, Mr. GORDON SMITH, and Mr. SANTORUM, proposes an amendment numbered 2209.

At the end of title III add the following:

SEC. ___. SENSE OF THE SENATE ON SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS AND THE BUDGET SURPLUS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security program is the foundation of retirement income for most Americans, and solving the financial problems of the social security program is a vital national priority and essential for the retirement security of today's working Americans and their families.

(2) There is a growing bipartisan consensus that personal retirement accounts should be an important feature of social security reform.

(3) Personal retirement accounts can provide a substantial retirement nest egg and real personal wealth. For an individual 28 years old on the date of the adoption of this resolution, earning an average wage, and retiring at age 65 in 2035, just 1 percent of that individual's wages deposited each year in a personal retirement account and invested in securities consisting of the Standard & Poors 500 would grow to $132,000, and be worth approximately 20 percent of the benefits that would be provided to the individual under the current provisions of the social security program.

(4) Personal retirement accounts would give the majority of Americans who do not own any investment assets a new stake in the economic growth of America.

(5) Personal retirement accounts would demonstrate the value of savings and the magic of compound interest to all Americans. Today, Americans save less than people in almost every other country.

(6) Personal retirement accounts would help Americans to better prepare for retirement generally. According to the Congressional Research Service, 60 percent of Americans are not actively participating in a retirement plan other than social security, although social security was never intended to be the sole source of retirement income.

(7) Personal retirement accounts would allow partial prefunding of retirement benefits, thereby providing for social security's future financial stability.

(8) The Federal budget will register a surplus of $671,000,000,000 over the next 10 years, offering a unique opportunity to begin a permanent solution to social security's financing.

(9) Using the Federal budget surplus to fund personal retirement accounts would be an important first step in comprehensive social security reform and ensuring the delivery of promised retirement benefits.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that the Committee on Finance shall consider and report a legislative proposal this year that would dedicate the Federal budget surplus to the establishment of a program of personal retirement accounts for working Americans and reduce the unfunded liabilities of the social security program.

AMENDMENT NO. 2210

(Purpose: To express the sense of the Senate regarding repair and construction needs of Indian schools)

Mr. LAUTENBERG. Mr. President, before we go on to the Senator from Colorado, I, too, have an amendment to be sent up to the desk on behalf of the Senator from South Dakota, Senator JOHNSON, and ask that it be placed in the order for such time as it is called up.

Mr. DOMENICI. Is that the amendment on Indian schooling?

Mr. LAUTENBERG. Yes. We should note that the Senator from New Mexico is a cosponsor of that amendment, and please note that carefully.

Mr. DOMENICI. Thank you.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Jersey (Mr. LAUTENBERG), FOR MR. JOHNSON, Mr. DOMENICI, Mr. DORGAN, Mr. DASCHLE, Mr. BINGAMAN, Mr. WELLSTONE, and Mr. MCCAIN, proposes an amendment numbered 2210.

The text of the amendment follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING REPAIR AND CONSTRUCTION NEEDS OF INDIAN SCHOOLS.

(a) FINDINGS.—The Senate finds that—

(1) many of our nation's tribal schools are in a state of serious disrepair. The Bureau of Indian Affairs (BIA) operates 187 school facilities nationwide. Enrollment in these schools, which presently numbers 47,214 students, has been growing rapidly. A recent General Accounting Office report indicates that the repair backlog in these schools totals $754 million, and that the BIA schools are in generally worse condition than all schools nationally;

(2) approximately 60 of these schools are in need of complete replacement or serious renovation. Many of the renovations include basic structural repair for the safety of children, new heating components to keep students warm, and roofing replacement to keep the snow and rain out of the classroom. In addition to failing to provide adequate learning environments for Indian children, these repair and replacement needs pose a serious liability issue for the Federal government;

(3) sixty-three percent of the BIA schools are over 30 years old, and twenty-six percent are over 50 years old. Approximately forty percent of all students in BIA schools are in portable classrooms. Originally intended as temporary facilities while tribes awaited new construction funds, these "portables" have a maximum 10 year life-span. Because of the construction backlog, children have been shuffling between classrooms in the harsh climates of the Northern plains and Western states for ten to fifteen years;

(4) annual appropriations for BIA education facilities replacement and repair combined have averaged $20-$30 million annually, meeting only 4% of total need. At the present rate, one deteriorating BIA school can be replaced each year, with estimates of completion of nine schools in the next seven years. Since the new construction and repair backlog is so great and growing, the current focus at BIA construction must remain on emergency and safety needs only, without prioritizing program needs such as increasing enrollment or technology in the classroom; and

(5) unlike most schools, the BIA schools are a responsibility of the federal government. Unfortunately, the failure of the federal government to live up to this responsibility has come at the expense of quality education for some of this nation's poorest children with the fewest existing opportunities to better themselves.

(b) SENSE OF THE SENATE—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the repair and construction backlog affecting Bureau of Indian Affairs school facilities should be eliminated over a period of no more than five years beginning with Fiscal Year 1999.

Mr. DOMENICI. I yield the floor so the Senator from Colorado can call up and debate his amendment.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I ask that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2170

(Purpose: To require the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt)

Mr. ALLARD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado (Mr. ALLARD) proposes an amendment numbered 2170.

Mr. ALLARD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II, add the following:

SEC. . REDUCTION OF NATIONAL DEBT.

(a) IN GENERAL.—In the Senate, beginning with fiscal year 1999 and for every fiscal year thereafter, it shall not be in order to consider any concurrent resolution on the budget, or amendment thereto or conference report thereon, that—

(1) that would cause budgeted outlays for that fiscal year to exceed budgeted revenues; and

(2) does not provide that actual revenues shall exceed actual outlays in order to provide for the reduction of the gross Federal debt as provided in subsection (b).

(b) AMOUNT.—The amount of reduction required by this section shall be equal to the amount required by amortize the debt over the next 30 years in order to repay the entire debt by the end of fiscal year 2028.

(c) WAIVER.—The Senate may only waive the provisions of this section for a fiscal year in which a declaration of war is in effect.

(d) PASSAGE OF REVENUE INCREASE.—No bill to increase revenues shall be deemed to have passed the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

Mr. ALLARD. Mr. President, first of all, I would like to commend the chairman of the Budget Committee, the Senator from New Mexico, for his very laudable statement, which he made earlier on in the debate this evening. I think we are very fortunate in this body to have somebody who is trying to bring accountability to the process. I hope that America was listening, because I think he made some very good points, and I think as Americans we need to stop to think about our priorities and how we would like to see those priorities come down in the budget and how we would like to see those priorities in the budget reflect how we want to live our lives as Americans.

I have an amendment that I would like to see added to the budget plan that this chairman and his committee has put forward, the plan to pay down the American debt.

I think back last year when I proposed an amendment to the then-budget, a sense-of-the-Senate resolution, that asked the President of the United States to come forward with a plan on how he might want to pay down the debt that we have. I think we ought to take a little time to define the terms. The deficit is how much more we spend in any 1 year than what we bring in in revenue. The debt is an accumulation of all of that excess spending over the years—the accumulation of all of these deficits. So I am of the view that we need to do something; we need to have a plan before us to pay down that debt.

The President ignored the sense-of-the-Senate resolution that was part of the budget resolution last year, and we got into the budget debate this year. There was simply not any plan coming from the President, or anybody else at that point, on how we might pay down our national debt running somewhere around $5.6 trillion.

So I have decided I will put forward my plan on how I think we might be able to pay down the debt. As we go through the discussion and the debate, I will show that we will even have some money left over as we pay down the debt to provide some tax relief for Americans.

I think we are very fortunate that we have somebody like the chairman of the Budget Committee who really believes we need to work to eliminate the deficit and to balance the budget. It brings forth a certain amount of accountability to the process. I think we need to have leaders like him due to the fact that we do not have a balanced budget amendment.

I was very disappointed last year that a balanced budget amendment did not pass, because I think we needed that accountability in order to assure that the Members of this Senate would work hard to set priorities and not ignore deficits that have been accumulating over the years out into the future and to continue to allow the debt to grow year after year.

I would like to move forward by beginning to congratulate, again, Chairman DOMENICI and the Budget Committee on crafting a sensible resolution that maintains the discretionary spending caps previously set forth. I reemphasize that is very key in this debate to assure that we have protected the future for our children and grandchildren by having a responsible budget which holds the promise that we made to the American people.

Even though it appears that we will realize a surplus before the year 2002, I believe that it is essential for this Congress to show restraint when it comes to budget surpluses. The future solvency of the Federal Government will likely rest on what we do in the next 3 years. There is simply no doubt that the economy is performing well—much better than anyone has expected. But today's rosy predictions could turn out to be a black future if we do not plan appropriately. We must begin the process of paying down the Federal debt and preparing for an investment-based Social Security system. Some have said that they would like to see the surplus used for Social Security. I say let's do it. The fact of the matter is that making payments on the national debt is the best way to provide flexibility for changes in Social Security in the short term. The last time I came to the floor to discuss the national debt, it stood at $5.476 trillion. Yes, $5.476 trillion. Today, even as the U.S. economy continues to grow, we have added $114 billion to the debt, which is now over $5.59 trillion. I believe to not apply at least a portion of any surplus to pay down the debt is simply unconscionable.

In February, Senator ENZI and I introduced the American Debt Repayment Act legislation. It is legislation that I believe is integral to the future of this country. I am a realist. I understand that we cannot retire the Federal debt immediately. What we can do is create a plan which I hope will become a part of the budget plan by which we pay down the debt over a set number of years.

This is just a minimal plan. There is nothing in it that says we cannot do more. In fact, I hope we can do more because we need to sign on to a plan to pay down the debt. The American Debt Repayment Act provides such a plan. Senate bill 1608 would amortize and pay off the debt in the year 2028.

Frankly, this is as simple as it gets. The plan puts the Federal Government on a 30-year mortgage to pay its creditors and place our country on sound financial ground.

Because I believe that we must have a plan when dealing with the debt, I am offering this legislation today as an amendment to the budget resolution. By approving this amendment, we have made the initial commitment to pay down the debt. We are saying to the American people that the Federal Government has finally recognized the time has come to begin to pay off our Nation's credit card balance.

I realize that there are many competing interests when it comes to using the surplus, and I am willing to meet my colleagues halfway. Anything above the amortized payment is not affected by my amendment and can be used in any way that Congress may deem appropriate. While I advocate tax relief for the American family from any surplus above the required payment, my colleagues might decide differently. This amendment proves that debt reduction and tax relief are not mutually exclusive.

I would like to take just a moment and refer to the chart that I have here on the floor with me and talk a little bit about the chart. This is an amortization schedule, much along the lines of what you would be shown if you were to buy a new home. Say you are a new American family; you have just been married; you decide to make probably the first big investment of your marriage, and you will make a commitment to pay that down over 30 years. Your banker may very well give you a similar chart which shows how you are going to make that payment year after year to pay down the mortgage on your home.

This is the plan where we talk about paying down the mortgage of the Federal Government year after year. It is a 30-year plan, just pretty much like everybody's home mortgage. To keep things simple, I have just adopted in this proposal pretty much what the Budget Committee has estimated will be the surpluses for their 5-year plan. I say fine, we will not argue with the Budget Committee. We will keep that in place. But after that period of time, we ought to set $11.7 billion a year, in addition to what we did the year before, towards paying down the debt. This accelerates and accumulates over time.

If we do that, let's look at the year 2004, after the current plan has been adopted. In the year 2004, we have $616 million left over for tax relief, or maybe program growth or some other needs. When we drop into 2005, that comes up to $2.1 billion over and above what I put together on this amortization part for program growth or to reduce the tax burden. My personal preference, as I stated earlier, is to reduce the tax burden on the American family.

What happens over a 30-year period? We save $3.7 trillion. I think that is a pretty substantial step, savings that we can use for Social Security reform or maybe doing something with our Medicare problems. This is a plan that shows how we can begin to address those very serious problems we have before us, but to also keep as a top priority of this Congress and this Senate a commitment to pay down this national debt. This plan reflects the amount of savings we are going to save for the future generations, our children and our grandchildren.

The important point I want to make here is to have a commitment to pay down the debt. With even a minor commitment with a 30-year payment, where we are setting aside $11.7 billion a year, we can accomplish this. We can accomplish this with just a simple, straightforward commitment. I remind everybody, our total budget is somewhere around $1.7 trillion. It is not much of the total picture.

I believe an excerpt from an article on March 23, 1988, in Newsday strikes right at the heart of the issue. I have a quote out of that particular article. I will read part of it. I have it up here on the floor. It says:

> * * * if Congress and the President agreed to toe the line and direct all surpluses to pay down the debt for the next 30 years [apparently he has thought about this, too] and if the economy remained on a steady, moderate growth path, the government could pay off its entire debt while covering Social Security and other costs.

Mr. President, I have that article. I ask unanimous consent it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[from Newsday, March 23, 1998]

DEAR UNCLE SAM: USE CASH SURPLUS TO PAY OFF DEBT

(By Clay Chandler and John M. Berry)

Imagine that after years of struggling to gain control of your finances, you suddenly come into some extra money. Even better: Suppose you're likely to earn more money than expected every year for the next decade.

How best to use the windfall? A good financial planner might recommend you start by cutting debt.

"One of the very first things I tell my clients is to get rid of debt," says L. Edward O'Hara, a financial planner in Silver Spring, Md. "A lot of people are reluctant until I show them what a huge difference it can make to their financial situation over a long period of time."

Economists are offering much the same advice to Uncle Sam.

With the federal government suddenly expecting surpluses estimated between $660 billion and $1.1 trillion over the next decade, a large contingent of fiscal experts is recommending that President Bill Clinton and Congress resist calls for new tax cuts or increased government spending. Instead, many economists argue, the government is likely to get the highest economic return from future surpluses by using them to whittle down the $3.8 trillion in federal debt held by the public.

"Pretty much all macro-economists would be in the debt-reduction camp," asserts N. Gregory Mankiw, a professor of economics at Harvard University and author of one of the most popular economic textbooks for undergraduates. "For most of us, the choice seems clear."

Others aren't so sure. Supply-side economists and GOP presidential hopefuls Jack Kemp and Malcolm (Steve) Forbes Jr. blast debt reduction as a "castor oil" remedy of no benefit to the economy. A recent Wall Street Journal editorial excoriated Republicans who would "stand for an abstraction of paying down the national debt . . . even if it means taxing Americans at higher rates than needed to balance the federal books."

At the opposite end of the political spectrum, liberals such as Sen. Paul Wellstone (D-Minn.) and Northwestern University economist Robert Eisner decry the folly of extinguishing Treasury IOUs with money that might otherwise be "invested" in new schools or health care for needy children.

Meanwhile, lawmakers from both parties, rallying behind House Transportation Committee Chairman Bud Shuster (R-Pa.), can tick off reasons why using the surpluses to fund construction of new roads, bridges or other projects in their districts will make the economy more productive.

Still, a little-noticed set of long-term projections prepared by the White House Office of Management and Budget makes a tantalizing case for the benefits of using projected surpluses over the next 30 years to pay down the debt. If Congress and the president agreed to toe the line and direct all surpluses to pay down debt for the next 30 years, and if the economy remained on a steady, moderate growth path, the government could pay off its entire debt while covering Social Security and other costs.

Such an optimistic scenario hasn't been previously envisioned, in part, because official economic projections rarely go out longer than 10 years. But also, pragmatic economists note that it is unlikely a government would direct all surpluses to paying down the debt rather than funding important programs.

"From a political standpoint, the problem is simple: Paying down the debt doesn't get your picture in the paper," says economic historian John Steele Gordon. "There are no ribbon-cutting ceremonies," no throngs of grateful constituents.

Brookings Institution economist Henry Aaron said the OMB projections—while they are based on conservative economic assumptions—may be overly optimistic because they do not incorporate the distinct possibility of a recession. "The right way to look at this is to say that there has been a distinct change in the budgetary climate," Aaron said, noting that he believes current tax and spending policies could produce surpluses for the next 20 years. "The sun is shining, but that does not mean we won't have deficits arising from recessions . . . It does mean we have more elbow room to plan for the restructuring of Medicare and Social Security than we had just a few years ago."

One reason the OMB projections turn out to be so favorable is the enormous saving on interest payments as the size of the debt is reduced. If paying down the debt also caused interest rates to fall somewhat, as some economists believe it would, the fiscal picture would be even brighter.

Debt-burdened U.S. families last year used an average of 17 percent of their after-tax income to make interest payments. Similarly, last year the government paid out $244 billion, more than 15 percent of its income, to cover interest on the debt owed to the public.

Paying down debt triggers a sort of virtuous cycle: As the amount owed drops, so does the interest due on the remaining unpaid balance, and the saving on interest leaves still more money available to reduce the debt.

May economists in the debt-reduction camp concede, however, that their position of pay-down-the-debt-first is colored by assumptions about the mechanics of American democracy. In theory, they acknowledge, it might be possible to craft tax cuts or new spending programs that would harness projected surpluses as efficiently as shrinking the debt. But as a practical matter, they say, such ideas aren't likely to emerge from the legislative sausage grinder in an economically rational form.

Mr. ALLARD. I say to my colleagues, this is exactly what my amendment does, what is talked about in this article. It creates future flexibility to deal with the impending Social Security crisis by paying down the debt over 30 years. I understand we cannot budget 30 years out—the free market economy does not allow us to do that—but what we can do is adopt a blueprint for the future, a blueprint that Congress can follow to eliminate the debt and show the American people, with a little bit of discipline, we can do that—and a little bit of accountability. The American people know how difficult it is to make a living and pay the home mortgage. Let's give them a hand by retiring the national debt and thereby decrease the interest rates that we pay on everything from a home loan to a student loan.

If somebody asks you, "How am I going to benefit if you pay down the debt?" they are going to benefit because we have lower interest rates with tremendous savings for home loans and student loans. A tax cut would most certainly be beneficial, but we cannot cut taxes at the expense of our children's future and our grandchildren's future. I ask that each and every one of my colleagues join me in this effort and make a commitment to retiring the Federal debt by voting to pass this simple, commonsense proposal.

Mr. President, if we don't have any further debate on this on either side, I yield back the time, if that is appropriate at this particular point, so the Senator from Idaho can be recognized.

Mr. DOMENICI. Mr. President, I suggest the Senator not yield back his time but, rather, let us set his amendment aside, reserving whatever time he has, and we will proceed with the next debate. So tomorrow, if my colleague wants to pick it up when we are in session and use another period of time, maybe that will give the opponents a chance and we will have a good debate. If we don't need it, we will yield it back then.

Mr. ALLARD. I thank the chairman for his suggestion. Mr. President, I will amend my unanimous consent request. I will just yield the floor and reserve my time until tomorrow. I may use it at that time.

The PRESIDING OFFICER. The Senator's time is reserved.

Mr. DOMENICI. I understand the distinguished Senator from Idaho, Mr. CRAIG, would like to speak for about 5 minutes.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. How much time did the distinguished Senator from Colorado have under the unanimous consent agreement?

The PRESIDING OFFICER. He had 45 minutes remaining.

Mr. DOMENICI. Remaining?

Mr. LAUTENBERG. That is with an hour allowance.

Mr. DOMENICI. Yes.

Mr. President, I ask unanimous consent whatever time the Senator has, he reserve that time and we set aside his amendment so Senator CRAIG can introduce an amendment and speak to it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2211

(Purpose: To modify the pay-as-you-go requirement of the budget process to require that direct spending increases be offset only with direct spending decreases)

Mr. CRAIG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG], for himself, Mr. ALLARD, Mr. GRAMS, Mr. HELMS, Mr. INHOFE, Mrs. HUTCHISON, and Mr. THOMAS, proposes an amendment numbered 2211.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II, add the following:

SEC. . REQUIREMENT TO OFFSET DIRECT SPENDING INCREASES BY DIRECT SPENDING DECREASES.

(a) SHORT TITLE.—This section may be cited as the "Surplus Protection Amendment".

(b) IN GENERAL.—In the Senate, for purposes of section 202 of House Concurrent Resolution 67 (104th Congress), it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that provides an increase in direct spending unless the increase is offset by a decrease in direct spending.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of direct spending for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

Mr. CRAIG. Mr. President, as I debate this amendment this evening, let me first recognize my colleague from Colorado, who has just brought before the Senate an almost unbelievable proposal. I say that because it is difficult for us to fathom a savings of $3.7 trillion to the American taxpayer and to future generations in this Nation by taking it upon ourselves to pay down the Federal debt over a 30-year period. I am proud to support my colleague from Colorado. It is these kinds of initiatives that I think reflect to the American people that we really are sincere about getting the spending habits of this Government, and the debt we have accumulated over the last good number of years, under control. It is also very reflective of the kind of impact that controlling deficits and debts has on our economy and on our future generations.

So, in my offering of the amendment this evening, I am proud the Senator from Colorado has joined me along with Senator HELMS, Senator HUTCHISON, Senator INHOFE, Senator GRAMS, and Senator THOMAS. Mine is a similar measure to once again shape the spending habits of this Congress. My amendment is entitled the "Surplus Protection Amendment," because it does just that; it protects the surplus from irresponsible spending.

Current budget policy as we know it, pay-as-you-go—so-called PAYGO—budget enforcement rules were established to help put Washington's fiscal house in order. Since fiscal year 1994, the Senate has had a point of order requiring 60 votes to waive against any legislation which would result in mandatory spending increases that would increase the deficit. Mandatory spending in Washington's version of a fiscal autopilot. Once enacted, it requires no further congressional action to operate. And we know that. We see it happening right here. It is a part of this budget resolution. Rather than a perpetual motion machine, mandatory spending is a perpetual spending machine. It is the Energizer Bunny of budgeting, and it has kept this budget growing and growing and growing.

What does all of this mean? Any increase in mandatory spending must be paid for with a tax increase, and any tax cut must be paid for by a mandatory spending cut. We wonder why taxes are high. We wonder why it is so difficult to cut taxes. Those are the reasons. As anyone can tell, PAYGO—that is what we call this provision in its present form—isn't sufficient. Mandatory spending has increased dramatically and will continue to increase dramatically as far as any of us can sense it.

According to the Congressional Budget Office, in 1987, mandatory spending accounted for 47 percent of the Federal budget. In 1997, it accounted for 56 percent of the Federal budget, and in the year 2008 under this budget resolution, it will account for about 70 percent of the total Federal budget.

Now remember, that is the portion that is on auto pilot; that is the portion that just keeps growing and growing and growing. This means that there has been and will increasingly be a crowding out of what the Federal Government can spend on schools, on roads, on law enforcement, and some of those fundamental things that keep our country operating in a civil way, the kind of things for which historically our Government was envisioned to have a responsibility.

I believe because of that it is time that we try to make a change. Current estimates are that the budget will be balanced this year, and the budget chairman, my colleague from New Mexico, the senior Senator who has done such a marvelous job shaping and nurturing and bringing this balanced budget along, is going to see that that happens. We are going to help him, and of that we are proud.

As far as we can see out there, we are 4 years ahead of schedule on balancing the budget, and I applaud it. I am proud to have been a part of it, and I think it is wonderful for the American people, for our economy, for job creation and all that that means. The Senator from New Mexico can be rightfully proud of it, and I know he is. However, we must look not just at the horizon of the current budget, but we ought to look beyond it, beyond the 4 years. I know we can't get beyond it in the budget process, but we can get beyond it in the policy. We can get beyond it in how we operate moving toward the future.

To avoid what will happen in the future, we must change the way we work now. I am proposing, as a modest first step, that like a good doctor, we first pledge to do no harm, and I believe my modest first step does no harm.

My surplus protection amendment establishes a point of order that requires new mandatory spending programs be paid for by mandatory spending savings. Let me repeat that.

My amendment establishes a point of order that requires new mandatory spending programs be paid for by mandatory spending savings. In other words, it would require 60 votes in the Senate to create a new mandatory spending program that was not funded by an equivalent mandatory spending savings.

If all of the new mandatory spending programs had been paid for, as we had claimed, we would not be facing a fiscal future with exploding spending and exploding deficits in the outyears.

Why does this Senate and this country need the Craig amendment? I think the current budget path that the Senator from New Mexico and all of us have worked so hard on is truly unsustainable. As good as a balanced budget today is, without ever more fundamental changes, it will not remain balanced. And it ought to be our goal to at least strive to maintain a balanced budget.

That this path is unsustainable is no secret. We all know because of what we have been told by so many. My colleague, Senator KERREY of Nebraska, who chaired the Bipartisan Commission on Entitlement and Tax Reform has said that is impossible to do. The General Accounting Office says we cannot sustain a balanced budget under our current scenario, and the President's own budget office says so.

In its most recent report, the Congressional Budget Office states:

> Currently, more than half of the nearly $1.7 trillion in Federal spending goes for entitlements and other mandatory programs (other than net interest) . . . As a share of total outlays, mandatory spending has jumped from 32 percent in 1962 to 56 percent in 1997. If current policies remain unchanged, such spending will continue to grow faster than other spending, reaching 63 percent of total outlays by the year 2002—or twice the size of discretionary outlays. Under baseline assumptions, continued growth in mandatory outlays would raise their share of the budget to 70 percent by the year 2008.

Last year, the Congressional Budget Office wrote:

> [T]his year's budgetary news should not lull people into complacency: the retirement of the large baby-boom generation is just over the horizon—

Just beyond where this budget and all of us can see—

> . . . If the budgetary pressure from both demography and health care spending is not relieved by reducing the growth of expenditures or increasing taxes, deficits will mount and seriously erode future economic growth.

That is the reality of what we deal with. That report concluded, Mr. President:

> [C]urrent budget policy is unsustainable, and attempting to preserve it would severely damage the economy.

How serious are future projections? The Congressional Budget Office concluded that even if the budget were balanced through 2002—and that is our goal, that is the goal of this budget—if that were true, we would still have a deficit equal to 34 percent of the gross domestic product by the year 2050 and the public debt would be 283 percent of the gross domestic product.

There will be a demographic shift to an older population. We all know that. The experts show us that. I am part of that. I am a baby boomer.

In 1995, there were 34 million 65-year-old, or older, citizens. In the year 2030, there will be twice that number or 68 million. There will be more elderly. They will be living longer and using Federal services much more intensively. There will be relatively fewer workers around to pay all the bills. Let us remember that it is the current working population that generates the economy that pays the bills.

In 1950, there were 7.3 workers for every senior. In 1990, there were 4.8 to 1 senior. In the year 2030, there will be 2.8 workers per every 1 senior.

So if that senior is receiving well over $1,000 a month in Social Security benefits and maybe health care benefits, who is paying for it? Those 2.8 workers. Divide it up. Count it out. It is pretty obvious how much has to come out of their wages on a monthly basis to transfer it to that senior's well-being.

What the demographic shift means is that spending will rise rapidly relative to revenues. Quoting the Congressional Budget Office:

> Revenues will be squeezed as the number of people working—and the economy—grows more slowly. At the same time, outlays for Government programs that aid the elderly will burgeon as the number of people eligible to receive benefits from those programs shoots up.

What the fiscal squeeze means, if we don't begin to recognize it now, is enormous deficits. Just at a time when we thought the deficit battle was over, when this Congress has battled through to get to a balanced budget, where we are now, all of a sudden this begins to dramatically shift. We know it will happen because the facts, the figures and the spending programs are already in law.

The deficit last year was less than 1 percent of the gross domestic product of our country. In 2035 it would be 29.8 percent. Let me repeat that. The deficit by the year 2035 will be 29.8 percent of the gross domestic product if we don't begin to shape it down and scale it down.

The Federal debt was 50 percent of the gross domestic product last year. Now we are talking about debt. It would be 250 percent by the year 2035. These are not my figures. These are the projections of the professionals, the budget professionals—the Congressional Budget Office and others—who look at the long term, who put on the binoculars and look over the horizon to see what our spending programs must yield to benefit the citizens who are living today who will be recipients of those benefits in the year 2035.

Those figures I have given you are truly unprecedented. We have never had to deal with them before as a percentage of the gross domestic product of this country. The deficit has been higher than 10 percent of GDP, but only briefly and during a major war. Not during peace times, not during prosperity, but at a time when we were fighting for the safety and the security of this country.

The debt exceeded 100 percent only once, briefly during World War II. The results, if we were to continue to do this with these projections I have just given you, would be economic catastrophe. Even to make the burden sustainable, in CBO's terminology, allowing debt to rise but keeping it at a constant to the gross domestic product rate would have dire consequences. In other words, we can't just sustain where we are. We have to begin to back away from where we are and do so over an extended period of time. The tax burden would have to increase 20 percent above where it is today just to continue running deficits and adding debt.

Of course, some will say that this budget agreement solves the problem. I wish it did. It solves the problem in the short term, and for that we are proud. For that all of us who vote for it and support it and support the chairman in what he is bringing before us ought to be proud. We have a right to be. But it is within the short term. It is in the foreseeable future.

It is certainly an improvement, but it only delays the same scenario that I have just sketched out. According to the CBO, even if the budget is balanced through the year 2010—and that is the Congressional Budget Office speaking—it will take less than 15 years to reach the scenario that I have just projected, and that is a debt that consumes over 250 percent of the gross domestic product of this country.

The Congressional Budget Office states:

> Regardless of how the budget is balanced in the near term, additional budgetary action. . .would still be needed to put the budget on a sustainable path.

I am offering, as I said, a modest first step. The year 2030 and the year 2050 are unreal to any of us on this floor. But if there are any young people in the galleries tonight, it is their budget. It will be their Government. It will be their responsibility to run it. And it will be their responsibility to pay for it. The Congressional Budget Office paints such an alarming picture that even the authors cannot imagine it, and they write this:

> Policymakers would surely take action before the economy was driven to such dire straits.

So even those who analyze it are willing to say surely those of us—that's me, that's you, Mr. President—as policymakers would never allow this to happen. But we are not taking steps to change it. We are dealing in the short term, and we have to deal in the short term first. For that I have already applauded the chairman and the ranking member, but we have to do more.

Now is the time for us at least to prepare for such an action. My amendment takes this first modest step that we do no fiscal harm to our children, like a good doctor would.

The first frightening thing in the CBO report is that it only addresses existing programs. It makes plain that our children cannot afford them. The existing programs are not now and will not in the future be paid for by our taxes. We certainly cannot responsibly add more.

Regrettably, the President's budget adds more: $28 billion in new mandatory spending, $118 billion in total new spending, and $43 billion less in surplus that would be saved for Social Security as the President himself has called for.

My amendment will not affect a single beneficiary for a single existing program. My amendment will not even affect anyone who would be qualified in the future for one of these programs. My amendment will not prevent a tax increase in order to reduce deficits. And my amendment will not even prevent a new spending program if a new program is so important that there is a supermajority, 60 votes in this body, to bring about a new spending program. This amendment should appeal to everyone serious about deficits. It will merely make sure that there is an overwhelming demand for a new program before we create it.

These are shared goals. By all 66 who supported the balanced budget amendment to the Constitution last year. By even those who opposed it because it included Social Security. For whatever purpose people want to use the surplus, they must first be protected. My amendment not only protects them now but will for the future. Because mandatory spending has historically failed to adhere to estimates, we must offset new mandatory spending with mandatory savings.

Good-faith first steps are something that we should all come together on. So I urge my colleagues to take a look into the future to recognize those figures that are very real, that no one disputes, whether it is the President's budget estimators or whether it is our Congressional Budget Office. My amendment is a modest first step to look beyond the horizon of a balanced budget, to recognize that our current spending programs produce deficits and debts in the future that we have not yet devised a method to respond to. And I would suggest, Mr. President, that my amendment would attempt to do just that.

With that, I have spoken about this issue all that I would care to tonight. I would be happy to reserve the balance of my time if no one else wishes to speak to this issue this evening.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. CRAIG. Before the chairman speaks, let me ask, Mr. President, that Senators SESSIONS and COVERDELL be put on my amendment as original cosponsors. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, let me just say, when we were attempting to come up with a constitutional amendment that would work with reference to a balanced budget, Senator CRAIG was the leader, and we all worked with him in an effort to get an amendment which controlled spending through controlling the amount of debt that could be issued. And, frankly, that was a lot better approach than many before it because it was actually doable, it was achievable, and it was understandable.

And it controlled spending in the right way, because essentially spending is one thing, but spending when you do not have the money is another thing. And we have such a powerful country that we can borrow and borrow and borrow. It is just in recent years that we have finally got a hold of our senses and have taken such a lead in the world, the industrial world where we have competition and capitalism and free enterprise. We have taken such a lead of late because we are getting our debt under control.

I think it is fair to say we are also getting our entitlement programs under control. We have never before, before the last decade, been so concerned—and rightly so—about entitlement programs as part of the package of expenditures that make up our budget for which we either pay or, if we do not have enough tax receipts, for which we borrow. And while I am not certain that I will support the amendment exactly as it is—I have not made up my mind—I do think it is welcome here on the floor, because we have been talking about a lot of new entitlements in an era where we are proud of balanced budgets and an era of surpluses.

While they are not totally inconsistent—to be talking about an era of surpluses and balanced budgets for many, many decades—it is obvious that the biggest danger is new entitlement programs. And since we cannot increase discretionary programs, as the Senator well knows, because we finally found a way with the caps and the automatic sequester at the end of the year—found a way to control them, and everybody now expects us to, the next front is to increase entitlements and in some way find money to pay for them, but that will just make a much bigger, bigger budget and it will be more and more dangerous than even if you increase discretionary spending.

If you increase discretionary spending 1 year, you don't have to the next year. But if you increase entitlements, you have to change entitlements. If your estimating is wrong, you have to have an amendment. By then, you have people who have been receiving the entitlement; right? Not so easy to change.

So I commend you on the thrust of the amendment and the remarks tonight. I think they are welcome in the debate we have had for the last 2 years.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Let me thank the chairman of the Senate Budget Committee for those remarks. I think they are candid and appropriate to the very essence of my own that, at a time when we have an opportunity to begin to shape control over mandatory spending, we ought to take a look at this time, and we can do that in a unique period in our Nation's history which we all fought to get to. So I thank my colleague for those comments.

I ask to retain the balance of my time.

Mr. DOMENICI. I understand the amendment will take its place among the many amendments which will be at some point appropriately sequenced for votes.

Does the Senator from New Jersey wish to speak?

Mr. LAUTENBERG. Mr. President, I listened with interest and do not want to enlarge the debate at this time. Obviously, the hour is late, but I listened with a degree of interest and care to the comments of the Senator from Idaho. And we have this debate sometimes that centers around whether the glass is half empty or half full. And we are looking at the same matrix, but I see it differently. I do not see a nation out of control. I do not see an economy that is in great jeopardy. I do not despair over what is taking place in our economic structure. Yes, we are paying more taxes in total, but that is because people's incomes have gone up and thus they are paying a larger share of the tax burden than they used to pay.

But when we look at a time when the unemployment rate compares to all-time lows, when we see inflation so well controlled, when we see the investment climate in our country so appetizing, no one knows when this is going to change, but the fact of the matter is, lots of people, lots of hard-working, what we will call modest-income people, have made good returns on their investments. And, Lord willing, they will be protected.

But why is all that taking place? Why has the stock market galloped up like it has? It is not simply because there is some kind of a speculation fever out there. A lot of it has to do with the fact that the United States is the most attractive investment country in the world. People feel secure. They know if they invest in America that they have a better chance of keeping their money safe and getting a return than any other place because of the structure of our financial being. We cannot ignore these things.

I share the Senator's view. I would like to see us paying off the debt. I am one of those who said, yes, I want to shore up Social Security. And how are we going to do it? We are going to do it by paying down the debt. The President has forecast over $1 trillion worth of surpluses over the next 10 years. That is a pretty encouraging prediction.

So, I hope we will continue this debate on the morrow, because I think there are other people here who would also want to comment.

Mr. President, I do not think we ought to ever lock ourselves into straitjackets to say that you cannot do this unless you do that. We are sent here to exercise judgment. And when I hear the speeches of some of my colleagues, I say, well, we sound like a bunch of recalcitrant children who have to be locked in a corner or put in our seats, or we are so bad—why can't we control ourselves? I do not see it that way.

I must tell you, I have great respect for those that I disagree deeply with here. They are sent here to represent a constituency who thinks that these people, the Senators in this Chamber, are going to carry a point of view that they share. And if not, there is a test that comes every 6 years. And you can see what happens. You have either passed the test or you have flunked it; it is very decisive.

But with all of that, I just do not see this, if I might call it, self-flagellation, this beating of ourselves. Look at the facts. The economy is really good. I know that I feel better about my children's future now than I did a few years ago. I think we have proven one thing. And some would say, well, we have not, Alan Greenspan has. He is part of our crowd, whether we think we are in his league or not.

The fact of the matter is, we have inflation under control—something that was hard to believe could be done, and has not caused deflation, has not caused a crisis. Things are going along very well.

So I hope, Mr. President, we will have a chance to chat about this a little bit tomorrow, and I hope we will be able to encourage our colleagues to vote against the Craig amendment, to say that we do not have to put on the handcuffs and apologize for our behavior. I do not think I do everything right, but I know one thing: I work at what I do. And so does everybody else here.

I do not think there is anybody here who shirks their responsibility, who does not take it seriously. And I do not think I have to be put in a corner like a child and told, well, you are not going to be allowed to do this unless you do that; you are not going to be allowed to spend money. How do we know when the crisis is coming?

We have done the things we said we ought to do. We have a balanced budget. I think we are all proud of that. We can argue whether it is CBO balanced. We say, yes it is. We all kind of believe that on a unified budget basis we are going to be seeing a slight surplus in the very short period. So I hope our colleagues will stand up and say no to limiting our ability to use our heads, to use our judgment, to take the risk of our votes and to see if we can do things without limiting our ability to act.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I think we are about ready, as soon as the clock strikes 10 o'clock, to recess. I think I have a long enough list of unanimous consent requests for all those wonderfully glowing, smiling faces lined up alongside of the dais there. We will be 1 minute or 2 past 10 before we finish.

Mr. President, on behalf of the leader, I ask unanimous consent that the vote in relationship to the Conrad amendment No. 2174 now occur at 2 p.m., with no second-degree amendments in order prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I also ask unanimous consent that when the Senate resumes the budget resolution on Wednesday, there be 20 hours remaining under the overall statutory time limitation. And, finally, I ask unanimous consent that when the Senate resumes the resolution on Wednesday, the Coverdell amendment No. 2199 be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WOMEN'S HISTORY MONTH: TRIBUTE TO SISTER MAURICE CROWLEY

Mr. DASCHLE. Mr. President, today is the last day of Women's History Month. Throughout the month of March, we've paid tribute to the vision of women like Elizabeth Cady Stanton, Lucretia Mott and Susan B. Anthony, the founders of the first Women's Rights Convention 150 years ago in Seneca Falls, New York. We've recognized the historic achievements and celebrated the legacies of Ameila Earhart, Marion Anderson, Eleanor Roosevelt, Dolores Huerta and hundreds of other American leaders.

During Women's History Month, it is also appropriate that we pay tribute to the countless American women whose names and great works are known only to their families, neighbors and friends. These women may not grace the pages of history books, but their contributions as mothers, teachers, entrepreneurs, farmers, and scientists have shaped the direction and progress of this great country.

In my own state of South Dakota, women of the plains have a long history of facing challenges with self-reliance and fortitude. Courageous women pioneers worked alongside fathers, husbands, and brothers to clear land, build homesteads, and establish schools, businesses and towns. In 1998, the women of South Dakota continue to build upon the legacy left by their foremothers of strong families and a better life for future generations.

Sadly, we lost one such woman this year. But the spirit of Sister Maurice Crowley of Aberdeen, South Dakota will remain alive in the hearts of all who knew her. Her legacy of laughter, joy and a lifelong commitment to education continues on in those whose lives she touched. As one of her first grade students more than forty years ago, I am one of those people.

Sister Crowley was an incredible human being blessed with great warmth, sharp wit and Irish charm. With characteristic humor Sister Maurice Crowley used to joke, God created Adam, stepped back, took a look, and said, "I can do better than that." Man or woman, we all benefit when we pay respect and honor those who make a difference in others' lives. It is with great respect and admiration that I pay personal tribute to Sister Maurice Crowley during Women's History Month.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 30, 1998, the federal debt stood at $5,545,895,416,499.33 (Five trillion, five hundred forty-five billion, eight hundred ninety-five million, four hundred sixteen thousand, four hundred ninety-nine dollars and thirty-three cents).

Five years ago, March 30, 1993, the federal debt stood at $4,225,653,000,000 (Four trillion, two hundred twenty-five billion, six hundred fifty-three million).

Ten years ago, March 30, 1988, the federal debt stood at $2,487,434,000,000 (Two trillion, four hundred eighty-seven billion, four hundred thirty-four million).

Fifteen years ago, March 30, 1983, the federal debt stood at $1,235,145,000,000 (One trillion, two hundred thirty-five billion, one hundred forty-five million) which reflects a debt increase of more than $4 trillion—$4,310,750,416,499.33 (Four trillion, three hundred ten billion, seven hundred fifty million, four hundred sixteen thousand, four hundred ninety-nine dollars and thirty-three cents) during the past 15 years.

MR. DONNEE GRAY

Mr. DASCHLE. Mr. President, last night millions of people across the country sat in their living rooms and at friends' houses, transfixed to the television sets as the Kentucky Wildcats became the NCAA national basketball champions. One of our very own, an employee of the United States Senate, Mr. Donnee Gray, was at that game—not as a player or as a spectator, but as an official.

Mr. Gray has worked in the Senate Library for 22 years, diligently helping Senate staffs with legislative and legal research. His expertise is well known and respected.

For more than a decade, Mr. Gray also has been officiating basketball games at various levels of competition—from Olympic and international tournaments to NCAA Division I college games. During the past several years, Mr. Gray has been honored by the NCAA by being chosen to officiate the first round of the tournament. This year, Mr. Gray's involvement in March Madness began with the first round, continued in the Sweet Sixteen round and culminated last night in the final game. The NCAA's selection of Mr. Gray exemplifies his judgment and integrity, as well as his superior knowledge of the game and its rules.

This really is a remarkable achievement by a remarkable and talented young man. We are proud of Mr. Gray and congratulate him on his selection as an official in the national championship NCAA basketball game. We also thank him for his outstanding work here in the United States Senate.

NOMINATION OF JAMES C. HORMEL AS AMBASSADOR TO LUXEMBOURG

Mr. KENNEDY. Mr. President, I urge the Majority Leader to schedule a vote on the nomination of James Hormel as U.S. Ambassador to Luxembourg.

Jim Hormel is a man of outstanding qualifications with a clear and deep commitment to public service, the promotion of human rights, and the national interests of the United States. America would be well served to have a leader of his high caliber representing this country in Luxembourg.

On the international level, he has recently completed his term as Alternate Representative of the U.S. Delegation to the 51st Session of the United Nations General Assembly. He was confirmed by the Senate for that position in 1997. He was also a member of the U.S. Delegation to the United Nations Human Rights Commission. In 1995 he participated in President Clinton's Conference on the Pacific Rim.

Jim Hormel is a talented lawyer who has shown his commitment to public service by establishing the James C. Hormel Public Service Program at the University of Chicago. This program is designed to encourage law students to enter careers in public service.

Jim Hormel is also a dedicated and energetic community activist. He was instrumental in developing resources for organizations serving people affected by HIV and AIDS, and he serves on the board of directors of the American Foundation for AIDS Research. Recently, he was honored by Breast Cancer Action for his leadership of the Men's Campaign Against Breast Cancer. He has also been a leader for human rights in his capacity as a director of the Human Rights Campaign Foundation.

Jim Hormel is also a renowned philanthropist, and he has supported an impressively diverse array of causes, including the American Indian College Fund, the United Negro College Fund, Jewish Family and Children's Services, the Catholic Youth Organization, the NAACP, the San Francisco Symphony, the San Francisco Museum of Modern Art, the San Francisco Public Library, the San Francisco Ballet, and the Virginia Institute of Autism.

It was entirely fitting that the Senate Foreign Relations Committee overwhelmingly approved his nomination last November. At the time, no Senator spoke in opposition. Only after the meeting did two Senators ask to be recorded against the nomination.

I share the concern expressed by other strong supporters of this nomination that action on Jim Hormel's confirmation is being delayed because he is gay. Delay on that basis would be irresponsible and unacceptable. Prejudice based on sexual orientation should have no place in this debate, no place in the Senate, and no place in America.

It is long past time for the Senate to vote on this nomination. Jim Hormel will be an excellent ambassador for the United States, and deserves to be confirmed as soon as possible.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS CONCERNING B-2 BOMBERS—MESSAGE FROM THE PRESIDENT—PM 116

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services.

To the Congress of the United States:

In accordance with the Department of Defense Appropriations Act, 1998, Public Law 105-56 (1997), and section 131 of the National Defense Authorization Act for Fiscal Year 1998, Public Law 105-85 (1997), I certify to the Congress that no additional B-2 bombers should be procured during this fiscal year.

After considering the recommendations of the Panel to Review Long-Range Air Power and the advice of the Secretary of Defense, I have decided that the $331 million authorized and appropriated for B-2 bombers in Fiscal year 1998 will be applied as follows: $174 million will be applied toward completing the planned Fiscal Year 1998 baseline modification and repair program and $157 million will be applied toward further upgrades to improve the deployability, survivability, and maintainability of the current B-2 fleet. Using the funds in this manner will ensure successful completion of the baseline modification and repair program and further enhance the operational combat readiness of the B-2 fleet.

The Panel to Review Long-Range Air Power also provided several far-reaching recommendations for fully exploiting the potential of the current B-1, B-2, and B-52 bomber force, and for upgrading and sustaining the bomber force for the longer term. These longer term recommendations warrant careful review as the Department of Defense prepares its Fiscal Year 2000-2006 Future Years Defense Program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 31, 1998.*

MESSAGES FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, has announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 34. An act to amend the Federal Election Campaign Act of 1971 to prohibit individuals who are not citizens of the United States from making contributions or expenditures in connection with an election for Federal office.

H.R. 2186. An act to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming.

H.R. 2786. An act to authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran.

H.R. 3113. An act to reauthorize the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 3301. An act to amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program.

H.R. 3582. An act to amend the Federal Election Campaign Act of 1971 to expedite the reporting of information to the Federal Election Commission, to expand the type of information required to be reported to the Commission, to provide the effective enforcement of campaign laws by the Commission, and for other purposes.

The message further announced that the House has passed the following bill, without amendment:

S. 750. An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

At 4:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, has announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3579. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 34. An act to amend the Federal Election Campaign Act of 1971 to prohibit individuals who are not citizens of the United States from making contributions or expenditures in connection with an election for Federal office; to the Committee on Rules and Administration.

H.R. 2186. An act to authorize the Secretary of the Interior to provide assistance to the National Historic Trails Interpretive Center in Casper, Wyoming; to the Committee on Energy and Natural Resources.

H.R. 2786. An act to authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies by the accelerated development and deployment of ballistic missiles by nations hostile to United States interests; to the Committee on Armed Services.

H.R. 3113. An act to reauthorize the Rhinoceros and Tiger Conservation Act of 1994;

to the Committee on Environment and Public Works.

H.R. 3582. An act to amend the Federal Election Campaign Act of 1971 to expedite the reporting of information to the Federal Election Commission, to expand the type of information required to be reported to the Commission, to provide the effective enforcement of campaign laws by the Commission, and for other purposes; to the Committee on Rules and Administration.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4458. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 30, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4459. A communication from the Chairman of the Federal Prison Industries, Department of Justice, transmitting, pursuant to law, the annual report for the calendar year 1997; to the Committee on the Judiciary.

EC-4460. A communication from the Acting Assistant Attorney General, transmitting, a draft of proposed legislation entitled "Drug Testing, Intervention and Trafficking Reduction Within Prisons Act of 1998"; to the Committee on the Judiciary.

EC-4461. A communication from the Chairman of Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC-4462. A communication from the Secretary of the Department of Agriculture, transmitting, a draft of proposed legislation entitled "Federal Meat and Poultry Employees Pay Act of 1998"; to the Committee on Governmental Affairs.

EC-4463. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on March 30, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4464. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule received on March 30, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4465. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 98:20 received on March 30, 1998; to the Committee on Finance.

EC-4466. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 98:27 received on March 30, 1998; to the Committee on Finance.

EC-4467. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on March 26, 1998; to the Committee on Environment and Public Works.

EC-4468. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emission Standards for Locomotives and Locomotive Engines"; to the Committee on Environment and Public Works.

EC-4469. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the reports of twelve notices of proposed issuances of export licenses; to the Committee on Foreign Relations.

EC-4470. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the Memorandum of Justification relative to the Government of Georgia; to the Committee on Foreign Relations.

EC-4471. A communication from the Secretary of State, transmitting, pursuant to law, the report of voting practices at the United Nations for the calendar year 1997; to the Committee on Foreign Relations.

EC-4472. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-4473. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the U.S. Government voluntary contributions to international organizations for the period April 1 through September 30, 1997; to the Committee on Foreign Relations.

EC-4474. A communication from the Comptroller of the Under Secretary of Defense, transmitting, pursuant to law, the report relative to the AV-8B aircraft programs; to the Committee on Armed Services.

EC-4475. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Armed Services.

EC-4476. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Armed Services.

EC-4477. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Armed Services.

EC-4478. A communication from the Acting Assistant Secretary (Health Affairs) and the Assistant Secretary of Defense (Reserve Affairs), transmitting jointly, pursuant to law, the report relative to members of the reserve components; to the Committee on Armed Services.

EC-4479. A communication from the Secretary of Defense, transmitting, pursuant to law, the report relative to Vessel War-Risk Insurance Program; to the Committee on Armed Services.

EC-4480. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report of property transfer; to the Committee on Armed Services.

EC-4481. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the report of a rule entitled "DOD Grant and Agreement Regulations" received on March 25, 1998; to the Committee on Armed Services.

EC-4482. A communication from the Secretary of Labor, transmitting, pursuant to law, the report entitled "Pension Plans for Professional Boxers"; to the Committee on Commerce, Science, and Transportation.

EC-4483. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4484. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4485. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "Maritime Administration Authorization Act for Fiscal Years 1999 and 2000"; to the Committee on Commerce, Science, and Transportation.

EC-4486. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4487. A communication from the Acting Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the report of a rule entitled "Recreational Fishing, Shenandoah National Park" (RIN1024-AC33) received on March 30, 1998; to the Committee on Energy and Natural Resources.

EC-4488. A communication from the Acting Director of the Minority Business Development Agency, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4489. A communication from the General Counsel, Office of the Secretary of Transportation, transmitting, pursuant to law, the reports of nine rules received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4490. A communication from the General Counsel, Office of the Secretary of Transportation, transmitting, pursuant to law, the reports of forty-four rules received on March 26, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4491. A communication from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4492. A communication from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4493. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4494. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4495. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4496. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4497. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 24, 1998; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated on October 1, 1997:

POM-231. A resolution adopted by the Mayor and Councilmen of the City of Oak Ridge, Tennessee relative to the Land and Water Conservation Fund; to the Committee on Appropriations.

POM-232. A resolution adopted by the Mayor and Council of the City of Hialeah, Florida relative to the HABDI Project; to the Committee on Armed Services.

POM-233. A resolution adopted by the Township Committee of Freehold, New Jersey relative to ocean dumping; to the Committee on Environment and Public Works.

POM-234. A resolution adopted by the Council of the City of El Segundo, California relative to truck trailers; to the Committee on Environment and Public Works.

POM-235. A resolution adopted by the Assembly of the Kenai Peninsula Borough (Alaska) relative to the Tustumena Lake Sockeye Salmon Fisheries Enhancement Project; to the Committee on Environment and Public Works.

POM-236. A resolution adopted by the Council of the City of Kanai, Alaska relative to the Tustumena Lake Sockeye Salmon Fisheries Enhancement Project; to the Committee on Environment and Public Works.

POM-237. A resolution adopted by the Board of Directors of the Dade League of Cities relative to coastal beach erosion; to the Committee on Environment and Public Works.

POM-238. A resolution adopted by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois relative to proposed stronger air quality standards; to the Committee on Environment and Public Works.

POM-239. A resolution adopted by the City of Brooksville, Florida relative to the Intermodal Surface Transportation Efficiency Act; to the Committee on Environment and Public Works.

POM-240. A resolution adopted by the President and Board of Trustees of the Village of Willowbrook, DuPage County, Illinois relative to proposed stronger air quality standards; to the Committee on Environment and Public Works.

POM-241. A resolution adopted by the Board of Supervisors, County of Los Angeles, California relative to military; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY (for himself and Mr. SESSIONS):

S. 1883. A bill to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROBERTS:

S. 1884. A bill to amend the Commodity Exchange Act to remove the prohibition on agricultural trade options outside contract markets; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1885. A bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations; to the Committee on Finance.

By Mr. DURBIN (for himself and Ms. MOSELEY-BRAUN):

S. 1886. A bill to designate the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, as the "Daniel J. Doffyn Post Office Building"; to the Committee on Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Mr. TORRICELLI, Mr. KENNEDY, Mr. DURBIN, Mr. LAUTENBERG, and Mr. BUMPERS):

S. 1887. A bill to ban the importation of large capacity ammunition feeding devices, and to extend the ban on transferring such devices to those that were manufactured before the ban became law; to the Committee on the Judiciary.

By Mr. GREGG (for himself and Mr. LIEBERMAN):

S. 1888. A bill to establish a moratorium on exactions that would interfere with the flow of commerce via the Internet, to establish a commission to develop a uniform set of definitions and principles for State and local jurisdictions to utilize regarding regulation and taxation of commercial transaction on the Internet, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. CHAFEE, and Mr. GRAHAM):

S. 1889. A bill to reduce tobacco use by children and others through an increase in the cost of tobacco products, the imposition of advertising and marketing limitations, assuring appropriate tobacco industry oversight, expanding the availability of tobacco use cessation programs, and implementing a strong public health prevention and education strategy that involves the private sector, schools, States, and local communities; read the first time.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. BOXER, Mr. DODD, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. DURBIN, Mr. REED, Mr. INOUYE, Mr. TORRICELLI, Mr. KERRY, Ms. MOSELEY-BRAUN, Mr. WYDEN, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. CLELAND, Mr. LEAHY, Mrs. MURRAY, Mr. WELLSTONE, Mr. SARBANES, Mr. AKAKA, and Mr. BINGAMAN):

S. 1890. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. BOXER, Mr. DODD, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. DURBIN, Mr. REED, Mr. INOUYE, Mr. TORRICELLI, Mr. KERRY, Ms. MOSELEY-BRAUN, Mr. WYDEN, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. CLELAND, Mr. LEAHY, Mrs. MURRAY, Mr. WELLSTONE, Mr. SARBANES, Mr. AKAKA, and Mr. BINGAMAN):

S. 1891. A bill to amend the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Finance.

By Mr. KYL:

S. 1892. A bill to provide that a person closely related to a judge of a court exercising judicial power under article III of the United States Constitution (other than the Supreme Court) may not be appointed as a judge of the same court, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. HATCH, Mr. LEAHY, and Mr. SPECTER):

S. 1893. A Bill to establish a law enforcement block grant program; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. THOMPSON):

S. Res. 203. A bill expressing the sense of the Senate that the University of Tennessee Lady Volunteers basketball team is the new dynasty in collegiate women's basketball; considered and agreed to.

By Mr. FORD (for himself and Mr. MCCONNELL):

S. Res. 204. A resolution to commend and congratulate the University of Kentucky on its men's basketball team winning its seventh National Collegiate Athletic Association championship; considered and agreed to.

By Mr. FAIRCLOTH (for himself, Mr. JEFFORDS, Mr. BOND, Mr. FRIST, Mr. CHAFEE, and Mr. INOUYE):

S. Res. 205. A resolution expressing the sense of the Senate that the Nation should recognize the contributions of public health and prevention services to this Nation and celebrate "National Public Health Week" during the week of April 6 through April 12, 1998; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS:

S. 1884. A bill to amend the Commodity Exchange Act to remove the prohibition on agricultural trade options outside contract markets; to the Committee on Agriculture, Nutrition, and Forestry.

THE TRADE OPTIONS FOR FARMERS AND RANCHERS ACT

Mr. ROBERTS. Mr. President, today I am pleased to introduce the Trade Options for Farmers and Ranchers Act (TOFRA). This legislation will provide farmers and ranchers across the United States with new, improved and affordable risk management products to help producers succeed in the 21st century.

This bill fulfills a promise we made to America's farmers and ranchers during the 1996 farm bill debate. The far-reaching, market-oriented reforms contained in the Freedom to Farm Act have provided substantial financial benefits to agriculture producers throughout the country. At the same time, this policy must be buttressed by proper risk management tools, regulatory relief, tax changes and a consistent, strong export policy. As a result, while leading the fight to get the federal government out of producers' daily lives and pocket-books, I promised to fight for better tools to help manage the tremendous financial risk that is inherent in life on the farm today.

The TOFRA would repeal the Commodity Futures Trading Commission's prohibition on the sale of over-the-counter agriculture trade options. The CFTC ban dates to the Great Depression. It was put in place during a time when financial and commodity markets were viewed with both suspicion and fear. Today, we live in a time of mutual funds, computerized financial transactions and round-the-clock, global commodity trading. While we should never forget the important lessons of the Great Depression, we must not let the troubling memories of the past hold back our nation's farmers and ranchers when there is so much promise in the future.

The CFTC's agriculture option ban created a monopoly. Today, if a farmer or rancher wants to hedge his price risk with an agriculture option, he must purchase the option from a commodity exchange. Over the years, the exchanges have performed a valuable service to farmers and ranchers by giving them the opportunity to manage their price risk in a regulated environment. Despite their best efforts, organized exchanges—primarily as a result of excessive regulation—have not been able to keep up with the tremendous demand in Farm Country for newer, better alternatives to existing risk management tools.

I will continue to support legislative efforts to allow all interested parties—commodities exchanges included—to sell a wider variety of financial products. In fact, I continue to be frustrated with the CFTC's unwillingness to provide organized exchanges with the same basic business opportunities available to over-the-counter brokers. This bias is unfortunate and counterproductive to both buyers and sellers of commodities.

At the same time, overly restrictive regulations are preventing America's farmers and ranchers from receiving the new, innovative products they need. The CFTC ban on over-the-counter agriculture options has been maintained in order to "save farmers from themselves." The argument here is that farmers, grain elevators and others in rural America don't understand how options work. Therefore, the federal government has seen fit to limit severely the development of, and competition in, financial instruments that would provide substantial benefits to producers who understand commodity marketing in order to protect the few remaining producers who have no interest in managing price risk. Basically, current federal policy in this area is targeted towards the 1930s instead of the 2030s.

Agriculture options are complex, expensive financial instruments. In order to use them properly, producers must have specialized knowledge of commodity marketing and the risks associated with participating in them. As a result, many producers may choose not to use the additional financial products made possible through this legislation. However, agriculture options should be readily available to those producers with the skill, knowledge and desire to use them.

It is important that agriculture options—whether sold on an organized commodity exchange or through an over-the-counter broker—be sufficiently regulated. This legislation will simply make agriculture options just like all other options. If you purchase an option on wheat, natural gas or common stock, the bookkeeping, registration and disclosure requirements should be the same. Similarly, strong protections against fraud and manipulation are included to help prevent and punish fly-by-night operations and bucket-shops. In short, this bill establishes a simple formula: provide business opportunity with limited, but vigorously enforced rules. With proper oversight, this bill will be good for producers, brokers, businesses and consumers alike.

I do want to thank the CFTC for recently submitting a proposed rule that would begin to lift its long-held ban on over-the-counter agriculture trade options. They have taken the initial step toward removing the ban on off-exchange agriculture options trading. Unfortunately, the CFTC's proposal is so limited, so burdened with red-tape and reporting requirements, that significant benefit is doubtful. No new products, no improved products and no more competition to drive down the price of risk management for America's farmers and ranchers.

I am hopeful this legislation will renew CFTC interest in a workable regulation to govern agriculture option trading. I also urge the CFTC to act quickly to make these important tools available to America's farmers and ranchers. In conclusion, let me simply say this: if we give our producers a helping hand and appropriate safeguards, they will do the rest.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGRICULTURAL TRADE OPTIONS OUTSIDE CONTRACT MARKETS.

The Commodity Exchange Act is amended by inserting after section 4p (7 U.S.C. 6p) the following:

"SEC. 4q. AGRICULTURAL TRADE OPTIONS OUTSIDE CONTRACT MARKETS.

"(a) DEFINITIONS.—In this section:

"(1) AGRICULTURAL TRADE OPTION OUTSIDE A CONTRACT MARKET.—The term 'agricultural trade option outside a contract market' means an agreement, contract, or transaction (or class thereof) entered into on other than a contract market for—

"(A) the purchase of an agricultural trade option involving a commodity by a person who is a producer, processor, commercial user, or merchant handler of the commodity;

"(B) the sale or transfer of an agricultural trade option involving a commodity; or

"(C) a purpose related to the business of a person referred to in subparagraph (A).

"(2) COMMODITY.—The term 'commodity' means an agricultural commodity referred to in section 1a(3).

"(b) AUTHORIZATION.—Subject to subsection (c), an agricultural trade option outside a contract market shall be permitted and shall be considered to be consistent with the other provisions of this Act.

"(c) REGULATION.—

"(1) SAFEGUARDS.—Subject to paragraph (2), an agricultural trade option outside a contract market shall, to the extent determined to be applicable by the Board, be subject to—

"(A) sections 4b and 4o;

"(B) the provisions of sections 6(c) and 9(a)(2), to the extent that the provisions prohibit manipulation of the market price of any commodity in interstate commerce for future delivery;

"(C) prohibitions against fraud or manipulation under section 4c(b);

"(D) registration requirements of the Commission administered by the National Futures Association;

"(E) a requirement that the person providing the option has a net worth of at least $50,000;

"(F) requirements for full disclosure of risks and responsibilities involved in the contract or agreement for the option; and

"(G) recordkeeping and reporting requirements of the Commission.

"(2) LIMITATIONS.—

"(A) TOTAL ASSETS.—Except for the fraud and manipulation provisions of the provisions of law referred to in subparagraphs (A), (B), and (C) of paragraph (1), paragraph (1) shall not apply to an agricultural trade option outside a contract market if the buyer and seller of the option each have assets of a value of at least $10,000,000.

"(B) PHYSICAL DELIVERY; STRUCTURE AND STRATEGIES.—An agricultural trade option outside a contract market shall not be subject to—

"(i) a requirement that the option, if exercised, be physically delivered; or

"(ii) a limitation on the structure of the option or trading strategies for the use of the option.

"(c) TERMINATION OF EFFECTIVENESS.—The authority provided by this section terminates effective September 30, 2002.".

SEC. 2. CONFORMING AMENDMENTS.

(a) Section 4(a) of the Commodity Exchange Act (7 U.S.C. 6(a)) is amended—

(1) in paragraph (1), by inserting "(A)" after "(1)";

(2) by redesignating paragraphs (2) and (3) as subparagraphs (B) and (C), respectively;

(3) in subparagraph (C) (as so redesignated), by striking the period at the end and inserting "; or"; and

(4) by adding at the end the following:

"(2) the contract is an agricultural trade option outside a contract market permitted under section 4q.".

(b) Section 4c(b) of the Commodity Exchange Act (7 U.S.C. 6c(b)) is amended in the first sentence by striking "No" and inserting "Except as provided in section 4q, no".

SEC. 3. REGULATIONS.

Not later than 90 days after the date of enactment of this Act, the Commodity Futures Trading Commission shall issue such regulations as the Commission determines are necessary to carry out this Act and the amendments made by this Act.

By Mr. D'AMATO (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1885. A bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations; to the Committee on Finance.

THE MEDICAL INNOVATION TAX CREDIT ACT OF 1998

Mr. D'AMATO. Mr. President, I rise today to introduce legislation with my colleagues, Senators ROCKEFELLER, HUTCHISON, FEINSTEIN and BOXER, to create a new tax credit that will make it easier for medical schools, teaching hospitals, and non-for-profit research hospitals to invest in potentially life saving medical research. Our bill will add Section 41A to the Internal Revenue Code to establish a Medical Innovation Tax Credit. This new credit would apply to qualified medical innovation expenses for biopharmaceutical research activities, including clinical trials, at qualified academic institutions. The credit rate would be 20% of qualified expenses on research conducted in the United States. This tax incentive is necessary in order to assure that the United States maintains its position as the leading country for biomedical research.

The Medical Innovation Tax Credit will supplement the current law Research and Experimental Tax Credit (R&E) which has allowed biopharmaceutical companies to invest hundreds of billions of dollars in research for new drug therapies. Clinical trials are conducted by these drug companies in order to obtain FDA approval. However, these initial studies are only a fraction of the applied research needed to follow patients and to discover possible combinations of drugs which provide the most effective therapy. These post-approval studies are performed by clinical investigators and major academic medical centers.

Until recently, medical schools, teaching hospitals, and not-for-profit hospitals were able to fund research from their operating profits. Many physicians chose to practice at these hospitals at a reduced salary based on the opportunity to engage in teaching and clinical research. With the profound changes in the health care industry over the last few years, this profit no longer exists. In the era of managed care, many insurance companies are reimbursing physicians and hospitals at the cost of services. Combined with cuts in Medicare payments and reduced subsidies for graduate medical education, teaching hospitals can barely afford to pay their medical staff's salary, let alone fund its research.

These financing changes have had the largest impact on hospitals affiliated with academic medical centers. A recent study found a 22% decline in clinical research conducted at member hospitals of the Association of American Medical College's Council of Teaching Hospitals. This drop is alarming because it demonstrates that these hospitals no longer have the financial resources to contribute to the public's health. Traditionally, academic medical centers trained new doctors, supported applied biomedical research, and provided the bulk of uncompensated care for uninsured patients. Under this system medical residents had the opportunity to treat a wide spectrum of patients, regardless of their health insurance status. In addition, uninsured patients were able to receive the latest care within the scope of clinical trials performed at academic hospitals. With reductions in private and public funding these medical centers have been forced to reduce these social services to compete with for-profit-hospitals with no research agenda. This development promises only to stagnate the level of care and number of treatment options that the next generation of doctors can offer their patients.

Mr. President, my state of New York has 12 medical schools and 40 teaching hospitals, in addition to 8 designated cancer centers. Each of these institutions will be eligible for the Medical Innovation Tax Credit. Without continued funding of research at these institutions, many New Yorkers will recognize a profound effect upon the quality of their health care. Without the opportunity to conduct research many of the country's top doctors may leave to practice in locations where they can earn more money. Such a move will also reduce the need for research specialists and their staffs. Patients will have to choose between hospitals that only recognize the bottom line while their children will not enjoy the same medical advances as they did. Many uninsured patients will not be able to receive uncompensated care and will not be able to receive the most advanced medicine possible.

And these changes aren't just particular to my state. Almost every state has a medical school which serves as the epicenter for a network of teaching hospitals which employ thousands of physicians, nurses, research specialists, and support staff. A large percentage of each state's economy is based on these medical centers. Thus, we all stand to recognize two main benefits from the Medical Innovation Tax Credit, more jobs and better health. Only by encouraging private investment in medical research can our health care infrastructure develop new and innovative ways to deliver the most advanced care to all citizens of our country.

We urge all of our colleagues to support this legislation that will restore to medical schools and teaching hospitals the ability to perform applied biomedical research to help treat and cure many of our pressing health needs such as cancer and heart disease. This is a targeted measure which has widespread benefits for all citizens.

Mrs. HUTCHISON. Mr. President, Medical schools and teaching hospitals, the training ground for our nation's healthcare personnel and the centers for world class cutting-edge medical innovation, are facing significant challenges as new efforts of cost containment force radical transformation in the healthcare market. There has been a steady decrease in the pharmaceutical R&D performed at medical schools and teaching hospitals. A study by three pharmaceuticals companies revealed that while pharmaceutical R&D is larger dollarwise than NIH, the university-based portion of clinical trials fell from 82% in 1989 to 68% in 1993.

Given this fact, I am pleased to be an original co-sponsor of The Medical Innovation Tax Credit introduced by Senator D'AMATO. This bill would give a tax credit of up to 20% on qualified research expenses to firms that conduct and expand their biopharmaceutical research activities at medical schools and teaching hospitals.

In my home state of Texas, medical technology is poised to become a high-tech boom industry. Texas is currently home to more than 500 medical technology companies with $5 billion in annual sales, according to a new report released by the Austin-based Texas Healthcare and Bioscience Institute. Medical technology companies currently employ about 38,000 people, making it a medium-sized manufacturing industry comparable to the state's paper, lumber and aircraft industries.

Texas' growing presence in medical technology is firmly rooted in the state's universities and health-related research institutes. Academic health centers such as The University of Texas Southwestern Medical Center at Dallas, Baylor College of Medicine and MD Anderson Cancer Center in Houston, and the University of North Texas Health Science Center in Fort Worth position Texas as a world leader in biomedical research.

By stimulating more private-sector research at these institutions, the Medical Innovation Tax Credit will help ensure America's continued preeminence in biopharmaceutical research; provide needed resources for medical schools and teaching hospitals; and encourage more clinical trials to be conducted in the United States.

Mr. President, I look forward to working with Senator D'AMATO and members of the Finance Committee to create an environment that will enable medical technology to grow and create jobs.

Mrs. FEINSTEIN. Mr. President, I rise today to join Senator D'AMATO, Senator BOXER, Senator ROCKEFELLER and others in support of legislation to create the Medical Innovation Tax Credit. The proposed tax credit can be an effective complement to the existing research and experimentation tax credit. The new proposal will support additional medical research at fine research universities, like the University of California and Stanford University, assisting in the development of new products to improve health and save lives. I am pleased to support Senator D'AMATO's proposal.

Under the legislation, the Medical Innovation Tax Credit would provide a pharmaceutical or biotechnology company with a tax credit equal to 20% of their expenditures for human drug clinical trials conducted at medical schools, university teaching hospitals or non-profit research hospitals working in conjunction with the National Institutes of Health.

The proposal will provide an important incentive to conduct the research trials in the university hospital setting, improving academic training, health care and the development of new research and bio-medical products.

The legislation will assist medical schools and research institutions leverage additional private sector support for medical schools and teaching hospitals. Teaching hospitals have historically been an important site of research activity. However, partially because of the universities' broad education mission, teaching hospitals face a cost-disadvantage when compared to a "for profit" contract research organization. This new research credit will help level the playing field for medical schools and teaching hospitals.

The proposal will help provide, in an indirect manner, additional resources for medical research. The administration and Congress both enthusiastically support increasing federal support for medical research through the National Institutes of Health. However, with our acute budget needs, Congress may face difficulty in meeting our goals. Congress can provide new sources of revenue for these research hospitals by encouraging them to serve as sites for clinical trials. Only clinical research activities conducted in the United States can qualify for the credit, decreasing the economic incentive to move the research activities to lower cost facilities off-shore.

The support is appropriate because academic health centers address important societal priorities, accepting expenses other medical facilities may not have to incur.

University-based teaching hospitals provide a disproportionate share of high-cost, critical services to low-income or uninsured individuals.

University-based teaching hospitals carry a higher burden of necessary, but in many cases unprofitable, services, such as emergency trauma care and burn unit facilities. Academic health centers represent only 2% of all non-federal community hospitals, but have 33% of the trauma units and 50% of its burn units.

The credit will help provide, in an indirect manner, additional funds for medical research by encouraging them to serve as clinical trial sites. The infusion of research dollars will support their vital missions.

The proposal will help arrest the declining rate of clinical research trials conducted at these facilities.

The American Association of Medical Colleges, which supports the legislation, reports a 22% drop in clinical research at member hospitals.

A recent study of three pharmaceutical companies indicates that although pharmaceutical R&D is larger than the research funds of the National Institutes of Health, the level of university-based clinical trials has declined from 82% in 1989 to 68% in 1993.

This proposal can help schools arrest the steady, five year decline and make the most of their research dollars.

The credit will serve as an effective supplement to the current Research and Experimentation Credit and the Orphan Drug Tax Credit and provide a cost-effective incentive to encourage companies to pursue research in an academic setting. The credit will promote research at teaching hospitals, lead to the development of stronger research universities, contribute to new medical therapies and products and strengthen our world leadership in the important field of medical innovation. I am pleased to lend my support.

Mrs. BOXER. Mr. President, I want to take a few minutes to talk about an important piece of legislation which is being introduced today, the "Medical Innovation Tax Credit." I am an original co-sponsor of this legislation.

The Medical Innovation Tax Credit will establish a new, free-standing credit in the Internal Revenue Code. The credit, modeled after a law in my home state of California, provides a targeted tax incentive for companies to increase clinical trials at medical schools and teaching hospitals. The California law has been successful in encouraging biotechnology and pharmaceutical companies to expand their pioneering research activities at medical schools and teaching hospitals throughout the state. The Medical Innovation Tax Credit will encourage and stimulate such pioneering research in California and throughout the country.

Many medical institutions today face significant financial pressures as a result of fundamental changes in the health care marketplace. With fewer funding sources available, medical schools, teaching hospitals, and charitable research hospitals designated as cancer centers by the National Cancer Institute (NCI), are having to cut back on their cutting-edge research activities.

The Medical Innovation Tax Credit will help alleviate some of these financial pressures by encouraging more clinical trials to be conducted at medical schools, hospitals and NCI-designated cancer centers; thus providing these institutions additional private sector resources to fund cutting-edge medical research projects which otherwise may not have been funded. These extra resources will also enhance research and training opportunities, thereby ensuring our nation's continued leadership in innovative medical research.

Moreover, the Medical Innovation Tax Credit encourages companies to conduct their research activities here in the United States since only domestic clinical trials are eligible for the credit. By decreasing the economic incentive to move such activities offshore, more clinical research projects will be conducted in the U.S. Such domestic based research will ultimately lead to increased jobs, investments and productivity here at home.

So, Mr. President, I am very proud to support this bill and I congratulate my colleague Senator D'AMATO for his hard work on this legislation. The enactment of this legislation will provide important resources for our nation's leading medical schools, teaching hospitals and NCI-designated cancer centers and it will help ensure America's continued preeminence in innovative medical research. I encourage my colleagues to join in supporting the Medical Innovation Tax Credit.

By Mr. DURBIN (for himself and Ms. MOSELEY-BRAUN):

S. 1886. A bill to designate the facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, as the "Daniel J.

Doffyn Post Office Building"; to the Committee on Governmental Affairs.

THE DANIEL J. DOFFYN POST OFFICE BUILDING DESIGNATION ACT OF 1998

Mr. DURBIN. Mr. President, I rise today together with my distinguished colleague, Senator CAROL MOSELEY-BRAUN, to introduce legislation to designate the United States Post Office facility at 3750 North Kedzie Avenue in Chicago, Illinois, as the "Daniel J. Doffyn Post Office Building."

This legislation honors the service and heroism of Daniel Doffyn, a 40-year-old rookie officer with the Chicago Police Department, who was fatally shot in the line of duty two years ago.

On the afternoon of March 8, 1995, Daniel Doffyn and his partner, Milan "Mike" Bubalo, who had just completed their regular shift, responded to a report of a burglary in progress. What they encountered, in broad daylight, just a few steps away from the Austin precinct house on Chicago's West Side, were three gun-wielding gang members hiding in an apartment. Believing the officers to be there to arrest them for their involvement in an earlier gang shooting, the trio panicked and tried to escape through a window.

After capturing one suspect, Doffyn was shot in the head and chest by a second man, who opened fire with a TEC-DC9 semiautomatic pistol, one of the 19 assault weapons banned under the 1994 Federal law. Officer Doffyn died in surgery later that evening. In the barrage of gunfire, Officer Bubalo was seriously wounded in the thigh, and has an artificial left hip as a result of the shooting.

Officer Doffyn tragically lost his life in the course of performing a job that he truly loved, less than a year after graduating from the Chicago Police Academy, following a three-year quest to fulfill a dream to protect and serve his community. If someone needed help, Danny Doffyn was the first one there. In the words of District Commander LeRoy O'Shield, "he exemplified the very finest the police department has to offer. He was not assigned this job but responded to it."

The post office sought to be designated is in the neighborhood where Officer Doffyn, who was posthumously awarded the Medal of Valor for his ultimate sacrifice, resided with his parents, bicycled and roller skated with his eight-year-old daughter, Brittany, and donned his blue uniform and police star #14030 with pride.

We trust our colleagues will agree that this designation is a worthy tribute to salute the life and courage of Daniel Doffyn, and to pay respect to the thousands of men and women in law enforcement careers who risk their lives every single day striving to keep our citizens, streets, and sidewalks safe.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DANIEL J. DOFFYN POST OFFICE BUILDING.

(a) IN GENERAL.—The facility of the United States Postal Service located at 3750 North Kedzie Avenue in Chicago, Illinois, shall be known and designated as the "Daniel J. Doffyn Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility of the United States Postal Service referred to in subsection (a) shall be deemed to be a reference to the "Daniel J. Doffyn Post Office Building".

By Mr. HARKIN (for himself, Mr. CHAFEE, and Mr. GRAHAM):

S. 1889. A bill to reduce tobacco use by children and others through an increase in the cost of tobacco products, the imposition of advertising and marketing limitations, assuring appropriate tobacco industry oversight, expanding the availability of tobacco use cessation programs, and implementing a strong public health prevention and education strategy that involves the private sector, schools, States, and local communities; read the first time.

THE KIDS DESERVE FREEDOM FROM TOBACCO ACT OF 1998

Mr. HARKIN. Mr. President, today I am joined by my colleagues Senators JOHN CHAFEE, BOB GRAHAM in introducing the first bipartisan comprehensive proposal to cut youth smoking—The Kids Deserve Freedom From Tobacco Act, or simply, The KIDS Act. Today marks the turning point in the drive for tobacco reform this year.

Before I go further, I want to thank my partners in this effort, JOHN CHAFEE and BOB GRAHAM. They are real heroes in the fight to save kids from tobacco. They've taken significant risks in joining this effort. And they have done a terrific job in putting our proposal together. This has truly been a bipartisan team effort.

I also want to thank the leaders of the public health community who have joined us to support our efforts. They will play a critical role in shaping the course of this historic tobacco reform effort in the coming months. And their support is vital to the success of The KIDS Act. Finally, I want to thank Dr. C. Everett Koop and Dr. David Kessler, for their help and counsel to us in crafting our proposal.

We are introducing this bill because we face a public health crisis affecting our children. 3,000 kids start smoking every day and fully 1,000 of them will die prematurely because of it. That's the equivalent of 3 jumbo jets packed with kids crashing every day. 400,000 Americans die every year of tobacco related illness at a cost of over $50 billion. And the tobacco industry has been engaged in a systematic campaign of distortion and deceit to hook kids and hide the facts from the American people.

Tobacco reform is the issue of 1998. It is the crown jewel of this Congress. And passing a tobacco bill like the KIDS Act is a once in a lifetime opportunity. Unfortunately, though, the tobacco debate so far has been largely partisan. That's why we've joined arms across party lines behind the KIDS Act. We hope and believe that the introduction of our bipartisan bill will change the debate and significantly increase the odds that reforms will be made.

The KIDS Act would cut tobacco use by kids in half over the next three years through aggressive and comprehensive reforms. That's the sharpest and fastest reduction achieved by any bill proposed to date. Our goal is to cut it by at least 65 percent shortly after that. The Food and Drug Administration has found that reducing the use of tobacco by children by 50 percent could prevent well over 60,000 premature deaths every year, and will save up to $43 billion annually in reduced medical costs and improved productivity.

Now is not the time for anything but the strongest, most effective bill possible.

Experts agree that a substantial price hike over a very short period of time is key to changing teen smoking behavior. If left unchanged, the Commerce Committee draft bill, which spreads a $1.10 price increase over 5 years will do little to impact teen smoking. In contrast, the KIDS Act increases the price by $1.50 in just two years, achieving a 50% reduction in just three years. That's the bottom line and anything less is just smoke and mirrors.

In addition, our bill gets tough on the individual companies that addict the most kids by imposing tough penalties if the company doesn't meet teen smoking reduction targets. I'm very concerned that the Commerce Committee proposes no company-specific penalty. Without a profit-based deterrent, the penalty will just be passed through to consumers, giving companies no incentive to cut youth smoking.

Finally, our bill caps the annual liability of the tobacco industry as part of a tough, comprehensive bill that dramatically reduces youth smoking. Without a tough public health bill, the annual liability cap is not acceptable.

As Drs. Koop and Kessler say in their letter, our bill is "tough medicine for a tough problem." Our proposal sends a simple message to the tobacco industry: Keep away from our kids. Our plan will be a very, very bitter pill for the industry. And no doubt they will criticize us. But in the end, I believe they are going to have to swallow it.

Creating a more sensible policy toward tobacco has been a goal of mine for many years. It was in 1977, over 21 years ago, that I first introduced legislation calling for repeal of the tax deductibility of tobacco advertising and marketing.

Unfortunately, victories in the tobacco wars have come few and far between. In 1988, we finally changed federal law on smoking in airplanes. It was a full ten years later, and after failing one time, the Senate took its next step last September by passing the Harkin-Chafee plan to fully fund enforcement of the FDA youth ID check.

But I am more hopeful now than ever that we can pass a comprehensive plan that would once and for all change how this nation deals with tobacco and dramatically cut the number of our kids addicted to this deadly product. Mr. President, our goal is to be on the Senate floor three years from now announcing that indeed, child smoking has been cut in half. We're going to put all our energies into making that happen.

We urge our colleagues to review our proposal and join us in sponsoring it. We look forward to working with all our colleagues on a bicameral, bipartisan basis to make good on the historic opportunity we have this year.

Mr. President, I ask unanimous consent that a summary of the KIDS Act, letters of endorsement of our bill and copies of several editorials in support of the KIDS Act be included in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

KID DESERVE FREEDOM FROM TOBACCO ACT OF 1998 "THE KIDS ACT"

Principles

Congress has an historic opportunity to enact legislation this year which will significantly reduce tobacco use—especially among children. Nearly one in five deaths in America today is attributable to tobacco use, making it the single most preventable cause of premature death, disease and disability facing this country. These facts compel us to act now. However, to ensure the most effective result, legislation must embody the following principles:

It must be bipartisan and comprehensive—not piecemeal—to ensure a fundamental and lasting change in the way tobacco products are marketed and sold in this country.

It must attack the youth smoking epidemic as rapidly as possible by forcing the price of cigarettes to increase by $1.50 per pack within the first two years, and providing for comparable increases in other tobacco products.

It must preserve the rights of individuals and groups to sue tobacco manufacturers for the damages they have caused, while at the same time establishing a framework to ensure that funds are available to cover awards and settlements secured by successful claimants.

It must provide incentives to states, local communities, schools, research institutions, health professionals and other stakeholders to develop innovative strategies to discourage youth smoking, and to assist adult smokers in kicking the habit.

It must have as its primary purpose the promotion of aggressive anti-tobacco initiatives and public health improvements, including the provision of significant new resources for medical research.

Summary

The Kids Deserve Freedom From Tobacco Act of 1998 ("The KIDS Act") significantly improves upon and strengthens the June 1997 Attorneys General Tobacco Settlement Agreement ("June 1997 Tobacco Agreement"). The legislation would substantially reduce youth tobacco use through a comprehensive set of policy changes. These include increasing the cost of tobacco products, curtailing advertising and marketing to children, assuring appropriate industry oversight, expanding the availability of smoking cessation programs, and implementing a strong public health prevention and education strategy involving the private sector, schools, states and local communities.

I. ECONOMIC INCENTIVES

Price Increase. Public health experts agree that the single most important component of a comprehensive plan to reduce youth tobacco use is to significantly increase the price of tobacco products over a short period of time. A gradual increase, phased in over 5 or more years, will not significantly reduce teen tobacco use. Therefore, our proposal would increase the price of a pack of cigarettes by $1.50 within two years ($1.00 the first year; $0.50 the second year). The price of other tobacco products with significant market shares would be increased by a comparable amount. These increases would be achieved through annual industry payments totaling $20 billion the first year and $25 billion per year thereafter (indexed to inflation).

Annual Youth Reduction Targets. There is clear and abundant evidence that the tobacco industry has tailored its marketing and advertising programs to attract and encourage children to smoke. Largely because of the industry's success in this regard, 3,000 children start smoking every day in America. Accordingly, the KIDS Act would make the tobacco industry accountable for promoting and achieving a significant reduction in tobacco use among children. Our proposal would set an ambitious, but realistic schedule for reducing the rate of youth smoking by 65 percent over the next ten years.

The schedule would follow the recommendations of the Final Report of the Advisory Committee on Tobacco Policy and Public Health, chaired by Dr. C. Everett Koop and Dr. David Kessler. The following targets would be set:

Year:	*Percent of reduction*
2	15
3	20
4	25
5	30
6	40
7	50
8	55
9	60
10	65
Beyond	65

(youth prevalence measured by monthly use)

Tough Look-back Penalties. The KIDS Act would impose up to an additional $10 billion per year in non tax-deductible penalties (indexed to inflation) on the tobacco industry for failure to meet these targets. First, and most importantly, company-specific penalties would be imposed to prevent individual manufacturers from achieving any financial reward from addicting children to their products. Second, industry-wide penalties would be assessed for failure to meet the above targets. Finally, unlike the June 1997 Tobacco Agreement, the KIDS Act would provide no abatement or rebate relief to tobacco companies.

Company-specific Penalties: The KIDS Act would impose the strongest possible incentives for individual tobacco companies to stop recruiting and addicting children. It sets up a system of tough and escalating penalties for those companies that miss youth reduction targets. This is crucial because, unlike industry-wide penalties which can be passed on to consumers equally by all companies without affecting market share, company-specific penalties directly tie company profits to reducing teen smoking.

Under the KIDS Act, for each percentage point a company misses between 0 and 10 percent, a penalty of 1 cent per pack is imposed. The penalty doubles for each percentage point missed between 11 and 20 percent and triples for each percentage point missed over 21 percent. For those companies that miss the targets by 20 percent or more for 3 consecutive years, this portion of the penalty is doubled to 6 cents per pack.

Industry-wide Penalties: The KIDS Act imposes a similarly tough penalty structure industry-wide if it fails to meet the youth reduction targets. In addition, if the industry fails to meet the targets for 3 consecutive years, the penalties are doubled.

No Anti-trust Immunity. Anti-trust laws are the most important safeguard we have against anti-competitive actions which hurt consumers and undermine the free market. As such, exceptions to these laws should be made only in rare circumstances, where important policy objectives outweigh the benefit of free market protections. The tobacco industry has not made a persuasive case for the grant of immunity it seeks. Therefore, unlike the June 1997 Tobacco Agreement, the KIDS Act would not extend any anti-trust exemptions to tobacco manufacturers.

State Performance Bonus Pool. The June 1997 Tobacco Agreement and pending legislative initiatives fail to provide strong economic incentives for states and communities to help decrease tobacco use among children. The KIDS Act would address this shortcoming by establishing a $500 million annual "Performance Bonus Pool" for states that meet or exceed the reduction targets within their own borders.

This would serve as an important incentive for states and localities to develop aggressive and innovative anti-smoking strategies suited to their own individual needs. State-specific baselines and targets would be developed using a standardized methodology determined by the Centers for Disease Control and Prevention. Furthermore, the KIDS Act would clarify the authority of states and local governments to encourage the enactment of stronger anti-tobacco policies.

II. CHANGING HOW TOBACCO PRODUCTS ARE SOLD

Marketing and Advertising Reforms. The tobacco industry spends an estimated $5 billion per year on marketing and promotional activities—much of it targeted to children. The KIDS Act would fundamentally alter tobacco marketing and advertising practices to eliminate this reprehensible practice.

Health Warning Labeling Reforms. Evidence suggests that the current warning label regime for tobacco product packaging fails to adequately convey to children the risks associated with tobacco use. For example, nearly half of the 8th graders in a 1993 study denied any great risk associated with pack-a-day smoking, despite the presence of health warnings on cigarette packaging. Moreover, consumer research indicates that alterations in format, composition and warning label content would make them far more effective in reaching children. Thus, the KIDS Act proposes to significantly strengthen warning labels on all tobacco products to improve their impact on the behavior of children. These messages would be regularly reviewed and updated by the Secretary of Health and Human Services to reflect changes in public awareness and attitudes about tobacco use.

Minors' Access Reforms. Illegal sales to minors and shoplifting are the primary means by which children obtain tobacco products. An estimated 516 million packs of cigarettes per year are consumed by minors, of which at least half are obtained through direct, illegal sales to minors. Shoplifting is another serious concern. In Iowa alone, more than 4 million packs of cigarettes are shoplifted every year.

The KIDS Act would address these problems by banning self-service displays in stores that sell tobacco products, prohibiting vending machine sales in places children frequent, requiring retailers to verify age, and fining those vendors caught selling to children. In addition, the KIDS Act would require states to conduct spot checks of tobacco retailers to ensure compliance with minors' access provisions. If a retailer repeatedly violates the law, it could face suspension or revocation of their registration to sell tobacco products. These reforms would build upon those developed by the U.S. Food and Drug Administration (FDA), and those contained in the June 1997 Tobacco Agreement.

Importantly, the tobacco companies would be bound by enforceable consent decrees precluding them from challenging such restrictions in the courts, or providing any means of support to third parties for this purpose.

State Preemption. The KIDS Act would clarify the authority of states and local governments to regulate the sale and use of tobacco products by repealing the preemption clause in existing federal law. However, it would preserve the national requirement for uniform packaging and labeling standards to ensure the free flow of interstate commerce.

AT-A-GLANCE: CHANGING HOW TOBACCO PRODUCTS ARE SOLD

ADVERTISING

B&W text only (except in adult-only facilities and publications).

No human images or cartoon characters.[1]

No outdoor advertising.[1]

No advertising on the Internet.[1]

No self-service displays.

MARKETING

No "trinkets & trash" (caps, jackets, bags, etc.) or proof-of-purchase clubs.

No sponsorship of sporting events or other forms of entertainment.

No paid product placement in movies, TV shows, on Internet or video games.[1]

No free samples.

LABELING

Improved and updated warnings.

Increased size.

Rotating messages.

Statements of intended use.

Regularly reviewed and updated by HHS.

MINORS' ACCESS

No distribution or sales to minors under age 18.

Photo id required up to age 27.

Face-to-face sales required.

No single cigarettes sales.

No vending machines sales (except in adult-only facilities).

No self-service sales (except in adult-only facilities).

III. OVERSIGHT AND ENFORCEMENT

FDA Authority. Given the addictive, disease-causing nature of tobacco products, full and appropriate regulation is needed. Therefore, in addition to establishing new advertising and marketing restrictions, the KIDS Act would assure that FDA has the authority to effectively monitor and regulate the manufacture and distribution of tobacco products, promote the development of safer alternatives, and to conduct research. For these purposes, the KIDS Act would allocate $300 million over and above those provided in the annual appropriations process. Importantly, FDA would not be required to overcome special burdens or procedural hurdles in its regulatory activities—a major flaw of the June 1997 Tobacco Agreement. The KIDS Act would classify "nicotine" as a drug, and "tobacco products" as drug delivery devices (to include cigars, pipes and loose tobacco). In addition, our legislation would authorize FDA to implement a "public health" standard in its review of tobacco products.

The FDA's authority over tobacco products would be no more and no less than its authority over other drugs and devices. However, because of the addictive nature of tobacco products, and the high prevalence of their use, the KIDS Act would specifically prohibit the FDA from banning the sale of tobacco products to adults. Finally, the KIDS Act would ensure that FDA has adequate financial resources and appropriate access to tobacco industry documents to carry out its responsibilities.

Ingredient Disclosure. Evidence strongly suggests that tobacco companies design and manufacture their products to satisfy and enhance nicotine dependence. Therefore, increased information about the role and function of tobacco additives is essential to the effective regulation of such products. The KIDS Act would substantially strengthen current ingredient disclosure requirements for tobacco manufacturers. For example, each company would be required, by brand and content, to submit lists of all tobacco additives. Further, if the Secretary of Health and Human Services determines that any of these additives pose a particular risk to smokers or others exposed to tobacco smoke, this information will be fully and promptly disclosed to the public.

Reduced Risk. Much remains unknown about the feasibility and effectiveness of developing a less hazardous tobacco product. However, it is clear that tobacco manufacturers have the ability and knowledge to modify their products. Indeed, various forms of "reduced risk" nicotine delivery devices already have been introduced into the market. The KIDS Act would require tobacco companies to come forward with information in their possession about reduced risk products, and provide increased monitoring of new technologies. It would also stop tobacco companies from making misleading claims about these products.

Licensing. There are approximately one million tobacco outlets in the United States, and as recently as 1994, nearly three-fourths sold tobacco products to minors. These include supermarkets, newsstands, hotels, gas stations, convenience stores, and other types of vendors. Additionally, each year interstate cigarette smuggling costs states millions of dollars in lost excise tax revenues. To address these problems, the KIDS Act would establish minimum federal licensing standards for tobacco manufacturers, importers, exporters and distributors, and the registration of tobacco retail establishments. States could continue to impose additional licensing requirements, and would work closely with federal officials to enforce licensing and registration policies, just as they do with the distribution and sales of alcoholic beverages. By providing for the permanent revocation of tobacco licenses and registration permits for repeated violations of any provision of our law, the KIDS Act will put the worst offenders out of the business of making or selling tobacco products.

IV. STOPPING CHILDREN FROM SMOKING BEFORE THEY START

Prevention in Communities and Schools. In addition to economic incentives, changes in tobacco product advertising and marketing, and improved oversight of enforcement, experts agree that a comprehensive slate of public health activities is needed to stop children from taking up this deadly habit. For example, research-tested school programs have proven to consistently and significantly reduce adolescent smoking. Therefore, the KIDS Act would provide $1.25 billion to states for community and school-based prevention activities. These initiatives would be designed and implemented at the local level to ensure their effectiveness.

Because minority and low-income populations suffer a disproportionate burden of tobacco-related disease, and are among the greatest users of tobacco products, the KIDS Act would allocate a portion of the funding for community-based prevention activities to address their special needs. Funding also would be provided to assist Native American populations in their efforts to prevent and reduce youth smoking.

Counter Advertising. Research findings show that well-designed counter advertising initiatives do help to reduce teen smoking. Thus, an intensive, sustained media campaign at the state and federal level is needed to "deglamorize" tobacco use among young people. Accordingly, the KIDS Act would provide $650 million annually to fund a nationwide campaign with national, state, and local components. Preeminent advertising firms with proven expertise in the formulation of messages aimed at children would be charged with the development and implementation of "deglamorization" campaigns.

V. HELPING CURRENT SMOKERS KICK THE HABIT

Smoking Cessation. While the primary emphasis of our proposal is to reduce tobacco use among children, the more than 48 million adult Americans who currently smoke deserve and need help in kicking the habit. The KIDS Act would establish a coordinated federal and state-based initiative to increase access to, and awareness of, effective programs. When fully implemented, the legislation would provide $1.5 billion annually for programs designed to enhance existing employer-based initiatives, and those which target uninsured and underserved populations.

VI. EXPANDING RESEARCH

National Fund for Health Research. Tobacco products kill more than 400,000 Americans every year—more deaths than from

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[1] Contained in consent decrees.

AIDS, alcohol and drug abuse, car accidents, murders, suicides, and fires combined. To stop this epidemic, we must strengthen our national commitment to finding preventive measures and cures for diseases—especially those related to tobacco use, including cancer, heart disease, emphysema and stroke. Therefore, the KIDS Act would establish a National Fund for Health Research to allocate resources over and above those provided to the National Institutes of Health (NIH) in the annual appropriations process. The KIDS Act would allot $3.225 billion per year to the Fund.

Prevention and Cessation Research. While we know a great deal about reducing tobacco use, much remains unknown. Therefore, a significant expansion of prevention and cessation research is critical to the success of any comprehensive effort to reduce tobacco use. In particular, more information is needed on why people use tobacco and on what program interventions are most effective. Efforts must also be undertaken to increase our understanding of the health effects of tobacco use and exposure to second-hand smoke. The KIDS Act would provide $600 million per year for a major new research effort.

VII. HELPING THE VICTIMS OF TOBACCO-RELATED DISEASES

The KIDS Act would fully preserve the rights of individuals and groups to utilize the civil justice system to recover tobacco-related damages. Unlike the June 1997 Tobacco Agreement and some of the legislation currently pending in Congress, the KIDS Act would not ban class action lawsuits or punitive damage awards, as the tobacco industry has sought.

Simply put, it would provide no immunity to the tobacco industry. Given the industry's behavior, such liability protections cannot be justified or condoned. Furthermore, our legislation would provide no protections from, or limitations on criminal prosecution of the tobacco industry.

National Victims' Compensation Fund. To ensure that resources are readily available for the victims of tobacco-related diseases, the KIDS Act would provide for the establishment of a prefunded National Victims' Compensation Fund (the "Fund"), from which court awards and settlements would be paid. Furthermore, given the uncertainty of the legal environment surrounding tobacco litigation, an additional Contingency Reserve Account would be established within the Fund. The Fund and the annual cap would be indexed to medical inflation.

Annual Base Payment: At the beginning of each year, the tobacco industry would make a Base Payment of $4 billion into the Fund; awards and settlements would be paid from this base amount. At the end of every year, any unobligated funds from the Base Payments would be deposited into an interest-bearing Contingency Reserve Account.

Out-of-Pocket Supplement and Annual Cap: If awards and settlements exceed the Base Payment during any year, the industry would be liable for an additional $4 billion in out-of-pocket payments to cover the excess, for a total potential annual liability payment by the tobacco industry of $8 billion. This cap would not include payments made to states in settlement of existing Attorneys General suits, and would apply only to civil claims against past wrongdoing by the industry.

Contingency Reserve Account: As a further protection for claimants, the KIDS Act would establish a Contingency Reserve Account (the "Account") within the Victims' Compensation Fund. Any unobligated funds from the $4 billion Base Payment would be placed in the Account. For example, if awards and settlements paid in the first year amounted to $1 billion, the remaining $3 billion would be deposited into the account. Funds in the account would build up substantially in the early years as settlements and awards during this period are expected to be relatively small. For any year in which liability awards and settlements exceed $8 billion, the Account would be drawn down to make the excess payments. In the unlikely event that awards and settlements ever deplete the Account in any year, unpaid claims would be rolled over and paid from the Base Payment at the beginning of the following year.

If the Account accumulates a balance of $20 billion, the Attorney General, in conjunction with the Secretary of Health and Human Services, would determine whether to continue to deposit excess funds therein, or to redirect those funds to anti-smoking and other public health activities authorized under the legislation.

Small Claimant Protection: Under the KIDS Act, individuals and smaller classes of individuals would be given priority in disbursements from the Fund to ensure that large awards or settlements, paid to 3rd parties for example, would not deny smaller claimants timely payment of their claims.

Settlement of State Suits and Castano Class Action: Forty state Attorneys Generals have brought suits against the tobacco industry to recover costs incurred for tobacco-related illnesses and other damages. The KIDS Act would provide states the opportunity to settle their suits in exchange for funding from the National Tobacco Trust Fund established under this Act. In addition, the Castano Class Action lawsuits would be settled in return for the establishment of smoking cessation programs.

VIII. ENDING TOBACCO INDUSTRY SECRECY

For decades, to the severe detriment of the public health, the tobacco industry has concealed evidence of the consequences of tobacco use and deliberately misled the public. Moreover, tobacco manufacturers have broadly misused the doctrine of attorney-client privilege to cloak industry documents and research in a veil of secrecy.

Therefore, the KIDS Act would require tobacco companies to submit key documents relating to the health effects, safety, and marketing of products to children to a Tobacco Document Depository. Trade secret and attorney-client privilege claims would be scrutinized by a professional Tobacco Document Review Board. This reform would assist the victims of tobacco-related diseases in securing judgments against tobacco companies, and out-of-court settlements, without the traditional barriers and costs associated with document discovery. Manufacturers who make claims in bad faith will be subject to fines of up to $5 million per violation. Moreover, failure to comply with this section would result in license revocation and the waiver of the annual liability cap.

FDA to Obtain Needed Documents. Tobacco companies would be required to turn over to the FDA all documents the agency deemed necessary to carry out its regulatory responsibilities—including assessing the health effects of nicotine and other tobacco ingredients, the design and development of "less hazardous" or "safer" tobacco products, as well as the advertising, marketing and promotion of such products.

IX. TRANSITION ASSISTANCE TO FARMERS

Changes in national policy regarding tobacco products, and the expected decline in their consumption, will have ramifications for farming families, workers and communities in tobacco growing regions. The KIDS Act would provide $13.5 billion for compensation, income support and transitional assistance to tobacco farming families, and for economic development and related assistance in tobacco-dependent communities.

X. ASSURING CLEAN INDOOR AIR

Our knowledge is growing daily on the deleterious effects of exposure to Environmental Tobacco Smoke (ETS) in the home, the workplace and other public facilities. Annually, 3,000 Americans die of lung cancer caused by second-hand smoke, and 15,000 children under 18 months of age are hospitalized with respiratory infections related to ETS exposure.

While the ETS components of the KIDS Act are still a work in progress, our bill would place significant emphasis on reducing ETS exposure in the home—including such measures as pediatric outreach, public service announcements, and comprehensive media campaigns; $100 million from the counter advertising funds would be directed towards this purpose. The bill would also provide $100 million to help reduce exposure to ETS in workplaces and public facilities.

The KIDS Act would also require Congress to comply with the "no smoking" policies already in place throughout the Executive Branch. Furthermore, legislation would not preempt states and local governments from establishing even more stringent policies to protect individuals from ETS.

XI. STOPPING SMUGGLING AND SHOWING WORLD LEADERSHIP

In some countries, significant increases in cigarette prices have resulted in large-scale smuggling operations. Contraband cigarette trafficking can occur both at national borders and between states with wide disparities in tobacco excise taxes. Since 1992, this criminal activity has increased by more than 500% in the United States. Each year, interstate cigarette smuggling costs some states more than $100 million in lost excise tax revenue. As the price of cigarettes increases as a result of tobacco settlement legislation, actions must be taken to prevent the wide availability of contraband cigarettes.

Tough Anti-Smuggling Initiative. In addition to licensing all tobacco product sellers in the stream of commerce, the KIDS Act would allocate $100 million per year to implement an aggressive, well-coordinated anti-smuggling program aimed at stopping contraband tobacco products from entering or being sold in the United States. The bill would facilitate substantial coordination of international, federal and state law enforcement activities, as well as providing new resources to expedite the deployment of innovative anti-smuggling technologies.

Harsh New Penalties to Stop Smuggling. To further deter contraband trafficking in tobacco products, the KIDS Act would also establish harsh new criminal and monetary penalties for individuals convicted of such offenses. Violations by manufacturers, importers, exporters, or distributors or retailers could result in permanent revocation of their license or registration.

World Leadership. The World Health Organization (WHO) currently estimates that tobacco use causes three million deaths per year worldwide—a number which is expected to increase exponentially as the U.S.-based tobacco industry intensifies its global marketing and promotional activities. By the year 2023, WHO projects tobacco-related mortalities will jump to ten million, with nearly

70 percent occurring in developing countries. This troubling trend is expected to accelerate with the enactment of strong anti-tobacco policies in the United States.

Unlike the June 1997 Tobacco Agreement, our bill would provide clear leadership on international efforts to curb tobacco use. The KIDS Act would terminate all support for tobacco promotion overseas by the United States Government, provide $100 million per year to fund global education efforts, and encourage America's participation with other nations in efforts to harmonize tobacco policies worldwide.

XII. INDUSTRY CONSENT DECREES

Voluntary, but legally-binding consent decrees—signed by the federal government, state governments and tobacco manufacturers—are critical to the success of any comprehensive tobacco legislation aimed at significantly reducing tobacco use by children. Without these decrees, key provisions of such a law could be delayed by lengthy legal challenges. To help avoid this problem, the KIDS Act would require tobacco companies to sign legally-binding consent decrees in order to receive the benefits of the annual liability cap established under the legislation. Violation of any of the terms of the consent decrees would result in exclusion of that company from the annual liability cap. Among other things, the consent decrees—which would be enforceable by the U.S. Attorney General or State Attorneys General through federal and state courts—would commit the companies to abide by the following agreements:

Not to directly or indirectly bring or support legal challenges to the implementation of any aspect of the KIDS Act, including existing or future FDA regulatory authority, document disclosure, youth look-back survey methodology and penalties, and advertising and marketing restrictions;

To pay and fully pass through the cost of annual industry payments and industry-wide look-back penalties, assuring that the price of cigarettes would increase by at least $1.50 per pack over 2 years, with comparable increases for other tobacco products;

All reforms related to the labeling, sale, advertising and promotion of tobacco products intended by this Act;

Not to directly, or through contractors, lobby federal, state or local governments against any provision of this Act;

To only do business with those retailers and distributors in full compliance with all provisions of this Act;

To dissolve the Tobacco Institute and other existing trade associations;

Not to advertise over the Internet; and,

To comply also with all of the marketing and advertising restrictions in both the FDA regulation and the proposed June 1997 Tobacco Agreement.

XIII. ANNUAL TOBACCO PAYMENTS AND SPENDING

Industry Payments: The KIDS Act would require a non-deductible industry payment of $10 billion immediately upon enactment. That payment would be used by states and local communities, as well as the federal government, to begin implementation of the strong anti-tobacco measures authorized under the Act.

One year after enactment the industry would make a payment of $20 billion to the National Tobacco Trust Fund. Each year thereafter the industry payment would be $25 billion, indexed to inflation. These payments would be assessed based upon each company's share of the overall tobacco market. Twenty-five percent of the payments would be deemed punitive, and therefore non-deductible.

Payments to States: As under the June 1997 Tobacco Agreement, $193.5 billion over the 25 year period would be reserved for state use. Of those funds, fifty percent would be distributed to the states to use at their discretion. The remaining fifty percent would be allocated to the states in the form of a Health, Human Services and Education block grant to be used to meet each State's particular needs in these areas.

Additionally, $500 million annually would be made available to states meeting or exceeding youth tobacco reduction targets.

Payments for National Programs: Under the KIDS Act, $4 billion of the industry's yearly payment would be directed to the National Victim's Compensation Fund as the Annual Base Payment. Remaining industry payments would be used exclusively for national anti-tobacco and public health purposes. These include funding for smoking cessation, counteradvertising, and community and school-based prevention programs, international education, health research, and other activities outlined in this summary.

MARCH 11, 1998.

Hon. TOM HARKIN,
Hon. JOHN CHAFEE,
Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATORS HARKIN, CHAFEE AND GRAHAM: We are sorry we are not able to be with you in person as you introduce your bill, but we wanted to offer our congratulations to you for crafting a very strong, comprehensive package of tobacco reforms.

We have carefully reviewed a detailed summary of your plan and strongly support its major features, with the exception of the concept of liability caps. While we await actual legislative language, it appears to us that if enacted, we believe your proposal includes many measures that would significantly reduce tobacco use and fundamentally alter the way America deals with tobacco. It is tough medicine for a tough problem. It would set national tobacco policy on to a course that would bring down nicotine addiction and the terrible health consequences of using tobacco.

You are to be especially commended for forging a bipartisan consensus on this difficult and complex issue. For a proposal to be successful in Congress, it must have bipartisan support. Yours is the first to meet that crucial test.

Your plan correctly deals with this public health crisis in a comprehensive manner, seeking to come as close as possible at this time to the ideals expressed last July in the report of the Advisory Committee on Tobacco Policy and Public Health. A piecemeal approach clearly won't work. We are especially pleased that you specify an increase in the cost of tobacco products within two years. This is vitally important for reducing tobacco use by young people. Protecting the FDA's authority, protecting a State's ability to develop and enforce stronger public health measures, and other such provisions make this proposal very attractive. We understand that you will address environmental tobacco smoke and we will be pleased to work with you on that. You are also to be commended for recognizing that the United States must play an enhanced role in promoting enlightened policies toward tobacco in other countries. We have a moral imperative to lead in this area as well as protecting the public health within the United States.

We look forward to continuing to work with you as you finalize this very promising proposal. There is much to be done this year, but the announcement of your bipartisan effort is a major step forward in our long battle for a tobacco policy.

Sincerely,
C. EVERETT KOOP, M.D., Sc.D.
DAVID A. KESSLER, M.D.

THE KIDS ACT ALLOCATION OF INDUSTRY PAYMENTS

The following amounts represent the annual maximum spending for each of the activities, assuming a 25% excise tax offset.

[In billions of dollars]

States—no strings	$3.000
States—Human Services Block Grant	3.000
States—bonus pool	0.500
States—total	6.500
Smoking Cessation	1.500
Counteradvertising	0.550
Community-based Prevention	1.000
School-based Prevention	0.300
Youth Database/Evaluation	0.175
Event Sponsorship Replacement	0.075
Tobacco Prevention Research	0.600
International Education	0.100
Native American Programs	0.200
Environmental Tobacco Smoke	0.200
FDA	0.300
Anti-Smuggling Efforts	0.100
Anti-Tobacco Program Total	5.100
NIH Research	3.225
Victim's Compensation Fund	4.000

Additionally, the KIDS Act would provide a total of $13.5 billion for transition assistance to farmers.

STATEMENT OF THE ENACT COALITION REGARDING THE INTRODUCTION OF KIDS DESERVE FREEDOM FROM TOBACCO ACT

(March 12, 1998)—The ENACT coalition of major public health organizations applauds today's introduction of the KIDS Deserve Freedom From Tobacco Act by Senators Harkin, Chafee and Graham. These Senators have exhibited courageous leadership in crafting a strong, comprehensive, bipartisan solution to the urgent problem of tobacco use.

This is the first bipartisan proposal which, based on the summary being released today, encompasses the key public health policies that ENACT has stated must be included in any effective tobacco control legislation. We support the public health features of this proposal because of their potential to save millions of lives and, therefore, welcome it as an important step forward.

The proposal contains strong and effective provisions regarding FDA authority over tobacco sales, manufacturing and advertising; significant price increases to deter use by kids; "look-back" penalties if sales to youth do not decrease; a vigorous crackdown on the illegal sale of tobacco to minors; protections from secondhand smoke; disclosure of tobacco industry documents; funding for tobacco-related health and cessation research; assistance to tobacco farmers; and support for efforts to reduce tobacco use internationally.

The KIDS Act also addresses issues relating to the tobacco industry's liability. It would make the internal documents the tobacco industry has been forced to produce available to plaintiffs and the general public. It would also require the tobacco industry to make a minimum annual tort-related payment of $4 billion a year, no matter what happens in the courts. It contains no limitations on class action or the rights of individuals to collect full compensatory or punitive awards from the industry, nor does it protect the industry from being held accountable for future misconduct. However, it does contain an annual cap of $8 billion a year on civil liability payments for the tobacco industry in suits based on past action.

While we await the receipt of the actual legislative language, we believe that this proposal would significantly reduce tobacco use, particularly among children, and would rein in the tobacco industry. We strongly support this proposal's major features with the exception of the liability cap. ENACT believes that only a comprehensive bill that meets our minimum criteria can adequately address the complex problem of tobacco use and reduce the number of kids who start using tobacco, and the number of adults who die each year. ENACT is committed to working with Senators Harkin, Chafee and Graham, as well as all Members of Congress from both parties, to enact a comprehensive, bipartisan, well-funded and sustainable tobacco control policy.

[From USA Today, Mar. 20, 1998]

BILLION-DOLLAR BLINDERS HIDE TOBACCO DEAL'S FLAWS

Big Tobacco has a politically enticing offer for lawmakers. Give us some legal protection against our past sins, and we'll pony up billions of dollars every year to fund your pet programs.

The offer proved too much for state attorneys general.

They signed a loophole-ridden settlement deal last June that gave a slap on the wrist to the industry and threw new roadblocks in front of the regulation of nicotine by the Food and Drug Administration (FDA)

Next week, Senate Commerce Committee Chairman John McCain will try to do better as his panel marks up a settlement plan. He's hoping to put together a tougher deal—one that will win the backing of health groups and members of both parties, and still secure the industry's consent. A delicate balancing act, to be sure, and one that comes amid fierce partisan wrangling, turf wars and general election-year money-grubbing.

Until last week, no proposals fit the bill. Either they were winners for the tobacco industry or they couldn't get support from across the aisle. Sens. Tom Harkin, John Chafee and Bob Graham broke the pattern with a bipartisan bill that has won over key health advocates.

Among their plan's virtues:

It would impose annual industry payments of $25 billion—two-thirds higher than the settlement. That would push up the price of a pack of cigarettes by $1.50, deterring smoking by children—the most important objective of any settlement.

Better yet, the deal would severely punish individual firms if they failed to meet company-specific teen smoking reduction targets—a clear incentive for each to join the effort to cut teen smoking. The industry as a whole could be fined up to $10 billion a year if teen smoking rates aren't cut by 65% within 10 years.

The measure preserves the FDA's ability to regulate tobacco. The industry had snookered the attorneys general by requiring the FDA to meet absurd burdens of proof.

Finally, there's no offer of blanket immunity on class-action suits, as the attorneys general allowed. People harmed by the industry could recover up to $8 billion a year from an industry-financed liability fund.

The offer to industry: Your total costs will be capped at $39 billion a year. Put in perspective, domestic cigarette sales are about $50 billion a year.

The two most prominent tobacco industry foes of recent years—former surgeon general C. Everett Koop and former FDA head David Kessler—both endorsed the Harkin-Chafee bill, calling it "tough medicine for a tough problem."

Whatever its merits, this is the minimum acceptable. Yet the risk that Congress will gut it and pass a flimsy substitute is enormously high. The industry is sure to throw its weight behind weaker bills; and with everyone in Washington salivating over the prospect of all that money to spend on pet programs in an election year, priorities easily will be warped.

There are already so many meat hooks in the funds that it would take several deals to appease all interests. President Clinton wants to fund everything from child care to Medicare with the money. Some Republicans want to use the tobacco funds to pay for tax cuts, others to pay for reforming the IRS. Advocacy groups see the chance to fund their cherished programs.

As the prospect of billions of dollars draws closer, even ardent health advocates might be tempted to dispense with sweating the details.

But the point of this exercise isn't to raise lots of money, boost the size of the federal government, or enrich a bunch of trial lawyers. The goal is to cut the horrendous human toll smoking imposes on society. The only effective way to do that is to stop the supply of new addicts.

That for the most part means keeping teens from taking up the habit. More than nine in 10 regular smokers started smoking before celebrating their 19th birthday. The Harkin proposal would give industry a strong push to help curb this trend despite the long-term consequences for the industry.

In the end, however, lawmakers must be willing to chuck a bad deal, even if that means killing the golden tobacco goose.

COMPARING THE SETTLEMENTS

The so-called KIDS Act toughens the June 1997 attorneys general settlement on several key fronts.

Annual payments

Settlement: Maximum of $15 billion a year for a total of $368.5 billion over the next 25 years.

KIDS Act: Maximum of $25 billion a year for a total of $630 billion over next 25 years.

Teen smoking

Settlement: 60% cut in smoking rates within 10 years.

KIDS Act: 65% cut in smoking rates within 10 years.

Failure to reduce teen smoking

Settlement penalty: Maximum of $2 billion a year.

KIDS Act: No; but does put an $8 billion annual cap on total damages.

Class-action lawsuit immunity

Settlement: Yes, but individuals could still sue.

KIDS Act: No; but does put an $8 billion annual cap on total damages.

FDA regulations

Settlement: Imposes new restrictions on FDA tobacco regulations.

KIDS Act: Preserves FDA authority.

Advertising

Settlement: Tough restrictions, including ban on human forms, Internet ads.

KIDS Act: Similar changes.

Source: USA Today research.

[From the Portland Press Herald, Mar. 28, 1998]

SENATE SHOULD PASS A BETTER TOBACCO DEAL

Legislation settling claims against the tobacco industry is now before the Senate Commerce Committee. The committee's chairman, Sen. John McCain, R-Ariz., is trying to forge a compromise among Democrats, Republicans and opponents and supporters of the tobacco lobby.

The starting point in this process is a settlement agreement negotiated last year between the tobacco companies and the attorneys general from 40 states. It is a deeply flawed document that gives up too much to big tobacco.

What that agreement lacks—and what any final agreement should have—is the approval of two men who have fought hard to reduce tobacco's deadly toll on the American people. C. Everett Koop, the former surgeon general, and David Kessler, former head of the Food and Drug Administration, have opposed the tobacco settlement as it is now.

Much of what Koop and Kessler seek is in a bipartisan proposal sponsored by Sens. Tom Harkin, D-Iowa, John Chafee, R-R.I. and Bob Graham, D-Fla. Maine Sens. Susan Collins, who sits on the commerce committee, and Olympia Snowe should back it or legislation that has the same basic elements.

The proposal would raise the price of cigarettes by $1.50 a pack, extracting $25 billion a year from the tobacco companies as payment for the huge costs imposed by these products on the government. Unlike the settlement negotiated with the states, it gives the FDA unfettered control over tobacco. It also has strong proposals for reducing youth smoking and sets up a system for processing claims against the tobacco companies without granting them immunity from future lawsuits.

In return, the tobacco companies would see their liabilities in civil suits capped at $8 billion a year. This is a far better approach than the blanket protection from future lawsuits contained in the agreement negotiated by the attorneys general.

Already, other ideas are surfacing. The committee seems settled on a $1.10-per-pack price increase for cigarettes and is discussing an annual liability cap ranging from $5 billion to $8 billion. FDA authority over tobacco, meanwhile, remains a sticking point.

The principles of the bipartisan bill are central to reaching a fair accord with the big tobacco companies over the immense harm they have caused the American people. As such, the bill should be taken seriously by Collins, Snowe and their Senate colleagues.

Mr. CHAFEE. Mr. President, over the course of the next month or two, the Senate will have the opportunity to debate how best to address the most significant, preventable public health problem confronting this nation today: the scourge of tobacco use by our young people. The Senate will face some difficult choices in this regard. The grim statistics about this epidemic, coupled with almost daily revelations of tobacco industry misdeeds, underscore the need for our earnest action.

We can all agree, where adults are concerned personal responsibility must be the rule; tobacco is a legal product and adults are free to make that choice. However, the same level of independent judgment cannot be said where fourteen-year-olds are concerned. Bear in mind, only one in ten smokers takes up smoking after the age of eighteen; the remainder start well before that age.

All of us—Democrats and Republicans—share a deep and abiding concern about this problem, and a recognition that now is the time for action. However, each of us has different thoughts on how best to attack this problem. The Commerce Committee draft bill offers a good beginning, but it must be strengthened. Senators Harkin, Graham and I believe that an aggressive, but responsible approach is essential if we are to be successful in reducing teen tobacco use.

This is why the KIDS Act would force the price of cigarettes up by $1.50 over the course of two—not four, five or six—years. The price hike must be significant and rapid in order to affect the purchasing behavior of children; the evidence solidly favors that position. Simply put, a smaller increase of only $1.10 over a longer period of time—in effect 20 cents per year in the Commerce Committee draft—will not achieve the desired result. As a result of our aggressive approach on price, the KIDS Act would halve teen smoking within just three years!

That is also why the KIDS Act contains very stiff so-called look-back penalties if the industry fails to meet the annual youth reduction targets specified in our bill. Unlike the Commerce Committee draft, the KIDS Act emphasizes company-specific penalties to ensure that the companies who do the addicting take the hit. Additionally, our annual penalties are capped at $10 billion per year, as opposed to $3.5 billion in the Commerce Committee draft. These look-back penalties are the very heart of our efforts to curb youth tobacco use; if they miss the mark, the whole program is the weaker for it.

This is also why the KIDS Act provides roughly $5.1 billion per year for anti-tobacco programs, including counteradvertising, school and community-based prevention and education programs, cessation and other initiatives. For those who think this is too much spending, we spend a lot more money on addressing other ills which kill far fewer than 400,000 Americans per year.

Recognizing that the needs of each state are very different, the KIDS Act hands back $6 billion per year to the states in recognition of the costs and damages they have incurred in treating tobacco-related illnesses. Importantly, this funding could be used to meet the particular needs of each state; flexibility is the key with respect to the use of this funding. One pool of $3 billion per year could be used to meet any need; the other pool of $3 billion takes the form of a health, human services and education block grant to meet virtually any human need.

Our bill also includes a State Performance Bonus Pool to help incent and enlist states in the war against teen tobacco use, and we need all the stakeholders we can get! As a consequence of these provisions, the National Governors Association supports the state payment mechanism contained in the KIDS Act.

Some have pointed out that the draft Commerce Committee bill incorporates the cap on annual liability payments included in our bill—although at $6.5 billion, not $8 billion. My response is that the cap cannot be examined in isolation from the other parts of the legislation. If, for example, the youth smoking provisions are not as tough as they should be, then I question the appropriateness of a liability cap.

Now, some people have said our bill is too tough and could bankrupt the tobacco industry. Says who? The tobacco companies? I'm not sure we can rely upon their representations if past history is any judge. What about the securities analysts who understand the financial workings of the tobacco industry? Can we rely upon these individuals and firms when many of these same companies manage pension and mutual fund portfolios with significant investments in tobacco stocks? Frankly, I think the only reliable measure of what the industry can truly afford would be an independent audit—not an illogical request of an industry which seeks a virtually unprecedented deal with the federal government, the several states and the American people.

The KIDS Act would require the industry to pass along in the price of its products an annual payment of $25 billion. Given discussions we have had with a variety of experts, both inside and outside the government, we do not believe the payment requirements in our bill would jeopardize the profitability or future viability of the tobacco industry.

In closing, I urge my colleagues to examine the KIDS Act and to join with us in working to pass a strong, responsible tobacco bill as quickly as possible. We look forward to working with our respective Leaders, Senator McCain, and our colleagues toward that end.

Mr. GRAHAM. Mr. President, I rise today with my colleagues, Senator John Chafee and Senator Tom Harkin, to introduce the Kids Deserve Freedom from Tobacco Act of 1998, legislation which if passed will have a monumental effect on the number one public health problem facing America's youth: underage smoking.

This legislation is the first bipartisan, comprehensive piece of legislation which has the support of the Administration and the public health community. Since the beginning of this school year, more than half a million kids have started smoking. If we don't act soon, another half million children will take up the habit by the start of the next school year. And by its inaction, Congress will have signed their death warrants.

In Florida alone, where minors purchase more than 12 million packs of cigarettes each year, 28% of high school students currently smoke cigarettes. Nationally, the number is closer to 35%. The KIDS Act takes a number of strong actions—all of which would be funded by the industry's annual $25 billion payment—to lower the rate of youth and teenage smoking. These include:

PRICE INCREASE

Because public health experts agree that substantially increasing the cost of cigarettes is the most effective way of keeping adolescents from buying them, the KIDS Act would force the tobacco industry to raise the price-per-pack of cigarettes and other tobacco products by $1.50 over the next two years.

In addition to raising the price of tobacco products, the KIDS Act would establish ambitious goals for the reduction of teenage tobacco use. The bill would mandate that the tobacco industry reduce youth smoking by 65 percent over the next ten years—or face as much as $10 billion in annual penalties. States, on the other hand, would be rewarded for reducing teen tobacco use. The KIDS Act would set aside $500 million of bonus money each year for states that meet or exceed annual smoking reduction targets.

MARKETING REFORMS

For decades, the tobacco industry has pushed its products on young Americans both overtly—on billboards and through the prominent sponsorship of sports like auto racing—and subtly, through characters like Joe Camel. Their efforts have been helped by the shockingly easy access that many minors have to tobacco products. Nationally, more than 62 percent of 12-to-17 year-old smokers report that they buy their own cigarettes. Nearly half of those minors were never asked to show proof of age.

The KIDS Act would dramatically change the rules governing tobacco advertising and sales. It would limit tobacco companies to black-and-white text advertisements—no more human images, cartoon characters, outdoor displays, sports and entertainment sponsorships, or product giveaways. It would also encourage illegal tobacco purchases by banning vending machines sales of cigarettes and requiring state licensing of tobacco retailers. Stores caught selling to minors would face severe financial penalties.

PAYMENTS TO STATES

In addition to the federal money it channels to states through bonus payments, incentives, grants, and federal programs, the KIDS Act would directly distribute almost $200 billion over 25 years—a third of the settlement money—to individual states to spend on a broad array of health and anti-tobacco programs.

As a former Governor, I strongly believe that states deserve to be recognized for their efforts to bring the tobacco industry to the table. Without state's efforts, Congress would not be in the position to introduce this bill today. Any legislation contemplated by this Congress must recognize the State's crucial role in this process.

CAP ON ANNUAL INDUSTRY PAYMENTS

Unlike last year's national settlement, the KIDS Act would not safeguard the tobacco industry from future lawsuits. It ensures reliable industry payments, so that the industry cannot use the excuse of financial woes to avoid its annual $25 billion commitment. As such, it would require that tobacco firms deposit $4 billion/year into a "National Victims Compensation Fund." Money from that fund would be used to pay victims who settle claims or win judgments against the industry. The industry would also have to pay up to $4 billion/year in any additional claims—a maximum total of $8 billion/year.

I want to stress that my colleagues, Senators CHAFEE and HARKIN, and I believe that this is our best and possibly our only chance to get this historic legislation passed. We cannot let this opportunity slip away. A half-hearted, piecemeal effort simply won't do.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. BOXER, Mr. DODD, Ms. MIKULSKI, Mrs. FEINSTEIN, Mr. DURBIN, Mr. REED, Mr. INOUYE, Mr. TORRICELLI, Mr. KERRY, Ms. MOSELEY-BRAUN, Mr. WYDEN, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. CLELAND, Mr. LEAHY, Mrs. MURRAY, Mr. WELLSTONE, Mr. SARBANES, Mr. AKAKA, and Mr. BINGAMAN):

S. 1891. A bill to amend the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; to the Committee on Finance.

THE PATIENTS' BILL OF RIGHTS ACT OF 1998

Mr. DASCHLE. Mr. President, I join my colleagues in introducing the Patients' Bill of Rights Act of 1998. This legislation has been developed cooperatively with Democrats in the House and Senate to address a growing concern of the American public, the quality of care delivered by health plans and insurance companies. Today, three of every four working, insured Americans are in managed care plans, and far too many have experienced serious problems with their coverage. We all know someone with a horror story in that regard.

Today, David Garvey of Illinois told us the tragic story of his wife, who had taken a "dream" vacation to Hawaii with a few of her friends. When she arrived in Hawaii, she noticed some bruises on her body. She went to a clinic and was quickly admitted to the hospital. She was diagnosed with aplastic anemia. Her doctor in Hawaii began a course of treatment, and said that she would likely need a bone marrow transplant to save her life.

Several days into the treatment, her HMO called from Chicago and said she had to return to Chicago for the treatment and transplant. They insisted that she return, even over the strong objections of the doctor in Hawaii who said that she was not stable enough to travel and that her immune system could not fight infection. Mr. Garvey tried to talk to the decisionmakers in the plan, but they insisted that she return to Chicago or forego coverage. As the medical bills were adding up, Mrs. Garvey had no choice but to fly back to Chicago. During that flight, Mrs. Garvey had a stroke, and within days of her return, she developed a fungal infection. Ten days later, she died.

Mr. President, I am outraged by what happened to the Garveys and believe we need legislation to protect patients against medically inappropriate decisions by health plans that too often put the financial bottom line before patients' health care needs.

The bill I am introducing today would provide enforceable protections for millions of patients. It would ensure access to medically needed care, including coverage at emergency rooms. It would allow patients with serious conditions to see their specialist without asking permission each time and would allow women direct access to their ob/gyn.

The bill would allow patients denied benefits to appeal decisions both within the plan and to an independent, external reviewer. When a plan says no to a treatment that your doctor says you need, you should be able to appeal to an independent body that has no financial stake in the decision. This bill gives every patient that right and says the decision has to be made in a time frame that will not put the patient at risk.

The Patients' Bill of Rights provides protection for the provider-patient relationship by banning gag clauses and limiting inappropriate financial incentives to deny care. It also would put a stop to arbitrary decisions by plans to limit care, such as decisions to discharge mastectomy patients from the hospital before it is medically appropriate.

Finally, the bill would hold plans legally accountable for decisions to deny or delay care that result in harm to patients. Today, 125 million Americans who get their health care through their employer have little recourse if their plans' decisions harm them, even when the decisions lead to death. Doctors and hospitals are held accountable for their decisions, but health plans are not, and that is something that needs to change.

The Patients' Bill of Rights is an important proposal that has the backing of the American Medical Association, Consumers Union, Families USA, the National Association of Children's Hospitals and numerous other organizations that advocate for quality patient care.

I hope we can engage in productive debate on this issue in the coming months and pass legislation to improve the quality of health care for the American people.

Mr. KENNEDY. Mr. President, the time for action to protect patients and curb insurance company abuse has come. We face a crisis of confidence in health care. A recent survey found that an astonishing 80 percent of Americans now believe that their quality of care is often compromised by their insurance plan to save money. One reason for this concern is the explosive growth in managed care. In 1987, only 13 percent of privately insured Americans were enrolled in HMOs. Today 75 percent are in some form of managed care.

At its best, managed care offers the opportunity to achieve both greater efficiency and higher quality in health care. In too many cases, however, the priority has become higher profits, not better health. Conventional insurance companies, too, have abused the system by denying coverage for treatments that their customers need and that their faithful payment of premiums should have guaranteed.

And the issue is not just confidence. It goes to the heart of the issue of quality care and to the fundamental doctor-patient relationship. In California, a Kaiser Foundation study found that almost half of all consumers reported a problem with their health plan—and substantial proportions reported that the plan's misbehavior caused unnecessary pain and suffering, delayed their recovery, or even resulted in permanent disabilities. Projected to the national level, these results indicate that 30 million Americans actually developed additional health problems because of their plan's treatment of them, and a shocking 11 million developed permanent disabilities.

The list of those victimized by insurance company abuse grows every day.

A baby loses his hands and feet because his parents believe they have to take him to a distant emergency room rather than the one close to their home.

A Senate aide suffers a devastating stroke which might have been far milder if her HMO had not refused to send her to an emergency room—the HMO now refuses to pay for her wheelchair.

A doctor is denied future referrals because he tells a patient about an expensive treatment that could save her life.

A child suffering from a rare cancer is told that life-saving surgery should be performed by an unqualified doctor who happens to be on the plan's list, rather than by the nearby cancer specialty center equipped to provide quality care.

A San Diego paraplegic asks for referral to a rehabilitation specialist. Her HMO refuses, and she develops a severe pressure wound that a rehabilitation specialist would have routinely checked and treated. She is forced to undergo surgery, and has to be hospitalized for a year with round-the-clock nursing care.

A woman is forced to undergo a "drive-by" mastectomy and is sent home in pain, with tubes still dangling from her body.

The list goes on and on.

The opponents of action are already waging a calculated and well-financed campaign of disinformation arguing that protecting patient's rights is the same as massive government mandates and vastly increased costs. But the American people know better.

Opponents of the legislation try to create a false dichotomy between relying on competitive market forces and relying on regulatory standards. In fact, this amendment helps competition by establishing a level playing field between those who compete by providing quality care at a reasonable cost and those who try to compete by attracting only healthy enrollees and denying those who fall ill the care they have promised.

This legislation guarantees people the rights that every scrupulous insurance company already provides. These rights are common-sense statement of components of quality care that every family believes they have been promised when they signed up for coverage and faithfully paid their premiums.

Let me cite a few of these common-sense rights specified in our legislation. They include access to an appropriate specialist when your condition requires specialty care. They allow people with chronic illnesses or disabilities to have standing referrals to the specialists they need to see on a regular basis. They assure that patients who need a prescription drug to save their life or their health can have access to it even if it is not included in their plan's formulary.

They assure that a person suffering from serious symptoms can go to the nearest emergency room without worrying that their plan will deny coverage. No patient with the symptoms of a heart attack should be forced to put their life at risk by driving past the emergency room down the street to the network provider an hour or more away. No patient with symptoms of stroke should be forced to delay the treatment to the point where paralysis and disability is permanent, because a clerk two thousand miles away does not respond promptly and appropriately. And no patient who goes to an emergency room with symptoms of a heart attack that proves to be a false alarm should suffer a real heart attack when a bill for thousands of dollars arrives that the health insurer has refused to pay.

This amendment also says that any reform worthy of the name must guarantee that insurance plans meet the special needs of women and children. Women should have access to gynecologists for needed services. No women with breast cancer should be forced to endure a "drive-by" mastectomy against the advice of her doctor.

No child with a rare childhood cancer should be told that the urologist who happens to be in the plan's network will treat him—even if that urologist has no experience or expertise with children or with that rare cancer.

Too many desperate patients—especially cancer patients—know that their only hope for survival is participation in a clinical trial. Such trials not only offer hope to patients, they also advance our knowledge and lead to better treatments for dread diseases. Many insurers have routinely paid for the medical costs associated with clinical trials, because they knew they offered benefits for patients and because the patients would incur medical costs in any event, even if they were not part of the trial. But today, many insurers are backing away from that constructive policy. Managed care plans, in particular, have often denied their patients the ability to participate in such trials.

Our legislation provides patients a right to participate in such trials if stringent conditions are met. There must be no standard treatment that is effective for the patient, and the patient must be suffering from a serious or life-threatening illness. The trial must be funded by the NIH or another government agency meeting NIH standards. And the trial must offer the patient a realistic hope for clinical benefit.

Patients need the right to appeal decisions on their plans to independent third parties. Today, if a health plan breaks its promise, the only recourse for most patients is to go to court—a time-consuming and costly process that may not provide relief in time to save a life or prevent a disability.

Independent review was recommended unanimously by the President's Commission. It has worked successfully in Medicare for four decades. Working families deserve the basic fairness that only an impartial appeal can provide. Without such a mechanism, any "rights" guaranteed to patients exist on paper only—and they are scarcely worth the paper on which they are written. When the issues are sickness and health—and often as serious as life and death—no health insurance company should be allowed to be both judge and jury.

When health plan misconduct results in serious injury or death, patients and their families should be able to obtain accountability. Every other industry in America can be held responsible for its actions. Why should health plans, whose decisions truly can mean life or death, enjoy this unique immunity?

Reforms must protect the integrity of the doctor-patient relationship. "Gag clauses" and improper incentive arrangements should have no place in American medicine.

And finally, everyone should agree that noncontroversial steps to improve quality and provide greater patient information should be part of reform.

This amendment should not be controversial for any member of the Senate who is serious about protecting patients from insurance company abuse. Its basic provisions were included in legislation introduced by Democrats in the House and Senate. That legislation is supported by the American Medical Association, the Consortium of Citizens with Disabilities, the National Alliance for the Mentally Ill, the National Partnership for Women and Families, the National Association of Children's Hospitals, the AFL–CIO, and many other groups representing physicians and other health care providers, children, women, families, consumers, persons with disabilities, Americans with serious illnesses, and working families.

It is rare for such a broad and diverse coalition to be assembled in support of any legislation. But ending these flagrant abuses will help every American family.

The choice is clear. The Senate should stand with patients, families, and physicians. We must not stand with the well-heeled special interests that put profits ahead of patients.

By Mr. DEWINE (for himself, Mr. HATCH, Mr. LEAHY, and Mr. SPECTER):

S. 1893. A bill to establish a law enforcement block grant program; to the Committee on the Judiciary.

THE LOCAL LAW ENFORCEMENT BLOCK GRANT ACT OF 1998

Mr. DEWINE. Mr. President, today I rise to introduce the Local Law Enforcement Block Grants Act of 1998, which reauthorizes the very successful Local Law Enforcement Grant Program. This program gives local governments the resources to fight crime, without the "Washington knows best" strings attached. I believe it is a mistake for Washington to try to micromanage how local communities spend their law enforcement dollars. Instead

Washington should play the role of partner with local law enforcement to improve the tools they use to fight crime.

My views on this issue are based on more than 20 years of experience in the criminal justice system: as a prosecutor in Greene County, Ohio; in the Ohio State Senate; as a United States Congressman on the Judiciary Committee; as Lieutenant Governor overseeing anti-crime and anti-drug efforts; and now, as a member on the Senate Judiciary Committee. I have had an opportunity to work on criminal justice issues from the local, state, and federal levels, and have been fortunate to see firsthand what Congress can do to help local communities be victors in the war on crime.

Because 90 percent of all criminal prosecution is local, the fight against crime will be won or lost by local law enforcement, local prosecutors and courts, and concerned citizens in every community. I believe the best way for the federal government to help local communities fight crime is to return more money to those communities, because in the final analysis, it is they who will get the job done. For too long the Federal Government has had all the money—and local communities all the crime. Local communities know what works—and they should have the resources.

From 1999-2003, this Act authorizes $750 million each year for direct grants to local law enforcement to reduce crime and improve public safety. Distributions are made by the Bureau of Justice Assistance on a formula basis, directly to local governments. Grants may include, but are not limited to, equipment and law enforcement personnel, enhancing school security measures, violent offender adjudication, drug courts, crime prevention programs and youth intervention programs.

One of the most frequent uses of this grant money in Ohio, and by local law enforcement across the country, has been for crime fighting technology. I believe there is a critical need to modernize the crime fighting tools used by local law enforcement, who have been fighting increasingly sophisticated criminals with outmoded tools. That's why I am expressly providing that funds may also be used for information and identification technology, such as criminal history information, fingerprint dissemination, and DNA and ballistics tests.

Let me underscore here that this Act leaves to local governments the decision regarding what their funding priorities should be, while at the same time requiring accountability as to how funds are ultimately used. Local advisory boards also have an opportunity to recommend how monies are spent as well. These funds will help local law enforcement meet the critical local needs, by letting them put the resources where they are needed most.

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. DASCHLE, the names of the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 885

At the request of Mr. D'AMATO, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 885, a bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes.

S. 1141

At the request of Mr. JOHNSON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1141, a bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes.

S. 1473

At the request of Mr. GRAHAM, the names of the Senator from Mississippi (Mr. LOTT) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1473, a bill to encourage the development of a commercial space industry in the United States, and for other purposes.

S. 1580

At the request of Mr. SHELBY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1710

At the request of Mr. COCHRAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1710, a bill to provide for the correction of retirement coverage errors under chapters 83 and 84 of title 5, United States Code.

S. 1873

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1873, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. LIEBERMAN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 75

At the request of Mr. FEINGOLD, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Georgia (Mr. COVERDELL), the Senator from Indiana (Mr. LUGAR), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of Senate Concurrent Resolution 75, a concurrent resolution honoring the sesquicentennial of Wisconsin statehood.

SENATE RESOLUTION 170

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Resolution 170, a resolution expressing the sense of the Senate that the Federal investment in biomedical research should be increased by $2,000,000,000 in fiscal year 1999.

AMENDMENT NO. 1422

At the request of Mr. MCCAIN the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 1422 intended to be proposed to S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

AMENDMENT NO. 1618

At the request of Mr. MCCAIN the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of amendment No. 1618 intended to be proposed to S. 1488, a bill to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes.

AMENDMENT NO. 1619

At the request of Mr. MCCAIN the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 1619 intended to be proposed to S. 1269, an original bill to establish objectives for negotiating and procedures for implementing certain trade agreements.

AMENDMENT NO. 2165

At the request of Mr. DASCHLE his name was added as a cosponsor of amendment No. 2165 proposed to S. Con. Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mrs. MURRAY the names of the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 2165 proposed to S. Con. Res. 86, supra.

AMENDMENT NO. 2166

At the request of Mr. REID his name was added as a cosponsor of amendment No. 2166 proposed to S. Con. Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. GRAHAM his name was added as a cosponsor of amendment No. 2166 proposed to S. Con. Res. 86, supra.

AMENDMENT NO. 2173

At the request of Mr. DASCHLE his name was added as a cosponsor of amendment No. 2173 proposed to S. Con. Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Ms. MOSELEY-BRAUN her name was added as a cosponsor of amendment No. 2173 proposed to S. Con. Res. 86, supra.

AMENDMENT NO. 2174

At the request of Mr. DASCHLE his name was added as a cosponsor of amendment No. 2174 proposed to S. Con. Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2175

At the request of Mr. DASCHLE his name was added as a cosponsor of amendment No. 2175 proposed to S. Con. Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2176

At the request of Mr. DASCHLE his name was added as a cosponsor of amendment No. 2176 proposed to S. Con. Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

SENATE RESOLUTION 203—RECOGNIZING THE UNIVERSITY OF TENNESSEE LADY VOLUNTEERS BASKETBALL TEAM

Mr. FRIST (for himself and Mr. THOMPSON) submitted the following resolution; which was considered and agreed to:

S. RES. 203

Whereas the Lady Volunteers (referred to in this resolution as the "Lady Vols") won its third straight National Championship in the National Collegiate Athletic Association women's basketball tournament on March 29, 1998;

Whereas the Lady Vols finished the 1997–1998 basketball season with a perfect record of 39 wins and zero losses; and

Whereas the Lady Vols have won 6 National Championships in the last 12 years: Now, therefore, be it

Resolved, That it is the sense of the Senate that the University of Tennessee Lady Volunteers basketball team should be recognized as the new dynasty in collegiate women's basketball.

SENATE RESOLUTION 204—TO COMMEND AND CONGRATULATE THE UNIVERSITY OF KENTUCKY MEN'S BASKETBALL TEAM

Mr. FORD (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 204

Whereas the University of Kentucky Wildcats men's basketball team defeated the University of Utah's team on March 30, 1998, in San Antonio, Texas, to win its seventh National Collegiate Athletic Association (NCAA) championship;

Whereas, the Wildcats overcame the largest halftime deficit in a championship game, earning for themselves the nickname "The Comeback Cats";

Whereas, Coach Tubby Smith, his staff, and his players displayed outstanding dedication, teamwork, unselfishness, and sportsmanship throughout the course of the season in achieving collegiate basketball's highest honor; and

Whereas Coach Smith and the Wildcats have brought pride and honor to the Commonwealth of Kentucky, which is rightly known as the basketball capital of the world: Now, therefore, be it

Resolved, That the Senate commends and congratulates the University of Kentucky on its outstanding accomplishment.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the president of the University of Kentucky.

SENATE RESOLUTION 205—CELEBRATING "NATIONAL PUBLIC HEALTH WEEK"

Mr. FAIRCLOTH (for himself, Mr. JEFFORDS, Mr. BOND, Mr. FRIST, Mr. CHAFEE, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 205

Whereas over the past 50 years, the United States has achieved significant increases in life expectancy and reductions in the incidence of injury, disability, and disease;

Whereas the public health approach is credited with the majority of improvements in our Nation's health status and expanded life expectancy of 30 additional years since the turn of the century;

Whereas public health services are successful in identifying and addressing patterns of disease, illness, and injury in populations and ensuring healthy living and working environments;

Whereas the 3,000 public health departments of the Nation provide the critical frontline of defense against the dangers posed by infectious disease outbreaks, natural disasters, terrorist acts, and other serious threats to the health of Americans; and

Whereas "National Public Health Week" provides an opportunity to highlight and commend the efforts of public health professionals to protect, promote, and enhance the health of all citizens in communities across this country: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the outstanding dedication of community, State, and Federal public health professionals and services and commends the professionals for their role in safeguarding communities and workplaces, and improving health and well-being of Americans; and

(2) calls upon Americans to celebrate "National Public Health Week" during the week of April 6 through April 12, 1998, with appropriate activities and ceremonies.

Mr. FAIRCLOTH. Mr. President, I rise today to ask my colleagues to join me in celebrating National Public Health Week during the week of April 6 through April 12. I believe that this years theme, "healthy people in healthy communities" says it all. It should be the goal of every single one of us of help focus public attention on major health issues in our communities, and the contributions our public health professionals play in addressing our health and safety needs.

Established by Congress in 1995, public health week affords us an opportunity to learn and to teach others about public health success stories like the elimination of small pox and polio and improvements in childhood immunization. Few people know that it was public health that successfully waged the war to reduce lead from paint, fluoridate drinking water and protect people from gasoline vapor, thus giving our children a brighter future and gaining a 30-year increase in life expectancy in the 20th century.

Incidence of heart disease and stroke have dramatically declined through public health community-wide education initiatives. As someone who represents people who live in the buckle of the stroke belt in the United States, I was pleased to learn that 2 million American deaths from heart disease and stroke have been prevented in the past thirty years through public health prevention programs.

I urge my colleagues to take a moment during spring recess to participate in public health activities in their states. In years past, North Carolinians have organized health fairs in churches and community centers, and sponsored "healthy eating" cooking contests to commemorate the week. I urge all Americans to take the time to evaluate their own personal health consciousness.

As we approach the millennium, threats of biological and viral epidemics plague our communities like never before. Our public health departments and professionals serve as our first line of defense against the growing threat of infectious disease and bioterrorism. With less than 40 percent of our health departments able to communicate by computer with CDC, it is our obligation to provide public health with the manpower, training, and equipment needed to fight these growing threats.

Our U.S. Public Health Service will celebrate their 200th anniversary this summer, and the 50th anniversary of the World Health Organization. Let us be the Congress that is known for making the health of our citizens our No. 1 priority.

Mr. President, it is my honor and privilege to submit to you today a Senate resolution to recognize the contributions of public health and prevention services to our nation in an effort to celebrate National Public Health Week.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

SMITH AMENDMENTS NOS. 2179–2181

Mr. SMITH of Oregon proposed three amendments to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998; as follows:

AMENDMENT NO. 2179

At the appropriate place in the bill, insert the following new section, and renumber the remaining sections accordingly:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY TAXES.

(a) FINDINGS.—The Senate finds that—

(1) financing for Social Security Old Age, Survivors, and Disability Insurance (OASDI) is provided primarily by taxes levied on wages and net self-employment income. The level of these tax rates is set permanently in the law at the rate payable today;

(2) more than ninety-five percent of the work force—an estimated 148.2 million workers in 1998—is required to pay Social Security taxes;

(3) Social Security taxes are paid both by employees and employers and the self-employed on earnings up to a maximum amount of $68,400 in 1998, the amount increasing at the same rate as average earnings in the economy;

(4) the Social Security tax was first levied in 1937 at a rate of 1% on earnings up to $3,000 per year;

(5) the rate in 1998 has risen to 6.2 perecent—an increase of 620 percent, and a majority of American families pay more in Social Security taxes than income taxes; and

(6) in his State of the Union message on January 27, 1998, President Clinton called on Congress to "save Social Security first" and to "reserve one hundred percent of the surplus, that is any penny of the surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century."

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that when the Congress moves to work in a bipartisan way on specific legislation to reform the Social Security system, it will not consider increasing Social Security tax rates on American workers, beyond the permanent levels set in current law nor increase the maximum earnings subject to Social Security taxation beyond those prescribed by the wage indexing rules of current law.

AMENDMENT NO. 2180

At the end of title III, add the following:

SEC. . GENERAL PROHIBITION ON THE USE OF MARIJUANA FOR MEDICINAL PURPOSES.

It is the sense of the Senate that the provisions of this resolution assume that no funds appropriated by Congress should be used to provide, procure, furnish, fund or support, or to compel any individual, institution or government entity to provide, procure, furnish, fund or support, any item, good, benefit, program or service, for the purpose of the use of marijuana for medicinal purposes.

AMENDMENT NO. 2181

On page 53, strike lines 1 through 22 and insert the following:

SEC. 316. SENSE OF THE SENATE ON PRICE INCREASE ON TOBACCO PRODUCTS.

(a) FINDINGS.—The Senate finds that—

(1) the use of tobacco products by children and teenagers has become a public health epidemic and according to the Centers for Disease Control and Prevention, more than 16,000,000 of our Nation's children today will become regular smokers;

(2) of the 16,000,000 children who become regular smokers, approximately one-third or 5,000,000 children will die of tobacco-related illness;

(3) the Centers for Disease Control and Prevention reports that tobacco use costs medicare approximately $10,000,000,000 per year, and the total economic cost of tobacco in health-related costs is more than 100,000,000,000 per year; and

(4) the public health community recognizes that by increasing the cost of tobacco products by $1.50 per pack, the rate of tobacco us among children and teenagers will be reduced.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that, if comprehensive tobacco legislation requires an increase in the price of cigarettes, any such revenue should be used to restore solvency to the medicare program under title XVIII of the Social Security Act.

HOLLINGS AMENDMENT NO. 2182

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title II, add the following:

SEC. . PROTECTING THE OFF-BUDGET STATUS OF SOCIAL SECURITY.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, resolution, or amendment or motion thereto or conference report thereon, including legislation reported by the Committee on the Budget of either House pursuant to section 306 of the Congressional Budget Act of 1974, that changes section 301(i), 302(f), 310(g), or 311 of the Congressional Budget Act of 1974, or section 13301 of the Budget Enforcement Act of 1990, section 202 of H. Con. Res. 67 (104 Congress), or this section, or would otherwise change budget procedures regarding Social Security.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

KENNEDY (AND BOXER) AMENDMENT NO. 2183

Mr. KENNEDY (for himself and Mrs. BOXER) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE CONCERNING A PATIENT'S BILL OF RIGHTS.

(a) FINDINGS.—Congress finds that—

(1) patients lack reliable information about health plans and the quality of care that health plans provide;

(2) experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death;

(3) some managed care plans have created obstacles for patients who need to see specialists on an ongoing basis and have required that women get permission from their primary care physician before seeing a gynecologist;

(4) a majority of consumers believe that health plans compromise their quality of care to save money;

(5) Federal preemption under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for the 125,000,000 workers and their families receiving health insurance through employment-based group health plans; and

(6) the Advisory Commission on Consumer Protection and Quality in the Health Care Industry has unanimously recommended a patient bill of rights to protect patients against abuses by health plan and health insurance issuers.

(b) SENSE OF THE SENATE.—It is the sense Senate that the assumptions underlying this resolution provide for the enactment of legislation to establish a patient's bill of rights for participants in health plans, and that legislation should include—

(1) a guarantee of access to covered services, including needed emergency care, specialty care, obstetrical and gynecological care for women, and prescription drugs;

(2) provisions to ensure that the special needs of women are met, including protecting women against "drive-through mastectomies";

(3) provisions to ensure that the special needs of children are met, including access to pediatric specialists and centers of pediatric excellence;

(4) provisions to ensure that the special needs of individuals with disabilities and the chronically ill are met, including the possibility of standing referrals to specialists or the ability to have a specialist act as a primary care provider;

(5) a procedure to hold health plans accountable for their decisions and to provide for the appeal of a decision of a health plan to deny care to an independent, impartial reviewer;

(6) measures to protect the integrity of the physician-patient relationship, including a ban on "gag clauses" and a ban on improper incentive arrangements; and

(7) measures to provide greater information about health plans to patients and to improve the quality of care.

KENNEDY AMENDMENT NO. 2184

Mr. KENNEDY proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 16, line 9, increase the amount by $200,000,000.

On page 16, line 10, increase the amount by $10,000,000.

On page 16, line 13, increase the amount by $318,000,000.

On page 16, line 14, increase the amount by $146,000,000.

On page 16, line 17, increase the amount by $386,000,000.

On page 16, line 18, increase the amount by $276,000,000.

On page 16, line 21, increase the amount by $359,000,000.

On page 16, line 22, increase the amount by $358,000,000.

On page 16, line 25, increase the amount by $272,000,000.

On page 17, line 1, increase the amount by $359,000,000.

On page 25, line 8, strike "–$300,000,000" and insert "–$500,000,000".

On page 25, line 9, strike "–$1,900,000,000" and insert "–$1,910,000,000".

On page 25, line 12, strike "–$1,200,000,000" and insert "–$1,518,000,000".

On page 25, line 13, strike "–$4,600,000,000" and insert "–$4,746,000,000".

On page 25, line 16, strike "–$2,700,000,000" and insert "–$3,086,000,000".

On page 25, line 17, strike "–$3,000,000,000" and insert "–$3,276,000,000".

On page 25, line 20, strike "–$3,800,000,000" and insert "–$4,159,000,000".

On page 25, line 21, strike "–$7,000,000,000" and insert "–$7,358,000,000".

On page 25, line 24, strike "–$5,400,000,000" and insert "–$5,672,000,000".

On page 25, line 25, strike "–$5,000,000,000" and insert "–$5,359,000,000".

KENNEDY (AND ROBB) AMENDMENT NO. 2185

Mr. KENNEDY (for himself and Mr. ROBB) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS REGARDING EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that the Equal Employment Opportunity Commission should receive $279,000,000 in budget authority for fiscal year 1999.

WELLSTONE AMENDMENT NO. 2186

Mr. WELLSTONE proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place insert the following:

"It is the sense of the Senate that the assumptions underlying the functional levels in this concurrent budget resolution on the budget assume that corporate tax loopholes and corporate welfare should be reduced in order to produce the funds necessary to increase the maximum Pell Grant award to $4,000."

WELLSTONE (AND MOYNIHAN) AMENDMENT NO. 2187

Mr. WELLSTONE (for himself and Mr. MOYNIHAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AN EVALUATION OF THE OUTCOME OF WELFARE REFORM.

It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the Secretary of Health and Human Services will, as part of the annual report to Congress under section 411 of the Social Security Act (42 U.S.C. 611), include data regarding the rate of employment, job retention, and earnings characteristics of former recipients of assistance under the State programs funded under part A of title IV of the Social Security Act (42 U.S.C. 401 et seq.) for each such State program; and

(2) for purposes of the annual report for fiscal year 1997, the information described in paragraph (1) will be transmitted to Congress not later than September 1, 1998.

WELLSTONE AMENDMENT NO. 2188

Mr. WELLSTONE proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 21, strike lines 7 through 10 and insert the following:

Fiscal Year 1999:

(A) New Budget Authority, $42,840,274,000.

(B) Outlays, $43,340,274,000.

On page 53, after line 22, add the following:

SEC. 317. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the assumptions underlying the functional levels in this concurrent resolution on the budget assume that any additional amounts made available for the Department of Veterans Affairs in fiscal year 1999 as a result of the declarations of additional budget authority and outlays for fiscal year 1999 for Veterans Benefits and Services (budget function 700) by reason of the adoption by the Senate of this amendment be available for medical care for veterans.

FIRST AMENDMENT NO. 2189

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR THE AIRPORT IMPROVEMENT PROGRAM.

It is the sense of the Senate that the congressional budget for the United States Government as provided for in this resolution should assure that—

(1) the contract authority level for the Airport Improvement Program (provided for in part B of subtitle VII of title 49, United States Code) not be reduced below the current level of $2,347,000,000; and

(2) the critical infrastructure development, maintenance, and repair of airports not be jeopardized.

BURNS (AND BAUCUS) AMENDMENT NO. 2190

(Ordered to lie on the table.)

Mr. BURNS (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by them to the concurrent resolution, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF CONGRESS REGARDING PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

It is the sense of Congress that the provisions of this resolution assume that if the revenue levels are reduced pursuant to section 201 of this resolution for tax legislation, such amount as is necessary shall be used to permanently extend income averaging for farmers for purposes of the Internal Revenue Code of 1986.

THURMOND AMENDMENTS NOS. 2191–2192

Mr. THURMOND proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2191

On page 26, after line 25, insert the following:

SEC. 104. OUTLAY LEVELS FOR MAJOR FUNCTIONAL CATEGORIES.

(a) DETERMINATIONS FOR FISCAL YEAR 1999.—Notwithstanding the provisions of section 103, outlay levels for the major functional categories for fiscal year 1999 shall be determined in the following manner:

(1) Prior year outlays shall be determined using historical rates as employed by the Office of Management and Budget.

(2) Current and future year outlays shall be determined using rates calculated by the Congressional Budget Office.

(b) DETERMINATIONS FOR FISCAL YEARS 2000 AND THEREAFTER.—Notwithstanding the provisions of section 103, outlay levels for the major functional categories for fiscal years 2000 and thereafter shall be determined in the following manner:

(1) The Office of Management and Budget and the Congressional Budget Office shall annually attempt to reconcile their technical assumptions with respect to preparing estimates for all accounts in those categories, and shall report the outcome of these attempts to the Committees on the Budget not later than December 15 of each year.

(2) If the Office of Management and Budget and the Congressional Budget Office are able to reconcile their technical assumptions by

the date of that report, the technical assumptions used to determine outlay levels shall be those agreed to by those agencies.

(3) If the Office of Management and Budget and the Congressional Budget Office are unable in any year to reconcile their technical assumptions, the outlay levels for that fiscal year shall be determined by the Committee on the Budget of each House, prior to the receipt by the committee of the estimate of the Congressional Budget Office.

AMENDMENT NO. 2192

On page 26, after line 25, insert the following:

SEC. 104. OUTLAY LEVELS FOR NATIONAL DEFENSE.

(a) DETERMINATIONS FOR FISCAL YEAR 1999.—Notwithstanding the provisions of section 103, outlay levels for major functional category 050 (national defense) for fiscal year 1999 shall be determined in the following manner:

(1) Prior year outlays shall be determined using historical rates as employed by the Office of Management and Budget.

(2) Current and future year outlays shall be determined using rates calculated by the Congressional Budget Office.

(b) DETERMINATIONS FOR FISCAL YEARS 2000 AND THEREAFTER.—Notwithstanding the provisions of section 103, outlay levels for major functional category 050 (national defense) for fiscal years 2000 and thereafter shall be determined in the following manner:

(1) The Office of Management and Budget and the Congressional Budget Office shall annually attempt to reconcile their technical assumptions with respect to preparing estimates for all accounts in those categories, and shall report the outcome of these attempts in the report required by section 226 of title 10, United States Code.

(2) If the Office of Management and Budget and the Congressional Budget Office are able to reconcile their technical assumptions by the date of that report, the technical assumptions used to determine outlay levels shall be those agreed to by those agencies.

(3) If the Office of Management and Budget and the Congressional Budget Office are unable in any year to reconcile their technical assumptions, the outlay levels for that fiscal year shall be determined by the Committee on the Budget of each House, prior to its receipt of the estimate of the Congressional Budget Office.

HOLLINGS AMENDMENT NO. 2193

Mr. LAUTENBERG (for himself and Mr. HOLLINGS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title II, add the following:

SEC. . PROTECTING THE OFF-BUDGET STATUS OF SOCIAL SECURITY.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, resolution, or amendment or motion thereto or conference report thereon, including legislation reported by the Committee on the Budget of either House pursuant to section 306 of the Congressional Budget Act of 1974, that changes section 301(i), 302(f), 310(g), or 311 of the Congressional Budget Act of 1974, or section 13301 of the Budget Enforcement Act of 1990, section 202 of H. Con. Res. 67 (104 Congress), or this section, or would otherwise change budget procedures regarding Social Security.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 2194

Mr. LAUTENBERG (for himself, Mr. CONRAD, and Mr. KENNEDY) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON PRICE INCREASE ON TOBACCO PRODUCTS OF $1.50 PER PACK.

(a) FINDINGS.—The Senate finds that—

(1) smoking rates among children and teenagers have reached epidemic proportions;

(2) of the 3,000 children and teenagers who begin smoking every day, 1000 will eventually die of smoking-related disease; and

(3) public health experts and economists agree that the most effective and efficient way to achieve major reduction in youth smoking rates is to raise the price of tobacco products by at least $1.50 per pack.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that comprehensive tobacco legislation should increase the price of each pack of cigarettes sold by at least $1.50 through a per-pack free or other mechanism that will guarantee a price increase of $1.50 per pack within three years not including existing scheduled Federal, State, and local tax increases, with equivalent price increases on other tobacco products, and should index these price increases by an appropriate measure of inflation.

LAUTENBERG (AND DASCHLE) AMENDMENT NO. 2195

Mr. LAUTENBERG (for himself and Mr. DASCHLE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR ENVIRONMENTAL AND NATURAL RESOURCES.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to improve the quality of our nation's air, water, land, and natural resources, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed reinstatement or modification of expired excise or environmental taxes) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

McCAIN (AND MACK) AMENDMENT NO. 2196

(Ordered to lie on the table.)

Mr. McCAIN (for himself and Mr. MACK) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. 3 . SENSE OF THE SENATE ON DEMONSTRATION PROJECTS FUNDED FROM HIGHWAY TRUST FUND.

(a) FINDINGS.—The Senate finds that—

(1) 10 demonstration projects totaling $362,000,000 were listed for special line-item funding in the Surface Transportation Assistance Act of 1982 (96 Stat. 2097);

(2) 152 demonstration projects totaling $1,400,000,000 were included in the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 132);

(3) 538 location-specific projects totaling $6,230,000,000 were included in the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914);

(4) more than $1,600,000,000 of the funds authorized for the 538 location-specific projects remained unobligated as of March 18, 1998;

(5) more than 1,000 location-specific projects totaling an estimated $18,000,000,000 have been added in the House of Representatives to legislation that would reauthorize the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914);

(6) the General Accounting Office determined that 31 States, the District of Columbia, and Puerto Rico would have received more funding if the funds for location-specific projects made available under the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1914) were redistributed as Federal-aid highway program apportionments;

(7) this type of project funding diverts Highway Trust Fund money away from State transportation priorities established under the formula allocation process;

(8) on June 20, 1995, by a vote of 75 yeas to 21 nays, the Senate voted to prohibit the use

of Highway Trust Fund money for new location-specific projects; and

(9) on March 12, 1998, by a vote of 78 yeas to 22 nays, the Senate voted to require that any new location-specific projects be funded within a State's Highway Trust Fund allocation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budget levels in this resolution assume that—

(1) notwithstanding different views on the Highway Trust Fund distribution formulas, funding for demonstration, high priority, or other similarly titled projects diverts Highway Trust Fund money away from State priorities and deprives States of the ability to adequately address their transportation needs;

(2) States, through their transportation departments and metropolitan planning organizations, are best able to determine the priorities for allocating Highway Trust Fund money within their jurisdiction;

(3) Congress will not divert Highway Trust Fund money away from the transportation priorities of States and metropolitan planning organizations by authorizing new demonstration, high priority, or other similarly titled projects; and

(4) Congress will not authorize any new demonstration, high priority, or other similarly titled projects as part of legislation to reauthorize the Intermodal Surface Transportation and Efficiency Act of 1991 (105 Stat. 1914).

SMITH AMENDMENT NO. 2197

(Ordered to lie on the table.)

Mr. SMITH of Oregon submitted an amendment intended to be proposed by him to amendment No. 2180 proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 2 of the amendment, line 2, insert before the period the following: ", except that this section shall not apply to Federally sponsored research".

McCAIN AMENDMENT NO. 2198

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF TELEPHONE EXCISE TAX.

(a) IN GENERAL.—Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1999, subchapter B of chapter 33 of the Internal Revenue Code of 1986 (26 U.S.C. 4251 et seq.) is repealed. For purposes of the preceding sentence, in the case of communications services rendered before December 1, 1998, for which a bill has not been rendered before January 1, 1999, a bill shall be treated as having been first rendered on December 31, 1998.

(b) CONFORMING AMENDMENT.—Effective January 1, 1999, the table of subchapters for such chapter is amended by striking out the item relating to subchapter B.

Mr. McCAIN. Mr. President, I submit an amendment to repeal the three percent federal excise tax that all Americans pay every time they use a telephone.

Under current law, the federal government taxes you three percent of your monthly phone bill for the so-called "privilege" of using your phone lines. This tax was first imposed one hundred years ago. To help finance the Spanish-American War, the federal government taxed telephone service, which in 1898 was a luxury service enjoyed by relatively few. The tax reappeared as a means of raising revenue for World War I, and continued as a revenue-raiser during the Great Depression, World War II, the Korean and Vietnam Wars, and the chronic federal budget deficits of the last twenty years.

Earlier this month, however, we received some long-overdue good news: thanks to the Balanced Budget Act enacted by the Congress in 1997, the Congressional Budget Office projected an $8 billion federal budget surplus for 1998. Mr. President, that announcement should mean the end of the federal phone excise tax.

Here is why. First of all, the telephone is a modern-day necessity, not like alcohol, or furs, or jewelry, or other items of the sort that the government taxes this way. The Congress specifically recognized the need for all Americans to have affordable telephone service when it enacted the 1996 Telecommunications Act. The universal service provisions of the Act are intended to assure that all Americans, regardless of where they live or how much money they make, have access to affordable telephone service. The telephone excise tax, which bears no relationship to any government service received by the consumer, is flatly inconsistent with the goal of universal telephone service.

It is also a highly regressive and unfair tax that hurts low-income and rural Americans even more than other Americans. Low-income families spend a higher percentage of their income than medium- or high-income families on telephone service, and that means the telephone tax hits low-income families much harder. For that reason the Congressional Budget Office has concluded that increases in the telephone tax would have a greater impact on low-income families than tax increases on alcohol or tobacco products. And a study by the American Agriculture Movement concluded that excise taxes like the telephone tax impose a disproportionately large tax burden on rural customers, too, who rely on telephone service in isolated areas.

But, in addition to being unfair and unnecessary, there is another reason why we should eliminate the telephone excise tax. Implementation of the Telecom Act of 1996 requires all telecommunications carriers—local, long-distance, and wireless—to incur new costs in order to produce a new, more competitive market for telecommunications services of all kinds.

Unfortunately, the cost increases are arriving far more quickly than the new, more competitive market. The Telecom Act created a new subsidy program for wiring schools and libraries to the Internet, and the cost of funding that subsidy has already increased bills for business users of long-distance telephone service and for consumers of wireless services. Because of more universal service subsidy requirements and other new Telecom Act mandates, more rate increases for all users will occur later this year and next year.

Mr. President, the fact that the Telecom Act is imposing new charges on consumers' bills makes it absolutely incumbent upon us to strip away any unnecessary old charges. And that means the telephone excise tax.

Mr. President, the telephone excise tax is not a harmless artifact from bygone days. It collects money for wars that are already over, and for budget deficits that no longer exist, from people who can least afford to spend it now and from people who will have new bills to foot as the 1996 Telecom Act gets implemented. That is unfair, that's wrong, and that must be stopped.

San Juan Hill and Pork Chop Hill have now gone down in history, and so should this tax.

COVERDELL (AND OTHERS) AMENDMENT NO. 2199

(Ordered to lie on the table.)

Mr. COVERDELL (for himself, Mr. McCAIN, Mr. CRAIG, Mr. NICKLES, Mr. HELMS, Mr. KEMPTHORNE, Mr. GRAMM, and Mr. KYL) submitted an amendment intended to be proposed by them to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 27, strike beginning with line 3 through page 33, line 2, and insert the following:

SEC. 201. DEDICATION OF OFFSETS TO MIDDLE CLASS TAX RELIEF.

(a) IN GENERAL.—In the Senate, for the purposes of section 302(a) of the Congressional Budget Act of 1974, the Chairman of the Committee on the Budget may reserve not to exceed $101,500,000,000 for fiscal years 1999 through 2003 of the reductions in new budget authority and outlays resulting from reductions in nondefense discretionary spending (as compared to the levels contained in this resolution) affecting the programs in functions specified in subsection (c) for middle class tax relief as specified in subsection (b).

(b) TAX RELIEF.—The savings from reductions in discretionary spending are reserved to offset legislation that reduces revenues by providing middle class tax relief that—

(1) raises the threshold for the 15 per cent individual income tax bracket; and

(2) begins taxing income at 28 per cent in the case of—

(A) individuals who are married filing jointly at a taxable income in excess of $70,000;

(B) individuals who are single heads of households at a taxable income in excess of $52,600;

(C) individuals who are single at a taxable income in excess of $35,000; and

(D) individuals who are married filing separately at taxable incomes in excess of $35,000.

(c) PROGRAMS.— The following reductions in discretionary spending are reserved in function 920, Allowances, for purposes of subsection (a):

NATIONAL DEFENSE

(1) (050): For fiscal year 1999, $0 in budget authority and $0 in outlays; For fiscal years 1999–2003, $0 in budget authority and $0 in outlays.

INTERNATIONAL AFFAIRS

(2) (150): For fiscal year 1999, $1,002,000,000 in budget authority and $986,000,000 in outlays; For fiscal years 1999–2003, $7,061,000,000 in budget authority and $6,445,000,000 in outlays.

GENERAL SCIENCE, SPACE AND TECHNOLOGY

(3) (250): For fiscal year 1999, $965,000,000 in budget authority and $949,000,000 in outlays; For fiscal years 1999–2003, $6,741,000,000 in budget authority and $6,108,000,000 in outlays.

ENERGY

(4) (270): For fiscal year 1999, $149,000,000 in budget authority and $175,000,000 in outlays; For fiscal years 1999–2003, $1,025,000,000 in budget authority and $986,000,000 in outlays.

NATURAL RESOURCES AND ENVIRONMENT

(5) (300): For fiscal year 1999, $1,199,000,000 in budget authority and $1,193,000,000 in outlays; For fiscal years 1999–2003, $8,693,000,000 in budget authority and $7,908,000,000 in outlays.

AGRICULTURE

(6) (350): For fiscal year 1999, $217,000,000 in budget authority and $223,000,000 in outlays; For fiscal years 1999–2003, $1,526,000,000 in budget authority and $1,376,000,000 in outlays.

COMMERCE AND HOUSING CREDIT

(7) (370): For fiscal year 1999, $159,000,000 in budget authority and $154,000,000 in outlays; For fiscal years 1999–2003, $1,145,000,000 in budget authority and $1,045,000,000 in outlays.

TRANSPORTATION

(8) (400): For fiscal year 1999, $737,000,000 in budget authority and $2,100,000,000 in outlays; For fiscal years 1999–2003, $5,183,000,000 in budget authority and $15,170,000,000 in outlays.

COMMUNITY AND REGIONAL DEVELOPMENT

(9) (450): For fiscal year 1999, $435,000,000 in budget authority and $583,000,000 in outlays; For fiscal years 1999–2003, $2,909,000,000 in budget authority and $3,167,000,000 in outlays.

EDUCATION, TRAINING, EMPLOYMENT, AND SOCIAL SERVICES

(10) (500): For fiscal year 1999, $2,493,000,000 in budget authority and $2,445,000,000 in outlays; For fiscal years 1999–2003, $18,680,000,000 in budget authority and $16,810,000,000 in outlays.

HEALTH

(11) (550): For fiscal year 1999, $1,490,000,000 in budget authority and $1,432,000,000 in outlays; For fiscal years 1999–2003, $11,171,000,000 in budget authority and $9,946,000,000 in outlays.

MEDICARE

(12) (570): For fiscal year 1999, $0 in budget authority and $0 in outlays; For fiscal years 1999–2003, $0 in budget authority and $0 in outlays.

INCOME SECURITY

(13) (600): For fiscal year 1999, $1,740,000,000 in budget authority and $2,233,000,000 in outlays; For fiscal years 1999–2003, $14,258,000,000 in budget authority and $13,485,000,000 in outlays.

SOCIAL SECURITY

(14) (650): For fiscal year 1999, $0 in budget authority and $0 in outlays; For fiscal years 1999–2003, $0 in budget authority and $0 in outlays.

VETERANS BENEFITS AND SERVICES

(15) (700): For fiscal year 1999, $1,013,000,000 in budget authority and $1,039,000,000 in outlays; For fiscal years 1999–2003, $7,165,000,000 in budget authority and $6,559,000,000 in outlays.

ADMINISTRATION OF JUSTICE

(16) (750): For fiscal year 1999, $1,336,000,000 in budget authority and $1,289,000,000 in outlays; For fiscal years 1999–2003, $9,423,000,000 in budget authority and $8,513,000,000 in outlays.

GENERAL GOVERNMENT

(17) (800): For fiscal year 1999, $636,000,000 in budget authority and $589,000,000 in outlays; For fiscal years 1999–2003, $4,411,000,000 in budget authority and $3,936,000,000 in outlays.

(d) DISCRETIONARY CAPS.—In the Senate, for purposes of budget enforcement, the nondefense discretionary cap for fiscal year 1999 and the discretionary caps for fiscal years 2000 through 2003 shall be reduced by the amounts of reductions referred to in subsection (a) after the enactment of legislation reducing nondefense discretionary spending as provided in this section.

SEC. 202. TAX CUT RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be reduced and allocations may be reduced for legislation that reduces revenues by providing middle class and family tax relief (including relief from the "marriage penalty" and support for child care expenses incurred by all parents), and incentives to stimulate savings, investment, job creation, and economic growth (including community renewal initiatives) if such legislation will not increase the deficit or reduce the surplus for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999–2003; or

(3) the period of fiscal years 2004–2008.

(b) REVISED ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised aggregates to carry out this section. These revised allocations and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 203. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue aggregates may be increased for legislation which reserves the Federal share of receipts from tobacco legislation only for the Medicare Hospital Insurance Trust Fund.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account.

SEC. 204. SEPARATE ENVIRONMENTAL ALLOCATION.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased only for legislation that reauthorizes and reforms the Superfund program to facilitate the cleanup of hazardous waste sites if such legislation will not increase the deficit or reduce the surplus for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999–2003; or

(3) the period of fiscal years 2004–2008.

(b) REVISED AGGREGATES.—In the Senate, after the Committee on Environment and Public Works reports a bill (or after the submission of a conference report thereon) to reform the Superfund program to facilitate the cleanup of hazardous waste sites that does not exceed—

(1) $200,000,000 in budget authority and outlays for fiscal year 1999; and

(2) $1,000,000,000 in budget authority and outlays for the period of fiscal years 1999 through 2003;

the chairman of the Committee on the Budget of the Senate may increase the appropriate aggregates and the appropriate allocations of budget authority in this resolution by the amounts provided in that bill for that purpose and the outlays flowing in all years from such budget authority. These revised allocations and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

SEC. 205. DEDICATION OF OFFSETS TO TRANSPORTATION.

(a) SPENDING RESERVE.—In accordance with section 312(a) of the Congressional Budget Act of 1974 and for the purposes of title III of that Act, the Chairman of the Committee on the Budget may reserve the estimated reductions in new budget authority and outlays resulting from changes in legislation affecting the programs specified in subsection (b), if contained in the Department of Transportation and Related Agencies Appropriations Act, for the purpose of offsetting—

(1) additional outlays not to exceed $1,300,000,000 in fiscal year 1999 and $18,500,000,000 for fiscal years 1999 through 2003 for discretionary highway programs as called for in the Intermodal Surface Transportation Efficiency Act of 1998; and

(2) additional budget authority not to exceed $1,000,000,000 in fiscal year 1999 and $5,000,000,000 for fiscal years 1999 through 2003 for discretionary transit programs as called for in the Intermodal Surface Transportation Efficiency Act of 1998.

(b) OFFSETS.— The following reductions in mandatory spending are reserved in function 920, Allowances, for purposes of subsection (a):

(1) For reductions in programs in function 350, Agriculture: For fiscal year 1999, $107,000,000 in budget authority and $107,000,000 in outlays; For fiscal years 1999–2003, $603,000,000 in budget authority and $598,000,000 in outlays.

(2) For reductions in programs in function 370, Commerce and Housing Credit: For fiscal year 1999, $242,000,000 in budget authority and $242,000,000 in outlays; For fiscal years 1999–2003, $1,195,000,000 in budget authority and $1,195,000,000 in outlays.

(3) For reductions in programs in function 500, Education, Training, Employment, and

Social Services: For fiscal year 1999, $471,000,000 in budget authority and $424,000,000 in outlays; For fiscal years 1999–2003, $3,182,000,000 in budget authority and $3,079,000,000 in outlays.

(4) For reductions in programs in function 550, Health: For fiscal year 1999, $250,000,000 in budget authority and $250,000,000 in outlays; For fiscal years 1999–2003, $1,900,000,000 in budget authority and $1,900,000,000 in outlays.

(5) For reductions in programs in function 600, Income Security: For fiscal year 1999, $260,000,000 in budget authority and $260,000,000 in outlays; For fiscal years 1999–2003, $1,700,000,000 in budget authority and $1,700,000,000 in outlays.

(6) For reductions in programs in function 700, Veterans Benefits and Services: For fiscal year 1999, $500,000,000 in budget authority and $500,000,000 in outlays; For fiscal years 1999–2003, $10,500,000,000 in budget authority and $10,500,000,000 in outlays.

SEC. 206. ADJUSTMENTS FOR LINE ITEM VETO LITIGATION.

If the Supreme Court rules that the Line Item Veto Act is unconstitutional, the Chairman of the Committee on the Budget may make appropriate adjustments to the allocations and aggregates in this resolution to reflect the effects of the President's cancellations becoming null and void.

SEC. 207. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS AND THE SENATE

SEC. 301. SENSE OF THE SENATE REGARDING FEDERAL DOMESTIC DISCRETIONARY SPENDING RESTRAINTS.

(a) FINDINGS.—The Senate finds that—

(1) Social Security and Medicare are deeply rooted contracts, that must be honored, between the Federal Government and the American people; and

(2) Federal spending for fiscal year 1999 is—

(A) more than twice the size of Federal spending for fiscal year 1969, the last budget resulting in a surplus, in real dollars; and

(B) requires revenue equal to 20.1 percent of gross domestic product, the highest since fiscal year 1945.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the first priority of Congress will be to use any unified budget surplus in order to reform Social Security and preserve it for current and future generations;

(2) Congress will ensure that Federal funds will be available to strengthen and further preserve Medicare until such time as legislation is enacted making Medicare actuarially sound;

(3) in making the spending reductions provided in section 201, programs that should be protected are those that—

(A) address the needs of elementary and secondary education;

(B) enhance nutrition, particularly among children;

(C) reduce illegal drug use, particularly among juveniles;

(D) support medical priorities;

(E) are targeted for low-income families; and

(F) reduce illegal immigration; and

(4) Congress will limit itself to only administrative reductions when determining mandatory spending offsets for middle class tax relief as described in section 201.

MCCAIN AMENDMENT NO. 2200

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING THE EXPENDITURE OF $500,000,000 FOR THE CONSTRUCTION OF NEW COURT HOUSES.

(a) FINDINGS.—The Senate makes the following findings:

(1) Illegal drugs cost our society approximately $67,000,000,000 each year.

(2) Drug abuse and trafficking hurt families, businesses, and neighborhoods, impede education, and choke criminal justice, health, and social-service systems.

(3) The war on drugs started in America during the Reagan years and was eagerly joined by most of the western world.

(4) Teenage drug use declined dramatically since the early 1980's, but that trend reversed in 1992, when teenage drug use began to increase.

(5) Statistics indicate that 1996 drug-use rates among youth, were 9 percent, well below the 1979 peak of 16.3 percent, but substantially higher than the 1992 low of 5.3 percent.

(6) The most recent National Drug Strategy figures show a massive 66 percent increase in teenage drug use since the 1980's.

(7) By 1996, 50.8 percent of high school seniors reported having used illicit drugs.

(8) The use of illicit drugs among eighth graders alone has increased 150 percent over the past 5 years.

(9) When juveniles engage in drug abuse, they, their families, and their communities suffer.

(10) Drug abuse is associated with violent crime and income-generating crime by youth, which increases the demand for juvenile and criminal justice services.

(11) One study found that, of the 113 delinquent youth in a State detention facility, 82 percent reported being heavy (i.e., daily) users of alcohol and other drugs just prior to admission.

(12) A direct effect of juvenile drug use is an increasing burden on the juvenile and criminal justice systems.

(13) Reducing juvenile drug use would reduce the drain on the criminal justice system and obviate the need to construct additional courthouses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) $500,000,000 for courthouse construction should not be spent until the United States has reduced drug use among 12- to 17-year-olds to not more than 4 percent; and

(2) Congress' first priority should be to use the $500,000,000 allocated for courthouse construction for juvenile drug use prevention programs.

COVERDELL AMENDMENTS NOS. 2201–2202

(Ordered to lie on the table.)

Mr. COVERDELL submitted two amendments intended to be proposed by him to the concurrent resolution, supra; as follows:

AMENDMENT NO. 2201

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE ON FOOD SAFETY RESEARCH, CONSUMER EDUCATION, AND PREVENTION EFFORTS.

It is the sense of the Senate that the provisions of this resolution assume that food safety research, consumer education, and prevention efforts should be a high priority at the Department of Agriculture, the National Institutes of Health, the Food and Drug Administration, the Centers for Disease Control and Prevention, and our nation's colleges and universities. The Senate applauds the efforts of institutions whose work on E. coli 0157:H7, Cyclospora, and other food borne pathogens has helped us gain a better understanding of these new and emerging threats. The Senate considers this matter of extreme importance and encourages the Department of Agriculture, in cooperation with other agencies and institutions, to utilize funds for food safety research and consumer education partnerships.

AMENDMENT NO. 2202

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING MILITARY HEALTH CARE FOR VETERANS AND MILITARY RETIREES.

(a) FINDINGS.—The Senate finds that—

(1) In the National Defense Authorization Act for Fiscal Year 1998 the Congress recognized—

(A) the moral obligation the United States has to provide health care to members and former members of the Armed Forces who are entitled to retired or retainer pay (or its equivalent);

(B) the necessity to provide quality, affordable health care to these retirees; and

(C) Congress and the President should take steps to address the problems associated with the availability of health care for such retirees within two years after the date of the enactment of the 1998 National Defense Authorization Act;

(2) several proposals lie before the Congress which address military retiree health care.

(3) the Congress has yet to take significant steps forward on any of these proposals.

(4) a shrinking Department of Defense health care infrastructure and an increasing military retiree pool are putting strains on our country's ability to provide military retirees adequate health care.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that it is morally incumbent upon the Senate to take steps to ensure adequate health care for Veterans and military retirees in its FY99 budget and all subsequent budgets, and it should determine ways to provide funding adequate to cover the health care needs of U.S. Veterans and military retirees.

WYDEN AMENDMENT NO. 2203

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the concurrent resolution, supra; as follows:

At the end of title II, add the following:

SEC. . CALCULATING INFLATION SAVINGS OR SHORTFALLS.

For each fiscal year, the Congressional Budget Office shall calculate the inflation savings or shortfall that occurs when inflation is less or more than anticipated for each function of the Government and report its findings to Congress in March and August of each year. If inflation is less than anticipated the report shall also include a detailed explanation of how surplus funds are allocated.

KOHL (AND REID) AMENDMENT NO. 2204

Mr. KOHL (for himself and Mr. Reid) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

(a) Findings.—The Senate makes the following findings:

(1) Over 43 percent of Americans over the age of 65 are likely to spend time in a nursing home.

(2) Home health care is the fastest growing portion of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.), with an average annual growth rate of 32 percent since 1989.

(3) A 1997 report from State Long-Term Care Ombudsmen assisted under the Older Americans Act of 1965 indicated that in 29 States surveyed, 7,043 cases of abuse, gross neglect, or exploitation occurred in nursing homes and board and care facilities.

(4) A random sample survey of nursing home staff found that 10 percent of the staff admitted committing at least 1 act of physical abuse in the preceding year.

(5) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect do occur at an unacceptable rate and are not limited to nursing homes alone.

(6) Most long-term care facilities do not conduct both Federal and State criminal background checks on prospective employees.

(7) Most State nurse aide abuse registries are limited to nursing home aides, thereby failing to cover home health and hospice aides.

(8) Current State nurse aide abuse registries are inadequate to screen out abusive long-term care workers because no national system is in place to track abusers from State to State and facility to facility.

(9) Currently, 29 States have enacted varying forms of criminal background check requirements for prospective long-term care employees. However current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers.

(10) Many facilities would choose to conduct background checks on prospective employees if an efficient, accurate, and cost-effective national system existed.

(11) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care.

(12) It is incumbent on Congress and the President to ensure that patients receiving care under the medicare and medicaid programs (42 U.S.C. 1395 et seq.; 1396 et seq.) are protected from abuse, neglect, and mistreatment.

(b) Sense of the Senate.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that—

(1) funds should be directed toward the establishment of a national background check system for long-term care workers who participate in the medicare and medicaid programs (42 U.S.C. 1395 et seq.; 1396 et seq.);

(2) such a system would include both a national registry of abusive long-term care workers and a requirement for a Federal criminal background check before such workers are employed to provide long-term care; and

(3) such a system would be created with ample input and comment from representatives of the Department of Health and Human Services, State government, law enforcement, the nursing home and home health industries, patient and consumer advocates, and advocates for long-term care workers.

DURBIN (AND CHAFEE) AMENDMENT NO. 2205

Mr. DURBIN (for himself and Mr. Chafee) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) Findings.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(8) Allowing private contracting on a claim-by-claim basis under the medicare program would impose significant out-of-pocket costs on beneficiaries under such program.

(b) Sense of Congress.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care and that they have the right to choose their doctors, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

REID (AND BRYAN) AMENDMENT NO. 2206

Mr. REID (for himself and Mr. Bryan) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE ON OBJECTION TO THE USE OF THE SALE OF PUBLIC LANDS TO FUND CERTAIN PROGRAMS.

(a) Findings.—The Senate finds that the Budget Committee Report accompanying this resolution assumes that the landowner incentive program of the Endangered Species Recovery Act would be funded "from the gross receipts realized in the sales of excess BLM land, provided that BLM has sufficient administrative funds to conduct such sales."

(b) Sense of the Senate.—It is the Sense of the Senate that the functional totals underlying this resolution assume that:

(1) the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding; and

(2) public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act.

FAIRCLOTH (AND HUTCHISON) AMENDMENT NO. 2207

(Ordered to lie on the table.)

Mr. FAIRCLOTH (for himself and Mrs. Hutchison) submitted an amendment intended to be proposed by them to the concurrent resolution. S. Con. Res. 86, supra; as follows:

At the appropriate place in the resolution, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING ELIMINATION OF THE MARRIAGE PENALTY TAX.

(a) Findings.—The Senate finds that—

(1) Twenty-one million American couples in 1996 paid an average of $1,400 more income tax, simply because they were married, resulting in a marriage penalty tax.

(2) The tax code discriminates against many married couples in a way that undermines the institution of marriage, and erodes our society's strength and stability.

(b) Sense of the Senate.—It is the Sense of the Senate that the elimination of the marriage penalty tax should be one of congress's highest priorities when enacting any tax relief pursuant to the Budget Resolution for Fiscal Years 1999, 2000, 2001, 2002 and 2003.

HUTCHISON AMENDMENT NO. 2208

(Ordered to lie on the table.)

Mrs. HUTCHINSON submitted an amendment intended to be proposed by her to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON THE USE OF BUDGET SURPLUS FOR TAX RELIEF OR DEBT REDUCTION.

It is the sense of the Senate that this resolution assumes that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

ROTH (AND OTHERS) AMENDMENT NO. 2209

Mr. DOMENICI (for Mr. ROTH for himself, Mr. BREAUX, Mr. GREGG, Mr. ROBB, Mr. HATCH, Mr. NICKLES, Mr. GRAMM, Mr. SMITH of Oregon, and Mr. SANTORUM) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III add the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS AND THE BUDGET SURPLUS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security program is the foundation of retirement income for most Americans, and solving the financial problems of the social security program is a vital national priority and essential for the retirement security of today's working Americans and their families.

(2) There is a growing bipartisan consensus that personal retirement accounts should be an important feature of social security reform.

(3) Personal retirement accounts can provide a substantial retirement nest egg and real personal wealth. For an individual 28 years old on the date of the adoption of this resolution, earning an average wage, and retiring at age 65 in 2035, just 1 percent of that individual's wages deposited each year in a personal retirement account and invested in securities consisting of the Standard & Poors 500 would grow to $132,000, and be worth approximately 20 percent of the benefits that would be provided to the individual under the current provisions of the social security program.

(4) Personal retirement accounts would give the majority of Americans who do not own any investment assets a new stake in the economic growth of America.

(5) Personal retirement accounts would demonstrate the value of savings and the magic of compound interest to all Americans. Today, Americans save less than people in almost every other country.

(6) Personal retirement accounts would help Americans to better prepare for retirement generally. According to the Congressional Research Service, 60 percent of Americans are not actively participating in a retirement plan other than social security, although social security was never intended to be the sole source of retirement income.

(7) Personal retirement accounts would allow partial prefunding of retirement benefits, thereby providing for social security's future financial stability.

(8) The Federal budget will register a surplus of $671,000,000,000 over the next 10 years, offering a unique opportunity to begin a permanent solution to social security's financing.

(9) Using the Federal budget surplus to fund personal retirement accounts would be an important first step in comprehensive social security reform and ensuring the delivery of promised retirement benefits.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that the Committee on Finance shall consider and report a legislative proposal this year that would dedicate the Federal budget surplus to the establishment of a program of personal retirement accounts for working Americans and reduce the unfunded liabilities of the social security program.

JOHNSON (AND OTHERS) AMENDMENT NO. 2210

Mr. LAUTENBERG (for Mr. JOHNSON, for himself, Mr. DOMENICI, Mr. DORGAN, Mr. DASCHLE, Mr. BINGAMAN, Mr. WELLSTONE, and Mr. MCCAIN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of Title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING REPAIR AND CONSTRUCTION NEEDS OF INDIAN SCHOOLS.

(a) FINDINGS.—The Senate finds that—

(1) many of our Nation's tribal schools are in a state of serious disrepair. The Bureau of Indian Affairs (BIA) operates 187 school facilities nationwide. Enrollment in these schools, which presently numbers 47,214 students, has been growing rapidly. A recent General Accounting Office report indicates that the repair backlog in these schools totals $754 million, and that the BIA schools are in generally worse condition than all schools nationally;

(2) approximately 60 of these schools are in need of complete replacement or serious renovation. Many of the renovations include basic structural repair for the safety of children, new heating components to keep students warm, and roofing replacement to keep the snow and rain out of the classroom. In addition to failing to provide adequate learning environments for Indian children, these repair and replacement needs pose a serious liability issue for the Federal Government;

(3) 63 percent of the BIA schools are over 30 years old, 26 percent are over 50 years old. Approximately forty percent of all students in BIA schools are in portable classrooms. Originally intended as temporary facilities while tribes awaited new construction funds, these "portables" have a maximum 10 year life-span. Because of the construction backlog, children have been shuffling between classrooms in the harsh climates of the Northern plains and Western States for ten to fifteen years;

(4) annual appropriations for BIA education facilities replacement and repair combined have averaged $20–30 million annually, meeting only 4 percent of total need. At the present rate, one deteriorating BIA school can be replaced each year, with estimates of completion of nine schools in the next seven years. Since the new construction and repair backlog is so great and growing, the current focus at BIA construction must remain on emergency and safety needs only, without prioritizing program needs such as increasing enrollment or technology in the classroom; and

(5) unlike most schools, the BIA schools are a responsibility of the Federal Government. Unfortunately, the failure of the Federal Government to live up to this responsibility has come at the expense of quality education for some of this Nation's poorest children with the fewest existing opportunities to better themselves.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the repair and construction backlog affecting Bureau of Indian Affairs school facilities should be eliminated over a period of no more than five years beginning with Fiscal Year 1999.

CRAIG (AND OTHERS) AMENDMENT NO. 2211

Mr. CRAIG (for himself, Mr. ALLARD, Mr. GRAMS, Mr. HELMS, Mr. INHOFE, Mrs. HUTCHISON, Mr. THOMAS, Mr. SESSIONS, and Mr. COVERDELL) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title II, add the following:

SEC. . REQUIREMENT TO OFFSET DIRECT SPENDING INCREASES BY DIRECT SPENDING DECREASES.

(a) SHORT TITLE.—This section may be cited as the "Surplus Protection Amendment".

(b) IN GENERAL.—In the Senate, for purposes of section 202 of House Concurrent Resolution 67 (104th Congress), it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that provides an increase in direct spending unless the increase is offset by a decrease in direct spending.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of direct spending for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 31, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 1100, a bill to amend the Covenant to Establish a Commonwealth of the Northern Marina Islands in Political Union with the United States of America, the legislation approving such covenant and for other purposes; and S. 1275, a bill to implement further the Act (Public Law 94–241) approving the Covenant to Establish a Commonwealth of the Northern Marina Islands in Political Union with the United States of America, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, March 31, 1998 beginning at 2:00 p.m. in room SH–215, to conduct a markup. Note this markup was originally scheduled to begin at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Charter Schools during the session of the Senate on Tuesday, March 31, 1998, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DOMENICI. The Committee on Veterans' Affairs requests unanimous consent to hold a hearing on tobacco-related compensation and associated issues. The hearing will take place on Tuesday, March 31, 1998, at 10:00 a.m., in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on March 31, 1998 at 10:00 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Tuesday, March 31, 1998 at 9:30 am to receive testimony on strategic nuclear policy and related matters in review of the Defense authorization request for fiscal year 1999 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION/MERCHANT MARINE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation/Merchant Marine of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 31, 1998, at 2:30 pm on reauthorization of the surface transportation board.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PEDIATRIC EMERGENCY MEDICAL SERVICES PROGRAM

• Mr. INOUYE. Mr. President, the Pediatric Emergency Medical Services Program was enacted into public law on a truly bipartisan basis on October 30, 1984. Children are not "merely little adults." They have their own unique health care needs, respond to illness and trauma in their own individualized manner, and although children constitute between 20 to 35 percent of hospital emergency department services, too often their families are not really considered an integral component of their treatment and eventual rehabilitation. When President Reagan signed Public Law 98–555, a new era of hope and opportunity had arrived.

Over the years, I have been very pleased with the steady growth this program has experienced. The landmark 1993 Institute of Medicine report reminded us, however, that much more still needs to be done. "Each year, injury alone claims more lives of children between the ages of 1 and 19 than do all forms of illness. . .. Overall, some 21,000 children and young people under the age of 20 died from injuries in 1988. . .. Clearly, preventing emergencies is the best 'cure' and must be a high priority, but as yet, prevention is far from foolproof. When prevention fails, families should have access to timely care by trained personnel within a well-organized emergency medical services (EMS) system. Services should encompass prevention, prehospital care and transport, ED and inpatient care at local hospitals and specialty centers, and assistance in gaining access to appropriate follow-up care including rehabilitation services. For too many children and their families, however, these resources have not been available when they were needed. . .." I would suggest that the Institute of Medicine has raised a very critical issue for all of us in our nation, and particularly for the well-being of our families.

This year, the Administration in its Fiscal Year 1999 budget requested $11 million to continue the Pediatric Emergency Medical Services Program. This figure represents a decrease of $2 million from last year and we might be somewhat distressed by the recommendation. However, I am very pleased that in this time of significant budgetary constraints, Secretary Shalala requested funding. And, I am confident that again this year our colleagues serving on the Appropriations Committees, on both sides of the aisle and in the House and Senate, will enthusiastically respond to the truly pressing needs of our nation's children. I am also confident that we will continue to have the vocal support of the American Academy of Pediatrics and the National Association of Children's Hospitals. But for their active support in the past, it is fair to say that Congressman BILL YOUNG and I would not have been able to be as effective as we have wished.

The Department's budget justification continues to point out all too graphically the real need for this program. They point out that: "Each year over 20,000 children die from injuries. Another 31,447,000 children and adolescents are seen in emergency departments, accounting for $8.6 billion per year in medical costs. Government sources pay all or part of 40 percent of the pediatric emergency department visits, or about $3.4 billion. . .." Without question, having appropriate and high quality care available in a timely fashion is an investment in our nation's future.

Every one of us should be aware that there is still much to be accomplished in our efforts to protect the lives and future of our loved ones. Even today, only two states require that Basic Life Support vehicles carry all the equipment needed to stabilize a child and only five states require all such equipment for Advanced Life Support ambulances. 34 percent of EMTs and paramedics report that they still do not feel comfortable treating children. In 1996, 66 percent of persons who failed the national EMT exam did so because they failed the pediatric/OB section. A recent study found that paramedics' skills and knowledge for treating critically ill or injured children completely decayed by six months post-training; yet no state requires even annual retraining in pediatric care. Children with special health care needs present major complications for emergency treatment. Yet, only six states have approved continuing education courses that address this topic. Only nine states have the capacity to produce reports on pediatric emergency medical services care using statewide emergency medical services data. Perhaps most significantly, however, is the finding that LESS THAN HALF (46 percent) of hospitals with emergency departments have necessary equipment for stabilization of ill and injured children, and only 40 percent of our nation's hospitals with emergency departments have written transfer agreements with a higher level facility to ensure that children receive timely and appropriate hospital care when they need it. Many public policy experts have also raised the issue of how pediatric emergency care is being covered under managed care programs.

Earlier, I referred to the impressive report which the Congress had received from the experts at the Institute of Medicine. In my judgment, perhaps the most critical Institute of Medicine recommendation is that the Congress should provide $30 million annually for this special program. Those of us from Hawaii truly appreciate on a first-hand basis the many far reaching health policy recommendations that have been made over the years by our visionary pediatrician, Dr. Calvin Sia. I, as one U.S. Senator, shall continue to do my best to implement Dr. Sia's recommendations. Our nation's children and families deserve no less.•

NOMINATION OF JUDGE PAEZ

Mr. ABRAHAM. Mr. President, I wanted to make a few comments about Judge Paez's nomination, which was recently reported out of the Judiciary Committee with six Members noting dissents. Because I had a prior commitment, when the markup was moved from 10:00 a.m. to 5:30 p.m. Thursday afternoon I was not able to be there and accordingly did not record a position on this matter, which was voted on by voice vote with those wishing to note a dissent doing so. I would like the record to reflect, however, that I have serious objections to this nominee's confirmation. My reasons center around some comments Judge Paez made about two California initiatives while he was serving as a district judge.

In a speech given at Boalt Hall in April of 1995 as part of a series of lectures on Law & Cultural Diversity honoring Judge Mario Olmos, a Boalt Hall graduate, Judge Paez said the following:

> The Latino community has, for some time now, faced heightened discrimination and hostility, which came to a head with the passage of Proposition 187. The proposed anti-civil rights initiative [which was eventually placed on the ballot as Proposition 209] will inflame the issues all over again, without contributing to any serious discussion of our differences and similarities or ways to ensure equal opportunity for all.

Here are my concerns. In the case of Proposition 187, an initiative barring receipt of state-funded benefits by illegal aliens, at the time Judge Paez made these remarks, he was a sitting district court judge, and there was litigation pending in Judge Paez's own court regarding the constitutionality of this initiative. That court had granted a t.r.o. and had before it a request for a preliminary injunction, which the district court did not rule on until November 1995, seven months after Judge Paez made this speech. Assuming some aspects of the initiative ultimately survived this facial constitutional challenge, a question that I believe has just gone to the Ninth Circuit, there was also certain to be litigation over how it should be interpreted.

Judge Paez's comments on the initiative, it seems to me, at a minimum at least unnecessarily raise a question as to whether he will be able to decide cases presenting issues relating to Proposition 187 impartially. Indeed, at his hearing, when asked about these remarks, Judge Paez practically acknowledged this problem in that he cited the pending cases as a reason why he needed to be cautious in answering Judiciary Committee Members' questions about what he had said. That is the very reason he should not have said what he did in the first place. Accordingly, I think these comments are inconsistent with Canon 4 of the Model Code of Judicial Conduct, governing judges' extra-judicial activities. Under that canon, off the bench a judge is supposed to conduct himself or herself so as not to "cast reasonable doubt on the judge's capacity to act impartially as a judge."

As for Judge Paez's comments regarding Proposition 209, barring racial preferences in the provision of public services, I believe they raise similar concerns and some additional ones as well. Proposition 209 had not even been placed before the voters at the time these comments were made, and so as far as I am aware, there was no pending litigation about it at the time Judge Paez made these comments—although we have had before us another nominee for the Ninth Circuit who tried to get an injunction against circulating petitions to place an initiative on the ballot, so such litigation certainly was not an impossibility even at that stage of the process. Even if no challenge along those lines were brought, however, it was crystal clear that there certainly would be ample litigation about it if the initiative was placed on the ballot and passed, and that again, it was likely to be in Judge Paez's court. Indeed we know that is in fact what happened. So in that instance as well, it seems to me that these comments are dubious under Canon 4.

In addition, I think they are problematic under Canon 5(D). That canon generally prohibits judges from engaging in political activity. Judge Paez gave this speech on April 6, 1995. The next day, the California Democratic Party opened its State convention, where press reports say that the question of how to respond to the circulating initiative was one of the central issues on the table. One day later, President Clinton went out to California to give a speech on the subject. According to the press, at the time many were arguing that given California's significance in Presidential politics, this issue could play a critical role in the Presidential election.

Given this context, Judge Paez's comments look a lot like a judge intervening in a hot political controversy. Granted, the forum where Judge Paez made these remarks—a lecture series at a law school—may insulate them from actually violating Canon 5. And it is possible that Judge Paez was just unlucky about the timing of his remarks, and had no intention of affecting the California Democratic Party's position (although in answer to a question at his hearing about how an initiative that tracks the Fourteenth Amendment could be "anti-civil rights", he said that at the time he was giving his remarks, he remembered "just reading in the papers there was a lot of debate going on as to how it should actually be formulated," suggesting that perhaps he was following that debate). Regardless of his actual intention, however, the appearance that a judge is injecting himself into politics is exactly what Canon 5(D) is designed to avoid, and that is presumably why it is formulated as a flat prohibition.

When he was asked about these comments at his hearing, Judge Paez said "we shouldn't and I wasn't trying to take a political position. We were bound by certain ethics. Nonetheless, as I said a minute ago, we are—we have a life outside of our role as a judge as well, and it was an—I was trying to address a particular broad issue, and so I made those remarks." He also said that he regretted having used the particular words he did. In written answers to follow up questions, he also explained why in his view his remarks did not violate Canon 3A(6) (prohibiting judicial comments on the merits of pending cases) and how "upon reflection, [he] underst[ood] how [his] reference to the proposed initiative could have led some to believe that [he] might have a biased view of the constitutionality of Proposition 209." He continued "I regret that anyone would have that perception, as I assure you that was not and is not the case. I am sorry that I may have given anyone such an impression by uncritically referring to the proposed initiative in the way that I did."

I do not think these responses are sufficient. The concerns that have been raised about these matters are not esoteric. They are the kind of thing that I think we reasonably expect judges to think about before they give public remarks. Nor was Judge Paez brand new to the bench when he made these remarks: he gave the speech in April 1995, some nine months after his appointment. Finally, Judge Paez indicated in response to written questions from Senator ASHCROFT (1) that since his comments only went to the divisive nature of the initiative, he "hope[d]" it would have been clear to the people of California that he had not prejudged the matter but that (2) in any event he would not have recused himself from hearing a challenge to Proposition 209 because he believes he could have been impartial in the matter since judges often have personal opinions on policy questions but are expected to put them aside. It seems to me, however, that given that Judge Paez went out of his way as a judge to say what he did, it would be perfectly reasonable for the people of California not to trust his impartiality and that a recusal pledge with respect to cases involving these initiatives was a bare minimum indicator of the sincerity of his expressions of regret.

Despite the central role that the initiative process has played in California in correcting judicial excesses, I have supported two prior nominees. One was a nominee to a California district court seat who had written a piece criticizing the initiative process itself. The other was a nominee to the Circuit Court whose pro bono work challenging a Washington initiative even before it had been placed on the ballot I alluded to earlier. These activities raised some questions about whether either of these nominees should be confirmed for judicial positions where they would of necessity be passing on the validity of initiatives. In each instance, the nominee's explanations persuaded me that they should be given the benefit of the doubt. Unfortunately, in Judge Paez's case, I find myself unable to do so, and accordingly I have serious objections to his elevation to the Ninth Circuit.

CREDIT UNION MEMBERSHIP

• Mrs. BOXER. Mr. President, on February 25, the Supreme Court issued an opinion invalidating the National Credit Union Administration's (NCUA) multiple group policy. I am concerned that the Court's ruling may require some current credit union members to divest their credit union membership. Let me explain.

Section 109 of the Federal Credit Union Act of 1934 provides that "federal credit union membership shall be limited to groups having a common bond of occupation or to groups within a well-defined neighborhood, community or rural district." Accordingly, prior to 1982, federal credit unions were chartered to serve a single group affiliated by either occupation, association, or residency in a well-defined community.

In 1982, however, the NCUA altered its interpretation of section 109 to allow federal credit unions to comprise not just one, but multiple occupational groups. For example, a credit union formed by and serving the employees of a clothing store, could also, pursuant to the NCUA's 1982 interpretation, serve the employees of a grocery store or a pharmaceutical company. In 1990, a group of North Carolina Banks, as well as the American Bankers Association filed suit against the NCUA arguing that the NCUA interpretation was contrary to the Federal Credit Union Act. The Supreme Court recently issued an opinion in which they found on behalf of the five North Carolina banks and the American Bankers Association.

I think it is important to ensure, however, that no current credit union member be forced to give up their membership if they are multiple-group credit union members. I know that my friend and colleague Senator KERRY is also concerned about this issue.

Mr. KERRY. Mr. President, I thank Senator BOXER and I share her concern that the Supreme Court ruling could require some credit unions to remove some individuals from credit union membership. The credit unions operated in good faith when they extended membership to members of unrelated groups. However, the Supreme Court found that such actions have gone beyond the bounds of the Federal Credit Union Act.

The U.S. District Court, to which the Supreme Court returned the case, can choose from a number of alternatives to provide the required relief in *National Credit Union Administration* v. *First National Bank & Trust et al.* The Court could choose to expel current credit union members who are not affiliated with the original occupational group, grandfather all current members of credit unions but prevent credit unions from adding any new members who are not affiliated with the original group or allow credit unions to add new members from any employer groups represented by current credit union members but preclude adding members from other unrelated occupation groups.

I believe the members of all current multiple-group credit unions should be allowed to continue in the credit unions they have chosen. Dislocating approximately 10 million credit union members not affiliated with their credit union's original occupation group could potentially have serious effects on the safety and soundness of the credit unions in Massachusetts and across the nation. It would also limit the credit and financial services options for millions of working families who have come to depend on their credit unions.

I am not prejudging precisely how the Congress should legislate a final resolution of this matter. It deserves careful consideration by Senators and Representatives. But, I believe strongly that until that resolution is determined and enacted into law, it would be a grave mistake for the Court to force existing credit union members out of the affiliation with their credit unions. Such a step would be counter to the public interest.

Mrs. BOXER. I would add that the American Bankers Association, to its credit, has said that, despite the Court's ruling, it has no intention of trying to force credit union members who currently belong to multiple-employer group credit unions to divest their membership. I am hopeful, therefore, that Judge Jackson will allow all current credit union members to remain with their respective credit unions.

Mr. KERRY. I agree with my good friend and also applaud the American Bankers Association decision not to seek action to force dropping credit union members from credit union rolls. All working families in the United States, whether they live in urban or rural areas, deserve access to fairly priced credit and other financial services. Credit unions serve as a way for people of average means, without easy access to affordable credit, to pool their savings in order to make credit available to themselves and their fellow credit union members at competitive interest rates. In the Commonwealth of Massachusetts, for example, there are more than 300 credit unions serving approximately 1.7 million people. These credit unions have helped launch and sustain small businesses. Some of them have played a key role in the development and revitalization of economically distressed communities. In dozens of ways, credit unions have proven themselves to be a vital component of our financial services industry. We must not take precipitous action that could result in grave damage to this portion of the industry. That is especially important until the Congress can pass legislation.

Mrs. BOXER. I could not agree more. In my home state of California, there are 500 federal credit unions and more than 5 million credit union members. So credit unions have been an extremely valuable resource to millions of residents of my state as well.

Finally, Mr. President, I think it is important to put into some context the multiple-group charters that the NCUA began approving in 1982. Beginning in 1982, as a result of the economic conditions of the time—the downsizing of companies, the closing of plants, and slumping U.S. industries—the stability and viability of a number of individual credit unions was threatened. Simultaneously, we started seeing the beginnings of an upsurge in the number of small businesses. Those small businesses wanted access to credit union services, even though many did not meet the 500 employee threshold for a charter.

Thus, multiple group charters became a means of ensuring that those small businesses, as well as low-income consumers lacking access to more traditional financial services, were able to access the services of credit unions. I believe that these groups should to continue to have access to credit union services, whether through individual or multiple group charters.•

TRIBUTE TO EAGLE SCOUT JOHN BADEEN

• Mr. ABRAHAM. Mr. President, I rise today to honor a fine young man, John Badeen, for reaching the esteemed rank of Eagle Scout. Earning this coveted award is testament to the fact that he possesses a strong character and exceptional citizenship. Having reached Scouting's highest rank, John undoubtedly possesses the solid skills and values necessary to be a valuable asset to his community and to the nation.

John, as well as his family and friends should be very proud of his accomplishment. Scouting is a wonderful asset to our country that aids in shaping our young people into fine citizens. Boy Scouts in this country have grown to become prominent and respectable citizens within their communities.

I want to extend my warmest congratulations to John. I am confident that he will continue working for the good of his community and serving as an example to all young people. I wish him the best in all of his future endeavors. I would also like to add that it gives me great pleasure to give this award in the company of my good friends, Father George Shalhoub and Father John Badeen.•

TRIBUTE TO MR. EDWARD J. PISZEK

• Mr. SANTORUM. Mr. President, I rise today to recognize a constituent who has distinguished himself at home and abroad. This week, Edward J. Piszek will be honored in Philadelphia for receiving one of the Republic of Poland's highest civilian honors.

On March 16, 1998, President Aleksander Kwasniewski bestowed the "Polonia Restituta," or the "Commander's Cross with a White Star" upon Mr. Piszek. This medal is presented for extraordinary service to the nation of Poland. Recipients of the Polonia Restituta are celebrated for their achievements in government and public activities, for contributions to promote Poland's independence, or for advancing Polish culture in the areas of education, literature and the arts.

The son of Polish immigrants, Ed exemplified his parents' strong work ethic. It was a lesson well learned. In 1946, with $350 and the help of a close friend, Ed founded Mrs. Paul's Kitchens, Inc. Under his direction, the company became one of America's largest producers of prepared frozen seafood and vegetables.

Ed began his philanthropic work in Poland during the 1960s. After witnessing the tremendous suffering caused by the high incidence of tuberculosis, he donated an ambulance to the hospital in Tarnow in memory of his parents. Later, he would provide 11 mobile x-ray units and 42 support vehicles to transport technicians.

Mr. Piszek's commitment to the Polish people did not end with those initial acts of kindness. When the country suffered from food shortages in the early 1980s, he donated 10 million pounds of fishcakes. After the nuclear disaster in Chernobyl, Ed participated in an airlift of powdered milk and food to those who were affected in Poland. Mr. Piszek has also worked to help the Polish people elevate their culture. He and author James A. Michener established a Young Polish Writer's workshop. Similarly, Ed supported the "United States Peace Corps Partners in Teaching English" which has already trained 25,000 new English teachers in Poland.

On the home front, Ed has worked to elevate the image of Polish Americans. He purchased the home of General Thaddeus Kosciuszko—a Polish engineer who came to fight in the American Revolution and then later designed West Point—and donated the property to the National Park Service. In 1972, he founded the Copernicus Society of America. This private nonprofit foundation strives to promote and encourage artistic, scientific, and historical activities throughout the world.

In countless many ways, Ed Piszek has helped build a cultural bridge between the U.S. and Poland. For instance, he hosted a visit from Lech Walesa at the Copernicus Society's headquarters in Fort Washington, PA. He was instrumental in making arrangements for ABC News to go "behind the walls" of the Vatican and film John Paul II in his work day and private moments. The end result was The Pope and His Vatican, an ABC News Special which aired Easter Night, 1983. Another of Ed's noteworthy achievements was coordinating with the Copernicus Society and Penn State University to hold Agricultural Economic Development Summits in the Pzeszow Province of Poland. These one-week seminars allow agricultural experts from Poland and Penn State to share their knowledge and their expertise with neighboring countries. Finally, Mr. Piszek is working to promote the national pastime in Poland. A board member of the Little League Baseball Foundation in Williamsport, PA, Ed is deeply involved in developing the Little League Baseball European Training Center in Kutno, Poland. He hopes that baseball will teach children of all nations the concepts of teamwork, leadership, and character. All things considered, Edward Piszek was an obvious choice to accompany President Clinton to Warsaw in support of NATO membership for Poland.

Mr. President, one man can truly make a difference. Mr. Piszek's work has touched thousands of lives. As he is honored at the Kosciuszko House on April 2, I ask my colleagues to join me in extending the Senate's best wishes for continued success to Edward J. Piszek and his family.•

THE MINNESOTA TORNADOS

• Mr. GRAMS. Mr. President, I rise today to speak for a few minutes about the violent storms of this past weekend in south-central Minnesota and to express my concern for the many, many victims of this tragedy. Tornados and severe thunderstorms ripped through Minnesota Sunday evening, tearing through St. Peter, Hanska, and Lonsdale and forcing the evacuation of the small town of Comfrey.

In the wake of the devastation, my thoughts and prayers go out to the people of south-central Minnesota. I would especially like to express my condolences to the families of Dustin Schneider, the young boy whose life was taken by the storm near St. Peter, and Louis Mosenden of Hanska, who died Monday as a result of injuries he suffered when a tornado hit his home. Our thoughts and prayers are with their loves ones.

Mr. President, along a 60-mile path, hundreds of houses, factories, barns, silos, churches, and schools have been reduced to rubble. Most of the buildings in St. Peter were either destroyed or severely damaged. The smaller community of Comfrey was almost completely destroyed. Power is still out in both towns.

In all, more than 700 houses and apartments were destroyed or damaged to the point that they are now uninhabitable. Another 1,800 have sustained severe damage. Thousands of residents have been forced to go seek public shelters or the homes of friends or relatives. More than 100 businesses have been damaged in the area.

Even with the massive damage, the initial response to this disaster by the State of Minnesota, the Minnesota National Guard, Minnesota relief agencies, and local law enforcement has been swift and efficient. Because of this quick response, and the cooperation we are seeing between state, local, and federal officials, I am confident south-central Minnesota will recover from this natural disaster. I intend to survey the area this weekend, after state and local officials have completed their damage assessments. My staff is already on the scene, and is meeting today with representatives of the Federal Emergency Management Agency in St. Peter as they inspect the damage.

Since first receiving word of the storms, I have been working closely with state and local officials to bring federal assistance to the region and begin the recovery efforts. I want to assure my constituents that the federal government will do whatever is needed to help the people of our state cope with the devastation. Minnesota Governor Arne Carlson today forwarded to President Clinton his formal request for a disaster declaration, and I have written to the President as well to reiterate the urgency of Governor Carlson's request.

Mr. President, the people of Minnesota have faced disaster before. It was almost one year ago when the terrible spring floods swept through western Minnesota and devastated so many lives. We learned a lot about each other during the difficult months that followed, when it seemed the clean-up would never end and life would never be the same again. We were reminded what it means to be a community, and how communities come together during troubled times.

With that experience fresh in mind, I know that Minnesotans will once step forward and help one another rebuild from this weekend's tornados. And I want the victims of this latest disaster to know that they will not be forgotten.•

TRIBUTE TO ANTHONY HIGDON—41 YEARS OF GOVERNMENT SERVICE

• Mr. McCONNELL. Mr. President, I rise today to recognize the extraordinary career of Mr. Anthony Higdon, who retired last month after 41 years of service to his country and the people of the Commonwealth of Kentucky as a member of the U.S. Air Force and as an employee of the Social Security Administration.

After four years in the Air Force, Mr. Higdon spent the last 37 years working for the Social Security Administration, serving the needs of Kentucky's senior citizens. His career included 20 years as manager of the 3 Social Security offices in Louisville. Before that, he served in other capacities in the Louisville offices, as well as at the Social Security branches in Elizabethtown, Hazard and Hopkinsville, Kentucky.

One of Mr. Higdon's most important legacy will be his tireless work with national and community leaders in Kentucky to impress upon them an understanding of the dramatic importance of Social Security programs to all people throughout their lives.

Mr. President, Anthony Higdon will be sorely missed by all his friends and colleagues at the Social Security Administration offices across the Commonwealth of Kentucky. As he retires to the community which he has spent most of his life serving, we wish him best of luck and thank him for his service.•

BRIDGEPORT CHARTER TOWNSHIP SESQUICENTENNIAL

• Mr. ABRAHAM. Mr. President, I rise today to honor a place of great significance in the history of the state of Michigan. Bridgeport Charter Township, located in the heart of Michigan, will celebrate its Sesquicentennial on April 4, 1998. It was founded April 4, 1848, making it the oldest charter township in Michigan.

Bridgeport Charter Township will begin the celebration of its 150th year on April 4, 1998 with a town hall meeting. The celebration will continue throughout the year with a series of events. They are currently trying to locate ancestors of the original township board to take part in the celebration.

I want to congratulate Bridgeport Charter Township on its Sesquicentennial and extend my best wishes for a successful and enjoyable celebration.•

THE 116TH ANNIVERSARY OF THE FOUNDING OF THE KNIGHTS OF COLUMBUS

• Mr. GRAMS. Mr. President, I rise today to honor the Knights of Columbus and join them in the celebration of 116 years of carrying out their mission of "Unity, Service, and Patriotism." In the fall of 1881, a group of men, under the direction of Father Michael J. McGivney, met at St. Mary's Church in New Haven, Connecticut, for the purpose of establishing a fraternal benefit society within the Catholic Church. That small meeting was the genesis for a movement which now claims nearly 1.6 million members (4.5 million including family members) in countries throughout the Western Hemisphere and the Pacific.

After being granted legal corporation on March 29, 1882, the Knights of Columbus began spreading their message of pride in faith and nation. Indeed, the very name Knights of Columbus was chosen to reflect this premise, as it signifies the importance of Christopher Columbus' discovery of America to the Catholic Church.

In times of national crisis, the Knights of Columbus have consistently heeded the call for service and sacrifice. This was perhaps best exemplified during two of the most pivotal events in our Nation's history which occurred this century: World War I and World War II. During these trying times, the Knights of Columbus offered an array of support programs for the men and women of our armed forces, including bond drives and blood donor programs.

In addition, at the conclusion of World War II and the onset of the Cold War, the Knights of Columbus aided in the crusade against Communist expansion by sponsoring 1,300 educational discussion groups, as well as speakers' bureaus, advertisements and radio addresses. The Knights of Columbus' efforts during the Cold War were acknowledged by President Harry S. Truman.

While those accomplishments are indeed admirable, equally impressive are the often unsung works undertaken by individual Knights of Columbus Councils each day. In 1996, Knights of Columbus members reported 48,966,132 hours of volunteer service and donated $105,976,102 to charity.

Currently, 229 Knights of Columbus Councils serve parishes and communities throughout my home state of Minnesota. The services undertaken by each Council cover many areas and aid a number of different charities and causes, ranging from providing loans for college students to assisting the sick and the elderly in getting to Sunday Mass.

Other examples of service activities in Minnesota include: a fund drive in support of the construction of Catholic schools conducted by Council 7604 in Eagan, Minnesota; the bowling team from Council 961 in St. Cloud, Minnesota, which raised over $6,000 for Big Brothers-Big Sisters; and the sponsoring of youth hockey by Council 3166 in Detroit Lakes, Minnesota.

Mr. President, I am pleased to report that the "World's Largest Catholic Family Fraternal Organization" has a commanding presence in Minnesota and will continue to provide communities with an excellent example of how to live a fulfilling life of maximum service to God and country. I am honored to have this opportunity to acknowledge and thank the Knights of Columbus for all their work, and offer my sincerest congratulations on the 116th anniversary of their founding. •

TRIBUTE TO THE KENTUCKY WILDCATS: 1998 NCAA NATIONAL BASKETBALL CHAMPIONS

• Mr. McCONNELL. Mr. President, 50 years ago this month, the University of Kentucky accomplished a feat still unmatched in college basketball history. As every backyard all-star in the Commonwealth can tell you, that was the year of the original Fabulous Five.

You see in Kentucky, we have a habit of naming our most special Wildcat teams, and 1948 may have been the most special of the bunch. That group, led by Alex Groza, Ralph Beard and Wah Wah Jones not only earned Kentucky's first NCAA men's college basketball championship trophy but went on to bring home a gold medal from the 1948 Olympics.

Flash forward Fifty years into the future, to see another edition of the Wildcats, and equally high expectations. Led by seniors Jeff Sheppard, Allen Edwards, and Cameron Mills, the 1998 Cats came into the season facing an uncertain future. While expectations are always high at Kentucky, this year's squad exceeded even the most optimistic fan's hopes.

Under the expert leadership of first-year head coach, Tubby Smith, these Wildcats will be raising the school's 7th NCAA championship banner to the rafters of Rupp Arena. But Mr. President, there is so much more to this story than wins and losses.

While the '48 team was appropriately known as the Fab Five, this year's national champions will go down in Wildcat history as maybe the most perfect embodiment of the word "team" in Kentucky's legacy of excellence. Time after time when the odds seemed insurmountable this team willed itself to victory.

A quick review of the final three games of this year's tournament reveals the heart of a lion. Down 17 points with less than 10 minutes to play against a Duke squad that had been ranked #1 for most of the year, the Comeback Cats put together a frenzied charge, outscoring the Blue Devils 17 - 1 during a crucial stretch. What made the feat all the more impressive was that every player contributed.

In the Final Four, the Cats squared off against the Stanford Cardinal, the West Coast power that spent the majority of the season undefeated. Down by 5 at half, the Cats did what was natural for them, they put together a rally, eventually winning the contest in overtime. This victory was fueled by one of the most gritty performances in Final Four history, as senior Jeff Sheppard poured in 27 of the Cats 74 points.

What could top this effort in the finals? How about the greatest come-from-behind victory in the history of the NCAA championship. Down 10 at the half, and 12 early in the second half, this selfless group of young men redoubled their efforts and chipped away at the Utah lead. Steadily the tide began to shift behind three point baskets from Heshimu Evans, and Kentucky natives Cameron Mills and Scott Padgett. Refusing to wilt under the pressure of facing the hottest team in the nation, Kentucky hammered away defensively and converted on the offensive end. In the end, Utah's game effort was not enough and the Cats posted a 78 - 69 victory in seizing their second national title in three years.

In what has become habit for the Comeback Cats, the team drew on its strengths and refused to panic. Under the masterful eye of Coach Smith and the intelligent play of a host of stars, the team accomplished its dream of bringing home the title.

So, Mr. President, while we look back fondly on the Fabulous Five of 1948, I am content to take senior Jeff Sheppard's advice to "appreciate the precious present," and embrace these Comeback Cats as the greatest "team" to ever put on the Kentucky uniform. It is impossible to appreciate the intensity and effort these young men put forth as they met and exceeded every challenge in their path during the 1997–98 season.

Mr. President, I ask each of my colleagues to join me in honoring the University of Kentucky, history-making coach Tubby Smith, athletic director C. M. Newton, and most importantly each and every talented player on the 1998 Championship Wildcat team.•

HONORING MORTANA McCORMICK

• Mr. ROCKEFELLER. Mr. President, I rise today to speak to you on behalf of the citizens of West Virginia. The West Virginia Department of Culture and History has named 1998 "The Year of the Quilt." In the Appalachian Mountain region, and particularly in the great state of West Virginia, the tradition of native crafting, including quilting, has thrived uninterrupted for over two hundred years.

In 1968, my wife, Sharon, along with a group of community-minded West Virginians assisted a talented group of quilters to form *Mountain Artisans*, a nonprofit group comprised of gifted quilt makers, to help in the preservation and exposure of this artful tradition of design and talent. Many West Virginians considered quilting a part of the mountain state's heritage. My wife and I are particularly fond of the *Mountain Artisans*. When we were expecting our first child, in the late 1960's, the group graciously decided to create a quilt for our first-born. With the assistance of the Sod Sewing Group from Sod, West Virginia, the quilt was completed in mid-September of 1970. The beautiful quilt, which is known as "*The Rockefeller Quilt*" was displayed at the Rockefeller home and today, adorns the wall just outside my office in the Hart Senate Office Building in Washington, D.C.

One master quilter I especially admire is Mortana McCormick of Sod, West Virginia, who contributed to the creation of *The Rockefeller Quilt*. Ms. McCormick, a distinguished quilter, has represented the State well and helped put our state on the "interior design and fashion" map. She has contributed to fashion patchwork designs for Barbra Streisand and museum collections displayed in West Virginia and internationally. Mortana McCormick is just one of the talented artisan-quilters that call West Virginia home. I ask my distinguished colleagues to join me in recognizing this long standing tradition and art, and its many talented artists, including Ms. Mortana McCormick.•

TRIBUTE TO LINCOLN UNIVERSITY

• Mr. BOND. Mr. President, I stand before you today to pay tribute to a truly outstanding University in my home State of Missouri, Lincoln University. Lincoln has played a large role in African American education in my home State of Missouri, as well as across the nation.

Lincoln was founded in 1866 by the Caucasian officers and the African American enlisted men of the 62nd and 65th United States Colored Infantries who fought for the Union during the Civil War. These men wanted to establish a school that would devote itself to educating freed African Americans. By soliciting funds and donating their own salaries, they raised $6,000 within a few days. With these funds, the soldiers were able to open the doors of Lincoln Institute on September 17, 1866. In 1869, Lincoln began to receive $5,000 in aid from the State of Missouri for teacher training. By 1940, Lincoln Institute had become Lincoln University and had evolved from a teacher training school to a full University offering Graduate instruction. In each of the decades Lincoln has continually added programs, expanded its facilities and opened its doors to all applicants that meet its entrance criteria.

This past year the University has come under the new leadership of Dr. David Henson. Dr. Henson became the seventeenth President of Lincoln on July 2, 1997. I am excited about continuing my close relationship with this outstanding University by working with Dr. Henson. He has held many leadership positions during his 25 years of higher education and I know he will continue to strengthen the University's already impeccable reputation.

It is an honor for the entire State of Missouri to have a University like Lincoln, whose service and character-building programs, along with the new guidance of Dr. Henson, will continue down the road of success. I commend Lincoln's President, Dr. David Henson, for his commitment to excellence and hope for continued prosperity in the future.•

1998 DETROIT TIGERS OPENING DAY

• Mr. ABRAHAM. Mr. President, I rise today to send my best wishes to the Detroit Tigers for a successful 1998 season. This afternoon, on opening day, the Tigers will take the field for their 97th year of play. Their opponents, the Tampa Bay Devil Rays, will be taking the field for their first regular season game ever.

I'm sure my colleagues from Florida are confident the Devil Rays are a fine team who will fare well in today's contest. However, I would like to remind them the Devil Rays are facing one of the most storied and successful franchises in major league baseball history. The Tigers will be playing for their 7,623rd American League win while the Devil Rays will be going for number one.

The history of Tigers' baseball in Detroit is replete with the names of current and future Hall of Famers like Ty Cobb, Charlie Gehringer, Hank Greenberg, Hal Newhouser, George Kell, Al Kaline, Alan Trammell, Lou Whitaker, Kirk Gibson, Sparky Anderson, and so forth. The Tigers have won sport's most cherished prize, the World Series, four times, having savored victory in the Fall Classic in 1935, 1945, 1968 and 1984.

I am hopeful the 1998 season will see the Tigers among the ranks of the major league's elite teams where they belong. I, for one, will certainly be watching the next 162 games with interest, hoping to see the Detroit Tigers finish the season as champions of their new division, the American League Central, and from there go on to capture the pennant and the World Series as well.•

ORDER FOR STAR PRINT—S. 71

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senate bill 71 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 1889

Mr. DOMENICI. Under rule 14, I understand that Senate bill 1889 introduced earlier today by Senator HARKIN is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1889) to reduce tobacco use by children and others through an increase in the cost of tobacco products, the imposition of advertising and marketing limitations, assuring appropriate tobacco industry oversight, expanding the availability of tobacco use cessation programs, and implementing a strong public health prevention and education strategy that involves the private sector, schools, States, and local communities.

Mr. DOMENICI. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The bill will remain at the desk and have its next reading on the next legislative day.

UNANIMOUS CONSENT REQUEST—CONFERENCE REPORT ON H.R. 1757

Mr. DOMENICI. I ask unanimous consent that it be in order for the majority leader, after the notification of the Democratic leader, but not before April 20 of 1998, to turn to the conference report to accompany H.R. 1757, the State Department reorganization, and it be considered under the following terms: The conference report be considered as having been read and there be 6 hours for debate to be equally divided in the usual form, and following the conclusion or yielding back of time the Senate proceed to vote on adoption of the conference report without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, APRIL 1, 1998

Mr. DOMENICI. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m. on Wednesday, April 1, and immediately following the prayer, the routine requests through the morning hour be granted and the Senate resume consideration of Senate Concurrent Resolution 86, the budget resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Tomorrow, the Senate will resume consideration of the budget resolution and, as under a previous unanimous consent agreement, at 12 noon the Senate will vote on or in relation to the Kyl amendment. A further vote will occur on or in relation to the Conrad amendment, as previously stated, at 2 p.m. Several additional votes will hopefully be stacked to occur in sequence at 2 p.m. following the Conrad vote.

In addition, Members can anticipate rollcall votes on a number of pending amendments to the resolution and other amendments which are expected to be offered. Therefore, Members can anticipate a very busy day on floor action. Also, the Senate may consider any executive or legislative business cleared for Senate action.

As a reminder to all Senators, the first vote will occur at 12 noon tomorrow.

Mr. LAUTENBERG. Before adjourning, I want to apologize to the pages for having kept them past 10 o'clock because it deprives them from going to school tomorrow and I feel very badly about that. Please accept my apologies.

Mr. DOMENICI. And we might add, they feel badly also.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:02 p.m., adjourned until Wednesday, April 1, 1998, at 10 a.m.

NOMINATIONS

Executive Nominations Received by the Senate March 31, 1998:

THE JUDICIARY

NORA M. MANELLA, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA VICE MARIANA R. PFAELZER, RETIRED.

EXTENSIONS OF REMARKS

THE FBI FAIRNESS TO APPEAL IMPROVEMENT ACT (FBI FAIR)

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. WOLF. Mr. Speaker, some Federal Bureau of Investigation [FBI] special agents are accorded Merit System Protection Board [MSPB] appeal rights and others are not. This discriminatory policy offends traditional notions of fairness and should change. It is not fair that some agents receive MSPB appeal rights while others do not.

Because of my concern about this policy, today I will introduce legislation, the FBI Fairness to Appeal Improvement Act, a copy of which appears at the end of my statement. This simple legislation would amend 5 U.S.C. 7511(b)(8) by striking "the Federal Bureau of Investigation," thereby extending certain procedural and appeal rights with respect to certain adverse personnel actions to all employees of the FBI. This legislation corrects the current disparate treatment of nonveteran special agents regarding their ability to appeal adverse personnel actions and ensures the due process rights of all employees of the FBI.

Last Congress I introduced a bill, H.R. 2683, the Due Process for FBI Agents Act, with the same language as the measure I am introducing today. This legislation in the 104th Congress was attached to H.R. 3841, the Omnibus Civil Service Reform Act of 1996 which passed the House on September 27, 1996, but did not become law.

Special agents of the FBI are loyal civil servants dedicated to protecting Americans from the worst kinds of crime. Their jobs are difficult, demanding, and often dangerous. They are often transferred to posts far from home which demands considerable sacrifice by FBI families. FBI agents are on the front line of the fight against crime. The FBI motto—fidelity, bravery, and integrity—accurately characterizes the manner in which agents approach their important work.

These duties are performed by all agents, veteran and nonveteran alike. However, these two categories of agents receive disparate treatment when charged with misconduct. Military veterans are permitted full due process rights including the ability to appeal adverse personnel actions to the MSPB. In other words, veteran agents, who are in the excepted service, receive the same due process rights that employees in the competitive service receive.

Nonveteran agents, also members of the excepted service, do not. This means that a veteran agent will receive an outside, independent, objective review of his/her case while a nonveteran agent will not. Is this fair? I maintain that it is not. Furthermore, female special agents are particularly hit hard by this policy because few have served in the military; thus they are not eligible to receive the MSPB appeal rights that veteran agents, who are predominantly men, do. Also, FBI agents should have the same MSPB appeal rights as federal law enforcement agents who work for the Bureau of Alcohol, Tobacco and Firearms, Drug Enforcement Administration, Customs Service, and Border Patrol.

As this legislation was considered in the House in the 104th Congress the FBI raised only one objection. The Bureau was concerned about MSPB decisions, in five cases, that a federal agency could not sanction an employee for making false statements to the agency regarding his or her alleged employment-related misconduct. The Court of Appeals for the Federal Circuit affirmed the MSPB policy. But on December 2, 1997, in the case *LaChance* v. *Erickson*, the Supreme Court overturned the "bad law" established by the Court of Appeals. The high court held that the Fifth Amendment's Due Process Clause and the Civil Service Reform Act do not preclude a federal agency from sanctioning an employee for making false statements to the agency regarding his or her alleged employment-related misconduct. As a result, the one objection previously voiced by the FBI is no longer applicable.

Mr. Speaker, there is no reason to maintain the distinction between preference eligible veteran and nonveteran agents. All agents, whether veterans or not, should be treated in a fair and equitable manner. The FBI has considerable experience with the MSPB process available to veteran agents. I am not aware that there has been any particular abuse of the MSPB process by preference eligible agents. Likewise, I do not anticipate that expansion of MSPB rights to all agents would be burdensome on the FBI. There is no room in the modern FBI for discriminatory personnel policies; therefore, nonveteran agents should receive all the rights and enjoy all the privileges accorded to their preference eligible veteran counterparts.

Mr. Speaker, I urge our colleagues to cosponsor this important legislation. I also urge Congressman MICA, chairman of the House Civil Service Subcommittee, to move this legislation as expeditiously as possible. Finally, I include a copy of this bill and a letter from former Congressman Ed Bethune who represents the FBI Agents' Association in support of this legislation in the record immediately following my statement.

ED BETHUNE & ASSOCIATES,
Washington, DC, March 31, 1998.

Hon. FRANK WOLF,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN: The FBI Agents Association, a non-governmental professional association, represents over 8000 active duty FBI Special Agents. The association strongly supports your effort to extend Merit System Protection Board appeal rights to all agents.

As General Counsel for the association I can tell you that the support for this reform is virtually unanimous among rank and file agents.

The association will be working to help you pass this much needed reform in this session of Congress. Again, thanks for your tireless efforts on behalf of the men and women who are on the front line in the battle against crime.

Sincerely,

ED BETHUNE.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FBI Fairness to Appeal Improvement Act".

SEC. 2. EXTENSION OF RIGHTS.

(a) IN GENERAL.—Section 7511(b)(8) of title 5, United States Code, is amended by striking "the Federal Bureau of Investigation,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to adverse personnel actions taking effect after the end of the 45-day period beginning on the date of enactment of this Act.

* * *

PERSONAL EXPLANATION

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. TAYLOR of North Carolina. Mr. Speaker, on roll call vote 83, H.R. 2608, to protect individuals from having money involuntarily collected and used for political activities by a corporation or labor organization, I was recorded as voting "no." It was my intention to vote "yes," to require the written and voluntary consent from an employee or union member before using any portion of their dues or fees for the organization's political activity.

* * *

CONGRATULATIONS TO MAYOR J. PETER KENDALL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate J. Peter Kendall, mayor of Oakland, New Jersey, on being named 1998 Mayor of the Year by the New Jersey Conference of Mayors in recognition of his many years of exemplary public service. Mayor Kendall is one of the finest municipal officials in the State of New Jersey and this honor is certainly well deserved. From serving as the town Santa Clause each Christmas to using his business expertise to stabilize taxes, he is the very essence of a public servant who finds no job too large or too small to receive his complete attention.

Mayor Kendall and I have worked together on many local projects over the years and he has always provided me with good counsel and authoritative information. One of the most prominent projects in recent years has been the Ramapo River at Oakland Flood Control Project. Oakland has been plagued by devastating floods 15 times in the past 24 years. From the beginning, I was deeply impressed at how hard Mayor Kendall fought to spare his municipality's residents from enduring this hardship again. With his guidance, we have this year secured the first $2.5 million of the total $7 million in federal funds necessary for this much-needed project.

Mayor Kendall has brought a strong, successful business experience to benefit Oakland and the whole of Bergen County. Born in Seattle, he is a graduate of Long Island University's CW Post College. He spent 35 years as a manufacturing executive, as director of business systems and planning at Smiths Industries and vice president of manufacturing at Phillips Electronic Instruments. He owns Creative Systems Consulting Co., which helps design and install computerized manufacturing systems, and is executive director of the Bergen County Workforce Investment Board. As executive director, he supervises all workforce-training activities in the county.

Kendall's career in elected office began in 1985, when he was elected to the Oakland Borough Council. He served seven years as a councilman, during which time he was elected Council President four times. He was elected mayor in 1992 and is currently in his second four-year term.

As Mayor, Kendall has held borough property tax increases to less than 1 percent per year. He has reduced the borough staff by six positions and directed an $8 million improvement in the town's water supply system without increasing water usage fees. Open space was increased to 20 percent of the borough's land area using a $3 million grant-loan package he arranged with the State. He has worked to improve roads and recreation facilities and to upgrade equipment and facilities for both the Fire Department and the first-aid organization. In 1995, he organized the First Night Oakland New Year's Eve celebration to mark the town's 300th anniversary, beginning a new annual tradition.

One of Mayor Kendall's most-appreciated accomplishments was the construction of the new Oakland Senior Citizens Center, which opened in 1991. Widely regarded as one of the finest seniors' facilities in Bergen County, the project began in 1988 when Mayor Kendall obtained a $150,000 grant from a local developer. He then led a $1 million fund-raising drive that resulted in the opening of the new center. This facility has served countless individuals and is a center of community life for older residents of Oakland. It is a source of civic pride for all Oakland families.

In every way, Mayor Kendall has brought the people of Oakland together as a community and as a family.

Mayor Kendall is an active member of the Northwest Bergen Mayors Association, the New Jersey Conference of Mayors, the Bergen County League of Municipalities and the New Jersey League of Municipalities. He has also served with the Lions Club, Knights of Columbus and the Rotary Club. He is also an assistant scoutmaster. He and his wife, Frances, will have been married 36 years this July and have three sons—John, Mark and Sean, John and his wife, Carla, have two sons, Christopher and Peter, while Mark and his wife, Rose, have three children, Biancia, Dalton and Madisyn.

Peter Kendall is a hard-working, dedicated public servant. His efforts to improve the quality of life in the community that has been his home are exemplary. I wish to add the recognition of the United States House of Representatives to that which he has received from the New Jersey Conference of Mayors.

THEATER MISSILE DEFENSE IMPROVEMENT ACT OF 1998

SPEECH OF

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. BENTSEN. Mr. Speaker, I rise today in support of this legislation, the Theater Missile Defense Improvement Act (TMD), H.R. 2786.

I strongly support this legislation to provide additional funding to rapidly improve U.S. theater missile defense programs. The need for this legislation is clear. Last year, U.S. and Israeli intelligence reports revealed that Russia engaged in a transfer of missile technology to Iran. An unclassified CIA report to Congress released in June, 1997 confirmed that Russia supplied a variety of ballistic missile-goods to foreign countries including Iran. These missiles have an expected range of 1,300 to 2,000 kilometers within the range of Israel, Turkey, Saudi Arabia and 200,000 American military and civilian personnel.

In response to this threat, last year the House passed legislation, H.R. 2709, to deter Russian assistance to Iran's missile program by imposing sanctions on foreign companies that assist its missile development. However, in the six months since the passage of H.R. 2709, Iran has successfully tested a medium range missile engine, and North Korea and Iraq have continued to expand their missile capabilities. In addition, in the six years since 28 soldiers lost their lives in a SCUD attack in Dharan, Saudi Arabia, the U.S. still has not developed the ability to readily deploy defenses against sophisticated missile threats. The existing TMD systems were designed to repel older threats and have only limited capabilities against the newest generation of more capable missile systems.

While I fully respect the goals of the Nunn Lugar Cooperative Threat Reduction Program, which has provided assistance to Russia and other republics in dismantling and limiting the proliferation of nuclear weapons in the former Soviet Union, I am concerned that the third goal of this important program has been compromised. The third goal was to prevent the diversion of nuclear technology from the former Soviet republics to rogue states. The Israeli and U.S. intelligence reports confirm that Russia has violated the terms of the Nunn Lugar agreement, and I believe the rapid development of a deployable TMD system is needed to secure the interests of the United States and its allies, especially Israel, in the Middle East.

The bill authorizes the Secretary of Defense to identify actions the Defense Department could take to counter the threats enhanced missile programs pose to the United States, establish cooperative measures between Israel and the United States to protect Israel against such threats, and develop a program to counter such threats within the next one or two years. In addition, it would provide funding to ensure that the capabilities of U.S. TMD systems keep pace with missile development programs being undertaken by Iran, North Korea and other regional threats.

I believe that passage of this bill is vital to U.S. security and interests in the Middle East, and I urge my colleagues to support its passage.

CAMPAIGN REFORM AND ELECTION INTEGRITY ACT OF 1998

SPEECH OF

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. KOLBE. Mr. Speaker, the American people must think this debate is quite disingenuous. They recognize that all our discussion about campaign reform is to take the debate away from the real problems—that some people broke the campaign laws. They took money from foreign interests; that is illegal under current law. They solicited money in government offices; that is illegal under current law. They sold access and privileges to high government officials; that is illegal under current law. Apparently, those people think if they talk ever more loudly about reforming the system, the American people will forget that they broke the laws we already have.

But no matter what brings us to this debate today, I think this bill—and the other three bills which make narrower reforms—does make some needed reforms. And I don't apologize that I am voting for partial reform because we can't get agreement on everything. If I have a toothache and a backache, I don't mind fixing the toothache even if that doesn't cure the backache.

Much has been said about illegal foreign money. Accepting money from foreign interests has always been illegal. But I agree with taking this further step to say that only those who are American citizens can give to the political candidates that only they can vote to elect. And if we are concerned that noncitizens are voting, let's give our local election officials the ability to confirm that those who register are indeed citizens. Let the registrant check a box affirming that he or she is a citizen. That's neither discriminatory nor onerous.

My campaign committee tells me the new reporting requirements will be more difficult to comply with, but I support them. One of my contentions all along has been that more disclosure is good for open honest campaigns.

The very best campaign finance reform is that which focuses on letting more sunshine into the process.

I strongly support the provision that requires unions or corporations to get permission from their employees before they use their workers' dues to support candidates. According to polling data, so do about three/fourths of the union members. Asking a union member for written permission to spend their hard earned dues dollars to support candidates cannot possibly be construed as denying workers their rights. They can agree with letting the union leadership make decisions about whom they support or they can keep it to spend as they wish. It gives them power over their own earnings; it does not deny them any right.

The underlying reform bill allows middle class candidates to run for office against millionaires by removing party and individuals contribution limits so that parties can match a wealthy candidate's personal spending that goes beyond an individual contribution limit. No longer will the millionaire have a nearly insurmountable advantage.

This bill increases individual contribution limits to $2000 for a candidate for federal office. It does not increase PAC contribution limits. It bans soft money for federal parties and also for state parties in those cases where they are joint federal and state elections.

Certain reforms I support are not here; I favor a requirement that candidates must raise half of their campaign funds in their own state. I support lowering PAC contribution limits to match the amount an individual can give. But the fact these items are missing does not mean I can't support the good things that are here.

Mr. Speaker, this is a good package of bills which makes some much needed reforms. I am pleased to support each of them.

MANAGED CARE AND MENTAL HEALTH: WHY THE PATIENTS' BILL OF RIGHTS IS IMPORTANT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. STARK. Mr. Speaker, I am proud to join today with my colleagues to urge support for passing the Patients' Bill of Rights Act of 1998, a bill that would give millions of Americans enrolled in managed care plans a measure of control over the quality of care they receive.

For consumers of mental health and substance abuse benefits—which are often arbitrarily capped at a particular dollar level—this bill contains key quality provisions. It provides for continuity of care, access to specialists, choice of specialist, enables exceptions from overly restrictive drug formularies, and provides for an independent external appeals process.

The bill will guarantee that consumers can continue seeing their providers for 90 days after they change plans if they are in the middle of a course of treatment. For those with psychiatric disabilities, this continuity of care provision is critically important, since studies show that a sudden change of doctors for patients with serious psychiatric disorders can result in devastating setbacks.

The abrupt termination of psychiatric services to thousands of Los Angeles County Medi-Cal beneficiaries last year illustrates this point well.

Last year, the California State Department of Health contracted with Foundation Health to provide comprehensive medical services to its Medi-Cal population in Los Angeles. In turn, Foundation subcontracted out the provision of psychiatric services to MCC Behavioral Health Care. When MCC's contract ended, it notified 5,000 enrollees that their mental health services would be terminated in two weeks.

All were undergoing a course of psychiatric treatment, and many suffered from severe psychiatric disorders, such as schizophrenia, bipolar disorder, or major depression. Most were not fully fluent in English. A full-blown crisis was averted when the Los Angeles County Department of Mental Health offered to care for the notified patients—but the Department was not fully equipped to do the job. As a result, some of the most severely disabled fell through the cracks and were lost to treatment.

Beyond continuity of care, the Patients' Bill of Rights would boost consumer confidence in HMOs with a simple requirement that health plans provide a list of contracted providers and their qualifications on request and that enrollees be able to choose among the providers who serve the plan members. This requirement would apply to mental health providers if the plan offers mental health and substance abuse services.

Today, consumers in managed care plans are not commonly given a list of the mental health providers in their own plans. When enrollees call to seek psychiatric care, they are often required to reveal confidential information about themselves over the phone to a "triage" staffer whom they don't know—and who may have no formal mental health training. The staffer then generally gives the caller names of one or two mental health professionals who are selected on the basis of zip code—not based on an assessment of the individual's need for a particular type of care.

In an article published on May 6, 1997, The Washington Post questions whether zip code referrals produce good patient care results. The article discusses the experience of Mark Hudson, who worked for a Blue Cross/Blue Shield plan as a telephone referral assistant in Massachusetts from 1992 to 1995. "I did the diagnosis and approval" for 80–100 calls a day for plan subscribers, Hudson is quoted as saying. He routinely made referrals to two therapists located in the town where the callers lived, regardless of the medical needs they described. Hudson has no mental health training, and says Blue Cross officials specifically instructed him not to provide enrollees with the names of other approved therapists.

Mr. Speaker, this makes no sense at all. Consumers who need mental health services should have the same freedom to select from a full panel of providers just as those seeking physical care typically can. The Patient Bill of Rights would help equalize this unfair practice.

Access to appropriate prescription drugs for psychiatric disorders is another paramount issue. In a 1997 survey, the National Alliance for the Mentally Ill found that five of the nation's largest behavioral health care companies failed to provide access to breakthrough antipsychotic medications. Yet for serious disorders such as schizophrenia, older medications may give only partial relief, and have far more serious side effects.

There is a requirement in many managed care plans that psychiatrists must first document two failures of older medications before a new one can be approved. Such policies are penny wise and pound foolish, since patients suffering severe side effects from these sometimes-outdated drugs can easily wind up needing hospitalization. Obviously, this can also result in suboptimal psychiatric care.

By requiring an exception process to the drug formularies often used by plans and by allowing access to the external appeals process, the bill will allow mental health patients to have stronger protection than they do today. The external appeals process required by this bill offers an additional important level of protection for consumers of mental health and substance abuse services. Without it, consumers are forced to receive final medical decisions from health plans that hold a financial interest in denying care.

In an article published on March 3, 1998, U.S. News explores this risk in some details. The article discusses the experience of Dr. Linda Peeno, who worked as an HMO's medical director—the person who must ultimately approve or reject requests for care. "The decision [to approve a voice machine for a plan beneficiary—a young woman who suffered a usually-fatal brain stem stroke] is now mine, and I feel the pressure to find a way to say no", Dr. Peeno is quoted as saying. She went on to add, "If I cannot pronounce it medically unnecessary, then I have to find a different way to interpret our medical guidelines or the contract language in order to deny the request." Unhappy with her role as a medical care denier, Dr. Peeno left the industry in 1991.

Mr. Speaker, mental health and substance abuse is probably the area where managed care has the most serious problems. We need an entire bill devoted to addressing these special problems—but the bill I am cosponsoring today is a good beginning on these problems. In the coming weeks, I will be introducing separate legislation to deal with the unaddressed mental health and substance abuse consumer issues. In the meantime, we should not delay in passing the important protections contained in the Dingell-Gephardt-Kennedy bill.

HONORING OUR DESERVING VETERANS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. PACKARD. Mr. Speaker, I rise today to identify an inequity that has gone unresolved for too long. This inequity currently exists in the process of honoring our veterans in the Navy and Marine Corps who served our nation from 1943 to 1961. These proud men and women deserve to be recognized in the same fashion as their counterparts in the other service branches.

The Navy Combat Action Ribbon is awarded to Navy and Marine Corps personnel based upon active participation in ground or surface combat beginning March 1, 1961. The equivalent Army award, the Combat Infantry Badge, has been given to Army personnel since July 4, 1943. Why should this unfair discrepancy stand?

H.R. 543, a bill introduced by Rep. MICHAEL MCNULTY, would erase the imbalance between the eligibility date requirements of the Navy Combat Action Ribbon and its counterparts in the other service branches. H.R. 543 provides for an award of the Navy Combat Action Ribbon to Navy and Marine Corps personnel during the period between July 4, 1943, and March 1, 1961.

Mr. Speaker, I believe we must pass H.R. 543 to correct the inequality in how we honor our veterans. As the current award process stands a large segment of the veterans' population is being excluded from proper recognition for the dedication and sacrifice they proudly made for our country. By passing H.R. 543 we would rightfully honor those who bravely served our Nation.

BEST WISHES TO J.J.!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. FILNER. Mr. Speaker, I rise today to offer my best wishes to a very well-loved member of the San Diego Community: J.J. the Gray Whale.

When J.J. was stranded on a beach more than a year ago, she was not expected to survive her journey to Sea World, San Diego. But survive she did. She was a mere 1,670 pounds and 13 feet, 10 inches long when she was saved. She has grown more than 10-fold—to 18,200 pounds, about the weight of six Buick Skylarks, and is 30 feet long.

Today, J.J. is scheduled to be released back to the Pacific Ocean to join other gray whales migrating north from Baja California to Alaska. Her recovery has been monitored by children around the country and I join them in wishing J.J. a successful transition back to the ocean and a safe journey.

J.J. was named after Judy Jones, who died after a life dedicated to rescuing sea lions. Scores of veterinarians, animal-care specialists, research scientists and animal trainers showed similar dedication in saving J.J. and preparing her for release. Over the past year, they have nursed her from a malnourished and dehydrated near-death state, taught her to eat from the bottom of her pool—similar to the way whales eat from the ocean bottom—and taught her to vocalize and recognize other gray whale sounds.

Her rescue and upcoming release are historic—it marks the first time that an orphaned gray whale has been raised by humans and released back into the wild. The Coast Guard, U.S. Navy, San Diego Police and Hubbs-Sea World Research Institute are handling the daunting logistics of her release.

J.J.'s life thus far has provided a wealth of scientific discoveries about gray whales. Her release provides a chance for her to live with other gray whales. I ask you to join me and the literally thousands of people cheering for J.J. in extending our thoughts and good wishes for her successful journey back to the wild.

TRIBUTE TO MRS. DOREEN SILVERMAN BROGDEN

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. CRAMER. Mr. Speaker, I rise today to honor Mrs. Doreen Silverman Brogden, a woman who is a credit to our nation, the state of Alabama, and my alma mater, the University of Alabama School of Law, where she has been employed for the past 30 years.

Doreen Silverman was born in England during the War. In 1957 she traveled to the United States to live with her aunt and uncle in Brooklyn, New York. One year later, at a dance in the city, she met a young American serviceman named Harold Brogden. Eight months later, on December 29, 1958, they were married.

In 1961 Mrs. Brogden moved with Harold back to his native Alabama, where he attended the University of Alabama in Tuscaloosa. Born and bred in London, she was not at all sure about moving to this southern state. But, as she has so often in her life, Doreen Brogden summoned the grace and pluck instilled in her at the Skinner School for Girls in Stamford Hill, and approached change with open arms. Upon arriving in Alabama, Mrs. Brogden found employment with a local attorney, Mr. Gordon Rosen, and began to learn the ways of the Bar. On September 1, 1968, she joined the staff of the University of Alabama School of Law as secretary to Dean Daniel J. Meador. She served under two subsequent deans, Thomas L. Jones and Thomas W. Christopher, before becoming the school's Law Publications Coordinator in 1984. In this capacity, Doreen Brogden has served as sage and assistant to over a generation of student editors on the staffs of the Alabama Law Review, The Journal of the Legal Profession, the Law and Psychology Review, and the American Journal of Tax Policy.

Over the years, Mrs. Brogden has worked tirelessly to better the law school she calls home. At the same time, she has been a loving wife to her husband Harold and a devoted mother to their son Gregg, who was born in 1966. You will see pictures of both prominently displayed in her office at the law school among those of her favorite students and faculty members throughout the years—of which there are many. Yet no picture is more prominently displayed than that of Gregg and his wife Lyric, whom he married in 1993.

When you meet Doreen Brogden for the first time, she will tell you that she lives by the creed her mother taught her in England: "I bow down to God only, the rest of us are equal." She is as good as her word. From deans to law students, Doreen Brogden treats them all alike: as peers when they deserve it, as friends if they can earn it, and, above all else, as her own children. Mrs. Brogden is an exemplary Alabamian who has earned the respect and gratitude of a countless number of Alabama law students. She is particularly treasured by the staff of the Alabama Law Review, where she has guided countless Managing Boards through the trials and tribulations of producing three issues a year.

As we approach the 30th anniversary of her joining the University of Alabama School of Law, I seek to honor this special woman. We are grateful that she found her way to our state, a state she loves as much as any native-born citizen. But Alabama cannot claim all of Doreen Silverman Brogden. She is truly an international individual, and she exemplifies a goodness that knows no boundaries. Mr. Speaker, I join today with her many friends and admirers at the law school in thanking Doreen Brogden for her life of service and her heart of gold.

PERSONAL EXPLANATION

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. COOKSEY. Mr. Speaker, unfortunately, I was not present to record votes on rollcall votes No. 76, 77, 78, 79, 80, 81, 82, 83 and 84. Had I been present I would have voted "yea" on rollcall 76, 82, 83 and 84; "aye" on rollcall 77, 78, and 80; "no" on rollcall 79; and "nay" on rollcall 81.

PERSONAL EXPLANATION

HON. BILL REDMOND

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. REDMOND. Mr. Speaker, I was unavoidably detained on Roll Call No. 19 and had I been present I would have voted "No."

ILLEGAL FOREIGN CONTRIBUTIONS ACT OF 1998

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the Illegal Foreign Contributions Act legislation that unfairly targets Legal Permanent Residents by restricting their right to participate in political activities. Specifically, this legislation bans campaign contributions by Legal Permanent Residents.

This legislation is patently unconstitutional. Legal Permanent Residents are like citizens in many ways: they work, they pay taxes, they can get drafted into the military, and they contribute to our economy and our society. Most importantly, the Courts have consistently held that Legal Permanent Residents enjoy the same First Amendments rights as do United States citizens. To silence legal residents in the arena of political speech goes against the most basic principles of our democracy.

The Supreme Court established in Buckley v. Valeo that campaign contributions are "political speech", and therefore protected under the First Amendment. Political contributions are one of the ways that like-minded individuals associate in furtherance of common objectives. Under Buckley and subsequent cases, any law which limits expenditures or completely prohibits campaign contributions from particular persons presumptively violates the First Amendment. Regardless of whether each of us agrees with or likes the decision in Buckley, it is the law and the court's constitutional analysis applies whether the person making the expenditure is a citizen or a Legalized Permanent Resident. Mr. Speaker, I have here in my hand a letter authored by nearly 100 law professors stating that a ban on campaign contributions by Legal Permanent Residents would violate their First Amendments Rights.

I hope that my colleagues will think carefully before casting a vote tonight on this legislation. I hope that they will vote to support the constitutional rights of our nation's Legal Permanent Residents.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. KIND. Mr. Speaker, today I want to put the leadership on notice that the need for campaign finance reform did not end last night. Our campaign finance system is broken and something must be done to take the influence of big money out of the process. The incremental bills we passed last night did nothing to address the fundamental problems in the system.

Until we do more, campaigns will continue to be dominated by soft money, independent expenditures and pressure on candidates to raise more money to combat these groups. There are a number of bipartisan campaign reform bills that begin to address these problems, the Shays-Meehan bill, and the Bipartisan Campaign Integrity Act both would reduce the influence of big money in politics. The House must be given the opportunity to vote on these bills.

The partisan tricks that the leadership used last night were are sham and a fraud on the people of this nation. The leadership should in no way assume that they made good on their promise to allow a vote on campaign finance reform. Until we have an open, honest vote on campaign finance reform I will not end my efforts to force that vote. The people of my district did not send me here to accept "no" as an answer.

AMERICA'S POLICE OPPOSE THE SAFE ACT (H.R. 695)

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. SOLOMON. Mr. Speaker, the National Sheriffs' Association, the Association of Chiefs of Police, the District Attorneys' Association, and The National Association of Attorneys General all oppose H.R. 695 (The SAFE ACT). The members of these organizations are planning to visit with Members of Congress this Spring to urge opposition to the SAFE ACT.

The Justice Department found that the bill would "severely compromise law enforcement's ability to protect the American people from the threats posed by terrorists, organized crime, child pornographers . . . and other criminals." The President will veto the bill if it is presented to him in its current form.

The so called SAFE ACT (H.R. 695) presents an extremely one-sided response to the encryption issue. The bill was drafted by and for the software industry, at the expense of the national security and public safety needs of the American people.

In an editorial, The Washington Post declared that "the real question is whether you believe this stuff poses a significant national security threat in the wrong hands. If you do—and we think it irresponsible to assume otherwise—then it's not enough to declare uncrackable privacy a civil right. You have to at least address the question of how to minimize intrusion into that right while preserving some ability to grapple with the potential danger."

The SAFE ACT (H.R. 695) is an unacceptable, unbalanced solution to the critical issue of encryption. it is imperative that the provisions included by the National Security Committee and the Intelligence Committee be incorporated into the Goodlatte bill in order to effect a compromise between the needs of industry and the legitimate law enforcement and international security needs of the American people. I respectfully request that you support a balanced encryption policy and oppose H.R. 695.

FOREST RECOVERY AND PROTECTION ACT OF 1998

SPEECH OF

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 27, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2515) to address declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes:

Mr. FORBES. Mr. Chairman, I know all too well how valuable our Nation's forests are, because in Eastern Long Island we have lost to development hundreds of thousands of acres of pine barrens that protect and filter the water that settles into the sole source aquifer that holds our drinking water.

The Forest Recovery and Protection Act (H.R. 2515) before us today would sacrifice the public benefits of our forests like water quality, wildlife habitat and recreation and instead promote clear cutting in our last remaining unspoiled wild forests.

Instead, we should be building on recent Forest Service efforts to study and protect these vanishing roadless areas.

When the studies are done and the facts are in, only then should we decide what to do about the practice of commercial logging on public lands.

The Forest Recovery and Protection Act (H.R. 2515) before us today pretends to be about a "forest health crisis;" in fact, the only crisis in our National Forests has been caused by excessive road building and destructive logging—a practice that would continue under this legislation if it is passed today.

The Leach-McKinney bill that I am an original sponsor of would put an end to decades of forest management for the benefit of timber industry profits and instead protect the public benefits of our forests like watershed protection and recreation.

The Forest Recovery and Protection Act (H.R. 2515) would steal money from environmental restoration and roads maintenance programs and put it into a new slush fund to promote clear cutting programs.

It specifically directs the government to ignore the costs to taxpayers of the clear cutting programs in this bill.

Money that now goes to promote irresponsible logging through Forest Service slush funds, should instead be put into environmental restoration and job training programs to create sustainable local economies, no longer based on environmental destruction.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. McDERMOTT. Mr. Speaker, I was traveling with the President in Africa Friday, March 27, 1998, and was unable to vote. I would have voted in favor of the Boehlert amendment to H.R. 2515 (Rollcall No. 79). I would have voted against H.R. 2515 (Rollcall No. 80).

COMMEMORATING 100 YEARS OF RELATIONS BETWEEN THE PEOPLE OF THE UNITED STATES AND THE PEOPLE OF THE PHILIPPINES, H. RES. 404

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. GILMAN. Mr. Speaker, I am proud to introduce today a Resolution commemorating

100 years of relations between the people of the United States and the people of the Philippines. It is right and fitting that the House of Representatives makes note of the special relationship that the United States and the Philippines have shared for nearly a century.

The beginning of our country's relationship with the Philippines in 1898 also marked the beginning of our great interest in the Pacific and the development of strong, robust historical and cultural ties between the Philippines and the United States. To its credit, the Philippines has modeled its governmental institutions of those of the United States and they share our commitment to democracy, human rights and free market economics.

Though the United States and the Philippines are literally an ocean apart, the large Philippine-American community, numbering over 2 million, has immeasurably enriched the social and cultural fabric of the United States and serves as a sturdy bridge of friendship between the two countries.

Until the end of the Cold War, the United States maintained major military facilities in the Philippines which played a significant role in the maintenance of regional peace and stability. The United States has important strategic, economic and political interests at stake in Southeast Asia and in maintaining stability remains an overriding U.S. security concern in the region. To this end, Filipino soldiers have stood shoulder to shoulder with American troops on the battlefields of World War II, Korea, and Vietnam to protect and advance these mutual interests. Today, the Philippines remains an important partner and ally in guarding the peace and maintaining stability in Southeast Asia.

The United States is pleased with the flourishing of democracy in the Philippines. It is hoped that the Philippines will serve as an example to others in the region and will encourage progress in the furthering of democratic principles and practices, respect for human rights, and the enhancement of the rule of law.

The Philippines and the United States are increasingly important trading partners providing the United States with significant commercial opportunities. The Philippines is the twenty-first largest trading partner of the United States and constitutes a large market for U.S. exports. I am confident that despite current economic uncertainties, the Philippines will weather the troubles plaguing Asia and emerge even stronger than before.

The Congress looks forward to a broadening and deepening of friendship and cooperation with the Philippines in the years ahead for the mutual benefit of the peoples of the United States and the Philippines.

I am pleased to have this opportunity to introduce this legislation and I invite my colleagues in the House of Representatives to support this Resolution commemorating the distinctive ties between the people of these two great nations.

I insert the entire text of this resolution in the RECORD.

H. RES. 404

Whereas 1998 marks 100 years of special ties between the people of the United States and the people of the Philippines and is also the centennial celebration of Philippine independence from Spain which initiated relations with the United States;

Whereas the people of the Philippines have on many occasions demonstrated their strong commitment to democratic principles and practices, the free exchange of views on matters of public concern, and the development of a strong civil society;

Whereas the Philippines has embraced economic reform and free market principles and, despite current challenging circumstances, its economy has registered significant economic growth in recent years benefiting the lives of the people of the Philippines;

Whereas the large Philippine-American community has immeasurably enriched the fabric of American society and culture;

Whereas Filipino soldiers fought shoulder to shoulder with American troops on the battlefields of World War II, Korea, and Vietnam;

Whereas the Philippines is an increasingly important trading partner of the United States as well as the recipient of significant direct American investment;

Whereas the United States relies on the Philippines as a partner and treaty ally in fostering regional stability, enhancing prosperity, and promoting peace and democracy; and

Whereas the 100th anniversary of relations between the people of the United States and the people of the Philippines offers an opportunity for the United States and the Philippines to renew their commitment to international cooperation on issues of mutual interest and concern: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Philippines on the commemoration of its independence from Spain;

(2) looks forward to a broadening and deepening of friendship and cooperation with the Philippines in the years ahead for the mutual benefit of the people of the United States and the people of the Philippines;

(3) supports the efforts of the Philippines to further strengthen democracy, human rights, the rule of law, and the expansion of free market economics both at home and abroad; and

(4) recognizes the close relationship between the nations and the people of the United States and the people of the Philippines and pledges its support to work closely with the Philippines in addressing new challenges as we begin our second century of friendship and cooperation.

IN HONOR OF FRANKLIN PERRY GOULD'S 90TH BIRTHDAY

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to honor Franklin Perry Gould of Crivitz, Wisconsin on the occasion of his 90th birthday.

Mr. Gould was born on April 21, 1908 in Marinette, Wisconsin. His father, B.P. Gould, operated a logging camp in the white pine forests of northern Wisconsin, a thriving business. Mr. Gould attended Crivitz High School, where he played basketball and graduated as Valedictorian in 1928.

Despite the hardship of the Great Depression, Mr. Gould was able to attend Carroll College in Waukesha, Wisconsin, and there he received his undergraduate degree in 1932. After college, he returned to Crivitz and started a business as a land surveyor.

In his long career, Mr. Gould served as the charter president of the Wisconsin Land Surveyors, which was organized in 1956. He also served as the president of the Wisconsin Towns Association, Chairman of the Town of Stephenson, and as a member of the Marinette County Board for 12 years.

During World War II, Mr. Gould moved his family to Sturgeon Bay, Wisconsin, where he helped the war effort by building ships.

After retiring from land surveying, Mr. Gould worked with his son, Donald Franklin, as a home builder. Even in retirement, Mr. Gould still visits home building sites whenever possible.

Everyone who has the pleasure to know Mr. Gould agrees he is a kind and noble gentleman who has no equal when it comes to honesty, integrity and perseverance. Today we pay tribute to him for all he has given to his family, his friends and his community for these 90 years.

THE RETIREMENT OF THOMAS G. POWERS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. LAFALCE. Mr. Speaker, all of us who are privileged to serve in the House know how much we rely on the hard work of our staffs, both in our own offices and in the various committees on which we serve. Occasionally, we are fortunate enough to work with a staff member who is so knowledgeable and effective in his or her area that it is difficult to imagine anyone else holding down that responsibility. I rise today to report to the House the retirement of such a staff member, the long time senior counsel to the Committee on Small Business, Tom Powers.

Tom has the distinction of being the longest tenured staff member in the history of the Small Business Committee—27 continuous years, in all. In fact, Tom is the only staffer to have served throughout the full standing Committee's existence, it having attained this status with the beginning of the 94th Congress in 1975. He also served throughout the period during which the Small Business Committee was a permanent select committee, from 1971 to 1975.

Tom earned law degrees from both Drake University in his native Des Moines, Iowa and New York University in New York City. He served as legal counsel to the Iowa General Assembly and Polk County, Iowa before coming to Washington in 1971.

He served as subcommittee counsel to our colleague, Hon. JOHN DINGELL, and then counsel to the full committee under Chairmen Joe L. Evins and Tom Steed. In 1977, Tom became the Committee's General Counsel, serving in that capacity under Chairmen Neal Smith and Parren Mitchell. Tom continued to serve as my senior counsel from 1987 until recently when I resigned my ranking minority position on the Small Business Committee to assume that position on the Banking and Financial Services Committee.

Tom's encyclopedic knowledge of small business issues and of Small Business Administration programs and legislation is legendary. Our friend, Representative Neal Smith, who served so honorably in this House for 36 years and was the father of many of those programs, remarked in his recent book, Mr. Smith Went to Washington, that Tom was the expert in the country on SBA programs. In keeping with the Small Business Committee's long tradition of operating in the most bipartisan and cooperative spirit possible, Tom made his expertise available to all Members on both sides of the aisle and to their staffs; and the respect which Members on opposite sides of an issue shared for Tom's knowledge and judgment was often decisive in our fashioning a workable compromise. Similarly, Tom used his technical skills and talent for negotiation in countless instances to resolve legislative and other disagreements between the House and Senate or between the Congress and the Executive Branch.

Tom has been deeply involved in virtually all small business legislation in the last quarter century. Of course, SBA's authorizing legislation has been a primary focus of his responsibilities over the years. But Tom also successfully shepherded the enabling legislation for all three White House Conference on Small Business (1980, 1986, and 1995), the original Regulatory Flexibility Act, the Prompt Payment Act, the Equal Access to Justice Act and federal procurement reform legislation, in addition to legislation establishing the nationwide Small Business Development Center network, the Small Business Innovation Research (SBIR) Program, new financing mechanisms for certified development companies (CDCs) and small business investment companies (SBICs), and new secondary market programs to enhance small business access to capital from sources traditionally unavailable to smaller concerns.

In addition to his legislative responsibilities, Tom also served as the Committee's liaison with the Committee on Appropriations, with which the Small Business Committee enjoyed an exceptionally good relationship. As though all these duties were not enough, Tom served as the Committee's parliamentarian and, in this role, earned the respect of all Committee members for his knowledge of House Rules and procedures and for his impartiality.

Over the years, Tom has received countless commendations for his accomplishments and services on behalf of the small business community. During Small Business Week in May, in fitting recognition for his untiring efforts, Tom will receive from SBA's Chief Counsel for Advocacy, Hon. Jere Glover, a Special Advocacy Award for unique and outstanding advocacy achievements on behalf of small business.

It is hard to overstate the influence Tom Powers has had on small business legislation and policy during his long tenure here. It is also hard to imagine the Small Business Committee without him. I know that I speak for all members of the Committee, past and present, and for the whole House in thanking Tom for his extraordinary service and devotion, both to the House and to the small business community, and in extending to him our best wishes for success in his future endeavors.

THE AMERICAN LEGION OPPOSES H.R. 695, THE SAFE ACT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. SOLOMON. Mr. Speaker, as you know, every major police organization in the United States, representing millions of Americans strongly oppose H.R. 695. Now our veterans have joined their efforts to defeat the bill. I have included in the RECORD today a letter from The American Legion which outlines their opposition to H.R. 695, the Safe Act.

The American Legion concurs that there are some provisions in the original H.R. 695 that can and will be detrimental to our national security and law enforcement efforts and will advise its membership of 4 million to the bill's shortcomings.

THE AMERICAN LEGION,
Washington, DC, February 25, 1998.

Hon. GERALD B. SOLOMON,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE SOLOMON: Thank you for advising me of your concerns with pending encryption legislation. After reviewing the legislation and reading testimony by respected authorities in law enforcement and national security matters, The American Legion concurs that there are some provisions in the original H.R. 695 that can and will be detrimental to our national security and law enforcement efforts.

It is our contention that the Department of Commerce should not be making decisions that impact so strongly on our country's national security. That responsibility should be left to other agencies of the federal government who have more expertise in electronic intelligence technology. The language in the amended version of H.R. 695 (Section 3) that was developed by the House Committees on National Security and Intelligence appears to provide a degree of limitation and control in this sensitive area and is a measure we can support.

The American Legion will be conducting its annual Legislative Conference at the Hyatt Regency Hotel on Capitol Hill, March 22–24. I will ask our Legislative staff to invite representatives of the Justice Department to speak on this matter. We shall also voice our concerns to Members of Congress when we make our annual visitation on March 24.

Thank you for alerting us of this situation. We will continue to monitor this matter and will also advise our membership of the pending legislation and its shortcomings.

Sincerely,

ANTHONY G. JORDAN,
National Commander.

ESSAYS ON FREEDOM

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. McINTOSH. Mr. Speaker, recently I had the pleasure of hearing three essays from three young students in Madison County. I wish to share these essays with my colleagues and the American people. The essays show a key understanding of the principles upon which our great nation was founded. Our country will continue to prosper if future generations, like these young students, hold dear to one of our cherished American values . . . Freedom. God Bless America.

WHAT FREEDOM MEANS TO ME

(By Danny Breeden)

It is hard for me to explain what freedom means to me because I have always been free. So were my parents, grand-parents, and many of my ancestors. So, when I want to think about being free I need to think about people who are not free. I think about; Hebrew slaves under the Egyptian pharaohs, the colonists before the Revolutionary War, American slaves before the Civil War, and the Jewish people under Hitler in Germany in the 1940's. I am sure today that there are still people in the world who are not free.

The Hebrews did not have any rights. Some of them could not even eat, drink, and sleep when they wanted to. They also didn't have the right to worship who and when they wanted to.

The colonists were oppressed by the king. They were heavily taxed and were not allowed to meet about town problems. Also they were not allowed to worship the way wanted to.

The Jews and the slaves were beaten, tortured, and even killed. They were also not allowed to speak or worship freely.

You know, when you think about it there is always a war when a group of people want to be free. It's not fair. Innocent men and women die for their freedom and the freedom of their families.

WHAT FREEDOM MEANS TO ME

(By Staci Johnson)

Basically, what freedom means to me is to have a choice. The choice to live where we want, work where we want, worship how we want, and much more.

In America, we have a lot of freedoms. We can have as many children as we please, whereas some countries can't. In some countries if they have more than one child, they would have to kill them.

We also have the freedom to go to church wherever we wish to or believe in whatever kind of God we choose. Along with this freedom, we have the choice to own the Bible. We can read it any time we want. Some countries like China doesn't allow the Bible or the freedom of religion. If you bring a Bible into China you are most likely to be put in prison.

Also in America, we have the right to voice our opinion. We can speak against the government without a fear of going to jail or a fear of being killed. We have the freedom to speak out in favor of what we want, desire, or need. We have the freedom to vote on who we want to be the leaders of our country. We also have the freedom to vote privately. We can vote for a Democrat or a Republican to be the leaders of our country.

Parents have the freedom of choice in education for their children. They can homeschool them, send them to private school, or send them to public school.

We can travel freely from state to state whenever we wish to without fear because of our freedom.

We also have the opportunity to try for any kind of job we want. We can quit a job if it is not the right one for us or if a better one comes along.

We can go to a grocery store or a mall whenever we need or want. We can buy whatever we shall please to buy. We can buy the food we want or the clothes we desire and much more.

We have so many freedoms. We are the most blessed country in the world. We should be grateful for what we can do and what we have. I love freedom, don't you?

WHAT FREEDOM MEANS TO ME

(By Andy Rogers)

When I hear the word "freedom" I think of times in American history when all people did not possess freedom. Slavery allowed human beings to be bought and sold as if they were just property. Slaves had only freedoms that their owners approved of. When America was colonized, Indians had lots of freedom, living and hunting where they pleased. As more white settlers came and invaded Indian territory, Indian freedom was whittled away until they were forced to live on reservations.

As a twelve-year old it is amazing to think I have more freedom than any adult slave or Indian. I have the freedom of choice because I can choose my friends, the things I wear to school, and how I spend my free time. I enjoy the freedom of speech because I can say what I think and talk about subjects I like. I have the freedom of religion because I can praise God freely and don't have to hide to worship him.

As a preteen I cannot enjoy as many freedoms as adults because I cannot vote, own land, get a job, or drive a car, the list goes on. But some of these freedoms I would not want because they are a lot of responsibility for a kid like me. There are other freedoms I cannot enjoy yet for safety reasons.

As I mature, my parent's give me more freedom. I look forward to the time when I become independent. Then I can live on my own and do what I want when I want to do it.

One freedom that is usually not thought of is man's free will. This is a freedom that every human being has whether they are slave, Indian, child, or adult. Free will is God's most important freedom to man. It enables man to choose everlasting life by believing in Jesus Christ as our Savior, and choosing to follow His will for our life.

I am so thankful to God for all the freedoms He has given me, but especially the gift of free will which lets me choose the ultimate freedom—heaven.

WOMEN'S HISTORY MONTH HONOREES

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. SABO. Mr. Speaker, as Women's History Month draws to a close today, I rise in recognition of five notable Minnesota women who have made significant achievements in their respective professions and who deserve to be recognized as a result.

Rosalie Wahl is the first woman to have been named a Minnesota Supreme Court Justice. First appointed to the Court in 1977, she served as a Justice for 17 years. By the time she left the Court in 1994 there were four women Justices. During the course of her career, she witnessed encouraging changes taking place for women in the state political arena, but her hard work and leadership made Wahl one of the true "pioneers." Wahl has said, "I feel we as women move forward together . . . none of us can really get where we are today without the help of other women and the men who have given us a hand." Prior to becoming a Supreme Court Justice, Wahl worked for the State Public Defender starting in 1967, where she argued over 100 cases before the Supreme Court, upon which she would later serve herself. Wahl attended William Mitchell College of Law, where she later served as an assistant professor and ran the Clinical Criminal Program prior to joining Minnesota's highest court.

Joan Anderson Growe is the six-term Secretary of State of Minnesota and is the state's first woman constitutional officer to be elected in her own right. Her public life reflects a deep commitment to citizen participation and openness. As Secretary of State, Growe has led Minnesota in becoming an elections model for the nation. She instituted mandatory election judge training, had election safeguard laws enacted, and supervised election law recodification. Minnesota's statewide on-line computerized voter registration database is one of the first in the nation. Growe has assembled a coalition of public and private sector organizations and businesses to conduct a Get-Out-the-Vote drive in every general election. Minnesota led the nation in voter participation in 1976, 1980, 1984, and 1988 and tied with Maine in 1992 and 1996. She organized the National Advertising Council's first Get-Out-the-Vote drive in 1980.

Pamela G. Alexander is the Assistant Chief Judge of the Hennepin County District Court where she has served for the past 15 years. Her commitment to community service is evident both in and out of the courtroom. In the Hennepin County District Court, she serves on numerous committees which represent a wide range of issues. These include the Sexual Assault Coordinating Board, the Public Safety Facility Advisory Board, the Grand Jury Task Force, and the Criminal Justice Coordinating Committee. The Minnesota Supreme Court has also named her to the Racial Bias Task Force where she currently serves as Chair of the Implementation Committee for her district. Alexander has received several community service awards, including the Minnesota Minority Lawyers Profiles in Courage Award. She also serves as a motivational speaker for local youth, making many appearances in churches and schools throughout the year.

Alana Blahoski is one of two Minnesota women to have played on the gold-medal winning United States women's ice hockey team in the 1998 Winter Olympics. Her athletic achievements demonstrate genuine perseverance and dedication. A St. Paul native, Blahoski graduated from Johnson High School, where she was a three-time all-star hockey player. She graduated from Providence College in 1996. At Providence, she served as co-captain on the women's ice hockey team as a senior and was named the 1995–96 Eastern College Athletic Conference Co-Player of the Year. Blahoski went on to become a two-time member of the U.S. Women's National Team, recording two goals and four assists in ten games. She also appeared on U.S. Women's Select Teams in 1995, 1996, and 1997.

Jennifer Schmidgall is the second Minnesota woman to have been a member of the U.S. women's 1998 Olympic ice hockey team, showing exemplary athletic ability and sharing the excitement of earning a team gold medal at a young age. A native of Edina, Schmidgall's interest in ice hockey sparked during visits to an outdoor rink at Lewis Park with her father, where she would skate and watch him play hockey. She started playing "serious" hockey in the eighth grade. By 1995 she was a member of the U.S. Women's National Junior Ice Hockey Team, appearing on the team again in 1996. Schmidgall graduated from Edina High School in 1997. She plans to attend the University of Minnesota this year, where she would like to study business management and psychology.

I am pleased to honor these remarkable women in celebration of Women's History Month. I thank each of them for their contributions to the state of Minnesota and I wish them continued success in the future.

EAGLE SCOUT HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding young individual from the 3rd Congressional District of Illinois who has completed a major goal in his Scouting career. Kevin J. Zielinski, a young man from Boy Scout Troop 358, Midlothian, Illinois will be honored at an Eagle Scout Court of Honor.

It is important to note that less than two percent of all Scouts in America attain the rank of Eagle Scout. This high honor can only be earned by those Scouts demonstrating extraordinary leadership abilities.

Kevin has clearly demonstrated such leadership abilities. When flood victims in North Dakota were in need of basic necessities, he took action. Kevin Zielinski led a group of volunteers that collected household cleaning supplies and personal care items for these victims of adverse circumstances. Through his achievements in Scouting, Kevin has shown that he is the kind of young man who can be counted upon to provide leadership in the community throughout his life.

Kevin also has the honor of being the 40th Eagle Scout from Troop 358. This shows that he has been successful in a highly disciplined organization of young men, promoting the kinds of values and achievements that we will always need to keep America a great nation.

In light of the commendable leadership and courageous activities performed by this fine young man, I ask my colleagues to join me in honoring Kevin J. Zielinski for attaining the highest honor in Scouting—the Rank of Eagle. Let us wish him the very best in all of his future endeavors.

DR. RUGGIERO HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to a distinguished physician from Northeastern Pennsylvania, Dr. Nicholas Ruggiero. Dr. Ruggiero will be honored at a retirement dinner this week and I am pleased to have been asked to participate in this tribute.

A native of Pittston, Pennsylvania, Dr. Ruggiero graduated from Pittston High School in 1953. His parents could not afford tuition, so he worked his way through King's College before joining the army to acquire the money for medical school. He received his M.D. from Jefferson Medical College of Philadelphia in 1966. He interned close to his hometown at Wilkes-Barre General Hospital and completed his residency and a fellowship at Jefferson.

During his fifteen-year tenure as the Director of the Coronary Care Unit at Wilkes-Barre General Hospital, Dr. Ruggiero began the Cardiac Lab at General Hospital. Its success led to the first open heart program in the area. Heart disease can now be diagnosed and treated at Wilkes-Barre General Hospital.

Mr. Speaker, Dr. Ruggiero's successes with the Cardiac Lab and open heart program in Wilkes-Barre meant that heart patients could stay in Northeastern Pennsylvania for treatment. This was a major contribution to the region's medical community.

I am proud to be a part of a tribute to this fine physician and to have had the opportunity to bring his career and accomplishments to the attention of my colleagues. I join with his friends, his family, and the community in sending my very best wishes for a happy and healthy retirement.

THE SAFE ACT (H.R. 695) IS DETRIMENTAL TO ISRAEL'S NATIONAL SECURITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. SOLOMON. Mr. Speaker, below is the Clinton Administration's official position regarding the effect of immediate decontrol of encryption technology on Israel.

> The potential consequences of an immediate decontrol of encryption exports is of international concern. This is not an issue for United States alone. As proposed in H.R. 695 (the SAFE ACT), the immediate decontrol of encryption exports would likely result in the proliferation of strong encryption to entities such as terrorists groups which then could use encryption to hide their plans and intentions. Such a move will have a destabilizing effect on national security worldwide.

The proponents of H.R. 695 maintain that our enemies and Israel's enemies will eventually possess encryption technology. This may be true, but fails to explain why we should rush to make this technology available to our enemies. The United States and Israel need time to develop a strategy and countermeasures to address these new technologies and for this reason H.R. 695 should be opposed.

DRURY PANTHER'S MEN'S AND WOMEN'S SWIMMING AND DIVING TEAMS

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. BLUNT. Mr. Speaker, I rise today to commend the Drury Panther's Men's and Women's Swimming & Diving Teams. During the National Collegiate Athletic Association (NCAA) Division II Swimming & Diving National Championship this year the men placed second overall for the second year in a row and the women placed first overall for the second year in a row. I congratulate both the men and women for their tremendous success at the national level. Even though these teams are made of great athletes, their success did not come easily. It came by spending between twenty-four to thirty hours a week in the pool. It came swimming between forty-two and sixty miles, six days a week. When you stop and realize that their time and commitment to swimming and diving doesn't happen in isolated preparation but as full time students at a college known for their high academic standards, it causes you to appreciate these student-athletes even more for their accomplishments both individually and as a team.

The Drury Panther's Swimming and Diving program is a program of success. It has been compared to the tradition of Nebraska Cornhusker football or Kentucky basketball. Only four years ago, Drury entered competition at the NCAA Division II level and both teams placed third overall in the first and second years. Before entering Division II, the men's team won seven national championships back to back at the National Association of Intercollegiate Athletics (NAIA) level. The women's program was established in 1988 and claimed three national championships at the NAIA level before going on the NCAA Division II. Any athletic program becoming a national force in ten years is almost unheard of at any level of competition. Much of that credit goes to Coach Brian Reynold's, a former All-American swimmer for Drury. He has been named National-Coach-of-the-Year at the NAIA level and the women's NCAA Division II Coach of the Year last season.

I congratulate Coach Reynold's, his coaching staff and most especially the young men and women on the Drury Swimming and Diving team for their success this year and wish them continued successes in the years to come.

HONORING THE OUTSTANDING SERVICE OF MISS VALARIE K. WOLFE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. GEKAS. Mr. Speaker, I would like to bring to the attention of my colleagues the name of Valarie K. Wolfe, of Harrisburg, PA, in my congressional district. The late Miss Wolfe was a fourth-grade teacher at the Milton Hershey School, in Hershey, Pennsylvania, from 1967 to 1997. I am pleased to report that a flag of the United States of America was flown over the Capitol on February 6, 1998, in Miss Wolfe's honor.

The Milton Hershey School was founded with a Deed of Trust as a school for orphan boys in 1909 by the chocolate magnate Milton S. Hershey and his wife, Catherine, for they could not have children of their own. After Catherine's death, Mr. Hershey gave his life fortune to the school so that it would last in perpetuity. Today, the school has more than seventy-three hundred alumni and has an enrollment of over one thousand needy boys and girls.

Miss Wolfe, a recipient of the Outstanding Teacher of the Year Award, was a graduate of Shippensburg University and a member of the Zion Lutheran Church, where she was a Sunday school teacher and played the piano. Miss Wolfe was also very active with the Dauphin Dog Training Club, where she was an instructor for many years. She often took her fourth-grade students to the Club to try to instill in them love and respect for animals. Her great love of animals was indicative of her kind, generous, and warm personality. In addition, Miss Wolfe enjoyed teaching children through drama, for she was involved in many of the plays presented in the elementary school, Memorial Hall. Throughout her long and extraordinary career, Miss Wolfe has made lasting impressions on those who have had the honor to have known her. She was well known for inspiring students and teachers alike during her three decades of service at Milton Hershey School.

Let the record reflect today that there is currently a void at the Milton Hershey School that will not soon be filled. Miss Wolfe always taught her fourth-grade pupils with dedication, understanding, patience, and love. I am honored to have had, in my congressional district, such a wonderful teacher who has touched the lives of so many. She will be missed, indeed.

THE PASSING OF FORMER MEMBER HON. BELLA ABZUG OF NEW YORK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. GILMAN. Mr. Speaker, it is with great sadness that I rise to note the passing of a former Member who, in fact, was a noteworthy Member of the Congress.

When Bella Abzug was first elected to the Congress in 1970, she had the distinction of becoming the first Jewish woman to serve in this chamber. She soon became a household word not only in her own Congressional District in Manhattan, but throughout the nation.

On her very first day in Congress, she introduced legislation requiring the immediate withdrawal of all American forces from Southeast Asia. Although her resolution was defeated, it served notice to the Congress, the White House, and the nation at large that here was a Congressperson who was willing to make waves on behalf of her beliefs.

Soon, Bella Abzug was famous for introducing the resolution which forced the White House to make public the so-called "Pentagon Papers." As an ardent supporter of the Equal Rights for Women Amendment to the Constitution, she is credited with coining the well known phrase: "A woman's place is in the House—and also the Senate!"

Although at the time Bella Abzug had a reputation for abrasiveness, in fact she paved the path for many other women who followed her into this chamber, and for this we owe her a tremendous debt.

In 1976, Bella Abzug conducted an unsuccessful campaign for U.S. Senate, in which she was defeated by DANIEL PATRICK MOYNIHAN, who continues to serve to this day. A year later, she was an unsuccessful candidate for Mayor of New York City. Although never again elected to public office, she remained a force for the causes she espoused until her death earlier today due to complications from heart surgery at the age of 77.

Bella survived her husband, Martin, an attorney, by 12 years. Those of us who knew Bella and Martin will never forget that dynamic team whose dedication was to a better life for all of us.

Bella Abzug will be buried at a private funeral on Thursday, with a public memorial at a time and location to be announced later.

To her daughters, Isobel and Eve Gail, and to her sister, Helen Alexander, we extend our heartfelt condolences. The world is a better place because of Bella Abzug.

HONORING MR. ELIO ROCA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, today it is a honor to recognize Mr. Elio Roca, a musical artist and actor well known to Hispanic audiences.

The Cuban patriot Jose Marti once said: "Men of action, above all, those whose actions are guided by love, live forever. Other famous men, those of much talk and few deeds, soon evaporate. Action is the dignity of greatness." Those words describe Elio Roca.

Mr. Roca has sung to sold out concerts in his native Argentina and has realized dozens of appearances on stages in Latin America and the United States. His performances at Madison Square Garden and the Shrine Auditorium in Los Angeles won critical acclaim. Mr. Roca is also known as one of the brightest actors in Latin America.

It must also be noted that this Argentinean native has been a supporter of human rights and a crusader against the Castro tyranny. He has written and dedicated a song entitled "To My Cuba I Shall Return" for all those Cubans who live in exile. Mr. Roca has been invited to tour the oppressed Cuban nation time and time again, and his answer has always been the same simple yet powerful response of a man of action, "never, never while Fidel is there."

Mr. Speaker, Elio Roca is a talented artist, a proud Argentinean, a friend of the Cuban people and above all, to quote a Cuban patriot "a man of action."

GOP SHOULD STOP PLAYING POLITICS WITH PEOPLES' LIVES

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. SCHUMER. Mr. Speaker, to paraphrase a famous Republican, "There they go again." Just as they did last year, the Republican Congress is holding badly needed emergency funding hostage to political whimsy.

As we all remember, though I'm sure some of my colleagues on the other side of the aisle would like to forget, the GOP held up emergency appropriations for flood victims in North Dakota for political purposes.

This year, Republicans are holding up federal relief for families in the Northeast who were recently battered by icestorms. Rather than have a straight vote on the emergency appropriations, Republicans are tying these funds to their agenda to decimate housing aid, cut education, and eliminate the President's national service program.

It has become apparent that the House leadership would rather build bridges to their right-wing constituencies than rebuild communities shattered by the forces of nature. These tactics have failed before, and they will certainly fail again.

Mr. Speaker, the families in Upstate New York, Maine and other Northeastern states need help, not political maneuvering. And they need help right now. I ask my colleagues to oppose this measure and instead demand an immediate, clear vote on emergency funding.

IN HONOR OF PAUL ROBESON DAY

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. RUSH. Mr. Speaker, I rise today to celebrate the centennial of the birth of Paul Leroy Robeson.

Whereas, Paul Robeson grew up in Princeton, New Jersey, the son of an escaped slave who was a Presbyterian minister; and

Whereas, Paul Robeson's forensic skills while in high school won him a scholarship to Rutgers University where he was the only African-American student and only the third African-American student in the college's history; and

Whereas, Paul Robeson, a brilliant student who was elected to the highest academic honor society in America, Phi Beta Kappa, in his junior year, was valedictorian of his college class and a Commencement speaker at a college where he could not live on campus in a dormitory; and

Whereas, Paul Robeson, a gifted four-letter athlete and two year football All-American understood the importance of community service and received the acknowledgment of the New Brunswick, New Jersey African-American community at a banquet in his honor while a student at Rutgers; and

Whereas, Paul Robeson went on to earn a law degree at Columbia University School of Law in 1923 and was admitted to the New York State bar; and

Whereas, Paul Robeson made his mark in the United States and abroad on the stage and screen including becoming the definitive *Othello* in modern theater and setting an all-time record for a Shakespearean play on Broadway of two-hundred-ninety-six performances; and

Whereas, Paul Robeson was a fearless advocate for the cause of human dignity and the civil rights of his fellow African-Americans and the human rights of other oppressed peoples throughout the world, and in doing so, sacrificed his career as a world renowned actor and singer; and

Whereas, in recognition of the achievements and accomplishments of Paul Robeson, the Chicago Board of Education constructed and opened Paul Robeson High School in the 1st Congressional District in 1977; and

Whereas, Paul Robeson's determination, academic achievements, self-discipline and self-esteem epitomize the traits and attributes that should be emulated by students all over the United States;

I applaud the Governor of Illinois, the Mayor of the City of Chicago and Paul Robeson High School in memorializing the life and works of Paul Robeson and celebrating April 9, 1998, as "Paul Robeson Day."

CONGRATULATIONS TO THE LITERACY COUNCIL OF MONTGOMERY COUNTY, MD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to the Literacy Council of Montgomery County, MD, on the occasion of its 35th anniversary on November 13, 1998. The Literacy Council was founded by Mrs. Beth Kilgore, and is a nonprofit organization supported by public funds and private contributions.

Since the Council's inception in 1963, the volunteer tutors have taught nearly 7,400 illiterate adults to read, write, and speak English. Dedicated volunteers act as administrators, office workers, speakers, and fundraisers, as well as tutors, and devote about 37,000 hours per year to the battle against illiteracy.

The Literacy Council has two primary programs: Basic Literacy, for English-speaking adults who have failed or have not had the opportunity to learn to read and write; and English as a Second Language, for foreign-born adults who need to learn English. At any given time, the Council has about 800 students and about 500 tutors participating in these programs.

The socioeconomic rewards of the services provided by the Literacy Council are invaluable. Newly literate adults become more involved and effective parents encouraging their children to aspire to more promising lives. Literacy skills enable these adults to acquire jobs and become productive members of society.

Mr. Speaker, I congratulate the Literacy Council of Montgomery County, MD, for 35 years of dedicated service to our community. It is a proud moment for me to pay tribute to the winning combination of staff, volunteers, and students of the council who have devoted their time and energies to wiping out illiteracy in our Nation.

RECOGNIZING KENNETH J. BEEBY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. MOAKLEY. Mr. Speaker, I rise today to recognize one of the great, behind-the-scenes figures in American business today. He is Kenneth J. Beeby, who will retire this year after 25 years of service with Ocean Spray Cranberries, Inc. Ken's leadership and dedication has led Ocean Spray and the cranberry industry nationwide through a period of unparalleled prosperity and growth.

Our professional and personal life creates many fine lines, demanding us to make many hard choices and decisions every day. Few people learn to navigate this line and maintain a balance—when to walk it, when to crossover and when to stand up and on what side. Ken Beeby is one of those few people who have mastered this ability with honor, self-respect and integrity.

During his 25 years of service to Ocean Spray, Ken has compiled an impressive record of achievement, rising to the post of Vice President, General Counsel and Secretary. Massachusetts is the birthplace of the cranberry industry and the home of Ocean Spray Cranberries, a grower owned market cooperative. For nearly 70 years, the cranberry industry has been a major contributor to our economic and employment base in Massachusetts. And Ken's keen intellect and understanding of the legal issues surrounding the Cooperative form of business and proper trademark usage enabled Ocean Spray to develop and grow into the organization it is today.

Cranberry growers nationwide respect and admire Ken's intelligent and professional manner in which he diligently performed his duties. His faithful service with various agricultural and trade organizations has been a benefit to the best interests of all cranberry farming communities across the country.

Ken started with the grower-owned cooperative in 1973 as House Counsel. In 1976, he was promoted to Chief Legal Officer and a year later, was named Vice President-General Counsel. In 1982, he was appointed Secretary of the Corporation.

Prior to joining Ocean Spray, Ken served as Staff Attorney and Assistant General Counsel with Seven-Up from 1961 to 1973. He is a graduate of Northwestern University School of Law and Beloit College in Wisconsin.

Ken is a member of several professional organizations, including the National Council of Farmer's Cooperatives, Grocery Manufacturers of America, National Food Processors Association, American Bar Association, Massachusetts Bar Association, American Agricultural Law Association, Association of Food and Drug Officials and the American Corporate Counsel Association.

An active participant in his home community, Ken is a Lay Person of his church and a former board member of the Plymouth Philharmonic Orchestra. He and his wife Shelley live in Duxbury, Massachusetts. They have three children and two grandchildren.

The cranberry industry has benefited from Ken's wise judgement, calm guidance and compassionate insight into the crucial issues facing business and agriculture. His devotion to the cause has helped secure for Ocean Spray a position of prestige among American corporations, and surely secured for him an honored place in the history of Ocean Spray, the cranberry industry and American business.

RECOGNIZING MS. CLAUDIA ALVAREZ FOR HER THIRD-PLACE FINISH IN A NATIONAL ESSAY CONTEST

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Ms. LOFGREN. Mr. Speaker, I rise today to recognize the outstanding achievement of Ms. Claudia Alvarez, whose essay on bilingual education won a third-place prize in a prestigious national essay contest sponsored by Scholastic, Inc., an educational publishing company.

Claudia's essay, "Estoy Orgullosa de Ser Bilingüe" ("I'm Proud To Be Bilingual"), very eloquently extols the virtues and enrichment of bilingualism from her personal perspective.

Claudia wrote her essay last year as a 5th-grade student at San Antonio School, located in the 16th Congressional District of California.

More than 40,000 students nationwide participated in the essay contest. Claudia's third-place finish earned her a $1,000 educational grant from Scholastic, Inc., which was matched with a grant from New Star, an educational testing company. In addition, Claudia has been honored by the California Association of Bilingual Teachers at its recent convention in San Jose, California and was flown to Dallas, Texas with her teacher, Ms. Norma Rodriguez, to be honored by the National Association of Bilingual Teachers.

In its March 4, 1998, issue La Oferta Review, a bilingual newspaper serving Silicon Valley, published Claudia's essay in English and Spanish.

Claudia's outstanding achievement is indicative of the potential of our young people when provided with the proper educational tools.

Mr. Speaker, today I ask my colleagues in the United States House of Representatives to join with me in recognizing the outstanding achievement of Ms. Claudia Alvarez.

[From La Oferta Review, Mar. 4, 1998]

I'M PROUD TO BE BILINGUAL

(By Claudia Alvarez)

I'm proud to be bilingual because that is who I am. I'm proud to be bilingual because my first language, Spanish in my mother tongue. It is the heritage from my ancestors. I'm proud to be bilingual because it is a privilege. When you speak one language well, you may feel like you are holding the world in your hands.

Those of us who speak two languages is like holding two worlds full of opportunities. Being Bilingual is like living in two rich exciting worlds, which one does not take over the other. Instead, they complement each other. Being bilingual opens more doors to the way of success. Also being bilingual is like having double brain capacity, because I can communicate my feelings, my fears, and dreams in more than one way. Being Bilingual is having double opportunities to communicate these dreams. To be able to speak two languages, is like living in two worlds full of surprises, adventures, and lots of promises for a brighter future. I'm proud to speak English because it is the language I learned at school. It is the heritage I received from the educational system, and it is my country's official language.

COUNCIL OF SCIENTIFIC SOCIETY PRESIDENTS

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. KLUG. Mr. Speaker, I would like to bring to your attention, and to the attention of my colleagues, that the Council of Scientific Society Presidents (CSSP) will mark its 25th Anniversary in 1998. CSSP is the nation's largest multidisciplinary consortium of scientific, engineering and technical societies. It is composed of over 60 federations and societies, representing over 1.4 million scientists, engineers, technologists and educators.

CSSP fosters communication and collaboration among all science and engineering disciplines and develops policy statements on issues of national scope. Through its network of leaders, CSSP facilitates the implementation of those policies.

For 25 years, CSSP has been a leader and a voice of reason. CSSP has played a key role in the health of the S&T enterprise by developing a network of national leaders and serving as an advocate of wise science policy.

CAMPAIGN REFORM AND ELECTION INTEGRITY ACT OF 1998

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. ETHERIDGE. Madam Speaker, I rise today in support of meaningful campaign finance reform.

I strongly support a thorough investigation of the practices of both political parties, and I want Congress to pass serious reform of the campaign finance system. We must eliminate the corrupting influence of special interest money from our political system and restore the faith of the American people in our public institutions. Neither party can claim total innocence of Washington misdeeds, and I believe the people of North Carolina sent me to Congress to work in a bipartisan manner to serve the public interest. That is what I try to do every day as a United States Representative.

At the start of the 105th Congress, the freshman class agreed that we would work on a bipartisan basis to reform the way that campaigns for public office are funded in this country. Each of us was pleased that the President agreed, and the Speaker of the House agreed, that we needed to pass campaign finance reform legislation during this Congress. While we were not able to bring any legislation to the floor last year, each of us was heartened to hear the Speaker say that there "would be a very fair bipartisan process of voting when we bring the [campaign finance reform] bills to the floor."

I oppose the way that campaign finance reform legislation has been brought to the floor of this House tonight. The leadership of this body has made a mockery of the democratic process. By bringing these reform bills to the floor under suspension of the rules of the House, these bills are doomed to failure because a simple majority of votes is not sufficient to pass a bill; instead a super-majority of votes (or ⅔ of Members voting) is needed in order to pass campaign finance reform legislation. A good bill can pass with a simple majority; a bad bill will not pass with a super-majority. The Majority Leadership has made the determination to kill campaign finance reform legislation by making sure that it will not garner enough votes to pass.

The people of this country are discouraged by this type of behavior from this Congress and will not be fooled by this attempt to pass ill-conceived legislation. Rushing these bills through the people's House without the benefit of full and open debate makes a mockery of the democratic process; rushing these bills through without the benefit of open debate only encourages the cynicism of our society.

H.R. 3581, the misnamed "Campaign Reform and Election Integrity Act," allows wealthy individuals to contribute even more money, by doubling the current Federal dollar limits on contributions to candidates and tripling the limits on contributions to political parties and total contributions, plus indexing them to inflation. As a result, a wealthy person would be able to contribute $100,000 more every election cycle. Most of the citizens of this country believe that there is too much money now being spent on political campaigns, and instead of curbing campaign spending, this bill increases the amount.

And, in another cynical attempt to prevent Hispanic citizens from voting, this bill includes a provision to establish a Federal "voter eligibility confirmation system" which allows state and local officials to drop voters from the rolls, solely on the basis of race or an "ethnic-sounding name." At a time in our Nation's history when fewer and fewer people take the time to go to the polls and cast a ballot, we should not further discourage people from voting by intimidating them from even trying to go to the polls.

Many Members of both the U.S. House and the U.S. Senate have introduced good campaign reform measures. However, in order to restore the trust and confidence of the American people, a way must be found to bridge differences and pass bipartisan campaign finance reform by the next election. I have cosponsored the Independent Commission on Campaign Finance Reform Act of 1998. This legislation will establish a bipartisan commission of 12 members and will recommend reforms to the laws that govern Federal elections. I believe that an independent commission provides Congress the best opportunity to overcome the political and legislative impediments that have stymied previous campaign finance reform efforts.

Madam Speaker, the American people deserve a reform of the campaign election system. I hope that we will have the courage to do something meaningful toward that end during the 105th Congress.

JOSHUA AND DELORES CRUPI CELEBRATE GOLDEN WEDDING ANNIVERSARY

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

Mr. WYNN. Mr. Speaker, I rise today to ask my colleagues to join me in honoring two of my constituents, Joshua and Delores Crupi, of Temple Hills, Maryland, on the occasion of their Golden Wedding Anniversary. This couple proves that with love, compromise, patience, perseverance, and understanding, a relationship can stand the test of time and serve as an example for others.

During World War II, a young woman left her native Kansas and came to Washington to work for the Navy Department. I suspect, she expected to return home after the War ended and stay there for the rest of her life. However, a young man, a native Washingtonian, had other ideas.

Joshua Crupi and Delores Ellington were married on March 30, 1948, in Forestville, Maryland, and took the first step on a long, challenging, and successful life's journey together. This journey has seen many events: happy, exciting, sad and bittersweet.

Mr. and Mrs. Crupi are the parents of four children: Patricia J. Slater of Alexandria, Virginia; C. Steven Crupi of Havelock, North Carolina; Pamela C. White of Mystic, Connecticut; and J. Gregory Crupi of Edgewater, Maryland. In addition, they have a daughter-in-law, Christine, and a son-in-law.

The lights of their lives are their seven wonderful grandchildren: Randa and James Slater; Adam, Timothy and Kelly Crupi; and, Danielle and Alexander White. Mr. and Mrs. Crupi delight in spending time with their grandchildren and take great pleasure in the privilege of grandparents everywhere—spoiling their grandchildren.

Mr. Crupi is retired from the Office of the Architect of the Capitol's Senate Carpenter Shop; Mrs. Crupi is employed by the National Star Route Mail Contractors Association here in Washington.

Both Mr. and Mrs. Crupi are active members of Electra Chapter No. 2, O.E.S., of the District of Columbia.

Mr. Speaker, I ask that my colleagues join me in extending our very best wishes to Mr. and Mrs. Joshua Crupi and our hope that they may share many more years of happiness and health. They are a wonderful example of the very best our country has to offer and a shining example to us all.

SENATE—*Wednesday, April 1, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, today when women from across our Nation have gathered here at the Capitol to unite in prayer and support of the National Breast Cancer Survivors Day, we ask You for Your guidance and healing power. Guide the persistent efforts of those involved in research. You have guided the laps of the Race For a Cure thus far. We thank You for a cure in time for the women of our time. We salute the survivors of breast cancer. They call us on in the relentless quest for a cure.

As we begin this day's work in the Senate, we pray for those who suffer many kinds of physical disease and thank You for the opportunity to cooperate with You in Your healing ministry by supporting medical research. We commit this day to work for Your glory. You have given us the day; now show the way. In the name of the Great Physician.

Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from New Mexico, is recognized.

SCHEDULE

Mr. DOMENICI. Mr. President, on behalf of the leader, I want to state the following:

Today the Senate will resume consideration of the budget resolution and the pending Coverdell amendment regarding middle-class tax cuts. Also, under a consent agreement, at 12 noon, the Senate will vote on or in relation to the Kyl amendment relating to seniors having a choice of health care providers.

A further vote will occur at 2 p.m. in relation to the Conrad amendment relating to tobacco. In addition, several additional votes will, hopefully, be ordered to occur in sequence at 2 p.m. following the Conrad vote.

Also, Members can anticipate rollcall votes an a number of pending amendments to the resolution and other amendments which are expected to be offered. Therefore, Members can anticipate votes throughout today's session.

Also, the Senate may consider any executive or legislative business cleared for Senate action. As a reminder to all Senators, the first rollcall vote will occur at 12 noon today.

I yield the floor.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order the Senate will now resume consideration of S. Con. Res. 86, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

Kyl amendment No. 2169, to express the sense of the Congress regarding freedom of health care choice for medicare seniors.

Conrad/Lautenberg/Bingaman/Reed amendment No. 2174, to ensure that the tobacco reserve fund in the resolution protects public health.

Conrad (for Moseley-Braun) amendment No. 2175, to express the sense of the Senate regarding elementary and secondary school modernization and construction.

Conrad (for Boxer) modified amendment No. 2176, to increase Function 500 discretionary budget authority and outlays to accommodate an initiative promoting after-school education and safety.

Brownback amendment No. 2177, to express the sense of the Senate regarding economic growth, Social Security, and Government efficiency.

Burns amendment No. 2178, to express the sense of the Senate regarding the use of agricultural trade programs to promote the export of United States agricultural commodities and products.

Smith (Oregon) amendment No. 2179, to express the sense of the Senate on Social Security taxes.

Smith (Oregon) amendment No. 2180, to express the sense of the Senate with respect to the use of marijuana for medicinal purposes.

Smith (Oregon) amendment No. 2181, to express the sense of the Senate concerning increases in the prices of tobacco products.

Kennedy amendment No. 2183, to express the sense of the Senate concerning the enactment of a patient's bill of rights.

Kennedy amendment No. 2184, to increase Function 500 discretionary budget authority and outlays to support innovative education reform efforts in urban and rural school districts.

Kennedy amendment No. 2185, to express the sense of the Congress regarding additional budget authority for the Equal Employment Opportunity Commission.

Wellstone modified amendment No. 2186, to provide a reserve fund to pay for increased Pell Grants by reducing or eliminating corporate welfare tax expenditures.

Wellstone/Moynihan amendment No. 2187, to express the sense of the Senate regarding a report of the Secretary of Health and Human Services evaluating the outcomes of welfare reform.

Wellstone modified amendment No. 2188, to provide additional funds for medical care for veterans.

Thurmond amendment No. 2191, to clarify outlay levels for major functional categories.

Thurmond amendment No. 2192, to clarify outlay levels for national defense.

Lautenberg (for Hollings) amendment No. 2193, to provide a supermajority point of order against any change in the off-budget status of Social Security.

Lautenberg amendment No. 2194, to express the sense of the Senate to ensure that the tobacco reserve fund in the resolution may be used to protect the public health.

Lautenberg amendment No. 2195, to establish a deficit-neutral reserve fund for environmental and natural resources.

Lautenberg (for Kohl/Reid) amendment No. 2204, to express the sense of the Senate regarding the establishment of a national background check system for long-term care workers.

Lautenberg (for Durbin/Chafee) amendment No. 2205, to express the sense of Congress regarding the right to affordable, high-quality health care for seniors.

Reid/Bryan amendment No. 2206, to express the sense of the Senate that the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding and that public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act.

Domenici (for Roth) amendment No. 2209, to express the sense of the Senate that the Committee on Finance shall consider and report a legislative proposal this year that would dedicate the Federal budget surplus to the establishment of a program of personal retirement accounts for working Americans.

Lautenberg (for Johnson) amendment No. 2210, to express the sense of the Senate regarding repair and construction of Indian schools.

Allard amendment No. 2170, to require the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt.

Craig amendment No. 2211, to modify the pay-as-you-go requirement of the budget process to require that direct spending increases be offset only with direct spending decreases.

AMENDMENT NO. 2199

(Purpose: To provide middle class tax relief)

Mr. COVERDELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for himself, Mr. MCCAIN, Mr. CRAIG, Mr. NICKLES, Mr. HELMS, Mr. KEMPTHORNE, Mr. GRAMM, and Mr. KYL, proposes an amendment numbered 2199.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, at another time, I had the distinct honor to serve a former President as Director of the U.S. Peace Corps. In that capacity, and due to the time of the watch, I had the opportunity to see the faces of people who had never been free or who had not been free for so long they could not remember it. It was the time when the wall was coming down and barbed wire was being clipped, and we were among the first Americans over the wall and under the wire.

The faces of those people are forever riveted in my mind. The consciousness of what the lack of freedom does to people has become a study of mine ever since. People's behavior is greatly affected by the condition of their freedom.

Then, after the Peace Corps, I had the opportunity to come to the U.S. Senate and look at America through the unique window this institution provides. In comparing the two experiences, I came to believe that the genesis of all American glory is that we have been a free people, that everything we are to ourselves and to the world is rooted in the fact that we have been free.

Mr. President, we hear the words freedom and liberty evoked over and over. I doubt if there is an American alive who doesn't hear it at least four times a day—that we are free people, that we enjoy freedom, that we experience liberty. But I don't think we reflect very much on what that means, what are the dynamics of American liberty. My suspicion is that if you were to ask a student what it constituted, they might likely point to the fact that we have been able to protect ourselves from evil forces throughout our history and keep ourselves free. They would point to Nazi Germany or Saddam Hussein. Or they might say our freedom is constituted in the fact that we are a republic and we are free because we have the right to choose who will represent us in our Government. But that is just a process; that is a means to an end.

Mr. President, for me, there are at least three core components to American freedom without which we would not be free. I have to say that there has been serious erosion in the last several years—in the last 30 years or so—with regard to each of the three components I choose to believe are core to American liberty. I am asserting that we are not who we are because of our genes; we are who we are because we have been uniquely free, and that freedom has produced the grandest experiment in human behavior in the history of the world.

What are the three components? Well, first is economic liberty. We fought the War for Independence over the issue of economic liberty. I like to use my family as a case in point. My father was of the generation—a grand generation—that did their part in building America and defended it through two world wars. I don't think anything has ever been asked of a generation more than theirs. But he was born in 1912 and he kept, generationally, 80 percent of all his paychecks. So what happened? Well, the American dream, as we have heard a million times. He began his career as a coal truck driver. Then he sold shoes in a department store. Then he sold Hoover vacuum cleaners and became the youngest city manager for that company in Kansas City. And then with those resources he was saving, he opened his own business, and he began to build products and dreams. We have heard it a million times. His granddaughter, my niece, has just begun her business career. Under the current scheme of events, unchanged in her generation, she will keep 40 percent of her paycheck over her lifetime. You don't have to be a rocket scientist here. If her granddad kept 80 percent of his paycheck and she keeps 40 percent, she has exactly half the options and half the capacity to pursue her dreams and to build her career. And I can tell you.

Mr. President, that will make her think and function differently than her granddad in terms of decisions she makes about her housing, her family, their education, and whom to count on, and whom not to count on, and where to turn for resources. No; it is not in our genes; it is that we have been free. We have over the last several generations been consuming everything we had, and the resources of those yet to come—my niece—so they won't have as much to work with. Any time a contemporary generation is in the business of consuming the resources of generations yet to come, they are in the business of abrogating the freedom of the generations yet to come.

The second principle of American liberty is safety. Mr. President, that is a little harder to describe. But it is the safety of persons and property. I typically ask people, in their mind, to go someplace that they know is not safe. And what will you see? You will see boarded up buildings, broken windows, decay, and not very many people. Conversely, travel in your mind to a place perceived to be safe, and what will you see? You will see new buildings, you will see new ideas, you will see entrepreneurship, and you will see lots of people, and they will be engaging in commerce and social activities. A free society must be safe—both persons and property.

Not long ago, I was in Nicaragua at the time of the inauguration of Madam Chamorro, who, in a surprise upset election, threw out the Sandinistas. It was like looking at a still shot. Nothing had moved when that society lost its freedom. When a car ran out of gas, it sat right there. When an axle broke, it sat there. When a building cracked, it broke.

She and her Government were saying, "Invest in this new free society to help us rebuild." And everybody's response was virtually the same. When people perceive this to be safe for their investments, safe for their employees and persons that build and work, the investments will come. But until the Government can assure that in a reasonable degree, they won't. We see that replicated over the world time and time again.

With the Asian crisis, suddenly confidence disappeared and assets moved rapidly away. Why? Not safe. Or any social order that can't resolve differences in a civil manner—every constitution of every State and our Federal Constitution show that government accepts the responsibility for there being a safe society as a principal responsibility.

The third component of American freedom, or freedom, is an educated mind. An uneducated mind, Mr. President, will be denied the privileges of American citizenship. An uneducated people, Mr. President, will not be free. They cannot be free.

We have known through our history that we had to produce an educated population to keep America free. The first thing that happens is, the uneducated mind is pushed away from economic opportunity and the inability to provide for oneself. The worst extreme is that they are pushed to a point of the unsavory components of our social structure. Then they threaten the second principle of freedom, which is safety. We have all seen the erosion in each of these components.

Mr. President, I come here as an optimist. I believe this generation of Americans, like those who went before us, will commit themselves to maintaining American liberty and the standards of liberty and to restore those components that have been weakened or crippled. We have passed the first balanced budget in 30 years. We are already benefiting as a people from financial discipline.

When I first came to the Senate, an average worker in the State of Georgia was keeping 45 cents out of every dollar they earned. Think of it. If Thomas Jefferson were here, he would faint first, and when he awoke, he would scorn us unmercifully that we would have ever allowed this to happen, that an American worker couldn't even keep half of what they produced. At a minimum, they should keep two-thirds of their paycheck—at a minimum. We passed the first tax relief in 16 years. It wasn't near what it should have been, but it was moving in the right direction. Now that Georgia worker is keeping 48 to 49 cents. It ought to be two-thirds.

I am going to come back to the point. But let me say that I don't believe, on the premise of safety and a safe society, that America will recognize the drug war within 24 months. Eight out of ten prisoners—it doesn't matter, the smallest town jail or the largest city—are there on direct or indirect drug charges. And I don't believe this country will tolerate it. It can't. We cannot accept the fact that 2 million-plus new teenagers are using drugs, or that one in nine in junior high is a regular drug user. That is once a month; or one out of four in our high schools. We are not going to accept this. I am convinced it will be turned around. As I said, you will not recognize it in just 24 months.

With regard to education, we are going to launch a major debate in the Senate on April 20. It will be but one of massive efforts all over this country to reverse the startling data that we receive every week, every month, where only 4 out of 10 students in inner-city schools can pass a basic exam. If we put all the schools together, we get it up to 6 out of 10. That is nothing to brag about. Or one-third of the students or more coming to our universities and colleges cannot read well.

This is how you get ready for the new century? No. You will not recognize education grades K through 12, kindergarten through high school, in the United States within a decade. It is going to change. America will not accept the status quo. I do not know how all the changes are going to come about, but they are going to happen.

We have demonstrated that we are beginning to take charge of our watch and keeping the financial integrity—economic freedom—intact so that Americans will continue to do what they have done throughout our history.

If all we do is protect the economic liberty, the safety of persons and property, and keep our population educated, America will take it from there. Those three components, if we just get them done on a day-to-day basis, we will not have to worry about the next century and America's role in it. It is not all that complicated: keep them free and flexible economically, keep them safe, and keep them educated.

Now I come to this amendment. I have just said that an American worker is keeping less than half of their paycheck. So this amendment is the middle-class tax relief act. What it does is, it says that over the next 5 years we are going to cut discretionary nondefense spending. We are going to be frugal, and we are going to cut it by 6.9 percent. If we achieve that, what we will have done is we will have said we will return to spending at about the level of 1996.

Not an onerous task. That will produce about $200 billion over this time in tax relief. It is designed specifically to reduce the middle-class tax squeeze. The way this works is we help 10 million American families who used to be in the lowest tax bracket—15 percent—but once they made 25,000-some few dollars more, they went over the $25,000 income level, wham, the 28 percent tax bracket. We virtually doubled their taxes as they moved from $25,000 to $30,000. What an incredulous policy.

Again, if you want to know what is culturally affecting America and the American family and the way it functions, it is that. In fact, if you look at the tax burden that those families have borne since 1950 to 1990 and have watched it just skyrocket from 2 cents to 25 cents on the dollar, Federal alone, and then match against it teenage suicide, SAT scores, it all fits. Every time we pushed that burden up and gave them less resources, they were less able to accomplish what the society needs. A lot of people think Hollywood is what has had a profound effect on our culture. Uncle Sam.

I look at it this way. If something marches through your checking account and takes more than half of what you put in it, it has more to do with you than you do. So we take 10 million of those families and we lift the bar and get them back into the 15 percent tax bracket, which means for the first time in many years they will be keeping over half their paycheck. What a marvelous accomplishment. And they will have new resources to do the things we are all complaining about are not happening in America.

Everybody will benefit, but the middle class will be the principal beneficiaries. Everybody is taxed on that first segment of income, so all taxpayers benefit, but the principal beneficiaries are the ones who we push down into the 15 percent tax bracket.

In so doing, we will be reinforcing one of the core components of American liberty—economic. Allow workers to work and save and keep resources to do the job that we need to have done in America—take care of their families, make decisions about education, dream new ideas, build new businesses. This is how it comes about. You have to protect the American worker's economic options. This goes a long way towards accomplishing that.

I am going to share just some of the key components of this. As I said, this middle-class tax relief act returns the middle class to the lowest tax bracket providing broad tax relief. I should note that the cosponsors are Senator McCain of Arizona—Senator McCain will come to the floor here shortly and give his views on this—Senator Nickles of Oklahoma, Senator Helms of North Carolina, and Senator Gramm of Texas, one of our most renowned economists in the Senate.

The proposal raises the income cap under which the 15 percent individual income tax rate applies. Approximately 10.3 million tax filers will be returned from the 28 percent tax bracket to the 15 percent tax bracket. Married couples' taxable income thresholds would rise to $70,000. Approximately 7.6 million married tax filers would be returned from the 28 percent tax bracket to the 15 percent bracket. Single heads of households' income thresholds would rise to $52,000 for single parents. Approximately 375,000 single heads of households tax filers would be returned from the 28 percent bracket to the 15 percent. Singles' taxable income thresholds would rise to $35,000, and approximately 2.3 million single tax filers would be returned from the 28 percent bracket to the 15 percent bracket.

Mr. President, 29 million taxpayers would see lower taxes because more income is taxed at 15 percent as a result of this broad-based middle-class tax relief. It is the only major tax relief proposal focused directly on addressing the middle-class squeeze. It is simple, it is basic, and it is achievable in this Congress.

Mr. President, $39 billion is expected as the annual tax relief from 1999 to 2003, according to preliminary estimates by the Tax Foundation. Nearly $1,200 in average annual tax relief per filer could be expected in the first year alone. It would also provide significant marriage penalty relief without adding complexity to the Tax Code.

There is not a soul in America who doesn't believe we can't find 6.9 percent in savings. In fact, if you ask the American people, the figure would be a lot higher when they talk about what they consider to be waste or not-accounted-for money, et cetera. It is interesting, on the eve of making this presentation, the Wall Street Journal headline yesterday: "United States Fails To Meet Standard Accounting Methods."

> Overall, the General Accounting Office—which acted as the equivalent of an outside auditor in preparing the financial statement—[on the American Government] found widespread problems with recordkeeping and documentation that apparently prevented the Government from properly accounting for billions of dollars in property.

This report is alarming, but it underscores what most of us have known for many, many years, that there is significant waste, significant loss of property and value in this huge, monolithic Federal Government that we have built. It needs to be downsized. We need to return to the idea of empowering the American citizen. We have gone way too far, and we are paying an enormous price for it in flexibility, in responsibility, in the care of our children, in the condition of our schools, in the denial of opportunity. There is no telling, over these last 30 years, because of the students who have come through these schools with inadequate educations, how many ideas, how many Jonas Salks, how many other U.S. Senators, how many new ideas and dreams never happened because we didn't give them the tools that we have traditionally given them in this country.

We ought to be about that business. We need to restore and protect the economic liberty of the American worker and family. We need to keep them safe, and we need to keep them educated to make it all work. That is what makes American liberty work.

Mr. President, I yield the floor. I reserve the remainder of my time so the cosponsors might also have an opportunity to come to the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the Coverdell amendment be temporarily set aside so I may speak on amendment No. 2181.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

AMENDMENT NO. 2181

Mr. SMITH of Oregon. I also ask unanimous consent that Senator GRASSLEY be added as a cosponsor to my amendment, No. 2180.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of Oregon. Mr. President, today I rise to speak on my sense-of-the-Senate amendment regarding the use of tobacco revenues to restore solvency to the Medicare Program. During the markup of this resolution, my colleague, Senator LAUTENBERG, offered a very similar amendment that stated it was the sense of the Senate that any tobacco legislation should increase the cost of a pack of cigarettes by $1.50. I voted in favor of this amendment. However, like Chairman DOMENICI, I believe we should use these revenues, not for new programs, but to save Medicare. I stated in the Budget Committee meeting that we were voting on amendment after amendment of very popular, and I am sure well-polled, ideas. When it comes to educating children or taking care of children, providing for schools and all of the other ideas that in the abstract we find very, very appealing, I found the arguments compelling—except for one thing. We have made some serious promises to the American people with respect to Social Security, Medicare, Medicaid—entitlements upon which people, frankly, have come to depend. These programs are in extremis. So, while it would be easy to vote for all of these well-polled ideas, I think it is important that we stand up for the promises of the past.

As we all know, there is a way to protect Medicare and also to address the issue of smoking. The use of tobacco products by children and teenagers has become a public health epidemic. According to the Centers for Disease Control, more than 16 million of our Nation's children will soon become regular smokers. This is a national tragedy. I hear some of my colleagues, even on my side of the aisle, say we should not do this through price. I have to say, in my opinion, all the regulation, all the education materials we can print and provide the schools are fine and good, but next to peer pressure the teens feel to smoke, these things amount to very little —except when you go after price. It is an economic deterrent that may well save them from this vicious habit, a habit which ultimately could take their lives.

Of the 16 million children I have talked about who become regular smokers, approximately one-third of them will die from tobacco-related illness. As this population ages and becomes eligible for Medicare, the health-related costs will escalate. In fact, a report by Columbia University says that tobacco use costs Medicare approximately $10 billion per year and the total economic cost of tobacco-related health costs is more than $100 billion per year. Regardless of the outcome of the tobacco settlement in Congress—and I am one who intends to vote for a settlement. Whatever we can get through this Congress that will help to change these disturbing, shameful trends, I intend to vote for because I believe it is our responsibility to ensure that we provide all the deterrence we can towards this habit and at the same time ensure that the Medicare Program that will bear much of the burden of this habit remains solvent by any and every means, as long as the means are contributing to the end that tobacco use by this generation and generations to come will be on the decline.

Whether we end up with a tax on cigarettes of $1.10 or $1.50 a pack, these revenues should be used to restore what has already been lost; in this case, Medicare dollars due to tobacco-related health care costs.

I thank my colleagues. I hope they will vote for my amendment. I hope we will have a tobacco settlement. And I hope we will keep yesterday's promises first and restore a degree of solvency to Medicare.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I did not understand the entire unanimous consent request. Is it fair to assume that the Smith proposal is now on the list of amendments to be placed for vote as we proceed through this, in accordance with our rules of fairness?

The PRESIDING OFFICER. The Chair will advise the Senator the amendment was previously offered and is one of the amendments that will be disposed of.

Mr. DOMENICI. I thank the Chair.

Parliamentary inquiry. How much time remains for the pending amendment?

The PRESIDING OFFICER. The Senator from Georgia has approximately 30 minutes remaining. The opposition has 60 minutes.

Mr. DOMENICI. I wonder, although we will put in a quorum call with both sides charged equally, I wonder if we could ask the opposition if they have some people to speak against Senator COVERDELL?

Mr. President, I suggest the absence of a quorum, and ask that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2199

Mr. LAUTENBERG. Mr. President, we have heard about the amendment that the Senator from Georgia proposes with Senator McCAIN, and I want to describe why I am opposing this amendment. While it sounds good on the surface, I think there are a few things we have to talk about and highlight what kind of problems might ensue.

This amendment would cut domestic programs like education, child care, law enforcement, veterans' programs, and environmental protection. It would violate current budget rules. Frankly, I view it as fiscally irresponsible.

This amendment calls for $101 billion in cuts from discretionary programs for use in providing various tax breaks. I note that it is not allowed under the Budget Act. And there is good reason that the Budget Act protects against that. The Budget Act is designed to ensure that if we incur permanent obligations, like permanent tax cuts or new mandatory spending, that we pay for these obligations with permanent savings. That is what the pay-as-you-go system is all about, and it has worked well for many years. People understand very clearly that if you spend it, you have to find a way to get the money.

This amendment flies in the face of these rules, and it threatens to undermine long-term fiscal discipline. The amendment says that we should make cuts in temporary spending—that is, annually appropriated discretionary programs—and use temporary cuts to fund permanent tax breaks. That is a mix and match that does not work.

Mr. President, it does not take a CPA to figure out that this can create serious problems in the long term. I am not opposed to tax cuts for ordinary working Americans, but I do think we should pay for them with permanent savings. I do not think we ought to introduce gimmickry that says we are going to have permanent cuts and temporary savings.

In addition, I am concerned about what it would mean to cut $101 billion from programs which support education, fight crime, support our veterans, and protect our environment. Many of these programs are critical to the well-being of our country and to millions of ordinary Americans.

The question is raised, Is there waste in Government? Yes, of course, but this amendment does not target waste, it adopts the meat-ax approach to Government, and that is not what the American people want. In the most successful corporations, in the largest corporations, there is waste, but how you get rid of it is to focus on what caused it in the first place and work deliberately toward ending it.

You do not simply say, "OK, we're going to cut our expenses across the board." That goes through good departments; that goes through bad departments; that goes through good management, as well as bad management. That is not the way problems are solved.

I think most Senators from both parties will agree that the era of big Government is over. Government has been shrinking, and it will continue to shrink. As a matter of fact, the executive branch employment is the lowest as a proportion of total civilian employment since the 1930s.

Federal outlays as a percent of GDP stand at their lowest level since the Nixon administration. Nondefense discretionary spending is at its lowest percentage of GDP since the early 1960s.

I think it is important to note where America stands. Total Government spending as a share of GDP is the lowest for the United States than for all G–7 countries, the most advanced countries in the world—France, Italy, Germany, Canada, the U.K., and Japan. That tells us that not only is Government spending proportionately less but that Government is in fact smaller when it comes to employment and programs realistically.

Under the budget agreement reached last year, nondefense discretionary spending in 2002 will reach its lowest level in almost 40 years as a share of GDP. But the McCain-Coverdell amendment would violate the budget agreement. It would lower the discretionary spending caps even further, making draconian cuts in the investments that Americans care about most.

Under this amendment, funding for the National Institutes of Health would be cut by 7.9 percent; education would take a 7.6 percent cut; child care would be hit to the tune of 7.8 percent; the environment, 8.3 percent; transportation, a 7.1 percent cut; and veterans programs, a 7.6 percent cut. And it goes on—crime fighting programs would be reduced 7.6 percent. All to support $101 billion worth of tax breaks.

The kind of cuts that would be required under this amendment could have a devastating effect on our children. It would dramatically reduce funding for education, child care. It would weaken enforcement of environmental laws and undercut our efforts to reduce crime and support our veterans.

I listened to the debate carefully, and I heard descriptions of an America that I really do not recognize—an America where your freedoms are limited, where your opportunities are reduced, an America where it is harder to get by.

I have to ask one question: Why is it that people will die to take the chance and the risk of death to get to our shores, to sneak in our borders, to float on tubes in the Caribbean, hide in the holds of airplanes, take a chance on drowning in the hold of a boat to get here, to get to this place described as a confiscatory structure that does not permit people opportunity?

Mr. President, that bell does not ring true. It may be good politics, it may sound good on the radio when people hear it, but it is not the truth about our society. This is the greatest country on the face of this Earth, and it has been since its creation. And we have been smart. We have been working hard, but we have also been darn lucky, let me tell you. We have an abundance of whatever it is. We have an abundance of oil; we have an abundance of minerals; we have an abundance of space; we have an abundance of agricultural land. Boy, are we lucky—America the beautiful. That was not a coincidence; that is the truth. And people all around this world know it.

That is why our stock market is constantly headed upward. Why? Because people say, if you have money, whether you are in countries A, B, C, D, all the way around the globe, "Boy, I want to put my money in America, because I know it is safe here." We have seen country after country, the richest oil countries, they are packing their money and getting out of their own resource structure, because they know they may have oil in the ground but they do not have freedom on the streets; they do not have a secure societal structure.

And we hear whispers about what Thomas Jefferson might have done. Look at this country. Look at our citizens. Life expectancy has never been better. I remember when I was a child, the man next door to us died. He was 53 years old. And I thought to myself, I said to my friend, "Oh, he was old."

Old? I see lots of guys over 50. I see guys in my decade running in marathons, jogging, healthy, supporting their families, enjoying life. Why are there conversations about, maybe Social Security ought to be raised? I am not endorsing it; I am simply mentioning it. Why? Because we know that people who are 65 are today almost prime-of-lifers.

And, boy, I come from New Jersey, and I want to tell you, when I look at New Jersey's economic structure, we are called "the medicine chest of the country," because we have these pharmaceuticals. I used to read the sports pages actively. Now I read about the new inventions or the new patents actively—what is going to save your hair, what is going to save your heart, what is going to save your lungs. That is the kind of society we are.

What is this gloom, this despair, that hangs over us? "Well, they're taking away our rights. They're confiscating our property." Life has never been better on the whole for the people in the world than in this country, America, these days.

People get in an airplane today that is jammed. It is jammed with ordinary working people. No more of the formality. You do not have to wear a suit and a tie to get in an airplane, as was the custom years ago because it was restricted to an elite few. It is available for everybody. Air traffic today is almost mass transit, because we have made it available.

People go on vacations to places that nobody even heard of when I was a child. It is available. Children are healthy. Look at them. Look at the young people who surround the President's table there, bright, 15 years old. They know what is going on in the world. They have learned. They love the opportunity to be here and to associate with these great Senators, I think.

This is a country where we devote our energy to young people. We want our kids to have appropriate nutrition. We want them to have proper education. Do we succeed in every program? Heck, no. We do not. But we try. We try. And it is a subject of debate here. Right or wrong, it does not matter. It is a free society, as free as any place in the world. I know lots of places where if you talk about things we talk about here—criticism of the President, criticism of this institution, criticism of that institution—you go off with your hands in handcuffs.

This is a great society. It does not need any apologies from anybody about whether or not taxes—yes, maybe taxes are a little onerous at times, but the question is, compared to what? We can talk about what tax rates used to be, the amount of income kept in years and decades gone by, "dreamsville," but today you may pay a little bit more, but you have a lot more left because you are earning more. That is what this society is about.

Entrepreneurships, opportunities, Mr. President. I have been really lucky in my lifetime. Best of all, my luck is four children and five grandchildren, with number six on the way. That is the best luck I have ever had. But in addition to that, I was able, with a couple of other guys who, like me, came from working-class parents—my father worked in the silk mills of Paterson. Paterson is an industrial city that has fallen by the wayside, one of America's poorest cities trying to fight back. A lot of dilapidation; a lot of problems; but a lot of spirit.

Three of us started a business that started an industry that created more jobs than the computer hardware business. More people are employed in the software service side of the computer industry by far than those in the hardware business, than the IBMs or the RCAs or the Honeywells or the companies that used to be in the computer business. Today, there are more people employed in the service companies like ADP—the company I helped found—by far than companies that made hardware.

I am considered a pioneer. I am in something called the Hall of Fame for Information Processing, a little place in Texas, that has some plaques in there because we were innovators. The company I started—without a dime literally; the three of us came from poverty, not middle-class; poverty—our company today employs 30,000 people across the world and has one of the best records of growth in its stock of any company in America. If you invested $300 in ADP in 1961, it is worth $1.4 million today.

What does it mean? It means that entrepreneurship is alive and well in this country of ours. Look at Intel, look at Microsoft, look at America Online. Look at these companies. You will see success after success after success. There is no shortage of opportunity in America, none at all. The shortage may be in the mentality that fails to see the goodness that we have in this country of ours.

Talk of the gloom and the confiscation of property and taxes and how debilitating it is to pay your way—my gosh, if people want to join a club, they look at the dues and they say, "Well, is it worth it or not? What's it worth to belong to the country club called America?" It is worth everything. People are willing again to fight and to die for the opportunity to be here. Look at how many illegals we have in this country now. Under all kinds of threats—you get shot at the border, you get stopped, you get jailed—they still pour over because they want to be in America. That is where the opportunity is. That is where the freedom is at its fullest.

When I hear talk about how we are losing opportunity, we are losing the chance to succeed, it is summarized in one word that means a lot in America. It is called "baloney"—and I'm not talking about meat. There is plenty of opportunity here. And we have problems. One of the problems is our violence rate—10,000 people, roughly, murdered by handguns, people afraid to walk down the street. One of the people on my staff, 2 days ago, was walking home, living just about on Capitol Hill, a gun was put in her face, took her handbag. Thank the Lord that is all that happened.

Those are the problems that we have. Those are problems we ought to work on. I don't understand why we want to take money away from safety and fighting crime and put it into tax breaks for people who don't need it, especially those at the top. Look at the top incomes in this country. It boggles the mind. I never knew that people could amass the kind of fortunes that we have seen.

We have our weaknesses, but, boy, have we got our strengths.

I urge my colleagues to reject this amendment. Don't play with the system this way—shoot-from-the-hip tax breaks that are permanent, cuts in other programs where the revenue flow is just temporary. This adopts a meat-ax approach to domestic needs while making sure that these tax breaks are there. It violates the Budget Act. We note that. I hope our colleagues will reject this amendment and in that rejection say no, we are not going to play those kinds of games.

I yield the floor.

Mr. McCAIN. Mr. President, I am proud to join my colleague from Georgia in offering this amendment to incorporate the provisions of the Middle Class Tax Relief Act of 1998 into the assumptions underlying the Fiscal Year 1999 Budget Resolution.

On January 22, 1998, Senators COVERDELL, GRAMM, and I introduced S. 1569, a bill which would deliver sweeping tax relief to lower- and middle-income taxpayers. The bill would increase the number of individuals who pay the lowest tax rates of 15% and significantly lessen the impact of one of the Tax Code's most inequitable provisions—the marriage penalty.

In 1998, the Middle Class Tax Relief Act would place approximately 10 million taxpayers now in the 28% tax-bracket into the 15% tax-bracket. An estimated 28 million Americans would reap some benefit from the broad-based tax relief provisions in the bill, according to the Tax Foundation.

The amendment we are offering today provides the budgetary flexibility to deliver this broad-based tax relief to Americans. It pays for this tax relief by trimming more of the fat from our bloated federal government and closing inequitable and unnecessary tax loopholes for big businesses.

The middle-class tax cut plan in S. 1569 would reduce revenues by approximately $195.5 billion from 1999 through 2003. This amendment establishes a reserve fund, comprised of spending cuts and increased revenues from closing tax loopholes, to fully offset this loss of revenue.

We eliminate $94 billion in special-interest tax loopholes over five years. These inequitable provisions—like the ethanol fuel tax credit, taxation of coal sales as capital gains, special tax treatment of shipping companies' capital construction funds, and dozens of other provisions—benefit corporations and businesses at the expense of middle-class Americans.

The amendment cuts $101.5 billion from non-defense discretionary spending, an average reduction of 6.9 percent over five years. At the same time, we recognize that tax relief cannot come at the expense of those programs that ensure the well-being and health of our nation's elderly and most needy. Our amendment makes no cuts in Social Security or Medicare. It also specifically protects programs that support education and child nutrition, support medical priorities, help low-income families make ends meet, curb illegal drug use among children, and reduce illegal immigration. None of the spending cuts would come from these programs.

The cost of providing middle-class tax relief—$195.5 billion—amounts to only 2 percent of the more than $9 trillion that the federal government will spend over the next five years.

Our amendment supports the enactment of S. 1569 without throwing the budget into imbalance or even affecting the growing federal budget surplus. The surpluses expected in future years are the key to beginning to pay down our massive $5.4 trillion federal debt and shoring up the ailing Social Security system. Middle-class tax relief would, in fact, contribute to a stronger economy and thus to even greater budget surpluses.

Mr. President, this amendment offers Senators an opportunity to reaffirm their continued support for fundamental tax reform for middle-class Americans. Last year, we passed, with bipartisan support, the Taxpayer Relief Act which was a broad-reaching bill to address certain very specific problems, like capital gains taxation, taxes on home sales, and the like. The Middle Class Tax Relief Act continues the momentum for tax relief to remove the overly burdensome tax load that most Americans bear.

The Middle Class Tax Relief Act focuses directly on addressing the middle-class tax squeeze. It is essential that we provide American families with relief from the excessive rate of taxation that saps job growth and robs them of the opportunity to provide for their needs and save for the future.

First, the bill targets tax relief to the individuals who feel the tax squeeze the most: lower and middle-income taxpayers. For example, under this bill, unmarried individuals could make $35,000 and married individuals could make $70,000, and still be in the lowest tax bracket.

Second, the bill is simple and provides broad-based tax relief. It bases taxation on income alone, rather than the number of school-age children.

Third, the measure results in taxpayers being able to keep more of the money they earn. This extra income will allow individuals to save and invest more. Increased savings and investment are key to sustaining our current economic growth.

Last, the bill minimizes the effect of the marriage penalty. Our current tax code taxes a married couple's income more heavily than it would tax a single individual earning the same amount of income as the married couple. The bill reduces this inequity by taxing a married couple's joint income and a single individual earning the same income as the married couple at essentially the same effective rates.

In sum, the measure is a win for individuals, for families, and for America. Millions of Americans would realize some tax relief from this legislation. Thus, more Americans will be able to keep more of what they earn. This, in turn, will insure that Americans have more of the resources they need to invest in their own individual futures, and America's future.

Mr. President, on a broader scale, I believe we should abandon our existing tax code altogether and create a new system. This new system should have one tax rate, which taxes income only one time. This new system should also reduce the time to prepare tax returns from days to minutes, and the expense to prepare tax returns from thousands of dollars to pennies. But I recognize that scrapping the Tax Code now is not a realistic expectation, so we must settle for a more gradual approach to relieving the tax burden on Americans.

Last year's Taxpayer Relief Act was a step in the right direction to provide tax relief to lower and middle-income families. The Middle Class Tax Relief Act of 1998 represents an important further step toward a flatter, fairer tax system, which also provides immediate tax relief for hard-working Americans and their families.

Mr. President, on behalf of the millions of Americans in need of relief from over-taxation, I urge my colleagues to support this amendment and demonstrate their continued commitment to tax reform and relief.

Mr. SPECTER. Mr. President, I have sought recognition to explain my vote against the Coverdell Amendment, which has a laudable objective of reducing the federal tax burden on millions of American families, but goes about funding such tax relief in a manner which I cannot support.

Specifically, the Coverdell Amendment provides for $101.5 billion/five years in tax relief through making more Americans eligible for the 15 percent tax bracket. The revenues lost through this amendment would be made up by cuts in all non-defense discretionary spending programs and over the same five-year period.

As Chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I know how hard it is to reduce federal spending. I have used a scalpel, not a meat axe, to cut 134 federal programs over the last five years, with savings totaling $1.5 billion. The cuts proposed in the Coverdell Amendment for FY99 include $1.5 billion from health programs such as the National Institutes of Health and $2.5 billion from education, job training, employment, and social services. Other cuts in the Coverdell Amendment trouble me, such as $737 million in transportation and over $1 billion in cuts for veterans' programs in FY99.

With respect to the tax relief offered by the Coverdell Amendment, I do not believe it actually goes far enough toward flattening the current tax brackets. My own approach toward reducing the tax burden on Americans is my Flat Tax Act (S. 593). I am troubled that Americans spend 5.4 billion hours and $600 billion each year complying with the complexities of the 12,000 pages of the Internal Revenue Code rules and regulations. I believe that the best answer for alleviating the tremendous tax burden on America's working families and businesses is a flat tax, and have proposed replacing the current tax code with a 20 percent flat tax on individuals and businesses that could be filed on a simple 10-line postcard.

S. 593 increases the personal and dependent allowances for families and preserves two key deductions that make the tax burden a little more bearable for working families: deductions of home mortgage interest capped at $100,000 in borrowing, and for up to $2500 in charitable contributions. For example, a typical couple with two children earning $30,000 would save about $1,100. It also eliminates taxes on estates, dividends and capital gains. With respect to businesses, S. 593 would eliminate the intricate scheme of complicated depreciation schedules, deductions, credits and other complexities that go into business taxation. Businesses would be allowed to expense 100 percent of the cost of capital formation, including purchases of capital equipment, structures, and land, and do so in the year in which the investments are made.

With a flat tax, Americans' savings rates will rise, and the pool of capital available for investment in business expansion and job creation will expand dramatically. Reasonable estimates are that a flat tax can lower interest rates by two points, pump an additional $1 trillion into the economy over seven years, and raise the per capita income of every American by $1,900.

Mr. ABRAHAM. Mr. President, I am going to support the Coverdell amendment because I believe that the tax burden on American families is too high and that people—especially hard working low- and middle-income Americans—should be allowed to keep more of what they earn.

The federal tax burden is currently the highest in our nation's history. The National Taxpayer's Union reports that the average American family now pays almost 40 percent of their income in state, local, and federal taxes. The Coverdell amendment addresses this problem by targeting $101 billion in tax cuts at families in Michigan and elsewhere, most of them earning between $25,000 and $70,000. At its very core, Mr. President, the Coverdell amendment is a statement that taxes on middle-class American families are just too high.

Right now, Mr. President, a family in Michigan that earns as little as $42,000 pays an income tax rate of 28 percent—42 percent if you include payroll taxes. The Coverdell amendment cuts that income tax rate to 15 percent.

Right now, millions of middle-class couples are penalized by the tax code for being married. The Coverdell amendment helps reduce this "marriage penalty" and end the tax code's bias against families.

The Coverdell amendment takes a significant step in reducing tax rates for middle-class families and eliminating unfair biases against married couples.

That said, Mr. President, I want to make clear that the offsets included in the Coverdell amendment are not those that I would choose. Overall, the Coverdell amendment calls for a reduction in annual federal spending of about $40 billion out of a total budget of $1.7 trillion, or just over 2 percent. And while these spending reductions will eventually be the responsibility of the Appropriations Committee, I believe they can be accomplished without cutting education accounts or reducing highway spending.

The federal government is projected to spend hundreds of billions of dollars over the next five years on administration, overhead, and personnel expenditures. Targeting these areas for cuts, including eliminating unnecessary government agencies like Commerce, Energy and HUD, and reducing excessive overhead accounts, should be the first priority to offset these tax cuts and are adequate to offset the projected revenue impact.

Mr. President, I support a smaller, more efficient federal government that allows people to keep more of what they earn. For that reason, I support the Coverdell amendment. If the amendment is adopted, however, I intend to offer a series of amendments that would redirect the spending reductions called for by the Coverdell amendment towards the areas outlined above while protecting important budget functions like health, education, transportation and law enforcement.

Mr. McCAIN. Mr. President, last year's Taxpayer Relief Act was a step in the right direction to provide tax relief to lower and middle-income families.

This amendment to incorporate the provisions of the Middle Class Tax Relief Act of 1998 into the assumptions underlying the Fiscal Year 1999 Budget Resolution, represents an important further step toward a flatter, fairer tax system, which also provides immediate tax relief for hard-working Americans and their families.

This amendment provides broad based middle class tax relief by increasing the number of individuals who pay the lowest tax rate of 15% and significantly lessening the impact of one of the Tax Code's most inequitable provisions—the marriage penalty.

An estimated 28 million Americans would reap some benefit from the broad-based tax relief provisions in the bill, according to the Tax Foundation.

The amendment pays for this tax relief by trimming more of the fat from our bloated federal government and closing inequitable and unnecessary tax loopholes for big businesses.

The amendment cuts $101.5 billion from non-defense discretionary spending, an average reduction of 6.9 percent over five years.

This amendment does not cut any spending from Medicare and Social Security.

It also specifically protects programs that support education and child nutrition, support medical priorities, help low-income families make ends meet, curb illegal drug use among children, and reduce illegal immigration.

Mr. President, on behalf of the millions of Americans in need of relief from over-taxation, I urge my colleagues to support this amendment and demonstrate their continued commitment to tax reform and relief.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent the pending amendment be set aside so I may make some brief remarks and introduce an amendment on behalf of myself and my distinguished colleague from Maryland.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the Chair. Let me just offer my thanks and congratulations to the distinguished chairman of the Budget Committee for presenting a budget resolution which balances a large number of competing interests without a lot of resources to do it. The discretionary caps are getting tighter, no question about it. The path of least resistance would have been to loosen them.

I am pleased to say the Budget Committee, under Senator DOMENICI's leadership, avoided that path. Now the real test of leadership is before the full Senate to see whether we can keep those caps and move the budget—at long last—into balance.

Even with the limits we face, the Budget Committee managed to assemble a good package that meets a number of critical priorities. That is what budgeting is about—setting priorities. These priorities call for funding the public needs of the current generation, but they also call for self-discipline to avoid increasing the debt burdens on our children and grandchildren.

The budget resolution before the Senate sets those priorities—keeping our obligations to both the present and the future. The best deals are those in which everybody wins without neglecting any critical priorities. I think this budget resolution is one of those kinds of deals.

When you look at who wins, first, future generations win. We will keep our commitment to our children and grandchildren, get control over the Federal budget and stop piling on heavier and heavier debt burdens. We do this by putting the budget into balance and resisting the temptation to spend a surplus that we haven't even seen yet. If we keep to our current path, we may even get to lighten that debt burden a little bit.

We have lived fairly comfortably at the expense of our children. We have borrowed from them about $5.5 trillion and spent it for our own needs and comforts. The living standard we now enjoy will be paid, to a great extent, by our children. I think that is worth saying again. Our children have bought or will buy $5.5 trillion worth of our current prosperity. They will pay for it in higher taxes, higher interest payments, and less funds to pay for the public needs and priorities they face. We certainly should not increase the debt any more.

Now, it appears likely that we will run a small surplus for the next decade or so. Now we have a few crumbs to give back to our children in appreciation for what they have already lent us. Incredibly, some folks around here want us to spend that as well. We owe it to our children, Mr. President—we literally owe it to them—to pay down this massive debt.

We certainly should not increase the debt even more. That's why it's so important to keep to the discretionary spending caps and to keep the budget moving into balance. The budget resolution achieves this goal. It keeps within the discretionary spending caps that the Congress and the President agreed to just last year.

Unfortunately, the President's budget would have broken those caps by $12 billion in 1999, according to the Congressional Budget Office. I find this remarkable. Why is it so hard to keep to an agreement we made just last year?

Breaking the discretionary caps, putting the balanced budget in jeopardy—these would have neglected the priority we have placed on the prosperity of future generations. The budget resolution avoids that temptation, keeps to the caps, and keeps our commitment to stop borrowing from our children and grandchildren.

So, future generations win under the budget resolution. Who else wins? Well, current generations win, too—at every stage of life.

For example, children already born—not just the children of the future—win under the budget resolution. Under the committee version, funding for the child care and development block grant will increase by $5 billion in budget authority—doubling its budget authority over the next 5 years.

I am pleased also that the Budget Committee, on both sides of the political aisle, agreed with my proposal to designate savings from assuming the President's reduction in the School-to-Work Program for local early childhood development initiatives. This would provide another $1.5 billion for our Nation's children.

Clearly, children are winners under the budget resolution. Adults are winners, too. Hardworking American taxpayers come out ahead under the committee plan.

The budget resolution envisions $30 billion in tax relief. Some may criticize that amount for being too little. Of course, we would always like to find more ways to lighten the tax load on America's taxpayers. Let me note a couple of things about the committee's actions on tax relief.

First, we need to keep in mind that any specific tax cut measure will be the responsibility of the Finance Committee. Nothing in the budget resolution dictates to that committee what it must do. In fact, if the committee finds additional offsets, it may cut taxes even more than the budget resolution proposes. The budget resolution includes a "tax cut reserve fund" to make deficit-neutral tax relief—of whatever size, as determined by the committee of jurisdiction—possible.

Second, the Budget Committee's $30 billion in expected tax relief would allow long-needed relief in some crucial areas. These could include $10.5 billion in relief from the marriage penalty and $9 billion in child care expenses.

I am particularly grateful that Chairman DOMENICI included in this chairman's mark an acceleration in the deductibility of health insurance for self-employed persons. This idea, which the full Budget Committee subsequently endorsed, is critical to achieving parity between self-employed persons and their large competitors.

I have long advocated full deductibility as the only fair policy. Although current law now calls for that to be achieved in 2007, full deductibility needs to be achieved sooner. Current practice still places a relative disadvantage on self-employed persons, since employers do have full deductibility. People who pursue the American dream through independent self-employment should not be penalized or discouraged from getting health insurance by treating them differently.

I am going to support the budget resolution because it is a step forward on this issue and on so many other issues. I urge my colleagues who have their own concerns about the tax package to look at it in the same light. Is it an improvement over current law? Yes. How can we oppose it just because it doesn't include everything we might like? I remind my colleagues of the political adage of not making the perfect into the enemy of the good.

Finally, the budget resolution helps all American taxpayers by endorsing reform of the Internal Revenue Service. My distinguished colleagues from Iowa and Oklahoma Messrs. GRASSLEY and NICKLES, joined with me in the Budget Committee to propose that a tax relief package include improvement of taxpayer rights—especially in IRS property seizure cases—and reform of IRS penalty rules. This proposal was also endorsed by the full Budget Committee and it appears in the budget resolution. I thank the committee for its attention to, and concern for, the rights of our Nation's taxpayers.

The budget resolution is a winning package for American taxpayers, as well as our children. Another group that wins under the budget resolution is our nation's seniors. The budget resolution provides needed support for both Social Security and Medicare.

The Budget Committee's package adopts the President's call to set aside the expected budget surplus until we reform Social Security into a sound and reliable program for the long-term. Social Security, as the President knows, is a key source of support for our seniors as part of their total retirement strategy. That's why the President was right to demand that we "Save Social Security First."

The Budget Committee adopted the President's view. Remarkably, the President himself did not. As the Congressional Budget Office noted, the President's own budget submission would have reduced the expected surplus by $43 billion.

Forty-three billion dollars. That's money spent to "Save Big Government First."

I commend my colleagues on the Budget Committee for including language in the budget resolution to remind the President of his promise to "Save Social Security First" and stating the sense of the Senate that these surpluses should be set aside until we reform Social Security for future generations. The surpluses should not be frittered away on higher spending in violation of last year's budget agreement.

The Budget Committee also resisted the temptation to spend any Federal revenues that might arise from a tobacco settlement, despite numerous amendments from the committee minority to do so. Instead, the committee's plan earmarks those revenues for bolstering the Medicare Program. Given the health care costs that tobacco has placed on Medicare, I can think of no better way to use tobacco revenues. Those costs are part of the reason why Medicare is a troubled program.

The seniors who rely on Medicare are counting on us to take the necessary steps to shore up that program. We took some preliminary steps in the Balanced Budget Act of 1997. By slowing the annual rate of Medicare growth from 8.8 to 5.5 percent, the Balanced Budget Act extended the life of the Medicare part A trust fund through 2006, an improvement over the program's previous expected bankruptcy date in 2001.

However, we all know the effect that the baby-boomers are going to have on the program when they start to retire in 2011. Let's start planning ahead by allocating any Federal tobacco revenues to keep Medicare in business for the customers—our senior citizen constituents—who need it. It would be irresponsible for us to do anything else.

In sum, I say again that the best deals are those in which everybody wins. The Budget Committee has assembled a package that meets that standard. Future generations win, and current generations—children, working Americans, and senior citizens—also win.

Who doesn't win under the budget resolution? Those who would break the discretionary caps, those who would push the budget out of balance, and those who would "Save Big Government First." Anyone who observed the Budget Committee's markup of the budget resolution would have to note the alarming number of proposals from the minority that sought to spend, spend, spend. They no doubt will be the loudest in condemning the budget resolution for failing to adopt the President's new spending schemes.

I find this astonishing. Frankly, the minority should be pleased with this resolution. The Budget Committee kept its word to the President to protect certain functions at funding levels the President agreed to in last year's bipartisan budget agreement.

That agreement designed five budget functions as "protected functions." These are International Affairs (Function 150); Natural Resources and Environment (300); Transportation (400); Education, Training, Employment, and Social Services (500); and Administration of Justice (750). In every case, the budget resolution meets or exceeds the levels we agreed to last year.

With this in mind, it is amazing that the President could attack the committee's budget resolution by claiming it "shortchanges our nation's future." By reducing the debt, by preserving Social Security and Medicare, the plan actually plans for the future. Apparently, the only problem for the President is that we could not keep the deal he signed just last year—and that he wanted to spend, spend, spend, even more than he agreed to last year.

A deal is a deal, Mr. President. I supported the bipartisan budget agreement last year. I will support this year's plan, too, since it complies with what we agreed to last year.

I do think there are a couple of areas where the budget resolution can be fine-tuned. I emphasize that the amendments I will propose are friendly amendments, intended to make a good budget plan better—not to attack it.

The first of these related to housing for elderly persons. The President's budget request proposed slashing this program by some $500 million. In a hearing before the VA/HUD subcommittee, Secretary Cuomo did not explain why the administration is seeking this cut. Senator MIKULSKI and I committed to restoring the cut funds to avoid jeopardizing the supply of specialized rental housing for the elderly poor. We welcome the support of other Senators who share our concerns.

I comment on two particular points. Chairman DOMENICI has included an acceleration in the deductibility of health insurance for self-employed persons. This idea, which the full Budget Committee subsequently endorsed, is critical to achieving parity between self-employed persons and the people who work for the large competitors. I fought this battle on the floor in the past session and in this session, and with the tremendous support of colleagues, we are moving in that direction. I think it is good news that the budget now provides that we move that up.

I will offer one amendment now, and a second amendment I will propose will nudge the Immigration and Naturalization Service to establish circuit rides in the former Soviet Union to recognize the enormous cost imposed on refugees having to travel to Moscow. The amendment is a sense of the Senate, and it states that the budget resolution assumes $2 million in the INS budget.

Again, I emphasize that these are offered in a friendly and cooperative spirit, seeking to make a good budget resolution even better. The budget resolution reported from the Budget Committee is a deal in which everybody wins, and I will be pleased to support it on the floor as I did in committee.

AMENDMENT NO. 2213

(Purpose: Sense of the Senate to fully fund the Section 202 Elderly Housing program)

Mr. BOND. Mr. President, I send an amendment to the desk on behalf of myself and the Senator from Maryland, Senator MIKULSKI, a sense of the Senate to urge we fund fully the section 202 Elderly Housing Program.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Ms. MIKULSKI, proposes an amendment numbered 2213.

Mr. BOND. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert on page 53, after line 22, the following new section, to be renumbered, accordingly:

"SEC. 317. SENSE OF THE SENATE TO MAINTAIN FULL FUNDING FOR THE SECTION 202 ELDERLY HOUSING PROGRAM.

"(a) FINDINGS.—The Senate finds the following—

"(1) The Section 202 Elderly Housing program is the most important housing program for elderly, low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly.

"(2) Since 1959, the Section 202 Elderly Housing program has funded some 5,400 elderly housing projects with over 330,000 housing units, with the current average tenant in Section 202 housing being a frail, older woman in her seventies, living along with an income of less than $10,000 per year.

"(3) The combination of affordable housing and supportive services under the Section 202 Elderly Housing program is critical to promoting independent living, self-sufficiency, and dignity for the elderly while delaying more costly institutional care.

"(4) There are over 1.4 million elderly Americans currently identified as having "worst case housing needs" and in need of affordable housing.

"(5) There are 33 million Americans aged 65 and over, some 13 percent of all Americans. The number of elderly Americans is anticipated to grow to over 69 million by the year 2030, which would be some 20 percent of all Americans, and continue to increase to almost 80 million by 2050.

"(6) The President's Budget Request for fiscal year 1999 proposes reducing funding for the Section 202 Elderly Housing program from the fiscal year 1998 level of $645,000,000 to $109,000,000 in fiscal year 1999. This represents a reduction of over 83 percent in funding, which will result in reducing the construction of Section 202 housing units from some 6,000 units in fiscal year 1998 to only 1,500 units in fiscal year 1999.

"(7) The full funding of the Section 202 Elderly Housing program as an independent federal housing program is an investment in our elderly citizens as well as our Nation.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Section 202 Elderly Housing program, as provided under section 202 of the Housing Act of 1959, as amended, shall be funded in fiscal years 1999, 2000, 2001, 2002, and 2003 at not less than the fiscal year 1998 funding level of $645,000,000.".

Mr. BOND. Deja vu all over again. Senator MIKULSKI and I rise one more time to fight to fulfill our commitment and the commitment of the Senate to fund fully the section 202 Elderly Housing Program at no less than $645 million for each of the next 5 fiscal years.

I want to emphasize our commitment to this program and the elderly housing as the chairman and ranking member of the VA/HUD Appropriations Subcommittee, the Appropriations subcommittee with the responsibility for funding the section 202 Elderly Housing Program, as well as all other programs under the Department of Housing and Urban Development. The purpose of this amendment is to set a floor of $645 million for the section 202 Elderly Housing Program, the amount that Congress appropriated for this program for fiscal year 1998, as opposed to the President's budget request of $109 million for fiscal year 1999—a cut of over $500 million from this $645 million program. The President's budget request is plainly wrong. I cannot state this in strong enough terms. We have an investment in the elderly and our Nation here just as we must invest in the youth of this Nation through good education and good, available health care. I want to be clear that we are not going to shortchange the elderly.

The section 202 Elderly Housing Program is the most important housing program for elderly low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly. This combination of supportive services and affordable housing is critical to promoting independent living, self-sufficiency and dignity, while delaying the more costly alternative of institutional care. Section 202 elderly housing is more than just housing—it is a safety net for the elderly, providing both emotional and physical security and a sense of community.

Moreover, since the inception of the program in 1959, the section 202 Elderly Housing Program has funded some 5,400 elderly housing projects with over 330,000 units. Nevertheless, by the Department of Housing and Urban Development's own estimates, there are over 1.4 million elderly families currently identified as having "worst case housing needs" and in need of affordable housing.

Despite the need for and the success of the section 202 Elderly Housing Program, the President proposes to slash funding for this program from $645 million in fiscal year 1998 to $109 million in fiscal year 1999. This is a cut of over 83 percent in funding and will mean a reduction from building some 6,000 units with fiscal year 1998 funding to building only 1,500 units with the President's proposed fiscal year 1999 funding. We cannot afford this critical loss of housing.

Moreover, the President is proposing to merge section 202 elderly housing into the HOME program. I am a great supporter of the HOME program because it does a good job by providing affordable housing with decision-making at the local level. But there is no rational justification for merging section 202 into the HOME program. Not only is section 202 extremely successful and critically needed, a recent General Accounting Office report indicated that the HOME program has provided few elderly housing units since enactment. In particular, from fiscal year 1992 through fiscal year 1996, over 1,400 section 202 elderly housing projects were developed with some 52,000 rental units for over 47,800 elderly individuals. During that same 5-year time period, the HOME program produced 30 elderly housing projects with 681 units which serve some 675 elderly individuals. In case you missed the figures, section 202, in 5 years, provided 52,000 housing units; the HOME program provided 681 housing units.

However, the problem with the President's request does not stop here. The President also requests funding for 8,800 vouchers for the elderly. Over the last several years, this administration repeatedly has attempted to voucher out assisted housing, including housing for the elderly. Vouchers are a very important housing tool and work well in many instances, but the elderly deserve to have decent, safe, and affordable housing as well as needed supportive services. Section 202 elderly housing accomplishes these purposes, and vouchers do not.

Think with me for a moment about this recurring nightmare image I have of an elderly woman in a walker with a voucher in her hand, searching dark and dangerous streets for needed shelter. That is what they are proposing we do. To put it in context, I remind my colleagues that the average tenant in section 202 housing is a frail, older woman in her seventies, living alone, with an income of less than $10,000 per year. Do we want to tell her to get out of the housing? Do we want to say, "Here is a voucher, start walking up and down the streets and maybe a friend will go along and help you with your walker or push your wheelchair; you are going to have to hit the streets to find new housing"? That is not a comforting image, but it is a compelling one.

Again, the need for section 202 elderly housing: There are currently 33 million Americans aged 65 and over. This is some 13 percent of all Americans. That number will grow to over 69 million elderly by the year 2030, which would be some 20 percent of all Americans, and will continue to grow to almost 80 million elderly Americans by 2050. Cutting back and remodeling the section 202 program will do these Americans a disservice.

I cannot emphasize enough the importance of the section 202 Elderly Housing Program and the need for Congress to stand by elderly families. Over the years, millions of Federal dollars have been saved by providing elderly families with access to supportive services in their homes and their communities. Without this housing and these services, many elderly persons and families would have had to be relocated to nursing homes and other institutions where care would be more costly and the loss of personal dignity more compelling.

Mr. President, as I close my remarks, I send to the desk a letter from AARP saying that the AARP opposes the President's recommendations concerning section 202 housing and that the Bond-Mikulski floor amendment is a crucial step along the way to press for current funding as the relevant appropriations measure works its way through Congress; I ask that it be printed in the RECORD.

AMERICAN ASSOCIATION OF
RETIRED PERSONS,
Washington, DC, March 30, 1998.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: I am writing on behalf of the American Association of Retired Persons to express our support of your proposed amendment regarding supportive housing programs for elderly and disabled persons when the Senate takes up the FY 1999 Budget Resolution this week. These initiatives make a critical difference in the lives of many vulnerable Americans throughout the nation. Given the continuing need for such specialized housing, it is essential that appropriations are subsequently preserved next year in both programs.

Living in Section 202 Elderly Housing means living at affordable rents in a user-friendly environment with features such as special lighting, nonskid floors, and grab bars that prevent serious injuries from falls—features which can help prevent early admission into a nursing home. Section 202 helps meet an acute housing need for frail low income older persons. An estimated eight persons are waiting in line for every one Section 202 vacancy that occurs. Meanwhile, many of these individuals are forced to live an unsafe housing and in crime-ridden neighborhoods—in some instances with windows nailed shut—because they cannot afford to live anywhere else.

The Association opposes the President's recommendations concerning Section 202 Housing. We intend to press for current funding throughout the year as the relevant appropriations bill works its way through Congress. The Bond-Mikulski floor amendment this week is a crucial step along the way.

Sincerely,

HORACE B. DEETS,
Executive Director.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I am proud to stand today with my colleague from Missouri and the chairman of the VA-HUD Subcommittee, Senator BOND, to offer a sense-of-the-Senate amendment to the fiscal year 1999 budget.

This amendment is designed to state the Senate's view that it is absolutely critical that HUD's section 202 program, which is its elderly housing program, absolutely be fully funded. That is what the resolution states. That is what I encourage the Members on both sides of the aisle to support.

For years, I have been an advocate for an affordable and available supply of safe and decent housing for our elderly. For years, I have worked with Senator BOND to ensure adequate funding.

In 1992, as the chair of the VA-HUD Subcommittee, I worked to successfully change the section 202 program from a very expensive loan program to a grant program. Do you know what? It allowed us to build more housing for less cost. I am concerned, though, that there is in the budget resolution a proposed cut of nearly $500 million in housing for the elderly. I am also concerned about the desire to move to more of a voucher approach to elderly housing instead of new construction, forcing the senior citizens of this country who need a modest subsidy to go out and kind of forage on their own to find housing that meets their needs.

Mr. President, our Nation has many responsibilities, but its most important one is to protect and help all its citizens, but it has a particular moral obligation to look out for senior citizens.

Promises made should be promises kept. This generation, which is now the frail elderly, organized to save this country and to save Western civilization during World War II. Many fought on the battlefront and many were the "Rosie the Riveters" who helped this country on the homefront. This is why we need to now look out for them as the frail elderly. The amendment I offer today with Senator BOND seeks to do this. They are our mothers and fathers, who raised and nurtured us; our aunts and uncles, who gave advice; and the neighbors who kept an eye on us; they are the people who we grew up with, who looked out for us in our communities; they are the people, in many cases who, with their blood, sweat and tears, helped build this country into what it is today.

Mr. President, we have the moral obligation to ensure that we do what we can to ensure that those elderly citizens who need our help get our help.

The AARP estimates that there are eight people on the waiting list for every one HUD section 202 unit that becomes available.

Senator BOND has put that into the RECORD.

Our subcommittee has done extensive research on this. What do we find? First of all, that the secton 202 program is the most popular HUD housing program we fund. Why is it popular? It meets compelling needs. It often stabilizes neighborhoods where people are "aging in place." It also enables groups that are nonprofit and faith based to participate in providing housing. The section 202 Elderly Housing Program is important because it meets those needs.

Since 1959, when this program was created under a whole other different type of HUD, we have funded 5,004 elderly housing projects, with over 330,000 housing units. They are primarily lived in by frail, older women in their seventies living with an income of less than $10,000. I think that is a good way to spend taxpayer dollars.

The combination of affordable housing and supportive services under the section 202 program has been absolutely critical in meeting not only the housing needs but in promoting independent living, self-sufficiency, and dignity for the elderly, while delaying more costly institution.

There are 1.4 million elderly Americans who currently have worst-case housing needs. There are 33 million Americans aged 65, over some 13 percent of all Americans, and this number is growing. That is why I have asked HUD to come up with new ideas on how we are going to meet, No. 1, the expanding elderly population, and, No. 2, the expanding frail elderly population. I believe that if we focus our attention and our resources, we will meet our needs. This is why I support the Bond amendment. It is the Mikulski-Bond amendment.

My colleague, Senator SARBANES from Maryland, who is the ranking member on the Housing and Banking Committee, also wants to be a cosponsor.

I will conclude my remarks by talking about the voucher program. This Senator is never going to support a voucher program for the elderly. I will tell you why. When you are old, when you are sick, when you have a pain, when you have a walker, when you have a wheelchair, when you can barely read a newspaper without a magnifying glass, we are not going to give you a voucher, and say, "OK, kiddo, you are out there on your own." We are not going to do that. Senior citizens should not have to go into the marketplace to forage with a voucher to find housing that would meet their needs.

Mr. President, I know you have been in housing for the elderly in your own State. They have special architectural needs—low steps and special kinds of grips in the bathroom—all those kinds of things that, if they fall, they don't fail. You just can't put them in any kind of apartment in the United States of America; they have specialized needs. We can meet those needs.

What is so fantastic—I cannot underestimate nor overstate the fact that faith-based organizations are involved in this. In my home State, the role of Catholic Charities, Associated Jewish Charities, and other organizations from the United Way step forward to make wise use of Federal funds and, at the same time, often value add to what the Federal Government is doing.

I really encourage my colleagues to support the Bond-Mikulski amendment. It is cosponsored by Senator SARBANES. I know that many others will join us. This is one of many budget amendments stating sense-of-the-Senate resolutions. This, I think, is not only the sense of the Senate, Mr. President, it is the sense of the American people.

Senator JOHN KERRY also wants to cosponsor it. Colleagues will be able to cosponsor it as we go forward.

I yield the floor on this amendment. I really encourage my colleagues to support it.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished colleague from Maryland, who has been a real champion in housing—housing for all kinds of people in need, but particularly housing for the elderly. I had the pleasure of beginning my service on the VA-HUD committee under her chairmanship. She has been absolutely invaluable in helping to guide, teach, and cooperate with me as we moved forward. Her statement on the importance of elderly housing is very compelling.

I hope that we will have overwhelming support on both sides of the aisle for this amendment. Since some people are not getting the message, I ask that when a vote is scheduled on this amendment, that the yeas and nays be requested.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BOND. I thank the Chair.

I believe our message has not been getting across that elderly housing works under the section 202 program. You can't expect elderly housing to be covered by the HOME program where there are many competing local needs that must be met. Most of all, do not put Grandmother or Aunt Effie out on the street in her walker with a voucher and expect that she is going to be able to find decent, affordable, appropriate housing.

We need an overwhelming vote. I welcome the fact that we have had a number of cosponsors. I hope we will have a unanimous vote, or an overwhelming vote, to express the sense of the Senate that we are not going to change this program. This is a program that is meeting the needs of the elderly today. We must continue that program, because the needs are only growing greater and we need to do all we can to try to keep up with those needs.

Mr. President, I thank the Chair. I particularly thank my colleague from Maryland.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2213, AS MODIFIED

Mr. BOND. Mr. President, I am advised by the Budget Committee staff that we have to make a modification in the terminology of the sense-of-the-Senate language, and I ask unanimous consent that the amendment be modified, under the last subsection (b), to say, “It is the sense of the Senate that”—at that point include the following—“the levels in this resolution assume that”.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2213), as modified, is as follows:

Insert on page 53, after line 22, the following new section, to be renumbered, accordingly:

“SEC. 317. SENSE OF THE SENATE TO MAINTAIN FULL FUNDING FOR THE SECTION 202 ELDERLY HOUSING PROGRAM.

“(a) FINDINGS.—The Senate finds the following—

“(1) The Section 202 Elderly Housing program is the most important housing program for elderly, low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly.

“(2) Since 1959, the Section 202 Elderly housing program has funded some 5,400 elderly housing projects with over 330,000 housing units, with the current average tenant in Section 202 housing being a frail, older woman in her seventies, living alone with an income of less than $10,000 per year.

“(3) The combination of affordable housing and supportive services under the Section 202 Elderly Housing program is critical to promoting independent living, self-sufficiency, and dignity for the elderly while delaying more costly institutional care.

“(4) There are over 1.4 million elderly Americans currently identified as having “worst case housing needs” and in need of affordable housing.

“(5) There are 33 million Americans aged 65 and over, some 13 percent of all Americans. The number of elderly Americans is anticipated to grow to over 69 million by the year 2030, which would be some 20 percent of all Americans, and continue to increase to almost 80 million by 2050.

“(6) The President's Budget Request for fiscal year 1999 proposes reducing funding for the Section 202 Elderly Housing program from the fiscal year 1998 level of $645,000,000 to $109,000,000 is fiscal year 1999. This represents a reduction of over 83 percent in funding, which will result in reducing the construction of Section 202 housing units from some 6,000 units in fiscal year 1998 to only 1,500 units in fiscal year 1999.

“(7) The full funding of the Section 202 Elderly Housing program as an independent federal housing program is an investment in our elderly citizens as well as our Nation.

“(b) SENSE OF THE SENATE.—It is the Senate that the levels in this resolution assume that the Section 202 Elderly Housing program, as provided under section 202 of the Housing Act of 1959, as amended, shall be funded in fiscal years 1999, 2000, 2001, 2002, and 2003 at not less than the fiscal year 1998 funding level of $645,000,000.”.

Mr. BOND. Mr. President, I thank the Chair, yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2214

(Purpose: To express the Sense of the Senate on the need for long-term entitlement reforms)

Mr. KERREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment numbered 2214.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . Sense of the Senate supporting long-term entitlement reforms.

(a) The Senate finds that the resolution assumes the following—

(1) entitlement spending has risen dramatically over the last thirty-five years.

(2) in 1963, mandatory spending (i.e. entitlement spending and interest on the debt) made up 30 percent of the budget, this figure rose to 45 percent by 1973, to 56 percent by 1983 and to 61 percent by 1993.

(3) mandatory spending is expected to make up 68 percent of the federal budget in 1998.

(4) absent changes, that spending is expected to take up over 70 percent of the federal budget shortly after the year 2000 and 74 percent of the budget by the year 2008.

(5) if no action is taken, mandatory spending will consume 100 percent of the budget by the year 2030.

(3) this mandatory spending will continue to crowd out spending for the traditional “discretionary” functions of government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending.

(4) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that that levels in this budget resolution assume that—

(1) Congress and the President should work to enact structural reforms in entitlement spending in 1998 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic government functions and that every effort should be made to hold mandatory spending to no more than seventy percent of the budget.

Mr. KERREY. Mr. President, for the first time in a quarter century this budget resolution is being debated in an environment, where rather than talking about getting rid of the deficit, we are able to talk with great enthusiasm about what to do with the surplus. We are talking about tax cuts and various spending programs. There is no question that the recovery of the economy of the United States of America—deficit reduction efforts in the past in combination with tremendous changes on the part of entrepreneurs and businesses and individuals out there—has produced the best economic scene I have seen in my entire lifetime, with increases in productivity, growth in the number of jobs, and a reduction in welfare rolls. You have to look long and hard to find bad economic news out there.

In 1990, this Congress debated a deficit reduction act that was largely a result of President Bush's leadership. We put in place at that time the mechanism that we still use today. It has caps on spending that we, for the most part, have lived within. It is that discipline that is required by the law, it seems to me, that requires every time somebody wants to do a new program, they have to find a way to pay for it. You just cannot come down here and throw new spending on a budget or new tax cuts on a budget without having an offset someplace. It is that discipline, coupled with the 1993 act and the 1997 act, that I think the American people appreciate very much. It has produced enormous benefits for the American economy.

But we are now in a state where, unfortunately, rather than merely talking about the easy things, we now need to start facing some very difficult problems that are occurring inside the budget itself. One of the things I find comforting in life is when things don't change. The most impressive force of all in that regard is gravity. It has an increasing impact upon me, my body, and my ability to move and so forth. It stays constant. I am impressed with it.

One of the things that stayed constant over the last 30 or 40 years, indeed a bit longer than that, is that the percent of the entire GDP that we in Washington, DC, use for a variety of spending programs has stayed relatively constant—in the 19 to 20 percent range. This does not go all the way back to the years of the 1940s when, during the war, we went up above that 20 percent mark; but in the 1940s, most of that spending was for plant, for equipment, increases in the productivity of this Nation. Indeed, many have cited that as a principal reason the United States of America came out of the Great Depression, the significant investments that occurred during those war years. So you see that 20 percent figure stayed relatively constant over that lengthy period of time.

This resolution that I have offered up requires us, the Congress, with a sense-of-the-Senate resolution, to look out in the future more than the 10-year budget window that we currently do. You may say why, Mr. President. The reason is that if you look out for 10 years, from 1998 to 2008, that takes you just before the baby boom generation begins to retire. You look out to 2008 and life looks relatively good. It doesn't look very difficult. It looks like we ought to be able to manage relatively easily, and the reason it looks like it is going to be relatively easy is that the number of the Americans over age 65 grows relatively steadily, from about 34 million to about 39 million in 2008. But, from 2010 to 2030, the number of people over age 65 grows by 30 million. The number of retirees will increase by 25 million while the number of workers only increases 4 million.

What happens during that period of time is that the mandatory programs—that is the red, or the entitlement spending; and the yellow is the net interest, the interest on the national debt—they continue to grow until they completely displace the entire Federal budget, until it is 100 percent of the budget at that point. Indeed, in the year 2027, 100 percent of the budget will be mandatory spending programs.

This is a trend. I heard some—perhaps most notably former Secretary of Labor Robert Reich, who is on from time to time—criticizing this evaluation, saying there are going to be increases in productivity or immigration or other things that are going to take care of it. But it has not taken care of it yet.

In 1963, John Kennedy went to Rice University. He gave a speech in the summer of 1963 in which he said that we were going to put a man on the Moon. Why? He said not because it is easy but because it is hard.

In 1963, 70 percent of this budget was discretionary and only 30 percent of the budget was mandatory. In 1973, it had grown to 45 percent mandatory; in 1983, 56 percent mandatory; in 1993, 61 percent mandatory. And in this budget, 68 percent of the budget is mandatory and 32 percent of the budget is discretionary.

Even over the next 10 years, the amount that is available for discretionary—and we allow it actually in the second 5 years to grow at the rate of inflation, which is not likely unless we are going to bust the caps in the second 5 years—at the end of that 10-year period, the amount available for discretionary spending will be approximately 26 percent.

I ask any of my colleagues what that 26 percent figure means. If you budget it this year and say we are going to give the Appropriations Committee 26 percent of available revenue to appropriate, that will force approximately $115 billion in spending cuts.

What is happening is that we are seeing our capacity to build our Nation's defenses, I say to the distinguished occupant of the Chair, who has talked about how our military is being spread pretty thin—it is spread pretty thin right now. We debate from time to time new things we want our military to do. Both our military and intelligence efforts are stretched substantially thin at the moment. But that is not the only area in discretionary spending where people come to the floor and would like to spend more money, whether it is on education, on health care, or the environment, or NASA, or Veterans Administration. On all these things, they may come down and say, "We have to fight the battle against crime, we need more people on our border, we a stronger law enforcement effort." All of these Federal efforts come out of discretionary spending.

Unless we as a Congress begin to understand these trends and the fact that they are not going to go away, it is not likely we are going to do anything about it. I observe the reason we are not doing anything about it, the reason we are not debating it on this floor, is we only have a 10-year view.

The law says to take a look at 10 years—what does it look like in 10 years? Life looks pretty good. It looks like we can handle it. I challenge anybody to construct a discretionary budget with only 26 percent available revenue. Unless we believe this Congress is going to raise taxes beyond the 20 percent mark—which I don't think it either will or should—what we are faced with, even at 26 percent, is, it seems to me, the unlikelihood of being able to construct a budget with that relatively small amount.

Unless we look out to 30 years instead of 10 years, we do not see this crisis coming, we do not see the problem coming.

So what do we do? We do nothing. We do not even debate it or talk about it. Most of us have seen the movie "Titanic." In the movie, people were on the bow, standing watch for icebergs, and they did not have binoculars. It is very much like us. We do not have binoculars either. We can see 10 years, but we cannot see 30. As a consequence, we do not see the iceberg that is out there in the form and shape of the baby-boom generation which, from 2010 to 2030, will convert 100 percent of the available money we will tax and collect from the American people—100 percent of that budget is going to go to mandatory programs.

There is a price, a big price, for delay, and the price will be paid by the baby-boom generation, who will find themselves saying suddenly, "Oh, my gosh, I have two choices: Either I take substantial cuts in my current benefits or my kids have a tax increase" that raises their taxes beyond what is, I think, by any standard, a reasonable level. We will see demands on this system, in short, Mr. President, that are going to put us in a position where we are going to have to ask current beneficiaries, if we do not make reasonable adjustments today, to pay a rather substantial price.

I know the distinguished Senator from New Mexico has talked about this an awful lot. In fact, he can blame himself for me caring about entitlements. It was he and Senator Nunn who used to traipse down here once a year and offer amendments. The first time the Senator from New Mexico offered an amendment to control entitlement spending, I voted against it. The second year, the light bulb went on, and I said, "Oh, my gosh, this guy from New Mexico might have something right." And, indeed, he persuaded me the second year, and I voted with him.

In 1994, Senator Jack Danforth and I chaired a commission for an entire year looking at the problems of entitlements, and I have not been the same since. I annoy people; I frustrate people. They can ask me what do I think about the weather, do I think Nebraska is going to have a good football team, and as soon as I talk about the weather and our great football team, I find myself immediately talking about the problem of mandatory spending and what it is going to do to our capacity to say that we are securing the blessings of liberty for ourselves and posterity.

We are squandering, it seems to me, an opportunity to say we are endowing our future, and instead we are putting ourselves in a position of saying, "Make certain I get my deal covered, that I get what I am entitled to, and the heck with the future; don't worry about our kids."

AMENDMENT NO. 2215

(Purpose: To express the sense of the Senate regarding passage of the IRS Restructuring and Reform Act of 1997)

Mr. KERREY. Mr. President, I send an additional amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BURNS). Without objection, the pending amendment will be set aside. The clerk will report.

Mr. KERREY. Mr. President, I will talk for 1 minute. I see the distinguished chairman of the Finance Committee on the floor. This is an amendment that this body ought to act on IRS reform legislation prior to our leaving for the recess.

I believe this legislation has been considered long and hard. The taxpayers have a deadline of April 15; 120 million of them will have to file their taxes. We need to pass IRS legislation without delay. We need to give taxpayers new powers. I note with considerable interest that every single freshman in the House sent a letter yesterday to Majority Leader LOTT and to Democratic Leader DASCHLE asking that the House bill, or something that can be conferenced, be taken up before we leave.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, April 1, 1998.

Hon. TRENT LOTT,
Senate Majority Leader, Russell Senate Office Building, Washington, DC.

Hon. THOMAS A. DASCHLE,
Senate Minority Leader, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER LOTT AND MINORITY LEADER DASCHLE: As April 15 approaches, this letter is to urge in the strongest possible terms the United States Senate to pass sound legislation to reform the Internal Revenue Service (IRS).

As first-term Representatives of the American people from both political parties, we agree that the Congress must give the highest priority to reforming the IRS. Hearings conducted in the House and Senate have made us all too aware of the horror stories of the average American taxpayer being harassed by rogue IRS agents. We believe it is time that the IRS worked for American taxpayers instead of assuming they are guilty of cheating on their taxes.

As you know, on November 5, 1997, the House overwhelmingly passed historic legislation to reform the IRS. This bill incorporates recommendations by the bipartisan National Commission to Restructure the IRS chaired by Senator J. Robert Kerrey and Representative Rob Portman. H.R. 2676, the IRS Restructuring and Reform Act, would shift the burden of proof from the taxpayer to the IRS, create twenty-eight new taxpayer provisions in a Taxpayer Bill of Rights, and overhaul the management of the agency through the creation of an eleven-member independent Oversight Board.

With your leadership, we have the opportunity to provide the comprehensive reform of the IRS the American people deserve. We urge the Senate to adhere to the will of the American taxpayer, honor the work of the bipartisan commission, and join the House in passing IRS reform without further delay.

Sincerely,

BOB ETHERIDGE,
JOHN SHIMKUS,
Members of Congress.

Mr. KERREY. Mr. President, the taxpayers of the United States have a deadline of April 15. All of us know it. We hear about it when we go home. As I said, 120 million people have to have their taxes filed by April 15. There are 140,000 collection notices that go out every single day of the week. Every single working day that the IRS is in operation, 140,000 collection notices go out.

There are approximately the same number of Americans who call the IRS every day. The way it currently operates is, about 40 percent of them cannot get through, and of those who do get through, about 25 percent of them get the wrong answer.

There are many other reasons for to get the laws governing the IRS changed, and get them changed soon. My hope is that the chairman of the Finance Committee and the ranking member will meet as quickly as possible with Mr. ARCHER, Mr. RANGEL, and Mr. Rubin. Let's get this bill conferenced as quickly as possible so that the American taxpayers, who have waited an awful long time for this piece of legislation, will get the power they deserve—indeed, the power they need—in order for them to have confidence that this is still Government of, by, and for the people.

Mr. President, I thank you for this wonderful opportunity to speak, and I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. KERREY] proposes an amendment No. 2215.

The amendment follows:

At the end of Title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PASSAGE OF THE IRS RESTRUCTURING AND REFORM ACT.

(a) FINDINGS.—The Senate finds that—

(1) The House of Representatives overwhelmingly passed IRS Reform Legislation, (H.R. 2676), on November 5, 1997.

(2) The IRS Restructuring and Reform Act has the potential to benefit 120 million Americans by simplifying the tax process and making the IRS more responsive to taxpayer concerns;

(3) The President has announced that he would sign H.R. 2676;

(4) The Senate plans to recess without considering legislation to reform the IRS.

(5) The American people are busy preparing their taxes to meet the April 15th deadline. They do not get to recess before filing their returns; and

(5) Senators should keep their commitment to take up and pass IRS reform legislation before they recess.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the Senate shall not recess until it has considered and voted on H.R. 2676, the IRS Restructuring and Reform Act of 1997.

Mr. DOMENICI. Mr. President, I inform the Senator that we are willing to accept his previous sense-of-the-Senate amendment, and we have Senator BURNS' amendment. I would like to accept them now and then go on to the Senator's second amendment. Is that satisfactory?

Mr. KERREY. Mr. President, I will allow them merely to be accepted. I was going to ask for a rollcall vote on mine. At some point, my fear is, without a rollcall vote, I say to the distinguished Senator and chairman of the committee, it doesn't necessarily focus people's attention as much as it should. I am not sure it will by making them vote either, for that matter.

I know the chairman of this committee is very enthusiastic about this issue and has spent a lot of time on it as well. I just think this whole budget deliberation occurs in a never-never land where we are talking about surpluses and talking about how good everything is and we literally are ignoring this enormous problem.

As I said, the people who are going to suffer the most are that baby-boom generation, and they will find themselves in a heck of a dilemma if we do not act sooner than later. I appreciate the Senator's willingness to accept my amendment and Senator BURNS' amendment. I agree to allow that to go forward.

VOTE ON AMENDMENT NO. 2214

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 2214.

Without objection, the amendment is agreed to.

The amendment (No. 2214) was agreed to.

VOTE ON AMENDMENT NO. 2178

Mr. DOMENICI. Mr. President, there is pending an amendment No. 2178 by Senator BURNS. There is no objection on this side and, I understand, no objection on the Democrat side.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 2178) was agreed to.

Mr. DOMENICI. I move to reconsider the vote on the two amendments, en bloc.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if Senator LAUTENBERG would join me in just a discussion of where we are. And, obviously, I will yield the floor. I understand the distinguished chairman of the Finance Committee wants to speak. I yield myself time off the budget resolution.

Mr. President, fellow Senators, I understand we have one vote scheduled on or in relationship to the Kyl amendment at 12 o'clock. The distinguished Senator is here. He would like to speak for 1 minute, and there will be 1 minute in opposition. I make that request and ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I would like to just tell Senators that we now have about 29 amendments that are pending, for all intents and purposes. I consider that everybody wants a vote on them, although I hope not. And we still have about 18 hours, so there is plenty of time for more amendments. And, frankly, I just hope everybody understands that today is Wednesday, tomorrow is Thursday, the next day is Friday.

I think that everybody should share with me some concern about whether we can finish this resolution unless there is some cooperation with reference to amendments. I do not ask anything of anyone specifically at this point, but I hope and I urge that, if there are more amendments, you start getting them in to us. There is no time by which you are bound, but I urge that, if you have additional amendments or second-degree amendments, you let us see them. I am sure my friend from New Jersey will join me in that. At some point we have to try to make a little sense of the process on this to see if we can get this work done in a timely manner.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. The chairman of the Budget Committee neglected to mention the fact that voting time is not included in the calculation of the remaining hours.

Mr. DOMENICI. Right.

Mr. LAUTENBERG. That is extra time. So if we have 29 or 30 votes, and even if we were able by some stretch of the imagination to reduce that to 15 minutes, you are talking about more than 7 hours added to the—how much time do we have remaining, may I ask?

The PRESIDING OFFICER. Eighteen hours remaining.

Mr. LAUTENBERG. Eighteen. So we would be looking at prospectively 25 hours or more. So I say to all of our colleagues on both sides, get them in here and let us try to get action done on them. If a rollcall vote can be dispensed with, it will make a huge difference in what time we conclude our business for this week, reminding everyone, all those whose memory is bad and can't recall, the fact that the recess begins for 2 weeks, in case anybody has forgotten, and should we want to hang in through Friday or whatever or however long, I understand we are going to get this done.

Mr. DOMENICI. We could stay in here very late tonight, into the morning and that would put us on a path to where we could start voting and we could see some daylight.

AMENDMENT NO. 2169

Mr. DOMENICI. Mr. President, I am going to yield the floor, but I want to make a parliamentary inquiry. Would the regular order bring the Kyl amendment now to the Senate?

The PRESIDING OFFICER. The Senator is correct. The Kyl amendment is in order. The Senator from Arizona is recognized for 1 minute.

Mr. KYL. Thank you, Mr. President.

Let me take about 30 seconds and then see if anyone on the other side wishes to speak to this. This is a very simple sense-of-the-Senate resolution, and I will read you what the sense is. I cannot imagine people would oppose this principle.

> It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to treat seniors on a private basis. . .

Mr. President, there are a lot of details in legislation that might ultimately be passed that we can argue about, but I think there is no doubt that in expressing the principle, we can all be in agreement that just because one turns 65 and is eligible for Medicare does not mean they lose the right to see the physician of their own choice.

Mr. President, I reserve the remainder of my time and will see if there is anyone who wishes to speak in opposition.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished minority leader.

Mr. DASCHLE. I understand we have 1 minute in response.

Let me just say, this is not in any way, shape or form an amendment designed to provide patients with more choice. This will leave seniors totally uncertain about what their Medicare will cover and let doctors determine the degree of Medicare coverage each beneficiary will have. That is what this is about: Jeopardizing patients' rights, putting them in a very uncertain set of circumstances, taking away the certainty and the confidence they have when they are in a doctor's office or in a hospital or in an operating room that Medicare will pay their bills. Let us not jeopardize those patients' rights or their confidence when they are sick that the Medicare Program is working for them.

Mr. GRASSLEY. Mr. President, I want to express my support for Senator KYL's amendment establishing a sense of the Congress regarding Medicare beneficiaries freedom to privately contract with physicians. I understand there has been a lot of misinformation about private contracting and the Balanced Budget Act provision. But the fundamental issue behind this debate has always been clear. What this really boils down to is what is the appropriate role of the government. And I just don't believe that the federal government should tell seniors how they can or cannot spend their own hard earned money. While the Balanced Budget Act allows private contracting on a limited basis, most beneficiaries will not have this freedom because physicians who privately contract will have to opt out of the Medicare program for 2 years. Most physicians won't be able to do that, and most beneficiaries would not want their doctor to do this. Therefore, I support the Kyl amendment to give seniors the freedom of choice to privately contract.

Mr. MURKOWSKI. Mr. President, this past New Year rang in a harsh reality for senior citizens of America: As of January 1, 1998, senior citizens, for all practical purposes, have been stripped of a health care right afforded to any other insured American—the right to pay out-of-pocket for the doctor of their choice.

I am outraged over this provision—a provision that was added into the Balanced Budget Act of 1997 in the twelfth hour of negotiations between the White House and Congress.

The provision prohibits doctors who privately contract from treating Medicare patients for a period of two years. Therefore, it is now unlawful for a doctor to take a private payment from a Medicare-eligible patient if during the previous two years he has billed Medicare for any service rendered to a patient over the age of 65.

What is the reality of the provision? The reality is that it will be almost impossible for a senior citizen to contract privately for medical services because few or no physicians are going to be able to make ends meet if they can't accept Medicare patients for two years. The reality is that, unlike every other insured American, senior citizens have now lost a significant right—a right of choice in who provides their health care.

Currently seniors are being prohibited from going outside of the Medicare system for procedures that are not covered by Medicare. For example, if a senior fell and broke his hip, Medicare only reimburses for the lowest-cost hip prosthesis. Since seniors cannot pay extra to upgrade, they must settle for lower quality. (Private contracting would enable them to opt for quality.)

Why is the federal government making that decision for seniors? If a 75-year-old women in Fairbanks, Alaska, fell and broke her hip, do you think that the government is competent enough to decide what hip prosthesis is best for her to gain the best mobility for the rough weather conditions of Fairbanks?

Last week I turned 65 years old. The week before—when I was still 64 years old—I could choose any doctor I wanted and pay for that doctor in any manner I wanted. But now I'm 65, and the federal government is suddenly telling me I can't make my own medical decisions—that I no longer may enter into a private contract with my doctor.

Mr. President, I ask you, isn't this a form of age discrimination against seniors? How can the Health Care Financing Administration restrict such a fundamental liberty—the freedom to choose the care and quality of health providers?

The need for a senior citizen to be able to privately contract is magnified in Alaska. Alaska has no HMOs, physician shortages exist in two-thirds of the state and health care costs that are on average 70 percent higher than the rest of the country.

All these factors combine to create a system where doctors can't afford to treat Medicare patients—which means that patient choice for Alaskan seniors is extremely limited. I've received letters from Alaskans who have been turned down by three or four physicians—because the doctors cannot afford new Medicare patients.

I am pleased with Senator KYL's sense of Congress—I believe it is an important stand for Congress to make. The body must do all it can to ensure that Medicare-eligible beneficiaries who choose to pay out of pocket will have an unrestricted right to health care.

Mr. President, even in the socialized medical system of Great Britain, choice is offered to the elderly. In Great Britain, a senior citizen has the choice to pay privately for his or her medical services. Don't the elderly of America deserve that same choice?

Mr. DODD. Mr. President, today I rise to express my opposition to Senator KYL's sense of the Senate Amendment to the Budget Resolution. While this amendment raises important concerns about the scope of seniors' choices in determining their personal health care needs, this proposal may actually restrict the health care options available to our nation's senior citizens and undermine the quality of care afforded all Medicare beneficiaries.

Initially, Senator KYL's amendment simply seems to endorse the important role of choice for seniors when making critical decisions about their personal health. I strongly support efforts to increase the health care options available to Medicare beneficiaries and improve the quality of health care that seniors receive. However, this amendment would move us in the wrong direction. With approximately 96 percent of physicians treating Medicare patients presently, choice of physicians does not appear to be a problem for Medicare beneficiaries. In reality, Medicare allows seniors to choose the doctor of their choice along with providing protections that shield Medicare beneficiaries from unnecessarily high out-of-pocket costs. Ironically, in many ways, Senator KYL's amendment is a problem in search of a solution.

Senator KYL's legislation specifically supports private contracting between physicians and patients for services traditionally covered by Medicare. By allowing doctors to privately contract for these services, this amendment could effectively remove consumer protections designed to protect seniors from excessive out-of-pocket costs. These protections are critically important to the elderly who rely on the affordable and high-quality care that Medicare provides. Private-contracting for Medicare-covered services would cause seniors to pay 100 percent of any given health care service or benefit. Few seniors can afford or have any desire to pay, such exorbitantly high rates. It is also important to note that seniors are perfectly free to contract privately with their doctor on health care benefits not covered by Medicare such as routine physical exams, eye care, and prescription drugs. However, by permitting doctors to charge their Medicare patients whatever they wish for Medicare-covered health care services, we would be subjecting seniors to unnecessarily high-out-of pocket costs and would compromise the quality of care afforded to all Medicare beneficiaries.

I am also deeply concerned that this initiative would create a two-tiered health care system for the elderly, threatening the quality of care afforded all Medicare beneficiaries. Private contracting could create an incentive for wealthier and healthier beneficiaries to opt out of the Medicare program. This could lead to a health care system that provides high-quality coverage to those seniors who could afford the high out-of-pocket costs associated with private-contracting, while leaving the majority of Medicare beneficiaries with substandard care. Almost 70 percent of Medicare beneficiaries have an annual income under $25,000. It is simply unconscionable for these seniors of modest means to be subject to paying 100 percent of their health care bill to services that are normally covered under the Medicare program. Additionally, the implementation of a private-contracting system would provide an incentive for doctor's to give priority to those Medicare beneficiaries who can afford to pay for it at the expense of providing quality and affordable care to the majority of Medicare beneficiaries.

Additionally, the Kyl amendment would offer the potential for increased fraud and abuse within the Medicare program. The Medicare system is already fraught with staggering levels of fraud and abuse. According to the Inspector General of the U.S. Department of Health and Human Services, $23.2 billion annually is wasted on fraud and abuse in the Medicare program. Given the financial challenges that face the Medicare program in the near future, this level of abuse in unacceptable. Allowing physicians to set their own payment rates for certain patients, while simultaneously permitting them to submit claims to Medicare for the treatment of traditional Medicare beneficiaries for the very same procedures, would create the opportunity for double billing, a serious form of fraud and abuse. While we should be moving to prevent fraud and abuse in the Medicare system, private contracting would offer the potential for increased fraud in the Medicare system.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Yes. I want to point out that the pending amendment is not germane, and I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act.

The PRESIDING OFFICER. The point of order is not sustained.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Might I inquire, how much time is remaining?

The PRESIDING OFFICER. The Senator has some 20 seconds.

Mr. KYL. Thank you.

I want to respond to the distinguished minority leader.

It is true that legislation that would actually change the law would certainly have to consider all kinds of issues dealing with fraud and abuse and similar questions that the distinguished minority leader has raised. We can have that debate at the time such legislation might come before us.

What is before us today is simply a sense of the Senate, an expression of a principle that it is the sense of Congress that seniors have the right to see the physician or health care provider of their choice. I hope we can at least agree on that basic principle.

Thank you, Mr. President.

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 2169, the Kyl amendment.

Mr. LAUTENBERG. Mr. President, before we call the roll, I ask unanimous consent that the Senator from Washington be able to send up two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2216 AND 2217, EN BLOC

Mrs. MURRAY. Mr. President, I send two amendments to the desk and ask unanimous consent that they be laid aside.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes amendments numbered 2216 and 2217.

Mrs. MURRAY. I ask unanimous consent reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2216

(Purpose: To increase Function 500 discretionary budget authority and outlays to accommodate both President Clinton's investments in education and the $2.5 billion increase assumed by the resolution for IDEA)

On page 16, line 9, increase the amount by $2,088,000,000.

On page 16, line 10, increase the amount by $81,000,000.

On page 16, line 13, increase the amount by $1,776,000,000.

On page 16, line 14, increase the amount by $1,487,000,000.

On page 16, line 17, increase the amount by $1,437,000,000.

On page 16, line 18, increase the amount by $1,686,000,000.

On page 16, line 21, increase the amount by $593,000,000.

On page 16, line 22, increase the amount by $1,301,000,000.

On page 25, line 8, strike "–$300,000,000" and insert "–$2,388,000,000."

On page 25, line 9, strike "–$1,900,000,000" and insert "–$1,981,000,000."

On page 25, line 12, strike "–$1,200,000,000" and insert "–$2,976,000,000."

On page 25, line 13, strike "–$4,600,000,000" and insert "–$6,087,000,000."

On page 25, line 16, strike "–$2,700,000,000" and insert "–$4,137,000,000."

On page 25, line 17, strike "–$3,000,000,000" and insert "–$4,686,000,000."

On page 25, line 20, strike "–$3,800,000,000" and insert "–$4,393,000,000."

On page 25, line 21, strike "–$7,000,000,000" and insert "–$8,301,000,000."

AMENDMENT NO. 2217

(Purpose: To express the sense of the Senate regarding the expansion of Medicare benefits)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON EXPANDING MEDICARE BENEFITS.

(a) FINDINGS.—The Senate finds the following:

(1) In the 1997 Balanced Budget Agreement, changes were made to Medicare that extended the solvency of the Trust Fund for 10 years.

(2) The Medicare Commission, also established in the Balanced Budget Agreement, has just started the task of examining the Medicare program in an effort to make sound policy recommendations to Congress and the Administration about what needs to be done to ensure that Medicare is financially prepared to handle the added burden when the baby boomers begin retiring.

(3) The problems facing Medicare are not about more revenues. The program needs to do more to improve the health care status of retirees and give them more choices and better information to make wise consumer decisions when purchasing health care services.

(4) Improving the health care status of senior citizens would ensure additional savings for Medicare. Helping seniors stay healthier should be a priority of any legislation aimed at protecting Medicare.

(5) In order to keep seniors healthier, Medicare has to become more prevention based. Currently, Medicare offers very few prevention benefits. As a result, seniors are often sicker when they seek care or are hospitalized.

(6) If the objective is to use tobacco revenues to save Medicare, a portion of these new revenues must be allocated to expanding prevention benefits.

(7) Preventing illnesses or long hospital stays or repeated hospital stays will save Medicare dollars.

(8) Medicare cannot be saved without structural changes and reforms. Simply using a new Federal tax to prop up Medicare will not extend solvency much beyond a few months and will do little to improve the health status of senior citizens and the disabled.

(9) Congress should use these new revenues to expand prevention benefits to ensure that seniors are healthier and stronger. This is how we can truly save Medicare.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume the allocation of a portion of the Federal share of tobacco revenues to expand prevention benefits for Medicare beneficiaries with an emphasis on improving the health status of Medicare beneficiaries and providing long term savings to the program.

The PRESIDING OFFICER. Without objection, the two amendments are laid aside.

VOTE ON AMENDMENT NO. 2169

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2169, the Kyl amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Collins
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Johnson
Kerrey
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—2

Kennedy
Kerry

The amendment (No. 2169) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. LOTT. Mr. President, this is not aimed at any Senator or group of Senators, but it is so that we will all be on notice. In order to be able to complete this budget resolution, we are going to have to stick to the 15-minute votes. I realize that there are markups going on and Senators have a lot of commitments, but for the remainder of today—Senator DASCHLE and I have talked about this—we think it is important we begin to stick to 15-minute votes or 10-minute votes if we have in a group stacked votes, so we will start sticking pretty close to the time that is allocated.

Mr. FORD. Mr. President, will the majority leader yield for a question?

Mr. LOTT. I am glad to yield.

Mr. FORD. We are in a major markup in the Commerce Committee, and if there is any way you could stack a vote or two to let us come over and spend a few minutes and make several votes and then go back to the committee, I think it might be helpful, rather than having us run back and forth. There is hope we might be able to finish that markup, if not late tonight, tomorrow. I am not asking to change your schedule or your votes, just group them together sometime, if you could.

Mr. LOTT. Mr. President, if I could say to the Senator from Kentucky, they are certainly involved in very important work, and we will take that into consideration. As a matter of fact, we are going to enter a unanimous consent request that would allow us to stack some votes. Senator DASCHLE had suggested that, and it seems like a good way to proceed where we will have up to as many as, I think, four votes that are stacked.

Mr. FORD. I thank the Senator.

Mr. LOTT. Would the Democratic leader like to make a comment before I make the UC?

In order to ascertain the remaining workload then ahead of us to bring the budget resolution to conclusion, I now ask unanimous consent that all first-degree amendments must be offered by 6 p.m. this evening. I further ask that at 5:40 p.m. this evening the minority manager be recognized to offer any amendments necessary for the minority side of the aisle, and at 5:50 p.m. Senator DOMENICI be recognized for up to 10 minutes to offer amendments necessary at that point for the majority side.

I further ask that following the scheduled 2 p.m. vote today, all first-degree amendments be limited to 30 minutes, all second-degree amendments be limited to 20 minutes, with any votes ordered on any remaining amendments to be stacked in a sequence to be decided by the two managers. I further ask that the first vote in the stacked voting sequence be limited to 15 minutes and all remaining votes in the sequence be reduced to 10 minutes in length.

We hope they will stack as many as three and four in those groupings. But it will be up to them, after, of course, consulting with the leaders, to make sure we are taking into consideration other things that may be going on.

I finally ask that all time consumed during rollcall votes be counted against the overall statutory time limit and the new time restraints on first- and second-degree amendments expire at the conclusion or yielding back of the overall time limit.

The PRESIDING OFFICER. Is there objection?

Ms. MOSELEY-BRAUN. Mr. President, reserving the right to object—and I will not object—I just want to make certain that the time agreement with regard to the schools amendment has been unchanged.

Mr. DASCHLE. That is correct.

Ms. MOSELEY-BRAUN. That is correct.

Mr. LOTT. That is correct.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. DASCHLE. Mr. President, I didn't want to object, and I was going to make that clarification following the conclusion of the request, but I would only add one clarification, which I know the majority leader will want to do, and that is to allow 1 minute prior to each vote in a stacked sequence, to be sure that we can explain the circumstances, as is normally our procedure in stacked votes. I know that colleagues on both sides of the aisle have requested that in the past.

With that understanding and also with the understanding, of course, that Senator MOSELEY-BRAUN would then be recognized following this UC to offer her amendment, I think this is a good plan and I commend all of those involved, especially our Chair and ranking member. Obviously, we won't get done with this unless we can find a way in which to manage more efficiently the time remaining. This does it, and I appreciate the cooperation of Members on both sides.

Mr. LOTT. Mr. President, I do amend the unanimous consent request to include the 1 minute before each vote and ask for a ruling now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I yield the floor, Mr. President.

Mr. DOMENICI. Mr. President, might I just ask—everybody might want to know this—if in fact we don't complete all the amendments under the prescription we have just agreed to, then if there are remaining amendments, this agreement does not pertain to this at all, that will be looked at by the Senate; we will get it done one way or another?

Mr. LOTT. That is correct. I think this is a very major step forward. We will still need to assess where we are tonight and in the morning. Any amendments still pending at the end, we will still have to deal with those in as orderly a fashion as we possibly can. But I think this will help us move a number of amendments so that we won't have as many amendments at the end of the session.

Mr. DOMENICI. Mr. President, I thank the distinguished majority leader and the minority leader for helping with this. Obviously, this is a much more orderly process, and I think it has a chance of working to the enhancement of the Senate's ability to do this work right.

I understand that the distinguished Senator from Illinois is going to call up an amendment, after which she is going to yield promptly so that Senator ROTH might speak for a few minutes, and then it will return to her for control of her time and we will have time on our side.

Ms. MOSELEY-BRAUN. Yes. I say to the Senator from New Mexico, I have been asked by the Senator from Delaware and the Senator from North Dakota as well as Senator ROTH—all three have business they would like to attend to before this amendment is taken up, and so I would suggest to the Senator from New Mexico that might be appropriate—let all three Senators go before this amendment is taken up.

Mr. DOMENICI. That is fine with me. I thought the minority leader had asked me to call her amendment up and then go ahead and yield this time. But if you want to do it another way—Senator ROTH, are you satisfied?

Mr. ROTH. I want to speak next.

Mr. DOMENICI. Would it be possible that we could agree then that if you are going to withhold until the following events occur, that Senator ROTH be permitted to speak for 15 minutes? But he would be preceded by two Senators who want to just offer amendments.

Mr. BIDEN. If the Senator will yield, I need 5 seconds, 10 seconds possibly.

Mr. DOMENICI. Is that possible?

Mr. KYL. Mr. President, might I clarify. I would like 5 seconds as well to offer an amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota.

AMENDMENTS NOS. 2218 AND 2219

Mr. DORGAN. Mr. President, I ask unanimous consent the pending amendment be set aside that I may send two amendments to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. Dorgan] proposes amendments numbered 2218 and 2219.

The text of the amendments follows:

AMENDMENT NO. 2218

(Purpose: To strike section 301 of the concurrent resolution, which expresses the sense of Congress regarding the sunset of the Internal Revenue Code of 1986, and replace it with a section expressing the sense of Congress that important tax incentives such as those for encouraging home ownership and charitable giving should be retained)

Strike page 33, line 3, through page 34, line 3, and insert the following:

SEC. 301. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) Findings.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving;

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) recklessly sunsetting the entire income tax code threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) Sense of Congress.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions.

AMENDMENT NO. 2219

(Purpose: To establish a reserve fund for health research at the National Institutes of Health, funded by receipts from tobacco legislation)

At the appropriate place in the resolution, insert the following:

SEC. . HEALTH RESEARCH RESERVE FUND.

(a) In General.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves 21 percent of the Federal share of receipts from tobacco legislation for the health research purposes provided in subsection (b), provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) Eligible Health Research.—Of the receipts from tobacco legislation reserved pursuant to subsection (a), the following amounts may be used for the following purposes:

(1) 7.5 percent of such receipts to fund research into the prevention and cure of cancer;

(2) 7.5 percent of such receipts to fund research into the prevention and cure of heart disease, stroke, and other cardiovascular diseases;

(3) 2 percent of such receipts, to be allocated at the discretion of the Director of the National Institutes of Health, to fund the responsibilities of this office and to fund construction and acquisition of equipment or facilities for the National Institutes of Health;

(4) 2 percent of such receipts for transfer to the National Center for Research Resources to carry out section 1502 of the National Institutes of Health Revitalization Act of 1993;

(5) 1 percent of such receipts to fund prevention research programs at the Centers for Disease Control and Prevention;

(6) 1 percent of such receipts to fund quality and health outcomes research at the Agency for Health Care Policy and Research; and

(7) the remainder of such receipts to fund other member institutes and centers, including the Office of AIDS Research, of the National Institutes of Health in the same proportion to such remainder, as the amount of annual appropriations under appropriations acts for each member institute and center for a fiscal year bears to the total amount of appropriations under appropriations acts for all member institutes and centers for that fiscal year.

(c) Revised Levels, Aggregate and Allocations.—

(1) Adjustments for Legislation.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(2) Adjustments for Amendments.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purposes described in subsection (b), upon the offering of an amendment that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(3) Rule of Construction.—Revised allocations, functional levels and aggregates submitted or filed pursuant to this subsection shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) Reporting Revised Allocations.—The appropriate committees shall report appropriately-revised allocations pursuant to Section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

(d) Applications of Section 202 of H.Con.Res. 67.—Section 202 of H.Con.Res. 67 (104th Congress) shall not apply for purposes of this section.

Mr. DORGAN. I ask unanimous consent they be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

AMENDMENT NO. 2220

(Purpose: To permit the use of Federal tobacco funds to reimburse the Veterans Administration for the costs of treating smoking-related illnesses)

Mr. BIDEN. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. Biden] proposes an amendment numbered 2220.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 5, before the period insert "and Veterans Administration health care".

Mr. BIDEN. I further ask that my amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 2221

(Purpose: To express the sense of the Senate supporting a supermajority requirement for raising taxes)

Mr. KYL. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purpose of offering an amendment, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. Kyl], for himself, Mr. Grams, Mr. Helms, Mr. Brownback, and Mr. Hagel, proposes an amendment numbered 2221.

The text of the amendment follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING A SUPERMAJORITY REQUIREMENT FOR RAISING TAXES.

(a) Findings.—The Senate finds that—

(1) the Nation's current tax system is indefensible, being overly complex, burdensome, and severely limiting to economic opportunity for all Americans;

(2) fundamental tax reform should be undertaken as soon as practicable to produce a tax system that—

(A) applies a low tax rate, through easily understood laws, to all Americans;

(B) provides tax relief for working Americans;

(C) protects the rights of taxpayers and reduces tax collection abuses;

(D) eliminates the bias against savings and investment;

(E) promotes economic growth and job creation;

(F) does not penalize marriage or families; and

(G) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service; and

(3) the stability and longevity of any new tax system designed to achieve these goals

should be guaranteed with a supermajority vote requirement so that Congress cannot easily raise tax rates, impose new taxes, or otherwise increase the amount of a taxpayer's income that is subject to tax.

(b) SENSE OF SENATE.—It is the sense of Senate that the assumptions underlying the functional totals of this resolution assume fundamental tax reform that is accompanied by a proposal to amend the Constitution of the United States to require a supermajority vote in each House of Congress to approve tax increases.

Mr. KYL. I ask that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

Mr. ROTH. Mr. President, this budget resolution contains some provisions that I applaud, but it falls short in several areas: first, the proposed tax cuts are too small to provide the relief that taxpayers need and deserve; second, it does not adequately restrain the growth and reach of the Federal Government. Third, it is not what the hardworking men and women of America desire nor deserve. They deserve better.

The current economic expansion is now 84 months old, the third longest on record. Overall growth rate has been relatively steady and moderate. In the last three months alone, more than one million new jobs have been created, while the unemployment rate has been reduced to a 24-year low. In addition, inflation as measured by the CPI is only 1.6 percent.

In the midst of this prosperity our citizens are burdened by levels of taxation that are increasingly oppressive—all to satisfy the appetite of the Federal behemoth. This condition runs contrary to counsel handed down from President Jefferson—counsel we would do well to heed as we move forward with the budget debate. In his First Annual message to the Congress, President Jefferson wrote that the object of congressional efforts should be "to preserve the general and State governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favorable to the security of liberty and prosperity, and to reduce expenses to what is necessary for the useful purposes of government."

These are among the core principles which have thus far separated our nation from the rest of the world.

It is up to this Congress to apply President Jefferson's principle to "reduce expenses to what is necessary for the useful purposes of government." All else should remain in the hands of our citizens.

Today, revenue levels are at all time highs, approaching 20 percent of GDP in both this fiscal year and the next. Not only are these levels high in historical terms, they are unprecedented for a peace-time economy. In fact, the only time in this century that revenues were higher was during World War II.

Unfortunately, this does not appear to be an anomaly; the Congressional Budget Office projects that unusually high levels of revenue will continue to be extracted from taxpayers for the foreseeable future.

It is worth noting, Mr. President, that these very same revenues are largely responsible for the budget surplus that has generated so much excitement here in Washington. In fact, the current surplus is mainly attributable to additional unanticipated revenues of about $72 billion in 1997, rather than the effect of spending cuts. It is also worth noting that these revenues have been fueled mainly by our strong economic growth in the last year.

Yet, despite the record high level of revenues that the Federal Government now collects to feed its appetite for spending, we are told that we need additional Federal programs! Over the past 2 months, President Clinton has engaged in a well orchestrated campaign to secure approval for spending billions of dollars more on new and expanded government programs. He has set a trap for the American people by promising to do more for them in exchange for higher taxes on their capital and labor.

We have balanced the Federal budget. But that is only one of the steps to be taken to meet Jefferson's objective. We must go on to examine whether the current size and breadth, let alone further expansion, of the Federal Government for these purposes justifies the taxation on the toil of our fellow citizens. Let's never forget that the revenue collected by Washington does not belong to the Federal Government; it belongs to the hard-working men and women of this country.

Mr. President, the budget resolution should allow for immediate and significant tax relief for American taxpayers. However, the $30 billion of tax cuts proposed in the current resolution are not sufficient to provide this relief.

I would like to see this budget resolution contain total tax cuts of at least $65 billion over 5 years. These cuts could take a number of forms, including marriage penalty reforms, family tax relief, and savings and investment incentives.

For example, half of American families face the marriage penalty. The Congress proposed to phase out the marriage penalty for non-itemizers as part of the 1995 Balanced Budget Act, but the proposal was vetoed by President Clinton. In addition to marriage penalty relief, consideration could be given to tax relief for families such as a child care credits for both stay-at-home parents and working parents. Ultimately, whatever the final form that tax cuts take, the crucial consideration is that they be substantive and immediate.

However, we are limited in the ways that we can offset these tax cuts. While the President's Fiscal Year 1999 budget contains a number of revenue raisers, many are rehashed, or controversial proposals that have failed before due to opposition on both sides of the aisle.

We also cannot look to the spending programs within the jurisdiction of the Finance Committee for savings. We are all firmly committed to protecting the reforms we have made to the Medicare, Medicaid and welfare programs, and should make no further changes at this time. In my opinion, the best option is for the cuts to be offset through the use of a portion of the tobacco settlement revenues.

While the lack of meaningful tax relief is my main objection to this budget resolution, I am also disappointed to see that there is no provision to make better use of the budget surplus.

We should not simply spend this surplus, or set it aside; we can do better for our families and the future. I strongly believe that the most productive use of thee surpluses is to fund individual Social Security investment accounts for all workers who contribute to the payroll tax. Therefore, Mr. president, I will be offering a sense-of-the-Senate amendment to instruct the Finance Committee to report a Social Security bill this year. The bill would dedicate the budget surplus to fund Social Security personal retirement accounts. Equally important, my bill will place the Senate on record for putting these surpluses to work for the American taxpayers, and not simply setting them aside to be spend on other less important priorities than social security.

Finally, Mr. President, I must express my concern over some of the methods for shifting funds around under the budget resolution. Budget rules should not be invented to give authority to one committee to achieve budget savings under the jurisdiction of another committee. More specifically, this resolution gives control over the Medicaid program and welfare programs to the Appropriations Committee. Moreover, savings are to be achieved through administrative reforms which may prove to be unfair and unworkable with our partners, the states. Reforming Medicaid and finding program savings in the child support enforcement system or finding other alternatives should be a task for the committee of jurisdiction—namely the Finance Committee.

Mr. President, the American people expect more from us. And it is incumbent upon us to see that they get it.

Mr. President, I yield the floor. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is my understanding the Senator from Illinois, under the rule previously agreed to, has 2 hours for debate on her amendment?

The PRESIDING OFFICER. Two hours.

AMENDMENT NO. 2175

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from Illinois. I call up amendment No. 2175 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Illinois [Ms. MOSELEY-BRAUN] proposes an amendment numbered 2175.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the March 30, 1998 edition of the RECORD.)

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that Senators DASCHLE, KENNEDY, HARKIN, and MURRAY be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I yield myself as much time as I may require, until such time as someone else comes up to speak.

This amendment expresses the sense of the Senate that the fiscal year 1999 budget resolution assumes that we will enact legislation creating a partnership between State and local governments and the private sector to rebuild and modernize our schools and classrooms for the 21st century. The amendment calls for the enactment of legislation similar to S. 1705, the Public School Modernization Act of 1998, which I have introduced along with a number of my colleagues. Our bill would establish a simple and effective means of helping communities modernize and revitalize their schools.

The bill creates a new category of zero coupon bonds for States and school districts to issue to finance capital improvements. States and school districts would be able to issue $21.8 billion worth of these bonds over the next 2 years. Purchasers of the new bonds would receive Federal income tax credits in lieu of interest, thereby cutting the cost of upgrading the schools by at least a third and in some cases up to 50 percent. The bill will cost the Federal Government only $3.3 billion over five years.

This amendment to the budget resolution is the first step toward enacting that legislation. It sends a signal that we in the Senate are serious about improving education in America.

I call your attention to this report card for America's infrastructure. You will notice that school buildings get a failing grade; mass transit got a grade of C—we have taken up the infrastructure needs for mass transit; bridges, a C-minus; solid waste, a C-minus; waste water treatment, D-plus; roads, D-minus—but schools get an F. We are literally sending our children to crumbling schools in which education becomes well-nigh impossible.

Those children—14 million of them, in fact—every day attend schools that are so deteriorated that they do not even meet basic code; 14 million children in this country every day attend schools which are that dilapidated, Mr. President. From all indications, in failing to provide for the modernization, renovation and repair of school facilities, we are literally causing these children to get less educational opportunity than they should be entitled to, but we are also hampering our Nation's ability to be competitive in the 21st century.

At no point in our history has education been more important to both individual achievement or national prosperity. As H. G. Wells wrote nearly 80 years ago: "Human history becomes more and more a race between education and catastrophe."

Education in America correlates with opportunity for individuals, for families and for our entire Nation. Indeed, the rungs on the ladder of opportunity in America are crafted in the classroom. It is very clear that high school graduates earn more money over the course of a lifetime. As a matter of fact, every year they earn 46 percent more than people who do not graduate from high school. College graduates earn 155 percent more than those who do not complete high school. And, of course, over the course of a lifetime, the most educated Americans will earn five times as much as the least educated Americans. That is on an individual level.

The truth is that education correlates with every indicia of economic and social well-being. Educational attainment can be tied directly to income, to health, to the likelihood of being on welfare, to the likelihood of being incarcerated, and even to the likelihood of voting and participating in our democracy.

It is, however, more than a tool to lift people out of poverty or to have a better standard of living. It is also the engine that will drive America's economy into the 21st century. In a Wall Street Journal survey last year of leading economists, 43 percent of them said the single most important thing we could do to increase our long-term economic growth rate would be to invest more in education, research and development. Nothing else came even close in the survey. One economist said:

> One of the few things economists will agree upon is the fact that economic growth is very strongly dependent on our own abilities.

Another study, looking at the changing nature of the American work force, said:

> The crucial factor accounting for long-term success in the work force is a basic education provided at the primary and secondary levels.

Of course, a recent study by the Manufacturing Institute confirmed that claim. It concluded that increasing the education level of workers by just 1 year raises the productivity level by 8.5 percent in manufacturing.

If we fail to invest in education, we will put our Nation's economic future at risk. Unfortunately, too many of our schools, again, are not in adequate physical condition to meet the educational needs of our children. Too many of our schools are literally crumbling down around the students.

The General Accounting Office, which did a major study, a landmark study, on this issue found that 14 million children attend schools in need of major renovation or outright replacement. Some 7 million children every day attend schools with life-threatening safety code violations. And they concluded that it will cost $112 billion just to bring our schools up to code—$112 billion across the country just to bring our schools up to code. That does not equip them with computers. That is not bells and whistles. That is just to address the toll that decades of deferred maintenance has taken. So this F relates to the $112 billion demand on us as Americans just to get our schools up to code in this country.

I say "the country" broadly, and the truth is that crumbling schools are to be found in every corner of America. Again, according to the GAO, some 38 percent of schools in urban areas are in this kind of dilapidated condition; 30 percent of rural schools are in the same condition; and 29 percent of suburban schools are in the worst condition. Again, this is not statistically all that different between 29 percent in the suburbs, 30 percent in rural areas and 38 percent in urban areas.

Mr. President, the problem with crumbling schools has become so widespread that even Peppermint Patty in the Peanuts cartoon has a leaky school roof. Take a look here. In this series of Peanuts cartoon, Peppermint Patty and her friend Marcie express their frustration over the fact that they cannot get anyone to repair the leaky roof. "It's keeping me awake." The roof is leaking. They still don't take it.

Marcie forgot to mention the repair of the roof as she talked about the fact that the children were having difficulty learning. But the truth of the matter is that we cannot forget about the fact that our schools are dilapidated.

In my State of Illinois, school modernization and construction needs top $13 billion. Many of Illinois' school districts have a difficult time even buying textbooks and pencils, much less financing major capital improvements. This legislation would free up local resources in my State for education by providing Federal support for rebuilding the schools.

This $112 billion national school repair price tag, as enormous as it may sound, again, does not include the cost of wiring schools and getting them up to speed for modern technology. One of the greatest barriers to the incorporation of modern computers into classrooms is that the physical condition of many school buildings will not allow for it. You cannot very well use a computer if you cannot plug it into the wall.

Again, to quote the General Accounting Office, almost half of all schools lack enough electrical power for the full-scale use of computers; 60 percent of them lack enough conduits in the school to connect classroom computers to a network; and 60 percent of schools lack enough phone lines for instructional use.

Last year, a teacher from Waukegan, IL, came to Washington and was talking about the use of computers in the school and that when they plugged in the computers, when they deployed the computers around the school, fires started all through the school because the wiring was so old.

That situation is replicating itself all over the country. We are seeing situations in which the schools cannot give our children the tools they need to learn so that they can compete in this 21st century because the physical structures simply will not allow it.

This legislation also will give communities the power to relieve overcrowding. Again, according to the Department of Education, enrollment this year is at an all-time high and will continue to grow over the next 10 years. Just to keep up with growing enrollment, we will need to build 6,000 new schools over the next 10 years.

Again, in my State, I visited schools where study halls are held in the hallways because there is no other space. I have seen stairway landings converted into computer labs, cardboard partitions used to turn one classroom into two. There is one school where the lunchroom has been converted into two classrooms, where the students eat in the gymnasium, and instead of gym, they have what is called "adaptive physical education" while they stand next to their desks.

One youngster from Virginia talked about the fact that the congestion in his school is so profound that the kids get into fights in the hallway, and they call it "hall rage," when there is just too much human presence for them to walk around the hallways and they get into disruptive behavior.

The teachers and parents know full well these conditions directly affect the ability of their children to learn, and the research, of course, has backed up that intuition. Two separate studies found a 10 to 11 percent achievement gap between students who attend school in good buildings and quality surroundings and those who attend school in poor buildings after accounting for all other factors.

Other studies have found that when the buildings are in poor condition, again, the students are more likely to misbehave. Three leading researchers recently concluded:

> There is no doubt but that building condition affects academic performance.

Again, if we are going to address the need to provide our youngsters with quality education, we clearly have to look at the factors and the environment in which they are called upon to learn.

Just last month, the results came in on a set of international math and science tests. The results were, quite frankly, profoundly disturbing.

The results of that study placed American students at or near the bottom on every one of the math and science tests that were offered. This cannot be. We cannot go into the 21st century with our children performing below some less-industrialized countries because we do not provide a quality educational opportunity and, frankly, consistent educational opportunity throughout the country.

We know that we have some of the best schools in the world in this country on the one hand. I have some that I visited in the State of Illinois—the First in the World School. Those schools are in good condition, and the youngsters who go there have a great opportunity for education. They have scored above the international norm.

But at the same time we have the other instance of the crumbling schools, the dilapidated conditions and the poor performance across the board as well. We have this patchwork quilt of school facilities throughout the country. Again, I point out these facilities' problems are related to how we finance the system, how we pay for schools.

Crumbling schools are not just accidents; they are the predictable result of the way we fund education. The current system was established a century ago when the Nation's wealth was measured in terms of landholdings. Wealth, of course, is no longer accumulated just in land, and the funding mechanism relying on the local property tax is just not appropriate, nor is it adequate.

The current school finance structure works against most American children and mitigates against most families' best efforts to improve local schools. Again, according to the General Accounting Office, poor and middle-class schools try the hardest to raise the revenue to get the money together to fix up their schools. But the system works against them.

In some 35 States, poor districts have higher tax rates than wealthy districts, but they raise less revenue because, of course, there is less property wealth to tax. Now, this local funding model does not work for school infrastructure, just as it would not work for highways or other infrastructure.

Imagine for a moment what would happen if we based our system of roads on the same funding model that we use for schools. If every community was responsible for the construction of and maintenance of the roads within its borders and no one else contributed, where we did not have a partnership, we relied on the local property tax, in all likelihood we would have smooth, good roads in the wealthy towns, a patchwork of mediocre roads in middle-income towns, and very few roads at all in poor communities.

Transportation, then, Mr. President, would be hostage to the vagaries of wealth and geography. Commerce and travel would be difficult and navigation of such a system would not serve the interests of our whole country.

Mr. President, unfortunately, that hypothetical situation that I have just described in terms of roads precisely describes our school funding system. Schools with a lot of wealth have good schools or are more likely to have good schools, middle-class schools have a patchwork, poor communities have little or nothing to point to.

Again, I made the point, as the GAO found, that the phenomenon of crumbling schools, the infrastructure, finds itself in all kinds of communities, suburban, rural and urban, but, again, it is based on the local property tax in the main.

The American Society of Civil Engineers released a report card on America's infrastructure, and, again, they found that the only category to get an F was the schools.

We have just recently acted, and the ranking member, the Senator from New Jersey, will point out that we just passed the ISTEA bill, the highway and mass transit bill, which addresses a number of these issues. The Senate passed that bill almost with unanimous support, and we put an additional $214 billion into infrastructure in that legislation.

Schools, however, do not benefit from that bill, and that is why I believe we need to talk about a partnership to fund the redevelopment of our school infrastructure. Our children need the same level of commitment for school infrastructure as we have given to our highways.

I think the way we ought to look at this is not in the sense of finger pointing, saying it is the fault of the States or it is the fault of the local governments. I think, if anything, we need to engage a partnership in which we all contribute and we all weigh in to try to fix these schools and give our children an environment that is worthwhile to learn in.

We have a situation in which States—the argument has been made that school construction is just a State or a local responsibility. Some of my colleagues have argued that, notwithstanding the fact that the school districts face a maintenance backlog of $112 billion—and, again, $73 billion in new school construction needed—the States can meet these costs on their own and by themselves.

The truth is that this is not in the interest of our country, that we rely on the accident of State effort and the accident of geography and the accident of wealth in order to make certain that we address this national problem.

We have an interest, as citizens of this great country, to see to it that every child gets an opportunity to learn, that every child gets an environment in which learning can take place, and that every child no matter where they live in the United States is given a chance to take advantage of the new technologies that school modernization would allow.

The General Accounting Office found that only 13 of the States take a comprehensive approach to school modernization and construction. In 1994, for example, the States spent a total of $3.5 billion on school repair and construction—$3.5 billion. So again with $112 billion worth of deferred maintenance, $73 billion worth of needed new construction, the States alone will simply not be able to bear that economic burden.

Some of my colleagues have argued that because the economy is doing so well the States are now in a position to supplement what they spend on school facilities with funds from the surpluses that are beginning to accumulate in the State treasuries. Most States have a surplus. All but two States had some sort of surplus at the end of fiscal year 1997, ranging from a $3.2 billion surplus in Alaska to a $32 million surplus in Alabama. My own State of Illinois ended 1997 with a $108 million surplus. But the sum total of all the surpluses put together is $28.2 billion. If we were to spend every dime of every State's surplus on this issue, you would just begin to make a dent in it.

I think that the notion of the finger-pointing, the notion of blaming one level of Government or another, is something that we, frankly, do not have time for. We do not have time for that argument any longer. I believe we have a responsibility to engage as a national community to work together, giving the States and the local governments control, certainly, giving them responsibility for making certain that the schools are rebuilt, but providing the financial help that we can at the national level in the simplest way possible.

We have the capacity, at the national level, to provide the funding leverage that this legislation will provide that will cost us $3 billion to allow these local communities and school districts to go into the capital markets and raise $22 billion. I think it just makes absolute sense, and I encourage my colleagues to support this sense-of-the-Senate amendment.

Mr. President, I now yield 5 minutes to the Senator from New Mexico, 2 minutes to the Senator from Washington, and such time to the Senator from California as she may require.

AMENDMENT NO. 2223

(Purpose: To establish a deficit-neutral reserve fund for civilian research and development)

Mr. BINGAMAN. Mr. President, before I give my few comments here in support of the amendment of the Senator from Illinois, I ask unanimous consent that it be in order that I send an amendment to the desk and then have that laid aside and then return to the amendment of the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] for himself and Mr. LIEBERMAN, proposes an amendment numbered 2223.

Mr. BINGAMAN. I ask unanimous consent that reading of the amendment be dispensed with and the amendment be set aside and we return to the amendment of the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

"SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CIVILIAN RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to fund civilian scientific and technological research and development, to increase research and development for the health sciences, or to increase research and development to improve the global environment, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

"(1) fiscal year 1999;

"(2) the period of fiscal years 1999 through 2003; or

"(3) the period of fiscal years 2004 through 2009.

"(b) REVISED ALLOCATIONS.—

"(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.".

AMENDMENT NO. 2175

Mr. BINGAMAN. Mr. President, I, first, say that putting together a budget resolution is a very complex, difficult process. I commend those who have worked on this, particularly my colleague from New Mexico for bringing in a budget resolution that is within the constraints of the balanced budget agreement. I think that is certainly progress and is to be commended. I am, however, troubled by many aspects of it. One aspect is that which is intended to be dealt with by this amendment by the Senator from Illinois.

I fear this budget does not reflect the forward-looking perspective that prepares us for the world that we are facing in the 21st century.

I do not think anyone would dispute the paramount importance of education, of research, and of a safe, healthy start for our children. The importance of those items, in my view, are not reflected in this budget. They are not given the priority they should be given in this budget.

Let me give a few examples. In the area of education, and, of course, the Senator from Illinois was talking about this general area of education, the President has proposed at least $1.6 billion more than the Republican budget in 1999 for the budget functions that include education, training, and social services. The Republican budget does not increase Federal spending by 1 cent over last year's balanced budget amendment in that regard.

More specifically, the President and the Senate Democrats have put forth some very significant education proposals, one of which is this amendment by the Senator from Illinois. The Republican budget does not give the same priority to those concerns. The Democratic alternative and this amendment propose to help communities to renovate and build school facilities, including BIA schools, which are very important in my home State of New Mexico. The Republican budget essentially ignores this request. The Democratic proposal provides for the hiring and training of 100,000 new teachers, which is projected to reduce the average class size in grades 1 through 3 from 22 students in a class to 18 students in a class. Again, the Republican budget ignores that proposal.

In addition, the Republicans claim they are providing an increase of $2.5 billion over the freeze level during this 5-year period for the Individuals with Disabilities Act. It turns out that this funding does not keep pace with inflation.

While this resolution proposes to increase money for one type of block grant, the simple fact is that spending is cut significantly overall and that means that very important programs will have to be cut. Some of those programs—we are not clear as to which ones yet, of course, since that is not specified in the resolution—but some of those might include title I for disadvantaged children, Head Start, training and technology for teachers, and teacher quality.

The resolution also gives short shrift to child care, and again Senator DODD from Connecticut offered an amendment that I support in that regard.

With regard to tobacco, I am tremendously concerned that the budget as presently written precludes any meaningful consideration of programs to reduce teen smoking. While I strongly agree with the chairman of the Budget Committee that we must do something to fix our Medicare Program, I believe we do not need to do so at the expense of the current and future health needs of our children.

I commend our colleagues for the hard work that has gone into this resolution, but I do differ with my Republican colleagues about the ways in which we allocate spending in this bill. We are entering the 21st century as a strong and vibrant and growing economy, but we will only remain that way if we invest in the future and ensure that every American has the opportunity to take advantage of that growth. The way we do this is to focus on these areas of priority—education, training, and the needs of working families.

I hope we can adopt some amendments to this resolution that will allow us to do that more effectively.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

I rise in strong support of this amendment and offer my congratulations to the Senator from Illinois for bringing this critical issue to the attention of the Senate and to the attention of the Nation. Certainly it is an issue of safety and health for many children across our country. For all of us who go out and visit schools on a regular basis, we see classrooms that are in cafeterias, in gymnasiums, and in closet space—of all things—all across this country, and that is wrong. This is an issue that has to be addressed.

Let me also bring to the attention of my colleagues the issue that many of us hear about—the high number of jobs that are available today in the area of technology. The ITEA recently put out a study showing there are 200,000 job openings today. These are $40,000- to $60,000-a-year jobs available in technology, yet we don't have the skills or students with the skills available to go into these jobs because they haven't had the education and the experience in their schools.

I have worked very hard to bring technology to the floor of the Senate as an issue. We have put computers into our schools, technology into our schools. In a few minutes, the Labor Committee will be working on the Reauthorization Act that includes my language to train teachers in technology throughout our schools, but if we don't pass the issue of school construction, far too many of our children will never have access to these skills because they are in classrooms where you cannot plug in a computer.

This issue is critical and I urge my colleagues to support it. I, again, thank my colleague from Illinois for bringing it to our attention and appreciate her long concern and work on this issue.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of this amendment, and in particular to thank my friend and colleague, the senior Senator from Illinois, for her hard work. I am aware that there is another school construction amendment. It is known as the Roth amendment. It is part of the Coverdell tax bill. These amendments, in my view, complement one another.

What the Senator from Illinois has done is structure an amendment so it really benefits some of the older, more stressed urban school districts in America. What the other amendment would do is stress the smaller, suburban rural areas where there is substantial growth going on. So between the two of them, they provide to the States and the cities and the counties of America a truly major, major commitment to new school construction.

This is a $21.8 billion authority for State and local governments to issue bonds to construct and rehabilitate schools. For California alone, this would mean $2.2 billion in bonds. It is the most of any State. Thirty-five percent of these bonds would be used by the 100 largest school districts based on their ESEA title I funding which assists disadvantaged children; 65 percent would be distributed by States based on their own criteria; in addition, the Secretary of Education could designate 25 additional districts based on the State's share of Elementary and Secondary Education Act title I grants, excluding the 100 largest districts.

Under this amendment, California school districts are really helped. Bakersfield would get $19 million; Compton, $30 million; Fresno, $56 million; Long Beach, $48 million; Los Angeles, deeply troubled, and I will show you why in a moment, $488 million; Montebello, $22 million; Oakland, $35 million; Pomona, $18 million; Sacramento, $31 million; San Bernardino, $32 million; San Diego, $69 million; San Francisco, $28 million; Santa Ana, $27 million; and Stockton Unified, $24 million.

This proposal, again, helps the large urban poor districts. California's public school enrollment, much of it in these districts alone, between 1997 and the year 2007, is going to grow by almost 16 percent. That is triple the national projected rate of growth of 4.1 percent. California schools will grow three times faster than schools in the rest of the United States.

Each year, between 160,000 and 190,000 new students will come into California schools. The high school enrollment is projected to increase by 35 percent by 2007. Approximately 920,000 students—that is almost 1 million—are to be admitted to schools in the State during that period, boosting total enrollment from 5.6 million to 6.8 million.

Our school population is bigger than the population of most of the States. That is how important this bill is to California. California needs to build 7 classrooms a day, at 25 students per class, just to keep up with the average growth that is going to take place. We need to build 327 schools over the next 3 years just to keep pace with the growth that is going to take place. We have the largest class sizes in the Nation. Students are crammed into every available hallway, assembly room, and many of them in temporary buildings. Los Angeles—and this is staggering—Unified School District has 560,000 seats for 681,000 students. That means they don't even have seats for 120,000 students. So the absence of seats in Los Angeles is bigger than most of the school districts in a State. And this is just one city in the State.

I could go on and on with examples. But of 60 percent of the schools over 30 years old, most do not have modern infrastructure. Eighty-seven percent of the schools need to upgrade and repair buildings. The California Department of Education estimates that this State—one State alone—just to stay even, needs $22 billion during the next decade to modernize public schools and an additional $8 billion just to meet enrollment growth. That is $30 billion in the next decade just to stay even.

I have heard a lot of talk on this floor about education, and I can say only one thing: If you talk education and you have crowded and dilapidated schools and you don't have seats for the children in the schools, there is only one thing you can really do, and that is put your money where your mouth is. This is the first step toward "putting your money where your mouth is" amendment.

I am so proud of the Senator from Illinois. There is no single piece of legislation, there is no single amendment on any bill, that will help the school system of the great State of California more than the Moseley-Braun amendment. I want to make that crystal clear.

Here is what it costs. I mentioned the cost and that we need $30 billion just to stay even. Here is what it costs to build a school in California: An elementary school, $5.2 million; a middle school, $12 million; a high school, $27 million.

Our schools must be built to withstand earthquakes, floods, El Nino, and myriad other natural disasters. The cost of building a high school in California is almost twice the national cost. The U.S. average is $15 million; in California, it is $27 million. We have the largest pupil-per-teacher ratio in the country. And thanks to the Governor and the legislature, we are now beginning to reduce class size. K-3 is now limited to 20 students per teacher.

In conclusion, studies show that test scores of students in schools in poor condition can fall as much as 11 percentage points below scores of students in good buildings. I think this amendment is important. I really hope that no one in this body would not vote for this amendment because of the Coverdell bill. The Coverdell bill and the Roth amendment cover very different school districts than does this amendment. If you want to help the big urban school districts of America, where the dilapidated schools are, where the learning really needs improvement, there is only one game in town, and it is CAROL MOSELEY-BRAUN's school construction amendment. I am proud to support it.

Ms. MOSELEY-BRAUN. I thank the Senator from California for her eloquence. I did, however, want to take issue with one little part. This is just a sense of the Senate, but the underlying legislation does relate to suburban and rural schools as well as city schools. The Senator is right about the urban schools. It does a lot more for urban schools than the alternative legislation, but it also covers suburban and rural, because in my State, of course, just outside of Chicago is a place called Illinois, so I have to make sure that is covered.

In fact, if I may, for a moment, pick up where the Senator from California left off, this is a picture from a suburban school. This is outside of Chicago. You can see it is a portable classroom. The doors are falling off, and the gutters are down on the ground. It is in a dilapidated condition. So we see it all over.

Senator FEINSTEIN was exactly right to point out how much will be required for new construction, in addition to fixing the crumbling schools we have already. The GAO points out that we need $112 billion just to repair the schools that are falling down. They also found, however, that we have about $73 billion worth of need for new schools. So what we are really looking at is not just the $112 billion price tag, but a $185 billion price tag.

If you take the argument that somehow this is a local responsibility, it should come out of local property taxes, then what you are really saying is that the local property taxpayers should cough up an additional $185 billion—$185 billion. When you consider that property taxes around the country have been increasing, frankly, at a greater rate than the taxes at the national level have increased. State and local taxes, as a share of income, have risen nearly 10 percent in the last decade. In the last 10 years alone, in my State of Illinois, the property taxes have more than doubled. All across the country, voters reject the property tax hikes to pay for schools and other municipal improvements.

Again, we cannot continue to rely on the property tax alone to build the schools that we need for the next century. I think what is called for here is a partnership—a partnership in which we come together and work together at the Federal, State, and local government level to provide the funding that will be required to help rebuild our crumbling schools.

Mr. President, just yesterday a Manhattan State Supreme Court justice ordered New York City and the New York Board of Education to eliminate hazardous school conditions and to begin regular inspections and maintenance of its 1,200 school buildings. That decision came out of a lawsuit brought on the issue of the crumbling schools. According to that report that was commissioned by the New York board, 40 percent of the schools in New York lack functioning or accessible bathrooms and water fountains with clean water; 760 buildings had serious heating and ventilation problems; an average of 47 percent of the schools in New York are falling into unacceptable disrepair.

Again, this is the kind of dilapidation we are seeing all over. In fact, there is litigation pending in another 16 States on this point. I think this amendment we are considering today expressing the sense of the Senate will go in the right direction.

The point I believe we have to make is that it is appropriate for us at the national level to stop pointing fingers, to stop the divisive blame game that stalls Federal support for school improvements, and that we all have a responsibility to come together and work on this. I am pleased that Senator FEINSTEIN came to the floor to discuss this matter. It was my understanding that the Senator from New Jersey wanted to speak on this matter. I yield to him.

Mr. LAUTENBERG. I thank the Senator from Illinois. I do want to say something about this important piece of legislation.

Mr. President, I stand to support the amendment presented by the distinguished Senator from Illinois. Senator MOSELEY-BRAUN's amendment is a critical issue in terms of how we deal with the educational requirements of our young people.

The Senator from Illinois has had a long record—certainly since she has been here, and I understand before she arrived to the U.S. Senate—of interest and involvement in children, particularly focused on education in the early years. I am delighted to join with her and others here who are supporting an investment in bringing our school facilities up to date, making sure that the place in which children are expected to learn invites the process of learning and doesn't distract them, because it is either too cold, too hot, or too dangerous, or because of water leaking through the roof, or perhaps asbestos in the building, or insufficient facilities to attend to the children's needs. The condition is so outrageous that the GAO says that there are more than 14 million children attending schools that are in need of extensive repair or replacement. Several million attend schools with safety code violations, and, as I mentioned, leaky roofs are in schools that house 12 million students.

The GAO found the problem of crumbling schools transcends demographic and geographic boundaries. Roughly one-third of urban rural and suburban schools report that at least one building is in need of extensive repair, or to be completely replaced. Furthermore, the GAO reports that most schools are not prepared to incorporate modern technology in the classroom. Forty-six percent of schools lack adequate electrical wiring to support the full-scale use of technology. More than a third of the schools lack the requisite electrical power. And 56 percent of schools have insufficient phone lines for modems.

When we talk about percentages of 56 percent here and 12 percent there, it kind of escapes into an amorphous condition that prevents us from really analyzing what the effects of these inadequate facilities represent. It takes a real toll on students, on children.

I came out of the computer business. I arrived here some years ago from the city of Paterson, NJ, where my company was founded and where I was born. We had a population, I would say, of somewhere around 150,000 people with a commensurate number of students. I have been back there many times. I have a fondness of that place of my birth. I know a lot of the people who live in the town. One of my schoolmates was a fellow named Larry Doby, who was just admitted to the Baseball Hall of Fame.

I visit the city regularly. Until recently, I used to go to the same barbershop every couple of weeks since I was a college student. I return there and very often bring people around my old neighborhood to kind of give them a sense of what kind of beginning and opportunity I had. They were amazed at the dilapidated condition of the facility. I met children there and told them I lived in the building. They asked me what floor. I said, "The second floor." The number of the building was 310 Hamilton Avenue. They asked me, "What floor?" I lived on the second floor. "Yes. What apartment?" I said, "In the back apartment." They said, "You lived there?" "Yes. I lived there."

So it established a particular attachment.

I was called on by the board of education at Paterson a year or two ago to see if I could get them some help so they could get the schools wired in preparation for connection into the Internet. They couldn't raise the money within the city. People wanted it; they couldn't afford to pay the taxes necessary. The city was in arrearages all over the place. I arranged for some people I knew in my old company to pay for the facility to be wired. We went down there, and we stood with the people from the telephone company and pulled wire. What a pitiful condition. Can you imagine that you have to depend on someone's goodness, or some company's willingness to step forward so a school can be affixed to the Internet so the kids can learn that there is something besides pens and pencils and pads that are going to be required in the lives that they expect and hope to lead one day? It is pretty discouraging if kids don't know what it is that the outside world holds for them.

I once visited a school in Newark earlier in my days in the Senate. It caused me to write a piece of legislation called "computers in schools" to try to make sure that there was a computer available in classrooms with a reasonable population-to-computer ratio so that the children there would have a chance to learn the applications.

One of the things that we saw in a visit to a school in a very poor neighborhood with high crime in a broken-down neighborhood was that one child I was introduced to was sitting at a computer terminal. They told me that he was in about the third or fourth grade. They told me that this child had such a bad deportment record that they were looking for a way perhaps to expel him from the school. Then they brought in a couple of computers. This child couldn't keep up academically. His behavior, as I say, was bad. They sat him in front of a computer. They taught him a couple of basic exercises that children learn. He was so proficient in such a short time that he began to outdistance the other children.

I tell you this story only because to me it established the fact that children have to be given a chance to learn and develop based on their own ability, based on their own capacity to learn, and not be restricted to staying with a class where perhaps there is some maladjustment to it.

So I fully support this amendment.

Broken-down schools have a negative effect on the ability of students to learn. They see this grim surrounding, and they begin to believe that is the way the world around them exists and will exist for them. Academic research has proven that there is a direct correlation between the condition of school facilities and student achievement.

Georgetown researchers found that test scores of students assigned to schools in poor condition can be expected to fall 11 percentage points below the test scores of students in buildings in adequate condition. Unfortunately, many local educational agencies have difficulty securing financing for school facility improvements. The proposal called for in this amendment would really help. The zero interest school modernization bond and the Federal income tax credits to purchase those bonds in lieu of interest payments would be an important step toward rebuilding and modernizing our Nation's schools.

Mr. President, I say to those who criticize test scores, who intimate that our children are inadequate to the task that they are assigned to, I ask those people to look to where the problem is. It is not simply looking at students' surroundings. We should provide facilities through our Government. Why is it that we encourage this feeling of being forlorn, or outside of the mainstream? It is because the condition of the facility says that these children are not worth the effort that it takes to have them in a better learning condition.

Mr. President, if we want our kids to learn, if we want our children to be competitive in the years ahead, if we expect them to be leaders in the true sense of the word, where we are not just making speeches but we want to do something about it, then this is an excellent opportunity to register our support.

Again, my commendation goes to the distinguished Senator from Illinois for her leadership on this issue.

Mr. KENNEDY. Mr. President, I strongly support Senator MOSELEY-BRAUN's amendment to the budget resolution to help modernize and repair the nation's public school facilities for the 21st century.

Schools across the nation face serious problems of overcrowding. Antiquated facilities are suffering from physical decay, and are not equipped to handle the needs of modern education.

Across the country, 14 million children in a third of the nation's schools are learning in substandard buildings. Half the schools have at least one unsatisfactory environmental condition. It will take over $110 billion just to repair existing facilities nationwide.

Massachusetts is no exception. 41% of our schools across the state report that at least one building needs extensive repair or should be replaced. Three-quarters report serious problems in buildings, such as plumbing or heating defects. 80% have at least one unsatisfactory environmental factor.

In Boston, many schools cannot keep their heating systems functioning properly. On a given day, 15 to 30 schools complain that their heat is not working.

Faulty boilers and leaky pipes are responsible for sewage leaks and backups at many schools in Springfield, Massachusetts.

The leaking roof at Revere High School is so serious that the new fire system is threatened. School Committee members estimate that fixing the roof will cost an additional $1 million, and they don't know where to get the money.

It is difficult enough to teach or learn in dilapidated classrooms. But now, because of escalating enrollments, classrooms are increasingly overcrowded. The nation will need 6,000 new schools in the next few years, just to maintain current class sizes.

The student population in Pomona, California has increased 37% in the last ten years, and most students are now forced to study in poorly ventilated and dimly lit portable classrooms. To accommodate the large number of students using the cafeteria, school officials have had to schedule five different lunch periods every day.

Malden, Massachusetts is in the process of building five new elementary schools to accommodate increases in student enrollment. The estimated cost for constructing these schools will exceed $100 million.

The Senate recently heard testimony from a student in Clifton, Virginia whose high school is so overcrowded that fights often break out in the overflowing halls. The problem is called

"Hall Rage," and it's analogous to "Road Rage" on crowded highways. The violence in the hallways is bad enough. But it's even worse, because it's difficult for teachers to teach when students are distracted by the chaos in the hallways and outside their classrooms.

State governments and local communities are working to meet these challenges. In Massachusetts, under the School Building Assistance Act, the state will pay 50–90% of the most severe needs. 124 schools now have approved projects, and are on a waiting list for funding. The state share should be $91 million this year, but only $35 million is available. More than 50 other projects are awaiting approval. With that kind of deficit at the state and local level, it is clear that the federal government has a responsibility to act.

Incredibly, the Republican budget proposal ignores these pressing needs. The Republican plan cuts funding for education. It refuses to provide needed new investments to improve public education, including school modernization and construction.

Democrats have made it a top priority to see that America has the best education system in the world. Providing safe and adequate school facilities is an important step towards meeting that goal.

I urge the Senate to approve this amendment. Investing in education is one of the best investments America can possibly make. For schools across America, help is truly on the way—and it can't come a minute too soon.

Mr. LAUTENBERG. Mr. President, I do not know, before I relinquish the floor, what the expectation is for Senator CONRAD, who has a vote coming up. What is the order of business, please?

The PRESIDING OFFICER. The vote is expected to occur with respect to Senator CONRAD's amendment 2174 at 2 p.m.

Mr. LAUTENBERG. Has the unanimous consent order been propounded that would give Senator CONRAD an opportunity to discuss his amendment before the vote takes place?

The PRESIDING OFFICER. It has not.

Ms. MOSELEY-BRAUN. Will the Senator yield?

Mr. LAUTENBERG. It has not. How much time remains on the side of the proponents?

The PRESIDING OFFICER. Six minutes 20 seconds.

Mr. LAUTENBERG. The Senator from Illinois has a question?

Ms. MOSELEY-BRAUN. Yes. I thank the Senator from New Jersey. I was just going to ask if this colloquy was being charged to time on this side because the junior Senator from New Jersey wanted to speak, and I wanted to have an opportunity to close. We are 10 minutes from the hour of 2 o'clock, and I understand there is a vote scheduled by unanimous consent for that time. In just trying to accommodate the time, I was wondering if it was being charged to the time of the proponents of this amendment.

Mr. LAUTENBERG. With all due respect, I thought the Senator from Illinois had suggested that she was wrapped up with her commentary, and in consideration of accepting that condition, it was my understanding we were going to provide Senator CONRAD with time to address his amendment before the vote takes place.

Ms. MOSELEY-BRAUN. The Senator is correct. In the meantime, the Senator from New Jersey came in the Chamber and asked for time to speak, and, again, I would take a minute to close and if the Senator could take 2 minutes.

Mr. LAUTENBERG. I would be happy to yield the floor.

Ms. MOSELEY-BRAUN. I thank the Senator from New Jersey.

I yield 2 minutes to the Senator from New Jersey.

Mr. TORRICELLI. Mr. President, if Senator CONRAD, indeed, desires to speak for 5 minutes and the Senator from Illinois desires to speak for 5 minutes, I would ask unanimous consent that this Senator have 5 minutes, the Senator from Illinois have 5 minutes, and Senator CONRAD have 5 minutes, which would mean that the vote would take place at approximately 2:10.

Mr. LAUTENBERG. I will have to raise an objection because there is an understanding being proposed that would include some time for Senator COVERDELL. And I will ask unanimous consent, before there be any further discussion about this, that at 2 o'clock the floor be returned to me so that I can engage in a UC with my Republican counterpart.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, the situation is the vote is at 2 o'clock and Senator CAROL MOSELEY-BRAUN and I will speak until then?

The PRESIDING OFFICER. That is the understanding.

Mr. TORRICELLI. I thank the Chair.

Mr. President, there is a significant chance that this Senate will one day be remembered for having finally begun to address the problems of educational quality in America. President Clinton in his State of the Union Address challenged this Congress to deal with the problems of school construction, class size, and competence. We are now taking up that challenge, and, indeed, in the last few weeks in dealing with the Coverdell-Torricelli proposal, we also address the problem of access to private schools and the rights of families to save money privately to deal with the costs of public and private education.

Today we return to the subject again. Senator CAROL MOSELEY-BRAUN of Illinois, as she has on many occasions, is now bringing forward consistently and repeatedly a message to deal with the plight—the construction of our schools.

I recognize that in this Senate almost everyone has an idea to deal with the problems of education in America. Almost everyone is right except those who think they have the only idea. This problem is so serious in quality and in access that it will require not just this Senate but Congresses to come, not just this idea but many ideas. The quality of education in this country is the most serious threat to the maintenance of not only social order but our quality of life. We recognize it has many components but probably none more difficult than rebuilding our Nation's schools.

It is estimated that it could cost $112 billion to rebuild crumbling schools in America.

Having toured many of these schools in my own State of New Jersey, I have seen students sitting in hallways because there was not enough room. I have seen students with buckets next to their desks to catch the rain, students who did not have restrooms in their own school facilities but were sent to other buildings. Our parents and their parents before them worked and saved and sacrificed to build a system of public education in this country and an infrastructure that was without equal in the world. They met that challenge. The simple and regrettable truth is we have not.

This system of education, which more than anything else in the Nation is the foundation for our country's prosperity, is crumbling around us. One-third of the students in the Nation face exactly the plight that I have outlined, and more will join them unless we stand up to this challenge.

To all of you who are part of the efforts to assure there is access to the Internet, who joined with us in the fight to help private and public savings through Coverdell-Torricelli, who believe in testing, who join any of these fights, join this fight because there is no one front in the war dealing with educational quality in America. It must be fought on all fronts at the same time.

I am very proud to be part of the efforts of the Senator from Illinois, CAROL MOSELEY-BRAUN, who more than anyone else has brought this fight forward and will be principally responsible when we ultimately do succeed.

I thank the Senator for yielding the time.

Ms. MOSELEY-BRAUN. I thank the Senator from New Jersey.

In summation, Mr. President, we have heard some of the stories. There are many other anecdotal stories, stories even in my State about faucets and drains in science labs that don't work and electrical wiring that can't support the computers, a school in Alabama where the water leaks collapsed the ceiling 40 minutes after the children left for the day.

These stories, frankly, are news to no one. I hope that this Senate will take a good look at the sense of the Senate and not let this vote come down on truly partisan grounds. I have a sense that it will, and that in my opinion is tragic because, if anything, our children are not Republican or Democrat or Independent. Our children require an education, and politics should stop at the schoolroom door. This should be something that would engage nonpartisan support based on the policy objective of the sense-of-the-Senate amendment.

That is what this vote is about. It is about policy. I hope it is not about politics. I hope we will send a signal that we are prepared, because, again, it is only a sense-of-the-Senate amendment, that we will send a signal to the country that this Congress is prepared to take up the challenge of rebuilding our crumbling schools; that we are prepared to do it in partnership with our State and local governments; we are not looking to local property taxpayers alone to carry the burden of the $185 billion it will take to build and repair schools; that we are not going to try to pass the buck to the States and have them raise State taxes to do it; that we can work together to provide a bureaucracy free of raising the capital.

That is all this amendment does. It doesn't tell anybody which school to fix. All it says is here is a way to raise the money, and Uncle Sam is going to give you a tax credit in lieu of interest on these bonds that the local school districts will issue. I think it makes absolute sense. It is a very straightforward way of doing it. It will provide support for all kinds of schools in rural and suburban districts as well as in urban districts where the needs, of course, are the most pronounced, but certainly they are pronounced all over the country.

I encourage my colleagues to support the sense-of-the-Senate amendment, and I yield the floor.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Illinois. We are ready to proceed with the next piece of business. I think the manager, the chairman of the Budget Committee, has something he wants to put down.

Mr. DOMENICI. Mr. President, might I inquire, where are we on the amendment of the distinguished Senator from Illinois?

The PRESIDING OFFICER (Mr. SMITH of Oregon). All time of the proponents on the amendment has expired.

Mr. DOMENICI. We have not used any time in opposition?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2174

Mr. KENNEDY. Mr. President, I strongly support the amendment offered by Senators CONRAD and LAUTENBERG, which will ensure that any revenues generated from an increase in the price of cigarettes is directed first and foremost to protecting the nation's children from nicotine addiction and smoking-induced diseases.

The Republican budget creates a number of serious barriers to these efforts by prohibiting tobacco revenues from being used for anti-smoking initiatives.

In fact, the budget uses Medicare as a smokescreen to make funding more difficult for important smoking cessation programs, counter-advertising to deglamorize tobacco use among children, biomedical research to cure smoking-caused illnesses, and public education to inform the American people more fully about the dangers of tobacco use.

If the current restrictive resolution is adopted, a vote of sixty Senators would be required to waive the restrictions. The result is that millions of Americans who want to quit smoking will have a much more difficult time achieving their goal. Anti-smoking programs are central to any effective measure to reduce tobacco use, and they should be the first priority for the dollars raised by a cigarette price increase.

If these anti-tobacco initiatives are not funded, the problem of teenage smoking in the United States will only increase. According to the Centers for Disease Control and Prevention, a million youngsters start smoking each year—almost 3,000 a day. One third of them will die prematurely from smoking-induced illnesses. The average smoker begins at age 13, and becomes a daily smoker by age 15.

These facts are serious enough. But the crisis is growing worse. A Spring 1996 survey by the University of Michigan Institute for Social Research found that teenage smoking has continued to rise since 1991. It climbed by nearly fifty percent among eighth and tenth graders, and by nearly twenty percent among high school seniors between 1991 and 1996.

The industry strategy is obvious. The tobacco companies target children, because once children are hooked on cigarette smoking, they become customers for life. Ninety percent of current adult smokers began to smoke before they reached the age of 18. By contrast, if young men and women reach that age without beginning to smoke, they are unlikely to take up the habit in later years.

The tobacco companies know these facts. They are fully aware that if they do not persuade children to start smoking, the industry may collapse within a generation. That's why Big Tobacco has targeted children with billions of dollars in advertising and promotional giveaways that promise popularity and success for those who take up smoking.

The Centers for Disease Control and Prevention estimate that the average 14-year-old is exposed to $20 billion in advertising—$20 billion—beginning at age 6. In fact, the name "Joe Camel" is as familiar to children as "Mickey Mouse."

Two recently disclosed industry documents illustrate the blatant marketing to youths. In a 1981 Philip Morris memo entitled "Young Smokers—Prevalence, Implications, and Related Demographic Trends," the authors wrote that:

> It is important to know as much as possible about teenage smoking patterns and attitudes. Today's teenager is tomorrow's potential regular customer, and the overwhelming majority of smokers first begin to smoke while still in their teens. . . The smoking patterns of teenagers are particularly important to Philip Morris. . . Furthermore, it is during the teenage years that the initial choice is made.

A marketing report by R.J. Reynolds researcher Diane Burrows, written prior to launching the Joe Camel advertising campaign, stated:

> Younger adult smokers are critical to R.J. Reynolds' long-term profitability. Therefore, RJR must make a substantial long-term commitment of manpower and money dedicated to younger adult smoking programs.

A related RJR document states that "young adult" refers to the 14–24 age group.

It is no coincidence that shortly after R.J. Reynolds launched the Joe Camel campaign in 1988, Camel's share of the youth market soared from 0.5% to 32.8%.

Unless Congress takes action to reverse this disturbing trend in adolescent smoking, five million of today's children will die prematurely from smoking-caused illness. That's unacceptable.

Although all of us agree that Medicare should be protected for future generations, one of the best ways to keep Medicare strong is to invest in important public health and tobacco control programs that prevent children from beginning to smoke, and that help current smokers to quit smoking. Americans will lead healthier lives, and the burden of tobacco-induced diseases will be greatly reduced.

Unfortunately, the Republican budget earmarks all of the tobacco revenues for Medicare. It prohibits using even one dollar of the tobacco revenues to deter youth from smoking.

Smoking has inflicted great damage on people's health. It is the leading preventable cause of death and disability in the nation. Tobacco products are responsible for a third of all cancers, and 90% of all lung cancers.

Smoking also causes great harm to nonsmokers. A recent study by the Agency for Health Care Policy and Research reports that second-hand smoke is responsible for as many as 60% of cases of asthma, bronchitis, and wheezing among young children. It makes sense to use tobacco revenues to discourage children from beginning to smoke.

These programs work. Smoking cessation programs are among the most effective means to reduce health care costs. At the same time, they save and improve the lives of millions of Americans.

They are also cost-effective. Every dollar invested in a smoking cessation program for a pregnant woman saves $6 in costs for neonatal intensive care and long-term care for low birthweight babies.

Dr. Michael Fiore, Director of the Center for Tobacco Research and Intervention at the University of Wisconsin at Madison, noted that:

> smoking cessation programs are the most cost-effective prevention intervention a physician can engage in. . . It is a paradox in America that virtually every health insurance policy pays for the outcomes of smoking, whether it is a heart attack, stroke, or cancer, but only half of them pay the $100 to $200 it would take to prevent these very expensive illnesses.

The Republican budget offers no help in cases like this, and that makes no sense. The Republican budget offers no help to states and communities for public health advertising to counteract the $5 billion a year that the tobacco industry pours into advertising to encourage people to start smoking and keep smoking.

Paid counter-advertising is extremely effective in reducing tobacco consumption. Both Massachusetts and California have demonstrated that counter-advertising can discourage children from beginning to smoke and encourage smokers to quit. It helped reduce cigarette use in Massachusetts by 17% between 1992 and 1996, or three times the national average. Smoking by junior high school students dropped 8%, while the rest of the nation has seen an increase.

In California, a counter-advertising campaign reduced smoking rates by 15% over the last three years.

A soon-to-be-published study by Professor Frank Chaloupka of the University of Illinois found that tobacco counter-advertising can also reduce illegal drugs use among youth.”

The Republican budget, however, will provide no funding for these important efforts.

The Republican budget offers no help to the Food and Drug Administration to enforce the laws against the sale of tobacco products to minors, even though young people spend $1 billion a year to buy tobacco products illegally.

Last year, Congress tried to get away with underfunding the FDA's tobacco regulations by providing only $5 million of the $34 million President Clinton requested to begin enforcement of the youth access rule. An amendment by Senator HARKIN to the Agriculture Appropriations bill to restore the funding was defeated on the Senate floor.

Two months later, as public outrage grew, Congress reversed itself and overwhelmingly approved the full amount.

A similar outcry from our constituents and the public health community is likely if we do not provide funding for these important enforcement efforts.

Finally, the Republican budget offers no help for medical research on tobacco-related diseases, even though such research can lead to enormous savings for Medicare.

Funding for tobacco-related medical research is vital to fulfilling our hopes for healthy lives for all citizens. The promise of new medical research is boundless. As impressive as the progress of the past has been, it pales in comparison to the opportunities of the future.

In addition, a recent study by researchers at Duke University indicates that expanded funding for medical research can help keep Medicare and other federal health care programs solvent for the long-term.

If the goal of this budget resolution is to protect Medicare, it makes no sense to prevent tobacco revenues from being used to support anti-smoking programs that will reduce future costs for Medicare.

Currently, smoking-induced diseases cost the federal government over $20 billion a year. If we invest in medical research to make Americans healthier, we can save enormous sums, protect these programs for future generations, and prevent many of the illnesses caused by smoking.

The country supports these fundamental priorities, and the Senate should support them too. They have been endorsed by the public health community, and by Doctor Koop and Doctor Kessler. They are included in virtually all of the tobacco bills introduced in Congress by Republicans as well as Democrats. I urge my colleagues to support the Conrad/Lautenberg amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I ask unanimous consent that at 2 p.m. the Senate resume consideration of the Coverdell amendment and there be 5 minutes equally divided for debate on the Coverdell amendment; following that, there be 5 minutes equally divided for closing debate on the Conrad amendment.

I further ask a vote occur on or in relation to the Conrad amendment at 2:10, to be followed by a vote on or in relation to the Coverdell amendment, with 2 minutes of debate equally divided between the votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I note the second vote would be limited to a 10-minute vote so Senators who come down here should know that they cannot go back and expect to spend 15 or 20 minutes back in the office and still be able to vote.

Mr. DOMENICI. That is the current unanimous consent situation in the Senate, is it not, Mr. President?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Senator for reminding us.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

AMENDMENT NO. 2199

Mr. COVERDELL. Mr. President, it is my understanding that we now have 5 minutes equally divided on my amendment?

The PRESIDING OFFICER. That is correct.

Mr. COVERDELL. Mr. President, my amendment is the middle-class tax relief proposal. It calls on the Government to cut nondefense discretionary spending by 6.9 percent over the next 5 years. It would return discretionary spending to a level of 1996. That does not seem too distant a reach for us. It would produce $200 billion in new tax relief to American workers and it would do it by taking 10 million American taxpayers who, simply because they now make over $25,000 a year, have had their taxes increased from 15 percent to 28 percent. In other words, if they got a single raise, or because of inflation, that has taken these very modest income families and doubled their taxes.

So we are saying we are going to lift the bar and we are going to allow those families, 10 million of them, to be pushed back down into the 15 percent tax bracket, remembering that American workers today are keeping less than half their paychecks by the time the Government romps through their checking account. No wonder we have so much trouble in our country in terms of families trying to make ends meet. We don't leave them enough resources to do the job we have always asked them to do. This is a major step to correct that problem. I might add—how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 45 seconds.

Mr. COVERDELL. I might add that one of the functional components of American liberty was and remains the right of workers to have their resources come to them so they can live out their dreams and their lives. We have changed this over the years.

I pointed out this morning, my father kept 80 percent of his lifetime wages, he was born in 1912, and his granddaughter will be lucky if she keeps 40 percent of her lifetime wages. That will functionally change the way this country governs itself and lives. We must restore economic liberty to American workers.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I have 2½ minutes to respond. I won't take 2½ minutes because I want to yield some time to Senator CONRAD. But I want to tell you something. My father kept 100 percent of his wages. They were so meager he couldn't pay taxes on them. But he had an opportunity to work whenever he could, and he held his head high and he loved America every day that he lived here, and that is what we are talking about. We can beat ourselves to death about how terrible conditions are here when people are living longer, living better, and enjoying life better than ever before in the history of mankind—including in America. I am proud of this country and, as I said earlier: America, America the beautiful.

I yield the remainder of my time to Senator CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2174

Mr. CONRAD. Mr. President, my amendment is designed to allow the reserve fund for possible tobacco revenues to be used for more than just Medicare. My amendment is cosponsored by the distinguished Senator from New Jersey, Senator LAUTENBERG, Senator BINGAMAN of New Mexico, and Senator REED of Rhode Island. While we acknowledge Medicare is an important priority, we understand it is not the only priority. We all understand if tobacco legislation passes, there are other things that are necessary for a national tobacco policy. The health community has told us very clearly we need to fund smoking cessation, smoking prevention. We need to promote and support additional health research. We also need to be able to fund counteradvertising and also ease the transition for farmers. All of those are things that need to be funded by a possible tobacco settlement.

Unfortunately, under the terms of the budget resolution, none of those things are possible, none of them, even though every bill that has been introduced on the floor, every comprehensive piece of legislation, by Republicans and Democrats, has said that these other priorities also need to be funded.

Here are the priorities in each of the comprehensive bills that have been introduced: Tobacco revenue should be provided for smoking education initiatives, to educate our young people. The Republican budget resolution says no, not one dime.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. CONRAD. Mr. President, I ask for 1 additional minute. I ask for an additional 1 minute. I would go on to the amendment itself, that gives me an additional 2½ minutes.

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. DOMENICI. Senator, there is a unanimous consent agreement, so we will not disagree. We will give you the minute. I am not objecting.

Mr. CONRAD. We are saying, in addition, tobacco revenues need to be used for counteradvertising. The resolution says no, none of the money can be used for that purpose.

We say some of the money needs to be used for tobacco-related research. The resolution says no, none of the money can be used for that purpose.

We think some of the money needs to be used to fund smoking prevention and cessation programs. The resolution says no, none of the money can be used for that purpose.

We think some of it should be used to assist farmers in the transition. The resolution says no, none of the money.

We will be told that, in fact, there is money in other parts of the budget, but all of us who are budgeteers understand that those are assumptions. There is no assurance whatever that 1 penny will be available for these purposes from these other funds. And even if they were available, under the assumptions of the Budget Committee, they are woefully inadequate. They only provide about $100 million a year when the health community tells us we need at least $2 billion a year if we are really going to have a chance to reduce youth smoking and protect the public health.

We have an opportunity now to respond and broaden the use of the reserve fund so we can have comprehensive tobacco legislation pass in this Chamber. The only way any of the bills that are before us now will be in order on the floor of the Senate is if my amendment passes.

I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I gather I have 5 minutes to respond?

The PRESIDING OFFICER. The Senator has 2½ minutes.

Mr. DOMENICI. I have 2½ minutes—it was 5 minutes equally divided.

Mr. President, this is a very simple proposition. Do you want to start and create five new entitlement programs or do you want to save Medicare? It is a very simple proposition. We suggested, as Republicans, that Social Security and Medicare are the two most important American programs to save, reform, and make available well into the next century.

We put our money where our mouth is, and we put whatever is left of the cigarette settlement on the highest priority health expenditure of this Nation: the salvaging and reforming of the Medicare system.

In contrast, my good friend who offers this amendment says, "Let's create five new entitlement programs." Even though the money will run out someday, we will have some permanent programs.

Everyone knows this Nation should not have new entitlement programs, and everyone knows that there are many high-priority items in the American budget. We have said in our budget that we have made room for high-priority expenditures, and I will tell you quickly what they are:

$15.5 billion increase in the National Institutes of Health. We have taken Presidential reductions and said we will spend them here;

$825 million for a smoking cessation program, twice the size of the President's;

And then we have said in our settlement of the tobacco fund, if it ever occurs, we pay the States their share and the rest of it goes to the program most in need—Medicare.

Let me tell you, there is no relationship between some of the new entitlement programs that some want to create out of this tobacco settlement, but there is a direct relationship between the insolvency of the Medicare fund and tobacco smoking. As a matter of fact, in 1995 there was $25 billion of costs in the Medicare system that came from smoking. So if you are going to get money from the tobacco settlement, put it where the damage to the senior citizens is occurring, and it is occurring by virtue of their fund for medical care going bankrupt.

I believe the issue is very simple—very simple: Do you want a budget that begins to help with Medicare, or do you want a budget that says not one nickel for Medicare; let's take care of that later with money from somewhere else.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from North Dakota has 44 seconds remaining.

Mr. CONRAD. Mr. President, this issue is simple. The question is, Are we going to have a reserve fund so that there is a solution to the tobacco controversy, that we can use the money in a way that accommodates every comprehensive bill that is before this body, introduced by Republicans or Democrats?

Unfortunately, under the budget resolution, the money can only go for one purpose: Medicare. While that is an important priority, there are other priorities as well—smoking cessation, smoking prevention, health research, countertobacco advertising, easing the transition for farmers. We should not be creating supermajority hurdles in the way of tobacco legislation, and the only way we avoid that is to pass this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. Mr. President, the pending amendment is not germane to provisions of the Budget Act. Pursuant to section 305(b)(2) of the Budget Act, I raise a point of order against the pending amendment.

Mr. CONRAD. Mr. President, I move to waive the Budget Act, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 2174. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 54, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Faircloth
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 54.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2199

Mr. DOMENICI. Mr. President, what is the next order of business?

The PRESIDING OFFICER. There are 2 minutes of debate equally divided before the vote on the Coverdell amendment.

Mr. DOMENICI. Mr. President, there are a number of Senators who want us to tender amendments on their behalf. We will start to accumulate them. When the next vote is over, we will get them in.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I thank Senator COVERDELL for his leadership on this issue. It is one that is important to American families. It represents an important step toward a flatter, fairer tax system, and it also provides immediate tax relief for hardworking Americans and their families. The amendment provides broad-based middle class tax relief by increasing the number of individuals who pay the lowest tax rates of 15 percent and significantly lessening the impact of one of the Tax Code's most inequitable provisions, the marriage penalty. An estimated 28 percent of Americans would reap some benefit from the broad-based tax relief provisions in the bill, according to the Tax Foundation.

Again, I thank Senator COVERDELL for his leadership on this issue in the ongoing efforts to reduce the tax burden on the American citizens.

I yield the floor.

Mr. LAUTENBERG. Mr. President, first I make the point that the pending amendment is not germane, and therefore I will raise a point of order. Also, Mr. President, I rise in strong opposition to the McCain-Coverdell amendment. The amendment would cut domestic programs like education, child care, law enforcement, veterans, environmental protection, and would violate current budget rules. I think it is fiscally dangerous and irresponsible, and I hope we will marshal a vote against this amendment.

The PRESIDING OFFICER. The Senator from Georgia has 30 seconds remaining.

Mr. COVERDELL. Mr. President, I yield back the balance of my time.

Mr. LAUTENBERG. Mr. President, I yield back the balance of my time.

Mr. McCAIN. Mr. President, pursuant to section 904(c), I move to waive the Budget Act for the consideration of this amendment.

Mr. LAUTENBERG. Mr. President, I raise a point of order that this amendment is nongermane.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to Coverdell Amendment No. 2199.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 38, nays 62, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—38

Abraham
Allard
Ashcroft
Bennett
Brownback
Burns
Campbell
Coverdell
Craig
Enzi
Faircloth
Frist
Gramm
Grams
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thompson
Thurmond
Warner

NAYS—62

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Coats
Cochran
Collins
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Hagel
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Stevens
Torricelli
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 62. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, will the distinguished Senator from New Jersey yield 2 minutes?

Mr. LAUTENBERG. I am happy to yield 2 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, using that 2 minutes, I ask unanimous consent to speak for the purpose of introducing legislation, if it would be appropriate to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 1901 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 2174

Mr. FAIRCLOTH. Mr. President, I wish to offer a few remarks to make clear my vote on the Conrad amendment. I don't want to see a potential tobacco settlement degenerate into just a piggy bank for the Clinton Administration's plans to expand social programs. Certainly, the revenues need to go to health care, but I will not let the Senate forget about tobacco farmers. I voted for this amendment today because it included the tobacco farmers, and the Smith amendment does not. I do not want my vote to imply an endorsement of other programs in this amendment, however, and I do not want to see public health programs turned into politicized slush funds. I think that this scenario poses a real danger. However, I want to see the Senate on record in support of farmers, and this amendment recognizes the need to protect them from the impact of tobacco legislation.

The PRESIDING OFFICER. The pending question is amendment No. 2175 by the Senator from Illinois, Senator MOSELEY-BRAUN.

The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I yield to the Senator from Wisconsin who just wants to make an introduction. I give him 1 minute of my time.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute.

AMENDMENT NO. 2224

(Purpose: To establish a disability reserve fund)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. KENNEDY and Mr. HARKIN, proposes an amendment numbered 2224.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II, add the following:

SEC. . DISABILITY RESERVE FUND FOR FISCAL YEARS 1999-2003.

(a) IN GENERAL.—If legislation generates revenue increases or direct spending reductions to finance disability programs designed to allow persons with a disability to become employed and remain independent and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels, allocations, and limits may be adjusted (but by amounts not to exceed $2,000,000,000 for the period of fiscal years 1999 through 2003) if such adjustments do not cause an increase in the deficit in the resolution.

(b) ADJUSTMENT FOR BUDGET AUTHORITY.—After the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces nondisability direct spending or increases revenue for a fiscal year or years, the Chairman of the Committee on the Budget shall submit appropriately revised allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues for a fiscal year or years.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget shall submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct nondisability-related spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—After the submission of revisions under paragraph (1), the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or nondisability related direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) EFFECT OF REVISED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates submitted under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) REPORTING REVISED SUBDIVISIONS.—The appropriate committee may report appropriately revised subdivisions of allocations pursuant to section 302 of the Congressional Budget Act of 1974 to carry out this section.

Mr. FEINGOLD. Mr. President, I ask unanimous consent my amendment be laid aside at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2225

(Purpose: To state the sense of the Senate regarding the quality of teachers)

Mr. DOMENICI. Mr. President, I send an amendment to the desk on behalf of Senator DEWINE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DEWINE, proposes an amendment numbered 2225.

The amendment (No. 2225), is as follows:

At the appropriate place, insert the following:

SEC. . FINDINGS AND SENSE OF THE SENATE.Findings.—The Senate finds that—

(1) while it is important to study the effects of class size on learning and study the need to hire more teachers, each type of study must be carried out in conjunction with an effort to ensure that there will be quality teachers in every classroom;

(2) all children deserve well-educated teachers;

(3) there is a teacher quality crisis in the United States;

(4) individuals entering a classroom as teachers should have a sound grasp on the subject the individuals intend to teach, and the individuals should know how to teach;

(5) less than 40 percent of the individuals teaching core subjects (consisting of English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects;

(6) the quality of teachers impacts student achievement;

(7) the measure of a good teacher is how much and how well the teacher's students learn;

(8) teachers should have the opportunity to learn new technology and teaching methods through the establishment of teacher training facilities so that teachers can share their new knowledge and experiences with children in the classroom;

(9) school officials should have the flexibility the officials need to have teachers in their schools adequately trained to meet strenuous teacher standards;

(10) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter kindergarten through grade 12 classrooms as teachers; and

(11) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume—

(1) the enactment of legislation to provide assistance for programs that—

(A) focus on teacher training delivered through local partnerships, with private and public partners, to ensure that current and future teachers possess necessary teaching skills and knowledge of subject areas; and

(B) focus on alternative certification to recruit knowledgeable and eager individuals of sound character to enter kindergarten through grade 12 classrooms as teachers;

(2) that the quality of teachers can be strengthened by improving the academic knowledge of teachers in the subject areas in which the teachers teach;

(3) that institutions of higher education should be held accountable to prepare teachers who are highly competent in the subject areas in which the teachers teach, including preparing teachers by providing training in the effective uses of technologies in classrooms; and

(4) that there should be recruitment into teaching of high quality individuals, including individuals from other occupations.

Mr. DOMENICI. Mr. President, I understand that amendment will be put in the process whereby it will be assigned an opportunity to be voted on, if that is the case, in due course.

Mr. President, I might discuss with the distinguished Senator from New Jersey where we are now. Senator TIM JOHNSON has an amendment that he would like not only to call up but to take 3 or 4 minutes on. I am a cosponsor. I think we should accept it. We might be able to get that one done today.

Mr. LAUTENBERG. I appreciate the fact the manager is going to yield to our friend from South Dakota.

AMENDMENT NO. 2210, AS MODIFIED

(Purpose: To express the sense of the Senate regarding repair and construction needs of Indian schools)

Mr. JOHNSON. Mr. President, I ask unanimous consent to send a modified version of the amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment (No. 2210) as modified, is as follows:

At the end of Title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING REPAIR AND CONSTRUCTION NEEDS OF INDIAN SCHOOLS.

(a) FINDINGS.—The Senate finds that—

(1) many of our nation's tribal schools are in a state of serious disrepair. The Bureau of Indian Affairs (BIA) operates 187 school facilities nationwide. Enrollment in these schools, which presently numbers 47,214 students, has been growing rapidly. A recent General Accounting Office report indicates that the repair backlog in these schools totals $754 million, and that the BIA schools are in generally worse condition than all schools nationally;

(2) approximately 60 of these schools are in need of complete replacement or serious renovation. Many of the renovations include

basic structural repair for the safety of children, new heating components to keep students warm, and roofing replacement to keep the snow and rain out of the classroom. In addition to failing to provide adequate learning environments for Indian children, these repair and replacement needs pose a serious liability issue for the Federal government;

(3) sixty-three percent of the BIA schools are over 30 years old, and twenty-six percent are over 50 years old. Approximately forty percent of all students in BIA schools are in portable classrooms. Originally intended as temporary facilities while tribes awaited new construction funds, these "portables" have a maximum 10 year life-span. Because of the construction backlog, children have been shuffling between classrooms in the harsh climates of the Northern plains and Western states for ten to fifteen years;

(4) annual appropriations for BIA education facilities replacement and repair combined have averaged $20-$30 million annually, meeting only 4% of total need. At the present rate, one deteriorating BIA school can be replaced each year, with estimates of completion of nine schools in the next seven years. Since the new construction and repair backlog is so great and growing, the current focus at BIA construction must remain on emergency and safety needs only, without prioritizing program needs such as increasing enrollment or technology in the classroom; and

(5) unlike most schools, the BIA schools are a responsibility of the federal government. Unfortunately, the failure of the federal government to live up to this responsibility has come at the expense of quality education for some of this nation's poorest children with the fewest existing opportunities to better themselves.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the repair and construction backlog affecting Bureau of Indian Affairs school facilities should be eliminated over a period of no more than five years beginning with Fiscal Year 1999, and that the President should submit to Congress a plan for the orderly elimination of this backlog.

The PRESIDING OFFICER. Does the Senator from New Mexico yield time?

Mr. DOMENICI. I believe he is calling up an amendment and he has time on the amendment.

Mr. JOHNSON. Mr. President, the amendment that is being offered is with the cooperation of Chairman DOMENICI. It is cosponsored by Senators DASCHLE, DORGAN, BINGAMAN, WELLSTONE, MCCAIN, KOHL, CONRAD and MURRAY, and it is a sense-of-the-Senate resolution, which is designed to reflect on the crisis that we have with Indian school funding in the United States today. This is an issue that Chairman DOMENICI has shared with me as a matter of great concern on the Senate Budget Committee.

We recognize the budget resolution assumes $166 million will be allocated for Indian school repair work and replacement work. However, we recognize this is part of the budget resolution and is not binding on the Appropriations Committee.

There is a need to raise the visibility of the very real crisis that exists in terms of BIA school funding and replacement needs. That is the purpose of this sense of the Senate. The BIA manages some 143 schools within the United States. It is a Federal responsibility. This is not a question of whether the Federal Government ought to be involved in these schools or not. In this instance, these schools are Federal property and it is a Federal responsibility.

We have a repair and replacement backlog now of about $754 million. The rate at which we have been replacing some 60 schools that currently are in need of replacement has been at about one per year. So obviously the backlog is getting larger and larger as we go about this kind of underfunded replacement and renovation.

Mr. President, 40 percent of the BIA students attending class are attending class in portable classrooms. We have a fast-growing population attending these schools, and it is clear that something far different from what we have been doing in the past is absolutely essential if, in fact, we are going to meaningfully address this backlog.

It is our concern that we have to infuse more resources into the backlog problem, and that we have greater direction from the White House itself, from the BIA itself, relative to a concrete plan to get this done over a relatively modest timeframe, over the next 5 years.

So this resolution calls on the administration to work with us in arriving at a plan that is infused with sufficient funds to make significant progress over these coming years on this backlog. This resolution will send a signal, and I think an important signal, to the appropriators and to the administration that this is a crisis that we recognize and we acknowledge, and for which there is a bipartisan concern.

So that is the thrust of this resolution. I commend Chairman DOMENICI for working with me, and for the work of his staff, working with my staff, trying to arrive at a strategy that is constructive and is meaningful on this problem. The Senator represents a State with a significant Indian population, suffering many of the same problems that the Native American population in my State of South Dakota suffer. So this is a problem about which we jointly share a great concern.

The chairman is commended for a longstanding commitment to trying to enhance opportunities and the quality of life for the Native American population of his State and around the United States in general. This is one area where we both agree; I believe that higher visibility and a higher level of commitment is badly needed.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if the Senator will yield me 5 minutes?

Mr. JOHNSON. I yield the Senator 5 minutes.

Mr. DOMENICI. First, I want to ask, did the Senator name me as a cosponsor?

Mr. JOHNSON. Yes; I did.

Mr. DOMENICI. I wonder if Senator BINGAMAN of New Mexico has been asked about being a cosponsor?

Mr. JOHNSON. Senator BINGAMAN was also named. We are very proud to have both Senators from New Mexico on this amendment as cosponsors.

Mr. DOMENICI. Is Senator CAMPBELL, the chairman of the Indian Affairs Committee, on it?

Mr. JOHNSON. We do not have Senator CAMPBELL on it. Senator CAMPBELL held a hearing and a mark-up today at his committee, and we have not been able to reach him on this amendment as yet.

Mr. DOMENICI. I wonder if you would mind having him called and we will modify it by adding him on it. I think we should ask to have the chairman on it.

Mr. JOHNSON. That is a good idea.

Mr. DOMENICI. What has been amazing to the Senator from New Mexico is the way the U.S. Government fails to recognize its sole and singular responsibility. We are busy all the time, every year, with budgets that try to do new things. Frankly, the President of the United States had a very long list of new things, new programs. In fact, he had a suggestion that we use a lot of the money for helping classroom size, helping build public schools. But the real problem here is that if we do not rebuild the Indian schools that are run by the Government and put them under some management and maintenance, nobody will. They don't belong to anybody else. They are not being run by the State of Georgia, or the school board of Bernalillo County, Albuquerque. It is either we do it or the Indian young people go to school in buildings that are not fit for occupancy, much less for Indian education.

I don't know what to do about it. The Senator from New Mexico doesn't know what to do about it. I work at it every year. We need to get some proposal to get this huge backlog taken care of and get on with being able to say to our Indian young people and the teachers who are in those schools, "We think enough of you to give you a school that offers you an opportunity like the rest of Americans to get educated." The school building doesn't make the child, but I tell you, you can have a bad enough school building that the child can hardly learn.

So I have asked that this resolution contain another provision, just in an effort to see if we can get there, and that provision, which was in the modification that Senator JOHNSON sent to the desk, asked the President of the United States—if I am not correct—it asked the President to submit to us by a date certain a 5-year plan to see to it that, regarding the Indian schools the

Government owns, the Government must maintain them or they will not get maintained, and those where we have to build a new one because the old one is decrepit, that entire package be put in a 5-year plan and the President recommend to us how we might get that done.

Frankly, I believe unless and until that shows up in a Presidential budget, we are not going to find the resources in the Senate or the House to do what we must do. This is not a little $50 million problem; this is a hundreds-of-million-dollar problem. So I believe we are on to something here in this resolution. It is not just a hollow one; it is one that is to get something back from the Chief Executive of America, and it is going to tell us whether we agree on this problem, and if they do, how do we take care of it in a given number of years.

I anxiously await, and I will see to it that we hold this in conference, because I think it is the kind of thing that should be in the budget. Some sense-of-the-Senates don't belong in, but this belongs in because this is a problem we can't fix in a budget resolution. We can hardly fix it in appropriations, as you know. So, Senator, thanks for your leadership. I am glad to be on board. This will be welcome news in Indian country.

Mr. JOHNSON. I thank the chairman for his supportive remarks here. The chairman has a great understanding, profound understanding, of the immensity of the problem that this country faces relative to Indian schools and the need for White House leadership on this issue. We will work with the White House in that regard, but it is going to require a cooperative effort if we are going to have any success on a problem of this immensity.

Mr. President, I ask unanimous consent that Senators KOHL, CONRAD, INOUYE, and MURRAY be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. And the Senator from North Dakota?

Mr. DORGAN. Mr. President, I will be proud to be made a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Let me just take 30 seconds.

Mr. JOHNSON. I yield to the Senator.

Mr. DORGAN. Mr. President, I support fully the comments made by the Senators from South Dakota and New Mexico, and in fact I hope in just a moment to be able to speak off the bill on the Moseley-Braun amendment, and I intend to address a few of these issues with respect to that as well. And I am pleased the Senator offered the amendment and pleased to hear the comments of the Senator from New Mexico as a cosponsor.

Mr. CONRAD. Mr. President, I rise today in support of the Johnson amendment, which expresses the sense of the Senate about the need to address the Bureau of Indian Affairs school construction backlog.

The conditions at the schools on America's Indian reservations are some of the worst in the nation. They are truly deplorable. In January, I accompanied the Assistant Secretary for Indian Affairs on a tour of the Standing Rock Community School at Fort Yates, North Dakota. I wish every one of my colleagues in the Senate could see the conditions at this school. The school was built in an open-classroom design, without walls between the classrooms. The noise at the school can be deafening at times, and this is not an environment in which students can learn. How is it that we can have a school in which the physical conditions actually prohibit learning from happening? In addition, the heating and cooling system at the school is grossly inadequate, so it can be 50 degrees in one wing of the school, and 80 degrees in another.

As bad as this is, things have recently gotten worse: the lights at this school and the local elementary school have begun to leak an oily substance that has been found to contain PCBs. The Bureau of Indian Affairs is in the process of removing these lights and conducting additional testing for further contamination. They are also testing the ceiling tiles, which preliminary tests show may contain dioxin. To protect the health of the students, the schools were shut down for weeks. The BIA is in the process of reopening the schools' classrooms and other facilities, as clean-up is completed. These conditions pose serious threats to the health of the children of the Standing Rock Reservation. How can we ask families to send their children to be educated in such deplorable conditions?

In looking at conditions at schools throughout Indian Country, the Standing Rock Community is not an anomaly. In January, the GAO released a report on conditions at BIA schools and the costs to repair these schools. The BIA estimates that the costs of total inventory repair need for BIA education facilities is $754 million.

Data from a 1994 National Schools Facilities Survey conducted by GAO show that BIA schools are generally in poorer physical condition, have more unsatisfactory environmental factors, more often lack key facilities requirements for educational reform, and are less able to support computer and communications technology, compared to other schools nationwide.

Of the conditions found at BIA schools:

62 percent had at least one building in less than adequate condition, compared with 33 percent of all schools.

79 percent had at least one inadequate building feature (such as roofs, floors, foundations, plumbing, heating, electrical power, and life safety codes). Nationwide, 57 percent of all schools had at least one inadequate building feature.

94 percent had at least one unsatisfactory environmental condition, compared with 50 percent of schools nationwide. Environmental conditions include lighting, heating, ventilation, indoor air quality, acoustics, flexibility of instructional space, energy efficiency, and physical security of building.

These are serious school construction needs—about $754 million worth—that should be addressed, and should be addressed quickly. The Johnson amendment expresses the sense of the Senate that the BIA school construction backlog should be eliminated within five years. We need a serious, sustained effort to get the job done and provide a safe environment in which Native American children can get an education.

The Johnson amendment also requires the Administration to submit to Congress a plan for how this construction backlog will be addressed. As a member of the Senate Committee on Indian Affairs, I intend to work closely with Kevin Gover, Assistant Secretary for Indian Affairs, to ensure that the job gets done. Assistant Secretary Gover visited North Dakota and quickly grasped the magnitude of the school construction problem. He has made a commitment to me and other members of the Committee to take action on this school construction backlog.

We cannot let these conditions persist. We cannot let the BIA school construction backlog continue to grow out of control. And we cannot continue to ask parents to send their children to school where learning cannot take place and where serious health hazards exist. I hope that all of my colleagues will vote for the Johnson amendment and show their support for the well-being of Native American children.

Mr. DOMENICI. Mr. President, today there is a $1.5 billion backlog of repairs, renovation, and replacement for all federally owned and operated BIA schools, including elementary, secondary, and post-secondary schools.

A December, 1997 report by the General Accounting Office (GAO) concluded that "the cost of the total inventory of repairs needed for BIA education facilities (elementary and secondary only) is $754 million. This includes $693 million for repairs to school buildings, including dormitories for students. It also includes $61.7 million in repairs needed for education quarters such as employee housing.

The footnote to this estimate notes that $754 million "does not include the costs of replacing school buildings. BIA's priority list for constructing education facilities includes eight unfunded school replacement projects with a total estimated cost of $112 million."

THE BIA CONSTRUCTION PRIORITY LIST

Mr. President, we in the Senate who pay close attention to this BIA priority list for school construction are well aware that this list has been frozen for several years now. This means that the eight school scheduled for replacement are the ones on this frozen priority list. I am attaching this list of 16 total BIA schools from the Administration's FY 1999 budget request for the RECORD.

Obviously, a school that is replaced would be deleted from the list of school needing repair. The GAO report includes the costs of schools scheduled for replacement. In short, the GAO estimate does not fully estimate the costs of replacement schools.

To get a rough idea of the costs of replacing these schools, including those that are not on the frozen priority list, I have checked with the Assistant Secretary for Indian Affairs, Kevin Gover. His office informs me that 50% of the 185 BIA schools are over 30 years old and fail to meet current codes and standards.

The GAO, has noted that 25% of BIA schools are over 50 years old, and, of course fail to meet the same standards for safety and teaching.

TOTAL BIA SCHOOLS NEEDING REPLACEMENT AND REPAIR

There are 93 BIA schools that should be replaced—well beyond the current priority list of 16. At an average cost of $180 per square foot, these 93 schools would cost one billion dollars to replace.

Replacing these 93 oldest BIA schools would leave about $200 million in repair and renovation costs for the remaining 92 BIA schools.

This simple arithmetic gives us a current estimate of about $1.2 billion to bring all federally operated BIA schools up to par.

INDIAN COMMUNITY COLLEGES

These Indian community colleges fall into two categories: those run by the BIA and those that are tribally controlled community colleges.

In the first category, those run by the BIA, Haskell (Kansas) and SIPI (Albuquerque) are the only two that are fully federally operated by the BIA. The BIA now has 26 tribally controlled community colleges eligible to receive funds through the Tribally Controlled Community Colleges Act, and one more, United Tribes Technical College, funded through the BIA's Community Development funds.

In total, then, there are 29 Indian Community Colleges with direct BIA funding, and one, Crownpoint Institute of Technology, that is funded primarily through the Carl Perkins Vocational Education program of the U.S. Department of Education.

These Indian community colleges have an estimated repair and renovation cost of about $310 million. Replacement costs, such as the Shiprock branch of Navajo Community College, are not included. The Shiprock branch is estimating the costs for a new campus at about $28 million. The need for married student housing at Crownpoint Institute of Technology is also not included.

TOTAL BIA SCHOOLS AND INDIAN COMMUNITY COLLEGES

For the sake of simplicity, we can easily estimate that total repair, renovation, and replacement costs for all elementary, secondary, and post-secondary BIA schools and tribal schools eligible for BIA funds, exceed $1.5 billion.

GAO REPORT ON BIA SCHOOLS

For the benefit of my colleagues, I would like to submit an edited version of the GAO study on Indian school repair needs. Please keep in mind that this report is focused on elementary and secondary schools only.

The GAO finds that 47,200 Indian students are served by 173 schools. The BIA count is 185 schools and over 50,000 students. The BIA schools range in size from 15 to 1,144 students, with about half of these schools enrolling fewer than 200 pupils.

Growth is very high in these schools with an increase in student enrollment of 25 percent since 1987. Most of this growth has occurred in the last 5 years.

About 10 percent of all Indian students attend BIA schools, funded or operated by the BIA. The vast majority or 90% of Indian students in America attend regular public schools.

BIA schools are located in 23 states, but are highly concentrated in 5 states—North Dakota, South Dakota, Arizona, New Mexico, and Washington.

BIA schools are generally in poorer physical condition that even central city schools and lack more key facility requirements than typical American schools.

The BIA schools are older and less able to support computer and communications technology than average American schools.

CONCLUSION (S. RES. 100 ON EDUCATION OF AMERICAN INDIANS)

In addition to the physical needs of our federally operated Indian schools and colleges, there is a parallel crisis in operating funds for Indian schools nationwide.

American Indian students have the highest dropout rate of any racial ethnic group (36%) and the lowest high school completion and college attendance rates of any minority group.

Average annual funding for Indian college students is $2,900 compared to $6,200 for Americans as a whole.

Senate Resolution 100, introduced in the First Session of this Congress which I introduced with the cosponsorship of Senators CAMPBELL, INOUYE, JOHNSON, DORGAN, and WELLSTONE, discusses the overall situation of Indian education and calls upon the 105th Congress to address these issues through major education bills under consideration.

I urge my colleagues to review Senate Resolution 100, and support its passage by this body in order to draw more needed attention to the major problems we face today in Indian education.

I ask unanimous consent that S. Res. 100 be printed in the RECORD, along with the BIA school construction priority list, and my summary of the GAO report on Indian school repairs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPLACEMENT SCHOOL CONSTRUCTION

Program Description ($19,200,000): During fiscal years 1991 thru 1997, $117.2 million was appropriated to complete construction of schools at Laguna, Choctaw, Dunseith, Pine Ridge, and the Haskell Dormitory, as well as the first eight schools on the Replacement School Construction Priority List (List). Funds appropriated in FY 1998 were used to start construction of the Many Farms School complex. This school is ranked no. 4 on the Replacement School Priority List (List). Funds appropriated in FY 1998 will be used to accomplish site work at both the Sac & Fox Settlement School and the Pyramid Lake High School. These schools are ranked 10 and 11, respectively, on the List. Congress also funded this rebuilding of the Wa-He-Lut School which was completed in seven months and is occupied. The status of each school project on the List is presented below.

Replacement school project	Project status
1. Pinon Community School Dorms	Funded, Construction is Complete, except Employee Quarters for which ***Public Law 93–638*** construction contract due for completion March, 1998.
2. Eastern Cheyenne River Consol. School	Funded, Construction is Complete; school is occupied.
3. Rock Point Community School	Funded, Construction is Complete; school is occupied.
4. Many Farms High School	Funded, Construction anticipated to start in summer of 1998.
5. Tucker Day School	Funded, Construction is Complete; school is occupied.
6. Shoshone Bannock School	Funded, Construction is Complete; school is occupied.
7. Standing Pine Day School	Funded, Construction is Complete; school is occupied.
8. Chief Leschi School	Funded, Construction is Complete; school is occupied.
9. Seba Dalkai School	Design scheduled for completion July 1998; construction funds requested in 1999.
10. Sac & Fox Settlement School	Design 70% complete; requesting construction funding in FY 1999.
11. Pyramid Lake High School	Design completed; requesting construction funding in FY 1999.
12. Shiprock Alternative School	Planning is nearly complete; funded for design; not funded for construction.
13. Tuba City Boarding School	Planning to begin Spring of 1998; funded for design; not funded for construction.
14. Fond Du Lac Ojibway School	Design is underway; not funded for construction.

Replacement school project	Project status
15. Second Mesa Day School	Design to 40% is underway; not funded for construction.
16. Zia Day School	Planning completion is anticipate in second quarter of 1998; funded for design; not funded for construction.

SUMMARY OF GAO REPORT ON CONDITION OF BIA SCHOOLS

(1) BIA reports that the cost of the total inventory of repairs needed for BIA education facilities is $754 million; (2) this includes the cost of repairs to all school buildings, including dormitories for students and employee housing; and (3) data from GAO's 1994 National School Facilities Survey show that, compared to other schools nationally, responding BIA schools: (a) are generally in poorer physical condition; (b) have more unsatisfactory environmental factors; (c) more often lack key facilities requirements for education reform; and (d) are less able to support computer and communications technology.

PERCENT OF INDIAN CHILDREN IN BIA SCHOOLS

While most Native American children attend regular public schools, about 10 percent attend BIA schools, which are funded by BIA and operated either by BIA or by various tribes through grants or contracts from BIA.

BIA schools are found in 23 states but are highly concentrated in 5—North Dakota, South Dakota, Arizona, New Mexico, and Washington.

BIA funded 173 schools (including boarding schools) in school year 1996–97, with a total enrollment of 47,214. The schools ranged in size from 15 to 1,144 students, with about one-half enrolling fewer than 200 pupils.

Enrollment in BIA schools is growing and overall has increased 25 percent since 1987. Most of this growth has occurred in the last 5 years.

GAO ESTIMATES ON NATION'S SCHOOLS

We estimated that the nation's schools needed about $112 billion (+/− 6.6% sampling error) to repair or upgrade facilities to good overall condition. Responses to our survey indicated that about 33 percent of America's schools reported needing extensive repair or replacement of one or more buildings; almost 60 percent reported problems with at least one major building feature, such as plumbing; and about 50 percent reported unsatisfactory environmental conditions.

Furthermore, many reported lacking critical physical capabilities to meet the functional requirements of education reform and key technology elements to support computers and communications technology.

ISOLATION OF BIA SCHOOLS

BIA officials told us that BIA schools are often located in isolated areas and have to provide and maintain extensive campus infrastructures because they are too far from population centers to have access to town or city services. For example, one school we visited had to house and maintain a fire truck on campus because it is too far from the nearest city to use its fire department.

In addition, some schools must provide dormitory space for students and/or housing for faculty and staff because they are so distant from population centers. BIA officials told us that this isolation may also contribute to maintenance difficulties and costs when materials have to be shipped long distances and construction/repair staff have to be housed while on site.

AGE OF BIA SCHOOLS

Officials also told us that about 25 percent of BIA school buildings are at least 50 years old, and many of these buildings are on the National Historic Register. BIA officials told us that this listing often restricts the ability to make education-related renovations and improvements.

BIA TO UPDATE REPAIR INVENTORY

BIA reports that, as of October 1997, the cost of the total inventory of repairs needed for education facilities at all BIA schools is $754 million. This includes $693 million for repairs to school buildings, including dormitories for students. It also includes $61.7 million in repairs needed for education quarters such as employee housing.

BIA's inventory of repairs needed—the facilities backlog—is an amalgam of information collected by architects, engineers, and BIA staff over the years. The inventory describes in detail individual work items required by national standards and codes such as the Uniform Building Code, National Fire Codes, and National Electrical Codes to repair the facilities. The facilities backlog contains the repair cost for deficiencies identified in a building or at a site.

The deficiencies may involve safety and health, access for persons with disabilities, or noncompliance with other building codes. BIA is currently developing a new Facilities Management Information System and will be validating and reassessing the entire facilities backlog and inventory. The validation will include professional estimates of the cost of all backlog repair items and a determination of the relative economic values of repair versus replacement. The system development and validation projects are scheduled for completion in fiscal year 1999.

Our 1994 survey asked school officials to estimate the total cost of all repairs, renovations, and modernizations required to put their school buildings in good overall condition. The amounts reported by the 71 BIA schools responding to our survey were generally in agreement with BIA's estimates of the costs required to address the inventory of repairs needed at these schools.

S. RES. 100

Whereas there exists a unique legal and political relationship between the United States and tribal governments and a unique Federal responsibility to American Indians and Alaska Natives;

Whereas, under law and practice, the United States has undertaken a trust responsibility to protect and preserve Indian tribes, Indians, and tribal assets and resources;

Whereas the Federal Government's commitment to Indian education has been recognized, reinforced, and carried out through most treaties with Indian tribes, Congressional legislation, numerous court decisions and Presidential executive orders;

Whereas this Federal responsibility includes working with tribal governments and their members to improve the education of tribal members;

Whereas the 1990 census shows the poverty rate for American Indians and Alaska Natives was nearly twice the national average—31 percent of Indians live below the poverty level, compared to 13 percent of the total population. Nearly 38 percent of Indian children above the age of 5 were living below the poverty level in 1990, compared with 11 percent of non-minority children;

Whereas the development of tribal economies is dependent on physical infrastructure, capital investment, and highly developed human capital and an educated labor force;

Whereas excellence in educational facilities and services is a key to building the skills necessary for Indian people to develop vibrant tribal economies;

Whereas ever-increasing regional, national, and international economic competition demands that Indians have every competitive advantage accruing from achieving excellence in education;

Whereas there are approximately 600,000 American Indian and Alaska Native children attending schools in this country. An estimated 87 percent of these children attend public schools located on or near reservations and in urban areas; another 10 percent attend schools funded by the Bureau of Indian Affairs (BIA) and an estimated 3 percent attend private schools;

Whereas these schools have experienced an increase in student population of 3–4 percent in the past 5 years, however, annual funding for the education of Indian children has not increased proportionately;

Whereas United States census data shows that the Indian and Alaska Native population has increased significantly in the past three decades. Primary growth concentrations are at ages 5 through 19;

Whereas the 1994 National Assessment of Education Progress (NAEP) showed over 50 percent of American Indian fourth graders scored below the basic level in reading proficiency, compared with 42 percent of all students;

Whereas American Indian students have the highest dropout rate of any racial ethnic group (36 percent) and the lowest high school completion and college attendance rates of any minority group. As of 1990, only 66 percent of American Indians aged 25 years or older were high school graduates, compared to 78 percent of the general population;

Whereas the demonstrated need for improvements to Indian schools and colleges is acute as reflected in the great disparity between average annual college funding per student of $2,900 for Indian students, and $6,200 for non-Indians in America, and the Federal Government should assist in bringing the Indian schools and colleges up to parity with the rest of America;

Whereas tribal scholarship programs nationally are only able to serve an estimated 40 percent of the eligible college student population and funding for graduate scholarships has been cut in half in the past 2 years;

Whereas there is a major backlog of $680 million in funding need for facilities constructions, maintenance and repair for the 185 BIA-funded schools as well as for public schools located on and near Indian reservations;

Whereas there exists an alarming decline in the use of Native languages indigenous to the United States. A 1969 Senate Committee report stated that in 1969 there were 300 separate languages still being spoken. In 1996, the number had dropped to 206 still being spoken. These languages are spoken nowhere else in the world; and

Whereas, despite these alarming statistics, funding for the education of American Indian and Alaska Native students has been reduced substantially in the past 3 years. The United States Congress in fiscal year 1996 eliminated discretionary education programs in the Office of Indian Education budget which had funded adult education, research and demonstration programs, the Indian Fellowship Program and teacher training and professional development projects. At the same time, funding for reservation-based education programs in the BIA budget was reduced by more than $100 million in the fiscal year 1996 budget: Now, therefore, be it

Resolved, That it is the sense of the United States Senate—

(1) that the Senate recognizes and supports the Federal Government's legal and moral commitment to the education of American Indian and Alaska Native children, which is a part of treaties, Executive orders, court decisions and public laws which have been enacted by the House and Senate of the United States Government;

(2) that funding for all bills, including reauthorizing legislation in the 105th Congress with specific programs for American Indians and Alaska Natives be funded at levels sufficient to meet the ever-increasing educational and economic demands facing Indian people on reservations, urban communities and Alaska Native villages;

(3) that the Senate recognizes the adult literacy needs of American Indians and Alaska Natives through the inclusion of tribal provisions in the administration's proposal to reauthorize the Adult Education Act;

(4) that the administration's bill for reauthorization of the Higher Education Act of 1965, Public Law 102–325, preserve the original purpose and intent of the Tribally-Controlled Community Colleges Act and promote access to higher education opportunities for American Indians and Alaska Natives;

(5) that during the 105th Congress' reauthorization of agricultural research programs, the needs of tribal colleges as designated land-grant institutions must be given close attention, through amendments to the Educational Equity in Land-Grant Status Act of 1994;

(6) that early childhood programs such as Head Start (Public Law 103–252) and Healthy Start contain resources needed to meet a growing number of American Indian and Alaska Native children whose rate of growth exceeds the national average; and

(7) that the Senate recognizes the need for development and implementation of a Government-wide policy on Indian education which addresses the needs of American Indian and Alaska Native people.

Mr. DOMENICI. Mr. President, from what I understand, we have no objection on this side, and I understand there are no objections on the Democratic side. Therefore, I believe if we yield back our respective times, we can accept this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSON. I yield back my time.

Mr. DOMENICI. If there was time in opposition—I don't know what it is—we yield it back.

The PRESIDING OFFICER. Without objection, the Johnson amendment is agreed to.

The amendment (No. 2210), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JOHNSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I yield 10 minutes, or such time as may be needed, to the Senator from North Dakota. The time is to come off the resolution.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for such time as he may consume.

AMENDMENT NO. 2175

Mr. DORGAN. Mr. President, I very much appreciate Senator LAUTENBERG yielding me the time. I am going to visit a bit some of the items that were just discussed about Indian schools and schools generally. I wanted to come and talk about the Moseley-Braun amendment.

We talk a lot about family values in this Chamber. It seems to me that every family that sits around in the evening and talks about their lives must certainly talk about the schools their kids are going to. We have 14 million students who attend schools in this country now, schools that are in need of extensive repair—extensive repair.

This afternoon, we sit in a nice Chamber. We have people here who enjoy their lives, and they are well dressed. We talk about education and theory in the abstract. In Cannonball, ND, today there is some little kid sitting in school, and I bet you that child is smelling sewer gas backed up from the pipes, because that is the way the school is down in Cannonball. That school is 70 years old. There are 150 kids attending that school with two bathrooms and one water fountain, and that school is in serious disrepair.

I just mention that one, but I could mention thousands of schools across this country that are in desperate need of repair. Senator MOSELEY-BRAUN has proposed an amendment that says in this Budget Act let us make room for school construction, for the Federal Government to provide some incentive, some small incentive to State and local governments to help repair and rebuild our schools.

I have two children in public school this afternoon. Last year in public school, one of those children was in a classroom with 30 students. That is too big. This year, one of them is in a temporary classroom or an expanded mobile home. That is too bad. It is a good school, and both of them are getting a good education. The fact is, we can do better in all of these areas, especially with respect to school construction. We know what the problem is and we know how to fix it. The issue of the budget on the floor of the Senate is a matter of priorities. What do each of us think is important for this country.

I watched last week during consideration of the supplemental appropriations bill someone come into this Chamber and offered an amendment that went just like that, just that quick, for $170 million for missile defense. It wasn't debated, it wasn't discussed, it was just added. And there it was, $170 million.

Let me talk about these schools for a moment, and let me talk specifically about the Indian schools, because while we are talking about the 14 million students who are in school today in schools that need extensive repair, let me talk just for a moment about the students in the Indian schools run by the BIA. These are schools owned by the Federal Government. They are owned by us. We have no one else to blame if we don't fix those schools, and it doesn't take a rocket scientist to figure out how to fix it. You can look at the school, find out what is wrong and spend the money to invest in that school to help those children.

Let me tell you about the Ojibwa school. That is up on the Turtle Mountain Indian Reservation. Those children walk between portable classrooms in the middle of the winter up to six times a day in bone-chilling weather. A health and safety inspection of that school and temporary classrooms in 1995 found 156 violations—fire hazards, broken windows, roof leaking, wooden stairs and landings for portable classrooms had deteriorated so much to the point they were no longer safe, wires hanging exposed from some classrooms.

The Cannonball School is a public school. It is not a BIA school. It is on the Standing Rock Indian Reservation for grades K through five. The school is 70 years old. It has been condemned as a fire hazard, but the local tax base cannot support building a new school. The second level of the school isn't used because the stairs are unsafe. The water and sewer systems are old and regularly back up.

Last week, when we talked to the Cannonball School superintendent, she said two classes had to be moved in with other classes because the smell of sewage got so bad in the classrooms of these young children. One wing of the school doesn't have running water. Mr. President, 145 students and 40 staff share two bathrooms and one water fountain. The electric wiring is so old that it cannot support computers in the classrooms, but it doesn't matter, because there can't be computers in these classrooms. The classrooms are 8 foot by 12 foot. The music classes take place in what used to be the janitor's closet, 8 foot by 10 foot.

Standing Rock Reservation: Standing Rock School has PCBs leaking from the light fixtures. PCB, as we know, is a carcinogen. It is very dangerous. Federal law says that PCB levels over 50 parts per million are unsafe. In the Fort Yates school, the PCBs leaking from the light fixtures measured not 50 parts per million, which is unsafe, but 143,000 parts per million. That is in our school. That is with kids attending school.

What happened? They shut the school. The took the kids out of the school and placed them around town in portable classrooms, some in a home. Six classes have been meeting in the school gymnasium. The others have been meeting in portable trailers and a private home. The extra classes, like physical education, music and art, of course, have been suspended, and the school officials don't yet know when the students will return to their classrooms.

PCBs leaking from light fixtures in a school that is in disrepair—this happens to be on an Indian reservation where, incidentally, in 9 months, 48 teenagers attempted suicide. In the last 9 months, 48 attempted suicides, 6 of which were successful.

If I sound a little angry about this, I am. Every single year I have come to the floor of the Senate to talk about this problem, and these kids go to school in conditions for which we ought to be ashamed. This Congress can do something about it, and the budget process is a process in which we make decisions. If someone stands up here and says, "No, school construction doesn't count because we have other priorities," I ask them, "What is your priority if it is not your children?" By "your children," I mean this country's children.

All across this country, when our kids go to school, I hope every parent wants their child to walk into a school that is safe, secure, and in good repair. I defy anybody in this Chamber to stand up and say to me that kids who go to school where sewer gas leaks into the classrooms and they have to move kids out of those classrooms because of the stench of sewer gas, I defy anybody to say it is a good thing for kids. If it is not a good thing for kids, and we know it is going on around this country—and anecdotically we see it in a GAO report and other investigations—then let's decide we want to do something about it. The question isn't whether, the question is what.

Senator MOSELEY-BRAUN has made a proposal. Her proposal is modest. I suspect it will be voted down. It will be voted down because we have people who construct the budget and say, "Here are our priorities; this is what we want to spend money on, and it doesn't include this."

The amount of school repairs necessary in this country last year—3 percent of the funds available to meet the needs of school repairs was allocated to the State and local governments last year. If this Congress doesn't have the nerve and the will to say on behalf of our kids that you matter, this is a problem we know we can fix and we are going to put in our budget the provisions that allow us to say to kids, "We're going to invest in your young lives," if this Congress doesn't have the capability to do that, then there is something, in my judgment, fundamentally wrong with the priorities we have established for public spending.

I said yesterday that everybody in this Chamber will be dead in 100 years. Everybody. Nobody will be around here feeling good, working. They will all be dead. We will all be dead. Only historians will evaluate through our budget, by looking back at the budget process in this Congress, the 105th Congress, what were our values; what did we think was important; what did we decide to invest in; what did we think would improve this country.

I hope historians will not look back at us and say, "Well, oh, they had discussions about a terrible deplorable condition in some schools in their country, but they decided not to invest in schools, because, somehow, schools took a backseat, schools were in second place to a range of other priorities, some of them very strange priorities."

I hope historians will say that this Congress, yes, in tight fiscal times decided that one of the most important investments they could make in America was to make a good investment in the education of our kids.

No kid in this country can go to school and learn the way we expect children to be able to learn unless those schools are in decent repair. They must be safe, in decent repair, good places of learning. You have to have a teacher who knows how to teach, a student who is willing to learn, and a parent involved in that education. When you have that at work and have invested in good school facilities that are necessary to make that take place, then we will have done our job as a country.

I wanted to come and say Senator MOSELEY-BRAUN has offered an amendment that is very, very important. I can think of a thousand reasons why people will stand up and say they are against it. None of them are good. Mark Twain was once asked to debate—I have told my colleagues this before. He said, "Of course."

"We've not told you the subject."

He said, "Doesn't matter, as long as I can take the negative side; that takes no preparation."

It takes very little preparation to oppose. The Senator from Illinois has proposed something that ought to rank right at the top of the list of what is important for this country. When we vote today, I hope the American people who listen to this debate will call the offices and say, "We agree that this represents the first priority for the Congress, the first priority for this country, to invest in the lives and education of the American children."

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I yield such time as needed to my colleague from Illinois so that she may discuss her amendment. And until such time as my colleague is ready——

Ms. MOSELEY-BRAUN. I am. I thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from Illinois is recognized for such time as she may consume.

Ms. MOSELEY-BRAUN. I thank the Senator from New Jersey for his indulgence, for allowing additional time to talk about this issue because it is such an important issue and we were limited by virtue of the agreement on this budget discussion so we did not get the time to really go through all the details. But I did want to pick up on a couple points that were made while the Senator from North Dakota spoke. He was so eloquent in his support of the legislation. But he touched on two themes that I would like to touch on or respond to now.

The first one goes to, whose job is it? Whose responsibility is it to see to it that our children go to school in environments that are suitable for learning? Whose fault is it? Whose fault is it that we have crumbling schools, that we have schools that fall below building codes? We have schools where the ceilings are falling in because of faulty plumbing. We have schools where the wiring is insufficient to maintain a computer. We have schools with broken windows in this country.

Almost fully a third of the schools, according to the General Accounting Office, fall below the code standards, decent environments for learning, just basic kinds of facilities requirements. This is not bells and whistles. This is not anything exceptional, just the basic level of facilities and infrastructure. Almost a third of the schools in this country fall below that level.

So as you go through the debate, a lot of this debate really comes down to, whose fault is it that it is this way? And what the sense-of-the-Senate amendment proposes is that we stop playing the game, the blame game, that we stop trying to pass the buck, that we stop trying to point the finger to assess the blame, to make it somebody else's problem, because, indeed, the children of this country are all of our problem.

We will not be able to maintain the standard of living that we all talk about and maintain as the American dream, we will not be able to maintain that American dream into the next century if we do not give every one of our children an opportunity to learn, if we do not give every child the best access to education that we can possibly make available to them. Quite frankly, we cannot give quality education to children in school buildings that are literally falling down.

It should be intuitive to everybody in this Chamber, but beyond intuition, the fact is that the studies actually have confirmed that performance is directly related to the condition of the environment in which learning is supposed to take place.

Children who go to schools that are falling down consistently score below children in quality facilities, across the board, on all the tests. We should have gotten a warning call as a nation just a couple weeks ago when the results came in on the international tests in math and science. What those results said to us was that the United States has fallen behind most industrialized countries.

The United States scored below Slovenia. I do not mean to disparage Slovenia, but we scored below Slovenia in math and in science. How can we possibly expect to compete in this global economy with this kind of laissez faire attitude, this kind of neglect, this kind of, I would even suggest, triage of our children, that leaves their education up to how much their parents happen to be able to afford?

That gets to the point of—there was a chart over there, and it has kind of fallen. I do not know where it went. I actually would like to use it for a second. It was on the opponents' side. It was a quote from one of the White House assistants in 1996 when this proposal got cut out of the budget. In spite of the fact that the White House said at the time they were in support, the fact is—and everybody in this room knows; and I am not embarrassed about it anymore—that the White House said, "Well, we have some other priorities. We can't afford to do this now." So they punted on the school construction proposal. They essentially let it get cut out at the table because there was opposition on the other side of the aisle, and the majority objected to it. The White House said, "OK, fine. We'll let it go." So the proposal fell once again that time just under the circumstances of that debate.

But that loss, in my opinion, should have just been temporary because, if nothing else has happened, I think in the ensuing years people have had a chance to take a look at the whole question of whose fault it is and whose responsibility it is. The truth is, we cannot just expect to pay for rebuilding our crumbling schools based on the local property tax.

Right now our school finance structure proceeds from the local property tax. That is one of the reasons why we have this patchwork of schools across the country. In much the same way General Eisenhower, when he set up the Interstate Highway System, concluded that the only way we were going to serve the national interest in transportation from one end of the country to the other was to have a system that had some congruence and some core communication and some networking, if you will, to it. So we were able then to get around the wealth of a specific community by saying we are going to have one good road that takes us from one end of this country to the other.

Well, so it is with facilities. If we just rely on the local property tax, we will be forced then to have a school system where in wealthy communities there will be good faculties, in middle class communities there will be a patchwork of full school facilities, and in poor communities there will be school facilities with broken windows and falling bricks and leaky roofs. That is the situation we are in. And that is the situation we have come to.

Let me suggest this debate and this sense of the Senate does not say that State and local governments do not have a role to play or that we should take this up as a new program for the Federal Government. Indeed, we should not. If anything, this calls on all levels of government to go into a partnership, to work together, to collaborate, to get beyond the blame game and the finger pointing and the skirting of responsibility, to say let us work together to make this happen, to fix these crumbling schools.

The property taxes have already—already—been rising. In fact, State and local taxes as a share of income have risen nearly 10 percent—nearly 10 percent. And the increase in State and local taxes has been greater than the increase in Federal taxes. It is stunning. People think, "Oh, taxes are terrible." Well, most of the tax hikes have come at the State and local level. This is going to dawn in the general conversation fairly soon, I suspect, because the problem is not coming from here, it is coming because we are pushing off to State and local governments a lot of responsibility that we could help them with. That is the point, not that we are going to take it over; we can help them.

Indeed, if we do not create a more equitable partnership to modernize our schools, the local property taxpayers will have to come up with an additional $153 billion—$153 billion. This sense of the Senate suggests that we have that partnership, that we work together, that we provide some financial assistance to local governments, that we provide an opportunity for them to give some relief of the local property taxes, that we support State efforts to rebuild the schools, that we work together for our children, because they are all our children and we have a stake as citizens of this great country in the education of each and every one of them.

It seems to me that if we form this partnership, we will be able to meet this challenge, we will be able to provide our children with decent facilities, we will be able to give them the tools they need to take up the challenges of this technological age of their time.

I thank the ranking member for giving me this time. It appears that the majority is prepared to take the floor. But I yield back to the Senator from New Jersey. I thank the Senator so much for his support of this. He has been a builder. I have to say one thing about the Senator from New Jersey. He likes and he understands the importance of infrastructure; of the basics; of making certain that our roads are good in this country, because that is how business gets done; of making certain that we have infrastructure with the bridges so we do not have accidents, so that people can get from one place to the other, can get to work; of making certain that our children have the quality education and that the infrastructure is adequate to that end.

It seems to me that there can be no more fundamental priority for us. And this is an opportunity for us to provide for educational excellence, again, in collaboration and cooperation and in partnership with State and local governments on ways in which they retain control. There is not a lot of bureaucracy with the proposal. Actually, this is not a proposal. The sense of the Senate is so general, I would expect it to have unanimous—it could very well, if it were not so partisan an issue, it could very well have unanimous support in this Senate. It should have. It should have.

The politics, frankly, should stop at the schoolroom door, and it should stop on something like a sense of the Senate that just says, look, this makes sense for us to do. It does not legislate, it does not mandate, it does not dictate anything. A sense-of-the-Senate amendment, as the Presiding Officer knows, is just a statement of what we think is the right thing to do.

And I hope that we could have unanimous support for the right thing to do by our children, by our school facilities. I hope to have 99, if not 100, votes. It would be very nice. But I am a realist in this matter. I know that it is going to fall prey to partisan politics. I think that is a shame too, because I really think the time when we have to just have these partisan divides on these kinds of issues, that time has passed.

I think the American people have gotten to the point where they are tired of the blame game, they are tired of the finger pointing, they are tired of the argument, the argument of, "This is what's wrong with America, and isn't this a shame?" Let us move to the constructive, to the positive, and talk about what is right with America, what is right with our generation. Our generation is as capable as any of the generations that have gone before us of meeting the challenges of our times. I submit to you that this crumbling school initiative is precisely such a challenge.

When I went to school, we were in schools largely my parents' generation built, my grandparents' generation built. What is our generation going to leave as its legacy to the kids? Schools based on whether or not your parents are wealthy? Schools based on whether or not you live in a community that has a big shopping center so there are a lot of property taxes? Are we going to just leave it to an accident of geography whether or not a youngster has a chance to be educated in a decent facility? I hope not.

I hope we take advantage of this opportunity and see this sense-of-the-Senate amendment as an opportunity—as an opportunity—for us to come together as Americans for something that we all believe is the right thing to do.

I want to again thank the Senator from New Jersey. I yield to the Senator from New Jersey and thank him again for his indulgence and for all of his great support in this matter.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder if I might ask a couple questions.

Ms. MOSELEY-BRAUN. Absolutely.

Mr. DOMENICI. How much is the program that you envision going to cost the Federal Treasury?

Ms. MOSELEY-BRAUN. $3.3 billion.

Mr. DOMENICI. $3.3 billion?

Ms. MOSELEY-BRAUN. Yes.

Mr. DOMENICI. Can you explain how we will get so much for so little?

Ms. MOSELEY-BRAUN. In the first instance, this sense of the Senate does not prescribe a level. The sense-of-the-Senate amendment is conceptual; it does not go to $3.3 billion. That is the underlying legislation that has that figure in it.

How do we get so much for so little? That is a very good question. I will tell you how. What we do is provide the issuers of the zero coupon bonds with the ability to give, basically, a tax break to purchasers of the bonds. So instead of having even an interest rate buydown, an individual will get a tax credit when they buy one of these instruments. They will get a tax credit instead of interest. That will allow for the leveraging to the $22 billion or thereabouts of the bond issue.

Mr. DOMENICI. Let me make sure I understand a couple more things.

Ms. MOSELEY-BRAUN. $21.8 billion. The $3 billion I mentioned will leverage into $21.8 billion worth of these bonds over the next 2 years. Again, it is calling for a partnership. It calls for private-sector investment—private-sector investment—in helping to rebuild these schools. It is not all out of the Treasury. It is largely the private sector stepping forward and saying, "As purchasers of these instruments, we want to help achieve a national goal."

Mr. DOMENICI. In a sense, if this sense of the Senate is ever carried out, the Finance Committee would have to find room on the tax side for $3.3 billion of tax cuts; is that correct?

Ms. MOSELEY-BRAUN. We have the tradition of paying for those things that are authorized out of the Finance Committee.

We passed a bill last night that wasn't fully paid for, as I know the distinguished Senator from New Mexico is aware. However, yes, we would have to find the "pay for." There is no question about it. Whether or not that would come out of some of the various revenue streams mentioned in connection with the bill we passed out last night or some other—we can be innovative. The chairman of the Finance Committee is sitting here, and he is one of the most innovative persons I know in coming up with things like that. We can work together to find the revenue stream to support the $3.3 billion. It is a small price to leverage $21 billion of private-sector investment to achieve the goal of helping to start down the path of meeting this $112 billion worth of deferred maintenance.

Mr. DOMENICI. I don't have any further questions. I think there are some other Senators on our side that do, and in due course they will come down. I have nothing further.

Are you finished on your side?

Ms. MOSELEY-BRAUN. I yielded for the Senator from New Jersey.

AMENDMENT NO. 2209

Mr. ROTH. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I ask for the immediate consideration of amendment No. 2209.

The PRESIDING OFFICER. That will be the pending question.

Mr. ROTH. Mr. President, this amendment deals with a vital national issue—Social Security reform. This amendment is cosponsored by Senators BREAUX, GREGG, ROBB, HATCH, NICKLES, GRAMM, GORDON, SMITH, and SANTORUM.

Let me say first that as the chairman of the Finance Committee I am acutely aware of Social Security's future financial problems. I am sure these problems are familiar to most members, but nonetheless they bear repeating.

In just 14 years, in 2012, revenues to the Social Security trust funds will no longer cover benefits. Social Security will then cash in Treasury bonds that are now accumulating in the trust funds. This will place major pressure on the Federal budget and crowd out other important spending.

By 2029 the bonds will be gone. Social Security will then be able to cover only 75 percent of benefits directly from revenues. The long-term debt of the Social Security system—the difference between revenues and benefit through 2075—is estimated to be an astounding $121 trillion.

The purpose of my amendment is simple. Nevertheless, it is important and urgent. The amendment instructs the Finance Committee to dedicate the budget surplus to establishing Social Security personal retirement accounts.

Despite its simplicity, I know that many of my colleagues will have at least two questions about this amendment. First: "Why establish personal retirement accounts this year, rather than wait until next year?" And second: "Why not begin with comprehensive Social Security reform, rather than start with personal retirement accounts?"

Mr. President, the easy course would be to wait until next year to begin Social Security reform. But the fact is, Social Security reform will be a big job. I am very concerned that trying to do it all in one year—in 1999—will simply not be possible.

Americans have learned that big, comprehensive proposals, with many parts, often run into problems in Congress and can easily take several years to enact. Particularly proposals that deal with an important, sensitive program like Social Security.

The place to start with Social Security reform is to establish a program of personal retirement accounts—funded by the budget surpluses. Dedicating the surplus to personal retirement accounts allows us to get started on reform without running into controversies over changes to the traditional program.

Personal retirement accounts themselves would be a big, new feature of Social Security. We will need to explain these accounts to the American people, and writing a bill will require thoughtful action by the Finance Committee.

Mr. President, let me note for the record that there is a growing bipartisan consensus that personal retirement accounts must be an essential feature of Social Security reform. And I want to emphasize the word "bipartisan."

In the Senate, Senator BOB KERREY, another member of the Finance Committee, was an early and vocal advocate of personal retirement accounts.

In the last Congress, he and Senator Alan Simpson, now retired, introduced a ground-breaking Social Security reform bill with personal retirement accounts that grew out of their experience on the 1994 Bipartisan Commission on Entitlement and Tax Reform.

Other Democrats support this concept. For example, Senator ROBB, another cosponsor of my amendment, proposed a sense-of-the-Senate to last year's budget resolution that would have funded Social Security retirement accounts.

And just two weeks ago, Senator MOYNIHAN, the ranking Democrat on the Finance Committee and a recognized expert on Social Security, introduced a comprehensive Social Security reform package that included personal retirement accounts.

On the Republican side of the aisle, there is strong support as well. Senators JUDD GREGG, DON NICKLES, PHIL GRAMM, RICK SANTORUM, and ROD GRAMS, among others, have been enthusiastic advocates of Social Security personal retirement accounts.

Let me explain why Social Security personal retirement accounts find so much support—not only in Congress, but among the American people. While proposals differ, the basic objective of this program is to provide each working American with funds to be deposited into personal retirement accounts.

With even conservative investment, such accounts have the potential to grow to provide a secure and generous retirement nest egg. Indeed, for the first time Americans could look forward to having real personal wealth in old age, not just enough to keep body and soul together.

A recent report by the Congressional Research Service provides many illustrations of what Social Security personal accounts may offer. For example, for an individual who is 28 years old today and earns an average wage—about $27,000, just 1 percent of an amount equal to his or her wages invested over the next 37 years in the S&P 500 would grow to $132,000, which would be worth about 20 percent of his or her Social Security benefits. By the way, CRS assumed a 10-percent rate of return for the S&P 500. In fact, over the past 10 years, the compounded annual return on the S&P 500 has been 18 percent.

Mr. President, using the budget surpluses to create retirement accounts represents an opportunity to get these accounts up and running. Once in place, we can then begin looking at Social Security benefits for the long run. It will help insure that Social Security benefits continue to provide a secure foundation of retirement income. Establishing these accounts this year—as a new program in addition to the current Social Security program—would allow us to demonstrate their value in providing retirement benefits for working Americans in the years to come.

Creating these accounts would also give the majority of Americans who do not own any investment assets a new stake in America's economic growth, because that growth will be returned directly to their benefit. More Americans will be the owners of capital—not just workers.

Creating these accounts will help Americans to better be prepared for retirement, generally. According to the Congressional Research Service, 60 percent of Americans are not actively participating in a retirement program other than Social Security; this, in spite of the fact that Social Security was never intended to be the sole source of retirement income.

Mr. President, could there be a more important use of the budget surplus? Some may believe that the budget surplus should be used to reduce the debt, not dedicated to personal retirement accounts. That is exactly what we will do by using the surplus to create these accounts. Social Security, a $121 billion unfunded liability over the next 75 years, is a huge debt and we need to recognize it as such.

Retirement accounts and other solvency proposals would be a critical first step in reform. At the same time, it would tackle that debt and protect benefits. Most observers expect a surplus upwards of $60 billion this fiscal year, enough to get started on retirement accounts and to begin reducing the Federal debt. Some may be concerned that the President and others have called for a year-long national dialog on Social Security reform. They may be erroneously believing that doing reform this year might undermine the national dialog. On the contrary, I can think of no better way to focus it than with specific proposals and action by a U.S. Senate committee.

Mr. President, Congress has talked for a long time about the need to do something to shore up Social Security. The time has come for action. It is indeed a blessing that we have a surplus to work with. Now let's put that surplus to work. The Finance Committee must get started on Social Security reform this year. The place to start is by dedicating the budget surplus to fund personal retirement accounts. This amendment will get the ball rolling. I urge Members to support it.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise in support of the Roth amendment. Clearly, there is a long way to go before we have rendered Social Security solvent way into the next century. But it is even more obvious that this is the era when part of what a citizen who is working should have for retirement should be a personalized savings account or an annuity that comes from that personalized savings account. There can be no doubt that it can be structured in such a way that it will turn out to be better for the senior citizen. They will be assured of the benefits that they are getting now and, in most cases, will come out far, far ahead.

In the meantime, if it works right, the surpluses of the U.S. Government, if used partially for this, will be invested in a safe way, not solely in IOU's from the Federal Government, which is where they go now, which is the law now; rather, they will be invested where they can, without much risk, yield significantly more and, when compounded, the power of compounding is enormous.

So in a very real sense I come here today saying to the distinguished Senator, Senator ROTH, chairman of the Finance Committee, that the time has come for some significant reforms that will not put in jeopardy the Social Security system, but rather in the long run make sure that it is not short of money, that its liabilities will not be there to destroy the system, but rather that in years to come, it will be more solvent, and that ultimately, with part of it being compounded because of the annual return that will come from safe investments, it is clear that everyone gains. The seniors gain, the 21-year-old paying into the system today gains, and the American economy is the beneficiary of individuals investing in this economy across the board so that the working people of the United States will own an interest in the American companies that produce our wealth.

Frankly, I am delighted that we are going to discuss this today. If we discuss it for a long time, that is fine with me. If we discuss it for a short time and it passes, that is fine with me. But clearly, we discuss a lot of things that are not nearly as important to our future, and we adopt sense-of-the-Senate resolutions that are, in many instances, not even important to the fiscal policy of our Nation and the future well-being of our people.

This is moving in the direction of reform and personalized accounts, and is a very appropriate thing to be doing on a budget resolution. It has everything to do with what we do with our surpluses, if we have them, what we do with capital needs in the future, and how we assure senior citizens that they are going to be guaranteed a Social Security check or better, because they will have invested some portion of it in personalized accounts.

I yield the floor.

Mr. SANTORUM. Mr. President, may I have some time under the bill?

Mr. DOMENICI. How much time does the Senator want?

Mr. SANTORUM. Fifteen minutes.

Mr. DOMENICI. I yield Senator SANTORUM 15 minutes, and then Senator NICKLES needs 15 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I rise in very strong support of Chairman ROTH's amendment. There is nobody in this Chamber who has done more to look out for the retirement security of Americans than Senator ROTH from Delaware. It is with his Roth IRA and other kinds of innovation in his work on the Finance Committee that he has helped to provide for retirement security for millions of Americans, which is legendary. I commend him for that and for firing, if you will, here on the floor of the Senate, the first salvo in what I believe will be a long debate, and I hope will not be a hostile debate, on the issue of transitioning Social Security.

What we have seen is now a bipartisan agreement that personal savings accounts must have a very significant role in transitioning Social Security. Why is that? Social Security is in trouble. It is not in trouble next year or the year after, but Social Security, which was "saved" back in 1983 with the most recent revision—it was supposed to save it for generations to come, but it is now scheduled to go bankrupt some 30 years sooner than originally expected. That number is not set in stone either. It is now 2029 when the system goes bankrupt. In the year 2013, the system starts running a deficit, paying out more than it takes in. Now is the time, before that bulk of the population, the baby boom generation, goes into retirement, to begin to look at how we can begin to solve this problem. Well, there are things you can do within the current structure, like changing benefits—when I say "changing," I don't mean raising them, I mean cutting benefits—increasing taxes, and do a whole lot of things to try to preserve a pay-as-you-go system that will not work over time because of very simple demographics, the most important of which is that people are living much longer, which is a good thing, and also we have very low birth rates in this country. You have people living longer and fewer people to pay for them. So you are looking at dramatic increases in taxes or cuts in benefits, and that is a mindset of a finite, fixed pie.

What Senator ROTH is suggesting here is, let's grow the pie. So when he says let's grow the pie, let's invest this money, not, as Senator DOMENICI said, in Treasury bonds that earn a very small rate of return—in fact, if you are entering the work force now, the rate of return on Social Security taxes you are going to pay is below zero. That is not a good deal for young people in this country. But what we have to do is transition the system using the ideas of growth in producing more retirement income for people who are just entering the work force, or who have been in the work force a relatively short period of time, but at the same time, make sure that we do not change what has been promised to those at or near retirement.

That is our challenge. But with challenge comes tremendous opportunity; in crisis comes a tremendous will to be innovative in using the private market systems that work so well in this country to provide wealth. As the Senator from Delaware said, our modest amount of money being paid on Social Security was never intended to be the sole source of retirement. As a result, it is a very modest amount. People living on Social Security today will tell you that if that is their only income and they have no other pension income or savings income, they are hard pressed to make a living. This is not an adequate savings system. What we need to do is enhance that, create an opportunity for more growth in people's wealth and, at the same time, protect those who are in the system or have been in the system such a long period of time, so that they will keep at least what we have promised in the past.

We can do that, but we must use the power of the marketplace, the power of investment and savings. In so doing, we will not only open up the opportunity for wealth and a better retirement income for generations to come, but open up huge economic benefits for this country with the amount of money that is going to be poured into the capital markets and the debt markets, to be able to finance future economic expansion and growth, better jobs, and higher standards of living and real wage growth. I heard earlier today from Jose Pinero, who was the Secretary of Labor during the time Chile went to a private personal saving system there, some 17 years ago. He said that 30 years prior to Chile going to that system, they had a real wage growth of 1 percent a year, on average. Since they passed the personal savings accounts in Chile, they have had a real wage growth of 7 percent a year, for almost 15 years, in that country.

What they have done is dramatically increase—over double; two and a half times—their savings rate. People now understood. Senator ROTH said a very important thing, that only 40 percent of the people in this country have some investment in the marketplace and understand the dynamics of how the market works, how our economy works. That is a disability, if you will, for millions of Americans who don't have that advantage. The average, ordinary Chilean has that knowledge now and understands the marketplace and uses that knowledge to their own benefit—and not only their own benefit in their personal savings account, but in their life and in their savings and other skills of interacting in the economic marketplace. It creates such synergy that it will have a dramatically positive impact on the future of this country.

This is the opportunity that is before us, and what I am so excited about is what I see is a real chance for a bipartisan solution to this problem. With Senator MOYNIHAN's proposal of putting 2 percent aside in private savings, I think that is a very healthy initiative. We want to build, in my opinion, from that as to how we can transform this system to provide the security for those at or near retirement, put it in the law, which is not the case today, so that those benefits will be there as long as they are alive, that we will not change the benefit structure as long as they are alive—there is no law that says that right now—guarantee it. Then we can create opportunities for those, frankly, who have very little expectation that Social Security will be there.

I talk to a lot of young people. I have been to over 110 high schools in my State since I have been in office. I can tell you, when I ask the question, "How many believe Social Security will be there when you retire?" if anybody raises their hand, the other kids in the crowd look at them and laugh at them. They have no expectation that Social Security will be there. They think it is, in fact, a pyramid scheme, a ponzi scheme, some sort of thing that the folks who are in power right now are just going to make them pay and then slash the heck out of Social Security when it comes their time.

Well, what we are going to do here is create hope. One of the things I hear so much about is how young people are cynical in this country and they don't believe in our institutions and our culture, and what we are doing here is, in fact, giving them something they can hold, they can have a passbook with their money in it so they can track it every day and see how it grows, and they can say, "This is my money," from the first day they worked flipping that first hamburger at a fast food restaurant. That money goes into their account and is building for their retirement security. They can see that happening with them at work. They can see hope. They can see the potential for wealth and for a good life. They will understand the dynamics that are so important for all of us to understand that have to survive economically in this country and in the world that is out in front. This is truly not something we should be looking at and saying, how are we going to fix Social Security? Such a problem, such a crisis. What are we going to do and have money? But to walk hand in hand and jump at the opportunity to create a whole new way of looking at providing opportunities for millions of Americans upon their retirement and energizing and uplifting an economy through that process, this is a great opportunity for all of us.

What the chairman of the Finance Committee has done today is to lay down the first mark on the budget where it should be laid down, because what we will be doing by allowing private investment is dramatically lower—not everyone talks about how we are going to use the surplus in transition. That is a big concern we have to worry about—how we transition these costs. That is the big nut we have to crunch. But at the end, what will happen is that budget deficits and the huge unemployment liability in $7 trillion or $8 trillion of unfunded liability in the Social Security trust fund today will in effect over time vanish because of the dynamics of allowing private savings to occur.

This is in fact a multifaceted solution to many problems that are out there, one of which is the long-term problems of the budget deficit in the outyears when the baby boomers are beginning to take retirement—not only Social Security but Medicare as well—when the budget deficit comes back again. You hear so much about surplus. It comes back again. That is the era, that is the time that we can, by acting now, keep surpluses coming long into the future and grow the economy, create stability, create hope for those who now do not have it.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Pennsylvania for his statement. I also compliment Senator ROTH for his resolution. I am happy to cosponsor this resolution. I hope we will have overwhelming bipartisan support for it, and hopefully everyone can understand what we are talking about doing. We are talking about saving Social Security.

The President during his State of the Union speech says we want to save Social Security; we don't want to spend one dime of the surplus. Senator ROTH is trying to save Social Security. Because we do not just save Social Security by not spending the surplus either in the form of additional outlays—frankly, the President is violating that as we speak because he wants to have a supplemental appropriations bill and doesn't want to pay for it. He is already violating what he said in the State of the Union Address.

But I agree. We should save Social Security. This resolution says that we should take the surplus and allow individuals to set up personal savings accounts. I think that is the way to save Social Security. I think that is the way to fund Social Security. Right now we don't fund Social Security. It is an unfunded paying system. One generation pays for retired generations, or working employees today pay the Social Security tax. Social Security taxes are enormous. They have grown, and they have exploded in cost.

As a matter of fact, somebody paying Social Security today is paying a total—if you look at Social Security taxes, their contribution today is a total of $10,465 if they have the maximum amount of income, which is $68,400. That is a lot. That actually includes Social Security and Medicare, I might mention. So that is a lot. Social Security is 12.4 percent of $68,000. That is a lot of money. That is over $9,000 that people are paying. If somebody happens to be making $68,000, they are paying a lot. What do they have to show for it? Nothing. They can't open up a bank account and say, "Here is my money for an investment." Basically they are funding a previous commitment.

Senator ROTH is saying we should take the surplus and allow people to set up their own individual retirement accounts, let them be able to invest in the marketplace, let them be able to enjoy the rewards of compounding interest. Right now the rate of return on Social Security as an investment—some people say 1 percent, some people say 1.2 percent, or 1.3 percent. That is not a very good rate of return. It is pathetic if you consider what the market has done in the last several years. The marketplace—the Dow Jones or Standard & Poors 500—has been compounding in the 20 and 30 percent range for the last 4 years. But to have individuals be able to enjoy this? The answer is no, not in Social Security.

Senator ROTH has done something else. I really appreciate it, because it is important. He said not only should they be able to invest a portion, but also we should be able to use that money to reduce the unfunded promises that we now have in Social Security.

I want to do this proposal for two reasons.

One, I want millions of Americans to become millionaires. If we let them take—some people say 2 percent. I think it should be up to maybe 5 or 6 percent, maybe half of their Social Security tax. Of the Social Security tax of 12.4 percent of their income up to $68,000, you would let them put 6.2 percent of their income in for 40-some-odd years before they retire, and you will find that we will have lots of people who started out maybe making $20,000 a year who are going to be millionaires.

Senator ROTH's example is they put in 1 percent at age 28, and they can have over 100-some-odd thousands. That is 1 percent. Let's get it up, and it can really compound, and individuals can have hundreds of thousands of dollars, if not over a million dollars.

I want those individuals to be wealthy, whether they are on the lower end of the income scale or in the higher end. We want them to be independent.

Likewise, I want to reduce the unfunded promises that we don't have the money to pay for. I am really concerned about what our kids are going to have to pay for 20 years from now. If we do not do something, as Senator ROTH is proposing—Senator MOYNIHAN, Senator BREAUX, and Senator KERREY, and others of us have been working on it—our kids are going to be inheriting a debt that is twice as large as our national debt. Everybody is bragging around here. We are patting ourselves on the back. "Hey, we balanced the budget." We are balancing the budget on using a great deal of Social Security surplus. That debt right now has accumulated, the Federal debt—usually people say about $3.3 trillion or $4 trillion. The unfunded vested promises that we have in Social Security today is almost $10 trillion, twice as large as our national debt.

What this change by going to a capitalist-funded retirement system would do would provide security, provide retirement funds for individuals, and likewise could reduce the Government's obligations in the future—to me that is a very positive thing—so future generations won't have to have a payroll tax that is maybe twice as high as the payroll taxes we have today. I think it is a very positive thing.

I might mention—I see a couple of colleagues on the floor who talked about how we should not use Social Security funds to balance the budget. Today the Social Security trust fund, this year 1998, $101 billion more will go in than goes out. That is a surplus. Yet, we are using that surplus just like every administration has used it since we have had Social Security.

What I would like to see it do—I might mention the Budget Committee has already passed it. I was interested. I was going to introduce a resolution that says we should pass in 2 or 3 years—3 years, let's say—the budget resolution that doesn't use one dime of Social Security trust funds to balance the budget.

I tell my colleague from North Dakota, who has talked about this on more than one occasion, that I am willing to do it. It won't be easy, but we should do it. I tell my colleague that in 10 years the Social Security surplus will be $197 billion, almost $200 billion. I don't think we should use these Social Security revenues to balance the budget. If we balance the budget without that, we can make these moneys available for personal security accounts. Now you are talking about real money. You are talking about $200 billion in the year 2008 alone that can go into personal security accounts that can be invested in the stock market, that can be invested in mutual funds, that can be invested in bonds, that can be invested in T bills. Let the individual decide how he wants to invest it. We allow Federal employees to invest in the stock market, in bonds, and in T bills. Federal employees are able to do this. My colleague from Pennsylvania mentioned that they do it in Chile.

They make investments. Surely Americans are capable of making these investments. I think it would be exciting to allow people to be able to invest their own money. It is their money. It is not the Government's money. We have been taking it from them. Shouldn't we allow, out of that 12.4 percent, the individuals to take maybe 4 percent or 5 or 6 percent and be able to invest it for themselves? In exchange for that, they will be a lot more dependent on themselves and a lot less dependent on the Government.

This is a mandatory tax. Shouldn't we allow them to have part of that for themselves so they can have an account and look at it on a monthly basis, so it is there, and it is something they can count on, not for an unfunded Government promise that we hope will be there. Demographically, everybody who has ever looked at this problem says we have a real problem. Some people say we don't have problems until 30 years. That is hogwash. We have problems, as Senator ROTH mentioned, in 12 years.

It is estimated that by the year 2010 or 2012, for Social Security that line of more money going in switches. More money goes out. No later than 2012, more money goes out than in. We will start drawing on the trust fund. What is in the trust fund? Nothing but Government IOUs. That is the promise. The way we finance those—you say they are the same things as T bills or the paper equivalent. It is just an IOU. The way we pay for these is we issue more T bills. In 12 years we have a big problem. We will have enormously high payroll taxes and a lot of debt. You have to issue more debt. I think that is a bad solution. This is the right solution, and I will tell you that millions of people in the private sector have done this. We did it in my company. We went from a defined benefit to defined contribution plan. Our employees love us. I think we should give every American an opportunity to do this for at least part of their Social Security. It doesn't have to be for all of it. Some people say 2 percent. I said maybe it should be half of it—maybe 6.4 percent, 6.2 percent. The Government, the employer portion, can still go to meet current obligations. But, likewise, we would be reducing current or future obligations. I think that is very important.

What Congress has done in the past—we have had problems with Social Security—is raise taxes. We raised the base. We raised the tax rate.

Mr. President, I ask unanimous consent to have printed in the RECORD a chart showing payroll taxes—Social Security taxes and employer taxes combined. For the record—my colleagues can see this—if you look at Social Security and if you look at disability, Medicare, if you add those taxes together, in 1998, for a person making maximum of the base, the base amount, which is $68,000, it shows they are paying in payroll taxes alone $10,465. That is a lot of money. I am saying we should allow individuals to take part of that, a few thousand dollars of it, and be able to put it into their own account and likewise reduce Government's obligation at the same time. I think it is awfully important.

I ask unanimous consent to have printed in the RECORD a chart that I have prepared that shows the budget deficits and Social Security and how that equates. It shows that we are becoming more and more reliant over the next several years on Social Security surpluses that I mentioned before, which disappear by the year 2012.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

BUDGET DEFICITS & SOCIAL SECURITY

	On-budget deficit	Social Security deficit/surplus	Unified budget deficit/surplus [1]
1962	(5.9)	(1.3)	(7.1)
1963	(4.0)	(0.8)	(4.8)
1964	(6.5)	0.6	(5.9)
1965	(1.6)	0.2	(1.4)
1966	(3.1)	(0.6)	(3.7)
1967	(12.6)	4.0	(8.6)
1968	(27.7)	2.6	(25.2)
1969	(0.5)	3.7	3.2
1970	(8.7)	5.9	(2.8)
1971	(26.1)	3.0	(23.0)
1972	(26.4)	3.0	(23.4)
1973	(15.4)	0.5	(14.9)
1974	(8.0)	1.8	(6.1)
1975	(55.3)	2.0	(53.2)
1976	(70.5)	(3.2)	(73.7)
1977	(49.8)	(3.9)	(53.7)
1978	(54.9)	(4.3)	(59.2)
1979	(38.7)	(2.0)	(40.7)
1980	(72.7)	(1.1)	(73.8)
1981	(74.0)	(5.0)	(79.0)
1982	(120.1)	(7.9)	(128.0)
1983	(208.0)	0.2	(207.8)
1984	(185.7)	0.3	(185.4)
1985	(221.7)	9.4	(212.3)
1986	(238.0)	16.7	(221.2)
1987	(169.3)	19.6	(149.8)
1988	(194.0)	38.8	(155.2)
1989	(205.2)	52.4	(152.5)
1990	(277.8)	58.2	(221.2)
1991	(321.6)	53.5	(269.4)
1992	(340.5)	50.7	(290.4)
1993	(300.4)	46.8	255.10
1994	(258.8)	56.8	(203.1)
1995	(226.3)	60.4	(163.9)
1996	(174.0)	66.4	(107.3)
1997	(103.3)	81.3	(22.0)
1998	(92.0)	101.0	8.0
1999	(104.0)	113.0	9.0
2000	(121.0)	123.0	1.0
2001	(117.0)	130.0	13.0
2002	(72.0)	139.0	67.0
2003	(94.0)	148.0	53.0
2004	(88.0)	158.0	70.0
2005	(96.0)	170.0	75.0
2006	(64.0)	179.0	115.0
2007	(59.0)	189.0	130.0
2008	(59.0)	197.0	138.0
Totals for 1999-2008	(874.0)	1,546.0	671.0

[1] The unified budget deficit/surplus includes the on-budget deficit, the Social Security surplus, and the Postal Service deficit/surplus.

PAYROLL TAXES

TAX RATE AND WAGE BASE

[Employee and employer combined]

	Tax rates (in percent)			Total (in percent)	Wage base	
	Social Security (OASI)	Disability (DI)	Medicare (HI)		OASDI	HI
1950	3.00	n/a	n/a	3.00	3,000	n/a
1955	4.00	n/a	n/a	4.00	4,200	n/a
1960	5.50	0.50	n/a	6.00	4,800	n/a
1965	6.75	0.50	n/a	7.25	4,800	n/a
1970	7.30	1.10	1.20	9.60	7,800	7,800
1975	8.75	1.15	1.80	11.70	14,100	14,100
1980	9.04	1.12	2.10	12.26	25,900	25,900
1985	10.40	1.00	2.70	14.10	39,600	39,600
1990	11.20	1.20	2.90	15.30	51,300	51,300
1995	10.52	1.88	2.90	15.30	61,200	No limit
1996	10.52	1.88	2.90	15.30	62,700	No limit
1997	10.70	1.70	2.90	15.30	65,400	No limit
1998	10.70	1.70	2.90	15.30	68,400	No limit
1999	10.70	1.70	2.90	15.30	70,800	No limit
2000	10.60	1.80	2.90	15.30	74,100	No limit
2001	10.60	1.80	2.90	15.30	76,800	No limit
2002	10.60	1.80	2.90	15.30	79,800	No limit
2003	10.60	1.80	2.90	15.30	82,800	No limit

TOTAL PAYROLL TAX CONTRIBUTION [1]

[Employee and employer combined]

	Social Security (OASI)	Disability (DI)	Medicare (HI)	Total
1950	90	0	0	90
1955	168	0	0	168
1960	264	24	0	288
1965	324	24	0	348
1970	569	86	94	749
1975	1,234	162	254	1,650
1980	2,341	290	544	3,175
1985	4,118	396	1,069	5,584
1990	5,746	616	1,488	7,849
1995 [1]	6,438	1,151	1,775	9,364
1996 [1]	6,596	1,179	1,818	9,593
1997 [1]	6,998	1,112	1,897	10,006
1998 [1]	7,319	1,163	1,984	10,465
1999 [1]	7,576	1,204	2,053	10,832
2000 [1]	7,855	1,334	2,149	11,337
2001 [1]	8,141	1,382	2,227	11,750
2002 [1]	8,459	1,436	2,314	12,209
2003 [1]	8,777	1,490	2,401	12,668

[1] The Medicare (HI) contribution shown above is based on the OASDI wage base. The HI wage base was eliminated beginning in 1994, making the maximum HI contribution unlimited.

Mr. NICKLES. Mr. President, we need to wean ourselves and get off of this addiction to this and take that money and allow people to put it in their own account. That to me is a challenge. We shouldn't be sitting back and saying, "Oh, we balance the budget. Aren't we proud of ourselves? We are doing good. We have a unified budget."

I think we should have a unified budget. But I think we should go back and let's balance the budget without using Social Security. Then let's allow people to take that amount of money and be able to put that in their own account.

I might mention that in the 10 years, if we did that, there would be over $1.5 trillion that could go into individual accounts and we would have more constituents that would be happier with us than anything else we would do. We would do more to secure their retirement and their future than anything else we could do.

I have even told the President's representatives. I said, if the President really wants to go down in history and show that he has done something significant, this change, this evolution of allowing at least part of Social Security to be funded as a defined contribution in a personal savings accounts would be an astronomically positive impact for not only this generation; I think it would be a positive impact for future generations, which history will record as having truly been a great thing to do for seniors, a very positive thing to do for future generations as well.

So I compliment my colleague from Delaware, the chairman of the Finance Committee. I tell him that, as a member of that committee, I will work energetically to try to see that we can make this happen as soon as possible.

Mr. President, I yield the floor.

Mr. GREGG. Mr. President, I wish to join my colleague, Senator JOHN BREAUX, in delivering a statement as to why we support the sense of the Senate language put forth by the chairman of the Finance Committee, Senator ROTH.

For the past year, Senator BREAUX and I have co-chaired the National Commission on Retirement Policy, convened by the Center for Strategic and International Studies. Our task is to review the situation facing our Nation with respect to retirement income in the 21st century.

We will soon be releasing a final report of our findings and recommendations, and we need not preview them here in detail. Suffice to say that each of the major sources of retirement income—Social Security, employer-provided pensions, and personal savings—will be under severe strain in the 21st century, as a consequence of the aging of our population, and the declining ratio of workers to retirees.

The situation facing Social Security is sufficiently dire to command our immediate attention. We, as co-chairs of the NCRP, wrote to President Clinton last December, urging him to make this issue a priority in his state of the union address, and we were extremely pleased that he did so. Social Security will begin running operating deficits in the year 2012 under current law, and even if the $2.89 trillion that the Federal Government will owe Social Security is repaid in full, the Trust Fund would still run dry in the year 2029. The unfunded liabilities of the Social Security—the gap between projected outlays and projected revenues—is on the order of $3 trillion. The true "unfunded liability," however, is much greater, because those taxes haven't been collected yet, and therefore all of the future liabilities of the program are in a sense unfunded, to be financed from tax revenue at the time that they are paid.

We have carefully studied this problem for a year, and we believe that there are several problems that must be solved simultaneously. The actuarial soundness of Social Security is but one of these. There is also a huge problem residing in the size of the tax burden that is awaiting the future economy if we do not advance fund some of Social Security's future liabilities. A solution to this problem is no solution at all if it achieves actuarial soundness at the price of an unfair tax burden on tomorrow's economy, or at the price of further worsening the quality of the deal that today's young workers will receive from the Social Security program.

It is for this reason that Senator BREAUX and I believe that personal accounts must be a component of the Social Security solution. Tough choices will need to be made in order to bring the outlays and the revenues of Social Security back into balance, and we believe that personal accounts should be established within this context. Creating a funded savings account component within the Social Security system is perhaps the only way to give something back to today's young workers to improve their treatment by the Social Security system relative to a set of traditional solutions alone. This is one way that we have found to prevent the income provided by the Social Security system from declining below the level that we expect from the program.

Before turning to Senator BREAUX, let me also note the flexibility of Senator ROTH's language with regard to the administration of such accounts. This language does not commit the Senate to any particular method of administration. Senator BREAUX and I, after a year of study, have reached the conclusion that the best way to administer personal accounts is through the existing payroll tax collection system. That money is already being paid in a timely way by employers on behalf of individual employees, and is a structure that we can practicably work through to set up accounts in every wage-earner's name through a refund of some portion of the payroll tax. The Roth language is flexible enough to permit a variety of approaches to administering the accounts, as it should be. I hope that Senators who differ as to the best administrative mechanism will be able to unite behind it.

Mr. BREAUX. I thank Senator GREGG for his unwavering leadership on this issue. It has been a pleasure to work with him over the past year. I also want to thank Chairman ROTH for his leadership. Times have certainly changed since the days when no one would even talk about Social Security reform. Today, we have key members of the Senate presenting innovative ideas about how to address the looming liabilities of the Social Security program. I applaud Chairman ROTH's efforts because he is moving this debate forward.

This is critical because the motto must be "sooner rather than later". There is no better time to tackle entitlement reform than during good economic times. While SS's financing is projected to pay full benefits until 2029—the strain on the Federal budget will begin much earlier, only 10 years from now. The Social Security Advisory Council could not agree on an approach to reform Social Security; however, they all agreed that early action should be taken. This call has been echoed time and time again by the General Accounting Office, Alan Greenspan, Chairman of the Federal Reserve Board, as well as most other experts.

The budget resolution already contains Sense of the Senate language regarding the budget surplus and Social Security reform. It reads as follows: "Congress should use unified budget surpluses to reform Social Security for future generations . . ." I support Chairman ROTH's Sense of the Senate because it takes this language a step further. It suggests that individual accounts are the direction in which Social Security reform should move. I agree with this.

The American people will hear again and again over the next several months about the financial instability of Social Security—about the promises made that we can no longer afford to keep. Americans will also hear about what is necessary to put Social Security on sound financial footing—the difficult sacrifices and the tough choices. This dialogue will only compound the already low level of confidence most Americans have in our nation's public retirement system. I adamantly believe we must do something to reverse this trend. We must provide some good news in the middle of this debate. If we include individual accounts within Social Security reform we are giving all Americans a new chance to provide substantial retirement savings for themselves—that is the good news.

This Sense of the Senate does not dictate or even suggest how these individual accounts should be administered or that they be done independently of fundamental Social Security reform. Senator GREGG and I have our own ideas about how Social Security should be reformed and, specifically, how individual accounts should be set-up and administered. I look forward to our ideas being discussed and debated during the coming weeks and months, along with all the other ideas being put on the table. The Aging Committee, which I am pleased to serve as Ranking Member, is looking at this issue closely. I hope the Finance Committee will hold hearings as soon as May.

In looking to Social Security reform we cannot lose sight of the larger budget picture and the difficult steps we have taken in this Congress to get our country's books in order. What we tried to do with the balanced budget—and what we should be trying to do with the surplus—is reduce this country's overall financial liabilities. As stated in the budget resolution, Social Security's unfunded liability stands at around $3 trillion. Obviously, Social Security is a large part of this country's debt and must be addressed.

Again, it must be addressed sooner rather than later. In conclusion, I want to again thank Chairman ROTH and Senator GREGG for their efforts in moving this debate forward.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, a few moments ago I had an opportunity to discuss with the chairman of the Budget Committee how we might proceed, because one of the things we are running into is that, although we had agreed to have a half-hour limit on amendments equally divided, as a result of courtesy, we have extended time on the resolution. It, thusly, then challenges whether or not we are ever going to get done here, because we have almost 30 amendments. If we take 30 amendments, you have 2 hours each, 7 or 8 hours of votes to accompany that, that is another, who knows, 7, 8, 10 hours.

So what we are going to do, unless there is a difference in the conversation as I remember it from what the distinguished Senator from New Mexico agreed, we are going to permit approximate time on this side equal to the two speakers that we just had. Then we are going to eliminate further time off the bill itself for amendments.

With that, I yield some time to the Senator from North Dakota, as he sees fit.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the Chair and I thank the ranking member. We have just seen a proposal unveiled on the floor of the Senate which has some interesting aspects. I must say some of the concepts here are ones that I am interested in. But I am concerned about the specifics of the proposal that is before us in this regard. The chairman of the Finance Committee suggests we ought to devote the budget surpluses to building private accounts in Social Security. I am on record as one member of the Finance Committee who favors moving towards private accounts over time. But I must say, I am concerned about the specifics of the proposal of the Senator from Delaware in that it is based on, I think, a false assumption. I see the false assumption as being that we have budget surpluses.

I am certain there are people listening here, here in the Senate Chamber and people listening at home, who wonder what is this talk about budget surpluses and Social Security surpluses? What does this all mean? It is confusing. Unfortunately, the language we use here in Washington, I think, contributes to that confusion. We talk about budget surpluses but what we do not tell people is the way we have calculated their surpluses is that we have included the Social Security trust fund surpluses. This year that amounts to over $100 billion. And by throwing that money into the pot, by, in effect, raiding Social Security, we say there is a $8 billion surplus in the budget.

There is not a surplus in the budget. The truth is there is a significant deficit. Oh, yes, on a unified basis—if you take all the funds of the Federal Government and throw them into the pot and look at all of the expenditures of the Federal Government, we are in balance. That is what they call the unified budget. But the problem with that is, and the little dirty secret here, is that $100 billion of the Social Security surplus is being put into that calculation.

If any private company tried to balance their books in this way, they would be headed for a Federal institution all right, but it would not be the Congress of the United States. They would be headed for a Federal facility all right. It would be a Federal prison, because that is fraud. That is fraud. To take money for one purpose and use it for another is fraud. Unfortunately, that is the pattern and practice here and has been for 30 years. We are taking Social Security trust fund surpluses, throwing those into the pot, and this year we are saying we have balanced the budget.

If any company tried to take the retirement funds of its employees and throw those into the pot and say they balanced the operating budget of the company, they would be in violation of Federal law. So I think we want to be cautious when we have a proposal that in many ways is attractive. I want to say to the Senator from Delaware, I am on record as favoring a partial privatization. I like the idea of individuals being able to have several percentage points of Social Security trust fund payments that they make be reserved in private accounts that they could invest. I like that basic concept.

But how do you fund it? How do you fund it? It seems to me the first thing we have to do is stop the practice of looting Social Security. If we are going to secure the long-term prospects for Social Security, we ought to stop raiding it. We ought to stop looting it. And we ought to stop the talk that we have a budget surplus. Because the only way we got a budget surplus is by counting those Social Security trust fund surpluses, which we are going to need for the day when the baby boom generation starts to retire.

We have a demographic time bomb just over the horizon, and it is the baby boom generation. When they start to retire in the year 2012, all of a sudden everything that looks rosy now is going to change and change quickly. In fact, by the year 2029 we anticipate the Social Security fund will have run through these massive surpluses that are being built now. They are not built up in terms of money actually in the bank, but built up in terms of IOUs that are being registered and accumulated based on borrowing by the other parts of Government that are spending those moneys, even though we know we are going to need those funds when the baby boomers start to retire.

I think the basic concept the Senator from Delaware has merit. But I am very concerned about the specifics that he has proposed, because to take these so-called budget surpluses that we have on paper that only exist because we are raiding Social Security and use those funds before we use them to preserve and protect Social Security, has the prospect of undermining our first responsibility and our first obligation. Our first responsibility and our first obligation is to keep the promise to the tens of millions of people who are relying on that Social Security check.

Before we go off and raid the Social Security trust fund surpluses in order to claim we have a budget surplus, we ought to stop that practice. We ought to clean up our act, stop raiding Social Security, stop looting Social Security, and then we can move in the direction proposed by the Senator from Delaware. But I think the proposal that he has before us at this moment is based on a misnomer. And the misnomer is that there are budget surpluses. There are only budget surpluses because we are taking $100 billion a year from Social Security surpluses and throwing those into the pot when we make the calculation of budget surpluses. So we say we have a budget surplus next year of $8 billion, but we are taking $100 billion from Social Security surpluses in order to make that claim.

So I just say to my colleagues, I favor the notion of having some portion of Social Security in an account where people control their own investment. I like that idea. But we have to work through the transition costs of this very carefully or we will undermine and threaten the solvency, the long-term solvency, of the Social Security trust fund itself. That should not be anything that we do.

Our first obligation, I believe, is to stop raiding the Social Security trust fund, stop raiding those funds, and move to secure the long-term solvency of Social Security and then have a chance to move in the direction the Senator from Delaware has asked for.

Mr. President, I will be happy to yield back my time so the distinguished Senator from New York has a chance to comment on the issue before us.

Mr. LAUTENBERG. Mr. President, I yield up to 15 minutes to the Senator from New York, Senator MOYNIHAN.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank my friend and neighbor from

New Jersey, the manager on our side, and my friend Senator CONRAD of the Finance Committee, for his remarks.

Mr. President, I rise not so much in opposition to the proposal by the esteemed chairman of our committee, as to see if it is not possible to clarify some of these issues. And to welcome the Senate to what should be a substantive, constructive debate over the next 6 months—pending the time when our distinguished Director of the Office of Management and Budget, Mr. Franklin D. Raines, has indicated the administration plans to begin to have legislation on this issue, in the first session of the next Congress. In my view, we ought to take up such legislation as a first order of business in that session.

May I take the presumed responsibility of this body, which tends to have long tenure, to give a bit of history? In 1935, we established the Social Security system on a pay-as-you-go basis. It was no time, in the midst of a great economic depression, to take more money out of the economy than was being put back, even if it was only a nominal process.

This went on until 1977 when we moved from a pay-as-you-go system to a partially funded system. I was a member of the committee of conference between the Senate and the House which adopted that change, and I can say there was very little attention paid to it. We put in place a huge surplus to provide for the baby boom retirement, as the phrase was. But we did not put in place any mechanism to save that surplus.

Indeed, if I look around the horizon of political economy, I do not think there is any such mechanism. You can strengthen an economy by paying down debt such that the private sector grows. Theoretically you could build warehouses and fill them with cans of Campbell soup to be opened in 30 years time. But in a system of this kind, a defined benefit arrangement for retirement and for survivors and the disabled—only 62 percent of persons receiving Social Security benefits are retired persons; the rest are spouses and children of persons who have died, and the disabled—there is no way to save a surplus.

The result was that for 21, now 22 years, we have had each year a large surplus from the payroll tax. This is what Senator CONRAD was speaking about. And we have used it for other reasons altogether. We have abused it because at a minimum we have never let our debt be paid down so our private savings and investment would rise as an absolute reciprocal, as mathematicians say. For every dollar of debt you pay down you get a dollar of savings that will be used for private investment.

Instead, we used this money to conceal the enormity of the deficits we ran in the 1980s and which we now have gotten past. We are now down to a stable situation, not yet one of surplus, because we still have this money coming in from the partially funded system we put in place in 1977 with a very regressive, high payroll tax, 12.4 percent of payroll, paid on the first dollar of income and up to $68,400 this year.

But this is no longer much of a surplus. The numbers are approximately this, and I say approximately because we won't know for another year or so, but next year the combined costs of old age and survivors and disability insurance, plus hospital insurance, will be roughly equal to the combined payroll tax revenues for these two programs; thereafter you are in deficit. Technically, there are Treasury bonds that can be cashed in, but then you have to get general revenue or borrow more to convert them into benefits.

By about the year 2010, there is no longer any surplus in the primary OASDI, Old Age, Survivors, and Disability Insurance. We have 11 years until there is nothing left there either.

Senator KERREY of Nebraska and I have introduced legislation that we think accommodates the situation we are in which, first of all, does not save Social Security. Social Security does not need to be saved. What it does not need is to be destroyed. There is now abroad a powerful ideological movement to turn the system of retirement benefits and survivors benefits over to personal savings in the market. This is a legitimate idea, but I am not sure, if it were understood, it would be a very popular idea.

It puts at risk much more than we would ever wish to do in terms of the entire population. It translates the experience of successful entrepreneurial people in an age of great economic growth into a proposition that this is something that the whole of the population can and ought to want to do.

We have a plan which does two things: One, it secures Social Security as a defined benefit for retired persons, for disabled persons, for survivors indefinitely. Simultaneously, it provides for lowering payroll taxes and allowing the difference to be used for just the kind of personal savings accounts, investment accounts, that our friend from Delaware would like to do.

Specifically, we move from the current 12.4 percent payroll tax—half of it by the employee, half by the employer—to 10.4. That will pay your benefits for more than 30 years; thereafter the payroll tax is gradually increased to a combined 13.4 percent thereby, with some other adjustments I will mention, securing the system for more than a century. Then we say give the employee the option of taking his or her 1 percent as income—some will do that; young persons will do, no doubt—or having the 2 percent deposited into some kind of thrift savings plan.

We have such an arrangement in the Federal Government. You can contribute part of your salary, which the Federal Government matches. There is a booklet, and you pick the kind of investment you would like. Some people like index funds, bonds, mutual funds—there are a whole range of these products, as they are called, and you can pick what you wish, and from time to time you can change, if you wish.

The prospect for the average earner with a 2 percent investment is that, after contributing for 45 years into the system, the worker would have a nominal asset from that 2 percent contribution in the range of $400,000. This would mean Americans would have an estate. They could leave something to their grandchildren, who might even be more attentive given that prospect.

We have an idea of an America very different from the world of the 1930s and the system we put in place, which was put in place in Europe in the 1880s. We have an idea of a retirement system in which persons begin to have a three-tiered system: You have your Social Security, a fixed amount, an annuity. You have benefits from private pensions that you earned with your employer. About half of American workers now have such. And then you have income, if you wish it, from your savings and investment accounts.

That requires a few other changes. It requires that we get an accurate cost-of-living index by which to adjust the benefits for changes in the cost of living. We do not now have one. There is a small group of economists who dissent, but the overwhelming judgment of the profession is that the Bureau of Labor Statistics' Consumer Price Index is not a cost-of-living index, which the Bureau of Labor Statistics insists it is not. They do not misrepresent their product; it is we who misuse it.

I will say that again. The Department of Labor does not misrepresent its Consumer Price Index; it is we who misuse it. We began the practice in 1972 at a time when Social Security benefits were the object of a biannual auction on the House and Senate floors as Members rose to say, "I propose we raise benefits 5 percent," then 10 percent, then 15 percent. I think on one occasion we went up 20 percent. We had to stop that. The nearest thing at hand was the CPI. We can make a correction.

A committee of distinguished economists, headed by Professor Michael Boskin, the former chairman of the Council of Economic Advisers under President Bush, reported to the Committee on Finance a year and a half ago recommending a correction of 1.1 percentage points.

Different economists, different Government officials, have different judgments, but they are almost all in the same range. And just at this moment, the principal economic planners of the U.S. Government do not use the CPI as a measure of inflation. They just don't; they know otherwise.

We have to gradually increase the age of retirement to 70, as we do in our bill, way into the next century. Under current law, we are already approaching an increase to 67. The majority of beneficiaries, Mr. President, retire at age 62 at a reduced benefit, which is actuarially sound.

We get rid of that dumb earnings test. It wasn't dumb in 1935 when we were encouraging people not to be in the labor force. Right now, if you work between ages 62 and 70, you lose some or all of your benefits. At age 70 and above, you would then get increased benefits. That is, you receive the same benefits over the course of your retirement. Under our bill, you can decide when to collect your benefits, regardless of whether you are working. You don't have to fool around.

We would tax these benefits at the rate at which ordinary pension income is taxed. May I say, Mr. President, for a very, very large number of our present recipients, particularly the old ones, their Social Security benefit and any other income they might have is so low that they pay no Federal taxes of any kind and would not pay any taxes under this new proposal.

But I say that this can be done, but it won't be done if we don't understand that we are dealing with a group, a body of respectable opinion, that basically thinks Social Security is a failed plan, perhaps never should have been put in place and now should be transitioned out. This is not the view of the Senator from Delaware. He would like to see a basic annuity for all Americans continue. But it is the view of many more people than we know, or perhaps are aware of, or perhaps are collected in a coherent manner.

This morning in the Committee on Ways and Means, Mr. GINGRICH spoke very much in these terms. Typically, Senator Dole, who appeared as a witness, did not. The problem is, right now there are groups who are so attached to the present system that they will not make the changes necessary to maintain the present system. It is painful. They know who they are. If I may say, the White House knows who they are. I daresay there aren't many of us in the Finance Committee who do not know. But they must recognize that the alternative is the loss of everything we have developed over 60 years, 60 years in which the system has never been a day late or dollar short on any payment, but which has somehow lost the confidence of the public. I ask my distinguished friend for another 2 minutes to conclude.

Mr. LAUTENBERG. I will be happy to yield up to 5 minutes, as needed, by the Senator from New York.

Mr. MOYNIHAN. Mr. President, I want to make this point. I want to shout this point at the American people: They are trying to scare you out of your Social Security. You don't think you are going to get it now. Why, I am not sure. But ask anyone on the streets at home. Ask someone in their thirties or in their forties. The polls are clear. People do not expect to get it. Partly this is bad management at the Social Security Administration. It got lost in the HEW and then HHS.

In 1994, we re-created it as an independent agency with an independent Administrator, but the SSA never tells people that the agency knows their name, what they are going to get in benefits, and that they are on top of this.

I say it right now, there are people who would like to scare you into thinking you are not going to get Social Security, so don't worry about it when they take it away, and what they are going to make you instead is a millionaire in the stock market. I don't think that will happen. I don't think it should. I think we should allow the accommodation of both. I think we should begin, if I can use a term from the academy, to demystify some of these claims, not by Senator ROTH, who is loyal to this institution. He has been on the Finance Committee for 30 years and has helped maintain the system.

But there are those who are out to do away with it. Why, I do not know. They take as their model the system in the Nation of Chile, a nation of some 12 million people, I believe, a system developed under General Pinochet, which does not immediately suggest sound social policy or equity. I don't say there is anything wrong with their system, but there is nothing wrong with ours either. It is ours to maintain. We should do it, and we should not let our people be frightened into giving up something so important to them and to their children and to their parents.

I thank my friend for giving me this time. I regretfully have to say that while I very much endorse the idea of personal savings accounts, right now we should use the surplus money we have to pay down the debt, increase investment, and get on with the simple changes we need to make this system permanent and stable.

Mr. President, I yield the floor, and I thank the manager for his courtesy.

Mr. KENNEDY. Mr. President, this amendment sounds innocuous, but it is a direct assault on Social Security, and it deserves resounding rejection by the Senate.

Millions of senior citizens depend on Social Security. In fact, Social Security benefits comprise more than 75% of the income of half of the nation's 28 million recipients. It is a sacred compact between citizens and their government that says, "pay into Social Security during your working years, and we will guarantee you a decent retirement income during your golden years."

Social Security is one of the most popular programs ever enacted. It is also one of our nation's most successful anti-poverty programs. In 1959, 35% of the nation's elderly lived in poverty. Today, that number has dropped to 9%.

We all recognize that legislative action is necessary to assure that Social Security will be solvent throughout the 21st century. There is no crisis—but there is a problem, and the sooner we take action to solve it the better. All of us know that Social Security will run out of money in 2030. All of us know that the single highest priority of the American people is to see Social Security preserved.

All of us know that the President has said that none of the budget surplus should be spent until we solve the Social Security problem—and the American people strongly support this approach.

But this amendment takes a different approach. It says: "Let's forget about preserving Social Security. Let's go ahead and spend the surplus on a risky and untried experiment with individual retirement accounts."

We all know what is going on here. There are a number of members of this body who want to throw Security on the scrap heap of history. They think it ought to be privatized. They think the concept of Social Security is wrong. They think individuals, instead of relying on the tried and true and guaranteed support that Social Security provides, should take their chances by speculating in the stock market. If they do well, they can become rich. If they do poorly and are impoverished in their old age—so be it.

I reject that philosophy. The American people, I believe, also reject that philosophy. And the Senate should reject that amendment.

Mr. LAUTENBERG. Mr. President, just to be certain, if we combine the time that was yielded off the resolution and off of the amendment, the proponents used a total of?

The PRESIDING OFFICER. Forty minutes.

Mr. LAUTENBERG. We to this point have used a total of?

The PRESIDING OFFICER. Thirty minutes.

Mr. LAUTENBERG. Thirty. So I will yield myself some time off of the amendment, which I understand is the time that remains to respond to the proposal by the distinguished chairman of the Finance Committee, the Senator from Delaware, whose proposals we always take seriously. This is a man who is intelligent, who is committed to the proper procedure of getting things done. We have great respect and regard for the Senator from Delaware. But we can nevertheless disagree.

On this particular proposal, I do disagree because I see things in perhaps a different light. When I think of the prospect—and I thank the Senator from New York because, as usual, he has a grasp of issues that goes way beyond the capacity of the average human being. And, boy, do we learn, and we learn in a hurry here. But nevertheless, I listened carefully to what the Senator from New York said. He talked about the possibilities of some investment on the private side, and I respect that, when combined with other changes that have to be made. I think otherwise we are rushing almost willy-nilly into a change, if this proves to be law at some time, that would rock the timbers of our society.

When we think of Social Security, we think of the foundation that it holds for senior citizens. I kind of ask myself, well, would we recommend to the elderly across this country that they go ahead with some investment adviser, or make a decision on their own, whether it is to buy fund X, A, B, or C? We saw what happened to this investment club that was doing so well, according to the papers, and finally they admitted they made a few accounting mistakes. Would anyone want to have to face that widow who perhaps gets $700, $800 a month and say, "Sorry, there's an error; you don't have $800 a month, you have $400 a month or $500 a month"? Or would you rather say, "Listen, what you have is guaranteed. It may not have provided the kinds of things that your husband and you had when you were living together, but you will not be chased out of your room or your house. You will have a chance to continue to live at some scale, modest as it may be."

But when I look at companies like the Prudential Insurance Company, one of the great companies of the world, one of, if not the largest company in the world—it was among the top five—it had some inappropriate management problems there. And they are good friends of mine, so I do not knock the company. But they, nevertheless, had to reduce the interest they were paying on policies, on cash reserves on their policies. This giant company, the Rock, the Rock of Gibraltar was their trademark, and they had to reduce their interest rates.

In October, a few years ago, 1987, the market lost a substantial portion of the holdings. I was at a meeting in Boston and people up there were shaken to their foundation to see their investments, their growth in investments, suddenly whittled away by some 15-plus percent. While I am excited about the market and where it is going, just like everybody else, I know one thing: That going down is always faster than going up when there is any velocity attached to it.

I think that without full deliberation about what the consequences might be, pro and con, with this kind of investment, it is excessively hasty. I would not want to be talking to people who suddenly decided they wished they had had Social Security IOUs, as they were described here. I do not know about you, but I know that I still feel pretty good about an IOU owed by the U.S. Government, by the people of America. Those are, as they say in the movies, as good as it gets, not high-paying but everybody pretty much feels that, listen, the worst that happens, we are going to get paid. We may even have it monetized a little bit with inflation, but the fact is we know it is there.

So when I look at the proposition that is offered, I say that I hope my colleagues will vote against it. When you cast your vote, you must look or try to look in the eyes of an elderly parent or grandparent, or perhaps, at some of our ages, a brother or sister, who are totally dependent on Social Security for their survival—for their survival.

I tell you, I would not recommend on a personal basis—and I have had a lot of experience. I ran a big company. And I managed, as part of my responsibilities, the company's investments. I managed acquisition. I had a lot to do with the financial side of things. I could hardly imagine myself recommending to someone whose principal asset, exclusive asset in some cases, was Social Security, that they invest in the market a little bit, buy a hedge fund maybe or, gee, your adviser—I remember when one of the great unions, I say to Senator MOYNIHAN, sued a bank in New York, who I will not identify here, for the poor performance that this bank had with hundreds of millions of dollars that belonged to this union's pension funds because it underperformed.

Who, with an investment of a couple thousand dollars a year or a thousand dollars a year or less, is going to be able to pick just the right adviser? There is some genius sitting there waiting to take your $1,000 a year and monitor it and watch it? Come on, what do we think this is? The guys who get that kind of attention are the guys who hit the new scales on the heights—$500 million in net worth, $1 billion in net worth, the people who are outside.

I know of one university fund, common among investments, being made today by university endowments, who wants to get into investments that they can be out of in 5 years. They do not want to be stuck in investments that carry them indefinitely. And you will find that true in place after place.

I say also that everyone is aware today that capital is not a problem in this country. Capital is chasing investment all over. I know people in the real estate business. I know people in the investment business and merchant banks. And people are coming to them—institutions, universities, companies, individuals—with money saying, "Please help me invest it properly. Please help me place it securely. Please help me make sure that it's safe."

So how is a person who has a modest Social Security income going to have the security to know that they have the right person advising them or whether they know how to read a financial statement? It is an interesting idea, but an idea, in my view, whose time has not come. I hope that we will stand securely against it, give it a chance, led by the leadership that the chairman of the Finance Committee can so aptly provide, and have a full review of what it means.

We have discussed it. We have discussed it in the Budget Committee, and we have discussed it with other committees, with Alan Greenspan and with other distinguished economists: What does it mean? What about privatization? Some say yes, some say no. I tell you this, I would far rather be one who said no, just leave it where it is, than take the risk that we have to face someone who is depending on Social Security and not finding the reserve there when they need it.

So I hope this amendment does not pass. I urge my colleagues to vote against it. No disrespect to the chairman of the Finance Committee or those who are supporting it, but it just needs more time than we have.

Mr. President, as I stated, I must oppose the proposal to allocate the surplus for personal savings accounts. In my view, this proposal has serious ramifications for the future of Social Security. And we shouldn't endorse it without first carefully examining all of its implications.

Mr. President, let me just discuss a few of the concerns raised by this amendment.

First, this proposal represents a major step toward privatizing Social Security. And privatization, in my view, is directly inconsistent with the fundamental purpose of the program.

Social Security is supposed to guarantee that all American seniors can avoid poverty and live their lives with a basic level of dignity. It is a social insurance program. It is not supposed to be the only source of retirement income for most seniors.

Moving to a system of private accounts represents a dramatic shift in risks. Away from government. And onto the backs of individual senior citizens.

Under a privatized system, seniors would lose: protection against declines in stock prices; protection against inflation through cost of living adjustments; and protection against outliving their assets.

Mr. President, protections against these kinds of risks—which are completely beyond the control of any individual—are why we need social insurance in the first place.

Let me be clear. I'm all for private retirement savings. I support IRAs and 401(k)s, and believe Americans need to save more. But private savings should supplement, not replace, social insurance. Otherwise, most Americans will spend their old age walking a financial high wire, without a safety net. And as someone who lived through the Great Depression, that is not what I want for my children and grandchildren.

If we use a surplus to roll back payroll taxes and force people to put this money into private accounts, money would be drained from the Social Security trust funds. That would accelerate the date when the program will go bankrupt. And that is the opposite of what we should be doing.

There are many other points I could make about this proposal, but I will not get into great detail here. Let me just say again that this is not the kind of change that we should endorse without a great deal of careful and thoughtful debate. That discussion is only now just getting underway. And it would be premature to rush to judgment on such a fundamental change in our system.

So I hope my colleagues will oppose this proposal. Let us fix Social Security. But let us do it carefully. And let us do it right.

I ask unanimous consent to have printed some editorials in the RECORD. The Senator from New York has asked us to do that, and I put them forward.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Mar. 17, 1998]

Social Security Needs Repair, But Poor Shouldn't Pay For It—Moynihan's Plan Isn't Perfect, But at Least He's Got People Talking

(By Michael Tanner)

Before the nation can solve its $15 trillion problem of financing 70 million baby-boomer retirements, people need to start talking about it. On Monday, Sen. Daniel Patrick Moynihan, D-N.Y., gave them a place to begin.

His conversation starter: a 15% cut in the Social Security payroll tax that could all go into a personal retirement account.

In a speech at Harvard, Moynihan tacked that concept on to his long-standing plan to put Social Security on a pay-as-you-go basis. That's a small step, perhaps, but one that could help break a political stalemate over Social Security reform.

It bows to GOP plans to give people more control over Social Security contributions while keeping the safety net Democrats favor.

To pay for these enticements, Moynihan proposes some hard medicine members of both parties have balked at swallowing.

Neither party has shown enthusiasm for Moynihan's plan to end their balanced-budget charade. Payroll tax cuts now would take away revenue that's used to mask government's $100 million operating deficit.

And even those who embrace budget honesty aren't likely to enjoy the senator's proposals for making up the money and ensuring Social Security's fiscal soundness.

He'd reduce cost-of-living adjustments for both tax deductions and benefit increases. He'd also subject more income to the payroll tax, raise the retirement age to 67 more quickly than now planned, and raise payroll taxes higher than today's levels after 2025.

Trade-offs like those are inevitable if Social Security is to be saved. But the real problem with Moynihan's plan is the risk that it may not go far enough to protect the poorest workers in their old age.

That is Social Security's fundamental goal. And it has almost been achieved.

In 1935 when the program was initiated, more than half of all elderly were supported by their children. Today, most are independent. In 40 years, poverty rates among the elderly have plummeted from 35% to under 11%, with Social Security providing the bulk of income for 40% of elderly households.

Unlike most plans to privatize all or part of Social Security, Moynihan's would not make savings mandatory. So low-income families, squeezed for pennies, likely would spend the $4 a week they'd get from the payroll tax cut.

That permissiveness is counterproductive. If the money were saved for 40 years at 7% interest, it would generate more than $40,000. The income from those savings—about $2,800 a year at the same 7% rate—combined with other Social Security payments would keep recipients out of poverty. Such savings are essential for laborers who may not be able to work into their late 60s as Moynihan's higher retirement age would require.

Congress needs to start moving soon on Social Security reform. Time is the great enemy of affordable answers. And enabling people to invest some Social Security themselves may be part of the answer.

But the test for any changes is whether they'll assure all Americans of an adequate retirement. Social Security shouldn't be saved or altered by robbing the poor.

[From USA Today, Mar. 17, 1998]

Tinkering Won't Do the Job—The Only Sensible Solution Allows Private Investment

(By Michael Tanner)

From President Clinton on down, there is now a national consensus that Social Security is in trouble. Indeed, the retirement program will begin running a deficit by 2012, just 14 years from now. The program's total unfunded liabilities top $9 trillion.

Yet, in the face of the coming crisis, some still resist serious change. They will suggest that a little tinkering around the edges will be enough to fix Social Security.

Some want to raise taxes. But payroll taxes have already been raised more than 38 times since Social Security began. Even after accounting for inflation, payroll taxes are 800% higher than at the program's inception. Three out of four American workers now pay more in payroll taxes than they pay in federal income taxes.

Others want to cut benefits. But young workers are already going to receive less back in benefits than they pay in Social Security taxes. Reducing benefits will only make Social Security a worse deal for these young workers.

Tinkering will not fix Social Security's most basic flaw. Social Security is a pay-as-you-go program, similar to the type of pyramid scheme that is illegal in every state.

Taxes paid by today's workers are not saved for their retirement, but rather are spent immediately to pay benefits for today's retirees. When those workers retire, they have to hope that the next generation of workers will be large enough to support them. But with people living longer and having fewer children, the number of workers supporting each retiree is shrinking.

What we really need is a new Social Security system based on the power of private investment and individual savings.

Under such a plan, benefits to current retirees would be guaranteed, but workers would be given the option of shifting their payroll taxes to individually owned retirement accounts, similar to IRAs or 401(k) plans.

Those accounts would be privately invested in real assets such as stocks, bonds, annuities, etc. Because private investment brings much higher returns, individuals could expect to receive much higher retirement benefits.

It's time to stop tinkering and get on with the fundamental reform necessary to preserve retirement security for future generations.

[From the Wall Street Journal, Mar. 18, 1998]

Public Trust Busting

When Senator Pat Moynihan speaks, liberals listen. So it just might mark a watershed in the Social Security reform debate that the New York Democrat this week embraced private investment retirement accounts.

Mr. Moynihan's welfare state credentials are impeccable. He helped to expand it during the Johnson and Nixon years and he's been its most intellectually nimble defender since. He bitterly opposed President Clinton's decision to sign a welfare reform law. And only last year, writing in the New York times, he seemed to rule out any significant change in Social Security.

Well, he's now revising and extending those remarks. On Monday at Harvard, he said Social Security can be saved only by changing it. And not merely with the usual political kamikaze run of raising taxes and slashing benefits. He's also endorsing a redesign that would allow individuals to invest two percentage points of their payroll tax as they please, presumably in stocks, bonds and other private investments.

This is a big breakthrough, ideologically and politically. The idea of a private Social Security option has until recently been the province of libertarians and other romantics. When Steve Forbes talked up the concept in 1996, he was demagogued by fellow *Republicans*. Even such a free-marketeer as Ronald Reagan was forced to accept a Social Security fix in 1983 that relied mostly on tax hikes.

What's changed? Only the world, as Mr. Moynihan admits. The weight of the looming Baby Boom retirement has caused a loss of public faith in Social Security's sustainability. Few Gen-Xers even expect to receive it. More and more Americans also began to see the virtue of private retirement vehicles like IRAs and 401(k)s, which grew like Topsy as the stock market boomed.

"In the meanwhile the academic world had changed," Mr. Moynihan also told the mostly liberal academics at Harvard. "The most energetic and innovative minds had turned away from government programs—the nanny state-toward individual enterprise, self-reliance, free markets." (No, he wasn't quoting from this editorial page.) Privatizing Social Security suddenly became thinkable, in many minds even preferable.

In short, the same economic and political forces that have remade American business are now imposing change on government. Global competition and instant information have forced industry to streamline or die. Now those forces are busting up public monopolies—the public trusts, to adapt a Teddy Roosevelt phrase—that deliver poor results.

In the U.S. that means breaking a public school monopoly that traps poor kids in mediocrity or worse. And it means reforming a retirement system that gives individuals only a fraction of the return on their savings that they know they'd receive if they invested the money themselves. These are ultimately moral questions, because in the name of equity these public trusts are damaging opportunity for those who need it most.

The rich have known for years how to exploit the magic of compound interest, for example. Why shouldn't working stiffs have the same chance? Mr. Moynihan shows that a worker earning $30,000 a year can, at a modest 5% annual return, amass $450,000 in savings over 45 years by shifting just 2% of the payroll tax into a private account. Thus do even liberals become capitalists.

Now, let us acknowledge that "privatizing" Social Security is not what Mr. Moynihan desires. His political goal is to reform Social Security just enough to be able to save its universal guarantee. He fears, sensibly enough, that if liberals oppose any change they may find the debate has moved on without them. "The veto groups that prevented any change in the welfare system," he says, "looked up one day to find the system had vanished."

No doubt many conservatives will want to go much further than the New Yorker, us among them. If investing 2% of the payroll tax rate is desirable, why not more? Workers ought to be able to decide for themselves if they want to trade lower taxes now for a lower Social Security payment at retirement.

We also disagree with Mr. Moynihan on some of his details. To defray the cost of reducing the payroll tax, he would increase the amount of wages subject to that tax—from $68,400 now to $97,500 by 2003. This is a large increase in the marginal tax rate for many taxpayers that would defeat reform's very purpose. He'd also raise the payroll tax rate down the line as the Boomers retire—something that needn't happen if the reform were more ambitious than the Senator says he wants.

Yet for all of that, Mr. Moynihan moves the debate in the direction of more individual control and more market sense. Along with his pal and co-sponsor, Nebraska's Bob Kerrey, he has broken with liberal orthodoxy. Maybe their daring will even give courage to Republicans.

[From the New York Times, Mar. 29, 1998]

WRONG WAY ON SOCIAL SECURITY

Proposals from archconservatives to chip away at a gargantuan Government program like Social Security shock no one. But when an influential moderate like Senator Daniel Patrick Moynihan proposes to divert Social Security taxes into private retirement accounts, a flawed idea gains ominous support. Mr. Moynihan's rationale is complex. But it is also misleading and unwise.

Mr. Moynihan exaggerates the financial predicament by pointing to 2029 as the date that actuaries say the Social Security trust fund will empty out. But actuaries also say that annual revenues will continue to cover almost all of each year's outlays. Indeed, the financial gap amounts to only about 2 percent of payrolls and can be eliminated with modest benefit trims, changes in retirement rules and small tax increases. Instead, Mr. Moynihan proposes a cut of up to 30 percent in future benefits, larger even than what is needed to balance the trust fund's books. He does so because his plan includes a second agenda—partial privatization.

Mr. Moynihan would temporarily cut payroll taxes and invite workers to deposit the money saved into individual tax-sheltered retirement accounts. Some will accept the invitation and, depending on the outcome of risky investment, replace some or all of the 30 percent benefit cut. But based on past behavior, most workers will not save for their future. Mr. Moynihan's reasons for cutting revenues of a program that he depicts as near bankrupt are political. He wants to stop Congress from frittering away the current temporary surpluses in the program to support other programs in the Federal budget. He also proposes partial privatization to ward off a more sweeping privatization assault by conservatives.

Private accounts are popular because, if invested in stocks, they can grow faster than money deposited in the trust fund, which is invested in low-yielding Treasury bonds. Mr. Moynihan warns that liberals who oppose his partial privatization risk having the entire Social Security program scrapped, along with its magnificent record in redistributing money from the rich to poor and thereby lifting millions of retirees out of poverty each year.

But Mr. Moynihan refuses to acknowledge the harm his partial privatization scheme would do. Small savings accounts are expensive to administer, threatening to burn up a quarter of a low-wage worker's annual deposit in commissions and bank fees. Besides, the seemingly small return on money turned over to Social Security is partly an optical illusion.

Social Security has promised to pay millions of retirees benefits that far exceed the amounts they pay into the trust fund. Part of the payroll tax that workers turn over to the Social Security system covers these unfunded benefits. If part of the money that workers would deposit in private retirement accounts under the Moynihan plan were siphoned off to pay their fair share of unfunded benefits, then the yield on these accounts would look puny too.

By reinforcing the false notion that private accounts are far superior to public accounts, Mr. Moynihan risks setting off a political process that would feed the conservative goal to replace virtually the entire public program with private savings.

Mr. Moynihan's warning that Social Security looks like a lousy deal for workers should be heeded. The best way to increase retirement funds is to invest payroll taxes in stocks. But rather than having a hundred million workers invest itsy-bitsy amounts on their own, the trust fund itself, through a process insulated from politics, should invest in equities on behalf of everyone. The Social Security problem is modest. So too are the right solutions

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[From the Christian Science Monitor, Mar. 19, 1998]

SOS FOR SS

Always pungent Sen. Daniel Patrick Moynihan has gotten to the heart of America's Social Security problem. In a speech at Harvard this week he offered a specific, tough-minded formula for saving Social Security from the demographic collision it faces in future decades.

Moynihan, long an expert on Social Security, shrewdly weds (a) a conservative plan to allow workers to invest a portion of their SS payroll tax in a private nest egg to (b) a return to a Rooseveltian pay-as-you-go pension system.

As ranking Democrat on the Senate Finance Committee, he plans to propose such a reform immediately.

Compare that with the official Washington crawl on Social Security.

In his state of the union speech last month, President Clinton claimed to be concentrating mightily on Social Security, but then sent it out for yet another scrutiny by commission. Mr. Clinton also cast himself as a latter day Horatius telling politicians to keep their hands off federal budget surpluses. He said he was earmarking those surpluses to save SS.

Good theater. Poor economics. The best way to preserve those surplus revenues for a need starting two decades hence would be to use them now to reduce the national debt. That would trim those huge interest bills on the debt for years to come. And that, in turn, would allow more pay-as-you-go money for SS.

Instead, Clinton announced a clutch of new programs that would eat up the surpluses—despite iffy funding from tobacco revenues.

Hence the appeal of Moynihan's approach. It would allow Americans to voluntarily use as much as 15 percent of their SS payroll tax for personal pension savings accounts. Because that's optional and restricted to a modest percentage, it would minimize the danger that at retirement a pensioner might suffer from a market drop. And the upside—higher compounded returns over decades of savings—would compensate for increased risk.

Meanwhile, Moynihan would seek to ensure that the basic SS pension remains rock solid by assuring its yearly pay-as-you-go integrity. To make bearable the tax burden borne by next generation workers paying for their retiring baby boom parents, he adapts two existing ideas: (1) Speed the move to a standard retirement age of 70, reflecting longevity statistics. (2) Trim the rate of indexing for inflation.

There will be battles to come. But at least one of our most thoughtful political statements has gotten a realistic mix of elements on the table. Now it's up to his colleagues.

Mr. LAUTENBERG. With that, Mr. President, I yield back the time on our side and hope that we can proceed forthwith.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DOMENICI. The Senator wants to ask for the yeas and nays on his amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. I also ask unanimous consent that Senator BROWNBACK be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I have a request.

Mr. DOMENICI. Did you have a request?

Mr. LAUTENBERG. I do.

Mr. President, the Senator from Iowa has asked for some time to discuss something, and I would give him 5 minutes off of the resolution to do that, unless there is an objection.

Mr. DOMENICI. Let me just see if we can get an agreement that you and I have spoken to.

I say to the Senator, are you going to speak on the subject that is before us? Or do you just want consent to speak on a subject not pertaining to the budget for 5 minutes?

Mr. HARKIN. It has something to do with the budget.

Mr. DOMENICI. But it is not a proposal?

Mr. HARKIN. No.

Mr. DOMENICI. We are going to be able to arrange that for the Senator.

Mr. President, I want to suggest that when we entered into the unanimous consent agreement, the idea was that we would expedite the voting on amendments and minimize the number perhaps that was going to be voted on in the so-called "votarama" with 1 minute on a side by amending the statutorily allotted amount of time for amendments and second-degree amendments. And we did so agree. But we were not specific in saying that there shall be no time yielded off the bill to those new time agreements. So I just ask, with the concurrence of my friend from New Jersey, unanimous consent that there be added to the unanimous consent agreement regarding the time allotted on amendments and second-degree amendments, the following language: And that no time, no additional time, shall be allotted from time remaining on the bill by either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

I say to the Senator, did you want to do something?

Mr. LAUTENBERG. If we can let our friend from Iowa make his statement.

Mr. DOMENICI. I say to the Senator, we will yield you 5 minutes off the bill.

Mr. HARKIN. I thank the Senator. I appreciate it.

The PRESIDING OFFICER. The Senator from Iowa.

THE AGRICULTURAL RESEARCH CONFERENCE REPORT

Mr. HARKIN. Mr. President, I want to speak for a couple of minutes about a conference report that is now before the Senate which is of the utmost urgency that we proceed to and pass yet today. I am hopeful we can do it. That is S. 1150. It is the agricultural research bill which we passed here last year by unanimous consent. What happened is, the House passed it also last year but the House, for one reason or another, refused to go to conference, and then the session ended last year.

About 3 weeks ago, the House finally consented to go to conference. We went to conference. We worked out our agreements on a very important bill. And that bill now is before the Senate.

In the ag research bill, there are at least three very important parts: The ag research; crop insurance, to work out the problems in crop insurance so we can have a disaster crop insurance program for the next 5 years; and there is also a food stamp provision for refugees and the asylees that were inadvertently left out of the welfare-to-work reform bill that we passed in August of 1996.

We need to pass this bill today. It is of the utmost urgency. We have over 717,000 catastrophic crop insurance policies in America today, farmers all over this country, from California to Maryland, from North Dakota to Texas. All rely upon this crop insurance program.

If we don't pass this bill very soon, those policies will start to lapse and those farmers who have to plant in the summertime for winter crops will not be able to get their crop insurance. That means if they were to have a natural disaster that would wipe them out completely, they would be in here to Congress again begging us to bail them out. That is why it is so important we pass this today.

Now, why today? Because we have a very strange parliamentary situation. If we don't pass it today and this budget passes tomorrow, which it will, then we lose all the money that we have for crop insurance to help out our farmers. I might also add, we lose the money that is in there to meet a need for refugees and asylees who are legal immigrants in this country. Some of them, like the Hmong who fought alongside our American troops in Laos during the Vietnam war, were inadvertently cut out of the welfare reform bill. This is in the bill before us, S. 1150.

As I said, S. 1150 had bipartisan support in conference, Republicans and Democrats, House and Senate. We worked out all the differences. There are no objections in our committees to this. That is why it is so vitally important that we pass it today.

I guess I ask here on the floor, the majority leader, and to the staff who are here, if they could possibly bring up S. 1150 today, sometime by the end of the day. I don't know if the managers of the bill would mind if we set it aside for 15 minutes—I don't think it would take longer than that; after all, it passed by unanimous consent last year—and pass it today. I don't think it would take much time. As I said, I am sure Senator LUGAR, being the chairman, and I, the ranking minority member, don't need more than 15 minutes on this bill. It is vitally important, because if we don't pass it, we will lose the crop insurance for our farmers, especially those who need to plant summer crops.

I yield to Senator CONRAD from North Dakota.

Mr. CONRAD. Mr. President, I want to add my voice to the strong voice of the Senator from Iowa, Senator HARKIN. We are now facing an emergency with respect to the research bill. The research title is a bit of a misnomer because much more is involved here than agricultural research, although that is critically important. That is critically important because we have been hit all across the country with a set of diseases because we are in a wet cycle. That wet cycle has been devastating in my State. We lost 30 percent of the crop last year, over $1 billion of economic loss because of scab and vomitoxin, and those losses continue.

Now we are in a situation where we desperately need research into those diseases, but it goes much beyond that. It goes to the heart of the crop insurance system in America. As the Senator from Iowa has indicated, there are 700,000 policyholders in America. They are about to get a notice that there is no crop insurance available for them. That is the danger that we risk if we fail to act, and act today.

The crop insurance shortfall may result in farmers across the Nation receiving cancellation notices. This is a dire emergency.

The PRESIDING OFFICER. All time is expired.

Mr. LAUTENBERG. I am delighted to yield 1 minute to our colleague from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I will be brief.

The Senator from Iowa raised a concern of some urgency for the United States Senate. What he is describing is a bipartisan agreement on legislation that is critical to our part of the country. It deals not only with research, but also with crop insurance. It deals with critically needed investment for research in crop diseases such as fusarium head blight or scab which produces vomitoxin in wheat and barley.

We have an awful problem out in our part of the country with these crop diseases and crop losses. We need a viable crop insurance program. We were delighted when the Senator from Iowa and the Senator from Indiana and others reached this bipartisan agreement and moved it through the conference with the House of Representatives. I know how hard that was. That was a tough thing to do because the sides were quite far apart. When they reached this agreement, we were delighted with that. It is an important agreement.

Now, as usual, in the case of politics, timing is everything. It is very important for this bipartisan conference agreement to be considered by the Senate and moved along. Time is of the essence here.

I commend the Senator from Iowa.

Mr. HARKIN. I thank both Senators from North Dakota for their strong voices and strong support for the crop insurance program.

To sum it up, our farmers, our refugees, our asylees, should not be penalized because of the delay on the part of the House last year—not going to conference—and they should not be penalized because of this odd parliamentary situation we have.

I hope the majority leader and his staff who are listening to this will hopefully bring up this bill today, and let's get it passed. I don't think it will take more than 10 or 15 minutes to get the job done and we can say to our farmers that their crop insurance policies are, indeed, going to be renewed for next year.

I thank both of the managers of the bill for yielding us this time to talk about this very important subject.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, AND 2003

The Senate continued with consideration of the concurrent resolution.

VOTE ON AMENDMENT NO. 2209

The PRESIDING OFFICER. The question is on agreeing to the Roth amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Breaux
Brownback
Burns
Campbell
Chafee
Cochran
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—49

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Bryan
Bumpers
Byrd
Cleland
Coats
Collins
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Snowe
Torricelli
Wellstone
Wyden

The amendment (No. 2209) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, once again, I don't think we are going to hear any profound speeches in the next few minutes, but at least we ought to know what it is that is going on, because if those amendments are not up there by the witching hour of 6 o'clock, they will not have a chance to get an amendment considered, whether it is a "vote-a-thon," "vote-a-rama," "rapid fire," or whatever you want to call it, or whether there will be a chance for debate. Six o'clock is it. We all turn into pumpkins at that time.

AMENDMENT NO. 2204, AS MODIFIED, AND AMENDMENT NOS. 2226 THROUGH 2247, EN BLOC

Mr. LAUTENBERG. Mr. President, I have amendments to send to the desk on behalf of the following Senators: Senator KOHL from Wisconsin has a modification to amendment No. 2204, Senator ROCKEFELLER, Senator CONRAD, Senator BUMPERS, Senator FEINSTEIN, Senator JOHN KERRY, Senator WELLSTONE, Senator CHARLES ROBB, Senator BIDEN, Senator BOXER, Senator BINGAMAN, Senator BINGAMAN again, Senator ROBERT KERREY, Senator MOSELEY-BRAUN, Senator MOSELEY-BRAUN again, Senator MOSELEY-BRAUN again, Senator DURBIN, Senator DORGAN, Senator LAUTENBERG, Senator LAUTENBERG again, Senator TORRICELLI, Senator TORRICELLI again, and Senator MOYNIHAN.

I offer those amendments and ask for their consideration. I ask unanimous consent that we suspend the reading of the amendments.

Mr. President, I offer them en bloc. I also ask unanimous consent that they be put aside after being laid at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment numbered 2204, as modified, and amendments numbered 2226 through 2247, en bloc, are as follows:

AMENDMENT NO. 2204, AS MODIFIED

(Purpose: To express the sense of the Senate regarding the establishment of a national background check system for long-term care workers)

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care and it is incumbent on Congress and the President to ensure that medicare and medicaid patients are protected from abuse, neglect, and mistreatment.

(2) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect and mistreatment do occur at an unacceptable rate and are not limited to nursing homes alone.

(3) Current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers and no common State procedures for tracking abusers from State to State and facility to facility.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that a national registry of abusive long-term care workers should be established by building upon existing infrastructures at the Federal and State levels that would enable long-term care providers who participate in the medicare and medicaid programs (412 U.S.C. 1395 et seq.; 1396 et seq.) to conduct background checks on prospective employees.

AMENDMENT NO. 2226

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

"$51,000,000,000.
(B) Outlays, $42,300,000,000.
Fiscal year 2000:
(A) New budget authority, $50,800,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2001:
(A) New budget authority, $50,100,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2002:
(A) New budget authority, $48,400,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2003:
(A) New budget authority, $48,000,000,000.
(B) Outlays, $42,900,000,000."

On page 25, line 8, strike "–$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

"$200,000,000.
(B) Outlays, –$1,400,000,000.
Fiscal year 2000:
(A) New budget authority, –$200,000,000.
(B) Outlays, –$3,600,000,000.
Fiscal year 2001:
(A) New budget authority, –$700,000,000.
(B) Outlays, –$1,000,000,000.
Fiscal year 2002:
(A) New budget authority, –$800,000,000.
(B) Outlays, –$4,000,000,000.
Fiscal year 2003:
(A) New budget authority, –$1,400,000,000.
(B) Outlays, –$1,000,000,000."

On page 31, line 24, strike subsection (6) in its entirety.

AMENDMENT NO. 2227

(Purpose: To ensure that the tobacco reserve fund in the resolution may be used to strengthen Social Security)

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be revised for legislation that reserves the Federal share of receipts from tobacco legislation for the Medicare Hospital Insurance Trust Fund or the Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation shall not be taken into account.

AMENDMENT NO. 2228

(Purpose: To provide for funding to help the states comply with the Individuals with Disabilities Education Act by eliminating an unjustified tax loophole)

On page 3, line 10, increase the amount by $39,000,000.

On page 3, line 11, increase the amount by $66,000,000.

On page 3, line 12, increase the amount by $67,000,000.

On page 3, line 13, increase the amount by $69,000,000.

On page 3, line 14, increase the amount by $71,000,000.

On page 3, line 19, increase the amount by $39,000,000.

On page 4, line 1, increase the amount by $66,000,000.

On page 4, line 2, increase the amount by $67,000,000.

On page 4, line 3, increase the amount by $69,000,000.

On page 4, line 4, increase the amount by $71,000,000.

On page 4, line 19, increase the amount by $39,000,000.

On page 4, line 20, increase the amount by $66,000,000.

On page 4, line 21, increase the amount by $67,000,000.

On page 4, line 22, increase the amount by $69,000,000.

On page 4, line 23, increase the amount by $71,000,000.

On page 5, line 5, increase the amount by $39,000,000.

On page 5, line 6, increase the amount by $66,000,000.

On page 5, line 7, increase the amount by $67,000,000.

On page 5, line 8, increase the amount by $69,000,000.

On page 5, line 9, increase the amount by $71,000,000.

On page 16, line 9, increase the amount by $39,000,000.

On page 16, line 10, increase the amount by $39,000,000.

On page 16, line 13, increase the amount by $66,000,000.

On page 16, line 14, increase the amount by $66,000,000.

On page 16, line 17, increase the amount by $67,000,000.

On page 16, line 18, increase the amount by $67,000,000.

On page 16, line 21, increase the amount by $69,000,000.

On page 16, line 22, increase the amount by $69,000,000.

On page 16, line 25, increase the amount by $71,000,000.

On page 17, line 1, increase the amount by $71,000,000.

AMENDMENT NO. 2229

(Purpose: To express the sense of the Senate on education goals)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON EDUCATION GOALS.

It is the sense of the Senate that the functional totals underlying this resolution assume that the Federal Government should work hand-in-hand with States, school districts, and local leaders—

(1) to accomplish the following goals by the year 2005:

(A) establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of social promotion of students (promoting students routinely from one grade to the next without regard to their academic achievement);

(B) provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

(C) create smaller schools to enable students to have closer interaction with teachers;

(D) require at least 180 days per year of instruction in core curriculum subjects;

(E) recruit new teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards; and

(F) require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma; and

(2) to reaffirm the importance of public schooling and commit to guaranteeing excellence and accountability in the public schools of this nation.

AMENDMENT NO. 2230

(Purpose: To ensure that the tobacco reserve fund in the resolution protects public health)

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) (A) public health efforts to reduce the use of tobacco products by children, including youth tobacco control education and prevention programs, counter-advertising, research, and smoking cessation;

(B) transition assistance programs for tobacco farmers;

(C) increased funding for the Food and Drug Administration to protect children from the hazards of tobacco products;

(D) improving the availability, affordability and quality of child care;

(E) increased funding for education;

(F) increased funding for health research;

(G) reimbursements to States for tobacco-related health costs; or,

(H) expanding children's health insurance coverage; and,

"(2) savings for the Medicare Hospital Insurance Trust Fund or the Social Security Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation and used to fund subsection (a)(2) shall not be taken into account.

AMENDMENT NO. 2231

(Purpose: To express the sense of the Senate supporting additional funding for fiscal year 1999 for medical care for veterans)

On page 53, after line 22, add the following:

SEC. 317. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the functional totals underlying this resolution assume that $159,116,000 in additional amounts above the President's budget levels will be made available for veterans health care for fiscal year 1999.

AMENDMENT NO. 2232

(Purpose: To ensure that the tobacco reserve fund in the resolution protects tobacco farmers)

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation which reserves the Federal share of receipts from tobacco legislation only for the Medical Hospital Insurance Trust Fund or for providing transition assistance to tobacco farmers.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to providing transition assistance to tobacco farmers.

AMENDMENT NO. 2233

At the appropriate place, insert:

SEC. . A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that:—

(1) Our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of federal assistance, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a murder rate in 1996 which is projected to be the lowest since 1971 and a violent crime total in 1990 which is the lowest since 1990;

(2) Through a comprehensive effort to attack violence against women mounted by state and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995;

(3) Recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women

are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

(4) The Violent Crime Reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996 without adding to the federal budget deficit.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, shall be maintained and funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2003.

AMENDMENT NO. 2234

(Purpose: To expand the uses of the tobacco reserve fund to include funding for health research, including the National Institutes of Health)

On page 28, beginning on line 5, after "Medicare Hospital Insurance Trust Fund," strike all through the end of line 17, and insert the following:

", or for health research, including funding for the National Institutes of Health (NIH).

"(b) REVISED BUDGETARY LEVELS AND LIMITS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may adjust all appropriate budgetary levels and limits, including aggregates and allocations, to carry out this section. These budgetary levels and limits shall be considered for the purposes of the Congressional Budget Act of 1974 as the budgetary levels and limits contained in this resolution.

"(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to health research, including the National Institutes of Health."

AMENDMENT NO. 2235

(Purpose: To express the sense of the Senate regarding the analysis of civilian science and technology expenditures in the budget

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE ON ANALYSIS OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"(a) FINDINGS.—The Senate finds the following:

"(1) The National Academy of Sciences, National Academy of Engineering, and Institute of Medicine have recommended, in their 1995 report, entitled 'Allocating Federal Funds for Science and Technology,' that the Federal science and technology budget 'be presented as a comprehensive whole in the President's budget and similarly considered as a whole at the beginning of the congressional budget process before the total federal budget is disaggregated and sent to the appropriations committees and subcommittees.'

"(2) Civilian federal agencies are supporting more than $35 billion of research and development in fiscal year 1998, but it is difficult for the Congress and the public to track or understand this support because it is dispersed among 12 different budget functions.

"(3) A meaningful examination of the overall Federal budget for science and technology, consistent with the recommendation of the National Academies, as well as an examination of science and technology budgets in individual civilian agencies, would be facilitated if the President's budget request clearly displayed the amounts requested for science and technology programs across all civilian agencies and classified these amounts in Budget Function 250.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget for the United States for fiscal years 2000, 2001, 2002, 2003, and 2004 should consolidate the spending for all federal civilian science and technology programs in Budget Function 250, and that the President should accordingly transmit to the Congress a budget request for fiscal year 2000 that classifies these programs, across all federal civilian departments and agencies, in Budget Function 250.".

AMENDMENT NO. 2236

(Purpose: To express the sense of the Senate regarding long-term civilian science and technology budget trends)

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE ON CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"It is the sense of the Senate that the assumptions underlying the function totals in this budget resolution assume that expenditures for civilian science and technology programs in the Federal budget will double over the period from fiscal year 1998 to fiscal year 2008.".

AMENDMENT NO. 2237

(Purpose: To express the sense of the Senate on long-term Federal budgeting and the repayment of the public debt)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON LONG-TERM BUDGETING AND REPAYMENT OF THE PUBLIC DEBT.

(a) FINDINGS.—The Senate finds that—

(1) today, there are 34,000,000 Americans over the age of 65, and by the year 2030, that number will grow to nearly 70,000,000;

(2) in 1963, mandatory spending represented 30 percent of the Federal budget, while discretionary spending made up 70 percent, and by 1998, those proportions have almost completely reversed, in that mandatory spending now accounts for 68 percent of the Federal budget, while discretionary spending represents 32 percent;

(3) according to the 1997 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance (OASDI) Trust Fund—

(A) the difference between the income and benefits for the OASDI program is a deficit of 2.23 percent of taxable payroll;

(B) the assets in the Trust Fund are expected to be depleted under present law in the year 2029;

(C) by the time the assets in the Trust Fund are depleted, annual tax revenues will be sufficient to cover only three-fourths of the annual expenditures;

(D) intermediate estimates are that OASDI will absorb nearly 17.5 percent of national payroll by the year 2030; and

(E) the cost of the OASDI program is estimated to rise from its current level of 4.7 percent of Gross Domestic Product to 6.7 percent by the end of the 75-year projection period;

(4) according to reports by the Congressional Budget Office, the Economic and Budget Outlook: Fiscal Years 1999-2008 (January 1998) and Reducing the Deficit: Spending and Revenue Options (March 1997)—

(A) the Medicare Part A Trust Fund will be exhausted early in fiscal year 2010;

(B) enrollment in Medicare will increase dramatically as the baby boomers reach age 65;

(C) between the years 2010 and 2030, enrollment in Medicare is projected to grow by 2.4 percent per year, up from the 1.4 percent average annual growth projected through 2007;

(D) by the year 2030, Medicare enrollment will have doubled, to 75,000,000 people; and

(E) the increase in Medicare enrollment caused by the aging of the population will be accompanied by a tapering of the growth rate of the working age population, and the number of workers will drop from 3.8 for every Medicare beneficiary in 1997 to 2.02 per beneficiary by 2030;

(5) the demographic shift that is currently taking place, and will continue for the next 30 years, will put a tremendous burden on workers as the cost of programs such as Social Security and Medicare are borne by proportionately fewer workers;

(6) the current Budget Resolution, which projects revenues and spending only for the next 10 years, does not give Congress a clear picture of the budget problems that confront the United States shortly after the turn of the century;

(7) currently, 14 percent of the Federal budget is spent on interest payments on the national debt; and

(8) if projected surpluses are used entirely for debt reduction and current tax and spending policies remain unchanged, the share of Federal income needed to pay interest would drop below 5 percent within 12 years, and in 1997, that 10 percentage-point reduction would have amounted to $158,000,000,000 available for other priorities.

(b) SENSE OF THE SENATE..—It is the sense of the Senate that the functional totals in this concurrent resolution assume that future budget resolutions and future budgets submitted by the President should include—

(1) an analysis for the period of 30 fiscal years beginning with such fiscal year, of the estimated levels of total budget outlays and total new budget authority, the estimated revenues to be received, the estimated surplus or deficit, if any, for each major Federal entitlement program for each fiscal year in such period; and

(2) a specific accounting of payments, if any, made to reduce the public debt, or unfunded liabilities associated with each major Federal entitlement program.

AMENDMENT NO. 2238

(Purpose: To express the sense of the Senate regarding tax legislation that increases the complexity of any tax return)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING LEGISLATION THAT INCREASES COMPLEXITY OF TAX RETURNS.

(a) FINDINGS.—The Senate finds the following:

(1) As part of the consideration by the Senate of tax cuts for the families of America, the Senate should also examine the condition of the Internal Revenue Code of 1986.

(2) According to the Congressional Research Service, the Revenue Reconciliation Act of 1997 added 1,000,000 words and 315 pages to the Internal Revenue Code.

(3) The Internal Revenue Code continues to grow more complex and difficult for the average taxpayer to understand, and the average tax return has become more time-consuming to prepare.

(4) The average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year.

(5) The average taxpayer spend between 21 and 28 hours each year on tax matters.

(6) In 1995, 58,965,000 of the 118,218,327 tax returns that were filed, almost 50 percent, were filed by taxpayers who utilized the help of paid tax preparers.

(7) The average taxpayer spends $72 each year for tax preparation.

(8) The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours per year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the Senate should give priority to tax proposals that simplify the tax code and reject proposals that add greater complexity in the tax code and increase compliance costs for the taxpayer.

AMENDMENT NO. 2239

(Purpose: To express the sense of the Senate that the President should submit a generational study with the budget request)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PRESIDENT'S BUDGET.

It is the sense of the Senate that the budgetary levels in this resolution assume that the President should submit, as part of the budget request of the President that is submitted to Congress, a study of the impact of the provisions of the budget on each generation of Americans and its long-term effects on each generation.

AMENDMENT NO. 2240

(Purpose: To express the sense of the Senate regarding the value of the social security system for future retirees)

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) 78 percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of a working career.

(7) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

AMENDMENT NO. 2241

(Purpose: To express the sense of Congress regarding the right to affordable, high-quality health care for seniors)

At the end of title III, insert the following:

SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they have the right to choose their physicians, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

AMENDMENT NO. 2242

(Purpose: To express the sense of the Senate on ensuring Social Security solvency)

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY SOLVENCY.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security system provides benefits to 44,000,000 Americans, including 27,300,000 retirees, over 4,500,000 people with disabilities, 3,800,000 surviving children, and 8,400,000 surviving adults, and is essential to the dignity and security of the Nation's elderly and disabled;

(2) the Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust funds have reported to Congress that the "total income" of the Social Security system "is estimated to fall short of expenditures beginning in 2019 and in each year therafter. . .until [trust fund] assets are exhausted in 2029";

(3) intergenerational fairness, honest accounting principles, prudent budgeting, and sound economic policy all require saving Social Security first, in order that the Nation may better afford the retirement of the baby boom generation beginning in 2010;

(4) in reforming Social Security in 1983, Congress intended that near-term Social Security trust fund surpluses be used to prefund the retirement of the baby boom generation;

(5) in his State of the Union message to the joint session of Congress on January 27, 1998, President Clinton called on Congress to "save Social Security first" and to "reserve one hundred percent of the surplus, that is any penny of any surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century";

(6) the nation will engage in a national dialogue during 1998 on the future of Social Security, which will include 4 regional conferences organized by the Concord Coalition and the American Association of Retired Persons, a White House summit on private retirement savings in July, and a White House Conference on Social Security in December; and

(7) saving Social Security first would work to expand national savings, reduce interest rates, enhance private investment, increase labor productivity, and boost economic growth.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that:

(1) Congress should save Social Security first by reserving any unified budget surplus until legislation is enacted to make Social Security actuarially sound and capable of paying future retirees the benefits to which they are entitled;

(2) enactment of such legislation will require a broad base of public support that should be developed during 1998 through a national bipartisan discussion of alternative approaches to ensuring Social Security solvency; and

(3) since that discussion has just begun, Congress should not act now to foreclose policy options that could help ensure Social Security solvency.

AMENDMENT NO. 2243

(Purpose: To express the sense of the Senate that the Congress and the Administration should fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five years to enable Amtrak to implement its Strategic Business Plan, while preserving the integrity of the $2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AMTRAK FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) on November 13, 1997 the Senate unanimously passed the Amtrak Reform and Accountability Act of 1997, P.L. 105–134, authorizing appropriations of $1,058,000,000 for FY99; $1,023,000,000 for FY00, $989,000,000 for FY01; and $955,000,000 for FY02, totaling $4.025 billion FY99–02;

(2) in P.L. 105–134 the Congress declared that "intercity rail passenger service is an essential component of a national intermodal passenger transportation system";

(3) section 201 of the Amtrak Reform and Accountability Act of 1997 has now statutorily formalized prior Congressional directives to Amtrak to reach operating self-sufficiency by fiscal year 2002;

(4) the Congress and the President, through enactment of this legislation, have effectively agreed that Congress will provide adequate funding to permit Amtrak to achieve the goal of operating self-sufficiency;

(5) capital investment is critical to reducing operating costs and increasing the quality of Amtrak service;

(6) capital investment is essential to improving Amtrak's long-term financial health;

(7) the $2.2 billion provided to Amtrak through the Taxpayer Relief Act is for the sole purpose of capital expenditures and other qualified expenses and is intended to supplement, no supplant, annual appropriations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that Congress and the Administration will fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five fiscal years for Amtrak to implement its FY 1998-FY 2003 Strategic Business Plan, while preserving the integrity of the $2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment.

AMENDMENT NO. 2244

The text of Amendment No. 2244 is printed in today's RECORD under "Amendments Submitted."

AMENDMENT NO. 2245

(Purpose: To express the sense of the Senate on battlefield preservation)

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104–333 (16 U.S.C. 1a–5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

AMENDMENT NO. 2246

(Purpose: To express the sense of the Senate on the Land and Water Conservation Fund)

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON THE LAND AND WATER CONSERVATION FUND.

It is the sense of the Senate that the budget levels in this resolution assume that programs funded from the Land and Water Conservation Fund should be funded in the full amount authorized by law.

AMENDMENT NO. 2247

(Purpose: To express the Sense of the Senate that the Committee on Finance should consider legislation to preserve Social Security and ensure its long-run solvency; and that no policy options, affecting either outlays, revenues, or the manner of investment of funds, should be excluded from consideration)

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE ON THE FUTURE OF SOCIAL SECURITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Public confidence in the long-term viability of the Social Security System is low, with opinion polls repeatedly indicating that a majority of non-retired young adults do not believe they will receive Social Security when they retire;

(2) In the year 2012, outlays for Old Age Survivors and Disability Insurance will exceed its tax revenues;

(3) Early action by the Congress is needed in order to strengthen public confidence in Social Security and address the long-run actuarial deficit of the program;

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that:

(1) the Committee on Finance should at the earliest possible date hold hearings on and begin consideration of legislation to preserve the Social Security program and ensure its long-run solvency; and that no policy options affecting either revenues, outlays or the manner of investment of funds, should be excluded from consideration.

AMENDMENTS NOS. 2203, 2212, AND 2193, EN BLOC

Mr. LAUTENBERG. Mr. President, I have three more amendments that are currently at the desk, and I ask unanimous consent that they be called up and then put aside: Senator WYDEN's amendment No. 2203, Senator TORRICELLI's amendment No. 2212, and Senator HOLLINGS' amendment No. 2193.

Again, I ask unanimous consent that they be brought up and then put aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I ask unanimous consent that we forgo the reading of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments numbered 2203, 2212, and 2193, en bloc, are as follows:

AMENDMENT NO. 2203

(Purpose: To direct the Congressional Budget Office to calculate inflation swings or shortfalls in each function of the Government)

At the end of title II, add the following:

SEC. . CALCULATING INFLATION SAVINGS OR SHORTFALLS.

For each fiscal year, the Congressional Budget Office shall calculate the inflation savings or shortfall that occurs when inflation is less or more than anticipated for each function of the Government and report its findings to Congress in March and August of each year. If inflation is less than anticipated the report shall also include a detailed explanation of how surplus funds are allocated.

AMENDMENT NO. 2212

(Purpose: To express the sense of the Senate on battlefield preservation)

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104–333 (16 U.S.C. 1a–5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

AMENDMENT NO. 2193

(Purpose: To provide a supermajority point of order against any change in the off-budget status of Social Security)

At the end of title II, add the following:

SEC. ___ . PROTECTING THE OFF-BUDGET STATUS OF SOCIAL SECURITY.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, resolution, or amendment or motion thereto or conference report thereon, including legislation reported by the Committee on the Budget of either House pursuant to section 306 of the Congressional Budget Act of 1974, that changes section 301(i), 302(f), 310(g), or 311 of the Congressional Budget Act of 1974, or section 13301 of the Budget Enforcement Act of 1990, section 202 of H. Con. Res. 67 (104 Congress), or this section, or would otherwise change budget procedures regarding Social Security.

(b) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. BUMPERS. Mr. President, will the Senator yield for a question? In the calling off of the names of the amendment, I have an amendment there, and I did not hear my name called. Is it at the desk?

Mr. LAUTENBERG. Yes.

Mrs. BOXER. Mr. President, if my colleague will yield for a question on one of the amendments, I did not hear my name mentioned. I have two amendments. I am hopeful that you received both amendments.

Mr. LAUTENBERG. In response to the Senator, both amendments were received that she offered and were sent to the desk.

Mrs. BOXER. Thank you very much.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 2266, 2222, AND 2208, EN BLOC

Mr. DOMENICI. Mr. President, pursuant to the unanimous consent request, it is now my privilege to introduce the amendments that we have on this side.

Let me start it this way. There is pending at the desk an amendment numbered 2266, Senator GRAMS numbered 2222, and an amendment numbered 2208 by Senator HUTCHISON.

I would like to call them up and set them aside. I ask unanimous consent to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments numbered 2266, 2222, and 2208, en bloc, are as follows:

AMENDMENT NO. 2266

(Purpose: To extend the Violent Crime Reduction Trust Fund)

At the appropriate place, insert the following:

"SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

"(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional budget Act of 1974, the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 1999—

"(A) for the defense category: $271,570,000,000 in new budget authority and $266,635,000,000 in outlays;

"(B) for the nondefense category: $255,450,000,000 in new budget authority and $289,547,000,000 in outlays; and

"(C) for the violent crime reduction category: $5,800,000,000 in new budget authority and $4,953,000,000 in outlays;

"(2) with respect to fiscal year 2000—

"(A) for the discretionary category: $532,693,000,000 in new budget authority and $558,711,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $5,554,000,000 in outlays;

"(3) with respect to fiscal year 2001—

"(A) for the discretionary category: $537,632,000,000 in new budget authority and $558,415,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,400,000,000 in new budget authority and $5,981,000,000 in outlays; and

"(4) with respect to fiscal year 2002—

"(A) for the discretionary category: $546,574,000,000 in new budget authority and $556,269,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $4,530,000,000 in outlays;

"as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985; and section 314 of the Congressional Budget Act.

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.".

AMENDMENT NO. 2222

(Purpose: To use any budget surplus to reduce payroll tax and establish personal retirement accounts for hard-working Americans)

At the appropriate place in the resolution, insert the following new section:

SEC. . USE OF BUDGET SURPLUS TO REFORM SOCIAL SECURITY.

It is the sense of the Senate that the assumptions underlying the functional totals included in the resolution assume—

(a) the Congress and the President should use any budget surplus to reduce the Social Security payroll tax and to establish personal retirement accounts with the tax reduction for hard-working Americans.

(b) the Congress and the President should not use the Social Security surplus to finance general government programs and other spending, should begin to build real assets for the trust funds, and work to reform the Social Security system.

AMENDMENT NO. 2208

(Purpose: to express the sense of the Senate that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON THE USE OF BUDGET SURPLUS FOR TAX RELIEF OR DEBT REDUCTION.

It is the sense of the Senate that this resolution assumes that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

AMENDMENTS NOS. 2248 THROUGH 2272 EN BLOC

Mr. DOMENICI. Mr. President, I send to the desk the following amendments: Senator BOND amendment, Senator ABRAHAM, Senator THURMOND, Senator SESSIONS, Senator DOMENICI in behalf of Senator FAIRCLOTH, Senator SPECTER, a second amendment in behalf of Senator SPECTER, and a third amendment in behalf of Senator SPECTER, Senator NICKLES, Senator FRIST, Senator MCCONNELL, Senator SESSIONS, Senators CRAIG and DOMENICI, Senators COVERDELL and SHELBY, Senator SANTORUM, second Santorum amendment, Senator KEMPTHORNE, Senator GRAMM, Senator COVERDELL, second Senator COVERDELL, a third, fourth, fifth, and Senator MACK.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:.

The Senator from New Mexico (Mr. DOMENICI) proposes amendments numbered 2248 through 2272, en bloc.

The amendments are as follows:

AMENDMENT NO. 2248

At the appropriate place insert:

It is the Sense of the Senate that the provisions of this resolution assume that included in the funding for the Immigration and Naturalization Service (INS) is $2 million for the establishment of INS circuit rides in the former Soviet Union for the purpose of processing refugees and conducting medical examinations of refugees who will enter the United States under the Refugee Act of 1980.

AMENDMENT NO. 2249

(Purpose: To express the sense of Congress that the Budget Act should be amended to facilitate the use of future unified budget surpluses to strengthen and reform Social Security, reform the tax code, and reduce the tax burden on middle-class families)

In the pending resolution, insert the following section at the appropriate place:

SEC. . SENSE OF CONGRESS REGARDING BUDGET ACT REFORMS.

It is the sense of the Congress that the provisions of this resolution assume that The Budget Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 should be amended to facilitate the use of future unified budget surpluses to strengthen and reform Social Security, reform the tax code, and reduce the tax burden on middle-class families, including:

(1) Eliminating Paygo rules with regard to revenue reductions while the unified budget is in surplus; and

(2) Striking points of order against reducing the Social Security payroll tax.

AMENDMENT NO. 2250

(Purpose: To express the Sense of the Senate regarding long-term care needs)

On page 43, strike line 4 through line 17 and insert the following:

(a) FINDINGS.—The Senate finds that—

(1) Our Nation is not financially prepared to meet the long-term care needs of its rapidly aging population and that long-term care needs threaten the financial security of American families; and

(2) Many people are unaware that most long-term care costs are not covered by Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this concurrent resolution on the budget assumes that the National Bipartisan Commission on the Future of Medicare should, as part of its deliberations, describe long-term care needs and make all appropriate recommendations including private sector options that reflect the need for a continuum of care that spans from acute to long-term care. This is not a specific recommendation that any new program be added to Medicare;

(2) the Federal Government should take all appropriate steps to inform the public about the financial risks by long-term care costs and about the need for families to plan for their long-term care needs;

(3) the Federal Government should take all appropriate steps to inform the public that Medicare does not cover most long-term care costs and that Medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(4) the appropriate committees of the Senate, together with the Department of Health and Human Services and other appropriate Executive Branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the upcoming National Summit on Retirement Income Savings should ensure that planning for long-term care is an integral part of any discussion of retirement security.

AMENDMENT NO. 2251

(Purpose: To express the sense of the Senate that the Congress should begin to phase out the marriage penalty this year)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ELIMINATION OF THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and the key institution preserving our values;

(2) The tax code should not penalize those who choose to marry;

(3) However, the Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system;

(4) The Congressional Budget Office found that the average penalty amounts to $1380 a year;

(5) This penalty is one of the factors behind the decline of marriage; and

(6) In 1970, just 0.5 percent of the couples in the United States were unmarried. By 1996, this percentage had risen to 7.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this budget resolution assume that the Congress shall begin to phase out the marriage penalty this year.

AMENDMENT NO. 2252

(Purpose: To express the sense of the Senate regarding the display of the Ten Commandments by a judge on the circuit court of the State of Alabama)

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING DISPLAY OF TEN COMMANDMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

(2) the Ten Commandments set forth a code of moral conduct, observance of which is acknowledged to promote respect for our system of laws and the good of society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume that—

(1) the Ten Commandments are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in the Supreme Court, the Capitol building, the White House, and other government offices and courthouses across the nation, of the Ten Commandments should be permitted.

AMENDMENT NO. 2253

(Purpose: Setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year—)

In the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Balanced Budget Act of 1997 created a new era for federal spending and forced the Department of Defense to plan on limited spending over the five year period from fiscal year 1998 through 2002.

(2) The agreements forged under the Balanced Budget Act of 1997 specifically defined the available amounts of budget authority and outlays, requiring the Department of Defense to properly plan its future activities in the new, constrained budget environment.

(3) The Department of Defense worked with the Office of Management and Budget to develop a fiscal year 1999 budget which complies with the Balanced Budget Act of 1997.

(4) Based on Department of Defense program plans and policy changes, the Office of Management and Budget and the Department of Defense made detailed estimates of fiscal year 1999 Department of Defense outlay rates to ensure that the budget submitted would comply with the Balanced Budget Act of 1997.

(5) The Congressional Budget Office outlay estimate of the fiscal year 1999 Department of Defense budget request exceeds both the outlay limit imposed by the Balanced Budget Act of 1997 and the Office of Management and Budget's outlay estimate, a disagreement which would force a total restructuring of the Department of Defense's fiscal year 1999 budget.

(6) The restructuring imposed on the Department of Defense would have a devastating impact on readiness, troop morale, military quality of life, and ongoing procurement and development programs.

(7) The restructuring of the budget would be driven solely by differing statistical estimates made by capable parties.

(8) In a letter dated March 31, 1998, the Director of the Office of Management and Budget identified multiple differences between the Office of Management and Budget's estimated outlay rates and the Congressional Budget Office's estimated outlay rates.

(9) New information on Department of Defense policy changes and program execution plans now permit the Office of Management and Budget and the Congressional Budget Office to reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that not later than April 22, 1998, the Director of the Office of Management and Budget, the Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for Department of Defense accounts.

AMENDMENT NO. 2254

(Purpose: To modify the use of the tobacco reserve fund)

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) tobacco-related programs and activities, including extending the solvency of the Medicare Hospital Insurance Trust Fund; and

(2) not less than $2,000,000,000 for biomedical research in fiscal year 1999 and other public health research.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

AMENDMENT NO. 2255

(Purpose: To modify the tobacco reserve fund to allow up to $10.5 billion to be spent on post-service smoking related Veterans compensation benefits)

On page 28, line 17, after the material that appears on line 17, insert the following:

"(d) VETERANS.—

"(1) Notwithstanding any other provision of this section, upon the consideration of legislation pursuant to section (a), the Chairman of the Budget Committee may increase the appropriate budget authority and outlay aggregates and allocations by the amount such legislation increases spending for post-service smoking related Veterans compensation benefits.

"(2) The adjustments made pursuant to this subsection shall not exceed $500,000,000 for fiscal year 1999 and $10,500,000,000 for fiscal years 1999 through 2003."

AMENDMENT NO. 2256

On page 28, line 17, after the material that appears on line 17, insert the following:

(d) Notwithstanding any other provision of this section, $500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal year 1999 and additional outlays for fiscal year 1999; and $10,500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal years 1999–2003, and additional outlays for fiscal years 1999–2003.

On page 31, line 24, strike subsection (6) in its entirety.

AMENDMENT NO. 2257

(Purpose: Prohibiting precatory language on budget resolutions)

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PRECATORY AMENDMENTS.

In setting forth the budget authority and outlay amounts in this resolution, the Senate assumes that the Senate of the United States instructs the Senate Parliamentarian to interpret Section 305(b)(2) of the Congressional Budget Act of 1974 as amended by inserting after the second sentence the following: "For purposes of the preceding sentence an amendment is not germane if it states precatory language."; and that precatory includes, in the context of Senate consideration of any budget resolution, amendments which reference the budget resolution's assumptions regarding budgetary levels; federal revenues; Federal Insurance Contributions Act revenues for hospital insurance; budget authority; budget outlays; deficits; public debt; social security revenues, and outlays; loan obligations; loan guarantees; allowances; undistributed, and distributed, offsetting receipts; reconciliation; reserve funds; allocations; revenue, spending, and revised aggregates; offsets; appropriations; mandatory spending; entitlements; and any other term or definition employed, under the Budget Act, in a budget resolution.

AMENDMENT NO. 2258

(Purpose: To express the sense of the Senate regarding funding for the Airport Improvement Program)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR THE AIRPORT IMPROVEMENT PROGRAM.

It is the sense of the Senate that the congressional budget for the United States Government as provided for in this resolution should assure that—

(1) the contract authority level for the Airport Improvement Program (provided for in part B of subtitle VII of title 49, United States Code) not be reduced below the current level of $2,347,000,000; and

(2) the critical infrastructure development, maintenance, and repair of airports not be jeopardized.

AMENDMENT NO. 2259

(Purpose: Expressing the sense of the Congress that the award of attorneys' fees, costs, and sanctions of $285,864.78 ordered by United States District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON PAYMENT OF COSTS OF LITIGATION.

(a) FINDINGS.—The Congress finds that—

(1) the President's Task Force on National Health Care Reform, convened by President Clinton in 1993, was charged with calling together officials of the Federal Government and others to debate critical health issues of concern to the American public;

(2) the Task Force convened behind closed doors and inappropriately included individuals who were not employees of the Federal Government;

(3) United States District Judge Royce C. Lamberth ruled in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., that representatives of the administration engaged in "dishonest" and "reprehensible" conduct in characterizing the membership of the Task Force;

(4) Judge Royce C. Lamberth on the basis of such conduct ruled against the defendants and ordered them to pay $285,864.78 in attorneys' fees, costs, and sanctions for the plaintiffs; and

(5) American taxpayers should not be held responsible for the inappropriate and dishonest conduct of Federal Government officials and lawyers involved with the Task Force.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the functional totals in this concurrent resolution on the budget assume that the award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., should not be paid with taxpayer funds.

AMENDMENT NO. 2260

(Purpose: To express the sense of the Senate regarding limitations on attorneys' fees under any global tobacco settlement)

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize those funds to pay attorneys' fees, on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action, in excess of the reasonable and customary fee for similarly skilled legal services for the specific locale. In no event should the rate exceed $500 per hour.

(2) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(3) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided State officials with a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

AMENDMENT NO. 2261

(Purpose: To express the sense of the Senate on the eligibility of individuals suffering from post-service smoking-related illnesses for VA compensation)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON VA COMPENSATION AND POST-SERVICE SMOKING-RELATED ILLNESSES.

(a) FINDINGS.—The Senate finds that—

(1) the President has twice included in his budgets not permitting the program expansion that the Veterans Administration (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(2) Congress has never acted on this program expansion;

(3) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least $10,000,000,000 in additional costs to the VA;

(4) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review; and

(5) the programs expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(1) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA compensation until the study and report required by paragraph (2) are completed.

(2) The Veterans Administration and the Office of Management and Budget are jointly required to—

(A) jointly study (referred to in this section as the "study") the VA General Counsel's determination (O.G.C. 2-93) and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(B) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(3) The study should include—

(A) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(B) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(C) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(4) The study shall be completed no later than July 1, 1999.

(5) The Veterans Administration shall report its finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

AMENDMENT NO. 2262

(Purpose: To express the sense of the Senate on the procurement of Blackhawk utility helicopters for Colombia to reduce illicit drug trafficking)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON COLOMBIAN DRUG WAR HELICOPTERS.

(a) FINDINGS.—The Senate finds that—

(1) Colombia is the leading illicit drug producing country in the Western Hemisphere;

(2) 80 percent of the world's cocaine originates in Colombia;

(3) based on the most recent data of the Drug Enforcement Administration (DEA), more than 60 percent of the heroin seized in the United States originates in Colombia;

(4) in the last 10 years more than 4,000 officers of the Colombian National Police have died fighting the scourge of drugs;

(5) in one recent year alone, according to data of the United States Government, the

United States had 141,000 new heroin users and the United States faces historic levels of heroin use among teenagers between the ages of 12 and 17;

(6) once Colombian heroin is in the stream of commerce it is nearly impossible to interdict because it is concealed and trafficked in very small quantities;

(7) the best and most cost efficient method of preventing Colombian heroin from entering the United States is to destroy the opium poppies in the high Andes mountains where Colombian heroin is produced;

(8) the elite anti-narcotics unit of the Colombian National Police has the responsibility to eradicate both coca and opium in Colombia, including the reduction and elimination of cocaine and heroin production, and they have done a remarkably effective job with the limited and outdated equipment at their disposal;

(9) more than 40 percent of the anti-narcotics operations of the Colombian National Police involve hostile ground fire from narco-terrorists and 90 percent of such operations involve the use of helicopters;

(10) the need for better high performance helicopters by the Colombian National Police, especially for use in the high Andes mountains, is essential for more effective eradication of opium in Colombia;

(11) on December 23, 1997, one of the antiquated Vietnam-era UH-1H Huey helicopters used by the Colombian National Police in an opium eradication mission crashed in the high Andes mountains due to high winds and because it was flying above the safety level recommended by the original manufacturer;

(12) in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105-118), amounts were appropriated for the procurement by the United States for the Colombian National Police of three UH-60L Blackhawk utility helicopters that can operate safely and more effectively at the high altitudes of the Andes mountains where Colombian opium grows at altitudes as high as 12,000 feet;

(13) the Blackhawk helicopter is a high performance utility helicopter, with greater lift capacity, that can perform at the high altitudes of the Andes mountains, as well as survive crashes and sustain ground fire, much better than any other utility helicopter now available to the Colombian National Police in the war on drugs;

(14) because the Vietnam-era Huey helicopters that the United States has provided the Colombian National Police are outdated and have been developing numerous stress cracks, a sufficient number should be upgraded to Huey II's and the remainder should be phased-out as soon as possible;

(15) these Huey helicopters are much older than most of the pilots who fly them, do not have the range due to limited fuel capacity to reach many of the expanding locations of the coca fields or cocaine labs in southern Colombia, nor do they have the lift capacity to carry enough armed officers to reach and secure the opium fields in the high Andes mountains prior to eradication;

(16) the elite anti-narcotics unit of the Colombian National Police has a stellar record in respecting for human rights and has received the commendation of a leading international human rights group in their operations to reduce and eradicate illicit drugs in Colombia;

(17) the narco-terrorists of Colombia have announced that they will now target United States citizens, particularly those United States citizens working with their Colombian counterparts in the fight against illicit drugs in Colombia;

(18) a leading commander of the Revolutionary Armed Forces of Colombia ("FARC") announced recently that the objective of these narco-terrorists, in light of recent successes, will be "to defeat the Americans";

(19) United States Government personnel in Colombia who fly in these helicopters accompanying the Colombian National Police on missions are now at even greater risk from these narco-terrorists and their drug trafficking allies;

(20) in the last six months four anti-narcotics helicopters of the Colombian National Police have been downed in operations;

(21) Congress intends to provide the necessary support and assistance to wage an effective war on illicit drugs in Colombia and provide the equipment and assistance needed to protect all of the men and women of the Colombian National Police as well as those Americans who work side by side with the Colombian National Police in this common struggle against illicit drugs;

(22) the new Government of Bolivia has made a commitment to eradicate coca and cocaine production in that country within 5 years;

(23) the United States should support any country that is interested in removing the scourge of drugs from its citizens; and

(24) Bolivia has succeeded, in large measure due to United States assistance, in reducing acreage used to produce coca, which is the basis for cocaine production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the President should, with funds made available under Public Law 105-118, expeditiously procure and provide to the Colombian National Police three UH-60L Blackhawk utility helicopters solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States;

(2) if the President determines that the procurement and transfer to the Colombian National Police of three UH-60L Blackhawk utility helicopters is not an adequate number of such helicopters to maintain operational feasibility and effectiveness of the Colombian National Police, then the President should promptly inform Congress as to the appropriate number of additional UH-60L Blackhawk utility helicopters for the Colombian National Police so that amounts can be authorized for the procurement and transfer of such additional helicopters; and

(3) assistance for Bolivia should be maintained at least at the level assumed in the fiscal year 1998 budget submission of the President and the Administration should act accordingly.

AMENDMENT NO. 2263

(Purpose: Expressing the Sense of the Senate regarding reauthorization of the Farmland Protection Program)

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE THAT THE 105TH CONGRESS, 2ND SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) Eighteen states and dozens of localities have spent nearly $1 billion to protect over 600,000 acres of important farmland;

(2) The Farmland Protection Program has provided cost-sharing for eighteen states and dozens of localities to protect over 82,000 acres on 230 farms since 1996;

(3) The Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) The Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) current funds authorized for the Farmland Protection Program will be exhausted in the next six months;

(6) The United States is losing two acres of our best farmland to development every minute of every day;

(7) These lands produce three quarters of the fruits and vegetables and over one half of the dairy in the United States;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the 105th Congress, 2nd Session will reauthorize funds for the Farmland Protection Program.

AMENDMENT NO. 2264

(Purpose: To express the sense of the Senate concerning health care quality for participants in the Federal Employees Health Benefits Program)

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(A) FINDINGS.—The Senate makes the following findings:

(1) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, only 186 were fully accredited;

(2) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, 7 were denied accreditation.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation requiring all health plans participating in the Federal Employees Health Benefits Program to be accredited by a nationally recognized accreditation organization representative of a spectrum of health care interests including purchasers, consumers, providers and health plans.

AMENDMENT NO. 2265

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING MARKET ACCESS PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The Market Access Program (MAP) continues to be a vital and important part of U.S. trade policy aimed at maintaining and expanding U.S. agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs. Further, the Senate finds that:

(A) The Market Access Program is specifically targeted towards small business, farmer cooperatives and trade associations.

(B) The Market Access Program is administered on a cost-share basis. Participants, including farmers and ranchers, are required to contribute up to 50 percent or more toward the cost of the program.

(2) The Market Access Program has been a tremendous success by any measure. Since the program was established, U.S. agricultural exports have doubled. In FY 1997, U.S. agricultural exports amounted to $57.3 billion, resulting in a positive agricultural

trade surplus of approximately $22 billion, and contributing billions of dollars more in increased economic activity and additional tax revenues.

(3) The Market Access Program has also helped maintain and create needed jobs throughout the nation's economy. More than one million Americans now have jobs that depend on U.S. agricultural exports. Further, every billion dollars in additional U.S. agricultural exports helps create as many as 17,000 or more new jobs.

(4) U.S. agricultural, including farm income and related jobs, is more dependent than ever on maintaining and expanding U.S. agricultural exports as federal farm programs are gradually reduced under the FAIR Act of 1996.

(5) In addition to the Asian economic situation and exchange rate fluctuations, U.S. agricultural exports continue to be adversely impacted by continued subsidized foreign competition, artificial trade barriers and other unfair foreign trade practices.

(6) The European Union (EU) and other foreign competitors continue to heavily outspend the U.S. by more than 10 to 1 with regard to export subsidies.

(A) In 1997, the EU budgeted $7.2 billion for export subsidies aimed at capturing a larger share of the world market at the expense of U.S. agriculture.

(B) EU and other foreign competitors also spent nearly $500 million on market promotion activities. The EU, spends more on wine promotion than the U.S. currently spends on all commodities and related agricultural products.

(C) The EU has announced a major new initiative aimed at increasing their exports to Japan-historically, the largest single market for U.S. agriculture exports.

(7) U.S. agriculture is the most competitive industry in the world, but it can not and should not be expected to compete alone against the treasuries of foreign governments.

(8) Reducing or eliminating funding for the Market Access Program would adversely affect U.S. agriculture's ability to remain competitive in today's global marketplace. A reduction in U.S. agricultural exports would translate into lower farm income, a worsening trade deficit, slower economic growth, fewer export-related jobs, and a declining tax base.

(9) U.S. success in upcoming trade negotiations on agriculture scheduled to begin in 1999 depends on maintaining an aggressive trade strategy and related policies and programs. Reducing or eliminating the Market Access Program would represent a form of unilateral disarmament and weaken the U.S. negotiating position.

(10) The Market Access Program is one of the few programs specifically allowed under the current Uruguay Round Agreement.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition, and protect American jobs.

AMENDMENT NO. 2266

(Purpose: To extend the Violent Crime Reduction Trust Fund)

At the appropriate place, insert the following:

"SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

"(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974, the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 1999—

"(A) for the defense category: $271,570,000,000 in new budget authority and $266,635,000,000 in outlays;

"(B) for the nondefense category: $255,450,000,000 in new budget authority and 289,547,000,000 in outlays; and

"(C) for the violent crime reduction category: $5,800,000,000 in new budget authority and $4,953,000,000 in outlays;

"(2) with respect to fiscal year 2000—

"(A) for the discretionary category: $532,693,000,000 in new budget authority and $558,711,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in budget authority and $5,554,000,000 in outlays;

"(3) with respect to fiscal year 2001—

"(A) for the discretionary category: $537,632,000,000 in new budget authority and $558,415,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,400,000,000 in new budget authority and $5,981,000,000 in outlays; and

"(4) with respect to fiscal year 2002—

"(A) for the discretionary category: $546,574,000,000 in new budget authority and $556,269,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $4,530,000,000 in outlays;

"as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, and section 314 of the Congressional Budget Act.

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.".

AMENDMENT NO. 2267

(Purpose: To express the sense of the Senate regarding the Department of Justice's pursuit of Medicare fraud and abuse)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING EFFORTS TO COMBAT MEDICARE FRAUD AND ABUSE.

It is the sense of the Senate that the provisions of this resolution assume that while fighting Medicare fraud and abuse is critical, so is the avoidance of criminalizing those parties whose errors were made inadvertently. The Senate applauds heightened attention to fraud and abuse issues in the effort to promote Medicare solvency. In evaluating the enforcement activities of the Department of Justice regarding fraud and abuse, the Senate should ensure that standards of proof as prescribed by law are present in these activities. It is incumbent upon the Senate to ensure that parties are not subject to criminal penalties absent a finding of specific intent to defraud.

AMENDMENT NO. 2268

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING NATIONAL RESPONSE TO THE THREAT OF ILLEGAL DRUGS.

SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the provisions of this resolution assume that Congress will significantly increase funding for drug interdiction operations by the Immigration and Naturalization Service, Customs Service, Coast Guard, Department of Defense and other responsible agencies;

(2) the provisions of this resolution assume that Congress will continue to support and increase funding for anti-drug education and prevention efforts aimed at informing every American child in the middle school and high school age brackets about the dangers of drugs and at empowering them to reject illegal drug use;

(3) increasing grassroots parental involvement should be a key component of our national drug education and prevention efforts; and

(4) Congress should promote efforts to establish annual measures of performance for evaluating the effectiveness of the National Drug Control Strategy.

AMENDMENT NO. 2269

(Purpose: To express the sense of the Senate on Wasteful Spending in Defense Department Acquisition Practices)

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING WASTEFUL SPENDING IN DEFENSE DEPARTMENT ACQUISITION PRACTICES.

(a) FINDINGS.—The Senate finds that—

(1) according to the Defense Department's Inspector General, despite efforts to streamline government purchases, the military, in some cases, paid more than "fair value" for many items; and

(2) efficient purchasing policies, in the context of decreasing defense budgets, are more important than ever to ensure Defense Department spending contributes to military readiness.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Defense Department should continue efforts to eliminate wasteful spending such that defense spending allocated in the FY 99 budget, and all subsequent budgets, is spent in the manner most efficient to maintain and promote military readiness for U.S. armed forces around the globe.

AMENDMENT NO. 2270

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE UNITED STATES RESPONSE TO THE CHANGING NATURE OF TERRORISM.

(a) FINDINGS.—The Senate finds that—

(1) The threat of terrorism to American citizens and interests remains high, with Americans suffering one-third of the total terrorist attacks in the world in 1997;

(2) The terrorist threat is changing—while past acts were generally limited to the use of conventional explosives and weapons, terrorists today are exploiting technological advances and increasingly lethal tools and strategies to pursue their agenda;

(3) On a worldwide basis, terrorists are focusing on afflicting mass casualties on civilian targets through the acquisition of chemical, biological and nuclear weapons of mass destruction;

(4) Chemical and biological weapons in the hands of terrorists or rogue nations constitute a threat to the United States;

(5) The multi-faceted nature of the terrorist threat encompasses not only foreign terrorists targeting American citizens and interests abroad, but foreign terrorists operating within the United States itself, as well as domestic terrorists;

(6) Terrorist groups are becoming increasingly multinational, more associated with criminal activity, and less responsive to external influences;

(7) Terrorists exploit America's free and open society to illegally enter the country, raise funds, recruit new members, spread propaganda, and plan future activities;

(8) Terrorists are also making use of computer technology to communicate, solicit money and support, and store information essential to their operations;

(9) State sponsors to terrorism and other foreign countries are known to be developing computer intrusion and manipulation capabilities which could pose a treat to essential public and private information systems in the United States;

(10) The infrastructures deemed critical to the United States are the telecommunications networks, the electric power grid, oil and gas distribution, water distribution facilities, transportation systems, financial networks, emergency services, and the continuity of government services, the disruption of which could result in significant losses to the United States economic well-being, public welfare, or national security;

(11) A national strategy of infrastructure protection, as required by the Defense Appropriations Act of 1996, and subsequent amendments, has yet to be issued; and

(12) We as a nation remain fundamentally unprepared to respond in a coordinated and effective manner to these growing terrorist threats.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) The federal government must take the lead in establishing effective coordination between intelligence-gathering and law enforcement agencies, among federal, state, and local levels of government, and with the private sector, for the purpose of assessing, warning, and protecting against terrorist attacks;

(2) Technical preparedness for the detection and analysis of chemical and biological weapons, and for swift and adequate emergency response to their use by terrorists, must be a near-term continuing priority;

(3) The United States must seek full international cooperation in securing the capture and conviction of terrorists who attack or pose a threat to American citizens and interests;

(4) The United States should fully enforce its laws intended to deny foreign terrorist organizations the ability to raise money in the United States, prevent the evasion of our immigration laws and furthering of criminal activities, and curtail the use of our country as a base of operations; and

(5) A national strategy, adequate to addressing the complexity of protecting our critical infrastructures, and as required by the Defense Appropriations Act of 1996 and subsequent amendments, must be completed and implemented immediately.

AMENDMENT NO. 2271

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING A MULTINATIONAL ALLIANCE AGAINST DRUG TRAFFICKING.

FINDINGS.—The Senate finds that—

(1) the traffic in illegal drugs greatly threatens democracy, security and stability in the Western Hemisphere due to the violence and corruption associated with drug trafficking organizations;

(2) drug trafficking organizations operate without respect for borders or national sovereignty;

(3) the production, transport, sale, and use of illicit drugs endangers the people and legitimate institutions of all countries in the hemisphere;

(4) no single country can successfully confront and defeat this common enemy;

(5) full bilateral cooperation with the United States to reduce the flow of drugs is in the national interests of our neighbors in the hemisphere; and

(6) in addition, victory in the hemispheric battle against drug traffickers requires expanded multilateral cooperation among the nations of the region.

SENSE OF THE SENATE.—It is the sense of Senate that the provisions of this resolution assume that in addition to existing bilateral cooperative efforts, the Administration should promote at the Summit of the Americas and in other fora the concept of a multinational hemispheric "war alliance" bringing together the United States and key illicit drug producing and transiting countries in the Western Hemisphere for the purpose of implementing a coordinated plan of action against illegal drug trafficking and promoting full cooperation against this common menace.

AMENDMENT NO. 2272

(Purpose: To express the sense of the Senate that, at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget)

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals in this budget resolution assume that—

(1) appropriations for the National Institutes of health should be increased by 100 percent over the next 5 fiscal years;

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in year 1999 over the amount appropriated in fiscal year 1998;

(3) the budget resolution takes a major step toward meeting this goal; and

(4) at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget resolution.

Mr. DOMENICI. Mr. President, I would like to explore with the Senate how we might proceed.

Mr. President, what I have discussed with the leader and with the ranking member is that we try to have three amendments ready to vote pursuant to the order at 7 o'clock. I think we can do that.

First, we will attempt to have the amendment of Senator MOSELEY-BRAUN. It would be on or in relation thereto. Then I understand Senator

HOLLINGS has an amendment. Could he quickly tell us what it is?

Mr. HOLLINGS. Just requiring a 60-vote margin relating to the Social Security trust fund.

Mr. DOMENICI. Then we have a sense of the Senate; Senator FAIRCLOTH, or I in behalf of, on the marital deduction disparity and efforts that we want the Senate to make in terms of clearing that deficiency with reference to the marital deduction. The first vote will be 15 minutes, and 10 minutes thereafter, as we have already agreed to.

Would Senator LAUTENBERG like to let Senator HOLLINGS proceed?

Mr. LAUTENBERG. Yes. I ask unanimous consent that the next amendment that is brought up be that offered by the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I ask the Senator from New Mexico. As part of the structure that we have arranged, which is a half hour for those amendments that can be heard that are equally divided, and then there is a provision for 20 minutes for any second-degree amendment.

AMENDMENT NO. 2273

(Purpose: To assure that use of the tobacco reserve fund is consistent with comprehensive tobacco legislation approved by the Senate)

Mr. DOMENICI. Mr. President, before the clock strikes 6, I have one additional amendment which would not be in order after that.

In behalf of Senator HATCH, I send this amendment to the desk. It is the last one.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI), for Mr. HATCH, proposes an amendment numbered 2273.

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts for tobacco-related programs and activities authorized by Senate-passed comprehensive tobacco legislation.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

Mr. LAUTENBERG. I wanted to just explore publicly a question that arose, and that is we have not yet had an opportunity to examine these amendments and there may be an interest on either side to have a second degree. So we are not precluded, I assume, by that. I just wanted to confirm that with the chairman of the Budget Committee as to the process, assuming that there is no obstruction to that, and I know of none now, but I do have an inquiry that says what happens in a particular case if we have a second degree? There is no prohibition to that?

Mr. DOMENICI. I understand when we entered into the unanimous consent request we very particularly and specifically did not mention the issue of second-degree amendments, other than the amount of time that would be allotted to debate them. That means when an amendment comes up or as it is getting prepared, Senators who are interested in a second degree would obviously have time before the amendment and have time during the amendment, which is 30 minutes, to prepare and send to the desk the second-degree amendment.

Mr. LAUTENBERG. I thank the chairman of the Budget Committee. I ask one more question, or at least seek to get a clarification among those who hear us. That is, it is my understanding we are going to be very strict.

The PRESIDING OFFICER (Ms. COLLINS). The Senator will suspend. The Senate will be in order.

The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I understand, with the approval of the leadership, which I am asking indirectly, that we will be very strict about the time on these amendments. The traditional 15- or 20-minutes will be as it is and thereafter 10 minutes. But I ask all of our colleagues—because as I did a mental count here, we probably have 60 or 65 amendments sitting there—that we ought to not have anybody saying just give me a minute more. We made those decisions as of this moment and we are going to try to move the agenda along as expeditiously as we can.

Last, everyone should understand that this is done at the request of Senators on both sides, lots of Senators who say let's get our business done, let's complete our agenda and let's be prepared to conclude the week, hopefully, by tomorrow evening. I do not mean to put words in the mouth of the Senator from New Mexico, but as I remember our discussion, that's where we want to be.

Mr. DOMENICI. That is correct.

Mr. KYL addressed the Chair.

Mr. DOMENICI. Madam President, I ask consent that it be in order to file an amendment in behalf of Senator SESSIONS. It was not part of my package. I ask it be in order nonetheless at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2274

(Purpose: To express the sense of the Senate regarding limitations on attorneys' fees under any global tobacco settlement)

Mr. DOMENICI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. SESSIONS, proposes an amendment numbered 2274.

The amendment follows:

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize more than $5,000,000 to pay attorneys' fees on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action.

(2) The limitation described in paragraph (1) shall apply to attorneys' fees provided for or in connection with an action of the type described in such paragraph under any—

(A) court order;

(B) settlement agreement;

(C) Contingency fee arrangement;

(D) arbitration procedure;

(E) alternative dispute resolution procedure (including mediation); or

(F) other arrangement providing for the payment of attorneys' fees.

(3) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(4) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

Mr. DOMENICI. Madam President, I ask that Senator GRASSLEY be added as a cosponsor on amendment No. 2213 on behalf of Senator BOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I want to follow up on the remarks of my distinguished ranking member. The leader has indicated to me that we are supposed to proceed as the floor managers see best tonight. We are going to try to have three votes at 7 p.m.. They will be expeditious in terms of time allotted to both, and then we intend to continue on for the evening, perhaps an hour, hour and a half. After that we will have another group of amendments, and we will do this until we see some daylight, in terms of the entire time running out on this bill.

With that I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2193

Mr. HOLLINGS. Madam President, I call up my amendment No. 2193 on behalf of Senator DASCHLE, Senator CONRAD, Senator FEINGOLD, Senator DORGAN and Senator REID of Nevada.

The PRESIDING OFFICER. The amendment is pending.

Mr. HOLLINGS. Madam President, this goes right to the point of the requirement of a 60-vote supermajority in order to spend the Social Security funds or report a budget with respect to Social Security funds. It conforms to the sense of the Senate that the Members will find on page 37 and 38 of the concurrent resolution itself. We passed in the Budget Committee the sense of the Senate that the assumptions underlying the functional totals included in this resolution assume that Congress and the President should continue to rid our country of debt and work to balance the budget without counting Social Security trust fund surpluses.

There was, of course, a unanimous vote in the Budget Committee. Incidentally, it was partly a response to the clarion call of the President of the United States, in his State of the Union address to the joint session of Congress, that we "save Social Security first." And, incidentally, some 8 years ago, 98 Senators voted for the very same thing.

The reason for the 98-Senator vote back in 1990 was to comply with the suggestions of the Greenspan Commission on Social Security. The Greenspan Commission in 1983 suggested a very high payroll tax, not just to balance Social Security's budget, but also to build up a surplus for the baby boomers in the next generation. For example, the Commission's report included projections to the year 2056.

We have constantly heard on the floor of the Congress, in both Houses, "Oh, the baby boomers are going to cause a problem, the baby boomers are going to cause a problem in the next generation." Not at all, not at all, Madam President. The fact is, if we quit looting the Social Security trust fund, we could get along well with just minor adjustments to the Social Security program. The problem is being caused not by the baby boomers, but by the adults on the floor of the Congress itself—in that we have this euphemism called the unified budget.

Let me tell you about that unified budget. The unified budget is a device of the financial community, of corporate America, of the Federal Reserve Board, to keep interest rates low. They could care less about the burden of having to pay the bill. They are not Congressmen. They are not Senators. They don't have to face up to the present deficit of $631 billion we owe Social Security now, or the $1.2 trillion this government will owe Social Security by the end of the budget under consideration.

We are going right up against the wall. We will owe this money and then someone will say, "Well, we can't raise taxes." Someone is going to say, "Well, we have to raise the age." Then someone will say, "We have to limit the benefits." These are the remarks we can expect to hear in this Congress at the turn of the century.

The President, to his credit, grabbed ahold of this particular issue, which we have been working on for years. He said, "Save Social Security first." We passed, already, one sense of the Senate by a vote of 100 to nothing. We passed the one I now propose by 20 to nothing in the Budget Committee. I would like to remark on a comment made in the Commerce Committee's markup of the tobacco bill just a few moments ago, when the distinguished chairman turned to another Senator and said, "Now, wait a minute, is this a sense of the Senate?"

And the Senator responded, "No, this is real. This counts."

I want, and I am sure every Senator here wants, the desire to save Social Security to count. One of the best ways to make sure it counts here is to require—for the first time on the parliamentary treatment of issues here, in the reading of bills and concurrent resolutions—at least a 60-vote supermajority margin in order to spend Social Security surpluses, or list them, or waive the requirement they not be expended.

To return to the Greenspan Commission report for a moment, I believe that report was very judicious in its vision with respect to the baby boomers. The report said we know we have this high tax and we are going to have surpluses. But we want to make sure these surpluses are not expended by some tricky device called a unified budget, or a unified deficit. Section 21 of the Greenspan Commission report required just that, that Social Security be put off-budget. After the Commission made its report, we struggled within the Budget Committee for years to implement its suggestions. It wasn't until 1990 that we finally were able to require, by a vote of 20 to 1, that trust funds be taken off-budget. And then, on the floor of the Senate, by a vote of 98 to 2, we passed section 13301 of the statutory law of the Budget Act—which was then passed by the House and signed into law by President Bush on November 5, 1990. Section 13301, which I have a copy of now, prohibited Congress from including Social Security trust funds in the budget.

I ask unanimous consent it be printed in the RECORD at this particular point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUBTITLE C SOCIAL SECURITY

SEC. 13301. OFF-BUDGET STATUS OF OASDI TRUST FUNDS.

(a) EXCLUSION OF SOCIAL SECURITY FROM ALL BUDGETS.—Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EXCLUSION OF SOCIAL SECURITY FROM CONGRESSIONAL BUDGET.—Section 301(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following: "The concurrent resolution shall not include the outlays and revenue totals of the old age, survivors, and disability insurance program established under title II of the Social Security Act or the related provisions of the Internal Revenue Code of 1986 in the surplus or deficit totals required by this subsection or in . . .

Mr. HOLLINGS. As you can see, we passed the law. But it has been ignored. And we are ignoring it again, Madam President, because if you look on page 67 of the committee's report, you will find at the bottom line: "on budget for 1998, minus $95.6 billion." Then: "off budget, $103.4 billion." The report then states a total surplus of "$7.8 billion."

That is not the actual deficit, Madam President—not at all. That is the so-called unified deficit, which its adherents arrive at by looting trust funds. But if you look on page 5 of the resolution itself, you will see the deficit is listed for fiscal year 1999 as $108.2 billion. This is a far cry from a surplus. That is in response to section 13301. That is the actual deficit. Just go down one step further to the section, on that same page 5, labeled "Public debt." You will find that from 1998 to 1999, in the present budget under consideration, all you need to do to compute the actual deficit is to subtract the increase in the national debt. That is the actual spending that occurs that we do not pay for. That is the actual outlay that is not taken care of by revenues themselves. You only have to do simple arithmetic to find that for the year 1999, according to this present budget under consideration, the deficit will be $186.3 billion.

Madam President, it is interesting, in this time of headlines that tout surpluses as far as the eye can see, to just look at the deficits for the next 5 years—the additions to the national debt. You will see that they add up each year to a total of $905 billion. In other words, under the budget currently being considered, the government will spend almost $1 trillion more than it receives in revenue. Yet, we have people claiming on the floor of the Congress, and in newspapers and editorials, "Look at what a wonderful job we have done."

The fact is, instead of balancing the budget, instead of continuing to lower deficits as we have done 6 years in a row—and I give the current administration credit for having done so —we are going to turn and change course and, for the first time now with this 1999 concurrent resolution for this particular budget for 1999, we will increase rather than lower the deficit. We will increase the deficit some $32 billion. We will go from $153 to $186 billion—$31 billion, not counting decimals here. That is $31 billion that we are increasing the deficit.

Madam President, I would like to return to the original point: some kind of parliamentary restriction to bring sobriety to this body, to prevent politicians from claiming, "I voted for a sense of the Senate; I voted not to spend Social Security." That was just not real. That was just a sense of the Senate. This resolution would be binding at least for a 60-vote majority. It ought to really have 100 votes, because that is what we voted time and time again when actually voted on.

I yield the floor to my distinguished colleague from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. How much time is remaining on the time of the Senator from South Carolina?

The PRESIDING OFFICER. The Senator has 4 minutes 15 seconds.

Mr. FEINGOLD. Madam President, I thank the Senator from South Carolina for yielding and, more importantly, for taking the lead on this amendment. There is no more important amendment in this whole budget resolution than the Hollings amendment. This goes to the heart of the matter.

Madam President, I am pleased to join my good friend, the Senator from South Carolina (Mr. HOLLINGS), in offering this amendment to close a loophole in the rules protecting the Social Security Trust Fund balances.

Let me note it gives me particular pleasure in cosponsoring this amendment with Senator HOLLINGS; both in this body and in the Budget Committee, he has been a consistent voice for fiscal prudence.

There is a fundamental difference between the way many in Congress approach the budget, and the way I approach it.

That difference is Social Security.

Since the time Lyndon Johnson lived in the White House, Presidents of both parties and Congresses controlled by both parties have included the Social Security Trust Fund balances in their budget calculations.

The result is a false picture of our country's fiscal health, and, just like a false medical report that covers up a serious illness, it can lead to major problems in the future.

This false budget picture has been used so often it has become almost a matter of "budget convention," and it has so impressed itself into the vocabulary of the budget that we now hear the word "surplus" when there is no surplus.

We hear people talking about a budget "surplus" in Congress, in news stories, and in the letters we receive from constituents.

But there is no surplus; there is a deficit that is still being hidden, and Social Security is the curtain used to hide it.

We need look no further than the budget resolution itself.

On page 5 of S. Con. Res. 86, the deficit levels are listed for Fiscal Years 1998 through 2003.

For Fiscal Year 1998, the deficit is $95 billion.

The deficit rises to over $120 billion in Fiscal Years 2000 and 2001 before returning to levels below $100 billion, reaching $92 billion in Fiscal Year 2003.

With surpluses like these, who needs deficits?

Despite these continuing deficits, many in this body want to act as if we have a surplus—free money to hand out in the form of new spending or new tax cuts.

The notion of a so-called unified budget, which began as a political convenience to mask the deficit almost 30 years ago, has now become the budget reality for many.

This must stop.

"Surplus" is supposed to mean something extra, like a bonus.

It means, all the bills are paid and there is money left over.

One dictionary defines "surplus" as: "something more than or in excess of what is needed or required."

The so-called unified budget surplus is not "more than or in excess of what is needed or required."

Those funds are needed; they are needed to pay future Social Security benefits.

They were raised by the Social Security system, specifically in anticipation of commitments to future Social Security beneficiaries.

When Congress makes budget obligations today based on those Social Security funds—whether in the form of tax cuts or spending increases—we are committing to a path of fiscal policy that jeopardizes future Social Security benefits.

The amendment Senator HOLLINGS and I are offering is designed to shore up protections surrounding Social Security, and end talk of budget surpluses that are not really there.

Our amendment does so by closing a loophole in the supermajority protections we give to Social Security.

It establishes a point of order against any measure that would allow Congress to change the off-budget status of Social Security, directly or indirectly, without a supermajority vote.

Under most circumstances, our rules require a supermajority vote to change the budget treatment of Social Security.

But while supermajority points of order usually protect the Social Security Trust Fund balances, in certain circumstances those points of order are subject to amendment or repeal by only a simple majority vote.

While legislation to amend budget rules and laws generally is subject to a supermajority point of order, under Section 306 of the Congressional Budget Act of 1974, this point of order does not apply to legislation or a budget resolution that has been reported or discharged from the Senate Budget Committee, or to any amendments to such legislation.

Our amendment eliminates this loophole in the supermajority protections we have established for Social Security.

We must play it straight with the American people, and we must give them an honest balanced budget.

This means Congress must stop pretending there is a surplus, and start acknowledging we still have a way to go before our budget is truly in balance.

I very much hope our colleagues will support this sensible protection for Social Security, and will join us in making it harder to change our budget rules in a way which would allow Social Security Trust Fund balances to be used to pay for spending increases or tax cuts.

Madam President, let me reiterate, the fact is, we do not have a surplus. All this talk about a surplus is not accurate, and the American people know it. We have made tremendous progress. I am glad that much of it was done in 1993. Some of it was done last year. But the fact is, we have a long way to go.

What the Senator from South Carolina is doing is just trying to make this body face up to the reality by creating a little higher standard, a 60-vote rule rather than a majority-vote rule to continue this practice. This practice should not be continued at all. There should not be any 60 votes or 70 votes or 80 votes to use Social Security to try to pretend there is a real balanced budget. At least under the Hollings amendment, the standard would be tougher. It would require 60 votes. You couldn't sanitize the process by running it through the Budget Committee.

This is to me the most fundamental issue here, because we are, in effect, telling the American people something that just is not true. We have done well. The economy has stayed very solid throughout this, but to pretend that there is extra money, to pretend that we can do spending or big tax cuts at this time is not straightforward. This, of course, is not just with regard to our senior citizens.

The Social Security fund is in good shape for a number of years to come but it has more to do with the baby boomers and the young people in their twenties and thirties and those in high school and even younger.

I have had the experience of having high school kids ask me at high school forums not just about the issues one expects high school students to ask about, but whether or not Social Security will be there when they get to that age. That is an unusual question for a high school student, but they know they are potentially being taken for a ride.

Many of them are working. They are getting a check from, let's say, McDonald's, and they notice something is being taken out of their checks. "What is it being taken out for?"

"Well, for Social Security."

Then they find out it might not be there for them.

What the Senator from South Carolina is saying is the Congress should stop borrowing from Social Security to try to make this look better. This is a very, very important amendment for truth in budgeting.

I thank the Senator from South Carolina and yield back any time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I thank my distinguished colleague from Wisconsin. He has been a Trojan in the trenches working on the same side.

I ask unanimous consent to add the distinguished Senator from California, Mrs. BOXER, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, I rise in support of this amendment, which would establish a new point of order to protect the Social Security surplus. It's designed to enforce the principle that President Clinton emphasized in his State of the Union address: "save Social Security first."

The Social Security program is the most important social insurance program in the United States. It's dramatically reduced poverty among older Americans. And it provides a critical safety net for those who suffer from disabilities, or the death of a family member.

Unfortunately, Social Security's long-term viability is now threatened by the impending retirement of the baby boom generation, and the significant new pressures that will place on the system. Congress needs to act promptly to address this problem.

Congress already has made a clear commitment to Social Security, and we've created various procedural protections to enforce that commitment. For example, Section 301(i) of the Budget Act prohibits the Senate from considering a budget resolution that would reduce a Social Security surplus. And Section 311(a)(3) prohibits us from considering any measure that would decrease a Social Security surplus below the level set in the budget resolution.

The point of order proposed today is consistent with these precedents. But rather than directly protecting Social Security, this point of order would protect the rules that protect Social Security.

These budget rules, in effect, require 60 votes to reduce a Social Security surplus. The problem, though, is that there's a loophole. And the loophole is that these rules themselves can be amended under certain circumstances with only 50 votes.

In general, legislation to amend budget laws is subject to a supermajority point of order, under Section 306 of the Budget Act. But this point of order doesn't apply to legislation that's been reported from the Budget Committee, or to any amendments to such legislation.

So, for example, if the Budget Committee reports a minor bill to make technical corrections to the Budget Act, an amendment to gut the Social Security rules could be adopted by a simple majority vote.

In my view, that's a loophole that we need to close.

Let's not just proclaim our commitment to saving Social Security first. Let's put it in writing. And let's make it enforceable.

I hope my colleagues on both sides of the aisle will support the amendment.

Mr. HOLLINGS. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DOMENICI. How much time has Senator HOLLINGS used?

The PRESIDING OFFICER. The Senator from South Carolina has used 13 minutes 44 seconds.

Mr. DOMENICI. So he has 1 minute-plus left.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Madam President, unless my friend from New Jersey desires to speak, I will not use my entire 15 minutes. I will make a point of order that the Senator's amendment violates the Budget Act and requires 60 votes.

Frankly, I do not understand what the distinguished Senator is talking about. He has been a longtime friend, and he has been on the Budget Committee. He has served on it. Actually, the Budget Committee is the source of the firewall that protects Social Security now. This amendment says he is taking away our jurisdiction, that we can't do anything with reference to Social Security, and we are the committee to make the recommendations.

If, indeed, the recommendations in some other provision of law requires 60 votes to pass, that is a different thing. To say to a committee of jurisdiction that you cannot pass on anything because there is a supermajority requirement just seems to me that we could take every committee of jurisdiction, we could take away their jurisdiction all under the rubric that we are trying to keep them from spending money. Maybe we don't like Commerce. They have been putting out too many bills. So we adopt a process that says whatever your jurisdiction is, you can't report out any bills without a supermajority in these different areas.

That is not right. The Senator apparently has some great goal in mind. I remind the U.S. Senate and my friend Senator HOLLINGS, he does not like us to use the word "balance," that we are in balance. So every time we use it, we better say the "unified budget is in balance."

Let's acknowledge that only 6 years ago, 5 years ago, if he is worried about Social Security, the unified budget was $300 billion in the red. Have we made any headway in keeping the Social Security trust fund from getting spent? Of course. For starters, we have made $300 billion worth, and right now we have a $10 billion surplus. That does not mean we have a surplus without the Social Security trust fund, but it means that we are borrowing $10 billion less from the Social Security fund because of the balance in the unified budget of the United States. Is that bad? That seems to me to be good.

If some think that they can wipe out the nonunified deficit quicker, then there are only two ways to wipe it out quicker: One is to cut more expenditures or to raise taxes.

That is what somebody has to be talking about if they want to make us stop the $90 billion worth of borrowing, which used to be more, and it is down from $100 billion to $90 billion this very year because of the surplus. Instead of talking about the Budget Committee doesn't have any jurisdiction without supermajorities to move anything with reference to Social Security—all we are doing is making recommendations to the Senate.

To act as if this will in some way make the Social Security trust fund more solvent, frankly, in all honesty, I just don't understand how this is going to do any good, and I have not heard anything from the Senator yet that indicates that it will do anything good.

In all respect, I just do not believe it is going to accomplish what the Senator wants. Social Security is not going to be any more protected, and we are just going to say that there is a 60-vote point of order against anything the Budget Committee would do with reference to recommending Social Security changes or reforms, which just seems to me doesn't have anything to do with the problems that he describes because we are still borrowing from the Social Security trust fund.

I repeat, we are doing a lot better than we were 5 years ago, 6 years ago, and a lot better than we expected to do. That means Social Security is getting closer and closer to a stable state because the unified budget is getting more and more surplus, which the surplus is for now being applied to that debt, and we are borrowing less, which is now easy to understand. There is all kind of confusion. There are trust funds, IOUs. But the truth is, on paper, we are borrowing $10 billion less when we have a surplus than otherwise. If it gets up to $100 billion, we won't be borrowing anything. That is pretty good, and that is reality.

The Budget Committee had something to do with that. There is a firewall that does not permit us to spend any Social Security money that would, in any way, affect the actuarial soundness of the Social Security system. That is a firewall of 60 votes. That was recommended by the Budget Committee. If we put that in before and came to the floor, it would require 60 votes to become law. It doesn't seem to me that is right.

When the time has expired, I will make a point of order and then we will have a vote and try to stack it as early as possible so we can dispose of the amendment.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, the distinguished Senator from New Mexico doesn't have to remind the Senator from South Carolina that we are doing better than we were 6 years ago, because this Senator voted for that particular plan, which included spending cuts and which included tax increases to get this economy turned around. It included a tax increase on Social Security, as well. And we didn't get a single Republican vote for that Budget Act—not one vote from that side of the aisle.

Now the Senator from New Mexico says we are borrowing $10 billion. Turn, if you please, to the analysis of the President's budget proposal by the Congressional Budget Office put out the day before yesterday. On page 36, you will find the actual debt increases to $184 billion. So we are not borrowing $10 billion less. The actual facts, according to the Congressional Budget Office, are that we are borrowing $31 billion more.

Tell me about the budgets and requirements of the Budget Committee supermajority. You have to get a supermajority to get the tobacco money. Why not a supermajority to protect Social Security? We have section 13301 of the Budget Act itself that is a firewall anyone disobeys when he spends that money.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. If I need more time, I can get some, I guess, off the resolution. But let me hear it. My time has expired.

Mr. DOMENICI. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Mexico has 8 minutes 54 seconds.

Mr. DOMENICI. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. DOMENICI. Madam President, I make the point of order that the amendment of the distinguished Senator, Senator HOLLINGS, is out of order under the Budget Act. It is not germane.

Mr. HOLLINGS. Madam President, pursuant to Section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment.

Mr. DOMENICI. We will stack the vote as soon as we can for three votes.

Mr. HOLLINGS. Can we get the yeas and nays?

Mr. DOMENICI. Surely.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, I am going to call up the Faircloth amendment with reference to the marriage penalty, and then we are going to stack four votes which will include two Democrat votes and two Republican votes. In order to get the second Republican vote, I would have to have Senator CRAIG offer a second one so we would have two. And that would make the votes be on two Democrat and two Republican amendments. Is that acceptable? All right.

If you have another one that is ready—Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2251

Mr. DOMENICI. I call up amendment No. 2251.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

Amendment numbered 2251 previously proposed by the Senator from New Mexico [Mr. DOMENICI] for Mr. FAIRCLOTH.

Mr. DOMENICI. I yield 5 minutes of the opening remarks to Senator SESSIONS with reference to this amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Madam President, I would like to offer some comments in support of this sense-of-the-Senate resolution regarding the elimination of the marriage penalty. Marriage is an institution to be venerated, and our public policy should affirm marriage and we should have laws that treat married couples on an equal basis with those that are not married. That is the fundamental principle of fairness.

The fact is that under our current laws, married couples suffer a financial penalty when it comes to taxation. In fact, married couples pay often substantially more tax than they would pay if they were not married.

For example, the U.S. Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system. The Congressional Budget Office also found that the average tax penalty amounts to $1,380 per year. That is a $100-a-month tax penalty on people who choose to be married rather than those who choose not to marry. As a result of that, we are taking more of their money to in fact subsidize people who are not married who receive those benefits.

I think some people have suggested this is in fact a realistic cause of people not to marry. For example, in 1970, just .5 percent of the couples in the United States were not married. By 1996, that number had risen to 7.2 percent.

So, Madam President, I would say that this is a very important debate. And I will not belabor the subject. This is a matter that has been the subject of much debate, with much intellectual and financial study, and the conclusion of these numbers is plain and obvious. Under our current tax system, married couples are being subjected to an unfair financial penalty. This is a matter that this Senate must address.

It may be a bit late this year to make those changes. I wish it could have been done this year, but it is a change we are going to have to make. We are going to have to eliminate the circumstance in which a married couple is penalized for being married. It is not just, it is not fair, not appropriate, and it is unbecoming of the laws of the United States.

So, Madam President, I support this resolution and yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I compliment the Senator on his remarks. They are right on point. As a matter of fact, the resolution as drafted says to the U.S. Congress to begin to cure this marital tax inequity this year. In essence what we are saying is, if we are going to have a tax bill, we have no authority to dictate its content, but we are saying it is the sense of the Senate that we shall start down the road of eliminating that this year.

Now, I might add——

Mr. SESSIONS. If the Senator will yield, I would like to say how much I appreciate the Chairman's support for this concept, and for this resolution. I think we can begin now to take the kind of steps necessary to improve the tax laws in this regard.

Mr. DOMENICI. I say to the Senator, I just want to ask a question. You used the figure of $1,380 a year or $1,340?

Mr. SESSIONS. The number I have is $1,380.

Mr. DOMENICI. Is this what you mean? If you have two single people earning a combined income, that are single and filing separate returns, and you have a married couple with exactly the same amount of income, the married couple, everything else being equal, will pay $1,380 more in taxes per year?

Mr. SESSIONS. The Senator is exactly correct. That is the average for those who suffer a penalty. That is the average amount of penalty that is suffered, according to the Congressional Budget Office.

Mr. DOMENICI. So it could be a very large amount of money for people above the average?

Mr. SESSIONS. That is correct.

Mr. DOMENICI. I assume it could be $2,000, $3,000, $5,000, $10,000?

Mr. SESSIONS. The Senator is correct.

Mr. DOMENICI. Of course, for those under the average it would be less. But is it not true that you have heard, as I have, that some people do not get married who are living together saying they are doing better on taxes without being married, and that this is frequently used in conversation if not in reality?

Mr. SESSIONS. The Senator from New Mexico is exactly correct. Certainly we have more people, more men and women living together without being married today than ever before.

Mr. DOMENICI. I reserve the remainder of my time.

Mr. LAUTENBERG. Madam President, I tell you what, I am going to support this amendment. So I ask if I can talk as one of the proponents for a minute to raise a question.

Mr. DOMENICI. Sure. How much time do I have left?

The PRESIDING OFFICER. The Senator has 10 minutes 16 seconds.

Mr. DOMENICI. How much of that would you like?

Mr. LAUTENBERG. No. I would like a short period of time. I think if we can agree—and I do not see anybody here that wants to talk in opposition—we ought to yield back the time.

Mr. DOMENICI. We do have Senator FAIRCLOTH en route. If he is not here shortly, then we will be able to do what you suggest. But I am trying to hold a little bit of time for him.

Mr. LAUTENBERG. I see. My only question relates, frankly, to the schedule that is proposed here. The one thing I have to remind my friend and colleague, the Senator from New Mexico, about is the volume of the sense-of-the-Senate resolutions. We are building—we may have a record year this year, I say to the chairman.

Mr. DOMENICI. We might.

Mr. LAUTENBERG. So we just let it flow, go with the flow, as they say. None of us want to do anything to impose a penalty on marriage. The statistics are not as good as we would like to see in the first place, so we do not want to make it any more difficult. But when the schedule says "shall begin to phase out the marriage penalty this year," I think that is somewhat precipitous. But hearing the Senator from Alabama confirm I think what we all know, all we can do is kind of make this abstract recommendation and hope that it gets picked up along the way. So with that, with that caution, I am ready to go to a vote. I hope, I say to the chairman, in the interest of time, that we might be able to move it along.

Is Senator FAIRCLOTH still on his way?

Mr. DOMENICI. Yes, he is. And Senator HUTCHISON is one of the original cosponsors. She would like some of the time. I yield the Senator 4 minutes.

Mrs. HUTCHISON. Four minutes. I thank the Senator. I appreciate that.

This is the Faircloth-Hutchison amendment and it is also the Faircloth-Hutchison bill that would eliminate the marriage penalty tax.

All this amendment says is, it is a priority of Congress to eliminate the marriage penalty tax. We don't think Americans should have to choose between love and money. Yet 21 million American couples today have to make that exact choice, because they go into a higher tax bracket when they get married.

Let me give an example. A rookie policemen in Houston, TX, makes $33,500. His wife is a schoolteacher in the Pasadena independent school district making $28,200 a year. When this young couple got married, they owed Uncle Sam $1,000 more a year. This is at a time when they would like to buy their first home, when they have to buy a second car. They are having to pay Uncle Sam $1,000 because they got married. That could be two house payments, three or four car payments, and we are taking it away from them by an unfair Tax Code.

Our Tax Code does not meet the fairness test. I think this sense of the Senate says it best—that it will be the highest priority of Congress to correct this inequity in the law. I don't think Congress intended it, but that is the way it happened, and Congress does have the power to correct it.

I hope we will take this opportunity to speak with a loud, firm, clear voice, that Americans should not have to pay more money because they get married than they would have to pay if they stay single. That is the issue, a very simple amendment. I hope we will have a unanimous vote when this amendment comes forward to show that we intend to do something about this if we possibly can within the constraints of the surplus, and that if we are not able to do something, it will be the highest priority when we do have that budget surplus that I have seen spent in so many ways already in the last year. We haven't seen that budget surplus, so I think spending it is a little premature.

I do appreciate the fact that this committee set aside $10 billion for the first year for tax cuts, and I think if we can build on that, we can do some good for the hard-working American. We should continue to give money back to the people who earned it. You can always tell who cares about the people who earn the money, and that is by how they refer to tax dollars. We refer to tax dollars as belonging to the people who worked for them, and we are going to try to let people keep more of the money they earned. They deserve it. That is what setting this priority will do for 21 million American couples.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I concur with most of what has been said here. I read this resolution, and it is hard to argue with a resolution that is praising marriage and the married. I think we are all for that. Anything in the law of this land, whether tax law or otherwise, which detracts from that institution, should be examined and seriously considered.

But I keep wondering—I am not an expert on tax law, but there are some situations where marriage actually reduces the tax burden; where, in fact, if you have one of the spouses who has a high income and marries someone with a much lower income, it could reduce the tax rate. I certainly hope there is nothing in this sense-of-the-Senate resolution which suggests we should change that. I think we want to try to encourage people, and when the Tax Code rewards those who are married, we should continue doing that.

What I am told is there are two sides to the story. As there are those who are losers and are penalized by the Tax Code by marriage, there are those who are benefited by the Tax Code.

Mrs. HUTCHISON. Will the Senator yield?

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. HUTCHISON. I would love to address that issue. It is a valid point.

We will not take away the break that a couple has in the one-income-earner family; that is, where people are ahead if they have one income in the family, they get a break on taxes. The people who get hit are the low-income people with two wage-earners in the family. They are the ones that often have to work to make ends meet, and yet they are penalized because they get married. It is a couple that makes $28,000 a year and $33,000 a year, and together they move into the higher bracket, but separately they would not be in the higher bracket, they would stay at the 15 percent bracket.

What we are trying to do is create an equity for those lower- and middle-income two-earner couples that right now are paying a hefty penalty.

Mr. DURBIN. I thank the Senator from Texas for that clarification. I hope we can do everything in our power to make the Tax Code not only friendly to those who are married but more progressive so that those in the lower- and middle-income categories get a helping hand from the Federal Government instead of the backhand.

Mrs. HUTCHISON. I thank the Senator from Illinois for allowing me to clarify that. It is certainly important for us to keep the advantage for the one-income-earner couple, but that we give that added advantage to that two-income-earner couple that really does need it.

Mr. DOMENICI. Madam President, I am prepared to yield back the time.

Mr. LAUTENBERG. I am prepared to yield back.

Mrs. HUTCHISON. Will the Senator yield?

If Senator Faircloth is not going to be able to give remarks, I would like to be able to say on his behalf what a leader he has been.

Mr. DOMENICI. I will try to arrange this right now, if you listen to my consent. If it doesn't work, we will use some time here.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOMENICI. I ask unanimous consent that after the time is yielded back and we proceed to the next amendment, that nonetheless, prior to the vote at 9 o'clock or thereafter on the Faircloth amendment, that he be permitted to speak for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. May I reserve the right to ask a question? That is, this depends on the time, because we agreed we were going to control the time carefully. I ask how much time is left for the proponents of the amendment.

The PRESIDING OFFICER. There are 6 minutes 36 seconds.

Mr. DOMENICI. What I was trying to do is give back the 6 minutes.

Mr. LAUTENBERG. And trade for 3.

Mr. DOMENICI. And trade for 3.

Mr. LAUTENBERG. I consent to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Would this be included in this batch of votes?

Mr. DOMENICI. When we take up Senator Moseley-Braun, Senator Hollings, this would be the third one in that sequence.

Mr. LAUTENBERG. That would be at 7 o'clock—you said 9 o'clock.

Mr. DOMENICI. Nine o'clock.

Mr. LAUTENBERG. I thought we talked about a series of votes at 7 o'clock.

Mr. DOMENICI. I think people heard 9 o'clock or 9ish, so we ought to get on with more amendments.

I thought the 7 o'clock was precluded when the Chair went right ahead and made us vote on previous amendments.

Mr. LAUTENBERG. Is there a unanimous consent request at the desk calling for a specific time?

Mr. DOMENICI. Let me correct that.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Let me correct that. I believe that only I was thinking that that previous vote did that and nobody else was, so I must not have told anybody. Everybody on the staff agrees. They must be right. We can't do anything without them.

Perhaps what we can do—Senator Craig, would you be willing to spend 15 minutes on your amendment?

Mr. CRAIG. I can.

Mr. DOMENICI. I would like to get one more stacked.

Mr. LAUTENBERG. Just to clear the air and be sure we are both hearing what each other is saying, that is that if that is the case, then we are going to ask for another unanimous consent that would enable Senator Craig to offer his amendment, give us a chance to take a look at it, but Senator Craig, I thought, debated his amendment last night.

Mr. CRAIG. I did.

Mr. DOMENICI. Yes, he did.

Mr. LAUTENBERG. So what time would be available for Senator Craig now if the debate was conducted last night? What system are we operating under?

Mr. DOMENICI. I assume we are operating on the half hour.

Mr. LAUTENBERG. But how much time did Senator Craig use last night to debate his amendment?

Mr. DOMENICI. That was before we had an agreement. I don't want to argue over it. That is what we did with anybody who argued an amendment two nights ago. If he could have 15 minutes, you 15 minutes, we will get 4 votes in here in 15 or 20 or 30 minutes—assuming you won't use all the time.

Mr. LAUTENBERG. That is all right with us. I agree, certainly.

Mr. DOMENICI. All time is yielded back then on the Faircloth amendment, and we will proceed to Senator Craig at this point.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 2211

Mr. CRAIG. Madam President, last night I offered an amendment called the Surplus Protection Amendment for myself and several other colleagues here in the Senate: Senator Allard, Senator Coverdell, Senator Grams, Senator Helms, Senator Hutchinson, Senator Inhofe, Senator Sessions, and Senator Thomas. My amendment is a fundamentally simple amendment which sets forth very clearly a new approach toward how we handle mandatory spending. Pay-as-you-go budget enforcement rules were established to help put Washington's fiscal house in order.

Since fiscal year 1994, the Senate has had a point of order requiring 60 votes to waive against any legislation that would increase the deficit. However, mandatory spending in Washington is Washington's version of a fiscal autopilot. Once enacted, it requires no further congressional action to operate. Rather than a perpetual motion machine, what we have found out with mandatory spending, of course, is that it is a perpetual spending machine. It is, if you will, the Energizer Bunny of budgeting and has kept growing and growing and growing.

What all this means—and I think it concerns us all greatly—is an increase in mandatory spending must be paid for with a tax increase. Any tax cut must be paid for by a mandatory spending cut. As anyone can tell, pay-go, in its present form, is very insufficient to control mandatory spending.

Mandatory spending has increased dramatically and will continue to increase dramatically over the next few years. According to the Congressional Budget Office, in 1987 mandatory spending accounted for 47 percent of the Federal budget; in 1997, it accounted for approximately 56 percent; in the year 2008, it will account for 70 percent. Many of us have struggled mightily, as has the chairman of the full committee, to control this.

What is happening is that mandatory spending is crowding out, rapidly crowding out, Federal Government spending for schools, for roads, for law enforcement, and for those infrastructure maintenance kinds of programs that most citizens in our country feel are legitimate spending areas for our Government.

I have sensed, as many of my colleagues have, that it is time to make a modest adjustment to try to change the process by which we deal with this issue. Current estimates are that the budget will be balanced this year, and the chairman of the full committee and many colleagues on this floor deserve credit for that because it will be, and we are pleased about it, excited about it, and I think the country is also. It is true that we are nearly 4 years ahead of schedule in balancing the budget, and there is a lot to be credited for that—certainly our ability to begin to control spending here, but also our ability to help free this economy and to see it move as successfully as it has, has been another major contributing factor.

However, we must look not just to the horizon of spending, as this budget resolution does, but look well beyond it. If we fail to look beyond it, we fail to recognize what is out there in the very, very near future of additional spending as a result of the drive of mandatory entitlement-style spending. To avoid what will happen in the future, I think we have to change the way we work now, because if we don't gradually move into controlling these kinds of spending areas, the step that we would want to take or have to take out there or be forced to take would be uncontrollable—tax increases, major budget cuts of the kind many might find intolerable. What I am proposing is a modest step. I guess I am a bit like a doctor tonight. I am going to suggest that we first pledge to do no harm. What I am offering tonight does no harm to this budget.

My amendment establishes a point of order that requires new mandatory spending programs to be paid for by mandatory spending savings. In other words, it would require 60 votes in the Senate to create a new mandatory spending program that was not funded by an equivalent mandatory spending savings. Tough choices? Not necessarily. But it forces the Congress to do the work that it probably hasn't liked to do over the years, and that is to do oversight to see whether these programs are working or they ought to be adjusted or changed, and if they are changed, is there something better that we might adjust to? If all of the new mandatory spending programs had been paid for, as we had claimed, we would not be facing a fiscal future of exploding spending and exploding deficits.

I think anybody who might be listening to what I am saying tonight would be scratching their heads and saying: But, Senator, the budget you are proposing this night is balanced. The budget that the senior Senator from New Mexico, chairman of the Budget Committee, is offering is at balance, and we are talking about the potential of surplus revenues.

My point is—and it is a point that nobody disputes—that the current budget path that we are on, which is the right path, is unsustainable. As good as a balanced budget is today, it will not remain a balanced budget for long. The path that we are traveling is no secret that it is unsustainable. It is not. We all know because so many have told us so, including some of our own colleagues here on the floor. Senator KERREY of Nebraska, who chaired the bipartisan commission on entitlement and tax reforms, has said so. The General Accounting Office has said so. Interestingly enough, the President's budget has said so. And in the most recent report, the Congressional Budget Office said:

> Currently, more than half of the nearly $1.7 trillion in Federal spending goes for entitlements and other mandatory spending programs. As a share of the total outlay, mandatory spending has jumped from 32 percent in 1962 to 56 percent in 1997. If current policies remain unchanged, such spending will continue to grow faster than other spending, reaching 63 percent of total outlays by the year 2002, or twice the size of discretionary outlays.

Under baseline assumptions, continued growth in mandatory outlays would raise their share of the budget to 70 percent by the year 2008. Last year, the Congressional Budget Office wrote that this year's budgetary news should not lull people into complacency and, most assuredly, this budget, the budget resolution we have before us, should not. It is an excellent work and it controls spending. It gets us to a balanced budget.

But let me suggest that the retirement of a large baby boomer generation is just over the horizon. If the budgetary pressure from both demographic and health care spending is not relieved by reducing the growth of expenditures or increasing taxes, deficits will mount and seriously erode future economic growth. That report concluded:

> Current budget policy is unsustainable and attempting to preserve it would severely damage the economy.

How serious are the future projections? The Congressional Budget Office concluded that even if the budget were balanced in the year 2002—and that is our goal and we are going to get there—we would have a deficit equal to 34 percent of the gross domestic product by the year 2050 and the public debt would be 283 percent of the gross domestic product. Those are the outward projections of the current path of expenditure.

There will be a demographic shift to older populations. This Senator standing before you tonight is part of that group. I am part of that baby boomer crowd. I am going to be one who will be collecting my Social Security and my Medicare. And there is no question that, in 1995, there were 34 million 65-year-old and older citizens. But by the year 2030, there will be twice that number, or 68 million. There will be more elderly. They will live longer and they will be using Federal services more intensively. There will be relatively fewer workers around to put foot all of these bills. If we don't sense that now—and several sense-of-the-Senate resolutions have talked about it today, but my amendment changes the process, forces the issue, causes us to work our way through these kinds of tough decisions.

In 1950, there were 7.3 workers for every senior. In 1990, there were 4.8 workers for every one senior. In 2030, there will be 2.8. We all know the reality of that. What I am talking about are the taxpayers paying into the programs that will fund that one individual. It will take all 2.8 of those workers working together at a very large chunk—a 60-plus percent tax rate on their income to fund that one individual, along with all the other Government services and necessary programs that we think are appropriate.

So what the demographic shift means is that spending rises very rapidly relative to revenue. Quoting the Congressional Budget Office:

> Revenues will be squeezed as the number of people working and the economy grows slower. At the same time, outlays for Government programs that aid the elderly will burgeon as the number of people eligible to receive benefits from these programs will shoot up.

What the fiscal squeeze means is major new revenues in the form of taxes or enormous deficits. The deficit, last year, was less than 1 percent of GDP. It would be 29.8 percent by the year 2030. The Federal debt was 50 percent of GDP last year; it would be 250 percent by the year 2035. Those are not my numbers; that is the Congressional Budget Office speaking. Those are valid numbers, and anybody who studies the budget curves understands that. This is unprecedented. We have never had a period of time in our country's history where these numbers became reality, because we never have spent that much of the gross domestic product of our country. The deficit has been higher than 10 percent of GDP only briefly, during major wars. And we understand those reasons—when our Nation is at risk and our freedoms are to be secured. The debt exceeded 100 percent only once and that was during World War II. The result would be based on the figures by the year 2035 of economic catastrophes. I don't know of any other way to explain it, any other way to compare it. Those would be the realities. Even to make the burden sustainable, the Congressional Budget Office terminology allowing debt to rise, but keeping constant in relation to the gross domestic product, would have dire consequences. The tax burden would have to increase 20 percent just to continue running deficits and adding debt.

Of course, someone will say that the budget agreement solves the problem.

No, the budget agreement doesn't solve the problem. It addresses the immediate, it addresses the desire to maintain current spending while mandatory spending within this continues to grow at the rates offered in these projections that brings us to the year 2035. It is certainly an improvement, and I am very laudatory of the chairman of the Budget Committee, and others. It delays the scenario I have just outlined. But according to the CBO, if the budget is balanced through the year 2010—and that is what I believe this Congress strives to do—it will take less than 15 years to reach the same scenario that I have just described—a huge deficit and a debt of 230 percent of gross domestic product by that time. Quoting the Congressional Budget Office:

> Regardless of how the budget is balanced in the near term, congressional budget action would still be needed to put the budget on a sustainable path.

So what I am proposing is a modest first step. The years 2030 to the year 2050 are not real to us on this floor. We cannot even begin to appreciate the kinds of budget numbers those years will produce. But they are very real to our children or any child that might be in the galleries tonight, because they are the ones who will be paying that huge tax rate out there to fund these kinds of programs that we have already put in progress today. So those are the realities of what we are dealing with. My amendment is a first step in that direction.

The PRESIDING OFFICER (Mr. GREGG). The time of the Senator has expired.

Who yields time?

Mr. LAUTENBERG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Jersey has 14 minutes 43 seconds.

Mr. LAUTENBERG. I thank the Chair. Has the proponent side used all of its time at this juncture?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. Mr. President, I rise in opposition to Senator CRAIG's amendment. This amendment would prohibit using revenues to offset new mandatory spending and, instead, require all new mandatory spending to be offset with other mandatory cuts. The amendment would prohibit using revenues to offset new mandatory spending. Alternatively, instead, it would require all new mandatory spending to be offset with mandatory cuts.

The amendment would represent a significant departure from current pay-as-you-go rules. It would give special protection to special interest tax loopholes at the expense of programs like Social Security and Medicare. It would further undermine the prospects for comprehensive tobacco legislation.

There is nothing new about using revenues to offset mandatory spending. The pay-as-you-go rule has been in place for many years and it has worked well. That rule says that new mandatory spending must be fully offset either by revenue increases or mandatory savings. In other words, new mandatory spending must be deficit neutral.

Under Senator CRAIG's proposal, however, deficit neutrality is not enough. Under this amendment, legislation to provide a new mandatory benefit, like Medicare coverage for a new medical procedure, would have to be offset with other mandatory spending cuts. No new revenue could be used.

If you think about that for a minute, it really doesn't make sense. If we are looking to pay for a new benefit, why would we say that cutting Social Security is fine, but closing a wasteful tax loophole is not? Why would we say that cutting Medicare is OK, but eliminating a corporate tax subsidy is not? Well, Mr. President, maybe some people think that the Tax Code is just fine the way it is and that it doesn't contain any loopholes or special breaks for the special interests. I happen not to be one of them. I don't think many Senators on either side of the aisle would make that claim. After all, we are now hearing calls to scrap the entire Tax Code even without a replacement. Can these same Senators now also be claiming that there is not one special tax break or loophole that deserves closing, even if the savings could be used to provide for new health benefits for people stricken with newly discovered deadly diseases? I hope that not many of my colleagues really believe that. In my view, we ought to be intensifying our efforts to eliminate wasteful tax loopholes. The last thing we should do is give any special protections to them at the expense of Social Security or Medicare. So it is a little out of balance.

This amendment would compound the obstacles already created in this budget resolution for comprehensive tobacco legislation. Under this amendment, tobacco legislation could not use tobacco revenues to pay to finance antitobacco activities. It doesn't make sense, and it would undercut what could be the most important piece of legislation in this session of the 105th Congress.

I urge my colleagues to oppose this amendment. It would change a fundamental rule that has worked well for many years. It would give special protection to wasteful tax loopholes at the expense of programs like Social Security and Medicare and could seriously impair the ability to get us to a comprehensive tobacco program.

The pending amendment is not germane. I, therefore, raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

I don't see anyone else in opposition. I yield the time.

Mr. CRAIG. Mr. President, I move to waive the Congressional Budget Act.

I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MOSELEY-BRAUN. Mr. President, parliamentary inquiry: Are we scheduled to start voting now?

Mr. LAUTENBERG. That is the condition, as I understand it. I ask the manager of the bill.

Mr. DOMENICI. We are going to vote on four amendments very shortly. Senator MOSELEY-BRAUN is going to be first with her amendment, then we are going to follow that with Senator HOLLINGS' amendment, which is subject to a point of order, and then we are going to follow that and Senator FAIRCLOTH's marriage penalty, to be followed in fourth place by Senator CRAIG.

I have a parliamentary inquiry with reference to Senator MOSELEY-BRAUN's amendment. What is the unanimous consent? Does the Senator have some time, and do we have some time at this point?

The PRESIDING OFFICER. The Senator from Illinois has used all of her time. The Senator from New Mexico rises in opposition.

Ms. MOSELEY-BRAUN. Mr. President, it was my understanding that the unanimous consent agreement had 1 minute before for each side in addition to the time budgeted for the amendment. There was supposed to be 1 minute for each side before the vote.

The PRESIDING OFFICER. That unanimous consent has not been entered into relative to this amendment. But that is the standard agreement. That is the usual practice.

Mr. DOMENICI. We would like to make sure that occurs. So I ask unanimous consent that be the case with reference to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. It will be the case with the subsequent ones, will it not?

You said it is not a part of the unanimous consent already. I thought it was.

The PRESIDING OFFICER. Is the Senator making that request?

Mr. DOMENICI. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I had my entire time left on Senator MOSELEY-BRAUN's. I yield that back and will use 1 minute before I move to table.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. LAUTENBERG. Mr. President, I ask the manager whether this now precludes second degrees. Are we going to go ahead? Are we just going to vote?

Mr. DOMENICI. My understanding is there will be no second degrees. I ask unanimous consent that no second-degree amendments be in order to the four amendments that are pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2175

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Ms. MOSELEY-BRAUN. Thank you very much.

Mr. President, our amendment is a sense of the Senate that the fiscal year 1999 budget resolution assumes that we will enact legislation creating a partnership between the State, local, and national governments to rebuild and modernize our schools and the classrooms for the 21st century.

Winston Churchill once said, "We shape our buildings, thereafter they shape us." Nowhere is that more true than with schools.

The poor condition of America's schools has a direct effect on the ability of our students to learn the kinds of skills they will need to compete in the 21st century global economy. America cannot compete if our students cannot learn, and our students cannot learn if their schools are crumbling down around them.

Our amendment would ensure that school districts around the Nation have the resources they need to address school improvement priorities so we can give our children an environment suitable for learning.

I encourage support for this amendment. It is, after all, a sense-of-the-Senate amendment. It will give everyone an opportunity to express without the particularity of the actual legislation. I express the support of doing the right thing by our kids.

Mr. LAUTENBERG. Mr. President, I have a question I would like to resolve that I think is agreed upon. The first vote would be the traditional 15, plus 5, and thereafter 10-minute votes. All of them are strictly controlled so we can move the program along.

The PRESIDING OFFICER. Is there a unanimous consent?

Without objection, it is so ordered. That will be the order.

Mr. DOMENICI. I would like to ask. I thought when we entered into the unanimous consent agreement earlier in the day about stacking votes that we said we were going to have them 15, 10 and 10.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I thank the Chair.

I have 1 minute on this amendment. Let me just say there is a statement behind me that was made in the budget by the President of the United States. It is very simple. It says:

> The construction and renovation of school facilities has traditionally been the responsibility of State and local government, financed primarily by local taxpayers; we are opposed to the creation of a new Federal grant program for school construction.

I acknowledge that is a grant program. But I believe that we should change that word and say, "We are opposed to tax credits for school construction," because I don't believe the U.S. Government ought to change its tax laws to allow a total tax deduction, which is what a credit is for the interest that a bond will yield if it is for construction of schools in the United States.

There is no formula. We don't know how we will do this. We don't know whether poor districts will get it. I think we ought not start down this path. I know for some any education program is difficult. I understand this may be one of those. But I truly don't believe we ought to do this.

I remind everyone, in any event, this is a sense-of-the-Senate resolution. It is not binding. That will give you latitude to vote differently than I recommend, since it is not binding. But I don't believe we ought to tell the Finance Committee we want them to start down this path in a big way with reference to school construction.

Having said that, I move to table, and I ask for the yeas and nays on my motion to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from Illinois. On this question, the yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

The motion to lay on the table the amendment (No. 2175) was agreed to.

Ms. MOSELEY-BRAUN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. We have three votes to go. We can move them along promptly if we can have order in the Chamber.

Mr. DOMENICI. Mr. President, I announce that when we finish this series of votes tonight, there will be no more votes tonight, but we will stay and debate five additional amendments —three from the Democratic side, two from the Republican side. Those will be stacked in the morning under the previous order, a 15-minute vote followed by 10-minute votes.

I will tell everyone, we now have in excess of 75 first-degree amendments filed. We will take care of five of them tonight, and that will probably leave us with about 70. Obviously, we could not dispose of 70 amendments at 10 or 15 minutes each in a very short period of time. So tomorrow morning, we will have, and my friend Senator LAUTENBERG says his staff will have some charts to show you your amendments while we are voting in the morning.

We would like you to be honest; we don't ask you tonight in the full light of everybody which ones you really want to vote on and which ones you would like for us to consider and which ones you might withdraw. We are going to work on accepting as many as we can, with the idea that there is still a conference to go to, during which time those accepted amendments will be given due consideration.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. DOMENICI. Yes.

Mr. BUMPERS. Does the Senator intend to stack the votes on these five amendments for in the morning?

Mr. DOMENICI. Yes.

ADJOURNMENT OF THE TWO HOUSES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 257, the adjournment resolution, which was received from the House.

I further ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 257) was agreed to, as follows:

H. Con. Res. 257

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, April 1, 1998, it stand adjourned until 12:30 p.m. on Tuesday, April 21, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, April 2, 1998, Friday, April 3, 1998, Saturday, April 4, 1998, or Sunday, April 5, 1998, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, April 20, 1998, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2193

The PRESIDING OFFICER. The pending amendment is the Hollings amendment No. 2193. A point of order has been raised against the amendment on the basis that it is not germane. The pending question is the motion to waive the Budget Act to allow for the consideration of the amendment on which a rollcall vote has been ordered.

There is 1 minute on each side for debate. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, on behalf of myself, Senator Daschle, Senator Conrad, Senator Feingold, Senator Dorgan, and Senator Reid of Nevada, we put this in to do just exactly what was called for by the President. We want to save Social Security first.

As we all know, we have used the euphemism of a unified budget, a unified deficit, and we have been spending, looting, the Social Security trust fund. Some say that actuarially there is a surplus in there. That is on a sheet of paper. Actually, the money is gone.

The PRESIDING OFFICER. Will the Senator from South Carolina suspend until we can get order in the Chamber? The Senator from South Carolina has a right to be heard.

Mr. HOLLINGS. Mr. President, this more or less puts into parliamentary procedure what we voted for time and again, what the distinguished Senator from New Mexico has voted for. It is in the law, section 13301, that we save Social Security and quit looting the fund. If you really want to put your money where your mouth is, as the expression goes, rather than just a sense of the Senate, then support this particular resolution now under consideration and put on some parliamentary controls, which is what this amendment does. If you want to save Social Security, vote for the amendment; waive the Budget Act, because that is what the Budget Act says to do in section 13301. If you don't want to, vote against the waiver.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 1 minute.

Mr. DOMENICI. Mr. President, I say to my fellow Senators, if I thought this amendment would do anything to save or preserve Social Security, I would be for it. In my humble opinion, it does absolutely nothing to save Social Security. What it does is attempt to change the process and procedures so that if the Budget Committee reports out for Senate consideration anything on Social Security, it is subject to a 60-vote point of order.

We could get to the point where we will take every committee of jurisdiction and pass a process rule because there was something in their jurisdiction we didn't want them to do business on. We could say anything you report out has to have 60 votes. Then we would take that to the floor, and the chairman of the committee of jurisdiction would stand up and say, "What have we come to?"

This seems like some kind of exuberance that is not calculated to do anything except have some words suggesting we are trying to save Social Security. I raised a point of order. There is a motion to waive it. I hope we do not waive it. I urge Senators to vote "no" on the motion to waive. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the Hollings amendment No. 2193. The yeas and nays have been ordered. The clerk will call the roll. This will be a 10-minute vote.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. Warner). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 58, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—42

Akaka
Biden
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Faircloth
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NAYS—58

Abraham
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kerrey
Kyl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

The PRESIDING OFFICER. On this vote the yeas are 42, the nays are 58. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. DOMENICI. I move to reconsider the vote.

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2251

The PRESIDING OFFICER. The pending question is the Faircloth amendment, amendment No. 2251. There is 1 minute of debate allocated to each side.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I believe the Record will reflect that Senator Faircloth was granted permission to speak for 3 minutes since we yielded back 6 minutes of his time.

The PRESIDING OFFICER. If the Senator would kindly put that in the form of a UC request.

Mr. DOMENICI. I ask unanimous consent that Senator Faircloth have 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. FAIRCLOTH. I rise to speak on the Hutchison-Faircloth marriage tax elimination amendment. It is cosponsored by a number of Senators: Senator Domenici, Senator Inhofe, Senator Hutchinson of Arkansas, and Senator Gramm of Texas.

Mr. President, I want to thank Chairman Domenici for the tremendous help on the issue he has given us on the elimination of the marriage tax in this budget resolution. What this amendment says is very simple, that it is the sense of the Senate that eliminating the marriage penalty tax should be one of the highest priorities for tax relief this year.

The Congressional Budget Office has reported that in 1996, 21 million American couples paid an average of $1,400 more in income tax simply because they were married. The marriage penalty, as it is sometimes called, comes about as a result of the way the Tax Code is written. It needs to be rewritten so that couples who chose to marry do not get a hefty tax bill for choosing to make that decision.

We should be encouraging couples to marry, not handing them a $1,400 tax bill. I introduced this legislation along with Senator HUTCHISON to correct this problem. The majority leader, Senator TRENT LOTT, has also been tremendously supportive. Senator HUTCHISON, Senator LOTT, and I recently pledged on Valentine's Day that we would work to remove this burdensome tax known as the marriage penalty. I think that it is a reasonable goal. We are a step closer today with the budget resolution. I urge support for the amendment, and I yield back any time.

Mr. THURMOND. Will the Senator add me as a cosponsor?

Mr. FAIRCLOTH. I would be delighted to.

I ask unanimous consent that Senator THURMOND be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition? Who yields time?

Mrs. HUTCHISON. Mr. President, if there is any time left on Senator FAIRCLOTH's amendment, I would like to just say I am very pleased to support his leadership on the marriage penalty tax.

The PRESIDING OFFICER. There are 40 seconds left allocated to the Senator from North Carolina.

Mrs. HUTCHISON. I ask unanimous consent to have that 40 seconds.

The PRESIDING OFFICER. Does the Senator from North Carolina yield his 40 seconds to the distinguished Senator from Texas?

Mr. FAIRCLOTH. Yes.

Mrs. HUTCHISON. Thank you.

I urge all my colleagues to vote for the sense of the Senate, which basically says it will be a priority of Congress to eliminate the marriage penalty tax. People should not have to choose between love and money in this country, but 21 million couples are doing it. And they are the police and schoolteachers, people making $28,000 and $32,000 that are getting hit the worst with taxes up to $1,400 just because they got married. That is not right. It is a priority of Congress to change that. And I urge my colleagues to say that the U.S. Senate is going to fix this problem very soon.

Thank you, Mr. President.

Mr. LAUTENBERG. Mr. President, I have expressed myself before. I am concerned about trying to initiate change this year, but I think it is fairly clear that this amendment has support. We do not want to continue a penalty in any way, whether it is marriage and taxes or marriage and any place. So unless there is someone else on my side who wants to use a few seconds, I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

Rockefeller

The amendment (No. 2251) was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. This is the last vote tonight. Senator DASCHLE and I talked and we want the Members to know there will be a series of votes beginning tomorrow morning at 9 o'clock—probably two on judges and five amendments that the managers are going to have ready to vote on in the morning—beginning at 9 o'clock, with seven votes in a series.

I yield the floor.

AMENDMENT NO. 2211

The PRESIDING OFFICER. The pending amendment is the Craig amendment No. 2211. The point of order was raised against the amendment on the basis that it is not germane. The pending question is on the motion to waive the Budget Act to allow the consideration of the amendment for which a rollcall vote has been ordered. One minute is allocated to each side.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask my colleagues tonight to vote with me to waive the Budget Act. It is the first step to reigning in the uncontrolled costs to mandatory spending programs. Your vote tonight merely extends the same treatment to mandatory spending that already exists to annually appropriated discretionary spending; that new programs will offset with savings in existing programs; that mandatory spending is out of control—we all know that.

While this is a balanced budget in the outyears of 2020, and 2035, we will be looking at spending up to 200 plus percent of the gross domestic product.

The Craig amendment will not affect a single current beneficiary of a single existing program. The Craig amendment will not affect a single person who will qualify to become a beneficiary under current entitlement programs.

We need to start with a single, simple, first step, toward reigning in mandatory spending. An aye vote starts us in that direction.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I hope that the Senators will oppose this attempt to waive the point of order.

This is a new scheme for things. It says that we ought to depart from present pay-as-you-go rules. It would give special protection to special interest tax loopholes at the expense of programs like Social Security and Medicare.

Mr. President, very simply, I urge my colleagues to vote against the waiver.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Byrd
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Campbell
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Rockefeller

The PRESIDING OFFICER (Mr. HUTCHINSON). On this vote the yeas are 54, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I gather the sequencing would be that Senator DORGAN will start and then Senator ALLARD will follow, and then Senator LAUTENBERG, and then Senator BOND, and then Senator BUMPERS. We will arrange for Senator BUMPERS by unanimous consent.

Mr. President, before we start the order here, might I suggest that Senator BUMPERS would be our fifth amendment tonight, but we have agreed with him that we will come in at 8:30 in the morning instead of 9. He will offer his amendment, and thus the half-hour between 8:30 and 9 will be available for the agreed-upon time, which is a half-hour, equally divided, for the Bumpers amendment. He is here.

I ask unanimous consent that when we start up in the morning at 8:30 the order of business be the Bumpers amendment, and pursuant to the previous order there be a half-hour equally divided on that and the vote eventually be on or in relationship to that and we waive no points of order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Senator, I wonder if the Senator would accommodate me for about 6 or 7 minutes. Senator GORTON would like to speak on a matter. I ask consent he be permitted to speak for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Washington is recognized.

MR. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 1904 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON. I thank the Senator from New Mexico.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2218, AS MODIFIED

Mr. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that my amendment No. 2218 be called up and that my amendment be modified with the modification I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

Strike page 33, line 3, through page 34, line 3, and insert the following:

SEC. 301. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving, expanded health and retirement benefits;

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) recklessly sunsetting the entire income tax code threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions.

Mr. DORGAN. Mr. President, I ask the Chair to notify me when I have used 5 minutes. I will then yield 5 minutes to the Senator from Arkansas and yield back the remainder of the time.

My amendment is very simple. There is in the budget resolution brought to the floor of the Senate a sense-of-the-Senate provision that will sunset the Internal Revenue Code on December 31, 2001.

My amendment strikes that provision and in its place it inserts language saying it is the sense of the Congress that we support the continued tax deductibility of the home mortgage interest deduction, charitable contributions, and so on.

My point is this: It is irresponsible, in my judgment, to talk about sunsetting the Tax Code and a progressive income tax without providing any means of telling the American people what you would put in its place.

I want to read something from the Tax Executives Institute. They represent some 5,000 corporations around the country.

They write that it is folly to make tax policy by sound bite, and proposals to sunset the Tax Code without making provisions for its replacement or telling the American people what you propose for replacement ought to be rejected.

This is what they say:

> For example, a company that otherwise would invest millions of dollars in a multiyear expansion of its manufacturing facilities might well demur if the pending legislation were enacted because of uncertainty over whether or how, after December 31, 2001, it would recover its costs.

They wouldn't know:

> To repeal the Internal Revenue Code without specifying a replacement system—to exalt the exhilaration of "doing it now" over the necessity of "doing it right"—is to threaten major disruptions of the economy and the lives of the American people.

The question I have is this: For those who say let's sunset the entire Tax Code, I say, when you say sunset the Tax Code in 2001, what are you going to replace it with, a national sales tax? A Brookings Institution study on that says if you want to replace the current progressive income tax with a national sales tax, you are probably talking about at least a 35 percent tax rate. I know that the proponents of a national sales tax say a 15 percent rate will work. But study after study shows that you are probably talking a 35 percent tax rate, and that is the 35 percent sales tax, for example, when you buy a home. Think of adding 35 percent to the cost of buying a home.

How about a flat tax or a VAT tax? A Treasury Department analysis in 1996 took a look at one of the major flat tax proposals in the Congress. It says the flat tax will reduce taxes for families with incomes of $200,000 or more, and increase taxes for families with incomes under $200,000. Is that what the American people want? To sunset the entire Tax Code and replace it with—tax breaks for the highest income folks and higher taxes for the rest?

I ask the question, Is the current Tax Code perfect? No. Are there significant troubles with it? Yes. I have a proposal on what we ought to do about that. I think my plan would greatly simplify the tax system for most Americans. But it does not include flat tax, VAT tax, sales tax, all of which would tax work and exempt investment, cut only upper-income folks' taxes and increase taxes on working folks. That is exactly what all the proposals are about ricocheting around this Chamber.

Don't take it from me, take it from the Treasury analysis, take it from the Congressional Budget Office analysis, take it from any study you like. But those who want to abolish the current Tax Code rather than fix what is wrong with the current Tax Code want to replace it, in most cases, with something that says, "Let's tax work and let's exempt investments. Let's propose a new system that lowers the tax burden on upper-income folks and raises the tax burden on the rest."

I will tell those who offer this proposal that everyone out there in this country who owns a home and understands their home mortgage interest is deductible from their income tax, if this sort of thing ever passes, they will be told by this Congress, "Don't count on deductibility of your home mortgage interest, because we may not have a tax system that allows that. Don't count on the deductibility of your home mortgage interest, because we may abolish the tax system. In fact, we want to sunset it, abolish it, replace it with something else, but we don't want to tell you what that something else is."

It is highly irresponsible, in my judgment, to say let us just abolish the Tax Code as of December 31, 2001 before agreeing on a replacement.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DORGAN. I ask for 30 additional seconds, and then I will yield 5 minutes to the Senator from Arkansas, or as much time as he needs under the allotment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I understand this proposal to terminate the tax code has been ricocheting around for some long while. The Tax Executives Institute says it best. This is a good sound bite, but it is a poor excuse for good policy. Don't take it from me, take it from American corporations and taxpayers who need certainty.

Those who want to terminate the entire Internal Revenue Code in this manner risk creating financial trouble for millions of homeowners. Nearly thirty million homeowners who would ask you: If you want to get rid of the current Tax Code, what are your intentions with respect to the tax deductibility of my home mortgage interest? Do you intend to keep that? If not, why not? What do you say to folks who have invested in a home and whose home values will now drop because this proposal would abolish the deductibility of home mortgage interest?

If this extreme measure is enacted, future home buyers would likely find it more difficult to purchase a new home and realize the American Dream of home ownership. This is because, in addition to losing the tax deduction, such a move would surely result in great uncertainty for our financial markets, lead to higher interest rates, and otherwise increase the costs of purchasing a new home—already the largest single financial investment for most families.

Another one of the many important casualties caused by these efforts to terminate the Tax Code would be the tax incentives that encourage millions of taxpayers to make gifts to charities that provide services to needy families and others. Charities perform an important public service by providing help to others when the government is unwilling or unable to do so. At a time when the government is downsizing and we are asking charities and other groups to do more, we ought not take away their key tax tools for attracting the funds they need to meet future challenges. But that's exactly what would happen should this sunsetting proposal become law.

These are just two examples of the serious problems caused by this wrongheaded proposal. For all of the uncertainties this proposal would create, one thing seems certain to me: this sunset provision will leave most Americans in the dark.

My amendment is simple, it strikes the sunset provision and inserts something in place of it that I think makes sense: support for the continued tax deduction for home mortgage interest, charitable giving and more. I hope my colleagues will support that motion to strike.

I yield as much time as he may consume to the Senator from Arkansas, Senator BUMPERS.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first I express my sincere gratitude to the Senator from North Dakota for taking on this issue. I decided perhaps nobody was going to offer such an amendment. But I take this opportunity to say to my colleagues and the American people, for that matter—we are not supposed to call attention to C-SPAN2, but I hope a lot of people are watching C-SPAN2 because I want to say that this is my 24th year in the Senate, and this is the most irresponsible, without question, the most irresponsible provision I have ever seen in a piece of legislation. The very idea of saying we are going to abolish the Internal Revenue Code without a clue as to what we are going to replace it with is the height of irresponsibility.

I know the applause lines. As the old saying goes, I know how to bring people to their feet. The object of any responsible legislator is to bring people to their senses. Everybody knows that when you talk to the Chamber of Commerce, if you are looking for that nice applause, just get on the Internal Revenue Service. Everybody has his own favorite horror story. I have my own. I daresay every Member of this body has his own horror story about their arrogance, how overbearing they are, how they have cost you money. Those are indefensible. I am not defending those.

But I can tell you, if you think the year 2000 computer glitch is bad, if you think that may bring this country to the brink of disaster, you just eliminate the Internal Revenue Code with absolutely no thought of what you are going to replace it with, just as this country is on a sound financial basis, and as we are looking forward to a surplus this year, what in the name of all that is good and holy are we thinking about?

Is it going to be a flat tax? That gets a lot of applause in some places. As far as I am concerned, the flat tax was created by the "Flat Earth Society," but that is beside the point. I know how to get applause talking about a flat tax. Everybody "pays the same amount."

Is it going to be replaced by some kind of a flat tax where your church contributions won't be deductible? Is it going to be a flat tax where, as the Senator from North Dakota has pointed out, your mortgage interest will not be deductible? "Mr. Businessman, before you applaud, are you willing to give up depreciation? Are you willing to give up hundreds of other things that are in the code now that you know about?"

I will tell you one thing, I will take the known, no matter how bad it may be, before I will take the unknown. And for the Members of the Senate to buy into this proposition of saying we are going to eliminate—eliminate—the Internal Revenue Code with nothing to replace it—do you know something, I didn't vote for that extra thousand pages in the Internal Revenue Code last summer. All the people who were so hot for the balanced budget amendment and the big tax cuts and what do we get? A thousand more pages in the Internal Revenue Code so they can go out and tell the Chamber of Commerce what a horror it is—the same people who bring you this piece of trash.

Mr. President, I, again, thank my friend from North Dakota for alerting the people of this body and, hopefully, across America, that we are not just going to take this country to the brink of a disaster, we are going to take it right over the brink, and if you get to the year 2000 after you eliminate the Internal Revenue Code and you don't have anything to collect $1.7 trillion with, you tell the Social Security recipients how that is going to work out. Tell everybody—the Medicare people—how that is going to work out.

I plead with my colleagues on both sides of the aisle, do not buy into an applause line. Keep your sanity and do the rational thing and strike this from this resolution.

I yield back the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, one of the proponents of this provision, although I saw to it that it was put in the resolution, is Senator BROWNBACK who is standing now and wants to be recognized. Is the Senator going to lead off on his side?

Mr. BROWNBACK. Yes.

Mr. DOMENICI. I yield 5 minutes to the Senator, and then I will yield 5 minutes to the next Senator who is his copartner in getting this done.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you, Mr. President. I thank the chairman of the Budget Committee for including this provision in the budget and for being a cosponsor, along with 37 other Members of the U.S. Senate, of this provision.

I have a quiz, if I can, for the Members who are still watching. Just a simple question; a series of facts and then a question.

Let me ask people to, if they will, go through this quiz with me of, what is 10 million words long, cost over $150 billion annually just to comply with, is unintelligible by almost every American, including those with advanced degrees, advanced law degrees, advanced tax degrees, and is the lead way Washington mismanages and micromanages our lives? What one thing is that?

It is the Tax Code.

The Tax Code is over 10 million words, costs over $150 billion just to comply with before anybody pays a thin dime on this Tax Code. It is unintelligible to people who are tax law experts, and is the lead way that Washington micromanages individual lives across this country. It is no wonder this is an applause line. It is because people despise this code. It has been amended and added to and jiggered with over the years and years to where it just does not make any sense.

All the resolution says is that we should sunset the code at the end of the year 2001. We sunset many Federal programs when many Federal programs are required for reauthorization.

I heard the arguments on the other side from my colleagues from North Dakota and Arkansas—very good men, with a great deal of integrity and honor. But we disagree on this. I have to say their arguments sound very familiar. They sound very familiar to the time when we had the debate about balancing the budget by a date certain.

The President then was saying, "If we balance the budget by a date certain, by 7 years, it's going to throw the economy into a tailspin, it's going to do all these terrible things. You don't know how you're going to balance the budget, do you?" We said, "We know a number of ways to balance this budget. And if we don't set a date by which we're going to accomplish it, it'll never get done."

That is the same theory with this bill. There are a number of ways to redo the Tax Code. I am glad to hear Senator DORGAN has a proposal himself. There is a flat tax proposal, there is a consumption tax proposal, there is a VAT tax proposal. Congressman GEPHARDT has proposals. There are a number of them. And we will be phasing in transitions the same as phasing in on different programs we have gone to.

But the point of it here is, if we do not start, we will never get there. If we do not start, we are going to enter the next century for long periods of time with this same Tax Code in place. Let me say to the people here who are listening, we cannot have another American century built on this Tax Code. It is so big and so intrusive that people live in fear of it. Small businesses live in fear of this Tax Code because they use so many resources to comply with it. And when they comply with it, they still do not know what they have actually done to comply with the law.

So all we are saying by this little provision that is in the budget accord is, let us deal with this Tax Code by the end of the year 2001. It leaves alone Social Security and Medicare. Those are not touched in this. So in case people are saying that they are worried about Social Security and Medicare, it is not touched in the bill.

We are saying, if we are ever going to get rid of this that has haunted us for so long, we have to set a date certain by which we will do it. I think it is a good provision in the budget resolution. I urge my colleagues to vote against this amendment so we can have another American century with a different taxation system.

I yield to my colleague from Arkansas.

Mr. DOMENICI. I yield to Senator HUTCHINSON who has been one of the coleaders on this issue.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

I wish my good friend and colleague from Arkansas, Senator BUMPERS, had been able to stay because he called this the most irresponsible piece of legislation that he has heard of during his time. This isn't about applause lines and not about flat taxes or flatter. It is about whether or not we are going to vote to defend the status quo, whether we are going to vote to defend an incomprehensible monstrosity called the IRS Tax Code.

I want to begin my remarks by just quoting the words of James Madison in Federalist Paper No. 62 when he said:

> It will be of little avail to the people. . .if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow.

I think if he were writing today, he would be talking about the IRS Tax Code being incomprehensible. The biggest issue raised against it is that it is going to cause uncertainty if we repeal it, if we sunset it, and that it is going to cause uncertainty.

Mr. President I can think of no greater expert on the economy or the effects of public policy on the economy than Alan Greenspan, the Chairman of the Board of Governors of the Federal Reserve. All of this "the sky is falling," all of this fearmongering, all of this rhetoric that this is going to somehow cause economic chaos—Mr. Greenspan said, in testifying before the Senate Banking, Housing and Urban Affairs Committee in 1995:

> Sunsetting is a very important process for both regulation and various different types of legislation.

He was asked:

> If we're talking about sunsetting regulations, should we sunset taxes as well. . .?

He responded:

> I cannot find reasons why all programs should not have specific time-certain ends to them and be required to be reauthorized.

He went on:

> After a period of years, I would say yes to that. I would say all institutions of a democratic society should be reviewed. . .the presumption that institutions should not be reviewed periodically in a democratic society is a mistake.

Mr. President, we just passed in this Chamber a transportation funding bill, the ISTEA bill. We would not have done it had it not been sunsetted, had it not expired, had it not had to be reauthorized. We would have never forced ourselves to do it.

Today I spent most of my day in a higher education reauthorization markup. We did that because the last one is expiring, because it was sunsetted. We do that on spending bills all the time—the IDEA bill. Why should we not also do that on bills on the Tax Code that has become so incomprehensible to the American people?

Senator BUMPERS, my good friend from Arkansas, said it is the height of irresponsibility to sunset something before you know what you are going to replace it with. I am so glad—I am so glad—that our Founding Fathers did not adopt such a position. To say that you cannot pass a law until a new law is ready to replace it ignores the rich history of this country that was founded by a group of freedom lovers who signed the Declaration of Independence 12 years before the Constitution was drafted and implemented. Surely we can do that with just one title of the U.S. Code.

To say that it is the height of irresponsibility—can you imagine our Founding Fathers saying, "Well, it's very irresponsible for us to declare independence before we know what the Constitution is going to look like or before we know what the Government is going to look like or before we know what the Tax Code is going to look like."

We know one thing. We may not know, I say to my colleague, whether we want a flat tax, sales tax, value added tax, or some other hybrid, but we, as the American people, know that of what we have, we deserve better, that this serves no one, and the April

Fool's joke is to defend this Tax Code, which is the nightmare for the American people 2 weeks before they reach this deadline.

I urge my colleagues to vote no on this resolution which would delete this important sunset provision sense of the Senate from our budget resolution. I thank the chairman for his leadership on this issue.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I think that 3, 4 years ago, 5 years ago, someone might have walked up to me and said, "Senator DOMENICI, why are you on such a measure?" But for many years, more than 5, I have been telling New Mexicans and every American that I could speak to that we are going to reform the tax laws of America. And guess what has happened. They now consist of 17,000 pages of laws. That is not the regulations and all the other things—17,000. And every year that passed, since that 5 or 6 years ago when we started talking about basic reform, the tax laws got more complicated, more difficult, cost more money, and more detrimental to the American economy with the passage of each year.

Frankly, I am on this bill and I decided to put it in the budget resolution because it seemed to me that we were muscle bound. We could not get anything done. I believe the right thing to do when you are in that condition, and the people are suffering from it, and the country is suffering from it, is that you say there is going to be an "or else" to this—"you fix it or else."

That is what sunsetting is. But nobody should think that we are talking about sunsetting a code without prescribing some basic fundamentals about the code we intend to replace, that defective, deficient one. And anybody who is interested in knowing whether we just said, "Let's do away with the code," or whether we spoke intelligently and with great common sense, right to what the American people are worried about, just turn to page 33 of S. Con. Res. 86—and if my time runs out in the middle of these next two or three paragraphs, just stop me. But the findings are found in this resolution. And it says:

> Findings—Congress finds that a simple and fair Federal tax system is one that—
>
> (1) applies a low rate, through easily understood laws, to all Americans;
>
> (2) provides tax relief for working Americans;
>
> (3) protects the rights of taxpayers and reduces tax collection abuses;
>
> (4) eliminates bias against savings and investment;
>
> (5) promotes economic growth and job creation;
>
> (6) does not penalize marriage or families;
>
> (7) provides for a taxpayer-friendly collections process. . . .

And then it goes on to say that the reason for this sunset is "that a new Federal tax system"—not nothing, as was suggested, but "a new Federal tax system will be enacted that is both simple and fair as described in" the provisions that I just read 2 minutes ago.

That is what the American people want to hear, that we are going to do away with this one because we want to pass a new one and more like it. And if we can pass the law and send it to the President with the real sunset, it is a message to the committees of the Congress, to the reformers who seem to never end in terms of, what are we going to get in place of this one, that the time is running out, the clock is ticking. And that is what this is about.

I believe the American people, although they have been fed some shock medicine by the President, who talks about how irresponsible this is, if they heard this read, what we propose, that we are saying stop what is currently an abomination and substitute it with a new one that does the following things, would say, "Hallelujah. Let's do it."

So I believe we should turn down the proposal that attempts to wipe this out of the budget. It is the right place to have it. It is the right thing to do. And if we want a good future, we are right on track. Fix Social Security in the way we have been discussing, take care of Medicare, and fix it, and reform this Tax Code; and we will be giving our children and future generations the best present that we could give anyone as elected adult leaders.

I yield the floor.

Mr. DORGAN. Mr. President, I yield to my friend from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Yes. Mr. President, I sat and listened here with wonderment. We are about ready to say, "Let's get rid of this other thing because that will make us behave like responsible citizens. That's the only way we can do it." We heard the same speeches, with all due respect, about whether or not we needed a balanced budget amendment because we cannot discipline ourselves, and, thank the Lord, that failed. And we did not alter the Constitution, and we did not get into the ridiculous kind of arguments that we would have. We just went out and did it.

To my friends on the other side I would say, have faith, have faith in your own ability that you can make a difference. You have a majority. Let us change it. But if you want to burn down the house so we can be forced to move and find another location, I think that is a pretty poor way of conducting business. I see what the distinguished Senator from New Mexico has proposed as an alternative, something that promotes economic growth, something that is a low tax rate.

This amendment would delete the provision in the resolution calling for scrapping the tax code without an alternative. Instead, the amendment calls for the continued tax deductibility of home mortgage interest and charitable contributions.

I share the frustration of most Americans about the Internal Revenue Service, and believe strongly that we must pass IRS reform legislation as soon as possible. The House approved similar legislation last year. It's long past time for the Senate to act.

At the same time, I have serious concerns about the proposal to scrap the tax code without an alternative. I think, with all due respect, that it is a reckless political gimmick that would backfire on this Congress.

The main problem with this proposal is that it would create enormous uncertainty about the continued availability of many important tax code provisions. And that could create economic chaos and other problems for millions of Americans.

The Finance Committee needs to consider these problems before we scrap the whole tax code. For example, what will this do to the value of homes? How will uncertainty affect contributions to charities, or savings plans for retirement and education purposes? How will employers react to health and retirement plans; will they refuse to set up new plans? Will they reduce contributions to existing plans?

What will be the overall effect of uncertainty on economic growth and job creation? These are important questions that need to be publicly examined.

The Finance Committee ought to consider these types of questions before we approve sunsetting legislation. But I do think it is important that, in the meantime, we reaffirm our support for the mortgage interest deduction and the deduction for charitable contributions.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUTENBERG. Mr. President, in short, I hope that the amendment by the Senator from North Dakota will prevail, because it makes good sense and it tests the mettle of those who are voting. Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I guess I have 3 minutes remaining. The other side has 2. I will take my 3 minutes. They are welcome to finish.

There is a wonderful legislative strategy, I guess, that if you cannot change the facts, change the subject. The subject here isn't about the current Tax Code; the subject is about what do you want to put in place of a Tax Code you want to abolish? Something new, we are told. Well, it is interesting. There is nothing new around here that I see about the proposals to change the Tax Code. All the proposals I have seen are the same tired, old proposals—exempt the rich, tax the rest, and call it reform.

You think that is not the case? The plans out here are: Tax work and exempt investment; tax people to go to work; tax the income from work; say to those that clip coupons, you are exempt. Nothing new about that. People have been trying to do that for a century.

The question I would ask the opponents of this amendment is, do you think the American people will be better off with a national sales tax plan? Is that what you are going to replace it with?

Bill Gale at Brookings, who did this piece, says your national sales tax rate, by the way, despite all the numbers they tell you, will be 35 percent. Want to pay a 35 percent sales tax on a home you buy? Do you think you are better off with that kind of tax program? Do you think you are better off with a program that has also been introduced here in the Congress that the Treasury Department analyzes that everybody over $200,000 gets a big tax cut? Everybody under $200,000 a year in income gets a big tax increase? Do you think you will be better off with that kind of Tax Code? I don't think so. Is a business going to be better off when they find they can't get their existing depreciation deductions ? Or tens of millions of homeowners will be better off when they discover they can't deduct their home mortgage interest?

No, this isn't about change. And with respect to Mr. Greenspan, who we are told about here—Mr. Greenspan, of course, is the fellow who said if we ever go below 6 percent unemployment we have calamity in this country. It has been about 45 months that we have been below 6 percent unemployment and the economy is doing well and inflation is in check. He was wrong about that. He said we will have a new wave of inflation, every month. He has been wrong about that for 4 years. Inflation is way down. I was about ready to think maybe the Senator had merit until he started talking about Greenspan supporting his case.

Sunset the Tax Code—what will you replace it with? Will the American people be better off with a flat tax? A VAT tax? A national sales tax?

This is the only town in America where people think it is a bold new stroke, having a billionaire proposing a tax plan that would cut his taxes by hundreds of millions of dollars. That is not bold or new. It is the same tired old argument the American people have heard for years and years and years.

Mr. LAUTENBERG. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. LAUTENBERG. Does the Senator know that Chairman ROTH in a March 13, 1998, letter—

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from New Mexico has 1 minute 45 seconds.

Mr. BROWNBACK. Will the Senator yield 1 minute?

Mr. DOMENICI. I yield 1 minute.

Mr. BROWNBACK. I guess the rationale of the Senator from North Dakota is we are stuck with this Tax Code forever and that is the way it will be.

Frankly, there are a lot of different ideas floating around. I heard the Senator from North Dakota has a tax proposal, as well.

I simply ask people looking at this, could we do any worse than this current Tax Code? If I had a stack of books here now, it would be this tall. I am a lawyer. I confess that sin. I looked at this Tax Code and it is unintelligible. We couldn't do any worse with something different.

Mr. HUTCHINSON. Will the Senator yield some time to me?

Mr. DOMENICI. I yield 40 seconds.

Mr. HUTCHINSON. The language contained in our budget resolution mimics the language of the Tax Code Termination Act. Thirty-eight Members of the Senate are cosponsoring it; 154 Members of the House. It is responsible language that will force this Congress to act. It will force the national debate, it will force a consensus, and it will force us to make a decision.

We can do better and the American people deserve better. We need to set a sunset for this Tax Code.

Mr. LAUTENBERG. If the discussion on the amendment is done, I yield myself 2 minutes off the bill.

Mr. DOMENICI. I thought we weren't going to do that. We entered a unanimous consent agreement that we couldn't do that. Or did we say we would only do it for ourselves?

Mr. LAUTENBERG. I guess that is what I thought we said, but it is like the Senator made a mistake and thought 7 o'clock was 9 o'clock.

Fair enough.

Mr. DOMENICI. How many seconds do I have?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. I gave him 40 seconds and you said I had 57 seconds.

The PRESIDING OFFICER. Time was counting as the Senator was asking the question.

Mr. LAUTENBERG. Thirty seconds apiece.

Mr. DOMENICI. Thirty seconds apiece.

Mr. LAUTENBERG. In my 30 seconds, by unanimous consent, Mr. President, I say that it is important to note that in a March 13, 1998, letter to the Budget Committee, Chairman ROTH wrote, "I believe a comprehensive overhaul of the Tax Code should be in place before any action is taken to sunset the existing Tax Code."

I rest my case.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Senator DORGAN proposed to us, and I think to the American people, that he is not for reform and he likes the current tax system. Unless that is the case, then it seems to me he would at least permit those who write the tax laws to try to write a new one that is better than this one.

My question is, do you like the Tax Code the way it is? Do you like tax reform, which has never been passed yet? We don't know what it will be, except it will be better than this one.

The PRESIDING OFFICER. All time has expired.

Mr. DORGAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2170

Mr. ALLARD. I ask the pending amendment be laid aside and I ask to call up amendment No. 2170.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment numbered 2170, previously proposed by the Senator from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. President, the purpose of the Allard amendment, which we did debate last night—I brought it back to continue the debate this evening—is to explain just how easy it is for us to make a commitment to pay down the debt by making some commitment of revenue flow for that sole purpose.

I have a chart with a provision called the "American Debt Repayment Act." Basically, what it does is take the budget bill, the 5-year plan we have before us, take the revenues, and say we don't spend it, we save it to pay down the debt, and after 5 years we will take $11.7 billion, less than 1 percent of the total budget allocated over 30 years, and we will eliminate the debt by doing that.

The American family today, when they take out their largest loan—usually to buy a new home—has a 30-year mortgage. I am just saying that we can make a minimal commitment from the budget and we can pay off this debt within 30 years. That is the reason I propose my amendment, because I want this body to make a minimal commitment to paying down the debt.

When you do this, several things happen. First of all, there is tremendous savings on interest, some $3.7 trillion in interest over that 30 years that is saved that can be used for other programs, whether it is tax cuts or whether it is additional spending. I am not in favor of additional spending. I think tax cuts is the way to go, but the money is there to do it. We do this with this commitment, and yet when we do that we still let our budget grow traditionally at the rate it has been growing in the past.

We are really not making a sacrifice but we are making a commitment, if we pass this Allard amendment, to help pay off the debt. If we pay off the debt in 30 years, that gets us out to year 2027, 2028. If that has a familiar ring, let me remind Members that is the same date that many economists predict Social Security will be bankrupt. So this is a key first step in us being able to address some very serious problems that we are faced with today, and that is a Social Security that is getting ready to go bankrupt, a Medicare system that is even in worse shape than the Social Security system. This frees up revenue to address those kinds of problems.

I asked the chairman of the Federal Reserve when he testified before the Banking Committee, Alan Greenspan, if he would comment about paying down the debt. He said he agrees that paying down the debt or eliminating the Federal debt would have several positive impacts on Social Security reform. I will quote his testimony before the Senate Banking Committee on the 25th of February:

> The notion to pay down the debt creates a very large amount of savings in the system, a very big window to do a lot in the area of Social Security, if you go that direction.

In a letter that I received from Alan Greenspan on March 26, 1998, he said: "Budget surpluses will not by themselves make the current structure of Social Security taxes and benefits viable over the long run. Assuring payment of intended benefits beyond that date will require some statutory adjustments to Social Security receipts and or benefits." So he does recognize that there is definitely a correlation between Social Security reform and making a commitment to pay down that debt.

I will comment about the impact of paying off the debt on the total economy. Again, I will quote the Chairman of the Federal Reserve, Alan Greenspan, when he testified before the Senate Banking Committee, again on the 25th of February. In regard to the economy he says: "The means by which you pay off the debt is to run very substantial unified budget surpluses. What happens when you do that is you shift the issue of debt from the public to the private sector. I think there are very major benefits from that occurring."

So I think there is a lot of support from people who really know about the budget, know about the economy, know about Social Security, about this, and there are a lot of Americans who support the idea we ought to be paying down the debt. I think the Senate ought to show a similar commitment to pay down this huge debt, which is somewhere around $5.6 trillion.

I have on the floor with me a colleague, and I yield 8 minutes to the Senator from Wyoming to talk about paying down the debt.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I rise to express my support for the common sense amendment, No. 2170, which would pay down the national debt.

When Congress was in session, and on most weekends, I traveled thousands of miles throughout the vast State of Wyoming. I polled people on what they think is the most important thing we can be doing with their money. I consistently heard many people say, "If there's a surplus, pay down the debt." I have to tell you, they don't quite believe in the surplus we keep talking about back here because they understand Social Security. But they don't want us squandering it on new spending and new ideas.

If recent CBO statistics hold true, we should see a budget surplus of $8 billion in fiscal year 1999—not counting Social Security. However, we did not get to this point by exercising fiscal constraint. We still spend too much. We spend about $1.7 trillion every year. I voted against the spending portion of the balanced budget amendment of 1997 because it seemed clear to me that more could have been done to cut down the size and scope of the Federal Government. We could have enacted more meaningful entitlement reform. We could have gotten the fiscal house in order faster. If not for the unexpected revenues that came as a result of 7 years of economic expansion, we would not be close to eliminating that deficit today.

Just the interest that we are now paying on the Federal debt has reached about 15 percent of the total budget outlays. That amounts to about $250 billion that cannot be used for education or military readiness or national defense. The only way we can cut down on the amount and percentage of interest paid is to reduce the Federal debt.

This amendment will accomplish just that. It will set Congress on a path of fiscal responsibility and will require a 30-year pay down of the Federal debt. In the past few months, I have seen a unique attitude transformation take place in this city. Even though a budget surplus or zero deficit, only estimated, has not yet occurred, the administration did not hesitate to offer around $100 billion worth of new or expanded programs that would easily create a larger deficit in the proposed balanced budget. It seems their eye for spending is still bigger than the taxpayers' wallet.

Even though the economy is strong, I am surprised that so few in Congress are concerned about what we, as a nation, are in danger of passing on to our children and our grandchildren. It seems we are tied to the immediate gratification we receive from spending more money that we don't have, that we don't see the danger that looms in the not-too-distant future if we don't stop spending on credit with reckless abandon. That danger is a massive Federal debt and the changing demographics that will place a tremendous amount of pressure on young taxpayers who, if no change is made with the entitlement programs, will see a bankrupt Social Security and Medicare system and a mountain of high debt and an economy so weak that there will be no hope of passing it off—paying it off; we are trying to pass us off.

Somehow we have convinced ourselves that we deserve these benefits and we will it to our children to figure out a way to pay for them. Throughout the debate in the budget resolution it becomes even more evident that it does not matter whether the economy is performing at record highs or lows, some Members of Congress will always propose more spending and more programs. I have heard numerous excuses this week of why we should spend more of our Federal dollars.

There seems to be a belief that no matter how much we spend, we are not spending enough for the American people. Before I came to Washington as a Senator, I knew we had a plethora of Federal programs. Now that I am here, however, I am even more astounded at the number of programs available for nearly everything and everyone under the sun. But some still believe the Federal Government is not doing nearly enough to help those in want or need, or more.

It is very short-sighted to believe that our children or grandchildren will not be left with the bill that is accruing. Do we ever stop to think what the possible consequences are before we propose a program expansion or creation? The Allard amendment would require us to focus on our priorities. It would help us focus on a limited, less-expansive Federal Government. A limited, responsive Federal Government is what the people of Wyoming expect from any government, whether at the State, local or Federal level. They and the other American people deserve a disciplined Federal Government. This amendment will help Congress focus on limiting the scope of Government.

With a Federal debt of over $5.5 trillion, we must run budget surpluses not just for 1 or 2 years, but for 30 or more years to pay off the debt. I believe the administration and Congress should heed the words of Federal Reserve Board Chairman Alan Greenspan. He noted in his testimony in the Senate Budget Committee on January 29, 1998, that we should be cautious in our spending because Federal revenues are not guaranteed and may fall short of expectations. He, again, advised that we should be aiming for budgetary surpluses and using the proceeds to retire the outstanding Federal debt. He mentions how that will help the economy and save Social Security.

The Allard amendment follows the advice of Chairman Greenspan. It requires budgetary surpluses every year, with these surpluses going toward payment of the Federal debt. These payments would amortize the debt over the next 30 years, similar to mortgage payments on a $5.5 trillion mansion. Anybody who purchases a house must pay the mortgage that accompanies it. Why should the Federal Government be exempt from a similar requirement? It is the ethical thing to do and it just makes sound economic sense. Yes, we bought a house for ourselves and our kids and our grandkids, and we will pass on the house and we will pass on the debt. But let's be sure that we are current on the payments.

The Allard amendment will not take money from the Social Security system. To the contrary, it will extend the life and solvency of the Social Security system and other entitlement programs. The best way to shore up Social Security is to pay down the national debt while we work on reforms to the system.

Now is the time to start making those mortgage payments and to begin to chip away at the mountain of debt. It is irresponsible, reckless, and selfish to wait any longer. Any delay will further jeopardize the national security and economic freedom of our Nation and our children. Some may ask if we can afford to do this now. In response, I will borrow the words of President Ronald Reagan: "If not now, when? If not us, who?"

I urge my colleagues to support the Allard-Enzi amendment.

Mr. ALLARD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 15 seconds remaining.

Mr. ALLARD. Mr. President, I reserve the remainder of my time and yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I watched with interest the development of this amendment and the others that we heard over the last couple days. It seems like there is a testimonial here to Alan Greenspan. He is a very smart guy, and I will tell you how I know how smart he is. He used to be on the board of my company, and when I left to come to the Senate, he was still on the board of my company. He didn't leave there until he was chosen to be chairman of the Fed. At that point, he could not stay and continue enjoying the private side of things. It was very nice.

He is a very bright guy. At our board meetings, everybody used to listen so attentively to what Alan said. Fortunately, in this country of ours, there are lots of smart people. It doesn't mean that he is wrong, but it means that others can have a differing view. I think that this amendment—and I am not putting myself in his league, I must tell you; but we talked to economists, too, and we see a problem with this.

This amendment would establish a point of order against any budget resolution in which revenues do not exceed outlays for any given year. We are considering a budget resolution today. There would be a point of order against any budget resolution in which revenues do not exceed outlays for any given year. Well, this amendment would lock us into a rigid formula for fiscal policy, threaten to make future recessions more severe, jeopardize our national security—I don't use these words casually—and deprive the Nation of needed investments in our future well-being.

We all know that reducing the Federal debt is an important goal of fiscal policy. I don't think it is unknown that our President, President Clinton, is a very strong advocate of doing that. He proposed using any surpluses to pay down debt and, yes, to shore up Social Security, which it does at the same time—pay down that. That is what the President said, "I am not going to let you tinker with that. If I have anything to do about it, I don't want you to use that money for anything but paying down the debt." So we have a common goal here, but it should not be pursued to the exclusion of all other worthy goals.

If this amendment were to pass, it would make future recessions deeper by eliminating the budget's ability to stabilize the economy automatically. We use it that way—perhaps to the surprise of some—and when an economic downturn hits, tax revenues go down automatically and spending for unemployment benefits increases automatically. That is the way, frankly, I think it should be. The budget's automatic response helps to offset some of the economic pain and to shorten the recession's duration.

Handcuffing our fiscal policy in times of economic crisis, as this amendment would do, risks turning recessions into depressions. As one who lived through the Great Depression myself, I know very well what that would mean to our Nation. I know what it did to help my family, the only time—other than the GI bill—that we had to reach out. My father was humiliated when his job was finally lost in the Depression and he had to go to work for the WPA, a Government program. It was embarrassing to him, but that was the only way he could see to try to support his family. That is the way it happens in times of stress like that.

So when I look at what is being proposed here, I say thank goodness we have the capacity in times of need to make changes. For instance, the Allard amendment doesn't just pose a threat to our economic security; it also jeopardizes our national security. The cold war may be over, but that doesn't mean we won't face serious new military threats in the future. What would happen if America confronted an enemy that was building up its military in preparation for conflict? We would not be able to arm ourselves to meet the challenge because of this fiscal straitjacket.

I know that the Senator from Colorado wants to do the right thing and, again, we share a goal, but the approach is radically different. The Allard amendment does include an exception in matters of Defense, when a declaration of war is in effect. There is very significant meaning to those few words. We faced a variety of major military challenges since war was last officially declared, and the year was 1941. This amendment, in those several times, would have tied our hands behind our backs. I also say to Senators who care about public investment that this amendment could prevent us from providing prudently for our future.

Here is an example: If Congress were to decide that it's important to make significant new investments in our telecommunications infrastructure or our transportation infrastructure and we wanted to amortize the cost over several years, even though we don't have amortization formally in our financial statement, the Allard amendment would create a new roadblock. I want to say especially to our friends on the other side of the aisle who believe that tax cuts underwrite our future prosperity, this amendment would also make it more difficult to enact tax cuts.

My point is not at all to advocate huge, new tax breaks. But I want to highlight the fact that this amendment will tie everybody's hands behind our backs and limit flexibility for Senators on all sides of the ideological spectrum. We have eliminated the deficit, restored fiscal discipline, and helped create the strongest economy in decades—maybe retroactively we are going to say it has been the strongest decade ever. We have done it all without procedural gimmicks that limited our flexibility. We did it the old-fashioned way, with hard work and hard choices. That is the way I think we ought to do it now and in the future. There is just no need for this kind of rigid rule.

I urge my colleagues to oppose this amendment. I think it would be a huge mistake. It could wreak havoc on our economy, could weaken our national security to a dangerous point. It could impede our ability to make needed investments either directly or through the Tax Code.

Mr. President, at the appropriate time, I intend to raise a point of order against this amendment. It is not germane. If the proponents of the amendment move to waive my point of order, I hope my colleagues will vote no on the motion to waive.

With that, I yield the floor.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I would like to summarize and make sure that any opposition to my amendment has had an opportunity to speak. When they are finished, I would like to make concluding comments, if I might.

Mr. LAUTENBERG. Mr. President, I can't promise that. If we have time left, we will use it. It is there now for the proponents to make their case.

Mr. ALLARD. Mr. President, it is my understanding that we have 2 minutes remaining on our time.

The PRESIDING OFFICER. The Senator is correct. The Senator has 1 minute 31 seconds. The opponents have 7 minutes 38 seconds.

Who yields time?

If neither side yields time, time runs equally.

Mr. ALLARD. Mr. President, I would like to have an opportunity to summarize my remarks. I ask that my opposition yield back the remainder of their time so I can summarize my comments.

Apparently, they don't want to do that. I will briefly make comments so that we can move along.

First of all, we heard many arguments about voting against the balanced budget amendment. Those who voted against the balanced budget amendment said that we should not tie down the hands of the Senate, the Senate should have the discipline in order not to go into deficit spending. My argument has been that the Senate—I have always supported it because I never felt the Senate, although well-intentioned, would ever allow that to happen. We are asking for a simple amendment to pay down the debt, and one of the arguments made against this is that it may raise a point of order if the Senate goes into deficit spending. Most of us, I think, in this Chamber agree that we should not have deficit spending. So it points out again how very important it is to have these types of plans before us if we really are serious about eliminating deficit spending and pay down the debt. If we want a secure economy and we want to make sure that our children and grandchildren have a secure future and we want to continue to see economic growth, the way we do that is to make a commitment to pay down the debt. So I am here to ask for an aye vote on the Allard amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, the pending amendment is not germane and I, therefore, raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act.

Is the time available all on our side?

The PRESIDING OFFICER. Having made the point of order, all time has elapsed.

Mr. DOMENICI. Mr. President, if the Senator from Colorado is not going to move to waive, I will.

Mr. ALLARD. I was going to do that, but the chairman can do it.

Mr. DOMENICI. Mr. President, I move to waive the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2195

Mr. LAUTENBERG. Mr. President, I call up amendment No. 2195.

Mr. President, I want to point out that we have the following cosponsors on our amendment. They include Senators DASCHLE, KERRY, BAUCUS, BINGAMAN, BOXER, GRAHAM, MOYNIHAN, LEAHY, REID, WYDEN, LIEBERMAN, and MURRAY.

Mr. President, this amendment would establish a reserve fund that would allocate funding from a reinstated Superfund tax on polluters for several important environmental initiatives.

Mr. President, President Clinton has made environmental protection a top priority. And the American people agree with that. Americans feel strongly about the need to keep our water and air clean, and our national parks well maintained. And, in my view, they're right.

The President has urged that several related environmental initiatives be funded by reinstating the Superfund tax on polluters. But the resolution before us largely rejects this approach. It does allow for spending up to $200 million next year from this tax, if it is reinstated, and if the reinstatement is part of broader Superfund reauthorization legislation.

However, the Superfund tax raises $1.7 billion per year. And the Resolution would allow the extra $1.5 billion per year to be used for purposes that have nothing to do with environmental protection.

By contrast, my amendment would use these environmental taxes for environmental objectives.

My proposal largely incorporates the President's Environmental Resources Fund for America, as proposed in his budget.

Under the proposal, revenue from a reinstated Superfund tax could be used for a variety of environmental priorities. These include, but are not limited to the following: cleanup of hazardous waste sites; clean water initiatives to assist states in protecting waterways from polluted runoff; construction and maintenance for our deteriorating national parks, forests, refuges, public lands and tribal schools; and purchases of valuable natural resources through the Land and Water Conservation Fund.

The funding for hazardous waste cleanup would increase the Superfund budget by 40%. This would double the pace of cleanups, bringing the total number of cleanups to 900 by the end of 2001.

Let me be clear, also, that this amendment does not raid the Superfund program to pay for other initiatives. Under the amendment, we would still appropriate more money for hazardous waste cleanup than is collected from the Superfund tax, as has been our practice in the past.

Mr. President, let me take a moment to highlight the Clean Water and Watershed Restoration Initiative. Today, the major source of pollution of our rivers, lakes and other sources of drinking water is not industry, and it's not municipal sewage treatment plants. It's polluted runoff from our cities and farms.

This program would provide funds—not to increase the federal bureaucracy—but to aid states and localities in their efforts to address this problem.

Mr. President, I want to emphasize that this amendment would not increase the deficit or reduce a surplus by one penny. It's entirely deficit neutral.

I would also note that the amendment is broad enough to allow the appropriate committees to make the specific decisions about where this additional $1.5 billion per year would be spent. The amendment does not limit the committees to the particular proposals in the President's budget. Rather, it allows them flexibility to shape programs based on their needs and priorities when the Superfund tax is passed.

I would note that the amendment is supported by the League of Conservation Voters, the Natural Resources Defense Council and the American Planning Association.

In conclusion, Mr. President, the American people want us to protect the environment and to protect our investments in our national parks, refuges and forests. This amendment could go a long way toward meeting these goals in a deficit-neutral manner. I hope my colleagues will support it.

We have a letter from the Council on Environmental Quality responding to our request for administration views on the proposed amendment.

> Please be assured that the Administration strongly supports your efforts to secure adequate funding for pressing environmental challenges facing this country.

I submit that and the letter from the League of Conservation Voters, as well as a letter signed by 44 environmental groups.

Mr. President, I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,
Washington, DC, April 1, 1998.

Hon. FRANK LAUTENBERG,
Ranking Member, Senate Committee on Budget, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LAUTENBERG: I am writing in response to your request for the Administration's views on your proposed amendment to the Senate budget resolution. Please be assured that the Administration strongly supports your efforts to secure adequate funding for pressing environmental challenges facing this country.

As you are well aware, the President's Fiscal Year 1999 budget proposes significant investments to protect our environment and public health. It would accelerate Superfund cleanups, provide new resources for the President's Clean Water Action Plan, and continue our efforts to restore and protect our national parks and other public lands.

Despite your efforts in the Budget Committee, however, the resolution now before the Senate fails to provide adequate funds for each of these priorities. The effect of the resolution would be quite serious. It would jeopardize public health by delaying cleanup of Superfund sites in communities across the country. It would significantly limit nationwide efforts to curb polluted runoff, the largest remaining threat to the health of our lakes, rivers and coastal waters. And it would hamper our ability to repair deteriorating infrastructure at national parks and other facilities, posing a threat to the health and safety of visitors and workers.

Your proposed amendment to correct these deficiencies by securing $1.7 billion in Fiscal Year 1999 and a total of $7.4 billion over five years is consistent with the Administration's budget request. Furthermore, it is important to note that your amendment is budget-neutral because it would ensure that reinstatement of the Superfund tax is committed to these environmental priorities.

The Office of Management and Budget advises me that this letter is consistent with the President's program.

I greatly appreciate your effort to ensure that these vital environmental priorities are met.

Sincerely,

KATHLEEN A. MCGINTY,
Chairman.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, March 30, 1998.

U.S. Senate,
Washington, DC.

Re Senate Concurrent Resolution 86, Supporting the Lautenberg amendment to fund environment and national resource protection.

DEAR SENATOR: The League of Conservation Voters is the bipartisan, political arm of the national environmental movement. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide and the press.

Last year's balanced budget agreement contemplated decreasing spending every year until at least 2003 for natural resources and environmental programs. The American public has made clear that clean water, our public lands, fisheries and wildlife management, and other environmental programs require a higher priority than was reflected in this agreement.

During consideration of the Budget Resolution, S. Con. Res. 86, LCV urges you to support an amendment by Senator Lautenberg (D-NJ) that would restore funding for critical environment and natural resource programs that were proposed in the President's budget but omitted from the Resolution. This amendment would address the following crucial environmental initiatives.

The Clear Water Action Plan, which will provide increased resources to states, tribes and individuals in order to address polluted runoff from urban areas, agriculture, mining and other sources.

A continuation of funding for the Drinking Water and Clean Water State Revolving Loan Funds which will help to ensure that our drinking water and wastewater treatment infrastructure can meet water quality and public health needs for the next century.

The Land, Water and Facility Restoration Initiative, which provide increased funding for "Safe Visits to Public Lands" and "Supporting the Land and Water Conservation Fund Vision".

An increase in funding to continue progress in cleanups at Superfund sites around the nation, where many communities have been waiting for over a decade to have toxic and hazardous sites restored to safety.

In addition, LCV urges you to support any amendments to address the following:

We understand that an amendment may be offered to reduce or eliminate the existing tax subsidy for mining on public and patented lands—known as the percentage depletion allowance.

The Budget Resolution assumes that landowner incentives programs for endangered species would be funded from the proceeds of the sale of public lands under the Interior Department's Bureau of Land Management. This proposal would set an unacceptable precedent regarding the sale of public lands and would fail to provide a sustainable, long-term revenue mechanism for endangered species protection.

America's land, water, fish, wildlife and plants are irreplaceable natural assets that belong to, and benefit, our entire nation; their protection and stewardship warrant the modest increase in funding that Senator Lautenberg's amendment would allow. LCV's Political Advisory Committee will consider including votes on S. Con. Res. 86 in compiling LCV's 1998 Scorecard. Thank you for your consideration of this issue. If you need more information please call Paul Brotherton in my office at 202/785-8683.

Sincerely,

DEB CALLAHAN,
President.

March 27, 1998.

SUPPORT THE LAUTENBERG AMENDMENT TO FUND ENVIRONMENT AND NATURAL RESOURCES

Attention: ENVIRONMENTAL LA.

DEAR SENATOR: On behalf of the undersigned organizations, we strongly urge your support for the amendment to the Budget Resolution, S. Con. Res. 86, that will be offered by Senator Lautenberg during Floor consideration. Senator Lautenberg's amendment would provide funding for critical environment and natural resource programs proposed in the President's budget. America's land, water, fish, wildlife, and plants are irreplaceable natural assets that belong to, and benefit, our entire nation; their protection and stewardship warrant the modest investment of funds that will be provided by Senator Lautenberg's amendment.

Some of these crucial environmental initiatives fall under the President's proposed Environmental Resources Fund for America and include:

The "Clean Water Action Plan", which will provide increased resources (a total of $568 Million for this multi-agency initiative) to States, tribes and individuals in order to address polluted runoff from urban areas, agriculture, mining and other sources. Polluted runoff is the single biggest cause of water quality impairment in the nation today. The "Clean Water Action Plan" will help to reduce its impacts through improved coordination among different levels of government and through increased spending to help farmers and other individuals improve their water quality management practices.

A continuation of funding for the Drinking Water and Clean Water State Revolving Loan Funds (a total of $1.875 Billion for both) which will help to ensure that our drinking water and wastewater treatment infrastructure can meet water quality and public health needs for the next century.

The "Land, Water and Facility Restoration Initiative", which provides increased funding for "Safe Visits to Public Lands" and supports the "Land and Water Conservation Fund (LWCF) Vision". "Safe Visits to Public Lands" would begin to address the critical multi-billion dollar maintenance backlog on our public lands by providing a $92 Million (eight percent) increase in funding to repair and refurbish the aging infrastructure in our national parks, forests, wildlife refuges and other public lands. Supporting the "LWCF Vision" would provide a 43% increase in LWCF spending over the next five years to continue acquisition and permanent protection of key land, water, and open space resources for future generations. Even this modest increase still falls far below the level of $900 Million authorized yearly for LWCF.

An increase in funding to continue progress in cleanups at Superfund sites around the nation, where many communities have been waiting for over a decade to have toxic and hazardous sites restored to safety. The Environmental Resources Fund for America proposes $2.1 Billion in spending, which would be a forty percent increase over 1998.

In addition, the Senate Budget Resolution does not include crucial FY99 increases requested for the Fish and Wildlife Service (FWS). The Lautenberg amendment would provide funding for these increases including:

An increase in funding for Enhancing Endangered Species Act (ESA) Efforts. In the last five years, the number of listed U.S. species has doubled and a growing number of species require management to survive. The requested increase will allow the FWS to carry out necessary activities to conserve species, to provide more efficient implementation for regulated interests, and to offer new incentives for private landowners. The FY99 increase for FWS is $38.8 million.

An increase in funding for FWS National Wildlife Refuge System Operations. The nearly 93 million acre National Wildlife Refuge System is the only federal public lands system dedicated primarily to the conservation of fish and wildlife; yet chronic and severe funding shortfalls threaten its mission. The requested $15 Million increase for FY99 would take a small step in addressing the current $410 Million shortfall in operating needs.

Last year's balanced budget agreement contemplated decreasing spending every year until at least 2003 for natural resources and environmental programs. The American public has made clear that clean water, stewardship of our public lands, fisheries and wildlife management, and other environmental programs require a higher priority than was reflected in this agreement. At the same time, we would be happy to work with the Senate to weed out environmentally destructive spending that would more than pay for the funding increases reflected in the Lautenberg amendment to fund environment and natural resources.

A 'yes' vote on the Lautenberg Amendment will send a clear signal of your support for protection of the environment and public health, and in particular for clean water, vibrant public lands, and protection of species and habitat. Thank you in advance for your support.

Sincerely,

David Younkman, Executive Director, American Oceans Campaign, Washington, DC; Rebecca R. Wodder, President, American Rivers, Washington, DC; Roger E. McManus, President, Center for Marine Conservation, Washington, DC; Roger Schlickeisen, President, Defenders of Wildlife, Washington, DC; Fred D. Krupp, Executive Director, Environmental Defense Fund, New York, NY; Brent Blackwelder, President, Friends of the Earth, Washington, DC; Paul Hansen, Executive Director, Izaak Walton League of America, Gaithersburg, MD; John Flicker, President, National Audubon Society, New York, NY; Thomas C. Kiernan, President, National Parks & Conservation, Association, Washington, DC; Mark Van Putten, President & CEO, National Wildlife Federation, Washington, DC; John H. Adams, Executive Director, Natural Resources Defense Council, New York, NY; Robert K. Musil, Executive Director, Physicians for Social Responsibility, Washington, DC; David Burwell, President, Rails to Trails Conservancy, Washington, DC; Carl Pope, Sierra Club, Executive Director, San Francisco, CA; Will Rogers, President, The Trust for Public Land, San Francisco, CA; Gene Karpinski, Executive Director, U.S. Public Interest Research Group, Washington, DC; William H. Meadows, President, The Wilderness Society, Washington, DC; William M. Eichbaum, Vice President, US Conservation and Global Threats World Wildlife Fund, Washington, DC; Becky Cain, President, League of Women Voters, Washington, DC; Jackie Savitz, Executive Director, Coast Alliance, Washington, DC; Jason E. Klein, President, The Outdoor Company, Field & Stream and Outdoor Life, New York, NY; Steve Moyer, Vice President, Conservation Programs, Trout Unlimited, Arlington, VA; Liz Raisbeck, Watershed Program Manager, River Network, Washington, DC; Michael F. Hirshfield, Ph.D., Vice President, Resource Protection, Chesapeake Bay Foundation, Annapolis, MD; Jim Jontz, Executive Director, Western Ancient Forest Campaign, Washington, DC; Frank So, Executive Director, American Planning Association, Washington, DC; William R. Neil, Director of Conservation, New Jersey Audubon, Bernardsville, NJ; Robin Cunningham, Executive Director, Montana River Action Network, Bozeman, MT; Judith D. Petersen, Director, Kentucky Waterways Alliance, Munfordville, KY; Ralph H. Goodno, President, Merrimack River Watershed Council, Lawrence, MA; Barry Nelson, Senior Fellow, Save the San Francisco Bay Association, San Francisco, CA; Mark Davis, Executive Director, Coalition to Restore Coastal Louisiana, Baton Rouge, LA; Peter Shelly, Vice President, Conservation Law Foundation, Boston, MA; John Atkin, Executive Director, Save the Sound, Inc., Stamford, CT; Lisa Carey, Coordinator, Long Island Sound Watershed Alliance, Stamford, CT; Todd Miller, Executive Director, North Carolina Coastal Federation, Newport, NC; Peter Clark, Executive Director, Tampa Bay Watch, Tampa, FL; Kathy Fletcher, Executive Director, People for Puget Sound, Seattle, WA; David W. Bott, Executive Director, West Virginia Rivers Coalition, Elkins, WV; Cynthia Chapman, Executive Director, Frontera Audubon Society; George Lea, President, Public Lands Foundation; Norene Chase, Local Conservation Chair, Big Bend Sierra Club, Tallahassee, FL; Nancy Backstrand, Friends of the Santa Margarita River, San Diego County, CA; and Marion Sizemone, Environmental Programs, Wyandotte Tribe of OK, Wyandotte, OK.

[From the New York Times, March 1, 1998]

A Promising Clean Water Strategy

The 1972 Clean Water Act has been the most effective of all the landmark environmental measures enacted in the early 1970's. But while it has done a good job of controlling pollution from so-called "point sources" like factories and waste treatment plants, the act has failed to stem poisonous runoff from "non-point" sources like farms and city streets. This runoff is the main reason why nearly 40 percent of the nation's lakes and streams remain unfishable and unswimmable.

The Clinton Administration has now offered a strategy to remedy this flaw. Given the hostility of this Congress to new environmental legislation, the President has chosen to attack the problem with a series of administrative actions by the Environmental Protection Agency, the Interior Department and other agencies. But Congress will be asked to provide about $2.4 billion in new money over five years to make the plan work. We urge it to do so. This is a modest, common-sense strategy that merits bipartisan support.

For the first time, the plan would establish enforceable limits on runoffs of nitrogen and phosphorus—two destructive nutrients found in fertilizers, sewage and animal wastes. At the same time, Washington would make available hundreds of millions of dollars to states and individual landowners to pay for setting aside land for stream buffers that prevent the nutrients from entering the water in the first place. These nutrients have been linked not only to outbreaks of Pfiesteria piscicida, a fish-killing microbe, in Maryland and North Carolina, but also to the 6,000-square-mile "dead zone" of oxygen-depleted water in the Gulf of Mexico.

The plan would also impose new restrictions on huge corporate farming operations that generate mountains of waste that are typically stored in "lagoons" the size of several football fields. These gigantic pits, which sometimes overflow during rainstorms, would be regarded as "point sources" subject to regular inspections and, when violations occur, heavy fines.

Another ambitious element of the plan seeks to add 100,000 acres a year to the nation's declining inventory of valuable wetlands. To do so, however, the Administration must win the cooperation of the Army Corps of Engineers, which oversees wetlands policy and has been parceling out the land bit by bit to developers. One of the more attractive features of the Clinton strategy is that it promises to involve every Federal agency in the fight for cleaner water. Without the corps, the strategy will be incomplete.

[The Washington Post, March 3, 1998]

The President on Clean Water

The Country's leading water pollution problem is no longer the industrial and municipal waste that flows from particular pipes but the elusive agricultural and urban runoff that accumulates across entire watersheds. The Clean Water Act provides only indirect authority to deal with it, and the current Congress is hardly likely to strengthen the relevant provisions. In the last Congress, House Republicans tried instead to weaken them. The clean-water initiative the president announced the other day is thus an effort to make the most of a limited arsenal. Within those limits, it does a reasonable job.

The government will use existing authority to set new standards for nutrients in lakes, streams and estuaries—the nitrogen and phosphorus that are byproducts of agricultural operations especially. Excessive amounts do harm. The states are then meant to apply the standards to water within their jurisdiction, and to draw up plans to reduce them where required. If the plans are too weak, the Environmental Protection Agency can disapprove them, but it lacks the power to enforce them except indirectly if the states default. The administration seeks to fill the enforcement hole with financial inducements both to the states and to farmers to reduce the spread of the pollutants. It has assembled a fairly impressive package of money, much of it from existing programs. Some of the largest are in the Agriculture Department, including the mighty Conservation Reserve Program which each year pays farmers to idle vast amounts of vulnerable land across the country and now supports such things as water quality projects as well.

Watersheds extend across state boundaries, and the president's initiative includes some fuzzy talk about the need for interstate cooperation. Among much else, a program embracing an entire watershed can liberate states from the fear that if they take strong action, neighboring states may use weaker environmental standards to lure away industry. That's part of the argument that Congess has ignored for a stronger federal law. The administration uses what it has—mostly words and a little money—to push in this useful direction.

The initiative also promises, again a bit fuzzily, to convert the current annual loss of wetlands across the country into a net gain within a few years. Exactly how is left unclear. The last time anyone looked, the Corps of Engineers was proposing to ease the rules under which developers and others are allowed to invade wetlands. This would mark a more aggressive policy, if it occurs. Likewise, there is a promise to do a better job of managing the government's own lands. Because the government is such a large landowner, this would be important.

This administration generally has pushed in the right directions on environmental issues. But its penchant for show over substance—this report trumpets "more than 100 major new actions"—often gets the best of it. Many of these are neither major steps nor new. We hope they take them anyway.

Mr. LAUTENBERG. Mr. President, in conclusion, the American people want to protect the environment and to protect our investments in our national parks and refuges and forests. This amendment could go a long way toward meeting these goals in a deficit-neutral manner.

I urge my colleagues to support it.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise in opposition to the proposal by the distinguished Senator from New Jersey.

At the appropriate time I will raise a point of order.

First, let me say that this proposal exceeds the spending caps set in the balanced budget amendment by $600 million in budget authority, and $900 million in outlays.

The budget before us assumes $1 billion in additional spending over 5 years of the Superfund as originally agreed upon in the balanced budget amendment.

The budget resolution provides $1.4 billion in budget authority, and $1.3 billion in outlays to fund critical construction programs within the Corps of Engineers rejecting the proposal of the President to cut it 47.4 percent.

It fully funds the President's request for National Park Service operations at $1.3 billion; $1.2 billion in outlays. It fully funds the President's request for the National Oceanic and Atmospheric Administration, NOAA, with $2.3 billion in budget authority; $2.19 billion in expected expenditures.

It assumes funding for the Landowner Incentives Program of the pending Endangered Species Recovery Act, a step forward for both the environmental community and private owners and protecting the Nation's endangered species.

It rejects the President's proposed reductions in the Environmental Protection Agency and tribal assistance grant funds; $2.7 billion above the President's budget over 5 years for clean water, drinking water, and targeted wastewater funds.

It provides $1.1 billion more in budget authority over 5 years than the alternative that was provided in the committee by the minority.

Frankly, when all of that is said and done, this is another one of these funds that is set up. The money that is going to be needed to do all the things that Senator LAUTENBERG contends should be done is not provided for, nor are cuts in programs provided for that would go into the fund.

I guess while it sounds good, I firmly believe that it will never really happen.

But, in all events, it is not germane. I will make that point of order as soon as time is available.

I yield any additional time that I may have.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, there is no additional spending that is provided for by virtue of the Superfund tax. These are not entitlements. We are talking now about direct appropriations. If the funds aren't there obviously out of this fund, out of this reserve fund, if money doesn't come in, it can't be spent. There were programs developed by the Environment and Public Works Committee. I assume the Senator is aware that we have finished a Superfund reauthorization bill out of the committee. I didn't support it. But it is due to come to the floor sometime after our recess. The committee has mandatory spending authority for minimum allocation for ISTEA, the orphans' share funding for Superfund, and funding for landowner incentives under the proposed Endangered Species Act. Under current law the committee has mandatory spending authority for the Wallop-Breaux Sports Fishery Act and other legislation.

So this isn't a casual proposal. It is going to be paid for by taxes that accrue to the Superfund reserve fund. It will be used for environmental purposes. That is what we are talking about. It is fairly simple. We offer the amendment, and we are ready to have it processed and hope that our colleagues will vote for it.

Mr. DOMENICI. Mr. President, I make a point of order that the pending amendment violates the Budget Act and is not germane.

The PRESIDING OFFICER. Until the time has been used or yielded, a point of order is not in order.

Mr. LAUTENBERG. I yield back my time.

Mr. DOMENICI. I yield all time back.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I make a point of order, as I previously indicated, that it violates the Budget Act and is not germane.

Mr. LAUTENBERG. I move to waive the point of order, and I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2213, AS MODIFIED

Mr. DOMENICI. Mr. President, I call up the Bond-Mikulski amendment, as modified.

Mr. President, Senator BOND has argued this at length here on the floor of the Senate during the pendency of this budget resolution, and does not desire any time tonight.

I would merely indicate that amendment No. 2213, as modified, opposes the President's proposed reduction in elderly housing by expressing the sense of the Senate that the budget resolution levels for elderly housing programs shall be funded between 1999 and 2003 at no less than the 1998 level of $645 million dollars.

I yield any time that Senator BOND might have with reference to his amendment.

Mr. LAUTENBERG. We have no comment. We yield any time that we have in response.

Mr. DOMENICI. I ask for the yeas and nays on the Bond amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2205

Mr. DOMENICI. Mr. President, I call up the Durbin amendment, No. 2205.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Amendment numbered 2205, previously proposed by the Senator from New Jersey, [Mr. LAUTENBERG], for Mr. DURBIN.

AMENDMENT NO. 2205, AS MODIFIED

Mr. DOMENICI. Mr. President, I send a modification of the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. DURBIN and Mr. KYL, proposes an amendment numbered 2205, as modified.

The amendment follows:

At the end of title III, insert the following:

SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they have the right to choose their physicians, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

Mr. DOMENICI. Senator KYL of Arizona is an original cosponsor. The amendment should be known as Durbin-Kyl.

Mr. President, Senator KYL and Senator DURBIN have cooperated on this amendment. There is no objection to it. We don't have to have a vote. I yield back any time there might be on the amendment.

Mr. LAUTENBERG. We yield back all time as well.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2205), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2275

(Purpose: To express the sense of the Congress regarding a permanent extension of income averaging for farmers)

Mr. DOMENICI. Mr. President, Senators BURNS and BAUCUS have a new amendment. I send it to the desk and ask for its immediate consideration. I ask it be in order.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. BURNS, for himself and Mr. BAUCUS, proposes an amendment numbered 2275.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

SEC. . SENSE OF CONGRESS REGARDING PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

It is the sense of Congress that the provisions of this resolution assume that if the revenue levels are reduced pursuant to section 201 of this resolution for tax legislation, such amount as is necessary shall be used to permanently extend income averaging for farmers for purposes of the Internal Revenue Code of 1986.

Mr. DOMENICI. We have no objection to the amendment. We yield back any time we might have on the amendment.

Mr. LAUTENBERG. We yield back time. We have no objection.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2275) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2203

Mr. WYDEN. I appreciate the cooperation of the Chairman of the Budget Committee, Mr. DOMENICI, in working with me on this matter. My purpose in offering the original amendment in Committee was truth in budgeting. The truth I am seeking has been masked by inflation. With inflation being lower than anticipated, the CBO and GAO estimate there is as much as a $3 billion inflationary windfall surplus in the budget for 1999, and as much as a $26 billion surplus over the next five years. My concern is the American taxpayer never sees this inflationary windfall and probably doesn't even know it exists. The money is not accounted for by the agencies and is not returned to the taxpayer. Unfortunately, the windfall appears to end up as walk-around money in the pockets of bureaucrats. That is why I am pleased that together with the Chairman of the Budget Committee we will request the General Accounting Office to tell Congress by May 15 the exact amount of the inflationary windfall for FY99, how the agencies intend to use the inflationary windfall and how CBO can go about making this calculation for future years. Our request will also direct the GAO by August 15 to develop for us a methodology for correctly calculating inflationary estimates that is applicable to both defense and non-defense spending and how the agencies expect to use the additional funds. I ask unanimous consent to have printed in the RECORD the GAO's chart for FY99 Economic Adjustments as well as the CBO's March 24, 1998 letter to me on the inflationary windfall.

There being no objection, the material is ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 24, 1998.
Hon. RON WYDEN,
U.S. Senate, Washington, DC.

DEAR SENATOR: At your request, the Congressional Budget Office (CBO) has estimated adjustments to budget authority for defense programs, as allocated under last year's budget resolution for the 1999–2002 period, that would preserve its implied purchasing power for nonsalary expenses given the changes in CBO's estimates of inflation. Specifically, you asked us to adjust the year-by-year amounts in the budget resolution using actual inflation during 1997 and new estimates of inflation for the 1998–2002 period.

Last year's budget resolution called for defense budget authority of $271.5 billion for 1999 and $289.6 billion for 2002. A year ago, CBO projected that the chain-type price index for the Gross Domestic Product (GDP) would grow by an average of 2.5 percent a year during the 1997–2002 period. CBO currently projects that annual inflation, as measured by the GDP index, will grow by an average of 2.2 percent over that six-year period. Thus, the budget authority in last year's budget resolution could be reduced and still maintain the same inflation-adjusted levels.

Under its current inflation projection, CBO estimates that lowering last year's budget resolution for defense appropriations by $1.7 billion in 1999 and $9.8 billion over the 1999–2002 period would provide about the same level of real resources for nonsalary purchases as assumed a year ago for that period. Similarly, we also calculated adjustments for 2003 given the assumptions specified in your request. If last year's defense budget authority for 2003 was pegged at $297.8 billion, reducing that figure by $3.5 billion would maintain the purchasing power for nonsalary expenses. The enclosed table shows the adjustments to budget authority and the corresponding changes in outlays for the five-year period.

CBO does not attempt to forecast the prices of defense-related goods and services. Instead, we follow the common practice of using a general measure of inflation—The GDP price index—to adjust purchasing power. The lower growth in our inflation forecast stems from an unexpectedly rapid decline in import and computer prices and slower growth in medical care prices. Although these factors could affect defense-related purchasing power, the changes in assumptions for the growth in the GDP price index do not necessarily indicate a commensurate change in purchasing power for the defense budget.

If you have further questions, we will be pleased to answer them. The CBO staff contacts are John Peterson, who can be reached at 226–2753 for questions on price indexes, and Kent Christensen, who can be reached at 226–2840 for questions pertaining to their impact on the defense budget.

Sincerely,

JUNE E. O'NEILL,
Director.

INFLATION ADJUSTMENTS FOR BUDGET FUNCTION 050, NATIONAL DEFENSE

[By fiscal year, in billions of dollars]

	1999	2000	2001	2002	[2] 2003	Total
1998 Budget Resolution:						
Budget Authority [1]	271.5	275.4	281.8	289.6	297.8	1,416.1
Outlays	266.5	269.0	270.7	273.1	280.8	1,360.1

INFLATION ADJUSTMENTS FOR BUDGET FUNCTION 050, NATIONAL DEFENSE—Continued

[By fiscal year, in billions of dollars]

	1999	2000	2001	2002	[2] 2003	Total
Adjustments to Reflect Current Inflation Projections:[3]						
Budget Authority	−1.7	−2.3	−2.7	−3.1	−3.5	−13.4
Outlays	−0.8	−1.6	−2.2	−2.7	−2.9	−10.2
Adjusted Levels:						
Budget Authority[1]	269.8	273.1	279.1	286.5	294.3	1,402.7
Outlays	265.7	267.4	268.5	270.4	277.9	1,349.9

[1] These figures represent funding for discretionary defense programs.

[2] The 1998 budget resolution contained budget authority and outlay levels through 2002. The amounts shown for 2003 correspond to the assumptions requested by Senator Wyden.

[3] These changes would keep inflation-adjusted funding for nonsalary expenses at the same levels assumed in the 1998 budget resolution. They use actual inflation in 1997 and CBO's current projection of the 1998–2003 period.

Note: Details may add to totals due to rounding.

FYDP 99—ECONOMIC ADJUSTMENTS

[Dollars in millions]

	FY99	FY00	FY01	FY02	FY03	FYDP total
DOD Savings:[1]						
Nonpay Purchases Inflation	2,785	3,537	4,373	4,945	5,698	21,338
Fuel Inflation	159	173	194	216	238	979
Foreign Currency Fluctuations	367	347	354	361	369	1,798
Total Savings	3,311	4,056	4,921	5,522	6,305	24,115
Allocation of Nonpay Purchases Inflation:[2]						
Civilian/Military Pay Raise	377	810	1,216	1,633	2,073	6,109
Defense Health Program	....	500	500	300	300	1,600
Nuclear Stockpile Stewardship	....	600	500	700	600	2,400
Chemical Demilitarization Program	....	121	320	469	11	921
Additional Procurement	2,000	1,200	900	1,600	2,700	8,400
All Other	400	300	900	200	....	1,800
Total Allocated	2,777	3,531	4,336	4,902	5,684	21,230

[1] DOD savings for Nonpay Purchases Inflation in FY1998 is $846 million.

[2] Allocation of the remaining $2,885 million in savings over FY1999–2003 is unknown.

Mr. DOMENICI. Mr. President, I share the Senator's concern about this issue. It is correct that when inflation increases less than projected, the buying power of a dollar increases. According to CBO, inflation projections for the National Defense Budget Function for 1999 through 2003 have decreased from the 2.6 percent of the GDP Price Index projected last year to rates varying from 2.2 percent to 2.4 percent. This translates into a 1999 inflation "dividend" for National Defense of $1.7 billion in budget authority and $0.8 billion in outlays. For 1999–2003, the amounts are $13.2 billion in budget authority and $10.3 billion in outlays.

The Department of Defense reports to us that it has already reinvested this dividend in other defense programs. Therefore, taking this money out of the 050 budget this year will cause real program reductions, and I would strongly oppose that. However, DoD does not routinely report these budgetary data to Congress, and I agree that it is important for us to have the data for oversight purposes. I also agree it would be useful to have similar data for both defense and nondefense purchases.

I am concerned, however, that an appropriate methodology needs to be developed that is applicable to both defense and nondefense agencies. I am also concerned that we collect information from each major agency and analyze what they do with the additional funds, when such "dividends" are generated. Also, I would argue that when inflation is increasing faster than projected, we need to know from the Department of Defense and others what constraints this imposes on purchases.

I believe the appropriate agency to develop the methodology and to perform the agency-by-agency research is the General Accounting Office. Once appropriate methodologies have been developed for making estimates of economic changes, we could ask CBO and GAO to perform further research.

I am happy to work with the Senator from Oregon on this issue, and I will gladly join with him to request the GAO to perform the needed work. I look forward to starting this research in a timely fashion and making it a part of the information we use to exercise our oversight.

Mr. President, I ask that Senator WYDEN'S amendment, No. 2203, be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2203) was withdrawn.

AMENDMENT NO. 2226

Ms. MIKULSKI. Mr. President, I want to go on record today in support of the amendment to the Fiscal Year 1999 Budget Resolution offered by the Ranking Member of the Veterans Affairs Committee, Senator ROCKEFELLER.

Mr. President, since the VA was founded, we have fought a World War, a Cold War and a Gulf War. From the World Wars to Korea, Vietnam to the Persian Gulf, each conflict produced a new generation of veterans with unique needs.

The particular needs may vary somewhat for veterans of different eras, but one thing should never change - the commitment that we make to our veterans.

Our veterans entered into a covenant with this nation when they agreed to risk their lives for our freedom.

We must ensure that promises made must be promises kept. Our veterans must receive quality medical care, effective services and timely processing of benefits.

I have fought for many years, and continue to fight, to ensure that our veterans receive the medical care and benefits that they have earned.

Mr. President, our veterans didn't waiver when they put their lives on the line. When they were fighting to defend our liberty, risking death to ensure that we could sleep easy at night, they didn't waiver.

Mr. President, we should not waiver on our veterans. The VA General Counsel issued a ruling in 1997 that veterans who develop illnesses linked to nicotine dependence developed while in service were entitled to compensation benefits.

The Department of Veterans Affairs, beginning in Fiscal Year 1998, is due to begin paying those benefits. There is now a proposal before us to eliminate the VA's obligation to pay those benefits.

The Congressional Budget Office estimates that by eliminating the benefits, the government would save $10 billion.

Well, apparently that money was too attractive to resist, and is included in the Budget Resolution to offset ISTEA spending.

Mr. President, let me be clear. I support the much needed money that is going to provide critical infrastructure work throughout the country. And like many Senators, I am pleased to see federal support of transportation spending in my home state of Maryland.

But Mr. President, our benefits for our veterans should not be traded and bartered. The funds that are due for our veterans must be protected.

It is wrong to take money that is targeted for the benefits that our veterans have earned and use it for anything else - no matter how noble it may be.

Mr. President, I urge my colleagues to support the Rockefeller amendment and prevent the raiding of these veterans benefits.

Mr. KYL. Mr. President, I want to commend the Senator from New Mexico, the Chairman of the Budget Committee, Senator DOMENICI, for the budget resolution that he has brought to the Senate floor. It is not exactly as I would have written it—and my hope is that we will be able to make some improvements during the course of debate over the next few days—but I believe it is generally on the right track and compares favorably to the alternative budget submitted by President Clinton.

First and foremost, the Senate budget resolution would balance the unified budget and keep it in balance during each of the next five years. We will even run a small surplus.

By comparison, President Clinton's budget appears to throw fiscal discipline out the window with proposals to spend billions of dollars on new government programs. According to the Congressional Budget Office, the Clinton budget would take us back into deficit as early as the year 2000.

Second, the Senate budget would adhere to the spending limits that both Congress and the President agreed to just last year. The Clinton plan, by contrast, would bust the spending caps outright—by $12 billion in FY99, and a total of $68 billion over the next four years. I think we ought to keep our word and stick to the spending limits, and we do.

Third, the Senate budget would reserve the anticipated surplus for Social Security. The President said that is what he wanted, too, but he then submitted a budget that would spend down the unified budget surplus on myriad new government programs. And of course, he is asking us to spend every dime of the Social Security surplus on general operating expenses of the government.

Fourth, our budget would set aside any proceeds from a tobacco settlement to shore up the Medicare trust fund for our nation's senior citizens. The Clinton budget would spend all of the tobacco money on other programs.

And fifth, the Senate budget would accommodate another, albeit small, installment of tax relief for hard-working Americans. By comparison, President Clinton's budget would raise taxes yet again.

Mr. President, let me turn for a moment to the portion of the Senate budget resolution that deals with education, training, and employment programs, since that seems to be what we are hearing about most from the other side. Last year's budget agreement made education, training, and employment a protected category and called for spending—outlays—of $61 billion next year. It called for a total of $318.3 billion over five years.

Here is what President Clinton said about the level of education spending in the budget agreement when he signed off on it last year. These are comments the President made on the South Lawn of the White House on July 29, 1997:

> . . . at the heart of this balanced budget [agreement] is the historic investment in education—the most significant increase in education funding in more than 30 years.

He went on to call it "the best education budget in a generation and the best for future generations." The level of spending the President was referring to then is exactly what is included in the Senate budget resolution that is before us today. It is the exact level.

What about health research? Over the next five years, spending at the National Institutes of Health would increase substantially under the Senate budget. We are talking about an 11 percent increase in 1999, on top of the seven percent increase provided in 1998. And we would provide these additional funds within the overall spending limits, and regardless of whether a tobacco settlement is passed later this year.

By contrast, President Clinton would link increased NIH spending to the fate of the tobacco settlement. That means that if there is no settlement, there is no increase for the NIH either. I do not think that is good enough. We should devote more to health research whether or not we are able to achieve a tobacco settlement, and we do that in our budget.

If there is any revenue derived from the tobacco settlement, we say that it ought to go into the Medicare trust fund. And that is what this budget resolution would do. We all know that Medicare's long-term solvency is still tenuous at best. We ought to shore up the system before tapping new sources of revenue for a multitude of new government programs.

So these are some of the things I think the Senate does better than the alternatives. But, in my opinion, it still does not do enough to limit the growth of federal spending. It is true that the committee-reported budget is within the spending caps that were set last year, but those caps are still too high. The caps allow total spending to grow from $1.73 trillion next year to $1.95 trillion in 2003. That will amount to a nearly 13 percent increase at the end of the five-year period.

And it comes on top of the 25 percent increase in spending that has occurred in just the last five years. What does that mean for taxpayers?

The Tax Foundation estimates that the median income family in America saw its combined federal, state, and local tax bill climb to 38.2 percent of income last year—up from 37.3 percent the year before. That is more than the average family spends on food, clothing, and shelter combined. Put another way, in too many families, one parent is working to put food on the table, while the other is working almost full time just to pay the bill for the government bureaucracy.

Here is a different way to measure how heavy the federal tax burden is. Consider that federal revenues this year will claim about 19.9 percent of the nation's income, the Gross Domestic Product. Next year, that portion would climb to 20.1 percent, according to the administration's projections. That would be higher than any year since 1945. It would be only the third year in our nation's entire history that revenues have exceeded 20 percent of national income—and the first two times, our economy tipped into recession.

So the question we need to ask is whether a balanced budget is the only goal, even if it means we achieve balance at a level where taxes and spending are too high? Or is the real goal of a balanced budget to limit government's size and give people more choices and more control over their lives?

For me, there is not great achievement in balancing the budget if it means that hard-working families continue to be overtaxed. There is no great achievement in a balanced budget if the government continues to grow, even as it balances its books. If it is doing that, it is continuing to take choice and freedom away from its citizens. A balanced budget is really the means of right-sizing the government so that it is more respectful of hard-working taxpayers' earnings and their desire to support their own families.

With that in mind, I believe we have got to do much better in providing tax relief. Currently, this budget calls for tax relief amounting to $30 billion over the next five years. Although that may initially sound like a lot, let me put it into perspective.

The federal government expects to collect nearly $9.3 trillion—that is, $9.3 trillion—over the next five years. So a tax cut of $30 billion really amounts to just about 0.3 percent. It is too little. We must find a way to do more. And the way to do more within the confines of a balanced budget is to reduce non-priority spending and limit spending growth.

At the very least, if we cannot provide more tax relief, we should at least be able to agree that taxes are high enough and should go no higher. I intend to offer an amendment to express the sense of the Senate that it should be harder to raise taxes—at least as hard to raise taxes as it is to cut them.

Recall that President Clinton's record-setting tax increase in 1993 failed to win support from even a simple majority of elected Senators—Vice President GORE's vote in favor broke a 50 to 50 tie. By contrast, it would have taken a supermajority vote to provide tax relief two years later; President Clinton vetoed our tax-relief bill, and it would have required a two-thirds vote—67 votes in the Senate—to overcome the President's resistance and provide tax relief. That is wrong. A supermajority vote to raise taxes would ensure that future tax increases, if they are needed, are approved with broad bipartisan support in Congress and around the country.

Mr. President, I again want to commend the chairman of the Budget Committee for his work on this measure. It is a good proposal, and I think we have an opportunity during the next few days to make it even better.

Mr. DOMENICI. Mr. President, how much time remains on the budget resolution with the completion of work?

The PRESIDING OFFICER. The Senator from New Mexico has 4 hours 58 minutes, and the Senator from New Jersey has 4 hours 58 minutes.

Mr. LAUTENBERG. Mr. President, while we have a minute, I must once again apologize to the pages, who work so hard, for keeping them out of school tomorrow by working them past 10 o'clock. I am sorry, really.

Mr. DOMENICI. They seem very happy to be excused today.

We will keep you slightly later tonight.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FIRST SERGEANT CHARLES W. PARKER

Mr. LOTT. Mr. President, I wish to rise and take this opportunity to say farewell to an outstanding Non-Commissioned Officer of the Mississippi Army National Guard, First Sergeant Charles W. Parker, upon his retirement. Throughout his military career, First Sergeant Parker served the people of Mississippi with valor and distinction. It is my privilege to recognize his many accomplishments and to commend him for the superb service he has provided the Mississippi Army National Guard and the Nation for the past 32 years.

First Sergeant Parker enlisted in the Mississippi Army National Guard in August 1965, and served as a federal technician from October 1971, until February 1981. He then began an active duty career in the Guard as a Training Non-Commissioned Officer from February 1981, until his retirement in April 1998. He served the majority of his military career with Company B, 223rd Engineer Combat Battalion, in Calhoun City, Mississippi. During his 32 years of service, First Sergeant Parker was activated three times to provide relief due to flooding, ice storms and tornadoes.

First Sergeant Parker served the Great State of Mississippi with honor. He received the Army Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal (4), Reserve Components Achievement Medal (5), Armed Forces Reserve Medal (3), National Defense Medal (2), Army Physical Fitness Award (14) and achieved the highest score in his company, battalion, group and brigade on more than one occasion.

During his 32 years of military service, First Sergeant Parker led his men selflessly by continuously putting his subordinate soldiers before himself. He is known by all throughout the State of Mississippi in National Guard circles for helping young people get into the Guard and continue their education.

Most importantly, First Sergeant Parker is also a loving husband and father to his wife Sandra, sons Brent and Kent, daughter Vanessa. While he missed valuable time away from his family during his military career, he must look forward to spending many wonderful years with them in retirement.

I know his family and the Mississippi Army National Guard are proud of his many accomplishments. My colleagues in the Senate join me in wishing First Sergeant Parker well upon his retirement. The Great State of Mississippi and the Nation are indebted to him for his many years of distinguished service.

BELLA ABZUG

Ms. MIKULSKI. Mr. President, I wanted to rise very briefly and share with my colleagues the fact that a colleague who served in the House has passed on to God's glory. I knew her as a very dear friend. Congresswoman Bella Abzug died yesterday of complications of heart disease. I knew Mrs. Abzug as friend. I knew her as a wonderful Congresswoman. I want to state on the Senate floor how much she will be missed.

Congresswoman Abzug fought for the rights of women. She fought for civil rights. She fought for human rights. She was known as "Battling Bella." She had a very big heart and a very large agenda.

I cannot believe that she died of heart disease, because if there was one fault that Bella did not have, it was heart problems. In fact, it was her very big heart that wanted to be sure that women were fully included in our society and enjoyed equal protection under the law in the Constitution. She wanted to be sure that she spoke out for the women of this country and that we also included everyone else who was left out and left behind.

Also, when she left the Congress, she spoke very eloquently and added to her agenda the human rights of women and children all around the world.

She will be deeply missed. Her hat stood there. You could always find Bella in a crowd. But when the history books are searched, we will find that Congresswoman Abzug is the indelible mark on the history of the United States of America for those who worked with her. She will be greatly missed. But, most of all, she will be missed by the people she fought for and championed all of her life.

DOUBLE CHARGING FOR ATM USE

Mr. D'AMATO. Two years ago today, the Nation's two largest electronic banking networks, Plus and Cirrus, better known as MasterCard and VISA, lifted their longstanding ban on the practice of double charging ATM users. They had a ban; it was not permitted.

Now, since that fateful April Fool's Day in 1996, the joke has been on the consumers, and it has been a costly joke. They have had to shell out billions of dollars just to take their own money out of the bank.

Today, I hold up a report "Big Banks, Bigger ATM Fees" from the U.S. Public Interest Research Group. In that report they indicate that double chargers in 28 States and the District of Columbia have shown that 71 percent of all banks today are double charging consumers for the privilege of getting their own money out. That percentage is more than twice the number reported by the General Accounting Office in May of 1997. So, more and more people have less and less opportunity to be able to withdraw their money without that double charge.

Going further, it says the price of the average double charging has also risen to $1.23. Keep in mind this charge is on top of a fee that the consumer already pays to his or her own bank. The survey found that 83 percent of the banks charged their own customer an average of $1.18 per transaction whenever they use another ATM. So that means a consumer pays $2.41, on average, every time they use an ATM that does not belong to their own bank.

So what we have, if a person uses an ATM six times a month—a relatively small utilization—they can be paying an average of $173 a year more. What an April Fool's joke on the people of America.

This situation is not going to get better; it is going to get worse. What a windfall for the large banks who are now making profits of over $3 billion a year by charging people twice to get their own money.

I am not going to say more about this except to say we will be voting on this issue. Make no mistake about it, we will be voting. When that amendment comes to the floor—and I will pick what I consider to be legislation that must be acted on—there will be hoots and hollers, why on this bill? But make no mistake about it, the people are entitled to know where their representatives stand with respect to this issue.

To date we have 10 cosponsors, evenly divided between Democrats and Republicans. I know the power and the pressure of those who oppose this, but I think it is about time we began to look at the little guy, and I'm talking about the American taxpayer.

TRIBUTE TO LIEUTENANT COLONEL CHARLES WILSON, III

Mr. FORD. Mr. President, I wanted to let my Senate colleagues know of the retirement of Lieutenant Colonel Charles Wilson, III, a truly outstanding soldier in the United States Army. Colonel Wilson is most deserving of our attention. His career accomplishments reflect the type of military leader this nation was depended upon for two hundred years during peace and war.

Colonel Wilson has distinguished himself throughout his 23-year career as a soldier and officer in the United States Army. A native of Bowling Green, Kentucky, Charles began his service as a Military Police enlisted soldier in October 1969. As a young soldier, Charles's Battalion Commander recognized his special skills in leading and working with fellow soldiers. He received responsibility for key positions in his company, earning promotion quickly.

Within his first year he was already selected for leadership responsibility within his military police platoon. Colonel Wilson only served as a military policeman for two years before he was honorably discharged in September 1971, to pursue his college degree, which included studies as a Reserve Officer Training Corps cadet. During this short period of duty, Charles had earned the rank of sergeant. He graduated from the University of Tennessee-Chattanooga and the ROTC program as a distinguished military graduate, and he was commissioned a Second Lieutenant in the Infantry in May 1977. After graduation as an Infantry Lieutenant, he was assigned to Fort Leonard Wood, Missouri. Again, Charles' inherent leadership skills were soon recognized. As a junior Second Lieutenant, his Brigade Commander selected him to command Bravo Company, 5th Battalion, 3rd Basic Training Brigade.

Because of his mature and talented leadership and his competence, the Commanding General later designated Charles' company as the first at Fort Leonard Wood to integrate women trainees into the basic training program. His hard work and enthusiasm as a company commander ensured that his unit successfully accomplished the challenging task.

Subsequent assignments found Lieutenant Colonel Wilson with increasing amounts of responsibility to include duties as a Company Commander with 197th Separate Infantry Brigade, Fort Benning, Georgia; G3 for Operations and Plans, Schweinfurt Military Community, 3d Infantry Division, Germany; and Deputy Division Comptroller for the 101st Airborne Division (Air Assault), at Fort Campbell, Kentucky.

In September 1990, Charles deployed with the "Screaming Eagles" to Desert Shield and Desert Storm. He was one of only five Combat Comptrollers in the desert. His expertise in resource management and contracting was invaluable. The Division's units and soldiers had the items they needed to go to war and the items they needed to maintain quality of life at Camp Eagle, Saudi Arabia.

The Army reassigned Colonel Wilson in 1993 to the Pentagon to work in the Inspections Division of the Office of the Inspector General and later with the Army Budget Office as the "point man" for developing and validating the Army's cost of conducting contingency operations. His current and final assignment has been as the Deputy Chief of the Congressional Budget Liaison Office, Army Budget Office. Through his tireless effort and positive "can do" personality, Wilson ensured that soldiers were well represented on Capitol Hill.

Speaking for Kentucky and the nation, I wish to thank this distinguished soldier, his wife Melissa, sons Jason, Andy and daughter Kathryne, and to wish him continued success in future endeavors.

DEATH OF COLLEEN CLEARY-MYERS

Mr. SANTORUM. Mr. President, I rise today to offer tribute to the late Ms. Colleen Cleary-Myers and to offer condolences to her family on their loss.

Mrs. Cleary-Myers was a beloved wife, daughter and mother. I describe her this way not only because it is true, but because, in a very literal way, it was these ties to these people that helped to define her life. It is these ties which are her legacy.

Mrs. Cleary-Myers, only 30 years old, died of complications associated with a rare form of leukemia called chronic myleogensis. When she learned she was suffering from this illness, she was joyfully pregnant with her first child. Her husband, Michael, shared in this joy and grateful anticipation. In this way, she resembled most other young mothers. But unlike them, she was faced with a cruel choice: she could be treated immediately and risk the life of her baby or she could delay chemotherapy and a bone marrow transplant, be treated after the child's birth and be unable to have more children. When faced with this dilemma, she did a noble thing. She chose to postpone treatment and looked forward to the birth of her son, Derek Vincent.

Upon learning the news, Mrs. Cleary-Myers' family resolved to support her in any way that they could. Two of her sisters were compatible matches for the required bone marrow transplant and both were eager to assist her.

Tragically, Mrs. Cleary-Myers died on March 15th. While I join her family in mourning her untimely death, I also am uplifted by the example and the standard she sets for all of us. Her example is the example of unselfish love and the standard she sets of willing and uncomplaining sacrifice for the sake of another life is one to which we can all aspire. Because this young woman knew, in an intimate way, a simple truth: Every life is infinitely precious and valuable.

Too often, when confronted with an example of courage and sacrifice, we tell ourselves that others are capable of, and perhaps called to, such behavior, but we, most surely, are not. I believe this conclusion is a mistake. The example of Mrs. Cleary-Myers, a young woman living happily and without notoriety, reminds us that we are all capable of such gallantry and, in different ways, are called to it. Her son, Derek Vincent, provides us with eloquent testimony that such gallantry can sometimes mean nothing less than the protection of life itself. May God bless her, her husband and little Derek Vincent.

FOOD STAMPS TO LEGAL IMMIGRANTS

Mr. KENNEDY. Mr. President, the 1996 welfare law unfairly reduced SSI, Medicaid and food stamp benefits for legal immigrants. Food stamps alone were cut by $25 billion. No other program has been cut as deeply.

Last year, recognizing that these cuts were too extreme, Congress restored SSI and Medicaid to many elderly and disabled immigrants. It's time to finish the job and ensure that those whose Medicaid and SSI were restored, do not go hungry. And we should do the same for children of legal immigrants.

Last week, the conferees on the Agricultural Research bill made a down payment toward restoring food stamps for the needy legal immigrants. The conference report on the bill includes $818 million for this program. It is far less than the $2 billion proposed in the President's budget, and it covers a much smaller group of immigrants.

The conferees' proposal is a bipartisan effort. Both Republicans and Democrats urged them to take this step as soon as possible.

Yet, the Republican leadership in the Senate is ignoring the urgent need. The Republican budget does not include a single penny to restore food stamps to immigrant children, refugees, Hmong veterans, or elderly and disabled legal immigrants, and the Republican leadership has declined to allow the Senate to pass on the Agricultural Research bill.

According to Department of Agriculture estimates, at least 935,000 low-income legal immigrants lost their federal food stamps in 1997 as a result of the 1996 welfare law. Nearly two-thirds are immigrant families with children.

Many legal immigrants live in poverty and have great difficulty feeding their families. In fact, according to the Department of Agriculture, the average legal immigrant denied food stamps has an income equal to just 62 percent of the poverty line, or about $8,000 for a family of three.

In addition, thousands of refugees who have applied for citizenship could lose food stamps as they wait in the naturalization backlog for their applications to be processed if the 5 year limit on food stamps for this group is not extended to 7 years.

The effects of these food stamps terminations is not limited to legal immigrants. Their children born here are American citizens but they too are facing sharp reductions in their food stamps. Their children remain eligible for food stamps themselves, but the removal of their parents from the program has meant that the food stamp benefits for their families have been cut by 50 to 70 percent in many cases. 600,000 poor children who are American citizens live in families where food stamp benefits have been reduced for this reason, resulting in less food for all family members, including the children.

The food stamp cut-off has hurt immigrant families, and it has also hurt state and local governments, who must fill the gap. As a result, governors and state legislatures have joined Congress to restore these food stamp benefits. As Governor Bush of Texas said, "Food stamps are a federal program and the federal responsibility, but the federal government is shirking its responsibility. The rules have changed unfairly and retroactively for those least able to help themselves."

It is time for the Senate to act on the bill. It is unconscionable that these benefits can continue to be denied.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:27 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate.

H.Con.Res. 257. Concurrent resolution providing for an Adjournment of both Houses.

ENROLLED BILL SIGNED

At 10:09 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 750. An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private minerals interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1889. A bill to reduce tobacco use by children and others through an increase in the cost of tobacco products, the imposition of advertising and marketing limitations, assuring appropriate tobacco industry oversight, expanding the availability of tobacco use cessation programs, and implementing a strong public health prevention and education strategy that involves the private sector, schools, States, and local communities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4498. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the consolidated financial statements of the U.S. government for fiscal year 1997; to the Committee on Governmental Affairs.

EC-4499. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on government-wide spending to combat terrorism; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-375. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 330

Whereas, Since 1989 the Pennsylvania National Guard Counterdrug Program has supported 2,965 counterdrug missions at Federal, State and local law enforcement levels in this Commonwealth; and

Whereas, Pennsylvania National Guard counterdrug efforts have supported drug law enforcement missions that have taken 10,221 pounds of cocaine, 402 pounds of heroin and 21,689 pounds of marijuana off Pennsylvania streets; and

Whereas, Since 1994 Pennsylvania National Guard counterdrug personnel have cleaned and sealed or razed over 2,270 units of houses in seven different municipalities within this Commonwealth; and

Whereas, The Pennsylvania National Guard Counterdrug Program has provided construction support in the rehabilitation of three victims' centers in Philadelphia and five pocket parks in Chester; and

Whereas, Since 1993 the Pennsylvania National Guard Counterdrug Program has assisted in drug seizures of over $1,600,000,000 in Pennsylvania; and

Whereas, The President of the United States and Congress have proposed a reduction in the amount of the Federal appropriation to the Pennsylvania National Guard Counterdrug Program; and

Whereas, The antidrug efforts being performed by the Pennsylvania National Guard have been very valuable to the citizens of this Commonwealth; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President of the United States and Congress to maintain and increase funding for the Pennsylvania National Guard Counterdrug Program.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Katherine L. Archuleta, of Colorado, to be a Member of the Institute of American Indian and Alaska Native Culture and Arts Development for the remainder of the term expiring May 19, 2000.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on Armed Services:

Paul J. Hoeper, of California, to be an Assistant Secretary of the Army.

Sue Bailey, of Maryland, to be an Assistant Secretary of Defense.

David R. Oliver, of Idaho, to be Deputy Under Secretary of Defense for Acquisition and Technology.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THOMPSON, from the Committee on Governmental Affairs:

Elaine D. Kaplan, of the District of Columbia, to be Special Counsel, Office of Special Counsel, for the term of five years.

Melvin R. Wright, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2002.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Rebecca T. Bingham, of Kentucky, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2001.

Scott Snyder Fleming, of Virginia, to be Assistant Secretary for Legislation and Congressional Affairs, Department of Education.

Martha B. Gould, of Nevada, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2002. (Reappointment)

Cherryl T. Thomas, of Illinois, to be a Member of the Railroad Retirement Board for a term expiring August 28, 2002.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND:

S. 1894. A bill to amend the Alcoholic Beverage Labeling Act of 1988 to improve a warning label requirement; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 1895. A bill for the relief of Augusto Segovia and Maria Segovia, husband and wife, and their children; to the Committee on the Judiciary.

By Mr. McCONNELL:

S. 1896. A bill to transfer administrative jurisdiction over Land Between the Lakes National Recreation Area to the Secretary of Agriculture; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself, Ms. Snowe, and Mr. Kerrey):

S. 1897. A bill to require accurate billing by telecommunications carriers with respect to the costs and fees resulting from the enactment of the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Mrs. Feinstein):

S. 1898. A bill to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building"; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself and Mr. Burns):

S. 1899. A bill entitled "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998"; to the Committee on Indian Affairs.

By Mr. D'AMATO (for himself, Ms. Moseley-Braun, Mr. Shelby, Mr. Faircloth, Mr. Bennett, Mr. Hagel, Mr. Sarbanes, Mr. Dodd, Mr. Kerry, Mr. Bryan, Mrs. Boxer, Mr. Reed, and Mr. DeWine):

S. 1900. A bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEAHY (for himself, Mr. Ashcroft, Mr. Reid, and Mr. Wyden):

S. 1901. A bill to amend the Freedom of Information Act to provide electronic access to certain Internal Revenue Service information on the Internet, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 1902. A bill to amend the Internal Revenue Code of 1986 to allow the first $2,000 of health insurance premiums to be fully deductible; to the Committee on Finance.

By Mr. THOMAS (for himself, Mr. Enzi, Mr. Thurmond, Mr. Helms, Mr. Hagel, and Mr. Smith of Oregon):

S. 1903. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans Affairs.

By Mr. GORTON:

S. 1904. A bill to amend the Elwha River Ecosystem and Fisheries Restoration Act to provide further for the acquisition and removal of the Elwha dam and acquisition of Glines Canyon dam and the restoration of the Elwha River ecosystem and native anadromous fisheries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KYL (for himself, Mrs. Feinstein, Mr. Biden, Mr. Lott, Mr. Thurmond, Mr. Torricelli, Mr. Breaux, Mr. Grassley, Mr. DeWine, Mr. Ford, Mr. Reid, Mr. Gramm, Mr. Mack, Ms. Landrieu, Mr. Cleland, Mr. Coverdell, Mr. Craig, Mr. Inouye, Mr. Bryan, Ms. Snowe, Mr. Thomas, Mr. Warner, Mr. Lieberman, Mr. Allard, Mrs. Hutchison, Mr. D'Amato, Mr. Shelby, Mr. Campbell, Mr. Coats, Mr. Faircloth, Mr. Frist, Mr. Smith of New Hampshire, Mr. Gregg, Mr. Hagel, Mr. Helms, Mr. Smith of Oregon, Mr. Hutchinson, Mr. Inhofe, Mr. Murkowski, Mr. Bond, and Mr. Grams):

S.J. Res. 44. A Joint Resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND:

S. 1894. A bill to amend the Alcoholic Beverage Labeling Act of 1988 to improve a warning label requirement; to the Committee on Commerce, Science, and Transportation.

ALCOHOLIC BEVERAGE LABELING ACT AMENDMENTS

Mr. THURMOND. Mr. President, I am pleased to rise today to introduce a bill to amend the Alcoholic Beverage Labeling Act of 1988. Current law requires all containers of alcoholic beverages to display the following warning on the label:

> GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

For nine years this warning has made consumers aware of some of the potential dangers associated with the consumption of alcohol. While I am confident that this warning appropriately illustrates the hazards of drinking during pregnancy and drinking and driving, I am concerned that it does not adequately describe the negative health effects associated with drinking alcohol. There is no shortage of well-substantiated information about the detrimental health effects of drinking. Excessive consumption of alcohol can raise the risk of stroke, heart disease, high blood pressure, certain cancers, malnutrition, cirrhosis of the liver, inflammation of the pancreas, and damage to the brain and heart. Obviously, there are so many adverse consequences of excessive alcohol consumption that it would be impossible to include them all on the face of a label. The bill I am introducing today, however, will warn consumers of the dangers associated with moderate consumption of alcohol. I am concerned that citizens may not realize that even moderate consumption of alcohol can put their health at risk. A recent study conducted by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) indicates that there is an increased risk of breast cancer associated with moderate drinking. Specifically, there is a 40 percent increase in the risk of breast cancer associated with an average intake of one drink per day, and a doubling of the risk of breast cancer with an average consumption of three drinks per day. The NIAAA study also revealed that a moderate alcohol intake of about two drinks per day can lead to an increase in blood pressure.

Mr. President, the use of alcoholic beverages, even in moderate amounts, can have very serious health consequences that might ultimately be fatal. The government has a legitimate and important role to play in helping to assure that Americans understand these dangers. The legislation I am introducing today will supplement the current warning on labels to inform consumers of the dangers of moderate alcohol consumption. Further, this legislation will require that the warning label indicate that consumption of alcohol may lead to alcoholism. Alcohol has an addictive effect much like illegal drugs, and it is important that consumers are aware of this fact.

I urge my colleagues to join me in cosponsoring this critical legislation and look forward to its speedy passage.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LABELING REQUIREMENT.

Section 204(a) of the Alcoholic Beverage Labeling Act of 1988 (27 U.S.C. 215(a)) is amended by striking "may cause health problems" and inserting "may lead to alcoholism. (3) Moderate consumption of alcoholic beverages may cause health problems such as hypertension and breast cancer".

By Mr. MCCONNELL:

S. 1896. A bill to transfer administrative jurisdiction over Land Between the Lakes National Recreation Area to the Secretary of Agriculture; to the Committee on Environment and Public Works.

THE LAND BETWEEN THE LAKES PROTECTION ACT OF 1998

Mr. MCCONNELL. Mr. President I have come to the floor today to introduce a bill known as the Land Between the Lakes Protection Act. Land Between the Lakes is a national treasure that must be protected. It is visited by more than 2 million tourists a year who enjoy its natural beauty, whether by camping, fishing, hunting, or just taking a long hike with the family.

That's why, after studying this issue for over a year, we have drafted a bill to ensure that the LBL, which so many Kentuckians enjoy today, will be there for them—unchanged—tomorrow.

As a member of the Senate Appropriations Committee, my top priority has been to provide LBL the money it needs to operate—including $6.9 million last year. I remain committed to providing that funding to ensure that LBL remains a national treasure just like Mammoth Cave or Daniel Boone National Forest.

But because of TVA Chairman Craven Crowell's harmful and ill-considered request last year to zero-out LBL's funding, it may be that Congress will deny funding to TVA's non-power budget this year. Because of this reality, LBL needs a safety net. That's what this bill is—a safety net.

If Congress decides to fund TVA then TVA will remain LBL's steward. If TVA is denied funding, my bill will safely and seamlessly transition LBL to a less controversial steward without interrupting the myriad of recreational activities that millions of visitors have come to enjoy every year.

There may be some who want to gamble everything on TVA receiving its appropriation. But I believe LBL is far too precious for such an all or nothing gambit. That's why our bill provides for both contingencies.

Mr. President, let me take a moment to explain some of the provisions I have included in this legislation based on the input I have received from area residents, and those who enjoy LBL. The goal of this bill is to ensure that the day to day operations of LBL remain the same for its visitors. Therefore, this bill codifies LBL's 1972 mission statement and ensures that the Forest Service continues to manage LBL for multiple use with a focus on recreation, conservation and environmental education.

This legislation also gives the U.S. Fish and Wildlife Service the authority to assist the Forest Service in managing the wildlife populations and educating visitors on the unique species at LBL, with an emphasis on endangered species, like the American bald eagle. LBL is home to over 100 eagles.

One of the most important aspects of this bill is the creation of a 17-member citizen advisory board that will assist the Forest Service in establishing a management plan at LBL. I believe this will ensure that LBL managers are more responsive to the local concerns about development at LBL. This will ensure that proposals like the "Five Concepts" proposed by TVA in 1995 will never be considered again.

We have given the authority to Federal, State and local officials to appoint the members to the board. While the board will represent a variety of interests, I am confident that each will have the best intentions for LBL foremost in mind.

The Secretary will appoint 4 individuals, two from each state. The Governors from Kentucky and Tennessee will each nominate two individuals from their state. The Kentucky and Tennessee Fish and Wildlife Commissioners will each nominate 1 person. The Land Between the Lakes Association, which is a non-profit organization that operates the gift shops, planetarium and welcome stations at LBL, will nominate one individual. The County Judge Executives from each of the three counties, which make up LBL will each nominate two individuals.

This bill also protects existing TVA payments to counties, and increases federal payments in lieu of taxes. This will ensure that county schools and county services are not negatively impacted.

This bill creates a $5 million trust fund to be used for internships, education grants, and regional economic and tourism promotion.

Finally, the bill also seeks to minimize any disruption to the employees working at LBL. We have sought to ensure that all eligible benefits provided to an employee will not be diminished or lost as a result of transferring this facility. This bill also provides a generous severance package based on a previous downsizing package offered by TVA.

Mr. President, we are rapidly nearing the end of the fiscal year and we need to ensure that this safety net is available if TVA doesn't receive sufficient funding. I look forward to working with my colleagues in the House and Senate, Republican and Democrat alike, putting aside politics and doing right by all those who treasure LBL.

Finally, I want to thank the hundreds of Kentuckians who have worked so closely with us in drafting this bill. I believe the plan we have arrived at together will help secure LBL's future for a long, long time.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be referred to as "The Land Between the Lakes Protection Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Purposes.

TITLE I—ESTABLISHMENT, ADMINISTRATION, AND JURISDICTION

Sec. 101. Establishment.
Sec. 102. Civil and criminal jurisdiction.
Sec. 103. Payments to States and counties.
Sec. 104. Forest highways.

TITLE II—MANAGEMENT PROVISIONS

Sec. 201. Land and resource management plan.
Sec. 202. Advisory Board.
Sec. 203. Fees.
Sec. 204. Disposition of receipts.
Sec. 205. Special use authorizations.
Sec. 206. Cooperative authorities and gifts.
Sec. 207. Designation of national recreation trail.
Sec. 208. Cemeteries.
Sec. 209. Resource management.
Sec. 210. Dams and impoundments.
Sec. 211. Trust Fund.
Sec. 212. Electricity.

TITLE III—TRANSFER PROVISIONS

Sec. 301. Effective date of transfer.
Sec. 302. Statement of policy.
Sec. 303. Memorandum of agreement.
Sec. 304. Records.
Sec. 305. Transfer of personal property.
Sec. 306. Compliance with environmental laws.
Sec. 307. Personnel.

TITLE IV—FUNDING

Sec. 401. Tennessee Valley Authority transitional funding.

Sec. 402. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) ADVISORY BOARD.—The term "Advisory Board" means the Land Between the Lakes Advisory Board established under section 202.

(3) CHAIRMAN.—The term "Chairman" means the Chairman of the Board of Directors of the Tennessee Valley Authority.

(4) ELIGIBLE EMPLOYEE.—The term "eligible employee" means a person that was, on the date of enactment of this Act, a full-time employee of the Tennessee Valley Authority at the Recreation Area.

(5) ENVIRONMENTAL LAW.—

(A) IN GENERAL.—The term "environmental law" means all applicable Federal, State, and local laws (including regulations) and requirements related to protection of human health, natural and cultural resources, or the environment.

(B) INCLUSIONS.—The term "environmental law" includes—

(i) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(iv) the Clean Air Act (42 U.S.C. 7401 et seq.);

(v) the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(vi) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); and

(vii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(6) FOREST HIGHWAY.—The term "forest highway" has the meaning given the term in section 101(a) of title 23, United States Code.

(7) GOVERNMENTAL UNIT.—The term "governmental unit" means an agency of the Federal Government or a State or local government, local governmental unit, public or municipal corporation, or unit of a State university system.

(8) HAZARDOUS SUBSTANCE.—The term "hazardous substance" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(9) PERSON.—The term "person" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(10) POLLUTANT OR CONTAMINANT.—The term "pollutant or contaminant" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(11) RECREATION AREA.—The term "Recreation Area" means the Land Between the Lakes National Recreation Area.

(12) RELEASE.—The term "release" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(13) RESPONSE ACTION.—The term "response action" has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE.—The term "State" means the State of Kentucky and the State of Tennessee.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to transfer without consideration administrative jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary so that the Recreation Area may be managed as a unit of the National Forest System;

(2) to protect and manage the resources of the Recreation Area for optimum yield of outdoor recreation and environmental education through multiple use management by the Forest Service;

(3) to authorize, research, test, and demonstrate innovative programs and cost-effective management of the Recreation Area;

(4) to authorize the Secretary to cooperate between and among the States, Federal agencies, private organizations, and corporations, and individuals, as appropriate, in the management of the Recreation Area and to help stimulate the development of the surrounding region and extend the beneficial results as widely as practicable; and

(5) to provide for the smooth and equitable transfer of jurisdiction from the Tennessee Valley Authority to the Secretary.

TITLE I—ESTABLISHMENT, ADMINISTRATION, AND JURISDICTION

SEC. 101. ESTABLISHMENT.

(a) IN GENERAL.—On the transfer of administrative jurisdiction under section 301, the Land Between the Lakes National Recreation Area in the States of Kentucky and Tennessee is established as a unit of the National Forest System.

(b) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Recreation Area for multiple use as a unit of the National Forest System.

(2) EMPHASES.—The emphases in the management of the Recreation Area shall be—

(A) to provide public recreational opportunities;

(B) to conserve fish and wildlife and their habitat; and

(C) to provide for diversity of native and desirable non-native plants, animals, opportunities for hunting and fishing, and environmental education.

(3) STATUS OF UNIT.—The Secretary may administer the Recreation Area as a separate unit of the National Forest System or in conjunction with an existing national forest.

(c) AREA INCLUDED.—

(1) IN GENERAL.—The Recreation Area shall comprise the federally owned land, water, and interests in the land and water lying between Kentucky Lake and Lake Barkley in the States of Kentucky and Tennessee, as generally depicted on the map entitled "Land Between the Lakes National Recreation Area—January, 1998".

(2) MAP.—The map described in paragraph (1) shall be available for public inspection in the Office of the Chief of the Forest Service, Washington, D.C.

(d) WATERS.—

(1) WATER LEVELS AND NAVIGATION.—Nothing in this Act affects the jurisdiction of the Tennessee Valley Authority or the Army Corps of Engineers to manage and regulate water levels and navigation of Kentucky Lake and Lake Barkley and areas subject to flood easements.

(2) OCCUPANCY AND USE.—Subject to the jurisdiction of the Tennessee Valley Authority and the Army Corps of Engineers, the Secretary shall have jurisdiction to regulate the occupancy and use of the surface waters of the lakes for recreational purposes.

SEC. 102. CIVIL AND CRIMINAL JURISDICTION.

(a) ADMINISTRATION.—The Secretary, acting through the Chief of the Forest Service, shall administer the Recreation Area in accordance with this Act and the laws, rules, and regulations pertaining to the National Forest System.

(b) STATUS.—Land within the Recreation Area shall have the status of land acquired under the Act of March 1, 1911 (commonly known as the "Weeks Act") (16 U.S.C. 515 et seq.).

SEC. 103. PAYMENTS TO STATES AND COUNTIES.

(a) PAYMENTS IN LIEU OF TAXES.—Land within the Recreation Area shall be subject to the provisions for payments in lieu of taxes under chapter 69 of title 31, United States Code.

(b) DISTRIBUTION.—All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall not be subject to distribution to States under the Act of May 23, 1908 (16 U.S.C. 500).

(c) PAYMENTS BY THE TENNESSEE VALLEY AUTHORITY.—After the transfer of administrative jurisdiction is made under section 301—

(1) the Tennessee Valley Authority shall continue to calculate the amount of payments to be made to States and counties under section 13 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831*l*); and

(2) each State (including, for the purposes of this subsection, the State of Kentucky, the State of Tennessee, and any other State) that receives a payment under that section shall continue to calculate the amounts to be distributed to the State and local governments, as though the transfer had not been made.

SEC. 104. FOREST HIGHWAYS.

(a) IN GENERAL.—For purposes of section 204 of title 23, United States Code, the road known as "The Trace" and every other paved road within the Recreation Area (including any road constructed to secondary standards) shall be considered to be a forest highway.

(b) STATE RESPONSIBILITY.—

(1) IN GENERAL.—The States shall be responsible for the maintenance of forest highways within the Recreation Area.

(2) REIMBURSEMENT.—To the maximum extent provided by law, from funds appropriated to the Department of Transportation and available for purposes of highway construction and maintenance, the Secretary of Transportation shall reimburse the States for all or a portion of the costs of maintenance of forest highways in the Recreation Area.

TITLE II—MANAGEMENT PROVISIONS

SEC. 201. LAND AND RESOURCE MANAGEMENT PLAN.

(a) IN GENERAL.—As soon as practicable after the effective date of the transfer of jurisdiction under section 301, the Secretary shall prepare a land and resource management plan for the Recreation Area in conformity with the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.) and other applicable law.

(b) INTERIM PROVISION.—Until adoption of the land and resource management plan, the Secretary may use, as appropriate, the existing Tennessee Valley Authority management plan to provide interim management direction. Use of all or a portion of the management plan by the Secretary shall not be considered to be a major Federal action significantly affecting the quality of the human environment.

SEC. 202. ADVISORY BOARD.

(a) Establishment.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish the Land Between the Lakes Advisory Board.

(b) Membership.—The Advisory Board shall be composed of 17 members appointed as follows:

(1) 4 individuals appointed by the Secretary, including—

(A) 2 residents of the State of Kentucky; and

(B) 2 residents of the State of Tennessee.

(2) 2 individuals, including—

(A) 1 individual appointed by the Kentucky Fish and Wildlife Commissioner or designee; and

(B) 1 individual appointed by the Tennessee Fish and Wildlife Commission or designee.

(3) 1 individual appointed by the Land Between the Lakes Association.

(4) 4 individuals, including—

(A) 2 individuals appointed by the Governor of the State of Tennessee; and

(B) 2 individuals appointed by the Governor of the State of Kentucky.

(5) 6 individuals, including 2 individuals appointed by each of the counties containing the Recreation Area.

(c) Term.—

(1) In general.—The term of a member of the Advisory Board shall be 5 years.

(2) Succession.—Members of the Advisory Board may not succeed themselves.

(d) Chairperson.—The Regional Forester shall serve as chairperson of the Advisory Board.

(e) Rules of Procedure.—The Secretary shall prescribe the rules of procedure for the Advisory Board.

(f) Functions.—The Advisory Board may advise the Secretary on—

(1) means of promoting public participation for the land and resource management plan for the Recreation Area; and

(2) environmental education.

(g) Meetings.—

(1) Frequency.—The Advisory Board shall meet at least biannually.

(2) Public meeting.—A meeting of the Advisory Board shall be open to the general public.

(3) Notice of meetings.—The chairperson, through the placement of notices in local news media and by other appropriate means shall give 2 weeks' public notice of each meeting of the Advisory Board.

(h) Termination.—The Secretary may terminate the Advisory Board on or after the date as of which the Secretary determines that implementation of the initial land and resource management plan for the Recreation Area under section 201 has begun.

SEC. 203. FEES.

(a) Authority.—The Secretary may charge reasonable fees for admission to and the use of the designated sites, or for activities, within the Recreation Area.

(b) Factors.—In determining whether to charge fees, the Secretary may consider the costs of collection weighed against potential income.

(c) Limitation.—No general entrance fees shall be charged within the Recreation Area.

SEC. 204. DISPOSITION OF RECEIPTS.

(a) In General.—All amounts received from charges, use fees, and natural resource utilization, including timber and agricultural receipts, shall be deposited in a special fund in the Treasury of the United States to be known as the "Land Between the Lakes Management Fund".

(b) Use.—Amounts in the Fund shall be available to the Secretary until expended, without further Act of appropriation, for the management of the Recreation Area, including payment of salaries and expenses.

SEC. 205. SPECIAL USE AUTHORIZATIONS.

(a) In General.—In addition to other authorities for the authorization of special uses within the National Forest System, within the Recreation Area, the Secretary may, on such terms and conditions as the Secretary may prescribe—

(1) convey for no consideration perpetual easements to governmental units for public roads over U.S. Route 68 and the Trace, and such other rights-of-way as the Secretary and a governmental unit may agree;

(2) transfer or lease to governmental units developed recreation sites or other facilities to be managed for public purposes; and

(3) lease or authorize developed recreational sites or other facilities, consistent with sections 3(2) and 101(b)(2), to for-profit and not-for-profit corporations and organizations for renewable periods not to exceed 30 years.

(b) Consideration.—

(1) In general.—Consideration for a lease or other special use authorization within the Recreation Area shall be based on fair market value.

(2) Reduction or waiver.—The Secretary may reduce or waive a fee to a governmental unit or nonprofit organization commensurate with other consideration provided to the United States, as determined by the Secretary.

(c) Procedure.—The Secretary may use any fair and equitable method for authorizing special uses within the Recreation Area, including public solicitation of proposals.

(d) Existing Authorizations.—

(1) In general.—A permit or other authorization granted by the Tennessee Valley Authority that is in effect on the date of enactment of this Act may continue on transfer of administration of the Recreation Area to the Secretary.

(2) Reissuance.—A permit or authorization described in paragraph (1) may be reissued on termination under terms and conditions prescribed by the Secretary.

(3) Exercise of rights.—The Secretary may exercise any of the rights of the Tennessee Valley Authority contained in any permit or other authorization, including any right to amend, modify, and revoke the permit or authorization.

SEC. 206. COOPERATIVE AUTHORITIES AND GIFTS.

(a) Fish and Wildlife Service.—

(1) Management.—

(A) In general.—Subject to such terms and conditions as the Secretary may prescribe, the Secretary may issue a special use authorization to the United States Fish and Wildlife Service for the management by the Service of facilities and land agreed on by the Secretary and the Secretary of the Interior.

(B) Fees.—

(i) In general.—Reasonable admission and use fees may be charged for all areas administered by the United States Fish and Wildlife Service.

(ii) Deposit.—The fees shall be deposited in accordance with section 204.

(2) Cooperation.—The Secretary and the Secretary of the Interior may cooperate or act jointly on activities such as population monitoring and inventory of fish and wildlife with emphasis on migratory birds and endangered and threatened species, environmental education, visitor services, conservation demonstration projects and scientific research.

(3) Subordination of fish and wildlife activities to overall management.—The management and use of areas and facilities under permit to the United States Fish and Wildlife Service as authorized pursuant to this section shall be subordinate to the overall management of the Recreation Area as directed by the Secretary.

(b) Authorities.—For the management, maintenance, operation, and interpretation of the Recreation Area and its facilities, the Secretary may—

(1) make grants and enter into contracts and cooperative agreements with Federal agencies, governmental units, nonprofit organizations, corporations, and individuals; and

(2) accept gifts under Public Law 95-442 (7 U.S.C. 2269) notwithstanding that the donor conducts business with any agency of the Department of Agriculture or is regulated by the Secretary of Agriculture.

SEC. 207. DESIGNATION OF NATIONAL RECREATION TRAIL.

Effective on the date of enactment of this Act, the North-South Trail is designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243).

SEC. 208. CEMETERIES.

The Secretary shall conduct an inventory of and ensure access to all cemeteries within the Recreation Area for purposes of visitation and maintenance.

SEC. 209. RESOURCE MANAGEMENT.

(a) Minerals.—

(1) Withdrawal.—The land within the Recreation Area is withdrawn from the operation of the mining and mineral leasing laws of the United States.

(2) Use of mineral materials.—The Secretary may permit the use of common varieties of mineral materials for the development and maintenance of the Recreation Area.

(b) Hunting and Fishing.—

(1) In general.—The Secretary shall permit hunting and fishing on land and water under the jurisdiction of the Secretary within the boundaries of the Recreation Area in accordance with applicable laws of the United States and of each State, respectively.

(2) Prohibition.—

(A) In general.—The Secretary may designate areas where, and establish periods when, hunting or fishing is prohibited for reasons of public safety, administration, or public use and enjoyment.

(B) Consultation.—Except in emergencies, a prohibition under subparagraph (A) shall become effective only after consultation with the appropriate fish and game departments of the States.

(3) Fish and wildlife.—Nothing in this Act affects the jurisdiction or responsibilities of the States with respect to wildlife and fish on national forests.

SEC. 210. DAMS AND IMPOUNDMENTS.

(a) In General.—The Tennessee Valley Authority and the Army Corps of Engineers, as appropriate, shall be responsible for the maintenance of all dams, dikes, causeways, impoundments, subimpoundments, and other water resources facilities, including appurtenant roads and boat ramps, existing within the Recreation Area on the date of enactment of this Act.

(b) Removal.—A facility described in subsection (a) may be removed and the associated land and water area restored to a natural condition only with the approval of the Secretary.

SEC. 211. TRUST FUND.

(a) Establishment.—There is established in the Treasury of the United States a special interest-bearing fund known as the "Land Between the Lakes Trust Fund".

(b) Availability.—Amounts in the Fund shall be available to the Secretary, until expended, for—

(1) public education, grants, and internships related to recreation, conservation, and multiple use land management in the Recreation Area; and

(2) regional promotion in the Recreation Area, in cooperation with development districts, chambers of commerce, and State and local governments.

(c) Deposits.—From revenues available to the Tennessee Valley Authority from any source, the Tennessee Valley Authority shall deposit into the Fund $1,000,000 annually for each of 5 fiscal years that begin after the date of enactment of this Act.

SEC. 212. ELECTRICITY.

The Tennessee Valley Authority shall compensate distributors in providing the Secretary, at no charge, continued electrical service, including maintenance of all lines, poles, and other facilities necessary for the distribution and use of electric power.

TITLE III—TRANSFER PROVISIONS

SEC. 301. EFFECTIVE DATE OF TRANSFER.

Effective on October 1 of the first fiscal year for which Congress does not appropriate to the Tennessee Valley Authority at least $6,000,000 for the Recreation Area, administrative jurisdiction over the Recreation Area is transferred from the Tennessee Valley Authority to the Secretary.

SEC. 302. STATEMENT OF POLICY.

It is the policy of the United States that, to the maximum extent practicable—

(1) the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary should be effected in an efficient and cost-effective manner; and

(2) due consideration should be given to minimizing—

(A) disruption of the personal lives of the Tennessee Valley Authority and Forest Service employees; and

(B) adverse impacts on permittees, contractees, and others owning or operating businesses affected by the transfer.

SEC. 303. MEMORANDUM OF AGREEMENT.

(a) In General.—Not later than 30 days after the date of enactment of this Act, the Secretary and the Tennessee Valley Authority shall enter into a memorandum of agreement concerning implementation of this Act.

(b) Provisions.—The memorandum of understanding shall provide procedures for—

(1) the orderly withdrawal of officers and employees of the Tennessee Valley Authority;

(2) the transfer of property, fixtures, and facilities;

(3) the interagency transfer of officers and employees;

(4) the transfer of records; and

(5) other transfer issues.

(c) Transition Team.—

(1) In general.—The memorandum of understanding may provide for a transition team consisting of the Tennessee Valley Authority and Forest Service employees.

(2) Duration.—The team may continue in existence after the date of transfer.

(3) Personnel costs.—The Tennessee Valley Authority and the Forest Service shall pay personnel costs of their respective team members.

SEC. 304. RECORDS.

(a) Recreation Area Records.—The Secretary shall have access to all records of the Tennessee Valley Authority pertaining to the management of the Recreation Area.

(b) Personnel Records.—The Tennessee Valley Authority personnel records shall be made available to the Secretary, on request, to the extent the records are relevant to Forest Service administration.

(c) Confidentiality.—The Tennessee Valley Authority may prescribe terms and conditions on the availability of records to protect the confidentiality of private or proprietary information.

(d) Land Title Records.—The Tennessee Valley Authority shall provide to the Secretary original records pertaining to land titles, surveys, and other records pertaining to transferred personal property and facilities.

SEC. 305. TRANSFER OF PERSONAL PROPERTY.

(a) Subject Property.—

(1) Inventory.—Not later than 60 days after the date of enactment of this Act, the Tennessee Valley Authority shall provide the Secretary with an inventory of all property and facilities at the Recreation Area.

(2) Availability for transfer.—

(A) In general.—All Tennessee Valley Authority property associated with the administration of the Recreation Area as of January 1, 1998, including any property purchased with Federal funds appropriated for the management of the Tennessee Valley Authority land, shall be available for transfer to the Secretary.

(B) Property included.—Property under subparagraph (A) includes buildings, office furniture and supplies, computers, office equipment, buildings, vehicles, tools, equipment, maintenance supplies, boats, engines, and publications.

(3) Exclusion of property.—At the request of the authorized representative of the Tennessee Valley Authority, the Secretary may exclude movable property from transfer based on a showing by the Tennessee Valley Authority that the property is vital to the mission of the Tennessee Valley Authority and cannot be replaced in a cost-effective manner, if the Secretary determines that the property is not needed for management of the Recreation Area.

(b) Designation.—Pursuant to such procedures as may be prescribed in the memorandum of agreement entered into under section 303, the Secretary shall identify and designate, in writing, all Tennessee Valley Authority property to be transferred to the Secretary.

(c) Facilitation of Transfer.—The Tennessee Valley Authority shall, to the maximum extent practicable, use existing appropriated and unappropriated funds and current personnel to facilitate the transfer of necessary property and facilities to the Secretary, including replacement of signs and insignia, repainting of vehicles, printing of public information, and training of new personnel.

(d) Surplus Property.—

(1) Disposition.—Any personal property, including structures and facilities, that the Secretary determines cannot be efficiently managed and maintained either by the Forest Service or by lease or permit to other persons may be declared excess by the Secretary and—

(A) sold by the Secretary on such terms and conditions as the Secretary may prescribe to achieve the maximum benefit to the Federal Government; or

(B) disposed of under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(2) Deposit of proceeds.—All net proceeds from the disposal of any property shall be deposited into the Fund established by section 211.

SEC. 306. COMPLIANCE WITH ENVIRONMENTAL LAWS.

(a) Documentation of Existing Conditions.—

(1) In general.—Not later than 60 days after the date of enactment of this Act, the Chairman and the Administrator shall provide the Secretary all documentation and information that exists on the environmental condition of the land and waters comprising the Recreation Area property.

(2) Additional documentation.—The Chairman and the Administrator shall provide the Secretary with any additional documentation and information regarding the environmental condition of the Recreation Area property as such documentation and information becomes available.

(b) Action Required.—

(1) Assessment.—Not later than 120 days from the date of enactment of this Act, the Chairman shall provide to the Secretary an assessment indicating what action, if any, is required under any environmental law on Recreation Area property.

(2) Memorandum of understanding.—If the assessment concludes action is required under any environmental law with respect to any portion of the Recreation Area property, the Secretary and the Chairman shall enter into a memorandum of understanding that—

(A) provides for the performance by the Chairman of the required actions identified in the assessment; and

(B) includes a schedule providing for the prompt completion of the required actions to the satisfaction of the Secretary.

(c) Documentation Demonstrating Action.—On the transfer of jurisdiction over the Recreation Area from the Tennessee Valley Authority to the Secretary, the Chairman shall provide the Secretary with documentation demonstrating that all actions required under any environmental law have been taken, including all response actions under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that are necessary to protect human health and the environment with respect to any hazardous substance, pollutant, contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product on Recreation Area property.

(d) Continuation of Responsibilities and Liabilities.—

(1) In general.—The transfer of the Recreation Area property under this Act, and the requirements of this section, shall not in any way affect the responsibilities and liabilities of the Tennessee Valley Authority at the Recreation Area under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or any other environmental law.

(2) Access.—After transfer of the Recreation Area property, the Chairman shall be accorded any access to the property that may be reasonably required to carry out the responsibility or satisfy the liability referred to in paragraph (1).

(3) No liability.—The Secretary shall not be liable under any environmental law for matters that are related directly or indirectly to present or past activities of the Tennessee Valley Authority on the Recreation Area property, including liability for—

(A) costs or performance of response actions required under the Comprehensive Environmental Response, Compensation, and

Liability Act of 1980 (42 U.S.C. 9601 et seq.) at or related to the Recreation Area; or

(B) costs, penalties, fines, or performance of actions related to noncompliance with any environmental law at or related to the Recreation Area or related to the presence, release, or threat of release of any hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product of any kind at or related to the Recreation Area, including contamination resulting from migration.

(4) NO EFFECT ON RESPONSIBILITIES OR LIABILITIES.—Except as provided in paragraph (3), nothing in this Act affects, modifies, amends, repeals, alters, limits or otherwise changes, directly or indirectly, the responsibilities or liabilities under any environmental law of any person with respect to the Secretary.

(e) OTHER FEDERAL AGENCIES.—Subject to the other provisions of this section, a Federal agency that carried or carries out operations at the Recreation Area resulting in the release or threatened release of a hazardous substance, pollutant, or contaminant, hazardous waste, hazardous material, or petroleum product or derivative of a petroleum product for which that agency would be liable under any environmental law shall pay the costs of related response actions and shall pay the costs of related actions to remediate petroleum products or their derivatives.

SEC. 307. PERSONNEL.

(a) IN GENERAL.—

(1) HIRING.—Notwithstanding section 3503 of title 5, United States Code, and subject to paragraph (2), the Secretary may—

(A) appoint, hire, and discharge officers and employees to administer the Recreation Area; and

(B) pay the officers and employees at levels that are commensurate with levels at other units of the National Forest System.

(2) INTERIM RETENTION OF ELIGIBLE EMPLOYEES.—

(A) IN GENERAL.—For a period of not less than 5 months after the effective date of transfer to the Forest Service—

(i) all eligible employees shall be retained in the employment of the Tennessee Valley Authority;

(ii) those eligible employees shall be considered to be placed on detail to the Secretary and shall be subject to the direction of the Secretary; and

(iii) the Secretary shall reimburse the Tennessee Valley Authority for the amount of the basic pay of those eligible employees, and the Tennessee Valley Authority shall remain responsible for all other compensation of those employees.

(B) NOTICE TO EMPLOYEES.—The Secretary shall provide eligible employees a written notice of not less than 30 days before termination.

(C) TERMINATION FOR CAUSE.—Subparagraph (A) does not preclude a termination for cause during the 5-month period.

(b) APPLICATIONS FOR TRANSFER AND APPOINTMENT.—An eligible employee shall have the right to apply for employment by the Secretary under procedures for transfer and appointment of Federal employees outside the Department of Agriculture.

(c) HIRING BY THE SECRETARY.—

(1) IN GENERAL.—Subject to subsection (b), in filling personnel positions within the Recreation Area, the Secretary shall follow all laws (including regulations) and policies applicable to the Department of Agriculture.

(2) NOTIFICATION AND HIRING.—Notwithstanding paragraph (1), the Secretary—

(A) shall notify all eligible employees of all openings for positions with the Forest Service at the Recreation Area before notifying other individuals or considering applications by other individuals for the positions; and

(B) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(3) NONCOMPETITIVE APPOINTMENTS.—Notwithstanding any other placement of career transition programs authorized by the Office of Personnel Management of the United States Department of Agriculture, the Secretary may noncompetitively appoint eligible employees to positions in the Recreation Area.

(4) PERIOD OF SERVICE.—Except to the extent that an eligible employee that is appointed by the Secretary may be otherwise compensated for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the Secretary for the purposes of probation, career tenure, time-in-grade, and leave.

(d) TRANSFER TO POSITIONS IN OTHER UNITS OF THE TENNESSEE VALLEY AUTHORITY.—The Tennessee Valley Authority—

(1) shall notify all eligible employees of all openings for positions in other units of the Tennessee Valley Authority before notifying other individuals or considering applications by other individuals for the positions; and

(2) after applications by eligible employees have received consideration, if any positions remain unfilled, shall notify other individuals of the openings.

(e) EMPLOYEE BENEFIT TRANSITION.—

(1) MEMORANDUM OF UNDERSTANDING.—

(A) IN GENERAL.—The Secretary and the heads of the Office of Personnel Management and the Tennessee Valley Authority Retirement System shall enter into a memorandum of understanding providing for the transition for all eligible employees of compensation made available through the Tennessee Valley Authority Retirement System.

(B) EMPLOYEE PARTICIPATION.—In deciding on the terms of the memorandum of understanding, the Secretary and the heads of the Office of Personnel Management and the Tennessee Valley Authority Retirement System shall meet and consult with and give full consideration to the views of employees and representatives of the employees of the Tennessee Valley Authority.

(2) ELIGIBLE EMPLOYEES THAT ARE TRANSFERRED TO OTHER UNITS OF TVA.—An eligible employee that is transferred to another unit of the Tennessee Valley Authority shall experience no interruption in coverage for or reduction of any retirement, health, leave, or other employee benefit.

(3) ELIGIBLE EMPLOYEES THAT ARE HIRED BY THE SECRETARY.—

(A) LEVEL OF BENEFITS.—The Secretary shall provide to an eligible employee that is hired by the Forest Service a level of retirement and health benefits that is equivalent to the level to which the eligible employee would have been entitled if the eligible employee had remained an employee of the Tennessee Valley Authority.

(B) TRANSFER OF RETIREMENT BENEFITS.—

(i) IN GENERAL.—All retirement benefits accrued by an eligible employee that is hired by the Forest Service shall be transferred into the Federal Retirement System of the Forest Service.

(ii) FUNDING SHORTFALL.—

(I) IN GENERAL.—For all eligible employees that are not part of the Civil Service Retirement System, the Tennessee Valley Authority shall meet any funding shortfall resulting from the transfer of retirement benefits.

(II) NOTIFICATION.—The Secretary shall notify the Tennessee Valley Authority Board of the cost associated with the transfer of retirement benefits.

(III) PAYMENT.—Not later than 60 days after notification under subclause (II), the Tennessee Valley Authority, using nonappropriated funds, shall fully compensate the Secretary for the costs associated with the transfer of retirement benefits.

(IV) NO INTERRUPTION.—An eligible employee that is hired by the Forest Service and is eligible for Civil Service Retirement shall not experience any interruption in retirement benefits.

(B) NO INTERRUPTION.—An eligible employee that is hired by the Secretary—

(i) shall experience no interruption in coverage for any health, leave, or other employee benefit; and

(ii) shall be entitled to carry over any leave time accumulated during employment by the Tennessee Valley Authority.

(C) PERIOD OF SERVICE.—Notwithstanding section 8411(b)(3) of title 5, United States Code, except to the extent that an eligible employee may be otherwise compensated (including the provision of retirement benefits in accordance with the memorandum of understanding) for the period of service as an employee of the Tennessee Valley Authority, that period of service shall be treated as a period of service as an employee of the Secretary for all purposes relating to the Federal employment of the eligible employee.

(4) ELIGIBLE EMPLOYEES THAT ARE DISCHARGED NOT FOR CAUSE.—

(A) LEVEL OF BENEFITS.—The parties to the memorandum of understanding shall have authority to deem any applicable requirement to be met, to make payments to an employee, or take any other action necessary to provide to an eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause and that does not accept an offer of employment from the Secretary, an optimum level of retirement and health benefits that is equivalent to the level that has been afforded employees discharged in previous reductions in force by the Tennessee Valley Authority.

(B) MINIMUM BENEFITS.—An eligible employee that is discharged as being excess to the needs of the Tennessee Valley Authority or the Secretary and not for cause shall, at a minimum, be entitled to—

(i) at the option of the eligible employee—

(I) a lump-sum equal to $1,000, multiplied by the number of years of service of the eligible employee (but not less than $15,000 nor more than $25,000);

(II) a lump-sum payment equal to the amount of pay earned by the eligible employee for the last 26 weeks of the eligible employee's service; or

(III) the deemed addition of 5 years to the age and years of service of an eligible employee;

(ii) 15 months of health benefits for employees and dependents at the same level provided as of September 30, 1998;

(iii) 1 week of pay per year of service as provided by the Tennessee Valley Authority Retirement System;

(iv) a lump-sum payment of all accumulated annual leave;

(v) unemployment compensation in accordance with State law;

(vi) eligible pension benefits as provided by the Tennessee Valley Authority Retirement System; and

(vii) retraining assistance provided by the Tennessee Valley Authority.

(C) Shortfall.—If the board of directors of the Tennessee Valley Authority Retirement System determines that the cost of providing the benefits described in subparagraph (B) would have a negative impact on the overall retirement system, the Tennessee Valley Authority shall be required to meet any funding shortfalls using nonappropriated funds.

TITLE IV—FUNDING

SEC. 401. TENNESSEE VALLEY AUTHORITY TRANSITIONAL FUNDING.

(a) Availability to the Secretary.—

(1) In general.—After the effective date of transfer of jurisdiction of the Recreation Area from the Tennessee Valley Authority to the Secretary, all of the funds authorized to be appropriated to the Tennessee Valley Authority for the administration of the Recreation Area shall be available to the Secretary to carry out this Act.

(2) Interagency agreement.—Funds made available to the Tennessee Valley Authority for the transition shall be made available to the Secretary pursuant to an interagency agreement.

(b) Availability to the United States Fish and Wildlife Service.—Funds appropriated to the Secretary of the Interior for purposes of the United States Fish and Wildlife Service shall be available to administer any portions of the Recreation Area that are authorized for administration by the Service under section 206(a).

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

(a) Agriculture.—There are authorized to be appropriated to the Secretary of Agriculture such sums as are necessary to—

(1) permit the Secretary to exercise administrative jurisdiction over the Recreation Area under this Act; and

(2) administer the Recreation Area area as a unit of the National Forest System.

(b) Interior.—There are authorized to be appropriated to the Secretary of the Interior such sums as are necessary to carry out activities within the Recreation Area.

By Mr. ROCKEFELLER (for himself, Ms. Snowe, and Mr. Kerrey):

S. 1897. A bill to require accurate billing by telecommunications carriers with respect to the costs and fees resulting from the enactment of the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER PROTECTION ACT

Mr. ROCKEFELLER. Mr. President, it took Congress a decade to forge consensus necessary to pass the 1996 Telecommunication Act. This bold law was designed to promote competition in the dynamic telecommunications industry, but such competition is to be balanced by maintaining the commitment to universal service, a fundamental principle which has ensured affordable access to communications for every American, especially those in rural areas.

I voted for this historic legislation because in my view it struck the right balance.

I support competition, but I will insist on universal service.

And I will insist on time to fully implement the Act. This bold law seeks to move the $200 billion telecommunications industry to a more competitive market, but it will not happen overnight. President Clinton signed this major legislation into law in February 1998, just two years ago. This started the telecommunications industry on the path toward competition, but there have been some road blocks along the way with implementation snags, mergers instead of competition, and excessive litigation.

The current result, unfortunately, is confusion.

I do not want to reopen the Telecommunications Act, but I do want to relieve the confusion among consumers who seem to be bearing the brunt of this transition. Today, I am introducing bipartisan legislation called the Consumer Protection Act to ensure "truth in billing." I believe that consumers deserve to have the truth, the whole truth about changes in billings.

As the telecommunications industry moves from a regulated, monopolistic model into a more competitive model, we need to ensure that consumers get the information they need to make wise decisions in selecting their telecommunications carriers. In a regulated market, the regulations are intended to protect consumers' interests. Under a more competitive model, we need to ensure that accurate information is provided to consumers so they can protect themselves and use their ability to choose in the market place.

This legislation is very simple. It directs the Federal Communications Commission (FCC) and the Federal Trade Commission (FTC) to investigate billing practices, and report on the findings to Congress. If this investigation exposes misleading practices, we need to have disciplinary action to protect consumers.

If telecommunications companies choose to use line-items on phones bills, those companies must accurately report all regulatory actions, including how federal actions reduce costs, such as the $1.5 billion in access reductions provided in July 1997.

This legislation ensures that telecommunications companies cannot selectively disclose only those pieces of information that are in the companies' interest. When federal actions bring rates down, consumers have the right to know. As the industry makes the transition to a more competitive market, consumers deserve a full accounting so they can make informed decisions when they choose their telecommunications provider.

The Consumer Protection Act will ensure that consumers will see on their own bill how companies allocate savings resulting from deregulation of the industry, as companies are required to disclose how savings are passed along to residential rates, small business rates and other customer payment plans. This is not re-regulation. Nothing in this dictates how much companies can charge for their services. And nothing prevents companies from putting line items on bills. Those choices are still entirely at the companies' discretion. This legislation simply requires them to tell the whole truth if they choose to put a line item on customers bills.

The legislation has a third provision that requires companies using a line-item on customer bills to file with the FCC all the revenue and company reports they now file with the Securities and Exchange Commission (SEC).

The idea behind this requirement is simple. Since we require companies to report their revenues to the SEC in order to protect stockholders, shouldn't we provide the same information to the FCC in order to protect consumers?

During this period of transition from a monopoly-based system to a market-based system, there will be some ups and downs. But we should act to minimize confusion and protect consumers as the new market evolves.

At the state level, public service commissions are beginning to take steps to provide fuller, more accurate information to consumers. In January of this year, New York Administrative Law Judge Eleanor Stein recommended that telecommunications carriers be required to disclose fully, in bills of all classes of customers, the fee increases and fee reductions resulting from the enactment of the 1996 Telecommunications Act.

In February the National Association of Regulatory Utility Commissioners (NARUC) passed a resolution that clearly noted that line-items are a business choice made by companies not a mandate from the federal government. The NARUC resolution called on the FCC to take action to require interstate carriers to provide accurate customer notice and the purpose of line-items.

Some state officials are taking action. NARUC is calling on the FCC to lead. Now Congress needs to end the confusion, and tell consumers the truth.

I am proud that the Consumers Union supports this bipartisan legislation. I welcome the support of my colleagues, Senator Snowe of Maine and Senator Kerrey of Nebraska.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS; PURPOSE.

(a) Findings.—Congress makes the following findings:

(1) Billing practices by telecommunications carriers may not reflect accurately the cost or basis of the additional telecommunications services and benefits that consumers receive as a result of the enactment of the Telecommunications Act of 1996 (Public Law 104–104) and other Federal regulatory actions taken since the enactment of that Act.

(2) Congress has never enacted a law with the intent of permitting providers of telecommunications services to misrepresent to customers the costs of providing services or the services provided.

(3) Certain providers of telecommunications services have established new, specific charges on customer bills commonly known as "line-item charges".

(4) Certain providers of telecommunications services have described such charges as "Federal Universal Service Fees" or similar fees.

(5) Such charges have generated significant confusion among customers regarding the nature of and scope of universal service and of the fees associated with universal service.

(6) The State of New York is considering action to protect consumers by requiring telecommunications carriers to disclose fully in the bills of all classes of customers the fee increases and fee reductions resulting from the enactment of the Telecommunications Act of 1996 and other regulatory actions taken since the enactment of that Act.

(7) The National Association of Regulatory Utility Commissioners adopted a resolution in February 1998 supporting action by the Federal Communications Commission to require interstate carriers to provide accurate customer notice regarding the implementation and purpose of end user charges.

(b) Purpose.—It is the purpose of this Act to require the Federal Communications Commission and the Federal Trade Commission to protect consumers of telecommunications services by assuring accurate cost reporting and billing practices by telecommunications carriers nationwide.

SEC. 2. INVESTIGATION OF TELECOMMUNICATIONS CARRIERS BILLING PRACTICES.

(a) Investigation.—

(1) Requirement.—The Federal Communications Commission and the Federal Trade Commission shall jointly conduct an investigation of the billing practices of telecommunications carriers.

(2) Purpose.—The purpose of the investigation is to determine whether the bills sent by carriers to their customers accurately assess and correctly characterize any additional fees paid by such customers for telecommunications services as a result of the enactment of the Telecommunications Act of 1996 (Public Law 104–104) and other Federal regulatory actions taken since the enactment of that Act.

(b) Determinations.—In carrying out the investigation under subsection (a), the Federal Communications Commission and the Federal Trade Commission shall determine the following:

(1) The amount, if any, of additional fees imposed by telecommunications carriers on their customers as a result of the requirements of the Telecommunications Act of 1996 (including the amendments made by that Act) and other Federal regulatory actions taken since the enactment of that Act during the period beginning on June 30, 1997, and ending on the date of enactment of that Act.

(2) In the event that additional fees described in paragraph (1) are being imposed, the following:

(A) Whether the amount of such fees accurately reflect—

(i) the additional costs to carriers as a result of the enactment of that Act (including the amendments made by that Act) and other Federal regulatory actions taken since the enactment of that Act; and

(ii) any reductions in costs, or other financial benefits, to carriers as a result of the enactment of that Act (including such amendments) and other Federal regulatory actions taken since the enactment of that Act.

(B) Whether the bills that impose such fees characterize correctly the nature and basis of such fees.

(c) Review of Records.—

(1) Authority.—For purposes of the investigation under subsection (a), the Federal Communications Commission and the Federal Trade Commission may obtain from any telecommunications carrier any record of the carrier that is relevant to the investigation.

(2) Use.—The Federal Communications Commission and the Federal Trade Commission may use records obtained under this subsection only for purposes of the investigation.

(d) Disciplinary Actions.—

(1) In general.—In the event that the Federal Communications Commission or the Federal Trade Commission determine as a result of the investigation under subsection (a) that the bills sent by a telecommunications carrier to its customers does not accurately assess or correctly characterize any fee addressed in the investigation, the Federal Communications Commission or the Federal Trade Commission, as the case may be, shall take such actions against the carrier as such Commission is authorized to take under law.

(2) Additional actions.—If the Federal Communications Commission or the Federal Trade Commission determines that such Commission does not have adequate authority under law to take appropriate actions under paragraph (1), the Federal Communications Commission and the Federal Trade Commission shall notify Congress of that determination in the report under subsection (e).

(e) Report.—Not later than 45 days after the date of enactment of this Act, the Federal Communications Commission and the Federal Trade Commission shall jointly submit to Congress a report on the results of the investigation under subsection (a). The report shall include the determination, if any, of either Commission under subsection (d)(2) and any recommendations for further legislative action that the Commissions consider appropriate.

SEC. 3. REQUIREMENTS FOR TELECOMMUNICATIONS CARRIERS IMPOSING CERTAIN FEES FOR SERVICES.

(a) Requirements.—Any telecommunications carrier that includes on any of the bills sent to its customers a charge described in subsection (b) shall—

(1) specify in the bill imposing such charge any reduction in charges or fees allocable to all classes of customers (including customers of residential basic service, customers of other residential services, small business customers, and other business customers) by reason of any regulatory action of the Federal Government; and

(2) submit to the Federal Communications Commission the reports required to be submitted by the carrier to the Securities and Exchange Commission under sections 13(a) and 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. 78m(a), 78*o*(d)).

(b) Covered Charges.—Subsection (a) applies in the case of the following charges:

(1) Any specific charge included after June 30, 1997, if the imposition of the charge is attributed to a regulatory action of the Federal Government.

(2) Any specific charge included before that date if the description of the charge is changed after that date to attribute the imposition of the charge to a regulatory action of the Federal Government.

By Mr. BAUCUS (for himself and Mr. Burns):

S. 1899. A bill entitled "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998"; to the Committee on Indian Affairs.

THE CHIPPEWA CREE TRIBE OF THE ROCKY BOY'S RESERVATION INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT OF 1998

Mr. BAUCUS. Mr. President, I rise today to introduce the "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998" along with my colleague Senator Burns.

This bill represents the culmination of sixteen years of intensive technical studies and six years of negotiations involving the Chippewa Cree Tribe, the State of Montana, local governments, water districts and ranchers as well as the United States Departments of justice and Interior.

The 108,000 acre Rocky Boy's Reservation is located west of Havre, Montana in the Bears Paw Mountains with portions extending onto the plains between the mountains and the Milk River in north-central Montana. Historically, the area was part of the large territory north of the Missouri and Musselshell Rivers designated for the Blackfeet Nation in the treaty of 1855.

In 1880 the Fort Assiniboine military reservation was established. In 1916 Congress set aside 56,035 acres for the Chippewa and Cree Bands of Chief Rocky Boy. In 1947 it was expanded by 45,523 acres bringing it to near its current size. None of the land has been allotted although some individual assignments have been made.

The reservation is home to over 3,000 tribal members and has an annual population growth exceeding 3%. While unemployment is estimated at nearly 70% the tribe has made important progress in economic development. Production of cattle and grain, development of timber and tourism provide solid sources of tribal income.

The reservation is located in an area of scarce water supply. Studies have demonstrated that the reservation could not sustain tribal membership without additional supplies of water for drinking, agricultural and municipal purposes.

Since 1992, the tribe, state and federal government have worked hard to reach an equitable water rights settlement.

The tribe and state reached tentative agreement on the compact in January

1997. The tribal Council passed a resolution supporting ratification of the agreement shortly thereafter. In the spring of 1997, the Montana State Senate unanimously ratified the compact and the State House gave its approval on a 91-9 vote. It was signed into law by the Governor of Montana on April 14, 1997.

This legislation ratifies the compact and settles the tribe's claims against the United States. The bill provides for:

(1) quantification of the tribe's water rights including 10,000 acre feet from surface and groundwater sources on the reservation as well as reserving 10,000 acre feet for the tribe from Lake Elwell, a US Bureau of Reclamation Project located approximately 50 miles from the reservation. The settlement does not provide for transport of this water to the reservation;

(2) mitigation of impacts on off-reservation water use including designating two pools of water stored in Bonneau Reservoir on the reservation for irrigation, stockwatering and maintenance of water quality on Box Elder Creek. Additional water will also be made available for protecting the Brook Trout fishery in upper Beaver Creek;

(3) authorization of two feasibility studies by the Bureau of Reclamation to examine water and related resources for both reservation and off-reservation water supplies in the area, and;

(4) authorization of $25 million in Federal funding for development of reservation water supplies including enlargement of Bonneau, Towe, Brown and East Fork Reservoirs; a $3 million dollar economic development fund for the tribe and $15 million for future importation of drinking water to the reservation, a much needed project in north central Montana. Additionally, $3 million will be provided for tribal administration of the agreement.

This legislation would never have become a reality without the hard work and cooperation of many people. I would especially like to recognize the staff and tribal council of the Chippewa Cree Tribe, the staff of the Montana Water Rights Compact Commission, the Department of Interior and the Native American Rights Fund. I am particularly grateful for the efforts of David Hayes, Special Counselor to Secretary Babbitt. Mr. Hayes' involvement was like a breath of fresh air, he moved forward when others were ready to give up on negotiations.

Mr. President, I look forward to working with Senator BURNS to expedite passage of this historic settlement.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998".

SEC. 2 FINDINGS.

Congress hereby finds that—

(1) in fulfillment of its trust responsibility to Indian tribes and to promote tribal sovereignty and economic self sufficiency, it is the policy of the United States to settle the water rights claims of the tribes without lengthy and costly litigation;

(2) the Rocky Boy's Reservation was established as a homeland for the Chippewa Cree Tribe;

(3) adequate water for the Chippewa Cree Tribe of the Rocky Boy's Reservation is important to a permanent, sustainable and sovereign homeland for the Tribe and its members;

(4) the Chippewa Cree Tribe's sovereignty and Reservation economy depend on the development of the Reservation's water resources;

(5) the planning, design, and construction of the facilities needed to utilize water supplies effectively are necessary to the development of a viable Reservation economy and to implementation of the Chippewa Cree-Montana Water Rights Compact;

(6) the Rocky Boy's Reservation is located in a water short area of the State of Montana and the Compact contemplates the development of additional water supplies, including importation of domestic water, to meet the needs of the Chippewa Cree Tribe;

(7) proceedings to determine the full extent of the Chippewa Cree Tribe's water rights are currently pending before the Montana Water Court as a part of "In the Matter of the Adjudication of All Rights to the Use of Water, Both Surface and Underground, within the State of Montana;"

(8) recognizing that final resolution of the general stream adjudication will take many years and entail great expense to all parties, prolong uncertainty as to the availability of water supplies, and seriously impair the long-term economic planning and development of all parties, the Chippewa Cree Tribe and the State of Montana entered into a Water Rights Compact on April 14, 1997; and

(9) the allocation of water resources from the Tiber Reservoir to the Tribe under this Act is uniquely suited to the geographic, social, and economic characteristics of the situation involved.

SEC. 3. PURPOSES OF ACT.

The purposes of this Act are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the State of Montana for—

(A) the Chippewa Cree Tribe; and

(B) the United States of America for the benefit of the Chippewa Cree Tribe;

(2) to approve, ratify, and confirm, as modified herein, the Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, and to provide funding and other authorization necessary to its implementation;

(3) to authorize the Secretary of the Interior to execute and implement the Water Rights Compact and to take such other actions as are necessary to implement the Compact consistent with this Act;

(4) to authorize Federal feasibility studies designed to identify and analyze potential mechanisms to enhance, through conservation or otherwise, water supplies in North Central Montana, including, but not limited to, mechanisms to import domestic water supplies for the future growth of the Rocky Boy's Indian Reservation;

(5) to authorize certain projects on the Rocky Boy's Indian Reservation, Montana, in order to implement the Compact;

(6) to authorize certain modifications to the purposes and operation of the Bureau of Reclamation's Tiber Dam and Lake Elwell on the Marias River in Montana in order to implement the Compact; and

(7) to authorize appropriation of funds necessary for the implementation of the Compact.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) "Compact" means the water rights compact between the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana published at 85-20-601 MCA (1997);

(2) "Final" with reference to approval of the decree in section 5(b) means completion of any direct appeal to the Montana Supreme Court of a final decree by the Water Court pursuant to 85-2-235, MCA (1997), or to the Federal Court of Appeals, including the expiration of the time in which a petition for certiorari may be filed in the United States Supreme Court, denial of such a petition, or the issuance of the Supreme Court's mandate, whichever occurs last;

(3) "Missouri River System" means the mainstem of the Missouri River and its tributaries, including but not limited to the Marias River;

(4) "Secretary" means the Secretary of the United States Department of the Interior, or his or her duly authorized representative;

(5) "Towe Ponds" means the reservoir or reservoirs referred to as "Stoneman Reservoir" in the Compact;

(6) "Tribal Compact Administration" means the activities assumed by the Tribe for implementation of the Compact as set forth in Article IV of the Compact;

(7) "Tribal Water Right" means the right of the Chippewa Cree Tribe of the Rocky Boy's Reservation to divert, use, or store water as described by Article III of the Compact;

(8) "Tribe" means the Chippewa Cree Tribe of the Rocky Boy's Reservation and all officers, agents, and departments thereof;

(9) "Water development" includes all activities that involve the use of water or modification of water courses or water bodies in any way.

SEC. 5. RATIFICATION OF COMPACT AND ENTRY OF DECREE.

(a) WATER RIGHTS COMPACT APPROVED.—Except as modified by this Act, and to the extent the Compact does not conflict with this Act, the Water Rights Compact entered into by the Chippewa Cree Tribe of the Rocky Boy's Reservation and the State of Montana on April 14, 1997, is hereby approved, ratified and confirmed and the Secretary shall execute and implement the Compact together with any amendments agreed to by the parties or necessary to bring the Compact into conformity with this Act, and to take such other actions as are necessary to implement the Compact.

(b) APPROVAL OF "PROPOSED DECREE".—No later than 180 days after the date of the enactment of this Act, the United States, the Tribe, or the State of Montana shall petition the Montana Water Court, individually or jointly, to enter and approve the "Proposed Decree" agreed to by the United States, the

Tribe, and the State of Montana attached as Appendix 1 to the Compact, or any amended version thereof agreed to by the United States, the Tribe and the State of Montana. Resort may be had to the Federal District Court in the circumstances set forth in Article VII.B.4 of the Compact. In the event the approval by the appropriate court, including any direct appeal, does not become final within three (3) years following the filing of the decree, or the decree is approved but is subsequently set aside by the appropriate court, the Compact shall be void. The Secretary may act for the United States to extend this three (3) year deadline twice in one (1) year increments on agreement with the State and the Tribe.

SEC. 6. USE AND TRANSFER OF THE TRIBAL WATER RIGHT.

(a) Administration and Enforcement.—As provided in the Compact, until the adoption and approval of a tribal water code, the Secretary shall administer and enforce the Tribal Water Right.

(b) Tribal Member Entitlement.—Any entitlement to Federal Indian reserved water of any tribal member shall be satisfied solely from the water secured to the Tribe by the Compact and shall be governed by the terms and conditions thereof. Such entitlement shall be administered by the Tribe pursuant to a tribal water code developed and adopted pursuant to Article IV.A.2. of the Compact, or by the Secretary pending the adoption and approval of the tribal water code.

(c) Temporary Transfer of Tribal Water Right.—Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, including limitation on transfer of any portion of the Tribal Water right to within the Missouri River Basin, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water rights confirmed to the Tribe in the Compact; provided, however, that no service contract, lease, exchange or other agreement entered into under this subsection may permanently alienate any portion of the Tribal Water Right.

SEC. 7. FEASIBILITY STUDIES AUTHORIZATION.

(a) Municipal, Rural and Industrial Feasibility Study.—The Secretary of the Interior, through the Bureau of Reclamation shall perform a municipal, rural, and industrial (MR&I) feasibility study of water and related resources in North Central Montana to evaluate alternatives for an MR&I supply for the Rocky Boy's Reservation. The study shall include but not be limited to the feasibility of releasing the Tribe's Tiber allocation as provided in section 8 of this Act into the Missouri River System for later diversion to a treatment and delivery system for the Rocky Boy's Reservation. The MR&I Study shall include utilization of existing Federal and non-Federal studies and shall be planned and conducted in consultation with other Federal agencies, the State of Montana, and the Chippewa-Cree Tribe.

(b) Acceptance or Participation in Identified Off-Reservation System.—The United States, the Chippewa Cree Tribe of the Rocky Boy's Reservation, and the State of Montana shall not be obligated to accept or participate in any potential off-reservation water supply system identified in the MR&I Feasibility Study authorized in subsection 7(a) of this Act.

(c) Regional Feasibility Study.—The Secretary, through the Bureau of Reclamation, shall conduct, pursuant to Reclamation Law, a Regional Feasibility Study to evaluate water and related resources in North Central Montana in order to determine the limitations of such resources and how they can best be managed and developed to serve the needs of the citizens of Montana. The Regional Study shall evaluate existing and potential water supplies, uses, and management; identify major water related issues, including environmental, water supply and economic issues; evaluate opportunities to resolve such issues; and evaluate options for implementation of resolutions to issues. Because of the regional and international impact of the Regional Study, it may not be segmented. The Regional Study shall utilize, to the maximum extent possible, existing information and shall be planned and conducted in consultation with all affected interests, including interests in Canada.

SEC. 8. TIBER RESERVOIR ALLOCATION.

(A) Allocation of Water to the Tribe.—(1) The Secretary shall permanently allocate to the Tribe, without cost to the Tribe, 10,000 acre-feet per year of stored water from the water right of the Bureau of Reclamation in Lake Elwell, Lower Marias Unit, Upper Missouri Division, Pick-Sloan Missouri Basin Program, Montana, measured at the outlet works of the dam or at the diversion point from the reservoir. The allocation shall be effective when the requirements of section 5(b) of this Act are met.

(2) The Secretary shall enter into an agreement with the Tribe setting forth the terms of the allocation and providing for the Tribe's use or temporary transfer of water stored in Lake Elwell, subject to the terms and conditions of the Compact and this Act.

(3) The allocation provided in this section shall be subject to the prior reserved water rights, if any, of any Indian tribe, or persons claiming water through any Indian Tribe.

(b) Use and Temporary Transfer of Allocation.—(1) Subject to the limitations and conditions set forth in the Compact and this Act, the Tribe shall have the right to devote the water allocated by this Section to any use, including, but not limited to, agricultural, municipal, commercial, industrial, mining, or recreational uses, within or outside the rocky Boy's Reservation.

(2) Notwithstanding any other provision of statutory or common law, the Tribe may, with the approval of the Secretary and subject to the limitations and conditions set forth in the Compact, enter into a service contract, lease, exchange, or other agreement providing for the temporary delivery, use, or transfer of the water allocated by this section: *Provided, however*, That no service contract, lease, exchange, or other agreement may permanently alienate any portion of the tribal allocation.

(c) Remaining Storage.—The United States shall retain the right to use for any authorized purpose, any and all storage remaining in Lake Elwell after the allocation made to the Tribe in subsection (a)(1) of this section.

(d) Water Transport Obligation; Development and Delivery Costs.—The United States shall have no responsibility or obligation to provide any facilities for the transport of the water allocated by this section to the Rocky boy's Reservation or to any other location. Except for the contribution set forth in section 11(b)(3) of this Act, the cost of developing and delivering the water allocated by this section or any other supplemental water to the Rocky Boys Reservation shall not be borne by the United States.

(e) Act Not Precedential.—The provisions of this Act regarding the allocation of water resources from the Tiber Reservoir to the Tribe shall not be precedent for any other Indian water right claims.

SEC. 9. ON-RESERVATION WATER RESOURCES DEVELOPMENT.

(a) Water Development Projects.—The Secretary of the Interior, through the Bureau of Reclamation, is authorized and directed to plan, design, and construct, or to provide, pursuant to subsection (b) of this section, for the planning, design, and construction of the following water development projects on the Rocky Boy's Reservation:

(1) Bonneau Dam and Reservoir Enlargement.

(2) East Fork of Beaver Creek Dam Repair and Enlargement

(3) Brown's Dam Enlargement.

(4) Towe Ponds' Enlargement.

(5) Such other water development projects as the Tribe shall from time to time deem appropriate.

(b) Implementation Agreement.—The Secretary, at the request of the Tribe, shall enter into an agreement with the Tribe to implement the provisions of this Act through the Tribe's Self-Governance Compact and Annual Funding Agreement by which the Tribe shall plan, design, and construct any or all of the projects authorized by this section.

(c) Bureau of Reclamation Project Administration.—The Secretary, through the Bureau of Reclamation, has entered into an agreement with the Tribe, pursuant to P.L. 93-638, as amended by the Self Governance Act, defining and limiting the role of the Bureau of Reclamation in its administration of the projects authorized in subsection (a) of this section; establishing the standards upon which the projects will be constructed; and for other purposes necessary to implement this section. This agreement shall be effective on the Tribe exercising its right under subsection (b) of this section.

SEC. 10. CHIPPEWA CREE INDIAN RESERVED WATER RIGHTS SETTLEMENT FUND.

(a) Establishment of Trust Fund.—There is hereby established in the Treasury of the United States a trust fund for the Chippewa Cree Tribe of the Rocky Boy's Reservation to be known as the "Chippewa Cree Indian Reserved Water Rights Settlement Trust Fund." Pursuant to the provisions of the Trust Fund Management Act of 1994, 25 U.S.C. 4001 et seq., the Tribe, with the approval of the Secretary, may transfer the Fund to a mutually agreed upon private financial institution. The Fund shall consist of the following accounts:

(1) Tribal Compact Administration Account.

(2) Economic Development Account.

(3) Future Water Supply Facilities Account.

(b) Fund Composition.—The Fund shall consist of such amounts as are appropriated to its accounts in accordance with the authorizations for appropriations in subsections (b)(1), (2), and (3) of section 11 of this Act together with all interest which accrues on the Fund: *Provided*, That, if the Tribe exercises its right pursuant to subsection (a) of this section to transfer the funds to a private financial institution, except as provided in the transfer agreement, the Secretary shall retain no oversight over the investment of the funds. In addition, the transfer agreement shall provide for the appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in subsections (c)(2) and (c)(3) of this section.

(c) Use of Fund.—The Tribe may use the Fund to fulfill the purposes of this Act, subject to the following restrictions on expenditures:

(1) Except for $400,000 necessary for capital expenditures in connection with tribal compact administration, only interest accrued on the Tribal Compact Administration Account shall be available to satisfy the Tribe's obligations for tribal compact administration under the provisions of the Compact.

(2) Both principal and accrued interest on the Economic Development Account shall be available to the Tribe for expenditure pursuant to an Economic Development Plan approved by the Secretary.

(3) Both principal and accrued interest on the Future Water Supply Facilities Account shall be available to the Tribe for expenditure pursuant to a Water Supply Plan approved by the Secretary.

(d) Agreement Regarding Fund Expenditures.—If the Tribe does not exercise its right under subsection (a) of this section to transfer the funds to a private financial institution, the Secretary shall enter into an agreement with the Tribe providing for appropriate terms and conditions, if any, on expenditures from the Fund in addition to the plans set forth in subsections (e)(2) and (c)(3) of this section.

(e) Per Capita Distributions Prohibited.—No part of the Fund shall be distributed on a per capita basis to members of the Tribe.

(f) Congressional Intent.—Nothing in this Act is intended—

(1) to alter the trust responsibility of the United States to the Tribe; or

(2) to prohibit the Tribe from seeking additional authorization or appropriation of funds for tribal programs or purposes.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) Feasibility Studies.—There is authorized to be appropriated to the Department of Interior, Bureau of Reclamation, not to exceed $4,000,000 for the purpose of conducting the Feasibility Studies authorized in section 7(a) and (c) of this Act as follows:

(a) $1,000,000 in FY 1999 to be divided equally between the two studies.

(2) $3,000,000 in FY 2000; $500,000 for the study authorized in section 7(a) and the balance for the study authorized in section 7(c).

(b) Chippewa Cree Fund.—There is authorized to be appropriated to the Department of the Interior, Bureau of Indian Affairs, for the Chippewa Cree Fund, established in section 10 of this Act, $21,000,000 as follows:

(1) Tribal compact administration account.—For tribal compact administration assumed by the Tribe under the Compact and this Act $3,000,000 in FY 1999.

(2) Economic development account.—For Tribal economic development, $3,000,000, in FY 2000.

(3) Future water supply facilities account.—For the total Federal contribution to the planning, design, construction, operation, maintenance and rehabilitation of a future Reservation water supply system, $15,000,000 as follows:

(A) $2,000,000 in FY 1999.

(B) $5,000,000 in FY 2000.

(C) $8,000,000 in FY 2001.

(c) On-Reservation Water Development.—There is authorized to be appropriated to the Department of the Interior, Bureau of Reclamation, $24,000,000 for the construction of the on-Reservation water development projects authorized by section 9 of this Act as follows:

(1) $13,000,000 in FY 2000 for the planning, design and construction of the Bonneau Dam Enlargement. The Federal contribution is provided for the development of additional capacity in Bonneau Reservoir for storage of water secured to the Tribe under the Compact.

(2) $8,000,000 in FY 2001 for the planning, design and construction of the East Fork Dam and Reservoir enlargement ($4,000,000), of the Brown's Dam and Reservoir enlargement ($2,000,000), and the Towe Ponds enlargement ($2,000,000).

(3) $3,000,000 in FY 2002 for the planning, design and construction of such other water resource developments as the Tribe, with the approval of the Secretary, from time to time may deem appropriate or for the completion of the four projects enumerated in subsections 11(c)(1) and (2) of this Act.

(4) Any unexpended balance in the funds appropriated under paragraphs (c)(1) and (c)(2) of this section, after substantial completion of all of the projects enumerated in section 9(a)(1), (2), (3), and (4) shall be available to the Tribe first for completion of the enumerated projects and then for other water resource development projects under Section 9(a)(5).

(d) Administration Costs.—There is authorized to be appropriated to the Department of the Interior, Bureau of Reclamation, in FY 2000, $1,000,000 for its costs of administration: *Provided*, That, if such costs exceed $1,000,000, the Bureau of Reclamation may use funds authorized for appropriation under subsection (c) of this section for such costs: *Provided, further*, That, the Bureau of Reclamation shall exercise its best efforts to minimize such costs to avoid exceeding $1,000,000.

(e) Availability of Funds.—The monies authorized in section 11(a) and (b)(1) shall be available for use immediately upon appropriation. Those monies deposited in the Chippewa Cree Fund accounts shall draw interest consistent with section 10(a), but the monies appropriated under section 11(b)(2) and (3) and 11(c) are not available for expenditure until completion of the requirements of section 5(b) of this Act and execution of the waiver and release required of Sec. 13(c).

(f) Without Fiscal Year Limitation.—All money appropriated pursuant to authorizations under this Act shall be available without fiscal year limitation.

SEC. 12. STATE CONTRIBUTIONS TO SETTLEMENT.

Consistent with Article VI.C.2. and C.3. of the Compact, the State contribution to settlement shall be as follows:

(1) $150,000 for the following purposes: water quality discharge monitoring wells and monitoring program; diversion structure on Big Sandy Creek; conveyance structure on Box Elder Creek; and purchase of contract water from Lower Beaver Creek Reservoir.

(2) Subject to the availability of funds, the State shall provide services valued at $400,000 for administration required by the Compact and for water quality sampling required by the Compact.

SEC. 13. MISCELLANEOUS PROVISIONS.

(a) Non-Exercise of Tribe's Rights.—The Tribe shall not exercise the rights set forth in Article VII(A)(3) of the Compact.

(b) Waiver of Sovereign Immunity.—The United States shall not be deemed to have waived its sovereign immunity except to the extent provided in subsections (a), (b), and (c) of section 208 of the Act of July 10, 1952 (43 U.S.C. 666).

(c) Tribal Release of Claims Against the United States.—(1) Upon passage of this Act, the Tribe shall execute a waiver and release of the following claims against the United States, the validity of which are not recognized by the United States: *Provided* That the waiver and release of claims shall not be effective until completion of the appropriation of the funds set forth in section 11 of this Act and completion of the requirements of section 5(b) of this Act.

(2) Any and all claims to water rights (including water rights in surface water, groundwater, and effluent), claims for injuries to water rights, claims for loss or deprivation of use of water rights and claims for failure to acquire or develop water rights for lands of the Tribe from time immemorial to the date of ratification of the Compact by Congress.

(3) Any and all claims arising out of the negotiation of the Compact and the settlement authorized by this Act.

(4) In the event the waiver and release does not become effective as set forth in subsection (c)(1), the United States shall be entitled to set-off against any claim for damages asserted by the Tribe against the United States any funds transferred to the Tribe pursuant to section 11 and any interest accrued thereon up to the date of set-off, and the United States shall retain any other claims or defenses not waived in this Act or in the Compact as modified by this Act.

(d) Other Tribes Not Adversely Affected.—Nothing in this Act is intended to quantify or otherwise adversely affect the land and water rights, or claims or entitlements to land or water of an Indian Tribe other than the Chippewa Cree Tribe.

(e) Environmental Compliance.—In implementing the Compact, the Secretary shall comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and the Endangered Species Act (16 U.S.C. 1531 et. seq.), and all other applicable environmental acts and regulations.

(f) Execution of Compact.—Execution of the Compact by the Secretary as provided for in this Act shall not constitute a major Federal Action under the National Environmental Policy Act (42 U.S.C. 4321 et seq.). The Secretary is directed to carry out all necessary environmental compliance required by Federal law in implementing this agreement.

(g) Act Not Precedential.—Nothing in this Act shall be construed or interpreted as a precedent for the litigation of reserved water rights or the interpretation or administration of future water settlement acts.

Mr. BURNS. Mr. President, today, I am pleased to join with my colleagues from Montana, Senator Baucus, to introduce the The Chippewa Cree Tribe of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998, a bill to settle the claims and quantify the water rights of the Chippewa Cree Tribe of the Rocky Boy's Reservation. This bill is the culmination of many years of work and negotiations in our state and will result in the federal government sanctioning the water rights compact that has been adopted by the Montana State Legislature. This settlement may represent a textbook example of how state and tribal governments, together with off-reservation local representatives, can sit down and resolve their differences. I am pleased that local ranchers were involved in every step of the discussions.

The Rocky Boy's Indian Reservation, the present homeland of the Chippewa Cree Tribe, is located in area of scarce water supply. The region is arid with an average annual precipitation of 12 inches suitable for growing hay. However, an average annual precipitation of 30 inches of snowpack in the Bearpaw Mountains contributes to a significant spring runoff. A more efficient and effective utilization of that runoff is a critical part of this package. The state legislation authorized funding for efficiency improvements that mitigate the impact of tribal water development on off-reservation water use.

By reaching an out of court settlement, the parties will—once this package is implemented—go to the state water court and ask that all pending litigation involving claims by the Tribe, and by the United States on behalf of the Tribe, be dropped. The quantification of the Tribe's water right will also clearly benefit upstream and downstream users of water in the effected drainage, including the Big Sandy and Beaver Creek as well as the Milk River. These other users will be able to plan for their future because they will know precisely how much water the Chippewa Cree Tribe is entitled to. One of the progressive components of this settlement is a Water Compact Board made up of three members, a tribal representative, an off-reservation representative and a third person mutually agreed to by the state and tribe. This Board will be tasked with resolving disputes between users of the tribal water right and users of water rights recognized under state law.

The bill set ups a Chippewa Cree Fund that will include funds for the administration of the compact, a tribal economic development account and a future water supply facilities account. The bill allows for increased on reservation storage at existing dams and two feasibility studies for alternative sources and methods of delivery for MR&I water supplies for both the reservation and the region. Finally, all parties to this settlement agree that the Tribe will need more water in the future for drinking purposes. While the settlement reserves 10,000 acre feet of water in Tiber Reservoir, it does not propose a method of delivery. We are all committed to revisiting the on-reservation drinking water matter in the near future either through a pipeline or other methods that will be part of the authorized studies.

Mr. President, I ask unanimous consent to include in the RECORD a letter from our state's Governor, Marc Racicot, endorsing this legislation. Senator BAUCUS and I will soon be asking the Indian Affairs Committee to hold hearings and then to act favorable on this bill as expeditiously as the Committee's schedule will allow.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF THE GOVERNOR,
STATE OF MONTANA,
Helena, MT, March 30, 1998.

Hon. CONRAD BURNS,
Dirksen Senate Office Bldg.,
Washington, DC.

DEAR SENATOR BURNS: I write to express my strong support for Congressional ratification of the compact settling the water rights of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and to express my appreciation for your efforts in this process. The settlement of reserved water rights claimed within the State of Montana is of utmost importance to the State, particularly the reserved water rights claimed within the water-short Milk River basin where the Rocky Boy's Reservation lies. The Rocky Boy's Compact provides for the development of much needed water resources on the Reservation, while at the same time protecting existing water development adjacent to, and downstream from the Reservation. The federal funding for development will help alleviate some of the very dire needs of Montana citizens who are Tribal members living on the Reservation.

Thank you again for your efforts in helping us finalize this historic agreement.

Sincerely,

MARC RACICOT,
Governor.

By Mr. D'AMATO (for himself, Ms. MOSELEY-BRAUN, Mr. SHELBY, Mr. FAIRCLOTH, Mr. BENNETT, Mr. HAGEL, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mrs. BOXER, Mr. REED, and Mr. DEWINE):

S. 1900. A bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE U.S. HOLOCAUST ASSETS COMMISSION ACT OF 1998

Mr. D'AMATO. Mr. President, I rise today along with Senators MOSELEY-BRAUN, SHELBY, FAIRCLOTH, BENNETT, HAGEL, SARBANES, DODD, KERRY, BRYAN, BOXER, REED and DEWINE to introduce the U.S. Holocaust Assets Commission Act of 1998. This legislation will create the "Presidential Advisory Commission on Holocaust Assets in the United States," that will examine the disposition of assets of Holocaust victims, survivors, and heirs here in the United States.

For two years now, I have worked closely with Ambassador Stuart Eizenstat who has labored tirelessly to close this difficult chapter of history in an honorable, speedy, and satisfactory manner. He cares passionately that the survivors receive justice and I could not agree more. I am pleased to say that the Administration fully supports this legislation and we have worked with them closely over the past four months to craft the language to bring this commission to reality.

While we have sought answers from Switzerland and other nations on the disposition of dormant bank accounts and Nazi gold, we have not pursued the issue here in the United States. Today, we begin this search. Now we are obliged to set history straight and correct any injustices in our own country. The United States has a moral responsibility to address the same issues to which we have sought answers from Switzerland and other nations in Europe. The spirit of American decency demands no less.

If we are to provide long overdue justice to Holocaust survivors and the heirs of the victims, we must do so as expeditiously as possible. Time is of the essence if we are going to provide the necessary restitution to this already aged and rapidly dwindling survivor community. Moreover, by creating this commission we establish even greater moral authority and diplomatic credibility with other nations from which we seek answers on these important questions. Thus far, twelve nations have already set up national commissions to look into these issues.

With this legislation we will create a commisison that will seek to find the disposition of the following assets in this country: dormant bank accounts of Holocaust victims in U.S. banks; brokerage accounts, securities, & bonds; artwork & religious/cultural artifacts; German-looted gold shipped to the U.S. through the Tripartite Gold Commission; and insurance policies.

As far as funding is concerned, the Commission will be funded for $3.5 million, with the costs split by the interested agencies of the U.S. Government. The Commission will operate through December 31, 1999, the date its final report is due to the President.

The Commission will comprise members appointed by both the Congress and the President, as well as private citizens who have demonstrated their leadership on issues relating to the financial community, public service, and the history of the Holocaust.

Mr. President, we need this Commission. We must leave no stone unturned. If we are to fully examine the disposition of the assets of the victims of the Holocaust, we cannot ignore what happened in this country. While it is not within our power to change what happened during WWII, it is within our power to correct a historic wrong by providing answers to questions that have remained unanswered for over fifty years. If we do at least this much now, then we will provide a measure of comfort and justice for the survivors of the greatest evil mankind has ever known. I encourage my colleagues to join me in this legislation and I urge its speedy passage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Holocaust Assets Commission Act of 1998".

SEC. 2. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Presidential Commission, to be known as the "Presidential Advisory Commission on Holocaust Assets in the United States" (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—

(1) NUMBER.—The Commission shall be composed of 23 members, appointed in accordance with paragraph (2).

(2) APPOINTMENTS.—Of the 23 members of the Commission—

(A) 11 shall be private citizens, appointed by the President;

(B) 3 shall be representatives of the Department of State, the Department of Justice, and the Department of the Treasury (1 representative of each such Department), appointed by the President;

(C) 2 shall be Members of the House of Representatives, appointed by the Speaker of the House of Representatives;

(D) 2 shall be Members of the House of Representatives, appointed by the Minority Leader of the House of Representatives;

(E) 2 shall be Members of the Senate, appointed by the Majority Leader of the Senate;

(F) 2 shall be Members of the Senate, appointed by the Minority Leader of the Senate; and

(G) 1 shall be the Chairperson of the United States Holocaust Memorial Council.

(3) CRITERIA FOR MEMBERSHIP.—Each private citizen appointed to the Commission shall be an individual who has a record of demonstrated leadership on issues relating to the Holocaust or in the fields of commerce, culture, or education that would assist the Commission in analyzing the disposition of the assets of Holocaust victims.

(4) ADVISORY PANELS.—The Chairperson of the Commission may, in the discretion of the Chairperson, establish advisory panels to the Commission, including State or local officials, representatives of organizations having an interest in the work of the Commission, or others having expertise that is relevant to the purposes of the Commission.

(5) DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(c) CHAIRPERSON.—The Chairperson of the Commission shall be selected by the President from among the members of the Commission appointed under subparagraph (A) or (B) of subsection (b)(2).

(d) PERIOD OF APPOINTMENT.—Members of the Commission shall be appointed for the life of the Commission.

(e) VACANCIES.—Any vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson at any time after the date of appointment of the Chairperson.

(g) QUORUM.—Thirteen of the members of the Commission shall constitute a quorum, but a lesser number of members may hold meetings.

SEC. 3. DUTIES OF THE COMMISSION.

(a) ORIGINAL RESEARCH.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (3), the Commission shall conduct a thorough study and develop an historical record of the collection and disposition of the assets described in paragraph (2), if such assets came into the possession or control of the Federal Government at any time after January 30, 1933, either—

(A) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c); or

(B) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c).

(2) TYPES OF ASSETS.—Assets described in this paragraph include—

(A) gold;

(B) gems, jewelry, and non-gold precious metals;

(C) accounts in banks in the United States;

(D) domestic financial instruments purchased before May 8, 1945 by individual victims of the Holocaust, whether recorded in the name of the victim or in the name of a nominee, and whether or not held in a brokerage account;

(E) insurance policies and proceeds thereof;

(F) real estate situated in the United States;

(G) works of art; and

(H) books, manuscripts, and religious objects.

(3) COORDINATION OF ACTIVITIES.—In carrying out its duties under paragraph (1), the Commission shall, to the maximum extent practicable, coordinate its activities with, and not duplicate similar activities already or being undertaken by, private individuals, private entities, or government entities, whether domestic or foreign.

(b) COMPREHENSIVE REVIEW OF OTHER RESEARCH.—Upon request by the Commission and permission by the relevant individuals or entities, the Commission shall review comprehensively research by private individuals, private entities, and non-Federal government entities, whether domestic or foreign, into the collection and disposition of the assets described in subsection (a)(2), to the extent that such research focuses on assets that came into the possession or control of private individuals, private entities, or non-Federal government entities within the United States at any time after January 30, 1933, either—

(1) after having been obtained from victims of the Holocaust by, on behalf of, or under authority of a government referred to in subsection (c); or

(2) because such assets were left unclaimed as the result of actions taken by, on behalf of, or under authority of a government referred to in subsection (c).

(c) GOVERNMENTS INCLUDED.—A government referred to in this subsection includes, as in existence during the period beginning on March 23, 1933, and ending on May 8, 1945—

(1) the Nazi government of Germany;

(2) any government in any area occupied by the military forces of the Nazi government of Germany;

(3) any government established with the assistance or cooperation of the Nazi government of Germany; and

(4) any government which was an ally of the Nazi government of Germany.

(d) REPORTS.—

(1) SUBMISSION TO THE PRESIDENT.—Not later than December 31, 1999, the Commission shall submit a final report to the President that shall contain any recommendations for such legislative, administrative, or other action as it deems necessary or appropriate. The Commission may submit interim reports to the President as it deems appropriate.

(2) SUBMISSION TO THE CONGRESS.—After receipt of the final report under paragraph (1), the President shall submit to the Congress any recommendations for legislative, administrative, or other action that the President considers necessary or appropriate.

SEC. 4. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of any such department or agency shall furnish such information to the Commission as expeditiously as possible.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 5. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION.—No member of the Commission who is a private citizen shall be compensated for service on the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND OTHER STAFF.—

(1) IN GENERAL.—Not later than 90 days after the selection of the Chairperson of the Commission under section 2, the Chairperson shall, without regard to the civil service laws and regulations, appoint an executive director, a deputy executive director, and a general counsel of the Commission, and such other additional personnel as may be necessary to enable the Commission to perform its duties under this Act.

(2) QUALIFICATIONS.—The executive director, deputy executive director, and general counsel of the Commission shall be appointed without regard to political affiliation, and shall possess all necessary security clearances for such positions.

(3) DUTIES OF EXECUTIVE DIRECTOR.—The executive director of the Commission shall—

(A) serve as principal liaison between the Commission and other Government entities;

(B) be responsible for the administration and coordination of the review of records by the Commission; and

(C) be responsible for coordinating all official activities of the Commission.

(4) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director, deputy executive director, general counsel, and other personnel employed by the Commission, without regard to the provisions of chapter 51 and subchapter

III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that—

(A) the rate of pay for the executive director of the Commission may not exceed the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code; and

(B) the rate of pay for the deputy executive director, the general counsel of the Commission, and other Commission personnel may not exceed the rate payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) EMPLOYEE BENEFITS.—

(A) IN GENERAL.—An employee of the Commission shall be an employee for purposes of chapters 84, 85, 87, and 89 of title 5, United States Code, and service as an employee of the Commission shall be service for purposes of such chapters.

(B) NONAPPLICATION TO MEMBERS.—This paragraph shall not apply to a member of the Commission.

(6) OFFICE OF PERSONNEL MANAGEMENT.—The Office of Personnel Management—

(A) may promulgate regulations to apply the provisions referred to under subsection (a) to employees of the Commission; and

(B) shall provide support services relating to—

(i) the initial employment of employees of the Commission; and

(ii) other personnel needs of the Commission.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement to the agency of that employee, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) STAFF QUALIFICATIONS.—Any person appointed to the staff of or employed by the Commission shall be an individual of integrity and impartiality.

(g) CONDITIONAL EMPLOYMENT.—

(1) IN GENERAL.—The Commission may offer employment on a conditional basis to a prospective employee pending the completion of any necessary security clearance background investigation. During the pendency of any such investigation, the Commission shall ensure than such conditional employee is not given and does not have access to or responsibility involving classified or otherwise restricted material.

(2) TERMINATION.—If a person hired on a conditional basis as described in paragraph (1) is denied or otherwise does not qualify for all security clearances necessary for the fulfillment of the responsibilities of that person as an employee of the Commission, the Commission shall immediately terminate the employment of that person with the Commission.

(h) EXPEDITED SECURITY CLEARANCE PROCEDURES.—A candidate for executive director or deputy executive director of the Commission and any potential employee of the Commission shall, to the maximum extent possible, be investigated or otherwise evaluated for and granted, if applicable, any necessary security clearances on an expedited basis.

SEC. 6. SUPPORT SERVICES.

During the 180-day period following the date of enactment of this Act, the General Services Administration shall provide administrative support services (including offices and equipment) for the Commission.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its final report under section 3.

SEC. 8. MISCELLANEOUS PROVISIONS.

(a) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Commission.

(b) PUBLIC ATTENDANCE.—To the maximum extent practicable, each meeting of the Commission shall be open to members of the public.

SEC. 9. FUNDING OF COMMISSION.

Notwithstanding section 1346 of title 31, United States Code, or section 611 of the Treasury and General Government Appropriations Act, 1998, of funds made available for fiscal years 1998 and 1999 to the Departments of Justice, State, and any other appropriate agency that are otherwise unobligated, not more than $3,500,000 shall be available for the interagency funding of activities of the Commission under this Act. Funds made available to the Commission pursuant to this section shall remain available for obligation until December 31, 1999.

Ms. MOSELEY-BRAUN. Mr. President, I am very proud to introduce this legislation along with my colleague, Chairman D'AMATO. The establishment of this commission is the next logical step in the work we have been doing on this issue, and it is something that should have been done in 1948 rather than 1998.

This bill will establish an independent Presidential Commission to comprehensively examine issues pertaining to the disposition of Holocaust assets in the United States before, during, and after World War II. It will investigate the disposition of Holocaust victims' assets in the United States, including but not limited to: dormant bank accounts, securities, bonds, insurance policies, artwork, and German-looted gold shipped to the U.S. through the Tripartite Gold Commission, as revealed in the Eizenstat report. The Commission will issue reports, and make recommendations to the President on further action.

The amount of assets the Commission finds is likely to be significantly smaller than that discovered in other countries, but there are certainly assets here. This matter even touches my hometown of Chicago. Currently, there is a dispute about the origins of a Degas pastel, "Landscape with Smokestacks," owned by a trustee of the Art Institute of Chicago. Heirs of Freidrich and Louise Guttman, who were killed by the Nazis, are litigating this issue and expect to have a verdict later this spring.

It is vitally important that the U.S. lead by example. As citizens of the world, we must ensure that all of the relevant financial transactions of this era are brought to light. Then, as now, those who enslave their own populations often try to use the international banking system to further their own illegitimate ends. We cannot fully avoid repeating the tragedies of history until we have entirely uncovered and have a full understanding of the past.

We all have a responsibility to deal with the consequences of that horrific act, no matter how much time has passed, and no matter how much effort it takes. We have an obligation to ensure that the Swiss, and other neutral countries that played a role in hiding the stolen possessions of innocent Jewish families continue to work with the U.S. so that restitution is made. The vast majority of our work in the Committee focused on the actions of other countries, especially the Swiss banks. Now it is time to look in the mirror. In the Eizenstat report, released last year, we learned that the actions of the United States before, during and after the war were not all that could have been desired. I am saddened to learn that America did not work as hard as it could to ensure compensation for Holocaust survivors and other refugees, but I realize that the goal of that report was to unearth the truth, and that is what it has done, and what we will continue to do with the establishment of this Commission.

Already, a dozen countries have formed similar commissions. This is due in no small part to the leadership role the United States has taken in searching for the truth. We would not have come this far without the commitment of the Clinton Administration, the efforts of the Senate Banking Committee and, especially, the tenaciousness of our Committee Chairman, ALFONSE D'AMATO.

Over the past several years, the Banking Committee has held many hearings on the disposition of the assets of Holocaust victims. Each hearing has brought to light valuable but distressing information about events surrounding the tragedy that was the Holocaust. It has been over 50 years since the nightmare of the Holocaust, during which, over 7 million Jewish men women and children were stripped of their homes, businesses, their possessions, the very clothes off their backs and, ultimately, their lives—by a government that industrialized death and literally attempted to exterminate the Jewish people.

We have made a tremendous step through our commitment to finding the truth. We must now commit to work together to do everything possible to put whatever assets belonging to victims or survivors into the proper hands before it is too late. Time is of the essence. With the passing of each day, the few remaining Holocaust survivors continue to age and their numbers decrease. This is why it is imperative that we enact this legislation quickly and allow this commission to begin work as soon as possible.

It will not be possible to track down every asset, but complete success is not required. What is required is that everyone who had a role in this tragedy does their best to right the wrongs that have been committed, and that they understand that much more than money is at stake.

By Mr. LEAHY (for himself, Mr. ASHCROFT, Mr. REID, and Mr. WYDEN):

S. 1901. A bill to amend the Freedom of Information Act to provide electronic access to certain Internal Revenue Service information on the Internet, and for other purposes; to the Committee on the Judiciary.

THE TAXPAYERS INTERNET ASSISTANCE ACT OF 1998

Mr. LEAHY. Mr. President, it is time for the Internal Revenue Service (IRS) to use the latest technology to deliver better service to the American people. Our nation's taxpayers deserve no less.

Today, Senator ASHCROFT and I are introducing the Taxpayers Internet Assistance Act of 1998. I am pleased that Senator REID and Senator WYDEN are original cosponsors of our bill.

Our bipartisan legislation requires the IRS to provide taxpayers with speedy access to tax forms, publications, regulations, and rulings via the Internet. It also authorizes the Treasury Department, with input from the public, to develop more online services to help taxpayers.

Mr. President, I want to praise the Senate Finance Committee, Chairman ROTH, Senator MOYNIHAN, Senator KERREY and Senator GRASSLEY for their leadership in moving the IRS reform legislation to the full Senate. I strongly support the bill approved by the Finance Committee last night.

As the Senate prepares to debate IRS reforms, we must use technology to make the IRS more effective for all taxpayers. What better way to do that then to require the IRS to maintain online access to the latest tax information. Every citizen in the United States, no matter if he or she lives in a small town or big city, should be able to receive electronically the latest tax ruling or download the most up-to-date tax form.

The IRS web page at > http://irs.ustreas.gov < provides timely service to taxpayers by increasing electronic access to some tax forms and publications. I commend the IRS for its use of Internet technology to improve its services. More information and services should be offered online and not just as a passing fad. Our legislation is needed to build on this electronic start and lock into the law for today and tomorrow comprehensive online taxpayer services.

Our bipartisan bill protects the privacy of taxpayers by amending the Freedom of Information Act (FOIA), which already calls for the deletion of identifying details to prevent an unwarranted invasion of personal privacy. For more than 30 years, the FOIA has served the nation well in maintaining the right of Americans to know what their government is doing—or not doing—while protecting personal privacy. Our legislation does not give new access to private tax information, but merely provides a new, easier method of receiving public tax information.

Under the FOIA, the IRS must maintain public access to Treasury Regulations, Internal Revenue Manuals, Internal Revenue Bulletins, Revenue Rulings, Revenue Procedures, IRS Notices, IRS Announcements, General Counsel Memorandum and other taxpayer guidance. Under our legislation, the IRS must post this public tax information on the Internet in a searchable database, giving all taxpayers quick access to it. In addition, our bipartisan bill requires the IRS to post on its web site all Tax Forms, Instructions and Publications, the most essential information for the average taxpayer.

To keep any administrative burden and taxpayer cost to a minimum, our legislation limits the Internet posting of past tax information. For information available under the FOIA, our legislation requires online posting of documents created on or after November 1, 1996, the same date electronic access is required under the Electronic Freedom of Information Act Amendments of 1996. I am proud to have been the chief Senate sponsor of that new law enacted in the last Congress.

For Tax Forms, Instructions and Publications, our legislation provides for online posting of documents created during the most recent five years, the same period of time that the IRS now keeps these documents on CD-ROM for Congressional offices.

With these common sense requirements, the IRS will be able to enhance its web page with comprehensive tax guidance in a matter of days at little cost to taxpayers under our bipartisan bill. In fact, the Congressional Budget Office has scored our legislation as adding no new direct spending.

We strongly believe that the IRS must prepare itself for the next millennium now. That is why our legislation authorizes the Treasury Department to study and report back to the American people on online access to taxpayer information, the protection of online taxpayer privacy rights, the security of online taxpayer services and public comments on online taxpayer services.

Thomas Jefferson observed that, "Information is the currency of democracy." Let's harness the power of the information age to make the IRS a truly democratic institution, open to all our citizens all the time.

I thank Senator ASHCROFT for his support and I look forward to working with him on other high technology issues to help the Internet reach its full potential such as encryption legislation.

I urge my colleagues to support the Taxpayers Internet Assistance Act of 1998.

Mr. ASHCROFT. Mr. President, one of my fundamental beliefs is that we should labor to make sure that the collective voice of our constituents is heard and followed in everything we do here. That is to say, the values of Washington, D.C. should not be imposed on the country, but instead the values of the country should be imposed on Washington. One of the best ways to make sure we follow this principle is to provide the country with best information possible about what we do and how we do it.

We must do what we can to open the doors to government so that all may access the available information. In 1995, I introduced an on-line term limits petition. Thousands of people singed petition. In 1996, I began an effort to educate Missouri's students on how to access the federal government's available information on the Internet. This program, Gateways to Government, was presented by myself or my staff in every county of Missouri, and in more than 135 individual schools. My homepage continues to act as a "gateway" to a great wealth of electronic information about congress and the federal government.

In this same spirit I rise today to join with Senator LEAHY to introduce the Taxpayers Internet Assistance Act of 1998. He has been a real leader on technology issues and shares a great interest in guaranteeing that U.S. citizens enjoy an environment that allows them to know the operations of their federal government. In addition, he has for years championed the rights of individuals to keep their private affairs private, particularly with his principal sponsorship of the Electronic Freedom of Information Act.

I am also pleased that several other senators are joining our effort as original co-sponsors. Our intent is to provide to the American public an easy and inexpensive way to receive the latest information related to the IRS, including forms, instructions, and recent rulings.

Under the Taxpayers Internet Assistant Act individuals will be able to access a great deal of material from the IRS beginning in November of 1996. Revenue rulings, treasury regulations, internal revenue bulletins, and IRS general counsel memorandum are just a few of the documents that will routinely be made available in an easy to use format. This information should provide for an easier and more understandable approach to tax planning and preparation. Individuals will be able to see rulings that may be similar to a situation they are in currently and plan accordingly.

"The difference between death and taxes," quipped Will Rogers, "is that death doesn't get worse every time Congress meets." Unfortunately, Mr. Rogers' observation has held true for more than six decades. The Tax Code has become increasingly complex and onerous. My wife is a tax attorney, she even teaches tax law at Howard University, and we do not even prepare our own tax forms. My hope is that this modest effort will provide the public with timely, reliable information that may assist in their efforts to prepare their taxes.

In fact, taxpayers are working longer than ever to pay their taxes. According to the non-partisan Tax Foundation, the average American now works until May 9—a full week longer than when Bill Clinton assumed the presidency—to pay federal, state, and local taxes. I can't help but think of President Reagan's definition of a taxpayer as "someone who works for the federal government but doesn't have to take a civil service examination." At the very least we can assist taxpayers with easy to access, timely and inexpensive information that can help them in preparing their individuals taxes.

In addition, our legislation amends the Freedom of Information Act, which maintains the personal privacy of individuals by guaranteeing that any reference to identifying details be deleted to prevent an invasion of personal privacy. Importantly, this legislation does not give any new access to tax information, but instead provides an additional means of receiving the same information already made available in hard copy form or, in some cases, on CD.

Finally, the legislation requires that the Department of Treasury evaluate the process to ensure that all technical advances are being used that would provide more timely and efficient service to taxpayers. In addition, a further consideration of individual privacy will occur and a process developed to receive comments from the public regarding the on-line taxpayer services.

This bipartisan approach to continuing the opening of the federal government to all citizens should be viewed as a first step in changing our fundamental interaction with the IRS. We can pass this legislation and provide greater information to anyone who can gain access to a PC. I urge all senators to support and pass this year the Taxpayers Internet Assistance Act of 1998.

By Mrs. BOXER:

S. 1902. A bill to amend the Internal Revenue Code of 1986 to allow the first $2,000 of health insurance premiums to be fully deductible; to the Committee on Finance.

THE HEALTH INSURANCE TAX RELIEF ACT

Mrs. BOXER. Mr. President, today I am introducing legislation to allow individuals to deduct up to $2,000 a year for the costs of health insurance (for themselves and their dependents). If health insurance costs are shared by an individual and an employer, the individual could deduct the amount of his or her share. If an individual pays the full cost of health insurance, the entire amount could be deducted, subject to the $2,000 annual limit.

The Joint Tax Committee has estimated that my bill would reduce revenues to the federal government by approximately $11 billion per year.

WHY THIS BILL IS NEEDED

Every year, as employers continue to roll back health benefits, and as the costs of those benefits keep rising, the number of uninsured Americans increases. There are now 41 million Americans lack health insurance. That number increases by one million each year. An estimated eighty percent of the uninsured are workers or the dependents of workers.

Under the current tax code, corporations can deduct the cost of providing health insurance for their employees. The Taxpayer Relief Act of 1997 also expanded the deductibility of health insurance for the self-employed. Health insurance-related tax deductions for corporations and the self-employed are now taken to the tune of about $50 billion annually.

But for the 16 million Americans who purchase health insurance for themselves and their dependents, the current tax code is much less generous. They may deduct only the cost of health insurance if their total health care expenditures exceed 7.5 percent of adjusted gross income—a threshold few Americans meet.

HOW THE BOXER BILL WOULD HELP

My bill would create an "above the line" deduction, which would be listed on all tax returns. Taxpayers need not itemize in order to receive "above the line" deductions.

The benefit to an individual taxpayer will depend on the amount of health insurance expense claimed and on the individual's tax bracket. Those claiming the full $2000 deduction could save $300 or more.

For example, if Jane Doe makes $30,000 a year, has no investment income, and pays for her own health insurance, she currently pays, $3,476 in federal income taxes. Under my bill, assuming Ms. Doe takes the full $2,000 deduction, she would pay only $3,176, a savings of $300, or nearly 10 percent of her tax bill.

Another example is Joe and Sally SMITH, a married couple who file jointly, have two children, and have a total income of $75,000 a year. They purchase an insurance policy that covers the entire family. Currently, they pay $10,751 in federal income taxes. Under my bill, assuming they take the entire $2,000 deduction, they would pay only $10,191, a savings of $560 off their tax bill.

I hope that senators will join with me to help expand opportunities for all Americans to acquire health insurance by cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Insurance Tax Relief Act".

SEC. 2. FIRST $2,000 OF HEALTH INSURANCE PREMIUMS FULLY DEDUCTIBLE.

(a) IN GENERAL.—Subsection (a) of section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) is amended to read as follows:

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the following amounts not compensated for by insurance or otherwise—

"(1) the amount by which the amount of expenses paid during the taxable year (reduced by the amount deductible under paragraph (2)) for medical care of the taxpayer, the taxpayer's spouse, and the taxpayer's dependents (as defined in section 152) exceeds 7.5 percent of adjusted gross income, plus

"(2) so much of the expenses paid during the taxable year for insurance which constitutes medical care under subsection (d)(1)(D) (other than for a qualified long-term care insurance contract) for such taxpayer, spouse, and dependents as does not exceed $2,000."

(b) DEDUCTION ALLOWED WHETHER OR NOT TAXPAYER ITEMIZES DEDUCTION.—Section 62(a) of the Internal Revenue Code of 1986 (defining adjusted gross income) is amended by inserting after paragraph (17) the following new paragraph:

"(18) HEALTH INSURANCE PREMIUMS.—The deduction allowed by section 213(a)(2)."

(c) CONFORMING AMENDMENT.—Section 162(l)(1)(A) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

"(A) IN GENERAL.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the sum of—

"(i) so much of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents as does not exceed $2,000, plus

"(ii) the applicable percentage of the amount so paid in excess of $2,000."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. THOMAS (for himself, Mr. ENZI, Mr. THURMOND, Mr. HELMS, Mr. HAGEL, and Mr. SMITH of Oregon):

S. 1903. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law; to the Committee on Veterans Affairs.

THE VETERANS MEMORIAL PHYSICAL INTEGRITY ACT OF 1998

Mr. THOMAS. Mr. President, I come to the floor today to introduce S. 1903.

a bill to prohibit the return to a foreign country of any portion of a memorial to American veterans without the express authorization of Congress.

I would not have thought that a bill like this was necessary, Mr. President. It would never have occurred to me that an American President would even briefly consider dismantling part of a memorial to American soldiers who died in the line of duty in order to send a piece of that memorial to a foreign country. But a real possibility of just that happening exists in my state of Wyoming involving what are known as the "Bells of Balangiga."

In 1898, the Treaty of Paris brought to a close the Spanish-American War. As part of the treaty, Spain ceded possession of the Philippines to the United States. At about the same time, the Filipino people began an insurrection in their country. In August 1901, as part of the American effort to stem the insurrection, a company of 74 officers and men from the 9th Infantry, Company G, occupied the town of Balangiga on the island of Samar. These men came from Ft. Russell in Cheyenne, Wyoming—today's F.E. Warren Air Force Base.

On September 28 of that year, taking advantage of the preoccupation of the American troops with a church service for the just-assassinated President McKinley, a group of Filipino insurgents infiltrated the town. Only three American sentries were on duty that day. As described in an article in the November 19, 1997 edition of the Wall Street Journal:

> Officers slept in, and enlisted men didn't bother to carry their riffles as they ambled out of their quarters for breakfast. Balangiga had been a boringly peaceful site since the infantry company arrived a month earlier, according to military accounts and soldiers' statements. The quiet ended abruptly when a 23 year old U.S. sentry named Adolph Gamlin walked past the local police chief. In one swift move, the Filipino grabbed the slightly built Iowan's rifle and smashed the butt across [Gamlin's] head. As PFC Gamlin crumpled, the bells of Balangiga began to peal.
>
> With the signal, hundreds of Filipino fighters swarmed out of the surrounding forest, armed with clubs, picks and machete-like bolo knives. Others poured out of the church; they had arrived the night before, disguised as women mourners and carrying coffins filled with bolos. A sergeant was beheaded in the mess tent and dumped into a vat of steaming wash water. A young bugler was cut down in a nearby stream. The company commander was hacked to death after jumping out a window. Besieged infantrymen defended themselves with kitchen forks, mess kits and baseball bats. Others threw rocks and cans of beans.
>
> Though he was also slashed across the back, PFC.

. . Gamlin came to and found a rifle. By the time he and the other survivors fought their way to the beach, 38 US soldiers were dead and all but six of the remaining men had been wounded.

The remaining soldiers escaped in five dug-out canoes. Only three boats made it to safety on Leyte. Seven men died of exposure at sea, and another eight died of their wounds; only twenty of the company's seventy-four members survived.

A detachment of fifty-four volunteers from 9th Infantry units stationed at Leyte returned to Balangiga and recaptured the village. They were reinforced a few days later from Companies K and L of the 11th Infantry Regiment. When the 11th Infantry was relieved on October 18 by Marines, the 9th Infantry took two of the church bells used to signal the attack with them back to Wyoming as a memorial to the fallen soldiers.

The bells have been displayed in front of the base flagpole on the central parade grounds since that time. The bells were placed in two openings in a large, specially-constructed masonry wall with a bronze plaque dedicating the memorial to the memory of the fallen soldiers.

Since at least 1981, there have been on-and-off discussions in various circles in Cheyenne, Washington, and Manila about the future of the bells, including the possibility of returning them to the Philippines. Most recently, the Philippine government—having run into broad opposition to their request to have both bells returned to them—has proposed making a copy of both bells, and having both sides keep one copy and one original.

Opposition to this proposal from local and national civic and veterans groups has been very strong. Mr. President, I ask unanimous consent that the text of a letter from the national office of the Veterans of Foreign Wars dated January 6, 1998; from the VFW's Department of Wyoming dated December 5, 1997; and from the United Veterans Council of Wyoming dated March 27, 1998; be printed in the RECORD.

The PRESIDING OFFICER. Without objection.

Mr. THOMAS. Mr. President, in the last few months, developments have indicated to me that the White House is seriously contemplating returning one or both of the bells to the Philippines. This year marks the 100th anniversary of the Treaty of Paris, and a state visit by President Fidel Valdes Ramos—his last as President—to the United States has been planned for this month. The disposition of the bells has been high on President Ramos' agenda; he has spoken personally to President Clinton and several members of Congress about it over the last three years, and has indicated he will do so on this visit. Since January, the Filipino press has included almost weekly articles on the bells' supposed return, including one in the Manila Times last week which reported that a new tower to house the bells is being constructed in Borongon, Samar, to receive them in May.

In addition, inquiries to me from various agencies of the Administration soliciting the opinion of the Wyoming congressional delegation on the issue have increased in frequency. I have also learned that the Defense Department, perhaps in conjunction with the Justice Department, has recently prepared a legal memorandum outlining its opinion of who actually controls the disposition of the bells.

In response to this apparent groundswell, the Wyoming congressional delegation wrote a letter to President Clinton on January 9 of this year to make clear our opposition to removing the bells. Mr. President, I ask unanimous consent that the text of that letter be inserted in the RECORD.

The PRESIDING OFFICER. Without objection.

Mr. THOMAS. Mr. President, in response to that letter, on March 26 I received a letter from Sandy Berger of the National Security Council which I think is perhaps the best indicator of the direction the White House is headed on this issue. Mr. President, I ask unanimous consent that the text of that letter be inserted in the RECORD.

THE PRESIDING OFFICER. Without objection.

Mr. THOMAS. Mr. President, I cannot fathom that this issue has gotten to this point. First, it is very evident to me that the Constitution precludes the President from returning the bells without Congressional assent. Article IV, section 3, clause 2 provides: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting . . . Property belonging to the United States." The bells are certainly property of the United States as contemplated by this clause, and thus clearly can only constitutionally be disposed of by Congress—not by the President.

Second, I was amazed to find, even in these days of political correctness and revisionist history, that a U.S. President—our Commander-in-Chief—would appear to be ready to ignore the wishes of our veterans and tear down a memorial to U.S. soldiers who died in the line of duty in order to send part of it back to the country in which they were killed. Amazed, that is, until I recalled this President's fondness for sweeping apologies and what some might view as flashy P.R. gestures, as most recently evidenced by his Africa trip.

Third, I was amazed to learn that during a state visit when our two countries should be discussing the on-going Asian financial crisis and its ramifications, East Asian security issues, and other issues of long-range significance, President Ramos has proposed discussing only three topics, all parochial: the bells, pension payments to Filipino veterans, and a Subic Bay-related waste issue. Amazed, that is Mr. President, until I was reminded that the candidate President Ramos is supporting in the upcoming presidential elections is running in third place in the polls and might just get a much-needed boost if his mentor could return from Washington with a bell or a check from the U.S. Treasury in hand.

Mr. President, to the veterans of Wyoming, and the United States as a whole, the bells represent a lasting memorial to those fifty-four American soldiers killed as a result of an unprovoked insurgent attack in Balangiga on September 28, 1901. In their view, which I share, any attempt to remove either or both of the bells—and in doing so actually physically dismantling a war memorial—is a desecration of that memory. History brought the bells to Wyoming, and it is there they should remain.

Consequently, I am introducing S. 1903 today to protect the bells and similar veterans memorials from such an ignoble fate. The bill is not complicated, and in my view simply restates what already appears in black and white in the Constitution; it prohibits the transfer of a veterans memorial, or any portion thereof, to a foreign country or government unless specifically authorized by law.

The bill is supported by all of Wyoming's veterans groups, and I am pleased to be joined in this effort by my good friend and colleague from Wyoming Senator ENZI, as well as by the distinguished Chairman of the Armed Services Committee, Senator THURMOND; the distinguished Chairman of the Foreign Relations Committee, Senator HELMS; and my fellow subcommittee Chairmen on the Foreign Relations Committee Senator HAGEL and Senator SMITH of Oregon, as original cosponsors. Representative *Barbara Cubin* is introducing similar legislation today in the House. I trust that my colleagues will support its swift passage.

Mr. President, I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 1903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) PROHIBITION.—Notwithstanding any other provision of law, the President may not transfer a veterans memorial object to a foreign country or entity controlled by a foreign government, or otherwise transfer or convey such object to a person or entity for purposes of the ultimate transfer or conveyance of such object to a foreign country or entity controlled by a foreign government, unless specifically authorized by law.

(b) DEFINITIONS.—In this section:

(1) ENTITY CONTROLLED BY A FOREIGN GOVERNMENT.—The term "entity controlled by a foreign government" has the meaning given that term in section 2536(c)(1) of title 10, United States Code.

(2) VETERANS MEMORIAL OBJECT.—The term "veterans memorial object" means any object, including a physical structure or portion thereof, that—

(A) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

(B) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the United States Armed Forces; and

(C) was brought to the United States from abroad as a memorial of combat abroad.

VETERANS OF FOREIGN WARS OF
THE UNITED STATES,
January 6, 1998.

Hon. DOUGLAS K. BEREUTER,
Chairman, East Asia Subcommittee, Committee on International Relations, U.S. House of Representatives, Washington, DC.

RE: Bells of Balangiga

DEAR MR. CHAIRMAN: Recently, we learned that Mr. Robert Underwood, U.S. Representative from Guam, has introduced House Resolution 312 urging the President to authorize the transfer of ownership of one of the Bells of Balangiga to the Philippines. In brief, the Bells of Balangiga, which serve as a war memorial to U.S. Army soldiers killed by insurgents in the Philippines in 1901, are located at E.E. Warren Air Force Base in Cheyenne, Wyoming. The proposal of the Philippine Ambassador to return one of the bells to the Philippines is opposed by veterans and the supporting community in Wyoming.

Although the 98th National Convention of the Veterans of Foreign Wars of the United States did not adopt a Resolution on this issue, the VFW does have a position on the Bells of Balangiga. After carefully reviewing the history and background of the issue involving the Bells of Balangiga, the VFW opposes and rejects any compromise or agreement with the government of the Philippines which would result in the return of any of the Bells of Balangiga to the Philippines. The church bells were paid for with American blood in 1901 when they were used to signal an unprovoked attack by insurrectionists against an American Army garrison which resulted in the massacre of 45 American soldiers. The Bells serve is a permanent memorial to the sacrifice of the American soldiers from Fort D.A. Russell (Wyoming) who gave their lives for their country while doing their duty. We do not think any of the bells should be given back to the Philippines. To return the bells sends the wrong message to the world. In addition, local Wyoming veterans and other citizens are opposed to dismantling the sacred monument and returning any part of it to the Philippines.

In the past several years, the Philippine Government has made several attempts to get the Bells of Balangiga returned to their country. To date, they have not been successful in any their attempts to get the bells returned. For the past 95 years, two of the bells have been enshrined at Fort Russell/Warren AFB in Wyoming. The third is with the U.S. Army's 9th Infantry in the Republic of Korea.

Recently, Philippine President Fidel Ramos ordered his United States Ambassador, Paul Rabe, to step up his effort on the bells hoping to have them returned in time for next summer's celebration of 100 years of Philippine independence. In October 1997, Ambassador Paul Rabe suggested a compromise solution. He suggested returning one of the bells to the Philippines thereby giving both nations an original and the opportunity to make a replica. In fact, the justification for the latest proposal of the Philippine government is fatally flawed. The Bells of Balangiga played no part at all in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898. Subsequently, that naval defeat forced the Spanish to relinquish control of the Philippine Islands to the U.S. The soldiers killed were from Fort D.A. Russell and were ordered to the Philippine Islands because a savage guerrilla war had broken out after the conclusion of the Spanish-American War of 1898. Therefore, we believe the bells have no significance or connection to the celebration of Philippine independence.

Kenneth Weber, Commander of the VFW Department of Wyoming, expressed the feelings of local Wyoming veterans and supporters when he said, "The members of the Veterans of Foreign Wars of the United States . . . will not stand idle and allow a sacred memorial to those soldiers killed while doing their duty to be dismantled."

We believe the Wyoming veterans are correct on this issue. The bells should stay right where they are—in Wyoming and with the 9th Regiment.

Respectfully,
KENNETH A. STEADMAN, *Executive Director.*

VFW, DEPARTMENT OF WYOMING
December 5, 1997.

KENNETH WEBER,
Torrington, WY.

The VFW Department of Wyoming is making the following statement on behalf of its veterans for immediate media release:

As the Commander of the Department of Wyoming Veterans of Foreign Wars, I have followed the current debate concerning the Bells of Balangiga with a great deal of interest. It is becoming apparent that this issue is not going away soon. Two of three bells are located at the Cheyenne's F.E. Warren Air Force Base as a permanent memorial to Fort D.A. Russell soldiers who lost their lives in 1901 as a result of hostile action during the Philippine rebellion. American soldiers stationed at then Fort D.A. Russell, now Warren Air Force Base, were ordered to the Philippine Islands because of a savage guerrilla war which had broken out following the Spanish-American War of 1898.

Now the Republic of the Philippines, as they have several times in the past, has requested the return of one or both bells to their country. This time, their justification is apparently to celebrate their 100 year anniversary of independence from Spain. The interesting part of their argument, is the simple fact that the Bells of Balangiga played no role in Admiral Dewey's defeat of the Spanish Navy at Manila Bay in 1898 and Spain's subsequent relinquishing control of the Philippine Islands to the United States government.

Evidently, the current posturing by the Republic of the Philippines is only another attempt to have the Bells of Balangiga returned. The United States government has repeatedly, and for all the right reasons, refused to return the bells to them.

The members of the Veterans of Foreign Wars, a veterans organization whose roots go back to the Spanish-American War of 1898, will not stand idle and allow a sacred memorial to those soldiers killed while doing their duty be dismantled. We can only continue to hope that the people who have taken the time to speak out in favor of returning the bells would get their facts straight before engaging the media in any further debate. When all the facts are known regarding the circumstances surrounding the Bells of Balangiga, any compromise offer with the

Philippine government remains unacceptable.

Sincerely yours,

KENNETH WEBER,
Commander.

UNITED VETERANS COUNCIL OF WYOMING
Cheyenne, WY, March 27, 1998.

The President of the United States,
WILLIAM JEFFERSON CLINTON
Washington, DC.

DEAR PRESIDENT CLINTON: Member organizations of the United Veterans Council of Wyoming, Inc. are in receipt of White House letter dated March 26, 1998 asking the Wyoming Congressional Delegation to reevaluate the compromise approach to resolving the bells of Balangiga question, and we would like to respond.

Wyoming veterans are aware of the longstanding ties with the Philippines during World War II, and after. We have taken into account the fact that U.S. veterans and our allies lived among the Filipinos during the war, fought shoulder to shoulder with them, and together defeated the Japanese invaders to preserve Philippine freedom and way of life. Many died retaking the Philippine islands from Japanese forces. Veterans who believe the bells should remain in Wyoming do so without malice towards the people of the Philippines. No one denies the contributions and sacrifices made by the Filipinos during the war effort and to continued prosperity afterwards. We clearly understand honor, comradeship, and the sacrifices veterans of both countries have made.

We believe that we have made our reasons for not compromising on the return of the bells very clear. As the VFW and others have continually pointed out, the bells of Balangiga played no part in Admiral Dewey's defeat of the Spanish navy at Manila Bay in 1898, three years before the bells were used to signal the 1901 massacre of US soldiers garrisoned within the village of Balangiga. The premeditated massacre was particularly brutal on the surprised and outnumbered soldiers. We believe that the bells have no significance or connection to this centennial year of celebration of the Philippine's independence from Spain.

As stated in a recent article from the Manila Times, it is known that the Philippine government is designing a war memorial to the Balangiga Bells, rather than for their use as a symbol of independence from Spain. It appears that representatives of the Philippine government are not being straightforward regarding their true intentions, if a bell is returned.

The Philippine government has yet to present a compelling argument justifying a reversal of the U.S. government's long-standing decision to not return the bells. Mr. Berger says, "he understands the concerns of those who are worried that any altercation of the existing monument might cause present day Americans to forget the sacrifices of past generations." Though Mr. Berger shares our worries, it appears that our government, by continuing on its present course, will allow such sacrifices to be forgotten sooner than later. It is an affront to the soldiers who died, and their survivors, to suggest that a permanent memorial be dismantled for no better reasons than are being provided by the Philippine government.

Sincerely yours,

JIM LLOYD,
President.

WYOMING DELEGATION,
January 9, 1998.

President Bill Clinton,
The White House, Washington, DC.

DEAR PRESIDENT CLINTON: The Wyoming delegation wishes to express our opposition to any plan to remove the Bells of Balangiga from F.E. Warren Air Force Base in Cheyenne, Wyoming, to the Philippines. Many times and for many years, the government of the Philippines has tried to have the bells returned. The United States government has rightfully rejected every attempt. Most recently, there have been proposals by the Philippine government and in Congress to transfer one of the original bells to the Philippines and keep one at F.E. Warren. We find this "compromise" proposal wholly unacceptable and an affront to the soldiers massacred in Balangiga.

The Philippines became an American possession after the Spanish-American War, but peace in the islands was delayed by a bloody civil war. American soldiers at Fort D.A. Russell, now F.E. Warren Air Force Base, were sent to the Philippines as part of the American military force dispatched to the area. On September 29, 1901, guerilla forces on the island of Samar used the bells to sound a surprise attack on American troops stationed in the village of Balangiga. Of the 76 Americans stationed in Balangiga, only 20 returned home. The survivors brought the bells back to Wyoming as a memorial to their fallen comrades.

Wyoming's many veterans, represented by the Veterans of Foreign Wars and the American Legion, strongly oppose removing the bells. For our veterans the bells serve as a constant reminder of the men who died in that surprise attack. The Wyoming delegation has always opposed desecrating this memorial for the same reason.

Preserving this memorial will serve as a symbol that American troops who serve around the world will not be forsaken. It also reaffirms to the world that the United States will protect its forces serving around the world if they are attacked.

On behalf of America's soldiers who have made the ultimate sacrifice, please join with us in refusing all present and future efforts to dismantle this memorial.

Sincerely,

CRAIG THOMAS,
U.S. Senator.
MICHAEL B. ENZI,
U.S. Senator.
BARBARA CUBIN,
Member of Congress.

The White House, Washington,
March 26, 1998.

DEAR SENATOR THOMAS: Thank you for your letter concerning the bells of Balangiga and the proposed compromise solution for addressing this issue. I am writing on behalf of the President to request that you not oppose the compromise solution. We believe it effectively takes into account the interests and sensitivities of both American veterans and the people of the Philippines.

I understand American forces brought the two bells of Balangiga to Wyoming following the Philippine insurrection of 1901, and that they currently are on display at F.E. Warren Air Force Base in Cheyenne. As you may know, Philippine President Fidel Ramos is eager to explore the possibility of returning at least one of the bells during this centennial year of the Philippines' declaration of independence from Spain. President Ramos will be the President's guest at the White House on April 10, 1998. The bells of Balangiga will be one of the principal issues on the discussion agenda.

I appreciate the importance of the bells to Wyoming veterans who consider them to be symbols of the supreme sacrifice American soldiers, sailors and airmen often have had to make far from home. At the same time, Filipinos see the bells as representative of a struggle for national independence lasting more than five centuries.

Our longstanding ties with the Philippines were forged in the intense combat of World War II by tens of thousands of Americans and Filipinos. Growing out of this experience is a relationship, which is closer on a person-to-person level than with any other country in East Asia. The Philippines is a key ally in the Asia Pacific and shares our commitment to democratic and free market principles. Presidential elections in May of this year will re-enforce the democratic traditions and institutions Filipinos have so eagerly embraced.

I believe a compromise solution, by which the United States and the Philippines would each retain custody of one of the original bells, offers a unique opportunity to honor both the American soldiers who gave their lives in the town of Balangiga and the centennial celebration of the Philippines' first step toward democracy. I understand the concerns of those who are worried that any alteration of the existing monument might cause present day Americans to forget the sacrifices of past generations. But the historical significance of Balangiga rests on the fact that today the United States and the Philippines are united in a common cause of promoting stability and prosperity throughout the Asia Pacific region. I urge you and your colleagues from the Wyoming Congressional Delegation to reevaluate the compromise approach to resolving the bells of Balangiga question.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President for National Security Affairs.

Mr. ENZI. Mr. President, I rise to join my colleague, the senior Senator from my state of Wyoming, in the effort to safeguard the integrity of the nation's military memorials from the politically expedient demands of foreign governments—in this case the so-called "Bells of Balangiga" war memorial located in Wyoming's capital city of Cheyenne. I too, am amazed that such legislation is necessary. Amazed, but not surprised. After all, this is a President who seems to have no qualms about throwing overboard those states and communities who have not proven politically valuable to him. I recall his unilateral Utah land grab of the Grand Escalante. I also recall that he, with the Vice President at his side, signed the Presidential directive for that action in Arizona, so unpopular was it in the State of Utah. His unilateral forest roads construction moratorium is another such example of his proclivity for government by executive fiat.

Many people contend that church bells are not a fitting subject for a war memorial. The circumstances surrounding these particular bells, however, are not normal. As the Senior Senator from Wyoming related, those bells were not used by Philippino insurgents to call the faithful to prayer that harrowing morning. They were used instead to signal the massacre of Wyoming troops as they sat down, unarmed, to breakfast. Of the 74 officers and men in the garrison, only twenty survived. Eye witness accounts had some of the attackers disguised as women, their weapons hidden beneath their dresses. Many others smuggled their weapons into the village hidden in the coffins of children. Under those circumstances, one must conclude that the bells in question were used to kill. Consequently I feel their use as the subject for a war memorial is wholly appropriate.

This is especially true in light of their intended purpose if returned to the Philippines. As everyone concedes, the Philippine government desires the return of these bells in time for their 100th anniversary of independence. Apparently, these bells do not represent a religious symbol for the Philippine government either.

Most significant of all, however, is the purpose they currently serve. Contrary to the assumptions of many, they do not memorialize American foreign policies of the time. Nor do they serve as a tribute to our political system, America's turn of the century notions of race relations, or the performance of the American troops who served there during that conflict. Rather, these bells memorialize one thing and one thing only: The tragic and premature deaths of 54 young men who volunteered to do the bidding of the American people. For this purpose I believe these bells serve as a most fitting memorial indeed and I am opposed to its dismantlement.

It is time to honor our veterans, our war dead, and the principle that in this country, we do not submit to government by Presidential fiat. I ask the support of my colleagues for this legislation.

By Mr. GORTON:

S. 1904. A bill to amend the Elwha River Ecosystem and Fisheries Restoration Act to provide further for the acquisition and removal of the Elwha dam and acquisition to Glines Canyon dam and the restoration of the Elwha River ecosystem and native anadromous fisheries, and for other purposes; to the Committee on Environment and Public Works.

THE ELWHA RIVER ECOSYSTEM AND FISHERIES RESTORATION ACT OF 1998

Mr. GORTON. Mr. President, six months ago, I came to the floor of the United States Senate to announce my reluctant support for removing one of two dams on the Elwha River on the Olympic Peninsula. Today, after spending countless hours working with interested Washington State residents, I am introducing legislation to accomplish this difficult and costly endeavor provided certain conditions are met.

As I mentioned in my statement last fall, I have never been enthusiastic about the idea of dam removal on the Elwha River as a means to enhance declining salmon runs on the river. For many years, national environmental groups, the Clinton Administration, much of the Northwest media, and many Northwest elected officials have pushed for removal of both dams from the Elwha River. In 1992, I supported legislation to begin the process of having the government acquire both of these dams with an eye toward removing them someday. While I have always been enthusiastic about the federal government buying these two dams from a local paper company, I continue to be skeptical toward claims that salmon runs will see a significant benefit through dam removal on the Elwha River. Anyone who believes otherwise needs to ask him why salmon runs on nearby rivers on the Olympic Peninsula with no dams are doing just as poorly.

I am quite certain, however, that there are clear costs to dam removal. The taxpayers must pay at least $65 million to remove just one dam on the Elwha River. Power generation will be lost, and in the case of the Elwha River dams, serious questions remain about the potential damage to the City of Port Angeles' water supply. As I weigh these costs against the potential benefits to salmon, I have generally inclined against dam removal.

Unfortunately, the issue isn't as simple as a cost-benefit analysis. There is a wild card over which I have no control that could have a devastating effect on the Port Angeles community. The lower Elwha River dam produces a tiny amount of power—only a quarter of the amount of power produced by the upper Elwha River dam and a minuscule amount in comparison to our productive Snake and Columbia River dams. In addition, the lower Elwha River dam is in poor physical condition.

These two factors, combined with the desire of the Interior Secretary to tear down a dam, have me concerned that there is a very real and growing threat that a federal judge or the Federal Energy Regulatory Commission (FERC) could order removal of the Elwha River dams without Congressional approval.

A court or agency ordered removal will impose all of the costs of removing the dams on the local community, jobs will be destroyed, and Port Angeles' supply of clean drinking water will be threatened. The risk of court or agency action is too great and will leave the local community in a terrible position if a judge, or a Washington, DC bureaucrat, suddenly decides he needs to be in charge of this issue.

Instead, if Congress acts, we can remove the wild card and assure an important level of community protection. Thus, I have conditioned my support for this dam's removal on certain legislated protection for Port Angeles' water supply and protection for the jobs created by the local mill. No legislation to remove the dam will pass the U.S. Senate without these protections while I am a member.

As a result of these recent developments and circumstances beyond my control, this comprehensive package will complete the federal government's acquisition of both Elwha River dams, authorizes removal of one dam, while at the same time protecting local economic interests.

Over the last three years, the Interior Appropriations Subcommittee that I chair has appropriated $11 million of the $29.5 million necessary to complete the acquisition of the projects. Acquisitions of the projects is extremely important to the future economic health of the Port Angeles community. While the James River Corporation currently holds title to the projects, Daishowa America, as local owner of the directory paper mill and second largest employer in Clallam County, uses energy from the dams. Clearly, continued uncertainty over the fate of these dams reduces the competitive position of the mill and inhibits future investment in the plant and its equipment.

My bill amends the 1992 Act and calls for completion of acquisition of the projects. As Chairman of the Subcommittee that controls the purse strings for this project, I have every intention of allocating the remaining $18.5 million needed to complete acquisition as part of the $699 million worth of additional Land and Water Conservation Fund dollars that we appropriated last year and have yet to be spent.

In addition to committing to fund the removal of the Elwha project should it become law, my bill prohibits the Secretary from removing the larger dam, better known as the Clines Canyon Project, for 12 years. Many have asked why we can't remove both dams simultaneously. My answer is that I prefer the phased approach to restoration of the river spelled out by the Elwha Citizens Advisory Committee in its 1996 report.

The Committee, which is comprised of a diverse array of local interests, cautions against simultaneous removal of both dams. As an appropriations subcommittee chairman, I can tell them that they are absolutely correct because it is simply unrealistic to expect sufficient funds immediately to remove both projects. More importantly, immediate removal of both projects would have unpredictable consequences for the community's water supply—something my bill is careful to protect—and would needlessly forgo a valuable economic and recreational resource that can be put to use to accomplish restoration activities.

When the 12 year moratorium has expired, my bill allows the Secretary to remove the upper dam provided he determines that the benefits of dam removal to salmon restoration and the natural state of the river outweighs the importance of the project's power generation capabilities and the recreational value of the lake that was created by its construction. The 12 year waiting period also spells out several important steps that the Secretary must take to evaluate the impact removing one dam has on fish runs. I firmly believe that should we decide one day to remove the second dam, we will do a far better job if we take the time to learn from the challenges of removing the first dam before deciding on the fate of the second one. Should the Secretary determine that it is necessary to remove the Glines Canyon project before 12 years have gone by, nothing in the bill I am offering today prevents him from seeking Congressional approval to do so.

Finally with regard to the Elwha River, my bill takes several important steps to project the local community from the potentially adverse impacts of dam removal. They include: (1) protecting the quality and quantity of the community's existing water supply to meet current and future demands; (2) continued protection of James River and Daishowa from potential liability; and (3) compensation for Clallam County for further loss of tax revenue due to federal acquisition of the projects.

As a Senator who takes pride in trying to represent all interests in my state, I have also taken great interest in the concerns of my constituents in eastern Washington, who while not directly impacted by the removal of the Elwha dam, have legitimate fears that something similar could happen to a dam on the Columbia or Snake Rivers. Clearly some groups and agency officials within the Clinton-Gore Administration want to use the removal of Elwha River dams as a first step toward removing or severely limiting the effectiveness of Columbia River system hydroelectric dams. Already, the Army Corps of Engineers is evaluating dam removal on the Snake River as a legitimate option. The Corps has even taken the unprecedented step of paying Pacific Northwest residents $12 to fill out a totally biased survey in favor of dam removal to build support for this cause.

I will never support such efforts to cripple the world's most productive hydro system. As the source of the nation's lowest power rates, water for irrigating productive farmland in three states, and a cost effective transportation system that moves our agricultural products to market, these dams are truly the lifeblood of our economy in the Pacific Northwest.

While Columbia River dams have hurt salmon runs, that damage was felt primarily in the 1930's and 1940's. Since the last Columbia River dam was constructed we still had large and healthy salmon runs. The last decade's decline in Columbia River salmon runs cannot be honestly attributed solely to our hydroelectric facilities.

Nevertheless, we can and should do more for salmon especially by acting in a more coordinated way to restore this vital resource. But the costs associated with removing dams on the Snake and Columbia Rivers will vastly exceed any potential benefit that might occur in terms of salmon restoration.

Rather than working cooperatively with local communities directly impacted by the Columbia-Snake Resource on a rational policy that balances the rivers' important uses, the Clinton-Gore Administration has chosen a combative policy. Its approach punishes people who make their livelihoods from this resource and who have made good faith efforts to reach out and work together.

Another example of the draconian actions federal agencies are using against ordinary people who depend on the Columbia Snake River System for their livelihoods is the National Marine Fisheries Service's recently announced Columbia Basin water policy. The NMFS approach seeks to discourage or even eliminate any new additional water withdrawals for municipal, industrial, or irrigation development within the Basin. The NMFS policy goes even further in challenging the legislative authority of states to regulate, manage, and allocate water rights. If adopted, the NMFS policy would effectively abrogate state authority to grant future water rights for such uses. By calling for a review of existing water withdrawals, the policy postures toward challenging existing state-granted water rights. The agency has completely ignored the efforts of local irrigators to work together on a plan that balances the rivers' competing uses. Moreover, the agency has taken this direction without Congressional approval.

Given the out-of-control nature of agencies like the Corps and NMFS to go beyond their statutory authority to severely compromise the Columbia-Snake system as well as their eagerness to tear down a Columbia-Snake River dam, I would not be surprised to see this administration try to fulfill its dream without Congressional approval.

The people of my state are simply fed up with this top down approach and my bill attempts to do something about it. In addition to prohibiting the removal or breach of any dam on the Columbia or Snake Rivers, my bill prohibits any federal or state agency from taking the following actions without an act of Congress:

(1) Impairing flood control activities on the Columbia-Snake system;

(2) Reducing the power and energy generating capacity of federally owned and federally licensed projects to unaffordable levels;

(3) Further restricting access to the Columbia or Snake River for irrigation and recreational use;

(4) Impairing the river navigation system; and

(5) Restricting state water rights.

I look forward to working with the Administration and my colleagues from the Pacific Northwest on building support for my proposal. If the Administration can not bring itself to support something very close to what's in the Columbia-Snake River section of this bill, we will know just how serious it is about dam removal in eastern Washington. I have made major concessions to bring myself to support removal of a dam even though I find the policy a dubious one, and if the administration is serious about preserving the effectiveness of the Columbia-Snake system it will support my proposal.

ADDITIONAL COSPONSORS

S. 10

At the request of Mr. CRAIG, his name was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 348

At the request of Mr. MCCONNELL, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 707

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 707, a bill to prohibit the public carrying of a handgun, with appropriate exceptions for law enforcement officials and others.

S. 1029

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 1029, a bill to provide loan forgiveness for individuals who earn a degree in early childhood education, and enter and remain employed in the early child care profession, to provide loan cancellation for certain child care providers, and for other purposes.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1427

At the request of Mr. FORD, the names of the Senator from Tennessee (Mr. FRIST), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1427, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1473

At the request of Mr. GRAHAM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1473, a bill to encourage the development of a commercial space industry in the United States, and for other purposes.

S. 1529

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1604

At the request of Mr. D'AMATO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1604, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 1606

At the request of Mr. WELLSTONE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1606, a bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture.

S. 1673

At the request of Mr. HUTCHINSON, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1673, a bill to terminate the Internal Revenue Code of 1986.

S. 1680

At the request of Mr. DORGAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the medicare program.

S. 1682

At the request of Mr. D'AMATO, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

S. 1722

At the request of Mr. FRIST, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1722, a bill to amend the Public Health Service Act to revise and extend certain programs with respect to women's health research and prevention activities at the National Institutes of Health and the Centers for Disease Control and Prevention.

S. 1723

At the request of Mr. ABRAHAM, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1724

At the request of Mr. DEWINE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1754

At the request of Mr. FRIST, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1754, a bill to amend the Public Health Service Act to consolidate and reauthorize health professions and minority and disadvantaged health professions and disadvantaged health education programs, and for other purposes.

S. 1808

At the request of Mr. REED, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1808, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 1864

At the request of Ms. MIKULSKI, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1864, a bill to amend title XVIII of the Social Security Act to exclude clinical social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1890

At the request of Mr. DASCHLE, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1890, a bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to protect consumers in managed care plans and other health coverage.

S. 1891

At the request of Mr. DASCHLE, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1891, a bill to amend the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE CONCURRENT RESOLUTION 82

At the request of Mr. WELLSTONE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from California (Mrs. BOXER) were added as cosponsors of Senate Concurrent Resolution 82, a concurrent resolution expressing the sense of Congress concerning the worldwide trafficking of persons, that has a disproportionate impact on women and girls, and is condemned by the international community as a violation of fundamental human rights.

SENATE RESOLUTION 139

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Resolution 139, a resolution to designate April 24, 1998, as "National Child Care Professional's Day," and for other purposes.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

SENATE RESOLUTION 201

At the request of Mr. KEMPTHORNE, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of Senate Resolution 201, a resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

AMENDMENT NO. 2103

At the request of Mr. HOLLINGS his name was added as a cosponsor of amendment No. 2103 proposed to S. 1768, an original bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

AMENDMENT NO. 2175

At the request of Ms. MOSELEY-BRAUN the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Iowa (Mr. HARKIN), the Senator from Washington (Mrs. MURRAY), the Senator from California (Mrs. BOXER), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of amendment No. 2175 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2178

At the request of Mr. BURNS the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAIG), the Senator from South Dakota (Mr. JOHNSON), the Senator from Oregon (Mr. WYDEN), and the Senator from Washington (Mr. GORTON) were added as cosponsors of amendment No. 2178 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2193

At the request of Mrs. BOXER her name was added as a cosponsor of amendment No. 2193 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2195

At the request of Mr. LAUTENBERG the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Montana (Mr. BAUCUS), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Senator from Florida (Mr. GRAHAM), the Senator from New York (Mr. MOYNIHAN), the Senator from Vermont (Mr. LEAHY), the Senator from Nevada (Mr. REID), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 2195 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2202

At the request of Mr. COVERDELL the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of amendment No. 2202 intended to be proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2205

At the request of Mr. DURBIN the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2205 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2209

At the request of Mr. THURMOND his name was added as a cosponsor of amendment No. 2209 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. ROTH the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 2209 proposed to S.Con.Res. 86, supra.

AMENDMENT NO. 2210

At the request of Mr. JOHNSON the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of amendment No. 2210 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2211

At the request of Mr. ENZI his name was added as a cosponsor of amendment No. 2211 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

TORRICELLI (AND JEFFORDS) AMENDMENT NO. 2212

Mr. LAUTENBERG. (for Mr. TORRICELLI, for himself and Mr. JEFFORDS) proposed an amendment to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998; as follows:

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of

1812 Historic Preservation Study as authorized by section 603 of Public Law 104-333 (16 U.S.C. 1a-5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

BOND (AND OTHERS) AMENDMENT NO. 2213

Mr. BOND (for himself, Ms. MIKULSKI, Mr. KERRY, Mr. SARBANES, Mr. D'AMATO, and Mr. GRASSLEY) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

"SEC. 317. SENSE OF THE SENATE TO MAINTAIN FULL FUNDING FOR THE SECTION 202 ELDERLY HOUSING PROGRAM.

"(a) FINDINGS.—The Senate finds the following—

"(1) The Section 202 Elderly Housing program is the most important housing program for elderly, low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly.

"(2) Since 1959, the Section 202 Elderly Housing program has funded some 5,400 elderly housing projects with over 330,000 housing units, with the current average tenant in Section 202 housing being a frail, older woman in her seventies, living alone with an income of less than $10,000 per year.

"(3) The combination of affordable housing and supportive services under the Section 202 Elderly Housing program is critical to promoting independent living, self-sufficiency, and dignity for the elderly while delaying more costly institutional care.

"(4) There are over 1.4 million elderly Americans currently identified as having "worst case housing needs" and in need of affordable housing.

"(5) There are 33 million Americans aged 65 and over, some 13 percent of all Americans. The number of elderly Americans is anticipated to grow to over 69 million by the year 2030, which would be some 20 percent of all Americans, and continue to increase to almost 80 million by 2050.

"(6) The President's Budget Request for fiscal year 1999 proposes reducing funding for the Section 202 Elderly Housing program from the fiscal year 1998 level of $645,000,000 to $109,000,000 in fiscal year 1999. This represents a reduction of over 83 percent in funding, which will result in reducing the construction of Section 202 housing units from some 6,000 units in fiscal year 1998 to only 1,500 units in fiscal year 1999.

"(7) The full funding of the Section 202 Elderly Housing program as an independent federal housing program is an investment in our elderly citizens as well as our Nation.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Section 202 Elderly Housing program, as provided under section 202 of the Housing Act of 1959, as amended, shall be funded in fiscal years 1999, 2000, 2001, 2002, and 2003 at not less than the fiscal year 1998 funding level of $645,000,000.".

KERREY AMENDMENTS NOS. 2214–2215

Mr. KERREY proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2214

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE SUPPORTING LONG-TERM ENTITLEMENT REFORMS.

(a) The Senate finds that the resolution assumes the following—

(1) entitlement spending has risen dramatically over the last thirty-five years.

(2) in 1963, mandatory spending (i.e. entitlement spending and interest on the debt) made up 30 percent of the budget, this figure rose to 45 percent by 1973, to 56 percent by 1983 and to 61 percent by 1993.

(3) mandatory spending is expected to make up 68 percent of the federal budget in 1998.

(4) absent changes, that spending is expected to take up over 70 percent of the federal budget shortly after the year 2000 and 74 percent of the budget by the year 2008.

(5) if no action is taken, mandatory spending will consume 100 percent of the budget by the year 2030.

(6) this mandatory spending will continue to crowd out spending for the traditional "discretionary" functions of government like clean air and water, a strong national defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending.

(7) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the levels in this budget resolution assume that—

(1) Congress and the President should work to enact structural reforms in entitlement spending in 1998 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic government functions and that every effort should be made to hold mandatory spending to no more than seventy percent of the budget.

AMENDMENT NO. 2215

At the end of Title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PASSAGE OF THE IRS RESTRUCTURING AND REFORM ACT.

(a) FINDINGS.—The Senate finds that—

(1) The House of Representatives overwhelmingly passed IRS Reform Legislation (H.R. 2676), on November 5, 1997.

(2) The IRS Restructuring and Reform Act has the potential to benefit 120 million Americans by simplifying the tax process and making the IRS more responsive to taxpayer concerns:

(3) The President has announced that he would sign H.R. 2676;

(4) The Senate plans to recess without considering legislation to reform the IRS.

(5) The American people are busy preparing their taxes to meet the April 15th deadline. They do not get to recess before filing their returns; and

(5) Senators should keep their commitment to take up and pass IRS reform legislation before they recess.

(b) SENSE OF THE SENATE.—

It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the Senate shall not recess until it has considered and voted on H.R. 2676, the IRS Restructuring and Reform Act of 1997.

MURRAY AMENDMENTS NOS. 2216–2217

Mrs. MURRAY proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2216

On page 16, line 9, increase the amount by $2,088,000,000.

On page 16, line 10, increase the amount by $81,000,000.

On page 16, line 13, increase the amount by $1,776,000,000.

On page 16, line 14, increase the amount by $1,487,000,000.

On page 16, line 17, increase the amount by $1,437,000,000.

On page 16, line 18, increase the amount by $1,686,000,000.

On page 16, line 21, increase the amount by $593,000,000.

On page 16, line 22, increase the amount by $1,301,000,000.

On page 25, line 8, strike "–$300,000,000" and insert "–$2,388,000,000."

On page 25, line 9, strike "–$1,900,000,000" and insert "–$1,981,000,000."

On page 25, line 12, strike "–$1,200,000,000" and insert "–$2,976,000,000."

On page 25, line 13, strike "–$4,600,000,000" and insert "–$6,087,000,000."

On page 25, line 16, strike "–$2,700,000,000" and insert "–$4,137,000,000."

On page 25, line 17, strike "–$3,000,000,000" and insert "–$4,686,000,000."

On page 25, line 20, strike "–$3,800,000,000" and insert "–$4,393,000,000."

On page 25, line 21, strike "–$7,000,000,000" and insert "–$8,301,000,000."

AMENDMENT NO. 2217

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON EXPANDING MEDICARE BENEFITS.

(a) FINDINGS.—The Senate finds the following:

(1) In the 1997 Balanced Budget Agreement, changes were made to Medicare that extended the solvency of the Trust Fund for 10 years.

(2) The Medicare Commission, also established in the Balanced Budget Agreement, has just started the task of examining the Medicare program in an effort to make sound policy recommendations to Congress and the Administration about what needs to be done to ensure that Medicare is financially prepared to handle the added burden when the baby boomers begin retiring.

(3) The problems facing Medicare are not about more revenues. The program needs to do more to improve the health care status of retirees and give them more choices and better information to make wise consumer decisions when purchasing health care services.

(4) Improving the health care status of senior citizens would ensure additional savings for Medicare. Helping seniors stay healthier should be a priority of any legislation aimed at protecting Medicare.

(5) In order to keep seniors healthier, Medicare has to become more prevention based. Currently, Medicare offers very few prevention benefits. As a result, seniors are often sicker when they seek care or are hospitalized.

(6) If the objective is to use tobacco revenues to save Medicare, a portion of these new revenues must be allocated to expanding prevention benefits.

(7) Preventing illnesses or long hospital stays or repeated hospital stays will save Medicare dollars.

(8) Medicare cannot be saved without structural changes and reforms. Simply using a new Federal tax to prop up Medicare will not extend solvency much beyond a few months and will do little to improve the health status of senior citizens and the disabled.

(9) Congress should use these new revenues to expand prevention benefits to ensure that seniors are healthier and stronger. This is how we can truly save Medicare.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume the allocation of a portion of the Federal share of tobacco revenues to expand prevention benefits for Medicare beneficiaries with an emphasis on improving the health status of Medicare beneficiaries and providing long term savings to the program.

DORGAN AMENDMENTS NOS. 2218–2219

Mr. DORGAN proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2218

Strike page 33, line 3, through page 34, line 3, and insert the following:

SEC. 301. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving;

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) recklessly sunsetting the entire income tax code threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions.

AMENDMENT NO. 2219

At the appropriate place in the resolution, insert the following:

SEC. . HEALTH RESEARCH RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves 21 percent of the Federal share of receipts from tobacco legislation for the health research purposes provided in subsection (b), provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999 through 2003; or

(3) the period of fiscal years 2004 through 2009.

(b) ELIGIBLE HEALTH RESEARCH.—Of the receipts from tobacco legislation reserved pursuant to subsection (a), the following amounts may be used for the following purposes:

(1) 7.5 percent of such receipts to fund research into the prevention and cure of cancer;

(2) 7.5 percent of such receipts to fund research into the prevention and cure of heart disease, stroke, and other cardiovascular diseases;

(3) 2 percent of such receipts, to be allocated at the discretion of the Director of the National Institutes of Health, to fund the responsibilities of his office and to fund construction and acquisition of equipment or facilities for the National Institutes of Health;

(4) 2 percent of such receipts for transfer to the National Center for Research Resources to carry out section 1502 of the National Institutes of Health Revitalization Act of 1993;

(5) 1 percent of such receipts to fund prevention research programs at the Centers for Disease Control and Prevention;

(6) 1 percent of such receipts to fund quality and health outcomes research at the Agency for Health Care Policy and Research; and

(7) the remainder of such receipts to fund other member institutes and centers, including the Office of AIDS Research, of the National Institutes of Health in the same proportion to such remainder, as the amount of annual appropriations under appropriations acts for each member institute and center for a fiscal year bears to the total amount of appropriations under appropriations acts for all member institutes and centers for that fiscal year.

(c) REVISED LEVELS, AGGREGATES AND ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purposes described in subsection (b), upon the offering of an amendment that would necessitate such submission, the Chairman shall submit to the Senate appropriately-revised allocations under Section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section.

(3) RULE OF CONSTRUCTION.—Revised allocations, functional levels and aggregates submitted or filed pursuant to this subsection shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to Section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

(d) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—Section 202 of H. Con. Res. 67 (104th Congress) shall not apply for purposes of this section.

BIDEN AMENDMENT NO. 2220

Mr. BIDEN proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, line 5, before the period insert "and Veterans Administration health care".

KYL (AND OTHERS) AMENDMENT NO. 2221

Mr. KYL (for himself, Mr. GRAMS, Mr. HELMS, Mr. BROWNBACK, and Mr. HAGEL) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING A SUPERMAJORITY REQUIREMENT FOR RAISING TAXES.

(a) FINDINGS.—The Senate finds that—

(1) the Nation's current tax system is indefensible, being overly complex, burdensome, and severely limiting to economic opportunity for all Americans;

(2) fundamental tax reform should be undertaken as soon as practicable to produce a tax system that—

(A) applies a low tax rate, through easily understood laws, to all Americans;

(B) provides tax relief for working Americans;

(C) protects the rights of taxpayers and reduces tax collection abuses;

(D) eliminates the bias against savings and investment;

(E) promotes economic growth and job creation;

(F) does not penalize marriage or families; and

(G) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service; and

(3) the stability and longevity of any new tax system designed to achieve these goals should be guaranteed with a supermajority vote requirement so that Congress cannot easily raise tax rates, impose new taxes, or otherwise increase the amount of a taxpayer's income that is subject to tax.

(b) SENSE OF SENATE.—It is the sense of Senate that the assumptions underlying the functional totals of this resolution assume fundamental tax reform that is accompanied by a proposal to amend the Constitution of the United States to require a supermajority vote in each House of Congress to approve tax increases.

GRAMS AMENDMENT NO. 2222

Mr. DOMENICI (for Mr. GRAMS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place in the resolution, insert the following new section:

SEC. . USE OF BUDGET SURPLUS TO REFORM SOCIAL SECURITY.

It is the sense of the Senate that the assumptions underlying the functional totals included in the resolution assume—

(a) the Congress and the President should use any budget surplus to reduce the Social

Security payroll tax and to establish personal retirement accounts with the tax reduction for hard-working Americans.

(b) the Congress and the President should not use the Social Security surplus to finance general government programs and other spending, should begin to build real assets for the trust funds, and work to reform the Social Security system.

BINGAMAN (AND LIEBERMAN) AMENDMENT NO. 2223

Mr. BINGAMAN (for himself and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

"SEC. . DEFICIT-NEUTRAL RESERVE FUND FOR CIVILIAN RESEARCH AND DEVELOPMENT.

"(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation to fund civilian scientific and technological research and development, to increase research and development for the health sciences, or to increase research and development to improve the global environment, provided that, to the extent that this concurrent resolution on the budget does not include the costs of that legislation, the enactment of that legislation will not increase (by virtue of either contemporaneous or previously-passed deficit reduction) the deficit in this resolution for—

"(1) fiscal year 1999;

"(2) the period of fiscal years 1999 through 2003; or

"(3) the period of fiscal years 2004 through 2009.

"(b) REVISED ALLOCATIONS.—

"(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a), upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriate-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

"(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately-revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.".

FEINGOLD (AND OTHERS) AMENDMENT NO. 2224

Mr. FEINGOLD (for himself, Mr. KENNEDY, and Mr. HARKIN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title II, add the following:

SEC. . DISABILITY RESERVE FUND FOR FISCAL YEARS 1999-2003.

(a) IN GENERAL.—If legislation generates revenue increases or direct spending reductions to finance disability programs designed to allow persons with a disability to become employed and remain independent and to the extent that such increases or reductions are not included in this concurrent resolution on the budget, the appropriate budgetary levels, allocations, and limits may be adjusted (but by amounts not to exceed $2,000,000,000 for the period of fiscal years 1999 through 2003) if such adjustments do not cause an increase in the deficit in the resolution.

(b) ADJUSTMENT FOR BUDGET AUTHORITY.—After the reporting of legislation (the offering of an amendment thereto or conference report thereon) that reduces nondisability direct spending or increases revenue for a fiscal year or years, the Chairman of the Committee on the Budget shall submit appropriately revised allocations and aggregates by an amount that equals the amount such legislation reduces direct spending or increases revenues for a fiscal year or years.

(c) ESTABLISHING A RESERVE.—

(1) REVISIONS.—After the enactment of legislation described in subsection (a), the Chairman of the Committee on the Budget shall submit revisions to the appropriate allocations and aggregates by the amount that provisions in such legislation generates revenue increases or direct nondisability-related spending reductions.

(2) REVENUE INCREASES OR DIRECT SPENDING REDUCTIONS.—After the submission of revisions under paragraph (1), the Chairman of the Committee on the Budget shall also submit the amount of revenue increases or nondisability related direct spending reductions such legislation generates and the maximum amount available each year for adjustments pursuant to subsection (d).

(d) EFFECT OF REVISED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates submitted under subsection (c) shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(e) REPORTING REVISED SUBDIVISIONS.—The appropriate committee may report appropriately revised subdivisions of allocations pursuant to section 302 of the Congressional Budget Act of 1974 to carry out this section.

DEWINE AMENDMENT NO. 2225

Mr. DOMENICI (for Mr. DEWINE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) while it is important to study the effects of class size on learning and study the need to hire more teachers, each type of study must be carried out in conjunction with an effort to ensure that there will be quality teachers in every classroom;

(2) all children deserve well-educated teachers;

(3) there is a teacher quality crisis in the United States;

(4) individuals entering a classroom as teachers should have a sound grasp on the subject the individuals intend to teach, and the individuals should know how to teach;

(5) less than 40 percent of the individuals teaching core subjects (consisting of English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects;

(6) the quality of teachers impacts student achievement;

(7) the measure of a good teacher is how much and how well the teacher's students learn;

(8) teachers should have the opportunity to learn new technology and teaching methods through the establishment of teacher training facilities so that teachers can share their new knowledge and experiences with children in the classroom;

(9) school officials should have the flexibility the officials need to have teachers in their schools adequately trained to meet strenuous teacher standards;

(10) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter kindergarten through grade 12 classrooms as teachers; and

(11) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume—

(1) the enactment of legislation to provide assistance for programs that—

(A) focus on teacher training delivered through local partnerships, with private and public partners, to ensure that current and future teachers possess necessary teaching skills and knowledge of subject areas; and

(B) focus on alternative certification to recruit knowledgeable and eager individuals of sound character to enter kindergarten through grade 12 classrooms as teachers;

(2) that the quality of teachers can be strengthened by improving the academic knowledge of teachers in the subject areas in which the teachers teach;

(3) that institutions of higher education should be held accountable to prepare teachers who are highly competent in the subject areas in which the teachers teach, including preparing teachers by providing training in the effective uses of technologies in classrooms; and

(4) that there should be recruitment into teaching of high quality individuals, including individuals from other occupations.

ROCKEFELLER AMENDMENT NO. 2226

Mr. LAUTENBERG (for Mr. ROCKEFELLER) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

"$51,000,000,000.
(B) Outlays, $42,300,000,000.
Fiscal year 2000:
(A) New budget authority, $50,800,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2001:
(A) New budget authority, $50,100,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2002:
(A) New budget authority, $48,400,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2003:
(A) New budget authority, $48,000,000,000.
(B) Outlays, $42,900,000,000."

On page 25, line 8, strike "–$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

"$200,000,000.

(B) Outlays, –$1,400,000,000.

Fiscal year 2000:

(A) New budget authority, –$200,000,000.

(B) Outlays, –$3,600,000,000.

Fiscal year 2001:

(A) New budget authority, –$700,000,000.

(B) Outlays, –$1,000,000,000.

Fiscal year 2002:

(A) New budget authority, –$800,000,000.

(B) Outlays, –$4,000,000,000.

Fiscal year 2003:

(A) New budget authority, –$1,400,000,000.

(B) Outlays, –$1,000,000,000.

On page 31, line 24, strike subsection (6) in its entirety.

CONRAD AMENDMENT NO. 2227

Mr. LAUTENBERG (for Mr. CONRAD) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be revised for legislation that reserves the Federal share of receipts from tobacco legislation for the Medicare Hospital Insurance Trust Fund or the Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF N. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation shall not be taken into account.

BUMPERS (AND OTHERS) AMENDMENT NO. 2228

Mr. LAUTENBERG (for Mr. BUMPERS, for himself, Mr. GREGG, and Mr. FEINGOLD) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 3, line 10, increase the amount by $39,000,000.

On page 3, line 11, increase the amount by $66,000,000.

On page 3, line 12, increase the amount by $67,000,000.

On page 3, line 13, increase the amount by $69,000,000.

On page 3, line 14, increase the amount by $71,000,000.

On page 3, line 19, increase the amount by $39,000,000.

On page 4, line 1, increase the amount by $66,000,000.

On page 4, line 2, increase the amount by $67,000,000.

On page 4, line 3, increase the amount by $69,000,000.

On page 4, line 4, increase the amount by $71,000,000.

On page 4, line 19, increase the amount by $39,000,000.

On page 4, line 20, increase the amount by $66,000,000.

On page 4, line 21, increase the amount by $67,000,000.

On page 4, line 22, increase the amount by $69,000,000.

On page 4, line 23, increase the amount by $71,000,000.

On page 5, line 5, increase the amount by $39,000,000.

On page 5, line 6, increase the amount by $66,000,000.

On page 5, line 7, increase the amount by $67,000,000.

On page 5, line 8, increase the amount by $69,000,000.

On page 5, line 9, increase the amount by $71,000,000.

On page 16, line 9, increase the amount by $39,000,000.

On page 16, line 10, increase the amount by $39,000,000.

On page 16, line 13, increase the amount by $66,000,000.

On page 16, line 14, increase the amount by $66,000,000.

On page 16, line 17, increase the amount by $67,000,000.

On page 16, line 18, increase the amount by $67,000,000.

On page 16, line 21, increase the amount by $69,000,000.

On page 16, line 22, increase the amount by $69,000,000.

On page 16, line 25, increase the amount by $71,000,000.

On page 17, line 1, increase the amount by $71,000,000.

FEINSTEIN AMENDMENT NO. 2229

Mr. LAUTENBERG (for Mrs. FEINSTEIN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE ON EDUCATION GOALS.

It is the sense of the Senate that the functional totals underlying this resolution assume that the Federal Government should work hand-in-hand with States, school districts, and local leaders—

(1) to accomplish the following goals by the year 2005:

(A) establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of social promotion of students (promoting students routinely from one grade to the next without regard to their academic achievement);

(B) provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

(C) create smaller schools to enable students to have closer interaction with teachers;

(D) require at least 180 days per year of instruction in core curriculum subjects;

(E) recruit new teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards; and

(F) require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma; and

(2) to reaffirm the importance of public schooling and commit to guaranteeing excellence and accountability in the public schools of this nation.

KERRY AMENDMENT NO. 2230

Mr. LAUTENBERG (for Mr. KERRY) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike line 2 through line 17 and insert the following:

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be adjusted and allocations may be adjusted for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) (A) public health efforts to reduce the use of tobacco products by children, including youth tobacco control education and prevention programs, counter-advertising, research, and smoking cessation;

(B) transition assistance programs for tobacco farmers;

(C) increased funding for the Food and Drug Administration to protect children from the hazards of tobacco products;

(D) improving the availability, affordability and quality of child care;

(E) increased funding for education;

(F) increased funding for health research;

(G) reimbursements to States for tobacco-related health costs; or,

(H) expanding children's health insurance coverage; and,

"(2) savings for the Medicare Hospital Insurance Trust Fund or the Social Security Federal Old-Age, Survivors and Disability Insurance Trust Funds.

(b) REVISED AGGREGATES AND ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately-revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in the Federal share of receipts resulting from tobacco legislation and used to fund subsection (a)(2) shall not be taken into account.

WELLSTONE AMENDMENT NO. 2231

Mr. LAUTENBERG (for Mr. WELLSTONE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 53, after line 22, add the following:

SEC. 317. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the functional totals underlying this resolution assume that $159,116,000 in additional amounts above the President's budget levels will be made available for veterans health care for fiscal year 1999.

ROBB AMENDMENT NO. 2232

Mr. LAUTENBERG (for Mr. ROBB) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation which reserves the Federal share of receipts from tobacco legislation only for the Medical Hospital Insurance Trust Fund or for providing transition assistance to tobacco farmers.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to providing transition assistance to the tobacco farmers.

BIDEN AMENDMENT NO. 2233

Mr. LAUTENBERG (for Mr. BIDEN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

SEC. . A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT.

(a) FINDINGS.—The Senate finds that—

(1) our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of Federal assistance, state and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a murder rate in 1996 which is projected to be the lowest since 1971 and a violent crime total in 1990 which is the lowest since 1990;

(2) through a comprehensive effort to attack violence against women mounted by state and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995;

(3) recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

(4) the Violent Crime Reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996 without adding to the Federal budget deficit.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, shall be maintained and funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2003.

BOXER (AND OTHERS) AMENDMENT NO. 2234

Mr. LAUTENBERG (for Mrs. BOXER, for herself, Mr. SARBANES, and Mr. JOHNSON) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, beginning on line 5, after "Medicare Hospital Insurance Trust Fund," strike all through the end of line 17, and insert the following:

", or for health research, including funding for the National Institutes of Health (NIH).

"(b) REVISED BUDGETARY LEVELS AND LIMITS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may adjust all appropriate budgetary levels and limits, including aggregates and allocations, to carry out this section. These budgetary levels and limits shall be considered for the purposes of the Congressional Budget Act of 1974 as the budgetary levels and limits contained in this resolution.

"(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of Section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account, except the portion dedicated to health research, including the National Institutes of Health."

BINGAMAN (AND LIEBERMAN) AMENDMENT NO. 2235

Mr. LAUTENBERG (for Mr. BINGAMAN for himself and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON ANALYSIS OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"(a) FINDINGS.—The Senate finds the following:

"(1) The National Academy of Sciences, National Academy of Engineering, and Institute of Medicine have recommended, in their 1995 report, entitled 'Allocating Federal Funds for Science and Technology,' that the Federal science and technology budget 'be presented as a comprehensive whole in the President's budget and similarly considered as a whole at the beginning of the congressional budget process before the total federal budget is disaggregate and sent to the appropriations committees and subcommittees."

"(2) Civilian federal agencies are supporting more than $35 billion of research and development in fiscal year 1998, but it is difficult for the Congress and the public to track or understand this support because it is dispersed among 12 different budget functions.

"(3) A meaningful examination of the overall Federal budget for science and technology, consistent with the recommendation of the National Academies, as well as an examination of science and technology budgets in individual civilian agencies, would be facilitated if the President's budget request clearly displayed the amounts requested for science and technology programs across all civilian agencies and classified these amounts in Budget Function 250.

"(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congressional budget for the United States for fiscal year 2000, 2001, 2002, 2003, and 2004 should consolidate the spending for all federal civilian science and technology programs in Budget Function 250, and that the President should accordingly transmit to the Congress a budget request for fiscal year 2000 that classifies these programs, across all federal civilian departments and agencies, in Budget Function 250.".

BINGAMAN (AND OTHERS) AMENDMENT NO. 2236

Mr. LAUTENBERG (for Mr. BINGAMAN for himself, Mr. GRAMM and Mr. LIEBERMAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

"SEC. . SENSE OF THE SENATE ON CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

"It is the sense of the Senate that the assumptions underlying the function totals in this budget resolution assume that expenditures for civilian science and technology programs in the Federal budget will double over the period from fiscal year 1998 to fiscal year 2008."

KERREY (AND OTHERS) AMENDMENT NO. 2237

Mr. LAUTENBERG (for Mr. KERREY, for himself, Mr. CHAFEE, Mr. BREAUX, Ms. COLLINS, Mr. KOHL, Mr. THOMPSON, Mr. BRYAN, Mr. ROBB, Mrs. FEINSTEIN, and Mr. BENNETT) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON LONG-TERM BUDGETING AND REPAYMENT OF THE PUBLIC DEBT.

(a) FINDINGS.—The Senate finds that—

(1) today, there are 34,000,000 Americans over the age of 65, and by the year 2030, that number will grow to nearly 70,000,000;

(2) in 1963, mandatory spending represented 30 percent of the Federal budget, while discretionary spending made up 70 percent, and by 1998, those proportions have almost completely reversed, in that mandatory spending now accounts for 68 percent of the Federal budget, while discretionary spending represents 32 percent;

(3) according to the 1997 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance (OASDI) Trust Fund—

(A) the difference between the income and benefits for the OASDI program is a deficit of 2.23 percent of taxable payroll;

(B) the assets in the Trust Fund are expected to be depleted under present law in the year 2029;

(C) by the time the assets in the Trust Fund are depleted, annual tax revenues will be sufficient to cover only three-fourths of the annual expenditures;

(D) intermediate estimates are that OASDI will absorb nearly 17.5 percent of national payroll by the year 2030; and

(E) the cost of the OASDI program is estimated to rise from its current level of 4.7 percent of Gross Domestic Product to 6.7 percent by the end of the 75-year projection period;

(4) according to reports by the Congressional Budget Office, the Economic and Budget Outlook: Fiscal Years 1999-2008 (January 1998) and Reducing the Deficit: Spending and Revenue Options (March 1997)—

(A) the Medicare Part A Trust Fund will be exhausted early in fiscal year 2010;

(B) enrollment in Medicare will increase dramatically as the baby boomers reach age 65;

(C) between the years 2010 and 2030, enrollment in Medicare is projected to grow by 2.4 percent per year, up from the 1.4 percent average annual growth projected through 2007;

(D) by the year 2030, Medicare enrollment will have doubled, to 75,000,000 people; and

(E) the increase in Medicare enrollment caused by the aging of the population will be accompanied by a tapering of the growth rate of the working age population, and the number of workers will drop from 3.8 for every Medicare beneficiary in 1997 to 2.02 per beneficiary by 2030;

(5) the demographic shift that is currently taking place, and will continue for the next 30 years, will put a tremendous burden on workers as the cost of programs such as Social Security and Medicare are borne by proportionately fewer workers;

(6) the current Budget Resolution, which projects revenues and spending only for the next 10 years, does not give Congress a clear picture of the budget problems that confront the United States shortly after the turn of the century;

(7) currently, 14 percent of the Federal budget is spent on interest payments on the national debt; and

(8) if projected surpluses are used entirely for debt reduction and current tax and spending policies remain unchanged, the share of Federal income needed to pay interest would drop below 5 percent within 12 years, and in 1997, that 10 percentage-point reduction would have amounted to $158,000,000,000 available for other priorities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution assume that future budget resolutions and future budgets submitted by the President should include—

(1) an analysis for the period of 30 fiscal years beginning with such fiscal year, of the estimated levels of total budget outlays and total new budget authority, the estimated revenues to be received, the estimated surplus or deficit, if any, for each major Federal entitlement program for each fiscal year in such period; and

(2) a specific accounting of payments, if any, made to reduce the public debt, or unfunded liabilities associated with each major Federal entitlement program.

MOSELEY-BRAUN AMENDMENTS NOS. 2238–2240

Mr. LAUTENBERG (for Ms. MOSELEY-BRAUN) proposed three amendments to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

AMENDMENT NO. 2238

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING LEGISLATION THAT INCREASES COMPLEXITY OF TAX RETURNS.

(a) FINDINGS.—The Senate finds the following:

(1) As part of the consideration by the Senate of tax cuts for the families of America, the Senate should also examine the condition of the Internal Revenue Code of 1986.

(2) According to the Congressional Research Service, the Revenue Reconciliation Act of 1997 added 1,000,000 words and 315 pages to the Internal Revenue Code.

(3) The Internal Revenue Code continues to grow more complex and difficult for the average taxpayer to understand, and the average tax return has become more time-consuming to prepare.

(4) The average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year.

(5) The average taxpayer spends between 21 and 28 hours each year on tax matters.

(6) In 1995, 58,965,000 of the 118,218,327 tax returns that were filed, almost 50 percent, were filed by taxpayers who utilized the help of paid tax preparers.

(7) The average taxpayer spends $72 each year for tax preparation.

(8) The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours per year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the Senate should give priority to tax proposals that simplify the tax code and reject proposals that add greater complexity in the tax code and increase compliance costs for the taxpayer.

AMENDMENT NO. 2239

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING PRESIDENT'S BUDGET.

It is the sense of the Senate that the budgetary levels in this resolution assume that the President should submit, as part of the budget request of the President that is submitted to Congress, a study of the impact of the provisions of the budget on each generation of Americans and its long-term effects on each generation.

AMENDMENT NO. 2240

At the end of title III, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The social security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, social security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, social security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the social security system.

(4) 78 percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the social security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of a working career.

(7) Future generations of Americans must be guaranteed the same value from the social security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that no change in the social security system should be made that would reduce the value of the social security system for future generations of retirees.

DURBIN (AND CHAFEE) AMENDMENT NO. 2241

Mr. LAUTENBERG (for Mr. DURBIN, for himself and Mr. CHAFEE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, insert the following:

SEC. . FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the medicare program deserve to know that such program will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they have the right to choose their physicians, and that no change should be made to the medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

DORGAN AMENDMENT NO. 2242

Mr. LAUTENBERG (for Mr. DORGAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place in the resolution, insert the following:

SEC. . SENSE OF THE SENATE ON SOCIAL SECURITY SOLVENCY.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security system provides benefits to 44,000,000 Americans, including 27,300,000 retirees, over 4,500,000 people with disabilities, 3,800,000 surviving children, and 8,400,000 surviving adults, and is essential to the dignity and security of the Nation's elderly and disabled.

(2) the Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds have reported to Congress that the "total income" of the Social Security system "is estimated to fall short of expenditures beginning in 2019 and in each year thereafter . . . until [trust fund] assets are exhausted in 2029";

(3) intergenerational fairness, honest accounting principles, prudent budgeting, and sound economic policy all require saving Social Security first, in order that the Nation may better afford the retirement of the baby boom generation beginning in 2010;

(4) in reforming Social Security in 1983, Congress intended that near-term Social Security trust fund surpluses be used to prefund the retirement of the baby boom generation;

(5) in his State of the Union message to the joint session of Congress on January 27, 1998, President Clinton called on Congress to "save Social Security first" and to "reserve one hundred percent of the surplus, that is any penny of any surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century";

(6) the nation will engage in a national dialogue during 1998 on the future of Social Security, which will include 4 regional conferences organized by the Concord Coalition and the American Association of Retired Persons, a White House summit on private retirement savings in July, and a White House Conference on Social Security in December; and

(7) saving Social Security first would work to expand national savings, reduce interest rates, enhance private investment, increase labor productivity, and boost economic growth.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that:

(1) Congress should save Social Security first by reserving any unified budget surplus until legislation is enacted to make Social Security actuarially sound and capable of paying future retirees the benefits to which they are entitled;

(2) enactment of such legislation will require a broad base of public support that should be developed during 1998 through a national bipartisan discussion of alternative approaches to ensuring Social Security solvency; and

(3) since that discussion has just begun, Congress should not act now to foreclose policy options that could help ensure Social Security solvency.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 2243

Mr. LAUTENBERG (for himself, Mr. LOTT, Mr. BIDEN, Mr. ROTH, and Mr. TORRICELLI) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING AMTRAK FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) on November 13, 1997 the Senate unanimously passed the Amtrak Reform and Accountability Act of 1997, P.L. 105–134, authorizing appropriations of $1,058,000,000 for FY99; $1,023,000,000 for FY00, $989,000,000 for FY01; and $955,000,000 for FY02, totaling $4.025 billion FY99–02;

(2) in P.L. 105–134 the Congress declared that "intercity rail passenger service is an essential component of a national intermodal passenger transportation system";

(3) section 201 of the Amtrak Reform and Accountability Act of 1997 has now statutorily formalized prior Congressional directives to Amtrak to reach operating self-sufficiency by fiscal year 2002;

(4) the Congress and the President, through enactment of this legislation, have effectively agreed that Congress will provide adequate funding to permit Amtrak to achieve the goal of operating self-sufficiency;

(5) capital investment is critical to reducing operating costs and increasing the quality of Amtrak service;

(6) capital investment is essential to improving Amtrak's long-term financial health;

(7) the $2.2 billion provided to Amtrak through the Taxpayer Relief Act is for the sole purpose of capital expenditures and other qualified expenses and is intended to supplement, not supplant, annual appropriations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that Congress and the Administration will fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five fiscal years for Amtrak to implement its FY 1998–FY 2003 Strategic Business Plan, while preserving the integrity of the $2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment.

DASCHLE AMENDMENT NO. 2244

Mr. LAUTENBERG (for Mr. DASCHLE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1999.

(a) DECLARATION.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1999 including the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003 as required by section 301 of the Congressional Budget Act of 1974 and revising the budgetary levels for fiscal year 1998 set forth in the concurrent resolution on the budget for fiscal year 1998 as authorized by section 304 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1999.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social security.

Sec. 103. Major functional categories.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Deficit-neutral reserve fund in the Senate for President's initiatives.

Sec. 202. Exercise of rulemaking powers.

TITLE III—SENSE OF CONGRESS AND THE SENATE

Sec. 301. Sense of the Senate on saving Social Security first.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1999, 2000, 2001, 2002 and 2003.

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1999: $1,312,500,000,000.
Fiscal year 2000: $1,341,000,000,000.
Fiscal year 2001: $1,386,300,000,000.
Fiscal year 2002: $1,449,900,000,000.
Fiscal year 2003: $1,505,000,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1999: $12,252,000,000.
Fiscal year 2000: $15,257,000,000.
Fiscal year 2001: $16,838,000,000.
Fiscal year 2002: $18,005,000,000.
Fiscal year 2003: $18,166,000,000.

(C) The amounts of Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1999: $123,900,000,000.
Fiscal year 2000: $129,700,000,000.
Fiscal year 2001: $135,300,000,000.
Fiscal year 2002: $141,400,000,000.
Fiscal year 2003: $148,100,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1999: $1,441,900,000,000.
Fiscal year 2000: $1,484,400,000,000.
Fiscal year 2001: $1,525,900,000,000.
Fiscal year 2002: $1,557,200,000,000.
Fiscal year 2003: $1,636,600,000,000.

(3) BUDGET OUTLAY.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1999: $1,420,500,000,000.
Fiscal year 2000: $1,465,300,000,000.
Fiscal year 2001: $1,506,400,000,000.
Fiscal year 2002: $1,524,800,000,000.
Fiscal year 2003: $1,601,700,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1999: $108,000,000,000.
Fiscal year 2000: $124,300,000,000.
Fiscal year 2001: $120,100,000,000.
Fiscal year 2002: $74,900,000,000.
Fiscal year 2003: $96,700,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1999: $5,667,800,000,000.
Fiscal year 2000: $5,870,200,000,000.
Fiscal year 2001: $6,067,500,000,000.
Fiscal year 2002: $6,224,300,000,000.
Fiscal year 2003: $6,400,900,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $438,200,000,000.
Fiscal year 2000: $457,800,000,000.
Fiscal year 2001: $477,100,000,000.
Fiscal year 2002: $497,900,000,000.
Fiscal year 2003: $520,700,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1999: $212,600,000,000.
Fiscal year 2000: $331,600,000,000.
Fiscal year 2001: $344,100,000,000.
Fiscal year 2002: $355,700,000,000.
Fiscal year 2003: $369,400,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1999 through 2003 for each major functional category are:

(1) National Defense (050):
Fiscal year 1999:
(A) New budget authority, $270,500,000,000.
(B) Outlays, $265,500,000,000.
Fiscal year 2000:
(A) New budget authority, $274,300,000,000.
(B) Outlays, $268,000,000,000.
Fiscal year 2001:
(A) New budget authority, $280,800,000,000.
(B) Outlays, $269,700,000,000.
Fiscal year 2002:
(A) New budget authority, $288,600,000,000.
(B) Outlays, $272,100,000,000.
Fiscal year 2003:
(A) New budget authority, $296,800,000,000.
(B) Outlays, $279,800,000,000.

(2) International Affairs (150):
Fiscal year 1999:
(A) New budget authority, $15,400,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2000:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $15,000,000,000.
Fiscal year 2001:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $14,900,000,000.
Fiscal year 2002:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $14,700,000,000.
Fiscal year 2003:
(A) New budget authority, $15,700,000,000.
(B) Outlays, $14,700,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1999:
(A) New budget authority, $18,600,000,000.
(B) Outlays, $17,900,000,000.
Fiscal year 2000:
(A) New budget authority, $18,500,000,000.
(B) Outlays, $18,200,000,000.
Fiscal year 2001:
(A) New budget authority, $17,900,000,000.
(B) Outlays, $17,800,000,000.
Fiscal year 2002:
(A) New budget authority, $15,800,000,000.
(B) Outlays, $15,600,000,000.
Fiscal year 2003:
(A) New budget authority, $15,400,000,000.
(B) Outlays, $14,800,000,000.

(4) Energy (270):
Fiscal year 1999:
(A) New budget authority, $1,400,000,000.
(B) Outlays, $600,000,000.
Fiscal year 2000:
(A) New budget authority, $1,100,000,000.
(B) Outlays, $500,000,000.
Fiscal year 2001:
(A) New budget authority, $700,000,000.
(B) Outlays, $0.
Fiscal year 2002:
(A) New budget authority, $600,000,000.
(B) Outlays, −$200,000,000.
Fiscal year 2003:
(A) New budget authority, $600,000,000.
(B) Outlays, −$300,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 1999:
(A) New budget authority, $23,600,000,000.
(B) Outlays, $23,600,000,000.
Fiscal year 2000:
(A) New budget authority, $23,000,000,000.
(B) Outlays, $23,900,000,000.
Fiscal year 2001:
(A) New budget authority, $22,400,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2002:
(A) New budget authority, $22,200,000,000.
(B) Outlays, $22,600,000,000.
Fiscal year 2003:
(A) New budget authority, $22,500,000,000.
(B) Outlays, $22,400,000,000.

(6) Agriculture (350):
Fiscal year 1999:
(A) New budget authority, $12,100,000,000.
(B) Outlays, $10,600,000,000.
Fiscal year 2000:
(A) New budget authority, $11,700,000,000.
(B) Outlays, $10,000,000,000.
Fiscal year 2001:
(A) New budget authority, $10,400,000,000.
(B) Outlays, $8,700,000,000.
Fiscal year 2002:
(A) New budget authority, $10,200,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2003:
(A) New budget authority, $10,300,000,000.
(B) Outlays, $8,800,000,000.

(7) Commerce and Housing Credit (370):
Fiscal year 1999:
(A) New budget authority, $4,300,000,000.
(B) Outlays, $3,100,000,000.
Fiscal year 2000:
(A) New budget authority, $15,300,000,000.
(B) Outlays, $9,900,000,000.
Fiscal year 2001:
(A) New budget authority, $15,300,000,000.
(B) Outlays, $10,800,000,000.
Fiscal year 2002:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $11,600,000,000.
Fiscal year 2003:
(A) New budget authority, $15,000,000,000.
(B) Outlays, $11,500,000,000.

(8) Transportation (400):
Fiscal year 1999:
(A) New budget authority, $52,100,000,000.
(B) Outlays, $44,600,000,000.
Fiscal year 2000:
(A) New budget authority, $52,700,000,000.
(B) Outlays, $47,400,000,000.
Fiscal year 2001:
(A) New budget authority, $53,300,000,000.
(B) Outlays, $48,500,000,000.
Fiscal year 2002:
(A) New budget authority, $53,300,000,000.
(B) Outlays, $48,300,000,000.
Fiscal year 2003:
(A) New budget authority, $54,600,000,000.
(B) Outlays, $49,100,000,000.

(9) Community and Regional Development (450):
Fiscal year 1999:
(A) New budget authority, $9,800,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2000:
(A) New budget authority, $8,600,000,000.
(B) Outlays, $9,900,000,000.
Fiscal year 2001:
(A) New budget authority, $8,300,000,000.
(B) Outlays, $9,400,000,000.
Fiscal year 2002:
(A) New budget authority, $8,100,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2003:
(A) New budget authority, $8,200,000,000.
(B) Outlays, $8,300,000,000.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1999:
(A) New budget authority, $66,400,000,000.
(B) Outlays, $61,700,000,000.
Fiscal year 2000:
(A) New budget authority, $66,100,000,000.
(B) Outlays, $64,900,000,000.
Fiscal year 2001:
(A) New budget authority, $67,300,000,000.
(B) Outlays, $66,600,000,000.
Fiscal year 2002:
(A) New budget authority, $67,200,000,000.
(B) Outlays, $66,400,000,000.
Fiscal year 2003:
(A) New budget authority, $69,400,000,000.
(B) Outlays, $68,700,000,000.

(11) Health (550):
Fiscal year 1999:
(A) New budget authority, $146,300,000,000.
(B) Outlays, $143,700,000,000.
Fiscal year 2000:
(A) New budget authority, $153,400,000,000.
(B) Outlays, $151,600,000,000.
Fiscal year 2001:
(A) New budget authority, $162,200,000,000.
(B) Outlays, $160,500,000,000.
Fiscal year 2002:
(A) New budget authority, $170,400,000,000.
(B) Outlays, $169,500,000,000.
Fiscal year 2003:
(A) New budget authority, $183,100,000,000.
(B) Outlays, $181,200,000,000.

(12) Medicare (570):
Fiscal year 1999:
(A) New budget authority, $210,300,000,000.
(B) Outlays, $210,900,000,000.
Fiscal year 2000:
(A) New budget authority, $221,900,000,000.
(B) Outlays, $221,100,000,000.
Fiscal year 2001:
(A) New budget authority, $239,500,000,000.
(B) Outlays, $242,300,000,000.
Fiscal year 2002:
(A) New budget authority, $251,300,000,000.
(B) Outlays, $248,900,000,000.
Fiscal year 2003:
(A) New budget authority, $273,500,000,000.
(B) Outlays, $273,700,000,000.

(13) Income Security (600):
Fiscal year 1999:
(A) New budget authority, $245,400,000,000.
(B) Outlays, $248,500,000,000.
Fiscal year 2000:
(A) New budget authority, $259,900,000,000.
(B) Outlays, $261,000,000,000.
Fiscal year 2001:
(A) New budget authority, $271,200,000,000.
(B) Outlays, $272,200,000,000.
Fiscal year 2002:
(A) New budget authority, $281,600,000,000.
(B) Outlays, $281,900,000,000.
Fiscal year 2003:
(A) New budget authority, $292,800,000,000.
(B) Outlays, $291,400,000,000.

(14) Social Security (650):
Fiscal year 1999:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,800,000,000.
Fiscal year 2000:
(A) New budget authority, $13,100,000,000.
(B) Outlays, $13,200,000,000.
Fiscal year 2001:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,500,000,000.
Fiscal year 2002:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $14,400,000,000.
Fiscal year 2003:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $15,200,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 1999:

(A) New budget authority, $43,100,000,000.

(B) Outlays, $43,400,000,000.

Fiscal year 2000:

(A) New budget authority, $44,100,000,000.

(B) Outlays, $44,200,000,000.

Fiscal year 2001:

(A) New budget authority, $45,500,000,000.

(B) Outlays, $45,600,000,000.

Fiscal year 2002:

(A) New budget authority, $46,800,000,000.

(B) Outlays, $46,900,000,000.

Fiscal year 2003:

(A) New budget authority, $49,500,000,000.

(B) Outlays, $49,500,000,000

(16) Administration of Justice (750):

Fiscal year 1999:

(A) New budget authority, $26,400,000,000.

(B) Outlays, $24,900,000,000.

Fiscal year 2000:

(A) New budget authority, $25,000,000,000.

(B) Outlays, $25,900,000,000.

Fiscal year 2001:

(A) New budget authority, $24,700,000,000.

(B) Outlays, $25,700,000,000.

Fiscal year 2002:

(A) New budget authority, $24,600,000,000.

(B) Outlays, $25,100,000,000.

Fiscal year 2003:

(A) New budget authority, $25,000,000,000.

(B) Outlays, $24,800,000,000.

(17) General Government (800):

Fiscal year 1999:

(A) New budget authority, $20,700,000,000.

(B) Outlays, $20,100,000,000.

Fiscal year 2000:

(A) New budget authority, $16,100,000,000.

(B) Outlays, $16,200,000,000.

Fiscal year 2001:

(A) New budget authority, $15,100,000,000.

(B) Outlays, $14,700,000,000.

Fiscal year 2002:

(A) New budget authority, $14,000,000,000.

(B) Outlays, $13,200,000,000.

Fiscal year 2003:

(A) New budget authority, $21,700,000,000.

(B) Outlays, $20,700,000,000.

(18) Net Interest (900):

Fiscal year 1999:

(A) New budget authority, $300,000,000,000.

(B) Outlays, $300,000,000,000.

Fiscal year 2000:

(A) New budget authority, $301,500,000,000.

(B) Outlays, $301,500,000,000.

Fiscal year 2001:

(A) New budget authority, $301,800,000,000.

(B) Outlays, $301,800,000,000.

Fiscal year 2002:.

(A) New budget authority, $302,100,000,000.

(B) Outlays, $302,100,000,000.

Fiscal year 2003:

(A) New budget authority, $304,300,000,000.

(B) Outlays, $304,300,000,000.

(19) Allowances (902):

Fiscal year 1999:

(A) New budget authority, −$700,000,000.

(B) Outlays, −$600,000,000.

Fiscal year 2000:

(A) New budget authority, −$700,000,000.

(B) Outlays, −$700,000,000.

Fiscal year 2001:

(A) New budget authority, −$800,000,000.

(B) Outlays, −$800,000,000.

Fiscal year 2002:

(A) New budget authority, −$800,000,000.

(B) Outlays, −$800,000,000.

Fiscal year 2003:

(A) New budget authority, −$1,300,000,000.

(B) Outlays, −$1,200,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1999:

(A) New budget authority, −$36,300,000,000.

(B) Outlays, −$36,300,000,000.

Fiscal year 2000:

(A) New budget authority, −$36,400,000,000.

(B) Outlays, −$36,400,000,000.

Fiscal year 2001:

(A) New budget authority, −$37,900,000,000.

(B) Outlays, −$37,900,000,000.

Fiscal year 2002:

(A) New budget authority, −$44,500,000,000.

(B) Outlays, −$44,500,000,000.

Fiscal year 2003:

(A) New budget authority, −$35,700,000,000.

(B) Outlays, −$35,700,000,000.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. DEFICIT-NEUTRAL RESERVE FUND IN THE SENATE FOR PRESIDENT'S INITIATIVES.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates and other appropriate budgetary levels and limits may be adjusted and allocations may be revised for legislation that generates revenues, in which the purpose of the increase in revenues is to reduce smoking by teenagers and children, and for legislation to fund the President's "Funds for America" initiatives, provided that the legislation which changes revenues or spending does not cause an increase in the deficit for—

(1) fiscal year 1999;

(2) the period of fiscal year 1999 through 2003; or

(3) the period of fiscal years 2004–2009.

(b) REVISED ALLOCATIONS.—

(1) ADJUSTMENTS FOR LEGISLATION.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels, and aggregates contained in this resolution.

(2) ADJUSTMENTS FOR AMENDMENTS.—If the Chairman of the Committee on the Budget of the Senate submits an adjustment under this section for legislation in furtherance of the purpose described in subsection (a) upon the offering of an amendment to that legislation that would necessitate such submission, the Chairman shall submit to the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. These revised allocations, functional levels, and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations, functional levels and aggregates contained in this resolution.

(c) REPORTING REVISED ALLOCATIONS.—The appropriate committees shall report appropriately revised allocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this section.

SEC. 202. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS AND THE SENATE

SEC. 301. SENSE OF THE SENATE ON SAVING SOCIAL SECURITY FIRST.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security program, created in 1935 to provide old-age, survivors, and disability insurance benefits, is one of the most successful and important social insurance programs in the United States, and has played an essential role in reducing poverty among seniors;

(2) the Social Security system will face significant pressures when the baby boom generation retires, which could threaten the long-term viability of the program;

(3) Congress needs to act promptly to ensure that Social Security benefits will be available when today's younger Americans retire;

(4) under current budget law, the Federal budget is still in deficit;

(5) to the extent that a budget surplus may someday materialize in the future, current budget law and rules that were established to ensure fiscal discipline, including caps on discretionary spending and the pay-as-you-go system (which requires that all new tax breaks and mandatory spending be fully offset) would prevent Congress from using any projected budget surplus; and

(6) President Clinton has called on Congress to save Social Security first by taking action to reform and strengthen the Social Security system, and by holding in reserve any projected budget surpluses that may materialize in the future rather than using them for new spending or tax breaks, while Congress and the Administration work toward a long-term solution for the challenges facing Social Security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this resolution assume that, to the extent that any budget surplus is realized in the future, that surplus should not be decreased for any purpose other than reducing the national debt, while Congress and the Administration work together to ensure that Social Security is financially sound over the long term and that it will be available for future generations.

TORRICELLI AMENDMENTS NOS. 2245–2246

Mr. LAUTENBERG (for Mr. TORRICELLI) proposed two amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2245

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104–333 (16 U.S.C. 1a–5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the

Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

AMENDMENT NO. 2246

On page 53, after line 22, add the following:

SEC. 3 . SENSE OF THE SENATE ON THE LAND AND WATER CONSERVATION FUND.

It is the sense of the Senate that the budget levels in this resolution assume that programs funded from the Land and Water Conservation Fund should be funded in the full amount authorized by law.

MOYNIHAN AMENDMENT NO. 2247

Mr. LAUTENBERG (for Mr. MOYNIHAN) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

SEC. . SENSE OF THE SENATE OF THE FUTURE OF SOCIAL SOCIAL SECURITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Public confidence in the long-term viability of the Social Security System is low, with opinion polls repeatedly indicating that a majority of non-retired young adults do not believe they will receive Social Security when they retire;

(2) In the year 2012, outlays for Old Age Survivors and Disability Insurance will exceed its tax revenues;

(3) Early action by the Congress is needed in order to strengthen public confidence in Social Security and address the long-run actuarial deficit of the program;

(b) Sense of the Senate—It is the Sense of the Senate that:

(1) the Committee on Finance should at the earliest possible date hold hearings on and begin consideration of legislation to preserve the Social Security program and ensure its long-run solvency; and that no policy options, affecting either revenues, outlays, or the manner of investment of funds, should be excluded from consideration.

BOND AMENDMENT NO. 2248

Mr. DOMENICI (for Mr. BOND) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place insert:

It is the Sense of the Senate that the provisions of this resolution assume that included in the funding for the Immigration and Naturalization Service (INS) is $2 million dollars for the establishment of INS circuit rides in the former Soviet Union for the purpose of processing refugees and conducting medical examinations of refugees who will enter the United States under the Refugee Act of 1980.

ABRAHAM AMENDMENT NO. 2249

Mr. DOMENICI (for Mr. ABRAHAM) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

SEC. . SENSE OF CONGRESS REGARDING BUDGET ACT REFORMS.

It is the sense of the Congress that the provisions of this resolution assume that The Budget Control Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 should be amended to facilitate the use of future unified budget surpluses to strengthen and reform Social Security, reform the tax code, and reduce the tax burden on middle-class families, including:

(1) Eliminating Paygo rules with regard to revenue reductions while the unified budget is in surplus; and

(2) Striking points of order against reducing the Social Security payroll tax.

THURMOND (AND OTHERS) AMENDMENT NO. 2250

Mr. DOMENICI (for Mr. THURMOND, for himself, Ms. SNOWE, and Ms. COLLINS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 43, strike line 4 through line 17 and insert the following:

(a) FINDINGS.—The Senate finds that—

(1) Our Nation is not financially prepared to meet the long-term care needs of its rapidly aging population and that long-term care needs threaten the financial security of American families; and

(2) Many people are unaware that most long-term care costs are not covered by Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this concurrent resolution on the budget assumes that the National Bipartisan Commission on the Future of Medicare should, as part of its deliberations, describe long-term care needs and make all appropriate recommendations including private sector options that reflect the need for a continuum of care that spans from acute to long-term care. This is not a specific recommendation that any new program be added to Medicare;

(2) the Federal Government should take all appropriate steps to inform the public about the financial risks posed by long-term care costs and about the need for families to plan for their long-term care needs;

(3) the Federal Government should take all appropriate steps to inform the public that Medicare does not cover most long-term care costs and that Medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(4) the appropriate committees of the Senate, together with the Department of Health and Human Services and other appropriate Executive Branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the upcoming National Summit on Retirement Income Savings should ensure that planning for long-term care is an integral part of any discussion of retirement security.

FAIRCLOTH (AND OTHERS) AMENDMENT NO. 2251

Mr. DOMENICI (for Mr. FAIRCLOTH, for himself, Mr. DOMENICI, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. INHOFE, Mr. GRAMM, Mr. THURMOND, and Mr. KEMPTHORNE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING THE ELIMINATION OF THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and the key institution preserving our values;

(2) The tax code should not penalize those who choose to marry;

(3) However, the Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system;

(4) The Congressional Budget Office found that the average penalty amounts to $1380 a year;

(5) This penalty is one of the factors behind the decline of marriage.

(6) In 1970, just 0.5 percent of the couples in the United States were unmarried. By 1996, this percentage had risen to 7.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this budget resolution assume that the Congress shall begin to phase out the marriage penalty this year.

SESSIONS (AND OTHERS) AMENDMENT NO. 2252

Mr. DOMENICI (for Mr. SESSIONS, for himself, Mr. SHELBY, Mr. COVERDELL, Mr. HELMS, Mr. INHOFE, Mr. ASHCROFT, Mr. ENZI, and Mr. THURMOND) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE REGARDING DISPLAY OF TEN COMMANDMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

(2) the Ten Commandments set forth a code of moral conduct, observance of which is acknowledged to promote respect for our system of laws and the good of society.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume that—

(1) the Ten Commandants are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in the Supreme Court, the Capitol building, the White House, and other government offices and courthouses across the nation, of the Ten Commandments should be permitted.

STEVENS (AND OTHERS) AMENDMENT NO. 2253

Mr. DOMENICI (for Mr. STEVENS, for himself, Mr. LOTT, Mr. DOMENICI, Mr. THURMOND, and Mr. INOUYE) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

In the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Balanced Budget Act of 1997 created a new era for federal spending and forced the Department of Defense to plan on limited spending over the five year period from fiscal year 1998 through 2002.

(2) The agreements forged under the Balanced Budget Act of 1997 specifically defined the available amounts of budget authority and outlays, requiring the Department of Defense to properly plan its future activities in the new, constrained budget environment.

(3) The Department of Defense worked with the Office of Management and Budget to develop a fiscal year 1999 budget which complies with the Balanced Budget Act of 1997.

(4) Based on Department of Defense program plans and policy changes, the Office of Management and Budget and the Department of Defense made detailed estimates of fiscal year 1999 Department of Defense outlay rates to ensure that the budget submitted would comply with the Balanced Budget Act of 1997.

(5) The Congressional Budget Office outlay estimate of the fiscal year 1999 Department of Defense budget request exceeds both the outlay limit imposed by the Balanced Budget Act of 1997 and the Office of Management and Budget's outlay estimate, a disagreement which would force a total restructuring of the Department of Defense's fiscal year 1999 budget.

(6) The restructuring imposed on the Department of Defense would have a devastating impact on readiness, troop morale, military quality of life, and ongoing procurement and development programs.

(7) The restructuring of the budget would be driven solely by differing statistical estimate made by capable parties.

(8) In a letter dated March 31, 1998, the Director of the Office of Management and Budget identified multiple differences between the Office of Management and Budget's estimated outlay rates and the Congressional Budget Office's estimated outlay rates.

(9) New information on Department of Defense policy changes and program execution plans now permit the Office of Management and Budget and the Congressional Budget Office to reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that not later than April 22, 1998, the Director of the Office of Management and Budget, and Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for Department of Defense accounts.

SPECTER AMENDMENTS NOS. 2254–2256

Mr. DOMENICI (for Mr. SPECTER) proposed three amendments to the concurrent resolution, S. Con. Res. 86, supra; as follows:

AMENDMENT NO. 2254

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts from tobacco legislation for—

(1) tobacco-related programs and activities, including extending the solvency of the Medicare Hospital Insurance Trust Fund; and

(2) not less than $2,000,000,000 for biomedical research in fiscal year 1999 and other public health research.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

AMENDMENT NO. 2255

On page 28, line 17, after the material that appears on line 17, insert the following:

"(d) VETERANS.—

"(1) Notwithstanding any other provision of this section, upon the consideration of legislation pursuant to section (a), the Chairman of the Budget Committee may increase the appropriate budget authority and outlay aggregates and allocations by the amount such legislation increases spending for post-service smoking related Veterans compensation benefits.

"(2) The adjustments made pursuant to this subsection shall not exceed $500,000,000 for fiscal year 1999 and $10,500,000 for fiscal years 1999 through 2003.

AMENDMENT NO. 2256

On page 28, line 17, after the material that appears on line 17, insert the following:

(d) Notwithstanding any other provision of this section, $500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal year 1999 and additional outlays for fiscal year 1999; and $10,500,000,000 in receipts from tobacco legislation shall be reserved for purposes of section 204(a) in function 920, Allowances, as additional new budget authority for fiscal years 1999–2003, and additional outlays for fiscal years 1999–2003.

On page 31, line 24, strike subsection (6) in its entirety.

NICKLES AMENDMENT NO. 2257

Mr. DOMENICI (for Mr. NICKLES) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON PRECATORY AMENDMENTS.

In setting forth the budget authority and outlay amounts in this resolution, the Senate assumes that the Senate of the United States instructs the Senate Parliamentarian to interpret Section 305(b)(2) of the Congressional Budget Act of 1974 as amended by inserting after the second sentence the following: "For purposes of the preceding sentence an amendment is not germane if it states precatory language."; and that precatory includes, in the context of Senate consideration of any budget resolution, amendments which reference the budget resolution's assumptions regarding budgetary levels; federal revenues; Federal Insurance Contributions Act revenues for hospital insurance; budget authority; budget outlays; deficits; public debt; social security revenues, and outlays; loan obligations; loan guarantees; allowances; undistributed, and distributed, offsetting receipts; reconciliation; reserve funds; allocations; revenue, spending, and revised aggregates; offsets; appropriations; mandatory spending; entitlements; and any other term or definition employed, under the Budget Act, in a budget resolution.

FRIST AMENDMENT NO. 2258

Mr. DOMENICI (for Mr. FRIST) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE REGARDING FUNDING FOR THE AIRPORT IMPROVEMENT PROGRAM.

It is the sense of the Senate that the congressional budget for the United States Government as provided for in this resolution should assure that—

(1) the contract authority level for the Airport Improvement Program (provided for in part B of subtitle VII of title 49, United States Code) not be reduced below the current level of $2,347,000,000; and

(2) the critical infrastructure development, maintenance, and repair of airports not be jeopardized.

MCCONNELL AMENDMENT NO. 2259

Mr. DOMENICI (for Mr. MCCONNELL) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON PAYMENT OF COSTS OF LITIGATION.

(a) FINDINGS.—The Congress finds that—

(1) the President's Task Force on National Health Care Reform, convened by President Clinton in 1993, was charged with calling together officials of the Federal Government and others to debate critical health issues of concern to the American public;

(2) the Task Force convened behind closed doors and inappropriately included individuals who were not employees of the Federal Government;

(3) United States District Judge Royce C. Lamberth ruled in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., that representatives of the administration engaged in "dishonest" and "reprehensible" conduct in characterizing the membership of the Task Force;

(4) Judge Royce C. Lamberth on the basis of such conduct ruled against the defendants and ordered them to pay $285,864.78 in attorneys' fees, costs, and sanctions for the plaintiffs; and

(5) American taxpayers should not be held responsible for the inappropriate and dishonest conduct of Federal Government officials and lawyers involved with the Task Force.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the functional totals in this concurrent resolution on the budget assume that the award of $285,864.78 in attorneys' fees, costs, and sanctions that Judge Royce C. Lamberth ordered the defendants to pay in Association of American Physicians and Surgeons, Inc., et al. versus Hillary Rodham Clinton, et al., should not be paid with taxpayer funds.

SESSIONS (AND OTHERS) AMENDMENT NO. 2260

Mr. DOMENICI (for Mr. SESSIONS, for himself, Mr. ASHCROFT, and Mr. ENZI) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize those funds to pay attorneys' fees, on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action, in excess of the reasonable and customary fee for similarly skilled legal services for the specific locale. In no event should the rate exceed $500 per hour.

(2) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(3) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided State officials with a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

CRAIG (AND DOMENICI) AMENDMENT NO. 2261

Mr. DOMENICI (for Mr. CRAIG, for himself and Mr. DOMENICI) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON VA COMPENSATION AND POST-SERVICE SMOKING-RELATED ILLNESSES.

(a) FINDINGS.—The Senate finds that—

(1) the President has twice included in his budgets not permitting the program expansion that the Veterans Administration (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(2) Congress has never acted on this program expansion;

(3) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least $10,000,000,000 in additional costs to the VA;

(4) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review; and

(5) the programs expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health.".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(1) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA compensation until the study annd report required by paragraph (2) are completed.

(2) The Veterans Administration and the Office of Management and Budget are jointly required to—

(A) jointly study (referred to in this section as the "study") the VA General Counsel's determination (O.G.C. 2-93) and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(B) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(3) The study should include—

(A) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(B) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(C) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(4) The study shall be completed no later than July 1, 1999.

(5) The Veterans Administration shall report its finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

COVERDELL (AND SHELBY) AMENDMENT NO. 2262

Mr. DOMENICI (for Mr. COVERDELL, for himself and Mr. SHELBY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON COLOMBIAN DRUG WAR HELICOPTERS.

(a) FINDINGS.—The Senate finds that—

(1) Colombia is the leading illicit drug producing country in the Western Hemisphere;

(2) 80 percent of the world's cocaine originates in Colombia;

(3) based on the most recent data of the Drug Enforcement Administration (DEA), more than 60 percent of the heroin seized in the United States originates in Colombia;

(4) in the last 10 years more than 4,000 officers of the Colombian National Police have died fighting the scourge of drugs;

(5) in one recent year alone, according to data of the United States Government, the United States had 141,000 new heroin users and the United States faces historic levels of heroin use among teenagers between the ages of 12 and 17;

(6) once Colombian heroin is in the stream of commerce it is nearly impossible to interdict because it is concealed and trafficked in very small quantities;

(7) the best and most cost efficient method of preventing Colombian heroin from entering the United States is to destroy the opium poppies in the high Andes mountains where Colombian heroin is produced;

(8) the elite anti-narcotics unit of the Colombian National Police has the responsibility to eradicate both coca and opium in Colombia, including the reduction and elimination of cocaine and heroin production, and they have done a remarkably effective job with the limited and outdated equipment at their disposal;

(9) more than 40 percent of the anti-narcotics operations of the Colombian National Police involve hostile ground fire from narco-terrorists and 90 percent of such operations involve the use of helicopters;

(10) the need for better high performance helicopters by the Colombian National Police, especially for use in the high Andes mountains, is essential for more effective eradication of opium in Colombia;

(11) on December 23, 1997, one of the antiquated Vietnam-era UH-1H Huey helicopters used by the Colombian National Police in an opium eradication mission crashed in the high Andes mountains due to high winds and because it was flying above the safety level recommended by the original manufacturer;

(12) in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105-118), amounts were appropriated for the procurement by the United States for the Colombian National Police of three UH-60L Blackhawk utility helicopters that can operate safely and more effectively at the high altitudes of the Andes mountains where Colombian opium grows at altitudes as high as 12,000 feet;

(13) the Blackhawk helicopter is a high performance utility helicopter, with greater lift capacity, that can perform at the high altitudes of the Andes mountains, as well as survive crashes and sustain ground fire, much better than any other utility helicopter now available to the Colombian National Police in the war on drugs;

(14) because the Vietnam-era Huey helicopters that the United States has provided the Colombian National Police are outdated and have been developing numerous stress cracks, a sufficient number should be upgraded to Huey II's and the remainder should be phased-out as soon as possible;

(15) these Huey helicopters are much older than most of the pilots who fly them, do not have the range due to limited fuel capacity to reach many of the expanding locations of the coca fields or cocaine labs in southern Colombia, nor do they have the lift capacity to carry enough armed officers to reach and secure the opium fields in the high Andes mountains prior to eradication;

(16) the elite anti-narcotics unit of the Colombian National Police has a stellar record in respecting for human rights and has received the commendation of a leading international human rights group in their operations to reduce and eradicate illicit drugs in Colombia;

(17) the narco-terrorists of Colombia have announced that they will now target United States citizens, particularly those United States citizens working with their Colombian counterparts in the fight against illicit drugs in Colombia;

(18) a leading commander of the Revolutionary Armed Forces of Colombia ("FARC") announced recently that the objective of these narco-terrorists, in light of recent successes, will be "to defeat the Americans";

(19) United States Government personnel in Colombia who fly in these helicopters accompanying the Colombian National Police on missions are now at even greater risk from these narco-terrorists and their drug trafficking allies;

(20) in the last six months four anti-narcotics helicopters of the Colombian National Police have been downed in operations;

(21) Congress intends to provide the necessary support and assistance to wage an effective war on illicit drugs in Colombia and

provide the equipment and assistance needed to protect all of the men and women of the Colombian National Police as well as those Americans who work side by side with the Colombian National Police in this common struggle against illicit drugs;

(22) the new Government of Bolivia has made a commitment to eradicate coca and cocaine production in that country within 5 years;

(23) the United States should support any country that is interested in removing the scourge of drugs from its citizens; and

(24) Bolivia has succeeded, in large measure due to United States assistance, in reducing acreage used to produce coca, which is the basis for cocaine production.

(b) Sense of the Senate.—It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the President should, with funds made available under Public Law 105–118, expeditiously procure and provide to the Colombian National Police three UH–60L Blackhawk utility helicopters solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States;

(2) if the President determines that the procurement and transfer to the Colombian National Police of three UH–60L Blackhawk utility helicopters is not an adequate number of such helicopters to maintain operational feasibility and effectiveness of the Colombian National Police, then the President should promptly inform Congress as to the appropriate number of additional UH–60L Blackhawk utility helicopters for the Colombian National Police so that amounts can be authorized for the procurement and transfer of such additional helicopters; and

(3) assistance for Bolivia should be maintained at least at the level assumed in the fiscal year 1998 budget submission of the President and the Administration should act accordingly.

SANTORUM AMENDMENTS NOS. 2263–2264

Mr. DOMENICI (for Mr. Santorum) proposed two amendments to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

Amendment No. 2263

On page , insert the following new section:

SEC. . SENSE OF THE SENATE THAT THE 105TH CONGRESS, 2ND SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) Findings.—The Senate makes the following findings—

(1) Eighteen states and dozens of localities have spent nearly $1 billion to protect over 600,000 acres of important farmland;

(2) The Farmland Protection Program has provided cost-sharing for eighteen states and dozens of localities to protect over 82,000 acres on 230 farms since 1996;

(3) The Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) The Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) Current funds authorized for the Farmland Protection Program will be exhausted in the next six months;

(6) The United States is losing two acres of our best farmland to development every minute of every day;

(7) These lands produce three quarters of the fruits and vegetables and over one-half of the dairy in the United States;

(b) Sense of the Senate.—It is the sense of the Senate that the functional totals contained in this resolution assume that the 105th Congress, 2nd Session will reauthorize funds for the Farmland Protection Program.

Amendment No. 2264

At the end of title III, add the following:

SEC. . SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(a) Findings.—The Senate makes the following findings:

(1) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, only 186 were fully accredited;

(2) Out of a total 549 plans under the FEHBP, which includes fee-for-service, point of service, and HMOs, 7 were denied accreditation.

(b) Sense of the Senate.—It is the Sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation requiring all health plans participating in the Federal Employees Health Benefits Program to be accredited by a nationally recognized accreditation organization representative of a spectrum of health care interests including purchasers, consumers, providers and health plans.

KEMPTHORNE AMENDMENT NO. 2265

Mr. DOMENICI (for Mr. Kempthorne) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE REGARDING MARKET ACCESS PROGRAM.

(a) Findings.—The Senate finds the following:

(1) The Market Access Program (MAP) continues to be a vital and important part of U.S. trade policy aimed at maintaining and expanding U.S. agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs. Further, the Senate finds that:

(A) The Market Access Program is specifically targeted towards small business, farmer cooperatives and trade associations.

(B) The Market Access Program is administered on a cost-share basis. Participants, including farmers and ranchers, are required to contribute up to 50 percent or more toward the cost of the program.

(2) The Market Access Program has been a tremendous success by any measure. Since the program was established, U.S. agricultural exports have doubled. In FY 1997, U.S. agricultural exports amounted to $57.3 billion, resulting in a positive agricultural trade surplus of approximately $22 billion, and contributing billions of dollars more in increased economic activity and additional tax revenues.

(3) The Market Access Program has also helped maintain and create needed jobs throughout the nation's economy. More than one million Americans now have jobs that depend on U.S. agricultural exports. Further, every billion dollars in additional U.S. agricultural exports helps create as many as 17,000 or more new jobs.

(4) U.S. agriculture, including farm income and related jobs, is more dependent than ever on maintaining and expanding U.S. agricultural exports as federal farm programs are gradually reduced under the FAIR Act of 1996.

(5) In addition to the Asian economic situation and exchange rate fluctuations, U.S. agricultural exports continue to be adversely impacted by continued subsidized foreign competition, artifical trade barriers and other unfair trade practices.

(6) The European Union (EU) and other foreign competitors continue to heavily outspend the U.S. by more than 10 to 1 with regard to export subsidies.

(A) In 1997, the EU budgeted $7.2 billion for export subsidies aimed at capturing a larger share of the world market at the expense of U.S. agriculture.

(B) EU and other foreign competitors also spent nearly $500 million on market promotion activities. The EU, spends more on wine promotion than the U.S. currently spends on all commodities and related agricultural products.

(C) The EU has announced a major new initiative aimed at increasing their exports to Japan—historically, the largest single market for U.S. agriculture exports.

(7) U.S. agriculture is the most competitive industry in the world, but it can not and should not be expected to compete alone against the treasuries of foreign governments.

(8) Reducing or eliminating funding for the Market Access Program would adversely affect U.S. agriculture's ability to remain competitive in today's global marketplace. A reduction in U.S. agricultural exports would translate into lower farm income, a worsening trade deficit, slower economic growth, fewer export-related jobs, and a declining tax base.

(9) U.S. success in upcoming trade negotiations on agriculture scheduled to begin in 1999 depends on maintaining an aggressive trade strategy and related policies and programs. Reducing or eliminating the Market Access Program would represent a form of unilateral disarmament and weaken the U.S. negotiating position.

(10) The Market Access Program is one of the few programs specifically allowed under the current Uruguay Round Agreement.

(b) Sense of the Senate.—It is the sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition, and protect American jobs.

GRAMM (AND BIDEN) AMENDMENT NO. 2266

Mr. DOMENICI (for Mr. Gramm, for himself and Mr. Biden) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

"SEC. . EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

"(a) Discretionary Limits.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974, the term 'discretionary spending limit' means—

"(1) with respect to fiscal year 1999—

"(A) for the defense category: $271,570,000,000 in new budget authority and $266,635,000,000 in outlays;

"(B) for the nondefense category: $255,450,000,000 in new budget authority and $289,547,000,000 in outlays; and

"(C) for the violent crime reduction category: $5,800,000,000 in new budget authority and $4,953,000,000 in outlays;

"(2) with respect to fiscal year 2000—

"(A) for the discretionary category: $532,693,000,000 in new budget authority and $558,711,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $5,554,000,000 in outlays;

"(3) with respect to fiscal year 2001—

"(A) for the discretionary category: $537,632,000,000 in new budget authority and $558,415,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,400,000,000 in new budget authority and $5,981,000,000 in outlays; and

"(4) with respect to fiscal year 2002—

"(A) for the discretionary category: $546,574,000,000 in new budget authority and $556,269,000,000 in outlays; and

"(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $4,530,000,000 in outlays;

"as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 314 of the Congressional Budget Act.

"(b) POINT OF ORDER IN THE SENATE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

"(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

"(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

"(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

"(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

"(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

"(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.".

COVERDELL AMENDMENTS NOS. 2267–2268

Mr. DOMENICI (for Mr. COVERDELL) proposed two amendments to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

AMENDMENT NO. 2267

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING EFFORTS TO COMBAT MEDICARE FRAUD AND ABUSE.

It is the sense of the Senate that the provisions of this resolution assume that while fighting Medicare fraud and abuse is critical, so is the avoidance of criminalizing those parties whose errors were made inadvertently. The Senate applauds heightened attention to fraud and abuse issues in the effort to promote Medicare solvency. In evaluating the enforcement activities of the Department of Justice regarding fraud and abuse, the Senate should ensure that standards of proof as prescribed by law are present in these activities. It is incumbent upon the Senate to ensure that parties are not subject to criminal penalties absent a finding of specific intent to defraud.

AMENDMENT NO. 2268

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING NATIONAL RESPONSE TO THE THREAT OF ILLEGAL DRUGS.

SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the provisions of this resolution assume that Congress will significantly increase funding for drug interdiction operations by the Immigration and Naturalization Service, Customs Service, Coast Guard, Department of Defense and other responsible agencies;

(2) the provisions of this resolution assume that Congress will continue to support and increase funding for anti-drug education and prevention efforts aimed at informing every American child in the middle school and high school age brackets about the dangers of drugs and at empowering them to reject illegal drug use;

(3) increasing grassroots parental involvement should be a key component of our national drug education and prevention efforts;

(4) Congress should promote efforts to establish annual measures of performance for evaluating the effectiveness of the National Drug Control Strategy.

COVERDELL (AND GRASSLEY) AMENDMENT NO. 2269

Mr. DOMENICI (for Mr. COVERDELL, for himself and Mr. GRASSLEY) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING WASTEFUL SPENDING DEFENSE DEPARTMENT ACQUISITION PRACTICES.

(a) FINDINGS.—The Senate finds that—

(1) According to the Defense Department's Inspector General, despite efforts to streamline government purchases, the military, in some cases, paid more than "fair value" for many items;

(2) efficient purchasing policies, in the context of decreasing defense budgets, are more important than ever to ensure Defense Department spending contributes to military readiness.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Defense Department should continue efforts to eliminate wasteful spending such that defense spending allocated in the FY 99 budget, and all subsequent budgets, is spent in the manner most efficient to maintain and promote military readiness for U.S. armed forces around the globe.

COVERDELL (AND KYL) AMENDMENT NO. 2270

Mr. DOMENICI (for Mr. COVERDELL for himself and Mr. KYL) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE UNITED STATES' RESPONSE TO THE CHANGING NATURE OF TERRORISM

(a) FINDINGS.—The Senate finds that—

(1) The threat of terrorism to American citizens and interests remains high, with Americans suffering one-third of the total terrorist attacks in the world in 1997.

(2) The terrorist threat is changing—while past acts were generally limited to the use of conventional explosives and weapons, terrorists today are exploring technological advances and increasingly lethal tools and strategies to pursue their agenda;

(3) On a worldwide basis, terrorists are focusing on afflicting mass casualties on civilian targets through the acquisition of chemical, biological and nuclear weapons of mass destruction;

(4) Chemical and biological weapons in the hands of terrorists or rogue nations constitute a threat to the United States;

(5) The multi-faceted nature of the terrorist threat encompasses not only foreign terrorists targeting American citizens and interests abroad, but foreign terrorists operating within the United States itself, as well as domestic terrorists;

(6) Terrorist groups are becoming increasingly multinational, more associated with criminal activity, and less responsive to external influences;

(7) Terrorists exploit America's free and open society to illegally enter the country, raise funds, recruit new members, spread propaganda, and plan future activities;

(8) Terrorists are also making of use of computer technology to communicate, solicit money and support, and store information essential to their operations;

(9) State sponsors of terrorism and other foreign countries are known to be developing computer intrusion and manipulation capabilities which could pose a threat to essential public and private information systems in the United States;

(10) The infrastructure deemed critical to the United States are the telecommunication networks, the electric power grid, oil and gas distribution, water distribution facilities, transportation systems, financial networks, emergency services, and the continuity of government services, the disruption of which could result in significant losses to the United States' economic well-being, public welfare, or national security.

(11) A national strategy of infrastructure protection, as required by the Defense Appropriations Act of 1996, and subsequent amendments, has yet to be issued; and

(12) We as a nation remain fundamentally unprepared to respond in a coordinated and effective manner to these growing terrorist threats.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assuming that—

(1) The federal government must take the lead in establishing effective coordination between intelligence-gathering and law enforcement agencies, among federal, state, and local levels of government, and with the private sector, for the purpose of assessing, warning, and protecting against terrorist attacks;

(2) Technical preparedness for the detection and analysis of chemical and biological weapons, and for swift and adequate emergency response to their use by terrorists, must be a near-term continuing priority;

(3) The United States must seek full international cooperation in securing the capture and conviction of terrorists who attack or pose a threat to American citizens and interests;

(4) The United States should fully enforce its laws intended to deny foreign terrorist organizations the ability to rise money in the United States, prevent the evasion of our immigration laws and furthering of criminal activities, and curtail the use of our country as a base of operations; and

(5) A national strategy, adequate to addressing the complexity of protecting our critical infrastructures, and as required by the Defense Appropriations Act of 1996 and subsequent amendments, must be completed and implemented immediately.

COVERDELL (AND DODD) AMENDMENT NO. 2271

Mr. DOMENICI (for Mr. COVERDELL for himself and Mr. DODD) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the propriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING A MULTINATIONAL ALLIANCE AGAINST DRUG TRAFFICKING.

FINDINGS.—the Senate finds that—

(1) the traffic in illegal drugs greatly threatens democracy, security and stability in the Western Hemisphere due to the violence and corruption associated with drug trafficking organizations;

(2) drug trafficking organizations operate without respect for borders or national sovereignty;

(3) the production, transport, sale, and use of illicit drugs endangers the people and legitimate institutions of all countries in the hemisphere;

(4) no single country can successfully confront and defeat this common enemy;

(5) full bilateral cooperation with the United States to reduce the flow of drugs is in the national interests of our neighbors in the hemisphere;

(6) in addition, victory in the hemispheric battle against drug traffickers requires expanded multilateral cooperation among the nation of the region.

SENSE OF THE SENATE.—it is the sense of the Senate that the provisions of this resolution assume that in addition to existing bilateral cooperative efforts, the Administration should promote at the Summit of the Americas and in other fora the concept of a multinational hemispheric "war alliance" bringing together the United States and key illicit drug producing and transiting countries in the Western Hemisphere for the purpose of implementing a coordinated plan of action against illegal drug trafficking and promoting full cooperation against this common menace.

MACK AMENDMENT NO. 2272

Mr. DOMENICI (for Mr. MACK) proposed an amendment to the concurrent resolution, Senate Concurrent Resolution 86, supra; as follows:

At the appropriate place insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) FINDINGS.—Congress finds that—

(1) heart disease was the leading cause of death or for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of Health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals in this budget resolution assume that—

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years;

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in year 1999 over the amount appropriated in fiscal year 1998;

(3) the budget resolution takes a major step toward meeting this goal; and

(4) at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget resolution.

HATCH (AND JEFFORDS) AMENDMENT NO. 2273

Mr. DOMENICI (for Mr. HATCH, for himself and Mr. JEFFORDS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 28, strike lines 1 through 17, and insert the following:

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased for legislation that reserves the Federal share of receipts for tobacco-related programs and activities authorized by comprehensive Senate-passed tobacco legislation.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation used to reimburse the Medicare Hospital Insurance Trust Fund shall not be taken into account.

SESSIONS AMENDMENT NO. 2274

Mr. DOMENICI (for Mr. SESSIONS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III add the following:

SEC. . SENSE OF THE SENATE REGARDING LIMITATIONS ON ATTORNEYS' FEES UNDER ANY NATIONAL TOBACCO SETTLEMENT.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation providing for a national tobacco settlement should provide the following:

(1) Notwithstanding any other provision of law, a State that receives funds under such legislation may not utilize more than $5,000,000 to pay attorneys' fees on behalf of attorneys for the State in connection with an action maintained by a State against one or more tobacco companies to recover tobacco-related medicaid expenditures, or for other causes of action.

(2) The limitation described in paragraph (1) shall apply to attorneys' fees provided for or in connection with an action of the type described in such paragraph under any—

(A) court order;

(B) settlement agreement;

(C) Contingency fee arrangement;

(D) arbitration procedure;

(E) alternative dispute resolution procedure (including mediation); or

(F) other arrangement providing for the payment of attorneys' fees.

(3) The limitation described in paragraph (1) shall not apply to any amounts provided for the attorneys' reasonable and customary expenses.

(4) No award of attorneys' fees shall be made under any national tobacco settlement until the attorneys involved have—

(A) provided to the Governor of the appropriate State, a detailed time accounting with respect to the work performed in relation to any legal action which is the subject of the settlement or with regard to the settlement itself; and

(B) made public disclosure of the time accounting under subparagraph (A) and any fee agreements entered into, or fee arrangements made, with respect to any legal action that is the subject of the settlement.

BURNS (AND BAUCUS) AMENDMENT NO. 2275

Mr. DOMENICI (for Mr. BURNS, for himself and Mr. BAUCUS) proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of title III, add the following:

SEC. . SENSE OF CONGRESS REGARDING PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

It is the sense of Congress that the provisions of this resolution assume that if the revenue levels are reduced pursuant to section 201 of this resolution for tax legislation, such amount as is necessary shall be used to permanently extend income averaging for farmers for purposes of the Internal Revenue Code of 1986.

THE TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

SNOWE AMENDMENT NO. 2276

Mr. DOMENICI (for Ms. SNOWE) proposed an amendment to the bill (H.R. 629) to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Texas Low-Level Radioactive Waste Disposal Compact Consent Act".

SEC. 2. CONGRESSIONAL FINDING.

Congress finds that the compact set forth in section 5 is in furtherance of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.).

SEC. 3. CONDITIONS OF CONSENT TO COMPACT.

The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted only for so long as the regional commission established in the compact complies with each provision of the Act.

SEC. 4. CONGRESSIONAL REVIEW.

Congress may alter, amend, or repeal this Act with respect to the compact set forth in section 5 after the expiration of the 10-year period following the date of enactment of this Act, and at such intervals thereafter as may be provided in the compact.

SEC. 5. TEXAS LOW-LEVEL RADIOACTIVE WASTE COMPACT.

(a) CONSENT OF CONGRESS.—In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of Congress is given to the States of Texas, Maine, and Vermont to enter into the compact set forth in subsection (b).

(b) TEXT OF COMPACT.—The compact reads substantially as follows:

"TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT

"ARTICLE I. POLICY AND PURPOSE

"SEC. 1.01. The party states recognize a responsibility for each state to seek to manage low-level radioactive waste generated within its boundaries, pursuant to the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j). They also recognize that the United States Congress, by enacting the Act, has authorized and encouraged states to enter into compacts for the efficient management and disposal of low-level radioactive waste. It is the policy of the party states to cooperate in the protection of the health, safety, and welfare of their citizens and the environment and to provide for and encourage the economical management and disposal of low-level radioactive waste. It is the purpose of this compact to provide the framework for such a cooperative effort; to promote the health, safety, and welfare of the citizens and the environment of the party states; to limit the number of facilities needed to effectively, efficiently, and economically manage low-level radioactive waste and to encourage the reduction of the generation thereof; and to distribute the costs, benefits, and obligations among the party states; all in accordance with the terms of this compact.

"ARTICLE II. DEFINITIONS

"SEC. 2.01. As used in this compact, unless the context clearly indicates otherwise, the following definitions apply:

"(1) 'Act' means the Low-Level Radioactive Waste Policy Act, as amended by the Low-Level Radioactive Waste Policy Amendments Act of 1985 (42 U.S.C. 2021b–2021j).

"(2) 'Commission' means the Texas Low-Level Radioactive Waste Disposal Compact Commission established in Article III of this compact.

"(3) 'Compact facility' or 'facility' means any site, location, structure, or property located in and provided by the host state for the purpose of management or disposal of low-level radioactive waste for which the party states are responsible.

"(4) 'Disposal' means the permanent isolation of low-level radioactive waste pursuant to requirements established by the United States Nuclear Regulatory Commission and the United States Environmental Protection Agency under applicable laws, or by the host state.

"(5) 'Generate,' when used in relation to low-level radioactive waste, means to produce low-level radioactive waste.

"(6) 'Generator' means a person who produces or processes low-level radioactive waste in the course of its activities, excluding persons who arrange for the collection, transportation, management, treatment, storage, or disposal of waste generated outside the party states, unless approved by the commission.

"(7) 'Host county' means a county in the host state in which a disposal facility is located or is being developed.

"(8) 'Host state' means a party state in which a compact facility is located or is being developed. The State of Texas is the host state under this compact.

"(9) 'Institutional control period' means that period of time following closure of the facility and transfer of the facility license from the operator to the custodial agency in compliance with the appropriate regulations for long-term observation and maintenance.

"(10) 'Low-level radioactive waste' has the same meaning as that term is defined in Section 2(9) of the Act (42 U.S.C. 2021b(9)), or in the host state statute so long as the waste is not incompatible with management and disposal at the compact facility.

"(11) 'Management' means collection, consolidation, storage, packaging, or treatment.

"(12) 'Operator' means a person who operates a disposal facility.

"(13) 'Party state' means any state that has become a party in accordance with Article VII of this compact. Texas, Maine, and Vermont are initial party states under this compact.

"(14) 'Person' means an individual, corporation, partnership or other legal entity, whether public or private.

"(15) 'Transporter' means a person who transports low-level radioactive waste.

"ARTICLE III. THE COMMISSION

"SEC. 3.01. There is hereby established the Texas Low-Level Radioactive Waste Disposal Compact Commission. The commission shall consist of one voting member from each party state except that the host state shall be entitled to six voting members. Commission members shall be appointed by the party state governors, as provided by the laws of each party state. Each party state may provide alternates for each appointed member.

"SEC. 3.02. A quorum of the commission consists of a majority of the members. Except as otherwise provided in this compact, an official act of the commission must receive the affirmative vote of a majority of its members.

"SEC. 3.03. The commission is a legal entity separate and distinct from the party states and has governmental immunity to the same extent as an entity created under the authority of Article XVI, Section 59, of the Texas Constitution. Members of the commission shall not be personally liable for actions taken in their official capacity. The liabilities of the commission shall not be deemed liabilities of the party states.

"SEC. 3.04. The commission shall:

"(1) Compensate its members according to the host state's law.

"(2) Conduct its business, hold meetings, and maintain public records pursuant to laws of the host state, except that notice of public meetings shall be given in the non-host party states in accordance with their respective statutes.

"(3) Be located in the capital city of the host state.

"(4) Meet at least once a year and upon the call of the chair, or any member. The governor of the host state shall appoint a chair and vice-chair.

"(5) Keep an accurate account of all receipts and disbursements. An annual audit of the books of the commission shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the commission.

"(6) Approve a budget each year and establish a fiscal year that conforms to the fiscal year of the host state.

"(7) Prepare, adopt, and implement contingency plans for the disposal and management of low-level radioactive waste in the event that the compact facility should be closed. Any plan which requires the host state to store or otherwise manage the low-level radioactive waste from all the party states must be approved by at least four host state members of the commission. The commission, in a contingency plan or otherwise, may not require a non-host party state to store low-level radioactive waste generated outside of the state.

"(8) Submit communications to the governors and to the presiding officers of the legislatures of the party states regarding the activities of the commission, including an annual report to be submitted on or before January 31 of each year.

"(9) Assemble and make available to the party states, and to the public, information concerning low-level radioactive waste management needs, technologies, and problems.

"(10) Keep a current inventory of all generators within the party states, based upon information provided by the party states.

"(11) By no later than 180 days after all members of the commission are appointed under Section 3.01 of this article, establish by rule the total volume of low-level radioactive waste that the host state will dispose of in the compact facility in the years 1995–2045, including decommissioning waste. The shipments of low-level radioactive waste from all non-host party states shall not exceed 20 percent of the volume estimated to be disposed of by the host state during the 50-year period. When averaged over such 50-year period, the total of all shipments from non-host party states shall not exceed 20,000 cubic feet a year. The commission shall coordinate the volumes, timing, and frequency of shipments from generators in the non-host party states in order to assure that over the life of this agreement shipments from the non-host party states do not exceed 20 percent of the volume projected by the commission under this paragraph.

"SEC. 3.05. The commission may:

"(1) Employ staff necessary to carry out its duties and functions. The commission is authorized to use to the extent practicable the services of existing employees of the party states. Compensation shall be as determined by the commission.

"(2) Accept any grants, equipment, supplies, materials, or services, conditional or otherwise, from the federal or state government. The nature, amount and condition, if any, of any donation, grant or other resources accepted pursuant to this paragraph and the identity of the donor or grantor shall be detailed in the annual report of the commission.

"(3) Enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the commission shall bind a party state.

"(4) Adopt, by a majority vote, bylaws and rules necessary to carry out the terms of this compact. Any rules promulgated by the commission shall be adopted in accordance with the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

"(5) Sue and be sued and, when authorized by a majority vote of the members, seek to intervene in administrative or judicial proceedings related to this compact.

"(6) Enter into an agreement with any person, state, regional body, or group of states for the importation of low-level radioactive waste into the compact for management or disposal, provided that the agreement receives a majority vote of the commission. The commission may adopt such conditions and restrictions in the agreement as it deems advisable.

"(7) Upon petition, allow an individual generator, a group of generators, or the host state of the compact, to export low-level waste to a low-level radioactive waste disposal facility located outside the party states. The commission may approve the petition only by a majority vote of its members. The permission to export low-level radioactive waste shall be effective for that period of time and for the specified amount of low-level radioactive waste, and subject to any other term or condition, as is determined by the commission.

"(8) Monitor the exportation outside of the party states of material, which otherwise meets the criteria of low-level radioactive waste, where the sole purpose of the exportation is to manage or process the material for recycling or waste reduction and return it to the party states for disposal in the compact facility.

"SEC. 3.06. Jurisdiction and venue of any action contesting any action of the commission shall be in the United States District Court in the district where the commission maintains its office.

"ARTICLE IV. RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS OF PARTY STATES

"SEC. 4.01. The host state shall develop and have full administrative control over the development, management and operation of a facility for the disposal of low-level radioactive waste generated within the party states. The host state shall be entitled to unlimited use of the facility over its operating life. Use of the facility by the non-host party states for disposal of low-level radioactive waste, including such waste resulting from decommissioning of any nuclear electric generation facilities located in the party states, is limited to the volume requirements of Section 3.04(11) of Article III.

"SEC. 4.02. Low-level radioactive waste generated within the party states shall be disposed of only at the compact facility, except as provided in Section 3.05(7) of Article III.

"SEC. 4.03. The initial states of this compact cannot be members of another low-level radioactive waste compact entered into pursuant to the Act.

"SEC. 4.04. The host state shall do the following:

"(1) Cause a facility to be developed in a timely manner and operated and maintained through the institutional control period.

"(2) Ensure, consistent with any applicable federal and host state laws, the protection and preservation of the environment and the public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning, and long-term care of the disposal facilities within the host state.

"(3) Close the facility when reasonably necessary to protect the public health and safety of its citizens or to protect its natural resources from harm. However, the host state shall notify the commission of the closure within three days of its action and shall, within 30 working days of its action, provide a written explanation to the commission of the closure, and implement any adopted contingency plan.

"(4) Establish reasonable fees for disposal at the facility of low-level radioactive waste generated in the party states based on disposal fee criteria set out in Sections 402.272 and 402.273, Texas Health and Safety Code. The same fees shall be charged for the disposal of low-level radioactive waste that was generated in the host state and in the non-host party states. Fees shall also be sufficient to reasonably support the activities of the Commission.

"(5) Submit an annual report to the commission on the status of the facility, including projections of the facility's anticipated future capacity, and on the related funds.

"(6) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of the facility and identify all reasonable options for the disposal of low-level radioactive waste at alternate compact facilities or, by arrangement and Commission vote, at noncompact facilities.

"(7) Promptly notify the other party states of any legal action involving the facility.

"(8) Identify and regulate, in accordance with federal and host state law, the means and routes of transportation of low-level radioactive waste in the host state.

"SEC. 4.05. Each party state shall do the following:

"(1) Develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for the facility to conform to packaging, processing, and waste form specifications of the host state.

"(2) Maintain a registry of all generators within the state that may have low-level radioactive waste to be disposed of at a facility, including, but not limited to, the amount of low-level radioactive waste and the class of low-level radioactive waste generated by each generator.

"(3) Develop and enforce procedures requiring generators within its borders to minimize the volume of low-level radioactive waste requiring disposal. Nothing in this compact shall prohibit the storage, treatment, or management of waste by a generator.

"(4) Provide the commission with any data and information necessary for the implementation of the commission's responsibilities, including taking those actions necessary to obtain this data or information.

"(5) Pay for community assistance projects designated by the host county in an amount for each non-host party state equal to 10 percent of the payment provided for in Article V for each such state. One-half of the payment shall be due and payable to the host county on the first day of the month following ratification of this compact agreement by Congress and one-half of the payment shall be due and payable on the first day of the month following the approval of a facility operating license by the host state's regulatory body.

"(6) Provide financial support for the commission's activities prior to the date of facility operation and subsequent to the date of congressional ratification of this compact under Section 7.07 of Article VII. Each party state will be responsible for annual payments equalling its pro-rata share of the commission's expenses, incurred for administrative, legal, and other purposes of the commission.

"(7) If agreed by all parties to a dispute, submit the dispute to arbitration or other alternate dispute resolution process. If arbitration is agreed upon, the governor of each party state shall appoint an arbitrator. If the number of party states is an even number, the arbitrators so chosen shall appoint an additional arbitrator. The determination of a majority of the arbitrators shall be binding on the party states. Arbitration proceedings shall be conducted in accordance with the provisions of 9 U.S.C. Sections 1 to 16. If all parties to a dispute do not agree to arbitration or alternate dispute resolution process, the United States District Court in the district where the commission maintains its office shall have original jurisdiction over any action between or among parties to this compact.

"(8) Provide on a regular basis to the commission and host state—

"(A) an accounting of waste shipped and proposed to be shipped to the compact facility, by volume and curies;

"(B) proposed transportation methods and routes; and

"(C) proposed shipment schedules.

"(9) Seek to join in any legal action by or against the host state to prevent nonparty states or generators from disposing of low-level radioactive waste at the facility.

"SEC. 4.06. Each party state shall act in good faith and may rely on the good faith performance of the other party states regarding requirements of this compact.

"ARTICLE V. PARTY STATE CONTRIBUTIONS

"SEC. 5.01. Each party state, except the host state, shall contribute a total of $25 million to the host state. Payments shall be deposited in the host state treasury to the credit of the low-level waste fund in the following manner except as otherwise provided. Not later than the 60th day after the date of congressional ratification of this compact, each non-host party state shall pay to the host state $12.5 million. Not later than the 60th day after the date of the opening of the compact facility, each non-host party state shall pay to the host state an additional $12.5 million.

"SEC. 5.02. As an alternative, the host state and the non-host states may provide for payments in the same total amount as stated above to be made to meet the principal and interest expense associated with the bond indebtedness or other form of indebtedness issued by the appropriate agency of the host state for purposes associated with the development, operation, and post-closure monitoring of the compact facility. In the event the member states proceed in this manner, the payment schedule shall be determined in accordance with the schedule of debt repayment. This schedule shall replace the payment schedule described in Section 5.01 of this article.

"ARTICLE VI. PROHIBITED ACTS AND PENALTIES

"SEC. 6.01. No person shall dispose of low-level radioactive waste generated within the party states unless the disposal is at the compact facility, except as otherwise provided in Section 3.05(7) of Article III.

"SEC. 6.02. No person shall manage or dispose of any low-level radioactive waste within the party states unless the low-level radioactive waste was generated within the party states, except as provided in Section 3.05(6) of Article III. Nothing herein shall be construed to prohibit the storage or management of low-level radioactive waste by a generator, nor its disposal pursuant to 10 C.F.R. Part 20.302.

"SEC. 6.03. Violations of this article may result in prohibiting the violator from disposing of low-level radioactive waste in the compact facility, or in the imposition of penalty surcharges on shipments to the facility, as determined by the commission.

"ARTICLE VII. ELIGIBILITY, ENTRY INTO EFFECT; CONGRESSIONAL CONSENT; WITHDRAWAL; EXCLUSION

"SEC. 7.01. The states of Texas, Maine, and Vermont are party states to this compact. Any other state may be made eligible for party status by a majority vote of the commission and ratification by the legislature of the host state, subject to fulfillment of the rights of the initial non-host party states under Section 3.04(11) of Article III and Section 4.01 of Article IV, and upon compliance with those terms and conditions for eligibility that the host state may establish. The host state may establish all terms and conditions for the entry of any state, other than the states named in this section, as a member of this compact; provided, however, the specific provisions of this compact, except for those pertaining to the composition of the commission and those pertaining to Section 7.09 of this article, may not be changed except upon ratification by the legislatures of the party states.

"SEC. 7.02. Upon compliance with the other provisions of this compact, a state made eligible under Section 7.01 of this article may become a party state by legislative enactment of this compact or by executive order of the governor of the state adopting this compact. A state becoming a party state by executive order shall cease to be a party state upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment, the legislature enacts this compact.

"SEC. 7.03. Any party state may withdraw from this compact by repealing enactment of this compact subject to the provisions herein. In the event the host state allows an additional state or additional states to join the compact, the host state's legislature, without the consent of the non-host party states, shall have the right to modify the composition of the commission so that the host state shall have a voting majority on the commission, provided, however, that any modification maintains the right of each initial party state to retain one voting member on the commission.

"SEC. 7.04. If the host state withdraws from the compact, the withdrawal shall not become effective until five years after enactment of the repealing legislation and the non-host party states may continue to use the facility during that time. The financial obligation of the non-host party states under Article V shall cease immediately upon enactment of the repealing legislation. If the host state withdraws from the compact or abandons plans to operate a facility prior to the date of any non-host party state payment under Sections 4.05(5) and (6) of Article IV or Article V, the non-host party states are relieved of any obligations to make the contributions. This section sets out the exclusive remedies for the non-host party states if the host state withdraws from the compact or is unable to develop and operate a compact facility.

"SEC. 7.05. A party state, other than the host state, may withdraw from the compact by repealing the enactment of this compact, but this withdrawal shall not become effective until two years after the effective date of the repealing legislation. During this two-year period the party state will continue to have access to the facility. The withdrawing party shall remain liable for any payments under Sections 4.05(5) and (6) of Article IV that were due during the two-year period, and shall not be entitled to any refund of payments previously made.

"SEC. 7.06. Any party state that substantially fails to comply with the terms of the compact or to fulfill its obligations hereunder may have its membership in the compact revoked by a seven-eighths vote of the commission following notice that a hearing will be scheduled not less than six months from the date of the notice. In all other respects, revocation proceedings undertaken by the commission will be subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), except that a party state may appeal the commission's revocation decision to the United States District Court in accordance with Section 3.06 of Article III. Revocation shall take effect one year from the date such party state receives written notice from the commission of a final action. Written notice of revocation shall be transmitted immediately following the vote of the commission, by the chair, to the governor of the affected party state, all other governors of party states, and to the United States Congress.

"SEC. 7.07. This compact shall take effect following its enactment under the laws of the host state and any other party state and thereafter upon the consent of the United States Congress and shall remain in effect until otherwise provided by federal law. If Texas and either Maine or Vermont ratify this compact, the compact shall be in full force and effect as to Texas and the other ratifying state, and this compact shall be interpreted as follows:

"(1) Texas and the other ratifying state are the initial party states.

"(2) The commission shall consist of two voting members from the other ratifying state and six from Texas.

"(3) Each party state is responsible for its pro-rata share of the commission's expenses.

"SEC. 7.08. This compact is subject to review by the United States Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to federal law.

"SEC. 7.09. The host state legislature, with the approval of the governor, shall have the right and authority, without the consent of the non-host party states, to modify the provisions contained in Section 3.04(11) of Article III to comply with Section 402.219(c)(1), Texas Health & Safety Code, as long as the modification does not impair the rights of the initial non-host party states.

"ARTICLE VIII. CONSTRUCTION AND SEVERABILITY

"SEC. 8.01. The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but the sovereign powers of a party shall not be infringed upon unnecessarily.

"SEC. 8.02. This compact does not affect any judicial proceeding pending on the effective date of this compact.

"SEC. 8.03. No party state acquires any liability, by joining this compact, resulting from the siting, operation, maintenance, long-term care or any other activity relating to the compact facility. No non-host party state shall be liable for any harm or damage from the siting, operation, maintenance, or long-term care relating to the compact facility. Except as otherwise expressly provided in this compact, nothing in this compact shall be construed to alter the incidence of liability of any kind for any act or failure to act. Generators, transporters, owners and operators of the facility shall be liable for their acts, omissions, conduct or relationships in accordance with applicable law. By entering into this compact and securing the ratification by Congress of its terms, no party state acquires a potential liability under section 5(d)(2)(C) of the Act (42 U.S.C. Sec. 2021e(d)(2)(C)) that did not exist prior to entering into this compact.

"SEC. 8.04. If a party state withdraws from the compact pursuant to Section 7.03 of Article VII or has its membership in this compact revoked pursuant to section 7.06 of Article VII, the withdrawal or revocation shall not affect any liability already incurred by or chargeable to the affected state under Section 8.03 of this article.

"SEC. 8.05. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared by a court of competent jurisdiction to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby to the extent the remainder can in all fairness be given effect. If any provision of this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

"Sec. 8.06. Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority, or discretion of either of the following:

"(1) The United States Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2011 et seq.).

"(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. Sec. 2021).

"Sec. 8.07. Nothing in this compact confers any new authority on the states or commission to do any of the following:

"(1) Regulate the packaging or transportation of low-level radioactive waste in a manner inconsistent with the regulations of the United States Nuclear Regulatory Commission or the United States Department of Transportation.

"(2) Regulate health, safety, or environmental hazards from source, by-product, or special nuclear material.

"(3) Inspect the activities of licensees of the agreement states or of the United States Nuclear Regulatory Commission.".

WELLSTONE AMENDMENTS NOS. 2277–2278

Mr. DOMENICI (for Mr. Wellstone) proposed two amendments to the bill, H.R. 629, supra; as follows:

Amendment No. 2277

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) In General.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) the compact not be implemented (including execution by any party state (as defined in the compact) of any right, responsibility, or obligation of the party state under Article IV of the compact) in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level.

(b) Consent to Suit.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) Continuing Effectiveness of Condition.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) Enforcement.—

(1) By the attorney general.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

(2) By a member of an affected community.—If person that resides or has a principal place of business a community that is adversely affected by a failure to comply with the condition stated in subsection (a)(3)(B) obtains evidence of the failure of compliance, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

Amendment No. 2278

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) In General.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) no low-level radioactive waste be brought into Texas for disposal at a compact facility from any State other than the State of Maine or Vermont.

(b) Consent to Suit.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) Continuing Effectiveness of Condition.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) Enforcement.—

(1) By the attorney general.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

(2) By a member of the community in which a compact facility is located.—If any person that resides or has a principal place of business in the community in which a compact facility is located obtains evidence that the condition stated in subsection (a)(3)(B) has not been complied with at any time, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct three Field Hearings as follows: on Tuesday, April 7, 1998 at 11:00 a.m. to conduct a Hearing on Tribal Sovereign Immunity, in Seattle, Washington; on Wednesday, April 8, 1998 at 1:30 p.m. to conduct a hearing on Jurisdiction Issues in the State of Montana, in Billings, Montana; and on Thursday, April 9, 1998 at 1:00 p.m. to conduct a Hearing on Economic Development in St. Paul, Minnesota.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 1, 1998 at 9:30 a.m. on pending committee business (tobacco legislation).

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing on environmental tobacco smoke Wednesday, April 1, 1:30 p.m., Hearing Room (SD–406).

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, April 1, 1998 beginning at 10:00 a.m. in room SH–215, to conduct a markup.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 10:00 a.m. for a hearing on "Crashing into the Millenium".

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the

Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 2:30 p.m. for a hearing on the nomination of Melvin R. Wright to be Associate Judge of the Superior Court of the District of Columbia.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 1, 1998, at 4:00 p.m. for a business meeting and markup on legislative items and pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 1998, at 10:30 a.m. in room 106 of the Dirksen Senate Office Building to conduct a markup on the following business: (1) the nomination of Katherine Archuleta of Denver, Colorado to serve on the Board of Directors of the Institute of American Indian and Alaska Native Culture and Arts Development; (2) S. 1279, Indian Employment, Training and Related Services Demonstration Act Amendments of 1997; and (3) S. 1797, the Reduction in Tobacco Use and Regulation of Tobacco Products in Indian Country Act of 1998. To be followed immediately by a hearing on Amendments to the Indian Gaming Regulatory Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, April 1, 1998, at 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Wednesday, April 1, 1998 at 10:00 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Airline Hubs: Fair Competition or Predatory Pricing?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL SERVICES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Financial Services and Technology of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 1, 1998, to conduct a hearing on identity theft.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 1, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on titles I, II, III, and V of S. 1693, the Vision 2020 National Parks Restoration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL BREAST CANCER SURVIVORS DAY

• Mr. MURKOWSKI. Mr. President, today is National Breast Cancer Survivors Day and I want to take this opportunity to focus my colleague's attention on the importance of continued research and early detection efforts for this tragic disease.

Mr. President, one out of nine American women will suffer the tragedy of breast cancer. It is today the leading cause of death for women between the ages of 35 to 54.

Alaskan women are particularly vulnerable to this disease. We have the second highest rate of breast cancer in the Nation. One in 7 Alaska women will get breast cancer and tragically it is the Number One cause of death among Native Alaskan women.

Mr. President, these tragic Alaska deaths are not inevitable. Health experts agree that the best hope for lowering the death rate is early detection and treatment. It is estimated that breast cancer deaths can be reduced by 30 percent if all women avail themselves of regular clinical breast examination and mammography.

But for many Alaska women, especially native women living in one of our 230 remote villages, regular screening and early detection are often hopeless dreams.

For more than 20 years, my wife Nancy has recognized this problem and tried to do something about it. In 1974, she and a group of Fairbanks' women created the Breast Cancer Detection Center, for the purpose of offering mammographies to women in remote areas of Alaska—regardless of a woman's ability to pay.

Now, the Center uses a small portable mammography unit which can be flown to remote areas of Alaska, offering women in the most rural of areas easy access to mammographies at no cost. Additionally, the Center uses a 43-foot long, 14 foot high and 26,000 pound mobile mammography van to travel through rural areas of Alaska. The van makes regular trips, usually by river barge, to remote areas in Interior Alaska such as Tanana.

Julie Roberts, a 42-year-old woman of Tanana, who receives regular mammographies from the mobile mammography van, knows the importance of early screening:

> There's a lot of cancer here (in Tanana)—a lot of cancer. That's why it's important to have the mobile van here . . . I know that if I get checked, I can catch it early and can probably save my life. I have three children and I want to see my grandchildren.

I am proud to say that the Fairbanks Center now serves about 2,200 women a year and has provided screenings to more than 25,000 Alaska women in 81 villages throughout the state. To help fund the efforts of the Fairbanks Center, each year Nancy and I sponsor a fishing tournament to raise money for the operation of the van and mobile mammography unit. After just three years, donations from the tournament have totalled $830,000.

Mr. President, Nancy and I are committed to raising more funds for this important program so that every woman in Alaska can benefit from the advances of modern technology and reduce their risk of facing this killer disease.

Mr. President on this day that we recognize survivors of breast cancer, I want take a moment to discuss legislation that I am cosponsoring with Senator D'AMATO to end the practices of so-called "drive-through" mastectomies.

In too many cases women who survive the trauma of a mastectomy are being forced to get out of the hospital only hours after their surgery. How can medical care professionals allow this? Simply because many insurance companies demand that the procedure of a mastectomy be considered an out-patient service."

Here's the horror that many insurance companies cause:

Nancy Couchot, a 60 year old woman had a radical mastectomy at 11:30 a.m. She was released from the hospital five hours—even though she was not able to walk or use the rest room without assistance.

Victoria Berck, had a mastectomy and lymph node removal at 7:30 a.m. 7 hours late. She was given instructions on how to empty two drains attached to her body and sent home. Ms. Berck concludes, "No civilized country in the world has a mastectomy as an out-patient service."

Mr. President that is why I am proud to co-sponsor the Women's Health and Cancer Rights Act of 1997, which would put an end to the drive-through mastectomies.

Specifically, the Act will require health insurance companies to allow physicians to determine the length of a mastectomy patient's hospital stay according to medical necessity. In other words, the bill makes it illegal to punish a doctor for following good medical judgment and sound medical treatment.

Another important provision of this bill ensures that mastectomy patients will have access to reconstructive surgery. Scores of women have been denied reconstructive surgery following mastectomies because insurers have deemed the procedure to be cosmetic" and, therefore, not medically necessary.

Mr. President, far too often breast cancer victims, who believe that they have adequate health care coverage, are horrified when they learn that reconstruction is not covered in their health plan.

In Alaska, of the 324 mastectomies and lumpectomies performed in 1996, reconstruction only occurred on 11 of the patients. That means that only 3.4% of women who have their breast removed have reconstructive surgery, compared to the national average of 23%.

Mr. President, the simple reason for this tragically low figure is simple: women can't afford the procedure.

Breast reconstruction costs average about $5,000 for just the procedure. If hospital, physician and other costs are included—the costs escalate to around $15,000.

Dr. Sarah Troxel, of Providence hospital, the only doctor in the Mat-Su Valley who does breast reconstruction, states the importance of reconstruction:

> Women who are unable to receive reconstructive surgery, suffer from depression, a sense of loss, and need more cancer survivor counseling . . . Additionally reconstructive surgery can be preventative medicine—women who don't have reconstructive surgery often develop other medical problems or complications with their spine.

Mr. President, these issues are not partisan issues. We may have our differences regarding managing and financing health reform, but I think we all endorse accessible and affordable health care that preserves patient choice and physician discretion. Cancer does not look to see the politics of its victims.

It is my hope that we will adopt this legislation this year.●

50TH ANNIVERSARY OF THE U.S. AIR FORCE RESERVE

● Mr. LEVIN. Mr. President, I rise today to honor the United States Air Force Reserve on its 50th Anniversary, which will be celebrated across the country on April 14, 1998. The United States Air Force Reserve can trace its heritage back to the National Defense Act of 1916 which authorized a reserve corps of 2,300 officer and enlisted aviators. In 1917, the War Department established the First Reserve Aero Squadron. However, the Air Reserve was not formally established until after World War II.

On July 26, 1947, the National Security Act was signed into law by President Truman. This act established the United States Air Force as a separate branch of our Nation's armed forces. On April 14, 1948, just seven months later, the U.S. Air Force Reserve was established. On April 27, 1948, the Air Reserve was transferred to the Air Force. In October 1948, President Truman directed the services to revamp their reserve components. As a result, the Air Force established the position of Special Assistant to the Chief of Staff for Reserve Forces to oversee the Air Reserve. The first person to fill this position was Lt. Gen. Elwood R. Quesada. On December 1, 1948, the Air Force established the Continental Air Command (CONAC) at Mitchell Air Force Base, New York. The CONAC's mission was to administer all Air Reserve programs. After the establishment of the CONAC, the Air Reserve's mission became more coherent and diversified.

Since its humble beginnings during World War I, the Air Force Reserve has seen many dramatic changes as it has built itself into the world-class force it is today. Over the past fifty years the men and women of the Air Force Reserve have served with honor and distinction during the 1961 Berlin Crisis and the 1962 Cuban Missile Crisis, and in the major conflicts of Korea, Vietnam and in the Persian Gulf. Major General Robert A. McIntosh, the Commander of the Air Force Reserve Command, recently summarized the remarkable accomplishments of the Air Force Reserve. He said, "In five decades, we moved from a standby force, training on obsolete and war-weary airplanes, to a front-line force that is more capable than the air forces of many nations. We are a role model for keeping unique capabilities in a military framework without spending the money that a large full-time military requires."

As the Air Force Reserve celebrates its Golden Anniversary this month, we recognize that the Air Force Reserve truly does have a golden legacy. It is a legacy that we should all take time to reflect upon and honor. Regardless of any future threat our Nation may face, the Air Force Reserve will meet the challenge just as they always have. Air Force Reservists deserve the respect and gratitude of all Americans for their service and their sacrifice for our country. These volunteers exemplify daily their dedication to the ideals that make our country great.

In Michigan, the 927th Air Refueling Wing at Selfridge Air National Guard Base will celebrate the Air Reserve's 50th Anniversary. The 927th ARW flies KC–135E Stratotankers to fulfill its mission of providing Global Reach for United States air power. The 927th has a rich history of service which includes missions in Vietnam, the Persian Gulf and Bosnia. We in Michigan are very proud of the job the 927th is doing for our nation.

I know my Senate colleagues join me in celebrating the 50th Anniversary of the United States Air Force Reserve.●

NATIONAL BREAST CANCER SURVIVORS' DAY

● Mrs. HUTCHISON. Mr. President, I rise today to highlight to the Senate and to the American people the importance of this day—National Breast Cancer Survivors' Day—a day commemorating breast cancer awareness and the celebration of life.

Breast cancer is the most common cancer among women of all ages. There is scarcely an American family that in some way has not been touched by this disease. In fact, it is estimated that over 180,000 women and men are diagnosed with breast cancer and over 43,000 die from the disease each year. Women have a 12 percent lifetime risk for developing breast cancer, and one in 25 women will develop the disease by age 60. While these statistics are grim, today we pause to focus our attention on the hundreds of thousands of success stories—individuals who have survived and even prospered despite breast cancer.

I salute every brave woman and man who has battled and beaten this disease. Only someone who has had cancer can really know what it is like—the fear, the doubt, and the often painful and debilitating treatments and medical procedures. But beat it they have. And to those who are still in the fight, I say: "Hang in there. You can do it, and the chances are ever greater that you will do it."

When detected early and when confined to the breast, the five-year survival rate for this disease is over 95 percent. Mr. President, this is a remarkable statistic, and represents a dramatically improved picture than that of even a few years ago. It is also important to note that, for the first time in years, the mortality rate for both Caucasian and African-American women is also declining. With continued advancements in early detection and treatment procedures, and with the growing hope that a cure might be found in a matter of years, not decades, women today certainly do have cause to celebrate.

But our work is far from done. I and many of my Senate and House colleagues are doing all we can to ensure that adequate federal resources are being allocated to research, education, and treatment of breast cancer. Through research grants and direct research conducted at the National Institutes of Health, promising leads and even occasional breakthroughs are being pursued with vigor by the best and brightest of the medical and scientific worlds. We can of course do more, and I am joining many of my colleagues on the Appropriations Committee in supporting a significant increase in the fiscal year 1999 budget for the NIH so that this important work can move forward. Put simply, we will not rest until a cure is found.

But until a cure is found, let me say to every woman in America that you are your own best ally in the fight against breast cancer. Self-exams and regular breast cancer screenings for high risk women and women over 40 is absolutely crucial. I was pleased that last year the National Institutes of Health joined me and others in recognizing the importance of annual screening of women over 40, and the availability and affordability of mammography and other promising detection techniques continues to increase.

So today, I join my colleagues and all Americans in celebrating those who have won the battle against breast cancer. We salute and celebrate their courage, optimism, and often selfless commitment to help those newly diagnosed to overcome the challenges that lay ahead. Mr. President, these individuals are not just survivors, they are beacons of inspiration and hope for all of us. With the heart and spirit of these survivors leading our way, I know that we will eventually win and conquer this disease. That will be the best Survivors' Day of all.●

VIOLENT AND REPEAT JUVENILE OFFENDER ACT OF 1997

● Mr. LEAHY. Mr. President, the recent shootings outside a school in Jonesboro, Arkansas, that left four young students and a teacher dead and scores of others wounded in both body and mind are shocking. Just over the last few months, we have seen deadly shootings carried out by juveniles in rural communities in Kentucky, in Mississippi and now in Arkansas. Clearly, juvenile crime is not just an urban problem. These shootings leave scars on the loved ones of those killed and injured and on the communities involved that take a long time to heal.

We may never fully comprehend how such crimes against children could be executed by other children. But one thing should be clear: The issue of juvenile crime should not be used for cheap grandstanding or short-sighted political gain. We need to find constructive approaches to this problem that builds upon past successes and respects the proper roles of State, local and Federal authorities.

In the last session, and again at the beginning of this session, I have spoken about the need to address the nation's juvenile crime problem on a bipartisan basis. Politicizing the juvenile crime problem does a disservice to the citizens in this country who want constructive responses.

I have spoken about the need to address the flaws in the juvenile crime bill, S. 10, which the Judiciary Committee voted on last summer. In floor statements and in the extensive minority views included in the Committee report, I have outlined those areas in which this bill needs significant improvement.

In short, the bill reported by the Committee to the Senate would mandate massive changes in the juvenile justice systems in each of our States, and it would invite an influx of juvenile cases in Federal courts around the country. The repercussions of this legislation would be severe for any State seeking federal juvenile justice assistance. The bill also removes core protections that have been in pace for 25 years to keep juvenile offenders out of adult jails and away from the harmful influences of seasoned adult criminals.

The need for significant improvements to this bill is no secret. Virtually every editorial board to consider the bill has reached the same conclusion. Just in recent days, the Philadelphia Inquirer concluded that the bill "is fatally flawed and should be rejected." On Monday, March 23, the Los Angeles Times described the bill as "peppered with ridiculous poses and penalties" and taking a "rigid, counterproductive approach." The Chattanooga Times, on March 14, labeled the bill "misguided" with "flaws so far-reaching that the bill requires substantial surgery." The Houston Chronicle, on March 10, observed that this bill "at the very least, needs serious rethinking." The Legal Times, on March 2, called S. 10 "the crime bill no one likes." The St. Petersburg Times, on February 23, described the bill as "an amalgam of bad and dangerous ideas." A February 10 opinion piece in the Baltimore Sun described S. 10 as a "radical" and "aberrant bill."

The criticisms leveled at S. 10 are, unfortunately, well-deserved. Consequently, eight months after this bill was voted out of Committee, the Committee held a belated hearing on some of the new controversial mandates in the bill. At that hearing, on March 9, Senator SESSIONS announced a number of changes that he planned to make to the new juvenile record-keeping and fingerprinting mandates in the bill. I had recommended a number of these changes during Judiciary Committee mark-up of the bill, and I am pleased that, finally, my cautions are being heeded.

I will be glad to see removed the requirement of photographing every juvenile upon arrest for an act that would have been a felony if committed by an adult, and the new fingerprinting and record-keeping mandates limited to felony acts that occur in the future.

I continue to oppose the imposition of these new requirements as mandates. These mandates will cost States more to implement than they can hope to receive in federal assistance. Those who believe that $250 million over 5 years, or $50 million per year, will be sufficient to pay for the record-keeping mandates in S. 10 have not studied the comprehensive report recently released by the National Center for Juvenile Justice and that the bill, as currently drafted, would cost the states far more than that, especially through its new fingerprinting and record-keeping mandates.

Many of the States are way ahead of the federal government in finding innovative ways to address juvenile crime and need resource assistance, and not bullying, from Washington. They need help to do what they decide is the right balance.

While it is a better practice to hold hearings and examine issues before legislation is voted on and reported out of committee, I look forward to working with Senators HATCH and SESSIONS to improve this package, now that the bill has been reported but finds itself off the main track and stalled on a siding. I again urge the sponsors of this legislation not to politicize the important issue of juvenile crime but to work in an open, fair and bipartisan way to make S. 10 a better bill that will truly do what we all say we want it do to: Reduce youth crime.●

ASYLUM

● Mr. DEWINE. Mr. President, I rise today to express my concerns about the implementation of the immigration laws that Congress passed in 1996, since we are fast approaching an important deadline. Today is the deadline for those immigrants who have lived in the United States for one year who wish to apply for political asylum.

The concerns I raised and shared during the debate on the 1996 Immigration bill are even more relevant today. People who have the most credible asylum claims—those under threat of retaliation, those suffering physical or mental disability, possibly as a result of torture they endured in their home country—may find themselves barred from ever applying for asylum if they miss this deadline.

To protect those who flee persecution and abuse and seek refuge in the United States, the INS should, at the very least, promulgate a final rule that includes the broad "good cause" exceptions from the Senate-passed version of the 1996 immigration law. Senators KENNEDY, FEINGOLD, and I sent a letter on February 12, 1998 to INS urging that the final rule include the Senate's more expansive definition of "good cause" exceptions for missing that deadline.

The INS should not issue regulations that might exclude the very applicants that the concept of asylum was meant to include. For this reason, our letter urges INS to promulgate a final rule that adopts the Senate's entire definition of "good cause" for missing the one-year filing deadline:

> "Good cause" may include, but is not limited to, [1] circumstances that changed after the applicant entered the United States and that are relevant to the applicant's eligibility for asylum; [2] physical or mental disabilities; [3] threats of retribution against the applicant's relatives abroad; [4] attempts to file affirmatively that were unsuccessful because of technical defects; [5] efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; [6] the illness or death of the applicant's legal representative; or [7] other extenuating circumstances as determined by the Attorney General. [Section 193 of Senate bill; *numbers added for reference].

Mr. President, the very least our country should offer these victims of persecution, are clearly and fairly stated exceptions to this one-year filing deadline.

My second concern is that the implementation of the summary exclusion or expedited removal provisions of the new immigration law may prove to be even more harmful to those who flee from persecution and seek refuge in the United States. When this bill was being debated in 1996, Senator LEAHY and I sponsored an amendment that would have limited such expedited removal procedures to only emergency situations. While that amendment passed by one vote in the Senate, it unfortunately did not survive in conference.

I said in May of 1996, and I still believe today, that victims of politically motivated torture and rape are the very ones who are most likely to have to resort to the use of false documents to flee from repressive governments—yet the use of such fraudulent documents subjects them to summary exclusion under the 1996 law.

I also remain concerned that while the INS may instruct its inspectors not to assess the credibility of an asylum claim—but instead refer the claim to an asylum officer—who can say how this process is actually being implemented nationwide at all of our 260 ports of entry? Other outside agencies are not permitted to monitor this process. Some credible cases are being assessed at secondary inspection sites by INS officials who are not trained asylum officers. As a result, I urge the Attorney General to appoint someone from her office to oversee the functioning of secondary inspection sites to ensure that anyone stating a fear of persecution or abuse is not forced onto the next plane back to his or her persecutors.

DOJ oversight could also prevent future inhumane actions—cases of physical and mental abuse that some INS officials have allegedly inflicted on asylum seekers who are shackled to benches at JFK Airport—or at least provide accountability for a process sorely lacking such oversight. A man from Somalia, Mohamoud Farah, who was recently granted asylum, yesterday described his ordeal during a press conference sponsored by the Lawyers Committee for Human Rights. I will ask that his full statement be printed in the RECORD at the conclusion of my remarks, but I will highlight some of it now. While Mohamoud endured 14 and a half hours shackled to a chair at JFK Airport, without food or water or even restroom breaks, he experienced abuse from INS officials and saw them abuse others who had been detained in the secondary inspection waiting area.

Being kicked, cursed at, and shackled to a chair is not how any of us envision proper treatment of people who seek refuge in our great nation—in fact, I imagine that kind of treatment as only occurring at the hands of the persecutors in the very countries from which these refugees flee.

Finally, I am concerned about the consistency with which INS implements its own rules and regulations in compliance with the 1996 immigration law. For example, in the General Accounting Office's report that was sent to me yesterday, the GAO describes inconsistencies among the eight asylum offices in the process of conducting "credible fear" interviews. Some offices failed to document whether a required paragraph on torture was read to the asylum seeker, or whether questions about torture were asked. I am concerned about these inconsistencies—especially since information about torture would provide a solid basis on which to grant asylum.

INS should also be consistent in allowing for effective representation when an asylum applicant appears before an immigration judge. This means that immigration judges should allow the attorney or representative of the asylum seeker to participate at the hearing by speaking or asking questions.

The right to have a trained asylum officer hear an asylum claim or to have counsel speak during a review hearing before an immigration judge should be a consistent right of all asylum seekers—not just a right that depends on which airport a person lands in or which immigration judge that person ends up appealing to.

In conclusion, Mr. President, the Senate must remain vigilant in its oversight duties if we want to keep our asylum system working. We have to remember that there's a reason for having an asylum system in the first place—and that is to keep the torch of liberty lit for truly oppressed people. This is a basic American value, and America should not turn its back on this fundamental principle.

I ask that the statement of Mohamoud Farah be printed in the RECORD.

The statement follows:

STATEMENT OF MOHAMOUD FARAH

(represented by the Hebrew Immigrant Aid Society (HIAS))

I arrived at JFK airport in New York City on October 31, 1997, on an Egypt Air flight from Cairo. When the plane landed, I informed someone at the airport that I was a refugee without a visa to enter the United States. I overheard this person tell a uniformed INS officer that I was "illegal". This INS officer insulted me, cursed at me, and asked me why I came to the United States. He pushed me backwards, and I fell down. Before I knew what was happening, three or four INS officers were putting shackles on my arms and legs. They bound my wrists and ankles to the legs of a chair. As the shackle was short, I was forced to lean forward in an uncomfortable position. The officers yelled and cursed at me. One of them pulled my ear. I tried to explain that I was a refugee from Somalia, but they just continued to shout. I saw the officers kick some other people, who were then taken away.

I remained shackled to the chair, leaning forward, for fourteen and a half hours. During that time, despite my requests, I was not given any food or water, nor was I allowed to use the restroom. I saw two shift changes take place while I was still bound to the chair. At one point, employees from Egypt Air came with my luggage and ticket and said they were trying to send me back. I was afraid that if I were sent to Egypt, I might be put in jail. I told them I would rather be in jail in the United States.

They eventually sent me to another office where someone from INS began to take a statement from me about why I left Somalia. This statement would be used by the Immigration Judge in my proceedings. I was expected to discuss very painful experiences with the same people who were being abusive to me. This interview took a long time, as there was another shift change, and a new officer had to finish the statement. After they took the statement, I had to wait in that office for three more hours. I still was not allowed water or given permission to use the restroom. Finally, I was transported to the detention facility, near the airport in Queens, NY, at about 3:30 a.m. At that point, I was finally able to have some water and use the restroom, but received no food until lunch the next day. In the detention center, I began the process of applying for asylum in the United States. I was represented by Olga Narymsky, an attorney with the Hebrew Immigrant Aid Society (HIAS). After 101 days in detention, on February 9, 1998, I was granted political asylum.

I never expected that I would be treated this way in the United States. I know America is a great nation and that the way I was treated is not normal. I hope that by telling my story, I can help prevent anyone else from having to endure what happened when I arrived seeking refuge in this country.

AGRICULTURAL RESEARCH, EXTENSION AND EDUCATION REFORM

• Mr. WELLSTONE. Mr. President, I am here to support the Senator from Iowa in asking that we be allowed to vote on S. 1150, so that we may provide crop insurance to the farmers in this country and begin to restore food stamps to some legal immigrants who lost eligibility under welfare reform. It is a bill financed primarily by funds from reducing the federal dollars for the administration of food stamps and provides the perfect opportunity to start correcting the mistakes made under welfare reform in denying legal immigrants access to the food stamp program. In addition it could allow full funding for crop insurance for next year and beyond. The only way Congress could avoid leaving farmers exposed in this way, would be to provide significant increases to crop insurance during the appropriation process. It will be incredibly difficult to increase crop insurance through the appropriations process because of the tight discretionary caps and the tremendous pressure on all programs.

As currently drafted, S. 1150 would provide just over $800 million for FY1999–FY2003 to restore benefits to approximately 250,000 people. That is less than a third of those who lost their eligibility under welfare reform. It is a step in the right direction and we as the Senate should have the right to vote on this legislation.

We are not a country built on denying food to children and their parents. Yet that is essentially what we did when we passed Welfare Reform. Estimates suggest that around 900,000 legal immigrants lost their eligibility. In addition, 600,000 citizen children with legal immigrant parents have seen their family's food stamps reduced. Denying access to nutrition will indeed affect children. It might be in terms of reducing children's food or it might be in terms of family dynamics, job performance or children's accomplishments. The reality is food is a basic need that if lost or reduced has rippling effects on a family.

The legislation that has been stopped would, if passed, begin to return food stamps to the neediest of those immigrants who lost eligibility under welfare reform: children, elderly and disabled. In addition it extends eligibility of asylees and refugees from 5 to 7 years to allow them the time required to apply for citizenship. The remaining $1.1 billion would ensure the much needed funding for crop insurance and increase the much needed funds for agriculture research. Agriculture research funds are critical to improving food safety and providing a better quality food supply for all consumers. I encourage the President to allow the Senate to vote on this legislation so that we may improve food stamp eligibility to legal immigrants and ensure crop insurance to our farmers.•

CONGRATULATING TUBBY SMITH

• Mr. SARBANES. Mr. President, I rise today to congratulate a native son of Southern Maryland, Tubby Smith, who, as a first year head coach, led the Kentucky Wildcats to victory in this year's NCAA Basketball Tournament. This event is a historic one as Tubby Smith becomes only the third African-American to coach an NCAA men's championship basketball team at an institution that, at one time, did not allow African-Americans students to participate in basketball. It is for these reasons that I am particularly proud to congratulate Tubby Smith, a fellow small-town Marylander, on behalf of athletes and citizens nationwide who appreciate the value of opportunity and victory. Mr. President, I ask that an article on Tubby Smith, his family and life in Scotland, St. Mary's County, Maryland from the April 1, 1998 edition of the Washington Post be printed in the RECORD.

The article follows:

[From the Washington Post, Apr. 1, 1998]

IN ST. MARY'S, A CHAMPION'S FAMILY CELEBRATES

(By Jessie Mangaliman)

In the modest one-story cinder-block home in Scotland near St. Mary's County's southernmost point, Tubby Smith's large family—he has 16 brothers and sisters, 10 of whom still live in Southern Maryland, and 38 nieces, nephews, grandnieces and grandnephews—gathered yesterday at the family home to celebrate a victory by one of their own.

It was family-style: in the kitchen over a cup of coffee or in the den in front of a television tuned to a sports channel.

But in some ways, this victory encompasses a larger family. That's because Tubby Smith, the winning coach of the NCAA champion University of Kentucky Wildcats, was the first African American coach of a school that once barred blacks from playing on its basketball team. On Monday, he brought honor to that school and the country when his team, which included his son, Saul, won the national basketball title, defeating Utah 78–69.

"I think he's proved them all wrong," said his jubilant sister Ramona Smith, who lives in Scotland, the tiny farming community of several hundred people six miles from the Chesapeake Bay. "He's made a believer out of everybody. His coaching record speaks for itself; he just happens to be black."

"Yes, my God, we are proud of Tubby Smith," declared Frank Dove, manager of the Mixx Lounge and Grill in Dameron, a nearby community, where more than 100 of Smith's friends gathered Monday night to watch the game and toast him in his victory. A sign outside the lounge on Route 235 proclaimed: "Congratulations, Tubby Smith."

"You can't help but smile to think that Tubby, who is liked by everyone here, came from being a farm boy to what he is now. We are proud," said Dove, who opened the lounge, usually closed on Mondays, to Smith's friends and family.

"You want to talk about the coach of the year? He's my coach of the year . . . for life," said William Smith, one of Tubby Smith's younger brothers who joined the crowd at the Mixx.

"He's the greatest!" said Guffrie Smith Sr., Smith's father, who worked three jobs while helping to raise his family: He drove a school bus, fired boilers at Patuxent River Naval Air Station and barbered.

Guffrie, 79, and Parthenia, 72, still live in the five-bedroom home where Tubby grew up. Guffrie, with the help of his uncle, a share-cropper, built that house in 1963 so that the family could move out of a farmhouse that lacked indoor plumbing.

The Kentucky coach might be known as Tubby—the young boy who liked sitting in his grandmother's wash bin so much that he didn't want to leave—but his given name is Orlando.

"He was an obedient child," Parthenia Smith said. "Weekdays he went to school, and on Sundays he went to church. He was not allowed to play ball on Sundays."

But he was also a hard-working child, said Dove, who has known Tubby since he was an infant. Even at a young age, he helped his father plant fruits and vegetables on the family's five acres of land.

"The whole family is like that—a churchgoing, hard-working good family. That's the bottom line," Dove said. Yesterday afternoon at the Smith home, there was only one subject of conversation: Tubby.

"Every time Tubby came on, somebody holled, 'Tubby's on!' " said Ramona Smith, a guidance counselor at Great Mills High School. "We're still flying high, and we haven't quite calmed down yet."

Neither Guffrie nor Parthenia finished high school, but from the beginning, education was one of the family's most important values, the parents said. It paid off, Guffrie Smith Sr. said yesterday, for most of his 17 children have college degrees, including Tubby.

"He called last night after the game, and he said, 'Hey, Mama, did you see me on TV? I told him, yeah and I thanked the Lord [for the win] because I was so nervous," said Parthenia Smith, who conceded that she could not stop smiling in disbelief.

At Great Mills High, Tubby Smith scored 1,000 points in three seasons before graduating, helping unite a racially divided school in 1967 with his athleticism, according to his brother Odell, who was in Texas to watch the game Monday night.

Tubby Smith played for four years at High Point University in North Carolina. Then he coached in high schools, including at Great Mills. One of his college coaches, J.D. Barnett, later hired him as an assistant at Virginia Commonwealth University. Barnett went on to the University of Tulsa, where he was fired as head coach and replaced by Smith in 1991.

Under Smith's coaching, Tulsa went to the middle rounds of the NCAA tournament. He went to the University of Georgia in 1995, leading his teams to two NCAA tournaments.

Last year when Smith became the first African American coach of the men's team at the University of Kentucky, a paper there published an open letter from a black staff member warning him that the school was not ready for a black coach. "I fear for your safety," she wrote.

"There are good and bad people everywhere you go," Parthenia Smith said. "I told him that I didn't like what she said. But that made me nervous more than anything else."

"He's a good man," Smith's father said. "The boys believe in him."

Guffrie Smith, who has had multiple bypass surgery, said he had no doubt his son would come through a champion, but the thrill of Monday night's game was too much for his heart.

At halftime, when the Wildcats were behind 10 points, Guffrie Smith stood up, paced around the living room and the shut himself in the bedroom. He came out only after the Wildcats had won.

After the game Monday night, Tubby Smith said: "It's obviously something that is special. It's probably the most noteworthy thing that has happened in our family as far as family achievements.

Smith said he plans to visit his family in St. Mary's County in the next several days.

On national television, he thanked his relatives in St. Mary's because he knew they were watching. The family gathered at the Mixx lounge hooted and hollered, toasting with champagne.•

UNIVERSITY OF MICHIGAN WOLVERINES

• Mr. LEVIN. Mr. President, I rise today to congratulate the University of Michigan Wolverines on the completion of a perfect 1997 football season. In September, the Wolverines began one of the toughest schedules in the Big Ten. The team was prepared to play some of the strongest teams in NCAA football. From their first victory against Colorado (27-3) to their last game of the season against Ohio State (20-14), Michigan dominated the field, surrendering few touchdowns with their top-rated defense. By November, the Wolverines had finished their regular season undefeated, with a Big Ten Championship, a Rose Bowl berth and their first chance at a National Championship in fifty years.

In January, the Michigan Wolverines faced the Washington State Cougars in the 1998 Rose Bowl. Although the University of Michigan has more Rose Bowl appearances than any other Big Ten school, the Wolverines were appearing in Pasadena for the first time in five years. Senior quarterback Brien Griese led the team with 18 for 30 passing for 251 yards and three touchdowns. The Wolverines celebrated a 21-16 victory over Washington State, giving them their ninth straight win against opponents ranked in the Associated Press Top 10 and finishing with a perfect 12-0 season.

The Rose Bowl victory clinched the Wolverines the Associated Press National Championship trophy and secured the co-national championship. The season became even sweeter for the Wolverines when University of Michigan junior Charles Woodson won the 1997 Heisman Trophy, football's most prestigious individual honor, and head coach Lloyd Carr was recognized as Coach of the Year. 1997 was undoubtedly an outstanding year for Michigan football, and possibly the best in school history. On April 9, President Bill Clinton will honor the University of Michigan Wolverines at the White House for their extraordinary athletic accomplishments and remarkable teamwork. I extend my heartiest congratulations to the University of Michigan football team on a perfect 1997 season—Let's Go Blue!

UNITED NATIONS INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

• Mr. WELLSTONE. Mr. President, I would like to call the Senate's attention to a recent initiative that addresses a very important international issue: the use of torture. At its last session, the United Nations General Assembly decided to proclaim June 26th as "United Nations International Day in Support of Victims of Torture." The General Assembly proclaimed the day "with a view to the total eradication of torture and the effective functioning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force on 26 June 1987." Governments and non-governmental organizations are developing plans on how to observe this day in a manner that will recognize the needs of torture victims and the necessity of preventing torture.

Torture is a most effective weapon against democracy. Torture victims are often in the forefront of the struggle for human rights and democracy in their own country. The advocates for these ideals are tortured in order to disable them and instill fear in anyone who might aspire for human rights and democracy. As a refuge for the persecuted, the United States may have as many as 400,000 victims of torture. They come from all regions of the world. Many come from Iraq, Iran, China, Ethiopia, Liberia, El Salvador, Guatemala and many other countries too numerous to mention. Because of their experience with torture, they often have special difficulties applying for asylum and adjusting to a new country. They must overcome the physical and mental effects of torture—the latter often requiring months or years of therapy. Nightmares, flashbacks, anxiety attacks, and depression are just some of the mental consequences of torture. In some cases it may be years before the victim recognizes that treatment is necessary to overcome these psychological roadblocks.

Plans are being made around the world to recognize the contribution of torture victims. In Denmark, the International Rehabilitation Council for Torture Victims and the Rehabilitation and Research Centre for Torture Victims are planning a series of event and activities. In Greece, where torture was prevalent not so many years ago, the Medical Rehabilitation Center for Torture Victims (MRCT) will hold an event at what was, during the dictatorship, the Special Interrogating Unit of the Military Police (a notorious torture and detention center). The building is now used for historical memorial purposes, and symbolically the area has been renamed Park of Freedom. A variety of activities are planned, including speeches by torture victims and refugees.

I am very proud that the first and most comprehensive treatment center for victims of torture in the United States, the Center for Victims of Torture, is located in Minneapolis, Minnesota. It now treats an average of 150 clients a year who come from all regions of the world and are now settled in Minnesota. Many of the Center's clients and former clients are now making significant contributions to our communities and we are grateful to have them. The Center is planning a special event for June 26th.

Mr. President, on February 4th I introduced the Torture Victims Relief Act (S.1606). My bill is co-sponsored by Senators TOM HARKIN, EDWARD KENNEDY, DANIEL PATRICK MOYNIHAN, BARBARA BOXER, BYRON DORGAN, and RICHARD DURBIN. The legislation provides a focus and a framework of the debate about where torture survivors, and our response to the practice of torture by other countries, fit within our foreign policy priorities. Providing treatment for torture survivors is one of the best ways we can show our commitment to fighting human rights abuses around the world.

Mr. President, I strongly urge this administration and this Congress to undertake activities on June 26th to recognize the important contributions torture victims have made on behalf of human rights and democracy and the contributions they have made to our country as well. I suggest that President Clinton invite some torture victims to attend a ceremony at the White House where they would be recognized for their contributions. The invitees should be from countries representing a wide geographic and political distribution.

On that occasion the President could announce some initiatives the administration is taking to support torture victims and prevent torture. I would suggest that the President consider taking the following initiatives: (1) Increase the U.S. contribution to the United Nations Voluntary Fund from $1.5 million to $3.0 million, as recommended in the conference report of the State Department authorization bill; (2) Direct the Agency for International Development to set aside $5 million in fiscal year 1998 funds to assist treatment centers for torture victims abroad; (3) Direct the Department of Health and Human Services to set aside $5 million in fiscal year 1998 funds to assist treatment centers for victims of torture in the United States; and (4) Announce administration support for the Torture Victims Relief Act (S. 1606).

Finally, Mr. President, I would like to mention the valuable contribution being made by the United Nations Voluntary Fund for Victims of Torture. It provides financial assistance to treatment centers for victims of torture throughout the world. These centers are providing both an essential humanitarian assistance program as well as an important strategic instrument for advancing human rights and democracy around the world. In 1997 the Fund assisted 104 projects in about 70 countries on a budget of little more than $3 million dollars. An article that appeared in Human Rights, a publication initiated by the new U.N. High Commissioner for Human Rights, Mary Robinson, tells why we need to increase our contribution to the Fund. I ask that the text of the article be printed in the RECORD.

The article follows:

U.N. SUPPORT TO VICTIMS OF TORTURE

(By Daniel Prémont)

Torture continues to occur on a worldwide basis, despite enhanced efforts by Governments and organizations in keeping with provisions contained in domestic law and international human rights conventions whose objective is its total eradication.

The practice of torture was first prohibited in 1948 by the Universal Declaration of Human Rights and by the International Convention on the Prevention and Punishment of the Crime of Genocide; the concept was reaffirmed in 1966 by the International Covenant on Civil and Political Rights; and more recently, in 1984, by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

WHAT IS THE VOLUNTARY FUND FOR VICTIMS OF TORTURE?

The effects of torture should not be underestimated. Physical and mental consequences of torture can endure for several years and may be irreversible, often affecting not only thousands of victims themselves, but also their relatives. One of the means of mitigating the subsequent effects of torture on victims and their families is to provide them with medical, psychological, social, legal and economic aid. With this in mind, the General Assembly created the United Nations Voluntary Fund for Victims of Torture in 1982. The purpose of the Fund is to receive voluntary contributions and distribute them to non-governmental organizations and treatment centres for assisting victims of torture and their relatives whose human rights have been severely violated as a result of torture, as well as for the funding of projects for training healthcare professionals specialized in the treatment of victims of torture.

The Fund is administered by the United Nations Secretary-General with a Board of Trustees acting in an advisory capacity and comprising five members with wide experience in the field of human rights. The members serve in their personal capacity and are appointed by the Secretary-General for a renewable three-year term of office on the basis of equitable geographical distribution. Currently, members of the Board of Trustees are Jaap Walkate, Chairman, from The Netherlands; Ribot Hatano from Japan; Elisabeth Odio-Benito from Costa Rica; Ivan Tosevsky from the Former Yugoslav Republic of Macedonia; and Amos Wako from Kenya.

The inadequacy of available resources is a limiting factor in the field of assistance of victims; as a consequence, programmes of assistance are subjected to interruptions. For some 100 organisations the support of the United Nations Voluntary Fund remains essential.

HOW DOES THE VOLUNTARY FUND WORK?

The Fund receives projects which focus on providing medical, psychological, economic, social and legal assistance to victims of torture and to members of their families. A few projects also share the objective of organizing training seminars for health professionals specialized in the treatment of torture victims.

Each May, the Board of Trustees makes recommendations on grants to the High Commissioner for Human Rights. Subsequently, in the following month, on the basis of those recommendations, the High Commissioner takes decisions on behalf of the Secretary-General. As a final step, grants are made available at the end of July.

From 1983 to July 1997, the Fund has financed 255 projects for direct assistance to torture victims. From US$ 2.5 to US$ 3 million of voluntary contributions received from about 30 Governments and a few individuals are disbursed every year to projects in some 60 countries representative of all the regions of the world. Further information on the activities of the Voluntary Fund can be found in the latest annual reports of the Secretary-General to the General Assembly (UN document A/52/387) and to the Commission on Human Rights (UN documents E/CN.4/1998/37 and Add.1).

	Grants requested (US$)	Grants awarded (US$)	Percent granted	Additional amount required (US$)
1997	6,800,000	[1] 3,036,054	44.64	3,765,946
1996	5,618,645	[1] 2,535,500	45.1	3,083,145
1995	5,827,645	[1] 2,719,680	46.6	3,107,965
1994	5,476,959	[1] 3,698,080	67.5	1,778,879
1993	5,289,413	[1] 2,111,880	39.9	3,177,533

[1] Each year, the grants awarded correspond to the total amounts which the Board of Trustees is able to recommend to the Secretary-General for allocation. In view of the insufficient contributions received, the Board avoids the practice of carrying forward a reserve from one year to the next. The Secretary-General follows this recommendation by the Board.

As at 30 November 1997 only US$ 1,174,499 has been paid into the Fund. Provided that the number of grant requested is maintained at the 1997 level, the Fund will need an additional amount of US$ 5,6 million to meet all requests.

SOME PROJECTS RECENTLY SUBMITTED

Torture involves not only physical but also psychological forms, sometimes with long-term sequelae: in this regard, the Fund is supporting a project whose objective is to provide global assistance to formerly disappeared children of victims of torture in Latin America. The organization identifies disappeared children as those born in detention, abducted by security forces and illegally adopted. Once located by the organization, the children may be returned to their biological families. The best interests of the child have to be taken into consideration. This project consists of two main parts: investigation—some 1,030 interviews were carried out in the past year in conjunction with blood tests and analyses of genetic data—and psychological support provided to some 431 persons during 1996. Most of these persons suffer from sequelae of post-traumatic stress disorder including anxiety, nightmares, depression, as well as affective and intellectual inhibitions and benefit from individual psychotherapy. The number of youths seeking assistance remains high while many children have yet to be found: to date, 172 children still need to be located and 6 who were found have yet to be returned to their biological families.

Another project which was being implemented in Asia in 1996 focused on providing physical and mental relief to torture survivors and their families. Firstly, fact-finding missions on the incidence of torture were carried out establishing that people had been subjected to torture by the police and other law enforcement agencies: this involved methods such as beatings all over the body, kicking them with police boots, applying electric shocks, scalding them with hot water, suspending them by the legs from roofs and inflicting them with bullet injuries. Long-term consequences, apart from obvious physical complaints, were psychological and included phobia, depression, sexual problems and mental disorders. The more commonly occurring complaints were social maladjustments at work, in the family and society in general, through the overall loss of social dignity and a departure from social values. In 1995, 263 victims between 15 and 45 years of age received treatment. The drug therapy included prescription of antipsychotics, physiotherapy as well as psychotherapeutic assistance. Parallel to the main objective of providing physical and mental relief to the victims, the Care Center organized other activities such as seminars on torture for health professionals, missions in collaboration with the national Human Rights Commission in order to establish contact with victims, encourage them to visit the Car Center and prepare a report for submission to governmental authorities asking for justice. The organization also established a legal division which has already successfully assisted in five cases.

In North America, a treatment centre is currently providing clinical services to victims of torture who are now refugees, mainly from Africa and the Caribbean. 167 persons were assisted who had been subjected to rape, electric shocks, deprivation of human needs, as well as being obliged to eat excrement or perform acts of violence or murder often targeting their own family members. The treatment provided ranges from psychiatric and medical examination, to treatment in the form of crisis intervention and support counselling, psychotherapy, physiotherapy, social service, education, medical referrals, social support interpreters and legal assistance. In 1996, the center also established a children's art therapy branch as a medium for treating anxiety and dysfunctions related to traumatic experiences which children were unable to express verbally in the family setting.

The Commission on Human Rights, by its resolution 1997/38 of 11 April 1997, requested that the General Assembly proclaim 26 June a United Nations international day in support of the victims of torture and appealed to all Governments, organizations and individuals in a position to do so to contribute annually to the Fund.●

1998 APRIL QUARTERLY REPORTS

The mailing and filing date of the April Quarterly Report required by the Federal Election Campaign Act, as amended, is Wednesday, April 15, 1998. All Principal Campaign Committees supporting Senate candidates in the 1998 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 9:00 a.m. until 7:00 p.m. on April 15th, to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224-0322.

REGISTRATION OF MASS MAILINGS

The filing date for 1998 first quarter mass mailings is April 27, 1998. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 8:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224-0322.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-39

Mr. DOMENICI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 1, 1998, by the President of the United States: Inter-American Convention Against Corruption (Treaty Document No. 105-39).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Inter-American Convention Against Corruption ("the Convention"), adopted and opened for signature at the Specialized Conference of the Organization of American States (OAS) at Caracas, Venezuela, on March 29, 1996. The Convention was signed by the United States on June 27, 1996, at the twenty-seventh regular session of the OAS General Assembly meeting in Panama City, Panama. In addition, for the information of the Senate, I transmit the report of the Department of State with respect to the Convention.

The Convention was the first multilateral Convention of its kind in the world to be adopted. The provisions of the Convention are explained in the accompanying report of the Department of State. The report also sets forth proposed understandings that would be deposited by the United States with its instrument of ratification. The Convention will not require implementing legislation for the United States.

The Convention should be an effective tool to assist in the hemispheric effort to combat corruption, and could also enhance the law enforcement efforts of the States Parties in other areas, given the links that often exist between corruption and organized criminal activity such as drug trafficking. The Convention provides for a broad range of cooperation, including extradition, mutual legal assistance, and measures regarding property, in relation to the acts of corruption described in the Convention.

The Convention also imposes on the States Parties an obligation to criminalize acts of corruption if they have not already done so. Especially noteworthy is the obligation to criminalize the bribery of foreign government officials. This provision was included in the Convention at the behest of the United States negotiating delegation. In recent years, the United States Government has sought in a number of multilateral fora to persuade other governments to adopt legislation akin to the U.S. Foreign Corrupt Practices Act. This Convention represents a significant breakthrough on that front and should lend impetus to similar measures in other multilateral groups.

I recommend that the Senate give early and favorable consideration to the Convention, and that it give its advice and consent to ratification, subject to the understandings described in the accompanying report to the Department of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 1, 1998.*

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DOMENICI. Further as in executive session, I ask unanimous consent at 9 a.m. on Thursday, April 2, the Senate proceed to executive session and immediate vote on Cal. No. 461, the nomination of G. Patrick Murphy to be U.S. District Judge for the Southern District of Illinois. I further ask consent immediately following that vote, the Senate proceed to a vote on the confirmation of Cal. No. 462, Michael P. McCuskey to be U.S. District Judge for the Central District of Illinois. I finally ask consent following these votes the President be immediately notified of the Senate's action, the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Mr. DOMENICI. This is with reference to H.R. 629. I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 197, H.R. 629.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R.629) to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2276

(Purpose: To provide a substitute amendment)

Mr. DOMENICI. Mr. President, Senator SNOWE has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Ms. SNOWE, proposes an amendment numbered 2276.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. SNOWE. Mr. President, I rise today in strong support of HR 629, the Texas Compact Consent Act of 1997, which addresses the disposal of low-level radioactive nuclear waste for Maine, Vermont and Texas—and to thank the cosponsors of this bill: Senators COLLINS, LEAHY, and JEFFORDS, as well as Senators HUTCHISON and GRAMM of Texas for their invaluable assistance and support.

In 1980, Congress told the states to form compacts to solve their low-level waste disposal problems. Subsequently, Congress authorized a means of establishing these compacts without violating the Interstate Commerce Clause of the U.S. Constitution.

As you can see from the chart behind me, 41 states have now joined together to form nine different compacts across the country. Forty-one states. The compact before us today will simply add three more states to the nation's compact network, and carry out what these 41 other states have already been allowed to do.

As the law requires, Texas, Vermont and Maine have negotiated an agreement that was approved by each state: in the Texas Senate by a vote of 28 to zero, and voice voted in the House; in Vermont, the bill was also voice voted by large margins in both bodies.

In Maine, the Senate voted 26 to 3 to pass the compact; in the House, 131 to 6. In addition, 73 percent of the people in a state-wide referendum approved the Compact. All three Governors signed the bill. And, last October 7th, the House passed the Texas Compact by an overwhelming vote of 309 to 107. Decisive victories on all counts, and by any measure.

So, we have before us a Compact that has been carefully crafted and thoroughly examined by the state governments and people of all three states involved. Now all that is required is the approval of Congress, so that the State of Texas and the other Texas Compact members will be able to exercise appropriate control over the waste that will come into the Texas facility.

Let me be clear: the law never intended for Congress to determine who pays what, how the storage is allocated, and where the site is located. To the contrary: the intent of the law is for states to develop and approve these details, and for Congress to ratify the plan. A quick review of history bears this out—for the nine compacts that have been consented to by the United States Congress, not one of them was amended. Not one of them.

It is very important for my colleagues to know that the language ratified by each state for this Compact is exactly the same language, and if any change is made by Congress, the Compact would have to be once again returned to each state for reratification.

And let me take this opportunity to clear up some other misconceptions about this compact, which are being used by our opponents to cast discredit on this legislation.

The Compact before us does not discuss any particular site for the disposal facility. Let me repeat that—this bill has nothing to do with the location of a facility in Texas, as some would have us believe. It only says that Texas must develop a facility in a timely manner, consistent with all applicable state and federal environmental, health, and public safety laws.

This is being done. The Texas State Office of Administrative Hearings is presently conducting several evidentiary hearings at various locations all around the state of Texas to evaluate a proposed site. All voices are being heard, and the state of Texas will decide, as it should.

Opponents of the Texas Compact would have you believe that should we ratify this Compact it will open the doors for other states to dump nuclear waste at a site, in the desert, located five miles from the town of Sierra Blanca, exposing a predominantly low-income, minority community to health and environmental threats.

The truth is that Texas has been planning to build a facility for its own waste since 1981, long before Maine first proposed a Compact with Texas. That is because whether or not this Compact passes, Texas still must somehow take care of the waste it produces.

Further, absent the protection of this Compact, Texas must, I repeat must, open their borders to any other state for waste disposal or they will be in violation of the Interstate Commerce Clause of the U.S. Constitution. The Compact gives Texas the protection that oversight commissioners, mostly appointed by the elected Governor of Texas but also with a say from Maine and Vermont, will decide what is best for Texas.

Local support for the Compact was evidenced just last month in state elections held in Texas. The Hudspeth County judge, who is the top elected official who runs county business where the site has been proposed, and who has strongly declared his support for the Compact, won his race for reelection. Two candidates for county commissioner who also support the Compact won their races over two opponents of the Compact.

The opponents of the Compact would have you believe this issue is about politics. It is not about politics, it is about science: sound science. It is very dry in the Southwest Texas area, where the small amount rainfall it receives mostly evaporates before it hits the ground. The aquifer that supplies water to the area and to nearby Mexico is over 600 feet below the desert floor and is encased in rock.

The proposed site has been designed to withstand any earthquake equaling the most severe that has ever occurred in Texas history. Strong seismic activity in the area is non-existent. All these factors mean that the siting of this facility is on strong scientific grounds.

Our opponents say we will be bad neighbors if we pass this Compact because the proposed site is near the Mexican border. In fact, the U.S. and Mexico have an agreement, the Las Paz Agreement, to cooperate in the environmental protection of the border region. The Las Paz Agreement simply encourages cooperative efforts to protect the environment of the region.

Any proposed facility will be protective of the environment because it will be constructed in accordance with the strictest U.S. environmental safeguards. In addition, both the Mexican National Water Commission and the National Nuclear Security and Safeguards Commission have stated that the proposed site meets the Mexican government's requirements.

Without question, the far bigger threat to the border environment is the untreated sewage dumped into the Rio Grande River by poor border communities on both sides of the river, and large factories, or maquiladoras on the Mexican side of the river that do not adhere to these stringent U.S. environmental standards.

Mr. President, when this Compact is adopted—and it is clear that it should be adopted without amendments—the States of Texas, Maine and Vermont will become the forty second, forty third and forty fourth states to be given Congressional approval for forming a compact. And they will meet their responsibilities under federal law for the disposal of their low-level waste from universities, hospitals, medical centers, and power plants and shipyards.

I, along with my colleagues from the Texas Compact states, urge the Senate to give us this reasoned opportunity, which has widespread public support in Texas, Maine and Vermont. I urge the Senate to adopt S. 270.

I ask unanimous consent that several letters relating to this subject be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF TEXAS,
OFFICE OF THE GOVERNOR,
Austin, TX, July 15, 1997.

DEAR SENATOR:

As the Governors of the member states, we strongly urge passage by the U.S. Senate of S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act.

The 1980 Low-Level Radioactive Waste Policy Act and its 1985 amendments make each state "responsible for providing, either by itself or in cooperation with other states," for disposal of its own commercial low-level radioactive waste. In compliance with this federal legislation, the states of Texas, Maine and Vermont have arranged to manage their waste through the terms of the Texas Compact. This compact passed the legislatures of the states involved and is supported by all three Governors. Texas, Maine and Vermont have complied with all federal and state laws and regulations in forming this compact. For the Congress to deny ratification of the Texas Compact would be a serious breach of states' rights and a rejection of Congress' previous mandate to the states.

It is important to remember that S. 270 is site neutral—a vote on S. 270 is neither a vote to endorse nor oppose the proposed site in Texas. Federal legislation leaves the siting of a facility to state governments and should be resolved during formal licensing proceedings. Currently, the Texas Natural Resource Conservation Commission is conducting the appropriate hearings.

Please vote to supply the member states of the Texas Compact with the same protections that you have already given 42 states in the nine previously approved compacts. Thank you for your time and attention on this very important matter. We appreciate all efforts made on behalf of states' rights.

Sincerely,

GEORGE W. BUSH.
HOWARD DEAN, M.D.
ANGUS S. KING, JR.

MAINE YANKEE,
Augusta, ME, March 12, 1998.

Hon. OLYMPIA J. SNOWE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SNOWE: Thank you for contacting me to let us know that debate on the Texas Compact legislation is scheduled to begin this Friday. I appreciate the leadership role you have taken on this difficult issue. I am also grateful to the other members of Maine's congressional delegation for being sensitive to the unique issues presented by Maine.

Since the House vote in December, Texas has issued a fee schedule that appears to make the Texas facility comparable in cost to Barnwell, South Carolina, so long as there are no delays in the scheduled opening of the facility. In addition, we are pleased to see the public hearing process in Texas going forward on schedule, which gives us greater confidence that the site may begin accepting waste in 1999 as projected. Given the foregoing, Maine Yankee can support ratification of the Texas Compact, on the following basis: Maine Yankee has the flexibility to ship waste to South Carolina prior to the operation of the Texas facility; Maine Yankee has the ability to use the Envirocare facility in Utah throughout our decommissioning; and the Compact passes with no amendments.

Please let me know if you have any questions regarding our position on the Texas Compact legislation. Once again, thank you for taking the lead on this issue which is so important to electric ratepayers.

Yours truly,

DAVID T. FLANAGAN,
Chairman.

HUDSPETH COUNTY COURTHOUSE,
Sierra Blanca, TX, March 12, 1998.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: It is an honor for me to write to U.S. Senators, whose title and energy is devoted to important national and international issues. There are several facts I want you to consider as the U.S. Senate takes up floor action on SB 270, a low-level waste Compact between Texas, Maine and Vermont.

First, I am the County Judge for Hudspeth County, Texas, the site of the proposed low-level radioactive waste facility. Second, I am a strong and vocal supporter of the proposed site and compact. Third, the voters of Hudspeth County overwhelmingly reelected me on March 10th. I won with 54% of the vote in a three person race.

The people of Hudspeth County know my position on these issues and spoke clearly and forcefully the best way can—through the electoral process. I won. My opponents are against the proposed facility. They lost.

In the County Commissioner races, both losing candidates publicly opposed the proposed facility.

Finally, the only candidate on the ballot for Chairman of the Hudspeth County Democratic Party was defeated by a write-in candidate. Billy Addington, a long time an outspoken opponent of the proposed facility, could not win. The democratic process has clearly shown that the citizens of Hudspeth County continue to accept the string of the facility, despite the loud but false claims by the opposition.

I urge you to listen to what the voters of Hudspeth County are saying, as well as the past actions of the legislatures in Maine, Texas and Vermont. This facility has wide support. Please ratify the Compact to enable these states to safety and permanently manage their low-level waste and to help stimulate economic development in Hudspeth County. At least that's what the grass-roots level wants.

Sincerely,

JAMES A. PEASE,
Hudspeth County Judge.

NATIONAL GOVERNORS ASSOCIATION,
March 2, 1998.

DEAR MEMBER OF CONGRESS:

On behalf of the National Governors' Association, we urge you to adopt S. 270 without amendment. This bill provides congressional consent to the Texas-Maine-Vermont Low-Level Radioactive Waste Compact. The National Governors' Association (NGA) policy in support of this compact is attached. We are convinced that this voluntary compact provides for the safe and responsible disposal of low-level waste produced in the three member states.

As you know, under the Low-Level Radioactive Waste Policy Act (LLRWPA) of 1980, Congress mandated that states assume responsibility for disposal of low level radioactive waste, and created a compact system that provides states with the legal authority to restrict, dispose of, and manage waste. Since 1995, forty-one states have entered into nine congressional approved compacts without amendments or objections. The Texas-Maine-Vermont Compact deserves to be the tenth.

Your support for this bipartisan measure, which has the full support and cooperation of the Governors and legislatures of the three participant states, will be crucial.

If you have any questions concerning this matter, please don't hesitate to contact Tom Curtis of the NGA staff at (202) 624-5389.

Sincerely,

GOVERNOR GEORGE V. VOINOVICH,
Chairman.
GOVERNOR TOM CARPER,
Vice Chairman.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, March 11, 1998.

Re S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act NCSL urges you to support this bill without amendment.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: The National Conference of State Legislatures (NCSL) urges you to support S. 270, the Texas Low-Level Radioactive Waste Disposal Compact Consent Act, which will allow the states of Maine, Texas, and Vermont to continue to work together to develop a facility in Hudspeth County, Texas for the disposal of the low-level radioactive waste produced in those three states. NCSL has consistently reiterated its firm belief that states must be allowed to exercise their authority over the storage and disposal oflow-level radioactive waste, authority that was granted to them by Congress in the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Waste Policy Act Amendments of 1985.

NCSL is concerned about H.R. 629, the version of the Texas Low-Level Radioactive Waste Disposal Compact Consent Act which passed through the House of Representatives last October. H.R. 629 was amended with language that was not in the compact as approved by the Maine, Texas and Vermont state legislatures. No low-level radioactive waste compact between states has ever been amended by Congress. We believe that the amendments to H.R. 629 would establish an unfortunate precedent for Congressional tinkering with agreements that have already been passed by their relevant state legislatures.

The states of Maine, Texas, and Vermont have already expended significant time and resources in order to negotiate an agreement on the Hudspeth County facility. It would be inappropriate for Congress to attempt to alter a valid effort by the Compact states to meet their responsibilities under the Low-Level Radioactive Waste Policy Act. We urge you to support S. 270 without amendment.

Sincerely,

CRAIG PETERSON,
Utah State Senate,
Chair, NCSL Environment Committee.
CAROL S. PETZOLD,
Maryland House of Delegates,
Chair, NCSL Energy & Transportation Committee.

U.S. NUCLEAR REGULATORY COMMISSION,
Washington, DC, March 20, 1998.

Hon. OLYMPIA J. SNOWE,
U.S. Senate,
Washington, DC.

DEAR SENATOR SNOWE: In response to the request from your staff, here are the views of the Nuclear Regulatory Commission (NRC) on two proposed amendments to S. 270, a bill to provide the consent of Congress to the Texas Low-Level Radioactive Waste (LLW) Disposal Compact. The proposed amendments would add two new conditions to the conditions of consent to the compact: (1) that no LLW may be brought into Texas for disposal at a compact facility from any State other than Maine or Vermont (referred to below as the "exclusion" amendment); and (2) that "the compact not be implemented . . . in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level" (referred to below as the "discrimination clause"). These amendments raise some significant questions of concern to the NRC.

First, no other Congressional compact ratification legislation has included such conditions to Congress' consent. Making the Congressional consent for this compact different from that for other compacts would create an asymmetrical system and could lead to conflicts among regions. In the past, Congress has set a high priority on establishing a consistent set of rules under which the interstate compact system for LLW disposal would operate.

With respect to the exclusion condition, while the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments Act of 1985 authorize compact States to exclude LLW from outside their compact region, the terms of doing so are left to the States. This is consistent with the intent of these statutes to make LLW disposal the responsibility of the States and to leave the implementation of that responsibility largely to the States' discretion. Thus, the addition of the exclusion condition to the compact would deprive the party States of the ability to make their own choices as to how to handle this important area. In addition, restriction on importation of LLW into Texas to waste coming from Maine or Vermont could prevent other compacts (or non-compact States) from contracting with the Texas compact for disposal of their waste (such as has occurred between the Rocky Mountain and Northwest compacts). This type of arrangement with existing LLW disposal facilities may well become a preferred economical method of LLW disposal. It is also important to note that the exclusion condition may hamper NRC emergency access to the Texas facility pursuant to section 6 of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

With respect to the discrimination clause, the Commission supports the general objectives of efforts to address discrimination involving "race, color, national origin, or income level." However, it is unclear how a condition containing broad language of the type contained in the proposed amendment would be applied in a specific case involving a compact. This lack of clarity is likely to create confusion and uncertainty for all parties involved, and could lead to costly, time-consuming litigation. Including such a provision in binding legislation may have broad significance for the affected States and other parties would appear to warrant extensive Congressional review of its implications.

In light of the above, the NRC opposes the approval of amendments to S. 270 that would incorporate the exclusion condition or an undefined discrimination clause into the Texas compact bill.

Sincerely,

SHIRLEY ANN JACKSON,
Chairman.

Ms. COLLINS. Mr. President, I join the senior Senator from the State of Maine, Senator SNOWE, in urging my colleagues to enact H.R. 629, legislation that would ratify the Low-Level Radioactive Waste Disposal Compact, also known as the Texas Compact.

In entering into an agreement for the disposal of low-level radioactive waste, the States of Maine, Texas, and Vermont followed the direction established by the Congress in the Low-Level Radioactive Waste Policy Act and its 1985 amendments. That legislation contemplated that states would form agreements of this nature for the disposal of low-level waste, and thus, by ratifying the compact, Congress will be completing a process that it set in motion.

Mr. President, since 1985 Congress has ratified nine compacts involving 41 states. Put differently, 82 of the 100 members of this body live in states with compacts that have been ratified by the Senate, and with the approval of the Texas Compact, that number will rise to 88. In short, what Maine, Texas, and Vermont are seeking today has already been routinely granted to the vast majority of the states.

While the disposal of radioactive waste is bound to generate controversy, this agreement has been overwhelmingly approved by the Legislatures of the three compacting states, signed by their governors, and in the case of Maine, endorsed by the voters in a referendum. This is consistent with the congressional determination that the states bear responsibility for the disposal of low-level radioactive waste, and that in the interest of limiting the number of disposal sites, they work together to carry out this responsibility. Indeed, ratification by Congress is necessitated only because state-imposed limitations on the importation of waste would otherwise violate the Commerce Clause.

Mr. President, a member of this body has criticized the proposed disposal site to be established pursuant to this compact. Apart from the fact that the location of the site is a matter for the states to determine, that criticism is unsupported by the facts.

In the selection of the proposed site in Hudspeth County, Texas, there was extensive public involvement, as well as thorough environmental and technical reviews. Hudspeth County was found to have the two critical characteristics for a disposal site, namely, very little rainfall and very low population density. Indeed, the county is the size of the State of Connecticut and has a population of only 2800 people.

While some may wish to use this legislation to pursue a larger ideological agenda, it does not square with the facts. The choice of Hudspeth County had nothing to do with who lives there; it had everything to do with the fact that very few people live there.

Mr. President, this body has been presented with nine low-level radioactive waste compacts. It has ratified each one without change. In keeping with congressionally established policy for the disposal of low-level waste, Maine, Texas, and Vermont are seeking the same treatment.

Mr. LEAHY. Mr. President, I rise today to talk about the predicament Vermont, Maine and Texas find themselves in, simply because they are following Congress' directions. In 1985, we amended the Low-Level Nuclear Waste Policy Act to encourage states to enter into interstate compacts to develop disposal facilities for low-level waste by December, 1995, or to assume responsibility for safe waste disposal in their own states. Following our direction, Vermont began looking for an in-state depository location. The sites examined in Vermont were not suitable because of both their geology and their proximity to large populations. At about the same time, Texas offered to enter into a compact with Vermont and Maine and to use a site they were already developing for Texas waste.

The state legislatures of Vermont, Maine and Texas agreed to enter into this compact in the early 1990s. The Compact is a contractual agreement among the three states, but it requires Congressional approval in order to allow the member states to exclude waste from outside their compact. According to our Constitution, these compacts must be approved by Congress. Article 1 clearly states that "No state shall, without the Consent of Congress, . . . Enter into any Agreement or Compact with another state, ..."

Since 1985, nine interstate low-level waste compacts have been approved by Congress, encompassing forty-one states. They were ratified without change and without a single recorded negative vote. I am pleased to see that the Vermont, Maine and Texas Compact will follow in that tradition.

I first introduced legislation to approve our Compact in the 103rd Congress. Passage of H.R. 629 finally ratifies the clear will of the Vermont Legislature when it entered in the Compact. At that time, I believe we all recognized that there was no perfect solution for dealing with low-level nuclear waste, but as long as we are generating power from nuclear facilities and as long as our research universities, hospitals and laboratories use nuclear materials, we are going to have to dispose of the waste. We cannot continue to ignore the need to safely store nuclear waste. To pretend otherwise would be to ignore the growing environmental problem of storing this waste at inadequate, temporary sites in Vermont, Maine and Texas.

Instead, we need to make a commitment to developing and building the safest facility for long-term storage of waste. That is what our States have done, and Congress should not stand in their way. I have talked with our Vermont state geologist. We have looked at maps of Vermont and we have looked at our geology, hydrology and meteorology in Vermont. There is only one conclusion from all of these discussions: there is not an acceptable site for nuclear waste storage in our state.

The Compact also makes economic sense. The residents of Vermont have already committed themselves to this Compact, and the twenty-five million dollar price tag that goes along with it. Since Vermont generates such a small amount of waste, it would be economically unfeasible to build a facility that would meet all the environmental requirements and only store waste generated in Vermont. Building such a facility would put Vermont in a position of looking to other states to help support the facility.

It is also important to remember that under the Compact, Texas has agreed to host the waste facility, but it does not name a specific site. That is an issue to be decided by the people of Texas, as it should be. This Compact also allows the states of Vermont, Maine and Texas to refuse waste from other states. Specifically, Texas will be able to limit the amount of low-level waste coming into its facility from out-of-state sources. Maine and Vermont together produce a fraction of what is generated in Texas, but by entering into this Compact, our states will share the cost of building the facility.

Finally, building the facility does not end Vermont's obligation to the safety of this site. We have a long-term commitment to the site, from ensuring that the facility meets all of the federal construction and operating regulations, to making sure the waste is transported properly to the site, and to ensuring that the surrounding area is rigorously monitored. Vermont will not send its waste to Texas and then close it eyes to the rest of the process.

AMENDMENTS NO. 2277 AND 2278, EN BLOC, TO AMENDMENT NO. 2276

Mr. DOMENICI. Mr. President, Senator WELLSTONE has two amendments at the desk. I ask unanimous consent the Senate consider those amendments en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. WELLSTONE, proposes amendments numbered 2277 and 2278, en bloc, to amendment No. 2276.

The text of the amendments follows:

AMENDMENT NO. 2277

(Purpose: To add certain conditions to the grant of consent to the compact)

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) the compact not be implemented (including execution by any party state (as defined in the compact) of any right, responsibility, or obligation of the party state under Article IV of the compact) in any way that discriminates against any community (through disparate treatment or disparate impact) by reason of the composition of the community in terms of race, color, national origin, or income level.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

(2) BY A MEMBER OF AN AFFECTED COMMUNITY.—If person that resides or has a principal place of business a community that is adversely affected by a failure to comply with the condition stated in subsection (a)(3)(B) obtains evidence of the failure of compliance, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition; and

(B) enjoining any further failure of compliance.

AMENDMENT NO. 2278

(Purpose: To add certain conditions to the grant of consent to the compact)

On page 2, strike lines 5 through 15 and insert the following:

SEC. 3. CONDITIONS ON CONSENT TO COMPACT.

(a) IN GENERAL.—The consent of Congress to the compact set forth in section 5—

(1) shall become effective on the date of enactment of this Act;

(2) is granted subject to the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b et seq.); and

(3) is granted on the conditions that—

(A) the Commission (as defined in the compact) comply with all of the provisions of that Act; and

(B) no low-level radioactive waste be brought into Texas for disposal at a compact facility from any State other than the State of Maine or Vermont.

(b) CONSENT TO SUIT.—By proceeding to implement the compact after the date of enactment of this Act, the party states and Commission shall be considered to have consented to suit in a civil action under subsection (d).

(c) CONTINUING EFFECTIVENESS OF CONDITION.—If the consent of Congress is declared to be of no further effect in a civil action under subsection (d), the condition stated in subsection (a)(3)(B) shall continue to apply to any subsequent operation of the compact facility.

(d) ENFORCEMENT.—

(1) BY THE ATTORNEY GENERAL.—If the Attorney General obtains evidence that a condition stated in subsection (a)(3) has not been complied with at any time, the Attorney General shall bring a civil action in United States district court for a judgment against the party states (as defined in the compact) and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

(2) BY A MEMBER OF THE COMMUNITY IN WHICH A COMPACT FACILITY IS LOCATED.—If any person that resides or has a principal place of business in the community in which a compact facility is located obtains evidence that the condition stated in subsection (a)(3)(B) has not been complied with at any time, the person may bring a civil action in United States district court for a judgment against the party states and Commission—

(A) declaring that the consent of Congress to the compact is of no further effect by reason of the failure to meet the condition;

(B) enjoining any further failure of compliance; and

(C) in any second or subsequent civil action under this subsection in which the court finds that a second or subsequent failure to comply with the condition stated in subsection (a)(3)(B) has occurred, ordering that the compact facility be closed.

Mr. DOMENICI. I ask unanimous consent that the amendments be agreed to, the substitute amendment, as amended, be agreed to, the bill be considered read a third time and passed as amended, the motion to reconsider be laid upon the table, and that any statement relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 629), as amended, was considered read the third time, and passed.

UNANIMOUS CONSENT AGREEMENT—H.R. 629

Mr. DOMENICI. Mr. President, I ask unanimous consent that, notwithstanding adoption of the Wellstone amendments and subsequent passage of H.R. 629, it be in order for Senator WELLSTONE on Thursday to modify those amendments only to allow them to conform to the substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISA WAIVER PILOT PROGRAM REAUTHORIZATION ACT OF 1998

Mr. DOMENICI. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1178) to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1178) entitled "An Act to amend the Immigration and Nationality Act to extend the visa waiver pilot program, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF VISA WAIVER PILOT PROGRAM.

Section 217(f) of the Immigration and Nationality Act is amended by striking "1998." and inserting "2000.".

SEC. 2. DATA ON NONIMMIGRANT OVERSTAY RATES.

(a) COLLECTION OF DATA.—Not later than the date that is 180 days after the date of the enactment of this Act, the Attorney General shall implement a program to collect data, for each fiscal year, regarding the total number of aliens within each of the classes of nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) whose authorized period of stay in the United States terminated during the previous fiscal year, but who remained in the United States notwithstanding such termination.

(b) ANNUAL REPORT.—Not later than June 30, 1999, and not later than June 30 of each year thereafter, the Attorney General shall submit an annual report to the Congress providing numerical estimates, for each country for the preceding fiscal year, of the number of aliens from the country who are described in subsection (a).

SEC. 3. QUALIFICATIONS FOR DESIGNATION AS PILOT PROGRAM COUNTRY.

Section 217(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)), is amended to read as follows:

"(2) QUALIFICATIONS.—Except as provided in subsection (g), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE.—Either—

"(i) the average number of refusals of nonimmigrant visitor visas for nationals of that country during—

"(I) the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years; and

"(II) either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year; or

"(ii) such refusal rate for nationals of that country during the previous full fiscal year was less than 3.0 percent.

"(B) MACHINE READABLE PASSPORT PROGRAM.—The government of the country certifies that it has or is in the process of developing a program to issue machine-readable passports to its citizens.

"(C) LAW ENFORCEMENT INTERESTS.—The Attorney General determines that the United States law enforcement interests would not be compromised by the designation of the country.".

Amend the title so as to read "An Act to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.".

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

WIRELESS TELEPHONE PROTECTION ACT

Mr. DOMENICI. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 493) to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia,

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 493) entitled "An Act to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless Telephone Protection Act".

SEC. 2. FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COUNTERFEIT ACCESS DEVICES.

(a) UNLAWFUL ACTS.—Section 1029(a) of title 18, United States Code, is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by striking paragraph (8) and inserting the following:

"(8) knowingly and with intent to defraud uses, produces, traffics in, has control or custody of, or possesses a scanning receiver;

"(9) knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured to insert or modify telecommunication identifying information associated with or contained in a telecommunications instrument so that such instrument may be used to obtain telecommunications service without authorization; or".

(b) PENALTIES.—

(1) GENERALLY.—Section 1029(c) of title 18, United States Code, is amended to read as follows:

"(c) PENALTIES.—

"(1) GENERALLY.—The punishment for an offense under subsection (a) of this section is—

"(A) in the case of an offense that does not occur after a conviction for another offense under this section—

"(i) if the offense is under paragraph (1), (2), (3), (6), (7), or (10) of subsection (a), a fine under this title or imprisonment for not more than 10 years, or both; and

"(ii) if the offense is under paragraph (4), (5), (8), or (9), of subsection (a), a fine under this title or imprisonment for not more than 15 years, or both;

"(B) in the case of an offense that occurs after a conviction for another offense under this section, a fine under this title or imprisonment for not more than 20 years, or both; and

"(C) in either case, forfeiture to the United States of any personal property used or intended to be used to commit the offense.

"(2) FORFEITURE PROCEDURE.—The forfeiture of property under this section, including any seizure and disposition of the property and any related administrative and judicial proceeding, shall be governed by section 413 of the Controlled Substances Act, except for subsection (d) of that section.".

(2) ATTEMPTS.—Section 1029(b)(1) of title 18, United States Code, is amended by striking "punished as provided in subsection (c) of this section" and inserting "subject to the same penalties as those prescribed for the offense attempted".

(c) DEFINITIONS.—Section 1029(e)(8) of title 18, United States Code, is amended by inserting before the period "or to intercept an electronic serial number, mobile identification number, or other identifier of any telecommunications service, equipment, or instrument".

(d) APPLICABILITY OF NEW SECTION 1029(a)(9).—

(1) IN GENERAL.—Section 1029 of title 18, United States Code, is amended by adding at the end the following:

"(g)(1) It is not a violation of subsection (a)(9) for an officer, employee, or agent of, or a person engaged in business with, a facilities-based carrier, to engage in conduct (other than trafficking) otherwise prohibited by that subsection for the purpose of protecting the property or legal rights of that carrier, unless such conduct is for the purpose of obtaining telecommunications service provided by another facilities-based carrier without the authorization of such carrier.

"(2) In a prosecution for a violation of subsection (a)(9), (other than a violation consisting of producing or trafficking) it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) that the conduct charged was engaged in for research or development in connection with a lawful purpose.".

(2) DEFINITIONS.—Section 1029(e) of title 18, United States Code is amended—

(A) by striking "and" at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting a semicolon; and

(C) by striking the period at the end of paragraph (8); and

(D) by adding at the end the following:

"(9) the term 'telecommunications service' has the meaning given such term in section 3 of title I of the Communications Act of 1934 (47 U.S.C. 153));

"(10) the term 'facilities-based carrier' means an entity that owns communications transmission facilities, is responsible for the operation and maintenance of those facilities, and holds an operating license issued by the Federal Communications Commission under the authority of title III of the Communications Act of 1934; and

"(11) the term 'telecommunication identifying information' means electronic serial number or any other number or signal that identifies a specific telecommunications instrument or account, or a specific communication transmitted from a telecommunications instrument.".

(e) AMENDMENT OF FEDERAL SENTENCING GUIDELINES FOR WIRELESS TELEPHONE CLONING.—

(1) IN GENERAL.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend the Federal sentencing guidelines and the policy statements of the Commission, if appropriate, to provide an appropriate penalty for offenses involving the cloning of wireless telephones (including offenses involving an attempt or conspiracy to clone a wireless telephone).

(2) FACTORS FOR CONSIDERATION.—In carrying out this subsection, the Commission shall consider, with respect to the offenses described in paragraph (1)—

(A) the range of conduct covered by the offenses;

(B) the existing sentences for the offenses;

(C) the extent to which the value of the loss caused by the offenses (as defined in the Federal sentencing guidelines) is an adequate measure for establishing penalties under the Federal sentencing guidelines;

(D) the extent to which sentencing enhancements within the Federal sentencing guidelines and the court's authority to sentence above the applicable guideline range are adequate to ensure punishment at or near the maximum penalty for the most egregious conduct covered by the offenses;

(E) the extent to which the Federal sentencing guideline sentences for the offenses have been constrained by statutory maximum penalties;

(G) the extent to which Federal sentencing guidelines for the offenses adequately achieve the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code;

(H) the relationship of Federal sentencing guidelines for the offenses to the Federal sentencing guidelines for other offenses of comparable seriousness; and

(I) any other factor that the Commission considers to be appropriate.

Amend the title so as to read "An Act to amend title 18, United States Code, with respect to scanning receivers and similar devices.".

Mr. KYL. Mr. President, I rise today in support of S. 493, the Cellular Telephone Protection Act, and urge the President to sign this important piece of legislation without delay. This bill makes it easier for federal law enforcement to stop cell phone cloning by targeting cloning at its source—the equipment ("black boxes") used to alter or modify the ESN (electronic serial number) of a cellular phone.

I am particularly pleased that this bill has the support of the U.S. Secret Service, the Department of Justice, the wireless phone industry, and Congress.

This bill is not only a victory for law enforcement, but also for the 56 million Americans who currently use wireless/cellular service. According to the cellular telecommunications industry, consumers lose in excess of $650 million a year due to fraud, much of it as a result of cloning. This results in increased costs to cellular customers.

S. 493 is the first in a series of anticrime initiatives I introduced that are aimed at modernizing U.S. law to reflect changes in technology. It is another step to assure that law-abiding citizens don't inadvertently become part of a criminal activity.

Wireless fraud is not a victimless crime. It strikes at the heart of technology that is improving the safety, security and business productivity of the entire Nation. This bill will help stop the criminal cloning of wireless phones by giving law enforcement the tools they need to combat wireless fraud.

The Secret Secret—the Federal agency charged with investigating cloning offenses—has doubled the number of arrests in the area of wireless telecommunications fraud every year since 1991, with 800 individuals charged for their part in the cloning of cellular phones in 1996.

At a House Subcommittee on Crime hearing law year, the Secret Service conducted a demonstration in which a phone was cloned in approximately 30 seconds. At that hearing, law enforcement officials testified at how cloning technology is increasingly being used in various types of criminal activity—especially in drug crimes.

On February 24, 1998, I chaired a hearing of the Senate Subcommittee on Terrorism, Technology, and Government Information in which the Secret Service testified that foreign terrorists were financing their operations in the U.S. with the aid of "cloned" cellular telephones. Deputy Assistant Director Richard Rohde testified that foreign terrorists often make money by running illegal "cell-sell" rings. These rings involve the illegal sale of long-distance telephone access using fraudulently-obtained service. One common method is "renting" the use of a cellular phone which has been "cloned," or modified to direct billing identification to the user of a different phone.

While the current cell phone law (18 U.S.C. 1029) has been useful in prosecuting some cloners, the statute has not functioned well in stopping those who manufacture and distribute cloning devices. In testimony before the House Subcommittee on Crime, Michael C. Stenger of the Secret Service stressed the need to revise our current cell phone statute:

> Due to the fact that the statute presently requires the proof of "intent to defraud" to charge the violation, the distributors of the cloning equipment have become elusive targets. These distributors utilize disclaimers in their advertising mechanisms aimed at avoiding a finding of fraudulent intent. This allows for the continued distribution of the equipment permitting all elements of the criminal arena to equip themselves with free, anonymous phone service.

Under S. 493, a prosecutor would need to prove that an individual

> knowingly uses, produces, traffics in, has control or custody of, or possesses hardware or software, knowing it has been configured to insert or modify telecommunications identifying information associated with or contained in a telecommunications instrument so that such instrument may be used to obtain telecommunications service without authorization.

The removal of the "intent to defraud" language in 18 U.S.C. 1029 only applies to the possession and use of the hardware and software configured to alter telecommunications instruments. It does not apply to those who are in the possession of cloned phones. Nor does it apply to those in the possession of scanning receivers (which do have some legitimate uses). Someone who does not know that a telecommunications device has been altered to modify a telecommunications instrument would not be criminally liable under this section.

I am very proud of this important crime-fighting legislation and look forward to its prompt signature by the President.

Mr. LEAHY. Mr. President, in 1994, I authored the first law to provide specific protection against "clone" telephones. While the main focus of the Communications Assistance for Law Enforcement Act, or CALEA, was to help our law enforcement agencies deal with the challenge of new digital telecommunications equipment and services, the law also contained important bans on the use and trafficking of clone phones, scanning receivers, and hardware and software used to steal cellular service.

Specifically, in CALEA, we amended the Counterfeit Access Device law, 18 U.S.C. §1029, by adding a provision to criminalize the use and possession, with intent to defraud, of altered telecommunications instruments, or scanning receivers, hardware or software, to obtain unauthorized access to telecommunications services. This law also added to the federal criminal code a definition of scanning receivers to mean devices used to intercept illegally wire or electronic communications.

"Clone" telephones are used illegally to allow free riding on the cellular phone system and result in theft of that service. The cellular telephone industry estimates that it loses $650 million per year due to clone phones. I recall testimony at hearings I chaired jointly with Representative Don Edwards on CALEA about the need to address this problem in CALEA. Tom Wheeler, President of the Cellular Telecommunications Industry Association, testified in 1994 about:

> . . . people being surprised by "humongous" cellular bills because somebody had snatched their electronic code out of the air, cloned that into another phone, and was charging phone calls to Colombia or wherever onto their phone.

S. Hrg. 103–1022, at p. 148 (August 11, 1994).

In short, the theft of cellular telephone services amounts to millions of dollars of losses to wireless service providers and to consumers.

Just as disturbing, clone phones are used by drug dealers and other criminals trying to evade police surveillance of their phone conversations. The fraudulent use of electronic serial numbers, which are critical in identifying the cellular phone subject to wiretap orders, represented a real threat to privacy. Mr. Wheeler explained in 1994, "If you have a situation where there is floating around out there multiple users of the same electronic serial numbers, you don't know who you are tapping." S. Hrg. 103–1022, at p. 148 (August 11, 1994).

Given the financial losses and the threats to privacy posed by clone phones, I urge the cellular telephone industry to consider the technical means available to better protect cellular phone service. In particular, if strong encryption were used to encrypt the radio waves transmitted from cellular phones to the nearest cell tower, stealing those signals for use in a clone phone would be much more difficult, if not impossible.

I have long been a proponent of more widespread use of strong encryption. Clone phones are a perfect example of where the use of strong encryption would be far more effective to prevent this crime from occurring than all the criminal laws we could consider passing.

This bill, as modified by the House, builds upon the work we accomplished in CALEA.

Current law contains an "intent to defraud" requirement that has apparently posed a stumbling block for law enforcement to crack down on the cloning of cellular phones. This bill would remove this intent requirement and make it illegal to use, sell or possess hardware or software knowing it has been configured for the purpose of altering a telephone to steal service.

The House of Representatives made a number of significant improvements to S. 493 to ensure that, upon removal of the "intent to defraud" requirement, the bill did not sweep too broadly. Indeed, I understand that even some cellular companies were concerned that the original bill introduced by Senator KYL might inadvertently have applied to machinery used by legitimate companies to test or reprogram their equipment.

Removal of the "intent to defraud" scienter requirement may still pose problems for those legitimate companies that with to offer "extension" telephones for cellular telephones. In fact, the Federal Communications Commission has a proceeding underway to determine whether companies may be allowed to alter the electronic serial number of a cellular telephone to allow more than one phone to have the same contact number.

Passage of this law may be interpreted as prejudging the outcome of that proceeding by making illegal the use of clone phones, even by legitimate subscribers who pay their bills. That would be regrettable. This bill should not affect the outcome of the FCC proceeding, since the public interest may be well served by allowing competition into the extension cellular telephone business. Depending on the outcome of the FCC proceeding, we may be revisiting this legislation.

This bill, as modified by the House, is supported by the FBI, Secret Service and the Cellular Telephone Industry Association (CTIA). We made important progress in this area when we passed CALEA, and I am glad to support legislation that will further help law enforcement combat cellular telephone fraud by those who steal cellular service.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate concur in the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND CONVEYANCE ACT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 321, H.R. 1116.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1116) to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District.

There being no objections, the Senate proceeded to consider the bill.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the bill be considered read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1116) was considered read the third time and passed.

MEASURE PLACED ON THE CALENDAR—S. 1889

Mr. DOMENICI. Mr. President, I understand that there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1889) to reduce tobacco use by children and others through an increase in the cost of tobacco products, the imposition of advertising and marketing limitations, assuring appropriate tobacco industry oversight, expanding the availability of tobacco use cessation programs, and implementing a strong public health prevention and education strategy that involves the private sector, schools, States and local communities.

Mr. DOMENICI. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

ORDERS FOR THURSDAY, APRIL 2, 1998

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m. on Thursday, April 2; that immediately following the prayer, the routine requests through the morning hour be granted and the Senate resume consideration of S. Con. Res. 86, with the pending business being the Bumpers amendment No. 2228.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I further ask unanimous consent that immediately following the previously ordered two votes which will occur at 9 a.m., the Senate then proceed to consecutive votes on or in relation to the following amendments in the following order:

Dorgan amendment No. 2218, relating to the Tax Code;

Allard amendment No. 2170, regarding the Federal debt;

Lautenberg amendment No. 2195, environment programs;

Bond amendment No. 2213, income housing;

Bumpers amendment No. 2228, relating to mines.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOMENICI. Mr. President, tomorrow the Senate will resume consideration of the budget resolution. At 9 a.m., the Senate will proceed to a series of consecutive rollcall votes, with the first two votes in relation to two judicial nominations and the remaining votes in relation to pending amendments to the budget resolution.

It is hoped that during these votes, all Senators will contact the managers of this resolution to see if their respective amendments which are still pending may be accepted or they require a vote on their amendments or perhaps indicate that they have decided to withdraw their amendments. It is the intention of the majority leader to complete action on this measure as soon as possible. Therefore, the cooperation of all Senators is appreciated. Senators should be aware that Thursday will be a busy session with rollcall votes occurring throughout the day and into the evening, as necessary.

ADJOURNMENT UNTIL 8:30 A.M. TOMMORROW

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:33 p.m., adjourned until Thursday, April 2, 1998, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 1, 1998:

IN THE ARMY

THE FOLLOWING-NAMED RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF ARMY RESERVE UNDER TITLE 10, U.S.C., SECTION 3038:

To be chief, army reserve, united states army

MAJ. GEN. THOMAS J. PLEWES, 3930

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10,U.S.C., SECTIONS 624, 628, AND 531:

To be major

CHRISTIANNE L. COLLINS, 5897

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 531:

To be lieutenant colonel

ALTON G. CHERNEY, 1400
GREGORY M. GILLUM, 1446
STEPHEN J. MILONE, 4618

To be major

*DAVID E. HARRIS, 4793
RENEE M. JOHNSON, 1321
NICOLE S. STERMER, 8159
KEVIN L. TOY, 0672

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

ALMA J. ABALOS, 8561
DAVID V. ADAMS, 1720
DORIS J. ALLSUP, 4965
LAURA V. ALVARADO, 3019
REGINA C. AUNE, 2699
PATRICIA E. BOYLE, 3273
LINDA L. BRICKLEY, 4392
RHONDA L. BRIDGE, 0545
JOHN A. BUTLER, 9278
JOSEPH P. CARDONA, JR., 5247
JOHN B. CARLETON, 8249
JAMES C. CHAPMAN, 7976
MATTHEW W. COGDELL, 1292
VIRGINIA F. CONNELLY, 1656
PATRICIA L. DAVIS, 6882
JAMES W. DOOLEY, 4850
CONNIE E. FESSLER, 4904
JOHN G. GARLAND III, 5278
SUZANNE R. HANSEN, 9352
RANDALL W. HARTLEY, 5372
RUSSELL W. HEATH, 0116
DAVID L. HERRES, 3836
GWENDOLYN F. HOLLAND, 3978
DEBRA S. HUGHES, 4226
JEANIE M. KEARNEY, 3565
JAY K. KIDNEY, 8100
GENE A. KILLAN, 2529
PATRICIA A. LAND, 8126
PATRICIA C. LEWIS, 2054
THOMAS H. LILLIE, 4061
DONNA J. MCCLOSKEY, 6311
MARGARET M. MCGUIRE, 4593
WILLIAM J. MEHM, 7087
ARDIS J. MEIER, 9096
BONNIE A. MERTELY, 2957
KENNETH L. MEYER, 2035
TIMOTHY R. MIDDLETON, 2595
ROSS N. MILLER, 9457
SHEILA A. W. MILLETTE, 5880
JAMES P. MORELAND, 7691
LAURENCE P. PAZYRA, 9675
MELISSA A. RANK, 1159
KATHLEEN A. ROBERTS, 3867
TED JIM WILLIAM ROGERS, 3754
GLORIA J. ROSEBORO, 9500
REBECCA A. RUSSELL, 6081
GREGORY E. SEELY, 5165
JOHN A. SEIMETZ, 6414
JANE E. SERIE, 4818
LORETA S. SEWALL, 2767
ANDREW J. STOEHR, 5540
JEFFREY C. SVENTEK, 6949
ROBIN L. TAYLOR, 9184
THOMAS J. TEGELER, 9603
LUCAS J. WALTER, JR., 8288
DARNELL M. WAUN, 1101
MARK P. WISNIEWSKI, 8666
WILLIAM J. WISNIEWSKI, 5125

To be lieutenant colonel

JANICE L. ABLES, 8921
BRIAN J. ACKER, 7495
LOREN A. AHNBERG, 9303

GARNEL E. ALFORD, 8898
PATRICIA E. ALVOET, 6386
SUANNE R. BARLOW, 3158
LYNETTE M. BELL, 8969
TONI L. BEUMER, 6277
JOHN L. BINDER, 2116
CHERYL M. BOSCO, 1979
NAOMI M. BOSS, 0590
DONNA M. BROWN, 9958
RICHARD E. BURROW III, 3378
DONALD W. BUTTERWORTH, 6509
CHARLES M. CAMPBELL, 3017
SHARON M. CARDONA, 3453
*DOROTHY L. CARTER, 1539
RANDY L. CLABAUGH, 2334
RITA A. CLARK, 3349
*MARGARET M. COLE, 5862
PERRY R. COOPER, 3564
ANNE T. COYNE, 1477
JOANN H. DAWSON, 2374
THOMAS S. DELANEY, 7221
RONALD S. DORNIN, 3936
JOANNA S. EASTMAN, 2242
MELYDIA J. EDGE, 0410
HELEN F. EDWARDS, 4023
CATHERINE M. ERICKSON, 7838
DEBRA K. EVERS, 1062
JOHN F. FELINS, 0868
GORDON FLINT, 7906
ANGELA D. FOWLER, 6300
DENNIS E. FRANKS, 6246
DEBRA L. GAGNON, 9596
JOAN L. GONZALEZ, 1240
CHARLES S. GRANTONIC, 3724
BRIAN W. GRASSI, 9791
JANE A. HEBERT, 0329
RONALD B. HENKE, 4454
HARVEY K. HILLIARD, 7819
TYANN A. HINDELANG, 9420
DIANE L. HOBBS, 3543
DAVID T. HOCKING, 2890
EVA J. HOLSTINE, 4301
ANNIE B. JACKSON, 7021
LEONARD W. JACKSON, 1215
PAULA R. JAMESON, 4294
*MARY A. JASINSKI, 1210
EDWARD M. JENKINS, 0889
VICKI L. JONES, 5585
MICHAEL JOSEPH III, 3226
PHILIP W. JULIAN, 1396
LYNN J. KANWISCHER, 4458
KELLEY J. KASH, 7396
GRANT D. KOTOVSKY, 4948
KIM A. KUBELICK, 0767
THOMAS F. LANGSTON, 7926
DAVID J. LANNEN, 1029
DENISE K. LEW, 7147
DIXIE L. LYON, 8714
VICTORIA M. MARINO, 1707
SHERRY L. MAXWELL, 8444
LORI L. MONTGOMERY, 9331
DANNY L. MOORE, 8620
JOAN E. MORRISSEY, 3221
JOHN S. MURRAY, 9181
LAMAR ODOM, 1841
RONALD E. PALMER, 2458
TERRY L. B. PARKER, 0365
MONTGOMERY C. PATE, 2634
ARLENE A. PERRY, 6904
MICHAEL J. POULSEN, 6398
SUZANNE M. PRILESZKY, 1077
KARRIN W. SAX, 0868
MICHAELA R. SHAFER, 4261
WILLIAM J. H. SLAUSON, 1055
PAMELA H. SMITH, 7046
*CHRISTINE C. STUART, 2938
MARGARET A. STULTZLALK, 3504
SUSAN R. SULLIVAN, 5614
DONNALEE SYKES, 8434
JAMES F. TITCH, 5744
GLORIA J. TWILLEY, 3640
CAROL L. UMSTEADRASCHMANN, 9679
THOMAS E. VEZIE JR., 6707
FRANK W. WILLIAMS, 9955
ELAINE S. WILSON, 3934
JOHN G. WISEMAN, 0590
BARBARA L. WOLFE, 6985
THOMAS E. YINGST, 8224
M. JEANNE YODER, 7429
VICTORIA G. ZAMARRIPA, 6328

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, 531, AND 3064:

To be colonel

RICHARD A. CLINE, 1640

To be lieutenant colonel

*CORNEL L. KITTELL, 6560
*STANLEY E. SMITH, 4892

To be major

*SONJA S. THOMPSON, 7227

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

WILLIAM T. D'AMICO, 0244

To be commander

JOHN S. ARBTER, 1189
STEVEN A. DREISS, 2130
ROBIN P. MOUTON, 5191
JOSE PUBILLONES, 5391

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

ROBERT A. WULFF, 1170

THE FOLLOWING-NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589(A):

LYNNEANN PINE, 9384

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BRIAN W. DAUGHERTY, 8415
PAUL J. DOUR, 1696
CHARLES S. HAMES, 4932
HOWARD L. MARSHALL, 0156
EDWARD C. SIMMONS, JR., 0785

To be lieutenant commander

MICHAEL CRICCHIO, 2604

THE JUDICIARY

TIMOTHY B. DYK, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE GLENN L. ARCHER, JR., RETIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, April 1, 1998*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HEFLEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 1, 1998.

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Reverend Douglas Tanner, Faith and Politics Institute, Washington, DC, offered the following prayer:

Almighty God, who created, sustains and redeems us:

On this first day of April, we are aware that however confused this year's seasons may have been, surely spring has arrived, as it always does. Signs of growth and new life surround us. Sunshine warms our faces. Fresh breezes beckon us to leave the walls within which we have lived and worked all winter and come outside.

We pray that Your creative and renewing spirit might come upon us in a similar way. Grant those in this body an openness to new perspectives and possibilities, even as they appropriately adhere to values and traditions that have survived the tests of time. Warm them to the genuine humanity in each other, even as they vehemently disagree in debate and fiercely compete for the public trust. And even as our worst appears evident in children killing children, guide them to call forth the best in us as a Nation.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Iowa (Mr. BOSWELL) come forward and lead the House in the Pledge of Allegiance.

Mr. BOSWELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3579. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3579) "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints

Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CAMPBELL, Mr. CRAIG, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. LEAHY, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, and Mrs. BOXER, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 8 one-minutes per side.

STOP WASTING TAXPAYER MONEY

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, since the election, the administration has amassed a team of 84 taxpayer-paid White House attorneys on the Federal payroll. That is 31 more lawyers than the entire squad on the Dallas Cowboy football team.

Now, are these lawyers working on issues that affect the public good? Well, don't bet the farm on that. Since the newest rounds of scandals, the White House Counsel's Office has grown by 43 employees. The nonpartisan Congressional Research Service recently reminded us that a Federal employee hired as an attorney is compensated from United States Treasury funds to provide legal advice and assistance or to litigate matters concerning the official business of the United States, its agencies, officers and employees, rather than concerning matters which are purely personal to the employee or to another Federal official.

That is the law.

The time has come for the administration to spend more time on the people's business and less time wasting taxpayer's money stonewalling and invoking executive privilege.

BESTEA IS A GOOD BILL

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, today the House of Representatives will consider H.R. 2400, the surface transportation bill known as BESTEA. I rise today to simply say that BESTEA is a good, bipartisan bill. It will provide better, safer roads. It will provide new and improved public transit systems. It will improve air quality by reducing traffic congestion and by promoting public transit. It will provide good jobs for middle-class Americans. It will ensure America's future as a world leader by maintaining and improving our world class transportation system.

I strongly urge all of my colleagues to vote to invest in America's future and vote in favor of H.R. 2400 today.

TAX REFORM NOW

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, a recent survey asking Americans to rank the least three desirable situations, revealed the following: Number three was being called by your boss and saying you are fired. Number two, well, it was going to lunch at a nice restaurant and finding your spouse dining with an exboyfriend or girlfriend. And the first worst nightmare for Americans was going to the mailbox and finding a letter whose return address was the IRS.

These examples, think about it, while graphic, illustrate the growing fear and frustrations the American people have with our tax system. April 1st is a day

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that brings practical jokes to the minds of many, yet the clock ticks on toward April 15th, a day that brings fear and paralysis to all working men and women.

Mr. Speaker, only a few citizens are left in this country who can do their own taxes, and yet horror stories of IRS abuse are still mounting. The time to act is now. I urge my colleagues to join me in the tax reform effort, to make this the last April 1st where the American taxpayers are made out to be the fools.

HOUSE SHOULD DELAY PROPOSED TRANSPLANT RULES

(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, I would like to take this opportunity this morning to bring forth the perilous condition of one of my youngest constituents, Mekenzie Lee of Ottumwa, Iowa, to your attention.

Little 5-year-old Mekenzie has liver cancer and desperately needs a liver transplant. Perhaps today, there are going to be proposed rules by HHS to make a major modification to how this system works.

While the stated purpose of the rule is admirable and I strongly support efforts to increase the donations, I fear this rule may in fact result in a number of unintended consequences.

It will take the decisionmaking process away from the physicians, those who are the most skilled and proficient to able to deal with this, who have got the expertise, and put it into the hands of some bureaucrats. Forcing a one-size-fits-all is questionable to me.

I would ask that Members join the efforts to save Mekenzie and every transplant patient like her who may be harmed by this proposed rule by becoming a cosponsor, and delaying this process for one year and give us time to review it, to get input from the physicians and the places around the country that do this work, to be in play. So please join me in cosponsoring H.R. 3584.

SUPPORT BESTEA

(Mr. COOK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOK. Mr. Speaker, it is not every day that we get to vote for legislation that will directly and tangibly improve the quality of life for every single American. That is what BESTEA does. BESTEA will repair and rebuild the highways and roads Americans use every day. BESTEA also restores trust with the American people.

BESTEA does what no highway bill has done in two decades; spends gas taxes for its intended purposes. BESTEA is also fiscally responsible. In fact, it is paid for twice. First, it only spends what the government takes in in gas taxes. Second, much of it will be offset by spending cuts.

Also, and often overlooked, BESTEA will save more lives than any other legislation we will act on this year.

This is a great bill for the future of America, and I urge all my colleagues to support it.

NEEDS OF NATIONAL SECURITY BRAIN TRUST

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Pentagon says China and Russia are engaged in a nuclear arms race. They say both China and Russia can hit every city in America with a ballistic missile.

Now, if that is not enough to cause you to fall on your sword, the Pentagon further says Russia and China are doing this with American dollars.

Unbelievable. Let us check this out. China gets $60 billion in MFN from Uncle Sam. Russia gets $15 billion in foreign aid from Uncle Sam. In exchange, Uncle Sam gets nuclear missiles pointed at our cities, two tape decks and three cases of vodka.

Beam me up. I say our national security brain trust needs a proctologist on staff.

EMERGENCY PHONES FOR EMERGENCIES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, this morning while reading H.R. 4-1-98, I found hidden deep in the Senate appropriations bill a $60,000 expenditure to install telephones in the Members-only Congressional bathrooms. That is right, $60,000 for Members to conduct business while doing their business. Emergency phones for emergencies.

While Members have little time to waste, Mr. Speaker, that does not mean we have any more emergencies than the next guy. And, what is worse, this proposal calls for drilling holes in the historic mahogany shoeshine chair, which was donated to the House of Representatives by the Woodrow Wilson estate.

Mr. Speaker, this is not good waste management. Let us see this proposal, H.R. 4-1-98, for the joke that it is, or we would be a bunch of April fools.

DISARMING DRUNK DRIVERS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, I was saddened that the Republican leadership, which Monday killed a chance for a vote on meaningful campaign spending reform, breaking Speaker GINGRICH's promise, last night voted to deny the House even the right to vote on the .08 provisions so passionately supported by the Mothers Against Drunk Drivers volunteers.

Fortunately, there is one element to reduce the carnage of repeat drunk drivers on our roads: Taking away their cars. Modeled on a program I started in Portland, which dramatically reduced the rate of repeat drunk drivers and is now used from North Carolina to Anchorage, H.R. 2400 provides incentives for all States to disarm these people who have no right on the road.

Take away the cars of repeat drunk drivers. Use these provisions to save the lives of American families.

GIVING HIGHWAY MONEY BACK TO THE STATES

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, each day in every rural community and in every bustling community across this Nation, families pull up to the gas tank, fill their tank with gas, and pay 18 cents a gallon to the Federal Government for transportation projects. But, unfortunately, each year Congress has allocated nearly a third less of the money than they have paid for the transportation projects.

Many of us stood up against that last year, even in the budget. We would not vote for the general budget, and we would not vote for the transportation budget, because the plan was to take $65 billion out of the money that was to come back to the communities for their safe roads, and we held out.

Today we are going to have a vote to put the money back. We are going to have a vote to put the money back into communities for safe roads. Anybody who says they are for families and does not do something about the transportation projects is dooming them to spending hours in their cars instead of being home with their families.

The vote today is good. It is about the projects our communities need; about projects they need to keep their families safe and which will allow them to spend time with their families.

PRIORITY LEGISLATION NOT BEING PASSED

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, when the gentleman from Georgia (Speaker GINGRICH) promised a fair and open debate on campaign finance reform, it must have been an April Fools' joke. Unfortunately, it was not the only joke the GOP has played on the American people.

In the 40 legislative days that this body has been in session this year, the House has failed to pass bills that the Republican leadership claimed were priorities. The American people have had no disaster relief, no IRS reform, no budget resolution and no campaign finance reform.

□ 1015

In addition, the Republicans have completely ignored other issues that the American public are clamoring for action on. They have had no managed care reform, and there is bipartisan support for managed care reform, no bills to improve our public schools, and no minimum wage increase.

Mr. Speaker, I only wish I could say this was an April Fools' joke. But it looks like the joke is on us and the American people.

BESTEA WILL CREATE JOBS, KEEP NATION COMPETITIVE, AND SAVE LIVES

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, over 40 years ago, President Eisenhower made a deal with the American public. If folks would pay gasoline taxes when they bought gas, the government would build and maintain highways so that they could travel to work, so that we could maintain our position in the world and move goods to market, and so that Americans could travel with their families on safe transportation systems.

Sadly, during the 1960s, when the unified budget was used to hide the cost of the Vietnam conflict, the trust fund, and I want to emphasize the word "trust" fund, was used to mask the size of that overspending. Since that time, we have failed to keep faith with the Americans who pay the tax with the expectation that we will keep that deal made so long ago.

Today, we have the opportunity to keep the contract with the American public by passing BESTEA. BESTEA will create jobs, it will keep our Nation competitive, and it will save lives.

Unfortunately, Mr. Speaker, there is criticism in some quarters that BESTEA falls outside the budget deal of last year. The Committee on Transportation and Infrastructure has worked hard to make sure that BESTEA not only comes within those budget caps but also restores truth in budgeting. It says that the Highway Trust Fund is a contract with the American people, and today we in this House must force Washington to keep its end of the bargain.

PASS BESTEA BILL AND INVEST IN NATION'S ECONOMY

(Mr. MASCARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MASCARA. Mr. Speaker, one thing that get lost in the debate on BESTEA is the importance of our Nation's highway system. Nearly $6 trillion worth of goods are shipped each year over our country's highways. Seventy-five percent of the total value of our Nation's commodities are shipped interstate over our national highway system.

Our economy depends heavily on our transportation system. Yet we are watching it while it crumbles. Our country has long neglected its infrastructure needs. The condition of our roads and highways continue to decline.

The Department of Transportation estimates that 59 percent of the Nation's highways are in disrepair. These road conditions, poor road conditions, cost American drivers over $23 billion a year, or equivalent to $132 for each driver.

Traffic on our highways has more than doubled in the past 25 years, while new road construction has stagnated. It is time to invest in our Nation's infrastructure. It is time to fix our roads. Join me in voting for H.R. 2400 and invest in our Nation's economy.

DOLLARS TO THE CLASSROOM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, can we talk about education in this country without talking about the most important recipients of education, our kids? Someone should explain to us how Federal studies like "Channeling Your Donna Reed Syndrome" or "Cement, the Concrete Experience", even studies on researchers researching their research techniques have anything to do with kids learning their ABCs or basic skills. This is exactly the kind of waste that is produced in the bloated bureaucracy here in Washington, D.C.

Mr. Speaker, instead of sending our Federal tax dollars to parents, teachers and local educators, the dollars get lost in the abyss of the bureaucracy and on Federal studies. The Committee on Education and the Workforce estimates that, on the average, only 65 cents of every Federal education dollar gets into the classroom.

We now have the opportunity to send our Federal education tax dollars directly to the classrooms of the Nation. The Dollars to the Classroom Act ensures that 95 cents of every Federal education dollar goes directly to the classroom, to the hands of someone who knows your child's name. Mr. Speaker, this means microscopes, computers, books and not bureaucrats. Let us send the dollars to the classroom.

DEMOCRATS UNVEIL MANAGED CARE REFORM LEGISLATION

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, today is April Fool's Day; and so it seems appropriate that the Republican leadership is having a rally to celebrate the achievements of the GOP Congress before Members leave Washington for the recess.

The Republican Congress has simply wasted time in 1998, producing no results to improve the lives of the average working American. Important issues like managed care reform, Medicare expansion for those 55 to 64, a minimum wage increase, school modernization and reduced class size have simply been neglected.

Democrats and President Clinton have prioritized these issues because they know they are important to the American people and will improve the quality of their lives. Just yesterday, Democrats unveiled their managed care reform legislative proposal with President Clinton's strong backing. But the Republican leadership, they just want to go home. They are incapable of addressing the issues of real concern to working Americans.

SUPPORT THE BESTEA BILL

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, later today this body will consider the BESTEA bill. This bill provides the necessary resources to improve America's aging and decrepit infrastructure.

While today we will hear discussions of roads and transit and funding formulas, I want to point out a lesser-known feature of this important bill, environmental enhancements. BESTEA significantly increases funding for the Congestion Mitigation and Air Quality program, for the transportation enhancements program, and for the recreational trails program. The measure creates new transit enhancement programs and encourages alternative modes of transportation such as biking. In fact, BESTEA even works to improve compliance with the Clean Air Act.

Mr. Speaker, this bill proves we can balance America's economic and environmental needs. For the environment, for highway safety, for job growth and for infrastructure improvements, I am a strong supporter of this bill; and I hope my colleagues will join me with their support.

LET US HAVE FAIR COMPETITION IN THE ELECTRIC POWER INDUSTRY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, with all the talk about the supposed benefits of competition in the electric power industry, I say let us have really fair electric competition.

Many consumers now enjoy the benefits of a municipally owned electric system, such as low rates and high standards and open governance and direct corporate democracy. Private power marketers should have to be as democratic and open as public power. This means they should;

First, comply with State and local open meeting laws;

Second, provide for a publicly elected board of directors;

Third, permit the public election of all chief executive officers;

Fourth, hold public hearings on budgets;

Fifth, require compliance with State and local government conflict of interest regulations; and

Sixth, not deduct advertising expenses from their income taxes.

Really competitive power marketers would put into practice the high democratic standards of public power.

MUGGED BY REALITY

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the intellectual evolution in the typical American's political life usually takes several years. Now, most people start out relatively liberal; but they eventually see the error of their ways and become more conservative upon realizing that left-wing programs simply do not work. In the famous phrase, they are mugged by reality.

But there is one way to speed up the process. It is an event that almost 100 percent will guarantee success. Take a liberal, subject him to an IRS audit and presto, you soon hear some very conservative thoughts coming out of their mouths. All of a sudden, their beloved Federal Government is no longer seen as their friend. All of a sudden, the Federal Government now looks like the last place to look for fairness. All of a sudden, dealing with a massive Federal bureaucracy is not such a wonderful, wholesome experience after all; and all of a sudden, what looks so great in the abstract starts to look silly, illogical, out of touch and quite menacing indeed when reality hits.

Mr. Speaker, it is an obvious truth that if liberals were audited by the IRS, the Democrat Party would cease to exist almost overnight.

VOTE YES ON H.R. 1151, CREDIT UNION ACCESS BILL

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, today one out of four Americans will have an opportunity to keep their eye on the House of Representatives as we will have an opportunity to take up H.R. 1151, the Credit Union Access Bill which will allow 70 million Americans to exercise their right of choice for financial services in this country.

I want to compliment the 207 sponsors and cosponsors on both sides of the aisle of this legislation. I further want to compliment the bipartisan spirit of the Speaker, the minority leader and minority whip, Mr. BONIOR, who sponsored the bill, the chairman of the Committee on Rules and, most particularly, the chairman and the ranking member of the Committee on Banking and Financial Services who, working together, have shown what a bipartisan effort can do in the House of Representatives when the job has to get done.

Today, as we pass under suspension H.R. 1151 and send it on to the Senate, we will be performing an act that is truly American in the best spirit of the cooperative movement of the credit union movement of America. All I ask is all my colleagues on both sides of the aisle to express their aid and assistance for the credit union movement by voting yes on H.R. 1151.

PROVIDING FOR CONSIDERATION OF H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 405 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 405

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours and 30 minutes, with two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment recommended by the Committee on Ways and Means now printed in the bill and the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the first time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from California (Mr. DREIER) is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, MA (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

□ 1030

Mr. DREIER. Mr. Speaker, this rule makes in order H.R. 2400, the Building Efficient Surface Transportation and Equity Act, better known as BESTEA, under a balanced but structured rule providing 2½ hours of general debate with 2 hours divided between the chairman and ranking minority member of the Committee on Transportation and Infrastructure and 30 minutes divided between the chairman and ranking minority member of the Committee on Ways and Means.

The rule waives all points of order against consideration of the bill and makes in order an amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be considered as read. The rule waives all points of order against consideration of the amendment in the nature of a substitute, as modified.

Only those amendments printed in part 2 of the committee report are made in order and all points of order against the amendments are waived.

The amendment made in order under part 2 of the report shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Further, Mr. Speaker, the rule allows the Chairman of the Committee of the Whole to postpone votes and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides for one notion to recommit, with or without introductions.

Mr. Speaker, H.R. 2400 recognizes that the United States has essentially concluded the 40-year interstate highway construction era. It transitions the Federal Government into a new role, that of maintaining the interstate system and overseeing national priorities while supporting State and local transportation programs.

BESTEA improves on ISTEA by simplifying programs, updating formulae, giving States more flexibility, and guaranteeing States a greater share of their contributions to the Highway Trust Fund. It expands funding for priority corridors and provides $570 million for new border infrastructure and safety improvements to more efficiently handle the NAFTA-related trade. Mr. Speaker, the smooth movement of goods and people is increasingly critical to American competitiveness in this period of expanding global trade.

BESTEA ensures that all gas tax revenues are spent on transportation by removing the Highway Trust Fund from the unified Federal budget. Furthermore, it reaffirms the commitment of this Congress to federalist principles, upholding the rights of States to set and enforce their own traffic safety codes, while providing financial rewards to encourage States to adopt a range of measures to reduce drunken driving.

Every Member of this body agrees on the importance of reducing drunken driving. The compromise language included in H.R. 2400 ensures that States will redouble their efforts to get drunk drivers off the road, while recognizing that each State should have the latitude to adopt the approach that suits that State best.

Mr. Speaker, this fair and balanced rule allows the House to work its will on the most important questions surrounding Federal transportation programs. For example, H.R. 2400 allocates more money than ever before to Member-sponsored priority projects. Under this rule, Members will have the opportunity to decide whether to eliminate these projects, saving the taxpayers over $11 billion, and allowing the States to determine transportation priorities.

Mr. Speaker, perhaps no issue in public debate is more controversial than that of racial and gender preferences. The House will consider whether to end the use of such preferences in Federal highway contracting and to return affirmative action to its original intent, an outreach to people of all races and genders designed to promote equal opportunity for all.

Most important, Mr. Speaker, the House will have the opportunity to recognize that with the completion of the interstate system, the proper role of the Federal Government is now limited to maintaining that system and responding to a discrete range of national concerns.

The turnback amendment sponsored by the gentleman from Ohio (Mr. KASICH), chairman of the Committee on the Budget, and made in order by this rule, if adopted, will continue the Federal role in matters of national significance but return to State and local governments the authority to determine and to fund their own transportation priorities.

The Kasich amendment recognizes the tremendous waste in the current system, where the States collect the gasoline tax and remit it to us here in Washington, which takes some off the top for Federal bureaucracy, some for other States, and some for projects that are not State priorities, all just to return the money to the States that collected it in the first place. If they replace the Federal tax on a penny-for-penny basis, 32 States will have more money for transportation programs and six States will break even.

But because leaving the money with the States in the first place is so much more efficient, not all States will have to replace the Federal gas tax on a penny-for-penny basis. Like my home State of California, for example, most States along with it will be able to reduce taxes overall while increasing spending on transportation, because the waste in the Washington bureaucracy would be totally eliminated. In fact, economists estimate that about 20 percent of the purchasing power of gas tax revenues is lost in the round trip to Washington and back.

If Members join me in support of the turnback amendment, that 20 percent can be returned to motorists in the form of tax cuts or used to increase investment in transportation or other worthwhile spending. The turnback amendment recognizes that the only way to finally resolve the problem of donor States and to ensure efficient expenditure of gas tax revenues is to let each State run its own program without interference from Washington.

Mr. Speaker, with that I urge my colleagues to join me in supporting this very fair and balanced rule, which makes in order a bill that significantly enhances existing transportation programs and gives the House the opportunity to debate important improvements as well as alternatives to these programs.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker I thank the gentleman from California (Mr. DREIER) my dear friend and the great acting chairman of the Committee on Rules, for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I really want to congratulate my colleagues, the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for their very hard work on this very, very difficult bill. Despite the months and months of clamorings, despite the vastly different transportation needs of 50 States, Mr. Speaker, they have finally managed to come up with a bill that satisfies a vast majority of Members, and for that they really deserve our thanks.

I am sure that there are very few Members who would not change a thing or two in this bill if they could, but all things considered, it is about the best we are going to get and I urge all of my colleagues to support it.

Mr. Speaker, as far as I am concerned, it is coming not a moment too soon. The Intermodal Surface Transportation Efficiency Act of 1991 expired on September 30, 1997. The few available Federal dollars in the pipeline may very well run out on May 1, and it is critical that we not leave the States with enormous half-finished transportation projects on their hands.

So, Mr. Speaker, this bill reauthorizes our transportation programs to the tune of some $217 billion in contract authority for the Highway Trust Fund. Of that funding, Mr. Speaker, $36 billion is for transit and $181 billion is for highways and for highway safety.

Mr. Speaker, many people take American infrastructure for granted. They get in their automobile, they drive to work, they drive to school without even thinking about it. But those roads they drive on and those bridges they cross do not last forever, especially in the Northeast, and we need to do our very best to make sure they stay as safe and as accessible as possible.

So anybody who is horrified at the amount of transportation funding included in this bill needs to remember that this is how we get our produce to market, our computer chips to the docks to be sent overseas, our Gillette products and Reebok sneakers to the malls. A good transportation system creates jobs, it keeps America safe, and it advances our country's economy.

So, Mr. Speaker, the bill we are considering today is a 6-year bill. It retains the basic structure from ISTEA, including its very good environmental programs and its intense commitment to safety. It also encourages equal opportunities by keeping the Disadvantaged Business Enterprise Program for women and for minority-owned construction firms, and I am very happy to say that this bill applies Federal labor standards and employee protections like the Davis-Bacon Act for people working on highway and transit projects.

In my opinion, Mr. Speaker, the safety programs in this bill are very well worth it. Every year some 40,000 people die in motor vehicle-related deaths in this country. And if this bill improves highway safety enough just to lower that number by one, I feel it is worth it.

Once again, Mr. Speaker, I thank the gentleman from Pennsylvania (Chairman SHUSTER), I thank the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for their very, very hard work on this matter, and I urge my colleagues to support the rule and support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I suspect that we will have a few Members who will want to participate in the debate on the rule, but at this time we do not have anyone here, so I will reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Transportation and Infrastructure.

Mr. MCGOVERN. Mr. Speaker, I rise to express my strong support for the Building Efficient Surface Transportation and Equity Act. This bill is good for the environment, it is good for labor, it is good for the opportunity it provides to women and minorities, it is good for the economy, good for our cities and our more rural regions, and most important, Mr. Speaker, this bill is good for our communities, our families and our children.

Our Nation's infrastructure is desperate for capital improvements to make commerce flow more efficiently and to make roads and bridges safer for the families who use them daily. The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) have worked tirelessly to design legislation that truly meets our Nation's needs, and I applaud them for their hard work and their great success.

Mr. Speaker, this bipartisan legislation is what good government is all about: meeting the needs of our Nation's families and overall economy. While Europe and the Pacific Rim nations invest trillions into their infrastructure, we cannot rest. We must invest in our infrastructure if we have any hope of competing in the global economy. I urge my colleagues to support the rule and final passage of BESTEA.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the question before us today is not whether we want to improve transportation infrastructure. The answer to that question is clearly "yes." The question before us today is this: Should Congress increase spending by $26 billion on any program without paying for it? I believe the answer to that question is "absolutely not."

Mr. Speaker, it is fiscal irresponsibility at its worst. Do not trust my judgment. Let us see what fiscally conservative groups said about this question. The National Taxpayers Union said, "Unlike the Boston Tea Party, Congress' ISTEA party," this bill, "will leave taxpayers with a huge fiscal hangover."

To my Republican colleagues who have attacked Democrat spending habits for years, the National Taxpayers Union, their friend, also said, "If the trend continues, the free-spending Democratic Congresses of the early nineties could look like misers compared to this one."

The Wall Street Journal said just yesterday that this bill is highway robbery and that all in all the highway bill is the lowest moment since Republicans regained Congress, a highway bill that has become one of the great log rolling parties of all time.

The Citizens Against Government Waste said that, "If Congress persists in this attempt to break the highway spending caps imposed on the budget deal from less than a year ago, the balanced budget deal is dead."

Mr. Speaker, if a principle is worth fighting for, it should be worth fighting for two days in a row. Yesterday, from this very well, our Republican colleagues said it was essential to have offsets to pay for our supplemental emergency appropriation bill and cover flooding damage in this country. Yet today, the same Republican leadership will force this House to pass a highway bill that does not pay for one dime of the $26 billion in new spending.

I guess the Republican leadership is saying that yesterday fiscal responsibility was important, today it is not.

□ 1045

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Everett, Pennsylvania (Mr. SHUSTER), the very distinguished chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Speaker, I would like to respond just briefly to our friend who previously spoke in the well. First of all, this bill does not spend a penny more than the revenue paid into the Transportation Trust Fund by the American people, the traveling public from their gas taxes, not a penny more. In fact, over the 6 years of the bill, we spend approximately $3 billion less than the revenue paid in gas taxes.

We do not spend any of the money that is currently in the Transportation Trust Fund, the $23 billion in the Highway Trust Fund, not a penny of it. In fact, we have agreed that the portion of that fund, which is not necessary to provide liquidity, will not be spent and will be turned back. That is approximately $10 billion in reduction in the national debt.

Further, we have agreed that we will not count the interest paid on that balance in those trust funds, which means over 6 years that is approximately $15 billion in foregone debt. So with those two provisions, and I must tell my colleagues, many of us swallowed hard in these negotiations to give up those two principles, but because of that, it means that when we count the reduction in the national debt on the interest, and we count the reduction by foregoing the $10 billion balance in the trust fund, that is $25 billion. That accounts virtually for the increased spending by reducing the national debt.

Let me emphasize again, however, setting all that aside, the cold hard fact remains that we are simply spending the revenue coming in. This is honesty in budgeting. If we are not going to spend the revenue coming in, then we should reduce the taxes.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I appreciate where we are today. Let me thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for a bill that has worked its way through the process in a manner that recognizes that we do need to repair our bridges and highways in America. Not only do we face in cities and rural communities crumbling infrastructure, but every one of us knows that congestion abounds in our cities, our counties, our hamlets and our States.

This BESTEA legislation recognizes that over a 6-year period it is important to rebuild America. Houston' Mayor, Bob Lanier, chaired the Committee to Rebuild America. We fully recognize the importance of making sure that this crumbling infrastructure does not do damage to the trade and economic vitality of our Nation. This bill takes that into consideration. Particularly in the manager's amendment, the provision that the DOT to develop a strategic plan for highway research and technology development, this allows the Department of Transportation to have develop and transportation plan for the nation.

In my city of Houston in particular we are looking at new opportunities for transit ways, for commuter rail, for people movers, and we look forward in the years to come to redesigning our effort and possibly moving forward to end the congestion in our city. This transportation bill allows those considerations to occur regarding rail, even though we know that it will require an additional application process.

We are moving in the right direction, but, Mr. Speaker, I am greatly concerned, because there seems to be an effort that is misdirected in eliminating the DBE program, which flies in the face of constitutional law that allows, under Adarand, the opportunity for reaching out, for goals, for the need to diversify in contracting with Federal monies, and to allow contractors who are women and minorities to participate in a full and open process. I am not so sure where this amendment came from, Mr. Speaker, but I would ask my colleagues to vote it down. Even after we vote for the rule we will not support the amendment eliminating the DBE program of the DOT.

Mr. Speaker, I rise today on the rule for H.R. 2400. I want to commend Representatives SHUSTER and OBERSTAR for their work on this complex and highly important piece of legislation. I generally support the Rule, but it allows certain amendments and disallows others that may be vital to the bill itself.

It is vital to pass the amendment offered by Congressman DAVIS to increase from $42 million to $150 million per year the bill's authorization for the new Welfare-to-Work transportation program. This is a common sense program that will finance services that transport current and former welfare recipients to and from jobs and job-related activities. If we really want to help people make this kind of transition then this is the kind of support we should be giving them.

It bothers me that there is an amendment being offered to end the Disadvantaged Business Enterprises program. This is a program that has allowed full opportunity for women and minorities to participate in the contracting for small businesses after years of being denied that right.

The DOT's equal opportunity program benefits all Americans by promoting the formation of small businesses, creating new jobs, fostering economic growth and stimulating innovation.

If Congress decides not to reauthorize the DBE program, it will create a major disruption in the national economy. Thousands of small businesses may go out of business, costing tens of thousands of jobs.

In the past, when state or local governments cut similar DBE programs, opportunities for women and minority-owned firms dried up. Prime contractors, in effect, told disadvantaged business owners, "We'll call when we need a minority."

By refusing to authorize the DBE program, Congress will be creating a huge pot hole in the road to equal opportunity.

Mr. Speaker, this Rule is the result of hard work and should be supported.

Mr. DREIER. Mr. Speaker, I yield 5 minutes to the gentleman from Sanibel, Florida, (Mr. GOSS), the distinguished chairman of the House Permanent Select Committee on Intelligence and the chairman of the Subcommittee on Budget and Legislative Process.

Mr. GOSS. Mr. Speaker, I thank the gentleman from greater San Dimas, California, for yielding me the time. I rise in support of this fair-structured rule. It is a good process that makes in order amendments from both side of the aisle.

Today we seek to balance two important goals: Maintaining, enhancing our Nation's roads and highways on the one hand, while remaining committed to last year's balanced budget agreement on the other. We all know we need more infrastructure, and we all know we need more fiscal responsibility how to deal with it.

Additional concern of the folks I represent in Florida is not a new one: Providing equity to donor States through the transportation funding formula. I would like to commend the gentleman from Pennsylvania (Mr. SHUSTER) for addressing the equity issue. BESTEA does represent an improvement in terms of rate of return. We are pleased to see that.

Under the current formula, Florida should receive 90 cents back on the dollar as opposed to 83 cents or less currently set in law. That is progress. I think it is equity. But I have got to say I am disappointed that this long-awaited reform has to come at the expense of fiscal discipline. Instead of prioritizing our resources and making the tough choices, this bill creates a larger pie for everyone. It is one way of doing things, sort of a classic Washington response.

We do not have enough money to do everything we want. We make a bigger pie, spend anyway, and hope that things work out. What is worse, I think, is that the bill provides no offsets. We have an extra 26 billion over last year's budget caps. I do not think it is fiscally responsible. It is not acceptable to those who wish to balance the budget to add 26 billion.

Just yesterday, we committed to offsets for our supplemental emergency spending. It was a long, long debate and we had a lot of discussion about it. But I think the principle of setting for offsets is extremely important.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Speaker, this legislation requires that not one penny of this can be spent unless we bring back offsets agreed to in the conference with the House and the Senate. It was felt by our leadership that we might as well do this in conference once because the Senate will have different priorities than we do. We need to negotiate the differences. So let me emphasize, not one penny of this can be spent unless we bring back offsets from conference.

Mr. GOSS. Reclaiming my time, Mr. Speaker, I thank the gentleman for the explanation. I understand that. My concern is that we have not yet delineated those offsets.

As the chairman of the Subcommittee on Legislative and Budget Process, I am also concerned about the bill's provision moving the Highway Trust Fund off budget. We have to be extremely careful about placing more money outside the parameters of the congressional budget process.

Frankly, instead of piecemeal reforms that will provide less control over spending, I think we should work toward comprehensive budget process reform that makes sense. I am pleased to be working with the gentleman from New York (Mr. SOLOMON), the gentleman from Ohio (Mr. KASICH), the gentleman from Iowa (Mr. NUSSLE), and a great many others, the gentleman from Texas (Mr. BARTON), to make the question of budget reform a goal that we can accomplish this year.

There are other real concerns that I am sure Members will touch on as well. I do not pretend to judge the merits of each demonstration project, but I think it is doubtful that well over 1,400 projects are deserving of Federal attention. To put this number in some kind of a perspective, the last ISTEA bill, 1991, contained only 539 demo projects, I am told. No transportation bill contained any demo projects until 1982. So we got along without them for quite a while. In fact, the committee's own rules state that it shall not be in order for any bill providing general legislation in relation to roads to contain any specific provision for any road.

Mr. Speaker, I can contend it is time that we abandon demonstration projects and let the States, the local folks decide what their State transportation priorities are. That is why I intend to support the chairman of the Committee on the Budget, the gentleman from Ohio (Mr. KASICH), in his turn-back amendment later today. I think the idea makes good sense, cut the gas tax, keep just enough to maintain our interstates, and let the individual States decide and manage their own transportation priorities.

The wisdom of Members of Congress goes far, but I do not think it extends to the intricate details of planning highway and bridge and interchange improvements and construction. I think those decisions should be made by the professionals at the State departments of transportation. I am disappointed I cannot support the hard work of the gentleman from Pennsylvania (Mr. SHUSTER) and others. I know they have worked hard and brought forth what is a very good bill in their eyes.

I am concerned about the fiscal constraints problem, the demo problem, some of the other points I have mentioned. I do urge a yes vote on this rule so we can have a debate, and I urge fiscal discipline and loyalty to the principle of fiscal discipline when we get to the final vote.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY), ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, when I came to Congress my State got back about 70 cents for every dollar it sent to Washington for highways. Through the years working with Mr. PETRI and others we have been able to raise that to just about a dollar. This bill continues that new one-to-one relationship roughly, and for that I am very pleased.

But this bill has three problems that lead me to conclude I cannot support it. First of all, the bill increases spending by 44 percent over the last bill. I simply do not think we have the money.

Secondly, yesterday this House made a great thing of insisting that the emergency appropriation for Iraq and Bosnia and natural disasters be fully offset to the tune of about $3 billion. Today we are being asked to vote for a bill that is 13 times that large in terms of the amount by which it exceeds the amount that the budget allowed for it last year, and yet we have no idea whatsoever what other priorities are going to have to be cut back in order to pay for it.

Highways are a very high priority with me. But they are not the only priority. It seems to me irresponsible, to say the least, for the House to vote on this before we know where the money is going to come from. In my view, this House ought to turn down this bill until the budget resolution is out here so that Congress can make its priority choices and decide how much more funding it wants in education, how much more funding it wants in health care, how much more funding it wants in Medicaid, or how much less it may want in some of these areas.

Until we know that, I think it is spectacularly irresponsible for us to proceed to vote for this bill. And even though I am a zealous supporter of highway construction, and I guess in my days in the State legislature I was probably a pretty good imitation of the gentleman from Pennsylvania (Mr. SHUSTER), under these circumstances I simply cannot support this bill.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Bolivar, Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, it is a privilege to be able to stand here in support of this bill. I think this bill moves highway funding in the right direction. Certainly I want to say in response to my friend, the gentleman from Wisconsin (Mr. OBEY), that I do not know what the third point was, but in response to the first two, this bill does increase spending for highways by about 40 percent. But the way it does this is by spending the Highway Trust Fund on transportation. That is the way this should have been done all the time.

We would not be talking about spending more money on highways than we had planned for in the past if we had been doing what the American people thought we were doing all the time, which was spending their gas tax money for the purpose they thought it was going to be spent for. In terms of the offsets, we wouldn't have to be considering offsets if a year ago we had moved to move this transportation fund off budget. It is important, I think, to create and continue the credibility that the gas tax system has by spending the money for what Americans think the money is going to be spent for, by balancing the budget in a true and fair way, and the way to do that is to move this trust fund off budget, treat it as a trust fund, and of course that results in more money being spent on our infrastructure because that is exactly how people thought that money was going to be spent in the past.

Of course in response to the questions on demonstration projects, the projects that have some input by the Members of Congress only reflect about 5 percent of the money being spent on total, on transportation. Those projects still have to be approved as part of the State-wide plan. Eighty-five percent of the dollars spent are spent by the departments of transportation in the various States.

□ 1100

Seven percent is spent by the administration in one way or another; and only five percent receive real input from the Members of Congress, who know their districts better than anybody else.

I urge adoption of the rule and adoption of the plan.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL), a member of the committee.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Speaker, I urge my colleagues to adopt this rule, especially on my side of the aisle; and I urge them to set aside partisan considerations and any special agendas and support the rule.

The consideration of legislation to reauthorize ISTEA simply cannot wait. It is the 11th hour. We face a May 1 deadline, upon which the ability of States to obligate Federal highway dollars will expire. This comes at a critical time, especially in many States where the start of the construction season must begin earlier than in other parts of the country.

A vote against this rule will unravel the delicate balance that the gentleman from Pennsylvania (Mr. SHUSTER) has achieved; and I commend his leadership, as well as the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), in achieving this delicate balance.

If we defeat this rule, it kills the bill. I cannot even imagine what the alternative would be. So I urge my colleagues to keep their eye on the ball here.

To those who believe ISTEA spends too much, I say, under the rule, they will have their chance to vent their concerns through the amendments offered by the gentleman from Ohio and the gentleman from South Carolina. They will have their shot through these two amendments.

To those who are concerned with the proposed amendment of my good friend and colleague, the gentlewoman from New York (Mrs. LOWEY), I say to them that they will have their chance in conference to vent their concerns and their support for this amendment at that time.

We may debate the issue today and during general debate or during consideration of this rule, but I urge support of the rule so that the process may go forward so that we will have consideration during the conference committee.

And to those of my colleagues who are concerned that this rule makes in order the amendment of the gentlewoman from New Jersey (Mrs. ROUKEMA) to eliminate the DBE program, I say that they will have the commitment from the bipartisan leadership of the Committee on Transportation and Infrastructure that will stand with them in opposing this amendment. Republican and Democrat alike, we in the leadership on the committee will urge a no vote on that amendment.

So I urge adoption of this rule.

My colleagues, do not have it said that we have worked to defeat the most important legislation facing our Nation today, because the eyes of the Nation are upon us. Every motorist who sat in congestion this morning knows that, every driver subject to road rage. A vote on this rule is a defining moment. I urge its adoption.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Scottsdale, Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from California for yielding me the time; and I rise in strong support of the rule and the self-executing amendment contained therein.

Mr. Speaker, I would urge all my colleagues and their staffs and the American people to listen closely, especially the veterans who have served this country. Because contained within this rule is an amendment that sends a very strong message to our Nation's veterans, a message that needs to be reaffirmed loudly and clearly, that I do this morning in the well of the House and that, more importantly, we do in the legislative language of this rule. Because we need to say to America's veterans that we will not take money from their programs to pay for transportation spending.

The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, AMVETS, Paralyzed Veterans of America, Vietnam Veterans of America, the Blinded Veterans Association, the Jewish War Veterans, the Military Order of the Purple Heart, and the Non-Commissioned Officers Association have all spoken very clearly; and, my colleagues, we should heed their call to resist the temptation to raid veterans' programs to fund this bill.

Now, I appreciate the willingness of the chairman to accept this amendment and include it as part of the rule. I appreciate the willingness of my friend from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure, to hear these concerns.

And the reason we must express them today from this well and in this rule is because, sadly, the other body, the Senate, it seems, ignored veterans' concerns when it passed its version of the bill. The Senate-passed bill would apparently spend all the veterans' money on surface transportation projects.

Now, it is my view that in passing this rule and the amendment contained herein, this House will send a message to the other body that we are opposed to that. So it is important to give our Committee on Transportation and Infrastructure chairman and other members of the conference a clear signal when they go into consultations with the other body so that they stand firm and we stand firm protecting veterans' programs.

Again, I would like to thank the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, for his help in making this amendment in order.

Let me also pause at this time, Mr. Speaker, to thank the dean of our Arizona delegation, the gentleman from Arizona (Mr. STUMP), chairman of the Committee on Veterans' Affairs, who 53 years ago today was landing in the Pacific possessions defending America's freedom in World War II, for his leadership; and also one of our new colleagues, the gentleman from New Mexico (Mr. REDMOND), for his help in joining with me to offer this amendment, again, to echo the comments of my good friend from the other side of the aisle from West Virginia.

This is an important rule, an important piece of legislation. Please vote yes on this rule and the amendment contained therein.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, well, my colleagues, today is April Fool's Day. How fitting and how truly outrageous that we are here today considering a rule that silences this Chamber and prevents debate on our amendment that will save hundreds of lives every year.

The amendment that I had hoped to offer, along with our colleagues, the gentleman from Florida (Mr. CANADY), the gentleman from Virginia (Mr. MORAN), the gentleman from Delaware (Mr. CASTLE), the gentleman from Tennessee (Mr. CLEMENT), and the gentleman from New York (Mr. GILMAN), and over 100 cosponsors, was not a radical proposal. It would have simply established .08 BAC as the national DWI standard. It was identical to a measure adopted overwhelmingly by the Senate during consideration of the highway bill last month.

More than 17,000 Americans were killed last year by drunk drivers. More than 3,700 of these fatalities and countless other injuries occurred in crashes involving persons with BAC levels below .10. Virtually every medical, law enforcement, and highway safety organization supports the .08 standard. The United States lags behind other industrialized nations in adopting .08 laws, despite the overwhelming evidence that drivers are seriously impaired at .08.

Here in the United States, 15 States have already adopted .08 laws; and studies show that as many as 600 lives would be saved each year if every State adopted the .08 standard. And yet, this life-saving measure was blocked by the Committee on Rules. How shameful.

In my 10 years of service in this institution, I have never been so disgusted. The liquor and restaurant industries gave millions in campaign contributions last year, and today they got what they paid for. The liquor industry owns this House lock, stock, and barrel.

Every 30 minutes an American is killed by a drunk driver, and yet the House leadership could not even give Members half that time to debate our amendment. Somehow, though, they managed to find time for 60 minutes of debate on a partisan measure that failed the Senate overwhelmingly. What a sham.

The House leadership has opened their doors and pockets to the liquor lobby and slammed them in the face of the mothers and fathers who have lost children to drunk drivers. The liquor lobby has bottled up our bill and demonstrated loud and clear that they put profits ahead of people's lives.

Today we had an opportunity, my colleagues, to follow the Senate lead and save lives. We were poised at a crucial moment in the fight to make our Nation's roads safer from drunk drivers. The rule defeats all that.

I urge Members to oppose this gag rule.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Middleton, New York (Mr. GILMAN), the very distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to express concern about the rule which fails to make the .08 blood alcohol content amendment in order during consideration of ISTEA reauthorization.

I commend the gentlewoman from New York (Mrs. LOWEY) for bringing this measure to the attention of the House. This amendment establishes a National DWI standard of .08 blood alcohol concentration and was approved by the Senate by a 62–32 vote earlier in March.

Fifteen States have already adopted .08 BAC laws, and their experiences show that 600 lives would be saved in our Nation each year if every State adopted this tough and necessary DWI standard. The tragedy of a fatality that results in drunk driving has touched too many families throughout our Nation. Seventeen thousand Americans were killed by drunk drivers just in last year alone.

In response to opponents of the .08 BAC due to States rights concerns, please bear in mind that President Reagan's remarks during the signing of a bill establishing the age of 21 as the national minimum drinking age stated, "This problem is bigger than the individual States. It is a grave national problem, and it touches all of our lives. With the problem so clear-cut and the proven solution at hand, we have no misgivings about the judicious use of Federal power. I'm convinced it will help persuade State legislators to act in the national interest to save our children's lives."

That was President Reagan who succinctly emphasized the importance of the measure. It is clear that President Reagan understood the need for the Federal Government to protect our youth across the Nation. I am confident that he would feel no less obligated to do the same if he was still president.

Bear in mind that the .08 amendment leaves it up to the States to decide what penalty should apply for DWI convictions. Those who stand to lose the most by the blood alcohol content standards higher than .08 are our children.

In closing, let me urge our colleagues that this rule, which I reluctantly support, would have been far stronger by including the Lowey-Gilman amendment; and I am urging my colleagues to provide a future opportunity for further consideration of this worthy proposal.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in strong opposition to this rule; and I do so not in criticism of the chairman and ranking member of the Committee on Transportation and Infrastructure. They have attempted to do their job in high priority.

My concern today deals with the total amount of spending and the waiving of the budget process in a way that I have never seen in the 19 years I have served in this House of Representatives. We Democrats used to waive budget decisions and were criticized for doing it. But it was wrong when we did it. It is wrong when they do it today. And never have we seen it done as it is being done today.

Where is the budget resolution? I want to have a warning, and I want all of my colleagues who believe this is a free shot today to listen to what I am about to say. We are using real bullets in this bill. Passing the highway bill as it is passed today jeopardizes a lot of other programs.

Agriculture, for example, has priorities; and they are the first casualty of this bill. The Committees on Agriculture in the House and Senate have worked with the administration to reach a compromise on the Ag Research Conference, using savings from food stamp administration to pay for agriculture research, nutrition programs, rural development, and crop insurance.

Now we are hearing the leadership of the Congress has determined that the agriculture research bill will not come to a vote because those monies have been reserved to pay for the highway bill. Now, if my colleagues care about problems of crop insurance, if my colleagues care about problems of nutrition programs, if my colleagues care about rural development programs, if my colleagues care about crop insurance concerns, please understand this is not a free shot.

Paying for these programs under the caps of the budget that we have bipartisanly agreed to will be extremely difficult if the first bill outside the budget resolution comes to the floor of the House and is passed without anyone thinking they are going to have to pay for it with real dollars.

Mr. DREIER. Mr. Speaker, may I inquire how much time we have remaining on both sides?

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from California (Mr. DREIER) has 9½ minutes remaining, and the gentleman from Massachusetts (Mr. MOAKLEY) has 12½ minutes remaining.

□ 1115

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, this rule should be rejected. It excuses a massive failure of leadership, and it is an April fool's joke on the American people. We are breaking the historic budget agreement to eliminate our Nation's deficit when the ink is hardly dry.

An agreement that was widely praised on both sides of the aisle and around the country is now being repudiated. We are spending at least $33 billion more in this particular bill than that historic agreement allowed in the budget.

We are also using the Highway Trust Fund concept as a smoke screen for a spending spree that even leaves the most conservative critics in despair. The fact of the matter is that we have spent on transportation, more particularly highways, during the period of this trust fund, $152 billion that is not accounted for in the trust fund. It is because this money, including interest, has come out of the general fund. This is according to a GAO report.

We are also violating all budget rules. Previous speakers have alluded to that. It makes no sense to have a budget resolution process and then neglect it.

Finally, we are passing legislation that disregards the responsibility that we all have of balancing the various needs of the Federal Government and the American society as we identify our priorities. We are simply identifying transportation as the first and only priority. We are neglecting what this does and many other very important programs.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I support more funding for highway and mass transit. My district needs it, and my constituents want it. And the committee has kindly provided some funds for my district. But we have provided a substantial plus-up in transportation spending already.

In the Balanced Budget Agreement of 1997, transportation was the only function of the budget funded at a higher level than the President requested. In the appropriation process, we went even further. In highway programs alone, we appropriated $23.3 billion in fiscal 1998. That is $2.3 billion above the level appropriated in fiscal year 1997. In terms of outlays, it is $3.5 billion more than fiscal year 1997, an increase of 19 percent.

This bill goes far beyond even those increased levels. BESTEA is $40 billion above the Balanced Budget Agreement of 1997, and outlays is $26 billion. If we pass this bill, transportation will trump the rest of the budget. We will have to pare back priorities that we have already committed to and preclude ourselves from doing initiatives in other areas.

What does that mean? Education will take a hit. Housing is in jeopardy, NIH and biomedical research, other infrastructure, the Corps of Engineers.

Exactly what offsets we will make we do not know, because this bill does not identify them. It says elliptically that no funds can be obligated under this law until offsets have been identified. I take it this decision will be made in conference by the conferees on this bill, not by the Committee on Budget in a budget resolution, not the Committee on Appropriations in the 302(b) allocation process.

This is a radical departure from our established procedures. This bill violates the Balanced Budget Agreement by being $40 billion above the agreed-upon amount. It violates the Congressional Budget Act by presenting this bill before a budget resolution has been passed and by exceeding the allocations made last year. It violates the Budget Enforcement Act by presenting or creating $9.3 billion in mandatory spending, which is not without identifying the offsets.

What I call for, Mr. Speaker, is a vote against the rule and return to established procedures, to the disciplines that have brought us at long last to a balanced budget.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Stamford, Connecticut (Mr. SHAYS).

Mr. MOAKLEY. Mr. Speaker, I yield 1 additional minute to the gentleman from Connecticut.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Connecticut is recognized for 3 minutes.

Mr. SHAYS. Mr. Speaker, I thank the gentlemen for yielding to me.

I know there are men and women of goodwill on both sides of this issue. I have a feeling that, I end up sounding a bit self-righteous because I have lot of convictions.

I just want to say from the outset that someone said to me, you may feel strongly you are right, but you are not always right. Maybe this is one of those times.

But I believe with all my heart and soul this is a core debate for this Republican Congress. Are we truly going to get our country's financial house in order and balance the budget? It is a core issue. Are we are going to talk about spending surpluses before surpluses even exist?

Last year, many of us felt the budget agreement was too generous. The Budget Committee allowed the Committee on Transportation and Infrastructure, for instance, to get $9 billion more. Then the Appropriations Committee decided to give the Committee on Transportation and Infrastructure another $11 billion. Last year we gave the committee $20 billion more during a 5-year period.

We have a bill that is coming before us that is going to spend, according to CBO $33 billion above and beyond the budget agreement. I know Republicans are not going to let it be paid for out of the defense side of the budget. Democrats, particularly the President, are not going to let transportation be paid out of the social side of the budget. So maybe it comes out of some theoretical savings that we have in entitlements, or maybe it just does not get paid for.

Mr. Speaker, I believe if we do have a surplus, it should go for social security or deficit reduction like my side has advocated. I think if we have new programs, they should be paid for out of old programs. I believe, if we have new taxes, we should cut taxes somewhere else for no net increase.

I am hard-pressed to know how this $33 billion budget buster fits in with this Republican majority and what I have been about for 11 years in trying to get my country's financial house in order.

I particularly object to the fact that the Committee on Rules did not provide in order a bipartisan amendment which would have allowed us to debate this issue and bring the transportation bill in line with the budget agreement.

I am particularly disappointed the Committee on Rules did not put in order an amendment that would have allowed us to vote on whether the transportation bill would be in accordance with our budget agreement. In other words, if our amendment had been in order and passed, we would take $33 billion out of this $217 billion bill.

Mr. Speaker, I hope and pray that this Republican majority finds its center again. I believe we are losing it. I believe we need to work overtime to get it back. I honestly have to say to my colleagues I think we will be judged harshly if we don't. I oppose the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Speaker, I yield to no Member of this institution in my love for infrastructure. I think we all appreciate the fact that this bill gives us a great opportunity to take something home to the people who send us here.

But my problem with it is that it is, frankly, too big. This is not just a vote about bridges and highways. This is, in fact, the budget vote for this Congress. This is a vote that is going to shape the Federal budget not just this year but for the next 5 years.

We have already passed the deficit reduction package in the first year of this Congress. Most of the cuts occur in the outyears. Most of the outlays in this bill occur in the outyears. The Budget crunch is out ahead of us.

Those of us on this side of the aisle who want another 100,000 teachers in the classroom so we can reduce classroom size, or who want to expand Medicare to people who are 55 to 65 and have lost their jobs and their health benefits and those on the other side of the aisle who think they may want some tax cuts in the future are, at this point, being told by the people bringing us this bill that their priorities do not count that they have no lace in the debate.

If we want to protect social security by allowing the surplus to be held in abeyance until we come up with that fix, we can count on that surplus being spent if this bill passes. In fact, this is a vote that will, in fact, put us in a position to have no discretionary dollars to spend on any of our priorities on either side of the aisle in the next 3 to 5 years.

Mr. Speaker, make no mistake about it. By skipping the budget process, by not facing up to these dilemmas, these needs for offsets publicly, up front, we are delaying till the end of this process the responsibility we should have taken by now.

We are not willing to have a priorities debate in front of ourselves, let alone the American people and that decision is an abomination. I appreciate the people who bring this bill to us. They do it in all good faith. But they do it in a way that is detrimental to the future of this institution and the American people despite their sincere belief that the Highway bill should take precedent over every other spending program.

Mr. DREIER. Mr. Speaker, I yield 1 minute to my very good friend, the gentleman from Knoxville, Tennessee (Mr. DUNCAN), the chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this rule and this bill.

I particularly want to commend the chairman, the gentleman from Pennsylvania (Mr. SHUSTER), for his hard work on this bill. It is a real tribute to his perseverance and his dedication to and love for his country.

I want to also commend the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for his work.

A misimpression is being conveyed on this bill. Many people seem to think that all of this spending is being done in 1 year. This is a 6-year bill. When we divide 6 into the total involved here, it comes out to slightly less than 2 percent of Federal spending over this period. Let me repeat that, Mr. Speaker, slightly less than 2 percent of Federal spending over this 6-year period.

I believe we can poll any group in this country and well over 90 percent of the people in this country would agree that 2 percent is not too much for Federal Government to spend on our Nation's highways, roads, bridges, and transit needs. This is a very conservative bill, Mr. Speaker. It is one that all Members can and should support.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. LEWIS), the minority whip.

Mr. LEWIS of Georgia. Mr. Speaker, I rise against this rule. Under today's budget constraint, $218 billion is simply too much. It is too much asphalt, too much money to take away from our children, the elderly, our veterans, and the needy.

This bill busts the budget by $26 billion. Money does not grow on trees. It must come from somewhere. This bill will force us to cut valuable government programs like Head Start, school lunches, low income housing, health care, veterans, and environmental protection.

This bill is not the bridge to the 21st century. It is not a bridge to our future. We are moving down the wrong highway. Are we prepared as a great Nation to choose concrete over children, bridges over books, pavement over people?

Do not get me wrong. We need Federal transportation programs, but $218 billion is simply too much. Beginning with the Democratic budget in 1993, we have put our fiscal house in order. Now we have a balanced budget. We have money for schools. We have money for children. We have money for veterans, the elderly, and the needy. This bill will end all of that. It puts our fiscal house in disarray. It busts the bank.

Because this bill does not pay for itself, it makes no hard choices. It is easy to vote for a $20 million road project in our district. But how do we tell little children there is no money for schools, no money for books, no money for teachers?

Mr. Speaker, I urge my colleagues to reject this rule. I am not willing, I am not prepared to sacrifice education, health care, the environment, and community development to $218 billion worth of asphalt and urban sprawl. It is simply too much.

□ 1130

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Los Alamos, New Mexico (Mr. REDMOND) who worked long and hard to make sure that veterans will not be detrimentally impacted by this bill.

Mr. REDMOND. Mr. Speaker, this vote this morning is concerning keeping our word, our word to those who pay taxes into the Highway Trust Fund for the highways and the bridges that Americans deserve, but it is also about keeping our word to the veterans of the United States of America.

I am proud to represent in the State of New Mexico the survivors of the Bataan death march, a road of a different kind. These were men that laid down their lives, and their brothers were killed during the time of the Bataan death march, and we need to remember that these men received promises from this government to take care of their medical needs, and to be utilizing money for roads from the veterans' fund is unconscionable, but it is equally unconscionable to be charging Americans at the gas pump for taxes and not delivering the roads.

So, Mr. Speaker, I rise in support of the rule, the rule that will enable us to keep our word both to those who have supported our veterans and also those who have supported our roads.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Del Mar (Mr. CUNNINGHAM), my very good friend and fellow Californian.

Mr. CUNNINGHAM. Mr. Speaker, I rise in favor of this rule. Like all the bills that we have, I do not know of a single bill that we have that there are parts that we do not like. I like the section that we just talked about, protecting the veterans, and I think the case that can be made in order is a very good one. The chairman may disagree with that.

But I was disappointed at one area, and the gentlewoman from New York (Mrs. LOWEY) has an amendment that would draw down drunk drivers down to .8 percent and put penalties. It is a stick. There are measures in the bill that is a carrot and a stick, but I think in the case of drunk drivers we need more stick than we do carrot, and I am disappointed that that is not allowed. It is in the Senate version, and I would ask the chairman and the ranking minority to support that in conference even though it is not in our bill.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR) ranking member of the Committee on Transportation and Infrastructure.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 3 minutes.

Mr. OBERSTAR. Mr. Speaker, I thank the ranking member of the Committee on Rules for this time.

Listening to all these previous speakers who came up with one or another complaint about this legislation, one would think Chicken Little was right, the sky is falling all around us, or the budget. Or one might think that this bill is some sort of budgetary Pac Man chewing its way through the budget, nibbling up everything else for every other function. To say that we cannot do anything for education or we cannot do anything for veterans because of this bill is absolute hogwash. Look at the budget and the billions of dollars that are in that budget for every other function of government.

To say that we are taking $26 billion is wrong. It is $25.4; let us be right, let us get the numbers right. Even if my colleagues figure out that a decimal point does not go over a halfway point they can slip it over to the first. Let us be exact about it, $25.4 billion. That is $4 billion a year over the budget agreement over the period of this bill.

Do my colleagues mean they cannot find $4 billion in a $1.7 trillion federal budget? Out of a $7 trillion national economy? That transportation accounts for over 10 percent of our total gross domestic product, approaching $778 billion, the transportation sector alone? It is the engine driving the national economy.

For 30 years, my colleagues, for 30 years surpluses have been building up in the Highway Trust Fund, being used to fund other functions of government. Transportation going to come to the floor over the last 30 years and say, "Oh, my God, you can increase spending for this that or the other function because it means we won't build more roads and bridges." No. And over that period of 30 years $29 billion have been built up in the surplus in the Highway Trust Fund, and now that surplus is just going to go poof, off into the ether, to reduce the Federal debt somehow, and we do not even get to spend out the interest on capital into the Highway Trust Fund in the next 6 years of this legislation.

As my colleagues know, the Congress, this Congress, this body right here made an agreement with the driving public of America in 1956 and said we will create a trust fund into which taxes on gasoline will be paid, and from that trust fund we will create a guaranteed dedicated revenue stream to build these projects. And bills would come to the House floor every 5 years and pass on a voice vote because the public had confidence that we meant what we said, that we struck a bargain and we are living by that bargain. And now we have got that surplus built up, and that surplus is just going to go away. That is nonsense.

Vote for this rule, vote for this bill, vote for the future of America.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, that was a spectacular speech, but I am sure we will hear an even better one now from the distinguished chairman of the Committee on Rules. Pending that I would like to make a unanimous consent request.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on general debate for this rule, H. Res. 405.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, I yield the balance of my time to the gentleman from Glens Falls, New York (Mr. SOLOMON), the chairman of the Committee on Rules.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized for 4½ minutes.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from California for yielding this time to me.

After the last speech by my good friend, the gentleman from Minnesota (Mr. OBERSTAR), I should just move the previous question because I think he has sold this House, and rightfully so. In doing so I want to commend the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) and all of the other members of the committee that worked so diligently on this.

As my colleagues know, Mr. Speaker, I take no back seat for anyone as far as fiscal responsibility in this House. And as my colleagues know, 5 years ago I wrote a book. It is called "The Balanced Budget, A Republican Plan," and it shows how to go about balancing the budget not in 7, 6, 5, 4, 3 or 2, but in 1 year, and we followed it up with a 2,000 page bill that shows how to deduct over $900 billion in spending. Well, the Republican and the Democratic Members of this House adopted much of this, and today I am so very, very proud that after 20 years that I, JERRY SOLOMON, can say we have got a balanced budget in this House.

Now it comes to the trust funds. There is nothing more outrageous to the American people, nothing, than taxing them for a certain purpose and then this Congress absconding with the money, and that is what we have been doing for years in the Social Security Trust Fund, in the Medicare Trust Fund, in the Highway Trust Fund. That is illegal.

Of course we have done it legally, but it is illegal to the American people because the motorists have paid these taxes year after year after year, these surpluses have built up, and then we have used the surpluses to offset and say we have a balanced budget. Well, we are not going to do that any more; we are going to take those moneys that were raised for this purpose and we are going to spend it all across this country.

Mr. Speaker, I represent the Northeast. It is the Rust Belt. I represent an area in the Catskill Mountains, the Hudson Valley and the Adirondacks where we still have old post roads where they used to drive horses and carriages over them, and we have bridges that are falling down and people are being killed. Not too many years ago a whole wide road washed out and killed dozens of people.

The infrastructure of this country is going down the drain, and if we do not have a strong infrastructure, how can we continue to have a good economy? We cannot, and that is why every Member, especially conservatives like me, ought to come over here and live up to their fiscal responsibility and vote for this rule and vote for the bill.

Mr. EVANS. Mr. Speaker, I rise in strong support of the amendment to H.R. 2400 which expresses the Sense of Congress that offsets to spending above the Congressional Budget Office baseline, as described in section 1001 of the bill, should not be taken from veterans programs. This amendment will be considered as adopted upon approval of the rule governing consideration of H.R. 2400.

This important amendment makes it clear that offsets for increases in spending authorized by the Building Efficient Surface Transportation and Equity Act should not include any provision making a change in programs or benefits administered by the Secretary of Veterans Affairs.

There seems to be a widespread misconception about restricting or denying a benefit to which a qualifying veteran is entitled to receive as a means of finding "savings" to offset the costs of other legislation. This misconception is seductively simple—if a veteran is not now in receipt of an entitlement which he or she would qualify to receive if they had applied for this benefit, then eliminating this benefit does that veteran no harm.

Would the Members of the House and Senate who are eligible for, but not yet in receipt of, a retirement pension believe they would not be harmed if their anticipated retirement benefit was reduced or eliminated because they had not yet applied to receive it? There would be shrieks and howls about such an injustice. We would be told the Members had "earned" their pension. Veterans also have earned the benefits which they are entitled to receive.

Let me also make it clear that I strongly support passage of H.R. 2400. We clearly need to have a modern, efficient and reliable transportation infrastructure. This has always been important and is certainly no less important today with the increasing globalization of the economy and economic competition. We can do this, however, while continuing to honor our commitments to veterans.

Mr. DREIER. Mr. Speaker, I urge strong support of the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 357, nays 61, not voting 12, as follows:

[Roll No. 90]

YEAS—357

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Capps
Carson
Chabot
Chambliss
Chenoweth
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Rush
Ryun
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (AK)

NAYS—61

Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Brown (OH)
Canady
Cardin
Castle
Christensen
Clayton
Conyers
Cramer
Davis (FL)
Deutsch
Dooley
Edwards
Etheridge
Fazio
Ford
Gephardt
Graham
Harman
Hastings (FL)
Hoyer
Inglis
Kind (WI)
LaFalce
Lewis (GA)
Lowey
Luther
Maloney (NY)
McDermott
Meek (FL)
Miller (FL)
Minge
Moran (VA)
Morella
Myrick
Obey
Pelosi
Pomeroy
Porter
Price (NC)
Roybal-Allard
Sabo
Salmon
Sanford
Schumer
Shadegg
Shays
Skaggs
Smith, Adam
Spratt
Stenholm
Tanner
Torres
Watt (NC)
Wexler
Wolf
Yates
Young (FL)

NOT VOTING—12

Cannon
Cox
Gilchrest
Gonzalez
Jefferson
Kennedy (MA)
Klug
Payne
Rangel
Riggs
Royce
Waters

☐ 1200

Messrs. HASTINGS of Florida, CRAMER, WATT of North Carolina, SCHUMER, Mrs. MEEK of Florida, and Messrs. INGLIS of South Carolina, SALMON, TORRES, GRAHAM, and SANFORD changed their vote from "yea" to "nay."

Mr. RODRIGUEZ and Mrs. THURMAN changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2183

Mr. DICKEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2183.

The SPEAKER pro tempore. Is there objection to the gentleman from Arkansas?

There was no objection.

CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND CONDITIONAL ADJOURNMENT OF THE HOUSE FOR THE EASTER RECESS

Mr. ARMEY. Mr. Speaker, I offered a privileged concurrent resolution (H. Con. Res. 257) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 257

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, April 1, 1998, it stand adjourned until 12:30 p.m. on Tuesday, April 21, 1998, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, April 2, 1998, Friday, April 3, 1998, Saturday, April 4, 1998, or Sunday, April 5, 1998, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this concurrent resolution, it stand recessed or adjourned until noon on Monday, April 20, 1998, or such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore (Mr. HEFLEY). The concurrent resolution is not debatable.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TIERNEY. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 187, answered "present" 1, not voting 19, as follows:

[Roll No. 91]

YEAS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Yates
Young (AK)
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

ANSWERED "PRESENT"—1

Coburn

NOT VOTING—19

Andrews
Borski
Cannon
Cox
Fawell
Gilchrest
Gonzalez
Goode
Greenwood
Jefferson
Kennedy (MA)
Klug
Linder
Payne
Petri
Rangel
Riggs
Royce
Waters

□ 1222

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on Monday, March 30th, Tuesday, March 31st, and early Wednesday, April 1st, I was unable to be present in Washington, D.C. due to other business of a personal and family nature and therefore missed several recorded votes in the House. If I had been present, I would have voted:

"No" on rollcall number 81: passage of H.R. 3581, the Campaign Reform and Election Integrity Act.

"Aye" on rollcall number 82: passage of H.R. 34, the Illegal Foreign Contributions Act.

"Aye" on rollcall number 83: passage of H.R. 2608, the Paycheck Protection Act.

"Aye" on rollcall number 84: passage of H.R. 3582, the Campaign Reporting and Disclosure Act.

"Aye" on rollcall number 85: providing for consideration of H.R. 3579, the FY 1998 Emergency Supplemental Appropriations Act.

"No" on rollcall number 86: motion on ordering the House to proceed in secret session.

"No" on rollcall number 87: a motion to recommit H.R. 3579 with instructions.

"Aye" on rollcall number 88: final passage of H.R. 3579, the FY 1998 Emergency Supplemental Appropriations Act.

"Aye" on rollcall number 90: Providing for consideration of H.R. 2400, BESTEA.

"Aye" on rollcall number 91: Providing for an adjournment of the two Houses.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1173

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that the name of the gentleman from

Tennessee (Mr. HILLEARY) be removed as cosponsor of H.R. 1173.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

CREDIT UNION MEMBERSHIP ACCESS ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1151) to amend the Federal Credit Union Act to clarify existing law and ratify the longstanding policy of the National Credit Union Administration Board with regard to field of membership of Federal credit unions, as amended.

The Clerk read as follows:

H.R. 1151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Union Membership Access Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The American credit union movement began as a cooperative effort to serve the productive and provident credit needs of individuals of modest means.

(2) Credit unions continue to fulfill this public purpose, and current members and membership groups should not face divestiture from the financial services institution of their choice as a result of recent court action.

(3) To promote thrift and credit extension, a meaningful affinity and bond among members, manifested by a commonality of routine interaction, shared and related work experiences, interests, or activities, or the maintenance of an otherwise well-understood sense of cohesion or identity is essential to the fulfillment of credit unions' public mission.

(4) Credit unions, unlike many other participants in the financial services market, are exempt from Federal and most State taxes because they are member-owned, democratically operated, not-for-profit organizations generally managed by volunteer boards of directors and because they have the specified mission of meeting the credit and savings needs of consumers, especially persons of modest means.

(5) Improved credit union safety and soundness provisions will enhance the public benefit that citizens receive from these cooperative financial services institutions.

TITLE I—CREDIT UNION MEMBERSHIP

SEC. 101. FIELDS OF MEMBERSHIP.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended—

(1) in the 1st sentence—

(A) by striking "Federal credit union membership shall consist of" and inserting "(a) IN GENERAL.—Subject to subsection (b), Federal credit union membership shall consist of"; and

(B) by striking ", except that" and all that follows through the period at the end of such sentence and inserting a period; and

(2) by adding at the end the following new subsections:

"(b) MEMBERSHIP FIELD.—Subject to the other provisions of this section, the membership of any Federal credit union shall be limited to the membership described in 1 of the following categories:

"(1) SINGLE COMMON-BOND CREDIT UNION.—1 group which has a common bond of occupation or association.

"(2) MULTIPLE COMMON-BOND CREDIT UNION.—More than 1 group—

"(A) each of which has (within such group) a common bond of occupation or association; and

"(B) the number of members of each of which (at the time the group is first included within the field of membership of a credit union described in this paragraph) does not exceed any numerical limitation applicable under subsection (d).

"(3) COMMUNITY CREDIT UNION.—Persons or organizations within a well-defined local community, neighborhood, or rural district.

"(c) GRANDFATHERED MEMBERS AND GROUPS.—

"(1) IN GENERAL.—Notwithstanding subsection (b)—

"(A) any person or organization who is a member of any Federal credit union as of the date of the enactment of the Credit Union Membership Access Act may remain a member of such credit union after such date; and

"(B) a member of any group whose members constituted a portion of the membership of any Federal credit union as of such date of enactment shall continue to be eligible to become a member of such credit union, by virtue of membership in such group, after such date.

"(2) SUCCESSORS.—If the common bond of any group referred to in paragraph (1) is defined by any particular organization or business entity, paragraph (1) shall continue to apply with respect to any successor to such organization or entity.

"(d) MULTIPLE COMMON-BOND CREDIT UNION GROUP REQUIREMENTS.—

"(1) NUMERICAL LIMITATION.—Except as provided in paragraph (2), only a group with fewer than 3,000 members shall be eligible to be included in the field of membership of a credit union described in subsection (b)(2).

"(2) EXCEPTIONS.—In the case of any Federal credit union whose field of membership is determined under subsection (b)(2), the numerical limitation described in paragraph (1) shall not apply with respect to the following:

"(A) CERTAIN LARGER GROUPS INCAPABLE OF SUPPORTING AND OPERATING A SINGLE-GROUP CREDIT UNION.—Any group which the Board determines, in writing and in accordance with the guidelines and regulations described in paragraph (4), could not feasibly or reasonably establish a new single common-bond credit union described in subsection (b)(1) because—

"(i) the group lacks sufficient volunteer and other resources to support the efficient and effective operation of a credit union;

"(ii) the group does not meet the criteria which the Board has determined to be important for the likelihood of success in establishing and managing a new credit union, including demographic characteristics, such as geographical location of members, diversity of ages and income levels, and other factors which may affect the financial viability and stability of a credit union; or

"(iii) the group would be unlikely to operate a safe and sound credit union.

"(B) TRANSACTIONS FOR SUPERVISORY REASONS.—Any group transferred from another credit union—

"(i) in connection with a merger or consolidation which has been recommended by the Board or any appropriate State credit union supervisor for safety and soundness concerns with respect to such other credit union; or

"(ii) by the Board in the Board's capacity as conservator or liquidating agent with respect to such other credit union.

"(3) EXCEPTION FOR UNDERSERVED AREAS.—Notwithstanding subsection (b), in the case of a Federal credit union described in paragraph (2) of such subsection, the Board may allow the membership of the credit union to include any person or organization within a local community, neighborhood, or rural district if—

"(A) the Board determines that such local community, neighborhood, or rural district—

"(i) meets the requirements of paragraph (3) and subparagraphs (A) and (B) of paragraph (4) of section 233(b) of the Bank Enterprise Act of 1991, and such additional requirements as the Board may impose; and

"(ii) is underserved, based on data of the Board and the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), by other depository institutions (as defined in section 19(b)(1)(A) of the Federal Reserve Act); and

"(B) the credit union establishes and maintains an office or facility in such local community, neighborhood, or rural district at which credit union services are available.

"(4) REGULATIONS AND GUIDELINES.—The Board shall issue guidelines or regulations, after notice and opportunity for comment, setting forth the criteria the Board will apply in determining whether or not an additional group may be included within the field of membership of an existing credit union pursuant to paragraph (2).

"(e) ADDITIONAL MEMBERSHIP ELIGIBILITY PROVISIONS.—

"(1) MEMBERSHIP ELIGIBILITY LIMITED TO IMMEDIATE FAMILY OR HOUSEHOLD MEMBERS.—No individual shall be eligible for membership in a credit union on the basis of the relationship of such individual to another person who is eligible for membership in such credit union unless the individual is a member of the immediate family or household (as such terms are defined by the Board by regulation) of such other person.

"(2) RETENTION OF MEMBERSHIP.—Except as provided in section 118, once a person becomes a member of a credit union in accordance with this title, such person or organization may remain a member of such credit union until the person or organization chooses to withdraw from the membership of the credit union.".

SEC. 102. CRITERIA FOR APPROVAL OF EXPANSION OF MEMBERSHIP OF MULTIPLE COMMON-BOND CREDIT UNIONS.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended by inserting after subsection (e) (as added by section 101 of this title) the following new subsection:

"(f) CRITERIA FOR APPROVAL OF EXPANSION OF MULTIPLE COMMON-BOND CREDIT UNIONS.—

"(1) IN GENERAL.—The Board shall—

"(A) encourage the formation of separately chartered credit unions instead of approving an application to include an additional group within the field of membership of an existing credit union whenever practicable and consistent with reasonable standards for the safe and sound operation of the credit union; and

"(B) if the formation of a separate credit union by such group is not practicable or consistent with such standards, require the inclusion of such group in the field of membership of a credit union which is within reasonable proximity to the location of the group whenever practicable and consistent with reasonable standards for the safe and sound operation of the credit union.

"(2) APPROVAL CRITERIA.—The Board may not approve any application by a Federal credit union described in subsection (b)(2) to include any additional group within the field of membership of such credit union (or an application by a Federal credit union described in paragraph (1) to include an additional group and become a credit union described in paragraph (2)) unless the Board determines, in writing, that—

"(A) such credit union has not engaged in any unsafe or unsound practice (as defined in section 206(b)) which is material during the 1-year period preceding the filing of the application;

"(B) the credit union is adequately capitalized;

"(C) the credit union has the administrative capability to serve the proposed membership group and the financial resources to meet the need for additional staff and assets to serve the new membership group;

"(D) pursuant to the most recent evaluation of such credit union under section 215, the credit union is satisfactorily providing affordable credit union services to all individuals of modest means within the field of membership of such credit union;

"(E) any potential harm the expansion of the field of membership of the credit union may have on any other insured credit union and its members is clearly outweighed in the public interest by the probable beneficial effect of the expansion in meeting the convenience and needs of the members of the group proposed to be included in the field of membership; and

"(F) the credit union has met such additional requirements as the Board may prescribe in regulations.".

SEC. 103. GEOGRAPHICAL GUIDELINES FOR COMMUNITY CREDIT UNIONS.

Section 109 of the Federal Credit Union Act (12 U.S.C. 1759) is amended by inserting after subsection (f) (as added by section 102 of this title) the following new subsection:

"(g) REGULATIONS REQUIRED FOR COMMUNITY CREDIT UNIONS.—

"(1) DEFINITION OF WELL-DEFINED LOCAL COMMUNITY, NEIGHBORHOOD, OR RURAL DISTRICT.—The Board shall prescribe regulations defining the term 'well-defined local community, neighborhood, or rural district' for purposes of—

"(A) making any determination with regard to the field of membership of a credit union described in subsection (b)(3); and

"(B) establishing the criteria applicable with respect to any such determination.

"(2) SCOPE OF APPLICATION.—Paragraph (1) shall apply with respect to any application to form a new credit union, or to alter or expand the field of membership of an existing credit union, which is filed with the Board after the date of the enactment of Credit Union Membership Access Act.".

TITLE II—REGULATION OF CREDIT UNIONS

SEC. 201. FINANCIAL STATEMENT AND AUDIT REQUIREMENTS.

(a) IN GENERAL.—Section 202(a)(6) of the Federal Credit Union Act (12 U.S.C. 1782(a)(6)) is amended by adding at the end the following new subparagraphs:

"(C) ACCOUNTING PRINCIPLES.—

"(i) IN GENERAL.—Accounting principles applicable to reports or statements required to be filed with the Board by each insured credit union shall be uniform and consistent with generally accepted accounting principles.

"(ii) BOARD DETERMINATION.—If the Board determines that the application of any generally accepted accounting principle to any insured credit union is not appropriate, the Board may prescribe an accounting principle for application to such credit unions which is no less stringent than generally accepted accounting principles.

"(iii) DE MINIMUS EXCEPTION.—This subparagraph shall not apply to any insured credit union the total assets of which are less than $10,000,000 unless prescribed by the Board or an appropriate State credit union supervisor.

"(D) LARGE CREDIT UNION AUDIT REQUIREMENT.—Each insured credit union which has total assets of $500,000,000 or more shall have an annual independent audit of the financial statement of the credit union performed in accordance with generally accepted auditing standards by an independent certified public accountant or public accountant licensed by the appropriate State or jurisdiction to perform such services.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 202(a)(6)(B) of the Federal Credit Union Act (12 1786(b)(6)(B)) is amended by striking "subparagraph (A)" and inserting "subparagraph (A) or (D)".

SEC. 202. CONVERSIONS OF CREDIT UNIONS INTO OTHER DEPOSITORY INSTITUTIONS.

(a) REVIEW OF REGULATIONS REQUIRED.—The National Credit Union Administration Board shall conduct a detailed review of all regulations which govern or affect the conversion of a credit union into any other form of depository institution, including regulations relating to the form of disclosure required preceding a vote by the members of a credit union with regard to any such conversion and the manner in which such vote shall be conducted, to ensure that such regulations freely and fairly permit any such conversion after free, fair, and objective disclosure to the members of the credit union of the facts and issues involved in any such conversion.

(b) REPORT TO THE CONGRESS.—

(1) IN GENERAL.—Before the end of the 12-month period beginning on the date of the enactment of this Act, the National Credit Union Administration Board shall submit a detailed report on the findings and conclusions of the Board in connection with the review required under subsection (a).

(2) CONTENTS OF REPORT.—The report submitted pursuant to paragraph (1) shall contain—

(A) any recommendation for any administrative or legislative change which the Board may determine to be appropriate with regard to any aspect of the conversion of a credit union into another form of depository institution; and

(B) the justification for any recommendation of the Board—

(i) to retain in effect any provision of the regulations in effect on March 13, 1998, which govern or affect the conversion of a credit union into any other form of depository institution; or

(ii) to amend or alter any such provision.

(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) CREDIT UNION.—The term "credit union" means any Federal credit union or State credit union (as such terms are defined in paragraphs (1) and (6), respectively, of section 101 of the Federal Credit Union Act).

(2) DEPOSITORY INSTITUTION.—The term "depository institution" has the meaning given such term in section 3 of the Federal Deposit Insurance Act.

SEC. 203. FREEZE ON BOARD REGULATIONS RELATING TO COMMERCIAL LOANS AND CERTAIN APPRAISAL REQUIREMENTS RELATING TO SUCH LOANS.

(a) IN GENERAL.—The regulations of the National Credit Union Administration Board which are codified in parts 701.21(h) and 722.3(a) of the Code of Federal Regulations, as in effect on March 13, 1998 (relating to business loans and lines of credit to members and appraisal requirements), including any other regulations which are applicable with respect to loans or lines of credit to which the part applies, shall remain in effect without amendment or altered application until the end of the 1-year period beginning on such date and, notwithstanding the Federal Credit Union Act or any other provision of law, any action of the National Credit Union Administration Board, or the National Credit Union Administration, on or after such date which purports to amend (including an amendment by substitution) or otherwise apply any such regulation differently than in effect on such date shall have no force or legal effect before the end of such 1-year period.

(b) REVIEW AND REPORT TO THE CONGRESS.—Before the end of the 1-year period described in subsection (a), the National Credit Union Administration Board shall conduct a review of the effectiveness of the regulations referred to in such subsection as in effect on March 13, 1998, and shall submit a report to the Congress on the results of such review before the end of such 1-year period.

SEC. 204. SERVING PERSONS OF MODEST MEANS WITHIN THE FIELD OF MEMBERSHIP OF CREDIT UNIONS.

(a) IN GENERAL.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by adding at the end the following new section:

"SEC. 215. SERVING PERSONS OF MODEST MEANS WITHIN THE FIELD OF MEMBERSHIP OF CREDIT UNIONS.

"(a) CONTINUING AND AFFIRMATIVE OBLIGATION.—The purpose of this section is to reaffirm that insured credit unions have a continuing and affirmative obligation to meet the financial services needs of persons of modest means consistent with safe and sound operation.

"(b) EVALUATION BY THE BOARD.—The Board shall, before the end of the 12-month period beginning on the date of the enactment of the Credit Union Membership Access Act—

"(1) prescribe criteria for periodically reviewing the record of each insured credit union in providing affordable credit union services to all individuals of modest means (including low- and moderate-income individuals) within the field of membership of such credit union; and

"(2) provide for making the results of such review publicly available.

"(c) ADDITIONAL CRITERIA FOR COMMUNITY CREDIT UNIONS REQUIRED.—The Board shall, by regulation—

"(1) prescribe additional criteria for annually evaluating the record of any insured credit union which is organized to serve a well-defined local community, neighborhood, or rural district in meeting the credit needs and credit union service needs of the entire field of membership of such credit union; and

"(2) prescribe procedures for remedying the failure of any insured credit union described in paragraph (1) to meet the criteria established pursuant to such paragraph, including the disapproval of any application by such credit union to expand the field of membership of such credit union.

"(d) EMPHASIS ON PERFORMANCE, NOT PAPERWORK.—In evaluating any insured credit union under this section, the Board shall—

"(1) focus on the actual performance of the insured credit union; and

"(2) not impose burdensome paperwork or recordkeeping requirements.".

(b) Annual Reports.—With respect to each of the 1st 5 years which begin after the date of the enactment of this Act, the National Credit Union Administration Board shall include in the annual report to the Congress under section 102(d) of the Federal Credit Union Act a report on the progress of the Board in implementing section 215 of such Act (as added by subsection (a) of this section).

SEC. 205. NATIONAL CREDIT UNION ADMINISTRATION BOARD MEMBERSHIP.

Section 102(b) of the Federal Credit Union Act (12 1752a(b)) is amended—

(1) by striking "(b) The Board" and inserting "(b) Membership and Appointment of Board.—

"(1) In general.—The Board"; and

(2) by adding at the end the following new paragraph:

"(2) Appointment criteria.—

"(A) Experience in financial services.—In considering appointments to the Board under paragraph (1), the President shall give consideration to individuals who, by virtue of their education, training, or experience relating to a broad range of financial services, financial services regulation, or financial policy, are especially qualified to serve on the Board.

"(B) Limit on appointment of credit union officers.—Not more than 1 member of the Board may be appointed to the Board from among individuals who, at the time of such appointment, are, or have recently been, involved with any insured credit union as a committee member, director, officer, employee, or other institution-affiliated party.".

SEC. 206. REPORT AND CONGRESSIONAL REVIEW REQUIREMENT FOR CERTAIN REGULATIONS.

Any regulation prescribed by the National Credit Union Administration Board defining, or amending the definition of—

(1) the term "immediate family or household" for purposes of subsection (e)(1) of section 109 of the Federal Credit Union Act (as added by section 101 of this Act); or

(2) the term "well-defined local community, neighborhood, or rural district" for purposes of subsection (g) of such section (as added by section 103 of this Act),

shall be treated as a major rule for purposes of chapter 8 of title 5, United States Code.

TITLE III—CAPITALIZATION AND NET WORTH OF CREDIT UNIONS

SEC. 301. PROMPT CORRECTIVE ACTION.

(a) In General.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by inserting after section 215 (as added by section 204 of this Act) the following new section:

"SEC. 216. PROMPT CORRECTIVE ACTION

"(a) Resolving Problems to Protect Fund.—

"(1) Purpose.—The purpose of this section is to resolve the problems of insured credit unions at the least possible long-term loss to the National Credit Union Share Insurance Fund.

"(2) Prompt corrective action required.—The Board shall carry out the purpose of this section by taking prompt corrective action to resolve the problems of insured credit unions.

"(b) Regulations.—The Board shall implement subsection (a) of this section by prescribing regulations, after public notice and opportunity for comment, which—

"(1) establish criteria and procedures for classifying credit unions as 'well capitalized', 'adequately capitalized', 'undercapitalized', 'significantly undercapitalized', or 'critically undercapitalized';

"(2) specify a series of graduated regulatory enforcement actions that may be imposed upon any credit union which fails to meet the requirements for classification as an adequately capitalized credit union, including—

"(A) the submission of net worth restoration plans;

"(B) earnings retention requirements;

"(C) prior written approval by the Board for certain activities such as branching and entry into new lines of business; and

"(D) the appointment of a conservator or liquidating agent in appropriate circumstances;

"(3) establish reasonable net worth requirements, including risk-based net worth requirements in the case of complex credit unions, for various categories of credit unions and prescribe the manner in which net worth is calculated (for purposes of such requirements) with regard to various types of investments, including investments in corporate credit unions, taking into account the unique nature and role of credit unions;

"(4) establish criteria for reclassifying the capital classifications of credit unions that engage in unsafe or unsound practices; and

"(5) are generally comparable with the prompt corrective action provisions set forth in section 38 of the Federal Deposit Insurance Act, taking into account the distinct capital structure, cooperative nature, and other characteristics of credit unions.".

(b) Effective Date of Regulations.—

(1) Proposed regulations.—The National Credit Union Administration Board shall publish, in the Federal Register, proposed regulations which meet the requirements of the amendment made by subsection (a) before the end of the 270-day period beginning on the date of the enactment of this Act.

(2) Final regulations.—The regulations required by the amendment made by subsection (a) shall take effect in final form by the end of the 18-month period beginning on the date of the enactment of this Act.

(c) Report to Congress.—At the time the proposed prompt corrective action regulations are published in the Federal Register by the National Credit Union Administration Board pursuant to subsection (b)(1), the Board shall submit a report to the Congress on the differences and similarities between such prompt corrective action regulations and the regulations prescribed by the Federal bank agencies under section 38 of the Federal Deposit Insurance Act.

SEC. 302. NATIONAL CREDIT UNION SHARE INSURANCE FUND EQUITY RATIO, AVAILABLE ASSETS RATIO, AND STANDBY PREMIUM CHARGE.

(a) In General.—Section 202 of the Federal Credit Union Act (12 U.S.C. 1782) is amended—

(1) by amending subsection (b) to read as follows:

"(b) Certified Statement.—

"(1) Statement required.—

"(A) In general.—For each calendar year in the case of an insured credit union with total assets of not more than $50,000,000, and for each semi-annual period in the case of an insured credit union with total assets of $50,000,000 or more, an insured credit union shall file with the Board, at such time as the Board prescribes, a certified statement showing the total amount of insured shares in the credit union at the close of the relevant period and both the amount of its deposit or adjustment of deposit and the amount of the insurance charge due to the fund for that period, both as computed under subsection (c).

"(B) Exception for newly insured credit union.—Subparagraph (A) shall not apply with respect to a credit union that became insured during the reporting period.

"(2) Form.—The certified statements required to be filed with the Board pursuant to this subsection shall be in such form and shall set forth such supporting information as the Board shall require.

"(3) Certification.—The president of the credit union or any officer designated by the board of directors shall certify, with respect to each such statement, that to the best of his or her knowledge and belief the statement is true, correct, complete, and in accordance with this title and the regulations issued under this title.";

(2) by amending clause (iii) of subsection (c)(1)(A) to read as follows:

"(iii) Periodic adjustment.—The amount of each insured credit union's deposit shall be adjusted as follows, in accordance with procedures determined by the Board, to reflect changes in the credit union's insured shares:

"(I) annually, in the case of an insured credit union with total assets of not more than $50,000,000; and

"(II) semi-annually, in the case of an insured credit union with total assets of $50,000,000 or more.";

(3) by amending paragraphs (2) and (3) of subsection (c) to read as follows:

"(2) Insurance premium charges.—

"(A) In general.—Each insured credit union shall, at such times as the Board prescribes (but not more than twice in any calendar year), pay to the fund a premium charge for insurance in an amount stated as a percentage of insured shares (which shall be the same for all insured credit unions).

"(B) Relation of premium charge to equity ratio of fund.—The Board may assess a premium charge only if—

"(i) the fund's equity ratio is less than 1.3 percent; and

"(ii) the premium charge does not exceed the amount necessary to restore the equity ratio to 1.3 percent.

"(C) Premium charge required if equity ratio falls below 1.2 percent.—If the fund's equity ratio is less than 1.2 percent, the Board shall, subject to subparagraph (B), assess a premium charge in such an amount as the Board determines to be necessary to restore the equity ratio to, and maintain that ratio at, 1.2 percent.

"(3) Distributions from fund required.—

"(A) In general.—The Board shall effect a pro rata distribution to insured credit unions after each calendar year if, as of the end of that calendar year—

"(i) any loans to the fund from the Federal Government, and any interest on those loans, have been repaid;

"(ii) the fund's equity ratio exceeds the normal operating level; and

"(iii) the fund's available assets ratio exceeds 1.0 percent.

"(B) Amount of distribution.—The Board shall distribute under subparagraph (A) the maximum possible amount that—

"(i) does not reduce the fund's equity ratio below the normal operating level; and

"(ii) does not reduce the fund's available assets ratio below 1.0 percent.

"(C) Calculation based on certified statements.—In calculating the fund's equity ratio and available assets ratio for purposes of this paragraph, the Board shall determine the aggregate amount of the insured shares in all insured credit unions from insured credit unions certified statements under subsection (b) for the final reporting period of the calendar year referred to in subparagraph (A).";

(4) by adding at the end of subsection (c) the following new paragraph:

"(4) TIMELINESS AND ACCURACY OF DATA.—In calculating the available assets ratio and equity ratio of the fund, the Board shall use the most current and accurate data reasonably available."; and

(5) by amending subsection (h) to read as follows:

"(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) AVAILABLE ASSETS RATIO.—The term 'available assets ratio', when applied to the fund, means the ratio of—

"(A) the amount determined by subtracting—

"(i) direct liabilities of the fund and contingent liabilities for which no provision for losses has been made, from

"(ii) the sum of cash and the market value of unencumbered investments authorized under section 203(c), to

"(B) the aggregate amount of the insured shares in all insured credit unions.

"(2) EQUITY RATIO.—The term 'equity ratio', when applied to the fund, means the ratio of—

"(A) the amount of fund capitalization, including insured credit unions' 1 percent capitalization deposits and the fund's retained earnings balance (net of direct liabilities of the fund and contingent liabilities for which no provision for losses has been made), to

"(B) the aggregate amount of the insured shares in all insured credit unions.

"(3) INSURED SHARES.—The term 'insured shares', when applied to this section, includes share, share draft, share certificate, and other similar accounts as determined by the Board, but does not include amounts exceeding the insured account limit set forth in section 207(c)(1).

"(4) NORMAL OPERATING LEVEL.—The term 'normal operating level', when applied to the fund, means an equity ratio specified by the Board, which shall be not less than 1.2 percent and not more than 1.5 percent.".

(b) EFFECTIVE DATE.—This section shall become effective on January 1 of the first calendar year beginning more than 180 days after the date of enactment of this Act.

SEC. 303. ACCESS TO LIQUIDITY.

Section 204 of the Federal Credit Union Act (12 U.S.C. 1784) is amended by adding at the end the following new subsections:

"(f) ACCESS TO LIQUIDITY.—The Board shall—

"(1) periodically assess the potential liquidity needs of each insured credit union, and the options that the credit union has available for meeting those needs; and

"(2) periodically assess the potential liquidity needs of insured credit unions as a group, and the options that insured credit unions have available for meeting those needs.

"(g) SHARING INFORMATION WITH FEDERAL RESERVE BANKS.—The Board shall, for the purpose of facilitating insured credit unions' access to liquidity, make available to the Federal reserve banks (subject to appropriate assurances of confidentiality) information relevant to making advances to such credit unions, including the Board's reports of examination.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ASSURING INDEPENDENT DECISION MAKING IN CONNECTION WITH CERTAIN CONVERSIONS.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following new subsection:

"(t) CONVERSIONS INVOLVING FORMER CREDIT UNIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law—

"(A) an insured credit union may not convert into an insured depository institution; and

"(B) an insured depository institution which resulted from a prior conversion of an insured credit union into such insured depository institution may not convert from the mutual form to the stock form and may not convert from 1 form of depository institution into another,

unless the appropriate Federal banking agency for the insured depository institution which results from any such conversion reviews the conversion and determines that the requirements of paragraphs (2) and (3) have been met.

"(2) PROHIBITION ON ECONOMIC BENEFIT FROM CONVERSION FOR CREDIT UNION OFFICERS, DIRECTORS, AND COMMITTEE MEMBERS.—An individual who is or, at any time during the 5-year period preceding any conversion described in paragraph (1), was a director, committee member, or senior management official of an insured credit union described in subparagraph (A) or (B) of such paragraph (in connection with such conversion) may not receive any economic benefit as a result of the conversion with regard to the shares or interests of such director, member, or officer in the former insured credit union or in any resulting insured depository institution.

"(3) ACKNOWLEDGEMENT AND ATTESTATION BY OFFICERS, DIRECTORS, AND COMMITTEE MEMBERS.—Any insured credit union or insured depository institution which is seeking to engage in a conversion which is subject to this subsection shall submit—

"(A) a written acknowledgement, in such form and manner as the appropriate Federal banking agency may prescribe, by every individual who is subject to the prohibition contained in paragraph (2), that such individual is aware of such prohibition; and

"(B) an attestation that the conversion under review will not result in a violation of such prohibition.

"(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) INSURED CREDIT UNION.—The term 'insured credit union' has the meaning given to such term in section 101(7) of the Federal Credit Union Act.

"(B) SENIOR MANAGEMENT OFFICIAL.—The term 'senior management official' means a chief executive officer, an assistant chief executive officer, a chief financial officer, and any other senior executive officer (as defined by the appropriate Federal banking agency pursuant to section 32(f)).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House today takes up H.R. 1151, the Credit Union Membership Access Act, which the Committee on Banking and Financial Services approved by unanimous voice vote last Thursday.

The bill is before us today as a result of a ruling by the Supreme Court on February 25, holding that the National Credit Union Administration had improperly interpreted its 1934 act in allowing for mergers between credit unions with different common bonds.

Last year, at the time the Court took the case, there were those who advocated congressional action. My view, and that of many others, was that it would have been inappropriate for Congress to act while the case was pending before the Court. However, I made it clear to all affected parties that I was committed to prompt hearings and action if necessary to ensure that no Americans would be kicked out of the financial institution of their choice.

Mr. Speaker, we have moved quickly for a deliberative legislative body. Within two weeks of the Supreme Court ruling, the Committee on Banking and Financial Services had a comprehensive hearing on the subject. Two weeks later we marked up a bill, and now it is being brought to the floor.

Credit unions represent democracy at work in the marketplace, and this legislation will go a long way towards ensuring they remain an integral part of the American way of life.

The legislation before us first and foremost provides for grandfathering all current common bond arrangements and all current credit union members. It ensures the continued safety and soundness of credit unions by permitting certain multiple common bond formations in the future.

H.R. 1151 would allow any credit union members jeopardized by the court ruling to retain their membership. It would allow credit unions to accept members from an unrelated group as long as the members from the group do not exceed 3,000. Groups that joined would also have to be located within a reasonable proximity of the credit union itself.

The bill would require the Credit Union Administration to move to more specifically define who could join a credit union, based on their status as a member's immediate family or household or living in a certain geographic area.

The bill would extend for one year current regulations that allow credit unions to make commercial loans.

The bill would require credit unions to serve members of modest means, and require the Credit Union Administration to set up criteria for periodically reviewing credit unions' lending records to ensure compliance with this provision. This provision is similar to the requirements of the 1977 Community Reinvestment Act which applies to the banking industry.

The bill would also require that the Credit Union Administration promulgate regulations that would apply capital requirements to credit unions to ensure safety and soundness. Such requirements deal with such items as reserves and collateral now applied to banks.

The bill would allow the Credit Union Administration to increase the funds that credit unions must pay to the National Credit Union Insurance Fund, a Federal fund that insures deposits and makes credit unions safe for the public.

Finally, I would like to draw Members' attention to a provision I authored which is designed to protect credit union members in the event a credit union changes to a stock charter. In the S&L industry in recent years, insiders who controlled mutual associations reaped large profits when they changed to a stock structure. Under this bill, in the event any credit union changes its structure, the benefits of the credit union will go to the membership rather than insiders.

Mr. Speaker, I ask for Members' support for this bill, and would like to recognize important contributions in its crafting by the gentleman from New York (Mr. LaFALCE), the distinguished ranking member of the committee, as well as that of the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Minnesota (Mr. VENTO), the chair and ranking member of the Subcommittee on Financial Institutions and Consumer Credit.

□ 1230

In addition to the original cosponsors of H.R. 1151, the gentleman from Ohio (Mr. LaTOURETTE) and the gentleman from Pennsylvania (Mr. KANJORSKI) made extraordinary contributions to the legislation before us. I thank all of them and their respective staffs for working days, evenings and weekends in order to bring this to the floor on a timely basis.

Mr. Speaker, I reserve the balance of my time.

Mr. LaFALCE. Mr. Speaker, I yield myself 2 minutes.

I strongly support the bill that is before us today. The bill will preserve and promote the future viability of federally chartered credit unions. This bill is an imperative. It must be passed today. It must be passed in the Senate as soon as possible and signed into law by the President.

The reason we are at the point we are today in large part is because of the outstanding work of the chairman of the committee, the gentleman from Iowa (Mr. LEACH). The gentleman from Iowa (Mr. LEACH) made the decision to proceed in not a bipartisan, but a nonpartisan way and that is the way it has been on this bill from the day of the Supreme Court decision. There has been a totally cooperative, collegial approach, not only between the chairman and myself, but between the Republican side of the aisle and the Democratic side of the aisle, their excellent staff and our excellent staff working jointly.

We have produced a good bill, a bill that can be supported by every one, a bill that can be supported by the administration and a bill that will be a clear winner, a winner for credit unions and credit union members, yes. A winner for banks also, because it closes down on some inappropriate practices that, to a certain extent, existed and could exist under previous law. Those have been closed down, tightened up.

Most importantly, it is a clear winner for the American consumer. It promotes safety and soundness, and it gives the consumer the option of going to a credit union, a thrift, a bank, whatever the consumer might want. And it maintains the concept of the credit union as we have known it.

My thanks to every one, especially the chairman, the staff of both the Republican and Democratic side and my colleagues, the gentleman from Minnesota (Mr. VENTO), the gentlewoman from New Jersey (Mrs. ROUKEMA), the gentleman from Pennsylvania (Mr. KANJORSKI), and the gentleman from Ohio (Mr. LaTOURETTE) and so many others. I would love to proceed on every single bill before our committee in the manner that we proceeded on this one.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), who played such a critical role in the development of this approach.

Mrs. ROUKEMA. Mr. Speaker, I thank Chairman LEACH for yielding me the time. I want to commend him for his profound and extraordinary leadership on what could have been an extraordinarily controversial issue here and certainly express my appreciation to the ranking members Representatives LaFALCE and VENTO.

Members have already heard outlined the fact that we are profoundly and promptly responding to the Supreme Court decision and really exercising in a proper way the separation of powers between the judiciary and the Congress. We are exercising our constitutional authority here. I do support it.

I would like to make three other short points. First, obviously we have promptly acted on the Supreme Court's decision, and I think we have done it in time so that we can avoid other court decisions that might further complicate the problem. So we have resolved that constitutional responsibility.

Secondly, we are protecting hardworking savers and consumers, the 20 million credit union members that are really innocent of this problem as it was created, but they deserve to be grandfathered and protected and that is done under this bill.

Thirdly, and perhaps most importantly for our members who are conflicted about the different special interest groups here and the perhaps imprecise information that they have been given, we are putting in place many of the Treasury Department's recommendations on safety and soundness. That is important, of primary importance to our committee. Credit unions will have bank-like capital and net worth requirements in this bill. Large credit unions are required to have annual audits by licensed CPAs. I agree with the complete explanation the chairman presented, on that provision. These and other new requirements will assure that credit unions are financially safe, in the years to come and not be a threat to the taxpayer.

Mr. Speaker, I think we can take some pride in what is done here. It does not mean that I would not have made some tighter restrictions on the multiple common bonds. I would have. But I think what we have to understand is that there are stricter, there are tighter restrictions on the growth of these common bonds, really restrictions that can be held to tight legal requirements as far as I am concerned. But the important thing here is that we have reached a consensus. We have found common ground here. I think we have balanced properly good public policy with what is the need for continuing credit union life. I think that is important.

I would also note that in terms of putting requirements on the multiple common bond credit unions, we did put geographic limitations on the expansion and we have seen in the local preference provisions in section 102 of the bill that it is extremely important, the local preference positions.

Again, I think we have struck the right balance between good public policy and given the proper and timely legislative response to the Supreme Court dictate.

I commend this to my colleagues for approval, and ask that the language of the Committee report (as attached) be included in this debate.

The Committee does not intend for this numerical limitation to be interpreted as permitting all groups with 3,000 or fewer members to be included within the field of membership of an existing credit union. The 3,000 member limitation is intended as the maximum size of groups that can organize within an existing credit union, unless a group meets specific exemptions. The Board is required, under Section 102 of the bill, to encourage common bond groups, regardless of size, to organize new separately chartered credit unions. The NCUA must determine that a group has sufficient financial and operational resources to form a separate credit union and to operate it in a safe and sound manner.

There are two exceptions to the 3,000 member limit. First, the NCUA may permit groups with over 3,000 members to join an existing credit union if the Board determines in writing that the group does not have the financial resources or operational capacity to organize and operate a new single common bond credit union. Second, the Board may merge or consolidate a group with over 3,000 members with another credit union for supervisory reasons. The Committee does not intend for these exceptions to provide broad discretion to the Board to permit larger groups to be incorporated within or merged with other credit unions. The exceptions are intended to apply where the Board has sufficient evidence to support a finding that creation of a separately chartered credit union, or the continued operation of an existing credit union, present safety and soundness concerns.

There is also an exception in this section for underserved areas. Any person or organization within an underserved local community, neighborhood, or rural district may be added to multiple common bond credit unions which establishes and maintains an office or facility in the underserved areas. The term "facility" in the Act is meant to be defined in the same way that the National Credit Union Administration ("NCUA" or "Board") has defined "service facility," that is, an automatic teller machine or similar device would not qualify. The section also requires the NCUA to issue regulations, with notice and comment, establishing criteria that will be applied when determining whether additional groups may be added under this section.

SECTION 102. CRITERIA FOR APPROVAL OF EXPANSION OF MEMBERSHIP OF MULTIPLE COMMON-BOND CREDIT UNIONS.

It is the Committee's position that the NCUA should charter new credit unions wherever possible and such formation would be consistent with safety and soundness. As noted above in Section 101, the 3,000 member figure is not intended to indicate that groups below 3,000 are incapable of forming new, viable credit unions. To the contrary, over 3,300 credit unions have less than $2 million in assets and average just 700 members. The NCUA shall encourage groups, regardless of size, to form their own credit unions where such formation would be consistent with safety and soundness and not pose a significant risk to the share insurance fund.

Section 102 also articulates a strong policy towards placing groups which cannot form their own credit unions with a local credit union. If the NCUA determines that a group cannot form a viable credit union on its own, then the NCUA is required to place the group with a credit union within reasonable proximity of the group. This local preference is qualified by safety and soundness principles. The Committee strongly believes credit union members who live, work and interact in the same geographic area are likely to have more of a meaningful affinity and common bond than those who do not. The NCUA's regulations shall strongly favor placing groups with local credit unions and document in writing their compliance with the local preference requirement. We note, however, that this provision does not require local credit unions to add groups which they do not want.

Under this section, multiple common bond credit unions are required to apply to the NCUA every time they want to add a new group to their field of membership, regardless of the size of the group to be added. The NCUA must determine in writing that the six specific approval criteria have been met. This NCUA determination is a final agency action. Specifically, the Board must find that the credit union has not engaged in material unsafe or unsound practices during the year prior to the application; the credit union is adequately capitalized; it has the administrative capability to serve the proposed membership group and the financial resources to meet the need for additional staff and assets to serve the new group. Additionally, in accordance with section 215 of the Federal Credit Union Act, the Board must determine that the credit union is satisfactorily providing credit union services to all individuals of modest means within its field of membership; and that any potential harm to another insured credit union and its members from the credit union's expansion is clearly outweighed by the probable beneficial effect of the expansion in meeting the convenience and needs of the members of the group proposed to be included. The credit union must also meet any other requirements the Board has prescribed.

The Committee specifically notes the approval criteria in subparagraph (E) which related to potential harm to other insured credit unions. As noted above, the Committee strongly favors placing groups with local credit unions. However, it is not intended that this requirement be implemented in a manner that causes significant injury to other local credit unions in terms of creating overlapping memberships that may weaken the membership or financial base of an existing credit union. The Board is expected to establish procedures to minimize the potential harm to other insured credit unions wherever possible and, at a minimum, to ensure that any potential harm to an existing credit union is clearly outweighed by the benefits created by the membership expansion in terms of additional services and convenience for the new member group.

SECTION 103. GEOGRAPHICAL GUIDELINES FOR COMMUNITY CREDIT UNIONS.

Section 103 requires the Board to define by regulation the criteria it will use in determining the meaning of the term "well defined local community, neighborhood, or rural district" for purposes of evaluating charter applications by community credit unions. These terms shall only apply to applications for new credit unions and applications to alter the membership of existing credit unions submitted after the date of enactment.

Mr. LAFALCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I rise in support of H.R. 1151.

I rise today in support of H.R. 1151, the Credit Union Membership Access Act. In light of the Supreme Court's decision, it is important that we take action to clarify the status of credit unions and their members.

Credit unions—along with banks large and small—are an important part of our Nation's financial fabric. People want to—and should be able to—choose the financial institution with which they will do business. Banks, community banks, and credit unions each provide valuable services in Maine. We need to make sure that a healthy competition exists which will ultimately benefit the people of Maine.

At the same time, I am disappointed that this legislation has come to the Floor under Suspension of the Rules. This procedure means that there is no opportunity to fully debate this subject, or to offer amendments to the bill. Specifically, I would have liked the opportunity to debate many of the Treasury Department's recommendations and capital requirements which were not included in this bill.

Credit unions play a critical role in our financial markets, and it is absolutely necessary that strong safety, soundness and capital measures be adopted to ensure their viability well into the next century.

Again, I support this legislation. However, I would urge my colleagues on the Banking Committee to take these issues into consideration should this matter go into conference.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO), distinguished ranking member of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me this time.

I commend the chairman and ranking member, the subcommittee chair, the gentlewoman from New Jersey (Mrs. ROUKEMA) and others, the gentleman from Pennsylvania (Mr. KANJORSKI), and the gentleman from Ohio (Mr. LATOURETTE), for their work in terms of bringing and shaping the package that we have before us. I think this is a bill that the Members should overwhelmingly record their vote in support of.

The fact is that this remedies the court decision of about a month ago that had been a long time considered by the courts in terms of the field of membership for credit unions. The definitions in the law really have not been substantively adjusted since 1934. After some over 60 years, it is appropriate to recognize in the law the changing complexion of our society and our economy and the nature of mergers, acquisitions and divestiture that often has occurred with regard to various employee and other association groups that had been organized as credit unions. It is only common sense to recognize that this evolution would cause and eclipse the 1934 law upon which credit unions rely for the base of membership.

This importantly not just remedies the Supreme Court case, but sets a policy path and guidance for the future by strengthening the definitions of such groupings and probably averting future court cases that have recently been rendered by the Supreme Court. It greatly strengthens, this bill strengthens the Credit Union Administration. It provides additional safety and soundness, and it very importantly provides a social responsibility. The reason that we, of course, have financial institutions, including banks, credit unions and thrifts and others, is, of course, to serve the people we represent.

Some 20 years ago we set in place something called the Community Reinvestment Act. This puts in place the Community Reinvestment Act that fits and is tailored to the needs of the credit union. I urge Members to support and record their vote in favor of this measure.

Mr. Speaker, I rise in support of this urgently needed legislation for current credit unions and their members who have been jeopardized by the Supreme Court's decision in February. This bill will protect the ten to twenty million credit union members that could be affected by that ruling. H.R. 1151 as reported by the Banking Committee last week will also assist future credit unions and their members by providing additional statutory direction that can immunize the credit union industry from future law suits.

As Members know, this legislative compromise came together through the work of a bipartisan working group that sorted through the various issues to present to the Banking Committee. I want to thank Chairman LEACH who brought me, Mr. LAFALCE, Mr. KANJORSKI and Members from the other side of the aisle together over the past month to forge this measure. The Banking Committee perfected this bill and we have brought the House a sound and solid compromise. We took input and advice from the interest parties, the credit unions, the banks, and the good legislative initiatives of our colleagues. The work of Mr. KANJORSKI, Mr. LATOURETTE, Mr. LAFALCE, Mr. BARRETT, Mr. KENNEDY, Mr. FROST, Mr. BAKER, Mr. EHRLICH and others is reflected in this bill before the House today.

Mr. Speaker, we need to modernize the credit union field of membership definitions which do not fit the socio-economic reality of the 1990's. The merger/divestiture phenomena of corporate America has changed the landscape and has had an unusual and special effect upon credit unions bound by the "common bond" and "field of membership" law. This has conversely forced divestitures, mergers or closings of credit unions. Federal credit union law needs to accommodate and respond to this reality. Credit union law needs to be modernized, addressing the membership base of credit unions because they would not be able to sustain a membership base and reasonable services under the strict interpretation of a 1934 federal credit union law.

By creating a new mechanism for adding so-called select employee groups, basically allowing multiple common-bond credit unions, we are revamping and facilitating the federal credit union law and empowering credit unions to adapt to the 1990's market place. The bill provides clear direction to the National Credit Union Administration (NCUA) including a 3,000 field of membership guideline and a reasonable proximity test. It also affords the regulator with flexibility to accommodate groups that may not meet this test but that would find it difficult to form a single-bond credit union of their own.

H.R. 1151 now has a Community Reinvestment Act-like test that I am optimistic credit unions can meet. This policy and requirement will benefit our communities and economy. Credit unions can and should meet the needs of credit union members of modest means. I have urged credit unions to accept this responsibility and now I would encourage the NCUA in implementing this new CRA-like test to emphasize performance and results not paperwork. I expect that the NCUA will review and draw from the good work of other financial institutions regulators who in the last few years have revamped CRA to do just that.

We have strengthened the regulatory foundation of credit unions, the regulators and the NCUA insurance fund by adding capital and net worth requirements to be established by the National Credit Union Administration based on the guidance in this legislation. The NCUA will be empowered with prompt corrective action powers, substantially similar to those that have been established to govern the banks and thrifts. We have reinforced the share insurance fund mandating the retention of funds. Independent audits will be required for today's very large credit unions with assets in excess of $500 million.

H.R. 1151 also keeps the data flowing on member business loans and mandates special credit union qualifications for activities, maintaining a $50,000 threshold for reporting and other requirements. It does not, however, place any additional restrictions on the size or quantity of personal loans for a business purpose that a credit union can make to its members. The report called for in this measure will provide the information needed to better understand member business loans so that any action would be based on facts that justify the action.

Mr. Speaker, we need to pass this bill today so that this corrective legislation with regards to credit unions will move forward expeditiously in the Senate and make its way to the President as soon as possible. Credit unions have been faced by the same competitive pressures, changing technology, and the evolution in products and services that other financial institutions are facing. In order to meet the challenges of the 21st Century, credit union law, regulation and operation must modernize and grow responsibly. I urge my Colleagues to support H.R. 1151, the Credit Union Membership Access Act.

Mr. LEACH. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. LATOURETTE), original author of this legislation, a very committed and distinguished Member.

Mr. LATOURETTE. Mr. Speaker, I thank the chairman very much for yielding time to me.

Mr. Speaker, this is a wonderful day for the 70 million Americans who belong to credit unions, including the 2.8 million members in my home State of Ohio. When the gentleman from Pennsylvania (Mr. KANJORSKI) and I began this journey a little over a year ago, I do not think we could have imagined that our simple 6-line bill designed to update a 1934 depression era statute would grow to over 30 pages and enjoy 200 cosponsors in the House, including the Speaker of the House, the gentleman from Georgia (Mr. GINGRICH).

The evolution of this legislation has everything to do with the strong grass roots campaign by the members of America's credit unions and the willingness of leadership on both sides of the Committee on Banking and Financial Services to work with the issue and develop a compromise that takes into account the concerns of many Members and many interests.

I especially want to thank and recognize the efforts of the gentleman from Iowa (Mr. LEACH), the gentleman from New York (Mr. LAFALCE), the gentlewoman from New Jersey (Mrs. ROUKEMA) and the gentleman from Minnesota (Mr. VENTO). Without their involvement following the Supreme Court decision and their willingness to work long hours and to talk through these issues, we would not be on the floor today.

I also want to make an observation that working with a member from the other side of the aisle, as I have had a chance to do with the gentleman from Pennsylvania (Mr. KANJORSKI) for the last year, is something that I would recommend to all my friends. This experience has given me the chance to realize what a fine man and representative the gentleman from Pennsylvania (Mr. KANJORSKI) is and how lucky his constituents in Pennsylvania are that they have him representing their interests in the House.

This effort would also not have been possible without the support and encouragement of Speaker GINGRICH. Quite frankly, his cosponsorship of this bill greatly accelerated its pace and jump started the support of many Members. His willingness to be out front on this issue should be applauded.

Mr. Speaker, why is it important for credit unions to be allowed to expand as they have for the last 16 years? The need was certainly illustrated to me in a letter that I received from a constituent, Betty Yelochen of Mayfield Village. Ms. Yelochen has been a member of Clark General Federal Credit Union for over 40 years and has worked as its manager the last 19 years.

She writes about her credit union:

> Our original sponsor company, Clark Controller Co., went out of business a number of years ago. In order to survive, the credit union took in a number of mergers. When the policy was adopted in 1982 permitting multiple groups, we took in a number of smaller companies that couldn't support a credit union on their own. Our credit union is small, only $1.7 million in assets and approximately 1,300 members. All of my financing has been handled by our credit union. Clark General Federal Credit Union offers personalized service with minimal fees.

It is as simple as this, Mr. Speaker. As Members have died, they have been replaced by Members from small companies, some of which join in increments of as few as four employees at a time. Additionally, in the 16 years following the relaxation of membership rules, Clark General Federal Credit has taken in a few smaller companies and credit unions including the Curtis Employees Credit Union of Eastlake, Ohio, which was on the brink of collapse after a protracted labor strike by Curtis employees.

About 230 Curtis employees now belong to Clark General. Most members of Clark General Credit Union are elderly and have been members for 40 years or more. Betty Yelochen says it is kind of like home. It is run on a shoestring, and we are so reserved it is unreal. Still even this small credit union wants to remain viable, and to do so it has to be able to add new members and new services which H.R. 1151 permits it to do.

It is important to note that this credit union has no aspirations of offering home mortgages or even second mortgages. Heck, they would be thrilled if they could just have a drive-through window or an ATM machine.

This particular credit union exists largely because of its low-cost loans that it can provide to members and its low delinquency rate. It is doing the same things well today that it did for 50 years.

Mr. Speaker, H.R. 1151 ensures credit union access to America's millions and millions of small businesses. This hardworking, prosperous and inventive work force will now have the ability to choose where they can conduct their financial dealings. Had the Congress let the Supreme Court ruling stand and prevented new employee groups, each with its own common bond, from joining credit unions, we would have been harming a huge chunk of America's work force.

Remember, Mr. Speaker, our country's 22 million small businesses employ more than 50 percent of the private work force, generate more than half of the Nation's gross domestic product, and are the principle source of new jobs. When President Clinton announced plans to reinvent the Federal Government he indicated the goal was "customer service equal to the best in business."

Mr. Speaker, many credit union members believe this is precisely what they get today from their credit union, the best customer service in the business.

Mr. Speaker, H.R. 1151 should not be considered pro credit union or antibank. Instead, it should be viewed as it was intended, pro consumer and pro competition, both of which are good things. I urge Members to pass this bill.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. KANJORSKI), primary Democratic author of the original version of H.R. 1151, and certainly the primary promoter of a cure for the problem created by the Supreme Court decision.

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Mr. KANJORSKI. Mr. Speaker, this is a great day for the House of Representatives. I just want to take a moment because I am one of the Members that have had the opportunity to serve in this House not only as a Member of Congress but as a page. So my history goes back to the 83rd Congress, and I have watched so many great and fine people come through this tradition and this institution and go on to our highest office.

But today is a fine day; and our former friend and colleague, Bill Emerson, would have been pleased to be here today because he had the same intuition as I have about this fine institution.

We had a problem yesterday with the attachment, and we saw the chairman of the Committee on Rules take appropriate and good action in the best spirit of bipartisanship. We saw the chairman of the Committee on Banking and Financial Services reach out and create a task force to work on this bill. We have seen the ranking member of the full committee and the ranking member of the subcommittee on our side go through extra efforts to make certain that the task force was made up of all people and all issues and interest groups in the committee.

We took it through the process of the committee. And although this is a contentious issue and was in the beginning because some people felt there had to be winners and losers, as my friend, and now he is my friend, the gentleman from Ohio (Mr. LATOURETTE), just said, there are not any winners and losers here; it is just good, solid legislation by a House of Representatives that on April 1, April Fools Day, are going to prove they are not fools, that they are real legislators on both sides of the aisle. This is one of our finest hours, in my opinion.

What this bill covers, we have heard all the discussion. It stops bleeding that would have killed the credit union movement in this country. It creates a framework under which they can exist and continue to grow and serve their membership and serve America. It does not unfairly compete with other financial institutions in our system but allows consumers free choice and protection.

Most importantly, it reaches out to the new jobs and new businesses of small business that they, too, could be credit union members. It does for 70 million Americans something that, if this action were not taken today, would have been a death knell for their interests and their movement.

It has 207 bipartisan sponsors on the Republican side of the aisle, on the Democratic side of the aisle. It has brought together the support of consumers groups across America, the Consumer Federation of America and Consumers Union. It will maintain the existence and growth of the credit union movement and will not unduly interfere with the banks in any way.

Mr. Speaker, in the spirit of bipartisanship today, I want to thank everybody that has taken part, particularly my new and great friend, the gentleman from Ohio (Mr. LATOURETTE), for this year comes to an end when we can send through the House of Representatives one of our most responsible financial services legislation, send it on to the Senate with the finest recommendation, and recommend to the President of the United States that he signs into law this resolution as soon as possible.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the Committee on Rules, who has been a staunch and consistent supporter of the credit union movement.

Mr. SOLOMON. Mr. Speaker, rising in support of this legislation, let me heap praise on the sponsor, the gentleman from Ohio (Mr. LATOURETTE), for his counsel in introducing and dragging and pulling this legislation to the floor today. Many people in the very beginning said it could not be done, and my colleague did it with perseverance.

And I commend the gentleman from Iowa (Mr. LEACH), chairman of the committee, and, of course, my good friend, the gentleman from Pennsylvania (Mr. KANJORSKI), because they also were strong supporters of this legislation.

From the very beginning, Mr. Speaker, I always believed that a nation in the private sector and government at all levels must do all they can to encourage increased savings by the American people; and credit unions are a viable, dependable, and stable financial group that contribute so much to the economy, the health of our country and its people in making it easier for the American people to save and invest. And that is what keeps this economy chugging along.

Credit unions are oriented to people rather than profits. We should always keep that in mind. The average credit union is small, just $23 million in assets, less than a tenth the size of the average bank. That is less than the single largest U.S. bank, all of the credit unions together, less than the single largest U.S. banking company.

Mr. Speaker, this is a battle between rich bankers and working Americans. America's banking institutions are waging a war against credit unions, and let us not ever forget it, and let us not cover it up on this floor. These banks want credit unions out, including my good friends, the bankers in Glens Falls, New York.

Both in court and in Congress, banks are trying to stamp out credit union competition and deny millions of American consumers access to affordable credit union financial services. This bill addresses the critically important question of credit union membership, which has already been outlined by the gentleman that spoke before me.

Mr. Speaker, in my congressional district in upstate New York, there are 200,000 credit union members; and there are an average of 163,000 credit union members in every congressional district in America.

Mr. Speaker, credit union members are so worried about this legislation because they are the owners themselves; and that is why they are there, to serve the people.

I thank the gentleman for yielding me the time. Let us pass this legislation and get it over to the Senate.

Mr. LAFALCE. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished Democratic Whip.

Mr. BONIOR. Mr. Speaker, the word "love" I reserve for very special occasions. I love my wife. I love my children. I love my family. I love my colleagues. But I am here this afternoon to say that I love my credit union.

And the reason I love my credit union is because, of all the financial institutions or all the business institutions that I have had to deal with in my life, the credit union has provided me with the best service at the fairest rate within the sense of community. And the reason it will do so well on this floor today is because it provides that kind of service.

I got my washing machine, my dryer, my car, my kids' education all from my credit union. And they did it with style, they did it with grace, they did it with good rates, and they did it within the sense of community, as I said.

I want to commend my colleagues, the gentleman from New York (Mr. LAFALCE), the gentleman from Iowa (Mr. LEACH), the gentleman from Ohio (Mr. LATOURETTE), and the gentleman from Pennsylvania (Mr. KANJORSKI), for taking the lead on this.

This is a very good bill. It is a responsible bill. It has updated the law that relates to credit unions, which has not been updated for almost 50 years now; and it does it in a way that will allow credit unions to continue to grow and will not jeopardize the 70 million members who would be jeopardized by the Supreme Court ruling, the narrow Supreme Court ruling that we had come down recently.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the chairman for yielding me the time.

I am an original cosponsor of 1151. But the original bill never came to the committee. It was quickly substituted with another bill, which I think is seriously weakened from the original bill that we had. So I would like to let all those 207 Members who are cosponsors that are not voting on the bill that they signed their name onto know that there are two major changes that have occurred.

One is that the multiple common-bond position of 1151 has been removed. Now it is restrictive. And the other thing is there has been a lot of regulations added, and I think that we should consider long-term economic consequences and political consequences of opening up the door to regulations and also what it means down the road as far as insurance goes.

For instance, it was bragged upon, the bill was bragged upon because the regulations of safety and soundness was good. We have had a lot of regulation, for safety and soundness for banks and savings and loan, and yet the FDIC and FSLIC had to be bailed out. The insurance deposit for credit unions was started by private money, no government subsidies, and has never been bailed out. So now we are going to overlook the credit unions and make sure they are safer and sound.

I think it is the wrong direction that we are going. I think the whole notion that we are going to have the Community Reinvestment Act applied to the credit unions is going in the wrong direction. This is a form of credit allocation and, actually, long term, will weaken the credit unions.

I would like to speak up for the credit unions and say this bill has been weakened to such a degree that they have opened up the doors, and down the road they are going to be treated like the banks, and down the road they will probably receive the taxation that banks have.

I resent the idea that the competitors and the small banks, who do not like the competition of the credit unions, they say, well, let us tax them and regulate them. So, in a way, we have accommodated the banks by adding the regulations onto the credit unions.

I do not think this is going in the right direction, and we should seriously consider a no vote on this legislation.

Mr. LaFALCE. Mr. Speaker, I yield 1½ minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me the time.

Let me begin by doing something that I very rarely do, and that is concur with the remarks of my friend, the gentleman from New York (Mr. SOLOMON). We should not be naive and not understand that the largest banks in this country have done everything that they could to prevent the passage of this legislation.

Mr. Speaker, as an original cosponsor of H.R. 1151, I am proud to be on the floor to offer my strong support for this legislation and for its passage today. At a time of increasing bank fees, increasing ATM fees, increasing credit card fees, increasing minimum balance requirements, and the loss of many locally-owned banks to large multi-billion-dollar corporate institutions, credit unions today are more important than they have ever been.

H.R. 1151 will go a long way toward ensuring the long-term viability of credit unions, of allowing credit unions to expand rather than to contract and wither away, which is clearly the goal of many large banks.

Mr. Speaker, I make no apologies for being a strong supporter of credit unions. I want to see credit unions grow. Because they are good for the State of Vermont, and they are good for America. Congress chartered credit unions not only to help people of modest means but to give ordinary Americans a not-for-profit cooperative alternative to for-profit banks.

If we do not act today, the Supreme Court decision would be extremely harmful to tens of thousands of Vermonters and millions of Americans. Let us pass this legislation.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to my wonderful friend and distinguished colleague, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 1151, the Credit Union Membership Act. I commend the distinguished gentleman from Iowa (Mr. LEACH), chairman of the Committee on Banking and Financial Services; the gentleman from Pennsylvania (Mr. KANJORSKI); the gentleman from New York (Mr. LAFALCE); and the gentleman from Ohio (Mr. LATOURETTE); for their cosponsorship of this important measure.

This legislation was introduced in response to a recent Supreme Court decision where the Court, in a narrow interpretation of the Federal Credit Union Act of 1934, invalidated the International Credit Union Administration's policy permitting multiple-group memberships.

H.R. 1151 redefines the 1934 law to provide for three types of common-bond requirements for Federal credit unions: single common bond, multiple common bond, community credit unions. It also provides regulations pertaining to assets and reserve requirements which will serve as additional protections for our consumers.

We recognize that this bill is not popular with the banking industry, which claims that credit unions have an unfair competitive advantage since they do not pay Federal taxes on their earnings. However, the record discloses that credit unions do not damage banks or cheat taxpayers and provides a worthy service.

Historically, the primary reason behind Federal regulators' support for multi-employer credit unions was to try to prevent individual small credit unions from going under when membership dropped due to corporate downsizing. Had those credit unions failed, the cost of their cleanup would have hit the taxpayers the same way the savings and loans failures hit our Nation.

Mr. Speaker, the simple fact remains that credit unions do play an important role in our Nation's financial environment. They allow consumers the early opportunity to open small accounts without experiencing prohibitive fees or burdensome restrictions.

In closing, let me say that while the Supreme Court may have used a narrow interpretation of this 1934 law in making its recent ruling, Congress does have the constitutional right to change laws, if needed, should it believe the court acted in error; and I believe that is the case today.

Accordingly, I urge my colleagues to join us in supporting this worthy legislation.

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Mr. LAFALCE. Mr. Speaker, I yield 1 minute to the distinguished freshman gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, it is a privilege to come today in strong support of H.R. 1151. One of the top largest banks is in my district. I support banks. But I also support credit unions and the 300,000 members in my district who are members of the credit union.

I want to commend the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) and our ranking members. This is the way true legislation should pass and work in this Congress, in a bipartisan way, for the betterment of our American citizens. And this bill just does that.

It is important that as we discuss this bill and as we vote affirmatively for it, that, remember, we are in a large financial market. The world is global. Credit unions account for 2 percent of the financial market, and banks and other securities take care of the rest of it. It is a good bill. H.R. 1151, as was mentioned, is pro-consumer, procompetition, and I strongly support it.

Mr. LEACH. Mr. Speaker, may I ask how much time is remaining on each side?

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Iowa (Mr. LEACH) has 1½ minutes remaining, and the gentleman from New York (Mr. LAFALCE) has 9 minutes remaining.

Mr. LEACH. Mr. Speaker, this side would like to reserve its time until the conclusion.

Mr. LAFALCE. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to begin by affiliating myself with the remarks made by my dear colleague, the gentleman from Pennsylvania (Mr. KANJORSKI). Both sides have come together in what is truly a fine moment of bipartisanship and what is really right for the country.

I will tell my colleagues, use our region of the country as an example. Back in the days when the steel industry was booming and the railroads were strong and the manufacturing section was strong, these credit unions were begun for the employees, many times tens of thousands of them who worked in those companies.

We have gone through a kind of a deindustrialization of this Nation. Many of those steel plants and the railroad operations do not even exist anymore, have been severely shrunk down. But other industries have been spawned out.

Really, this bill today, if it is approved by the House, preserves credit union membership for current members, and it is going to preserve the opportunity for membership for many people across Pennsylvania and across other parts of the country which have had to merge and combine in order to survive.

The credit union, as I said before, serve one manufacturer. What we are doing today is clarifying what is a common bond. This is good legislation. This legislation will clarify the law. It will allow multiple common bond groups to join together. It is the right thing to do.

The banks truly have nothing to fear because, as many people here know, 89 percent of the people who belong to credit unions also do business with the banks. So I would recommend an "aye" vote.

Mr. LAFALCE. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I rise today to ask my colleagues, what could be better for this country than a financial institution run and organized by its members, members who feel comfortable saving and investing for their futures at their institution, their credit union.

H.R. 1151 is about guaranteeing choice, choice for consumers who want low cost, higher returns, and convenience. Nonprofit credit unions are mostly employer-sponsored, employee-run. But to be financially viable, each credit union needs about 500 members.

My district is filled with small employers. We need to protect these employers' and these employees' rights to create and participate in credit unions with broader membership bases. Credit unions came into being to provide financial service for the everyday worker. H.R. 1151 ensures that these workers' rights will not be tampered with.

Mr. Speaker, all of the gentlemen in the House who have worked on this have been thanked. I want to thank the thousands and tens of thousands of credit union members around the country who got politically involved, talked to their Congress people, wrote letters to their newspaper, got on the talk shows. The credit union members around this country did an incredible job educating the Members of Congress. That effort will be rewarded with a vote today.

Mr. LAFALCE. Mr. Speaker, I yield 1 minute to a previous speaker, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the chairman and the gentleman from New York (Mr. LAFALCE) for yielding me this time.

I just wanted to make a comment because there is some misunderstanding about some of the positions of various organizations. Clearly, the suit that resulted in the Supreme Court decision was a product of the banking associations.

Quite frankly, I think, since the decision, there has been a recognition by the banking organizations to, in fact, look for a remedy to this field of membership issue. I think it would be unfair not to report that they had every intention that there be a grandfathered provision. In fact, without the participation both by the various groups, the coalition of bankers, and credit unions, and others, I do not think we would be where we are today.

So while it is true that they had sought many other changes as is applicable to the charter of credit unions to Federal law, the fact is that they did make a positive contribution.

I know that they have reservations about the bill we are acting on, but nevertheless I think that they were positive participants, certainly in the court case and certainly in the remedy that is being put forth today.

Mr. LAFALCE. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, what a great day for democracy. I thank the ranking member, and I thank the chairman very much for allowing us to have a stand-alone vote on H.R. 1151.

Credit unions represent democracy at work. Credit unions provide its members with higher savings rates, lower loan rates, and less fees. As well, they provide those who have not had access to credit a friendly atmosphere in which to seek credit.

Credit unions were originally chartered to be a kind of economic ballast for working people. This H.R. 1151 does provide constraints; we accept that. It provides choices; we accept that. But at the same time, it gives opportunity to more than 70 million people in America to belong to their credit unions and allows them to grow.

Yes, this legislation also provides that credit unions will not discriminate against loans to low and modest income members. It makes everyone a part of the family. This legislation allows us to work alongside of our banking friends in the banking industry and to ensure that credit unions are, in fact, part of the financial structure of America.

I support H.R. 1151. Let us vote for it. Let us vote for democracy.

Mr. Speaker, I rise to support the Credit Union Membership Access Act under suspension of the rules today. A Houston entrepreneur has written to say that "As a business owner, I consider credit union membership to be one of the most important benefits that I offer my employees." Moreover, I have received numerous letters stating that supporting H.R. 1151 means preserving consumers' freedom to choose where they borrow money or invest their savings. Credit unions are critical to ordinary Americans, and I am proud to be a member of the Congressional Federal Credit Union.

H.R. 1151 represents landmark legislation for federal credit unions and for their members. I am pleased to say that I have been a cosponsor of the Credit Union Membership Access Act, sponsored by Representatives STEVEN LATOURETTE and PAUL KANJORSKI, since July of 1997. Total cosponsorship of H.R. 1151 now stands at 206, including the Speaker of the House and Chairman of the Rules Committee.

Today, we are setting a good example of policy-making by separating H.R. 1151 from the financial services overhaul plan (H.R. 10). I feel I can speak for many members of this body when I say that the two pieces of legislation deserve to be considered separately. In short, H.R. 1151 is significant legislation to all credit unions, and it is proper that we treat it as a "stand-alone" bill.

It has been said that credit unions represent democracy at work. Credit Unions are about people helping people. Credit unions are present in every neighborhood in America. In the 18th Congressional District of Texas, there are over 328,000 individuals who belong to credit unions. These figures are a powerful reminder of the work we have laid out before us today. Above all, credit unions are not-for-profit institutions, built by the American people themselves. Credit unions must be preserved.

Indeed, credit union members benefit by receiving higher savings rates, lower loan rates and less fees on financial transactions than if they did business with a bank. However, bankers across the country, both large and small, have enjoyed record growth and profits. Collectively they grew by $300 billion in 1997 alone. The credit union industry's total assets were only $350 billion by comparison.

Credit unions were originally chartered to be a kind of economic ballast for working class people, as well as for persons with modest to low incomes. Preserving our constituents' rights to participate in a credit union of their choice is in keeping with a long tradition of American history.

The current dispute evolved from a policy adopted in 1982 by the federal regulator for credit unions, the National Credit Union Administration (NCUA). In 1982, the NCUA issued an interpretive ruling and policy statement which provided flexibility to the field of membership requirements for federal credit unions (FCU). Credit union charters are granted on the basis of a "common bond." The common bond for establishing a credit union may be occupational, associational, or community. This requirement (found in the Federal Credit Union Act of 1934) determines the field of membership and is unique among depository financial institutions.

The NCUA's interpretation permitted membership in a company's credit union could allow another company's to join its credit union, but only if the potential number of new credit union members did not exceed 3,000.

In other words, H.R. 1151 virtually codifies the 1982 National Credit Union Association's (NCUA) interpretive ruling and policy statement which provided flexibility to the field of membership requirements for federal credit unions (FCU). The NCUA's interpretation permits membership in a FCU to consist of more than one distinct group so long as each group has its own "common bond," plus only a group with fewer than 3,000 members shall be eligible to be included in the field of membership of a credit union.

The bill also would prevent credit unions from discriminating when considering loans to low- and modest-income members, a provision similar to the Community Reinvestment Act of 1977 which applies banks and savings institutions. In addition, credit unions would be required to meet many of the "safety and soundness" capital requirements as banks. The bill would also require the Federal Reserve to pay interest on the "sterile reserves" banks are required to keep at the Fed. I believe we can still continue to work with our banks on these issues.

Mr. Speaker, I urge my colleagues to stand up for the FCU to consist of more than one distinct group so long as each group has its own common bond. The NCUA's action was taken in response to changing economic conditions and as part of an industry commitment to meet the needs of individuals seeking credit union service.

In 1990, the American Bankers Association and several small North Carolina banks filed a lawsuit contesting the NCUA's approval of multiple group field of membership expansion for the AT&T Family Federal Credit Union. In July 1996, The U.S. Court of Appeals for D.C. overturned a lower court's decision and ruled that "all members of a federal credit union must share one common bond." Currently, under the terms of several subsequent orders, FCUs cannot add new groups to their fields of membership but the institutions are permitted to enroll new members into those established groups already being served. The U.S. Supreme Court decided to take up the credit union case in February. An opinion was rendered on February 25, 1998 that seemed to favor the banking industry.

In an attempt to protect the interests of credit unions, the Credit Union Membership Access Act (H.R. 1151) was introduced March 20, 1997, with an additional sixteen original cosponsors. The bill's aim is to make clear that credit unions may serve multiple customers; H.R. 1151 is distinctly about consumer choice. In its original version, H.R. 1151 amended the Federal Credit Union Act to say "the membership of any Federal credit union shall be limited to 1 or more groups each of which have (within such group) a common bond."

Today, more than 70 million Americans belong to credit unions, and industry officials have estimated that the Supreme Court's decision will jeopardize 20 million of them. The legislation the committee approved last week would allow all 20 million members to keep their accounts, but it would set limits on credit union expansion. For instance, one freedom and consumer choice of 70 million Americans. I urge my colleagues to support H.R. 1151, the Credit Union Membership Access Act.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume. I am shortly going to yield back the balance of my time. Before I do, I just want to say some closing remarks.

Again, it has been a pleasure working with the Chairman and the Members from both sides of the aisle. The staff that really worked as one staff in crafting this bill, is something we did on the IMF bill also. It is something that I hope we can do in the next several weeks and months on financial modernization. I look forward to doing that in a very similar collegial fashion.

With respect to credit unions, I am proud to be a member of a credit union and a thrift and a bank and some securities accounts, et cetera, and have some insurance accounts also. These are all wonderful approaches to financial services. We need to enhance competition, and we need to protect and promote consumer interests in all financial services legislation.

Within the confines of the credit union bill, we have to preserve the best of the past going forward into the future. I think that is what we have done in this bill.

Credit unions are very, very special. They are usually relatively small. They are a place where we should know just about everybody. So they are confined, generally speaking, to a rather local area. Everybody who is a member is usually in close proximity to everyone else. It is where we and people with whom we have a common bond can save. It is where we can go for the basic essentials of life, the purchase of a home, a small loan, a loan for a car, leasing, financing, et cetera. This bill preserves the integrity of the credit union concept.

Mr. VENTO. Mr. Speaker, will the gentleman yield to me?

Mr. LAFALCE. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I appreciate the gentleman yielding. I came from a credit union family. My father ran a credit union. But, nevertheless, I understand their role in terms of they fill a very special place.

I was glad the gentleman mentioned the financial modernization. I want to recognize the leadership, first of all, for pulling the rule off the floor and preventing any polarization with regard to that important issue. Many of us have worked on it for a decade. As I said to my chairman and chairwoman, its demise, its death is greatly exaggerated. I think after Easter, those of us that claim a Christian affiliation do believe in resurrection, and we hope that we can vote on it.

I am pleased that the leadership saw fit to give us the opportunity to vote on this important bill today, and want to publicly and on the floor thank the leadership for that and for the gentleman from Iowa (Mr. LEACH) and others that have gone ahead with this.

I think it is important that Members be able to record a vote in favor of this. And I thank the gentleman from New York (Mr. LAFALCE), the ranking member and my friend, for yielding.

Mr. LAFALCE. Mr. Speaker, I see that the gentleman from New York (Mr. SOLOMON), the distinguished chairman of the House Committee on Rules, has returned to the floor on this important bill. And I look forward to working with the chairman on financial modernization.

Mr. Speaker, I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first, let me thank my two good friends for their thoughtful words. As chairman of the Committee on Banking and Financial Services, I support a strong and competitive financial service sector. We need solid and viable banks, solid and viable savings and loans, insurance companies, mutual funds, securities firms, and credit unions.

What is best for the American people is competition, choice. This bill ensures a stable future for a solid industry, one that deserves our respect because it has served the public so well.

In huge letters in the basement of a credit union in Iowa City, Iowa is a quote from one of my State's heroes, a man a named Nile Kinnick. It was 3 years after Nile Kinnick won the Heisman Trophy in the few days before his death in World War II as a pilot that he wrote a letter home in which he said "people must come before profits."

That is what the credit union movement is all about. That is why I believe this House, despite angst from competitors, is obligated to give the benefit of doubt to the credit union movement. I would urge all my colleagues to support this bill.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I would like to take this opportunity to support H.R. 1151, the "Credit Union Membership Access Act."

I have long been a strong supporter of credit unions. Credit unions are an important alternative source of credit in our diverse financial marketplace. Credit unions also represent the concept of voluntary, non-profit membership.

This legislation resolves an ambiguity in credit union membership rights that has been raised by the recent Supreme Court decision. We need to act quickly to resolve this ambiguity.

At the same time, this legislation seeks to address important questions of competitive balance and fairness between credit unions on the one hand and banks and thrifts on the other.

I particularly want to take this opportunity to talk about an important provision in H.R. 1151—the provision setting out credit union community reinvestment obligations. With the enactment of this provision, we will be reaffirming an important principle: a financial institution which enjoys the benefits of federal deposit insurance has an affirmative obligation to meet the credit needs of the entire community or field of membership which it is chartered to serve, including neighborhoods and individuals of low- and moderate-income. With the enactment of H.R. 1151 in its current form, we will be extending this obligation, currently imposed on federally insured banks and thrifts, to federally insured credit unions.

Specifically, H.R. 1151 requires all credit unions nationwide to provide affordable services to all individuals, including "low- and moderate-income individuals", within their field of membership. It further requires all credit unions organized on the basis of community, neighborhood, or rural district to meet the credit and service needs of the entire community which they are chartered to serve.

As with the implementation of the Community Reinvestment Act for banks and thrifts, the bill requires the credit union regulator, the NCUA, to evaluate credit unions in meeting these obligations, and requires the public release of those evaluations. Finally, the bill requires the NCUA to take remedial action against credit unions which fail to meet these obligations.

A community reinvestment requirement for banks and thrifts has been in effect since the passage of the CRA law in 1977. Despite early concerns by the banks, CRA has proven to be a tremendous success. To date, banks have made CRA commitments of $400 billion in low-income and minority neighborhoods.

So many of the banks which originally opposed CRA now support it, recognizing that low-income lending can be a new source of profits. And, the banking regulators acknowledge that community lending does not negatively affect safety and soundness.

During the course of debate and markup on H.R. 1151, it was debated whether a community reinvestment standard was necessary for credit unions, since by definition they are chartered to serve their members. While it is true that the majority of credit unions ably and responsibly serve low-income and minority members, there was also committee testimony that some credit unions did not have such a sterling record.

The great benefit of requiring the credit union regulator to evaluate credit unions' record of community reinvestment is that we will no longer have to guess which credit unions are and which are not serving the credit and service needs of their entire field of membership. Credit unions which are meeting those needs will have no problem with this requirement. Those that are not merit the scrutiny that this provision will give.

A community reinvestment standard for credit unions has been in existence for 16 years in Massachusetts. The record there is that such a standard is both necessary and effective. CRA exams for Massachusetts credit unions have demonstrated that there were a number of institutions that did not have a good record. However, over time, with the scrutiny of this process, the community lending record of Massachusetts credit unions has improved. Quite simply, this requirement works.

Now, it is time to extend this requirement nationally to all federally insured credit unions. As we move into conference with the Senate, I urge members to support the community reinvestment provisions in H.R. 1151, and to fight the efforts of the enemies of community reinvestment who may try to strip out or water down these provisions.

I urge adoption of H.R. 1151 in its present form.

Mr. PAUL. Mr. Speaker, since I was the first one in this Congress to step forward and introduce legislation affirming the NCUA's position allowing multiple common bonds for credit unions and signed on as a cosponsor of H.R. 1151 as originally written, I feel that I am in a disagreement among friends. I must oppose this bill because of the new regulations it imposes on credit unions and does nothing to address the legitimate concerns of the banks.

While I strongly support the expansion of the field of membership for credit unions, the new regulations imposed upon them demonstrate a decision to follow the wrong path to "level the playing field" with banks and other financial institutions. A better approach would have been to lead the Congress towards less taxes and less regulation. H.R. 1151, The Credit Union Membership Access Act, as amended by the committee, follows a path of more regulations and leads toward higher taxes on credit unions while the Financial Freedom Act, H.R. 1121, which I introduced a year ago, lowers taxes and regulations on banks. While H.R. 1151 does not impose new, direct taxes on credit unions, I fear that that day is just around the corner.

The NCUSIF was the only deposit insurance fund started without any federal seed money and the credit unions never came to Washington for a taxpayer-funded bailout. In fact, allowing multiple common bonds for credit unions enhanced their safety and soundness. This bill will add new "safety and soundness" and CRA-like regulations on credit unions. These regulations will add a burdensome regulatory cost. This cost will be passed on to the consumer in the form of higher fees, higher interest rates and less service. It is the marginal consumer who will lose the most when this bill becomes law.

The estimated, aggregate cost of bank regulation (noninterest expenses) on commercial banks was $125.9 billion in 1991, according to The Cost of Bank Regulation: A Review of the Evidence, Board of Governors of the Federal Reserve System (Staff Study 171 by Gregory Elliehausen, April 1998). It reports that studies estimate that this figure amounts to 12 percent to 13 percent of noninterest expenses. These estimates only include a fraction of the "most burdensome" regulations that govern the industry, it adds, "The total cost of all regulations can only be larger."

These regulations, under which the credit unions will now suffer a greater burden with the passage of this bill, impose a disproportionate burden on smaller institutions. These increased, and unfairly imposed, regulations will stifle the possibility of new entrants into the financial sector and contribute to a consolidation and fewer market participants of the industry. As the introduction of new entrants into the market becomes more costly, smaller institutions will face a marginally increased burden and will be more likely to consolidate. "The basic conclusion is similar for all of the studies of economies of scale: Average compliance costs for regulations are substantially greater for banks at low levels of output than for banks at moderate or high levels of output," the Staff Study concludes.

Smaller banks face the highest compliance cost in relation to total assets, equity capital and net income before taxes, reveals Regulatory Burden: The Cost to Community Banks, a study prepared for the Independent Bankers Association of America by Grant Thornton, January 1993. CRA compliance costs for small banks was $1 billion and 14.4 million employee hours in 1991. For each $1 million in assets, banks under $30 million in assets incur almost three times the compliance cost of banks between $30–65 million in assets. This regulation almost quadruples costs on smaller institutions to almost four times when compared to banks over $65 million in assets. These findings are consistent for both equity capital and net income measurements, according to the report.

The IBAA study identifies the Community Reinvestment Act as the most burdensome regulation with the estimated cost of complying with CRA exceeding the next most burdensome regulation by approximately $448 million or 77%. Respondents to the IBAA study rated the CRA as the least beneficial and useful of the thirteen regulatory areas surveyed. In short, this bill takes the most costly and least beneficial and useful regulation on banks and adds a similar, new regulation on credit unions. Reducing the most costly, and least beneficial and useful regulation on the banks would have been a better approach.

In addition to all of the problems associated with the obligations and requirements that the government regulations impose on the productive, private sectors of the economy, the regulations amount to a government credit allocation scheme. As Ludwig von Mises explained well in the Theory of Money and Credit in 1912, governmental credit allocation is a misdirection of credit which leads to malinvestment and contributes to an artificial boom and bust cycle. Nobel laureate Frederick A. Hayek and Murray Rothbard expounded on this idea.

The unintended consequences of the passage of this bill, as written, will be to stifle the formation on new credit unions, consolidate current credit unions into larger ones better able to internalize the cost of the additional regulations, and lower productivity and economic growth due to the misallocation of credit. This increased burden must ultimately be passed on to the consumer. The increased costs on credit unions this bill imposes will lead to a reduction of access to credit unions, higher fees and higher rates. These provisions are anti-consumer. The marginal consumers, those who currently can only receive a loan from a credit union without the burden of CRA, are the ones who will suffer under the provision of this bill. I hope that the bill can be improved as the process continues and lead to less regulations and other taxes on banks rather than more regulations and other taxes on credit unions.

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of H.R. 1151, the Credit Union Membership Access Act, and I urge my colleagues to vote in favor of the bill today.

Development of this bill is the product of long and hard work, not only by the House Committee on Banking which has brought the bill to the House floor, but by millions of individual members of credit unions across the country who let Congress know of the importance of the Supreme Court decision on this matter earlier, and of the need to move H.R. 1151 as a result of that decision.

The legislation we are considering today is a compromise that ends a dispute largely between credit unions and the nation's banks. Federal regulators had interpreted federal law to allow multiple common bond memberships, and one result was a rapid increase in credit union membership. The increase in credit union membership came at a time when there was an expansion in the scope and type of services they had traditionally provided members, resulting in competition with commercial banks, thrift institutions and other financial services. Congress is now in the process of redefining the nature of all financial institutions so it is timely that we make a specific decision on the nature and scope of credit unions and the services they provide. And I believe enactment of H.R. 1151 is essential for competition with the new types of financial institutions now becoming a reality with the distinctions ending between banks, insurance firms, securities and commercial businesses. This bill is about making sure consumers have a choice, today and in the future.

With a population of 1.3 million people, Hawaii has more than 550,000 credit union members in 113 affiliated credit unions. Hawaii's traditional cultural values have resulted in one of the strongest credit union movements in America. Many first generation immigrants brought with them a system called tanomoshi. Workers and families in sugar cane and pineapple plantations in Hawaii pooled savings from which loans were provided for emergencies or more often for one family to start a business. When the business prospered, the funds would be repaid to the group and it would revolve to another family. In this way, much of the business, middle class in Hawaii developed from its plantation agriculture economy. The reality is that we had credit unions in Hawaii long before the mainland. It was simply called tanomoshi instead of credit unions. This is a grass-roots democratic movement built on the foundation of self-help and group identity.

H.R. 1151 allows current credit union members to continue their membership. New membership groups must have less than 3,000 common bond members at the time of joining, and groups will be within reasonable proximity to the credit union. However, there are circumstances when even these restrictions can be waived. It is important to credit union members as well as to their competitors that depositor insurance provisions be strengthened under the bill. It would also require that "persons of modest means" within each credit union membership field be served.

Mr. Speaker, I believe H.R. 1151 is a solid, reasonable and responsible compromise. We must have a healthy and vigorous credit union movement in the 21st Century to meet the needs of individuals as well as the need of the nation for a diverse, competitive financial industry.

Ms. KILPATRICK. Mr. Speaker, I rise today in strong support of H.R. 1151, the Credit Union Membership Access Act. This bill would overturn the February 25, 1998 decision rendered by the Supreme Court in the National Credit Union Administration v. First National Bank and Trust, a decision that would have severely restricted the ability of credit unions to grow and expand. In essence, the Supreme Court said that the National Credit Union Administration (NCUA) illegally allowed credit unions to expand beyond their original base of membership. His legislation allows credit union members who were added under NCUA's policy to remain with their credit union, and expounds upon the definition of "common bond." This bill is a victory for poor people, for low-income families, for working-class people, and for consumers. I would also like to add that I am greatly pleased that the collective wisdom of the Congress prevailed in deleting this legislation from the larger, sweeping omnibus financial services reauthorization bill yesterday. We can all say, in a truly bi-partisan manner, that we are finally getting to the work that truly matters to American taxpayers throughout our great nation.

Of course, I support the banks in the 15th Congressional District and in our nation. I also support our credit unions, and I have been a member of a credit union for a long, long time. Banks and credit unions have operated side-by-side since the first credit union was founded in Manchester, New Hampshire in 1909. In our nation, we have over 12,000 credit unions serving over 70 million people. Close to 300,000 members of credit unions reside in my Congressional District. Credit unions are nonprofit, cooperative financial institutions owned and run by its members. These democratically controlled organizations provide their members with a safe place to save and borrow at reasonable rates. In order to become a member of a credit union, you must be eligible for membership. This legislation will allow each individual credit union to continue to decide whom it will serve.

A recent article in The Washington Post compared recent fees among several areas banks and one credit union. In practically every instance, the credit union's fee, rates or borrowing terms were more favorable to those of banks. In this era of bank consolidation and fewer bank branch offices, community development credit unions fill a special void. These credit unions primarily serve low-income members in distressed and financially underserved areas, and help fill the financial needs and dreams of poor and working-class people and families.

Again, I want to applaud the hard work of Chairman JIM LEACH and my leader, Ranking Minority Member JOHN LAFALCE, for their dedication and effort in getting this bill to the floor under a fair and truly bi-partisan manner. This legislation illustrates what Congress can do if Members have the opportunity to work in a truly fair, just and bi-partisan manner. As we move toward the next millennium and a global economy, banks and credit unions will have no choice but to work together to ensure the fiscal health of all of our constituents, businesses, and corporations, and I look forward to working with credit unions and banks to that very goal. Thank you for your time.

Mr. KUCINICH. Mr. Speaker, I was happy today to cast my vote for H.R. 1151, the Credit Union Membership Access Act. I was happier still that the majority of the House of Representatives voted for H.R. 1151 as well.

Credit unions are the banks of working people: Credit unions do not charge exorbitant bank fees; they do not have excessive account minimums. They make low interest loans, mainly to their members in the communities in which they live. Credit unions are run by their members, who have a voice in the operation and policies of their credit union.

Small businesses depend on credit unions for those reasons because offering credit union membership as a benefit to prospective employees is a benefit that workers value.

Credit unions are very small compared with banks. The average credit union has less than $28 million in assets—less than 1/16th the assets of the average bank. The two largest U.S. banks (Chase and Citibank) combined have more assets than all 12,047 credit unions combined. Furthermore, banks today control nearly every dollar in savings (93 percent) and in loans (94 percent) in the United States. With nearly complete market dominance, banks have also chalked up record profits in recent years, posting an all-time record last year of $52 billion, much of which is due to the many new fees they are charging small consumers.

But the banks were not satisfied, and in spite of their overwhelming market dominance and record profits, they lobbied to squash credit unions. In view of their power, it is historically significant that Congress did not serve today as a handmaiden to market power—credit unions and their 70 million members prevailed. So did an important, if embattled, democratic tradition in America—the non-profit, member-run and member-controlled financial institution.

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of the Credit Union Membership Access Act (H.R. 1151). This legislation will reverse the February 25, 1998, Supreme Court ruling (AT&T Family Federal Credit Union et al. v. First National Bank & Trust Co.) which sent shockwaves through this Nation's 70 million credit union members.

That decision threatened the future and financial safety of our Nation's credit unions. The 51st District in California, which I represent, is served by more than 230 different credit unions with more than 305,000 members. By passing this legislation, we will ensure that not a single credit union member will lose their choice of financial service provider.

This legislation affirms the commitment of this Republican Congress to keep a healthy, competitive financial service industry in America. I call on all my colleagues to join me in support of credit union members and to vote for H.R. 1151.

Mr. WALSH. Mr. Speaker, I rise today in strong support of H.R. 1151, the Credit Union Membership Access Act. I am proud to have been an original cosponsor of this important legislation.

My vote is a continuation of long-standing personal backing for credit unions in general. I believe they provide an invaluable service to working men and women—a service which is both convenient and comfortable.

Credit unions are familiar places which in many cases don't offer a full range of banking services but nevertheless do provide basic financial assistance—whether it be pocket money or a small unsecured loan.

After the U.S. Court of Appeals for the District of Columbia overturned a credit union decision in July of 1996, many of us in Congress realized the need for legislation to protect credit union members. Today's vote is the culmination of our efforts.

By passing this legislation, we allow Americans to choose the institution in which they put their money. By promoting continued operation of credit unions in a sound and reasonable manner, we spur competition and encourage savings. By supporting credit unions in this manner, we demonstrate our faith in the wisdom of working people.

On behalf of my constituents in Central New York who will benefit from this consumer protection law, I want to thank the House for today's passage.

Ms. WATERS. Mr. Speaker, there has been much discussion recently about credit unions. I submit for the RECORD recent remarks by Norman D'Amours, the chairman of the National Credit Union Administration, in which he discusses the proper role of the credit union movement.

THE FUTURE OF CREDIT UNIONISM

(By Norman E. D'Amours)

Good morning. It is always a pleasure and an honor to appear before so many dedicated credit union movement representatives. I thank Chairman Buck Levins and President Dan Mica and all of you for the opportunity to do so.

It is also a pleasure to report that once again credit unions had an outstanding year and their financial performance continues to be magnificent.

Both the NCUA and credit unions were closely examined by the U.S. Treasury Department last year and both emerged with their colors flying high. You can all be very proud of the success, strength, and safety of credit unions across the country.

Although all of the statistical measurements are very positive and highly encouraging, we do face some serious challenges. For instance, you have heard much importuning from NCUA and others about the critical need to become Year 2000 compliant. It is difficult to overstate the importance of this issue and it requires our maximum attention. It is also difficult to overstate the importance of successfully responding to the bankers' attacks on our field of membership policies. You have heard, and will continue to hear, extensive discussions of these problems from me and others.

But today, I want to talk about what I think is a more serious problem facing credit unions. It is more serious because it affects your ability to maintain the essential character of credit unionism in the United States of America. In my view, credit unionism in the U.S. seems to be drifting toward becoming a not-for-profit banking sector. We have seen this happen in other countries where credit unions have become little more than member-controlled financial institutions. Institutions that are virtually indistinguishable from mutual banks.

Some in the credit union movement have advised me that this drift toward a banklike structure has already gone too far to be stopped. I don't believe that. It is not too late to stop this drift, but it will not be easy to do so. Changing course will require an honest acknowledgement of the problem. Stubborn denial serves no productive purpose. A thoughful decision is needed.

I believe credit unions of all sizes and of differing memberships need to decide whether they wish to remain involved in the historical, philosophical and statutory mission of reaching out to people of small means. Whatever their own size, structure or membership characteristics, credit unions need to decide whether they wish to remain involved in the cooperative effort to reach out to empower the economically underserved. Indeed, whether they wish to continue operating in a cooperative atmosphere.

It does not appear that these questions are being sufficiently acknowledged, debated, or discussed in the grassroots credit union movement. And in my view, it is unlikely that will happen until credit union volunteers reclaim their historic responsibilities and unambiguously reassert their role as full participants in the setting of credit union policy. Unpaid volunteers must demand a stronger voice in setting the direction of the credit union movement. This is necessary because in some instances professionals have taken a command of the movement that has effectively usurped the role that was intended for volunteers.

The founders of this movement thought it absolutely essential that unpaid volunteers should set the tone. Friedrich Raiffeisen believed that volunteerism constituted ". . . one of the most important principles observed by Credit Unions."

Alphonse Desjardins agreed that the principle of volunteer participation was critical to credit unionism. He worked to spread credit unionism and served his credit union as president without taking any remuneration from the time he organized the credit union with a handful of dime and dollar deposits until he died in 1920, at which time its assets exceeded $1 million. Edward Filene and Roy Bergengren shared these views of volunteers.

Certainly, no one is suggesting that competent and professional managers are not vital to credit union operations. They surely are. The point is that credit union founders understood the system needed a decision-making function as untainted as possible by self-interest and the drive for profit or personal enrichment. They knew that the course of economic decision-making will necessarily be different if the decision-makers have a financial stake in the outcome, be it profit or pay.

It is surprising to observe how far we've strayed from this principle. While credit union directors are still volunteers who act unselfishly and take their responsibilities to heart, and we thank God for them, it is not uncommon to find professionals in control of policy. This is especially true in the big decision-making processes that affect the overall direction of the national credit union movement. These processes tend to be controlled by some trade group and other professionals with not nearly enough meaningful input from true volunteers.

Let me be clear. I do not intend in any way to demean the importance and value of professionals to credit unions. I know that professionals both in trade groups and in credit unions are crucial to the economic success of credit unions and the movement. I know that thousands of them are as deeply imbued with the wonderful spirit of credit unionism as are volunteers. I've personally met many of them and admired their operations in both large and small credit unions.

But professionals in the credit union world should not dominate policymaking to the virtual exclusion of volunteers. Credit unions deserve a system that includes strong and focused volunteer participation at the national and state decision-making levels. Such participation is needed to help set the system's objectives and help keep it on track. Unfortunately, that is not the way it seems to be working today. Instead, it appears that national or statewide decision-making in the movement today is almost totally professionalized. Just consider that there is not a single true volunteer serving on the CUNA Board, whereas a quota has been reserved to guarantee trade group professionals 25 percent of the membership on that board. When one considers that the credit union movement is overwhelmingly populated by volunteers, one must be amazed not only at this obvious lack of volunteer participation, but also at the failure of the democratic processes that should protect against such representational distortions.

Ruth Witzeling, a long time correspondent for CUNA's Center for Professional Development, said it well a few years ago: "Volunteers are one of our greatest strengths, one of the greatest and most visible manifestations of how credit unions are different." She is right, and the credit union founders were right. And that means it is the responsibility of the volunteers working closely with professionals to bring back into balance the structure of the credit union movement.

More volunteer involvement could mean a greater emphasis on the social mission of credit unions. It is amazing how much subtle and not so subtle resistance can be provoked in certain quarters simply by pointing out the social mission to which credit unions were dedicated by their founders, their history, and by federal statute. There should be no resistance to this defining principle.

Indeed, the fact is that credit unions are successfully doing exactly that sort of work today. Although for some reason they are not bragging about it nearly as much as they should.

Alphonse Desjardins warned his contemporaries against "the error of thinking and doing only dry business, forgetting the most important . . . social and educational aspect of credit unions." Edward Filene and Roy Bergengren also stressed the importance of the social mission of credit unions. Clearly these founders had something in mind beyond providing the best high tech financial system available and earning good salaries for themselves. And it was this core belief that found expression in the Federal Credit Union Act's reference to serving "people of small means."

I know from experience that a credit union regulator who speaks out about this social mission of credit unions will be criticized by some in the movement for going beyond the narrow concern of the safety and soundness of credit unions. Of course, such criticisms conveniently overlook the fact that credit unions, by statutory directive, have a specific social mandate to serve people of small means. To go beyond what Desjardins called "dry business."

And isn't it strange that while such attitudes exist within the credit union system, we hear the Comptroller of the Currency, leaders at the Federal Reserve System, and others in the banking world urging their constituents to become more active in serving inner cities and the underserved? Yet I am not aware that the banking sector has criticized their regulators for such importuning comments. And remember those regulators do not have the statutory social mandate that Congress has imposed upon the NCUA.

It is regrettable that credit unions and their trade groups are frequently not perceived as being in the leadership of modern efforts to empower those who are financially underserved. Isn't that the function of credit unions? Why do some credit union people seem unwilling to warmly embrace this social element of credit union philosophy?

I know that most of you are accomplishing that social mission. You are and you should be very proud of that. But there is much more that could be done by the credit union movement to reach out to the people who are financially underserved in order to help them bring themselves into the financial mainstream. It is not enough to demonize and attack bankers for their fees or for a lack of commitment to the underserved. It is what credit unions are doing that should be stressed, not what others are not doing.

If credit unions lose sight of their social mission they will become indistinguishable from the not-for-profit banking sector. And that will cause credit unions to lose the support they now receive from consumer groups, from the U.S. Congress, and from the American public. That will, in time, bring about taxation and bank-like regulation which will further accelerate their transmutation into not-for-profit banks.

If the credit union movement wishes to intentionally become more bank-like, more free market competitive, and down play its social mission, that is a course it has a right to take. A not-for-profit member owned banking system has a value that is well worth defending. But that decision should be a consciously deliberated one. It should not be the product of drift. In a truly democratic movement, those who disagree with such a course should have an opportunity to say "no" even if they are a minority. Those who disagree should have an opportunity to express their opposition to becoming a not-for-profit banking sector.

Nor should anyone hesitate to raise these questions. Over the history of credit unionism, many prominent leaders have worried and spoken out about losing sight of purpose. Alphonse Desjardins, as we have seen, warned about falling into the error of doing only "dry business."

Ralph Swoboda, a recent CUNA President who helped launch the renewal process, said that the real threat he saw to the credit union movement ". . . despite all the rosy numbers and the good growth, [is] the deterioration of commitment to credit union ideals and philosophy."

Al Williams, who was a good friend of mine and a former beloved chairman of CUNA and whom this conference is honoring, said in a speech only ten years ago that "Perhaps we've lost sight of our purpose . . . it's time for us to rededicate ourselves to the ideas that created the credit union movement in the first place. We can grow and pile asset upon asset, but if we forget who we are and why we're here, we will have failed."

One year later in 1989, a 45 year credit union organizer and leader named Donald J. McKinnon said he thought credit unions were headed toward their "last phase" because: "They have not kept purpose constant".

Some credit union leaders have complained to me that by quoting from our founders and early leaders, as I often do, I tend to freeze us in a horse and buggy financial world. Well the quotes I've just used really aren't ancient history. But I could have gone back nearly 2000 years to the New Testament. In Mark 8:36, it is said "What shall it profit a man if he gains the whole world yet lose his own soul." You simply must not allow credit unionism to lose its soul.

If credit unions do not preserve their social mission of empowerment, what financial sector will be fully committed to giving all of America's citizens a fair chance to meaningfully participate in the American economic system? What financial system will dedicate itself to providing all Americans with a fair chance at becoming the masters of their own economic destinies? What financial institutions will reach out to liberate people of small means from the depressing burdens of unmanageable debt?

And we have another problem today that goes to the soul of credit unionism, our field of membership policies.

Field of membership policies present yet another area where critical choices must be made.

Few would disagree that one of the most vexing problems confronting credit unions today is the rapid expansion of community chartering and the overlapping of occupational and associational credit unions.

The bankers' early success in the At&T Family case and the resulting court injunction have driven this issue to a preeminence that has caused a division both on the NCUA Board and among credit unions. Some would like this question avoided in order to dodge the resulting controversy. That would be a mistake. If this question of overlaps is not thoughtfully resolved, we run a risk of causing serious damage to the basic cooperative nature of credit unionism and accelerating its metamorphosis into a not-for-profit banking system.

I understand and respect that there are some who sincerely believe that competition among credit unions is good for the credit union member and therefore should not be restrained. While there is certainly some validity to that argument, it tends to downplay the fact that credit unions are quintessentially cooperatives. They are cooperatives both in their internal structures and in their inter-credit union operations. Unrestrained competition is by definition the antithesis of cooperation. After all, the legitimate objective of free market competition is to destroy competitors and steal their customers.

Certainly a mild level of competition is not harmful, but unrestrained free market competition among credit unions is destructive and might encourage predatory practices. That would make it very difficult if not impossible for credit unions large or small to maintain the trust needed to effectively pool their assets, liquidity, operational skills and expertise. The breakdown of this inter-credit union trust and cooperation and the opening of unrestrained free market competition could especially hurt small and mid-sized credit unions. It could result in the cherry-picking of their more affluent members and a loss of mentoring and other benefits. An important effect of this could be the drying up of the liquidity pools smaller credit unions need access to in order to meet the needs of their members of small means.

And there is yet another vexing question lurking in the background with regard to this issue of overlaps and unrestrained free market competition. If community expansions will permit the capturing of overlapped occupational or associational credit union members on the basis of a member's right to the best level of services available, then why should not charter applications by new or existing occupational or associational credit unions be allowed to identify the exact same membership field as an existing credit union, so long as their purpose is to provide better or more services to the members of the existing credit union? Is that where you want to go? This possibility is not a frivolous one. It is supported by the exact same logic that has recently caused a change in our approach to overlaps. And the NCUA Board has recently been denying exclusionary clauses even when the involved credit unions mutually and voluntarily agree to the exclusionary clause.

If credit union field of membership overlap and exclusionary policies are going to be driven by the single goal of improving the quality and quantity of member services, then we must prepare for a bank-like survival of the fittest culture.

In my view, the key ingredient needed for a proper resolution of these and other issues is a greater involvement by volunteers. The credit union movement has become much too thoroughly professionalized. Much too driven by economic interests and the profit of individuals. Volunteers need to reassert their proper roles and authority.

How can this be done? Clearly, one possible means to that end is through volunteer organization. The object could be to give volunteers an equal voice by creating active, well funded organizations of credit union volunteers at the state and/or national levels. Professionals who believe in the social mission of credit unions and who are willing to work in full partnership with volunteers would be recruited and retained.

Or perhaps true volunteers should insist on having a strong voice on the boards of all credit union trade groups. Any groups or associations of professionals that might exist independently might be required to interface with boards on which volunteers have a strong voice.

Moreover, volunteers should insist on significantly increasing the amount of education and training they have access to. Volunteer education and training has not been given the overall attention it deserves. That maybe the result of volunteers not being sufficiently involved in the decision-making of trade groups that should be better focused on this issue.

Those of you volunteers and professionals who can see over the horizon and who wish to avoid the bank-like destiny that has befallen credit union movements in other countries need to ponder these issues. I raise them today only to stir discussion and collegial cooperative action, not hostility. If the credit union system needs to correct its course, someone must act. These are decisions that should be made thoughtfully and deliberately. Whatever the ultimate fate of credit unions will be, it should be the product of a conscious choice not aimless drift. And volunteers must have an important voice in making that choice.

Your conference theme this year makes clear your belief that the credit union movement has the ability to mold its own future. It is not too late to make the choices that will allow you to keep purpose constant. But the hour of decision is at hand. The right course, I believe, can only be charted with the collective wisdom and a proper partnership of both volunteers and professionals working together.

To do nothing means a continued drift away from your founding principles. How will you choose?

Mr. QUINN. Mr. Speaker, I want to speak today about a great American success story. I am referring to our nation's credit unions. Credit unions are far different from banks. Credit unions are democratically owned and primarily engaged in consumer loans. It is this simplicity that is the secret to their success. Credit unions aren't in business to buy banks, or sell insurance, or acquire commercial affiliates. More importantly, credit unions are not-for-profit. All revenues are funneled back into its members in the form of low-cost loans.

I am a very proud sponsor of the Credit Union Membership Access Act. This bill will preserve credit unions in their current status. Credit unions will be able to continue to expand their membership outside the original group, as long as new members share a common bond with each other. This bill will stop the incessant attacks by bankers and protect all current credit union members.

The many differences between credit unions and banks are what make credit unions so valuable. Even bankers admit that there is a certain percentage of the population that can't be served by banks. Low wage workers often times can't afford high bank fees or loan rates. Without credit unions, these people would be forced to turn to check-cashers, pawnbrokers and loan sharks.

I know that in my district of Buffalo and Western New York, thousands of people rely on credit unions for their financial needs. I have constituents tell me all the time how much they love their credit union. Many claim that they wouldn't have been able to afford their home or the loan to start a new business without their credit union. It is clear to me that credit unions are critically important for thousands of Americans. I urge Congress to continue to allow credit unions to play a role in their lives now and in the future.

Mrs. CAPPS. Mr. Speaker, I rise today in support of H.R. 1151, the Credit Union Membership Access Act. This bill would overturn a recent Supreme Court decision that would decimate the credit union industry and deprive consumers across this country of a vital banking service.

Credit unions are an incredibly important segment of our financial services industry. They provide low-cost, convenient banking services for some 70 million Americans, including over 120,000 members in my district on the Central Coast of California. As a member of a credit union myself, I can attest to the value of these important institutions to our communities, large and small.

Mr. Speaker, since the Supreme Court decision last month credit union members in my district have written or called my office by the hundreds to express their very real concern that the Congress act quickly on this legislation. And today the House has answered that call.

My husband was an early cosponsor of H.R. 1151 and I made sure that one of my first actions was to put my support behind this legislation as well. I am very pleased that the House has brought this legislation to the floor and I hope that the Senate will act quickly so we can put our constituents' fears to rest.

Mr. LAFALCE. Mr. Speaker, February's Supreme Court decision presented the Congress with a difficult policy decision—whether to uphold the original intent of the 60-year-old Federal Credit Union Act, and possibly deprive up to 20 million Americans of their credit union membership, or expand the scope of the Act to authorize credit unions to serve a broader segment of the American public in competition with other financial institutions.

While it is clear that a majority in Congress, and the public generally, have rejected this first option, the alternative presents a far more difficult policy question—How do we permit credit unions to expand their membership and compete broadly in the marketplace while justifying their special treatment and tax exemption to competing financial institutions and to taxpayers?

The Banking Committee took on this broader policy question, proceeding on a collegial and nonpartisan basis to craft a compromise bill that addresses not only the issues raised by the Court, but many other issues as well. The bill incorporates basic principles of a proposal which I circulated in November to encourage discussion of a compromise on the field of membership issue. But it also does much more.

First and foremost, it protects the membership of every current credit union member and every group within a credit union. It would also permit common bond credit unions to continue to expand their field of membership by including new occupation and association-based groups. This expansion is limited, however—first by requiring the creation of new, separate common-bond credit unions wherever feasible and, second, by requiring that smaller groups be included within another credit union that is located in the same general area as the group—thereby reinforcing a broader geographic "common bond."

The bill would also limit the size of new common bond groups that can be included within an existing credit union to no more than 3,000 persons. While I would have preferred a smaller limit, possibly only 1,000 persons, I supported this compromise with the understanding that the requirements to charter separate credit unions and to include groups within local credit unions would be strictly implemented by NCUA.

This latter requirement—to include new groups only within credit unions that are located in reasonable proximity to the group—is extremely important in reinforcing the crucial concept of a common bond among credit union members. While many credit unions need to go beyond their original membership group to grow and to continue to provide affordable financial services, it is the Committee's view that other groups that reside, work and regularly interact with one another in close geographic proximity are more likely to share a common sense of identity, a common sense of affinity and, thus, a broader "geographic" common bond.

This should not mean, however, that a credit union can incorporate every group in sight or expand over broad regions. It was my intent in offering this provision to the bill that NCUA give a conservative interpretation to the terms "reasonable proximity", allowing credit unions located in a larger city to incorporate new groups located in nearby sections of that city. It should not permit, for example in my congressional district, a credit union located in one city, such as Rochester, to include common bond groups located in another city, such as Buffalo. And credit unions located in smaller cities or towns, like Lockport or Niagara Falls in my district, should be permitted to incorporate new groups within or in the vicinity of those jurisdictions.

H.R. 1151 also reinforces and strengthens the credit unions' mission to serve people of modest means. It defines, for the first time, the credit unions' obligation to meet the financial services needs of persons of modest means, and establishes a regulatory structure for monitoring and evaluating compliance.

In addition, the bill resolves a number of other controversial credit union issues. It requires NCUA to issue regulations defining permissible membership and boundaries for community credit unions. It freezes current NCUA policy on business lending, allowing time for the Banking Committee to study the issue. And it provides a framework of safety and soundness regulation for credit unions that is comparable to that for banks and thrift institutions.

Mr. Speaker, the bill is clearly a compromise. There are some provisions that are not as strong as I would have liked; there are others I would not have included. But that is the art of compromise. H.R. 1151 is not only a fair compromise, it is good public policy.

I believe this legislation is a winner for everyone. It's a clear winner for the credit unions, since it resolves the issues raised by the Supreme Court and earlier court decisions. It's a winner for the banks, since it addresses several controversial NCUA practices and policies. And, most important, it's a clear winner for America's consumers.

I urge my House colleagues to suspend the rules and pass H.R. 1151 by a unanimous vote.

Ms. VELÁZQUEZ. Mr. Speaker, I rise in support of H.R. 1151, the Credit Union Membership Access Act and the millions of Americans who are members of Federal credit unions. Access to financial services and opportunity is important to low and moderate income communities like the one I represent. H.R. 1151 ensures that the greatest number of people can enjoy the benefits offered by the credit union system. I urge all of you to support this important legislation.

Credit unions are the main source of capital in many communities. In New York more than 3 million people rely on credit unions and the credit union system for their basic financial services. The hopes and dreams of families from the Lower East Side of Manhattan to Greenpoint in Brooklyn are built with the help of their local credit union. H.R. 1151 allows those hopes and dreams to be realized.

Federally chartered credit unions date back to the Depression when the financial services industry was not able to make small loans to workers. Whether it is buying a new house or sending children to college, credit unions are still often able to meet their customers' needs at a lower cost than other financial services institutions. In fact, millions of customers are still attracted to credit unions because of low fees and good rates on loans and savings. Consumers must continue to have that viable choice.

Yet, after a Supreme Court ruling that narrowed the field of credit union membership, the fate of thousands of members hangs in the balance. Only by clarifying the definition of the membership provisions of the Federal Credit Union Act, can we ensure that all credit unions continue to serve their customers. Join me in passing the Credit Union Membership Access Act and make sure that we provide all people the right to choose their financial services institution.

On behalf of New York's 700 credit unions and their 3.5 million members I urge all of you to support H.R. 1151, the Credit Union Membership Access Act.

Mr. ROYCE. Mr. Speaker, since their establishment in the early 1990s, credit unions have played a critical role in our economy by providing their members with a source of affordable credit. The value of credit unions is evidenced by the millions of American consumers who have selected them as their financial institution of choice.

This ability to choose was recently challenged by a narrow 5–4 Supreme Court decision, which jeopardizes the current membership status of millions of credit union members, and the right of all consumers to choose their financial institution.

I am committed to preserve and protect this right, which is why I am a cosponsor of H.R. 1151, the "Credit Union Membership Access Act." I am pleased that this legislation was favorably reported out of the Banking Committee, of which I am a member, on March 26, 1998. I continue to support this legislation and urge my colleagues to vote for financial passage of H.R. 1151 when it is considered by the House of Representatives today.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 1151, as amended.

The question was taken.

Mr. FILNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 411, nays 8, not voting 11, as follows:

[Roll No. 92]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
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☐ 1336

Mr. PAXON and Mr. BARTON of Texas changed their vote from "yea" to "nay."

Messrs. DOYLE, HEFNER, CHRISTENSEN and MEEHAN changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONDIT. Mr. Speaker, I was unavoidably detained for roll call vote 92, The Credit Union Membership Access Act. Had I been present, I would have voted yea. I would ask that this be reflected in the RECORD in the appropriate section.

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1151, as amended.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

LAYING ON THE TABLE HOUSE RESOLUTION 309 AND HOUSE RESOLUTION 403

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that House Resolution 309, dealing with the rule on fast track, and House Resolution 403, dealing with the rule on the bank reform bill, be laid on the table.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from New York?

There was no objection.

BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

The SPEAKER pro tempore. Pursuant to House Resolution 405 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the consideration of the bill, H.R. 2400.

☐ 1340

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control one hour, and the gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) will each control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we bring to the floor of the House historic legislation, legislation to rebuild America so that we have a 21st Century transportation system. In the 21st Century, from Seattle to Miami, from New York to California, America is growing and prospering, but our infrastructure is crumbling.

There are two fundamental principles in the bill we bring to the floor today. The first is to put the trust back in the Transportation Trust Funds. It is to restore honesty in budgeting.

Every time an American drives up to the gas pump and pays his or her 18.4-cent gas tax for every gallon of gas, that money goes into the Highway Trust Fund and Americans have the right to believe that the money in the trust fund is going to be spent to improve transportation.

In fact, that is the way it was, until in the mid-1960's President Johnson got the idea that by not spending the money, he could help fund the Vietnam War.

Indeed, it was Eisenhower and the Congress which made a Contract with America, and that contract was you pay your gas tax, and that money is spent to improve highways. Unfortunately, in the past several years, we have had a fraud perpetrated on the American people. It has not happened. We have had a bait and switch. You pay your gas tax, but the money in the trust fund does not get spent. To the tune, there is $23 billion in that Highway Trust Fund today.

Let me share with Members something that a very well-known American said when he was Governor of a State just a few years ago. He said this on television: "The Congress took that money from us under a solemn contract to turn right around and give it back to the States to be spent on roads and highways. Instead, they are hoarding that money up there, and the only reason is to make the Federal deficit look smaller than it is. It is just wrong. It is wrong as it can be, and we ought to stop it. It is in violation of the solemn contract the national government has to the people who pay the tax." Governor Bill Clinton.

So I say now to the Clinton Administration, join us. Keep your word. Help us unlock the trust fund so that money can go where it is supposed to go, to improve America's transportation infrastructure.

We swallowed hard in the committee to get where we are today on a couple of very, very important compromises. We agreed that from this point forward, we would not count the interest in the trust fund.

Over the life of this bill, that means $15 billion in debt reduction for our country. And we swallowed hard and said that approximately $10 billion of the $23 billion in the balance will be returned.

☐ 1345

Put those two figures together and you get about $25 billion in reduced debt for the Federal Government, an amount which approximates the increase in spending that this bill proposes. We only spend the revenue coming into this Trust Fund from this point forward. We only spend the money paid for by the American people in the gas tax and the related transportation taxes. Indeed, the projection is we come in over the 6-year period about $3 billion under the revenue coming in.

I would be quick to say, if there is no need to spend this money, we certainly should not spend it, nor should we let it accumulate. We should reduce the taxes.

So that brings me to, really, the second fundamental principle: That is, what are the needs for investment in infrastructure for America? I suggest that the needs are very clear; indeed, they are overwhelming. Twenty-seven percent of the highways in America are in poor condition. The average American is stuck 26 hours out of every year in traffic. That does not really tell the whole story. The average American living in one of our big cities is stuck in traffic, bumper-to-bumper traffic, over 50 hours in a year, more than a workweek in a year.

Indeed, on our highways, 42,000 Americans are killed every year. Of that 42,000, 9,000 are kids killed on our highways. The experts tell us that 30 percent of highway fatalities are caused by bad roads. That is 12,000 Americans of the 42,000 being killed on our highways. Indeed, it is about 2,700 kids being killed on our highways as a result of bad roads. That is more than a commercial airplane crashing every day. What outrage we would have in this country if we had an airplane going down every day.

In addition to those fatalities, 3.5 million Americans are injured on our highways every year. Get this. For every baby born in America today, six out of every ten babies born will be injured in an automobile accident during his lifetime, some of them more than once, if we do not change these accident rates.

We can change them. In fact, something I do not talk about very much, but it is appropriate today, I think. Seventeen years ago I had my neck broken in an automobile accident. I was a passenger in a head-on collision. I had my seatbelt on. They tell me I would have been a dead duck if I did not. But I am one of the lucky ones. They put three pins in my neck and a bone out of my hip, and I am okay. I am here. I am alive. I am lucky. But 42,000 Americans every year are not so lucky. Nine thousand kids every year are not so lucky.

I would wager that there is hardly anybody here in the Chamber today, or in our viewing audience, who has not had a loved one or a friend who has been killed or seriously injured in an automobile accident. What is the cost of a life? We cannot really put a price tag on it, but what we do know is that with the investment made in this bill over the life of this bill, the experts tell us we can cut fatalities by 4,000 people a year. It sounds like a lot. Actually, it is less than 10 percent of the fatality rate. It is doable. But do we want to cut the number in half, 2,000 lives a year? What is the value we put on a life?

This bill will save lives. This bill will give our country a productivity boost, an economic boost. This bill will create jobs. For every $1 billion invested in highways, 42,500 jobs are created.

Where is the support for this bill? It is not just here in the Congress, although I must tell the Members how thrilled I was to see the overwhelmingly positive vote we got just a few minutes ago on the rule for this bill. If Members would listen to the naysayers, we would have thought we would have squeaked through, at best. Instead, when the vote came, it was six to one overwhelmingly in support of the rule for this bill.

Who are the supporters of this bill? It is not just us. All 50 governors have endorsed this bill. The League of Cities, the mayors have endorsed this bill. The counties have endorsed this bill. The State legislatures have endorsed this bill. Environmentalists have endorsed this bill. Safety groups have endorsed this bill. Labor, the AFL-CIO and the Chamber of Commerce, what a pair, have both endorsed this legislation. And, yes, the AAA, representing millions of the motoring public.

Why have they supported this bill? Why do we have this extraordinary, broad, bipartisan support across America? Here is what the bill does: It unlocks the Transportation Trust Fund and says, from this point forward the revenue coming into the Trust Fund can be spent on transportation improvements.

Do not believe this baloney that we somehow break the budget, that we somehow create a deficit. Not a penny can be spent if, indeed, the money is not there in the Trust Fund to be spent. Not a penny can be spent if we do not come back to this House with offsets from conference with the Senate. So it cannot bust the budget. Indeed, it can only spend the revenues flowing into the Trust Fund paid for by the motoring public.

That is not all this does. This revises the formulas for the States by which they get their money in a much fairer way. We throw out the old formula, which by the way is based in part on some 1919 statistics, if Members can believe that. We throw that aside, and we create a much fairer formula based on transportation need as well as population.

We raise the minimum allocation for each State to 95 percent, including all formula funds; and, for the first time, we include the projects in the minimum calculation. We also say that the donor States, since they are the ones putting up most of the money, the donor States get preference in discretionary grants.

Beyond that, we recognize the need for more flexibility. There are those who argue we should give the program back to the States. We believe that goes too far, but we acknowledge the States and the cities should have much more flexibility, and we put it in this bill. In this bill we provide that, in every category going back, the States and cities can shift up to 50 percent of the money in that category into any other category, based on the State or city need.

There are two modifications to that. We want to protect the environment, and so we provide that in CMAQ and enhancements the States must spend at least as much as they have been previously spending, but in the increased money, 50 percent of that can be flexed to other categories, should the States and the localities so choose.

Beyond that, we recognize the national interest. Those who talk about just give it all back to the States I think must be living in 1920 instead of 1998. Interestingly, there is a greater Federal interest today to tie our country together than there has ever been. Why? Because we have more interstate travel than we have ever had.

I love to refer to Oklahoma City as an example. Out there, you have two interstates that cross, 35 and 40. They were built to carry 60,000 vehicles a day. They are carrying 120,000 vehicles a day. But, to me, that is not the most interesting figure. To me, the most interesting figure is that 60 percent of the license plates on those vehicles are out-of-State license plates. It is not an Oklahoma problem. It is a national problem.

Up in Seattle, coming out of the great port of Seattle-Tacoma, over 50 percent of the product coming in from Asia is shipped to Chicago and east. With tongue in cheek, I said they should change the name from the Port of Seattle to the Port of Chicago, the point being it is not a Washington State problem, it is a national problem.

Across America today, 64 percent of truck traffic is interstate. There is a greater need to tie our country together to make sure that the national interest is protected, as well as State and local interest. That is why we bring this balanced bill to the floor.

We also move some general fund transportation spending into the Trust Fund. We acknowledge that it is the Transportation Trust Fund that should be spending the money, so we do that.

We also toughen up safety standards. We provide incentives to toughen the drunk driving laws. We say that .08 is important, and we provide incentives to the States to put .08 in their State laws. But we do not want to have an unfunded mandate. We hope the States will do it. We give them an incentive to do it.

On the subject of projects, which it seems the media and the opponents, few though they are, have focused so much on projects, only 5 percent of the funds in this bill go to congressional high-priority projects. Stop and think about it. Eight percent of all the money in this bill goes back to the States. Seven percent goes downtown to the Secretary of Transportation.

The last time I checked, angels in heaven did not make the decisions and are not making the decisions as to where to build highways and transit systems. It is a political process. There is nothing wrong with the States, the Governors, the legislators having 88 percent of the money to decide how it is going to be spent, or the Secretary having 7 percent of the pot.

We think it is not unreasonable, in fact, it is very reasonable, to say that the Members of Congress who have to cast the tough votes on this legislation should be able to recommend to our committee what projects are most important in their district, and we limit it to only 5 percent of the pot.

In addition to that, when we hear those saying, well, it is the same old way it used to be done, that simply is not true. We have a 14-point vetting process where these projects must meet the standard, including support from the Secretary of Transportation in their home States, or their mayors, if it is in an MPO area.

Let me emphasize that this tough 14-point vetting program was something that was actually proposed and put into effect by the gentleman from West Virginia (Mr. NICK JOE RAHALL), a Democrat. So this is bipartisan. It is something that makes a lot of sense; and, indeed, it is something that should be done.

Further, let me emphasize, when we hear people saying, well, if you eliminate the projects you save money, Mr. Speaker, we do not save a penny. The money, if there are no projects, simply goes back to the States or downtown. It will be spent, but it will either be the faceless, nameless bureaucrats downtown or in State government or the Governors or the State legislators who will be spending the money.

I do not know how many Members I have had come to me and say, for example, my State government is all Republican, and I am a Democrat. I do not get anything in my district, so I need a high-priority project. Or, conversely, my State is all Democrat; and, as a Republican, I do not get anything unless I have a high-priority project.

Who knows better what is most important in their district than the Members of Congress from that district? In fact, I would respectfully suggest there is a bit of arrogance in those who say that somehow they know better what is important in their congressional districts than Members know. Indeed, I would suggest that if Members do not know what is really important to people in their congressional district, they are not going to be here very long.

Let me emphasize that, while we have some disagreement in this bill, I have the greatest respect particularly for the gentleman from Ohio (Mr. JOHN KASICH), who is not a hypocrite and who said he does not want to see tax revenue spent on transportation.

□ 1400

I disagree with him. I disagree with him fundamentally. But he is straight. This is his position. He has a right to take that position. And he also, in the process, has not sent us letters requesting projects for his district while at the same time saying he opposes projects. He is not a hypocrite. He is an honorable person.

Mr. Chairman, I had to take the well last week and to release and put in the CONGRESSIONAL RECORD letters from several Members of Congress who are castigating the projects but who have asked for multimillion dollar projects in their own congressional districts. Now, as hard as that is for Members to believe, it is in the RECORD. It is there for Members to see.

Last week I challenged any Member to come forward and say that I had offered a project in exchange for his vote or, conversely, had threatened to take a project away if he did not vote with us. Nobody has responded to that challenge. Why? Because nobody can, because that is not the way we do business. Not only in this bill, but never in my career in the Congress have I ever made such a threat to a Member of Congress.

So it is very regrettable that the people who on the one hand seem so self-righteous also are dealing very loosely with the truth. Maybe there is a little inconsistency there that I hope one might recognize. In fact, there is a great line in the book, "The Hawaiians" which I will clean up and paraphrase, which is, "How I envy the pious. They can be such hypocrites and never even know it."

Well, the good news is we have dealt fairly with every Member in this body. I must say I was surprised to see the gentleman from Delaware, my good friend, last week holding a press conference because he does not like our bill, calling it highway robbery. He is my good friend. We serve together on the Select Committee on Intelligence. Indeed, we are members of other organizations here on the Hill.

But what short memories we seem to have. It was just last year that the Delaware delegation pushed through $2.3 billion for Amtrak. In fact it was described by some as one of the most bizarre, backhanded ways of funding a program that has ever been witnessed around here.

But I did not take the floor and call it the "great train robbery." No, I supported what they were trying to do because we were able to reform Amtrak, because Amtrak is important, not to some Members but to the gentleman from Delaware and the Members from the Northeast Corridor. Amtrak is important to them, so we supported that and we supported the reform of Amtrak.

I must tell my colleagues that the reform bill spells out that those reforms must be accomplished by June 1, or all money for Amtrak stops, ceases, zero. I must also tell my colleagues that there are indications that those reforms may not be met by June 1, which means they will have to be back here on the floor again asking for forgiveness for Amtrak legislation or there will not be any money for Amtrak.

Well, it seems to me that it might be a little more difficult next time around to get that kind of forgiveness for Amtrak. So I hope that those who sometimes seem to feel that nobody's cause but their own is worthwhile might take a little broader look at the transportation needs all across America.

The Woodrow Wilson Bridge is another case in point. A billion dollars. We read so much in the local papers about the importance of the Woodrow Wilson Bridge. Let me tell my colleagues there are over 30 interstate reconstruction projects, all of which cost more than a billion dollars. So while the Woodrow Wilson Bridge may well be important to the region here, there are other projects all across America which cost just as much on the interstate system, the highest priority system, and which are just as important to other Americans across this country.

So I hope that, again, those who seem to see nothing of virtue in anything but their own particular interest might broaden their horizons just a bit.

Mr. Chairman, my colleagues who know me best know I am not exactly a raving left-wing liberal spender. In fact the American Conservative Union gave me a 100 percent rating last year. I slipped in my NFIB rating. I only got a 97. I am not a big spender; I am a fiscal conservative. But there is a fundamental difference between spending tax dollars to build assets and pouring money down a rat hole.

Indeed, Mr. Chairman, I would say to my conservative Republican colleagues, look at the legacy of our party. It was Abraham Lincoln who in the midst of the Civil War signed the papers to create the first transcontinental railroad and who strongly supported Henry Clay's American system for capital improvements, for internal improvements.

It was Teddy Roosevelt, the Panama Canal. George Will, the wonderful columnist, wrote a column a few months ago in which he observed that some conservatives today, had those same conservatives been back there with

Teddy Roosevelt, probably would have voted against the Panama Canal. Well, I would like to think not, but it does not end with Teddy Roosevelt.

Eisenhower, the father of the interstate system. Mr. Chairman, do my colleagues know who Eisenhower's floor manager was in the United States Senate to pass the interstate system? Prescott Bush, the father of President George Bush.

To my conservative colleagues I say we have a legacy here of building America and today is the day we have the opportunity to do it. Today is the day we have the opportunity to put honesty back in budgeting. To spend only the trust fund money that is coming in. To save lives. To remove congestion and to increase productivity. The revenue exists.

Let me close by sharing with my colleagues something that Stephen Ambrose, the historian, wrote in a book that just came out recently. It is a wonderful book entitled "Citizen Soldiers." It is a book about the soldiers of America who in World War II slogged their way through Europe to win victory for our country and for the allies.

He wrote in the conclusion of his wonderful book about those World War II veterans when they came home, and here is what he said about them:

> These were the men who built modern America. They wanted to construct. They built the interstate highway system, the St. Lawrence Seaway, the suburbs so scorned by the sociologists but so successful with the people, and much more.

So let us on a bipartisan basis in this Chamber today, let us in our time be the builders of a better America as we move into a new and exciting 21st century, so that our children's children 50 years from now might be able to look back and say: See, this they did for us.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, 42 years ago in this Chamber a Democratic Congress, united with a Republican President, launched a new experiment in transportation, one that would prove to be enormously successful in improving America's mobility and expanding its economy and moving transportation from border to border and coast to coast in a way that never had been accomplished before.

Today we stand at the beginning of a new century and a new millennium. The legislation we bring to the floor today takes us beyond the vision of the interstate system and beyond the vision that was created in ISTEA in 1991 and to a new century, a new millennium, a new investment with renewed vigor in a future America.

Mr. Chairman, I compliment the gentleman from Pennsylvania (Chairman SHUSTER) on the extraordinary job he has accomplished of leading us through the thicket of conflicting issues, values, ideas, demands, interests and pressures to do the right thing for America. He traced the evolution of the transportation system, of this legislation, in a very heartfelt, deeply sensitive and deeply committed way just a moment ago. His words are a measure for all time.

What we do in this legislation is not just to continue but to extend beyond where we have been in our transportation mix of the last 42 years. Mr. Chairman, we continue the investment in America that is the fundamental driving force for this transportation sector, which is 10 percent of our gross domestic product. We continue the programs of this country that we initiated in ISTEA that have been so enormously successful. We continue the environmental stewardship. We address safety and, indeed, had we not addressed safety with the interstate highway program in 1956, we would be killing 110,000 people on America's highways today.

We provide continued equity in our transportation program for minorities for labor, for construction labor, and for the States through our distribution formula. This is a bill that is good for all America, for all time, to take us into that next century. Not a bridge of fiber optic cable, but a bridge built on concrete, asphalt, steel and goodwill and good vision and a good sense of direction for America.

Transportation means economic growth, means mobility, and it means opportunity for America. That is what this legislation is all about.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. PETRI) chairman of the Subcommittee on Surface Transportation.

Mr. PETRI. Mr. Chairman, today we are considering legislation that, perhaps more than any bill we will consider this Congress, touches the lives of each and every constituent of each and every Member of this House.

Mr. Chairman, until something goes wrong, we often overlook the impact that transportation has on our daily lives. No matter who we are or where we live, we rely on an efficient and safe transportation network. Whether we live in an urban area where transit provides a way to get to and from work; whether we farm land in a rural area and need to get crops to market quickly; whether we own a business that needs to truck in materials and get finished goods out over the roads; whether we are a young mother worrying about safely driving our young children to school each day; or whether we load up the family and go down the highway on our annual family vacation in Disney World or the Grand Canyon, we need a good transportation system in the United States for daily commutes, to transport freight around the country, and to provide opportunities for tourism and for recreation.

Transportation is something that we use every day, and it provides a safe and efficient way of getting around and moving goods, and it is something that our constituents expect.

Mr. Chairman, today we have an opportunity to pass legislation that truly does provide tangible, real benefits for all Americans. Some have tried to attack the bill before us based on the funding levels and budget implications of authorizations for projects in various Members' districts. But those critics ignore one important fact: all the spending in this bill is fully supported by the gas taxes paid and collected in the Highway Trust Fund. In fact, spending is actually below trust fund revenues over the next 6 years. Spending in this bill is linked to the amount of taxes collected in the trust fund, taxes collected from the motoring public and which can be used only for transportation purposes.

Spending increases in this bill are so large in part because we are finally using the gas taxes for transportation instead of hoarding them in the trust fund to subsidize other spending. The current trust fund balance is about $23 billion. Under the budget agreement last year it would have grown to $70 billion. What is fair about that, government borrowing from the trust fund to spend on all kinds of things, adding to the national debt?

Gas taxes are user fees collected to fund transportation. They should either be used for that purpose, as BESTEA does, or the gas tax should be cut.

□ 1415

Now, some have used the term "hypocrisy" to describe this bill. Well, the true hypocrisy is taxing the American public, saying we will use those taxes only for transportation, and then not living up to our part of the bargain. That is why America has become so skeptical about Washington.

We are ending that practice in this bill. We should not lose sight of the fact that since BESTEA more fully spends the new gas taxes coming into the trust fund, we have agreed to write off a total of $9 billion of the outstanding $22 billion cash balance in the Highway Trust Fund, and we have agreed to forgo interest that would otherwise be credited to this trust fund saving over $14 billion in national indebtedness. No one has been talking about that, but it reduces the outstanding debt of the United States by over $20 billion.

We have significantly reformed distribution formulas to provide for the more equitable allocation of funds among the States. Funding formulas are updated so that we no longer use historic shares to distribute funds, and instead we use up-to-date transportation data that more accurately reflects usage and need.

Minimum allocation for donor States is increased to 95 percent. Several other donor State funding provisions are included. A very significant reform is that for the first time projects are included in the minimum allocation calculation so States cannot be severely disadvantaged or advantaged whether they have or do not have projects.

Finally, donee States do not lose in terms of actual dollars received, but in fact increase substantially over the amounts received, over the past 6 years of ISTEA. Under BESTEA, we are able to increase funding for clean air programs. We increase by $2 billion funding for safety and safety education programs, and we have done an increase in transit funding by 43 percent.

It contains significant reforms to streamline project delivery and reduce red tape, including coordinating environmental reviews, reducing project approval requirements and eliminating programmatic responsibilities of Department of Transportation regional offices.

Mr. Chairman, passage of BESTEA today means Americans traveling on the roads will be safer. It means that we will take a step forward in sustaining and improving the economic prosperity that we as Americans are so fortunate to enjoy. And it means that we will be competitive in a global economy that relies on efficient transportation. We quite literally need good highways, bridges and public transit to keep us moving ahead into the future.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), ranking member on the Subcommittee on Aviation.

Mr. LIPINSKI. Mr. Chairman, I thank the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for this time.

Mr. Chairman, I rise today in strong support of H.R. 2400, the Building Efficiency Surface Transportation and Equity Act, commonly referred to as BESTEA. First, I want to thank our chairman and ranking members for all of their hard work, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Mr. PETRI), the gentleman from West Virginia (Mr. RAHALL). They have worked together to create a strong bipartisan bill that provides the necessary funding to maintain and improve our Nation's infrastructure.

I am sure that during the debate today, a few of our colleagues will try to say that this important bill busts the Balanced Budget Act of 1997. This is simply not true. This bill is paid for out of the Highway Trust Fund. The Highway Trust Fund is supported by fuel taxes paid by motorists. Therefore, this bill is paid for each time motorists go to pay for their gasoline. BESTEA does not bust the balanced budget. BESTEA simply spends down the large unspent surplus in the Highway Trust Fund. Under this bill, dedicated gas taxes are used for their dedicated purpose, to address the transportation needs of cities and States throughout this Nation.

This is absolutely necessary because America's transportation needs are staggering. Our Nation's transportation infrastructure in many areas is crumbling and it is in urgent need of repair, mainly because we as a Nation have not invested enough to maintain and improve our transportation system. In fact, in the last 30 years transportation spending as a percentage of the Federal budget has been cut in half. Yet investing in transportation means investing in America's future.

Economic studies show that every dollar invested in the highway system yields $2.60 in economic benefit. Other countries are already investing billions in their core infrastructure. Fortunately, BESTEA does the same for America.

Mr. Chairman, as I said this morning, BESTEA is a good bipartisan bill. It will provide better, safer roads. It will provide new and improved public transportation systems. It will improve air quality by reducing traffic congestion and by promoting public transit. It will provide good jobs for middle-class Americans. It will ensure America's future as a world leader by maintaining and improving our world class surface transportation system. I strongly urge all my colleagues to vote to invest in America's future and vote in favor of H.R. 2400.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

I almost find myself uncontrollable here in recognizing and giving 5 minutes to the Honorable John Paul Hammerschmidt, a former member of Congress and a former ranking member of our committee, the man who would be chairman if he were still here, so I want to acknowledge he is in the Chamber and wish him well.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds to join in the acknowledgment of our colleague, one of the architects of ISTEA that brings us to the floor today, and an extraordinarily distinguished Member of this House and of our committee for so very, very many years. We owe him a great debt of gratitude.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Kentucky (Mr. ROGERS) chairman of one of the important appropriations subcommittees.

Mr. ROGERS. Mr. Chairman, I thank the chairman for yielding the time and join in welcoming our friend, Mr. Hammerschmidt, back to this Chamber.

Mr. Chairman, the highway bill before us today opens doors for the Nation and the people of Kentucky. First, it unlocks the Highway Trust Fund, providing the money needed to invest in our national highway system and to boost spending in donor States like Kentucky. BESTEA gives Kentucky 90 cents back on every dollar that we send in to the trust fund as opposed to 77 cents they received under ISTEA.

Overall, Kentucky will receive on average approximately $479 million per year in highway funding. That is 70 percent more than our share over the last 5 years.

Second, it launches the I-66 project in Kentucky, making the first major dollar investment toward construction. I-66 will open up southern and eastern Kentucky to the rest of the Nation, creating thousands of jobs.

Third, monies included in the House and Senate version of this bill virtually guarantee that we will make substantial progress on the unfinished sections of the Appalachian development road system, which is vital to our region.

Of special importance is that this bill will save lives. BESTEA gives States the ability to improve the safety of many poorly designed roads and bridges. This will save hundreds of lives in Kentucky alone.

Simply put, BESTEA is the best deal for Kentucky, the best deal for donor States and the best deal for our Nation. I congratulate the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) and the other members of the committee for a great job on a great bill.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from West Virginia (Mr. RAHALL), ranking member on the Subcommittee on Surface Transportation, who has contributed so vigorously and so many dedicated, devoted hours to the shaping of this legislation.

Mr. RAHALL. Mr. Chairman, I thank the gentleman for yielding me this time.

I commend the gentleman as well as the gentleman from Pennsylvania (Mr. SHUSTER) and the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI), for their excellent work on this legislation. As we begin debate on this legislation, we are indeed at a crossroads in this country. We can decide whether we want to retreat from the transportation needs of the new century and fail to make the necessary investments in our highway and transit infrastructure, or we can rise to the challenge and dedicate the necessary resources to these endeavors.

Those of us who bring this legislation forth today are seeking to rise to that challenge, to keep faith with the American public, to restore integrity and restore trust back into the Highway

Trust Fund and to make the necessary investments in America. To be clear, this is not just about an investment in concrete and asphalt, but one about investment into our children, one about investment into our environment, and an investment into the very social fabric of this Nation.

This legislation involves the very standard of living we in this country wish to enjoy, and it entails the type of legacy we wish to leave to future generations, our children. Poor road pavement, outdated design standards, and the lack of safety enhancement present a very real threat to the motoring public. In parts of my district, school buses have collided with trucks for these very reasons, prematurely extinguishing the innocent lives of our younger generation. I know tragedies like this have happened elsewhere around the country.

This bill makes an investment into improving those roads and providing more safety features so that we can better ensure the well-being of our children.

Our environment, let us look at what this bill does. Congestion plagues our cities, both large and small. Air quality deteriorates as vehicles stack up behind each other with motors idling. And tempers flare erupting into road rage affecting so many parts of this country.

This bill makes an investment into improving our environment by advancing alternative means of transportation such as transit, bicycle and pedestrian pathways, and innovative new intelligent transportation systems.

Our very standard of living, let us look at what this bill does. In order to compete globally, companies are demanding production efficiency. It is estimated that more than one-half of U.S. manufacturers are using just-in-time inventory systems. This approach requires an efficient transportation system.

This legislation makes a fundamental investment into improving our transportation systems, not just highways, but transportation links that are intermodal in nature, to better ensure the smooth flow of goods, both domestic and international markets.

It has been said that ISTEA represented a revolution in how we viewed our surface transportation needs. Over the course of the last 6 years ISTEA, as implemented, has produced some fundamental changes in the Federal role in transportation. It empowered our local communities.

If ISTEA was indeed a revolution, then this bill known as BESTEA is a revelation; a revelation because it exposes the Highway Trust Fund for what it truly is, not an account to be used to mask the true size of the Federal deficit, or make our budget look brighter. Not a pot of funds to be held hostage to the whims and the caprices of our budgeteers, but rather as a trust fund, a trust fund paid into by the American motorists for the express purpose of receiving a better return in building our road and bridges in this country.

I urge adoption of this entire bill. I think it is what the American public wants. It is what our children and future generations want.

Mr. PETRI. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I think it is important to recognize the tremendous steps the committee is taking to significantly to improve donor States rate of return in this bill. BESTEA distributes funds equitably among the States by reforming the highway funding formulas so that they are based upon relevant transportation factors.

Specifically, there are provisions in this bill which will guarantee that no State will fall below a 90 percent return on its contributions to the Highway Trust Fund. In addition, the committee repealed the penalty on discretionary grants for States that receive minimum allocation funding. While BESTEA is not perfect, Mr. Chairman, it certainly goes a long way to address the critical need of donor States, and I hope we can continue to work together to that end.

This bill is not only about saving lives, it is about being honest with the American people. Many Members in the Chamber today will claim that this is a budget buster. I am a fiscal conservative, Mr. Chairman. This charge is simply not true.

When Congress set up the Highway Trust Fund, it created a contract with the American people by instituting a gas tax with the promise that these taxes would only be used for transportation improvements. When these taxes are used to mask the size of the deficit or to increase welfare spending or foreign aid, the contract is broken and American lives are put at risk. Using the gas tax for other social spending is wrong and dishonest.

We must, in fact, spend these taxes on what we promised we would spend them on. It is an honesty question and it is time to be honest with the American people. If we are not going to expend these monies for the purpose that was intended, then let us repeal the tax.

Mr. Chairman, it is time to spend the Highway Trust Fund where it is supposed to be spent: Improving roads and enhancing the safety of the American motorists who use those roads.

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Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. BORSKI), the ranking member on our Subcommittee on Water Resources and Environment.

Mr. BORSKI. Mr. Chairman, let me first thank the distinguished gentleman from Minnesota (Mr. OBERSTAR) for yielding me this time.

I also want to commend and congratulate both he and our distinguished Chairman for bringing this truly bipartisan and truly historic bill to the floor of the House of Representatives. I also want to commend the gentleman from Wisconsin (Mr. PETRI) and, of course, our ranking member on the subcommittee, the gentleman from West Virginia (Mr. RAHALL).

Mr. Chairman, I think it is important to understand that this is not just a highway bill. By establishing funding levels that are fiscally sound, it provides necessary resources to meet America's diverse transportation infrastructure needs.

BESTEA maintains the enhancement and CMAQ provisions set forth in ISTEA. It provides for an equitable distribution of funds among States, it improves safety on our highways, provides flexibility for States and local areas, and it benefits urban and rural America.

Mr. Chairman, it is important to point out that these varied and critical goals can only be met because of a provision in the bill that calls for phasing in spending the 4.3 cents fuel tax recently returned to the Trust Fund and taking the Trust Fund, itself, off budget beginning in 1999.

The monies that are actually spent on our country's infrastructure have been consistently and substantially less than what is collected. To call this money a dedicated tax and then disregard its intended use is a fraud. Clearly, our country has enormous transportation infrastructure needs. We cannot afford to look the other way while revenues committed to address these needs go elsewhere or sit fallow. That money is desperately needed, and it exists in a Trust Fund. We do not need to find the money to pay for our infrastructure. We simply have to stop others from spending it for unintended purposes.

Mr. Chairman, I must tell my colleagues, as a Representative from an urban community, I am greatly encouraged by the increase in transit funding provided for in BESTEA. Ridership on computer and light rail has grown steadily and significantly. New transit starts are exploding. And as such, in each of the last 4 years of the bill, $6.4 billion is spent on transit, nearly a 50-percent increase above current funding levels.

In the current political climate of decreased Federal spending, committing such revenues speaks to the recognition of the pivotal role mass transit must play if we are to best utilize our resources, transportation and otherwise.

Perhaps the best illustration of the innumerable benefits investments in our Nation's infrastructure and, more specifically, in transit can yield is found in the welfare-to-work provisions of the bill. This critically important program helps restore our cities and return our people to productive use by providing them with the ability to physically get to where the jobs are.

People in my city of Philadelphia know all too well that, as companies abandon our cities for the suburbs, they take their jobs and opportunities with them, leaving unemployed city dwellers. In fact, two-thirds of all new jobs created are in the suburbs. Furthermore, less than 6 percent of families receiving benefits from the Temporary Assistance for Needy Family program own cars. This means that 94 percent must rely on transit systems to get them to work.

Mr. Chairman, I rise today to offer my wholehearted support for H.R. 2400, the Building Efficient Surface Transportation and Equity Act of 1997. Let me first congratulate Chairman SHUSTER, Ranking Member OBERSTAR, Chairman PETRI, and Ranking Member RAHALL for the truly remarkable job that they have done. Reauthorization of any bill of this magnitude is always an arduous and delicate task. But the validity of some of the inherently competing interests associated with this program, and the need for those interests to be both acknowledged and reconciled, created a monumental assignment for those charged with the reauthorization of ISTEA. What they bring to the floor today surpasses any reasonable expectations held by those of us all too familiar with the scope and complexity of the bill. In BESTEA, the enormous needs of our nation's infrastructure have been addressed, while maintaining the integrity of the program itself. The result is a bipartisan product the Transportation and Infrastructure Committee, and the whole House, should be proud to endorse. Finally, with this bill, we can do what we have promised every American that we would do when we asked them to pay into the Highway Trust Fund at the gas pump—adequately build and maintain our nation's crumbling infrastructure.

This is not just a highway bill. By establishing funding levels that are fiscally sound it provides the necessary resources to meet America's diverse infrastructure needs. BESTEA maintains the enhancement and CMAQ provisions set forth in ISTEA. It provides for an equitable distribution of funds among states, improves safety on our highways, focuses on national priorities, streamlines program delivery, and reinvents the DOT. The bill provides flexibility for states and local areas, benefits urban and rural America and supports technology development needed as we enter the 21st century.

Mr. Chairman, it is important to point out that these varied and critical goals can only be met because of a provision in the bill that calls for phasing-in spending the 4.3 cents fuel tax recently returned to the Trust fund and taking the Trust fund, itself, off-budget, beginning in 1999. When Congress established the Highway Trust Fund in 1956, it was a deliberate policy decision to impose a user fee funding mechanism and a trust fund, rather than continuing to support transportation infrastructure programs out of general revenues. The Highway Trust fund ensured that the money was collected from those benefitting from the improvements by taxing gasoline, diesel and special fuels as well as heavy trucks and tires. By creating a trust fund, Congress was presumably guaranteeing a promise to those contributing to the fund that the money would be dedicated to transportation infrastructure improvements. This promise has blatantly been ignored for far too long. The monies that are actually spent on our country's infrastructure are consistently, and substantially, less than what is collected. As a result, an enormous surplus has been allowed to accumulate in the Trust Fund, much to the delight of our Nation's bookkeepers. This practice of locking up billions of dollars in treasury notes that should rightfully be stimulating our economy has been likened to a shell game, and amounts to nothing more than fraud on the taxpayer. To call this money a dedicated tax and then disregard its intended use is fraudulent. I can tell you as a sixteen year veteran of the Transportation and Infrastructure Committee that our nation's infrastructure can no longer afford to pay the price for dishonest bookkeeping.

The Department of Transportation estimates that simply maintaining current conditions on our highway, bridge, and transit systems will require annual investments of $57 billion, an increase of 41%. These conditions are indisputably unacceptable and unsafe. In my home state of Pennsylvania for example, more than 70% of our roads were rated fair to poor. Over 40% of our bridges were deemed deficient. These statistics are not inconsequential. Inadequate roads and bridges are a factor in traffic accidents that result annually in over 12,000 highway deaths nationwide. Metropolitan congestion alone costs our nation more than $40 million annually.

Transit needs are at least as critical. One-third of rail maintenance yards, stations, and bridges, and almost one-half of transit buildings are still in poor or fair condition. Rolling stock needs immediate replacement as the average fleet age for all classes of bus and paratransit vehicles has exceeded the useful life of the vehicles. Additionally, 51% of rural buses are overage and more than 9,000 urban buses need immediate replacement. According to the DOT, to improve the condition of our nation's infrastructure to optimal levels would require annual investments of $80 billion. Clearly, our country has enormous needs. We cannot afford to look the other way while revenues committed to address these needs go elsewhere or sit fallow. Perhaps, if our nation's roads and bridges weren't crumbling we could indulge our colleagues as they continued to steal money dedicated to infrastructure so that they could claim, and take credit for, a balanced budget. But we can't. That money is desperately needed, and it exists in the trust fund. We don't need to find the money to pay for our infrastructure, we simply have to stop others from spending it for unintended purposes. If that results in a budget that is not balanced, I would suggest that my colleagues who serve on the appropriate committee should take a closer look and find offsets that would make up for the money they planned to divert from this user fee.

Mr. Chairman, I must tell you that, as a Representative from an urban community, I am greatly encouraged by the increase in transit funding provided for in BESTEA. Ridership on commuter and light rail has grown steadily and significantly. New transit starts are exploding. In fact, our committee received over 150 requests for these types of projects just this year, totaling over $25 billion. As such, in each of the last four years of the bill, $6.4 billion is spent on transit, nearly a fifty percent increase above current funding levels. In the current political climate of decreased federal spending, committing such revenue speaks to the recognition of the pivotal role mass transit must play if we are to best utilize our resources—transportation and otherwise.

Perhaps the best illustration of the innumerable benefits investment in our nation's infrastructure—and more specifically, in transit, can yield, is found in the Welfare-to-Work provision of the bill. This critically important program helps restore our cities—and return our people—to productive use, by providing them with the ability to physically get to where the jobs are. People in my city of Philadelphia know all too well that, as companies abandon our cities for the suburbs, they take their jobs and opportunities with them, leaving unemployed city dwellers. In fact, two-thirds of all new jobs created are in the suburbs. Furthermore, research by the U.S. Department of Transportation found that less than 6% of families receiving benefits from the Temporary Assistance for Needy Families program own cars. This means that 94% must rely on transit systems to get them to work. In the past, those of us who represent cities have watched, with great frustration, the impact on our community as these companies leave for the suburbs. We have focused a great deal of energy on convincing companies to stay in or come to our city. While this is important, it is not always possible and, perhaps in our zealousness, we have not recognized the benefits of any other alternatives. If a company can or will not stay in the city, there is still an enormous economic benefit to be had, should people be able to commute out to the suburbs. This is the impetus behind the welfare-to-work program. And we have seen it work in cities like Chicago. Suburban Job-Link, working with Chicago's PACE bus company, began serving the needs of unemployed Chicago residents in 1971. The program has proven to yield economic rewards. For every 1,000 workers employed at suburban manufacturing jobs, $25 million in pay and benefits annually flow back into inner-city neighborhoods.

Mr. Chairman, again, I would like to applaud the leadership of our committee for their truly remarkable and historic accomplishment. A year ago, it seemed a nearly impossible task to meet the very real, diverse, and often competing needs of our nation's infrastructure. But Chairman SHUSTER and Ranking Member OBERSTAR held firm to their principles, arguing tirelessly that integrity be restored to the Trust Fund. It is with admiration that I acknowledge their achievement and without any hesitation that I offer my support for the BESTEA bill. This bipartisan effort and product represents the very best our committee has to offer, and reinforces both the pleasure and pride with which I have served on it for the past sixteen years.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Chairman, I would like to take this opportunity to congratulate the Chairman on an outstanding bill and ask if the Chairman will enter into a colloquy?

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, I will be pleased to.

Mr. METCALF. Mr. Chairman, as the Chairman has noted, the volume of international trade passing through Washington State's ports has snarled traffic at dozens of at-grade rail-highway crossing in the Puget Sound region. As the Chairman knows, public and private interests have come together to propose a series of grade-crossing projects and port-access projects that we refer to as the "fast corridor" program.

Does the Chairman agree that section 115 of the bill, the National Corridor Planning and Development Program, was designed to help projects like the fast corridor?

Mr. SHUSTER. Mr. Chairman, reclaiming my time, I would certainly agree with the gentleman. I have seen the problem firsthand there.

As the gentleman from Washington has observed, I have first-hand knowledge of the special mobility problems in the Puget Sound region. The Fast Corridor Program was developed to address that problem.

Section 136 of the bill designates the "Everett-Tacoma Fast Corridor" as a "high-priority corridor." With this designation, the fast corridor would be eligible for funding under section 115, as you have already pointed out.

Section 115 was designed with projects like the fast corridor in mind and I am certain that it would be an ideal candidate.

I commend the gentleman for his initiative on this matter and for the leadership he brings to transportation issues in the region.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. KIM), a distinguished member of the committee.

Mr. KIM. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I have heard critics saying today that we are stealing money from other programs to rebuild our highways and bridges. Now, come on. Let us be honest with the American people. The money is already there. The American people pay for it with the gas tax money.

In 1956, Congress made a simple contract with the American people that gas taxes would be used for highways and bridges. Seven years ago, Congress broke the promise and diverted gas tax money to foreign aid and other programs.

Southern Californians have paid dearly for that ever since. Southern Californians spend more time stuck in traffic than anyone else in the country.

And there is another argument. I am tired of hearing this bill is full of pork. It is not about pork. It is about saving people's lives. Every year 14,000 people are killed in roads that are too narrow, too congested, or simply too dangerous for existing traffic. None of these people have to die.

In my district, there is a road known as "Blood Alley." Eight lanes of freeway are crammed into a two-lane country road when it crosses the county line. About 10 people die each year on this three-mile stretch of road because the counties do not want each other's traffic.

Our bill includes $13 million to widen this Blood Alley and save lives. Fixing Blood Alley is our responsibility. It is not pork. Our bill saves lives and restores our promise to the American people. This bill forces Washington to keep its promise and fix highways with the gas and tax money.

I urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT), the ranking member on the Subcommittee on Public Buildings and Economic Development, a valiant, vigorous member of our committee and advocate for Buy America.

Mr. TRAFICANT. Mr. Speaker, $217 billion is being invested in America, not overseas. To put some perspective on it, our trade deficits with China in the next 6 years will exceed $300 billion.

Now let us call it like it is. Everybody is talking about pork. I was called the king of pork on ISTEA because I got five bridges funded. One of those bridges collapsed last week. One of my constituents almost got killed. Thank God, no one got killed in my district. They do not call that bridge pork today.

Now let us put the hay where the goats can reach it. To all of these political purists in the Congress, here is how they would have it: We would fight to get the money for the States. The local politicians would have press conferences and announce the projects. Then they would brag how they got the money and that there was no Federal money in it. And then they will run against us. Beam me up. I do not apologize.

In 1986, I passed the amendment that increased the minimum allocation to donor States. And last year in Ohio, 28 major projects, I did not get one of them; and we are the most deserving.

I do not apologize for any damn thing. They can call me anything they want on this House floor, but if we do not take care of our district, no one is going to take care of our district. Stand up today, and you fight for your district. That is what it is about. This is not the Rotary, my colleagues.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise today in strong support of BESTEA, the Building Efficient Surface Transportation and Equity Act.

I would like to point out to all of my colleagues and to the American people that BESTEA is green tea. The reason I have attached the label of "green tea" to the bill before us this afternoon is because the legislation provides more funding to improve the quality of America's environment than any approved by this body in the last decade.

This is an environmentally sensitive and an environmentally friendly bill. And that is good for the American people, because they expect us to protect the air we breathe and the water we drink and the food we eat. Nothing is more important than that in terms of our assignment.

Green tea contains over $40 billion for the transit program, the Congestion Mitigation Air Quality program, commonly known as CMAQ; the Transportation Enhancement Program; the Recreational Trails Program; and the National Scenic Byways Program.

The gentleman from Pennsylvania (Mr. SHUSTER), the Chairman, and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, are to be applauded for their obvious concerns about America's transportation policy and how they have incorporated a sensitivity to the environment in this measure.

In fact, the environmental community strongly endorses BESTEA. Let me repeat this point. The environmental community strongly endorses BESTEA because they, too, know it is green tea. The Environmental Defense Fund, the League of American Bicyclists, the National Trust of Historic Preservation, the National Parks and Conservation Association, the Natural Resources Defense Council, the Rails to Trails Program, Scenic America and the Sierra Club all strongly support BESTEA because they, too, know it is green tea.

Green tea provides nearly $4 billion for the transportation enhancement program. This program provides needed funding to communities to build bicycle and pedestrian facilities and renovate historic transportation facilities. Green tea provides nearly $10 billion for the Congestion and Mitigation Air Quality Program over a 6-year period.

This is a good bill. It deserves support. It has earned the support of the environmental community.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT), the distinguished ranking member of the Subcommittee on Coast Guard and Maritime Transportation.

Mr. CLEMENT. Mr. Chairman, my colleagues, this is a great day for all of us when it comes to transportation and the future of transportation needs. We know what they are doing in Europe, we know what they are doing in Asia, we know what they are doing in other countries around the world when it comes to infrastructure; and we are falling further and further behind.

As one of the so-called donor States, I do know that we have been underserved, short-changed in the past. And I am pleased to hear what the gentleman from Pennsylvania (Mr. SHUSTER) said so well and so eloquently a while ago, that this outdated formula goes back all the way to 1991 and now it is time, because of the shifts in population, that we need to realize that we need to make some major adjustments in the formula in order to be fair to all States involved. This is a great day. I strongly support this transportation bill. It is truly in our best interest.

Mr. Chairman, at this time, I would like to have a colloquy with the Chairman on a matter.

I would like to thank the Chairman for his willingness to extend the Coast Guard's boating safety program in H.R. 2400. Mr. Chairman, H.R. 2400 also extends the transfer of the gasoline tax attributable to motorboats from the Highway Trust Fund to the Boating Safety Account. Does this mean that the Boating Safety Account will have the same budgetary treatment as the Highway Trust Fund in section 701 since this is a disbursement from the Highway Trust Fund?

Mr. SHUSTER. Mr. Chairman, if the gentleman would yield, the gentleman from Tennessee is correct. Since the Boating Safety Account receives its money from the Trust Fund, it would have the same budgetary treatment as the Highway Trust Fund under section 101.

Mr. CLEMENT. Mr. Chairman, let us all get behind this most important transportation bill for the 21st century. We need it, and we need it now.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Chairman, I rise in strong support of H.R. 2400, this outstanding bipartisan measure to reauthorize our Federal surface transportation programs. A great deal of credit goes to the leadership of our Chairman, the gentleman from Pennsylvania (Mr. SHUSTER); the gentleman from Minnesota (Mr. OBERSTAR); and members of staff.

We have far too many roads, bridges, and transit systems which have been neglected and have fallen into disrepair. They are leading to highway fatalities, congestion, in addition to wasted time, energy and money. We must restore the trust of the American people and spend the federal gas taxes they already pay to restore our Nation's infrastructure.

Take roads such as Route 309 in Pennsylvania, right in my district, where the accident rate is double that of the statewide average. We can stop these deaths by making sure we pass BESTEA. Save our roads, improve mass transit, job creation and environmental preservation. That is what this bill is all about.

The transportation needs of the country are at stake, and we need to take care of what is best for our constituents. I urge all my colleagues here in this room and those listening to please vote "yes" on BESTEA. This is the best investment in America, the best investment in our communities, and the best investment for our people.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), the voice of our Nation's capital in this body.

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Ms. NORTON. Mr. Chairman, I thank the gentleman for his generosity in yielding.

Mr. Chairman, I have come to the floor to take head-on this notion that transportation and infrastructure money in today's America is pork. This is displaced rhetoric from prior decades before our infrastructure declined dangerously.

There are two ingredients that make the United States a world class power. One is human capital. The other is our infrastructure. We cannot maintain our place in the world if we continue to allow our infrastructure to rot.

Go to India. Enormous investment in human capital, but not in infrastructure, and so they are exporting their human capital, sending their people, their technicians and their scientists, around the world. A great power must have balanced investment.

I am still a tenured law professor at Georgetown. Human capital advantage, I understand. That is why I support education so strongly. But neither must we lose the huge advantage infrastructure gives us in world markets.

Instead of maintaining that advantage, we have been disinvesting in our infrastructure. There is no excuse for continuing to do so, because this bill is fully paid for out of transportation trust funds. Nor are the earmarked projects pork. Each and every one of mine came from my transportation department, prioritized for vital projects for the economy of my city.

Yet, the Washington Post this morning, under a headline about, "Record Pork" goes on to say the following: "Among these earmarked projects are $24 million to replace the crumbling 61-year-old Missisquoi Bay Bridge in northwestern Vermont, which local officials described as an accident waiting to happen." If that is so, how could it be pork?

Mr. Chairman, this is not pork. This is steak. If we want to continue to be a prime rib country, we better pass this bill quick.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, when the President talks about building a bridge to the 21st Century, this is the bill that lays the infrastructure that makes that bridge a reality. This bill saves and creates well-paying American jobs by making sure we have the means to efficiently move the goods and products we produce.

But transportation is not just about moving goods and people from one place to another. It is about economic opportunity, new business, expanding commerce, a cleaner environment, safety for our children, and a higher quality of life.

Better infrastructure means more time with our families. How many hours do we waste sitting in traffic because our roads are inadequate. Too many, Mr. Chairman. Too many. This is the bill that does something about that.

Mass transit and road improvements may not be glamorous work, but it is important work. The success of almost everything else we do depends on our transit and infrastructure. At a time when most of our major trading competitors are making large investments in new infrastructure, we cannot afford to lag behind.

The solution we need is a national one. Our commerce is no longer confined or constrained to national, much less State boundaries, so our system is only as strong as its weakest link.

If one State has a great system, and the next State has an outdated one, both States suffer. In the next century, we will lose crucial economic ground if we allow these gaps to remain.

Close to my home, traffic on the bridges and roads that connect New York and New Jersey is reaching the breaking point. Ironically, the reason is a good one. Our ports are bringing in businesses and jobs and trade. But if we do not improve and innovate these connections, our growth will literally be held back by our inability to handle the flow of people and goods.

So we are using ferries to get people back and forth, 6 million people annually. And by 2005, we will need ferry service for 8 million or more. By making that investment today, we are able to handle the growth of tomorrow.

This is a cost reduction measure. It saves money. Ferries do not require the construction of costly infrastructure. They reduce single occupancy vehicle use. They are more energy-efficient.

This bill was put together with creative solutions like this one in mind. Yes, it is a bill of many individual projects, but it is a national plan. The projects in the bill make up that national plan, and we deserve to be supportive of it.

I want to commend the chairman and the ranking member for their vision in putting this in before the House.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from New York (Mr. QUINN), an important member of our committee.

Mr. QUINN. Mr. Chairman, this is truly a historic day for the United States. H.R. 2400 is a magnificent work which addresses many transportation-related concerns of our country.

For example, section 205 contains the most comprehensive antidrinking and driving measures ever put into legislation. The bill also reauthorizes the Discretionary Bridge Program that gives our State the tools to repair and replace crumbling bridges.

It also, though, Mr. Chairman, talks about safety. If I can particularly make a point in my district, there was an accident in 1992 where a car was trying to swerve around another truck. Steel coils fell off, and people were killed. More recently, another truck carrier swerved to avoid a disabled vehicle on the same stretch of road. Just last month, six people lost their lives.

H.R. 2400 provides us with the opportunity to fix that stretch of road and other roads all across the country where safety is a concern. Can anybody in the Chamber tell the families of these victims and others that these are unnecessary projects? Can anybody tell the New York State Thruway Authority that this is not a worthy project or a pork project?

Mr. Chairman, this is a good bill. It deserves our attention, and it deserves passage today.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong support of H.R. 2400. I want to begin by thanking my Chairman, the gentleman from Pennsylvania (Mr. SHUSTER), and my ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for their leadership and tenacity in bringing this bill to the floor today.

The Building Efficient Surface Transportation and Equity Act of 1998 is desperately needed and a long time coming.

Mr. Chairman, I suggest there is not a single Member of this House who cannot appreciate the tremendous needs of this Nation's infrastructure. I know there are Members who will vote against this measure, and I fully appreciate the sincerity of their convictions. But I believe they are being a wee bit shortsighted.

Transportation is the engine driving this Nation's economy. To the extent transportation fails, our economy fails. We cannot ignore these needs any longer.

Mr. Chairman, this bill is important for other reasons as well. There are areas of this country which have unique needs, and this bill addresses those needs. There are areas for which, for whatever reason, have historically been shortchanged in the distribution of trust fund revenue. H.R. 2400 brings fairness to this process, and I strongly support it.

Mr. Chairman, we have heard a lot of rhetoric and histrionics about demonstration projects. A great many headlines of today highlight this frenzy. But I take a different view. I came to Washington to represent the people of South Carolina's Sixth District. I was eager to request funding for projects my district needs. But I resent the implication from anyone who thinks otherwise. My requests represent the views of the local officials of the towns and communities I represent.

Finally, Mr. Chairman, I want to address the provision of this bill which provides for opportunity for owners of small businesses to participate in the American dream. The DBE program is not a set-aside program, nor is it a quota. It sets reasonable goals for full participation in a highly competitive process, and I believe this bill, with all it contains, deserves passage.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from South Dakota (Mr. THUNE), a very important member of our committee.

Mr. THUNE. Mr. Chairman, I appreciate the opportunity to speak today in support of H.R. 2400, the Building Efficient Surface Transportation Equity Act. There has been a lot of talk about the budget issues surrounding the highway bill, but there are some things that I think that people are forgetting to mention.

First of all, the fact that the American people have already paid for this bill. We paid for it this morning. We filled our cars; came to work. We will pay for it this evening on the way home when we stop at the gas station to top off the tank.

It makes no sense to impose a national highway gas tax, collect the money from this tax, then use that money to fund wasteful Washington spending. That is exactly what has been happening here for years.

Finally, thanks to the work of the gentleman from Pennsylvania (Mr. SHUSTER) and others, we are doing the right thing, and we are returning honesty to the budgeting process by using the motor fuels tax for the purpose for which it was created, intended, and that is the Highway Trust Fund.

I want to credit the chairman again for the work that he has done in seeing that we spend more fuel taxes on roads, bridges, and highways in keeping our promise to the American people. It returns honesty to the budgeting process, and it forces Washington to keep its word on transportation funding. For that reason, I urge my colleagues to support H.R. 2400.

Mr. SHUSTER. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. ARCHER) and the gentleman from California (Mr. STARK) each will control 15 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. Mr. Chairman, I am pleased to yield myself such time as I may consume.

Mr. Chairman, I bring to the attention of the House the provisions of title XI, the revenue title H.R. 2400.

The revenue title provides the necessary financing for our Nation's surface transportation needs by extending for 6 years current law excise taxes on gasoline, diesel, and other transportation taxes which flow into the Highway Trust Fund.

By continuing the dedication of these monies to the Highway Trust Fund, we fulfill the expectations of the American people as the highway user charges they pay are reinvested in our country's infrastructure.

Furthermore, I am pleased to inform my colleague that the Ways and Means revenue title would transfer 6.8 cents per gallon tax on motorboat gasoline from the general fund to the Aquatic Resources Trust Fund. This is very, very important to those who use boats and the fishermen, because the money spent out of that fund enhances boater safety and protects the environment for millions of Americans who fish in the great outdoors.

In addition, title XI would repeal the 4.3 cents per gallon tax on railroad diesel fuel, which now goes to the general fund. I believe that the Nation's railroads have been unfairly penalized with a tax which has no relationship to railroads or to transportation. This will tend to level the playing field between the way that we tax various forms of transportation.

Finally, the Committee on Ways and Means revenue title would repeal after the year 2000 the excise tax on truck tires and tread rubber, which is generally perceived as a nuisance by truckers and the IRS.

I believe that this is a good package that addresses our Nation's critical transportation needs while providing appropriate tax relief. I urge support for the Committee on Ways and Means revenue title.

Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to praise the work that the committee has done on H.R. 2400 and to thank the gentleman from Texas (Mr. ARCHER), chairman, for the work that the Committee on Ways and Means did, be it ever such a small part of an otherwise Herculean undertaking.

The 6-year extension of the Highway Trust Fund will provide much-needed infrastructure, maintenance, and expansion for this country's economic future. It does an important job. It will create jobs, ease bottlenecks, and will help the traffic flow in the Bay area of California, which is of particular local interest to me, as the gentleman from Texas (Mr. ARCHER) has explained.

It is paid for in a variety of ways. But I have one small reservation with the bill. That redounds not to the leadership of the committee of jurisdiction, but I am afraid to the leadership, budget leadership on the other side of the aisle, and that is that the bill is not paid for.

I would be a much happier and more enthusiastic supporter if I knew that other items were off the table. I am led to understand that the 24 or $25 billion shortfall in this bill is not going to be taken out of veterans programs. Well, great for old veterans like me.

□ 1500

But I would like some assurance that that will not leave children at risk, and that will not mean that the $24 or 5 billion is going to come out of education, or that is not going to come out of programs to improve public safety or housing for the homeless. There are many programs in this country that will be competing for that $24 billion, and I would be much more comfortable and feel that we were doing the more responsible job if the leadership of this House had told us just exactly how they intend to come up with that shortfall.

I do not like legislating in the blind, and it is very nice to tell my constituents that I am bringing home all kinds of worthy projects to the San Francisco Bay area and to the East Bay. I am afraid that perhaps later this summer I am going to have to deliver the bad news, which is how we are going to pay for this wonderful Easter present.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR).

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ARCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota (Mr. THUNE) for a colloquy.

Mr. THUNE. Mr. Chairman, I would like to thank the gentleman from Texas (Mr. ARCHER), the distinguished chairman of the Committee on Ways and Means, for yielding to me for a question.

I have worked closely with the chairman for several months to amend H.R. 2400, and would like to thank him for his willingness to work with me and our colleagues from other States who are not served by Amtrak. Those States include Alaska, Hawaii, Maine, Oklahoma and Wyoming. What I would like to have offered in amendment, the gentleman from Texas expressed, in conversations we have had, his concerns about doing so.

As my colleague knows, I attempted to attach the same amendment to H.R. 2477, the Amtrak Privatization and Reform Act, but ran into jurisdictional and revenue questions at that time. The provision would amend the Taxpayer Relief Act of 1997 relating to tax refunds for the National Railroad Passenger Corporation, Amtrak. Therefore, a revenue estimate of the amendment was necessary prior to enactment. At my request, the Joint Committee on Taxation conducted a revenue estimate of the amendment and determined it would have no revenue impact.

The 1997 tax provisions specifically would provide Amtrak with access to $2.3 billion. Of that $2.3 billion, the law also sets aside a portion of the fund for non-Amtrak States. However, the allowable uses are very limited. In fact, the law would allow those funds to be used only for intercity passenger rail service and for intercity bus services.

While my State, the State of South Dakota, does not have intercity passenger rail service, the State has been clear in stating that it would put available funds to use for intercity bus service. In fact, the State already is putting some of those funds to use. All the same, the State would like to have more flexibility in how it uses those funds.

For that reason I drafted an amendment that would allow non-Amtrak States to use the funds for other transportation priorities such as State-owned rail operations, rural transit and transit services for the elderly and disabled, rural air service, and highway-rail grade crossing projects. These are common sense and necessary uses. In fact, the Senate earlier saw the value of this amendment, and during consideration of Senate Bill 1173 adopted a similar amendment.

I nonetheless appreciate the concerns expressed by the gentleman from Texas regarding authorizing jurisdiction of the amendment. At the same time I understand the gentleman from Texas would not object to this provision in conference. Is my understanding correct?

Mr. ARCHER. Mr. Chairman, will the gentleman yield?

Mr. THUNE. I yield to the gentleman from Texas.

Mr. ARCHER. Mr. Chairman, let me say to the gentleman from South Dakota that it is not normal procedure for us to announce a negotiating position on the floor of the House where there is a difference between a Senate provision and a House provision. Let me simply say that we will try to work this out equitably in the conference, that I have talked with the gentleman from South Dakota a number of times about this and I personally do not have any objection to his request, and I think it is appropriate and we will do the best that we can in the conference.

Mr. THUNE. Mr. Chairman, I thank the gentleman from Texas (Mr. ARCHER), and would say that for States that do not have rail passenger service, each of these transportation needs are appropriate and important alternatives to rail passenger service. The amendment in my view represents sound, common sense policy that simply allows non-Amtrak States to make the best, most worthwhile use of the funds that are provided for transportation needs.

Mr. Chairman, I thank the gentleman from Texas for his hard work and commitment to work with me to address the concerns of my State of South Dakota and the other States that are not served by Amtrak. He, our colleagues in the House, the taxpayers of this Nation should have every assurance that the funds provided to non-Amtrak States will address important transportation needs in each of those States.

And I also add that I would like to thank the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the Committee on Transportation and Infrastructure, for his assistance. He expressed his support of this measure in the past, and as a result, both he and his staff on the Committee on Transportation and Infrastructure have been extremely helpful in this effort to see that these funds are put to the best possible use. I would like to say as well that I thank the gentlewoman from Wyoming (Mrs. CUBIN) for her support and assistance, as well as support from the gentleman from Alaska (Mr. YOUNG) and the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentlewoman from Hawaii (Mrs. MINK).

Mr. ARCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. MCCRERY), a respected member of the Committee on Ways and Means, for a colloquy.

Mr. MCCRERY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, as I review the tax portion of the bill that we are voting on today, I note that we are considering the elimination of the 4.3 cent per gallon deficit reduction tax on railroad fuel. As you know, Mr. Chairman, this tax was imposed on the railroad industry in a 1993 reconciliation act, and it was put as well on other modes of transportation, including the inland barge industry.

As we head toward the conference on this bill, Mr. Chairman, I would appreciate it if the gentleman would work with me and others to explore the extension of this repeal to the barge industry, to make sure that we maintain a level playing field between competing modes of transportation. It is my understanding that the tax on inland barge traffic generates a rather modest contribution to the Treasury, and paying for it is not going to be extremely costly.

Mr. Chairman, I yield to the gentleman from Georgia (Mr. COLLINS) for a comment from another member of our committee and the former chairman of the Transportation Task Force of the Committee on Ways and Means.

Mr. COLLINS. Mr. Chairman, I would like to offer comments in support of the gentleman from Louisiana. Last year members of the Transportation Task Force studied the waterway tax and trust fund structure with regard to equity. In light of the fact the current tax that applies to waterway uses has generated a surplus to the trust fund, and since the legislation before us today will eliminate the deficit reduction tax as it applies to the rail industry, I join in the request that we work toward an equitable elimination of the deficit reduction tax as it applies to the barge industry.

Mr. McCRERY. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I yield to the gentleman from Texas (Mr. ARCHER) chairman of the committee.

Mr. ARCHER. Mr. Chairman, I appreciate the important role that the barge industry plays in the economies both of Louisiana and Texas and other States in this country, and I appreciate the comments from the chairman of the Transportation Task Force, our colleague from Georgia. Accordingly, I will be pleased to work with my colleagues, subject to budgetary constraints of course, to ensure that we maintain tax equity among the various modes of transportation, and I thank my colleague for bringing this up and asserting this point.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Pennsylvania (Mr. SHUSTER), chairman of the Committee on Transportation and Infrastructure.

The CHAIRMAN pro tempore (Mr. UPTON). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), a very vigorous advocate for transportation and a distinguished member of our committee.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from Minnesota for the time.

Mr. Chairman, I have heard a few Members come to the floor and seen some press accounts that there is too much in this bill. Now the question will be, too much? Is it that we are meeting and overfulfilling the transportation and infrastructure needs in the United States? No, not at all. In fact, this bill will still leave us with a $30 billion per year deficit in transportation, $16 billion for highways and $14 billion for transit, 254,000 miles of pavement in poor condition, one out of three highway bridges structurally deficient or obsolete, one out of every two transit yard stations and bridges for mass transit in poor condition.

In my own State we need an additional $244 million a year to meet our needs for preservation and maintenance and $351 million for capital improvements. It is not too much in terms of the needs of the country.

Now is it too much in terms of what we have to pay for transportation? No. In fact this bill will not spend all the money which the American people are paying in taxes dedicated to transportation. Every time an American drives to the pump they pay 18.4 cents a gallon gas tax, and this bill, as good as it is, as robust as it is, will only spend about 14 to 15 cents of that tax, and the rest will go elsewhere in the Federal budget. It will go to deficit reduction, or it will go to pay for secret programs at the CIA, or over to the Pentagon or somewhere else, maybe for tax cuts for the wealthy.

That is not why Americans pay a gas tax, and there should be no diversion of the gas tax money until every infrastructure need of this country is met and up to date. So it is not too much to ask that we fulfill the needs, and it is not too much to ask that we spend every penny of that dedicated regressive tax on the transportation needs of this country.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. POSHARD), a distinguished member of our committee.

Mr. POSHARD. Mr. Chairman, I thank the gentleman from Minnesota for yielding this time to me.

Mr. Chairman, I would like to reference some parts of this bill that perhaps other Members have not spoken about. In addition to the core programs of ISTEA, BESTEA offers two other important programs that I think are extremely important. The high risk road safety construction program will give States incentives to address their worst safety problems, and the high cost interstate rehabilitation program will provide additional funds for major projects that are extremely important in cost in our interstate system. Moreover, BESTEA permits continued flexibility to allow for a productive relationship between all levels of government when it comes to transportation spending.

Another important provision in this bill is language that would benefit rural areas by guaranteeing relief for Illinois farmers from Department of Transportation regulations concerning the local transport of agricultural materials, including pesticides, fertilizers and fuel. States have traditionally been allowed to set their own exceptions to Federal regulations for these farming necessities when involved in farm-to-farm, field-to-farm and retail-to-farm activities.

□ 1515

However, Federal standards proposed in 1996 would force farmers to comply with costly and burdensome documentation rules meant for over-the-road trucks that regularly haul hazardous materials on a regular basis.

The language in BESTEA allows States to retain the ability to regulate these matters on a regular basis. This will save farmers and retailers hundreds of thousands of dollars in compliance costs and save valuable time for our farm community. I greatly appreciate the efforts of my colleagues, the gentleman from Illinois (Mr. EWING), the gentleman from Michigan (Mr. BARCIA), and the gentleman from Indiana (Mr. BUYER), who join me for fighting for inclusion of this language.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Minnesota, the ranking member (Mr. OBERSTAR), for their tireless efforts on behalf of this legislation. I think the passage of BESTEA will benefit the entire Nation and ensure that the transportation needs of America are met, and I am proud to have been a part of this historic process.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Montana, (Mr. HILL).

Mr. HILL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to applaud the chairman for his efforts with regard to this bill. I support the chairman's efforts to take the Highway Trust Fund off budget and share his commitment to infrastructure. Unfortunately, I cannot support this bill and that is because it is not fair to Montana and Western States.

Mr. Chairman, Montanans pay the highest gas taxes in the Nation, 27.5 cents per gallon. In fact, on a per capita basis, they pay the highest State gas taxes, and are fourth in the Nation in how much they pay in Federal gas taxes. We have 31,950 lane miles of roads in Montana. That is 1.5 percent of the Nation's roads, and we are trying to pay for it with three-tenths of 1 percent of the population.

This bill is unfair to Montana because it reduces the funding formula for Montana by about 26 percent while increasing the formula for the funding in most States by factors of 40 to 50 percent. In addition, it reduces the funding for places like Montana that have high portions of Federal lands by changing that formula, and, even worse, the congestion mitigation air quality changes also hurt Montana.

I would urge the chairman to join with the Senate in adopting the Senate versions of the bill. Enough is enough.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to my good friend from Montana and point out that Montana gets back $1.35 for every dollar it sends into the trust fund from this bill, and, indeed, there are only four States out of the 50 States which get a better return. I do not begrudge that money to Montana.

I understand it is a rural State, has a low population, but I think Montana does extremely well, and I think everybody should understand that.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania, (Mr. MASCARA), the gentleman from the Mon Valley.

Mr. MASCARA. Mr. Chairman, I thank the ranking member from Minnesota for yielding me time.

Mr. Chairman, I would like to thank the gentleman from Pennsylvania (BUD SHUSTER), our committee chairman; the gentleman from Minnesota (JIM OBERSTAR), the ranking member, as well as our leaders from the Subcommittee on Surface Transportation, the gentleman from California (TOM PETRI) and the gentleman from West Virginia (NICK RAHALL), for their strong leadership in bringing this legislation to the floor.

Without their firm bipartisan resolve, none of this would have been possible. As a former local official deeply committed to economic development projects, I truly appreciate the significance of this transportation bill.

America's economy depends heavily on the interstate highway system. For example, nearly $6 trillion worth of goods are transported over our Nation's highways, yet we are allowing our roads to deteriorate. Over the past 25 years, road use has grown more than 15 times the highway capacity.

This has left many of our roads and bridges in need of serious repair. In fact, the Department of Transportation has determined that 12,000 accidents occur each year as a result of poor highway conditions. Thirty percent end up in fatalities.

Furthermore, 59 percent of all roads and 31 percent of all bridges in America are in need of repair, or are structurally deficient. We must begin investing now to improve the quality and safety of our roads. BESTEA will allow us to make these improvements, providing funding for highway projects across America, such as the Mon-Fayette Expressway in my district, but we must begin now. We cannot delay completion of this bill, because many States have already begun their road building projects. If we do not finish our job here, States could lose an entire construction season.

I urge all Members to join me in support of this bill to fix our Nation's interstates, to improve highway safety, to promote economic development in our communities, and, as all of you have said, to build America.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I rise today in strong support of H.R. 2400. This bill has been falsely accused of many things, but perhaps the most egregious falsehood is that this bill signals an end to the Republican revolution. Nothing could be further from the truth.

When Republicans took control of Congress, we promised to change the way we do business. We made a Contract with America and followed through on it. BESTEA fulfills another contract by ending the practice of misusing gas tax revenues.

For every gallon of gas we put in our tanks, we pay 18.3 cents to the Federal Government. Frankly, that is a pretty high rate of taxation. But we pay the tax because the revenues are supposed to be used so we do not have to sit in traffic, incur the wrath of crumbling roads, damage our cars or lose a friend to unsafe highways.

The tax is a contract between American motorists and the Federal Government, but for many years now Congress has simply failed to live up to our part of the contract.

BESTEA fulfills our deal with the American taxpayer. It spends the gas tax revenue on roads and takes the Highway Trust Fund off budget, ending the practice of spending the revenues on nonhighway-related needs.

This bill also restores faith to taxpayers in States like Florida who have been forced to fund the infrastructure priorities of other States, receiving only 77 cents on every dollar citizens in Florida pay. Under BESTEA, States will get at least 90 cents of every dollar allocated by formula, a tremendous improvement.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER), who has fought for these gains and listened to the concerns of States like Florida. Today we have a chance to vote for honest budgeting, funding equity, economic growth and safer highways. I encourage my colleagues to do the same.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from West Virginia (Mr. RAHALL) for their leadership, and the gentleman from Pennsylvania (Chairman SHUSTER) for his courage and steadfastness throughout this struggle, which has been an inspiration to all of us on both sides of the aisle.

We thank the gentleman and his staff, and the staff of the gentleman from Minnesota (Mr. OBERSTAR). They have had to deal with a lot of issues, and they worked hard for a long period of time. We thank them profusely.

Mr. Chairman, I rise on behalf of the people of California's 50th Congressional District in strong support of BESTEA, because BESTEA is best for jobs. My constituents have many interests, but their most important ones can be summarized in three words: Jobs, jobs, jobs. Jobs, so they can support themselves and their families; jobs, so they can raise and educate their kids; jobs, so they can contribute to our community; jobs, so they can enjoy their recreation; and jobs, so they can provide for their retirement.

This legislation addresses these concerns in an equitable manner, renews important transportation programs and creates these much-needed jobs.

Contrary to all the hype and hysteria, this bill is not a budget buster. It restores the truth in the budgeting process by accessing the Nation's Transportation Trust Funds.

As everyone has said before me, this bill will restore the trust the American people place in their trust funds. This is an investment in our infrastructure. It is desperately needed. We have created the strongest economy in the world through our transportation infrastructure, and this continues that policy and guarantees our future. It provides us with the opportunity to again demonstrate that we have an investment policy on a national scale. We must take this opportunity now.

Mr. Chairman, I will vote for my constituents' interests and vote for BESTEA. I encourage my colleagues to do likewise. Remember, it is about jobs, jobs, jobs.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I want to thank the gentleman for the terrific job he has done on this bill. It is not about pork, it is not about politics, but it is about saving lives. Since I come from a rural area that does not have a four-lane highway all the way across it, I am particularly pleased that we will be able to make significant improvements in our infrastructure.

I am also very pleased that the bill includes a significant increase in funding for the Highway Bridge Program and does promote the innovative seismic retrofit technologies such as carbon fiber composites for bridges located in regions like mine, which lie along the New Madrid Fault, and which potentially faces catastrophic infrastructure damage due to earthquakes.

I am also pleased that this bill includes a provision that expresses the sense of Congress that offsets to the spending in the bill should not be derived through any change in Veterans Administration programs or benefits.

Just as this bill reaffirms our commitment to the American public to use their gas tax dollars to ensure safe highways, roads and bridges, we also must reaffirm our commitment to our Nation's veterans.

Now, while I believe this bill is a tremendous step forward, I do want to say I am extremely dismayed that the ethanol tax incentive is not extended in the bill, Mr. Chairman. This incentive is a vital boost to farm income, decreases our dependence on foreign oil, provides consumers with a cleaner burning fuel and creates good jobs.

Ethanol is a proven industry that benefits our local farmers in southeast Missouri and others around the country. It provides clear advantages to the broader American public, and the tax incentives should be extended. I strongly urge that during the conference negotiations on H.R. 2400, the House adopt the Senate language which authorizes the ethanol tax incentive through the year 2007.

With that said, I fully support this legislation, and commend the chairman for the terrific job he has done.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER), the distinguished voice of the great outdoors and of livable cities.

Mr. BLUMENAUER. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, there has been much talk about America's future and fiscal stability in the course of this debate. I rise to support H.R. 2400 because it gives the tools for America's communities to control their own destinies.

You have heard and will hear more from the gentleman from Pennsylvania (Chairman SHUSTER), and the gentleman from Minnesota (Mr. OBERSTAR), and others about how this bill is good for the safety of the American public, how it provides important resources to improve vital transit programs. It is good for the environment, for rail passengers and freight. It is good for bicyclists. It is good for the motoring public, because it promotes the free flow of a balanced transportation system and, for those people who do drive their cars, makes it safer for them, more convenient, less congested.

But I want to focus, if I could, on what difference this bill makes by making America's citizens and their local governments full partners in our transportation system, because BESTEA gives the tools for livable communities to stop sprawl and revitalize existing communities.

Every year we spend billions of dollars dealing with the symptoms of dysfunctional communities. The Congress spends money on economic development, on crime, on education that is largely attempting to deal with what has happened after communities go over the brink.

What is critical about BESTEA and the resources that are directed is that it gives communities unprecedented abilities to manage those resources in conjunction with State and local communities to strengthen them before they deteriorate.

I posit, Mr. Chairman, that any careful analysis of the economic benefit that we will derive as a Nation revitalizing these central cities, preventing the deterioration of the first ring of suburbs and so on throughout the metropolitan areas, conservatively it is going to return far more money than any modest increase.

□ 1530

When we couple that with the economic benefits from cleaner air, less congestion, and a wide range of important economic infrastructure investments for the next century, I think any short-term increase in funding is going to be dwarfed. BESTEA is good for the fiscal health of America. It is good for the health of American communities.

I, too, add my thanks to the bipartisan leadership of this committee that has given this Congress the most important environmental legislation we are going to see for the remainder of this century and on into the next millennium.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Virginia (Mr. DAVIS), a valued member of our committee.

Mr. DAVIS of Virginia. Mr. Chairman, I would like to point out some of the provisions in section 140 of the bill entitled "Quality through competition."

As I understand the provisions, it reflects the following important points:

First, it is going to provide for substantial savings to States by providing for a single, consistent rule for the administration and accounting of costs for engineering and design contracts that are funded with Federal-aid highway funds.

Second, it acknowledges and permits the use of the expedited process in the existing FAR, which is applicable to qualifications-based selection procedures for architect, engineering, and related services of smaller projects which fall below the threshold of $100,000.

Third, by using the term "simplified acquisition procedures," it does not change or authorize the avoidance of the contract administration and audit requirements specified in the section.

Fourth, this section provides no authority for a contracting authority to waive the requirements of the contract administration or single audit provisions provided in this section.

Mr. Chairman, I would ask the gentleman from Pennsylvania, is my understanding correct?

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the gentleman is absolutely correct in his observation of the effects of section 140 of the bill.

Mr. DAVIS of Virginia. Just to continue, Mr. Chairman, in support of this bill, the Trust Fund dollars are like user fees people pay at the gas pumps to come back and improve our Nation's transportation system. This bill, instead of spending Highway Trust Fund dollars collected at the gas pumps on defense or health care, deficit reduction, or some other worthy endeavor, simply spends the Trust Fund user fees for their intended use.

In local government, when I was in Fairfax County, if we had raided a trust fund and used it to spend the dollars for water or sewer or another use, we would have gone to jail; but at the Federal level it is perfectly legal to do that. But this starts to straighten that and bring some fiscal accountability to the Trust Fund dollars for our taxpayers.

Secondly, there have been some comments about demonstration projects or earmarking. In my region, Northern Virginia, over the last 25 years we have been consistently shortchanged from the State government. Money that goes through Richmond does not come back to Northern Virginia in any way, shape or form to our proportion of highway use, population, vehicle miles or anything else. Yet we have the greatest need for transportation dollars. We have historically been shortchanged by the State.

This legislation contains over $10 million for the completion of the Fairfax County Parkway through Reston, $25 million for road widening of Route 123, $10 million for the Virginia Railway Express, a transit alternative down the 95 corridor.

These projects are not my projects, they are not political projects, they were requested and coordinated with the local governments in that region, who knew that if they had to wait for Richmond to deliver, they may be waiting a decade. We are putting them out on top.

I applaud the Chairman and the Ranking Member, the gentleman from Minnesota (Mr. JIM OBERSTAR), for addressing these needs for our region, which has had traffic jams and is probably the traffic jam capital of the country. This legislation will go a long way to alleviate that.

I strongly support this measure and ask my colleagues to support it.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I am delighted to stand in favor of BESTEA today. I owe a lot of gratitude to our leaders on this committee, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), and the rest.

This bill provides resources to meet America's infrastructure needs, not frivolous, but needs that have been expressed by persons throughout this Nation, and not just by Members here, but all the people that we represent.

This bill provides an unprecedented commitment to improve safety on America's highways and to help reduce the 40,000 annual deaths from motor vehicles. It improves the safety for commercial motor vehicles. The Motor Carrier Safety Assistance Program has been refined to focus on performance-based goals, and funding for this program has been significantly increased. That is important. It strengthens and emphasizes our Federal commitment to the national systems of transportation that facilitate interstate travel.

Being from Texas, a border State, it creates a new border infrastructure program to ensure that needs from NAFTA-related trade and safety issues are addressed. These are very important components for the State of Texas and for our Nation.

It significantly increases funding for the Congestion Mitigation and Air Quality Program, while making some minor adjustments to the program's eligibility. All of these areas help the entire Nation, but especially does it help Texas, a very large State with lots of people with lots of cars that they hate to give up. There are elements of this bill that will address that area.

Not only is it a big State, it is one of the fastest-growing States. We have so many people on the highways every day and on our streets and roads getting to work. It is this bill that addresses those issues and helps to solve our problem. It is our responsibility as legislators to make sure that our transportation system is as safe and accessible as possible.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Texas (Mr. DELAY), the Majority Whip.

Mr. DELAY. Mr. Chairman, I am very pleased to finally get this bill to the floor. I rise in support of this bill. If the Nation's infrastructure is its circulatory system, then BESTEA keeps our Nation very healthy.

I commend the Chairman and the Ranking Member for their yeoman efforts in putting this bill together; and, in particular, I would like to thank the Chairman for addressing the concerns of our Nation's donor States, whose taxpayers for years have been shortchanged when it comes to meeting their transportation needs.

For nearly 2 years, I have lamented the lack of fairness and logic when it comes to how transportation dollars are allocated. Based on such outdated factors as the 1980 census, States like Texas have been receiving an average return of 76 cents on the dollar. As a result, only one out of every three projects of critical need has been able to be met in my own State of Texas. So I introduced the bill called Step 21 to streamline the transportation program and bring equity to funding formulas.

While I did not get as much as I wanted in this bill in the way of streamlining, I am very pleased to note that BESTEA incorporates many of our formula recommendations. The most important element is that BESTEA guarantees States the 95 percent minimal allocation on all formula programs and highway projects, which works out to about a 90 percent minimum return.

I am also extremely pleased with the creation of a national corridor program in this bill. This means we are finally on the road to completing I–69, a multi-State trade corridor of national and international significance, extending from Michigan's border with Canada all the way through Texas, where it connects to the Mexican highway system. I–69 corridor States are vital to international trade, as they carry 52 percent of the U.S. truck-borne trade with Mexico and 33 percent of U.S. truck-borne trade with Canada.

Another issue I am deeply involved in is in the Disadvantaged Business Enterprise Program, which has been at the center of a lawsuit affecting the transit agency in my district, Houston Metro. Metro was prohibited from implementing its DBE program by Federal court order, and for some 18 months FTA cut off Federal funds that it had pledged to Metro as part of a full funding grant agreement. Metro was caught between two branches of the Federal Government. I am very pleased that this committee has recognized this problem and taken care of it.

In conclusion, I just urge the committee to maintain these provisions in conference. I know it is tough being in conference with the Senate, but, in particular, it is vital that the conference report include a guaranteed rate of return that is no less than those included in this House bill. Donor States will not stand for another 6 years of funding inequity.

I once again congratulate the Chairman and the Ranking Member, and say, just quickly, a job well done.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds.

I would say to the distinguished Majority Whip that I can assure him that we will stand, on a bipartisan basis, in support of the principles that we have crafted so vigorously and, as the gentleman pointed out, so astutely in this legislation. We appreciate his support.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. Mr. Chairman, I thank the gentleman for yielding me the time.

It is a pleasure to offer a few remarks in support of this tremendous transportation bill, and I want to compliment all of our distinguished members in the Chamber who worked on drafting what I believe is to be a very equitable and reasonable bill regarding transportation spending at the Federal level for the next 6 years.

Mr. Chairman, I rise today in support of H.R. 2400 and urge my colleagues to make a strong showing in support of this landmark legislation. This bill means a lot to the citizens of my Fifth District of Michigan, to our State, and to the Nation as a whole.

I want to thank the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Wisconsin (Mr. PETRI) and the ranking minority members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from West Virginia (Mr. RAHALL), for their leadership on this critical issue.

Mr. Chairman, I want to focus on two aspects of the legislation which have drawn unwarranted criticism. First, the budgetary effects of the bill have been completely misrepresented.

Some claim to be outraged at the levels of spending in this bill. I would suggest, Mr. Chairman, that the American people should be outraged that this bill represents an increase at all. Our government has for far too long ignored the future health of our economy by disinvesting in our infrastructure.

The safe and efficient movement of goods and people makes this country great and our economy strong. But over the past 2 decades, we have fallen far behind our global competitors in our commitment to our transportation system.

This bill is about tax fairness. To my Democratic colleagues, I say, they are concerned about tax cuts which benefit the wealthy members of our society. This bill is a tax return to our Nation's working families. Those who use our transportation system pay for our transportation system, but it is not fair to withhold those taxes to mask spending in other areas.

The Congress has not followed through on its promise to use those taxes exclusively for transportation. Instead, the money in the Trust Fund has been allowed to grow while our citizens' repair bills rise. That is inexcusable. This bill will reverse that practice.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the Chairman for yielding time to me, and I commend him and the Ranking Member on this legislation and, in particular, for including funds for the widening of U.S. Highway 192.

Mr. Chairman, U.S. Highway 192 is a dangerous two-lane road that connects the south Orlando-Kissimmee-St. Cloud area with the coastal communities of Palm Bay and Melbourne, communities of about 250,000 combined.

I became interested in the widening of this road when a physician colleague of mine lost his wife on this road when a truck crossed the midline and she was killed. Ever since then, my wife will not allow me to drive on this road with her at any time.

Just last week, a truck crossed the midline. The driver was killed, closing the road, a major highway connecting two major areas in Florida, closing the road for a week because of herbicide that was spilled all over the road.

Widening U.S. 192 is not pork. Widening U.S. 192 will save lives. Closing a road for a week because of a midline crossing accident involving a truck hurts our economies. It will save lives. It will be good for our communities. It will be good for the economy.

I challenge those who would call this pork to come to my district and talk to the people who have to travel on this road, a road that should have been widened 10 years ago.

Again, I thank both the Chairman and the Ranking Member.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlewoman from Los Angeles, California (Ms. MILLENDER-McDONALD), the voice of Southern California.

Ms. MILLENDER-McDONALD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, over the last 2 years I have heard a lot of talk about building bridges to the 21st century. Let us talk about building roads and bridges for America's future, real roads and real bridges that are traveled on by real Americans. BESTEA builds those roads and builds those bridges and provides the infrastructure that will allow our Nation to move into the 21st century.

I come from the most populous State in the Nation, the great State of California, with 32 million people, 25 million registered vehicles, and moves 30 percent of our Nation's freight traffic on our highways. Clearly, we have the most traveled roads and bridges of any State represented in this House and contribute more in gas taxes to the Highway Trust Fund.

As one of the cochairs of the California ISTEA Task Force, I, along with its founder, my friend, the gentleman from California (Mr. JAY KIM), held a number of hearings throughout our great State. In those hearings our State and local elected officials, municipal planning organizations and citizens at large told us one thing: Pass BESTEA. It is a good bill for California, and we all know that what is good for California is good for the Nation.

Transportation provides substantial economic benefit to our country. According to the study by the Department of Transportation, 42,000 jobs are created for every $1 billion we invest in highways, transit, and bridges.

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How can we expect to compete in today's global economy without a world class highway and transit system?

I would like to congratulate both my chairman and my ranking member on doing a yeoman's job on bringing this bipartisan bill to the floor. I will urge colleagues on both sides of the aisle to dismiss the empty rhetoric about demonstration projects and focus on our Nation's infrastructure needs to compete in this global economy. Let us move America.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Chairman, I thank the gentleman from Pennsylvania (Chairman SHUSTER) for yielding me this time.

Mr. Chairman, I wish to speak about honesty and integrity, and this bill is a bill of integrity. I have been concerned, unhappy, and upset for almost 30 years now, since transportation funding was placed on budget, surpluses were allowed to accumulate, and the money was used to shield the size of the national deficit from the American taxpayers. That is wrong, and I am pleased that this bill ends that practice.

Mr. Chairman, the money that the public pays for gas taxes, under this bill will be used for the purpose for which it was intended, and that is transportation funding. No longer will it be used to disguise the size of the deficit.

Some people have called this bill a budget buster. If it were a budget buster, then we should reduce the tax.

But, Mr. Chairman, there is a good reason it is not a budget buster. Section 1001 makes it very clear that if the expenditures in this bill exceed the budget guidelines, spending will have to be cut back or offsets will have to be found, and we will take care of that through the budget process.

One other important issue of equity. I come from a donor State. That is a polite way of saying that Michigan has contributed more to road funding in this country than it has received back. In fact, under ISTEA, 76 cents of every dollar we sent to Washington came back to Michigan. Under this bill we will be treated much better. This bill achieves equity in funding, equity in taxation, and is an honest bill that serves the people well.

Mr. Chairman, I urge my colleagues to vote for the bill.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from West Virginia (Mr. WISE), the ranking member of our Subcommittee on Railroads and a strong advocate for transportation.

Mr. WISE. Mr. Chairman, I want to thank very much, and I think the country owes a vote of thanks, to the gentleman from Pennsylvania (Chairman SHUSTER) for his tireless efforts to bring this bill to the floor, as well as to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, for all he has done and for the bipartisan effort, Republicans and Democrats working together. This is going to be the major economic growth package that passes this Congress this year. And, indeed, it is going to be one of the most significant growth packages to pass the Congress in many a year.

It does not do all that it could or should, but it sure does a lot and begins to redress an imbalance that has been there for many years: the fact that we are not investing significantly and not investing enough in our infrastructure.

Mr. Chairman, some have called this, yes, a budget buster, and so I look at the $4 billion to $5 billion to maybe $6 billion over what was projected initially per year that this could cost. I estimate that that is roughly .003 of the total Federal budget in a year, and my guess is that we are going to be able to find that money some place pretty quickly, particularly because this bill brings about the economic growth that we need to make sure that the economy keeps growing.

There is an imbalance that needs to be corrected. Fifty-nine percent of the roads in this country need work of some significant amount. Thirty-one percent nationally of all bridges, 47 percent in my State, are in some way structurally deficient or functionally obsolete. Think about that: One out of three bridges that we cross is functionally obsolete or structurally deficient. This bill begins to address that.

Mr. Chairman, it begins to finally invest in our infrastructure. I do not mind standing in line behind orange barrels in rush hour if the orange barrel is about construction. I hate it when they are just about ordinary maintenance and nothing is being improved to speed commerce and the flow of traffic.

Mr. Chairman, this is the kind of bill that we all want to be supporting. This is a bill that grows America. This is a bill that leads to a lot of other things that we want our country to be.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. PEASE).

Mr. PEASE. Mr. Chairman, I rise in support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act. America's roads, bridges and related infrastructure are in critical need of repair. Heightened congestion and the deterioration of many of our major highways, bridges and roads can and must be repaired.

Many hours have been spent by many people on this bill. I commend the efforts of the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Wisconsin (Mr. PETRI), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), the Indiana delegation, the Governor of Indiana, and others both in the public and private sectors throughout my congressional district, the Seventh of Indiana, for their part in making this bill a reality. Through their hard work, H.R. 2400 is a fairer bill for Indiana and other donor States.

When Congress started the Highway Trust Fund, a gas tax was instituted and a promise was made to Hoosiers and all Americans that the dollars in this trust fund would be used for transportation improvements. I believe this promise must be kept.

I also believe it would be wrong for me to return to Indiana for the district work period without doing everything in my power do ensure that this bill is fairly considered and adopted. Thousands of jobs in Indiana and across America are at stake.

Mr. Chairman, with this bill we take a giant step toward that objective and toward fairness in the distribution of taxpayer dollars. I urge my colleagues to support this tremendously important legislation.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SANDLIN), a very valuable member of our committee.

Mr. SANDLIN. Mr. Chairman, first let me say "thank you" to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, and to the leadership on both sides of the aisle.

Mr. Chairman, I rise in strong support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act. This bill is the single most important piece of legislation that this Congress has considered this year.

For too long the infrastructure has taken a back seat in this country while the hard-earned dollars of our constituents have been used and paid into the trust fund for the highways and we have used it to mask the size of the deficit. With BESTEA we can say no more. No more.

Mr. Chairman, our constituents pay the gas tax with the expectation that the money they pay will be spent to improve and enhance the roads on which they drive. BESTEA meets their expectation. For the first time in 29 years, the Highway Trust Fund will be moved off budget. This important provision ensures these funds are used for their original purpose, to repair and rebuild our Nation's roads and highways.

Our transportation system is in dire need of improvement and new construction to meet the needs of the traveling public and business in the future. Today more than ever we must begin the modernization of our roads and bridges if we are to be able to handle our increasing traffic.

Today, some will argue that BESTEA busts the budget. This argument is clearly a weak attempt to make political points, and it is an argument that is easily dismantled. All the new spending in BESTEA is more than paid for by gas taxes. In fact, over the next 6 years the Highway Trust Fund will collect about $2 billion more in taxes than it will pay under BESTEA.

While I share the belief that the House should have completed its budget negotiations prior to consideration of the bill, I do not believe that local communities should be punished for this body's inaction. Passing this bill now so our States can continue to receive transportation funds is the right thing to do.

Mr. Chairman, I am especially pleased that BESTEA has improved upon our current illogical funding formulas. Under the current formula, Texas receives approximately 77 cents for each dollar that we contribute to the Highway Trust Fund. Thanks to the efforts of the leadership on both sides of the aisle in this committee, BESTEA includes important language to guarantee that Texas and other donor States receive at least 90 cents.

Finally, for those who would argue that this bill is "pork," I would say that any bill that creates tens of thousands of new jobs and increases investments in the economy is not pork in my book. Indeed, according to a 1993 CRS report, for every dollar spent building new highways, the economy is estimated to rise by about $2.43. For every $1 billion of new highway construction spending, employment is estimated to rise by 24,300 workers.

Mr. Chairman, we have put off the needs of our Nation's infrastructure long enough. This is good for our constituents and good for the economy. I urge my colleagues to join me in supporting this important legislation.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. UPTON), my good friend.

Mr. UPTON. Mr. Chairman, a couple of weeks ago Lake Champlain was added as a sixth Great Lake over in the Senate, and it was added primarily to take money away from the Sea Grant College Fund. There are many of us here that thought it was highway robbery and are delighted that the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from New York (Mr. SOLOMON), as well as Mr. ABRAHAM and Mr. LEAHY in the Senate, agreed to language that removed it from the Great Lakes status.

Mr. Chairman, I want to commend our two Michigan Members for their work on this highway bill, the gentleman from Michigan (Mr. BARCIA) and the gentleman from Michigan (Mr. EHLERS). For many years we have been a donor State, and as one that believes in trust funds, we ought to use the money in the trust funds for the purposes that they were intended for, whether it is the Coast Guard or the Airport Trust Fund and certainly the Highway Trust Fund.

I have said from the beginning that the money that we pay needs to be used as it was intended instead of financing other parts of the government. Either spend the money on our roads or give it back to us in reducing our gas tax. This bill ensures that our gas tax dollars go from the pump to the pavement. This is a good bill.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL), a vigorous advocate for transportation and a valuable member of our committee.

Mr. PASCRELL. Mr. Chairman, there is one overriding fact in here that I would like to stress, if I may, to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, who have done such a marvelous job. This bill, this legislation would spend $18 billion less than the Federal Government will collect in highway user taxes, not including the interest, over the next 3 years. Over the next 6-year life of the legislation we are about to vote on, it will spend $12 billion less than highway tax receipts.

The facts are clear, Mr. Chairman, that there is within our domain the facility to pay for what we are voting on here today. New Jersey is a perfect example of a State that will be helped. It ranks fiftieth of all the States in the Union in terms of return on our tax dollar, the very basis of Federalism upon which the Constitution was written.

This legislation is going to help us correct the major deficiencies we have in 44 percent of our bridges. Who will we turn to when another bridge is shut down in New Jersey? In just a short 6 years, there have been 230,000 new jobs in New Jersey as a result of the original transportation legislation, which my predecessor, Bob Roe, of good memory, was able to bring to this floor many, many times. We need a little history here once in a while to keep us on track.

So, Mr. Chairman, we thank you for allowing us the time here today. This is critical legislation. Let us get on with it and get it passed to help America.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER), my good friend.

Mr. BEREUTER. Mr. Chairman, I rise in strong support of H.R. 2400. I commend the distinguished gentleman from Pennsylvania (Chairman SHUSTER) and the distinguished gentleman from Minnesota (Mr. OBERSTAR), as well as the distinguished chairman (Mr. PETRI) and the distinguished ranking member (Mr. RAHALL) of the Subcommittee on Surface Transportation, for their extraordinary work.

Mr. Chairman, I think this legislation lives up to its name. It will improve the lives of all Americans by helping to create a more efficient and safer highway system. I am pleased we are restoring integrity to the trust fund.

Finally, we are returning to the principles that were established by President Dwight D. Eisenhower for the Highway Trust Fund. When Americans pay their Federal gasoline tax at the gas pump, they have every right to expect that their money actually will be used for transportation and not diverted to other purposes. Those funds do not belong to OMB or the House Budget Committee. They belong to the American people who pay those gasoline taxes to be used for transportation, primarily highway construction and maintenance.

Mr. Chairman, this bill ensures that the taxes paid at the gas pump will go toward constructing and improving our Nation's highways. Our infrastructure is in desperate need of additional resources. The gentleman from West Virginia a few minutes ago told us of the situation with the country's obsolete bridges, functionally and structurally deficient. This bill addresses these and other crying needs in our infrastructure. I urge my colleagues to support this outstanding and, I would say, very responsible legislation.

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Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. JOHNSON), representative of Green Bay.

Mr. JOHNSON of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me the time. I rise today in strong support of this bipartisan historic investment, and I repeat the word "investment," in our Nation's infrastructure and transportation. I also join many others today who salute not only the chairman, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), ranking member, for their leadership, but also the subcommittee chairman, the gentleman from Wisconsin (Mr. PETRI) and the ranking member, the gentleman from West Virginia (Mr. RAHALL), for great leadership on this bill.

For too many years when the people of northeast Wisconsin fueled their cars, they watched the numbers on the pumps turn and they watched their fair share of the gas taxes we all pay at the pump to travel to Washington only to be rerouted to another State. Our State saw only 87 cents in transportation funding for every dollar paid at the pump. Now, with the passage of BESTEA, this approach, Wisconsin will know fairness and equity.

This transportation bill guarantees Wisconsin at least 95 cents on the dollar, and we may even see much more than that. In total, Wisconsin hopes to see a 60 percent increase in Federal transportation dollars. More importantly, the next time the people of northeast Wisconsin are at the gas pumps, they will know they are investing in Wisconsin's future and the safety of our highways.

I am pleased to see this priority on safety. Safe roads save lives. Under this bill, northeast Wisconsin will see $40 million to improve Highway 41, bloody Highway 29 and Highway 10. It is an investment that we can be proud of, and I join in the praise of the chairman and the members of this committee that have brought this to the floor today.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Chairman, I rise today in strong support of H.R. 2400. By funding important transportation projects, H.R. 2400 paves the way to economic growth. This bill is the right way to move our Nation forward by providing safer roads for our citizens. It puts trust back into the Highway Trust Fund. It helps restore fairness and equity to donor States like my own State of Texas, whose citizens pay more in gasoline taxes to Washington than they get back.

It is forward-thinking legislation that addresses our Nation's evolving transportation and roadway safety needs as we advance in the 21st Century. Mr. Chairman, transportation is more than just planes, trains and automobiles. It is also about people, progress and public safety. Transportation is the only item that physically links our Nation together, and the American public has accepted Federal user taxes to pay the cost of keeping our Nation's highways and bridges sound.

As a strong proponent of a balanced budget, I believe it is dishonest to tax the American public for the express purpose of improving our Nation's highways only to have the Federal Government redirect some of the taxes in the Highway Trust Fund to pay for other spending. H.R. 2400 provides fairness by introducing much greater funding equity to donor States and to the Federal highway funding formula. Like under current law, my home State of Texas receives only 76 cents back for every dollar in Federal fuel taxes that are sent to Washington. This bill will give 90 cents back for every dollar funded. I support H.R. 2400.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. LAMPSON), a valuable member of this committee.

Mr. LAMPSON. Mr. Chairman, as the only Houston area member of the House Committee on Transportation and Infrastructure, I am pleased to have played a role in moving the BESTEA out of committee and to this floor. I applaud the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL) for the fine work that the big four produced.

BESTEA sets funding formulas to determine percentages for States to receive Federal Highway Trust Fund monies. Texas, for the past 6 years, has received only 77 cents for every dollar we pay into the trust fund. Our needs are too great to give our dollars to other States. This new legislation will make a significant increase in Texas' share of highway funds and bring us closer to equity.

For over two decades, Congress and the White House have used unobligated funds in the four transportation trust funds to make the Federal deficit look smaller. It is a sham that has kept billions of dollars locked up in Treasury notes that should be in our economy matching local and State transportation dollars continuing the process of building this country. There are plenty of uses for any funds that we can secure.

I also do not need to tell this House how important improving infrastructure is to promoting economic growth. Over the last 6 years, this Nation has dedicated $155 billion to its transportation infrastructure. Compare that to the $2.1 trillion spent by Germany and the $3.2 trillion spent by Japan over a decade to develop their respective transportation networks.

Our national transportation economy in 1994 accounted for 10.8 percent of our gross domestic product, employing over 3.2 million Americans, but at the same time congestion on our highways has risen to such a level that traffic costs American businesses $40 billion a year.

Americans waste 1.6 million hours every day sitting in traffic. We cannot allow our Nation's transportation infrastructure to erode any further. Our highways and railways must be shored up to keep transportation costs as low as possible for the sake of commerce. For the sake of our economy, now is the proper time to act. If we allow the situation to get worse, we will have to make a choice down the road to expand or repair. I do not believe that is a choice we can make. Let us pass H.R. 2400.

As the only Houston-area member of the House Transportation and Infrastructure Committee, I am pleased to have played a role in moving the Building Efficient Surface Transportation and Equity Act, or BESTEA, out of Committee and to this Floor. I applaud Chairman SHUSTER, Ranking Member OBERSTAR, Chairman PETRI and Congressman RAHALL for the fine work the "Big Four" produced.

BESTEA sets funding formulas to determine percentages for states to receive federal highway trust fund monies. Texas, for the past six years, has received only 77 cents for every dollar we pay into the trust fund. Our needs are too great to give our dollars to other states. This new legislation will make a significant increase in Texas' share at highway funds and bring us closer to equity.

The House Transportation and Infrastructure Committee has taken steps to significantly improve donor states' rate-of-return by including the $9.3 billion High Priority Projects category within the Minimum Allocation program. While BESTEA currently includes a 90% rate-of-return, I am of the hope that as the process continues, donor states will see a 95% rate-of-return on 100% of the funds distributed to the states.

For over two decades Congress and the White House have used unobligated funds in the four transportation trust funds to make the federal deficit look smaller. It is a sham that has kept billions of dollars locked up in Treasury notes that should be in our economy, matching local and state transportation dollars, continuing the process of building this country. There are plenty of uses for any funds we can secure. I also don't need to tell this House how important improving infrastructure is to promoting economic growth.

Over the last six years, this nation dedicated $155 billion to restoring its transportation infrastructure. Compare that to the $2.1 trillion spent by Germany and $3.2 trillion spent by Japan over a decade to develop their respective transportation networks. Our national transportation economy in 1994 accounted for 10.8 percent of our Gross Domestic Product, employing over 3.2 million Americans. But at the same time, congestion on our highways has risen to such a level that traffic costs American businesses $40 billion each year. Americans waste 1.6 million hours every day sitting in traffic.

We cannot allow our nation's transportation infrastructure to erode any further. Our highways and railways must be shored up to keep transportation costs as low as possible for the sake of commerce. Our products compete on a worldwide basis now, and products from countries with strong and efficient infrastructure will cost less on the market and allows producers to spend more on quality. That's the bottom line. For the sake of our economy, now is the proper time to act. If we allow the situation to get worse, we will have to make a choice down the road to expand or repair the existing infrastructure. That's a choice I don't believe this nation can afford to make.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. COBLE), a distinguished member of our committee.

Mr. COBLE. Mr. Chairman, I want to engage in a colloquy regarding implementation of the unified motor carrier registration system with the chairman and the ranking member.

In 1995, when the Congress enacted the ICC Termination Act, we instructed the Secretary of Transportation to establish a single, on-line Federal system for the registration of all interstate motor carriers. The purpose of the system was to enhance the monitoring of safety and insurance compliance.

We required the DOT to promulgate final rules by January 1, 1998, but little has been done to accomplish that. The State program, it seems to me, needlessly cost the industry about $90 million a year and ought to be replaced by a single national system as this body intended in 1995.

I ask the chairman or the ranking member, is there any optimism to resolve this?

Mr. Chairman, I would like to engage the bill managers in a colloquy regarding implementation of a unified motor carrier registration system.

Mr. Chairman, in 1995, when Congress enacted the Interstate Commerce Commission Termination Act, we instructed the Secretary of Transportation to establish a single, on-line federal system for the registration of all interstate motor carriers. The purpose of the system was to enhance the monitoring of safety and insurance compliance. We required DOT to promulgate final rules by January, 1998. That date has come and gone with little progress. This is largely because, I am advised, the DOT is uncertain what to do with state-operated insurance registration programs that duplicate the anticipated federal program.

This House had given DOT clear authority to replace the state programs, while providing the states with free access to the safety and insurance data contained in the federal system. Unfortunately, the House bill was amended in conference to require DOT to preserve the revenues from these fees if DOT replaces the state programs. This change greatly complicated the development of a simplified, uniform federal program.

The state programs needlessly cost the industry about $90 million annually. They should be replaced with a single, national system as this body intended in 1995.

We need to rectify this problem which has needlessly delayed implementation of the uniform, on-line federal system to cover all interstate motor carriers. (I would greatly prefer that we resolve this issue in conference on this bill. If that proves not to be possible, we must see that we resolve it in some other bill before we adjourn this year.)

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, I would respond to the gentleman that I agree with him. We do need corrective legislation. I want to assure him that we will continue to work with him to bring this about.

The gentleman raises a valid point.

The House passed legislation in 1995 that was amended in conference.

DOT is prevented from establishing a universal and accessible register of motor carriers for safety and insurance compliance.

We need corrective legislation, and we need it this year if possible.

We have been working with motor carriers and with the States to resolve this. I want to assure the gentleman that we will continue to work with the gentleman and the affected parties to address this issue at the earliest possible date.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding me the time.

Later today, I will offer an amendment to this bill which will expand the Access to Jobs Program. The Access to Jobs Program assists welfare recipients in making the transition from welfare to work. The amendment seeks to increase the current authorization from $42 million to $150 million. The additional $108 million authorized for this vital program does not take money from any other projects, nor does it raid the Highway Trust Fund. It is a simple authorization subject to the appropriations process. Therefore, I urge all of my colleagues to support the amendment which I will offer later today and to support this bill.

I also take the opportunity to commend and congratulate the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for their outstanding leadership in bringing this measure before us today.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the chairman for yielding me the time. I thank the chairman and ranking member for the bipartisan nature in which we have put forth this bill. I would like to say basically every time you cross a bridge, ride a train, light rail, subway, ride on a bus, commute to work, et cetera, et cetera, et cetera, who do you assume assures your safety? Well, Mr. Chairman, that is us. More accurately, that is the government. And more accurately than that, that is individuals on the House floor and the Senate side who take their role very responsibly.

I want to give one example of a problem that would be fixed by this bill, and it is Highway 113 in my district. That is a single-lane highway, and in the last 20 years, over 70 people have been tragically killed on this highway. This bill corrects that problem. I once again commend the bipartisan nature with which this bill has come forth, the ranking member and the chairman of the committee.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. BROWN), a valuable member of the committee.

Ms. BROWN of Florida. Mr. Chairman, I want to indicate my strong support for H.R. 2400 and thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for working hard on the donor State issue, and making this day possible. As the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) said, this is money for transportation from those who use transportation and pay for it in gasoline taxes. It is a common-sense approach to funding infrastructure.

Much has been said about the high priority projects, and I just want to say that these projects ensure safe travel for millions of Americans and help stimulate the economy. As the chairman has said, sometimes money going to States does not trickle down to all parts of the State. Poor and rural communities are not always represented, and a high priority project from a Member of Congress is the only way some of these needy projects can be funded.

I also want to say that I work very closely with the local mayors, city councils and commissioners and citizens when it comes to determining necessary projects. It is a true partnership between all levels of government. This is not pork, Mr. Chairman, it is bringing the transportation infrastructure of this country up to a world class level. Safety for all Americans and good for our economy.

Mr. OBERSTAR. Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Chairman, Maine is currently at a critical crossroads. Projected public investment for Maine's highways and bridges fall far short of the level of funding needed to maintain the system in its current condition and address the significant backlog of needs. In bridges alone, we are looking at work that is estimated to be a shortfall of over $5 million. We are looking at the road system. We are looking at shortages of $32.2 million. Maine is a very large rural State.

The district I represent is the largest physical district east of the Mississippi. We are trying to repair the existing road work and the shortages that we have experienced through the last reauthorization which have left some pot holes along the way.

This funding measure will go to significantly repairing the damaged roads, bridges, ports and airports. I ask for Members' support. This funding that we were under, the Federal levels have not been increased and the money that would be available under this program in these alternatives will certainly go to enhancing Maine's balanced transportation network. I encourage all of the Members to support this measure and to be able to move forward on reauthorization in a timely fashion.

Mr. OBERSTAR. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I rise in strong support of H.R. 2400 and the manager's amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. Chairman, I rise today in support of H.R. 2400 and the manager's amendment offered by my distinguished colleague, Mr. SHUSTER. As Co-chairman of the Congressional Native American Caucus, I want to speak briefly on the condition of roads in Indian country and on two amendments that Mr. SHUSTER has included in the manager's amendment.

There are more than 50,000 miles of roads that serve hundreds of Indian reservations throughout the United States. Indian reservation roads make up 2.63% of all existing roads eligible for ISTEA funding. However, tribes receive less than 1% of ISTEA funding for these roads.

If Indian country were to receive its full pro-rata share of the billions included in this bill, Indian reservations would receive $4.7 billion over six years, or $793 million per year. Mr. Chairman, when you compare this amount with the recommended funding level for Indian roads, $212 million per year in H.R. 2400 and $250 million per year in S. 1173, the recommended amount hardly seems adequate.

The condition of roads in Indian country endangers the health and safety of those living on Indian reservations and inhibits economic development. In inclement weather, over 30,000 miles of roads serving Indian reservations are impassable. Things that most of us take for granted like access to emergency services, or availability of heating fuel and groceries, are not available on many reservations for several months of the year. No business is going to locate on an Indian reservation that cannot offer a basic transportation infrastructure.

The condition of bridges on Indian reservations is even more dire. A recent survey by the Bureau of Indian Affairs counted 4,000 of these bridges and found 190 to be deficient to the point of needing replacing or undergo major repairs. The estimated cost to replace or repair bridges is more than $40 million. Under H.R. 2400 and S. 1173, the requested amount for the reservation bridge program is $9 million. While I support funding for the bridge program, this amount still falls short of addressing the need in Indian country.

Two amendments that Mr. SHUSTER includes in the manager's amendments will encourage tribes to be more self-sufficient. These amendments would allow certain tribal governments to receive transportation funds and directly administer them. They would also require that the Secretary allocate funds to tribes according to a negotiated rulemaking process.

While I agree with the idea of the current language in the manager's amendment, I disagree with the recommended process that will be used to accomplish these goals. It is my hope that when this bill goes to Conference, the conferees will agree that tribal governments should manage their funds according to the authority of Public Law 93–638, the Indian Self-Determination and Education Assistance Act of 1975.

Each year, under P.L. 93–638, the Bureau of Indian Affairs and the Indian Health Service directly transfers hundreds of millions of dollars to tribal governments so they can administer governmental services and construction projects. P.L. 93–638 provides for streamlined administrative efficiencies while preserving program and financial accountability.

In closing, I strongly urge the House conferees to support the recommended amount in S. 1173 that provides $250 million per year for the Indian Reservation Roads program, and to allow tribes to receive funds and directly administer them under P.L. 93–638.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I thank the chairman and ranking member. I rise today in support of H.R. 2400.

Think about this. In the next 5 years in central Orange County, that is Anaheim, Gardon Grove and Santa Ana, we will be spending over $5 billion in new construction and modernization. That is the private sector and that is the public sector; the public sector in our infrastructure needs for all of this new construction and modernization going on.

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It is the rising economy of Orange County. It requires local dollars, State dollars and, yes, the dollars that we from Orange County send here to be returned back to help our crumbling infrastructure. That is why I am proud to say that I am part of this responsible bipartisan initiative that was written with the support of diverse transportation communities from business to labor, contractors to environmentalists, from engineers to safety advocates and to cyclists.

These groups see that America is growing and prospering, but our transportation infrastructure is lagging behind. And this bill picks up the pace and our highways. I believe that this bill will improve America, will improve our futures. The projects included are important and very cost-effective, in particular in Orange County.

Our Nation's networks of road and transit systems are the arteries that keep the economic heart of our country beating. Without this blood supply, our country's economic body would suffer an irreversible financial heart attack. Please join me in supporting this important piece of legislation.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the Chair, how much time remains on our side?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 16½ minutes remaining. The gentleman from Pennsylvania (Mr. SHUSTER) has 5 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding.

I want to congratulate the Chairman, the gentleman from Pennsylvania (Mr.

SHUSTER); and the gentleman from Minnesota (Mr. OBERSTAR), the Ranking Member; and others for the very fine work they have done on this important bill.

Mr. Chairman, the truth of the matter is that the infrastructure of the United States of America is rotting. It is falling apart right under us. And our roads, our bridges, our mass transportation, which is our rail system, our rural bus system, our bicycle paths, are in major need of repair; and it is high time that we paid attention to those needs.

In the State of Vermont, we have a major infrastructure problem which has been made worse in recent years by flooding, flooding which is occurring today in the State of Vermont, further damaging our infrastructure. All over Vermont bridges are in serious need of repair, and this bill begins to address that problem.

Sixteen million from this legislation is going to the Missisquoi Bay Bridge in Franklin County, Vermont. This bridge in the northern part of our State serves as a vital transportation link for New York, Canadian, and other New England traffic and would have been virtually impossible to rebuild without help from the Federal Government.

What we now have is a deteriorating two-lane bridge, which, in light of its high level of truck traffic, poses a significant hazard to the traveling public and is a serious deterrent to interstate and international commerce.

The State of Vermont's Agency of Transportation regarded this project as the State's highest transportation priority, and this $16 million will be a significant step forward in helping to rebuild that bridge.

Mr. Chairman, we hear about budget busting. In my view, tax breaks for the wealthy are budget busting, corporate welfare is budget busting, spending money that the military does not need is budget busting. But rebuilding the infrastructure of this country and putting our workers to work at decent-paying jobs is doing exactly the right thing. It is improving the economic well-being of this country, and it is long overdue. I congratulate our friends for the work that they have done.

Mr. SHUSTER. Mr. Chairman, I yield as much time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I would like to compliment the Chairman for his hard work. It is truly good work, a good product.

Mr. Chairman, I rise today to thank Chairman SHUSTER and Ranking Member OBERSTAR for their dedication to bringing H.R. 2400, the Building Efficient Surface Transportation and Equity Act, to the House Floor. The House Transportation and Infrastructure Committee has taken positive steps to significantly improve donor states' rate-of-return.

Indiana is and has been a donor state. For years now, Indiana has received only 77 cents for every $1 generated in federal gas tax revenues in Indiana. Now that the National Highway System has been completed, the time has arrived for Congress to bring fairness and equity back into transportation funding and spending.

BESTEA includes a 90% rate-of-return. The Senate-passed version contains a 91% rate-of-return. As the process continues, donor states continue to seek a 95% rate-of-return.

Both versions have made great strides to bringing fairness and equity to the funding. It would not only be unfair, but also an injustice for the Conference Committee to not support the great strides that both Chambers have made. I encourage Mr. SHUSTER and Mr. OBERSTAR to continue the fine work they have begun with this bill as it moves to conference.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I would like to engage in a colloquy with the Chairman of the committee.

Mr. Chairman, I thank you for the opportunity to discuss one of ISTEA's most vital safety initiatives, the rail-crossing safety program.

Last year, I testified before the Subcommittee on Surface Transportation in support of legislation which I have introduced to change the formula for ISTEA's rail-crossing safety program which allocates funds to States based on a number of rail-crossing accidents and fatalities.

Although BESTEA does not change the formula by which these funds are distributed, I do want to commend my colleague for increasing by 41 percent funds allocated to the highway rail-crossing safety program in BESTEA. As this bill moves to conference, I ask my colleague to ensure that that priority funding be maintained.

Several hundred people are killed, and thousands more injured, every year in the United States as a result of vehicle-train collisions at highway-rail grade crossings. Just last week, a resident of Lake Station, Indiana died when a train struck his car at a rail crossing without gates, marked only by stop signs.

Although BESTEA does not change the formula by which these funds are distributed, I do want to commend you for increasing, by 41%, the funds allocated to the Highway-Rail Grade Crossing Safety Program in BESTEA. As this bill moves to conference, I ask you to ensure that this priority funding is maintained.

Mr. SHUSTER. Mr. Chairman, if the gentleman will yield, I would say that the gentleman has accurately pointed out the importance of this provision, and he certainly has my assurance that we will do everything we can to defend this provision, as we will with every House provision as we go to conference.

Mr. VISCLOSKY. I appreciate the gentleman's concern.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, Indiana is known as the crossroad of America. It is nicknamed the crossroad of America not only because it connects the people to their communities, but because it is in central America and it connects the east to the west. This bill is an investment in Indiana's connection to its people, it is an investment to its communities, and it is an investment to the rest of America.

This bill is important because it is about public safety, it is about an investment in our economy, it is about our security. These are very, very important measures that we consider today.

People in La Porte and Michigan City and Rolling Prairie, Indiana, tell me that roads are the single most important issue to many of them; and we must spend money to repair our roads before we spend more and more and more money to repair our cars and our automobiles. This is a prudent investment.

Now, I would say, as complimentary as I am to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR), they have been fair and judicious, I would encourage them to continue to be fair and judicious in conference; and as we look for offsets in conference, I strongly encourage them not to go into public education.

As shootings go up in our public schools and test scores come down, it is cutting our nose off to spite our face, it is hurting our businesses if we take money out of public education for our children.

Secondly, I want to commend the Chairmen for their addressing the donor State issue for Indiana. Indiana will get close to a billion extra dollars under the 6-year provisions of this bill because of the way the Chairmen have treated donor State issues. I hope and pray that they continue to hold to those areas and those concerns in conference with respect to Indiana.

Finally, there is some criticism about the expenditure. China will spend $1 trillion on public investment over a 3-year period. The United States will spend one-third of that over a 6-year period. We need to invest in public safety.

Mr. SHUSTER. Mr. Chairman, I yield myself 15 seconds to inform the body that, this being April 1, somebody has sent out a bogus press release from my office saying that I oppose high-priority congressional projects. I just want to make sure that everybody understands this is in the good spirit of April Fool's Day, and it is not accurate.

Mr. OBERSTAR. Mr. Chairman, I yield myself 10 seconds to say that is absolutely astonishing. This is April Fool's Day, but this is not the time for that sort of thing.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, the most congested and the most dangerous section of Interstate 35 anywhere between Canada and Mexico is in my hometown of Austin, Texas. Correcting the gridlock on Interstate 35 is vital not only for the central Texas economy but for everyone in this Nation that relies on this vital transportation artery. I commend the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Wisconsin (Mr. PETRI), and all of the Members that have worked so hard to produce this bill.

We have followed their example with a broad regional bipartisan coalition to build a bypass to I-35 in Texas known as State Highway 130. Our work on SH-130 demonstrates the wisdom of the Chairman's support of demonstration projects. These high-priority projects like SH-130 are a way of assuring that our priorities are addressed by both State and Federal transportation bureaucracies.

These bureaucracies are not the know-all and the be-all on planning transportation. Sometimes the bureaucratic number-crunchers forget that their actions can crunch people and can crunch neighborhoods as well as numbers.

In the case of SH-130, we have required in this bill a specific route endorsed unanimously by City Council members and commissioners as well as some State legislators. We have also specified that that money must be expended solely for the construction of that portion of SH-130 within Travis County and south of U.S. 290.

From the outset, I have supported a bypass for traffic, not a bypass of local community concerns by an unresponsive bureaucracy. Now is the time for the Texas Department of Public Transportation to apply some of the $10½ billion that it is receiving in this bill to build SH-130, build it now, build it in the right way to the east of Decker Lake in Travis County, Texas.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL), a very distinguished member of our committee.

Mr. BOSWELL. Mr. Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER).

I really appreciate, being a newcomer, and inquired about coming to this committee. I knew a lot of important work was to take place there. So I inquired about the Chairman, and I inquired about the Ranking Member. I was informed and it has been proven out that they have worked together and that the committee is open. So I come as a newcomer, realizing that commerce has got to move across this country in order for us to compete, to compete with the elements of the Pacific Rim and European Union and we have got to do it.

My colleagues, I really appreciated it when they pointed out that some of this increase is giving up the interest and other aspects that they pointed out, not to repeat them. So this is a doable thing, and this country will benefit from it.

I often wonder what it would be like—the gentleman from Indiana (Mr. ROEMER) said it is the heartland, and we claim the heartland. So I will just claim the belt buckle, if I can, for Iowa. But I can imagine the embarrassment if commerce is moving back and forth across this country and they got to Iowa and we had to put up a sign that said, "Excuse me. Slow down to 35 or 40 miles an hour because we cannot repair our bridges and fill in the potholes and make those improvements."

We cannot do that. We are not 50 separate countries; we are 50 United States. So I think this is pointing that out, and it is going to help our country as a whole. Some things we just got to do to keep up. And we do not want to get behind. We are already behind, and we will never catch up if we do not keep up.

So I am very pleased to be supporting this very important thing. It is probably the most important thing we do in the entire 2 years we are in this assembly. Thank you for your efforts.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN. Mr. Chairman, like a lot of my colleagues today, I would like to thank both the Chairman and our Ranking Member and the Committee on Transportation and Infrastructure for the fine work on H.R. 2400. I believe it is good not only for our Nation but also for the State of Texas that I represent and also for the district and the community I represent of Houston.

BESTEA is the fairest and best bill for donor States such as Texas because it guarantees that each State receives back at least 95 percent of the amount it pays out in gasoline taxes. Transportation funds are imperative for a State as large as Texas, and we need a transportation funding bill that makes sure we receive adequate funds just to maintain the safety on our roads and highways.

As a border State, Texas is impacted by large amounts of traffic resulting from trade with Mexico. This high volume of traffic passes through I-69, which runs through the middle of my district. We must make sure that funds are included for trade corridors such as I-69 because NAFTA has so dramatically increased the traffic through Texas. Also, ISTEA originally was based on intermodal. With the Port of Houston and I-69, it makes that intermodal transportation work.

In addition, I support BESTEA because it recognizes the importance of demonstration projects to solve local transportation problems.

For 5 years, as a Member of Congress, I have worked with the Committee on Transportation and Infrastructure on a grade separation project; and I am glad to see it is in this bill. This project protects the lives of not only the residents and people who work in the Manchester community in East Houston but, again, it is the definitive reason we need demonstration projects on intermodal transportation, a grade separation over nine tracks that will be great for the business community but also for the residents there. Funding these demonstration projects such as this is long overdue and must be protected in BESTEA authorization.

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Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the Chairman and the Ranking Member for his leadership, and I thank the committee as well. I rise to support H.R. 2400.

Let me point out that, in the 18th congressional an urban district, this legislation will bring our communities together with the funding of hike and bike trails, many constituents in my district have long asked for such transportation tools.

It is also very important to note that we will be rebuilding our Nation's infrastructure, the highways, and roads so badly needed. But what is very important to the city of Houston, is the understanding that H.R. 2400 authorizes not only a Houston regional bus plan for final design and construction, and the Houston Advanced Transit program for planning activities, and preliminary engineering.

This allows Houston to look into the options of bus and/or rail. The City of Houston is the fourth largest city in the Nation, with over 1.4 million residents and, as such, must be able to explore all of the transportation options to its residents.

The City experiences frequent traffic congestion. Currently, Houston receives a certain amount for its Better Bus Program and has received such funds for approximately 6 years. Houston does not at this time receive any funds for a rail system.

My Democratic colleagues in the Houston area support this option. I hope the gentleman from Texas (Mr. ARCHER) will work with me to make sure that this option comes to the City of Houston. The City of Houston is preparing and has announced a Transportation 2000 study that will include consideration and review of options such as commuter rail and other forms of urban rail systems for Houston.

I am delighted that this bill in its wisdom will allow the City of Houston to consider the options of bus and/or rail. I believe rail is needed in our community. In fact several transportation options are needed for our city, which is the fourth largest city in the Nation. And or well, it is needed for inner city Houston. This legislation will support such options as rail to be pursued by Houston as the city may desire.

Mr. Chairman, I rise today in support of H.R. 2400 as a modernization of America's highway and transportation systems for the 21st century. This bill provides for developing the infrastructure that our economy needs to continue its miraculous growth well into the next century. Transportation is clearly a factor in the development of our economy and will be an element for our continuing economic success in this ever-changing new world order. The modernization and technological advancement of our transportation systems that are contained in this bill are essential to our nation. Mr. SHUSTER and Mr. OBERSTAR as well as all of the members of the committee should be commended for their excellent work.

Our large and complex transportation system unites us and connects even the smallest town with the rest of the world. Transportation and our highways touch every person in this country, it comprises 11 percent of our Gross Domestic Product and makes up one-fifth of the typical American household budget.

However, there are some fundamental problems with how BESTEA will be funded. The ground-breaking balanced budget agreement of last year gave us the guidelines and caps necessary to keep our spending within our means. Many of our vital social programs were asked to sacrifice their monies in the name of fiscal restraint. Now we are asked to vote on a bill that exceeds the budget caps by $26 billion.

Mr. Chairman, I am concerned as to which programs the Republicans will cut in order to make way for the $26 billion we are asked to spend today. It is imperative that these cuts will not be made by the conference committee at the expense of the disadvantaged, our children and those citizens who do not have the resources to have a lobbying group pressuring that committee.

Another troubling aspect of this bill is the possible amendment to end the Department of Transportation's Disadvantaged Business Enterprise Program. This is a program that for over two decades has been providing equal opportunities for women and minorities competing for highway and transit contracts.

Since its inception, small businesses as well as women and minority-owned construction firms are now participating in building our nation's highways. Their participation has increased from 1.9 percent in 1978 to 14.8 percent in 1996. By reaching out to and fostering new business relationships, this program has countered the effects of discrimination and good old boy networks which had been road blocks for many years.

These facts were recognized by the Senate as it voted to preserve this 15-year-old program as we should also. We all wish that we lived in a world that was free from discrimination, but we don't. But, this program is not about quotas or set-asides as some members want to characterize it. The statute only relies on flexible goals.

The program also complies completely within the "strict scrutiny" standard of the Supreme Court decision in Adarand. The Department of Transportation has recently published proposed rule changes in response to that standard. There is clearly a compelling governmental interest in redressing past discrimination in DOT-assisted contracting. Minority-owned construction firms represent about 9 percent of all such firms and receive only about 5 percent of construction receipts. The 10 percent national goal is constitutional, good policy and still necessary. BESTEA with it is unacceptable.

Mr. Chairman, I am a part of a state delegation that will be getting back less than they will be paying in our taxes. Texas will be getting more than $1.7 billion in formula distributions and over $216 million in demonstration projects with this bill. However, Texans will be getting back only about 90 cents on the dollar, but I understand the needs of the other states. For my own part, Houston will benefit from a new "Hike and Bike" path, new buses and rebuilt roads. I am also advocating a study on the use of light rail for Houston. As the fourth largest city in the country, it is appropriate that we consider light rail as a substitute for using our streets and highways.

Mr. Chairman, I support this bill with these exceptions. We need to continue the effective and efficient transportation system that this bill provides for the betterment of all Americans.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the Chair how much time remains on both sides?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 3½ minutes remaining, and the gentleman from Pennsylvania (Mr. SHUSTER) has 5 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 3½ minutes.

Mr. OBERSTAR. Mr. Chairman, this brings us to the end of a very long and productive general debate period when we have heard fulsome praise for this legislation from all sectors of this country, all spectrums of our society, from urban and suburban and exurban and rural America, from coastal and border America, from all spectrums, all aspects of the economic slices of our country.

It has been very encouraging to see the enormous outpouring of support from Members across the body for a truly visionary piece of legislation. It does, indeed, do all these things that all of our colleagues have praised the legislation for.

I have a few things of my own that are very special to me. We continue the Rails to Trails Program, continue the Bicycling and Pedestrian Walkways Program that has made it possible for more than 10 million Americans to buy bicycles, become bicyclists.

I am an avid cyclist myself. I have pedaled over 2,100 miles on the open road last year. I want to see more people using bike to commute from home to work, as is done in Chicago.

We preserve and continue the Congestion Mitigation and Air Quality Improvement Program which, in Chicago, has enabled that city with wise use and wise investment of those dollars to improve its Air Quality Index over 15 percent in the 6 years of ISTEA.

We continue the Scenic America Program with the Scenic Byways Program that was initiated in ISTEA, again stimulating the tourism travel sector of our economy, which is nearly a $400 billion sector of our economy, one that generates a $20 billion surplus balance of payments for this country, inbound tourism expenditures here over what Americans spend traveling abroad.

We will initiate in this legislation when it is finally enacted a very important part of our Welfare to Work Program that was passed in the last Congress. It is very hard to get people to jobs if they do not have the means to get there.

My middle daughter, Annie, works in Jubilee Jobs in the Adams Morgan area of Washington, D.C., trying to place people from the homeless shelters, those who have fallen from the welfare net in the Hispanic and black community of Northeast/Northwest Washington. The biggest single problem she faces with her clients is getting them to and from their job.

This innovative experimental program, pilot program, will help cities across this country do there what Chicago has done in its city with a program of welfare to work, provide means of transportation for those who need to get to the places where the jobs are located.

All in all, all told, this is the bill that the visionaries of 1956 could not have foreseen. This is a bill that the Members of this Congress who stand on their shoulders, who look into the future have said to the gentleman from Pennsylvania (Mr. SHUSTER), this bill will be an everlasting legacy of his service in this Congress. I hope he will serve many more years. But whatever those years, this will be his greatest achievement and the greatest legacy that we could leave to future generations.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I certainly thank my good friend, the gentleman from Minnesota (Mr. OBERSTAR), and all our colleagues on both sides of the aisle for making this a truly bipartisan team effort for the good of America.

In closing, I want to particularly recognize our staff, which has done such an outstanding job, particularly the Subcommittee on Surface Transportation and Committee on Budget staff, and most of all Jack Schenendorf, the Chief of Staff of our Committee on Transportation, the largest committee in the Congress, indeed the largest committee in the history of the United States with 75 members.

Jack Schenendorf is truly a leader of extraordinary capability. Without his dedication and perseverance, intelligence and experience, the staff would not have been able to accomplish everything they did.

That staff and those who have contributed so much include Roger Nober, Debbie Gebhardt, Chris Bertram, Susan Lent, Adam Tsao, Darrell Wilson, Bill Hughes, Linda Scott, Patricia Law, and Mary Beth Will.

Certainly, the Members on the other side of the aisle equally stand shoulder to shoulder with me to recognize the staff on both sides, because, indeed, this is a joint staff working together for the betterment of our country.

Let me close by focusing on the two fundamental principles that we started out with in this debate today, the first fundamental principle being that this legislation puts the trust back in the Transportation Trust Fund. It is honest budgeting.

It says that the 18.4 cents gasoline tax that the Americans pay in the related transportation taxes, the revenue, and only that revenue, will be spent from the Trust Fund to rebuild America's infrastructure.

Indeed, there can be no deficit financing here. The money must be there. It is the most fiscally responsible kind of Federal spending we can have. We only spend the revenue that comes in. Indeed, as part of our agreement, we have agreed to forgo the interest on the balance in the Trust Fund, which means the national debt will be reduced by close to $15 billion over the life of this bill.

Beyond that, we have agreed to turn back $9 billion in the Transportation Trust Fund. So between the foregone interest and the $10 billion that we will turn back, it adds up to approximately $25 billion, a reduction in the national debt, real dollars, real reduction in the national debt. That $25 billion approximates the increased spending in this legislation.

The second fundamental principle is that we begin to meet the transportation needs of America. Our highways are in poor condition. There are 42,000 people killed on them every year, and 9,000 of those being killed are kids. In fact, of those fatalities, about 12,000 to 13,000 are attributed to bad roads, which means we will be saving lives. I am told, over the life of this bill, we will be able to reduce fatalities by about 4,000 lives a year.

Beyond that, we provide an economic stimulus, increase productivity, jobs, have tremendous support from all sectors of the country. The 50 governors, the cities, the counties, the environmentalists, safety leaders, labor, Chamber of Commerce, triple AAAs, this bill has extraordinarily broad support. It is good for America. It puts honesty in budgeting. We spend only the revenue that comes into the bill.

For all those reasons, I urge my colleagues to support this legislation that we are bringing to the floor, because we will rebuild America as we move into the 21st Century.

Mrs. MORELLA. Mr. Chairman, I would like to thank Chairmen SHUSTER and PETRI as well as Ranking Democratic Members OBERSTAR and RAHALL for their cooperation in bringing a Research Title to the floor which incorporates most of the significant research and development provisions from H.R. 860 as reported by the House Committee on Science. I believe our cooperative efforts of the past have contributed significantly to strengthening the Department of Transportation's surface transportation research and development portfolio, and I am equally convinced that our efforts during 1997 and 1998 will take these research programs to the next level.

I also appreciate the Transportation Committee's willingness to keep the dialog going in the areas in which we could not reach final agreement and their willingness to consider our few remaining concerns in the context of the upcoming conference with the Senate. I am convinced that this approach will lead to a unified House position in these negotiations and a stronger final product for the President to sign.

At this point, I would like to point out a number of the provisions of H.R. 860 which can be found in the Manager's Amendment. The provisions were crafted in a cooperative and bipartisan fashion by members of the Science Committee. First, the amendment includes H.R. 860's "Sense of Congress" that the Department of Transportation should place a high priority on addressing the Year 2000 problem in all of its computer and information systems. The amendment includes provisions from H.R. 860 to expand the Department's Research and Technology program to include: testing and evaluation of bridge, concrete and pavement structures; environmental research; human factors research; research on the use of recycled materials such as paper and plastic fiber reinforcement systems; knowledge of implementing life-cycle cost assessment; and standardized estimates of useful life for advanced materials.

Provisions from H.R. 860 are included in the amendment to commission a study by the National Academy of Sciences regarding the need for a new Strategic Highway Research Program or similar effort and to require the Department to establish a strategic planning process for surface transportation R&D. The Amendment further requires the plan to be consistent with the provisions of the Government Performance and Results Act of 1993. A surface Transportation-Environment Cooperative Research Program designed to provide State and local transportation officials with the tools and knowledge necessary to better understand the impacts of transportation decisions is also included in the amendment. Finally, the amendment includes small changes to the Intelligent Transportation Systems (ITS) provisions of the bill to expand the goals of the program and to extend the research activities of the program to include human factors research on the science of the driving process; the effects of cold climates on ITS; and magnetics.

Again, I wish to thank my colleagues on the Transportation Committee for their cooperation and I look forward to working with them in Conference. The remainder of my statement reflects the views of the Committee on Science on the legislation.

The Committee on Science, for almost twenty years, has worked closely with the Committee on Transportation and Infrastructure to craft transportation research and development authorizing legislation. Our tradition, rather than to enact separate transportation research and development legislation, has been to write our own legislation and then to work out our differences with the other Committee prior to House floor consideration of transportation measures. In 1991, Congressman Norman Mineta, who was both a member of our Committee and Chairman of the Surface Transportation Subcommittee, offered our compromise legislation during the Transportation Committee markup. This year our Committees agreed that the Managers Amendment on the House Floor would be the appropriate time to merge our work product, H.R. 860—the Surface Transportation Research and Development Act of 1997 as reported by the Committee on Science, with the bill HR 2400—the Building Efficient Surface Transportation Equity Act of 1998 which is before us today.

The Science Committee is pleased the Manager's Amendment to H.R. 2400 includes a provision from H.R. 860 expressing the sense of Congress that the Department of Transportation should give high priority to correcting the Year 2000 problem in all of its computer systems to ensure effective operation in the Year 2000 and beyond. The Department needs to develop a plan and a budget to correct the problem for its mission-critical programs. Currently, the Department has only fixed 23 percent of its mission critical systems. The Department also needs to begin consideration of contingency plans, in the event that certain systems are unable to be corrected in time. The Committee believes Congress should continue to take a leadership role in raising awareness about the issue with both government and the private sector. The potential impact on the Department's programs, if the Year 2000 problem is not corrected in an effective and timely manner, is substantial and potentially serious. It is imperative that such corrective action be taken to avert disruption to critical programs.

The Committee is pleased the Amendment includes important provisions from H.R. 860 which seeks to improve the performance of the federal investment in surface transportation research by requiring the Secretary to establish a performance-based strategic planning process consistent with the Government Performance and Results Act of 1993. The strategic planning process will address deficiencies in the current program, as identified by the General Accounting Office, Transportation Research Board, and other transportation research and development stakeholders, by setting a strategic direction, defining national priorities, coordinating federal efforts and evaluating the impact of the federal investment in surface transportation R&D. As envisioned by the Results Act, a strategic plan will be developed and include review and comment from industry, the National Research Council and other advisory boards. The plan will be submitted to Congress within one year after enactment and updated as required by the Results Act.

H.R. 2400, as amended by the Manager's Amendment, includes language to reauthorize the Department's Highway Research and Technology (R&T) Program which is very similar to the provisions of H.R. 860. There is wide agreement on the need to allow the Department to engage in research, development and technology transfer activities designed to improve the safety, efficiency, and effectiveness of the surface transportation system. The amendment includes provisions from H.R. 860 requiring the Department to include in the advanced research program: diagnostics for the evaluation of the condition of bridge and pavement structures to enable the assessment of risks of failure, including from seismic activity, vibration and weather; environmental research which may include among other things development of environmentally safe coatings for surface transportation infrastructure; and human factors research including the prediction of the response of current and future travelers to new technologies. In addition, the Committee believes that destructive testing simulating seismic activity, vibration and weather on certain bridges and pavement structures that are in the process of being replaced offers the potential to improve methods of structure design, construction and rehabilitation.

The Amendment further requires the Department's Highway R&T Program to include a program to strengthen and expand surface transportation infrastructure research and development. The program is required to include testing to improve the life of bridge structures, including tests simulating seismic activity, vibration and weather; research on the use of recycled materials, such as paper and plastic fiber reinforcement systems; expansion of knowledge of implementing life cycle cost assessment, including establishing the appropriate analysis period and discount rates, learning how to value and properly consider user costs, determining trade-off between reconstruction and rehabilitation, and establishing methodologies for balancing higher initial costs of new technologies and improved or advanced materials against lower maintenance costs; and standardizing estimates of useful life under various conditions for advanced materials of use in surface transportation, developed in conjunction with the National Institute of Standards and Technology and other appropriate organizations.

The Committee on Science was especially interested in utilizing the R&T program to both save money and make sure that innovations penetrated the marketplace. Similarly, the Committee notes that there has been very little follow-on to the experiments to date in alternatives to low-cost bidder contracting and feels the more that can be done to increase the knowledge base associated with contracting alternatives, the easier it will be to justify innovations in highway construction. In addition, the Committee supports research on the use of recycled materials such as paper and plastic fiber reinforcement systems. Research in this area indicates that technically equivalent recycled plastics are potentially much cheaper than the expensive welded fabric, which traditionally has been added to standard concrete for crack control.

The Science Committee is pleased the Amendment includes a provision from H.R. 860 to commission a study to be conducted by the National Academy of Sciences regarding the need for a new Strategic Highway Research Program (SHRP) or similar effort. The original SHRP program has yielded over 100 pavement products that combines to save our nation over $690 million per year in highway operations and maintenance costs. The legislation directs the Secretary to work with the transportation community to study and specify the goals, purposes, needs, agenda and structure for a new SHRP program or similar effort. The study will help to ensure that the Department continues its strong partnership role with States, the Transportation Research Board and industry to move technology and innovation into common practice.

Under the State Research Program, the amendment includes a provision from H.R. 860 asking each state to report annually to the Secretary on the level of its funding for research and development provided through this program. A state may provide such information as part of existing reports that the state provides to the Secretary. This provision is not intended to require any additional reporting from the States. Its purpose is simply to provide a more accurate accounting of each state's surface transportation research and development activities. Currently, it is difficult to track research or to separate it from other permitted uses of funding under this section.

The Science Committee concurs with H.R. 2400's provisions to reauthorize the Local Technical Assistance Program (LTAP). LTAP improves access to surface transportation technology and serves as the primary channel through which innovative transportation technology and training are delivered to both urban and rural communities. The Manager's Amendment includes language from H.R. 860 to add concrete to the road and transportation areas of which the LTAP is to expand the knowledge and expertise of rural and local transportation agencies. Concrete is an area where substantial knowledge in the research community has not adequately filtered down to the working level and where universities who train the engineers and other experts involved in highway construction have a major contribution to make in solving the technology transfer problem. For instance, the Committee would like to see the development of partnerships among state Departments of Transportation, industry, and associations to address educational and training needs, to provide testing services and cooperative applied research, to demonstrate new technologies and product applications, and to link architects, engineers, and contractors to speed adoption of industry advancements for commercial benefit to the surface transportation industry, including the area of concrete management.

Other provisions from H.R. 860 have also been included in the amendment to expand LTAP's modern highway technology to include implementing life-cycle costs assessment and standardized assessments of useful life under various conditions for advanced materials. The Committee understands that one of the impediments to rapid deployment of advanced materials in local high construction projects is the difficulty of estimating the contributions these materials can make to reducing life cycle costs of roads, bridges, and other highway structures. The Committee feels a research program geared to understanding the likely useful life of these materials under a variety of conditions will decrease uncertainties associated with innovation and increase the comfort level of local officials as well as their willingness to buy new products.

The Committee is pleased H.R. 2400 includes provisions from H.R. 860 reauthorizing both The Dwight David Eisenhower Transportation Fellowship Program and the National Highway Institute. The Eisenhower Fellowship Program continues to attract qualified students to the field of transportation research to assist in developing the professional workforce necessary to face future transportation challenges. The National Highway Institute (NHI) continues to provide education and training to Federal, State and local transportation agencies in proactive effort to apply state of the art transportation technologies emanating from the Department's R&D programs. The NHI is the leading resource within the Department for providing high quality comprehensive education and training programs tailored to meet the needs of transportation professionals at all levels of the Federal, State and local government, as well as industry.

H.R. 2400's National Technology Deployment Initiative is very similar to H.R. 860's Technology Partnerships Program in that it will encourage new transportation technology partnerships between the Department and State, local, private, academic, and other entities. The Committee believes it is essential that the Department continue its strong partnership role with government and the private sector to move technology and innovation into common practice. In selecting projects under this program, the Committee supports giving preference to projects that leverage federal funds with other significant public or private resources.

The University Transportation Centers (UTC) Program is one of the few areas where the Science Committee and the Transportation Committee failed to reach complete agreement on the provisions of the legislation. The Committee recognizes the UTC Program has been shown to be an effective means of advancing transportation technology and expertise and believes that one of the program's strengths is directly related to the fact that most UTCs had to compete to participate, stimulating a high degree of continuous improvement raising the quality of the entire program. H.R. 860 requires participation in the UTC program on a peer-reviewed, competitive basis. H.R. 2400 allows all participants that received grants during Fiscal Year 1997 automatically to be awarded participation in the UTC program for Fiscal Years 1998 and 1999. However, the Science Committee is pleased that, beginning in Fiscal Year 2000, participation in the UTC program will be based on a competitive process for most of the institutions participating in the program.

The Committee on Transportation and Infrastructure did not decide to include specific legislative authority for awarding grants to researchers at primarily undergraduate institutions which involve undergraduate students in their transportation research. These schools are a major source of professional capacity for the surface transportation industry and we feel that when these engineers are acquainted with the purposes and practice of research during their university training that they will be more sensitive to innovative ideas throughout their careers. We note that it is within the power of the Department of Transportation to increase its efforts to promote undergraduate research and we urge the Department to do so.

The Science Committee is pleased that the Manager's Amendment includes the Surface Transportation-Environment Cooperative Research Program (STECRP). This program was included to address the need for information which will assist transportation planners at the Federal, State, and local level in their efforts to design an intermodal transportation system that meets the needs of our citizens for a safe, clean environment and for access to economic goods and services.

Transportation projects must meet a wide range of criteria under a host of laws at the Federal, State, and local levels. Our state and local transportation planners are charged with the responsibility to assess the environmental and community impacts of proposed transportation projects. These assessments require more than engineering specifications and new technologies. They require information about the interrelationships between factors such as demographic change, land-use planning, and transportation system design that influence the demand for transportation. By creating the STECRP, the Committee ensures there will be a program in place to gather and disseminate this information to the individuals charged with the responsibility for making these decisions.

The Committee recognizes there is a perception by low-income and minority communities that they are disproportionately impacted by some transportation projects and that they derive fewer benefits from transportation expenditures. Federal and state laws currently require the social and economic impacts of transportation projects be assessed. The Committee feels these debates can best be resolved by doing rigorous studies designed to examine the nature of the relationship between transportation investments and community development. Research in this area, which is sometimes referred to as environmental justice, is eligible for funding under the STECRP.

The Committee recognizes that many communities have utilized funds available under the Congestion Mitigation and Air Quality Program to improve or construct pedestrian and bicycle trails. We expect that some research will be allocated to collecting information about the use of these trails that can be used to assess their effectiveness in addressing air quality and congestion problems, and to identify factors which can improve overall trail design to ensure maximum benefits are obtained through their use.

The Committee recognizes that there is a need to conduct research and development on energy use and air quality as it relates to surface transportation efficiency. Research in this area may include new and innovative fuel technologies, such as biodiesel fuel, that enables recycled and renewable resources to be used as fuel. Biodiesel fuel, a renewable fuel product made using virgin soybean oil, may potentially help the U.S. achieve cleaner air and greater energy independence.

The Committee expects the advisory board to build upon the preliminary work done by the participants in the two conferences held to identify critical transportation environmental research needs in 1991 and 1996 published in Transportation Research Board Circulars 389 and 469 in developing their recommendations. These documents identify the type of research needs this program is intended to fulfill.

The Intelligent Transportation Systems program is an area where the Committee on Science and the Committee on Transportation and Infrastructure did not have time before floor consideration to work out all of our differences. Therefore, the Committee on Science was willing to yield to the suggested text of the Transportation and Infrastructure Committee for purposes of floor consideration on the assurance that the provisions of H.R. 860 would be given due consideration as our Committees jointly conference with the Senate and work on a final version of the ITS section of this legislation.

The Committee's concerns regarding ITS are straight-forward. There are already examples of orphan ITS systems across the country paid for at taxpayer expense using protocols which are incompatible with other systems and with standards which were developed after the ITS system was deployed. There are also metropolitan areas where some of the ITS systems already installed are not compatible with others. We are concerned that this is a growing problem. The Administration's proposal for ITS takes a sharp swing towards demonstrations and implementation of ITS systems and away from research and standardization. This approach places the cart before the horse. Further haste in deployment will waste even more tax dollars. We would rather defer the deployment of systems a little while longer than ask taxpayers to pay for both initial deployment and the subsequent retrofit of these systems to permit interoperability with future systems built subsequently in conformance with national standards.

The ITS principles of the final bill should include:

The development and promulgation of the standards and protocols needed for a national ITS architecture and for compatibility of all ITS systems subsequently deployed must be made the number one priority in this program if we are to avoid widespread waste. Furthermore, the program must comply with the recently revised OMB Circular A–119 which requires all Federal agencies to make use of private sector standards developed through a voluntary consensus process whenever possible.

Deployments of ITS systems funded under this Act should be conditioned on compatibility with ITS final and provisional standards. The ITS program has instituted a model standards development program that is well underway. For the initial generations of ITS systems, it is clear which standards are needed and the Department has provided substantial assistance to standards development organizations to make sure they are developed on a priority basis. Therefore, the Committee feels that conditioning further deployments of ITS systems on their use of final and provisional standards proposed by standard development organization's subcommittees will accelerate the development process even further by making it in all parties' interest to have standards in place at the earliest possible date. If standards are not in place, funds should be spent on operational tests which will provide information needed to finalize the standards rather than on deployments which may later be incompatible with the standard.

We feel that, given the limited funds available and the importance of national deployment of ITS, that all operational tests and deployments carried out in compliance with this Act must be designed and carried out with subsequent purchasers of similar systems in mind. The government needs to use them as test beds. Operational tests need to be designed for the collection of data and the preparation of reports to permit objective evaluation of the success of the tests and the derivation of cost-benefit information and life-cycle costs that will be useful to other contemplating the purchase of similar systems. Recipients of funds for either operational tests or deployments should be asked to help increase the understanding of what skills workers must possess to successfully operate ITS systems; of what similarly situated governments should consider before commitment to purchasing an ITS system including legal, technological, and institutional barriers to deployment; and of how to improve procurement of these systems.

We also feel that a portion of ITS funding should look to future ITS systems. At least 15 percent of funding available for ITS systems should be spent on basic research or long-term research. The Committee is especially concerned that adequate emphasis be placed on human factors research, including research into the science of the driving process, to improve the operational efficiency and safety of intelligent transportation systems; research conducted on environmental, weather, and natural conditions that impact intelligent transportation systems, including effects of cold climates. We feel that ITS advanced systems will be such a fundamental shift in the use of motor vehicles that basic research to increase our understanding of the driving process, is in order. We are concerned that the ITS needs of cold climates will be significantly different needs in other regions of the country and that the potential impact on ITS of natural phenomena such as earthquakes needs to be understood better. We also feel that magnetics will have major roles to play in advanced systems where cars will travel at rapid rates of speed at close differences.

Additionally, although not specifically referenced in H.R. 2400, the Committee supports research on new advanced ITS systems designed to reduce congestion, enhance safety and improve cost effectiveness. The Committee does not support reviving the Automated Highway Systems, but endorses continuing advanced research on traffic technologies which may include information technologies such as Active Response Geographical Information Systems used to facilitate effective transportation system decision-making; and advanced traffic management technologies, including the use of fiber optic cable and video, to monitor and control traffic control and volume.

Mr. DAVIS of Illinois. Mr. Chairman, given all the stories in the papers about "pork" in the transportation bill, I rise today to tell you about a transportation project that I believe will benefit hundreds of thousands of schoolchildren and adults alike in the great State of Illinois and which I am proud to sponsor.

The Museum Campus Chicago, which is in my district, is made up of three world-famous institutions: the Adler Planetarium and Astronomy Museum, the Field Museum of Natural History, and the John G. Shedd Aquarium. The Museum Campus has a plan to transport visitors to its three institutions and others along the lake in Chicago on free trolleys powered by ethanol. This is a worthy, environmentally beneficial project that will be enjoyed by literally millions of people. And I and others in the Illinois delegation believe it is exactly the type of local project that merits Federal "BESTEA" start-up funding in order to get it off the ground.

The Chicago Museum Campus was just created through the $92 million relocation of Lake Shore Drive, a major thoroughfare running along Lake Michigan in downtown Chicago. The Museum Campus, which is on Park District land, opens officially this June. It totals 57 acres, including 10 new acres of public parkland that allow a continuous link between the three museums, which, Mr. Speaker, already draw nearly 4 million visitors a year. The Museum Campus will offer outdoor collaborative programming and is expected to attract an additional 1 million visitors a year to the Chicago lakefront. It is expected to be one of the country's most popular destinations.

Still, while the museums are excited about the rerouting of Lake Shore Drive, they came to me because they have serious access problems that could reduce visitorship. I am speaking of problems like the loss of several hundred parking spaces due to the Lake Shore Drive relocation, the long distances between the three institutions and to area parking lots, competition for parking with Soldier Field patrons, and inadequate links to local public transportation. All these obstacles make visits by the elderly, by the handicapped and by families with young children very difficult and frustrating.

It is for these reasons, that I and several of my colleagues in the Chicago delegation—and our colleagues in the Senate—hope to secure BESTEA funds for the Museum Campus Transportation Project, which would largely eliminate the access problems while increasing public awareness of ethanol as a fuel choice. The project has two components. The first—free Museum Campus and Chicago Lakefront shuttle service—was recommended in a recent Lakefront Transportation Study prepared for the City of Chicago Department of Transportation. The Museum Campus took the report's advice and launched a free trolley service last summer on a pilot basis. The trolleys were very popular—they shuttled more than 300,000 visitors, up to 6,000 people a day, between the museums and parking lots! Besides being free and reducing people's stress levels, the trolleys also reduced traffic congestion, and noise and air pollution. I think there's no argument about the benefits of these trolleys.

I am pleased to join with several of my colleagues to seek BESTEA funds for the Museum Campus Transportation Project to establish a permanent Museum Campus shuttle system using ethanol-powered trolleys and to extend shuttle service along the lakefront to other cultural destinations. Stops along the Lakefront Shuttle route would include the Art Institute, the Museum of Contemporary Art, the Chicago Cultural Center, the Spertus Museum, the Grant Park Festival Center, the Children's Museum at Navy Pier, Columbia College, and Roosevelt and DePaul universities.

The second component of the Museum Campus Transportation Project is the creation of an intermodal transportation center at the intersection of Indiana Avenue and Roosevelt Road, which also is endorsed by the City's Lakefront Transportation Study. This center would connect the trolley route to bus routes, the CTA and Metra stations—the local elevated train and subway—and to pedestrian walkways. It would also include construction of an 850-car decked parking garage nearby. Mr. Chairman, the intermodal transportation center will provide easier access to the Museum Campus and to other lakefront offerings for all visitors using all forms of transportation.

The Museum Campus and its City and private partners intend to run the shuttle systems in the future. They will raise the necessary funds through private contributions, increased museum entrance fees, projected parking fees and City funds.

Mr. Chairman, I hope that you will agree that this project is the type of project that we at the Federal level are happy to lend a helping hand to. It makes good economic sense, good environmental sense, and is an investment in the thousands of children and others who want to experience and learn from Chicago's many cultural institutions. This Sunday afternoon, the Museum Campus is holding an open house for members of the Illinois delegation. I invite you and others in this Body to come visit the Field, the Shedd and the Adler and see why I believe in this project.

Mr. CRANE. Mr. Chairman, three years ago, when the Contract with America was being debated, had somebody told me that this Congress would seriously consider, much less adopt, legislation calling for a 40% increase in highway spending, I would have said "only on April Fools Day." Well, here it is, April 1, 1998, and what do we have on the Floor but a bill fitting that description that stands a good chance of being approved.

Is it a joke? No indeed. Whatever people may think of it, the Building Efficient Surface Transportation and Equity Act (BESTEA) we are considering today is a very real and a very attractive proposal for a number of reasons.

First of all, BESTEA meets a clear need, the need for better roads, safer bridges and relief from the incessant traffic congestion that plagues Chicago and many other urban areas of this country. Second, the legislation deals with several rather obvious inequities, one being the expenditure of federal gas taxes for purposes other than those intended and another being that not all states receive a fair return on their gas tax contributions. Third, the bill addresses these inequities in a way that is not only generous but is designed to prevent their recurrence. And fourth, almost every state and four congressional districts out of every five stand to benefit from that generosity and from the inclusion of nearly 1,800 demonstration projects in the legislation.

So what is the problem?

Put simply, the problem is the way BESTEA, or H.R. 2400 as it is otherwise known, goes about those tasks.

Yes, BESTEA meets a need, but that need can be met without shattering the balanced budget agreement by a $26 billion margin.

Yes, BESTEA corrects several inequities, but there are other ways those can be addressed besides setting a spending increase precedent so monumental that many other special interest groups will be tempted to seek similar treatment.

Yes, BESTEA is generous, but is being so generous to ourselves fair to future generations who will have to pay the bill for any deficits that may result?

Yes, BESTEA calls for budget cuts to offset those spending increases, but it does not specify what they are or guarantee that they will be in the bill when it is enacted into law.

Yes, BESTEA has state and local appeal but, at the same time, it is so expensive and so replete with demonstration projects that it threatens the nation's fiscal interests.

And yes, it may be easier to pass a bill like BESTEA that increases spending enough to make everybody happy in the short term than it is to adopt a measure that develops priorities, makes choices and promotes fiscal year responsibility over the long run.

But expediency should not be the determining factor when it comes to surface transportation legislation. Instead, our decisions should be primarily based on the very same need for fiscal restraint and responsibility that caused many of us to seek, and be elected to, public office in the first place. Otherwise put, that means taking into account the fact that Uncle Sam has been running in the red for 30 years, may continue to run in the red if we are not careful, and has accumulated a $5.5 trillion national debt that should be reduced if its forbidding consequences are not to hang like the Sword of Damocles over the heads of our children and grandchildren.

Like many other Members, I cannot help but be impressed by what H.R. 2400 could do in the short term for my state and locality. Not only that but I like the idea of taking the Highway Trust Fund off budget, which BESTEA would accomplish. However, last year's balanced budget agreement, which BESTEA would shred, provides for a 20% increase in surface transportation spending which should be sufficient to fund the most pressing infrastructure needs and the most deserving of the demonstration projects. Moreover, the sanctity of the Highway Trust Fund can be restored by reducing gas taxes to the level of annual appropriations rather than by increasing spending so as to consume all of those revenues.

Furthermore, enactment of H.R. 2400 would appear to be entirely inconsistent with the tenets of fiscal responsibility and restraint to which the majority in this Congress has heretofore adhered. To many, it might smack of hypocrisy.

For all those reasons, I find myself obliged to oppose this edition of BESTEA. While it is possible that some of its excesses might be addressed in conference, there is no assurance that they will be corrected or that others will not be added. Worse yet, approval of this bill by the House of Representatives would send absolutely the wrong message about our future fiscal intentions. Accordingly, we should return this bill to committee so that it can be scaled back to a level that allows necessary infrastructure improvements to be made but is in keeping with the balanced budget agreement. Granted, that will not be easy and could take some time, but far better that than the alternative. Believe me, our children and grandchildren will thank us for looking beyond our immediate interests to their prospects as well.

Mr. WATTS of Oklahoma. I rise today in support of H.R. 2400. I commend Chairman SHUSTER for his hard work in constructing a bill that recognizes that the nation's transportation infrastructure is in severe disrepair and that public safety is at equally severe risk.

The statistics speak for themselves. The number of people killed on our nation's highways has risen to 42,000 a year. Every 13 minutes someone loses their life on our nation's highways. Many of these deaths are the result of road and bridge conditions that are shameful.

We have a perfect example of this in my home state of Oklahoma. There is a crosstown bridge in Oklahoma City that is in a serious state of deterioation—so serious, in fact, that the Oklahoma Department of Transportation has to examine the structure every 6 months and has to spend over $300,000 a year in patch-work repairs.

Now, don't be mistaken. This is not a local highway. This is a stretch of Interstate 40—a major, national East-West corridor that connects in Oklahoma City with two other Interstates which connect traffic from Mexico to Canada and from coast to coast. This crosstown bridge carries more than 100,000 vehicles a day, and over 60% of the truck traffic is from outside of Oklahoma.

With H.R. 2400, the critical repairs can finally begin on this important national highway. An accident-waiting-to-happen can be reconstructed into a safe, modern highway, and as a public official who is responsible for public safety, I can tell you that this gives me a great sense of relief.

I also want to commend the Chairman for returning "trust" to the "trust fund" in this legislation. It is time that the gas taxes paid by our constituents for highway maintenance and construction be directed to repairing and building safer highways for American families. This bill achieves that long overdue goal.

Mr. Chairman, I urge my colleagues to vote in favor of H.R. 2400 and yield back the balance of my time.

Mr. LEVIN. Mr. Chairman, I rise in support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act. I do so because it is imperative that Congress rectify the longstanding shortfall in transportation funds received by Michigan.

For as long as I've served in the House and longer, my state of Michigan has been a donor state. Along with other donor states, Michigan has received far less than our fair share of transportation funding, averaging just 85 cents for every dollar we send to the federal government. Over the last 15 months, I have worked with the Michigan Delegation, Chairman SHUSTER, Representative OBERSTAR and others to address this longstanding injustice. I believe the bill before us today represents the only available vehicle to bring about a fairer deal for donor states like Michigan. Under this bill, Michigan's annual highway funding would rise to $872.3 million a year. That's an increase of $358 million a year over what Michigan received under the 1991 ISTEA law. The basic formula remains inequitable; Michigan would remain a donor state, but at least this legislation is a step in the right direction.

At the same time, I want to reiterate my chagrin over the failure of the Majority in the House to put together a budget resolution which would make clear how this bill would fit into the overall budget. Where is the Majority's budget resolution? Simply put, this process puts the cart before the horse. This bill is silent on the issue of spending offsets to pay for the increased funding of transportation needs. We cannot just pave over the commitment we made last year to live within the framework of a balanced budget. When 214 of us voted last year to support the Shuster/Oberstar amendment, we were saying: Yes, we need to spend more on infrastructure. Yes, more money has to be made available to donor states. The difference is that we were willing to pay for it.

The Republican Leadership in the House is abdicating fiscal responsibility by continuing to delay a vote on the budget resolution. Unless the House Leadership intends to completely abandon fiscal discipline, sooner or later—and the sooner the better—we're going to have to come up with the budget offsets to pay for increased transportation spending. I regret we have not done so before today.

My vote today in support of the transportation bill is a vote to continue the process of addressing the longstanding inequities of the current highway funding formulas. The next step is for this bill to go to conference with the Senate. I want to make it clear that my vote on the final conference report will depend on two factors. First, fair treatment for donor states like Michigan. I will not support any bill that does not address the longstanding funding inequities borne by Michigan and other donor states. Second, my vote on the conference report will depend on concrete actions by the conferees and the Budget Committee to bring this bill into line with last year's balanced budget agreement, including appropriate, sound offsets.

Mrs. CHENOWETH. Mr. Chairman, I rise today in strong support of H.R. 2400, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs.

H.R. 2400 is extremely important to the State of Idaho and its citizens. This legislation provides a significantly higher level of funding for surface transportation programs as compared to the level provided under the short term Surface Transportation Extension Act of 1997 which expires on May 1, 1998.

Although the highway program formula used to apportion funds to the states under H.R. 2400 fails to fairly and equitably address the needs of rural states, such as Idaho, it is important that Congress pass, and the President sign, a new surface transportation act.

The State of Idaho supports H.R. 2400 albeit with some concerns. I include the letter from the Idaho Transportation Department with this statement.

TRANSPORTATION DEPARTMENT,
March 31, 1998.

Hon. HELEN CHENOWETH,
U.S. House of Representatives,
Washington, DC.

Re: House Vote on H.R. 2400 (BESTEA)

DEAR CONGRESSMAN CHENOWETH: As you know, the House will vote this week on H.R. 2400, the "Building Efficient Surface Transportation and Equity Act of 1997" (BESTEA). The passage of a new surface transportation act is extremely important to the State of Idaho and its citizens and I wanted to convey to you our thoughts on this critical vote.

First, we believe you should vote for the passage of BESTEA for two reasons:

BESTEA provides a significantly *higher level of funding for surface transportation program* as compared to the level provided under the now expired Intermodal Surface Transportation Efficiency Act (ISTEA). The House bill authorizes $218.3 billion in transportation funding over a six-year period, an increase of more than 40% over the ISTEA levels.

It is very important that *Congress passes a new surface transportation act as soon as possible.* States are now operating under the short-term "Surface Transportation Extension Act" which expires on May 1, 1998. After that date there will be no federal-aid funding available to the states. Most transportation programs will be completely shut down or severely curtailed. In northern states like Idaho and entire highway construction season may be missed entirely.

Secondly, we have the following major objection to the content of the House bill which should be corrected in Conference Committee with the Senate:

The highway program formulas used to apportion funds to the states under BESTEA do not fairly and equitably address the needs or characteristics of rural states. An overemphasis is placed on factors that favor urbanized states such as population, contributions to the Highway Trust Fund and total public road mileage. Urban highway miles and vehicle miles-of-travel are double counted while those in rural areas are not. Local road mileage and traffic are used as factors in determining the distribution of funds for the Interstate and National Highway System programs, which are both strictly national and federal in character and use.

If you have any questions concerning the Transportation Department's position on H.R. 2400, please don't hesitate to call me at (208) 334-8807.

Sincerely,

DWIGHT M. BOWER,
Director.

Mr. DAVIS of Florida. Mr. Chairman, today I rise in reluctant opposition to HR 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA). Quite simply, this bill is too much of a good thing. Infrastructure funding is critical for the economic future of our nation, but this bill goes too far and in doing so breaks the bi-partisan balanced budget agreement of last year. We should be debating an increase in transportation funding, but we should be having this debate first within the context of a budget resolution where we can analyze transportation needs relative to other critical domestic priorities. Above all, I believe we must keep to the spirit of the balanced budget agreement we passed last year. This year, we have a balanced budget for the first time in 30 years and today the House is being asked to pass a spending bill which blows a $40 billion hole in the budget.

Clearly, our states have transportation needs that are significantly underfunded and I agree that we should be increasing federal funding for transportation. For my home state of Florida, this bill does help address the fundamental inequities in the current funding formula. Under current law, Florida receives an average of 77 cents for every dollar sent to Washington in gasoline taxes. BESTEA would increase this return to roughly 87 cents on the dollar. I commend the Chairman and Ranking Member for their commitment to addressing this issue and I urge them to continue to work on a fairer funding formula to ensuring that every state receives its fair share of transportation dollars.

Mr. Chairman, despite this improvement in the funding formula and the fact that this bill funds many worthwhile and important transportation projects, I must oppose it based on the overall levels of funding. I believe we can and must find a way to increase transportation funding without abandoning fiscal responsibility. This bill does not offset the increases in spending, leaving it only to a promise of future, unidentified cuts in other programs. Furthermore, the overall levels of funding under this bill set up a fiscal train wreck in the coming years as Congress will have to make massive cuts in other domestic priorities to maintain a balanced budget.

When I was elected to Congress, I was skeptical that this body had the fiscal restraint to balance the budget. This past year, I had hope that things had changed. We worked together to pass a tough balanced budget act in a bi-partisan manner and proved to the American people that we were serious about ending decades of deficit spending. Now, no sooner than the Congressional Budget Office has certified that we have balanced the budget with the possibility of surpluses for the near future, Congress is rushing out to spend tens of billions of dollars that we simply do not have.

Mr. Chairman, I urge my colleagues to reaffirm this Congress's commitment to fiscal responsibility and vote no on HR 2400.

Ms. DEGETTE. Mr. Chairman, I rise today in support of H.R. 2400, the Building Efficiency and Surface Transportation and Equity Act (BESTEA). This legislation provides a total of over $218.3 billion over six years for federal highway and transit programs. This funding is much needed and overdue, and will provide Americans with a stronger transportation infrastructure.

The effects of BESTEA are clear. It will save lives by improving the safety of our highways, and will improve the environment by emphasizing mass transit, the Congestion Mitigation Air Quality Program (CMAQ), and nonmotorized uses such as bike trails.

The First Congressional District of Colorado is one of the top ten fastest growing metropolitan area in the country and has witnessed unprecedented demands on its transportation system. The need for wise and creative investment in transportation has never been greater for Denver metropolitan area. This legislation will address these needs, laying a sound foundation for federal-local partnership.

However, I believe that the offsets for BESTEA must not come from important domestic programs, such as education, environment or health care. Therefore, I will oppose efforts which seek to sacrifice the progress this country has made to improve the quality of life. Congress needs to work in a bipartisan manner to ensure that these offsets are fair and appropriate.

Mr. BILBRAY. Mr. Chairman, I rise today to express my appreciation to Chairman BUD SHUSTER and express my strong support for the provisions in H.R. 2400 that promote the use of clean fuel vehicles and technology in public transit, and the incentives it provides which allow consumers greater opportunity to travel in environmentally sound modes of transportation.

The CMAQ, research and development, bus and bus facility grant provisions of H.R. 2400 are examples of the Committee's effort to begin coordinating federal transportation policy with federal environmental policy. Giving states the opportunity to allow an electric vehicle with fewer than two occupants to operate in an high occupancy vehicle lane is yet another example.

Mr. Chairman, as you know, promoting policies which improve our air quality is a subject near and dear to my heart. As a former mayor, county supervisor, member of my regional air resources board, and member of our county mass transit authority, I understand the difficulties local governments and the private sector face in meeting federal mandates. I saw first hand how the federal government subsidized polluting fuels, while at the same time heavily regulating small businesses over their emissions levels. Small businesses, local governments, and consumer vehicles have stepped up to the plate. It's time the Federal government do its share.

How many times have you been driving down the street and saw black smoke belching out of a bus and that black soot entering into the air? Ninety percent of all bus purchases are paid for with federal dollars. While the federal government has been paying for these polluting vehicles, small companies, local governments and the private sector have been reducing their emissions levels, oftentimes under the threat of severe punitive action. It's time that the federal government lead by example and operate under the same set of clean air rules we require of everyone else.

Yesterday, I testified before the Rules Committee in order to offer an amendment which would have phased out the spending of federal dollars in this bill on polluting fuels in mass transit. This amendment would have simply required that any federal funds in the bill which were to be spent on mass transit vehicles must be spent on technologies which meet EPA's definition of clean fuel technology. This amendment would not have been retroactive, and would have only applied to future vehicle purchases. Unfortunately this amendment was not ruled in order, but I was heartened by the positive response I received from my colleagues on this subject. In fact, I plan on introducing a bill later this Spring that would help accomplish this goal.

Chairman SHUSTER has been very helpful in assisting me with moving this proposal along. In fact, we worked together to add Section 340 in the Manager's Amendment to H.R. 2400. Section 340 directs the Comptroller General to conduct a study to examine the current status of clean fuels technology, which is to be completed by the end of 1999. This study will be reported to the Congress by January 1, 2000.

I am confident that this study will demonstrate what numerous major cities in non-attainment zones already know. The technology exists to move our mass transit systems to cleaner burning fuels. These cities are already accomplishing much in this area. San Diego County made the herculean effort to begin phasing out its diesel burning buses to natural gas buses. By the year 2000, 26% of its bus fleet will be using clean fuel technology that already exists.

Again, I thank Chairman SHUSTER in working with me on this vital matter, as well as Chairman BLILEY of the Commerce Committee, who has always given me the opportunity to pursue new methods of improving our air quality.

Mr. EVERETT. Mr. Chairman, I am proud to speak today in support of H.R. 2400, the Transportation Authorization bill. Our nation's infrastructure has been overlooked and treated as a low priority for far too long. It is time to re-invest in our nation's roads, bridges, and other surface transportation needs. By improving and properly maintaining our infrastructure, we will enhance new growth opportunities, commerce, and safety. I believe this legislation meets many of these goals.

In addition, the regional distribution of gas tax and user fees are more properly allocated among all 50 states in this bill than in the past. As a member of the Donor State Coalition, this represents a hard fought victory for those states, like Alabama, that have been paying in more in gas taxes than they have received in federal highway funds. I pledge to continue in my efforts to see that donor states ultimately receive a 95% overall rate-of-return and further that these states receive a rate-of-return of 100% of the fund distributed to states.

Perhaps most importantly, H.R. 2400 addresses the infrastructure priorities of the State of Alabama. Of our Governor's top highway priorities, I am pleased to say that two of these projects are located in my district in Southeast Alabama. The bill provides additional funding, at my request, for both the Montgomery Outer Loop project and the Dothan I–10 Connector.

Once completed, the Outer Loop will link I–85 with I–65 and U.S. 80. This will allow for more orderly growth in and around Montgomery, our state capital. The eastern side of Montgomery is experiencing the most rapid growth of the area, so construction of this outer loop project will ease the burdens currently placed on our existing transportation routes.

The Dothan project will connect Dothan with Interstate 10 in northwest Florida. Additionally, this freeway will serve as an important link between Fort Rucker, home of the U.S. Army

Aviation Warfighting Center, and the interstate system.

Both of these projects are essential in meeting the increasing demands in these rapidly growing and developing areas. Further, as priorities of the state transportation officials, these projects are in the state's long range plan and are thereby assured of receiving the requisite state matching funds.

Mr. Chairman, this legislation represents a balanced blue print for renewing American's highway infrastructure and safety needs over the next six years. I am confident that the funding commitments of the bill will remain within our balanced budget structure, and I urge its adoption.

Mr. ADERHOLT. Mr. Chairman, I rise in support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act. I commend Chairman SHUSTER and Ranking Member OBERSTAR for their work in crafting legislation that meets the transportation needs of this nation.

For the last six years Alabama has received an average of $330 billion per year for transportation. When this bill becomes law Alabama will receive $552 billion per year. This will mean a 67% increase and brings a level of fairness for Alabama since we have been getting the short end of the stick on transportation funding. Fairness in this process is crucial to ensure our roads and bridges are as we move into the 21st Century.

However, I am most pleased with the creation of a specific category for the Appalachian Development Highway System (ADHS) for the first time. The Fourth Congressional District of Alabama contains very few miles of four lane highways. Unfortunately, the Interstate Highway System did not include a route to connect Birmingham, Alabama with Memphis, Tennessee. This is an unacceptable omission from the Interstate Highway System

Thankfully, the Appalachian Development Highway System includes Corridor X which will connect these two cities, and runs through North Alabama, In addition, the system includes Corridor V which connects with Corridor X in Alabama and runs through North Alabama to Chattanooga, Tennessee is part of the Appalachian Development Highway System.

Category funding for the Appalachian Development Highway System is crucial to expedite completion of these two highways. Traditionally, the Appalachian Development Highway System has had to rely on the annual appropriations process. Corridor X and Corridor V fared well in some years, but other years they received little, if any funds.

This made it difficult for long term planning and has needlessly delayed completion of both highways. In fact the Appalachian Development Highway System is only 78% complete while the Interstate Highway System is 99% complete.

Category funding ensures a stable source of funding that will complete the corridors in Alabama and throughout the thirteen states of Appalachia. I urge all Members to move this bill to Conference so we can complete this process before we lose additional time during the annual construction season.

Mr. COSTELLO. Mr. Chairman, I rise in strong support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act. This bill reauthorizes highway, mass transit and highway safety programs for six years. By passing this legislation we will be renewing our commitment to investing in America's infrastructure.

Our infrastructure is crumbling around us. In my home State of Illinois, for example, a quarter of all the bridges are structurally deficient. Forty-three percent of road in Illinois are in poor or mediocre condition. Driving on these roads costs Illinois motorists $1 billion a year in extra vehicle operating costs. That is $144 per driver. These statistics are shameful. As we enter the next millennium, we cannot allow our nation's infrastructure to languish in the past. We have ignored these problems for too long.

As a Member of the Transportation and Infrastructure Committee which crafted this bill, I know this bill is a solid piece of legislation. H.R. 2400 will enable us to bring our transportation needs into the 21st Century. Under this bill, highways and transit systems will operate more efficiently. People and goods will travel more safely because of the highway safety programs and initiatives under this bill. I will promote a cleaner environment and decrease the red tape associated with environmental regulations.

I realize that many have criticized the high priority projects included in this bill. They call these projects "pork." However, I would like to clarify that these projects are included only after consulting with local elected officials, local highway departments and state departments of transportation about the transportation needs of communities. Republicans espouse the need to give control back to the localities. That is exactly what these high priority projects are all about. The local governments know what their transportation priorities and needs are. By including funding for local projects in H.R. 2400 we are allowing local and regional officials to decide on and meet their own transportation needs. Further, the authorization for high priority projects is only 5 percent of the total funding in the bill. No programs in the bill are compromised at the expense of including high priority projects.

In my district in Southwestern Illinois these projects are critical to meet the transportation needs of many communities. For example, the MetroLink light rail system provides a vital transportation link for commuters and travelers in the St. Louis-MetroEast area. Under this bill, MetroLink will be expanded from East St. Louis to Belleville Area College and then to MidAmerica Airport. When this extension is complete, the region's two airports, St. Louis-Lambert International in St. Louis, MO and MidAmerica Airport in St. Clair County, Illinois will be linked by one light rail line. MetroLink, whose ridership has surpassed all expectations, has had an enormous impact on the environment, transportation efficiency and economic development in my district and the entire St. Louis metropolitan region. It is precisely projects like these that are so important in this bill. These projects are vital to communities.

Mr. Chairman, this is a good bill. We must pass this bill so critical infrastructure funding can get to our states. This bill is not about pork! It is about improving our transportation policies so that Americans and our goods can travel efficiently and safely throughout our nation.

Let's pass this bill today so we can get it to the President before funding expires on May 1. I urge my colleagues to join me in voting in favor of H.R. 2400.

Ms. CHRISTIAN-GREEN. Mr. Chairman, I rise today to join my colleagues in strong support of the Building Efficient Surface Transportation and Equity Act. I want to thank the Chairman of the Transportation Committee, Mr. SHUSTER and the Ranking Democrat Mr. OBERSTAR for their strong leadership in getting this bill to the floor today. BESTEA as the bill is also known, will authorize $218 billion over six years for federal highways and mass transit programs. It would also modify highway funding formulas to ensure that each state receives 90% of the amount it pays to the federal government in gas taxes.

I also want to strongly urge my colleagues to support continuation of the Department of Transportation's Disadvantage Enterprise Program, (DBE). This is an issue that is of the utmost importance to the President. And it is a program that was first enacted for highway transit construction projects under President Reagan.

It is an equal opportunity program which uses flexible goals established by state and local transportation programs to ensure that small businesses owned by women, minorities and other disadvantaged individuals have a fair chance to compete for federal transportation contracts.

Whether we believe so or not, it is a fact that minorities and women continue to face discrimination on a daily basis. We must not turn the clock back on this segment of our population by eliminating a program that, since its inception, has significantly increased the percentage of women and minority-owned construction firms.

We must defeat the Roukema amendment and protect economic opportunity for women and minorities.

In conclusion, Mr. Chairman, I want to thank the Chairman of the Surface Transportation Subcommittee for his willingness to support the transportation needs of my constituents. I also want to especially thank my colleague the Ranking Member of the Surface Transportation Subcommittee Mr. RAHALL, for his help as well.

I urge my colleagues to support this bill which will serve as the engine to further drive our nation's economy into the 21st century and beyond.

Mr. PACKARD. Mr. Chairman, H.R. 2400, the Building Efficient Surface Transportation and Equity Act of 1997 (BESTEA), provides much-needed funding for the improvement and renewal of highways across the country. I support this legislation because, as I see it, it is the first step towards improving our infrastructure. However, I would like to share my concerns that this legislation does not provide taxpayers in states like California with a fair share in federal transportation funding. This is an issue that we cannot ignore and must address in the near future.

Under BESTEA, Californians will pay $22 billion towards federal highway funding, but will only be guaranteed $19 billion in return.

We must stop asking California taxpayers to pay for highway and infrastructure improvements that they may never see. They should not constantly be forced to sacrifice their hard-earned money to projects in some other town, in some other state.

As it stands, communities throughout California are struggling to maintain their infrastructure. For many quickly growing communities, it is nearly impossible to keep up, and this is not only unfair for taxpayers, it is becoming unsafe.

Mr. Chairman, while I support BESTEA, I urge my colleagues to keep California and other "donor states" across the country in mind when voting on this and related legislation. Let's not wait to address this dilemma and find a funding formula that is fair for California taxpayers.

Mr. PASTOR. Mr. Chairman, I rise today to express my strong support for the Indian Reservation Roads program (IRR). As the House considers BESTEA, I urge the conferees to fully support the Senate amount of $250 million annually for the program.

The needs of the Native American community are often overlooked and under funded. The conditions of reservation roads are the worst in this country and immediate attention and funding is badly needed in order for tribes to attract economic development. We must not ignore these needs.

In the bill under consideration today, the House has authorized up to $212 million annually for the IRR program. While I am pleased that the Committee recognized the need for an increase in the program, I am hopeful that the Committee will recede to the Senate's amount of $250 million annually for the IRR program. I believe that this modest increase is essential to the continued economic progress and improvement of our nation's tribal communities.

Again, I urge the conferees to support this vital program for Indian reservations.

Mr. POMEROY. Mr. Chairman, I rise today in reluctant opposition to H.R. 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA) which reauthorizes federal highway spending. States desperately need adequate resources to keep pace with the stresses placed on their transportation infrastructure. While I am supportive of increased funding for transportation infrastructure, I believe the bill before us today contains a flawed funding formula which leaves rural states without the resources to address their transportation needs.

Highway funding is vitally important to every state in America, especially my state of North Dakota since we have more miles of road per capita than any state in the nation. Highways are the lifeline of our economy, providing a means to transport commodities to market and linking the distance between our cities and towns.

This bill unfortunately short changes several rural states. Large rural states face unique challenges in maintaining, repairing and building their transportation network. However, the funding distribution formula contained in the bill results in a drop in total spending for North Dakota and other rural states from the existing formula. Under BESTEA, North Dakota would receive $34 million a year less than what it would receive if the bill were enacted using the existing formula. Maintaining a sound and efficient transportation network across the country depends on adequate funding for both urban/suburban and rural areas.

The transportation bill which passed the Senate contained a funding formula which strikes a balance between the competing interests of urban/suburban and rural areas. I am hopeful that as the conference committee begins work on the two bills that we can reach a funding formula that recognizes the unique aspects of rural states.

Mr. EWING. Mr. Chairman, I would like to commend the Chairman for the highway bill we are voting on today, which is truly bipartisan and reflects a commitment to ensuring the continued viability of our national highway infrastructure.

I want to take a few moments to express my support for an important domestic renewable energy program that, unfortunately, is not included in this bill, but which I hope to see included in the final ISTEA reauthorization conference report. This program is the Federal Ethanol Program.

Ethanol is a very important, value-added market for agriculture, providing a critical economic stimulus throughout the Midwest. Today, the third largest use of corn is for ethanol production, behind only feed and export uses. Ethanol production utilizes approximately 7 percent of the nation's corn corp, increasing farm income and generating tremendous economic activity both within rural America and nationwide.

The use of ethanol also lessens our dependence on foreign oil. Today, we depend on oil imports to meet more than 54% of our consumption. Using ethanol decreases the demand for oil, thus increasing our energy independence and safeguarding against problems in the volatile Middle East.

Ethanol provides tremendous environmental benefits, including a reduction of harmful emissions of carbon monoxide, ozone, and toxicities. Ethanol can also alleviate concerns about climate change and rising greenhouse gases. A recent study completed by the Argonne National Laboratory found that use of corn-ethanol results in a 50–60 percent reduction in fossil energy use and a 35 to 46 percent reduction in greenhouse gas emissions.

The benefits of Ethanol are well documented, and I believe it is crucial for the federal government to maintain a strong ethanol policy. Mr. Chairman, I hope that, as this bill moves forward, you can support the Senate language on ethanol.

Additionally, Mr. Chairman, I would like to take this opportunity to discuss the ramifications of a rule, finalized by the U.S. Department of Transportation last year, known as HM–200. This rule needlessly imposes the will of the federal government upon states with regard to the regulations governing the transport of Hazardous Materials in the agriculture industry. Mr. Chairman, this Committee and this Congress are right to take action to prevent the usurpation of state's rights and the resulting effect to commerce and safety of a rule which is not supported in its conclusions by any evidence of improved safety, or any consideration of its impact on the community it seeks to protect.

The farmers who produce the many crops that form the basis of the American agricultural economy rely on agricultural production materials to aid in the development of a healthy and robust harvest that is the safest and most abundant in the world. These materials are sold by, delivered and applied by agricultural retailers who are among the most experienced men and women in the country in handling these types of materials. The rigors of continuous training and a lifetime of experience have taught them how to safety store, transport, and apply hazardous agricultural inputs.

As a result, some states with a large agricultural economy have given the retail community an exception to complying with Hazardous Materials (HAZMAT) transport regulations for the intrastate transport of hazardous agriculture inputs from retail facility to farm, farm to farm, and from farm to facility. My own home state of Illinois is one of these states, and despite having such an exception, the Illinois Department of Transportation (IDOT) has closely monitored the agricultural community to ensure its safety. In nearly fifteen years, IDOT has yet to find a reason to revoke these exceptions.

In early 1997, the Research and Special Programs Administration (RSPA) of the U.S. Department of Transportation finalized its HM–200 rule. This rule forces states to implement the same standards for all intrastate HAZMAT transport as they do for federally regulated interstate transport. As a result, states which already have exceptions in place would lose them, as HM–200 would preempt their existence. Other states which do not already have exceptions in place would lose the ability to provide one to their retailer community. Despite a petition signed by a 48 member coalition asking the U.S. Department of Transportation (DOT) to reconsider this aspect of its HM–200 rule, and numerous letters to RSPA expressing industry sentiment, the administration refused to re-examine its position of the HM–200 rule.

Included within H.R. 2400 is language which would preserve the rights of states to provide HAZMAT transport exceptions for retailers and farming communities. This language by no means mandates nationwide exceptions, it only provides the option for states to provide them. Supporting this language are a wide bipartisan array of House members from across the country, as well as a 57 member industry coalition representing every aspect of the agricultural community.

Mr. Chairman, I am pleased that you have joined me in supporting this language which will prevent the federal government from imposing yet another onerous burden on states. The US DOT has produced no studies or accident reports to substantiate the policy of denying exceptions to retailers. In fact, the US DOT has joined several other public interest groups to counter our efforts with respect to HM–200. The Agency has consistently attempted to substantiate this position by using the results of accident reports for interstate commerce.

This agriculture industry and the large, long-haul vehicles carrying thousands of gallons/lbs. of hazardous agents at high rates of speed down interstate highways have virtually nothing in common, and therefore accident statistics for one do not relate to the other. Under HAZMAT rules, placarding, shipping papers and toll-free 800 emergency response phone numbers are to be utilized as a measure to help in responding to a spill or fire. However, within agricultural communities, emergency responders are typically volunteers who are intimately familiar with the types of materials involved with production agriculture and who would have few problems in identifying the agents involved in this type of incident.

Mr. Chairman, this language within H.R. 2400 is sorely needed. It is estimated that compliance with HM–200 could cost the average retail facility $12,300. In addition to being an out-of-pocket cost to the retailer, this is going to be yet another expense that is passed along to the American farmer, who every year, sees his or her margins continue to shrink as the result of increased costs and government intervention. I appreciate and gladly thank the Chairman and the other members of this committee for the inclusion of this language in H.R. 2400, and would hope that as this legislation moves into conference that we would all endeavor to ensure its inclusion in the conference report.

Ms. VELÁZQUEZ. Mr. Chairman, I rise today on behalf of myself and my distinguished colleague from New York, Mr. TOWNS. Today is a very significant day for the residents of my congressional district and for the constituents of Congressman TOWNS. We have worked tirelessly for years with the communities in Brooklyn surrounding the Gowanus Expressway to find the best solution to the congestion and dilapidated condition of this major highway and key component in the New York area's transportation network. These residents have patiently asked that a full study of alternatives to the planned reconstruction of the Gowanus Expressway be conducted.

For the economic viability of the area and the environment health of the families living near this planned reconstruction, it is crucial that the impact on the surrounding communities be adequately assessed. For these reasons, I thank the Transportation and Infrastructure Committee, particularly Chairman SHUSTER, Chairman PETRI, Ranking Member OBERSTAR, and Ranking Member RAHALL, for understanding these concerns and supporting our proposal.

The Building Efficient Surface Transportation and Equity Act finally responds to the pleas of these New York neighborhoods. H.R. 2400 authorizes $24 million dollars for New York State to conduct a Major Investment Study (MIS) of the Gowanus Expressway Corridor. None of these funds may be used to supplement or finance any part of the currently proposed rehabilitation and reconstruction of the highway. The intent of the funding is to provide for an MIS to determine the short and long term social, economic and environmental benefits and costs of different alternatives to rebuilding the current elevated highway—including a tunnel.

The MIS will include Phase I to IV civil engineering and design documents so as to accurately determine the initial and long term fiscal, environmental, social and economic costs of replacing the current elevated structure of the Gowanus with a tunnel. This analysis will include a complete engineering study, including hydro-geologic study and the cost of tunnel connectivity with bridges and tunnels adjacent to the corridor.

Using the methodology devised in the "West Brooklyn Traffic Calming Study" CMAQ proposal, the MIS will devise mitigation measures to reduce current and future traffic diversions from the Gowanus Expressway in adjacent neighborhoods. Additionally, the MIS will include an assessment of service improvements to all subway lines needed to produce an increase in ridership and reduction in motor vehicle traffic in the Gowanus corridor before, during and after the reconstruction of the highway. Upon completion of the MIS and tunnel alternative study, any remaining authorized funds should be held for the future planning and design phase of the Gowanus project.

The Gowanus MIS Project is part of a sound national and regional transportation policy. With this transportation proposal, the Gowanus neighborhoods are one step closer to real answers to this long-standing local transportation problem. This proposal is not only about transportation—it is also about the economic development and empowerment future of our communities.

Mr. LAHOOD. Mr. Chairman, funding levels: $217 billion total over the next six years; $181 million for highways and highway safety; and $36 billion for transit.

Illinois will receive nearly 36 percent more per year under BESTEA.

Illinois received $684 million per year under ISTEA and will now receive over $1 billion per year under BESTEA.

Illinois needs: According to IDOT, more than 98 percent of highway and bridge funding will have to be allocated to the repair of existing roads and bridges over the next five years.

For the first time in 14 years, the number of road miles considered to be in poor condition will increase from 2,300 miles to 4,300 miles.

10,681 miles are considered to be in poor or mediocre condition—this is roughly ⅓ of the total federal aid miles for Illinois (i.e., ⅓ of Illinois' federal aid highway miles are in poor or mediocre condition).

Illinois Citizens for Better Highways released a report that concluded that rural road repairs, upgrades and bridge replacements are underfunded b7 $227 million annually.

For example, Tazewell County, alone, will need $8.3 million over the next five years for highway and bridge rehabilitation.

IDOT estimates that 42 percent of county roads and 51 percent of township roads are substandard.

Special additional federal funding is needed so that Illinois can restore and maintain such important roadways as the Stevenson Expressway and I–74 running through Peoria.

Stevenson Expressway repairs are expected to cost $567 million; I–74 rehabilitation and reconstruction is expected to cost $193.6 million.

National needs: The demand for high cost interstate highway reconstruction funds has outpaced the money available by more than 9 to 1.

In FY '96 alone, 18 states requested $687 million in project work, while only six states were awarded a total of $66 million in funding.

Limited funds meant that $621 million in requests went unfunded in 1996. The current ISTEA I–4R (reconstruction, rehabilitation, resurfacing and repair program) level is averaging only $63 million per year.

In 1993, almost 32 percent of the Interstate pavement was in poor or mediocre condition, and 60% of the nation's major roads are considered by the federal government to be substandard and in need of repair.

The FHWA estimated that $202.6 billion ($10.1 billion annually) is needed over the next 20 years to maintain the 1993 conditions and performance of the Interstate system. Of that amount, 40 percent would be needed just for system preservation.

In order to preserve today's pavement quality, 100,000 miles of roads would have to be restored every year.

Safety hazards caused by poor roads and highways: According to the Keep America Moving Coalition, "Substandard designs, outdated safety features, poor pavement quality and other road conditions are a factor in 30% of all fatal highway accidents."

FHWA has found that converting two-lane roads to four-lane roads with a median decreased traffic deaths by 71%. Widening a two-lane road by just two feet reduces accidents by 23%.

Economic costs to motorists caused by poor roads and highways: American motorists suffer expenses of $21.5 billion annually in vehicle operating and maintenance costs due to damage caused by driving on poor roads. This translates to costs of $122 per driver.

General economic benefits of road and highway investments: FHWA estimates that for every $1 billion in highway investment, 42,100 jobs are created. Every dollar invested in the Interstate Highway System generates $6 in economic returns.

BESTEA solutions to poor quality roads: Section 113 of BESTEA provides a formula and discretionary grant program that will provide significant amounts of money over the next 6 years to repair and resurface high cost interstate highways: $165 million for FY '98; $412.5 million for FY '99; $670 million for FY '2000 through 2003.

These funds would be available to fund "major reconstruction or improvement projects on the Interstate system. In order to be eligible, a project must cost over $200 million or cost more than 50% of a State's Federal-aid highway apportionments." The project must also be ready to go to construction.

Mr. BURTON of Indiana. Mr. Chairman, this historic bipartisan legislation restores the word trust to the Highway Trust Fund. For years the Congress has spent money dedicated to Highway Trust Fund on wasteful government programs, at the expense of our National transportation infrastructure. A trust fund is exactly that, a trust fund. Whether it is the Transportation Trust Fund or the Social Security Trust Fund, we need to restore the trust.

In addition, BESTEA, goes a long way towards restoring funding equity to donor states like Indiana. The historic shortfall and inequity in Federal transportation funding in Indiana has left Hoosiers with an old, congested, and inadequate infrastructure. Allowing the gasoline taxes paid by Hoosiers to be spent in Indiana will allow Indiana to modernize our transportation infrastructure for the 21st century. This legislation distributes funds more equitably among States under the revised funding formulas. I want to thank and commend Chairman SHUSTER, Ranking Member OBERSTAR and the Members of the Committee for their hard work and encourage them to fight to maintain the equity levels in this bill when this legislation is debated in conference.

Mrs. CAPPS. Mr. Chairman, I rise in support of this important legislation. The bill before us provides much needed funding for critical transportation projects across the country.

For a long time now, many of us here today have spoken about the need to rebuild critical parts of our transportation infrastructure. Pothole-filled roads, crumbling and dangerous bridges, and inefficient and outdated transportation systems have crippled the economy of many parts of our country. We must continually rebuild our infrastructure if we are to ensure that our economy remains strong into the next century.

In addition, this bill maintains several critical programs to ensure that we are doing more than just paving roads. In particular, I am pleased that the bill contains the "enhancement set-aside" provision which allows states to use these funds for pedestrian walkways, bike lanes, scenic easements and other preservation activities. In addition, this bill continues the Congestion Mitigation and Air Quality Improvement program, which provides funding to areas with air pollution problems for reducing traffic congestion. It is critically important that this legislation continues to support alternative transportation systems that address quality of life issues and will help preserve our environment.

Mr. Chairman, a lot has been said about the special projects in this bill. I believe strongly that any Federal spending—be it for transportation, education or health care—has to be an efficient and responsible use of our tax dollars. I know that the projects I have requested and received funding for in this bill meet that test. All of these projects are widely supported in my district and address critical local needs such as safety and promoting alternative transportation.

For example, this bill provides $8 million for the widening of dangerous Highway 46 in the northern part of my district, as my husband had requested last year. This road is most infamously known as the road that James Dean was killed on some 40 years ago, but to my constituents it is known as the road that is dangerous for them today. Since 1992, 48 people have died on this road and nearly 700 have been injured due to the volatile mix of traffic that uses this road, which includes school buses, trucks going back and forth from the coast to the Central Valley, farm and ranch traffic, and daily commuters.

This road has been such a problem a local citizens group, called "Fix 46," was formed to advocate for improvements. Through their efforts some progress has been made on Route 46, such as implanting rumble strips and an enhanced Highway Patrol presence. But as it has been pointed out to me by everyone from the leaders of "Fix 46," Mary Chambers and Tom Rusch, to the California Highway Patrol, these are only short-term fixes and widening the road is a necessity.

The funding for this road is going to the type of community that is too often forgotten in Washington—small, rural and out of the way—and I am very proud that I have been able to help them help build a safer and more productive community.

In addition to the Hwy 46 funding, this bill also provides targeted funds for locally supported, fully vetted and important local transportation projects such as the installation of emergency call boxes on secluded Highway 166 near Santa Maria and the upgrade of the 332 call boxes throughout Santa Barbara County to make them all handicapped accessible. This legislation will also allow the city of Guadalupe and the county of Santa Barbara to undertake some much needed repaving work, and the city of Santa Maria to fund three new bikeway segments.

In addition, this bill also will provide funds for a traffic calming project and pedestrian boardwalks in the coastal cities of Grover Beach and Pismo Beach, and for road reconstruction in Arroye Grande. Finally, funds are included for a street widening project in San Luis Obispo and for road widening and bike lane installation south of the city.

I am strongly in support of this legislation as it responds to needs across the country and to specific transportation needs on the Central Coast. I urge my colleagues to support this important bill.

Mr. EVERETT. Mr. Chairman, I am proud to speak today in support of H.R. 2400, the Transportation Authorization bill. Our nation's infrastructure has been overlooked and treated as a low priority for far too long. It is time to re-invest in our nation's roads, bridges, and other surface transportation needs. By improving and properly maintaining our infrastructure, we will enhance new growth opportunities, commerce, and safety. I believe this legislation meets many of these goals.

In addition, the regional distribution of gas tax and user fees are more properly allocated among all 50 states in this bill than in the past. As a member of the Donor State Coalition, this represents a hard fought victory for those states, like Alabama, that have been paying more in gas taxes than they have received in federal highway funds. I pledge to continue my efforts to see that donor states ultimately receive a 95 percent overall rate-of-return and, further, that these states receive a rate-of-return of 100 percent of the funds distributed to states.

Perhaps most importantly, H.R. 2400 addresses the infrastructure priorities of the State of Alabama. Of our Governor's top highway priorities, I am pleased to say that two of these projects are located in my district in Southeast Alabama. The bill provides additional funding, at my request, for both the Montgomery Outer Loop project and the Dothan I–10 Connector.

Once completed, the Outer Loop will link I–85 with I–65 and US 80. This will improve traffic safety and allow for more orderly growth in and around Montgomery, our state capital. The eastern side of Montgomery and surrounding area represent one of the most rapidly growing regions in the state, so construction of this outer loop project will ease the burdens currently placed on our existing transportation routes.

The Dothan project will connect Dothan with Interstate 10 in northwest Florida. Additionally, this freeway will serve as an important link between Fort Rucker, home of the U.S. Army Aviation Warfighting Center, and the interstate system.

Both of these projects are essential in meeting the increasing demands in these rapidly growing and developing areas. Further, as priorities of the state transportation officials, these projects are in the state's long range plan and are thereby assured of receiving the requisite state matching funds.

Mr. Chairman, this legislation represents a balanced blueprint for renewing America's highway infrastructure and safety needs over the next six years. I am confident that the funding commitments of the bill will remain within our balanced budget structure, and I urge it's adoption.

Mr. ENSIGN. Mr. Chairman, I would like to take this opportunity to thank Chairman SHUSTER and Chairman PETRI for their leadership in bringing the needed reauthorization of the Intermodal Surface Transportation Efficiency Act to the floor. The efficient movement of commerce and people is among the keys to a successful free market economy.

This bill transcends simple infrastructure development and advocates innovative strategies to fight air pollution caused by congestion. I am pleased that my Nevada colleague, Mr. GIBBONS, and I were able to include language that will provide states with more flexibility in the use of their CMAQ allocations. Our proposal will afford states the opportunity to leverage Federal funding with private dollars through the establishment of public-private partnerships—joint ventures that will release innovations in the private sector to develop breakthrough technologies that substantially reduce air pollution. With dwindling Federal resources, states need this vital option to meet clean air requirements.

The CMAQ program is intended to promote projects and strategies that will assist states in the attainment of ambient air quality standards for ozone and carbon monoxide. Cars and other transportation account for one-third of greenhouse gas emissions. Because of this, we have a responsibility to aggressively promote technologies—such as non-traditional fuels—that can combat some of the negative effects of our progress. States must find new and innovative means of attacking their air quality problems associated with congestion and transportation. Our amendment would energize community stakeholders to promote cooperative efforts with the scientific, industrial, and other such organizations that can bring unique capabilities to the table that develop new ways to reduce emissions.

I am proud to say that one such innovative non-traditional fuel has been developed in Nevada. This small startup company—A-55 Clean Fuels—has developed a water-phased hydrocarbon fuel emulsion, which, because of its unparalleled ability to fight the pervasive air pollutant NO_X, warrants special consideration. Tests of this innovative fuel are being performed around the country on a wide-range of applications including cars, trucks, and buses to confirm performance and environmental benefits. EPA has verified these tests. The potential of this fuel to reduce dangerous air pollution is enormous. Therefore, it is important to include this fuel as an eligible activity for CMAQ funding because:

NO_X, one of the major building blocks of ozone and particulate matter, is reduced from 50% to 80% by using the fuel. Soot and smoke are also reduced.

It is market driven, offering consumers a fuel that is cost competitive and often less expensive than diesel and gasoline.

The fuel is safer than traditional fuels. It does not readily ignite outside the combustion chamber making it ideal for school buses, trucks and all vehicles that traverse our nation's roadways.

Decisionmakers need every possible alternative in their tool kit to address air pollution. Non-traditional fuels must play a critical role in the CMAQ program so that states can meet their clean air responsibilities and at the same time, allow their citizens and their economy the freedom to grow. Our amendment would capitalize on the power of the private sector to provide innovations, like A–55, that both save money and reduce emissions.

Mr. OXLEY. Mr. Chairman, I rise today in strong support of H.R. 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA).

In my district, and in the districts of many of my colleagues, the rural highways that have served our nation since the mid-fifties are no longer capable of serving the growing number of cars and trucks that use them every day. Additionally, many of these highways often prove to be hazardous, and unable to meet the needs of the small towns and growing economies that they serve. Adding to this problem is the fact that more often than not rural highways are overlooked when upgrade decisions are made in favor of major interstate projects that serve large metropolitan cities and constituencies. U.S. Rt. 30 that runs through my district is a perfect example of this growing problem.

As a major east-west thoroughfare U.S. 30 is a integral trucking route serving the northern half of Ohio between I–70 and the Ohio Turnpike. Over the years this narrow two-lane stretch of highway has logged a disturbing number of automotive accidents, which, when combined with the increase in truck traffic and lack of sufficient shoulder room, has al' too often led to fatalities. With truck traffic on this route up 11 percent since 1994, much of which can be attributed to an increase state tolls elsewhere that forced many trucks to reroute to rural thoroughfares like US 30, the need for a four-lane upgrade has never been more critical. I support BESTEA because it will give Ohio the needed resources and flexibility to bring much needed relief to those who live along and drive U.S. Rt. 30.

Of great importance to me is the fact that Chairman Shuster' bill finally provides equity for donor states like Ohio that have long provided more revenue than they have received back in federal-aid highway funds. By providing a true 95 percent return on contributions to the Highway Trust Fund Ohio will be able to complete many projects that have long been shelves due to lack of federal funding. Moreover, by taking the Highway Trust Fund off-budget, BESTEA will restore the integrity of the fund and provide all states with the transportation funding their citizens have already contributed through gas taxes. While in 1991 we made great strides in improving our transportation system by passing ISTEA, in fact increasing Ohio's return from a meager 79 cents on the dollar to 87 cents, Today's BESTEA legislation will significantly strengthen this commitment to our nations infrastructure that we began many years ago.

Mr. Chairman, I applaud the Chairman of the Transportation Committee for his leadership in bringing this important piece of legislation to the House floor. I plan to support it and I look forward to its passage so we can ensure that our nation has the best and most modern transportation system in the world.

Mr. DOYLE. Mr. Chairman, roads, bridges, transit, and trails all play an important part in meeting the challenge of continuing to use transportation to benefit the economy, environment, and quality of life in all of our communities. Today's passage of H.R. 2400, the Building Efficient Surface Transportation and Equity Act (BESTEA), means that the critical infrastructure needs of the people in the 18th Congressional District of Pennsylvania will be addressed in a comprehensive manner.

The success of BESTEA is its preservation of the most progressive components of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). BESTEA continues to recognize and pay attention to, creating and maintaining transportation systems which reflect both environmental concerns and the needs of residents. BESTEA is a balanced bill which meets the needs of road repair, bridge rehabilitation, transit access, safety research, and pollution reduction.

Pennsylvania's overall network of 116,000 miles of highways and streets is the largest of any eastern state with 44% of the state's 22,327 bridges in disrepair. The support provided by BESTEA not only stimulates economic activity, but meets important safety concerns. BESTEA also provides critical assistance in improving other aspects of transportation that enhance the aesthetic of our local landscapes and improve the quality of our air. I am pleased that CMAQ and Recreational Trail Program funds were included in BESTEA.

It is important to note that BESTEA provides this critical assistance to cities, towns, and neighborhoods across our country in a fiscally responsible manner. As a strong balanced budget advocate, I am supportive of the requirement that any spending increases in BESTEA must be off-set. As a cosponsor of the Truth in Budgeting Act in both the 104th and 105th Congress, I am pleased that BESTEA addresses a tax fairness issue by moving the Highway Trust Fund "off-budget" beginning in FY 1999. Currently, with this fund "on-budget" the surpluses are used to mask a portion of our true budget deficit and prevents the funds from being used in the manner they were intended.

Without the critical support that BESTEA provides, countless communities in the 18th Congressional District would have to stave off undesirable consequences of poor infrastructure, rather than plan for future development and growth. By improving our communities' mobility we can directly benefit the quality of life and economic competitiveness of our country. I am pleased to support H.R. 2400.

Mr. HAYWORTH. Mr. Chairman, I rise today in strong support of the Indian Reservation Roads (IRR) program. While the Building Efficient Surface Transportation and Equity Act (BESTEA) increases current IRR funding levels to $212 million, I would urge the conferees to recede to the Senate funding level for IRR of $250 million.

Funding for the IRR program is critical to the safety and, ultimately, the health and welfare of Native American communities. The current state of tribal infrastructure often consists of dirt roads over which community members must travel for hundreds of miles to reach the nearest hospital or school. Crumbling infrastructure does nothing to induce safe travel to and from community resources, and speaks poorly of our nation's regard for the treaties, relationships, and prioritization of Native Americans needs.

The Senate funding level for IRR of $250 million is a modest but necessary increase, and I urge my colleagues to respect the call for desperately needed resources.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure printed in the bill, modified by the amendment recommended by the Committee on Ways and Means printed in the bill, and the amendment printed in Part I of House Report 105–476, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute, modified by the amendment recommended by the Committee on Ways and Means now printed in the bill and the amendment printed in Part I of House Report 105–476 is as follows:

H.R. 2400

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Building Efficient Surface Transportation and Equity Act of 1998".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Savings clause.

TITLE I—FEDERAL-AID HIGHWAYS

Sec. 101. Amendments to title 23, United States Code.
Sec. 102. Authorization of appropriations.
Sec. 103. Obligation ceiling.
Sec. 104. Apportionments.
Sec. 105. Interstate maintenance program.
Sec. 106. National Highway System.
Sec. 107. Highway bridge program.
Sec. 108. Surface transportation program.
Sec. 109. Congestion mitigation and air quality improvement program.
Sec. 110. High risk road safety improvement program.
Sec. 111. Minimum allocation.
Sec. 112. Appalachian Development Highway System.
Sec. 113. High cost Interstate System reconstruction and improvement program.

Sec. 114. Recreational trails program.
Sec. 115. National corridor planning and development program.
Sec. 116. Coordinated border infrastructure and safety program.
Sec. 117. Federal lands highways program.
Sec. 118. National scenic byways program.
Sec. 119. Variable pricing pilot program.
Sec. 120. Toll roads, bridges, and tunnels.
Sec. 121. Construction of ferry boats and ferry terminal facilities.
Sec. 122. Highway use tax evasion projects.
Sec. 123. Performance bonus program.
Sec. 124. Metropolitan planning.
Sec. 125. Statewide planning.
Sec. 126. Roadside safety technologies.
Sec. 127. Discretionary program authorizations.
Sec. 128. Woodrow Wilson Memorial Bridge.
Sec. 129. Training.
Sec. 130. Transportation assistance for Olympic cities.
Sec. 131. National Defense Highways.
Sec. 132. Miscellaneous surface transportation programs.
Sec. 133. Eligibility.
Sec. 134. Fiscal, administrative, and other amendments.
Sec. 135. Access of motorcycles.
Sec. 136. Amendments to prior surface transportation authorization laws.
Sec. 137. Bicycle transportation and pedestrian walkways.
Sec. 138. Hazard elimination program.
Sec. 139. Project administration.
Sec. 140. Contracting for engineering and design services.
Sec. 141. Commercial motor vehicle study.
Sec. 142. New York Avenue Transportation Development Authority.
Sec. 143. Definitions.

TITLE II—HIGHWAY SAFETY

Sec. 201. Amendments to title 23, United States Code.
Sec. 202. Highway safety programs.
Sec. 203. Highway safety research and development.
Sec. 204. Occupant protection incentive grants.
Sec. 205. Alcohol-impaired driving countermeasures.
Sec. 206. State highway safety data improvements.
Sec. 207. National Driver Register.
Sec. 208. Safety studies.
Sec. 209. Effectiveness of laws establishing maximum blood alcohol concentrations.
Sec. 210. Authorizations of appropriations.
Sec. 211. Transportation injury research.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Sec. 301. Amendments to title 49, United States Code.
Sec. 302. Definitions.
Sec. 303. Metropolitan planning.
Sec. 304. Transportation improvement program.
Sec. 305. Transportation management areas.
Sec. 306. Urbanized area formula grants.
Sec. 307. Mass Transit Account block grants.
Sec. 308. Capital program grants and loans.
Sec. 309. Dollar value of mobility improvements.
Sec. 310. Formula grants and loans for special needs of elderly individuals and individuals with disabilities.
Sec. 311. Formula program for other than urbanized areas.
Sec. 312. Research, development, demonstration, and training projects.
Sec. 313. National planning and research programs.
Sec. 314. National transit institute.
Sec. 315. University research institutes.
Sec. 316. Transportation centers.
Sec. 317. Bus testing facilities.
Sec. 318. Bicycle facilities.
Sec. 319. General provisions on assistance.
Sec. 320. Contract requirements.
Sec. 321. Special procurements.
Sec. 322. Project management oversight and review.
Sec. 323. Study on alcohol and controlled substances random testing rate calculation.
Sec. 324. Administrative procedures.
Sec. 325. Reports and audits.
Sec. 326. Apportionment of appropriations for formula grants.
Sec. 327. Apportionment of appropriations for fixed guideway modernization.
Sec. 328. Authorizations.
Sec. 329. Obligation ceiling.
Sec. 330. Access to jobs challenge grant pilot program.
Sec. 331. Adjustments for the Surface Transportation Extension Act of 1997.
Sec. 332. Projects for new fixed guideway systems and extensions to existing systems.
Sec. 333. Projects for bus and bus-related facilities.
Sec. 334. Project management oversight.
Sec. 335. Privatization.
Sec. 336. School transportation safety.
Sec. 337. Urbanized area formula study.
Sec. 338. Coordinated transportation services.
Sec. 339. Final assembly of buses.

TITLE IV—MOTOR CARRIER SAFETY

Sec. 401. Amendments to title 49, United States Code.
Sec. 402. State grants.
Sec. 403. Information systems.
Sec. 404. Automobile transporter defined.
Sec. 405. Inspections and reports.
Sec. 406. Exemptions and pilot programs.
Sec. 407. Safety regulation.
Sec. 408. Improved interstate school bus safety.
Sec. 409. Repeal of certain obsolete miscellaneous authorities.
Sec. 410. Commercial vehicle operators.
Sec. 411. Interim border safety improvement program.
Sec. 412. Vehicle weight enforcement.
Sec. 413. Participation in international registration plan and international fuel tax agreement.
Sec. 414. Telephone hotline for reporting safety violations.
Sec. 415. Insulin treated diabetes mellitus.
Sec. 416. Performance-based CDL testing.
Sec. 417. Postaccident alcohol testing.
Sec. 418. Driver fatigue.
Sec. 419. Safety fitness.
Sec. 420. Hazardous materials transportation regulation and farm service vehicles.
Sec. 421. Truck trailer conspicuity.
Sec. 422. DOT implementation plan.

TITLE V—PROGRAMMATIC REFORMS AND STREAMLINING

Sec. 501. Project approval and oversight.
Sec. 502. Environmental streamlining.
Sec. 503. Major investment study integration.
Sec. 504. Financial plan.
Sec. 505. Uniform transferability of Federal-aid highway funds.
Sec. 506. Discretionary grant selection criteria and process.
Sec. 507. Elimination of regional office responsibilities.
Sec. 508. Authority for Congress to make midcourse corrections to the highway and transit programs.

TITLE VI—TRANSPORTATION RESEARCH

Sec. 601. Amendments to title 23, United States Code.
Sec. 602. Applicability of title 23.
Sec. 603. Transfers of funds.

Subtitle A—Surface Transportation Research, Technology, and Education

PART I—HIGHWAY RESEARCH

Sec. 611. Research.
Sec. 612. State planning and research.
Sec. 613. International highway transportation outreach program.

PART II—TRANSPORTATION EDUCATION, PROFESSIONAL TRAINING, AND TECHNOLOGY DEPLOYMENT

Sec. 621. National Highway Institute.
Sec. 622. National technology deployment initiative.
Sec. 623. Education and training programs.
Sec. 624. University transportation research.
Sec. 625. Funding allocations.

PART III—BUREAU OF TRANSPORTATION STATISTICS AND MISCELLANEOUS PROGRAMS

Sec. 631. Bureau of Transportation Statistics.
Sec. 632. Transportation technology innovation and demonstration program.

Subtitle B—Intelligent Transportation Systems

Sec. 651. Definitions.
Sec. 652. Scope of program.
Sec. 653. General authorities and requirements.
Sec. 654. National ITS program plan.
Sec. 655. Technical assistance, planning, research, and operational tests.
Sec. 656. ITS deployment.
Sec. 657. Funding allocations.
Sec. 658. Global positioning satellite data.
Sec. 659. Repeal.

TITLE VII—TRUTH IN BUDGETING

Sec. 701. Budgetary treatment of Highway Trust Fund.
Sec. 702. Applicability.

TITLE VIII—RECREATIONAL BOATING SAFETY PROGRAM

Sec. 801. Short title.
Sec. 802. Amendments relating to recreational boating safety program.

TITLE IX—RAILROADS

Sec. 901. High-speed rail.
Sec. 902. Light density rail line pilot projects.
Sec. 903. Miami-Orlando-Tampa corridor project.
Sec. 904. Alaska Railroad.
Sec. 905. Railway-highway crossing hazard elimination in high speed rail corridors.
Sec. 906. Railroad rehabilitation and improvement financing.

TITLE X—CONDITIONS FOR IMPLEMENTATION OF FUNDING

Sec. 1001. Conditions for implementation of funding.

TITLE XI—REVENUES

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) INTERSTATE SYSTEM.—The term "Interstate System" has the meaning such term has under section 101 of title 23, United States Code.

(2) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 3. SAVINGS CLAUSE.

Except as otherwise provided in this Act, an amendment made by this Act shall not affect any funds apportioned or allocated before the date of the enactment of this Act.

TITLE I—FEDERAL-AID HIGHWAYS

SEC. 101. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title and title V an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) Interstate maintenance program.—For the Interstate maintenance program under section 119 of title 23, United States Code, $4,019,500,000 for fiscal year 1998, $4,462,600,000 for fiscal year 1999, and $5,006,200,000 for each of fiscal years 2000 through 2003.

(2) National highway system.—For the National Highway System under section 103 of such title $4,978,500,000 for fiscal year 1998, $5,520,500,000 for fiscal year 1999, and $6,186,500,000 for each of fiscal years 2000 through 2003.

(3) Bridge program.—For the bridge program under section 144 of such title $3,777,600,000 for fiscal year 1998, $4,194,000,000 for fiscal year 1999, and $4,704,800,000 for each of fiscal years 2000 through 2003.

(4) Surface transportation program.—For the surface transportation program under section 133 of such title $5,601,400,000 for fiscal year 1998, $6,218,900,000 for fiscal year 1999, and $6,976,300,000 for each of fiscal years 2000 through 2003.

(5) Congestion mitigation and air quality improvement program.—For the congestion mitigation and air quality improvement program under section 149 of such title $1,406,800,000 for fiscal year 1998, $1,561,900,000 for fiscal year 1999, and $1,752,200,000 for each of fiscal years 2000 through 2003.

(6) High risk road safety improvement program.—For the high risk road safety improvement program under section 154 of such title $750,000,000 for fiscal year 1998, $1,000,000,000 for fiscal year 1999, and $1,000,000,000 for each of fiscal years 2000 through 2003.

(7) High cost interstate system reconstruction and improvement program.—For the high cost Interstate System reconstruction and improvement program under section 160 of such title $265,000,000 for fiscal year 1998, $512,500,000 for fiscal year 1999, $920,000,000 for fiscal year 2000, $923,000,000 for fiscal year 2001, $922,000,000 for fiscal year 2002, and $1,067,000,000 for fiscal year 2003.

(8) Discretionary programs.—For executive and legislative branch discretionary programs referred to in section 127 of this Act (including amendments made by such section) $1,622,400,000 for fiscal year 1998, $2,215,300,000 for fiscal year 1999, $2,563,600,000 for fiscal year 2000, $2,563,600,000 for fiscal year 2001, $2,657,600,000 for fiscal year 2002, and $2,657,600,000 for fiscal year 2003.

(9) Appalachian development highway system program.—For the Appalachian development highway system program under section 201 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) $250,000,000 for fiscal year 1998, $400,000,000 for fiscal year 1999, and $400,000,000 for each of fiscal years 2000 through 2003.

(10) Recreational trails program.—For the recreational trails program under section 206 of such title $30,000,000 for fiscal year 1998, $40,000,000 for fiscal year 1999, and $50,000,000 for each of fiscal years 2000 through 2003.

(11) Federal lands highways program.—

(A) Indian reservation roads.—For Indian reservation roads under section 204 of such title $194,000,000 for fiscal year 1998, $200,000,000 for fiscal year 1999, and $212,000,000 for each of fiscal years 2000 through 2003.

(B) Public lands highways.—For public lands highways under section 204 of such title $58,000,000 for fiscal year 1998, $60,000,000 for fiscal year 1999, and $60,000,000 for each of fiscal years 2000 through 2003.

(C) Parkways and park highways.—For parkways and park highways under section 204 of such title $85,300,000 for fiscal year 1998, $86,200,000 for fiscal year 1999, and $99,000,000 for each of fiscal years 2000 through 2003.

(D) Forest highways.—For forest highways under section 204 of such title $113,500,000 for fiscal year 1998, $130,000,000 for fiscal year 1999, and $130,000,000 for each of fiscal years 2000 through 2003.

(12) Highway use tax evasion projects.—For highway use tax evasion projects under section 1040 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) $5,000,000 for fiscal year 1998 and $10,000,000 for each of fiscal years 1999 through 2003.

(b) Disadvantaged Business Enterprises.—

(1) General rule.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts authorized to be appropriated under titles I, III, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals.

(2) Compliance with court orders.—Nothing in this section limits the eligibility of an entity or person to receive funds made available under titles I, III, and VI of this Act, if the entity or person is prevented, in whole or in part, from complying with paragraph (1) because a Federal court issues a final order in which the court finds that the requirement of paragraph (1), or the program established under paragraph (1), is unconstitutional.

(3) Review by comptroller general.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of, and publish and report to Congress findings and conclusions on, the impact throughout the United States of administering the requirement of paragraph (1), including an analysis of—

(A) in the case of small business concerns owned and controlled by socially and economically disadvantaged individuals—

(i) the number of the small business concerns; and

(ii) the participation rates of the small business concerns in prime contracts and subcontracts funded under titles I, III, and VI of this Act;

(B) in the case of small business concerns described in subparagraph (A) that receive prime contracts and subcontracts funded under titles I, III, and VI of this Act—

(i) the number of the small business concerns;

(ii) the annual gross receipts of the small business concerns; and

(iii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(C) in the case of small business concerns described in subparagraph (A) that do not receive prime contracts and subcontracts funded under titles I, III, and VI of this Act—

(i) the annual gross receipts of the small business concerns; and

(ii) the net worth of socially and economically disadvantaged individuals that own and control the small business concerns;

(D) in the case of business concerns that receive prime contracts and subcontracts funded under titles I, III, and VI of this Act, other than small business concerns described in subparagraph (B)—

(i) the annual gross receipts of the business concerns; and

(ii) the net worth of individuals that own and control the business concerns;

(E) the rate of graduation from any programs carried out to comply with the requirement of paragraph (1) for small business concerns owned and controlled by socially and economically disadvantaged individuals;

(F) the overall cost of administering the requirement of paragraph (1), including administrative costs, certification costs, additional construction costs, and litigation costs;

(G) any discrimination, on the basis of race, color, national origin, or sex, against small business concerns owned and controlled by socially and economically disadvantaged individuals;

(H)(i) any other factors limiting the ability of small business concerns owned and controlled by socially and economically disadvantaged individuals to compete for prime contracts and subcontracts funded under titles I, III, and VI of this Act; and

(ii) the extent to which any of those factors are caused, in whole or in part, by discrimination based on race, color, national origin, or sex;

(I) any discrimination, on the basis of race, color, national origin, or sex, against construction companies owned and controlled by socially and economically disadvantaged individuals in public and private transportation contracting and the financial, credit, insurance, and bond markets;

(J) the impact on small business concerns owned and controlled by socially and economically disadvantaged individuals of—

(i) the issuance of a final order described in paragraph (2) by a Federal court that suspends a program established under paragraph (1); or

(ii) the repeal or suspension of State or local disadvantaged business enterprise programs; and

(K) the impact of the requirement of paragraph (1), and any program carried out to comply with paragraph (1), on competition and the creation of jobs, including the creation of jobs for socially and economically disadvantaged individuals.

(4) Definitions.—For purposes of this subsection, the following definitions apply:

(A) Small business concern.—The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632); except that such term shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has average annual gross receipts over the preceding 3 fiscal years in excess of $16,600,000, as adjusted by the Secretary for inflation.

(B) Socially and economically disadvantaged individuals.—The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

SEC. 103. OBLIGATION CEILING.

(a) General Limitation.—Notwithstanding any other provision of law, the total of all obligations for Federal-aid highway programs shall not exceed—

(1) $21,500,000,000 for fiscal year 1998;

(2) $25,300,000,000 for fiscal year 1999; and

(3) $28,400,000,000 for each of fiscal years 2000 through 2003.

(b) Exceptions.—The limitations under subsection (a) shall not apply to obligations—

(1) under section 125 of title 23, United States Code;

(2) under section 157 of such title;

(3) under section 147 of the Surface Transportation Assistance Act of 1978;

(4) under section 9 of the Federal-Aid Highway Act of 1981;

(5) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982;

(6) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(7) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; and

(8) under section 104(j) of title 23, United States Code, relating to high priority projects.

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 1998 through 2003, the Secretary shall—

(1) not distribute amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a) of title 23, United States Code, and amounts authorized for the highway use tax evasion program and the Bureau of Transportation Statistics;

(2) determine the ratio that—

(A) the obligation limitation imposed by subsection (a) for such fiscal year less the aggregate of amounts not distributed under paragraph (1), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highway programs (other than sums authorized to be appropriated for sections referred to in subsection (b)) for such fiscal year less the aggregate of amounts not distributed under paragraph (1);

(3)(A) multiply the ratio determined under paragraph (2) by the sums authorized to be appropriated for such fiscal year for each of the programs that are allocated by the Secretary under this Act and title 23, United States Code (other than the recreational trails program and programs to which paragraph (1) applies);

(B) not distribute such amount for each such program (other than the recreational trails program and programs to which paragraph (1) applies); and

(C) in administering such program, allocate such amount for such program;

(4) distribute the obligation limitation imposed by subsection (a) less the aggregate of amounts not distributed under paragraphs (1) and (3) and less amounts distributed under paragraph (5) by allocation in the ratio which sums authorized to be appropriated for Federal-aid highway programs that are apportioned or allocated to each State for such fiscal year and that are subject to the limitation imposed by subsection (a) bear to the total of the sums authorized to be appropriated for Federal-aid highway programs that are apportioned or allocated for such fiscal year and that are subject to the limitation imposed by subsection (a); and

(5) distribute any amount determined under paragraph (3) for the recreational trails program in accordance with the formula set forth in section 104(h) of title 23, United States Code, for such program.

(d) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (c), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highway programs that have been apportioned to a State; and

(2) after August 1 of each of fiscal years 1998 through 2003 revise a distribution of the obligation authority made available under subsection (c) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, under section 160 of title 23, United States Code (as in effect on the day before the date of the enactment of this Act), and under section 1015 of the Intermodal Surface Transportation Act of 1991 (105 Stat. 1943–1945).

(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—Obligation limitations for Federal-aid highway programs established by subsection (a) shall apply to transportation research programs carried out under chapter 3 of title 23, United States Code, and under title VI of this Act.

(f) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation authority under subsection (a) for each of fiscal years 1998 through 2003, the Secretary shall distribute to the States any funds (A) that are authorized to be appropriated for such fiscal year for Federal-aid highway programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and chapter 4 of title 23, United States Code, and (B) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (c)(5). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(2) HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM FUNDS.—Not later than 30 days after the date of the distribution of obligation authority under subsection (c) for each of fiscal years 1998 through 2003, the Secretary shall distribute to the States any funds that are authorized to be appropriated for such fiscal year to carry out the high cost Interstate System reconstruction and improvement program under section 160 of title 23, United States Code, and that will not be available for obligation in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as funds are apportioned under section 104(b)(5) of such title. The funds so distributed to a State shall be credited to the State's apportionment under such section 104(b)(5).

SEC. 104. APPORTIONMENTS.

(a) ADMINISTRATIVE TAKEDOWN.—Section 104(a) is amended to read as follows:

"(a) ADMINISTRATIVE TAKEDOWN.—Whenever an apportionment is made of the sums authorized to be appropriated for expenditure on Interstate maintenance, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the high risk road safety program, the high cost Interstate System reconstruction and improvement program, the national corridor planning and development program, the border infrastructure and safety program, and the Federal lands highways program, the Secretary shall deduct a sum, in such amount not to exceed 1 percent of all sums so authorized, as the Secretary may deem necessary for administering the provisions of law to be financed from appropriations for the Federal-aid highway program. In making such determination, the Secretary shall take into account the unobligated balance of any sums deducted for such purposes in prior years. The sums so deducted shall remain available until expended. The Secretary may not transfer any of such sums to a Federal entity other than the Federal Highway Administration.".

(b) APPORTIONMENTS.—Section 104(b) is amended to read as follows:

"(b) APPORTIONMENTS.—On October 1 of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) and the set-aside authorized by subsection (f), shall apportion the remainder of the sums authorized to be appropriated for expenditure on Interstate maintenance, the National Highway System, the surface transportation program, the congestion mitigation and air quality improvement program, and the high risk road safety program for that fiscal year, among the several States in the following manner:

"(1) NATIONAL HIGHWAY SYSTEM.—For the National Highway System, 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and the remaining 99 percent apportioned as follows:

"(A) In the case of a State with an average population density of 20 persons or fewer per square mile, and in the case of a State with a population of 1,500,000 persons or fewer and with a land area of 10,000 square miles or less, the greater of—

"(i) a percentage share of the remaining apportionments equal to the percentage specified for the State in section 104(h)(1) of the Building Efficient Surface Transportation and Equity Act of 1998; or

"(ii) a share determined under subparagraph (B).

"(B) Subject to subparagraph (A), in the case of any State for which the apportionment is not determined under subparagraph (A)(i), a share of the remaining apportionments determined in accordance with the following formula:

"(i) 1/9 of the remaining apportionments in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States for which the apportionment is not determined under subparagraph (A)(i).

"(ii) 1/9 of the remaining apportionments in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States for which the apportionment is not determined under subparagraph (A)(i).

"(iii) 2/9 of the remaining apportionments in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States for which the apportionment is not determined under subparagraph (A)(i).

"(iv) 2/9 of the remaining apportionments in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States for which the apportionment is not determined under subparagraph (A)(i).

"(v) 3/9 of the remaining apportionments in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States for which the apportionment is not determined under subparagraph (A)(i).

"(2) CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.—

"(A) FORMULA.—For the congestion mitigation and air quality improvement program, in the ratio which the weighted nonattainment and maintenance area populations of each State bear to the total weighted nonattainment and maintenance area population of all States.

"(B) CALCULATION OF WEIGHTED POPULATION.—Such weighted population shall be calculated by multiplying the population of each area within any State that was a nonattainment or maintenance area as described in subsection 149(b) for ozone, carbon monoxide, or particulate matter by a factor of—

"(i) 1.0 if, at the time of the apportionment, the area has been redesignated as an attainment (maintenance) area under section 107(d) of the Clean Air Act;

"(ii) 1.1 if, at the time of apportionment, the area is classified as a marginal ozone nonattainment area under subpart 2 of part D of title I of the Clean Air Act;

"(iii) 1.2 if, at the time of apportionment, the area is classified as a moderate ozone nonattainment area under such subpart;

"(iv) 1.3 if, at the time of apportionment, the area is classified as a serious ozone nonattainment area under such subpart;

"(v) 1.4 if, at the time of apportionment, the area is classified as a severe ozone nonattainment area under such subpart;

"(vi) 1.5 if, at the time of apportionment, the area is classified as an extreme ozone nonattainment area under such subpart; or

"(vii) 1.2. if, at the time of apportionment, the area is not a nonattainment or maintenance area as described in subsection 149(b) of this title for ozone, but is a nonattainment area for carbon monoxide or particulate matter.

"(C) ADDITIONAL FACTORS.—If the area was also classified under subpart 3 or 4 of part D of title I of the Clean Air Act as a nonattainment area described in section 149(b) for carbon monoxide or particulate matter or both, the weighted nonattainment area population of the area, as determined under clauses (i) through (vi) of subparagraph (B), shall be further multiplied by a factor of 1.2. For an area that is a nonattainment area for both carbon monoxide and for particulate matter and the area's weighted population was determined under clause (vii) of subparagraph (B), the area's weighted population shall be further multiplied by a factor of 1.2. For such areas, the population to which this factor is applied shall be the larger of the carbon monoxide and the particulate matter nonattainment area populations.

"(D) MINIMUM APPORTIONMENT.—Notwithstanding any other provision of this paragraph, each State shall receive a minimum of ½ of 1 percent of the funds apportioned under this paragraph. The Secretary shall use annual estimates prepared by the Secretary of Commerce when determining population figures.

"(3) SURFACE TRANSPORTATION PROGRAM.—

"(A) IN GENERAL.—For the surface transportation program, 2 percent to the State of Alaska for any purpose described in section 133(b) and the remaining 98 percent apportioned as follows:

"(i) ⅓ in the ratio that each State's total population bears to the total population of all States, using the latest available annual updates to the Federal decennial census, as prepared by the Secretary of Commerce.

"(ii) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States.

"(iii) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) bear to the total of such annual contributions by all States.

"(B) ADJUSTMENT.—The amount of funds which, but for this subparagraph, would be apportioned to each State for each fiscal year under subparagraph (A) shall be increased or decreased by an amount which, when added to or subtracted from the aggregate amount of funds apportioned or allocated to such State for such fiscal year for Interstate maintenance, National Highway System, surface transportation program, bridge program, congestion mitigation and air quality improvement program, high risk road safety program, recreational trails program, Appalachian Development Highway System program, and metropolitan planning will ensure that the aggregate of such apportionments to any State that does not contribute to the Highway Trust Fund does not exceed the aggregate of such apportionments to any State that does contribute to the Highway Trust Fund.

"(4) HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.—For the high risk road safety improvement program—

"(A) ⅓ in the ratio that each State's total population bears to the total population of all States, using the latest available annual updates to the Federal decennial census, as prepared by the Secretary of Commerce;

"(B) ⅓ in the ratio that each State's total public road mileage bears to the total public road mileage of all States; and

"(C) ⅓ in the ratio that the total vehicle miles traveled on public roads in each State bear to the total vehicle miles traveled on public roads in all States.

"(5) INTERSTATE MAINTENANCE.—For resurfacing, restoring, rehabilitating, and reconstructing the Interstate System—

"(A) ⅓ in the ratio that each State's annual contributions to the Highway Trust Fund (other than the Mass Transit Account) attributable to commercial vehicles bear to the total of such annual contributions by all States;

"(B) ⅓ in the ratio that the total vehicle miles traveled on Interstate routes open to traffic in each State bear to the total vehicle miles traveled on such routes in all States; and

"(C) ⅓ in the ratio that the total lane miles on such routes in each State bear to the total lane miles on such routes in all States.".

(c) OPERATION LIFESAVER AND HIGH SPEED RAIL CORRIDORS.—Section 104(d) is amended—

(1) in paragraph (1) by striking "$300,000" and inserting "$500,000";

(2) in paragraph (2)(A) by striking "$5,000,000" and inserting "$5,250,000"; and

(3) by adding at the end of paragraph (2)(A) the following: "Not less than $250,000 of such set-aside shall be available per fiscal year for eligible improvements to the Minneapolis/St. Paul-Chicago segment of the Midwest High Speed Rail Corridor.".

(d) CERTIFICATION OF APPORTIONMENTS.—Section 104(e) is amended—

(1) by inserting "CERTIFICATION OF APPORTIONMENTS.—" after "(e)";

(2) by inserting "(1) IN GENERAL.—" before "On October 1";

(3) by striking the first parenthetical phrase;

(4) by striking "and research" the first place it appears;

(5) by striking the second sentence;

(6) by adding at the end the following:

"(2) NOTICE TO STATES.—If the Secretary has not made an apportionment under section 104, 144, or 157 of title 23, United States Code, on or before the 21st day of a fiscal year, then the Secretary shall transmit, on or before such 21st day, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a written statement of the reason for not making such apportionment in a timely manner."; and

(7) by indenting paragraph (1), as designated by paragraph (2) of this subsection, and aligning such paragraph (1) with paragraph (2) of such section, as added by paragraph (6) of this subsection.

(e) METROPOLITAN PLANNING SET-ASIDE.—Section 104(f) is amended—

(1) in paragraph (1) by striking "Interstate construction and Interstate substitute programs" and inserting "recreational trails program"; and

(2) in paragraph (3) by striking "120(j) of this title" and inserting "120(b)".

(f) RECREATIONAL TRAILS PROGRAM.—Section 104(h) of such title is amended to read as follows:

"(h) RECREATIONAL TRAILS PROGRAM.—

"(1) ADMINISTRATIVE COSTS.—Whenever an apportionment is made of the sums authorized to be appropriated to carry out the recreational trails program under section 206, the Secretary shall deduct an amount, not to exceed 3 percent of the sums authorized, to cover the cost to the Secretary for administration of and research and technical assistance under the recreational trails program and for administration of the National Recreational Trails Advisory Committee. The Secretary may enter into contracts with for-profit organizations or contracts, partnerships, or cooperative agreements with other government agencies, institutions of higher learning, or nonprofit organizations to perform these tasks.

"(2) APPORTIONMENT TO THE STATES.—After making the deduction authorized by paragraph (1) of this subsection, the Secretary shall apportion the remainder of the sums authorized to be appropriated for expenditure on the recreational trails program for each fiscal year, among the States in the following manner:

"(A) 50 percent of that amount shall be apportioned equally among eligible States.

"(B) 50 percent of that amount shall be apportioned among eligible States in amounts proportionate to the degree of non-highway recreational fuel use in each of those States during the preceding year.".

(g) CROSS REFERENCE CORRECTIONS.—

(1) INTERSTATE MAINTENANCE PROGRAM.—Subsections (a), (d), and (f) of section 119 are each amended by striking "104(b)(5)(B)" each place it appears and inserting "104(b)(5)".

(2) FRINGE AND CORRIDOR PARKING FACILITIES.—Section 137(f)(1) is amended by striking "section 104(b)(5)(B) of this title" and inserting "section 104(b)(5)".

(3) ADDITIONS TO INTERSTATE SYSTEM.—Section 139 is amended by striking "section 104(b)(5)(B) of this title" each place it appears and inserting "section 104(b)(5)".

(4) ACCOMMODATION OF OTHER MODES.—Section 142(c) is amended by striking "section 104(b)(5)(A)" and inserting "section 104(b)(5)".

(5) MINIMUM DRINKING AGES.—Section 158 is amended—

(A) by striking "104(b)(2), 104(b)(5), and 104(b)(6)" each place it appears in subsection (a) and inserting "104(b)(3), and 104(b)(5)";

(B) in the heading to subsection (b) by striking "PERIOD OF AVAILABILITY;"; and

(C) in subsection (b)—

(i) by striking "(1)" the first place it appears and all that follows through "No funds" and inserting "No funds"; and

(ii) by striking paragraphs (2), (3), and (4).

(6) SUSPENSION OF LICENSES OF INDIVIDUALS CONVICTED OF DRUG OFFENSES.—Section 159(b) is amended—

(A) by striking "PERIOD OF AVAILABILITY;" in the subsection heading; and

(B) by striking "(1)" the first place it appears and all that follows through "No funds" and inserting "No funds"; and

(C) by striking paragraphs (2), (3), and (4).

(7) OPERATION OF MOTOR VEHICLES BY INTOXICATED MINORS.—Section 161(a) is amended by striking "(B)" each place it appears.

(h) STATE PERCENTAGES FOR NATIONAL HIGHWAY SYSTEM APPORTIONMENTS.—

(1) IN GENERAL.—The percentage referred to in section 104(b)(1) of title 23, United States Code, for each State shall be determined in accordance with the following table:

States:	**Adjustment percentage**
Alabama	2.02
Alaska	1.24
Arizona	1.68
Arkansas	1.32
California	9.81
Colorado	1.23
Connecticut	1.64
Delaware	0.40
District of Columbia	0.52
Florida	4.77
Georgia	3.60
Hawaii	0.70
Idaho	0.70
Illinois	3.71
Indiana	2.63
Iowa	1.13

States:	***Adjustment percentage***
Kansas	*1.10*
Kentucky	*1.91*
Louisiana	*1.63*
Maine	*0.50*
Maryland	*1.64*
Massachusetts	*1.68*
Michigan	*3.34*
Minnesota	*1.56*
Mississippi	*1.23*
Missouri	*2.45*
Montana	*0.95*
Nebraska	*0.73*
Nevada	*0.67*
New Hampshire	*0.48*
New Jersey	*2.28*
New Mexico	*1.05*
New York	*4.27*
North Carolina	*2.83*
North Dakota	*0.76*
Ohio	*3.77*
Oklahoma	*1.55*
Oregon	*1.23*
Pennsylvania	*4.12*
Puerto Rico	*0.50*
Rhode Island	*0.55*
South Carolina	*1.63*
South Dakota	*0.70*
Tennessee	*2.30*
Texas	*7.21*
Utah	*0.71*
Vermont	*0.43*
Virginia	*2.61*
Washington	*1.75*
West Virginia	*0.76*
Wisconsin	*1.91*
Wyoming	*0.66.*

(2) ADDITIONAL RULE.—Any State with lane miles on the National Highway System totaling between 3,500 and 4,000 miles shall be treated as a State meeting the requirements of section 104(b)(1)(A) of title 23, United States Code, for purposes of such section.

(i) USE OF MOST UP-TO-DATE DATA.—The Secretary shall use the most up-to-date data available for the latest fiscal year for the purposes of making apportionments under this section and section 157 of title 23, United States Code.

(j) ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 1997.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to section 2(c) of the Surface Transportation Extension Act of 1997, the Secretary shall ensure that the total apportionments for a State for fiscal year 1998 made under the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) shall be reduced by the amount apportioned to such State under section 1003(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) REPAYMENT OF TRANSFERRED FUNDS.—The Secretary shall ensure that any apportionments made to a State for fiscal year 1998 and adjusted under paragraph (1) shall first be used to restore in accordance with section 3(c) of the Surface Transportation Extension Act of 1997 any funds that a State transferred under section 3 of such Act.

(3) INSUFFICIENT FUNDS FOR REPAYMENT.—If a State has insufficient funds apportioned in fiscal year 1998 under the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) to make the adjustment required by paragraph (1), then the Secretary shall make an adjustment to any funds apportioned to such State in fiscal year 1999.

(4) ALLOCATED PROGRAMS.—Notwithstanding any other provision of law, amounts made available for fiscal year 1998 by the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) for a program that is continued by both of sections 4, 5, 6, and 7 of the Surface Transportation Extension Act of 1997 (including amendments made by such sections) and the Building Efficient Surface Transportation and Equity Act of 1998 (including amendments made by such Act) shall be reduced by the amount made available by such sections 4, 5, 6, and 7 for such programs.

SEC. 105. INTERSTATE MAINTENANCE PROGRAM.

Section 119 is further amended—

(1) in subsection (a)—

(A) by striking "and rehabilitating" and inserting ", rehabilitating, and reconstructing";

(B) by striking "of this title and" and inserting a comma;

(C) by striking "this sentence" and inserting "the Building Efficient Surface Transportation and Equity Act of 1998";

(D) by striking "of this title;" and inserting ", and any segments that become part of the Interstate System under section 1105(e)(5) of the Intermodal Surface Transportation Efficiency Act of 1991;"; and

(E) by striking "subsection (e)" and inserting "section 129 or continued in effect by section 1012(d) of the Intermodal Surface Transportation Efficiency Act of 1991 and not voided by the Secretary under section 120(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 159)";

(2) by striking subsections (b), (c), and (e); and

(3) by redesignating subsections (d), (f), and (g) as subsections (b), (c), and (d), respectively.

SEC. 106. NATIONAL HIGHWAY SYSTEM.

(a) COMPONENTS.—Section 103(b) is amended—

(1) by striking the last 4 sentences of paragraph (2)(B);

(2) in paragraph (2)(C) by striking "and be subject to approval by Congress in accordance with paragraph (3)"; and

(3) in paragraph (2)(D) by striking "and subject to approval by Congress in accordance with paragraph (3)".

(b) MAXIMUM MILEAGE.—Section 103(b) is amended—

(1) by striking paragraphs (3) and (4) and inserting the following:

"(3) MAXIMUM MILEAGE.—The mileage of highways on the National Highway System shall not exceed 155,000 miles; except that the Secretary may increase or decrease such maximum mileage by not to exceed 15 percent."; and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(c) DESIGNATION.—Section 103(b)(4), as so redesignated by subsection (b)(2) of this section, is amended—

(1) by inserting "(A) BASIC SYSTEM.—" before "The National";

(2) by inserting after subparagraph (A), as so designated by paragraph (1) of this subsection, the following:

"(B) INTERMODAL CONNECTORS.—The modifications to the National Highway System that consist of highway connections to major ports, airports, international border crossings, public transportation and transit facilities, interstate bus terminals, and rail and other intermodal transportation facilities, as submitted to Congress by the Secretary on the map dated May 24, 1996, are designated within the United States, including the District of Columbia and the Commonwealth of Puerto Rico."; and

(3) by indenting such subparagraph (A) and aligning it with subparagraph (B), as inserted by paragraph (2) of this subsection.

(d) MODIFICATIONS.—Section 103(b)(5)(A), as redesignated by subsection (b)(2) of this section, is amended by inserting "or, in the case of the strategic highway network, that are proposed by the Secretary in consultation with appropriate Federal agencies and the States" before "if the Secretary".

(e) CONFORMING AMENDMENTS.—Section 103(b) is amended—

(1) in paragraph (5), as redesignated by subsection (b)(2) of this section, by striking "Subject to paragraph (7), the" and inserting "The";

(2) by striking paragraph (7);

(3) by redesignating paragraph (8) as paragraph (6); and

(4) in paragraph (6), as so redesignated, by striking "paragraph (5)" and inserting "paragraph (4)".

(f) TECHNICAL AMENDMENT.—Section 103 is amended—

(1) by redesignating subparagraphs (A), (B), and (C) of subsection (i)(3) as clauses (i), (ii), and (iii), respectively;

(2) by redesignating paragraphs (1) through (13) of subsection (i) as subparagraphs (A) through (M), respectively;

(3) by redesignating subsection (i) as paragraph (7);

(4) by moving such paragraph (7) (including such subparagraphs and clauses) to the end of subsection (b); and

(5) by moving such paragraph (7) (including such subparagraphs and clauses) 2 ems to the right.

(g) EFFECT ON EXISTING APPORTIONMENTS.—The amendments made by this section shall not affect funds apportioned or allocated under title 23, United States Code, before the date of the enactment of this Act.

(h) INTERMODAL FREIGHT CONNECTORS STUDY.—

(1) REPORT.—Not later than 24 months after the date of the enactment of this Act, the Secretary shall review the condition of and improvements made to connectors on the National Highway System approved by this Act that serve seaports, airports, and other intermodal freight transportation facilities since the designation of the National Highway System and shall report to Congress on the results of such review.

(2) REVIEW.—In preparing the report, the Secretary shall review the connectors designated by this Act as part of the National Highway System and identify projects carried out on those connectors which were intended to provide and improve service to an intermodal facility referred to in paragraph (1) and to facilitate the efficient movement of freight, including movements of freight between modes.

(3) IDENTIFICATION OF IMPEDIMENTS.—If the Secretary determines on the basis of the review that there are impediments to improving the connectors serving intermodal facilities referred to in paragraph (1), the Secretary shall identify such impediments, including any funding for such connectors, and make any appropriate recommendations as part of the Secretary's report to Congress.

(i) HIGHWAY SIGNS ON THE NATIONAL HIGHWAY SYSTEM.—

(1) COMPETITION.—The Secretary shall conduct in accordance with this subsection a national children's competition to design a national logo sign for the routes comprising the National Highway System. Children 14 years of age and under shall be eligible for such competition.

(2) PANEL OF JUDGES.—The Secretary shall appoint a panel of not less than 6 persons to evaluate all designs submitted under the competition and select a winning design. The panel shall be composed of—

(A) a representative of the Department of Transportation;

(B) a representative designated by the American Association of State Highway and Transportation Officials;

(C) a representative of the motor carrier industry;

(D) a representative of private organizations dedicated to advancement of the arts; and

(E) a representative of the motoring public.

(3) REPORT AND PLAN.—Not later than 24 months after the date of the enactment of this

section, the Secretary shall initiate and complete the competition and submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the competition, a plan for the placement of logo signs on the National Highway System, and an estimate of the cost of implementing such plan.

(j) West Virginia Corridor 10.—The Secretary shall designate in the State of West Virginia Route 73 between Route 10 and United States Route 119, Route 10 between Route 80 and Route 73, and Route 80 between United States Route 52 and Route 10 as part of the National Highway System.

SEC. 107. HIGHWAY BRIDGE PROGRAM.

(a) Apportionment Formula.—Section 144(e) is amended by inserting before the period at the end of the fourth sentence the following: ", and, if a State transfers funds apportioned to it under this section in a fiscal year beginning after September 30, 1997, to any other apportionment of funds to such State under this title, the total cost of deficient bridges in such State and in all States to be determined for the succeeding fiscal year shall be reduced by the amount of such transferred funds".

(b) Discretionary Bridge Set-Aside.—Section 144(g)(1) is amended—

(1) by inserting "(A) Fiscal years 1992 through 1997.—" before "Of the amounts";

(2) by adding at the end the following:

"(B) Fiscal year 1998.—The amounts authorized for fiscal year 1998 by section 127(a)(1) of the Building Efficient Surface Transportation and Equity Act of 1998 shall be at the discretion of the Secretary. 25 percent of such amount shall be available only for projects for the seismic retrofit of a bridge described in subsection (l).

"(C) Fiscal years 1999 through 2003.—The amounts authorized for each of fiscal years 1999 through 2003 by section 127(a)(1) of the Building Efficient Surface Transportation and Equity Act of 1998 shall be at the discretion of the Secretary. Not to exceed 25 percent of such amount shall be available only for projects for the seismic retrofit of bridges, including projects in the New Madrid fault region."; and

(3) by indenting subparagraph (A), as so designated by paragraph (1) of this subsection, and aligning such subparagraph (A) with subparagraphs (B) and (C), as inserted by paragraph (2) of this subsection.

(c) Off System Bridge-Set Aside.—Section 144(g)(3) is amended—

(1) by striking ", 1988" and all that follows through "1997," and inserting "through 2003,"; and

(2) by striking "system" each place it appears and inserting "highway".

(d) Eligibility.—Section 144 is amended—

(1) in subsection (d) by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or installing scour countermeasures";

(2) in subsection (d) by inserting after "such acetate" each place it appears the following: "or sodium acetate/formate or such anti-icing or de-icing composition or installation of such countermeasures"; and

(3) in subsection (g)(3) by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions or install scour countermeasures".

(e) Conforming Amendment.—Section 144(n) is amended by striking "system" and inserting "highway".

SEC. 108. SURFACE TRANSPORTATION PROGRAM.

(a) Establishment of Program.—Section 133(a) is amended by inserting after "establish" the following: "and implement".

(b) Application of Anti-icing and De-icing Compositions to Bridges.—Section 133(b)(1) is amended by inserting after "magnesium acetate" the following: ", sodium acetate/formate, or agriculturally derived, environmentally acceptable, minimally corrosive anti-icing and de-icing compositions".

(c) Transportation Control Measures.—Section 133(b)(9) is amended by striking "clauses (xii) and" and inserting "clause".

(d) Environmental Restoration and Pollution Abatement Projects.—Section 133(b) is amended by adding at the end the following:

"(12) Environmental restoration and pollution abatement projects, including the retrofit or construction of storm water treatment systems, to address water pollution or environmental degradation caused or contributed to by existing transportation facilities at the time such transportation facilities are undergoing reconstruction, rehabilitation, resurfacing, or restoration; except that the expenditure of funds under this section for any such environmental restoration or pollution abatement project shall not exceed 20 percent of the total cost of the reconstruction, rehabilitation, resurfacing, or restoration project.".

(e) Division of Funds.—Section 133(d)(3)(B) is amended by adding at the end the following: "Notwithstanding subsection (c), up to 15 percent of the amounts required to be obligated under this subparagraph may be obligated on roads functionally classified as minor collectors.".

(f) Program Approval.—Section 133(e)(2) is amended to read as follows:

"(2) Program approval.—Each State shall submit a project agreement for each fiscal year, certifying that the State will meet all the requirements of this section and notifying the Secretary of the amount of obligations needed to administer the surface transportation program. Each State shall request adjustments to the amount of obligations as needed. The Secretary's approval of the project agreement shall be deemed a contractual obligation of the United States for the payment of surface transportation program funds provided under this title.".

(g) Conforming Amendment.—Section 133(f) is amended by striking "6-fiscal year period 1992 through 1997" and inserting "fiscal years for which funds are made available by the Building Efficient Surface Transportation and Equity Act of 1998".

(h) Encouragement of Use of Youth Conservation or Service Corps.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform appropriate transportation enhancement projects under chapter 1 of title 23, United States Code.

SEC. 109. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) Establishment of Program.—Section 149(a) is amended by inserting after "establish" the following: "and implement".

(b) Currently Eligible Projects.—Section 149(b) is amended—

(1) in paragraph (1)(A) by striking "clauses (xii) and"; and inserting "clause";

(2) by striking "or" at the end of paragraph (3);

(3) by striking "standard." at the end of paragraph (4) and inserting "standard; or"; and

(4) by inserting after paragraph (4) the following:

"(5) if the program or project would have been eligible for funding on or before September 30, 1997, under guidance issued by the Secretary to implement this section.".

(c) Study of Effectiveness of CMAQ Program.—

(1) Study.—The Secretary shall request the National Academy of Sciences to study the impact of the congestion mitigation and air quality improvement program on the air quality of nonattainment areas. The study shall, at a minimum—

(A) determine the amount of funds obligated under such program in each nonattainment area and to make a comprehensive analysis of the types of projects funded under such program;

(B) identify any improvements to or degradations of the air quality in each nonattainment area;

(C) measure the impact of the projects funded under such program on the air quality of each nonattainment area; and

(D) assess the cost effectiveness of projects funded under such program in nonattainment areas, including, to the extent possible, the cost per ton of reductions of ozone and carbon monoxide and reduction of traffic congestion.

(2) Report.—Not later than January 1, 2000, the National Academy of Sciences shall transmit to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate a report on the results of the study with recommendations for modifications to the congestion mitigation and air quality improvement program in light of the results of the study.

(3) Funding.—Before making the apportionment of funds under section 104(b)(2) for each of fiscal years 1998 and 1999, the Secretary shall deduct from the amount to be apportioned under such section for such fiscal year, and make available, $500,000 for such fiscal year to carry out this subsection.

SEC. 110. HIGH RISK ROAD SAFETY IMPROVEMENT PROGRAM.

(a) In General.—Chapter 1 is amended by inserting after section 153 the following:

"§ 154. High risk road safety improvement program

"(a) Establishment.—The Secretary shall establish and implement a high risk road safety improvement program in accordance with this section.

"(b) Eligible Projects.—A State may obligate funds apportioned to it under section 104(b)(4) only for construction and operational improvement projects, and for pavement marking and signing projects, on high risk roads and only if the primary purpose of the project is to improve highway safety on a high risk road.

"(c) State Allocation System.—Each State shall establish a system for allocating funds apportioned to it under section 104(b)(4) among projects eligible for assistance under this section that have the highest benefits to highway safety. Such system may include a safety management system established by the State under section 303 or a survey established pursuant to section 152(a).

"(d) Transferability.—A State may transfer not to exceed 50 percent of the amount of funds apportioned to it under section 104(b)(4) for any fiscal year to the apportionment of such State under section 104(b)(1) or 104(b)(3) or both.

"(e) Applicability of Planning Requirements.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

"(f) Definitions.—In this section, the following definitions apply:

"(1) High risk road.—The term 'high risk road' means any Federal-aid highway or segment of a Federal-aid highway—

"(A) on which a significant number of severe motor vehicle crashes occur; or

"(B) which has current, or will likely have, increases in traffic volume that are likely to create a potential for severe crash consequences in a significant number of motor vehicle crashes.

"(2) SEVERE CRASH.—The term 'severe crash' means a motor vehicle crash in which a fatality or incapacitating injury occurs.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by inserting after the item relating to section 153 the following:

"154. High risk road safety improvement program.".

(c) ROADWAY SAFETY AWARENESS AND IMPROVEMENT PROGRAM.—

(1) IN GENERAL.—For purposes of identifying high-risk roadway hazards and effective countermeasures and improving the collection and public dissemination of information regarding such hazards and their impact on the number and severity of motor vehicle crashes, the Secretary shall enter into an agreement with a private nonprofit national organization that is dedicated solely to improving roadway safety.

(2) TERMS OF AGREEMENT.—Under the terms of the agreement entered into under this subsection, the organization shall—

(A) develop a pilot program to improve the collection of data pertaining to roadway hazards and design features that cause or increase the severity of motor vehicle crashes;

(B) develop a public awareness campaign to educate State and local transportation officials, public safety officials, and motorists regarding the extent to which roadway hazards and design features are a factor in motor vehicle crashes; and

(C) develop and disseminate information to assist State and local transportation officials, public safety officials, and motorists in identifying roadway hazards and effective countermeasures.

(3) REPORT.—Not later than 24 months after the date of entry into the agreement under this subsection, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the status of the program authorized by this subsection. Such report shall be updated each year thereafter, and a final report shall be transmitted not later than 5 years after the date of entry into the agreement.

(4) FUNDING.—Before funds are apportioned under section 104(b)(4) of title 23, United States Code, for each of fiscal years 1998 through 2003, the Secretary shall deduct a sum not to exceed $1,000,000 per fiscal year for carrying out this subsection. Such sums shall remain available until expended.

SEC. 111. MINIMUM ALLOCATION.

(a) GENERAL RULES.—Section 157(a) is amended—

(1) in paragraph (4)—

(A) by striking "THEREAFTER" and inserting "FISCAL YEARS 1992–1997"; and

(B) by striking "fiscal year 1992 and each fiscal year thereafter" and inserting "each of fiscal years 1992 through 1997"; and

(2) by adding at the end the following new paragraph:

"(5) THEREAFTER.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as possible thereafter, the Secretary shall allocate among the States amounts sufficient to ensure that a State's percentage of the total apportionments in each such fiscal year for Interstate maintenance, the National Highway System, the bridge program, the surface transportation program, the congestion mitigation and air quality improvement program, the high priority projects program, the high risk road safety improvement program, the recreational trails program, the Appalachian Development Highway System program, and metropolitan planning shall not be less than 95 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available. In determining allocations under this paragraph, the Secretary shall not take into account the 2 percent set aside under section 104(b)(3)(A).".

(b) AVAILABILITY OF FUNDS.—Section 157(b) is amended—

(1) by inserting before "Amounts allocated" the following: "AVAILABILITY OF FUNDS.—";

(2) by striking "Interstate highway substitute," and all that follows through "crossing projects" and inserting "any purpose described in section 133(b)"; and

(3) by inserting before the period at the end "and section 103(c) of the Building Efficient Surface Transportation and Equity Act of 1998".

(c) CONFORMING AMENDMENTS.—Section 157 is further amended—

(1) in subsection (d) by striking "154(f) or"; and

(2) in subsection (e) by inserting before "In order" the following: "AUTHORIZATION OF APPROPRIATIONS.—".

(d) MINIMUM ALLOCATION ADJUSTMENT.—If the Secretary—

(1) determines that—

(A) the ratio of—

(i) the aggregate of funds made available by this Act, including any amendments made by this Act, that are apportioned to a State for Federal-aid highway programs (including funds allocated to the State under sections 104(j) and 157 of title 23, United States Code) for each fiscal year beginning after September 30, 1997, to

(ii) the aggregate of such funds apportioned to all States for such programs for such fiscal year,

is less than

(B) the ratio of—

(i) estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund, other than the Mass Transit Account, in the latest fiscal year for which data are available, to

(ii) the estimated tax payments attributable to highway users in all States paid into such Trust Fund in such latest fiscal year; and

(2) determines that—

(A) the ratio determined under paragraph (1)(A), is less than

(B) the ratio of—

(i) the aggregate of funds made available by the Intermodal Surface Transportation Efficiency Act of 1991, including any amendments made by such Act, and section 202 of the National Highway System Designation Act of 1995 that are apportioned to the State for Federal-aid highway programs (other than Federal lands highway programs and projects under sections 1103–1108 of the Intermodal Surface Transportation Efficiency Act of 1991) for fiscal years 1992 through 1997, to

(ii) the aggregate of such funds apportioned to all States for such programs for such fiscal years;

the Secretary shall allocate under such section 157 to the State amounts sufficient to ensure that the State's percentage of total apportionments for Federal-aid highway programs under this Act (including amendments made by this Act and allocations under such sections 104(j) and 157) for such fiscal year beginning after September 30, 1997, is equal to the State's percentage of total apportionments for Federal-aid highway programs (other than Federal lands highway programs and projects under sections 1103–1008 of the Intermodal Surface Transportation Efficiency Act of 1991) for fiscal year 1997 under the Intermodal Surface Transportation Efficiency Act of 1991, including any amendments made by such Act, and section 202 of the National Highway System Designation Act of 1995. The allocation shall be made on October 1 of fiscal year 1998, 1999, 2000, 2001, 2002, or 2003, as the case may be, or as soon as possible thereafter and shall be in addition to any other allocation to the State under such section 157 for such fiscal year.

(e) FINAL ADJUSTMENT.—

(1) IN GENERAL.—In fiscal year 1998 and each fiscal year thereafter on October 1, or as soon as practicable thereafter, the Secretary shall allocate under section 157 of title 23, United States Code, among the States amounts sufficient to ensure that the ratio that—

(A) each State's percentage of the total apportionments for such fiscal year for Interstate maintenance, National Highway System, high cost Interstate system reconstruction and improvement program, surface transportation program, metropolitan planning, congestion mitigation and air quality improvement program, high risk road safety improvement program, bridge program, Appalachian development highway system, recreational trails program, high priority projects program, the 2 percent set aside under section 104(b)(3)(A) of title 23, United States Code, and section 157 of such title (including subsection (d) of this section and this subsection), bears to

(B) each State's percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available;

is not less than 0.90.

(2) TREATMENT.—The allocation required by this paragraph shall be in addition to any other allocation under section 157 of title 23, United States Code, including allocations required by subsection (d) of this section.

SEC. 112. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) APPORTIONMENT.—The Secretary shall apportion funds made available by section 102 of this Act for fiscal years 1998 through 2003 among the States based on the latest available cost to complete estimate for the Appalachian development highway system prepared by the Appalachian Regional Commission, unless the Appalachian Regional Commission adopts an alternative method for distribution. In general, no State containing Appalachian development highway system routes shall receive an apportionment of less than $1,000,000. For fiscal years 1999 through 2003, any alternative method for distribution adopted by the Appalachian Regional Commission must be communicated to the Secretary at least 30 days prior to the beginning of the fiscal year in which the apportionment is to be made. Such funds shall be available to construct highways and access roads under section 201 of the Appalachian Regional Development Act of 1965.

(b) APPLICABILITY OF TITLE 23.—Funds authorized by section 102 of this Act for the Appalachian development highway system under section 201 of the Appalachian Regional Development Act of 1965 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of any project under this section shall be determined in accordance with such section 201 and such funds shall remain available until expended.

(c) FEDERAL SHARE FOR PRE-FINANCED PROJECTS.—Section 201(h)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "70" and inserting "80".

(d) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—Section 201 of such Act is amended by adding at the end the following new subsection:

"(i) DEDUCTION FOR ADMINISTRATIVE EXPENSES.—On October 1 of fiscal year 1998 and each fiscal year thereafter, or as soon as is practicable thereafter, there shall be deducted, for the expenses of the Appalachian Regional Commission in administering the funds authorized under this section for such year, not to exceed 3.75 percent of the funds made available for such year under subsection (g) of this section.".

(e) LOCAL PARTICIPATION IN DEDESIGNATION DECISIONS.—Section 201 of such Act is further amended by adding at the end the following:

"(j) LOCAL PARTICIPATION IN DEDESIGNATION DECISIONS.—Before the State of Ohio may request the dedesignation of corridor B from the Ohio River in Scioto County to the Scioto-Adams County line, corridor B1 from the Kentucky State line to the junction with corridor B at Rosemount, corridor C from the junction with corridor B at Lucasville to State Route 159 at Chillicothe, or corridor D from the Adams County line to the Ohio River in Washington County as segments of the Appalachian development highway system, the State must consult about the proposed dedesignation with local elected officials having jurisdiction over the area in which the segment is located and conduct public hearings on the proposed dedesignation in each county in which any part of the segment is located.".

(f) ADDITIONS TO APPALACHIAN REGION.—The undesignated paragraph relating to Georgia of section 403 of such Act is amended—

(1) by inserting "Elbert," after "Douglas,"; and

(2) by inserting "Hart," after "Haralson,".

SEC. 113. HIGH COST INTERSTATE SYSTEM RECONSTRUCTION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 160 is amended to read as follows:

"§160. High cost interstate system reconstruction and improvement program

"(a) ESTABLISHMENT.—The Secretary shall establish and implement a high cost Interstate System reconstruction and improvement program in accordance with this section.

"(b) ELIGIBLE PROJECTS.—Funds made available to carry out the high cost interstate reconstruction and improvement program under this section for a fiscal year shall be available for obligation by the Secretary for any major reconstruction or improvement project to any highway designated as part of the Interstate System and open to traffic before the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998. Such funds shall be made available by the Secretary to any State applying for such funds only if the Secretary determines that—

"(1) the total cost of the project is greater than the lesser of \$200,000,000 or 50 percent of the aggregate amount of funds apportioned to the State under this title for such fiscal year;

"(2) the project is a ready-to-commence project;

"(3) the State agrees that it will not transfer funds apportioned to it under section 104(b)(5) for such fiscal year to any other program category; and

"(4) the applicant agrees to obligate the funds within 1 year of the date the funds are made available.

"(c) ALLOCATION OF FUNDS.—Subject to subsection (f)(1), of the funds made available to carry out the program under this section, the Secretary shall allocate—

"(1) not less than \$165,000,000 for fiscal year 1998, \$412,500,000 for fiscal year 1999, and \$670,000,000 for each of fiscal years 2000 through 2003 among States in the ratio that the estimated cost of carrying out projects determined by the Secretary to be eligible for funding under subsection (b) in each State bears to the estimated cost of carrying out such projects in all of the States; and

"(2) at the discretion of the Secretary, not more than the amounts set forth in section 127(a)(2) for each of fiscal years 1998 through 2003 for projects eligible for assistance under this section to—

"(A) meet an extraordinary need for funding; or

"(B) help expedite completion of a project of national significance.

"(d) UNALLOCATED FUNDS.—

"(1) APPORTIONMENT.—If, on August 1 of fiscal year 1998 and each fiscal year thereafter, the Secretary determines that funds authorized to be allocated in such fiscal year for the program under this section will not be allocated in such fiscal year as a result of not enough projects being eligible for assistance under this section, the Secretary shall apportion under section 104(b)(5) such funds among the States for the Interstate maintenance program.

"(2) REDISTRIBUTION OF OBLIGATION AUTHORITY.—The Secretary shall also redistribute on such August 1 any obligation authority that is allocated for the fiscal year under section 103(c)(4) of the Building Efficient Surface Transportation and Equity Act of 1998 attributable to the program under this section and that the Secretary determines will not be used before September 30 of such fiscal year among the States (other than a State from which obligation authority for such fiscal year is redistributed under section 103(d) of such Act) in the same ratio as set forth in section 103(c)(5) of such Act.

"(e) APPLICABILITY OF PLANNING REQUIREMENTS.—Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.

"(f) FUTURE ALLOCATIONS.—

"(1) FISCAL YEARS 1998–2003.—For fiscal years 1998, 1999, 2000, 2001, 2002, and 2003, funds to be allocated pursuant to subsection (c)(1) shall be allocated in the same manner as funds apportioned under section 104(b)(5). Such funds shall only be available for projects eligible under subsection (b); except that if a State does not have a project eligible under subsection (b), funds allocated to such State under this paragraph shall be available for any project in such State on a segment of the Interstate System that is open to traffic.

"(2) DETERMINATIONS.—The Secretary shall, in cooperation with States and affected metropolitan planning organizations, determine—

"(A) the expected condition of the Interstate System over the next 10 years and the needs of States and metropolitan planning organizations to reconstruct and improve the Interstate System; and

"(B) a method to allocate funds made available under this section that would—

"(i) address the needs identified in subparagraph (A);

"(ii) provide a fair and equitable distribution of such funds; and

"(iii) allow for States to address any extraordinary needs.

"(3) REPORT.—The determination made under paragraph (2) shall be submitted to Congress in a report not later than January 1, 2000.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by striking the item relating to section 160 and inserting the following:

"160. High cost interstate system reconstruction and improvement program.".

SEC. 114. RECREATIONAL TRAILS PROGRAM.

(a) IN GENERAL.—Chapter 2 of title 23, United States Code, is amended by inserting after section 205 the following:

"§206. Recreational trails program

"(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the Secretary of Agriculture, shall administer a national program for the purposes of providing and maintaining recreational trails.

"(b) STATEMENT OF INTENT.—Funds made available to carry out the recreational trails program under this section are to be derived from revenues collected through motor fuel taxes from nonhighway users and are to be used on trails and trail-related projects which have been planned and developed under the otherwise existing laws, policies, and administrative procedures within each State, and which are identified in, or which further a specific goal of, a trail plan included or referenced in a statewide comprehensive outdoor recreation plan required by the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.).

"(c) STATE ELIGIBILITY.—A State shall be eligible to obligate funds apportioned to it under section 104(h) only if—

"(1) the Governor of the State has designated the State agency or agencies that will be responsible for administering funds received under this section; and

"(2) a recreational trail advisory committee on which both motorized and nonmotorized recreational trail users are fairly represented exists within the State.

"(d) FEDERAL SHARE PAYABLE.—

"(1) IN GENERAL.—Except as provided in paragraphs (2), (3), (4), and (5), the Federal share payable on account of a project under this section shall not exceed 50 percent.

"(2) FEDERAL AGENCY PROJECT SPONSOR.—Notwithstanding any other provision of law, a Federal agency sponsoring a project under this section may contribute additional Federal funds toward a project's cost if the share attributable to the Secretary does not exceed 50 percent and the share attributable to the Secretary and the Federal agency jointly does not exceed 80 percent.

"(3) ALLOWABLE MATCH FROM FEDERAL PROGRAMS.—The following Federal programs may be used to contribute additional Federal funds toward a project's cost and may be accounted for as contributing to the non-Federal share:

"(A) State and Local Fiscal Assistance Act of 1972 (Public Law 92–512).

"(B) HUD Community Development Block Grants (Public Law 93–383).

"(C) Public Works Employment Act of 1976 (Public Law 94–369).

"(D) Acts establishing national heritage corridors and areas.

"(E) Job Training Partnership Act of 1982 (Public Law 97–300).

"(F) National and Community Service Trust Act of 1993 (Public Law 103–82).

"(G) Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–93).

"(4) PROGRAMMATIC NON-FEDERAL SHARE.—A State may allow adjustments of the non-Federal share of individual projects in a fiscal year if the total Federal share payable for all projects within the State carried out under this section with funds apportioned to the State under section 104(h) for such fiscal year does not exceed 50 percent. For purposes of this paragraph, a project funded under paragraph (2) or (3) of this subsection may not be included in the calculation of the programmatic non-Federal share.

"(5) STATE ADMINISTRATIVE COSTS.—The Federal share payable on account of the administrative costs of a State under subsection (e)(1)(A) shall be determined in accordance with section 120(b).

"(e) USE OF FUNDS.—

"(1) PERMISSIBLE USES.—A State may use funds apportioned to it under section 104(h)—

"(A) in an amount not exceeding 7 percent of such funds, for administrative costs of the State;

"(B) in an amount not exceeding 5 percent of such funds, for operation of environmental protection education and safety education programs relating to the use of recreational trails;

"(C) for development and rehabilitation of urban trail linkages to provide connections to and among neighborhoods and community centers and between trails;

"(D) for maintenance of existing recreational trails, including the grooming and maintenance of trails across snow;

"(E) for restoration of areas damaged by usage of recreational trails, including back country terrain;

"(F) for development and rehabilitation of trail-side and trail-head facilities that meet goals identified by the National Recreational Trails Advisory Committee;

"(G) for provision of features which facilitate the access and use of trails by persons with disabilities;

"(H) for acquisition of easements for trails, or for trail corridors identified in a State trail plan;

"(I) for acquisition of fee simple title to property from a willing seller, when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;

"(J) for construction of new trails on State, county, municipal, or private lands, where a recreational need for such construction is shown; and

"(K) only as otherwise permissible and where necessary and required by a statewide comprehensive outdoor recreation plan, for construction of new trails crossing Federal lands if such construction is approved by the administering agency of the State and the Federal agency or agencies charged with management of all impacted lands and if such approval is contingent upon compliance by the Federal agency with all applicable laws, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.), and the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.).

"(2) USE NOT PERMITTED.—A State may not use funds apportioned to it under section 104(h)—

"(A) for condemnation of any kind of interest in property;

"(B)(i) for construction of any recreational trail on National Forest System lands for motorized uses unless—

"(I) such lands have been allocated for uses other than wilderness by an approved forest land and resource management plan or have been released to uses other than wilderness by an Act of Congress, and

"(II) such construction is otherwise consistent with the management direction in such approved land and resource management plan; or

"(ii) for construction of any recreational trail on Bureau of Land Management lands for motorized uses unless—

"(I) such lands have been allocated for uses other than wilderness by an approved Bureau of Land Management resource management plan or have been released to uses other than wilderness by an Act of Congress, and

"(II) such construction is otherwise consistent with the management direction in such approved management plans; or

"(C) for upgrading, expanding, or otherwise facilitating motorized use or access to trails predominantly used by non-motorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred.

"(3) GRANTS.—

"(A) IN GENERAL.—A State may provide funds apportioned to it under section 104(h) to make grants to private individuals, organizations, municipal, county, State, and Federal government entities, and other government entities as approved by the State after considering guidance from the recreational trail advisory committee satisfying the requirements of subsection (c)(2), for uses consistent with this section.

"(B) COMPLIANCE.—A State that makes grants under subparagraph (A) shall establish measures to verify that recipients comply with the specified conditions for the use of grant moneys.

"(4) ASSURED ACCESS TO FUNDS.—Except as provided under paragraph (7), not less than 30 percent of the funds apportioned to a State in a fiscal year under section 104(h) shall be reserved for uses relating to motorized recreation, and not less than 30 percent of such funds shall be reserved for uses relating to non-motorized recreation.

"(5) ENVIRONMENTAL MITIGATION.—

"(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, in complying with paragraph (4), a State should give consideration to project proposals that provide for the redesign, reconstruction, nonroutine maintenance, or relocation of trails in order to mitigate and minimize the impact to the natural environment.

"(B) GUIDANCE.—A recreational trail advisory committee satisfying the requirements of subsection (c)(2) shall issue guidance to a State for the purposes of implementing subparagraph (A).

"(6) DIVERSIFIED TRAIL USE.—

"(A) REQUIREMENT.—To the extent practicable and consistent with other requirements of this section, a State shall expend funds apportioned to it under section 104(h) in a manner that gives preference to project proposals which—

"(i) provide for the greatest number of compatible recreational purposes, including those described in subsection (g)(3); or

"(ii) provide for innovative recreational trail corridor sharing to accommodate motorized and non-motorized recreational trail use.

This paragraph shall remain effective with respect to a State until such time as the State has allocated not less than 40 percent of funds apportioned to it under section 104(h) in such manner.

"(B) COMPLIANCE.—The State shall receive guidance for determining compliance with subparagraph (A) from the recreational trail advisory committee satisfying the requirements of subsection (c)(2).

"(7) EXEMPTIONS.—

"(A) SMALL STATE.—Any State with a total land area of less than 3,500,000 acres and in which nonhighway recreational fuel use accounts for less than 1 percent of all such fuel use in the United States shall be exempted from the requirements of paragraph (4) upon application to the Secretary by the State demonstrating that it meets the conditions of this paragraph.

"(B) STATE RECREATIONAL TRAIL ADVISORY COMMITTEE.—If approved by the State recreational trail advisory committee satisfying the requirements of subsection (c)(2), the State may be exempted from the requirements of paragraph (4).

"(8) CONTINUING RECREATIONAL USE.—At the option of each State, funds apportioned to it under section 104(h) may be treated as Land and Water Conservation Fund moneys for the purposes of section 6(f)(3) of the Land and Water Conservation Fund Act.

"(9) CREDIT FOR DONATIONS OF FUNDS, MATERIALS, SERVICES, OR NEW RIGHT-OF-WAY.—Nothing in this title or any other law shall prevent a project sponsor from offering to donate funds, materials, services, or new right-of-way for the purposes of a project eligible for assistance. Any funds, or the fair market value of any materials, services, or new right-of-way may be donated by any project sponsor and shall be credited to the non-Federal share in accordance with subsection (d). Any funds or the fair market value of any materials or services may be provided by a Federal project sponsor and shall be credited as part of that Federal agency's share under subsection (d)(2).

"(10) RECREATIONAL PURPOSE.—A project funded under this section is intended to enhance recreational opportunity and is not subject to the provisions of section 303 of title 49 or section 138 of this title.

"(f) COORDINATION OF ACTIVITIES.—

"(1) COOPERATION BY FEDERAL AGENCIES.—Each agency of the United States that manages land on which a State proposes to construct or maintain a recreational trail pursuant to this section is encouraged to cooperate with the State and the Secretary in planning and carrying out the activities described in subsection (e). Nothing in this section diminishes or in any way alters the land management responsibilities, plans, and policies established by such agencies pursuant to other applicable laws.

"(2) COOPERATION BY PRIVATE PERSONS.—

"(A) WRITTEN ASSURANCES.—As a condition to making available funds for work on recreational trails that would affect privately owned land, a State shall obtain written assurances that the owner of the property will cooperate with the State and participate as necessary in the activities to be conducted.

"(B) PUBLIC ACCESS.—Any use of funds apportioned to a State under section 104(h) on private lands must be accompanied by an easement or other legally binding agreement that ensures public access to the recreational trail improvements funded by those funds.

"(g) APPLICABILITY OF CHAPTER 1.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1; except that the Federal share payable for a project using such funds shall be determined in accordance with this section and such funds shall remain available until expended.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) ELIGIBLE STATE.—The term 'eligible State' means a State that meets the requirements of subsection (c).

"(2) NONHIGHWAY RECREATIONAL FUEL.—The term 'nonhighway recreational fuel' has the meaning such term has under section 9503(c)(6) of the Internal Revenue Code of 1986.

"(3) RECREATIONAL TRAIL.—The term 'recreational trail' means a thoroughfare or track across land or snow, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities (including carriage driving), jogging or similar fitness activities, skating or skateboarding, trail biking, overnight or long-distance backpacking, snowmobiling, aquatic or water activity, or vehicular travel by motorcycle, four-wheel drive or all-terrain off-road vehicles, without regard to whether it is a 'National Recreation Trail' designated under section 4 of the National Trails System Act (16 U.S.C. 1243).

"(4) MOTORIZED RECREATION.—The term 'motorized recreation' means off-road recreation using any motor-powered vehicle, except for motorized wheelchairs.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 is amended by inserting after the item relating to section 205 the following:

"206. Recreational trails program.".

(c) REPEAL OF OBSOLETE PROVISION.—Section 1302 of the Intermodal Surface Transportation Efficiency Act of 1991 (16 U.S.C. 1261) is repealed.

(d) TERMINATION OF ADVISORY COMMITTEE.—Section 1303 of such Act (16 U.S.C. 1262) is amended by adding at the end the following:

"(j) TERMINATION.—The advisory committee established by this section shall terminate on September 30, 2000.".

(e) ENCOURAGEMENT OF USE OF YOUTH CONSERVATION OR SERVICE CORPS.—The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation or service corps to perform construction and maintenance of recreational trails under section 206 of title 23, United States Code.

SEC. 115. NATIONAL CORRIDOR PLANNING AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall establish and implement a program to make allocations to States for coordinated planning, design, and construction of corridors of national significance, economic growth, and international or interregional trade. A State may apply to the Secretary for allocations under this section.

(b) ELIGIBILITY OF CORRIDORS.—

(1) IN GENERAL.—The Secretary may make allocations under this section only with respect to high priority corridors identified in section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991.

(2) SPECIAL RULE.—In fiscal years 1998 through 2000, the Secretary may make, on an interim basis pending identification by Congress of high priority corridors as part of a law provided for in section 508 of this Act, allocations under this section for the creation or upgrade of any other significant regional or multistate highway corridor not described in whole or in part in paragraph (1) that the Secretary determines would—

(A) facilitate international or interregional trade; or

(B) encourage or facilitate major multistate or regional mobility and economic growth and development in areas underserved by existing highway infrastructure.

(c) PURPOSES.—Allocations may be made under this section for 1 or more of the following purposes:

(1) Feasibility studies.

(2) Comprehensive corridor planning and design activities.

(3) Location and routing studies.

(4) Environmental review.

(5) Multistate and intrastate coordination for corridors described in subsection (b).

(6) Construction.

(d) CORRIDOR DEVELOPMENT AND MANAGEMENT PLAN.—A State receiving an allocation under this section shall develop, in consultation with the Secretary, a development and management plan for the corridor with respect to which the allocation is being made. Such plan shall include, at a minimum, the following elements:

(1) A complete and comprehensive analysis of corridor costs and benefits.

(2) A coordinated corridor development plan and schedule, including a timetable for completion of all planning and development activities, environmental reviews and permits, and construction of all segments.

(3) A finance plan, including any innovative financing methods and, if the corridor is a multistate corridor, a State-by-State breakdown of corridor finances.

(4) The results of any environmental reviews and mitigation plans.

(5) The identification of any impediments to the development and construction of the corridor, including any environmental, social, political and economic objections.

In the case of a multistate corridor, the Secretary shall ensure that all States having jurisdiction over any portion of such corridor will participate in the development of such plan.

(e) APPLICABILITY OF TITLE 23.—Funds made available by section 127(a)(3)(B) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(f) STATE DEFINED.—In this section, the term "State" has the meaning such term has under section 101 of title 23, United States Code.

SEC. 116. COORDINATED BORDER INFRASTRUCTURE AND SAFETY PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary shall establish and implement a coordinated border infrastructure and safety program under which the Secretary may make allocations to any border State for projects to improve the safe movement of people and goods at or across the border between the United States and Canada and the border between the United States and Mexico.

(b) ELIGIBLE USES.—Allocations under this section may only be used in a border region for—

(1) improvements to existing transportation and supporting infrastructure that facilitate cross-border vehicle and cargo movements;

(2) construction of highways and related safety and safety enforcement facilities that will facilitate vehicle and cargo movements related to international trade;

(3) operational improvements, including improvements relating to electronic data interchange and use of telecommunications, to expedite cross border vehicle and cargo movement;

(4) modifications to regulatory procedures to expedite cross border vehicle and cargo movements; and

(5) international coordination of planning, programming, and border operation with Canada and Mexico relating to expediting cross border vehicle and cargo movements.

(c) SELECTION CRITERIA.—The Secretary shall make allocations under this section on the basis of—

(1) expected reduction in commercial and other motor vehicle travel time through an international border crossing as a result of the project;

(2) improvements in vehicle and highway safety and cargo security related to motor vehicles crossing a border with Canada or Mexico;

(3) strategies to increase the use of existing, underutilized border crossing facilities and approaches;

(4) leveraging of Federal funds provided under this section, including use of innovative financing, combination of such funds with funding provided under other sections of this Act, and combination with other sources of Federal, State, local, or private funding;

(5) degree of multinational involvement in the project and demonstrated coordination with other Federal agencies responsible for the inspection of vehicles, cargo, and persons crossing international borders and their counterpart agencies in Canada and Mexico;

(6) the extent to which the innovative and problem-solving techniques of the proposed project would be applicable to other international border crossings;

(7) demonstrated local commitment to implement and sustain continuing comprehensive border planning processes and improvement programs; and

(8) such other factors as the Secretary determines are appropriate to promote border transportation efficiency and safety.

(d) STATE MOTOR VEHICLE SAFETY INSPECTION FACILITIES.—Due to the increase in cross-border trade as a result of the Northern American Free Trade Agreement, of the amounts made available to carry out this section for a fiscal year, not to exceed $25,000,000 for fiscal year 1998 and not to exceed $20,000,000 for each of fiscal years 1999 through 2003 shall be available for the construction of State motor vehicle safety inspection facilities for the inspection by State authorities of commercial motor vehicles crossing the border to ensure the safety of such vehicles.

(e) ALLOCATIONS.—

(1) FUNDS.—At least 40 percent of the funds made available for carrying out this section shall be allocated for projects in the vicinity of the border of the United States and Mexico, and at least 40 percent of such funds shall be allocated for projects in the vicinity of the border of the United States and Canada.

(2) PROJECTS.—At least 2 of the projects in the vicinity of the border of the United States with Mexico for which allocations are made under this section and at least 2 of the projects in the vicinity of the border of the United States and Canada for which allocations are made under this section shall be located at ports of entry with high annual volumes of traffic.

(f) APPLICABILITY OF TITLE 23.—Funds authorized by section 127(a)(3)(A) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) BORDER REGION.—The term "border region" means the portion of a border State in the vicinity of an international border with Canada or Mexico.

(2) BORDER STATE.—The term "border State" means any State that has a boundary in common with Canada or Mexico.

SEC. 117. FEDERAL LANDS HIGHWAYS PROGRAM.

(a) FEDERAL SHARE PAYABLE.—Section 120 is amended—

(1) in subsection (e)—

(A) by striking "(c)" and inserting "(b)"; and

(B) by striking "90" and inserting "120"; and

(2) by adding at the end the following:

"(j) FUNDS APPROPRIATED TO A FEDERAL LAND MANAGING AGENCY.—Notwithstanding any other provision of law, the funds appropriated to any Federal land managing agency may be used as the non-Federal share payable on account of any Federal-aid highway project the Federal share of which is payable with funds apportioned under section 104 or 144 or allocated under the Federal scenic byways program.

"(k) FUNDS APPROPRIATED FOR FEDERAL LANDS HIGHWAYS PROGRAM.—Notwithstanding any other provision of law, funds appropriated for carrying out the Federal lands highways program under section 204 may be used as the non-Federal share payable on account of any project that is carried out with funds apportioned under section 104 or 144 or allocated under the Federal scenic byways program if the project will provide access to, or be carried out within, Federal or Indian lands.".

(b) ALLOCATIONS.—Section 202 is amended—

(1) by striking subsection (b) and inserting the following:

"(b) ALLOCATION OF SUMS AUTHORIZED FOR PUBLIC LANDS HIGHWAYS.—

"(1) IN GENERAL.—On October 1 of each fiscal year and after making the transfer provided for in section 204(i), the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for public lands highways for transportation projects within the boundaries of those States having unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations, on the basis of need in such States, respectively, as determined by the Secretary from applications for such funds by Federal land managing agencies, Indian tribal governments, and States.

"(2) PREFERENCE.—In allocating sums under paragraph (1), the Secretary shall give preference to those projects that are significantly impacted by Federal land, recreation, or resource management activities that are proposed within the boundaries of a State in which at least 3 percent of the total public lands in the United States are located."; and

(2) by adding at the end the following:

"(e) FOREST HIGHWAYS.—

"(1) ALLOCATION OF FUNDS.—On October 1 of each fiscal year and after making the transfer provided for in section 204(g), the Secretary shall allocate the sums authorized to be appropriated for such fiscal year for forest highways

as provided in section 134 of the Federal-Aid Highway Act of 1987.

"(2) PROJECT SELECTION.—With respect to allocations under this subsection, the Secretary shall give priority to projects that provide access to and within the National Forest System, as identified by the Secretary of Agriculture through renewable resources and land use planning and the impact of such planning on existing transportation facilities.".

(c) AVAILABILITY OF FUNDS.—Section 203 is amended—

(1) by striking "Funds authorized for," and inserting "(a) IN GENERAL.—Funds authorized for forest highways,";

(2) in the fourth sentence by inserting "forest highways" after "any fiscal year for"; and

(3) by adding at the end the following:

"(b) TIME OF OBLIGATION.—Notwithstanding any other provision of law, the Secretary's authorization of engineering and related work for a Federal lands highways program project or the Secretary's approval of plans, specifications, and estimates for construction of a Federal lands highways program project shall be deemed to constitute a contractual obligation of the Federal Government for the payment of its contribution to such project.".

(d) AWARD OF CONTRACTS; TRANSFERS—Section 204 is amended—

(1) in subsection (a) to read as follows:

"(a) Recognizing the need for all Federal roads that are public roads to be treated under uniform policies similar to those that apply to Federal-aid highways, there is established a coordinated Federal Lands Highways Program which shall consist of forest highways, public lands highways, park roads and parkways, and Indian reservation roads and bridges. The Secretary, in cooperation with the Secretary of the appropriate Federal land managing agency, shall develop transportation planning procedures which are consistent with the metropolitan and Statewide planning processes in sections 134 and 135 of this title. The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary. All regionally significant Federal Lands Highway Program projects shall be developed in cooperation with States and metropolitan planning organizations and be included in appropriate Federal Lands Highways Program, State, and metropolitan plans and transportation improvement programs. The approved Federal Lands Highways Program transportation improvement program shall be included in appropriate State and metropolitan planning organization plans and programs without further action thereon. The Secretary and the Secretary of the appropriate Federal land managing agency shall develop appropriate safety, bridge, and pavement management systems for roads funded under the Federal Lands Highways Program.";

(2) by striking the first three sentences of subsection (b) and inserting "Funds available for forest highways, public lands highways, park roads and parkways, and Indian reservation roads shall be used by the Secretary and the Secretary of the appropriate Federal land managing agency to pay for the cost of transportation planning, research, engineering, and construction thereof. The Secretary and the Secretary of the appropriate Federal land managing agency, as appropriate, may enter into construction contracts and such other contracts with a State or civil subdivision thereof or Indian tribe to carry out this subsection.";

(3) in the first sentence of subsection (e) by striking "Secretary of the Interior" and inserting "Secretary of the appropriate Federal land managing agency"; and

(4) by striking subsection (i) and inserting the following:

"(i) TRANSFERS TO SECRETARIES OF FEDERAL LAND MANAGING AGENCIES.—The Secretary shall transfer to the appropriate Federal land managing agency from the appropriation for public lands highways such amounts as may be needed to cover—

"(1) necessary administrative costs of such agency in connection with public lands highways; and

"(2) the cost to such agency of conducting necessary transportation planning serving Federal lands if funding for such planning is otherwise not provided in this section.".

(e) ACCESS TO JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—

(1) STUDY.—The Secretary, in cooperation with the District of Columbia, the John F. Kennedy Center for the Performing Arts, and the Department of the Interior and in consultation with other interested persons, shall conduct a study of methods to improve pedestrian and vehicular access to the John F. Kennedy Center for the Performing Arts.

(2) REPORT.—Not later than September 30, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing the results of the study, together with an assessment of the impacts (including environmental, aesthetic, economic, and historic impacts) associated with the implementation of each of the methods examined under the study.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $500,000 for fiscal year 1998 to carry out this subsection.

(4) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of activities conducted using such funds shall be 100 percent and such funds shall remain available until expended.

(f) SMITHSONIAN INSTITUTION TRANSPORTATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall allocate amounts made available by this subsection for obligation at the discretion of the Secretary of the Smithsonian Institution, in consultation with the Secretary, to carry out projects and activities described in paragraph (2).

(2) ELIGIBLE USES.—Amounts allocated under paragraph (1) may be obligated only—

(A) for transportation-related exhibitions, exhibits, and educational outreach programs;

(B) to enhance the care and protection of the Nation's collection of transportation-related artifacts;

(C) to acquire historically significant transportation-related artifacts; and

(D) to support research programs within the Smithsonian Institution that document the history and evolution of transportation, in cooperation with other museums in the United States.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $5,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project or activity under this subsection shall be 100 percent and such funds shall remain available until expended.

(g) NEW RIVER PARKWAY.—Of amounts available under section 102(a)(11)(C) of this Act, the Secretary shall allocate $1,300,000 for fiscal year 1998, $1,200,000 for fiscal year 1999, and $9,900,000 for fiscal year 2000 to the Secretary of the Interior for the planning, design, and construction of a visitors center, and such other related facilities as may be necessary, to facilitate visitor understanding and enjoyment of the scenic, historic, cultural, and recreational resources accessible by the New River Parkway in the State of West Virginia. The center and related facilities shall be located at a site for which title is held by the United States in the vicinity of the intersection of the New River Parkway and I-64. Such funds shall remain available until expended.

(h) GETTYSBURG, PENNSYLVANIA.—

(1) RESTORATION OF TRAIN STATION.—The Secretary shall allocate amounts made available by this subsection for the restoration of the Gettysburg, Pennsylvania, train station.

(2) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $400,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of restoration of the train station under this subsection shall be 80 percent and such funds shall remain available until expended.

SEC. 118. NATIONAL SCENIC BYWAYS PROGRAM.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following:

"§ 162. National scenic byways program

"(a) DESIGNATION OF ROADS.—The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities by designating them as 'National Scenic Byways' or 'All-American Roads'. The Secretary shall designate roads to be recognized under the national scenic byways program in accordance with criteria developed by the Secretary. To be considered for such designation, a road must be nominated by a State or Federal land management agency and must first be designated as a State scenic byway or, for roads on Federal lands, as a Federal land management agency byway.

"(b) ALLOCATIONS AND TECHNICAL ASSISTANCE.—

"(1) GENERAL AUTHORITY.—The Secretary shall make allocations and provide technical assistance to States to—

"(A) implement projects on highways designated as National Scenic Byways or All-American Roads, or as State scenic byways; and

"(B) plan, design, and develop a State scenic byways program.

"(2) PRIORITY PROJECTS.—In making allocations under this subsection, the Secretary shall give priority to—

"(A) eligible projects along highways that are designated as National Scenic Byways or All-American Roads;

"(B) eligible projects on State-designated scenic byways that are undertaken to make them eligible for designation as National Scenic Byways or All-American Roads; and

"(C) eligible projects that will assist the development of State scenic byways programs.

"(c) ELIGIBLE PROJECTS.—The following are projects that are eligible for Federal assistance under this section:

"(1) Activities related to planning, design, or development of State scenic byway programs.

"(2) Development of corridor management plans for scenic byways.

"(3) Safety improvements to a scenic byway to the extent such improvements are necessary to accommodate increased traffic and changes in the types of vehicles using the highway due to such designation.

"(4) Construction along a scenic byway of facilities for pedestrians and bicyclists, rest areas, turnouts, highway shoulder improvements, passing lanes, overlooks, and interpretive facilities.

"(5) Improvements to a scenic byway that will enhance access to an area for the purpose of recreation, including water-related recreation.

"(6) Protection of historical, archaeological, and cultural resources in areas adjacent to scenic byways.

"(7) Development and provision of tourist information to the public, including interpretive information about scenic byways.

"(8) development and implementation of scenic byways marketing programs.

"(d) FEDERAL SHARE.—The Federal share payable on account of any project carried out under this section shall be determined in accordance with section 120(b) of this title. For any scenic byways project along a public road that provides access to or within Federal or Indian lands, a Federal land management agency may use funds authorized for its use as the non-Federal share of the costs of the project.

"(e) PROTECTION OF SCENIC INTEGRITY.—

"(1) SCENIC INTEGRITY.—The Secretary shall not make an allocation under this section for any project that would not protect the scenic, historic, recreational, cultural, natural, and archaeological integrity of a highway and adjacent areas.

"(2) SAVINGS CLAUSE.—The Secretary shall not make any grant, provide technical assistance, or impose any requirement on a State under this section that is inconsistent with the authority of the State provided in this chapter.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 is amended by adding at the end the following new item:

"162. National scenic byways program.".

(c) CENTER.—

(1) ESTABLISHMENT.—The Secretary shall allocate funds made available to carry out this subsection to establish a center for national scenic byways in Duluth, Minnesota, to provide technical communications and network support for nationally designated scenic byway routes in accordance with paragraph (2).

(2) COMMUNICATIONS SYSTEMS.—The center for national scenic byways shall develop and implement communications systems for the support of the national scenic byways program. Such communications systems shall provide local officials and planning groups associated with designated National Scenic Byways or All-American Roads with proactive, technical, and customized assistance through the latest technology which allows scenic byway officials to develop and sustain their National Scenic Byways or All-American Roads.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this subsection $1,500,000 for each of fiscal years 1998 through 2003.

(4) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection shall be 100 percent and such funds shall remain available until expended.

SEC. 119. VARIABLE PRICING PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and implement a variable pricing program. In implementing such program, the Secretary shall solicit the participation of State and local governments and public authorities for 1 or more variable pricing pilot programs. The Secretary may enter into cooperative agreements with as many as 15 of such governments and public authorities to conduct and monitor the pilot programs.

(b) FEDERAL SHARE PAYABLE.—The Federal share payable for a pilot program under this section shall be 80 percent of the aggregate cost of the program and the Federal share payable for any portion of a project conducted under the program may not exceed 100 percent.

(c) IMPLEMENTATION COSTS.—The Secretary may fund all pre-implementation costs, including public education and project design, and all of the development and startup costs of a pilot project under this section, including salaries and expenses, until such time that sufficient revenues are being generated by the program to fund its operating costs without Federal participation; except that the Secretary may not fund the pre-implementation, development, and start-up costs of a pilot project for more than 3 years.

(d) USE OF REVENUES.—Revenues generated by any pilot project under this section must be applied to projects eligible for assistance under title 23, United States Code.

(e) COLLECTION OF TOLLS.—Notwithstanding sections 129 and 301 of title 23, United States Code, the Secretary shall allow the use of tolls on the Interstate System as part of a pilot program under this section, but not as part of more than 3 of such programs.

(f) FINANCIAL EFFECTS ON LOW-INCOME DRIVERS.—Any pilot program conducted under this section shall include an analysis of the potential effects of the pilot program on low income drivers and may include mitigation measures to deal with any potential adverse financial effects on low-income drivers.

(g) REPORTS TO CONGRESS.—The Secretary shall monitor the effect of the pilot programs conducted for a period of at least 10 years and shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives biennially on the effects such programs are having on driver behavior, traffic volume, transit ridership, air quality, drivers of all income levels, and availability of funds for transportation programs.

(h) HOV PASSENGER REQUIREMENTS.—Notwithstanding section 102 of title 23, United States Code, a State may permit vehicles with fewer than 2 occupants to operate in high-occupancy vehicle lanes if such vehicles are part of a pilot program being conducted under this section.

(i) PERIOD OF AVAILABILITY.—Funds allocated by the Secretary under this section shall remain available for obligation by the State for a period of 3 years after the last day of the fiscal year for which such funds are authorized. Any amounts allocated under this section that remain unobligated at the end of such period and any amounts authorized under subsection (i) that remain unallocated by the end of such period shall be transferred to a State's apportionment under section 104(b)(3) of title 23, United States Code, and shall be treated in the same manner as other funds apportioned under such section.

(j) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this section and the availability of such funds shall be determined in accordance with this section.

(k) REPEAL.—Section 1012(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 149 note; 105 Stat. 1938) is repealed.

SEC. 120. TOLL ROADS, BRIDGES, AND TUNNELS.

(a) FEDERAL SHARE PAYABLE.—Section 120 is amended by adding at the end the following:

"(l) CREDIT FOR NON-FEDERAL SHARE.—

"(1) ELIGIBILITY.—A State may use as a credit toward the non-Federal matching share requirement for any funds made available to carry out this title (other than the emergency relief program authorized in section 125) or chapter 53 of title 49 toll revenues that are generated and used by public, quasi-public, and private agencies to build, improve, or maintain highways, bridges, or tunnels that serve the public purpose of interstate commerce. Such public, quasi-public, or private agencies shall have built, improved, or maintained such facilities without Federal funds.

"(2) MAINTENANCE OF EFFORT.—

"(A) IN GENERAL.—The credit for any non-Federal share provided under this subsection shall not reduce nor replace State funds required to match Federal funds for any program under this title.

"(B) AGREEMENTS.—In receiving a credit for non-Federal capital expenditures under this subsection, a State shall enter into such agreements as the Secretary may require to ensure that the State will maintain its non-Federal transportation capital expenditures at or above the average level of such expenditures for the preceding 3 fiscal years.

"(3) TREATMENT.—

"(A) LIMITATION ON LIABILITY.—Use of a credit for a non-Federal share under this subsection that is received from a public, quasi-public, or private agency—

"(i) shall not expose the agency to additional liability, additional regulation, or additional administrative oversight; and

"(ii) shall not subject the agency to any additional Federal design standards, laws, or regulations as a result of providing the non-Federal match other than those to which the agency is already subject.

"(B) CHARTERED MULTISTATE AGENCIES.—When a credit that is received from a chartered multistate agency is applied for a non-Federal share under this subsection, such credit shall be applied equally to all charter States.".

(b) INTERSTATE SYSTEM RECONSTRUCTION AND REHABILITATION PILOT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish and implement an Interstate System reconstruction and rehabilitation pilot program under which the Secretary, notwithstanding sections 129 and 301 of title 23, United States Code, may permit a State to collect tolls on a highway, bridge, or tunnel on the Interstate System for the purpose of reconstructing and rehabilitating Interstate highway corridors that could not otherwise be adequately maintained or functionally improved without the collection of tolls.

(2) LIMITATION ON NUMBER OF FACILITIES.—The Secretary may permit the collection of tolls under this subsection on 3 facilities on the Interstate System. Each of such facilities shall be located in a different State.

(3) ELIGIBILITY.—In order to be eligible to participate in the pilot program, a State shall submit to the Secretary an application that contains, at a minimum, the following:

(A) An identification of the facility on the Interstate System proposed to be a toll facility, including the age, condition, and intensity of use of such facility.

(B) In the case of a facility that affects a metropolitan area, an assurance that the metropolitan planning organization established under section 134 of title 23, United States Code, for the area has been consulted concerning the placement and amount of tolls on the facility.

(C) An analysis demonstrating that such facility could not be maintained or improved to meet current or future needs from the State's apportionments and allocations made available by this Act (including amendments made by this

Act) and from revenues for highways from any other source without toll revenues.

(D) A facility management plan that includes—

(i) a plan for implementing the imposition of tolls on the facility;

(ii) a schedule and finance plan for the reconstruction or rehabilitation of the facility using toll revenues;

(iii) a description of the public transportation agency which will be responsible for implementation and administration of the pilot toll reconstruction and rehabilitation program; and

(iv) a description of whether consideration will be given to privatizing the maintenance and operational aspects of the converted facility, while retaining legal and administrative control of the Interstate route section.

(E) Such other information as the Secretary may require.

(4) SELECTION CRITERIA.—The Secretary may approve the application of a State under paragraph (3) only if the Secretary determines the following:

(A) The State is unable to reconstruct or rehabilitate the proposed toll facility using existing apportionments.

(B) The facility has a sufficient intensity of use, age, or condition to warrant the collection of tolls.

(C) The State plan for implementing tolls on the facility takes into account the interests of local, regional, and interstate travelers.

(D) The State plan for reconstruction or rehabilitation of the facility using toll revenues is reasonable.

(E) The State has given preference to the use of an existing public toll agency with demonstrated capability to build, operate, and maintain a toll expressway system meeting criteria for the Interstate System.

(5) LIMITATIONS ON USE OF REVENUES; AUDITS.—Before the Secretary may permit a State to participate in the pilot program, the State must enter into an agreement with the Secretary that provides that—

(A) all toll revenues received from operation of the toll facility will be used only for debt service, for reasonable return on investment of any private person financing the project, and for any costs necessary for the improvement of and the proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation of the toll facility; and

(B) regular audits will be conducted to ensure compliance with subparagraph (A) and the results of such audits will be transmitted to the Secretary.

(6) LIMITATION ON USE OF INTERSTATE MAINTENANCE FUNDS.—During the term of the pilot program, funds apportioned for Interstate maintenance under section 104(b)(5) of title 23, United States Code, may not be used on a facility for which tolls are being collected under the program.

(7) PROGRAM TERM.—The Secretary shall conduct the pilot program under this section for a term to be determined by the Secretary but not less than 10 years.

(8) INTERSTATE SYSTEM DEFINED.—In this subsection, the term "Interstate System" has the same meaning such term has under section 101(a) of title 23, United States Code.

(c) BRIDGE RECONSTRUCTION OR REPLACEMENT.—Section 129(a)(1)(C) is amended by striking "toll-free bridge or tunnel" and inserting "toll-free major bridge or toll-free tunnel".

SEC. 121. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) OBLIGATION OF AMOUNTS.—Section 1064(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) is amended to read as follows:

"(c) OBLIGATION OF AMOUNTS.—Amounts made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section may be obligated at the discretion of the Secretary. Such sums shall remain available until expended.".

(b) STUDY.—

(1) IN GENERAL.—The Secretary shall conduct a study of ferry transportation in the United States and its possessions—

(A) to identify existing ferry operations, including—

(i) the locations and routes served; and

(ii) the source and amount, if any, of funds derived from Federal, State, or local government sources supporting ferry operations; and

(B) to identify potential domestic ferry routes in the United States and its possessions and to develop information on those routes.

(2) REPORT.—The Secretary shall submit a report on the results of the study required under paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(c) FERRY OPERATING AND LEASING AMENDMENTS.—Section 129(c) is amended—

(1) in paragraph (3) by striking "owned." and inserting "owned or operated."; and

(2) in paragraph (6) by striking "sold, leased, or" and inserting "sold or".

SEC. 122. HIGHWAY USE TAX EVASION PROJECTS.

(a) APPLICABILITY OF TITLE 23.—Section 1040(f) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note; 105 Stat. 1992) is amended to read as follows:

"(f) APPLICABILITY OF TITLE 23.—Funds made available out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project carried out under this section shall be 100 percent and such funds shall remain available for obligation for a period of 1 year after the last day of the fiscal year for which the funds are authorized.".

(b) AUTOMATED FUEL REPORTING SYSTEM.—Section 1040 of such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following:

"(g) AUTOMATED FUEL REPORTING SYSTEM.—Of the amounts made available to carry out this section for each of fiscal years 1998 through 2003, the Secretary shall make available sufficient funds to the Internal Revenue Service to establish and operate an automated fuel reporting system.".

(c) TECHNICAL AMENDMENT.—Section 1040(a) of such Act (23 U.S.C. 101 note; 105 Stat. 1992) is amended by striking "by subsection (e)".

SEC. 123. PERFORMANCE BONUS PROGRAM.

(a) STUDY.—The Secretary shall develop performance-based criteria for the distribution of not to exceed 5 percent of the funds from each of the following programs:

(1) The Interstate maintenance program under section 119 of title 23, United States Code.

(2) The bridge program under section 144 of such title.

(3) The high risk road safety improvement program under section 154 of such title.

(4) The surface transportation program under section 133 of such title.

(5) The congestion mitigation and air quality improvement program under section 149 of such title.

(b) REQUIREMENTS FOR DEVELOPMENT OF CRITERIA.—Performance-based criteria developed by the Secretary under subsection (a) shall assess on a statewide basis the following:

(1) For the Interstate maintenance program, whether pavement conditions on routes on the Interstate System in the State have consistently been of a high quality or have recently improved.

(2) For the bridge program, whether the percentage of deficient bridges in the State has consistently been low or has recently decreased.

(3) For the high risk road safety improvement program, whether the level of safety on highways in the State has consistently been high or has recently improved.

(4) For the surface transportation program, whether the level of financial effort in State funding for highway and transit investments has been high or has recently increased.

(5) For the congestion mitigation and air quality improvement program, whether the environmental performance of the transportation system has been consistently high or has improved.

(c) REQUIRED SUBMISSION.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate the performance-based criteria developed under subsection (a).

SEC. 124. METROPOLITAN PLANNING.

(a) GENERAL REQUIREMENTS.—Section 134(a) is amended by inserting after "and goods" the following: "and foster economic growth and development".

(b) COORDINATION OF MPOS.—Section 134(e) is amended—

(1) in the subsection heading by striking "MPO's" and inserting "MPOs";

(2) by inserting before "If" the following: "(1) NONATTAINMENT AREAS.—";

(3) by adding at the end the following:

"(2) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than one metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project."; and

(4) by indenting paragraph (1), as designated by paragraph (2) of this subsection, and aligning such paragraph (1) with paragraph (2), as added by paragraph (3) of this subsection.

(c) GOALS AND OBJECTIVES OF PLANNING PROCESS.—Section 134(f) is amended to read as follows:

"(f) GOALS AND OBJECTIVES OF PLANNING PROCESS.—To the extent that the metropolitan planning organization determines appropriate, the metropolitan transportation planning process may include consideration of goals and objectives that—

"(1) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(2) increase the safety and security of the transportation system for all users;

"(3) increase the accessibility and mobility for people and freight;

"(4) protect and enhance the environment, conserve energy, and enhance quality of life;

"(5) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(6) promote efficient system utilization and operation; and

"(7) preserve and optimize the existing transportation system.

This subsection shall apply to the development of long-range transportation plans and transportation improvement programs.".

(d) LONG-RANGE PLAN.—Section 134(g) is amended—

(1) in paragraph (1) by inserting "transportation" after "long-range";

(2) in paragraph (2) by striking ", at a minimum" and inserting "contain, at a minimum, the following";

(3) in paragraph (2)(A)—

(A) by striking "Identify" and inserting "An identification of"; and

(B) by striking "shall consider" and inserting "may consider";

(4) by striking paragraph (2)(B) and inserting the following:

"(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.";

(5) in paragraph (4) by inserting after "employees," the following: "freight shippers and providers of freight transportation services,"; and

(6) in paragraph (5) by inserting "transportation" before "plan prepared".

(e) Transportation Improvement Program.—Section 134(h) is amended—

(1) in paragraph (1), by striking "2 years" and inserting "3 years"; and

(2) by adding at the end of paragraph (2)(B) the following: "The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.".

(f) Transportation Management Areas.—Section 134(i) is amended—

(1) in paragraph (4) by inserting after "System" each place it appears the following: ", under the high risk road safety program,"; and

(2) in paragraph (5)—

(A) by striking "(1)" and inserting "(A)"; and

(B) by striking "(2)" and inserting "(B)".

SEC. 125. STATEWIDE PLANNING.

(a) Scope of Planning Process.—Section 135(c) is amended to read as follows:

"(c) Scope of the Planning Process.—To the extent that a State determines appropriate, the State may consider goals and objectives in the transportation planning process that—

"(1) support the economic vitality of the Nation, its States and metropolitan areas, especially by enabling global competitiveness, productivity and efficiency;

"(2) increase the safety and security of the transportation system for all users;

"(3) increase the accessibility and mobility for people and freight;

"(4) protect and enhance the environment, conserve energy, and enhance the quality of life;

"(5) enhance the integration and connectivity of the transportation system, across and between modes throughout the State for people and freight;

"(6) promote efficient system utilization and operation; and

"(7) preserve and optimize the existing transportation system.".

(b) Additional Considerations.—Section 135(d) is amended—

(1) in the subsection heading by striking "Requirements" and inserting "Considerations"; and

(2) by striking "shall, at a minimum," and inserting "may".

(c) Long-Range Plan.—Section 135(e) is amended by inserting after "representatives," the following: "freight shippers and providers of freight transportation services,".

(d) Transportation Improvement Program.—Section 135(f) is amended—

(1) by inserting after the second sentence of paragraph (1) the following: "With respect to nonmetropolitan areas of the State (areas with less than 50,000 population), the program shall be developed by the State, in cooperation with elected officials of affected local governments and elected officials of subdivisions of affected local governments which have jurisdiction over transportation planning, through a process developed by the State which ensures participation by such elected officials.";

(2) in paragraph (1) by inserting after "representatives," the following: "freight shippers and providers of freight transportation services,";

(3) in paragraph (2) by inserting before the last sentence the following: "The program may include, for illustrative purposes, additional projects that would be included in the program if reasonable additional resources were available.";

(4) in paragraph (3) by inserting after "System" each place it appears the following: ", under the high risk road safety program,";

(5) in the heading to paragraph (4) by striking "Biennial" and inserting "Triennial"; and

(6) in paragraph (4) by striking "biennially" and inserting "triennially".

(e) Participation of Local Elected Officials.—

(1) Study.—The Secretary shall conduct a study on the effectiveness of the participation of local elected officials in transportation planning and programming. In conducting the study, the Secretary shall consider the degree of cooperation between State, local rural officials, and regional planning and development organizations in different States.

(2) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 126. ROADSIDE SAFETY TECHNOLOGIES.

(a) Crash Cushions.—

(1) Guidance.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall initiate and issue a guidance regarding the benefits and safety performance of redirective and nonredirective crash cushions in different road applications, taking into consideration roadway conditions, operating speed limits, the location of the crash cushion in the right-of-way, and any other relevant factors. The guidance shall include recommendations on the most appropriate circumstances for utilization of redirective and nonredirective crash cushions.

(2) Use of guidance.—States shall use the guidance issued under this subsection in evaluating the safety and cost-effectiveness of utilizing different crash cushion designs and determining whether directive or nonredirective crash cushions or other safety appurtenances should be installed at specific highway locations.

(b) Traffic Flow and Safety Applications of Road Barriers.—

(1) Study.—The Secretary shall conduct a study on the technologies and methods to enhance safety, streamline construction, and improve capacity by providing positive separation at all times between traffic, equipment, and workers on highway construction projects. The study shall also address how such technologies can be used to improve capacity and safety at those specific highway, bridge, and other appropriate locations where reversible lane, contraflow, and high occupancy vehicle lane operations are implemented during peak traffic periods.

(2) Factors to consider.—In conducting the study, the Secretary shall consider, at a minimum, uses of positive separation technologies related to—

(A) separating workers from traffic flow when work is in progress;

(B) providing additional safe work space by utilizing adjacent and available traffic lanes during off-peak hours;

(C) rapid deployment to allow for daily or periodic restoring lanes for use by traffic during peak hours as needed;

(D) mitigating congestion caused by construction by—

(i) opening all adjacent and available lanes to traffic during peak traffic hours; or

(ii) use of reversible lanes to optimize capacity of the highway by adjusting to directional traffic flow; and

(E) permanent use of positive separation technologies to create contraflow or reversible lanes to increase the capacity of congested highways, bridges, and tunnels.

(3) Report.—Not later than 1 year after the date of the enactment of this Act, the Secreary shall submit a report to Congress on the results of the study. The report shall include findings and recommendations for the use of the identified technologies to provide positive separation on appropriate projects and locations. The Secretary shall provide the report to the States for their use on appropriate projects on the National Highway System and other Federal-aid highways.

SEC. 127. DISCRETIONARY PROGRAM AUTHORIZATIONS.

(a) Executive Branch Discretionary Programs.—

(1) Bridge discretionary program.—The amount set aside by the Secretary under section 144(g)(2) of title 23, United States Code, shall be $100,000,000 for each of fiscal years 1998 through 2003.

(2) High cost interstate system reconstruction and improvement program.—The amount the Secretary shall allocate for the high cost Interstate System reconstruction and improvement program under section 160(c)(2) of title 23, United States Code, shall not be more than $100,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, $250,000,000 for fiscal year 2000, $252,000,000 for fiscal year 2001, $252,000,000 for fiscal year 2002, and $397,000,000 for fiscal year 2003.

(3) Additional executive branch discretionary programs.—Of amounts made available by section 102(a)(8) of this Act, the following sums shall be available:

(A) Coordinated border infrastructure and safety program.—For the coordinated border infrastructure and safety program under section 116 of this Act $70,000,000 for fiscal year 1998, $100,000,000 for fiscal year 1999, and $100,000,000 for each of fiscal years 2000 through 2003.

(B) National corridor planning and development program.—For the national corridor planning and development program under section 115 of this Act $50,000,000 for fiscal year 1998, $200,000,000 for fiscal year 1999, and $250,000,000 for each of fiscal years 2000 through 2003.

(C) Construction of ferry boats and ferry terminal facilities.—For construction of ferry boats and ferry terminal facilities under section 1064 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 129 note; 105 Stat. 2005) $18,000,000 for each of fiscal years 1998 through 2003.

(D) National scenic byways program.—For the national scenic byway program under section 162 of title 23, United States Code, $30,000,000 for each of fiscal years 1998 through 2003.

(E) Variable pricing pilot-program.—For the variable pricing pilot program under section 119 of this Act $10,000,000 for fiscal year 1998 and $14,000,000 for each of fiscal years 1999 through 2003.

(F) Highway research.—For highway research under sections 307, 308, and 325 of title 23, United States Code, $150,000,000 for fiscal year 1998, $185,000,000 for fiscal year 1999, and $195,000,000 for each of fiscal years 2000 through 2003.

(G) Transportation education, professional training, and technology deployment.—For transportation education, professional training, and technology deployment under sections 321, 322, and 326 of title 23, United States Code, and section 5505 of title 49, United States Code, $50,000,000 for each of fiscal years 1998 and 1999 and $55,000,000 for each of fiscal years 2000 through 2003.

(H) Transportation technology innovation and demonstration program.—For Transportation technology innovation and demonstration program under section 632 of this Act $43,667,000 for fiscal year 1998, $44,667,000 for fiscal year 1999, $48,167,000 for fiscal year 2000, $47,717,000 for fiscal year 2001, $47,967,000 for fiscal year 2002, and $48,217,000 for fiscal year 2003.

(I) Intelligence transportation systems programs.—For intelligence transportation systems programs under subtitle B of title VI of this Act $175,000,000 for each of fiscal years 1998 through 2003.

(4) Transportation assistance for Olympic cities.—There is authorized to be appropriated to carry out section 130 of this Act, relating to transportation assistance for Olympic cities, such sums as may be necessary for fiscal years 1998 through 2003.

(b) Legislative Branch Discretionary Programs.—Section 104 is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following:

''(j) High Priority Projects Program.—

''(1) In general.—Of amounts made available by section 102(a)(8) of the Building Efficient Surface Transportation and Equity Act of 1998, $1,025,695,000 for fiscal year 1998, $1,398,675,000 for fiscal year 1999, $1,678,410,000 for fiscal year 2000, $1,678,410,000 for fiscal year 2001, $1,771,655,000 for fiscal year 2002, and $1,771,655,000 for fiscal year 2003 shall be available for high priority projects in accordance with this subsection. Such funds shall remain available until expended.

''(2) Authorization of high priority projects.—The Secretary is authorized to carry out high priority projects with funds made available by paragraph (1). Of amounts made available by paragraph (1), the Secretary, subject to paragraph (3), shall make available to carry out each project described in section 127(c) of such Act the amount listed for such project in such section. Any amounts made available by this subsection that are not allocated for projects described in section 127(c) shall be available to the Secretary, subject to paragraph (3), to carry out such other high priority projects as the Secretary determines appropriate.

''(3) Allocation percentages.—For each project to be carried out with funds made available by paragraph (1)—

''(A) 11 percent of the amount allocated by such section shall be available for obligation beginning in fiscal year 1998;

''(B) 15 percent of such amount shall be available for obligation beginning in fiscal year 1999;

''(C) 18 percent of such amount shall be available for obligation beginning in fiscal year 2000;

''(D) 18 percent of such amount shall be available for obligation beginning in fiscal year 2001;

''(E) 19 percent of such amount shall be available for obligation beginning in fiscal year 2002; and

''(F) 19 percent of such amount shall be available for obligation beginning in fiscal year 2003.

''(4) Federal share.—The Federal share payable on account of any project carried out with funds made available by paragraph (1) shall be 80 percent of the total cost thereof.

''(5) Delegation to states.—Subject to the provisions of title 23, United States Code, the Secretary shall delegate responsibility for carrying out a project or projects, with funds made available by paragraph (1), to the State in which such project or projects are located upon request of such State.

''(6) Advance construction.—When a State which has been delegated responsibility for a project under this subsection—

''(A) has obligated all funds allocated under this subsection of such Act for such project; and

''(B) proceeds to construct such project without the aid of Federal funds in accordance with all procedures and all requirements applicable to such project, except insofar as such procedures and requirements limit the State to the construction of projects with the aid of Federal funds previously allocated to it;

the Secretary, upon the approval of the application of a State, shall pay to the State the Federal share of the cost of construction of the project when additional funds are allocated for such project under this subsection and such section 127(c).

''(7) Nonapplicability of obligation limitation.—Funds made available by paragraph (1) shall not be subject to any obligation limitation.''.

(c) High Priority Projects.—Subject to section 104(j)(3) of title 23, United States Code, the amount listed for each high priority project in the following table shall be available (from amounts made available by section 104(j) of such title) for fiscal years 1998 through 2003 to carry out each such project:

[Dollars in Millions]

1. Dist. of Col.	Implement traffic signalization, freeway management and motor vehicle information systems, Washington, D.C.	8.000
2. West Virginia	Upgrade US 340 between West Virginia/Virginia State line and the Charles Town Bypass	6.500
3. New York	Construct bridge deck over the Metro North right-of-way along Park Ave. between E. 188th and 189th Streets	0.750
4. Oregon	Upgrade access road and related facilities to Port Orford, Port Orford	1.500
5. Minnesota	Upgrade Perpich Memorial from 2 miles south of Biwabik to CSAH 111	2.800
6. Indiana	Upgrade Route 31 and other roads, St. Joseph and Elkhart Counties	7.000
7. Illinois	Upgrade Western Ave., Park Forest	0.126
8. Washington	Undertake FAST Corridor improvements with the amounts provided as follows: $16,000,000 to construct the North Duwamish Intermodal Project, $4,500,000 for the Port of Tacoma Road project, $3,000,000 for the SW Third St./BSNF project in Auburn, $2,000,000	32.000
9. Dist. of Col.	Implement Geographical Information System, Washington, D.C.	10.000
10. New York	Reconstruct Niagara St., Quay St., and 8th St. including realignment of Qual St. and 8th Ave. in Niagara Falls	3.500
11. California	Construct the San Fernando Valley Regional Transportation Hub in Los	0.500
12. Washington	Construct Cross Base Corridor, Fort Lewis-McChord AFB	0.500
13. Illinois	Rehabilitate 95th Street between 54th Place and 50th Avenue, Oak Lawn	0.600
14. Virginia	Reconstruct SR 168 (Battlefield Blvd.) in Chesapeake	8.000
15. New York	Construct interchange and connector road using ITS testbed capabilities at I–90 Exit 8	13.000
16. Minnesota	Trunk Highway 53 DWP railroad bridge replacement, St. Louis Co.	4.800
17. Illinois	Resurface Cicero Ave. between 127th St. and 143rd St., Chicago	0.610
18. Illinois	Undertake improvements to 127th Street, Cicero Avenue and Route 83 to improve safety and facilitate traffic flow, Crestwood	1.000
19. Illinois	Construct I–57 interchange, Coles Co.	15.000
20. Connecticut	Construct Harford Riverwalk South, Hartford	3.520
21. Virgin Islands	Upgrade West-East corridor through Charlotte Amalie	8.000
22. Connecticut	Improve pedestrian and bicycle connections between Union Station and downtown New London	4.520
23. North Carolina	Upgrade US 13 (including Ahoskie bypass) in Bertie and Hertford Counties	1.000
24. Wisconsin	Construct Chippewa Falls Bypass	6.000
25. Mississippi	Upgrade Brister Rd. between Tutwiler and Coahoma County line, Tallahatchie Co.	0.510
26. Florida	Construct improvements to JFK Boulevard, Eatonville	1.000
27. Illinois	Reconstruct Greenbriar Rd. with construction of new turn lanes in vicinity of John A. Logan College in Carterville	1.400

[Dollars in Millions]

28. Connecticut	Construct overlook and access to Niantic Bay	3.080
29. California	Construct sound walls along SR23 in Thousand Oaks	2.532
30. Mississippi	Construct I–20 /Norrell Road interchange, Hinds County	5.000
31. North Carolina	Upgrade I–85, Mecklenburg and Cabarrus Counties	26.000
32. New Jersey	Construct, reconstruct and integrate multi-transportation modes to establish intermodal transportation corridor and center between Elizabeth and Newark	4.000
33. Texas	Road improvements along historic mission trails in San Antonio.	2.500
34. Mississippi	Construct Lincoln Road extension, Lamar Co.	1.500
35. Texas	Upgrade JFK Causeway, Corpus Christi	3.000
36. Florida	Enhance access to Gateway Marketplace through improvements to access roads, Jacksonville	1.200
37. California	Implement traffic management improvements, Grover Beach	0.500
38. California	Construct Chatsworth Depot Bicycle and Pedestrian Access project, Los	0.492
39. California	Reconstruct Palos Verdes Drive, Palos Verdes Estates	0.450
40. Wisconsin	Construct freeway conversion project on Highway 41 between Kaukauna and Brown County Highway F	20.000
41. California	Upgrade Price Canyon Road including construction of bikeway between San Luis Obispo and Pismo Beach	1.100
42. Arkansas	Upgrade US Rt. 67, Newport to Missouri State line	2.000
43. Missouri	Construct extension of bike path between Soulard market area and Riverfront bike trail in St. Louis	1.200
44. Massachusetts	Construct Greenfield-Montague Bikeways, Franklin Co.	0.900
45. Vermont	Replace Missisquoi Bay Bridge	16.000
46. California	Upgrade Route 4 East in Contra Costa Co.	10.000
47. Minnesota	Construct Phalen Blvd. between I–35E and I94	13.000
48. Ohio	Upgrade North Road between US 422 and East Market St., Trumbull Co.	1.200
49. Michigan	Construct bike path between Mount Clemens and New Baltimore	5.000
50. Maryland	Upgrade US 29 interchange with Randolph Road, Montgomery Co.	12.000
51. Texas	Construct Texas State Highway 49 between FM 1735 to Titus/Morris Co. line	6.400
52. Wisconsin	Upgrade Marshfield Blvd., Marshfield	5.000
53. California	Reconstruct the I–710/Firestone Blvd. interchange	16.000
54. Massachusetts	Construct I–495/Route 2 interchange east of existing interchange to provide access to commuter rail station, Littleton	4.200
55. Maryland	Undertake transportation infrastructure improvements within Baltimore Empowerment Zone	13.300
56. West Virginia	Preliminary engineering, design and construction of the Orgas to Chelayn Road, Boone Co.	2.000
57. Minnesota	Upgrade CSAH 1 from CSAH 61 to 0.8 miles north	0.480
58. South Carolina	Widen North Main Street, Columbia	9.750
59. Texas	Construct circumferential freeway loop around Texarkana	9.900
60. Texas	Upgrade FM517 between Owens and FM 3346, Galveston	3.856
61. Michigan	Reconstruct Co.Rd. 612 and Co.Rd. 491, Montmorency Co.	0.910
62. Ohio	Construct Chesapeake Bypass, Lawrence Co.	5.000
63. California	Construct I–10/Pepper Ave. Interchange	8.800
64. Pennsylvania	Construct safety and capacity improvements to Rt. 309 and Old Packhouse Road including widening of Old Packhouse Road between KidsPeace National Hospital to Rt. 309	8.200
65. Iowa	Relocate US 61 to bypass Fort Madison	3.000
66. Rhode Island	Install directional signs in Newport and surrounding communities	0.300
67. Pennsylvania	Construct access to Tioga Marine Terminal, Ports of Philadelphia and Camden	1.600
68. New York	Construct bikeway and pedestrian trail improvements, Rochester	2.400
69. Ohio	Upgrade U.S. Route 422 through Girard	4.720
70. Tennessee	State Highway 109 upgrade planning and engineering	1.840
71. Virginia	Construct transportation demonstration project utilizing magnetic levitation technology along route of 'Smart Road' between Blacksburg and Roanoke	2.000
72. Massachusetts	Construct Nowottuck-Manhan Bike Trail connections, Easthampton, Amherst, Holyoke, Williamsburg and Northampton	4.000
73. New Jersey	Reconstruct Essex Street Bridge, Bergen Co.	2.500
74. Illinois	Undertake traffic mitigation and circulation enhancements, 57th and Lake Shore Drive	1.520
75. Alabama	Upgrade County Road 39 between Highway 84 and Silver Creek Park, Clarke Co.	1.000
76. Virginia	Construct road improvements, trailhead and related facilities for Birch Knob Trail on Cumberland Mountain	0.125
77. Washington	Construct SR 167 Corridor, Tacoma	1.500
78. Pennsylvania	Construct Johnstown-Cambria County Airport Relocation Road	1.600
79. Mississippi	Construct connector between US–90 and I–10 in Biloxi	8.500
80. Alabama	Upgrade SR 5 in Bibb Co.	1.700
81. Maryland	Upgrade roads within Leakin Park Intermodal Corridor, Baltimore	3.200
82. Illinois	Construct US Route 67 bypass project around Roseville	11.700
83. Pennsylvania	Construct California University of Pennsylvania intermodal facility	1.000
84. Virginia	Planning and design for Coalfields Expressway, Buchanan, Dickenson and Wise Counties	1.200
85. Oregon	Design and engineering for Tualatin-Sherwood Bypass	0.500
86. California	Upgrade Route 4 West in Contra Costa Co.	10.000
87. Connecticut	Construct I–95 interchange, New Haven	26.000
88. Illinois	Replace Lebanon Ave. Bridge and approaches, Belleville	1.000
89. Minnesota	Upgrade Highway 73 from 4.5 miles north of Floodwood to 22.5 miles north of Floodwood	3.700
90. Illinois	Reconstruct Mt. Erie Blacktop in Mt. Erie	5.290
91. Michigan	Construct grade separation on Sheldon Road, Plymouth	7.000
92. Connecticut	Construct the US Rt. 7 bypass project, Brookfield to New Milford town line	5.000
93. Mississippi	Upgrade Cowan-Lorraine Rd. between I–10 and U.S. 90, Harrison Co.	10.000
94. Alabama	Construct repairs to Pratt Highway Bridge, Birmingham	0.600
95. Alabama	Initiate work on controlled access highway between I–65 and Mississippi State line	8.000
96. Michigan	Upgrade Walton Blvd. between Opdyke and Squirrel, Oakland Co.	2.000

[Dollars in Millions]

97. Michigan	Construct Monroe Rail Consolidation Project, Monroe	6.000
98. Massachusetts	Renovate Union Station Intermodal Transportation Center in Worcester	7.000
99. Oregon	Construct bike path paralleling 42nd Street to link with existing bike path, Springfield	0.750
100. California	Improve streets and related bicycle lane in Oak Park, Ventura Co.	0.907
101. California	Construct Arbor Vitae Street improvements, Inglewood	3.500
102. Mississippi	Refurbish Satartia Bridge, Yazoo City	0.500
103. Missouri	Upgrade Route 169 between Smithville and north of I–435, Clay Co.	14.000
104. Illinois	Upgrade U.S. 45 between Eldorado and Harrisburg	5.000
105. Michigan	Replace Chevrolet Ave. bridge in Genesee Co.	1.800
106. Connecticut	Reconstruct I–84, Hartford	9.470
107. Massachusetts	Improve safety and traffic operations on Main and Green Streets, Mellrose	2.600
108. Michigan	Design and ROW acquisition for "Intertown South" route of US 31 bypass,	1.500
109. Illinois	Undertake improvements to Campus Transportation System	1.000
110. California	Improve streets in Canoga Park and Reseda areas, Los Angeles	1.100
111. Texas	Construct US Rt. 67 Corridor through San Angelo	7.000
112. Illinois	Upgrade Bishop Ford Expressway/142nd St. interchange	1.500
113. Texas	Construct Galveston Island Causeway Expansion project, Galveston	0.730
114. California	Reconstruct Harbor Blvd./SR22 Interchange, City of Garden Grove	2.000
115. Michigan	Undertake capital improvements to facilitate traffic between Lansing and	10.000
116. Virginia	Construct Main Street Station in Richmond	8.000
117. New York	Reconstruct Houston Street between Avenue B to the West Side Highway, New York City	2.000
118. North Carolina	Upgrade US 158 (including bypasses of Norlina, Macon and Littleton) in Halifax and Warren Counties	3.000
119. New York	Construct access road and entranceway improvments to airport in Niagara Falls	3.000
120. New Jersey	Upgrade Baldwin Ave. intersection to facilitate access to waterfront and ferry, Weehawken	4.000
121. Massachusetts	Undertake vehicular and pedestrian movement improvments within Central Business District of Foxborough	2.080
122. California	Construct I–680HOV lanes between Marina Vista toll plaza to North Main Street, Martinez to Walnut Creek	7.000
123. Michigan	Improvements to Card Road between 21 mile road and 23 mile road in Macomb Co.	1.300
124. Michigan	Upgrade (all weather) on US 2, US 41, and M 35	1.700
125. Oregon	Relocate and rebuild intersection of Highway 101 and Highway 105, Clatsop Co.	1.600
126. New York	Undertake Linden Place reconstruction project, Queens	7.000
127. Texas	Construct Houston Street Viaduck project in Dallas	5.500
128. Iowa	Improve US 65/IA 5 interchange, Polk Co.	5.000
129. Texas	Construct segment located south of U.S. 209 in Travis County of a bypass to I–35 known as SH–130 only on a route running east of Decker Lake	16.000
130. Illinois	Rehabilitate Timber Bridge over Little Muddy River and approach roadway, Perry Co.	0.140
131. Connecticut	Reconstruct cross road over I–95, Waterford	2.000
132. Minnesota	Construct pedestrian overpass on Highway 169, Mille Lacs Reservation	0.600
133. Hawaii	Upgrade Kaumualili Highway	10.000
134. Massachusetts	Undertake improvements to South Station Intermodal Station	3.000
135. Illinois	Construct Marina Access Road, East Chicago	1.000
136. Massachusetts	Reconstruct North Street, Fitchburg	1.000
137. Virginia	Replace Shore Drive Bridge over Petty Lake, Norfolk	4.000
138. New Jersey	Upgrade Urban University Heights Connector, Newark	9.700
139. California	Implement City of Compton traffic signal systems improvements	5.800
140. California	Undertake San Pedro Bridge project at SR 1, Pacifica	1.500
141. Texas	Construct grade separations in Manchester	16.000
142. Minnesota	Upgrade TH6 between Talmoon to Bowstring River	1.200
143. North Carolina	Construct US Route 17, Elizabeth City Bypass	0.500
144. Pennsylvania	Undertake transportation enhancement activities within the Lehigh Landing Area of the Delaware and Lehigh Canal National Heritage Corridor	7.000
145. Texas	Upgrade State Highway 24 from Commerce to State Highway 19 north of Cooper	5.000
146. California	Reconstruct I–215 and construct HOV lanes between 2nd Street and 9th Street, San Bernardino	2.750
147. California	Undertake safety enhancements along Monterey County Railroad highway grade, Monterey Co.	2.800
148. Michigan	Upgrade I–94 between M–39 and I–69	8.000
149. Michigan	Widen and make improvements to Baldwin and Joslyn Roads, Oakland Co.	5.000
150. Arkansas	Construct Geyer Springs RR grade separation, Little Rock	1.000
151. New Jersey	Construct Route 4/17 interchange in Paramus	8.500
152. West Virginia	Upgrade US Rt. 35 between I–64 and South Buffalo Bridge	35.000
153. Alabama	Construct enhancements along 12th Street between State Highway 11 and Baptist Princeton Hospital, Birmingham	0.800
154. Pennsylvania	Construct Independence Gateway Transportation Center project, Philadelphia	6.000
155. Minnesota	Implement Trunk Highway 8 Corridor projects, Chisago Co.	15.300
156. Missouri	Construct extension of bike path between Soulard market area and Riverfront bike trail in St. Louis	0.800
157. Mississippi	Upgrade Goose Pond Subdivision Roads, Tallahatchie Co.	0.200
158. Iowa	Construct controlled access four-lane highway between Des Moines and Burlington	14.925
159. Maryland	Construct improvements to Route 50 interchange with Columbia Pike, Prince Georges Co.	3.200
160. Tennessee	Construct Landport regional transportation hub, Nashville	8.000
161. California	Construct San Francisco Regional Intermodal Terminal	12.500
162. Texas	Relocate railroad tracks to eliminate road crossings, and provide for the rehabilitation of secondary roads providing access to various parts of the Port and the construction of new connecting roads to access new infrastructure safely and efficiently, Bro	6.000
163. Massachusetts	Replace Brightman Street bridge in Fall River	13.640
164. California	Construct Alameda Corridor East project	12.750
165. Georgia	Upgrade US Rt. 27	10.000

[Dollars in Millions]

166. Michigan	*Upgrade Davison Rd. between Belsay and Irish Roads, Genessee Co.*	*4.500*
167. Pennsylvania	*Upgrade PA 228 (Crows Run Corridor)*	*7.200*
168. Maine	*Replace Singing Bridge across Taunton Bay*	*1.000*
169. California	*Roadway improvements to provide access to Hansen Dam Recreation Area in Los Angeles*	*1.000*
170. Pennsylvania	*Construct Rt. 819/Rt. 119 interchange between Mt. Pleasant and Scottdale*	*14.400*
171. Massachusetts	*Reconstruct Huntington Ave. in Boston*	*4.000*
172. Ohio	*Replace McCuffey Road Bridge, Mahoning Co.*	*3.360*
173. Michigan	*Upgrade Rochester Road between I–75 and Torpsey St.*	*12.300*
174. California	*Rehabilitate Artesia Blvd.*	*4.000*
175. Illinois	*Construct improvements to McKinley Bridge over Mississippi River with terminus points in Venice, Illinois, and St. Louis, Missouri*	*5.200*
176. Maine	*Construct I–295 connector, Portland*	*4.500*
177. Maine	*Studies and planning for reconstruction of East-West Highway*	*4.000*
178. Illinois	*Reconstruct Claire Blvd., Robbins*	*0.330*
179. Pennsylvania	*Upgrade PA Route 21, Fayette and Greene Counties*	*7.000*
180. California	*Construct VC Campus Parkway Loop System in Merced*	*8.000*
181. Massachusetts	*Replace deck of Chain Bridge over Merrimack River*	*1.012*
182. New York	*Construct Edgewater Road Dedicated Truck Route*	*12.000*
183. Illinois	*Construct Raney Street Overpass in Effingham*	*4.400*
184. Pennsylvania	*Replace Masontown bridge, Fayette and Greene Counties*	*7.000*
185. Pennsylvania	*Upgrade US Rt. 22, Chickory Mountain section*	*10.200*
186. Michigan	*Upgrade Lalie St., Frenchtown Rd., and Penshee Rd., Ironwood*	*0.360*
187. South Carolina	*Upgrade US Highway 301 within Bamberg*	*2.950*
188. Arizona	*Construct Veterans' Memorial overpass in Pima Co.*	*15.000*
189. Michigan	*Replace Chalk Hills Bridge over Menominee River*	*0.400*
190. Michigan	*Construct intermodal freight terminal in Wayne Co.*	*24.000*
191. Oregon	*Replace grade crossing with separated crossing and related improvements, Linn Co.*	*6.710*
192. California	*Reconstruct State Route 81 (Sierra Ave.) and I–10 Interchange in Fontana*	*10.000*
193. California	*Construct four-lane highway facility (Hollister Bypass), San Benito Co.*	*3.000*
194. Maine	*Construct new bridge over Kennebee River (Carlton Bridge replacement)*	*8.000*
195. Oregon	*Upgrade I–5/Highway 217 interchange, Portland*	*7.000*
196. American Samoa	*Upgrade village roads on Tutilla Island, American Samoa*	*11.000*
197. New Jersey	*Eliminate Berlin Circle and signalize intersection in Camden*	*8.000*
198. New York	*Implement Melrose Commons geographic information system*	*1.000*
199. Pennsylvania	*Reconstruct Lover Interchange on I–70, Washington Co.*	*5.000*
200. Virginia	*Aquire land and construct segment of Daniel Boone Heritage Trail (Kane Gap section), Jefferson National Forest*	*0.200*
201. California	*Construct Sacramento Intermodal Station*	*4.000*
202. New York	*Construct intermodal facility in New Rochelle, Westchester Co.*	*7.250*
203. New York	*Reconstruct 79th Street Traffic Circle, New York City*	*9.000*
204. Pennsylvania	*Extend North Delaware Ave. between Lewis St. and Orthodox St., Philadelphia*	*5.200*
205. Missouri	*Upgrade Route MO291 Connector*	*2.000*
206. Pennsylvania	*Upgrade US Rt. 119 between Homer City and Blairsville*	*6.400*
207. West Virginia	*Relocate segment of Route 33 (Scott Miller Bypass), Roane Co.*	*8.000*
208. Missouri	*Construct on intermodal center at Missouri Botanical Garden*	*1.600*
209. Maine	*Rehabilitate Piscataqua River bridges, Kittery*	*5.250*
210. Wisconsin	*Upgrade STH 29 between IH 94 and Chippewa Falls*	*6.000*
211. Illinois	*Extend and reconstruct roadways through industrial corridor in Alton*	*5.690*
212. New Jersey	*Construct road from the Military Ocean Terminal to the Port Jersey Pier, Bayonne*	*3.000*
213. Missouri	*Relocate and reconstruct Route 21 between Schenk Rd. to Town of DeSoto*	*40.000*
214. Michigan	*Improve drainage on 6th Street in Menominee*	*0.150*
215. Pennsylvania	*Reconstruct and widen US Rt. 222 to four-lane expressway between Lancaster/Berks County line and Grings Mill Rd. and construction of Warren Street extenstion in Reading*	*25.000*
216. New Jersey	*Relocate and complete construction of new multi-modal facility, Weehawken*	*8.000*
217. Arkansas	*Construct North Belt Freeway*	*7.000*
218. California	*Rehabilitate pavement throughout Santa Barbara Co.*	*1.500*
219. Virginia	*Repair historic wooden bridges along portion of Virginia Creeper Trail maintained by Town of Abingdon*	*2.050*
220. Arizona	*Reconstruct I–19, East Side Frontage Road, Ruby Road to Rio Rico Drive, Nogales*	*10.000*
221. Massachusetts	*Conduct planning and engineering for connector route between I–95 and industrial/business park, Attleboro*	*0.800*
222. Georgia	*Undertake Perimeter Central Parkway Overpass project and Ashford Dunwoody interchange improvements at I–285, DeKalb Co.*	*0.100*
223. Ohio	*Construct Wilmington Bypass, Wilmington*	*5.000*
224. Illinois	*Construct Western Springs Pedestrian and Tunnel project, Cook Co.*	*0.925*
225. Minnesota	*Upgrade Cass County Road 105 and Crow Wing County Road 125, East Gull Lake*	*0.960*
226. Michigan	*Upgrade H-58 within Pictured Rocks National Lakeshore*	*5.600*
227. California	*Reconstruct and widen Mission Road, Alhambra*	*3.250*
228. Texas	*Reconstruct and widen I–35 between North of Georgetown at Loop 418 to US Rt. 190*	*8.000*
229. Florida	*Construct access road to St. Johns Ave. Industrial Park*	*1.000*
230. Illinois	*Intersection improvements at 79th and Stoney Island Blvd., Chicago*	*1.740*
231. Michigan	*Construct Tawas Beach Road/US 23 interchange improvements, East Tawas*	*2.200*
232. Pennsylvania	*Construct Lawrenceville Industrial Access Road*	*10.000*
233. Maryland	*Construct intersection improvements to facilitate access to NSA facility, Anne Arundel Co.*	*3.000*
234. California	*Upgrade Del Almo Boulevard at I–405*	*5.000*
235. Minnesota	*Reconstruct and replace I–494 Wakota Bridge from South St. Paul to Newport, and approaches*	*13.000*
236. Tennessee	*Construct separated grade crossing at US 41 and US 231, Murfreesboro*	*0.323*
237. Michigan	*Construct four-lane boulevard from Dixie Highway to Walton Blvd., Oakland Co.*	*3.700*
238. New York	*Reconstruct Mamaroneck Ave., White Plains, Harrison and Mamaroneck*	*4.500*

[Dollars in Millions]

239. Texas	Upgrade FM 1764 between FM 646 to State Highway 6	3.000
240. Texas	Construct ramp connection between Hammet St. to Highway 54 ramp to provide access to I–10 in El Paso	8.000
241. New York	Undertake studies, planning, engineering, design and construction of a tunnel alternative to reconstruction of existing elevated expressway (Gowanus tunnel project)	32.000
242. New York	Rehabilitate segment of Henry Hudson Parkway between Washington Bridge and Dyckman St., New York City	1.470
243. Illinois	Construct bicycle/pedestrian trail parallel to light rail transit system in St. Clair Co.	6.000
244. Indiana	Extend SR 149 between SR 130 to US Rt. 30, Valparaiso	5.900
245. Connecticut	Construct Greenmanville Ave. streetscape extension, including feasibility study, in towns of Groton, Stonington and Mystic	8.400
246. Illinois	Reconstruct Broad Street between Maple St. to Sixth St., Evansville	0.350
247. New York	Construct Mineola and Hicksville Intermodal Centers in Nassau Co.	16.000
248. Colorado	Construct intermodal center at Stapleton, Denver	3.000
249. New Jersey	Undertake improvements associated with the South Amboy Regional Intermodal Center	16.000
250. Michigan	Extend Trowbridge Road from Harrison Rd. to Red Cedar Rd.	2.500
251. Massachusetts	Construct improvements to North Main St. in Worcester	2.400
252. Tennessee	Upgrade SR 96 between Arno Rd. and SR 252, Williamson Co.	3.600
253. Louisiana	Extend Howard Avenue to Union Passenger Terminal, New Orleans	8.000
254. California	Construct bike path between Sepulveda Basin Recreation Area and Warner Center/Canoga Park, Los Angeles	3.000
255. New York	Upgrade Route 17 between Five Mile Point and Occanum, Broome Co.	16.800
256. Ohio	Upgrade US Rt. 33 between vicinity of Haydenville to Floodwood (Nelsonville Bypass)	5.000
257. Oregon	Construct passing lande on Highway 58 between Kitson Ridge Road and Mile Post 47, Lane Co.	6.800
258. Michigan	Upgrade East Jordon Road, Boyne City	0.170
259. California	Reconstruct Tennessee Valley Bridge, Marin Co.	1.000
260. Illinois	Improve access to 93rd Street Station, Chicago	3.000
261. California	Construct I–580 interchange, Livermore	13.200
262. California	Construct San Diego and Arizona Eastern Intermodal Yard	10.000
263. Michigan	Apply ITS technologies relating to traffic control, Lansing	3.700
264. California	Construct Palisades Bluff Stabilization project, Santa Monica	8.000
265. Rhode Island	Upgrade pedestrian traffic facilities, Bristol	0.100
266. Rhode Island	Implement transportation alternative relating to Court Street Bridge, Woonsocket	0.200
267. California	Upgrade Industrial Parkway Southwest between Whipple Rd. and improved segment of the parkway, Hayward	0.600
268. Missouri	Replace bridge on Route 92, Platte Co.	1.000
269. Ohio	Upgrade Western Reserve Road, Mahoning Co.	5.600
270. Ohio	Upgrade SR 124 between Five Points and Ravenswood Bridge, Meigs Co.	5.000
271. Illinois	Undertake streetscaping between Damden and Halsted	1.150
272. Illinois	Construct improvements to New Era Road, Carbondale	3.500
273. New York	Construct access improvements to Port of Rochester Harbor, Rochester	12.000
274. Rhode Island	Reconstruct interchanges on Rt. 116 between Rt. 146 and Ashton Viaduct, Lincoln	0.445
275. West Virginia	Preliminary engineering and design for access road to proposed location of regional airport, Lincoln Co.	1.000
276. Massachusetts	Upgrade Route 2 between Philipston and Greenfield	4.000
277. Ohio	Construct grade separations at Front Street and Bagley Road, Berea	14.000
278. Pennsylvania	Relocate PA 18 between 9th Ave. and 32nd St., Beaver Falls	1.400
279. California	Construct bike paths, Thousand Oaks	0.625
280. Oregon	Construct right-of-way improvements to provide improved pedestrian access to MAX light rail, Gresham	1.282
281. Louisiana	Reconstruct I–10 and Ryan Street access ramps and frontage street improvements, Lake Charles	8.000
282. California	Upgrade SR 92/El Camino interchange, San Mateo	3.700
283. Massachusetts	Construct Housatonic-Hoosic bicycle network	4.000
284. Texas	Upgrade SH 30, Huntsville	2.500
285. Connecticut	Replace bridges over Harbor Brook, Meriden	6.550
286. Indiana	Extend SR 149 between SR 130 to US Rt. 30	1.000
287. West Virginia	Construct improvements on WV 9 including turning lane and signalization, Berkely Co.	0.200
288. Arkansas	Upgrade Highway 63, Marked Tree to Lake David	12.000
289. Dist. of Col.	Conduct studies and related activities pertaining to proposed intermodal transportation Center, D.C.	1.000
290. Ohio	Undertake improvements to Valley Street, Dayton	0.900
291. Texas	Construct US Expressway 77/83 interchange, Harlingen	7.500
292. Texas	Construct Loop 197, Galveston	4.290
293. Minnesota	Upgrade Highway 53 between Virginia and Cook	2.000
294. California	Upgrade intersection of Folsom Blvd. and Power Inn Rd., Sacramento	10.000
295. California	Reconstruct Grand Avenue between Elm Street and Halcyon Road, Arroyo Grande	0.500
296. New York	Construct intermodal facility in Yonkers, Westchester Co.	10.250
297. Massachusetts	Construct bike path between Rt. 16 (Everett) to Lynn Oceanside	1.700
298. Oregon	Design and engineering for intermodal transportation center, Astoria	0.300
299. California	Construct Port of Oakland intermodal terminal	8.000
300. Indiana	Upgrade County roads in LaPorte County	7.000
301. Alabama	Replace bridge over Tombigbee River, Naheola	3.000
302. Virginia	Construct access road and related facilities for Fisher Peak Mountain Music Interpretive Center on Blue Ridge Parkway	1.700
303. Colorado	Reconstruct and upgrade I–70/I–25 Interchange, Denver	13.000
304. Alabama	Construct improvements to 41st Street between 1st Ave. South and Airport Highway, Birmingham	1.000
305. New York	Replace Route 28 bridge over NY State Thruway, Ulster Co.	3.200
306. Minnesota	Reconstruct SE Main Ave./I–94 interchange, Moorhead	4.000

[Dollars in Millions]

307. Indiana	Construct Gary Marina access road (Buffington Harbor)	10.000
308. Washington	Undertake SR 166 slide repair	6.500
309. Oregon	Construct bike path between Main Street/Highway 99 in Cottage Grove to Row River Trail, Cottage Grove	0.230
310. Minnesota	Upgrade 10th Street South, St. Cloud	1.500
311. Missouri	Construct Grand Ave. viaduct over Mill Creek Valley in St. Louis	2.200
312. Missouri	Construct Strother Rd./I–470 interchange, Jackson Co.	8.000
313. Wisconsin	Upgrade U.S. 51 between I–90/94 to northern Wisconsin	5.000
314. Virginia	Construct trailhead and related facilities and restore old Whitetop Train Station at terminus of Virginia Creeper Trail adjacent to Mount Rogers National Recreation Area	0.250
315. Oregon	Reconstruct Lovejoy ramp, Portland	7.718
316. Michigan	Rehabilitate Lincoln St., Negaunee	0.170
317. New York	Construct full access controlled expressway along NY Route 17 at Parkville, Sullivan Co.	6.000
318. Texas	Construct extension of Bay Area Blvd.	1.000
319. California	Construct pedestrian boardwalk between terminus of Pismo Promenade at Pismo Creek and Grande Avenue in Gover Beach	0.500
320. Michigan	Construct deceleration lane in front of 4427 Wilder Road, Bay City	0.020
321. Massachusetts	Construct Arlington to Boston Bike Path	1.000
322. Virginia	Undertake access improvements for Freemason Harbor Development Initiative, Norfolk	2.000
323. Oregon	Construct bike path along Willamette River, Corvallis	0.808
324. California	Upgrade Highway 99 between State Highway 70 and Lincoln Rd., Sutter Co.	14.300
325. Texas	Construct US 77/83 Expressway extension, Brownsville	3.000
326. Ohio	Undertake improvements to open Federal Street to traffic, Youngstown	2.080
327. Massachusetts	Upgrade I–495 interchange 17 and related improvements including along Route 140	14.480
328. Indiana	Undertake safety and mobility improvements involving street and street crossings and Conrail line, Elkhart	2.000
329. Illinois	Reconstruct interchange at I–294, 127th St. and Cicero Ave. with new ramps to the Tri-State Tollway, Alsip	34.265
330. Minnesota	Construct TH 1 east of Northome including bicycle/pedestrian trail	0.240
331. Missouri	Construct Jefferson Ave. viaduct over Mill Creek Valley in St. Louis	11.000
332. Ohio	Construct connector road between North Road and SR46, Trumbull Co.	5.680
333. Oregon	Repair bridge over Rogue River, Gold Beach	10.000
334. Tennessee	Construct I–40/SR 155 interchange, Davidson	9.000
335. Pennsylvania	Upgrade I–95 between Lehigh Ave. and Columbia Ave. and improvements to Girard Ave./I–95 interchange, Philadelphia	29.000
336. Massachusetts	Construct Hyannis Intermodal Transportation Center, Hyannis	3.200
337. New York	Reconstruct 127th Street viaduct, New York City	1.470
338. California	Construct bicycle path, Westlake Village	0.136
339. California	Upgrade Osgood Road between Washington Blvd. and South Grimmer Blvd., Freemont	2.000
340. Tennessee	Upgrade Briley Parkway between I–40 and Opreyland	9.000
341. Minnesota	Construct Gunflint Realignment project, Grand Marais	0.800
342. Maryland	Construct Baltimore Washington Parkway to Route 197, Prince Georges Co.	8.000
343. Virgin Islands	Construct bypass around Christiansted	8.000
344. Dist. of Col.	Rehabilitate Theodore Roosevelt Memorial Bridge	10.000
345. California	Construct Los Angeles County Gateway Cities NHS Access	8.750
346. South Carolina	Construct pedestrian walkway and safety improvements along SC 277, Richland Co.	0.800
347. Ohio	Upgrade US Rt. 35 between vicinity of Chillicothe to Village of Richmond Dale	5.000
348. California	Extend 7th St. between F St. and North 7th St., Sacramento	2.000
349. Illinois	Construct I–64/North Greenmount Rd. interchange, St. Clair Co.	4.800
350. Texas	Construct 6th and 7th Street overpass over railroad yard, Brownsville	0.500
351. Iowa	Construct four-lane expressway between Des Moines and Marshalltown	11.100
352. Michigan	Construct route improvements along Washington Ave. between Janes Ave. to Johnson St. and East Genesee Ave. between Saginaw River and Janes Ave., Saginaw	3.600
353. Minnesota	Construct pedestrian bridge over TH 169 in Elk River	0.707
354. Michigan	Reconstruct I–75/M-57 interchange	14.000
355. Virginia	Upgrade Danville Bypass in Pittsylvania	4.000
356. Massachusetts	Reconstruct Route 126 and replace bridge spanning Route 9, Town of Framingham	4.700
357. Alabama	Construct improvements to 19th Street between I–59 and Tuxedo Junction, Birmingham	0.900
358. Ohio	Restore Main and First Streets to two-way traffic, Miamisburg	0.450
359. Texas	Upgrade FM225, Nacogdoches	4.000
360. California	Construct railroad at-grade crossings, San Leandro	0.500
361. Pennsylvania	Improve walking and biking trails between Easton and Lehigh Gorge State Park within the Delaware and Lehigh Canal National Heritage Corridor	2.800
362. Massachusetts	Environmental studies, preliminary engineering and design of North-South Connector in Pittsfield to improve access to I–90	2.000
363. Oregon	Upgrade Naito Parkway, Portland	1.500
364. Pennsylvania	Make safety improvements on PA Rt. 61 (Dusselfink Safety Project) between Rt. 183 in Cressona and SR 0215 in Mount Carbon	7.000
365. New York	Capital improvements for the car float operations in Brooklyn, New York, for the New York City Economic Development Corp.	14.000
366. California	Construct Backbone Trail through Santa Monica National Recreation Area	0.200
367. Massachusetts	Reconstruct Greenfield Road, Montugue	2.500
368. North Dakota	Upgrade U.S. Route 52 between Donnybrook and US Route 2	2.400
369. Pennsylvania	Construct Philadelphia Intermodal Gateway Project at 30th St. Station	8.000
370. Hawaii	Construct Kapaa Bypass	10.000
371. Missouri	Construct bike/pedestrian path between Delmar Metrolink Station and University City loop business district in St. Louis	0.800
372. Hawaii	Replace Sand Island tunnel with bridge	1.000
373. Missouri	Improve safety and traffic flow on Rt. 13 through Clinton	8.000
374. California	Construct improvements to Moorpark/Highway 101 interchange, Bouchard/Highway 101 interchange and associated street improvements, Thousand Oaks	0.368

[Dollars in Millions]

375. Texas	Construct extension of West Austin Street (FM 2609) between Old Tyler Road and Loop 224, Nacogdoches	1.800
376. Washington	Construct passenger ferry to serve Southworth-Seattle	5.000
377. Hawaii	Construct interchange at junction of proposed North-South road and H–1	20.000
378. South Carolina	Construct I–95/I–26 interchange, Orangeburg Co.	12.000
379. Ohio	Upgrade SR 46 between Mahoning Ave. and Salt Springs Rd., Mahoning and Trumbull Counties	3.520
380. California	Rehabilitate Highway 1 in Guadalupe	0.500
381. Massachusetts	Construct Great River Bridge improvements, Westfield	2.000
382. Maine	Studies and planning for extension of I–95	1.500
383. Michigan	Widen Arch St., Negaunee	0.080
384. Texas	Construct Concord Road Widening project, Beaumont	8.500
385. Massachusetts	Construct accessibility improvments to Charles Street T Station, Boston	4.000
386. Oregon	Purchase and install emitters and receiving equipment to facilitate movement of emergency and transit vehicles at key arterial intersections, Portland	4.500
387. Pennsylvania	Construct bicycle and pedestrian facility between Boston Bridge and McKee Point Park, Allegheny Co.	0.180
388. Oregon	Restore transportation connection between Wauna, Astoria and Port of Astoria	0.700
389. Pennsylvania	Construct Wexford I–79/SR 910 Interchange, Allegheny Co.	1.100
390. Minnesota	Undertake improvements to Hennepin County Bikeway	5.200
391. New Jersey	Construct New Jersey Exit 13A Flyover (extension of Kapkowsk Rd. to Trumbull St.)	3.000
392. Texas	Implement 'Hike and Bike' trail program, Houston	8.000
393. Puerto Rico	Upgrade PR 30 between PR 203 in Gurabo to PR 31 in Juncos	8.000
394. Illinois	Planning, engineering and first phase construction of beltway connector, Decatur	10.310
395. Texas	Extend Texas State Highway 154 between US 80W and State Highway 43S	4.900
396. Illinois	Construct bypass of historic stone bridge, Maeystown	0.820
397. Ohio	Rehabilitate Martin Luther King, Jr. Bridge, Toledo	2.000
398. Missouri	Upgrade Little Blue Expressway, Jackson Co.	3.000
399. Puerto Rico	Upgrade PR 3 between Rio Grande and Fajardo	8.000
400. Illinois	Reconstruct Cossitt Ave. in LaGrange	1.485
401. Pennsylvania	Facilitate coordination of transportation systems at intersection of 46th and Market, and enhance access and related measures to area facilities including purchase of vans for reverse commutes, Philadelphia	4.000
402. Connecticut	Upgrade bridge over Naugatuck River, Ansonia	0.450
403. Pennsylvania	Construct access road to Hastings Industrial Park, Cambria Co.	6.400
404. Pennsylvania	Construct Mon-Fayette Expressway between Union Town and Brownsville	20.000
405. Washington	Reconstruct I–5 interchange, City of Lacy	1.500
406. Dist. of Col.	Construct bicycle and pedestrian walkway (Metropolitan Branch Trail), Union Station to Silver Spring	10.000
407. New Jersey	Upgrade I–78 interchange and West Peddie St. ramps, Newark	6.300
408. Tennessee	Implement ITS technologies, Nashville	2.800
409. Connecticut	Construct bicycle and pedestrian walkway, Town of East Hartford	1.200
410. North Carolina	Upgrade Highway 55 between US 64 and State Route 1121, Wake and Durham Counties	23.000
411. Virginia	Upgrade Route 501 in Bedford County	1.000
412. Georgia	Construct multi-modal passenger terminal, Atlanta	16.000
413. Virginia	Renovate Greater Richmond Transit transportation facility, Richmond	5.000
414. Michigan	Upgrade Van Dyke Road between M–59 and Utica City limits	3.700
415. Pennsylvania	Design, engineer, ROW acquisition and construct the Luzerne County Community College Road between S.R. 2002 and S.R. 3004 one-mile west of Center Street through S.R. 2008 in the vicinity of Prospect Street and the Luzerne County Community College	14.000
416. Texas	Construct two-lane parallel bridge, State Highway 146, FM 517 to vicinity of Dickinson Bayou	4.850
417. North Dakota	Upgrade US Rt. 52, Kenmare to Donnybrook	2.800
418. Minnesota	Improve roads, Edge of Wilderness, Grand Rapids to Effie	6.000
419. Virginia	Construct access road, walking trail and related facilities for the Nicholsville Center, Scott Co.	0.225
420. Maryland	Construct pedestrian and bicycle path between Druid Hill Park and Penn Station, Baltimore	1.800
421. Illinois	Construct access road to Melvin Price Locks and Dam Visitors Center, Madison Co.	1.500
422. New York	Install advance traffic management system along Cross County Parkway between Saw Mill River Parkway and Hutchinson River Parkway	4.000
423. South Carolina	Construct I–77/SC #S–20–30 interchange, Fairfield Co.	7.000
424. Pennsylvania	Rehabilitate Jefferson Heights Bridge, Penn Hills	1.500
425. Oregon	Construct I–205/Sunnyside/Sunnybrook interchange and related extension road, Clackamas Co.	20.000
426. New York	Conduct Trans-Hudson Freight Improvement MIS, New York City	5.000
427. Illinois	Construct Marion Street multi-modal project in Village of Oak Park	2.000
428. Pennsylvania	Upgrade roadway in the Princeton/Cottman I–95 interchange and related improvements, Philadelphia	20.200
429. California	Extend I–10 HOV lanes, Los Angeles	2.940
430. Massachusetts	Rehabilitate Union Station in Springfield	16.000
431. California	Upgrade Greenville Rd. and construct railroad underpass, Livermore	6.800
432. Pennsylvania	Extend Martin Luther King, Jr. East Busway to link with Mon-Fayette	6.000
433. Michigan	Construct improvements to Linden Rd. between Maple Ave. and Pierson Rd., Genessee Co.	1.200
434. Texas	Construct Titus County West Loop, Mount Pleasant	2.500
435. New York	Upgrade Riverside Drive between 97th St. and Tiemann, New York City	1.470
436. Florida	Construct interchange at 21st Street to provide access to Talleyrand Marine Terminal	11.300
437. Minnesota	Upgrade CSAH 116 north of SCAH 88 in Ely	1.600
438. New York	Rehabilitate Queens Blvd./Sunnyside Yard Bridge, New York City	8.000
439. Oregon	Upgrade I–5, Salem	6.592

[Dollars in Millions]

440. California	Install call boxes along Highway 166 between intersection with Highway 101 and junction with Highway 33	0.288
441. Arkansas	Construct US 63 interchange with Washington Ave. and Highway 63B	2.000
442. Virginia	Upgrade Rt. 600 to facilitate access between I–81 and Mount Rogers National Recreation Area	8.000
443. Pennsylvania	Construct bicycle and pedestrian facility between Washington's Landing and Millvale Borough, Allegheny Co.	0.620
444. New Jersey	Conduct Route 46 Corridor Improvement Project with of the amount provided, $11,500,000 for the Route 46/Riverview Drive Interchange reconstruction project, $16,900,000 for the Route 46/Van Houton Avenue reconstruction project, and $4,100,000 for the Route	32.500
445. Virginia	Construct Southeastern Parkway and Greenbelt in Virginia Beach	4.000
446. Michigan	Upgrade Hill Road corridor between I–75 to Dort Highway, Genesee Co.	3.000
447. Louisiana	Upgrade Lapalco Blvd. between Destrehan Ave. and Lapalco Blvd., Jefferson Parish	8.000
448. California	Upgrade South Higuera Street, San Luis Obispo	0.900
449. Rhode Island	Reconstruct Harris Ave., Woonsocket	2.000
450. California	Construct Olympic Training Center Access Road, Chula Vista	5.000
451. Alabama	Construct bridge over Tennessee River connecting Muscle Shoals and Florence	10.000
452. North Carolina	Construct I–540 from east of NC Rt. 50 to east of US Rt. 1 in Wake Co.	13.000
453. Oregon	Upgrade Murray Blvd. including overpass bridge, Millikan to Terman	5.000
454. California	Planning, preliminary engineering and design for Etiwanda Ave./I–10 interchange, San Bernardino Co.	2.000
455. Arkansas	Upgrade US Rt. 412, Mountain Home to Missouri State line	10.000
456. California	Upgrade access road to Mare Island	1.000
457. California	Construct Prunedale Bypass segment of U.S. 101, Monterey Co.	2.200
458. Illinois	Rehabilitate and upgrade 87th Street Station to improve intermodal access	2.362
459. Wisconsin	Upgrade US Rt. 10 between Waupaca to US Rt. 41	8.000
460. Minnesota	Construct railroad crossing connecting University of MN with City of Crookston	0.200
461. Wisconsin	Construct Eau Claire Bypass project	8.000
462. Illinois	Resurface 63rd Street from Western Avenue to Wallace, Chicago	0.750
463. New York	Reconstruct Chili Ave. between W. City Line and West Ave., Rochester	1.600
464. West Virginia	Construct I–81 interchange, Martinsburg	5.300
465. Texas	Construct transportation improvements as part of redevelopment of Kelly AFB, San Antonio	5.000
466. Oregon	Construct roundabout at intersection of Highway 101 and Highway 202, Clatsop Co.	0.400
467. Oregon	Construct bike path improvements between W.D. Street to south parking lot in Island Park and bicycle/pedestrian facility between Island Park path to the Willamalane Senior Center, Springfield	0.100
468. Ohio	Undertake multimodal transportation improvements, Dayton	2.750
469. Massachusetts	Upgrade Rt. 3 between Rt. 128/I–95 to Massachusetts and New Hampshire State Line	8.200
470. Texas	Conduct MIS for Multimodal Downtown Improvement Project, San Antonio	1.000
471. California	Construct improvements to Route 101/Lost Hills Road interchange, Calabasas	5.790
472. Florida	Construct John Young Parkway/I–4 interchange	8.000
473. Texas	Reconstruct FM 364 between Humble Road and I–10, Beaumont	4.800
474. Texas	Construct Austin to San Antonio Corridor	9.500
475. Texas	Construct East Loop, Brownsville	1.000
476. Illinois	Upgrade South Lake Shore Drive between 47th and Hayes, Chicago	7.800
477. Alabama	Construct Finley Ave. Extension East project	3.900
478. Tennessee	Implement middle Tennessee alternative transportation system along the Stones River	9.500
479. Hawaii	Construct improvements to H–1 between the Waiawa interchange and the Halawa interchange	2.000
480. New Jersey	Upgrade Industrial Road between Carteret and Woodbridge Township	3.000
481. Minnesota	Restore MN Transportation facility, Jackson Street Roundhouse, St. Paul	1.000
482. Hawaii	Construct Kawahihee Bypass	1.000
483. Georgia	Upgrade U.S. Rt. 19 between Albany and Thomaston	5.000
484. Michigan	Upgrade M–15 from I–75 north to the Genesee County line	0.500
485. Georgia	Upgrade Lithonia Industrial Boulevard, DeKalb Co.	0.500
486. Michigan	Upgrade Walton Blvd. between Dixie and Sashabaw, Oakland Co.	2.000
487. Kentucky	Reconstruct Liberty and Todd Roads, Lexington	8.000
488. North Carolina	Construct Charlotte Western Outer Loop freeway, Mecklenburg Co.	16.000
489. Tennessee	Construct Crosstown Greenway/Bikeway, Springfield	3.200
490. North Carolina	Construct segment of I–74 between Maxton Bypass and NC 710, Robeson Co.	2.000
491. Pennsylvania	Construct enhancements and related measures, including purchase of vans for reverse commutes, to intermodal facility located at intersection of 52nd and Lancaster Ave., Philadelphia	4.000
492. Illinois	Undertake Industrial Transportation Improvement Program in Chicago	4.350
493. Illinois	Resurface S. Chicago Ave. From 71st to 95th Streets, Chicago	1.060
494. Texas	Upgrade US Rt. 59 between US 281 to I–37	16.000
495. Tennessee	Construct Stones River Greenway, Davidson	7.200
496. South Carolina	Construct Calhoun/Clarendon Causeway	10.000
497. Tennessee	Construct U.S. 40 bypass, Madison Co.	2.000
498. Mississippi	Upgrade Land Fill Road, Panola Co.	1.000
499. Illinois	Construct elevated walkway between Centre Station and arena	1.200
500. New Jersey	Construct interchange improvements and flyover ramps at I–80W to Route D23N in Passaic Co.	10.000
501. Illinois	Construct new entrance to Midway Airport Terminal	6.500
502. North Dakota	Construct Jamestown bypass	4.800
503. Illinois	Resurface 95th St. between Western Ave. and Stony Island Blvd., Chicago	3.120
504. Massachusetts	Upgrade Rt. 9/Calvin Coolidge Bridge, Hadley	10.000
505. Oregon	Acquire and rennovate facility to serve as multimodal transportation center, Eugene	3.590
506. Tennessee	Upgrade SR 386 between US 31 to the Gallatin Bypass, Sumner Co.	3.440

[Dollars in Millions]

507. American Samoa	Construct drainage system improvements associated with highway construction on Tutilla Island, American Samoa	5.000
508. Ohio	Replace I–280 bridge over Maumee River, Toledo area	24.000
509. Pennsylvania	Improve access to McKeesport-Duquesne Bridge	2.268
510. Wisconsin	Upgrade State Highway 29 between Green Bay and Wausau	12.000
511. California	Construct State Route 905 between I–805 and the Otay Mesa Border Crossing, San Diego Co.	25.000
512. California	Undertake median improvements along E. 14th St., San Leandro	1.000
513. Virginia	Conduct preliminary engineering on I–73 between Roanoke and Virginia/North Carolina State line	4.000
514. Illinois	Upgrade industrial park road in Village of Sauget	4.500
515. Massachusetts	Construct TeleCom Boulevard with access via Commercial Street and Corporation Way to the west of Malden River and with access via Santilli Highway to the east of the river in Everett, Medord and Malden	7.000
516. Rhode Island	Construct Blackstone River Bikeway	3.455
517. Oregon	Construct intermodal station, Clackamas Co.	0.600
518. Illinois	Rehabilitate Western Springs Arterial Roadway, Cook Co.	0.825
519. California	Implement enhanced traffic access between I–10, area hospitals and southern portion of Loma Linda	2.000
520. Maine	Replace Ridlonville Bridge across Androscoggin River	1.500
521. New York	Capital improvements for the Red Hook Barge in NY/NJ for the Port Authority of NY/NJ ...	5.000
522. Oregon	Construct bike path between Terry Street and Greenhill Road, Eugene	1.500
523. Texas	Conduct pipeline express study through Texas Transportation Institute (A&M University)	1.500
524. North Carolina	Construct segment of Raleigh Outer Loop, Wake Co.	2.700
525. North Carolina	Construct segment of new freeway, including right-of-way acquisition, between East of US 401 to I–95, and bridge over Cape Fear River	16.000
526. Kentucky	Construct Newton Pike Extension between West Main St. to South Limestone in Lexington	8.000
527. Indiana	Extend SR 149 between SR 130 to US Rt. 30, Valparaiso	4.000
528. California	Implement safety and congestion mitigation improvements along Pacific Coast Highway, Malibu	0.650
529. Maryland	Upgrade I–95/I–495 interchange at Ritchie Marlboro Rd., Prince Georges	4.800
530. Michigan	Construct arterial connector between US41/M28 and Co. Rd. 480, Marquette	0.500
531. Ohio	Construct SR 711 connector four-lane limited access highway in Mahoning Co.	25.000
532. Illinois	Study for new bridge over Mississippi River with terminus points in St. Clair County and St. Louis, MO.	1.400
533. Michigan	Upgrade Three Mile Road, Grand Traverse	1.000
534. Wisconsin	Construct Abbotsford Bypass	6.000
535. North Carolina	Upgrade US 13/NC11 (including Bethel bypass) in Pitt and Edgecombe	2.000
536. New Jersey	Construct highway connector between Interstate Route 1&9 (Tonelle Ave.) and the New Jersey Turnpike at Secaucus Intermodal Transfer Rail Station	5.000
537. Iowa	Reconstruct US Highway 218 between 7th and 20th Streets including center turn lane from Hubenthal Place to Carbide Lane, Keokuk	2.500
538. Minnesota	Construct grade crossing improvments, Morrison County	1.800
539. California	Upgrade Bristol St., Santa Ana	7.000
540. Illinois	Undertake access improvements to U.S. Rt. 41, Chicago	3.750
541. Illinois	Reconstruct Dixie Highway, Harvey	0.494
542. Minnesota	Upgrade CSAH between TH324 and Snake River	1.200
543. California	Rehabilitate B Street between Foothill Blvd. and Kelly St., Hayward	0.700
544. Illinois	Construct improvements to Pleasant Hill Road, Carbondale	3.500
545. Mississippi	Construct access improvments to various roads, Humphreys Co.	1.000
546. Michigan	Construct safety enhancements at rail crossings, Linden, Fenton, Swartz Creek and Gaines	1.000
547. Maryland	Implement city-wide signal control system replacements and improvements in Baltimore	17.700
548. Michigan	Construct road drainage improvements, Suttons Bay Village	0.240
549. West Virginia	Upgrade Route 10 between Logan and Man	50.000
550. California	Construct Gene Autry Way/I–5 Access project, Anaheim	9.000
551. Tennessee	Reconstruct US 79 between Milan and McKenzie	4.000
552. Illinois	Reconstruct Midlothian Turnpike, Robbins	0.288
553. California	Construct connector between I–5 and SR 113 and reconstruct I–5 interchange with Road 102, Woodland	11.500
554. Massachusetts	Reconstruct Route 2/Jackson Road interchange, Lancaster	3.600
555. California	Construct Airport Blvd. interchange in Salinas	8.000
556. California	Construct Third Street South Bay Basin Bridge, San Francisco	12.500
557. Minnesota	Reconstruct CSAH 48 extension, Brainerd/Baxter	0.320
558. Florida	Upgrade U.S. 319 between Four Points and Oak Ridge Road, Tallahasee	4.000
559. Connecticut	Reconstruct I–84 between vicinity of Route 69 in Waterbury and Marion Avenue in Southington	6.000
560. California	Upgrade Riverside Avenue/I–10 interchange, Rialto	0.925
561. Illinois	Consolidate rail tracks and eliminate grade crossings as part of Gateway Intermodal Terminal access project	1.500
562. Pennsylvania	Construct Robinson Town Centre intermodal facility	2.700
563. North Carolina	Construct bridge over Chockoyotte Creek in Halifex Co.	1.800
564. Texas	Investigate strategies to reduce congestion and facilitate access at the international border crossing in Roma	0.250
565. Hawaii	Construct Waimea Bypass	1.000
566. Oregon	Reconstruct I–5/Beltline Road interchange	3.000
567. Ohio	Construct Intermodal Industrial Park in Wellsville	2.040
568. Ohio	Upgrade Route 82, Strongsville	7.000
569. California	Construct pedestrian promenade, Pismo Beach	0.200
570. Dist. of Col.	Conduct MIS of light rail corridors, D.C.	1.000
571. California	Upgrade I–680 Corridor, Alameda Co.	10.000

[Dollars in Millions]

572. Ohio	Construct new bridge over Muskingum River and highway approaches, Washington County	2.000
573. Massachusetts	Construct improvements along Route 18 to provide for access to waterfront and downtown areas, New Bedford	12.000
574. Minnesota	Upgrade Cross-Range Expressway between Coleraine to CSAH 7	6.000
575. Illinois	Construct transportation improvements to Industrial Viaduct, Chicago	1.500
576. Pennsylvania	Construct American Parkway Bridge project in Allentown	4.000
577. Pennsylvania	Replace Grant Street Bridge, New Castle	2.400
578. Illinois	Extend South 74th Street, Belleville	0.500
579. California	Construct Phase 3 of Alameda Street project, Los Angeles	6.000
580. New York	Rehabilitate Third Avenue Bridge over Harlem River, New York City	1.470
581. West Virginia	Upgrade Route 2 in Cabell Co., including the relocation of Route 2 to provide for a connection to I–64 (Merrick Creek Connector)	25.000
582. Minnesota	Construct Shepard Road/Upper Landing interceptor, St. Paul	3.000
583. Illinois	Construct improvements to segment of Town Creek Road, Jackson Co.	1.300
584. Minnesota	Complete construction of Forest Highway 11, Lake Co.	5.000
585. Ohio	Construct access and related improvements to Downtown Riverfront Area, Dayton	4.900
586. Minnesota	Replace Sauk Rapids Bridge over Mississippi River, Stearns and Benton Counties	10.300
587. Ohio	Replace Jacobs Road Bridge, Mahoning Co.	2.000
588. North Carolina	Make improvements to I–95/SR–1162 interchange in Johnston Co.	3.200
589. Oregon	Rehabilitate Broadway Bridge in Portland	10.000
590. Minnesota	Construct Trunk Highway 169 Causeway, Itasca Co.	8.100
591. Minnesota	Construct Cass County Public Trails Corridors	0.240
592. Tennessee	Construct park and ride intermodal centers for Nashville/Middle Tennessee Commuter Rail	8.000
593. California	Construct bicycle path, Calabasas	0.500
594. Mississippi	Upgrade Hampton Lake Road, Tallahatchie Co.	0.880
595. Michigan	Upgrade M.L. King Drive. Genesee Co.	2.000
596. Michigan	Facilitate access between I–75 and Soo Locks through road reconstruction, bikepath construction and related improvements, Sault Ste. Marie	1.000
597. New York	Construct Midtown West Intermodal Ferry Terminal, New York City	5.000
598. Michigan	Construct Jackson Road project (demonstrating performance of paper and plastic reinforced concrete), Scio Township	4.600
599. Alabama	Upgrade Opoto-Madrid Blvd., Birmingham	1.400
600. Michigan	Reconstruct Bagley Street and improve Genschaw Road, Alpena	0.600
601. Texas	Reconstruct State Highway 87 between Sabine Pass and Bolivar Penninsula, McFadden Beach	1.294
602. Arkansas	Construct Baseline Road RR grade separation, Little Rock	5.000
603. Louisiana	Construct I–10/Louisiana Ave. interchange	8.000
604. Oregon	Construct regional multimodal transportation center in Albany	10.320
605. Oregon	Repair Coos Bay rail bridge, Port of Coos Bay	5.500
606. Illinois	Upgrade Illinois 336 between Illinois 61 to south of Loraine	5.100
607. Illinois	Right-of-way acquisition for segment of Alton Bypass between Illinois 143 to Illinois 140 near Alton	4.000
608. Oregon	Restore the Historic Columbia River Highway including construction of a pedestrian and bicycle path under I–84 at Tanner Creek and restoration of the Tanner Creek and Moffett Creek bridges	2.000
609. New Jersey	Reconstruct intermodal transportation facility on Bergenline Ave., Union City	4.000
610. Tennessee	Upgrade US 231 between SR 268 and Walter Hill, Rutherford	5.100
611. Minnesota	Extend County State Highway 61 extension into Two Harbors	0.800
612. Mississippi	Upgrade roads, Washington Co.	4.410
613. Michigan	Upgrade M–24 from I–75 to the northern Oakland Co. border	0.500
614. Washington	Construct Sequim/Dungeness Valley trail project	1.000
615. California	Construct HOV lane and bicycle lane within the Glendale Blvd. corridor in Los Angeles	16.000
616. Michigan	Upgrade Groveland Mine Road, Dickinson	0.500
617. Pennsylvania	Upgrade Route 219 between Meyersdale and Somerset	5.000
618. Texas	Upgrade IH–30 between Dallas and Ft. Worth	29.000
619. Florida	Upgrade U.S. 319 between I–10 and the Florida/George State line	4.000
620. Rhode Island	Construct Rhode Island Greenways and Bikeways projects with of the amount provided $5,700,000 for the Washington Secondary Bikepath, and $2,100,000 for the South County Bikepath Phase 2	7.800
621. Texas	Conduct feasability study on upgrading SH 16 in South Texas.	0.250
622. Virginia	Construct road improvement, trailhead development and related facilities for Haysi to Breaks Interstate Bicycle and Pedestrian Trail between Haysi and Garden Hole area of Breaks Interstate Park	0.250
623. Minnesota	Upgrade CSAH 16 between TH 53 and CSAH 4	5.400
624. Minnesota	Construct bicycle and pedestrian facility (Mesabi Trail), St. Louis County	3.000
625. Ohio	Construct Black River Intermodal Center, Lorain	2.400
626. Pennsylvania	Reconstruct structures and adjacent roadway, Etna and Aspenwall (design and right-of-way acquisition phases), Allegheny Co.	3.700
627. Florida	Construct safety improvements and beautification along U.S. 92, Daytona Beach	3.000
628. Georgia	Undertake major arterial enhancements in DeKalb Co. with the amount provides as follows: $7,000,000 for Candler Rd., $7,500,000 for Memorial Highway and $900,000 for Bufford Highway	15.400
629. Minnesota	Construct highway construction between Highway 494 and Carver Co. Rd. 147	4.000
630. California	Construct improvements to Harry Bridges Blvd., Los Angeles	9.100
631. California	Extend Route 46 expressway in San Luis Obispo Co.	8.000
632. Michigan	Upgrade M–84 connector between Tittabawasee Rd. and M–13, Bay and Saginaw Counties	16.180
633. California	Construct I–380 connector between Sneath Lane and San Bruno Ave., San Bruno	2.800
634. Maryland	Reconstruct segment of Baltimore Beltway between U.S. 1 and I–70	9.000
635. Ohio	Construct interchange at SR 11 and King Graves Rd. in Trumball Co.	4.800
636. Tennessee	Construct Franklin Road interchange and bypass	2.000

[Dollars in Millions]

637. Arkansas	Construct access routes between interstate highway, industrial park and Slackwater Harbor, Little Rock	1.000
638. California	Upgrade I–880, Alameda	10.000
639. Maine	Upgrade Route 11	4.000
640. Minnesota	Upgrade 77th St. between I–35W and 24th Ave. to four lanes in Richfield	22.800
641. Rhode Island	Reconstruct Pawtucket Ave. and Wilcott St., Pawtucket	1.500
642. Ohio	Construct grade separations at Fitch Road in Olmsted Falls	5.000
643. New Jersey	Upgrade Market St./Essex St. and Rochelle Ave./Main St. to facilitate access to Routes 17 and 80, Bergen Co.	5.000
644. Alabama	Construct improvements to Ensley Avenue between 20th St. and Warrior Rd., Birmingham	1.000
645. California	Seismic retrofit of Golden Gate Bridge	2.000
646. Illinois	Extend Rogers Street to mitigate congestion, Waterloo	1.900
647. Massachusetts	Construct I–95/I–93 interchange, Boston	5.000
648. Minnesota	Upgrade TH 13 between TH 77 and I–494	2.000
649. Indiana	Upgrade Ridge Road between Griffith and Highland	4.400
650. California	Construct bikeways, Santa Maria	0.512
651. Pennsylvania	Upgrade PA 61 between PA 895 and SR 2014, Schuylkill Co.	8.000
652. Pennsylvania	Construct road connector and bridge over Allegheny River to link New Kensington with Allegheny Valley Expressway	5.000
653. Alabama	Replace pedestrian bridges at Village Creek and Valley Creek, Birmingham	0.100
654. Arkansas	Upgrade U.S. 65 in Faulkner and Van Buren Counties	4.000
655. Illinois	Reconstruct U.S. 6, Harvey	1.660
656. Texas	Construct improvements along US 69 including frontage roads, Jefferson Co.	7.680
657. North Carolina	Relocate US 1 from north of Lakeview to SR 1180, Moore and Lee Counties	7.300
658. Massachusetts	Reconstruct Bates Bridge over Merrimack River	4.000
659. Oregon	Design and engineering for Newberg-Dundee Bypass	0.500
660. Massachusetts	Construct Packets Landing Enhancement and Restoration Project, Town of Yarmouth	1.000
661. Massachusetts	Construct roadway improvements on Crosby Drive and Middlesex Turnpike, Beford, Burlington and Billerica	7.717
662. Tennessee	Construct SR22 Bypass, Obion Co.	10.000
663. Indiana	Reconstruct US Rt. 231 between junction of State Road 66 to Dubois Co. line	4.500
664. Massachusetts	Upgrade Lowell Street between Woburn Street and Route 38, Town of Wilmington	1.440
665. New York	Redesign Grand Concourse to enhance traffic flow and related enhancements between E. 161st St. and Fordham Rd., New York City	13.000
666. Massachusetts	Upgrade Spring St. between Bank and Latham Streets, Williamstown	2.000
667. Massachusetts	Construct bikeway between Blackstone and Worcester	8.000
668. Indiana	Repair signal wires, grade-crossing warning devices and other safety protections along South Shore Railroad between Gary and Michigan City	0.700
669. Hawaii	Upgrade Puuloa Road between Kamehameha Highway and Salt Lake Blvd.	9.000
670. California	Upgrade call boxes throughout Santa Barbara County	1.500
671. Missouri	Upgrade Route 6 between I–29 and Route AC, St. Joseph	5.000
672. Tennessee	Upgrade Briley Parkway between McGavock Pike and I–65	9.000
673. Wisconsin	Upgrade Highway 151 between Platteville and Dubuque	8.000
674. Michigan	Construct Detroit Metropolitan/Wayne County South Access Road	20.000
675. Missouri	Upgrade Route 36 between Hamilton and Chillicothe	20.000
676. Pennsylvania	Extend Martin Luther King Busway, Alleghany Co.	2.200
677. Illinois	Study upgrading Illinois 13/127 between Murphysboro and Pinckneyville	2.100
678. Pennsylvania	Construct access to site of former Philadelphia Naval Shipyard and Base, Philadelphia	2.000
679. California	Construct extension of State Route 180 between Rt. 99 and the Hughes/West Diagonal	8.000
680. Iowa	Construct overpass to eliminate railroad crossing in Burlington	3.475
681. West Virginia	Construct Riverside Expressway, Fairmont	36.000
682. Massachusetts	Construct South Weymouth Naval Air Station Connectivity Improvements	16.300
683. Ohio	Construct Eastern US Rt. 23 bypass of Portsmouth	5.000
684. Texas	Construct highway-rail-marine intermodal project, Corpus Christi	11.000
685. Illinois	Construct Central Ave.-Narragansett Ave. connector, Chicago	8.700
686. Massachusetts	Preliminary design of Route 2 connector to downtown Fitchburg	2.000
687. Connecticut	Implement Trinity College Area road improvements, Hartford	6.810
688. New Jersey	Construct Collingswood Circle eliminator, Camen	8.000
689. Virginia	Upgrade Virginia Route 10, Surrey Co.	1.000
690. Alabama	Construct repairs to viaducts connecting downtown and midtown areas, Birmingham	0.600
691. Connecticut	Replace Windham Road bridge, Windham	2.000
692. Maine	Implement rural ITS	0.250
693. Tennessee	Construct SR22 Bypass, Obion Co.	10.000
694. Ohio	Construct Black River intermodal transportation center	5.600
695. California	Construct the South Central Los Angeles Exposition Park Intermodal Urban Access Project in Los Angeles	26.000
696. Georgia	Upgrade I–75 between the Crisp/Dooly Co. line to the Florida State line	11.000
697. California	Construct bicycle paths as part of regional system, Agoura Hills	0.100
698. Massachusetts	Construct bicycle and pedestrian facility (The Riverwalk), Peabody	1.440
699. California	Construct I–5 rail grade crossings between I–605 and State Route 91, Los Angeles and Orange Counties	20.120
700. California	Construct tunnel with approaches as part of Devils Slide project in San Mateo Co.	8.000
701. Texas	Construct US Highway 59 railroad crossing overpass in Texarkana	3.500
702. South Carolina	Construct improvements to I–95/SC 38 interchange	9.000
703. Texas	Construct Cleveland Bypass	13.500
704. Illinois	Rehabilitate WPA Streets in Chicago	4.700
705. California	Implement ITS technologies in Employment Center area of City of El Segundo	3.550
706. California	Construct grade-separated bicycle path along Los Angeles River between Fulton Ave. to the vicinity of Sepulveda Blvd. and the Sepulveda Basin Recreation Area, Los Angeles	1.600
707. Michigan	Replace Barton Rd./M–14 interchange, Ann Arbor	1.000
708. Missouri	Upgrade Mo. Rt. 150, Jackson Co.	3.000

[Dollars in Millions]

709. Michigan	Construct M–24 Corridor from I–69 to southern Lapeer County	4.000
710. Virginia	Upgrade Route 58 from Stuart up Lovers' Leap Mountain towards Carroll Co.	7.000
711. Massachusetts	Implement Cape and Islands Rural Roads Initiative, Cape Cod	0.500
712. New York	Rehabilitate Broadway Bridge, New York City	1.470
713. Massachusetts	Implement Phase II of unified signage system, Essex Co.	0.391
714. Arizona	Design, engineering and ROW acquisition for Area Service Highway, Yuma	1.000
715. Alabama	Construct Decatur Southern Bypass	2.000
716. California	Construct new I–95 interchange with Highway 99W, Tehama Co.	2.200
717. New York	Study transportation improvements for segments of Hutchinson River Parkway and New England Thruway which pass through the Northeast Bronx	0.750
718. California	Construct Alameda Corridor East, San Gabriel Valley	2.940
719. Massachusetts	Reconstruct Pleasant Street-River Terrace, Holyoke	1.600
720. Mississippi	Upgrade Alva-Stage Rd., Montgomery Co.	1.500
721. New York	Upgrade Frederick Douglas Circle, New York City	14.650
722. West Virginia	Construct New River Parkway	6.000
723. Illinois	Upgrade Wood Street between Little Calumet River to 171st St., Dixmore, Harvey, Markham, Hazel Crest	0.990
724. Michigan	Improve Hoban Road and Grand Avenue, City of Mackinac Island	1.120
725. Oregon	Construct South Rivergate rail overcrossing in Portland	13.000
726. Mississippi	Upgrade West County Line Road, City of Jackson	11.000
727. Massachusetts	Implement directional signage program between Worcester CBD and regional airport	0.600
728. California	Upgrade D Street between Grand and Second Streets, Hayward	1.200
729. Pennsylvania	Construction of noise barriers along State Route 28, Aspinwall	0.800
730. Michigan	Upgrade Tittabawasee Road between Mackinaw Road and Midland Road, Saginaw Co.	4.000
731. South Carolina	Construct North Charleston Regional Intermodal Center	4.500
732. Ohio	Upgrade SR 7 (Eastern Ave.) to improve traffic flow into Gallipolis, Gallia Co.	2.000
733. California	Modify HOV lanes, Marin Co.	7.000
734. Minnesota	Construct Highway 210 trail/underpass, Brainerd/Baxter	0.640
735. Pennsylvania	Design, engineer, ROW acquisition and construct the Wilkes-Barre/Scranton International Airport Access Road between Route 315 and the airport	2.000
736. Tennessee	Construct greenway and bicycle path corridor, City of White House	3.800
737. Texas	Upgrade Highway 271 between Paris and Pattonville	2.000
738. North Carolina	Upgrade NC 48 in Halifax and Northampton Counties	1.500
739. Connecticut	Revise interchange ramp on to Route 72 northbound from I–84 East in Plainville, Connecticut	3.750
740. California	Improve Mission Boulevard in San Bernardino, California	8.500
741. Ohio	Widen and reconstruct State Route 82 from Lorain/Cuyahoga County line to I.R. 77.	8.000
742. Tennessee	Widen US–321 from Kinzel Springs to Wean Valley Road	9.100
743. New Hampshire	Construct Orford Bridge	3.400
744. Oklahoma	Reconstruct US–70 in Marshall and Bryan Counties	0.200
745. Washington	Widen SR522 from SR–9 to Paradise Lake Road	4.000
746. New York	Improve Cross Westchester Expressway	1.000
747. Pennsylvania	Improve US 22/Canoe Creek Blair County	2.000
748. Missouri	Upgrade US–60 in Carter County, Missouri.	27.000
749. Ohio	Relocate State Route 60 from Zanesville to Dresden, Muskingum County	1.500
750. Pennsylvania	Construct PA 16 Truck climbing lane in Franklin County	1.000
751. Indiana	Conduct railroad relocation study in Muncie	0.060
752. Pennsylvania	Construct highway-transit transfer facility in Lemoyne	2.000
753. Georgia	Construct surface transportation facilities along Atlanta-Griffin-Macon corridor	39.000
754. Louisiana	Improve US–165 from Alexandria to Monroe	40.000
755. Ohio	Upgrade US–30 from Wooster to Riceland	15.000
756. Washington	Construct Edmonds Crossing Multi-modal transportation project in Edmonds, Washington.	5.000
757. Indiana	Remove and replace Walnut Street in Muncie	2.140
758. Pennsylvania	Improve South Central Business Park in Fulton County	1.000
759. Pennsylvania	Construct exit ramp on I–180 at State Route 2049 in Williamsport	10.500
760. Washington	Construct pedestrian access and safety on Deception Pass Bridge, Deception Pass State Park, Washington	1.000
761. Illinois	Improve and construct grade separation on Cockrell Lane in Springfield	2.400
762. Virginia	Construct the Kemper Street Station connector road in Lynchburg	2.000
763. Oklahoma	Reconstruct and widen I–40 Crosstown Bridge and Realignment in downtown Oklahoma City, including demolition of the existing bridge, vehicle approach roads, interchanges, intersections, signalization and supporting structures between I–35 and I–44.	97.050
764. New Mexico	Improve I–25 at Raton Pass	10.000
765. California	Reconstruct La Loma Bridge in Pasadena	3.000
766. New York	Conduct traffic calming study on National Scenic Byway Route 5 in Hamburg	0.100
767. Pennsylvania	Improve PA–8 between Cherry Tree and Rynd Farm	6.400
768. Alabama	Construct Historic Whistler Bike Trail in Prichard, Alabama	0.670
770. Alaska	Construct capital improvement to the Alaska Marine Highway and related facilities: $6,000,000 for Seward, $3,000,000 for Ketchikan and $3,000,000 for Hollis	12.000
771. Connecticut	Rehabilitate Route 202 bridge in New Milford, Connecticut	2.700
772. Wisconsin	Construct U.S. Highway 10, Freemont to Appleton	4.000
773. Texas	Conduct major investment study for Outer Loop freeway extension between I–35 West at State Highway 170 and State Highway 199 in Tarrant County	0.500
774. Pennsylvania	Reconfigure US–13/Pennsylvania Turnpike interchange	2.230
775. Washington	Construct Washington Pass visitor facilities on North Cascades Highway	1.200
776. Washington	Improve Huntington Avenue South in Castle Rock	0.750
777. California	Construct Centennial Transportation Corridor	21.000
778. Kentucky	Extend Hurstbourne Parkway from Bardstown Road to Fern Valley Road	8.560
779. Pennsylvania	Eliminate 16 at-grade rail crossings through Erie	8.000
780. California	Construct Cabot-Camino Capistrano Bridge project in Southern Orange County	2.000
781. Utah	Widen 106th South from I–15 to Bangerter Highway in South Jordan	5.000

[Dollars in Millions]

782. Ohio	Upgrade 11 warning devices on the rail north/south line from Toledo to Deshler	1.100
783. Washington	Construct Port of Kalama River Bridge	0.900
784. California	Improve Folsom Boulevard—Highway 50 in the city of Folsom	4.000
785. New Hampshire	Construct the Broad Street Parkway in Nashua	16.300
786. New York	Construct County Road 93 between NYS 27 and NYS 454.	0.515
787. Washington	Improve Clinton Ferry Terminal in Clinton	7.750
788. Illinois	Construct Riverfront pedestrian walkway in Peoria	0.050
789. Colorado	Construct alternative truck route in Montrose	5.600
790. New York	I–87 Noise Abatement Program	10.000
791. New Jersey	Construct Toms River bridge project connecting Dover and South Toms River Borough	3.000
792. California	Install SiliconValley Smart Corridor project along the I–880 corridor	4.860
793. Illinois	Construct Veterans Parkway from Eastland Drive to Commerce Parkway in Bloomington	11.040
794. Pennsylvania	Construct Drexel University Infrastructure Research Facility roadway improvements	1.000
795. New Jersey	Widen Route 1 from Pierson Avenue to Inman Avenue in Middlesex County	7.000
796. Michigan	Construct US–131 Cadillac Bypass project	5.000
797. New Hampshire	Reconstruct US–3 Carroll town line 2.1 miles north	2.000
798. Texas	Upgrade State Highway 35 Houston District Brazoria County	12.000
799. Tennessee	Construct US–27 from State Road 61 to Morgan County line	5.500
800. Pennsylvania	Install citywide signalization (SAMI) project in Lebanon	1.000
801. Maryland	Upgrade US–113 north of US–50 to MD–589 in Worcester County, Maryland	24.000
802. Louisiana	Construct Florida Expressway in St. Bernard and Orleans Parishes	0.200
803. Colorado	Construct I–25 truck lane from Lincoln Avenue to Castle Pines Parkway in Douglas County	3.000
804. Oklahoma	Conduct study of Highway 3 in McCurtain, Pushmataha and Atoka Counties	0.300
805. Texas	Reconstruct intermodal connectors on Highway 78 and Highway 544 in Wylie	10.000
806. Georgia	Construct noise barriers on the westside of I–185 between Macon Road and Airport Thruway and on I–75 between Mt. Zion Road and Old Dixie Highway in the Atlanta area	1.000
807. Arkansas	Construct the Ashdown Bypass/Overpass in Ashdown	5.000
808. Illinois	Constuct Peoria City River Center parking facility in Peoria	4.000
809. Arkansas	Study and construct a multi-modal facility Russellville, Arkans	1.000
810. Washington	Design and implement report and environmental study of the I–5 corridor in Everett, Washington	1.000
811. Pennsylvania	Construct Newton Hamilton SR 3021 over Juniata River in Mifflin County	2.000
812. Texas	Widen State Highway 6 from Senior Road to FM521	12.100
813. South Dakota	Construct Eastern Dakota Expressway (Phase I)	15.790
814. Kentucky	Construct necessary connections for the Taylor Southgate Bridge in Newport and the Clay Wade Bailey Bridge in Covington	9.500
815. Washington	Construct traffic signals on US–2 at Olds Owens Road and 5th Street in Sultan, Washington	0.257
816. Minnesota	Widen Trunk Highway 14/52 from 75th Street, NW to Trunk Highway 63 in Rochester	13.000
817. New Jersey	Improve Old York Road/Rising Run Road intersection in Burlington	6.640
818. Pennsylvania	Construct I–81 noise abatement program in Dauphin County	0.640
819. Alabama	Construct Crepe Myrtle Trail near Mobile, Alabama	1.600
820. California	Construct SR–78/Rancho Del Oro interchange in Oceanside	5.000
821. New Jersey	Improve grade separations on the Garden State Parkway in Cape May County, New Jersey	14.000
822. Pennsylvania	Construct Western Innerloop from PA–26 to State Route 3014	3.600
823. Kansas	Widen US–169 in Miami County	13.500
824. New Hampshire	Construct Hindsale Bridge	3.000
825. Washington	Construct I–5 interchanges in Lewis County	6.650
826. Georgia	Widen Georgia Route 6/US–278 in Polk County	10.888
827. Pennsylvania	Improve access and interchange from I–95 to the international terminal at Philadelphia International Airport	5.000
828. Pennsylvania	Construct rail mitigation and improvement projects from Philadelphia to New Jersey Line	12.800
829. Nevada	Extend I–580 in Washie and Douglas Counties	5.000
830. Georgia	Resurface Davis Drive, Green Street, and North Houston Road in Warner Robins	0.400
831. Oregon	Repair Port of Hood River Bridge Lift Span project	23.500
832. New York	Improve access to I–84/Dutchess intermodal facility in Dutchess County	3.000
833. Georgia	Conduct a study of an interstate multimodal transportation corridor from Atlanta to Chattanooga	5.000
834. Nebraska	Corridor study for Louisville South bypass from State Highway 66 to State Highway 50	0.100
835. Michigan	Conduct feasibility study on widening US–12 to three lanes between US–127 and Michigan Highway 50	0.250
836. Kentucky	Correct rock hazard on US–127 in Russell County	0.035
837. New York	Construct new exit 46A on I–90 at Route 170 in North Chili	10.000
838. California	Construct parking lot, pedestrian bridge and related improvements to improve intermodal transportation in Yorba Linda	3.800
839. Missouri	Construct US–412 corridor from Kennett to Hayti, Missouri	8.000
840. Florida	ITS improvements on US–19 in Pasco County	2.000
841. Florida	Construct I–4 reversible safety lane in Orlando	14.000
842. Connecticut	Improve and realign Route 8 in Winchester	2.020
843. Louisiana	Construct State Highway 3241/State Highway 1088/I–12 interchange in St. Tammany Parish, Louisiana	10.000
844. Nebraska	Corridor study for Plattsmouth Bridge area to US–75 and Horning Road	0.350
845. Michigan	Construct US–131 Business route/industrial connector in Kalamazoo	2.000
846. Michigan	Reconstruct I–94 between Michigan Route 14 and US–23	14.750
847. California	Ontario International Airport ground access program	10.500
848. Texas	Construct the George H.W. Bush Presidential Corridor from Bryan to east to I–45	10.000
849. Virginia	Construct I–73 from Roanoke to the North Carolina border	8.500
850. Louisiana	Kerner's Ferry Bridge Replacement project	1.000

[Dollars in Millions]

851. Washington	Widen SR–522 in Snohomish County: $3,650,000 for phase 1 from SR–9 to Lake Road; $1,500,000 to construct segment from Paradise Lake Road to Snohomish River Bridge	5.200
852. California	Plan and design interchange between I–15 and Sante Fe Road in Barstow, California	4.000
853. California	Upgrade Ft. Irwin Road from I–15 to Fort Irwin	1.500
854. Nebraska	Construct bridge in Newcastle	4.000
855. Indiana	Conduct rail-highway feasibility project study in Muncie	0.100
856. New Jersey	Replace the Ocean City-Longport bridge in Cape May County, New Jersey	26.000
857. Kentucky	Construct a segment of the I–66 corridor from Somerset to I–75	10.000
858. Ohio	Improve and widen SR–45 from North of the I–90 interchange to North Bend Road in Ashtabula County, Ohio	7.920
859. Illinois	Construct I–88 interchange at Peace Road in Dekalb	4.300
860. Virginia	Widen Route 123 from Prince William County line to State Route 645 in Fairfax County, Virginia	10.000
861. Pennsylvania	Widen and improve Route 449 in Potter County	1.000
862. Ohio	Conduct feasibility study for inclusion of US–22 as part of the Interstate System	0.100
863. New Hampshire	Improve the Bridge Street bridge in Plymouth	1.000
864. Louisiana	Conduct a feasibility and design study of Louisiana Highway 30 between Louisiana Highway 44 and I–10	2.000
865. Louisiana	Construct I–610 noise and safety barrier in the Lake View section of New Orleans, Louisiana	1.000
866. New York	Conduct North Road Corridor study in Oswego County	1.500
867. Kansas	Construct Diamond interchange at Antioch and I–435	8.400
868. Iowa	Reconstruct I–235 in Polk County	6.900
869. Florida	Construct Port of Palm Beach road access improvements, Palm Beach County, Florida	21.000
870. Tennessee	Improve the Elizabethon Connector from US–312 to US–19 East	8.450
871. California	Stabilize US–101 at Wilson Creek	1.000
872. Michigan	Improve the I–73 corridor in Jackson and Lenawee Counties	5.000
873. Arkansas	Improve Arkansas State Highway 59 from Rena Road to Old Uniontown Road in Van Buren	2.500
874. Illinois	Construct Richton Road, Crete	2.000
875. Ohio	Widen Licking-SR–79–06.65 (PID 8314) in Licking County	9.400
876. New York	Improve and reconstruct Commerce Street in York Town	0.280
877. Arkansas	Construct Highway 371 from Magnolia to Prescott	3.000
878. Arkansas	Construct Highway 82 from Hamburg to Montrose	7.000
879. California	Improve SR–91/Green River Road interchange	6.500
880. California	Widen and improve I–5/State Route 126 interchange in Valencia	13.900
881. Pennsylvania	Construct US–30 Bypass from Exton Bypass to PA–10	4.400
882. Illinois	Replace State Route 47 Bridge in Morris	19.000
883. New York	Construct County Road 67 at Long Island Expressway Exit 57 between County Road 17 and other designated road	0.700
884. California	Construct I–15/Barton Road West/Anderson Street connection	5.000
885. New York	Reconstruct Route 9 in Plattsburgh	3.354
886. Illinois	Engineering for Peoria to Chicago expressway	5.000
887. Louisiana	Construct Hourma-Thibodaux to I–10 connector from Gramercy to Hourma	3.100
888. Washington	Construct Peace Arch Crossing of Entry (PACE) lane in Blaine	4.900
889. Florida	Purchase and install I–275 traffic management system in Pinellas County, Florida	1.000
890. Mississippi	Construct I–55 connectors to US–51 in Madison, Mississippi	3.000
891. Alabama	Construct Anniston Eastern Bypass from I–20 to Fort McClellan in Calhoun County	44.600
892. Connecticut	Realign and extend Hart Street in New Britain	4.000
893. Texas	Construct Spur 10 from SH–36 to US–59	4.000
894. Wisconsin	Construct U.S. Highway 151 Fond du Lac Bypass	30.000
895. Ohio	Grade separation project at Snow Road Brook Park	3.000
896. Nebraska	Conduct corridor study from Wayne to Vermillion-Newcastle bridge	0.550
897. Pennsylvania	Construct Erie Eastside Connector	21.600
898. New York	Reconstruct County Route 24 in Franklin County	2.473
899. Pennsylvania	Construct SR–3019 over Great Trough Creek in Huntingdon County	0.500
900. California	Construct Tulare County roads in Tulare County	9.000
901. Pennsylvania	Widen PA–228 from Criders Corners to State Route 3015	1.200
902. South Carolina	Three River Greenway Project to and from Gervals Street in Columbia	5.000
903. Washington	Construct State Route 305 corridor improvements in Poulsbo, Washington	3.500
904. Pennsylvania	Improve Lewistown Narrows US–322 in Mifflin and Juniata County	1.000
905. Nevada	Construct the US–395 Carson City Bypass	5.000
906. Illinois	Reconstruct I–74 through Peoria	12.865
907. Florida	Widen Gunn Highway between Erlich Road and South Mobley Road in Hillsborough County	2.000
908. New York	Construct intermodal transportation hub in Patchogue	2.500
909. New York	Upgrade and relocate Utica-Rome Expressway in Oneida, County New York	20.000
910. Georgia	Conduct a study of a multimodal transportation corridor from Lawrenceville to Marietta	2.400
911. Georgia	I–75 advanced transportation management system in Cobb County	1.700
912. New Hampshire	Berlin Heritage Project from the Everett turnpike to Hudson in Berlin County	0.050
913. Alabama	Engineering, right-of-way acquisition and construction of the Birmingham Northern Beltline in Jefferson County	20.000
914. Florida	Replace St. Johns River Bridge in Volusia and Seminole Counties	14.000
915. Maryland	Improve Halfway Boulevard east and west of Exit 5, I–81 in Washington County	4.000
916. Georgia	Construct Harry S Truman Parkway	3.550
917. Pennsylvania	Reconstruct the I–81 Davis Street interchange in Lackawanna	8.000
918. Illinois	Widen 143rd Street in Orland Park	8.000
919. Pennsylvania	Conduct study of Ft. Washington transportation improvements, Upper Dublin, PA	0.500
920. Kansas	Construct grade separations on US–36 and US–77 in Marysville, Kansas	4.200
921. Ohio	Relocate Harrison/Belmont US–250	6.000
922. Arkansas	Widen 28th Street and related improvements in Van Buren, Arkansas	1.000

[Dollars in Millions]

923. Tennessee	Improve County Road 374 in Montgomery County	5.000
924. Virginia	Conduct feasibility study for the construction I–66 from Lynchburg to the West Virginia border	0.500
925. Florida	Expand Palm Valley Bridge in St. Johns County	3.100
926. Michigan	Construct M–6 Grand Rapids South Beltline in Grand Rapids, Michigan	28.720
927. Pennsylvania	Reconstruct PA–309 in Eastern Montgomery with $4,000,000 for noise abatement	17.400
928. Colorado	Reconstruct I–225/Iliff Avenue interchange in Aurora	5.500
929. California	Widen US–101 from Windsor to Arata Interchange	1.600
930. New Jersey	Design and construction Belford Ferry Terminal in Belford, New Jersey	4.600
931. Louisiana	Construct East-West Corridor project in Southwest Louisiana	1.000
932. Kentucky	Construct US–127 Jamestown Bypass	5.800
933. Kentucky	Conduct feasibility study for Northern Kentucky High Priority Corridor (I–74)	0.500
934. Utah	Improve 5600 West Highway from 2100 South to 4100 South in West Valley City	5.000
935. Arkansas	Construct US–270 East-West Arterial in Hot Springs	9.000
936. New York	Improve Route 31 from Baldwinsville to County Route 57	11.750
937. Arkansas	Widen West Phoenix Avenue and related improvements in Fort Smith, Arkansas	8.000
938. Arkansas	Improve Arkansas State Highway 12 from US–71 at Rainbow Curve to Northwest Arkansas Regional Airport	0.500
939. Texas	Widen State Highway 35 from SH288 in Angleton to FM521	6.900
940. Louisiana	Congestion mitigation and safety improvements to the Central thruway in Baton Rouge	3.000
941. North Carolina	Widen North Carolina Route 24 from Swansboro to US–70 in Onslow and Carteret Counties	4.000
942. North Carolina	Construct US–13 from the Wilson the US–264 Bypass to Goldsboro in Wayne and Wilson Counties	4.500
943. Michigan	Construct Bridge Street bridge project in Southfield	4.200
944. Connecticut	Improve Route 7 utility and landscaping in New Milford	7.200
945. Pennsylvania	Construct access improvements between exits 56 and 57 off I–81 in Lackawanna	1.700
946. New Jersey	Construct grade separation of Route 35 and Tinton falls and extend Shrewsbury Avenue in Monmouth	5.000
947. Washington	Improve I–5/196th Street, Southwest Freeway interchange in Lynnwood, Washington	4.500
948. Tennessee	Extend Pellissippi Parkway from State Route 33 to State Route 321 in Blount County	11.800
949. New York	Improve Route 281 in Cortland	9.000
950. California	Construct I–15 Galinas interchange in Riverside County	8.500
951. New Hampshire	Construct the Keene bypass	6.150
952. Illinois	Design and construct US–67 corridor from Jacksonville to Beardstown	10.000
953. Virginia	Conduct Williamsburg 2007 transportation study	0.325
954. Mississippi	Widen US–84 from I–55 at Brookhaven to US–49 at Collins	1.250
955. New York	Reconstruct Jackson Avenue in New Windsor, Orange County	2.624
956. Texas	Widen State Highway 6 from FM521 to Brazoria County line and construct railroad overpass	12.200
957. Tennessee	Reconstruct road and causeway in Shiloh Military Park in Hardin County	15.000
958. Florida	Pedestrian safety initiative on US–19 in Pinellas County	6.800
959. Washington	Improve primary truck access route on East Marine View Drive, FAST corridor in Washington	4.900
960. Florida	Construct Wonderwood Connector from Mayport to Arlington, Duval County, Florida.	38.000
961. California	Improve the Avenue H overpass in Lancaster County	6.100
962. Pennsylvania	Improve safety on PA–41 from US–30 to PA–926	6.000
963. New Jersey	Consrtuct Route 29/129 bicycle, pedestrian and landscape improvement plan	5.500
964. Idaho	Construct critical interchanges and grade-crossings on US–20 between Idaho Falls and Chester	10.000
965. Louisiana	Expand Perkins Road in Baton Rouge	10.000
966. Pennsylvania	Widen US 30 from Walker Rd to Fayetteville in Franklin County	2.000
967. Wyoming	Construct Jackson-Teton Pathway in Teton County	1.830
968. Utah	Widen 7200 South in Midvale	1.100
969. Washington	Conduct feasibility study of State Route 35 Hood River bridge in White Salmon	1.000
970. Arkansas	Upgrade US Route 412, Harrison to Mountain Home, Arkansas	3.550
971. Nevada	Canamex Corridor Innovative Urban Renovation project in Henderson	12.000
972. Georgia	Construct Athens to Atlanta Transportation Corridor	8.000
973. California	Widen State Route 29 between Route 281 and Route 175	0.500
974. California	Upgrade US–101 from Eureka to Arcata	1.000
975. Louisiana	Expand Harding Road from Scenic Highway to the Mississippi River and construct an information center	3.600
976. Indiana	Improve Southwest Highway from Bloomington to Evansville	30.000
977. Pennsylvania	Construct Route 72 overpass at Conrail in Lebanon	8.810
978. Indiana	Construct Hazel Dell Parkway from 96th Street to 146th Street in Carmel	5.500
979. New Jersey	Replace Calhoun Street Bridge in Trenton	1.300
980. Utah	Reconstruct US–89 and interchange at 200 North in Kaysville	7.000
981. California	Construct Nogales Street at Railroad Street grade separation in Los Angeles County, California.	4.500
982. Pennsylvania	Improve Bedford County Business Park Rd in Bedford County	2.000
983. Utah	Extend Main Street from 5600 South to Vine Street in Murray	11.500
984. Pennsylvania	Construct US–30 at PA–772 and PA–41	6.000
985. Illinois	Improve Sugar Grove US30	2.500
986. California	Improve Route 99/Route 120 interchange in Manteca County	8.000
987. Pennsylvania	Widen US–11/15 between Mt. Patrick and McKees Half Falls in Perry County	5.000
988. Ohio	Add lanes and improve intersections on Route 20 in Lake County, Ohio	2.000
989. Pennsylvania	Construct PA–283 North Union Street ramps in Dauphin County	2.450
990. California	Improve and construct I–80 reliever route project; Walters Road and Walters Road Extension Segments	7.400
991. Alabama	Expand US–278 in Cullman County	6.000
992. Ohio	Construct Chagrin River/Gulley Brook corridor scenic greenway along I–90 in Lake County	1.545

[Dollars in Millions]

993. Oregon	Construct phase I: highway 99 to Biddle Road of the highway 62 corridor solutions project.	1.500
994. New York	Renovate State Route 9 in Phillipstown	3.840
995. Arkansas	Enhance area in the vicinity of Dickson Street in Fayetteville	1.500
996. Missouri	Construction US–67/Route 60 interchange in Poplar Bluff, Missouri.	8.000
997. Kansas	Widen US–81 from Minneapolis, Kansas to Nebraska.	27.800
998. California	Widen US–101 from Petaluma Bridge to Novato	33.000
999. Alabama	Construct new I–10 bridge over the Mobile River in Mobile, Alabama.	14.375
1000. Mississippi	Upgrade and widen US–49 in Rankin, Simpson, and Covington Counties	1.250
1001. California	Realign and improve California Route 79 in Riverside County	6.000
1002. New Jersey	Construct East Windsor Bear Brook pathway system	0.360
1003. New York	Construct Hutton Bridge Project	3.000
1004. Ohio	Improve State Route 800 in Monroe County	0.500
1005. Pennsylvania	Improve PA–41 between Delaware State line and PA–926	7.600
1006. New York	Improve Hiawatha Boulevard and Harrison Street corridors in Syracuse	2.250
1007. Pennsylvania	Replace Dellville Bridge in Wheatfield	1.000
1008. Florida	Construct I–4/John Young Parkway interchange project in Orlando	13.659
1009. Connecticut	Reconstruct Broad Street in New Britain	3.200
1010. Washington	Widen US–395 in the vicinity of mile post 170 north of Spokane	10.000
1011. New York	Construct NYS Route 27 at intersection of North Monroe Avenue	4.700
1012. New York	Reconstruct Route 23/Route 205 intersection in Oneonta	0.850
1013. Alaska	Construct Pt. Mackenzie Intermodal Facility	9.000
1014. Maryland	Construct phase 1A of the I–70/I–270/US–340 interchange in Frederick County	15.000
1015. Illinois	Widen and improve US–34 intechange in Aurora	8.000
1016. Florida	A–1–A Beautification project in Daytona, Florida	4.400
1017. Louisiana	Construct I–49 interchange at Caddo Port Road in Shreveport	5.600
1018. Tennessee	Construct Kingsport Highway in Washington County	2.000
1019. New Hampshire	Improve 3 Pisquataqua River Bridges on the New Hampshire—Maine border	2.200
1020. Nebraska	Construct the Antelope Valley Overpass in Lincoln	7.500
1021. Pennsylvania	Install traffic signal upgrade in Clearfield Borough in Clearfield County	0.500
1022. North Carolina	Construct US–311(I–74) from NC–68 to US–29A–70A	30.500
1023. California	Design and initiation of long term improvements along Highway 199 in Del Norte County, California	0.500
1024. Virginia	Improve Lee Highway Corridor in Fairfax, Virginia.	1.800
1025. Illinois	Improve roads in the Peoria Park District	0.810
1026. California	Construct Overland Drive overcrossing in Temecula	5.000
1027. Iowa	Construct the Julien Dubuque Bridge over the Mississippi River at Dubuque	28.000
1028. Kentucky	Construct highway-rail grade separations along the City Lead in Paducah	1.100
1029. Indiana	Safety improvements to McKinley and Riverside Avenues in Muncie	9.100
1030. Pennsylvania	Gettysburg comprehensive road improvement study	4.000
1031. Indiana	Reconstruct Wheeling Avenue in Muncie	1.600
1032. Indiana	Construct Hoosier Heartland from Lafayette to Ft. Wayne	25.000
1033. Louisiana	Upgrade and widen I–10 between Williams Boulevard and Tulane Avenue in Jefferson and Orleans Parishes	12.000
1034. Louisiana	Construct Metairie Rail Improvements and Relocation project in Jefferson and Orleans Parishes, Louisiana.	7.000
1035. Wisconsin	Construct STH–26/US–41 Interchange in Oshkosh	3.000
1036. Pennsylvania	Improve Sidling Hill Curve and Truck Escape in Fulton County	0.500
1037. New York	Construct Wellwood Avenue from Freemont Street to Montauk Highway in Lindenhurst	1.200
1038. New York	Improve ferry infrastructure in Greenport	1.000
1039. Alaska	Construct Spruce Creek Bridge in Soldotna	0.350
1040. Alabama	Construct East Foley corridor project from Baldwin County Highway 20 to State Highway 59 in Alabama.	7.000
1041. Louisiana	Construct North/South Road/I–10–US–61 connection in the Kenner, Louisiana.	7.000
1042. Texas	Construct FM2234(McHard Road) from SH–35 to Beltway 8 at Monroe Boulevard	6.400
1043. Michigan	Construct M–5 Haggerty Connector	3.200
1044. Kentucky	Ohio River Major Investment Study Project, Kentucky and Indiana	40.100
1045. Ohio	Construct Muskingum–SR–16	8.000
1046. Ohio	Relocate SR–30 for final design of south alternative in Carroll County, Ohio	1.000
1047. Missouri	Upgrade US–63 in Howell County, Missouri.	8.000
1048. California	Widen SR–23 between Moorpark and Thousand Oaks	14.000
1049. Connecticut	Reconstruct Post Office Town Farm Road in Enfield, Connecticut	1.500
1050. Washington	Improve I–90/Sunset Way interchange in Issaquah, WA	19.800
1051. New York	Construct Elmira Arterial from Miller to Cedar	3.000
1052. California	Construct Imperial Highway grade separation and sound walls at Esperanza Road/Orangethorpe Avenue in Yorba Linda, California.	14.500
1053. Wyoming	Widen and improve Cody—Yellowstone Highway from the entrance to Yellowstone National Park to Cody	10.170
1054. Florida	West Palm Beach Traffic Calming Project on US–1 and Flagur Drive	15.000
1055. Missouri	Construction and upgrade of US–71/I–49 in Newton and McDonald County, Missouri.	33.303
1056. Virginia	Commuter and freight rail congestion and mitigation project over Quantico Creek	10.000
1057. California	Complete Citraeado Parkway project in San Diego County	3.000
1058. Tennessee	Improve State Route 92 from I–40 to South of Jefferson City	4.550
1059. Washington	Redevelop Port of Anacortes waterfront	0.077
1060. Mississippi	Widen US–98 from Pike County to Foxworth	1.250
1061. New York	Construct US–219 from Route 39 to Route 17	20.000
1062. Michigan	Construct US–27 between St. Johns and Ithaca	8.500
1063. California	Construct highway-rail grade separation for Fairway Drive and Union Pacific track	4.215
1064. Tennessee	Reconstruct Old Walland Highway bridge over Little River in Townsend	1.680
1065. California	Construct I–10 Tippecanoe/Anderson interchange project in Loma Linda and San Bernardino County, California.	2.000

[Dollars in Millions]

1066. California	Construct State Route 76 in Northern San Diego.	10.000
1067. Nebraska	Construct NE–35 alternative and modified route expressway in Norfolk and Wayne	4.500
1068. Arkansas	Construct Highway 425 from Pine Bluff to the Louisiana State line	7.000
1069. Tennessee	Construct bridge and approaches on State Route 33 over the Tennessee River (Henley Street Bridge)	13.200
1070. Mississippi	Construct Jackson International Airport Parkway and connectors from High Street to the Jackson International Airport in Jackson, Mississippi.	10.000
1071. Wisconsin	Reconstruct U.S. Highway 10, Waupaca County	12.000
1072. Ohio	Construct highway-rail grade separations on Heisley Road between Hendricks Road and Jackson Street in Mentor	8.205
1073. Virginia	Widen I–64 Bland Boulevard interchange	30.675
1074. Illinois	Improve IL–159 in Edwardsville	4.275
1075. Iowa	Extend NW 86th Street from NW 70th Street to Beaver Drive in Polk County	7.000
1076. New York	Construct County Route 21, Peeksill Hollow Road renovation project	7.577
1077. Iowa	IA–192 relation and Avenue G viaduct in Council Bluffs	6.000
1078. Ohio	Upgrade and widen US–24 from I–469 to I–475	23.000
1079. Illinois	Construct crossings over Fox River in Kane County	10.200
1080. Florida	Construct North East Dade Bike Path in North Miami Beach, Florida.	1.600
1081. Pennsylvania	Improve Oxford Valley Road/US–1 interchange in Bucks County	4.000
1082. California	Improve highway access to Humboldt Bay and Harbor Port	0.500
1083. North Carolina	Construct I–85 Greensboro Bypass in Greensboro, North Carolina.	29.500
1084. Pennsylvania	Reconfigure I–81 Exit 2 Ramp in Franklin County	0.700
1085. Indiana	Feasibility study of State Road 37 improvements in Noblesville, Elwood and Marion	0.600
1086. New Jersey	Revitalize Route 130 from Cinnaminson to Willingboro	4.000
1087. Ohio	Upgrade I–77/US–250/SR–39 interchange in Tuscarawas County	1.000
1088. Virginia	Enhance Maple Avenue streetscape in Vienna, Virginia	2.700
1089. Arkansas	Widen Highway 65/82 from Pine Bluff to the Mississippi State line	7.000
1090. New Jersey	Construct Route 31 Fleming Bypass in Hunterdon County, New Jersey.	15.400
1091. New York	Conduct safety study and improve I–90 in Downtown Buffalo	0.400
1092. Utah	Widen SR–36 from I–80 to Mills Junction	3.000
1093. Alabama	Construct the Montgomery Outer Loop from US–80 to I–85 via I–65	17.650
1094. Tennessee	Construct Foothills Parkway from Walland to Weans Valley	11.500
1095. California	Upgrade and synchronize traffic lights in the Alameda Corridor East in Los Angeles County	23.000
1096. New York	Conduct feasibility study of new International bridges on the NY/Canada border	0.500
1097. Colorado	Construct C–470/I–70 ramps in Jefferson Co.	6.250
1098. Virginia	Improve Route 123 from Route 1 to Fairfax County line in Prince William County, Virginia.	15.000
1099. Washington	Construct Interstate 405/NE 8th Street interchange project in Bellevue, WA	23.500
1100. New Hampshire	Widen I–93 from Salem north	12.100
1101. South Dakota	Replace Meridan Bridge	3.250
1102. Washington	Extend Mill Plain Boulevard in Vancouver	4.000
1103. Colorado	Improve SH–74/JC–73 interchange in Evergreen County	6.250
1104. Tennessee	Improve US–64 in Hardeman and McNairy Counties	5.000
1105. Illinois	Design and construct I–72/MacArthur Boulevard interchange in Springfield	5.500
1106. Pennsylvania	Replace bridge over Shermans Creek in Carroll	1.000
1107. Illinois	Improve IL–113 in Kankakee	7.700
1108. Pennsylvania	Realign PA29 in the Borough of Collegeville, Montgomery County, Pennsylvania	0.550
1109. Louisiana	Construct Causeway Boulevard/Earhart Expressway interchange in Jefferson, Parish, Louisiana	5.000
1110. Pennsylvania	Improve PA 26 in Huntingdon County	1.000
1111. New York	Construct Furrows Road from Patchogue/Holbrook Road to Waverly Avenue in Islip	1.500
1112. Tennessee	Reconstruction of US–414 In Henderson County	5.000
1113. Indiana	Widen 116th Street in Carmel	1.500
1114. Louisiana	Reconstruct Jefferson Lakefront bikepath in Jefferson Parish, Louisiana.	1.000
1115. Utah	Construct 7800 South from 1300 West to Bangerter Highway in West Jordan	6.500
1116. Mississippi	Construct segment 2 and 3 of the Bryam-Clinton Corridor in Hinds County	1.250
1117. Kentucky	Construct Route 259–101 from Brownsville to I–65	1.000
1118. New Jersey	Replace Kinnaman Avenue bridge over Pohatcong Creek in Warren County	1.600
1119. Louisiana	Widen Lapalco Boulevard from Barataria Boulevard to Destrehan Avenue in Jefferson Parish, Louisiana.	5.000
1120. Florida	Restore and rehabilitate Miami Beach Bridge and waterfront in Miami Beach, Florida.	1.800
1121. Texas	Widen Highway 287 from Creek Bend Drive to Waxahacie bypass	13.500
1122. Utah	Widen and improve 123rd/126th South from Jordan River to Bangerter Highway in Riverton	5.000
1123. Ohio	Construct a new interchange at County Road 80 and I–77 in Dover with $100,000 to preserve or reconstruct the Tourism Information Center	7.100
1124. Pennsylvania	Realign Route 501 in Lebanon County	1.600
1125. Pennsylvania	Construct Williamsport-Lycoming County Airport Access road from I–80 to the airport	7.000
1126. New York	Construct the Mineola intermodal facility and Hicksville intermodal facility in Nassau County	14.000
1127. Arkansas	Construct Highway 15 from Connector Road to Railroad Overpass in Pine Bluff	1.000
1128. Kentucky	Redevelop and improve ground access to Louisville Waterfront District in Louisville, Kentucky.	2.840
1129. Ohio	Improve and widen SR–91 from SR–43 south to county line/city line in Solon	5.000
1130. Louisiana	Extend I–49 from I–220 to Arkansas State line	4.400
1131. Pennsylvania	West Philadelphia congestion mitigation initiative	0.410
1132. New York	Judd Road Connector in New Hartford and Whitestown, New York	37.300
1133. South Dakota	Construct Eastern Dakota Expressway (Phase II)	31.438
1134. Virginia	Conduct historic restoration of Roanoke Passange Station in Roanoke	0.500
1135. Louisiana	Construct Port of St. Bernard Intermodal facility	2.100

[Dollars in Millions]

1136. Mississippi	Construct segment 2 of the Jackson University Parkway in Jackson	1.250
1137. Indiana	Extend East 56th Street in Lawrence	6.500
1138. Ohio	Improve and construct SR–44/Jackson Street Interchange in Painesville	4.000
1139. Pennsylvania	Widen US–30 from US–222 to PA–340 and from PA–283 to PA–741	12.000
1140. Ohio	Construct State Route 209 from Cambridge and Byesville to the Guernsey County Industrial Park	2.200
1141. California	Construct I–5/Avenida Vista Hermosa interchange in San Clemente	3.000
1142. Pennsylvania	Improve PA 17 from PA 274 to PA 850 in Perry County	1.000
1143. Georgia	Improve GA–316 in Gwinnett County	40.900
1144. New York	Construct congestion mitigation project for Brookhaven	5.000
1145. New Hampshire	Construct Chestersfield Bridge	3.000
1146. California	Improve the interchange at Cabo and Nason Street in Moreno Valley	6.000
1147. Missouri	Widen US–63 in Randolph and Boone Counties, Missouri	45.360
1148. New Jersey	Upgrade Garden State Parkway Exit 142	30.000
1149. New York	Improve Bedford-Banksville Road from Millbrook to Connecticut State line	2.880
1150. New York	Upgrade and improve Albany to Saratoga to Adirondack intermodal transportation corridor	14.000
1151. Oklahoma	Reconstruct US–99/SH377 from Prague to Stroud in Lincoln County	9.000
1152. Washington	Safety improvements to State Route 14 in Columbia River Gorge National Scenic Area	4.200
1153. Nevada	Widen I–50 between Fallon and Fernley	4.000
1154. South Carolina	Widen and relocate SC–6 in Lexington County	8.000
1155. Kansas	Widen US–54 from Liberal, Kansas southwest to Oklahoma.	8.000
1156. Virginia	Improve East Eldon Street in Herndon	0.500
1157. Michigan	Improve US–31 from Holland to Grand Haven	5.000
1158. Arkansas	Construct turning lanes at US–71/AR–8 intersection in Mena	0.250
1159. California	Widen LaCosta Avenue in Carlsbad	3.000
1160. Alaska	Improve roads in Kotzebue	2.350
1161. New Hampshire	Construct Manchester Airport access road in Manchester	10.700
1162. Texas	Upgrade SH 130 in Caldwell amd Williamson Counties	1.000
1163. South Dakota	Construct Heartland Expressway Phase I	6.505
1164. New York	Design and construct Outer Harbor Bridge in Buffalo.	16.260
1165. Pennsylvania	Reconstruct State Route 2001 in Pike County	9.000
1166. Ohio	Construct interchange at I–480 in Independence, Ohio.	6.000
1167. New Mexico	Improve US–70 southwest of Portales	10.000
1168. California	Willits Bypass, Highway 101 in Mendocino County, California	1.000
1169. Florida	Widen US–192 between County Route 532 and I–95 in Brevard and Osceola Counties	25.000
1170. Georgia	Widen US–84 South from US–82 to the Ware County Line in Waycross and Ware Counties	3.200
1171. New Hampshire	Reconstruct bridge over the Connecticut River between Lebanon, NH and White River Junction, VT	3.000
1172. Ohio	Conduct feasibility study for the construction of Muskingum County South 93–22–40 connector	0.700
1173. Georgia	Reconstruct SR–26/US–60 from Bull River to Lazaretto Creek	3.550
1174. Wisconsin	Improve Janesville transportation	4.000
1175. Illinois	Reconstruct US–30 in Joliet	9.000
1176. New Mexico	Complete the Paseo del Norte East Corridor in Bernalillo County	7.500
1177. Michigan	Construct I–96/Beck Wixom Road interchange	2.600
1178. Pennsylvania	Construct US–322 Conchester Highway between US–1 and PA–452	25.000
1179. New Mexico	Extend Unser Boulevard in Albuquerque	1.000
1180. Arkansas	Conduct planning for highway 278 and rail for the Warren/Monticello Arkansas Intermodal Complex	1.000
1181. Washington	Widen SR–543 from I–5 to International Boundary, Washington.	3.616
1182. New York	Construct congestion mitigation project for Smithtown	1.000
1183. Mississippi	Widen MS–15 from Laurel to Louiseville	10.000
1184. Pennsylvania	Construct Abbey Trails in Abington Township	0.500
1185. Mississippi	Construct East Metro Corridor in Rankin County, Mississippi.	3.500
1186. Utah	Construct I–15 interchange at Atkinville	8.000
1187. California	Improve SR–70 from Marysville Bypass to Oroville Freeway	15.000
1188. New Hampshire	Construct Conway bypass from Madison to Bartlett	7.100
1189. New York	Improve the Route 31/I–81 Bridge in Watertown	2.473
1190. Pennsylvania	Relocate PA–113 at Creamery Village in Skippack	3.000
1191. Indiana	Upgrade 4 warning devices on north/south rail line from Terre Haute to Evansville	0.400
1192. Pennsylvania	Construct noise abatement barriers along US–581 from I–83 2 miles west in Cumberland County	0.480
1193. Louisiana	Install computer signal synchronization system in Baton Rouge	6.500
1194. Alabama	Construct US–231/I–10 Freeway Connector from the Alabama border to Dothan	1.350
1195. Michigan	Improve I–94 in Kalamazoo County	5.000
1196. Florida	Construct Englewood Interstate connector from River Road to I–75 in Sarasota and Charlotte Counties	10.000
1197. New York	Conduct scope and design study of Hamilton Street interchange in Erwin.	16.500
1198. Alabama	Extend I–759 in Etowah County	15.000
1199. Pennsylvania	US–209 Marshall's Creek Traffic Relief project in Monroe County	10.000
1200. Georgia	Construct the Fall Line Freeway from Bibb to Richmond Counties	23.000
1201. Indiana	Construct SR–9 bypass in Greenfield	3.150
1202. Illinois	Construct Alton Bypass from IL–40 to Fosterburg Road	2.500
1203. New York	Replace of Route 92 Limestone Creek Bridge in Manlius	4.000
1204. Indiana	Upgrade 14 warning devices on east/west rail line from Gary to Auburn	1.400
1205. New York	Improve 6th and Columbia Street project in Elmira	0.700
1206. Michigan	Improve Kent County Airport road access in Grand Rapids, Michigan	11.280
1207. Arkansas	Enhance area around the Paris Courthouse in the vicinity of Arkansas Scenic Highway 22 and Arkansas Scenic Highway 309, Paris Arkansas	0.400
1208. Virginia	Downtown Staunton Streetscape Plan—Phase I in Staunton	0.500

[Dollars in Millions]

1209. New York	Construct CR–85 from Foster Avenue to CR97 in Suffolk County	0.675
1210. California	Construct interchange between I–15 and Main Street in Hesperia, California	10.000
1211. Pennsylvania	Construct Ardmore Streetscape project	0.500
1212. New York	Reconstruct Route 25/Route 27 intersection in St. Lawrence County	1.000
1213. Connecticut	Relocate and realign Route 72 in Bristol	4.800
1214. Pennsylvania	Improve Park Avenue/PA 36 in Blair County	0.600
1215. Virginia	Construct Route 288 in the Richmond Metropolitan Area	22.000
1216. New York	Construct city of Glen Cove waterfront improvements	5.000
1217. North Carolina	Upgrade and improve US–19 from Maggie Valley to Cherokee	20.000
1218. New York	Construct Eastern Long Island Scenic Byway in Suffolk County	15.000
1219. Pennsylvania	Widen SR–247 and SR–2008 between 84 and Lackawanna Valley Industrial Highway for the Moosic Mountain Business Park	10.900
1220. Louisiana	Construct and equip Transportation Technology and Emergency Preparedness Center in Baton Rouge, Louisiana	5.400
1221. Pennsylvania	Reconstruct I–95/Street Road interchange in Bucks County	7.500
1222. Mississippi	Widen State Route 24 from Liberty to I–55	1.250
1223. New York	Initiate study and subsequent development and engineering of an international trade corridor in St. Lawrence County	2.000
1224. Missouri	Construct Highway 36 Hannibal Bridge and approaches in Marion County	3.496
1225. New York	Reconstruct Ridge Road Bridge in Orange County	0.160
1226. New Jersey	Reconstruct South Pembrton Road from Route 206 to Hanover Street	8.000
1227. Ohio	Improve Alum Creek Drive from I–270 to Frebis Avenue in Franklin County	7.000
1228. Ohio	Construct SR–315 Ohio State University Ramp project in Franklin County	3.000
1229. North Carolina	Construct US–64/264 in Dare County	2.000
1230. New Mexico	Improve US–70 from I–25 to Organ in New Mexico.	25.000
1231. Kentucky	Construct connection between Natcher Bridge and KY–60 east of Owensboro	3.000
1232. California	Widen 5th Street and replace 5th Street bridge in Highland, California	1.000
1233. New Mexico	Reconstruct US–84/US–285 from Santa Fe to Espanola	15.000
1234. Iowa	Improve IA–60 Corridor from LeMar to MN State line	8.800
1235. Louisiana	Construct Leeville Bridge on LA–1	1.500
1236. Tennessee	Reconstruct US–27 in Morgan County	3.000
1237. Texas	Improve US 82, East-West Freeway between Memphis Avenue and University Avenue	16.400
1238. Alabama	Construction of Eastern Black Warrior River Bridge and right-of-way acquisition and construction of an extension of the Black Warrior Parkway from US–82 to US–43 in Tuscaloosa County	23.000
1239. North Carolina	Construct US–117, the Elizabeth City Bypass in Pasquotank County	4.500
1240. Florida	Construct Cross Seminole Trail connection in Seminole County	1.500
1241. New York	Construct County Road 50 in the vicinity of Windsor Avenue	1.360
1242. Ohio	Construct greenway enhancements in Madison	2.300
1243. Nebraska	Conduct corridor study of NE–35 alternative and modified route in Norfolk, Wayne and Dakota City	1.000
1244. New York	Improve Broadway in North Castle in Westchester County	2.520
1245. Louisiana	Extend Louisiana Highway 42 between US–61 and I–10 in Ascension Parish	8.000
1246. Alaska	Extend Kenai Spur Highway-North Road in Kenai Peninsula Borough	8.000
1247. Utah	Construct underpass at 100th South in Sandy	3.900
1248. Connecticut	Construct Seaview Avenue Corridor project	10.000
1249. New Jersey	Replace Maple Grange Road bridge over Pochuck Creek in Sussex County	1.800
1250. New York	Construct congestion mitigation project for Riverhead	2.500
1251. Pennsylvania	Improve PA 453 from Water Street to Tyrone in Huntingdon County	1.000
1252. Oklahoma	Reconstruct County Road 237 from Indiahoma to Wichita Mountains Wildlife Refuge	0.250
1253. Washington	Construct 192nd Street from Sr–14 to SE 15th	5.000
1254. Ohio	Construct Licking-Thornwood Connector in Licking County	1.500
1255. Pennsylvania	Improve I–95/PA–413 Interchange in Bucks County	7.500
1256. Florida	Construct US–98/Thomas Drive interchange	15.000
1257. Texas	Widen Meacham Boulevard from I–35W to FM–146 and extend Meacham Boulevard from west of FM–156 to North Main Street	3.500
1258. Utah	Construct Cache Valley Highway in Logan	7.000
1259. Texas	Relocation of Indiana Avenue between 19th Street to North Loop 289 and Quaker Avenue intersection	9.600
1260. Kentucky	Reconstruct KY–210 from Hodgenville to Morning Star Road, Larue County	8.000
1261. Georgia	Construct Rome to Memphis Highway in Floyd and Bartow Counties	4.112
1262. Pennsylvania	Realign West 38th Street from Shunpike Road to Myrtle Street in Erie County	7.200
1263. New York	Upgrade Chenango County Route 32 in Norwich	1.600
1264. California	Rehabilitate historic train depot in San Bernadino	3.500
1265. Louisiana	Construct the Southern extension of I–49 from Lafayette to the Westbank Expressway	5.500
1266. New York	Replace Kennedy-class ferries, Staten Island	40.000
1267. Florida	Construct South Connector Road and Airport Road interchange in Jacksonville, Florida	9.000
1268. Virginia	Construct the Lynchburg/Madison Heights bypass in Lynchburg	1.500
1269. California	Widen I–15 from Victorville to Barstow in California	24.000
1270. New York	Traffic Mitigation Project on William Street and Losson Road in Cheektowaga	3.000
1271. Pennsylvania	Improve PA 56 from I–99 to Somerset County Line in Bedford County	1.000
1272. Pennsylvania	Renovate Harrisburg Transportation Center in Dauphin County	2.500
1273. Washington	Widen Columbia Center Boulevard in Kennewick	1.610
1274. Indiana	Improve State Road 31 in Columbus	0.500
1275. New York	Construct pedestrian access bridge from Utica Union Station	0.250
1276. Pennsylvania	Improve Route 219 in Clearfield County	1.000
1277. Kentucky	Construct KY–70 from Cave City to Mammoth Cave	2.000
1278. New Jersey	Replace Groveville-Allentown Road bridge in Hanilton	3.200
1279. Washington	Construct Mount Vernon multi-modal transportation facility project in Mount Vernon, Washington	3.500
1280. New Jersey	Construct pedestrian bridge in Washington Township	3.000

[Dollars in Millions]

1281. Indiana	Install traffic signalization system in Muncie	0.900
1282. New Mexico	Improve 84/285 between Espanola and Hernandez	5.000
1283. Florida	Widen of State Road 44 in Volusia County	2.250
1284. Maryland	Construct improvements a I–270/MD–187 interchange	10.000
1285. Louisiana	Increase capacity of Lake Pontchartrain Causeway	2.000
1286. Pennsylvania	Construct Walnut Street pedestrian bridge in Dauphin County	1.000
1287. Pennsylvania	Improve US–22/PA–866 Intersection in Blair County	2.000
1288. Indiana	Expand 126th Street in Carmel	1.000
1289. Ohio	Upgrade 1 warning device on the rail line from Marion to Ridgeway	0.100
1290. Illinois	Conduct Midwest Regional intermodal facility feasibility study in Rochelle	0.400
1291. Minnesota	Construct Trunk Highway 610/10 from Trunk Highway 169 in Brooklyn Park to I–94 in Maple Grove	15.000
1292. Oklahoma	Improve Battiest-Pickens Road between Battiest and Pickens in McCurtain County	3.000
1293. Mississippi	Widen US–61 from Louisiana State line to Adams County	1.250
1294. California	Construct capital improvements along I–680 corridor	5.000
1295. Arkansas	Study and construct Van Buren intermodal port facility in Van Buren, Arkansas	0.300
1296. New York	Construct access road from Lake Avenue to Milestrip Road in Blasdell	0.240
1297. Iowa	Construct I–29 airport interchange overpass in Sioux City	6.200
1298. Pennsylvania	Construct PA–309 Sumneytown Pike Connector	4.400
1299. Kentucky	Construct Savage-Cedar Knob Bridge at Koger Creek	0.350
1300. Washington	Widen SR–527 from 112th SE to 132nd SE in Everett	4.700
1301. Kentucky	Complete I–65 upgrade from Elizabethtown to Tennessee State line	5.000
1302. Illinois	Replace Gaumer Bridge near Alvin	0.900
1303. South Carolina	Construct I–26/US–1 connector in Columbia	12.000
1304. Illinois	Construct Sullivan Road Bridge over the Fox River	10.000
1305. California	Extend State Route 7 in Imperial County	10.000
1306. South Carolina	Construct high priority surface transportation projects eligible for Federal-aid highway funds	10.000
1307. New York	Construct Erie Canal Preserve I–90 rest stop in Port Byron	3.000
1308. Virginia	Improve Harrisonburg East Side roadways in Harrisonburg	0.500
1309. Texas	Improve I–35 West from Spur 280 to I–820 in Fort Worth	4.000
1310. Pennsylvania	Construct US–202 Section 600 Phase I Early Action project in Upper Gwynedd and Lower Gwynedd	5.000
1311. Pennsylvania	PA 26 over Piney Creek 2-bridges in Bedford County	0.800
1312. Florida	Widen and realign Eller Drive in Port Everglades, Florida	5.600
1313. Illinois	Improve access to Rantoul Aviation Center in Rantoul	1.600
1314. Florida	Deploy magnetic lane marking system on I–4	0.500
1315. Alaska	Construct the a bridge joining the Island of Gravina to the Community of Ketchikan on Revilla Island	20.000
1316. Louisiana	Conduct feasibility study, design and construction of connector between Louisiana Highway 16 to I–12 in Livingston Parish	5.000
1317. New York	Improve Hardscrabble Road from Route 22 to June Road in North Salem	2.880
1318. California	Enhance Fort Bragg and Willitis passenger stations	0.500
1319. New Mexico	Improve Uptown in Bernalillo County	1.500
1320. Missouri	Construction of airport ground transportation terminal for the Springfield/Branson Airport intermodal facility in Springfield, Missouri	5.000
1321. North Carolina	Widen US–421 from North Carolina Route 194 to two miles East of US–221	7.400
1322. Kentucky	Construct US–127: $800,000 for the segment between the Albany Bypass and KY–90; $10,375,000 for the segment between the Albany Bypass and Clinton County High School; $40,000 for the segment between KY696 and the Tennessee State line	11.215
1323. Missouri	Upgrade US–71 interchange in Carthage, Missouri	1.000
1324. Ohio	Reconstruct Morgan County 37 in Morgan County	0.500
1325. New York	Construct Maybrook Corridor bikeway in Dutchess County	1.404
1326. New York	Construct Poughkeepsie Intermodal Facility in Poughkeepsie	3.750
1327. Illinois	Construct Orchard Road Bridge over the Fox River	7.000
1328. Pennsylvania	Improve PA–23 Corridor from US–30 Bypass between Lancaster County line and Morgantown	4.000
1329. California	Improve State Route 57 interchange at Lambert Road in Brea	0.985
1330. Texas	Upgrade State Highway 35 Yoakum District in Matagorda and Buazovia Counties	12.000
1331. Pennsylvania	Improve T–344 Bridge over Mahantango Creek in Snyder County	0.700
1332. Ohio	Complete safety/bicycle path in Madison Township	0.030
1333. New Jersey	Upgrade Montvale/Chestnut Ridge Road and Grand Avenue intersection at Garden State Parkway in Bergan County	0.500
1334. Kentucky	Widen US–27 from Norwood to Eubank	30.000
1335. California	Extend Highway 41 in Madera County	10.000
1336. New York	Improve and reconstruct Stony Street in York Town	0.350
1337. Pennsylvania	Complete Broad Street ramps at Route 611 bypass in Bucks County	1.770
1338. Tennessee	Construct State Route 131 from Gill Road to Bishop Road	2.400
1339. Georgia	Construct the Savannah River Parkway in Bullock, Jenkins, Screven and Effinghaus Counties	10.000
1340. Illinois	Improve Illinois Route 29 in Sangamon and Christian Counties	2.300
1341. Mississippi	Widen State Route 6 from Pontotoc to US–45 at Tupelo in Mississippi	15.000
1342. Kansas	Construct road and rail grade separations in Wichita	35.000
1343. Illinois	Widen US–20 in Freeport	5.100
1344. Minnesota	Construct Mankato South Route in Mankato	7.000
1345. Michigan	Construct interchange at Eastman Avenue/US–10 in Midland	11.000
1346. California	Highway 65 improvement and mitigation project	4.000
1347. Pennsylvania	Improve access to Raystown in Huntingdon County	1.500
1348. Indiana	Construct East 79th from Sunnyside Road to Oaklandon Road in Lawrence	4.000
1349. Georgia	Widen and reconstruct Corder Road from Pineview Drive to the Russell Parkway	3.400
1350. New York	Rahabilitate Jay Covered Bridge in Essex County	1.000

[Dollars in Millions]

1351. New York	Improve Long Ridge Road from Pound Ridge Road to Connecticut State line	2.800
1352. Mississippi	Widen MS–45 from Brooksville to US–82 in Mississippi.	4.500
1353. Ohio	Upgrade US–30 in Hancock	15.000
1354. Illinois	Construct an interchange at I–90 and Illinois Route 173 in Rockford	7.500
1355. New York	Construct Route 17-Lowman Crossover in Ashland	4.800
1356. New Jersey	Rehabilitate East Ridgewood Avenue over Route 17 in Bergan County	3.600
1357. Pennsylvania	St. Thomas Signals Hade and Jack Rds US–30 in Franklin County	0.200
1358. New York	Improve Route 9 in Dutchess County	1.560
1359. Ohio	Rail mitigation and improvement projects from Vermillion to Conneaut	12.000
1360. Virginia	Complete North Section of Fairfax County Parkway in Fairfax County, Virginia.	10.000
1361. Arkansas	Conduct design study and acquire right of way on US–71 in the vicinity of Fort Chaffee, Fort Smith	5.000
1362. Pennsylvania	Realign Moulstown Road/Route 194/Eisenhower Drive York County	2.000
1363. Florida	Construct Greater Orlando Aviation Authority Consolidated Surface Access in Orlando	1.341
1364. Florida	Construct US17/92 and SR–436 interchange in Orange/Osceola/Seminole County region	2.750
1365. Washington	Construct State Route 7—Elbe rest area and interpretive facility in Pierce County, WA.	0.600
1366. Virginia	Improve the RIC airport connector road in Richmond	3.000
1367. Tennessee	Improve State Road 60 from Waterville to US–64 in Bradley County	1.600
1368. Pennsylvania	Relocate US–219 Ridgeway, Pennsylvania, truck bypass connector along Osterhout Street	6.000
1369. Pennsylvania	Construct PA 36 Convention Center Connector in Blair County	1.000
1370. New Jersey	Construct US–22/Chimney Rock Road interchange in Somerset County	23.000
1371. Alaska	Improve Dalton Highway from Fairbanks to Prudhoe Bay	5.000
1372. Pennsylvania	Allegheny Trail from Pittsburgh, Pennsylvania to Cumberland, Maryland	12.000
1373. Washington	Reconstruct I–21/Keys Road intersection in Yakima	8.640
1374. Pennsylvania	Upgrade 2 sections of US–6 in Tioga County	1.500
1375. Illinois	Congestion mitigation for Illinois Route 31 and Illinois Route 62 intersection in Algonquin	12.000
1376. Illinois	Construct Towanda-Barnes Road in Mclean County	7.760
1377. Pennsylvania	Construct Lackawanna River Heritage Trail in Lackawanna	0.500
1378. Pennsylvania	Reconstruct I–81 Plainfield interchange in Cumberland County	3.520
1379. Kentucky	Reconstruct US–127: $7,500,000 for the segment between Dry Ridge Road and US–231 and US–31; $4,000,000 for the segment between Allen-Warren County line and Dry Ridge Road	11.500
1380. Tennessee	Construct State Route 30 from Athens to Etowah in McMinn County	10.320
1381. Arizona	Replace US–93 Hoover Dam Bridge	20.000
1382. Iowa	Conduct study of Port of Des Moines, Des Moines	0.100
1383. Missouri	Bull Shoals Lake Ferry in Taney County, Missouri.	0.697
1384. Pennsylvania	Widen PA–413 in Bucks County	2.000
1385. Mississippi	Construct I–20 interchange at Pirate Cove	1.000
1386. Texas	Complete State Highway 35 in Aransas County	10.000
1387. California	Construct interchange between I–15 and SR–18 in San Bernardino, California.	8.000
1388. Pennsylvania	Improve Route 94 Corridor through Hanover to Maryland State Line.	8.000
1389. Ohio	Upgrade 2 warning devices on the rail north/south line from Columbus to Toledo	0.200
1390. Pennsylvania	Resurface current 219 bypass at Bradford	6.500
1391. New Jersey	Construct Route 17 bridge over the Susquehanna and Western Rail line in Rochelle Park	1.500
1392. Louisiana	Replace ferry in Plaquemines Parish	2.150
1393. New York	Construct Hudson River scenic overlook from Route 9 to Waterfront in Poughkeepsie	0.455
1394. California	Complete State Route 56 in San Diego	4.000
1395. New Jersey	Replace Clove Road bridge over tributary of Mill Brook and Clove Brook in Sussex County	1.000
1396. California	Construct interchanges for I–10 in Coachella Valley, Riverside County	3.000
1397. South Dakota	Construct US–16 Hell Canyon Bridge and approaches in Custer County	0.441
1398. Wisconsin	Reconstruct U.S. Highway 151, Waupun to Fond du Lac	26.000
1399. Indiana	Construct I–70/Six Points interchange in Marion and Hendricks County	19.950
1400. Wyoming	Reconstruct Cheyenne Area Norris Viaduct	8.000
1401. California	Extend State Route 52 in San Diego	5.000
1402. Kansas	Reconstruct K–7 from Lone Elm Road to Harrison	3.100
1403. Mississippi	Construct US–84 from Eddiceton to Auburn Road	1.250
1404. Florida	Construct County Road 470 Interchange in Lake County	8.000
1405. Virginia	Widen I–81 in Roanoke and Botetourt Counties and in Rockbridge, Augusta and Rockingham Counties	6.000
1406. California	Improve and modify the Port of Hueneme Intermodal Corridor—Phase II in Ventura County	22.400
1407. New York	Construct Bay Shore Road SR–231 to SR–27 in Suffolk County	8.000
1408. Alabama	Complete I–59 interchange in Dekalb County	4.000
1409. Michigan	Construct interchange at US–10/Bay City Road in Midland	4.000
1410. Connecticut	Improve Route 4 intersection in Harwinton, Connecticut.	1.800
1411. Colorado	Construct Wadsworth Boulevard improvement project in Arvada	1.000
1412. Connecticut	Reconstruct Post Office Town Farm Road in Enfield, Connecticut	1.500
1413. Pennsylvania	Widen and signalize Sumneytown Pike and Forty Foot Road in Montgomery County, Pennsylvania.	4.300
1414. Tennessee	Improve State Road 95 from Westover Drive to SR–62 in Roane and Anderson Counties	4.900
1415. New York	FJ&G Rail/Trail Project in Fulton County	0.700
1416. Pennsylvania	Construct Towamencin Township multimodal center	2.900
1417. Michigan	Relocate US–31 from River Road to Naomi Road in Berrian County	18.000
1418. Alaska	Extend West Douglas Road in Goldbelt and Juneau	3.300
1419. Illinois	Construct US–67 in Madison and Jersey Counties	6.800
1420. Idaho	Reconstruct US–95 from Bellgrove to Mica	10.000
1421. Idaho	Construct US–95: Sandcreek Alternate Route in Sandpoint	15.000
1422. Ohio	Construct highway-rail grade separations on Snow Road in Brook Park	3.000
1423. New York	Construct Southern State Parkway ITS between NYS Route 110 and Sagtikos Parkway	4.825
1424. Florida	Widen US–17/92 in Volusia County	1.800
1425. Connecticut	Realign Route 4 intersection in Farmington	2.800

[Dollars in Millions]

1426. Louisiana	Construct Louisiana Highway 1 from the Gulf of Mexico to US–90	0.750
1427. Kentucky	Construct Kentucky 31E from Bardstowns to Salt River	1.000
1428. Virginia	Constuct Third Bridge/Tunnel Crossing of Hampton Road	5.000
1429. Washington	Widen Cook Road in Skagit County, Washington.	3.100
1430. Pennsylvania	Construct 25.5 miles of the Perkiomen Trail	0.540
1431. Louisiana	Construct Port of South Louisiana Connector in Saint John the Baptist Parish	0.700
1432. New York	Construct CR–96 from Great South Bay to Montauk Highway in Suffolk County	0.275
1433. Pennsylvania	Construct US–6 Tunkhannock Bypass in Wyoming County	2.400
1434. Alabama	Construct Eastern Shore Trail project in Fairhope, Alabama.	1.355
1435. Georgia	Construct North River Causeway and Bridge, St. Mary's County	2.900
1436. Utah	Construct Phase II of the University Avenue Interchange in Provo	10.000
1437. California	Widen SR–71 from Riverside County to SR–91	13.000
1438. Arkansas	Construct access route to Northwest Arkansas Regional Airport in Highfill, Arkansas.	16.000
1439. California	Construct Ocean Boulevard and Terminal Island Freeway interchange in Long Beach, California.	20.000
1440. Nebraska	Widen and reconstruct I–680 from Pacific Street to Dodge Street in Douglas County	8.000
1441. Indiana	Lafayette Railroad relocation project in Lafayette, Indiana.	29.400
1442. Florida	Construct pedestrian overpass from Florida National Scenic Trail over I–4	2.500
1443. Michigan	Construct interchange at I–75/North Down River Road	1.500
1444. New York	Construct CR–96 from Montauk Highway to Sunrise Highway in Suffolk County	0.435
1445. Connecticut	Widen Route 10 from vicinity of Lazy Lane to River Street in Southington, Connecticut	4.640
1446. Connecticut	Widen Route 4 in Torrington	2.800
1447. Washington	Construct Port of Longview Industrial Rail Corridor and Fibre Way Overpass in Longview	2.500
1448. Virginia	Construct I–95/State Route 627 interchange in Stafford County	4.000
1449. Colorado	Complete the Powers Boulevard north extension in Colorado Springs	12.000
1450. Ohio	Construct St. Clairsville Bike Path in Belmont County	0.500
1451. South Dakota	Construct Aberdeen Truck bypass	2.576
1452. New York	Conduct extended needs study for the Tappan Zee Bridge	4.000
1453. Washington	Widen SR–99 between 148th Street and King County Line in Lynnwood	3.000
1454. Texas	Construct State Highway 121 from I–30 to US–67 in Cleburne	32.000
1455. Oklahoma	Reconstruct US–70 from Broken Bow to Arkansas State line in McCurtain County	7.500
1456. Georgia	Conduct study of a multimodal transportation corridor along GA–400	25.000
1457. New York	Reconstruct and widen Route 78 from I–90 to Route 15	5.500
1458. Nebraska	Construct South Beltway in Linclon	5.500
1459. Nebraska	Replace US–81 bridge between Yankton, south Dakota and Cedar County, Nebaska	1.500
1460. Florida	Construct Alden Road Improvement Project in Orange County	0.700
1461. California	Improve and widen Forest Hill Road in Placer County	7.000
1462. Washington	Improve Hillsboro Street/Highway 395 intersection in Pasco	3.550
1463. Missouri	Construct Hermann Bridge on Highway 19 in Montgomery and Gasconade Counties	1.544
1464. Utah	Widen and improve 123rd/126th South from 700 East to Jordan River in Draper	7.000
1465. Illinois	Improve Constitution Avenue in Peoria	3.500
1466. New York	Reconstruct Washington County covered bridge project	1.700
1467. New York	Reconstruct Stoneleigh Avenue in Putnam County	3.920

SEC. 128. WOODROW WILSON MEMORIAL BRIDGE.

Section 407(a) of the National Highway System Designation Act of 1995 (109 Stat. 630–631) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by striking "(a)" and all that follows through the period at the end of paragraph (1) and inserting the following:

"(a) CONVEYANCES.—

"(1) CONVEYANCE TO STATES AND DISTRICT OF COLUMBIA.—

"(A) GENERAL AUTHORITY.—Not later than 60 days after the date of the enactment of this subparagraph, the Secretary shall convey to the State of Virginia, the State of Maryland, and the District of Columbia all right, title, and interest of the United States in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the project.

"(B) ACCEPTANCE OF TITLE.—Except as provided in paragraph (3), upon conveyance by the Secretary, the State of Virginia, the State of Maryland, and the District of Columbia shall accept the right, title, and interest in and to the Bridge.

"(C) CONSOLIDATION OF JURISDICTION.—For the purpose of making the conveyance under this paragraph, the Secretary of the Interior and the head of any other Federal department or agency that has jurisdiction over the land adjacent to the Bridge shall transfer such jurisdiction to the Secretary.

"(D) FUNDS ALLOCATED.—No funds made available for the high cost Interstate System reconstruction and improvement program under section 160 of title 23, United States Code, may be allocated for the Bridge before the State of Virginia, the State of Maryland, and the District of Columbia accept right, title, and interest in and to the Bridge under this paragraph.

"(2) CONVEYANCE TO AUTHORITY.—After execution of the agreement under subsection (c), the State of Virginia, State of Maryland, and the District of Columbia shall convey to the Authority their respective rights, titles, and interests in and to the Bridge, including such related riparian rights and interests in land underneath the Potomac River as are necessary to carry out the Project. Except as provided in paragraph (3), upon conveyance by the Secretary, the Authority shall accept the right, title, and interest in and to the Bridge and all duties and responsibilities associated with the Bridge."; and

(3) in paragraph (3), as redesignated by paragraph (1) of this section, by striking "conveyance under paragraph (1)" and inserting "conveyance under this subsection".

SEC. 129. TRAINING.

(a) TRAINING POSITIONS FOR WELFARE RECIPIENTS.—Section 140(a) is amended by inserting after the third sentence the following: "In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted.".

(b) TYPES OF TRAINING.—Section 140(b) is amended—

(1) in the first sentence—

(A) by inserting "and technology" after "construction"; and

(B) by inserting after "programs" the following: ", and to develop and fund summer transportation institutes"; and

(2) in the last sentence by striking "may be available" and inserting "may be utilized".

(c) HEAVY EQUIPMENT OPERATOR TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall establish a heavy equipment operator training facility in Hibbing, Minnesota. The purpose of the facility shall be to develop an appropriate curriculum for training, and to train operators and future operators of heavy equipment in the safe use of such equipment.

(2) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $500,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(3) APPLICABILITY OF TITLE 23.—Funds made available to carry out this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of establishment of the facility under this subsection shall be 80 percent and such funds shall remain available until expended.

(d) MOTOR CARRIER OPERATOR VEHICLE AND TRAINING FACILITY.—

(1) ESTABLISHMENT.—The Secretary shall make grants to the State of Pennsylvania to establish and operate an advanced tractor trailer

safety and operator training facility in Chambersburg, Pennsylvania. The purpose of the facility shall be to develop and coordinate an advance curriculum for the training of operators and future operators of tractor trailers. The facility shall conduct training on the test track at Letterkenny Army Depot and the unused segment of the Pennsylvania Turnpike located in Bedford County, Pennsylvania. The facility shall be operated by a not-for-profit entity and, when Federal assistance is no longer being provided with respect to the facility, shall be privately operated.

(2) Funding.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $500,000 per fiscal year shall be available to carry out this subsection. Such funds shall remain available until expended. The Federal share of the cost of establishment and operation of the facility under this subsection shall be 80 percent.

SEC. 130. TRANSPORTATION ASSISTANCE FOR OLYMPIC CITIES.

(a) Purpose.—The purpose of this section is to provide assistance and support to State and local efforts on surface and aviation-related transportation issues necessary to obtain the national recognition and economic benefits of participation in the International Olympic movement and the International Paralympic movement by hosting international quadrennial Olympic and Paralympic events in the United States.

(b) Priority for Transportation Projects Related to Olympic Events.—Notwithstanding any other provision of law, the Secretary may give priority to funding for a transportation project related to an Olympic event from funds available to carry out 1 or more of sections 144(g)(1) and 160 of title 23, United States Code, and sections 5309 and 5326 of title 49, United States Code, if the project meets the extraordinary needs associated with an international quadrennial Olympic event and if the project is otherwise eligible for assistance under such section.

(c) Transportation Planning Activities.—The Secretary may participate in planning activities of States, metropolitan planning organizations, and sponsors of transportation projects related to an international quadrennial Olympic event under sections 134 and 135 of title 23, United States Code, and in developing intermodal transportation plans necessary for such projects in coordination with State and local transportation agencies.

(d) Use of Administrative Expenses.—The Secretary may provide assistance from funds deducted under section 104(a) of title 23, United States Code, for the development of an Olympic and Paralympic transportation management plan in cooperation with an Olympic and a Paralympic Organizing Committee responsible for hosting, and State and local communities affected by, an international quadrennial Olympic event.

(e) Transportation Projects Related to Olympic Events.—

(1) General authority.—The Secretary may provide assistance to States and local governments in carrying out transportation projects related to an international quadrennial Olympic event. Such assistance may include planning, capital, and operating assistance.

(2) Federal share.—The Federal share of the costs of projects assisted under this subsection shall not exceed 80 percent. For purposes of determining the non-Federal share, highway, aviation, and transit projects shall be considered a program of projects.

(f) Eligible Governments.—A State or local government is eligible to receive assistance under this section only if it is hosting a venue that is part of an international quadrennial Olympics that is officially selected by the International Olympic Committee.

(g) Airport Development Projects.—

(1) Airport development defined.—Section 47102(3) of title 49, United States Code, is amended by adding at the end the following:

"(H) Developing, in coordination with State and local transportation agencies, intermodal transportation plans necessary for Olympic-related projects at an airport.".

(2) Discretionary grants.—Section 47115(d) of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting "; and"; and

(C) by adding at the end the following:

"(7) the need for the project in order to meet the unique demands of hosting international quadrennial Olympic events.".

SEC. 131. NATIONAL DEFENSE HIGHWAYS.

(a) Reconstruction Projects.—If the Secretary determines, after consultation with the Secretary of Defense, that a highway, or portion of a highway, located outside the United States is important to the national defense, the Secretary may carry out a project for the reconstruction of such highway or portion of highway.

(b) Funding.—The Secretary may make available, from funds appropriated for expenditure on the National Highway System, not to exceed $20,000,000 per fiscal year for each of fiscal years 1998 through 2003 to carry out this section. Such sums shall remain available until expended.

SEC. 132. MISCELLANEOUS SURFACE TRANSPORTATION PROGRAMS.

(a) Infrastructure Awareness Program.—

(1) In general.—The Secretary is authorized to fund the production of a documentary about infrastructure in cooperation with a not-for-profit national public television station and the National Academy of Engineering which shall demonstrate how public works and infrastructure projects stimulate job growth and the economy and contribute to the general welfare of the nation.

(2) Funding.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section $1,000,000 for each of fiscal years 1998, 1999, and 2000. Such funds shall remain available until expended.

(3) Applicability of title 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of any project under this subsection and the availability of funds authorized by this subsection shall be determined in accordance with this subsection.

(b) Study of Parking Facilities Adequacy.—

(1) Study.—The Secretary shall conduct a study to determine the location and quantity of parking facilities at commercial truck stops and travel plazas and public rest areas that could be used by motor carriers to comply with Federal hours of service rules. The study shall include an inventory of current facilities serving the National Highway System, analyze where shortages exist or are projected to exist, and propose a plan to reduce the shortages. The study shall be carried out in cooperation with research entities representing motor carriers, the travel plaza industry, and commercial motor vehicle drivers.

(2) Report.—Not later than January 1, 2001, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

(3) Funding.—From amounts set aside under section 104(a) of title 23, United States Code, for each of fiscal years 1998, 1999, and 2000, the Secretary may use not to exceed $500,000 per fiscal year to carry out this section.

SEC. 133. ELIGIBILITY.

(a) Ambassador Bridge Access, Michigan.—Notwithstanding section 129 of title 23, United States Code, or any other provision of law, improvements to and construction of access roads, approaches, and related facilities (such as signs, lights, and signals) necessary to connect the Ambassador Bridge in Detroit, Michigan, to the Interstate System shall be eligible for funds apportioned under sections 104(b)(1) and 104(b)(3) of such title.

(b) Cuyahoga River Bridge, Ohio.—Notwithstanding section 149 of title 23, United States Code, or any other provision of law, a project to construct a new bridge over the Cuyahoga River in Cleveland, Ohio, shall be eligible for funds apportioned under section 104(b)(2) of such title.

(c) Connecticut.—In fiscal year 1998, the State of Connecticut may transfer any funds remaining available for obligation under the section 104(b)(5)(A) of title 23, United States Code, as in effect on the day before the date of the enactment of this Act, for construction of the Interstate System to any other program eligible for assistance under chapter 1 of such title. Before making any distribution of the obligation limitation under section 103(c)(4) of this Act, the Secretary shall make available to the State of Connecticut sufficient obligation authority under section 103(c) of this Act to obligate funds available for transfer under this subsection.

(d) San Francisco-Oakland Bay Bridge, California.—In accordance with section 502 of this Act, a project to reconstruct the Interstate System approach to the western end of the San Francisco-Oakland Bay Bridge and the ramps connecting the bridge to Treasure Island shall be eligible for funds under section 160 of title 23, United States Code, relating to the high-cost Interstate System reconstruction and improvement program.

(e) Southern California.—Notwithstanding section 120(l)(1) of title 23, United States Code—

(1) private entity expenditures to construct the SR–91 toll road located in Orange County, California, from SR–55 to the Riverside County line may be credited toward the State matching share for any Federal-aid project beginning construction after the SR–91 toll road was opened to traffic; and

(2) private expenditures for the future SR–125 toll road in San Diego County, California, from SR–905 to San Miguel Road may be credited against the State match share for Federal-aid highway projects beginning after SR–125 is opened to traffic.

(f) International Bridge, Sault Ste. Marie, MI.—The International Bridge Authority, or its successor organization, shall be permitted to continue collection of tolls for the maintenance, operation, capital improvements, and future expansions to the International Bridge and its approaches, plaza areas, and associated buildings and structures.

(g) Information Services.—A food business that would otherwise be eligible to display a mainline business logo on a specific service food sign described in section 2G–5.7(4) of part IIG of the 1988 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways under the requirements specified in that section, but for the fact that the business is open 6 days a week, cannot be prohibited from inclusion on such a food sign.

SEC. 134. FISCAL, ADMINISTRATIVE, AND OTHER AMENDMENTS.

(a) Advanced Construction.—Section 115 is amended—

(1) in subsection (b)—

(A) by moving the text of paragraph (1) (including subparagraphs (A) and (B)) 2 ems to the left;

(B) by striking "(1) IN GENERAL.—";

(C) by striking paragraphs (2) and (3); and

(D) by striking "(A) prior" and inserting "(1) prior"; and

(E) by striking "(B) the project" and inserting "(2) the project";

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

(b) AVAILABILITY OF FUNDS.—Section 118 is amended—

(1) in the subsection heading for subsection (b) by striking "; DISCRETIONARY PROJECTS"; and

(2) by striking subsection (e) and inserting the following:

"(e) EFFECT OF RELEASE OF FUNDS.—Any Federal-aid highway funds released by the final payment on a project, or by the modification of the project agreement, shall be credited to the same program funding category previously apportioned to the State and shall be immediately available for expenditure.".

(c) FEDERAL SHARE PAYABLE.—Section 120 is amended in each of subsections (a) and (b) by striking "shall be" and inserting "shall not exceed".

(d) PAYMENTS TO STATES FOR CONSTRUCTION.—Section 121 is amended—

(1) in subsection (a)—

(A) by striking the second sentence; and

(B) by striking the last sentence and inserting the following: "Such payments may also be made for the value of the materials (1) which have been stockpiled in the vicinity of such construction in conformity to plans and specifications for the projects, and (2) which are not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the material cannot be stockpiled in such vicinity.";

(2) by striking subsection (b) and inserting the following:

"(b) PROJECT AGREEMENT.—No payment shall be made under this chapter except for a project covered by a project agreement. After completion of the project in accordance with the project agreement, a State shall be entitled to payment out of the appropriate sums apportioned or allocated to it of the unpaid balance of the Federal share payable on account of such project.";

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

(e) ADVANCES TO STATES.—Section 124 is amended—

(1) by striking "(a)" the first place it appears; and

(2) by striking subsection (b).

(f) DIVERSION.—Section 126, and the item relating to such section in the table of sections for chapter 1, are repealed.

(g) STATE HIGHWAY DEPARTMENT.—Section 302 is amended—

(1) by adding at the end of subsection (a) the following: "Compliance with this provision shall have no effect on the eligibility of costs.";

(2) by striking "(a)"; and

(3) by striking subsection (b).

(h) BRIDGE COMMISSIONS.—Public Law 87–441, relating to bridge commissions created by Congress and Federal approval of membership of such commissions, is repealed.

(i) OTHER AMENDMENTS.—

(1) Section 1023(h)(1) of Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note) is amended by striking "the date on which Federal-aid highway and transit programs are reauthorized after the date of the enactment of the National Highway System Designation Act of 1995" and inserting "September 30, 2003".

(2) Section 127(a) is amended by inserting before the next to the last sentence the following: "With respect to the State of Colorado, vehicles designed to carry 2 or more precast concrete panels shall be considered a nondivisible load.".

(3) Section 127(a) is amended by adding at the end the following: "The State of Louisiana may allow, by special permit, the operation of vehicles with a gross vehicle weight of up to 100,000 pounds for the hauling of sugarcane during the harvest season, not to exceed 100 days annually.".

(4) Section 127 is amended by adding at the end the following new subsection:

"(h) MAINE AND NEW HAMPSHIRE.—With respect to Interstate Route 95 in the State of New Hampshire, State laws or regulations in effect on January 1, 1987, shall be applicable for purposes of this section. With respect to that portion of the Maine Turnpike designated Interstate Route 95 and 495, and that portion of Interstate Route 95 from the southern terminus of the Maine Turnpike to the New Hampshire State line, State laws or regulations in effect on October 1, 1995, shall be applicable for purposes of this section.".

(j) SPECIALIZED HAULING VEHICLES.—

(1) STUDY.—The Secretary shall conduct a study to examine the impact of the truck weight standards on specialized hauling vehicles.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study with any recommendations the Secretary determines appropriate as a result of the study.

SEC. 135. ACCESS OF MOTORCYCLES.

Section 102 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following:

"(b) ACCESS OF MOTORCYCLES.—No State or political subdivision of a State may restrict the access of motorcycles to any highway or portion of a highway for which Federal-aid highway funds have been utilized for planning, design, construction, or maintenance.".

SEC. 136. AMENDMENTS TO PRIOR SURFACE TRANSPORTATION AUTHORIZATION LAWS.

(a) ISTEA HIGH PRIORITY CORRIDORS.—

(1) IN GENERAL.—Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032–2033) is amended—

(A) in paragraph (5)(B)(iii)(I)(ff) by inserting before the semicolon ", including a connection to Andrews following the Route 41 Corridor";

(B) in paragraph (9) by inserting after "New York" the following: ", including United States Route 322 between United States Route 220 and I–80";

(C) in paragraph (18)—

(i) by inserting before "Indianapolis, Indiana" the following: "Sarnia, Ontario, Canada, through Port Huron, Michigan, southwesterly along I–69 and from Windsor, Ontario, Canada, through Detroit, Michigan, westerly along I–94 via Marshall, Michigan, thence south to"; and

(ii) by striking "and to include" and inserting the following:

"as follows:

"(A) In Tennessee, Mississippi, Arkansas, and Louisiana, the Corridor shall—

"(i) follow the alignment generally identified in the Corridor 18 Special Issues Study Final Report; and

"(ii) run in an East/South direction to United States Route 61 and cross the Mississippi River (in the vicinity of Memphis, Tennessee) to Highway 79, and then follow Highway 79 south to 2 miles west of Altimer, Arkansas, and across the Arkansas River at Lock and Dam Number 4, Arkansas, and then proceed south in the direction of Monticello, Arkansas, and link up with the route proposed in the Corridor 18 Special Issues Study Final Report which would continue to Haynesville, Louisiana.

"(B) In the Lower Rio Grande Valley, the Corridor shall—

"(i) include United States Route 77 from the Rio Grande River to Interstate Route 37 at Corpus Christi, Texas, and then to Victoria, Texas, via United States Route 77;

"(ii) include United States Route 281 from the Rio Grande River to Interstate Route 37 and then to Victoria, Texas, via United States Route 59; and

"(iii) include";

(D) in paragraph (21) by striking "United States Route 17 in the vicinity of Salamanca, New York" and inserting "Interstate Route 80";

(E) by inserting ", including I–29 between Kansas City and the Canadian border" before the period at the end of paragraph (23); and

(F) by inserting after paragraph (29) the following:

"(30) Interstate Route 5 in the States of California, Oregon, and Washington, including California State Route 905 between Interstate Route 5 and the Otay Mesa Port of Entry.

"(31) The Mon-Fayette Expressway and Southern Beltway in Pennsylvania.

"(32) The Wisconsin Development Corridor from the Iowa, Illinois, and Wisconsin border near Dubuque, Iowa, to the Upper Mississippi River Basin near Eau Claire, Wisconsin, as follows:

"(A) United States Route 151 from the Iowa border to Fond du Lac via Madison, Wisconsin, then United States Route 41 from Fond du Lac to Marinette via Oshkosh, Appleton, and Green Bay, Wisconsin.

"(B) State Route 29 from Green Bay to I–94 via Wausau, Chippewa Falls, and Eau Claire, Wisconsin.

"(C) United States Route 10 from Appleton to Marshfield, Wisconsin.

"(33) The Capital Gateway Corridor following United States Route 50 from the proposed intermodal transportation center connected to I–395 in Washington, D.C., to the intersection of United States Route 50 with Kenilworth Avenue and the Baltimore-Washington Parkway in Maryland.

"(34) The Alameda Corridor East generally described as 52.8 miles from east Los Angeles (terminus of Alameda Corridor) through the San Gabriel Valley terminating at Colton Junction in San Bernandino.

"(35) Everett-Tacoma FAST Corridor.

"(36) New York and Pennsylvania State Route 17 from Harriman, New York, to its intersection with I–90 in Pennsylvania.

"(37) United States Route 90 from I–49 in Lafayette, Louisiana, to I–10 in New Orleans.

"(38) The Ports-to-Plains Corridor from the Mexican Border via I–27 to Denver, Colorado.

"(39) United States Route 63 from Marked Tree, Arkansas, to I–55.".

(2) PROVISIONS APPLICABLE TO CORRIDORS.—Section 1105(e)(5)(A) of such Act is amended—

(A) by inserting after "referred to" the first place it appears the following: "in subsection (c)(1),";

(B) by striking "and" the second place it appears; and

(C) by inserting after "(c)(20)" the following: ", in subsection (c)(36), and in subsection (c)(37)".

(3) ROUTES.—Section 1105(e)(5) of such Act is further amended—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A) the following:

"(B) ROUTES.—

"(i) DESIGNATION.—The routes referred to in subsections (c)(18) and (c)(20) shall be designated as Interstate Route I–69. A State having

jurisdiction over any segment of routes referred to in subsections (c)(18) and (c)(20) shall erect signs identifying such segment that is consistent with the criteria set forth in subsections (e)(5)(A)(i) and (e)(5)(A)(ii) as Interstate Route I–69, including segments of United States Route 59 in the State of Texas. The segment identified in subsection (c)(18)(B)(i) shall be designated as Interstate Route I–69 East, and the segment identified in subsection (c)(18)(B)(ii) shall be designated as Interstate Route I–69 Central. The State of Texas shall erect signs identifying such routes as segments of future Interstate Route I–69.

''(ii) RULEMAKING TO DETERMINE FUTURE INTERSTATE SIGN ERECTION CRITERIA.—The Secretary shall conduct a rulemaking to determine the appropriate criteria for the erection of signs for future routes on the Interstate System identified in subparagraph (A). Such rulemaking shall be undertaken in consultation with States and local officials and shall be completed not later than December 31, 1998.'';

(C) by striking the last sentence of subparagraph (A) and inserting it as the first sentence of subparagraph (B)(i), as inserted by subparagraph (B) of this paragraph; and

(D) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph, by striking ''(C)'' and inserting ''(D)''.

(b) AMENDMENTS TO SURFACE TRANSPORTATION ASSISTANCE ACT OF 1982.—Section 146 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2130), relating to lane restrictions, is repealed.

SEC. 137. BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS.

(a) IN GENERAL.—Section 217 is amended—

(1) in subsection (b)—

(A) by inserting ''pedestrian walkways and'' after ''construction of''; and

(B) by striking ''(other than the Interstate System)'';

(2) in subsection (e) by striking '', other than a highway access to which is fully controlled,'';

(3) by striking subsection (g) and inserting the following:

''(g) PLANNING AND DESIGN.—Bicyclists and pedestrians shall be given due consideration in the comprehensive transportation plans developed by each metropolitan planning organization and State in accordance with sections 134 and 135, respectively. Bicycle transportation facilities and pedestrian walkways shall be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted. Transportation plans and projects shall provide due consideration for safety and contiguous routes. Safety considerations shall include the installation and maintenance of audible traffic signals and audible signs at street crossings.'';

(4) in subsection (h) by striking ''No motorized vehicles shall'' and inserting ''Motorized vehicles may not'';

(5) in subsection (h)(3) by striking ''when State and local regulations permit,'';

(6) in subsection (h)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) when State or local regulations permit, electric bicycles; and''; and

(7) by striking subsections (i) and (j) and inserting the following:

''(i) DEFINITIONS.—In this section, the following definitions apply:

''(1) BICYCLE TRANSPORTATION FACILITY.—The term 'bicycle transportation facility' means new or improved lanes, paths, or shoulders for use by bicyclists, traffic control devices, shelters, and parking facilities for bicycles.

''(2) ELECTRIC BICYCLE.—The term 'electric bicycle' means any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.

''(3) PEDESTRIAN.—The term 'pedestrian' means any person traveling by foot and any mobility impaired person using a wheelchair.

''(4) WHEELCHAIR.—The term 'wheelchair' means a mobility aid, usable indoors, and designed for and used by individuals with mobility impairments, whether operated manually or powered.''.

(b) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—Section 109(n) is amended to read as follows:

''(n) PROTECTION OF NONMOTORIZED TRANSPORTATION TRAFFIC.—The Secretary shall not approve any project or take any regulatory action under this title that will result in the severance of an existing major route or have significant adverse impact on the safety for nonmotorized transportation traffic and light motorcycles, unless such project or regulatory action provides for a reasonably alternate route or such a route exits.''.

(c) RAILWAY-HIGHWAY CROSSINGS.—Section 130 is amended by adding at the end the following:

''(j) BICYCLE SAFETY.—In carrying out projects under this section, a State shall take into account bicycle safety.''.

(d) HIGHWAY AND STREET DESIGN STANDARDS.—

(1) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall initiate, in conjunction with the American Association of State Highway and Transportation Officials, a study to consider proposals to amend the policies of such association relating to highway and street design standards to accommodate bicyclists and pedestrians.

(2) REPORT.—Not later than 2 years after such date of enactment, the Secretary shall transmit to Congress a report on the results of the study with any recommendations on amending the policies referred to in paragraph (1) the Secretary determines appropriate.

(e) NATIONAL BICYCLE SAFETY EDUCATION CURRICULA.—

(1) DEVELOPMENT.—The Secretary is authorized to develop a national bicycle safety education curricula that may include courses relating to on-road training.

(2) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a copy of the curricula.

(3) FUNDING.—From amounts made available under section 210 of this Act, the Secretary may use not to exceed $500,000 for fiscal year 1998 to carry out this subsection.

(f) DESIGN GUIDANCE.—In implementing section 217(g) of title 23, United States Code, the Secretary, in cooperation with the American Association of State Highway and Transportation Officials, the Institute of Transportation Engineers, and other interested organizations, shall develop guidance on the various approaches to accommodating bicycles and pedestrian travel. The guidance shall address issues such as the level and nature of the demand, volume, and speed of motor vehicle traffic, safety, terrain, cost, and sight distance. The guidance shall be developed within 1 year after the date of the enactment of this Act.

SEC. 138. HAZARD ELIMINATION PROGRAM.

Section 152 is amended—

(1) in subsection (a) by inserting '', bicyclists,'' after ''motorists'';

(2) by adding at the end of subsection (a) the following: ''In carrying out this section, States shall minimize any negative impact on safety and access for bicyclists and pedestrians.'';

(3) in subsection (b) by inserting after ''project'' the following: ''or safety improvement project described in subsection (a)''; and

(4) in subsections (f) and (g) by striking ''highway'' each place it appears.

SEC. 139. PROJECT ADMINISTRATION.

(a) LIFE CYCLE COST ANALYSIS.—Section 106(e) is amended—

(1) in paragraph (1) by striking ''with a cost of $25,000,000 or more'';

(2) by adding at the end of paragraph (1) the following: ''The program shall be based on the principles contained in section 2 of Executive Order 12893.''; and

(3) in paragraph (2) by inserting after ''maintenance,'' the following: ''user costs,''.

(b) EVALUATION OF PROCUREMENT PRACTICES AND PROJECT DELIVERY.—

(1) STUDY.—The Comptroller General shall conduct a study to assess the impact that a utility company's failure to relocate their facilities in a timely manner has on the delivery and cost of Federal-aid highway and bridge projects. The study shall also assess the following:

(A) Methods States use to mitigate such delays, including the use of the courts to compel utility cooperation.

(B) The prevalence and use of incentives to utility companies for early completion of utility relocations on Federal-aid transportation project sites and, conversely, penalties assessed on utility companies for utility relocation delays on such projects.

(C) The extent to which States have used available technologies, such as subsurface utility engineering, early in the design of Federal-aid highway and bridge projects so as to eliminate or reduce the need for or delays due to utility relocations.

(D) Whether individual States compensate transportation contractors for business costs they incur when Federal-aid highway and bridge projects under contract to them are delayed by utility company caused delays in utility relocations and any methods used by States in making any such compensation.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to Congress a report on the results of the study with any recommendations the Comptroller General determines appropriate as a result of the study.

SEC. 140. CONTRACTING FOR ENGINEERING AND DESIGN SERVICES.

Section 112(b)(2) of title 23, United States Code, is amended—

(1) in subparagraph (B)(i) by striking '', except to'' and all that follows through ''services'';

(2) by striking subparagraph (C) and inserting the following:

''(C) SELECTION, PERFORMANCE, AND AUDITS.—

''(i) IN GENERAL.—All requirements for architectural, engineering, and related services at any phase of a highway project funded in whole or in part with Federal-aid highway funds shall be performed under a contract awarded in accordance with subparagraph (A) unless the simplified acquisition procedures of the Federal Acquisition Regulations of title 48, Code of Federal Regulations, apply.

''(ii) PROHIBITION ON STATE RESTRICTIONS.—A State shall not impose any overhead restriction, or salary limitation inconsistent with the Federal Acquisition Regulations, that would preclude any qualified firm from being eligible to compete for contracts awarded in accordance with subparagraph (A).

''(iii) COMPLIANCE WITH FEDERAL ACQUISITION REGULATIONS.—The process for selection, award, performance, administration, and audit of the resulting contracts shall comply with the procedures, cost principles, and cost accounting principles of the Federal Acquisition Regulations, *including parts 30, 31, and 36 of title 48, Code of Federal Regulations.";*

(3) in subparagraph (G)—

(A) by inserting "(i) GENERAL RULE.—" before "Subpargraphs";

(B) by adding at the end the following:

"(ii) STATE OPTION.—Congress has determined that the State opt-out period for the contract administration procedures has expired. States that have complied with or received waivers from the Secretary regarding the requirements of section 307 of the National Highway Designation Act of 1995, as of the date of the enactment of this clause, shall not be subject to the requirements of subparagraph (A)."; and

(C) by indenting clause (i), as designated by subparagraph (A) of this paragraph, and aligning it with clause (ii), as added by subparagraph (B) of this paragraph; and

(4) by adding at the end the following:

"(H) COMPLIANCE.—A State shall comply, with respect to any architecture, engineering, or related service contract for any phase of a Federal-aid highway project, with the qualifications-based selection procedures of the Federal Acquisition Regulations, and with the single audit procedures required under this paragraph, or with an existing State law or a statute enacted in accordance with the legislative session exemption provided by subparagraph (G).".

SEC. 141. COMMERCIAL MOTOR VEHICLE STUDY.

(a) STUDY.—The Secretary shall request the Transportation Research Board of the National Academy of Sciences to conduct a study regarding the regulation of weights, lengths, and widths of commercial motor vehicles operating on Federal-aid highways to which Federal regulations currently apply. In conducting the study, the Board shall review current law, regulations, studies (including Transportation Research Board Special Report 225), and practices and develop recommendations regarding any revisions to current law and regulations that the Board deems appropriate.

(b) FACTORS TO CONSIDER AND EVALUATE.—In developing recommendations under subsection (a), the Board shall consider and evaluate the impact of the recommendations described in subsection (a) on the economy, the environment, safety, and service to communities.

(c) CONSULTATION.—In carrying out the study, the Board shall consult the Department of Transportation, States, the motor carrier industry, freight shippers, highway safety groups, air quality and natural resource management groups, commercial motor vehicle driver representatives, and other appropriate entities.

(d) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Board shall transmit to Congress and the Secretary a report on the results of the study conducted under this section.

(e) RECOMMENDATIONS.—Not later than 6 months after the date of receipt of the report under subsection (d), the Secretary may transmit to Congress a report containing comments or recommendations of the Secretary regarding the report.

(f) FUNDING.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $250,000 for each of fiscal years 1998 and 1999 to carry out this subsection.

(g) APPLICABILITY OF TITLE 23.—Funds made available to carry out this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code; except that the Federal share of the cost of the study under this section shall be 100 percent and such funds shall remain available until expended.

SEC. 142. NEW YORK AVENUE TRANSPORTATION DEVELOPMENT AUTHORITY.

(a) ESTABLISHMENT.—There is established an authority to be known as the New York Avenue Transportation Development Authority (hereinafter in this section referred to as "Authority").

(b) MEMBERSHIP.—The Authority shall be composed of 5 members appointed as follows:

(1) 3 individuals appointed by the President.

(2) 2 individuals appointed by the mayor of. the District of Columbia.

(c) COMPENSATION.—Members of the Authority may not receive pay, allowances, or benefits by reason of their service on the Authority.

(d) DUTIES.—The Authority shall develop a transportation improvement plan for the Capital Gateway Corridor and vicinity following United States Route 50 from I–395 in Washington, D.C., to the intersection of United States Route 50 with Kenilworth Avenue and the Baltimore-Washington Parkway in Maryland, which shall include—

(1) engineering, pre-design, and design necessary to improve the corridor; and

(2) economic feasibility studies of financing the project, including the feasibility of repaying funds that may be borrowed from the Highway Trust Fund to carry out the project.

(e) CONSIDERATIONS FOR TIP.—In developing the transportation improvement plan, the Authority shall consider—

(1) how a tunnel or other method to re-route interstate traffic from the surface of New York Avenue may improve traffic on and access to the New York Avenue Corridor; and

(2) how to improve access to the National Arboretum.

(f) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Authority shall report to the Congress on any additional legal authorities it needs to carry out the transportation improvement plan.

(g) FUNDING.—The Authority is eligible to receive funds authorized under the National Corridor Planning and Development program established in section 115.

SEC. 143. DEFINITIONS.

Section 101(a) is amended to read as follows:

"(a) DEFINITIONS.—The following definitions apply:

"(1) APPORTIONMENT.—The term 'apportionment' includes unexpended apportionments made under prior authorization laws.

"(2) CARPOOL PROJECT.—The term 'carpool project' means any project to encourage the use of carpools and vanpools, including provision of carpooling opportunities to the elderly and handicapped, systems for locating potential riders and informing them of carpool opportunities, acquiring vehicles for carpool use, designating existing highway lanes as preferential carpool highway lanes, providing related traffic control devices, and designating existing facilities for use for preferential parking for carpools.

"(3) CONSTRUCTION.—The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including bond costs and other costs relating to the issuance in accordance with section 122 of bonds or other debt financing instruments and costs incurred by the State in performing Federal-aid project related audits which directly benefit the Federal-aid highway program. Such term includes—

"(A) locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce);

"(B) resurfacing, restoration, and rehabilitation;

"(C) acquisition of rights-of-way;

"(D) relocation assistance, acquisition of replacement housing sites, and acquisition and rehabilitation, relocation, and construction of replacement housing;

"(E) elimination of hazards of railway grade crossings;

"(F) elimination of roadside obstacles;

"(G) improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas; and

"(H) capital improvements which directly facilitate an effective vehicle weight enforcement program, such as scales (fixed and portable), scale pits, scale installation, and scale houses.

"(4) COUNTY.—The term 'county' includes corresponding units of government under any other name in States which do not have county organizations and, in those States in which the county government does not have jurisdiction over highways, any local government unit vested with jurisdiction over local highways.

"(5) FEDERAL-AID HIGHWAYS.—The term 'Federal-aid highways' means highways eligible for assistance under this chapter other than highways classified as local roads or rural minor collectors.

"(6) FEDERAL-AID SYSTEM.—The term 'Federal-aid system' means any one of the Federal-aid highway systems described in section 103.

"(7) FEDERAL LANDS HIGHWAYS.—The term 'Federal lands highways' means forest highways, public lands highways, park roads, parkways, and Indian reservation roads which are public roads.

"(8) FOREST DEVELOPMENT ROADS AND TRAILS.—The term 'forest development roads and trails' means a forest road or trail under the jurisdiction of the Forest Service.

"(9) FOREST HIGHWAY.—The term 'forest highway' means a forest road under the jurisdiction of, and maintained by, a public authority and open to public travel.

"(10) FOREST ROAD OR TRAIL.—The term 'forest road or trail' means a road or trail wholly or partly within, or adjacent to, and serving the National Forest System and which is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources.

"(11) HIGHWAY.—The term 'highway' includes roads, streets, and parkways, and also includes rights-of-way, bridges, railroad-highway crossings, tunnels, drainage structures, signs, guardrails, and protective structures, in connection with highways. It further includes that portion of any interstate or international bridge or tunnel and the approaches thereto, the cost of which is assumed by a State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of an international bridge or tunnel.

"(12) HIGHWAY SAFETY IMPROVEMENT PROJECT.—The term 'highway safety improvement project' means a project which corrects or improves high hazard locations, eliminates roadside obstacles, improves highway signing and pavement marking, installs priority control systems for emergency vehicles at signalized intersections, installs or replaces emergency motorist aid call boxes, or installs traffic control or warning devices at high accident potential locations.

"(13) INDIAN RESERVATION ROADS.—The term 'Indian reservation roads' means public roads that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians.

"(14) INTERSTATE SYSTEM.—The term 'Interstate System' means the Dwight D. Eisenhower

National System of Interstate and Defense Highways described in section 103(e).

"(15) MAINTENANCE.—The term 'maintenance' means the preservation of the entire highway, including surface, shoulders, roadsides, structures, and such traffic-control devices as are necessary for its safe and efficient utilization.

"(16) NATIONAL HIGHWAY SYSTEM.—The term 'National Highway System' means the Federal-aid highway system described in section 103(b).

"(17) OPERATING COSTS FOR TRAFFIC MONITORING, MANAGEMENT, AND CONTROL.—The term 'operating costs for traffic monitoring, management, and control' includes labor costs, administrative costs, costs of utilities and rent, and other costs associated with the continuous operation of traffic control, such as integrated traffic control systems, incident management programs, and traffic control centers.

"(18) OPERATIONAL IMPROVEMENT.—The term 'operational improvement' means a capital improvement for installation of traffic surveillance and control equipment, computerized signal systems, motorist information systems, integrated traffic control systems, incident management programs, and transportation demand management facilities, strategies, and programs and such other capital improvements to public roads as the Secretary may designate, by regulation; except that such term does not include resurfacing, restoring, or rehabilitating improvements, construction of additional lanes, interchanges, and grade separations, and construction of a new facility on a new location.

"(19) PARK ROAD.—The term 'park road' means a public road, including a bridge built primarily for pedestrian use, but with capacity for use by emergency vehicles, that is located within, or provides access to, an area in the National Park System with title and maintenance responsibilities vested in the United States.

"(20) PARKWAY.—The term 'parkway', as used in chapter 2 of this title, means a parkway authorized by Act of Congress on lands to which title is vested in the United States.

"(21) PROJECT.—The term 'project' means an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking eligible for assistance under this title.

"(22) PROJECT AGREEMENT.—The term 'project agreement' means the formal instrument to be executed by the State highway department and the Secretary as required by section 110(a).

"(23) PUBLIC AUTHORITY.—The term 'public authority' means a Federal, State, county, town, or township, Indian tribe, municipal or other local government or instrumentality with authority to finance, build, operate, or maintain toll or toll-free facilities.

"(24) PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.—The term 'public lands development roads and trails' means those roads or trails which the Secretary of the Interior determines are of primary importance for the development, protection, administration, and utilization of public lands and resources under his control.

"(25) PUBLIC LANDS HIGHWAY.—The term 'public lands highway' means any highway through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations under the jurisdiction of and maintained by a public authority and open to public travel.

"(26) PUBLIC ROAD.—The term 'public road' means any road or street under the jurisdiction of and maintained by a public authority and open to public travel.

"(27) RURAL AREAS.—The term 'rural areas' means all areas of a State not included in urban areas.

"(28) SECRETARY.—The term 'Secretary' means Secretary of Transportation.

"(29) STATE.—The term 'State' means any one of the fifty States, the District of Columbia, or Puerto Rico.

"(30) STATE FUNDS.—The term 'State funds' includes funds raised under the authority of the State or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

"(31) STATE HIGHWAY DEPARTMENT.—The term 'State highway department' means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

"(32) TRANSPORTATION ENHANCEMENT ACTIVITIES.—The term 'transportation enhancement activities' means, with respect to any project or the area to be served by the project, any of the following activities if such activity has a direct link to surface transportation: provision of facilities for pedestrians and bicycles, provision of safety and educational activities for pedestrians and bicyclists, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs, landscaping and other scenic beautification, including removal of graffiti and litter to the extent that such removal is in excess of fiscal year 1997 maintenance levels for removal of graffiti and litter, historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities (including historic railroad facilities and canals), preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails), control and removal of outdoor advertising, archaeological planning and research, environmental mitigation to address water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity, and provision of tourist and welcome centers.

"(33) URBAN AREA.—The term 'urban area' means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or urban place as designated by the Bureau of the Census having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census, except in the case of cities in the State of Maine and in the State of New Hampshire.

"(34) URBANIZED AREA.—The term 'urbanized area' means an area with a population of 50,000 or more designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Boundaries shall, at a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census.".

TITLE II—HIGHWAY SAFETY

SEC. 201. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 202. HIGHWAY SAFETY PROGRAMS.

(a) UNIFORM GUIDELINES.—Section 402(a) is amended—

(1) in the fourth sentence by striking "(4)" and inserting "(4) to prevent accidents and"; and

(2) in the eighth sentence by striking "include information obtained by the Secretary under section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 and".

(b) ADMINISTRATION OF STATE PROGRAMS.—Section 402(b) is amended—

(1) by striking "(b)(1)" and all that follows through paragraph (2) and inserting the following:

"(b) ADMINISTRATION OF STATE PROGRAMS.—";

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively;

(3) in paragraph (1)(C), as so redesignated, by striking "paragraph (5)" and inserting "paragraph (3)"; and

(4) in paragraph (2), as so redesignated, by striking "paragraph (3)(C)" and inserting "paragraph (1)(C)".

(c) APPORTIONMENT OF FUNDS.—The 6th sentence of section 402(c) is amended by inserting "the apportionment to the Secretary of the Interior shall not be less than three-fourths of 1 percent of the total apportionment and" after "except that".

(d) APPLICATION IN INDIAN COUNTRY.—Section 402(i) is amended to read as follows:

"(i) APPLICATION IN INDIAN COUNTRY.—

"(1) IN GENERAL.—For the purpose of application of this section in Indian country, the terms 'State' and 'Governor of a State' include the Secretary of the Interior and the term 'political subdivision of a State' includes an Indian tribe. Notwithstanding subsection (b)(1)(C), 95 percent of the funds apportioned to the Secretary of the Interior under this section shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions. The requirements of subsection (b)(1)(D) shall be applicable to Indian tribes, except to those tribes with respect to which the Secretary of Transportation determines that application of such provisions would not be practicable.

"(2) INDIAN COUNTRY DEFINED.—In this subsection, the term 'Indian country' means—

"(A) all land within the limits of any Indian reservation under the jurisdiction of the United States, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

"(B) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof and whether within or without the limits of a State; and

"(C) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through such allotments.".

(e) RULEMAKING PROCEEDING.—Section 402(j) is amended to read as follows:

"(j) RULEMAKING PROCEEDING.—The Secretary may from time to time conduct a rulemaking process to identify highway safety programs that are highly effective in reducing motor vehicle crashes, injuries, and deaths. Any such rulemaking shall take into account the major role of the States in implementing such programs. When a rule promulgated in accordance with this section takes effect, States shall consider these highly effective programs when developing their highway safety programs.".

SEC. 203. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403(a)(2)(A) is amended by inserting ", including training in work zone safety management" after "personnel".

SEC. 204. OCCUPANT PROTECTION INCENTIVE GRANTS.

(a) IN GENERAL.—Chapter 4 is amended by inserting after section 404 the following:

"§405. Occupant protection incentive grants

"(a) GENERAL AUTHORITY.—

"(1) AUTHORITY TO MAKE GRANTS.—Subject to the provisions of this section, the Secretary shall make grants under subsections (b) and (c) to States that adopt and implement effective programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or

improperly restrained in motor vehicles. Such grants may be used by recipient States only to implement and enforce, as appropriate, such programs.

“(2) MAINTENANCE OF EFFORT.—No grant may be made to a State under subsection (b) or (c) in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for programs described in paragraph (1) at or above the average level of such expenditures in its 2 fiscal years preceding the Building Efficient Surface Transportation and Equity Act of 1998.

“(3) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under subsection (b) or (c) in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

“(A) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

“(B) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

“(C) in the fifth and sixth fiscal years in which the State receives the grant, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

“(b) GRANT A.—A State may establish its eligibility for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary at least 5 of the following and, beginning in fiscal year 2001, at least 6 of the following:

“(1) SAFETY BELT USE LAW.—The State has in effect a safety belt use law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever an individual (other than a child who is secured in a child restraint system) in the front seat of the vehicle (and, beginning in fiscal year 2000, in any seat in the vehicle) does not have a safety belt properly secured about the individual's body.

“(2) PRIMARY SAFETY BELT USE LAW.—The State provides for primary enforcement of its safety belt use law.

“(3) MINIMUM FINE OR PENALTY POINTS.—The State imposes a minimum fine, or provides for the imposition of penalty points against an individual's driver's license, for a violation of its safety belt use law.

“(4) CHILD SAFETY SEAT LAW.—The State has in effect a child passenger protection law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a child up to 4 years of age in the vehicle is not properly secured in a child safety seat.

“(5) SPECIAL TRAFFIC ENFORCEMENT PROGRAM.—The State has implemented a statewide special traffic enforcement program for occupant protection that emphasizes publicity for the program.

“(6) CHILD OCCUPANT PROTECTION EDUCATION PROGRAM.—The State has implemented a statewide comprehensive child occupant protection education program that includes education about proper seating positions for children in air bag equipped motor vehicles and instruction on how to reduce the improper use of child restraints systems.

“(7) CHILD PASSENGER PROTECTION LAW.—The State has in effect a child passenger protection law that makes unlawful throughout the State the operation of a passenger motor vehicle whenever a child up to 10 years of age (and, beginning in fiscal year 2003, a child up to 16 years of age) in the vehicle is not properly restrained.

“(c) GRANT B.—A State may establish its eligibility for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary each of the following:

“(1) STATE SAFETY BELT USE RATE.—The State demonstrates a statewide safety belt use rate in both front outboard seating positions in all passenger motor vehicles of 80 percent or higher in each of the years a grant under this subparagraph is received.

“(2) SURVEY METHOD.—The State follows safety belt use survey methods which conform to guidelines issued by the Secretary ensuring that such measurements are accurate and representative.

“(d) GRANT AMOUNTS.—The amount of each grant for which a State qualifies under subsection (b) or (c) for a fiscal year shall equal up to 30 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

“(e) DEFINITIONS.—In this subsection, the following definitions apply:

“(1) CHILD SAFETY SEAT.—The term ‘child safety seat’ means any device (except safety belts) designed for use in a motor vehicle to restrain, seat, or position a child who weighs 50 pounds or less.

“(2) MOTOR VEHICLE.—The term ‘motor vehicle’ means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.

“(3) MULTIPURPOSE PASSENGER VEHICLE.—The term ‘multipurpose passenger vehicle’ means a motor vehicle with motive power (except a trailer), designed to carry not more than 10 individuals, that is constructed either on a truck chassis or with special features for occasional off-road operation.

“(4) PASSENGER CAR.—The term ‘passenger car’ means a motor vehicle with motive power (except a multipurpose passenger vehicle, motorcycle, or trailer) designed to carry not more than 10 individuals.

“(5) PASSENGER MOTOR VEHICLE.—The term ‘passenger motor vehicle’ means a passenger car or a multipurpose passenger motor vehicle.

“(6) SAFETY BELT.—The term ‘safety belt’ means—

“(A) with respect to open-body passenger vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

“(B) with respect to other passenger vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

“(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

“(g) APPLICABILITY OF CHAPTER 1.—

“(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

“(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

“(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

“(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of an occupant protection program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

“(5) TREATMENT OF TERM ‘STATE HIGHWAY DEPARTMENT’.—In applying provisions of chapter 1 in carrying out this section, the term ‘State highway department’ as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.”.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 404 the following:

“405. Occupant protection incentive grants.”.

SEC. 205. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

Section 410 is amended to read as follows:

“§410. Alcohol-impaired driving countermeasures

“(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary shall make grants to States that adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol. Such grants may only be used by recipient States to implement and enforce such programs.

“(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for alcohol traffic safety programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.

“(c) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

“(1) in the first and second fiscal years in which the State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year a program adopted by the State pursuant to subsection (a);

“(2) in the third and fourth fiscal years in which the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

“(3) in the fifth and sixth fiscal years in which the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

“(d) BASIC GRANT ELIGIBILITY.—

“(1) BASIC GRANT A.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary at least 5 of the following:

“(A) .08 BAC PER SE LAW.—A law that provides that any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle shall be deemed to be driving while intoxicated.

“(B) ADMINISTRATIVE LICENSE REVOCATION.—An administrative driver's license suspension or revocation system for individuals who operate

motor vehicles while under the influence of alcohol that requires that—

"(i) in the case of an individual who, in any 5-year period beginning after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by a law enforcement officer, the State agency responsible for administering drivers' licenses, upon receipt of the report of the law enforcement officer—

"(I) shall suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; and

"(II) shall suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; and

"(ii) the suspension and revocation referred to under clause (i) shall take effect not later than 30 days after the day on which the individual refused to submit to a chemical test or received notice of having been determined to be driving under the influence of alcohol, in accordance with the State's procedures.

"(C) UNDERAGE DRINKING PROGRAM.—An effective system, as determined by the Secretary, for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages and for preventing persons from making alcoholic beverages available to individuals under age 21. Such system may include a graduated licensing system, the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals age 21 years of age or older, and the issuance of drivers' licenses that are tamper resistant.

"(D) ENFORCEMENT PROGRAM.—Either—

"(i) a statewide program for stopping motor vehicles on a nondiscriminatory, lawful basis for the purpose of determining whether the operators of such motor vehicles are driving while under the influence of alcohol; or

"(ii) a statewide special traffic enforcement program for impaired driving that emphasizes publicity for the program.

"(E) REPEAT OFFENDERS.—Effective sanctions for repeat offenders convicted of driving under the influence of alcohol. Such sanctions, as determined by the Secretary, may include electronic monitoring; alcohol interlocks; intensive supervision of probation; vehicle impoundment, confiscation, or forfeiture; dedicated detention facilities; special measures to reduce driving with a suspended license; and assignment of treatment.

"(F) DRIVERS WITH HIGH BAC'S.—Programs to target individuals with high blood alcohol concentrations who operate a motor vehicle. Such programs may include implementation of a system of graduated penalties and assessment of individuals convicted of driving under the influence of alcohol.

"(G) YOUNG ADULT DRINKING PROGRAMS.—Programs to reduce driving while under the influence of alcohol by individuals age 21 through 34. Such programs may include awareness campaigns; traffic safety partnerships with employers, colleges, and the hospitality industry; assessment of first time offenders; and incorporation of treatment into judicial sentencing.

"(H) TESTING FOR BAC.—An effective system for increasing the rate of testing for blood alcohol concentration of motor vehicle drivers in fatal accidents and, in fiscal year 2000 and in each fiscal year thereafter, a rate of such testing that is equal to or greater than the national average.

"(2) BASIC GRANT B.—A State shall become eligible for a grant under this paragraph by adopting or demonstrating to the satisfaction of the Secretary each of the following:

"(A) FATAL IMPAIRED DRIVER PERCENTAGE REDUCTION.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has decreased in each of the 3 most recent calendar years for which statistics for determining such percentages are available.

"(B) FATAL IMPAIRED DRIVER PERCENTAGE COMPARISON.—The percentage of fatally injured drivers with 0.10 percent or greater blood alcohol concentration in the State has been lower than the average percentage for all States in each of the calendar years referred to in subparagraph (A).

"(3) BASIC GRANT AMOUNT.—The amount of a basic grant made to a State for a fiscal year under this subsection shall equal up to 30 percent of the amount apportioned to the State for fiscal year 1997 under section 402 of this title.

"(e) DISCRETIONARY GRANTS.—

"(1) IN GENERAL.—Upon receiving an application from a State, the Secretary may make grants to the State for carrying out innovative programs (other than the programs specified in subsection (d)) to reduce traffic safety problems resulting from individuals driving while under the influence of alcohol or controlled substances. Such programs may seek to achieve such a reduction through legal, judicial, enforcement, educational, technological, or other approaches.

"(2) ELIGIBILITY.—A State shall be eligible to receive a grant under this subsection in a fiscal year only if the State is eligible to receive a grant under subsection (d) in such fiscal year.

"(3) FUNDING.—Of the amounts made available to carry out this section, not to exceed 12 percent shall be available for making grants under this subsection.

"(f) ADMINISTRATIVE EXPENSES.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(g) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of an alcohol-impaired driving countermeasures program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

"(h) DEFINITIONS.—In this section, the following definitions apply:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning such term has under section 158(c) of this title.

"(2) CONTROLLED SUBSTANCES.—The term 'controlled substances' has the meaning such term has under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(3) MOTOR VEHICLE.—The term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads, and highways, but does not include a vehicle operated only on a rail line.".

SEC. 206. STATE HIGHWAY SAFETY DATA IMPROVEMENTS.

(a) IN GENERAL.—Chapter 4 is further amended by adding at the end the following new section:

"§411. State highway safety data improvements

"(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make grants to States that adopt and implement effective programs to—

"(1) improve the timeliness, accuracy, completeness, uniformity, and accessibility of the State's data needed to identify priorities for national, State, and local highway and traffic safety programs;

"(2) evaluate the effectiveness of efforts to make such improvements;

"(3) link these State data systems, including traffic records, together and with other data systems within the State, such as systems that contain medical and economic data; and

"(4) improve State data systems' compatibility with national data systems and those of other States and enhance the Secretary's ability to observe and analyze national trends in crash occurrences, rates, outcomes, and causation.

Such grants may be used by recipient States only to implement such programs.

"(b) MODEL DATA ELEMENTS.—The Secretary, in consultation with States and other appropriate parties, shall determine the model data elements necessary to observe and analyze national trends in crash occurrences, rates, outcomes, and causation. A State's multiyear highway safety data and traffic records plan described in subsection (e)(1) shall demonstrate how the model data elements will be incorporated into the State's data systems for the State to be eligible for grants under this section.

"(c) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for highway safety data programs at or above the average level of such expenditures in its 2 fiscal years preceding the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.

"(d) MAXIMUM PERIOD OF ELIGIBILITY; FEDERAL SHARE FOR GRANTS.—No State may receive grants under this section in more than 6 fiscal years beginning after September 30, 1997. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first and second fiscal years in which the State receives the grant, 75 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year a program adopted by the State;

"(2) in the third and fourth fiscal years in which the State receives the grant, 50 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program; and

"(3) in the fifth and sixth fiscal years in which the State receives the grant under this section, 25 percent of the cost of implementing and enforcing, as appropriate, in such fiscal year such program.

"(e) First-Year Grants.—

"(1) Eligibility.—A State shall be eligible for a first-year grant under this section in a fiscal year if the State either—

"(A) demonstrates, to the satisfaction of the Secretary, that the State has—

"(i) established a highway safety data and traffic records coordinating committee with a multidisciplinary membership, including the administrators, collectors, and users of such data (including the public health, injury control, and motor carrier communities);

"(ii) completed, within the preceding 5 years, a highway safety data and traffic records assessment or an audit of the State's highway safety data and traffic records system; and

"(iii) initiated the development of a multiyear highway safety data and traffic records strategic plan, to be approved by the State's highway safety data and traffic records coordinating committee, that identifies and prioritizes the State's highway safety data and traffic records needs and goals, and that identifies performance-based measures by which progress toward those goals will be determined; or

"(B) provides, to the satisfaction of the Secretary—

"(i) a certification that the State has met the requirements of clauses (i) and (ii) of subparagraph (A);

"(ii) a multiyear plan that—

"(I) identifies and prioritizes the State's highway safety data and traffic records needs and goals;

"(II) specifies how the State's incentive funds for the fiscal year will be used to address those needs and goals; and

"(III) identifies performance-based measures by which progress toward those goals will be determined; and

"(iii) a certification that the State's highway safety data and traffic records coordinating committee continues to operate and supports the multiyear plan described in clause (ii).

"(2) Grant amounts.—The amount of a first-year grant made to a State for a fiscal year under this subsection shall equal—

"(A) if the State is eligible for the grant under paragraph (1)(A), $125,000, subject to the availability of appropriations; and

"(B) if the State is eligible for the grant under paragraph (1)(B), an amount determined by multiplying—

"(i) the amount appropriated to carry out this section for such fiscal year; by

"(ii) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State shall receive less than $225,000, subject to the availability of appropriations.

"(f) Succeeding Year Grants.—

"(1) Eligibility.—A State shall be eligible for a grant under this subsection in any fiscal year succeeding the first fiscal year in which the State receives a grant under subsection (e) if the State, to the satisfaction of the Secretary—

"(A) submits or updates a multiyear plan described in subsection (e)(1)(A)(iii);

"(B) certifies that the highway safety data and traffic records coordinating committee of the State continues to operate and supports the multiyear plan; and

"(C) reports annually on the State's progress in implementing the multiyear plan.

"(2) Grant amounts.—The amount of a succeeding year grant made to the State for a fiscal year under this paragraph shall equal the amount determined by multiplying—

"(A) the amount appropriated to carry out this section for such fiscal year; by

"(B) the ratio that the funds apportioned to the State under section 402 for fiscal year 1997 bears to the funds apportioned to all States under section 402 for fiscal year 1997;

except that no State shall receive less than $225,000, subject to the availability of appropriations.

"(g) Administrative Expenses.—Funds authorized to be appropriated to carry out this section shall be subject to a deduction not to exceed 5 percent for the necessary costs of administering the provisions of this section.

"(h) Applicability of Chapter 1.—

"(1) In general.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid highways, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) Inconsistent provisions.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) Credit for state and local expenditures.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program under section 402 (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) Increased federal share for certain indian tribe programs.—In the case of a highway safety data improvements program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) Treatment of term 'state highway department'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.".

(b) Conforming Amendment.—The table of sections for such chapter is amended by adding at the end the following:

"411. State highway safety data improvements.".

SEC. 207. NATIONAL DRIVER REGISTER.

(a) Transfer of Selected Functions to Non-Federal Management.—Section 30302 of title 49, United States Code, is amended by adding at the end the following:

"(e) Transfer of Selected Functions to Non-Federal Management.—

"(1) Agreement.—The Secretary may enter into an agreement with an organization that represents the interests of the States to manage, administer, and operate the National Driver Register's computer timeshare and user assistance functions. If the Secretary decides to enter into such an agreement, the Secretary shall ensure that the management of these functions is compatible with this chapter and the regulations issued to implement this chapter.

"(2) Required demonstration.—Any transfer of the National Driver Register's computer timeshare and user assistance functions to an organization that represents the interests of the States shall begin only after a determination is made by the Secretary that all States are participating in the National Driver Register's 'Problem Driver Pointer System' (the system used by the Register to effect the exchange of motor vehicle driving records), and that the system is functioning properly.

"(3) Transition period.—Any agreement entered into under this subsection shall include a provision for a transition period sufficient to allow the States to make the budgetary and legislative changes the States may need to pay fees charged by the organization representing their interests for their use of the National Driver Register's computer timeshare and user assistance functions. During this transition period, the Secretary shall continue to fund these transferred functions.

"(4) Fees.—The total of the fees charged by the organization representing the interests of the States in any fiscal year for the use of the National Driver Register's computer timeshare and user assistance functions shall not exceed the total cost to the organization of performing these functions in such fiscal year.

"(5) Limitation on statutory construction.—Nothing in this subsection may be construed to diminish, limit, or otherwise affect the authority of the Secretary to carry out this chapter.".

(b) Access to Register Information.—

(1) Conforming amendments.—Section 30305(b) of title 49, United States Code, is amended—

(A) in paragraph (2) by inserting before the period at the end the following: ", unless the information is about a revocation or suspension still in effect on the date of the request";

(B) in paragraph (8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908)—

(i) by striking "paragraph (2)" and inserting "subsection (a) of this section"; and

(ii) by moving the text of such paragraph 2 ems to the left; and

(C) by redesignating paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3262), as paragraph (9).

(2) Federal agency access provision.—Section 30305(b) of title 49, United States Code, is further amended—

(A) by redesignating paragraph (6) as paragraph (10) and inserting such paragraph after paragraph (9);

(B) by inserting after paragraph (5) the following:

"(6) The head of a Federal department or agency that issues motor vehicle operator's licenses may request the chief driver licensing official of a State to obtain information under subsection (a) of this section about an individual applicant for a motor vehicle operator's license from such department or agency. The department or agency may receive the information, provided it transmits to the Secretary a report regarding any individual who is denied a motor vehicle operator's license by that department or agency for cause; whose motor vehicle operator's license is revoked, suspended, or canceled by that department or agency for cause; or about whom the department or agency has been notified of a conviction of any of the motor vehicle-related offenses or comparable offenses listed in section 30304(a)(3) and over whom the department or agency has licensing authority. The report shall contain the information specified in section 30304(b)."; and

(C) by adding at the end the following:

"(11) The head of a Federal department or agency authorized to receive information regarding an individual from the Register under this section may request and receive such information from the Secretary.".

SEC. 208. SAFETY STUDIES.

(a) BLOWOUT RESISTANT TIRES STUDY.—The Secretary shall conduct a study on the benefit to public safety of the use of blowout resistant tires on commercial motor vehicles and the potential to decrease the incidence of accidents and fatalities from accidents occurring as a result of blown out tires.

(b) SCHOOL BUS OCCUPANT SAFETY STUDY.—The Secretary shall conduct a study to assess occupant safety in school buses. The study shall examine available information about occupant safety and analyze options for improving occupant safety.

(c) REPORTS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of each study conducted under this section.

(d) LIMITATION ON FUNDING.—The Secretary may not expend more than $200,000, from funds made available by section 210, for conducting each study under this section.

SEC. 209. EFFECTIVENESS OF LAWS ESTABLISHING MAXIMUM BLOOD ALCOHOL CONCENTRATIONS.

(a) STUDY.—The Comptroller General shall conduct a study to evaluate the effectiveness of State laws that—

(1) deem any individual with a blood alcohol concentration of 0.08 percent or greater while operating a motor vehicle to be driving while intoxicated; and

(2) deem any individual under the age of 21 with a blood alcohol concentration of 0.02 percent or greater while operating a motor vehicle to be driving while intoxicated;

in reducing the number and severity of alcohol-involved crashes.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Public Works and the Environment of the Senate a report containing the results of the study conducted under this section.

SEC. 210. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) NHTSA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the National Highway Traffic Safety Administration $128,200,000 for fiscal year 1998, $150,700,000 for fiscal year 1999, and $195,700,000 for each of fiscal years 2000 through 2003.

(2) FHWA HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code, by the Federal Highway Administration $12,000,000 for fiscal year 1998, $20,000,000 for fiscal year 1999, and $25,000,000 for each of fiscal years 2000 through 2003.

(3) NHTSA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of such title by the National Highway Traffic Safety Administration $55,000,000 for each of fiscal years 1998 through 2003.

(4) FHWA HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of such title by the Federal Highway Administration $20,000,000 for each of fiscal years 1998 through 2003.

(5) OCCUPANT PROTECTION INCENTIVE GRANTS.—For carrying out section 405 of such title $9,000,000 for fiscal year 1998 and $20,000,000 for each of fiscal years 1999 through 2003.

(6) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—For carrying out section 410 of such title $35,000,000 for fiscal year 1998 and $45,000,000 for each of fiscal years 1999 through 2003.

(7) STATE HIGHWAY SAFETY DATA GRANTS.—For carrying out section 411 of such title $2,500,000 for fiscal year 1998 and $12,000,000 for each of fiscal years 1999 through 2003.

(8) NATIONAL DRIVER REGISTER.—For carrying out chapter 303 of title 49, United States Code, by the National Highway Traffic Safety Administration, $2,300,000 for each of fiscal years 1998 through 2003.

(b) TRANSFERS.—In each fiscal year, the Secretary may transfer any amounts remaining available under paragraph (5), (6), or (7) of subsection (a) to the amounts made available under any other of such paragraphs in order to ensure, to the maximum extent possible, that each State receives the maximum incentive funding for which the State is eligible under sections 405, 406, and 410 of title 23, United States Code.

SEC. 211. TRANSPORTATION INJURY RESEARCH.

(a) CENTER FOR TRANSPORTATION INJURY RESEARCH.—

(1) IN GENERAL.—The Secretary shall make grants to establish and maintain a center for transportation injury research at the Calspan University of Buffalo Research Center affiliated with the State University of New York at Buffalo.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $2,000,000 per fiscal year shall be available to carry out this subsection.

(b) HEAD AND SPINAL CORD INJURY RESEARCH.—

(1) IN GENERAL.—The Secretary shall make grants to the Neuroscience Center for Excellence at Louisiana State University and the Virginia Transportation Research Institute at George Washington University for research and technology development for preventing and minimizing head and spinal cord injuries relating to automobile accidents.

(2) FUNDING.—Of amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(F), $500,000 per fiscal year shall be available to carry out this subsection.

TITLE III—FEDERAL TRANSIT ADMINISTRATION PROGRAMS

SEC. 301. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 302. DEFINITIONS.

Section 5302 is amended to read as follows:

"§5302. Definitions

"(a) IN GENERAL.—In this chapter, the following definitions apply:

"(1) CAPITAL PROJECT.—The term 'capital project' means a project for—

"(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in mass transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights of way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

"(B) rehabilitating a bus;

"(C) remanufacturing a bus;

"(D) overhauling rail rolling stock;

"(E) preventive maintenance;

"(F) leasing equipment or a facility for use in mass transportation subject to regulations the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than acquisition or construction; or

"(G) a mass transportation improvement that enhances economic development or incorporates private investment (including commercial and residential development and pedestrian and bicycle access to a mass transportation facility) because the improvement—

"(i) enhances the effectiveness of a mass transportation project and is related physically or functionally to that mass transportation project or establishes new or enhanced coordination between mass transportation and other transportation; and

"(ii) provides a fair share of revenue for mass transportation that will be used for mass transportation.

"(2) CHIEF EXECUTIVE OFFICER OF A STATE.—The term 'chief executive officer of a State' includes the designee of the chief executive officer.

"(3) EMERGENCY REGULATION.—The term 'emergency regulation' means a regulation—

"(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(b) of this title; and

"(B) prescribed by the Secretary of Transportation as the result of a finding that a delay in the effective date of the regulation—

"(i) would injure seriously an important public interest;

"(ii) would frustrate substantially legislative policy and intent; or

"(iii) would damage seriously a person or class without serving an important public interest.

"(4) FIXED GUIDEWAY.—The term 'fixed guideway' means a mass transportation facility—

"(A) using and occupying a separate right of way or rail for the exclusive use of mass transportation and other high occupancy vehicles; or

"(B) using a fixed catenary system and a right of way usable by other forms of transportation.

"(5) HANDICAPPED INDIVIDUAL.—The term 'handicapped individual' means an individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiambulatory capability), cannot use effectively, without special facilities, planning, or design, mass transportation service or a mass transportation facility.

"(6) LOCAL GOVERNMENTAL AUTHORITY.—The term 'local governmental authority' includes—

"(A) a political subdivision of a State;

"(B) an authority of at least one State or political subdivision of a State;

"(C) an Indian tribe; and

"(D) a public corporation, board, or commission established under the laws of a State.

"(7) MASS TRANSPORTATION.—The term 'mass transportation' means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, or sightseeing transportation.

"(8) NET PROJECT COST.—The term 'net project cost' means the part of a project that reasonably cannot be financed from revenues.

"(9) NEW BUS MODEL.—The term 'new bus model' means a bus model (including a model using alternative fuel)—

"(A) that has not been used in mass transportation in the United States before the date of production of the model; or

"(B) used in mass transportation in the United States but being produced with a major change in configuration or components.

"(10) PREVENTIVE MAINTENANCE.—The term 'preventive maintenance' means a major activity intended to improve or upgrade a transit vehicle or facility or repair or replace a damaged, malfunctioning, overaged, or outmoded transit vehicle or facility system, subsystem, element, or component. Such term does not include any activity of a routine or servicing nature, such as checking and replenishing fluid levels, adjusting settings on otherwise properly operating components, washing and cleaning a transit vehicle or facility, changing tires and wheels, or repairing damage to a vehicle or facility caused by an accident.

"(11) PUBLIC TRANSPORTATION.—The term 'public transportation' means mass transportation.

"(12) REGULATION.—The term 'regulation' means any part of a statement of general or particular applicability of the Secretary of Transportation designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

"(13) STATE.—The term 'State' means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

"(14) TRANSIT.—The term 'transit' means mass transportation.

"(15) TRANSIT ENHANCEMENT.—The term 'transit enhancement' means with respect to any project or an area to be served by the project, historic preservation, rehabilitation, and operation of historic mass transportation buildings, structures, and facilities (including historic bus and railroad facilities and canals); projects that enhance transit safety and security; landscaping and other scenic beautification and art in and around mass transportation stations, facilities, bus shelters, bridges, and buses; bicycle and pedestrian access to mass transportation, including bicycle storage facilities and installing equipment for transporting bicycles on mass transportation vehicles; projects that enhance access for the disabled to mass transportation; and archaeological planning and research related to mass transportation projects.

"(16) URBAN AREA.—The term 'urban area' means an area that includes a municipality or other built-up place that the Secretary of Transportation, after considering local patterns and trends of urban growth, decides is appropriate for a local mass transportation system to serve individuals in the locality.

"(17) URBANIZED AREA.—The term 'urbanized area' means an area—

"(A) encompassing at least an urbanized area within a State that the Secretary of Commerce designates; and

"(B) designated as an urbanized area within boundaries fixed by State and local officials and approved by the Secretary of Transportation.

"(b) AUTHORITY TO MODIFY 'HANDICAPPED INDIVIDUAL'.—The Secretary of Transportation by regulation may modify the definition of subsection (a)(5) as it applies to section 5307(d)(1)(D) of this title.".

SEC. 303. METROPOLITAN PLANNING.

(a) GOALS AND OBJECTIVES OF PLANNING PROCESS.—Section 5303(b) is amended to read as follows:

"(b) GOALS AND OBJECTIVES OF PLANNING PROCESS.—

"(1) CONSIDERATION.—To the extent that the metropolitan planning organization determines appropriate, the metropolitan transportation planning process may include consideration of goals and objectives that—

"(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

"(B) increase the safety and security of the transportation system for all users;

"(C) increase the accessibility and mobility for people and freight;

"(D) protect and enhance the environment, conserve energy, and enhance quality of life;

"(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

"(F) promote efficient system utilization and operation; and

"(G) preserve and optimize the existing transportation system.

This paragraph shall apply to the development of long-range transportation plans and transportation improvement programs.

"(2) CONVERSION TO GOALS AND OBJECTIVES.—The metropolitan planning organization shall cooperatively determine with the State and mass transportation operators how the considerations listed in paragraph (1) are translated into metropolitan goals and objectives and how they are factored into decisionmaking.".

(b) COORDINATION.—Section 5303(e) is amended by adding at the end the following:

"(4) PROJECT LOCATED IN MULTIPLE MPOS.—If a project is located within the boundaries of more than one metropolitan planning organization, the metropolitan planning organizations shall coordinate plans regarding the project.".

(c) LONG-RANGE TRANSPORTATION PLAN.—Section 5303(f) is amended—

(1) in paragraph (1) by inserting "transportation" after "long-range";

(2) in paragraph (1) by striking "at least shall—" and inserting "shall contain, at a minimum, the following:";

(3) in paragraph (1)(A)—

(A) by striking "identify" and inserting "An identification of"; and

(B) by striking the semicolon at the end and inserting a period;

(4) by striking paragraph (1)(B) and inserting the following:

"(B) A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization and State shall cooperatively develop estimates of funds that will be available to support plan implementation.";

(5) in paragraph (1)(C)—

(A) by striking "assess" and inserting "An assessment of"; and

(B) by striking "; and" and inserting a period;

(6) in paragraph (1)(D) by striking "indicate" and inserting "Indicate";

(7) in paragraph (4) by inserting after "employees," the following: "freight shippers and providers of freight transportation services,"; and

(8) in paragraph (5) by inserting "transportation" before "plan".

SEC. 304. TRANSPORTATION IMPROVEMENT PROGRAM.

Section 5304 is amended—

(1) in subsection (a) by striking "2 years" and inserting "3 years"; and

(2) in subsection (b)(2)—

(A) by striking "and" at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(C) by adding at the end the following:

"(D) may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.".

SEC. 305. TRANSPORTATION MANAGEMENT AREAS.

Section 5305(d)(1) is amended by striking "of the National Highway System" each place it appears and inserting the following: "under the National Highway System and high risk road safety programs,".

SEC. 306. URBANIZED AREA FORMULA GRANTS.

(a) SECTION HEADING.—

(1) AMENDMENT TO SECTION.—Section 5307 is amended by striking the section heading and inserting the following:

"§5307. Urbanized area formula grants".

(2) CONFORMING AMENDMENT.—The item relating to section 5307 in the table of sections for chapter 53 is amended to read as follows:

"5307. Urbanized area formula grants.".

(b) DEFINITIONS.—Section 5307(a) is amended—

(1) by striking "In this section—" and inserting "In this section, the following definitions apply:";

(2) by inserting "ASSOCIATED CAPITAL MAINTENANCE ITEMS.—The term" after "(1)"; and

(3) by inserting "DESIGNATED RECIPIENT.—The term" after "(2)".

(c) GENERAL AUTHORITY.—Section 5307(b) is amended—

(1) in paragraph (1)—

(A) by striking ", improvement, and operating costs" and inserting "and improvement costs"; and

(B) by adding at the end the following new sentence: "In an urbanized area with a population of less than 200,000, the Secretary may also make grants under this section to finance the operating cost of equipment and facilities for use in mass transportation.";

(2) by striking paragraphs (3) and (5); and

(3) by redesignating paragraph (4) as paragraph (3).

(d) ADVANCE CONSTRUCTION.—Section 5307(g)(3) is amended by striking "the amount by which" and all that follows through the period at the end and inserting "the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.".

(e) COORDINATION OF REVIEWS.—Section 5307(i)(2) is amended by adding at the end the following: "To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.".

(f) TRANSIT ENHANCEMENT ACTIVITIES.—Section 5307(k) is amended to read as follows:

"(k) TRANSIT ENHANCEMENT ACTIVITIES.—2 percent of the funds apportioned to urbanized areas of at least 200,000 population under section 5336 for a fiscal year shall only be available for transit enhancement activities.".

(g) CONFORMING AMENDMENTS.—Section 5307(n) is amended—

(1) by striking "(1)" the first place it appears and all that follows through "(2)"; and

(2) by inserting "5319," after "5318,".

SEC. 307. MASS TRANSIT ACCOUNT BLOCK GRANTS.

Section 5308, and the item relating to section 5308 in the table of sections for chapter 53, are repealed.

SEC. 308. CAPITAL PROGRAM GRANTS AND LOANS.

*(a) SECTION HEADING.—Section 5309 is amended in the section heading by striking "**Discretionary**" and inserting "**Capital program**".*

(b) CONFORMING AMENDMENT.—The item relating to section 5309 in the table of sections for

chapter 53 is amended by striking "Discretionary" and inserting "Capital program".

(c) GENERAL AUTHORITY.—Section 5309(a) is amended—

(1) by striking paragraph (1)(E) and inserting the following:

"(E) capital projects to modernize existing fixed guideway systems;";

(2) by striking "and" at the end of paragraph (1)(F);

(3) by striking the period at the end of paragraph (1)(G) and inserting "; and"; and

(4) by inserting after paragraph (1)(G) the following:

"(H) capital projects to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.".

(d) CONSIDERATION OF DECREASED COMMUTER RAIL TRANSPORTATION.—Section 5309(c) is repealed.

(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—Section 5309(e) is amended to read as follows:

"(e) CRITERIA FOR GRANTS AND LOANS FOR FIXED GUIDEWAY SYSTEMS.—

"(1) IN GENERAL.—The Secretary of Transportation may approve a grant or loan under this section for a capital project for a new fixed guideway system or extension of an existing fixed guideway system only if the Secretary determines that the proposed project is—

"(A) based on the results of an alternatives analysis and preliminary engineering;

"(B) justified based on a comprehensive review of its mobility improvements, environmental benefits, cost effectiveness, and operating efficiencies; and

"(C) supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing sources to construct, maintain, and operate the system or extension.

"(2) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—In evaluating a project under paragraph (1)(A), the Secretary shall analyze and consider the results of the alternatives analysis and preliminary engineering for the project.

"(3) PROJECT JUSTIFICATION.—In evaluating a project under paragraph (1)(B), the Secretary shall—

"(A) consider the direct and indirect costs of relevant alternatives;

"(B) consider factors such as congestion relief, improved mobility, air pollution, noise pollution, energy consumption, and all associated ancillary and mitigation costs necessary to carry out each alternative analyzed;

"(C) identify and consider existing mass transportation supportive land use policies and future land use patterns and the costs of urban sprawl;

"(D) consider the degree to which the project increases the mobility of the mass transportation dependent population or promotes economic development;

"(E) consider population density, current transit ridership in the corridor, and cost per new rider;

"(F) consider the technical capability of the grant recipient to construct the project;

"(G) adjust the project justification to reflect differences in local land, construction, and operating costs; and

"(H) consider other factors the Secretary determines appropriate to carry out this chapter.

"(4) LOCAL FINANCIAL COMMITMENT.—

"(A) EVALUATION OF PROJECT.—In evaluating a project under paragraph (1)(C), the Secretary shall require that—

"(i) the proposed project plan provides for the availability of contingency amounts the Secretary determines to be reasonable to cover unanticipated cost increases;

"(ii) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

"(iii) local resources are available to operate the overall proposed mass transportation system (including essential feeder bus and other services necessary to achieve the projected ridership levels) without requiring a reduction in existing mass transportation services to operate the proposed project.

"(B) STABILITY, RELIABILITY, AND AVAILABILITY OF LOCAL FINANCING.—In assessing the stability, reliability, and availability of proposed sources of local financing for the project, the Secretary shall consider—

"(i) existing grant commitments;

"(ii) the degree to which financing sources are dedicated to the purposes proposed;

"(iii) any debt obligation that exists or is proposed by the recipient for the proposed project or other mass transportation purpose; and

"(iv) the extent to which the project has a local financial commitment that exceeds the required non-Federal share of the cost of the project.

"(5) REGULATIONS.—No later than 120 days after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, the Secretary shall issue regulations on how the Secretary will evaluate and rate the projects based on the results of alternatives analysis, project justification, and the degree of local financial commitment as required under this subsection.

"(6) PROJECT EVALUATION AND RATING.—A proposed project may advance from alternatives analysis to preliminary engineering, and may advance from preliminary engineering to final design and construction, only if the Secretary finds that the project meets the requirements of this section and there is a reasonable likelihood that the project will continue to meet such requirements. In making such findings, the Secretary shall evaluate and rate the project as either highly recommended, recommended, or not recommended based on the results of alternatives analysis, the project justification criteria, and the degree of local financial commitment as required under this subsection. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each criteria established under the regulations issued under paragraph (5).

"(7) FULL FUNDING GRANT AGREEMENT.—A project financed under this subsection shall be carried out through a full funding grant agreement. The Secretary shall enter into a full funding grant agreement based on the evaluations and ratings required under this subsection. The Secretary shall not enter into a full funding grant agreement for a project unless that project is authorized for final design and construction.

"(8) LIMITATIONS ON APPLICABILITY.—

"(A) PROJECTS WITH A SECTION 5309 FEDERAL SHARE OF LESS THAN $25,000,000.—A project for a new fixed guideway system or extension of an existing fixed guideway system is not subject to the requirements of this subsection, and the simultaneous evaluation of similar projects in at least 2 corridors in a metropolitan area may not be limited, if the assistance provided under this section with respect to the project is less than $25,000,000.

"(B) PROJECTS IN NONATTAINMENT AREAS.—The simultaneous evaluation of projects in at least 2 corridors in a metropolitan area may not be limited and the Secretary shall make decisions under this subsection with expedited procedures that will promote carrying out an approved State Implementation Plan in a timely way if a project is—

"(i) located in a nonattainment area;

"(ii) a transportation control measure (as defined by the Clean Air Act (42 U.S.C. 7401 et seq.)); and

"(iii) required to carry out the State Implementation Plan.

"(C) PROJECTS FINANCED WITH HIGHWAY FUNDS.—This subsection does not apply to a project financed completely with amounts made available from the Highway Trust Fund (other than the Mass Transit Account).

"(D) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—This subsection does not apply to projects for which the Secretary has issued a letter of intent or entered into a full funding grant agreement before the date of the enactment of this subparagraph.".

(f) LETTERS OF INTENT AND FULL FUNDING GRANT AGREEMENTS.—Section 5309(g) is amended—

(1) in the subsection heading by striking "FINANCING" and inserting "FUNDING";

(2) by striking "full financing" each place it appears and inserting "full funding"; and

(3) in paragraph (1)(B)—

(A) by striking "30 days" and inserting "60 days";

(B) by inserting before the first comma "or entering into a full funding grant agreement"; and

(C) by striking "issuance of the letter." and inserting "letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.".

(g) ALLOCATING AMOUNTS.—Section 5309(m) is amended to read as follows:

"(m) ALLOCATING AMOUNTS.—

"(1) IN GENERAL.—Of the amounts made available by section 5338(b) for grants and loans under this section for each of fiscal years 1998 through 2003—

"(A) 40 percent shall be available for fixed guideway modernization;

"(B) 40 percent shall be available for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems; and

"(C) 20 percent shall be available to replace, rehabilitate, and buy buses and related equipment and to construct bus-related facilities.

"(2) LIMITATION ON AMOUNTS AVAILABLE FOR ACTIVITIES OTHER THAN FINAL DESIGN AND CONSTRUCTION.—Not more than 8 percent of the amounts made available in each fiscal year by paragraph (1)(B) shall be available for activities other than final design and construction.

"(3) BUS AND BUS FACILITY GRANTS.—

"(A) CONSIDERATION.—In making grants under paragraph (1)(C), the Secretary shall consider the age of buses, bus fleets, related equipment, and bus-related facilities.

"(B) FUNDING FOR BUS TESTING FACILITY.—Of the amounts made available by paragraph (1)(C), $3,000,000 shall be available in each of fiscal years 1998 through 2003 to carry out section 5318.

"(C) FUNDING FOR BUS TECHNOLOGY PILOT PROGRAM.—Of the funds made available by paragraph (1)(C), 10 percent shall be available in each of fiscal years 1998 through 2003 to carry out the bus technology pilot program under subsection (o).

"(D) OTHER THAN URBANIZED AREAS.—Of amounts made available by paragraph (1)(C), not less than 5.5 percent shall be available in each fiscal year for other than urbanized areas.

"(4) ELIGIBILITY FOR ASSISTANCE FOR MULTIPLE PROJECTS.—A person applying for, or receiving, assistance for a project described in clause (A), (B), or (C) of paragraph (1) may receive assistance for a project described in another of those clauses.".

(h) ADVANCE CONSTRUCTION.—Section 5309(n)(2) is amended by striking "in a way" and inserting "in a manner".

(i) CONFORMING AMENDMENTS.—

(1) RELOCATION OF SUBSECTION.—Section 5309 is amended—

(A) by striking subsection (f); and

(B) by redesignating subsections (g) through (o) as subsections (f) through (n), respectively.

(2) Cross references.—Chapter 53 is amended—

(A) in section 5319 by striking "5309(h)" and inserting "5309(g)";

(B) in section 5328(a)(2) by striking "5309(e)(1)-(6) of this title" and inserting "5309(e)"; and

(C) in section 5328(a)(4) by striking "5309(m)(2) of this title" and inserting "5309(o)(1)".

(3) References to full funding grant agreements.—Sections 5320 and 5328(a)(4) are each amended by striking "full financing" each place it appears and inserting "full funding". The subsection heading for section 5320(e) is amended by striking "Financing" and inserting "Funding".

(j) Bus Technology Pilot Program.—Section 5309 is further amended by adding at the end the following:

"(o) Bus Technology Pilot Program.—

"(1) Establishment.—The Secretary shall establish a pilot program for the testing and deployment of new bus technology, including clean fuel and alternative fuel technology.

"(2) Projects.—Under the pilot program, the Secretary shall carry out projects for testing and deployment of new bus technology, including clean fuel and alternative fuel technology. The Secretary shall select projects for funding under the pilot program that will employ a variety of technologies and will be performed in a variety of geographic areas of the country with populations under 50,000, between 50,000 and 200,000, and over 200,000.

"(3) Report.—Not later than April 30, 2000, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the pilot program, including a description of the projects carried out, the amounts obligated, and the status of the test and deployment activities undertaken.".

(k) Reports.—Section 5309 is further amended by adding at the end the following:

"(p) Reports.—

"(1) Funding levels and allocations of funds for fixed guideway systems.—

"(A) Annual report.—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report that includes a proposal on the allocation of amounts to be made available to finance grants and loans for capital projects for new fixed guideway systems and extensions to existing fixed guideway systems among applicants for those amounts.

"(B) Recommendations on funding.—The annual report under this paragraph shall include evaluations and ratings, as required under subsection (e), for each project that is authorized or has received funds under this section since the date of the enactment of this Act or October 1 of the preceding fiscal year, whichever date is earlier. The report shall also include recommendations of projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years and for the next 10 fiscal years based on information currently available to the Secretary.

"(2) Supplemental report on new starts.—The Secretary shall submit a report to Congress on the 31st day of August of each year that describes the Secretary's evaluation and rating of each project that has completed alternatives analysis or preliminary engineering since the date of the last report. The report shall include all relevant information that supports the evaluation and rating of each project, including a summary of each project's financial plan.

"(3) Annual GAO review.—The General Accounting Office shall—

"(A) conduct an annual review of—

"(i) the processes and procedures for evaluating and rating projects and recommending projects; and

"(ii) the Secretary's implementation of such processes and procedures; and

"(B) shall report to Congress on the results of such review by April 30 of each year.".

(l) Project Defined.—Section 5309 is further amended by adding at the end the following:

"(q) Project Defined.—In this section, the term 'project' means, with respect to a new fixed guideway system or extension to an existing fixed guideway system, a minimum operable segment of the project.".

SEC. 309. DOLLAR VALUE OF MOBILITY IMPROVEMENTS.

(a) In General.—The Secretary shall not consider the dollar value of mobility improvements, as specified in the report required under section 5309(m)(1)(C) or section 5309(p) (as added by this Act), in evaluating projects under section 5309 of title 49, United States Code, in developing regulations, or in carrying out any other duty of the Secretary.

(b) Study.—

(1) In general.—The Comptroller General shall conduct a study of the dollar value of mobility improvements and the relationship of mobility improvements to the overall transportation justification of a new fixed guideway system or extension to an existing system.

(2) Report.—Not later than January 1, 2000, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study, including an analysis of the factors relevant to determining the dollar value of mobility improvements.

SEC. 310. FORMULA GRANTS AND LOANS FOR SPECIAL NEEDS OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.

*(a) Section Heading.—Section 5310 is amended in the section heading by striking "**Grants**" and inserting "**Formula grants**".*

(b) Conforming Amendment.—The item relating to section 5310 in the table of sections for chapter 53 is amended by inserting "formula" before "grants".

SEC. 311. FORMULA PROGRAM FOR OTHER THAN URBANIZED AREAS.

(a) Intercity Bus Transportation.—Section 5311 is amended—

*(1) in the section heading by striking "**Financial assistance**" and inserting "**Formula grants**"; and*

(2) in subsection (f)(1) by striking "10 percent of the amount made available in the fiscal year ending September 30, 1993, and".

(b) Conforming Amendment.—The item relating to section 5311 in the table of sections for chapter 53 is amended by striking "Financial assistance" and inserting "Formula grant".

SEC. 312. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND TRAINING PROJECTS.

(a) In General.—Section 5312 is amended—

(1) in each of subsections (a) and (b) by striking the first parenthetical phrase; and

(2) by adding at the end the following:

"(d) Joint Partnerships for Deployment of Innovation.—

"(1) Consortium defined.—In this subsection, the term 'consortium' means one or more public or private organizations located in the United States which provide mass transportation service to the public and one or more businesses, including small and medium sized businesses, incorporated in a State, offering goods or services or willing to offer goods or services to mass transportation operators. It may include as additional members public or private research organizations located in the United States, or State or local governmental authorities.

"(2) Grants and agreements.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements with consortia selected competitively from among public and private partnerships to promote the early deployment of innovation in mass transportation technology, services, management, or operational practices. Any such grant, contract, or agreement shall provide for the sharing of costs, risks, and rewards of early deployment of innovation. Such grants, contracts, and agreements shall be subject to such terms and conditions as the Secretary prescribes.

"(3) Consultation requirement.—This subsection shall be carried out in consultation with the transit industry.

"(4) Cost sharing.—Any consortium that receives a grant or enters into a contract or agreement under this subsection shall provide at least 50 percent of the cost of any joint partnership project. Any business, organization, person, or governmental body may contribute funds to such project.

"(5) Public notice.—The Secretary shall periodically give public notice of—

"(A) the technical areas for which joint partnerships are solicited under this subsection;

"(B) required qualifications of consortia desiring to participate in such partnerships;

"(C) the method of selection and evaluation criteria to be used in selecting participating consortia and projects under this subsection; and

"(D) the process by which projects will be awarded under this subsection.

"(6) Acceptance of revenues.—The Secretary may accept a portion of the revenues resulting from sales of an innovation supported under this subsection and deposit any revenues accepted into a special account of the Treasury of the United States to be established for purposes of carrying out this subsection.

"(e) International Mass Transportation Program.—

"(1) Activities.—The Secretary is authorized to engage in activities to inform the United States domestic mass transportation community about technological innovations available in the international marketplace and activities that may afford domestic businesses the opportunity to become globally competitive in the export of mass transportation products and services. These activities may include—

"(A) development, monitoring, assessment, and dissemination domestically of information about worldwide mass transportation market opportunities;

"(B) cooperation with foreign public sector entities in research, development, demonstration, training, and other forms of technology transfer and exchange of experts and information;

"(C) advocacy, in international mass transportation markets, of firms, products, and services available from the United States;

"(D) informing the international market about the technical quality of mass transportation products and services through participation in seminars, expositions, and similar activities; and

"(E) offering those Federal Transit Administration technical services which cannot be readily obtained from the United States private sector to foreign public authorities planning or undertaking mass transportation projects if the

cost of these services will be recovered under the terms of each project.

"(2) COOPERATION.—The Secretary may carry out activities under this subsection in cooperation with other Federal agencies, State or local agencies, public and private nonprofit institutions, government laboratories, foreign governments, or any other organization the Secretary determines is appropriate.

"(3) FUNDING.—The funds available to carry out this subsection shall include funds paid to the Secretary by any cooperating organization or person and shall be deposited by the Secretary in a special account in the Treasury of the United States to be established for purposes of carrying out this subsection. The funds shall be available for promotional materials, travel, reception, and representation expenses necessary to carry out the activities authorized by this subsection. Reimbursement for services provided under this subsection shall be credited to the appropriation account concerned.".

(b) MASS TRANSPORTATION TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.—

(1) GENERAL AUTHORITY.—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements with eligible consortia to promote the development and early deployment of innovation in mass transportation technology, services, management, or operational practices. The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(2) ELIGIBILITY CRITERIA.—To be qualified to receive funding under this section, an eligible consortium shall—

(A) be organized for the purpose of designing, developing, and deploying advanced mass transportation technologies that address identified technological impediments in the mass transportation field;

(B) have an established mechanism for designing, developing, and deploying advanced mass transportation technologies as evidenced by participation in a Federal program such as the consortia funded pursuant to Public Law 102–396;

(C) facilitate the participation in the consortium of small- and medium-sized businesses in conjunction with large established manufacturers, as appropriate;

(D) be designed to use State and Federal funding to attract private capital in the form of grants or investments to further the purposes of this section; and

(E) provide for the sharing of costs, risks, and rewards of early deployment of innovation in mass transportation technologies.

(3) GRANT REQUIREMENTS.—Grants, contracts, and agreements under paragraph (1) shall be eligible under and consistent with section 5312 of title 49, United States Code, and shall be subject to such terms and conditions as the Secretary prescribes.

(4) FEDERAL SHARE OF COSTS.—The Federal share of costs for a grant, contract, or agreement with a consortium under this subsection shall not exceed 50 percent of the net project cost.

(5) ELIGIBLE CONSORTIUM DEFINED.—For purposes of this section, the term "eligible consortium" means a consortium of—

(A) businesses incorporated in the United States;

(B) public or private educational or research organizations located in the United States;

(C) entities of State or local governments in the United States;

(D) Federal laboratories; or

(E) existing consortia funded pursuant to Public Law 103–396.

(6) FUNDING.—

(A) SET-ASIDE OF AMOUNTS MADE AVAILABLE UNDER SECTION 5338(d).—Of the funds made available by or appropriated under section 5338(d) of title 49, United States Code, for a fiscal year $5,000,000 shall be available to carry out this subsection.

(B) SET-ASIDE OF AMOUNTS MADE AVAILABLE UNDER SECTION 5309(o).—Of the funds made available to carry out the bus technology pilot program under section 5309(o) of title 49, United States Code, for a fiscal year $5,000,000 shall be available to carry out this subsection.

(c) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Of the funds made available for a fiscal year to carry out the bus technology pilot program under section 5309(o) of title 49, United States Code, $4,850,000 shall be available to carry out the fuel cell powered transit bus program and the intermodal transportation fuel cell bus maintenance facility.

(d) ADVANCED TECHNOLOGY PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall make grants for the development of low speed magnetic levitation technology for public transportation purposes in urban areas to demonstrate energy efficiency, congestion mitigation, and safety benefits.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $5,000,000 per fiscal year shall be available to carry out this subsection.

(3) FEDERAL SHARE.—The Federal share payable on account of activities carried out using a grant made under this subsection shall be 80 percent of the cost of such activities.

(e) INTELLIGENT TRANSPORTATION SYSTEMS APPLICATIONS.—

(1) IN GENERAL.—The Secretary shall make grants for the study, design, and demonstration of fixed guideway technology in North Orange-South Seminole County, Florida, and in Galveston, Texas.

(2) FUNDING.—Of the amounts made available pursuant to section 5338(d) of title 49, United States Code, for fiscal year 1999, $1,500,000 shall be available to carry out this subsection. Of such sums, $750,000 shall be available for fixed guideway activities in North Orange-South Seminole County, Florida, and $750,000 shall be available for fixed guideway activities in Galveston, Texas.

SEC. 313. NATIONAL PLANNING AND RESEARCH PROGRAMS.

Section 5314(a)(2) is amended by striking "$2,000,000" and inserting "$3,000,000".

SEC. 314. NATIONAL TRANSIT INSTITUTE.

(a) IN GENERAL.—Section 5315 is amended—

*(1) in the section heading by striking "**mass transportation**" and inserting "**transit**"; and*

(2) in subsection (a)—

(A) by striking "mass transportation" in the first sentence and inserting "transit";

(B) by inserting "and architectural design" before the semicolon at the end of paragraph (5);

(C) by striking "carrying out" in paragraph (7) and inserting "delivering";

(D) by inserting ", construction management, insurance, and risk management" before the semicolon at the end of paragraph (11);

(E) by striking "and" at the end of paragraph (13);

(F) by striking the period at the end of paragraph (14) and inserting "; and"; and

(G) by adding at the end the following:

"(15) innovative finance.".

(b) CONFORMING AMENDMENT.—The item relating to section 5315 in the table of sections for chapter 53 is amended by striking "mass transportation" and inserting "transit".

SEC. 315. UNIVERSITY RESEARCH INSTITUTES.

Section 5316, and the item relating to section 5316 in the table of sections for chapter 53, are repealed.

SEC. 316. TRANSPORTATION CENTERS.

Section 5317, and the item relating to section 5317 in the table of sections for chapter 53, are repealed.

SEC. 317. BUS TESTING FACILITIES.

(a) OPERATION AND MAINTENANCE.—Section 5318(b) is amended—

(1) by striking "make a contract with" and inserting "enter into a contract or cooperative agreement with, or make a grant to,";

(2) by inserting "or organization" after "person";

(3) by inserting ", cooperative agreement, or grant" after "The contract"; and

(4) by inserting "mass transportation" after "and other".

(b) AVAILABILITY OF AMOUNTS.—Section 5318(d) is amended by striking "make a contract with" and inserting "enter into a contract or cooperative agreement with, or make a grant to,".

SEC. 318. BICYCLE FACILITIES.

Section 5319 is amended by striking "under this section is for 90 percent of the cost of the project" and inserting "made eligible by this section is for 90 percent of the cost of the project; except that, if the grant or any portion of the grant is made with funds required to be expended under section 5307(k) and the project involves providing bicycle access to mass transportation, that grant or portion of that grant shall be at a Federal share of 95 percent".

SEC. 319. GENERAL PROVISIONS ON ASSISTANCE.

(a) TECHNICAL AMENDMENT.—Section 5323(d) is amended by striking "BUYING AND OPERATING BUSES.—"

and inserting "CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.—".

(b) GOVERNMENT'S SHARE.—Section 5323(i) is amended to read as follows:

"(i) GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equipment (including clean fuel or alternative fuel vehicle-related equipment) for purposes of complying with or maintaining compliance with the Clean Air Act, is for 90 percent of the net project cost of such equipment attributable to compliance with such Acts. The Secretary shall have discretion to determine, through practicable administrative procedures, the costs of such equipment attributable to compliance with such Acts.".

(c) BUY AMERICA.—Section 5323(j)(7) is amended to read as follows:

"(7) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification made under this subsection if the Secretary is satisfied that the manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error.".

(d) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—Section 5323 is amended by redesignating subsections (k) and (l) as subsections (l) and (m) and by inserting after subsection (j) the following:

"(k) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—To the extent feasible, governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services and shall be included in the planning for such services.".

(e) SUBMISSION OF CERTIFICATIONS.—Section 5323 is further amended by adding at the end the following:

"(n) SUBMISSION OF CERTIFICATIONS.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(e)(2).".

(f) REQUIRED PAYMENTS AND ELIGIBLE COSTS.—Section 5323 is further amended by adding at the end the following:

"(o) REQUIRED PAYMENTS AND ELIGIBLE COSTS OF PROJECTS THAT ENHANCE ECONOMIC DEVELOPMENT OR INCORPORATE PRIVATE INVESTMENT.—

"(1) REQUIRED PAYMENTS.—Each grant or loan under this chapter for a capital project described in section 5302(a)(1)(G) shall require that a person making an agreement to occupy space in a facility funded under this chapter pay a reasonable share of the costs of the facility through rental payments and other means.

"(2) ELIGIBLE COSTS.—Eligible costs for a capital project described in section 5302(a)(1)(G)—

"(A) include property acquisition, demolition of existing structures, site preparation, utilities, building foundations, walkways, open space, and a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; but

"(B) do not include construction of a commercial revenue producing facility or a part of a public facility not related to mass transportation.".

SEC. 320. CONTRACT REQUIREMENTS.

(a) EFFICIENT PROCUREMENT.—Section 5325 is amended—

(1) by striking subsections (b) and (c);

(2) by redesignating subsection (d) as subsection (b); and

(3) by adding at the end the following:

"(c) EFFICIENT PROCUREMENT.—A recipient may award a procurement contract under this chapter to other than the lowest bidder when the award furthers an objective consistent with the purposes of this chapter, including improved long-term operating efficiency and lower long-term costs.".

(b) ARCHITECTURAL, ENGINEERING, AND DESIGN CONTRACTS.—Section 5325(b), as redesignated by subsection (a)(2), is amended—

(1) by inserting "or requirement" after "A contract"; and

(2) by inserting before the last sentence the following: "When awarding such contracts, recipients of assistance under this chapter shall maximize efficiencies of administration by accepting nondisputed audits conducted by other government agencies, as provided in subparagraphs (C) through (F) of section 112(b)(2) of title 23.".

SEC. 321. SPECIAL PROCUREMENTS.

(a) TURNKEY SYSTEM PROJECTS.—Section 5326(a) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) TURNKEY SYSTEM PROJECT DEFINED.—In this subsection, the term 'turnkey system project' means a project under which a recipient enters into a contract with a seller, firm, or consortium of firms to design and build a mass transportation system or an operable segment thereof that meets specific performance criteria. Such project may also include an option to finance, or operate for a period of time, the system or segment or any combination of designing, building, operating, or maintaining such system or segment.";

(2) in paragraph (2)—

(A) by inserting "SELECTION OF TURNKEY PROJECTS.—" after "(2)"; and

(B) by inserting "or an operable segment of a mass transportation system" after "transportation system";

(3) in paragraph (3) by inserting "DEMONSTRATIONS.—" after "(3)"; and

(4) by aligning paragraphs (2) and (3) with paragraph (1) of such section, as amended by paragraph (1) of this section.

(b) TECHNICAL AMENDMENT.—Section 5326 is amended by striking subsection (c) and inserting the following:

"(c) ACQUIRING ROLLING STOCK.—A recipient of financial assistance of the United States Government under this chapter may enter into a contract to expend that assistance to acquire rolling stock—

"(1) based on—

"(A) initial capital costs; or

"(B) performance, standardization, life cycle costs, and other factors; or

"(2) with a party selected through a competitive procurement process.

"(d) PROCURING ASSOCIATED CAPITAL MAINTENANCE ITEMS.—A recipient of a grant under section 5307 of this title procuring an associated capital maintenance item under section 5307(b) may enter into a contract directly with the original manufacturer or supplier of the item to be replaced, without receiving prior approval of the Secretary, if the recipient first certifies in writing to the Secretary that—

"(1) the manufacturer or supplier is the only source for the item; and

"(2) the price of the item is no more than the price similar customers pay for the item.".

(c) CONFORMING AMENDMENT.—Section 5334(b)(4) is amended by striking "5323(a)(2), (c) and (e), 5324(c), and 5325 of this title" and inserting "5323(a)(2), 5323(c), 5323(e), 5324(c), 5325(a), 5325(b), 5326(c), and 5326(d)".

SEC. 322. PROJECT MANAGEMENT OVERSIGHT AND REVIEW.

Section 5327(c)(2) is amended—

(1) by striking "make contracts" and inserting "enter into contracts"; and

(2) by inserting before the period at the end of the first sentence the following: "and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section".

SEC. 323. STUDY ON ALCOHOL AND CONTROLLED SUBSTANCES RANDOM TESTING RATE CALCULATION.

(a) STUDY.—The Secretary shall conduct a study to determine how the alcohol and controlled substances random testing rate under section 5331 of title 49, United States Code, should be calculated.

(b) CONSIDERATIONS.—In conducting the study under this section, the Secretary shall consider—

(1) the differences in random testing results among employers subject to section 5331 of title 49, United States Code;

(2) the differences in random testing results among employers subject to such section in areas with populations of at least 200,000, in areas with populations less than 200,000, and in other than urbanized areas;

(3) the deterrent effect of random testing; and

(4) the effect of random testing on public safety.

(c) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with any proposed changes to the calculation of the random alcohol and controlled substances testing rate.

SEC. 324. ADMINISTRATIVE PROCEDURES.

(a) TRAINING AND CONFERENCE COSTS.—Section 5334(a) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

(3) by adding at the end the following:

"(10) collect fees to cover the costs of training or conferences, including costs of promotional materials, sponsored by the Federal Transit Administration to promote mass transportation and credit amounts collected to the appropriation concerned.".

(b) FLEXIBILITY FOR AREAS WITH POPULATIONS UNDER 200,000.—Section 5334(i) is amended to read as follows:

"(i) FLEXIBILITY FOR AREAS WITH POPULATIONS UNDER 200,000.—Not later than 180 days after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998, the Secretary shall seek public comment on ways to simplify and streamline the administration of the formula program for urbanized areas with populations of less than 200,000 and shall make, to the extent feasible and consistent with statutory requirements, every effort to ease any administrative burdens thereby identified.".

(c) TECHNICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 5334 is amended by inserting "**provisions**" after "**Administrative**".

(2) TABLE OF SECTIONS.—The item relating to section 5334 in the table of sections for chapter 53 is amended by inserting "provisions" after "Administrative".

SEC. 325. REPORTS AND AUDITS.

(a) NATIONAL TRANSIT DATABASE.—Section 5335(a) is amended—

(1) by striking "REPORTING SYSTEM AND UNIFORM SYSTEM OF ACCOUNTS AND RECORDS" and inserting "NATIONAL TRANSIT DATABASE"; and

(2) in paragraph (1)—

(A) by striking "by uniform categories," and inserting "using uniform categories"; and

(B) by striking "and a uniform system of accounts and records" and inserting "and using a uniform system of accounts".

(b) REPORTS.—Section 5335 is further amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsection (d) as subsection (b).

SEC. 326. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336 is amended—

(1) in the section heading by striking "**block grants**" and inserting "**formula grants**"; and

(2) by striking subsection (d) and inserting the following:

"(d) LIMITATION ON OPERATING ASSISTANCE AND PREVENTIVE MAINTENANCE.—Of the funds apportioned under this section for urbanized areas, such sums as may be necessary shall be available for operating assistance for urbanized areas with populations under 200,000, except that the total amount of such funds made available for such operating assistance and for urbanized areas for preventive maintenance activities that become eligible for capital assistance under section 5307 on the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998 may not exceed $400,000,000 for any fiscal year.".

SEC. 327. APPORTIONMENT OF APPROPRIATIONS FOR FIXED GUIDEWAY MODERNIZATION.

(a) DISTRIBUTION.—Section 5337(a) is amended to read as follows:

"(a) DISTRIBUTION.—The Secretary of Transportation shall apportion amounts made available for fixed guideway modernization under section 5309 for each of fiscal years 1998 through 2003 as follows:

"(1) The first $497,700,000 shall be apportioned in the following urbanized areas as follows:

"(A) Baltimore, $8,372,000.

"(B) Boston, $38,948,000.

"(C) Chicago/Northwestern Indiana, $78,169,000.

"(D) Cleveland, $9,509,500.

"(E) New Orleans, $1,730,588.

"(F) New York, $176,034,461.

“(G) Northeastern New Jersey, $50,604,653.

“(H) Philadelphia/Southern New Jersey, $58,924,764.

“(I) Pittsburgh, $13,662,463.

“(J) San Francisco, $33,989,571.

“(K) Southwestern Connecticut, $27,755,000.

“(2) The next $74,849,950 shall be apportioned as follows:

“(A) $4,849,950 to the Alaska Railroad for improvements to its passenger operations.

“(B) Of the remaining $70,000,000—

“(i) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A); and

“(ii) 50 percent in other urbanized areas eligible for assistance under section 5336(b)(2)(A) to which amounts were apportioned under this section for fiscal year 1997, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

“(3) The next $5,700,000 shall be apportioned in the following urbanized areas as follows:

“(A) Pittsburgh, 61.76 percent.

“(B) Cleveland, 10.73 percent.

“(C) New Orleans, 5.79 percent.

“(D) 21.72 percent in urbanized areas to which paragraph (2)(B)(ii) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

“(4) The next $186,600,000 shall be apportioned in each urbanized area to which paragraph (1) applies and in each urbanized area to which paragraph (2)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

“(5) The next $140,000,000 shall be apportioned as follows:

“(A) 65 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

“(B) 35 percent to other urbanized areas eligible for assistance under section 5336(b)(2)(A) of this title if the areas contain fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available and in any urbanized area if, before the first day of the fiscal year, the area satisfies the Secretary that the area has modernization needs that cannot adequately be met with amounts received under section 5336(b)(2)(A), as provided in section 5336(b)(2)(A) and subsection (e) of this section.

“(6) The next $100,000,000 shall be apportioned as follows:

“(A) 60 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

“(B) 40 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.

“(7) Remaining amounts shall be apportioned as follows:

“(A) 50 percent in the urbanized areas listed in paragraph (1) as provided in section 5336(b)(2)(A) and subsection (e) of this section.

“(B) 50 percent to urbanized areas to which paragraph (5)(B) applies, as provided in section 5336(b)(2)(A) and subsection (e) of this section.”.

(b) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—Section 5337 is further amended by adding at the end the following:

“(e) ROUTE SEGMENTS TO BE INCLUDED IN APPORTIONMENT FORMULAS.—(1) Amounts apportioned under paragraphs (2)(B), (3), and (4) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route miles for segments of fixed guideway systems used to determine apportionments for fiscal year 1997.

“(2) Amounts apportioned under paragraphs (5) through (7) of subsection (a) shall have attributable to each urbanized area only the number of fixed guideway revenue miles of service and number of fixed guideway route-miles for segments of fixed guideway systems placed in revenue service at least 7 years before the fiscal year in which amounts are made available.”.

SEC. 328. AUTHORIZATIONS.

(a) IN GENERAL.—Section 5338 is amended to read as follows:

“§5338. Authorizations

“(a) FORMULA GRANTS.—

“(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5307, 5310, and 5311—

“(A) $2,697,600,000 for fiscal year 1998;

“(B) $3,213,000,000 for fiscal year 1999; and

“(C) $3,553,000,000 for each of fiscal years 2000 through 2003.

“(2) FROM THE GENERAL FUND.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated to carry out sections 5307 and 5311—

“(A) $290,000,000 for fiscal year 1998; and

“(B) $68,000,000 for fiscal year 1999.

“(3) ALLOCATION OF FUNDS.—Of the aggregate of amounts made available by and appropriated under this subsection for a fiscal year—

“(A) 2.4 percent shall be available to provide transportation services to elderly individuals and individuals with disabilities under section 5310;

“(B) 5.37 percent shall be available to provide financial assistance for other than urbanized areas under section 5311; and

“(C) 92.23 percent shall be available to provide financial assistance for urbanized areas under section 5307.

“(b) CAPITAL PROGRAM GRANTS AND LOANS.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5309:

“(1) $2,197,000,000 for fiscal year 1998.

“(2) $2,412,000,000 for fiscal year 1999.

“(3) $2,613,000,000 for each of fiscal years 2000 through 2003.

“(c) PLANNING.—

“(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5303, 5304, 5305, and 5313(b) $54,000,000 for each of fiscal years 2000 through 2003.

“(2) FROM THE GENERAL FUND.—There are authorized to be appropriated to carry out sections 5303, 5304, 5305, and 5313(b)—

“(A) $48,000,000 for fiscal year 1998; and

“(B) $52,000,000 for fiscal year 1999.

“(3) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this subsection for a fiscal year—

“(A) 82.72 percent shall be available for metropolitan planning under sections 5303, 5304, and 5305; and

“(B) 17.28 percent shall be available for State planning under section 5313(b).

“(d) RESEARCH.—

“(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322 $38,000,000 for each of fiscal years 2000 through 2003.

“(2) FROM THE GENERAL FUND.—There are authorized to be appropriated to carry out sections 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322 $38,000,000 for each of fiscal years 1998 and 1999.

“(3) ALLOCATION OF FUNDS.—Of the funds made available by or appropriated under this subsection for a fiscal year—

“(A) not less than $5,250,000 shall be available for providing rural transportation assistance under section 5311(b)(2);

“(B) not less than $8,250,000 shall be available for carrying out transit cooperative research programs under section 5313(a);

“(C) not less than $3,000,000 shall be available to carry out programs under the National Transit Institute under section 5315; and

“(D) the remainder shall be available for carrying out national planning and research programs under sections 5311(b)(2), 5312, 5313(a), 5314, and 5322.

“(e) UNIVERSITY TRANSPORTATION RESEARCH.—

“(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 5505 $6,000,000 for each of fiscal years 2000 through 2003.

“(2) FROM THE GENERAL FUND.—There is authorized to be appropriated to carry out section 5505 $6,000,000 per fiscal year for fiscal years 1998 and 1999.

“(f) ADMINISTRATION.—

“(1) FROM THE TRUST FUND.—There shall be available from the Mass Transit Account of the Highway Trust Fund for administrative expenses to carry out section 5334 $52,000,000 for each of fiscal years 2000 through 2003.

“(2) FROM THE GENERAL FUND.—There is authorized to be appropriated for administrative expenses to carry out section 5334—

“(A) $46,000,000 for fiscal year 1998; and

“(B) $50,000,000 for fiscal year 1999.

“(g) GRANTS AS CONTRACTUAL OBLIGATIONS.—

“(1) GRANTS FINANCED FROM THE HIGHWAY TRUST FUND.—A grant or contract approved by the Secretary, that is financed with amounts made available under subsection (a)(1), (b), (c)(1), (d)(1), (e)(1), or (f)(1) is a contractual obligation of the United States Government to pay the Government's share of the cost of the project.

“(2) GRANTS FINANCED FROM GENERAL FUNDS.—A grant or contract, approved by the Secretary, that is financed with amounts made available under subsection (a)(2), (c)(2), (d)(2), (e)(2), or (f)(2) is a contractual obligation of the Government to pay the Government's share of the cost of the project only to the extent amounts are provided in advance in an appropriations law.

“(h) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under subsections (a) through (e) shall remain available until expended.”.

(b) CONFORMING AMENDMENTS.—Chapter 53 is amended as follows:

(1) In sections 5303(h)(1), 5303(h)(2)(A), and 5303(h)(3)(A) by striking “5338(g)(1)” and inserting “5338(c)(3)(A)”.

(2) In section 5303(h)(1) by striking “–5306” and inserting “and 5305”.

(3) In section 5303(h)(4) by striking “5338(g)” and inserting “5338(c)(3)(A)”.

(4) In section 5309(f)(4), as redesignated by section 308(i)(1)(B) of this Act, by striking “5338(a)” and inserting “5338(b)”.

(5) In section 5310(b) by striking “5338(a)” and inserting “5338(a)(3)(A)”.

(6) In section 5311(c) by striking “5338(a)” and inserting “5338(a)(3)(B)”.

(7) In section 5313(a)(1) by striking “section 5338(g)(3)” and inserting “sections 5338(d)(3)(B) and 5338(d)(3)(D)”.

(8) In section 5313(b)(1) by striking “5338(g)(3)” and inserting “5338(c)(3)(B)”.

(9) In section 5314(a)(1) by striking “5338(g)(4)” and inserting “5338(d)(3)(D)”.

(10) In section 5318(d) by striking “5338(j)(5)” and inserting “5309(m)(3)(B)”.

(11) In section 5333(b) by striking “5338(j)(5)” each place it appears and inserting “5338(b)”.

(12) In section 5336(a) by striking “5338(f)” and inserting “5338(a)(3)(C)”.

(13) In section 5336(e)(1) by striking “5338(f)” and inserting “5338(a)(3)(C)”.

SEC. 329. OBLIGATION CEILING.

(a) CAPITAL PROGRAM GRANTS AND LOANS.—Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the

Highway Trust Fund by section 5338(b) of title 49, United States Code, shall not exceed—

(1) $2,000,000,000 in fiscal year 1998;

(2) $2,412,000,000 in fiscal year 1999; and

(3) $2,613,000,000 in each of fiscal years 2000 through 2003.

(b) FORMULA GRANTS, PLANNING, RESEARCH, ADMINISTRATION, AND STUDIES.—Notwithstanding any other provision of law, the total of all obligations from amounts made available from the Mass Transit Account of the Highway Trust Fund by subsections (a), (c), (d), (e), and (f) of section 5338 of title 49, United States Code, and sections 331 and 332 of this Act shall not exceed—

(1) $2,260,000,000 in fiscal year 1998;

(2) $3,213,000,000 in fiscal year 1999; and

(3) $3,703,000,000 in each of fiscal years 2000 through 2003.

SEC. 330. ACCESS TO JOBS CHALLENGE GRANT PILOT PROGRAM.

(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to assist States, local governmental authorities, and nonprofit organizations in financing transportation services designed to transport welfare recipients to and from jobs and activities related to their employment. The Secretary shall coordinate activities under this section with related activities under programs of other Federal departments and agencies.

(b) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary shall consider the following:

(1) The percentage of the population in the area to be served that are welfare recipients.

(2) The need for additional services (including bicycling) to transport welfare recipients to and from specified jobs, training, and other employment support services, and the extent to which the proposed services will address those needs.

(3) The extent to which the applicant demonstrates coordination with, and the financial commitment of, existing transportation service providers and the extent to which the applicant demonstrates coordination with the State agency or department that administers the State program funded under part A of title IV of the Social Security Act.

(4) The extent to which the applicant demonstrates maximum utilization of existing transportation service providers and expands existing transit networks or hours of service or both.

(5) The extent to which the applicant demonstrates an innovative approach that is responsive to identified service needs.

(6) The extent to which the applicant presents a comprehensive approach to addressing the needs of welfare recipients and identifies long-term financing strategies to support the services under this section.

(c) ELIGIBLE PROJECTS.—The Secretary may make grants under this section for—

(1) capital projects and to finance operating costs of equipment, facilities, and associated capital maintenance items related to providing access to jobs under this section;

(2) promoting the use of transit by workers with nontraditional work schedules;

(3) promoting the use by appropriate agencies of transit vouchers for welfare recipients under specific terms and conditions developed by the Secretary; and

(4) promoting the use of employer-provided transportation including the transit pass benefit program under subsections (a) and (f) of section 132 of the Internal Revenue Code of 1986.

No planning or coordination activities are eligible for assistance under this section.

(d) COMPETITIVE GRANT SELECTION.—The Secretary shall conduct a national solicitation for applications for grants under this section. Grantees shall be selected on a competitive basis. The Secretary shall select not more than 10 demonstration projects for the pilot program, including 6 projects from urbanized areas with populations of at least 200,000, 2 projects from urbanized areas with populations less than 200,000, and 2 projects from other than urbanized areas.

(e) FEDERAL SHARE OF COSTS.—The Federal share of costs under this section shall be provided from funds appropriated to carry out this section. The Federal share of the costs for a project under this section shall not exceed 50 percent of the net project cost. The remainder shall be provided in cash from sources other than revenues from providing mass transportation. Funds appropriated to a Federal department or agency (other than the Department of Transportation) and eligible to be used for transportation may be used toward the non-government share payable on a project under this section.

(f) PLANNING REQUIREMENTS.—The requirements of sections 5303 through 5306 of title 49, United States Code, apply to grants made under this section. Applications must reflect coordination with and the approval of affected transit grant recipients and the projects financed must be part of a coordinated public transit-human services transportation planning process.

(g) GRANT REQUIREMENTS.—A grant under this section shall be subject to all of the terms and conditions of grants made under section 5307 of title 49, United States Code, and such terms and conditions as determined by the Secretary.

(h) PROGRAM EVALUATION.—

(1) COMPTROLLER GENERAL.—Six months after the date of the enactment of this Act and each 6 months thereafter, the Comptroller General shall conduct a study to evaluate the access to jobs program conducted under this section and transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate the results of the study.

(2) DEPARTMENT OF TRANSPORTATION.—The Secretary shall conduct a study to evaluate the access to jobs program conducted under this section and transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate the results of the study within 2 years of the date of the enactment of this Act.

(i) DEFINITIONS.—In this section, the following definitions apply:

(1) CAPITAL PROJECT AND URBANIZED AREA.—The terms "capital project" and "urbanized area" have the meaning such terms have under section 5302 of title 49, United States Code.

(2) EXISTING TRANSPORTATION SERVICE PROVIDERS.—The term "existing transportation service providers" means mass transportation operators and governmental agencies and nonprofit organizations that receive assistance from Federal, State, or local sources for non-emergency transportation services.

(3) WELFARE RECIPIENT.—The term "welfare recipient" means an individual who receives or received aid or assistance under a State program funded under part A of title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) at any time during the 3-year period ending on the date the applicant applies for a grant under this section.

(j) FUNDING.—There is authorized to be appropriated to carry out this section $42,000,000 per fiscal year for fiscal years 1998 through 2003. Such sums shall remain available until expended.

SEC. 331. ADJUSTMENTS FOR THE SURFACE TRANSPORTATION EXTENSION ACT OF 1997.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall ensure that the total apportionments and allocations made to a designated grant recipient under section 5338 of this Act for fiscal year 1998 shall be reduced by the amount apportioned to such designated recipient pursuant to section 8 of the Surface Transportation Extension Act of 1997 (111 Stat. 2559).

(b) FIXED GUIDEWAY MODERNIZATION ADJUSTMENT.—In making the apportionments described in subsection (a), the Secretary shall adjust the amount apportioned to each urbanized area for fixed guideway modernization for fiscal year 1998 to reflect the method for apportioning funds in section 5337(a).

SEC. 332. PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.

(a) FINAL DESIGN AND CONSTRUCTION.—The following projects are authorized for final design and construction for fiscal years 1998 through 2003 under section 5309(m)(1)(B) of title 49, United States Code:

(1) Atlanta—Athens Commuter Rail.

(2) Atlanta—Griffin Commuter Rail.

(3) Atlanta—North Line Extension.

(4) Austin—NW/North Central/SE—Airport LRT.

(5) Baltimore—Central LRT Extension to Glen Burnie.

(6) Boston—Massport Airport Intermodal Transit Connector.

(7) Boston—North Shore Blue Line Extension to Beverly.

(8) Charlotte—South Corridor Transitway.

(9) Chicago—Navy Pier-McCormick Place Busway.

(10) Chicago—North Central Upgrade Commuter Rail.

(11) Chicago—Ravenswood Line Extension.

(12) Chicago—Southwest Extension.

(13) Chicago—West Line Expansion.

(14) Cleveland—Akron-Canton Commuter Rail.

(15) Cleveland—Berea Metroline Extension.

(16) Cleveland—Blue Line Extension.

(17) Cleveland—Euclid Corridor Extension.

(18) Cleveland—I-90 Corridor to Ashtabula County.

(19) Cleveland—Waterfront Line Extension.

(20) Dallas—North Central Extension.

(21) Dallas—Ft. Worth RAILTRAN (Phase II).

(22) Denver—East Corridor (Airport).

(23) Denver—Southeast LRT (I-25 between 6th & Lincoln).

(24) Denver—Southwest LRT.

(25) Denver—West Corridor LRT.

(26) East St. Louis-St. Clair County—Mid-America Airport Corridor.

(27) Ft. Lauderdale-West Palm Beach-Miami Tri-County Commuter Rail.

(28) Galveston—Trolley Extension.

(29) Hartford—Griffin Line.

(30) Hollis—Ketchikan Ferry.

(31) Houston—Regional Bus Plan—Phase I.

(32) Kansas City—I-35 Commuter Rail.

(33) Kansas City—Southtown Corridor.

(34) Las Vegas Corridor.

(35) Little Rock—River Rail.

(36) Los Angeles—Metrolink San Bernadino Line.

(37) Los Angeles—MOS-3.

(38) Los Angeles—Metrolink (Union Station-Fullerton).

(39) Louisville—Jefferson County Corridor.

(40) MARC—Commuter Rail Improvements.

(41) Maryland Light Rail Double Track.

(42) Memphis—Medical Center Extension.

(43) Miami—East-West Corridor.

(44) Miami—North 27th Avenue Corridor.

(45) Miami—South Busway Extension.

(46) Milwaukee—East-West Corridor.

(47) Monterey County Commuter Rail.

(48) Nashua, NH—Lowell, MA Commuter Rail.

(49) Nashville—Commuter Rail.

(50) New Orleans—Canal Streetcar.

(51) New York—8th Avenue Subway Connector.

(52) New York—Brooklyn—Staten Island Ferry.

(53) New York—Long Island Railroad East Side Access.

(54) New York—Staten Island Ferry—Whitehall Intermodal Terminal.

(55) New York Susquehanna and Western Commuter Rail.

(56) New Jersey Urban Core.

(57) Norfolk—Virginia Beach Corridor.

(58) Oklahoma City—MAPS Link.

(59) Orange County—Fullerton—Irvine Corridor.

(60) Orlando—I-4 Central Florida Light Rail System.

(61) Philadelphia—Schuykill Valley Metro.

(62) Phoenix—Fixed Guideway.

(63) Colorado—Roaring Fork Valley Rail.

(64) Pittsburgh Airborne Shuttle System.

(65) Pittsburgh—MLK Busway Extension.

(66) Portland—South-North Corridor.

(67) Portland—Westside-Hillsboro Corridor.

(68) Raleigh-Durham—Regional Transit Plan.

(69) Sacramento—Folsom Extension.

(70) Sacramento—Placer County Corridor.

(71) Sacramento—South Corridor.

(72) Salt Lake City—Light Rail (Airport to University of Utah).

(73) Salt Lake City—Ogden-Provo Commuter Rail.

(74) Salt Lake City—South LRT.

(75) San Diego—Mid-Coast LRT Corridor.

(76) San Diego—Mission Valley East Corridor.

(77) San Diego—Oceanside—Escondido Corridor.

(78) San Francisco—BART to San Francisco International Airport Extension.

(79) San Francisco—Bayshore Corridor.

(80) San Jose—Tasman Corridor Light Rail.

(81) San Juan—Tren Urbano.

(82) San Juan—Tren Urbano Extension to Minellas.

(83) Santa Cruz—Fixed Guideway.

(84) Seattle—Southworth High Speed Ferry.

(85) Seattle—Sound Move Corridor.

(86) South Boston—Piers Transitway.

(87) St. Louis—Cross County Corridor.

(88) Stockton—Altamont Commuter Rail.

(89) Tampa Bay—Regional Rail.

(90) Twin Cities—Northstar Commuter Rail (Northtown Hub, Anoka County—St. Cloud).

(91) Twin Cities—Transitways Corridors.

(92) Washington—Richmond Rail Corridor Improvements.

(93) Washington, D.C.—Dulles Corridor Extension.

(94) Washington, D.C.—Largo Extension.

(95) West Trenton Line (West Trenton-Newark).

(96) Westlake—Commuter Rail Link.

(b) ALTERNATIVES ANALYSIS AND PRELIMINARY ENGINEERING.—The following projects are authorized for alternatives analysis and preliminary engineering for fiscal years 1998 through 2003 under section 5309(m)(1)(B) of title 49, United States Code:

(1) Albuquerque—High Capacity Corridor.

(2) Atlanta—Georgia 400 Multimodal Corridor.

(3) Atlanta—MARTA Extension (S. DeKalb-Lindbergh).

(4) Atlanta—MARTA I-285 Transit Corridor.

(5) Atlanta—MARTA Marietta-Lawrenceville Corridor.

(6) Atlanta—MARTA South DeKalb Comprehensive Transit Program.

(7) Baltimore—Metropolitan Rail Corridor.

(8) Baltimore—People Mover.

(9) Bergen County Cross—County Light Rail.

(10) Birmingham Transit Corridor.

(11) Boston—Urban Ring.

(12) Charleston—Monobeam.

(13) Chicago—Cominsky Park Station.

(14) Chicago—Inner Circumferential Commuter Rail.

(15) Cumberland/Dauphin County Corridor 1 Commuter Rail.

(16) Dallas—DART LRT Extensions.

(17) Dallas—Las Colinas Corridor.

(18) Dayton—Regional Riverfront Corridor.

(19) El Paso—International Fixed Guideway (El Paso-Juarez).

(20) Fremont—South Bay Corridor.

(21) Georgetown Branch (Bethesda-Silver Spring).

(22) Houston—Advanced Transit Program.

(23) Jacksonville—Fixed Guideway Corridor.

(24) Kenosha-Racine—Milwaukee Rail Extension.

(25) Knoxville—Electric Transit.

(26) Lorain—Cleveland Commuter Rail.

(27) Los Angeles—MOS-4 East Side Extension (II).

(28) Los Angeles—MOS-4 San Fernando Valley East-West.

(29) Los Angeles—LOSSAN (Del Mar-San Diego).

(30) Maine High Speed Ferry Service.

(31) Maryland Route 5 Corridor.

(32) Memphis—Regional Rail Plan.

(33) Miami—Kendall Corridor.

(34) Miami—Northeast Corridor.

(35) Miami—Palmetto Metrorail.

(36) New Jersey Trans-Hudson Midtown Corridor.

(37) New Orleans—Airport—CBD Commuter Rail.

(38) New Orleans—Desire Streetcar.

(39) New York—Astoria—East Elmhurst Extension.

(40) New York—Broadway—Lafayette & Bleecker St Transfer.

(41) New York—Brooklyn—Manhattan Access.

(42) New York—Lower Manhattan Access.

(43) New York—Manhattan East Side Link.

(44) New York—Midtown West Intermodal Terminal.

(45) New York—Nassau Hub.

(46) New York—North Shore Railroad.

(47) New York—Queens West Light Rail Link.

(48) New York—St. George's Ferry Intermodal Terminal.

(49) Newburgh—LRT System.

(50) North Front Range Corridor.

(51) Northeast Indianapolis Corridor.

(52) Oakland Airport—BART Connector.

(53) Philadelphia—Broad Street Line Extension.

(54) Philadelphia—Cross County Metro.

(55) Philadelphia—Lower Marion Township.

(56) Pinellas County—Mobility Initiative Project.

(57) Pittsburgh—Stage II Light Rail Reconstruction.

(58) Redlands—San Bernardino Transportation Corridor.

(59) Riverside—Perris rail passenger service.

(60) Salt Lake City—Draper Light Rail Extension.

(61) Salt Lake City—West Jordan Light Rail Extension.

(62) San Francisco—CalTrain Extension to Hollister.

(63) Scranton—Laurel Line Intermodal Corridor.

(64) SEATAC—Personal Rapid Transit.

(65) Toledo—CBD to Zoo.

(66) Union Township Station (Raritan Valley Line).

(67) Washington County Corridor (Hastings-St. Paul).

(68) Washington, D.C.—Georgetown-Ft. Lincoln.

(69) Williamsburg—Newport News-Hampton LRT.

(70) Cincinnati/N. Kentucky—Northeast Corridor.

(71) Northeast Ohio—commuter rail.

(c) EFFECT OF AUTHORIZATION.—

(1) IN GENERAL.—Projects authorized by subsection (a) for final design and construction are also authorized for alternatives analysis and preliminary engineering.

(2) FIXED GUIDEWAY AUTHORIZATION.—The project authorized by subsection (a)(3) includes an additional 28 rapid rail cars and project scope changes from amounts authorized by the Intermodal Surface Transportation Efficiency Act of 1991.

(3) INTERMODAL CENTER AUTHORIZATION.—Notwithstanding any other provision of law, the Huntington, West Virginia Intermodal Facility project is eligible for funding under section 5309(m)(1)(C) of title 49, United States Code.

(d) NEW JERSEY URBAN CORE PROJECT.—

(1) ALLOCATIONS.—Section 3031(a) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122) is amended by adding at the end the following:

"(3) ALLOCATIONS.—

"(A) RAIL CONNECTION BETWEEN PENN STATION NEWARK AND BROAD STREET STATION, NEWARK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary shall set aside 10 percent, but not more than $5,000,000, per fiscal year for preliminary engineering, design, and construction of the rail connection between Penn Station, Newark and Broad Street Station, Newark.

"(B) NEWARK—NEWARK INTERNATIONAL AIRPORT—ELIZABETH TRANSIT LINK.—Of the amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set aside under subparagraph (A), shall set aside 10 percent, but not more than $5,000,000, per fiscal year for preliminary engineering, design, and construction of the Newark—Newark International Airport—Elizabeth Transit Link, including construction of the auxiliary New Jersey Transit station, described in subsection (d).

"(C) LIGHT RAIL CONNECTION AND ALIGNMENT WITHIN AND SERVING THE CITY OF ELIZABETH.—Of amounts made available for the New Jersey Urban Core Project under section 5309(m)(1)(B) of title 49, United States Code, for fiscal years 1998 through 2003, the Secretary, after making the set-aside under subparagraphs (A) and (B), shall set aside 10 percent but not more than $5,000,000 per fiscal year for preliminary engineering, design, and construction of the light rail connection and alignment within and serving the city of Elizabeth as described in subsection (d).".

(2) CONFORMING AMENDMENT.—Section 3031(c) of such Act is amended—

(A) by striking "section 3(i) of the Federal Transit Act (relating to criteria for new starts)" and inserting "section 5309(e) of title 49, United States Code;"; and

(B) by striking "; except" and all that follows through "such element".

(3) ELEMENTS OF NEW JERSEY URBAN CORE PROJECT.—Section 3031(d) of such Act is amended—

(A) by inserting after "Secaucus Transfer" the following: "(including relocation and construction of the Bergen County and Pascack Valley Rail Lines and the relocation of the Main/Bergen Connection with construction of a rail station and associated components to and at the contiguous New Jersey Meadowlands Sports Complex)";

(B) by striking ", Newark-Newark International Airport-Elizabeth Transit Link" and inserting the following: "(including a connection from the Vince Lombardi Station to Saddlebrook), Newark-Newark International Airport-Elizabeth Transit Link (including construction of an auxiliary New Jersey Light Rail Transit station directly connected to and integrated with the Amtrak Northeast Corridor Station at Newark International Airport, providing access from the Newark-Newark International Airport-Elizabeth Light Rail Transit Link to the Newark International Airport)"; and

(C) by inserting after "New York Penn Station Concourse," the following: "the restoration of commuter rail service in Lakewood to Freehold to Matawan or Jamesburg, New Jersey, as described in section 3035(p) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2131), a light rail extension of the Newark-Newark International Airport-Elizabeth Light Rail Transit Link from Elizabeth, New Jersey, to the towns of Cranford, Westfield, Fanwood, and Plainfield in Union County, New Jersey, and any appropriate light rail connections and alignments within the city of Elizabeth to be determined by the city of Elizabeth and the New Jersey Department of Transportation (and which shall include connecting midtown Elizabeth to Route 1 Park and Ride, the Elizabeth Car House Museum, Division Street, Singer Place, Ferry Terminal, Jersey Gardens Mall, Elizabeth Port to Lot D at Newark Airport) and any appropriate fixed guideway system in Passaic County,".

SEC. 333. PROJECTS FOR BUS AND BUS-RELATED FACILITIES.

Of the amounts made available to carry out section 5309(m)(1)(C) for each of fiscal years 1999 and 2000, the Secretary shall make funds available for the following projects in not less than the amounts specified for the fiscal year:

Project	FY 1999 (in millions)	FY 2000 (in millions)
1. Albuquerque, NM buses	1.250	1.250
2. Alexandria, VA bus maintenance facility	1.000	1.000
3. Alexandria, VA King Street Station access	1.100	0.000
4. Altoona, PA Metro Transit Authority buses and transit system improvements	0.842	0.842
5. Altoona, PA Metro Transit Authority Logan Valley Mall Suburban Transfer Center	0.080	0.000
6. Altoona, PA Metro Transit Authority Transit Center improvements	0.424	0.000
7. Arkansas Highway and Transit Department buses	0.200	0.000
8. DArmstrong County-Mid County, PA bus facilities and buses	0.150	0.150
9. DAtlanta, GA MARTA buses	9.000	13.500
10. Austin, TX buses	1.250	1.250
11. Babylon, NY Intermodal Center	1.250	1.250
12. Birmingham-Jefferson County, AL buses	1.250	1.250
13. Boulder/Denver, CO RTD buses	0.625	0.625
14. Bradford County, Endless Mountain Transportation Authority buses	1.000	0.000
15. Brookhaven Town, NY elderly and disabled buses and vans	0.225	0.000
16. Brooklyn-Staten Island, NY Mobility Enhancement buses	0.800	0.000
17. Broward County, FL buses	1.000	0.000
18. Buffalo, NY Auditorium Intermodal Center	2.000	2.000
19. Buffalo, NY Crossroads Intermodal Station	1.000	0.000
20. Cambria County, PA bus facilities and buses	0.575	0.575
21. Centre Area, PA Transportation Authority buses	1.250	1.250
22. Chambersburg, PA Transit Authority buses	0.300	0.000
23. DChambersburg, PA Transit Authority Intermodal Center	1.000	0.000
24. Chatham, GA Downtown Transfer Center, Multimodal Circulator and Southside Transit Center	1.250	1.250
25. Chester County, PA Paoli Transportation Center	1.000	1.000
26. Clark County, NV Regional Transportation Commission buses	1.250	1.250
27. Cleveland, OH Triskett Garage bus maintenance facility	0.625	0.625
28. Crawford Area, PA Transportation buses	0.500	0.000
29. Culver City, CA CityBus buses	1.250	1.250
30. Davis, CA Unitrans transit maintenance facility	0.625	0.625
31. Dayton, OH Multimodal Transportation Center	0.625	0.625
32. Daytona, FL Intermodal Center	2.500	2.500
33. Duluth, MN Transit Authority community circulation vehicles	1.000	1.000
34. Duluth, MN Transit Authority intelligent transportation systems	0.500	0.500
35. Duluth, MN Transit Authority Transit Hub	0.500	0.500
36. Dutchess County, NY Loop System buses	0.521	0.521
37. East Hampton, NY elderly and disabled buses and vans	0.100	0.000
38. Erie, PA Metropolitan Transit Authority buses	1.000	1.000
39. Everett, WA Multimodal Transportation Center	1.950	1.950
40. Fayette County, PA Intermodal Facilities and buses	1.270	1.270
41. Fayetteville, AR University of Arkansas Transit System buses	0.500	0.000
42. Fort Dodge, IA Intermodal Facility (Phase II)	0.885	0.885
43. Gary, IN Transit Consortium buses	1.250	1.250
44. Grant County, WA buses and vans	0.600	0.000
45. Greensboro, NC Multimodal Center	3.340	3.339
46. Greensboro, NC Transit Authority buses	1.500	1.500
47. Greensboro, NC Transit Authority small buses and vans	0.321	0.000
48. Hartford, CT Transportation Access Project	0.800	0.000
49. Healdsburg, CA Intermodal Facility	1.000	1.000
50. Honolulu, HI bus facility and buses	2.250	2.250
51. Hot Springs, AR Transportation Depot and Plaza	0.560	0.560
52. Humboldt, CA Intermodal Facility	1.000	0.000
53. Huntington, WV Intermodal Facility	8.000	12.000
54. Illinois statewide buses and bus-related equipment	6.800	8.200
55. Indianapolis, IN buses	5.000	5.000
56. Iowa/Illinois Transit Consortium bus safety and security	1.000	1.000
57. Ithaca, NY TCAT bus technology improvements	1.250	1.250
58. Lackawanna County, PA Transit System buses	0.600	0.600
59. Lakeland, FL Citrus Connection transit vehicles and related equipment	1.250	1.250
60. Lane County, OR Bus Rapid Transit	4.400	4.400
61. Lansing, MI CATA bus technology improvements	0.600	0.000
62. Little Rock, AR Central Arkansas Transit buses	0.300	0.000
63. Livermore, CA automatic vehicle locator	1.000	1.000
64. Long Island, NY CNG transit vehicles and facilities	1.250	1.250
65. Los Angeles County, CA Foothill Transit buses	1.625	1.625

Project	FY 1999 (in millions)	FY 2000 (in millions)
66. Los Angeles County, CA MTOC buses	1.000	1.000
67. Los Angeles, CA San Fernando Valley smart shuttle buses	0.300	0.000
68. Los Angeles, CA Union Station Gateway Intermodal Transit Center	1.250	1.250
69. Louisiana statewide bus facilities and buses	8.000	12.000
70. Maryland statewide bus facilities and buses	7.000	11.500
71. Mercer County, PA buses	0.750	0.000
72. Miami Beach, FL Electric Shuttle Service	0.750	0.750
73. Miami-Dade, FL buses	1.750	1.750
74. Michigan statewide buses	10.000	13.500
75. Milwaukee County, WI buses	4.000	6.000
76. Mineola/Hicksville, NY LIRR Intermodal Centers	1.250	1.250
77. Mobile, AL GM&O Intermodal Facility	0.750	0.000
78. Modesto, CA bus maintenance facility	0.625	0.625
79. Monroe County, PA Transportation Authority buses	1.000	0.000
80. Monterey, CA Monterey-Salinas buses	0.625	0.625
81. Morango Basin, CA Transit Authority bus facility	0.650	0.000
82. New Haven, CT bus facility	2.250	2.250
83. New Jersey Transit jitney shuttle buses	1.750	1.750
84. Newark, NJ Morris & Essex Station access and buses	1.250	1.250
85. Northstar Corridor, MN Intermodal Facilities and buses	6.000	10.000
86. Norwalk, CA transit facility	0.500	0.500
87. Norwich, CT buses	2.250	2.250
88. Ogden, UT Intermodal Center	0.800	0.800
89. Oklahoma statewide bus facilities and buses	5.000	5.000
90. Orlando, FL Downtown Intermodal Facility	2.500	2.500
91. Palm Springs, CA fuel cell buses	1.000	1.000
92. Perris, CA bus maintenance facility	1.250	1.250
93. Philadelphia, PA Frankford Transportation Center	5.000	5.000
94. Philadelphia, PA Intermodal 30th Street Station	1.250	1.250
95. Portland, OR Tri-Met buses	1.750	1.750
96. Pritchard, AL bus transfer facility	0.500	0.000
97. Reading, PA BARTA Intermodal Transportation Facility	1.750	1.750
98. Red Rose, PA Transit Bus Terminal	1.000	0.000
99. Richmond, VA GRTC bus maintenance facility	1.250	1.250
100. Riverhead, NY elderly and disabled buses and vans	0.125	0.000
101. Robinson, PA Towne Center Intermodal Facility	1.500	1.500
102. Rome, NY Intermodal Center	0.400	0.000
103. Sacramento, CA CNG buses	1.000	0.000
104. San Francisco, CA Islais Creek Maintenance Facility	1.250	1.250
105. San Juan, Puerto Rico Intermodal access	0.600	0.600
106. Santa Clarita, CA facilities and buses	1.250	1.250
107. Santa Cruz, CA bus facility	0.625	0.625
108. Santa Rosa/Cotati, CA Intermodal Transportation Facilities	0.750	0.750
109. Seattle, WA Intermodal Transportation Terminal	1.250	1.250
110. Shelter Island, NY elderly and disabled buses and vans	0.100	0.000
111. Smithtown, NY elderly and disabled buses and vans	0.125	0.000
112. Somerset County, PA bus facilities and buses	0.175	0.175
113. South Amboy, NJ Regional Intermodal Transportation Initiative	1.250	1.250
114. South Bend, IN Urban Intermodal Transportation Facility	1.250	1.250
115. South Carolina statewide Virtual Transit Enterprise	1.220	1.220
116. South Dakota statewide bus facilities and buses	1.500	1.500
117. Southampton, NY elderly and disabled buses and vans	0.125	0.000
118. Southold, NY elderly and disabled buses and vans	0.100	0.000
119. Springfield, MA Union Station	1.250	1.250
120. St. Louis, MO Bistate Intermodal Center	1.250	1.250
121. Stapleton, CO Intermodal Center	1.250	1.250
122. Suffolk County, NY elderly and disabled buses and vans	0.100	0.000
123. Texas statewide small urban and rural buses	4.000	4.500
124. Towamencin Township, PA Intermodal Bus Transportation Center	1.500	1.500
125. Tuscaloosa, AL Intermodal Center	1.000	0.000
126. Tuscon, AZ Intermodal Center	1.250	1.250
127. Ukiah, CA Transportation Center	0.500	0.000
128. Utah Transit Authority, UT Intermodal Facilities	1.500	1.500
129. Utah Transit Authority/Park City Transit, UT buses	6.500	6.500
130. Utica, NY Union Station	2.100	2.100
131. Utica and Rome, NY bus facilities and buses	0.500	0.000
132. Washington County, PA Intermodal Facilities	0.630	0.630
133. Washington, D.C. Intermodal Transportation Center	2.500	2.500
134. Washoe County, NV transit improvements	1.250	1.250
135. Waterbury, CT bus facility	2.250	2.250
136. West Virginia statewide Intermodal Facility and buses	5.000	5.000
137. Westchester County, NY Bee-Line transit system fareboxes	0.979	0.979
138. Westchester County, NY Bee-Line transit system shuttle buses	1.000	1.000
139. Westchester County, NY DOT articulated buses	1.250	1.250
140. Westmoreland County, PA Intermodal Facility	0.200	0.200
141. Wilkes-Barre, PA Intermodal Facility	1.250	1.250
142. Williamsport, PA buses	1.200	1.200
143. Windsor, CA Intermodal Facility	0.750	0.750
144. Wisconsin statewide bus facilities and buses	8.000	12.000
145. Woodland Hills, CA Warner Center Transportation Hub	0.325	0.625
146. Worcester, MA Union Station Intermodal Transportation Center	2.500	2.500
147. Lynchburg, VA buses	0.200	0.000
148. Harrisonburg, VA buses	0.200	0.000
149. Roanoke, VA buses	0.200	0.000

SEC. 334. PROJECT MANAGEMENT OVERSIGHT.

(a) STUDY.—The Comptroller General shall conduct a study of the Secretary of Transportation's implementation of project management oversight under section 5327 of title 49, United States Code.

(b) CONTENTS.—The study shall include the following:

(1) A listing of the amounts made available under section 5327(c)(1) of title 49, United States Code, for project management oversight in each of fiscal years 1992 through 1997 and a description of the activities funded using such amounts.

(2) A description of the major capital projects subject to project management oversight, including the grant amounts for such projects.

(3) A description of the contracts entered into for project management oversight, including the scope of work and dollar amounts of such contracts.

(4) A determination of whether the project management oversight activities conducted by the Secretary are authorized under section 5327.

(5) A description of any cost savings or program improvements resulting from project management oversight.

(6) Recommendations regarding any changes that would improve the project management oversight function.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

SEC. 335. PRIVATIZATION.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the effect of privatization or contracting out mass transportation operation and administrative functions on cost, availability and level of service, efficiency, safety, quality of services provided to transit-dependent populations, and employer-employee relations.

(b) TERMS OF AGREEMENT.—The agreement entered into in subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, consider the number of grant recipients that have privatized or contracted out services, the size of the population served by such grant recipients, the basis for decisions regarding privatization or contracting out, and the extent to which contracting out was affected by the integration and coordination of resources of transit agencies and other Federal agencies and programs; and

(2) the panel conducting the study shall include representatives of transit agencies, employees of transit agencies, private contractors, academic and policy analysts, and other interested persons.

(c) REPORT.—Not later than 24 months after the date of entry into the agreement under subsection (a), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

(d) FUNDING.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section $200,000 for fiscal year 1998, subject to the obligation limitation set forth in section 329(b).

(e) CONTRACTUAL OBLIGATION.—Entry into an agreement to carry out this section that is financed with amounts made available under subsection (c) is a contractual obligation of the United States to pay the Government's share of the cost of the study.

SEC. 336. SCHOOL TRANSPORTATION SAFETY.

(a) STUDY.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Transportation Research Board of the National Academy of Sciences to conduct a study of the safety issues attendant to transportation of school children to and from school and school-related activities by various transportation modes.

(b) TERMS OF AGREEMENT.—The agreement entered into in subsection (a) shall provide that—

(1) the Transportation Research Board, in conducting the study, consider—

(A) in consultation with the National Transportation Safety Board, the Bureau of Transportation Statistics, and other relevant entities, available crash injury data, and if unavailable or insufficient, recommend a new data collection regimen and implementation guidelines; and

(B) vehicle design and driver training requirements, routing, and operational factors that affect safety and other factors that the Secretary considers appropriate; and

(2) the panel conducting the study shall include representatives of highway safety organizations, school transportation, mass transportation operators, employee organizations, bicycling organizations, academic and policy analysts, and other interested parties.

(c) REPORT.—Not later than 12 months after the date of entry into the agreement under subsection (a), the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

(d) FUNDING.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out this section $200,000 for fiscal year 1998, subject to the obligation limitation set forth in section 329(b).

(e) CONTRACTUAL OBLIGATION.—Entry into an agreement to carry out this section that is financed with amounts made available under subsection (c) is a contractual obligation of the United States to pay the Government's share of the cost of the study.

SEC. 337. URBANIZED AREA FORMULA STUDY.

(a) STUDY.—The Secretary shall conduct a study to determine whether the current formula for apportioning funds to urbanized areas accurately reflects the transit needs of the urbanized areas and if not whether any changes should be made either to the formula or through some other mechanism to reflect the fact that some urbanized areas with a population between 50,000 and 200,000 have transit systems that carry more passengers per mile or hour than the average of those transit systems in urbanized areas with a population over 200,000.

(b) REPORT.—Not later than December 31, 1999, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report on the results of the study conducted under this section together with any proposed changes to the method for apportioning funds to urbanized areas with a population over 50,000.

SEC. 338. COORDINATED TRANSPORTATION SERVICES.

(a) STUDY.—The Comptroller General shall conduct a study of Federal departments and agencies (other than the Department of Transportation) that receive Federal financial assistance for non-emergency transportation services.

(b) CONTENTS.—In conducting the study, the Comptroller General shall—

(1) identify each Federal department and agency (other than the Department of Transportation) that has received Federal financial assistance for non-emergency transportation services in any of the 3 fiscal years preceding the date of the enactment of this Act;

(2) identify the amount of such assistance received by each Federal department and agency in such fiscal years; and

(3) identify the projects and activities funded using such financial assistance.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study and any recommendations for enhanced coordination between the Department of Transportation and other Federal departments and agencies that provide funding for non-emergency transportation.

SEC. 339. FINAL ASSEMBLY OF BUSES.

(a) STUDY.—The Comptroller General shall conduct a study to review monitoring by the Federal Transit Administration of preaward and post-delivery audits for compliance with the requirements for final assembly of buses of section 5323(j) of title 49, United States Code.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing the results of the study.

TITLE IV—MOTOR CARRIER SAFETY

SEC. 401. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 402. STATE GRANTS.

(a) OBJECTIVE AND DEFINITIONS.—Section 31101 is amended—

(1) by striking

"§31101. Definitions"

and inserting the following:

"§31101. Objective and definitions";

(2) in paragraph (1)(A)—

(A) by inserting "or gross vehicle weight" after "rating"; and

(B) by striking "10,000 pounds" and inserting "10,001 pounds, whichever is greater";

(3) in paragraph (1)(C) by inserting "and transported in a quantity requiring placarding under regulations prescribed by the Secretary under section 5103" after "title";

(4) by striking "In this subchapter—" and inserting the following:

"(b) DEFINITIONS.—In this subchapter the following definitions apply:"; and

(5) by inserting after the section heading the following:

"(a) OBJECTIVE.—The objective of this subchapter is to ensure that the Secretary, States, and other political jurisdictions establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient transportation system by—

"(1) promoting safe for-hire and private transportation, including transportation of passengers and hazardous materials, to reduce the number and severity of commercial motor vehicle crashes;

"(2) developing and enforcing effective, compatible, and cost-beneficial motor carrier, commercial motor vehicle, and driver safety regulations and practices, including enforcement of

State and local traffic safety laws and regulations;

"(3) assessing and improving statewide program performance by setting program outcome goals, improving problem identification and countermeasures planning, designing appropriate performance standards, measures, and benchmarks, improving performance information, and monitoring program effectiveness;

"(4) ensuring that drivers of commercial motor vehicles and enforcement personnel obtain adequate training in safe operational practices and regulatory requirements; and

"(5) advancing promising technologies and encouraging adoption of safe operational practices.".

(b) Performance-Based Grants and Hazardous Materials Transportation Safety.—Section 31102 is amended—

(1) in subsection (a)—

(A) by inserting "improving motor carrier safety and" after "programs for"; and

(B) by inserting ", hazardous material transportation safety," after "commercial motor vehicle safety"; and

(2) in the first sentence of paragraph (b)(1)—

(A) by striking "adopt and assume responsibility for enforcing" and inserting "assume responsibility for improving motor carrier safety and to adopt and enforce"; and

(B) by inserting ", hazardous material transportation safety," after "commercial motor vehicle safety".

(c) Contents of State Plans.—Section 31102(b)(1) is amended—

(1) in subparagraph (J) by inserting "(1)" after "(c)";

(2) by striking subparagraphs (K), (L), (M), and (N) and inserting the following:

"(K) ensures consistent, effective, and reasonable sanctions;

"(L) ensures that the State agency will coordinate the plan, data collection, and information systems with State highway. safety programs under title 23;

"(M) ensures participation in motor carrier, commercial motor vehicle, and driver information systems by all appropriate jurisdictions receiving funding under this section;

"(N) implements performance-based activities by fiscal year 2003;";

(3) in subparagraph (O)—

(A) by inserting after "activities" the following: "in support of national priorities and performance goals, including";

(B) by striking "to remove" in clause (i) and inserting "activities aimed at removing";

(C) by striking "to provide" in clause (ii) and inserting "activities aimed at providing"; and

(D) by inserting "and" after the semicolon at the end of clause (ii); and

(E) by striking clauses (iii) and (iv) and inserting the following:

"(iii) interdiction activities affecting the transportation of controlled substances by commercial motor vehicle drivers and training on appropriate strategies for carrying out those interdiction activities;";

(4) by striking subparagraph (P) and inserting the following:

"(P) provides that the State will establish a program to ensure the proper and timely correction of commercial motor vehicle safety violations noted during an inspection carried out with funds authorized under section 31104;";

(5) by striking the period at the end of subparagraph (Q) and inserting "; and"; and

(6) by adding at the end the following:

"(R) ensures that roadside inspections will be conducted only at a distance that is adequate to protect the safety of drivers and enforcement personnel.".

(d) United States Government's Share of Costs.—The first sentence of section 31103 is amended by inserting "improve commercial motor vehicle safety and" before "enforce".

(e) Availability of Amounts.—Section 31104(a) of such title is amended to read as follows:

"(a) In General.—The following amounts are made available from the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to incur obligations to carry out section 31102:

"(1) Not more than $78,000,000 for fiscal year 1998.

"(2) Not more than $110,000,000 for fiscal year 1999.

"(3) Not more than $130,000,000 for each of fiscal years 2000 through 2003."

(f) Conforming Amendment.—Section 31104(b) is amended by striking "(1)" and by striking paragraph (2).

(g) Allocation Criteria and Eligibility.—Section 31104 is further amended—

(1) by striking subsections (f) and (g) and inserting the following:

"(f) Allocation Criteria and Eligibility.—

"(1) In general.—On October 1 of each fiscal year or as soon after that date as practicable and after making the deduction under subsection (e), the Secretary shall allocate amounts made available to carry out section 31102 for such fiscal year among the States with plans approved under section 31102. Such allocation shall be made under such criteria as the Secretary prescribes by regulation.

"(2) High-priority activities and projects.—The Secretary may designate up to 5 percent of amounts available for allocation under paragraph (1) to reimburse—

"(A) States for carrying out high priority activities and projects that improve commercial motor vehicle safety and compliance with commercial motor vehicle safety regulations, including activities and projects that are national in scope, increase public awareness and education, or demonstrate new technologies; and

"(B) local governments and other persons that use trained and qualified officers and employees, for carrying out activities and projects described in subparagraph (A) in coordination with State motor vehicle safety agencies.";

(2) by redesignating subsection (h) as subsection (g);

(3) by striking subsection (i);

(4) by redesignating subsection (j) as subsection (h); and

(5) in the first sentence of subsection (h), as so redesignated, by striking "tolerance".

(h) Conforming Amendment.—The table of sections for chapter 311 is amended by striking the item relating to section 31101 and inserting the following:

"31101. Objective and definitions.".

SEC. 403. INFORMATION SYSTEMS.

(a) In General.—Section 31106 is amended to read as follows:

"§31106. Information systems

"(a) Information Systems and Data Analysis.—

"(1) In general.—Subject to the provisions of this section, the Secretary shall establish and operate motor carrier, commercial motor vehicle, and driver information systems and data analysis programs to support safety activities required under this title.

"(2) Coordination into network.—In cooperation with the States, the information systems under this section shall be coordinated into a network providing identification of motor carriers and drivers, commercial motor vehicle registration and license tracking, and motor carrier, commercial motor vehicle, and driver safety performance data.

"(3) Data analysis capacity and programs.—The Secretary shall develop and maintain under this section data analysis capacity and programs that provide the means to—

"(A) identify and collect necessary motor carrier, commercial motor vehicle, and driver data;

"(B) evaluate the safety fitness of motor carriers, commercial motor vehicles, and drivers;

"(C) develop strategies to mitigate safety problems and to measure the effectiveness of such strategies and related programs;

"(D) determine the cost-effectiveness of Federal and State safety and enforcement programs and other countermeasures; and

"(E) adapt, improve, and incorporate other information and information systems as the Secretary determines appropriate.

"(4) Standards.—To implement this section, the Secretary may prescribe technical and operational standards to ensure—

"(A) uniform, timely, and accurate information collection and reporting by the States and other entities;

"(B) uniform Federal, State, and local policies and procedures; and

"(C) the reliability and availability of the information to the Secretary, States, and others as the Secretary determines appropriate.

"(b) Performance and Registration Information Program.—

"(1) Information clearinghouse.—The Secretary shall include, as part of the information systems authorized by this section, a program to establish and maintain a clearinghouse and repository of information related to State registration and licensing of commercial motor vehicles and the motor carriers operating the vehicles. The clearinghouse and repository shall include information on the safety fitness of each motor carrier and registrant and other information the Secretary considers appropriate, including information on motor carrier, commercial motor vehicle, and driver safety performance.

"(2) Design.—The program shall link Federal safety information systems with State registration and licensing systems and shall be designed to enable a State to—

"(A) determine the safety fitness of a motor carrier or registrant when licensing or registering the motor carrier or commercial motor vehicle or while the license or registration is in effect; and

"(B) decide, in cooperation with the Secretary, whether and what types of sanctions or operating limitations to impose on the motor carrier or registrant to ensure safety.

"(3) Conditions for participation.—The Secretary shall require States, as a condition of participation in the program, to—

"(A) comply with the technical and operational standards prescribed by the Secretary under subsection (a)(4); and

"(B) possess or seek authority to impose commercial motor vehicle registration sanctions or operating limitations on the basis of a Federal safety fitness determination.

"(4) Funding.—Of the amounts made available under section 31107, not more than $6,000,000 in each of fiscal years 1998 through 2003 may be used to carry out this subsection.

"(c) Commercial Motor Vehicle Driver Safety Program.—In coordination with the information system under section 31309, the Secretary is authorized to establish a program to improve commercial motor vehicle driver safety. The objectives of the program shall include—

"(1) enhancing the exchange of driver licensing information among the States and among the States, the Federal Government, and foreign countries;

"(2) providing information to the judicial system on commercial motor vehicle drivers;

"(3) evaluating any aspect of driver performance that the Secretary determines appropriate; and

"(4) developing appropriate strategies and countermeasures to improve driver safety.

"(d) COOPERATIVE AGREEMENTS, GRANTS, AND CONTRACTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities, or by making grants to, and entering into contracts and cooperative agreements with, States, local governments, associations, institutions, corporations, and other persons.

"(e) INFORMATION AVAILABILITY AND PRIVACY PROTECTION.—

"(1) AVAILABILITY OF INFORMATION.—The Secretary shall make data collected in systems and through programs under this section available to the public to the maximum extent permissible under the Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

"(2) REVIEW OF DATA.—The Secretary shall allow individuals and motor carriers to whom the data pertains to review periodically such data and to request corrections or clarifications.

"(3) STATE AND LOCAL OFFICIALS.—State and local safety and enforcement officials shall have access to data made available under this subsection to the same extent as Federal safety and enforcement officials.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31107 is amended to read as follows:

"§31107. Authorization of appropriations for information systems

"(a) IN GENERAL.—There shall be available from the Highway Trust Fund (other than the Mass Transit Account) to carry out sections 31106 and 31309 of this title—

"(1) $7,000,000 for fiscal year 1998;

"(2) $15,000,000 for fiscal year 1999; and

"(3) $20,000,000 for each of fiscal years 2000 through 2003.

The amounts made available under this subsection shall remain available until expended.

"(b) CONTRACT AUTHORITY.—Approval by the Secretary of a grant with funds made available under this section imposes upon the United States Government a contractual obligation for payment of the Government's share of costs incurred in carrying out the objectives of the grant.".

(c) SUBCHAPTER HEADING.—The heading for subchapter I of chapter 311 is amended by inserting after "GRANTS" the following: "AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS".

(d) CONFORMING AMENDMENTS.—The table of sections for chapter 311 is amended—

(1) by striking

"SUBCHAPTER I—STATE GRANTS"

and inserting

"SUBCHAPTER I—STATE GRANTS AND OTHER COMMERCIAL MOTOR VEHICLE PROGRAMS";

(2) by striking the item relating to section 31106 and inserting the following:

"31106. Information systems."; and

(3) by striking the item relating to section 31107 and inserting the following:

"31107. Authorization of appropriations for information systems.".

SEC. 404. AUTOMOBILE TRANSPORTER DEFINED.

Section 31111(a) is amended—

(1) by striking "section—" and inserting "section, the following definitions apply:";

(2) by inserting after "(1)" the following: "MAXI-CUBE VEHICLE.—The term";

(3) by inserting after "(2)" the following: "TRUCK TRACTOR.—The term";

(4) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(5) by inserting before paragraph (2), as so redesignated, the following:

"(1) AUTOMOBILE TRANSPORTER.—The term 'automobile transporter' means any vehicle combination designed and used specifically for the transport of assembled highway vehicles.".

SEC. 405. INSPECTIONS AND REPORTS.

(a) GENERAL POWERS OF THE SECRETARY.—Section 31133(a)(1) is amended by inserting "and make contracts for" after "conduct".

(b) REPORTS AND RECORDS.—Section 504(c) is amended by inserting "(and, in the case of a motor carrier, a contractor)" before the second comma.

SEC. 406. EXEMPTIONS AND PILOT PROGRAMS.

(a) IN GENERAL.—Section 31315 is amended to read as follows:

"§31315. Exemptions and pilot programs

"(a) EXEMPTIONS.—

"(1) IN GENERAL.—Upon receipt of a request pursuant to paragraph (3), the Secretary of Transportation may grant to a person or class of persons an exemption from a regulation prescribed under this chapter or section 31136 if the Secretary finds such exemption would likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. An exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application to the Secretary.

"(2) AUTHORITY TO REVOKE EXEMPTION.—The Secretary shall immediately revoke an exemption if the person fails to comply with the terms and conditions of such exemption or if continuation of the exemption would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(3) REQUESTS FOR EXEMPTION.—Not later than 180 days after the date of the enactment of this section and after notice and an opportunity for public comment, the Secretary shall specify by regulation the procedures by which a person may request an exemption. Such regulations shall, at a minimum, require the person to provide the following information for each exemption request:

"(A) The provisions from which the person requests exemption.

"(B) The time period during which the exemption would apply.

"(C) An analysis of the safety impacts the exemption may cause.

"(D) The specific countermeasures the person would undertake, if the exemption were granted, to ensure an equal or greater level of safety than would be achieved absent the exemption.

"(4) NOTICE AND COMMENT.—

"(A) UPON RECEIPT OF A REQUEST.—Upon receipt of an exemption request, the Secretary shall publish in the Federal Register a notice explaining the request that has been filed and shall give the public an opportunity to inspect the safety analysis and any other relevant information known to the Secretary and to comment on the request. This subparagraph does not require the release of information protected by law from public disclosure.

"(B) UPON GRANTING A REQUEST.—Upon granting a request for exemption, the Secretary shall publish in the Federal Register the name of the person granted the exemption, the provisions from which the person will be exempt, the effective period, and all terms and conditions of the exemption.

"(C) UPON DENYING A REQUEST.—Upon denying a request for exemption, the Secretary shall publish in the Federal Register the name of the person denied the exemption and the reasons for such denial.

"(5) APPLICATIONS TO BE DEALT WITH PROMPTLY.—The Secretary shall grant or deny an exemption request after a thorough review of its safety implications, but in no case later than 180 days after the filing date of such request, or the Secretary shall publish in the Federal Register the reason for the delay in the decision and an estimate of when the decision will be made.

"(6) TERMS AND CONDITIONS.—The Secretary shall establish terms and conditions for each exemption to ensure that it will likely achieve a level of safety equal to or greater than the level that would be achieved absent such exemption. The Secretary shall monitor the implementation of the exemption to ensure compliance with its terms and conditions.

"(7) NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.—Before granting a request for exemption, the Secretary shall notify State safety compliance and enforcement personnel, including roadside inspectors, and the public that a person will be operating pursuant to an exemption and any terms and conditions that will apply to the exemption.

"(b) PILOT PROGRAMS.—

"(1) IN GENERAL.—The Secretary may conduct pilot programs to evaluate innovative approaches to motor carrier, vehicle, and driver safety. Such pilot programs may include exemptions from a regulation prescribed under this chapter or section 31136 if the pilot program contains, at a minimum, the elements described in paragraph (2). The Secretary shall publish in the Federal Register a detailed description of the program and the exemptions to be considered and provide notice and an opportunity for public comment before the effective date of any exemptions.

"(2) PROGRAM ELEMENTS.—In proposing a pilot program and before granting exemptions for purposes of a pilot program, the Secretary shall include, at a minimum, the following elements in each pilot program plan:

"(A) A program scheduled life of not more than 3 years.

"(B) A scientifically valid methodology and study design, including a specific data collection and analysis plan, that identifies appropriate control groups for comparison.

"(C) The fewest participants necessary to yield statistically valid findings.

"(D) Observance of appropriate ethical protocols for the use of human subjects in field experiments.

"(E) An oversight plan to ensure that participants comply with the terms and conditions of participation.

"(F) Adequate countermeasures to protect the health and safety of study participants and the general public.

"(G) A plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public.

"(3) AUTHORITY TO REVOKE PARTICIPATION.—The Secretary shall immediately revoke participation in a pilot program of a motor carrier, vehicle, or driver for failure to comply with the terms and conditions of the pilot program or if continued participation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(4) AUTHORITY TO TERMINATE PROGRAM.—The Secretary shall immediately terminate a pilot program if its continuation would not be consistent with the goals and objectives of this chapter or section 31136, as the case may be.

"(5) REPORT TO CONGRESS.—At the conclusion of each pilot program, the Secretary shall promptly report to Congress the findings, conclusions, and recommendations of the program, including suggested amendments to law or regulation that would enhance motor carrier, vehicle, and driver safety and improve compliance with national safety standards.

"(c) PREEMPTION OF STATE RULES.—During the time period that an exemption or pilot program is in effect under this section, no State shall enforce any law or regulation that conflicts with or is inconsistent with an exemption or pilot program with respect to a person exercising the exemption or participating in the pilot program.".

(b) Table of Sections.—The table of sections for chapter 313 is amended by striking the item relating to section 31315 and inserting the following:

''31315. Exemptions and pilot programs.''.

(c) Conforming Amendment.—Section 31136(e) is amended to read as follows:

''(e) Exemptions.—The Secretary may grant exemptions from any regulation prescribed under this section in accordance with section 31315.''.

(d) Protection of Existing Exemptions.—The amendments made by subsections (a) and (c) of this section shall not apply to or otherwise affect an exemption or waiver in effect on the day before the date of the enactment of this Act under section 31315 or 31136(e) of title 49, United States Code.

SEC. 407. SAFETY REGULATION.

(a) Commercial Motor Vehicle Defined.—Section 31132(1) is amended—

(1) in subparagraph (A)—

(A) by inserting ''or gross vehicle weight'' after ''rating''; and

(B) by inserting '', whichever is greater'' after ''pounds''; and

(2) in subparagraph (B)—

(A) by inserting ''or livery'' after ''taxicab''; and

(B) by striking ''6 passengers'' and inserting ''8 passengers, including the driver,''.

(b) Repeal of Review Panel.—Section 31134, and the item relating to such section in the table of sections for chapter 311, are repealed.

(c) Repeal of Submission to Review Panel.—Section 31140, and the item relating to such section in the table of sections for chapter 311, are repealed.

(d) Review Procedure.—Section 31141 is amended—

(1) by striking subsections (b) and (c) and inserting the following:

''(b) Submission of Regulation.—A State that enacts a State law or issues a regulation on commercial motor vehicle safety shall submit a copy of the law or regulation to the Secretary of Transportation immediately after the enactment or issuance.

''(c) Review and Decisions by Secretary.—

''(1) Review.—The Secretary shall review State laws and regulations on commercial motor vehicle safety. The Secretary shall decide whether the State law or regulation—

''(A) has the same effect as a regulation prescribed by the Secretary under section 31136;

''(B) is less stringent than such regulation; or

''(C) is additional to or more stringent than such regulation.

''(2) Regulations with Same Effect.—If the Secretary decides a State law or regulation has the same effect as a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced.

''(3) Less Stringent Regulations.—If the Secretary decides a State law or regulation is less stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may not be enforced.

''(4) Additional or More Stringent Regulations.—If the Secretary decides a State law or regulation is additional to or more stringent than a regulation prescribed by the Secretary under section 31136 of this title, the State law or regulation may be enforced unless the Secretary also decides that—

''(A) the State law or regulation has no safety benefit;

''(B) the State law or regulation is incompatible with the regulation prescribed by the Secretary; or

''(C) enforcement of the State law or regulation would cause an unreasonable burden on interstate commerce.

''(5) Consideration of Effect on Interstate Commerce.—In deciding under paragraph (4) whether a State law or regulation will cause an unreasonable burden on interstate commerce, the Secretary may consider the effect on interstate commerce of implementation of that law or regulation with the implementation of all similar laws and regulations of other States.'';

(2) by striking subsection (e); and

(3) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively.

(e) Inspection of Safety Equipment.—Section 31142(a) is amended by striking ''part 393 of title 49, Code of Federal Regulations'' and inserting ''the regulations issued under section 31136''.

(f) Protection of States Participating in State Groups.—Section 31142(c)(1)(C) is amended—

(1) by inserting after ''from'' the following: ''participating in the activities of a voluntary group of States''; and

(2) by striking ''that meets'' and all that follows through ''1984''.

(g) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of implementation of the amendments made by subsection (a)(2) of this section.

SEC. 408. IMPROVED INTERSTATE SCHOOL BUS SAFETY.

(a) Applicability of Federal Motor Carrier Safety Regulations to Interstate School Bus Operations.—Section 31136 is amended by adding at the end the following:

''(g) Applicability to School Transportation Operations of Local Education Agencies.—Not later than 6 months after the date of the enactment of this subsection, the Secretary shall issue regulations making the relevant commercial motor carrier safety regulations issued under subsection (a) applicable to all interstate school transportation operations by local educational agencies (as defined in section 14101 of the Elementary and Secondary Education Act of 1965).''.

(b) Report.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the status of compliance by private for-hire motor carriers and local educational agencies in meeting the requirements of section 31136 of title 49, United States Code, and any activities of the Secretary or the States to enforce such requirements.

SEC. 409. REPEAL OF CERTAIN OBSOLETE MISCELLANEOUS AUTHORITIES.

Subchapter IV of chapter 311 (including sections 31161 and 31162), and the items relating to such subchapter and sections in the table of sections for chapter 311, are repealed.

SEC. 410. COMMERCIAL VEHICLE OPERATORS.

(a) Commercial Motor Vehicle Defined.—Section 31301(4) is amended—

(1) in subparagraph (A)—

(A) by inserting ''or gross vehicle weight'' after ''rating'' the first 2 places it appears; and

(B) by inserting '', whichever is greater,'' after ''pounds'' the first place it appears; and

(2) in subparagraph (C)(ii) by inserting ''is'' before ''transporting'' each place it appears.

(b) Prohibition on CMV Operation Without CDL.—

(1) In General.—Section 31302 is amended to read as follows:

“§31302. Driver's license requirement

''An individual may operate a commercial motor vehicle only if the individual has a valid commercial driver's license. An individual operating a commercial motor vehicle may have only one driver's license at any time.''.

(2) Conforming Amendment.—The item relating to section 31302 in the table of sections for chapter 313 is amended to read as follows:

''31302. Driver's license requirement.''.

(c) Unique Identifiers in CDLs.—

(1) In General.—Section 31308(2) is amended by inserting before the semicolon ''and each license issued after January 1, 2000, include unique identifiers to minimize fraud and duplication''.

(2) Deadline for Issuance of Regulations.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall issue regulations to carry out the amendment made by paragraph (1).

(d) Commercial Driver's License Information System.—Section 31309 is amended—

(1) in subsection (a) by striking ''make an agreement under subsection (b) of this section for the operation of, or establish under subsection (c) of this section,'' and inserting ''maintain'';

(2) by inserting after the first sentence of subsection (a) the following: ''The system shall be coordinated with activities carried out under section 31106.'';

(3) by striking subsections (b) and (c);

(4) in subsection (d)(1)—

(A) by striking ''and'' at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(C) by adding at the end the following:

''(G) information on all fines, penalties, convictions, and failure to appear for a hearing or trial incurred by the operator with respect to operation of a motor vehicle for a period of not less than 3 years beginning on the date of the imposition of such a fine or penalty or the date of such a conviction or failure to appear.'';

(5) by striking subsection (d)(2) and inserting the following:

''(2) The information system under this section must accommodate any unique identifiers required to minimize fraud or duplication of a commercial driver's license under section 31308(2).'';

(6) by striking subsection (e) and inserting the following:

''(e) Availability of Information.—Information in the information system shall be made available and subject to review and correction in accordance with section 31106(e).'';

(7) in subsection (f) by striking ''If the Secretary establishes an information system under this section, the'' and inserting ''The'';

(8) by striking ''shall'' in the first sentence of subsection (f) and inserting ''may''; and

(9) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(e) Repeal of Obsolete Grant Programs.—Sections 31312 and 31313, and the items relating to such sections in the table of sections for chapter 313, are repealed.

(f) Updating Amendments.—Section 31314 is amended—

(1) by striking ''(2), (5), and (6)'' each place it appears in subsections (a) and (b) and inserting ''(3), and (5)'';

(2) in subsection (c) by striking ''(1) Amounts'' and all that follows through ''(2) Amounts'' and inserting ''Amounts'';

(3) by striking subsection (d); and

(4) by redesignating subsection (e) as subsection (d).

SEC. 411. INTERIM BORDER SAFETY IMPROVEMENT PROGRAM.

(a) Program.—The Secretary shall carry out a program to improve commercial motor vehicle safety in the vicinity of borders between the United States and Canada and the United States and Mexico.

(b) Grant and Other Authority.—The Secretary may expend funds made available to carry out this section—

(1) for making grants to border States, local governments, organizations, and other persons to carry out activities described in subsection (c);

(2) for personnel of the Department of Transportation to conduct such activities; and

(3) for entry into contracts for the conduct of such activities.

(c) USE OF FUNDS.—Activities for which funds may be expended under this section include—

(1) employment by the Department of Transportation or a border State of additional personnel to enforce commercial motor vehicle safety regulations described in subsection (a);

(2) training of personnel to enforce such regulations;

(3) development of data bases and communication systems to improve commercial motor vehicle safety; and

(4) education and outreach initiatives.

(d) CRITERIA.—In selecting activities and projects for funding under this section, the Secretary shall consider current levels of enforcement by border States, cross border traffic patterns (including volume of commercial motor vehicle traffic), location of inspection facilities, and such other factors as the Secretary determines will result in the greatest safety improvement and benefit to border States and the Nation.

(e) FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share payable under a grant made under this section for—

(A) any activity described in paragraph (2), (3), or (4) of subsection (c) shall be 80 percent; and

(B) any activity described in subsection (c)(1) shall be—

(i) 80 percent for the first 2 years that a State receives a grant under this section for such activity;

(ii) 50 percent for the third and fourth years that a State receives a grant under this section for such activity; and

(iii) 25 percent for the fifth and sixth years that a State receives a grant under this section for such activity.

(2) IN-KIND CONTRIBUTIONS.—In determining the non-Federal costs under paragraph (1), the Secretary shall include in-kind contributions by the grant recipient, of which up to $2,500,000 may be used to upgrade earthquake simulation facilities as required to carry out the program.

(f) MAINTENANCE OF EFFORT.—A grant may not be made to a State under this section for an activity described in subsection (c)(1) in any fiscal year unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all other sources for employment of personnel to enforce commercial motor vehicle safety regulations in the vicinity of the border at or above the average level of such expenditures in the State's 2 fiscal years preceding the date of the enactment of this section.

(g) FUNDING.—Of amounts made available to carry out the coordinated border infrastructure and safety program under section 116 of this Act, $20,000,000 for fiscal year 1998 and $15,000,000 for each of fiscal years 1999 through 2003 shall be available to carry out this section.

(h) BORDER STATE DEFINED.—In this section, the term "border State" means any State that has a boundary in common with Canada or Mexico.

SEC. 412. VEHICLE WEIGHT ENFORCEMENT.

(a) STUDY.—The Secretary shall conduct a study of State laws and regulations pertaining to penalties for violation of State commercial motor vehicle weight laws.

(b) PURPOSE.—The purpose of the study shall be to determine the effectiveness of State penalties as a deterrent to illegally overweight trucking operations. The study shall evaluate fine structures, innovative roadside enforcement techniques, a State's ability to penalize shippers and carriers as well as drivers, and shall examine the effectiveness of administrative and judicial procedures utilized to enforce vehicle weight laws.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with any legislative recommendations of the Secretary.

(d) FUNDING.—From amounts made available under subparagraphs (F) through (I) of section 127(a)(3) of this Act, the Secretary may use not to exceed $300,000 to carry out this section.

SEC. 413. PARTICIPATION IN INTERNATIONAL REGISTRATION PLAN AND INTERNATIONAL FUEL TAX AGREEMENT.

Sections 31702, 31703, and 31708, and the items relating to such sections in the table of sections for chapter 317, are repealed.

SEC. 414. TELEPHONE HOTLINE FOR REPORTING SAFETY VIOLATIONS.

(a) IN GENERAL.—For a period of not less than 2 years beginning on or before the 90th day following the date of the enactment of this Act, the Secretary shall establish, maintain, and promote the use of a nationwide toll-free telephone system to be used by drivers of commercial motor vehicles and others to report potential violations of Federal motor carrier safety regulations and any laws or regulations relating to the safe operation of commercial motor vehicles and to report potentially improper inspections, audits, and enforcement activities.

(b) MONITORING.—The Secretary shall monitor reports received by the telephone system and shall consider nonfrivolous information provided by such reports in setting priorities for motor carrier safety audits and other enforcement activities.

(c) PROTECTION OF PERSONS REPORTING VIOLATIONS.—

(1) PROHIBITION.—A person reporting a potential violation to the telephone system while acting in good faith may not be discharged, disciplined, or discriminated against regarding pay, terms, or privileges of employment because of the reporting of such violation.

(2) APPLICABILITY OF SECTION 31105 OF TITLE 49.—For purposes of section 31105 of title 49, United States Code, a violation or alleged violation of paragraph (1) shall be treated as a violation of section 31105(a) of such title.

(d) FUNDING.—From amounts set aside under section 104(a) of title 23, United States Code, the Secretary may use not to exceed $300,000 for each of fiscal years 1998 through 2003 to carry out this section.

SEC. 415. INSULIN TREATED DIABETES MELLITUS.

(a) DETERMINATION.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall determine whether a practicable and cost-effective screening, operating, and monitoring protocol could likely be developed for insulin treated diabetes mellitus individuals who want to operate commercial motor vehicles in interstate commerce that would ensure a level of safety equal to or greater than that achieved with the current prohibition on individuals with insulin treated diabetes mellitus driving such vehicles.

(b) COMPILATION AND EVALUATION.—Prior to making the determination in subsection (a), the Secretary shall compile and evaluate research and other information on the effects of insulin treated diabetes mellitus on driving performance. In preparing the compilation and evaluation, the Secretary shall, at a minimum—

(1) consult with States that have developed and are implementing a screening process to identify individuals with insulin treated diabetes mellitus who may obtain waivers to drive commercial motor vehicles in intrastate commerce;

(2) evaluate the Department's policy and actions to permit certain insulin treated diabetes mellitus individuals who meet selection criteria and who successfully comply with the approved monitoring protocol to operate in other modes of transportation;

(3) analyze available data on the safety performance of diabetic drivers of motor vehicles;

(4) assess the relevance of intrastate driving and experiences of other modes of transportation to interstate commercial motor vehicle operations; and

(5) consult with interested groups knowledgeable about diabetes and related issues.

(c) REPORT TO CONGRESS.—If the Secretary determines that no protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress the basis for such determination.

(d) INITIATION OF RULEMAKING.—If the Secretary determines that a protocol described in subsection (a) could likely be developed, the Secretary shall report to Congress a description of the elements of such protocol and shall promptly initiate a rulemaking proceeding to implement such protocol.

SEC. 416. PERFORMANCE-BASED CDL TESTING.

(a) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete a review of the procedures established and implemented by States under section 31305 of title 49, United States Code, to determine if the current system for testing is an accurate measure and reflection of an individual's knowledge and skills as an operator of a commercial motor vehicle and to identify methods to improve testing and licensing standards, including identifying the benefits and costs of a graduated licensing system.

(b) REGULATIONS.—Not later than 1 year after the date of completion of the review under subsection (a), the Secretary shall issue regulations under section 31305 reflecting the results of the review.

SEC. 417. POSTACCIDENT ALCOHOL TESTING.

(a) STUDY.—The Secretary shall conduct a study of the feasibility of utilizing qualified emergency responders and law enforcement officers for conducting postaccident alcohol testing of commercial motor vehicle operators under section 31306 of title 49, United States Code, as a method of obtaining more timely information and reducing the burdens that employers may encounter in meeting the testing requirements of such section.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the study conducted under subsection (a) with recommendations regarding the utilization of emergency responders and law enforcement officers in conducting testing described in subsection (a).

SEC. 418. DRIVER FATIGUE.

(a) TECHNOLOGIES TO REDUCE FATIGUE OF COMMERCIAL MOTOR VEHICLE OPERATORS.—

(1) DEVELOPMENT OF TECHNOLOGIES.—As part of the activities of the Secretary relating to the fatigue of commercial motor vehicle operators, the Secretary shall encourage the research, development, and demonstration of technologies that may aid in reducing such fatigue.

(2) IDENTIFICATION OF TECHNOLOGIES.—In identifying technologies pursuant to paragraph (1), the Secretary shall take into account—

(A) the degree to which the technology will be cost efficient;

(B) the degree to which the technology can be effectively used in diverse climatic regions of the Nation; and

(C) the degree to which the application of the technology will further emissions reductions, energy conservation, and other transportation goals.

(3) Funding.—The Secretary may use amounts made available under subparagraphs (F) through (I) of section 127(a)(3) of this Act to carry out this subsection.

(b) Nonsedating Antihistamines.—The Secretary shall review available information on the effects of antihistamines on driver fatigue, awareness, and performance and shall consider encouraging the use of nonsedating antihistamines as a means of reducing the adverse effects of the use of other antihistamines by drivers.

SEC. 419. SAFETY FITNESS.

(a) In General.—Section 31144 is amended to read as follows:

"§31144. Safety fitness of owners and operators

"(a) In General.—The Secretary shall—

"(1) determine whether an owner or operator is fit to operate safely commercial motor vehicles;

"(2) periodically update such safety fitness determinations;

"(3) make such safety fitness determinations readily available to the public; and

"(4) prescribe by regulation penalties for violations of this section consistent with section 521.

"(b) Procedure.—The Secretary shall maintain by regulation a procedure for determining whether an owner or operator is fit to operate safely commercial motor vehicles. The procedure shall include, at a minimum, the following elements:

"(1) Specific initial and continuing requirements with which an owner or operator must comply to demonstrate safety fitness.

"(2) A methodology the Secretary will use to determine whether an owner or operator is fit.

"(3) Specific time frames within which the Secretary will determine whether an owner or operator is fit.

"(c) Prohibited Transportation.—

"(1) In general.—Except as provided in sections 521(b)(5)(A) and 5113 and this subsection, an owner or operator who the Secretary determines is not fit may not operate commercial motor vehicles in interstate commerce beginning on the 61st day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(2) Owners or operators transporting passengers.—With regard to owners or operators of commercial motor vehicles designed or used to transport passengers, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(3) Owners or operators transporting hazardous material.—With regard to owners or operators of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, an owner or operator who the Secretary determines is not fit may not operate in interstate commerce beginning on the 46th day after the date of such fitness determination and until the Secretary determines such owner or operator is fit.

"(4) Secretary's discretion.—Except for owners or operators described in paragraphs (2) and (3), the Secretary may allow an owner or operator who is not fit to continue operating for an additional 60 days after the 61st day after the date of the Secretary's fitness determination, if the Secretary determines that such owner or operator is making a good faith effort to become fit.

"(d) Review of Fitness Determinations.—

"(1) In general.—Not later than 45 days after an unfit owner or operator requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(2) Owners or operators transporting passengers.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport passengers requests a review, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(3) Owners or operators transporting hazardous material.—Not later than 30 days after an unfit owner or operator of commercial motor vehicles designed or used to transport hazardous material for which placarding of a motor vehicle is required under regulations prescribed under chapter 51, the Secretary shall review such owner's or operator's compliance with those requirements with which the owner or operator failed to comply and resulted in the Secretary determining that the owner or operator was not fit.

"(e) Prohibited Government Use.—A department, agency, or instrumentality of the United States Government may not use to provide any transportation service an owner or operator who the Secretary has determined is not fit until the Secretary determines such owner or operator is fit.".

(b) Conforming Amendment.—Section 5113 is amended by striking subsections (a), (b), (c), and (d) and inserting the following:

"See section 31144.".

SEC. 420. HAZARDOUS MATERIALS TRANSPORTATION REGULATION AND FARM SERVICE VEHICLES.

(a) Exceptions.—Section 5117(d)(2) is amended—

(1) by striking "do not prohibit";

(2) in subparagraph (A)—

(A) by inserting "do not prohibit" before "or regulate"; and

(B) by striking "or" the last place it appears;

(3) in subparagraph (B) by inserting "do not prohibit" before "transportation";

(4) by striking the period at the end of subparagraph (B) and inserting "; or"; and

(5) by adding at the end the following:

"(C) do not prohibit a State from providing an exception from requirements relating to placarding, shipping papers, and emergency telephone numbers for the private motor carriage in intrastate transportation of an agricultural production material from a source of supply to a farm, from a farm to another farm, from a field to another field on a farm, or from the farm back to the source of supply.

In granting any exception under subparagraph (C), a State must certify to the Secretary that such exception is in the public interest, the need for such exception, and that the State shall monitor the exception and take such measures necessary to ensure that safety is not compromised.".

(b) Agricultural Production Material Defined.—Section 5117 is amended by adding at the end the following:

"(f) Agricultural Production Material Defined.—In this section, the term 'agricultural production material' means—

"(1) ammonium nitrate fertilizer in a quantity that does not exceed 16,094 pounds;

"(2) a pesticide in a quantity that does not exceed 502 gallons for liquids and 5,070 pounds for solids; and

"(3) a diluted solution of water and pesticides or fertilizer in a quantity that does not exceed 3,500 gallons.".

SEC. 421. TRUCK TRAILER CONSPICUITY.

(a) Issuance of Final Rule.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue a final rule regarding the conspicuity of trailers manufactured before December 1, 1993.

(b) Considerations.—In conducting the rulemaking under subsection (a), the Secretary shall consider, at a minimum, the following:

(1) The cost-effectiveness of any requirement to retrofit trailers manufactured before December 1, 1993.

(2) The extent to which motor carriers have voluntarily taken steps to increase equipment visibility.

(3) Regulatory flexibility to accommodate differing trailer designs and configurations, such as tank trucks.

SEC. 422. DOT IMPLEMENTATION PLAN.

(a) In General.—Not later than 18 months after the date of the enactment of this section, the Secretary shall develop and submit to Congress a plan for implementing authority (if subsequently provided by law) to—

(1) investigate and bring civil actions to enforce chapter 5 of title 49, United States Code, or a regulation or order of the Secretary under such chapter, when violated by shippers, freight forwarders, brokers, consignees, or persons (other than rail carriers, motor carriers, motor carriers of migrant workers, or motor private carriers); and

(2) assess civil or criminal penalties against a person who knowingly aids, abets, counsels, commands, induces, or procures a violation of a regulation or an order of the Secretary under chapter 311 or section 31502 of such title to the same extent as a motor carrier or driver who commits such a violation.

(b) Contents of Implementation Plan.—In developing the implementation plan, the Secretary, at a minimum, shall consider—

(1) in what circumstances the Secretary would exercise the new authority;

(2) how the Secretary would determine that shippers, freight forwarders, brokers, consignees, or other persons committed violations described in subsection (a), including what types of evidence would be conclusive;

(3) what procedures would be necessary during investigations to ensure the confidentiality of shipper contract terms prior to the Secretary's findings of violations;

(4) what impact the exercise of the new authority would have on the Secretary's resources, including whether additional investigative or legal resources would be necessary and whether the staff would need specialized education or training to exercise properly such authority;

(5) to what extent the Secretary would conduct educational activities for persons who would be subject to the new authority; and

(6) any other information that would assist the Congress in determining whether to provide the Secretary the new authority.

TITLE V—PROGRAMMATIC REFORMS AND STREAMLINING

SEC. 501. PROJECT APPROVAL AND OVERSIGHT.

(a) In General.—Section 106 is amended by striking the section heading and all that follows through the period at the end of subsection (d) and inserting the following:

"§106. Project approval and oversight

"(a) In General.—

"(1) Submission of plans, specifications, and estimates.—Except as otherwise provided in this section, each State highway department shall submit to the Secretary for approval such plans, specifications, and estimates for each proposed project as the Secretary may require.

"(2) Project agreement.—The Secretary shall act upon the plans, specifications, and estimates as soon as practicable after the date of

their submission and shall enter into a formal project agreement with the State highway department formalizing the conditions of the project approval.

"(3) CONTRACTUAL OBLIGATION.—The execution of the project agreement shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

"(4) GUIDANCE.—In taking action under this subsection, the Secretary shall be guided by the provisions of section 109.

"(b) PROJECT AGREEMENT.—

"(1) PROVISION OF STATE FUNDS.—The project agreement shall make provision for State funds required for the State's pro rata share of the cost of construction of the project and for the maintenance of the project after completion of construction.

"(2) REPRESENTATIONS OF STATE.—The Secretary may rely upon representations made by the State highway department with respect to the arrangements or agreements made by the State highway department and appropriate local officials if a part of the project is to be constructed at the expense of, or in cooperation with, local subdivisions of the State.

"(c) SPECIAL RULES FOR PROJECT OVERSIGHT.—

"(1) NHS PROJECTS.—

"(A) GENERAL AUTHORITY.—Except as otherwise provided in subsection (d), the Secretary may discharge to the State any of the Secretary's responsibilities under this title for design, plans, specifications, estimates, contract awards, and inspection of projects on the National Highway System.

"(B) AGREEMENT.—The Secretary and the State shall reach agreement as to the extent the State may assume the Secretary's responsibilities under this subsection. The Secretary may not assume any greater responsibility than the Secretary is permitted under this title on September 30, 1997, except upon agreement by the Secretary and the State.

"(2) NON-INTERSTATE SYSTEM PROJECTS.—For all projects under this title that are not on the National Highway System, the State shall assume the Secretary's responsibility under this title for design, plans, specifications, estimates, contract awards, and inspection of projects. For projects that are on the National Highway System but not on the Interstate System, the State shall assume the Secretary's responsibility under this title for design, plans, specifications, estimates, contract awards, and inspections of projects unless the State or the Secretary determines that such assumption is not appropriate.

"(d) SECRETARY'S RESPONSIBILITIES.—Nothing in this section, section 133, and section 149 shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, other than this title. Any responsibility or obligation of the Secretary under sections 113 and 114 of this title and section 5333 of title 49, United States Code, shall not be affected and may not be discharged under this section, section 133, or section 149.".

(b) REPEAL OF OBSOLETE PROVISIONS.—Sections 105, 110, and 117, and the items relating to such sections in the table of sections for chapter 1, are repealed.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by striking the item relating to section 106 and inserting:

"106. Project approval and oversight.".

SEC. 502. ENVIRONMENTAL STREAMLINING.

(a) COORDINATED ENVIRONMENTAL REVIEW PROCESS.—

(1) DEVELOPMENT AND IMPLEMENTATION.—The Secretary shall develop and implement a coordinated environmental review process for highway construction projects that require—

(A) the preparation of an environmental impact statement or environmental assessment under the National Environmental Policy Act of 1969, except that the Secretary may decide not to apply this section to the preparation of an environmental assessment under such Act; or

(B) the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval by operation of Federal law.

(2) MEMORANDUM OF UNDERSTANDING.—The coordinated environmental review process for each project shall ensure that, whenever practicable (as set forth in this section), all environmental reviews, analyses, opinions, and any permits, licenses, or approvals that must be issued or made by any Federal agency for the concerned highway project shall be conducted concurrently and completed within a cooperatively determined time period. Such process for a project or class of projects may be incorporated into a memorandum of understanding between the Department of Transportation and all other Federal agencies (and, where appropriate, State agencies). In establishing such time period and any time periods for review within such period the Department and all such agencies shall take into account their respective resources and statutory commitments.

(b) ELEMENTS OF COORDINATED ENVIRONMENTAL REVIEW PROCESS.—For each highway project, the coordinated environmental review process established under this section shall provide, at a minimum, for the following elements:

(1) AGENCY IDENTIFICATION.—The Secretary shall, at the earliest possible time, identify all potential Federal agencies that—

(A) have jurisdiction by law over environmental-related issues that may be affected by the project and the analysis of which would be part of any environmental document required by the National Environmental Policy Act of 1969; or

(B) may be required by Federal law to independently—

(i) conduct an environmental-related review or analysis; or

(ii) determine whether to issue a permit, license, or approval or render an opinion on the environmental impact of the project.

(2) TIME LIMITATIONS AND CONCURRENT REVIEW.—The Secretary and the head of each Federal agency identified under paragraph (1)—

(A)(i) shall jointly develop and establish time periods for review for—

(I) all Federal agency comments with respect to any environmental review documents required by the National Environmental Policy Act of 1969 for the project; and

(II) all other independent Federal agency environmental analyses, reviews, opinions, and decisions on any permits, licenses, and approvals that must be issued or made for the project;

whereby each such Federal agency's review shall be undertaken and completed within such established time periods for review; or

(ii) may enter into an agreement to establish such time periods for review with respect to a class of projects; and

(B) shall ensure, in establishing such time periods for review, that the conduct of any such analysis, review, opinion, and decision is undertaken concurrently with all other environmental reviews for the project, including those required by the National Environmental Policy Act of 1969; except that such review may not be concurrent if the affected Federal agency can demonstrate that such concurrent review would result in a significant adverse impact to the environment or substantively alter the operation of Federal law or would not be possible without information developed as part of the environmental review process.

(3) FACTORS TO BE CONSIDERED.—Time periods for review established under this section shall be consistent with those established by the Council on Environmental Quality under the provisions of sections 1501.8 and 1506.10 of title 40, Code of Federal Regulations.

(4) EXTENSIONS.—The Secretary shall extend any time periods for review under this section if, upon good cause shown, the Secretary and any Federal agency concerned determine that additional time for analysis and review is needed as a result of new information which has been discovered that could not reasonably have been anticipated when such agency's time periods for review were established. Any memorandum of understanding shall be modified to incorporate any mutually agreed upon extensions.

(c) DISPUTE RESOLUTION.—When the Secretary determines that a Federal agency which is subject to a time period for its environmental review or analysis under this section has failed to complete such review, analysis, opinion, or decision on issuing any permit, license, or approval within the established time period or within any agreed upon extension to such time period, then the Secretary may close the record. If the Secretary finds after timely compliance with this section, that an environmental issue related to the highway project that an affected Federal agency has jurisdiction over by operation of Federal law has not been resolved, then the Secretary and the head of such agency shall resolve the matter within 30 days of the finding by the Secretary.

(d) ACCEPTANCE OF PURPOSE AND NEED.—For any environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969 or the conduct of any other environmental review, analysis, opinion, or issuance of an environmental permit, license, or approval that requires an analysis of purpose and need, the agency conducting such review with respect to the highway project shall give due consideration to the project purpose and need as defined by the Secretary and the project applicant.

(e) PARTICIPATION OF STATE AGENCIES.—For any project eligible for assistance under chapter 1 of title 23, United States Code, a State, by operation of State law, may require that all State agencies that have jurisdiction by State or Federal law over environmental-related issues that may be affected by the project or must issue any environmental-related reviews, analyses, opinions, or determinations on issuing any permits, licenses, or approvals for the project be subject to the coordinated environmental review process provided for in this section unless the Secretary determines that a State's participation would not be in the public interest. For a State to require State agencies to participate in the review process, all affected agencies of such State shall be subject to the review process.

(f) ASSISTANCE TO AFFECTED FEDERAL AGENCIES.—The Secretary may approve a request by a State to provide funds made available under chapter 1 of title 23, United States Code, to the State for the project subject to the review process established by this section to affected Federal agencies to provide the resources necessary to meet any time limits established by this section. Such requests shall only be approved for the additional amounts that the Secretary determines are necessary for such affected Federal agencies to meet the time limits for environmental review where such time limits are less than the customary time necessary for such review.

(g) FEDERAL AGENCY DEFINED.—For the purposes of this section, the term "Federal agency" means any Federal agency or any State agency carrying out affected responsibilities required by operation of Federal law.

(h) JUDICIAL REVIEW AND SAVINGS CLAUSE.—

(1) JUDICIAL REVIEW.—Nothing in this section shall affect the reviewability of any final Federal agency action in a district court of the United States or in the court of any State.

(2) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect the applicability of the National Environmental Policy Act of 1969 or any other Federal environmental statute or affect the responsibility of any Federal officer to comply with or enforce any such statute.

(i) STATE ENVIRONMENTAL REVIEW DELEGATION PILOT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in cooperation with the Council on Environmental Quality, shall establish and implement a State environmental review pilot demonstration program. Such program shall permit the Secretary, in cooperation with the Council on Environmental Quality, to develop criteria for States to select up to 8 States for participation in the program. A State interested in participation in the program shall submit to the Secretary an application for participation.

(2) DELEGATION OF AUTHORITY.—For each State selected to participate in the pilot program, the Secretary shall delegate and the State shall accept all of the responsibilities for conducting the Federal environmental review process required by the National Environmental Policy Act of 1969 in the manner required if the projects were undertaken by the Secretary.

(3) CERTIFICATION.—A State that is selected to participate in the pilot program shall, prior to assuming any responsibilities for the Secretary under this subsection, submit to the Secretary and the Secretary, in cooperation with the Council on Environmental Quality, shall approve a certification that shall, at a minimum—

(A) be in a form acceptable to the Secretary;

(B) be executed by the Chief Executive Officer of the recipient of assistance under this section (hereinafter in this section referred to as the "certifying officer");

(C) specify that the certifying officer consents to assume the status of a responsible Federal officer under the National Environmental Policy Act of 1969 (and any applicable regulations issued by the Secretary or the Council on Environmental Quality implementing such Act) for the affected project;

(D) accept jurisdiction of the Federal courts for the purpose of enforcement of the State's responsibilities for the project; and

(E) agree that the Secretary's approval of such certification shall constitute the Secretary's responsibilities under the National Environmental Policy Act of 1969 and any other related provisions of law that the Secretary may specify for the affected project.

(4) OVERSIGHT.—For each State selected to participate in the pilot program, the Secretary shall, in cooperation with the Council on Environmental Quality, conduct quarterly audits in the first year of such participation, and annual audits every year thereafter, to ensure that each selected State is complying with all elements of the certification provided for in this subsection and all requirements delegated pursuant to this subsection.

(5) TERMINATION.—The Secretary, in cooperation with the Council on Environmental Quality, may immediately terminate the participation of any State if the Secretary, in cooperation with the Council on Environmental Quality, finds that such State is not complying with any responsibility or duty set forth in this subsection or that the State's continued participation in the program would result in any adverse impact on the environment.

(6) PERIOD OF APPLICABILITY.—The pilot program shall remain in effect for 3 years. The pilot program shall apply to all projects initiated within such 3-year period, and any such project shall be subject to the provisions of this subsection until the review of the project is completed under this subsection.

(7) REPORT TO CONGRESS.—The Secretary and Council on Environmental Quality shall transmit to Congress annual reports on the pilot program.

SEC. 503. MAJOR INVESTMENT STUDY INTEGRATION.

The Secretary shall eliminate the major investment study set forth in section 450.318 of title 23, Code of Federal Regulations, as a separate requirement and promulgate regulations to integrate such requirement, as appropriate, as part of each analysis undertaken pursuant to the National Environmental Policy Act of 1969 for a project receiving assistance with funds made available under this Act (including any amendments made by this Act).

SEC. 504. FINANCIAL PLAN.

The Secretary shall require each recipient of Federal financial assistance for a highway or transit project with an estimated total cost of $1,000,000,000 or more to submit to the Secretary an annual financial plan. Such plan shall be based on detailed annual estimates of the cost to complete the remaining elements of the project and on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project.

SEC. 505. UNIFORM TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

(a) IN GENERAL.—Chapter 1 is amended by inserting after section 109 the following:

"§110. Uniform transferability of Federal-aid highway funds

"(a) GENERAL RULE.—Notwithstanding any other provision of law but subject to subsections (b) and (c), if at least 50 percent of a State's apportionment under section 104 or 144 for a fiscal year or at least 50 percent of the funds set-aside under section 133(d) from the State's apportionment section 104(b)(3) may not be transferred to any other apportionment of the State under section 104 or 144 for such fiscal year, then the State may transfer not to exceed 50 percent of such apportionment or set aside to any other apportionment of such State under section 104 or 144 for such fiscal year.

"(b) APPLICATION TO CERTAIN SET-ASIDES.—This section shall not apply to funds subject to the last sentence of section 133(d)(1) and funds subject to sections 104(f) and 133(d)(3). The maximum amount that a State may transfer under this section of the State's set-aside under section 133(d)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such set-aside, less (2) the amount of the State's set-aside under section 133(d)(3) for fiscal year 1996.

"(c) APPLICATION TO CERTAIN CMAQ FUNDS.—The maximum amount that a State may transfer under this section of the State's apportionment under section 104(b)(2) for a fiscal year may not exceed 50 percent of (1) the amount of such apportionment, less (2) the amount of the State's apportionment under section 104(b)(2) for fiscal year 1997. Any such funds apportioned under section 104(b)(2) and transferred under this section may only be obligated in geographic areas eligible for the obligation of funds apportioned under section 104(b)(2).".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 1 is amended by inserting after the item relating to section 109 the following:

"110. Uniform transferability of Federal-aid highway funds.".

SEC. 506. DISCRETIONARY GRANT SELECTION CRITERIA AND PROCESS.

(a) ESTABLISHMENT OF CRITERIA.—The Secretary shall establish criteria for all discretionary programs funded from the Highway Trust Fund (including the Mass Transit Account). To the extent practicable, such criteria shall conform to the Executive Order No. 12893 (relating to infrastructure investment). In formulating such criteria, the Secretary shall provide that, if 2 or more applications for a discretionary grant are otherwise equal, then the grant shall be awarded to the application from a State that has a Highway Trust Fund (other than the Mass Transit Account) return of less than 90 percent.

(b) SELECTION PROCESS.—

(1) LIMITATION ON ACCEPTANCE OF APPLICATION.—Before accepting application for grants under any discretionary program for which funds are authorized to be appropriated from the Highway Trust Fund (including the Mass Transit Account) by this Act (including the amendments made by this Act), the Secretary shall publish the criteria established under subsection (a). Such publication shall identify all statutory criteria and any criteria established by regulation that will apply to such program.

(2) EXPLANATION.—At least 14 days before making a grant under a discretionary program described in paragraph (1), the Secretary shall transmit to the respective committees of the House of Representatives and the Senate having jurisdiction over such program, and shall publish, an explanation of how projects will be selected based on the criteria established for such program under subsection (a).

(c) MINIMUM PROGRAMS.—At a minimum the criteria established under subsection (a) and the process established by subsection (b) shall apply to the following programs:

(1) The high cost Interstate System reconstruction and improvement program.

(2) The research program under title VI of this Act.

(3) The national corridor planning and development program.

(4) The coordinated border infrastructure and safety program.

(5) The construction of ferry boats and ferry terminal facilities.

(6) The scenic byway program.

(7) The discretionary bridge program.

(8) New fixed guideway systems and extensions to existing fixed guideway systems under section 5309 of title 49, United States Code.

(9) Transit research and planning.

SEC. 507. ELIMINATION OF REGIONAL OFFICE RESPONSIBILITIES.

(a) IN GENERAL.—The Secretary shall eliminate any programmatic responsibility of the regional offices of the Federal Highway Administration as part of the Administration's efforts to restructure its field organization, including elimination of regional offices, creation of technical resource centers, and maximum delegation of authority to its State offices.

(b) REPORT TO CONGRESS.—The Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a detailed implementation plan not later than September 30, 1998, and thereafter provide periodic progress reports to such Committees.

(c) IMPLEMENTATION.—The Secretary shall begin implementation of the plan transmitted under subsection (b) not later than December 31, 1998.

SEC. 508. AUTHORITY FOR CONGRESS TO MAKE MIDCOURSE CORRECTIONS TO THE HIGHWAY AND TRANSIT PROGRAMS.

The Secretary shall not apportion or allocate, prior to August 1, 2001, any funds authorized to be appropriated or made available for fiscal year 2001 under title 23, United States Code (other than sections 125 and 157 and amounts necessary for the administration of the Federal Highway Administration under section 104(a)), title I and VI of this Act (other than section 127(b)), section 31104(a) of title 49, United States Code, section 5338 of title 49, United States Code (other than amounts necessary for the administration of the Federal Transit Administration), *and title III of this Act, unless a law has been enacted making midcourse corrections to the Federal-aid highway and transit programs authorized by this Act (including amendments made by this Act) which would, at a minimum—*

(1) approve a funding distribution for and any modifications to the high-cost interstate reconstruction and improvement program;

(2) approve a proposed system of performance bonuses to States pursuant to the bonus program established under section 123 of this Act;

(3) approve a cost estimate for States as part of the Appalachian development highway system program;

(4) make any other appropriate programmatic changes and recommendations made to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Environment and Public Works and Banking, Housing, and Urban Affairs of the Senate;

(5) approve projects under the capital program for final design and construction of a new fixed guideway system or extension of an existing fixed guideway system; and

(6) include a certification that such law meets the requirements of this section.

TITLE VI—TRANSPORTATION RESEARCH

SEC. 601. AMENDMENTS TO TITLE 23, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 23, United States Code.

SEC. 602. APPLICABILITY OF TITLE 23.

Funds made available by subparagraphs (F) through (I) of section 127(a)(3) of this Act shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share payable for a project or activity carried out using such funds shall be determined by the Secretary (unless otherwise expressly provided by this Act) and such funds shall remain available until expended.

SEC. 603. TRANSFERS OF FUNDS.

The Secretary may transfer not to exceed 10 percent of the amounts made available by each of subparagraphs (F) through (I) of section 127(a)(3) of this Act to the amounts made available by any other of such subparagraphs.

Subtitle A—Surface Transportation Research, Technology, and Education

PART I—HIGHWAY RESEARCH

SEC. 611. RESEARCH.

(a) Research.—Section 307(a) is amended—

(1) in paragraph (1) by striking subparagraph (C); and

(2) by striking paragraph (3) and inserting the following:

"(3) Amounts deposited by cooperating organizations and persons.—There shall be available to the Secretary for carrying out this subsection such funds as may be deposited by any cooperating organization or person in a special account of the Treasury of the United States established for such purpose.".

(b) Long-Term Pavement Performance.—Section 307(b)(2) is amended to read as follows:

"(2) Long-term pavement performance.—

"(A) In general.—As part of the highway research program under subsection (a), the Secretary shall carry out a long-term pavement performance program to continue to completion the long-term pavement performance tests initiated under the strategic highway research program.

"(B) Grants, cooperative agreements, and contracts.—In carrying out subparagraph (A), the Secretary shall make grants and enter into cooperative agreements and contracts for the following purposes:

"(i) To continue the monitoring, material-testing, and evaluation of the highway test sections established under the long-term pavement performance program.

"(ii) To carry out analyses of the data collected under the program.

"(iii) To prepare the products required to fulfill the original objectives of the program and to meet future pavement technology needs.".

(c) Advanced Research.—Section 307(b)(4) is amended to read as follows:

"(4) Advanced research.—

"(A) In general.—The highway research program under subsection (a) shall include an advanced research program that addresses longer-term, higher-risk research that shows potential benefits for improving the durability, efficiency, environmental impact, productivity, and safety (including bicycle and pedestrian safety) of highway and intermodal transportation systems. In carrying out this program, the Secretary shall strive to develop partnerships with the public and private sectors.

"(B) Research areas.—In carrying out the advanced research program under subparagraph (A), the Secretary may make grants and enter into cooperative agreements and contracts in such areas as the Secretary determines appropriate, including the following:

"(i) Characterization of materials used in highway infrastructure, including analytical techniques, microstructure modeling, and the deterioration processes.

"(ii) Diagnostics for evaluation of the condition of bridge and pavement structures to enable assessment of failure risks.

"(iii) Design and construction details for composite structures.

"(iv) Safety technology based problems in the areas of pedestrian and bicycle safety, roadside hazards, and composite materials for roadside safety hardware.

"(v) Particulate matter source apportionment, control strategy synthesis evaluation, and model development.

"(vi) Data acquisition techniques for system condition and performance monitoring.

"(vii) Prediction of the response of current and future travelers to new technologies.".

(d) Supporting Infrastructure.—Section 307(b)(5) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(e) Repeals.—Section 307 is amended—

(1) by striking subsections (c), (d), and (e); and

(2) by redesignating subsections (f), (g), and (h) as subsections (c), (d), and (e), respectively.

(f) Seismic Research Program.—Section 307(c), as so redesignated, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) Establishment.—The Secretary shall establish a program to study the vulnerability of the Federal-aid highway system and other surface transportation systems to seismic activity and to develop and implement cost-effective methods to reduce such vulnerability.";

(2) by striking paragraph (4) and inserting the following:

"(4) Funding.—Of the amounts made available to carry out this section, the Secretary shall expend not more than $2,000,000 for each of fiscal years 1998 through 2003 to carry out this subsection, of which up to $2,500,000 may be used to upgrade earthquake simulation facilities as required to carry out the program."; and

(3) by striking paragraph (5).

(g) Biennial Report.—Section 307(e), as so redesignated, is amended—

(1) by striking "The Secretary" and inserting "Biennial Report.—The Secretary"; and

(2) by inserting after "highway needs" the following: ", as well as the backlog of current highway needs,".

(h) Recycled Materials Research Program.—Section 307 is further amended by adding at the end the following:

"(f) Recycled Materials Research Program.—

"(1) In general.—The Secretary shall conduct a program of research to determine—

"(A) the performance of asphalt pavement containing tire-derived carbonous asphalt modifiers under various climate and use conditions; and

"(B) the degree to which asphalt pavement containing tire-derived carbonous asphalt modifiers can be recycled.

"(2) Date of completion.—The Secretary shall complete the research program under this subsection not later than 3 years after the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.".

(i) Conforming Amendments.—Chapter 3 is amended—

*(1) in the heading to section 307 by striking "**and planning**"; and*

(2) in the table of sections for such chapter by striking the item relating to section 307 and inserting the following:

"307. Research.".

SEC. 612. STATE PLANNING AND RESEARCH.

(a) In General.—Chapter 3 is amended by inserting after section 312 the following:

"§313. State planning and research

"(a) General Rule.—Two percent of the sums apportioned for each fiscal year beginning after September 30, 1997, under section 104 (other than sections 104(f) and 104(h)) and under section 144 shall be available for expenditure by the State, in consultation with the Secretary, only for the following purposes:

"(1) Engineering and economic surveys and investigations.

"(2) The planning of future highway programs and local public transportation systems and the planning of the financing of such programs and systems, including statewide planning under section 135.

"(3) Development and implementation of management systems under section 303.

"(4) Studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof.

"(5) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems and study, research, and training on the engineering standards and construction materials for such systems, including the evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

"(b) Minimum Expenditures on Research, Development, and Technology Transfer Activities.—Not less than 25 percent of the funds which are apportioned to a State for a fiscal year and are subject to subsection (a) shall be expended by the State for research, development, and technology transfer activities described in subsection (a) relating to highway, public transportation, and intermodal transportation systems unless the State certifies to the Secretary for such fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the amount of such funds and the Secretary accepts such certification. Funds used for research provided under this subsection are not subject to an assessment under the Small Business Research and Development Enhancement Act of 1992 (Public Law 102–564).

"(c) Federal Share.—The Federal share payable on account of any project financed with funds which are subject to subsection (a) shall be 80 percent unless the Secretary determines

that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

"(d) ADMINISTRATION OF SUMS.—Funds which are subject to subsection (a) shall be combined and administered by the Secretary as a single fund which shall be available for obligation for the same period as funds apportioned under section 104(b)(1).".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 3 is amended by inserting after the item relating to section 312 the following:

"313. State planning and research.".

(c) HIGHWAY NOISE RESEARCH CENTER.—

(1) IN GENERAL.—The Secretary, in cooperation with a university with an ongoing program relating to noise control and acoustics research, shall carry out research on methods to reduce highway noise.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(H) of this Act, $1,000,000 per fiscal year shall be available to carry out this subsection.

SEC. 613. INTERNATIONAL HIGHWAY TRANSPORTATION OUTREACH PROGRAM.

(a) ACTIVITIES.—Section 325(a) is amended—

(1) by inserting after "expertise" the following: ", goods, and services";

(2) by striking "and" at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting "; and"; and

(4) by adding at the end the following:

"(6) gathering and disseminating information on foreign transportation markets and industries.".

(b) FUNDS.—Section 325(c) is amended to read as follows:

"(c) FUNDS.—Funds available to carry out this section shall include funds deposited by any cooperating organization or person in a special account for such purpose with the Secretary of the Treasury. The funds deposited in the special account and other funds available to carry out this section shall be available to cover the cost of any activity eligible under this section, including the cost of promotional materials, travel, reception and representation expenses, and salaries and benefits. Reimbursements for salaries and benefits of Department of Transportation employees providing services under this section shall be credited to the special account.".

(c) ELIGIBILITY.—Section 325 is amended by adding at the end the following:

"(d) ELIGIBLE USE OF STATE PLANNING AND RESEARCH FUNDS.—A State, in coordination with the Secretary, may obligate funds made available to carry out section 313 for any activity authorized under subsection (a).".

PART II—TRANSPORTATION EDUCATION, PROFESSIONAL TRAINING, AND TECHNOLOGY DEPLOYMENT

SEC. 621. NATIONAL HIGHWAY INSTITUTE.

Section 321 is amended by striking subsection (f) and redesignating subsection (g) as subsection (f).

SEC. 622. NATIONAL TECHNOLOGY DEPLOYMENT INITIATIVE.

(a) IN GENERAL.—Chapter 3 is further amended by inserting after section 321 the following:

"§322. National technology deployment initiative

"(a) IN GENERAL.—The Secretary shall develop and implement a national technology deployment initiative to expand adoption by the surface transportation community of innovative technologies to improve the safety, efficiency, reliability, service life, and sustainability of transportation systems and to reduce environmental impact.

"(b) INTEGRATION WITH OTHER PROGRAMS.—The Secretary shall integrate activities undertaken pursuant to this section with the efforts of the Department to disseminate the results of research sponsored by the Department and to facilitate technology transfer.

"(c) LEVERAGING OF FEDERAL RESOURCES.—In selecting projects to be carried out under this section, the Secretary shall give preference to projects that leverage Federal funds with other significant public or private resources.

"(d) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS.—The Secretary may carry out this section either independently or in cooperation with other Federal departments, agencies, and instrumentalities or by making grants to, or entering into contracts, cooperative agreements, or other transactions with any State or local agency, authority, association, institution, corporation (for-profit or nonprofit), organization, or person.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 3 is amended by inserting after the item relating to section 321 the following:

"322. National technology deployment initiative.".

SEC. 623. EDUCATION AND TRAINING PROGRAMS.

(a) LOCAL TECHNICAL ASSISTANCE PROGRAM.—Section 326(a) is amended—

(1) by striking "AUTHORITY" and inserting "LOCAL TECHNICAL ASSISTANCE PROGRAM"; and

(2) by striking "transportation assistance program" and inserting "local technical assistance program".

(b) RESEARCH FELLOWSHIPS.—Section 326 is further amended—

(1) by striking subsection (c);

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) RESEARCH FELLOWSHIPS.—

"(1) GENERAL AUTHORITY.—The Secretary may, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, make grants for research fellowships for any purpose for which research is authorized by this section.

"(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation. Such program shall be known as the 'Dwight David Eisenhower Transportation Fellowship Program'.".

(c) CONFORMING AMENDMENTS.—Chapter 3 is amended—

(1) in the heading to section 326 by striking "**program**" and inserting "**programs**"; and

(2) in the table of sections for such chapter by striking the item relating to section 326 and inserting the following:

"326. Education and training programs.".

SEC. 624. UNIVERSITY TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is amended by adding at the end the following:

"§5505. University transportation research

"(a) REGIONAL CENTERS.—The Secretary of Transportation shall make grants to nonprofit institutions of higher learning to establish and operate 1 university transportation center in each of the 10 United States Government regions that comprise the Standard Federal Regional Boundary System.

"(b) OTHER CENTERS.—The Secretary shall make grants to nonprofit institutions of higher learning to establish and operate 10 university transportation centers, in addition to the centers receiving grants under subsection (a), to address transportation management and research and development, with special attention to increasing the number of highly skilled individuals entering the field of transportation.

"(c) SELECTION OF GRANT RECIPIENTS.—

"(1) APPLICATIONS.—In order to be eligible to receive a grant under this section, a nonprofit institution of higher learning shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

"(2) SELECTION CRITERIA.—The Secretary shall select each recipient of a grant under this section through a competitive process on the basis of the following:

"(A) For regional centers, the location of the center within the Federal region to be served.

"(B) The demonstrated research and extension resources available to the recipient to carry out this section.

"(C) The capability of the recipient to provide leadership in making national and regional contributions to the solution of immediate and long-range transportation problems.

"(D) The recipient's establishment of a surface transportation program encompassing several modes of transportation.

"(E) The recipient's demonstrated commitment of at least $200,000 in regularly budgeted institutional amounts each year to support ongoing transportation research and education programs.

"(F) The recipient's demonstrated ability to disseminate results of transportation research and education programs through a statewide or regionwide continuing education program.

"(G) The strategic plan the recipient proposes to carry out under the grant.

"(d) OBJECTIVES.—Each university transportation center receiving a grant under this section shall conduct the following programs and activities:

"(1) Basic and applied research, the products of which are judged by peers or other experts in the field to advance the body of knowledge in transportation.

"(2) An education program that includes multidisciplinary course work and participation in research.

"(3) An ongoing program of technology transfer that makes research results available to potential users in a form that can be implemented, utilized, or otherwise applied.

"(e) MAINTENANCE OF EFFORT.—In order to be eligible to receive a grant under this section, a recipient shall enter into an agreement with the Secretary to ensure that the recipient will maintain total expenditures from all other sources to establish and operate a university transportation center and related research activities at a level at least equal to the average level of such expenditures in its 2 fiscal years prior to award of a grant under this section.

"(f) FEDERAL SHARE.—The Federal share of the costs of activities carried out using a grant made under this section is 50 percent of costs. The non-Federal share may include funds provided to a recipient under section 5307 or 5311 of this title or section 313, 322, or 326(a) of title 23, United States Code.

"(g) PROGRAM COORDINATION.—

"(1) COÖRDINATION.—The Secretary shall coordinate the research, education, training, and technology transfer activities that grant recipients carry out under this section, disseminate the results of the research, and establish and operate a clearinghouse.

"(2) ANNUAL REVIEW AND EVALUATION.—At least annually, the Secretary shall review and evaluate programs the grant recipients carry out.

"(3) FUNDING LIMITATION.—The Secretary may use not more than 1 percent of amounts made available from Government sources to carry out this subsection.

"(h) LIMITATION ON AVAILABILITY OF FUNDS.—Funds made available to carry out this program shall remain available for obligation for a period of 2 years after the last day of the fiscal year for which such funds are authorized.

"(i) SPECIAL RULE FOR FISCAL YEARS 1998 and 1999.—

"(1) IN GENERAL.—In carrying out subsections (a) and (b) in fiscal years 1998 and 1999, the Secretary shall make grants to each university transportation center and university research institute that received a grant in fiscal year 1997 under section 5316 or 5317 of this title, as in effect on the day before the date of the enactment of this section.

"(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of this section, grants made pursuant to paragraph (1) in fiscal years 1998 and 1999 shall be subject to the same terms and conditions as the fiscal year 1997 grants referred to in paragraph (1); except that the university research institutes at San Jose State University, North Carolina A&T State University, and the University of South Florida shall each receive $1,000,000 in grants under paragraph (1) in each of fiscal years 1998 and 1999.

"(j) UNIVERSITY RESEARCH INSTITUTES.—Any university research institute that received a grant under section 5316 of this title, as in effect on the day before the date of the enactment of this section, shall be eligible to receive grants made available to university transportation centers under this section.

"(k) APPLICATIONS THAT MAY BE CONSIDERED.—In selecting grant recipients under subsection (b), the Secretary shall consider at a minimum applications submitted by the following:

"(1) Any university transportation center or university research institute described in subsection (i)(1).

"(2) The University of Denver and Mississippi State University.

"(3) The University of Arizona.

"(4) The University of Central Florida.

"(5) Carnegie Mellon and Lehigh Universities.

"(6) University of Southern California and California State University at Long Beach.

"(7) Pace University.

"(8) A consortium of historically black colleges in Alabama.

"(9) Lawson State Community College.

"(10) A consortium consisting of the University of Wisconsin, the University of Illinois, and Purdue University.

"(11) The University of New Hampshire.

"(12) A consortium consisting of George Mason University, along with the University of Virginia and Virginia Tech University.

"(13) The University of Tennessee.

"(14) The Alabama Transportation Institute.

"(15) A consortium consisting of Columbia University, City University of New York, Manhattan College, and New Jersey Institute of Technology.

"(16) Maritime College of the State University of New York.

"(17) University of New Orleans.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5504 the following:

"5505. University transportation research.".

(c) APPALACHIAN TRANSPORTATION INSTITUTE.—

(1) GRANTS.—The Secretary shall make grants under section 5505 of title 49, United States Code, to Marshall University, West Virginia, on behalf of a consortium which also may include West Virginia University Institute of Technology, the College of West Virginia, and Bluefield State College to establish and operate an Appalachian Transportation Institute. Such institute shall conduct research, training, technology transfer, and other transportation related activities in the development and enhancement of transportation systems in the Appalachian region, including the Appalachian Development Highway System.

(2) FUNDING.—Of amounts made available to carry out such section 5505, $2,000,000 shall be available for each of fiscal years 1998 through 2003 to carry out paragraph (1).

(3) FEDERAL SHARE.—The Federal share payable for the costs of the institute referred to in paragraph (1) shall be 80 percent; except that the non-Federal interest shall receive credit for the reasonable cost associated with the establishment and administration of the institute referred to in paragraph (1).

(d) ITS INSTITUTE.—

(1) GRANTS.—The Secretary shall make grants under section 5505 of title 49, United States Code, to the University of Minnesota to continue to operate and expand the ITS Institute. The ITS Institute shall continue to conduct research, education, and development activities that focus on transportation management, enhanced safety, human factors, and reduced environmental effects. The ITS Institute shall develop new or expanded programs to address emerging issues of ITS related to transportation policy, intermodalism, sustainable community development, and transportation telematics.

(2) FUNDING.—Of amounts made available to carry out such section 5505, $2,000,000 shall be available for each of fiscal years 1998 through 2003 to carry out paragraph (1).

(3) FEDERAL SHARE.—The Federal share payable for the costs of the institute referred to in paragraph (1) shall be 80 percent; except that the non-Federal interest shall receive credit for the reasonable cost associated with the establishment and administration of the institute referred to in paragraph (1).

SEC. 625. FUNDING ALLOCATIONS.

Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(G) of this Act—

(1) not to exceed $8,000,000 per fiscal year shall be available for the National Highway Institute under section 321 of title 23, United States Code;

(2) not to exceed $10,000,000 per fiscal year shall be available for the local technical assistance program under section 326(a) of such title;

(3) not to exceed $2,000,000 per fiscal year shall be available for the Dwight D. Eisenhower Transportation Fellowship Program under section 326(b) of such title;

(4) not to exceed $14,000,000 for each of fiscal years 1998 and 1999 and $19,000,000 for each of fiscal years 2000 through 2003 shall be available for the national technology deployment initiative program under section 322 of such title; and

(5) not to exceed $17,750,000 per fiscal year shall be available for university transportation centers under section 5505 of title 49, United States Code.

PART III—BUREAU OF TRANSPORTATION STATISTICS AND MISCELLANEOUS PROGRAMS

SEC. 631. BUREAU OF TRANSPORTATION STATISTICS.

(a) IN GENERAL.—Section 111 of title 49, United States Code, is amended—

(1) by striking the second sentence of subsection (b)(4);

(2) in subsection (c)(1)—

(A) in subparagraph (J) by striking "and" at the end;

(B) in subparagraph (K) by striking the period and inserting "; and" ; and

(C) by adding at the end the following:

"(L) transportation-related variables influencing global competitiveness.";

(3) in subsection (c)(2)—

(A) by striking "national transportation system" in the first sentence and inserting "Nation's transportation systems";

(B) by striking subparagraph (A) and inserting the following:

"(A) be coordinated with efforts to measure outputs and outcomes of the Department of Transportation and the Nation's transportation systems under the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.);"; and

(C) in subparagraph (C) by inserting ", made relevant to the States and metropolitan planning organizations," after "accuracy";

(4) in subsection (c)(3) by adding at the end the following: "The Bureau shall review and report to the Secretary of Transportation on the sources and reliability of the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (107 Stat. 285 et seq.), and shall undertake such other reviews as may be requested by the Secretary.";

(5) in subsection (c) by adding at the end the following:

"(7) SUPPORTING TRANSPORTATION DECISIONMAKING.—Ensuring that the statistics compiled under paragraph (1) are relevant for transportation decisions by Federal, State, and local governments, transportation-related associations, private businesses, and consumers.";

(6) by redesignating subsections (d), (e), and (f) as subsections (h), (i) and (j), respectively;

(7) by striking subsection (g); and

(8) by inserting after subsection (c) the following:

"(d) INTERMODAL TRANSPORTATION DATA BASE.—The Director shall establish and maintain an intermodal transportation data base. The data base shall be suitable for analyses conducted by the Federal Government, the States, and metropolitan planning organizations. The data base shall include, at a minimum—

"(1) information on the volumes and patterns of movement of goods, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification;

"(2) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation and intermodal combinations, and by relevant classification; and

"(3) information on the location and connectivity of transportation facilities and services and a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combinations.

"(e) NATIONAL TRANSPORTATION LIBRARY.—The Director shall establish and maintain a national transportation library containing a collection of statistical and other information needed for transportation decisionmaking at the Federal, State, and local levels.

"(f) NATIONAL TRANSPORTATION ATLAS DATA BASE.—The Director shall develop and maintain geographic data bases depicting transportation networks; flows of people, goods, vehicles, and craft over those networks; and social, economic, and environmental conditions affecting or affected by those networks. These data bases shall be able to support intermodal network analysis.

"(g) RESEARCH AND DEVELOPMENT GRANTS.—The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities to support the programs and activities of the Bureau.";

(9) by striking subsection (i), as so redesignated, and inserting the following:

"(i) PROHIBITION ON CERTAIN DISCLOSURES.—

"(1) INFORMATION OBTAINED UNDER LONG-TERM DATA COLLECTION PROGRAM.—An officer or employee of the Bureau may not—

"(A) make any publication in which the data furnished by an individual or organization under paragraph (c)(2) can be identified;

"(B) use the information furnished under the provisions of subsection (c)(2) for a nonstatistical purpose; or

"(C) permit anyone other than the individuals authorized by the Director to examine individual reports furnished under subsection (c)(2).

"(2) COPIES OF REPORTS.—No department, bureau, agency, officer, or employee of the United States, except the Director in carrying out the purpose of this section, shall require, for any reason, copies of reports which have been filed under subsection (c)(2) with the Bureau or retained by any individual respondent. Copies of such reports which have been so retained or filed with the Bureau or any of its employees, contractors, or agents shall be immune from legal process, and shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding. This paragraph shall only apply to information that permits information concerning an individual or organization to be reasonable inferred by direct or indirect means.

"(3) COLLECTION OF DATA FOR NONSTATISTICAL PURPOSES.—In a case in which the Bureau is authorized by statute to collect data or information for nonstatistical purposes, the Director shall clearly distinguish the collection of such data or information by rule, and on the collection instrument, to inform a respondent requested or required to supply the data or information of the nonstatistical purposes."; and

(10) by adding at the end the following:

"(k) DATA PRODUCT SALES PROCEEDS.—Notwithstanding section 3302 of title 31, United States Code, funds received by the Bureau from the sale of data products may be credited to the Highway Trust Fund (other than the Mass Transit Account) and shall be available for the purpose of reimbursing the Bureau for such expenses.

"(l) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) $31,000,000 for each of fiscal years 1998 through 2003 to carry out this section, except that amounts for activities under subsection (g) may not exceed $500,000 in any fiscal year. Amounts made available under this subsection shall remain available for a period of 3 fiscal years.

"(2) APPLICABILITY OF TITLE 23.—Funds authorized by this subsection shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.".

(b) CONFORMING AMENDMENT.—Section 5503 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

SEC. 632. TRANSPORTATION TECHNOLOGY INNOVATION AND DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a transportation technology innovation and demonstration program in accordance with the requirements of this section.

(b) CONTENTS OF PROGRAM.—

(1) USE OF CONCRETE PAVEMENT.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of using concrete pavement in the construction, reconstruction, and repair of Federal-aid highways.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(2) MOTOR VEHICLE SAFETY WARNING SYSTEM.—

(A) IN GENERAL.—The Secretary shall expand and continue the study authorized by section 358(c) of the National Highway System Designation Act of 1995 (23 U.S.C. 401 note; 109 Stat. 625) relating to the development of a motor vehicle safety warning system and shall conduct tests of such system.

(B) GRANTS.—In carrying out this paragraph, the Secretary may make grants to State and local governments.

(C) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2000 by section 127(a)(3)(H) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(3) STEEL BRIDGE CONSTRUCTION.—

(A) IN GENERAL.—The Secretary shall make grants for research and construction to improve and demonstrate the use of steel bridge construction.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(C) FEDERAL SHARE.—The Federal share payable on account of construction activities carried out using a grant made under this paragraph shall be 80 percent of the cost of such activities.

(4) USE OF ASPHALT PAVEMENT.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of using asphalt pavement in the construction, reconstruction, and repair of Federal-aid highways.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $10,000,000 per fiscal year shall be available to carry out this paragraph.

(5) USE OF HAZARDOUS MATERIALS MONITORING SYSTEMS.—

(A) IN GENERAL.—The Secretary shall conduct research on improved methods of deploying and integrating existing ITS projects to include hazardous materials monitoring systems across various modes of transportation.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $1,500,000 per fiscal year shall be available to carry out this paragraph.

(6) MOTOR CARRIER ADVANCED SENSOR CONTROL SYSTEM.—

(A) IN GENERAL.—The Secretary shall conduct research on the deployment of a system of advanced sensors and signal processors in trucks and tractor trailers to determine axle and wheel alignment, monitor collision alarm, check tire pressure and tire balance conditions, measure and detect load distribution in the vehicle, and monitor and adjust automatic braking systems.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(7) OUTREACH AND TECHNOLOGY TRANSFER ACTIVITIES.—

(A) IN GENERAL.—The Secretary shall continue to support the Urban Consortium's ITS outreach and technology transfer activities.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(8) TRANSPORTATION ECONOMIC AND LAND USE SYSTEM.—

(A) IN GENERAL.—The Secretary shall continue development and deployment through the New Jersey Institute of Technology to metropolitan planning organizations of the Transportation Economic and Land Use System.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $1,000,000 per fiscal year shall be available to carry out this paragraph.

(9) GREAT LAKES ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants to the State of Wisconsin to continue ITS activities in the corridor serving the Greater Milwaukee, Wisconsin, Chicago, Illinois, and Gary, Indiana, areas initiated under the Intermodal Surface Transportation Efficiency Act of 1991.

(B) FUNDING.—Of the amounts allocated for each of fiscal years 1998 through 2003 under section 657(a) of this Act, $2,000,000 per fiscal year shall be available to carry out this paragraph.

(10) NORTHEAST ITS IMPLEMENTATION.—

(A) IN GENERAL.—The Secretary shall make grants to the States to continue ITS activities in the Interstate Route I–95 corridor in the northeastern United States initiated under the Intermodal Surface Transportation Efficiency Act of 1991.

(B) FUNDING.—Of the amounts allocated for each of fiscal years 1998 through 2003 under section 657(a) of this Act, $5,000,000 per fiscal year shall be available to carry out this paragraph.

(11) COMPOSITE MATERIALS.—

(A) IN GENERAL.—The Secretary shall conduct research in the use of composite materials for guardrails and bridge decking.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(F) of this Act, $700,000 per fiscal year shall be available to carry out this paragraph.

(12) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—

(A) IN GENERAL.—The Secretary shall carry out a program to advance the deployment of an operational intelligent transportation infrastructure system for the measurement of various transportation system activities to aid in the transportation planning and analysis while making a significant contribution to the ITS program under this title. This program shall be located in the 2 largest metropolitan areas in the State of Pennsylvania.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $1,700,000 per fiscal year shall be available to carry out this paragraph.

(C) FEDERAL SHARE.—The Federal share payable on account of the program carried out under this paragraph shall be 80 percent of the cost of such program.

(13) CORROSION CONTROL AND PREVENTION.—

(A) IN GENERAL.—The Secretary shall make a grant to conduct a study on the costs and benefits of corrosion control and prevention. The study shall be conducted in conjunction with an interdisciplinary team of experts from the fields of metallurgy, chemistry, economics, and others, as appropriate. Not later than September 30, 2001, the Secretary shall submit to Congress a report on the study results, together with any recommendations.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 and 2000 by section 127(a)(3)(H) of this Act, $500,000 per fiscal year shall be available to carry out this paragraph.

(14) RECYCLED MATERIALS.—

(A) IN GENERAL.—The Secretary shall make grants to the University of New Hampshire to continue research on the use of recycled materials in the construction of transportation projects.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(F) of this Act, $1,000,000 per fiscal year shall be available to carry out this paragraph.

(15) TRANSLINK.—

(A) IN GENERAL.—The Secretary shall make grants to the Texas Transportation Institute to continue the Translink Research program.

(B) FUNDING.—Of the amounts allocated for each of fiscal years 1999 through 2001 under section 657(a) of this Act, $1,300,000 per fiscal year shall be available to carry out this paragraph.

(16) FUNDAMENTAL PROPERTIES OF ASPHALTS AND MODIFIED ASPHALTS.—

(A) IN GENERAL.—The Secretary shall continue to carry out section 6016 of the Intermodal Surface Transportation Efficiency Act of 1991. Additional areas of the program under such section shall be asphalt-water interaction studies and asphalt-aggregate thin film behavior studies.

(B) FUNDING.—Of the amounts made available for each of fiscal years 1999 through 2003 by section 127(a)(3)(F) of this Act, $3,000,000 per fiscal year shall be available to carry out this paragraph.

(17) NATIONAL CENTER FOR TRANSPORTATION MANAGEMENT, RESEARCH, AND DEVELOPMENT.—

(A) IN GENERAL.—The Secretary shall make grants to design, develop, and implement research, training, and technology transfer activities to increase the number of highly skilled minority individuals and women entering the transportation workforce. The grant recipient shall be an institution with a predominantly minority student population, a dedicated graduate degree program in transportation studies, and a demonstrated record for at least 5 years in pursuing the objectives for which grants are authorized by this subparagraph.

(B) FUNDING.—Of the amounts made available by section 127(a)(3)(H) of this Act, $1,000,000 shall be available to carry out this paragraph for fiscal year 2000, $1,250,000 for fiscal year 2001, $1,500,000 for fiscal year 2002, and $1,750,000 for fiscal year 2003.

(18) INFRASTRUCTURE TECHNOLOGY INSTITUTE.—

(A) IN GENERAL.—The Secretary shall make grants to study techniques to evaluate and monitor infrastructure conditions, to improve information systems for infrastructure construction and management, and to study advanced materials and automated processes for constructing and rehabilitating public works facilities. The recipient shall be an institution with a demonstrated record for at least 5 years in pursuing the objectives for which grants are authorized by this subparagraph.

(B) FUNDING.—Of the amounts made available for each of fiscal years 2000 through 2003 by section 127(a)(3)(H) of this Act, $3,000,000 per fiscal year shall be available to carry out this paragraph.

Subtitle B—Intelligent Transportation Systems

SEC. 651. DEFINITIONS.

As used in this subtitle, the following definitions apply:

(1) INTELLIGENT TRANSPORTATION SYSTEMS; ITS.—The terms "intelligent transportation systems" and "ITS" mean electronics, communications, or information processing used singly or in combination to improve the efficiency and safety of surface transportation systems.

(2) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term "intelligent transportation infrastructure" means fully integrated public sector ITS components, as defined by the Secretary.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(4) STATE.—The term "State" has the meaning given such term under section 101 of title 23, United States Code.

SEC. 652. SCOPE OF PROGRAM.

(a) SCOPE.—Subject to the provisions of this subtitle, the Secretary shall conduct an ongoing ITS program to research, develop, and operationally test intelligent transportation systems and advance nationwide deployment of such systems as a component of the Nation's surface transportation systems.

(b) GOALS.—The goals of the ITS program include—

(1) enhancement of surface transportation efficiency to enable existing facilities to meet a significant portion of future transportation needs and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

(2) enhancement of safe operation of motor vehicles, including motorcycles, and nonmotorized vehicles on the Nation's surface transportation systems, with a particular emphasis on decreasing the number and severity of collisions;

(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting States to attain air quality goals established pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.);

(4) accommodation of the needs of all users of the Nation's surface transportation systems, including the operators of commercial vehicles, passenger vehicles, and motorcycles;

(5) improvement of public access to employment, goods, and services;

(6) development of a technology base and necessary standards and protocols for intelligent transportation systems;

(7) improvement of the Nation's ability to respond to emergencies and natural disasters and enhancement of national defense mobility; and

(8) promotion of the access and use of data collected from projects conducted under the program by public and private organizations.

SEC. 653. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) COOPERATION AND CONSULTATION REQUIREMENTS.—

(1) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the ITS program in cooperation with State and local governments and other public entities, the United States private sector, and colleges and universities, including historically black colleges and universities and other minority institutions of higher education.

(2) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the ITS program, the Secretary, as appropriate, shall consult with the Secretary of Commerce, the Secretary of the Treasury, the Administrator of the Environmental Protection Agency, the Director of the National Science Foundation, and the heads of other Federal departments and agencies.

(b) STANDARDS.—

(1) DEVELOPMENT OF NATIONAL ITS ARCHITECTURE.—The Secretary shall develop, implement, and maintain a national ITS architecture and standards and protocols to promote the widespread use and evaluation of ITS technology as a component of the Nation's surface transportation systems.

(2) INTEROPERABILITY AMONG ITS TECHNOLOGIES.—The national ITS architecture shall promote interoperability among ITS technologies implemented throughout the States.

(3) USE OF SERVICES OF STANDARDS-SETTING ORGANIZATIONS.—In carrying out this subsection, the Secretary may use the services of standards-setting organizations.

(4) ESTABLISHMENT OF DEDICATED SHORT-RANGE VEHICLE TO WAYSIDE WIRELESS STANDARD.—In carrying out this subsection, the Secretary, in consultation with the Secretary of Commerce, the Secretary of Defense, and the Federal Communications Commission, shall take such actions as may be necessary to secure the necessary spectrum for the near-term establishment of a dedicated short-range vehicle to wayside wireless standard.

(c) EVALUATIONS.—

(1) GUIDELINES AND REQUIREMENTS.—The Secretary shall issue guidelines and requirements for the evaluation of field and related operational tests carried out under section 655 of this Act.

(2) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under paragraph (1) shall include provisions to ensure the objectivity and independence of the evaluator and to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to the tests or any other formal evaluation conducted under this subtitle.

(d) INFORMATION CLEARINGHOUSE.—

(1) ESTABLISHMENT.—The Secretary shall establish and maintain a repository for technical and safety data collected as a result of federally-sponsored projects under this subtitle and shall make, upon request, such information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

(2) DELEGATION OF AUTHORITY.—The Secretary may delegate the responsibility of the Secretary under this subsection, with continuing oversight by the Secretary, to an appropriate entity that is not within the Department of Transportation. Any entity to which such responsibility is delegated shall be eligible for Federal assistance under this subtitle.

(e) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Secretary may utilize 1 or more advisory committees in carrying out this subtitle.

(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Any advisory committee utilized under this subsection shall be subject to the Federal Advisory Committee Act (5 U.S.C. App., 86 Stat. 770).

(3) FUNDING.—Funding provided for an advisory committee utilized under this subsection shall be available from moneys appropriated for advisory committees as specified in relevant appropriations Acts and from funds allocated for research, development, and implementation activities in connection with the ITS program.

(f) CONFORMITY WITH STANDARDS.—

(1) IN GENERAL.—The Secretary shall ensure that ITS projects carried out using funds made available out of the Highway Trust Fund conform to the national ITS architecture and standards and protocols developed under subsection (b).

(2) EXCEPTION.—Paragraph (1) shall not apply to projects carried out using funds authorized for specific research objectives in the National ITS Program Plan under section 654 of this Act.

(g) LIFE-CYCLE COST ANALYSIS.—The Secretary shall require an analysis of the life-cycle costs of each project carried out using funds made available under this subtitle, and each project authorized in section 656 of this Act, for operations and maintenance of ITS elements, where the total initial capital costs of the such elements exceed $3,000,000.

(h) PROCUREMENT METHODS.—

(1) TECHNICAL ASSISTANCE.—The Secretary shall develop appropriate technical assistance and guidance to assist State and local agencies in evaluating and selecting appropriate methods of procurement for its projects carried out using funds made available from the Highway Trust Fund, including innovative and nontraditional methods of procurement.

(2) ITS SOFTWARE.—To the maximum extent practicable, contracting officials shall use as a critical evaluation criterion the Software Engineering Institute's Capability Maturity Model, or another similar recognized standard risk assessment methodology, to reduce the cost, schedule, and performance risks associated with the development, management, and integration of ITS software.

SEC. 654. NATIONAL ITS PROGRAM PLAN.

(a) NATIONAL ITS PROGRAM PLAN.—

(1) UPDATES.—The Secretary shall maintain and update, as necessary, the National ITS Program Plan developed by the Department of

Transportation and the Intelligent Transportation Society of America.

(2) SCOPE.—The National ITS Program Plan shall—

(A) specify the goals, objectives, and milestones for the deployment of intelligent transportation infrastructure in the context of major metropolitan areas, smaller metropolitan and rural areas, and commercial vehicle information systems and networks;

(B) specify how specific programs and projects relate to the goals, objectives, and milestones referred to in subparagraph (A), including consideration of the 5-, 10-, and 20-year timeframes for the goals and objectives;

(C) establish a course of action necessary to achieve the program's goals and objectives;

(D) provide for the evolutionary development of standards and protocols to promote and ensure interoperability in the implementation of ITS technologies; and

(E) establish a cooperative process with State and local governments for determining desired surface transportation system performance levels and developing plans for national incorporation of specific ITS capabilities into surface transportation systems.

(b) IMPLEMENTATION REPORTS.—Not later than 1 year after the date of the enactment of this Act, and biennially thereafter, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on implementation of the National ITS Program Plan.

SEC. 655. TECHNICAL ASSISTANCE, PLANNING, RESEARCH, AND OPERATIONAL TESTS.

(a) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, and evaluate ITS technologies and services.

(b) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation system management and operations, including ITS, within metropolitan and statewide transportation planning processes.

(c) RESEARCH AND OPERATIONAL TESTS.—The Secretary may provide funding for research and operational tests relating to ITS.

(d) DEMONSTRATION AND EVALUATION OF INTELLIGENT VEHICLE HIGHWAY SYSTEMS.—The Secretary may conduct research and development activities for the purpose of demonstrating integrated intelligent vehicle highway systems and roadway safety systems. Such research shall include state-of-the-art systems and shall integrate collision avoidance, in-vehicle information, and other safety related systems (including infrastructure-based systems). Development work shall incorporate human factors research findings.

SEC. 656. ITS DEPLOYMENT.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—The Secretary shall conduct a program to promote the deployment of regionally integrated, intermodal intelligent transportation systems and, through financial and technical assistance under this subtitle, shall assist in the development and implementation of such systems.

(b) GOALS.—In accordance with the National ITS Program Plan under section 654 of this Act, the Secretary shall provide incentives for the deployment of integrated applications of intermodal, intelligent transportation infrastructure and system technologies to—

(1) stimulate sufficient deployment to validate and accelerate the establishment of national ITS standards and protocols;

(2) realize the benefits of regionally integrated, intermodal deployment of intelligent transportation infrastructure and commercial vehicle operations, including electronic border crossing applications; and

(3) motivate innovative approaches to overcoming non-technical constraints or impediments to deployment.

(c) PROJECT SELECTION.—In order to be eligible for funding under this section, a project shall—

(1) contribute to national deployment goals and objectives outlined in the National ITS Program Plan under section 654 of this Act;

(2) demonstrate a strong commitment to cooperation among agencies, jurisdictions, and the private sector, as evidenced by signed memorandums of understanding that clearly define the responsibilities and relation of all parties to a partnership arrangement, including institutional relationships and financial agreements needed to support deployment, and commitment to the criteria provided in paragraphs (3) through (7);

(3) demonstrate commitment to a comprehensive plan of fully integrated ITS deployment in accordance with the national ITS architecture and standards and protocols established under section 653(b) of this Act;

(4) be part of approved plans and programs developed under applicable statewide and metropolitan transportation planning processes and applicable State air quality implementation plans, as appropriate, at the time Federal funds are sought;

(5) minimize the relative percentage and amount of Federal contributions under this section to total project costs;

(6) ensure continued, long-term operations and maintenance without continued reliance on Federal funding under this subtitle, along with documented evidence of fiscal capacity and commitment from anticipated public and private sources;

(7) demonstrate technical capacity for effective operations and maintenance or commitment to acquiring necessary skills; and

(8) identify the impacts on bicycle and pedestrian transportation and safety and evaluate options to mitigate any adverse impacts on bicycle and pedestrian transportation and safety.

(d) FUNDING LIMITATIONS.—

(1) PROJECTS IN METROPOLITAN AREAS.—Funding under this section for intelligent transportation infrastructure projects in metropolitan areas shall be limited to activities primarily necessary to integrate intelligent transportation infrastructure elements either deployed or to be deployed with other sources of funds.

(2) OTHER PROJECTS.—For commercial vehicle projects and projects outside metropolitan areas, funding provided under this subtitle may also be used for installation of intelligent transportation infrastructure elements.

(3) FISCAL YEAR LIMITATIONS.—Of the amounts made available to carry out this section in a fiscal year—

(A) not more than $15,000,000 may be used for projects in a metropolitan area;

(B) not more than $2,000,000 may be used for a project in a rural area;

(C) not more than $5,000,000 may be used for a commercial vehicle information system and network project; and

(D) not more than $35,000,000 may be used for projects in a State.

(4) PRIORITIES.—In providing funding for projects under this section, the Secretary shall allocate—

(A) not less than 25 percent of the funds made available to carry out this section to eligible State and local entities for the implementation of commercial vehicle information systems and networks, and international border crossing improvements, in support of public sector commercial vehicle operations nationwide; and

(B) not less than 10 percent of such funds for other intelligent transportation infrastructure deployment activities outside of metropolitan areas.

SEC. 657. FUNDING ALLOCATIONS.

(a) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—

(1) ALLOCATION.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $75,000,000 per fiscal year shall be available to carry out section 656 of this Act.

(2) USE OF UNALLOCATED AMOUNTS.—In addition to amounts made available by subsection (b), any amounts made available under paragraph (1) and not allocated by the Secretary for carrying out section 656 of this Act may be used by the Secretary for carrying out other activities authorized under this subtitle.

(b) ITS RESEARCH AND PROGRAM SUPPORT ACTIVITIES.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(I) of this Act, $100,000,000 per fiscal year shall be available to carry out multi-year research and technology development initiatives under this subtitle (other than projects under section 656 of this Act).

(c) FEDERAL SHARE PAYABLE.—

(1) INTELLIGENT TRANSPORTATION INFRASTRUCTURE DEPLOYMENT INCENTIVES PROGRAM.—For activities funded with amounts allocated under subsection (a), the Federal share payable from such amounts shall not exceed 50 percent of the costs of the activities, and the total Federal share payable from all eligible sources (including subsection (a)) shall not exceed 80 percent of the costs of the activities.

(2) OTHER PROGRAMS.—For activities funded with amounts allocated under subsection (b), unless the Secretary determines otherwise, the Federal share payable on account of such activities shall not exceed 80 percent of the costs of the activities.

(3) LONG-RANGE ACTIVITIES.—For long-range activities undertaken in partnership with private entities for the purposes of section 655(d) of this Act, the Federal share payable from funds allocated under this subtitle on account of such activities shall not exceed 50 percent of the costs of the activities, and the total Federal share payable from all eligible sources (including subsection (a)) shall not exceed 80 percent of the costs of the activities.

(4) PARTICIPATION OF OTHER PUBLIC AND PRIVATE SOURCES.—The Secretary shall seek maximum participation in the funding of activities under this subtitle from other public and private sources, and shall minimize the use of funds provided under this subtitle for the construction or long-term acquisition of buildings and grounds.

(d) ADVANCED TRAFFIC MONITORING AND RESPONSE CENTER.—

(1) IN GENERAL.—The Secretary shall make grants to the Pennsylvania Transportation Institute, in conjunction with the Pennsylvania Turnpike Commission, to establish an advanced traffic monitoring and emergency response center at Letterkenny Army Depot in Chambersburg, Pennsylvania. The center shall help develop and coordinate traffic monitoring and ITS systems on the entire Pennsylvania Turnpike system and I–81, coordinate emergency response with State and local governments in the Central Pennsylvania Region, and conduct research.

(2) FUNDING.—Of the amounts made available for each of fiscal years 1998 through 2003 by section 127(a)(3)(H) of this Act, $1,667,000 per fiscal year shall be available to carry out this subsection.

SEC. 658. GLOBAL POSITIONING SATELLITE DATA.

(a) Moratorium.—Before the last day of the 2-year period beginning on the date of enactment of this Act or the 90th day after a study has been submitted under subsection (c), whichever is later, records produced by global positioning satellite systems shall not be subpoenaed or otherwise used by the Secretary in enforcement cases to verify compliance with hours-of-service requirements for employees of motor carriers.

(b) Exceptions to Moratorium.—Notwithstanding subsection (a), the Secretary may use such records in a case in which any of the following conditions exist:

(1) Global positioning satellite systems are a motor carrier's primary method of maintaining or verifying records of duty status.

(2) State or Federal safety officials are investigating the cause of a fatal crash involving a motor carrier.

(3) A motor carrier has an unacceptable safety profile as determined by the Secretary and the Secretary gives approval for an examination of the global positioning satellite records.

In carrying out this subsection, the Secretary may seek access to data from an information technology provider only if access to such data cannot be obtained from the motor carrier.

(c) Independent Assessment.—

(1) In general.—The Secretary shall contract with an entity that is independent of the Department of Transportation to conduct a study to identify, examine, and evaluate current and future issues and policies related to government access to data produced by electronic systems for motor carriers. The entity shall have demonstrated knowledge about the motor carrier industry, motor carrier safety regulations, and the electronic information industry.

(2) Inspector general.—The Office of the Inspector General of the Department of Transportation shall approve the statement of work of the entity referred to in paragraph (1) and approve the contract award under paragraph (1). In carrying out its responsibilities under this paragraph, the Office of the Inspector General shall perform such overview and validation or verification of data as may be necessary to ensure that the study to be conducted under paragraph (1) meets the requirements of paragraph (1).

(3) Deadline.—The study to be conducted under paragraph (1) shall be completed not later than 2 years after the date of the enactment of this Act. A report containing the results of the study shall be submitted to the Secretary and Congress.

(4) Funding.—Of amounts made available under section 127(a)(3)(H), $100,000 for fiscal year 1998, $200,000 for fiscal year 1999, and $200,000 for fiscal year 2000 shall be available to carry out this subsection.

SEC. 659. REPEAL.

Part B of title VI of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2189–2195) is repealed.

TITLE VII—TRUTH IN BUDGETING

SEC. 701. BUDGETARY TREATMENT OF HIGHWAY TRUST FUND.

Notwithstanding any other provision of law (except the Line Item Veto Act of 1996), the receipts and disbursements of the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986—

(1) shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(A) the budget of the United States Government as submitted by the President,

(B) the congressional budget (including allocations of budget authority and outlays provided therein), or

(C) the Balanced Budget and Emergency Deficit Control Act of 1985; and

(2) shall be exempt from any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the United States Government.

SEC. 702. APPLICABILITY.

This title shall apply to fiscal years beginning after September 30, 1997.

TITLE VIII—RECREATIONAL BOATING SAFETY PROGRAM

SEC. 801. SHORT TITLE.

This title may be cited as the "Recreational Boating Safety Improvement Act of 1998".

SEC. 802. AMENDMENTS RELATING TO RECREATIONAL BOATING SAFETY PROGRAM.

(a) In General.—Section 13106 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(1)" and all that follows through the first sentence and inserting the following: "Except as provided in subsection (c) and subject to such amounts as are provided in appropriations laws, the Secretary may expend for each fiscal year the amount transferred for such fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4)).''; and

(B) by striking paragraph (2); and

(2) by striking subsection (c) and inserting the following:

"(c)(1) Of the amount transferred for each fiscal year to the Boat Safety Account under section 9503(c)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(c)(4))—

"(A) up to two percent is available to the Secretary to pay the costs of investigations, personnel, and activities related to administering State recreational boating safety programs;

"(B) up to two percent is available to the Secretary to ensure compliance with chapter 43 of this title; and

"(C) up to three percent is available to the Secretary to establish, operate, and maintain aids to navigation that promote primarily recreational boating safety.

"(2) Amounts made available by this subsection shall remain available until expended.''.

(b) Comprehensive Surveys.—Section 13103(c) of title 46, United States Code, is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following:

"(2) The Secretary shall use amounts allocated under this subsection to conduct and report to the Congress the findings of a comprehensive survey of recreational boating in the United States, by not later than December 1 of 1999 and of every fifth year thereafter. The amount expended for each survey may not exceed 50 percent of the amounts allocated under this subsection for the fiscal year in which the survey is conducted.''.

(c) Requirement To Use State Program Assistance for Certain Public Access Facilities.—Section 13106 of title 46, United States Code, is amended by adding at the end the following:

"(d)(1) The Secretary shall require that of the amount appropriated for a fiscal year to which this subsection applies that is allocated and distributed under this chapter for State recreational boating safety programs, the amount described in paragraph (2) shall be available only for use pursuant to subsection (b)(4) for public access facilities for transient nontrailerable recreational vessels.

"(2) The amount referred to in paragraph (1) is equal to five percent of the portion of sums appropriated for the fiscal year to carry out this chapter that is in excess of $35,000,000.

"(3) This subsection applies to any fiscal year for which the total amount appropriated to carry out this chapter exceeds $35,000,000.''.

(d) Effective Date.—This section shall take effect October 1, 1998.

TITLE IX—RAILROADS

SEC. 901. HIGH-SPEED RAIL.

(a) Authorization of Appropriations.—Section 26104 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (h); and

(2) by inserting after subsection (c) the following new subsections:

"(d) Fiscal Year 1998.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1998, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1998, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(e) Fiscal Year 1999.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 1999, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 1999, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(f) Fiscal Year 2000.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2000, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2000, for carrying out section 26102 (including payment of administrative expenses related thereto).

"(g) Fiscal Year 2001.—(1) There are authorized to be appropriated to the Secretary $10,000,000 for fiscal year 2001, for carrying out section 26101 (including payment of administrative expenses related thereto).

"(2) There are authorized to be appropriated to the Secretary $25,000,000 for fiscal year 2001, for carrying out section 26102 (including payment of administrative expenses related thereto).''.

(b) Definition.—Section 26105(2) of title 49, United States Code, is amended to read as follows:

"(2) the term 'high-speed rail' means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

"(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

"(B) made available to members of the general public as passengers,

but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;''.

SEC. 902. LIGHT DENSITY RAIL LINE PILOT PROJECTS.

(a) Amendment.—Part B of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 223—LIGHT DENSITY RAIL LINE PILOT PROJECTS

"Sec.

"22301. Light density rail line pilot projects.

"§22301. Light density rail line pilot projects

"(a) Grants.—The Secretary of Transportation may make grants to States that have

State rail plans described in section 22102 (1) and (2), to fund pilot projects that demonstrate the relationship of light density railroad services to the statutory responsibilities of the Secretary, including those under title 23.

“(b) LIMITATIONS.—Grants under this section may be made only for pilot projects for making capital improvements to, and rehabilitating, publicly and privately owned rail line structures, and may not be used for providing operating assistance.

“(c) PRIVATE OWNER CONTRIBUTIONS.—Grants made under this section for projects on privately owned rail line structures shall include contributions by the owner of the rail line structures, based on the benefit to those structures, as determined by the Secretary.

“(d) STUDY.—The Secretary shall conduct a study of the pilot projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of the fiscal years 1998, 1999, 2000, 2001, 2002, and 2003. Such funds shall remain available until expended.”.

(b) TABLE OF CHAPTERS.—The table of chapters of subtitle V of title 49, United States Code, is amended by inserting after the item relating to chapter 221 the following new item:

“223. LIGHT DENSITY RAIL LINE
PILOT PROJECTS .... 22301”.

SEC. 903. MIAMI-ORLANDO-TAMPA CORRIDOR PROJECT.

There are authorized to be appropriated to the Secretary of Transportation $200,000,000, to be made available to the Florida Department of Transportation to reimburse the Florida Overland Express project in the Miami-Orlando-Tampa corridor for capital costs of that project. The Florida Department of Transportation shall deposit funds received under this section into a separate account which shall, to the extent not yet required for the purposes of this section, be invested in United States Treasury securities. Funds authorized under this section shall not be counted in calculating the allocation to the State of Florida under section 111.

SEC. 904. ALASKA RAILROAD.

(a) GRANTS.—The Secretary may make grants to the Alaska Railroad for capital rehabilitation of and improvements to its passenger services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,250,000 for each of fiscal years 1998 through 2003.

SEC. 905. RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.

There is authorized to be appropriated to carry out section 104(d)(2) of title 23, United States Code, $5,250,000 for each of fiscal years 1998 through 2003.

SEC. 906. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING.

(a) AMENDMENTS.—Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended—

(1) by striking sections 501 through 504 and inserting the following new sections:

“SEC. 501. DEFINITIONS.

“For purposes of this title:

“(1)(A) The term ‘cost’ means the estimated long-term cost to the Government of a direct loan or loan guarantee, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

“(B) The cost of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following cash flows:

“(i) Loan disbursements.

“(ii) Repayments of principal.

“(iii) Payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties, and other recoveries.

“(C) The cost of a loan guarantee shall be the net present value when a guaranteed loan is disbursed, of the following cash flows:

“(i) Estimated payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments.

“(ii) Estimated payments to the Government, including origination and other fees, penalties, and recoveries.

“(D) Any Government action that alters the estimated net present value of an outstanding direct loan or loan guarantee (except modifications within the terms of existing contracts or through other existing authorities) shall be counted as a change in the cost of that direct loan or loan guarantee. The calculation of such changes shall be based on the estimated present value of the direct loan or loan guarantee at the time of modification.

“(E) In estimating net present values, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the direct loan or loan guarantee for which the estimate is being made.

“(2) The term ‘direct loan’ means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds. The term includes the purchase of, or participation in, a loan made by another lender. The term does not include the acquisition of a federally guaranteed loan in satisfaction of default claims.

“(3) The term ‘direct loan obligation’ means a binding agreement by the Secretary to make a direct loan when specified conditions are fulfilled by the borrower.

“(4) The term ‘intermodal’ means of or relating to the connection between rail service and other modes of transportation, including all parts of facilities at which such connection is made.

“(5) The term ‘loan guarantee’ means any guarantee, insurance, or other pledge with respect to the payment of all or a part of the principal or interest on any debt obligation of a non-Federal borrower to a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

“(6) The term ‘loan guarantee commitment’ means a binding agreement by the Secretary to make a loan guarantee when specified conditions are fulfilled by the borrower, the lender, or any other party to the guarantee agreement.

“SEC. 502. DIRECT LOANS AND LOAN GUARANTEES.

“(a) GENERAL AUTHORITY.—The Secretary may provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least 1 railroad.

“(b) ELIGIBLE PURPOSES.—

“(1) IN GENERAL.—Direct loans and loan guarantees under this section shall be used to—

“(A) acquire, improve, or rehabilitate intermodal or rail equipment or facilities, including track, components of track, bridges, yards, buildings, and shops;

“(B) refinance outstanding debt incurred for the purposes described in subparagraph (A); or

“(C) develop or establish new intermodal or railroad facilities.

“(2) OPERATING EXPENSES NOT ELIGIBLE.—Direct loans and loan guarantees under this section shall not be used for railroad operating expenses.

“(c) PRIORITY PROJECTS.—In granting applications for direct loans or guaranteed loans under this section, the Secretary shall give priority to projects that—

“(1) enhance public safety;

“(2) enhance the environment;

“(3) promote economic development;

“(4) enable United States companies to be more competitive in international markets;

“(5) are endorsed by the plans prepared under section 135 of title 23, United States Code, by the State or States in which they are located; or

“(6) preserve rail or intermodal service to small communities or rural areas.

“(d) EXTENT OF AUTHORITY.—The aggregate unpaid principal amounts of obligations under direct loans and loan guarantees made under this section shall not exceed $5,000,000,000 at any one time. Of this amount, not less than $1,000,000,000 shall be available solely for projects primarily benefiting freight railroads other than Class I carriers.

“(e) RATES OF INTEREST.—

“(1) DIRECT LOANS.—The Secretary shall require interest to be paid on a direct loan made under this section at a rate not less than that necessary to recover the cost of making the loan.

“(2) LOAN GUARANTEES.—The Secretary shall not make a loan guarantee under this section if the interest rate for the loan exceeds that which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates and customary fees incurred under similar obligations in the private capital market.

“(f) INFRASTRUCTURE PARTNERS.—

“(1) AUTHORITY OF SECRETARY.—In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source to fund in whole or in part credit risk premiums with respect to the loan that is the subject of the application. In no event shall the aggregate of appropriations of budget authority and credit risk premiums described in this paragraph with respect to a direct loan or loan guarantee be less than the cost of that direct loan or loan guarantee.

“(2) CREDIT RISK PREMIUM AMOUNT.—The Secretary shall determine the amount required for credit risk premiums under this subsection on the basis of—

“(A) the circumstances of the applicant, including the amount of collateral offered;

“(B) the proposed schedule of loan disbursements;

“(C) historical data on the repayment history of similar borrowers;

“(D) consultation with the Congressional Budget Office; and

“(E) any other factors the Secretary considers relevant.

“(3) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to the Secretary before the disbursement of loan amounts.

“(4) COHORTS OF LOANS.—In order to maintain sufficient balances of credit risk premiums to adequately protect the Federal Government from risk of default, while minimizing the length of time the Government retains possession of those balances, the Secretary shall establish cohorts of loans. When all obligations attached to a cohort of loans have been satisfied, credit risk premiums paid for the cohort, and interest accrued thereon, which were not used to mitigate

losses shall be returned to the original source on a pro rata basis.

"(g) PREREQUISITES FOR ASSISTANCE.—The Secretary shall not make a direct loan or loan guarantee under this section unless the Secretary has made a finding in writing that—

"(1) repayment of the obligation is required to be made within a term of not more than 25 years from the date of its execution;

"(2) the direct loan or loan guarantee is justified by the present and probable future demand for rail services or intermodal facilities;

"(3) the applicant has given reasonable assurances that the facilities or equipment to be acquired, rehabilitated, improved, developed, or established with the proceeds of the obligation will be economically and efficiently utilized;

"(4) the obligation can reasonably be repaid, using an appropriate combination of credit risk premiums and collateral offered by the applicant to protect the Federal Government; and

"(5) the purposes of the direct loan or loan guarantee are consistent with subsection (b).

"(h) CONDITIONS OF ASSISTANCE.--The Secretary shall, before granting assistance under this section, require the applicant to agree to such terms and conditions as are sufficient, in the judgment of the Secretary, to ensure that, as long as any principal or interest is due and payable on such obligation, the applicant, and any railroad or railroad partner for whose benefit the assistance is intended—

"(1) will not use any funds or assets from railroad or intermodal operations for purposes not related to such operations, if such use would impair the ability of the applicant, railroad, or railroad partner to provide rail or intermodal services in an efficient and economic manner, or would adversely affect the ability of the applicant, railroad, or railroad partner to perform any obligation entered into by the applicant under this section;

"(2) will, consistent with its capital resources, maintain its capital program, equipment, facilities, and operations on a continuing basis; and

"(3) will not make any discretionary dividend payments that unreasonably conflict with the purposes stated in subsection (b).

"SEC. 503. ADMINISTRATION OF DIRECT LOANS AND LOAN GUARANTEES.

"(a) APPLICATIONS.—The Secretary shall prescribe the form and contents required of applications for assistance under section 502, to enable the Secretary to determine the eligibility of the applicant's proposal, and shall establish terms and conditions for direct loans and loan guarantees made under that section.

"(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee made under section 502 may assign the loan guarantee in whole or in part, subject to such requirements as the Secretary may prescribe.

"(d) MODIFICATIONS.—The Secretary may approve the modification of any term or condition of a direct loan, loan guarantee, direct loan obligation, or loan guarantee commitment, including the rate of interest, time of payment of interest or principal, or security requirements, if the Secretary finds in writing that—

"(1) the modification is equitable and is in the overall best interests of the United States; and

"(2) consent has been obtained from the applicant and, in the case of a loan guarantee or loan guarantee commitment, the holder of the obligation.

"(e) COMPLIANCE.—The Secretary shall assure compliance, by an applicant, any other party to the loan, and any railroad or railroad partner for whose benefit assistance is intended, with the provisions of this title, regulations issued hereunder, and the terms and conditions of the direct loan or loan guarantee, including through regular periodic inspections.

"(f) COMMERCIAL VALIDITY.—For purposes of claims by any party other than the Secretary, a loan guarantee or loan guarantee commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this title, and that such obligation has been approved and is legal as to principal, interest, and other terms. Such a guarantee or commitment shall be valid and incontestable in the hands of a holder thereof, including the original lender or any other holder, as of the date when the Secretary granted the application therefor, except as to fraud or material misrepresentation by such holder.

"(g) DEFAULT.—The Secretary shall prescribe regulations setting forth procedures in the event of default on a loan made or guaranteed under section 502. The Secretary shall ensure that each loan guarantee made under that section contains terms and conditions that provide that—

"(1) if a payment of principal or interest under the loan is in default for more than 30 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, the amount of unpaid guaranteed interest;

"(2) if the default has continued for more than 90 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, 90 percent of the unpaid guaranteed principal;

"(3) after final resolution of the default, through liquidation or otherwise, the Secretary shall pay to the holder of the obligation, or the holder's agent, any remaining amounts guaranteed but which were not recovered through the default's resolution;

"(4) the Secretary shall not be required to make any payment under paragraphs (1) through (3) if the Secretary finds, before the expiration of the periods described in such paragraphs, that the default has been remedied; and

"(5) the holder of the obligation shall not receive payment or be entitled to retain payment in a total amount which, together with all other recoveries (including any recovery based upon a security interest in equipment or facilities) exceeds the actual loss of such holder.

"(h) RIGHTS OF THE SECRETARY.—

"(1) SUBROGATION.—If the Secretary makes payment to a holder, or a holder's agent, under subsection (g) in connection with a loan guarantee made under section 502, the Secretary shall be subrogated to all of the rights of the holder with respect to the obligor under the loan.

"(2) DISPOSITION OF PROPERTY.—The Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, rent, sell, or otherwise dispose of any property or other interests obtained pursuant to this section. The Secretary shall not be subject to any Federal or State regulatory requirements when carrying out this paragraph.

"(i) ACTION AGAINST OBLIGOR.—The Secretary may bring a civil action in an appropriate Federal court in the name of the United States in the event of a default on a direct loan made under section 502, or in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under section 502. The holder of a guarantee shall make available to the Secretary all records and evidence necessary to prosecute the civil action. The Secretary may accept property in full or partial satisfaction of any sums owed as a result of a default. If the Secretary receives, through the sale or other disposition of such property, an amount greater than the aggregate of—

"(1) the amount paid to the holder of a guarantee under subsection (g) of this section; and

"(2) any other cost to the United States of remedying the default,

the Secretary shall pay such excess to the obligor.

"(j) BREACH OF CONDITIONS.—The Attorney General shall commence a civil action in an appropriate Federal court to enjoin any activity which the Secretary finds is in violation of this title, regulations issued hereunder, or any conditions which were duly agreed to, and to secure any other appropriate relief.

"(k) ATTACHMENT.—No attachment or execution may be issued against the Secretary, or any property in the control of the Secretary, prior to the entry of final judgment to such effect in any State, Federal, or other court.

"(l) INVESTIGATION CHARGE.—The Secretary may charge and collect from each applicant a reasonable charge for appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings. Such charge shall not aggregate more than one-half of 1 percent of the principal amount of the obligation.";

(2) by striking sections 505 through 515 (other than 511(c)), 517, and 518;

(3) in section 511(c) by striking "this section" and inserting "section 502";

(4) by moving subsection (c) of section 511 (as amended by paragraph (3) of this section) from section 511 to section 503 (as inserted by paragraph (1) of this section), inserting it after subsection (a), and redesignating it as subsection (b); and

(5) by redesignating section 516 as section 504.

(b) TECHNICAL AND CONFORMING PROVISIONS.—

(1) TABLE OF CONTENTS.—The table of contents of title V of the Railroad Revitalization and Regulatory Reform Act of 1976 is amended by striking the items relating to sections 502 through 518 and inserting the following:

"Sec. 502. Direct loans and loan guarantees.
"Sec. 503. Administration of direct loans and loan guarantees.
"Sec. 504. Employee protection.".

(2) SAVINGS PROVISION.—A transaction entered into under the authority of title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.) before the date of the enactment of this Act shall be administered until completion under its terms as if this Act were not enacted.

(3) REPEAL.—Section 211(i) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(i)) is repealed.

TITLE X—CONDITIONS FOR IMPLEMENTATION OF FUNDING

SEC. 1001. CONDITIONS FOR IMPLEMENTATION OF FUNDING.

(a) PURPOSE.—The purpose of this section is to ensure that all additional spending provided by this Act above the levels assumed for those programs under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 in the baseline projections contained in the Congressional Budget Office document entitled "Revised Baseline Budget Projections for Fiscal Years 1999–2008," dated March 3, 1998, except that for programs with discretionary outlays the projections shall assume obligation authority at the 1998 enacted level and that the programs shall be adjusted for the transfer of general fund programs to the trust fund, is fully offset through mandatory and discretionary offsets set forth in this Act.

(b) DUTY IMPOSED ON SECRETARY.—The Secretary of Transportation shall not apportion, allocate, or obligate any funds authorized or provided by this Act unless it contains a section stating that the conditions set forth in subsection (c) have been met.

(c) ENUMERATION OF SPECIFIC CONDITIONS.—The conditions referred to in subsection (b) are that this Act shall contain provisions that offset any increase in outlays from the Highway Trust Fund caused by this Act above the levels assumed for those programs under section 257 of *the Balanced Budget and Emergency Deficit Control Act of 1985 in the baseline projections contained in the Congressional Budget Office document entitled "Revised Baseline Budget Projections for Fiscal Years 1999–2008," dated March 3, 1998, except that for programs with discretionary outlays the projections shall assume obligation authority at the 1998 enacted level and that the programs shall be adjusted for the transfer of general fund programs to the trust fund, by reducing mandatory and discretionary spending.*

SEC. 1002. SENSE OF CONGRESS WITH RESPECT TO VETERANS PROGRAMS.

It is the sense of the Congress that provisions referred to in section 1001(c) that are to be contained in this Act to offset increases described in that section in outlays from the Highway Trust Fund should not include any provision making a change in programs or benefits administered by the Secretary of Veterans Affairs.

TITLE XI—EXTENSION AND MODIFICATION OF HIGHWAY-RELATED TAXES AND TRUST FUND

Sec. 1101. Short title; amendment of 1986 Code.
Sec. 1102. Extension of highway-related taxes and trust fund.
Sec. 1103. Modifications to Highway Trust Fund.
Sec. 1104. Provisions relating to Aquatic Resources Trust Fund.
Sec. 1105. Repeal of excise tax on tires.
Sec. 1106. Repeal of 4.3 cent excise tax on diesel fuel and gasoline used in trains.
Sec. 1107. Delay in effective date of new requirement for approved diesel or kerosene terminals.
Sec. 1108. Simplified fuel tax refund procedures.
Sec. 1109. Repeal of National Recreational Trails Trust Fund.

SEC. 1101. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) Short Title.—This title may be cited as the "Surface Transportation Revenue Act of 1998".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1102. EXTENSION OF HIGHWAY-RELATED TAXES AND TRUST FUND.

(a) Extension of Taxes.—

(1) In general.—The following provisions are each amended by striking "1999" each place it appears and inserting "2005":

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination).

(E) Section 4081(d)(1) (relating to termination).

(F) Section 4481(e) (relating to period tax in effect).

(G) Section 4482(c)(4) (relating to taxable period).

(H) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(2) Tax on tires extended only through September 30, 2000.—Section 4071(d) (relating to termination) is amended by striking "1999" and inserting "2000".

(3) Other provisions.—

(A) Floor stocks refunds.—Section 6412(a)(1) (relating to floor stocks refunds) is amended—

(i) by striking "1999" each place it appears and inserting "2005", and

(ii) by striking "2000" each place it appears and inserting "2006".

(B) Installment payments of highway use tax.—Section 6156(e)(2) (relating to installment payments of highway use tax on use of highway motor vehicles) is amended by striking "1999" and inserting "2005".

(b) Extension of Certain Exemptions.—The following provisions are each amended by striking "1999" and inserting "2005":

(1) Section 4221(a) (relating to certain tax-free sales).

(2) Section 4483(g) (relating to termination of exemptions for highway use tax).

(c) Extension of Deposits Into, and Certain Transfers From, Trust Fund.—

(1) In general.—Subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 (relating to the Highway Trust Fund) are each amended—

(A) by striking "1999" each place it appears (other than in subsection (b)(4)) and inserting "2005", and

(B) by striking "2000" each place it appears and inserting "2006".

(2) Motorboat and small-engine fuel tax transfers.—

(A) In general.—Paragraphs (4)(A)(i) and (5)(A) of section 9503(c) are each amended by striking "1998" and inserting "2003".

(B) Conforming amendments to land and water conservation fund.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–11(b)) is amended—

(i) by striking "1997" and inserting "2003", and

(ii) by striking "1998" each place it appears and inserting "2004".

(3) Conforming amendment.—The heading for paragraph (3) of section 9503(c) is amended to read as follows:

"(3) Floor stocks refunds.—".

(d) Extension and Expansion of Expenditures From Trust Fund.—

(1) Highway account.—

(A) Extension of expenditure authority.—Paragraph (1) of section 9503(c) is amended by striking "1998" and inserting "2003".

(B) Expansion of purposes.—Paragraph (1) of section 9503(c) is amended—

(i) by striking "or" at the end of subparagraph (C), and

(ii) by striking "1991." in subparagraph (D) and all that follows through the end of paragraph (1) and inserting "1991, or

"(E) authorized to be paid out of the Highway Trust Fund under the Building Efficient Surface Transportation and Equity Act of 1998.

In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.".

(2) Mass transit account.—

(A) Extension of expenditure authority.—Paragraph (3) of section 9503(e) is amended by striking "1998" and inserting "2003".

(B) Expansion of purposes.—Paragraph (3) of section 9503(e) is amended—

(i) by striking "or" at the end of subparagraph (A),

(ii) by adding "or" at the end of subparagraph (B), and

(iii) by striking all that follows subparagraph (B) and inserting:

"(C) the Building Efficient Surface Transportation and Equity Act of 1998,as such sections and Acts are in effect on the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998.".

(e) Technical Correction Relating to Transfers to Mass Transit Account.—

(1) In general.—Section 9503(e)(2) is amended by striking the last sentence and inserting the following: "For purposes of the preceding sentence, the term 'mass transit portion' means, for any fuel with respect to which tax was imposed under section 4041 or 4081 and otherwise deposited into the Highway Trust Fund, the amount determined at the rate of—

"(A) except as otherwise provided in this sentence, 2.86 cents per gallon,

"(B) 1.43 cents per gallon in the case of any partially exempt methanol or ethanol fuel (as defined in section 4041(m)) none of the alcohol in which consists of ethanol,

"(C) 1.86 cents per gallon in the case of liquefied natural gas,

"(D) 2.13 cents per gallon in the case of liquefied petroleum gas, and

"(E) 9.71 cents per MCF (determined at standard temperature and pressure) in the case of compressed natural gas.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if included in the amendment made by section 901(b) of the Taxpayer Relief Act of 1997.

SEC. 1103. MODIFICATIONS TO HIGHWAY TRUST FUND.

(a) Determination of Trust Fund Balances After September 30, 1998.—

(1) In general.—Section 9503 (relating to Highway Trust Fund) is amended by adding at the end the following new subsection:

"(f) Determination of Trust Fund Balances After September 30, 1998.—For purposes of determining the balances of the Highway Trust Fund and the Mass Transit Account after September 30, 1998—

"(1) the opening balance of the Highway Trust Fund (other than the Mass Transit Account) on October 1, 1998, shall be $8,000,000,000,

"(2) the opening balance of the Mass Transit Account on such date shall be $5,500,000,000, and

"(3) no interest on any obligation held by such Fund shall be credited to such Fund if such interest accrues after September 30, 1998.

The Secretary shall cancel obligations held by the Highway Trust Fund to reflect the reduction in the balances under this subsection.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect on October 1, 1998.

(b) Repeal of Limitation on Expenditures Added by Taxpayer Relief Act of 1997.—

(1) In general.—Subsection (c) of section 9503 (relating to expenditures from Highway Trust Fund) is amended by striking paragraph (7).

(2) Effective date.—The amendment made by paragraph (1) shall take effect as if included in the amendments made by section 901 of the Taxpayer Relief Act of 1997.

(c) Limitation on Expenditure Authority.—Subsection (b) of section 9503 (relating to transfers to Highway Trust Fund) is amended by adding at the end the following new paragraph:

"(6) Limitation on transfers to highway trust fund.—

"(A) In general.—Except as provided in subparagraph (B), no amount may be appropriated to the Highway Trust Fund on and

after the date of any expenditure from the Highway Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(i) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(ii) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

"(B) Exception for prior obligations.—Subparagraph (A) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.".

(d) Modification of Mass Transit Account Rules on Adjustments of Apportionments.—Paragraph (4) of section 9503(e) is amended to read as follows:

"(4) Limitation.—Rules similar to the rules of subsection (d) shall apply to the Mass Transit Account.".

SEC. 1104. PROVISIONS RELATING TO AQUATIC RESOURCES TRUST FUND.

(a) Increased Transfers.—

(1)(A) Effective with respect to taxes imposed after September 30, 1999, and before October 1, 2000, subparagraph (D) of section 9503(b)(4) is amended by striking "11.5 cents" and inserting "14.9 cents".

(B) Effective with respect to taxes imposed after September 30, 2000, paragraph (4) of section 9503(b) is amended by striking subparagraph (D) and by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively.

(2) Subparagraph (A) of section 9503(c)(4), as amended by section 1102(c)(2)(A), is amended to read as follows:

"(A) Transfers to boat safety account.—

"(i) In general.—The Secretary shall pay from time to time from the Highway Trust Fund into the Boat Safety Account in the Aquatic Resources Trust Fund amounts (as determined by the Secretary) equivalent to one-half of the motorboat fuel taxes received after September 30, 1998, and before October 1, 2003.

"(ii) Limit on amount in fund.—No amount shall be transferred under this subparagraph during any fiscal year if the Secretary determines that such transfer would result in increasing the unobligated balance in the Boat Safety Account to a sum in excess of one-half of the total amount received as motorboat fuel taxes during the preceding fiscal year.".

(b) Extension and Expansion of Expenditure Authority From Boat Safety Account.—Section 9504(c) (relating to expenditures from Boat Safety Account) is amended—

(1) by striking "1998" and inserting "2003", and

(2) by striking "October 1, 1988" and inserting "the date of the enactment of the Building Efficient Surface Transportation and Equity Act of 1998".

(c) Limitation on Expenditure Authority.—Section 9504 (relating to Aquatic Resources Trust Fund) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following:

"(d) Limitation on Transfers to Aquatic Resources Trust Fund.—

"(1) In general.—Except as provided in paragraph (2), no amount may be appropriated or paid to any Account in the Aquatic Resources Trust Fund on and after the date of any expenditure from any such Account which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this subsection.

"(2) Exception for prior obligations.—Paragraph (1) shall not apply to any expenditure to liquidate any contract entered into (or for any amount otherwise obligated) before October 1, 2003, in accordance with the provisions of this section.".

(d) Effective Dates.—

(1) In general.—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) Increased transfers.—The amendment made by subsection (a)(2) shall take effect on October 1, 1998.

SEC. 1105. REPEAL OF EXCISE TAX ON TIRES.

(a) In General.—Subchapter A of chapter 32 (relating to automotive and related items) is amended by striking part II.

(b) Conforming Amendments.—

(1) Section 4051 is amended by striking subsection (d).

(2) Section 4218 is amended—

(A) by striking "(other than a tire taxable under section 4071)" in subsection (a),

(B) by striking subsection (b), and

(C) by redesignating subsection (c) as subsection (b).

(3)(A) The third sentence of section 4221(a) is amended to read as follows: "Paragraphs (4) and (5) shall not apply to the tax imposed by section 4051 on and after October 1, 2005."

(B) Subsection (e) of section 4221 is amended—

(i) by striking paragraphs (2) and (3),

(ii) by striking so much of such subsection as precedes the text of paragraph (1) and inserting:

"(e) Reciprocity Required in Case of Civil Aircraft.—", and

(iii) by moving such text 2 ems to the left.

(4) Paragraph (1) of section 4223(b) is amended by striking "section 4218(c)" and inserting "section 4218(b)".

(5)(A) Paragraph (1) of section 6412(a) is amended—

(i) by striking "Tires and taxable" in the heading and inserting "Taxable", and

(ii) by striking "4071 or".

(B) Subsection (c) of section 6412 is amended by striking "sections 4071 and" and inserting "section".

(6)(A) Paragraph (1) of section 6416(b) is amended—

(i) by striking "or (C)" in subparagraph (A), and

(ii) by striking subparagraph (C).

(B) Paragraph (2) of section 6416(b) is amended by adding "or" at the end of subparagraph (D), by striking subparagraph (E), and by redesignating subparagraph (F) as subparagraph (E).

(C) Subsection (b) of section 6416 is amended by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(D) Subsection (d) of section 4216 is amended by striking "section 6416(b)(5)" and inserting "section 6416(b)(4)".

(7) Paragraph (1) of section 9503(b) is amended by striking subparagraphs (C) and (D) and by redesignating subparagraphs (E) and (F) as subparagraphs (C) and (D), respectively.

(8) Paragraph (5) of section 9503(b) is amended by striking "and (E)" and inserting "and (C)".

(9) The table of parts for subchapter A of chapter 32 is amended by striking the item relating to part II.

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2000; except that the amendment made by subsection (b)(6) shall not apply to amounts received in the Treasury with respect to taxes imposed before such date.

SEC. 1106. REPEAL OF 4.3 CENT EXCISE TAX ON DIESEL FUEL AND GASOLINE USED IN TRAINS.

(a) Diesel Fuel.—

(1) In general.—Clause (ii) of section 4041(a)(1)(C) (relating to rate of tax) is amended to read as follows:

"(ii) Rate of tax on trains.—In the case of any sale for use, or use, of diesel fuel in a train, the rate of tax imposed by this paragraph shall be—

"(I) 5.55 cents per gallon after September 30, 1995, and before October 1, 1999,

"(II) 4.3 cents per gallon after September 30, 1999, and before October 1, 2000, and

"(III) zero after September 30, 2000.".

(2) Conforming amendment.—Subparagraph (B) of section 6427(l)(3) is amended to read as follows:

"(B) so much of the rate specified in section 4081(a)(2)(A) as does not exceed—

"(i) 5.55 cents per gallon after September 30, 1995, and before October 1, 1999,

"(ii) 4.3 cents per gallon after September 30, 1999, and before October 1, 2000, and

"(iii) zero after September 30, 2000.".

(b) Gasoline.—Subparagraph (B) of section 6421(f)(3) is amended to read as follows:

"(B) so much of the rate specified in section 4081(a)(2)(A) as does not exceed—

"(i) 5.55 cents per gallon after September 30, 1995, and before October 1, 1999,

"(ii) 4.3 cents per gallon after September 30, 1999, and before October 1, 2000, and

"(iii) zero after September 30, 2000.".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1107. DELAY IN EFFECTIVE DATE OF NEW REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

Subsection (f) of section 1032 of the Taxpayer Relief Act of 1997 is amended to read as follows:

"(f) Effective Dates.—

"(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 1998.

"(2) The amendment made by subsection (d) shall take effect on July 1, 2000.".

SEC. 1108. SIMPLIFIED FUEL TAX REFUND PROCEDURES.

(a) In General.—Subparagraph (A) of section 6427(i)(2) is amended to read as follows:

"(A) In general.—If, at the close of any quarter of the taxable year of any person, at least $750 is payable in the aggregate under subsections (a), (b), (d), (h), (l), and (q) of this section and section 6421 to such person with respect to fuel used—

"(i) during such quarter, or

"(ii) any prior quarter during such taxable year for which no other claim has been filed,

a claim may be filed under this section with respect to such fuel.".

(b) Conforming Amendments.—

(1) Subsection (i) of section 6427 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(2) Paragraph (2) of section 6427(k) is amended to read as follows:

"(2) Exception.—Paragraph (1) shall not apply to a payment of a claim filed under paragraph (2), (3), or (4) of subsection (i).".

(3) Paragraph (2) of section 6421(d) is amended to read as follows:

"(2) Exception.—

"For payments per quarter based on aggregate amounts payable under this section and section 6427, see section 6427(i)(2).".

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 1998.

SEC. 1109. REPEAL OF NATIONAL RECREATIONAL TRAILS TRUST FUND.

(a) In General.—Section 9511 (relating to National Recreational Trails Trust Fund) is repealed.

(b) Conforming Amendments.—

(1) Section 9503(c) is amended by striking paragraph (6).

(2) The table of sections for subchapter A of chapter 98 is amended by striking the item relating to section 9511.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except those printed in Part II of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment number 1 printed in Part II of the House report 105–476.

AMENDMENT NO. 1 OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part II, amendment numbered 1 offered by Mr. Shuster:

In section 109(b)—

(1) redesignate paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(2) insert before paragraph (2) (as so redesignated) the following:

(1) by striking "that was designated as a nonattainment area under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) during any part of fiscal year 1994" and inserting the following: "that is or was designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)) and classified pursuant to section 181(a), 186(a), 188(a), or 188(b) of the Clean Air Act (42 U.S.C. 7511(a), 7512(a), 7513(a), or 7513(b)) or is or was designated as a nonattainment area under such section 107(d) after December 31, 1997,";

In section 109 of the bill—

(1) redesignate subsection (c) as subsection (d); and

(2) insert after subsection (b) the following:

(c) Public-Private Partnerships.—Section 149 is amended by adding at the end the following:

"(e) Partnerships With Nongovernmental Entities.—

"(1) In general.—Notwithstanding any other provision of this title and in accordance with this subsection, a metropolitan planning organization, State transportation department, or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any project carried out under this section.

"(2) Forms of participation by entities.—Participation by an entity under paragraph (1) may consist of—

"(A) ownership or operation of any land, facility, vehicle, or other physical asset associated with the project;

"(B) cost sharing of any eligible project expense; and

"(C) any other form of participation approved by the Secretary.

"(3) Allocation of entities.—A State may allocate funds apportioned under section 104(b)(2) to an entity described in paragraph (1).

"(4) Alternative fuel projects.—In the case of a project that will provide for the use of alternative fuels by privately owned vehicles or vehicle fleets, activities eligible for funding under this subsection—

"(A) may include the costs of vehicle refueling infrastructure, including infrastructure that would support the development, production, and use of innovative water-phased hydrocarbon fuel emulsion technologies, and other capital investments associated with the project;

"(B) shall include only the incremental cost of an alternative fueled vehicle compared to a conventionally fueled vehicle that would otherwise be borne by a private party; and

"(C) shall apply other governmental financial purchase contributions in the calculation of net incremental cost.

"(5) Prohibition on federal participation with respect to required activities.—A Federal participation payment under this subsection may not be made to an entity to fund an obligation imposed under the Clean Air Act (42 U.S.C. 7401 et seq.) or any other Federal law.

"(6) Water-phased hydrocarbon fuel emulsion.—In this subsection, the term 'water-phased hydrocarbon fuel emulsion' consists of a hydrocarbon base and water in an amount not less than 20 percent by volume of the total water-phased fuel emulsion.".

In the matter proposed to be inserted as section 206(e)(1)(K) of title 23, United States Code, by section 114(a) of the bill, insert "of 1969" after "National Environmental Policy Act".

In the last sentence of section 111(d) of the bill, strike "fiscal year 1998, 1999, 2000, 2001, 2002, or 2003, as the case may be" and insert "the fiscal year beginning after September 30, 1997".

In section 117(b) of the bill—

(1) strike "and" at the end of paragraph (1);

(2) redesignate paragraph (2) as paragraph (3); and

(3) insert after paragraph (1) the following:

(2) in subsection (d)—

(A) by inserting "Indian Reservation Roads.—" after "(d)";

(B) by inserting "(1) For fiscal years ending before October 1, 1999.—" before "On October";

(C) by inserting after "each fiscal year" the following: "ending before October 1, 1999";

(D) by adding at the end the following:

"(2) Fiscal year 2000 and thereafter.—

"(A) In general.—All funds authorized to be appropriated for Indian reservation roads shall be allocated among Indian tribes for fiscal year 2000 and each subsequent fiscal year in accordance with a formula established by the Secretary of the Interior under a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5.

"(B) Regulations.—Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary of the Interior shall issue regulations governing the Indian reservation roads program, and establishing the funding formula for fiscal year 2000 and each subsequent fiscal year under this paragraph, in accordance with a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5. The regulations shall be issued in final form not later than April 1, 1999, and shall take effect not later than October 1, 1999.

"(C) Negotiated rulemaking committee.—In establishing a negotiated rulemaking committee to carry out subparagraph (B), the Secretary of the Interior shall—

"(i) apply the procedures under subchapter III of chapter 5 of title 5 in a manner that reflects the unique government-to-government relationship between the Indian tribes and the United States; and

"(ii) ensure that the membership of the committee includes only representatives of the Federal Government and of geographically diverse small, medium, and large Indian tribes.

"(D) Basis for funding formula.—The funding formula established for fiscal year 2000 and each subsequent fiscal year under this paragraph shall be based on factors that reflect—

"(i) the relative needs of the Indian tribes, and reservation or tribal communities, for transportation assistance; and

"(ii) the relative administrative capacities of, and challenges faced by, various Indian tribes, including the cost of road construction in each Bureau of Indian Affairs area, geographic isolation and difficulty in maintaining all-weather access to employment, commerce, health, safety, and educational resources."; and

(E) by indenting paragraph (1), as designated by subparagraph (B) of this paragraph, and aligning paragraph (1) with paragraph (2), as added by subparagraph (D) of this paragraph; and

In section 117(d) of the bill—

(1) strike "and" at the end of paragraph (3);

(2) strike the period at the end of paragraph (4) and insert "; and"; and

(3) add at the end the following:

(5) by adding at the end the following:

"(k) Set-Aside for Administrative Expenses of Indian Tribes.—

"(1) In general.—Up to 1 percent of the funds made available for Indian reservation roads for each fiscal year shall be set aside by the Secretary of the Interior for transportation-related administrative expenses of Indian tribal governments.

"(2) Distribution.—The Secretary of the Interior shall make available to each Indian tribal government with an approved application under paragraph (3) an equal percentage of any sum set aside pursuant to paragraph (1).

"(3) Applications.—To receive funds under this paragraph, an Indian tribal government must submit to the Secretary of the Interior for approval an application in accordance with the requirements of the Indian Self-Determination and Education Assistance Act. The Secretary of the Interior shall approve any such application that demonstrates that the applicant has the capability to carry out transportation planning activities or is in the process of establishing such a capability.

"(l) APPROVAL OF INDIAN RESERVATION ROAD PROJECTS BY THE SECRETARY.—

"(1) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary shall establish a pilot program (hereinafter in this subsection referred to as the 'program') for the purposes described in paragraph (2) and shall carry out such program in each of fiscal years 1999 through 2003.

"(2) PURPOSE.—The purpose of the program shall be to permit an Indian tribal government to apply directly to the Secretary for authorization to conduct projects on Indian reservation roads using amounts allocated to the Indian tribal government under the Indian reservation roads program.

"(3) TREATMENT AS STATES.—Except as otherwise provided by the Secretary, an Indian tribal government submitting an application to the Secretary under the program shall be subject to the same requirements as a State applying for approval of a Federal-aid highway project.

"(4) SELECTION OF PARTICIPANTS.—

"(A) APPLICATIONS.—An Indian tribal government seeking to participate in the program shall submit to the Secretary an application which is in such form and contains such information as the Secretary may require.

"(B) MAXIMUM NUMBER OF PARTICIPANTS.—The Secretary shall select not more than 10 Indian tribal governments to participate in the program.

"(5) TECHNICAL ASSISTANCE.—The Secretary, in cooperation with the Secretary of the Interior, shall provide technical assistance to Indian tribal governments participating in the program.

"(6) TRANSITIONAL ASSISTANCE.—Upon request of the Secretary, the Secretary of the Interior shall provide to the Secretary such assistance as may be necessary for implementation of the program.

"(7) REPORT.—Not later than September 30, 2001, the Secretary shall transmit to Congress a report on the results of the program. In developing such report, the Secretary shall solicit the comments of Indian tribal governments participating in the program.".

In section 120 of the bill—

(1) redesignate subsections (a), (b), and (c), as subsections (b), (c), and (d), respectively; and

(2) insert before subsection (b) (as so redesignated) the following:

(a) INCREASED FEDERAL SHARE FOR CERTAIN SAFETY PROJECTS.—The first sentence of section 120(c) is amended by inserting "and transit vehicles" after "emergency vehicles".

In the matter proposed to be inserted after the second sentence of paragraph (1) of section 135(f) of title 23, United States Code, by section 125(d)(1) of the bill, strike "elected" each place it appears.

In section 127(b) of the bill, strike "Section 104" and all that follows through the first colon and insert the following:

(1) IN GENERAL.—Section 104 is amended by redesignating subsection (j) as subsection (k), and by inserting after subsection (i) the following:

At the end of section 127(b) of the bill, insert the following:

(2) DIVISION OR SEGMENTATION OF PROJECTS.—Section 145 is amended—

(A) by inserting "(a) PROTECTION OF STATE SOVEREIGNTY.—" before "The authorization"; and

(B) by adding at the end the following:

"(b) DIVISION OR SEGMENTATION OF PROJECTS.—

"(1) IN GENERAL.—A State carrying out a project with funds made available by section 104(j) of this title or section 1103, 1104, 1105, 1106, 1107, or 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 or section 149(b) or 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 may divide or segment the project if such division or segmentation meets the standards established by the Secretary for division or segmentation (as the case may be) of projects under the National Environmental Policy Act of 1969.

"(2) AUTHORITY OF STATES TO CONSTRUCT WITHOUT FEDERAL ASSISTANCE.—Any portion of any project divided or segmented under this section may be constructed without Federal assistance.".

In the table contained in section 127(c) of the bill—

(1) in item 3 strike "0.750" and insert "1.000";

(2) in item 5 strike "2 miles south of Biwabik" and insert "CR–535";

(3) in item 6 strike "7.000" and insert "6.000";

(4) in item 8 after "$2,000,000" insert the following: "for the S. 277th St./UP project in Auburn/Kent, $2,000,000 for the S. 180th St. project in Tukwila, $1,000,000 for the 8th St. E/B SNF project in Pierce Co., and $1,500,000 for the Shaw Rd. extension and Puyallup";

(5) in item 11 strike "Construct" and all that follows through "Los"and insert "Upgrade access to Sylmar/San Fernando Metrolink Station and Westfield Village, Los Angeles";

(6) in item 19 strike "15.000" and insert "8.150";

(7) in item 32—

(A) strike "to establish" and insert a comma;

(B) strike "and center"; and

(C) insert "Bayonne," before "Elizabeth";

(8) in item 43—

(A) strike "Missouri" and insert "West Virginia";

(B) strike "Construct" and all that follows through "St. Louis" and insert "Construct I–73/74 Corridor, including an interchange with US–460, Mercer County"; and

(C) strike "1.200" and insert "15.000";

(9) in item 74 strike "1.520" and insert "1.920";

(10) in item 80 strike "Bibb" and insert "Perry";

(11) in item 90 strike "5.290" and insert "3.385";

(12) in item 95—

(A) strike "work" and insert "construction"; and

(B) strike "I–65" and insert "city of Huntsville";

(13) in item 104 strike "5.000" and insert "19.200";

(14) in item 108 strike "Design" and all that follows through "bypass," and insert "Preliminary engineering and right-of-way acquisition for 'Intertown South' route of US 31 bypass, Emmet County;

(15) in item 129—

(A) strike "209" and insert "290"; and

(B) strike "16.000" and insert "18.000;

(16) in item 133 strike "Kaumualili" and insert "Kaumualii";

(17) in item 135—

(A) strike "Illinois" and insert "West Virginia";

(B) strike "Construct" and all that follows through "Chicago" and insert "Construct Shawnee Parkway between junction with I–73/74 corridor and I–77"; and

(C) strike "1.000" and insert "5.000";

(18) in item 142 strike "to Bowstring River" and insert "and Highway 1";

(19) in item 143 strike "0.500" and insert "4.500";

(20) in item 148 strike "I–69" and insert "I–96";

(21) in item 162 strike "Bro" and insert "Brownsville";

(22) in item 194 strike "Construct" and all that follows through "replacement)" and insert "Replacement and renovation of Carlton Bridge, Bath/Woolwich";

(23) in item 196 strike "Tutilla Island" and insert "Tutuila/Manua Islands";

(24) in item 208—

(A) strike "on" and insert "an"; and

(B) strike "1.600" and insert "1.200";

(25) in item 216 strike "8.000" and insert "14.000";

(26) in item 227 strike "14.000" and insert "19.000";

(27) in item 237 insert "on Telegraph Road" after "boulevard";

(28) strike item 244 and insert the following:

244.	Indiana	Upgrade 93rd Avenue in Merrillville	5.900

(29) in item 248 strike "3.000" and insert "4.000";

(30) in item 254 strike "Angelese" and insert "Angeles";

(31) in item 258 strike "0.170" and insert "0.400";

(32) in item 262 insert ", San Ysidro" after "Yard";

(33) strike item 286 and insert the following:

286.	Indiana	Construct Marina Access Road in East Chicago	1.000

(34) in item 300 strike "7.000" and insert "8.000";

(35) in item 303 strike "13.000" and insert "12.000";

(36) in item 342—

(A) strike "Construct" and insert "Reconstruct";

(B) strike "to" and insert "at"; and

(C) strike "8.000" and insert "15.000";

(37) in item 381 strike "Construct" and all that follows through "Westfield" and insert "Design, engineer, and right-of-way acquisition of the Great River Bridge, Westfield";

(38) in item 391 strike "Kapkowsk" and insert "Kapowski";

(39) in item 394 strike "10.310" and insert "2.000";

(40) in item 415 after "College" insert ", including a new interchange on S.R. 0029";

(41) in item 444—

(A) after "Project" insert "in Passaic County"; and

(B) after "for the Route" the last place it appears insert "46/Union Blvd. Interchange reconstruction project";

(42) in item 447 strike "Destrehan Ave. and Lapalco Blvd." and insert "Barataria Blvd. and US Hwy. 90";

(43) in item 474 strike "9.500" and insert "7.500";

(44) in item 478 insert "in Murfreesboro" after "River";

(45) in item 482 strike "Kawahihee" and insert "Kawaihae";

(46) in item 484 strike "Upgrade" and insert "Operational improvements on";

(47) in item 497 strike "40" and insert "45";

(48) in item 535 strike "2.000" and insert "4.500";

(49) in item 544 strike "3.500" and insert "1.900";

(50) in item 558 strike "4.000" and insert "5.000";

(51) in item 564 strike "0.250" and insert "0.500";

(52) in item 596 strike "1.000" and insert "0.500";

(53) in item 610 strike "Upgrade" and all that follows through "Hill" and insert "Alternative transportation systems";

(54) in item 613 strike "Upgrade" and insert "Operational improvements on";

(55) in item 615 strike "Construct" and all that follows through "Los Angeles" and insert "Upgrade CA Rt. 2 Southern Freeway terminus and transportation efficiency improvements to Glendale Blvd. in Los Angeles";

(56) in item 619—

(A) strike "George" and insert "Georgia"; and

(B) strike "4.000" and insert "5.000";

(57) in item 625—

(A) strike "Ohio" and insert "West Virginia";

(B) "Construct" and all that follows through "Lorain" and insert "Construct I-73/74 Corridor including connectors with WV Rt. 44 and Co. Rt. 13 (Gilbert Creek), Mingo County"; and

(C) strike "2.400" and insert "10.000";

(58) in item 636 strike "2.000" and insert "2.197";

(59) strike item 662 and insert the following:

662.	Louisiana	Construct the Zachary Taylor Parkway project	1.000

(60) in item 717 strike "0.750" and insert "1.000";

(61) in item 735 strike "the airport" and insert "Commerce Blvd.";

(62) strike item 738 and insert the following:

738.	North Carolina.	Upgrade US–158 in Warren and Halifax Counties	3.000

(63) in item 759 strike "Williamsport" and insert "Lycoming County";

(64) in item 831 strike "23.500" and insert "1.500";

(65) in item 846 strike "14.750" and insert "12.000";

(66) in item 847 insert "Construct" before "Ontario";

(67) in item 857 strike "10.000" and insert "15.000";

(68) in item 884 strike "I–15" and insert "I–10";

(69) in item 859 strike "4.300" and insert "2.000";

(70) in item 872 strike "5.000" and insert "5.250";

(71) in item 887 strike "Hourma" and insert "Houma";

(72) in item 913 strike "Engineering" and all that follows through "construction of" and insert "Engineer, acquire right-of-way, and construct";

(73) in item 926 strike "Construct" and insert "Acquire right-of-way and construct";

(74) in item 939 insert after "FM521" insert "and dedicate $630,000 to the acquisition of right-of-way in Brazoria County";

(75) in item 961 strike "County";

(76) in item 971 strike "12.000" and insert "7.000".

(77) in item 993 strike "1.500" and insert "23.500";

(78) in item 1033 strike "12.000" and insert "11.000";

(79) in item 1044 after "Kentucky" the first place it appears, insert "and Indiana";

(80) strike item 1049 and insert the following:

1049.	New York	Construct CR–3 at Southern State Parkway overpass between Long Island Expressway and Colonial Springs	1.400

(81) in item 1079 strike "10.200" and insert "12.500";

(82) in item 1103 strike "Evergreen County" and insert "the city of Evergreen in Jefferson County";

(83) in item 1125 strike "I–80" and insert "I–180";

(84) in item 1150—

(A) strike "to Adirondack"; and

(B) strike "14.000" and insert "14.200";

(85) in item 1197 strike "Conduct" and all that follows through "of" and insert "Construct";

(86) in item 1206 insert after "Michigan" the second place it appears the following: "by extending 36th Street, improving 48th Street, and constructing the I-96/Whitneyville Interchange";

(87) in item 1213 strike "4.800" and insert "5.410";

(88) strike item 1238 and insert the following:

1238.	Alabama ...	Construct Eastern Black Warrior River Bridge and acquire right-of-way and construct an extension of the Black Warrior Parkway from US–82 to US–43 in Tuscaloosa County	23.000

(89) in item 1291 strike "15.000" and insert "16.000";

(90) in item 1353 strike "in Hancock" and insert "from SR-235 in Hancock County to the Ontario Bypass in Richland County";

(91) strike item 1362 and insert the following:

1362.	Pennsylvania.	Conduct preliminary engineering on the relocation of exits 4 and 5 on I–83 in York County	2.000

(92) in item 1368 strike "6.000" and insert "5.000";

(93) in item 1373 strike "Reconstruct" and all that follows through "Yakima" and insert the following: "Reconstruct I–82/SR–24

intersection and add lanes on SR–24 to Keys Road”;

(94) in item 1379 strike “US–127” and insert “US–231”;

(95) in item 1387 strike “San Bernardino” and insert “Victorville/Apple Valley”;

(96) in item 1412 insert a slash after “Office”;

(97) in item 1423 strike “4.825” and insert “4.740”;

(98) in item 1443 strike “Construct” and all that follows through “Road” and insert the following: “Conduct preliminary engineering, acquire right-of-way, and construct I–75/North Down River Road interchange”;

(99) in item 1444 strike “CR–96” and insert “CR–82”; and

(100) after item 1467 insert the following:

1468.	Kansas	Construct Phase II improvements to US–59 from US–56 to Ottawa	10.000
1469.	Pennsylvania.	Rehabilitate Kenmawr Bridge, Swissvale	0.450
1470.	Pennsylvania.	Construct Steel Heritage Trail between Glenwood Bridge to Clairton via McKeesport	0.482
1471.	Illinois	Construct Technology Ave. between US Rt. 45 East to Willenborg St., Effingham	2.735
1472.	Pennsylvania.	Conduct preliminary engineering and design for US–219 bypass of Bradford	1.000
1473.	Texas	Construct relief route around Alice	0.250
1474.	Ohio	Upgrade State Rt. 18 between I–71 and I–77	2.400
1475.	Illinois	Upgrade St. Marie Township Rd., Jasper County	0.036
1476.	Illinois	Upgrade US 40 in Martinsville	0.094
1477.	Michigan	Repair 48th Ave., Menominee	0.270
1478.	Illinois	Undertake improvements to Campus Transportation System, Chicago	2.000
1479.	Maine	Construct I–95/Stillwater Avenue interchange	2.000
1480.	Maine	Improve Route 26	1.500
1481.	Maine	Improve Route 23	0.500
1482.	Massachusetts.	Construct Minuteman Commuter Bikeway—Charles River Bikeway connector, Cambridge and Watertown	0.750
1483.	Massachusetts.	Construct Cambridge Roadways Improvement project, Cambridge	3.000
1484.	Massachusetts.	Upgrade Sacramento Street underpass, Somerville	0.250
1485.	Massachusetts.	Reconstruct roadways, Somerville	3.000
1486.	Michigan	Construct improvements to 23 Mile Rd. between Mound Rd. and M–53, Macomb	3.000
1487.	Minnesota	Conduct study of potential for diversion of traffic from the I–35 corridor to commuter rail, Chisago County north of Forest Lake along I–35 corridor to Rush City	0.500
1488.	Minnesota	Construct Elk River bypass from 171st Ave. at Highway 10 to intersection of County Roads 12 and 13 at Highway 169	3.200
1489.	Minnesota	Construct grade separated interchange at south junction of TH 371/Brainerd bypass	1.000
1490.	New York	Construct Fordham University regional transportation facility	3.000
1491.	New York	Construct bike paths in the Riverdale section of the Bronx	0.500
1492.	New York	Construct Phase II of the City of Mount Vernon's New Haven Railroad Redevelopment	2.000
1493.	New York	Construct Bike Paths along the Bronx River in Bronx Park	0.500
1494.	New York	Rehabilitate transportation facilities in CO–OP City	1.000
1495.	New York	Construct sound barriers on both sides of Grand Central Parkway between 172nd St. to Chevy Chase Rd	1.940
1496.	New York	Construct sound barriers on east side of Clearview Expressway between 15th Rd. and Willets Point Blvd.	0.400
1497.	New York	Construct sound barriers on Grand Central Parkway between 244th St. and Douglaston Parkway	0.500
1498.	New York	Rehabilitate roads, Village of Great Neck	0.160
1499.	Tennessee	Construct pedestrian and bicycle pathway to connect with the Mississippi River Trail, and restore adjacent historic cobblestones on riverfront, Memphis	3.000

1500.	Texas	Expand Winters Freeway (US83/84) in Abilene between Southwest Drive and US 277	11.200
1501.	New York	Reconstruct Springfield Blvd. between the Long Island Rail main line south to Rockaway Blvd., Queens County	4.000
1502.	Pennsylvania.	Construct Frazier Township interchange on SR–28 in Allegheny	3.000
1503.	Minnesota	Reconstruct St. Louis CSAH 9 (Wallace Avenue) in Duluth	0.600
1504.	California	Reimburse costs associated with the relocation and protection work performed relating to pipelines, cables, and other facilities impacted by the construction of the Mid-Trench section of the Alameda Corrido project	5.350
1505.	Ohio	Construct grade separation at Dille Road in Euclid	5.000
1506.	Nevada	Widen I–15 from the California State line to Las Vegas	2.500
1507.	Nevada	Improve at-grade railroad crossings in Reno	2.500

At the end of section 133 of the bill, add the following:

(h) Survey of State Practices on Specific Service Signing.—

(1) Study.—The Secretary shall conduct a study to determine the practices in the States for specific service food signs described in sections 2G–5.7 and 2G–5.8 of the Manual on Uniform Traffic Control Devices for Streets and Highways. The study shall, at a minimum, examine—

(A) the practices of States for determining businesses eligible for inclusion on such signs;

(B) whether States allow businesses to be removed from such signs and the circumstances for such removal;

(C) the practices of States for erecting and maintaining such signs, including the time required for erecting such signs;

(D) whether States contract out the erection and maintenance of such signs; and

(E) a survey of States' practices on the issues identified in subparagraphs (A) through (D).

(2) Report.—Before the last day of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study, including such recommendations and modifications to the Manual as the Secretary determines appropriate as a result of the study. Such modifications may be made as part of any revision to the Manual.

In section 136(a)(1) of the bill, redesignate subparagraphs (B), (C), (D), (E), and (F) as subparagraphs (C), (D), (E), (F), and (G), respectively, and strike subparagraph (A) and insert the following:

(A) by striking paragraph (5)(B)(iii)(I)(ff) and inserting the following:

"(ff) South Carolina State line to the Myrtle Beach Conway region to Georgetown, South Carolina, including a connection to Andrews following the route 41 corridor and to Manning following the U.S. Route 521 corridor; and";

(B) by striking paragraph (5)(B)(iii)(II)(hh) and inserting the following:

"(hh) South Carolina State line to the Myrtle Beach Conway region to Georgetown, South Carolina.".

In the matter proposed to be inserted as paragraph (34) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 by section 136(a)(1)(F) of the bill—

(1) insert after "Alameda Corridor East" the following: "and Southwest Passage, California. The Alameda Corridor East is"; and

(2) insert after "Bernardino." the following: "The Southwest Passage shall follow I–10 from San Bernardino to the Arizona State line and I–8 from San Diego to the Arizona State line.".

Strike the closing quotation marks and the final period at the end of the matter proposed to be inserted as paragraph (39) of section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 by section 136(a)(1)(F) of the bill and insert the following:

"(40) United States Route 277/United States Route 83 Corridor between I–44 in Wichita Falls, Texas, and I–20 in Abilene, Texas.".

In section 140 of the bill—

(1) insert "(a) Contracting Procedures.—" before "Section 112(b)(2)"; and

(2) insert at the end the following:

(b) Selection Process.—Section 112 is further amended by adding at the end the following:

"(g) Selection Process.—A State may procure, under a single contract, the services of a consultant to prepare any environmental impact assessments or analyses required, including environmental impact statements, as well as subsequent engineering and design work on the same project if the State has conducted a review that assesses the objectivity of any analysis, environmental assessment, or environmental impact statement prior to its submission to the Secretary.".

After section 143 of the bill, insert the following:

SEC. 144. SUBSTITUTE PROJECT.

(a) Approval of Project.—Notwithstanding any other provision of law, upon the request of the Mayor of the District of Columbia, the Secretary may approve substitute highway and transit projects under section 103(e)(4) of title 23, United States Code, as in effect on the day before the date of the enactment of this Act, in lieu of construction of the Barney Circle Freeway project in the District of Columbia, as identified in the 1991 Interstate Cost Estimate.

(b) Eligibility for Federal Assistance.—Upon approval of any substitute project or projects under subsection (a)—

(1) the cost of construction of the Barney Circle Freeway Modification project shall not be eligible for funds authorized under section 108(b) of the Federal-Aid Highway Act of 1956; and

(2) substitute projects approved pursuant to this section shall be funded from interstate construction funds apportioned or allocated to the District of Columbia that are not expended and not subject to lapse on the date of the enactment of this Act.

(c) Federal Share.—The Federal share payable on account of a project or activity approved under this section shall be 85 percent of the cost thereof; except that the exception set forth in section 120(b)(2) of title 23, United States Code, shall apply.

(d) Limitation on Eligibility.—Any substitute project approved pursuant to subsection (a) (for which the Secretary finds that sufficient Federal funds are available) must be under contract for construction, or construction must have commenced, before the last day of the 4-year period beginning on the date of the enactment of this section. If the substitute project is not under contract for construction, or construction has not commenced, by such last day, the Secretary shall withdraw approval of the substitute project.

SEC. 145. USE OF HOV LANES BY ELECTRIC VEHICLES.

Section 102(a) is amended by adding at the end the following: "Notwithstanding the preceding sentence, before September 30, 2003, a State may permit an electric vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if the vehicle is certified and labeled as an Inherently Low Emission Vehicle pursuant to section 88.313-93 of title 40, Code of Federal Regulations, provided that such permission may be revoked by the State should the State determine it necessary.".

Conform the table of contents of the bill accordingly.

At the end of section 202 of the bill, add the following:

(f) Highway Safety Education and Information.—

(1) In general.—For fiscal years 1999 and 2000, the Secretary shall allow any State to use funds apportioned to it under section 402 of title 23, United States Code to purchase television and radio time for the placement of highway safety public service messages.

(2) Study.—The Secretary shall conduct a study of the effectiveness of the public service messages and transmit a report on the results of the study together with the transmittal under section 508 of this Act.

At the end of section 207, add the following:

(c) Evaluation and Assessment of Alternatives.—

(1) Evaluation.—The Secretary shall evaluate the implementation of chapter 303 of title 49, United States Code, and the programs under sections 31106 and 31309 of such title and identify alternatives to improve the ability of the States to exchange information about unsafe drivers and to identify drivers with multiple licenses.

(2) Technology Assessment.—The Secretary, in conjunction with the American

Association of Motor Vehicle Administrators, shall conduct an assessment of available electronic technologies to improve access to and exchange of motor vehicle driving records. The assessment may consider alternative unique motor vehicle driver identifiers that would facilitate accurate matching of drivers and their records.

(3) REPORT TO CONGRESS.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on the results of the evaluation and technology assessment, together with any recommendations for appropriate administrative and legislative actions.

In section 306(g) of the bill, strike "amended—" and all that follows through "(2) by" and insert "amended by".

In section 332(a) of the bill—

(1) in paragraph (43) after "East-West" insert "Intermodal";

(2) strike paragraph (58), relating to Oklahoma City—MAPS Link;

(3) in paragraph (90)—

(A) strike "Commuter Rail";

(B) after "Northstar" insert "Corridor"; and

(C) strike the parenthetical phrase and insert the following: "(Downtown, Minneapolis-Anoka County-St. Cloud)";

(4) redesignate succeeding paragraphs accordingly; and

(5) add at the end the following:

(96) Pittsburgh North Shore-Central Business District Corridor.

(97) Pittsburgh—Stage II Light Rail.

(98) Boston—North-South Rail Link.

(99) Spokane—South Valley Corridor Light Rail.

(100) Miami—Palmetto Metrorail.

In section 332(b) of the bill—

(1) strike paragraph (35), relating to Miami—Palmetto Metrorail, and paragraph (57), relating to Pittsburgh—Stage II Light Rail Reconstruction;

(2) redesignate succeeding paragraphs accordingly; and

(3) add at the end the following:

(70) California—North Bay Commuter Rail.

In the table contained in section 333 of the bill—

(1) in item 7 strike "0.000" and insert "0.200";

(2) in item 41 strike "0.000" and insert "0.500";

(3) in item 62 strike "0.000" and insert "0.300";

(4) in item 65 strike "1.625" each place it appears and insert "1.250";

(5) strike item 66 and insert the following:

66. New York, NY West 72nd St. Intermodal Station	1.750	

(6) in item 73—

(A) strike "1.750" the first place it appears and insert "2.250"; and

(B) strike "1.750" the second place it appears and insert "2.750";

(7) strike the line relating to item 77 (Mobile);

(8) strike the line relating to item 86 (Norwalk);

(9) in item 103—

(A) strike "1.000" and insert "1.250"; and

(B) strike "0.000" and insert "1.250";

(10) in item 121 strike "Stapleton, CO" and insert "Denver, CO Stapleton";

(11) strike the line relating to item 126 (Tucson);

(12) in item 142 strike "buses" and insert "Bus Facility";

(13) after item 149 insert the following:

150. Allegheny County, PA buses	0.000	1.500

Redesignate the items in the table contained in section 333 of the bill accordingly.

In title III of the bill, insert after section 339 the following:

SEC. 340. CLEAN FUEL VEHICLES.

(a) STUDY.—The Comptroller General shall conduct a study of the various low and zero emission fuel technologies for transit vehicles, including compressed natural gas, liquified natural gas, biodiesel fuel, battery, alcohol based fuel, hybrid electric, fuel cell, and clean diesel to determine the status of the development and use of such technologies, the environmental benefits of such technologies under the Clean Air Act, and the cost of such technologies and any associated equipment.

(b) REPORT.—Not later than January 1, 2000, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate a report on the results of the study, together with recommendations for incentives to encourage the use of low and zero emission fuel technology for transit vehicles.

Conform the table of contents of the bill accordingly.

In title IV of the bill, insert after section 422 the following:

SEC. 423. ELECTRONIC DATA STUDY.

(a) IN GENERAL.—The Secretary shall contract with an entity that is independent of the Department of Transportation to conduct a study to identify, examine, and evaluate current and future issues and policies related to government access to data produced by electronic systems for motor carrier regulatory enforcement. The entity shall have demonstrated knowledge about the motor carrier industry, motor carrier safety regulations, and the electronic information industry.

(b) INSPECTOR GENERAL.—The Office of the Inspector General of the Department of Transportation shall approve the statement of work of the entity referred to in subsection (a) and approve the contract award under subsection (a). In carrying out its responsibilities under this subsection, the Office of the Inspector General shall perform such overview and validation or verification of data as may be necessary to ensure that the study to be conducted under subsection (a) meets the requirements of subsection (a).

(c) DEADLINE.—The study to be conducted under subsection (a) shall be completed not later than 2 years after the date of the enactment of this Act. A report containing the results of the study shall be submitted to the Secretary and Congress.

(d) FUNDING.—Of amounts made available under section 127(a)(3)(H), $100,000 for fiscal year 1998, $200,000 for fiscal year 1999, and $200,000 for fiscal year 2000 shall be available to carry out this subsection.

Conform the table of contents of the bill accordingly.

In section 508 of the bill—

(1) redesignate paragraphs (4), (5), and (6) as paragraphs (6), (7), and (8), respectively; and

(2) insert after paragraph (3) the following:

(4) determine whether to approve a revised formula for the distribution of funds under section 104(b)(2) of title 23, United States Code, for the congestion mitigation and air quality improvement program due to the designation of new nonattainment areas by the Environmental Protection Agency;

After section 603 of the bill, insert the following:

SEC. 604. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized for carrying out this title or the amendments made by this title are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Secretary of Transportation shall provide notice to the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives and the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Department of Transportation for which funds are authorized by this title or the amendments made by this title.

SEC. 605. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Department of Transportation should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Department of Transportation posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Department of Transportation is unable to correct in time.

In section 611(c) of the bill, in the matter proposed to be inserted as section 307(b)(4)(A) of title 23, United States Code, insert ", consistent with the plan developed under section 5506 of title 49," after "advanced research program".

In section 611(c) of the bill, in the matter proposed to be inserted as section 307(b)(4)(B)(ii) of title 23, United States Code, strike “assessment of failure risks” and insert “the assessment of risks of failure, including from seismic activity, vibration, and weather”.

In section 611(c) of the bill, in the matter proposed to be inserted as section 307(b)(4)(B)(v) of title 23, United States Code, strike “Particulate” and insert “Environmental research, including particulate”.

In section 611(c) of the bill, in the matter proposed to be inserted as section 307(b)(4)(B)(vii) of title 23, United States Code, strike “Prediction” and insert “Human factors, including prediction”.

Strike paragraphs (1) and (2) of section 611(d) of the bill and insert the following:

(1) by amending subparagraph (A) to read as follows:

“(A) Methods, materials, and testing to improve the durability of surface transportation infrastructure facilities and extend the life of bridge structures, including new and innovative technologies to reduce corrosion and tests simulating seismic activity, vibration, and weather.”;

(2) by striking subparagraph (C);

(3) by redesignating subparagraph (D) as subparagraph (C); and

(4) by adding after subparagraph (C), as so redesignated, the following new subparagraphs:

“(D) Research on the use of recycled materials, such as paper and plastic fiber reinforcement systems.

“(E) New innovative technologies to enhance and facilitate field construction and rehabilitation techniques for minimizing disruption during repair and maintenance of structures.

“(F) Expansion of knowledge of implementing life cycle cost assessment, including establishing the appropriate analysis period and discount rates, learning how to value and properly consider user costs, determining tradeoffs between reconstruction and rehabilitation, and establishing methodologies for balancing higher initial costs of new technologies and improved or advanced materials against lower maintenance costs.

“(G) Standardized estimates of useful life under various conditions for advanced materials of use in surface transportation. Such estimates shall be developed in conjunction with the National Institute of Standards and Technology and other appropriate organizations.”.

In section 611(e) of the bill, strike paragraphs (1) and (2) and insert the following:

(1) by striking subsections (c), (d), and (e) and inserting the following:

“(c) STUDY OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—

“(1) STUDY.—

“(A) IN GENERAL.—Not later than 120 days after the date of enactment of the Building Efficient Surface Transportation and Equity Act of 1998, the Secretary shall make a grant to, or enter into a cooperative agreement or contract with, the Transportation Research Board of the National Academy of Sciences (referred to in this subsection as the “Board”) to conduct a study to determine the goals, purposes, research agenda and projects, administrative structure, and fiscal needs for a new strategic highway research program to replace the program established under section 307(d) (as in effect on the day before the date of enactment of the Building Efficient Surface Transportation and Equity Act of 1998), or a similar effort.

“(B) CONSULTATION.—In conducting the study, the Board shall consult with the American Association of State Highway and Transportation Officials and such other entities as the Board determines to be necessary to the conduct of the study.

“(2) REPORT.—Not later than 2 years after making a grant or entering into a cooperative agreement or contract under subsection (a), the Board shall submit a final report on the results of the study to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Science of the House of Representatives, and the Committee on Environment and Public Works of the Senate.”; and

(2) by redesignating subsections (f), (g), and (h) as subsections (d), (e), and (f).

In section 611(f) of the bill, strike “307(c)” and insert “307(d)”.

In section 611(g) of the bill, strike “307(e)” and insert “307(f)”.

In section 611(h) of the bill, in the matter proposed to be added at the end of section 307 of title 23, United States Code, redesignate subsection (f) as subsection (g).

At the end of section 611 of the bill, add the following new subsection:

(j) TECHNOLOGICAL INNOVATION.—Section 307 is amended by adding at the end the following new subsection:

“(h) TECHNOLOGICAL INNOVATION.—The programs and activities carried out under this section shall be consistent with the plan developed under section 5506 of title 49.”.

In section 612 of the bill, at the end of the matter proposed to be inserted as section 313 of title 23, United States Code, strike the closing quotation marks and the final period and insert the following:

“(e) ANNUAL REPORT.—Each State shall report annually to the Secretary on the level of its funding for research and development activities described in subsection (a)(5). A State may provide such information as part of another report that the State provides to the Secretary.”.

In section 623(b) of the bill, redesignate paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively.

In section 623(b) of the bill, insert before paragraph (2), as so redesignated, the following new paragraph:

(1) in subsection (a), by inserting “, including information obtained pursuant to section 307(b)(5)(F) and (G)” after “modern highway technology”;

In section 623(b)(3) of the bill, as so redesignated, insert “, and in paragraph (1) of that subsection, by inserting ‘concrete,’ after ‘pavement,’” after “as subsection (c)”.

In section 624 of the bill, in the matter proposed to be inserted as section 5505(c)(2) of title 49, United States Code, insert “, except as provided in subsection (i),” after “competitive process”.

In section 624 of the bill, in the matter proposed to be inserted as section 5505(g)(2) of title 49, United States Code, insert “and consistent with the plan developed under section 5506” after “least annually”.

In section 624 of the bill, at the end of the matter proposed to be inserted as section 5505 of title 49, United States Code, strike the closing quotation marks and the final period and insert the following:

“(18) University of Maine.

“(19) Tennessee Technological University.

“(20) Middle Tennessee State University.

“(21) The University of Maryland.”.

After section 632 of the bill, insert the following (and conform the table of contents of the bill accordingly):

SEC. 633. TRANSPORTATION RESEARCH AND TECHNOLOGY DEVELOPMENT.

(a) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code, is further amended by adding at the end the following:

“§ 5506. Surface transportation research planning

“(a) IN GENERAL.—The Secretary of Transportation shall—

“(1) establish a strategic planning process, consistent with section 306 of title 5, United States Code, for the Department of Transportation to determine national transportation research and technology development priorities related to surface transportation;

“(2) coordinate Federal surface transportation research and technology development activities;

“(3) measure the results of those activities and how they impact the performance of the national surface transportation system; and

“(4) ensure that planning and reporting activities carried out under this subchapter are coordinated with all other surface transportation planning and reporting requirements.

“(b) IMPLEMENTATION.—The Secretary shall—

“(1) provide for the integrated planning, coordination, and consultation among the operating administrations, all other Federal agencies with responsibility for surface transportation research and technology development, State and local governments, institutions of higher education, industry, and other private and public sector organizations engaged in surface transportation-related research and development activities;

“(2) ensure that the Department's surface transportation research and technology development programs do not duplicate other Federal, State, or private sector research and development programs; and

“(3) provide for independent validation of the scientific and technical assumptions underlying the Department's surface transportation research and technology development plans.

“(c) SURFACE TRANSPORTATION RESEARCH AND TECHNOLOGY DEVELOPMENT STRATEGIC PLAN.—

“(1) DEVELOPMENT.—The Secretary shall develop an integrated surface transportation research and technology development strategic plan.

“(2) CONTENTS.—The plan shall include—

“(A) an identification of the general goals and objectives of the Department of Transportation for surface transportation research and development;

“(B) a description of the roles of the Department of Transportation and other Federal agencies in achieving the goals identified under subparagraph (A), in order to avoid unnecessary duplication of effort;

“(C) a description of the Department's overall strategy, and the role of each of the operating administrations in carrying out the plan over the next 5 years including a description of procedures for coordination of its efforts with the operating administrations and with other Federal agencies;

“(D) an assessment of how State and local research and technology development activities are contributing to the achievement of the goals identified under subparagraph (A);

“(E) details of the Department's surface transportation research and technology development programs, including performance goals, resources needed to achieve those goals, and performance indicators as described in section 1115(a) of title 31, United States Code, for the next 5 years for each area of research and technology development;

“(F) significant comments on the plan and its contents obtained from outside sources; and

“(G) responses to significant comments obtained from the National Research Council and other advisory bodies, and a description of any corrective actions taken pursuant thereto.

"(3) National Research Council Review.—The Secretary shall enter into an agreement for the review by the National Research Council of the details of each—

"(A) strategic plan or revision required under section 306 of title 5, United States Code;

"(B) performance plan required under section 1115 of title 31, United States Code; and

"(C) program performance report required under section 1116 of title 31, United States Code,

with respect to surface transportation research and technology development.

"(4) Performance Plans and Reports.—In complying with sections 1115 and 1116 of title 31, United States Code, the Secretary shall include—

"(A) a summary of the results for the previous fiscal year of surface transportation research and technology development programs to which the Department of Transportation contributes, along with—

"(i) an analysis of the relationship between those results and the goals identified under paragraph (2)(A); and

"(ii) a description of the methodology used for assessing the results; and

"(B) a description of significant surface transportation research and technology development initiatives, if any, undertaken during the previous fiscal year which were not in the plan developed under paragraph (1), and any significant changes in the plan from the previous year's plan.

"(d) Merit Review and Performance Measurement.—The Secretary shall, within one year after the date of the enactment of this section, transmit to the Congress a report describing competitive merit review procedures for research and technology development, and performance measurement procedures for surface transportation research and technology development and demonstrations.

"(e) Procurement Procedures.—The Secretary shall—

"(1) develop model procurement procedures that encourage the use of advanced technologies; and

"(2) develop model transactions for carrying out and coordinating Federal and State surface transportation research and technology development activities.

"(f) Consistency With Government Performance and Results Act of 1993.—The plans and reports developed under this section shall be consistent with and incorporated as part of the plans developed under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code.

"§5507. Surface transportation-environment cooperative research program

"(a) In General.—The Secretary of Transportation shall establish and carry out a surface transportation and environment cooperative research program.

"(b) Contents.—The program to be carried out under this section shall include research designed to—

"(1) develop more accurate models for evaluating transportation control measures and transportation system designs that are appropriate for use by State and local governments, including metropolitan planning organizations, in designing implementation plans to meet Federal, State, and local environmental requirements;

"(2) improve understanding of the factors that contribute to the demand for transportation, including transportation system design, demographic change, land use planning, and communications and other information technologies; and

"(3) develop indicators of economic, social, and environmental performance of transportation systems to facilitate analysis of potential alternatives.

"(c) Advisory Board.—

"(1) Establishment.—In consultation with appropriate Federal agencies, the Secretary shall establish an advisory board to recommend environmental and energy conservation research, technology, and technology transfer activities related to surface transportation.

"(2) Membership.—The advisory board shall include—

"(A) representatives of State transportation and environmental agencies;

"(B) transportation and environmental scientists and engineers; and

"(C) representatives of metropolitan planning organizations, transit operating agencies, and environmental organizations.

"(d) National Academy of Sciences.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary determines to be appropriate.

"(e) Funding.—Funding for carrying out this section shall be derived from funds made available under section 127(a)(3)(F) of the Building Efficient Surface Transportation and Equity Act of 1998.".

(b) Conforming Amendment.—The table of sections for chapter 55 of title 49, United States Code, is amended by inserting after the item relating to section 5505 the following:

"5506. Surface transportation research planning.

"5507. Surface transportation-environment cooperative research program.".

In section 652(b)(4) of the bill, insert ", and including the handicapped" after "and motorcycles".

In section 652(b)(7) of the bill, strike "and" at the end.

In section 652(b)(8) of the bill, strike the period and insert "; and".

At the end of section 652 of the bill, add the following new paragraph:

(9) the development of a workforce capable of developing, operating, and maintaining intelligent transportation systems.

In section 654 of the bill, amend subsection (b) to read as follows:

(b) Reporting.—The plan described in subsection (a) shall be transmitted and updated as part of the plan developed under section 5506 of title 49, United States Code.

At the end of section 655(c) of the bill, add the following:

Such tests shall be designed for the collection of data to permit objective evaluation of the results of the tests and the derivation of cost-benefit information that is useful to others contemplating the deployment of similar systems.

In section 655(d) of the bill, strike "work shall incorporate human factors research findings" and insert "work—

"(1) shall incorporate human factors research, which may include research in the science of the driving process, to improve the operational efficiency and safety of intelligent transportation systems;

"(2) may incorporate research on environmental, weather, and natural conditions that impact intelligent transportation systems, including the effects of cold climates; and

"(3) may incorporate materials or magnetics research".

Strike section 658 of the bill and redesignate section 659 as section 658. Conform the table of contents of the bill accordingly.

After section 802 of the bill, insert the following:

SEC. 803. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (6) through (17) as paragraphs (5) through (16), respectively;

(3) by redesignating subparagraphs (C) through (F) of paragraph (7), as so redesignated, as subparagraphs (D) through (G), respectively; and

(4) by inserting after subparagraph (B) of paragraph (7), as so redesignated, the following:

"(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);".

Conform the table of contents of the bill accordingly.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that my amendment be modified with the modification that I have placed at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. Shuster to the Shuster amendment number 1, printed in Part II of House Report 105–476:

Modify the manager's amendment to correct the following errors:

(1) on page 15, paragraph (26), strike "227" and insert "277".

(2) on page 25, in item 1504, strike "Corrido" and insert "Corridor".

(3) on page 25, insert the following two new items at the end of the table:

1508. New York.	Reconstruct Flushing Avenue between Humboldt Street and Cypress Avenue, and between Porter Street and Cypress Avenue.	5.000
1509. New York.	Reconstruct Flushing Avenue between Wycoff Avenue and Gates Street.	3.000

(4) on page 25, insert the following paragraph after the table:

(101) In the table contained in section 127(c) of the bill:

(A) in item 241, strike "32.000" and insert "24.000".

(B) in item 248, strike "intermodal center at Stapleton" and insert "Broadway Viaduct".

(C) in item 257, strike "lande" and insert "lanes".

(D) in item 708, strike "3.000" and insert "6.000".

(E) in item 398, strike "Little Blue Expressway" and insert "the Eastern Jackson Co. Expressway".

(F) in item 398, strike "3.000" and insert "6.000".

(G) in item 312, strike "8.000" and insert "4.000".

(H) strike item 205 (relating to the Missouri Connector).

(I) in item 774, strike "2.230" and insert "4.000".

(J) in item 1081, strike "4.000" and insert "2.000".

(K) in item 1221, strike "7.500" and insert "1.770".

(L) in item 1337, strike "1.770" and insert "2.330".

(M) in item 1384, strike "2.000" and insert "7.500".

(5) on page 34, in paragraph (5), insert "1.750" in the third column (relating to fiscal year 2000).

(6) on page 34, insert after paragraph (13) the following:

(14) strike the line relating to item 24 (Chatham, GA).

Mr. SHUSTER (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 405, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a manager's amendment, technical in nature. It has been cleared both on our side and with the minority.

I rise in support of the committee amendment to H.R. 2400.

The Committee amendment contains issues worked out in cooperation with other committees that had jurisdictional claims over H.R. 2400—the Science Committee, the Resources Committee and the Commerce Committee.

I am pleased that we were able to include several provisions that were worked out on a bipartisan basis with those committees.

I particularly want to thank Chairman YOUNG of the Resources Committee, Chairman BLILEY of the Commerce Committee and Chairman SENSENBRENNER of the Science Committee for their cooperation in expediting the consideration of BESTEA.

The amendment also contains several noncontroversial issues and project description changes.

All provisions in the committee amendment have been worked out in a bipartisan manner and are acceptable to the Democratic Members.

There are several Members who had urged that certain provisions be included that we were unable to work out in the short time available. We will continue to work with those Members to resolve their issues when we go to conference with the other body.

I am including a full summary of the committee amendment for the RECORD.

I urge my colleagues to adopt the amendment.

SUMMARY OF COMMITTEE AMENDMENT TO H.R. 2400

TITLE I—HIGHWAYS

Provides that newly-designated nonattainment areas are eligible for CMAQ funding (but not part of the CMAQ formula).

Provides that the Secretary of the Interior develop a new formula for the distribution of Indian Reservation Road funds by fiscal year 2000.

Establishes a pilot program to allow Indian tribes to directly administer their Indian Reservation Road funds.

Adds transit vehicles signal prioritization projects to Federal share provisions under section 120(c) of title 23.

Makes clarifying amendment to section 125(d)(1) of the bill regarding provisions relating to cooperation of local officials in developing State transportation plan.

Clarifies that States can continue to divide or segment projects, in accordance with current regulations regarding division of segmenting of projects, in carrying out high priority projects designated by Congress.

Makes various corrections and additions to high priority projects as designated in section 127(c) of the bill.

Directs the Secretary to conduct a study on practices of States relating to service food signs.

Amends current, and adds additional, High Priority Corridors.

Clarifies that States can procure under a single contract environmental and engineering and design work if the State reviews the objectivity of the analysis.

Allows the District of Columbia to construct a substitute project in lieu of Barney Circle Freeway project.

Allows States to permit electric vehicles with fewer than two occupants to operate on high occupancy vehicle lanes.

Makes technical and conforming changes.

TITLE II—HIGHWAY SAFETY

Allows States for two years to use section 402 funds to purchase television and radio time for highway safety public services messages and requires a study on the effectiveness of the messages.

TITLE III—TRANSIT

Amends sec. 306 to restore current law with regard to false claims made under the transit title.

Amends sec. 332 to alter project descriptions of new start transit projects.

Amends sec. 333 to alter project descriptions and funding levels of bus and bus facility projects.

Directs the Comptroller General to study the various clean fuel technologies for transit vehicles and make recommendations regarding incentives to encourage the use of such technologies.

TITLE IV—MOTOR CARRIER SAFETY

Adds new section 423 to direct the Secretary to contract with an independent entity to conduct a study on government access to electronic data for motor carrier regulatory enforcement (amended and relocated from Title VI).

TITLE V—PROGRAMMATIC REFORMS AND STREAMLINING

Provides that a revised formula for distribution of CMAQ funds shall be considered for mid-course corrections bill.

TITLE VI—TRANSPORTATION RESEARCH

The Manager's Amendment contains several provisions developed in cooperation with the Committee on Science:

Section 604 requires notice to Congress if the Department of Transportation reprograms research funds or reorganizes programs authorized by Title 6 of BESTEA.

Section 605 contains a sense of Congress regarding the year 2000 computer problem.

Requires a study on future research requirements for highway pavement.

Section 633 establishes a planning process, consistent with the Government Performance and Results Act, at the Department of Transportation to oversee surface transportation research.

Establishes a surface transportation-environment cooperative research program.

Makes some additional minor technical changes to the research title of BESTEA.

TITLE VIII—RECREATIONAL BOATING SAFETY PROGRAM

Amends National Sea Grant College Program Act relating to research funds for Lake Champlain.

Mr. Chairman, I yield to my good friend, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, first, I want to thank Chairmen SHUSTER and PETRI and Ranking Member RAHALL for the cooperative manner in which we developed this amendment. Through their willingness to address Member concerns, we were able to agree on a significant number of Member requests. We have developed a good package that further strengthens BESTEA. I want to highlight a few of the provisions.

First, the manager's amendment includes provisions that will provide CMAQ funding for newly-designated nonattainment communities. Because the EPA is currently reviewing the criteria for nonattainment, it is important that our bill clarify that if the new criteria lead to designation of additional non-attainment areas, those areas would qualify for funding.

Also, the amendment ensures continued CMAQ funding for communities that progress from non-attainment to maintenance status.

At the request of our friends on the Science Committee, this amendment adds several provisions from their surface transportation research bill, H.R. 860. For example, the provisions clarify the Department of Transportation's responsibility to develop a strategic planning process for surface transportation research and technology development activities. I want to note that these provisions are designed to be consistent with the Government Performance and Results Act requirements and not a separate effort.

Also, the Science Committee provisions establish a cooperative research program to develop better tools for State and local governments to use when evaluating the complex economic, social, and environmental impacts various transportation alternatives have on communities.

The amendment includes a number of additional provisions to continue fine tuning BESTEA. These include limited changes to Member highway and transit project requests and we will continue to address their concerns about these very important projects.

I again thank Chairmen SHUSTER and PETRI, Ranking Member RAHALL, and all the Members of the Committee who worked with us to improve BESTEA and I urge adoption of the en bloc amendment.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider amendment number 2 printed in Part II of House Report 105–476.

AMENDMENT NO. 2 OFFERED BY MR. DAVIS OF ILLINOIS

Mr. DAVIS of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part II, amendment numbered 2 offered by Mr. DAVIS of Illinois:

In section 330(j), strike "$42,000,000" and insert "$150,000,000".

The CHAIRMAN. Pursuant to House Resolution 405, the gentleman from Illinois (Mr. DAVIS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Illinois (Mr. DAVIS).

□ 1645

Mr. DAVIS of Illinois. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am pleased to offer this amendment which seeks to expand and improve the Access to Jobs Grant program. This amendment would increase funding for this program by $108 million per year. The Access to Jobs legislation assists welfare recipients and low-income individuals to commute from where they live to where jobs are located. This increase in moneys is designated to address the fact that in too many cases, in both urban and rural areas, welfare recipients and low-income individuals are isolated from the jobs they want and need.

Last year Congress enacted legislation to move people from welfare to work. We imposed strict time limits and other restrictions that will result in the termination of benefits for an estimated 2 million people by the year 2002. One of the greatest obstacles many current welfare recipients face in getting work is literally getting to the jobs.

Welfare recipients and low-income individuals often live, almost by definition, in impoverished communities devoid of job opportunities. Ninety-four percent of welfare recipients do not have cars, low wage earners often do not have cars. They are dependent on public transportation to get to areas with jobs. If the public transit is inadequate, the jobs become inaccessible. People cannot move from welfare to work if the people on welfare cannot get to work.

Currently, two-thirds of all new jobs are being created in the suburbs. Many suburban communities report severe labor shortages because they cannot find enough workers looking for entry-level jobs. This amendment helps to ensure that those welfare recipients who want jobs will not be denied because they do not have access to transportation to get to and from work.

Too many welfare recipients and low-income individuals are isolated from potential job opportunities because existing public transportation systems are either inadequate or nonexistent. The Community Transportation Association of America has found that 40 percent of all rural communities have no public transportation whatsoever. When transit is present, it often does not operate at night or on weekends, times when many low-wage or entry-level jobs are performed. By filling the gaps in transit services, we can give people the chance to get to the jobs they seek.

For example, in Chicago an innovative Suburban Jobs Links program is doing just that. Buses carry workers from the cities to their jobs in neighboring suburbs. An increase in funding for this program would allow it to expand and help other communities. If only one out of three welfare families are successful in getting to a job and are able to work, then America wins and this program will have paid big dividends. Therefore, I urge its immediate adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois (Mr. DAVIS).

Mr. Chairman, it is interesting that in the course of the discussion of the rule of this bill, in the course, a lot of people came to the floor of the House of Representatives in the course of the last few weeks, as well, saying that the scope of this bill is too large, that an increase of over 40 percent in transportation funds over 6 years is a budget buster. And yet the amendment we have before us indicates that the bill is not large enough, and the hope of the gentleman in offering this amendment is that we add some additional hundred plus million dollars to the bill to meet a particular need, that despite the fact that we do include a $42 million Access to Jobs pilot program in the bill, and in addition in this bill there is some $20 billion, $20 billion in formula funds for over 6 years that can be used for the needs of people who want to go from welfare to work and to meet their transportation needs.

Mr. Chairman, it seems to me that we have mass transit and many other transit operations of a particular nature already in existence around the United States, we do not need to pile on a lot of money that will ultimately be used for administration rather than help real people find real jobs. We are willing to experiment in this bill with a pilot program, but I think before we know what we are talking about we should not start throwing additional money at it.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Chairman, I really want to commend the gentleman from Illinois (Mr. DAVIS) for this amendment because I am from a very rural district that has 26 counties, 3 of which are among the highest welfare counties in the State of Missouri, and after numerous meetings with my welfare recipients the biggest stumbling block they have to getting a job is, like the gentleman says, transportation, and they might have to drive an hour and a half, 2 hours to get to a job and they have no means of transportation because we do not have the funds in Missouri, particularly in my district, to beef up our very minimal transportation systems. And certainly they are not presently in use for this particular purpose.

So I just want to ask my colleagues to really think about this because if we truly want our welfare recipients to lead productive, independent lives, then we really need to also put our money where our mouths are and help make a real job a reality for these folks. So I will happily support the amendment offered by the gentleman from Illinois (Mr. DAVIS).

Mr. PETRI. Mr. Chairman, I yield such time as he might consume to the gentleman from Indiana (Mr. PEASE), a member of the committee.

Mr. PEASE. Mr. Chairman, with the greatest personal respect for my colleagues from Illinois and Missouri, I oppose the gentleman from Illinois' amendment to increase funding for this program from the $42 million included in the bill to approximately $150 million per year.

While I agree that providing transportation for welfare recipients to get to jobs is critical, I question whether increasing the funding for the pilot program contained in this bill is the best approach to achieving this worthy result.

This pilot program promotes new and innovative approaches to providing transportation and makes funding available to nontraditional transit grant recipients in addition to public transit agencies. There is concern among some in the transit community that a new program that is large and proscriptive is not only unnecessary but would take flexibility and control away from transit agencies whose very mission it is to provide access to jobs.

There also are significant transportation resources for access to jobs activities under a number of federally funded social services programs already in place. These include the Department of Health and Human Services Temporary Assistance for Needy Families, the Department of Labor's Welfare to Work program comprising $3 billion over 2 years and the Department of Housing and Urban Development's Bridges to Work program.

Should the pilot program contained in this bill prove to be successful in conjunction with these many other programs of Federal agencies, we can then reevaluate whether to increase the funding in future transportation legislation. But I believe at the moment it is premature to raise the funding level to the amount proposed in the amendment, and I urge a "no" vote.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise today to strongly support the amendment by my colleague from Illinois. Mr. Chairman, today I had lunch with the CEO of United Airlines, Jerry Greenwald, who sits on the President's Welfare to Work Task Force. I want to commend United for employing 500 former welfare recipients with the goal of 2,000 by the year 2000. This is a success story.

But he told me what many of us already know, that the most serious barriers for former welfare workers entering the work force are, one, child care, and transportation. Through reverse commuter programs, transit vouchers and van pools many of these people can get to work.

Mr. Chairman, let us put our money where our mouth is and get welfare to work going. Increase this budget and support this amendment.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have no further requests for time. I recognize the other side is entitled to close debate on their amendment, so I just would proceed to conclude by saying that while I understand the gentleman's interest in this program, we have included funds in this bill for this program.

A lot of Members have expressed concern in debate, and a lot of others who have looked at this bill, that we are already spending more than we feel is prudent. To increase spending beyond what the committee has asked for is something that I think is highly problematic.

I would think that this would be an interesting test to see whether Congress would like to stay within the parameters of this bill or feels that the committee sort of undershot and we should be spending even more than we have been asked for in this bill. I think it best to plan and see that we walk before we run. We do have $42 million in this bill plus $20 billion that is eligible if State and local transit authorities feel these needs are needs that need to be addressed. We do not need to add another $100 million dollars to a bill that is already quite generous in the transportation area.

Mr. Chairman, I urge a "no" vote.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I just want to specify that the chairman does understand that this is an authorization, these are not contract authority dollars?

Mr. PETRI. Mr. Chairman, I understand it is an authorization, but we had the senior member of the committee from my State and others in the authorization committee, appropriation committee, which would have to actually appropriate money, saying that this was taking away from priorities that they felt were important. Now we are adding to their burden, I think.

But I would be interested to see how they vote on this amendment because if they really are concerned and consistent, this would receive a "no" vote, not a "yes" vote from those gentlemen.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Chairman, I rise in support of the excellent amendment of the gentleman from Illinois (Mr. DAVIS).

The simple fact of the matter is that lack of transportation is frequently a barrier to employment whether one resides in an urban or rural environment. This amendment would raise the general fund authorization contained in the bill for the welfare to work program.

I know that from a rural perspective these programs hold great promise. In my home State of West Virginia we have undertaken four welfare to work pilot programs already, including in Greenbrier and Wayne Counties which I have the honor of representing. This amendment is about access to jobs, about access to training, about access to a better life for many Americans, and I urge my colleagues to accept it.

Mr. PETRI. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Chairman, I rise today in support of the Davis amendment to BESTEA. This would further build upon the committee's commitment to encouraging access to jobs and moving people from welfare to work.

I commend the gentleman for offering this amendment which enhances an already strong portion of the underlying bill. I was pleased to see the Senate also acted, through the efforts of the Senators from Pennsylvania, Illinois and New York, to include a strong commitment to moving people from welfare to work.

The gentleman from Illinois shows a great commitment and vision in offering his amendment as he recognizes the need for a national approach to this problem. Few people on welfare own cars and few can afford other transportation means to get to jobs and job training. BESTEA and the gentleman's perfecting amendment further our belief in empowering people with the jobs and training they need to achieve self-sufficiency. I strongly urge support for the Davis amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

□ 1700

Mr. PASCRELL. Mr. Chairman, I rise in strong support of the Davis amendment. First of all, we must go to the appropriations. There are checks and balances. That is something we have to do. This is a general fund authorization.

Second of all, we have spoken in the last 4 years about welfare reform. It is time for us to put our money where our mouth is. The argument that this bill is a pilot program and cannot increase too quickly, forget about it. We have told people in 5 years they have to be off welfare, by the year 2002. We do not have that much time.

Let us have bipartisan agreement that we are going to get people to jobs that exist. There are 2 million people out there that are going to be removed from welfare to work over the next 5 years, and only 6 percent of them have cars.

Now, what are you going to do about that? This amendment goes right to the heart of that situation. This is getting people to work. This is what we want, work, not welfare.

Mr. DAVIS of Illinois. Mr. Chairman, I yield one minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-McDONALD. Mr. Chairman, I would like to thank the distinguished gentleman from Illinois for offering this amendment and for yielding me time.

Mr. Chairman, last year we passed a welfare-to-work bill, knowing that that bill was not the sound bill it should be for those who are moving from welfare to work. This amendment that my friend has put on the floor is one that will help us to move this generation of welfare recipients to work.

One in 20 welfare recipients in this country own a car. That is a frightening statistic. When one considers that when we passed welfare reform we placed strict time limits on the welfare recipients, we can ill-afford to not pass this amendment. I urge all Members to pass the Davis amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I would ask the gentleman from Wisconsin (Mr. PETRI) if he would yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. PETRI. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, I think it comes down to this: Do we really want people to go off of welfare and on to workfare? As probably some Members know, some of us in the States got into that a little bit ahead of even the national level.

I am like the gentlewoman from Missouri (Mrs. EMERSON). I have 27 counties, and we have no mass transportation. One thing we discovered is if we are serious about getting people from welfare to work, they have got to have child care and they have got to have transportation, or it is not going to work. It simply is not going to work.

So I encourage support of the amendment of the gentleman from Illinois, Mr. Davis. It is something we have to do if we are going to get this job done. I think we all want very much to get this job done, to get people to work.

Mr. DAVIS of Illinois. Mr. Chairman, I would ask the gentleman from Wisconsin (Mr. PETRI) if he would yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. PETRI. Mr. Chairman, I am delighted to yield 1 minute to my esteemed colleague, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Wisconsin, who contributes so much to the educational issues, and I thank the author of this amendment.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Illinois (Mr. DAVIS). I introduced legislation earlier this year which incorporates this same concept, and I frankly would have put more money into this if we had been able to. But I commend the gentleman from Illinois (Mr. DAVIS) and the leadership of the minority side for supporting this.

Here is why this is such a good idea. If one out of every 300 families on welfare in America, one out of every 300, gets a job as a result of this program, as a result of being moved from where they live to where the jobs are, this pays for itself as a result of people leaving the welfare rolls and paying taxes.

In other words, the success level for this to be budget-neutral is very, very low. It is a great idea.

In my area, United Parcel Company is helping to do a similar thing, where they are moving welfare recipients from Camden, New Jersey, to a UPS terminal at the Philadelphia airport. It works, the Davis amendment works, and I urge my colleagues to support it.

Mr. PETRI. Mr. Chairman, I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I yield 2 minutes, the balance of my time, to the distinguished ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, this is a reality check amendment. If you voted for welfare reform, then look in the mirror and say, did I really mean it? Was I serious about that? If you were, then you really ought to be serious about providing the means for people to get from where they are to where the jobs are.

We made a start on it in this legislation with a pilot program of $42 million. I think it is well-crafted, I think it is a good initiative, but it is woefully inadequate in dollars to do the job that needs to be done.

A study of 43 large metropolitan areas found that communities with the longest job commute times had the highest rates of unemployment. In Cleveland, inner-city residents can reach only about 8 to 15 percent of entry level jobs in a reasonable time with current public transportation. There are many other similar examples.

Mr. Chairman, I want to emphasize, this is a general fund authorization. It does not require offsets. It is under the caps for the budget hawks.

The Committee on Appropriations will decide among the many priorities that they have to contend with which of the funds will go to this program and which to other programs. It will not come out of contract authority dollars. It is reasonable and fair. It is far less than the Senate is providing in their version of this legislation.

Mr. Chairman, finally, I want to say in Chicago, and the gentleman from Pennsylvania (Chairman SHUSTER) and I were there a year ago to look at their transportation, we saw their effective welfare-to-work program. It was a pilot, if you will. It was the spark of imagination for the program we have in this basic legislation.

But, fundamentally, I drew this idea from my daughter and I who works for Jubilee Jobs in Northeast-Northwest Washington, in the Adams Morgan area. Trying to place people in work who are coming out of the welfare shelters, who are coming out, dropouts from the welfare system, she cannot get them to their jobs because they cannot afford transportation. If you cannot match the person with the job through a means of transport, then you have failed.

Let us not fail. Let us pass this amendment.

Mr. GUTIERREZ. Mr. Chairman, I rise today in support of this vital amendment that will enable thousands of people in my community to obtain access to employment opportunities they may otherwise be denied.

The additional $108 million that this amendment will provide for welfare-to-work programs is crucial if our nation is to ensure that our current prosperity benefits all people in America.

Back in my hometown of Chicago, less than 10 percent of welfare recipients own or have access to an automobile.

That's right less than 10 percent.

At the same time, job growth in the Chicago metropolitan area is greatest in areas that are accessible only by car.

Obviously, this poses a significant obstacle to the people who need employment most.

A serious mismatch exists in Chicago and countless other urban areas in our nation between job growth and the location of low-income communities.

The lack of affordable housing in many growing suburbs ensures that low-income people, the people who would fill the myriad service jobs that are being created in new suburban strip malls and office parks, can't live where job creation is most dynamic.

So we must address this problem.

We must take action to get people to where the jobs are.

Failure to do so means we are cutting off from jobs and financial security the very people who we have mandated to work under new welfare reform regulations.

So we cannot fail in this task and we cannot fail to pass this important amendment that is fundamental to building a fairer economy that includes all Americans.

I urge my colleagues to support this amendment. America can only work if we enable all our people access to jobs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DAVIS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. PETRI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 405, further proceedings on the amendment will be postponed.

It is now in order to consider Amendment No. 3 printed in part II of House Report 105–476.

AMENDMENT NO. 3 OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. ROUKEMA:

Strike subsection (b) of section 102 and insert the following:

(b) AFFIRMATIVE ACTION ENCOURAGED; DISCRIMINATION OR PREFERENTIAL TREATMENT PROHIBITED.—

(1) AFFIRMATIVE ACTION ENCOURAGED.—It is the policy of the United States—

(A) to expand the applicant pool for transportation contracts in order to increase competition;

(B) to encourage participation by businesses owned by women and minorities in bidding for transportation contracts;

(C) to recruit qualified women and minorities into the applicant pool for transportation contracts; and

(D) to encourage transportation contractors—

(i) to request businesses owned by women and minorities to bid for transportation contracts; and

(ii) to include qualified women and minorities into an applicant pool for transportation contracts;

so long as such expansion, encouragement, recruitment, request, or inclusion does not involve granting a preference, based in whole or in part on race, color, national origin, or sex, in selecting any person for the relevant contract.

(2) PROHIBITION AGAINST DISCRIMINATION OR PREFERENTIAL TREATMENT.—Notwithstanding any other provision of law, no governmental entity shall, in connection with a transportation contract—

(A) intentionally discriminate against, or grant a preference to, any person or group based in whole or in part on race, color, national origin, or sex; or

(B) require or encourage a contractor or subcontractor to discriminate intentionally against, or grant a preference to, any person or group based in whole or in part on race, color, national origin, or sex.

(3) DEFINITIONS.—As used in this subsection—

(A) the term "transportation contract" means any contract or subcontract in connection with any project paid for in whole or in part with funds derived from amounts authorized to be appropriated by this Act; and

(B) the term "preference" means an advantage of any kind, and includes a quota, set-aside, numerical goal, timetable, or other numerical objective.

The CHAIRMAN. Pursuant to House Resolution 405, the gentlewoman from New Jersey (Mrs. ROUKEMA) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment, as has been submitted and printed, would end the Disadvantaged Business Enterprise Program under BESTEA.

The amendment reaffirms, and I want to be very clear about this, reaffirms our encouragement of affirmative action through expansion of the applicant pool and active recruitment, and I stress active recruitment, of qualified women and minorities.

At the same time, this amendment makes it clear that such encouragement and recruitment does not involve granting a preference or fulfilling a quota or a set-aside.

In other words, and I want my colleagues to understand this, in other words, we are reforming affirmative action as we know it today. That is, it should go back to its initial roots of nondiscrimination.

We are not suggesting that there is no discrimination. In other words, we are reforming affirmative action as we know it while protecting the civil rights of all people.

Now, the preference program, DBE as it is known, the preference program at the heart of this issue is a provision of BESTEA, and it states that, and we should be clear about this, because there is misinformation being spread around. It states that not less than 10 percent shall be expended with small businesses owned and controlled by "socially and economically disadvantaged individuals."

This is a floor set by the Department of Transportation that must be met. If it is not met, then the administration can and does sanction.

The bill itself says, "Not less than 10 percent of the amounts authorized shall be expended" to small businesses controlled by socially and economically disadvantaged. It is a clear quota.

At a hearing held recently this past year in the Committee on the Judiciary, Mr. Chairman, we heard that this preference resulted in many subcontractors being denied a transportation contract, despite having by far the lowest bid. To represent only one subcontractor, Malcolm Drilling, Inc., he testified that they were discriminated against merely because the general contractor did not use enough minority or women-owned subcontractors.

As a result, the contract was awarded to the next lowest bidder at a bid of $3 million more. This was just one relatively small contract. So the Federal dollars at work cost the taxpayers $3 million more in this specific case.

There are many other instances. I will not go into them now, but I do want them to be included in the RECORD, a company in Wyoming to the tune of $345,000, and another one in Iowa and so on. These qualified under the 10-percent set-aside for disadvantaged business enterprises.

This is a waste, a clear waste, of taxpayer dollars. Competitive bidding is intended to save money. Not requiring at least a 10-percent set-aside has made the point of competitive bidding moot, if not, some would say, a joke.

Governments have been imposing quotas, preferences and set-asides in the goal of eliminating discrimination, but instead the actual real world has resulted in reverse discrimination.

Now, my amendment explicitly reaffirms the original concept of our Affirmative Action Program that through vigorous and systematic outreach, recruitment and marketing efforts among qualified women and minorities, we would be reaching those who are out of the loop, so-to-speak. The amendment explicitly reaffirms and requires outreach programs.

The amendment also seeks to restore the color-blind principle to Federal law by prohibiting the Federal Government from granting any preference to any person based on whose qualifications were either race, color or national origin or sex-based.

When affirmative action, and this I thought was very interesting in doing my research for this amendment, going back to the Kennedy Administration's Executive order that established this principle in 1963. It was specifically applied through the Civil Rights Act of 1964. The goals were promotion and assurance of equal opportunity without regard to race, creed, color or national origin, encouragement of positive measures toward equal opportunity for all qualified people, and expansion and strengthening of efforts to promote full equality of employment opportunity.

□ 1715

That, to me, is a reflection of exactly what we have here in my amendment. That was the original Kennedy initiative.

Before opponents of my amendment raise their voices, let me also add for clarity, here, that this legislation absolutely maintains this Nation's existing antidiscrimination laws. If it did not, I would not be proposing it here on the floor today. But it maintains existing civil rights laws which are there as a remedy for individuals who are victims of discrimination. Further, it is consistent with civil rights laws that prohibit any discrimination.

Mr. Chairman, I want Members to know that over time I have been a strong supporter of affirmative action. However, over the course of the years I have watched the implementation of affirmative action amount to the use of discriminatory quotas, set-asides, preferences, and timetables based on sex and race. This is evidence, I believe, of the law of unintended consequences.

That is why we should be reforming comprehensively affirmative action. But we have been unable to get that to the floor, a total reform. Indeed, I had fervently hoped that by this time in our session the Committee on the Judiciary would have reported that. In the absence of an overall reform, I thought this was the best vehicle to bring the issue before the public. It is very precise in this bill, as I have outlined it.

I know, of course, that discrimination exists today in America. There is no denying it. But we cannot attack discrimination with a different style of discrimination. Discrimination, that is, the reverse discrimination that I see, is the consequence of these set-asides and quotas. Discrimination in the name of equal treatment is, in my opinion, an oxymoron.

Mr. Chairman, affirmative action did its job in its day, but the day it became more quotas than opportunity is the day that, in my opinion, it became part of the problem and not part of the solution.

Equal opportunity has always been at the core of the American spirit. It is time that we return to that core, and apply it equally for all people in our society, while protecting the civil rights of those who need continued protecting, and assure that the law is applied equally to all people.

Mr. Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I am opposed to the amendment, and request the time in opposition.

The CHAIRMAN. The gentlewoman from California (Mrs. TAUSCHER) is recognized for 30 minutes.

Mrs. TAUSCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, in accordance with the agreement we made in the committee with negotiating a delicately-balanced compromise in this bill, we agreed, and the bipartisan leadership of our committee, to oppose all amendments that the bipartisan leadership did not agree to.

I, therefore, must reluctantly state my opposition to this amendment.

Mr. Chairman, I am sympathetic to my colleague's position opposing continuation of the DBE requirement in BESTEA.

However, I have made an agreement to oppose any DBE reforms in exchange for a balanced, bipartisan bill that provides maximum funding for America's transportation needs.

There have been a number of court challenges to the DBE program including a decision by the Supreme Court that casts doubt on the constitutionality of the program.

I have been concerned that attempts to repeal the DBE requirement could backfire—resulting in findings that could potentially strengthen claims that the program is constitutional.

I believe the best approach is to allow the courts to resolve the issue.

I am pleased that we have included language in BESTEA, similar to language included in the Senate-passed bill, that would prohibit DOT from withholding funds from grant recipients where a Federal court has issued a final order finding the DBE requirement unconstitutional. This provision should ensure that transit agencies, such as Houston Metro, that are under such orders, do not have their Federal funds withheld.

BESTEA also requires a GAO study that would examine whether there is continued evidence of discrimination against small businesses owned and controlled by socially and economically disadvantaged individuals. I believe that this study will lay the groundwork for future reforms.

For these reasons, I must reluctantly oppose the gentlelady's amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Roukema amendment. The amendment offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) would recklessly end an important program that has successfully increased the participation of minority-owned businesses in the Federal-aid highway and transit programs.

Let us be clear, the DBE program does not involve set-asides, preferences, or quotas. Indeed, the DBE program requires States to establish their own voluntary DBE goals and make a good-faith effort to achieve these goals. The DBE goals can be waived if there are not sufficient minority contractors available to meet the targets. In addition, the Department of Transportation has never punished a State for failing to meet its voluntary goals.

The Disadvantaged Business Enterprise program ensures that small businesses that are owned and controlled by socially and economically disadvantaged individuals will have a fair opportunity to compete for federally-funded highway and transit contracts.

Prior to enactment of the DBE program in 1982, minority-owned businesses participated in only about 2 percent of all contracts in the Federal-aid highway program. Following enactment of DBE, minority participation has risen to roughly 9 percent of all contracts.

Since 1987, women-owned businesses have also benefited greatly from the DBE program. According to Federal Highway Administration figures, contracts to women-owned businesses have increased from 2.6 percent in fiscal year 1986 to 6.7 percent in fiscal year 1996. Nevertheless, while women own one-third of all construction firms, they still only get 19 percent of business receipts.

The Disadvantaged Business Enterprise program has been instrumental in promoting equal opportunity for all citizens to fully participate in our national economy. Now is not the time to turn back this effort.

Mr. Chairman, I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. CHARLES CANADY), chairman of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. CANADY of Florida. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in strong support of the amendment of the gentlewoman from New Jersey (Mrs. ROUKEMA).

The ideal of equality under the law for all Americans is an ideal supported by the overwhelming majority of the American people. That ideal is at the heart of the American experience. We all know that in our history as Americans we have not fully lived up to that ideal, but we also know that future generations of Americans will judge us by how well we ground the laws of the land on that fundamental principle.

The amendment now before this House is solidly based on the ideal of equality under the law. Like the historic Civil Rights Act of 1964, this amendment recognizes that each American has the right to be treated by our government not as a member of a particular race or gender group, but as an individual citizen, equal in the eyes of the law.

The amendment is based on the conviction that it is morally wrong for the United States government to give some Americans benefits because of their race or gender, while denying other Americans opportunities because they belong to the wrong groups.

Let us be clear about it, despite the denials that we hear, under the transportation program, that is exactly what is happening every day. Contracts and subcontracts are awarded because of the race or gender of the people who are receiving those contracts or subcontracts. That is an undeniable fact.

Race and gender preferences undermine the dignity of all Americans. To some Americans, the system of preferences says, your government will deny you a job or some other opportunity because you are the wrong gender or ethnic background. To other Americans, the system of preferences says, you will not be expected to compete as an equal, but will be measured by a lower standard than individuals of another gender or race.

Both messages are hurtful, both messages are demeaning, both messages are demoralizing, and both messages are contrary to the basic American principle of respect for the individual.

We will never overcome discrimination by practicing discrimination. The way to mend affirmative action is by eliminating the divisive system of preferences based on race and gender, and reaffirming the original concept of affirmative action through vigorous and systematic outreach, recruitment, and marketing efforts.

Preferential policies are a dead end. As the Federal Government classifies, sorts, and divides Americans by their race and gender, it sends a powerful and perverse message to the American people that we should judge one another on the basis of race and gender. That is exactly the wrong message for us to be sending. That is a message which only reinforces prejudice and discrimination in our society.

President Clinton has quite rightly called on Americans to transform the problem of prejudice into the promise of unity. He has spoken of our primary allegiance to the values America stands for, calling for us to build one America.

The system of race and gender preferences stands as a massive impediment to a united America, in which all Americans are treated as individuals who are equal in the eyes of the law. Congress can demonstrate its allegiance to fundamental American values by adopting this amendment, and ending the use of race and gender preferences in the transportation program.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise to oppose this amendment. I want the record to be clear. This is a proposal that has been worked out. It is the same language that is in the Senate bill. It was an agreement within the committee. Clearly, this is meant to be corrective action.

If it was true that we no longer needed the DBE program, I would be the first person to want to give it up. All of my political career I have had to come to the forefront to try to defend and make opportunities; not to be better than anyone else, and certainly not to lower standards, but to make opportunities for those women and those minorities who do not get them without a program.

It is unconscionable that we would stand to deny people who can work hard, people that just do not look like white men, and defend their ability as Americans, as citizens, as persons who work just as hard, to get a simple opportunity.

This is a sad day to see that we still have people who are willing to deny people who work hard, who take on the same responsibility, are not asking for anything, they are only asking for an opportunity. I oppose this amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, the bill provides in section 102, "Not less than 10 percent of the amounts authorized to be appropriated under titles I, III, and VI of this Act shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals."

The underlying statute defines, at 15 U.S.C. 637, "The contractor shall presume that socially and economically disadvantaged individuals include black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities. * * *" This bill sets aside a quota on the basis of race.

The facts are uncontrovertible: race determines who gets contracts under this statute, and it is wrong. We cannot do good by doing bad. We cannot lift some people up on the basis of their race without putting other people down on the basis of their race. It is inherently unfair.

In the new biography of Jackie Robinson, there is a very touching quotation of a letter.

I quote: "Late in his career he wrote an eloquently spare letter to a white New Orleans journalist who had abused him in print: 'I wish you could comprehend how unfair and un-American it is for the accident of birth to make such a difference to you.'"

Are there other ways of taking care of the fact that we do not start life equally? Of course there are. The amendment of the gentlewoman from New Jersey (Mrs. ROUKEMA) does that: Take a look at somebody's actual effort to try to overcome the obstacles that they have been presented with; give a preference on the basis of someone who has never had a contract before; take account of the individual. But do not judge on the basis of their race.

How can we explain to somebody that it is fair that "You would have had had this contract, but your skin is the wrong color"?

Mr. Chairman, it was not that long ago that this issue was brought to the Supreme Court on the fundamental question of whether it was acceptable for the units of government in our country to use race. In 1954 the Supreme Court said it was not.

In Brown vs. The Board of Education, the Supreme Court reversed the horror of Plessy versus Ferguson, in which the Supreme Court had said separate but equal was okay. And in striking down Plessy versus Ferguson, the Supreme Court of the United States said it is stigmatizing, it is inherently wrong, for the government to make distinctions on the basis of race.

□ 1730

Justice Douglas, nobody's right-wing conservative, himself put it this way in 1974: "There is no constitutional right for any race to be preferred. There is no superior person by constitutional standards. A * * * [person] * * * who is white is entitled to no advantage by reason of that fact; nor is he subject to any disability, no matter what his race or color. Whatever his race, he had a constitutional right to have his application considered on its individual merits in a racially neutral manner."

We have a chance today to do what is right. But we cannot do right by doing wrong. We have other means provided in this amendment to help those who are disadvantaged, but let us today put an end to the use of race by government, let us never again look at someone and say, "You have something that another may not because of the color of your skin."

Mrs. TAUSCHER. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentlewoman from California (Mrs. TAUSCHER) for yielding me this time.

Mr. Chairman, shame on the gentleman from California (Mr. CAMPBELL), my good friend and fellow law professor, for racializing this issue. Not once, not once did the gentleman allude to anything but race. This issue does not involve race. This issue involves race and sex. My good friend and colleague puts a woman's face on an antiwoman amendment.

Mr. CAMPBELL. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. Mr. Chairman, the gentleman from California would not yield to me, and I will not yield to the gentleman one moment or one word.

Mr. Chairman, I warn my colleagues, hundreds of thousands of women's faces are trained on us now, particularly the faces of women small business owners. They are taking names and they are counting votes and they want to know which side my colleagues are on.

Mr. Chairman, I want my colleagues to listen to them. Roberta Verdun, president, Summit Graphics, North Brunswick, New Jersey:

> Without the DBE program, I would not have opportunities to bid against the big businesses out here.

Deborah Ayars, A-TECH Engineering, Vineland, New Jersey:

> Without the DBE provisions of ISTEA, the ever-larger majority firms would let none of the work out of their firms. The DBE program is one of the most successful programs the government has developed."

Elaine Martin, MarCon, Inc., Nampa, Indiana:

> I was low bidder on a job in 1987 where the owner told the estimator to give the job to a larger, male-owned firm that had a higher bid than mine. The estimator told the owner that the job had DBE goals and as low bidder, I should be given the opportunity to perform. In the 10 years since that one $100,000 job that I would have lost without the DOT DBE program, my company has grown from $200,000 to $3 million annually."

Finally, Joanna Pierson, Joanna Trucking, Inc., Sioux City, Iowa:

> My company is very good at what it does, but that does not mean anything. What does mean something is that I am a "foolish female," "stupid woman." I'm sure you've heard them all. To get rid of this program means putting me and other women like me out of business along with 25 of my employees.

Mr. Chairman, these are the voices of women small business owners. This amendment would end the program for socially and economically disadvantaged white men who also qualify for DBE.

Mr. Chairman, they will not be counting quotas in this bill, because there are none, but votes to see which side my colleagues were on when this amendment came up for vote.

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume only to say I am sorry the gentlewoman from the District of Columbia (Ms. NORTON) totally misunderstands my amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Chairman, I rise today to address a very tough issue for women, with friends on both sides of this amendment.

I know as a woman that special and very difficult challenges confront businesswomen trying to launch enterprises in fields that have traditionally been male-dominated. That is a fact of life for businesswomen, despite that fact women continue today to form businesses at twice the rate of men.

Mr. Chairman, I also know there are serious constitutional questions involved whenever the government tries to guarantee outcomes, because that government action usually amounts to a quota and consequent legal challenges.

The truth is, Mr. Chairman, that when women are given an equal playing field we have proven that we can succeed. Women now employ more individuals than all the Fortune 500 companies in the world combined, and we want to be able to say we have achieved those successes because of our brains, not our gender.

Quotas have the perverse effect of undermining the credibility of minority businesses because people believe that they got that contract on some basis other than merit. For women, that would set our movement back.

The Roukema amendment clearly states that it is the policy of the United States to recruit qualified women and minorities into the applicant pool for transportation contracts. This approach will move us beyond divisive government-sanctioned preferences and discrimination to a system of equality under the law, while continuing the original intent of affirmative action to reach out to those who are disadvantaged.

Mr. Chairman, my bottom line is this: I want my party and this Congress to embrace public policy that lets women know they are welcome, even encouraged, to enter and compete for business. My party and this Congress should be about expanding opportunities for women. Toward that end, I believe the gentlewoman from New Jersey has struck the proper balanced approach that is pro-woman, pro-minority opportunity, pro-affirmative action.

Nobody in this body can question the long and positive record of the gentlewoman from New Jersey (Mrs. ROUKEMA) on women's rights and opportunities. I urge my colleagues to support her balanced approach to affirmative action in the Roukema amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. POSHARD).

Mr. POSHARD. Mr. Chairman, I rise in opposition to the Roukema amendment and strongly urge my colleagues to vote against it. The gentlewoman from New Jersey (Mrs. ROUKEMA) seeks to discontinue the Disadvantaged Business Enterprises program, which has the goal of providing at least 10 percent of transportation contracts to small businesses owned by socially and economically disadvantaged individuals.

For almost 20 years, the DBE program has enjoyed great success and provided critical opportunities for qualified women and people of color to compete for and perform Federal construction contracts. This is a good program and it deserves our continued support.

Mr. Chairman, although I dearly wish that it were not the case, the fact is that women and minority-owned firms remain underrepresented in the field of construction. The DBE program has been instrumental in increasing the percentage of contracts awarded to these firms which are participating more than ever in the construction and maintenance of our Nation's highways. Now is not the time to dismantle the successful program which has helped so many and can continue to help even more.

The DBE program does not impose quotas or set-asides but relies instead on flexible targets and allows States and local governments to set their own goals based upon the particular circumstances of their local markets. Ending this program would create turmoil in the firms which have relied upon it, resulting in failing businesses and thousands of jobs lost.

Mr. Chairman, I hope my colleagues will recognize the critical role that the DBE program can continue to play in the promotion of equal opportunities for all business owners and join me in opposing the Roukema amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New Jersey (Mrs. ROUKEMA). I congratulate her for bringing to the floor such a useful way to improve ISTEA, our transportation bill, so that it promotes affirmative action and so that it outlaws discrimination.

First, let us focus on what this amendment really does. It would declare the policy of the Federal Government in favor of affirmative action. That means encouraging bidding by minority-owned and women-owned businesses, expanding the applicant pool, recruiting qualified women and minorities into the applicant pool, and encouraging contractors to do the same. That is what affirmative action is all about.

In 1964, in the other body, the Democratic floor manager of the 1964 Civil Rights Act, Hubert Humphrey, told a critic of the 1964 Civil Rights Act, a critic of affirmative action, "If you can find anything in this legislation that would require people to hire on the basis of percentages or quotas, I will start eating the pages one after another." He knew that quotas are the enemy of affirmative action.

Mr. Chairman, I heard a Member in defense of this discrimination provision say that it is a voluntary program, but the law says, as it is proposed to be passed on the floor, 10 percent. That is a quota. It has nothing to do with disadvantaged people. The definition of "disadvantaged" in the bill says if a company has sales of $16 million, year after year after year, they are disadvantaged. As the Federal court said when it struck down a provision just like this as unconstitutional, under this standard the Sultan of Brunei could qualify.

Mr. Chairman, let us not cheat those who are really disadvantaged. Let us do something for them with affirmative action. Let us get rid of discrimination and let us make it illegal. Let us vote for the amendment offered by the gentlewoman from New Jersey.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Chairman, there is an unfortunate pattern that has developed here. We have had almost an impossible scenario of trying to get colleagues on this side of the aisle to support the minimum wage bill. Just a few minutes ago, my colleagues on this side of the aisle stood up to oppose an amendment that would help facilitate the transportation of people on welfare so they could get to work and reach for their dreams. And now we have an amendment that would destroy a program that has helped create $1.4 billion worth of the economy, putting 62,000 people to work.

This program that we are talking about is based on a simple premise of equal opportunity. It requires all contractors bidding for Federal highway projects to do so on an equal footing, regardless of gender or of race. It also establishes a goal, a goal that says 10 percent of Federal highway projects should be awarded to companies owned by individuals who for decades, for decades were effectively shut out from this industry.

Mr. Chairman, this 10 percent goal is not mandatory. It is not a set-aside. It is not a quota. It is a goal. It is a worthy goal. It is a goal encouraging all Americans to work hard and to pursue their dreams.

This is a success story. This side of the aisle talks about appealing to women. They have to address that problem because they do not get very many votes from women in this country. Well, just as the gentlewoman from the District of Columbia (Ms. NORTON) said, this is a key vote and the American people and women in this country will be watching to see who stands with them when it comes to getting a fair share of the pie.

The CHAIRMAN. The gentlewoman from California (Mrs. TAUSCHER) has 20 minutes remaining, and the gentlewoman from New Jersey (Mrs. ROUKEMA) has 10 minutes remaining.

Mrs. ROUKEMA. Mr. Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, we set goals in many of our initiatives, whether it be Goals 2000 or in the Clean Water Act. Goals do not guarantee giveaways, they generate participation.

The DBE's goal is to provide opportunity to all Americans. Let us talk about what the DBE is and is not. It is not a quota. It is not a set-aside. It is not a guarantee of contracts or dollars. And if it was, I would not support it. What it is is an opportunity for all Americans to participate in building the Nation's infrastructure and future.

The Roukema amendment would, in fact, eliminate opportunity for all Americans to be part of a program they pay for. It would eliminate talented and competent women, African-Americans and Hispanic Americans from simply having an opportunity to compete, to compete in the bidding process.

□ 1745

But the Roukema amendment not only denies opportunity to all Americans, it actually promotes the interests of the privileged few. This is not the Roukema amendment, it is the general contractors' amendment. The contractors and others are willing to accept the votes of women, Hispanic Americans and African Americans in this Congress to pass this bill, but want to lock us out of the benefits. If this Congress cannot accept the simple goal of equality of opportunity for all Americans, what a sad day it will be.

When my colleagues on the other side of the aisle talk about privilege, they are referring to the privilege that has been enjoyed by the majority for a long period of time with very few benefits to anyone in the minority. Let us promote participation, not prohibit it, by defeating this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentlewoman for yielding me the time.

I rise in strong opposition to this amendment. The Department of Transportation DBE program has provided over 20,000 firms with contracts worth over $2 billion in 1996 alone. As a result, tens of thousands of jobs have been created, providing economic development in cities, rural areas and in communities desperately in need of hope and opportunity. This important program has provided opportunity for women and minorities working in non-traditional fields like construction and deserves our support.

As the ranking member of the Committee on Small Business, I can tell my colleagues that this program is effective, valuable, and most importantly, it is fair. I must remind my colleagues that this is not a quota program; it is not a set-aside. It is an economic development program that is goal-based and focused on outcomes. It uses competitive bidding that includes white males, minorities and women business owners competing for transportation contracts. This program enjoys bipartisan support in this body, including the chairman of the Committee on Transportation and Infrastructure and the subcommittee of jurisdiction.

Recently the other body overwhelmingly rejected a similar amendment to destroy this valuable and necessary program. This amendment threatens to undermine a bill that will help us meet the goal of rebuilding this Nation's infrastructure and providing for our transportation needs.

Mr. Chairman, many of my colleagues engage in rhetoric about empowerment and opportunity. Well, this program is all about opportunity and empowerment. By providing opportunity in the transportation bidding process, small local firms are creating jobs, teaching skills and reaching the tax base and helping communities literally rebuild themselves.

I strongly urge my colleagues to oppose this amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I rise in support of the Roukema amendment. It is time to stop dividing our country along race and gender lines. Initiatives like the Disadvantaged Business Enterprise Program harm our society, both by lowering standards and by leaving the beneficiaries of the program in doubt of their own ability. The DBE program reinforces negative stereotypes because it is based on the implicit assumption that members of certain groups cannot measure up to an objective standard and must be given special treatment in order to succeed.

Some contend that there are really no quotas or set-asides in Federal law. Well, I encourage anyone who believes that to read the bill. The language is an explicit 10 percent set-aside. The Roukema amendment eliminates the set-aside, but it does not prohibit the Federal Government from making affirmative efforts targeted at minorities and women to increase the size of the applicant pool for transportation contracts.

The Department of Transportation can still educate and mentor these firms in their effort to learn how to compete for contracts. In the end, though, all candidates must be judged by the same standard and requirements.

We all strongly support equal opportunity. We should create a level playing field, but we should never guarantee the final score.

I encourage my colleagues to prohibit discrimination and preferential treatment when awarding transportation contracts by supporting the Roukema amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I rise in opposition to an amendment to eliminate the Department of Transportation's Disadvantage Business Enterprise program. The DBE program ensures that small business concerns which are owned and controlled by socially and economically disadvantaged individuals will have a fair opportunity to compete for federally-funded highway and transit contracts.

Much has happened since the Department's first efforts to bring fundamental fairness to contracting with federal transportation construction dollars. Minority and women owned small and disadvantaged business participation in federally assisted highway construction contracting stood at a mere 1.9 percent in 1978 and rose to 14.8 percent in 1996.

In 1985 on the 4th day of this very month my Mayor Harold Washington, the Mayor of the great city of Chicago ordered city agencies to award 30 percent of their contracts to companies owned by minority group members and women. He had to threaten to impose financial penalties on contractors who try to avoid this minority goal. He suffered death threats and humiliation from the media from his actions. However because of his actions minority businesses were able to break an inefficient, archaic system that favored a handful of contractors and prevented minorities and women from obtaining city business.

There is good reason for concern that without a federal program in place, minority participation will decline substantially. When DBE programs end, many prime contractors return to the same exclusionary practices that denied minorities and women the chance to compete for business before the DBE program was created and will completely destroy what Mayor Harold Washington and the city of Chicago worked for. Why must we continue to allow certain members of this Congress to hinder a person's efforts to overcome poverty and adversity and other such obstacles to achieving excellence.

Mr. Chairman, I am told truth is proper and beautiful in all times and in all places. Well now is the time, and the place. Let us be truthful to the all American business people and give them the right and responsibility to access the roads to prosperity. Vote no to the Roukema amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from Michigan (Ms. STABENOW).

Ms. STABENOW. Mr. Chairman, I rise with my colleagues and friends to oppose this amendment. This amendment is anti-small business. When I chaired the Michigan Small Business Committee in the House, we heard over and over again the concerns of small businesses about coming particularly into the field of transportation and competing with the large firms. The majority of small businesses today are being opened by women and minority firms. This gives the opportunity not for a guarantee, not for a quota, but for the opportunity to get started in a multibillion-dollar business.

This is a transportation package that will provide jobs and billions of dollars in contracts. What we are asking, what the committee reported out was the opportunity to make sure that small and disadvantaged businesses have the opportunity to get started in this business. We are talking about those who do not have a long track record and relationships over years and years being able to be given a chance as a small business to get that first contract so then they can go on to get the second and the third and get bigger and bigger.

I urge a no vote on this amendment. It is anti-small business.

Mrs. ROUKEMA. Mr. Chairman, I include for the RECORD a letter of a small businessman in New Jersey, who indicates the discrimination he endured and was denied equal opportunity.

I also include for the RECORD the letter of Ward Connerly of the American Civil Rights Coalition in support of my amendment.

GEOD CORPORATION,
Newfoundland, NJ, April 1, 1998.

Hon. MARGE ROUKEMA,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ROUKEMA: I urge you to please support congresswoman Roukema's amendment H.R. 2400, the Intermodal Surface Transportation Efficiency Act (ISTEA). This amendment will end the racially divisive policy of imposing race preference quotas on every transportation related public works project. These race/gender preference programs have had a devastating negative impact on my small business. I am the owner of a 35 person land surveying firm located in New Jersey. My firm has been repeatedly denied opportunities to bid or submit my company's qualifications on public works projects due to my white male ownership status. Time and time again my prospective clients have said "sorry John we know your company does good work but we have to meet the required quota percentage's in order to be selected, all our subcontractors have to be MBE, WBE or DBE firms".

Through the Freedom of Information Act, I obtained lists of executed contracts by both New York and New Jersey Department's of Transportation for the last 3 years: 95, 96 & 97. Incredibly more than 80% of subconsultants on all contracts were D/M/WBE firms. In my industry—Land Surveying, 95% of the survey firms used as subconsultants were D/M/WBE's. My firm has been denied an equal opportunity to provide our services on public works projects due to Affirmative Action's race and gender preference programs.

I urge you to please support Congresswoman Roukema's amendment H.R. 2400.

Sincerely,
JOHN F. EMILIUS, *President.*

AMERICAN CIVIL RIGHTS COALITION,
Sacramento, CA, March 30, 1998.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR SPEAKER GINGRICH: Tomorrow the House Rules Committee will decide to whether or not to make in order an amendment from Representative Marge Roukema to the Intermodal Surface Transportation Efficiency Act (ISTEA) bill to eliminate provisions inserted by the Senate that contain racial preferences and set asides. I would ask that you do everything in your power to ensure that this amendment is made in order.

As you noted on ABC's "This Week" last September we should have competitive bidding in federal contracts, not quotas or set asides. The Supreme Court agreed in the Adarand decision, ruling that programs granting racial preferences and set asides are unconstitutional unless they can meet a specific and compelling state interest. Aside from being ineffective, using discriminatory federal policies as a method of redressing past discrimination is counterproductive. Discrimination is wrong, no matter where it occurs. As public servants, we have an obligation to protect people's civil rights, whether it is through your authority as House Speaker or mine as a university regent.

What some people in our nation have forgotten is that civil rights are individual rights. As you know, our constitution guarantees the rights of individuals, not groups. When government confers benefits on groups of people on the basis of race, ethnicity or gender, it injects a bit of poison into the body politic.

Please let me know if I or the American Civil Rights Coalition can be of any help to you as you consider action on this important issue.

Sincerely,
WARD CONNERLY, *Chairman.*

Mrs. ROUKEMA. Mr. Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, I thank the gentlewoman from California for yielding me the time.

Inherently unfair? I have heard that said several times today. I thought I would not have too many surprises when I came here, but today I have been surprised. Equal pay for equal work, have my colleagues ever heard that question raised? I, too, chaired, in our Senate the Committee on Small Business for a number of years. I can tell my colleagues, there is some inequities out there. If they do not believe that, come and see me after we have got through here. I have got some swampland for sale.

I do not understand why we have to debate this issue and try to not be seemingly aware that there is some inequities. Why would we want to do this? It is permissive. It is a goal. We have the opportunity to do what is right. I hope that we will defeat this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT), ranking member of the Subcommittee on the Constitution.

Mr. SCOTT. Mr. Chairman, we know exactly what will happen if this amendment is passed. Similar legislation was passed before and the result is always the same. Opportunities for minorities and women will disappear. For example, in Michigan, when they eliminated their program, minority businesses were totally shut out of billions of dollars of State contracting dollars.

Mr. Chairman, we do not live in a color-blind world. According to a study by the Department of Transportation, a white-owned construction firm will likely receive 50 times more bonding authority than an identically situated black-owned firm.

In addition, we know that minorities and women are discriminated against in access to capital and are still excluded from many business opportunities and social circles where many important business decisions take place. That is why white males who represent one-third of the population already get over 90 percent of the contracts.

This amendment does nothing to deal with that vile discrimination. We can dress up this amendment by describing it in glowing rhetorical terms, but we know what it will do. It will devastate the future opportunities for minorities and women. Therefore, Mr. Chairman, I ask for a no vote on this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Chairman, I adamantly oppose the Roukema amendment to strike provisions of BESTEA that continue the Transportation Department's Disadvantaged Business Enterprises Program. I represent the part of Houston which is currently embroiled in a lawsuit regarding this exact program. In fact, the citizens of Houston overwhelmingly supported a referendum to continue the DBE program as recently as this spring. Houston is not in a vacuum. This is an issue that has captured the attention of cities nationwide. The DBE program is fair and it is constitutional. It does not include any set-asides or any quotas. Rather, it is a goal-setting economic development program. It uses a competitive bidding process, which includes qualified minority and women-owned businesses vying for transportation dollars. There is a need for the DBE program. Minority and women owned businesses are still underrepresented in the construction industry.

The Senate recognized the validity of the program when it defeated Senator MCCONNELL's efforts to eliminate the program. The Roukema amendment will have a devastating effect on the opportunities for DBEs to participate in federally funded highway and transit projects. I urge my colleagues to oppose the Roukema amendment to eliminate the DBE included in BESTEA.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have heard the debate on the House floor and I hear a lot of talk about free enterprise and free markets. I would like to point out that it was President Ronald Reagan that signed this bill into law. The fact of the matter is that if we look at the system we have in place today, what we have in place is very simple. We have socialism for white contractors and free enterprise for everybody else.

Let us look at the whole idea of what goes behind this. If we have got some idea that we want to have a poor black entrepreneur in Boston or California or, yes, New Jersey bid on one of these contracts, if we want a woman to feel that she can compete, how are they going to do it? We have an entire tax system that allows you to depreciate all of your equipment as a contractor.

You cannot walk in and start a new construction company and be able to bid on any of these Federal contracts and be able to effectively compete. If you start up with all the capital requirements that are necessary to bid on these big jobs, there is no way that unless you are already in the club you can get in the club.

So what we do is we pretend, by a lot of rhetoric, that if we take a program that has no quotas, that has no timetables, that just says that if there is a qualified minority or a qualified woman that wants to bid on a contract, we ought to provide her or him or that individual with a competitive environment in order to get it. It has not lessened the quality of the workmanship of our highway program throughout the Nation. In fact, it has strengthened it.

What we are doing, make no mistake about it, is we are saying this is for white boys only. That is all this amendment is about. It is trying to say, we are going to put up a wall between women and minorities and the work and the taxes that they pay in order to be able to build our highway system.

Let us be honest with the system we have got. Let us encourage minorities and our women to go out and get competitive, get business contracts, start their own companies and employ the people of our country.

□ 1800

Mrs. ROUKEMA. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Chairman, I thank the gentlewoman for yielding.

We are hearing a lot of things today about what is happening and what is not happening. One of the things that is important for us to understand is what affirmative action originally meant. If we go back to what President Kennedy said when he issued the original affirmative action executive order, it involved this provision. It said, "The contractor will take affirmative action to assure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, or national origin."

Without regard to their race, creed, color, or national origin. That is the principle of nondiscrimination. That is the principle of affirmative action as it was originally embodied in the policy of this land, and that is the policy of this amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman for yielding to me.

The Roukema amendment turns back the clock and destroys the very viable constitutional DBE program. I rise in vigorous opposition.

Mr. Chairman, I am rising today to speak against the Roukema Amendment that would abolish the Department of Transportation's Disadvantaged Business Enterprise Program. For almost two decades, the DOT's DBE Program has been providing equal opportunities for women and minorities competing for highway and transit contracts. By reaching out to women and minority-owned firms and fostering business relationships, the program has countered the effects of discrimination and good old boy networks which have been road blocks for many legitimately competitive minority-owned businesses.

The fact remains that as a result of continued discrimination, women and minority-owned firms remain underrepresented in the construction field, even today. Now is not the time to discontinue DOT's equal opportunity program. It is still an essential tool in paving the road to equal opportunity for many "so-called" disadvantaged businesses. This program does not impose quotas or set-asides of any kind on those seeking to receive a government contract, it merely gives the government a reachable goal to achieve and a standard to measure in regards to women and minority participation in our vast federal economic apparatus.

Furthermore, the Adarand decision has put forth a clear groundwork of which affirmative action programmatic agendas genuinely produce diversity without unfairly harming others and which do not. The law is clear, affirmative action is neither illegal nor inappropriate. It is frankly a necessary means in trying to achieve true multi-cultural and multi-gender diversity amongst those people this government chooses to do business with. The DBE program is about creating points of access and opportunity for those groups who would otherwise not have them. We have mended affirmative action to meet the needs of our changing world and its law, but we can not end it. Opportunity is as essential to success in this world as air is in our lungs; give people a fair chance to maximize their potential. Vote down the Roukema Amendment. This amendment is bad for Texas and bad for Houston. This is not reverse discrimination.

Mrs. TAUSCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, this highway bill will spend over $200 billion of taxpayers' money. The fact is that well over half of those taxpayers are women and minorities.

It is only a matter of basic fairness that groups comprising a majority of American taxpayers should have a realistic chance to compete for 10 percent of the highway programs paid for by their tax dollars. It was that very fundamental issue of fairness that caused 58 Democrats and Republicans in the other body to vote "no" on this unfair amendment.

The DBE program is not a quota. I oppose quotas. But what is good for America and good for our highway program is that when we are spending billions of American taxpayer dollars we should at least make it a goal to not exclude women and minorities from these programs. That is the right thing to do.

Mr. Chairman, I have heard a few Members today talk about reverse discrimination in the highway business. Well, I have a suggestion for them: Go across this country and visit highway contractors and come back to me and tell me if they really think there are too many Hispanics and African-Americans and women owning and managing highway contractor firms. And while they are at it, take a look at those States who had gotten rid of goals and see what has happened. Then they and I can talk about real discrimination.

Mr. Chairman, I have reservations about this bill, quite frankly. To all of those supporting this actively, I would suggest that the passage of this amendment would be seen as an insult by the vast majority of Hispanics, African-Americans, and women in this House voting, at least right now, planning on voting for this bill.

If they want to see the wheels fall off this highway bill today, simply pass this amendment, sit back and watch. This amendment is not about quotas. It is not about reverse discrimination. It is about simple fairness. Vote "no" on this amendment.

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. EHRLICH).

Mr. EHRLICH. Mr. Chairman, I felt compelled to come over here just to congratulate the gentlewoman for not indulging in threats and for not being politically correct and for doing the right thing and for having the guts to stand up and speak her mind. And I congratulate the gentleman from California for his usual articulate manner with respect to this issue.

Mr. Chairman, we know what quotas do. And quota language is in the bill. It is a fact. And the gentleman from Florida talked about the history of quotas in this country, and facts are dangerous. Facts are particularly dangerous on this floor. Quotas lead to taxpayers getting the short run, and we all know it. Low bidders are subject to reverse discrimination, as the gentlewoman originally stated.

The American people lose in the process, and the American people are divided again in the process. If there is anything we can least afford in these days and times is to again divide the American public.

Civil rights should mean and always mean equal rights. That is what it used to mean before PC came about. I truly congratulate the gentlewoman from New Jersey, whom I am very proud to serve with on the Committee on Banking for doing the right thing for all of the American people.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, today I rise in opposition to this amendment. The vote on this amendment is a no-brainer. Even though today might be April Fools, in 14 days it will be tax time; and on this day, every single person will contribute their share to the pot.

This pot reminds me of my grandmother's sweet potato pie. We all contribute to that pot every year. So when it comes time to cut it up, we should all get a piece. That includes women and minorities. Women and minorities contribute their share to the Federal Government, so why should they be excluded from getting part of the goods and services?

The DBE program is simply one tool to make sure that we are on a level playing field when it comes to competing. Vote "no" on this amendment.

Mrs. ROUKEMA. Mr. Chairman, may I ask how much time is remaining on each side, please?

The CHAIRMAN (Mr. HASTINGS of Washington). The gentlewoman from New Jersey (Mrs. ROUKEMA) has 6 minutes remaining, and the gentlewoman from California (Mrs. TAUSCHER) has 7½ minutes remaining.

Mrs. ROUKEMA. Mr. Chairman, and I will have the right to close?

The CHAIRMAN. The gentlewoman from California (Mrs. TAUSCHER) has the right to close.

Mrs. ROUKEMA. Mr. Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend from California for yielding me the time.

I rise in strong opposition to this amendment. The program under consideration here is not a perfect program, but we are not a perfect Union either. One of the ways that we are imperfect is that people have not had real economic opportunity. They have been shut out. If we leave this program in place, people will have the chance to be included and participate.

But perhaps even more importantly than what this program does for people is we should oppose the amendment for what it says to people. Do we really believe and are we really prepared to say that enough has been done, that women and people of color and people that have been left out of this process have enough now, that we have gone as far as we can go and have done all that we can do to rectify decades of discrimination in this country?

I think the answer to that question is "absolutely not." We have a long way to go. The approval of this amendment would be a step in the wrong direction. The defeat of this amendment is a step in the right direction. I urge its defeat.

Mr. Chairman, I rise to oppose the amendment offered by my colleague from New Jersey, which would end the Transportation Department's efforts to give disadvantaged businesses the opportunity to bid for transportation contracts.

The current law promotes economic growth and advances social justice through the Disadvantaged Business program, by giving disadvantaged businesses the chance to compete for up to 10% of federal transportation spending, which would be as much as $20 billion over the next five years. Many small businesses have been unable to participate in federal transportation contracting in the past, including companies owned by minorities, women, people with disabilities, and others. These companies deserve a chance to get started in the process, to get their first contract, and to begin growing and hiring more workers. This is the best way to create jobs and promote justice.

The Roukema Amendment would undercut the goals of growing the economy and ensuring justice. This proposal would cut out many of these disadvantaged businesses that deserve a chance to get their foot in the door. The Roukema Amendemnt embraces the rhetoric of affirmative action, but it would abolish the current practice of affirmatively reaching out to help disadvantaged businesses get a fair start.

This amendment eliminates a law which guarantees that the government works to include people who have been excluded from a program which builds our economy and builds small businesses. This disadvantaged business law is the only approach that works. It works to build the best roads in the world, and it works to give minorities, women, people with disabilities, and other disadvantaged Americans a chance to compete for contracts. When they win these bids, these companies create jobs for disadvantaged citizens across our country, at the same time they are helping to build the highest-quality highways for our people. It is a grave mistake to think that we can do without it.

For these reasons, I strongly oppose the Roukema Amendment and urge my colleague to vote against it.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Chairman, I thank my colleague from California for yielding to me.

A distinguished Member of this House once wrote that "In politics we have no permanent friends, no permanent enemies, just permanent interests." It gives me no great pleasure to rise in opposition to one of my Women Caucus colleagues, but I do have permanent interests, and that is the economically disadvantaged.

As the co-chair of the Women-owned Business of the Women's Caucus, I held a hearing the top of the year because women were complaining that, though we have mandated about 5 percent of the procurement contracts, they have only gotten 1.8 percent of the contracts.

This is what DBE is all about. It allows women and others, irrespective of their race, the opportunity to apply for contracts if they qualify. The DBE program is not a set-aside, it is not quotas, it is simply giving them an opportunity to qualify for contracts for those who are economically disadvantaged.

The disadvantaged business enterprise provisions of BESTEA are sound and were passed out by the full committee with bipartisan support. I join the Senate in saying "no" on the Roukema amendment and "yes" for moving an agenda for women-owned businesses.

Mrs. ROUKEMA. Mr. Chairman, I yield 1½ minutes to our colleague, the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I want to thank the gentlewoman from New Jersey (Mrs. ROUKEMA) for bringing this amendment to the floor, and I wholeheartedly support it.

Let us be very clear. The Supreme Court has stated that the current set-aside program is unconstitutional because it violates the 14th amendment guarantee that all Americans will be treated equally regardless of race, color, or gender. By setting aside a certain number of contracts to be allocated on those bases, current law flies in the face of our constitutional mandate that all Americans be treated equal under the law.

Now, President Clinton has suggested that we need to mend, not end, affirmative action to bring it in compliance with the Supreme Court rulings and to bring it in compliance with our notion that has been since the founding of our country that every person is of equal dignity.

I think the Roukema amendment does exactly that. It removes the unconstitutional provision that sets up a quota and says that certain contracts will not be awarded based on merit, based on free competition, not based on what color your skin is or whether you are a woman, not a man. That is wrong and needs to be removed from law.

What her amendment does, which is absolutely necessary, is puts into place an effective affirmative action program that says we are going to reach out to disadvantaged contractors, reach out to minorities, reach out to women and make available to them every opportunity to compete on a free and equal basis.

I heartily encourage my fellow colleagues to vote for the Roukema amendment.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, we have to recognize that there is still disparity out there. And if we do not recognize it, we do not see it.

For them to stand up there and talk in terms of being in favor of affirmative action, in favor of trying to do the right thing reminds me of the slave owner who basically said, you are better off in slavery because we will be able to take care of you. It is appalling in terms of the comments that I hear when I stand up here before my colleagues.

It is not a quota. We need to recognize the fact that there is preferential treatment that is occurring out there and that is discrimination that is happening, and we need to see how we can best respond to that. And this program is one of the programs that has been proven to make sure that the individuals have an opportunity to be able to participate.

My colleagues cannot tell me that women are having a fair deal out there, because they are not; and for my colleagues to stand up there to say that they are is contrary to what is actually happening. It is contrary to what the statistics will show and tell us. I would ask that my colleagues consider what has been done too.

To say that it is contrary to the Supreme Court decision, I would ask my colleagues to also consider the Adarand decision, because this particular decision does not deal with this particular item, and it is a safe item, and we should continue to support it.

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume.

I am afraid the gentleman from Texas is the only one that I know of who interprets the Adarand decision that way.

Mr. Chairman, what is the balance of my time?

The CHAIRMAN. Each side has 4½ minutes remaining. The gentlewoman from California (Mrs. TAUSCHER) has the right to close.

Mrs. ROUKEMA. Mr. Chairman, I yield myself such time as I may consume.

I would simply say that I think our colleagues have been listening to this debate, but in no way are we denying affirmative action. We are really mending it and bringing it up to date because it has resulted in unintended consequences. And my amendment carefully protects outreach, as well as the civil rights and anti-discrimination elements of affirmative action and literally goes back to our original intention. As we know now, the courts are clearly coming to terms with this. And if we do not act upon it, the courts certainly will.

Mr. Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, it is amazing the fundamental ignorance that goes behind this amendment and particularly to people who have responded in debate tonight.

First of all, it is very obvious that they do not know that there are no quotas in this bill. There are no quotas in this bill. They feel that there are. They feel that there are some set-asides. There are no set-asides in this bill, only goals. They do not understand, obviously, that this bill is not all for minorities and women. It is for disadvantaged. Anyone can be disadvantaged. Even some white males have been disadvantaged.

So this is a spurious argument that they are using here today. It is not even based on fact. If they are trying to bring to the floor a bill which one of our colleagues from Florida has been trying to tack onto everything that has come through this House, then do it. But this is no way to do it. They are doing it on a bill that is going to benefit a lot of people in this particular body.

So if that is what they are doing to try to kill the transportation bill, then kill it. But kill it in such a way that is noble and noteworthy and not cloaked behind something that is not true.

I say to each of my colleagues to vote against this bill. This is a terrible bill, and they know it. They have got one of their moderates to present it, but it is presented under the wrong title.

□ 1815

Mrs. TAUSCHER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Chairman, despite an overwhelming bipartisan defeat in the Senate, unfortunately we have before us another attempt to gut a program that gives women and minorities the chance to compete for Federal highway dollars.

The Disadvantaged Business Enterprise program works. It puts women and minorities to work. It gives them the chance to compete in an industry that has traditionally shut them out. It is not a quota. It is not a set-aside. If it were, do we really think that Ronald Reagan's administration would have created this program? I think not.

The highway bill offers so much to so many. It is wrong to turn back the clock on women and minority-owned businesses. Let us not put a tollgate on the road to opportunity for these aspiring entrepreneurs.

We can further refine this program. As the President has said, mend it, do not end it. But this amendment goes too far. I urge a "no" vote and, frankly, a return to the kind of bipartisan spirit that has allowed us to begin to make some progress against the legacy of discrimination. This program should be reaffirmed and not eliminated.

Mrs. ROUKEMA. Mr. Chairman, I just want to set the record straight. Nobody sought me out as a moderate, dirty word, moderate to do this amendment. I have been advocating this procedure for more than a year. In addition, the Senate proposal was not this proposal at all, the one that was defeated. It was a far more complicated one. It created a whole new program. It was not my amendment that was defeated.

Mr. Chairman, I yield the balance of my time to Speaker GINGRICH.

The CHAIRMAN. The gentleman from Georgia, the Speaker of the House, is recognized for 3½ minutes.

Mr. GINGRICH. Mr. Chairman, I hope that everybody who is listening carefully to this debate has listened to our good friends over here, because they are now caught in an inherent contradiction. They say to us they are against quotas. Member after Member got up and said, "I am against quotas." They say to us there is nothing in this program that is a quota. They say to us, "We are against the government discriminating." They say there is nothing in this program that requires the government to discriminate.

I want to thank the gentlewoman from New Jersey (Mrs. ROUKEMA), for having the courage to stand up here and to offer a very, very important amendment. Notice what it says. It says it is for affirmative action. Affirmative action: "to expand the applicant pool for transportation contracts in order to increase competition; to encourage participation by businesses owned by women and minorities in bidding for transportation contracts."

Affirmative action: "to recruit qualified women and minorities into the applicant pool for transportation contracts." And it goes on to say, an affirmative action "to encourage transportation contractors to request businesses owned by women and minorities to bid for transportation contracts" and affirmative action "to include qualified women and minorities into an applicant pool for transportation contracts." Everything we are told our friends over here believe in.

But here is what it then goes on to say. It then says, but it cannot involve granting a preference. This is the nub of this thing. Should an American citizen be discriminated against? Should an American citizen be discriminated for by their own government? Should the Government of the United States say to you, well, you were the lowest competitive bidder, but you did not fit the preference this week.

Let me point out, in California, when this broke down, when Senator CAMPBELL at that time first got involved in this fight, it was because it was Asian women who were being discriminated against at law school and could not get in because the quota was filled. And it was Asian women who were being discriminated against, not white males, not the old boy network. They frankly were not studying enough. But Asian women.

So let us go ahead. What does the gentlewoman from New Jersey (Mrs. ROUKEMA) do? She says it is a "prohibition against discrimination or preferential treatment." We have been told by our friends over here they do not have any preferential treatment. There is no quota.

All right. What would the gentlewoman from New Jersey (Mrs. ROUKEMA) do? She says no governmental entity, the very government of our own country, no governmental entity shall, in connection with a transportation contract, in other words, in giving out the money of the American people, the Government of the United States shall not, one, "intentionally discriminate against, or grant a preference to, any person or group based in whole or in part on race, color, national origin, or sex," which by the way is what Hubert Humphrey said in 1964 was the essence of the Civil Rights Act.

So what does this say? We are not going to ask you to tell us that you are black. We are not going to ask you to tell us you are white. We are not going to ask you to tell us that you are Asian. We are not going to ask you to tell us you are Hispanic.

We are going to ask you to tell us what will you charge for this contract. And the lowest competitive bidder should get the contract. Why should the lowest competitive bidder be told, well, you know, you would build the best highway, you would do the best job for the taxpayer. You went to school and you learned how to do it and you worked hard and you founded your own little company, and, you know, you would have gotten the contract, but this week you do not fit.

Oh, it is not a quota anymore. I am not sure what you all would call it. A preference, a ripe banana, a kumquat. I mean, what is this year's code word? What is the newest phrase? Because you cannot defend quotas. You know you cannot get up here and say, yep, I want to make sure my political friends that give to my campaign get a quota. Yep, I want to make sure that my friends get their contract, even if they are not the lowest bidder. Yep, in fact they could be the highest bidder, but if they fit the right quota; you cannot say that anymore.

So my colleagues come down here and misdescribe what she does. What she does is very straightforward. It is right here, and my colleagues cannot refute it. She says the Government of the United States will not discriminate.

When I was an Army brat growing up from Pennsylvania to Kansas to France to Germany, and I arrived in Georgia in 1960, we had government-imposed segregation. It was totally wrong. I have lived in an integrated system called the United States Army, and I go into an integrated system called military dependent schools.

But to set up a new system of discrimination, to set up a new approach by which the Government of the United States cheats the people of this country, no longer gives away the contract to the lowest competitive bidder, but picks out a political winner.

So we say to our children, do not go and study engineering, study how to fill out the application. Do not go and study business, fill out how to make sure you are in the right quota.

We saw it happen in San Francisco when people began to apply as firemen and had new ancestors who happened to fit the quotas.

So I want to commend the gentlewoman from New Jersey. This is the right step. It is very simple. The Government of the United States should not discriminate against any American. The taxpayers of the United States should expect that the lowest competitive bidder will get the grant.

I urge a "yes" vote for the Roukema amendment.

Mrs. TAUSCHER. Mr. Chairman, I have here a letter from the President of the United States sent by fax this morning from Dakar where he says,

> The DBE program is not a quota. The existing statute explicitly provides the Secretary of Transportation may waive the 10 percent goal for any reason and that this benchmark is not to be imposed on any State or locality.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Minnesota (Mr. OBERSTAR), ranking member of the committee.

The CHAIRMAN. The gentleman from Minnesota is recognized for 2 minutes.

Mr. OBERSTAR. Mr. Chairman, when all else fails, read the language of the legislation. The inherent contradiction that our esteemed Speaker talked about is in the amendment itself, not in the arguments on this side. The inherent contradiction is that the amendment goes on for line after line talking about all the good things it wants to do. Then in the end it defines preference in the last four lines as an advantage of any kind, a quota, set-aside, numerical goal, timetable, other numerical objective. Does it also mean outreach? They want to protect outreach? They do not do that in this legislation.

The DBE program has worked wonderfully for the 6 years of ISTEA. The 10 percent goal is a national target. State and local recipients of DOT funds set their own goals for DOT participation and construction projects based on the availability of disadvantaged businesses in their markets. There is no absolute requirement that a particular goal be met.

In fact, it is very acceptable business practice to set goals. Goals are a standard tool of good management worldwide. But by prohibiting goals, the amendment prevents States and localities from measuring progress against discrimination. That is what this is all about, progress against discrimination.

I have heard all sorts of conversation today from the advocates of this amendment about freedom, freedom to choose, freedom to move, mobility. Let me just say, Mr. Chairman, rich and poor alike have the freedom to leap under a bridge. Only the poor wind up under the bridge. Do not stuff people under a bridge with this amendment. Let us defeat this amendment. Let us stand up for what is good in America and give poor, minorities, women, an opportunity to bid on this great highway program, this $270 billion program of ours that moves America forward into the next century.

Mr. DELAY. Mr. Chairman, I rise in support of this amendment.

BESTEA is a terrific bill. I salute Chairman SHUSTER and his committee for the many hours of hard work they put in on this bill over the last year.

I thank the committee for including a very important provision which will exempt from federal DBE requirements any transit authorities that are under court order preventing them from complying with these requirements.

This is a step in the right direction, but it doesn't quite go far enough.

It is time to completely put an end to discrimination in the awarding of transportation contracts.

Mr. Chairman, race-based discrimination is wrong. And gender-based discrimination is wrong. And it is wrong regardless of whether the victim is male, female, black, or white.

The DBE program is a federally-mandated quota program that commands highway and transit contractors to discriminate based on race and gender.

A federal court in Texas recognized that this kind of discrimination is wrong when it ordered the city of Houston's metro transit authority to cease awarding contracts based on race and gender.

Houston METRO complied with this court order, and as a result, it went 18 months without its share of federal funding.

The BESTEA bill prevents this kind of thing from happening again. It guarantees that transit agencies will not lose their funding when a court orders them not to discriminate. That's great. I support that.

If we pass this amendment, we will take an even bigger step in rooting out discrimination. Getting rid of the DBE program will ensure that agencies continue to receive funding if they refuse to discriminate—even without a court order.

I urge my colleagues to stomp out government-enforced discrimination. I urge them to vote yes on this amendment.

Mr. TOWNS. Mr. Chairman, I rise in strong opposition to the Roukema Amendment to the Building Efficient Surface Transportation and Equity Act to eliminate the Disadvantaged Business Enterprise Program. I strongly support the DBE Program which was first signed into law by President Reagan in 1983. The goal of the DBE Program is to eradicate the lingering effects of discrimination in the construction industry, and provide equal opportunities for minority and women-owned business to compete for federal highway and construction contracts.

Although the playing field is still far from level, we have made progress since the inception of the DBE Program. The percentage of women and minority-owned firms participating in the construction of America's highways has increased. By reaching out to minority and women-owned firms and forging business relationships, this program has been successful in countering the effects of "good old boys" network. Despite the success of the DBE program, non-DBE firms still get over 85% of federal highway and construction contracts. If we eliminate this program now, we will reverse modest gains for women and minorities in the construction industry.

Make no mistake, when Members say that they want to eliminate this program in order to ensure fair competition for all firms, including those owned by minorities and women, they are deliberately misleading the American people. If they do not believe that discrimination exists in the construction industry, they are blind. If they do not believe that majority-owned firms, advantaged by a network good old boys, have a historical advantage, they are either blind or naive, or both. If they say that elimination of the DBE Program will not result in a sharp decline in the percentage of minority and women-owned firms participating in federal construction projects, they are insincere.

Mr. Chairman, both the Reagan and Bush administrations supported the Disadvantaged Business Enterprise Program. The President, under the stewardship of Transportation Secretary Rodney Slater, has urged Congress to continue its support for the DBE Program. The DBE program does not impose quotas or set-asides. Instead, it simply sets a national goal that 10% of highway and transit funds be used for services rendered by disadvantaged businesses. However, the goals are flexible. The program allows state and local governments to set their own goals based on the numbers of disadvantaged businesses in their markets. And a state can waive the goal if it cannot find a qualified disadvantaged business.

The DBE program is consistent with President Clinton's "mend it, don't end it" policy on affirmative action, and the Supreme Court's Adarand decisions which allowed the use of affirmative action programs by the federal government to meet a "compelling government interest" to combat the "lingering effects of discrimination."

I urge my colleagues to follow the lead of the House authorizing Committee, which recommends that this program be continued. I urge you to follow the Senate's lead, which voted overwhelmingly to retain it. And finally, I urge my colleagues to follow the lead of the two past Presidents and our current President, all of whom support this valuable program. I urge the rejection of this amendment.

Mr. DIXON. Mr. Chairman, I rise in strong opposition to the Roukema amendment. How ironic that the GOP—who recently led the effort that resulted in renaming Washington National Airport to the Ronald Reagan National Airport—now seeks to eliminate a vital program which President Reagan himself signed into law. The Department of Transportation's Disadvantaged Business Enterprise (DBE) Program is about providing opportunities—an ideal our Republican colleagues often champion as one of their goals. It is not about quotas, set asides, unqualified businesses receiving preferential treatment, nor about violations of Supreme Court rulings.

The DBE program was created by Section 105 (f) of the Surface Transportation Act of 1982 (P.L. 97–424) in order to increase the share of qualified, "socially and economically disadvantaged" businesses in the transportation construction industry. Under the program, state Departments of Transportation and state and local mass transit agencies must establish a goal of awarding 10 percent of all funds spent on federal-aid highway projects to certified firms owned by "socially and economically disadvantaged individuals." However, if a state agency or prime contractor is unable to find enough qualified subcontractors to reach the goals, they are allowed to apply for a waiver to lower the goal. There are no penalties or sanctions for failure to meet a goal.

The Roukema amendment would gut DOT's ability to address a problem that still plagues our nation: the paucity of minority and women-owned firms who receive transportation dollars. For those who naively believe that American has fully realized her dream of a color-blind society, a society in which there no longer exists a need to ensure an equitable playing field in the economic marketplace for disadvantaged persons, I submit that they are mistaken. Discrimination is alive and well and manifesting itself through the difficulties minorities and women continue to face in securing access to contracts and capital.

Consider that minorities make up 20 percent of the population, yet represent only 9 percent of all construction firms and 5 percent of all construction receipts. Women own one-third of all firms, but receive only 19 percent of the business receipts. White-owned construction firms receive 50 times more loan dollars than black-owned firms with identical equity.

Without goals, women- and minority-owned businesses have been shut out of transportation construction projects. In 1989 in Michigan, within nine months of terminating the state DBE program, no minority businesses received contracts. Seven years later, in 1996, DBEs still had received no more than 1.1 percent of state highway contract dollars.

These disturbing statistics further underscore the reality that America has yet to reach the honorable state of a truly color-blind society, and that in order to ensure absolute parity in the contracting process, we must legislate fairness through programs such as the one before us today. Think about the following example: since the inclusion of women in the DBE program in 1987, women have enhanced their procurement dollars by approximately 175 percent. In FY 1994, the DBE program generated nearly $87 million in contracting opportunities for women-owned businesses. These contracting opportunities resulted in the creation of 62,000 new jobs. When racial/ethnic minority-owned firms are added, the DBE program in FY 94 generated $3.4 billion and resulted in the creation of approximately 146,000 new jobs.

This program does not set aside a specific amount of money for any one population group, nor does it guarantee that a specific number of businesses will receive contracts. And let me reiterate: there are no penalties for not meeting the 10 percent goal. This amendment is strongly opposed by the Administration, and the Senate recently defeated a similar amendment by a vote of 58 to 37. I share the view of Transportation Secretary Rodney E. Slater who has said that "[r]emoval of the DBE program from H.R. 2400 would be a serious blow to our efforts to assure fundamental fairness to the citizens of this country." I urge defeat of this amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, a distinguished Member of this House once wrote that "in politics, we have no permanent enemies, just permanent interests." It gives me no great pleasure to rise in opposition to one of my Women's Caucus colleagues, but I do have permanent interests—the economically disadvantaged. The Disadvantaged Business Enterprise provisions of BESTEA are sound and were passed out of the full Committee with bi-partisan support. The DBE programs in this bill do not include set asides or quotas. These DBE programs use a competitive bidding process to include minority and women-owned businesses.

As Co-Chair of the Women's Caucus Women-Owned Businesses Legislative Task Force, I held a hearing on the lack of procurement opportunities for women-owned businesses because women were complaining that they did not have access to federal contracts.

The Disadvantaged Business Enterprise program is fair, flexible and complies with the Supreme Court's "strict scrutiny" standard. It serves as the model program for federal agencies aspiring to extend contracting opportunities for women and minority-owned firms who receive disproportionately fewer contracts and subcontracts than their qualifications and ability warrant.

It sets the goal of 10 percent of highway and transit funds be used for services rendered by disadvantaged businesses. State and local governments then set their own goals based on the numbers of disadvantaged businesses in their local markets. And if a prime contractor cannot find a qualified disadvantaged business, the state can waive the goal entirely.

Any individual owning a business may demonstrate that she or he is socially and economically disadvantaged, even if that individual is not a woman or minority. In fact, businesses owned by white males have qualified for DBE status.

Since the inclusion of women in the DBE program in 1987 under President Ronald Reagan, women have enhanced their procurement dollars by approximately 175 percent. The participation of women and minority-owned small and disadvantaged businesses in federally assisted highway construction contracting has grown from a mere 1.9 percent in 1978 to 14.8 percent in 1996.

In fiscal year 1996, 6.7 percent of contracts were awarded to women-owned businesses under the DBE program, generating $1.4 billion for women-owned businesses and producing 62,000 new jobs in highway and transit industries.

Between 1987 and 1996, women-owned businesses in the field of construction grew by 171 percent. During that same time period, contracts to women-owned businesses increased from 2.6 percent to 6.7 percent in 1996.

As of 1996, there were more than one million women-owned businesses in the state of California—that is a 77.7 percent growth since 1987 when Ronald Reagan signed into law the inclusion of women in the DBE program. In California, women-owned businesses received less than 4 percent of the DBE dollars.

We need the DBE program. White-owned construction firms received 50 times as many loan dollars as black-owned firms with identical equity. At least 492 firms have grown from subcontractors to prime contractors after entering the DBE program.

The Senate voted 58 to 37 to defeat an amendment to replace the DBE program. I urge the House to follow their bipartisan lead and maintain this fair, effective and constitutional program.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. ROUKEMA).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. ROUKEMA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to House Resolution 405, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on Amendment No. 2 offered by the gentleman from Illinois (Mr. DAVIS) which will be taken immediately after this vote.

The vote was taken by electronic device, and there were—ayes 194, noes 225, answered "present" 1, not voting 11, as follows:

[Roll No. 93]

AYES—194

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—225

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Kucinich
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (OR)
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Walsh
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Radanovich

NOT VOTING—11

Cannon
Gonzalez
Hutchinson
Jefferson
Klug
LaFalce
Payne
Rangel
Ros-Lehtinen
Royce
Waters

□ 1844

Mr. MARTINEZ and Mr. MCDADE changed their vote from "aye" to "no."

Messrs. DAN SCHAEFER of Colorado, YOUNG of Alaska, SNOWBARGER and WHITFIELD changed their vote from "no" to "aye."

Mr. RADANOVICH changed his vote from "no" to "present."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. DAVIS OF ILLINOIS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. DAVIS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 175, not voting 13, as follows:

[Roll No. 94]

AYES—242

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Bouoher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Calvert
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman

Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Kucinich
LaHood
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Pascrell
Pastor
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Redmond
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Souder
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Watt (NC)
Waxman
Weldon (PA)
Weller
Weygand
Wise
Woolsey
Wynn
Yates

NOES—175

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Everett
Ewing
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rohrabacher
Roukema
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shuster
Snowbarger
Solomon
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Cannon
Gonzalez
Jefferson
Klug
LaFalce
Payne
Rangel
Ros-Lehtinen
Royce
Scarborough
Smith (MI)
Spratt
Waters

□ 1853

Mr. EWING and Mr. FOLEY changed their vote from "aye" to "no."

Mr. ORTIZ changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider Amendment No. 4 printed in part II of House Report 105–476.

AMENDMENT NO. 4 OFFERED BY MR. GRAHAM

Mr. GRAHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GRAHAM:

(a) HIGHWAY PROJECT AUTHORIZATION.—

(1) In section 102(8), strike all after the parenthetical and insert "$596,000,000 for fiscal year 1998, $816,000,000 for fiscal year 1999, $885,000,000 for fiscal year 2000, $885,000,000 for fiscal year 2001, $885,000,000 for fiscal year 2002 and $885,000,000 for fiscal year 2003."

(2) In section 103(b), strike the "and" and all that follows after paragraph (7) and insert "and" after paragraph (6).

(3) Strike sections 127(b) and 127(c) and redesignate sections of the bill accordingly.

(b) TRANSIT PROJECT AUTHORIZATIONS.—

(1) In section 328(a) in the matter proposed to be inserted as section 5338(b)(1) of title 49, strike all that follows after "to carry out section 5309" through the end of such subsection and insert "(1) $878,000,000 for fiscal year 1998, (2) $964,800,000 for fiscal year 1999, and (3) $1,045,200,000 for fiscal years 2000 through 2003."

(2) In section 329(a) strike "shall not exceed" through the end of such subsection and insert "(1) $800,000,000 for fiscal year 1998; (2) $856,000,000 for fiscal year 1999; and (3) $1,045,200,000 for fiscal year 2000–2003."

(3) Strike sections 332 and 333 and redesignate sections of the bill accordingly.

The CHAIRMAN. Pursuant to House Resolution 405, the gentleman from South Carolina (Mr. GRAHAM) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. GRAHAM).

□ 1900

Mr. GRAHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Chairman, I would like to speak in support of this amendment that would strike out all of the special projects in the current bill before this committee.

I want to say that I am opposed to the bill itself for three principal reasons: One, it is bad process; two, it is bad precedent; and three, it is a bad product.

Let me speak about bad process first. I would ask the question, is it right that the campaign committee chairmen are consulted before the special road projects are given to Members who live or represent politically sensitive districts where they have tough races coming up in November?

Is it right to dangle millions of dollars in front of Members for no specific projects, just a blank check?

Is it right to award the States of Committee on Transportation and Infrastructure Members an average of $253 million, versus $54 million if there is not a Member on the Committee on Transportation and Infrastructure from one's State?

It is bad precedent because this bill exceeds the budget caps put in place last summer by $26 billion, that is with a capital B, billions of dollars. What happens when we use the budget caps as a defense when anybody else wants to raise spending in any other level? Are we going to say, no, we cannot do that because of the budget caps? We cannot do it if we pass this bill.

What happens when we begin building deficits as a result of this fiscal insanity? We will raise taxes. It is bad precedent.

It is a bad product. What do I mean by that? Is it responsible to increase the total funding for infrastructure by 42 percent, which is what this bill does? The Balanced Budget Agreement, which we voted on, again, last summer, calls for a 20 percent increase in infrastructure funding. How much is enough?

What happens when the Senate does not agree with the offsets? What are we going to do then?

Do we really think a high-priority project is a transportation museum in Pennsylvania, an Appalachian Transportation Institute at Marshall University, or $800,000 for a train station? Are these really high-priority projects?

The chairman of this committee is a zealous advocate for roads. I appreciate that and respect him for it. But I believe he has crossed the center line. The House's own rules say it shall not be in order for any bill to contain any provision for any specific road.

The rule was never waived until 1982. Then, in 1982, it was waived: ten special projects, at a cost of $386 million; in 1987, 152 for $1.3 billion; in 1991, 539 projects, for $6.2 billion; this year, 1,450 projects for $9.3 billion.

Support the amendment of the gentleman from South Carolina to strike these projects.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

THE CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 10 minutes.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that I may yield 5 of my minutes to the distinguished gentleman from Minnesota (Mr. OBERSTAR), to control blocks of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) will control half the time in opposition.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the principle of Members of Congress being able to recommend to our committee specific projects, and our committee in turn being able to vet those projects and determine ones which are worthy.

It is very important to emphasize that only 5 percent of the total funding in this bill is dedicated to high-priority congressional projects. That means, and let me be even more specific, 88 percent of the decisions being made as to where the highways and transit systems are being built will be made by the States: by governors and by the legislatures and the departments of transportation. Seven percent of the money goes downtown, to be made by the Secretary of Transportation.

The decisions to build highways and transit systems are not decisions made by angels up in heaven. These are decisions made in the political process. Governors decide where it is best to put highways. State legislators decide.

There is nothing wrong with Members of Congress, who are the ones that have to cast the tough votes to create the programs, having some say. To have a 5 percent say does not seem unreasonable.

In fact, I would point out that if indeed this amendment were to pass, and $18 billion less were to be available, then we would be violating the principle of spending gas tax dollars for improvements to infrastructure. We would be back in the same old game we were in previously, where the American people were being flim-flammed. They were paying their gas taxes at the pump, but the money was building up in the Trust Fund, and this would increase the balance in the Trust Fund.

Conversely, if we strike the projects but do not strike the money, then there is no saving. We would be back keeping faith with the people in terms of saying that the money paid by the gas tax would be available to be spent, and that is all, only the revenue coming in the gas tax; honesty in budgeting, that is all. Then we would be saying the money can be spent, but zero decisions would be made by Members of Congress, and all of the decisions would be made by those governors and legislators and the Secretary of Transportation downtown.

I think it is not reasonable to believe that somehow there is a non-political, pure process back in the State Houses, as compared to the decisions that are made here. In fact, if a Member of Congress does not know what is important to his district, then I do not think he is going to be a Member of Congress very long.

Let me say, I do not agree with some of the projects that have been submitted. But that is not my decision to make. In fact, I would respectfully suggest it is a bit arrogant for someone to say that we know better what is important for Members' congressional districts than they know.

Indeed, we have a vetting process. The vetting process is a 14-point vetting process, which includes recommendation by the Secretary of Transportation in the State, which includes recommendation by the mayors.

Indeed, what I find so mystifying is my good friend, the gentleman from South Carolina (Mr. GRAHAM), submitted four projects to us. I have the letter right here from him, saying that the South Carolina Route 72 project is vital and would provide additional traffic capacity resulting in safe and efficient roadways in three counties, a letter asking for the project.

And my good friend, the gentleman from Oklahoma (Mr. LARGENT), signed a letter asking for projects. In fact, I do have a letter from the Governor of Oklahoma received just yesterday saying, "On behalf of all Oklahomans, I want to express our appreciation for the successful committee action on the bill to do so much to restore Federal funding dollars and to move the vital Interstate 40 crosstown project forward."

That is the project which was requested by two members of the Oklahoma delegation who took this floor or took a press conference last week to attack our integrity, suggesting that we were offering projects in exchange for votes. At the time I challenged somebody to come forward and to name one Member of Congress to whom I said, I will give you a project in exchange for your vote, or conversely, threatened, you will not get a project if you do not vote for it. None has come forward? Why, because it never happened.

Mr. OBERSTAR. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, this is also worth pointing out, that this was an open process, with 4 full days of hearing, 170 Members of Congress testifying in public, supported by hundreds of local mayors and officials from across the United States, pointing out the merits of these particular projects.

Mr. GRAHAM. Mr. Chairman, speaking of angels and governors, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I would like to speak in support of the Graham amendment. I believe that what we have here is a violation of the Balanced Budget Agreement. I think the committee, by the way, did a good job on this legislation. They just went too far. They went about $26 billion too far, and that is money which we do not presently have.

About $18 billion of that can be found in these special demonstration projects. I disagree with the Chairman on this. I believe the special demonstration projects are wrong. I believe they are pork. I believe these decisions should be made by the States and by the officials who live in the States, who are qualified to make decisions about where their highways should go.

How are we going to pay for this? I ask Members to ask themselves that before they support this legislation. We are going to pay for it because education is going to suffer, defense is going to suffer, housing may suffer, the environment may suffer. Maybe we will not balance the budget. Alan Greenspan will tell us that interest rates will go up 2 percent if we do not get a balanced budget.

I think these are extraordinarily important issues. I hope before anybody here votes, whether they have demonstration projects or not, they will consider the enormity of what we are doing. This has just gone too far, and it is too bad, because an extraordinary amount of good work was done here.

However, the bottom line is, all of us should unite to support this amendment and take this $18 billion off the table.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL), a ranking member of the Committee on Transportation and Infrastructure, and an architect of this legislation.

Mr. RAHALL. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let us get some facts on the table. The gentleman from Pennsylvania (Chairman SHUSTER) has laid out very well how funds for highways are apportioned under this bill. Eighty-eight percent would be distributed to the States by formula through apportionments, by going to States. Basically, this money goes to governors and State legislators. Seven percent would stay here in Washington for administration of the Federal Highway Administration.

Let us get it straight, only 5 percent, the remaining 5 percent of the highway funds in BESTEA, are for these projects that are deemed to be high-priority projects by Members of this body. That is the same as in the current law, ISTEA. The bottom line is that governors and State legislators get to spend 88 percent of the highway dollars, while House Members get to direct only 5 percent.

Yet some in the media, and I think perhaps the sponsors of this amendment, ought to look at these facts, instead of paying attention to those in the editorial pages in some of the national newspapers or those in the media who would portray this as pork and something evil. Let us look at the facts. They ignore the fact that 88 percent of these dollars are going directly to the State governors and State legislators for their disbursements.

Are these individuals angels? Let us get real. The last time I checked, governors were elected like we are elected, politicians. They have to run for election. I do not know of any governor that has been appointed from some holier-than-thou source to serve. So these guys are politicians. Get real.

I would submit that Members of this body, Democrat and Republican alike, know his or her district better than any State governor who has to make those decisions on a Statewide basis. If anybody in this body does not know his or her district better than the governor of their State, I doubt if they are going to be here very long.

These projects are worthwhile. They have been through a rigorous vetting process. They have answered a series of 14 tough questions that we instituted back when we started reauthorizing ISTEA. They have been part of the transportation plan of every State.

We have reviewed the requests. We have held public hearings. There has been nothing secretive about the process, there has been nothing dishonest about the process, there has been nothing corrupt about the process; some of the words being thrown around here.

So the proof is in the pudding. This legislation has passed the muster. It has passed the muster with the Surface Transportation Policy Project, a liberal group comprised of environmentalists, in line with the Conference of Mayors and League of Cities. The Surface Transportation Policy Project has endorsed this legislation, and they have said that these projects are worthwhile.

I would urge rejection of this amendment.

□ 1515

Mr. GRAHAM. Mr. Chairman, I yield myself 5 seconds, just to say that Citizens Against Government Waste and the National Taxpayers Union support my amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I rise in support of this amendment. I would like for the American public to know what was left on a voice mail in my office by the Committee on Transportation and Infrastructure:

"Matt, this is Darryl Wilson with the Transportation Committee. I'm calling about the BESTEA bill, which is the transportation measure that is moving through the committee. We have a deal for you on the funding levels for that. I originally spoke to your office last September and we said there was $10 million in this bill for your boss. Well, we are upping that by $5 million, so now you have $15 million. I just want to know where your boss wants to spend that money."

Mr. Chairman, I want to tell my colleagues that if we apply this logic that we get to dole out 5 percent of the transportation funds, then we should apply the same logic elsewhere. Let us dole out 5 percent of the Defense Department funds in our district. Let us dole out 5 percent of the funds for Medicare in our district, for Medicaid, for food stamps, where the Congressman could surely know how to control that.

Mr. Chairman, this is a corrupt process that is used to extend the political careers and situations of Members of this body. It ought to stop. I support this amendment.

Mr. GRAHAM. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, when we came here and became a majority, we said we were going to change things. We were going to be different. We were going to balance the budget, which we finally did now for the first time in 30 years. And now we are getting ready to break that commitment by $26 billion, $18 billion of it in special pork projects.

That is, in my mind, business as usual. What has changed? It is wrong, and I urge my colleagues to support this amendment. That is the right thing to do.

Mr. GRAHAM. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman from South Carolina (Mr. GRAHAM) for yielding me this time. I rise in strong support of the gentleman's amendment, and I want to make the point that the people get this issue back home.

The editorial in the Mesa Tribune today: "Pork barrel bribery. Transit bill is out of whack." The editorial in yesterday's Wall Street Journal: "Highway robbery." Today's front page Arizona Republic: "Pork deal raw."

The answer is this bill breaks every promise we made when we got here. We came here and said we would not do business as usual, but this bill has us spending money the same way money used to be spent. It is pure and simple bribery.

Mr. Chairman, if we allow Members of Congress to control how the money is spent in this bill, why not allow Members of Congress to control how the money is spent in every bill? This is the kind of project where it is pork by definition because of the way the support was built.

The truth is these decisions need to be made on merit. They need to be based on the real need for these transportation projects. They should not be such that one State with a powerful committee chairman gets hundreds of millions of dollars more, even billions of dollars more than another State which has no Member on the committee. That is the way Washington used to work and under this bill, it is sadly the way this bill still works.

Mr. GRAHAM. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman from South Carolina (Mr. GRAHAM) for yielding me this time.

Mr. Chairman, this is probably the most embarrassing night that I have ever spent in this Congress, to realize that we came here to change things and we are not. We are participating in the big old trough that has characterized this place in the past, and it is a terrible embarrassment to be part of the new majority and to stand here and have to support this amendment that would take care of that trough that we are seeing.

Mr. Chairman, there are 31 States who will be cheated as a result of this bill and the demonstration projects in it. Not an opinion; it is a mathematical fact. If a Member is from South Carolina and votes for this bill, they are cheating the State of South Carolina. So it is for 30 other States. Unless Members happen to have the big dig going on in their State or are from Pennsylvania, they are being cheated in this bill.

Demonstration projects cheat their State, and in return they are getting a press release. So they get a press release and their State gets cheated. That is a lousy deal for their State and it is a lousy deal for America.

Mr. Chairman, I urge my colleagues to vote for this amendment and fix this lousy bill.

Mr. GRAHAM. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I too am very embarrassed for this House. We came here in the Class of 1994 in particular claiming that we were willing to trade about anything to balance the budget and cut taxes. Tonight we are the people busting the budget. We are the people with the proposal billions of dollars higher than the United States Senate.

I am embarrassed at what is before us. I see media reports in Indiana of Members of Congress who are getting money that is going to be allocated to their county commissioners. That was not a carefully scrutinized thing. It is up to the county commissioners now to decide whether they have potholes on their roads. Any Member of Congress can have such a thing.

It was not a carefully scrutinized process. Everybody here, whether it was direct or indirect, knew that if they supported this bill they would have access to certain funds. We all advocate different projects at different times within the context of the balanced budget. This busts the budget. This is contrary to what we ran on. By the time we get done with this, the House and the Senate and the President, we are going to have spent the supposed surplus and undermined everything we claimed to have come here to do, and I am embarrassed for this body tonight.

Mr. GRAHAM. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from South Carolina is recognized for 2½ minutes.

Mr. GRAHAM. Mr. Chairman, I would say to the gentleman from Pennsylvania (Chairman SHUSTER), listen up. You have used my name, and that is okay. You talked about a letter I wrote, and that is okay. Last year your committee called me and said there was $7 million for projects in my district. I submitted a list of projects after talking with the highway commissioner in the Third Congressional District, and I appreciated the $7 million.

Two weeks ago I got a call from your committee, unsolicited, that said I now have $15 million. I said no. You told me I had by 5 o'clock two weeks ago to take the money or lose it, and I said no. And the reason I said no is because the bill you put together spends $26 billion more than we can afford to spend.

What you are doing is, you are allowing this House to slip down a slippery slope because your committee wants to take more of the balanced budget pie than we gave it. And the next chairman and the next worthy cause is going to do that.

You are going to make us take it out of somebody else's hide, because you have an amendment in this package that requires this bill to be offset. So we have to go to somebody else in this government and say, "Give us $26 billion because we overspent on highways, but we are not going to give a dime ourselves."

Mr. Chairman, my amendment says give up the demonstration projects and we reduce the amount we have to offset by 69 percent. But we are not going to do that. We are going to go to other people in the government and say, "Give it up. But not us, buddy."

Mr. Chairman, we reduce spending by 8 percent if we do away with the demonstration projects. All of them are probably worthwhile. I am not up here shaming anybody. Let us assume all 1,467 of them are worthwhile. Look what has happened since the last time we did this. Look how the number of projects has grown. Look how much money. We have tripled the number of projects and increased the spending by a third.

I am not here to shame anyone and say that their project is not worthwhile. I am here to say we cannot afford it. Families cannot afford a lot of things they would like. But not us. Somebody in this government is going to pay for this bill, but it will not be us. We will not give one penny. We are going to take every penny we can get and put it in the ground, in the asphalt, and somebody else is going to have to give it up.

Mr. Chairman, that is what is wrong with this country. That is why we cannot lead. The gentleman has taken the balanced budget agreement and has made a sham out of it and we all should be ashamed.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 2 minutes.

Mr. OBERSTAR. Mr. Chairman, I just wish to observe that it is inappropriate for a Member to address directly another Member, and that all remarks should be addressed to the Chair in proper debate.

Mr. Chairman, when all else fails, try the facts. The facts that are this committee went through a very appropriate process of asking all Members about projects that are priorities and important in their district, priorities that their State has not addressed. Point 8 of our 14-point questionnaire: "Is the project included in the metropolitan and/or State transportation improvement plan or the State long-range plan? Is it scheduled for funding?" And on through a very objective analysis of each project.

That is a fair way to do it. Who said that all wisdom resides in the State? A statement was made earlier in this debate, decisions should be made by the States, who know what the needs and priorities are in their State. Well, the States will have the choice to match the required 20 percent or not to match it, to start projects under construction or not to start those projects. Those are decisions that are left to the States.

But let me tell my colleagues what kind of wisdom there is in State government. There was a stretch of highway in my district on which, over 15 years, 57 people have died. Where did that appear on the State priority list? Nowhere, until I got involved in it and brought them together, and now we are going to address long-term and immediate needs on Highway 8, and there are not going to be any more deaths if I have my way and if we have the funding that is in this legislation.

All of this talk about we are spending over the amount. Listen, we give up $9 billion of the Highway Trust Fund, taxes already paid by drivers in America who have been carrying for 30 years the burden of government on their back, and we give up the future interest, $13 billion dollars. We paid for it. The drivers of America paid for this bill over and over and over again, and now it is time to get their due and let us invest in America. We know what projects are good and important for our districts every bit as well as those governors do.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina (Mr. GRAHAM).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GRAHAM. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 405, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. GRAHAM) will be postponed.

It is now in order to consider amendment No. 5 offered by the gentleman from South Carolina (Mr. SPRATT) printed in part II of report 105–476.

AMENDMENT NO. 5 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part II amendment No. 5 in the nature of a substitute offered by Mr. SPRATT:

Strike all after the enacting clause and insert the following:

SECTION 1. TWO-MONTH EXTENSION OF TRANSPORTATION PROGRAMS.

Notwithstanding any other provision of law, there is authorized to be appropriated out of the Highway Trust Fund such sums as may be necessary to continue funding for an additional two months each of the programs for which an extension was provided under the Surface Transportation Extension Act of 1997 (111 Stat. 2552 et seq.) at the same monthly rate for which funds were provided for each such program under such Act.

The CHAIRMAN. Pursuant to House Resolution 405, the gentleman from South Carolina (Mr. SPRATT) and a Member opposed will each control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am for spending more on highways and mass transit, but we have a process for deciding how much more and which priorities we will pare back or preclude to make room for more spending on highways so that we can keep the budget in balance.

The purpose of this amendment is basic and simple. It is just to let this process work. What it calls for is regular order, nothing more. Let us pass a budget resolution. Let us go through the 302(B) allocation process. Let us identify $26 billion in offsets, or whatever the amount may be, and then let us come back to this floor and pass this bill.

Mr. Chairman, I feel compelled to offer this amendment because I am the ranking member of the Committee on the Budget, and this bill does not just skirt or evade the budget process, it is a frontal assault upon it. It violates the Balanced Budget Agreement of 1997, which we only voted for a few months ago, and trumpeted by all of us who voted for it, by authorizing $40 billion more for contracting authority than the BBA provides and $26 billion in outlays over the next 5 years above and beyond the BBA.

Mr. Chairman, it radically departs from the appropriations process by letting the transportation conferees decide some $26 billion in offsets to pay for their increases. All of these offsets are outside their jurisdiction. It violates the Congressional Budget Act by being brought to the floor ahead of the budget resolution. It violates the Budget Enforcement Act of 1990 by providing $9.3 billion in mandatory spending for demonstration projects without identifying $9.3 billion in offsets. And it dismantles the budget structure that we built up so painstakingly over the last 15 years, which has brought us to a balanced budget, by taking transportation off budget, removing it from any strictures whatsoever.

To those who say there is not the time to do this process, this amendment provides an answer.

□ 1930

It extends the Surface Transportation Extension Act for another 2 months. This act was temporary in the first place. It runs out on May 1. It will have to be extended because it is highly unlikely that we will have a conference report by then and, in any event, States will not get any more budget authority under BESTEA than they will get under this because the levels for 1998 are the same.

What we are proposing here once again, Mr. Chairman, is budget discipline, the budget process that we built up over time. In the end, I am sure transportation will get more. They have demonstrated that Members from all parts of the country and all places on the spectrum support more spending. But we will do it in a regular order procedure, and we will do it in a process so we can determine exactly which priorities will have to be displaced to give transportation more.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 10 minutes.

Mr. SHUSTER. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR), and I ask unanimous consent that he may control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS), and I ask unanimous consent that he may control and allocate the time.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

This is a terrible amendment because particularly for the Northern States, it will destroy the opportunity to have funding as they prepare for the winter season. It is wrong to pass another short-term extension. Now that the May 1 deadline is before us, it is irresponsible to impose additional short-term extensions.

An extension is going to interrupt the State's critical summer contracting season. It is going to force the Northern tier States to virtually lose an entire construction season. There will be insufficient funds available for the States to have the certainty to go forward with critical projects.

This amendment will delay any implementation of BESTEA until the last quarter of fiscal 1998 and will put out additional funds, get this, additional funds under the unfair Senate-imposed formula that was included in the short-term bill that is now before us.

Many more States will receive more apportionments and obligation authority than they would receive for the entire year under BESTEA. This will preclude a full formula change for this year. Donor States will have to wait another year for the formula, the fair formula, which we have in this bill, to take, fully take effect.

This will completely upset the minimum allocation program and apportion more funds that are not subject to any equity adjustment.

Members' projects will not be able to begin. They will lose a whole season before these projects can be implemented. BESTEA simply spends the new gas tax revenues coming into the Highway Trust Fund over the next 6 years. That is what the people who pay these taxes expect. Rather than upset the budget process, BESTEA, in fact, restores honesty and fairness to the budget process.

In sum, this amendment will wreak additional havoc with the States, virtually every State, but most particularly the Northern tier States. It is unfair and unnecessary.

I urge my colleagues to oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume. First, I want to thank both the ranking member and chairman. They believe in what they are doing. We happen to disagree. But in every instance that I have dealt with them they have always been gentlemen. I just think they are wrong.

Mr. Chairman, I totally disagree with the arguments outlined by my chairman from the Committee on Transportation and Infrastructure. This amendment extends the temporary ISTEA bill for 2 months. We anticipate that we will be able to pass a full bill before then. But what we are being asked to do in this legislation is to spend and allocate $217 billion without having the offsets to pay for the new money. I think that is wrong.

Mr. Chairman, I yield 1½ minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time.

This is a good amendment. Let me use an analogy. Take a hot summer day and there is a picnic and there are sandwiches and potato chips and cookies there. And somebody comes along with ice tea, and it is 95 degrees out and that ice tea looks awfully good, and they fill your glass. That is absolutely wonderful. But they make a mistake and they fill it too much, and it spills on the sandwiches and on the potato chips and the cookies, and it ruins them. That is what is happening here.

This is good legislation. This is good ISTEA. To the extent that this Committee on Transportation and Infrastructure, to their great credit, put together a formula and put together the numbers that we handled in the budget agreement, they did a wonderful job. But they went too far. They went too far by about $26 billion.

What this amendment is doing is saying let us wait for 2 months so we can see how much money we are really going to have to be able to spend on transportation, which we all agree should be done. We have heard all manner of examples all afternoon of how we should spend money on transportation. That is absolutely correct. But the bottom line is that the glass has overflowed here and we have $26 billion too much in it.

I just spoke a moment ago on the demonstration projects. I think that is poor public policy. Beyond that, we are looking at that additional money. Where is it going to come from? We are about to vote blindly for a piece of legislation in which we are not at all sure what the offsets are. Let me remind Members of what we just went through with about $2.5 billion, which we could not find offsets. What are we going to go through on $26 billion? Who is going to suffer on that?

As I stated earlier, will education suffer? Will the environment suffer? Will housing suffer? Will defense suffer? Will the balanced budget suffer? Any of these things could suffer. The Spratt amendment makes all the sense in the world. The 2-month month delay will not hurt anything, and it will let us do what is the most important thing we are going to do this year, balance our budget. Support the Spratt amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the gentleman from West Virginia (Mr. RAHALL), ranking member of the Subcommittee on Surface Transportation.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Minnesota for yielding the time to me.

I commend the gentleman from South Carolina, the ranking member on our Committee on the Budget, for the work that he does on that committee. He is proposing an amendment here that would allow the normal congressional budget process to work its will prior to enactment of BESTEA. Unfortunately, highway construction seasons across our country do not necessarily allow themselves, because of the seasons through which they go, to follow our normal budget processes in Congress.

The other body decided to proceed full steam ahead with this legislation prior to consideration of their budget resolution. And I think our House leadership made the appropriate decision in consultation with our House budget chairman, to proceed forthwith on this legislation at this time. We are facing a May 1 deadline.

After May 1, the States will lose their ability to obligate spending authority and in many States much more, so in our Northern States and other States, this will truly wreak havoc in their transportation planning decisions.

Not only will it wreak havoc in the States, but there could very well be a problem with the FHWA here in Washington. There are staffing problems to consider. We do not want to face any type of a government shutdown at FHWA, which would truly be devastating to our road mapping processes and transportation decisions across this country.

There is no way to plan if the States are faced with a cutoff of obligational authority come May 1. It is truly a drop-dead date. We do not have the luxury of trying to comply with the budget process or time frames that have been set up here in this Congress.

We are talking about spending what the American taxpayers and the American motorists in particular have already paid at the gas pump and that is why we must proceed here forthwith without waited for any budget resolutions. It is no way to plan America's future. It is no way to plan for the safety on our Nation's highways.

If we are to delay this process and find come May 1, or a couple of weeks thereafter if we face a slippage that the States do not have the definitive schedule upon which to base the letting of contracts within their borders. So I would submit that while the chairman of, the ranking member of our Committee on the Budget has noble goals in mind, this is perhaps a back-door effort used by some on the other side of the aisle to truly kill this bill.

I would urge defeat.

The CHAIRMAN. The Chair would remind Members that the gentleman from South Carolina (Mr. SPRATT) has 2 minutes remaining, the gentleman from Minnesota (Mr. OBERSTAR) has 2½ minutes remaining, the gentleman from Pennsylvania (Mr. SHUSTER) has 2½ minutes remaining, and the gentleman from Connecticut (Mr. SHAYS) has 3 minutes remaining.

The gentleman from Pennsylvania (Mr. SHUSTER) has the right to close.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FAZIO).

Mr. FAZIO of California. Mr. Chairman, this vote is not just about bridges and highways. We are all for them. It is a vote about priorities, a vote about fiscal discipline and a promise we made to America just last year. Unfortunately, as the majority leader put it the other day, the leadership of the House is more concerned about haste rather than substance.

As a result, we may unravel the first balanced budget in a generation. This is no way to write a budget. The cart is way before the horse. If we approve this bill we are going to have to make substantial cuts in the budget. Where do we get the $26 billion from; defense? From senior citizen housing, again, another day? From our kids health care? From education or maybe our seaports or airports, as we did the other day?

Those of us on the Committee on the Budget and the Committee on Appropriations already knew we were going to have to shave billions of dollars from the Federal budget just based on last year's budget deal. Now we will have to find billions of dollars more to cut.

Mr. Chairman, it boils down for us today to a question of courage. Let us be responsible about spending. Let us set our budget priorities in the manner they should be set and let us show the American people we have the courage to live within our means.

Mr. SHUSTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin (Mr. PETRI), distinguished chairman of our subcommittee.

Mr. PETRI. Mr. Chairman, I would just like to make several points. First of all, I have watched one-minutes sometimes and hear the spin people are trying to give to this Congress. Some Members are saying we are a do-nothing Congress. And then Members are stepping forward and saying we should not do something.

We are trying to meet a major need of our country by passing this bill at an appropriate time, as asked by the national Governors who wanted us, if we possibly can, to get this done so that they can go forward with their construction seasons and plans this summer by May 1. If we had some assurances that the budgeteers would act in a reasonable and timely way, that is one thing. But knowing how these things work around here, they are not going to, I do not think.

We do not have any assurance that we will have a budget resolution passed and ready to guide Congress by May 1 or thereby. We will be lucky, last year I think it slipped into June or July. So that means if we waited for this process, we are into September or October and Congress will be gone.

This is saying we do not want to address the needs of the country. We do not want to deal with the donor State question in this Congress. That is what it is saying. They want to be a do-nothing Congress, not a do-something Congress. I think that is just plain wrong.

I have some suggestions for our budget friends as they say where we can find this money. We are giving up $9 billion, writing it off the debt of the United States. No scoring for that. We are lowered, by the budget resolution, the caps, by about $9 billion below what we are actually spending. That mistake could be corrected. That is not really an increase in spending, when we just continue in constant levels, yet they score us with cuts. We are giving up $14 billion of interest over the life of this bill. That is not being scored either.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, this amendment is not about roads. We desperately need roads. My State of Arizona is a growing State and it has great need for roads. But I rise in support of the Spratt amendment. It is a matter of process. This amendment sets the cart right. The bill, as it currently is proceeding before Congress, has the cart before the horse, simply put.

As a matter of budget discipline, we cannot pass this bill at this time without grave consequences. Alan Greenspan, Chairman of the Federal Reserve, came before the Committee on the Budget, of which, and the gentleman from South Carolina (Mr. SPRATT) are members and said, whatever you do in this Congress, you must not break the caps. He did not say you must not break them by a large amount. He said you must not break the caps. The signal you will send to this economy is dynamic. If you break the caps at all, you will destroy the discipline you have established.

This amendment will allow us the time to get the budget figures in mid month, to look at where we are and to do the process in an orderly fashion. The bill, in its current form, spends $26 billion above the budget caps. We have to find offsets that are nowhere in this current legislation.

It includes demonstration projects which, as we can see by the debate, are highly controversial. We need to identify those offsets and to proceed in a regular order. And if this bill were so correct and so fitting within the current figures, why does it spend $30 billion more than we authorized just 10 months ago in the balanced budget agreement? I support the amendment.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. SABO).

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. SABO).

The CHAIRMAN. The gentleman from Minnesota (Mr. SABO) is recognized for 1 minute.

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Mr. SABO. Mr. Chairman, I thank the gentleman for yielding me the time.

As someone who voted for the gas tax to reduce the deficit in both 1990 and 1993, I have to say to my friends on the Republican side, if Democrats had brought a bill to the floor with mandatory spending and no offsets, or spending and no offsets, they would have laughed us off the floor. We never tried it. We did not try it. I cannot believe this process.

Why do we not deal with it honestly? There are people who prefer spending transportation money to other expenditures. That is a legitimate decision. But let us deal with the reality of the spending cuts that we then have to make. Let us be honest. This is not money from heaven. There are tradeoffs. Let us understand those tradeoffs. Let us pay some attention to the process that we are breaking here today.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished gentleman from South Carolina offers a very appealing and even compelling, rational, thoughtful argument. It is a neatly constructed syllogism which I appreciate. The horse should be before the cart, in very plain terms, the horse being the budget.

We did that last year. We had the debate on the budget resolution. We had the Shuster-Oberstar amendment, which asked Members to make choices, to prioritize, to decide where they wanted to pin dollars on their values. We came within two votes of prevailing because we offered something that was very reasonable and very responsible. We had an across-the-board minuscule cut.

Everybody is going to have a little cut. Little bit less in taxes, little bit less in defense, little bit less on domestic discretionary. And we exempted the mandatory programs and the entitlements. And we should have won.

I think that the reason that we are not doing it that way this year, I say to my good friend, the gentleman from South Carolina (Mr. SPRATT), is there some way up there in the White House and in the clouds above Mount GINGRICH who are afraid that we will win, that we will win that battle, that our values will prevail; and, so, they did not want to have it that way.

Now, this 3-month extension, that is a nice idea, buy a little time. Let me tell my colleagues what that buys. In my State we have two seasons, winter and road construction. And this is going to put us right through road construction into winter again, and it is going to do that for a whole northern tier of the United States. I do not think that makes a whole lot of sense.

We have had the debate. We have had all the numbers spelled out here. I think the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Pennsylvania (Mr. SHUSTER) have spelled it out; and I said it myself, look, we gave up $9 billion of taxes paid by the driving public of America that are in the Trust Fund. Commitments made, not delivered on. That is going to go off there into the ether somewhere to reduce that $3 trillion debt.

I hope everyone feels good about that. It is not going to build any roads.

Then we yield another $15 billion out into the future in interest on the dollars coming into the Trust Fund. I hope my colleagues feel awfully good about that, because that is not going to build any roads either.

This bill builds roads and bridges and transit systems and keeps America mobile and productive, and we ought to defeat this amendment.

The CHAIRMAN (Mr. HASTINGS of Washington). The gentleman from South Carolina (Mr. SPRATT) has 30 seconds remaining. The gentleman from Connecticut (Mr. SHAYS) has 1½ minutes remaining. And the gentleman from Pennsylvania (Mr. SHUSTER) has 1 minute remaining and the right to close.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. HOYER) also.

The CHAIRMAN. The gentleman from Maryland is recognized for 1 minute.

Mr. HOYER. Mr. Chairman, from 1981 to 1992, we increased the debt of America by 437 percent. We did so doing good things the wrong way.

Yesterday, we passed a $2.9 billion bill and the majority demanded offsets before it passed. Today, we add $26 billion to the deficit, with offsets unknown. We should have, my friends, the discipline to pass a budget prior to adding $26 billion in spending before the caps.

My colleagues, we have come a long way in balancing the budget. Let us not fail now. Let us show the discipline to say, yes, we want these things; yes, we want to invest in the infrastructure of America; but let us determine how we are going to pay for it before we do it. That 437 percent increase in the debt was because we did not answer that question first.

Mr. SHAYS. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. MINGE), who was my partner in trying to put forward a balanced budget amendment.

Mr. MINGE. Mr. Chairman, I would just like to briefly say that all of us support transportation. We think it is vital in our country; it is important; it is our infrastructure. At the same time, all of us are sensitive to the practical needs of the States.

I think the important thing to recognize is that the bill reported out of Committee does not increase the spending in 1998 above the budget agreement. We do not have to worry about ruining the States' ability to construct roads in 1998 or let contracts. That is not what is at issue here. That is a red herring.

Mr. SHAYS. Mr. Chairman, I yield myself the balance of my time.

We spent 11 years trying to get our country's financial house in order. We are so close. And now we are spending the surplus we do not even have. We gave the Committee on Transportation and Infrastructure $20 billion above last year's agreement. We are giving them another $26 to $33 billion this year. We do not even have offsets.

For me, this is an amazing time. I salute my colleagues on the other side who have done this in a bipartisan way. But we spent 30 years having deficits in a bipartisan way. I thought we had ended that.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

A 2-month short-term extension is terrible policy for our State transportation departments, for the people across America. This will destroy the construction season for many if not all of the States. There will be insufficient funding for the States to have certainty to proceed with projects. And, indeed, this will extend the unfair Senate-imposed formulas which we are living with now. And most importantly in that regard, the donor States will have to wait another year for the formula changes to take place; and Member projects will be delayed for another year.

Now, my good friend on the other side said, "This is not money from heaven." How true that is. This is not money from heaven. This is money from the gas tax paid by the American people at the pump, and we do not spend one penny more than the revenue coming in.

Defeat this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 405, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SPRATT) will be postponed.

It is now in order to consider Amendment No. 6 printed in Part II of House Report 105–476.

AMENDMENT NO. 6 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Part II amendment No. 6 in the nature of a substitute offered by Mr. KASICH:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Transportation Empowerment Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the objective of the Federal highway program has been to facilitate the construction of a modern freeway system that promotes efficient interstate commerce by connecting all States;

(2) that objective has been attained and the Interstate System connecting all States is near completion;

(3) each State has the responsibility of providing an efficient transportation network for the residents of the State;

(4) each State has the means to build and operate a network of transportation systems, including highways, that best serves the needs of the State;

(5) each State is best capable of determining the needs of the State and acting on those needs;

(6) the Federal role in highway transportation has, over time, usurped the role of the States by taxing fuels used in the States and then distributing the proceeds to the States based on the Federal Government's perceptions of what is best for the States;

(7) the Federal Government has used the Federal gasoline tax revenues to force all States to take actions that are not necessarily appropriate for individual States;

(8) the Federal distribution, review, and enforcement process wastes billions of dollars on unproductive activities;

(9) Federal mandates that apply uniformly to all 50 States, regardless of the different circumstances of the States, cause the States to waste billions of hard-earned tax dollars on projects, programs, and activities that the States would not otherwise undertake; and

(10) Congress has expressed a strong interest in reducing the role of the Federal Government by allowing each State to manage its own affairs.

(b) PURPOSES.—The purposes of this Act are—

(1) to return to the individual States maximum discretionary authority and fiscal responsibility for all elements of the national transportation systems that are not within the direct purview of the Federal Government;

(2) to preserve Federal responsibility for the Dwight D. Eisenhower National System of Interstate and Defense Highways;

(3) to preserve the responsibility of the Department of Transportation for—

(A) design, construction, and preservation of transportation facilities on Federal public lands;

(B) national programs of transportation research and development and transportation safety; and

(C) emergency assistance to the States in response to natural disasters;

(4) to eliminate to the maximum extent practicable Federal obstacles to the ability of each State to apply innovative solutions to the financing, design, construction, operation, and preservation of State and Federal transportation facilities; and

(5) with respect to transportation activities carried out by States, local governments, and the private sector, to encourage—

(A) competition among States, local governments, and the private sector; and

(B) innovation, energy efficiency, private sector participation, and productivity.

SEC. 3. CONTINUATION OF FUNDING FOR CORE HIGHWAY PROGRAMS.

(a) IN GENERAL.—

(1) FUNDING.—For the purpose of carrying out title 23, United States Code, the following sums are authorized to be appropriated out of the Highway Trust Fund:

(A) INTERSTATE MAINTENANCE PROGRAM.—For the Interstate maintenance program under section 119 of title 23, United States Code, $5,100,000,000 for fiscal year 1999, $5,300,000,000 for fiscal year 2000, $5,400,000,000 for fiscal year 2001, $5,600,000,000 for fiscal year 2002, and $5,700,000,000 for fiscal year 2003.

(B) INTERSTATE AND INDIAN RESERVATION BRIDGE PROGRAM.—For the Interstate and Indian reservation bridge program under section 144 of that title $1,217,000,000 for fiscal year 1999, $1,251,000,000 for fiscal year 2000, $1,286,000,000 for fiscal year 2001, $1,321,000,000 for fiscal year 2002, and $1,360,000,000 for fiscal year 2003.

(C) FEDERAL LANDS HIGHWAYS PROGRAM.—

(i) INDIAN RESERVATION ROADS.—For Indian reservation roads under section 204 of that title $202,000,000 for fiscal year 1999, $208,000,000 for fiscal year 2000, $214,000,000 for fiscal year 2001, $220,000,000 for fiscal year 2002, and $225,000,000 for fiscal year 2003.

(ii) PUBLIC LANDS HIGHWAYS.—For public lands highways under section 204 of that title $182,000,000 for fiscal year 1999, $187,000,000 for fiscal year 2000, $192,000,000 for fiscal year 2001, $197,000,000 for fiscal year 2002, and $201,000,000 for fiscal year 2003.

(iii) PARKWAYS AND PARK ROADS.—For parkways and park roads under section 204 of that title $89,000,000 for fiscal year 1999, $91,000,000 for fiscal year 2000, $94,000,000 for fiscal year 2001, $97,000,000 for fiscal year 2002, and $99,000,000 for fiscal year 2003.

(iv) HIGHWAY SAFETY PROGRAMS.—For highway safety programs under section 402 of that title $171,000,000 for each of fiscal years 1999 through 2003.

(v) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For highway safety research and development under section 403 of that title $44,000,000 for each of fiscal years 1999 through 2003.

(2) TRANSFERABILITY OF FUNDS.—Section 104 of title 23, United States Code, is amended by striking subsection (g) and inserting the following:

"(g) TRANSFERABILITY OF FUNDS.—

"(1) IN GENERAL.—To the extent that a State determines that funds made available under this title to the State for a purpose are in excess of the needs of the State for that purpose, the State may transfer the excess funds to, and use the excess funds for, any surface transportation (including mass transit and rail) purpose in the State.

"(2) ENFORCEMENT.—If the Secretary determines that a State has transferred funds under paragraph (1) to a purpose that is not a surface transportation purpose as described in paragraph (1), the amount of the improperly transferred funds shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year that begins after the date of the determination.".

(3) FEDERAL-AID SYSTEM.—Section 103(a) of title 23, United States Code, is amended by striking "systems are the Interstate System and the National Highway System" and inserting "system is the Interstate System".

(4) INTERSTATE MAINTENANCE PROGRAM.—

(A) FUNDING.—Section 104(b)(5) of title 23, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B) INTERSTATE MAINTENANCE.—For each of fiscal years 1999 through 2003, for the Interstate maintenance program under section 119, 1 percent to the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands and the remaining 99 percent apportioned as follows:

"(i)(I) For each State with an average population density of 20 persons or fewer per square mile, and each State with a population of 1,500,000 persons or fewer and with a land area of 10,000 square miles or less, the greater of—

"(aa) a percentage share of apportionments equal to the percentage listed for the State in subclause (II); or

"(bb) a share determined under clause (ii).

"(II) The percentage referred to in subclause (I)(aa) is as follows:

"States:	Percentage:
Alabama	2.02
Alaska	1.24
Arizona	1.68
Arkansas	1.32
California	9.81
Colorado	1.23
Connecticut	1.00
Delaware	0.40
District of Columbia	0.13
Florida	4.77
Georgia	3.60
Hawaii	0.55
Idaho	0.70
Illinois	3.71
Indiana	2.63
Iowa	1.13
Kansas	1.10
Kentucky	1.91
Louisiana	1.63
Maine	0.50
Maryland	1.64
Massachusetts	1.68
Michigan	3.34
Minnesota	1.56
Mississippi	1.23

Missouri	2.45
Montana	0.95
Nebraska	0.73
Nevada	0.67
New Hampshire	0.48
New Jersey	2.28
New Mexico	1.05
New York	4.27
North Carolina	2.83
North Dakota	0.63
Ohio	3.77
Oklahoma	1.55
Oregon	1.23
Pennsylvania	4.12
Puerto Rico	0.50
Rhode Island	0.55
South Carolina	1.63
South Dakota	0.70
Tennessee	2.30
Texas	7.21
Utah	0.71
Vermont	0.43
Virginia	2.61
Washington	1.75
West Virginia	0.76
Wisconsin	1.91
Wyoming	0.66.

"(ii) For each State not described in clause (i), a share of the apportionments remaining determined in accordance with the following formula:

"(I) $\frac{1}{9}$ in the ratio that the total rural lane miles in each State bears to the total rural lane miles in all States with an average population density greater than 20 persons per square mile and all States with a population of more than 1,500,000 persons and with a land area of more than 10,000 square miles.

"(II) $\frac{1}{9}$ in the ratio that the total rural vehicle miles traveled in each State bears to the total rural vehicle miles traveled in all States described in subclause (I).

"(III) $\frac{2}{9}$ in the ratio that the total urban lane miles in each State bears to the total urban lane miles in all States described in subclause (I).

"(IV) $\frac{2}{9}$ in the ratio that the total urban vehicle miles traveled in each State bears to the total urban vehicle miles traveled in all States described in subclause (I).

"(V) $\frac{3}{9}$ in the ratio that the total diesel fuel used in each State bears to the total diesel fuel used in all States described in subclause (I).".

(B) CONFORMING AMENDMENTS.—Section 119(f) of title 23, United States Code, is amended—

(i) in paragraph (1), by striking "If" and inserting "For each of fiscal years 1991 through 1997, if"; and

(ii) in paragraph (2)(B), by inserting "through fiscal year 1997" after "thereafter".

(5) INTERSTATE BRIDGE PROGRAM.—Section 144 of title 23, United States Code, is amended—

(A) in subsection (d)—

(i) by inserting "on the Federal-aid system as described in subsection (c)(3)" after "highway bridge" each place it appears; and

(ii) by inserting "on the Federal-aid system as described in subsection (c)(3)" after "highway bridges" each place it appears;

(B) in the second sentence of subsection (e)—

(i) in paragraph (1), by adding "and" at the end;

(ii) in paragraph (2), by striking the comma at the end and inserting a period; and

(iii) by striking paragraphs (3) and (4);

(C) in the first sentence of subsection (l), by inserting "on the Federal-aid system as described in subsection (c)(3)" after "any bridge";

(D) in subsection (m), by inserting "on the Federal-aid system as described in subsection (c)(3)" after "any bridge"; and

(E) in the first sentence of subsection (n), by inserting "for each of fiscal years 1991 through 1997," after "of law,".

(6) NATIONAL DEFENSE HIGHWAYS.—Section 311 of title 23, United States Code, is amended—

(A) in the first sentence, by striking "under subsection (a) of section 104 of this title" and inserting "to carry out this section"; and

(B) by striking the second sentence.

(7) TERMINATION OF MINIMUM ALLOCATION.—Section 157 of title 23, United States Code, is amended—

(A) in subsection (a)(4), by striking "fiscal year 1992 and each fiscal year thereafter" and inserting "each of fiscal years 1992 through 1997"; and

(B) in subsection (e), by striking "the fiscal years ending on or after September 30, 1983" and inserting "fiscal years 1983 through 1997".

(8) MOTOR CARRIER SAFETY GRANTS.—Section 31104 of title 49, United States Code, is amended—

(A) in subsection (a), by adding at the end the following:

"(6) not more than $90,000,000 for each of fiscal years 1999 through 2003."; and

(B) in subsection (g)(1)—

(i) in subparagraph (B), by striking "1993–1997" and inserting "1993 through 2003";

(ii) in subparagraph (C), by striking "1993–1997" and inserting "1993 through 2003"; and

(iii) in subparagraph (D), by striking "1996, and 1997" and inserting "1996 through 2003".

(b) EXTENSION OF HIGHWAY-RELATED TAXES AND HIGHWAY TRUST FUND.—

(1) EXTENSION OF TAXES.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking "1999" each place it appears and inserting "2004":

(A) Section 4041(a)(1)(C)(iii)(I) (relating to rate of tax on certain buses).

(B) Section 4041(a)(2)(B) (relating to rate of tax on special motor fuels), as amended by section 907(a)(1) of the Taxpayer Relief Act of 1997.

(C) Section 4041(m)(1)(A) (relating to certain alcohol fuels), as amended by section 907(b) of the Taxpayer Relief Act of 1997.

(D) Section 4051(c) (relating to termination).

(E) Section 4071(d) (relating to termination).

(F) Section 4081(d)(1) (relating to termination).

(G) Section 4481(e) (relating to period tax in effect).

(H) Section 4482(c)(4) (relating to taxable period).

(I) Section 4482(d) (relating to special rule for taxable period in which termination date occurs).

(2) OTHER PROVISIONS.—

(A) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of such Code (relating to floor stocks refunds) is amended—

(i) by striking "1999" each place it appears and inserting "2004", and

(ii) by striking "2000" each place it appears and inserting "2005".

(B) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Section 6156(e)(2) of such Code (relating to installment payments of highway use tax on use of highway motor vehicles) is amended by striking "1999" and inserting "2004".

(3) EXTENSION OF CERTAIN EXEMPTIONS.—The following provisions of such Code are each amended by striking "1999" and inserting "2004":

(A) Section 4221(a) (relating to certain tax-free sales).

(B) Section 4483(g) (relating to termination of exemptions for highway use tax).

(4) EXTENSION OF DEPOSITS INTO, AND CERTAIN TRANSFERS FROM, TRUST FUND.—

(A) IN GENERAL.—Subsection (b), and paragraphs (2) and (3) of subsection (c), of section 9503 of such Code (relating to the Highway Trust Fund) are each amended—

(i) by striking "1999" each place it appears (other than in subsection (b)(4)) and inserting "2003", and

(ii) by striking "2000" each place it appears and inserting "2004".

(B) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(i) IN GENERAL.—Paragraphs (4)(A)(i), (5)(A), and (6)(E) of section 9503(c) of such Code are each amended by striking "1998" and inserting "2003".

(ii) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11(b)) is amended—

(I) by striking "1997" and inserting "2003", and

(II) by striking "1998" each place it appears and inserting "2004".

(C) CONFORMING AMENDMENT.—The heading for paragraph (3) of section 9503(c) of such Code is amended to read as follows:

"(3) FLOOR STOCKS REFUNDS.—".

(5) EXTENSION AND EXPANSION OF EXPENDITURES FROM TRUST FUND.—

(A) EXTENSION OF EXPENDITURE AUTHORITY.—Paragraph (1) of section 9503(c) of such Code is amended by striking "1998" and inserting "2003".

(B) EXPANSION OF PURPOSES.—Paragraph (1) of section 9503(c) of such Code is amended—

(i) by striking "or" at the end of subparagraph (C), and

(ii) by striking "1991." in subparagraph (D) and all that follows through the end of paragraph (1) and inserting "1991, or

"(E) authorized to be paid out of the Highway Trust Fund under the Transportation Empowerment Act.

In determining the authorizations under the Acts referred to in the preceding subparagraphs, such Acts shall be applied as in effect on the date of the enactment of the Transportation Empowerment Act.".

(c) TERMINATION OF TRANSFERS TO MASS TRANSIT ACCOUNT.—

(1) IN GENERAL.—Section 9503(e)(2) of such Code (relating to Mass Transit Account) is amended by striking "2.85 cents" and inserting "2.85 cents (zero, on and after October 1, 1998)".

(2) AUTHORIZATION TO EXPEND REMAINING BALANCES IN ACCOUNT.—Section 9503(e)(3) of such Code is amended by striking "before October 1, 1998".

(d) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1998.

SEC. 4. INFRASTRUCTURE SPECIAL ASSISTANCE FUND.

(a) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(f) ESTABLISHMENT OF INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

"(1) CREATION OF FUND.—There is established in the Highway Trust Fund a separate fund to be known as the 'Infrastructure Special Assistance Fund' consisting of such amounts as may be transferred or credited to the Infrastructure Special Assistance Fund as provided in this subsection or section 9602(b).

"(2) TRANSFERS TO INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—On the first day of each fiscal year after 1998 and before 2003, the Secretary shall transfer $300,000,000 from the Highway Trust Fund to Infrastructure Special Assistance Fund.

"(3) EXPENDITURES FROM INFRASTRUCTURE SPECIAL ASSISTANCE FUND.—

"(A) TRANSITIONAL ASSISTANCE.—

"(i) IN GENERAL.—Except as provided in clause (iv), during fiscal years 1999 through 2002, the amount in the Infrastructure Special Assistance Fund shall be available to States for transportation-related program expenditures.

"(ii) STATE SHARE.—

"(I) IN GENERAL.—Except as provided in clause (v), each State is entitled to a share of the $1,200,000,000 specified in paragraph (2) upon enactment of legislation providing 1 of the 2 funding mechanisms described in clause (iii).

"(II) DETERMINATION OF STATE SHARE.—For purposes of subclause (I), each State's share shall be determined in the following manner:

"(aa) Multiply the percentage of the amounts appropriated in the latest fiscal year for which such data are available to the Highway Trust Fund under subsection (b) which is attributable to taxes paid by highway users in the State, by the amount specified in paragraph (2). If the result does not exceed $15,000,000, the State's share equals $15,000,000. If the result exceeds $15,000,000, the State's share is determined under item (bb).

"(bb) Multiply the percentage determined under item (aa), by the amount specified in clause (i) reduced by an amount equal to $15,000,000 times the number of States the share of which is determined under item (aa).

"(iii) LEGISLATIVE FUNDING MECHANISMS.—A funding mechanism is described in this clause as follows:

"(I) A funding mechanism which results in revenues for transportation-related projects in the State for fiscal year 2003 and each succeeding fiscal year which are equal to the excess of—

"(aa) the mean annual average of distributions from the Highway Trust Fund to the State for fiscal years 1992 through 1997; over

"(bb) the distributions from the Highway Trust Fund to the State for such fiscal year attributable to the core programs financing rate for such year.

"(II) A funding mechanism which results in an increase in the State rate of tax on motor fuels equal to the decrease in the rate of tax on such fuels under section 4081 for fiscal year 2003 and any succeeding fiscal year.

"(iv) DISTRIBUTION OF REMAINING AMOUNT.—If after September 30, 2002, a portion of the amount specified in paragraph (2) remains, the Secretary, in consultation with the Secretary of Transportation, shall, on October 1, 2002, apportion the portion among the States which received a share of such amount under clause (ii) and which are not described in clause (v) using the percentages determined under clause (ii)(II)(aa) for such States.

"(v) ENFORCEMENT OF FUNDING MECHANISM REQUIREMENT.—If a State, which enacted legislation providing for a funding mechanism described in clause (iii), terminates such mechanism before fiscal year 2003, the State's share determined under clauses (ii) and (iv) shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for fiscal year 2003.

"(B) ADDITIONAL EXPENDITURES FROM FUND.—

"(i) IN GENERAL.—Amounts in the Infrastructure Special Assistance Fund, in excess of the amount specified in paragraph (2), shall be available, as provided by appropriation Acts, to the States for any surface transportation (including mass transit and rail) purpose in such States, and the Secretary shall apportion such excess amounts among all States using the percentages determined under clause (ii)(II)(aa) for such States.

"(ii) ENFORCEMENT.—If the Secretary determines that a State has used amounts under clause (i) for a purpose which is not a surface transportation purpose as described in clause (i), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 1998.

SEC. 5. RETURN OF EXCESS TAX RECEIPTS TO STATES.

(a) IN GENERAL.—Section 9503 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(g) RETURN OF EXCESS TAX RECEIPTS TO STATES FOR SURFACE TRANSPORTATION PURPOSES.—

"(1) IN GENERAL.—On the first day of each of fiscal years 1999, 2000, 2001, and 2002, the Secretary, in consultation with the Secretary of Transportation, shall determine—

"(A) the excess highway receipts for such year, and

"(B) allocate such excess highway receipts among the States (as defined in section 101 of title 23, United States Code) in proportion to their respective shares of the amount described in paragraph (2)(A) in the latest fiscal year for which such data are available which is attributable to highway users in the State.

Amounts allocated to a State under this paragraph may be used only for surface transportation (including mass transit and rail) purposes.

"(2) EXCESS HIGHWAY TAX RECEIPTS.—For purposes of this subsection, the term 'excess highway tax receipts' means, with respect to any fiscal year, the excess of—

"(A) the aggregate amount which would be appropriated to the Highway Trust Fund if each of the rates specified in section 4081(a)(2)(A) were reduced by 4.3 cents, over

"(B) the sum of—

"(i) the aggregate amount which would be appropriated to the Highway Trust Fund if each of such rates equaled the core programs financing rate for such year, plus

"(ii) the aggregate of the amounts transferred from the Highway Trust Fund under paragraphs (4), (5), and (6) of subsection (c) for such year.

"(3) CORE PROGRAMS FINANCING RATE.—For purposes of this subsection, the term 'core programs financing rate' means—

"(A) after September 30, 1998, and before October 1, 1999, 12 cents per gallon,

"(B) after September 30, 1999, and before October 1, 2000, 7 cents per gallon,

"(C) after September 30, 2000, and before October 1, 2001, 4 cents per gallon, and

"(D) after September 30, 2001, 3 cents per gallon.

"(4) ENFORCEMENT.—If the Secretary determines that a State has used amounts under subparagraph (A) for a purpose which is not a surface transportation purpose as described in paragraph (1), the improperly used amounts shall be deducted from any amount the State would otherwise receive from the Highway Trust Fund for the fiscal year which begins after the date of the determination.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 1998.

SEC. 6. INTERSTATE SURFACE TRANSPORTATION COMPACTS.

(a) DEFINITIONS.—In this section:

(1) INFRASTRUCTURE BANK.—The term "infrastructure bank" means a surface transportation infrastructure bank established under an interstate compact under subsection (b)(5) and described in subsection (d).

(2) PARTICIPATING STATES.—The term "participating States" means the States that are parties to an interstate compact entered into under subsection (b).

(3) SURFACE TRANSPORTATION.—The term "surface transportation" includes mass transit and rail.

(4) SURFACE TRANSPORTATION PROJECT.—The term "surface transportation project" means a surface transportation project, program, or activity described in subsection (b).

(b) CONSENT OF CONGRESS.—In order to increase public investment, attract needed private investment, and promote an intermodal transportation network, Congress grants consent to States to enter into interstate compacts to—

(1) promote the continuity, quality, and safety of the Interstate System;

(2) develop programs to promote and fund surface transportation safety initiatives and establish surface transportation safety standards for the participating States;

(3) conduct long-term planning for surface transportation infrastructure in the participating States;

(4) develop design and construction standards for infrastructure described in paragraph (3) to be used by the participating States; and

(5) establish surface transportation infrastructure banks to promote regional or other multistate investment in infrastructure described in paragraph (3).

(c) FINANCING.—An interstate compact established by participating States under subsection (b) to carry out a surface transportation project may provide that, in order to carry out the compact, the participating States may—

(1) accept contributions from a unit of State or local government or a person;

(2) use any Federal or State funds made available for that type of surface transportation project;

(3) on such terms and conditions as the participating States consider advisable—

(A) borrow money on a short-term basis and issue notes for the borrowing; and

(B) issue bonds; and

(4) obtain financing by other means permitted under Federal or State law, including surface transportation infrastructure banks under subsection (d).

(d) INFRASTRUCTURE BANKS.—

(1) IN GENERAL.—An infrastructure bank may—

(A) make loans;

(B) under the joint or separate authority of the participating States with respect to the infrastructure bank, issue such debt as the infrastructure bank and the participating States determine appropriate; and

(C) provide other assistance to public or private entities constructing, or proposing to construct or initiate, surface transportation projects.

(2) FORMS OF ASSISTANCE.—

(A) IN GENERAL.—An infrastructure bank may make a loan or provide other assistance described in subparagraph (C) to a public or private entity in an amount equal to all or part of the construction cost, capital cost, or initiation cost of a surface transportation project.

(B) SUBORDINATION OF ASSISTANCE.—The amount of any loan or other assistance described in subparagraph (C) that is received for a surface transportation project under this section may be subordinated to any other debt financing for the surface transportation project.

(C) OTHER ASSISTANCE.—Other assistance referred to in subparagraphs (A) and (B) includes any use of funds for the purpose of—

(i) credit enhancement;

(ii) a capital reserve for bond or debt instrument financing;

(iii) bond or debt instrument financing issuance costs;

(iv) bond or debt issuance financing insurance;

(v) subsidization of interest rates;

(vi) letters of credit;

(vii) any credit instrument;

(viii) bond or debt financing instrument security; and

(ix) any other form of debt financing that relates to the qualifying surface transportation project.

(3) NO OBLIGATION OF UNITED STATES.—

(A) IN GENERAL.—The establishment under this section of an infrastructure bank does not constitute a commitment, guarantee, or obligation on the part of the United States to any third party with respect to any security or debt financing instrument issued by the bank. No third party shall have any right against the United States for payment solely by reason of the establishment.

(B) STATEMENT ON INSTRUMENT.—Any security or debt financing instrument issued by an infrastructure bank shall expressly state that the security or instrument does not constitute a commitment, guarantee, or obligation of the United States.

(e) EFFECTIVE DATE.—This section takes effect on October 1, 1998.

SEC. 7. FEDERAL-AID FACILITY PRIVATIZATION.

(a) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term "Executive agency" has the meaning provided in section 105 of title 5, United States Code.

(2) PRIVATIZATION.—The term "privatization" means the disposition or transfer of a transportation infrastructure asset, whether by sale, lease, or similar arrangement, from a State or local government to a private party.

(3) STATE OR LOCAL GOVERNMENT.—The term "State or local government" means the government of—

(A) any State;

(B) the District of Columbia;

(C) any commonwealth, territory, or possession of the United States;

(D) any county, municipality, city, town, township, local public authority, school district, special district, intrastate district, regional or interstate government entity, council of governments, or agency or instrumentality of a local government; or

(E) any federally recognized Indian tribe.

(4) TRANSPORTATION INFRASTRUCTURE ASSET.—

(A) IN GENERAL.—The term "transportation infrastructure asset" means any surface-transportation-related asset financed in whole or in part by the Federal Government, including a road, tunnel, bridge, or mass-transit-related or rail-related asset.

(B) EXCLUSION.—The term does not include any transportation-related asset on the Interstate System (as defined in section 101 of title 23, United States Code).

(b) PRIVATIZATION INITIATIVES BY STATE AND LOCAL GOVERNMENTS.—The head of each Executive agency shall—

(1) assist State and local governments in efforts to privatize the transportation infrastructure assets of the State and local governments; and

(2) subject to subsection (c), approve requests from State and local governments to privatize transportation infrastructure assets and waive or modify any condition relating to the original Federal program that funded the asset.

(c) CRITERIA.—The head of an Executive agency shall approve a request described in subsection (b)(2) if—

(1) the State or local government demonstrates that a market mechanism, legally enforceable agreement, or regulatory mechanism will ensure that the transportation infrastructure asset will continue to be used for the general objectives of the original Federal program that funded the asset (which shall not be considered to include every condition required for the recipient of Federal funds to have obtained the original Federal funds), so long as needed for those objectives; and

(2) the private party purchasing or leasing the transportation infrastructure asset agrees to comply with all applicable conditions of the original Federal program.

(d) LACK OF OBLIGATION TO REPAY FEDERAL FUNDS.—A State or local government shall have no obligation to repay to any agency of the Federal Government any Federal funds received by the State or local government in connection with a transportation infrastructure asset that is privatized under this section.

(e) USE OF PROCEEDS.—

(1) IN GENERAL.—Subject to paragraph (2), a State or local government may use proceeds from the privatization of a transportation infrastructure asset to the extent permitted under applicable conditions of the original Federal program.

(2) RECOVERY OF CERTAIN COSTS.—Notwithstanding any other provision of law, the State or local government shall be permitted to recover from the privatization of a transportation infrastructure asset—

(A) the capital investment in the transportation infrastructure asset made by the State or local government;

(B) an amount equal to the unreimbursed operating expenses in the transportation infrastructure asset paid by the State or local government; and

(C) a reasonable rate of return on the investment made under subparagraph (A) and expenses paid under subparagraph (B).

SEC. 8. REDUCTION IN MOTOR FUEL TAXES ON OCTOBER 1, 2002.

(a) REDUCTION IN TAX RATES.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended—

(1) by striking "18.3 cents" and inserting "7.3 cents",

(2) by striking "19.3 cents" and inserting "8.3 cents", and

(3) by striking "24.3 cents" and inserting "7.3 cents".

(b) CONFORMING AMENDMENTS.—

(1) Clauses (ii) and (iii) of section 4041(a)(2)(B) of such Code are each amended by striking the number of cents specified therein and inserting "4.3 cents".

(2) Section 6427(b)(2)(A) of such Code is amended by striking "7.4 cents" and inserting "0.1 cent".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel removed after September 30, 2002.

(d) FLOOR STOCK REFUNDS.—

(1) IN GENERAL.—If—

(A) before October 1, 2002, tax has been imposed under section 4081 of the Internal Revenue Code of 1986 on any liquid; and

(B) on such date such liquid is held by a dealer and has not been used and is intended for sale;

there shall be credited or refunded (without interest) to the person who paid such tax (in this subsection referred to as the "taxpayer") an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(2) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this subsection unless—

(A) claim therefor is filed with the Secretary of the Treasury before April 1, 2003; and

(B) in any case where liquid is held by a dealer (other than the taxpayer) on October 1, 2002—

(i) the dealer submits a request for refund or credit to the taxpayer before January 1, 2003; and

(ii) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(3) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this subsection with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(4) DEFINITIONS.—For purposes of this subsection, the terms "dealer" and "held by a dealer" have the respective meanings given to such terms by section 6412 of such Code; except that the term "dealer" includes a producer.

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 and sections 6206 and 6675 of such Code shall apply for purposes of this subsection.

SEC. 9. MASS TRANSPORTATION.

(a) IN GENERAL.—Section 5338 of title 49, United States Code, is amended to read as follows:

"§ 5338. Authorizations

"There are authorized to be appropriated to the Secretary of Transportation to carry out this chapter—

"(1) $868,000,000 for fiscal year 1999, of which—

"(A) $304,000,000 shall be used to carry out sections 5307 and 5309;

"(B) $95,000,000 shall be used to carry out section 5311; and

"(C) the amount remaining after allocation under subparagraphs (A) and (B) shall be used at the discretion of the Secretary, including for capital expenditure under this chapter;

"(2) $889,000,000 for fiscal year 2000, of which—

"(A) $212,000,000 shall be used to carry out sections 5307 and 5309;

"(B) $97,000,000 shall be used to carry out section 5311; and

"(C) the amount remaining after allocation under subparagraphs (A) and (B) shall be used at the discretion of the Secretary, including for capital expenditure under this chapter;

"(3) $916,000,000 for fiscal year 2001, of which—

"(A) $119,000,000 shall be used to carry out sections 5307 and 5309;

"(B) $100,000,000 shall be used to carry out section 5311; and

"(C) the amount remaining after allocation under subparagraphs (A) and (B) shall be used at the discretion of the Secretary, including for capital expenditure under this chapter;

"(4) $941,000,000 for fiscal year 2002, of which—

"(A) $27,000,000 shall be used to carry out sections 5307 and 5309;

"(B) $103,000,000 shall be used to carry out section 5311; and

"(C) the amount remaining after allocation under subparagraphs (A) and (B) shall be used at the discretion of the Secretary, including for capital expenditure under this chapter; and

"(5) $961,000,000 for fiscal year 2003, of which—

"(A) $0 shall be used to carry out sections 5307 and 5309;

"(B) $105,000,000 shall be used to carry out section 5311; and

"(C) the amount remaining after allocation under subparagraphs (A) and (B) shall be used at the discretion of the Secretary, including for capital expenditure under this chapter.".

(b) Effective Date.—The amendment made by this section takes effect on October 1, 1998.

SEC. 10. REPORT TO CONGRESS.

Not later than 180 days after the date of enactment of this Act, after consultation with the appropriate committees of Congress, the Secretary of Transportation shall submit a report to Congress describing such technical and conforming amendments to titles 23 and 49, United States Code, and such technical and conforming amendments to other laws, as are necessary to bring those titles and other laws into conformity with the policy embodied in this Act and the amendments made by this Act.

SEC. 11. EFFECTIVE DATE CONTINGENT UPON CERTIFICATION OF DEFICIT NEUTRALITY.

(a) Purpose.—The purpose of this section is to ensure that—

(1) this Act will become effective only if the Director of the Office of Management and Budget certifies that this Act is deficit neutral;

(2) discretionary spending limits are reduced to capture the savings realized in devolving transportation functions to the State level; and

(3) the tax reduction made by this Act is not scored under pay-as-you-go and thereby inadvertently trigger a sequestration.

(b) Effective Date Contingency.—Notwithstanding any other provision of this Act, this Act and the amendments made by this Act shall take effect only if—

(1) the Director of the Office of Management and Budget (referred to in this section as the "Director") submits the report as required in subsection (c); and

(2) the report contains a certification by the Director that the reduction in discretionary outlays resulting from the enactment of this Act (assuming appropriation amounts described in paragraph (2)(B)) is at least as great as the sum of the net reduction in receipts and direct spending provided in this Act for each fiscal year through 2003.

(c) OMB Estimates and Report.—

(1) Requirements.—Not later than 7 calendar days (excluding Saturdays, Sundays, and legal holidays) after the date of enactment of this Act, the Director shall—

(A) estimate the net change in receipts and in direct spending resulting from the enactment of this Act for each fiscal year through 2003;

(B) estimate the net change in discretionary outlays resulting from the reduction in budget authority under this Act for each fiscal year through 2003;

(C) determine, based on those estimates, whether the reduction in discretionary outlays resulting from the enactment of this Act (assuming appropriation amounts described in paragraph (2)(B)) is at least as great as the sum of the net reduction in receipts and direct spending provided in this Act for each fiscal year through 2003; and

(D) submit to the Congress a report setting forth the estimates and determination.

(2) Applicable assumptions and guidelines.—

(A) Revenue and direct spending estimates.—The revenue and direct spending estimates required under paragraph (1)(A) shall be predicated on the same economic and technical assumptions and scorekeeping guidelines that would be used for estimates made pursuant to section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

(B) Outlay estimates.—The outlay estimates required under paragraph (1)(B) shall be determined by comparing the estimated amounts of discretionary outlays that would flow from the new budget authority authorized in this Act on the assumption that subsequent appropriation Acts will provide amounts consistent with this Act (and that obligation limitations set forth in such appropriation Acts, if any, equal the corresponding levels of contract authority provided in this Act) and the corresponding amounts of discretionary outlays assumed in House Concurrent Resolution 84 (105th Congress) and House Report 105–116.

(d) Conforming Adjustment to Discretionary Spending Limits.—Upon compliance with the requirements specified in subsection (b), the Director shall adjust the adjusted discretionary spending limits for each fiscal year under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) by the estimated reductions in discretionary outlays under subsection (c)(1)(B).

(e) Paygo Interaction.—Upon compliance with the requirements specified in subsection (b), no changes in receipts or direct spending estimated to result from the enactment of this Act shall be counted for the purposes of section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)).

The CHAIRMAN. Pursuant to House Resolution 405, the gentleman from Ohio (Mr. KASICH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Chairman, I yield myself 6 minutes.

Well, the first thing I want to do is just point out to the House and to my colleagues on the floor tonight who may study government, I think it is very interesting and think even a cause for optimism to recognize the fact that the gentleman from Pennsylvania (Mr. SHUSTER) and I have been locked in a titanic struggle now for the course of the last several years; and I think what we can conclude from this is that it has been possible for two people to be able to take opposite positions based firmly on their principles and yet at the same time to be able to maintain a good relationship and never to make the fight personal.

I hope that in some small way maybe down the road this debate will serve as somewhat of a model to those that engage at times on this floor in very heated debates based on very firmly held principles. So I think this is a very bright day for the House of Representatives from the standpoint of how, in fact, we conduct our debates.

Let me start and talk to those who are actually watching this now and let me just start with a quote that was uttered on January 3, 1956.

> If we are to solve our mounting traffic problem, the whole interstate system must be authorized as one project to be completed approximately within the specified time of 10 years.

In 1956, those words were uttered by Dwight David Eisenhower. And, in fact, the legislation that passed the United States Congress authorized the Interstate Highway System Program for a period of 12 years, to be ended at the period at the end of 12 years. And, of course, that would have meant the program would have been ended in 1968. And here we are going into the next century, and the program still continues.

What I wanted to propose today is what I believe will ultimately happen in this country. And I must tell my colleagues, I am disappointed that our Republicans who want to turn power, money, and influence back to people in local communities and to the States have not actually adopted this proposal. I call it the turn-back proposal. What it does, and I do not want anybody back in the offices to be confused about precisely the way this works, what we would do over the period of the next 4 years is to wrap up the projects that are currently under contract and then to begin to block grant money back to the States, their money back to the States.

At the end of 4 years, we would essentially repeal the entire Federal gas tax program, except for 3 cents. We would leave 2 cents still coming to Washington for purposes of maintaining the interstate system, and we would also leave one additional penny in Washington to help those States that have unique transportation needs.

At the same time, what we would argue is that we would repeal this whole Federal program; and we would essentially say to the States, they tax themselves at the pump, they pave their own roads, they make their own decisions, and they use their own regulatory authority to decide how they are going to do things.

In a nutshell, what we are suggesting is rather than the States tax themselves at the pump and send their money to Washington so that we can then send it back, what we are suggesting is they never send the money to Washington in the first place. Because we all know what happens when we send our money to Washington expecting it to come back. It never comes back the way we want, and it never comes back in the amount we want.

So what we are suggesting going into the next century is that they get to keep their money at home, they get to make their decisions based on what their transportation needs are, that the Federal Government will only have the responsibility for maintaining the current interstate system and helping those States that are in trouble.

And how do they come out? At the end of the day, bingo, 32 States in America would benefit from this program. If they live in Texas, if they live in California, if they live in Florida, if they live in Ohio, they will get to tax themselves, keep their own money, and we will also not have these onerous Federal regulations that the State Department of Transportation argues costs as much as 20 percent on each project.

There would be six States that would break even. But that would not be true, because when we cut the Federal regulations, the States would be far ahead. There would also be 12 States that would have special needs. That is why we would keep that extra penny in Washington to help those States.

But when we take a view at the United States of America, 38 States are going to be clear winners under this program. What does that mean for us?

□ 2000

It means that we will have more money at home without sending it to Washington so we can all figure out what is best. We will be able to tax ourselves to the limit that we want to meet the highway needs that we have.

At the end of the day, we will not only have more money to spend on our own roads, but we will not have all the Federal bureaucrats that sit around day and night trying to figure out all those silly regulations that drive the cost up of the projects, and we will be ahead. If we want to look towards the future that is the way it ought to go.

We had a big debate today. Is a 43 percent increase in highway funding justified? We had another debate today about these special projects. We would not have that debate anymore if we just turned the program back to where we lived.

To my Republican colleagues, we want to turn welfare back to people where they live. We want to turn education back to where they live. We wanted to turn public housing back to where they live. You know what, I think we can turn concrete back to where they live, because they will, not only have more money, and they will not only be able to pave more roads, but they will be able to use their own local judgment to decide what their needs really are.

I would urge my Republican colleagues and many of my Democratic colleagues to come to the floor and vote for the future. Vote for the future where we can be in control of our own destiny in so many ways.

This fits the idea that really Washington does not know best. But who really knows best are the people that get up and go to work and earn a living and pay the taxes. They ought to be the ones that decide what our real needs are. We ought not to ask them to send their money here so when they get it back they are always disappointed. Let us just call the whole thing off, and let us pass the Kasich amendment.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) is recognized for 15 minutes.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that 7½ minutes be allotted to the gentleman from Minnesota (Mr. OBERSTAR) and that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment. Interestingly enough, while this would simply turn things back to the States, ironically there is a greater need for us to have a coordinated, tied-together national transportation system than ever. Why? Because more people and more goods are moving interstate than ever before. I think it is important.

I think it is important to recognize that 64 percent of all truck traffic travels interstate now. I think it is important to recognize, as I mentioned earlier today, a great example, Oklahoma City, where two interstates intersect, 60 percent of the license plates are out of State license plates.

Indeed, there is a greater need to have this tied together than ever before. Our bill not only does that, but it also gives flexibilities to the States and the cities by saying that 50 percent of the funding in each category can be flexibly moved about to other categories.

Beyond that, understand, this amendment keeps the 4.3 cents here in Washington and does not spend it. So we are back to the same old game, the shell game of taxing the American people for gas taxes; and, yet, keeping that money here and not spending it.

Beyond that, this amendment has not been scored by the Congressional Budget Office. This amendment exempts the pay-go provisions of the bill for which we have been criticized.

So for all of these reasons, it is very important that we reject this amendment. It is very important, also, to recognize that, of the money that comes to Washington now, only 1 percent stays here down at the Department of Transportation for administrative purposes, 88 percent goes back to the States to be spent, 5 percent goes to the Secretary of Transportation to be sent back to the States for high cost discretionary projects, 5 percent goes back to the States through the congressional projects, and only 1 percent stays in Washington.

Further, State regulations, which in many cases are as onerous, if not more onerous, than Federal regulations, would obviously stay in place. Indeed, we have no assurance whatsoever that, if we turn this back to the States, that the States would pass and increase their gas taxes.

Indeed, I am told that, on the average, each State would have to pass the State gas tax increasing it by 15 cents per gallon. So what assurance do we have? No, this is simply destroying what must be a national program which is to tie our country together from a transportation point of view. For those reasons, I say we should defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KASICH. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, let us make no mistake about it. Under this proposal, first of all, it is deficit-neutral. Secondly, for those who have been struggling to repeal the 4.3 cent gas tax, we would take that to the Committee on Ways and Means and, in fact, repeal the 4.3 cents. Make no mistake about it.

In addition to it, let me just suggest one thing. I believe our Governors of our States are actually capable of being able to coordinate the transportation needs of our Nation. We believe that they can do this as Republicans and conservatives for a whole variety of functions. We absolutely believe they can get it right in highways. In fact, if we pass this amendment, they will have more money and less Federal regulations in order to get the job done.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I have got a news flash for the American people, and that is the American two-party system we have loved for so long. It is clear with today's goings on it is dead and gone.

The Republicans and the Democrats have been replaced by one big mammoth party called the "republicrats", and they have one interest, and that is business as usual.

My support for the Kasich amendment is typified by this story. It appears there was a young boy who wrote a letter to God asking for $10 because he wanted to buy something. The post office did not know where else to send it, so they sent it to the White House.

The President got a kick out of that. He put a dollar in the mail back to the boy. The boy quickly wrote another letter back to God. He said, God, thank you so much for the money that you sent me, but it went by way of Washington, D.C., and they took out $9 and only gave me $1. Could you please send it to me directly next time?

I think that is what we are after. We just want to make sure that the money stays in the States, and we cut out the Federal middleman, and all of the money goes to transportation, the needs appropriated by the citizens of the States we live in.

Mr. SHUSTER. Mr. Chairman, I yield myself 15 seconds to simply make the point that this amendment does not repeal the 4.3 cents. It keeps that money here in Washington. Secondly, all 50 Governors support our bill. Those are facts.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, may I inquire what the distribution of time is at this point.

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 7½ minutes.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL), ranking member on the Subcommittee on Surface Transportation.

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Minnesota, the ranking member, for yielding to me.

Mr. Chairman, the previous speaker had just spoken of the formation of two parties today. He said "republicrats", I believe is what he called those of us working for the future of America by these investments we are making today. I would suggest perhaps the other party that he did not refer to should be called the "RWWK", the "right wing whacko kids" for some of the philosophy they have been espousing here today.

I commend the gentleman from Ohio for his tenacity. I do not agree with his amendment, but certainly his tenacity is to be commended. He has testified before our committee before. This is not his first time of putting this proposal forward.

I would also note that I have been waiting for this day for a long, long time. I want to see a rollcall vote taken on the gentleman from Ohio's amendment, because I think we need to clear once and for all where things stand on this particular issue.

This amendment is, indeed, a thinly veiled attempt to turn back almost all highway responsibilities to our States, to devolve the Federal responsibility. So it just pertains to interstates and roads within our national parks, our public lands, and Indian reservations. That is it. There would be no other Federal highway-related responsibilities.

Under the gentleman's amendment, to accomplish this goal, the Federal motor fuels tax would be reduced to a little more than 7 cents per gallon and ultimately phased down to 3 cents a gallon.

The obvious problem with his approach is that it does nothing, it does nothing to address the existing shortfall and spending to address our deficient highway infrastructure. In fact, it would worsen that shortfall.

Considering the 18.3 cents per gallon Federal gas tax that is reserved for transportation investments, that is simply to maintain our status quo. Simply to maintain that status quo, many States are going to have to then increase their State gasoline taxes by at least 15 cents per gallon under this turn-back proposal, devolution, States opt out, or whatever description they want to give it.

If my colleagues believe that the majority of our State Governors in their legislative bodies are prepared to take this type of action of increasing their State gasoline taxes to make up for this shortfall, if we believe State Governors and legislators are going to do that, then welcome to la-la land.

There are numerous other problems with this approach as well. The fundamental problem, however, is that it simply throws crumbs at our crumbling infrastructure. That is all this approach does.

There is a Federal responsibility, in my opinion, a pressing need on the Federal level to improve our roads, highways, and bridges. It goes to more than just our interstate system.

Every day our people cross State lines on a noninterstate highway or roadway. These principal arterial routes, along with our interstates, are part of the national highway system. Interstates play only a small part of that national highway system we designated in 1995. I urge that we continue this Federal responsibility to maintaining our interstates and national highway systems. Vote no on this amendment.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. COX).

Mr. COX of California. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, everything that was just said makes a great deal of sense provided that we stipulate that the Federal Government is the low-cost provider, that the most efficient way to get the most roads, the most bridges, and the most transportation is to send the money to Washington first where the freight charges can be deducted or where it can be run through the bureaucracy here and then shipped pack to the States.

If we think that Washington is the best way to do it, getting the Washington bureaucracy involved is the most efficient way to do it, then, by all means, keep sending our gas taxes to Washington, D.C., even after the Interstate Highway Program was all finished, which it was in 1991.

If we think the Washington bureaucracy is the low-cost provider, then, by all means, vote for the status quo. If we think Washington knows best, send all our money back here. But if we want more transportation, more highways, more bridges, more infrastructure, more transit, then take the full dollar of gas tax and spend it at home.

This program guarantees us a full 90 percent of what we send to Washington. It is time to get 100 percent. That is what this amendment will do.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, since the founding of this Republic, the Federal Government has been integrally involved with developing an infrastructure system: railroads, freeways, airports, ports, and inland waterways. And it has provided us a national system that has made this country great. But today, it is fraying at the edges.

This proposal, the turn-back proposal, I think is appropriately named, because just when we are on the verge of getting it right under the ISTEA formula, we would be turning back to States that have varied, highly restricted constitutional provisions on how they can spend the money. They would be turning their back on many of the environmental priorities, transit priorities, and the strong national system that we have for bicycles. We would be turning our back on many of these areas.

Onerous Federal regulations that the gentleman from Ohio refers to strikes me as somewhat humorous. I am not running for President, but I have been in 30 American communities over the last year talking about ISTEA and transportation. I tell my colleagues to a certainty, in community after community, it was the ISTEA structure that enabled for the first time cities and regions to have a voice that were ignored by State transportation commissions in State after State.

This is not a vote for the future. It is a turning our back on the partnerships that can make America great.

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Mr. KASICH. Mr. Chairman, I have always liked righteous indignation.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding this time to me. I rise in support of the Kasich substitute. Frankly, I am disappointed today that we see before us a bill that so fundamentally, so clearly violates the principles of fiscal responsibility, flies in the face of the balanced budget agreement that so many of us in this body worked so hard to achieve. Should we not be concerned about the fact that we are going to be spending $33 billion more than the balanced budget agreement? That is $33 billion more.

Mr. Chairman, I think it is hypocritical for this Congress to brag about its historic balanced budget agreement on the one hand and then move to trash that agreement. There is no way that I think any of us here can justify this shameful exercise in fiscal irresponsibility.

Now I know the legislation says that there is going to be offsets to it, but do we not have a responsibility to first determine where those offsets ought to come from, where we are going to get the money to spend for this, before we go about authorizing it? Are we going to take it out of defense? Are we going to take it out of programs in law enforcement? Tax relief for American citizens? War on drugs? Where are we going to take it from?

I think we should think about those things before we pass this legislation.

Congress has an established process for appropriating money. The authorizing committee approves the spending, the Committee on Appropriations appropriates the money. That is a frequently contentious process, but it is a democratic process and we ought to keep it.

Vote "aye" on this amendment.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I have the highest regard for the chairman of the Committee on the Budget, who will make a great President of the United States one day, but I am going to tell my colleagues his amendment predicts that there is no politics played in the local level in the State of Ohio or any other State. I can point the gentleman to half a billion dollars of road projects within spitting distance of the State capital that we share in Columbus, Ohio. I can also point the gentleman to roads in my area of the State where for 26 years there have been promises made, where young people die every day and improvements never come.

Mr. Chairman, the gentleman's amendment takes the decision out of the hands of 435 Members of this House who are elected by 600,000 people and gives it to 50 men and women across this country who are elected by millions. H.R. 2400, BESTEA, makes sure that local decision-making is preserved. Ohio receives $300 million more per year than it received under ISTEA. This bill is a good bill, and it needs to be passed.

Mr. SHUSTER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MCHALE).

Mr. MCHALE. Mr. Chairman I oppose the "turn your back" amendment. The Kasich amendment would lower the gasoline tax by virtually eliminating Federal support for our Nation's highways.

Last week my wife Kathy bought a gallon of gasoline in my district for 99 cents. We may have among the cheaper gasoline in the Western World. Mr. Chairman, we do not need cheaper gas, we need better safer highways.

A few minutes ago my friend and colleague, the gentleman from Oklahoma (Mr. LARGENT) attacked the proposed redevelopment of the industrial waterfront in Allentown, Pennsylvania. The gentleman from Oklahoma has never visited the site; I live 2 miles away. The gentleman from Oklahoma has never spoken to the low-income families who live in the area; I have many times.

The ISTEA funding in this bill will provide roads and access ramps to reclaim and restore a brownfield site located in the heart of one of Pennsylvania's largest cities. There could be, I pledge to the gentleman from Oklahoma (Mr. LARGENT) and others, there could be no more honorable investment of public funds.

What a meaningless victory if we preserve the budget but abandon our cities. What a callous misjudgment if we protect our wallets but abandon our people.

I urge a "no" vote on the Kasich amendment.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. SMITH) one of my cosponsors.

Mr. SMITH of Michigan. Mr. Chairman, the first question it seems like we should ask ourselves: How do we most efficiently and most effectively get bridges and roads repaired in this country? One problem with the money coming to Washington and then going back to the States is there is too many strings attached when it goes back to the States.

Gabriel Roth, in his book "Roads in a Market Economy," estimates that the Federal regulations that go back with that money increase the cost of roads and bridges by 50 percent. Other road economists estimate that it is 40 percent. Talking about politics played, we use this money as blackmail. We say to States, "Unless you do things our way, we're not going to give you the road money. Unless you do your environmental regulations our way, you don't get your road money."

If we want to get rid of the politics, if we want to have more efficient construction and utilization to build a road and bridge system in this country that is badly in need of repair, then let us let the money stay in the States in the first place instead of running it through the Washington bureaucracy.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 2½ minutes.

Mr. OBERSTAR. Mr. Chairman, I am just delighted that the gentleman from Ohio (Mr. KASICH), the author of this amendment, was not in the Eisenhower Cabinet or in the Bureau of Roads, as it was known in those days, because goodness knows we would never have had a Highway Trust Fund, we would have never had an interstate highway program; he would have just let the States go on and fumble as they had been doing. He would take us back to a time that none of us here could possibly imagine, a time when some States started roads, others did not, they built it up to a certain point and then it stopped. Bridges were started and then stopped.

If we follow the gentleman's logic all the way through, we would have bridges that go halfway across a river because one State would want to build it and the other State would not or would run out of money, or we would have roads that go up to a State's border and the other State would say, "Well, we don't think we want to build a road there."

I mean, he would have us in chaos, he would have us back in 14th century England when the rule was that the owner of a castle had to repair the road in front of their castle so that the carriages riding along would not be stuck in the potholes, and if they did, then they had to pull them out. He would set us back, not forward.

This is a vote for the past, not a vote for the future. This is a vote for a chimerical view of transportation in America, one that exists solely in the mind of its author but does not exist in reality.

If we are going to be a Nation, and if my colleagues believe in the Constitution that said a responsibility of the Congress shall be to build post roads, that it shall have authority over interstate and foreign commerce, then it is our duty to promote interstate and foreign commerce, and the way to do it is through transportation, and we do that.

This legislation that we bring to the floor today continues the greatest movement of, mobility of people and goods, the greatest thrust for economic growth that this country or any country has undertaken. Our transportation network has given America the thrust to be a world power.

Let us not retreat to the past. Let us vote for the future, for BESTEA, and vote down the Kasich amendment.

Mr. KASICH. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, a donor State is better off under Kasich. If my colleagues believe that States can do some things better than the Federal Government, vote for Kasich. If my colleagues want highways off budget, let us really take them off budget, keep the dollars at home and vote for Kasich.

There is or there should be a Federal role in the highway area, but this bill is so incredibly irresponsible. Forty-four percent over the last bill, $40 million over the budget; it demonstrates this Congress has lost all manner of self-control on this issue and does not deserve to have its hands on the dollars in this bill.

The gentleman from Pennsylvania said a moment ago, oh, this amendment is not scored. I could not help but laugh. Give me a break. This bill has been scored, and it is a $40 billion budget buster.

We are told 50 Governors support the bill. What Governor do we not see in this posture, with his hand out half the time? We had 40 of those Governors last year tell us to pass the same budget that now they are telling us to bust. That is ridiculous.

Last year when we passed the welfare reform bill we told people that there was no longer any need to keep Federal standards under how we took care of poor people. If that is the case, there is certainly no need to maintain Federal standards on concrete.

Vote for the Kasich amendment. It gets us out of the most irresponsible mess I have seen in this Congress in at least a week.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI) the distinguished chairman of the subcommittee.

Mr. PETRI. Mr. Chairman, I thank the gentleman for yielding this time to me, and I would just like to make a few points.

The Kasich amendment, hearing some of the people describe it, sounds like a pretty good idea: Keep the money in the States where it is generated and where it can be spent most efficiently, instead of sending it out to Washington and having all sorts of red tape added and then sending it back so we do not get as much investment for our infrastructure as we pay for.

Is that what the Kasich amendment does? No. Last time I checked, what was the Federal gas tax? 18.4 cents. How much does the Kasich amendment send back? 18.4 cents? No, 11 cents. What happens to the rest? Stays in Washington, at least a lot of it, and is spent on other things.

So in my State, in Wisconsin, what is being said? This is saying we want to increase taxes at the State level because we will give them in Washington 11 cents, and in order to maintain the transportation investment in their infrastructure they will have to raise their gas taxes how much? 11 cents? No, 15 cents.

As my colleagues know, the Governors and a lot of experts watching what is happening in our national Federal system have been pointing out that people in Washington cut back on spending and it has to be picked up at the State and local level and higher taxes at the State and local level, and then we pat ourselves on the back for supposedly cutting burdens when all we are doing is shifting it to the State and local level.

The Governors have been criticized here on this floor, but I think they are elected too and are due our respect. They were out here just a few weeks ago pointing out that over the last 20 years the Federal percentage of investment in our Nation's transportation infrastructure have been gradually declining. We have been talking pretty big out here, but we have been transferring the budget responsibility, the need for raising the revenue to maintain our roads and bridges in the United States, from Washington back to the State and local units of government. This would radically accelerate that, and it would basically shortchange every State in the United States by about 4 cents.

Please vote "no."

Mr. KASICH. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding this time to me. I rise in strong support of this amendment.

I would like to remind my colleagues that in the 1950s when the Federal highway program started it was recognized that it was an improper function of the Federal Government. Therefore the Congress back then, they were still recognizing that the Constitution had some effect as well as the President; they had to come up for a reason for the highway projects, so they did it under national defense.

Of course today we do not debate that issue in that light, but I think we see the results of doing something that was not proper. Today it is very expensive, it is very bureaucratic, and we have seen tonight in the debate how it has become politicized.

So if we are looking for a fair way to build highways, a more efficient way to build highways, I think this is the answer. This is not going backwards, this is going forward. This would be the first time we could have a national highway system really controlled by the States where it is supposed to be. The States would have more money, not less money. They would have less regulation, not more regulation.

This is much better than block grants. This is returning responsibility to the States. I compliment the gentleman for bringing this to the floor.

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The CHAIRMAN. The Chair will advise Members that the gentleman from Ohio (Mr. KASICH) has 1½ minutes remaining and the gentleman from Pennsylvania (Mr. SHUSTER) has 1¼ minutes remaining and the right to close.

Mr. KASICH. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Brookhaven, Mississippi (Mr. PARKER).

Mr. PARKER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of the Kasich amendment. Tim Penny, I saw him yesterday, and Tim made a statement to me which I find fascinating. He said he felt he owed an apology to some of the liberal Democratic chairmen for some of the bills that they had written. He thought there was a lot of pork in them, and he found out that, no, that was not really right; that this particular bill that has been brought forth puts the rest of them to shame. And I agree.

Now, if you think this bill is going to become law as it is, it is not. The Senate is not going to pass this bill, and I pray to God that the President of the United States vetoes it.

The interesting thing is this: Can you imagine the depths that we have sunk to when we have to depend on the other body and the President of the United States to show fiscal responsibility?

I predict that this vote will be one of the worst votes, if you vote for this bill, of any vote you have ever cast, if you are a conservative, a fiscal conservative and believe in fiscal responsibility. You will rue the day you voted for this.

Mr. KASICH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just make it clear: What we want to do is keep 3 cents in Washington to maintain the current interstate system. If you come from Montana, where you are losing in this bill, we are going to keep a penny here to help you and the other heavy transit States. We are going to repeal the 4.3 cents enacted in 1993 that every Republican voted against, and we are going to get rid of the rest of the gas tax and let the States levy their own taxes and manage their own roads with their own regulations.

I do not think that we are going to have any halfway built bridges that are going to end in the middle of a river. I think people are smarter than that. I know this, they are a lot smarter at home than they are right here in Washington.

Vote for the Kasich amendment.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we hear about turning back to the States, but all 50 State Governors support BESTEA, not the amendments in front of us. Indeed, I have a letter from Governor Whitman of New Jersey in which she says turn back what hurt our State's ability to move people and goods throughout the Northeast corridor. That is the way it is across America. Why? Because more people are traveling interstate than ever before.

And do not be fooled by this pig in a poke. This does not turn back the 4.3 cents. This does not rescind the 4.3

cents. This amendment does nothing but keep the 4.3 cents, which amounts to about $6.5 billion a year, here in Washington, not to be spent on highways, but to be spent to mask and disguise the same old Ponzi scheme of using this money rather than building highways in America.

Indeed, my good friend from Ohio talks about the regulations here. Only 1 percent of the money stays in Washington for the Department of Transportation. But we Republicans control the Congress. If we want to change the regulations, then let us do it. And, indeed, we hope that we will control the White House a few years from now, and indeed it may well be the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the Budget, who will be the next President of the United States. And if he is the next President of the United States, I will join with him in changing these regulations.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. KASICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 405, further proceedings on the amendment offered by the gentleman from Ohio (Mr. KASICH) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 405, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 4 offered by the gentleman from South Carolina (Mr. GRAHAM); Amendment No. 5 offered by the gentleman from South Carolina (Mr. SPRATT); and Amendment No. 6 offered by the gentleman from Ohio (Mr. KASICH).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series of votes.

AMENDMENT NO. 4 OFFERED BY MR. GRAHAM

The CHAIRMAN. The pending business is the vote on the amendment offered by the gentleman from South Carolina (Mr. GRAHAM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 79, noes 337, answered "present" 2, not voting 12, as follows:

[Roll No. 95]

AYES—79

Archer
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Boehner
Bonilla
Burr
Campbell
Castle
Chabot
Christensen
Coburn
Condit
Cox
Cubin
Deal
Deutsch
Edwards
Ehrlich
Foley
Frelinghuysen
Goss
Graham
Gutknecht
Hall (TX)
Hayworth
Hill
Hilleary
Hobson
Hoekstra
Hunter
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kind (WI)
Kingston
Kolbe
Largent
Leach
Lewis (GA)
McCollum
Miller (FL)
Minge
Morella
Myrick
Nethercutt
Neumann
Pappas
Parker
Pomeroy
Porter
Rogan
Rohrabacher
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Skaggs
Smith (MI)
Souder
Stenholm
Stump
Taylor (NC)
Thomas
Thornberry
Wamp
Wexler
White
Wolf
Young (FL)

NOES—337

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Nadler
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (AK)

ANSWERED "PRESENT"—2

Lofgren
McCrery

NOT VOTING—12

Cannon
Gonzalez
Jefferson
Klug
McIntosh
Payne
Rangel
Ros-Lehtinen
Royce
Torres
Waters
Yates

□ 2059

Messrs. BURTON of Indiana, TAYLOR of Mississippi, MEEHAN, and BRADY changed their vote from "aye" to "no."

Mr. DEUTSCH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 405, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 5 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SPRATT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from South Carolina (Mr. SPRATT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of a substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 106, noes 312, answered "present" 1, not voting 11, as follows:

[Roll No. 96]

AYES—106

Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Bentsen
Berman
Boehner
Bonilla
Boyd
Brown (OH)
Burr
Campbell
Cardin
Castle
Chabot
Christensen
Clayton
Coburn
Condit
Cox
Crane
Davis (FL)
Deal
Deutsch
Dicks
Doggett
Dooley
Edwards
Eshoo
Etheridge
Fazio
Gillmor
Graham
Hall (TX)
Harman
Hastings (FL)
Hayworth
Hill
Hobson
Hoyer
Inglis
Jones
Kasich
Kennedy (RI)
Kind (WI)
Kingston
Kolbe
LaFalce
Largent
Lewis (GA)
Livingston
Lofgren
Luther
Maloney (NY)
Miller (FL)
Minge
Moran (VA)
Myrick
Nethercutt
Neumann
Obey
Parker
Paul
Peterson (MN)
Pomeroy
Porter
Portman
Price (NC)
Roemer
Rogan
Rohrabacher
Roybal-Allard
Sabo
Salmon
Sanchez
Sanford
Sawyer
Scarborough
Scott
Sessions
Shadegg
Shays
Sisisky
Skaggs
Smith, Adam
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Sununu
Tanner
Taylor (MS)
Thornberry
Thurman
Watt (NC)
Waxman
Wexler
Weygand
White
Whitfield
Wolf

NOES—312

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Carson
Chambliss
Chenoweth
Clay
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dingell
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (WA)
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Poshard
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogers
Rothman
Roukema
Rush
Ryun
Sanders
Sandlin
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Shaw
Sherman
Shimkus
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stabenow
Stokes
Strickland
Stump
Stupak
Talent
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thune
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

McCrery

NOT VOTING—11

Cannon
Gonzalez
Jefferson
Klug
Payne
Rangel
Ros-Lehtinen
Royce
Torres
Waters
Yates

□ 2110

Mr. KENNEDY of Massachusetts and Mr. DAVIS of Illinois changed their vote from "aye" to "no."

Mr. BERMAN and Mr. STARK changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KASICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment in the nature of a substitute offered by the gentleman from Ohio (Mr. KASICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment in the nature of the substitute.

The Clerk redesignated the amendment in the nature of a substitute.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 318, answered "present" 2, not voting 12, as follows:

[Roll No. 97]

AYES—98

Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bilbray
Bilirakis
Boehner
Bonilla
Boyd
Brady
Brown (OH)
Burr
Campbell
Canady
Chabot
Chenoweth
Christensen
Coburn
Condit
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Deutsch
Dooley
Dreier
Foley
Goodlatte
Goss
Graham
Hall (TX)
Harman
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hunter
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kind (WI)
Kingston
Kolbe
Largent
Linder
Livingston
Lucas
McCollum
McIntosh
Miller (CA)
Miller (FL)
Moran (VA)
Myrick
Neumann
Obey
Packard
Parker
Paul
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rogan
Rohrabacher
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Sisisky
Smith (MI)
Souder
Stark
Stenholm
Stump
Taylor (NC)
Thornberry
Thurman
Wamp
Watkins
Wexler
White
Wolf
Young (FL)

NOES—318

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baesler
Baker
Baldacci
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart
Dickey

Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly

Kildee
Kilpatrick
Kim
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Poshard

Price (NC)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (AK)

ANSWERED "PRESENT"—2

Lofgren
McCrery

NOT VOTING—12

Cannon
Gonzalez
Jefferson
Klug

McCarthy (NY)
Payne
Rangel
Ros-Lehtinen

Royce
Torres
Waters
Yates

□ 2118

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

(Mr. OBERSTAR asked and was given permission to proceed out of order for 1 minute.)

EXPRESSIONS OF APPRECIATION

Mr. OBERSTAR. Mr. Chairman, I take this moment to express my deep appreciation to the staff on the Democratic side, David Heymsfeld, Sante Esposito, Ken House, Rosalyn Millman, Ward McCarragher, Jim Zoia, Steve Dubois, and to Jack Schenendorf, staff director on the Republican side, for the splendid cooperation and the many hard hours of work that they have devoted to this legislation.

And to the gentleman from Pennsylvania (Mr. SHUSTER), Mr. Chairman, I would simply like to say that his 26 years of service in this body have been unfailingly devoted to advancing the cause of transportation, its safety, mobility, its economic growth and its impact on America. Some of our colleagues serving in this body are fortunate enough to get an amendment adopted. A rare few get a bill enacted into law. But a rare trailblazer makes an impact on the Nation that will outlive his service in this body.

Yours is that monumental service. The bill we are about to adopt by, I am confident, an overwhelming vote will be an everlasting tribute to the years of professional service you have given to the people of America and to the cause of transportation.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SNOWBARGER) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes, pursuant to House Resolution 405, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 80, answered "present" 3, not voting 10, as follows:

[Roll No. 98]

AYES—337

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Bartlett
Bass
Bateman
Becerra
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
DeFazio

DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hefner
Hilleary
Hilliard

Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh

McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Nadler
Neal
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Stabenow
Stearns
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—80

Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Bentsen
Boehner
Bonilla
Brown (OH)
Burr
Campbell
Cardin
Castle
Chabot
Christensen
Coburn
Cox
Crane
Cubin
Davis (FL)
Deal
Deutsch
Dooley
Edwards
Fazio
Goss
Graham
Hall (TX)
Hastings (FL)
Hayworth
Herger
Hill
Hobson
Hoekstra
Hoyer
Hunter
Inglis
Johnson, Sam
Jones
Kasich
Kind (WI)
Kingston
Kolbe
LaFalce
Largent
Lewis (GA)
Miller (FL)
Minge
Moran (VA)
Morella
Myrick
Nethercutt
Obey
Parker
Paul
Pomeroy
Porter
Portman
Radanovich
Rohrabacher
Sabo
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Skaggs
Smith, Adam
Souder
Spratt
Stark
Stenholm
Stump
Thornberry
Wexler
White
Wolf

ANSWERED "PRESENT"—3

Hefley
Lofgren
McCrery

NOT VOTING—10

Cannon
Gonzalez
Jefferson
Klug
Payne
Rangel
Ros-Lehtinen
Royce
Waters
Yates

☐ 2144

The Clerk announced the following pair:

On this vote:

Ms. Ros-Lehtinen for, with Mr. Yates against.

So the bill was passed.

The result of the vote was announced as above recorded.

The motion to reconsider is laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of the bill, H.R. 2400, to reflect the actions of the House.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2400, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEEMING THE HOUSE TO HAVE AGREED TO A CONFERENCE REQUESTED BY THE SENATE AND THE SPEAKER TO HAVE APPOINTED CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that if and when the Clerk receives a message from the Senate indicating that that body has passed the bill, H.R. 2400, with an amendment, insisted upon its amendment, and requested a conference with the House, the House be deemed to have disagreed to the amendment of the Senate and agreed to the conference requested by the Senate, and that the Speaker be deemed to have appointed conferees without intervening motion.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The Speaker will make the appointment of conferees shortly.

MAKING IN ORDER AT ANY TIME DURING WEEK OF APRIL 21, 1998, MOTION TO INSTRUCT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. SHUSTER. Mr. Speaker, further, I ask unanimous consent that it shall be in order at any time during the week of Tuesday, April 21, 1998, notwithstanding the Speaker's appointment of conferees pursuant to this request, for a Member to offer a motion to instruct the managers on the part of the House on the bill, H.R. 2400, as if offered prior to the appointment of the conferees. The managers may not file their report prior to Wednesday, April 22, 1998.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RECOGNIZING THE CONTRIBUTIONS OF THE REVEREND DR. MARTIN LUTHER KING, JR., ON THE 30TH ANNIVERSARY OF HIS DEATH

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (H. Con. Res. 247) recognizing the contributions of the Reverend Dr. Martin Luther King, Jr., to the civil society of the United States and the world and to the cause of nonviolent social and political change to advance social justice and equality for all races and calling on the people of the United States to study, reflect on, and celebrate the life of Dr. Martin Luther King, Jr., on the thirtieth anniversary of his death, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Florida?

Mr. LEWIS of Georgia. Mr. Speaker, reserving the right to object, I would ask the gentleman from Florida (Mr. CANADY) to explain to the body the purpose of the legislation.

Mr. Speaker, I yield to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I thank the gentleman for yielding.

House Concurrent Resolution 247, a concurrent resolution to recognize the contributions of the Reverend Martin Luther King, Jr., was introduced by the gentleman from Oklahoma (Mr. WATTS).

On April 4, 1968, the Reverend Dr. Martin Luther King, minister, civil rights activist, Nobel Peace Prize winner, and world leader, was killed by an assassin's bullet. Dr. King's foreshortened life, which ended at age 39, was memorialized all over the world.

This spring marks the 30th anniversary of Reverend King's death and comes at a time when Americans will be remembering and discussing Dr. King's work and contributions to the cause of nonviolent social and political change to advance social justice and equality for people of all races.

This anniversary presents an excellent time to offer this resolution which recognizes the importance of the life and work of the Reverend Dr. Martin Luther King, Jr. It recognizes that Dr. King's life was tragically taken before the full achievement of his dream and goals, and it calls on the people of the United States to study, reflect on, and to celebrate his life's work.

Mr. LEWIS of Georgia. Mr. Speaker, continuing my reservation of objection, I first heard of Martin Luther King, Jr. in 1955 when I was 15 years old growing up in rural Alabama. Three years later, in 1958, 40 years ago, I had an opportunity to meet Martin Luther King, Jr. It was the beginning of a long and beautiful relationship. He was my friend, my leader, my brother, my hero.

Martin Luther King, Jr., must be looked upon as one of the Founding Fathers of the new America. He used the philosophy and the discipline of nonviolence to bring about a nonviolent revolution in America. Martin Luther King, Jr., with the use of nonviolence, had the power, the ability, and the capacity to bring the dirt and the filth from under the American rug, out of the cracks, out of the corners into the open light in order for us to deal with the problem of racism and segregation. We live in a better nation, in a better place. We are a better people because Martin Luther King, Jr., lived.

In my estimation, 30 years later, we must look upon Martin Luther King, Jr., as one of the founding fathers of the new America. He not only freed and liberated African Americans, but he freed and liberated all Americans. So it is fitting and appropriate that we pause tonight to commemorate the life and times of Martin Luther King, Jr.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WATTS of Oklahoma. Mr. Speaker, reserving the right to object, I rise today to reflect on the life and accomplishments of Dr. Martin Luther King, Jr., and to encourage our colleagues to support House Concurrent Resolution 247, commemorating the life of Dr. King as we come upon the unfortunate 30th anniversary of his death.

I do not intend to speak this evening on the death of Dr. King. The reason why is because Dr. King, Dr. Martin Luther King, Jr.'s spirit is alive today. Today, I want to tell you, Mr. Speaker, how I know Dr. King's spirit is alive in the United States of America.

Of course, we have concrete examples of legislation that bears Dr. King's legacy. For starters, we have the 24th amendment to the Constitution which ended the poll tax. We also have the Civil Rights Act of 1964 and the Voting Rights Act of 1965 which further prohibits racial discrimination in the workplace and in the voting booth. We also have the Civil Rights Act of 1968 which prohibits landlords from refusing to sell or rent property on account of race.

All of those effective anti-discrimination laws would probably not exist today had it not been for the leadership of Dr. Martin Luther King, Jr. However, these laws are not the only legacy Dr. King has left behind. Dr. King also lives on in the hopes and dreams of our young people.

You have children in grade school or in college today. I want to have you take a look at them. I want you to consider all of the opportunities that are available for your kids today. Your son and your daughter could be a doctor or lawyer, or your kids would be astronauts or firemen. They can serve in the military or as elected officials.

In these times, it is becoming easier for our children to gain success in these career fields without having to worry about whether or not their race will be an impediment to their success.

Racism is not dead, Mr. Speaker. Let me be clear about that. However, discrimination and prejudice are on the run thanks to Dr. King and those who fought the good fight alongside him, people like my distinguished colleague, the gentleman from Georgia (Mr. LEWIS).

Mr. Speaker, during the years in which Dr. King served as a leader of the civil rights groups like the Montgomery Improvement Association and the SCLC, he took out a tissue of truth and wiped away the dirt of discrimination from the American dream. Thanks to Dr. King, the American dream today is alive and accessible to millions of Americans who might otherwise been left out in the cold. This, too, is Dr. King's legacy.

Dr. King's legacy can also be found in our churches every week. Mr. Speaker, Dr. King was a believer in the power of God to change the lives of Americans for the better. He served as a pastor at Dexter Avenue Baptist Church in Montgomery, Alabama, and at Ebenezer Baptist Church in Atlanta, Georgia. In short, Dr. King was a devout man of faith who believed that God had a place, a central place in American society.

That is important to recognize as part of Dr. King's legacy. Nowadays, there seems to be a serious effort under way to run God out of America. America without God's direction is like a man who does not have a heart. Neither entity can survive for very long.

Indeed, Dr. Martin Luther King, Jr., believed that laws were meaningless unless they had a moral component to them. In his Letter From the Birmingham Jail, Dr. King wrote, "A just law is a man-made code that squares with the moral law and a law of God. An unjust law is a code that is out of harmony with the moral law."

Dr. King felt he was morally justified in fighting segregation and discrimination because he knew that Jim Crow laws violated God's law. Mr. Speaker, this evening, as we consider laws here in Congress, we should start holding each other up to the same standard Dr. Martin Luther King set for laws. We must ask, is this law we are considering a morally just law? Or, we must ask, would it be morally just if we did not pass this law?

Every Member of Congress should remember the words of Dr. King when he said, human progress never rolls in on wheels of inevitability. It comes through the tireless efforts and persistent work of men and women willing to be coworkers with God.

Indeed, Mr. Speaker, if all of us as Americans will come together, Republicans, Democrats, liberal, conservative, red, yellow, brown, black, or white, we can make our schools places where children will shoot for the stars instead of making schools places where our children are shot at. If we as Americans will all reject our prejudices and stereotypes and work together, we can end this horrible drug epidemic which is killing our young people.

In closing, Mr. Speaker, as we all consider this great resolution before us, let us each resolve to examine ourselves this evening. Let us ask ourselves what are we doing today to keep Dr. King's legacy alive.

We must ask ourselves, are we teaching our kids to respect and love people of all races? Are we leading by example in this area? How many hours have we spent with our kids this week? Are we actively encouraging our children in their studies and in talking with them about their problems? Are we showing our children that we care about them?

If we are falling short in any of these areas, Mr. Speaker, we are stomping all over the legacy of Dr. Martin Luther King, Jr. However, if we teach our kids right from wrong, spend time with them and encourage our kids to love others, we are keeping Dr. King's dream alive and, at the same time, preserving the American dream for our children, our children's children, and millions of new Americans to come.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to request of the gentleman from Florida?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 247

Whereas the life work of Dr. Martin Luther King, Jr., serves as an inspiration to all people who believe in justice, equality, and human rights;

Whereas Dr. King advanced his goals and principles with determination, faith, dignity, and courage in the face of life-threatening opposition;

Whereas Dr. King raised the consciousness of the Nation to fundamental injustices and inequalities in American society and moved the Nation significantly forward on the long and unfinished road to racial harmony and reconciliation;

Whereas the work of Dr. King created a basis of understanding and respect for individuals, communities, and the Nation as a whole, to act cooperatively and courageously to establish tolerance, justice, and equality among all people;

Whereas Dr. King's life and political philosophy advocated the need for men and women to strive to overcome oppression without resorting to violence;

Whereas Dr. King was the recipient of the 1964 Nobel Peace Prize for his unrelenting efforts to bring about social and racial justice;

Whereas Dr. King believed in, practiced, and urged others to achieve political change and social equality through nonviolent means and dedicated his life to achieving the goal of a fully integrated society;

Whereas there is still much work to be done in achieving full reconciliation among America's racial, social, and ethnic communities and in creating a colorblind society;

Whereas Dr. King's life was tragically ended on April 4, 1968, before completing his work and fulfilling his dream of a Nation where people are not judged by the color of their skin but by the content of their character; and

Whereas Dr. King's political philosophy and life's work shine as a guiding light for all people who would live peacefully together in freedom, both nationally and around the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the importance of the life and work of the Reverend Dr. Martin Luther King, Jr. to the civil society and freedoms of the United States of America;

(2) recognizes that Dr. King's life was tragically taken before the full achievement of his goals; and

(3) calls on the people of the United States to study, reflect on, and celebrate Dr. King's life and ideals in order to fulfill his dream of civil and human rights for all people.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 399

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of House Resolution 399.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DESIGNATION OF THE HONORABLE CONSTANCE A. MORELLA OR HONORABLE THOMAS M. DAVIS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 21, 1998

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 1, 1998.

I hereby designate the Honorable CONSTANCE A. MORELLA or, if not available to perform this duty, the Honorable THOMAS M. DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Tuesday, April 21, 1998.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

□ 2200

CORRECTING ENROLLMENT OF S. 419, BIRTH DEFECTS PREVENTION ACT OF 1997

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 87) to direct the Secretary of the Senate to make certain corrections in the enrollment of the Senate bill, S. 419, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, as Members recall, the House passed S. 419, the Birth Defects Prevention Act, on March 10, 1998. Since that time, we have become aware that certain corrections are required in the enrollment of the bill. This concurrent resolution directs the Secretary of the other body to make those changes. The concurrent resolution has been cleared with the Minority on the Commerce Committee, and I am not aware of any objection to its approval.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 87

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (S. 419) to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) In section 1 of the bill, strike "1997" and insert "1998".

(2) In section 2 of the bill:

(A) In subsection (d) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and insert "1999".

(B) In subsection (f) of section 317C of the Public Health Service Act (as proposed to be amended by such section 2) strike "1998" and all that follows through "2001" and insert "1999, $40,000,000 for fiscal year 2000, and such sums as may be necessary for each of the fiscal years 2001 and 2002".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, during Rollcall Vote No. 82 on H.R. 34 I inadvertently recorded my vote as yes when I intended to vote no.

PERMISSION FOR COMMITTEE ON EDUCATION AND THE WORKFORCE TO HAVE UNTIL 5 P.M. APRIL 20, 1998, TO FILE REPORT ON H.R. 6, HIGHER EDUCATION AMENDMENTS OF 1998

Mr. McKEON. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce may have until 5 p.m., April 20, 1998, to file a report on the bill, H.R. 6, the Higher Education Amendments of 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND THEIR REMARKS IN CONGRESSIONAL RECORD TODAY

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that for today all Members be permitted to extend their remarks and to include extraneous material in that section of the RECORD entitled extension of remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

AUTHORIZING THE SPEAKER, MAJORITY LEADER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, April 21, 1998, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 22, 1998

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 22, 1998.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF H.R. 3627, BROWNFIELD COMMUNITY EMPOWERMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I am proud to stand here today to outline the Brownfield Community Empowerment Act, H.R. 3627, which I introduced today along with my colleague the gentlewoman from Oregon (Ms. FURSE).

The Brownfield Community Empowerment Act will provide financial assistance to local governments and citizen organizations. Grants will be given to local governments and local citizens' organizations in the amount of $100 million for fiscal years 1999 through 2003. Thirty percent of this money will be made directly available to local citizens' organizations.

In addition, my legislation will establish a revolving loan program which will allow local governments to provide money to persons or entities who wish to develop potential Brownfield sites. This revolving loan fund will insure that development continues into the future.

Public housing entities, which have been overlooked when it comes to economic development, will be able to apply for grants. Twenty-five million dollars will be made available for fiscal years 1999 through 2001. Public housing developments are ofttimes in the most dire need of economic development. As a representative of one of the highest concentrations of public housing residents in the Nation, I feel it is incumbent upon me to address the needs of those who have been overlooked.

Community involvement is also vital to sustaining any community. When it comes to economic development, the need for the input of those who would be most directly effected is even more vital. The Community Empowerment Act will give voice to the citizens of each and every community. It will ensure that meaningful public participation not merely perfunctory gestures will occur. Local citizens' organizations will be given full participation in assessment, remediation and cleanup.

The voices of the masses must not ever be quelled. It is my hope that this legislation will raise those voices to octaves never heard before. This legislation will guarantee the local citizens' organizations will receive 30 percent of the grants.

The reality of life, whether we want to acknowledge it or not, is that those who have the least are often left out in the cold. Environmental justice is yet another principle my legislation will address. Low-income and historically disenfranchised areas will be given priority when it comes to the awarding of grants. In addition, cleanup methods must be cognizant of the needs of certain populations such as the elderly, children and persons with AIDS. Quick fix approaches will not do when it comes to cleaning up our environment. We must invest in the long term. We must invest in everyone's future.

Empowerment zones were once thought to be the vehicle that would restore prosperity to economically stagnant areas. In many communities across this Nation, such has not been the case. I recognize the need for these economically thriving areas. That is why empowerment zones and enterprise communities will be given priority in the awarding of grants. A viable and effective Brownfield program can breathe life into economically wounded communities.

Winston Churchill once said, and I quote:

"Some people regard private enterprise as a predatory tiger to be shot. Others see it as a cow they can milk. Not enough people see it as a healthy horse, pulling a sturdy wagon."

I say let the Brownfield Community Empowerment Program be one of the reins which guides the healthy horse, and let economic revitalization and opportunities be the load of the sturdy wagon.

INTRODUCING THE TOBACCO PROGRAM ADMINISTRATIVE REFORM ACT OF 1998

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Kentucky. Mr. Speaker, over the past year, with all the talk about a global tobacco settlement, tobacco farm families are very worried about their future. Mr. Speaker, I cannot predict at this point whether efforts to craft a settlement will be successful, but if and when the House addresses comprehensive tobacco legislation I will stand ready to ensure that our tobacco farmers are protected. I will stand, and I have listened carefully to my farmers and worked hard to formulate proposals that are fair and reflect their wishes. That may very well mean that we look for ways to provide a transition away from the current way of doing things, provided farmers are compensated in a fair and equitable way.

In the meantime, though, we have a responsibility to ensure the continuation of the tobacco program that our farmers have relied on for so many years. Some have suggested that the taxpayer subsidizes the Federal tobacco program. I strongly disagree, because the budget deficit assessment paid by the tobacco growers and companies more than offsets the costs incurred by the USDA in the operation of the tobacco program, and we know what the tobacco taxes contribute to the coffers of the Federal Treasury.

However, Mr. Speaker, to address these arguments I am introducing the Tobacco Program Administrative Reform Act of 1998. My proposed legislation will require current Federal expenditures for tobacco crop insurance, extension services, and the administration of the price support and quota programs to be funded by additional assessments on tobacco product manufacturers and importers.

So let me be very clear, Mr. Speaker, we may very well need to think about a new direction for our tobacco farmers beyond the status quo. But there should be no confusion that the tobacco program has served our farmers ably, and for many rural counties it is the life blood of their economies. In the absence of comprehensive tobacco legislation, we must take every step to protect our farmers by maintaining the current tobacco program.

APPOINTMENT OF CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

The SPEAKER pro tempore. Without objection, and pursuant to the order of the House today, the Chair appoints the following conferees on H.R. 2400, effective upon receipt of the proper message from the Senate:

For consideration of the House bill (except title XI) and the Senate amendment (except title VI), and modifications committed to conference:

Messrs. SHUSTER,
YOUNG of Alaska,
PETRI,
BOEHLERT,
KIM,
HORN,
Mrs. FOWLER, and
Messrs. BAKER,
NEY,
METCALF,
OBERSTAR,
RAHALL,
BORSKI,
LIPINSKI,
WISE,
CLYBURN,
FILNER and
MCGOVERN.

There was no objection.

The SPEAKER pro tempore. The Chair will announce the appointment of additional conferees at a subsequent time.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 257. Concurrent Resolution providing for an Adjournment of both Houses.

HONORING KENTUCKY COACH ORLANDO "TUBBY" SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I rise today to pay tribute to the University of Kentucky's men's basketball coach Orlando "Tubby" Smith. Let me first point out my allegiance continues to be to the Terrapins of the University of Maryland, as I am sure our Speaker pro tempore's does to the University of Kansas, Roy Williams. But I wanted to take this opportunity to comment on how proud I am of the accomplishments of Tubby Smith in taking the Wildcats of Kentucky to victory and winning Monday's NCAA National Championship in San Antonio, Texas.

Mr. Speaker, I want all of my colleagues to know, particularly the good gentleman from Kentucky, that Tubby Smith comes from my district, Scotland, Maryland, a rural area near Point Lookout where the Chesapeake Bay meets the Potomac River. This community, as you could imagine, now bursts with pride for its native son Tubby Smith, and I am proud to join them in saluting the accomplishments of this distinguished resident.

Tubby Smith was born to Mr. and Mrs. Guffrie and Parthenia Smith 46 years ago, as the 6th eldest child of 17 on a tenant farm in St. Mary's County, Maryland. Guffrie Smith, Sr. held 3 jobs, driving school buses, cutting hair, and firing boilers at the Patuxent River Naval Air Station, to support his family. He and his wife still live today in the five-bedroom home he built on five acres in St. Mary's County.

As to Tubby Smith, after scoring over 3,000 points for the Great Mills High School basketball team, Tubby attended High Point College in North Carolina on a scholarship.

□ 2215

He began his coaching career at his alma mater, Great Mills High School, in 1973, and then worked stints as an assistant coach at Virginia Commonwealth and South Carolina. Smith then served under the leadership of Coach Rick Pitino from 1989 to 1991 as an assistant coach at Kentucky University.

His first collegiate head coaching job was with Tulsa University, combining a record of 79–43, while making two NCAA appearances in the Sweet 16. From there, Mr. Speaker, he became the first Georgia State coach to record back-to-back 20 victory seasons.

Then, in May 1997, he was named to replace the legendary Rick Pitino as the head coach of one of the most successful NCAA basketball programs in the country at the University of Kentucky.

Kentucky's Athletic Director Newton learned what Tubby's family and friends also knew, that Tubby would be respected for his outstanding coaching rather than simply as the program's first African-American coach.

In Saint Mary's County, those who know the Smith family are not at all surprised by Tubby's extraordinary accomplishments. They will tell you a heartwarming story of an incredible mother and father who have raised 17 great citizens, who were taught hard work, discipline and the value of good education.

Tubby's accomplishments remind me of the words spoken by Booker T. Washington, who said, "I have learned that success is to be measured not so much by the position one reached in life as by the obstacles which he has overcome while trying to succeed."

Mr. Speaker, it is a privilege to share with you some of the pride that the Southern Maryland community has for Tubby Smith and for his family. It is important to learn Tubby's outlook on life, and I quote: "To never forget where you came from, never forget who you are, and never forget where you are heading."

I ask all of my colleagues to join with me in congratulating Coach Smith and the Kentucky men's basketball national championship.

REACHING A BALANCED AGREEMENT ON TOBACCO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. HOYER) for those kind words of tribute to the Kentucky basketball coach, Tubby Smith. All of us from Kentucky are certainly quite proud of his accomplishments in his first year as the head coach of the University of Kentucky, and he certainly demonstrated the type of leadership and character that are so important to young men and women at the University of Kentucky. It makes us even more proud to know that he is from the State of Maryland.

I want to thank the gentleman for those kind remarks for our basketball coach at the University of Kentucky.

I also would like to point out that this afternoon I had the opportunity to visit with six high school students who came to my office to talk about some issues facing young men and women today. As we had our discussion, they pointed out that some of their greatest concerns on issues facing young people today were: One, teenage pregnancy; and two, the use of illegal drugs.

I found that quite informative, because over the last 6 or 7 months, our President of the United States, our Vice President, Mr. David Kessler and others have placed great emphasis and have drawn attention to the fact that tobacco and the use of tobacco products by young people may be one of the most serious issues facing young people. Yet, in my discussions with these young people today from Kentucky and other young people throughout my district, none of them really talk about the use of tobacco products as one of the major problems facing young people today.

As I listen to the debate on this tobacco issue and the universal tobacco settlement over on the Senate side, and as I have read the universal settlement agreement between the tobacco companies and the State Attorneys General, it has really caused me to do a lot of thinking about this issue. All of us recognize the importance of doing everything possible to prevent young people from using tobacco products, and that is why 50 States already prohibit the sale of tobacco products to young people throughout this country.

Yet in spite of that, the real issue in this universal tobacco settlement seems now to me to come down to be a matter of money. In the settlement agreement, the tobacco companies agreed that they would pay $368 billion every 25 years forever to reach this settlement, and, in exchange, they agreed that any individual would be able to bring a lawsuit against the tobacco companies to recover any damages suffered by using tobacco products; that those individuals would have that right to bring these lawsuits forever. The only immunity that the tobacco companies asked for in exchange for $368 billion every 25 years forever was to simply settle the class lawsuits and the lawsuits filed by the States in these innovative legal theories, that were filed by the States to reimburse the States for Medicaid costs that the States incurred by individuals who voluntarily used tobacco products.

But as I look into this more and more, it seems that this issue is much broader than simply teenage smoking, because there are hundreds of thousands of individuals and their children who depend upon the tobacco product for their livelihood, for the education of their children, to take care of their families. As a matter of fact, there are 140,000 farm families in the United States alone that grow this product.

This discussion talks only about teenage smoking, and yet we are not giving any consideration to the impact, the economic impact, that this settlement can have on these hundreds of thousands of families who depend upon this product for their livelihood.

As I listen to the Senate debate, I am quite discouraged that more and more it seems to be a matter of wanting to punish an industry, to provide punitive damages against an industry that has grown and processed a legal crop, a crop that has been legal in America since Jamestown; a crop that, if you walk around the Capitol of the United States, you will see tobacco leaves at strategic points in this Capitol, a crop that has provided valuable economic interests to our Nation.

I would simply say as we continue our debate on the tobacco settlement, let us not forget the economic impact that this is going to have on farmers, workers, and many other people. I think we have a unique opportunity to reach a balanced agreement.

TRIBUTE TO THE LATE HONORABLE BELLA ABZUG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise with sadness to express my personal condolence to the family of the late Bella Abzug.

Bella Abzug came to Congress in 1970. I had been elected 5 years previously. We quickly became very close friends and collaborators. Despite the fact that we came from very different backgrounds and from opposite corners of this country, our concerns were the same. I had been fighting against the Vietnam War for 5 years. The few of us who opposed the war at that time had tried every parliamentary maneuver we could think of to end the war. Clearly, after 5 years we were exhausted and our struggles to turn the Nation's policies around needed help.

Bella's election to Congress gave us fresh vigor and new momentum. She was a tireless, relentless advocate for peace. From the moment she was sworn into office, she made her voice heard and fought with all her might and power to get this country out of the war in Vietnam.

She knew that she was effective and she knew that her voice made a difference.

Just as Bella fought for peace, she also fought for equality and justice. With all her heart and soul, she stood for the rights of the poor to be heard. She pushed her way to assure the poor a voice in the deliberations of the Congress. She was their voice, and they loved her for her commitment to their plight.

Justice was for Bella the right to earn a decent living and the right to be able to provide for your family. She fought against discrimination and championed the cause of equality for women. No one I know did more for women than Bella. Her life was given to that cause. No matter where she went, everyone knew by her presence that she was their voice for equality and for justice.

She challenged the conscience of America to prove its worth as a society by permitting women to claim their place as full and equal citizens. Bella's best efforts were in building networks and forging coalitions. She forced people to forget their turf wars and to work together for the greater good. Even after she left Congress, she continued in this work.

She organized huge demonstrations for abortion rights, for equal rights, for child care, for food for the hungry and for the AIDS programs. She led international conferences and taught women everywhere how their combined voices could make important changes in their lives.

When formal government conferences were convened, she called nongovernmental women together for massive counter-conferences. She angered Presidents by challenging them to do better for women, for the poor and the oppressed minorities. I counted Bella as one of my closest friends. We counseled together on many occasions, even after we both left Congress in 1976. We looked to each other for support and comfort in a world that seldom understood nor cared to understand women and politics. We knew that by joining together on many fronts, that we could double the volume of our voices so that no one could miss the message we wanted to convey.

Bella was a deeply caring and sensitive human being. She always asked about your family when she met you. She worried about my daughter when she was hurt in an automobile accident. She was always thoughtful and generous in her personal relationships.

She taught me chutzpah, an important tool to make sure you are not pushed to the back of the bus. She challenged regular order and paved the way for all women to be heard.

Women today who have a place at the table have Bella Abzug to thank. Without Bella, we would be years behind. When women's history is finally written, I am certain that Bella's life will be among the most celebrated.

Mr. Speaker, I include for the RECORD the following information about Bella Abzug.

BELLA ABZUG

b. 1920

American lawyer and politician

"Women have been trained to speak softly and carry a lipstick. Those days are over."

INTRODUCTION

Bella Abzug was elected to the U.S. House of Representatives after a long career as a labor lawyer, civil-liberties advocate, and peace activist. During the time she served in Congress she challenged congressional decorum by bluntly denouncing her male colleagues as a privileged elite of white, middle-aged men who were out of touch with the needs and aspirations of most Americans. Abzug was among the most vocal members of congress demanding an immediate withdrawal of American military forces from Indochina during the Vietnam conflict in the 1970s. She also took strong positions in favor of women's and minority rights and federal aid to cities.

Abzug was born Bella Savitsky on July 24, 1920, the daughter of Emanuel and Esther Savitsky. Her father was a butcher in New York City. In 1942 she graduated from Hunter College in New York with a bachelor of arts degree. Two years later she married Maurice Abzug, a stockbroker and novelist, with whom she had two daughters. After earning a law degree from Columbia University in New York in 1947, she practiced law privately for 23 years, until she was elected to the U.S. House of Representatives.

FLAMBOYANT CONGRESSWOMAN

During her two terms in Congress (1970–74) Abzug served on the committee on public works and transportation and was chair of the subcommittee on government information and individual rights. She was also assistant Democratic whip to Speaker Thomas P. O'Neill, Jr. Soon after Abzug reached the floor of Congress she became a highly visible, flamboyant figure, with her trademark wide-brimmed hats and feisty manner. While her strongly worded, forthright speeches had great popular appeal, her political allies often believed her personal style detracted from their cause. Abzug was criticized for preferring to make headlines on her own instead of negotiating and compromising to pass legislation. But the New York Democrat earned increasing respect from her colleagues over the years while remaining true to her political vision.

In her capacity as chair of the House subcommittee on government information and individual rights, Abzug conducted inquiries on covert and illegal activities by agencies of the federal government. She helped produce the "Government in the Sunshine" law, which gave the public greater access to government records. Abzug co-founded the National Women's Political Caucus in 1971 and authored numerous bills intended to prevent sex discrimination and improve the status of women. On local issues she devoted much of her time to securing federal funds for New York City during the city's fiscal crisis in the mid-1970s. In 1972 she wrote "Bella! Ms. Abzug Goes to Washington," an account of her experiences as a congresswoman.

RETURNS TO LAW PRACTICE

Abzug gave up her congressional seat in 1976 to seek the New York Democratic party nomination for the U.S. Senate, narrowly losing the race to Daniel Patrick Moynihan. She went on to run unsuccessfully for mayor of New York City in 1977 and for a congressional seat representing the East Side of Manhattan in 1978. Political analysts attributed these losses to her confrontational image and the conservative nature of the electorate. President Jimmy Carter appointed Abzug co-chair of the National Advisory Committee for Women. Carter dismissed her in 1979 after the committee issued a report criticizing the president's decision to cut funding for women's programs. She then returned to her legal practice. Abzug remained in the public eye, however, as a lecturer, television news commentator, and magazine columnist. She was also an executive for women's organizations, including Women-USA, a grass-roots political action organization, and the Women's Foreign Policy Council.

WRITES BOOK ON "GENDER GAP"

Abzug drew on her decades-long leadership experience in the women's movement to write "Gender Gap: Abzug's Guide to Political Power for Women," which was published in 1984. With co-author Mim Kelber, Abzug examined the possible causes and political consequences of the "gender gap," the wide disparity in voting patterns between men and women noticed in some American elections. In the 1980 presidential election, for instance, many more women than men voted to reelect Carter, and the gender gap made the difference in a number of elections for state governors later in the decade. Although statisticians have had trouble identifying the specific political differences that may separate the sexes at the ballot box, Abzug credits the feminist movement for encouraging women's independence.

BECOMES ENVIRONMENTAL ADVOCATE

In her book Abzug also outlined a range of political, social, and economic issues on which women can have an impact. Among them is the environment, an area in which Abzug herself became active in the early 1990s. Appointed as special adviser to the Secretary-General of the United Nations Conference on Environment and Development (UNCED), she became a leading advocate of environmental security and a more economically just world. In 1991 she was an organizer of the Women's Congress for a healthy Planet as part of the Earth Summit sponsored by the United Nations in Rio de Janeiro, Brazil. The congress issued the "Action Agenda for the Twenty-first Century," which challenged men and women to work together for a "safe and sustainable future." Abzug identified a particular role—and a higher degree of freedom—for women in cleaning up "the mess" that has been made throughout the world: "I believe women will bring a new vision, with new perspectives as to how and what to change," she told an interviewed. "It's easier with women because they are not part of what has taken place. They aren't totally unshackled, not only by lack of ownership but by lack of involvement in decisions to date. They are freer and more independent."

HONORARY CHAIR BELLA ABZUG: A WOMAN OF STRENGTH

The 20th Anniversary Celebration of the Spirit of Houston will kick off amidst memories of the 1977 Houston Conference, which attracted 20,000 men and women, and visions of the 21st Century. The National Women's Conference has named the Honorable Bella S. Abzug, former Congresswoman, current President of the Women in Environment and Development (WEDO), guide and mentor to women worldwide, to serve as Honorary Chair of the 20th Anniversary Celebration. The Conference will be held in Washington, D.C. at the Georgetown University Conference Center November 20–23, 1997.

Ms. Abzug maintains an unwavering struggle for a world where women participate fully and equally in all aspects of life. She works tirelessly to give voice and visibility to women worldwide by forging links and partnerships at every level. Abzug encourages women to achieve equality through economic, social and political empowerment.

While serving in the United States Congress representing New York, Congresswoman Abzug introduced a bill in 1975 proposing that a national women's conference be held as part of the Bicentennial celebration and other women members of the House of Representatives united with her to work toward the adoption of the legislation. Under the onslaught of this determined group, Public Law 94–167 passed in the House on December 10, 1975 and by the Senate on December 23, 1975.

Public Law 94–167 directed a 42-member National Commission, presided over by Bella Abzug, to convene a National Women's Conference, preceded by state and regional meetings. The mandate read in part: ". . . The Conference shall . . . recognize the contributions of women to the development of our country . . . assess the role of women in economic, social, cultural and political development . . . identify barriers that prevent women from participating fully and equally in all aspects of national life and develop recommendations for means by which such barriers can be removed. . . ." Although it amounted to less than one nickel for each female in the country, Congress appropriated $5 million to carry forth the mandate of the Public Law. But women know how to "make do", and Bella Abzug led the nation's women in that effort.

After a year of hard work and devotion to the task, Presiding Officer Bella Abzug stood at the podium on November 19, 1977 and extended a welcome to three First Ladies, whose sheer presence was more moving than anyone would have imagined. First Ladies Rosalynn Carter, Betty Ford and Lady Bird Johnson expelled any notion that they were ceremonial wives. They said they were women who could speak for themselves. Lady Bird Johnson said she had come to believe that the women's movement belongs to women of all ages.

Ms. Abzug was a key organizer at the Fourth World Conference on Women held in Beijing in 1995. During the Conference, she received numerous awards and accolades that recognized her many contributions. Prior to the Beijing Conference, in 1994, she was inducted into the National Women's Hall of Fame in Seneca Falls, New York where the first women's rights meeting was held in 1848.

Bella Abzug is a civil rights attorney and has earned recognition as a leading women's rights advocate and public speaker. She is the founder of WEDO, an international network with consultative status at the United Nations. WEDO networks organize women's caucus meetings at major international conferences of particular concern to women.

Bella S. Abzug, one of the most admired women of America, honors the 20th Anniversary Celebration of the Spirit of Houston and the National Women's Conference by her presence and her acceptance of the role of Honorary Chair.

Information on the 20th Anniversary Celebration, including Conference and hotel registration forms, can be obtained at the NWC Web site.

CONTRACT WITH WOMEN OF THE USA

(By Bella Abzug)

The downsizing of women off the national political agenda is being challenged in a new and exciting campaign. The "Contract with Women of the USA" is gathering momentum across the country.

Even though we are a majority of the U.S. population, women are being attacked, trivialized and ignored in much of the current political debates. Modest gains that we have won in years of struggle are in jeopardy. The time has come to put women's needs and concerns up front, in actions as well as words.

Initiated by the Women's Environment and Development Organization, of which I am a co-founder, and the Center for Women Policy Studies, the Contract campaign is endorsed by growing numbers of women's organizations, women members of Congress, state legislators and others. Our target is a thousand endorsements by this fall. Even more important, the Contract provides a flexible organizing and advocacy vehicle for addressing state and local issues of importance to women.

Women state legislators are taking the lead in supporting the Contract and working with women and other public sector groups to develop their own state contracts. Kicking off the campaign on International Women's Day on March 7th were women legislators in Arizona, California, Iowa, Maryland, Minnesota and New York.

Newt Gingrich's "Contract with America" has run into stalemate and massive rejection by the American people. Our "Contract with Women of the USA" reflects the realities of American women's lives in all our family, economic, political, social, racial, age, religious and educational diversity. It offers an alternative and unifying vision in which women and men work together on an equal basis for our mutual benefit.

The 12 principles and action commitments in our Contract are based on the Platform for Action, approved by consensus last September at the U.N. Fourth World Conference on Women by the United States and 188 other governments, as well as by 30,000 nongovernmental women, including 7,000 from our country.

The dozen commitments outlined in the "Contract with Women of the USA" call for economic, social and political equality for women; access to affordable health care and reproductive rights; an end to discrimination and violence against women; continuation of social safety nets for poor women and children; inclusion of women in peace-making; educational opportunities for women; and mechanisms to monitor and further women's gains.

Women legislators in the six kickoff states have signed on to the Contract. Similar actions are being planned in other states. We welcome the support of women legislators and activists throughout the country and urge them to join us in this important effort.

NO-FEE POST OFFICE BOXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 5 minutes.

Mr. BEREUTER. Mr. Speaker, after nearly 20 years of effort, I have a victory to announce: Since I came to the Congress in 1979, my constituents in small Nebraska communities and Americans like them throughout our Nation have sought relief from the injustice of having to pay Post Office box rental fees because the U.S. Postal Service did not provide delivery to their homes. They came to the post office to pick up their mail because they had no home delivery, and they paid box rent for the privilege of doing so.

Incredibly and unfairly, they paid box rent while saving the U.S. Postal Service the cost of providing home delivery, which is provided free to urban residents and those living in the countryside. Can you believe it?

Well, finally, Mr. Speaker, that has changed. This afternoon I was notified by the U.S. Postal Service that effective April 5, 1998, throughout the United States, eligibility for no-fee post office boxes finally will be extended to those citizens living in small towns without home delivery whose residences or businesses are within the immediate vicinity of the post office and who, therefore, are ineligible for delivery service.

□ 2230

See the Federal Register, March 27, 1998, page 14820, for the details.

In the parlance I have learned as a lonely Member fighting this inequity over the years for small town America, effective April 5, there is no more quarter mile rule. Those Americans will now have free box rent for a normal-sized box. The costs are gone at last.

I congratulate the U.S. Postal Service for making the right decision.

TRIBUTE TO THE FAMILY OF RON BROWN, AND IN RECOGNITION OF DR. MARTIN LUTHER KING

The SPEAKER pro tempore (Mr. NUSSLE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. This evening, Mr. Speaker, I will not take all of my time, but I wanted to pay tribute to the Ron Brown family, Alma, Tracey, and Michael. This evening Tracey Brown, the daughter of our former Secretary of Commerce, Ron Brown, had the book signing for her personal tribute to her father. I believe that there is no greater tribute than that a child can give to a parent.

Certainly as we reflect on what this government means and the idea of public service, we certainly recognize that former Secretary Ron Brown was that kind of public servant: a giant, gentle, strong, persevering.

As I looked around the room where the book signing occurred, I saw so many diverse faces, people from all walks of life; people who had no personal stake in their presence this evening, other than to pay particular tribute to a man who was unselfish in his giving, in his love of his country.

It was interesting to see my colleague, the gentleman from Massachusetts (Mr. DELAHUNT), who indicated that he had attended college with Ron Brown and is noted in the book.

It is not often we have time to thank family members and to again say how sorry we are that we lost such a patriot, such a contributor to the process of government. But to Tracey Brown and her family, I would like to thank them so very much for persevering, staying steady, and continuing to love our country.

We are very privileged to have Mrs. Brown, who continues to stand as an example of a family that has given so much.

To Tracey, my hat is off to her for the singular purpose of this last year of writing about her father.

At the same time, Mr. Speaker, if I might, I will add my recognition and special feeling about the 30th anniversary or commemoration of the assassination of Dr. Martin Luther King. It is important in this time, when we spend so much time using and reusing the words and the beliefs of Dr. King.

Sometimes they are used in ways that I think are not befitting both his image, his message, and his leadership, for too often on the floor of this House I have heard so many cite Dr. King's message about a color-blind society, or being judged by your character, not the color of your skin, to raise legislation to eliminate opportunity for minorities and women.

Often when we are debating the question of totally eliminating affirmative action for women and minorities in this country, after acknowledging just recently that discrimination is still a very harsh part of American society, I will hear those rising to the floor, commentators and others, citing the words of Dr. Martin Luther King.

I would like to think of Dr. King as a gentle spirit, one who knew the importance of nonviolence as opposed to violence, but he was a serious, straightforward gentleman. He always spoke his mind. You never had to think about what he was saying.

I think in all instances he asked us as Americans to be truthful, to accept the truth, to acknowledge the truth, and not to run away from the truth. Racism does exist in this Nation, and it is for us, as Americans, to work together to live in harmony. I think Dr. King would want us to do that.

So the anniversary of his assassination is not a time of sadness, but commemoration and commitment to the fact that each of us will try to overcome the devastation of racism and the fact that we isolate ourselves from other groups. President Clinton's recent visit to Africa, now almost finished, should signal the importance of Americans reaching out to all diverse groups.

Dr. King would be smiling, and he would hope that as we debate issues of national prominence, as we speak around this country, Dr. King would want us to use his words in truth and to recognize that what he wants for this Nation is equal opportunity for all. Until that date comes, I can imagine Dr. King somewhere continuing his fight, his oration, his speech, his nonviolent way, but never giving up until there is racial harmony in this Nation.

COMMENDING DR. AND MRS. SHELTON H. SHORT, III, FOR ESTABLISHMENT OF SCHOLARSHIP FUND AT RANDOLPH-MACON COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. GOODE) is recognized for 5 minutes.

Mr. GOODE. Mr. Speaker, I rise this evening to commend Dr. and Mrs. Shelton H. Short, III, of Clarksville, Virginia, for establishing a $100,000 permanent scholarship fund at Randolph-Macon College in honor of Dr. Short's late father. The scholarship fund is designed to assist students from Boydton, Virginia, the first site of Randolph-Macon College, as well as students from surrounding communities.

Dr. Short and his wife Jean are distinguished citizens and active participants in their community in Mecklenburg, Virginia. Their families contributed in significant ways to that community, the Commonwealth of Virginia, and the Nation over the course of at least 2 centuries.

Indeed, Dr. Short is a descendent of the late Congressman William O. Goode, who served in the body from 1841 to 1843 and from 1853 to 1859. Although I am not privileged to be a relative of the former congressman, he was a prominent Virginian who served as Speaker of the Virginia House of Delegates and wrote the original charter of Randolph-Macon College.

Shelton and Jean Short are to be applauded for their generosity and their commitment to the education of young men and women at Randolph-Macon college, an institution of higher learning on which their family has had such a significant and tremendous impact.

Mr. Speaker, I include for the RECORD the article from the May 21 issue of the Mecklenburg Sun.

The article referred to follows:

SCHOLARSHIP EMPHASIZES R-MC TIES TO BOYDTON

BOYDTON.—A Clarksville couple has honored the memory of the late Shelton Hardaway Short, Jr. by establishing a $100,000 permanent scholarship fund to Randolph-Macon College in his honor.

As benefactors of the scholarship, Shelton H. Short, III and his Jean were center stage at a ceremony Wednesday night in Boydton announcing the fund. They were joined by Dr. Ladell Payne, president of Randolph-Macon College in Ashland, local elected officials and about 100 onlookers at the Mecklenburg County Courthouse.

The scholarship is designed to reward deserving college students from Boydton who will serve as ambassadors of the college's roots in Boydton. If no eligible students apply from the town, the scholarship will go to students in Mecklenburg, Brunswick and other surrounding counties. The gift is meant to underscore the historic ties between Randolph-Macon, which was founded in Boydton, and Southside Virginia.

In remarks to the audience, Short noted that his father "would be pleased that the scholarship given in his name would bring closer the links between Randolph-Macon as it was in its founding home of Boydton in 1930, with Randolph-Macon of today and tomorrow in Hanover County, Virginia." Short also said his father would wish "that the recipient of the Boydton scholarship consider himself or herself as a goodwill ambassador representing Boydton, Southside Virginia" and surrounding areas.

According to Short, the criteria for winning the scholarship will go beyond academic and extracurricular achievements and address the character of potential applicants. The newly-endowed award is need based and will go to academically promising students in Boydton and surrounding areas.

Applicants "should consider making straight A's in good manners, a neat appearance and helpfulness to others as well as classwork," said Short. "To me straight A's in Greek or geometry are meaningless without good manners and a sincere desire to help others."

"We would ask the town fathers and town mothers of our area, and especially Boydton, to impress upon the winner the necessity of being a goodwill ambassador for Boydton, Randolph-Macon College's place of birth. What the student does will reflect back upon Boydton—good or otherwise."

Short said Boydton students would be the first choice for the scholarship, followed by students in the rest of Mecklenburg County and Brunswick County. Other areas included in the scholarship's territory are Granville, Halifax, Vance and Warren Counties in North Carolina, and Charlotte, Dinwiddie, Greensville, Halifax, Lunenburg and Nottoway Counties in Virginia. Students from the North Carolina counties of Mecklenburg and Brunswick will also be eligible, Short said.

Short described his father, Shelton Hardaway Short, III as a "modest gentleman" who loved Randolph-Macon College. "He loved the original town of Randolph-Macon's birthplace—Boydton—as well as Randolph-Macon's present and future locality, Ashland. Shelton H. Short, Jr. dedicated, designed and donated the official flag for Randolph-Macon in 1968 and used as a centerpiece for the College's ensign a photo of the central structure of Randolph-Macon as it stood in Boydton in the 1930s."

At age 16, Shelton H. Short, Jr. left home in Brunswick County, Va. to enroll at Randolph-Macon in Ashland. His education there was interrupted by World War I, and he volunteered for the U.S. Army infantry as a teenager. After being assigned to training school at Virginia Military Institute, Short went to Plattsburg, N.Y. and was commissioned as a second lieutenant. When the war ended, he returned to R-MC and graduated as a member of the Class of 1919 with a bachelor's of art degree.

After volunteering for the Army in World War I, Short returned to the military at the age of 43 to serve his country during World War II. He became a major in the U.S. Marine Corps and served in the reserves after the surrender of Germany and Japan in 1945.

At Randolph-Macon, his volunteer spirit and energy were readily apparent—he was President of the Cotillion Club, an officer in Kappa Alpha, and centerfielder for the Yellow Jackets baseball team, even playing the day Babe Ruth and the Boston Red Sox played the Yellow Jackets in an exhibition game. After completing his degree, he turned his attention to the local business community, serving as president of Jeffreys Motor Company in Chase City and chairman of the Board of Trustees of Jeffreys-Spaulding Manufacturing Company and of Jeffreys-McElrath Manufacturing.

He also owned and operated several farms and was a prominent tobacco and tree farmer. He was director of Jeffreys Lumber, Inc., Home Telegraph and Telephone and Virginia Forestry, among other companies. In addition, he served for 4 years as a director of Peoples Bank and Trust Co. and its successor, Fidelity American Bank and Central Fidelity, all in Chase City.

Short also worked to better the community by serving on the Mecklenburg School Board and the Town Council of Chase City. He served in the Virginia House of Delegates from Mecklenburg County and served on the Virginia Economic Development Commission under three governors. A life-long member of the Methodist Church, he served on the Chase City Centenary United Methodist Church Board of Stewards for much of his adult life. He was also a Trustee of the former Blackstone College for Women.

The first winner of the Honorable Shelton H. Short, Jr. Scholarship will be announced in the fall, said Dr. Payne, R-MC President. The scholarship will reinvigorate the ties between Boydton and the college, he noted.

INTRODUCTION OF THE CAPITAL GAINS TAX SIMPLIFICATION ACT OF 1998

Mr. COYNE. Mr. Speaker, I rise today to introduce the "Capital Gains Tax Simplification Act of 1998." This legislation would simplify the computation of capital gains taxes for all individual taxpayers. The bill would also provide modest capital gains tax reductions for millions of Americans.

I am sure that many of you have received complaints from a number of your constituents about the overly complex capital gains form—Schedule D—that they have to fill out as part of their 1997 Federal income tax returns. Their complaints are justified. Schedule D is long and complex—and it is very easy to make a mistake in filling out this form. Moreover, if nothing is done to fix this problem, Schedule D will get even more complex and burdensome in the coming years. The Capital Gains Tax Simplification Act of 1998 would solve the capital gains complexity problem once and for all.

The capital gains treatment provided in the Capital Gains Tax Simplification Act of 1998 is so simple that the substance of the bill can be stated in one short, easily understandable sentence: "If for any taxable year a taxpayer other than a corporation has a net capital gain, 40 percent of such gain shall be a deduction from gross income." In contrast, the Technical Corrections Act that passed the House last year contained 12 pages of detailed statutory language to describe the current complicated scheme for taxation of capital gains.

The time is long overdue for Congress to begin simplifying our tax laws. The capital gains provisions are a good place to start. The current capital gains schedule and the underlying rules for taxation of capital gains are unnecessarily complex. Regardless of one's views about capital gains taxes, I think that most of us would agree that a revenue-neutral simplification of the capital gains tax provisions is much-needed.

Current law imposes a significant burden on taxpayers who have capital gains. The IRS estimates that a typical taxpayer with a capital gain will spend 5 hours and 20 minutes filling out his or her capital gains tax form. This is two hours more than in 1994. Moreover, the chances of making an effort in filing out this complicated, 54-line form are fairly high.

As a member of the National Commission on Restructuring the Internal Revenue Service, I supported the Commission's recommendation to pursue simplification at every possible opportunity. As the Ranking Member on the Ways and Means Oversight Subcommittee, I am well aware of the need for tax simplification. We need to make the tax code less complex—and less burdensome—for the American taxpayer. The Capital Gains Tax Simplification Act of 1998 would go a long way toward meeting that goal.

This bill embodies simplification in the clearest and strongest sense of the word. The bill would replace a lengthy, complex provision with a simple, equitable solution. It would shorten and simplify the tax code, and—more importantly—it would shorten and simplify the process that millions of taxpayers must go through when filing out their annual income tax returns.

Now is the time to act, not next year or the next. Last year, in the House-passed IRS restructuring bill (H.R. 2676), the House and the Ways and Means Committee supported the IRS Restructuring Commission's view that the tax laws should be simplified wherever, and however, possible. My bill would do exactly that.

The IRS restructuring bill would also mandate that, for tax legislation considered by the tax-writing committees after January 1, 1998, a "tax complexity analysis" be provided by the Joint Committee on Taxation to ensure that tax provisions brought before the Congress enhance simplification and eliminate complexity. Had this "tax complexity analysis" law been in effect during consideration of the 1997 Taxpayer Relief Act, the capital gains provisions in that bill would have failed the test miserably. I believe that, in contrast, a "tax complexity analysis" of my bill would be extraordinarily positive. How could it be otherwise, when my bill would eliminate the requirement to fill out Schedule D for most capital gains recipients and replace it with a single line on the 1040 form?

What happened to make the current-law calculation of capital gains taxes so complex? The answer is simple. The 1997 taxpayer Relief Act created a confusing array of capital gains tax rates.

As a result, the law provides for five different rates that can apply to the capital gains of an individual—10 percent, 15 percent, 20 percent, 25 percent, and 28 percent. I have attached a copy of the new 1997 capital gains tax computation schedule—Schedule D—to my statement to demonstrate the capital gains tax provisions' extraordinary complexity.

An additional tax rate category is scheduled to take effect in the year 2001, and another tax rate category will take effect in 2006. The forms required to accommodate these additional rate categories will add significant additional complexity to the filing process for millions of taxpayers. After those provisions take effect, the 1997 Schedule D will look simple in comparison. Moreover, under current law, a growing number of taxpayers will have to fill out the capital gains form twice in the coming years—once for the regular tax, and once for the alternative minimum tax. If you think tax filers are angry and frustrated now, just wait a few years.

The worst aspect of current law is that its complexity falls hardest on low- and moderate-income taxpayers whose only capital investments are in mutual funds. They aren't wealthy people; they don't have their own accountants. They are the people who usually fill out their tax returns themselves. And they have to fill out that confusing, error-prone Schedule D themselves. Under the bill I am introducing today, those taxpayers would not have to fill out a separate capital gains tax form at all. They would simply include 60 percent of their total capital gains distributions on the appropriate line of their tax returns. Taxpayers with other sources of capital gains would still have to report these gains on Schedule D or its equivalent, but even they would no longer have to complete the roughly 35 lines of calculations on page 2 of Schedule D to figure out their taxes; they would simply figure out their net capital gains using Schedule D and then include 60 percent of that amount on the appropriate line of their tax return.

It has been said in recent days that much of the complexity associated with the capital gains tax could be eliminated by eliminating the new 18-month holding period requirement. This is just not true. Simply repealing the 18-month holding period requirement would not eliminate any part of the current complex capital gains schedule. The only way to get true simplification of the capital gains provisions enacted last year is to enact a simplification proposal like the one in my bill—that is, to provide a one-year holding period requirement for all capital assets, and to permit depreciation recapture gains on real estate to receive the full benefit of the capital gains tax reduction.

It is my understanding that the bill would be revenue neutral. The bill's simple 40-percent exclusion for capital gains can be substituted for the confusing array of capital gains tax rates under current law at no cost to the Federal Government. As I mentioned earlier, simplifying the computation of capital gains taxes for all individual taxpayers along these lines would also provide modest capital gains tax reductions for nearly all individuals with capital gains income. I have attached a chart which shows the impact of my legislation on the capital gains tax rates that individuals would pay. Most capital gains filers—over 11 million households—would see their capital gains rates drop by several percentage points. The bill is expected to impose modest capital gains tax increases on some of the 1½ million wealthiest taxpayers in the country—those households with incomes of more than $200,000 per year—but it is my understanding that even many of these taxpayers would receive modest tax reductions under this bill. This is not a big price to pay for eliminating some of the extraordinary complexity from the tax code.

Many of my Democratic colleagues on the Ways and Means Committee—including Representatives RANGEL, STARK, MATSUI, KENNELLY, MCDERMOTT, LEWIS, NEAL, and BECERRA—are original cosponsors of this legislation. I urge my other colleagues to join me in cosponsoring this capital gains simplification bill.

CHANGES IN CAPITAL GAINS TAX RATES UNDER THE CAPITAL GAIN TAX SIMPLIFICATION ACT OF 1998

Rate bracket (Number of taxpayers in bracket)	Rate under current law			Rate under proposed legislation
	Assets held more than 18 months and not collectibles or recapture gain	Real estate depreciation recapture gain	Collectibles and assets held at least 12 months but less than 18 months	All capital assets held more than 12 months
15 percent (61.58 million)	10	15	15	9.0
28 percent (24.0 million)	20	25	28	16.8
31 percent (2.3 million)	20	25	28	18.6
36 percent (1.0 million)	20	25	28	21.6
39.6 percent (0.5 million)	20	25	28	23.8

More than 100 million individual tax returns are filed each year.

Of those 100 million returns, 14 million include capital gains income.

Under this legislation: approximately 11.3 million of those individual filers with capital gains would get a tax reduction, approximately 2 million would see essentially no change in their taxes, and approximately 700,000 of those filers—filers with incomes over $200,000—would see modest increases.

THE WORLD LOST A GREAT LEADER ON THE PASSING OF BELLA ABZUG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, yesterday, on the last day of Women's History Month, the world lost a great leader in Bella Abzug. Tears are being shed today, not just in the United States but around the world, because Bella's vision was not confined to one issue or to one nation.

Bella Abzug was the original feminist, an icon in the women's movement here and around the world. But she worked for more than a constituency or an interest group, or even a movement. She will be remembered for her hats but, more importantly, for what was under her hat: her brains, her voice, and her heart.

I am deeply indebted to Bella, and I know many women who feel the same way. I also know that there are women today who may not feel that Bella's loss has any connection to them. But I want to remind them about the rights Bella fought for and won on their behalf, rights so many of us now take for granted, or forget that women ever had to fight for them in the first place.

Make no mistake, there is not an American woman alive who does not have more rights, commands more respect, or enjoys more opportunity as a result of Bella's work. Because of Bella Abzug, women today stand a little taller, walk a little prouder, and accept nothing less than they deserve.

Bella broke through barriers, shattered glass ceilings, and woke people up. Even in her final years, when she was confined to a wheelchair, no woman stood taller in the fight for women's rights than Bella Abzug. Bella was a pioneer in so many forums: as a legislator, peace activist, labor lawyer, lecturer, news commentator, civil liberties advocate, and the first person to be elected to Congress on a platform of women's rights and peace.

She cofounded the National Women's Political Caucus, coauthored the Freedom of Information and Privacy Acts, cast one of the first votes for the Equal Rights Amendment, presided over the Women's Congress for a Healthy Planet, and cofounded the Women's Environment and Development Organization.

But the whole of Bella's life was much more than the considerable sum of its parts. She was a historical figure in the women's movement, a cultural icon who transcended politics and policy. Bella did not just change the law, she changed how people thought, how they looked at the world, and how they lived their lives. She was a firebrand orator, a consummate organizer, and a living symbol of the limitless potential of what women can do.

Bella was motivated by a sense of outrage about the rampant inequality between men and women that still exists today. She took this outrage to her grave.

I know if Bella were alive today she would be telling us not to mourn, but to organize and to mobilize. Bella said just last year, we are building a women's movement, and we have been making it larger and larger. It is worldwide. It is where it has never been before.

Bella's effort to connect with younger women and to create a worldwide movement for women's rights has ensured the women's movement will continue well into the next millennium. It is my responsibility, the responsibility of other women in Congress, and the women of this Nation to keep that spirit alive.

As Bella herself said, women will change the nature of power, rather than power changing the nature of women.

A TRUE DIALOGUE ON TAX CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for half of the time until midnight, approximately 21 minutes after 11 p.m., as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, last week we were here on the floor of the House talking about the extreme tax proposals being offered by our Republican colleagues and the Democrats' record of providing tax relief to middle-class families.

Unfortunately, the CONGRESSIONAL RECORD incorrectly recorded my words. Here is what I said: "We shouldn't let Republicans get away with saying that Democrats are against tax cuts." It appeared in the CONGRESSIONAL RECORD that I said Democrats were against tax cuts. That is an error, and it has been corrected in the CONGRESSIONAL RECORD.

I know this was an innocent mistake on the part of the recordkeepers, and I want to say that I have the greatest respect for all of their hard work and the long hours, especially during Special Orders like this one. But the recorders are human, and in this case, the way my words were recorded changed the meaning of what I said to mean the exact opposite.

As I have said, this has been corrected. But what was interesting is that this misprint suddenly engaged our Republican colleagues in a dialogue on this issue. If this error is what it takes to engage Republicans in a debate on tax cuts, then it is a good thing.

□ 2245

Because I want to debate tax cuts with my Republican colleagues. That is why we were up here last week talking on this issue and why we are here tonight.

I am happy to put the Democratic plan to provide real tax relief for working families up against these risky Republican tax schemes any night of the week. I understand why Republicans are nervous about the American people hearing the details of this plan, and I understand why they would rather divert attention and try to make political hay out of an obvious misprint. The Republican proposal to, quote, scrap the Tax Code and impose a 30 percent sales tax on the American people is a radical and extreme proposal.

Democrats are the mainstream party on tax cuts. President Clinton and the Democrats have passed targeted tax relief for middle-class families. The Republican party is proposing a 30 percent sales tax increase on American families. Just one example, one group that would be hit harder than others by the Republican sales tax: senior citizens.

Senior citizens would gain nothing from the elimination of income taxes, since most are retired and pay no income taxes. But a 30 percent sales tax would hit seniors on fixed incomes square between the eyes. One of the most burdensome expenses faced by senior citizens is the price of medication. We have taken a look at five of the most common medications used by seniors and looked at how the 30 percent Republican sales tax would impact those prices.

Mr. Speaker, let me just put up briefly this chart. These are five medications that seniors continually avail themselves of and how the 30 percent sales tax would hit them:

Blood pressure, arthritis, diabetes, heart disease and inhaler all would be increased between $24 and $37.50, to create prices that would make it incredibly difficult for seniors to have to pay for these basic medications.

The Republicans' other tax plan, the flat tax plan of the gentleman from Texas (Mr. ARMEY), would raise taxes on 90 percent of Americans and it would provide a tax cut for the wealthiest of Americans. It looks like the GOP is up to their old tricks, helping the very wealthy at the expense of ordinary Americans.

Democrats have more credibility on cutting taxes than Republicans. That is why the GOP is left resorting to misquotes to try and change the subject from their extreme proposal.

Mr. Speaker, I would now like to open up the dialogue with my colleagues to talk about the Democrats' record of providing real tax relief to working families, as well as these radical tax schemes being offered up by our Republican colleagues. Let me yield to my colleague, the gentleman from New Jersey (Mr. PALLONE), who was with us on the floor last week and who has been an outstanding proponent of providing tax relief to working middle-class families in this country.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Connecticut (Ms. DELAURO). I think it is sort of ironic, or maybe kind of scary, that the Republicans were so upset that they resorted to misquoting the gentlewoman. Anyone who was here that evening or listened to the debate, knows that one of the major points that the gentlewoman was making, and I think we all were making, is that Democrats have been out front on providing tax cuts and the targeted type of tax cuts that help families, families particularly with children, working families.

We actually, that evening, recited some of the tax cuts that the Democrats have put in place over the last few years that have actually made the situation where the tax burden on working class families has actually been reduced somewhat as a result of the Democratic efforts and as a result of the President's efforts.

I think what went on since that evening is that the Republicans, particularly those who have been advocating this crazy sales tax, this 30 percent sales tax, were so upset that some of us were really baring the truth and explaining how kooky it was, that they sort of overreacted I guess is the best way to say it.

Mr. Speaker, I noticed that when the gentlewoman from Connecticut was speaking, that the gentleman from Louisiana (Mr. TAUZIN), who is one of the authors of the 30 percent sales tax increase, was actually on the floor. So he certainly knew what the gentlewoman was saying. It was amazing to me, I guess it was the next day, that the gentleman from Texas (Mr. DELAY) came to the floor as well. They obviously knew what the gentlewoman really said. They knew that she was talking about the fact that Democrats have been successful in providing significant tax relief and tax cuts for the average American family.

Just to give an idea, this is basically what I said that evening. And in a way, I am glad that we have another opportunity to repeat it because April, and today is the first day of April, is certainly the time when most Americans think the most about taxes because April 15 is around the corner. Just some interesting statistics that come from an analysis by the Treasury Department that says that the average Federal income tax rate for a median income family of four in 1998 will be only 7.8 percent, down from 10.3 percent in 1984. This is the lowest income tax burden for a median income family since 1966, and that is thanks in large part to Democratic efforts that this Federal tax burden has actually decreased.

Just to give an example again of some of the Democratic policies that have resulted in that decrease: Expansion of the Earned Income Tax Credit, which we have been championing for a number of years, beginning in 1993 that cut taxes for millions of families with children. My colleagues remember how many times Republicans came down to this floor and said that they wanted to eliminate the Earned Income Tax Credit when we were trying to expand it. The $500 per child credit that Democrats ensured would be available to moderate income families. In addition, the HOPE Educational Scholarship tax credit. These are the targeted education tax credits that we put in effect. And in 1998, this year, Democrats have proposed expansion of the child care tax credit to increase the amount of the credit from 30 percent to 50 percent of expenses and make it available to more families. Democrats also support efforts to reduce the marriage penalty.

So there is no question that what went on after our last opportunity to talk about this is that the Republicans became very scared about this 30 percent sales tax that was going to hit seniors, was going to be on homes, was going to be on cars, was going to be on almost everything that we buy, and they made it their business to basically pass out a lot of misinformation about what the gentlewoman and the rest of us said, because we were making it quite clear that Democrats were providing real tax relief.

Ms. DELAURO. Mr. Speaker, I think that the American public has every reason to be fearful of this kind of a tax scheme, if you will.

It now gives me pleasure to yield to the gentleman from Michigan (Mr. BONIOR), who is joining us again this evening.

Mr. BONIOR. Mr. Speaker, it is nice to be here at 5 of 11:00 on a Wednesday night.

Mr. Speaker, I thank my colleague from New Jersey and my friend and colleague from Connecticut for work on exposing the tax proposals that we talked about last week that the Republicans unveiled and which I think they are now, as the gentleman from New Jersey correctly stated, somewhat chagrined about the fact that people are actually focusing in on what they want to do.

The gentlewoman from Connecticut and my friend from New Jersey mentioned that we are the people, the party that has traditionally, historically helped middle income and working families in the tax area. And I think my friend from New Jersey has outlined very well this evening the recent issues which we have taken the lead on. The Earned Income Tax Credit, which has really lifted literally millions of Americans out of poverty, working Americans. The child tax credit, the $500 that people will be able to take per child when they do their forms this year. We fought for that for middle income working people in this last go round on the tax bill.

The HOPE scholarship, I mean, what a wonderful thing to have fought for and been at the vanguard of trying to provide higher education for working families' kids, working families' children in this country. And, of course, this year the child care tax credit that we are pushing very hard.

So we are very proud of the record that we have on trying to take care of the middle-class squeeze. That is where we come from. That is what we believe in. And without being too partisan, and I guess there is no way to be on the tax issue but partisan, my colleagues on this side of the aisle have historically and traditionally provided tax relief for those at the very top of the income scale in this country. That is who their constituency is. That is who supports them. That is what they are about. And they have the theory, though, that if you give to the top it will trickle down. Well, it may trickle down to the top 5 percent or the top 10 percent or maybe even the top 20 percent, but it does not go much beyond that.

Last week we were talking about the Republican tax cut plans to raise taxes on working families that they are proudly advocating around the country. They are on this tour, the gentleman from Louisiana (Mr. TAUZIN) who sat in the back there. I saw him. He was right in the back in that corner as we were talking last week. He was kind of hunched down and kind of had his feet up. I was watching him. He had his feet up against the back of the chair and he was taking a few notes and he was kind of looking over here.

The gentleman has got this plan that, I mean, I just cannot imagine him going out and talking about it. But I guess he is going to be on the road again during tax week and I think the American people ought to know what he is about.

The gentlewoman's chart I think indicates it very well. Thirty percent sales tax hits people on fixed incomes, i.e., senior citizens. If they have a medical problem and they have medication, those are the numbers. Their blood pressure medicine will increase by 30 percent from $110 a month by $33 up to $143 a month. If they have heart disease, they are going to pay an extra $27 a month. For prescriptions that normally would cost $90 a month, it is up to $117, and on and on and on.

If they have a grocery bill, that goes from $100 a month to $130 a month. If they are a middle income family and they want to buy a minivan, a wonderful car that is, by the way, designed and created in my district, they go out there and they want to buy a $25,000 mini van, forget it. Under their proposal they are talking at least $32,000.

So what we are talking about here is a tax shift to working and middle income people and a tax shift away from those at the very top who are doing the best in our society today.

Mr. Speaker, I want to show a chart here and take it out again. I had this chart available last week. This is their other proposal. They have two. They have this sales tax thing and then they have got this Armey flat tax proposal which will raise taxes on working families.

Now, this chart shows in the green what people are paying now who have incomes of $25,000, $50,000, $100,000, a quarter of a million dollars and a million dollars. Under the flat tax plan of the gentleman from Texas (Mr. Armey), this goes up from less than 4 percent to close to 12 percent for people making $25,000 a year. If they are at the $50,000 income level, their taxes again will go up. Not quite to 20 percent, but somewhere in the neighborhood of 17 and 18 percent from less than 13 percent.

If they are making $100,000 a year, they still go up about a percent. Now, if the taxpayer is making a quarter of a million a year, of course they are going to get a huge tax cut. That is what they are now. Under the flat tax offered by the gentleman from Texas, they go down. Their taxes are cut substantially. And for those who are making a million or more a year, they are cut even further.

There is no progressivity here. Those least able to pay will pay more. Those most able to pay will get a free ride. And nothing surprising there. That has typically been the historical reality of their plans.

In addition to that, Wall Street brokers will pay no, and I the repeat this, no taxes on their unearned income from stocks and bonds. Now, that is absolutely crazy.

□ 2300

Actually when you tell people that, they kind of look at you like you are making this stuff up. But it is what they are proposing under the Armey flat tax. Of course what they are proposing under the Tauzin scheme is just beyond reality.

During the debate last week, as the gentlewoman from Connecticut stated, there was a misprint in the CONGRESSIONAL RECORD. I think this kind of speaks to the problem that we have here. The Republican leadership has tried to take advantage of an innocent mistake to twist the words into the opposite of their meaning. I think that shows how desperate they really are on the issue of taxes, and the lengths that they are going to go to. They are trying to distract attention from their own plans that are really loony and very indefensible.

There is no better champion of working men and women in this Congress than the gentlewoman from Connecticut (Ms. DELAURO). She has been at the forefront of the breaks, the tax breaks that the gentleman from New Jersey mentioned a little earlier, the HOPE scholarship, the child tax credit that we are discussing right now and, of course, the child tax credit and the EITC. So it is kind of sad actually when you really think about what they will resort to out here to distort the record, and the record speaks very clearly on what you have done in terms of providing middle-income people the relief they need from the squeeze that they are in and what those folks are trying to do in terms of fattening the wallets, feathering the nest, doing all that they can to take care of the top, with the hope, I guess, that some of it is going to trickle down.

We know historically that that has not happened. What has indeed happened is that the top 20 percent or 25 percent in this country have done extremely well. Folks in the middle, about 60 percent of the American wage earners today, their incomes have basically been frozen or they have fallen. Of course the bottom 25 percent of working Americans have had their incomes plummet about 25 or 30 percent over the last two decades. So it is that middle-income group, and it is those folks that are working that are trying to struggle at the bottom that we represent. That is what we are about. That is why we are here.

We thank you for your vigilance and for correcting the record, and we look forward to working with you to make sure that when they take offense to what we say, especially when it deals with a question as important as this, that we are here and we will continue to be here to correct the record to make the American people understand that there really is division in this place in terms of who people represent. And the clearer that becomes, the better off the American people are going to be in terms of making the right decision on who they want to represent them.

Ms. DELAURO. Let me say thank you to the gentleman from Michigan and the gentleman from New Jersey. I think as we did last week and this evening and I venture to say that if we were not leaving tomorrow, because the Republican leadership does not want this House in session to debate the real issues that people are concerned about, that we would be up on our feet every single night trying to expose what are two schemes that would seriously hurt working people in this country.

It is almost like a magical mystery tour that they are running about on here and trying just to create some smoke and mirrors, but we are going to be vigilant. Whatever it takes, we will stand up every single night and talk about what this means to seniors, what it means to working families and how in fact Democrats have provided tax relief for working families and how clear we stand in supporting tax cuts for working families in this country.

I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I just wanted to thank the gentlewoman again. I think you are absolutely right. The only regret I have is that we unfortunately are going home because I think that as we lead up to April 15th, if we had the opportunity over the next few weeks to get on the floor and really expose this GOP 30 percent sales tax and what it would mean for the average working person, we would really drive the point home. And the Republicans on the other side would be very nervous because the truth would come out.

One of the things that this whole incident with you, I think, points to is the fact that I think that many of our colleagues on the other side, on the Republican side think that if they keep saying something that is false over and over again and keep repeating it, that somehow the American people are going to believe it. Perhaps we as Democrats have not brought up enough times here on the floor or even out in our districts that, in fact, it has been the Democrats that have taken the lead on tax cuts for the average working person. I think it is unfortunate in a way.

Perhaps we should be talking more about it because maybe the word is not getting out. Maybe when some of these Republicans keep talking about the absurd 30 percent sales tax, people start thinking in their mind, oh, you know, they are for some kind of tax cut. And they do not necessarily pay attention to the specifics of it.

So I think it is incumbent upon us to point out how we, as Democrats, have been the backbone of these tax cuts that have benefited the average American over the last few years and that what the Republicans are proposing, whether it is the 30 percent sales tax or the flat tax proposal, that these things are not going to help working people; that they are basically giveaways, if you will, to the rich.

I just want to thank the gentlewoman again because I think you started something here, and when we come back after this break, we need to come to the floor and keep pointing out over, and over, and over again how crazy and what a lunatic proposal this sales tax is and that if there is going to be real tax relief, it has to be more of the targeted tax relief that the Democrats have provided that helps working families with kids, with education needs, with health care needs. This is, with child care needs. These are the kinds of things that we have to keep pushing for.

Ms. DELAURO. I thank the gentleman from New Jersey.

Mr. Speaker, I yield the balance of my time, which is until, as I understand it, 21 minutes after 11:00, to the gentleman from New Jersey.

ARMENIA CONCLUDES SUCCESSFUL PRESIDENTIAL ELECTIONS

Mr. PALLONE. Mr. Speaker, I would like to switch to another topic tonight, which is totally unrelated to the one that we discussed so far, but I think is very important for my constituents and a million and a half Armenian Americans around the country who I know are very pleased with the election that took place just this past Monday in Armenia for the new President.

The voters in Armenia have elected Robert Kocharian as the new President of Armenia. With 99 percent of the ballots from Monday's run-off election counted, Robert Kocharian, currently the prime minister, who has served as acting President since early February, has received approximately 59 percent of the vote and his opponent Karen Demirchian, who led Armenia when it was controlled by the Soviet Union, received about 41 percent of the vote. An estimated 55 percent of eligible voters participated in the run-off election.

Mr. Speaker, I think this is significant because this really was a free election in Armenia. President Kocharian, who I have met, and who has been here to the United States, is a free market advocate who has pledged to revitalize Armenia's industrial sector and to track more foreign investment. I believe he is a strong leader, a consensus builder and someone who is committed to democracy and economic development.

The election has been judged as peaceful, well-organized and legitimate by the Council of Europe, the Commonwealth of Independent States and other international observers. Even the organization for security and cooperation in Europe, the OSCE, which was harsh and, in my opinion, unfairly so, in its criticism of the first round election 2 weeks ago, even the OSCE has not questioned the outcome.

Mr. Speaker, allow me to read a quote from Lord Russel-Johnson, head of the Council of Europe's monitoring mission in Armenia. It says, "The second round of the Presidential voting was well organized; the elections were passed peacefully and in accordance with law. This is a steady step along the path toward Armenian accession to the Council of Europe."

Mr. Speaker, I am pleased to report this very positive endorsement of Armenia's democratic system by a respected and objective international election observer. Unfortunately, the OSCE, of which the United States is a member Nation, has been somewhat more stingy in its praise for Armenia's tremendous progress under very difficult conditions.

Mr. Speaker, I must say that the OSCE has seemed to lean more heavily on Armenia, a democracy, than Azerbaijan, which is for all intents and purposes a dictatorship. The OSCE has thus far taken an unrealistic approach to solving one of the region's most important diplomatic and political challenges. That is the resolution of the conflict over Nagorno Karabagh, the Armenia ethnic enclave that Joseph Stalin gave to Azerbaijan, but which has been Armenian territory for centuries.

The people of Karabagh won their independence in a war with Azerbaijan. A cease-fire has been in place since 1994, but Azerbaijan still claims Karabagh as its own. And the international community, the OSCE, and, I am sorry to say, the United States continues to side with Azerbaijan over Karabagh.

I raise this issue of Karabagh because it has been an important backdrop to the elections just concluded in Armenia. Most observers believe that the decision of former President Levon Ter-Petrosian to resign was based on the widespread criticism he received within Armenia for accepting the OSCE peace plan for Nagorno Karabagh, which was based on unilateral concessions in favor of Azerbaijan without safeguards for Karabagh's security. Now that that has become clear that the OSCE plan is a nonstarter in Armenia, I hope the OSCE, with strong Armenian leadership, will work with the parties to the conflict to develop a serious plan for resolving the conflict.

Furthermore, President Kocharian is the former President of Nagorno Karabagh and he has been outspoken in his view that the OSCE Minsk Group negotiations must include the democratically elected government of Karabagh.

Mr. Speaker, the important thing for us to bear in mind now is that the voters of Armenia have elected Robert Kocharian to a 5-year term as their President. The entire process of the last 2 months, former President Ter-Petrosian's resignation, acting President Kocharian's interim service until elections and Mr. Kocharian's victory in the legitimate elections just completed, was conducted in the spirit of a civil society governed by the rule of law and democracy.

I want to congratulate Robert Kocharian on his election and I want to salute the people of Armenia for making amazing democratic progress despite tremendous obstacles.

25TH ANNIVERSARY OF THE AMERICAN BRAIN TUMOR ASSOCIATION

Mr. PALLONE. Mr. Speaker, I just wanted to mention one more thing. This is somewhat personal, but also I think important for the American public as well. That is that just this weekend, March 28, marked the 25th anniversary of the American Brain Tumor Association, an organization devoted to funding brain tumor research and providing information to patients and families about their health care options.

I know a number of Members of Congress died suffering from brain cancer and my own father-in-law, Andy Hospodor, passed away 3 years ago in March as a result of a brain tumor. I wanted to say that at the time when my father-in-law was suffering from a brain tumor, we received a lot of help from the American Brain Tumor Association. We received help in identifying physician specialists so that he received better treatment for his particular type of brain tumor.

After his death, they helped establish a memorial fund in his name. The association also provided a lot of information. Every question we had they were able to answer or find someone who had an answer. They have a network of support groups that work with the various relatives of brain tumor victims.

I know that since I have been in Congress at least two of my colleagues, who I considered very good friends, Paul Henry and also Mike Synar, unfortunately died from brain tumors. I just wanted to take a little time tonight to recognize the American Brain Tumor Association for the dedication and service to patients and families with brain tumors. They provide information to their members with the latest medical breakthroughs available on brain tumor treatments. In addition, they furnish information on support services to help families deal with the issues that they face when a loved one is found with a brain tumor.

While the association has done a lot, there is a lot more that can be done, Mr. Speaker. As Congress determines the fiscal year 1999 spending priorities, funding for research needs our continued support.

I am committed to the doubling of the National Institutes of Health funding increase for 1999 and urge every Member of Congress to do the same. Every dollar that we commit to life-saving treatment oriented and basic research is an investment that will have an enormous return in terms of saving and improving lives, as well as saving health care dollars in the future.

I just wanted to say tonight, in closing, to the American Brain Tumor Association, thank you for a job well done over the last 25 years. To my colleagues in Congress, I say, we still have a lot that we must do.

☐ 2315

VALUES OF THE REPUBLICAN PARTY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for the balance of the time until midnight as the designee of the majority leader.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I first want to compliment the previous speaker, the gentleman from New Jersey (Mr. PALLONE), on his thoughts and ideas about health care and the proposals that he has set forward. And we certainly look forward to learning about those proposals and possibly working to provide our opinions and thoughts and perhaps assistance in moving in a very similar direction of caring and compassion for those who are so afflicted.

But proposals seem to be few and far between here in Washington with respect to a number of issues that we have been dealing with in recent days and in recent weeks. And we, as the Republican party in Congress, have been fighting very passionately and forcefully about issues and proposals that are designed to help the American taxpayer, to help the American family to unleash our economy and allow for a greater prosperity throughout the country.

And with this in mind, let me yield a few moments to my colleague, the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. I thank my colleague from Colorado for yielding, Mr. Speaker, and I am pleased by the fact that he joins me in this Chamber tonight along another newcomer to Washington, the gentleman from Texas (Mr. BRADY).

Mr. Speaker, as I was listening to the earlier portion and presentation offered by our friend in the minority, I could not help but think of three dates, two occurring in this month and another that will come in October.

We should note for the calendar that this is the 1st of April. And while I doubt no one's sincerity, the absurdity of some of the comments which preceded us in the minority Special Order I guess should be tempered by the fact that this is, in fact, April Fool's Day. And we know that that is the second favorite holiday in the minority's calendar, because the minority party and those always tied to the culture of spend and spend and spend some more really have as their favorite holiday April 15, when everyone must send in their tax returns.

And for evidence, despite a frantic effort to get away from words that were read in the RECORD here last week, my friends, my colleagues and, Mr. Speaker, the citizens who join us beyond these walls via television should look to this quote and understand all the frantic posturing and postmortems cannot change what was said on this floor. The Chief Deputy Whip, the gentlewoman from Connecticut, who stood opposite in the well, said this last week, quote, the fact is that Democrats are not for tax cuts.

Now, I could amend that statement because I know a lot of common-sense folks who offer party label second in the Sixth District of Arizona who are hard-working Americans who are pleased by the tax cuts they have this year, hanging on to more of their own money to save, spend, and invest as they see fit. And in the frantic way in which the minority, the congressional folks who are tax and spenders, tried to back paddle on this statement tonight, I could not help but note that the scenario they offered brings up a third date on the calendar, October 31.

Because, sadly, it seems that the minority, so bankrupt of ideas, so bereft of new energy at times, offers what is a rhetorical terrorism to victimize the most vulnerable in our society by setting up these scenarios that can only be described as part Orwellian, part Kevorkian. And so, we heard it again tonight.

There are many positive things to talk about and to report to the American people tonight, Mr. Speaker, as the new majority continues its quest for common-sense conservative government with the notion that the people of America should hang on to more of their own money and send less of it to Washington. And that is why I am so pleased to join my friend again from Colorado and my friend from Texas.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, reclaiming my time, I appreciate the gentleman from Arizona.

Wednesday night is freshmen night, typically. The freshman class is one that tries to reserve an hour every Wednesday to talk about the values of our Republican party. We are joined by many other Members from other classes, senior Members, as the gentleman from Arizona (Mr. HAYWORTH) is, who has been one that we look to for leadership and guidance, one who inspires us and who is a great colleague for us as new Members.

Our goal and objective in these Special Orders is to really draw the distinction between the two parties that are here in Washington, because it really does matter. People think that there are two parties that are somehow the same. And there are votes on occasion where our votes seem to be commingled. But, by and large, the philosophies that divide us and separate us are legitimate issues; they are legitimate cause for having two sides.

Thomas Jefferson observed 220-some-odd years ago that, in all political systems there really are two sides; there is the side that believes in more government, the side that believes that the government is the best way to organize our societies, and then there is the other side that believes that we should look to individuals and families and people as the definitive feature in establishing the character of a society or community.

Well, we, as Republicans, differ very greatly from our Democrat side, the Democrats being the side that does believe in more government and that government is the organizing factor in our society. And the quote that my colleague highlighted here is probably most indicative that I have seen in recent days about the difference between them and us.

They believe that there is no cause for tax cuts. In fact, they have worked routinely in this Congress to increase taxes to oppose every effort that we have made as the Republican party to turn more wealth away from Washington and back to the people of the country and to the States.

That philosophy of less government, more reliance on States and individuals, is something that we fight for all the time and routinely.

I want to yield, if I can, to the gentleman from Texas (Mr. BRADY), who is leading this Congress with a bold plan, a bold idea, a bold proposal to rein in the size of Federal Government, the scope of our government by a responsible mechanism that is used in several States called sunsetting.

So, with that, I yield to the gentleman from Texas.

Mr. BRADY. Mr. Speaker, I thank the gentleman for his leadership of the freshman Republican class in 1998.

The Fourth of July is one of my favorite holidays. And this past year Kathy, my wife, and I were watching fireworks over a lake in my community in Woodlands, Texas; and I thought as I watched the fireworks this year that it was ironic that Fourth of July has two meanings for America this year. It is not only in 1997, as usual, our day of independence, but this year it was the first day most Americans started working for themselves because July 3 was what we call cost-of-government day in America.

That means that, for most American families, we work from January 1 to July 3 just to pay tax, just to pay our State, local, Federal taxes; and the cost of regulation on most families now reach to July 3. That is over half the year. That means in a lot of families we have got one parent working just to pay the bills and the rent and put food on the table, and we have another parent working just to pay their taxes.

Like my colleague, I have had the opportunity to work in State government and in city government, and I can tell my colleagues now serving the Congress that it is at the Federal level where we waste far too many of the resources we have.

Our goal in the Republican Congress is to shrink the size of Federal Government, to give more power back to the communities and, more importantly, leave them their money and resources to solve the problems and make decisions themselves. Well, big government has a life of its own, especially in Washington.

Former President Ronald Reagan said, "There is nothing closer to immortality on earth than a Federal agency." And that really is true. Our government continues to grow. And I am convinced that we can never really shrink Washington just by slowing the growth of spending. We are going to tackle and address wasteful spending, abolish obsolete agencies, and really get into duplication to give power back to our communities and our families.

Sunsetting is a simple concept, and it is proven because it is used by more than 20 States. I want to set an expiration date on every Federal agency, every program, every department, every commission, every bureau, every council where they go out of existence unless they can prove their value to us. And not what they were worth a hundred years ago, as the board of tea examiners were when they were first created, or 40 years ago or 20 years ago, but do they deserve our tax dollars today and are they needed today?

Sunsetting puts every agency up for review to take away the sacred cows, and for the first time it shifts the burden of proof. Rather than Congress and taxpayers today having to convince America that there is not a single use for an agency, it shifts that burden to the agencies to prove to American taxpayers that they deserve our tax dollars today.

In Texas, we view sunsetting over the years and in that State we have eliminated 42 State agencies and saved $60 million for taxpayers. That is in the State. I am convinced at the Federal level we can do a hundredfold that.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. And, again, I think what the gentleman from Texas advocates, Mr. Speaker, points up the vitality of our system of federalism where we can look to the States for the examples proffered there.

Now, to be certain, what works in Austin may not be readily accepted in Boston; what is embraced in Harrisburg may not always be the case in Phoenix. And yet, taking a look at what States do in terms of seizing the initiative, I know, for example, right now the State of Arizona is coming to grips with the whole notion of school funding; and they are working in the House and Senate working on those ideas. Who knows what will come from those notions?

But, again, as we have seen with welfare reform, as we have seen with so many different issues and certainly those that lend a notion of fiscal responsibility and accountability, we look to the States. And I cannot help but notice our friend from the Republic of Texas, known as the Lone Star State also, perhaps with a distinction as the sunset State, and I think he hit on something that is so vitally important because it should be our mission here; and while we do point out differences and while we celebrate differences in philosophies, the fact is that we also look for common ground across the board, across the aisle.

And we have been able to make some changes here in Washington based on those examples, perhaps not as formalized as the gentleman offers here tonight, perhaps the first halting few steps made in the 104th Congress, that historic Congress where the balance of power that the American people confer on this Chamber was changed to a common-sense conservative majority when we eliminated over 300 wasteful and duplicative programs and in the process reduced spending by some $54 billion.

Now, to be sure, Mr. Speaker, that was just a start. Much more remains to be done. And that is why I am so enthusiastic about our colleague from Texas (Mr. BRADY) bringing this idea to this Chamber, showing again the wisdom of the notion of transferring money, power, and influence out of Washington, where sadly those resources had been wasted, and making sure that the power rests preeminently in the States.

Because in most cases, there may be some exceptions, but in most cases power closer to home, the ideas coming from home to Washington can help reinvogorate our constitutional republic. And that is the essence of what is going on. Again, it just stands in stark contrast.

My colleague from Colorado and I were in the cloakroom watching the theatrics on the other side tonight, how instead of ideas they wanted to take something that was just simply a policy notion, not even articulated in the fashion that they would bring it to the floor, but yet to market fear, they take a legitimate proposal, twist it, change it to scare people.

I would just like to see their proposals. I would just like to see some new ideas from the other side. I think they, too, should look to the States and look to the people and listen for answers.

Mr. BOB SCHAFFER of Colorado. The gentleman hit the nail on the head. Because anybody who was observing the House floor just 20, 30 minutes ago when the left wing of the Democrat party was here speaking could see very clearly that they are in fear themselves of these ideas, these Republican ideas about changing government, lowering tax rates, constraining the size of the Federal Government. They are afraid of those ideas.

If they really do represent a philosophy, as they do, a philosophy that is constructed entirely upon the notion of power obtained through government, then any idea that threatens that power structure is a real threat to their way of life and changes life as they know it. That is a frightening notion to people who love big government. And I will tell my colleagues why. Because it does turn the tables and changes the dynamic.

Right now in Washington, as we have discovered as Members of Congress, a tremendous amount of the leverage belongs to the bureaucrats. They know they are going to stick around forever, these people in government, these bureaucrats, and my colleagues and I, we are going to come here and serve a few terms and do the work that the people have sent us here to do and then we are going to go back and live in a society that we have helped create and the laws that we have cast votes upon.

□ 2330

But those bureaucrats are going to be here forever. They know, as long as they can keep the rules rigged as they are today, that their life is going to go on and on unimpeded.

What really frightens these left-wingers over on the Democrat side of the aisle is that our ideas would really force the country to ask this question: If we were to start all over again today with this program or that program, would we create it to be what it is today? And pick an agency, any topic. There is not a single agency in the Federal Government, I would submit, that this Congress would ever establish just as it is now if we started all over again. We would not do it.

You take a look at the IRS. It is volumes and volumes of absolute nonsense. Nobody would sit down and invent that system. But the reason we have it is because the rules are always in favor of the government and the bureaucrats and these policies that are never ever challenged. And that is what sunsetting accomplishes.

Mr. BRADY. If I may continue on with that, I made a point about how good bureaucracies are playing the game up here. They are so much better than us citizen legislators will ever be. As you know, just in my first term, I have already observed the Washington Monument defense, which is, if you have a $100 million agency, and you propose to cut one-tenth of 1 percent of their budget, they will immediately state those were the funds that we were going to use to keep the Washington Monument open. If you cut our budget, I guess we will just have to shut down the Washington Monument to America's visitors, which you know is ludicrous, but they are able to scare the American people.

And sunsetting, what I like about that, is it, not only does it target obsolete agencies and prevent them from playing budget games, but it also targets duplication. We have today, just in Washington, we have 600 different programs to aid inner cities. We have 300 different programs for economic development. Just for children at risk is a good example. For children at risk, we have 116 different Federal programs administered by 13 different agencies.

What are the chances a tax dollar will ever get to a child who really needs it. More importantly, what about the family that sacrifices from their children to send tax dollars to Washington to have it wasted to that extent.

Sunsetting targets that type of duplication, insists on accountability. More importantly, the State, and the gentleman from Arizona pointed out, at the State level, we know, when you sunset an agency, for about 2 years before that agency's date is up, you cannot believe how responsive they get. They start answering their mail. They are quick to return phone calls. They start to understand that they have customers to serve.

Some of them think it is the legislature who are their customers, but, in fact, it is taxpayers. But the issue of accountability begins to creep in. The good agencies already know what customer service is about. But agencies that are wasting our dollars duplicating programs that are obsolete in their mission and refuse to understand who their bosses are, they struggle under sunset. Thankfully, they ought to.

Mr. HAYWORTH. Mr. Speaker, if the gentleman will yield, in hearing his remarks and not only taking a look at what went on in real life down in the Republic of Texas, in the Lone Star State, in that legislature how those programs have worked, I could not help but be struck upon a couple of comments he made dealing with the realities that American families confront now, not only the burden of taxation, but the hidden cost of regulation.

And lest anyone misunderstand, because I have a funny feeling in view of what some folks in this chamber say distinctly and want to come back and amend, and certain ad campaigns that have existed in the past to take legitimate comments out of context, lest anyone misunderstand, we are not talking about the abolition of regulation. We understand a modicum of regulation, Mr. Speaker, is reasonable, rational to make sure that infrastructure and systems exist.

But what is worth noting is the fact that, when our Founders wrote the Constitution, the first three words in the beautiful preamble are "We the people". They did not write we the government.

What is unique about our system is the fact that it was, as Catherine Drinker Bowen wrote, the Miracle at Philadelphia, because our Founders devised a system, a notion that was, dare we say, at that time in history, considered by the Europeans and others, extreme for our system, was based on the notion, our constitutional republic was founded on the notion that rights are conferred upon the people by God and, in turn, the people confer rights upon the government.

So as I hear the plans that my friend from Texas brings up, it calls to mind and brings to mind a piece of legislation that my colleague the gentleman from Colorado and I cosponsor here in the House, sponsored in the other body by a former colleague in this chamber, now Senator BROWNBACK of Kansas, the Congressional Responsibility Act, another tool to use to reign in runaway regulation.

Because following the beautiful preamble to the Constitution, Mr. Speaker, in Article 1, section 1 of this great document, it reads, and I quote, "All legislative powers herein granted shall be vested in a Congress of the United States," all legislative powers.

Yet, what we have done for the better part of this century, initially with the best of intentions, is to empower the unelected. Congress gradually in ceding that control and that authority to the executive branch has essentially, and pardon me, Mr. Speaker, and those at home, turned its back, turned its back on the American people, turned its back on the responsibilities.

So now seemingly daily in the Federal Register you have Washington bureaucrats drafting regulation, and these regulations, if they are not strictly adhered to, carry with them sanctions. Sometimes those sanctions can include fines or imprisonment, sometimes both.

Now, Mr. Speaker, I am not an attorney. J.D. does not stand for jurist doctorate. I think that is an asset. But you do not have to be a lawyer to realize that, in essence, what has happened is that Congress has placed lawmaking authority in the hands of the unelected.

I know my colleague from Colorado had a very interesting experience. One of his committees, he was explaining it to us, his epiphany, if you will, for the way Washington has come to work when we are talking about the regulation railroad, and we are not talking about locomotion so much as bureaucratic inertia.

Could you share your experience on committee? Do you recall? You spoke so eloquently at our press conference about your days sitting with the ag folks, and someone came I believe from the Department of Agriculture. And it is a great, great story that stuck in my mind because you said that you leaned over to a more senior member of the committee and you said, "Wait a minute. This guy is making law. He is bringing up law."

Mr. BOB SCHAFFER of Colorado. That is right. We were in the Committee on Agriculture talking with people from the Department of Agriculture, the regulatory bureaucrats who preside over the daily lives of farmers and ranchers and the hard-working people of America who produce our food. These bureaucrats were explaining their program, hearing Member by Member around the committee table talk about their frustration with these rules and regulations and our desire to see them change.

I leaned over to the senior Member sitting to my right at the time, and after I had finished asking some questions and speaking and raising some pointed issues with these bureaucrats, I leaned over after it was all over, and I said, you know, I said I am starting to get the feeling they do not care all that much what we have to say or think.

I remember his comment back, and he said just basically what I said before. He said that is because, after you are long gone, Mr. SCHAFFER, those bureaucrats are still going to be sitting in those chairs answering to some other people, who it is going to take them a few years to figure out that nobody cares what they have to say either. That really needs to change.

The amazing thing is, our Founders were brilliant, wise leaders who had the perception to look years out in the future. Drawing upon their learned experience and knowledge about government systems, they were able to look out and realize that we needed a system of government where the people really are in charge and acknowledging certain inalienable rights, as they said right in our Declaration, that we have these rights, life, liberty, and pursuit of happiness. God gives us those rights. They are not invented by the government. We loan those rights to politicians at election time.

In America the people really are in charge. And 220 years ago when these guys cooked up this idea in Philadelphia, it was a radical idea throughout the world, a world at the time that was governed by kings and dictators and oligarchies of sorts. To actually put the people in charge was something that, 220 years ago, was thought to never last very long.

But over time this Congress has given more and more and more authority over to the bureaucracy. Those individuals on the other side of the aisle that we heard just a half hour ago are, in fact they represent the party that has been struggling and fighting this Declaration and Constitution, those documents which are an obstacle to their ideas about governing.

They have given authority away from the people, taken it away from people, given it to the government. They have created a huge welfare state. They refuse to consider any efforts to reduce the tax burden on the American people. I say this, the Democratic party has become the tax collectors for the welfare state.

We are here, and we frighten them. We frighten those folks because we are talking about giving authority back to the people. We are talking about lowering the burden of government when it comes to taxes. We are talking about sunsetting all regulatory functions of the Federal Government, in fact, putting a termination date which at some point in time will force every single bureaucrat to account for their actions, to account for their necessity and, in the end, prove their merit and usefulness in order to continue in existence, a huge departure between what they represent on the left hand, what we represent here in the center of American political thought in the conservative Republican Party.

It is the reason they come here and yell and scream and are frightened every night, because we are winning on the street. The American people realize that our pro-freedom, pro-liberty message is resonating with every single American across this country who are fed up with this liberal social way of life. They are looking for liberty and freedom, and that is what we are here to talk about tonight as a Republican Party.

Mr. BRADY. To follow on what the gentleman said, we have been fighting big government since the very beginning. Our Founding Fathers and mothers did know there would be a struggle.

The other day in reading a book on Thomas Jefferson, I stumbled across a letter that he had written during his first term stating that he was hard at work trying to abolish agencies that were no longer needed in our Federal Government. That was at the very infancy. Already the bureaucracy was starting to take hold.

Two of the things I like, I think, also about sunset is that in real life at the State level, when an agency knows that they are coming up for sunset, they are also less likely to write regulations that are so far afield from what Congress or the legislature intended.

As you know, we write a bill that is 10 pages long. An agency writes regulations that fill a thousand pages. The mayor may not have to do what the original intent of Congress or the legislature intended.

But under sunset, when they know they are coming, every agency knows they are coming back routinely in front of taxpayers, the customers and users of their agencies, and Members of Congress to justify their responsiveness and their service and their quality, it changes things.

Also, under sunset, because we do not just single out the Department of Education or the Department of Commerce or any other program, every agency is held accountable. It puts American taxpayers back into the driver's seat. They have an opportunity when we set these dates to come, not just before Congress to give us their opinion on the quality of service and whether we need them, but through the Internet, through meetings held in their communities, through talking with us, give us a real life value to whether that agency is worth our dollars today or not. As a result, good agencies get better in service, and bad agencies go away as they should.

Mr. HAYWORTH. If the gentleman will yield, to hear this, and again, knowing the deliberate distortion that may be inevitable from those who fear most returning power to the hands of the citizens, I think we need to make this point, again, just to say this: When our friend steps to this floor and advocates the notion of sunset, he does not imply that every bit of government will sunset. He simply asks for increased accountability. That is important. That is one of the notions behind our Congressional Responsibility Act that I would like to outline, Mr. Speaker, for those who join us during this time this evening, and that is also something that I think we can make manifest in rules as we reevaluate our budgetary process.

I am pleased tonight that our Speaker pro tempore is the gentleman from Iowa who joins me with service on the Committee on Ways and Means and also is one of our delegates, if you will, to the Committee on Budget where he does that work. That is one of his other committee assignments, almost a liaison, if you will, between the Committee on Ways and Means and the Committee on Budget.

We have been engaged in some discussions born of my first experience, an epiphany that I had based on experience here during my first term when I served on the Committee on Resources and on one of the subcommittees responsible for national parks. We called in the director of the National Park Service. And sitting next to him was, in essence, the agency's accountant.

□ 2345

Of course here we use a fancy title for accountant. It would be the Inspector General, the person who goes over the receipts, takes a look at the tax dollars that come into the agency.

And I will never forget what transpired on that day. The Inspector General who had the responsibility for the Park Service with the Director of the Park Service sitting alongside told a congressional subcommittee in essence that the National Park Service could not account for some $73 million of taxpayer money.

Now I know some folks around here talk about billions and trillions; 73 trillion may not be too much. But I tell you what, to an American family, to the hard-working people in the Sixth District of Arizona and, I submit, to the people in Texas and Colorado and people from coast to coast in Alaska and Hawaii $73 million is real money. And I suppose for the television cameras it made for great television to have folks kind of rhetorically beat up on the Director of the Park Service, but there was no recourse.

And so what I think we ought to do, and I have talked with our Speaker Pro Tempore this evening, the gentleman from Iowa, and others on the Committee on the Budget, I think we ought to consider a rule that henceforth, when governmental agencies cannot account for taxpayers' funds, as the audits and reports come from their respective inspectors general, then automatically for the next year that amount of money be automatically impounded from that particular agency's administrative account because, as one of my colleagues said on that day to the Director of the Park Service, were he a director of a business, were he chairman of the board of the corporation, what he had done that day would be tantamount to a criminal offense that would land him behind bars. But instead all he endured was the wrath of a few congressional subcommittee members and, I am sure, the disdain of those who joined via videotape that discussion on C-Span.

There must be ways for us to seek accountability.

And so I hope that as we review the budget process with the gentleman from Ohio, the chairman of the Committee on the Budget, as many of us take a look at this, that we take a look at restoring accountability whether it is through sunsetting or through more budgetary rules that require accountability to the citizens of this country or through the Congressional Responsibility Act which says simply this, Mr. Speaker:

That henceforth, when the regulators formulate their regulations, those proposed regulations would not be printed pell-mell in the Federal Register after a certain amount of time for public comment. No, instead those proposed regulations should be returned here to Capitol Hill, to this Chamber and to the Senate, and voted on by the duly elected constitutional representatives so that in that way, Mr. Speaker, those of us who are sent here to represent the people can be held truly accountable.

Now it may come as no great surprise that that notion is fought by a lot of folks, and let us be candid about it, my colleagues. A lot of folks on both sides of the aisle, be they liberal or conservative, do not like that idea because they do not want to take that responsibility. Some folks who are into the notion of careers in Congress would rather not have that responsibility. But I would submit to you that that is the responsibility we should have.

And to those who say, oh, with a raft of regulations there is too much for Congress to ever cover, you could not do it, I would simply point out it has been my experience in this Chamber, both in this session and certainly in the 104th Congress even with that incredibly ambitious schedule we had some days where we would have ceremonial debate followed by ceremonial votes to name Federal installations after noteworthy Americans, I do not criticize that practice. I simply say this:

If we have the time in the Congress of the United States to engage in those largely ceremonial votes, do we not have time to live up to Article I, Section 1, of the Constitution? Should we not take the time or make the time to do that? And that is what this is about. Despite all the rhetoric and what we can expect, the intentional distortions sadly that will emanate, which I guess is part of the theater of the absurd that often encumbrances Washington, what we are about here, Mr. Speaker, is not a revolution, nor is some on that side who curiously do not believe there is any controlling legal authority would call it a reinvention. We are not about that. Instead what we are about is a restoration, a restoration of constitutional obligations taken on by those to whom power is conferred, a restoration of power in the hands of the citizenry and an acknowledgment that, whether it is regulation or taxation, that the American people work hard for the money they earn. They should be able to hang onto more of it, send less of it here to this city, because, as my colleagues have both pointed out, when the money remains in the hands of Washington, the money is spent.

Mr. BOB SCHAFFER of Colorado. You know there are some people here in Washington who really hang their hat on and pretend that they are somehow holding government accountable through the reauthorization process. You know, we talk about that a lot in Washington to a lot of folks back in our districts; they do not know what reauthorization means, but this is when agencies come up for reauthorization or review. It is not a sunset, it is just when the Congress feels like it getting around to looking at an agency again from A to Z, and there is no compelling need to make any meaningful reform. The Congress could decide to do nothing, and the agency will go right on as if no one was looking.

You know that is what many people here celebrate as holding government accountable, but the reauthorization process does not work. And you know you hear about this all the time. The Higher Education Reauthorization Act is going to be coming to the floor here soon, just program after program. We are reauthorizing programs, and that is the only time when this Congress makes any kind of an attempt to evaluate or review these agencies, but again it does not have the real teeth of sunsetting or termination dates on these regulatory programs. No bureaucrat is ever forced to come and prove the worth or merit of their program or their job or their function of government to this Congress, and it takes a majority vote voting in the affirmative to repeal a program rather than what ought to occur here is that it takes a majority of votes, majority vote in an affirmative way, to keep a program. And that is what we are trying to turn around and really turn the tables on government to give the leverage to the people of America to pry bad programs out of the system and to strengthen, retain and in fact improve those programs that can be improved and that are worth keeping.

Mr. BRADY. And to follow that point just a little farther we have now, we are entering the 21st century, and every part of our life it seems is changing. Every industry, every profession, every small business has undergone a great deal of change, but government has not; the same programs, the same nonaccountability. In sunset, which is the bill number by the way is H.R. 2939, it is the Federal Sunset Act of 1998, and it has 80 cosponsors on that bill, changes government, gives back control to taxpayers, just demands accountability. And, more importantly, it insists that our agencies serve our taxpayers and their customers.

And people will say, well, wait a minute now. You cannot sunset the EPA.

Well we are not picking winners and losers. Every agency is up for review. But frankly, and I do not agree with a lot that the EPA does, but if we spend money to preserve the environment, I want that money to actually work to clean up a dirty area or a pile of tires.

And people say, well, you cannot sunset the Social Security Administration.

Well, we are not sunsetting the benefit, we are sunsetting who delivers it. And frankly my seniors, many of whom we have a lot of trouble trying to get their benefits to them, frankly they live month to month depending upon those dollars. And their attitude is, if the administration is not going to to get their benefits to them on time to those who have earned it, then find someone who will.

□ 2355

Find someone who will get it to them effectively, because the goal here I think in government is not to make ourselves bigger and create more agencies. It is to deliver our services the most cost effective way, to people who need them, and to make sure that a dollar that we spend, that when we take in people's hard-earned tax dollars, actually gets to the people who need them.

Mr. HAYWORTH. Since my colleague from Texas raises the specter of Social Security by example, I think it is important to reiterate, Mr. Speaker, what transpired here on the Hill today as we take a look at preserving and protecting Social Security for today's seniors and then making that system stronger through innovation and personalization in the days ahead.

It brings to mind the fact that, mindful as we are of the time and the few minutes, about 5 minutes that remain, for us to share with the American people tonight Mr. Speaker, it reminds me of the fact that during this recess I will be back in the 6th District of Arizona with town halls talking to seniors about how best to preserve Social Security, how best to preserve that trust fund, and then looking to the baby-boom generation and those of the third millennium, or the Generation Next-Agers, or beyond, to see how best to deal with the problem.

I must tell you, Mr. Speaker, I am very pleased about the Social Security task force that we have assembled in the 6th Congressional District of Arizona with people who are very, very interested, who have a stake in this, as today's seniors on today's program, as soon to be seniors, as baby-boomers, and as Generation Nexters, or third millennia children. They are working together to try and take a look at this system. I eagerly await their report and to hear from the people as we return back to listen to our constituents to decide how best to solve problems.

Again, I cannot help but comment on the irony of those who preceded us in this chamber, who had invented almost out of whole cloth, but instead out of deliberate distortion, scare tactics about a legitimate question of tax reform. And I think, Mr. Speaker, to couch that properly, we should say this: I could not help but note the irony that the three who stood here in this chamber had embraced just a few years before a soup-to-nuts plan for socialized medicine that was derived in a back room behind closed doors down at the other end of Pennsylvania Avenue, a program that was doomed to failure because it was never debated by the American people, nor shared.

So we do not shrink from the notion of debate; we welcome it. Whether on Social Security or tax policy, or overregulation or overtaxation, we welcome debate and decisions. But we want to hear from all the people, not lock people away and sequester them behind closed doors and then emerge with some Rube Goldbergesque scheme. Instead, it is the basic goodness and wisdom of the people which will prevail and which I look forward to hearing in my town hall meetings when I return home.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I want to wrap-up by summarizing a number of things we have discussed in a very quick way, and that is we really are talking about a great number of ideas to shrink the size of the Federal Government, to return authority and wealth and power back to the people, and basically to give more freedom and liberty to Americans throughout the country wherever they may be.

But the reality is, there is about two minutes left until the end of April Fool's Day here in Washington, D.C. in the eastern time zone, which means that in 14 days, a little over 14 days now, at about this time, American taxpayers throughout the country are going to be lining up to get to their Post Office to file their tax returns in time in order to stay within the law of the Internal Revenue Service Tax Code.

I hope they will be thinking about this conversation tonight, and maybe contrasting the difference between our Republican message of freedom and liberty and lower taxes and the Democrat message of more government and no tax cuts, no tax cuts.

The tax collectors for the welfare State, as you have pointed out in the quote you brought here tonight, have stated right here on this floor just a few weeks ago that the fact is that Democrats are not for tax cuts. That is the real difference between the two parties. We really are looking for ways to liberate the American people, to lower tax rates.

Here is something I want to point out. Families paid 5 percent of their income in Federal taxes in 1934. Today, the average family pays 20 percent of its annual income to the Federal Government, the highest since World War II. That is no April Fool's Day joke.

Right now the average American family pays about 40 percent of their total income in State, Federal and local taxes; 40 percent. That is no April fool's Day joke either.

Our goal and our vision in general terms and over a broader context is to lower the effective tax rate on the American family to no more than 25 percent. That is something we are not joking about either. We are quite serious about it.

We will be back at this microphone time and time again talking about this vision of freedom and liberty, lower taxes and less government. I thank the Speaker for recognizing us today, and allowing us to participate in this special order.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for today after 8:15 p.m. on account of physical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:

Mr. RUSH, for 5 minutes, today.

Mr. MASCARA, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mr. GOODE, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. BONIOR, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:

Mr. GOSS, for 5 minutes, today.

Mr. GOODLATTE, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today.

Mr. LEWIS of Kentucky, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. GIBBONS, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 750. An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. NUSSLE). Pursuant to the provisions of House Concurrent Resolution 257, 105th Congress, the House stands adjourned until 12:30 p.m. on Tuesday, April 21, 1998, for morning hour debates.

Thereupon (at 11 o'clock and 59 minutes p.m.), pursuant to House Concurrent Resolution 257, the House adjourned until Tuesday, April 21, 1998, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

8341. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Specifically Approved States Authorized to Receive Mares and Stallions Imported from Regions Where CEM Exists [Docket No. 97-104-1] received March 30, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8342. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a report on the medical condition of members of the Armed Forces who are deployed outside the United States as part of a contingency or combat operation, pursuant to Public Law 105—85; to the Committee on National Security.

8343. A letter from the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule—Community Development Financial Institutions Fund; Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program—Core Component [No. 981-0154] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8344. A letter from the Deputy Director for Policy and Program, Community Development Financial Institutions Fund, Department of the Treasury, transmitting the Department's final rule—Community Development Financial Institutions Fund; Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions Program Technical Assistance—Technical Assistance Component [No. 982-0154] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

8345. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Odometer Disclosure Requirements; Exemptions [Docket No. 87-09, Notice 16] (RIN: 2127-AG83) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8346. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA-97-3191; Notice 2] (RIN: 2127-AF66) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8347. A letter from the Acting Director, Minority Business Development Agency, transmitting the Agency's final rule—Solicitation of Minority Business Development Center Applications for Miami/Ft. Lauderdale, Raleigh/Durham, San Antonio, El Paso, Statewide New Mexico, Philadelphia, Williamsburg, Seattle, Honolulu and San Jose [Docket No. 980320072-8072-01] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8348. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Statement of the Commission Regarding Use of Internet Web Sites to Offer Securities, Solicit Securities Transactions or Advertise Investment Services Offshore [Release Nos. 33-7516, 34-39779, IA-1710, IC-23071] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8349. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendments to the International Traffic in Arms Regulations [22 CFR Part 121] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

8350. A letter from the Director, United States Information Agency, transmitting the 1996 annual report entitled "International Exchange and Training Activities of the United States Government"; to the Committee on International Relations.

8351. A letter from the Chief Financial Officer, Department of Commerce, transmitting the final version of the Department's FY 1999 Annual Performance Plan (APP), pursuant to Public Law 103—62; to the Committee on Government Reform and Oversight.

8352. A letter from the Deputy Director, Office of Government Ethics, transmitting the Office's final rule—Amendment to Clarify Regulatory Intent on Finality of Review for Complaints Regarding Designation of Positions for Employee Confidential Financial Disclosure Reporting (RIN: 3209-AA00) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8353. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Processing Garnishment Orders for Child Support and Alimony and Commercial Garnishment of Federal Employees' Pay (RIN: 3206-AH43) received March 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

8354. A letter from the Director, Financial Services, Library of Congress, transmitting a copy of the financial statements of the Capitol Preservation Fund for the first three months of fiscal year 1998 which ended on December 31, 1997, and comparable data for the same period of the previous fiscal year; to the Committee on House Oversight.

8355. A letter from the Deputy General Counsel, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule— Civil Enforcement Proceedings: Opportunity for an In-Person Hearing [Docket No. 961004279-6279-01; I.D 111695A] (RIN: 0648-AI53) received March 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8356. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to provide for Drug Testing of and Interventions With Incarcerated Offenders and Reduce Drug Trafficking and Related Crime in Correctional Facilities; to the Committee on the Judiciary.

8357. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drug and Alcohol Testing: Substance Abuse Professional Evaluation For Drug Use [RSPA Docket PS-128; Amendment 199-15] (RIN: 2137-AC84] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8358. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Control of Drug Use and Alcohol Misuse in Natural Gas, Liquefied Natural Gas, and Hazardous Liquid Pipeline Operations [Docket No. PS-102; Amendment 199-16] (RIN: 2137-AC67) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8359. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Periodic Updates to Pipeline Safety Regulations (1997) [Docket No. RSPA-97-2251; Amdt. Nos. 190-7; 191-13; 192-83; 193-15; 194-2; 195-61; 198-3; 199-17] (RIN: 2137-AD03) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8360. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety: Change in Response Plan Review Cycle [Docket No. PS–130; Amdt. 194–1] (RIN: 2137–AD12) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8361. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Annual Air & Sea Show, Fort Lauderdale, Florida [CGD07–98–004] (RIN: 2115–AE46) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8362. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Alternate Compliance via Recognized Classification Society and U.S. Supplement to Rules [CGD 95–010] (RIN: 2115–AF11) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8363. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Whitbread Chesapeake, Chesapeake Bay, Maryland [CGD 05–98–013] (RIN: 2115–AE46) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8364. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Intracoastal Waterway, St. Augustine, FL [CGD07–98–014] (RIN: 2115–AE46) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8365. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Miami Beach, Florida [CGD07–98–003] (RIN: 2115–AE46) received March 27, 1998, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8366. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, Maryland [CGD 05–98–016] received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8367. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Dignitary Arrival/Departure Logan International Airport, Boston, MA [CGD01–97–004] (RIN: 2115–AA97) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8368. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Fort Lauderdale, FL [CGD7–98–017] (RIN: 2115–AE46) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8369. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—San Diego Bay and Adjacent Waters, San Diego, CA [COTP San Diego; 98–007] (RIN: 2115–AA97) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8370. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety zone; Summer Bay, Unalaska Island, AK [COTP Western Alaska 98–002] (RIN: 2115–AA97) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8371. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Standards; Rain and Hail Ingestion Standards [Docket No. 28652; Amendment Nos. 23–53, 25–95, and 33–19] (RIN: 2120–AF75) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8372. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA–366G1 Helicopters [Docket No. 97–SW–31–AD; Amendment 39–10414; AD 98–06–35] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8373. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASK–21 Sailplanes [Docket No. 97–CE–109–AD; Amendment 39–10417; AD 98–06–38] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8374. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Model ASK–21 Sailplanes [Docket No. 97–CE–107–AD; Amendment 39–10416; AD 98–06–37] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8375. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 31 and 35A Airplanes [Docket No. 96–NM–202–AD; Amendment 39–10406; AD 98–06–28] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8376. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS 332C, L, L1, and L2 Helicopters [Docket No. 97–SW–66–AD; Amendment 39–10418; AD 98–06–39] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8377. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace BAe Model ATP Airplanes [Docket No. 94–NM–212–AD; Amendment 39–10419; AD 98–07–01] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8378. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 412 Helicopters and Agusta S.p.A. Model AB412 Helicopters [Docket No. 97–SW–58–AD; Amendment 39–10421; AD 98–07–03] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8379. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A310, and A300–600 Series Airplanes [Docket No. 97–NM–230–AD; Amendment 39–10409; AD 98–06–31] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8380. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA341G and SA342J Helicopters [Docket No. 97–SW–51–AD; Amendment 39–10415; AD 98–06–36] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8381. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 1000 through 4000 Series Airplanes [Docket No. 96–NM–176–AD; Amendment 39–10412; AD 98–06–33] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8382. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 97–NM–324–AD; Amendment 39–10402; AD 98–06–24] (RIN: 2120–AA64) received March 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8383. A letter from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Capital Construction Fund; Interim Fishing Vessel Capital Construction Fund Procedures [Docket No.961122326–6326–01; I.D. 081092G] (RIN: 0648–AF22) received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8384. A letter from the Administrator, Small Business Administration, transmitting a draft of proposed legislation that would change the interest rate on disaster loans, establish a disaster mitigation pilot program, and increase the authorization for funding for the women's business centers; to the Committee on Small Business.

8385. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule— Veterans Education: Reduction in Required Reports (RIN: 2900–AI58) received March 23, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8386. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Revocation of Regulations Under the Tea Importation Act [Docket No. 98N–0135] received March 24, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8387. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Gross Income Defined [Rev. Rul. 98–19] received March 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8388. A letter from the Director, Office of Management and Budget, transmitting a report on government-wide spending to combat terrorism, pursuant to Public Law 105—85; jointly to the Committees on National Security and the Judiciary.

8389. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting the FY 1997 Annual Report of the Christopher Columbus Fellowship Foundation, pursuant to Public Law 102—281, section 429(b) (106 Stat. 145); jointly to the Committees on Banking and Financial Services and Science.

8390. A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to make technical corrections to the Community Development Banking and Financial Institutions Act of 1994; jointly to the Committees on Banking and Financial Services and Government Reform and Oversight.

8391. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on Export Control Assistance Nonproliferation, Antiterrorism, Demining and Related Activities, pursuant to Public Law 105—118; jointly to the Committees on International Relations and Appropriations.

8392. A letter from the Chairman, Federal Prison Industries, Inc., Department of Justice, transmitting the 1997 Annual Report of the Federal Prison Industries, Inc. (FPI), pursuant to 18 U.S.C. 4127; jointly to the Committees on the Judiciary and Government Reform and Oversight.

8393. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for Fiscal Years 1999 and 2000 for certain maritime programs of the Department of Transportation, and for other purposes, pursuant to 31 U.S.C. 1110; jointly to the Committees on Transportation and Infrastructure and National Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 2691. A bill to reauthorize and improve the operations of the National Highway Traffic Safety Administration; with an amendment (Rept. 105–477). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 1252. A bill to modify the procedures of the Federal courts in certain matters, and for other purposes; with an amendment (Rept. 105–478). Referred to the Committee of the Whole House on the State of the Union.

Mr. GILMAN: Committee on International Relations. H.R. 2431. A bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes; with an amendment (Rept. 105–480, Pt. 1). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2729. A bill for the private relief of Ruth Hairston by waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity (Rept. 105–479). Referred to the Committee of the Whole House.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1778. Referral to the Committees on Commerce, Transportation and Infrastructure, and Government Reform and Oversight extended for a period ending not later than April 30, 1998.

H.R. 2431. Referral to the Committees on Ways and Means, the Judiciary, Banking and Financial Services, and Rules extended for a period ending not later than May 8, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HALL of Ohio (for himself, Mr. Oberstar, Mr. Hastings of Florida, Mr. Hinchey, Mr. Wolf, Mr. Olver, Mr. Filner, Mr. Lantos, Mr. Frank of Massachusetts, Mr. Frost, Mr. Rahall, Mr. Kennedy of Rhode Island, Ms. Lofgren, Mr. Lewis of Georgia, Mrs. Emerson, Mr. Strickland, Ms. Furse, Mr. Faleomavaega, Mr. Sawyer, Mr. Gonzalez, Ms. Kaptur, and Mr. Kucinich):

H.R. 3615. A bill to amend the Emergency Food Assistance Act of 1983 to authorize appropriations to purchase and to make available to emergency feeding organizations additional commodities for distribution to needy persons; to the Committee on Agriculture.

By Mr. SPENCE (for himself and Mr. Skelton) (both by request):

H.R. 3616. A bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes; to the Committee on National Security.

By Mr. VENTO (for himself and Mrs. Roukema) (both by request):

H.R. 3617. A bill to make technical corrections to the Community Development Banking and Financial Institutions Act of 1994 to reflect the status of the Community Development Financial Institutions Fund within the Treasury Department, to extend the authorization for the Fund, and to make other amendments to the Community Development Financial Institutions Fund, the community development financial institutions program, the Bank Enterprise Act awards program, and the small business capital enhancement program in order to more efficiently and effectively promote economic revitalization, community development, and community development financial institutions, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. EVANS (for himself, Mr. Kennedy of Massachusetts, Mr. Filner, Mr. Gutierrez, Mr. Clyburn, Mr. Mascara, Ms. Carson, Mr. Reyes, Mr. Rodriguez, Ms. Waters, Mr. Olver, Mr. Peterson of Minnesota, Ms. Brown of Florida, and Mr. Doyle):

H.R. 3618. A bill to amend title 38, United States Code, to increase the amount of assistance for providing automobiles to certain disabled veterans; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. Kennedy of Massachusetts, Mr. Filner, Mr. Gutierrez, Mr. Clyburn, Mr. Mascara, Ms. Carson, Mr. Reyes, Mr. Rodriguez, Ms. Waters, Mr. Olver, Mr. Peterson of Minnesota, Ms. Brown of Florida, and Mr. Doyle):

H.R. 3619. A bill to amend title 38, United States Code, to increase the amount of assistance for specially adapted housing for disabled veterans; to the Committee on Veterans' Affairs.

By Mr. GEPHARDT:

H.R. 3620. A bill to amend the Internal Revenue Code of 1986 to reduce individual income tax rates, simplify the tax code, eliminate the marriage penalty, provide for return-free filing of income taxes, prohibit income tax rates from increasing without a national referendum, eliminate corporate welfare, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Rules, Government Reform and Oversight, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Mr. Yates, Ms. Furse, and Mr. Gutierrez):

H.R. 3621. A bill to eliminate the National Forest Foundation; to the Committee on Agriculture.

By Mr. RANGEL:

H.R. 3622. A bill to amend section 2007 of the Social Security Act to provide grant funding for 20 additional empowerment zones, and for other purposes; to the Committee on Ways and Means.

By Mr. COYNE (for himself, Mr. Rangel, Mr. Stark, Mr. Matsui, Mrs. Kennelly of Connecticut, Mr. McDermott, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, and Mr. Becerra):

H.R. 3623. A bill to amend the Internal Revenue Code of 1986 to simplify the individual capital gains tax for all individuals and to provide modest reductions in the capital gains tax for most individuals; to the Committee on Ways and Means.

By Mrs. MALONEY of New York (for herself and Mr. Castle):

H.R. 3624. A bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, the Public Health Service Act, and the Right to Financial Privacy Act of 1978 to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, Commerce, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON:

H.R. 3625. A bill to establish the San Rafael Swell National Heritage Area and the San Rafael Swell National Conservation Area in the State of Utah, and for other purposes; to the Committee on Resources.

By Mr. PAUL:

H.R. 3626. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Mr. RUSH (for himself and Ms. FURSE):

H.R. 3627. A bill to assist local governments and local citizens' organizations in the assessment and remediation of brownfield sites, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN:

H.R. 3628. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for amounts paid for insurance for medical care; to the Committee on Ways and Means.

By Mr. WELDON of Florida:

H.R. 3629. A bill to prohibit the Secretary of Health and Human Services from promulgating any regulation, rule, or other order if the effect of such regulation, rule, or order is to eliminate or modify any requirement under the Medicare Program under title XVIII of the Social Security Act for physician supervision of anesthesia services, as such requirement was in effect on December 31, 1997; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself, Mr. REDMOND, and Mr. SKEEN):

H.R. 3630. A bill to redesignate the facility of the United States Postal Service located at 9719 Candelaria Road NE. in Albuquerque, New Mexico, as the "Steven Schiff Post Office"; to the Committee on Government Reform and Oversight.

By Mr. BILBRAY:

H.R. 3631. A bill to require the Secretary of the Navy to conduct a study on ordinance and munitions waste in San Diego Bay; to the Committee on National Security.

By Mr. WELLER (for himself, Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. QUINN, and Mr. FOX of Pennsylvania):

H.R. 3632. A bill to amend the Internal Revenue Code of 1986 to grant relief to participants in multiemployer plans from certain section 415 limits on defined benefit pensions; to the Committee on Ways and Means.

By Mr. CHABOT (for himself, Mr. MCCOLLUM, Mr. GEKAS, Mr. GRAHAM, Mr. HUTCHINSON, Mr. PORTMAN, Mr. BOEHNER, Mr. SESSIONS, Mr. HUNTER, and Mr. SCHUMER):

H.R. 3633. A bill to amend the Controlled Substances Import and Export Act to place limitations on controlled substances brought into the United States from Mexico; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO of New York (for himself, Ms. HOOLEY of Oregon, Mr. CALVERT, Mr. ETHERIDGE, Mr. MCINTOSH, Mr. NEY, Mr. ROYCE, Mrs. KELLY, Mr. DOOLEY of California, Mr. BOSWELL, Mr. WELLER, Mr. GOODE, and Mr. MINGE):

H.R. 3634. A bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes; to the Committee on Banking and Financial Services.

By Mr. LAZIO of New York (for himself, Mr. LEACH, Mr. KENNEDY of Massachusetts, Mr. HAYWORTH, Mr. BEREUTER, Mr. SESSIONS, Mr. TRAFICANT, Mr. ENSIGN, Mr. EHRLICH, Mr. NEY, Mr. FOX of Pennsylvania, Mrs. KELLY, Mr. PORTMAN, Mr. JACKSON, Mr. JONES, Mr. COOK, Mr. ENGLISH of Pennsylvania, and Mr. METCALF):

H.R. 3635. A bill to provide for the conversion of housing projects for elderly persons financed by direct loans to financing under project rental assistance contracts; to the Committee on Banking and Financial Services.

By Mr. BEREUTER (for himself, Mr. HAMILTON, Ms. MCKINNEY, Mrs. CLAYTON, Mr. HALL of Ohio, and Mr. LEACH):

H.R. 3636. A bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York (for herself, Mr. BAKER, Mr. KANJORSKI, Mr. JACKSON, Mrs. MEEK of Florida, Mr. MANTON, Mr. ALLEN, Ms. VELÁZQUEZ, Ms. WOOLSEY, and Mrs. TAUSCHER):

H.R. 3637. A bill to amend the National Housing Act to authorize the Secretary of Housing and Urban Development to insure mortgages for the acquisition, construction, or substantial rehabilitation of child care and development facilities and to establish the Children's Development Commission to certify such facilities for such insurance, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. ANDREWS:

H.R. 3638. A bill to require a preference for Federal contractors that hire welfare recipients, to require the Secretary of Transportation to make grants to assist States and other entities in financing transportation services for welfare recipients, and to allow the Secretary of Health and Human Services to provide guarantees of State loans to current or recent welfare recipients; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTON of Texas (for himself, Mrs. MYRICK, and Mr. CALVERT):

H.R. 3639. A bill to establish the Drug Abuse Prevention and Treatment Administration, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Education and the Workforce, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BENTSEN:

H.R. 3640. A bill to amend title XIX of the Social Security Act to permit public schools and certain other entities to determine presumptive eligibility for children under the Medicaid Program; to the Committee on Commerce.

By Mr. BUNNING of Kentucky (for himself, Mr. HOUGHTON, and Mr. ENGLISH of Pennsylvania):

H.R. 3641. A bill to amend the Internal Revenue Code of 1986 to allow capital gain treatment on the transfer of a franchise in connection with the transfer of an existing business, and for other purposes; to the Committee on Ways and Means.

By Ms. CHRISTIAN-GREEN:

H.R. 3642. A bill to establish the District Court of the Virgin Islands as a court under article III of the United States Constitution; to the Committee on the Judiciary.

By Ms. CHRISTIAN-GREEN (for herself and Mr. UNDERWOOD):

H.R. 3643. A bill to amend the Internal Revenue Code of 1986 to increase job creation and small business expansion and formation in economically distressed United States insular areas; to the Committee on Ways and Means.

By Mr. CRANE (for himself and Mr. RAMSTAD):

H.R. 3644. A bill to amend the Consolidated Omnibus Budget Reconciliation Act of 1985 to provide for the use of customs user fees for additional preclearance activities of the Customs Services, and for other purposes; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself, Mr. SOLOMON, Mr. STUMP, Mr. HALL of Texas, Mr. HUNTER, Mr. CALLAHAN, Mr. LARGENT, Mr. JONES, Mr. EVERETT, Mr. HAYWORTH, Mr. SHIMKUS, and Mr. GIBBONS):

H.R. 3645. A bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization of law; to the Committee on International Relations, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself, Mrs. MORELLA, Mr. TOWNS, Mr. BLAGOJEVICH, Mr. PASCRELL, Mr. DAVIS of Illinois, Mr. SHAYS, Mr. KENNEDY of Rhode Island, Mr. KENNEDY of Massachusetts, Mr. TIERNEY, Ms. CARSON, Mr. STOKES, Mr. BLUMENAUER, and Mr. ENGEL):

H.R. 3646. A bill to ban the importation of large capacity ammunition feeding devices, and to extend the ban on transferring such devices to those that were manufactured before the ban became law; to the Committee on the Judiciary.

By Mr. DEUTSCH:

H.R. 3647. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Ms. DUNN of Washington (for herself and Mr. TAUZIN):

H.R. 3648. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Ms. DUNN of Washington:

H.R. 3649. A bill to amend part A of title XI of the Social Security Act to include retirees among recipients of annual Social Security account statements; to the Committee on Ways and Means.

By Mr. EHRLICH:

H.R. 3650. A bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. LAZIO of New York, Mr. KING of New York, and Mrs. MCCARTHY of New York):

H.R. 3651. A bill to amend title XVIII of the Social Security Act to provide for a standard of efficiency in the provision of home health services to Medicare beneficiaries and to reward those home health agencies who meet or exceed the standard, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE (for himself, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. MCINTYRE, Mr. FROST, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. DOOLEY of California, Mr. MCGOVERN, Mrs. THURMAN, Mr. FAZIO of California, Mr. PALLONE, Mr. HEFNER, Mrs. MEEK of Florida, Ms. SANCHEZ, Mr. MATSUI, Mrs. CLAYTON, Ms. CARSON, Mrs. TAUSCHER, Mr. WATT of North Carolina, Mr. BROWN of California, Mr. DELAHUNT, Ms. PELOSI, Mr. STENHOLM, and Mr. MORAN of Virginia):

H.R. 3652. A bill to amend the Internal Revenue Code of 1986 to provide a source of interest-free capital, in addition to that recommended in the President's budget proposal, for the construction and renovation of public schools in States experiencing large increases in public school enrollment; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mrs. KELLY):

H.R. 3653. A bill to amend title 10, United States Code, to require that the Secretaries of the military departments provide honor guard details for the funerals of veterans, and for other purposes; to the Committee on National Security.

By Mr. EWING (for himself, Mr. CONDIT, Mr. SHIMKUS, Mr. WATTS of Oklahoma, Mr. BEREUTER, Mr. LAHOOD, Mr. MINGE, Mr. MANZULLO, Mr. MORAN of Kansas, and Mr. KOLBE):

H.R. 3654. A bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurances for contract sanctity, and for other purposes; to the Committee on Agriculture.

By Mr. GREEN:

H.R. 3655. A bill to encourage States to enact laws to prohibit the sale of tobacco products to individuals under the age of 18; to the Committee on Commerce.

By Mr. GREENWOOD (for himself and Mr. MCHALE):

H.R. 3656. A bill to amend the Internal Revenue Code of 1986 to provide an election of deduction in lieu of a basis increase where indebtedness secured by property has original issue discount and is held by a cash method taxpayer; to the Committee on Ways and Means.

By Mr. GUTKNECHT:

H.R. 3657. A bill to suspend the duty on oxidized polyacrylonitrile fibers until January 1, 2002; to the Committee on Ways and Means.

By Mr. HILL:

H.R. 3658. A bill to provide for the settlement of the water rights claims of the Chippewa Cree Tribe of the Rocky Boy's Reservation, and for other purposes; to the Committee on Resources.

By Mr. HULSHOF (for himself, Mrs. THURMAN, Mr. SMITH of Oregon, Mr. COMBEST, Mr. BUNNING of Kentucky, Mr. LEWIS of Georgia, Mr. EWING, Mr. DOOLEY of California, Mr. HOUGHTON, Mr. HERGER, Mr. CHRISTENSEN, Mr. POMBO, Mrs. CLAYTON, Mr. HOSTETTLER, Mr. HOLDEN, Mr. ENGLISH of Pennsylvania, Mr. WATKINS, Mr. WELLER, Mr. BISHOP, Mr. BLUNT, Mrs. EMERSON, Mr. BALDACCI, Mr. THUNE, Mr. CHAMBLISS, Mr. BOYD, Mr. FOLEY, Mr. CLYBURN, Mr. MCDADE, Mr. KANJORSKI, Mr. EDWARDS, Mr. SOUDER, Mr. MARTINEZ, Mr. SCARBOROUGH, and Mr. HUTCHINSON):

H.R. 3659. A bill to amend the Internal Revenue Code of 1986 to provide for Farm and Ranch Risk Management Accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mrs. TAUSCHER, Mr. NEAL of Massachusetts, Mr. FILNER, Mr. KUCINICH, Mr. MCGOVERN, Mr. ROMERO-BARCELO, Mr. GEJDENSON, Ms. RIVERS, Ms. WOOLSEY, Mr. FROST, Mrs. MCCARTHY of New York, Mr. MORAN of Virginia, Mr. SNYDER, Mr. FALEOMAVAEGA, Mr. LATOURETTE, Mr. HOUGHTON, and Mr. DAVIS of Virginia):

H.R. 3660. A bill to invest in the future of the United States by doubling the amount authorized for basic scientific, medical, and pre-competitive engineering research; to the Committee on Science, and in addition to the Committees on Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Massachusetts (for himself, Mr. SHAYS, Mr. FILNER, Mr. QUINN, Mr. MOAKLEY, Mr. SANDERS, Mr. GUTIERREZ, Mr. PETERSON of Minnesota, Ms. BROWN of Florida, Ms. CARSON, Mr. OLVER, Ms. RIVERS, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. NEAL of Massachusetts, Mr. WAXMAN, Mr. MCGOVERN, Mr. BURTON of Indiana, Mr. TIERNEY, Mrs. MALONEY of New York, Mr. DELAHUNT, Mr. LANTOS, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Mr. CLEMENT, Mr. FROST, Ms. SLAUGHTER, Mr. MORAN of Virginia, Mr. HASTINGS of Florida, Mr. MCINTOSH, Mr. MEEHAN, Mr. RODRIGUEZ, Mr. DAVIS of Illinois, and Ms. VELÁZQUEZ):

H.R. 3661. A bill to require the Secretary of Veterans Affairs and the Secretary of Defense to give greater priority to research on the exposure of veterans of Operation Desert Shield and Operation Desert Storm to biological agents or chemical weapons, other toxic agents such as depleted uranium and organophosphates, pyridostigmine bromide, vaccines, oil well fire pollution, and other potentially hazardous substances, to require the Director of the National Institutes of Health to monitor, through a comprehensive database, the resulting effects of such exposure on those veterans' health and their clinical progress in order to identify and provide appropriate and effective medical treatment, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on National Security, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEACH (for himself, Mr. GILMAN, Mr. GEJDENSON, Mr. LANTOS, Mr. FOX of Pennsylvania, and Mr. SHERMAN):

H.R. 3662. A bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LEACH:

H.R. 3663. A bill to amend the Internal Revenue Code of 1986 to provide equitable treatment for contributions by employees to defined contribution pension plans; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mr. BUNNING of Kentucky, Mr. WHITFIELD, Mr. CHAMBLISS, and Mr. ROGERS):

H.R. 3664. A bill to provide crop insurance coverage for tobacco crops, to provide extension services related to tobacco, and to provide for the administration of the Federal tobacco price support and quota programs at no expense to the Department of Agriculture; to the Committee on Agriculture.

By Mrs. LOWEY:

H.R. 3665. A bill to amend the Family Violence Prevention and Services Act to improve and strengthen certain provisions; to the Committee on Education and the Workforce.

By Mr. MARTINEZ (for himself, Mr. CLAY, Mr. KILDEE, Mr. ANDREWS, Ms. WOOLSEY, Mr. HINOJOSA, Ms. SANCHEZ, Mr. FORD, Mr. KUCINICH, Mr. KENNEDY of Massachusetts, Mr. BLAGOJEVICH, Ms. KILPATRICK, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. SERRANO, Mr. LANTOS, Mr. LAFALCE, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LAMPSON, Mr. HALL of Ohio, Ms. STABENOW, Mr. FROST, Mr. TORRES, Mr. SAWYER, Ms. DEGETTE, Mr. NEAL of Massachusetts, and Mrs. MORELLA):

H.R. 3666. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to extend certain authorities contained in such Acts through fiscal year 2002, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MCCRERY (for himself, Mr. TANNER, Mr. FARR of California, Mr. FOLEY, Mr. ABERCROMBIE, Mr. JEFFERSON, Mr. ENSIGN, Mr. CHRISTENSEN, Mrs. EMERSON, Mr. WELLER, Mr. HOUGHTON, and Mr. SAM JOHNSON):

H.R. 3667. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Ways and Means.

By Mr. MCHALE (for himself and Mr. BUYER):

H.R. 3668. A bill to amend title 38, United States Code, to provide for the furnishing by the Secretary of Veterans Affairs of burial flags for deceased members and former members of the Selected Reserve; to the Committee on Veterans' Affairs.

By Mr. McINNIS:

H.R. 3669. A bill to authorize the Secretary of the Interior to provide funding for the implementation of the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; to the Committee on Resources.

By Mr. MENENDEZ:

H.R. 3670. A bill to amend the Food Stamp Act of 1977 to require States to check law enforcement records to verify whether adult applicants for food stamp benefits are ineligible to receive such benefits because they are detainees in law enforcement facilities or are fugitives from justice; to the Committee on Agriculture.

By Mr. MICA (for himself, Mr. SOLOMON, Mr. HASTERT, Mr. GOODE, and Mrs. MYRICK):

H.R. 3671. A bill to amend title 18, United States Code, to provide the death penalty for smuggling certain drugs into the United States; to the Committee on the Judiciary.

By Mr. NEAL of Massachusetts (for himself, Mr. RANGEL, Mr. COYNE, Mr. MATSUI, Mr. LEVIN, Mr. McDERMOTT, Mr. GEJDENSON, Mr. POMEROY, and Ms. STABENOW):

H.R. 3672. A bill to amend the Internal Revenue Code of 1986 to promote expanded retirement savings; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. CASTLE, Ms. CHRISTIAN-GREEN, Mr. FALEOMAVAEGA, Mr. UNDERWOOD, and Mr. ROMERO-BARCELO):

H.R. 3673. A bill to amend the 50 States Commemorative Coin Program Act to extend the program by an additional year for the purpose of including the District of Columbia, American Samoa, Guam, Puerto Rico, and the United States Virgin Islands within the scope of the program; to the Committee on Banking and Financial Services.

By Mr. OBERSTAR (for himself and Mr. CLEMENT):

H.R. 3674. A bill to amend title 46, United States Code, to clarify that the Secretary of Transportation does not have authority to collect user fees for navigational assistance services, including icebreaking; to the Committee on Transportation and Infrastructure.

By Mr. ORTIZ:

H.R. 3675. A bill to designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza - Filemon B. Vela, Sr. United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself, Mr. BONIOR, Mr. GREEN, Ms. DELAURO, Mr. WYNN, Mr. FROST, Mr. LEWIS of Georgia, Ms. FURSE, Mr. KENNEDY of Rhode Island, Mr. ROTHMAN, Ms. McCARTHY of Missouri, Mr. PASCRELL, Mr. MARTINEZ, Ms. JACKSON-LEE, Ms. CARSON, Mr. SERRANO, Mr. RUSH, Mr. ENGEL, Mr. ANDREWS, Mr. SAWYER, Ms. KAPTUR, Mr. CUMMINGS, Mr. WAXMAN, Mrs. LOWEY, Mr. McGOVERN, Mr. MANTON, Ms. ESHOO, Mr. SANDERS, Mr. MARKEY, and Mr. MENENDEZ):

H.R. 3676. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption which are regulated by the Food and Drug Administration; to the Committee on Commerce.

By Mr. PASTOR:

H.R. 3677. A bill to authorize and direct the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and Designated Lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes; to the Committee on Resources.

By Mr. PETERSON of Minnesota (for himself and Mr. POMEROY):

H.R. 3678. A bill to provide crop insurance, marketing loan, and emergency operating loan relief for agricultural producers in certain counties in the States of North Dakota and Minnesota that have been repeatedly designated as Federal disaster areas; to the Committee on Agriculture.

By Mr. REYES (for himself and Mr. GEPHARDT):

H.R. 3679. A bill to authorize additional appropriations for personnel and technology for the United States Customs Service and the Immigration and Naturalization Service, which have joint responsibility at ports of entry, in order to increase inspection and enforcement at ports of entry and to expedite and facilitate the flow of legal commercial and passenger traffic at United States borders and interior checkpoints; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGGS:

H.R. 3680. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes; to the Committee on Education and the Workforce.

By Mr. RILEY:

H.R. 3681. A bill to direct the Administrator of the Small Business Administration to review and adjust the size standards used to determine whether or not enterprises in certain industry categories are small business concerns for the purposes of competing for Federal contracting opportunities; to the Committee on Small Business.

By Ms. ROS-LEHTINEN (for herself, Mr. BARCIA of Michigan, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. HASTERT, Mr. DIAZ-BALART, Mr. CANADY of Florida, Mr. GOSS, Mr. STEARNS, Mr. McCOLLUM, Mr. MICA, Mr. YOUNG of Florida, Mr. WELDON of Florida, Mr. GOODE, Mr. HALL of Texas, Mr. HEFNER, Mr. JOHN, Mr. MINGE, Mr. OBERSTAR, Mr. PETERSON of Minnesota, Mr. RAHALL, Mr. STENHOLM, Mr. BACHUS, Mr. BARR of Georgia, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BATEMAN, Mr. BLILEY, Mr. BLUNT, Mr. BRYANT, Mr. BUNNING of Kentucky, Mr. BURR of North Carolina, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CANNON, Mr. CHABOT, Mr. CHAMBLISS, Mr. CHRISTENSEN, Mr. COBLE, Mr. COBURN, Mr. CRANE, Mr. CUNNINGHAM, Mr. DAVIS of Virginia, Mr. DICKEY, Mr. DOOLITTLE, Mr. DUNCAN, Mr. EHLERS, Mrs. EMERSON, Mr. ENSIGN, Mr. GOODLATTE, Mr. GOODLING, Mr. GUTKNECHT, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. HUNTER, Mr. HYDE, Mr. INGLIS of South Carolina, Mr. ISTOOK, Mr. KING of New York, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LAHOOD, Mr. LARGENT, Mr. LATHAM, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LIVINGSTON, Mr. McCRERY, Mr. McDADE, Mr. McINTOSH, Mr. McKEON, Mr. MANZULLO, Mr. METCALF, Mrs. MYRICK, Mr. NEY, Mr. NORWOOD, Mr. PAPPAS, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PORTMAN, Mr. QUINN, Mr. RYUN, Mr. DAN SCHAEFER of Colorado, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of New Jersey, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SOUDER, Mr. TALENT, Mr. TIAHRT, Mr. THUNE, Mr. WALSH, Mr. WATTS of Oklahoma, and Mr. WHITFIELD):

H.R. 3682. A bill to amend title 18, United States Code, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. SESSIONS:

H.R. 3683. A bill to provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. COLLINS, Mr. SUNUNU, and Mr. PORTMAN):

H.R. 3684. A bill to amend the Internal Revenue Code of 1986, the Social Security Act, the Wagner-Peyser Act, and the Federal-State Extended Unemployment Compensation Act of 1970 to improve the method by which Federal unemployment taxes are collected; to improve the method by which funds are provided from Federal unemployment tax revenue for employment security administration, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. FRANK of Massachusetts):

H.R. 3685. A bill to provide that the amount authorized to be appropriated for national defense functions of the Government for fiscal year 1999 may not exceed the amount authorized to be appropriated for national defense functions for fiscal year 1998; to the Committee on National Security.

By Mrs. TAUSCHER (for herself, Mr. ALLEN, Mr. MORAN of Virginia, Mrs. CLAYTON, Mr. CONDIT, Ms. DELAURO, Mr. FROST, Ms. HARMAN, Mr. KENNEDY of Massachusetts, Ms. LOFGREN, Mr. MILLER of California, Mr. TANNER, Mr. TORRES, and Ms. WOOLSEY):

H.R. 3686. A bill to authorize the Secretary of Health and Human Services to make block grants to States for purposes of improving the quality of child care services and making grants to business consortia to provide quality child care services, and for other purposes; to the Committee on Education and the Workforce.

By Mr. THORNBERRY:

H.R. 3687. A bill to authorize prepayment of amounts due under a water reclamation project contract for the Canadian River Project, Texas; to the Committee on Resources.

By Mr. WATKINS (for himself and Mr. ISTOOK):

H.R. 3688. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for marginal oil and natural gas well production; to the Committee on Ways and Means.

By Mr. WHITFIELD:

H.R. 3689. A bill to transfer administrative jurisdiction over the Land Between the Lakes National Recreation Area to the Secretary of Agriculture; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WISE (for himself, Mr. Ney, Mr. Oxley, Mr. Rahall, Mr. Mollohan, Mr. Goode, Mr. Strickland, Mr. Baesler, and Mr. Boucher):

H.R. 3690. A bill to establish provisions regarding a proposed rulemaking under the Clean Air Act with respect to the transport, in the eastern portion of the United States, of ozone pollution and oxides of nitrogen; to the Committee on Commerce.

By Mrs. LOWEY (for herself, Mr. Porter, Mr. Lantos, and Mr. Smith of New Jersey):

H. Con. Res. 258. Concurrent resolution encouraging international resolution of the political status of East Timor; to the Committee on International Relations.

By Mr. MANTON (for himself, Mrs. Maloney of New York, and Mr. Bilirakis):

H. Con. Res. 259. Concurrent resolution recognizing and honoring the people of the Dodecanesian Islands for their stance in fighting fascism and preserving democratic values and beliefs; to the Committee on International Relations.

By Mr. RUSH (for himself and Mr. Pallone):

H. Con. Res. 260. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Paul Leroy Robeson, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General in 1998, during which occurs the 100th anniversary of Paul Robeson's birth, that such a stamp be issued; to the Committee on Government Reform and Oversight.

By Mr. CONDIT (for himself, Mr. Radanovich, Mr. Herger, Mr. Matsui, Mr. Fazio of California, Mr. Doolittle, and Mr. Pombo):

H. Res. 406. A resolution expressing the sense of the House of Representatives that the canned fruit subsidy regime of the European Union is a bilateral trade concern of high priority, for which prompt corrective action is needed; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

273. The SPEAKER presented a memorial of the Legislature of the State of Pennsylvania, relative to House Resolution No. 330 memorializing the President of the United States and Congress to maintain and increase funding for the Pennsylvania National Guard Counterdrug Program; to the Committee on National Security.

274. Also, a memorial of the Legislature of the State of Washington, relative to House Joint Memorial No. 4039 urging the Federal Communications Commission to review and amend its ruling barring direct reimbursement to state agencies that provide telecommunications services; to the Committee on Commerce.

275. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No.155 memorializing the President of the United States and the Congress of the United States to take immediate and necessary action to provide for United States citizenship for Wojtek Tokarcyzk; to the Committee on the Judiciary.

276. Also, a memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 220 expressing the sense of the Virginia General Assembly in support of the retention of the 1,250-mile perimeter rule at Ronald Reagan Washington National Airport; to the Committee on Transportation and Infrastructure.

277. Also, a memorial of the House of Representatives of the State of Pennsylvania, relative to House Resolution 358 memorializing the Congress of the United States to urge the United States Department of Commerce to continue in a timely fashion the ongoing investigation relating to the dumping of certain stainless steel products into the American marketplace; to the Committee on Ways and Means.

278. Also, a memorial of the Senate of the State of Washington, relative to Senate Joint Memorial No. 8019 requesting federal funds for housing finance; to the Committee on Ways and Means.

279. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 147 memorializing the Congress of the United States to provide full funding for harbor maintenance and lamprey control in the Great Lakes and to urge other Great Lake states to join in this effort; jointly to the Committees on Transportation and Infrastructure and Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. McINTYRE:

H.R. 3691. A bill for the relief of Augusto Ernesto Segovia, Maria Isabel Segovia, Edelmira Isabel Segovia, Perla Franccesca Segovia, and Augusto Thomas Segovia; to the Committee on the Judiciary.

By Mr. PETERSON of Minnesota:

H.R. 3692. A bill for the relief of Anne M. Nagel; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. Dan Schaefer of Colorado.

H.R. 59: Mr. Fox of Pennsylvania and Mr. Tauzin.

H.R. 74: Mr. Skaggs and Mr. Rangel. .

H.R. 96: Mr. Pitts.

H.R. 123: Mr. Bass.

H.R. 135: Mrs. Capps.

H.R. 165: Ms. Stabenow.

H.R. 218: Mr. Upton.

H.R. 303: Ms. Hooley of Oregon.

H.R. 306: Mr. Luther.

H.R. 371: Ms. Kilpatrick.

H.R. 452: Ms. Sanchez.

H.R. 453: Mr. Berman and Mr. Sherman.

H.R. 457: Mr. Hall of Texas.

H.R. 465: Mr. Pickett.

H.R. 536: Mr. Menendez.

H.R. 603: Mr. Luther.

H.R. 612: Mr. Torres.

H.R. 715: Ms. Lofgren.

H.R. 864: Ms. Eshoo, Ms. Roybal-Allard, and Mr. Kennedy of Rhode Island.

H.R. 900: Mr. Jackson and Mrs. McCarthy of New York.

H.R. 915: Mrs. Roukema, Mr. Watt of North Carolina, Mr. Metcalf, Mr. Boswell, and Mr. Fox of Pennsylvania.

H.R. 923: Mr. Hostettler and Mr. LoBiondo.

H.R. 939: Mr. McDade.

H.R. 981: Mr. Wynn.

H.R. 1061: Mr. Gilchrest and Mr. DeFazio.

H.R. 1111: Mr. Boehlert, Mrs. Johnson of Connecticut, Mr. Brown of California, Mr. Upton, and Mr. Ensign.

H.R. 1126: Mr. Kingston.

H.R. 1173: Mr. Clyburn and Mrs. Capps.

H.R. 1176: Mr. Faleomavaega and Mr. Oberstar.

H.R. 1215: Mr. Waxman.

H.R. 1231: Mr. Neal of Massachusetts and Mr. Bonior.

H.R. 1232: Mr. Regula, Mr. Gutierrez, Mrs. Mink of Hawaii, and Mr. Stark.

H.R. 1234: Mr. Hilliard.

H.R. 1280: Mr. Scarborough.

H.R. 1290: Mr. Clement and Mr. John.

H.R. 1334: Mr. Gilchrest and Mr. Stark.

H.R. 1362: Ms. Granger.

H.R. 1401: Mr. Scott and Mr. Ramstad.

H.R. 1404: Mr. Wexler, Mr. Clyburn, Mr. Engel, Mr. Hastings of Florida, and Mr. Kleczka.

H.R. 1415: Mrs. Capps.

H.R. 1427: Ms. Eshoo and Mr. Bilbray.

H.R. 1521: Mr. Dickey, Mr. Foley, Mrs. Thurman, and Mr. Weldon of Florida.

H.R. 1522: Mr. Faleomavaega and Mr. Snyder.

H.R. 1525: Mr. Nethercutt.

H.R. 1571: Mr. Lampson and Mr. Nadler.

H.R. 1624: Mr. Barrett of Wisconsin.

H.R. 1635: Mr. Boswell, Mr. McHale, Mr. Shays, Mr. Olver, Mr. Lantos, Mr. English of Pennsylvania, Mr. Gejdenson, Ms. Woolsey, and Ms. Lofgren.

H.R. 1636: Mr. Matsui, Mr. Leach, Ms. Sanchez, and Mr. Fazio of California.

H.R. 1711: Mr. Minge, Mr. Taylor of North Carolina, and Mr. Knollenberg.

H.R. 1715: Mr. Ensign and Mr. Davis of Florida.

H.R. 1736: Mr. Barrett of Wisconsin.

H.R. 1766: Mr. Berry, Mr. Dickey, Mr. Dooley of California, Mr. Doolittle, Mr. Everett, Mr. Kildee, Mr. King of New York, Mr. Lampson, Mr. Largent, Mr. Tauzin, and Mrs. Johnson of Connecticut.

H.R. 1773: Mr. Romero-Barceló.

H.R. 1786: Mr. Markey, Mr. Pallone, Mr. Meeks of New York, and Mr. Pascrell.

H.R. 1788: Mr. Kleczka.

H.R. 1800: Mr. Goodling, Mr. Greenwood, Mr. McDade, Mr. Peterson of Pennsylvania, and Mr. Goode.

H.R. 1804: Mr. Callahan, Mr. Bachus, Mr. Hilliard, Mr. Everett, Mr. Riley, and Mr. Aderholt.

H.R. 1891: Mr. Foley and Mr. Thornberry.

H.R. 2009: Mr. Weygand and Mr. Kanjorski.

H.R. 2020: Mr. LaFalce and Mr. Cramer.

H.R. 2070: Mr. Peterson of Pennsylvania.

H.R. 2094: Mr. Franks of New Jersey and Mr. Schumer.

H.R. 2145: Mr. Brown of California, Mr. Ewing, Mr. Cooksey, Mr. Martinez, and Mr. Pomeroy.

H.R. 2154: Mr. Diaz-Balart, Mrs. McCarthy of New York, Mr. Conyers, Mr. Abercrombie, Ms. Ros-Lehtinen, Mr. Martinez, Mr. Olver, Mr. Lantos, and Mrs. Kennelly of Connecticut.

H.R. 2174: Ms. Furse.

H.R. 2231: Mr. Ehlers, Mr. Pomeroy, and Mr. Pease.

H.R. 2374: Mr. Schumer.

H.R. 2409: Mr. Traficant, Mr. Houghton, Mr. Boehlert, Mr. Gilchrest, and Mr. Ford.

H.R. 2431: Mrs. Roukema, Mr. Schumer, Mr. Klink, Mr. Green, Mr. Sanders, and Mr. Visclosky.

H.R. 2433: Mr. Pease and Mr. Sanders.

H.R. 2488: Ms. Woolsey.

H.R. 2489: Ms. Carson, Ms. Kaptur, and Ms. DeGette.

H.R. 2500: Mr. Davis of Florida and Mr. Sununu.

H.R. 2509: Mr. Doolittle, Mr. Neal of Massachusetts, and Ms. DeGette.

H.R. 2547: Ms. Norton and Mr. Schumer.

H.R. 2553: Ms. Millender-McDonald.

H.R. 2556: Mr. Minge.

H.R. 2568: Mr. Bob Schaffer.

H.R. 2593: Mrs. McCarthy of New York and Mrs. Capps.

H.R. 2596: Mr. Goodling and Ms. Woolsey.

H.R. 2598: Mr. Barrett of Nebraska.

H.R. 2609: Mr. Scarborough and Mr. Barton of Texas.

H.R. 2660: Mr. Minge, Mr. Delahunt, and Mr. Engel.

H.R. 2670: Mr. Gutierrez and Ms. Harman.

H.R. 2671: Mr. Stark.

H.R. 2708: Mr. Hastert, Mr. Bliley, Mr. Campbell, Ms. Jackson-Lee, and Mr. Pease.

H.R. 2713: Mr. Neal of Massachusetts and Mrs. Clayton.

H.R. 2714: Mr. Snyder.

H.R. 2727: Mr. Dooley of California, Mr. Ehlers, Mr. Barcia of Michigan, Mr. Greenwood, Mr. Moran of Virginia, Mr. Goss, Mr. Taylor of Mississippi. Mr. Castle, Mrs. Thurman, Mr. Horn, Mr. Martinez, Mrs. Roukema, Mr. Houghton, Mrs. Johnson of Connecticut, Mr. Petri, Ms. Pryce of Ohio, Mr. Gilman, Mr. Hobson, Mr. Sensenbrenner, Mr. LaTourette, Mr. Thune, Mr. Sununu, Mr. Frelinghuysen, Mr. Whitfield, Mr. Quinn, Mr. Fawell, Mr. Walsh, Mr. Thomas, Mrs. Fowler, Mr. Foley, Mr. LaHood, Mr. Gilchrest, Mr. Bilbray, Mr. McHugh, Mr. Bass, Mr. Porter, Mr. Lazio of New York, Mr. Upton, and Mr. Leach.

H.R. 2733: Mrs. Thurman, Mr. Bob Schaffer, Mr. Cook, Mr. Hall of Texas, Mr. Leach, Ms. McKinney, Mr. Hansen, Mr. Dooley of California, Mr. McHugh, Mr. Barton of Texas, Mr. Smith of Michigan, Mr. Kanjorski, Mr. Sessions, and Mr. Shadegg.

H.R. 2761: Mr. Towns.

H.R. 2804: Mr. Frost, Mr. Pastor, Mr. Hastings of Florida, and Mr. Hinojosa.

H.R. 2829: Mr. Skelton, Mr. Rogan, Mr. Blumenauer, and Mr. Istook.

H.R. 2874: Mr. Romero-Barceló.

H.R. 2908: Mrs. Maloney of New York, Mr. Fox of Pennsylvania, Mr. Boehlert, Mr. Lazio of New York, Mr. Stenholm, Mr. Faleomavaega, and Mr. Poshard.

H.R. 2912: Mr. Goodling.

H.R. 2921: Mr. Blunt and Mr. Engel.

H.R. 2923: Mr. Poshard, Mr. Fazio of California, Mr. Faleomavaega, Mr. Watt of North Carolina, and Mr. Deal of Georgia.

H.R. 2939: Mr. Hobson and Mr. Graham.

H.R. 2941: Mr. Largent.

H.R. 2955: Mr. Sununu and Mr. McDermott.

H.R. 2960: Mr. Kennedy of Rhode Island.

H.R. 2963: Mr. Torres, Ms. Millender-McDonald, Mr. Lewis of Georgia, and Mrs. Maloney of New York.

H.R. 2968: Mr. Sensenbrenner.

H.R. 2990: Mr. Peterson of Pennsylvania, Mr. Sununu, Ms. Millender-McDonald, Mr. Lewis of California, Ms. Hooley of Oregon, Ms. Furse, Mr. Davis of Virginia, Mrs. Clayton, and Mr. Hastings of Florida.

H.R. 3000: Mr. Hobson and Ms. Pryce of Ohio.

H.R. 3007: Mr. Boehlert and Mr. Ewing.

H.R. 3010: Ms. Woolsey.

H.R. 3032: Mr. Hinchey.

H.R. 3033: Mr. Meeks of New York.

H.R. 3050: Mr. Klink and Mr. Clyburn.

H.R. 3081: Ms. Pryce of Ohio and Mr. Boswell.

H.R. 3104: Mr. Barton of Texas, Mr. Bliley, Mr. Hunter, Mr. Lucas of Oklahoma, Mrs. Emerson, Mr. Leach, and Mr. Diaz-Balart.

H.R. 3131: Mrs. Lowey.

H.R. 3140: Ms. Stabenow.

H.R. 3143: Mr. Barrett of Wisconsin.

H.R. 3148: Mr. Frost.

H.R. 3156: Mr. Baldacci, Mr. Weygand, Mr. Sisisky, Mr. Fazio of California, Mr. Gallegly, Mr. Boucher, Mr. Sanders, Mr. Spratt, Mr. Mascara, Mr. Weldon of Pennsylvania, Mr. Tanner, Mr. Cardin, and Mr. Snyder.

H.R. 3161: Mr. Luther.

H.R. 3178: Mr. Sanders.

H.R. 3181: Mr. Sherman, Mrs. Morella, and Mr. Ortiz.

H.R. 3185: Mr. Souder.

H.R. 3189: Mr. LaHood, Mr. Kingston, Mr. Paxon, and Mr. Neumann.

H.R. 3205: Mr. Maloney of Connecticut.

H.R. 3215: Mr. Paul, Mrs. Emerson, Mr. Blunt, Mr. Kolbe, Mr. Smith of Michigan, and Ms. Woolsey.

H.R. 3225: Mr. English of Pennsylvania.

H.R. 3228: Mr. Royce, Mr. Barrett of Wisconsin, Mr. Miller of Florida, and Mr. Klug.

H.R. 3236: Mr. Fossella, Mr. Obey, Mr. Lewis of Georgia, Mrs. Kelly, Mr. McGovern, and Mr. Smith of New Jersey.

H.R. 3240: Mr. McGovern.

H.R. 3248: Mr. Sununu and Mr. Calvert.

H.R. 3255: Mr. Engel.

H.R. 3267: Mr. Ney.

H.R. 3269: Ms. Lofgren.

H.R. 3279: Mr. Manton, Mr. Stupak, and Mr. Kucinich.

H.R. 3281: Mr. Frank of Massachusetts and Mr. Waxman.

H.R. 3283: Mr. DeFazio and Mr. Filner.

H.R. 3284: Mr. Jenkins.

H.R. 3293: Ms. Lofgren and Ms. Slaughter.

H.R. 3308: Mr. Rahall, Ms. Kilpatrick, and Mr. Duncan.

H.R. 3318: Mr. Upton, Mr. Herger, Mr. Lucas of Oklahoma, Ms. Velázquez, Mr. Sandlin, Mr. Waxman, and Mr. Hall of Texas.

H.R. 3331: Mr. Souder.

H.R. 3333: Ms. Woolsey and Ms. Furse.

H.R. 3338: Mr. Manton and Ms. Lofgren.

H.R. 3341: Mr. Gutierrez, Mrs. Mink of Hawaii, Mr. Frost, Mr. Moran of Virginia, and Mrs. Meek of Florida.

H.R. 3396: Mr. Hobson, Mr. Lazio of New York, Mr. Frelinghuysen, and Mr. Dickey.

H.R. 3435: Mr. Sessions, Mr. Petri, and Mr. Weller.

H.R. 3462: Mr. Wexler.

H.R. 3497: Mr. Cooksey and Mr. Livingston.

H.R. 3506: Mrs. Northup, Mr. Livingston, Mr. King of New York, Mr. Baldacci, and Mr. Spence.

H.R. 3510: Mr. Dingell.

H.R. 3514: Mr. Miller of California.

H.R. 3523: Mr. Mascara, Mr. Adam Smith of Washington, Ms. Danner, Mr. Sessions, Mr. Kanjorski, Mr. Clement, Mr. Ramstad, Mr. Bunning of Kentucky, Mr. Whitfield, Mr. Sanders, Mr. Cramer, Mr. Peterson of Minnesota, Mr. Jenkins, Mr. Strickland, Mr. Ewing, Mr. Lipinski, and Mr. Greenwood.

H.R. 3524: Mr. McNulty, Mr. Stark, and Mr. Coyne.

H.R. 3526: Mr. Maloney of Connecticut.

H.R. 3531: Mr. Frost and Mr. Barrett of Wisconsin.

H.R. 3535: Mr. Sensenbrenner and Mr. Norwood.

H.R. 3538: Mr. Bonior, Ms. Woolsey, Mr. Frost, and Mr. Engel.

H.R. 3541: Mr. Packard, Mr. Strickland, Mr. Riggs, Mr. Evans, Mr. Kim, Mr. Wexler, Mr. Frost, Mrs. Kelly, Mr. Filner, Mrs. Northup, Mr. Matsui, Mr. Shays, Mr. McHugh, Mr. Cooksey, and Mr. Snyder.

H.R. 3546: Ms. Dunn and Mr. Ramstad.

H.R. 3551: Mr. Filner.

H.R. 3555: Mr. McHugh and Mr. Frost.

H.R. 3561: Mr. Markey.

H.R. 3563: Mr. Sandlin.

H.R. 3570: Mr. Miller of California and Ms. Stabenow.

H.R. 3571: Mr. Manton, Mr. Stupak, Mrs. Thurman, Mr. Bishop, Mr. Sanders, and Mr. Kleczka.

H.R. 3577: Mr. Frost.

H.R. 3599: Mr. English of Pennsylvania.

H.R. 3603: Mr. Bilirakis, Mr. Filner, Mr. Everett, and Mr. Cooksey.

H.R. 3605: Mr. Turner, Mr. Underwood, Mr. Schumer, Mr. Engel, Mr. Berry, Mr. Doyle, Mr. Torres, and Mr. Fox of Pennsylvania.

H.R. 3610: Mr. Forbes, Ms. Furse, Mr. Weygand, and Mr. English of Pennsylvania.

H.J. Res. 65: Ms. DeLauro, Mr. Hilliard, Mrs. Capps, Mr. Olver, and Mr. Faleomavaega.

H.J. Res. 66: Mr. Weygand and Mr. Cummings.

H.J. Res. 99: Mr. Foley.

H.J. Res. 102: Mr. Deal of Georgia, Mr. Fawell, Mrs. Fowler, Ms. Granger, Mr. Klink, Mr. Mascara, Mr. Solomon, Ms. Stabenow, Mr. Thompson, and Mr. Young of Florida.

H.J. Res. 108: Mr. Poshard.

H. Con. Res. 27: Mr. Bentsen, Mr. Meeks of New York, and Mr. Shaw.

H. Con. Res. 126: Mr. King of New York.

H. Con. Res. 211: Mr. Burton of Indiana.

H. Con. Res. 215: Mr. Lewis of Georgia.

H. Con. Res. 220: Mr. Ackerman and Mrs. McCarthy of New York.

H. Con. Res. 222: Mr. Menendez, Mr. Ballenger, and Mr. Sanford.

H. Con. Res. 229: Ms. Eddie Bernice Johnson of Texas, Ms. Rivers, Mr. Romero-Barceló, Mr. Sisisky, and Mr. Stupak.

H. Con. Res. 233: Mr. Bonior, Mr. Hinchey, Mr. Lipinski, and Mr. Peterson of Pennsylvania.

H. Con. Res. 234: Mr. Gutierrez, Mrs. Kelly, Mr. Rohrabacher, Mr. Scarborough, Ms. Furse, and Mr. Wexler.

H. Con. Res. 240: Mr. Romero-Barceló, Mr. Frost, Ms. Lofgren, Mr. Ortiz, Ms. Sanchez, Mr. Hinojosa, Mr. Pastor, Mr. Torres, Mr. Rodriguez, Mr. Gutierrez, Ms. Roybal-Allard, and Mr. Doggett.

H. Con. Res. 241: Mr. Luther and Ms. DeLauro.

H. Con. Res. 246: Mr. Blagojevich.

H. Con. Res. 247: Mr. Meehan, Ms. Stabenow, Mrs. Lowey, Mr. English of Pennsylvania, Mrs. Meek of Florida, Mr. Cummings, Mr. Tiahrt, Mrs. Myrick, Mr. Poshard, and Mr. Sanders.

H. Con. Res. 249: Mr. Cunningham, Mr. Romero-Barceló, and Mr. Bonior.

H. Con. Res. 250: Ms. Lofgren and Mrs. Furse.

H. Con. Res. 254: Mr. LoBiondo and Mr. Rohrabacher.

H. Res. 37: Mr. Sherman, Mr. Hilliard, and Mr. Visclosky.

H. Res. 279: Mr. KUCINICH.
H. Res. 363: Mr. FILNER and Mr. SPENCE.
H. Res. 399: Mr. ALLEN and Mr. SOUDER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1173: Mr. HILLEARY.
H.R. 2183: Mr. DICKEY.
H. Res. 399: Mr. FRANK of Massachusetts.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

55. The SPEAKER presented a petition of the City Council of the City of Wilkes-Barre, Pennsylvania, relative to Resolution No. R0056-98 urging the United States House of Representatives and the United States Senate to pass H.R. 1151; to the Committee on Banking and Financial Services.

56. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 53 petitioning the Congress of the United States to Support Various Initiatives for the Prevention and Treatment of Breast Cancer; to the Committee on Commerce.

57. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 56 petitioning the Congress of the United States to Support Use of Military Force in Iraq if the President of the United States Deems it Necessary; to the Committee on International Relations.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. BAESLER on House Resolution 259: WILLIAM (BILL) CLAY, GREGORY W. MEEKS, DALE E. KILDEE, ROSA L. DELAURO, JULIAN C. DIXON, ROBERT C. SCOTT, JAMES A. BARCIA, TIM HOLDEN, MICHAEL N. CASTLE, ALBERT RUSSELL WYNN.

Petition 2 by Mr. PETERSON on H.R. 1984: JOHN D. DINGELL.

The following Member's name was deleted from the following discharge petition:

Petition 3 by Mr. BAESLER on House Resolution 259: FLOYD H. FLAKE.

EXTENSIONS OF REMARKS

INTRODUCTION OF HOUSE RESOLUTION TO ISSUE PAUL ROBESON COMMEMORATIVE STAMP

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. RUSH. Mr. Speaker, today I am introducing a resolution, with Mr. PALLONE, expressing the Sense of Congress that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative stamp be issued in honor of Paul Leroy Robeson's centennial birthday, April 9, 1998.

Few Americans can surpass the contributions of such an extraordinary man. Robeson was a fearless advocate for the cause of human dignity and justice, both in the United States and throughout the world. As an actor, singer, athlete, lawyer, and activist, Paul Robeson inspired the spirit and lives of millions of people.

The United States Government desperately tried to silence Paul Robeson during the repressive McCarthy era. The State Department revoked his passport for some pro-Soviet statements, and the House Committee on Un-American Activities attacked him. But Paul Robeson continued to speak out on behalf of freedom and civil rights.

To commemorate the centennial of his birthday, April 9, 1998, the Paul Robeson 100th Birthday Committee launched a national grassroots petition drive to ask the Citizens Stamp Advisory Committee to issue a Paul Robeson postage stamp. The Campaign collected nearly 90,000 letters and signatures in behalf of this request. Numerous Members of the 105th Congress also signed letters to the Citizens Advisory Committee in support of the stamp.

Despite this outpouring of enthusiasm, the Citizens Stamp Advisory Committee turned down the request. Our Resolution expresses the Sense of Congress that our country should honor Paul Robeson with the issuance of a commemorative stamp.

Thousands of people will mark Robeson's 100th birthday with celebrations across the country. But this accomplished American may not be well-known to younger generations. The issuance of such a stamp would not only be a fitting tribute to Paul Robeson, but also an excellent opportunity to educate new generations about his contributions to the arts, politics, sports, and the movement for social justice.

I urge Members of Congress to join me and Congressman PALLONE in honoring Paul Robeson and his legacy in American history by cosponsoring this Resolution.

HONORING THE MARTIN LUTHER KING, JR. COMMUNITY CENTER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor the Martin Luther King, Jr. Community Center in Houston as it celebrates its 30th anniversary on April 4, 1998.

Begun by dedicated VISTA volunteers and community leaders in the 1960s, the King Center has grown into a multi-purpose facility that meets a wide range of needs, including day care, delinquency prevention, education, food and clothing emergency assistance, housing for the homeless, assistance for abused or neglected babies and children, and senior citizen support groups.

I salute all who have contributed to the success of the center, especially Executive Director Madgelean Bush and the center's founders who had the vision, courage, and commitment to turn their dream into reality: Elizabeth Hardesty, the late Eugene Hardesty, the late Moses Leroy, Dr. Hardy Loe, Bob Newman, the late Barbara Russell, Ben Russell, Millie Simon, and the late Will Simon.

The history of the Martin Luther King, Jr. Community Center dates to a definitive study on low-income housing in Houston conducted in the early 1960s by the Houston Council on Human Relations. This study found pockets of intense poverty in Houston. As a result, the Council sponsored VISTA volunteers to work in these areas. One of these volunteers was Bob Newman, who was assigned to the third ward area. To help him, he was assigned a volunteer support team from the First Unitarian Church.

After several months in the neighborhood, Bob Newman arranged for a group of individuals to discuss the development of a community center. After a series of Tuesday night meetings, the founding group of seven rented a store front building at the corner of Sampson and Drew, and what was then known as the Sampson Street Center began its work. On the night that Martin Luther King, Jr. was assassinated in Memphis, the group met and voted to change the center's name to honor the fallen civil rights leader.

While the outside volunteers provided invaluable assistance, they quickly realized that the Center would only succeed with the support of neighborhood residents. Only residents truly understood the problems and could bring about the changes needed to solve them. So they began an active and successful outreach to build support in the neighborhood. An election was held to establish a neighborhood board of directors. And residents began organizing and staffing programs that addressed their immediate needs.

The priorities of the center echoed the many concerns of the neighborhood—the needs of children who needed a place to go while their parents worked, or teenagers with seemingly no direction and nothing to do, of adults who needed the chance at further education and job training.

Grandmothers, aunts, and sisters, staffed a day care center. Neighborhood cleanup and rat eradication programs were started. Volunteers began an adult education program aimed at an eventual GED. Upholstery and ceramic classes were offered.

It quickly became obvious that volunteers could only do so much and that staffing would be required. A grant, arranged by Bob Woodson of the Unitarian Service Committee, made it possible to hire Ms. Ollie Hollies to work the Day Care Center, and shortly after, Madge Bush was hired to become the director of the King Center.

Space, always a problem, became critical as the programs grew. Houston had become eligible for Model Cities monies, and in 1974 a classroom building was built on King Center land with a Model Cities grant. This added space increased the day care program's capacity. Over the years, other programs were established: a halfway house for youngsters in trouble; food baskets and food collections for the needy; toy collections for children; and a senior citizen support program in a separate building with kitchen facilities that the seniors support themselves through quilting and Friday night fish dinner sales.

In 1990, the Mickey Leland Crisis Nursery was added to provide 24-hour-care for abused or neglected children and babies. Other vital services include programs such as sports, tutorial and counseling to combat delinquency and drugs and an alternative school, supported by the Houston Independent School District, for elementary age students who are having difficulties in a regular school environment. In addition, construction is under way on 16 family housing units in a project that will also include counseling, job training, and other services to help families.

Today, through the dedication and hard work of Madgelean Bush, the staff, and volunteers, the King Center is alive and well. In every challenge, Madge sees hopes for a solution, and she inspires others to join her in the effort. I salute everyone involved with the Martin Luther King, Jr. Community Center throughout its 30 years of service and thank them for all that they have done to make Houston a better and more caring place.

U.S. OIL RESERVES—BUY HIGH, SELL LOW?

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. MILLER of California. Mr. Speaker, the Department of Energy is about to sell off more

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

than $207 million worth of oil owned by U.S. taxpayers from the Strategic Petroleum Reserve. At today's low prices, that means the United States would dump about 20 million barrels of oil on a market already awash with oversupply.

Congress created the Reserve in 1975 to avoid the devastating effects on our national security and our economy that could be caused by the kind of shortages that occurred when other oil-producing countries stopped producing in order to drive up the price of oil and gas.

Last year, Congress directed the DOE to sell over $200 million worth of oil—essentially covering the cost of operating the Reserve. But shouldn't we think about the wisdom of proceeding with this plan at this time?

Isn't it foolish to liquidate federal oil reserves now, when oil and gas are selling at very low prices? Even if the price of oil rebounds this year, we would still be selling these federal assets for far less than the $27 to $30 per barrel it cost us to acquire them. Secretary of Energy Federico Pena agrees, noting, "This is the worst time to be selling oil out of the Strategic Petroleum Reserve." Good economics would suggest that we buy oil for the Reserve now—not sell it.

On March 26, the Senate accepted an amendment to its supplemental appropriations bill to rescind the sale. The House bill passed earlier this week does not rescind the sale. On behalf of taxpayers who stand to lose millions is this unwise liquidation proceeds, I would hope that the House conferees will accept the Senate position in Conference.

TRIBUTE TO THE HONORABLE FRED AND MRS. ANNE ANDERSON

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the Honorable Fred and Mrs. Anne Anderson of Loveland, Colorado. Fred and Anne are being honored April 1 by the National Multiple Sclerosis Society with the 1998 Hope Award at the fourth annual Dinner of Champions. April 1 is a very special anniversary for the couple as this was the date Fred proposed to Anne 44 years ago, so it is especially poignant that the community chose this date to honor this dedicated couple for their volunteer service.

As residents of the community for four decades, and parents of four children, the Andersons have spent an enormous amount of time contributing to the political and local community. To name just some of the organizations they worked for include the Boy Scouts, their children's schools, youth football, church, library, McKee Medical Center, Rotary, Jaycees, PEO, and foundations.

Fred, who served in the Colorado State Senate for 16 years, including a time as Senate President, is well known for his expertise on Colorado water issues. His knowledge has been invaluable to the citizens of the region and state. Anne has served as co-chair of United Way with Fred, and board member of public television's Channel 6. Together, they signed up to work hard for the National MS Society when one of their children, Kate, was diagnosed with the disease, chairing the first Dinner of Champions.

The Andersons are a good example of Americans who are generous and caring. "They would do anything for any person who needed a hand," said Cindy Bean, development manager for the National MS Society. As a personal friend of the Andersons, I know this statement to be true. Fred and Anne are two people who are working to make this a better world.

CONFERENCE REPORT ON H.R. 1757, FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT OF 1998

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

Mr. SNOWBARGER. Mr. Speaker, I rise in support of this conference report. The United Nations Reform Act is an important first step in bringing this institution in line with what America expects of it, and achieving the goals of the Kassebaum-Solomon amendment which began our withholding of a portion of our U.N. dues. Last year, I introduced the United Nations Accountability Act to force reforms at the U.N. before any arrears could be paid to that body. This measure would go far in accomplishing that goal by providing the funds in three tranches, but payment of each tranche would be contingent on certain specified reforms accomplished at the United Nations.

The U.S.'s dues assessment must be lowered from the current 25 percent to 22 percent immediately, and to 20 percent by the year 2000. For too long, the U.S. has been paying a disproportionate share of the U.N.'s expenses, and other countries have been getting off without paying their fair share.

The bill also requires that our assessment for peacekeeping activities be reduced to 25 percent, and most importantly that our in-kind military contributions to U.N. peacekeeping missions be credited against our assessment. Last year I supported an amendment by the gentleman from Maryland—Mr. BARTLETT—to require money we spent in the past for this purpose be applied to our arrearage. Unfortunately, a majority of the House opposed that effort. I can understand why—the Administration promised and the Congress appropriated this money without first demanding reimbursement, and it would be difficult to retroactively correct that foolish mistake. But we must make sure that we get compensation in the future. Administration officials and Members of Congress must remember that it is not our money they are promising to Kofi Annan, it belongs to the people of this country, and they deserve full value for it.

There are other important institutional reforms in this bill that deserve our support. There are procurement reforms that ensure that contracts will be let fairly and openly and not to the friends of the U.N. officials awarding them. There will finally be a merit-based personnel system at the U.N. to end the rampant cronyism there. The United States—as the largest contributor to the U.N.—will be ensured of a seat on the U.N.'s budget committee. The bloated staffing levels will be cut. And a report will be required on efforts to ensure that our ally Israel has the same opportunity to serve on the Security Council as every other member state.

Now that the reforms have been required by Congress, the next step must be enforcing them. I must say that I would have preferred the enforcement procedure of the United Nations Accountability Act—requiring a second vote by Congress to approve the reforms. Instead the Administration has to certify that the U.N. has indeed made the required reforms—not just making progress, but actually accomplishing them. Congress now has the duty to keep both U.N. and the Administration honest. I will do my best to do so, and if any certification is made that is in conflict with the facts, I will lead the effort to block further appropriations.

THE DISABLED VETERANS' SPECIAL HOUSING IMPROVEMENTS ACT OF 1998—H.R. 3619

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. EVANS. Mr. Speaker, today, I am introducing the Disabled Veterans' Special Housing Improvements Act of 1998. This legislation will provide our most severely disabled veterans with a much needed increase in the amount of the one-time grant they may receive in order to obtain or adapt special housing to meet their unique needs. Only a small number of service-connected veterans are so disabled that they qualify to receive a grant to obtain suitable housing. Most are required to use a wheelchair for mobility. During the past ten years, the purchasing power of this grant has been allowed to erode by almost one-third.

The Disabled Veterans' Special Housing Improvements Act of 1998 was prompted by a call to my office from a severely disabled veteran. This veteran reported that while he had been approved for a one-time grant from the Department of Veterans Affairs to modify his home to meet the requirements of his service-connected disabilities, the cost of the needed adaptations far exceeded the amount of the grant. There was a simple reason for this fact. The grant amount for veterans which had been regularly increased between 1969 and 1988 has been frozen since 1988.

The grant available under this program amount is limited to 50% of the actual cost of the modifications or purchase. Nonetheless, almost 95% of the veterans who qualify for this benefit receive the maximum grant. The legislation I am introducing today makes up for years of neglect. It will restore the purchasing power of the grant to reflect the current cost of housing. In order to avoid repeating the neglect of the past ten years, the legislation will also index the grant to the cost of new construction in future years.

In addition, this legislation has been recommended by the Independent Budget and the many veterans service organizations who participate in preparing that document. Our most severely disabled veterans have earned the right to live in a safe, secure home, specially adapted to meet their needs. I urge my colleagues to support this legislation.

HONORING NATIONAL COMMUNITY ECONOMIC DEVELOPMENT DAY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BENTSEN. Mr. Speaker, I rise to recognize National Community Economic Development Day (National CED Day), which will be celebrated by community development corporations (CDCs) across the country on Wednesday, April 8, 1998.

This third annual event, held during National Community Development Week and sponsored by the National Congress for Community Development (NCCED), recognizes the achievements of more than 2,500 CDCs working in America's low-income urban and rural communities. More than 800 NCCED members are actively involved in housing renovation and construction, real estate development, industrial and small business development, employment-generating activities, and other innovative programs to revitalize communities. More than 21 million people benefit from the work of CDCs.

This year's National CED Day theme, Community Empowerment Through Partnerships, underscores the benefits of building effective alliances between community and faith-based organizations, businesses, and state, local, and federal governments. Collectively, these partnerships work to foster a better social and economic quality of life for America's families. National CED Day gives CDCs the chance to form and expand productive partnerships with local businesses, corporations, banks, academic institutions and public officials, which strengthens the economic base of both urban and rural communities nationwide.

Community Development Corporations are good at what they do around the country and in Houston. They recognize the interrelated factors that cause economic decline. They evaluate the needs of each community and create plans for each neighborhood. They then develop comprehensive strategies for community economic development using entrepreneurial solutions, and they stay in the community for the long term.

Effective community development depends on all of us working together, developing and sharing good ideas, and bringing individual talents and resources to bear addressing the economic challenges facing our families and our communities.

Mr. Speaker, I commend all involved with National Community Economic Development Day and the good work that CDCs have done in Houston and around the country. I look forward to continuing to work together in this crucial effort.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 31, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3579) making emergency supplemental appropriations for the fiscal year ending September 30, 1998, and for other purposes:

Mr. MILLER of California. Mr. Chairman, the House Report accompanying the Supplemental Appropriations bill contains a little-noticed section that could cost taxpayers many millions of dollars in revenues from public lands in the Gulf of Mexico.

Technological advances in recent years have made it much cheaper to find and produce oil and gas in what was formerly considered "deep water" in the Gulf. In 1995, the Congress unwisely passed a Deepwater Royalty "holiday" to stimulate oil companies (most of whom were already enormously interested in deep water leases) to bid on these tracts. Here's how Congress provided that incentive: instead of charging royalties on oil and gas produced from these new leases, the oil companies would be given as much as 87.5 million barrels absolutely free! We have given away hundreds of millions, if not billions, of dollars in royalties from leases on public lands that the oil industry was already clamoring to bid on. It came as little surprise that companies are snapping up the royalty-free leases and paying higher than normal front end bonuses to acquire them. Why wouldn't you pay more if you know you will get nearly 100 million barrels of production royalty-free?

Thanks to improved technology and cheaper production costs, oil exploration and production in the Gulf are booming. As reported in Forbes magazine last year, Gulf of Mexico deepwater development costs have dropped to as little as $3 per barrel, one-third the level in 1987.

This is great news for the oil industry, but might not be quite so good a bargain for the taxpayers who own the oil and gas. The Minerals Management Service, which oversees offshore production, wants to look at possibly raising the royalty rates on the holiday leases once royalties do begin to apply in an effort to determine whether or not the public is actually receiving fair market value on its oil and gas. MMS is fully allowed to take such corrective action under the 1995 law that gave away the leases royalty-free.

But the oil industry, enjoying the benefits of the 1995 law and flush with money from Gulf leases, now wants to curtail the government's legal right to make adjustments to ensure the public's financial interest is fully protected. The House Appropriations Committee's Report on the Emergency Supplemental Appropriations bill includes language to prevent the Secretary of the Interior from making any changes to the lease terms. This language undermines the Secretary's authority to set terms that guarantee the taxpayer receives fair market value on the sale of its mineral resources.

Congress should be protecting the public's right to receive a fair return—not tying the hands of the Interior Department when it is attempting to secure fair market value for the taxpayers. This Report languages is irrelevant to the Emergency Supplemental and, by revising the authority granted Interior in the 1995 law, constitutes an indirect effort to legislate on an appropriations bill.

I would hope such instructions are not included in the Conference Report or the Statement of Managers. And I would recommend that Members oppose the Conference Report should it be included. If the weakening recommendation is in the Statement, the MMS should ignore this unwise effort to tamper with the law and shortchange taxpayers.

TRIBUTE TO PHIL WALKER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to Mr. Phil Walker, a Fort Collins, Colorado, native and 40-year broadcaster for KCOL radio who has just been recognized as the Colorado Broadcasters Association Broadcast Citizen of the Year.

This annual award is given to an individual who displays an outstanding record of community citizenship. Phil was selected for his tremendous service during Fort Collins' 1997 devastating flood when he stayed on the air non-stop for four days, broadcasting relief coverage and directing emergency assistance.

However, Phil has been known to our community and his listeners long before last summer's flood. He started work at KCOL as a freshman at Fort Collins High School in 1957. Today, we start our weekday mornings at 6:00 a.m., hearing, "Good morning everyone! How's my city? on News Talk 1410 AM, Monday through Friday. What better way to wake up than to hear this cheerful greeting emanating from a man who loves and knows his city, my hometown.

Phil has been recognized as a visionary who constantly thinks about Fort Collins' future, but he also airs a very popular radio feature about the 200-year history of Fort Collins and northern Colorado, known as "Visions Along the Poudre." As he proudly states, "This is my hometown," obviously giving him great insight and knowledge of the area.

Phil has won numerous awards during his career including Best Regularly Scheduled Newscast by the Colorado Broadcasters Association in 1996; Best Broadcast Feature Writer in Colorado by the Society of Professional Journalists in 1994; and Best Radio Program in Colorado by the Broadcasters Association in 1980–83, 1989, and 1991–96; was chosen as the "Best Local Author" in the annual Coloradoan poll four years in a row for "Visions Along the Poudre Valley"; President's Award by the Fort Collins Historical Society in 1996; and this year, was chosen as the Honorary Historian for Larimer County by the Larimer County Commissioners.

His community involvement is extensive as well, including being the founding member of the NewWestFest committee; creator of the Annual Community Carolfest held during Christmas; administrator of the town's 4th of July fireworks display for 15 years; established a fundraising program for the Fort Collins Museum; master of ceremonies for many charitable events; and was recently the Honorary Chairman of Riverfest, the annual celebration of the Poudre River.

Recalling a conversation he had with his father as a youngster, he asked his dad, "Why are you doing all this volunteer work? You don't get paid for doing it?"

His dad responded, "Well, it's my turn."

Phil asked, "What does that mean," to which his dad said, "If you keep your nose clean and live in this town for about forty more years, you'll know what it means."

"Well, it's been forty years and I know what he meant," said Phil.

Mr. Speaker, I am honored to pay tribute to this very hardworking, civic-minded, selfless man who has contributed so much to this community. The Colorado Broadcasters "Broadcast Citizen of the Year" award is much deserved. He embodies the true American spirit.

VETERANS OF FOREIGN WARS OF THE UNITED STATES OPPOSES H.R. 695, THE SAFE ACT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. SOLOMON. Mr. Speaker, as you know every major police organization in the United States, representing millions of Americans strongly opposes H.R. 695. Now our veterans have joined their efforts to defeat the bill. I have included in the RECORD today a letter from the VFW which outlines their opposition to H.R. 695, the SAFE Act.

The 2.1 million members of the Veterans of Foreign Wars believe that the version of the bill reported by the Committees on Judiciary, International Relations and Commerce will be detrimental to our national security and law enforcement.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, February 17, 1998.

Hon. Gerald B. Solomon,
U.S. House of Representatives, Washington, DC.

DEAR MR. SOLOMON: On behalf of our 2.1 million members, the VFW thanks you for inviting us to the presentation you recently sponsored regarding the issue of encryption. We found the presentation to be extremely informative and persuasive.

Please be assured that the VFW fully agrees that there is a need for the law enforcement and intelligence communities to have an unfettered capability to counter terrorists and criminals, both domestic and foreign. We strongly support H.R. 695, the "Security and Freedom Through Encryption (SAFE) Act" as reported by the House National Security and Intelligence Committees, which calls for controlled government access through key recovery tools to decrypt information and communications that endanger our national security. We oppose the version of H.R. 695 reported by the Judiciary, International Relations and Commerce Committees because they failed to incoporate essential key recovery language. As America moves forward into the 21st century it is absolutely essential that we have the ability to keep pace with those who intend to bring us harm.

Again, thank you for inviting us to a most stimulating presentation. We look forward to working with you on this issue.

Sincerely,
KENNETH A. STEADMAN,
Executive Director.

IN HONOR OF THE OPENING OF EDISON INTERNATIONAL FIELD OF ANAHEIM AND OPENING DAY OF THE ANAHEIM ANGELS BASEBALL SEASON, APRIL 1, 1998

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. SANCHEZ. Mr. Speaker, tonight, I would like to join you in celebrating the opening of Edison International Field of Anaheim and the opening day of the Anaheim Angels baseball season. When the first ball is thrown out on the field tonight, we will be part of the history of this great American sport—baseball.

Baseball has been a part of our American history from the 19th century. From its earliest beginning, baseball has captivated the American audience in a most remarkable way. Baseball is synonymous with America. It is as American as the Fourth of July, apple pie, and the Star Spangled Banner.

Nothing has captured the imagination of America's young and old, as baseball. How many little leaguers dream of playing one day in the major leagues, the bright lights shining down on the field, the crowds cheering as a runner slides into home base. Baseball is our national pastime. We, as Americans, are proud of this sport. And, some of our greatest American heroes, have been baseball players—Babe Ruth, Lou Gehrig, Mickey Mantle, Joe DiMaggio, Jackie Robinson.

Tonight, we again celebrate this most American of traditions. The new Edison Field has brought state of the art facilities to Orange County. With the new additions of seating for over 45,050 fans, a total of 108 executive style boxes and new dining facilities, the Edison Field stadium will continue to draw record crowds to see their favorite team, the Anaheim Angels play. It is so exciting to have this excellent team of baseball players representing Anaheim. We are so fortunate to have such a talented baseball team right here in Orange County.

Best wishes for a winning season!

HONORING HEAR O'ISRAEL OF HOUSTON, TX

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BENTSEN. Mr. Speaker, I rise to recognize a valued organization within the Houston community, Hear O'Israel, which is sponsoring Listen to the Cries of the Children National during the month of April 1998. Hear O'Israel works to make a difference in the lives of the disabled, battered and abused women, the elderly and young people across Houston. They work to give these men and women a stronger sense of self-worth and instill in them the need to treat others with compassion and respect. The following resolution approved by the Houston City Council demonstrates the high regard for Hear O'Israel in our community.

A RESOLUTION

LISTEN TO THE CRIES OF THE CHILDREN NATIONAL

Hear O'Israel International, Inc., a non-profit, non-denominational organization will sponsor Listen to the Cries of the Children National during the month of April 1998. Listen to the Cries of the Children National is designed to strengthen unity among families and enhance public awareness of the negative consequences that alcohol and drug abuse, family violence, child abuse, and gang activity have on children.

The Listen to the Cries of the Children National campaign will call attention to the plight of children around the world who are abused, neglected, physically challenged, or who do not have access to adequate food, shelter, clothing, and health care and are crying out for help. As a symbol of compassion for suffering children, Hear O'Israel International, Inc. will encourage supporters to turn on their automobile headlights and wear white ribbons during the observance.

The Mayor and the City Council of the City of Houston do hereby salute Hear O'Israel International, Inc. for its efforts to improve and enhance the quality of life for our children, and extend best wishes for a successful and rewarding campaign.

Approved by the Mayor and City Council of the City of Houston this 26th day of March, 1998. A.D.

HONORING THE DISTINGUISHED CAREER OF HERSCHEL MULLINS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 1, 1998

Mr. GORDON. Mr. Speaker, I rise to congratulate Herschel Mullins for marking his 60th anniversary as owner and founder of Mullins Jewelry.

On March 1, 1938, Mr. Mullins bought the business from the man for whom he worked as an apprentice for two years. Raised on a farm in the Florence community, Mr. Mullins traded in farming for repairing and selling clocks and jewelry. His love of working on clocks was a trait he inherited from his father.

A little over a year later, on July 5, 1939, Mr. Mullins married Mildred Alsup. Today, they have three sons, Charles, James and Thurman, nine grandchildren and one great-granddaughter. Mullins Jewelry is one of few remaining family owned and operated businesses. His wife, sons and their wives and grandchildren work with him. The business, located on the South side of the square in Murfreesboro, needs no advertisements; it is sustained by word-of-mouth.

In addition to contributing to local commerce, Mr. Mullins has also contributed to his country and community. During World War II, he worked on aircraft instruments at Sky Harbor and Smyrna Air Force Base. Mr. Mullins has been involved in many local and civic activities, serving as past president of the Blackman Community Club and member of the Optimist club, March of Dimes fundraising committee and downtown improvement committees. He is a lifelong member of the Florence Church of Christ, where he serves as an elder.

Again, Mr. Mullins, congratulations on 60 years of successfully operating your family business. May the days to come be filled with the happiness of family and friends. Thank you for the contributions you have made to your country and the communities of Rutherford County.

ON THE INTRODUCTION (BY REQUEST) OF THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND AMENDMENTS OF 1998

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. VENTO. Mr. Speaker, today I am introducing by request of the Administration, along with the Chairwoman of the Financial Institutions and Consumer Credit Subcommittee, Mrs. ROUKEMA, the Community Development Financial Institutions Fund Amendments of 1998.

The reauthorization of the Community Development Financial Institutions Fund should be an important part of the Financial Institutions and Consumer Credit agenda this year. The CDFI fund was established to increase access to credit in distressed areas and to provide community development and financial services opportunities to disadvantaged people. Created in 1994, funds allocated to the CDFI Fund help leverage additional private capital used by CDFIs to revitalize neighborhoods, encourage and promote entrepreneurs, restore private market activity in distressed communities and empower local residents. The Administration's FY 1999 budget has requested $125 million for the CDFI program and in concert with a reauthorization effort, we can improve and further empower the CDFI funded programs.

Demand for the CDFI funded programs has exceeded expectations. The Treasury Department has reported that requests for assistance in the first two rounds have been approximately $500 million. Of the $125 million requested by the Administration in FY 1998, only $80 million was appropriated. This, along with the earlier appropriations, has barely scratched the surface of the need for the unique activities of the CDFI Fund and its sister program, funded with one-third of the appropriations, the Bank Enterprise Act (BEA).

I look forward to working with the Administration, Chairwoman ROUKEMA and other Members of the Banking Committee on a reauthorization of the CDFI. We do need to act soon to help the CDFI and BEA programs to go forward in the future with new initiatives that can expand the CDFI Fund's tools for assisting community development financial institutions. CDFI provides seed money for the creation of jobs, brings capital into distressed communities, and lifts people out of poverty. With our efforts this year, we can maximize the benefits CDFIs can provide to underserved communities across the country.

A section-by-section of the bill follows:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND AMENDMENTS ACT OF 1998—SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This section designates this legislation as the Community Development Financial Institutions Fund Amendments Act of 1998 and provides a table of contents.

SECTION 2. TECHNICAL CORRECTIONS TO REFLECT STATUS OF THE FUND WITHIN THE TREASURY DEPARTMENT; MISCELLANEOUS TECHNICAL CORRECTIONS.

Subsection (a) amends the purpose section of the Community Development Banking and Financial Institutions Act of 1994 (the Act) to add language that clarifies that the purpose of the Act is to promote economic revitalization and community development not only through investment in community development financial institutions (CDFIs), but also through incentives to insured depository institutions under the Bank Enterprise Act of 1991.

Subsections (b) and (c) amend the Act to reflect the intent of subsequent appropriations provisions that made the Community Development Financial Institutions Fund (CDFA Fund) a wholly owned government corporation within the Treasury Department. Technical amendments to the Act eliminate the concept of a presidentially appointed Administrator of the CDFI Fund, and, as with other Treasury programs, vest all of the duties and responsibilities of the CDFI Fund in the Secretary of the Treasury (subject to existing statutory delegation authority). The Secretary may appoint all officers and employees of the CDFI Fund, including a Director.

Subsection (c) also makes technical changes to clarify that the Inspector General of the Treasury Department is the Inspector General of the CDFI Fund.

SECTION 3. AMENDMENTS TO PROGRAMS ADMINISTERED BY THE FUND.

Subsection (a) makes minor changes to the Community Development Financial Institutions Awards Program (CDFI Program) administered by the CDFI Fund. The amendments provide that, for the training and technical assistance programs already authorized by the Act, the Fund may enter into cooperative agreements in addition to the other methods described.

Subsection (b) contains amendments clarifying the Bank Enterprise Act (BEA) Awards Program for insured depository institutions. The subsection provides technical amendments and clarifies that the Fund may provide assessment credits to insured depository institutions for increases in loans and other assistance provided to CDFIs. The provisions clarify the manner in which the Fund may take account of forms of assistance provided by insured depository institutions. In addition, the provisions permit the Fund to use alternative eligibility requirements to determine the definition of a "qualified distressed community." Current criteria are difficult to interpret and may exclude some insured depository institutions, particularly those serving rural areas, from participation in the BEA Program.

SECTION 4. EXTENSION OF AUTHORIZATION.

This section authorizes appropriations in such amounts as may be necessary for the CDFI Fund to carry out its responsibilities under the Act.

SECTION 5. AMENDMENTS TO THE SMALL BUSINESS CAPITAL ENHANCEMENT PROGRAM.

Subtitle B of Title II of the Act currently provides the CDFI Fund with authority to administer a program to encourage states to implement small business "capital access programs" with participation of certain depository institutions. These "capital access programs" expand access to small business loans by creating a loan loss reserve, funded by the depository institution, the borrower, and the state. This reserve fund allows banks to make more difficult small business loans. The Fund, under the Small Business Capital Enhancement (SBCE) Program, could reimburse participating states for a portion of funds contributed to these loan loss reserve accounts.

The amendments made by section 5 remove statutory barriers that currently block the CDFI Fund from administering the SBCE Program. Subsection (a) allows CDFIs to participate in the SBCE Program. Subsection (b) removes the requirement that the SBCE Program receive a threshold appropriation before beginning operations. Finally, this section will allow the CDFI Fund (if the SBCE Program is operating) to reimburse participating states according to criteria established by the CDFI Fund in an amount up to 50 percent of the amount of contributions by the states, until funds made available for this purpose are expended. This permits the Fund to target reimbursements to states that have not yet established these programs or that have insufficient funds for effective programs.

BRONX COMMUNITY COLLEGE'S 20TH ANNUAL HALL OF FAME 10K RUN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. SERRANO. Mr. Speaker, it is with joy that I rise to pay tribute to Bronx Community College, which will hold its 20th Anniversary Hall of Fame 10K Run on Saturday, May 2, 1998.

The Hall of Fame 10K Run was founded in 1978 by Bronx Community College's third President, Dr. Roscoe C. Brown. Its mission is to highlight the Hall of Fame for Great Americans, a national institution dedicated to those who have helped make America great.

The tradition continues, first under the leadership of Acting President, Dr. Leo A. Corbie and now under Dr. Carolyn G. Williams, the first woman President of Bronx Community College. Both Dr. Corbie and Dr. Williams have endorsed and follow the commitment made by Dr. Brown to promote physical well-being as well as higher education.

As one who has run the Hall of Fame 10K Run, I can attest that the excitement it generates brings the entire City together. It is a celebration and an affirmation of life. It feels wonderful to enable more than 400 people to have this experience—one that will change the lives of many of them. It is an honor for me to join once again the hundreds of joyful people who will run along the Grand Concourse, University Avenue and West 181 Street and to savor the variety of their celebrations. There's no better way to see our Bronx community.

For its entire 19 years, Professor Henry A. Skinner has coordinated the Bronx Community College Hall of Fame 10K race, a healthy competition which brings together runners of all ages from the five boroughs of New York City. He is also the President of Unity and Strength, the organization of minority faculty, staff and administrators of Bronx Community College.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Bronx Community College's 20th annual Hall of Fame 10K Run possible.

THE SAFE ACT JEOPARDIZES ISRAEL'S SECURITY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. SOLOMON. Mr. Speaker, as you know, approval of the SAFE Act, (H.R. 695) without key recovery will damage America's intelligence gathering capability. This is the reason the National Security and Intelligence Committees strongly oppose the bill.

When terrorist nations or terrorist organizations communicate we now possess the capability to intercept and decode those messages. However, if the SAFE Act becomes law our country will lose this capability. Approval of this bill would have grave consequences on Israel. First, since the bill effectively eliminates export controls on encryption technology it will weaken our ability to collect intelligence and as a result devalue the intelligence we share. Secondly, making unrestricted encryption technology available to terrorist organizations would jeopardize Israel's own intelligence capability.

When questioned about the effects of H.R. 695 (The SAFE Act) General Meir Dagan, Advisor to the Israeli Prime Minister on Counter Terrorism stated, "making unbreakable encryption software available would be the equivalent of shooting ourselves with our own gun!" And Major General David Ivry, Advisor to Israel's Minister of Defense said that, "we would encourage all of our friends in the United States to oppose the bill."

The proponents of this bill maintain that our enemies and Israel's enemies will eventually possess encryption technology. Even if true, it fails to explain why we should rush to place this technology in the hands of our enemies. Please give the United States, our allies and our friends the time to develop a strategy and countermeasures to address these new technologies by opposing the SAFE Act.

THE EMPOWERMENT ZONE ENHANCEMENT ACT OF 1998

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. RANGEL. Mr. Speaker, today, we have the opportunity to take another step closer to a goal that is close to our hearts—renewing investments in our cities and communities. Working closely with the administration, the leadership of numerous Federal agencies, State and local governments, and community residents, I am introducing the Empowerment Zone Enhancement Act of 1998.

The Empowerment Zone Enhancement Act expands on the successful empowerment zone (EZ) initiative we began in the Omnibus Budget Reconciliation Act (OBRA) of 1993. In 1993, OBRA created nine empowerment zone demonstration projects and 95 enterprise communities. In the 1997 Taxpayer Relief Act, we went one step further by authorizing the designation of 20 additional EZs and provided for tax incentives for these zones. However, the 1997 Act did not provide the flexible grant funding critical to assist distressed urban and rural communities develop and implement holistic revitalization programs. The bill I am introducing today would fulfill this major goal of the Empowerment Zone/Enterprise Community (EZ/EC) Initiative. Specifically, this bill provides for $1.7 billion in grant funds over a 10-year period, $1.5 billion for the urban zones and $0.2 billion for the rural zones. The funds are channeled through the Title XX social services block grant and are in addition to current Title XX resources.

Despite the short existence of the EC/EZ Initiative, various elements for success have been identified. This initiative has not produced the intended benefits of creating economic opportunity, broad-based community partnerships and sustainable community development, but has also proven to be one in which local neighborhoods are encouraged to seek solutions to the problems of their community, rather than wait for Washington solutions.

Leveraging public sector resources to enable private-sector community investment is a fiscally responsible means of promoting community development and prosperity. The Empowerment Zone Enhancement Act is the next logical step in permitting the private sector to actively participate in this process of developing and implementing solutions. It is important and appropriate that we continue this process of rebuilding our communities.

DISABLED VETERANS' AUTOMOBILE ASSISTANCE IMPROVEMENT ACT OF 1998, H.R. 3618

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. EVANS. Mr. Speaker, today, I am introducing the Disabled Veterans' Automobile Assistance Improvement Act of 1998. Severely disabled veterans are eligible for a grant from the Department of Veterans Affairs (VA) to provide or assist in providing an automobile or other conveyance.

The original intent of this program was to provide a grant which would enable a veteran to actually purchase a motor vehicle. The grant currently available is totally insufficient for that purpose. In 1971, the average cost of a new car was $3,742 and the VA grant amount was $2,800. In 1974, the average cost of a new car was $4,440 and the VA grant was raised to $3,300. By 1988, the average cost of a new car had increased to $14,065 and the VA grant had increased to $5,500. Today, the average cost of a new car is $20,647, but the VA grant remains limited to $5,500. These figures dramatically demonstrate the erosion of a benefit which is designed to assist disabled veterans in the purchase of a motor vehicle.

The Disabled Veterans' Automobile Assistance Improvement Act of 1998 will enable disabled veterans to qualify for a grant which will be increased to make up for the increased cost of automobiles over the last ten years and will index these amounts for future inflation. Our severely disabled veterans need assistance with the cost of motor vehicles which, due to the extent of the veterans' service-connected disabilities, frequently cost far more than the average cost of an automobile. This legislation will provide that assistance and I urge my colleagues to support this important legislation.

HONORING DR. PAUL DRESCHNACK

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BILIRAKIS. Mr. Speaker, I rise today to commend the work of one of my constituents, Dr. Paul Dreschnack. Dr. Dreschnack is a plastic surgeon who spends several weeks each year in India, voluntarily performing free operations on children born with facial defects.

I recently nominated Dr. Dreschnack and his mentor, Dr. Sharadkumar Dicksheet, for a Nobel Peace Prize. I would like to share with our colleagues the letter I submitted with their nomination application. I nominated these outstanding men because they embody the essence of humanitarianism. They have selflessly given their time, money, and energy to improve the lives of others.

On behalf of the United States House of Representatives, I thank Dr. Dreschnack and Dr. Dicksheet for their tireless work. They are very worthy of this prestigious award and would uphold its tradition of outstanding recipients if it is awarded to them.

DEAR NOBEL COMMITTEE MEMBERS: It is my distinct privilege to bring before the Committee two physicians whose humanitarian contributions in the area of medicine have prompted me to submit their names for consideration as Nobel Prize Laureates.

I became acquainted with the work of Dr. Dicksheet and Dr. Dreschnack during a recent meeting with representatives from a local chapter of an international civic organization, the Rotary Club of Dunedin, North.

The story that unfolded over the next several hours could be subtitled by the headlines of some of the articles contained in their packet: "The Doctor's Heart: A New York Doctor Returns to India to Give His Life's Earnings Back"; "New Life to the Deformed"; "One Man, 20,000 Lives."

Most of us, as we mature and recognize that we have been the recipient of unearned blessings or talents in life, desire to give back to the community. Such is the motive driving both Dr. Dicksheet and Dr. Dreschnack. But their vision, the longevity and the largesse of their contributions sets them apart among men.

For thirty years, Dr. Sharad Dicksheet has spent approximately six months each year in the poorest regions of India, providing free surgery to those in need. He brings with him a small team of surgeons, often paying for their travel out of his own funds.

They arrive at one of the many Plastic Surgery Camps, or Shibers, as they are called. Year after year, the routine has been the same. By daybreak, hundreds of people have arrived, (some traveling hundreds of miles) to be evaluated for treatment. In recent years the number arriving at each site has often increased to over one-thousand people.

Time and resources dictate that only those deemed treatable can be assured of surgery. The patients are primarily cleft lip and or cleft palate cases but include a variety of facial deformities, burn injuries, including burn contractures of joints, and deformed ears and eyes.

By nine o'clock, separate operating tables have been set up for the team and the surgeries begin, continuing uninterrupted until six o'clock in the evening. An average of thirty-five surgeries are performed daily, but many times the number reaches more than fifty. The statistics are phenomenal. Since Dr. Dicksheet began his work in 1968, more than 40,000 operations have been performed. Financially, his contributions exceed $80 million.

But, what does the work mean to his patients? Nothing short of a new life! Infants who would have died, unable to suck milk, now thrive. Families outcast by the social stigma of deformity, are restored. Young girls, (and boys), unmarriageable and unable to work or make a living, have a future. Each of the 40,000 cases has a life changing story. It would be impossible to accurately estimate the thousands of people whose lives have been positively affected by Dr. Dicksheet and his associates. And, when you consider that the doctors also teach surgical techniques to Indian surgeons through the Indian Medical Society, the number increases even more.

What makes Dr. Dicksheet's story even more remarkable is that the doctor has conducted the majority of his humanitarian work while he, himself, has been in grave health. About 18 years ago he underwent surgery for laryngeal cancer. His speech is, for the most part, inaudible and he must communicate in writing much of the time. Ten years ago he suffered a severe heart attack, followed by another attack in 1994. In spite of his health he has continued to raise funds, travel and operate from a wheelchair. At this time, however, his health has further deteriorated. He is not expected to live much longer. Over the years he has treated each day as a "bonanza," and filled it with giving his life to his fellow man. "I feel good in giving this service to my countrymen," he responds when asked about his work.

What will happen to his work? Preparation has been made to turn the work over to the very capable hands of Dr. Paul Dreschnack, who has worked with Dr. Dicksheet for nine years and shares his vision, enthusiasm and dedication. As Dr. Dreschnack responded in an interview in 1995, "I'll be doing it (the work) for a long time." I am very proud to count Dr. Paul Dreschnack as a resident of my Congressional district.

The humanitarian contributions of these men sets an example for the world. They exemplify how much more we can give when we are willing to give our lives, totally. They show us how much larger our vision can be when we refuse to see obstacles and we view our fellow man as our brother.

I am very pleased to bring Dr. Sharadkumar Dicksheet and Dr. Paul Dreschnack before you.

With best wishes, I am

Sincerely yours,

MICHAEL BILIRAKIS,
Member of Congress.

TRIBUTE TO DAVID G. RICE, JR.

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to David G. Rice, Jr., a true friend of Colorado's agriculture industry, who recently passed away at the age of 81.

Dave was born on his family's homestead in 1916, outside Grand Junction, Colorado. He studied animal husbandry at Colorado A&M, graduating in 1939. Dave then went to work in the Cooperative Extension offices of Elbert and Delta Counties for the next ten years, except for time he served in the military during World War II.

In 1949, he started his 33-year-long career with the Colorado Cattlemen's Association (CCA) retiring as their executive vice president. Upon retirement, he became CCA's Vice President for Legislation and Federal Lands and, until very recently, remained actively involved lobbying on behalf of agriculture.

For his service to agriculture, Dave received numerous awards throughout his career including the Federal Land Bank of Wichita's 50th Anniversary Medal, authorized by Congress and the President of the United States; CSU's Livestock Industry Award; and induction into the Colorado Agriculture Hall of Fame. He was uniquely acknowledged by the 55th Colorado General Assembly for 40 years of service to the industry in the form of a plaque dedicated and hung in the State Capitol, the only plaque hung in honor of a lobbyist. He has also been honored by various conservation organizations such as Ducks Unlimited and the Safari Club.

The best accolades come, however, in the form of what people say about us. I believe Kirk Hanna, CCA's President, best summed up many folks' feelings when he recently said, "Dave Rice is a legend in agriculture—though I doubt he would have admitted it. He was admired by many in both the political and agriculture arena not only for what he did, but for who he was—a man who cared about other people. His contributions to the state of Colorado and agriculture are sure to remain unsurpassed." Amen. I could not have said it better.

Mr. Speaker, I am proud to pay tribute to this man whose knowledge and wisdom will be sorely missed by both the agricultural and legislative communities.

COMMEMORATIVE COIN

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of legislation which is being introduced today by Congresswoman ELEANOR HOLMES-NORTON with the four Congressional delegates as cosponsors. The legislation would amend the 50 States Commemorative Coin Program Act to extend the program by an additional year for the purpose of including the District of Columbia, American Samoa, Guam, Puerto Rico and the United States Virgin Islands.

Mr. Speaker, earlier in this Congress when we passed the Commemorative Coin Program Act, the insular areas were omitted from the legislation. Current law authorizes the minting of twenty-five cent coins to commemorate each of the 50 states through state-specific designs on one side of the coins. It is a ten-year program, with five states being honored each year.

This bill amends current law by adding an eleventh year to the program. During this year, the District of Columbia and the four insular areas, American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands, would also be recognized through the minting of twenty-five cent coins. Commemorative designs on one side of the coins would be submitted by the chief executive officer of these areas.

This legislation is very timely for my Congressional district, Mr. Speaker. American Samoa will celebrate the centennial of its union with the United States in the year 2000.

American Samoa has a long, proud history of supporting the United States—ever since the traditional leaders of the main island of Tutuila ceded their island to the United States on April 17, 1900. Tutuila's beautiful harbor is the deepest in the South Pacific, and the port village of Pago Pago was used as a coaling station for U.S. naval ships in the early part of the century and as a support base for U.S. soldiers during World War II. To this day, American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

At the present time, American Samoans have a per capita enlistment rate in the U.S. military which is as high as any state or U.S. territory. Our sons and daughters have served in record numbers in every U.S. military engagement from World War II to Desert Storm. We have stood by the United States in good times and bad, and we will continue to do so.

Congress has recognized American Samoa's proud heritage on numerous occasions, and many of my constituents have asked that the United States Government provide special recognition of the 100th year of our union. I believe it would be most fitting to acknowledge the centennial anniversary of our relationship with the United States with the issuance of a commemorative coin, and I am optimistic that this bill will become public law later this year.

CAMPAIGN FINANCE REFORM

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KIND. Mr. Speaker, today we will adjourn for the Easter recess without having had a debate on campaign finance reform. The leadership of this House may believe they made good on their promise to allow a vote, but they have not. The House leadership may think they have fooled the public into believing that they took action, they are wrong. Frankly Mr. Speaker, I am outraged that we have not taken action on this important issue.

Over the next two weeks I will be holding a Town Hall meeting in each of the sixteen counties which I represent in western Wisconsin. Having traveled throughout my district no one has told me that we need more money in politics. They have asked me to pass meaningful reform, to take the big money out of the process and return campaigns to the people. At my Town Hall meetings I will tell my constituents that the leadership has denied me the right to vote on limiting the influence of big money in campaigns.

When we return at the end of April I hope we will make a serious effort to fix our campaign finance system. The people of my district have told me not to take "no" for an answer.

FAIRNESS FOR SMALL BUSINESS AND EMPLOYEES ACT OF 1998

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1998

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3246) to assist small businesses and labor organizations in defending themselves against government bureaucracy; to ensure that employees entitled to reinstatement get their jobs back quickly; to protect the right of employers to have a hearing to present their case in certain representation cases; and to prevent the use of the National Labor Relations Act for the purpose of disrupting or inflicting economics harm on employers.

Mr. SNOWBARGER. Mr. Chairman, I rise today to speak for the many small owners in Kansas who have been working for years to reform the National Labor Relations Board and our current employment laws.

Millions of dollars and countless jobs have been lost in the Third District of Kansas because of the tactics of some labor unions. While I respect and appreciate the right of working Americans to be represented by a Union, I also respect the rights of the great majority of working men and women who choose not to be represented by a Union.

If this wasn't such an important issue, Mr. Chairman, I might remind my colleagues that my district has one of the healthiest economies in the nation, which is due, in no small part to Kansas' Right-to-Work legislation.

As we consider today's important reform initiative, I wanted to share with my colleagues some stories from my home in Kansas.

Millions of dollars and countless jobs have been lost in the 3rd District because of a tactic referred to by the AFL–CIO as "salting". This common procedure is used in Kansas by the International Brotherhood of Electrical Workers. Their regular plan is to have around 20 union members storm into a non-union electrical contractor's office with video cameras mounted on their shoulders. The union members then demand to be hired and if they are not, they file discrimination charges with the National Labor Relations Board.

The two largest independent electrical contractors in my district, SKC Electric (200 employees) and Teague Electric (100 employees), have spent nearly $500,000 (between the two of them) fighting frivolous charges of discrimination. Not once has the union asked for a NLRB sanctioned election to decide if the employees want to be represented by the IBEW. Instead, they harass the companies by driving up legal expenditures and limiting their ability to grow. Fortunately these two companies are financially strong and have been able to survive under this intense pressure for the past four years. But it is wrong to allow bad actor unions to literally litigate small businesses to death.

Not everyone in my district has been so lucky.

M&R Electric was a two-year old electrical company with approximately 30 employees. It was owned and operated by a former union electrician who had saved to start his own small business. The company was growing rapidly and providing good careers for many hard working young people. That is until the IBEW showed up with their video cameras and NLRB charges. By the time small company knew what hit them, they had spent more than $250,000 fending off legal challenges and were out of business. I am sure most of my colleagues know that new businesses are very vulnerable. This is why these kinds of actions are so threatening. The result in this case? Thirty good jobs lost in my district.

The bottom line is, that no employer should be required by law to hire an individual who is bent on destroying their company.

Mr. Chairman, this practice is not defensible and the families who lost their jobs and the men and women who invested their life savings to start a business deserve the protections that this bill provides.

CAMPAIGN REFORM AND ELECTION INTEGRITY ACT OF 1998

SPEECH OF

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. VENTO. Madam Speaker, I opposed H.R. 3485 which was defeated by the House. This legislation would guarantee a new arms race in campaigns and campaign spending by setting in place incentives for more money to be raised from special interests and more money to be spent.

While there is not agreement in Congress on the campaign finance reform, the American people have spoken. They are tired of slick, multi-million dollar campaigns that feature 30 second sound-bites and media spin masters. They want the unlimited campaign spending binges brought under control; they want the candidate, not the candidate's handlers, to speak; and they want campaigns to focus on the issues.

However, as with so many other matters, the Republican Majority Congress has failed to listen to what the American people want, and instead relied on the voice and pocketbooks of the special interests. The result was H.R. 3485, more money, not less and a greater alienation of the voters.

H.R. 3485 did nothing to bring the explosion of campaign spending under control. Instead, this legislation tripled the amount of money that individuals could contribute to state, local and federal political parties and doubled their contribution limits to federal candidates.

H.R. 3485 would make politics the playground of the wealthy. This legislation increased individual contributions to federal candidates from $1,000 to $2,000 per cycle ($2,000 to $4,000 for both the primary and general elections; to state and local parties from $5,000 to $15,000; national parties from $20,000 to $60,000 and the aggregate limit from $25,000 to $75,000. These levels do not invite participation by more people; it encourages more participation by the few who have the big bucks to participate.

While H.R. 3485 expanded the ability of wealthy to participate, this bill ironically contains a separate provision designed to intimidate low-income, minority citizens to keep them from voting.

This program, a citizen verification system, conjured up poll taxes and inhibiting actions from another time in our history. This legislation was appropriately rejected by the House earlier this year.

The House should not detour from the road of campaign finance reform by adopting H.R. 3485. Instead, we should move forward with the solid bipartisan reform package, that the Republican leadership is blocking from House action. This alternative, similar to the McCain-Feingold proposal offered in the Senate, will ban soft money and make a meaningful contribution to campaign finance reform.

There has been a lot of public consternation by Members of Congress about the declining participation levels and the feeling of disenfranchisement among American voters. After witnessing the lengths that the leadership will go to keep real campaign finance reform off of the House floor, I can understand why the American voter is giving up on Congress. The People's Body does not have time to do the people's work. Instead of bringing up meaningful campaign finance reform this week, the House is going to be dividing up the financial marketplace among the special interests who pour money into campaign coffers.

Madam Speaker, the process used last night harkens back to the smoke-filled rooms of long ago. A bill supported by a majority of the House was kept off the House floor through legislative legerdemain. Not only were we denied a full debate on campaign finance reform, but we were kept in the dark as to the final contents of H.R. 3581. This bill is like a lot of campaign ads—lots of rhetoric, not much substance.

It was appropriate that H.R. 3485 be considered so close to the Academy Awards. Like the 1972 Best Actress, Liza Minelli, in the movie, Cabaret, this bill and its supporters were singing loud and clear "Money makes the world go around." It is time to get off the money merry-go-round and restore our political process to the American people by moving forward with true campaign finance reform.

HON. JOHN L. BURTON: STATE SENATE PRESIDENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. MILLER of California. Mr. Speaker, it may still come as news to some members of the House that our former colleague, the Hon. John L. Burton of San Francisco, has recently been unanimously elected the President of the California State Senate, elevating him to one of the highest elective positions in our state.

John Burton, as all who know or have served with him know, is an extraordinarily gifted legislator, a deeply committed public servant, and very much his own man. There has not been a more dedicated or unrepentant spokesperson for working people, for children, for the poor, for those living on society's margin, than Johnny Burton.

His elevation to Senate President caps a remarkable and inspirational career. It also demonstrates that we can disagree, even strongly, but retain the personal relationships and trust that are integral to the operation of a successful legislative body. When John Burton set out to accomplish something on the floor of the House, whether it was expanding food stamp benefits or protecting the Point Reyes seashore, he was unmatched in knowing how to make the inter- and intra-party contacts that led to success.

His return to the state Legislature in 1988 was welcomed by Democrats and Republicans alike, because all recognized that here was a consummate politician who knew how to make policy happen and who spoke with a candor and frankness unmatched in Sacramento or in Washington. Mark Shields, one of our most respected political observers, recently wrote a wonderful column about John Burton's election as Senate President that every member of the House deserves to read. Those who knew John here will immediately recognize him; those who did not have that pleasure will instantly know him.

A CALIFORNIA COMEBACK

(By Mark Shields)

SACRAMENTO, CALIF.—You may already have heard the joyless laughter that follows the line: George Washington was the president who could never tell a lie; Richard Nixon was the president who could never tell the truth; and Bill Clinton is the president who cannot tell the difference.

Well here in California's capital city, the second most powerful position in state government—that of president pro tempore of the State Senate—has just been won in a 32 to 0 vote by a blunt, profane, quick-tempered and unreconstructed liberal Democrat from San Francisco who was elected to the State Assembly in 1964, to the U.S. House in 1974 and who, in 1982, left Congress to seek treatment for cocaine and alcohol addiction.

What makes John Burton so appealing in today's politics of slippery hedging and too-clever evasiveness is the man's barefaced candor. U.S. Rep. James Rogan, R-Calif., who served with and voted against Burton in the California Assembly, confesses: "John Burton is just a man of incredible integrity. . . . I love him because he is the most honest liberal I've ever know. He really feels, he really bleeds, for the underprivileged."

Rogan remembered the night in the Assembly when Burton single-handedly stopped a Republican-backed bill to criminalize the use of cocaine by pregnant women. Burton spoke in stark terms of his own addiction, of the advantages he had as a professional and a member of Congress for treatment at Bethesda and Walter Reed.

He told of the daily battle the recovering addict must wage against the demons and of how much more lonely and terrifying it is for the poor addict: "You don't kick it until you die. You have two choices. Either you die clean or you die dirty."

As John Jacobs wrote in "A Rage for Justice," his truly masterful biography of John Burton's late brother, Phil, who was arguably the most influential member of Congress ever from California, "Somewhere in his (John's) mind, he seized on the image of his teenage daughter, Kim, and the thought of her gave him the strength to begin his long, painful recovery. Kim gave him back his life. He gave Kim back her father."

John Burton, who has been both clean and sober for 15 years now, won back his State Assembly seat in 1988 with the strong backing of his friend of 40 years, now San Francisco Mayor Willie Brown. He was elected to the Senate in 1996. Happily, he has not mellowed. His language could still make a longshoreman blush. His ability to employ forms of a single four letter word as verb, noun, adjective, gerund, participle, prefix, suffix and even infix is truly remarkable. He does not delete expletives.

Pleased, almost humbled, by the confidence of his colleagues, Burton questions what all the praise about his integrity and the keeping of his word says about the state of politics today. "When I grew up, all you had was your word. It was a given that you never went back on your word. It should be that way."

In an era of carefully crafted non-responses released by elected officeholders who echo the findings of focus groups and then deploy spin doctors, Burton is refreshing. Another old adversary and good friend, former GOP State Senate Leader Bill Campbell, explains that appeal: "Johnny Burton has great credibility because you and everyone else knows where he stands."

Where Burton stands politically is where he has always stood. His politics is personal, liberal and decidedly untrendy. He continually embraces the poor, workers, the stranger, the despised—all of those living on the outskirts of hope. Burton fights to prevent the rich from getting too greedy, and to make sure that the poor and middle class enjoy more economic security and receive their share of this society's wealth.

"I don't get this 'New Democrat' b— s—," rails Burton. "There are only so many ways you can feed hungry people, or get jobs for people who don't have them, and get kids a good education."

When he took the oath of office as Senate President Pro Tempore, John Burton thanked his daughter and quoted the words of American composer Jerome Kern:

Nothing's impossible I have found,
for when you find yourself on the ground
you pick yourself up, dust yourself off,
and start all over again."

Whoever said there are no second acts in American life never met John Burton.

TRIBUTE TO SERGEANT JOHN FRANCIS KRUG

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. FAZIO of California. Mr. Speaker, Congress is assisted in its duties by many men and women without whom we could not do our work effectively. From time to time, an opportunity arises for us to pay tribute to one of those people, and today presents such an opportunity.

After twenty-five and one-half years of faithful service to the United States Congress and more than 30 years dedicated to law enforcement, Sergeant John Francis Krug is retiring on April 3rd. He began his law enforcement career as a fingerprint technician for the Federal Bureau of Investigation in 1967 and became a member of the United States Capitol Police on October 16, 1972.

During his tenure with the Capitol Police, John Krug has served in many capacities. His initial assignments included patrolling the House office buildings and the Capitol. In 1984, to better utilize his experience, he was reassigned to Protective Services where he provided personal protection for individual Members of Congress. In 1987, John was promoted to the rank of sergeant and, once again, served as an integral member of the Capitol Division, ensuring the safety of Congress, staff, and the millions of tourists who visit the Capitol each year.

Most recently, he supervised the Department's Special Events Unit. In this position, he became the central information point for numerous events such as demonstrations, inaugurations, joint meetings of Congress, displays, ceremonies and concerts that took place within the perimeters of the Capitol complex. He assisted in coordinating security for visiting U.S. Government Officials and foreign dignitaries, from the President of the United States to King Hussein of Jordan. Most Capitol Police officers and congressional offices have sought out the Special Events Unit, and Sergeant Krug in particular, for his assistance or advice regarding a congressional event.

I am sure that I speak for all our colleagues when I wish Sergeant Krug our best in the years ahead, and thank him for his many years of dedicated service to the United States Congress.

REFLECTIONS ON EASTER AND SPRING

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. DUNN. Mr. Speaker, I rise today to pay tribute to the Honorable Peter Tali Coleman, a great American who passed from us on April 28, 1997. A four-term chief executive of American Samoa, Peter Coleman is the only person in American history whose service as governor, from the 1950s to the 1990s, has spanned five decades.

After World War II service as an army officer in the Pacific, for which he later was honored by selection to the army infantry hall of fame at Ft. Benning, Georgia, Governor Coleman's civilian career as a public servant began in 1946 on the staff of The Honorable George Bender, a member of this body from Ohio. He later also served as a member of our Capitol Police Force, all while raising a family and completing both an undergraduate and a law degree in just five years from Georgetown University.

Mr. Speaker, upon his return to American Samo as the first Samoan ever to gain a law degree, he quickly rose from public defender to attorney general until his appointment in 1956 by President Eisenhower as the first native-born governor of American Samoa. He went on to be chief executive of the Marshall Islands and Northern Mariana Islands, and deputy high commissioner of the old Trust Territory of the Pacific before returning home in 1977 to become American Samoa's first elected governor, a post to which he would be elected twice more before retiring in 1993.

Governor Coleman, a true trailblazer in the Pacific Islands and a man of many firsts during more than half a century of service to his nation and his own people, has been paid tribute by the current governor, Tauese P. Sunia, who has launched a drive to establish a permanent lectureship on Pacific Public Policy at Georgetown in Governor Coleman's name.

However, of all his honors and achievements, Mr. Speaker, Governor Coleman was proudest of his family, which at his death included his lovely wife Nora, 12 of their 13 children, 22 grandchildren and eight great-grandchildren. As he departed the hospital last year to return home for what he knew would be his final battle, he penned a touching farewell letter to his people which he called "Reflections on Easter and Spring."

With spring having come to our capital and with Easter upon us, I would like to make part of our RECORD Governor Coleman's Essay of April 5, 1997, "Reflections on Easter and Spring."

REFLECTIONS ON EASTER AND SPRING

(By Peter Tali Coleman)

Yesterday I came home to our family residence here in Hawaii after a stay at Queen's Hospital over the Easter holidays. While it's never fun to be in the hospital, this Easter was memorable because all our family gathered to be here with Nora and me in a big family lounge that the hospital set aside for us.

As I said the grace before we began our Easter meal, I could not help but think of the meaning of Easter and Spring, since the first day of Spring this year came only a few days before Palm Sunday, the traditional beginning of our Easter season after the long winter Lent.

Spring and Easter are about the renewal of life and new beginnings. Our Lord perished on the Cross for our sins, but was resurrected to give all of us hope for the future and a better life in eternity. So, too, does Mother nature awaken each Spring to begin a new cycle of life and growth. On the Mainland, the last of the snow melts away, the flowers begin to bloom and land is green again. Here in the Pacific where it's always green, the life-sustaining rains give way to the drier and warmer times of spring and summer and we go about all the chores we had put aside until better weather.

I could not help but think of family in the same way I think of Spring and Easter when I saw all of our family members on Easter, especially the little grandchildren and great grandchildren, great nieces and nephews, all with their wide eyes of expectation and excitement with Easter eggs and candy and Easter baskets, and bunnies and chicks and all the joys and traditions that go with a holiday which brings families together everywhere in the Christian world.

The presence of the little children is God's way of bringing renewal and new beginnings to our families. When we look out and see those bright and shining faces, eager to learn about the world around them and beyond, we can take comfort in knowing that this world will be in good hands when their generation takes over. We can find peace in knowing that when our own time comes to join our Lord, if we have done our job on earth, we will have our families to carry on and through them we will continue to live, for our very blood flows through their veins and their children's veins in a cycle which forever will renew itself.

My own life has been dedicated to service to the people and devotion to my family. Although my days of public service now have come to a close, the Samoan people and all the peoples of the Pacific Islands I have been privileged to know in my work and travels remain in my thoughts as a new generation of leaders and servants seeks to find a true path to renewal and new beginnings for our strong but fragile societies and cultures at the dawn of a new century and a new millennium.

God has allowed me to see so much dramatic change through the course of this century. As amazing as it seems, the Samoa of my youth no doubt much more resembled the Samoa of most of the millennium which preceded it than it does the Samoa of today, which is poised to enter the 21st century. The pace of change in this century about to close has been dramatic. As a child in Samoa after World War I, I could not begin to comprehend or imagine the things we take for granted today, from modern medicine to computers to the Hubble Space Telescope. Nor can I begin to imagine now what the next century will bring.

Whether I will be here to witness the beginning of the next millennium and new beginnings it will prompt is in God's hands. But wherever I may be and whatever advances science and industry may bring, I know that the futures will be bright if we remain true to our values. Those values are love of God, devotion to family, protection of culture, and courtesy and respect towards one another.

For myself, it counts little what I may have achieved here on earth in 55 years of government service through war and peace. My failures were my own and my successes were the result of all the good colleagues and friends around me. But, for all of us, no matter what our calling in life, our truest legacies are the families which are asked to carry on when we are gone.

So, while my days in public service may be finished, I have come home now to be with my family. They bring me joy and inspiration as I think about the future. They are all here now and I take great comfort in their presence. They have come to be with Nora and me from near and far: from the Mainland to Saipan to our beloved Samoa. And because they are so scattered, I have agreed to a consensus of my family's wishes that I should lie in rest in Hawaii. But in so doing, they have assented to my wish that when the last of my children's children shall have joined me in heaven, that my final resting place shall be in the soil of my birth.

For now, when I think of spring and think of Easter, I thank God I have been given one more opportunity to reflect on life's renewal and new beginnings, and the love of family which bursts forth like the flowers of Spring. As the Easter season now ends and we move about in our Spring tasks, may God bless you and your families, too.

125TH ANNIVERSARY OF SHORTER COLLEGE

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BARR of Georgia. Mr. Speaker, in Rome Georgia stands a small liberal arts college that lives up to the true tradition of educational excellence: love of family, and love of God, combined with a commitment to community values and an educational experience that is everlasting.

The school that I speak of is Shorter College, now celebrating its 125th Anniversary. Mr. Speaker this is a critical period in American history; time when the value of morals, faith in God, and a sound education can no longer be taken for granted but are more important than ever.

Through this period of moral decline, Shorter has remained true to the values of its founder, Rome Baptist Church Pastor Luther Rice Gwaltney.

I am not alone in recognizing the excellence of Shorter College. For the second year in a row, Shorter has been listed in the "Student Guide to America's 100 Best College Buys." Moreover, Shorter is a member of the National Association of Schools of Music. The devotion of Shorter to the teaching of music cannot be overstated. Today, many more children rush home from school to play on their computers than on their pianos. Yet, the language of music is universal and can be found in every nation around the world and bears a direct relationship to the progress of its culture.

In honor of Pastor Gwaltney and Alfred and Martha Shorter for whom the college is named, I congratulate Shorter on its first 125 years and wish it many many more.

ETHICS REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 1, 1998 into the CONGRESSIONAL RECORD.

HOUSE ETHICS REFORM

Many Americans believe that Members of Congress have low ethics standards and that the overall level of ethics and honesty in politics has been falling over the years. Although most observers of Congress would say the opposite, the public remains unconvinced and broadly dissatisfied with ethics standards of Members.

Congressional ethics is one area where I have seen a great amount of changes since I have been in Congress. I've seen periods of enormous progress, but also, in recent years, have seen the entire process bog down in intense partisanship. Clearly we need to give greater attention to improving House ethics.

HISTORY OF HOUSE ETHICS

The House has the responsibility under the Constitution to police its membership, as Article I authorizes each house of Congress to "punish its Members for disorderly behavior and, with the concurrence of two-thirds, expel a Member". This is an important responsibility because our system of representative democracy depends upon the confidence of the people in the integrity of their elected representatives.

The first disciplinary action against a Member was in 1798, when a vote to expel a Member for spitting on another narrowly failed. From then until the late 1960s, when the House became more active in ethics reform, the House took disciplinary action against Members only about thirty times, with the offenses ranging from dueling and treason to inserting obscene material into the CONGRESSIONAL RECORD. Typically the House acted only on the most obvious cases of official wrongdoing, leaving many other transgressions up to the voters to weigh at election time.

When I came to Congress in 1965 there was no House ethics committee and no written code of conduct for Members. Members could accept any gift given by special interests, receive large sums of money at "testimonial dinners", and convert campaign funds to personal use. Members were rarely punished for personal corruption, and it was common for lobbyists to walk around Congress with envelopes of cash in their pockets to hand out to lawmakers. All that changed beginning in the late 1960s, when, prompted by a series of embarrassing scandals, the House created an ethics committee (the Standards of Official Conduct Committee), set up a tough Code of Conduct for Members, and began policing its membership in a more rigorous manner. The Code set up at that time is essentially the one we have today. I was pleased to have been involved in those efforts to improve House ethics.

Yet in recent years the system has fallen on harder times. Starting in the late 1980s, we have seen intense politicization of the ethics process, with Members increasingly using ethics charges against other Members as a way of waging political warfare. House conservatives lodged ethics charges against then-Speaker Jim Wright and pursued them doggedly, leading to his resignation. Last Congress, in what many saw as "payback time", Speaker Gingrich faced extensive legal and ethical charges from House critics, resulting in a reprimand and large fine. Under the intense partisanship, the entire House ethics process almost broke down and a moratorium was placed on new ethics cases.

WHAT'S NEEDED

The House has shown in the past that it is able to mount serious efforts to improve its ethics system. I believe that such an effort is needed now.

First, we need to depoliticize the process. Although this will be difficult to do, given the lingering hard feelings on both sides of the aisle, we need clear signals from the party leaders that bringing frivolous charges against another Member for political purposes will not be tolerated. In addition, the Standards Committee could issue a formal criticism of Members who make such charges. I also believe we need to involve outsiders more in the ethics process to depoliticize it and defuse tensions. For example, the Standards Committee could call upon a panel of private citizens to help investigate charges of misconduct against a Member.

Second, we need to expand our "preventive ethics" efforts. One of the most important roles of the Standards Committee is to try to head off misconduct before it occurs, by providing guidance and advisory opinions for Members about which specific actions would violate House ethics rules. The Committee has recently undertaken some important steps along these lines, by sending ethics notices to every congressional office. Such efforts need to be continued and expanded.

Third, we should simplify and clarify the House ethics rules. Recent changes, for example, have made the House gift rule more than ten pages long, which no one can understand. The Code of Conduct works best when it reflects broad, basic standards of good conduct, with the Committee providing more detailed guidance when specific questions arise. We should also make it clearer that core standards, such as the duty of Members to at all times reflect credit on the House, lie at the heart of the Code, and that our ethics standards are higher than simply whether or not some action was illegal.

Fourth, we need to adopt some needed ethics reforms. The public is rightly concerned about practices allowed under the current House ethics rules which call into question the integrity of the legislative process, such as Members being allowed to accept expensive trips from groups with a direct interest in legislation before Congress. Changes are also needed in our campaign finance system, which the public widely perceives as corrupting.

Fifth, we need to broaden the conception of ethical conduct for Members. Most of the rules in the Code of Conduct deal with financial matters, for example, Members not accepting gifts or converting campaign funds to personal use. But the public is more concerned about a broader range of ethical action—whether Members level with their constituents, whether they keep their promises once in office, and whether they keep their constituents' interests most at heart. Some years ago the House passed a resolution, since technically expired, called the Code of Ethics for Government Service, which did contain broader standards and emphasized that "public office is a public trust." These standards should be added to the Code of Conduct, and the Committee should publicize adherence to these principles.

Finally, we need to improve public understanding of House ethics. As Congress observers note, media coverage of Members is usually spotty unless there is a scandal or wrongdoing to be reported. The vast majority of Members are honest, conscientious, and genuinely trying to address the nation's problems. But the public too often doesn't hear that side. Those who care deeply about the institution of Congress need to not just speak out about its problems but also speak out about what's good about Congress and its Members.

TRIBUTE TO ROBERT J. FOX

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. WOLF. Mr. Speaker, I rise today to bring to our colleagues' attention one of northern Virginia's outstanding citizens, Robert J. Fox. On April 11, Robert will reach a milestone in his public service career, marking 50 years of federal service in the U.S. Army and the Postal Service.

Robert J. Fox was born on January 16, 1927, in Philadelphia, PA, where he grew up and attended Catholic schools. He entered the Army in March 1945 and served in the Infantry Airborne, reaching the rank of first sergeant by 1949. He served in Germany in the 102d Division and when the 102d Division went home, he stayed on with the 1st Infantry Division.

He continued to reenlist and went to the front lines in Korea with the 7th Infantry Division in 1952. He served 16 months in Korea. Robert was awarded the Bronze Star, the Army Commendation Medal with three oak leaf clusters, the Good Conduct Medal with five loops, the WWII American Campaign and Victory Medal, the European-African-Middle Eastern Theater Medal, the Occupation of Germany Medal, Korean Service Medal and the National Defense Medal.

During his military career, he attended 16 different Army schools, worked in Intelligence learning several different languages, and served several more tours in Europe. He was discharged from active duty at Arlington Hall after 20 years of service, but also served two more years in the Army Reserve. He served as assistant to the Master of the Grange in Washington, D.C., for two years. He met and married his wife Jacquelyn Ann in Sperryville, Virginia, where he still lives today.

Robert joined the Post Office Department on April 13, 1968, as a letter carrier. He has served his entire postal career at the Warrenton Post Office in Fauquier County, where he developed a reputation as a dedicated, hardworking employee. He has always shown concern for his customers and the community, making several lifelong friendships.

Robert has been active in the Postal Service's Carrier Alert Program, in which carriers watch out for senior citizens on their route, alerting friends and relatives when something appears wrong. He personally saved the life of an elderly woman on his route when he discovered that she had fallen on the steps inside her home and no one else was around to help her. Without Robert's intervention, she could have laid there for days.

Most notably in his career, Robert has never had an accident as a postal employee. He is a member of the Million Mile Club, which recognizes postal employees who have driven 1,000,000 miles or more without a vehicle accident. He has gone years at a time without using any sick leave and is still one of the most dependable employees in the Warrenton Post Office.

A respected and active member of the community, Robert once spent four years providing free volunteer labor to rebuild the Sperryville Baptist Church. He has two sons, Rev. Joseph Robert Fox, who served as a fighter pilot in the U.S. Marine Corps and is now a minister in the Virginia Beach area, and James Patrick Fox, who resides in California.

Mr. Speaker, Robert Fox is a remarkable man whose contributions to his community and his country as a leader and volunteer have made a difference in people's lives. I know our colleagues join me in honoring his outstanding achievements through his half century of public service.

TRIBUTE TO LT. JOHN REGAN ON THE OCCASION OF HIS RETIREMENT FROM THE CHICAGO POLICE DEPARTMENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute today to a dedicated police officer who has spent 36 years protecting the lives and property of his fellow citizens, Lieutenant John T. Regan of the Chicago Police Department.

Since 1962, Lieutenant Regan has served the city of Chicago and his community, including many people from my district, as a member of the Chicago Police Department. Most recently, he has worked in the Violent Crimes Office of the Area One Detective Division. On March 5, 1998, however, Lieutenant Regan retired from the police force. His presence will certainly be missed, both by his fellow officers and by the members of the community who he has served diligently for many years.

Mr. Speaker, I salute Lieutenant John T. Regan on his 36 years as a police officer. I would like to extend my very best wishes for continued success and happiness in retirement and in the years to come.

LOCAL PROFILES IN COURAGE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to three men from southwestern Pennsylvania who stood up for what was right.

Over the last 40 years, we have overturned the laws that once upheld race-based segregation and discrimination. This accomplishment should not be underestimated. Unfortunately, the fact of the matter is that while discrimination has been curbed, it has not been eliminated.

I want to talk today about an example of discrimination that we witnessed in southwestern Pennsylvania last year, and I want to let the American people know about three local men who took a stand against it at that time. Their names are Bruce E. Dice, Esquire, Dr. Anthony Brusca, and Wayne E. Smith, Jr. These men risked the disapproval and ostracism of their peers to battle what they perceived to be a discriminatory act.

Last summer, Mr. Dice, an attorney from Plum Borough, and Dr. Anthony Brusca, a dentist from the nearby town of Murrysville—both members of the Edgewood Country Club—sponsored Mr. Edwin L. Edwards's application to become an associate member at that club. Mr. Edwards is a highly respected local businessman—the owner of a local television station—who has attended the Edgewood Country Club as a guest for many years. He also happens to be an African-American.

The Edgewood Country Club, one of the oldest country clubs in western Pennsylvania, at that time had no black members. Even before Mr. Edwards's application was officially submitted, Mr. Dice began receiving anonymous threatening phone calls opposed to the admission of African-American members. Subsequently, racist graffiti was written on Mr. Dice's locker. Despite unanimous approval by the club's membership committee and conversations with board members suggesting that their response to Mr. Edwards's application would be favorable, the club's board of directors rejected Mr. Edwards's membership application.

Mr. Edwards and his sponsors were surprised and upset by the vote. Cases in which the board had rejected an applicant recommended by the membership committee were rare, if not nonexistent.

A number of people went to bat for Mr. Edwards, however. Mr. Smith, for example, resigned from his position as vice president of the country club's board of directors in protest. Mr. Dice and Dr. Brusca stood behind their sponsorship of Mr. Edwards. The local chapter of the NAACP threatened to boycott the country club.

As a result of these actions, the board voted to admit Mr. Edwards. Many members of the Edgewood Country Club have since welcomed Mr. Edwards warmly.

Mr. Edwards's attorney, Dwayne Woodruff, captured the essence of the issue in a statement about two of Mr. Edwards's supporters that could apply to any of his supporters in this affair: "They stood up for what was right. A lot of times that's tough because sometimes you're standing by yourself."

All too often the fight against discrimination is a lonely, painful experience. It is often much easier to look away, to ignore such unpleasantness, or to back down in the face of open, virulent hostility than to press ahead and confront these attitudes and actions. That is what makes people who take that difficult stand so special—and so deserving of our attention and praise.

Mr. Speaker, I commend Mr. Dice, Dr. Brusca, and Mr. Smith for their integrity, their perseverance, and their strong sense of justice. If all Americans would respond in a similar manner, we could move a long way towards realizing a truly just society.

CAMPAIGN REFORM AND ELECTION INTEGRITY ACT OF 1998

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. SNOWBARGER. Madam Speaker, I am pleased that Congress is focusing attention on reform of our campaign and election system. There are many problems worthy of our best efforts, and this bill contains a number of thoughtful remedies championed by reformers of all stripes. Among those reforms that I have advocated are efforts to curtail illegal foreign contributions and new restrictions that safeguard the paychecks of union members. These were a part of my own campaign finance reform proposal, H.R. 3315. That is why I am voting for the separate bills that accomplish these aims.

Although these are very good ideas, I am concerned about some aspects of the bill we consider today. Because H.R. 3485 is a compromise, it is weak in addressing every Member's "first principles" for campaign finance reform. However, I want to use this opportunity to call attention to one issue I feel has been most egregiously ignored.

Individual and candidate accountability is required. As I am sure all of my colleagues are aware, Republicans and Democrats frequently take to the floor of the House to decry the failure of one group or another to take responsibility for their actions. Whether it is Republicans demanding that fathers take responsibility for their children or Democrats who call on industry to account for the impact their activities have on the environment, this principle is regularly invoked on behalf of our constituents. I believe it is now time for Congress to do what it has long asked of others. We all must assume personal responsibility for our own campaigns.

How should we accomplish this? I believe the first step is real punishment for candidates and their surrogates who intentionally break our campaign finance laws. Earlier this year I introduced the "Fair Elections and Political Accountability Act" (H.R. 3315) which has as its chief aim real personal accountability. Put simply, this bill sends the bad guys directly to jail. No more of the Faustian bargain: "Cheat to get elected and worry about the fines later." Such an environment creates a disincentive to obey the law. My bill mandates prison terms for intentional violations and strengtnens the enforcement powers of the Justice Department and the Federal Election Commission. Swift and certain criminal sanctions will make all the other reforms work better. I asked Chairman THOMAS to include these provisions in the campaign reform measure reported to the House. I am disappointed that they were omitted. As long as candidates think that they can break the law with impunity, it doesn't matter how many new laws and regulations we pass.

We must first address this question of accountability.

CENTENARY OF THE BIRTH OF STEPHEN VINCENT BENET

HON. PAUL McHALE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. MCHALE. Mr. Speaker, it gives me great pleasure to speak today about a favorite son from my very own hometown. This year marks the centenary of the birth of the noted American writer, Stephen Vincent Benet.

One of his friends said of him that he was "more conscious of being American than any man I ever knew." And he was certainly very American. He did not think America was perfect; He strove always to heal its imperfections. But, even with its imperfections, he believed it was worth serving, as a Grail Knight served his ideal. He thought America was the best hope for the oppressed and downtrodden in the history of the world. That was the ideal he served and it is an ideal to which we should all serve.

Benet was born July 22, 1898 in Fountain Hill, Pennsylvania, just a few blocks from my own birthplace. He went on to embrace and be embraced by all of America.

His father was a distinguished Army career officer, Colonel James Walker Benet; his grandfather was Brigadier General Stephen Vincent Benet. Both men made distinguished contributions to Army Ordnance, and General Benet was Army Chief of Ordnance for 17 years.

There is no doubt that the younger Stephen Vincent Benet would have followed his father and grandfather into the service if he could have; he always called himself an Army man. But poor eyesight and painful, progressive arthritis plagued him all of his life, making military service out of the question.

Instead, he turned to writing. When his great Civil War epic "John Brown's Body" was published in the late 1920's he became a national hero and won the Pulitzer Prize. More than 600,000 copies of the book were sold in short order.

And they were read and cherished. During World War II a correspondent encountered an American officer who carried "John Brown's Body" with him everywhere, even into battle.

Benet's reputation increased among Americans because of the short stories he published. You have all heard of "The Devil and Daniel Webster," but there were many others. They were carried by many of the most popular magazines of the 1920s and 1930s, and were eagerly awaited by thousands of avid readers.

During the 1930s he watched with dismay the steady advances of Nazism, Italian fascism and Japanese imperialism. Such stories as "Blood of the Martyrs" and "Into Egypt" revealed his ardent commitment to individual liberty and his deep sympathy with the oppressed.

When the attack on Pearl Harbor plunged the United States into World War II, Benet made a momentous decision: Since he had no other way to serve, he would put his talent to work by writing for the American and Allied cause. Although he was criticized for his choice, then and later, he stuck to his principles.

In the few years that remained to him, he turned out such powerful works as the radio dramas "Listen to the People" and "They Burned the Books" as well as the so-called propaganda history "America." In this book, which was printed in many languages and distributed in thousands of copies around the world, he told his country's story with all the honesty and truthfulness that was his nature.

But Benet did not live to see the publication of "America." He died March 13, 1948, the victim of a sudden heart attack at just 44 years of age. Found among his papers at his death were the following four lines, which were perhaps the last he ever wrote:

> Now for my country, that it still may live,
> All that I am, all that I have I'll give.
> It is not much beside the gift of the brave,
> But yet accept it, since 'tis all I have.

I'd like to close by reading part of a prayer Stephen Vincent Benet wrote for President Franklin D. Roosevelt, known as the President's Prayer. Surely its sentiments are those which every man and woman of good will can still share today.

> Our Earth is but a small star in a great universe. Yet of it we can make, if we choose, a planet unvexed by war, untroubled by hunger or fear, undivided by senseless distinctions of race, color, or theory. Grant us brotherhood, not only for this day but for all our years—a brotherhood not of words but of acts and deeds. We are all of us children of earth—grant us that simple knowledge. If our brothers are oppressed, then we are oppressed. If they hunger, we hunger. If their freedom is taken away, our freedom is not secure. Grant us a common faith that man shall know bread and peace—that he shall know justice and righteousness, freedom and security, an equal opportunity and an equal chance to do his best, not only in our own lands but throughout the world. And in that faith, let us march toward the clean world our hands can make.

PATIENTS' BILL OF RIGHTS ACT OF 1998

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. DINGELL. Mr. Speaker, I am pleased to introduce the Democratic Caucus' proposal to protect consumers in managed care, the Patients' Bill of Rights Act of 1998.

Ten years ago, only one in seven of us would have been enrolled in managed care. Today, after huge and wrenching changes in our health care system, more than three in four Americans is now in managed care.

No matter how prosperous or healthy our lives, all of us at some point become patients and find ourselves at the tender mercies of our health care system.

When that happens, we are entitled to minimal rights and measures that will protect our health and dignity.

That's what the legislation we're introducing today is all about.

We have all heard the horror stories. Heart attack victims forced to drive miles to an approved emergency room. A woman vacationing in Hawaii forced to fly to her plan's participating Emergency Room in Chicago to get care for an emergency situation. Cardiac center's selected on the basis of price, not quality. Denials of treatment resulting in worse problems. A woman testified before our committee late last year about a boy who lost his leg to cancer because the managed care organization would not approve the necessary treatment in time to stop its progression.

The legislation we propose is straightforward. It's the product of exhaustive and exhausting discussions involving the full range of views and opinions within the Democratic Party—perhaps the most diverse and contentious political organization ever assembled under one umbrella.

First, our legislation says that you should get the care you need when you are sick. If you need to see a specialist, you can see one. If you have an emergency, you can go to the nearest emergency room for treatment. You'll be able to become part of a clinical trial if there is no other treatment available, and you'll be able to get non-formulary drugs if there is cause for exceptions.

Second, you'll be able to get the information you need about your plan. You'll know what is covered, what is not, how and where to get care, who to talk to in order to get a complaint or grievance resolved, what providers are in the plan and how the plan measures up in term of providing quality care to members.

Third, if you've got a problem with your care, you'll know where and how to straighten it out. If your plan denies a treatment and you're harmed, you'll be able to hold the plan responsible.

Finally, our legislation requires plans to have a program to look at the quality of care they provide to the people they serve.

Ours is real, enforceable legislation. It doesn't give health care providers a right to bill. It gives patients a bill of rights.

We've worked with a range of organizations on this legislation. I'm proud to welcome representatives of both the American Medical Association and the American Federation of Labor and Congress of Industrial Organizations in support of our efforts. That these two institutions are represented in support of our bill should tell you that this is a well-thought-out piece of legislation.

We don't believe that managed care is inherently evil. Managed care has controlled costs, and improved care for its patients in many instances. But the excesses that spawned managed care have in turn produced their own excesses.

The Patients' Bill of Rights Act is supported by the following groups and organizations. American Association of Retired Persons (AARP) [March 31, 1998 Letter]; American Cancer Society [March 13, 1998 Letter]; American College of Emergency Physicians [March 31, 1998 News Release]; American Federation of Labor and Congress of Industrial Organizations [March 31, 1998 News Release]; American Medical Association [March 31, 1998 Statement]; American Psychological Association [March 12, 1998 Letter]; Consumers Union [March 31, 1998 Letter]; Families USA

Foundation [March 31, 1998 Letter]; HIP Health Plans [March 31, 1998 Letter]; Kaiser Permanente [March 31, 1998 Letter]; National Alliance for the Mentally Ill [March 31, 1998 Statement]; National Association of Children's Hospitals [March 31, 1998 News Release]; and National Mental Health Association [March 13, 1998 Letter].

As the baseball season begins across the country, I hope that my Republican colleagues—many of whom have joined in cosponsoring similar legislation—will join in working with me and my fellow Democrats so that we can put a bill on the President's desk by the time that the baseball season draws to a close this September.

AIR FORCE RESERVE BIRTHDAY TRIBUTE

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. GIBBONS. Mr. Speaker, I ask my colleagues in the House of Representatives to join me in recognizing the birthday of the United States Air Force Reserve. April 14, 1998 will mark fifty years of service by the Air Force Reserve to the United States of America.

The Air Force Reserve traces its heritage to the National Defense Act of 1916, which authorized a corps of reserve officer and enlisted aviators. From this modest beginning, Reservists made noteworthy contributions during both world wars. On April 14, 1948, the Air Force Reserve became a component of the United States Air Force. In 1998, the Air Force Reserve celebrates the 50th anniversary of this event. During those 50 years, Reservists have served proudly and with great distinction during times of conflict.

They answered the call in Korea in the 1950s, in Berlin, Cuba, Korea and Southeast Asia in the 1960s, and in the Persian Gulf in the 1990s. In peacetime, while maintaining a high degree of readiness to respond during a crisis, Reservists perform humanitarian, rescue, hurricane reconnaissance and aerial-spray missions throughout the United States and around the world. They also support virtually every air force peacetime operational activity, from airlift missions and satellite operations, to patrolling the no-fly zones over Bosnia and Iraq.

The Air Force Reserve has grown from an "extremes force" to an integrated combat ready fighting force. As the Air Force Reserve moves into the 21st Century, they play an expanded role in meeting the fast changing needs of our country. They are developing more detailed long-range and annual planning documents to ensure the Reserve is a viable partner in the total force goal—to best use our capabilities, provide America an effective defense, and give the best value for our defense dollar. Originally intended for wartime augmentation, today these citizen airmen support national objectives on a daily basis.

Their day-to-day involvement has increased markedly in recent years. The Air Force Reserve participated in 11 contingencies between 1953 and 1990. In the last seven years, they have played a significant role in over 40 major operations. This is part of life and they are proud to do it. In every instance since Desert Storm, they have met these obligations with all volunteers.

The Air Force Reserve is a force of dedicated airmen who help support the world's most respected Air Force. Today, they provide 13 percent of total Air Force manning and roughly 20 percent of the Air Force's total air and space capability. Their mission is readiness, but their job is to support the total Air Force. Air Force planners and leaders recognize the need for their support and rely on them to step in wherever needed.

Their readiness has never been higher, and they are part of nearly every mission area. One of the keys to their success is compensating leverage as a force multiplier inherent within a fully trained and accessible force waiting on call. In reality, today's global situation dictates that they serve as a peacetime augmentation force as well as a ready, wartime force.

Air Force Reserve units maintain readiness levels on par with active duty units. Over 92% of Air Reserve units are currently combat ready, closely paralleling our active force.

The Air Force Reserve remains ready to support mission requirements at any time, under any conditions, anywhere in the world. They bring current, mission capable technology, at low cost, to meet the expectations of the active duty commanders they support. And they bring the creative ingenuity and dedication of a highly skilled and diverse workforce to meet their requirements and their responsibilities to the American people.

Some of the most notable accomplishments for the Air Force Reserve over the past 50 years have included:

April 14, 1948—The U.S. Air Force Reserve was officially designated.

1950–1952—All 25 Air Force Reserve wings, along with 118,000 individual reservists, came on active duty during the Korean conflict.

July 9, 1952—The Armed Forces Reserve Act standardized pay and training categories and established Ready, Standby and Retired mobilization categories.

Oct. 1, 1961—Five Air Force Reserve C–124 Globemaster groups and about 9,000 individual reservists, totaling more than 15,000 were mobilized during the Berlin Crisis.

Oct. 18, 1962—Eight Air Force Reserve troop carrier wings and six aerial port squadrons, total more than 14,000 reservists, were mobilized during the Cuban missile crisis.

Jan. 26, 1968—Six Air Force Reserve units were mobilized in the wake of the *Pueblo* Incident.

May 13, 1968—Seven Air Force Reserve units were mobilized to support the Air Force during the Vietnam conflict.

Aug. 21, 1970—The Total Force Concept was announced by Secretary of Defense Melvin Laird, making reserve components the initial source of augmentation for the active force rather than the draft.

Aug. 3, 1973—Secretary of Defense James R. Schlesinger elevated the Total Force Concept to the Total Force Policy, integrating the active, Guard and Reserve into a homogeneous whole.

Oct. 1, 1977—In a mission shared with the Air National Guard, the Air Force Reserve began rotating C–130s, aircrews, and support personnel to Howard Air Force Base, Panama, in support of Phoenix Oak, the Air Force's Latin American mission.

Oct. 23, 1983—Air Force Reserve airlift associate units assisted in the evacuation of more than 700 American and foreign citizens from Grenada during the civil turbulence on that island. Reserve maintenance, aerial port and medical personnel also supported the active forces.

Oct. 24, 1983—Air Force Reserve airlift associate aircrews helped evacuate wounded U.S. Marines from Lebanon. Reservists flew 63 strategic airlift missions transporting supplies and casualties into and out of Beirut.

December 1989—Reserve units took part in Operation Just Cause, airlifting passengers and cargo to Panama. Aeromedical, special operations and air refueling units also participated in the effort to ensure protection of Americans and U.S. resources. When the operation ended Jan. 31, 1990, Reserve airlift units had flown nearly 1,500 hours airflifting some 7,500 passengers and more than 4,000 tons of cargo. Reserve air refueling crews offloaded more than a million pounds of fuel to 18 receiving aircraft, and AC–130 gunships flew 157 hours and expended nearly 7,500 rounds of ammunition.

August 1990—Nearly 6,000 of more than 9,000 Reserve volunteers were on duty within two weeks after Iraq invaded Kuwait Aug. 2.

February 1991—There were more than 17,500 reservists on active duty. About 3,800 were officers and 13,700 were enlisted personnel. About one in four were women. Approximately 1,800 were air reserve technicians, 1,300 were individual mobilization augmentees and more than 500 were members of the Individual Ready Reserve. More than 7,000 of those reservists were in medical specialties.

March 1991—The mobilization reached its peak with almost 23,500 Air Force reservists on duty. Of them, more than 20,000 were assigned to 215 Reserve units, 2,300 were individual mobilization augmentees and 960 were members of the Individual Ready Reserve or retirees. Most members of the latter group were medical personnel. The Department of Defense authorized the commanders of the gaining major commands to demobilize reservists, consistent with military requirements.

May 8–10, 1992—The Command Band of the Air Force Reserve performed on Russian television May 7 and in the Kremlin May 8. On May 9, the band participated in the Peace Victory Parade, marking the first time a U.S. military unit has marched in the Russian capital.

July 15, 1992—A Reserve C–130 and two aircrews from the 934th Airlift Group, Minneapolis-St. Paul International Airport Air Reserve Station, Minn., joined active-duty and Air National Guard aircraft and crews at Rhein Main Air Base, Germany, to airlift desperately needed supplies and food into war-torn Sarajevo and Zagreb during Operation Provide Promise.

Dec. 8–14, 1992—Reservists flew 190 sorties, airlifted 1,076 passengers and 1,504 tons of cargo, and off-loaded nearly 1.8 million pounds of fuel in flight as part of Operation

Restore Hope. The Air Force Reserve had 381 volunteers who were placed on active duty for 31 days. Of that total, 396 airlifted troops and equipment, 37 flew air refueling missions, 17 performed medical duties and 14 provided aerial port support.

Jan. 1, 1993—The Air Force Reserve entered the space program with the activation of the 7th Space Operations Squadron at Falcon Air Force Base, Colo.

Jan. 31, 1993—Air Force Reserve units reported airlifting 9,400 passengers and 11,728 tons of cargo in support of Operation Restore Hope, the relief mission in Somalia. Associate aircrews, flying active-duty aircraft, airlifted most of the passengers and cargo flown by the Reserve.

November 1993–January 1994—Air Force Reserve A–10 Thunderbolt II and F–16 Fighting Falcon pilots and aircraft participated with Air National Guard and coalition forces in Operation Deny Flight, enforcement of a military non-fly zone over Bosnia-Herzegovina in accordance with a United Nations Security Council resolution.

June–September 1994—Reserve A–10 and KC–135 units deployed to Europe in support of the United Nations' no-fly zone over Bosnia. A–10s, aircrews and support people went to Aviano Air Base, Italy, again to provide fighter coverage. KC–135s, aircrews and support personnel staged air refueling operations from Pisa, Italy, and Istres, France, for U.S. and NATO fighters.

September 1994—Air Force Reserve airlift and air refueling aircraft flew missions in support of Operation Uphold Democracy, the peacekeeping mission in Haiti. By Sept. 20, more than 1,100 reservists volunteered to deploy or remain in place to assist the operation. Homestead Air Reserve Base, Fla., and Dobbins Air Reserve Base, Ga., were staging bases. Homestead served as a jumping off point into Haiti, and Dobbins accommodated C–130s loaded with Army civil engineers from Fort Bragg, N.C.

December 1995—Reserve airlift, aerial refueling, and aeromedical units plus individual mobilization augmentees began supporting Operation Joint Endeavor, the NATO-sponsored peacekeeping mission to Bosnia-Herzegovina.

January–June 1996—Reserve fighter units, based at Aviano Air Base, Italy, continued to support the enforcement of the no-fly zone over the former Yugoslavia. The original UN-sponsored mission, Deny Flight concluded Dec. 21, 1995, when NATO assumed responsibility for what was then called Decisive Edge.

February 17, 1997—The Air Force Reserve was designated as an Air Force major command, from a field operating agency, and renamed the Air Force Reserve Command.

Air Force Reservists, through their unselfish devotion to duty, are dedicated "Citizen Airmen" who have served America proudly and with distinction for 50 years.

THE HISTORY AND BACKGROUND OF THE HUNGARIAN CROWN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. LANTOS. Mr. Speaker, on March 18 in Statuary Hall we held a ceremony celebrating the 20th anniversary of the return to the people of Hungary of the Holy Crown of Hungary, the Crown of St. Stephen. The United States government was custodian for a third of a century (from 1945 to 1978) of this most important symbol of the Hungarian nation.

At the time the Crown was returned to Hungary, Dr. Robert King, who currently serves as my Chief of Staff, was a member of the staff of the National Security Council at the Carter White House. He was involved on behalf of the White House in the decisions surrounding the return of the Crown, and he was an official member or the delegation headed by Secretary of State Vance which returned the Crown to Hungary. It is significant, Mr. Speaker, that Bob's association with Hungary and with the Crown predates our association in my office.

In connection with the ceremony in Statuary Hall of the United States Capitol, Bob prepared a written description of the background information on the political history and the art history of the crown. Because of the significance and the interest in this important coronation symbol and historic object, Mr. Speaker, I ask that this description be placed in the RECORD.

THE HUNGARIAN CROWN

"The Holy Crown of Hungary" (Magyar Szent Korona) or "the Crown of St. Stephen" is the medieval Crown that for centuries was the symbol of Hungarian kingship and today remains a powerful symbol of the Hungarian nation. The Crown is depicted atop the Hungarian national crest, which was adopted as the official symbol of the Republic of Hungary.

For centuries the Hungarian Crown has been linked with St. Stephen, the first Christian king of Hungary. Medieval records report that Pope Sylvester II gave a Crown to Stephen for his coronation in 1001. Because of this tradition, the Crown has long symbolized Hungary's cultural, political, and religious links with Western Europe, although the present Crown is not the actual object given by Sylvester II.

The Crown is composed of two parts. The upper portion is composed of two cross-bands with enamel panels with Latin inscriptions. Earlier, it was believed that the Latin portion of the Crown was a remnant of the Crown given by Sylvester II. Contemporary scholars now believe that it is a reliquary or other object associated with Stephen. The lower portion is a Byzantine crown produced between 1067 and 1077 which was made for the wife of King Geza I, and it was a gift of the Byzantine emperor Michael Ducas.

These two separate portions were combined to create a crown for the coronation of one of Hungary's later kings. It was at this time that a cross was placed on top of the crossed Latin bands. Combining the two elements took place about the twelfth century. The first source calling this relic "the Holy Crown" dates from 1256, and by that date, it was in much the same form as it is today.

The Crown was last used for coronations in 1867, when Hapsburg Emperor Franz Joseph II was crowned King of Hungary, and in 1916, when his successor, Karl IV, was crowned. Karl was deposed in 1918 at the end of World War I, but the new independent State of Hungary remained a Kingdom without a king from 1918 until 1945.

Throughout its history the Crown has generally remained in Hungary, but it was frequently moved from place to place and hidden for security reasons. It was buried for four years after the national uprising of 1848–1849.

In November 1944, as the Soviet Army neared Budapest, the Crown guard moved the coronation regalia from the capital to western Hungary and Austria to protect them from damage in the fighting and to prevent their seizure by Soviet troops. On April 26, 1945, the guard buried the Crown in an oil drum at Mattsee in western Austria, and on July 25, 1945, the Crown and coronation regalia were transferred to U.S. Army officers in Augsburg, Germany. The Crown remained in American custody until January 6, 1978. Initially it was kept in the American occupation zone of Germany at a special military facility in Wiesbaden, and in the early 1950s, it was transferred to the U.S. Gold Depository at Fort Knox, Kentucky.

It was always the intention of the United States to return the Crown to Hungary, and it was designated "property of special status held in trust and safekeeping by United States authorities." Plans to return the Crown to Hungary were put off following the communist coup in Hungary in 1947 and the intensification of the Cold War. The Hungarian uprising of 1956, which was violently suppressed by Soviet troops, also made it impossible to return the Crown. It was only two decades later that gradual but significant domestic changes in Hungary opened up the opportunity for the Crown's return.

When Jimmy Carter became President in 1977, the U.S. reassessed its policies toward the countries of Central and Eastern Europe, and determined that the U.S. should encourage relations between America and those Soviet client states which pursued international or domestic policies that differed from the Soviet Union. Since the late 1960s, Hungary's domestic economic and social policy had moved considerably away from the Soviet model and fostered market-oriented changes, which laid the foundation for Hungary's remarkable success in the post-communist period.

President Carter, Secretary of State Cyrus Vance, and National Security Advisor Zbigniew Brzezinski agreed that the crown should be returned to Hungary. The Crown symbolized Hungary's links with the West and Hungarian national identity, and U.S. officials wanted to strengthen both. As a condition for the return, it was required that the Crown be placed on public display and representatives who accepted the Crown be leaders of a wide variety of Hungarian religious social, cultural, and other groups.

The ceremony for return of the crown was held on January 6, 1978, in the rotunda of the Hungarian Parliament. The U.S. delegation was headed by U.S. Secretary of State Cyrus Vance. Congressional members of that delegation included Congressman Lee Hamilton of Indiana and Fortney H. "Pete" Stark of California. Three weeks after the return of the Crown, it was put on display at the Hungarian National Museum in Budapest, and it has been on display there since that time.

Return of the Crown led to a marked improvement in U.S. relations with Hungary, and that, in turn, contributed to greater Hungarian self-confidence and encouraged economic and political reform. The changes that took place in Hungary during this period were important in preparing Hungary for the successful transition to political democracy and free market economy in the period after 1989.

IN HONOR OF ST. EDWARD'S BOYS BASKETBALL TEAM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the accomplishments of the St. Edward's Boys Basketball Team and its coach, Eric Flannery. St. Ed's in Lakewood, Ohio won the Division I State Boys Basketball Championship on Saturday, March 28, 1998.

Although St. Ed's was ranked number one in the finals, the Eagles still had to overcome their longtime rivals, the St. Ignatius Wildcats of Cleveland, in order to win the championship. This was the first time two Cleveland-area schools met for a boys basketball championship, and thanks to the skill of Coach Flannery and the teamwork of the players, St. Ed's won 70–61. The Eagles' strong offense and solid defense kept the Wildcats at bay throughout the game. This year's victory makes St. Ed's only the 15th school to win consecutive boys basketball championships.

My fellow colleagues, join me in saluting the 1998 Division I State Basketball Champions from Lakewood, Ohio, the St. Edward's Boys Basketball Team and its coach, Eric Flannery.

TRIBUTE TO STANLEY M. GRUBE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. CALVERT. Mr. Speaker, I take the floor today to honor an individual whose dedication to the community and to the overall well-being of the 43rd Congressional District is unparalleled. My district has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly given of their time and talents to promote the businesses, schools, and community organizations within their various cities and throughout the district as a whole. Mr. Stanley M. Grube is one of these individuals.

Stan Grube has been extremely involved in several health care membership activities as well as various community education activities. He has served as Chairman of the Corona-Norco Unified School District Year-Round Education Task Force, in addition to currently serving as a member of the Riverside Community College Foundation and La Sierra University's Community Advisory Council for the California School Administrator Credentials Program.

Stan Grube is Chairman and member of the County of Riverside Emergency Medical Care Committee and Externa, Advisory Board Member for the University of Miami Comprehensive Drug Research Center. His community involvement extends from past positions on the Corona Chamber of Commerce Board of Directors, President and member of the Board of Directors for the United Way, Corona Rotary Club and the Corona-Norco Family YMCA. In 1997, he appointed by Governor Pete Wilson to the Economic Strategy Panel.

Stan's outstanding accomplishments make me proud to call him my friend, community member, and fellow American. I thank him for his contribution to the betterment of the community and I encourage him to keep up the good work.

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50 STATES COMMEMORATIVE COIN PROGRAM AMENDMENT ACT OF 1998

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. UNDERWOOD. Mr. Speaker, last year the 50 States Commemorative Coin Program was signed into law. Beginning next year, selected designs from each of the fifty states will be minted on the reverse side of U.S. quarters dollars for circulation. Five states per year will have quarters minted with corresponding designs issued in the order of the states' ratification of the Constitution or admission into the Union.

In addition to the possibility of raising revenue for the federal treasury, attention will be focused upon the states through the diversity of designs that will commemorate their history. I believe this is a great program and everyone should be allowed to participate. However, this was not the case. As usual, the territories and the District of Columbia were overlooked.

Although this nation supposedly is "dedicated to the proposition that all men are created equal," you have to look no further than the territories and the District to realize that it is not. As a citizen of lower station, one who is not allowed to vote at presidential elections—a delegate, not quite a full Member of Congress, who hails from an unincorporated territory with an unresolved political status, I have been designated to be the one from my home island to make sure that we get a fair shake anytime we can. Oftentimes the objective is impossible. We have to work twice as hard in order to get half as much. This is why I strongly support Delegate NORTON's amendment to the 50 States Commemorative Coin Program.

The territories and the District need and deserve all the recognition and attention we can get. Extending the 50 States Commemorative Coin Program for another year to accommodate the territories and the District is equitable, it is sensible, and it is fair. This year marks Guam's centennial under the American flag. It would be a fitting tribute to include the territories in this commemorative coin initiative. I urge my colleagues to support this important legislation.

INTRODUCTION OF "TAX ON TALKING REPEAL ACT OF 1998"

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. DUNN. Mr. Speaker, after serving on the House Committee on Ways and Means for the past three and one-half years, I continue to be amazed at the outrageous provisions that encompass our current tax code. In no small part many of these provisions are a function of a tax code that is spiraling out of control. The irony is that while our tax code has 7 million words it lacks two simple words—common sense.

One of the most ridiculous tax code provisions I have discovered imposes a 3 per cent luxury tax on the telephone service of every single American. The legislation I am introducing today, with my colleague from Louisiana, Congressman BILLY TAUZIN, will repeal this federal luxury tax on talking. Common sense suggests a number of reasons for swift enactment of our legislation to repeal the luxury tax on telephone service.

First, this was a "temporary" tax first adopted in 1898 to fund the Spanish-American War. One hundred years later this "temporary" tax still exists. For over fifty years the tax served as a means to meet revenue needs imposed by the Spanish-American War, World War I, the depression, World War II, the Korean War and Vietnam. In 1965, Wilbur Mills, Chairman of the House Ways and Means Committee declared, "the emergency conditions which gave birth to these taxes have long since disappeared. The taxes have remained, to become a source of discrimination among taxpayers."

Secondly, everyone realizes that having a telephone in your home is no longer a luxury. Since the enactment of this tax 100 years ago, telephone service has evolved into a vital infrastructure for modern life. The use of telephone services by a select few in the 1930s has exploded to the point that over 90 percent of American homes and businesses, across all segments of society, are wired for telephone service. In 1990, the Congressional Research Service reported, "A consensus has emerged that the telephone today is no longer viewed as a luxury and can best be compared to an item of general consumption. The tax bears no direct relation to any government service received by the telephone consumer."

Third, like all luxury taxes, the federal telephone excise tax is regressive. Consumer expenditures on telephone service are a higher percentage of income for lower income families than for higher income families. In 1987, the Department of Treasury, Office of Tax Analysis, determined that "the communications excise tax causes economic distortion and inequities among households and that there is no policy rationale for retaining the tax."

The repeal of the federal telephone excise tax would instantly accomplish what Congress had hoped to do through the Telecommunications Act of 1996—lower customer bills. Telephone service in America today is a basic necessity, a part of our daily lives. Americans should not have to pay a tax to the Federal Government in order to call their families on holidays or Mom on Mother's Day. Common sense tells us this is an unreasonable tax. Common sense tells us that repeal is necessary.

In closing, I would like to commend my colleague, Representative BILLY TAUZIN, for his willingness to work with me in moving for swift enactment of the Tax on Talking Repeal Act. I urge all of my colleagues to join us in supporting this measure.

TRIBUTE TO DR. MARTIN LUTHER KING, JR., ON THE 30TH ANNIVERSARY OF HIS DEATH—A DEDICATION TO HIS LIFE AND WORDS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. LANTOS. Mr. Speaker, I rise today to commemorate the life and the contributions of Dr. Martin Luther King, Jr., and to mark the thirtieth anniversary of his tragic death on April 4th, 1998.

Dr. King's life is a testament to our highest values of peace, equality, and justice that we honor in this nation. I shudder to think of our country without the words, the inspiration, and the activism of Dr. King. I shudder to think of this world without his eloquent voice to lead us in preserving civil rights and human rights for all people, no matter their differences.

Mr. Speaker, it is in honor of Dr. King that we must rededicate ourselves to an unfinished task—the elimination of social, legal, and economic discrimination against all minorities, against all disadvantaged Americans. Let us remember his achievements so that his vision of a peaceful, prosperous humanity will not be silenced and will not go unheeded.

During the civil rights movement of the 1950's and 1960's, Dr. King was an advocate for nonviolent change. His beliefs were the basis for an effective and powerful movement by Americans everywhere to protest against blatant racism in the form of racial segregation. He organized "sit-ins" and boycotts against both public and private institutions participating in the segregation of black people. His immensely influential work with the civil rights campaign earned him the Nobel Peace Prize in 1964. Our nation was in shock and grief after his tragic and untimely assassination on April 4, 1968.

Mr. Speaker, I know that my colleagues share with me the profound inspiration and hope that I experienced as I listened to Dr. King's stirring "I Have a Dream" speech during the 1964 civil rights demonstration in our nation's capital. I still remember the urgency of his words to the poor, the disenfranchised, and the oppressed.

> And when we allow freedom to ring, when we let it ring from every village, from every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands, and sing in the words of the Old Negro spiritual: "Free at Last! Free at last! Thank God Almighty, we are free at last!"

Mr. Speaker, we in this Congress know that Dr. King's remarkable dream is still unfulfilled. We know that those who are weak, those who suffer from poverty, from hatred, from ignorance, are those for whom our country is still returning the check that Dr. King denounced—the check marked "insufficient funds." The disease of discrimination still exists in our country in both its most blatant and more subtle forms. Equal political participation still eludes our fight for equal justice for all. Our liberty is incomplete without adequate provisions for the elderly and without quality care for our children.

We cannot succeed in our quest for liberty and freedom without acknowledging, as Dr. King wisely taught us that "there is no peace without justice." Therefore, we must continue to struggle for justice. We must support our President who engages this nation in a dialogue of race with his "Initiative on Race: One America in the 21st Century." We must prosecute all hate crimes, those against race, ethnicity, gender, and sexuality, against anyone who is different. We must give everyone equal opportunities to education, especially higher education. We must pass just laws which protect those who remain unprotected by our system. We must create and pass a budget which takes into account the needs of all Americans.

Genuine leadership will result in genuine reform. We cannot have genuine reform until we take into account the relative position of minorities, and the relative position of the economically disadvantaged. There will be no peace and true prosperity in this country until every homeless person has shelter and every hungry mouth is fed.

Americans have common needs and common desires, and we must work with each other, not against each other, to achieve our goals. Dr. Martin Luther King, Jr. spoke to us of unity, not dissension. It is our responsibility to move toward social justice through nonviolent means, and it is our responsibility to prevent violence by examining our laws and their enforcement.

We must learn to enact change, rather than merely react to change. We can start by recognizing the ways in which discrimination operates in subtle and insidious ways within our society despite our laws, ways which may not be as obvious as segregation, but are discrimination nonetheless.

We must acknowledge that America cannot rest on laurels of prosperity, but must continue to seek a prosperous equality. We can be non-violent in ways that are filled with respect and dignity for all.

Mr. Speaker, as this nation solemnly marks 30 years since the tragic and violent and untimely death of Dr. Martin Luther King, Jr., I urge my colleagues in the Congress to recommit ourselves to the struggle which Dr. King so personified and defined. I urge my colleagues in the Congress to share with me my appreciation of this great man and to work together to achieve his vision. The road to Dr. King's vision of peace is long and difficult. Let us not be daunted. Let us march together for freedom.

RETURN OF THE DEADLINE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, this month millions of Coloradans will begin the time-consuming and stressful task of preparing tax returns for the April 15th deadline. Considering the time, irritation, and inconvenience required to comply with our increasingly complicated federal tax code each year, it's not surprising that some common synonyms for the word "tax" include: *demand, oppress, accuse, exhaust, and burden.*

Americans spend a combined 5½ billion hours each year working to comply with our current tax system. Meanwhile, the 114,000 employees of the Internal Revenue Service (IRS) are toiling too. They must in order to churn out the 8 billion pages of forms and instructions mailed to lucky recipients like you and me each January. And don't forget the trees. Over 300,000 trees are chopped down each year just to produce the paper for these riveting publications. Even the easiest form, the 1040EZ, has 33 pages of instructions—all in fine print.

Meanwhile, what do we have to show for our personal contributions of time, stress and inconvenience? A federal budget that amounts to more than $1.7 trillion per year, and a federal debt surpassing $5.5 trillion and gaining. If all that cash was going only to the essential functions of government—defending our borders, and providing those services that cannot be effectively left to individuals, States, groups, charities, or markets—we'd be in good shape. But in reality, much of this spending goes toward programs our government has no business providing, or all too often, is just plain squandered. Remember the "essential" expenditure of $800,000 to study methane production in European cows, or the $13,000 we spent to fly top Clinton officials an enduring 55 miles for a round of golf?

No, this is just plain wrong, and this is the very reason I came to Congress. Just weeks ago I presented the taxpayers with a check for more than $354,000 in unspent funds from my 1997 office budget—nearly 40 percent of my allotment. This is but a small example of how our government, can be doing much more work, for much less cash.

This is why I cosponsored and voted for three of the most important pieces of legislation in decades. The Taxpayer Relief Act of 1997, providing the first net tax cut in 16 years; the Balanced Budget Act of 1997, bringing our federal books in balance for the first time since 1969; and the IRS Restructuring Act, getting us one step closer to reining in one of the most abusive agencies in America, and setting us up to scrap the entire tax code in favor of one that is fairer, flatter, and simpler.

But we all have a role in making our government better and more responsive. Each and every one of us has the moral obligation to ensure our government is the leanest and most efficient service provider on Earth.

All Americans should keep in close touch with their elected officials—call them, write them, and e-mail them. Remind your public servants that you are watching their every move, and that the measure of their achievement depends upon the betterment of your life, and that of your family.

There is an old saying that government is a necessary evil. Let's just ensure that when we write those checks on April 15th, we are not buying more evil than we can handle.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 2, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 21

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance, focusing on crime programs.
Room to be announced

APRIL 22

9:30 a.m.
Indian Affairs
To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.
SR–485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SD–192

APRIL 23

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.
SD–138

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Forest Service, Department of Agriculture.
SD–124

Labor and Human Resources
Children and Families Subcommittee
To resume hearings on proposed legislation authorizing funds through fiscal year 2002 for the Head Start program.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.
SD–192

APRIL 28

10:00 a.m.
Labor and Human Resources
To hold hearings to examine reading and literacy initiatives.
SD–430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

APRIL 29

9:30 a.m.
Labor and Human Resources
To hold hearings to examine proposed legislation relating to assistive technology.
SD–430

Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD–192

APRIL 30

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD–138

10:00 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To resum hearings to examine the role of the Agency for Health Care Policy Research in health care quality.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on title IV of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 624, to establish a competitive process for the awarding of concession contracts in units of the National Park System.
SD–366

MAY 5

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD–192

MAY 7

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD–138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Executive Office of the President.
SD–192

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD–366

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 13

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD–192

MAY 14

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television

program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.

SD–366

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the legislative recommendations of the American Legion.

345 Cannon Building

CANCELLATIONS

APRIL 2

9:30 a.m.

Small Business

To resume hearings on the President's proposed budget request for fiscal year 1999 for the Small Business Administration.

SR–428A

10:00 a.m.

Foreign Relations

Near Eastern and South Asian Affairs Subcommittee

To hold hearings to examine the economic and political situation in India.

SD–419

POSTPONEMENTS

APRIL 2

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings to examine airline ticketing practices.

SD–138

SENATE—*Thursday, April 2, 1998*

The Senate met at 8:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we begin this day by making the psalmist's prayer our moment by moment petition. "Teach me to do Your will, for You are my God."—Psalm 143:10. Remind us that discovering and doing Your will is not like flying on automatic pilot where we turn on the flight plan and forget about it. Instead, it is a sensitive, attentive relationship with You in which You communicate Your guidance to receptive minds each step of the way. You lead us when we concentrate all our desires on clearly knowing what is Your will for us. Our yearning to know Your will drives us back into deeper fellowship with You. We want to be spiritually fit so that no debilitating memory, broken relationship, or unforgiven hurt would render us incapable of receiving Your guidance.

Bless the Senators as they seek Your best for America in vital issues and in minute details lest real concerns are trivialized and minutia becomes momentous. In the Name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from New Mexico, is recognized.

Mr. DOMENICI. I thank the Chair.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. DOMENICI. Yes.

PRIVILEGE OF THE FLOOR—S. CON. RES. 86

Mr. REID. Mr. President, I ask unanimous consent that congressional fellow Scott Conroy be given floor privileges during the pendency of action on the budget resolution.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

SCHEDULE

Mr. DOMENICI. Mr. President, this morning the Senate will resume consideration of S. Con. Res. 86, the budget resolution, with the time until 9 a.m. equally divided on the Bumpers amendment relating to mines. At 9 a.m., by previous agreement, the Senate will proceed to a series of seven consecutive rollcall votes. The first two are in relation to two judicial nominations, the nominations of G. Patrick Murphy to be a U.S. district judge for the Southern District of Illinois and Michael P. McCuskey, of Illinois, to be U.S. district judge for the Central District of Illinois. The remaining five votes are on or in relationship to amendment No. 2218, Senator DORGAN's amendment relating to the Tax Code; amendment No. 2170, an Allard amendment regarding Federal debt; amendment No. 2195, a Lautenberg amendment on environmental programs; amendment No. 2213, a Bond amendment on housing; and then amendment No. 2228, a Bumpers amendment relating to mines.

It is hoped that during all of these votes Senators will contact the managers to inquire as to if their respective amendments may be accepted or if they require a vote on their amendment or perhaps indicate that they have decided to withdraw their amendment.

It is the intention of the majority leader to complete action on this measure as soon as possible. We ask all Senators to cooperate in that regard. Senators should be aware that today will be a busy schedule. Rollcall votes will be occurring throughout the day and into the evening, as necessary. In addition, Members are reminded that all consecutive rollcall votes are limited to 10 minutes in length. All Members' cooperation is requested with reference to the timely manner of the disposition of each vote.

As a reminder to all Members, the first rollcall vote will occur at 9 a.m. this morning.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. Con. Res. 86, which the clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

The Senate resumed consideration of the concurrent resolution.

Pending:

Allard amendment No. 2170, to require the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt.

Conrad (for Boxer) modified amendment No. 2176, to increase Function 500 discretionary budget authority and outlays to accommodate an initiative promoting after-school education and safety.

Brownback amendment No. 2177, to express the sense of the Senate regarding economic growth, social security, and Government efficiency.

Smith (Oregon) amendment No. 2179, to express the sense of the Senate on Social Security taxes.

Smith (Oregon) amendment No. 2180, to express the sense of the Senate with respect to the use of marijuana for medicinal purposes.

Smith (Oregon) amendment No. 2181, to express the sense of the Senate concerning increases in the prices of tobacco products.

Kennedy amendment No. 2183, to express the sense of the Senate concerning the enactment of a patient's bill of rights.

Kennedy amendment No. 2184, to increase Function 500 discretionary budget authority and outlays to support innovative education reform efforts in urban and rural school districts.

Kennedy amendment No. 2185, to express the sense of the Congress regarding additional budget authority for the Equal Employment Opportunity Commission.

Wellstone modified amendment No. 2186, to provide a reserve fund to pay for increased Pell Grants by reducing or eliminating corporate welfare tax expenditures.

Wellstone/Moynihan amendment No. 2187, to express the sense of the Senate regarding a report of the Secretary of Health and Human Services evaluating the outcomes of welfare reform.

Wellstone modified amendment No. 2188, to provide additional funds for medical care for veterans.

Thurmond amendment No. 2191, to clarify outlay levels for major functional categories.

Thurmond amendment No. 2192, to clarify outlay levels for national defense.

Lautenberg amendment No. 2194, to express the sense of the Senate to ensure that the tobacco reserve fund in the resolution may be used to protect the public health.

Lautenberg amendment No. 2195, to establish a deficit-neutral reserve fund for environmental and natural resources.

Lautenberg (for Kohl/Reid) modified amendment No. 2204, to express the sense of the Senate regarding the establishment of a national background check system for long-term care workers.

Reid/Bryan amendment No. 2206, to express the sense of the Senate that the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding and that public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act.

Domenici (for Hutchison) amendment No. 2208, to express the sense of the Senate that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

Lautenberg (for Torricelli/Jeffords) amendment No. 2212, to express the sense of the Senate on battlefield preservation.

Bond/Mikulski modified amendment No. 2213, to express the sense of the Senate that the Elderly Housing program shall be funded at not less than the fiscal year 1998 funding level.

Kerrey amendment No. 2215, to express the sense of the Senate regarding passage of the IRS Restructuring and Reform Act of 1997.

Murray amendment No. 2216, to increase Function 500 discretionary budget authority and outlays to accommodate both Administration investments in education and the $2.5 billion increase assumed by the resolution for IDEA.

Murray amendment No. 2217, to express the sense of the Senate regarding the expansion of Medicare benefits.

Dorgan modified amendment No. 2218, to strike section 301 of the concurrent resolution, which expresses the sense of Congress regarding the sunset of the Internal Revenue Code of 1986, and replace it with a section expressing the sense of Congress that important tax incentives such as those for encouraging home ownership and charitable giving should be retained.

Dorgan amendment No. 2219, to establish a reserve fund for health research at the National Institutes of Health, funded by receipts from tobacco legislation.

Biden amendment No. 2220, to permit the use of Federal tobacco funds to reimburse the Veterans Administration for the costs of treating smoking-related illnesses.

Kyl amendment No. 2221, to express the sense of the Senate supporting a supermajority requirement for raising taxes.

Domenici (for Grams) amendment No. 2222, to use any budget surplus to reduce payroll tax and establish personal retirement accounts for hard-working Americans.

Bingaman/Lieberman amendment No. 2223, to establish a deficit-neutral reserve fund for civilian research and development.

Feingold amendment No. 2224, to establish a disability reserve fund.

Domenici (for DeWine) amendment No. 2225, to state the sense of the Senate regarding the quality of teachers.

Lautenberg (for Rockefeller) amendment No. 2226, to revise outlays and new budget authority for transportation (400) programs and allowances (920), and to strike those provisions with regard to outlays and new budget authority for programs of function 700, Veterans Benefits and Services.

Lautenberg (for Conrad) amendment No. 2227, to ensure that the tobacco reserve fund in the resolution may be used to strengthen social security.

Lautenberg (for Bumpers) amendment No. 2228, to provide for funding to help the states comply With the Individuals with Disabilities Education Act by eliminating an unjustified tax loophole.

Lautenberg (for Feinstein) amendment No. 2229, to express the sense of the Senate on education goals.

Lautenberg (for Kerry) amendment No. 2230, to ensure that tobacco reserve fund in the resolution protects public health.

Lautenberg (for Wellstone) amendment No. 2231, to express the sense of the Senate supporting additional funding for fiscal year 1999 for medical care for veterans.

Lautenberg (for Robb) amendment No. 2232, to ensure that the tobacco reserve fund in the resolution protects tobacco farmers.

Lautenberg (for Biden) amendment No. 2233, to provide for the Senate's support for Federal, State and local law enforcement.

Lautenberg (for Boxer) amendment No. 2234, to expand the uses of the tobacco reserve fund to include funding for health research, including the National Institutes of Health.

Lautenberg (for Bingaman/Lieberman) amendment No. 2235, to express the sense of the Senate regarding the analysis of civilian science and technology expenditures in the budget.

Lautenberg (for Bingaman) amendment No. 2236, to express the sense of the Senate regarding long-term civilian science and technology budget trends.

Lautenberg (for Kerrey) amendment No. 2237, to express the sense of the Senate on long-term Federal budgeting and the repayment of the public debt.

Lautenberg (for Moseley-Braun) amendment No. 2238, to express the sense of the Senate regarding tax legislation that increases the complexity of any tax return.

Lautenberg (for Moseley-Braun) amendment No. 2239, to express the sense of the Senate that the President should submit a generational study with the budget request.

Lautenberg (for Moseley-Braun) amendment No. 2240, to express the sense of the Senate regarding the value of the social security system for future retirees.

Lautenberg (for Durbin) amendment No. 2241, to express the sense of Congress regarding the right to affordable, high-quality health care for seniors.

Lautenberg (for Dorgan) amendment No. 2242, to express the sense of the Senate on ensuring social security solvency.

Lautenberg amendment No. 2243, to express the sense of the Senate that the Congress and the Administration should fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five years to enable Amtrak to implement its Strategic Business Plan, while preserving the integrity of the $2.2 billion provided under the Taxpayer Relief Act for the statutory purpose of capital investment.

Lautenberg (for Daschle) amendment No. 2244, in the nature of a substitute.

Lautenberg (for Torricelli) amendment No. 2245, to express the sense of the Senate on battlefield preservation.

Lautenberg (for Torricelli) amendment No. 2246, to express the sense of the Senate on the Land and Water Conservation Fund.

Lautenberg (for Moynihan) amendment No. 2247, to express the sense of the Senate that the Committee on Finance should consider legislation to preserve social security and ensure its long-run solvency; and that no policy options, affecting either outlays, revenues, or the manner of investment of funds, should be excluded from consideration.

Domenici (for Bond) amendment No. 2248, to express the sense of the Senate regarding Immigration and Naturalization Service circuit rides in the former Soviet Union.

Domenici (for Abraham) amendment No. 2249, to express the sense of Congress that the Budget Act should be amended to facilitate the use of future unified budget surpluses to strengthen and reform social security, reform the tax code, and reduce the tax burden on middle-class families.

Domenici (for Thurmond) amendment No. 2250, to express the sense of the Senate regarding long-term care needs.

Domenici (for Sessions) amendment No. 2252, to express the sense of the Senate regarding the display of the Ten Commandments by a judge on the circuit court of the State of Alabama.

Domenici (for Stevens) amendment No. 2253, to express the sense of the Senate regarding outlay estimates of the Department of Defense budget.

Domenici (for Specter) amendment No. 2254, to modify the use of the tobacco reserve fund.

Domenici (for Specter) amendment No. 2255, to modify the tobacco reserve fund to allow up to $10.5 billion to be spent on post-service smoking related Veterans compensation benefits.

Domenici (for Specter) amendment No. 2256, relating to the distribution of certain receipts from tobacco legislation.

Domenici (for Nickles) amendment No. 2257, to establish a prohibition on precatory language on budget resolutions.

Domenici (for Frist) amendment No. 2258, to express the sense of the Senate regarding funding for the Airport Improvement Program.

Domenici (for McConnell) amendment No. 2259, to express the sense of the Congress that the award of attorneys' fees, costs, and sanctions of those amounts ordered by U.S. District Judge Royce C. Lamberth on December 18, 1997, should not be paid with taxpayer funds.

Domenici (for Sessions) amendment No. 2260, to express the sense of the Senate regarding limitations on attorneys' fees under any global tobacco settlement.

Domenici (for Craig) amendment No. 2261, to express the sense of the Senate on the eligibility of individuals suffering from post-service smoking-related illnesses for VA compensation.

Domenici (for Coverdell) amendment No. 2262, to express the sense of the Senate on the procurement of Blackhawk utility helicopters for Colombia to reduce illicit drug trafficking.

Domenici (for Santorum) amendment No. 2263, to express the sense of the Senate regarding reauthorization of the Farmland Protection Program.

Domenici (for Santorum) amendment No. 2264, to express the sense of the Senate concerning health care quality for participants in the Federal Employees Health Benefits Program.

Domenici (for Kempthorne) amendment No. 2265, to express the sense of the Senate regarding the Market Access Program.

Domenici (for Gramm) amendment No. 2266, to extend the Violent Crime Reduction Trust Fund.

Domenici (for Coverdell) amendment No. 2267, to express the sense of the Senate regarding the Department of Justice's pursuit of Medicare fraud and abuse.

Domenici (for Coverdell) amendment No. 2268, to express the sense of the Senate regarding national response to the threat of illegal drugs.

Domenici (for Coverdell) amendment No. 2269, to express the sense of the Senate regarding wasteful spending in Defense Department acquisition practices.

Domenici (for Coverdell/Kyl) amendment No. 2270, to express the sense of the Senate regarding the United States' response to the changing nature of terrorism.

Domenici (for Coverdell/Dodd) amendment No. 2271, to express the sense of the Senate regarding a multinational alliance against drug trafficking.

Domenici (for Mack) amendment No. 2272, to express the sense of the Senate regarding funding of the National Institutes of Health.

Domenici (for Hatch) amendment No. 2273, to assume that the use of the tobacco reserve fund is consistent with tobacco legislation approved by the Senate.

Domenici (for Sessions) amendment No. 2274, to express the sense of the Senate regarding limitations on attorneys' fees under any global tobacco settlement.

AMENDMENT NO. 2228

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Bumpers amendment No. 2228 on which there shall be 30 minutes of debate equally divided. Who yields time?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I yield myself 5 minutes.

Colleagues, not long ago we debated what we called unfunded mandates to the cities and States of the country. A lot of tears were shed on this floor, because we said we were imposing all sorts of obligations on the cities and the counties and the States and making them pick up the tab for it. I am here this morning to tell you about the biggest unfunded mandate of all.

In 1975, the Congress—this body, along with the House—passed what is called the Individuals with Disabilities Education Act, IDEA, and we said in 1975 in the legislation that we wanted disabled children taken care of and that we would pay 40 percent of the cost. Twenty-three years later we are paying 9 percent of the cost.

The schools of this Nation have been literally bankrupting themselves to make up the difference. You are talking about billions of dollars that the United States made a solemn obligation to pay and has reneged on.

Having said that, let me tell you about the most unwarranted tax loophole in the Nation, and it is called a depletion allowance. It goes to the oil companies. It goes to natural gas companies. It goes to coal companies. And it goes to people in the mining industry who hardly paid a red cent for the gold, silver, platinum, palladium, zinc, copper—you name it—that they take off Federal lands.

I stood here on this floor—this is about the 8th or 9th year—and everybody knows the arguments. Everybody knows that it is the biggest ripoff going on in America today. And you talk about—you talk about—doing away with the Internal Revenue Code and betting on the come that somehow or other we will get a new revenue code before this one expires—listen to this.

You go down to the Gulf of Mexico and you bid $1 billion to drill for oil and gas in the Gulf of Mexico, and you are entitled to a depletion. You ought to get a depletion allowance. And how much is it? Oh, it is about—well, I do not have it here. I think it is 15 percent. Fifteen percent they get for a depletion allowance because they paid $1 billion for it. And everybody—the coal companies—we let coal competitively. We let our oil and gas leases competitively. But for some reason or other we give away all the gold and silver and platinum and palladium and other hard-rock minerals we have.

So what else do we do? We not only give them away, we pay them to take it. How do we do that? Here it is. Let us assume that Stillwater Mining Company in Montana, for example, which says there is $35 billion worth of platinum and palladium under a 2,000 acre tract, they intend to mine it and they intend to pay the Government roughly $10,000 for it—$10,000 for $35 billion worth of minerals that belong to the taxpayers.

Oh, the poor taxpayers. How we lament their plight in this body. Except when it comes to hard-rock mining. And then you know what the taxpayers get? They get nothing. You know what they pay? They buy this land for $2.50 an acre. Stillwater will pay about $10,000 for $35 billion. That is what they are going to pay for it. And here is what they pay the Federal Government. That is what they pay the taxpayers in royalties—zip, zero, zilch. Not a red cent.

What else do they get? They get a depletion allowance of 15 percent on gold. They get a depletion allowance on silver of 15 percent. They get a depletion allowance on platinum of 22 percent and on palladium of 22 percent.

That is right. The American taxpayer—the American taxpayer—is the big sucker in this whole thing. Here is an opportunity to fulfill an unfunded mandate and remove one of the most scandalous loopholes on the tax books of this Nation.

Mr. President, I yield the floor and reserve the remainder of my time.

How much time does the Senator from New Hampshire desire?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. GREGG. If I could have that.

Mr. BUMPERS. I yielded myself 5 minutes and nobody interrupted me.

The PRESIDING OFFICER. If I could explain, we started late. The order was for the vote to actually occur at 9 o'clock, so we had a total of 25 minutes to divide instead of 30.

Mr. BUMPERS. I had asked unanimous consent that we be given 30 minutes, but the Chair said in the opening this amendment would be 30 minutes, equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. I ask unanimous consent that 30 minutes be provided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. I yield 3 minutes to the Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise in support of the amendment offered by the Senator from Arkansas.

First, the underlying purpose of the amendment is legitimate. The fact is that these companies buy this opportunity to go on to Federal land at basically zero dollars. They make millions, billions of dollars over the years off of this land. They pay no depletion. They pay no taxes. They get a depletion allowance that gives them a tax deduction even though they didn't have to pay anything for the land to begin with, which makes absolutely no sense. The depletion allowance is the concept that you are using up an asset which you paid something for. They didn't pay anything for the land, so why should they get a depletion allowance?

The Senator's amendment on the facts on substance is correct. More importantly, the Senator's amendment is taking this totally inappropriate deduction and applying the revenues which would occur by eliminating it to something which is totally appropriate, and that is special education. We all know that this administration has, regrettably, underfunded special education in its budget. We have attempted to correct that in the Republican budget, but we haven't gotten as far as we need to go. Thus this opportunity to put an additional revenue stream into special education is extraordinarily important. It means that kids who are in the special needs program, who are today being pushed into a position with other kids who are not in special needs programs over a confrontation of resources, will be put in less of a situation which is detrimental to them.

The Federal Government committed to pay 40 percent of the costs of the special needs child. As a result of Republican initiatives, we have gotten from a 6 percent level to a 9.5 percent level, but we are still well short of the 40 percent commitment. This amendment by the Senator from Arkansas will help us move another step toward that 40 percent commitment. It will help relieve local taxpayers who are paying the Federal share of the tax burden of supporting special needs children from having to pay the difference between 9.5 percent and 40 percent, or some part of that.

So, essentially, the proposal of the Senator from Arkansas is right on two counts. First, it is right on the concept of eliminating the depletion allowance because there is absolutely no justification for a depletion allowance where people pay essentially nothing for the lands they are mining and the land is owned by the public. Secondly, it is right because it will help special needs children and it will start to fulfill or assist in fulfilling the obligation of the Federal Government to fund the 40 percent share which we said we would fund when we started this program.

It is a good amendment. I strongly support it.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, we have five Senators who will split time, 3 minutes each. We will not use all of our time, but we will start with Senator CRAIG, 3 minutes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me say first to the Senators from Arkansas and New Hampshire, this has to be one of the most gratuitous taxes on the mining industry you have yet come up with.

Let me be blunt, let me be honest: Every citizen benefits from the wealth of the products that flow from mining, and certainly disabled Americans have benefited considerably from light metal technology and advanced computer technology that depends on our mining industry. It has made them mobile. It has made them active. It has changed their lives.

The Senator from New Hampshire knows better than to say that mining industries don't pay taxes. They are in the 32 percent bracket on the profits of those industries. Everyone knows that, and that kind of statement ought to be taken from the record because it simply is not true.

What is true is that the mining industry is characterized by relatively rare, commercially valuable metal deposits and mineral deposits. There is high economic risk, geologic unknowns, high capital requirements, and long lead times for the development of the mining companies. We know that, and that is why this Congress years ago provided that depletion allowance, because mining industries invest so much upfront for a resource that is rapidly depleting as they mine it out.

It recognizes, by this action and by what Congress has already done, unique natural mineral extraction provides for this country the valuable base for our industrial-based economy. It is difficult to replace minerals. Much of the money must be used for exploration and development, millions and millions of dollars upfront, like no other industry that we have seen, only to play in a market that is oftentimes dramatic, in a world market with changing values, and as a result there are dramatic losses and, yes, dramatic profits. But the one thing that is clear and constant across it is a recognition of the constant use or the depletion of the resource that they have discovered.

I am disappointed that the Senator from Arkansas would try to offset this against disabled people. It just simply doesn't make sense. This Congress has been tremendously responsive to disabled people—the Senator from Arkansas has, the Senator from Idaho and New Hampshire and all of us—and now to play this kind of gratuitous game simply doesn't make a lot of sense.

Mr. DOMENICI. I yield to the Senator from Nevada, Senator BRYAN.

Mr. BRYAN. Mr. President, I will correct some misimpressions that may have been unintentionally offered here on the floor of the Senate. I think it is helpful to put this in some context.

This proposal, which has been offered by the Senator from Arkansas on previous occasions, was in my idea never a good idea, but now the timing could not be worse because the status of at least one aspect of that industry, the gold industry in my State, is facing some very critical times. The international price of gold on the markets of the world has dropped precipitously, substantially below $300 an ounce. The break-even cost in the gold industry is approximately $296, so in my own State of Nevada, which leads the Nation and is one of the largest gold-producing areas in the entire world, we have had just in the last year more than 2,000 layoffs and a substantial number of mines that have closed, and the spot price of gold has been as low as $283 an ounce. So this is a very, very difficult time for this industry.

The proposal offered by the Senator from Arkansas would, indeed, have a catastrophic impact upon the industry, and it would have a serious impact upon thousands of people in my own State. About 120,000 people in America work directly in the hardrock mining industry. In the State of Nevada, more than 15,000 have been employed at the high-level mark before these layoffs occurred. These are good-paying jobs. We talk a lot in America about good jobs that provide a full range of benefits, an adequate salary base to provide a decent living standard for America's workers. The average wage for mining in my State is nearly $49,000 a year. That is higher by far than any other industry.

Finally, let me conclude by saying that the impression given that somehow the mining industry gets a free ride, doesn't have to pay any taxes, could not be further from the truth. The Natural Mining Association last year estimates that over $600 million in Federal taxes was paid. According to a recent GAO report, the average tax rate for the mining industry from 1987 to 1992 was 35 percent. That is compared with other industries: the auto industry, 23 percent; chemical industry, 19 percent; 33 percent for the transportation industry. In my own State, the gold industry paid more than $141 million in State and local taxes in 1995, including $32.7 million in property taxes.

I note my time has expired. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. I yield 4 minutes to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President I am very pleased to join with my friend, the Senator from Arkansas, and my friend, the Senator from New Hampshire, in offering an amendment that enables States to comply with the IDEA Program Act.

Mr. President, I promised to hold a town meeting or listening session in each of Wisconsin's 62 counties each year of my first term as a Senator. At these meetings I very frequently hear from both parents and school officials talking about the merits of the IDEA program. They struggle to meet the high costs of disabled education and need additional Federal funding for the program. Of course, this amendment, as good as it is, will by no means meet all of these needs. However, it will finally provide some deserved relief for this deserving constituency.

The funds our amendment provides for the IDEA program are derived, as the Senator from Arkansas has indicated, from the elimination of the percentage depletion allowances tax deduction for companies mining on U.S. public lands. What this does is simply close an outdated subsidy that contributes to environmental degradation. We can assist States providing for our Nation's disabled youth by using some of these funds that are going for tax loopholes.

Mining companies have a special percentage depletion tax deduction that they can take which other companies can't receive. Under percentage depletion, the deduction for recovery of a company's investment is a fixed percentage of "gross income"; namely, sales revenue from the sale of the mineral. This percentage is specifically defined in the Tax Code, and under this method total deductions may exceed the capital that the company actually invested.

The rates for percentage depletion are quite significant. Section 613 of the U.S. Tax Code contains depletion allowances for more than 70 metals and minerals at rates ranging from 10 to 22 percent.

In today's budget climate, we are faced with the question of who should bear the costs of exploration, development and production of natural resources. The question is, should it be all taxpayers or the users and producers of the resource?

Given that we face significant constraints in funding other budget priorities such as the IDEA program, these subsidies are really nothing more than a tax expenditure that shifts a greater tax burden to other taxpayers to pay for the IDEA program to compensate for the special tax breaks provided to the mining industry.

I am delighted to join with the other Senators in this very appropriate shifting of our priorities.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield 3 minutes to Senator REID of Nevada.

Mr. REID. Mr. President, schools are helped every day by mining. Mining pays taxes that provide all types of things for education. It takes millions and millions of dollars to find the minerals that are hidden in the ground. You don't just walk out and say, here, I am going to dig a gold mine or find copper here. It takes millions to find these minerals.

The United States is a net exporter of gold. It was only 10 or 12 years ago we were here on the Senate floor and throughout the country telling people we need to do things so that we can become a net exporter, especially of minerals. At that time we were depending on South Africa, which was in deep trouble in the world, and the former Soviet Union. We are now an exporter of many of the minerals we weren't just a few years ago. That is good.

I want to show you some recent Nevada newspaper headlines, many from the same day. "Getchell loses $29.4 million in '94." "Echo Bay Mines loses $240 million in 1997." "Placer Dome loses $249 million in 1997." "Meridian Gold loses $69.2 million in 1997," a small company. It is very, very difficult. "Vista Gold to lay off 135 workers." Small company, big layoffs. "Newmont lays off 155 at Carlin, 460 total." "Layoffs Reach Beyond the Mining Industry."

Mr. President, it is not only Nevada experiencing these headlines. Yesterday, in the paper—I wish it were an April Fools' joke; it isn't—"487 Arizonans Lose Their Jobs as Copper Prices Fall." The United States mineral industry is suffering significantly and when the minerals industry suffers so does the rest of the economy.

Here is from one newspaper's AP story. "And the ripple effect of layoffs at Newmont Gold has spread to Carlin. Even some of the service industries are starting layoffs at this time."

Another newspaper article. "Homestake Mining Reports '97 Loss of $168.9 million. Homestake laid off its nearly 900 strong work force while restructuring is under way and still isn't saying how many of those will be rehired according to spokesperson Steeves."

The minerals industry is suffering significantly. They are doing their best to hang on to maintain employment. The best paying blue-collar jobs in the entire Western United States are mining jobs. Thousands of people are being laid off. Gold prices are at an 18-year low. And now we are being told that they are pigs, that they are using all of these tax benefits. The fact is thousands of people have good jobs because of mining.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I wonder if Senator BUMPERS might not object to a request that we each have 1 additional minute.

Mr. BUMPERS. Not at all.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I pose that question.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. Would Senator THOMAS like to speak for 1 minute?

Mr. THOMAS. Yes. I thank the Senator very much.

I simply want to join my friends in opposition to this amendment, for two reasons. One is that the basic facts that we set out here are not valid. More importantly, this is not the place to do that. We have been dealing with things like mining reform, and we ought to do that and we can do that. Unfortunately, to some here it is either their way or the highway, so it never happens. But this is not the place. I rise in opposition to this amendment.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I yield 3 minutes to the chairman of the Energy Committee, Senator MURKOWSKI.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, let's be sure we understand each other. The budget resolution before us already provides a $2.5 billion increase for the IDEA program, that is, individuals with disabilities, and it does so without raising taxes and creating a new entitlement program. The Senator from Arkansas is aware of that. When you strip away all the rhetoric, the issue boils down to the basic question of whether this Senate wants to go on record to support a nearly $311 million tax increase on the domestic mining industry.

Retention of the depletion allowance, for those who do not understand it—and there are a few—is important to the health of the domestic mining industry because it recognizes the nature, the uniqueness of the mineral industry as an extraction industry by providing a realistic method of measuring the decreasing value of a mineral deposit which declines when you take it out, while generating the necessary capital to build a replacement project, so we can have employment. Metal prices are down, as has been evidenced. Gold has dropped from over $400 an ounce to $300 an ounce, the lowest price in 18 years.

On a daily basis, newspapers throughout the West announce further mine closures.

The Senator from Arkansas wants to tax the industry now. Lost jobs, lost futures. I ask my colleagues if they really believe this country has lost its hunger for raw materials, or do we simply want to send the industry overseas, import our minerals from overseas? If you do not think increased costs of operation such as proposed by the amendment by Senator BUMPERS pose a real threat to the domestic mining industry and local economies, ask the people of Lead, SD. "Homestate Mining just laid off 466 workers at the Lead mine due to increased costs of operations and diminished gold prices."

This is not the time to be launching punitive action against an industry that contributes over $130 million annually to the American economy. We have a bill in my committee to accomplish comprehensive mining reform. The Senator from Arkansas is aware of that. I will be holding hearings on comprehensive reform on April 28. That is the place, in the hearing room, and the time to go about reforming mining law, not in a 10-minute debate on the floor of the Senate during consideration of the budget.

I strongly urge my colleagues to join with me and defeat Senator BUMPERS' amendment.

One more time. Do not be fooled. This budget resolution already provides a $2.5 billion increase for the IDEA program without raising taxes and creating a new entitlement program. So I encourage my colleagues to recognize what this is. It is a $311 million tax on our mining industry that is going to cause a job loss, and we are going to be more dependent on imported minerals.

THE PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. How much time do I have remaining?

THE PRESIDING OFFICER. The Senator from Arkansas has 5 minutes 44 seconds.

Mr. BUMPERS. I yield myself such time as I may use.

Mr. BUMPERS. Mr. President, isn't it wonderful that the hard rock mining companies don't pay taxes? Isn't that just remarkable? We give them billions of dollars' worth of minerals for $2.50 an acre, we allow them to create environmental disasters, we allow them to take the minerals and not pay one dime in royalty, and they are not subject to pay any taxes. Isn't that just wonderful? The oil companies, who right now are getting about 50 percent as much for their oil as they got a year ago, not only have to pay billions for the rights to drill for oil on Federal lands, but they also have to pay royalties. And they pay taxes.

If somebody walked in here and made the argument that was just made about the fact that mining companies pay taxes, if somebody made the suggestion that oil companies not pay taxes, you would be laughed out that door. If the same argument were made for coal companies who pay zillions just for the right to take the coal and a 12.5 percent royalty, and if we suggested that they not have to pay taxes, you would be laughed out the door.

What is it about the rock mining industry? We give them billions of dollars' worth of gold, silver, platinum, palladium; they create environmental disasters; they don't pay a dime in royalties; they take a depreciation allowance on top of that of 15 to 12 percent; we give it to them and then pay them to take it. The children of this Nation—we give 9 percent to the school district to take care of disabled children.

I can tell you who is going to win in this battle here today. It isn't going to be the disabled children, it is going to be the same people who have won for the last 8 years, as I presented it. It will be the mining companies. They will continue to get Federal lands for nothing. They will continue to get a depletion allowance to mine it. They will continue not paying Uncle Sam one dime in royalty. If they come to your house and say, "You have this tract of land out back loaded with gold, and we would like to mine it," do you know what they are willing to pay? Eighteen percent royalty. But they come to the U.S. Government and say, "You have this tract of land that has gold on it." We say, "Oh, really? Please take it. Please leave an environmental disaster to the tune of $76 billion for the taxpayers to clean up. Please don't pay us any royalty. We do need a few billion dollars more for disabled children, but not from you."

One of these days, the people of this country are going to rise up in righteous indignation when it finally soaks in on the American people what is going on in this industry and how Congress is aiding and abetting one of the biggest scams in the history of the world.

Colleagues, when you walk in here to vote today, look at that chart. You have a choice of removing an unjustified tax loophole that is not available to anybody else—nobody else. You can remove it from the biggest mining companies in the world—not the United States, in the world—and give it to the disabled children of this country, the school boards which have been waiting for us to fulfill a 23-year promise to provide 40 percent of the cost of taking care of disabled children. So far, we have paid the paltry sum of 9 percent.

I yield the floor and save remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico has 3 minutes 14 seconds remaining.

Mr. DOMENICI. Mr. President, many of us have heard people say, "Kick them when they're down." I guess we all recall when we were in high school. If you went to a high school football game, the cheerleaders would say, "Hit them again. Hit them again, harder, harder."

Mr. President, the mining industry in the United States led by the copper industry is in a deplorable economic state. As a matter of fact, copper is down 30 percent. Already in America, copper mines have been closed. All mineral resources in the world are down substantially. Oil production in the United States is down. Stripper wells are going out of business rapidly. We are more and more dependent upon foreign sources for our mineral resources, and for our oil.

Frankly, the GAO tells us that the mining industry pays an enormously high tax. In fact, the study says on average they pay 32 percent of the income. They already contribute $14 billion to the Federal Government in revenues.

Mr. President, it is obvious that this amendment will cause more disrepair in the industry, fewer jobs, laying off people. In fact, we might call it the "Unemployed Miner Act."

Second, in terms of money for disabled young people, let me first say the budget before us has $2.35 billion in new money for IDEA, for the disabled young people of our country. We think that is a very, very significant add-on when the President only put a few million dollars in his. We think it is the right place to put the money. But we have already put it in our budget. We don't need to destroy the mining industry in order to live up to our responsibility under IDEA and to disabled children. We found the money to do it in our budget.

It seems to me that to pick one tax, one deduction, the depletion allowance, and from that assume that the mining industry, coal mining and all the others, are not paying any Federal taxes is an absolute gross exaggeration, if not an untruth. As far as environmental degradation, since we have had environmental laws, our mining companies are not causing environmental degradation. They are bound by every single environmental law of this land. And a statement that they are polluting today is also a gross exaggeration, if not truly an untruth.

When time is all yielded, I will move to table and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Arkansas has 1 minute 25 seconds.

Mr. BUMPERS. Mr. President, how much time do the opponents have?

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. BUMPERS. Mr. President, I will not belabor this any further. Everybody knows the argument. It is just a question of whether you are willing to do right or not. We are mining $2 billion worth just in gold a year off Federal lands that we have given the mining companies—gave them. They pay no royalty. They didn't pay anything for it. I forget who it was who talked about how valuable minerals were. Eighty percent of the gold mined in this country goes for jewelry. And we are willing to subsidize that to the tune of hundreds of millions of dollars a year when we have disabled children in school waiting for us to fulfill a promise? It is just as simple as that.

I yield the remainder of my time and ask for the yeas and nays.

Mr. DOMENICI. I move to table the Bumpers amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion of the Senator from Arkansas?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there a sufficient second on the motion to table?

There is a sufficient second.

The yeas and nays were ordered.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 9 a.m. having arrived, the Senate will now go into executive session to consider Calendar Nos. 461 and 462.

The first nomination will be stated.

NOMINATION OF G. PATRICK MURPHY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS

The assistant legislative clerk read the nomination of G. Patrick Murphy, of Illinois, to be United States District Judge for the Southern District of Illinois.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Ms. MOSELEY-BRAUN. Mr. President, I rise today in strong support of two outstanding judicial nominees from my state of Illinois, G. Patrick Murphy and Michael P. McCuskey.

It is therefore appropriate that I also say a few words about a matter of critical importance: the exceptionally large number of judicial vacancies in our federal court system.

Currently, there are 83 vacancies in the federal judiciary. This accounts for approximately one out of every ten federal judges. Thirty of the vacancies have been in existence for 18 months or longer and are therefore regarded as "judicial emergencies."

Illinois presently has seven vacant judgeships. One of these, in the U.S. District Court for the Southern District of Illinois, dates back to November of 1992. Another, in the Central District, dates back to October of 1994. Two of the nominees for these vacancies are awaiting action by the Senate Judiciary Committee and two will be confirmed today by the full Senate. In the Southern District, the chief judge went for more than a year without having time to hear a single civil case because his criminal docket was so full. In the Central District, major civil trials have had to be postponed because of the shortage of judges. Commenting on the imminent retirement of a third judge in his district, Marvin Aspen, the chief judge of the Northern District, recently told the Chicago Sun-Times that "if Congress does not move quickly . . . in a short time we could have a serious backlog." Last week, Judge Aspen called the number of judicial vacancies nationwide "an unprecedented scandal." The chief judge of the Southern District, Phil Gilbert, says that they are currently managing to get the job done, but they "badly" need additional judges. Michael Mihm of the Central District says that they are also continuing to function, but they are definitely feeling the pinch. They have had to delay at least one major civil trial, and are increasingly dependent on visiting judges. Litigants are often forced to travel long distances to get their day in court.

The situation in the Southern and Central Districts of Illinois is dire. There are four judgeships in the Southern District, and 2 of them are vacant, a vacancy rate of 50 percent, which is much higher than the nationwide rate of 10 percent vacancies. The Central District numbers are exactly the same. The Southern District vacancy is one of the oldest in the country. As of today, 1,972 days have passed without a judge in that seat. And the Central District seat has been vacant for 1,275 days.

Today, two Illinois nominees for those districts will be confirmed by the full Senate. These nominees, Mike McCuskey and Pat Murphy, have been pending on the floor for 147 days. There is no question of their qualifications; both were unanimously recommended by the Judiciary Committee in November.

Mike McCuskey was born in Peoria, and has served as a state court judge for the last nine years. Prior to attending law school, he taught high school history, and coached baseball. He worked his way through law school as a security guard. Judge McCuskey has a reputation as an outstanding jurist, fair, firm and thorough. He is also known for his community service, such as reading to grade school children and emceeing senior citizen activities at the County Fair.

Pat Murphy was born in Marion, Illinois. He enlisted in the Marines at the age of 17, and spent his 18th birthday in Vietnam. Upon returning to Illinois, he attended college and law school with the help of the GI Bill. After both of his parents died, he helped raise his four younger siblings, although, as he puts it, they all raised each other. Mr. Murphy has extensive legal experience, with over 100 jury trials and 200 bench trials under his belt. The first year he was eligible, he was elected to the prestigious American College of Trial Attorneys. He has a sterling reputation among all who have worked with him or against him. He is also known for his generosity to veterans, giving pro bono representation to any veteran who asks for help.

As both of these nominees have languished on the Senate calendar, the delay has taken its toll on their personal lives. Several weeks ago, Judge McCuskey was forced to choose between his home and his current state court job. Last year he signed a housing contract, which was finalized in March. Since he entered the contract, the rules of residency for a state court judge changed. This confirmation vote comes just in time for him. He can now move into his new house without worrying about losing his state court judgeship. If this confirmation vote did not come today, he would have been forced to default on his contract. Pat Murphy is a solo practitioner. He has been unable to predict his ability to continue to represent clients. Yet, he has had to make a living over the last one hundred and fifty days.

Consideration of these nominees has been long overdue, and I am so pleased that they will finally be confirmed by the full Senate. Both of these men are highly qualified and will be a credit to the federal judiciary. Moreover, the vacancies they fill will help resolve a crisis in Illinois—a crisis that is evident throughout our nation.

As Chief Justice Rehnquist stated in his 1997 Year-End Report on the Federal Judiciary, "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary." The Chief Justice placed much of the blame squarely on the Senate. He said, "Some current nominees have been waiting a considerable time for a Senate Judiciary Committee vote or a final floor vote. The Senate confirmed only 17 judges in 1996 and 36 in 1997, well under the 101 judges it confirmed during 1994."

By failing to move expeditiously on judicial nominations, the majority party in the Senate is failing to live up to its responsibilities to the American people. President Clinton has made 134 judicial nominations during the 105th Congress, but the Senate has confirmed only 51 of these individuals. As the Chicago Tribune editorialized earlier this year, "If Republicans don't like the choices, let the Senate debate them and vote them down. Doing nothing, as the Senate has done lately, is cowardly and cynical."

Worse yet, it is affecting the quality of justice in the United States. The increase in the number of judicial vacancies in combination with the growth in criminal and civil filings has created a huge backlog of federal cases. According to Chief Justice Rehnquist, since 1990, the number of cases filed in courts of appeals has increased by 21 percent and those filed in district courts have grown by 24 percent. There was a five percent increase in the criminal caseload in 1997. This resulted in the largest federal criminal caseload in 60 years.

According to the Administrative Office of the U.S. Courts, the number of active cases pending for at least three years rose 20 percent from 1995 to 1996. In 1997, Federal courts handled a record number of cases. Bankruptcy filings jumped more than 50 percent, civil and appellate cases increased for the fourth consecutive year, and criminal caseloads were more crowded than at any time in the last 60 years. According to the most recent data provided by the Department of Justice, there are more than 16,000 federal cases that are more than three years old.

Time magazine wrote last year that "some Republicans have as much as declared war on [President] Clinton's choices, parsing every phrase they've written for evidence of what they call judicial activism." This has discouraged qualified candidates from subjecting themselves to the confirmation process. For instance, last September, Justice Richard P. Goldenhersch of the Illinois Court of Appeals, withdrew his name from consideration for a federal judgeship, stating that, because of the "poisoned atmosphere of the confirmation process, my nomination would be pending for an indefinite period of time." He stated that the protracted nature of the process was "particularly unfair to the people of the Southern District of Illinois, who deserve a fully staffed court ready to hear their cases."

In condemning President Clinton's judicial nominations, one of my Republican colleagues described the judicial branch last year as being full of "renegade judges, [who are] a robed, contemptuous intellectual elite." And in explaining why the confirmation of a California appeals court judge had been delayed for two years, a senior member of the Republican majority stated, "If you want to blame somebody for the slowness of approving judges to the Ninth Circuit, blame the Clinton and Carter appointees who have been ignoring the law and are true examples of activist judging."

The President's record of judicial appointments belies any assertion that he has sought to stack the federal judiciary with the types of judges referred to by my colleagues. The New York Times commented last year that what "may be most notable about Clinton's judicial appointments may be reluctance to fill the court with liberal judges." The Times noted that a statistical analysis by three scholars "confirms the notion that the ideology of Clinton's appointees falls somewhere between the conservatives selected by [Presidents] Bush and Reagan and the liberals chosen by President Carter." The Times quoted an author of the study, Professor Donald Songer of the University of South Carolina, as stating that Clinton's appointments were "decidedly less liberal than other modern Democratic presidents." Professor Songer stated that, from an ideological standpoint, President Clinton's judges were most similar to judges selected by President Ford.

Republican members of the Senate thus cannot claim that they are safeguarding the judiciary from liberal jurists. Indeed, it is they who, in the words of Time magazine, are currently engaged in "what has become a more partisan and ideological examination of all judicial nominees." As my colleague from Vermont, Senator LEAHY, stated last September, the "continuing attack on the judicial branch [by Republican Members of Congress], the slowdown in the processing of the scores of good women and men the President has nominated to fill vacancies on the Federal courts around the country, and widespread threats of impeachment [against federal judges] are all part of a partisan ideological effort to intimidate the judiciary."

Mr. President, Chief Justice Rehnquist has called the independence of the judiciary "the crown jewel of our system of government." Our courts are revered around the globe precisely because of their ability to administer justice impartially and without regard to the prevailing political climate. Republicans in Congress are seeking to undermine judicial independence and freedom of action. A key element of their strategy has been to put a choke hold on the process of confirming nominees sent by President Clinton. This state of affairs must not be allowed to continue. As Chief Justice Rehnquist has stated, "The Senate is surely under no obligation to confirm any particular nominee, but after the necessary time for inquiry it should vote him up or down." Let the Senate heed the words of the Chief Justice and commit itself to enabling the federal judiciary to be, as the Supreme Court pediments proclaim, the guardian of our liberty and the guarantor of equal justice under the law.

Mr. LEAHY. Mr. President, I come to the floor to congratulate Senator DURBIN and Senator MOSELEY-BRAUN on finally, at long last, achieving a vote on the nominations of Patrick Murphy and Judge Michael McCuskey. The Senators from Illinois have had to labor long and hard just to reach this point. I know that Senator DURBIN did everything that he could think of to bring to the attention of the Republican leadership the need to consider and confirm these two judicial nominees who have been languishing on the Senate calendar without action for the last six months. I, too, have spoken about the plight of the Federal courts in the Southern and Central Districts of Illinois more often over the last several weeks and months than I would like to remember.

We thank the Democratic Leader, Senator DASCHLE, for his efforts on behalf of these nominees and on behalf of achieving a vote. And I thank the Majority Leader for finally scheduling this vote and for working through whatever problems existed on the Republican side of the aisle that have delayed these nominations from early November to the end of the last session and for the first three months of this new session.

It is long past time for the Senate to consider the nominations of Patrick Murphy and Judge Michael McCuskey. The Senate Judiciary Committee unanimously reported these two nominations to the full Senate on November 6, 1997—almost six months ago. Their confirmations are desperately needed to help end the vacancy crisis in the Federal District Courts of Illinois.

Pat Murphy is an outstanding judicial nominee. A decorated Marine, he has practiced law in the State of Illinois for 20 years as a trial lawyer and tried about 250 cases to verdict or judgment as sole counsel. During his legal career, Mr. Murphy has made an extensive commitment to pro bono service—dedicating approximately 20 percent of his working time to representing disadvantaged clients in his community.

Judge Michael McCuskey is also an outstanding judicial nominee. Judge McCuskey served as a Public Defender for Marshall County in Lacon, Illinois, for 8 years and has served as a State court judge for several years, first on the bench in the 10th Judicial Circuit and then on the Third District Appellate Court of Illinois. The American Bar Association recognized his stellar qualifications by giving Judge McCuskey its highest rating of well-qualified for this nomination.

The mounting backlogs of civil and criminal cases in the dozens of emergency districts, like the Southern and Central Districts of Illinois, are growing more critical by the day. Indeed, in the Southern District of Illinois, where Pat Murphy will serve when confirmed, Chief Judge Gilbert has reported that his docket has been so burdened with criminal cases that he went a year without trying a civil case.

The Chief Justice of the United States Supreme Court has called judicial vacancies "the most immediate problem we face in the federal judiciary." There is no justification for the Senate's delay in considering these two fine nominees for Districts suffering from judicial emergency vacancies.

I have urged those who have been stalling the consideration of the President's judicial nominations to reconsider and to work with us to have the Judiciary Committee and the Senate fulfill its constitutional responsibility. Those who delay or prevent the filling of these vacancies must understand that they are delaying or preventing the administration of justice. Courts cannot try cases, incarcerate the guilty or resolve civil disputes without judges.

Last week the Chief Judge of the Second Circuit Court of Appeals certified that the persisting vacancies on that Court require him to certify an emergency situation and to begin canceling hearings and proceeding with only one Second Circuit Judge on certain 3-judge appellate panels. There is a nominee for the Second Circuit on the Senate calendar awaiting Senate consideration, Judge Sonia Sotomayor.

I came to the Senate floor last week to plead with the Republican leadership to proceed to consideration of the nomination of Judge Sonia Sotomayor to the Second Circuit. I renew that plea today and urge a vote on this nomination before the Senate adjourns for a 2-week recess. We should not go on recess while the Second Circuit needs action on nominees to alleviate a crisis.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of G. Patrick Murphy, of Illinois, to be United States District Judge for the Southern District of Illinois?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 61 Ex.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Faircloth

NOT VOTING—1

Helms

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF MICHAEL P. McCUSKEY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Michael P. McCuskey, of Illinois, to be United States District Judge for the Central District of Illinois.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael P. McCuskey, of Illinois, to be United States District Judge for the Central District of Illinois?

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I withdraw the request for the yeas and nays.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael P. McCuskey, of Illinois, to be United States District Judge for the Central District of Illinois?

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT

FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The Senate continued with the consideration of the concurrent resolution.

AMENDMENT NO. 2218

The PRESIDING OFFICER. The pending amendment is Dorgan amendment No. 2218, on which there are 2 minutes of debate equally divided, with the Senator from North Dakota controlling 1 minute and the Senator from New Mexico controlling 1 minute.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the budget resolution contains a sense of the Senate that the Tax Code shall be sunsetted at the end of the year 2001. It doesn't provide what might be replacing that. It doesn't suggest whether after the current Tax Code is sunsetted there will be a flat tax, a VAT tax, a national sales tax; it just says sunset the Tax Code.

The chairman of the Finance Committee, Senator ROTH, says the following:

> I believe that a comprehensive overhaul of the Tax Code should be in place before any action is taken to sunset the existing Tax Code.

The Tax Executives Institute, which represents thousands of corporations around the country, has said the same thing. It would be irresponsible to say let's get rid of the Tax Code without telling people what they are going to put in its place. What do you say to somebody who is going to buy a home tomorrow and they expect their mortgage interest deduction is going to be——

Mr. FORD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Kentucky is correct. There will be order in the Senate.

Mr. FORD. I think the Senator from North Dakota should have some of his time back because nobody has heard him.

Mr. DORGAN. Mr. President, last evening, the Senator from New Mexico characterized the amendment as an amendment which supports the current Tax Code. It is a clever way to debate, I guess, what this amendment is about. I support reforming the current Tax Code, making it better, more simple, more fair, but I don't believe we ought to say, "Let's abolish the current Tax Code and tell the American people there is nothing that we are going to put in its place this moment, you guess about that; you guess about that."

It may be a national sales tax of 30 or 35 percent. That is what the recent study from the Brookings Institute says it would have to be. Maybe it is a flat tax where a billionaire pays the same rate as a person who works for $20,000 a year.

Let me conclude. The Senator from Maryland makes the point that I made last night. How would anybody tomorrow plan their expansion, plan their next action if they didn't know what the Tax Code was going to be in the year 2002?

How will anybody decide to buy a house wondering whether they are going to have a mortgage interest deduction?

How will anybody decide about their charitable contributions if they don't know that the tax system is going to allow that as a deduction? That is the point.

This is not the thing to do. The chairman of the Finance Committee said so and many, many others around the country, including the President, said so.

Let us strike this provision and replace it with the language I have suggested that supports the mortgage interest deduction, the charitable deduction, and others in the current code. We can improve the current code, and we should, but we ought not allow this provision to stay in the Budget Act.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New Mexico has 1 minute.

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. Please, could we have order in the body.

Mr. DOMENICI. Mr. President, I compliment the occupant of the Chair, the distinguished Senator from Kansas, and I compliment the distinguished Senator from Arkansas, Senator HUTCHINSON. They have given us an opportunity to see to it that we reform the Tax Code of the United States. It has been talked about for so long and nothing ever happens. They have devised a way where they are saying to the committees of the U.S. Congress, and to the President, let us get on with it. And here is the leverage: If you do not, we will not have a Tax Code in the year 2001.

I believe this is the only way you are going to get tax reform when those who are in charge of the job—with all the special interests gobbling them up not wanting any change. I think the only way it will occur is if this sense-of-the-Senate proposal becomes law. It is not law today when we approve of it. It will become law when a committee sends a bill to the President. But we ought to go on record saying we want reform, we want major reform of a broken down code, and we want it soon, not 15 more years of debate.

If I have any additional time, I yield it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 2279 TO AMENDMENT NO. 2218, AS MODIFIED

(Purpose: To express the Sense of the Senate regarding passage of an IRS restructuring bill that provides real relief for taxpayers and provides appropriate oversight as well as to express the Sense of the Senate that the tax code should be terminated)

Mr. HUTCHINSON. I have a second-degree amendment to the Dorgan amendment I send to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. HUTCHINSON] proposes an amendment numbered 2279 to amendment No. 2218, as modified.

Mr. FORD. Parliamentary inquiry. How much time does the Senator from Arkansas have on his second-degree amendment?

The PRESIDING OFFICER. Under the order, there is 1 minute on each side.

Mr. DORGAN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Did the unanimous consent request entered into last night prohibit second-degree amendments?

Mr. DOMENICI. No, it did not.

Mr. DORGAN. Second-degree amendments would be allowed? I did not hear your answer to Senator FORD. How much time is allowed?

The PRESIDING OFFICER. One minute on each side.

Mr. FORD. One minute.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I do not believe we need to be voting on the Dorgan amendment, which is simply a vote on behalf of the status quo. We need an affirmative vote on the need to sunset the current Tax Code.

The PRESIDING OFFICER. Would the Senator withhold?

Could we have order in the body?

Mr. BYRD. May we have a reading of the amendment?

The PRESIDING OFFICER. The clerk will please read the amendment.

The assistant legislative clerk read as follows:

Strike all after the first word of the matter proposed to be inserted and insert the following:

SENSE OF THE SENATE REGARDING PASSAGE OF THE SENATE FINANCE COMMITTEE'S IRS RESTRUCTURING BILL.

(a) FINDINGS.—The Senate finds that—

(1) the House of Representatives passed H.R. 2676 on November 5, 1997;

(2) the Finance Committee of the Senate has held several days of hearings this year on IRS restructuring proposals;

(3) the hearings demonstrated many areas in which the House-passed bill could be improved;

(4) on March 31, 1998, the Senate Finance Committee voted 20-0 to report an IRS restructuring package that contains more oversight over the IRS, more accountability for employees, and a new arsenal of taxpayer protections; and

(5) the Senate Finance package includes the following items which were not included in the House bill:

(A) removal of the statutory impediments to the Commissioner of Internal Revenue's efforts to reorganize the agency to create a more streamlined, taxpayer-friendly organization,

(B) the providing of real oversight authority for the Internal Revenue Service Oversight Board to help prevent taxpayer abuse,

(C) the creation of a new Treasury Inspector General for Tax Administration to ensure independence and accountability,

(D) real, meaningful relief for innocent spouses,

(E) provisions which abate penalties and interest after 1 year so that the IRS does not profit from its own delay,

(F) provisions which ensure due process of law to taxpayers by granting them a right to a hearing before the IRS can pursue a lien, levy, or seizure,

(G) provisions which forbid the IRS from coercing taxpayers to extend the 10-year statute of limitations for collection,

(H) provisions which require the IRS to terminate employees who abuse taxpayers or other IRS employees,

(I) provisions which make the Taxpayer Advocate more independent, and

(J) provisions enabling the Commissioner of Internal Revenue to manage employees more effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the Senate shall, as expeditiously as possible, consider and pass an IRS restructuring bill which provides the most taxpayer protections, the greatest degree of IRS employee accountability, and enhanced oversight.

SEC 302. SENSE OF CONGRESS REGARDING THE SUNSET OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—Congress finds that a simple and fair Federal tax system is one that—

(1) applies a low tax rate, through easily understood laws, to all Americans;

(2) provides tax relief for working Americans;

(3) protects the rights of taxpayers and reduces tax collection abuses;

(4) eliminates the bias against savings and investment;

(5) promotes economic growth and job creation;

(6) does not penalize marriage or families; and

(7) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that all taxes imposed under the Internal Revenue Code of 1986 shall sunset for any taxable year beginning after December 31, 2001 (or in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2001) and that a new Federal tax system will be enacted that is both simple and fair as described in subsection (a) and that provides only those resources for the Federal Government that are needed to meet its responsibilities to the American people.

The PRESIDING OFFICER. There is now 1 minute of debate on each side.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, if I might just explain the amendment. There are two major provisions to the amendment. One would say that until we are able to replace this Tax Code, we need to restructure and reform the IRS. Senator ROTH has done a marvelous job in highlighting the abuses of the Internal Revenue Service. This puts us on record, in the sense of the Senate, that we should as expeditiously as possible provide taxpayer protections.

The second major provision is that we should set a date certain in which this massive, incomprehensible Tax Code will be sunsetted, and we will have a replacement code written 6 months in advance of that.

We give the sense of the Senate in those two respects.

This chart in the Washington Post shows what we did in the Taxpayer Relief Act regarding one provision, IRA rules. We complicated it from this to this. The American taxpayer knows that. We need to simplify, we need to reform the IRS. And there is nothing irresponsible about setting a sunset date on sunsetting the existing Tax Code.

We sunset the ISTEA bill, we sunset the higher education bill, we sunset the farm bill. But we just add to, and add to, and add to the Tax Code. We have elections. We have a process. We have hearings. We will have a responsible process by which we write a replacement code and the American people will come to a consensus.

I ask your support for this second-degree amendment.

Mr. NICKLES. I ask for the yeas and nays. I ask for the yeas and nays.

Mr. HUTCHINSON. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. DORGAN. Mr. President, I believe I have a minute in opposition.

The PRESIDING OFFICER. That is correct. The Senator from North Dakota has 1 minute.

Mr. DORGAN. Mr. President, this is, with all due respect, a sloppy way to legislate. I do not—I guess I heard part of this being read a moment ago. The reason it is offered, I assume, is some do not want to vote on the amendment that I offered.

I wrote the amendment, noticed it to the Senate. Everyone had an opportunity to read it, look at it yesterday, make a judgment about it. Now we have an amendment that is sent to the desk as a second-degree. Certainly you have a right to do that, but we are going to vote on my amendment. However your amendment is disposed of, I might say to the Senator, my amendment is going to be offered as a second-degree. We are going to vote on my amendment. So we can do it sooner; we can do it later. One way or the other, we are going to vote on my amendment. It just seems to me that in a day in which we are going to be dealing with 30, 50, 60 amendments, if we start doing second degrees because somebody doesn't want to vote on an amendment, we will be here until next Tuesday.

As I said, the Senator has every right to offer a second degree. I don't contest that. I'm saying we are not going to get out of here if this is the way the Senate is going to do its business. We will not get out of here.

I wrote an amendment. I made it available to everybody in the Senate to see, review, look at it, to make a judgment. I expected when I came here this morning we would have a vote. That is what I thought the unanimous consent was about last evening. Now I discover we have a second-degree and we go through a reading. We will be here forever if this is the way we will do business.

Again I say if you think you will avoid a vote on this, you will not. When we dispose of this, if I'm recognized, I will offer a second degree. If I'm not, I will be here because I'm going to get recognized and I will offer a second degree, and when I do, we will vote on my amendment.

Mr. LEVIN. Mr. President, this sense-of-the-Senate amendment would put the Senate on record in support of sunsetting the tax code on December 31, 2001, before a system was set up to replace it and without assurance that such a system would be in place.

There is no question that the Internal Revenue Code is too complicated and needs reform. In fact, as a result of the tax bill which was signed into law last year, 285 new sections were added.

One of the problems with the amendment before us is that it would do away with the current tax system without a guarantee that it would be replaced in a timely and orderly manner, if at all, so people can plan their lives. The sunsetting is not dependent on the adoption of a replacement. Households and businesses rely on provisions of the tax code for budgeting purposes.

Mr. President, we need a new tax code, but we also must make sure that a simplified and fairer tax code is in place. To pretend that we can sunset the current code without knowing what will take its place and without having the guarantee of a replacement in a timely manner, is misleading.

The PRESIDING OFFICER (Mr. ENZI). All time has expired.

The question is on agreeing to the Hutchinson amendment No. 2279. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—59

Abraham
Allard
Ashcroft
Bennett
Bingaman
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—40

Akaka
Baucus
Biden
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Reed
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone

NOT VOTING—1

Helms

The amendment (No. 2279) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2280 TO AMENDMENT NO. 2218, AS MODIFIED AND AMENDED

(Purpose: To strike section 301 of the concurrent resolution, which expresses the sense of Congress regarding the sunset of the Internal Revenue Code of 1986, and replace it with a section expressing the sense of Congress that important tax incentives such as those for encouraging home ownership and charitable giving should be retained)

Mr. DORGAN. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota (Mr. DORGAN) proposes an amendment numbered 2280 to amendment No. 2218, as modified.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

SEC. . SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving, expanded health and retirement benefits.

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) sunsetting the entire income tax code without decribing a replacement threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions and that a sunset of the tax code that does not provide a replacement tax system that preserves this deductibility could damage the American dream of home ownership and could threaten the viability of non-profit institutions.

Mr. DORGAN. Mr. President, let me explain to my colleagues that the findings are the same as the underlying amendment that I offered with the exception that at the end, under "Sense of Congress"—I will simply read very briefly what I have added.

It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions—

That was my previous amendment—

and that a sunset of the Tax Code that does not provide a replacement tax system that preserves this deductibility could damage the American dream of home ownership and could threaten the viability of nonprofit institutions.

This is a second degree that I am offering.

I don't know that I need to say much more about it except that it essentially is a vote on what I had offered in the first instance.

My intent here is very simple. It is not to denigrate those who have different ideas than I have about this issue. It is, however, to say that I think suggesting that we throw away the current Tax Code, as imperfect as it is and as much in need of reform as it is, without suggesting what will come in its place is to say to all Americans who are homeowners that we are not sure that we are going to have a tax system in the future that allows you to deduct your home mortgage interest, we are not sure we are going to have a tax system in the future that allows charitable contributions to be deducted.

So I think the responsible thing to do is to say to the American people that when there is a sunset, if there is, that there is a replacement that will be included in these provisions.

The PRESIDING OFFICER. Who yield's time?

Mr. DOMENICI. I yield to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, 15 minutes ago, 59 Senators voted in favor of what I think all of us support: reforming and restructuring the IRS and protecting the taxpayers to a date certain on sunsetting the Tax Code that no one in this country defends.

Do not be fooled. This amendment is a second-degree amendment offered by my dear colleague from North Dakota that would undo much of what we just did. We don't want to undo that. There is nothing in the sense of the Senate that we just adopted that would threaten in any way charitable deductions or home mortgage deductions or any of the other particular aspects of the current code that you may like. It would say that on a date certain we are going to have a new code that is fairer and simpler, more comprehensible to the American people, and that it is a tax code that they deserve.

I ask my colleagues to reject this second-degree amendment designed only to undo what we just expressed to the American people—that we believe the IRS is out of control and that we have a code that needs to be simplified and that needs to be made more fair.

I ask my colleagues to vote against this amendment.

Mr. DOMENICI. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. DOMENICI. I ask unanimous consent that on the remaining stacked amendments there be no second-degree amendments in order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I move to table the second-degree amendment that is pending and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN. Mr. President, might I propose a parliamentary inquiry?

The PRESIDING OFFICER. We are in a nondebatable posture.

Is there objection?

Without objection, it is so ordered.

Mr. DORGAN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DORGAN. The second-degree amendment that I am offering does not in fact replace what the Senate voted on previously. Is that not correct?

The PRESIDING OFFICER. The Senator is correct. The language is added onto the amendment as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from North Dakota No. 2280. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. INHOFE). Are there any other Senators in the Chamber who desire to vote?

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "nay."

The result was announced—yeas 1, nays 98, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—1

Thompson

NAYS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 2280) was rejected.

VOTE ON AMENDMENT NO. 2280 TO AMENDMENT NO. 2218, AS MODIFIED AND AMENDED

The PRESIDING OFFICER. The question is on adoption of the Dorgan second-degree amendment.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. I ask unanimous consent to speak for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. Mr. President, I think Senator DOMENICI's motion to table gave all of us on this side of the aisle time to look closely at what the second-degree amendment by the Senator from North Dakota actually did. I have no objection to that second-degree amendment. I think it merely expresses—it does not undo or reverse the sense of the Senate that we adopted earlier with 59 votes. It expresses support for the charitable tax deduction and the homeowner deduction. I ask my colleagues to join me in support of Senator DORGAN's second-degree amendment.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I request unanimous consent to speak for 30 seconds simply to say the intent of the second-degree amendment was to say to the American people that whatever the merits of reforming our Tax Code—and most of us, myself included, think it does need reform—that when we decide to change the Tax Code, if we decide to do that, its replacement shall give some assurance to the American people that we are not going to scrap their ability to deduct their home mortgage interest, to scrap the ability to deduct charitable contributions. That is the purpose of that second-degree amendment. I appreciate very much support on that amendment.

THE PRESIDING OFFICER. The question is on agreeing to the second-degree amendment of the Senator from North Dakota.

The amendment (No. 2280) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS. Will the Senator from New Mexico yield for an observation? The last vote took approximately 25 minutes.

VOTE ON AMENDMENT NO. 2218, AS MODIFIED, AS AMENDED

The PRESIDING OFFICER. The question is on the first-degree amendment as further amended. The yeas and nays have been ordered.

Mr. DOMENICI. Mr. President, I ask that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2218), as modified, as amended, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. We are ready for the next amendment, Mr. President.

AMENDMENT NO. 2170

The PRESIDING OFFICER. The next amendment is amendment No. 2170, offered by the Senator from Colorado, Senator ALLARD.

The yeas and nays have been ordered on the motion to waive the Budget Act.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado is seeking recognition.

Mr. DOMENICI. I yield 1 minute.

Mr. ALLARD. Mr. President, I want to just briefly explain what my amendment does. Right now, the total debt that we are facing in this country is $5.6 trillion. The interest that we pay on that total debt is more than the entire defense budget, and I believe we need a plan to pay down that total debt.

My amendment proposes such a plan. It takes the surplus that is reflected in the budget proposal that is before us here on the floor of the Senate today, and takes those first 5 years and allocates them towards that debt pay-down plan. It says that after the 5 years that are reflected in the budget plan, then we dedicate $11.7 billion a year towards paying down the debt. If we will do that, we can pay down the debt in 30 years and save more than $3.7 trillion in interest.

The $11.7 billion which we set aside after the 5 years which is reflected in this budget, that is less than 1 percent of the total budget. I am here to ask the Senate to join me in putting in place a plan to pay down the total debt.

I reserve the remainder of my time.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the Allard amendment. It is going to impose excessively rigid strictures on the way we function. What it says, very simply, is that any time that income does not exceed expense, that revenues do not exceed outlays, there is a 60-vote point of order to make any change to accommodate it.

Just think what the consequences might be. We use our opportunities here to sometimes adjust to an economy that is in stress. We could be endangering our national security, because though a declaration of war may not have been made, the fact of the matter is that military preparation may be necessary in advance of that.

What happens if our outlays exceed our revenues? We cannot go ahead and take care of our necessary business. What happens in times of depression when, in fact, revenues may be down and we may have a need to increase our expenses to help us carry our citizens through that period of time?

What it does is it excessively restricts our ability to function. Proper fiscal policy is an important part of operating our Government. I urge my colleagues to vote no on the request to waive the Budget Act.

MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act with respect to the Allard amendment No. 2170. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—53

Allard
Ashcroft
Bennett
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Feingold
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—45

Abraham
Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feinstein
Ford
Glenn
Graham
Hagel
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Santorum
Sarbanes
Torricelli
Wellstone

NOT VOTING—2

Helms
Landrieu

The PRESIDING OFFICER. On this vote the yeas are 53, and the nays are 45. Three-fifths of the Senators present and voting, not having voted in the affirmative, the motion to waive the Budget Act is not agreed to.

The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. What is the next amendment?

AMENDMENT NO. 2195

The PRESIDING OFFICER. Amendment No. 2195, the amendment offered by the Senator from New Jersey, Senator LAUTENBERG, motion to waive the Budget Act, is the order of business.

Mr. LAUTENBERG. Mr. President, this amendment establishes a reserve fund to allow revenues, taxes paid by large corporate taxpayers, to be used in a manner that is directly connected to environmental cleanup.

Right now, the bill that we are considering permits only the use of $200 million out of a total revenue base of $1.7 billion to be used for environmental cleanup. Frankly, I think that is wrong.

What we need to do is make sure that these funds are available for the purpose that it is collected. We don't want to see it going to tax breaks or other programs. Only $200 million of this will be used to pay for the "orphan shares," those shares for which no polluter can be found. It is insufficient to take care of the job. That is the way Superfund was originally designed.

I hope we can waive the budget point of order that has been raised.

The PRESIDING OFFICER. Senator from New Mexico.

Mr. DOMENICI. This is another reserve fund. The reserve fund has the advantage, for the proponent, of creating a new series of entitlement programs, thereby indirectly breaking the caps. If you would try to spend these in the normal way, we would be breaking the budget.

So it creates a series of potentially new entitlement programs. If we ever get taxes increased or other programs cut, the resources can be put into this reserve fund. I don't believe we ought to be doing this. I have objected to them regularly here on the floor when there is no real source of money.

I think we should sustain the budget point of order on this one and not start another approach to a new series of entitlement programs.

Mr. BAUCUS. Mr. President, I rise in support of the amendment offered by the ranking member of the Budget Committee, the senior Senator from New Jersey and my fellow member of the Environment and Public Works Committee, Senator LAUTENBERG.

This amendment will allow the Congress to increase funding for important natural resources and environment programs without increasing the deficit or lowering the surplus. That is an important point.

We would be able to address additional needs in these areas without affecting the overall deficit or surplus. The amendment would do this by allowing the excess receipts from a reinstated Superfund taxes to offset the cost of the programs.

What kind of programs might be funded through in this amendment? We could hasten the cleanup of hazardous waste sites. We could provide assistance to states to protect waterways from polluted runoff. We also could fund construction and maintenance for our deteriorating national parks, wildlife refuges, and other public lands.

These priorities were included in the President's proposed Environmental Resources Fund for America, but they are not included in Senate Concurrent Resolution 86.

The amendment would allow the authorizing committees, including the Environment and Public Works Committee on which Senator LAUTENBERG and I sit, to set direct spending levels for environmental and natural resources programs. Furthermore, it would allow any excess funds from an extension of the Superfund tax to offset the added costs.

The Republican budget assumes that if a Superfund tax is reinstated, $200 million would be used to pay for that portion of the cleanup that is attributable to parties that are bankrupt or otherwise cannot pay their share. The balance of $1.5 billion each year could be used to offset the cost of unspecified spending or tax breaks.

By contrast, the Lautenberg amendment would direct the money from the Superfund tax to needed environmental improvements—investments in the future of our natural resources and sustained health of our environment, not just for us, but for our children.

Directing more resources to states to help address the problem of polluted runoff will be an investment in the future of clean water.

Cleaning up Superfund sites is an investment that can protect public health and foster economic redevelopment.

Maintaining our national parks—our national treasures—is an investment that we must make, or see that part of our heritage fall apart.

Mr. President, I commend the Senator from New Jersey for his amendment and urge my colleagues to support it for the future health of our citizens and the environment.

Mr. GRAHAM. Mr. President, I strongly support Senator LAUTENBERG's amendment to increase funding for the protection of the environment and our nation's natural resources. This important amendment would establish an environmental reserve fund, so that receipts from a reinstated Superfund tax can be used for environmental protection initiatives.

The environmental and natural resources programs funded in the President's Budget are critical to our efforts to protect these resources which are so vital to our society.

Several critical programs proposed by the President are not included in the Budget Resolution. Among others, these include operations and maintenance funds for the administration of the National Wildlife Refuge System and program support for the U.S. Fish and Wildlife Service's execution of the Endangered Species Act. Both of these programs are critical to the State of Florida and our ability to protect and preserve unique ecosystems, habitats, and species.

Today's 93 million acre National Wildlife Refuge System has its roots in the state of Florida. It was public outrage over the devastation of wading bird populations in Florida that led to the establishment of the Pelican Island Federal Bird Reservation in 1903. This action is recognized as the genesis of the National Wildlife Refuge System.

Each year, nearly 30 million people visit our National Wildlife Refuges and enjoy activities such as wildlife observation, hiking, fishing, photography, hunting, and environmental education. These lands are home to millions of migrating birds, big game, and hundreds of critically endangered species.

In the State of Florida, there are 25 National Wildlife Refuges that are an essential part of our natural heritage. I learned this lesson firsthand in May 1990 when I did my 241st workday at the "Ding" Darling Wildlife Refuge on Sanibel Island. Working with refuge naturalists, I spent the day surveying the refuge's bird population, cleaning up mangrove areas, reinforcing water retention ponds and speaking with local citizens who had a keen interest in the refuge's future.

I also learned that the success of wildlife refuges since 1903 had occurred not because of any action taken by the House or Senate, but in spite of congressional neglect. While Congress has been willing to fund refuges, it had failed to ascribe a mission for the refuge system or clearly define environmental objectives for each individual refuge.

This situation was corrected with the passage of the National Wildlife Refuge System Improvement Act in 1997. I was pleased to play an instrumental role in this law's enactment. It provides new protection to the more than 500 national wildlife refuges, and is a great step forward in our efforts to preserve the unique species and ecosystems located in these areas.

However, these lands must be maintained if they are to remain national treasures. The President has requested an increase of $25.8 million in FY 99 for the Fish and Wildlife Service operation and maintenance of the National Wildlife Refuge System. These funds would be used in the State of Florida for projects such as protection of the Florida Panther in the Ten Thousand Islands National Wildlife Refuge. They would support the Florida Keys Invasive Exotics Task Force, which is working to protect the Florida Keys from invasive exotic plants which threaten the restoration of the South Florida Ecosystem.

The current budget resolution does not support this increase. The LAUTENBERG Amendment, which I have cosponsored, will help ensure that the National Wildlife Refuge system receives the funds that are so critical to its future.

In addition to the National Wildlife Refuge System, the President's Budget request for an increase of $35.7 million in FY99 for the Fish and Wildlife Service's threatened and endangered species program is a critical element in our ongoing efforts to improve the level of protection of endangered species. As currently written, the Senate Budget Resolution does meet the President's request. Senator LAUTENBERG's amendment will give us the opportunity to review this decision and provide the required funds to this critical program.

I believe that the Endangered Species Act is one of our nation's most critical environmental statutes. While it goes without saying that the Act could be more effective in recovering endangered and threatened species, I believe that the ESA has helped to forestall further declines and possibly even the extinction of many of our most imperiled species.

Senate approval of this Amendment will give us the ability to review the current needs of the ESA program and appropriate the required funds to support these programs.

Funding for implementation of the ESA is critical both today and into the future. As the Senate considers the Endangered Species Reauthorization Bill introduced by Senators CHAFEE, BAUCUS, KEMPTHORNE, and REID, our commitment to provide funds to support the revisions in the ESA Reauthorization Bill will be essential. Without this commitment, we run the risk of losing an opportunity to boost the worthy cause of endangered species conservation.

Mr. LAUTENBERG. I make the point this is not a new entitlement. It is direct spending and the revenue source would be it.

MOTION TO WAIVE THE BUDGET ACT

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Faircloth
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NAYS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Helms

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 52.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

On the last vote, vote No. 64, the Allard motion to waive the Budget Act, I was unavoidably delayed and did not vote. But I want the RECORD to reflect that if I had voted I would have voted "no."

Thank you, Mr. President.

The PRESIDING OFFICER. The RECORD will so reflect.

AMENDMENT NO. 2213

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2213 offered by Mr. BOND of Missouri.

The Senator from Missouri is recognized.

Mr. BOND. Mr. President, the section 202 Elderly Housing Program is the most important housing program for elderly low-income Americans providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly. The President's budget request proposes reducing the funding from a current year level of $645 million to $109 million, an 83 percent cut.

On behalf of myself, Senator MIKULSKI, and numerous other colleagues, we offer this sense-of-the-Senate resolution to say that we must maintain the section 202 program. The alternative is to provide vouchers. Vouchers for the typical resident, an elderly woman, frail, in her seventies—to give her a voucher to go out and walk to find a new apartment, or new dwelling place, is simply unacceptable.

I urge my colleagues to show an overwhelming vote in support of the program that maintains housing that our frail elderly so badly need.

I thank the Chair.

The PRESIDING OFFICER. Who yields time in opposition? Is all time in opposition yielded?

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum for 1 minute.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

If all time is yielded, the question is on agreeing to the amendment of the Senator from Missouri. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—97

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—2

Coats
Nickles

NOT VOTING—1

Helms

The amendment (No. 2213) was agreed to.

AMENDMENT NO. 2228

The PRESIDING OFFICER (Mr. HUTCHINSON). There are 2 minutes equally divided on the Bumpers amendment. The Senator from Arkansas is recognized for 1 minute.

Mr. BUMPERS. Mr. President, in 1975, the U.S. Congress passed a bill called the Individuals with Disabilities Education Act.

Mr. FORD. Mr. President, I apologize, but we cannot hear the Senator.

The PRESIDING OFFICER. The Senate will have to come to order before we proceed.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, we promised the school districts of this country that if they would abide by the rules we set for taking care of disabled children in school, we would foot 40 percent of the bill. We cried tears galore around here about unfunded mandates to the cities and the States and the counties, and we took care of it. Here is the biggest unfunded mandate of all. We promised the school districts of this country 40 percent for disabled children, and so far, after 23 years, we are giving them 9 percent.

You get a double whammy. You get a chance to fulfill that mandate and, No. 2, take care of a totally unjustified tax break we give the mining companies. We give them Federal lands for $2.50 an acre, they mine the gold and silver off of it, and we pay them to take it, a 15 percent depletion allowance. So I would take that depletion allowance and give it to disabled children.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 minute.

Mr. CRAIG. Mr. President, this year this Senate will vote for $2.5 billion in new money to go to the disabled. We are doing our part for the first time. What the Senator from Arkansas fails to say is he is proposing half a billion dollars in new tax increases on the working men and women of the mining industries. It is not that simple. If you want to vote for a big tax increase, then vote not to table this amendment. But if you want to vote to maintain a strong mining industry in this country that is the foundation of our industrial might, then you ought to vote to table because we are doing the right thing this year. We are funding for the disabled with an additional $2.5 billion. I ask my colleagues to vote to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment (No. 2228). The yeas and nays have been ordered on the motion to table.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER. (Mr. DEWINE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bryan
Burns
Byrd
Campbell
Cleland
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Domenici
Dorgan
Enzi
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Johnson
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Biden
Boxer
Bumpers
Chafee
Coats
Collins
Dodd
Durbin
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Gregg
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Robb
Rockefeller
Sarbanes
Snowe
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 2228) was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield to the distinguished chairman of the Armed Services Committee as much time as he desires off the bill.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank the able chairman.

AMENDMENTS NOS. 2191 AND 2192

Mr. THURMOND. Mr. President, I ask unanimous consent to withdraw my amendments numbered 2191 and 2192. In doing this, I do not in any way minimize the seriousness of the outlay problems that national defense faces in fiscal year 1999 and thereafter. I want to commend the chairman of the Budget Committee for working with the chairman of the Appropriations Committee and myself to reach an agreement on an amendment to help alleviate this problem. We appreciate the assistance of the chairman of the Budget Committee as well as his assurances that he will work with CBO, OMB and the Secretary of Defense to resolve this problem.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2191 and 2192) were withdrawn.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator THURMOND for his kind remarks. Obviously, he has, for a number of weeks now, been very concerned about the situation with reference to the Defense Department and the many things we must do in order to be militarily prepared to take care of our men and women in the military.

I believe the issues that confront us have more to do with how you make estimates of what the program is going to cost than anything else. We are trying to work something out where those will be more realistically evaluated than perhaps have been in the past. I thank the Senator for his compliments and pledge I will do everything I can to get this done right.

Mr. THURMOND. Mr. President, again, I wish to thank the able chairman.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I would like to inquire of the floor manager of the bill, what order of amendments do we have now? I have an amendment that I am certainly prepared to take up at this time.

Mr. DOMENICI. Mr. President, I understand that we have, between the minority and the majority, a list of six amendments that we would like to present. Senator BROWNBACK is No. 1 on that list; followed by Senator BOXER; followed by Senator SPECTER; followed by Senator LAUTENBERG; and then we would have another one in there, and we do not know whether it would be Senator CONNIE MACK or otherwise; and Senator KENNEDY.

I want everyone to know that we are trying very hard to get to a point where there is not very many amendments left for full debate. It does not mean we have yet arrived at how many would be entitled to a vote under the "vote-arama" with 1 minute. We are working on that right now. We need a lot of cooperation. But I think it is fair to proceed, I say to the leader, with this amendment. This is not one of the three or four we would choose to resolve these issues, but we had already made that commitment. And we will work on it as best we can.

I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 2177

Mr. BROWNBACK. Mr. President, I call up amendment No. 2177 to be the pending business.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Amendment No. 2177 previously proposed by the Senator from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. As I understand, I have 15 minutes to make the presentation under the unanimous consent.

The PRESIDING OFFICER. That is correct.

Mr. BROWNBACK. I don't know that I will take that amount of time. If the Chair will advise when I have used 10 minutes, I will appreciate that.

I ask, as well, that PHIL GRAMM be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. The Brownback amendment is a simple amendment that calls for a change in the budget law, the pay-go rules of the budget law, to allow for discretionary spending program eliminations, all those key words, to be used for tax cuts or to save Social Security. It allows for that usage to be able to do those things.

Now, according to current budget law—and I realize some of this can be arcane to a number of people—we cannot make cuts in discretionary spending programs in order to finance tax cuts. You have to make cuts in mandatory spending programs like Social Security and Medicare to pay for tax cuts. That is just not fair and it is not right and it is wrong.

That is why we put forward this amendment. At this time I will read the amendment because it is short, sweet, and to the point and it is important.

It is the sense-of-the-Senate that the functional tools underlying this resolution assume that—

(1) the elimination of a discretionary spending program may [with emphasis on the "may"] be used for either tax cuts or to reform the Social Security system.

There is some other language under that.

That is the extent, basically, of the amendment.

Now, I want to ask people, I know a number of folks watching this have concerns about what is taking place in waste in Government spending. We have a $1.7 trillion Government on an annual basis. We have things in that Government—like tobacco subsidies, like corporate welfare—that when I go home and talk to people in Kansas, they say, why in the world are you still spending money on tobacco subsidies? Why are you spending money on corporate welfare? Why don't you cut those programs? I don't think most people recognize the system works to protect those programs like tobacco subsidies.

For instance, what you get is a system in place where there are a few people protecting tobacco subsidies, or corporate welfare, and a lot of people who want to eliminate it, but the few people can offset the greater number because if you eliminated tobacco subsidies today, what happens to the money? It just gets spent somewhere else. So people argue strongly in favor of their program no matter how wasteful it might be and say, even if you cut this, it will not reduce the budget, it will not cut taxes, it will just be spent somewhere else. That is the system. The system works against our getting rid of Government waste.

Now, what if we created a competitive force back the other way? What if you said, OK, if we eliminate tobacco subsidies, we can use that to pay for a tax cut. Or, if we eliminate corporate welfare, we can use that to save Social Security. So they create a competing force of people who want tax cuts or save Social Security against the domestic discretionary spending programs that in many cases are very wasteful of precious taxpayer dollars. So that all this amendment attempts to do is to create that competing force to knock out some of this wasteful Government spending that everybody knows is here but nobody can ever seem to get at.

We are at the point of record high levels of taxation. The average American family pays nearly 40 percent of their income for taxes at all levels. It is the highest level since World War II. People are starting to ask why. Why are we paying such a high level of taxation? You add to that we are also broke, $5.4 trillion worth of debt, we have unfunded obligations more than double that amount, and yet we waste money on tobacco subsidies or we waste money on corporate welfare, and people don't get it.

The problem of it is the set of rules that we are operating under that create a system where the few, who protect a portion of waste that may be good for their constituents but is not good for the rest of the country as a whole, have a far greater stake in the system than the people who want to eliminate it, who, if they eliminated it, it just goes to be spent somewhere else and nothing happens to the debt or level of taxation or Social Security.

This amendment is very simple and straightforward on that. You eliminate—and it is not just cutting; it is eliminating programs. A lot of times people might cut back on a discretionary spending program. Say we cut tobacco subsidies $100 million and use that for offsetting tax cuts somewhere—corporate welfare is a better example in that area—the next year we just add it back. We still have the tax cut that is pulling and draining resources from the Federal Treasury, which frankly I don't mind because it goes back to taxpayers' pockets, but on the other side you haven't paid for that tax cut. What we say is eliminate—not just shave, not reduce, but eliminate—a program so that this one doesn't come back and you can have an actual true offset.

So, Mr. President, it is past the time for us to start changing the system that has yielded to us a $1.7 trillion Government, that maintains tobacco subsidies at a time when everybody in the world knows this contributes to the causes of cancer. We are trying to stop young people from starting to smoke, and yet we are still subsidizing tobacco subsidies. We still have corporate welfare all over the place, and we can't seem to get at it. This change in rule, this little change in rules would help us get at these issues. That is why I put this amendment forward.

At the appropriate time I will ask for the yeas and nays. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in strong opposition to the amendment by the Senator from Kansas. This amendment calls for a change in the Budget Act that would allow discretionary programs to be completely eliminated in order to provide new tax breaks for purposes other than the initial direction for this funding. I'm not sure that I understand who would determine that. Would it be the Budget Committee that would determine that? Would it be the specific committees? Would we go to Environmental and say, eliminate this environmental cleanup program? Or would we go to the Department of Transportation and say, eliminate safety programs, eliminate parts of the programs that are not financed through the trust fund?

This would be an incredible departure from the rules that are established in the balanced budget agreement. It could threaten just about anything—education, anticrime efforts, environmental programs—defense, as well, by the way.

We know that we have a debate here between those who would typically like to spend more for defense or those who say, look, we have spent enough on defense to keep our security intact. How about the Coast Guard? You could come from a landlocked State and say, what do we need the Coast Guard for? How about other departments? Some might disagree with us on a program to protect our water or any number of programs that are often represented regionally.

Frankly, I see this as a terrible prospect to contemplate. The Budget Act is designed to ensure that if we incur permanent obligations such as permanent tax cuts or new mandatory spending, we pay for these obligations with permanent savings.

That is what the pay-as-you-go plan rules are all about. It has worked out well for many years. This amendment would change these rules. It says we should make cuts in temporary spending—that is, annually appropriated discretionary programs—and use those temporary cuts to fund permanent tax breaks. Well, it doesn't take a CPA to figure out that this can create serious problems in the long run. Cutting funding for a program in one year doesn't mean those savings are going to remain available in future years. Once you have a tax break on the books, its costs regularly occur, year after year.

I am not opposed to tax cuts for ordinary Americans. In fact, I supported targeted relief like the expanded child care credit that the President proposed. But I think we ought to pay for tax cuts with permanent savings. I am also concerned that Senator BROWNBACK's proposal could encourage further cuts from programs that educate us and help us continue the pursuit of a cleaner environment, put the cops on the streets, and make sure that our service people are well housed and equipped to do their duty.

The budget agreement is already calling for substantial real cuts in discretionary programs. Under the agreement, nondefense discretionary spending in 2002 will reach its lowest level in almost 40 years as a share of GDP. These cuts are getting close to the bone, and we need to be careful about cutting further, especially if further budget cuts are to be used for large tax breaks that could very well blow a hole in the budget for the future.

So, Mr. President, I hope my colleagues will agree that this is no time, nor is it the correct process, for radical surgery on the Budget Act. If we want to do that, we can discuss it within the Budget Committee. This is a new subject. Let us not create fiscal problems in the future by allowing short-term cuts to pay for long-term costs, because I suspect that in there, there is a mission, and that is to kind of take care of the people who are largely at the top of the ladder, who benefit from most of the tax cut proposals we have seen.

Let's not encourage further cuts in programs that deal with education and crime. Do you want to tell veterans—I am a World War II veteran. I served 3 years in the Army overseas during the war. Do you want to tell my colleagues—and many are not as fortunate as I am, to have this kind of a position—do you want to tell them that someone may want to cut their programs on behalf of the tax cuts for the well off? I don't see it, and I sure don't want to tinker with defense. I am not what you call a traditional hawk, Mr. President.

I urge my colleagues to reject this amendment.

Mr. **BROWNBACK**. Mr. President, how much time do I have?

The **PRESIDING OFFICER**. The Senator has 8 minutes 36 seconds. The Senator from New Jersey has 9 minutes 12 seconds.

Mr. **BROWNBACK**. Mr. President, I want to respond to a few of the statements. I think the Senator from New Jersey, whom I appreciate, and I appreciate his service in the U.S. Senate, probably made the exact accurate point. That is, if you are going to cut veterans programs for tax cuts, people will come unglued, and it will not happen, because there will be a number of veterans out there saying, "What are you doing cutting veterans programs and paying for tax cuts? I am not going to let you do that." And that would work.

If we went out and said, you know what, we are going to eliminate tobacco subsidies to pay for tax cuts, or we are going to cut the corporate welfare for the wealthiest 50 corporations in America and pay for a tax cut with that, would people come unglued? I sense an applause line in Kansas for something like that.

If I go to Kansas and say, "I am going to cut veterans programs and write tax cuts," they will say, "We are going to give you your head for that one." That is the whole point here. The system is currently tilted toward no tax cuts and growing Government, because if you are going to provide for a tax cut, you have to cut Social Security or Medicare basically to pay for that tax cut. That is wrong. We should not be cutting Social Security and Medicare. We should not be cutting them at all, let alone offset them against a tax cut. The system was set up exactly this way to build Government and make it bigger.

Why are we at $1.7 trillion and growing? It is because the system is built to build. Why do we still subsidize tobacco? This makes absolutely no sense. So what we are trying to do here is make a little change.

The Senator from New Jersey raises another very important point about permanent savings paying for permanent tax cuts. I think that is a valuable issue to raise. That is why, in the measure, we state that you have to eliminate the program—not just cut it back, but eliminate the program to pay for tax cuts.

So let's take my example again. If we go to tobacco subsidies and say we are going to eliminate tobacco subsidies and pay for this tax cut, it will be a small tax cut. What about the next two then? Do you think they are going to be able to add back in tobacco subsidies once you get it finally pulled out by its roots? I don't think so. What if you are able to pull out corporate welfare by its roots to pay for that tax cut? Are we going to be able, the next year, to add back in that corporate welfare? I don't think so, once it is pulled out. There is such a system of inertia to build the bill that I think we are going to be able to get at this with this little change in the budget rules.

This is exactly the time to be doing this, as we will be looking forward to the future as to how we are going to protect, preserve, and save Social Security. We need to do that. What are we going to do to further tax cuts on this burdensome level of taxation that we have for the American people? This little budgetary change will actually help us make some sense and sanity out of this place to a lot of the American public.

So that is why I am putting this forward. Suggestions can be put forward by Members of Congress and by the Finance Committee on how you do it. That is the same way we do tax cuts right now—from Members, from people from the Finance Committee.

This is a good provision. If you asked the American people about this, they will say that is the way the place ought to work, instead of this arcane way that we have set it up that actually hurts the American public and maintains wasteful programs. That is why I am going to urge my colleagues to vote in favor of this measure.

Mr. President, I retain the balance of my time.

Mr. **LAUTENBERG**. Mr. President, I didn't hear the Senator's closing comment. Did he yield back his time or reserve it?

The **PRESIDING OFFICER**. He reserved the balance of his time.

Mr. **LAUTENBERG**. Mr. President, I have respect for the Senator from Kansas. We have gotten to know each other a little bit. When we disagree, it is with a purpose of accomplishing something. When he talks about getting a big applause line in Kansas if there were to be the elimination of the subsidy for tobacco, well, I happen to agree with the Senator on the elimination of the subsidy for tobacco, but I wonder whether it would get an applause line in North Carolina or Kentucky or South Carolina. What if I were to say, well, let's reduce the cost for the Corps of Engineers, we don't have to do all that flooding work, or maybe eliminate the program for agricultural subsidies because in New Jersey our farmers are pretty close to market and they don't need a lot of subsidy, they don't draw down subsidy?

The point I make—without being too challenging, or too pedantic—is that what the Senator described is exactly the problem, a Nation with 50 States, one Nation wanting each of us here—and there isn't anybody here who hasn't stood up to protect a program in their State without feeling that they are doing the right thing. I don't know of anybody here.

We have to respect those differences. I am not saying promote tobacco. I am not saying encourage agriculture. I am not saying that we ought to have our ports dredged and no one else ought to have an opportunity to move their economies along. When we lose our beaches in a storm, it is no different than a flood in Kansas, or a drought, or a tornado. It is our economy that is kept going. But, apart from that, the notion that we could suddenly change the rules and say, OK, who is it that is going to decide we are going to eliminate this program? I guarantee you that there will be quite a debate in this body about what programs get eliminated. There is only one way you can do this. That is through a deliberate, slow, and tedious discussion among us. It is called debate. It is called discussion, dialog.

I hope that the Senator from Kansas would not prevail with this. I think it would be a disastrous conclusion.

Imagine risking some of the services that we talked about. How would we feel about reducing the program in FEMA, the Emergency Services Program, where everybody calls up, picks up the phone, dials the big 911, saying, "Help. Get out here. Hurry." We wouldn't have the funds to do it because we were giving tax breaks to well-off people. That would really create a stir in this country. I will tell you, it would be louder than an applause line.

I reserve the remainder of my time.

Mr. **BROWNBACK**. Mr. President, if I could respond to some of the comments of my colleague from New Jersey, for whom I have a great deal of respect. He makes the exact point I am making. Tobacco subsidies aren't cut because North Carolina and Kentucky and a few other States protect those basically. Everybody else says, "Look, if you cut it, we are really not going to do it. We are not cutting taxes. We are not cutting spending."

So, all right, I will go along on it. We are trying to create competitors. If somebody comes up with a good idea, a program, and a need, we are going to fund it. We have proven throughout history that we will fund that. That is why actually today there is nothing so permanent as a temporary Government program. That is one of President Reagan's lines. Because we will do it. The problem is we never undo it, or we never stop doing it. We don't have any competing force back the other way.

I think it would be a very helpful debate if we would have these regularly on the floor about, Should we actually be spending this money on corporate welfare? What if we gave it back to the taxpayer or used it to preserve and protect Social Security? That would be a good, healthy idea, because instead of the way we do it right now, which is basically we are going to add that spending, we will never look back here at what we previously paid for over the past 60 years because there is no competing force on the other side of it.

That is why I am suggesting this would be an excellent change for this body. It would be an excellent force that would be set up in favor of the taxpayer, in favor of good government, in favor of Social Security.

How much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Kansas has 3 minutes. The Senator from New Jersey has 5 minutes 20 seconds.

Mr. BROWNBACK. If the Senator from New Jersey would be willing to yield back his time, I would be willing to yield back at this time and ask for the yeas and nays at the appropriate time.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. LAUTENBERG. I yield my time in fairness to the Senator from Kansas. I am going to, obviously, oppose the amendment.

I yield the time.

The PRESIDING OFFICER. All time is yielded.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2176

Mrs. BOXER. Mr. President, I call up amendment No. 2176.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from California (Mrs. BOXER) proposes an amendment numbered 2176.

Mrs. BOXER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the March 30, 1998 edition of the RECORD.)

Mrs. BOXER. Mr. President, I ask that the following Senators be added to this amendment: Senators DASCHLE, SARBANES, MURRAY, JOHNSON, KENNEDY, BINGAMAN, and LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, in picking up where the Senator from Kansas left off, I think it is important when we recommend a priority, we figure out a way to pay for it.

I am going to give you and my colleagues in the U.S. Senate an opportunity to cut funding, which is what the Senator from Kansas is very concerned about, out of the Government travel budget—cut that funding by one-tenth of 1 percent—and take those funds away from traveling bureaucrats and put them into after-school programs.

I know you are a family man with many children and grandchildren. Often we talk about the joys of parenting and grandparenting. I think we all are concerned not only about our own children and grandchildren, but about America's children. I believe that is true across the party line.

I think if we ask ourselves the question right now, right here, what our children will be doing after school today, I really do not think the answer would come back in a way that satisfies us as U.S. Senators, as parents, as grandparents, and, frankly, as community members. Unfortunately, many of our children after school have no place to go, are alone, get into trouble with gang members, or are lured into gangs. Frankly, if you look at the crime statistics, which I will show you later on a chart, the highest crime rate among juveniles occurs from 3 to 6 p.m.

Here, we have an opportunity with this amendment, which I am very proud to offer today, to take a stand to fund up to 500 after-school programs for our children and to cut out unnecessary Government travel. It seems to me it is a choice that, as my children say, is a "no-brainer." It makes sense.

If you look at the faces of these children, and just look at their hands that they are holding up to answer a question—this is an after-school program in Sacramento, Sacramento START, which I have seen. You can see in the faces of these children that they are interested, that they are engaged, that they are involved, that they are learning. Clearly, being in this program after school means they are not alone, they are not getting into trouble, they are not sitting home alone watching television, waiting for a working parent to arrive.

I want to show you some other photos of these children. Here is another one from Sacramento START. This program, which my amendment encourages, includes drug counseling and anticrime measures. They invite policemen and firemen and businesspeople in. Here you can see the children engaged with this police officer; they are very engaged in what he is explaining to them.

I am going to show you a couple of other photographs of these children.

Here is one from the city of Oakland's after-school program. It is a music after-school program where the children are preteens. We talk a lot about preventing teenage pregnancy and the need for abstinence and the need for our children to understand that their self-esteem is important to them. Here we see the faces of these children and how they are engaged in this music program. Why? Because there was some funding that they scraped together to put together an after-school program. These programs are holding together in a very difficult way, and they want to see the National Government get involved.

Here is another photo. This one is from Sacramento, also. You can see that this is an environmental lesson. They have, it looks like, a crocodile. The children are engaged in learning about science.

We love our children in this country. We cannot afford to abandon them just because the school bell rings at 3 o'clock. Our responsibility does not end at 3 o'clock.

Let me show you the crime statistics.

When do juvenile offenders commit violent crimes? You can see the spike up at 3 p.m., and it doesn't begin even turning down until 6 p.m.

If we overlay on this chart after-school programs that keep our children busy, we can see the real need for these programs. I might add that the victims of these crimes are also juveniles. The victims and the perpetrators of these crimes are juveniles.

I think when we support such an amendment as this, we are not only going to increase the academic performance of our children across the board—and I will explain that—but we also absolutely take a step forward to reducing the crime rate.

Mr. President, I ask that you let me know when I have 3 minutes remaining in my presentation.

Let's see what some law enforcement people are saying about after-school programs. This is a proclamation signed by Fight Crime: Invest in Kids. Fight Crime is made up of 170 of the Nation's leading police chiefs, sheriffs and prosecutors, and the presidents of the Fraternal Order of Police and the International Union of Police Associations, which together represent 360,000 police officers. Let's hear what they say about the need for after school programs.

> No one knows better than we—

The law enforcement people—

> that the most important weapons against crime are the investments which keep kids from becoming criminals—investments which enable all children to get the right start they need to become contributing citizens, and which show them that, as adults, they will be able to meet their families' basic needs through honest hard work.

What else is being said? Further:

> We therefore call on all public officials to protect public safety by adopting commonsense policies to . . . provide for all of America's school-age children and teens, after-school programs.

So if you are pro—and this is important—pro-law enforcement, let us not turn our backs on law enforcement, who is urging us provide "after-school programs and access to weekend and summer programs that offer recreation, academic support and community service experience."

Let's see what the police chief of Los Angeles has said.

> Police leaders know America's commitment to putting criminals in jail must be matched by its commitment to keeping kids from becoming criminals in the first place.

We are at a turning point in our country. We now know how important our children are to our future. We now know that if we invest in them, we save 10 times, 20 times on the other end when they are good citizens, when they learn, when they have self-esteem, when they get help with their homework. These are all important things that will happen from my amendment.

Remember, if you want to fight crime, this is certainly one way to do it.

What do we say in our amendment? We say that local school districts should design the program to meet the local needs. They will be competing with other local districts across this country. If we get a great application from Ohio and it brings in the police and it brings in the business community and it brings in the local college, all of those things will give that program higher scores. We say that the schools must offer at least two of the following activities: academic assistance; mentoring; recreational activities; or technology training. They have the option of offering any of the following in their program: drug, alcohol and gang prevention programs; health and nutrition counseling; or job skills preparation.

We also believe that this amendment is setting our Nation on the right track. Across the country we pay millions and billions of dollars for school facilities. We do not use these facilities after school. We put a lock on the door because it is 3 o'clock. So what happens? Our kids leave those buildings and they get in trouble. Then we wonder why we have to build more prisons for our society.

I would love to see us break this pattern of partisanship today. This is not a program that is new. Education is not new. These programs are out there already. They are working. If we in fact believe that our children are important—the Boxer amendment simply says cut out travel for the bureaucrats. They can take a little less travel. Put it into the classroom after school. Our children face many more risks today than our children faced when I was growing up. We know that. We know about drugs. We know about gangs. We know about the war of after-school hours. We know from our crime fighters that we need to get these kids off the streets.

I want to tell you about LA's Best after-school enrichment program. There are 5,000 students in 24 elementary schools who participate. LA's Best children, well, they just like school a lot more. I have been there. I have seen them. I invite anyone to go there. Some of these schools are in tough neighborhoods and some of them are in less tough neighborhoods. But the results of this program show that the children who participate like school more. Their grades significantly improve. They show positive behavioral changes. There is less crime at LA's Best schools. LA's Best children feel safe.

Let's hear what the children say. We always talk here about how we love our children. Let's hear what they say.

> LA's Best is the best place to be after school. I like the games and the work. I like going to the computer lab and I like going to the Library. But most of all I like the people.

Another child says:

> If we didn't have LA's Best, I would probably still be going home to an empty house.

We used to call those kids latchkey children, home alone after school.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mrs. BOXER. Mr. President, let me tell you about Sacramento START.

I will close here and reserve my time.

The children in Sacramento START are showing a 75 percent increase in their grades because they are getting help with their homework, tutoring and mentoring, and they feel good about their lives when they go to Sacramento START. The homework of these children has improved—by 85 percent in quality and completion.

Why would we not step in to support these important programs? The President has suggested in his budget that we do so, in a much larger way. This is a small, small measure here, cutting out one-tenth of 1 percent of the Government travel budget and putting it into programs such as Sacramento START, such as a program like we have in the Tenderloin district in San Francisco, such as LA's Best, and give our kids something to say yes to.

Here is the closing photograph, because to me it says it all. This is a beautiful photograph from a program in the Tenderloin district in San Francisco. These are kids after school, loving what they have there in that after-school program, enjoying their life, being kept busy learning, and it shows on their faces.

I hope we will have an overwhelming vote for this. I hope we will break down this terrible partisanship that is dominating today and cast a vote for our kids, cut our Government travel, go home and feel a little bit better about what we are doing here.

I yield the floor. Actually, I will reserve the few moments that I have.

Mr. President, I suggest the absence of a quorum.

Mr. LAUTENBERG. If the request could be deferred.

Mrs. BOXER. I defer that request.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, how much time do the proponents of the amendment have?

The PRESIDING OFFICER. The Senator from California has 1 minute 23 seconds.

Mr. LAUTENBERG. So the Senator is yielding me 1 minute?

Mrs. BOXER. If my colleague would like to support this amendment.

Mr. LAUTENBERG. I will support it because I think it is a terrific amendment. I commend the distinguished Senator from California for her leadership. Too many kids spend more of their waking hours without supervision, without constructive activity, and it is only in school that they are able to have some supervision that makes sense. As many as 5 million kids are home alone after school each week. The prospect of a child alone without proper supervision is sometimes too grim to even think about when we think about those who would molest them, those who would invade the privacy of the home, those kids who might get their hands on a weapon. We have seen what happens there.

I want to see that this amendment carries. It puts things in proper focus. We talk here constantly about children and about how important they are in our lives and what it means to every one of us. Anybody who has been a parent, a grandparent, niece or nephew, aunt or uncle, knows about the relationships that children need and require in terms of their growth and development.

So I support the amendment of the Senator from California. We want to make sure there are quality after-school programs. The kids who do have good programs can do better in their schoolwork, get along better with their peers. I think it is a great amendment, and I want to see it pass even modestly if it passes. It doesn't have to be overwhelming.

The PRESIDING OFFICER. All time has expired for the proponents. The opponents have 15 minutes remaining.

The Senator from New Mexico.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask it be in order for Senator SPECTER to proceed with an amendment that he has, and that time in opposition to the Boxer amendment, which is 15 minutes, be retained to be used by the opponents subsequent to the debate as agreed to heretofore on the Specter amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. May I ask the chairman a question?

Mr. DOMENICI. Of course.

Mrs. BOXER. Mr. Chairman, I know you are reserving your time to speak on the Boxer amendment. I am hoping to get back when you do that.

Would it be possible for me to just take 1 of your 15 minutes, because I don't know where you are going to come out on this, but just so I can at least have 1 minute to respond?

Mr. DOMENICI. Sure, when I said the opposition will have 15 minutes, we will have 14 and we will give 1 of them to the Senator from California.

Mrs. BOXER. That is very sweet of you. I appreciate that, Mr. Chairman. I hope maybe we are not in opposition, maybe we can come to agreement on this.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2254, AS MODIFIED

Mr. SPECTER. Mr. President, I call amendment No. 2254.

Mr. President, before the amendment is read, I ask unanimous consent I be permitted to modify the amendment. What I intend to do here is to change the source of the funding for an additional $2 billion for the National Institutes of Health. Instead of taking it from the tobacco reserve fund—instead, to have an across-the-board cut of four-tenths of 1 percent. That is the modification which I seek to make.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. I have no objection to the modification.

Mr. SPECTER. Did I understand the distinguished Senator to say that he had no objection to the modification?

Mr. DOMENICI. I did say that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent the modification not be read because it simply strikes certain lines, which will be unintelligible, but the import of it is to have a four-tenths of 1 percent cut across the board.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 17, line 9, increase the amount by $2,000,000,000.

On page 17, line 10, increase the amount by $2,000,000,000.

On page 25, line 8, decrease the amount by $2,000,000,000.

On page 25, line 9, decrease the amount by $2,000,000,000.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I compliment the managers of the bill, especially my distinguished colleague Senator DOMENICI, for his very prodigious work on this budget and the budgets in the years that I have been here, going back to 1981.

I offer an amendment to what Senator DOMENICI has done with some trepidation, but I do so because I think it is a very important matter, and I offer this amendment really in my capacity as chairman of the appropriations subcommittee which has jurisdiction over the funding for Health and Human Services and for the National Institutes of Health.

As I read the budget resolution with my expert staff, there is not funding for the subcommittee to be able to add funds for the National Institutes of Health. The distinguished chairman and I have had some disagreement on the import of the budget resolution, but as I read it, with my experts on the staff, there is only $350 million for outlays, which would not accommodate the kind of increase which this Senate is on record as being committed to.

Last year, a sense-of-the-Senate resolution was adopted to double NIH funding over the next 5 years, and that has been a rallying cry and one with which I agree. Were that standard to be met, it would mean more than $2.5 billion a year.

Notwithstanding that amendment having been adopted for fiscal year 1998, the year we are in, when the Budget Committee returned last year's budget, the health account was cut by $100 million. Therefore, Senator HARKIN, my distinguished ranking member on the subcommittee, and I had set a target of a 7.5 percent increase for NIH, which is a good bit below the doubling over 5 years. We thought that was all we could afford.

We then offered an amendment, similar to the one now being offered, for an across-the-board cut to enable us to increase NIH funding by $1.1 billion. That amendment was defeated 63 to 37, so that when it came to expressing our druthers, or our preferences, we were very generous as a Senate body, and said we would double NIH funding over 5 years, or more than $2.5 billion a year. But when it came time to specify where the money was going to come from and have a hard dollar amount, that was defeated, as I say, 63 to 37. We are very generous with our druthers, but we are not very generous with our dollars.

We had a hearing, coincidentally, just yesterday in our regular quarter for the experts at the National Institutes of Health to come in and testify about the grants which are made, about 28 percent of those which are offered, and there would be a very, very substantial additional number of grants awarded if the additional funds were there.

We have a total budget of $1.7 trillion. I believe that it is a matter of assessing our priorities. It is my submission in this amendment, with my distinguished ranking member, Senator HARKIN, that we ought to up the ante by at least $2 billion. I know that when it comes across the board, it is goring a lot of oxen, and there will be many who will object because it comes out of their funds. If we are going to articulate our priority for NIH, then we ought to put our money where our mouths are and put up the money to actually fund it.

I changed the thrust of the amendment, as noted, to move away from the tobacco reserve fund, because that is a giant pot we are talking about on the tobacco settlement, but I think it is pie in the sky. It is questionable, speculative, and perhaps doubtful that those funds will be realized.

In making the plans for our subcommittee, I want to know where we stand. That is why we are talking about hard dollars in this amendment. It is not too hard to say, "Well, we'll get it from the tobacco reserve fund, because it really is highly speculative as to whether it will ever exist."

I believe that with the identification of many of the genes by the National Institutes of Health, we are on the brink of conquering cancer, on the brink of conquering Alzheimer's, on the brink of conquering Parkinson's, on the brink of conquering heart disease, on the brink of conquering AIDS, on the brink of conquering many of the maladies which afflict mankind, but it takes dollars.

When you allow 28 percent of the grants, that means 72 percent of the doors are closed; 72 percent which are not allowed. If we open those doors, I think we will be enormously productive in seeing to it that we make the maximum effort to pursue breast cancer and prostate cancer and cervical cancer and Alzheimer's and a long list of maladies which confront us at the present time.

That is the essence of the amendment, Mr. President. I know my distinguished colleague, Senator HARKIN, wishes some time, so let me inquire at this point how much time is left on the 15 minutes of allocation.

The PRESIDING OFFICER (Mr. INHOFE). Eight minutes 20 seconds.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I will have printed in the RECORD a "Dear Colleague" letter on the amendment which I had intended to offer, as I described earlier, opening the tobacco reserve to permit it to be used for biomedical research. This letter was circulated on March 31, 1998, cosigned by Senator HARKIN, Senator BOXER, Senator HOLLINGS, and myself. We had a list of some 18 cosponsors to Senate Resolution 170, which was a sense-of-the-Senate resolution which I had submitted earlier in the session.

It had been my intention to have a freestanding sense-of-the-Senate resolution to increase NIH funding by $2 billion. I had made an effort, with the cooperation of our distinguished majority leader, to have that listed as a freestanding resolution which I had hoped to bring to a vote before the budget resolution came up. We had anticipated voting on it on Monday or Tuesday, but it was not cleared. So we did not have an opportunity to bring up that resolution.

The point of the resolution was to see how many people would say, as a matter of druthers or sense of the Senate, that they would support it, and contrast it to the number of people who would support the hard-dollar transfer. I do not know—the budget resolution moves so fast—how many more of the 18 who are cosponsors of Senate Resolution 170, which is sense of the Senate, will join here. These four Senators on this letter support increasing biomedical research by $2 billion.

Mr. President, I ask unanimous consent to have printed in the RECORD the "Dear Colleague" letter to which I referred.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 31, 1998.

DEAR COLLEAGUE: We intend to offer an amendment to expand the tobacco reserve fund to permit funding to be used for biomedical research. In addition this amendment would also expand the reserve to allow funds to be used for anti-tobacco education and prevention, counter-advertising, smoking cessation, transition assistance programs for tobacco farmers, and other public health research and prevention programs. The Senate is on record regarding doubling the funding over the next five years for the National Institutes of Health. To do that would require an average annual increase of $2.7 billion. This amendment would make it possible to increase funding for biomedical research by $2,000,000,000 as the first lesser step in reaching the goal of doubling the National Institutes of Health.

In the past few years, this nation has seen dramatic research developments that are offering great promise for developing treatments for a host of diseases. These developments have been made possible because Congress has year after year increased the funding to fight the war against disease.

There has never been broader bi-partisan support for comprehensive tobacco legislation. We therefore urge our colleagues to join with us in supporting this amendment as the first step toward adopting a tobacco reserve fund which can accommodate enactment of historic legislation to protect the health of this nation.

Sincerely,

TOM HARKIN,
ERNEST HOLLINGS,
ARLEN SPECTER,
BARBARA BOXER.

Mr. SPECTER. How much time remains, Mr. President?

The PRESIDING OFFICER. Six minutes 45 seconds.

Mr. SPECTER. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, this is a budget year when the total amount of money available for discretionary spending out of which the NIH is funded was agreed to last year in the bipartisan budget agreement. It is a total dollar number for all of the Government that is not entitlement programs.

So it is for education, it is to run the agencies of our Federal Government, it is for the money the IRS needs to pay its workers, and on and on.

While it is very close to a freeze this year, there is an additional budget authority of $1.9 billion year over year and an additional $6.1 billion in outlays, about one-half percent. For those who say this portion of Government is growing dramatically, for the next 4 years, because of the agreement, it will be growing at about this amount or less, literally close to a freeze for a sum total of 4 additional years. Very tough.

Nonetheless—nonetheless—the President of the United States, in the President's budget, provided some restraint by way of reductions in expenditures. I will just go through to give you examples. The President's budget, in function 150, international affairs, reduced that total function by $530 million; function 300, that is the environment, a $260 million reduction; function 350, agriculture, $240 million; function 370, housing and commerce, that is $640 million; function 400, a $1.25 billion reduction.

They go on all the way through. And the sum total in cuts is $7.83 billion. That means the President provided room for programs that he wanted and reduced these. What we have done in our budget resolution is we have taken these reductions but we have given different priorities to how we would spend the money.

I want to say to my good friend, Senator SPECTER, there is no one here who, when it comes right down to being in the trenches where you provide money for NIH, there is nobody who has been more of a leader than he. And, frankly, his subcommittee, which covers a myriad of programs—education, NIH, and on and on—is a subcommittee that is constantly under pressure.

I am not going to suggest, as some, that it always needs more and more money. Rather, I will say it is under difficult pressure because of the kinds of programs they have to fund. Having said that, in the budget resolution, where we have some responsibility to establish priorities, somebody else follows us and perhaps can change some, but we know that their subcommittee has most of the priorities that we are for and that he would like to fund. There is no other function with more priorities, other than perhaps the function of defense, which stands there singularly all the time.

What we did, we funded that program, because of its being a priority, by increasing significantly the NIH assumption for expenditures. We also increased in that function education because we knew that from the Republican standpoint we wanted to fund the disability program in education, and we wanted to fund some flexibility programs for the States so they could do some things on their own, being relieved of some mandates that we had given them.

In that alignment and that set of determining where we spend money and with that backdrop, we have provided in this budget resolution a larger increase in NIH, in the assumption for NIH—the assumption; the budget resolution isn't binding—we have provided the largest increase of any domestic program that is appropriated. That amount is $1.5 billion in the first year. That is an 11 percent increase. Then, in estimating our assumptions for the remaining 4 years, we increase that a total of $15.5 billion for the premier institution researching health in the world—the American National Institutes of Health.

We do not determine in the budget resolution which of the numerous NIH activities get what amount of money. I have been to the subcommittee with the distinguished chairman presiding, making a very strong, strong pitch that we put more money in researching mental illness. He recalls that. We were able over the years to raise those kinds of institutes to a level of funding where I can give you two or three which are now on the cutting edge again and which have excited young scientists and the very best to get into fields they might not have that are critical to our solving some of the enormous problems of the suffering of human beings, not only Americans but humans.

So I am an advocate. But I guess I would say, in a tight budget, "Enough is enough." And $1.5 billion is enough; $15.5 billion over 5 years is enough. And I cannot do any better. I cannot make the funding any more sure in a budget resolution than I have done in this budget resolution. If Senator SPECTER is to prevail, we cannot assure anyone that the desired level of NIH funding will be what Senator SPECTER assumes by his amendment, because he is once again going to be back into the competition of taking all the money that his committee gets, and deciding among hundreds of programs how much the NIH gets. So that is one side of this coin.

Now, with every coin, there are two sides. When you add, you have to take away. Because the distinguished Senator did not try to break the budget. He did not try to break the caps, because he pledged last year—and he kept his pledge—that we would stay on this path of a balanced budget and the caps.

There are some who would like to break the caps for any good proposal. The distinguished Senator from Pennsylvania is not doing that. He is saying, let us cut other domestic programs to pay for the new increase over and above the $1.5 billion that we provided. And the Senator included defense in the .4 percent cut. So defense gets cut across the board, and domestic programs get cut across the board. So defense gets cut $1.1 billion over 1 year in order to pay for this $2 billion increase. I will just tick off some so everybody knows. The veterans get a $76 million reduction; the environment gets an $89 million reduction; agriculture, because it is smaller, gets a $17 million reduction; transportation, $160 million; and on and on.

It may very well be that the U.S. Senate today wants to say, in addition to what the budget resolution contains, with all the other programs being restrained dramatically, that in order to give it $2 billion more, we ought to do these things, including cutting defense $1.1 billion. I do not believe the Senate will do that. But if they choose to do that, then obviously the appropriators will have to give that every consideration. I do not see how we can do the defense one, because we are already having a very difficult time meeting the defense needs with the numbers that are in the budget and the firewall that protects.

Let me just share a thought with the distinguished Senator. I say to Senator SPECTER, you said you want to do this to defense also. I would like you to think about that, because if you do, then I believe the firewall prevails and you may have a supermajority requirement. But I leave that to you; that is not for me.

Having said what I have said, I do not want to detract from the fact that the National Institutes of Health are a fabulous community of the best scientists in the world. When you really look at what they are doing, they are on a course to cure many, many aspects of human suffering and human disease. When you add to what they are doing in the normal research, you add something like the genome mapping, the mapping of all the chromosomes of the human body, and those are being looked at in terms of their relationship to disease. You have a formidable group of scientists and research equipment moving in a path of, perhaps, what may be called the generation yet to come, which will be a wellness generation. That could be, when the dread diseases are no more.

So I don't want to sound like this is just a typical entity. It is a very prominent and important one. I do believe, consistent with limited resources and because we have to tax our people, we have limited resources. Some think they are taxed too much already. I believe the budget resolution treats this formidable research community fairly well.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. How much time remains on each side?

The PRESIDING OFFICER. Six and a half minutes.

Mr. SPECTER. Mr. President, if I may have the attention of the distinguished chairman, Senator HARKIN has made a request to have 5 minutes reserved and he is at another hearing. I wonder if we might accommodate him at a later time.

Mr. DOMENICI. You have 5 minutes remaining?

Mr. SPECTER. Yes.

Mr. DOMENICI. I will try to work it in.

Mr. SPECTER. I thank my distinguished colleague and friend, Senator DOMENICI, for his comments. He has enumerated programs which will be cut. It is a matter of priorities.

When he has recited there is an assumption of $1.5 billion for the National Institutes of Health, I have to disagree, because the Budget Committee assumes only an outlay increase of $350 million over the level from fiscal year 1998. There are also increases in education and child care programs. So there could not possibly be an increase at NIH with an increase of only $350 million in outlays.

As Senator DOMENICI has recited a number of cuts, let me just recite a partial list of the people who come to me as chairman of this subcommittee, who want increases in funding for breast cancer, cervical cancer, colon cancer, Alzheimer's disease, cystic fibrosis, diabetes—including juvenile diabetes—kidney ailments, amyotrophic lateral sclerosis, Parkinson's, schizophrenia, scleroderma, epilepsy, heart disease, prostate cancer, pulmonary disorders, AIDS, osteoporosis, Huntington's disease, to mention only a few.

The fact is that many Senators receive awards from Alzheimer's or Parkinson's or AIDS, et cetera. This is a matter of priority, pure and simple.

Senator DOMENICI is a valued member of the committee. He and I sit next to each other on the Appropriations Committee, have for years, and he comes and talks about mental illness programs. We have accommodated that as a very high priority. That is what the Senator has to do, establish the priorities. I say that it is worth the four-tenths of 1 percent cut across the board for this high priority for the National Institutes of Health.

I yield the floor.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. DOMENICI. I reserve the remainder of my time, and I ask unanimous consent the 3 minutes remaining in opposition and 5 minutes remaining by the proponent be retained subsequent to the debate on the Kennedy amendment, which will start now.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2183

The PRESIDING OFFICER. The pending question now is the Kennedy amendment numbered 2183.

The Senator has 15 minutes to explain his amendment.

Mr. KENNEDY. I yield myself 5 minutes.

This sense of the Senate is very, very simple and, I believe, extraordinarily compelling. I find it difficult to understand why it would not be accepted.

I think the best way to really explain it is to go through the amendment itself, because it is so simple and so compelling. All we are saying is that it is a sense of the Senate that we should pass a patient's bill of rights.

It says that Congress finds that patients lack reliable information about health plans and the quality of care that health plans provide. We have had demonstrated this through a number of different hearings in the Labor Committee and in other Committees. Secondly, it says that experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death. We have heard this statement or similar statements from the business community, from the provider community, in hearings before the Presidential Commission and the Labor Committee, and in many peer-reviewed journal articles written by experts in the field of quality measurement and improvement. No one can argue with this finding.

Third, this amendment finds that some managed care plans have created obstacles for patients who need to see specialists on an ongoing basis and that some have required women to get permission from their primary care physician before seeing a gynecologist. These were central findings, again, of the President's Commission on the Quality of Health Care and, again, these rights are overwhelmingly supported by the American people and by the doctors and other professionals who care for them.

Fourth, this amendment finds that a majority of consumers believe that health plans compromise their quality of care to save money. One study shows an astonishing 80 percent of the American people have reached that conclusion. All you have to do is see the movie "As Good As It Gets," and see Helen Hunt's extraordinary performance. Attend any movie theater in this country if you have any questions on this particular issue, and they will be resolved.

Fifth, this amendment finds that the Federal preemption under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for 125 million workers and their families receiving health insurance through the employer-based group health plans. This factual statement has been repeatedly confirmed by the U.S. Department of Labor and by the courts. In fact, Federal judges have pleaded with Congress to fix ERISA. State insurance commissioners see these problems on a daily basis, but their hands are tied with respect to these plans. There is no reason at all to maintain this special exclusion for one group of health plans. Those who make medical decisions that result in death or injury must be held accountable for those decisions.

Sixth, Mr. President, the Advisory Commission on Consumer Protection and Quality in the Health Care Industry has unanimously recommended a patient's bill of rights to protect patients against abuses by health plans and health insurers. Let me repeat this—the President's Commission, which included representation from health plans, corporations, consumers, providers and others, unanimously recommended that each patient be accorded the protections reported in their Bill of Rights. Regardless of whether they receive their health insurance through an employer or on their own.

So, this sense of the Senate says that the assumption underlying this resolution provides for enactment of legislation to establish a patient's bill of rights for participants in health plans. Then, Mr. President, we point out very briefly exactly what those protections ought to be, and if there are Members in the Senate who want to differ with these, I welcome the opportunity to debate those or discuss them.

This amendment says that our legislation should include the following provisions.

First, a guarantee of access to covered services, including emergency care, specialty care, gynecological care for women, and prescription drugs. Does anyone really dispute that we ought to be able to ensure patients have access to the coverage and health care that they have paid for?

Second, provisions to ensure the special needs of women are met, including protecting women from being forced to endure drive-through mastectomies. There are more than half a dozen Members of the Senate who have various pieces of legislation to address that particular need. This sense of the Senate refers to those efforts.

Third, provisions to ensure the special needs of children are met, including access to pediatric specialists and centers of pediatric excellence.

Mr. President, this is an extremely important and significant need. All you have to do is listen to parents and pediatricians. Senator REED is a leader in this particular issue. We know the kinds of challenges that exist, particularly for newborn babies. It used to be that 90 percent of the kinds of health difficulties that newborns faced were excluded from any coverage of health insurance.

Some insurance forms say any particular needs of a child that occur within the first 10 days of life "will be outside the coverage of this insurance policy." The fact of the matter is that 90 percent of the difficulties occur during that period of time. But so many mothers do not know that. We are still facing very, very important needs in terms of protecting children in this country.

Four, provisions to ensure that special needs of individuals with disabilities and the chronically ill are met, including the possibility of standing referrals to specialists or the ability to have specialists act as the primary care provider.

Forcing a patient who has a legitimate need to see a specialist to jump through extra hoops before every appointment is counter-productive and more expensive in the long run. Persons with disabilities and chronic illnesses face these kinds of challenges every single day. They can cite chapter and verse about the various exclusions and barriers they face—not just physical barriers, but barriers put up by their health insurance. They have special needs and they need special protections.

Five, a procedure to hold health plans accountable for decisions and a procedure to provide for appeal of a health care decision to an independent impartial reviewer.

This is to make sure that when these accountants in many of the insurance companies say "no" to a patient—say that they are not entitled to that particular health care service—there is an appeal procedure that can bring about a timely and independent decision. I won't take the time now, nor do I have the time, to point out the number of individuals who have lost their lives or been permanently disabled because the plan's accountant or an insurance executive turned thumbs down on a procedure recommended by the treating physician.

Six, measures to protect the integrity of the physician-patient relationship, including a ban on gag clauses and on improper incentive arrangements.

We have had testimony time and again that says that doctors cannot tell the patients about all of their options because the plan denies them the chance to do so. That is absolutely, completely wrong. We have other instances where doctors have moved ahead and prescribed expensive treatment, only to effectively be dropped from the panels of various HMO's. We want to protect the physicians in these circumstances. We want to permit the physicians to be able to do what they should be able to do, and that is to be able to practice medicine to the best of their abilities.

Finally, measures to provide greater information about health plans to patients and improve quality care.

Mr. President, that is the sum and substance of this amendment. I really question how anyone can take issue with the findings and how anyone can take issue with the kinds of protections that we believe ought to be accepted by the Senate and included in a patients' bill of rights.

This particular measure has the strong support of the American Medical Association, and of the AFL-CIO. It has the support of the National Breast Cancer Coalition; it has the support of Families USA; it has the support of the mental health community, including the National Alliance for Mental Illness, the National Mental Health Association and the American Psychological Association; it has the support of the Consumers Union and countless other consumer and patient groups representing hundreds of thousands of people.

So I hope that we can have this measure accepted as a sense of the Senate on this budget, and then we will go about the business of debating on the floor of the U.S. Senate the actual legislation that incorporates these provisions. If some Senators have better ideas and they want to adjust or change something, we will have the opportunity to do so. But let's go on record at this time, on this occasion, to say that we want to make sure that the patients in this country are going to be guaranteed the kind of protections that we would want for every member of our families, and that we are going to put health care needs first, rather than the bottom line of the health insurance industry. Let's say that we are going to permit our doctors, not industry accountants, to practice medicine.

Mr. President, I withhold the rest of our time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time remains on the proponents' side?

The PRESIDING OFFICER. Seven minutes remain.

Mr. DOMENICI. There is a total of 15 on each side?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Senator DON NICKLES is on the way. I want to discuss the issue a little bit with the Senate.

Mr. President, my good friend, the distinguished Senator from Massachusetts, said that he doesn't know how anyone could disagree with these findings—the findings of a national commission appointed by the President. Well, just so everyone understands, the very commission made the findings, and then the commission itself split on whether they should be put in law or not. So I say, with reference to a sense of the Senate and whether we ought to adopt them in law, at least we ought to start with the premise that half of a commission was concerned about the broad picture of health care costs in America and other things and suggested that perhaps it would be better not to put them in law but to handle them some other way.

Let me talk a little bit about the upside of what is going on in America with reference to health care costs during this very short era when we have moved away from fee for service toward managed care and HMOs. In doing that, let me hearken back to the joy that permeates this body and the American people when they hear that we have the budget under control. We are in an era of balance.

Mr. President, it is almost unequivocal that had we not gone to managed care and HMOs, we would not be celebrating a balanced budget today. That is because under the other system—and I note that the doctors support regulating HMOs more—but under the doctor system, up, up and away went the costs. We had 3 or 4 years when the Federal Government's accounts that paid for health care were going up, compounded in double digits every year, which meant that in short order you would not be able to pay for Medicare, you would not be able to afford Medicaid because, even if we had the ability to borrow and borrow and incur debt, the States would not have been able to pay for it. So let's make sure that everybody understands this short era of moving to managed care and HMOs has brought within the reach of many, many Americans and many American businesses health care coverage they could not have afforded under the old system.

As a matter of fact, it was interesting. As I listened to my friend from Massachusetts, I thought about a couple of speeches I gave when we were talking about our not being competitive with Japan on automobiles. I was able to say to audiences that one of the reasons we are not competitive is because the automobile is carrying around in the trunk four times the health care costs the Japanese car is, because our health costs were so enormous as compared with theirs. I am not suggesting theirs is as good as ours, but neither am I suggesting that ours is four times better than theirs.

So I think when we talk about tying HMOs and managed care into some kind of rigidity in an effort to solve some problems that may be solved otherwise, we better be careful as to how much we do and how much we mandate versus how much we handle in other ways in an effort to get quality.

I also indicate, just by way of an observation, that it is a lot easier to find the shortcomings of HMOs and managed care than it was the old system, because this one is all focused in on management running a system. Before, it was hundreds and hundreds of doctors. To be able to focus on the lack of quality care is much easier. That works both ways. It is good because it calls it to our attention. But it ought to be easier to get quality care than it was before without having to write it into rigid law.

I note the presence of my friend, the Senator from Oklahoma.

I want to close by just saying that before we make it so impossible for managed care and health care to control costs within reason and deliver health care, everybody should understand that whatever we do we ought to get quality at the best price. We ought not get quality at the expense of those who are paying for it, and at the expense of the U.S. Government. That is what I think ultimately we should do when we get down to trying to legislate. This isn't legislating. It is just us giving our opinion and our ideas as a Senate. When it comes right down to it, that is what we are going to be talking about sincerely in our committees and on the floor.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. KENNEDY. On the other side?

The PRESIDING OFFICER. Nine minutes.

Mr. KENNEDY. I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Senator from Massachusetts.

Mr. President, I rise in support of this resolution. Members of the Senate and the House often wonder about America and the districts and States, and try to perceive the issues that American families really care about. I invite the Members of the Senate to go to the movie theater and see "As Good As It Gets," with the top actor award going to Jack Nicholson and the top actress award going to Helen Hunt. At one point in this movie, Helen Hunt, the mother of an asthmatic child, vents on her beliefs about HMOs and managed care. Do you know what happens in movie theaters across America? They break out in applause—applauding the fact that this poor woman on the screen is struggling with an asthmatic child and is caught up with the bureaucracy of managed care.

I will concede the point made by the Senator from New Mexico. Managed care is designed to reduce costs. The people who manage these systems are trying to reduce costs, reduce services, and, of course, maximize their profits. The resolution offered by the Senator from Massachusetts looks at it from the perspective of the patient, of the family, and of the physician. Are we going to speak to that as well?

This goes beyond the bottom line. This goes to a basic question. If I go into a doctor's office with my wife, myself, or one of my children, can I trust that doctor giving me advice based on his medical education and the science that he has available? Or is he telling me that the option for my family is one dictated by some manual, some code, some book out of a managed care office in some part of the country that bears no relationship to my personal need?

That is what this is about—the trust that we need to restore so patients seeing doctors know they are getting medical advice and not insurance recommendations.

Second, accountability—that these managed care plans are held accountable. Today, they dictate to doctors what they will do, the procedures that are allowed, where they will take place, and how long they will last. Forget the patient. We are talking about the bottom line. When they make a mistake—and sometimes these mistakes are fatal—they are not held accountable under the law.

What Senator KENNEDY is suggesting here is not only restoring the trust between doctors and patients but also restoring accountability in the system. So that when the managed care clerk off somewhere in Omaha, NE, pages through the manual to decide your fate in that hospital bed they are held accountable—not just for the bottom line but what happens to your health, your family, and your future.

I am glad we are having this debate. I think this is just the opening salvo.

For those who think everybody is rosy in America, American families could care less, and managed care is all perfect, please take a trip to the movie theater and see "As Good As It Gets."

Mr. DOMENICI. Mr. President, I yield 3 minutes to the distinguished Senator from Pennsylvania and the remainder of my time to Senator NICKLES following that.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

I would just suggest that if you went to a movie theater you would not see a Government-regulated movie because no one would go to it because it would be of such poor quality. It would be so burdened down by bureaucracy and red tape, because it simply could not produce the quality that the free market produces.

There have been dramatic changes in health care. This continues every day. I met the other day with the chairman of the national board that certifies health care plans. She told me they are constantly updating quality standards, constantly updating to see whether patients are getting the kind of care and access through these plans that are certified. It is important to let this dynamic system of health care operate in the system of the free market which has brought us so far. Do not burden it down with all sorts of bells and whistles and bureaucracies and red tape that will just stifle innovation, stifle quality, stifle progress in medicine, result in more uninsured, result in less comprehensive care. This is about patients.

Look, I am not a great fan of managed health care. But I am a fan of the marketplace working and getting the response. I would suspect that the Senator from Illinois knows that there are managers of health care companies who probably saw that movie. In fact, they didn't have to see that movie. For years, they have been coming to my office—and I know offices around this Capitol—and they have been going out in America getting the message. The Senator is right. A lot of people are upset about managed care. I am not a big fan of it, but I understand that, in time, the marketplace, the employers, and the employees will work much more effectively through that place in changing the system to produce quality where people will go somewhere else. Employers will go somewhere else. In fact, they are already. It is working out there. It takes time.

What we don't need to freeze in place is some Government standard implemented by a bunch of bureaucrats who take 4 years to implement regulations to control something that is already out of date. Let the dynamism work. Don't put the hand of the Federal Government over the system that has improved the quality of health care so dramatically for so many millions of people. Allow that system to continue to improve. Allow that system to continue to grow to serve more people more compassionately. Yes; there are problems. But don't add the ultimate problem—Government suffocation to a dynamic system where "change" is the operative word of the day.

Senator KENNEDY suggests that his bill is supported by the President's commission. His hand-picked commission does not support the legislation that the Senator has proposed. He would give you that impression. They recommended no legislation. They recommended the marketplace. It is in the process of working. It is working. In many areas it is working, and will continue to work. Managed care is still a relatively new thing.

Again, I repeat. I am not a big fan of managed care. But it is new. It is improving. Like any new product, it takes time to work out the bugs and to get to the point where they are doing the kind of customer satisfaction and quality that we need. But the last thing we need is to put the Government in charge of health care plans, the Government in charge of regulating what is quality and what is not. Oh, my goodness. Compare any private sector organization on quality. Compare what goes on at HCFA, at the IRS, or a whole variety of other agencies. Are we now, in Government, the arbiters of quality? Think about that. Do you really want the Government of the United States through their regulation process to dictate to you what quality is? I don't think so.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the Kennedy amendment, which expresses the sense of the Senate that we should pass legislation establishing a patients' bill of rights.

Mr. President, legislation to reform the way health plans often treat patients is long overdue. The integrity of the doctor-patient relationship is being whittled away, and that must be stopped. For example, many health plans have gagged their doctors, preventing them from presenting their patients with all possible treatment options. That's wrong.

Mr. President, Democrats have introduced a bill that would remedy many of the problems that consumers are facing in their managed care health plans. Our bill would put an end to drive-through mastectomies. It would ensure that individuals with disabilities and others with special needs have direct access to specialists. And it would ensure that children have access to pediatric centers of excellence.

Mr. President, the American people are demanding that we enact a managed care reform bill this year. And that's exactly what Senator KENNEDY's amendment promises we will do. I commend the Senator for offering his amendment, and I urge all of my colleagues to vote for it.

Mr. GRASSLEY. Mr. President, I want the record to show that while I am not supporting the Kennedy amendment, I am supportive of many of the principles behind this amendment. I took the lead in sponsoring legislation (S. 701) last year to provide Medicare beneficiaries with consumer protections such as: (1) detailed comparative information and access to a 1–800 number for Medicare beneficiaries to choose the best health plan; (2) an expedited appeals process for urgent cases; (3) a prohibition on gag clauses that restrict patient/physician communications; (4) access to specialty care when needed, with special attention to the chronically ill; and (5) limits on the use of financial incentives by managed care plans. Many of these provisions were enacted in the Balanced Budget Act of 1997. Often, Medicare sets the example for the private sector, and this is my hope.

I believe consumers should have good information about their health plans; that they should have protections in place for a fair and timely appeals process; that they should have access to specialty care when needed; and that physicians should be able to discuss all treatment options with their patients.

Regulating the private sector is more difficult because regulations cost money. These costs are shifted onto employers and ultimately employees. I will want to evaluate proposed legislation based on the impact this will have on employees' health benefits. I do not want to do anything to increase the number of uninsured, which is as much as 41 million Americans who lack health coverage. I commend my colleague from Massachusetts for raising this important issue, but as we all know "the devil is in the details." I would like this issue to be debated and for legislation to be proposed and analyzed thoroughly for any unintended consequences to ensure that we are not doing more harm than good. We cannot afford to increase the number of uninsured and must be careful not to hurt those that currently have coverage.

Mr. NICKLES. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. Your side has 5 minutes. The other side has 4 minutes.

Who yields time?

Mr. KENNEDY. Generally speaking, Mr. President, the proponents should go last.

Mr. NICKLES. Mr. President, I will be happy to go. We generally alternate back and forth. It doesn't make any difference.

Mr. President, I rise in strong opposition to the Kennedy amendment. At a certain point I will be offering a second-degree amendment.

Senator KENNEDY's amendment—maybe I should read from it. It is a sense of the Senate that Congress should pass the bill called the "Consumer Bill of Rights," I believe.

Now, I might mention the Senator introduced this bill 2 nights ago. I have a copy of the bill which was introduced, the companion bill which is in the House. It is 68 pages. It is the Federal Government getting involved in many areas that possibly my colleagues haven't had a chance to examine. I know this bill has only been introduced for a couple days, but it is a pretty far-reaching bill. It is a bill that treats private plans differently than union plans. It is a bill that says we in Government know best. It is a bill that has lots and lots of mandates. It is a bill that will increase the cost of health care. It is a bill that does not track the President's Commission on Quality Care.

I met with some of the Commission on Quality Care just recently. They didn't have a consensus to legislate. As a matter of fact, there was a push by the administration and others that we need to legislate a patients' bill of rights. But that was not the consensus of the commission. As a matter of fact, the commission did not recommend legislation. Yet even though the commission, which studied this issue for 10 months, didn't recommend legislation, here comes a bill, 68 pages, and now, without even having the ink dry on the bill, we have people saying let's pass this.

It has a great title. I agree it is a great title. I compliment my colleague from Massachusetts. Boy, any time you say something has a bill of rights, it has to be good. Unfortunately, the closer you look at this legislation, it is not good. I don't think it is good if you increase costs for patients. I don't think it is good if you increase Federal mandates. I don't think it is good if you increase costs to where a lot of people cannot afford insurance. And I don't think there is a relationship between increasing regulations and increasing quality. As a matter of fact, it may be inversely related; you may have more Federal regulations and more money and resources that health care providers have, and instead of using those for providing quality, they are going to be using them to provide for compliance and health care quality goes down.

So while I compliment my colleague from Massachusetts for having a great title on this proposal that is only 2 days old, I don't think the Congress should be committing itself to passing it. I think it would be a serious mistake.

I might mention, this is not just the Senator from Oklahoma saying this. I am looking at health care providers who have serious reservations. I will just give you one example. This is a quote from the American Hospital Association regarding the bill which was recently introduced:

> However, the President's quality commission confirmed there is no consensus that Federal legislation introduced today by House and Senate Democrats is the way to achieve these best objectives. The AHA believes the private sector can and must meet the challenge to protect consumers and improving the quality of care. Federal legislation should be considered only if all private sector efforts fail.

We have not even given them a chance. We are saying we know best and we are going to mandate it. We are going to dictate it.

Mr. President, I will reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

I am absolutely appalled at the response of our friends and colleagues on the other side. First of all, the President's panel unanimously said that these rights ought to be available to every American consumer, No. 1.

Now, what good does it do to have a right if you don't have a remedy? That is like saying we are for the Bill of Rights but we don't want to put it in the Constitution. Come on, Senators. You have to have a better answer than that. It doesn't hold up.

No. 2, this is not our legislation; this is a sense-of-the-Senate. I listened to my friend from Pennsylvania. He is talking about a slogan, not a program. What does he object to in here? Do you object to drive-by mastectomies? Do you object to making sure that women are going to have gynecological and obstetrical care? If you do, let's say it. Do you object to being able to get the best information and not have your doctor gagged?

This is what is in this amendment. This is what is important, not just some gray areas. So let's respond to what is in this sense-of-the-Senate. We have outlined it. It incorporates what the President's commission unanimously recommended should be available to every single consumer.

That is all we are saying—no specific legislation but extending it to every consumer. And if you think it is bureaucratic to say we are not going to permit health care plans to deny you at the emergency room when you have chest pains and are short of breath and may be having a heart attack, then go and defend that position.

Ask any consumer in this country. Ask any woman in this country. Ask any disabled person in this country. They are entitled to the best that their particular policy has guaranteed.

Finally, Mr. President, I am not going to yield to anyone about defending HMOs. I introduced the legislation and passed it in 1974. I supported it. We passed it five times here, and I led the fight for it.

All I want to do is to make sure that all of the HMOs are going to live up to what the best of the HMOs are living up to today. The best of the HMOs today support this. They support our resolution. We just want to make sure that every HMO is going to provide that kind of protection for the consumers they have enlisted and whose premiums they are accepting and using to pay very substantial salaries to their executives.

I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Just a couple of comments.

My colleague said that the President's Commission on Quality endorses these proposals, but they specifically did not endorse legislation. There is a big difference. Do we want to encourage the private sector to improve quality and access and information? You bet. But when you come up with a 68-page bill and say here is what you must do, there is a difference. The President's commission did not say legislate. The Senator's sense-of-the-Senate says legislate. The underlying sense-of-the-Senate resolution provides for enactment of legislation to establish a patients' bill of rights which was just introduced 2 days ago that will increase health care costs. I think that is a serious mistake.

Mr. KENNEDY. Will the Senator yield?

Mr. NICKLES. No, not on my time. I only have a minute left.

So I just make the comment that people can talk about these goals. I will agree with the goals. But when you try to mandate them by legislation, saying that we know better, that we are going to dictate to the Mayo Clinic, here is what you must do, we are going to dictate to the Cleveland Clinic; we know better, Congress knows better, the Senator from Massachusetts knows better, we are going to dictate it by legislation. I disagree. I do not think that will improve quality. I think it would be a serious mistake.

I urge my colleagues at the appropriate time to vote no on the Kennedy amendment, and I will offer a second-degree amendment shortly.

The PRESIDING OFFICER. The Senator from Massachusetts has 1 minute 25 seconds remaining.

Mr. KENNEDY. How much remains on the other side?

The PRESIDING OFFICER. Their time has expired.

AMENDMENT NO. 2281 TO AMENDMENT NO. 2183

(Purpose: To express the sense of the Senate concerning the enactment of a patient's bill of rights)

Mr. KENNEDY. Mr. President, I yield back the remainder of my time and send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Parliamentary inquiry. I believe time has to expire before the Senator can send a second-degree amendment to the desk.

The PRESIDING OFFICER. The Senator yielded back his time.

Mr. KENNEDY. Regular order.

Mr. NICKLES addressed the Chair.

Mr. KENNEDY. Regular order.

Mr. NICKLES. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Massachusetts had the floor. He yielded his time back and sent the amendment to the desk.

Mr. KENNEDY. Regular order.

The PRESIDING OFFICER. So the second-degree amendment of the Senator from Massachusetts is the pending business.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2281 to Amendment No. 2183.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word and insert the following:

SENSE OF THE SENATE CONCERNING A PATIENT'S BILL OF RIGHTS.

(a) FINDINGS.—Congress finds that—

(1) patients lack reliable information about health plans and the quality of care that health plans provide;

(2) experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death;

(3) some managed care plans have created obstacles for patients who need to see specialists on an ongoing basis and have required that women get permission from their primary care physician before seeing a gynecologist;

(4) a majority of consumers believe that health plans compromise their quality of care to save money;

(5) Federal preemption under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for the 125,000,000 workers and their families receiving health insurance through employment-based group health plans; and

(6) the Advisory Commission on Consumer Protection and Quality in the Health Care Industry has unanimously recommended a patient bill of rights to protect patients against abuses by health plan and health insurance issuers.

(b) SENSE OF THE SENATE.—It is the sense Senate that the assumptions underlying this resolution provide for the enactment of legislation to establish a patient's bill of rights for participants in health plans, and that legislation should include—

(1) a guarantee of access to covered services, including needed emergency care, specialty care, obstetrical and gynecological care for women, and prescription drugs;

(2) provisions to ensure that the special needs of women are met, including protecting women against "drive-through mastectomies";

(3) provisions to ensure that the special needs of children are met, including access to pediatric specialists and centers of pediatric excellence;

(4) provisions to ensure that the special needs of individuals with disabilities and the chronically ill are met, including the possibility of standing referrals to specialists or the ability to have a specialist act as a primary care provider;

(5) a procedure to hold health plans accountable for their decisions and to provide for the appeal of a decision of a health plan to deny care to an independent, impartial reviewer;

(6) measures to protect the integrity of the physician-patient relationship, including a ban on "gag clauses" and a ban on improper incentive arrangements; and

(7) measures to provide greater information about health plans to patients and to improve the quality of care.

(8) a requirement that the network of providers included in the plan are adequate to ensure the provision of services covered by the plan.

The PRESIDING OFFICER. There is now 20 minutes of debate divided equally on the amendment.

Who yields time?

Mr. KENNEDY. Mr. President, if the other side wants to yield back their time, I am prepared to yield time and move ahead to a rollcall vote on this.

Mr. President, I ask for the yeas and nays.

Otherwise we will have a long quorum call, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from New Mexico yield back time?

Mr. NICKLES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

AMENDMENT NO. 2282

(Purpose: To express the sense of the Senate concerning health care quality)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to consideration of the amendment?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I had understood, there had been representations that were made that the Senator from Oklahoma would be able to get a vote on his amendment and then we would go ahead with a vote on my amendment, the Kennedy-Durbin-Boxer amendment. That is my understanding. If my understanding is correct, I have no objection. Is that the——

Mr. NICKLES. That is correct.

Mr. KENNEDY. I have no objection, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma has sent to the desk an amendment. If there is no objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 2282.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Rapid changes in the health care marketplace have compromised confidence in the our Nation's health system.

(2) American consumers want more convenience, fewer hassles, more choices, and better service from their health insurance plans.

(3) All Americans deserve quality-driven health care supported by sound science and evidence-based medicine.

(4) The Federal Government, through the National Institutes of Health, supports research that improves the quality of medical care that Americans receive.

(5) This resolution assumes increased funding for the National Institutes of Health for 1999 of $15,100,000,000, an 11-percent increase over current funding levels, which are 7 percent higher than in 1997.

(6) As the largest purchaser of health care services, the Federal Government has a responsibility to utilize its purchasing power to demand high quality health plans and providers for its health programs and to protect its beneficiaries from inferior medical care.

(7) The Federal Government must adopt the posture of private sector purchasers and insist on high quality care for the 67,000,000 medicare and medicaid beneficiaries and the 9,000,000 Federal employees, retirees, and their dependents.

(8) The private sector has proven to be more capable of keeping pace with the rapid changes in health care delivery and medical practice that affect quality of care considerations than the Federal Government.

(9) As Congress considers health care legislation, it must first commit to "do no harm" to health care quality, consumers, and the evolving market place. Rushing to legislate or regulate based on anecdotal information and micro-managing health plans on politically popular issues will not solve the problems of consumer confidence and the quality of our health care system.

(10) When health insurance premiums rise, Americans lose health coverage. Studies indicate that a 1 percent increase in private health insurance premiums will be associated with an increase in the number of persons without insurance of about 400,000 persons.

(11) Health care costs have begun to rise significantly in the past year. The Congressional Budget Office (referred to as "CBO") projects that the growth in health premiums will be 5.5 percent in 1998 up from 3.8 percent in 1997. CBO continues to project that premiums will grow about 1 percentage point faster than the Gross Domestic Product in the longer run. CBO also warns that new Federal mandates on health insurance could exacerbate this increase in premiums.

(12) The President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry developed the Consumer Bill of Rights and Responsibilities. This includes information disclosure, confidentiality of health information, and choice of providers.

(13) The President's Commission further determined that private sector organizations have the capacity to act in a timely manner needed to keep pace with the swiftly evolving health system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution assume that the Senate will not pass any health care legislation that will—

(1) make health insurance unaffordable for working families and increase the number of uninsured Americans;

(2) divert limited health care resources away from serving patients to paying lawyers and hiring new bureaucrats; or

> (3) impose political considerations on clinical decisions, instead of allowing such decisions to be made on the basis of sound science and the best interests of patients.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, this is a first-degree amendment and now has 30 minutes equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. NICKLES. Mr. President, I have sent my amendment to the desk for various reasons, one of which is, my colleague from Massachusetts has an amendment which he calls a Patients' Bill of Rights. It sounds like a good title, but, frankly, I am concerned it will increase costs, I am concerned it will increase regulation, and because it will increase costs, the number of uninsured will rise, and without question it will increase regulation.

The bill that he refers to, the bill that he recently introduced—it also has the same title—called the Patients' Bill of Rights Act of 1998, is 68 pages long and has a lot of details in it. It has a lot of things that every health care plan in America would have to provide. That would cost a lot. It has a lot of the same language that is in the so-called PARCA, the Patients Access to Responsible Care Act. Estimates were made on that bill that it would increase costs 23 percent. That is a big increase. If you increase health care costs 23 percent, you are going to put a lot of people who had insurance in the uninsured category. I think that would be a serious mistake. People who have done their homework on this legislation, and maybe are experts in it, have come out and said, "We have reviewed this Patients' Bill of Rights and find it severely lacking."

Here is a quote from the Health Care Leadership Council. They said, "a vote for the Kennedy amendment is a vote for greater involvement by lawyers and bureaucrats in our health care system. To improve American health care we need to empower individuals, not government. We need every medical dollar to go to medical services, not to lawyers and legal fees."

One of the reasons for the reference to lawyers and legal fees is that it would allow insurers and businesses to be sued for not providing coverage; not just for the coverage, but also for pain and suffering, for punitive damages. So you would have health care insurers as well as businesses, who would be worried more about litigation than consumer care. I think that would be an enormously expensive provision, and people need to know it.

I will continue with the Health Care Leadership Council. They said:

> The bureaucratic regulations that would result from the Democrats' patient bill of rights legislation would add unnecessary complexity to the health care system. Complexity steals time from patients and forces health care providers to focus on regulatory compliance instead of improving the quality of care.

The Chamber of Commerce of the United States, which represents companies throughout the country says:

> We urge your opposition to an amendment expected to be offered by Senator KENNEDY to the budget resolution today expressing the sense of the Senate that a patient bill of rights proposal should be enacted this session . . .
>
> The goal of improving health care quality can be better achieved through the power of the marketplace.

The National Federation of Independent Business says:

> The Kennedy amendment would dangerously place the Senate on record in support of health care mandates prior to carefully examining the issues of cost, coverage, regulation and litigation. Additionally, it is premature given the work of respective health care task force groups in the Senate and House and private-sector efforts. Thus, we hope you will not rush to legislate on the basis of antidotes rather than sound decisionmaking. Big Government mandates substitute Government intervention for quality innovations currently taking place in the private health care market are the wrong prescriptions for America's health care system.

Also, I have a letter from the Council on Affordable Health Insurance:

> Bill of rights is a cruel hoax when the cost of those rights will result in health insurance which is unaffordable for those privately purchasing or causes employers to drop health insurance coverage altogether. Both Congress and the States have enacted laws to make health insurance accessible to almost every American who seeks coverage. Access to health insurance is meaningless if Congress makes it unattainable because of regulations placing it financially out of reach for many Americans.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HEALTHCARE LEADERSHIP COUNCIL,
Washington, DC, April 1, 1998.

Hon. DON NICKLES,
Assistant Majority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: We understand that Senator Kennedy intends, during Senate floor debate on the Budget Resolution, to offer an amendment placing the Senate on record as supporting enactment of the provisions incorporated in the Patients' Bill of Rights legislation introduced by Senate and House Democrats yesterday. It is critical that the Senate strongly oppose this amendment.

The approach toward health care embodied in the Kennedy amendment is exactly the wrong medicine for our health care system. The Democrats' bill introduced yesterday would raise costs, increase the numbers of uninsured people and eliminate consumer choices.

A vote for the Kennedy amendment is a vote for greater involvement by lawyers and bureaucrats in our health care system. To improve American health care, we need to empower individuals, not government. We need every medical dollar to go to medical services—not to lawyers and legal expenses.

The bureaucratic regulations that would result from the Democrats' Patients' Bill of Rights legislation would add unnecessary complexity to the health care system. Complexity steals time from patients and forces health care providers to focus on regulatory compliance instead of improving the quality of care.

As you know, the members of the Healthcare Leadership Council are the chief executives of the nation's leading health care companies and organizations, America's health care innovators. We are working toward a market-based approach to making health care more accessible, more affordable and of the highest quality for all Americans. Again, we strongly urge the Senate to reject the government micromanagement approach to health care that is embodied in the Kennedy amendment.

Sincerely,

PAMELA G. BAILEY,
President.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, March 31, 1998.

To Members of the U.S. Senate:

The U.S. Chamber of Commerce—the world's largest business federation, representing more than three million businesses and organizations of every size, sector, and region—strongly opposes proposals that will increase the cost of health coverage. We urge your opposition to an amendment expected to be offered by Senator Kennedy to the Budget Resolution today expressing the sense of the Senate that a patient bill of rights proposal should be enacted this session.

Health care reform easily has been one of the most emotional, complex and divisive domestic issues facing our nation. Many members of Congress have responded by considering a wide variety of proposals to regulate the health care marketplace, impose additional mandates, or most dangerously to expand medical malpractice liability. The Chamber strongly opposes these measures and may consider votes in connection with these proposals for inclusion in our annual "How They Voted" voting guide.

"Patient bill of rights" proposals—such as that advocated by a majority of the deeply flawed Clinton managed care commission—more closely resemble provider than patient protections. Higher costs for health coverage will be the certain result of further government micro-management of the health care marketplace and increased litigation, making health coverage less affordable and available to small businesses and individuals. Of what use is the "perfect" health plan if businesses cannot afford to offer and employees cannot afford to accept health coverage?

The goal of improving health care quality can be better achieved through the power of the marketplace. The Chamber has recently joined other members of the business community in forming the Employer Quality Partnership, a new coalition intended to empower the health coverage purchaser—whether employer or individual consumer—with the tools necessary to evaluate health plan quality in a changing marketplace. In addition, we strongly supported the development of the American Association of Health Plan's Patients First initiative.

The expected Kennedy amendment is, at best, premature given the work of the respective health care taskforce groups in the Senate and House and private sector efforts like the Employer Quality Partnership and Patients First. We urge you not to commit today to legislation that will certainly prove a losing proposition tomorrow.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President.

THE HEALTH BENEFITS COALITION
FOR AFFORDABLE CHOICE & QUALITY,
Washington, DC, April 1, 1998.

DEAR SENATOR NICKLES: We urge your opposition to an amendment to be offered by Senator Kennedy to the Budget Resolution today putting the Senate on record in favor of passage of so-called "patient protection" legislation this session.

The Health Benefits Coalition agrees with you that Congress' first obligation is to Do No Harm. We share your view that patients would be hurt by any health care mandate bill that increases premiums on American families, reduces coverage or causes a new wave of costly litigation and regulation.

Concerns about congressional action increasing costs and reducing coverage are well-founded. An example is the Democrats' Patient Bill of Rights Act, unveiled just yesterday, which combines many of the worst elements of so-called "patient protection" proposals. It would result in further government micro-management of the health care marketplace and increased litigation, making health coverage less affordable and available to small businesses and individuals.

Ironically, by increasing costs and forcing millions of low-wage workers to choose between higher premiums or dropping coverage for their families, the Democrat proposal would hurt the very people who need help the most. Studies show that last year some six million Americans declined health insurance, largely because of cost, and these workers are "more likely to be young, Hispanic or black, or unmarried and have low wages or low education levels". (Health Affairs, Vol. 16, No. 6)

America has the finest health care system in the world because our private health care market—unlike a government run system—improves to meet consumers' needs. There is much that is currently being done voluntarily by health care plans and employers throughout the marketplace to improve the quality of care. However, if we trade the innovation and excellence of our private health care system for the regulation of a government-run system, this progress and innovation will be stifled. Furthermore, it won't be doctors making decisions about our health care—it will be Washington.

The Kennedy amendment would dangerously place the Senate on record in support of health care mandates prior to carefully examining the issues of cost, coverage, regulation and litigation. Additionally, it is premature given the work of the respective health care taskforce groups in the Senate and House and private sector efforts. Thus, we hope you will not rush to legislate on the basis of anecdotes, rather than sound decision-making. Big government mandates, which substitute government intervention for quality innovations currently taking place in the private health care market, are the wrong prescription for America's health care system.

Sincerely,

DAN DANNER,
Chairman, The Health Benefits Coalition, Vice President, National Federation of Independent Business.

HEALTH BENEFITS COALITION PARTICIPANTS:

National Federation of Independent Business
U.S. Chamber of Commerce
The Business Roundtable
National Association of Manufacturers
National Restaurant Association
Associated Builders and Contractors
National Association of Health Underwriters
American Automobile Manufacturers Association
National Business Coalition on Health
American Insurance Association
Food Marketing Institute
The ERISA Industry Committee
National Association of Wholesaler-Distributors
Food Distributors International
CIGNA
American Association of Health Plans
Association of Private Pension and Welfare Plans
National Retail Federation
Blue Cross and Blue Shield Association
Citizens for a Sound Economy
Society for Human Resource Management
Council for Affordable Health Insurance
Aetna U.S. Healthcare
Prudential HealthCare
Health Insurance Association of America
Healthcare Leadership Council
Humana Inc.
International Mass Retail Association
Self-Insurance Institute of America, Inc.
New York Life/NYLCARE Health Plans
Premier

COUNCIL FOR
AFFORDABLE HEALTH INSURANCE,
Alexandria, VA, April 1, 1998.

Hon. DON NICKLES,
Assistant Majority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: On behalf of the Council for Affordable Health Insurance, representing 3 million policyholders we are writing to voice our strong opposition to the Kennedy amendment No. 2183 to S. Con. Res. 86. The Kennedy amendment, Sense of the Senate resolution regarding Patient's Bill of Rights, although nonbinding would place Senators on record in favor of enacting legislation to establish a patient's bill of rights. A Bill of Rights is a cruel hoax when the cost of those rights will result in health insurance which is unaffordable for those privately purchasing or causes employers to drop health insurance coverage all together.

The "rights" listed in the Kennedy amendment amount to a litany of mandated benefits, and mandated providers. One only need to look to the states to see what these rights have cost policyholders. In the state of Maryland, there are over 40 state mandates. These mandates; some benefit related, others provider related, add more than 20% to the cost of insurance premium in that state. Major studies have been released in the last year that show the uninsured in the United States is increasing. The reason for the increase is not lack of access but lack of affordability!

Both the Congress and the states have enacted laws to make health insurance accessible to almost every American who seeks coverage. Access to health insurance is meaningless if the Congress makes it unattainable because of regulation placing it financially out of reach for many Americans.

The Kennedy amendment is premature when both the Senate and the House have established Health Care Task forces to carefully examine this issue. We are strongly opposed to the Kennedy amendment and urge Congress not to enact legislation which will increase the cost of health care insurance.

Sincerely,

ANGELA M. HUNTER,
Director of Federal Affairs.

Mr. NICKLES. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes 40 seconds.

Mr. NICKLES. I reserve the remainder of my time, because I have a couple of colleagues who wish to speak on this.

I ask that the second-degree amendment No. 2281 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2281) was withdrawn.

Mr. NICKLES. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time do I have, Mr. President? Is it 15 minutes on our side?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, I disagree with some of Senator NICKLES' findings, but I have no quarrel with the general words, and I urge the Senate to support his amendment and then go ahead and support our sense-of-the-Senate amendment, because the sense-of-the-Senate amendment incorporates the basic kind of protections that are essential in order to protect working families in this country.

I might differ with some of the particular words that the Senator has provided in his resolution. I was just handed the resolution a moment or two ago. It says:

> Sense of the Senate. It is the sense of the Senate that the assumptions underlying this resolution assume that the Senate will not pass any health care legislation that will—
>
> (1) make health insurance unaffordable for working families.

How can you differ with that? I am not for making health insurance unaffordable.

And:

> (2) divert limited health care resources away from serving patients to paying lawyers and hiring new bureaucrats. . .

I certainly agree with Senator NICKLES on that one.

And:

> (3) impose political considerations on clinical decisions. . .

That is basically what we are talking about in our amendment. Restoring the patient-provider relationship.

I hope the entire Senate will support the Nickles amendment, and then we get back to our amendment, the real enchilada, the real McCoy. The essential protections we have spoken of today are included in the sense of the Senate advanced by myself, Senator DURBIN, Senator BOXER and Senator SARBANES. Our amendment asks the Senate to pass legislation to ensure that women in this country are going to get the gynecological and obstetrical care they need. It identifies and ends the evils of forced drive-through mastectomies. It says that a person who has a medical emergency does not have to drive past the nearest emergency room to a more distant one in the plan. It says that we will eliminate the use of gag clauses, and respect our medical professionals and the decisions they make. And it says that health plans will be held accountable for their decisions that deny care for patients and result in serious illness or death for those individuals. Why should we continue to shield negligent plans?

This Senator listened carefully, and neither the Senator from Oklahoma nor the Senator from New Mexico nor the Senator from Pennsylvania have addressed for one single moment the six essential elements of our sense-of-the-Senate resolution—the elements of which are strongly endorsed by the American Medical Association, the National Breast Cancer Association, Families USA, Consumer's Union, the emergency physicians, groups representing people with mental and physical disabilities, pediatricians across this country and a great number of consumer and patient groups that understand exactly what is at risk.

We are going to vote. We are going to vote not only this afternoon, but we are going to vote continuously in this Congress until we pass this legislation. This afternoon is the first time.

But I certainly hope that Senator NICKLES' amendment will be supported, and I hope, if I can have the attention of the Senator from Oklahoma, that he will accord the same courtesy and support to our amendment as well, and we will have a happy afternoon here together.

I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Thank you very much, I say to my friend from Massachusetts, for his leadership on these issues.

I certainly am going to support the Nickles amendment, as the Senator from Massachusetts has stated. The Nickles amendment simply says we shouldn't do anything when we legislate on this issue of a patient bill of rights to make things worse for patients. Of course we wouldn't do that. But the ultimate vote comes on Senator KENNEDY's amendment, because that is a positive statement of things we must do and we should do for the average American who has an HMO plan and who deserves to have quality health care.

I think we should vote for the Nickles amendment and then for the Kennedy amendment.

I want to tell a couple of stories, because they really illustrate why the Kennedy amendment is so important.

In the course of looking at the HMO issue, I met a gentleman named Harry Christie from Woodside, CA. He had a daughter who, at age 9, developed a very rare cancer. And it required a very delicate operation that could really only be performed by a surgeon who had experience in dealing with what they call Wilms' tumors.

So Mr. Christie, as any parent, loving his child with all of his soul, went to find out which physicians could do this operation and found out who they were, went to his HMO, and said, "I assume that you will pay for a specialist to perform this delicate operation on my daughter." The HMO said, "Sorry, Mr. Christie, we do not have such a specialist on our staff. You will have to take a general surgeon, a very good general surgeon, or you will have to simply pay for this out of your own pocket."

Mr. Christie made the argument to no avail: "This is my child. She is 9 years old. This is a delicate operation. This is a rare tumor. And I will not have someone with no experience, no matter how good a surgeon, take a knife to my child." Well, they said, "You're out of luck." Mr. Christie had to come up with $50,000, and he did. Years later, his daughter is now 14. She is cured of this disease. She had a successful operation. What if Mr. Christie had not been able to come up with the $50,000? She may never have recovered.

What is it that we are doing here? We tell people we believe in quality health care, and yet we stand here and say we cannot do anything about it. The Kennedy amendment says that if your plan does not have a specialist that you must have for you or your family, yes, you can go outside that plan.

We held a press conference on this important bill that we hope will pass the U.S. Senate soon. And we heard over satellite from a gentleman named David Garvey from Illinois. He had an HMO; he thought it was terrific. Everyone loves their HMO until they get sick. Then, unfortunately, too many find out it was not what they thought it would be. What happened to this family is, Barbara Garvey, his wife of 30-some years, got a very rare immune condition. She was on vacation in Hawaii. And the HMO said, "No, no, no, no. We cannot treat her in Hawaii. She has to be flown on a commercial airplane, at your expense, back to Illinois." Well, to make a very sad story shorter, she never survived that experience because her immune system was so damaged in this particular anemia condition that she could not withstand the infections that she got on that airplane.

We have to take action. There is nothing in the Nickles amendment that disturbs me at all. Of course, when we take action, it ought to be with all the concerns that Senator NICKLES puts in. Of course we should not fix a plan because of political reasons—I do not even know what that means—but we should do it because we want to help the people of this country get quality health care. That means specialists, and that means, as Senator KENNEDY has pointed out, a plan where doctors will not be gagged. We do not want doctors gagged. We want doctors to be able to tell you the truth about your condition. And if there is a remedy that might be a little more expensive, you deserve the right to know. That is in the Kennedy amendment.

A woman who needs an OB-GYN—and many of us use our own OB-GYNs as our first line of support. We do not go to an internist, should not have to go through a gatekeeper, to get that kind of help. So we have a wonderful opportunity today to support both the Nickles amendment and the Kennedy amendment. We have an opportunity to say that patients in America who pay premiums deserve to have the quality put back in health care. This is a chance for us to make that statement.

I hope we will cross over party lines on both these amendments and go home feeling we have made a statement that is important to the American people and follow it up with real action on a real patients' bill of rights.

I yield back my time to Senator KENNEDY.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. I yield to the Senator from Tennessee 4 minutes. How much time remains on our side?

The PRESIDING OFFICER. The Senator has 10 minutes 15 seconds.

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. I rise to speak in favor of the amendment from the Senator from Oklahoma and in opposition to the amendment of the Senator from Massachusetts.

The amendment of the Senator from Oklahoma, which I think we are going to have widespread agreement on, basically says that—

> The Senate will not pass any health care legislation that will—
>
> make health insurance unaffordable for working families and increase the number of uninsured Americans . . .

And in addition, it will not pass any health care legislation that will—

> . . . impose political considerations on clinical decisions, instead of allowing such decisions to be made on the basis of sound science and the best interest of patients.

I would like to take the time and say why passage of the Nickles amendment means we should defeat the Kennedy amendment. Basically, physicians do not treat patients unless we know that the anticipated risks to that patient are outweighed by the benefits. If we were to pass the amendment by Senator KENNEDY, the Senator from Massachusetts, those unintended disadvantages would far outweigh the good intentions that we have.

No. 1 is the issue of cost. We know that if we are mandating benefits today the cost of health insurance goes up. When health insurance goes up, those hard-working men and women, the single mom, working mom with the child, can lose her health insurance.

So we feel good because we are out there arguing quality. However, what we are really doing is putting mandates on the American people. I can guarantee you, because the data shows it, we drive health care costs up when we impose mandates. Who is hurt? The people we think we are helping—the working poor people who are out there.

A study by the Lewin Group showed that a 1 percent increase in premium implies that 200,000 people will lose their insurance. In fact, they said 200,000 to 400,000 people will lose their insurance. Yet, when we hear a little increase of 1 percent in your insurance premium we think anybody can take that. They do not. People will lose their insurance with these mandates. We should make the commitment, which the Nickles resolution does, not to pass legislation that drives the price of health care costs up and makes the uninsured a bigger problem.

No. 2, good science. We need good science. Some mandates in some cases may be OK, but let us base that on good science where we are really helping people.

Length of stay—mastectomy. Let me point out length of stay, how long you stay in a hospital, is not even mentioned in the landmark NIH consensus statement and guidelines for the management of breast cancer. In the guidelines that were determined by consensus to effect quality of care, the length of stay is not mentioned. In fact, in this particular bill where we talk about length of stay, length of stay is not necessarily the right issue.

A 1996 study of 525 women who underwent outpatient mastectomies at Henry Ford Hospital in Michigan reported increased quality, accelerated physical recovery, earlier return to occupational activities, and numerous improved psychological advantages.

My point is, if we are talking quality, this rubric of quality, we need to look at critical quality issues. Inpatient versus outpatient isn't necessarily a quality issue. It is an oversimplification. There are numerous studies.

A 1995 study at the New Jersey College of Medicine of 133 women who underwent outpatient partial mastectomies showed a lower rate of postoperative infection and a higher rate of satisfaction in comparison to a group having surgery on an inpatient basis.

In addition, the amendment itself also has other mandates, mandating reimbursement for prescription drugs. That is something that Medicare does not even do. If you mandate coverage for prescription drugs, I will guarantee you, you are going to drive the costs of health care insurance up to the point that you are going to be driving people out of the marketplace where they will not have access to even an adequate level of health care.

Thus, in closing, I rise to support—and I hope we will have a 100-0 vote for the Nickles amendment. Listen to what the Nickles amendment says. Let us not hurt quality of health care when we think we are helping it.

I yield the floor.

The PRESIDING OFFICER. Who yields the time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I yield the Senator from Maine 4 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma has 6 minutes. The Senator from Maine is recognized.

Ms. COLLINS. Thank you, Mr. President.

All of us agree that medically necessary patient care should never be sacrificed to the bottom line, and that medical decisionmaking should remain in the hands of medical professionals, and not in the hands of accountants. The question is, how can we best achieve that goal? Is the answer, as the Senator from Massachusetts suggests, massive new Federal regulations, mandates, and a preemption of the State's traditional role to regulate insurance? Or is the answer to trust the private-sector organizations that have made great progress in improving the quality of health care plans? Or is, perhaps, the answer somewhere in between? Is the answer carefully crafted, minimal Federal legislation that supports the efforts in the private sector?

The reason this issue is so important is because we don't want to take a misguided step in the name of improving quality and end up making health insurance unaffordable for millions of Americans.

The Lewin Group recently released an important study that deserves the attention of all of our colleagues. It estimates that every 1 percent increase in private insurance premiums results in an additional 400,000 Americans who become uninsured. A 1 percent increase in costs brings 400,000 additional uninsured Americans.

Health insurance rates are already projected to increase by more than 5 percent in 1998. In fact, the Los Angeles Times reported earlier this week that California's largest HMO was seeking an 11 percent increase in some rates. Therefore, we face an extremely delicate balancing act as we attempt to respond to concerns about quality without resorting to unduly burdensome Federal Government controls and mandates that will further drive up the cost of insurance and reduce access. Furthermore, we want to make certain that our efforts actually improve the quality of health care and not simply increase the amount of Federal regulation.

Under the leadership of the Senator from Oklahoma, I serve on the Republican health quality task force. We recently heard from the director of the Mayo Clinic, who voiced their own reservations about the Federal Government's ability to regulate quality. To quote Dr. Bob Waller:

> Quality is a continuous process that must be woven into the fabric of how we think, act and feel. Government regulation places a stake in the ground that freezes in place a quality standard that may become obsolete very quickly. The Government simply cannot react quickly to the changing quality environment. The goal of quality is to continuously improve patient care—not to achieve some defined regulatory objective.

Congress, in its haste to do good, should take care not to violate the first principle of medicine, which is, "first of all, do no harm." Congress should not be acting precipitously, but rather should engage in a thoughtful and thorough debate on how best to ensure that Americans continue to enjoy the highest quality health care in the world. The amendment offered by the assistant majority leader adopts a reasoned, balanced approach to improving health care quality. All of us should be able to agree, as the amendment states, that Congress should not do anything to make health insurance unaffordable for working families and to increase the number of uninsured Americans.

The PRESIDING OFFICER. The time allotted to the Senator has expired.

Ms. COLLINS. I urge my colleagues to join me in supporting the amendment offered by the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 53 seconds.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

I urge our colleagues to support the Nickles amendment. I have outlined, as the Senator has, and, while I disagree with some of his statements, I think the Senate ought to go on record in favor of it. But I also invite others to support the amendment offered by myself, Senator DURBIN, Senator BOXER and others, which basically says the Senate should pass a patients' bill of rights. Our amendment and the rights embodied in it is commonsense.

As we know around here, if you don't have a remedy for a right, you don't have a right. We have a Bill of Rights that we have enshrined in the Constitution of the United States. We have that to ensure all of our rights. All we are saying now is let us go on record in support of the rights that are included in this sense of the Senate.

This amendment says that we will protect women from being thrown out of the hospital hours after a mastectomy and against the advice of their physician. We will assure that women are going to be able to get direct access to the gynecological and obstetrical care they need. These are rights that many plans say they already offer. With this amendment, we will make sure that they are realized.

We will make sure that children with special needs have access to qualified pediatric specialists. We will make sure that we protect the rights of persons with disabilities. These rights are written in some of the various insurance policies, but too often they are not realized. We want to make sure that every American, if they have a heart attack or a stroke, can go to the nearest emergency room.

Here are the basics, and they have been undisputed. No one has challenged that. Let's get aboard and say let us, in this Congress—Republicans and Democrats—draft legislation that will protect those consumers. That is what the President's commission did unanimously. It said these ought to be the rights of every single American. We have a chance this afternoon for the Senate of the United States to say "yes." Every good plan already provides these rights. Consumers need protections against those insurance companies who put profits ahead of patients. Many organizations representing patients and doctors are on our side. Only those who profit from the current abuse are opposed to us.

I hope the Senate will go in favor of this resolution.

I yield the remaining time to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia has 2 minutes 23 seconds remaining.

Mr. ROCKEFELLER. I thank the Senator from Massachusetts for his, as usual, stalwart defense of what is right in health care. I am struck by the referral of the Senator from Maine to the increased number of uninsured, which has always been put out by those—particularly the insurance companies—who oppose any kind of adding on to health care coverage or the quality of health care coverage in this country.

It is the oldest irony in the books. They have never supported anything, anything that I can remember, over the last 10 years that increased health insurance coverage. They have opposed everything. She quotes them—and she was even shot down by the Republican appointed CBO Director June O'Neill, who says in her letter, "CBO has not estimated how PARCA [the bill referred to in the estimates under discussion] might affect the number of people covered by insurance."

So on the one hand there is no argument, there is no case to be made about the increase; and secondly, in talking about this consumer bill of rights, we are talking about very, very fundamental things.

I had to take my own son into an emergency room within the last 2 weeks with my wife. There was nobody in the emergency room except us. It was held open, Sibley Hospital, because it was open and we were able to take advantage of it. It is the most important room in a hospital. This bill would guarantee that an emergency room would be open for everybody in America—not just people named Rockefeller or Kennedy—24 hours a day, 365 days a year. That is necessary.

I have another relative who has been through a mastectomy. People who say mastectomy quality is going up and people are not being urged to get out of hospitals simply don't know the facts because I have seen otherwise and I know otherwise.

I suggest we support the amendments of the Senator from Oklahoma and that we support the Senator from Massachusetts, both.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

The Senator from Oklahoma has 2 minutes remaining.

Mr. NICKLES. I appreciate the fact that my colleagues on the Democratic side say they will support our amendment, but I want to inform them that our amendment is in direct contradiction with their amendment.

Our amendment says we shouldn't do anything to increase health care costs. My colleagues want to say that the proposal by the Senator from Massachusetts doesn't increase costs. They can say it, but it is not true.

The facts are the Lewin Group, for example, did a study on the so-called PARCA bill and said it increased costs 23 percent. Granted, the bill that the Senator introduced 2 days ago and is calling upon the Senate to pass may not be exactly the same thing, but it has a lot of common elements, and it will increase costs.

The Nickles resolution says we shouldn't increase costs because that increases uninsured. Common sense. And it says we shouldn't require health care providers to spend a lot of money defending themselves instead of providing quality care.

The proposal by my colleague from Massachusetts refers to the patient bill of rights. His bill of rights says we should pass legislation. I mention that the President's commission did not say we should pass legislation. They are not consistent. Should we try to improve quality care? Sure. Should we pass legislation mandating a fixed definition of quality care? I don't think so.

To give an example, a letter from Bob Waller of Mayo Clinic says, "Providers of care are in the unique position based on the personal commitment to the well-being of the individual patient to drive quality improvement initiatives. Nothing could stifle innovation quicker than external mandatory standards." Now, that is not from some insurance carrier. That is the director of the Mayo Clinic, one of the top providers of quality health care in the world.

The Cleveland Clinic states:

> We are already subject to extensive Federal, State and private regulations through oversight by private payors and accrediting bodies. Adding yet another layer of regulation will only further complicate matters, add administrative costs to our organization, and in all likelihood have little or no effect on the actual quality of care provided.

I ask unanimous consent to have these statements printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAYO CLINIC

Mayo Clinic, Baylor Health Care System, and the Cleveland Clinic are all raising their voices in opposition to federal regulation of health care quality.

Dr. Bob Waller of the Mayo Clinic has stated: "Quality is a continuous process that must be woven into the fabric of how we think, act and feel. Government regulation places a stake in the ground that freezes in place a quality standard that many become obsolete very quickly. The government simply cannot react quickly to the changing quality environment. The goal of quality is to continuously improve patient care—not to achieve some defined regulatory standard."

BAYLOR HEALTH CARE SYSTEM

"There has been an enormous commitment on the part of Baylor Health Care System and providers throughout the country to evaluate and put in place the processes for continuous quality improvement. We believe it must be done at this level. Providers of care are in the unique position, based on their personal commitment to the well-being of the individual patient, to drive quality improvement initiatives. Nothing could stifle innovation quicker than external mandatory standards."

CLEVELAND CLINIC

"We are already subject to extensive federal, state and private regulations through oversight by private payors and accrediting bodies. Adding yet another layer of regulation will only further complicate matters, add administrative costs to our organization, and in all likelihood have little or no effect on the actual quality of care provided".

AMERICAN HOSPITAL ASSOCIATION (THIS WAS IN RESPONSE TO SENATOR KENNEDY'S BILL ANNOUNCED YESTERDAY)

"The President's quality Commission confirmed there is no consensus that federal legislation like that introduced today by House and Senate Democrats is the best way to achieve these objectives. The AHA believes the private sector can and must meet the challenge of protecting consumers and improving the quality of care. Federal legislation should be considered only if all private sector efforts fail."

Mr. NICKLES. Mr. President, these are not insurers. They are providers of care saying that more regulation will do just the opposite—it will increase costs. Experts are saying the Kennedy proposal will increase costs and therefore increase the uninsured and add a lot of money being expended for defensive purposes in litigation, not for improving quality of care. That is a mistake.

I urge my colleagues to vote in favor of my amendment, cosponsored by Senators JEFFORDS, FRIST, COLLINS, and others. I thank them for their comments. I urge my colleagues to vote no on the Kennedy amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, my friend from Oklahoma sets up a strawman and then knocks it down. There are not going to be any additional costs for those insurance companies and those HMOs that are doing a good job. Massachusetts' HMOs, for example, are the best in the nation. I have the highest regard for them. But there may be an extra cost for HMOs that are shortchanging the consumer—the Senator is right—but not for those that are doing what they have represented to the consumers. In other words, if they are doing a good job, they have nothing to fear. That is why we have the support of a number of HMOs at the present time. This sense of the Senate focuses on the ones that are not doing a good job.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

UNANIMOUS CONSENT AGREEMENT

Mr. DOMENICI. Mr. President, I thank the Senators for participating in what has been an exciting debate. I have a consent agreement that has been worked out between the majority and the minority.

I ask unanimous consent that the following amendments be debated between now and approximately 4 o'clock, under the same terms as agreed to last night, with the exception of second-degree amendments, which are now limited to 10 minutes equally divided:

Brownback amendment No. 2177, which has already been debated; Boxer amendment No. 2167; Specter amendment No. 2254; Lautenberg amendment No. 2244; Kyl amendment No. 2221; the two amendments that we have just heard debated, the Nickles amendment and the Kennedy amendment, Nos. 2282 and 2183, respectively; a Hutchison from Texas amendment No. 2208; and the last in this series is the Rockefeller amendment No. 2226.

I further ask that at the conclusion or yielding back of time on each of these amendments, and any second degrees, all remaining time on the budget be considered yielded back, and the and the Senate proceed to stack rollcall votes, under the same terms as last night.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, for the information of all Senators, at approximately 4 p.m.—it looks like it will be a little bit after that—today, the Senate will begin what has been fondly called a "vote-arama." Some might not want to say "fondly"; they may have other words to describe it. I choose that today for no particular reason. If all Senators will remain in the Chamber and refrain from insisting on rollcall votes on their amendments, all Members will survive this cruel process and the Senate can conduct the final vote on this resolution within 3 or 4 hours after 4 p.m.

I understand that is wishful thinking, I say to my fellow Senators. Nonetheless, I urge my colleagues, once we start the "vote-arama," to remain here in an attempt to work with us on the amendments that they may have to be included in the "vote-arama" or be disposed of otherwise. We still have a lot of amendments that we have not reached agreement on that might end up in the "vote-arama."

We are making some very significant headway. We started today with 72 amendments. We have worked to clear a number of those. Today, I think, with the amendments we will shortly adopt by voice vote, we are probably down to about 30 amendments that will fall into the "vote-arama," and we have not had a chance on each of them to discuss them with the Senators. Perhaps a significant number of those will not require votes.

I yield so that my distinguished friend, the ranking member, can address the Senate.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I encourage all to listen carefully to what is proposed in this UC. The mission is to respond to the entreaties by Senators on both sides, "When are we going to complete our work? We have plans to make, we have our appointments to keep."

You cannot have it six ways. What we have done here is we have tried to be as considerate as possible. The Senator from New Mexico has clearly stated the case. I have a further request that would apply to both sides, and that is, where the subjects are in common in two or more amendments, if those parties would consent to try to consolidate, we can further eliminate any time for discussion. Even though it is only 1 minute on each side, we are looking at a considerable amount of time. I plead with our colleagues—10 minutes on their clock has to be the same as 10 minutes on our clock; they can't be a different 10 minutes.

So if we are going to keep the voting limited, I urge the chairman of the Budget Committee to exercise all of the "meanness" that he can, be a bad guy and criticize and punish and all that. This is serious, and if people don't want to be looking at this clock at midnight, then they are going to have to adhere to the rules as we have them. I think I heard the Chair declare that the unanimous consent is in place. I would like to get on with the business at hand and do what we can to expedite the program and the time.

Mr. DOMENICI. Mr. President, following the next amendment, which I think will be the Lautenberg amendment, we will propose to the Senate a long list of amendments that we will accept and propose to accept by voice vote or by accommodation by both sides agreeing. So we will do that and that will take care of another long list of amendments. Then what will be left will be the "vote-arama," and we will try to narrow those down in our personal conversations with Senators. Our leader will be along shortly to discuss this with Senators, also.

According to the order, Senator LAUTENBERG's amendment will now be the pending business.

AMENDMENT NO. 2244

The PRESIDING OFFICER. The pending question is the Lautenberg amendment, No. 2244.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, this amendment presents a modified version of the budget that President Clinton submitted to the Congress last month. The amendment delineates all of the important priorities in the President's budget.

First, it maintains strict fiscal discipline and adopts the President's commitment to save Social Security first. The amendment reserves all surpluses—I want to emphasize all surpluses—until we solve Social Security's long-term problems. This will help ensure that when the baby boomers retire, Social Security will be there for them, just like it has been there for their parents and grandparents. Second, this amendment, like the President's budget, makes education a top national priority. It calls for an initiative to reduce class sizes by hiring 100,000 new teachers; it promotes higher standards and greater accountability; it provides more after-school opportunities for young people; and it would help modernize and rehabilitate many of our schools.

These initiatives are not included in the budget before us. That is one of its greatest shortcomings.

Third, this amendment, like the President's budget, includes a historic commitment to helping families afford quality child care. It would double the number of children receiving child care subsidies by the year 2003. It would provide tax relief to working families who struggle to afford child care, whose biggest concern is that their kids are in good, safe, secure hands and it doesn't matter what your income is or what your assets are. Everybody wants that. It includes many other measures to improve the quality of child care. Again, the Republican budget in front of us fails to include a meaningful child care initiative and would do little for working parents and their kids.

Fourth, this amendment, like the President's budget, would expand Medicare to provide health care to many older Americans who now lack private insurance. It would assist those people to help them pay for their fair share so that there are no additional burdens on the taxpayers at large. The Republican budget rejects this proposal.

Fifth, this amendment, like the President's budget, includes a major investment in research, especially medical research at the National Institutes of Health, with all of the lifesaving possibilities it promises. The Republican budget claims to provide funding for NIH, but it provides no new money to do so. It merely assumes that the Appropriations Committee will cut other programs—cut education, cut environmental protection—to find the money to provide NIH with more resources. That is not likely to happen.

Sixth, this amendment includes a significant investment in our transportation infrastructure in accordance with the agreement reached on ISTEA funding. That includes not only funding for highways but transit and safety matters as well.

Seventh, this amendment, like the President's budget, reflects a commitment to environmental protection. It calls for reinstatement of the Superfund taxes on polluters and to use those funds for a variety of environmental objectives. The Republican budget, by contrast, uses most revenues from the Superfund tax for purposes that have nothing to do with environmental protection.

Mr. President, this amendment accommodates a wide range of Democratic priorities that have been shortchanged in the Republican budget—education, child care, health care, environment. We accommodate all of these priorities using real numbers scored by the Congressional Budget Office. This alternative budget fully complies with the discretionary spending caps in the balanced budget amendment, and it doesn't spend a penny of any surplus to meet the goals that we have had to modestly scale back some of the spending included in the President's original proposal.

We have adjusted the levels of both nondefense and defense discretionary spending to be consistent with the spending caps, and we have held about $15 billion in the President's funds for America's initiative in reserve. Those reserves will become available upon the enactment of tobacco legislation, if that legislation produces more revenues than proposed by the President.

I note that all of these priorities could be funded if we enact the proposal that Senator CONRAD and I have been advocating; that is, to promptly increase the cigarette taxes to $1.50 a pack. Mr. President, to avoid any confusion on this point, let me explain. We are assuming that many of the President's discretionary initiatives will be funded in authorizing legislation, which largely means tobacco legislation. We think that is the most likely way that many of these priorities will be funded. If so, they would all be scored by the Congressional Budget Office under the pay-as-you-go system separate from the discretionary spending caps. Of course, as the administration has proposed, this could also be accomplished with the rules change included in appropriations legislation.

The point is that, in any case, the President's priorities can be accommodated here within the current rules or with the rules change for tobacco legislation.

I want to be up front about this. I don't expect a Democratic substitute to be approved by this Senate. I am not asking for an extended debate about this proposal. We aren't looking for a partisan fight. We simply wanted to put this forward to reassert our support for the President's budget and to counter those who might try to argue that the President's priorities cannot be accommodated using the Congressional Budget Office scoring. We have shown that they can be. If the Senate wants to reject the President's proposals to expand Medicare, child care, reduce class size, that is their right. We can disagree. We can disagree on these in good faith. But we shouldn't just blame it on the Congressional Budget Office. It will be our choice and an expression of our priorities.

Speaking for most Democrats, we think that this budget represents the values and priorities that we care about and that this country ought to care about. It reflects our commitment to fiscal discipline. It saves Social Security first. It would improve the lives of millions of American families.

Mr. President, I yield the time so that the Democratic leader can use as much of that time as remains. How much time remains?

The PRESIDING OFFICER. Seven minutes eighteen seconds.

The distinguished Democratic leader is recognized.

Mr. DASCHLE. I thank the Chair.

Mr. President, let me commend the distinguished ranking member for his excellent statement.

Mr. President, it is with some disappointment that Democrats offer any substitute at all. The times when we work best are the times when we can find agreement in the Budget Committee, as we did last year. We were disappointed that agreement could not be reached to everyone's satisfaction. So we find ourselves compelled to offer an alternative to the budget now being proposed by the majority.

The distinguished ranking member has laid out very thoroughly some of the reasons why our resolution is superior and the reasons why Democrats feel compelled today to express our differences with our Republican colleagues about this budget.

Our plan very simply does what the President of the United States said we should do in his State of the Union address a couple of months ago. We put Social Security first. We provide targeted tax cuts for working families. We make very important domestic investments so that working families across this country can experience the tremendous economic gain and economic vitality that this country has realized in the last several years. We stay within the spending ceilings established in last year's budget agreement. We maintain balance in 1999 and produce budget surpluses well into the next century.

We are very proud of what we have been able to achieve thus far. It is on the basis of what we have achieved that we now propose a budget to build upon those achievements and allow this nation to be as successful in the future as we have in the past. Before I describe our fiscal priorities, let's take a brief look back at the past.

In 1993, the budget deficit was a whopping $290 billion, the highest deficit our Nation had ever experienced.

The deficit at that time was projected to grow to over $500 billion by the end of the decade. In 1993, the President presented an economic plan and the Democratic Congress—unfortunately, without the help of a single Republican vote—took action.

Today, the results are very obvious. The 1993 plan produced the largest deficit reduction in our history. The plan produced the first unified balanced budget in 30 years. The plan created 15 million new jobs. The plan contributed to the lowest unemployment rate in 25 years. The plan put us on the road to the lowest core inflation rate since 1965. The plan has led to the fastest annual growth rate in real average hourly earnings since 1976.

The results could not be more clear. Because we made the commitment in 1993, because we turned the economy around, because we were able to come to grips with the significant economic and fiscal problems that we were facing at that time and address them consequentially, we celebrate success in 1998. Now it is our responsibility to build upon that success.

We would like to highlight the differences between our vision for the future and that of our Republican colleagues. The most visible and the most important of those differences relates to public education. Our budget contains a series of proposals that will provide our children with the educational opportunities they need to successfully confront the challenges of the 21st century. We provide tax credits for local districts that build and renovate public schools. We provide funds for local districts to hire an additional 100,000 teachers. This proposal will allow schools to reduce class size. For grades from 1 to 3, class size will be reduced from an average of 22 children down to 18. In addition, we provide opportunities for after-school learning programs. I will not elaborate on any of those proposals, because they have each been the subject of a targeted Democratic amendment already offered during this budget debate.

The Republican budget freezes spending on the most important educational programs. It freezes spending on the new programs I have outlined as well as the programs already established to provide children the opportunity to grow and to learn. As a result, 450,000 children will be denied access to safe after-school learning centers if this Republican budget passes; 30,000 kids will be denied access to Head Start if this Republican budget passes; 6,500 middle schools will not have drug and violence prevention coordinators if this Republican budget passes.

There is another important difference—and my colleague, the distinguished ranking member, noted the difference. Democrats have a fundamentally different approach to tackling the problem of teen smoking. On this issue there is a very clear difference between the Republican budget and our budget. Every American should carefully examine each side's approach to ending tobacco's insidious hold on young people in this country. Our proposal ends Joe Camel's reign over America's teenagers by fully funding the anti-youth-smoking initiatives, by providing tobacco-related medical research, by allowing smoking cessation programs, by ensuring public service advertising to counter the tobacco companies' targeting of our children today.

The Republican budget does none of those, not one. There is no anti-youth-smoking initiative, there is no tobacco-related medical research, there are no smoking cessation programs, there is no public service advertising—there is none. It stacks the deck against meaningful tobacco reform and the effort to end teenage smoking.

So we see a host of important initiatives in the Democratic plan—investing in education, anti-teen smoking efforts, health care and an array of other proposals designed to build upon the success our plan has enjoyed over the last 5 years. Unfortunately, our Republican colleagues have said no to virtually every single one—no to education, no to child care, no to comprehensive solutions to teen smoking.

For all these reasons, I ask my colleagues to say no to the Republican budget and to say yes to the way we have proposed to build upon our success in the past, to say yes to the Democratic alternative.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from New Mexico is recognized.

Mr. DOMENICI. How much time remains on the Democrat side?

The PRESIDING OFFICER. The Senator from New Jersey has 18 seconds.

Mr. DOMENICI. I see the minority leader is here. Maybe he wants more than 18. He can try to get it off the bill, but I remind him that we made a deal we weren't going to do that, so I will keep my remarks brief.

First, Mr. President, I would like to say the basic difference between this proposal and the President's—and it is very fundamental, and everybody should understand it—is that we thought if there was going to be some new money to spend, that we ought to take a look at what American programs were most in need of money, and we found that there are two American programs. They are not State programs, they are not city programs, they are not school board programs—they are "the U.S. Government does them, or they don't get done." They are the Social Security system and the Medicare system for our seniors—but we are all going to get to be seniors, so therefore all of us.

What we did in our budget was say very, very simply: If you settle this tobacco agreement—which seems to me to be getting further and further from reality, but let's just say if it gets settled—put all of the Federal Government's receipts from it into the program that is most in need and that has been most adversely affected by smoking. That is the Medicare Program.

It is interesting that while the President's program and the Democrat program—the President suggests $124 billion in new programs, and the litany sounds wonderful. We have heard some of it here this afternoon. I can't tell for certain, but it looks like the budget before us does a little better. It looks like it has $88 billion to $100 billion in new programs, new spending.

I ask, whether it is $124 billion in new money or $88 or $90 billion, is it right? Is it correct? Is it the right thing to do, to put not one nickel toward Medicare, which is the largest American program in jeopardy? And, as I debated this earlier in the week, I showed in a very simplified, simple chart, what will happen to the Medicare trust fund starting in about 10 years. And the deficit line goes in a line downward as if we are aiming it towards the middle of the Earth—which we used to say that's where Hades was, when we were little kids.

For starters, that is one big difference, and we are proud of that difference, for we put a very substantial number of billions into that very needy program so those national commissioners trying to put it together will have some extra resources to save Medicare for the seniors of today and the seniors of tomorrow.

When you do that, you cannot pay for all the new wish list of programs that have been alluded to here today and that our President alluded to in a dramatic speech to the American people as the State of the Union. As a matter of fact, had that wonderful pot of gold—to wit: the cigarette companies' agreement—not been around when the President of the United States was preparing his speech, he could not have told the American people that there were any new programs. You know why? Because he agreed. He agreed that for the next 5 years there would be little or no increases in the discretionary programs of this country. That was the deal. That was the agreement.

So, lo and behold, the expectation quotient rises from that night to this moment on the floor of the Senate, when the big pot of gold is there, to start a whole bunch of new American programs. Frankly, as I indicated, everybody should know that most of the list of good things that we cannot afford, that the Democrats are speaking to, most of them won't come into existence if we don't have a big, gigantic pot of gold coming from the tobacco companies. That is point No. 1.

Point No. 2: With reference to smoking and its relationship and cost to the American taxpayer, and to our programs, the distinguished occupant of the chair has the most forthright sense-of-the-Senate resolution that he will offer during this debate, and I hope we adopt it. It just says that every penny we get out of the tobacco settlement should go to Medicare, because Medicare suffers a $25-billion-a-year hit because of seniors who, when they were young, smoked, got sick, and Medicare pays their bill. Pretty logical. I commend him for it and for his leadership in that regard.

Nonetheless, they would ask, aren't we going to take care of some of the needs that we know about because of smoking? And we say yes. But we didn't wait around to do them based upon a settlement; we did it by reducing other programs and paying for them. So, for those who wonder, the National Institutes of Health, which everybody says should be increased so they can work on some prevention areas of cancer that have been affected by smoking, gets a $15.5 billion increase in the next 5 years, the largest in the history of any research entity that the United States funds.

And then, education. You see, we don't forget what we agreed to last year. We have a 5-year agreement on education, and it is one of the high-priority agreements between the President and the Congress. We didn't forget about it in the second year. We fully fund the increases in education, and they are very significant. What we said is, we should put $2.5 billion, minimum, for the disabled of our children being educated by our public schools.

A disgrace exists today with a Federal Government which mandated this assistance years ago, committed to pay 40 percent of its cost, and is still paying 9 percent as of this day. While the schools foot the bill, we write the laws, even though we agreed last year that education money would first be applied there to bridge the gap between the 9 percent and the commitment. The President saw fit to go with new programs and not that; but not us—$2.5 billion. That means those school systems can hire new teachers. We don't have to pay for teachers from the Federal Government's tax coffers, which we have never done in history. We say relieve the burden on the schools and they can hire them.

We put an additional $6.3 billion in education—an increase—so that we can fund in due course some programs which will have flexibility built in for our public schools, including such things as teacher training and those kinds of things that will bring some accountability to the public school system of our country. And we are proud of that, too. It is not as if there is nothing in, it is just we chose these instead of others, and we think these are prudent choices.

Then we could go on from there and talk about criminal justice. We all know we cannot cut that; it must go up. We increased that in our budget, because it was a high priority item when we made our 5-year agreement that we worked so hard together on, Democrat and Republican and President.

So it is not as if we did not do some of these things that the Democratic leadership is here touting that they would do and we didn't do. It is just that we did not increase net spending by $84 billion. The Democrat budget does. Net tax increases of one type or another—$80 billion in that proposal. We did not do that much. The reduction in the surplus—there is a cutting of the surplus in half, under their proposal, from 8 to 4. That is not a lot of billions, as we throw them around here, but nonetheless a significant thing to note.

Mr. President, I believe the budget we produced in the Budget Committee, if it were to become the cornerstone for this year's appropriation bills and tax reduction—for there is $30 billion worth of tax reduction in ours. It is provided for by closing loopholes and other tax advantages, many of which have been listed as items that we should consider for more than a decade, and some of them 15 years.

So ours is pretty well balanced. I am convinced, having familiarized myself as best I can, and I think perhaps with a few exceptions as well as anyone in the Senate, ours would be good for the future growth of the American economy and would continue this dramatic, sustained economic growth that is bringing us revenues and bringing us jobs.

Frankly, Mr. President, I don't believe there is very much in the Democratic budget or the President's budget that would contribute significantly to those positive things that we all cherish and want so much.

I yield the floor and reserve whatever time I have.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I will use a couple minutes of my leader time. I know we are out of time, and I don't want to take any time off the resolution.

I know the distinguished Budget chair has made his arguments, and I think they merit some response. I will yield in a moment to the distinguished ranking member as well.

Let me just make three points. First of all, the distinguished chair, the Senator from New Mexico, alluded to our budget proposal as one that seems to be outside the realm of the agreement we made last July. He also noted the Republican budget is in keeping with these same commitments.

Let there be no mistake about this, the Democratic alternative adheres to the requirements. It keeps the agreement—agreed to and signed by Republicans and Democrats last July—intact. That is the whole premise upon which we based our alternative budget resolution.

We recognize how important that agreement is. We recognize the importance of investments. But as I noted in my opening comments, there is a profound difference between the vision expressed in our resolution toward major investments in education, in child care, in those areas for which we believe it is essential this country continue to invest, and the Republican proposal which fails to invest in those areas.

The second point: He sets up a false choice. He says he believes it is important for us to recognize the critical nature of using tobacco revenue to shore up the Medicare program. I agree with that. I too think there is an important need to invest in Medicare to ensure its solvency. However, it is a false choice to say this is the only option available to us as we pass tobacco legislation. Indeed, the Senate Commerce Committee itself takes issue with the statement just made by the distinguished Budget Committee chair.

Yesterday, on a vote of 19 to 1, the Commerce Committee voted out its recommendations to the Senate with regard to tobacco legislation. They note it is important for us to take some of those revenues and dedicate them to reimbursing public health care programs in Medicare. However, they also say that, in addition to Medicare, it is critical we recognize the importance of prevention and cessation activities, efforts to stop teenage smoking, to support health-related research, to ensure tobacco farmers receive the resources they are going to need, to ensure that we deal with the tobacco-asbestos trust fund, to ensure that we deal with the problems in Medicaid, and to ensure that problems with black lung are addressed through these resources.

In other words, the committee, in the 19-to-1 vote just yesterday, said we agree with the distinguished Senator from New Mexico, but we think we ought to do more. We think that it is critical that we look at how we prevent teenage smokers from starting, how we assist tobacco farmers in during the transition, and how we deal with research in ways that are not adequately addressed in this budget.

I think it is very critical to acknowledge that on an overwhelming basis many in Congress have already indicated their support for dedicating tobacco revenues to an array of different needs including Medicare.

The bottom line is really very fundamental. We have to recognize that this is our one opportunity to state our priorities. Our priorities ought to be in education. Our priorities ought to be in child care. Our priorities ought to be in preventing teenage smoking. That is what our budget does. That is what our priorities are. And that is the difference in vision between Republican and Democratic budgets.

I ask the ranking member if he has any need to express himself prior to the time I yield the floor?

Mr. LAUTENBERG. If I can have 2 minutes.

Mr. DASCHLE. I yield 2 minutes of my leader time to the distinguished Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I don't want to take any more time than that, because we have an understanding about the use of time, but I do want to say to my friend and colleague, the chairman of the Budget Committee, who is so articulate and who is so knowledgeable about the budget, the only thing is he happens to be wrong. Other than that, we are in very good agreement.

What do I think the chairman is wrong about? Priorities. I think that when he lays out those things that are taken care of, we say, "No, they are not taken care of," and we will do all we propose, all the President has offered by staying within the budget caps, and we are going to use the pay-as-you-go mantra; that is, nothing happens until it is paid for. That is the way we see it.

When I see the narrowness, the demand that the only way that we spend any of our surplus is on Medicare—and

I submit, and I proposed this the other day—ask any grandparent, because by the time you get to Social Security, you are pretty much a grandparent, if they would rather worry today about shoring up Medicare or keeping their child or their grandchild from starting smoking.

I can tell you what the answer is going to be. They would say, "Listen, we have lived a pretty good life, and we are worried about Medicare; we want you to help solve the problem, but if you are saying take a choice between keeping my youngster from getting hooked on tobacco, which will begin his or her final innings at sometime in life when it is very inopportune, take care of those kids."

That is what we are asking for. If the revenues come from tobacco, we want those funds to be used for smoking cessation programs.

I think it is a fairly simple choice, and that is, do we want to say to the American public that we are going to try to deal with all of the problems that we have, but we are only going to do it if we have the money to spend and, if not, then we are going to have to forego that as well?

We committed to a balanced budget. I worked not only amicably but I think efficiently with my friend from New Mexico in getting a balanced budget into place. We were commended by people across this country, including leaders of both our parties.

I want it to continue that way, Mr. President, and I hope we will be able to have the votes that say, "OK, let's give the priorities that are for the people a chance to be put into effect."

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, how much time was used in excess of the 15 minutes?

The PRESIDING OFFICER. Six minutes 55 seconds of leader's time.

Mr. DOMENICI. I ask unanimous consent I be allowed to manage that amount of time in opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, outside of this, Senator STEVENS wants to offer an amendment that is going to be accepted. I ask unanimous consent that he be permitted to do that without it being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2253, AS MODIFIED

Mr. STEVENS. Mr. President, I call up amendment No. 2253, and I send a modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

In the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET

(a) FINDINGS.—The Senate makes the following findings:

(1) The Balanced Budget Act of 1997 created a new era for federal spending and forced the Department of Defense to plan on limited spending over the five year period from fiscal year 1998 through 2002.

(2) The agreements forged under the Balanced Budget Act of 1997 specifically defined the available amounts of budget authority and outlays, requiring the Department of Defense to properly plan its future activities in the new, constrained budget environment.

(3) The Department of Defense worked with the Office of Management and Budget to develop a fiscal year 1999 budget which complies with the Balanced Budget Act of 1997.

(4) Based on Department of Defense program plans and policy changes, the Office of Management and Budget and the Department of Defense made detailed estimates of fiscal year 1999 Department of Defense outlay rates to ensure that the budget submitted would comply with the Balanced Budget Act of 1997.

(5) The Congressional Budget Office outlay estimate of the fiscal year 1999 Department of Defense budget request exceeds both the outlay limit imposed by the Balanced Budget Act of 1997 and the Office of Management and Budget's outlay estimate, a disagreement which would force a total restructuring of the Department of Defense's fiscal year 1999 budget.

(6) The restructuring imposed on the Department of Defense would have a devastating impact on readiness, troop morale, military quality of life, and ongoing procurement and development programs.

(7) The restructuring of the budget would be driven solely by differing statistical estimates made by capable parties.

(8) In a letter currently under review, the Director of the Office of Management and Budget will identify multiple differences between the Office of Management and Budget's estimated outlay rates and the Congressional Budget Office's estimated outlay rates.

(9) New information on Department of Defense policy changes and program execution plans now permit the Office of Management and Budget and the Congressional Budget Office to reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the totals underlying this concurrent resolution on the budget assume that not later than April 22, 1998, the Director of the Office of Management and Budget, the Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for Department of Defense accounts.

SEC. . SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES FOR THE BUDGETS OF FEDERAL AGENCIES OTHER THAN THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The federal civilian workforce in non-Defense Department agencies shrank by 125,000 employees, or 10 percent, between 1992 and 1997.

(2) The Balanced Budget Act of 1997 assumed over $60 billion in reductions in nondefense discretionary spending over the period 1998–2002.

(3) These reductions were agreed to notwithstanding ever-increasing responsibilities in agencies engaged in fighting crime, combating the drug war, countering terrorist threats, cleaning the environment, enforcing the law, improving education, conducting health research, conducting energy research and development, enhancing the nation's physical infrastructure, and providing veterans programs.

(4) All Federal agencies have worked closely with the Office of Management and Budget to balance much-needed programmatic needs with fiscal prudence and to submit budget requests for FY 1999 that comply with the Balanced Budget Act of 1997.

(5) Reductions in the President's requests, as estimated by the Office of Management and Budget, to comply with the Congressional Budget Office's estimates could seriously jeopardize priority domestic discretionary programs.

(6) There is no mechanism through which the Congressional Budget Office and the Office of Management and Budget identify their differences in outlay rates for nondefense agencies.

(7) Such consultation would lead to greater understanding between the two agencies and potentially fewer and/or smaller differences in the future.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the totals underlying this concurrent resolution on the budget assume that not later than April 22, 1998, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office, in consultation with the Secretaries of the affected nondefense agencies, shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for accounts in nondefense agencies.

Mr. STEVENS. Mr. President, I am offering a Sense-of-the-Senate Amendment which urges the Office of Management and Budget, the Department of Defense, and the Congressional Budget Office to develop a common estimate of outlays under the fiscal year 1997 Defense budget.

Last year, the Congress passed the Balanced Budget Act of 1997—putting the Federal Government on a path to living within its means. The act specified the budget authority and outlay levels for the Defense Department for fiscal years 1998 and 1999.

The Department of Defense is a $250 billion organization—an organization which needs stability to run effectively.

The Defense Department relied on last year's Budget Act to build its fiscal year 1999 budget.

Currently, the fiscal year 1999 budget submitted by the Defense Department, and scored using OMB rates, complies with the Balanced Budget Act of 1997.

OMB and the Defense Department built their outlay rates based on the specific spending plans of each DOD program and based upon the policy changes contained in the fiscal year 1999 Defense budget. In many cases, the Defense Department increased outlay rates over last year's levels.

DOD also adjusted working capital fund policies, and billing rates, to generate positive balances and keep these funds solvent.

Mr. President, the Defense Appropriations Subcommittee, which I chair, has for the last 3 years, transferred cash into the working capital funds and directed DOD to change its billing rates and policies.

The Defense Department has done what the Congress asked. However, the Congressional Budget Office has estimated that outlays under the fiscal year 1999 Defense budget will exceed the limit imposed by the budget agreement, as well as the OMB quality estimate, by $3.7 billion. These differences are based on statistical analyses and projections of the future based on the past. While this may all be theoretically interesting, it has severe implications for the Defense Department.

The Defense Appropriations Subcommittee would have to totally restructure the fiscal year 1999 Defense budget to reduce outlays by $3.7 billion. We would have to cut military personnel funding unexpectedly forcing thousands of soldiers, sailors, and airmen out of the force structure.

We would have to cut operation and maintenance funds—funds which keep our troops trained and ready, which pay to day-to-day bills for our bases, and which repair the aging equipment relied upon by our military personnel.

Lastly, we could turn to the procurement and research and development accounts—cutting $2–$10 of budget authority for every dollar in outlays we must save. This would bring modernization to a virtual halt and increase the cost of the remaining, less efficient programs. These cuts would not serve the Senate, and Defense Department, or the Nation well.

I understand that there may be new and more detailed information on the Defense Department's budget policies and execution plans—information that the Congressional Budget Office did not consider.

It is essential that there be a common agreement on the outlay estimate of the Defense budget—an agreement that does not punish DOD based on a disagreement over statistical predictions and historical interpolation.

My amendment urges that everyone work toward this common agreement—an agreement which I hope will allow us adequate flexibility to maintain balance in the fiscal year 1999 Defense budget.

Mr. THURMOND. Mr. President, I want to take a few minutes to address my colleagues on a subject which is of increasing concern to me. I have spent a great deal of time on the floor of the Senate during our consideration of the budget resolution for this fiscal year and the following 5 years. I have listened intently as the Senate has debated taxes, education, child care, Social Security, Medicare and other issues which Senators have raised with respect to this resolution.

It has been glaringly evident to me, and I suspect to some of my colleagues, that there has been little or no mention of national security issues during this debate. No one has raised the issue of defense spending. Maybe its because defense doesn't rank very high these days in the polls which reflect the concerns of the American people; Or maybe it's because everyone assumes that the defense budget is adequate and there is no reason to debate it. I am concerned first of all because I believe there is clear shortfall between the ambitious foreign policy of this Administration and the resources we are willing to provide for national defense.

The operational tempo of our military forces is at an all time high. American forces are deployed literally around the globe. The foreign policy of this Administration has raised the number of separate deployments to the highest in our history. Our servicemen and women spend more and more time away from their homes and families on more frequent and extended deployments. As a result, recruiting grows more difficult and retention is becoming an extremely serious problem—especially for pilots.

We are also beginning to see increasing indicators of readiness problems. Spare parts shortages, increased cannibalization, declining operational readiness rates, cross-decking of critical weapons, equipment and personnel foretell a potential emergence of readiness difficulties that could seriously cripple our military forces in the very near future. The Chiefs of the military services indicate that they are on the margin in readiness and modernization. The Chief of one of our military services has recently stated orally as well as in writing that his budget for fiscal year 1999 is, for the third year in a row, inadequate.

While, at the present time, the American people may not be expressing concern about threats to our national security or the readiness of our armed forces, we in the Senate are not relieved of our responsibilities to ensure that we have capable, effective military forces ready to defend our nation's vital interests. It is our job in the Congress to examine the readiness and capability of our armed forces and ensure that we have provided adequate resources and guidance to the Secretary of Defense so that he can carry out his mission with respect to our national security. I believe, as I have stated so many times on this floor, that nothing that we do here in the Congress is more important than providing for our national security. I intend to continue to make this point whenever I believe that we in the Senate may not be paying enough attention to this most critical issue.

Mr. President, the Congress has endeavored over the past several years to shore up our defense budgets with annual add-ons. However, reductions in the defense budgets over the last 3 years to pay for Bosnia have denigrated the effect of those congressional plus-ups. Almost half of the $21 billion we added to the defense budgets over the last 3 years which was intended to enhance readiness and modernization was spent instead for operations in Bosnia. With the increased optempo of our buildup in the Persian Gulf, the strain on our military forces and budgets is more and more evident.

As many of you are aware, we face a potentially serious problem of $3.6 billion resulting from scoring differences between the Office of Management and Budget and the Congressional Budget. The chairman of the Budget Committee, the chairman of the Appropriations Committee, and I were able to work out an amendment to help alleviate this problem. We appreciate the assistance of the chairman of the Budget Committee and trust that in his discussions with the Secretary of Defense, the Office of Management and Budget, and the Congressional Budget Office, he will resolve this problem. It is critical that this problem be resolved. Otherwise, the impact on the defense budget would be devastating to our military forces.

The Armed Services Committee will begin work on our markup during the Easter recess period. We intend to have our bill on the floor before the Memorial Day recess. Under the budget agreement, the Congress will not be adding funds to the defense budget. I know that the majority of Senators would not support adding funds to the defense budget in violation of the budget agreement. Therefore, we will conduct our markup consistent with the budget agreement. However, I have stated in the past and I say again, I believe that we are not providing adequate funds for defense. It remains my firm belief that we should provide additional funds for our national security.

Mr. STEVENS. Mr. President, there are a number of cosponsors to this amendment. The amendment I offer is a sense-of-the-Senate amendment which directs the Office of Management and Budget, the Department of Defense, and the Congressional Budget Office to develop a common estimate of outlays under the fiscal year 1999 defense budget. The modification of my amendment adds a corresponding sense-of-the-Senate section which urges OMB, CBO, and the Secretaries of nondefense agencies to also develop common estimates for the 1999 outlays for the nondefense discretionary programs.

I believe this amendment is one that is needed. It is a sense of the Senate, but it directs, as far as the Office of Management and Budget and CBO and the Defense Department, to find a common ground before we start marking up either the authorization bill or the appropriations bill. It has been cosponsored by both sides. I believe it will be accepted. I ask for the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2253), as modified, was agreed to.

Mr. DOMENICI. Mr. President, I say to Senator STEVENS, I understand, working with the other side, this amendment includes nondefense where there are serious discretionary estimating inconsistencies.

Mr. STEVENS. The chairman is right. We have added the nondefense portion. It deals, however, just with the discretionary accounts, both defense and nondefense discretionary. It is a matter that Appropriations must have resolved.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I know that Senator HUTCHISON is waiting, but I want to use some of that 6 minutes. I am not sure I will use all of it. Let me take a little.

AMENDMENT NO. 2244

Mr. DOMENICI. Mr. President, I don't know how we judge right and wrong, whether I am right or wrong after an eloquent speech, as my friend called it. But, look, this afternoon we are going to vote and sometimes in America, democracy says the one that gets the most votes wins. I don't know if that means you are right, but I can tell you we are going to win and they are going to lose. I don't know what that means, but I think that is pretty good.

In addition, let me suggest, I, too, am worried about what is happening to our young children who smoke. It is wonderful for me to be able to say that I smoked heavily until 8 years ago. I have eight children and not a single one smokes. So I am very pleased about that. I don't know what that means either, except it is just a statement of fact.

Mr. LAUTENBERG. Can I ask a question?

Mr. DOMENICI. Sure.

Mr. LAUTENBERG. Did they see you coughing?

Mr. DOMENICI. They did not. But they used to leave all kinds of little notes on my pillow and stuff them underneath.

Mr. President, let me just say, it is a question in politics if there is ever enough spending by a Government. How much is enough, I ask? Is $825 million provided in this budget resolution to take care of advertising to have a positive impact on our children smoking enough or should we have more?

I tell you, that is twice as much as the President asked for. I assume if a Democratic President has some $400 million and we have $825 million, that probably—probably—we have enough. Having said that, there are so many programs being talked about to come out of that pot of gold, that giant piggy bank, many of which nobody knows will even work. If you have national advertising programs and preventive programs in drugs where you are going into schools, talking to the kids, running advertising and it is not working a bit—in fact, there are more drugs—one would have a tendency to be a bit skeptical, it seems to me, about whether we know how to do that, be it for drugs or for cigarettes.

In the final analysis, we have decided in our budget resolution to take every priority that we can find consistent with our 5-year agreement and fund them as best we can consistent with the agreement; that there be no new discretionary spending.

What is happening now, just so everybody will understand, we asked those experts who talk about our money supply, our interest rates, the wonderful economy, what are we supposed to be most concerned about to keep the message out there that we are fiscally responsible and we are aiming at a balanced budget for a long time? They tell us, "Don't breach the agreement that you entered into with reference to how much you can spend each year as you appropriate annually."

We all say we will not do that. That is right. But, Mr. President, what this budget that is before us and what the President chose to do is to take another pot of money and say, "We'll spend it another way and it won't count against those agreed-upon expenditures."

That is called new entitlement programs.

So this litany of new programs cannot be paid for under the budget agreement. But it can be paid for if you choose to create new entitlement programs that will go on forever even though the money from which they are paid has a terminal time. So I believe we did the right thing. We look forward to an era of balanced budgets, an era of solid economic growth, an era during which we fix Social Security permanently and during which we fix Medicare permanently and we actually put our budget where our mouth is, and that is to do those things.

I yield back any time that I might have. And in due course I will make a point of order against the budget. But I do not choose to do it now.

I say to Senator HUTCHISON, if you would let me dispose of a series of amendments, I would really appreciate that.

AMENDMENTS NOS. 2187, 2204, 2217, 2212, 2225, 2233, 2235, 2236, 2237, 2239, 2240, 2246, 2248, 2250, 2253, 2258, 2263, 2264, 2266, 2269, AND 2270, EN BLOC

Mr. DOMENICI. Mr. President, I have a list of amendments by number. There are 21. And I will not cite each one but, rather, I will send the list to the desk for consideration. These amendments have been agreed to. And I would like to agree to them en bloc. There is no objection on our side and no objection on their side, the Democrat side. They are both Republican and Democrat amendments.

The PRESIDING OFFICER. Without objection, the enumerated amendments sent to the desk will be considered en bloc.

AMENDMENT NO. 2235

Mr. BINGAMAN. Mr. President, the amendment I am offering with Senator LIEBERMAN expresses the sense of the Senate that the next budget submission by the President, and the next Congressional budget resolution, should reclassify all civilian research and development activities within the Federal government, now scattered among 12 separate budget functions in the Budget Resolution, into one budget function—Function 250.

Function 250, entitled "General Science, Space, and Technology," currently is comprised of funding for the National Science Foundation, NASA, and some R&D programs at the Department of Energy.

The purpose of the functional analysis in the Budget Resolution is to provide the Congress with insight into important crosscutting themes in the budget. When it comes to the federal investment on R&D, though, the current functional analysis in the Budget Resolution fails. It does not facilitate any sort of cross-cutting discussion about the size and direction of Federally supported science and technology research. In fact, our current budget function structure hides more than half of the Federal investment in civilian R&D. According to data from the Office of Management and Budget, in addition to the agencies and programs currently in Function 250, 20 other civilian departments and agencies have research and development programs of consequence. My amendment would address this problem by providing more transparency to our support of Federal R&D. No funds or programs would be shifted among agencies. But the President's next budget proposal would highlight where in each agency R&D was being supported. If the President were to implement the suggestion in this amendment, I believe that it would have the following beneficial effects.

No. 1, when all civilian R&D is placed into one budget function, it will become much easier for the Congress to examine the entire Federal R&D portfolio. Questions of balance, coverage, and emphasis within that portfolio will become easier to ask when the whole picture can be seen more easily.

No. 2, the proposed change in my amendment will facilitate the ability of each authorizing committee to review the Federally supported R&D

under its jurisdiction, as one element in preparing its views and estimates for the Budget Committee. The amendment will also allow committees such as the Committee on the Budget or the Committee on Appropriations to conduct a global review of federal R&D early in the budget/appropriations process. The National Academy of Sciences has recommended that such a global look at R&D take place annually in Congress in its 1995 report, Allocating Federal Funds for Science and Technology. The Academy stated that the "Congress should create a process that examines the entire [federal science and technology] budget before the total federal budget is dis agggregated into allocations to appropriations committees and subcommittees." This amendment would facilitate the implementation of this idea, which has broad support in the scientific and technical community.

No. 3, placing civilian R&D at mission agencies into Function 250 will reflect the reality that all Federal research and development, regardless of sponsoring agency, is interrelated. All Federal R&D, regardless of sponsoring agency, can and does make essential contributions to the general fund of knowledge. These are realities that are well known to the scientific and technical community. In the words of former IBM Vice President Lewis Branscomb, "One cannot distinguish in any meaningful way 'basic' from 'applied research' by observing what a scientist is doing."

No. 4, placing civilian R&D at mission agencies into Function 250 will elevate the prominence of R&D supported by those agencies in future budget and policy discussions.

I believe that this amendment will result in a valuable contribution to our institutional ability to understand and manage one of the most important parts of the Federal budget.

I urge the adoption of both amendments.

AMENDMENT NO. 2236

Mr. BINGAMAN. Mr. President, this amendment is co-sponsored by myself, Senator GRAMM of Texas, and Senator LIEBERMAN. It expresses the sense of the Senate in favor of a basic principle that is widely supported in this body. That principle is that we should seek to double the Federal investment in civilian research and development over the next 10 years. This principle is contained in legislation co-sponsored by us, the chairman of the Budget Committee, and about 10 other Senators.

Mr. LIEBERMAN. Mr. President, I rise in support of the Sense of the Senate Amendment to double federal R&D investments over the next ten years. Federal support for research and development is all about creating wealth and opportunity and assuring a higher quality of life for our citizens. As policy makers, it is worth our while to focus on wealth creation because it enables everything else we want to do.

We have an awful lot of data these days that tell us there is a firm connection between R&D expenditures and subsequent economic growth. One commonly cited figure—derived from Dr. Robert Solow's Nobel prize-winning research—is that 50% of America's post-World War II growth can be attributed to technological innovation—innovation largely driven by the discoveries that flow out of the nation's R&D laboratories. Economists do not give us the tools to determine the optimum level of R&D spending, but is clear from all the data that we are far, far below the point of diminishing returns. Numerous studies indicate that the marginal rates of return on publicly-financed R&D investments are extraordinarily high. These high rates of return tell us that federal R&D expenditures are an especially efficient investment vehicle, that we are currently underinvesting in R&D, and that we are underutilizing our nation's existing R&D infrastructure, including its pool of talented scientist and engineers.

Why is the government involved in research in the first place? These days industry funds nearly twice as much R&D as government does, why don't we let them do all of it? The problem with that notion is that the private sector, for the most part, does not fund discovery—government does. The private sector funds the later phases of the innovation process—those phases closest to product development. Privately-financed R&D—which is mostly D—provides the critical link between research and the subsequent creation of new wealth and opportunity. It is vitally important, but it depends on publicly-financed R&D for fundamental knowledge creation.

The benefits of knowledge created in the nation's laboratories and universities are diffuse and typically yield economic returns only after a significant time lag—a time lag well beyond the planning horizon of most commercial firms. Moreover, the benefits cannot be anticipated in advance. The chemists and physical scientists who first conceived of utilizing nuclear magnetic resonance to determine chemical structure never imagined that their discovery would become the basis of a whole new medical diagnostic industry. Firms realize that they cannot capture most of the benefits of fundamental research. It is a classic market failure. The returns are very significant, however, and they are fully captured by the society as a whole.

Because federal investments are typically focused on the early phases of the innovation process, they exert tremendous leverage. This is part of the reason why the returns on federal R&D investments are so high. The early phases are the high-risk, high-payoff phases. There may be many misses, but the hits are very large indeed.

In recent years, we have not maintained federal R&D investments at traditional levels as a fraction of either discretionary spending or, more significantly, as a fraction of national income. I would argue that, in a society and an economy that are increasingly knowledge-intensive, we ought to be increasing our investments in knowledge creation not reducing them. Nonetheless, federal support for research and development has declined substantially since the 1960s as a percentage of national income. We have to turn this situation around. Robust federal support for R&D and the American research enterprise is one of the key elements in sustaining high levels of economic growth in the future. We cannot take America's current economic and technical leadership for granted. If we are to maintain our nation's leadership position, we must be prepared to make the requisite investments in our R&D system—the most productive system of its kind in the world.

AMENDMENT NO. 2269

Mr. GRASSLEY. Mr. President, I would like to commend my friend from Georgia, Senator COVERDELL, for offering this excellent amendment.

The purpose of our amendment is to curb wasteful military spending. I am a co-sponsor.

This amendment contains a very important message. It sends this signal: Pay a fair market value for what you buy. We hope the Department of Defense (DOD) will be guided by this common sense principle in the coming year when it starts spending all the money provided for in this resolution. Unfortunately, that may not happen.

Two recent reports issued by the Inspector General at the Defense Department undermine our confidence in DOD's ability to get a handle on the problem. These two reports provide details on the latest round of spare parts "horror stories" at the Pentagon. They were presented by the Inspector General (IG), Ms. Eleanor Hill, at a hearing before the Senate Armed Services Committee on March 18, 1998.

The IG's testimony and reports are the motivating force behind our amendment.

Mr. President, the story presented by the Inspector General on March 18th was not new. In fact, it's the same old story about spare parts overpricing that we have heard so many times before. It's a carbon copy of what we witnessed back in the 1980's. First came the revelations about the $450.00 hammer and the $640.09 toilet seat. Then came the assurances from all the Pentagon bureaucrats: "Don't worry," they said. "We already have a fix in place."

History has repeatedly proven that those promises were worthless. They were empty promises. And history is about to repeat itself—again. There's no reform in sight.

The IG has brought new spare parts horror stories to light, and the bureaucrats are already promising that "corrective actions" are in place. Problem solved, right? Wrong! Unless DOD's corrective action has some teeth—and there is some accountability for the mess, there will be more horror stories somewhere down the road. I guarantee it.

Mr. President, the only way to stop these kinds of wasteful procurement practices is with accountability. Some heads should roll at the Pentagon. Those responsible for the policies governing spare parts purchases should be identified and disciplined.

I wrote to Secretary of Defense Cohen on March 20th, asking him to consider the need for accountability in the latest round of spare parts horror stories. I am still waiting for a response.

This amendment sends a message over to the Pentagon. It's only a message but a very important message: This kind of waste must be brought to a screeching halt. We must find a way to fix it for good.

And it sets the stage for the debate over the Defense Reform Initiative that will take place later this year. That measure will be considered when we take up the defense authorization bill for FY 1999. I am hoping there will be some specific proposals offered—at that time—to bring some lasting reform to the way DOD buys spare parts.

Again, Mr. President, I would like to thank my colleague from Georgia for sending the right message to the Pentagon.

The PRESIDING OFFICER. The question occurs on agreeing to the amendments en bloc.

Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 2187, 2204, 2217, 2212, 2225, 2233, 2235, 2236, 2237, 2239, 2240, 2246, 2248, 2250, 2253, 2258, 2263, 2264, 2266, 2269 and 2270) were agreed to en bloc.

Mr. DOMENICI. I move to reconsider the vote by which the amendments were agreed to en bloc.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2229

Mr. DOMENICI. Mr. President, I add to the list amendment No. 2229, the Feinstein amendment. And I assume we will have to adopt that separately.

Mrs. FEINSTEIN. Mr. President, this amendment expresses the sense of the Senate that we must rededicate ourselves to making our public education system the best. These reforms, if implemented by states and local school districts in partnership with the federal government, will improve: The achievement of students; the quality of teaching; and the accountability of public school systems.

This sense of the Senate amendment has six elements. It calls on the federal government to work with states, school districts and local leaders to accomplish the following goals by the year 2005:

(1) Establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of "social promotion" of students (promoting students routinely from one grade to the next without regard to their academic achievement);

(2) Provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

(3) Create smaller schools to enable students to have closer interaction with teachers;

(4) Require at least 180 days of instruction per year in core curriculum subjects;

(5) Recruit teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards;

(6) Require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma.

U.S. SCHOOLS' PERFORMANCE UNIMPRESSIVE

In 1983—15 years ago—the National Commission on Excellence in Education issued its startling report on the decline of America's schools, titled "A Nation at Risk." Our schools today are still at risk.

A February report this year revealed that American high school seniors are among the world's least prepared in math and science, scoring far below their peers in other countries. Overall, U.S. students outperformed only two countries in the Third International Mathematics and Science Study—Cyprus and South Africa. In twelfth grade advanced math and physics, U.S. students scored last in physics and next to last in math. American eighth graders scored well below the international average in math.

SAT scores today are near their lowest point ever, reports the Brookings Institute. The National Assessment of Educational Progress reported that math, science, writing and reading achievement have been flat for the past quarter century.

The U.S. Department of Education last fall reported that 29 percent of all college freshmen require remedial classes in basic skills.

The 1997 annual report on our national education goals found that the high school dropout rate has increased and more teachers reported student disruptions in their classrooms.

The national goals report told us that performance has declined in reading achievement at grade 12 and in the percentage of secondary teachers who hold a degree in their main teaching assignment.

The goals report found no significant improvement in high school completion rate or reading achievement at grades 4 and 8.

ISSUE 1: ACHIEVEMENT LEVELS; NO SOCIAL PROMOTION

The first provision of my amendment urges the establishment of achievement levels and assessments in every grade for the core academic curriculum and calls on state and local schools to stop social promotion. Social promotion is the practice of schools' advancing a student from one grade to the next regardless of the student's academic achievement.

Forty-nine states are working to establish achievement standards and assessments, but few have completed the task. AFT found: "In most districts, there are no agreed-upon explicit standards of performance to which students are held accountable."

Educators widely agree that tough, clear academic content and performance standards are the only way to determine what students are learning and how quickly or slowly they are learning it. Standards should be the foundation of learning.

Social promotion is contrary to tough standards. Saying that social promotion is "rampant," AFT leaders found that school districts' criteria for passing and retaining students is vague, that only 17 states have standards in the four core disciplines (English, math, social studies and science) that are well grounded in content and that are clear enough to be used.

It is time to end social promotion, a practice which misleads our students, their parents and the public.

I agree with the conclusion of the September 1997 study conducted by the American Federation of Teachers:

> Social promotion is an insidious practice that hides school failure and creates problems for everybody—for kids, who are deluded into thinking they have learned the skills to be successful or get the message that achievement doesn't count; for teachers who must face students who know that teachers wield no credible authority to demand hard work; for the business community and colleges that must spend millions of dollars on remediation, and for society that must deal with a growing proportion of uneducated citizens, unprepared to contribute productively to the economic and civic life of the nation.

HOW WIDESPREAD IS IT?

None of the districts surveyed by AFT have an explicit policy of social promotion, but almost every district has an implicit practice of social promotion. Almost all districts view holding students back as a policy of last resort and many put explicit limits on retaining students. Districts have loose and vague criteria for moving a student from one grade to the next. This approach, concludes AFT, is implicit approval of social promotion.

AFT found last year that 7 states are seeking to end social promotion by requiring students to meet the state standards before being promoted into certain grades, an increase over the 4 of the previous year.

Mike Wright, a San Diegian, is an example. Cited in the February 16 San Diego Union-Tribune, Mr. Wright say he routinely got promoted from grade to grade and even graduated from high school, even though he failed some subjects. At age 29, he is now enrolled in a community college program to learn to read—at age 29.

Social promotion is a cruel joke. We are fooling students. We are fooling ourselves. Students think a high school diploma means something. But in reality, we are graduating students who cannot count change, who cannot read a newspaper, who cannot fill out an employment application.

THE ACADEMIC COST OF NO ACHIEVEMENT LEVELS, SOCIAL PROMOTION

Students' need for remedial work is one measure of the harm of the lack of clear achievement levels and the practice of social promotion. Here are some examples:

A January 1998 poll by Public Agenda asked employers and college professors whether they believe a high school diploma guarantees that a student has mastered basic skills. In this poll, 63% of employers and 76 percent of professors said that the diploma is no guarantee that a graduate can read, write or do basic math.

In California, a December 1997 report from a state education accountability task force estimated that at least half of the state's students—3 million children—perform below levels considered proficient for their grade level.

Nationwide, about one third of college freshmen take remedial courses in college and three-quarters of all campuses, public and private, offer remediation, says the AFT study.

A March 27 California State University study found that more than two-thirds of students enter Cal State campuses in Los Angeles lack the math or English they should have mastered in high school. At some high schools, not one graduate going on to one of Cal State's campuses passed a basic skills test. At Cal State Dominguez Hills, for example, 8 out of 10 freshmen enrollees last fall needed remedial English and 87 percent needed remedial math.

Sadly, these numbers represent an increase. In the fall of 1997, 47 percent of freshmen enrolled at CSU needed remediation, compared to 43 percent in each of the previous three years. In math, 54 percent needed remedial help, compared to 48 percent in 1994.

Similarly, almost 35 percent of entering freshmen at the University of California do poorly on UC's English proficiency test and must receive help in their first year.

Florida spent $53 million in college on remedial education, says the AFT study.

In Boston, school principals estimate that half their ninth graders are not prepared for high school work.

In Ohio, nearly one fourth of all freshmen who attend state public universities must take remedial math or English (Cleveland Plain Dealer, July 7, 1997).

Employers tell me that their new hires are unprepared for work and they have to provide very basic training to make them employable. For example, last year, MCI spent $7.5 million to provide basic skills training (USA Today, 1996).

SUPPORT FOR ENDING SOCIAL PROMOTION IS WIDESPREAD

Fortunately, many policymakers are beginning to realize that we must stop social promotion. President Clinton called for ending it in his January 27 State of the Union speech. He said, "We must also demand greater accountability. When we promote a child from grade to grade who hasn't mastered the work, we don't do that child any favors. It is time to end social promotion in America's schools."

On February 23, the President sent Secretary Riley a memo asking him to prepare guidelines for educators on ending social promotion and guidelines for using federal funds to adopt sound promotion policies. "Neither promoting students when they are unprepared or simply retaining them in the same grade is the right response to low student achievement," the President wrote. "Both approaches presume high rates of initial failure are inevitable and acceptable."

At least three states—Florida, Arkansas and Texas—explicitly outlaw social promotion.

The Chicago Public Schools have ditched social promotion. After their new policy was put in place, in the spring of 1997, over 40,000 students failed tests in the third, sixth and eighth and ninth grades and then went to mandatory summer school. Chicago School Superintendent calls social promotion "education malpractice." He says from now on his schools' only product will be student achievement.

Cincinnati's students are now promoted based on specific standards that define what students must know.

In my own state, the San Diego School Board in February adopted requirements that all students in certain grades must demonstrate grade-level performance. And they will require all students to earn a C overall grade average and a C grade in core subjects for high school graduation, effectively ending social promotion for certain grades and for high school graduation. For example, San Diego's schools are requiring that eighth graders who do not pass core courses be retained or pass core courses in summer school.

As long as we tolerate social promotion and the absence of standards, we will never know (1) what our students need to learn and (2) whether they have learned what they should learn. How, I ask, can you measure what you have accomplished if you don't know where you are going?

ISSUE 2: MORE REMEDIAL PROGRAMS

Some schools are trying to provide after-school help, tutoring and summer school remedial programs as ways of intervening when students are having learning problems, but a report by the American Federation of Teachers found that only 13 states require local school districts to provide academic intervention for students who fail to meet standards. Similarly, a report of the Council of Chief State School Officers in 1997 on math and science standards, found that states were doing very little to ensure that all students master the standards.

AFT's 1997 report on state standards found that only 13 states require and fund intervention programs to help low-performing students, up from 10 the previous year.

The Chicago Public Schools, for example, have launched a major revamping of their school system, and have made after-school programs a priority in helping students learn.

ISSUE 3: SMALLER SCHOOLS

The amendment calls on school districts to have smaller schools. In California, some campuses sprawl across acres and acres and schools can have thousands of students. The principal is just a voice over the loudspeaker. School personnel hardly know the names of the students.

I believe that elementary schools should have no more than 500 students; middle schools, 750 students; and high schools, 1,500 students. I believe that in smaller schools children have a stronger sense of community and connectedness, that school personnel become closer to and more effective with their students.

One study of 744 large high schools found that the dropout rate at schools with over 2,000 students was *double* that of schools with 667 or fewer students. Another study of 357 schools revealed that large schools have higher rates of class cutting, absenteeism, and classroom disorder.

I believe these studies make a compelling case.

ISSUE 4: LONGER SCHOOL YEAR

My amendment also urges states and school districts to have a school year of at least 180 days. The U.S. school year averages around 180 days, an outdated calendar based on our agrarian past over 100 years ago.

Currently, 29 states, the District of Columbia and Puerto Rico require a minimum of 180 teaching days. California now requires only 172 teaching days, but a new state law does provide incentive funds for adding up to eight professional days to the 172-day school year.

Many other countries have longer school years than we do. Students in England, Germany and Japan go to school between 220 and 243 days a year.

A 1993 study entitled "Timepiece: Extending and Enhancing Learning Time" observed that American school children spend more days out of school than in school and documented "summer learning loss," finding that teachers spend four to six weeks every fall going over lessons from the previous school year. Similarly, A Nation at Risk recommended lengthening both the school day and the school year.

Along with setting high standards, we must put more time into teaching and learning and thus my amendment recommends 180 days of instructional time, which still would leave us with a school year shorter than many of our international competitors.

ISSUE 5. TRAINED TEACHERS

Class sizes cannot be reduced without hiring more teachers. And these teachers must be trained and credentialed teachers.

The National Commission on Teaching and Learning in November 1997 brought us some disturbing findings:

More than one-fourth of newly-hired teachers lack qualifications for their jobs.

The U.S. has no real system in place to ensure that teachers get access to the kinds of knowledge they need to help their students succeed.

Twenty-three percent of high school teachers do not even have a minor in their main teaching field.

School systems often waive or lower standards to hire people without qualifications to teach.

California, unfortunately, is a case example. We have 21,000 teachers on emergency credentials. In California, nearly 22,000 of the 240,000 public school teachers in California are not fully credentialed or have not passed a basic skills test. Half of California's math and science teachers did not minor in those subjects in college, yet they are teaching. The October 13, 1997, U.S. News and World Report reported that in Los Angeles, "new teachers have included Nordstrom clerks, a former clown, and several chiropractors."

The National Commission on Teaching and America's Future ranked California near the bottom of states in the quality of our public school teaching force because we have some of the highest proportions of uncertified or undertrained teachers, particularly in math and science. The Commission defined "well-qualified" as a teacher with full certification and a major in their assigned field. By this measure, only 65 percent of the state's teachers meet the standard. Nationally, that figure is 72 percent. In California, 46 percent of high school math teachers did not minor in math. The national average is 28 percent.

California will need up to 300,000 new teachers in the next decade because of our escalating enrollment. But a 1996 analysis by Policy Analysis for California Education found that my state could only expect about 9,000 new credentialed teachers per year if current trends continue.

Without good teachers, no school reform, however visionary or revolutionary, can improve student learning. This nation needs a major investment in teacher training, professional development, and we need to pay teachers decent, professional salaries to attract and retain them.

ISSUE 6: FINAL EXAMS FOR GRADUATION

Without achievement levels or tests, students today can leave high school with a diploma.

According to the Council of Chief State School Officers, for the 1995–1996 school year, only 17 states require passing minimum competency tests for high school graduation. California, for example, does not require high school graduation exams.

The 1997 AFT report on state standards found that only 13 states have high school graduation exams based on 10th grade standards or higher.

Therefore, without standards, with social promotion rampant, a high school diploma means little. It is no measure of achievement. This has to stop.

THE PUBLIC EXPECTS PERFORMANCE, ACCOUNTABILITY

In a recent survey of Californians, 61 percent agreed that our schools need a "major overhaul," up from 54 percent who answered the same question two years ago. A mere six percent believe that schools provide a "quality education."

A poll by Policy Analysis for California Education found that only 17 percent of Californians considers the state's schools "good" or "excellent," down from about 33 percent three years ago. A 1997 poll in my state found that improving elementary and secondary education has replaced crime and immigration as Californians' top priority.

Nationally, a Wall Street Journal/NBC poll last year found that 58 percent of Americans say fundamental changes are needed in U.S. schools. A Garin-Hart poll last year found only 9% of the public believes our public education system "works pretty well." Only 27 percent gave our schools an above-average rating. A whopping 84% of people favor establishing meaningful national standards.

CONCLUSION

I hope my colleagues will join me in supporting this amendment because we must stop shortchanging our students.

School achievement must mean something. It must mean more than filling up a seat at a desk for 12 years. A diploma should not just be a symbol of accumulating time in school. And school systems need to be accountable.

I hope today the Senate will go on record in support of this modest amendment that expresses 6 critical principles for school reform.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment No. 2229.

Without objection, the amendment is agreed to.

The amendment (No. 2229) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I yield the floor.

Mrs. HUTCHISON. I ask the distinguished chairman of the committee, approximately how long is he asking authors of amendments to—

Mr. DOMENICI. We are operating under a time agreement where you are in control of 15 minutes and the opposition has 15 minutes.

Mrs. HUTCHISON. Thank you. We will certainly yield back part of our time. Well, I will wait and see what the opposition is.

AMENDMENT NO. 2208

Mrs. HUTCHISON. I call up amendment No. 2208 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> An amendment numbered 2208 previously proposed by the Senator from New Mexico [Mr. DOMENICI] for Mrs. HUTCHISON of Texas.

Mrs. HUTCHISON. I ask unanimous consent to add Senator GRAMS as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, this is what my amendment does. It is a sense of the Senate that this resolution assumes that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

It is really quite simple. This Congress has labored mightily for the last 2 years to come up with a balanced budget. This budget resolution, which has been so ably led by the Senator from New Mexico, and helped by the Senator from New Jersey, is an example of how difficult it has been to actually balance our budget. It has not been easy. It has been tough to make these hard choices, but Congress has done it.

We are talking about a balanced budget and, in fact, surpluses. I am saying, do not fritter away the victory. We have done the tough things. Now is not the time to get wimpy. Now is the time to remain tough, so that we will be able to assure our children and grandchildren that they will not inherit the $5 trillion of debt that has been built up in this country for the last 40 years. It is a time to say we are going to be responsible stewards of this country while we are on the watch deck.

It is time for us to say, it is the sense of the Senate that there are only two responsible choices for spending any budget surplus: either tax cuts for the hard-working American family that is today paying over 38 percent of its income in Federal, State and local taxes—and if you add the regulatory burden on top of that, government is costing the average American family, at the $50,000 level, 50 percent of its income. If we say we are going to give tax cuts to those hard-working Americans or we are going to start paying down the debt for our children and grandchildren, and to keep interest rates low, that would be the sense of this Senate for the responsible stewardship of our economy.

We have the highest debt burden today of any peacetime in American history. Economic research shows that tax cuts actually add to the economy. They generate work; they generate jobs; they generate buying power. So it would have a huge impact in a positive way. Debt reduction also has positive returns because certainly it will keep interest rates low and we can continue to invest in our savings.

Not only are taxes at record highs today, but the trend is in the wrong direction. Since President Clinton came into office in 1993, the tax burden as a percent of gross domestic product has climbed 2.1 percentage points. Just reducing taxes to the 1993 levels means the average family would have a tax windfall of $2,500. This is their money. This money is money they earn, and we believe it belongs to them. That is what this sense of the Senate would say to the American people—you earned this money, and it belongs to you, and if we are not going to give you direct tax relief, the surplus is going to pay down the debt so that you will be able to continue to enjoy the great economy we have and we will also give to our children the same stability in a great economy.

The amendment is very simple. I ask my colleagues to vote that we will not undo the hard choices and the hard work that we have done in this Congress over the last 3 years, but in fact we will do the right thing, and that is, give the money back to the people who earned it or pay down that debt so that our interest rates can stay low and so that we can stop paying so much interest.

Mr. President, I now yield the rest of our time—up to 5 minutes—to Senator GRAMS, the cosponsor of this resolution.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Thank you very much, Mr. President.

I thank the Senator from Texas for all her fine work on this amendment.

I rise today to offer my strong support to Senator HUTCHISON's sense of the Senate calling on Congress to look at and to reserve any future budget surplus for tax relief and natural debt reduction or Social Security reform. But this amendment represents, I believe, some very sound, responsible fiscal policy, and again I commend Senator HUTCHISON for her leadership and her efforts on this very important issue.

The question of how to use the potential budget surplus has been debated extensively before this Chamber. In my view, tax relief and debt reduction and Social Security reform are all equally important. Tax relief will reduce the growing tax burden on our American families. As Senator HUTCHISON pointed out, from 38 percent to more than 50 percent of the incomes of our average families in this country are going to support government rather than supporting their families. But if we give tax relief, it will increase incentives to work, save and invest. It will help keep our economy strong. Debt reduction and Social Security reform will address our long-term fiscal imbalances. These are two closely related issues, and I believe they go hand in hand. We can and we should be addressing both of these at the same time.

There are compelling reasons for supporting this amendment. When we talk about how to use the budget surplus, let us not forget those who generated this surplus in the first place. If, as the administration is predicting, we do achieve a budget surplus, that surplus will have come directly from working Americans, from taxes paid by corporations, from individuals and investors. Clearly, this money belongs to the American people. It has been an overcharge. It is only fair to return it to the taxpayers who earned that money in the first place.

Families today, again, are taxed at the highest level since World War II, with 38 percent to 50 percent of a typical family budget going to pay taxes on the Federal, State and local level. Last year's tax cuts, I believe, moved us in the right direction, but in reality those tax cuts were too little, too late, too small. After spending the unexpected $225 billion revenue windfall last year, busting the 1993 spending caps, Washington delivered tax cuts only one-third as large as lawmakers had promised back in 1994.

Recent polls show that 89 percent of the American people believe that taxes on all levels of government should not consume more than 25 percent of their income. Again, 89 percent of Americans believe that all levels of taxes should not consume more than 25 percent of their income, and 77 percent also believe that estate taxes should be eliminated.

Lower tax rates, again, increase incentives to work, save and invest. They help families to maximize their income and improve their standard of living. They allow families to allocate their precious dollars to meet their own needs, not to go out and meet the needs of disconnected spenders located in Washington.

So, again, cut taxes and families today, who are forced to scrimp just to cover their monthly bills and their taxes, would find that they have more money to spend on their children's education, on their health care expenses, on food, clothing and insurance, et cetera. If we are truly interested in giving our families the tools that they need to help raise their children, isn't it about time that Washington cut their taxes instead of limiting their choices?

Beyond the direct benefits to families, tax cuts can also have a substantial and very positive impact on the economy as a whole. John F. Kennedy proved it. Ronald Reagan proved it. So we should not spend a budget surplus that does not yet exist. If a surplus, however, does develop, the Government has no claim on it because the Government did not generate it. So I do not believe Washington should be first in line to reap the benefits of any surplus.

A surplus, again, will be the direct result of the hard work of the American people, and, therefore, it should be returned to the American people, either in the form of additional tax relief or beginning to pay down this tremendous $5.6 trillion national debt.

So, Mr. President, a vote for the Hutchison-Grams amendment is a vote for families. I believe it is a vote for fiscal sensibility in Washington, and I urge my colleagues very strongly to give it their support.

Thank you very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, how much time does the Senator from Texas have?

The PRESIDING OFFICER. Four minutes 34 seconds.

Mr. DOMENICI. Is the minority going to respond?

I suggest the absence of a quorum, and I ask unanimous consent it be charged equally.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. I rise to oppose the amendment of the Senator from Texas, Senator HUTCHISON. It would reject President Clinton's call to save Social Security first.

Now, the Hutchison amendment calls for diverting part of any surplus for tax breaks. It therefore directly contravenes the President's plan to preserve Social Security benefits for baby boomers and other young Americans. For the first time in 30 years, Mr. President, we are probably going to have a budget surplus at the end of 1998—1998; that is, the current fiscal year. It ends September 30.

The forecast for the coming decade is for continued surpluses—$1 trillion over the next decade. We have tightened our belts, we have restored fiscal responsibility, and these surpluses are largely the product of our joint hard work.

What do we do with the surplus? On this question, the President has spoken clearly and unequivocally. I agree, before we spend a penny of any surplus, we should save Social Security first. A decade from now, the baby boom generation will begin to retire. Additionally, Americans probably, Lord willing, are going to be living longer and having fewer children. That means fewer workers will be contributing to Social Security for each beneficiary. These forces will put severe strains on the Social Security system. It could have a real impact on our economy.

If we do not maintain fiscal discipline, plan ahead, we could reduce the quality of life for our children and thus jeopardize the most important safety net for protecting senior citizens against poverty. That is why the President has been so insistent that we save Social Security first. That is why the amendment by the Senator from Texas is, in my view, misguided.

I heard the Senator talk about restraining ourselves, about returning money to the citizens as quickly as we can. The President shares that objective. What he says when he says save Social Security first, he talks about doing it through paying down the debt. If we look at where we are now, I have to say, the President's leadership in managing this economy is pretty good. This doesn't mean that our friends on the Republican side haven't worked together with us and the administration to do things. This isn't pointing a finger. It is recognizing where we are: The lowest inflation rate, perhaps, in 30 years, in terms of the consistency and the level of the rate; the lowest unemployment rate in decades; the best growth rate in the economy that we have seen in decades; perhaps the best economic condition that this country has ever seen—maybe any country has ever seen.

We are on the right track, and we are paying down debt. We have gone from almost $300 billion when President Clinton took over, down to a prospective surplus in 1998, a period of 6 years. That is quite an accomplishment.

Why is it, at a time like this, that we suddenly recognize, "My gosh, we have a huge deficit out there and we better get it paid down"? The President agrees, except he provides the leadership to do it.

I urge my colleagues to resist the short-term temptations. Confirm the fact that we want to save Social Security. Confirm the fact that we want to pay down the debt. Let's continue to work together, not point fingers at who is at fault. If we are going to point fingers at who is at fault, we had better point fingers at those who helped us in the excellent job we have done together, and it was not all done by Alan Greenspan, as much respect as I have for him. I want to make sure Social Security will be there to protect younger Americans as it is here today for parents and grandparents.

Mr. President, we have had all kinds of attacks on the present condition. Frankly, I scratch my head and say, What are my friends looking at? I see a stock market that is thriving—and I am not here to prognosticate the future of the stock market, but I heard a very distinguished economist, a personal friend of mine, on the air this morning. His name is David Jones. He is with a New York firm. He says that he thinks the economy is in pretty good shape in terms of the market. He doesn't see any reason to get overly concerned about sudden market dips. He doesn't predict that the market is going to continue straight up, but he predicts it is on a good, solid base.

So the worry tree is sprouting buds here. I don't know whether it has to do with the political condition we will be facing when we get out there and talk to voters or exactly what it is. I want to be as frugal, as thrifty, as the next one, but I also want to make sure we maintain the service of our responsibilities to the people in our society, that those who don't have as much money as some at the top are still able to afford a college education for their child so that child can learn, to make sure there is sufficient housing for people, to make sure there are jobs for people who are moving from welfare to work. We had better have work for them.

There are lots of worries and concerns, as I guess there always are with mankind, no matter what the conditions are. Recognize what we have, recognize where we have come, and at least admit we are doing the right kind of a job.

So I don't want to do anything that will restrict the way we function with this economy of ours. That is why I don't want to succumb to the short-term temptation and take money out of programs to pay down the debt. We have a program laid out on just how we will do these things.

I hope my colleagues will say no to the amendment offered by the distinguished Senator from Texas.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I say to my colleague from New Jersey that he can very well vote for my amendment and still do what he says he wants to do, and that is, save Social Security first, because my amendment just lays out the framework for what our priorities would be.

What it says is that there are only two reasons we should spend the surplus: For tax cuts for the hard-working American family, or for debt reduction, which would save Social Security.

I support saving Social Security first with all of the surplus, and that would be possible under my amendment. But what we are saying is, we are not going to do anything else with the surplus. We are not going to go on new spending binges. We are going to live within our income. We are going to prioritize our budget, just like every family in America does. We are going to live within that budget. And every penny of surplus can only go to one of two purposes: One is tax reductions on the hard-working American family, and the second is to pay down debt. If we continue to pay all the debt, to save Social Security, you can vote for my amendment and be very happy that all of the Congress will support debt reduction as one of our two priorities.

I hope everyone will support this sense of the Senate, because I think it does set our priorities, just as this budget resolution does. That is what a budget does; it sets the priorities.

I yield the floor.

Mr. LAUTENBERG. Mr. President, is the Senator from Texas ready to yield back time? If so, I yield back my time.

Mrs. HUTCHISON. I ask unanimous consent to add Senator KYL as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. I yield back the remainder.

Mr. LAUTENBERG. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

AMENDMENT NO. 2176

Mr. DOMENICI. In the interest of reducing the time, I will accept the Boxer amendment numbered 2176, and I yield back the time I was going to use to speak, and she has yielded all her time but 1 minute.

Mr. LAUTENBERG. I yield that time back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2176) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2226

Mr. DOMENICI. I believe we will go to Senator ROCKEFELLER, if he is ready.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I call up my amendment numbered 2226 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> Amendment numbered 2226, previously proposed by the Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. Mr. President, we have a very interesting amendment to propose and I think a very important one. I want to say first, I fully support highway funding. Obviously, in a State like West Virginia, where it is mostly mountainous, highway funding is more important and more expensive than most places. I supported Senate passage of ISTEA. We are spending $217 billion on highway funding this year. When I was Governor, I helped get an amendment passed in this Congress, which was actually referred to as the Rockefeller amendment, which said if States had accumulated money, they went to the head of the line on interstate highway building and got their money from the Federal Government first.

Again, this is in no way an antihighway amendment, as some are very anxious to label it. It is, however, very much a proveteran amendment. The amendment has one purpose and one purpose only: To protect veterans funding from a midnight raid—nothing less—by the administration and the Budget Committee. The raid isn't really a raid, it is a ravage on the authority of the Veterans' Committee to see that the needs of the Nation's veterans are met. In this case, I am talking particularly about disabled veterans.

It is as simple as that. The veterans' account under the budget authority is being cut by $10.5 billion to pay for an enormous increase in highway funds. This money is in the veterans' budget baseline. And today they are taking it away from disabled veterans and putting it into highways, where we already have $217 billion. My point is they need to find another offset.

I think my colleagues would want to know just what is being done here, because it is not a pretty sight. First, what is the law about? Veterans law generally requires the VA to pay disability compensation to veterans for any injuries, diseases, or conditions they incur while they are in service in the military. After long debate, and for very good reasons, the Government long ago decided that veterans disability compensation is not limited to only combat-related conditions. The budget resolution would change that.

In 1993, the VA general counsel in a Republican administration interpreted the law to require the payment of disability compensation to veterans who could prove they had become addicted to tobacco while in military service if that addiction continued without interruption and resulted in an illness and disability.

It is important to remember that this is a very, very tough test for veterans to meet. And very few veterans—only about 8 percent of those who have made such claims—have been able to meet this test so far. In my home State of West Virginia, where there are approximately 200,000 veterans watching this debate closely, as of March 10, only 250 smoking-related disability claims have been filed and, of that number, only 6—6—had been granted so far. What this says to me is that these are tough claims to substantiate. This tough test is the very reason that so few claims have been filed and why so few have been granted.

Even the military now acknowledges that it played a significant role in fostering addiction in very young men and women in the service. How did the military do this? One, by distributing free cigarettes in C-rations and K-rations. Two, by creating a culture that encouraged smoking at every opportunity, a culture of "smoke 'em if you've got 'em." And three, by selling tobacco products at vastly reduced prices, prices as much as 76% less than in civilian markets.

Mr. President, whether or not a veteran became addicted to tobacco during military service, the results of that addiction are issues that the VA has correctly decided, under existing law, should be determined by its triers of fact. This is the law currently. This is the law that the Budget Committee would unilaterally change.

Now we get to the midnight raid. In approving the fiscal year 1999 budget resolution, the Senate Budget Committee assumes a $10.5 billion cut from the veterans account—from disabled veterans, in effect—to partially fund the very large increase in ISTEA funds. The Budget Committee made this transfer based upon their decision to totally bar any veterans' claims for disabilities resulting from any tobacco-related illnesses. But not only did the Budget Committee make this raid on veterans' compensation for disabled veterans under the budget resolution, the Committee on Veterans' Affairs' jurisdiction over this issue is totally removed. And lo and behold, where does it appear to go? It appears to be solely placed in the realm of the Transportation Subcommittee of the Appropriations Committee.

Mr. President, this type of gimmickry makes a mockery of our budget process and of regular order in the Senate. It makes a mockery of the system of the Senate, which so many of our Senators are fond of talking about. This budget resolution will ultimately result in the erosion not only of the Veterans' Committee's authority, but of all authorizing committees' authority to determine policy. The budget committee is saying to us on the Veterans' Committee, we who take our work seriously, we will decide for you, we in the Appropriations Committee will decide for you; you will not decide policy in the authorizing committee.

Let's put a human face on this issue. Just who are the people that this VA compensation is helping? In Huntington, WV, Robert Christian is a 71-year-old World War II veteran. He entered the Navy when he was 17 years old. He began smoking cigarettes supplied by the Navy while on a ship headed to the Pacific, where he was involved in three separate invasions during that war.

Robert is just one of thousands of World War II veterans who became addicted to cigarettes supplied by the military. Don't talk about personal choice. His cigarettes were supplied by the military. So Robert smoked and has been addicted for 24 years. Today, he has bronchitis and emphysema as a result of his addiction. He receives regular treatments to help him breathe.

Because Robert and his physicians were able to make the connection between his bronchitis and his nicotine addiction, his medical disability has been service-connected by the Department of Veterans Affairs. Under the budget resolution, veterans like Robert would not be able to seek help. That is a disgrace.

His disability check is not a lot of money, I might add. But the real asset in this case is his VA health care. Now, as a service-connected veteran, Robert is able to go to the VA medical center for treatment of his service-connected condition. He is able to get his health care because he is service connected. This would change under the budget resolution.

And let's look at my friend, Larry Stotts of Spencer, WV. Larry joined the Marines at age 18, and he, too, began smoking the cigarettes supplied in service.

Larry is a Korean War combat veteran and one of the Chosin Few. The Chosin Few are veterans of a bloody battle—in driving snow and sub-zero temperatures—at the Chosin Reservoir in Korea in 1950.

After years of smoking beginning in the military, Larry has chronic obstructive pulmonary disease. It is so severely disabling that the VA has granted—under the very law now proposed to be struck down—a 100% service-connected disability and free medical care.

So when you take away this Department of Veterans Affairs compensation, remember that VA health care is now being provided on a priority basis. It has to do with your service-connected status or income level, and the first priority is for medical conditions linked to service in the military. A vote to deny VA compensation for smoking-related illnesses due to Government-sponsored nicotine addiction, which began in the service when these young men and women were teenagers, is also a vote to deny veterans health care—not just compensation for being disabled, but health care to thousands of veterans who turn to the VA for treatment of their smoking-related diseases. This is indeed a sorry statement about this country's sense of obligation to those who served our country. Mr. President, this issue is much clearer than all of this discussion of the law and the cost estimates. The issue is stunningly simple. Even if one opposes paying this compensation to a disabled veteran, or even if one is totally comfortable with the cost estimates that have been created, there is simply no reason—no reason—morally, ethically, or otherwise, to take away money from disabled veterans' programs and use it for other programs like tax cuts and highways. It is outrageous that veterans' programs are being looted in this way.

We are not asking for cuts in all accounts this year. In fact, we are not even demanding that others, such as Social Security disability recipients, lose their smoking-related compensation. No. Only veterans.

This year, we single out veterans and say: You, veterans, pay for all of this by giving up your rights. We imagine your satisfaction, disabled veterans, at $10 billion extra for highways, paid for by the loss of your rights to compensation as a disabled veteran.

I oppose this raid. I urge a vote in favor of my amendment, and I reserve the remainder of my time.

I will ask for the yeas and nays on my amendment after I yield to the Senator from Colorado. How much time is left?

The PRESIDING OFFICER. There are 3 minutes 5 seconds remaining.

Mr. ROCKEFELLER. I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, I thank my friend from West Virginia. I want to associate myself with his remarks. It is amazing to me how much we praise the actions of our military when they are putting their lives on the line and how quickly we forget them during peacetime or after they leave the military. This highway bill is important. I believe that, too, that our Nation's highways are in disrepair. But we have human beings that are also in disrepair in our veterans' ranks. We put $217 billion into the highway fund this year, which is almost $40 billion more than anybody expected. We have done a good job on funding our highways. I hope that we do an equally good job on funding the benefits for our sick veterans.

As my colleague from West Virginia mentioned, the administration—I don't, frankly, think they understand the ramifications of this because when I was in the service, I can remember, as Senator ROCKEFELLER alluded to, that there was no counseling not to smoke. In fact, as he said, it was "smoke 'em if you got 'em." That was the common thing to do at virtually every break. We were told, "If you want to smoke, go ahead, do it." There weren't any labels on the packs, and the cigarettes were free. You were actively encouraged to smoke. To say that it is somehow the veterans' fault and to say that they voluntarily smoked is a stretch of the imagination. I know we have potholes in our highways, but we ought to also be concerned with the bullet holes that were put in some of the veterans. To raid the veterans' health care funds to put it in the highways, I think, is absolutely outrageous.

I want to associate myself with the comments of my colleague from West Virginia. I applaud him for his courageous stand on trying to protect the veterans of our Nation.

I yield back my time.

Mr. ROCKEFELLER. Mr. President, I reserve the remainder of my time, and I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. Mr. President, it is very difficult to listen to words like, "The President of the United States is looting a veterans' health care program," and "the Senate Budget Committee continues to loot." Mr. President, almost everybody on that Budget Committee who voted for this probably votes for everything the U.S. Congress proposes for veterans. But what has happened here is very, very interesting. Here is the expansion of a program in a dramatic way. One would assume it is rather dramatic, since it is going to cost about $10 billion over 5 years. Congress has never voted on the program, number one. It is so inconsistent, in terms of causal connection between something that happened while you are in the military and your death, that the President of the United States, on two occasions —not one, but two successive budgets—has not funded any money to administer this expanded program.

As a matter of fact, this year the President refused to fund it and removed the money needed from the veterans' overall available moneys, I assume because the President believed it probably was never going to happen. That is two points. The third point: Not a single claim under this proposed expansion has ever been granted to this day. I take that back. The staff says 200 claims have been granted.

What we are saying is the President is right on this one. Before the afternoon is finished, we hope we can talk about another way to see who is right without having to do what the distinguished Senator from West Virginia, Mr. ROCKEFELLER, asks for. We are working on that, because, if anything, Mr. President, and fellow Senators, we ourselves need some clarification about what this program is all about. I want to give two examples. I am not an expert like my friend Senator ROCKEFELLER, who is on the Veterans' Committee, apparently is, or Senator SPECTER, who works hard in that area and is chairman.

Here is one example. If a young man started to smoke when he was 16 years old and he smoked for 4 years, and he joined the Army when he was 20 and he smoked for 4 more years, and he only served 4 years and he got out, and then he continued to smoke for 40 years, and he got cancer, this expansion of the program never before considered says that the Federal Government, the military, is responsible for his cancer. Do you have that? He started smoking before he went in. He smoked for only 4 years while he was there. Now he gets a benefit for cancer. If he dies, his widow gets a widow's allowance because something happened to him in the military and we should pay for the death and a widow's allowance. Frankly, I do not believe anybody who has been talking about this veteran's benefit understood that.

I will give you the more typical one. You join the military. Most of these are going to be people who were not in for a long time because they are the veterans who were coming in while we had the draft. So you have a 20-year-old joining and he smokes. Here is one. He smokes for the 2 years that he is in. Then he continues thereafter to smoke for 40 more years. He dies of cancer. His widow gets a benefit allowance because he smoked for 2 years in the military, and continued thereafter on the premise that he became addicted to nicotine in the military and, therefore, we should pay for it.

There are all kinds of examples like that. I don't know all of the examples. Of the three that I stated, one of them may not be exactly right. But I am in the ballpark about what is happening.

I believe we ought to follow the lead of the President and not permit this program to go into effect now. I did not say that we should kill the program. I said I believe we should come up with a way so that we don't implement the program now so that we don't create any false hope immediately, but that we find a way to get this program appropriately evaluated and that we find out here in the Congress what it is all about. I am hopeful before too long that we will have an approach to try to do that. I know frequently in these kinds of situations it doesn't do a lot of good to talk and to explain because maybe people have already made up their minds. I hope not on this.

Let me tell you, there is no question that we are not denying veterans any health benefits they are getting today. If 200 people have gotten the claims, it certainly is just the beginning. There will be many more. We ought to take a good look at it before we decide that it is right. Frankly, I look forward to taking another look at this in some appropriate way for a reasonable period of time. I hope the veterans' groups in this country will say, well, the Senate quite appropriately wanted to take a look. They did not say we weren't entitled to this. But it is very, very different than anything we have done before. In a sense, it is sort of saying if you smoked at any time in the military and smoked thereafter, that the military is responsible for everything that happens to you if you smoke for 25 more years because somehow or another you became nicotine addicted in those years while you were in the military.

I repeat: This does not change all of the veterans' benefits with reference to existing programs that are being carried out. I understand with reference to hospital treatment that Senator ROCKEFELLER is alluding to the fact that if this isn't continued on and if it doesn't continue starting right now that some veterans will not be as high up in the rank of using the veterans' facilities as they would be if this program were in effect. But I suggest even there that we ought to take a look for a reasonable period of time and get this analyzed thoroughly before we proceed.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Mexico yield time to the Senator from Idaho?

Mr. DOMENICI. I yield 5 minutes to the Senator from Idaho on my time in opposition to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I reluctantly stand in opposition to the amendment by my colleague from West Virginia. I say that because I appreciate and share with him membership on the Veterans' Committee. So I don't take this opposition lightly. But I recognize its importance because of the broad sense of obligation we have to our veterans community. We in this Nation have elevated veterans and veterans' care to a high standard. That is why it is a Cabinet agency. It didn't just happen by accident.

We want to care for our veterans. Those men and women who have stood in harm's way for the defense of our freedoms deserve that care, and all of us appreciate the fact that is a great deal. That is why this budget spends $3 billion more over the next 5 years than was assumed in last year's bipartisan budget agreement. That is a true statement of commitment and obligation to our veterans. But this administration and I, and the chairman of the Budget Committee, have very real doubts whether allowing a post-service, smoking-related illness as a part of cash compensation to dependents is the right way to go—at a time certainly when our Veterans' Administration is strapped for cash to meet its current obligations to generate and create a new obligation that is estimated will cost $45 billion over the next 10 years and could reach as high as $10 billion a year by the year 2009.

That is the reality of what we are talking about. How did we get there? There was a question asked inside the Veterans' Administration whether it was reasonable and right. Could they compensate if this were true? The answer was yes. But the chairman of the Budget Committee is right. Did this Congress authorize it? No; we did not. Can we literally start a new extension of entitlement that could cost $10 billion a year without Congress speaking to it? I hope not. But that is the character of the amendment offered by my colleague from West Virginia.

I oftentimes do not like to use the argument that maybe we ought to study this. But maybe we ought to understand what we might be walking into. Is it really going to be, by the year 2009, a $10 billion expenditure at a time when our veterans' hospitals may be going unserved or unmodernized or unadministered, at a time when we are trying to strive for outpatient care, at a time when we are trying to build obligations for State-managed and shared veterans' nursing homes for the population of World War II veterans as they grow older and older? If this is the kind of expansion of entitlement we are talking about, how much of the other programs of the Veterans' Administration will we be starving out?

That is why I have to say no and will oppose the amendment, and hope we can look at the possibility of secondary amendments that would analyze and study to see what this obligation might be. We really do not have the parameters of it.

In the Veterans' Committee the other day, chaired by my chairman, Senator SPECTER, there was a general analysis of how they would interpret how they would judge. But, as we know, once you lay down a set of regulations and make arbitrary decisions about who is and who isn't eligible, all it takes is a court test to say, "Wait a moment. You have judged me, my husband's, or my wife's illness improperly although they are deceased and I am entitled." And the judge says, "Why not? It is the largess of the Treasury. And, by the way, the Veterans' Administration is being arbitrary anyway." Boom. We have a new expansion of an entitlement because this Congress didn't speak to it and this Congress didn't set the tight parameters necessary when we created new entitlement programs. We allowed an agency and their administrators to interpret and, therefore, to judge and, therefore, to define. I believe that is arbitrary. I think all of us do.

Let me remind you: $10 billion a year by the year 2009 is potentially $45 billion over the next 10 years. That is a big chunk of money.

The PRESIDING OFFICER. Who yields time? If neither side yields time, time is charged equally to both sides.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Pennsylvania?

Mr. ROCKEFELLER. Mr. President, I want to clarify the situation in my mind. Senator CRAIG has not yet offered his amendment. Therefore, 5 minutes for responding to that amendment is not at this point available to me.

The PRESIDING OFFICER. The Senator is correct.

Mr. ROCKEFELLER. Therefore, the Senator from West Virginia has 1 minute.

The PRESIDING OFFICER. One minute 14 seconds.

Mr. ROCKEFELLER. I will close on this portion.

Mr. DOMENICI. Let me ask the Senator if he would like a couple of minutes so he can give Senator SPECTER a couple minutes.

Mr. ROCKEFELLER. I want very much to give the chairman time.

Mr. DOMENICI. I yield 3 minutes to the Senator from West Virginia.

Mr. ROCKEFELLER. I yield 2 minutes to Senator SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SPECTER. Mr. President, I believe that veterans are entitled to be compensated for illnesses related to smoking because that has been the determination of the General Counsel of the Veterans Administration and the doctors who have analyzed this program. The Veterans' Affairs Committee had an extensive hearing on this matter a few days ago. The reallocation of $10.5 billion to another expenditure line, I believe, is unfair to the veterans of America. Young people are taken away from homes. They are put in situations of stress. Cigarettes are provided either free or at a low cost. The determination has been made by the General Counsel that nicotine dependence is a disease and it is compensable. If the money is not to go for tobacco-related illnesses, it ought to remain in the VA funds generally, because the VA funds are very, very limited for the tremendous obligation owed to the veterans of America.

I believe another source of funding might be available from the tobacco funding. And as much as I want to see the highway program proceed, and highways are very necessary as a matter of infrastructure for America, I believe the veterans' benefits come first. I do not believe we need any additional studies on this matter. The analysis has been made extensively by the general counsel that it is a disease, that nicotine addiction is a disease, and the veterans are entitled to be compensated. These funds ought to be made available to the veterans, as Senator ROCKEFELLER has proposed.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 23 seconds.

Mr. SPECTER. I reserve the remainder of my time.

The PRESIDING OFFICER. If no one seeks recognition, time will run equally on both sides.

The Senator from West Virginia.

Mr. ROCKEFELLER. I ask the distinguished Senator from New Mexico if he wishes to speak. I would like to maintain my right to close the debate on my amendment.

Mr. DOMENICI. Mr. President, I have never been so certain that my eloquence had that much to do with matters, as to whether I spoke first or last, but normally I have been speaking last here as the floor manager when we are opposing an amendment. But I will not follow that now. I will speak now and let the Senator close.

I don't have much additional to say. Frankly, I think it is a mistake, however, to categorize the money that the President saved in the budget by saying he was putting this program off. I think it is a mistake to categorize it that it all went for highways. The truth of the matter is, it goes to discretionary spending for programs across the board, which include highways. Frankly, what is going to happen is, the programs of this country all go to the Appropriations Committee; if there is not enough money for highways, then they are apt to fund highways and cut NIH, or anything else, if they would like. It is going to be a matter of what is the highest priority.

So it seems to me we are talking about a program that the President of the United States for 2 consecutive years has said should not take effect, has provided no money to let it take effect. That, at least, is very questionable, whether the general counsel ruled or not. Congress never voted. And we believe some additional time ought to be taken on this matter.

Whatever time I have I yield back at this point.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the distinguished floor manager indicates that the President of the United States has done this. I am not trying to protect the President of the United States. I think he is wrong on this also. I am trying to protect disabled American veterans who have been addicted to nicotine and who will be barred from getting compensation as a result of this. All I can say is that my amendment seeks to strike $10.5 billion that was put artificially, by trumped-up means, into the veterans' baseline. If there is a study or something to look at it in the future, it will then be too late—my purpose will be dead. I want to return to veterans that $10.5 billion which is ascribed to roads—which we treasure in West Virginia, but which, because of the good work of my senior colleague, we are doing very well with. And that is a common joke around here, and one which I enjoy and respect.

But I care about veterans. We have approximately 200,000 of them in West Virginia. We have 26 million of them in this country. This is a blatant attempt, under a whole new concept—despite our new understanding of addiction to tobacco in general, and our new understanding of addiction to tobacco by veterans in the service—which DOD now admits for the first time—to take money away from helping veterans and give it to highways.

Concrete and rebars and all of those things are important. But so are human beings who have served in this country's military service and who are addicted and have to go through an incredibly hard process to become classified as disabled to get this kind of help from VA.

Yes, as the manager has indicated, some will get their health care benefits. But that is not what we are talking about. We are talking about a process which, because of the addiction, they have to go through a very difficult process to achieve a status where they can get compensation for their disability due to addiction. It is a fundamental American matter, and it is also the law of the land at the current time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROCKEFELLER. I yield back the remainder of my time and send an amendment to the desk.

AMENDMENT NO. 2283 TO AMENDMENT NO. 2226

Mr. DOMENICI. Mr. President, I send a second-degree amendment to the desk and ask it be reported.

Mr. ROCKEFELLER. Regular order, Mr. President. Mr. President, I believe I had——

The PRESIDING OFFICER. No; the time of the Senator had expired, and the manager was recognized.

The clerk will report the amendment of the Senator from New Mexico.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. CRAIG and Mr. LOTT, proposes an amendment numbered 2283 to amendment No. 2226.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:

$51,500,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2000:
(A) New budget authority, $51,800,000,000.
(B) Outlays, $44,700,000,000.
Fiscal year 2001:
(A) New budget authority, $52,100,000,000.
(B) Outlays, $45,700,000,000.
Fiscal year 2002:
(A) New budget authority, $51,400,000,000.
(B) Outlays, $45,800,000,000.
Fiscal year 2003:
(A) New budget authority, $52,000,000,000.
(B) Outlays, $46,900,000,000.

On page 25, line 8, strike "−$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:

−$300,000,000.
(B) Outlays, −$1,900,000,000.
Fiscal year 2000:
(A) New budget authority, −$1,200,000,000.
(B) Outlays, −$4,600,000,000.
Fiscal year 2001:
(A) New budget authority, −$2,700,000,000.
(B) Outlays, −$3,000,000,000.
Fiscal year 2002:
(A) New budget authority, −$3,800,000,000.
(B) Outlays, −$7,000,000,000.
Fiscal year 2003:
(A) New budget authority, −$5,400,000,000.
(B) Outlays, −$5,000,000,000.

In lieu of the language proposed to be stricken, insert:

(6) For reductions in programs in function 700, Veterans Benefits and Services: For fiscal year 1999, $500,000,000 in budget authority and $500,000,000 in outlays; for fiscal years 1999–2003, $10,500,000,000 in budget authority and $10,500,000,000 in outlays.

(7) Sense of the Senate on VA compensation and post-service smoking-related illnesses.

(a) FINDINGS.—The Senate finds that—

(i) the President has twice included in his budgets a prohibition on the entitlement expansion that the Department of Veterans Affairs (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(ii) Congress has never acted on this entitlement expansion;

(iii) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least $10,000,000,000 over 5 years and $45,000,000,000 over 10 years in additional mandatory costs to the VA;

(iv) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review;

(v) the entitlement expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health."; and

(vi) Secretary Brown's comment was recently reaffirmed by Acting Secretary of Veterans Affairs Togo West, who stated "It has been the position of the Department and of my predecessor that the decision to use tobacco by service members is a personal decision and is not a requirement for military service. And that therefore to compensate veterans for diseases whose sole connection to service is a veteran's own tobacco use should not rest with the Government.".

(B) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(i) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA.

(ii) The study and report required by paragraph (3) will be completed.

(iii) The Secretary of the Department of Veteran Affairs, the Office of Management and Budget, and the General Accounting Office are jointly required to—

(aa) jointly study (referred to in this section as the "study") the VA General Counsel's determination and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(bb) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(iv) The study should include—

(aa) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(bb) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(cc) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(v) The study shall be completed no later than July 1, 1999.

(vi) The Department of Veterans Affairs and the Office of Management and Budget shall report their finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

The PRESIDING OFFICER. There are 10 minutes equally divided on each side on this second-degree amendment.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself 3 minutes, and then I yield 3 minutes to Senator CRAIG.

The PRESIDING OFFICER. The Senator only has 5 total.

Mr. DOMENICI. I yield myself 2.

Mr. President, this amendment is very simple, and I think it is a fair amendment. This amendment says that for the next year this program will be held in abeyance. And during that year, the Veterans' Administration, the General Accounting Office, and the Office of Management and Budget will meet, analyze, and make recommendations to the President of the United States and to the Congress of the United States.

I believe that enough has been said here on the floor, enough is there by virtue of the President of the United States deciding what he has decided for 2 consecutive years, that we really ought to make sure we receive the best information about what is the right and fair and honorable thing to do.

I do not believe that anybody expects we should pay a widow's allowance, and for cancer, for a veteran who spent 2 years in the military and smoked, or for a veteran who spent 4 years in the military and smoked, and then smoked for 40 years thereafter. I believe we need some clarification and some real details on this, because this is a very large expenditure of money and it should not be denied to veterans if, in fact, there is a reasonably causal relationship between a veteran's service and the illness from which a veteran died. If there is a reasonable causal relationship and it does encompass as many as might claim under this, then we ought to have this group of people spend at least a year, or whatever time it takes, and report to us on the effects of the General Counsel's interpretation of a general statute with relationship to nicotine.

I yield the remainder of my time to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the chairman of the Budget Committee has explained our intent with this amendment. Let me read it:

> The Secretary of the Department of Veterans Affairs, the Office of Management and Budget and the GAO are jointly required to—
>
> jointly study (referred to in this section as the "study") the VA General Counsel's determination and the resulting actions to change the compensation rules. . .
>
> [and] deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

That is one point. The other point, and I think the most important one that drives this process, that alludes to the potential $10 billion a year, or $45 billion over the next few years, is:

> . . . estimate the numbers of those filing such claims, the cost resulting from such benefits, the time necessary to receive such claims, and how such a number of claims will affect the VA's ability to review its current claim load.

In other words, this is not a dodge, this is a sincere effort to determine the impact of this potential program, that not one dime has been spent on yet. Are we truly going to damage other veterans' programs that are ongoing, that current veterans believe they are owed and, in all right, they are owed? I think we ought to have that information. That is exactly what this study does.

Does it shove it off for years and years? Not at all. The study concludes that this has to be completed no later than July 1, 1999. And the Department of Veterans' Affairs and the Office of Management and Budget and GAO shall report their findings to the majority and the minority leaders of the Senate and the ranking member and the chairman of the Senate Veterans' Affairs Committee.

This is an honest and sincere attempt not to legislate into the dark and to risk $10 billion or $45 billion, and to put in jeopardy current and future ongoing programs of the Veterans Administration, but to have a real understanding of where we might be treading.

I believe it is responsible, I believe it is right, and I hope my colleagues will join with the chairman of the Budget Committee in support of this second-degree. Let's find out where we are going before we launch on a commitment that we would never be able to walk away from once we created that obligation to veterans. If we truly have dependents out there who start receiving the money, we will never cut it off.

The PRESIDING OFFICER. The time of the proponent of the amendment has expired.

The Senator from West Virginia has 5 minutes.

Mr. ROCKEFELLER. Mr. President, I yield 1½ minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague.

Mr. President, I don't know how to say much in a minute and a half. Let me just say to my good friend from Idaho that I believe the second-degree amendment is not a step forward. I think it is a great leap sideways. A study is not what we are talking about. You don't have to be a rocket scientist to know what is at issue here. This is money that we believe should have gone to veterans for compensation. If it doesn't go directly for compensation, this $10 billion-plus ought to go into the VA budget. It ought to be there for disabled veterans. It ought to be there for health care for veterans.

There are a lot of gaps. There are a lot of holes in this VA budget. As is, we are not living up to a contract for veterans. My colleagues are absolutely right in what they are doing, and I rise to speak on the floor of the Senate to support the Rockefeller-Specter amendment. I hope we will defeat the second-degree amendment and pass this amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I yield 1 minute to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I oppose the amendment in the second degree because an additional study is not necessary. The matter has already been studied extensively by the Veterans' Administration. There has been an opinion of the General Counsel that nicotine is a disease and that it is compensable. A study might be all right if we did not take $10.5 billion off what ought to be in the Veterans' Affairs account—the Department of Veterans' Affairs account—and put it somewhere else.

I believe the underlying amendment by the Senator from West Virginia is accurate. The second-degree amendment ought to be defeated.

I will yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask the Presiding Officer to tell the Senator from West Virginia when he has only 1 minute remaining.

Mr. President, the Craig amendment would cut $10.5 billion in veterans' funds in the budget resolution.

No. 2, the Craig amendment still allows the money to be cut and then to reauthorize—as he says, we will do a study for a year—incidentally, by the same people, a study by exactly the same people who came up with this solution, to cut the money.

But in order to reauthorize the veterans' disability benefit, the Congress—everything would then be subject to PAYGO, and my colleagues had better understand that Congress would then have to cut off another veterans' benefit. So this is a blind path that we are going down. A vote in favor of the Craig amendment is a vote to shift $10.5 billion away from disabled veterans.

Mr. President, I yield back my time.

AMENDMENT NO. 2284 TO AMENDMENT NO. 2226

Mr. ROCKEFELLER. Mr. President, I send a perfecting amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 2284 to amendment No. 2226.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following: $51,000,000,000.

(B) Outlays, $42,300,000,000.
Fiscal year 2000:
(A) New budget authority, $50,800,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2001:
(A) New budget authority, $50,100,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2002:
(A) New budget authority, $48,400,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2003:
(A) New budget authority, $48,000,000,000.
(B) Outlays, $42,900,000,000.

On page 25, line 8, strike "–$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following: $200,000,000.

(B) Outlays, –$1,400,000,000.
Fiscal year 2000:
(A) New budget authority, –$200,000,000.
(B) Outlays, –$3,600,000,000.
Fiscal year 2001:
(A) New budget authority, –$700,000,000.
(B) Outlays, –$1,000,000,000.
Fiscal year 2002:
(A) New budget authority, –$800,000,000.
(B) Outlays, –$4,000,000,000.
Fiscal year 2003:
(A) New budget authority, –$1,400,000,000.
(B) Outlays, –$1,000,000,000.

On page 31, line 24, strike subsection (6) in its entirety.

The PRESIDING OFFICER. There are 5 minutes on a side on this amendment.

Mr. ROCKEFELLER. I yield back the remainder of my time and ask for the yeas and nays on the perfecting amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from West Virginia has yielded back all his time.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, this puts us right back where we were at the beginning. What I would like to do is remind the Senate that we will have an opportunity to vote on the Domenici substitute which calls for the 1-year study, and that does have the General Accounting Office in it also, for those who are wondering whether it is just the Veterans' Administration and the OMB.

In addition, if we table this Rockefeller amendment, we will vote next on the Domenici amendment which will give us this 1-year study to make sure that we are doing the right thing.

I yield back the remainder of my time, and I move, at the appropriate time, to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Brownback amendment No. 2177. The yeas and nays have been ordered. The clerk will call the roll.

Mr. DOMENICI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I don't know why we proceeded to the vote. We did not intend to go to a vote. We are going to stack the votes and have a series of votes.

The PRESIDING OFFICER. The rollcall was on the first series of votes. The Brownback amendment——

Mr. DOMENICI. We are not finished with our pool of amendments. We still have Senator KYL to offer his, and then we will have the entire package voted on one after the other.

The PRESIDING OFFICER. Does the Senator from New Mexico want to ask unanimous consent——

Mr. DOMENICI. That is the consent. There is consent that these six amendments be debated and that they then be voted on in order. Of that group, Senator KYL's has not yet been debated.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona to call up an amendment.

Mr. KYL. Thank you, Mr. President.

AMENDMENT NO. 2221

Mr. KYL. Mr. President, I call up amendment No. 2221.

The PRESIDING OFFICER. The pending amendment is amendment No. 2221.

Mr. KYL. Mr. President, I ask unanimous consent that Senator SANTORUM be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I note, Mr. President, that this amendment was supposed to have been discussed earlier. That undoubtedly accounts for the confusion, because it should have occurred already. However, I was not here at the time and, therefore, it will be the last amendment discussed prior to the time the votes start, for the benefit of my colleagues.

This is a very straightforward amendment. It expresses the sense of the Senate in favor of a supermajority vote for raising taxes.

Mr. President, the tax burden imposed on the American people has grown so large that it is beginning to act as a drag on the Nation's economy. As a share of the gross domestic product, revenues to the Treasury will rise from 19.9 percent this year to 20.1 percent next year. That would be higher than any year since 1945, and it would be only the third year in our entire history during which revenues have exceeded 20 percent of the national income. Notably, the first two times that revenues broke the 20 percent mark, the economy tipped into recession.

Mr. President, we are talking about something very serious, and that is the possibility that this great economic engine that has been creating budget surpluses for the Federal Government and a great standard of living for the American people could come to a screeching halt if we do not begin to do something about the tax burden imposed upon the American people.

Many of us believe it would have been prudent to consider more tax relief in the budget this year. But it seems to me that if the Congress and the President cannot agree on more tax relief, we at least ought to be able to agree that taxes should go no higher. The House of Representatives, I inform my colleagues, is scheduled to vote in April on an initiative to make it much harder for Congress to raise taxes. It would require a two-thirds majority vote in each House in order to add to the tax burden.

The sense-of-the-Senate amendment that I have offered now will begin the debate in the Senate as well. I do not specify a particular percentage that would constitute a supermajority for purposes of raising taxes, but simply request that we go on record as expressing support for the principle that a supermajority should be required. I will briefly explain why.

A third of the Nation's population imposes tax limitations on their State governments. Voters have approved tax limits by wide margins, so this is not something new or risky. In my home state of Arizona, for example, a tax limitation passed with 72 percent of the vote, and we are one of the fastest growing States in the Nation. We have one of the lowest tax burdens, one of the highest rates of growth. In Florida, another high-growth State, a tax limitation amendment was adopted with 69.2 percent of the vote; in Nevada, with 70 percent. I daresay, Mr. President, these are probably three of the fastest growing States in the country.

A tax limitation ensures growth, reduces taxes, provides more jobs and, I believe, would be a good thing for the Federal Government to adopt for the entire country with respect to Federal taxes.

The proposed Constitutional amendment, which is referred to in the pending sense of the Senate amendment, now has 23 cosponsors in the Senate. It is something that was recommended by the National Commission on Economic Growth and Tax Reform. In fact, that commission, which you will recall was chaired by former HUD Secretary Jack Kemp, advocated the supermajority requirement in its report on how to achieve a simpler single-rate tax to replace the existing maze of tax rates, deductions, exemptions and credits that makes the Federal Tax Code so complicated as we know it today.

Here are the words of the commission:

> The roller-coaster ride of tax policy in the past few decades has fed citizens' cynicism about the possibility of real, long-term reform, while fueling frustration with Washington. The initial optimism inspired by the low rates of the 1986 Tax Reform Act soured into disillusionment and anger when taxes subsequently were hiked two times in less than seven years. The commission believes that a two-thirds supermajority vote of Congress will earn American's confidence in the longevity, predictability, and stability of the new tax system.

Mr. President, there is no small irony in the fact that it would have taken a two-thirds majority vote of the House and Senate to overcome President Clinton's veto and enact the 1995 Balanced Budget Act with its tax relief provisions. Yet, by contrast, the President's record-setting tax increase in 1993 was enacted with only a simple majority and, in fact, not even a majority of elected Senators at that. Vice President GORE broke a tie vote of 50-50 to secure passage of the tax increase in the Senate.

A tax limitation is based on a simple premise: that it ought to be at least as hard to raise people's taxes as it is to cut them.

Mr. President, I ask unanimous consent to have printed in the RECORD several documents.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Citizens for a Sound Economy Foundation, Apr. 8, 1997]

MAKING A TAXING DECISION: WHY CONGRESS SHOULD PASS THE TAX LIMITATION AMENDMENT

(By Scott Moody)

On April 15, Congress will have an historic opportunity to make a sincere commitment to the principles of a balanced budget and a smaller government by voting for the Tax Limitation Amendment (TLA) to the Constitution. If the Congress and the president mean it when they say the era of big government is over, then the deficit must be eliminated by reigning in government spending, reforming entitlements, and cutting wasteful and unnecessary programs. Passage of the TLA—which would require a two-thirds vote of Congress to raise taxes—will help take tax increases off the table. The message from taxpayers to members on both sides of the aisle is clear—pass the Tax Limitation Amendment.

A bipartisan message. According to voters all across America, creating a more accountable tax policy is a bipartisan responsibility. In fact, the congressional delegations from the twelve states that have adopted a supermajority tax provision are almost evenly split between Republicans and Democrats.[1] In the House of Representatives there are 68 Republicans and 50 Democrats who represent these states with a supermajority provision. In the Senate, representation is evenly split with 12 Republicans and 12 Democrats. This even split reveals that states with supermajority provisions do not strictly lean toward one political party or another. It also shows, and politicians on both sides of the aisle should take notice, that there is growing consensus among all taxpayers for tax limitation.

A two-thirds majority provision is gaining in popularity. Within the last five years, the trend toward tax limitation has accelerated. Of the twelve states with supermajority requirements, seven of them have been enacted or expanded since 1992. Although the requirement varies from state to state, the most popular provision requires a two-thirds (66 percent) majority vote to raise taxes. As shown below, voters are strongly supportive of tax limitation. Politicians can only ignore this tidal wave of support at their own peril.

Footnotes at end of article.

1992

1. Arizona—Requires ⅔ elected majority, passed by 72 percent of voters.
2. Colorado—Requires ¾ elected majority, passed by 54 percent of voters.
3. Oklahoma—Requires ¾ elected majority, passed by 56 percent of voters.

1996

4. Florida—Requires ⅔ voter majority, passed by 70 percent of voters.
5. Nevada—Requires ⅔ elected majority, passed by 70 percent of voters.
6. Oregon—Requires ⅗ elected majority, passed by 52 percent of voters.
7. South Dakota—Requires ⅔ elected majority, passed by 74 percent of voters.

A TLA would boost economic growth and create new jobs. States that have adopted a tax supermajority provision have grown faster and created more jobs than states that do not have any tax limitation. A look at these states reveals that the existence of supermajority provisions help to limit tax and spending increases by state governments. As a result, more money is available for productive investment by businesses and individuals which boosts economic growth and creates new jobs. Other studies have found the same results:

A study by Jim Miller, former budget director under President Reagan, and Mark Crain, an economist at George Mason University, which is based on data from all 50 states found that a supermajority provision for raising taxes results in a lower per-capita growth in state spending.[2]

Economist Dan Mitchell has also made a number of important discoveries on economic growth in his study of ten states that require a supermajority to raise taxes. He found that between 1980 and 1992, states with supermajority grew by 43 percent (35 percent without) and employment increased by 26 percent (21 percent without).[3]

Increased accountability. Passed by simple majorities, four of the last five major tax bills would not have met a two-thirds approval requirement. In fact, the last tax bill passed by one vote in the House of Representatives and the Vice-President broke a tied vote in the Senate. As a consequence, American taxpayers are not fully convinced that Congress has carefully weighed the pros and cons of increasing taxes that have since raised a staggering total of $666 billion.[4]

Judging by the large support of a two-thirds majority requirement by voters, most Americans realize the economic benefits of creating a more accountable tax policy in addition to a smaller tax burden. Many taxpayers from both sides of the political spectrum have, in most cases, overwhelmingly approved supermajority provisions for their own state. Now they expect Congress to do the same and pass the Tax Limitation Amendment.

FOOTNOTES

[1] These states are: Arizona, Arkansas, California, Colorado, Delaware, Florida, Louisiana, Mississippi, Nevada, Oklahoma, Oregon and South Dakota.

[2] Mark Crain and James Miller, "Budget Process and Spending Growth," William and Mary Law Review, Spring 1990.

[3] Dan Mitchell, "The Case for a Tax Supermajority Requirement: A Look at the States," Citizens for a Sound Economy Foundation, Issue Analysis, No. 25, April 12, 1996.

[4] James Perry, "Growth, Prosperity, and Honest Government. The Case for Constitutional Tax Limitation," Americans for Tax Reform, Policy Brief, 1997.

OFFICIAL SUPPORTERS OF THE TAX LIMITATION AMENDMENT

- American Conservative Union
- Americans for Tax Reform
- Associated Builders and Contractors
- Association of Concerned Taxpayers
- Chamber of Commerce of the United States
- Christian Coalition
- Citizens for a Sound Economy
- Coalition for America
- Competitive Enterprise Institute
- Council for Citizens Against Government Waste
- Family Research Council
- National-American Wholesale Grocers Association/International Foodservice Distributors Association
- National Association of Manufacturers
- National Association of Wholesaler-Distributors
- National Federation of Independent Businesses
- National Tax Limitation Committee
- National Taxpayers Union
- National Taxpayers United of Illinois
- Seniors Coalition
- Small Business Survival Committee
- 60 Plus Association
- United Seniors Association

NATIONAL TAXPAYERS UNION,
Alexandria, VA, March 31, 1998.

Hon. JON KYL,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR KYL: National Taxpayers Union, America's largest grassroots taxpayer organization, strongly supports your "Sense of the Senate" Tax Limitation Amendment to S. Con. Res. 86, the FY '99 Budget Resolution.

Your amendment would put the Senate on record as favoring a super majority vote for the enactment of legislation that would raise tax rates, impose new taxes, or otherwise increase the amount of taxpayers' income that is subject to tax. As perhaps the most important tax limitation vote of this Session of Congress, National Taxpayers Union will likely score a "YES" vote on your amendment as one of the heaviest-weighted pro-taxpayer votes in our annual Rating of Congress.

In addition to supporting tax limitation, your amendment establishes the basic premise of any genuine tax reform. We urge your colleagues to join you in voting for the Kyl amendment on the floor of the Senate.

Sincerely,

JOHN E. BERTHOUD,
President.

[From Citizens for a Sound Economy Foundation, Apr. 12, 1996]

THE CASE FOR A TAX SUPERMAJORITY REQUIREMENT: A LOOK AT THE STATES

(By Daniel J. Mitchell)

A number of states require at least a three-fifths majority vote to raise taxes. These states have seen lower tax and spending increases, faster economic and job growth, and an accumulation of less debt. This evidence supports the case for a supermajority requirement to raise taxes at the federal level, which the House of Representatives is scheduled to vote on this Monday.

On April 15th, the House of Representatives will vote on whether the Constitution should be amended to require a two-thirds vote to raise taxes. A supermajority requirement eliminates the existing bias in favor of enacting higher taxes. Such a provision is particularly important during times when lawmakers are under pressure to control deficits and balance the budget. Simply stated, if higher spending cannot be achieved by increasing borrowing, the only other way of financing new spending is by raising taxes. Requiring a supermajority to raise taxes ensures that a simple majority of politicians cannot continue to spend other people's money and evade fiscal responsibility.

Critics charge that the supermajority requirement would be a risky, untested idea. This accusation is false. Ten states require at least a three-fifths vote of lawmakers to raise some or all taxes. Supermajorities, needless to say, are just one of many factors that influence these states' performance. It stands to reason, however, that making it harder to raise taxes would be at least partially responsible for these good numbers. Three of the states instituted the tax limit in 1992, but seven states have lived under this requirement for some time. In these states—Arkansas, California, Delaware, Florida, Louisiana, Mississippi, and South Dakota—the evidence shows that, on average, supermajority states have smaller tax and spending increases, grow faster, create more jobs, and accumulate less debt.

SUPERMAJORITY STATES CONTROL TAX BURDEN

On average, states with supermajorities saw their per capita tax collections jump by 102 percent between 1980 and 1992. This is too high, but it is much better than the average 121 percent increase in per capita tax collections that occurred in states without these supermajority protections. In other words, the tax burden rose nearly 20 percent faster in states that did not limit the ability of politicians to raise taxes.

LOWER SPENDING INCREASES IN SUPERMAJORITY STATES

In the supermajority states, per capita state spending on average increased by 132 percent between 1980 and 1992. While this is hardly a record to be proud of, states without supermajority tax requirements experienced average total per capita spending increases of 141 percent. This difference may not be very large, but taxpayers are grateful for even modest improvements in their state's fiscal performance.

SUPERMAJORITY STATES GROW FASTER

Lower taxes and lower spending are desirable, but the real reason for controlling the size of government is to promote prosperity. Not surprisingly, a supermajority is associated with faster economic growth. States with restrictions on the ability to raise taxes grew by an average of 43 percent in real terms from 1980 until 1992. States that made it easier for politicians to raise taxes, by contrast, only grew on an average of 35 percent during the same period.

SUPERMAJORITY STATES CREATE MORE JOBS

The combination of smaller government and faster growth in supermajority states means that there is more money available for the productive sector of the economy. This means more jobs. In states with supermajorities, total employment increased by an average of 26 percent between 1980 and 1992. In states that allow taxes to be raised by a simple majority, on the other hand, the number of jobs increased by an average of only 21 percent.

SUPERMAJORITY STATES INCUR LESS DEBT

One of the criticisms of supermajority requirements is that politicians would not have the power to raise taxes in times of fiscal crisis, thus subjecting state residents to higher levels of debt. Evidence from the states, however, appears to dispel this fear. In the seven states with supermajorities, state debt increased by an average of 271 percent between 1980 and 1992. This is not a good track record, but states without limits on higher taxes saw average debt increases of 312 percent in the same period.

CONCLUSION

Empirical data from the states suggests that tax supermajority requirements serve their intended purpose—helping to limit the growth of government and enabling a more rapid pace of economic growth and job creation. To be sure, a supermajority requirement does not guarantee sound economic policy. The record tax increase in California, for instance, was enacted in spite of a two-thirds majority requirement. And many states without supermajority requirements, such as Tennessee and Nevada, scored well in most categories (not surprisingly, the lack of a state income tax seems to be associated with more growth and less government). Nevertheless, examining the performances of states with and without supermajorities seems to confirm the well established relationships between sound fiscal policy and good economic performance. If federal lawmakers approve similar legislation on the federal level, there is every reason to expect positive results.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time against the amendment?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise in opposition to the Kyl amendment. I assume we have 5 minutes.

The PRESIDING OFFICER. Five minutes.

Mr. LAUTENBERG. I rise in opposition to an amendment presented by Senator KYL that would call for a constitutional amendment and require a supermajority to vote to increase Federal revenues. This amendment effectively would grant special protection for tax loopholes. In this body, we only require a supermajority vote for things that deserve special protection—Social Security, for example. It would be wrong to give breaks for corporations and the well-off and permit them to have the same protection as the Social Security trust funds, and it would be outrageous to give those loopholes constitutional protection.

The Founding Fathers had it right the first time. A simple majority vote is all that should be required for this body to act. That is a democracy.

I oppose this amendment and urge my colleagues to vote against it. It calls for a sense of the Senate looking for a constitutional amendment to be offered here.

I am not going to take any more time. I hope that the Members will see that we are giving special protection to tax loopholes when certainly the status doesn't warrant it, but worse than that, we are talking about a constitutional amendment. Thank goodness it is a sense-of-the-Senate amendment. It has about as much force as so many of the other sense-of-the Senate amendments that we have already had here. I yield the floor.

Mr. DOMENICI. Has all time been yielded back?

The PRESIDING OFFICER. Does the Senator from New Jersey yield back his time?

Mr. LAUTENBERG. If the rest of the time has been yielded back, then I yield back the time I have.

The PRESIDING OFFICER. All time has been yielded back.

VOTE ON AMENDMENT NO. 2177

The PRESIDING OFFICER. We now proceed under the previous order to Brownback amendment No. 2177. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—52

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bryan
Burns
Campbell
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gramm
Grams
Grassley
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wyden

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bumpers
Byrd
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gregg
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Robb
Rockefeller
Sarbanes
Snowe
Specter
Wellstone

NOT VOTING—2

Helms
Inouye

The amendment (No. 2177) was agreed to.

Mr. BROWNBACK. Mr. President, I move to reconsider the vote and I move to lay it on the table.

The motion to lay the amendment on the table was agreed to.

The PRESIDING OFFICER. The amendment before the Senate is Specter amendment numbered 2254. Under the previous order, there is 1 minute per side to debate the amendment.

Who yields time?

Mr. DOMENICI. I ask unanimous consent that we temporarily lay aside the Specter amendment and go to the amendment of Senator LAUTENBERG.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2244

The PRESIDING OFFICER (Mr. COATS). The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this amendment represents a modified version of the budget that President Clinton submitted to the Congress last month. The amendment incorporates all of the important priorities in the President's budget, maintains strict fiscal discipline, and adopts the President's commitment to save Social Security first. The amendment reserves all surpluses until we solve Social Security's long-term problem. That will help ensure when the baby boomers retire, Social Security will be there for them.

Secondly, like the President's budget, this makes education a top national priority, calling for an initiative to reduce class sizes by hiring 1,000 new teachers, promotes higher standards and greater accountability, and provides more after-school opportunities for young people.

In short, what this does is remind us all what the commitment is that the President made and what we would like to see in place. I will just say that this presents the President's budget in a modified form. I hope our colleagues will support it.

Mr. DOMENICI. Mr. President, without this counting as part of my 1 minute, if I could remind the Senators of where we are now. We have seven amendments stacked with reference to the previous order. Then we will start the 1-minute amendments, and on our side we have about 10. I am not sure how many are on the Democrat side, but we will work with those 10 and see if we can put those down. They are mostly sense-of-the-Senate amendments. For now, we are in a position to take up about six more. The time is supposed to be 10 minutes on the votes. I know that is difficult. For all additional time we take, we will be here later and later tonight in order to get it finished. This is a 10-minute vote on the Lautenberg amendment.

Now, let me say this is the Democrat amendment offered in committee. In the committee, it did not even receive all of the Democratic Senators' support. If you want to spend more money, like $88 billion more, vote for this. If you want to vote to put the moneys that we get from the tobacco settlement on Medicare instead of six new programs, vote for theirs. If you want to spend new money on at least eight more domestic programs, vote for theirs.

We have provided increases in NIH, education, the environment, and the criminal justice. We think that is a good priority.

Have I raised a point of order on this amendment?

The PRESIDING OFFICER. No.

Mr. DOMENICI. I make the point of order it is not germane.

Mr. LAUTENBERG. I ask to waive the point of order, and I request the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "nay."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 55, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feinstein
Ford
Glenn
Graham
Harkin
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NAYS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Feingold
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—3

Helms
Inhofe
Inouye

The PRESIDING OFFICER. On this vote the yeas are 42, the nays 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, it is quarter to 6. We are still working to try to get the list agreed on of what we are actually going to need to vote on. We still have probably 24 or 25 amendments that we still have to vote on—maybe more. But we are working to get that down. In order to get this completed, we need to really start to get rolling on these votes. We have been having them every 10 minutes. The Senator from Alaska is in the Chair. He knows how to do it. I urge Members to stay in the Chamber. We can move these along a lot faster. From here on they will be gaveled to a close after 10 minutes.

I yield the floor.

AMENDMENT NO. 2254

The PRESIDING OFFICER. The pending question is on agreeing to the Specter amendment No. 2254. There are 2 minutes equally divided.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment would provide for $2 billion extra for NIH to offset by four-tenths of 1 percent a cut in all programs. This body has expressed a sense of the Senate that we should double NIH over 5 years, which will call for $2.5 billion a year. This is a lesser amount. We have expectations built up by the sense-of-the-Senate expression of our druthers. Now is the time to put our dollars behind it. Although there is paperwork to the contrary, Mr. President, although the budget does not determine how it is going to go, which is through the appropriations process, we will have only $350 million in additional outlays for an $80 billion budget by the subcommittee. We need this $2 billion if we are to move ahead on the important NIH functions.

Mr. DOMENICI. Mr. President, fellow Senators, we have $1.5 billion next year for NIH. We have added $1.5 billion to NIH in this budget; $15.5 billion over 5 years. The amendment would add another $2 billion. That would cut defense $1.1 million, environment $88 million, agriculture $17 million, veterans $76 million, justice $86 million, and so on.

I believe we have done enough with the $1.5 billion increase and $15 billion over five years. We should not now add $2 billion more and propose that we restrain every department of Government, including the Defense Department, for half the cuts.

I yield any time I have remaining.

The PRESIDING OFFICER. The time has expired.

Mr. DOMENICI. I move to table the Specter amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—57

Abraham
Allard
Ashcroft
Bennett
Bingaman
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Conrad
Coverdell
Craig
Dodd
Domenici
Enzi
Faircloth
Feinstein
Gorton
Graham
Gramm
Grams
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kerrey
Kyl
Landrieu
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Roberts
Roth
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner

NAYS—41

Akaka
Baucus
Biden
Boxer
Bryan
Bumpers
Collins
D'Amato
Daschle
DeWine
Dorgan
Durbin
Feingold
Ford
Frist
Glenn
Grassley
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Reed
Reid
Robb
Rockefeller
Santorum
Sarbanes
Snowe
Specter
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The motion to lay on the table the amendment (No. 2254) was agreed to.

AMENDMENT NO. 2221

The PRESIDING OFFICER. The pending amendment is now the Kyl amendment No. 2221. There are 2 minutes equally divided.

The Senator from Arizona.

Mr. KYL. Mr. President, colleagues, this is a very straightforward sense-of-the-Senate resolution. It would simply express the sense of the Senate that we support a supermajority to raise taxes. Many of the States in this country now have supermajorities. In some of the fastest growing States like Arizona and Florida and Nevada, our State legislatures pass supermajorities to raise taxes with 69, 70, 71 percent of the vote. It has not hurt the economy. In fact, it has helped the economy of those States.

The House of Representatives will be considering a constitutional amendment to do this. The Senate will probably not be considering that. But I do think it is important, before tax day, April 15, for the Senate to at least express its view that it ought to be as hard to raise taxes as it is to cut taxes. That means we should have some kind of a supermajority to raise taxes here in the U.S. Congress.

It is a sense of the Senate. It expresses a very simple proposition that Americans are taxed enough and that to tax them any more should require more than a bare majority of the House and the Senate.

The PRESIDING OFFICER. Who seeks time? One minute in opposition. Who seeks time?

Mr. LAUTENBERG. Mr. President, we oppose the use of the supermajority that the Senator proposes in this amendment, for a tax increase. We think it is inappropriate. We think it ought not be offered at this time. We hope everybody will stand against it, as opposed to putting into concrete the proposition that it should take a supermajority vote to close a wasteful corporate tax loophole, or other special interest tax break.

The PRESIDING OFFICER. The time of the Senator has expired. All time has been yielded back. Are the yeas and nays required?

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea".

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—50

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe

Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone

NOT VOTING—2

Helms
Inouye

The amendment (No. 2221) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2282

The PRESIDING OFFICER. The pending amendment is Nickles amendment No. 2282. The time is to be equally divided. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank Senator FRIST and Senator COLLINS for speaking on behalf of this amendment. I now recognize Senator JEFFORDS, who is the principal cosponsor of this amendment, for our time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I urge my colleagues to vote in favor of this amendment. It originally was a second-degree amendment to the Kennedy amendment. I understand that the Senator from Massachusetts agrees with our amendment. I appreciate that. But I point out that what we are doing now is trying to make sure that our health care system does what we want it to do, trying to make sure that it is fair to patients and trying to make sure that we provide what is necessary for us to improve the system that is now having some problems. I urge my colleagues to vote in favor of this amendment.

An important and necessary role for the Federal Government is to foster a competitive marketplace by ensuring that efficient and similar information about the product is available to consumers. Consumers can make their choices according to their own personal beliefs.

Another role is to ensure fairness, and this amendment provides that. I urge Members to vote for it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope that our colleagues will vote in support of this sense-of-the-Senate amendment. It says that we should not pass legislation that makes health insurance unaffordable for working families; we should not divert limited health resources from serving patients; we should not impose political considerations on clinical decisions. I am all for that. Let's all support that.

But this does not address the issues raised when we talk about protecting basic rights of patients. The amendment I have offered gives the Senate the chance to go on record as saying it is time for Congress to decide that profits should not take priority over patients. My amendment and this amendment are not in conflict.

The broad principles in my amendment are supported by the American Medical Association, the disability groups, the advocates for mental health, consumer groups, the women groups, and the labor movement.

Let us all vote in favor of the Nickles amendment and then vote equally, and return the favor, for my amendment as well.

The PRESIDING OFFICER. All time has expired.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the Nickles amendment No. 2282. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea".

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The amendment (No. 2282) was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2183

Mr. KENNEDY. Mr. President, the next amendment is a sense of the Senate.

The PRESIDING OFFICER. Let the Chair call the amendment up. The amendment is No. 2183. The Senator is recognized for 1 minute.

Mr. KENNEDY. Mr. President, the time has come for action to protect families and curb the insurance company abuses. This amendment gives the Senate a chance to go on record as saying it is time for Congress to decide that profits should not take priority over patients.

I just ask our colleagues to read page 3 of this sense of the Senate. It ensures coverage of emergency services, and allows women direct access for obstetrical and gynecological care. It ensures women will not be subject to drive-through mastectomies. It meets the special needs of children and the special needs of individuals with disabilities. It provides for the protection of the relationship between the doctor and the patient, and the elimination of the gag clauses. And it provides greater information about health care plans to the patients.

Our opponents will argue that these rights will raise premiums. But it will not cost an additional cent for any of the good plans. It may cost more for those plans who do not currently do these things. We all know that the easiest way to save money is to deny care.

Let us stand for the patients and the medical profession. They have basically endorsed these rights, as has the President's commission. This amendment says that we are going to pass legislation which will protect them. That is what this sense of the Senate guarantees.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge my colleagues to vote against—Mr. President, may we have order?

The PRESIDING OFFICER. Would the Senators please take their conversations to the cloakroom.

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I urge my colleagues to vote against Senator

KENNEDY's amendment. I tell you, if you voted for the Nickles-Jeffords amendment, you should not vote for Senator KENNEDY's amendment, because the amendment we just adopted, I guess unanimously, said that we do not want to increase costs. The Kennedy amendment says, let us pass the so-called patients' bill of rights. That was introduced 2 days ago. It is 68 pages long. It has lots and lots of mandates, mandates that will increase costs. And as costs go up, the number of uninsured will go up.

This bill has hundreds of regulations in it. So if you want more regulations instead of patient care, that would be what you would be voting for in Senator KENNEDY's amendment. I mention that this is opposed by individuals from the Mayo Clinic to the Cleveland Clinic to some of the best health care providers in the world. They are saying: You are going to make us provide and spend our time litigating and regulating instead of providing quality health care.

I urge my colleagues to vote no on the Kennedy amendment. And if they voted in favor of the last amendment, they certainly should vote no on the next one. You cannot tell me this thing does not have significant costs to the consumers.

The PRESIDING OFFICER. Time has expired. All those in favor of the amendment——

Mr. NICKLES. I move to table the Kennedy amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment No. 2183. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Faircloth
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The motion to lay on the table the amendment (No. 2183) was agreed to.

AMENDMENT NO. 2208

The PRESIDING OFFICER. The next amendment is the Hutchison amendment numbered 2208, with 2 minutes equally divided.

The Senator from Texas is recognized for 1 minute.

Mrs. HUTCHISON. This is a budget that will set our spending priorities. What my amendment says is there are only two responsible ways to spend any future surpluses: to pay down the debt, to save Social Security; or to give tax relief to the hard-working American family. If Congress decides to put all the money into debt relief and Social Security, that is consistent with this amendment.

The only reason you would vote against this amendment is if you want Congress in the future to be able to go on spending binges and give the bill to our children. This allows us to put all the money on pay-down debt or to give tax relief.

It is important that we recognize that we have labored mightily. We should not snatch defeat from the jaws of victory on the balanced budget. This is our chance to take a stand. We are going to spend any future surpluses in only two ways—to pay down debt or to give tax relief to the hard-working American family.

I urge Members to support this.

Mr. LAUTENBERG. Mr. President, I strongly oppose the Hutchison amendment. It would reject President Clinton's call to save Social Security first. Yet, I hear conversations constantly about how everybody is saluting the sanctity of Social Security—preserve it, make sure we shore it up, make sure that we take care of it for future generations. But here we open the gate to use this money that would otherwise be reserved for Social Security for tax cuts. I think that the American people, if asked the question, would say no, we want to pay down the debt, shore up Social Security, and let's not use this for tax cuts, the benefit of which goes principally to those people in the higher income level.

I urge my colleagues to reject this amendment in the interest of saving Social Security first.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Burns
Campbell
Coats
Cochran
Collins
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Byrd
Chafee
Cleland
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Glenn
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Torricelli
Wellstone

NOT VOTING—2

Helms
Inouye

The amendment (No. 2208) was agreed to.

AMENDMENT NO. 2284

The PRESIDING OFFICER. The pending question is the Rockefeller amendment No. 2284. There has been a motion to table, and the yeas and nays are ordered. In the interest of moving things along, the Chair is going to recognize each side for 1 minute, so we will know what we are voting on.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the budget resolution would take $10.5 billion of "savings," which is in the baseline of the Veterans Administration budget, and remove it, excise it, and put it into more highway funds.

There are $217 billion of highway funds over 5 years. What this would effectively also do is bar any veteran's claim for disability from a tobacco-related illness at a time when the test for getting a tobacco-related illness in the VA is incredibly difficult. Only 278 Americans, to this point, have achieved that. The whole issue on tobacco and the military has changed in the last 3 or 4 years. We want to restore the money, keep the money in the VA budget and not have it taken out and given to highways, which could find a different offset.

Mr. DOMENICI. Mr. President, I have moved to table.

I would like to withdraw my motion to table so the vote can be an up-or-down vote. I ask unanimous consent to be able to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask everyone on our side to vote in favor of this amendment. Then I want everybody to know that the subject matter will be the Domenici amendment. I will have a minute then, but I will use the remaining 30 seconds to tell you what I think we ought to do. This is potentially a $40 billion program. Congress never voted on it. The President has denied it twice and taken it out of his budget. We believe the best thing to do is to have one more solid look at it by the GAO, OMB, and the VA. They ought to report to us and the President before we engage in a $10 billion-a-year program which is built around the notion that if you ever smoked in the military and then you got out and smoked for 40 more years, you are to collect benefits from the military because you started smoking in the military. That is the essence of this debate.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2284.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The amendment (No. 2284) was agreed to.

AMENDMENT NO. 2283 TO AMENDMENT NO. 2226

The PRESIDING OFFICER. The question now is on an amendment in the nature of a substitute numbered 2283.

The Senator from New Mexico is recognized for 1 minute.

This is the amendment to the pending Rockefeller amendment.

Mr. DOMENICI. Mr. President, essentially the Domenici amendment says this program, which has never been voted on by Congress, which has been put into regulation by order of the counsel for the Veterans Administration, which will cost ultimately $40 billion, we are saying let us wait 1 year and have the GAO, the Veterans Administration, and the OMB study it and report to us and to the President. The President has denied this program's efficacy, because of concern about the kinds of benefits and whether they are relevant to service in the military, 2 years in a row. We ought to take a little bit of time before we get involved in a $10-billion-a year program.

I will give you one example. A veteran who smoked 3 years before he went into the service, 4 years in the service, and 40 years thereafter his surviving spouse might very well collect a widow's benefit and other benefits under this particular program.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I hope all of my colleagues understand that by voting for the Domenici amendment—which I hope they will not—they will simply completely reverse the vote which they have just made and wipe it all out. That will seem strange, I think, to veterans. This is an up-or-down vote on veterans and their disability benefits. A 1-year study, in the humble opinion of the junior Senator from West Virginia, is a farce, because it is going to be made by exactly the same three groups that came up with the $10.5 billion cut out of the veterans account to put the money into highways. I doubt that they are going to be any different next year, because they will need the money. They will have to go get the money in the next year.

This cuts veterans. A "no" vote is what I would ask of my colleagues.

Mr. GRASSLEY. Mr. President, I support the amendment offered by Senator DOMENICI to the amendment offered by Senator ROCKEFELLER on disability compensation for veterans with smoking-related disabilities.

It seems to me reasonable to ask for more deliberate review of this issue. After all, President Clinton has twice proposed not to allow post-service smoking related illnesses to be eligible for VA disability compensation. Once the question has been thoroughly reviewed, we can then reconsider the matter.

This Domenici amendment would ask the General Accounting Office, the Office of Management and Budget, and the VA to review this matter over the next year. This will allow the main analytical resources of the Federal Government to come to bear on this question. And, when the assessment is finished, we will have greater confidence that we are doing the right thing.

With respect to the main Rockefeller amendment, we have to keep several things in mind. This would be an expensive program. According to the Congressional Budget Office, we are talking about around $10 billion over five years. It is also not clear that it is fair to all the other veterans who have service-connected disabilities which are clearly service-connected or low income veterans who have problems clearly related to military service that have led, or would lead, to receipt of disability compensation.

Furthermore, it is certainly possible that major inequities could result were the underlying amendment enacted. By this I mean that veterans who started smoking after military service could conceivably be eligible for disability compensation under terms of this amendment. Keep in mind also, that veterans who suffer from tobacco-related health problems can still qualify for health care services from the VA if they met the regular qualifying criteria.

The PRESIDING OFFICER. Does the Senator yield the remainder of his time?

Mr. ROCKEFELLER. I do.

Mr. DOMENICI. I ask for the yeas and nays on the Domenici amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Mexico. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), is necessarily absent.

I further announce that, if present and voting the Senator from North Carolina (Mr. HELMS), would vote "yea".

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—52

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Breaux
Brownback
Burns
Byrd
Chafee
Coats
Cochran
Craig
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kerrey
Kyl
Landrieu
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Biden
Bingaman
Boxer
Bryan
Bumpers
Campbell
Cleland
Collins
Conrad
Coverdell
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The amendment (No. 2283) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2226, AS AMENDED

The PRESIDING OFFICER. Now the question will be on the Rockefeller amendment as amended by the Domenici substitute. The yeas and nays have been ordered.

Mr. DOMENICI. I ask the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

The yeas and nays are vitiated.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2226), as amended, was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, for the benefit of the Senators, and this has been agreed to by the ranking member, we will now start the 1-minute "vote-arama." From the list we will call up an amendment and it will be taken up. When it is finished, we will call up another one. We will alternate back and forth.

We are getting it down to a reasonable number on our side. We are hoping the other side will get rid of three or four more there, but we are going to start this way.

The first amendment on our side is the amendment of Senator GRAMS, No. 2222, and that will be followed by Senator KENNEDY, amendment No. 2184. For each one, they will tell you the title and then the Senator will have 1 minute to explain it.

Amendment No. 2222 by Senator GRAMS is called up.

AMENDMENT NO. 2222

The PRESIDING OFFICER. Amendment No. 2222 is before the Senate. One minute on each side. Senator GRAMS is recognized for 1 minute.

Mr. GRAMS. Mr. President, I rise to introduce an amendment expressing the sense of the Senate that projected budget surpluses should be dedicated to preserving and strengthening Social Security. This is a very simple and straightforward amendment. It asks Congress and the President to commit any budget surplus to reducing the Social Security payroll tax and use the tax reduction to set up personal retirement accounts for America's working men and women.

Mr. President, the latest report from the Treasury Department shows that we may have a budget surplus as large as $60 to $80 billion this year, if revenues continue to grow at the current rate. As I have argued repeatedly, this surplus comes directly from taxes paid by hard-working Americans, and it is only fair to return it to them in the form of tax relief, national debt reduction, or Social Security reform.

We all agree it is vitally important to save and strengthen Social Security. Many of my colleagues believe we should use the entire budget surplus to save the system, but the real question is how to do it.

Finally, this amendment is complementary to Senator ROTH's amendment. I believe the Roth amendment is an excellent one. I support it. The only difference is mine has the payroll tax reduction.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to oppose the Grams amendment. As he clearly says, the budget surplus should be used to, perhaps, establish personal savings accounts. At the same time I heard the Senator say we all want to save Social Security.

If we want to save it, then we ought to pay down the debt, shore up Social Security, and not turn over to the private sector the opportunity now to engage in individual savings accounts. This is not the place to do it. Perhaps it ought to be considered 1 day, but this would completely upset the principle of saving Social Security first. If we are going to talk about it, then we ought to really mean it and put all surpluses into saving Social Security and reducing the debt. I think that is the proper way to go, and I hope all my colleagues vote against this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Are the yeas and nays ordered?

Mr. GRAMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 2222).

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 50, nays 48, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—50

Abraham
Allard
Ashcroft
Bennett
Brownback
Burns
Campbell
Cleland
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—48

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Collins
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The amendment (No. 2222) was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open for amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2184

Mr. KENNEDY. Mr. President, I believe one of my amendments on the educational opportunity zones is before the Senate. Am I correct?

The PRESIDING OFFICER. Is the Senator talking about amendment No. 2184?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. KENNEDY. Mr. President, this is the last item of President Clinton's education proposal. It basically provides help and assistance to communities for these educational opportunity grants for those communities in this country, both in rural and urban areas, that are showing a special kind of designation in reforming and rehabilitating their total educational package.

This is one of the areas that has been recommended by most of the educational groups. It has been tried and tested in the past year and a half with very small, modest programs, with very substantial improvement in academic achievement and accomplishment.

It does provide $1.5 billion over 5 years, and it is paid for with an across-the-board cut in nondefense by less than two-tenths of 1 percent of the budget program. I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we have kept our word, and we have increased education spending by exactly what the President and the Congress decided to do last year in the Balanced Budget Act.

We provide an additional $8 billion in additional discretionary education funding over the next 5 years. In total, we will provide close to $20 billion in K-12 education funding this year. That is a 98 percent increase over the last 10 years.

We agree with the President on the funding. However, we disagree with the President on how to spend the money, because the President and his party want to make Washington, DC, education central. Republicans want to decentralize education decisionmaking and put power and resources into the hands of the States, the localities, and the families. We should oppose the amendment. I move to table the amendment.

Mr. CRAIG. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2184. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Specter
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The motion to lay on the table the amendment (No. 2184) was agreed to.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, on amendment 2184, believing it was an up-or-down vote, I voted in the affirmative. It was a tabling motion. Therefore, I inadvertently voted against my intentions. I ask unanimous consent that my vote be switched and that I be recorded as having voted in the negative. It would not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER (Mr. GREGG). Who seeks time on the next amendment? What is the will of the Senate?

Mr. DOMENICI. Mr. President, I understand that we are calling them up now. The Coverdell amendment is the next amendment we would like to call up on our side.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia has 1 minute.

AMENDMENT NO. 2262

Mr. COVERDELL. Mr. President, amendment No. 2262, parallels the House-passed resolution passed unanimously this week that Congress set aside money for Black Hawks—$36 million. In last year's foreign operations spending bill the President signed this provision into law. But the money has not been spent. Black Hawks will work better than any alternative in eradicating the poppyseed that grows in Colombia. This poppy is used for heroin, which is becoming increasingly a problem in American cities.

We have a choice. We can either fight heroin at the source, or we can treat the victims in our own neighborhoods. You do not win a war treating the wounded. Let us get serious in this drug war and pass the amendment.

I attempted to come to a resolution with the good Senator from Vermont, but we could not reach agreement. Therefore, we will have to vote on the amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who seeks time in opposition? Time in opposition is running. Unless someone seeks time—

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am somewhat surprised by this because I understood I had an agreement with the Senator from Georgia. I understand now he does not want to follow through with that agreement. I have already told our side that we would not request a rollcall. I will stick to my agreement. We will not request one.

But I simply say there was a better way that would not have taken the money away from Bolivia fighting drugs. But we will just take this matter up when we get to conference. I will keep to my commitment to the leaders not to ask for a rollcall.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment No. 2262.

The amendment (No. 2262) was agreed to.

Mr. DOMENICI. Mr. President, I report to the Senate, on the Republican side we have one amendment left, Senator NICKLES; on the Democratic side eight. I hope you can reduce that number some so we can get out of here earlier than any of us expected.

AMENDMENT NO. 2185, WITHDRAWN

Mr. DOMENICI. The next amendment to come up is Kennedy amendment No. 2185 regarding the EEOC.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 1 minute.

AMENDMENT NO. 2185

Mr. KENNEDY. Mr. President, the equal employment amendment calls for a 15% increase in the budget for the Equal Employment Opportunity Commission for the coming year. Under this amendment the EEOC's budget will increase from $242 million to $279 million next year.

One of the most basic civil rights protected by current law is the right to equal opportunity in employment, your right to be free from job discrimination because of your race, your sex, your age, your ethnic background, your religion, or any disability you may have. This country has made significant progress against job discrimination, but we still have a long way to go to guarantee that you are hired or paid or promoted on the basis of your abilities. Too often, the right that you have on paper is not a right in reality, because your remedy is inadequate or non-existent.

The EEOC has the principal responsibility to combat discrimination in the workplace and that responsibility has grown significantly in recent years. The passage of the Americans with Disabilities Act, the growing awareness of the problem of sexual harassment in the workplace, and the effect of downsizing on older workers have all added greatly to the responsibilities of the EEOC, but there has not been a commensurate increase in the agency's resources. The Commission's workload is growing and its budget must keep up, or vast numbers of Americans will have a meaningless right—a right without a remedy.

In fact, EEOC funding has increased only by 5.2% over the last four years. That is not enough to keep up with inflation—let alone keep up with the agency's increased responsibilities. Without substantial new funding, the EEOC will fall farther and farther behind in its vital work. I urge my colleagues to support this amendment.

The numbers tell the story. In 1990, 62,000 charges of discrimination were filed by employees in the private sector. That number increased to 81,000 in 1997, an increase of almost 30%. Ninety percent of the Commission's budget is allocated for fixed costs, with the vast majority—75%—going to salary and benefits. When its budget doesn't keep pace with inflation, the Commission must get along with fewer investigators and attorneys. As a result, although the workload has increased, the size of the staff has fallen. The number of employees declined from 2800 employees in 1993 to 2600 employees in 1997. Since 1980, the number of employees has dropped by 23%. Think about that—mushrooming responsibilities, declining resources. That's an invitation to employers to think they can get away with discrimination in the workplace.

The agency has tried to hold the line, but there is a limit to doing more with less. The Commission urgently needs this budget increase, and I want the Senate to approve it.

The PRESIDING OFFICER. Who rises in opposition?

The Senator from New Mexico is recognized for 1 minute.

Mr. DOMENICI. This sense-of-the-Senate amendment requests that the functional total in this budget that we assume in the EEOC should receive $279 million in budget authority. This is the level requested by the President. The amendment would raise a freeze baseline we assume by $37 million.

From my standpoint, ultimately the Appropriations Committee will determine between a freeze and a $37 million reduction, but if the Senator insists on this, then I have to move to table and ask for the yeas and nays.

I think you are just as apt to get the money without the amendment as you are with it, because it will be up to, incidentally, the man sitting in the chair, coupled with a couple of other Senators, which of the two levels will be funded. There is plenty of money for them to go either way.

Having said that, I urge you to withdraw your amendment. We stated the case here, but if you would like to vote.

Mr. KENNEDY. If we could have 2 minutes and maybe save ourselves time.

I ask unanimous consent to inquire of the manager, would we have the assurance of the chairman that he would bite for the higher amount? Is that what I understand the Senator is saying?

Mr. DOMENICI. Let's make sure we understand, I am not chairman at that point. In my capacity as a Senator, I agree that I will do everything I can in that regard.

Mr. KENNEDY. To get the amount.

That makes a good deal of sense to me.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2185) was withdrawn.

AMENDMENT NO. 2188

Mr. DOMENICI. Is Senator WELLSTONE ready?

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. WELLSTONE. Thank you, colleagues.

The veterans' health care—some background—is funded by two sources: appropriations and a supplemental fund called the MCCR. The President's budget cut veterans' health care appropriations by $29 million, and the estimate is that the MCCR fund will generate $10 million less—a conservative estimate; CBO says much more than that.

This sense-of-the-Senate amendment simply puts that $40 million back. It makes the budget whole, takes it to last year's level. I hope there will be a strong vote for this. This is a vote to restore the funding and to make the veterans' health care system whole, at least as good as it was last year. We ought not to be cutting veterans' health care benefits. I hope I get an overwhelmingly positive vote on this.

Mr. DOMENICI. Mr. President, Senator WELLSTONE, if you will look at the budget, what we recommended is precisely what you are saying in your sense of the Senate. We reinstated $153 million in veterans' programs that the President had cut. Your amendment would be totally redundant.

I think what we could agree to here is that the amendment provides for an assumption that increases the level to the exact level you have recommended in your sense of the Senate. Thus, I don't think we need a sense of the Senate.

Mr. WELLSTONE. I say to my colleague my reading of it is different; otherwise, I would not have done the amendment. If you are right, there is no harm in a strong vote on this.

Mr. DOMENICI. Can we voice vote it?

Mr. WELLSTONE. I would like to have a recorded vote on it, but I assume, based upon the reaction, that there is overwhelming support for this amendment; is that correct?

Mr. DOMENICI. There is overwhelming support for the budget resolution, which does the same thing.

The PRESIDING OFFICER. All time has expired.

Mr. WELLSTONE. Let's have a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2188) was agreed to.

Mr. DOMENICI. We really roll when everybody is sitting in their chair.

AMENDMENT NO. 2206

Mr. DOMENICI. Next is Senator REID on amendment No. 2206.

The PRESIDING OFFICER. The Senator from Nevada is recognized for 1 minute.

Mr. REID. Mr. President, the amendment that has been offered by Senator REID and Senator BRYAN is supported by all environmental groups in the country. It is supported by the Counsel for Environmental Quality and the Secretary of the Interior. The Endangered Species Act is an important act. We have worked very hard to come up with a compromise. We must have a source of funding that is realistic. This is not. This is a quick fix that will fail just as quickly. It is unrealistic to sell public lands basically from the State of Nevada for a national project.

The amendment we have offered says that the landowner, instead of programs included in the Endangered Species Recovery Act, should be financed from a dedicated source of funding, and the public lands should not be sold to fund the Landowner Incentive Program of the Endangered Species Recovery Act.

This amendment should be passed. It is the fair thing to do.

Mr. BRYAN. I rise today in support of the Reid/Bryan amendment which expresses the sense of the Senate that Federal public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act.

As some of my colleagues are aware, the budget resolution before us today assumes the landowner incentive program of the Endangered Species Recovery Act will be enacted. The landowner incentive program includes habitat reserve agreements, safe harbor agreements, habitat conservation plans, and recovery plan implementation agreements within the Act. The report accompanying the budget resolution calls for funding for these programs to be made available "from the gross receipts realized in the sales of excess BLM land, provided that BLM has sufficient administrative funds to conduct such sales."

Mr. President, this proposal is a short-sighted attempt to find a solution to a very legitimate issue. I support efforts to find a sustainable funding mechanism to provide incentives to landowners to undertake conservation measures that are necessary for the protection and recovery of threatened and endangered species. The problem with the proposal before us today is that it fails to establish a reliable source of funding. The one-time sales of BLM lands cannot be expected to provide a revenue source for habitat conservation plans and other landowner incentive programs that are designed to last for 50 years or longer. This proposal is a classic example of selling a capital asset to pay for operation and maintenance costs. In my opinion, it represents the utmost in fiscal irresponsibility.

In addition, this proposal would set a dangerous precedent regarding the management of our public lands by threatening the public land base available to future generations of Americans. Currently, the land disposal method favored the BLM involves land exchanges. This process allows the BLM to dispose of land it no longer needs in exchange for land that is worthy of public ownership. The land exchange process allows the BLM to trade an asset it no longer deems desirable for one that it does. Ironically, the BLM often uses land exchanges as a means of acquiring critical habitat for threatened and endangered species. By disrupting the land exchange process, the land sale proposal in this resolution could actually weaken the federal government's ability to acquire private, environmentally sensitive land that rightfully belongs in public ownership.

Mr. President, I am also concerned with this proposal because it would effectively eviscerate another piece of legislation that I have sponsored concerning the BLM land disposal process in Southern Nevada. It is no secret that the public lands that this budget resolution contemplates being sold are those BLM lands in the Las Vegas valley. I have worked closely with Senator REID and our House delegation for the last three years to develop the Southern Nevada Public Land Management Act, which provides local governments in southern Nevada with more input into the BLM land exchange and land sale process. Over the last several years, BLM land exchanges have contributed significantly to growth and development in the Las Vegas valley. My legislation would allow local governments and the BLM to work more closely together in managing growth in the valley. The land sale proposal in this budget resolution would destroy the ability of the Las Vegas community to have a voice in the BLM land sale process as envisioned under my legislation.

I strongly urge my colleagues to support the Reid/Bryan amendment and to reject the irresponsible sell off of our public lands as contained in this budget resolution.

Mr. DOMENICI. I yield the minute we have to Senator CHAFEE.

Mr. CHAFEE. I will take 30 seconds, and the Senator from Idaho will take 30 seconds.

More than half of all the endangered species in the United States are in private lands. In the Endangered Species Reauthorization Act, we put in moneys, we provide for assistance to private landowners, most of them small landowners. We do that.

The chairman of the Budget Committee provided that if any BLM lands are sold—if they are sold, those moneys, instead of going into the general treasury, will be used for the Endangered Species Act to help landowners, mostly small landowners.

AMENDMENT NO. 2285 TO AMENDMENT NO. 2206

(Purpose: To recognize potential alternative funding sources for landowner incentives under the Endangered Species Recovery Act)

Mr. KEMPTHORNE. I send to the desk a second-degree amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. KEMPTHORNE] proposes an amendment numbered 2285 to amendment No. 2206.

Mr. KEMPTHORNE. I ask unanimous consent that the reading of the amendment be dispensed with.

Mr. FORD. I object.

The PRESIDING OFFICER. The objection is heard. The clerk will report.

The assistant legislative clerk read as follows:

An amendment in the Second Degree to the Reid Amendment.

At the end of subsection (b)(2), strike "Act." and insert the following:

"Act through their proceeds alone, if subsequent legislation provides an alternative or mixed, dedicated source of mandatory funding."

Mr. KEMPTHORNE. I want to acknowledge the great work that the Senator from Nevada has done on the Endangered Species Act, along with the Senator from Montana and the chairman from Rhode Island.

This is not a question of whether we should sell excess BLM lands; it is taking place; it is a question of where the revenues should be utilized.

The Budget Committee—and I thank the chairman—came up with a revenue source that finally we could compensate landowners who voluntarily stepped forward so we could have an incentive to help species and to help property owners.

Now the effect of the second-degree is to say that rather than foreclose the use of that excess land revenue, we will continue to look at all different sources of revenue so that we can come up with ways that we can make good on our pledge, and that is, property owners should be compensated when they come forward and help us save species.

This is good for species, good for people, and it keeps all options open.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I acknowledge the good work of the Senator from Idaho, the Senator from Rhode Island, and certainly the ranking member of the full committee in coming up with a compromise. However, the amendment that I have, the underlying amendment, does everything they say it should do, except their amendment will still allow Western lands to be sold at a fire sale to provide a quick fix for the Endangered Species Act. We do not need a quick fix; we need a dedicated source of funding.

Mr. D'AMATO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2285. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bingaman
Bond
Brownback
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Boxer
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Gregg
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The amendment (No. 2285) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2206

The PRESIDING OFFICER. The question is on the underlying amendment No. 2206.

The amendment (No. 2206) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2257

Mr. DOMENICI. Mr. President, the next amendment will be one from our side. It is our last amendment, which Senator NICKLES has. It is No. 2257.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, this is an amendment offered by myself and Senator MURKOWSKI. The net effect of it would be that if we are dealing with the budget process and the so-called wish list amendments, the sense of the Senate and sense of Congress would basically be ruled out of order. My amendment would instruct the Chair to make precatory amendments not germane to the budget resolution. That means you would need 60 votes to pass it. At one point, we had 100 amendments, and over two-thirds of them were precatory amendments; they were wishes. The word precatory means to wish. That doesn't change the budget resolution, and it wastes a lot of time. It means that, yes, we have some kind of sparring back and forth. I don't know how many votes we have had in the last couple of days, two-thirds of them have been sense of the Senate or sense of the Congress. And, really, they will have very little impact on the budget process. I think they have made the Senate look bad in the process.

I urge my colleagues to support the amendment. I am not going to request the yeas and nays unless it is necessary. I think this would help us do our business in a much more orderly and efficient manner.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I recognize the fact that the distinguished Senator from Oklahoma has sent up a sense-of-the-Senate resolution to prohibit sense-of-the-Senate resolutions. This amendment would prohibit those sense-of-the-Senate resolutions——

Mr. NICKLES. If the Senator will yield, this is a concurrent resolution.

Mr. LAUTENBERG. Then I owe the Senator an apology. I will start all over. I don't call attention to the fact that he has sent a sense-of-the-Senate resolution to the desk.

This amendment, however, Mr. President, would prohibit any Member of the Senate from offering a sense of the Senate or sense of the Congress amendment to a budget resolution. The budget resolution already places serious restrictions on minority participation. This is how we get there. When you are on this side next year, you will know how it feels to be in the minority and you will have an opportunity to amend things that you don't see.

I, frankly, don't see a lot of harm in it. It takes time, yes, but it gives a chance for an exchange of ideas that I think is important.

I make a point of order that the amendment is not germane.

Mr. NICKLES. Mr. President, I move to waive the point of order, and I tell my colleague that you can still pass sense-of-the-Congress resolutions with 60 votes.

The PRESIDING OFFICER. The question is on the motion to waive the point of order.

Mr. NICKLES. Mr. President, I ask for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES: I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD: I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any Senators wishing to vote or to change their vote?

The clerk will report.

Mr. FORD. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator from Kentucky is reported as a negative. The clerk will report.

Mr. DASCHLE. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator from South Dakota is reported as negative.

Mr. COVERDELL. Regular order.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The yeas are 60——

Mr. FORD. Mr. President. You can't do that there, come on.

The PRESIDING OFFICER. The yeas are 60 and the nays are 38.

Mr. DURBIN. Mr. President, how am I recorded?

Mr. SARBANES. No, no, no, no, no.

Mr. DURBIN addressed the Chair.

Mr. SARBANES. Not when someone is seeking recognition here.

The PRESIDING OFFICER. The Chair is ruling the reporting of the vote can occur and the yeas are 60——

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. And the nays are 38.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. I object.

Mr. NICKLES. Mr. President, I will renew my request. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator DURBIN be recognized to switch his vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

VOTE CHANGE

Mr. DURBIN. Mr. President, no. I ask unanimous consent that my vote be changed to no.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Are we waiting for the vote to be turned in?

The PRESIDING OFFICER. We are waiting for the vote to be reported.

Mr. LOTT. I thank the Chair.

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 39, and the motion to waive is not sustained.

The yeas and nays resulted—yeas 59, nays 39, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—59

Abraham
Allard
Ashcroft
Bennett
Bond
Breaux
Brownback
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Akaka
Baucus
Biden
Bingaman
Boxer
Bryan
Bumpers
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

Mr. LOTT. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I thank Senator NICKLES for the magnanimous gesture he just made. However, I want to emphasize we are trying to move these votes, and the Chair was absolutely right, because it is up to the discretion of the Chair to respond when Members ask how they are recorded, but also when regular order is called for, especially when we are trying to move through all these votes, the Chair is under an obligation to bring this to a conclusion.

I think we had the right resolution here, but I want to make sure everybody understands, we are trying to move these votes through. We are trying to get to a conclusion, and that brings me to my next point.

It is 5 after 9. We still have, it looks like, as many as five amendments that we may have to vote on. I urge Senators, if they are planning on calling up those amendments, to see if we can't work out something where maybe some of them can be accepted or not offered and that we not go through the process of having second-degree amendments offered at this point.

If we can do that, we can finish this within this hour, by 10 o'clock. I thank Senator REID and others for the work they have been doing in trying to help pare down the list. We are very close now, and I think it important we not lose the decorum we have exercised through a long day. I thank my colleagues for that.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I also want to acknowledge the efforts made by the distinguished Senator from Oklahoma, Senator NICKLES, in resolving this minor problem. I appreciate very much his efforts to do what he did. I will say, however, that we have been working in good faith on both sides to try to move this along. Regular order is called, but also Senators deserve the right to be recognized when they seek recognition for purposes of clarification of their vote, so there is a need to be sensitive on both sides in a request of the Chair. I know that the Chair was accommodating or attempting to accommodate Senators.

I also join with the majority leader in asking the five remaining authors to work with us to see if we might reduce the number of rollcalls necessary. We are very close now, and I thank my colleagues on this side for cooperating thus far. Let's see if we can get it down to a couple, fewer than what we have right now. We can finish this within the hour, and I hope we can receive just a little more cooperation to make that happen. I yield the floor.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2216

Mrs. MURRAY. Mr. President, I call up amendment No. 2216.

The PRESIDING OFFICER. Amendment No. 2216 is the pending amendment. The Senator from Washington is recognized for 1 minute.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, my amendment increases Function 500 budget authority and outlays to include the President's education initiatives, and adds the Resolution level for IDEA. The offset is a Function 920 across-the-board reduction of less than one percent, taken from non-defense discretionary funds.

The President's budget request only included a level of $35 million for the Individuals with Disabilities in Education Act (I.D.E.A). To get the Federal Government back on track toward its responsibility to cover 40 percent of the cost of educating special education students at the local level, significant increases are necessary.

The Resolution level in fiscal year 99 for Function 500 is $500 million below a freeze. It does not provide enough funding for the important education initiatives requested by the President and supported by the American public: Continuing investments in education technology, including teacher training reflecting my Teacher Technology Training Act; creation of education empowerment zones; appropriations for Minority Teacher Recruitment; funding for the 21st Century Learning Centers; appropriations for Children's Literacy and Work Study; increases for Title I funding; an increase in the maximum Pell Grant; and increased funding for Safe and Drug-Free Schools.

My amendment makes education a higher priority within the construct of a balanced budget. I must point out that even with my amendment, the President and the Budget Committee have left other critical educational services unfunded. But by passing this amendment, we will take steps to stop the cuts to education, and get on the road toward results for American students.

Mr. President, the American people believe education should be a higher priority than its current 1.8 percent of total Federal outlays. They see the need to improve the quality of every Federal education program, minimize red tape, improve efficiency, and create collaboration. But, they also see our Nation facing increased enrollments, a teacher corps nearing retirement, and other factors which increase the overall need for education funding at this critical point in our history. The American people see that education must become a higher priority in our national budget.

Unfortunately, this budget fails to meet the education needs of America. It does not invest in the future. It cuts from services that are helping students in schools today. This budget resolution places America at a crossroads—and it takes us down the wrong road. A vote for the MURRAY amendment is a vote that honors our commitment to fund 40 percent of the cost of special education funding, but doesn't try to pit students against one another over limited federal dollars. We need to invest in the future, and we need a budget that reflects America's priorities.

Mr. President, when looking at the budget resolution as it came from the Committee, I think we need to ask "what do the assumptions in the Republican budget resolution leave out?" The answers are disturbing.

Within Function 500, for sub-function 501 (Elementary and Secondary Education), Chairman DOMENICI's Committee resolution starts with a freeze.

The resolution then adds $2.5 billion for funding for the Individuals with Disabilities in Education Act (IDEA), and $6.3 billion for Title VI School Reform efforts, for a total of $8.8 billion over 5 years.

From this amount, the majority then assumes that $2.2 billion will be saved through consolidation of current educational services, leaving their overall add to a freeze at $6.6 billion.

Mr. President, another important question now arises: Which important priorities of the American people were left out when the majority ignored the President's new initiatives?

The only education programs explicitly left unfunded by the discretionary Republican budget resolution are the President's new initiatives (such as educational empowerment zones; teacher technology training; the new transition to school program; community-based technology centers; and Safe and Drug-Free Schools coordinators). These programs total $2.4 billion.

When added to the $7.3 billion in mandatory spending for class size reduction, the total President's request level for new sub-function 501 funds is $9.7 billion over a freeze.

Because the Republicans assume $2.2 billion in consolidation, we need to ask another question: Which current programs will be cut under their $2.2 billion consolidation proposal?

This list could include any discretionary elementary and secondary education program, such as:

Title I Education for the Disadvantaged (including reading and math assistance for needy students; Even Start; Migrant Education; services for neglected and delinquent students; and others.)

America Reads Children's Literacy

Eisenhower Professional Development

Safe and Drug Free Schools and Communities

Magnet Schools

Education for Homeless Children and Youth

Inexpensive Book Distribution

Bilingual Education

Goals 2000

Arts in Education

Women's Educational Equity

School-to-Work

Vocational Education

The American people will remember that last year, during debates on consolidation and block granting, proponents of block-granting federal education funds proclaimed that by eliminating bureaucracy under block-granting, school districts would actually have more money to spend, not less. Hold-harmless provisions were discussed, which would purportedly assure that school districts would not see funding cuts.

But we had all heard this kind of talk before, from those who start by "consolidating," and then take the next step to "downsizing." Too often a block-grant equals a cut, and our school communities know it.

We were told that the fundamental philosophical question was whether or not we believed that individual school districts and parents and teachers know best how to handle education in their own communities, or whether we believed those fundamental decisions are best left to bureaucrats in Washington, D.C.

I think the fundamental question is rather when certain people in positions of authority in Washington D.C. are going to listen to their state and local governments and the people. This is a time of incredible renewal in education. Republicans, Democrats and Independents in my state of Washington and other states are on a serious, measurable road to school improvement.

From school report cards, to higher standards, to increased family and community involvement—improvement is happening, accountability is present, and students and their parents are seeing results. At a minimum, there is a fundamental discussion about educational improvement going on in every community in my state. When federal consolidation is tied to questions of "who knows best," I think those who do know best, the parents, teachers, students, and community leaders like those in my state have reason to feel betrayed.

Because money does matter. Yes, we need to consolidate services where it has an educational goal. Yes, the federal government works best when it creates red tape least—but Americans interested in improving education already have venues to make these changes. And these discussions—such as the one that will occur during the 1999 rewrite of federal elementary and secondary education programs—respect the knowledge and experience of those who actually learn with or work with federal education services.

But when the Congress ignores needed investments to improve school facilities and improve the quality of school personnel—then uses block-grants as cover for education cuts—local communities have reason to feel betrayed.

So, my hope is that those who want to improve the federal government's efforts to help students learn, and who see consolidation as a vehicle toward this end, will work with local school communities. My hope is that they will work with those of us who have experience in education. My hope is that we can work together to find results for students.

Because when the Congressional majority begins to pay attention to the appropriate federal role in school improvement, that is a positive step. Now that the discussion is joined, however, it must be productive, bipartisan, and aimed at efforts that will work.

When we look at this budget resolution, we also need to ask "what do the assumptions in the President's budget request leave out?"

The President's budget request assumes less than sufficient funding (less than current-services funding, or complete terminations) for, among others:

Impact Aid (Construction and payments for Federal Property)

State Student Incentive Grant

Innovative Education Program Strategies

Ellender Fellowships

Literacy Programs for Prisoners

Urban Community Service

National Early Intervention Scholarships and Partnerships

State Grants for Incarcerated Youth Offenders

In addition, the President's budget includes only $35 million for funding for the Individuals with Disabilities in Education Act over a freeze annually. My amendment would meet the $500 million increase per year in Sen. DOMENICI's Committee reported resolution ($465 million over the President's level). For too long, the Congress has not met its obligation to pay 40 percent of the costs of educating each special education student.

Education, especially public education, is near and dear to the American people. Although the challenges are great, there are productive discussions happening in public schools across the country. Local people are making decisions that are producing results for students. We know we need to expect more from our schools than folks did in the past. We know we have an economy and a society full of new demands. Regardless of political persuasion, ethnicity, income, age, or any other dividing line one might find—all Americans want students to succeed. And there is broad recognition that we should do more, not less. More to improve the quality of our schools. And more to make education a higher priority in the federal budget. I urge adoption of the Murray amendment.

Mr. President, I ask unanimous consent that several letters regarding education funding be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF TEACHERS

April 1, 1998.

DEAR SENATOR: On behalf of over 950,000 members of the American Federation of Teachers (AFT), I urge you to oppose the FY 1999 Concurrent Resolution on the Budget, S. Con. Res. 86, unless changes are incorporated to rectify the following shortfalls.

Although the budget resolution assumes a $2.5 billion increase for IDEA over five years, a $500 million increase in FY 1999, total discretionary spending in Function 500 reflects only a $600 million increase over FY 1998. This level is $1.6 billion below the President's budget and $1 billion below the amount needed to maintain current program levels in education, job training, and social services.

This budget resolution should include funding for the President's initiatives in class size reduction and for school construction. The President requested $1.1 billion to recruit and train 100,000 new teachers over the next seven years in order to reduce class size to an average of 18 in grades 1-3, when children need the most help in learning to read proficiently and mastering the basics. The AFT also supports the President's proposal for more than $20 billion in interest-free bonds for school construction. An estimated one-third of all schools need extensive repairs and new academic facilities are needed to serve the booming enrollments in elementary and secondary schools. Instead, the budget resolution assumes a $6.3 billion increase, $522 million in FY 1999, for Title VI Innovative Program Strategies, an education block grant program, while assuming an estimated $2.2 billion in savings from unspecified consolidation of elementary and secondary education programs.

In addition, the AFT opposes savings assumed in discretionary spending resulting from repealing Davis-Bacon and the Service Contract Act beginning in the year 2000. The AFT also opposes the citing of S. 1133, The "Parent and Student Savings Account Plus," as an illustration of tax relief, which would expand the use of Education IRAs to include private and religious school tuition for elementary and secondary students.

For these reasons, I urge you to oppose S. Con. Res. 86 unless amendments are adopted to address these concerns.

Sincerely,

GERALD D. MORRIS,
Director of Legislation.

NAPSEC

March 25, 1998.

Hon. PATTY MURRAY,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURRAY: On behalf of the National Association of Private Schools for Exceptional Children (NAPSEC), an association that represents over 900 private special education schools for children with disabilities across the nation both nationally and through its Council of Affiliated State Associations, I urge you to oppose the FY 99 Budget Resolution when it is considered by the Senate.

Although the resolution adds a billion dollars for special education programs and Title VI innovative education strategies programs, the resolution provides only $600 million more for all education and related programs. The resolution would fund education programs at $1.1 billion below current service levels. Programs like Head Start, Title I, Pell Grants, and other education programs would have to be cut or frozen to make up the difference.

This action appears totally inappropriate considering the new challenges facing America's education system—rising enrollments at all levels, more students with special needs, growing teacher shortages, unsafe, overcrowding, and decaying schools, just to name a few.

Recent polls ranked increasing federal funding for education ahead of health care, reducing national debt, tax cuts, crime, and defense. I urge you to represent this priority by supporting a bipartisan budget resolution that makes increased investments in education. I also ask you to support the amendments that are offered that would increase funding for education.

Thank you for considering our request.

Sincerely,

SHERRY L. KOLBE,
Executive Director & CEO.

NSBA,

March 25, 1998.

Hon. PATTY MURRAY,
U.S. Senate, Washington, DC.

DEAR SENATOR MURRAY: The National School Boards Association, representing 95,000 school board members through its federation of 53 states and territories, urges you to make education your first priority and to oppose the FY 1999 Budget Resolution reported from the Senate Budget Committee last week because of its inadequate levels of funding for education.

The Senate Budget Committee's resolution is more than $1 billion below current services for discretionary spending in Function 500, which includes education and related programs and is $1.6 billion below the President's request. While recommending a billion dollars more for special education and the Title VI innovative education strategies programs, the FY 1999 Budget Resolution provides only $600 million more for all education and training programs. Programs like Title I, Impact Aid, and charter schools would have to be cut or frozen to make up the difference.

In contrast, the FY 1999 Budget Resolution allocates increases for health and transportation over the next five years that are $20 billion and $30 billion higher, respectively, than the levels approved in last year's budget agreement. This increase will put further pressure on funding levels for education and other domestic programs.

Finally, the FY 1999 Budget Resolution also rejects creating new revenue streams for education such as tax incentives to encourage school construction and mandatory spending for new initiatives proposed by President Clinton.

When looked at as a totality, the FY 1999 Budget Resolution will result in cuts below the current level of services for education at a time when America's educational system is facing new challenges at the start of the 21st century.

Education is America's best investment. Education will continue to fuel a growing economy that is able to compete in world markets; provide the job-ready labor force that will contribute to the stability of the Social Security system; give all Americans the opportunity to achieve a higher standard of living for themselves and their families; and allow the United States to maintain its strong leadership role in the world. Last year, Congress and the Administration worked together to provides a substantial increase in the investment in higher education. This year, several important investments for elementary and secondary education have been targeted, and it is vitally important for our nation's schoolchildren that we make a commitment to fund them. Our nation's schools face unprecedented challenges: exploding enrollments; dramatic increases in students with special needs; overcrowded, inadequate, and unsafe school buildings; high demands for costly, new technology; and the commitment to reach high standards for all students. To meet the current challenges for elementary and secondary education, the federal government needs to expand its financial commitment to education funding, state and local funding cannot meet the expanded demands and expectations for our schools.

We hope to work with you to ensure a significant federal funding of the American public's top priority—education. We hope the year will not begin with a debate about cutting the federal investment in elementary and secondary education.

If you have any further questions about this issue, please call Laurie A. Westley, assistant executive director, at 703-838-6703.

Sincerely,

WILLIAM B. INGRAM,
President.
ANNE L. BRYANT,
Executive Director.

COMMITTEE FOR EDUCATION FUNDING

March 23, 1998.

Re: Oppose FY99 Budget Resolution That Falls Short of America's Education Investment Needs

DEAR SENATOR. The Committee for Education Funding, a nonpartisan coalition of over 90 education organizations reflecting the broad spectrum of the education community, urges you to oppose the FY99 Budget Resolution reported out by the Senate Budget Committee on March 18, 1998 because of its inadequate funding levels for education.

The Senate Budget Committee's Resolution is over $1 billion below current services levels for discretionary spending in Function 500, which includes education and related programs, and is $1.6 billion below the President's request. While recommending a billion dollars more for special education and the

Title VI innovative education strategies programs, the resolution provides only $600 million more for all education and related programs. Programs like Head Start, Title I, Pell grants, or other education and related programs would have to be cut or frozen to make up the difference.

In contrast, the resolution allocates increases for health and transportation over the next five years that are $20 billion and $30 billion higher, respectively, than the levels approved in last year's budget agreement. These increases, while much needed, will put further pressure on funding levels for other domestic programs like education.

The budget resolution also rejects creating critical new revenue streams for education such as mandatory spending to reduce class size and tax incentives to encourage school construction as proposed in the President's budget.

Taken all together, this budget resolution is likely to result in cuts below current service levels for education at a time when America's educational system is facing new challenges at the start of the 21st century. These include rising enrollments at all levels; more students with special needs; growing teacher shortages and professional development needs; unsafe, overcrowded and outdated school facilities; access to rapidly advancing educational technology; and continuing access to postsecondary education for low income students.

Recent polls ranked increased federal funding for education ahead of health care, reducing national debt, tax cuts, crime and defense (Greenberg-Guinlan and the Tarrance Group, January 1998). We urge you to support a bipartisan budget resolution that makes increased investment in education the top budget priority to meet the growing needs of America's students and secure America's future. We also urge you to support amendments to the budget resolution that would increase funding for education.

Sincerely,

KENNETH G. MCINERNEY,
President.
EDWARD R. KEALY,
Executive Director.

NATIONAL PTA,
March 16, 1998.

Hon. PATTY MURRAY,
Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR SENATOR MURRAY: The National PTA urges you to include education as a top funding priority in the FY 1999 budget resolution you are about to consider. There are thousands of excellent public schools in this country, but too many others lack the resources they need to provide a quality education for all children. These schools face formidable challenges, which include record-high student enrollments, an increase in the number of children with disabilities, a growing need for new and qualified teachers, extensive and expensive technology needs, and school facilities in desperate need of expansion and renovation. An increased federal financial investment is needed to address these national concerns.

For the past two years, Congress has increased federal funding for education, and National PTA supports this leadership. National PTA now urges lawmakers to continue this positive trend to assure that the benefits of this investment are long-lasting. Even with the recent spending growth, none of the major elementary and secondary education programs designed to expand educational opportunity or improve achievement is funded near the level needed to serve all who are eligible.

As you develop the FY 1999 Senate Budget Resolution, National PTA asks that you include an increase for discretionary education and children's programs sufficient to allow funding for new initiatives and increases in vital existing programs like Title I, IDEA, and Impact Aid. We also urge you to include in the budget an accommodation for new sources of funding for education, such as an infrastructure tax credit or mandatory education programs to reform schools and increase student learning.

Now is an excellent time to strengthen the federal investment in successful and cost-effective education programs. The nation's economic health is robust. The president's budget request is balanced and projects growing surpluses for at least the next ten years. Many vital interests will compete for discretionary funds this year, but investing in education is one of the best ways to assure that the national economy continues to prosper, and the stability of the Social Security system is strengthened.

We look forward to working with Congress to secure much-needed resources to improve the quality of public schools and to invest now for America's future.

Sincerely,

SHIRLEY IGO,
Vice President for Legislation.

Mr. President, I request the yeas and the nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I didn't want to interrupt, but some of us are having a little difficulty hearing even when there is quiet. Maybe Senators could make sure they are talking into the mike.

I didn't hear much of what Senator MURRAY said. But, Mr. President, let me say what I understand this amendment does. It asks for a $2.5 billion increase in education for special ed. It doesn't say where the money comes from, but it comes from somewhere in the budget.

The Republican budget before us asks $2.5 billion more for special ed than the President of the United States asked for. As a matter of fact, the President, after committing to dramatically increase special ed, increased it $38 million while we increase it $2.5 billion. We said where we took the money so that it is doable. This one does not even indicate what programs in the Government would be cut to pay for this. I don't believe this is the way we ought to do business here, and if the time has been yielded back, I yield mine. I move to table the Murray amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 2216. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES: I announce that the Senator from North Carolina (Mr. HELMS), is necessarily absent. I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS), would vote "yea."

Mr. FORD: I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 81 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The motion to lay on the table the amendment (No. 2216) was agreed to.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I believe the next amendment is amendment No. 2220 by Senator BIDEN.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 2220

Mr. BIDEN. Mr. President, recognizing reality and the hour, I am going to tell you what my amendment was going to be, and then I will withdraw it. This amendment was to see to it that the moneys from the tobacco settlement, if any, could have been used for VA health care, as well as Medicare. But looking at that lineup, I understand the outcome, and so I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 2220) was withdrawn.

Mr. DOMENICI. The next amendment is the Feingold amendment.

AMENDMENT NO. 2224

Mr. FEINGOLD. Mr. President, I offer this amendment to establish a narrowly focused, deficit-neutral reserve fund to help people with disabilities become employed and remain independent. While it does not specify a specific proposal, I want it to be clear that we have crafted this reserve fund with a very specific measure in mind, and that is the bipartisan Work Incentives Improvement Act of 1998, S. 1858, which was developed under the leadership of the Senator from Vermont, Mr. JEFFORDS.

We truly offer people with disabilities a chance to leave the disability rolls and become self-sufficient taxpayers. If just 1 percent of the 7.5 million Americans with disabilities become successfully employed, it is estimated it will save, in cash assistance alone, over $3.5 billion. So I urge the body to support this narrowly targeted, capped, deficit-neutral reserve fund.

Mr. KENNEDY. Mr. President, I rise today to support Senator FEINGOLD in his amendment to create a disability reserve fund to allow people with disabilities to become employed and remain independent. The amendment would ensure that the budget resolution incorporates the flexibility to allow offsets for the bipartisan Work Incentive Improvement Act of 1998. This bill allows people with disabilities to become employed and remain independent, by providing more affordable and accessible health care.

Despite the extraordinary growth and prosperity the country is enjoying today, persons with disabilities continue to struggle to live independently and become fully contributing members of their communities. Of the 54 million disabled people in this country, many have the capacity to work and want to become productive citizens, but they are unable to do so because they are afraid of losing their health care.

Today, 7.5 million disabled Americans depend on public assistance. The cost to the taxpayer is $73 billion annually and will continue to increase at 6% a year. If we can support just one percent of the these 7.5 million individuals to become successfully employed, savings in cash assistance would total $3.5 billion over the work lives of these individuals.

Senator FEINGOLD's amendment creates a narrowly targeted reserve fund, which allows savings or revenues from various sources to be used to offset the costs associated with this proposal. The reserve fund is limited in the total spending it permits for this specific purpose, and is permissive—it allows the Senate leadership to use savings from unrelated areas to be dedicated to support disabled people to become employed. Work is a central part of the American dream, and it is time for this Congress to support our disabled citizens in achieving that dream.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first of all, the amendment violates the Budget Act. This sets up a new reserve fund to create a new entitlement for disabled people. It permits the raising of taxes in order to pay for it, and in every respect it violates the Budget Act. I do not think I have to say much more.

We have denied any new reserve fund where specific revenues or resources have not been allocated. That is the case here. We think we have adequately taken care of the disabled under our budget. In many cases, we have done more than what the President has done. So with that, I make a point of order that the amendment is not in order under the Budget Act.

Mr. FEINGOLD. Mr. President, I move to waive the Budget Act as to the pending amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to waive the Budget Act as to the amendment No. 2224. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES: I announce that the Senator from North Carolina (Mr. HELMS), is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS), would vote "no."

Mr. FORD: I announce that the Senator from Hawaii (Mr. INOUYE), is necessarily absent.

The yeas and nays resulted—yeas 47, nays 51, as follows:

(Rollcall Vote No. 82 Leg.)

YEAS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Chafee
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Snowe
Specter
Torricelli
Wellstone
Wyden

NAYS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Byrd
Campbell
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—2

Helms
Inouye

The PRESIDING OFFICER. On this vote the yeas are 47, and the nays are 51. Three-fifths of the Senators present and voting not having voted in the affirmative, the motion to waive the Budget Act is not agreed to. The point of order is sustained. The amendment falls.

AMENDMENT NO. 2234

Mr. DOMENICI. Mr. President, we have just two amendments that require votes, but we have finally agreed on the Boxer amendment and there will not be a second-degree amendment. I ask that amendment No. 2234 be called up. This will be voice voted. It is already understood if the Republicans say "no" loud enough, you will win.

Mrs. BOXER. Mr. President, I thank my chairman for his many courtesies throughout the evening. I would have appreciated one more courtesy, which would have been accepting the amendment. I want to say to my colleagues that I urge a strong voice vote on this side. There isn't one penny of tobacco money in the budget resolution going for NIH research, and nothing for cancer research. So I hope you will give me a strong aye voice vote, even though I think the result is predetermined because I think with all the people getting cancer caused from cigarettes, it makes sense to use the reserve fund from the tobacco settlement for NIH funding.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2234) was rejected.

AMENDMENT NO. 2230

Mr. DOMENICI. Mr. President, the next amendment is Senator JOHN KERRY's amendment No. 2230.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, my amendment is subject to a budget point of order. Since that is the same 60 votes that it will require to accomplish this later, I am not going to ask my colleagues to make that vote tonight. What I would ask is that my colleagues, during the break, think about the appropriateness or inappropriateness of where we are currently allocating tobacco funds.

The entire purpose of the tobacco legislation is directed at stopping kids from smoking. Yet, that is going to require funding for various things, such as research and compliance. We need to assist the tobacco farmers. There are clearly a set of priorities for where tobacco money should go. I hope when we come back and take up the Commerce Committee bill, we will find it in ourselves to adopt those appropriate priorities.

I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. DOMENICI. Mr. President, we thank the Senator for doing that.

Senator ROBB is the last amendment that I think we have to have a vote on.

Mr. LAUTENBERG. Mr. President, will the Senator mind me asking to put a couple things in the RECORD.

Mr. DOMENICI. Of course.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENT NO. 2232

Mr. ROBB. Mr. President, I call up my amendment No. 2232.

The PRESIDING OFFICER. Amendment No. 2232 is now the pending business.

The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I regret very much that I am not in a position to do as my two previous colleagues have done because we have a bit of a dilemma for tobacco farmers. Everyone who has proposed legislation to include the legislation reported out of the Commerce Committee yesterday by a vote of 19-1 makes provisions for tobacco farmers in terms of transition.

The tobacco reserve fund, however, has been wisely fenced off by the chairman of the Budget Committee so that it might not be raided by those of us who might have other spending plans. But the only source of payment for any of the plans that have been proposed or considered is going to be the money that comes into that particular fund.

This amendment would simply make available that particular funding, along with Medicare, to fund any of the tobacco provisions that might otherwise bring down tobacco legislation for the tobacco farmers.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Everybody should recall that the Republican budget says unless and until the Congress of the United States produces legislation with 60 votes that does otherwise, we allocate whatever Federal moneys we receive from any cigarette settlement to the Medicare fund, which is the fund most entitled to it because it's the fund that is most abused by smoking—$25 billion a year.

So what we have now is an attempt to say, no, let's change it just a little bit, let's add another use to that fund. I don't believe we should do that.

I make a point of order that this amendment violates the Budget Act because it is not germane.

Mr. ROBB. Mr. President, I move to waive the point of order, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act.

The yeas and nays are ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—31

Akaka
Baucus
Breaux
Byrd
Cleland
Conrad
Coverdell
Daschle
Faircloth
Ford
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Lugar
McConnell
Mikulski
Moynihan
Reed
Robb
Rockefeller
Sarbanes
Thompson
Thurmond
Warner
Wellstone

NAYS—67

Abraham
Allard
Ashcroft
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Collins
Craig
D'Amato
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Leahy
Levin
Lieberman
Lott
Mack
McCain
Moseley-Braun
Murkowski
Murray
Nickles
Reid
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Torricelli
Wyden

NOT VOTING—2

Helms
Inouye

The amendment (No. 2232) was rejected.

The PRESIDING OFFICER. On this vote the yeas are 31, the nays are 67. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me just say there are no more amendments that we have to have rollcall votes on before final passage. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. Mr. President, I ask we agree to vote—to have a voice vote en bloc on the amendments that are on the list that I sent to the desk. I send that to the desk now. It is the list that we submitted which starts with No. 2271 and ends with No. 2252. I ask unanimous consent that those amendments be voted en bloc, and that they be voice voted. There is an expectation that the ayes will prevail here. I call that to the attention of the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair.

VOTE ON AMENDMENTS NOS. 2271, 2238, 2180, 2243, 2265, 2272 AND 2252, EN BLOC

The PRESIDING OFFICER. The question occurs on agreeing to amendments 2271, 2238, 2180, 2243, 2265, 2272, and 2252.

The amendments (Nos. 2271, 2238, 2180, 2243, 2265, 2272, and 2252) were agreed to.

The text of the amendments is printed in a previous edition of the RECORD.

AMENDMENT NO. 2238

TAX COMPLEXITY

Ms. MOSELEY-BRAUN. Mr. President, I am so pleased that the Senate has agreed to accept my amendment on tax complexity. Mr. President, two weeks from now is April 15, a day known as Tax Day. On that day, approximately 120 million Americans will file some type of tax return to the Internal Revenue Service. Of these taxpayers, more than 40 percent will file the short tax forms known as the 1040EZ, or the 1040 long form.

These two forms—only one page long—are designed to be simple and easy to complete, but Americans will pay millions of dollars to tax preparers to fill out these forms in their stead in order to avoid making a mistake and facing the wrath of the Internal Revenue Service.

The perception is that the tax code is too complicated, and frankly, these Americans have good reasons to be concerned. The Balanced Budget Act of 1997, passed by Congress last year and hailed as providing significant tax relief to every American, added over 1 million words and 315 pages to the Internal Revenue Code. The capital gains computation form alone grew from 19 lines to 54. Consequently the average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year. The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours this year.

Tax relief is not just about financial relief, it is also about paperwork relief. This amendment states that it is the Sense of the Senate that this chamber give priority to tax proposals that simplify the tax code and reject proposals that add greater complexity to the code and increased compliance costs to the taxpayer. I think we have sent a sound message to the American people that we are committed to reducing complexity in this already onerous tax system.

AMENDMENT NO. 2243

Mr. LAUTENBERG. Mr. President, this amendment expresses the Sense of the Senate that Congress should fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next five years to enable Amtrak to implement its Strategic Business Plan.

In the Amtrak Reform and Accountability Act of 1997, Congress declared that "intercity rail passenger service is an essential component of a national intermodal passenger transportation system." With the passage of this Act, Congress and the President effectively agreed to provide adequate appropriations over the next five years for Amtrak to implement its Strategic Business Plan so that it may achieve the goal of operating self-sufficiency.

I would like to take a moment to thank Senator LOTT for his cooperation on this amendment and for his commitment to providing the funding necessary for Amtrak to implement its Strategic Business Plan.

I would also like to thank Senator MCCAIN for his cooperation and assistance in working out the language of this amendment.

Finally, I would like to thank Senators ROTH, BIDEN and all of the cosponsors of this amendment for their continuing support of Amtrak.

I believe that for the first time in memory, we have a general commitment among members of Congress to provide Amtrak with the funding necessary for it to turn its financial situation around. We will accomplish this by providing Amtrak with the capital funds necessary to modernize its equipment and facilities. For too long, Congress underfunded Amtrak, leaving it with an aging and inefficient capital stock. By providing sufficient capital funding, we will allow Amtrak to increase the efficiency of its operations and attract new passengers by providing better, more reliable service.

Last year's $2.2 billion capital fund and the passage of the Amtrak Reform legislation brought the dawn of a new day for our national passenger railroad.

We need Amtrak to reduce congestion on our highways and in our skies. Congress and the President have demonstrated clear support for Amtrak as a national system and for continued federal appropriations. Too often in the past, we under-funded this important system. Today, Amtrak is operating under substantial challenges to meet strict business goals.

I believe Amtrak is up to the task and I hope and expect that we will provide them the funds we have promised and give Amtrak a fighting chance to succeed.

Mr. BIDEN. Mr. President, I am pleased to join with my good friend, the distinguished Ranking Member of the Budget Committee, FRANK LAUTENBERG, in introducing this amendment. We are in excellent company, joined by the distinguished Chairman of the Finance Committee, BILL ROTH, the distinguished Majority Leader, and other supporters of Amtrak.

As I testified just last week before Senator SHELBY'S Appropriations Subcommittee on Transportation, Amtrak is currently under the gun—both the Amtrak Reform Act we passed last year, and our current budget plans assume that Amtrak will be without operating subsidies beginning in 2002.

Personally, I am not convinced that this is a wise course of action. Virtually all passenger rail systems in the world are supported by public funds, because their benefits—reduced congestion on highways and at airports, less air pollution—are enjoyed by those who may never ride a train. Public support does not automatically signify inefficiency, Mr. President; in the case of passenger rail, it is a recognition that the public benefits are not fully paid for by individual ticket purchases.

But it is even clearer, Mr. President, that passenger rail deserves support for its major capital needs. Just as the federal government provides funds for highways, airports, ship channels, and ports, it has a proper role—justified by the strictest notions of economic efficiency—in providing support for the basic infrastructure of our national transportation system.

Despite the heavy burdens placed on Amtrak by years of under funding, Amtrak has responded with increased efficiency—and has undertaken a business plan that aims at operating self-sufficiency by the year 2002.

This amendment expresses the sense of the Senate that we should live up to our end of the deal we entered into when we passed the Amtrak Reform Act last year—we should, at an absolute minimum, provide Amtrak with the funds necessary for them to reach 2002 with the equipment, routes, and ridership that will make that self-sufficiency possible. That means providing Amtrak with the funds—both long-term high-return capital from its capital funds, as well as operating support—that they anticipate in that business plan.

And I must add, Mr. President, that following the recommendation of last year's Presidential Emergency Board, Amtrak has agreed to provide pay raises for its long-suffering workers. To make good on that commitment, and to provide similarly for all of the workers that have gone for years without a pay raise—or even a contact—Amtrak will require the funding level we commit to with his amendment.

I am gratified that we have the support of so many of my colleagues for this amendment. Today, we will put the Senate on record in support of funds for Amtrak that will allow them to achieve the goals that we have set for them. That, Mr. President, is the least we can do.

Mr. MACK. Mr. President, there has been a good deal of concern over whether the budget resolution actually provides adequate funding to allow the Labor-HHS subcommittee to provide increased funding for the National Institutes of Health as assumed in the budget.

After extensive conversations with the Chairman of the Budget Committee Chairman and his staff, I am confident that the recommendations contained in the budget resolution would in fact allow for increased funding of the National Institutes of Health.

In fact, the Chairman of the Budget Committee has agreed to enter into a colloquy with me which explicitly states that the budget assumes a substantial increase over the Labor-HHS subcommittee's 1998 appropriated levels. The chairman has assured me that this funding level assumes increases to cover shortfall created by forward funding in last years Labor-HHS appropriations bill. Additionally, the budget assumes further increases to fund a number of Congressional priorities, including increased funding for the National Institutes of Health.

The full content of the colloquy is contained in a written statement which I will now send to the desk and ask that it be entered into the RECORD in its entirety.

Mr. President, as my colleagues will recall, during consideration of the 1998 Budget Resolution, I offered an amendment to express the sense of the Senate that funding for the National Institutes of Health should be increased by 100 percent over the next five years. It passed by a vote of 98–0.

The amendment I am offering today will help to ensure that the Senate continues to move forward toward achieving this goal. The 1999 Senate Budget Resolution assumes an increase of $1.5 billion for the National Institutes of Health for FY 1999, an 11% increase over the FY 1998 funding level.

I know the Chairman of the Budget Committee, Senator DOMENICI, has worked very hard in a tight budget year to include this increase in the Budget Resolution. I want to express my sincere thanks to Chairman DOMENICI and commend him for his leadership on this initiative. He, too, has been a true friend to NIH and I know he shares our commitment to increased funding for biomedical research.

I am aware of concerns raised by patient organizations and public health advocacy organizations with respect to future increases for NIH.

Based upon discussions I have had with both Chairman DOMENICI and with Chairman STEVENS today, I am convinced the budget resolution will, in fact, lead to the increases necessary to achieve the goal of doubling funding for NIH.

I have submitted into the RECORD a colloquy with Senator DOMENICI which addresses these concerns, and I encourage all interested parties to review this colloquy.

It is also important to remember that the Congress is at the beginning of the budget process. The House of Representatives has not acted on the Budget Resolution. There still must be a conference with the House.

At this time, I am convinced the Budget Committee has done its' best to provide the framework to increase funding for NIH by at least $1.5 billion in FY 1999. And, I am hopeful that the Appropriations Committee will do its best to support these recommendations.

For purposes of this Budget Resolution, I do believe it is important for the Senate to be on record with respect to our bipartisan commitment to NIH.

To that end, the amendment I offer today will express the Sense of the Senate in three areas.

First, it would reaffirm our commitment to double funding for NIH over the next five years.

Second, it would express the Sense of the Senate that appropriations for NIH should be increased by $2 billion in FY 1999.

Finally, it would express the Sense of the Senate that, at a minimum, appropriations for NIH should match the levels specified in the Budget Resolution.

Funding for NIH has always enjoyed strong bipartisan support in the Senate. Today should be no exception. I urge my colleagues to support this amendment.

ADDITION OF COSPONSORS—AMENDMENT NO. 2243

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the following Senators be added to the Amtrak sense-of-the-Senate amendment No. 2243: Senators MOYNIHAN, JEFFORDS, CHAFEE, KERRY, MOSELEY-BRAUN, LIEBERMAN, DURBIN, SARBANES, MIKULSKI, DODD, BAUCUS, LEAHY and HUTCHISON.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2219

Mr. DOMENICI. Mr. President, we have one last thing, amendment No. 2219, by Senator DORGAN. Would you call that up? Here we are going to voice vote it. Let me make sure everybody understands, this amendment is supposed to fail. And there has been concurrence on that point as we deliberated on this subject.

The PRESIDING OFFICER. Amendment No. 2219 is before the Senate. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2219) was rejected.

AMENDMENTS WITHDRAWN

Mr. DOMENICI. Mr. President, I ask unanimous consent that all other pending amendments be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment Nos. 2186, 2194, 2215, 2223, 2227, 2231, 2241, 2242, 2245, 2247, 2179, 2181, 2249, 2255, 2256, 2259, 2260, 2261, 2267, 2268, 2273, and 2274 were withdrawn.

AMENDMENT NO. 2204

Mr. KOHL. Mr. President, my amendment to the Budget Resolution I hope will be only the first step this Congress will take to prevent abuse and mistreatment of elderly and disabled patients in long-term care.

Mr. President, it is estimated that more than 43% of Americans over the age of 65 will likely spend time in a nursing home. The number of people needing long-term care service, both in nursing homes and home health care, is sharply increasing, and it will continue to do so as the Baby Boom generation ages. The vast majority of long-term care facilities do an excellent job in caring for their patients, but it only takes a few abusive staff to cast a dark shadow over what should be a healing environment.

A disturbing number of cases have been reported where long-term care workers with criminal backgrounds have been cleared to work in direct patient care, and have subsequently abused patients in their care. Most recently, The Wall Street Journal published a troubling article describing the extent of this problem and the difficulties we face in tracking known abusers. I ask that this article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. KOHL. This article is only the tip of the iceberg. A recent report from the Nation's long-term care Ombudsmen indicates that in 29 states surveyed, 7,043 cases of abuse, gross neglect, or exploitation occurred in nursing homes and board and care facilities. Similar stories have appeared nationwide and abuse is not limited to nursing homes. It is far too easy for a health care worker with a criminal or abusive background to gain employment and prey on the most vulnerable patients.

Why is this the case? Because current state and national safeguards are inadequate to screen out abusive workers. All States are required to maintain nurse aide registries which include information about abusive workers. But these registries are not comprehensive or complete. First, many facilities do not report abuse complaints and instead, simply fire the worker. Second, these registries usually do not include abuse information about home health or hospice aides. Finally, and most important, there is no national system in place to track abusers, little information sharing between States, and no Federal requirement that a criminal background check be done on potential employees. A known abuser or someone with a violent criminal background in Iowa would have little trouble moving to Wisconsin and continuing to work with patients there.

I have introduced and continue to work on legislation that would create a national registry of abusive long-term care workers and require criminal background checks for prospective employees who participate in Medicare and Medicaid. Although this will not prevent all cases of abuse, I believe it will go a long way toward making sure that those who have a history of preying on the vulnerable are not paid to do so by Medicare and Medicaid.

This Budget Resolution includes a lot of different priorities and funding recommendations—some of which I agree with, and others that I believe deserve more attention. But as we consider this Budget Resolution, we must not forget to protect our nation's most vulnerable citizens—the elderly and the disabled.

This amendment expresses our desire to establish a viable, efficient, and cost-effective national system that will screen out abusive workers and prevent them from working with patients. We should adopt this amendment to devote resources toward developing such a system. We should adopt this amendment to send a clear signal to potential abusers that we will not tolerate the mistreatment of our patients. And we should adopt this amendment to demonstrate our commitment to protecting the elderly and the disabled from known abusers and criminals. When a patient checks into a nursing home facility or receives home health services, they should not have to give up their right to be free of abuse, neglect, or mistreatment.

EXHIBIT 1

[From the Wall Street Journal]

MANY ELDERS RECEIVE CARE AT CRIMINALS' HANDS

(By Michael Moss)

When Carletos Bell applied to work at the San Antonio Convalescent Center, he didn't try to hide his violent criminal past. He disclosed his record of aggravated assault right on his application for nurse-assistant.

He got the job anyway, in June 1996. Six months later, Mr. Bell was charged with sexually assaulting a 71-year-old resident of the nursing home. He pleaded not-guilty and is now in jail awaiting trial.

The case illustrates a growing problem for nursing-home patients and owners alike: People with serious rap sheets are landing jobs as care givers for the elderly.

On Monday, a local trial judge in Denver gave a green light to the first-ever class-action lawsuit alleging nursing-home negligence. A pivotal claim is that many nurse-assistants had arrest records. A local attorney for the facility's former owner, GranCare Inc., denies the allegation of negligence.

Even before that ruling, crime against residents of nursing homes has been a growing concern among patient advocates. Efforts to draw attention to the problem have been stymied partly by the lack of good data. Advocates say there is severe underreporting of crimes—especially of rapes—because residents often fear retribution for leveling complaints.

Still, the U.S. Department of Health and Human Services' Office of Inspector General took disciplinary actions mostly related to nursing-home abuse in 382 cases in 1997, more than double a year earlier. The office received 1,613 reports of abuse allegations in that year, up 14% over a three-year period.

Lesser crimes abound as well. Four percent of nursing-home workers acknowledged they stole money, jewelry and other items from residents, in questionnaires completed as part of a soon-to-be-published study by Diana Harris, a sociologist at the University of Tennessee, Knoxville. Ten percent of workers said they saw other staff steal.

Nursing-home owners, in turn, are finding themselves at greater risk in lawsuits brought by injured residents. In some facilities, plaintiffs' attorneys are discovering that a large portion of the staff has a criminal past. At another San Antonio nursing home, the Crestway Care Center, where in 1995 two female residents said they were raped, half of the 69 male workers had arrest records and nearly one-quarter had felony convictions, according to pretrial fact-finding in a negligence lawsuit the women brought against the nursing home. The facility's owner at the time couldn't be reached. His attorney declined to comment. The suit was settled last year.

The plaintiffs' criminologist, Patricia Harris, noted in court papers, "A setting which contains infirmed females who are unable to defend themselves creates an enhanced opportunity for sexual assaults."

When trouble strikes, the involvement of a single employee with a felony record can send jury awards soaring. Last year, the owner of the nursing home where Mr. Bell worked, Living Centers of America, quickly settled a lawsuit brought by the resident whom Mr. Bell allegedly assaulted. Since then, investor group Apollo Management LP, headed by financier Leon Black, has acquired control of Living Centers and merged it with GranCare to form Paragon Health Networks Inc., of Atlanta.

"Until there is some public awareness, the problem of nursing homes employing criminal and sexual deviants is going to escalate," says the resident's attorney, Marynell Maloney, who also brought the other San Antonio case.

Living Centers' local attorney, Charles Deacon, says the job interviewer at the facility made a mistake in hiring Mr. Bell. Given Mr. Bell's record, says Mr. Deacon, "there is no way the company would ever have wanted him."

Employees with criminal records pose an industry-wide problem, says Mr. Deacon, who represents other nursing-home owners. "They end up costing these companies a lot of money."

A Boston jury last month sent a message to a home health-care provider by awarding $26.5 million to the estate of John Ward, who was beaten and stabbed to death in 1991, along with his grandmother. The perpetrator was a six-time convicted felon who was hired by an agency to care for Mr. Ward, age 32, at their home.

Rachel Schneider, acting co-president of the Visiting Nurse Association of Greater Boston, which settled the lawsuit after the jury's verdict, says the killings were "one of those very unfortunate lessons." The agency began checking its workers for criminal records starting in 1994, she said.

Nursing-home owners, patient advocates and labor unions agree that an important step in combating nursing-home crime is to keep criminals from getting the jobs. Bills introduced in both houses of Congress would require Federal Bureau of Investigation background checks of would-be nurses' aides and other care givers.

A group of nursing-home owners, the American Health Care Association, says it supports the concept and favors imposing background-checks on care givers at hospitals and other providers, too. Patient advocates say there's no reason to limit the checks to nurses' aides. "We think everybody—doctors, nurses, everyone—should be checked," says Elma Holder, founding director of the National Citizens' Coalition for Nursing Home Reform.

A growing number of states already have legislation mandating background checks, with mixed results. Illinois's two-year-old program for screening nurses' aides has turned up disqualifying criminal backgrounds on about 5% of the people who were checked. Their crimes ranged from theft to homicide. But nearly 90% of those who asked that the law be waived were permitted to take or keep jobs anyway.

"The law is a farce," says Violette King of Nursing Home Monitors, a local patient-advocacy group based in Godfrey, Ill. The state Department of Public Health responds by saying it weighs each waiver request carefully.

Spokesman Thomas Schafer cites the case of a man who murdered his girlfriend 24 years ago. He had been working in a nursing home without problems for 15 years when the new background-check program turned up his record. The state decided he wouldn't be a risk to the residents.

One thorny question is whether mere arrests should carry as much weight as convictions. In Colorado, it has become a point of contention in the Denver class-action suit. Of the 176 aides hired by Cedars Health Care Center in 1995 and 1996, 74 of them, or 42%, had arrest records, the plaintiffs' attorney has alleged.

"Most of these records reflect serious, and sometimes habitual, criminal behavior," alleges the complaint filed by Denver attorney Lynn Feiger, an employment-law specialist, on behalf of five current and former Cedars residents. More than 200 can join the suit, thanks to this week's ruling.

The nursing-home owner's attorney, Jerome Reinan, who is weighing an appeal of the class-action decision, argues that the threshold should be convictions. "We're not aware at this point of any convictions that would made an employee ineligible for hiring," says Mr. Reinan.

State officials in Colorado say they are considering a number of ways to strengthen rules for screening nursing-home employees, including extending checks to probation reports and arrest records.

"An arrest record is certainly indicative of a pattern," says state Department of Public Health spokeswoman Jackie Starr-Bocian. "We have had a concern here in Colorado for many years about issues of employment in nursing homes. Now it's a very grave concern because our unemployment rates are so low it's hard to find qualified applicants."

AMENDMENT NO. 2240

Ms. MOSELEY-BRAUN. I believe that the Senate has taken a step in the right direction today by accepting my amendment that ensures that the Senate will not reduce the value of Social Security. Mr. President, Social Security is perhaps the most successful and important government program ever enacted in the United States. It has allowed millions of Americans to retire with dignity and has played a key role in bringing poverty among the elderly to the lowest level since the government began keeping poverty statistics.

But if you ask young adults—the twenty-something and thirty-something Americans—whether they believe Social Security will be there for them, they will tell you that they are more likely to see a UFO than receive Social Security benefits when they are old.

That's regrettable, Mr. President, not just because these young Americans are financing the benefits that my generation will receive from Social Security, but also because they have every right to benefit from Social Security when they reach their twilight years. Social Security was created not just for the current generation, or for our generation, but for all the generations that will follow.

The Senate, I think, has a responsibility to restore the faith of young Americans in their Social Security. In a recent poll, fewer than one-third of Americans age 55 and older expressed a lack of confidence in the ability of the Social Security system to meet its long-term commitments. For those under age 55, however, nearly two-thirds expressed that view.

Frankly, young Americans have good reason to be worried. Americans are living longer and retiring earlier. As a result, retirees will collect Social Security benefits for a far longer time than was anticipated when the system was developed. That means that younger Americans may be paying into a system that will no longer provide benefits when it is time for them to retire.

The impact of these trends will be greatly magnified when the Baby Boom generation retires. Once the Boomers have retired, there will only be about tow working Americans contributing to Social Security for every retiree receiving benefits, down from over five just a generation ago.

Social Security is too important to the retirement security of too many people for us to retreat from that accomplishment. More than one-half of the elderly do not receive private pensions and more than one-third have no income from assets. For 60 percent of all senior citizens, Social Security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, Social Security benefits provide over 50 percent of their retirement income.

It is our responsibility to act to ensure that the Social Security system provides the same value to new generations of Americans as it did to past recipients. It is my hope that in having passed this amendment, we will have demonstrated to younger Americans that we are committed to safeguarding the integrity of the Social Security system no only for their generation, but for all the ones that will follow.

I also want to say how pleased I am that the amendment I proposed that would express the Senate's sentiment that the Administration should include in its yearly budget a generational impact study will also be included in the budget resolution. I believe that this type of information will be useful in our decision making process and will lead us in a direction that is proactive, rather than reactive.

Again, I thank my colleagues for their support.

AMENDMENT NO. 2263

Mr. TORRICELLI. Mr. President, I would like to begin by acknowledging Senator SANTORUM's efforts on this amendment. I look forward to working with him in the future to preserve our nation's most vulnerable farmland.

We have heard a lot during the last decade about the dissolution and destruction of the American Family Farm. Indeed, the family farm is under serious threat of extinction. Today, there are 1,925,300 farms in the United States, the lowest number of farms in our nation since before the Civil War. The U.S. is losing two acres of our best farmland to development every minute of every day. In my state, New Jersey, we have lost 6,000 farms, or 40% of our total, since 1959. This reduction has serious implications for the environment, the economy and our food supply.

The threat comes partially from an anachronistic and unfair inheritance tax that threatens the generational continuity of the family farm, and partially from the fact that much of America's farmland is near major cities. As our cities sprawl into neighboring rural areas, our farms are in danger of becoming subdivisions or shopping malls.

Last year I strongly supported a significant reduction in the estate tax to keep farms in the family, preserve open space and ensure fairness in our tax code. This was an important victory for farmers across the nation. However, we also need programs like the Farmland Protection Program to reinforce this effort. That is why I am supporting Senator SANTORUM's amendment which will express the Sense of the Senate that Congress should reauthorize funds for the Farmland Protection Program. This critical program is designed to protect soil by encouraging landowners to limit conversion of their farmland to nonagricultural uses.

The Farmland Protection Program was authorized by the 1996 Farm Bill and provided $35 million over a six year. period. However, the last of the funding was dispersed in FY1998 and there is no money in the budget for the program this year. This amendment will send a strong message that we remain committed to protecting our family farms and preserving our open spaces. I am proud to support Senator SANTORUM's amendment, and look forward to its acceptance by my colleagues.

AMENDMENT NO. 2266

Mr. BIDEN. Mr. President, of all the priorities included in the Budget Resolution now before the Senate, I believe that none is more important than continuing our fight against violent crime and violence against women.

To a great extent, this Budget Resolution meets this test—but, in at least one area of this crime front, I believe the Budget Resolution must be clarified.

The amendment does exactly that—by clarifying that it is the sense of the Senate that the Violent Crime Control Trust Fund will continue through fiscal year 2002.

First, let me point out that it is Senator BYRD who, more than anyone, deserves credit for the crime law trust fund. Senator BYRD worked to develop an idea that was simple as it was profound—as he called on us to use the savings from the reductions in the federal workforce of 272,000 employees to fund one of the nation's most urgent priorities: fighting the scourge of violent crime.

Senator GRAMM was also one of the very first to call on the Senate to "put our money where our mouth was." Too often, this Senate has voted to send significant aid to state and local law enforcement—but, when it came time to "write the check," we did not fund nearly the dollars we promised.

Working together in 1993, Senator BYRD, myself, Senator GRAMM, Senator DOMENICI and other Senators passed the Violent Crime Control Trust Fund in the Senate. And, in 1994, it became law in the Biden Crime Law.

Since then, the dollars from the Crime Law Trust Fund have: Helped add nearly 70,000 community police officers to our streets; helped shelter more than 80,000 battered women and their children; focussed law enforcement, prosecutors and victims service providers on providing immediate help to women victimized by someone who pretends to "love" them; forced tens of thousands of drug offenders into drug testing and treatment programs, instead of continuing to allow them to remain free on probation with no supervision and no accountability; constructed thousands of prison cells for violent criminals; and brought unprecedented resources to defending our southwest border—putting us on the path to literally double the number of federal border agents over just a 5 year period.

The results of this effort are already taking hold—according to the FBI's national crime statistics, violent crime is down and down significantly—leaving our nation with its lowest murder rate since 1971. And the lowest murder rate for wives, ex-wives and girlfriends at the hands of their "intimates" to an 18-year low.

In short, we have proven able to do what few thought possible—by being smart, keeping our focus, and putting our "money where our mouths" are—we have actually cut violent crime.

Today, our challenge is to keep our focus and to stay vigilant against violent crime. Today, the Biden-Gramm amendment before the Senate offers one modest step towards meeting that challenge—By confirming the Senate's commitment to fighting crime and violence against women will continue to at least 2002. By confirming the Senate's commitment that the Violent Crime Control Trust Fund will continue—in its current form which provides additional federal assistance without adding 1 cent to the deficit—to at least 2002.

The Biden-Gramm amendment offers a few very simple choices: Stand up for cops—or don't; stand up for the fight against violence against women —or don't; stand up for fighting the scourge of youth violence—or don't; stand up for building new prisons—or don't; stand up for increased border enforcement—or don't.

Every member of this Senate is against violent crime. Now, I urge all my colleagues to back up with words with the only thing that we can actually do for the cop walking the beat, the battered woman, the victim of crime—provide the dollars that help give them the tools to fight violent criminals and help restore at least some small piece of the dignity taken from them by a violent criminal.

Let us be very clear of the stakes here—frankly, if we do not continue the Trust Fund, we will not be able to continue such proven, valuable efforts as the Violence Against Women law. Nothing we can do today can guarantee that we, in fact, will continue the Violence Against Women Act when the law expires in the year 2000.

But, mark my words, if the Trust Fund ends, the efforts to provide shelter, help victims and get tough on the abusers and batterers will wither on the vine. Passing the amendment I offer today will send a clear, unambiguous message that the trust fund should continue and with it, the historic effort undertaken by the violence against women act that says by word, deed and dollar that the Federal Government stands with women and against the misguided notion that "domestic" violence is a man's "right" and "not really a crime."

STATEMENT ON THE MARKET ACCESS PROGRAM

Mr. KEMPTHORNE. Mr. President, I rise today in support of the Market Access Program. This program continues to be a vital and important part of U.S. trade policy aimed at maintaining and expanding U.S. agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs.

The Market Access Program has been a tremendous success by any measure. Since the program was established, U.S. agricultural exports have doubled. In Fiscal Year 1997, U.S. agricultural exports amounted to $57.3 billion, resulting in a positive agricultural trade surplus of approximately $22 billion and contributing billions of dollars more in increased economic activity and additional tax revenues.

For example, the Idaho State Department of Agriculture received $125,000 of Market Access Program funds during the past year. These funds were used to promote Idaho and Western United States agricultural products in the international markets of China, Taiwan, Brazil, Mexico, Guatemala, and Costa Rica. One particular activity, the promotion of western U.S. onions in Central America, required $15,000 of MAP funds and generated inquiries for onions valued at $150,000.

Demand for U.S. agricultural products is growing 4 times greater in international markets than domestic markets. MAP has been an enormously successful program by any measure in supporting this growth. Since the program began in 1985, U.S. agricultural exports have more than doubled—reaching a record of nearly $60 billion in 1996; contributing to a record agricultural trade surplus of $30 million; and providing jobs to over 1 million Americans.

MAP is a key element in the 1996 Farm Bill, which gradually reduces direct income support over 7 years. Accordingly, farm income is now more dependent than ever on exports and maintaining access to foreign markets.

Two years ago, European Union (EU) export subsidies amounted to approximately $10 billion in US dollars. The EU and other foreign competitors also spent nearly $500 million on market promotion. The EU spends more on wine promotion than the US spends for all its commodities combined.

Mr. President, the Market Access Program should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition and protect American jobs.

Mrs. MURRAY. Mr. President, I am a cosponsor of amendment No. 2265 to S. Con. Res. 86 introduced by Senator KEMPTHORNE, expressing the Sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the U.S. Department of Agriculture to encourage U.S. agricultural exports, strengthen farm income, counter subsidized foreign competition, and protect American jobs.

The MAP is an important trade promoting program that truly benefits the diverse agriculture of Washington state and the nation. The MAP is a partnership with private agriculture to promote U.S. agricultural goods around the world. It helps to level the playing field for our growers in a global marketplace made increasingly competitive by subsidies foreign governments provide to their growers.

This Sense of the Senate resolution corrects the misguided direction of the Budget Committee to cut the MAP. This proposed cut was one among many reasons that I voted against this Budget Resolution when it was passed out of the Budget Committee.

Since moving towards market-based agricultural programs under the 1996 FAIR Act, research and trade have become the new safety net for our growers. Without continuous and vigorous trade promotion, our growers will see market share decline and farmgate prices drop. Our growers are already suffering under depressed prices, they need us to maintain the MAP and other agricultural trade initiatives to remain competitive. I urge my colleagues to support this amendment.

Mrs. BOXER. Mr. President, I strongly support the Market Access Program. I urge my colleagues to support the sense of the Senate amendment, offered by my colleague Senator KEMPTHORNE, to assure funding for this very important and effective agricultural export program. I would like to point out to the Senate why this Market Access Program (MAP) is so important for agriculture in my State of California, and many other states as well.

Using the MAPs $90 million annual funding level as a fractional offset for the now $214 billion transportation package, has an enormous negative impact on American agricultural export efforts at the very time when our farmers are contending with constricted markets in Asia and increased EU help for competing agricultural exporters seeking to displace American products in the marketplace.

My objection is not against transportation needs but the termination of an important agricultural export tool.

The purpose of the MAP is to increase U.S. agricultural project exports. This increase in such exports helps to create and protect U.S. jobs, combat unfair trade practices, improve the U.S. trade balance, and improve farm income.

The MAP is an important tool in expanding markets for U.S. agricultural products. Continued funding for this program is an important step in redirecting farm spending away from price supports and toward expanding markets.

The MAP program has been significantly reformed over the last several years to meet congressional expectations—now only small business, farmer cooperatives and associations and state departments of agriculture can participate in the program. The funding level has been substantially reduced to a third of its former cost. It is a cost share program, requiring participants to provide matching funds to qualify for federal funding help.

And MAP works. The U.S. Department of Agriculture estimates that each dollar of MAP money results in an increase in agricultural product exports of between $2 and $7. The program has provided much needed assistance to commodity groups comprised of small farmers who would be unable to break into these markets on their own.

Mr. President, the Market Access Program has been an unqualified success for California farmers. For many California crops, the MAP has provided the crucial boost to help them overcome unfair foreign subsidies. I would like to share two of the successes of this program in California.

California produces about 85% of the U.S. avocado crop on over 6,000 farms that average less than 8 acres per farm. Between 1985 and 1993, California avocado growers utilized $2.5 million of their own money, combined with $3.4 million of MAP funds to achieve over $58 million in avocado sales in Europe and the Pacific Rim. This is better than a 17 to 1 return on our MAP investment that means jobs for Californians.

The growth of California walnuts exports also illustrates the success of this program. Since 1985, the year before the MAP began helping walnuts, 90% of the growth in California walnut sales has come from exports. And 90% of this export growth has been to markets where California walnuts have had MAP support. The total value of these exports in 1985 totaled $36 million. The total export value has now grown to $119 million.

We should not unilaterally disarm our export promotion program for agriculture when we are only months away from the commencement of WTO agricultural trade negotiations scheduled to commence in 1999.

Mr. President, the MAP is a wise investment in American agriculture and I urge my colleagues to support Senator KEMPTHORNE's amendment to support needed funding to USDA's Market Access Program in the Budget Resolution.

Mr. COCHRAN. Mr. President, I support the amendment of the Senator from Idaho, Mr. KEMPTHORNE, expressing the Sense of the Senate that funding for the Market Access Program should be fully maintained.

The Senate has on several occasions debated funding for the Market Access Program. Most recently, on July 23, 1997, the Senate voted 59–40 in favor of tabling an amendment to reduce the Market Access Program from $90 million to $70 million. The Senate, recognizing the importance of this program, firmly rejected the suggestion to reduce it by even $20 million. I hope the Senate will, by an even greater margin, express its support that the budget should not assume the reduction of this program.

The Market Access Program is one of the few tools that the Department of Agriculture has to combat the unfair trading practices of other countries. Since its inception in 1985, the Market Access Program and its predecessors, the Targeted Export Assistance Program and the Market Promotion Program, have assisted nearly 800 U.S. cooperatives, trade associations and corporations in promoting their products overseas.

Our agricultural exports have more than doubled—from $26.3 billion in 1985 to a forecast level of $58.5 billion in 1998. In large measure this moderate increase, even in the face of the Asian currency crisis, signifies the results of efforts we have made since the mid-1980's to enhance our export competitiveness and develop new markets overseas.

In fact, it is remarkable that the value of U.S. exports will increase slightly over last year and are only slightly below record 1996 levels even with the dire situation in Asian markets. U.S. farmers are particularly vulnerable to the instability of key Asian markets which account for 40 percent of our exports. The Market Access Program and other export programs are crucial to our farmer's ability to compete in a global marketplace.

NATIONAL PARKS AND ENVIRONMENTAL IMPROVEMENT ACT FUND

Mr. McCAIN. Mr. President, I rise today to reaffirm a commitment made by the chairman of the Senate Budget Committee, Senator DOMENICI, to establish a National Parks and Environmental Improvement Fund in the FY'99 Budget Resolution. My colleague, Senator STEVENS, and I reached an agreement last year with the Budget Committee Chairman to designate this fund from the interest derived from an $800 million land settlement for the protection and enhancement of our national parks.

The fund will become a reality upon enactment of this year's budget resolution. I believe the reasons for creation of this fund could not be more compelling when directed toward the protection of our most coveted natural areas. The General Accounting Office found that while the park system and park visitation are growing, the financial resources available to protect and maintain our parks continue to fall short of the need. The estimated unmet capital needs has reached nearly $8 billion. In times of budgetary constraint, the interest from the fund, which could reach $50 million annually, will allow the Federal government to pay for much needed capital improvements within our National Parks and begin to address the multi-billion dollar backlog in repairs and maintenance. Beginning in FY'99, the interest targeted to the fund will allocate 40 percent to national parks, 40 percent for state grants and 20 percent for marine research.

Mr. President, our National Park System is our natural and historical heritage, set aside for the benefit of present and future generations. The National Parks and Environmental Improvement Fund will help us to fulfill our stewardship responsibilities and protect the integrity of our natural environment.

I applaud the leadership of my distinguished colleague, Senator DOMENICI, for including the fund as part of this year's budget resolution.

Mr. MACK. Senator DOMENICI, I understand that an assumption in this Budget Resolution considers that receipts from the sale of the surplus public lands could be used to fund recovery efforts on private land for endangered species. I would like to clarify that this would in no way alter the current arrangement with the Everglades Recovery Program which is also funded by land sales.

Mr. DOMENICI. That is correct, the surplus public land sales assumed in the resolution are restricted to excess Bureau of Land Management lands, and would not in any way slow progress with recovery of the Everglades. The lands proposed in the resolution would be lands that have not been designated for another purpose.

Mr. MACK. I thank the Senator for that clarification.

FEDERAL EXPENDITURES TO INCREASE U.S. ENERGY INDEPENDENCE

Mr. CHAFEE. Mr. President, the committee report accompanying the budget resolution includes a brief discussion of the Administration's so-called Climate Change Technology Initiative (CCTI) request for fiscal year 1999 and subsequent fiscal years. Specifically, the committee report states on page 22 that, “[s]ince the President has not submitted a treaty or plan to implement the reductions called for in the agreement [Kyoto Protocol], providing additional funding for these technology programs in the 1999 budget is premature.” The committee report goes on to state that, “[a]s a result, the resolution assumes last year's levels of $730 million for these technology programs and does not provide the increases requested by the President.”

I am trying to understand the implication here. Setting aside the merit of the Administration's CCTI request, voluntary domestic activities to reduce greenhouse gas emissions, including tax incentives and research funding for energy efficient technology and renewables, are consistent with the existing 1992 Rio Climate Treaty that the United States has already ratified. While some use economic arguments to oppose any form of government subsidy, prudent investment along these lines does not constitute regulation and is in no way a form of Kyoto Protocol implementation.

Therefore, I ask my friend and colleague from New Mexico, Senator DOMENICI, if he and other members of the Budget Committee are arguing in the committee report that we cannot take steps to try to increase energy efficiency and advance renewables unless and until the Senate provides its consent to the Kyoto Protocol?

Mr. DOMENICI. Mr. President, I am not making such an argument. If I and other members of the Budget Committee believed that, we would have eliminated all current funding for energy efficiency and renewables technology programs in this budget resolution. I do have some concerns about the efficacy of the Kyoto Protocol, but the report language that you cited is intended to convey that additional funding for these programs is very difficult under existing budget limitations.

Mr. LUGAR. I welcome the Chairman's remarks. Promotion of energy efficiency and renewable energy programs can increase our energy security, address a variety of air pollution problems and lead to a stronger economy. I am pleased to learn that the Budget Resolution accommodates federal initiatives to enhance energy security and renewable energy provided that these initiatives can be funded within overall budget constraints.

Mr. CHAFEE. Mr. President, I thank the chairman of the Budget Committee for clarifying the report language. I yield the floor.

FUNDING FOR THE NATIONAL INSTITUTES OF HEALTH (NIH).

Mr. MACK. Mr. President one of my top priorities since coming to Congress has been support of programs to eradicate the effects of cancer and other diseases that affect the people of the United States. I know many here in the Senate share my concerns who have joined me in seeking to increase funding substantially for the National Institutes of Health (NIH). Indeed, the goal of this group as stated last year is to double funding for NIH over 5 years.

I am pleased that the Budget Resolution takes a substantial step toward meeting this goal and thank the Chairman of the Committee, Senator DOMENICI, for recommending a funding increase of $1.5 billion in FY1999 and $15.5 billion through 2003.

However, I would mention to the Chair that there has been much concern expressed by many public health advocacy groups that the Budget Resolution levels for the Appropriations' Subcommittee on Labor, Health and Human Services, and Education will not support this increase. Accordingly, I would ask the floor manager to alleviate these concerns by answering a few simple questions for me.

Has the Budget Committee assumed sufficient funds in their budget recommendation to allow the Labor-HHS subcommittee to match its 302(b) allocation from last year?

Mr. DOMENICI. First, I would like to state for the record that 302(b) allocations for the Committee on Appropriations are solely within the purview of that committee. The Budget Resolution is an expression of the Senate's priorities, and as such, makes recommendations to committees. However, the Budget Resolution assumptions do not bind the Appropriations Committee to any particular course of action, other than meeting the discretionary caps.

That being understood, the Budget Resolution assumes a substantial increase over the Freeze Baseline for the Labor-HHS subcommittee. The Freeze Baseline levels are based on FY 1998 appropriations action.

Mr. MACK. Does this assumed funding level also provide additional increases for shortfalls created due to forward funding in last year's Labor-HHS bill?

Mr. DOMENICI. The Freeze Baseline already includes spending previously approved by the subcommittee, including forward funding and advance appropriations.

Mr. MACK. Finally, does the assumed level also provide increases to match the Budget Committee's recommendation for increased NIH funding?

Mr. DOMENICI. The assumed increase exceeds the $1.5 billion increase for NIH in FY 1999 and is intended to fund other initiatives as well, such as IDEA.

Mr. MACK. I thank the Chairman of the Budget Committee. I believe he has been more than generous to the Labor, HHS Subcommittee and I hope that the Appropriations Committee will treat the subcommittee equally well.

To help that process, I sent to the desk a Sense of the Senate amendment, which provides that the Senate should provide such funds to match the recommendations for increased NIH funding as set forth in the Budget Resolution.

MARKET ACCESS PROGRAM

Mr. GORTON. I am concerned about one program which has been slated as an offset for transportation increases—the Market Access Program. The Market Access Program is a USDA cost-share program which provides assistance to U.S. agriculture when competing against subsidized nations overseas.

In the State of Washington we have seen a dramatic increase in apple exports from 4.5 million boxes to over 25.1 million—an increase of over 500 percent. Export sales now total well over $300 million. This success is due, in part, to the Market Access Program. MAP is absolutely essential if U.S. agriculture is to remain viable and competitive in the international marketplace.

Mr. DOMENICI. I fully understand your concern, and the agriculture community's concern, about the current position of MAP in the Budget Resolution. During the Conference on the Budget Resolution we will have an opportunity to take another look at this issue. In that event, I will commit to working with you to find alternatives. I want to assure you, the Committee went to great lengths to identify offsets for highway spending. As you know, we included MAP because it is one of several export programs through USDA.

Mr. GORTON. Thank you for your commitment to this effort. I look forward to working with you during the Conference Committee to see that this issue is resolved in a favorable manner.

SEC FEES

Mr. GREGG. I rise today to discuss efforts that were made to insert assumptions into the Budget Resolution that would hurt the Commerce, Justice, State, and Judiciary (CJS) Subcommittee. Those assumptions sought to amend the securities legislation that we negotiated with the Senate Banking Committee and House Commerce Committee in 1996. Specifically, they assume reductions in NASDAQ transaction fees. The result being that the Appropriations Committee pick up the cost of $73 million.

Prior to 1996, the 6(b) fees were paid by corporations to register securities. Some interests felt that the 6(b) fees had grown too large. During negotiations with the White House and the authorizing committees it was agreed that over the next ten years 6(b) fees would be reduced. The creation of the NASDAQ transaction fees was a concession made to the CJS subcommittee as part of a larger compromise that led to a phasing out of the Section 6(b) registration fees. The intent was to minimize the impact on the Appropriations process.

Since 1934, Section 31 transaction fees had been imposed on exchange listed securities but not on those sold in the Over the Counter (OTC) market. As part of the agreement in 1996, extending the section 31 fee to the OTC market allowed the 6(b) registration fees to be reduced while retaining adequate fee collections to support and offset the SEC's appropriation.

In arriving at the compromise that resulted in the ten year funding mechanism, it was acknowledged that surpluses over the SEC's funding would likely exist until the end of the ten year schedule. After that time the SEC was to be fully funded by direct appropriations.

Mr. DOMENICI. The Senator from New Hampshire should know that we do not have any assumptions in the Budget Resolution, before the Senate, that in any way changes or reduces the fees collected by the SEC.

Mr. GREGG. I want to thank the Senator from New Mexico for his effort on this important issue. We must preserve our ability to fund the SEC in the future, when we may not be so fortunate to have such a good economy.

Mr. KOHL. Mr. President, earlier today I supported an amendment offered by my distinguished colleague from West Virginia, Senator ROCKEFELLER. Senator ROCKEFELLER's amendment to the Budget Resolution would have restored $10.5 billion to the Veterans' Affairs Subommittee, offsetting that restoration by reducing funds allocated to the Transportation Subcommittee.

As we all know, the Senate ISTEA bill, now awaiting conference deliberations with the House, authorized approximately $217 billion for transportation over 6 years—about $171 billion for highways, about $41 billion for transit and about $2 billion for safety. These levels represent a 38 percent increase for transportation over the previous ISTEA bill. Under the Budget Resolution considered today, a significant portion of this increase is financed by a $10.5 billion reduction in funds set aside to pay for smoking related illnesses among veterans.

Mr. President, I believe we need to do more for infrastructure development—our investment in roads, bridges and transit must increase if we hope to maintain our quality of life while keeping up with the demands of the economy and the changing nature of our cities and towns. That said, veterans should not have to pay for that investment. It's not right, and perhaps more importantly, it's not necessary.

The ISTEA bill vastly increased transportation funds and took some big steps to improve the longstanding equity problem between those states that contribute more in gas tax revenues than they receive and those states that receive more than they contribute. However, while improving the donor state problem to some extent, the bill also provided generous increases in funding to many donee states. I would argue that we were too generous to those states. It was unacceptable to me that despite a 38 percent increase in the amount of funds made available for transportation, the ISTEA bill continued to have donor states give significantly more than they get back, and donee states get significantly more than they give. We could've done better. And if we had provided less of an increase to donee states, we could have avoided the need for controversial offsets, such as the reduction in veterans benefits that Senator ROCKEFELLER sought to restore. We all know that sometimes fairness is painful to swallow, and it seemed to me that in the highway bill, we simply gave everyone more in order not to inflict pain on some. Today we voted on whether veterans should feel that pain. But why should we limit programs for our veterans in order to be even more generous to those who are already in an advantageous position under transportation formulas? Simply put, we should not. A more responsible course of action would have been to distribute highway dollars more fairly, limiting the increase overall by limiting the increase to states that were already getting more than their fair share.

Mrs. MURRAY. Mr. President, I am proud to be on the floor today as we discuss a budget that is balanced and does have a planned surplus for as far as the eye can see. It was only a few short years ago when we were here on the floor debating budgets that anticipated deficits well into the future. While I support the fiscal responsibility assumed in this budget, I have to rise in opposition. This budget does little to prepare for the next century and it allows the federal government to turn its back on our children. This budget is a failure for our children and our economic future.

During Committee consideration and floor debate, I attempted to amend this Resolution in an effort to ensure that children remain a top priority of the federal budget. Unfortunately, the Republicans chose to ignore the education and early development needs of our children. The Republican budget strategy is to spend for today and do little to plan for tomorrow.

As a new Member of the Senate Budget Committee in 1993, I was committed to reducing the deficits and restoring fiscal order to federal spending. I knew that it would be a tough challenge and a difficult task, but I also knew we owed our children this much. We had to end deficit spending and stop borrowing from their future.

I stood on this floor during the summer of 1993 when we debated the Deficit Reduction plan, which many of my Colleagues on the other side predicted would drive our economy into recession and do little to reduce the deficit. As we debate the fiscal year 1999 Budget Resolution, I am pleased to report that the discussion has gone from how to reduce the deficit to how to invest the surplus. The economy is strong and all indications show that economic growth will continue. Unemployment is at an all time low and interest rates are not raging out of control.

I am proud to have worked to get our fiscal house in order without jeopardizing our economic prosperity. I also welcome the new challenges of how to invest the surplus and maintain our investments in our future.

I am pleased that the Republican budget does do the right thing on Social Security. As called for by the President, the Resolution currently before us today does dedicate any budget surplus to saving Social Security. This is the kind of bipartisan work that I am pleased to be part of. Saving Social Security is important for current workers and future retirees.

Social Security is the most important anti-poverty program ever implemented by the federal government. As a result of the enactment of Social Security, far fewer seniors live in poverty when they retire. For many, having Social Security gave them the ability to retire. Without Social Security, old age would mean economic insecurity and instability. The program has been an unqualified success and we must continue this proud legacy.

We have made a commitment to today's workers that must be honored. When they retire or become disabled, Social Security will protect them and their families from economic disaster. We must do everything possible to maintain the success of Social Security.

But I am concerned that there are some who want to use the surplus to provide tax shelters to the most affluent. Make no mistake about it, simply allowing tax cuts to encourage workers to set up individual retirement accounts will not save Social Security. It will give those with more income a greater ability to shelter this income, but it does little to help Social Security. Keep in mind, Social Security is a social insurance plan, not a retirement plan. Insurance works best when the risk is spread across the population. Allowing the rich to shelter more of their income to save for retirement will not save Social Security.

Please do not hide behind saving Social Security to provide tax cuts to the most affluent. The American worker deserves a more honest and responsible approach. We can reform Social Security without dismantling the program. We need to work in a bipartisan manner to enact real reforms, not tax cuts in disguise.

I also urge my Colleagues on the other side not to fool themselves into thinking that dedicating all federal tobacco revenues to Medicare will save the program. Medicare's problems go well beyond just a cash reserve. Unlike Social Security, Medicare has always been a pay-as-you-go program. Simply throwing money at the program will do little to improve the long term condition of the Medicare program. We all know that structural changes are the real answer. We have to improve the health of senior citizens before we can hope to improve the financial health of Medicare.

I am pleased that my amendment regarding prevention benefits for Medicare beneficiaries was adopted by the Senate. If my Colleagues on the other side are serious about saving Medicare, we must increase the prevention focus within Medicare. It is simply beyond understanding why Medicare will not reimburse for prescription drugs to reduce cholesterol, but will pay for inpatient, acute care for by-pass surgery.

A greater focus on prevention will prove that we are serious about saving Medicare. Prevention benefits are the kind of reforms needed to really save Medicare. It seems almost insincere to target new federal tobacco revenues to Medicare and not put these benefits to use in improving the health status of senior citizens.

I think the greatest failure of this budget is the complete disregard for enacting real tobacco control legislation. The debate is not just about how to spend tobacco revenues, but enacting a national anti-smoking bill that could potentially wipe out smoking in less than one generation. We have an historic opportunity to end the plague of tobacco. We cannot afford to let this opportunity pass.

The Republican budget resolution creates huge roadblocks for enacting tobacco control legislation. I am concerned that the Resolution will block any new revenues for the Food and Drug Administration to regulate nicotine as a drug. Without new revenues, FDA cannot enforce youth access laws that prevent children from buying cigarettes. Without tobacco revenues, FDA cannot regulate an industry known for hiding the facts and lying to Congress. How can FDA challenge an industry that has creatively targeted our children?

There can be no anti-smoking national policy without a strong and well-financed FDA. Any attempt to pass antitobacco legislation without a strong FDA will only fail. We will never end the tobacco companies attack on our children.

This Budget Resolution fails our children in many ways. Not just about tobacco, but in preparing them for the challenges they will face tomorrow. We have all seen study after study that proves we need to place education as a top priority at both the federal and state level. Our children do not have the resources and are not being given the opportunity to meet their potential.

I am disappointed in the lack of any effort in the Republican Budget Resolution to deal with overcrowded classrooms and decaying schools. How can we hope for high test scores when children have no heat in the classroom or windows covered with cardboard? How can we hope to prepare our children when there are 45 children in each classroom? How does a child receive the individual attention so important to cultivating their skills and their self esteem when there are 45 students for every teacher? Our classrooms border on chaos every day because of these deplorable conditions. Yet the Republican response was to simply ignore these problems.

These are not local problems as some may argue. A well educated and skilled work force is a national security issue. We cannot remain a global economic power without a well educated and skilled work force. If we do not dedicate the resources necessary to ensure that every child can learn and can learn in an environment that is geared toward more than just survival, we jeopardize our own economic stability. Education is not just a local concern or a concern of parents. Ask any business owner about the need to have an adequate supply of skilled labor. I can assure you that this is not a local issue, but is becoming a national disgrace.

Ignoring investments in education is simply irresponsible and selfish. I urge my colleagues to do the right thing and address the pressing needs of today's classrooms. We can do better.

Mr. GRASSLEY. Mr. President, I wish to commend my colleague Senator DOMENICI, the Chairman of the Senate Budget Committee, for bringing a truly remarkable budget resolution to the Floor of the Senate. I truly never thought that I would be standing here during my lifetime preparing to vote on a resolution that will bring our federal budget into balance, even producing a surplus. This is going to be one of those rare occasions when the Congress will actually be following its own advice. We will advance beyond the rhetoric of talking about balancing the budget and actually balance the budget. And we are doing it 4 years ahead of time. This is a truly remarkable achievement.

If we continue on this course, something even more remarkable may begin to happen. The public may start to lose some of the skepticism about the Congress which has built up over the years.

Last year we were faced with many hard choices as we worked on the bipartisan Balanced Budget Act of 1997. It was a difficult time. The decisions which we made then were as tough as any decisions which we as legislators have ever had to make. But we joined hands, and for the good of the country we made them. Those difficult, sometimes bitter decisions are now bearing the sweet fruit of a balanced budget along with a possible surplus.

We should be hearing the blue bird of happiness here in the Senate Chamber, and continue to be careful with the taxpayers money. But that doesn't seem to be the case. Instead we are hearing the gremlin of spend, spend, spend. It seems that the lessons we have learned about tightening our belts and living within our means was fleeting at best. To make matters worse, we are talking about spending money that we do not have yet.

Another way that we are talking about spending money that we don't have is in the various votes about spending the tobacco settlement money. This is not the appropriate time for this debate.

In addition, we are putting the cart before the horse. We are debating how to spend the money from a tobacco settlement before we have made the hard choices required to enact this settlement. What about liability limitations, advertising restrictions, billion dollar attorneys' fees, tax deductibility questions, new federal regulations, and antitrust limits? These are just a few issues that must be carefully considered before Congress passes any tobacco legislation.

When we pass tobacco legislation, our goal—our priority—must be to eliminate youth smoking. When I can, I discourage people, both old and young, from smoking. I recently took my grandson Patrick to a town meeting, where AL GORE was speaking, that was organized to alert young people to the dangers of smoking. Let's make that clear, there is no one in this room who favors youth smoking. Any efforts to characterize anyone otherwise are disingenuous and frankly, unhelpful to this debate.

I believe that we must pass tobacco legislation this session. And we need to keep our priorities straight when we do this. Our priority must be to stop youth smoking, not to coddle the tobacco industry. This Budget Resolution protects the chances of passing solid tobacco settlement legislation this year. It takes the proceeds from this theoretical legislation and puts them in a reserve fund for Medicare—which pays the health-related costs that the state lawsuits were designed to address. It funds the issues won in the settlement—smoking cessation programs, health research, and such—from existing funds. We believe that these are important enough to fund them without waiting for new legislation. This allows us to stop arguing over how to spend the money long enough to consider the issues that must be solved for us to get this money. This gives us the strongest hand to enact legislation that creates a real, effective and lasting regime for reducing youth smoking.

Now is also not the time to talk about new entitlement programs. Now is the time to keep entitlements and spending in line with last year's bipartisan budget agreement. It is time to make sure the entitlements we have already can meet their commitments to the millions of Americans who depend on them.

Again, this is a good budget. This budget paves the way for real increases in spending for health research, child care, and other important programs. And we do it within the agreed upon budget caps.

I greatly admire the Chairman of the Senate Budget Committee and the skill and expertise which he has shown in crafting this budget resolution. This is a good resolution. This resolution keeps the faith with the American people as we continue to work to get a balanced budget and to keep it.

Mr. JEFFORDS. Mr. President, I rise today to commend Majority Leader LOTT, Chairman DOMENICI and the members of the Budget Committee for putting together a balanced fiscal blueprint for the Federal Government. The federal budget consists of more than 1,060 spending accounts that fund an estimated 113,000 programs, projects, and activities. The federal budget and a Congressional budget collapse these accounts into twenty budget functions. It was not too long ago that we talked about the ever-increasing deficit and the need to for fiscal restraint of these functions. Under this resolution, the budget would be balanced three years earlier than the Fiscal Year 2002 deadline set out in the Balanced Budget Agreement of 1997.

The budget we will be voting on provides for the first surplus in a generation. After reaching a peak of $290 billion in 1992, the unified budget deficit has declined to where the Congressional Budget Office projects a surplus in the current fiscal year of nearly $8 billion. Current laws and policies left unchanged, and real economic growth averaging 2.2 percent annually, the unified budget surplus is projected to grow to $67 billion by 2002. The budget achieves this surplus while also increasing spending by 3.6 percent over last year.

Even though the budget calls for increased spending, it maintains the principles of the Balanced Budget Agreement of 1997. This budget we have before us today embraces a bipartisan approach of protecting federal programs while preserving the principles of fiscal discipline.

Mr. President, Chairman DOMENICI has increased funding in some of the programs that are important to me as Chairman of the Labor and Human Resources Committee. The budget provides an additional $15 billion for the National Institutes of Health, $5 billion for the IDEA educational programs, and $5 billion for Child Care Block Grants.

The budget provides funding for the $214 billion Intermodal Surface Transportation Efficiency Act that the Senate passed on March 12, 1998. The State of Vermont would average $118 million a year in highway money and $2.5 million for mass transit projects through 2003. Vermont will be able to use funds to reconstruct aging rail lines, repair bridges, and improve major roads throughout the state. Mass transit funding will go to small-town bus systems and minibuses for disabled and handicapped people in rural areas.

Mr. President, even though this budget provides additional funding on programs that are very important to me, we still have many challenges ahead. The Federal Government still has a $5.5 trillion debt. In Fiscal Year 1998, the Federal Government will spend about $250 billion on interest on the national debt. One out of every seven dollars in taxes goes simply to pay off the bondholders. This money gets diverted from important programs that the Federal Government provides. The Clinton Administration said that without enactment of any budget agreement, debt would have approached $7 trillion by 2002.

Mr. President, there is $14 trillion in unfunded obligations for the retirement and health care benefits of the Baby-boomer generation. That generation is now just ten years away from starting to impose its unprecedented burdens on its children and grandchildren. We as a nation need to begin to agree on a way to ensure the health care and retirement security of the Baby-boomer generation retirees.

The economy of the United States is booming and inflation has all but vanished. Unemployment is low and federal budget will be balanced for the first time in 30 years. This budget provides the building blocks to meet the challenges that lie ahead. I call upon my colleagues to build upon the work over the last decade at both ends of Pennsylvania Avenue and support this budget resolution.

Ms. MIKULSKI. Mr. President, I rise in firm opposition to S. Con. Res. 86, the Budget Resolution for fiscal year 1999. I do so with great disappointment.

Mr. President, last year the Congress produced an historic budget agreement. We produced a plan to finish the job we started in 1993 of eliminating the budget deficit. We worked together—across party lines—to balance the budget, to protect our seniors by ensuring the solvency of Medicare, and to provide for key investments in education and health care. We also provided real tax relief for working families.

I had hoped we would be able to continue to build off the framework of the 1997 Balanced Budget Act and Taxpayer Relief Act. Unfortunately, this budget resolution ignores the priorities that were at the core of those agreements.

I will oppose this resolution because it does not reflect the principles and priorities that I believe must be part of the budget. I want a budget that preserves the safety net for seniors, gets behind our kids, provides for safe streets and a safer world, and provides for investments in science and technology. I believe this budget is defective in each of these areas.

The Democratic budget alternative that was offered during our debate was strong where this resolution is deficient. It would have allowed for enactment of a comprehensive child care initiative to improve and expand the availability of quality, affordable child care and after school programs for school age children. No working parent should have to worry about finding suitable care for their child—a safe place with well-trained staff. The lack of adequate safe and affordable child care is a major concern of America's families. Our alternative would have gone a long way to meet that critical need.

The Democratic alternative was strong on education. It would have enabled us to improve the education of our children through initiatives to reduce classroom size, hire 100,000 more teachers, and to ensure that children attend school in safe and well-maintained facilities.

Our Democratic alternative was strong on Social Security. It made clear that before we spend one penny of any projected budget surplus, we should save Social Security first. Social Security is a sacred compact with America's seniors. We owe it to every senior citizen to ensure that Social Security is there for them, and that it will be there for today's workers when they retire.

Our Democratic alternative was strong on health care. It would have provided for vital new investments in health care research. It would have ensured that the funds generated by a comprehensive tobacco bill—a priority for the American people—could be used to fight teen smoking, to conduct tobacco-related health research, to provide programs for people who want to quit smoking, and to help tobacco farmers move to new crops.

I believe we produced a budget that should have had the support of a bipartisan majority. It was a common sense budget—that kept our commitment to a balanced budget, while providing for the sorts of investments in key priorities that are critical for getting our country ready for the next century.

I am deeply disappointed that our alternative was rejected. The Budget Resolution before us now does not meet America's needs. I cannot support it.

FOCUS ON TEACHER QUALITY

Mr. DEWINE. Mr. President, I rise today to speak on behalf of my Sense of the Senate Resolution which I have introduced.

In believe there is a crisis in teacher education in the United States. To me, that means we have to look to new ideas. If we are serious about restoring America as an academic power, I believe that we have to act immediately to find solutions. In the past, education reform has not been bold enough—and our children are suffering very serious consequences.

Some alarming statistics really brought this home for me:

36% of those now teaching core subjects—like English, math, science, social studies, and foreign languages—neither majored nor minored in those .subjects.

A study conducted by the National Commission on Teaching and America's Future revealed that

> More than one-quarter of newly hired public school teachers in 1991 lacked the qualifications for their jobs, and nearly one-fourth of all secondary teachers did not even have a minor in their main teaching field.

The Commission also found that

> 56% percent of high school students taking physical science were being taught by out-of-field teachers, as were 27% of those taking mathematics and 21% of those taking English.

This is bad enough—but there's also evidence that the least qualified teachers were most likely to be found in high-poverty and predominantly minority schools, and in lower-track classes. In fact, in schools with the highest minority enrollments, students had less than a 50% chance of getting a science or mathematics teacher who held a license and a degree in the field he or she taught.

This is a prescription for disaster on a truly national scale. With this failure of investment in properly trained teachers, we should not be surprised that students are doing so poorly on standardized tests. After all, if the teacher does not understand the subject he or she is teaching, then certainly the students will not learn what they need to know.

It is inexcusable that a country that leads the world in so many ways does not give its children the best academic resources available. The truth is, the United States will not remain a world leader unless we make a commitment to invest more in teacher quality—and soon.

I am encouraged that we have bipartisan interest in reforming the education system. However, we must address the problem of quality teachers before we merely reduce class size and hire 100,000 new teachers.

The answer, in my view, is to only certify quality teachers—and furthermore, to get the quality teachers to teach our neediest kids. All children, from K to 12th grade, deserve the chance to have well-educated, qualified teachers who will help them reach the limits of their academic potential.

I have introduced legislation that would provide assistance for the creation of teacher training facilities across the United States that will help train teachers who are either already in the classroom, or about to enter the teaching profession. While it is important to stem the tide of unqualified teachers reaching the classroom, we must also focus on helping teachers that are already in the classroom and need assistance in becoming the best teachers that they can be.

The Teacher Quality Act is commonsense legislation that will assist school districts in their struggle to maintain the highest possible academic standards for their children. The idea for this legislation developed out of my admiration for the Mayerson Academy in Cincinnati, Ohio. The Mayerson Academy was established in 1992 as a partnership between the Cincinnati business community and its schools. Its mission is to provide the highest quality training and professional development opportunities to the men and women responsible for educating the children of Cincinnati.

We also need to tap into the expertise of people who have a lot to offer our children, but who haven't trained specifically to be teachers. I have introduced legislation that will expand and improve the supply of well-qualified elementary and secondary school teachers, by helping States develop and implement programs for alternative certification or licensure of teachers.

The Alternative Certification and Licensure of Teachers Act will give people who would like to teach a chance to do so. These are people who can serve as mentors and role models—real-life examples of how a good education can make a huge positive difference in a student's future.

We need to bring the best possible people into America's classrooms—people who can inspire kids with their knowledge and experience. That's what this bill would accomplish.

When it comes to education, our national task is clear: We have to develop an education system that will draw the best and brightest students into the teaching profession. The States need to be encouraged to provide incentives for people to become teachers, and restore a sense of pride to this profession.

Without strong teachers, our children will continue to struggle. But if we start attracting the best possible people into the classroom, there's really no limit to what our young people can achieve.

Please join me in voting for this Resolution so that we can begin a concerted focus on teacher quality in this country.

Ms. MOSELEY-BRAUN. Mr. President, today our economy is remarkably strong, and this year our budget will balance for the first time since 1969. In 1993, many of my colleagues and I passed a historic budget plan that set the stage for this strong economy. Today, I am proud to report that the Congressional Budget Office estimates a surplus of $8 billion this year.

In these past 4 years, we've achieved the lowest tax burden for working families in 20 years. Unemployment was 7.5 percent in 1992. Last month it fell to 4.7 percent, its lowest in 24 years. And since President Clinton took office, more than 13 million new jobs have been created. We have strengthened the economy while at the same time reducing the size of government.

For the past several days, we have been considering the Budget resolution for 1999. This resolution could have provided us the opportunity to take the next vital step in creating even a stronger economy and addressing some of our nation's most urgent needs. While this resolution has several provisions which I do believe will lead us in that direction, I also believe that it fails to seize the opportunity to address some of our nation's most immediate needs, and for that reason, I will not support this budget resolution.

First, let me say that I am pleased that the drafters of this resolution have made provisions for the Senate increases and offsets for reauthorization of ISTEA, assuming an additional $2.7 billion over five years for mass transit programs, $25.9 billion above last year's agreed to levels. In addition, I am pleased to see that an additional $5 billion in discretionary budget authority has been provided for the Child Care Block Grant, and I am additionally pleased to see provisions for the extension of the R&E tax credit, IRS reform, technical corrections to 1997 tax bill, and child care tax relief.

Over the course of this week, however, several good amendments have been offered that could have strengthened this budget resolution and made it an even clearer expression of our values. Unfortunately, most of those efforts failed here on the Senate floor. The majority—who did nothing to help erase the red ink our Administration inherited from them—continues to cling to failed economic policies.

For instance, this budget resolution fails to do anything in the way of addressing the $112 billion that the GAO reports is needed to bring America's crumbling schools up to code, or to address the need to strengthen our public school system. There is no greater challenge or threat to our nation's future prospects in this technological age and global economy than quality education for every American child. Failure to respond to that challenge is not only irresponsible, but destructive.

Equally distressing is that fact that this resolution does not do enough to address the current status of our Medicare and Social Security systems. This opportunity should have been used, I believe, to provide retirement security for our seniors. Social Security and Medicare have worked well together, bringing poverty among the elderly to its lowest level since we have been keeping statistics. Furthermore, these programs have helped to increase life expectancy among men and women. Millions of senior citizens deserve to have a decent retirement, and this budget fails to address their needs.

Do we need to operate these programs the same way? Of course not—but we do need to secure the guarantees they provide for Americans. The time for reform of both of these vital programs is now, and we do ourselves a disservice by not seizing this opportunity.

As with education, the issue is whether we are preparing our nation for the challenges of the next century.

We can fix these institutions and remain fiscally responsible. We have proven, in passing last year's budget agreement, that it is possible to address the needs of our nation and promote economic growth and a fair tax system at the same time.

It is unfortunate that politics prevented us from fashioning a budget resolution that could have served the needs of all the American people, and not just a few. I cannot in good conscience support this budget resolution, and I urge my colleagues to vote against it.

Ms. SNOWE. Mr. President, the FY 1999 budget resolution is the first resolution that has been crafted since the historic balanced budget agreement was reached and enacted just 10 short months ago.

I would first like to congratulate the Chairman of the Budget Committee, PETE DOMENICI, for bringing us to the point where a balanced budget is no longer just a projection at end of some indeterminate period of time—but may actually be a reality by the end of the current fiscal year. His years of dedication to balanced budgets and his ongoing commitment to being a responsible steward of the taxpayer's dollar may soon be rewarded—and I am pleased to have had the opportunity to serve with him on the Budget Committee during this historic time.

Furthermore, I believe that the resolution that Chairman has crafted deserves the support of no less than each of the 76 members who voted for last year's bipartisan agreement. This resolution is not only consistent with that agreement, but also adds critical funding for a multitude of programs that are priorities for many in the Senate: child care, health research at the National Institutes of Health (NIH), smoking cessation programs, and federal funding for the Individuals with Disability Education Act (IDEA), to name just a few. Any member who heralded last year's budget agreement—or who voted in favor of the provisions and spending targets it contained—would be hard-pressed to explain why this resolution does not deserve their support this year.

Mr. President, as I stated during the recent markup of this resolution in the Budget Committee, I believe it is important that we establish several guiding principles in crafting the FY 1999 budget resolution. I am proud to say that the resolution we crafted—and which is now being considered by the full Senate—achieves all of these goals.

First, based on the 29-year losing streak we have had in balancing the federal budget, we have an obligation to craft a resolution that puts us on a credible and prudent path that will keep the budget balanced for many years to come.

Second, we must craft a budget resolution that is based on the balanced budget agreement that was enacted 10 short months ago.

Third, with an eye to the future, we must preserve the Social Security program before utilizing any portion of forthcoming surpluses for spending increases or tax cuts.

And, fourth, we must ensure that any monies generated by tobacco revenues in the months ahead be utilized to preserve and protect Medicare.

Although it would seem that these principles will be easy to attain, Congress' unproven track record of keeping the budget in balance, the tenuous nature of our economic assumptions, and the overwhelming desire of some individuals to "spend" money we don't even have, will make this difficult.

As I said, Congress has been on a 29-year losing streak when it comes to balancing the budget—we have no track record of getting the budget in balance or keeping it in balance. Therefore, much as I am pleased that CBO now projects an $8 billion surplus this year and total surpluses of $151 billion over the next five years, I believe we have an obligation to prove to the American people that we will ensure these projections become a reality not only for the next five years, but year-after-year in the future.

Achieving this goal will be harder than it looks. The simple fact is that the current outlook and surplus estimates are based on extremely tenuous projections. Therefore, to modify a well known saying, "we shouldn't count our surpluses before they're hatched."

First, our estimated surpluses are based on the assumption that we will have no recessions or economic downturns in the coming 10 years. Based on the fact that we are now in the midst of one of the longest stretches of sustained economic growth in our nation's history, this seems to be a fragile estimate at best.

Specifically, as the chart behind me indicates, the current period of sustained economic growth first started in March 1991. If it continues until December 1998, it will match the duration of the longest peacetime expansion in U.S. history—the "Reagan expansion"—which lasted 92 straight months (i.e. November 1982 to July 1990). Furthermore, if this expansion continues until early 2000, it will be longest period of expansion ever—peacetime or wartime—which was set in the 1960's (106 straight months, from February 1961—December 1969).

Therefore, If CBO's projection come true and growth is sustained through 2008, we will double the all-time record of 106 straight months set in 1969. Needless to say, with 61% of the economists surveyed by Blue Chip believing a recession is likely to occur before March 2000, these estimates of prolonged economic growth leading to substantial surpluses should be viewed with a healthy dose of skepticism.

Furthermore, our estimates for growth in even the *current* year are predicated on shaky estimates. Specifically, although the impact of the Asian economic crisis has seemed only slight up until now, we still do not know how severe the overall impact will be—and we certainly won't know until later in the year when it's too late to alter the budget.

Already, just two weeks ago, we learned that the U.S. trade deficit for the month of January soared to a new all-time record of $12 billion, as exports to Asia dropped precipitously. According to a recent Washington Post article, many economists expect that because of problems in Asia, the trade deficit will widen substantially this year from the $114 billion deficit posted in 1997—which was already the largest trade deficit our nation had posted in nine years. Needless to say, if this situation persists and worsens, there will be a drag on the U.S. economy.

In light of these risks, we would be wise to heed the caution of CBO when it comes to touting the budget outlook. As CBO outlined in their own January report, the economy is "highly unlikely to develop precisely as the forecast predicts"—and even a moderate recession, such as the one experienced in the early 1990's, could lead to the budget outlook deteriorating by "more than $100 billion" for a year or more. In fact, if projected growth is even 0.5% lower than CBO projects over the next 10 years, the budget outcome will be $150 billion worse than projected in 2008.

It is because of CBO's own cautions that I am especially concerned with the economic and budget estimates of OMB. Although the CBO and OMB estimates are very close together, the simple fact is that OMB still provides a more favorable economic outlook in coming years. Specifically, as a result of more favorable growth estimates and lower inflation estimates, OMB's estimated surpluses are $66 billion—or 30 percent—higher than CBO. Therefore, prudence dictates that OMB's estimates be viewed with even greater skepticism than the already optimistic projections of CBO.

Clearly, if we are to establish a track record of balanced budgets, we must chart a prudent course in the budget resolution. And for this reason, we must adopt a resolution that not only follows CBO's more modest economic estimates, but that also adheres strictly to last year's balanced budget agreement. This body should do nothing to jeopardize that agreement, which put in place strict spending limits that will improve the chances of projected surpluses becoming actual surpluses.

Regrettably, the President does not seem to share this view. Rather, he views the recent favorable estimates as an opportunity to spend money, create new programs, and violate the terms and spirit of the budget agreement we reached just 10 short months ago!

By proposing to increase taxes by $105 billion and to increase spending by $118 billion, the President's budget would revert to the tax-and-spend policies that the American people believed we abandoned three years ago.

Furthermore, although President Clinton has urged that Congress not spend the surplus until Social Security is fixed, CBO now tells us that the President's own budget would not only spend the surplus, but also cause a deficit in three years! Specifically, as CBO stated in their March 4 preliminary analysis of the President's budget: "CBO estimates that the President's policies will reduce projected baseline surpluses by $43 billion between 1999 and 2003—and will temporarily dip the budget back into red ink by a small amount in 2000."

Needless to say, these aren't the kind of policies that Congress agreed to when we crafted the bipartisan balanced budget agreement last year—and that's not what the American people were led to believe would happen when President Clinton unveiled his budget proposal in February.

While some may argue that the President is not bound by last year's budget agreement because the budget may be balanced sooner than expected, I have only one thing to say: I don't remember any clause in the agreement that read: "If a balanced budget is achieved prior to 2002, the terms and spending limits of this agreement are automatically waived."

Fortunately, the Chairman of the Budget Committee, Pete Domenici, understands the need for prudence, and crafted this resolution accordingly.

As the budget before us demonstrates, the Chairman believes that we have an obligation to treat this favorable budget news as a chance to prepare for the future and address the long-term demands that retiring Baby Boomers will place on our budget in 10 short years.

Specifically, this resolution adheres to the budget agreement we struck 10 months ago. Also, he leaves every dime of every future surplus to the Social Security Trust Fund—which is just as the President urged us to do, though his own budget does not. And, finally, he ensures that Congress does not forget or ignore the plight of Medicare—a critical program that will be insolvent in 2008, which is long before Social Security will be insolvent, and sooner than many would like to remember.

To achieve this final goal, the Chairman has wisely walled-off any monies we receive from tobacco legislation and dedicated it to Medicare. In comparison, the President would like to target these monies to a host of new programs that he believes will have popular appeal. Perhaps targeting windfall revenues to a program that our elderly rely on for their medical needs isn't as appealing as handing out new "goodies" in an election year, but I certainly believe it would be more responsible and prudent.

In addition, when considering the cost of smoking-related illnesses on the Medicare program each and every year, linking any forthcoming tobacco revenue to the Medicare program is imminently appropriate. As the chart behind me indicates, Columbia University found that smoking-related illnesses cost the Medicare program $25.5 billion in 1995 alone. In fact, of the various forms of substance abuse that affect the Medicare program, tobacco-related illnesses accounted for 80% of the approximately $32 billion total costs in 1995.

Therefore, even assuming that these costs have not risen since 1995—which is doubtful—then the President's budget, which assumes tobacco revenues of approximately $13 billion in each of the coming five years, will not even come close to covering the costs of tobacco on the Medicare program. In fact, the President's assumption would cover only slightly more than half of these annual costs. Needless to say, the budget resolution's assumption that these monies be used to shore-up the Medicare program is more than justified when considering these facts.

Now, some members have expressed concern that walling-off tobacco revenues in this manner will harm our efforts to pass comprehensive tobacco legislation later this year. As a member of the Senate Commerce Committee—the Committee that will soon be marking-up this legislation—I cannot emphasize enough that this concern is unfounded.

The tobacco reserve fund does not imperil comprehensive tobacco legislation, as some members on the other side of the aisle will contend. Rather, just the opposite is true: It will protect future tobacco legislation.

The simple fact, Mr. President, is that the more uses we identify for possible tobacco revenues in the budget resolution, the more the urge to spend money will become the driving force for tobacco legislation. If that happens, the only winners will be the tobacco companies, because Congress will have lost sight of the true goal of that legislation: reducing—if not eliminating—teen smoking.

Tobacco companies would like nothing more than for those of us who are committed to passing comprehensive tobacco legislation to argue about how money will be spent. The simple fact is that if we divvy-up the pot of potential tobacco money in this resolution, we will face enormous pressure to simply pass a tobacco bill at all costs, regardless of its merits. Such a bill could well-contain many weak provisions that favor tobacco companies—but the pressure to "spend the money" will drive members to overlook the inherent flaws of such a bill.

As the Washington Post stated in a February 3 editorial: "Mr. Clinton would pay for a fair amount of his program with a tobacco bill that he has thus far not submitted. He is relying on Congress to write it. He says that as a deterrent to smoking, it should raise the price of smoking $1.50 a pack in real terms over 10 years, and he proposes a division of the revenue. The problem with that will be if the money becomes more important than the rest of the bill, and the tobacco companies are able, as is their intent, to buy weaker legislation than might otherwise be passed."

That's not an outcome that I want for tobacco legislation—and that's not the outcome that I believe the American people want either.

Unfortunately, those who would attempt to push for an advance-divvying of the tobacco "piggy-bank" drive us toward that outcome.

The fact of the matter is that the Chairman's mark will ensure that tobacco legislation to reduce teen smoking is able to move forward based on sound policy—not politics. Limiting the use of the federal share of future tobacco monies to Medicare is not an impediment to tobacco legislation—it is an enabler.

Mr. President, if I understand the argument of the minority accurately, they believe that limiting the use of the federal share of tobacco monies to Medicare will impose an additional hurdle to tobacco legislation. They are saying that it will prevent tobacco monies from being used for important tobacco-related purposes, such as smoking cessation programs and health research.

As the Chairman has outlined, his budget resolution does more for these programs today than any theoretical tobacco bill is able to do. This resolution provides $800 million for tobacco cessation and prevention programs, and $15 billion for research at the NIH. That's real money—not the illusory money that we simply hope tobacco legislation will generate in the future.

Now, some may argue that this budget simply does not provide enough for these or other smoking-related programs, and that any forthcoming tobacco legislation should provide additional monies for these purposes. That's a legitimate argument.

But the simple fact is that this budget will not prevent additional monies from being provided for such purposes if a tobacco bill is passed. In fact, the budget resolution will not even prevent tobacco monies from being diverted to programs that have nothing to do with tobacco.

The bottom line is that if tobacco legislation is brought up on the floor of the Senate and members wish to divert monies for any number of purposes—either related to smoking or not related to smoking—they can do that. It will simply take 60 votes to waive the point of order that this resolution would create against such spending—which is the same margin of votes that will be required to end debate on that same tobacco bill (achieve cloture).

Therefore, in light of the fact that it will take at least 60 votes to end debate on a tobacco bill and—ultimately—to pass a tobacco bill, this point of order is not onerous. It simply ensures that we keep our priorities straight from the start (Medicare), and ensures that the various ways we spend tobacco monies will have the same level of support as the tobacco bill itself.

The bottom line is that if Congress believes that more money is needed from the tobacco bill to pay for smoking cessation and other tobacco-related programs, garnering 60 votes to waive the point of order will not even be an issue. Therefore, arguing that this requirement—which is no more onerous than the 60-vote margin that will be required to end debate and pass the tobacco bill—endangers tobacco legislation, is completely inaccurate.

The bottom line is that this resolution seeks to protect tobacco legislation from being weakened or undermined by a "rush for the money." So I hope that those who are concerned about tobacco legislation will join us in this effort to keep the focus of tobacco legislation on reducing teen smoking—not on spending money.

I want a strong, effective tobacco bill—I don't want it undermined and weakened because the "politics of spending" got in the way of good policy.

Mr. President, these and other principled decisions that are embodied in this resolution will undoubtedly be challenged by those who would like to open the fiscal floodgates and start spending at will or pass another round of tax cuts. However, I believe that as we move from a period of deficit politics to surplus politics, we should exercise discipline and prudence to ensure expectations are met—not re-open the federal credit card account that got us into so much trouble in the first place.

At the same time, maintaining fiscal discipline and adhering to last year's balanced budget agreement does not mean that we must ignore important issues confronting our nation today. Specifically, within existing budget constraints, we can and should address the educational needs of our children and tackle the child care crisis that is affecting countless families nationwide.

But funding these and other priorities doesn't require that we violate last year's spending caps—rather, they require that we prioritize our spending and have the will to target our spending accordingly.

In particular, I would like to highlight the manner in which the Chairman properly accommodated one such priority—child care—in this resolution. As the leaders of both parties an the Administration have demonstrated through a variety of proposals, improving child care should be a priority during the current Congress. And in light of the ever-expanding need for child care assistance, such a decision is not surprising.

In 1995, 62 percent of women with children younger than 6 years of age—which means 12 million children—were cared for by someone other than a parent during working hours, and the numbers have not improved. Yet the supply of child care does not meet demand, and existing child care is often unaffordable. In fact, on average, child care costs range from $3,000 to $8,000 per year, and can be even higher for infant care.

Safety is also a factor that looms heavily on parents' minds—in fact, a U.S. News and World Report article last August found that 76 children died in day care in 1996. This is tragic and should not be the case. Placing children in child care should be an act of confidence, not a leap of faith.

Finally, many families who wish to care for a young child at home—even for a short period of time—cannot afford to forgo the second income, while other families undertake great scarifies to do so. But what many American families share is that terrible feeling that they have no option. And it should not be this way.

That is why the assumptions of this budget resolution are so critical. Not only would this budget double furding for the Child Care Development Block Grant (CCDBG)—going from $5 billion to $10 billion—over the coming five years, but it would also ensure that any tax package subsequently passed by the Finance Committee provide tax relief to families struggling with child care. I believe that these are policies that both Democrats and Republicans alike can and should embrace.

In January, I introduced a comprehensive bill—the Caring for Children Act—with Senators CHAFEE, HATCH, ROBERTS, and SPECTER, that is designed to increase the availability of a safe and affordable child care. That legislation would expand the Dependent Care Tax Credit, and for the first time make this credit available to families where a parent stays at home to care for a child. It also encourages public-private partnerships, provides increased funding for quality, and doubles funding for the Child Care Development Block Grant.

Although the budget resolution does not advocate any particular child care bill, I am pleased that the assumptions included in this budget would comport with our bill, and I hope that policies along these lines will be enacted in the coming months.

I know that other child care bills have been introduced in the Senate—including a bill introduced by Senator Dodd, along with Senators Murray and Conrad. I truly believe that we are not that far apart in terms of policy, and I look forward to a time when we can work together to bridge these differences.

At the same time, I also know that there are those who will be adamant that the increased funding provided in the budget resolution for the Child Care Development Block Grant be mandatory in nature. However, I believe that the large increase in discretionary funding provided in the resolution is the most fiscally responsible approach to this nation's child care needs—and is quite an accomplishment when considering the fiscal constraints imposed in last year's bipartisan balanced budget agreement.

To those who will say that the Appropriations Committee will not be able to locate additional funds within the discretionary caps for child care, say, If child care is truly a priority, then it is simply a matter of having the will—and casting the votes—to ensure that an additional $1 billion per year is identified during the appropriations process for child care as we weigh our spending priorities. And considering that the President has proposed more than $47 billion in non-defense discretionary cuts over the coming five years, this is hardly a practical impossibility—it is only a matter of will.

Mr. President, this decision to dramatically increase funding for child care is but one of many decisions contained in this resolution that will address shared priorities. While some may argue that the recent favorable budget outlook gives us leeway to fund these priorities out of surplus monies or hoped-for tobacco revenues, the bottom line is that Republicans and Democrats alike fought hard for, and agreed to, this bipartisan agreement only ten months ago.

We should not take steps now to violate not only that agreement, but our trust with the American people. We have a responsibility to abide by this agreement, and the Chairman provided very generous funding within these constraints to ensure that child care and other priorities are properly addressed.

The bottom line is that this resolution abides by last year's balanced budget agreement; provides increased funding for critically needed priorities; preserves every penny of every surplus over the coming five years to protect Social Security; and ensures that any windfall revenues from tobacco legislation will be used to buttress the Medicare program.

The fact that this budget resolution abides by last year's agreement should be reason enough for each of the 76 members who voted for last year's agreement—including 36 Democrats—to vote for this budget plan. And the fact that it contains these other strong provisions should lead to even stronger bipartisan support. Therefore, I urge that my colleagues support this soundly-crafted resolution.

Mr. President, there is a saying: "Money's only something you need if you're around tomorrow." While this may be true for an individual, it doesn't make for good federal policy. Therefore, I congratulate the Chairman of the Budget Committee for recognizing that being a good steward of the federal budget requires that we ensure there is money around tomorrow—even if we are not.

Our children and grandchildren are counting on us to make decisions today that will ensure they are not left with a mountain of unpaid bills and a host of unresolved problems on the horizon. The budget that you have crafted—and that is now before this body—would protect them from both of these dangers, and I congratulate you for your continued foresight. Thank you, Mr. President, and I look forward to voting in favor of this resolution.

Mr. KERRY. Mr. President, today, the Senate will approve a budget which will go beyond a balanced budget and create a surplus for the first time in more than a generation. This has been a key objective for me since I came to the Senate in 1985. So there is reason for some satisfaction and relief tonight. However, as we balance the budget, the picture is not entirely appealing. Unfortunately, we have failed to provide adequate support for the critical needs of our nation's children.

The Federal government has run a deficit continuously for more than 30 years. It soared to dangerous levels in the 1980s during the Reagan and Bush Administrations. As a result of these deficits, our national debt has multiplied several times, exacting a toll on our economy, increasing interest rates, squeezing federal spending and making debt service one of the largest expenditures in the Federal budget.

In 1993, following President Clinton's election, we began the long journey back from crushing deficits and toward fiscal responsibility by passing an enormously successful economic plan. The power of our economy was unleashed and our nation has benefitted greatly: unemployment is at record low; interest rates are subdued; the stock market is surpassing all expectations; and economic growth continues to be robust. This path culminated in last year's agreement to balance the budget and provide substantial broad-based tax relief for working American families and small businesses. The 1999 Budget Resolution is another step on the path to fiscal responsibility. I commend the leaders with key roles in bringing us to this point: President Clinton and his advisers, The Senate Republican and Democratic leadership, and the Chairman and Ranking Member of the Senate Budget Committee.

I strongly support the fact that the budget resolution produces a surplus which we can use to begin to restore the financial credibility of the Social Security system or pay off our federal debt. But that is far from the only measure that should be applied to a budget. Deficit elimination is a vital objective, but it is neither an economic policy nor a statement of priorities for our nation or its government.

How we balance the budget is just as important as whether we do so.

This budget unfortunately will leave some critical American needs unmet. It misses a unique opportunity in America's history to assist children and families and resolve many of our most pressing problems in education, child care, health care and environment.

Our children face real problems, and although there are a number of areas where we could improve this resolution, I want to focus my remarks on its effect on our nation's children. The out-of-wedlock birth rate is too high. While the Gross National Product has doubled over the last two decades, the child poverty rate has increased 50 percent. An American child drops out of school every eight seconds, is reported neglected or abused every 10 seconds; and is killed by guns every hour and a half. As a society, we are creating these problems for our children. Yet we know that scientific evidence conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families and our nation.

America's children especially need support during the formative, preschool years in order to thrive and grow to become contributing adults. However, adequate child care is not affordable or even available for too many families. That is why I believe we must provide more help to working families to pay for critically needed, quality child care, an early learning fund to assist local communities in developing better child care programs, and sufficient funding to double the number of infants and toddlers in Early Head Start. President Clinton shares this view and included in his 1999 budget proposal my recommendations on this issue. However, the Republican leadership rejected this approach and included no additional mandatory funding for either child care subsidies or early childhood education. Further, the resolution goes out of its way to exclude child care from the tobacco reserve fund. Instead, the budget tentatively promises a $5 billion increase only if Congress is willing to cut other worthy programs to do so. That is unacceptable to the working families in this country. I joined Senator DODD in offering an important amendment to rectify this situation and increase funding for these crucial programs. While this amendment secured a majority vote, under Senate rules that was insufficient so the amendment did not become part of the resolution.

Mr. President, we must develop an educational system which prepares our children and young people for adulthood. Today, we are failing too many of our children. Crumbling schools. Overcrowded classrooms. Inadequately prepared teachers. The federal government provides a small amount of the total funding for public elementary and secondary education—less than seven percent of total public spending on K-12 education comes from the federal government, down from just under 10 percent in 1980. We must back up our grand rhetoric with appropriate funding for these worthy programs.

With my enthusiastic support, Democrats offered a number of amendments to this resolution to increase the effectiveness of our educational system. Among them were amendments to reduce class size from a nationwide average of 22 in grades 1-3 to an average of 18, to provide funds to help local school districts hire an additional 100,000 teachers, and to develop federal tax credits to pay interest on nearly $22 billion in bonds to build and renovate our public schools, many of which are in disrepair with emphasis on the 100 to 120 school districts with the largest number of low-income children. Finally, Democrats proposed a $2.2 billion increase for after school programs, education opportunity zones, and the High Hopes Initiative.

I am deeply disappointed that the Republican budget resolution does not include any of these proposals and that Republicans again and again rejected these initiatives. The consequences of the Republican budget are clear. Half a million disadvantaged children will not receive the extra help they need to succeed in school. Approximately 450,000 students will be denied safe after-school care in 1999. Some 30,000 new children will be denied access to the Head Start program. Some 6,500 public schools will not have drug and violence prevention coordinators. 3.9 million attending or wanting to attend college will be denied an increase in their Pell Grants. If we are going to talk about education being a national priority, then we ought to match our grand rhetoric with real money. The budget resolution we are considering today does not meet this challenge.

Access to health care in our nation is also inadequate. President Clinton proposed three initiatives to provide Americans aged 55 to 65 new ways to gain access to health insurance by allowing those aged 62 to 65 to buy into Medicare, paying a fair premium for the coverage. It also would allow displaced workers over 55 access to similar Medicare coverage. The third initiative would allow Americans over 55 who have lost their retiree benefits access to their former employers' health insurance until age 65. These proposals would give many Americans who are too old for conventional health insurance yet not old enough to be eligible for Medicare access to basic health insurance coverage. However, the Republican budget proposal rejects all those proposals even though they pay for themselves with changes to the existing Medicare program.

Over the next five years, this Republican budget will spend $4 billion over five years less than President Clinton proposed for the Ryan White AIDS CARE program, drug abuse prevention and treatment, and Center for Disease Control prevention activities.

Last year, I traveled to Kyoto, Japan to attend the Climate Change Conference. The vast majority of the scientific community and policy makers the world over who have carefully examined the issue of global warming have concluded the science is compelling and that it is time to take additional steps to address this issue in a more systematic way. The Republican budget proposal, however, refuses to fund President Clinton's initiative to reduce greenhouse gas emissions early in the next century. This is a shortsighted approach which could pose a serious threat to our environment—indeed, to the survival of our planet—in future years. We cannot afford to continue avoiding the consequences of our own actions, or condemning future generations to a despoiled planet.

I am a strong supporter of President Clinton's Clean Water Initiative, an action plan to focus on remaining challenges to restore and protect our nation's waterways, protect public health, prevent polluted runoff and ensure community-based watershed management. But the Republican budget plan ignores this proposal.

I am pleased and relieved the budget is balanced, but the Senate nonetheless has failed to address glaring, fundamental needs of our nation and its people. The budget could have been and should have been much, much better. For these reasons, with disappointment and regret, I will vote no on this resolution, and join others in committing to try to alter the misplaced priorities to better reflect and meet our nation's real needs.

Mr. DODD. Mr. President, I rise today to express my views on the budget resolution. I commend the Budget Committee on the job it has done.

Chairman DOMENICI and Senator LAUTENBERG should be praised for their efforts to bring a bill to the floor that balances the budget for the first time in 30 years. And yet, this resolution fails to adequately address some of our nation's most pressing priorities, including child care, education, and health care.

First, however, I would like to take a moment to discuss how we reached this historic moment when, for the first time since 1969, we present the American people with a budget that is in balance. The balanced budget we have today is a result of the hard work and progress we have made over the past few years to reduce the deficit. The effort dates back to 1990 when President Bush—despite strong opposition from his own party—boldly endorsed a plan that lowered the deficit by $500 billion and started us down the road to fiscal responsibility.

This effort was then continued by President Clinton in 1993 when he proposed a far-reaching economic plan, which is more appropriately called the Balanced Budget Plan of 1993. This balanced budget plan, which I supported, was enacted into law without a single Republican vote and has helped to reduce the deficit from $290 billion at the beginning of 1993 to an anticipated surplus this year. Despite the claims by my colleagues on the other side of the aisle that President Clinton's plan would doom our economy, this economic plan has put us on a road to solid recovery. It has reduced deficits by more than $1 trillion, led us to the lowest unemployment rate in 24 years, created 15 million new jobs, and resulted in the greatest number of Americans owning homes ever.

Most recently, Mr. President, we finished the job of balancing the budget when we enacted the Balanced Budget Act of 1997. The Balanced Budget Act of 1997, which I supported, not only reduced spending, but also cut taxes for the first time in 16 years, providing much-needed tax relief for working families. I was very pleased to support the Balanced Budget Act of 1997 because it protected our priorities such as fiscal discipline, child care, education, health care, and the environment.

Unfortunately, Mr. President, the resolution before us today fails to protect these priorities and turns its back on America's families and children. It fails to recognize many initiatives important to our children and families including quality child care, reducing class sizes, renovating and modernizing our children's schools, and promoting after-school learning.

The resolution provides no mandatory funding for either child care or early childhood education. Moreover, it explicitly excludes President Clinton's proposals to use any revenues from comprehensive tobacco legislation to pay for initiatives for children, including child care, anti-smoking education, children's health care, and improvements in education.

Clearly, the resolution before us shortchanges children, and that is why I offered an amendment to establish a deficit-neutral reserve fund which could be used to fund legislation designed to improve the affordability, availability and quality of child care, and to support families' choices in caring for their children. I was disappointed, obviously, when my amendment was defeated, but was pleased that the amendment had the support of fifty of my colleagues.

The resolution also reduces funding for the Administration's education priorities by $2 billion, and as a result, about 450,000 students could be denied safe after-school care in 1999, some 30,000 new children could be denied access to the Head Start program, and 6,500 middle schools would not have drug and violence prevention coordinators. And yet, while Republican budget increases funding above the President's request for Impact Aid, Special Education, and the title VI block grant, these increases come at the expense of many other priorities that also strengthen our commitment to children and education.

Mr. President, this budget as a whole ill-serves children and families, and that is why I was pleased to support the Democratic alternative budget offered by Senator LAUTENBERG. The Democratic alternative would strengthen our commitment to our priorities by providing funding for key initiatives such as hiring an additional 100,000 teachers, creating more after-school programs, and doubling the number of children who receive child care assistance. Further, the Democratic alternative moves us toward our goal of one million children in Head Start by 2002, doubles the number of children in early Head Start, and places up to 500,000 children in after school learning centers.

In addition, Mr. President, the Democratic alternative maintains our commitment to other Democratic priorities such as cleaning up the environment and investing in our transportation infrastructure. Moreover, it would expand Medicare coverage to Americans ages 55–65. And not least, Mr. President, the Democratic alternative strengthens Social Security by reserving the entire unified budget surplus, while maintaining strict fiscal discipline by meeting the discretionary caps in all years.

I regret, Mr. President, that the Democratic alternative was defeated. And I regret that the resolution before us today is not one that I, in good conscience, can support. In my view, the Republican budget shortchanges America's working families. I am, however, hopeful that as we move forward in the budget process, we will craft legislation that focuses on priorities like child care, education, health care, and the environment. Finally, Mr. President, in our efforts to craft a budget that targets the needs of working families, it is imperative that we remain vigilant in our efforts to maintain fiscal responsibility.

Mr. KOHL. Mr. President, I rise in opposition to the Budget Resolution. And while I will not vote for the final product, I want to compliment both sides of the aisle this year's unique debate over our budget blueprint.

For the first time since I arrived in the Senate, the issue of balancing the budget was not an issue. The President started the debate this year by proposing a budget that balances this fiscal year—a full two years before the proposed Constitutional Balanced Budget Amendment would have demanded it. The Republican members of the Budget Committee countered with the balanced budget before us today, and Democrats offered up their substitute, also in balance.

This year, partisan attempts to play "pin the blame for the deficit" were replaced by a serious discussion of the government's priorities. Hot air gave way to an honest airing of our policy differences. We debated the questions that must be answered in the budget that will guide our legislative actions for the rest of the year—questions about how government should spend its time and energy in the coming fiscal year.

And it is because of the budget answers those questions that I must oppose this budget. Though the numbers add up, the policies do not.

In short, on too many issues of importance to the families of America, this budget is more than silent—it stifles discussion.

For example, the budget forbids consideration of a comprehensive child care program for the United States—a plan like that proposed by the President, by Senator DODD, or by Senator CHAFEE. Senator DODD offered an amendment to fix this, and it was defeated.

How can we support a budget that does not at least allow Congress to consider the child care needs of our youngest children and our hardest working families?

At a time when 60 percent of our preschool age children are regularly cared for by someone other than their parents, can we accept a budget that will not allow us to debate any proposals to increase the accessibility of decent child care?

At a time when we are learning more each day about the importance of brain development in the earliest years of life, can we accept a budget that will not allow us to discuss creating more quality early education opportunities?

At a time when the business world is waking up to the link between good child care and employee productivity, can we accept a budget that will not let Congress also explore how to help working parents work well?

This budget also precludes consideration of any of the various proposals to implement the tobacco settlement. Under the budget, the Hatch plan, the emerging McCain bill, the Chafee-Harkin bipartisan plan, the Conrad bill, or even the initial tobacco settlement between the State Attorneys General and the tobacco companies would be out of order on the Senate floor.

This budget silences Congress on two of the most pressing issues that face our nation today: How can we give our youngest children the best start to their educations and their lives? And how can we free our children from the deadly pressure to start smoking?

Despite these serious objections, I would like to thank the managers of the bill, and the whole Senate, for unanimously accepting my amendment to the Resolution expressing the Senate's intention to protect our nation's elderly and disabled patients from abuse, neglect and mistreatment in long-term care facilities.

And I would like to compliment the drafters of this budget for one section. The $30 billion tax cut envisioned in this budget does include $9 billion for child care tax credits.

As many of you know, I have worked hard to establish a tax credit to provide an incentive to private sector businesses willing to take actions that increase the supply of quality child care.

My credit will give incentives to large companies—like Wisconsin's Johnson Wax or Quad Graphics—that set up state of the art child care centers on-site. And it will provide an incentive for smaller companies—like the 80 companies in the New Berlin, Wisconsin Industrial Park that joined together to build a child care center open to the children of all of their employees.

In addition, my credit is not just for the costs of construction—but also for the other substantial costs of providing suitable quality child care: the costs of accrediting a center, of setting up a merit-based pay system for the woefully underpaid child care workers, for reserving slots in an existing child care facility, or for hiring a resource and referral firm to design the best child care option for a given company.

This proposal has the support of the President, child care advocates, the business community, and the 72 Senators who voted for it as part of last year's tax package. I am glad to see that the budget before us also would support it.

However, as much as I would like to see us move forward on my child care tax credit this year, it is only one part of the solution to the shortage of quality, educational child care in this country.

For years, the Federal budget stole from the future to fund programs and pork in the present. The enormous deficits of those years were a national shame.

Today, the budget is in balance and moving toward surplus. We have reason to be relieved, but not reason yet to be proud. We have stopped stealing from our grandchildren, true. But this budget does not let us even consider in a comprehensive way their earliest, and most important, educational needs.

We have an obligation to at least discuss how best to nurture our youngest children—and I cannot support a budget that will not allow that.

I urge my colleagues to vote down this budget.

Mr. DASCHLE. Mr. President, the Senate will soon voice its opinion on the FY1999 Budget Resolution. The debate on this year's resolution offered the American people an excellent opportunity to observe each party's fiscal priorities. A budget resolution is essentially a fiscal roadmap to the future. Within the confines of scarce resources, a budget resolution forces real choices upon the Democratic and Republican parties.

Earlier in the debate, Senate Democrats offered their vision for America's future. Our plan put Social Security first, lived within the spending ceilings established in last year's budget agreement, and contained key domestic investments and targeted tax cuts for working families. Our budget did all of these things plus one more. According to the non-partisan Congressional Budget Office, it maintained balance in 1999 and produced a unified budget surplus for as long as CBO is willing to project.

Before taking a look forward and describing our budget priorities for the future, I would like to take a brief look back. Just over 5 years ago when President Clinton took office, the budget deficit stood at a whopping $290 billion—the highest level in this nation's history. What's worse, the deficit was projected to grow to over $500 billion by the end of the decade if nothing was done to attack this insidious problem. Fortunately, the President and the Democratic Congress, without the assistance of a single Republican vote, took action. Together we passed legislation in 1993 that began to both stem the flow of red ink and target investments and tax cuts toward working Americans and their families.

Our political opponents harshly criticized our approach. Although I will not name the names of those who went on record predicting failure for our economic policies, it is not an exaggeration to say that many were predicting a disaster of near biblical proportions. It can also be said that many who publicly predicted economic ruin in 1993 are still here today, and many who bravely cast their vote for this package in the face of this cascade of criticism are not.

And today the results are clear to all. The economic plan Democrats passed 5 years ago produced the largest amount of deficit reduction in our history. The 1993 plan put us in position for what we accomplished this year—the first unified balanced budget in 30 years. Our plan also provided the foundation for what most economists are calling the strongest economy in a generation. About 15 million new jobs have been created since its enactment. The unemployment rate is 4.6 percent—a 25-year low. The core inflation rate is 2.2 percent—the lowest level since 1965. And real average hourly earnings have increased by 2.3 percent in 1997 alone—the fastest annual growth rate since 1976. These positive indicators moved Goldman Sachs, a distinguished Wall Street investment firm, to conclude in their March 1998 report on the U.S. economy: "the current U.S. economic environment is the best ever—steady growth without inflation. As the expansion turns seven years old this month, there is still no recession in sight . . . On the policy side, trade, fiscal, and monetary policies have been excellent, working in ways that have facilitated growth without inflation."

The Democratic record on deficit reduction and economic growth is clear. Our prescriptions for both have produced unprecedented success. And today we come before the Senate with our plan for the future. This plan builds on our past success and is based on four key principles. First, we will keep the unified budget in balance in 1999 and as far into the future as the Congressional Budget Office is willing to project. Second, our plan generates unified budget surpluses of $143 billion over the period 1999 to 2003 and sets the full amount aside to shore up Social Security. Third, the Democratic plan gets the CBO seal of approval. According to CBO, it complies fully with the spending caps established in last year's budget agreement. Fourth, in stark contrast to the Republican budget we have been considering on the Senate floor this week, our plan provides funding for key domestic investments and targeted tax relief for working families and businesses.

Unfortunately, Senate Republicans defeated this proposal earlier this evening. I would like to take a moment now to discuss briefly the Republican fiscal prescription and how it differs from the plan we offered earlier. These differences are most visible and most important in the area of education. The Democratic budget proposes providing funds to help local school districts hire an additional 100,000 well-prepared teachers. This initiative would reduce class size in grades 1 through 3 from an average of 22 to 18. The Republican budget rejects this proposal.

The Democratic budget proposes federal tax credits for local school districts that build and renovate public schools. The Republican budget does not even mention school construction.

The Democratic budget proposes increasing discretionary funding for key education and training programs, including a $2.2 billion increase in 1999 alone. This funding increase supports the High Hopes initiative, after-school learning programs, and educational opportunity zones. The Republican budget freezes spending on most important education programs. As a result, about 450,000 kids will be denied access to safe after-school learning centers. About 30,000 kids will be denied access to Head Start. And about 6,500 middle schools will not have drug and violence prevention coordinators.

The story is similar on child care and basic research. Within the overall context of a balanced budget, Democrats are proposing important initiatives in each of these areas. And the Republicans? Well, they just say no. No to education. No to child care. And no to basic research.

The final, but important, difference between the Democratic and Republican budgets is each side's approach to ending tobacco's hideous hold on young people in this country. The Democratic budget contains a comprehensive proposal to end Joe Camel's reign over America's teenagers. Our budget fully funds anti-youth smoking initiatives, tobacco-related medical research, smoking cessation programs, and public service advertising to counter the tobacco's targeting of our kids. The Republican budget does none of these.

It would be bad enough if the Republican budget stopped there. Unfortunately for this generation of teenagers and those that follow, it does not. The Republican budget goes even farther. It establishes a supermajority requirement for any future legislation that attempts to tackle teen smoking in a comprehensive manner. If this Republican budget as currently constructed is adopted, a minority of this body will be able to dictate whether and how the Congress should reduce the power of tobacco companies and weaken the industry's hold on our kids. In other words, the Republican budget stacks the deck against meaningful tobacco reform.

In closing, Mr. President, the Democratic approach to tackling this nation's fiscal and economic problems has delivered results unmatched in recent history. Record deficit reduction and economic growth. Our budget plan for the future would continue this progress. It would maintain fiscal discipline while investing in key domestic initiatives such as education, child care and basic research. And the Democratic budget is the only plan that allows Congress to construct a comprehensive approach to reducing teen smoking and provides the resources to do so. At the same time, the Republican budget before us rejects many of these principles.

Therefore Mr. President, it is for all of these reasons that I ask my colleagues to just say no to this Republican budget.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank everyone for their patience and in particular staff on the Republican side and the Democrat side for the marvelous work they have done. Let me say we are going to vote on this shortly. I feel rather proud. What we are going to do is move in a strong direction toward saving Medicare, saving Social Security, a significant tax cut, increases in education, and increases in criminal justice, the National Institutes of Health and programs of that sort. Yet we have not broken the caps and we will have balanced budgets for quite some time if we follow this format as we implement it during the year.

Once again I thank everyone in that regard.

Mr. GORTON. Will the Senator yield for a moment? I am informed by staff that, assuming the passage of this resolution, it will be the earliest the Senate has ever passed a budget resolution and probably the first time that the manager has not lost a single amendment in which he was interested.

Mr. DOMENICI. Thank you very much.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I wanted to make the Members aware of that also, and also congratulate Senators DOMENICI and LAUTENBERG for the way they have worked together and the way they moved us through this very long process. It has been completed in record time, and I think we all owe them a debt of gratitude and appreciation.

Several Senators addressed the Chair.

Mr. LOTT. Before I yield the floor, so Members will know this before we go to the vote, we will be in session tomorrow, but only for wrapup. We do have some Executive Calendar nominations I think we can clear. We have gotten agreement on the Shipping Act, so we will have debate on the bill and on one amendment, but the vote will not occur on that bill until we return. We will return on April 20, but the first recorded vote will be the morning of Tuesday, April 21. So after this recorded vote, that is the final vote for the night and for the week and the next will be April 21. Thank you all for your cooperation.

Mr. ROCKEFELLER. Will there be opportunity tomorrow to speak as in morning business?

Mr. LOTT. Absolutely.

Several Senators addressed the Chair.

Mr. DASCHLE. Mr. President, I want to also congratulate the distinguished chair and ranking member for the great job they did and commend everyone for their cooperation. We were able to finish tonight almost on time, in large measure because of the cooperation. I appreciate that. We come to a different conclusion about the final result, but there is no doubt about the cooperation and effort and leadership demonstrated by the chair and the ranking member.

Mr. LAUTENBERG. Mr. President, if I might add a word also, to say that working with our colleagues on the Republican side, particularly the chairman of the Budget Committee with whom I work closely and I consider a friend, we try to handle disagreements in a positive fashion. Sometimes it gets a little edgy, but rarely.

I also want to say I thought, and I was discussing it with a couple of Senators here, that there was a degree of comity in this deliberation that is an improvement, I think, over what we have seen in past years. It is a much better way to work. I thank our leader for his support and also to say to the majority leader that his steady hand helped move things along. It has been an excellent experience. I wish we had won more than we did, but we go away knowing that we had a fair chance at the deliberation. That is what counts.

I particularly want to say to PHIL GRAMM and to Senator NICKLES, I thank them for their gesture—with the encouragement of the majority leader—in kind of righting what we took to be a wrong. I want to acknowledge it publicly.

With that, I thank my friend from New Mexico and hope we will have lots of occasions to do these budget resolutions—with me in the majority seat. I hope we will be able to do this many times.

Mr. President, I thank the Democratic staff of the Budget Committee for a job well done. They are Amy Abraham, Phil Karsting, Dan Katz, Jim Klumpner, Lisa Konwinski, Diana Meredith, Marty Morris, Sue Nelson, Jon Rosenwasser, Paul Seltman, Scott Slesinger, Mitch Warren, and, with particular thanks, Bruce King.

Also, I extend my thanks to the Democratic floor staff and the Secretary for the Minority for a job exceptionally well done.

The PRESIDING OFFICER. The question now occurs on agreeing to S. Con. Res. 86, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "nay."

Mr. FORD. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—57

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Nickles
Robb
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Reed
Reid
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NOT VOTING—2

Helms
Inouye

The concurrent resolution (S. Con. Res. 86), as amended, was agreed to.

(The text of the concurrent resolution will be printed in a future edition of the RECORD.)

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

PROVIDING SECTION 302 ALLOCATIONS

Ms. COLLINS. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 209) providing section 302 allocations to the Committee on Appropriations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. I ask unanimous consent that the resolution be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 209) was agreed to as follows:

S. RES. 209

Resolved, That (a) for the purposes of section 302(a) of the Congressional Budget Act of 1974 the estimated allocation of the appropriate levels of budget totals for the Senate Committee on Appropriations shall be—

For non-defense:

(1) $289,547,000,000 in total budget outlays,

(2) $255,450,000,000 in total new budget authority,

For defense:

(1) $266,635,000,000 in total budget outlays,

(2) $271,570,000,000 in total new budget authority,

For Violent Crime Reduction:

(1) $4,953,000,000 in total budget outlays; and

(2) $5,800,000,000 in total new budget authority,

For mandatory:

(1) $291,731,000,000 in total budget outlays; and

(2) $299,159,000,000 in total new budget authority,

until a concurrent resolution on the budget for fiscal year 1999 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

UNANIMOUS CONSENT AGREEMENT—S. CON. RES. 86

Ms. COLLINS. Mr. President, I ask unanimous consent that the concurrent resolution now remain at the desk, and when the Senate receives the House companion, all after the resolving clause be stricken, the text of S. Con. Res. 86 be inserted and the concurrent resolution be immediately agreed to. I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate, all without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Ms. COLLINS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UPDATE ON THE ACCOUNTABLE PIPELINE SAFETY & PARTNERSHIP ACT

Mr. LOTT. Mr. President, I want to take a few moments to update my Senate colleagues on an important piece of legislation enacted in the last Congress. The bill, now a law, was about regulatory reform of a segment of the energy community, namely natural gas pipelines. As DOT begins the rulemaking process required by law, they do so with improved regulatory reform guidelines.

Although this law only affects one statute and one agency it is real regulatory reform. It is the government and industry working together to make each more efficient and effective. It is government being held accountable for its rulemaking and regulatory decisions.

This law, the Accountable Pipeline Safety and Partnership Act of 1996, passed the 104th Congress, bringing with it provisions that strengthen risk assessment, cost/benefit analysis and peer review. Last week the Department of Transportation announced its first participant in a demonstration program where the rules will be flexibly applied and pipeline safety will be improved.

The Accountable Pipeline Safety and Partnership Act has two important elements which make it unique. First, all new pipeline safety regulations must undergo a risk assessment and cost/benefit analysis. This is crucial, because it ensures that new regulations and limited public resources are focused to maximize public benefit. This is real regulatory reform.

The second notable element of the Accountable Pipeline Safety and Partnership Act is the risk management demonstration project. Intended to move the agency beyond the old "command-and-control" style of regulating, this project allows individual pipelines to propose their own safety procedures to DOT for review and approval. This type of risk management takes us to a higher and more sophisticated level of safety regulation. Once again, the agency is encouraged to direct limited resources towards activities that provide maximum safety to the public. This, too, is real regulatory reform.

The Office of Pipeline Safety, has received a number of applications from pipeline companies that want to participate in the risk management demonstration project. One company has been approved and five other applicants are close to approval. These proposals have bolstered innovation in safety policy, and have encouraged pipeline companies to think beyond simple compliance with existing standards. The government is learning to think "outside of the box" and to consider creative industry solutions. This genuine reengineering partnership illustrates the fruits of real regulatory reform.

The demonstration project illustrates a commitment by a number of DOT civil servants to the principles of this law. Three key staff deserve recognition for rapidly implementing the law: Kelley Coyner, Rich Felder, and Stacey Gerad. These civil servants ensured that the American public gets greater safety and environmental protection when industry is given flexibility. This law is a bargain for America.

The Accountable Pipeline Safety and Partnership Act has restored trust between regulators and the regulated community. This new found trust will permit the sharing of research information that can be translated into improved pipeline safety technology. This trust has maximized both government and private dollars.

Enacting this legislation is a formal recognition that there is a valid role for risk assessment and cost/benefit analysis in federal rulemaking. These steps must be taken when regulating, not simply as a check off or to satisfy requirements of transparency, but to genuinely incorporate the results into how the rules are made. Cost is an essential factor and cannot be dismissed by rulemakers.

This regulatory reform is the law of the land for a small sector of our federal system.

This incremental effort changed a public policy by establishing a new level of confidence among stakeholders. It did not create a cloud of legislative doubt and confusion. To the contrary, it received overwhelming support from both chambers of Congress. This initiative is indeed a genuine bipartisan regulatory reform approach.

Regulatory reform should be incremental and fully bipartisan. If this Congress considers just one element of the regulatory process this year I believe it should be risk. There is a clear consensus among our colleagues that changes must be made to the rulemaking process. Risk is the basis for every rule, and should be the center of our next legislative correction.

I frequently draw a comparison between risk and a dog's ear. As you wash a dog, it has a tendency to want to shake the water and shampoo off. Because a dog starts shaking at the head and will not stop until the final flick of the tail, holding the ear will stop the shaking. Just as the dog's ear is the starting point of a shake, risk is the starting point of the rulemaking process. Without a risk, there can be no rule. Without a free ear, a dog cannot spray water everywhere. The water and shampoo will be effectively applied to the desired subject, and not wasted by going everywhere. Get risk right and the regulated industry will have respect for the rulemaking process. Ignoring risk and working on anything else is like holding the dog's tail—you will get soaked as the dog shake from the head down to its tail. Unnecessary rules and regulations will abound.

I want to thank my colleagues for their attention. Regulatory reform is a passion in which I have invested six years. It is an area I will remain engaged in because more legislative changes are needed. It may take years of incremental efforts, but only this step-by-step approach will generate the confidence and comfort necessary to reform the rulemaking process. Current regulations were enacted during the years when the philosophical approach was one-size-fits-all. This is no longer operative. These rules and procedures should be updated in a deliberate but incremental manner to reflect today's modern approach—an approach that permits innovative technology and offers flexibility.

Mr. President, the approval of this demonstration program is a validation of today's modern approach. Safety will not be jeopardized and environmental protection will not be compromised. It is a recognition that regulatory reform, when done incrementally and with the goal of producing effective regulations, can have a real impact on government's rulemaking.

LEADERSHIP TRAINING INSTITUTE FOR YOUTH

Mr. LOTT. Mr. President, I am extremely pleased to announce that students from the great state of Mississippi, and from a number of other states, are participating in the Leadership Training Institute for Youth. This year the program will be held in Missouri.

This invaluable program reaches out to our nation's most important resource, our children. As you know, ensuring safety and effectiveness in schools is an important priority for this Congress. This privately funded initiative helps Congress fulfill its fundamental goal of providing our nation's students with the best education in the world.

The Institute, headquartered in Arkansas, brings together students from communities throughout the nation and from families in all walks of life. It is important to recognize that the young people selected for the program might not have this kind of leadership opportunity available to them in their local communities or even in their home states.

The Leadership Training Institute instills in our youth a sense of purpose, belonging, spirituality, patriotism, and strong moral and ethical character. The Institute's teaching philosophy centers on biblical principles and the tenets espoused by America's founding fathers. Students learn that real leaders are people of faith, integrity, conviction, and moral fiber.

These high school and college age students are given hands-on experience in dealing with compelling political, social, and ethical issues. These students work with experts from a wide range of disciplines to examine leadership competencies, civic responsibility, community and family values, as well as a number of other topics important to America's youth.

During the program, these future leaders will explore such issues as how to: achieve a smaller, more effective government; reduce the burden of taxes on America's working families; reform the IRS; improve education and expand learning opportunities; and, combat violence and drugs in schools.

Mr. President, this sounds like our Senate's agenda.

These students will also meet with local, state, and national leaders to reflect on issues that truly matter—such as family, faith and freedom. As you know, family, faith and freedom must be the cornerstone of our public policy.

Mr. President, I think this is an outstanding initiative and commend the efforts of the Leadership Training Institute for offering this model program to Mississippi's youth.

These young achievers are our nation's future business executives and public officials. It gives me great hope for America's future to know that these young minds are being exposed to the challenging programs being offered by the Leadership Training Institute. I firmly believe that each student who graduates from the Institute will posses the strong, solid moral and value driven foundation needed to guide our nation into the next century.

Again, I want to express my deep appreciation to the Leadership Training Institute for Youth for conducting this exemplary program.

ELOQUENT TRIBUTES TO SENATOR ABE RIBICOFF

Mr. KENNEDY. Mr. President, earlier this year, the Senate lost one of our ablest, most respected, and most beloved former colleagues, Senator Abraham A. Ribicoff of Connecticut.

Senator Ribicoff served his constituents and his country with extraordinary distinction over a career that spanned more than four decades. His interests ranged far and wide, and his achievements were legion in both domestic and foreign policy. He led the effort to establish the Departments of Education and Energy. He was a consistent and eloquent advocate for civil rights, and an opponent of bigotry in all its forms. He was a brilliant leader in advancing the cause of peace in the Middle East. In these and many other ways, he was a giant for the people of Connecticut and the nation.

For my family, Senator Ribicoff was far more than the distinguished leader of a neighboring state. He was a loyal friend and trusted adviser, and one of President Kennedy's closest and most loyal friends.

My brother had immense respect for him. They had served together in the House of Representatives in the 1940's and early 1950's. After Congressman Ribicoff went on to become Governor of Connecticut, and my brother was elected to the Senate, they continued their close ties.

At the Democratic Convention in 1956, Abe encouraged Jack to run for Vice President. Four years later, Abe was one of my brother's strongest supporters in his 1960 campaign for the White House.

When Jack became President in 1961, he chose Governor Ribicoff to join his Cabinet as Secretary of Health, Education, and Welfare, and he did an outstanding job. But in many ways, he was a legislator at heart. He was elected to the Senate in 1962, the same year I was elected, and we served together for 18 beautiful years until he retired in 1980. In a sense, I inherited Abe from Jack, and our friendship was all the stronger because of that.

At Senator Ribicoff's funeral, our colleague Senator DODD and U.S. Circuit Judge Jon O. Newman delivered eloquent eulogies that captured the essence of Abe's remarkable public life. I ask unanimous consent that these moving tributes be printed in the RECORD.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

EULOGY FOR SENATOR ABRAHAM A. RIBICOFF

(By Senator Christopher J. Dodd)

The sadness of losing our friend Abraham Ribicoff is reflected in the faces gathered here today. Whether you called him Governor, Senator, or simply Abe, as the people of Connecticut did for more than four decades, he was truly in a class by himself. We are thus gathered to honor the memory of an outstanding American.

Abe Ribicoff believed fervently that the highest calling one can have in American life is public service.

He is the only person in our Nation's history to have served as a state legislator, a municipal judge, a United States Representative, a Governor, a Cabinet Secretary, and a United States Senator.

As many of you recall—Abe had a gift of giving speeches short and to the point. He had to. It took so long to introduce him properly.

But to appreciate Abraham Ribicoff, it is important to understand that he did more than occupy an impressive collection of public offices. What distinguished Abe Ribicoff from his peers, both past and present, is not the number of offices he held, but the manner in which he held them.

In Abe Ribicoff's politics, there was no place for meanness, no place for personal attacks. Abe understood the importance of public opinion. But he never relied on polls to shape his political decisions.

Abe was guided in his life's work by integrity, candor, high principle, and a deeply-held belief in the goodness and decency of Americans.

I remember his 80th birthday celebration. It was a wonderful evening, Casey. He spent a good deal of his remarks reminiscing. Not about his work on the great issues of his day, nor the times he spent with Prime Ministers and Presidents. Abe Ribicoff spoke at length that evening about John Moran Bailey, the legendary Democratic party chairman from Connecticut. In John Bailey, Abe recognized a master of the political craft.

Now, why do I mention this? Because to have a true understanding of the man, Abe Ribicoff, you must begin with this fact: Abe loved politics. At his core, Abe Ribicoff was a first class politician: a quality shared by all great political leaders.

And Abe had uncanny political instincts. Abe could size up a situation, or spot a shift in opinion, on just the slightest whiff of information.

Yet his gift was not to just understand swings in public mood, but to anticipate them, and then shape those swings for the public good.

He was always several steps ahead of the average politician, but never out of step with the American people.

Allow me to illustrate what I mean.

In 1954, Abe won his first race for Governor by less than one percentage point. Then he went out and told the Connecticut State Police to arrest people who exceeded the speed limit. There are probably people here who can attest to the vigor and extent of that effort. His allies said the public would never support him.

Abe thought differently. As one historian said, Abe had "an unerring instinct for the right move at the right time in the complicated game of politics."

His get-tough policy saved lives, and it was extremely popular with the people of Connecticut.

One of the defining moments in Abe's public life took place in 1968 at the Democratic National Convention.

Here was a man—a first-term Senator, not unaware that he was confronting the National leadership of his party—willing to stand and make a public plea for civility.

In doing so, he appealed to what is best about our Nation and ourselves—our capacity for tolerance and understanding, our belief that, in a truly civilized society, we live by the rule of law, not the rule of force.

In that moment, America learned what his family, his friends, and the people of Connecticut had long known—Abe Ribicoff was a National gift.

On another occasion during Abe's tenure in the Senate, Mississippi Senator John Stennis introduced a resolution calling for northern and southern schools to be integrated at the same speed. The resolution was seen as pure symbolism designed to embarrass northern liberals.

Abe Ribicoff confounded everyone. He supported Stennis. "The North", Abe said, "is guilty of monumental hypocrisy." Thanks largely to him, the resolution passed. And thanks to Abe Ribicoff, the Senate went back to work debating civil rights, not symbols.

Time and time again during his Senate years, Abe demonstrated his considerable political skills and his remarkable sense of timing. His Senate colleagues—regardless of political party—and Presidents—irrespective of political persuasion—looked to Abe Ribicoff for leadership.

He created the Departments of Energy and Education. He took the Tokyo Round trade legislation through the Senate, advancing the global trade that today strengthens prosperity in our country and so many others.

Abe Ribicoff met with Anwar Sadat and saw in him a man seriously interested in peace—and Abe had the strength to say so, controversial as that was.

Abe urged the newly elected President, Jimmy Carter, to make peace in the Middle East a priority, and he stood with him in that battle.

Abe Ribicoff also believed deeply that America is a land of opportunity and equal justice. He abhorred discrimination in all its forms. He knew it in his own life.

During his campaign for Governor in 1954, an ugly whispering campaign questioned whether Connecticut was ready for a Jewish Governor. Abe Ribicoff threw aside his notes and answered from the heart:

> In this great country of ours, anybody, even a poor kid from immigrant parents in New Britain, [can] achieve any office . . .. or any position in private or public life, irrespective of race, color, creed, or religion.

The voters of Connecticut answered by electing Abe Ribicoff their Governor.

In 1956, a young Senator from Massachusetts was mentioned as a possible vice-presidential candidate. Ironically, many Catholics questioned whether America was ready for an Irish Catholic after what had happened to Al Smith less than three decades earlier.

Abe Ribicoff, speaking to the Irish Catholic leadership of the Democratic party, took exception:

"I never thought", he said, "I'd see the day when a man of the Jewish faith had to plead before a group of Irish Catholics about allowing another Irish Catholic to be nominated for the position" of Vice-President.

In 1976, similar questions were raised about whether a born-again Baptist could serve as President of the United States. Without a moment's hesitation, this Connecticut yankee answered: judge the man, judge his ideas. But do not judge his personal faith.

Abraham Ribicoff, this son of Polish Jewish immigrants, lived most of his professional life at the highest, most auspicious levels. He knew his share of Governors, Senators, Presidents, Prime Ministers and Kings.

But he also knew the hardship of growing up poor among the factories and mills of New Britain, Connecticut.

Perhaps those experiences help explain why even as he rose to the highest levels of American public life, he never forgot about those whom he served. He understood that the power of government, the laws of the land, mean nothing if not harnessed to help ordinary citizens surmount everyday obstacles as well as attain their noblest aspirations.

It's hard to step away from politics. Most politicians don't do it very well. Abe surprised everyone in 1979 when he said he would not run for another term. As he said so often: "there is a time to come, and a time to go."

Abe Ribicoff's impeccable sense of timing was at work again. I remember how proud I was that day in 1980 when he placed my name in nomination for his seat in the United States Senate. Even though he was leaving politics, he offered his assistance.

I suggested we spend an early morning shaking hands with commuters headed for New York. I'll never forget what he said: "Chris, if I were willing to stand in the cold dawn shaking hands on a train platform in Stamford, I'd run again myself."

I consider myself very fortunate to have succeeded Abe in the United States Senate, and to have been able to call on him many times for advice and guidance. No one of my generation could have had a better political mentor or friend.

I have spoken of Abraham Ribicoff as a public servant. He was also a husband, a father, and a very proud grandfather. To you, Casey, and the family I convey—on behalf of Abe's colleagues in the United States Senate and the people of Connecticut—our deepest sorrow.

Allow me to close with an appropriate reading from Hebrew text.

Even a long life ends too soon,
But a good name endures forever.
Blessed is he whose noble deeds remain his memorial
After his life on earth is ended.

EULOGY FOR SENATOR ABRAHAM A. RIBICOFF

(By U.S. Circuit Judge Jon O. Newman)

Casey, Jane and Steve, Peter and Mercedes, Peter and Robin, and all the family; Governor Roland, Governor O'Neill, Senators and Members of Congress; and the many friends of Abe Ribicoff.

We are mourning the death yet celebrating the life of one of the most remarkable public figures of our time. The specifics of his career are well known to all of you. Who else in American public life has served as state legislator, state court judge, U.S. Congressman, Governor, cabinet secretary, and three-term U.S. Senator?

But the offices held do not convey the substance of the man. Time does not permit a full chronicling of his achievements nor would such a litany adequately reveal what was most important about the public service of Abe Ribicoff—it was the way he went about the task of translating representative government into action. He did not measure public opinion to see what course was safe. He relied on his instincts, his mind, his heart, and ultimately his conscience to guide him toward leadership roles on the vital issues that confronted his state, his nation, and the world.

He was in the forefront of those issues, often identifying them long before they became politically attractive. In Connecticut, his issues were fiscal responsibility, court reform, education, and highway safety. On the national scene, he was a leader in the battles for federal aid to education before that concept became a fact of American life; for Medicare, when that program was just a distant proposal; for welfare reform long before it was understood that welfare needed reforming; and for a host of programs to aid children, medical research, and environmental protection.

Abe Ribicoff believed in civil rights and played a key role in crafting the historic Civil Rights Act of 1964, skillfully bridging the political chasm that separated legislators in the North and the South.

Years later, he led the efforts to create the Department of Education and the Department of Energy.

He was a major figure on the international scene. His issues ranged from free trade to nuclear non-proliferation to strategic arms control. Perhaps his major foreign policy role concerned the Middle East peace effort that culminated in the Camp David Accord. At a time when skeptics doubted the possibility of any progress on that front and politicians feared the risks of trying, he broached the matter forcefully, yet tactfully, to the leadership of Israel and Egypt and to then-President-elect Carter. It was Abe Ribicoff who privately suggested to Anwar Sadat that he make his historic visit to Jerusalem.

Abe Ribicoff was that essential figure in the life of a vibrant democracy—a link between the citizens who gave him their votes and their trust, and the seats of governmental power where he made the system work for the public interest. He won votes but he did not pander. He exercised governmental power but he did not abuse it. He respected people and institutions, and he brought out the best in both.

And always he conducted himself with dignity, and a keen sense of who he was and where he came from. He was at east with presidents and kings, with corporate leaders in Hartford and shipyard workers in New London.

He was a complex man—at times serious and reserved, at times relaxed and full of cheer; tough when necessary, then warm, sensitive and caring; a man admitted from afar who won devotion from those who knew him well.

It seemed to me that there was a wonderful blend of characteristics in this uncommon man—always the urbane sophistication yet on occasion just a trace of innocence that never left the son of immigrant parents whose climb to the top began in a tenement on Star Street in New Britain.

Connecticut was always in his heart. He loved the State, its cities and towns, its villages and countryside, and especially his beloved Cornwall.

Throughout his career, he enjoyed the loyalty and dedication of his staff members, and he always encouraged their advancement to careers on their own. I can assure you that when Abe Ribicoff was in your corner, your changes to success were immeasurably improved. He sponsored my entire public and judicial career, and he was my closest friend in public life.

In an era of widespread cynicism about the political and governmental systems of our Nation, Abe Ribicoff lived the sort of public life that represented the best in the American democracy. He did so because he believed in that democracy.

On the night he needed his campaign for governor in 1954, this is what he said to the people of Connecticut:

"When I was a boy growing up in New Britain, Connecticut, as a young boy I would walk to the outskirts of the town through the fields, heavy with the smell of summer growth, and I would lie under a tree and I would dream. Yes, I dreamed the American Dream. And what was the American Dream?

"Frankly, at that time, I never dreamed that some day I would be a nominee for governor. I knew this great country because I had studied its history, and loved it. I knew that in this great country, any boy or girl could dream the dreams that could send them vaulting to the sky, no matter high. I knew that in America generations after generations, no matter how humble, could rise to any position in the United States of America, whether it be in private industry, in business, in the professions, or in government.

"Now, it is not important whether I win or lose—that is not important tonight at all. The important thing, ladies and gentleman, is that Abe Ribicoff is not here to repudiate the American Dream. Abe Ribicoff believes in that American dream and I know that the American dream can come true. I believe it from the bottom of my heart, and your sons and daughters, too, can have the American dream come true."

Abe Ribicoff helped make democracy work, and he served throughout his extraordinary career as he lived and as he died—with decent instincts, with integrity, and with dignity. He loved his family, his God, his state, and his country, and all of us who knew him have lasting memories of a remarkable human being.

ELOQUENT TRIBUTES TO "GOOSE" McADAMS

Mr. KENNEDY. Mr. President, earlier this year, Michael E. McAdams, a respected consultant and friend to many of us here in Washington, D.C., passed away.

Mr. McAdams—affectionately known as "Goose" by his many friends and associates—was a passionate, intelligent, effective advisor and consultant. During his extraordinary career, he worked closely with me, with our colleagues Senator DODD, Senator BIDEN, and Senator PELL as well as with Speaker Tip O'Neill and many others, and we admired and respected him very much.

In addition, Goose worked abroad with the National Democratic Institute. To citizens of South Africa, Botswana, Czechoslovakia, and many other countries, he brought his vast knowledge of the institutions of democracy, and his fervent belief that democracy is the best hope for freedom and political stability.

At his funeral, the eulogies by Senator DODD and by Goose's friend Joseph Hassett recalled Goose's extraordinary life in very moving terms. I ask unanimous consent that these eloquent tributes be printed in the RECORD.

There being no objection, the tributes were ordered printed in the RECORD as follows:

MICHAEL EGAN MCADAMS

September 5, 1944—February 25, 1998

"FINAL WORDS FOR MY FRIEND"

(By Christopher J. Dodd)

Hope, Steve and Simon, Wootie and Peter—this is for you.

Walt Whitman said "Logic and sermons never convince." The same could be said of eulogies.

There's no way to say good-bye to your best friend.

A friend made at any time of life is a treasure. But a friend made in youth and kept for life is the rarest, most wonderful gift. Michael and I shared that gift for nearly our entire lives.

So, little did I suspect that cold January morning, waiting for the Georgetown Prep School bus at the corner of Wisconsin and Q Streets, that the goofy looking, gangly, string bean of a 14 year old—with arms and legs flailing like a windmill, loping down the street, would become my closest pal over the next 40 years.

I was about to meet my new classmate, Michael Egan McAdams, ever after to be known as Goose—the Goose, Gooser, the Goo, and many other variations of the name.

People often asked how Goose obtained his nickname. Like any good story, there are competing versions. Jay Hickey has his. I have mine. And since I'm the one up here speaking, I'll give you what will from now on be considered the official version.

I gave him the name.

As a schoolboy, he had long legs and a long neck. He also loved basketball, and had a special fondness for a Harlem Globetrotter named Goose Tatum.

Anyway, the name stuck with him for life and he never complained.

And when you think about it, why should he have complained?

The goose is a noble creature. The goose is loyal for life.

The goose flies in a flock to protect his fellow travelers.

And when not in flight, the goose rests in gaggles, where he builds large comfortable nests with his companions.

The goose is neither a duck, nor a swan. It is something separate, with its own classification. That was our Goose, too. He was special. And we felt special when he stretched his long arms to welcome us into his company.

There's an old saying from around the time of the Civil War: "The goose hangs high." It means that all is wonderful, and it refers to the fact that geese fly higher in good weather.

With our Goose, we, too, flew high. His enthusiasm for life was infectious. He shared with us his love of politics, language and friends. He loved the bright uncluttered light of the Eastern Shore. With him, life always offered a fresh idea, a good story, a laugh to share.

Over the next four decades of our friendship, much of Goose's physical appearance changed for the better, thank God.

The clothes he wore that January day years ago, however, remained virtually unchanged over the years. Shirt tail hanging out—shoes that defied description and pants whose cuffs were not only never introduced to his socks, but did not even come close to meeting them.

But the "piece de resistance", the trademark, the symbol, by which we could all spot Goose in a crowd for the rest of our lives, was the sport jacket.

The mangiest piece of apparel I had ever seen. Yellowish/brown in color—with holes and fuzz balls all over—lapels an ⅛ of an inch wide and a hem that hung just above his skinny butt.

While I am confident Goose must have bought several of these sport coats over the years, I'm not absolutely certain that the one he was wearing the day we met is different than the one he insisted on being buried in today.

Now, to the unacquainted, Goose must have appeared just a sloppy guy. But to those gathered here today to say good-bye to our friend, it says far less about Goose's wardrobe than it does about the wonderful person wearing that coat.

On his list of priorities, Goose has always placed himself last. Throughout the years that I knew him, Goose was always doing for others—helping plan events, talking to friends' children, or just listening to our streams of woe.

I cannot recall a single instance when Goose was not available to his friends. I can't recall a single major event in my own life over these past 40 years when my pal Goose was not at my side.

And while we had a very special relationship, I know that many of you gathered here today had a similar connection with Goose.

During those intense four days earlier this week at the Arlington Hospital, I found myself getting angry with Goose's selfishness, for not taking better care of himself. I got angry at myself and others for selfishly asking too much of Goose over the years.

And then, despite my very deep and unconsolable grief at the loss of my friend, I realized that Goose—the 14 year old boy I met so long ago, and the man I said I loved and good-bye to 5 minutes before he died—loved people, loved his friends, loved being involved in the lives of the people he cared so much about. So rather than spend time analyzing Goose's life, let us just accept the fact that more or less, Goose lived life the way he wanted to, and we, whom he called friends for however long or short a time—were given a glorious gift from God.

Now I am not going to take you on a maudlin 40 year journey of our friendship. Some of the best times Goose and I had together, I am going to enjoy remembering all by myself.

Goose's interests were not restricted. In fact, one of the most appealing qualities was his curiosity, but throughout the years of our friendship, three things have remained constant: His love of politics, his love of words and his devotion and loyalty to his friends.

Bear with me while I share a few memories. Throughout his life, Goose was a Yellow-dog Democrat.

From the time he entered the hospital, Goose would drift in and out of sleep.

On the occasions when he was awake, politics was on his mind. "Why did you vote for that Ronald Reagan Airport?" he asked. "I heard your latest polls were up, have you checked the cross-tabs?" And when I suggested that I should bow out of giving the eulogy at Senator Abe Ribicoff's funeral in New York, he waved at me with something less than all five fingers and gave me the sign to get up to New York and do my job. Always the campaign manager!

Goose's family were Adlai Stevenson Democrats and he loved being around politics. In January 1961, we hiked to President Kennedy's Gala in the snow and watched the Inaugural Parade together all the next day.

It was at Georgetown Prep that I painfully learned how not only interested Goose was in politics, but also, how adept he was at the game. My good friends Jay Hickey, Paul Bergson and I ran against each other for the office of Vice President of the Yard.

For whatever reason, probably because I characteristically got into the race late, Goose had signed on as Jay's campaign manager.

And even though Goose designed posters for me which read, "In Dodd We Trust," "Holy Dodd We Praise Thy Name," and "All Glory to Dodd"—which for obvious reasons the good Jesuits would not allow up—Jay won the race.

I did not know what the future would hold for me in those days, but I made a promise to myself that I would never enter another political contest without Goose at my side. And that is where he has been for a quarter of a century.

Today, my friend Jay Hickey works for the Horse Council and I'm entering my 24th year in Congress. I rest my case.

Over the years, Goose has also worked for Senator Kennedy, Senator Pell, Senator Biden, Speaker O'Neill, and numerous other candidates, both at home and abroad.

He was particularly proud of the work he did abroad with the National Democratic Institute teaching the fundamentals of democracy to people in such far flung places as South Africa, Botswana and Czechoslovakia.

One of my favorite Goose campaign stories was how, unbeknownst to Goose, his candidate for president in a foreign country had been found guilty of assassination in his younger years.

Goose designed the campaign and then convinced the electorate that while the charge was true, it had merely been a college prank!

For a person who was so enamored of language, Goose had the most atrocious penmanship of anyone I know.

Like his attire, Goose's handwriting is the same today as it was when I was copying his homework in the bus on the way to Prep. Goose was extremely bright and handled his schoolwork with apparent ease. Not surprisingly, his strengths were languages—Latin, Greek, and English.

Goose could roar through a crossword puzzle.

His love of words and language was also clear in his almost unquenchable appetite for books.

I have never known a better-read person or a person who was more able to retain what he had just devoured. And his taste in literature was completely eclectic—history, biography, novels, science fiction, poetry. Goose adored books.

How prophetic that his last book was a rereading of *Moby Dick*, which he couldn't stop talking about.

But to really understand Goose's love affair with words, you only had to bring up the subject of music. From my earliest recollection of Goose, he took such pleasure from songs.

Now, I love Goose, but despite my deep affection for him and despite what he thought, any song he -sang came out sounding the same—"Greenback dollar".

I can still see him standing on the hall landing on Manning Place—guitar in hand, convinced he was one audition away from joining the Kingston Trio. Then it was the Everley Brothers, Simon and Garfunkel, and countless other groups whose names I never understood, let alone their music.

I don't have the slightest idea who wrote or sang the song, "The House of the Rising Sun." But for a period of several years, it seems, the only memory I have of Goose is him singing that damn song.

Music was the only interest we did not share in common. But it made little or no difference to my pal Goose. Only a few weeks ago, he put on some music videos and insisted I watch them.

It always impressed me that Goose was open to new sounds. A few years ago, he wanted me to hear "The Cure". I thought he was involved in some kind of holistic healing!

For Goose, the most significant voice was Bob Dylan's. He deeply believed that Dylan was one of the most important poets of this century.

Goose loved Bob Dylan. Maybe because Dylan was the only singer whose voice was worse than his.

Goose must have told me a thousand times how meaningful it was for him to have been in Newport during the 1965 Folk Festival, when Dylan went electric. For Goose, it was a moment of historic importance, like the moon landing or the end of World War II.

How incredibly ironic that on the day we lose Goose, Bob Dylan finally receives the long overdue recognition at the Grammy's.

Two thoughts passed through my head:

(1) How sorry I was Goose wasn't with us to hear this news; and

(2) That old fox, Goose, didn't waste any time up there pulling a few strings for people he cared about. I bet Bob Dylan would be surprised to know he had an angel named Goose.

In Goose, Dylan would have found a person who truly was "Forever Young"—who fulfilled that song's hope of a "heart always . . . joyful" and a "song always . . . sung." Goose possessed a freshness, an honesty, a sense of mirth and wonder that grow rare with age.

It was Goose's devotion and loyalty to his friends that I will miss the most. Once he was on your side, he was immovable, and what pride and pleasure he took in his friends' success, and how incredibly comforting his silent presence could be when the news was not good.

Over the past days, as we have reminisced about our memories of Goose, one point was repeated over and over and over again:

Goose had the ability to forge strong bonds of friendship with not only a wide range of people intellectually and professionally, but also with people from completely different generations, oftentimes within the same family.

Understand what I am saying. I do not just mean being friendly to someone's children or their parents. I mean forming long, serious friendships with these people separate and distinct from each other.

A mere glance around this church reflects what I am saying.

The reason Goose did this so easily was because he treated everyone alike.

He didn't talk down to children, or try to ingratiate himself with someone's parents. He answered questions honestly—and most importantly, he listened. Goose had an easy and natural way with his male friends—and he had long lasting and trusting relationships with women.

A friend of mine who did not know Goose that well told me a story that explains why. One summer afternoon, she and a group of women friends were sitting by his pool on the Eastern Shore. This woman said to him: "You must be in heaven surrounded by beautiful women." "No,"

Goose said, "surrounded by smart women." Goose's fondness for kids is well known. There are many young people here today who have come long distances because they wanted to say goodbye themselves.

I always loved the story of one young lady who is here today. When she was about 10 years old she decided the godfather she had been given at birth was not performing very well. On her own, she went to Goose and asked him if he would take on the job.

The night Goose arrived at the hospital, a dear friend to Goose suggested a book be kept of all the calls and visitors. When asked why, she said so Goose will know that he has friends.

Well Goose, we never kept the book and we lost you too quickly. But we know that you know this church is filled with your friends. Therefore, in the words of another great Irishman, you can say:

Think when man's glory
Most begins and ends
And say, my glory is
I had such friends.

The last thing I want to tell you is how strong Goose was at the end. When given the news that there was no hope, he was furious. Then anger became resolve and very quickly he set his house in order. Goose's friends Tom Bryant and Jackie were at his side early Wednesday morning.

Goose left us with great strength and dignity.

So dear friends—
Do not let your grief be equal to his worth
For then your sorrow
Hath no end.

"GOOSE" BY JOSEPH M. HASSETT

The essence of Goose was the total intensity with which he lived every minute of his life. So much of that intensity was invested—not in some selfish pursuit of his own—but in the sheer delight of talking with his friends—amusing them, supporting them, and glorying in their triumphs.

Goose was unnatural in our success-besotted age because he was a true believer in the ancient Roman religion summed up by Horace when he said "Carpe diem quam minimum credula postero" (Seize the day, trusting as little as possible to tomorrow). Trusting as little as possible to tomorrow was another part of the essence of Goose. He seized the day with such intensity that his life burned like a firecracker's fuse. And in the spark and crackle of that shimmering fuse lies the awful logic of Goose's early death: the fuse burned too intensely to burn too long.

William Butler Yeats revealed this logic in terms of the difference between lives that burn slowly like damp faggots and those that consume themselves in the flash of intensity. Yeats could have been writing about Goose when he wrote these lines about Robert Gregory:

Some burn damp faggots, others may consume
The entire combustible world in one small room
As though dried straw, and if we turn about
The bare chimney is gone black out
Because the work has finished in that flare.

* * * * *

What made us dream that he could comb grey hair?

What made us dream that our beloved Goose could comb grey hair? His life burned too brightly for that, consuming itself in the lavish gifts of his genius for friendship, his prodigal profusion of empathy for his friends, his delight in the simple fact of their being there.

Goose had a unique and precious ability to experience and communicate the sublimity of a moment of being alive. I think, for example, of the beautiful glow of pure joy radiating from Goose on a Sunday afternoon's sail on Rehoboth Bay: Coach at the tiller, the wind behind us, the late afternoon sun angling off the water in silver glitter, and Goose's exultation in this splendor of it all.

That exultant glow was Goose's special brand of magic. It was an ability to recreate the rapture the Romantics thought had vanished from the world—what Shelley called the "clear, keen joyance" of the skylark; what Wordsworth called "the hour of splendour in the grass"; what Keats heard in the nightingale singing "of summer in full-throated ease."

Every one of you, I know, experienced just such a moment with Goose—a moment in which he made this tarnished world shine; and made it shine for you—because of you, because of something you did. And so, when Goose died, a spot of joy in each of us died with him.

That is why it is such a bitter pill we swallow here this morning. We do have, at least, the consolation of our beautiful memories of our dear, dead Goose. His kindred spirits, the Romans, thought that such moments were a form of immortality, that memorable characters like Goose live on in the memories of their friends.

No doubt many of your memories will feature Goose's voice, talking the midnight through in full-throated ease. None of us will forget those nocturnal plumbings of the depths of life, the universe and everything. They may have taken place at Channing's mistake, at your house, at your parents' house, at Dolan's at Bethany, at John Sis's parents', at John and Mary Sis's at Wintergreen, at Bobby Sis's in Annapolis, at Julio and Jean's, at Baba Groom's on the Eastern Shore, at 104 West Street, at 77 Holly Road, at the Roma, Poor Roberts, the Raw Bar . . . Wherever those conversations took place, they are the stuff of beautiful memories. And better still, is the memory of waking up the next morning and gradually becoming aware that, somewhere in the depths of the house, Goose was already sounding the themes of the new day. We still have our memories of that happy voice.

The Greek poet Callimachus wrote a beautiful poem about the way in which the voices of conversations like those we had with Goose can live on in our memory. Callimachus's poem grew out of the death of his friend Heraclitus while on a journey to Caria in Asia Minor. When the bitter news reached Callimachus, he was filled with grief. But there was room amongst the tears for the comforting memory of how the two friends had talked long into the night, had, as Callimachus said in his poem, "tired the sun with talking and sent him down the sky." Callimachus heard the voice of his friend from those conversations in the sound of nightingales singing, Goose-like, in full-throated ease. William Cory translated Callimachus's poem into eight lines of English. I leave them with you as a memento of our dear pal Goose:

They told me Heraclitus, they told me you were dead,
They brought me bitter news to hear and bitter tears to shed.
I wept as I remembered how often you and I
Had tired the sun with talking, and sent him down the sky.
And now that thou art lying my dear old Carian guest,
A handful of gray ashes, long, long ago at rest,
Still are thy pleasant voices, thy nightingales, awake;

For Death, he taketh all away, but them he
cannot take.

MASSACHUSETTS HOUSE OF REPRESENTATIVES ASKS CONGRESS TO RESTORE FOOD STAMPS TO LEGAL IMMIGRANTS

Mr. KENNEDY. Mr. President, last week, the conferees on the Agricultural Research bill made a down payment toward restoring food stamps for the needy legal immigrants. The conference report on the bill includes $818 million for this program. It is far less than the $2 billion proposed in the President's budget, and it covers a much smaller group of immigrants.

The conferees' proposal is a bipartisan effort. Both Republicans and Democrats urged them to take this step as soon as possible.

Yet, the Republican leadership in the Senate is ignoring the urgent need. The Republican budget does not include a single penny to restore food stamps to immigrant children, refugees, Hmong veterans, or elderly and disabled legal immigrants, and the Republican leadership has declined to allow the Senate to pass the Agricultural Research bill.

The food stamp cut-off has hurt immigrant families, and it has also hurt state and local governments, who must fill the gap. As a result, governors and state legislatures have joined Congress to restore these food stamp benefits. As Governor Bush of Texas said, "Food stamps are a federal program and the federal responsibility, but the federal government is shirking its responsibility. The rules have changed unfairly and retroactively for those least able to help themselves."

Today, the Massachusetts House of Representatives passed a resolution urging Congress to restore adequate federal funding to the food stamp program so needy immigrants in the Commonwealth of Massachusetts can receive desperately needed food aid. I ask unanimous consent that this resolution be placed in the RECORD following my remarks.

It is time for the Senate to act on the Agricultural Research bill. It is unconscionable that these benefits can continue to be denied.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS—RESOLUTION

Whereas, in August of nineteen hundred and ninety-six, the United States Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, so-called; and

Whereas, Congress in said act forbade use of Federal funds to provide SSI benefits and food stamp benefits for financially needy immigrants lawfully residing in the United States; and

Whereas, legal immigrants pay taxes and contribute in many ways to the productivity and vitality of our communities; and

Whereas, the United States was founded and built by immigrants; and,

Whereas, Congress should be applauded for the restoration of SSI benefits for legal immigrants through passage of the Balanced Budget Act of 1997; and

Whereas, Congress must continue in this effort by resolving to restore its financial responsibility in the Food Stamp Benefits Program as the present situation imposes a financial burden on the States and needy residents of the States: Now therefore be it

Resolved, That the Massachusetts House of Representatives requests that the President and the Congress of the United States restore to the States the authority to provide Federally funded food stamp benefits to needy, lawful residents of the United States; and be it further

Resolved, That the Massachusetts House of Representatives respectfully requests that the President and the Congress of the United States restore to the Commonwealth adequate Federal funding to allow for the provision of food stamp benefits for financially needy immigrants lawfully residing in this Commonwealth; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the House of Representatives to the President of the United States of America, the presiding officer of each branch of the United States Congress and each member of the Massachusetts Congressional Delegation.

RUNNING' UTES

Mr. HATCH. Mr. President, I spent part of last weekend in San Antonio at the Alamodome watching some of the most exciting basketball I have seen in a long time.

I was there as one of the "Runnin' Utes" biggest fans. In a state that has a strong basketball tradition, the University of Utah men's basketball team has given us an extraordinary season. Our entire state is proud of this team and proud of its coach, Rick Majerus.

It is a tribute to the exceptional skills of any college team to make it to the "Final Four." The two games on Saturday evening were a sports fan's dream. Stanford and North Carolina put their best into the games, and they were exciting to watch.

Of course, I am disappointed in the outcome of Monday's final championship game in which Utah lost to another fine team from the University of Kentucky—a team which has become known as the "Comeback Cats."

Nevertheless, Monday night's championship game caps a brilliant season for the Utes that started with the longest undefeated streak in the country and ended in a fantastic tournament run to the finals. The championship battle showcased two teams that were not favored to be there. Despite Kentucky's tremendous history and great success in the 1990s, the Wildcats were overshadowed by other teams who filled the top spots in the polls all year. Similarly, Utah was overlooked by many sportswriters for much of the year, even though it began the season with the best record in the country.

Mr. President, the University of Utah's season was a great accomplishment not only for the team, but also for the entire university community, the Western Athletic Conference, and the great State of Utah.

Since taking over the reins at the "U" in 1989, Coach Rick Majerus has made Utah one of the best teams in the country during the 1990s. He has done so by encouraging tremendous discipline and work ethic, stressing both basketball fundamentals and positive attitude. Rick Majerus is also a coach who cares about his players beyond their ability to play ball; he understands the importance of other aspects of the university mission, including academics and community citizenship. It is important to note that Ute players have excelled in other pursuits as well. Seniors Michael Doleac and Drew Hansen, for example, are headed for medical school and law school respectively.

Mr. President, I am extremely proud of the University of Utah for a tremendous year. It is said that everyone loves a winner. Well, this team has been truly outstanding both on and off the court. They have won with grace and lost with dignity. These same attributes are reflected in the loyal Utah fans. Some 4000 die-hard supporters viewed the game on a giant screen in the university's Huntsman Center. And, despite the heartbreaking loss, Ute fans have continued to be proud of their team. After the players and coaches returned to campus late Tuesday, they joined students and fans in an exuberant pep rally to celebrate their achievements. On Wednesday, a parade was held in their honor, culminating on the steps of City Hall. Mayor Deedee Corradini and the city council presented the team with the key to the city.

I want to congratulate the entire Ute team: The coaching staff, including Coach Majerus and his great assistant coaches Donny Daniels, Jeff Judkins, and Brock Brundhorst. And, my hat is off to the players: Michael Doleac, Drew Hansen, Andre Miller, Hanno Mottola, Alex Jensen, Jordie McTavish, David Jackson, Nate Althoff, Greg Barratt, Jon Carlisle, Trace Caton, Britton Johnsen, and Adam Sharp. Thanks for giving us so much to cheer about.

THE VERY BAD DEBT BOXSCORE

MR. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 1, 1998, the federal debt stood at $5,540,550,647,696.94 (Five trillion, five hundred forty billion, five hundred fifty million, six hundred forty-seven thousand, six hundred ninety-six dollars and ninety-four cents).

One year ago, April 1, 1997, the federal debt stood at $5,375,122,000,000 (Five trillion, three hundred seventy-five billion, one hundred twenty-two million).

Five years ago, April 1, 1993, the federal debt stood at $4,225,874,000,000

(Four trillion, two hundred twenty-five billion, eight hundred seventy-four million).

Ten years ago, April 1, 1988, the federal debt stood at $2,509,151,000,000 (Two trillion, five hundred nine billion, one hundred fifty-one million).

Fifteen years ago, April 1, 1983, the federal debt stood at $1,237,481,000,000 (One trillion, two hundred thirty-seven billion, four hundred eighty-one million) which reflects a debt increase of more than $4 trillion—$4,303,069,647,696.94 (Four trillion, three hundred three billion, sixty-nine million, six hundred forty-seven thousand, six hundred ninety-six dollars and ninety-four cents) during the past 15 years.

WAKE-UP CALL ON ENCRYPTION

Mr. LEAHY. Mr. President, it is time the Administration woke up to the critical need for a common sense encryption policy in this country. I have been sounding the alarm bells about this issue for several years now, and have introduced encryption legislation, with Senator BURNS and others, in the last Congress and again in this one, to balance the important privacy, economic, national security and law enforcement interests at stake. The volume of those alarm bells should be raised to emergency sirens.

Because of the sorry state of our current encryption policies and, specifically, our export controls on encryption, we are seeing increasing numbers of high-tech jobs and expertise driven overseas. Recently, a large computer security company, Network Associates, announced that it will make strong encryption software developed in the United States available through a Swiss company. Encryption technology invented with American ingenuity, will now be manufactured and distributed in Europe, and imported back into this country. All those good, high-tech jobs associated with Network Associates' encryption product are now in Europe, not in Silicon Valley, not in Vermont, not in any American town, because of our outdated export controls on encryption.

Network Associates is not the first American company to face the dilemma of how to supply its customers, both domestic and foreign, with the strong encryption they are demanding and also comply with current export restrictions on encryption. Other companies, including Sun Microsystems, are cooperating with foreign companies to manufacture and distribute overseas strong encryption software originally developed here at home.

I have said before, and repeat here again, that driving encryption expertise overseas is a threat to our national security, driving high-tech jobs overseas is a threat to our economic security, and stifling the widespread, integrated use of strong encryption is a threat to our public safety. That is why I have called in legislation for relaxation of our export controls on encryption.

Over the past month, we have learned of two serious breaches of computer security that threaten our critical infrastructures. Both incidents were apparently caused by teenagers using their home computers to trespass into the computer systems of the Department of Defense, the telephone network, the computer system for an airport control tower, and into the computer database of a pharmacy containing private medical records. One of these adolescent explorations in cyberspace disrupted telephone service in Rutland, Massachusetts and shut down the control tower at a small airport.

The conduct of these teenagers is now the subject of criminal investigation, due in large part to the great strides we have made in updating our criminal laws to protect critical computer networks and the information on those networks. I am proud to have sponsored these computer crime laws in the last two Congresses. But targeting cybercrime with criminal laws and tough enforcement is only part of the solution. While criminal penalties may deter some computer criminals, these laws usually come into play too late, after the crime has been committed and the injury inflicted.

We should keep in mind the adage that "the best defense is a good offense." Americans and American firms must be encouraged to take preventive measures to protect their computer information and systems. A recent report by the FBI and Computer Security Institute released shows that the number of computer crimes and information security breaches continues to rise, resulting in over $136 million in losses in the last year alone.

The lesson of the recent computer breaches by the teenagers is that all the physical barriers we might put in place can be circumvented using the wires that run into every building to support the computers and computer networks that are the mainstay of how we do business. A well-focused cyberattack on the computer networks that support telecommunications, transportation, water supply, banking, electrical power and other critical infrastructure systems could wreak havoc on our national economy or even jeopardize our national defense or public safety.

We have been aware of the vulnerabilities of our computer networks for almost a decade. In 1988, I chaired hearings of the Subcommittee on Technology and the Law on the risks of high-tech terrorism. It became clear to me that merely "hardening" our physical space from potential attack is not enough. We must also "harden" our critical infrastructures to ensure our security and our safety.

That is where encryption technology comes in. Encryption is one important tool in our arsenal to protect the security of our computer information and networks. Both former Senator Sam Nunn and former Deputy Attorney General Jamie Gorelick, who serve as co-chairs of the Advisory Committee to the President's Commission on Critical Infrastructure Protection, testified at a hearing last month that "encryption is essential for infrastructure protection."

Yet, even computer security experts agree that U.S. encryption policy has "acted as a deterrent to better security." As long ago as 1988, at my High-Tech Terrorism hearing, Jim Woolsey, who later became the director of the Central Intelligence Agency, testified about the need to do a better job of using encryption to protect our computer networks.

I have long advocated the use of strong encryption by individuals, government agencies and private companies to protect their valuable computer information. Indeed, a major thrust of the encryption legislation I have introduced is to encourage—and not stand in the way of—the widespread use of encryption. This would be a plus for both our law enforcement and national security agencies.

Unfortunately, we still have a long way to go to update our country's encryption policy to reflect that this technology is a significant crime and terrorism prevention tool. I am particularly concerned by the testimony of former Senator Sam Nunn last month that the "continuing federal government-private sector deadlock over encryption and export policies" may pose an obstacle to the cooperation needed to protect our country's critical infrastructures.

At the heart of the encryption debate is the power this technology gives computer users to choose who may access their communications and stored records, to the exclusion of all others. For the same reason that encryption is a powerful privacy enhancing tool, it also poses challenges for law enforcement. Law enforcement agencies want access even when we do not choose to give it.

The FBI has made clear that law enforcement wants immediate access to the plaintext of encrypted communications and stored data, and, absent industry capitulation, will seek legislation to this effect. Indeed, while much of this debate has focused on relaxation of export controls, the FBI has upped the ante. Recognizing that the encryption genie is out of the bottle, the FBI has indicated it may seek import restrictions and domestic controls on encryption.

The FBI has told me in response to written questions that: "[I]f the current voluntary efforts are not successful, . . . it is the responsibility of the

FBI . . . to seek alternative approaches to alleviate the problems caused by encryption. This would include legislative remedies which effectively address law enforcement concerns regarding the import of robust encryption products, as well as encryption products manufactured for use in the U.S."

The Administration has not disavowed this position. In a recent letter to the Minority Leader, the Administration expressed a preference for a "good faith dialogue" and "cooperative solutions" over "seeking to legislate domestic controls," but has clearly not ruled out the latter approach.

Even as our law enforcement and intelligence agencies try to slow down the widespread use of strong encryption, technology continues to move forward. Ironically, foot-dragging by the Administration on export controls and threats by the FBI to call for domestic encryption controls, have only motivated computer scientists to find alternative means to protect the privacy of online communications that may, in fact, pose more of a challenge to law enforcement.

Indeed, the terms of the current encryption debate may soon become moot. The New York Times reported a few weeks ago that Ronald Rivest of MIT has developed a new method for protecting the confidentiality of electronic messages that does not use encryption. Instead, this method breaks a message into separate packets, each marked with a special authentication header, and then "hides" those packets in a stream of other packets. Eavesdroppers would not know which packets were the "wheat" part of the message and which packets were the irrelevant "chafe". As Mr. Rivest noted in his article announcing this technique, "attempts by law enforcement to regulate confidentiality by regulating encryption must fail, as confidentiality can be obtained effectively without encryption and even sometimes without the desire for confidentiality by the two communicants."

I know that others of my colleagues, including Senators BURNS, DASCHLE, ASHCROFT, KERREY, and McCAIN, share my appreciation of importance of this encryption issue for our economy, our national security and our privacy. This is not a partisan issue. This is not a black-and-white issue of being either for law enforcement and national security or for Internet freedom. Characterizing the debate in these simplistic terms is neither productive nor accurate.

Delays in resolving the encryption debate hurt most the very public safety and national security interests that are posed as obstacles to resolving this issue. I look forward to working with these colleagues on sensible solutions in legislation, which will not be subject to change at the whim of agency bureaucrats.

Every American, not just those in the software and high-tech industries and not just those in law enforcement agencies, has a stake in the outcome of this debate. We have a legislative stalemate right now that needs to be resolved, and I plan to work closely with my colleagues on a solution in this congressional session.

I commend Senator ASHCROFT for holding an encryption hearing last month and providing a forum to discuss the important privacy and constitutional interests at stake in the encryption debate. How we resolve this debate today will have important repercussions for the exercise of our constitutional rights tomorrow. Do you agree with me that every American, not just those in the high-tech industries and not just those in law enforcement agencies, has a stake in the outcome of this debate?

Mr. ASHCROFT. Yes, I do. The testimony presented at the hearing made clear that how we resolve the law enforcement issues at the heart of the encryption debate may affect the exercise and protections of important First, Fourth and Fifth amendment rights. While we must ensure law enforcement the appropriate amount of access we cannot do so at the expense of important constitutional liberties. As I mentioned at the hearing, the FBI has argued that a system of mandatory access to private communications—or a system in which the federal government strongly "persuades" individuals to hand over their rights to the FBI—would make it easier for law enforcement to do its job. Of course it would, but it would also make things easier on law enforcement if we simply repealed the Fourth Amendment.

Mr. LEAHY. These constitutional issues are vital ones for Congress to consider. I understand that efforts are underway for industry stakeholders to reach some accommodation with the Administration. I encourage constructive dialogue between the Administration and industry and, in fact, have been urging a dialogue between law enforcement and industry for over a year. But Congress will continue to exercise necessary oversight to ensure that the privacy and other constitutional rights of Americans are protected.

Mr. ASHCROFT. As the Chairman of the Judiciary Subcommittee on the Constitution, Federalism and Property Rights, you can be assured that the subcommittee will stand ready to provide oversight to ensure that no constitutional right of any American is compromised. Several very important rights were addressed by the witnesses during the hearing, and the constitutional concerns of law-abiding citizens must be respected. Importantly, in the ongoing dialogue between industry and federal law enforcement we must make sure that the interests of the citizens of the U.S. are represented and their constitutional rights respected. We must ensure that everyone in the negotiations—including the administration—views the constitutional rights of law abiding citizens as non-negotiable absolutes, not as bargaining chits.

Mr. LEAHY. I have been concerned about companies, such as Sun Microsystems and Network Associates, using foreign companies to manufacture and distribute strong encryption, which was developed in the United States but may not be exported under U.S. regulations. These instances are just the latest examples that delays in resolving the encryption debate is driving overseas cryptographic expertise and high-tech jobs, to the detriment of our economy and our national security. Do you share these concerns?

Mr. ASHCROFT. Yes, I certainly share those concerns. The impact to our national security is clear and under the current Administration policy the United States is sending some of our greatest talent and products to foreign shores, enabling foreign competitors, both to industry and to our national security, to gain a strong foothold. In just the past few weeks, Network Associates, our largest independent maker of computer security software, decided to allow its Dutch subsidiary to begin selling strong encryption that does not provide a back door for law enforcement surveillance. This move by Network Associates was necessitated by our current wrong-headed export provisions. We have to re-examine these policies. Simply put, strong encryption means a strong economy. Mandatory access, by contrast, means weaker encryption and a less secure, and therefore less valuable, network. This recent example of the export of a manufacturing enterprise and the accompanying intellectual capital is only one example of a bad policy weakening our economy.

Mr. LEAHY. In my view, encryption legislation should promote the following goals:

First, legislation should ensure the right of Americans to choose how to protect the privacy and security of their communications and information;

Second, legislation should bar a government-mandated key escrow encryption system;

Third, legislation should establish both procedures and standards for access by law enforcement to decryption keys or decryption assistance for both encrypted communications and stored electronic information and only permit such access upon court order authorization, with appropriate notice and other procedural safeguards;

Fourth, legislation should establish both procedures and standards for access by foreign governments and foreign law enforcement agencies to the plaintext of encrypted communications and stored electronic information of United States persons;

Fifth, legislation should modify the current export regime for encryption to promote the global competitiveness of American companies;

Sixth, legislation should not link the use of certificate authorities with key recovery agents or, in other words, link the use of encryption for confidentiality purposes with use of encryption for authenticity and integrity purposes;

Seventh, legislation should, consistent with these goals of promoting privacy and the global competitiveness of our high-tech industries, help our law enforcement agencies and national security agencies deal with the challenges posed by the use of encryption; and

Eighth, legislation should protect the security and privacy of information provided by Americans to the government by ensuring that encryption products used by the government interoperate with commercial encryption products.

Do you agree with these goals?

Mr. ASHCROFT. Yes, I agree with these goals and will look to these same items as a reference point for the drafting, introducing and passage of encryption reform legislation.

Mr. LEAHY. Would the Senator agree to work with me on encryption legislation that achieves these goals and that we could bring to the floor this Congress?

Mr. ASHCROFT. Yes. I believe it is critical for us to address this issue and soon. I also believe that we should work together to produce a piece of legislation that demonstrates our position on encryption policy.

EQUAL PAY DAY

Mr. LEAHY. Mr. President, tomorrow, April 3, 1998, is Equal Pay Day. This is the day by which women will have had to work all of 1997 and the first three months of 1998 to make what a man made in 1997 alone. We are not talking about jobs requiring different skills or abilities. We are talking about equal pay for equal work. This is not a glass ceiling this is a glass wall. Women cannot break the glass ceiling until the wall comes down and they are given the equal pay that they deserve.

Early in the next century, women—for the first time ever—will outnumber men in the United States workplace. In 1965, women held 35 percent of all jobs. That has grown to more than 45 percent today. And in a few years, women will make up a majority of the workforce.

Fortunately, there are more business and career opportunities for women today than there were thirty years ago. Unlike 1965, federal, state, and private sector programs now offer women many opportunities to choose their own futures. Working women also have opportunities to gain the knowledge and skills to achieve their own economic security.

But despite these gains, working women still face a unique challenge—achieving pay equity. The average woman earns 74 cents for every dollar that the average man earns. According to a study by the National Academy of Sciences, one-half of the pay gap is due to discrimination. This is unacceptable.

This discrimination is evident even in traditionally female professions such as nursing. For example, Marcelle, my wife, is a registered nurse. Female registered nurses make on average $7,600 a year less than men. It is unacceptable when female nurses make only 80 percent of the wages of their male counterparts for the same work.

My home state of Vermont is a leader in providing pay equity. According to the Institute for Women's Policy Research, Vermont ranks third in providing equal pay. Even with this ranking, the average woman in Vermont still is making less than 76 cents for every dollar that the average man makes in Vermont. We must work in the Senate and in the workplace to close this gap.

I am pleased to join Senator DASCHLE in reintroducing the Paycheck Fairness Act. This legislation will help to address the problem of pay inequality by redressing past discrimination and increasing enforcement against future abuses.

Senator HARKIN is also a true leader on pay equity. I am an original cosponsor of his bill, the Fair Pay Act, which prohibits pay discrimination based on sex, race or national origin. These two pieces of legislation will help to provide women with what they deserve: equal pay for equal work.

I understand that these bills will not solve all of the problems of pay inequity, but they will close legal loopholes that allow employers to routinely underpay women. By closing these loopholes, we will help women achieve better economic security and provide them with more opportunities.

Women are being advanced in the workplace and the glass ceiling is slowly cracking. Last year, President Clinton appointed Madeline Albright as the first female Secretary of State, and I am proud that Vermont is also a leader in advancing women in the workplace. The University of Vermont has a female president, Dr. Judith Ramaley, and Martha Rainville was recently elected Adjutant General of the Vermont National Guard—the first woman in the nation to hold this position. While women are advancing in the workplace, we need to ensure that they are receiving fair pay for their work.

I want to commend Senator DASCHLE and Senator HARKIN on their initiative in introducing the Paycheck Fairness Act and the Fair Pay Act. I also want to recognize and commend the hundreds of organizations around the country that will recognize tomorrow as Equal Pay Day.

POSITIVE SYSTEMS

Mr. BURNS. Mr. President, I stand today to recognize one of Montana's next generation jewels—Positive Systems in Whitefish, Montana. As a result of the dedication and commitment to their industry, Positive Systems has been recognized by the 1998 Governor's Excellence in Exporting Award Certificate of Appreciation.

Incorporated in 1991, Positive Systems provides a technical service in a rather unique and young industry. Dale Johnson, Cody Benkelman and Ron Behrendt designed a digital aerial photography service that will benefit many sectors of our economy. Positive Systems is the only business using such methods in the rapidly growing aerial mapping industry. These three men from different backgrounds combined their skills to launch this new enterprise.

Positive Systems has mapped landscapes throughout the world working for everyone from farmers to NASA. The four cameras mounted in a small aircraft take pictures in the visible spectrum as well as in the near infrared. Although the human eye is capable of sensing just a portion of the entire light spectrum, the cameras can see much more. The camera lenses pick up the nearest infrared which has several remarkable attributes including the fact that it interacts with chlorophyll, reflecting very well off of healthy plants.

By designating a color to the near infrared the cameras can detect the amount of light bouncing off of a given plant—the more reflective the plant, the healthier it is. In an age of high-tech, precision agriculture, every advantage helps. An acre of farmland, for instance, can support upward of 11,000 heads of lettuce; so to lose even a few acres on a corporate farm can mean a huge financial impact.

Understanding the whole system is a primary focus at NASA, where the Earth sciences program is providing government funds for private sector research into global change over time. In addition, Positive System teams with NASA for standard education and land use projects. They have recently been awarded a contract with NASA's John C. Stennis Space Center to map 1,000 square miles of Mississippi's coastal region.

The system engineered by the Whitefish company, in fact, is so far out on the cutting edge that Positive Systems has had to wait for the rest of the world to catch up.

I would like to congratulate Positive Systems on the Certificate of Appreciation. This kind of growth and opportunity for a small Montana business is impressive. As a member of the U.S. Senate Small Business Committee, it is becoming increasingly clear that business owners can effectively reach a global market regardless of where they live. Positive Systems has demonstrated they can compete and succeed.

Thank you, Mr. President, I yield the floor.

CONGRESS SHOULD PASS IRS REFORM BY APRIL 15

Mr. FAIRCLOTH. Mr. President, I rise to make a few remarks about legislation to reform the Internal Revenue Service.

Mr. President, April 15 is just around the corner, and I would guess that sometime between now and then, many a taxpayer will curse the IRS, and quite probably the Congress, too, for the tax bill they face. The American people are taxed too much, and they are due for some tax relief this year.

Even figuring out how much tax to pay has become a nightmare. At 17,000 pages, the tax code and regulations are so complicated that no one but a few tax attorneys and accountants who make their living off that tangle of laws can ever hope to understand it, let alone the average working family.

Mr. President, it looks increasingly like the Senate will fail to pass legislation to reform the IRS before adjourning at the end of this week for Easter recess. I am deeply disappointed that we appear unlikely to pass such legislation before April 15. Last week, I asked the Senate leadership to pass IRS reform legislation before April 15. In just a moment, I will describe some of the features I think should be included in such a bill.

The American people deserve an IRS Reform bill as soon as possible. Last December, I held a hearing in Raleigh, North Carolina on IRS abuse of taxpayers. I was shocked at some of the stories I heard. In response, I introduced legislation to create an all private citizen oversight board for the IRS. My bill would give the oversight panel the authority to delve into the auditing and collections practices of the IRS which have lead to well documented abuse of taxpayers. The board would also have oversight of IRS procurement practices. That should help ensure that we never see the IRS waste another $4 billion, as it did trying to develop a failed computer system.

Why is the Senate about to recess without having passed an IRS reform bill? In the crazy world of Washington, D.C., it seems that when the Congress tries to stop the IRS from improperly collecting taxes, budget rules require that the "loss" of revenue be offset with more taxes, making it almost impossible to clean house at the IRS. And so the Senate has now been diverted over the question of how to "pay" for an IRS reform bill, and which tax increases are least objectionable to use for that purpose.

The referee in such matters is the Joint Committee on Taxation. The accountants and tax experts at this committee review all tax proposals, and make a determination as to which measures result in a loss of revenue, and which are revenue neutral.

No matter what the green eye shade experts say, it just seems wrong to ask the American people to pay for IRS reform. IRS reform legislation should not impose new taxes. Fortunately, there are a great many good ideas for reforming the IRS which even the Joint Committee on Taxation staff have said can be enacted without the need for new taxes.

First among these is the creation of an IRS oversight board, such as the one I have proposed in my own IRS reform legislation, S. 1555. There are a number such reforms which can be implemented without any need for offsetting revenues, including: a requirement that IRS agents explain taxpayers' right to them in interviews; low-income taxpayer clinics; archiving IRS records so that Congress can delve into the inner workings of the agency; cataloging complaints of IRS employee misconduct; prohibiting the IRS from seizing taxpayers' homes in small deficiency cases, among others. One idea that would impose no additional cost, but which I am sure would make a big difference for frustrated taxpayers who struggle to find a person to talk to within the massive IRS bureaucracy: require that all IRS notices must contain the name and telephone number of an IRS employee to contact.

In fact, of the 75 separate reforms currently being considered by the Senate Committee on Finance, over 50 are revenue neutral, according to the Joint Committee on Taxation. At a minimum, these reforms should be considered as soon as possible. If any revenues are needed to pay for additional reform, I suggest that Congress look first to the IRS's own budget before turning to the American people.

For those who worry that the IRS will not have enough resources to collect taxes, it is worth noting that the IRS budget has grown by a whopping 71 percent in real terms since 1981. Many working families haven't been so fortunate. Simply freezing the IRS budget at 1998 levels would generate an additional $500 million in savings, which could be applied to offset more costly IRS reforms. That would also help make it clear that Congress considers taxpayers to be at least as important as the IRS bureaucracy.

Mr. President, I recently wrote an editorial for the Wall Street Journal on the subject of IRS reform, which appeared on March 31, 1998. I ask unanimous consent that this article appear in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FAIRCLOTH. In conclusion, Mr. President, I believe that the Senate can and should pass IRS reform legislation before April 15. I hope my colleagues will join me in pushing for such a reform bill as soon as possible.

EXHIBIT 1

[From the Wall Street Journal, Mar. 31, 1998]

WILL IRS REFORM GET "SCORED" INTO TAX INCREASE?

(By Lauch Faircloth)

In the crazy world of Washington, D.C., legislation to reform the Internal Revenue Service is beginning to look more and more like a bill to increase taxes by several billion dollars. This outrage must be stopped, and soon.

Last fall, the House of Representatives passed legislation based on the recommendations of the National Commission on Restructuring the IRS, the so-called Kerrey-Portman Commission. Most of the provisions of that bill are good, commonsense measures that will make the IRS more accountable to the public and reform the way the IRS conducts its business. Some of the "taxpayer bill of rights" provisions, however, have been "scored" by the Joint Committee on Taxation as costing the government revenue. In Washington-speak, this means that these provisions require an "offset"—better known to most Americans as a tax increase.

House bill drafters were creative in finding a "loophole closer" for their IRS reform bill's offset. Their idea is to clarify the deduction for accrued vacation pay, which would net an additional $2.85 billion over five years. In this case, the loophole closer probably is just that; it's arguable that federal tax court decisions have strayed from the intent of Congress in 1987 legislation concerning the proper treatment of the taxation of vacation pay as deferred compensation. But there are precious few other true loophole closers where that one came from. Virtually every other potential "revenue offset" on the table would come from one of two sources—a laundry list of 43 tax increases proposed by the president, or unspecified tobacco tax settlement money. Either way, they are tax increases.

And there's another problem: The Senate version of IRS reform is shaping up as two to three times more expensive than the bill passed by the House last fall, according to staffers of the Senate Finance Committee. That means that congressional staffers drafting the revised bill must dip into their bag of "loophole closers" (translation—tax increases) suggested by the president to pay for the addftional lost revenue to the government.

I find it patently offensive that any reform of the Internal Revenue Service should impose a cost on the American people. After all, the IRS employs more than 100,000 people, 46,000 of whom work in enforcement, with a total budget of over $8 billion. The entire Drug Enforcement Administration—our frontline defense in the war on drugs—has a staff of only 8,500. The IRS can audit any American at any time, but drug traffickers would have nothing to fear under the present administration's priorities.

What is the solution? For one thing, the omnibus approach to IRS reform—cobbling together many reforms into one large bill—should be reconsidered. Many worthwhile tax reforms have been "scored" as resulting in no lost revenue to the government. In other words, they don't cost a thing. They should go forward on their own.

Chief among these provisions is an oversight board for the IRS. The House IRS reform bill included such a board. Recall that Treasury Secretary Robert Rubin originally opposed that idea, until the president gave it his surprise endorsement. What followed was a series of negotiations between Congress and the administrations over the makeup of such a board. The board is still too weak, and I have offered my own legislation to create a board of nine members, all private citizens. I do not think the Secretary of the Treasury, the Commissioner of the IRS or the IRS employees' union representative should be on such a board, as they would be under the House version. That's just too much like the fox guarding the hen-house.

Other provisions that do not result in lost revenue to the federal government include strengthening the office of the taxpayer advocate; prohibiting executive branch influence over taxpayer audits; changing the way IRS records are archived to provide greater oversight; establishing low-income taxpayer clinics; and reforming certain sections of the tax code that were intended to provide taxpayer privacy protections, but that IRS attorneys have instead used to shield the IRS's inner workings from congressional oversight.

If offsets are needed, let's look first at the massive $8 billion budget of the IRS itself before turning to the taxpayers. That budget has increased 71% in real terms since 1981. Merely keeping the IRS budget at last year's levels would yield half a billion dollars. Also, don't forget that the president's own budget plan has a list of more than $30 billion in suggested spending cuts. That would more than pay for even the most ambitious tax reform, as long as Congress holds the line on new federal spending. And before we dismiss waste and fraud as a source of savings, recall that the Social Security Administration has just uncovered a very expensive scam—prison inmates have been receiving as much as $3.46 billion in improper Social Security checks each year. That money could help save Social Security and clean up the IRS.

The bottom line is this: The American people should not be asked to pay for IRS reforms. Congress should focus on trimming the IRS budget, or using the savings from federal spending cuts suggested by the president to clean house at the IRS. That way, Congress can offer the American people some much-needed relief, without a dose of castor oil.

PRODUCT LIABILITY AND BIOMATERIALS ACCESS

Mr. FRIST. Mr. President, each year, American companies are forced to lay off workers or shut down entirely, but it's not because of hard economic times. Instead, the costs of product liability insurance and outrageous damage awards are driving them out of business. We now live in the most litigious society on earth. Our courts are packed with frivolous lawsuits filed by people seeking multi-million dollar payments for modest damages. As a result, we are all paying a huge price—from the job market to the supermarket. Let us take the first step by reforming the product liability system.

Congress did just that, when it sent President Clinton the Product Liability Legal Reform Act. This legislation was a carefully crafted bipartisan bill that, among other things, would have limited most punitive damage awards to twice the plaintiff's compensatory damages, or $25,000—whichever is greater. The bill would have simply injected predictability and sanity into our out-of-control legal system and protected American companies from unfair and outrageous damage awards.

The American people and America's employers, however, were dealt a big blow when President Clinton vetoed this bipartisan, common-sense reform effort. Almost 90 percent of the American people supported the bill. Consumers already pay 30 percent more on the price of a step ladder and 95 percent more for the price of childhood vaccine due to outrageous product liability costs, and we simply can't afford to pay any more. American workers and businesses needed this bill to help stem to tide of job loss and help create new jobs.

So, why would Mr. Clinton veto this legislation? Possibly because the most vocal opponents of this bill the plaintiff's trial lawyers—were also the target supporters of his re-election effort. The President had a choice to make. He had to choose between the plaintiff's trial bar who provide him millions in dollars in campaign funds, and American workers particularly those in manufacturing jobs. He choose the trial lawyers. Unfortunately, his decision is not only bad politics, is terrible policy for the American People. That's way even many prominent members of this own party in Congress were shocked his veto.

Negotiations continue with the White House on product liability reform, but to date I have seen no significant movement that would constitute real progress. Thus far, only watered-down proposals that attempt to deceive the American people into believing that real reform will take place have been offered.

My purpose in coming to the floor today is to challenge my colleagues to act on real product liability reform. Or, send the one part of this legislative effort that there is some consensus on to the President. I am speaking of Senators MCCAIN and LIEBERMAN's Biomaterials Access Assurance Act.

Every year 7.5 million patients are threatened when medical suppliers choose to discontinue a product because the liability concerns outweigh any potential gains. In my experience as a cardio-thoracic surgeon, you can't overstate the vital nature of bringing the best and newest technology to the operating table. The list of life-saving devices affected is too long to mention. Everything from annuloplasty rings and tissue valves used in valve implantation to the blood filters and cardiotomy reservoirs needed for heart surgery are all at risk of serious shortage if the Congress does not act.

Many implantable devices are already in short supply. At least 14 biomaterials suppliers have limited or stopped selling the raw materials used in the manufacture of devices. Many major suppliers have stopped selling materials to the U.S. market because of liability concerns. Dow Chemical no longer manufactures medical grade resin for the implant market. Dupont has discontinued the supply of Teflon, Dacron, and Delron used in the permanent medical implant industry.

A 1997 study indicated where this problem is going within the next one to three years: U.S. manufacturers will divert resources from research and development to the search for replacement materials; and financial resources for investment will begin to dry up and innovation within our boarders will suffer.

Further, within three to 10 years: A biomaterials "crisis" will occur; major segments of the biomaterials industry will move overseas, killing smaller manufacturers where we see so much innovation today; patients will not have access to life-saving and life-enhancing implants.

Let me be clear: These devices save millions of lives every year. I've used these implants and devices in my own surgical practice to save the lives of hundreds. My hands as a surgeon and my patients are witnesses to the importance of this issue. The time to act is now.

We have another opportunity this year to bring both of these important legislative initiatives to the President's desk. I sincerely hope that both ends of Pennsylvania are up to the challenge.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the President Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:39 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 87. Concurrent resolution to correct the enrollment of S. 419.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 247. Concurrent resolution recognizing the contributions of the Reverend Dr. Martin Luther King, Jr., to the civil society of the United States and the world and to the cause of nonviolent social and political change to the advance social justice and equality for all races and calling on the people of the United States to study, reflect on, and celebrate the life of Dr. Martin Luther King, Jr., on the thirtieth anniversary of his death.

The message further announced that the House has passed the following bills, in which it requests the concurrent of the Senate:

H.R. 1151. An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purposes of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes.

H.R. 2400. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

MEASURES REFERRED

The following bill, previously received from the House of Representatives, for the concurrence of the Senate, was read twice and referred as indicated:

H.R. 3310. An act to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses, and for other purposes; to the Committee on Governmental Affairs.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 247. Concurrent resolution recognizing the contributions of the Reverend Dr. Martin Luther King, Jr., to the civil society of the United States and the world and to the cause of nonviolent social and political change to advance social justice and equality for all races and calling on the people of the United States to study, reflect on, and celebrate the life of Dr. Martin Luther King, Jr., on the thirtieth anniversary of this death; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on today, April 2, 1998, by the President pro tempore (Mr. THURMOND):

S. 750. An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 2, 1998 he had presented to the President of the United States, the following enrolled bill:

S. 750. An act to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, through the exchange of Federal and private mineral interests to enhance land management capabilities and environmental and wildlife protection, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4500. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to a Bureau of Reclamation project; to the Committee on Energy and Natural Resources.

E-4501. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Federal Voting Assistance Program; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1609. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 to 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress in its activities, and for other purposes (Rept. No. 105–173).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 201. A resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1723. A bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Arthur Levitt, Jr., of New York, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2003. (Reappointment)

(The above nominations were reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Ivan L. R. Lemelle, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Arthur J. Tarnow, of Michigan, to be United States District Judge for the Eastern District of Michigan.

George Caram Steeh, III, of Michigan, to be United States District Judge for the Eastern District of Michigan.

A. Howard Matz, of California, to be United States District Judge for the Central District of California.

Richard H. Deane, Jr., of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Stephen C. Robinson, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

Daniel C. Byrne, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE:

S. 1905. A bill to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEAHY:

S. 1906. A bill to require the Senate to remain in session to act on judicial nominations in certain circumstances; to the Committee on Rules and Administration.

By Mr. DASCHLE:

S. 1907. A bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for wetland restoration and conservation expenses; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1908. A bill to amend title XVIII of the Social Security Act to carve out form payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care; to the Committee on Finance.

By Mr. McCAIN:

S. 1909. A bill to repeal the telephone excise tax; to the Committee on Finance.

By Mr. BREAUX:

S. 1910. A bill to clarify the applicability of authority to release restrictions and encumbrances on certain property located in Calcasieu Parish, Louisiana; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 1911. A bill to amend the Internal Revenue Code of 1986 to provide a $500 nonrefundable credit to individuals for the payment of real estate taxes; to the Committee on Finance.

By Mr. FORD (for himself and Mr. Bond):

S. 1912. A bill to amend title 10, United States Code, to exclude additional reserve component general and flag officers from the limitation on the number of general or flag officers who may serve on active duty; to the Committee on Armed Services.

By Mr. BAUCUS (for himself and Mr. Burns):

S. 1913. A bill to require the Secretary of the Interior to sell leaseholds at the Canyon Ferry Reservoir in the State of Montana and to establish a trust fund for the conservation of fish and wildlife and enhancement of public hunting and fishing opportunities in the State; to the Committee on Environment and Public Works.

By Mr. GRASSLEY:

S. 1914. A bill to amend title 11, United States Code, to provide for business bankruptcy reform, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 1915. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S. 1916. A bill for the relief of Marin Turcinovic, and his fiancee, Corina Dechalup; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. Chafee, Mr. Reed, and Mrs. Boxer):

S. 1917. A bill to prevent children from injuring themselves and others with firearms; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. Daschle, Mr. Wellstone, Mr. Johnson, Mr. Conrad, Mr. Harkin, and Mr. Baucus):

S. 1918. A bill to require the Secretary of Agriculture to make available to producers of the 1998 and subsequent crops of wheat and feed grains nonrecourse loans that provide a fair return to the producers in relation to the cost of production; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (for himself, Mr. Nickles, Mrs. Hutchison, and Mr. Domenici):

S. 1919. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources from stripper wells on federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. Nickles, and Mrs. Hutchison):

S. 1920. A bill to improve the administration of oil and gas leases on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself and Mr. Dodd):

S. 1921. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CAMPBELL:

S. 1922. A bill to amend chapter 61 of title 5, United States Code, to make election day a legal public holiday, with such holiday to be known as "Freedom and Democracy Day"; to the Committee on the Judiciary.

By Mr. COVERDELL (for himself, Mr. Breaux, and Mr. DeWine):

S. 1923. A bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements; to the Committee on Environment and Public Works.

By Mr. MACK (for himself, Mr. Kerry, Mr. D'Amato, Mrs. Feinstein, Mr. Bond, Ms. Moseley-Braun, Mr. Coverdell, Mrs. Boxer, Mr. Gregg, Mr. Kennedy, Mr. Thurmond, Mr. Robb, Mr. Grams, Mr. Bumpers, Mr. Coats, Mr. Dodd, Mr. Inhofe, Mr. Inouye, Mr. Santorum, Mr. Durbin, Ms. Snowe, Mr. Wyden, and Mr. Hollings):

S. 1924. A bill to restore the standards used for determing whether technical workers are not employees as in effect before the Tax Reform Act of 1986; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. Inouye):

S. 1925. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

By Mr. GRASSLEY:

S. 1926. A bill for the relief of Regine Beatie Edwards; to the Committee on the Judiciary.

By Ms. MOSELEY-BRAUN:

S. 1927. A bill to amend section 2007 of the Social Security Act to provide grant funding for 20 additional Empowerment Zones, and for other purposes; to the Committee on Finance.

By Mr. LEAHY:

S. 1928. A bill to protect consumers from overcollections for the use of pay telephones, to provide consumers with information to make informed decisions about the use of pay telephones, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself, Mr. Murkowski, Mr. Nickles, and Mr. Domenici):

S. 1929. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes; to the Committee on Finance.

By Mr. NICKLES (for himself, Mr. Domenici, Mr. Murkowski, Mrs. Hutchison, Mr. Breaux, and Mr. Craig):

S. 1930. A bill to provide certainty for, reduce administrative and compliance burdens associated with, and streamline and improve the collection of royalties from Federal and outer continental shelf oil and gas leases, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CAMPBELL (for himself, Mr. Conrad, Mr. Daschle, Mr. Johnson, and Mr. McCain):

S. Res. 206. A resolution to recognize 50 years of efforts with respect to the creation of the Crazy Horse Memorial, honoring the great Oglala Sioux leader, Tasunke Witko, popularly known as "Crazy Horse", and to express the Sense of the Senate with respect to the Crazy Horse Memorial; to the Committee on Indian Affairs.

By Mr. JEFFORDS (for himself, Mr. Specter, Mr. Akaka, and Mr. Leahy):

S. Res. 207. A resolution commemorating the 20th anniversary of the founding of the Vietnam Veterans of America; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. Daschle):

S. Res. 208. A resolution to establish a special committee of the Senate to address the year 2000 technology problem; considered and agreed to.

By Ms. COLLINS:

S. Res. 209. A resolution providing section 302 allocations to the Committee on Appropriations; considered and agreed to.

By Mr. D'AMATO (for himself, Mr. Moynihan, Mr. Ashcroft, and Mr. Bingaman):

S. Con. Res. 88. A concurrent resolution calling on Japan to establish and maintain an open, competitive market for consumer photographic film and paper and other sectors facing market access barriers in Japan; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE:

S. 1905. A bill to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes; to the Committee on Indian Affairs.

THE CHEYENNE RIVER SIOUX TRIBE EQUITABLE COMPENSATION ACT

Mr. DASCHLE. Mr. President, today I am introducing legislation to compensate the Cheyenne River Sioux Tribe for losses the tribe suffered when the Oahe dam was constructed in central South Dakota and over 100,000 acres of tribal land was flooded. Its passage will help the tribe rebuild their infrastructure and their economy, which was seriously crippled by the Oahe project during the 1950s. It is extraordinary that it has taken four decades to reach this point. The importance of passing this long-overdue legislation as soon as possible cannot be stated too strongly.

This legislation was developed with the assistance of Chairman Gregg Bourland and Council Member Louis Dubray of the Cheyenne River Sioux Tribe. Both men have worked tirelessly to bring us to this point and I am grateful for their assistance. This legislation represents one element of their progressive vision for providing the members of the Cheyenne River Sioux Tribe with greater opportunities for economic development and to fulfill the debts owed to the tribe by the federal government.

The Cheyenne River Sioux Infrastructure Development Trust Fund Act is the companion bill to the Lower Brule Sioux Tribe Infrastructure Development Trust Fund Act, which passed by unanimous consent in November of 1997, and the Crow Creek

Sioux Tribe Infrastructure Development Trust Fund Act of 1996, which passed the Congress unanimously in 1996.

The bill is based on an extensive analysis of the impact of the Pick-Sloan Dam Projects on the Cheyenne River Sioux Tribe, which was performed by the Robert McLaughlin Company. The McLaughlin report was reviewed by the General Accounting Office, which found that the losses suffered by the tribe justify the establishment of a $290 million trust fund, which is the amount called for in this legislation.

It represents an important step in our continuing effort to fairly compensate the tribes of South Dakota for the sacrifices they made decades ago for the construction of the dams along the Missouri River and will further the goal of improving the lives of Native Americans living on those reservations.

To fully appreciate the need for this legislation, it is important for the committee to understand the historic events that are prologue to its development. The Oahe dam was constructed in South Dakota pursuant to the Flood Control Act (58 Stat. 887) of 1944. That legislation authorized implementation of the Missouri River Basin Pick-Sloan Plan for water development and flood control for downstream states.

The Oahe dam flooded 104,000 acres of tribal land, forcing the relocation of roughly 30 percent of the tribe's population, including four entire communities. Equally as important, the tribe lost 80 percent of its fertile river bottom lands—lands that represented the basis for the tribal economy. Prior to the flooding, the tribe relied on these lands for firewood and building material, game, wild fruits and berries, as well as cover from the severe storms that characterize winters in South Dakota and shelter from the heat of the prairie summer. Indian ranchers no longer had places to shelter their cattle in the wintertime, causing a significant loss in the value of their operations.

The loss of these important river bottom lands can be felt today. Last year, during the extreme winter of 1996–1997, the tribe lost roughly 30,000 head of livestock, including 25,000 head of cattle. Without adequate natural shelter, the remaining Indian ranchers along this stretch of river can expect to continue to have difficulty scratching out a living in future years when the winter turns particularly hard.

Mr. President, the damage caused by the Pick-Sloan projects touched every aspect of life on the Cheyenne River reservation. Ninety percent of the timber on the reservation was wiped out, causing shortages of building material and firewood. Wildlife, once abundant in the river bottom, became more scarce. The entire lifestyle of the tribe changed as it was forced to relocate much of its people from the lush river bottom lands to the windswept prairie.

Most Americans, if not all, are familiar with the many broken promises of the United States Government to Native Americans during the 1800's. For Indian tribes located along the Missouri River in the State of South Dakota, the United States Government still has not met its responsibilities for compensation for losses suffered as a result of the construction of the Pick-Sloan dams. This proposed legislation is intended to correct that situation as it applies to the Cheyenne River Sioux Tribe.

We cannot, of course, remake the lost lands and return the tribe to its former existence. We can, however, help provide the resources necessary to the tribe to improve the infrastructure on the Cheyenne River reservation. This, in turn, will enhance opportunities for economic development which will benefit all members of the tribe. Perhaps most importantly, it will fulfill part of our commitment to improve the lives of Native Americans—in this case the Cheyenne River Sioux.

I strongly urge my colleagues to approve this legislation this year. Providing compensation to the Cheyenne River Sioux Tribe for past harm inflicted by the federal government is long-overdue and any further delay only compounds that harm. I ask unanimous consent that the entire text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Cheyenne River Sioux Tribe Equitable Compensation Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) Congress approved the Pick-Sloan Missouri River Basin program by passing the Act of December 22, 1944, commonly known as the "Flood Control Act of 1944" (58 Stat. 887, chapter 665; 33 U.S.C. 701–1 et seq.)—

(A) to promote the general economic development of the United States;

(B) to provide for irrigation above Sioux City, Iowa;

(C) to protect urban and rural areas from devastating floods of the Missouri River; and

(D) for other purposes;

(2) the Oahe Dam and Reservoir project is a major component of the Pick-Sloan program, and contributes to the economy of the United States by generating a substantial amount of hydropower and impounding a substantial quantity of water;

(3) notwithstanding the contributions referred to in paragraph (1), the Oahe Dam and Reservoir project has contributed little to the economy of the Tribe;

(4) the Oahe Dam and Reservoir project overlies the eastern boundary of the Crow Creek Indian Reservation;

(5) the Oahe Dam and Reservoir project has—

(A) inundated the fertile, wooded bottom lands of the Tribe along the Missouri River that constituted the most productive agricultural and pastoral lands of the Tribe and the homeland of the members of the Tribe; and

(B) as a result of that inundation, severely damaged the economy of the Tribe and the members of the Tribe;

(6) the Secretary appointed a Joint Tribal Advisory Committee that examined the Oahe Dam and Reservoir project and that advisory committee correctly concluded that—

(A) the Federal Government did not justify, or fairly compensate the Tribe for, the Oahe Dam and Reservoir project when the Federal Government acquired 104,492 acres of land of the Tribe for that project; and

(B) the Tribe should be adequately compensated for the taking described in subparagraph (A); and

(7) after applying the same method of analysis used for the compensation of similarly situated Indian tribes, the Comptroller General of the United States determined the amount of compensation for the taking described in paragraph (6) and determined that the appropriate amount of compensation to pay the Tribe for the taking would be $290,722,958;

(8) the Tribe is entitled to receiving additional financial compensation for the taking described in paragraph (6)(A) in a manner consistent with the determination of the Comptroller General under paragraph (7); and

(9) the establishment of a dual cash account with the amounts made available to the Tribe under this Act is consistent with the principles of self-governance and self-determination.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide for additional financial compensation to the Tribe for the taking of 104,402 acres of land of the Tribe for the Oahe Dam and Reservoir project in a manner consistent with the determination of the Comptroller General of the United States described in subsection (a)(7).

(2) To provide for the establishment of the Cheyenne River Sioux Recovery Account, a dual cash account to be managed by the Office in order to make payments to the Tribe to carry out projects under a plan prepared by the Tribe.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term "account" means the Cheyenne River Sioux Recovery Account established under section 4.

(2) CHEYENNE RIVER SIOUX TRIBE; TRIBE.—The term "Cheyenne River Sioux Tribe" or "Tribe" means the Itazipco, Siha Sapa, Minnicoujou, and Oohenumpa bands of the Great Sioux Nation that reside on the Cheyenne Reservation, located in central South Dakota.

(3) FUND ACCOUNT.—The term "Fund Account" means a consolidated account for tribal trust funds in the Treasury of the United States that—

(A) is managed by the Secretary, through the Office, in accordance with applicable law; and

(B) as of the date of enactment of this Act, is numbered 14X8365.

(4) OFFICE.—The term "Office" means the Office of Trust Fund Management within the Department of the Interior.

(5) PROGRAM.—The term "Program" means the power program of the Pick-Sloan Missouri River Basin program, administered by the Western Area Power Administration.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. CHEYENNE RIVER SIOUX TRIBAL RECOVERY ACCOUNT.

(a) CHEYENNE RIVER SIOUX TRIBAL RECOVERY ACCOUNT.—The Secretary of the Treasury shall establish in the Fund Account a dual cash account to be known as the "Cheyenne River Sioux Tribal Recovery Account". The dual cash account shall have a principal component and an interest component. The interest component of the account shall be used to make payments to the Tribe in accordance with this Act. The principal component of the account may not be expended. The corpus and the income of the account may be invested in accordance with applicable law.

(b) FUNDING.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), beginning with fiscal year 1999, and for each fiscal year thereafter, until such time as the aggregate of the amounts deposited is $290,722,958, the Secretary of the Treasury shall deposit into the fund an amount equal to 10 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Program.

(2) PERCENTAGE AMOUNT.—Beginning with fiscal year 2004, if no other law provides for the compensation to parties in conjunction with an applicable plan for the Program, the Secretary of the Treasury shall deposit into the fund an amount equal to 25 percent of the receipts from the deposits to the Treasury of the United States for the preceding fiscal year from the Program, until such time as the aggregate of the amounts deposited into the fund from such receipts and receipts deposited under paragraph (1) equals the amount specified in paragraph (1).

(3) ADDITIONAL INTEREST.—If, by the date that is 60 days after the end of a fiscal year, the Secretary of the Treasury fails to deposit into the fund an amount determined under paragraph (1) or (2), the Secretary of the Treasury shall deposit, in addition the applicable amount required to be deposited under paragraph (1) or (2), interest on the amount required to be deposited, determined for the period beginning on the day after the termination of that 60-day period and ending on the date on which the amount determined under paragraph (1) or (2) is deposited, and based on a rate of interest that is commonly referred to as the Treasury overnight rate.

(c) WITHDRAWAL.—

(1) IN GENERAL.—Subject to paragraph (2), in accordance with section 202 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4022), the Tribe may, in accordance with that Act, voluntarily withdraw some or all of the funds held in trust for the Tribe by the United States and managed by the Secretary through the Office.

(2) LIMITATION.—No amount of principal withdrawn under this subsection may be expended by the Tribe. The Tribe may withdraw funds under this subsection on the condition that the Tribe may expend only the interest earned on the principal.

(e) PAYMENT OF INTEREST TO TRIBE.—In accordance with this Act, the Secretary, acting through the Office, and in a manner consistent with the first section of the Act of June 24, 1938 (52 Stat. 1037 et seq., chapter 648; 25 U.S.C. 162a) shall make payments to the Tribe from the interest credited to the interest component of the account, beginning at the end of the first fiscal year during which interest is credited to the account. The Tribe shall use the payments made under this subsection only for carrying out projects and programs pursuant to the plan prepared under subsection (f).

(f) PLAN.—

(1) IN GENERAL.—The governing body of the Tribe shall, not later than 18 months after the date of enactment of this Act, prepare a plan for the use of the payments made to the Tribe under subsection (e).

(2) CONTENTS OF PLAN.—The plan developed under this subsection shall provide for the manner in which the Tribe will expend the payments referred to in paragraph (1) to promote—

(A) economic development;

(B) infrastructure development;

(C) the educational, health, recreational, and social welfare objectives of the Tribe and its members; or

(D) any combination of the activities referred to in subparagraphs (A) through (C).

(3) PLAN REVIEW AND REVISION.—The Tribal Council of the Tribe shall make available for review and comment by the members of the Tribe a copy of the plan before the plan becomes final, in accordance with procedures established by the Tribal Council. The Tribal Council may, on an annual basis, update the plan by revising the plan in a manner that provides the members of the Tribe to review and comment on any proposed revision.

(4) AUDIT.—The activities of the Tribe in carrying out the plan under this subsection shall be audited as part of an annual audit conducted for the Tribe. The auditors that conduct the audit shall include in the written findings of that audit a determination whether the funds received by the Tribe under this section were expended in a manner consistent with this section to carry out the plan under this subsection.

(g) TRANSFERS; LIMITATIONS.—

(1) WITHDRAWAL AND TRANSFER OF FUNDS.—In a manner consistent with the requirements of this Act, upon request of the Secretary of the Interior, the Secretary of the Treasury shall withdraw amounts in the interest component of the account and transfer such amounts to the Secretary of the Interior for use in accordance with paragraph (2). The Secretary of the Treasury may only withdraw funds from the account for the purpose specificed in paragraph (2).

(2) PAYMENTS TO TRIBE.—The Secretary of the Interior shall use the amounts transferred under paragraph (1) only for the purpose of making annual payments to the Tribe.

(4) PROHIBITION ON PER CAPITA PAYMENTS.—No portion of any payment made under this subsection may be distributed to any member of the Tribe on a per capita basis.

SEC. 5. ELIGIBILITY OF TRIBE FOR CERTAIN PROGRAMS AND SERVICES.

(a) IN GENERAL.—No payment made to the Tribe pursuant to this Act shall result in the reduction or denial of any service or program to which, pursuant to Federal law—

(1) the Tribe is otherwise entitled because of the status of the Tribe as a federally recognized Indian tribe; or

(2) any individual who is a member of the Tribe is entitled because of the status of the individual as a member of the Tribe.

(b) EXEMPTIONS FROM TAXATION.—No payment made pursuant to this Act shall be subject to any Federal or State income tax.

(c) POWER RATES.—No payment made pursuant to this Act shall affect Pick-Sloan Missouri River Basin power rates.

SEC. 6. SALE OF WESTERN AREA POWER AUTHORITY.

(a) IN GENERAL.—If, before the amount specified in section 4(b)(1) is deposited into the Fund, the United States sells or otherwise transfers title to the assets and income of the Western Area Power Authority to an entity other than the United States—

(1) an amount of the proceeds from that sale equal to the difference between the amount specified in section 4(b)(1) and the aggregate amount that, as of the sale of power authority, had been paid into the Fund, shall be deposited in the Fund; or

(2) the purchaser may assume responsibility for making payments to the Treasury of the United States for deposit in the Fund in amounts determined under section 4(b)(1).

(b) SECURITY.—If a purchaser assumes the responsibility for making the payments and shall provide the Tribe with appropriate security to secure those payments.

By Mr. LEAHY:

S. 1906. A bill to require the Senate to remain in session to act on judicial nominations in certain circumstances; to the Committee on Rules and Administration.

THE JUDICIAL EMERGENCY RESPONSIBILITY ACT OF 1998

Mr. LEAHY. Mr. President, last week, faced with five continuing vacancies on a 13-member Court, Chief Judge Winter of the United States Court of Appeals for the Second Circuit certified the judicial emergency caused by these continuing vacancies, began canceling hearings and took the unprecedented step in the Second Circuit of authorizing 3-judge panels to be composed of two visiting judges and only one Second Circuit Judge.

The Judiciary Committee has reported to the Senate the nomination of Judge Sotomayor to the Second Circuit, but her nomination continues to sit on the Senate calendar. Her nomination was received back in June 1997. She was favorably reported by a Committee vote of 16 to 2, once the Committee finally considered her nomination. She is strongly supported by both New York Senators, yet the nomination continues to languish without consideration.

Three additional outstanding Second Circuit nominees are pending before the Judiciary Committee and await their confirmation hearings. Judge Rosemary Pooler was nominated back on November 6, 1997, as was Robert Sack, a partner in the law firm of Gibson Dunn & Crutcher. The final pending nomination to the Second Circuit was received two months ago, back on February 11, when the President nominated Chester J. Straub, a partner in the law firm of Wilkie Farr & Gallagher.

I have been urging action on the nominees to the Second Circuit for many months. The Senate is failing in its obligations to the people of the Second Circuit, to the people of New York, Connecticut and Vermont. We should call an end to this stall and take action.

Last Friday I urged consideration of the nomination of Judge Sotomayor without further delay and requested that the Judiciary Committee proceed to hold the necessary hearings on the three other Second Circuit nominees this week so that they, too, might be confirmed before the upcoming recess.

I do not believe that the Senate should be leaving for two weeks' recess and leaving the Second Circuit with vacancies for which it has qualified nominations pending. This is too reminiscent of the government shutdown only a couple of years ago and the numerous times of late when the Republican congressional leadership has recessed without completing work on emergency supplemental and disaster relief legislation.

In his most recent Report on the Judiciary the Chief Justice of the United States Supreme Court warned that persisting vacancies would harm the administration of justice. The Chief Justice of the United States Supreme Court pointedly declared: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal judiciary."

The people and businesses in the Second Circuit need additional federal judges confirmed by the Senate. Indeed, the Judicial Conference of the United States recommends that in addition to the 5 vacancies, the Second Circuit be allocated an additional 2 judgeships to handle its workload. The Second Circuit is suffering harm from Senate inaction. That is why the Chief Judge of the Second Circuit had to declare the Circuit in a state of emergency.

Must we wait for the administration of justice to disintegrate further before the Senate will take this crisis seriously and act on the nominees pending before it? I hope not.

As part of my efforts to encourage the Senate to do its job, I am today introducing the Judicial Emergency Responsibility Act. The purpose of this bill is to supplement the law by which Chief Justice Winter certified the emergency and to require the Senate to do its duty and to act on judicial nominations before it recesses for significant stretches of time when a Circuit Court is suffering from a vacancy emergency.

I urge prompt action on the bill and immediate action on the nomination of Judge Sonia Sotomayor to the Second Circuit.

By Mr. DASCHLE:

S. 1907. A bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for wetland restoration and conservation expenses; to the Committee on Finance.

WETLANDS RESTORATION AND CONSERVATION LEGISLATION

Mr. DASCHLE. Mr. President, today I am introducing legislation to provide a refundable tax credit to farmers for the restoration and conservation of wetlands.

We have learned over the years the extraordinary value that wetlands can provide as habitat for plants and waterfowl, as a filter for water and as a buffer against flooding. At the same time, anyone who has ever owned a farm in South Dakota with what we call prairie potholes can appreciate the frustration wetlands can generate, making it logistically difficult to till the field efficiently and, of course, impossible to grow crops on lands that are flooded.

To add insult to injury, farmers often need to pay property taxes on these wetlands, even though they provide no financial return.

As a nation, we have recognized the dilemma this presents and have taken steps in the past to provide farmers with a means of obtaining some value for their efforts to protect wetlands. For years the Department of Agriculture has allowed farmers to enroll wetlands into the Wetland Reserve Program, while the U.S. Fish and Wildlife Service has worked with conservation groups to provide farmers with long-term easement options. Recently, Congress enacted legislation I sponsored to allow farmers to enroll wetlands in the Conservation Reserve Program.

Unfortunately, due to the funding caps, many farmers cannot enroll their wetlands into the CRP while others are reluctant to use the WRP or U.S. Fish and Wildlife easements. Consequently, despite these efforts, many wetlands throughout this country continue to present farmers with a challenge: ensuring their protection without any compensation.

In addition, over the last century, many wetlands have been drained, filled or otherwise degraded. These areas represent a vast reservoir of potentially important wetlands that could provide useful environmental functions if fully restored. The time has come for Congress to establish a more comprehensive set of incentives to both restore degraded wetlands and ensure their long-term protection.

Under the legislation I am introducing today, owners of wetlands, farmed wetlands and prior-converted croplands that are surrounded by or immediately adjacent to actively farmed cropland in the same ownership are eligible for a tax credit. To take advantage of this credit, farmers must restore to fully functioning condition their farmed wetlands or prior converted croplands condition according to a restoration plan approved by the Natural Resources Conservation Service. A tax credit equal to the restoration costs will be available under this bill. To protect the water quality of wildlife values, a maximum of three associated acres of non-wetland may be eligible for the credit for every acre of wetland. To ensure that the federal government does not pay twice to protect the same wetlands, those enrolled in CRP or WRP are not eligible for this credit.

The bill provides a tax credit equal to 50% to 70% of the soil-specific Conservation Reserve Program (CRP) rental rate for eligible wetland and associated non-wetland acres, plus any certification fee. This may be taken in each year of the conservation agreement in which the eligible land is not used for agricultural production or drained, dredged, filled, leveled, or otherwise manipulated for that purpose.

A farmer who enters into an agreement to conserve the eligible wetland and associated non-wetland acres for a period of not less than 10 years will receive 50% of the annual CRP rental rate; a farmer who agrees to conserve the wetland for not less than 20 years will receive 60% of the annual CRP rental rate; and a farmer who agrees to conserve the wetland for 30 years will receive 70% of the annual CRP rental rate. Certification of compliance with the agreement must be made at least every 5 years.

As a long-term alternative to the conservation credit, farmers may opt for an easement credit, which would be equal to the fair market value of the land in agricultural use, as determined by a certified appraisal. This would be based on the charitable donation by the landowner of a deed restriction, granted in perpetuity on the use which may be made of the eligible land to a qualified conservation organization, exclusively for conservation purposes. The full credit may be taken in the year in which the deed restriction is recorded.

Mr. President, Americans increasingly are becoming aware of the tremendous environmental benefits that wetlands provide. From critical waterfowl habitat to reducing the severity of flooding, wetlands are a critical component of our landscape. What may not be as widely appreciated is the nature of the farmer's role in protecting this resource.

The time has come for us to both acknowledge the contributions made by farmers to the conservation of wetlands and provide them with appropriate incentive to preserve them. Farmers should not be penalized for doing the right thing. This legislation will take a giant step toward making available fair and reasonable compensation for their efforts in this regard.

I urge my colleagues to join me in supporting this legislation. It represents an idea that is popular with conservation organizations as well as producers, and I am hopeful that Congress will enact it in the very near future. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REFUNDABLE CREDIT FOR WETLAND RESTORATION AND CONSERVATION EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. WETLAND RESTORATION AND CONSERVATION EXPENSES.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible taxpayer, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year in an amount equal to the sum of—

"(1) the wetland restoration credit, plus

"(2) the wetland conservation credit, plus

"(3) the wetland easement credit.

"(b) WETLAND RESTORATION CREDIT.—

"(1) IN GENERAL.—The wetland restoration credit for any taxable year is an amount equal to the wetland restoration expenditures paid or incurred by the eligible taxpayer for such taxable year.

"(2) WETLAND RESTORATION EXPENDITURES.—For purposes of this subsection, the term 'wetland restoration expenditure' means an expenditure for the restoration of farmed wetland or prior converted wetland to fully functioning wetland condition—

"(A) pursuant to a restoration plan approved by the Natural Resources Conservation Service of the Department of Agriculture, and

"(B) paid or incurred during the first 5 years of the qualified conservation agreement or qualified conservation easement relating to such farmed wetland or prior converted wetland.

Such term shall not include any expenditure which is required to be made pursuant to any Federal or State law.

"(c) WETLAND CONSERVATION CREDIT.—

"(1) IN GENERAL.—The wetland conservation credit for any taxable year is an amount equal to the sum of—

"(A) the applicable percentage of the soil-specific Conservation Reserve Program rental rate applicable to the eligible taxpayer's qualified wetland for such taxable year under title XII of the Food Security Act of 1985, plus

"(B) any fee for certification of compliance paid or incurred by the eligible taxpayer in such taxable year with respect to the qualified conservation agreement relating to such qualified wetland.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)(A), the applicable percentage is equal to, in the case of an eligible taxpayer who has entered into a qualified conservation agreement with a term of—

"(A) at least 10 years, but less than 20 years, 50 percent,

"(B) at least 20 years, but less than 30 years, 60 percent, and

"(C) 30 years, 70 percent.

"(3) DENIAL OF CREDIT IF WETLAND EASEMENT CREDIT IS ELECTED.—With respect to any qualified wetland with respect to which the taxpayer makes an election under subsection (d) for any taxable year, the wetland conservation credit with respect to such qualified wetland for such taxable year is zero.

"(d) WETLAND EASEMENT CREDIT.—

"(1) IN GENERAL.—At the election of the eligible taxpayer, the wetland easement credit for any taxable year is an amount equal to the fair market value of any qualified wetland of the taxpayer subject to a qualified conservation easement.

"(2) DETERMINATION OF VALUE.—For purposes of paragraph (1), the value of such qualified wetland is the fair market value of such qualified wetland in agricultural use (as determined by a certified appraisal) during the taxable year (determined as of the date of the grant of the easement).

"(3) ELECTION.—An election under this subsection shall apply to the taxable year for which made.

"(e) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE TAXPAYER.—The term 'eligible taxpayer' means a taxpayer who—

"(A) owns property which consists of—

"(i) wetlands, farmed wetlands, or prior converted wetlands, and

"(ii) the surrounding or immediately adjacent actively farmed cropland, and

"(B) with respect to such property, has entered into a qualified conservation agreement or a qualified conservation easement.

"(2) QUALIFIED WETLAND.—

"(A) IN GENERAL.—The term 'qualified wetland' means—

"(i) wetland, including farmed wetland or prior converted wetland, which through the use of wetland restoration expenditures is being converted to fully functioning wetland condition, plus

"(ii) as determined under a qualified conservation agreement or a qualified conservation easement, such surrounding or immediately adjacent nonwetland as is appropriate to buffer the water quality or wildlife habitat values associated with the wetland, but only to the extent the nonwetland acreage is not more than 3 times greater than the wetland acreage.

"(B) CERTAIN PROPERTY EXCLUDED.—Such term shall not include any acre of land with respect to which contract or easement payments are received in the taxable year from the Conservation Reserve Program or the Wetlands Reserve Program under title XII of the Food Security Act of 1985.

"(3) WETLAND, FARMED WETLAND, AND PRIOR CONVERTED WETLAND.—The terms 'wetland', 'farmed wetland', and 'prior converted wetland' shall have the meanings given such terms by title XII of the Food Security Act of 1985.

"(4) QUALIFIED CONSERVATION AGREEMENT.—

"(A) IN GENERAL.—The term 'qualified conservation agreement' means an agreement by the eligible taxpayer—

"(i) with a governmental unit referred to in section 170(c)(1),

"(ii) for a term of not less than 10 years and not more than 30 years,

"(iii) under which the taxpayer agrees to comply with the conservation requirements of subparagraph (B) with respect to the qualified wetland, and

"(iv) under which the taxpayer agrees to obtain a certification of compliance not less than every 5 years during the period of the agreement.

"(B) CONSERVATION REQUIREMENTS.—An eligible taxpayer complies with the conservation requirements of this subparagraph if—

"(i) the taxpayer does not use the qualified wetland for agricultural production, and

"(ii) the taxpayer does not drain, dredge, fill, level, or otherwise manipulate the qualified wetland (including the removal of woody vegetation, or any activity which results in impairing or reducing the flow, circulation, or reach of water) for the purpose, or that has the effect, of making production of an agricultural commodity or development of built structures on such wetland possible.

"(5) QUALIFIED CONSERVATION EASEMENT.—The term 'qualified conservation easement' means an easement granted in perpetuity by the eligible taxpayer restricting the use which may be made of the qualified wetland to a qualified organization exclusively for conservation purposes (as defined in section 170(h)).

"(f) SPECIAL RULES.—

"(1) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No credit shall be allowed under subsection (a) for any expense for which a deduction or credit is allowed under any other provision of this chapter.

"(B) GRANTS.—No credit shall be allowed under subsection (a) for any expense to the extent that funds for such expense are received under any Federal, State, or local program.

"(2) MARRIED COUPLES MUST FILE JOINT RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year."

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 35 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following:

"Sec. 35. Wetland restoration and conservation expenses.

"Sec. 36. Overpayments of tax."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 1908. A bill to amend title XVIII of the Social Security Act to carve out form payments to Medicare+Choice organizations amounts attributable to disproportionate share hospital payments and pay such amounts directly to those disproportionate share hospitals in which their enrollees receive care; to the Committee on Finance.

THE MANAGED CARE FAIR PAYMENT ACT OF 1998

Mr. MOYNIHAN. Mr. President, I rise today to introduce with my colleague Senator D'AMATO, the "Managed Care Fair Payment Act of 1998," a companion to H.R. 2701 which was introduced in the House of Representatives last year by my colleague and friend, Representative RANGEL.

In the Balanced Budget Act of 1997 (BBA), Congress and the President agreed to "carve out" the payment made to Medicare HMOs attributed to the cost for graduate medical education (GME), and instead make the payment for GME directly to teaching hospitals. The BBA did not contain, however, a provision passed by the Senate to "carve out" payments to disproportionate share hospitals—often called DSH payments.

Medicare DSH payments are paid to almost 2000 hospitals that serve a "disproportionate share" of low-income—often uninsured—patients. The DSH adjustment for each hospital is determined by a complex set of formulas relating to a hospital's location, size and percentage of low-income patients.

Until 1998, Medicare's payments to private health plans were based on the average payments made on behalf of Medicare beneficiaries in the fee-for-service program. Under the BBA, Medicare+Choice payment rates are no longer directly linked to local fee-for-service spending. Instead, they blend average spending locally and nationally. Because the DSH payment was not carved out in the BBA, the DSH payment will continue to be made with the expectation that HMOs will, when negotiating rates with hospitals, "pass on" the DSH payment to hospitals that serve a large number of low-income, uninsured individuals. Unfortunately, as was the case before the BBA was enacted, DSH payments to managed care plans will likely not be passed on to hospitals. This bill seeks to correct this problem by "carving out" the DSH payment from the Medicare+Choice payments to managed care plans and giving the payments directly to hospitals.

This issue is particularly important to New York state. Hospitals in New York currently receive approximately $700 million per year in DSH payments. The number of New York Medicare beneficiaries enrolled in HMOs and other managed care plans has grown by nearly 86 percent to more than 300,000 since 1995. At this level of penetration, a DSH carve out would redirect $150 million each year to New York's 127 DSH hospitals.

To preserve the viability of hospitals that provide the bulk of the care to low-income—often uninsured—patients, it is imperative, as managed care enrollment grows, that Medicare DSH payments be carved out from HMO payments. The bill I am introducing today does just that—it would carve out 100 percent of the DSH funds from the managed care payment rate, beginning in January 1999 and pay these funds directly to hospitals. These payments must go directly to hospitals that serve the poor. I urge my colleagues to join me in supporting the Managed Care Fair Payment Act of 1998.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Managed Care Fair Payment Act of 1998".

SEC. 2. CARVING OUT DSH PAYMENTS FROM PAYMENTS TO MEDICARE+CHOICE ORGANIZATIONS AND PAYING THE AMOUNTS DIRECTLY TO DSH HOSPITALS ENROLLING MEDICARE+CHOICE ENROLLEES.

(a) IN GENERAL.—Section 1853(c)(3) of the Social Security Act (42 U.S.C. 1395w–23(c)(3)), as inserted by section 4001 of the Balanced Budget Act of 1997, is amended—

(1) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (D)",

(2) by redesignating subparagraph (D) as subparagraph (E), and

(3) by inserting after subparagraph (C) the following:

"(D) REMOVAL OF PAYMENTS ATTRIBUTABLE TO DISPROPORTIONATE SHARE PAYMENTS FROM CALCULATION OF ADJUSTED AVERAGE PER CAPITA COST.—

"(i) IN GENERAL.—In determining the area-specific Medicare+Choice capitation rate under subparagraph (A) for a year (beginning with 1999), the annual per capita rate of payment for 1997 determined under section 1876(a)(1)(C) shall be adjusted, subject to clause (ii), to exclude from the rate the additional payments that the Secretary estimates were payment during 1997 for additional payments described in section 1886(d)(5)(F).

"(ii) TREATMENT OF PAYMENTS COVERED UNDER STATE HOSPITAL REIMBURSEMENT SYSTEM.—To the extent that the Secretary estimates that an annual per capita rate of payment for 1997 described in clause (i) reflects payments to hospitals reimbursed under section 1814(b)(3), the Secretary shall estimate a payment adjustment that is comparable to the payment adjustment that would have been made under clause (i) if the hospitals had not been reimbursed under such section.".

(b) ADDITIONAL PAYMENTS FOR MANAGED CARE ENROLLEES.—Section 1886(d)(5)(F) of the Social Security Act ((42 U.S.C. 1395ww(d)(5)(F)) is amended—

(1) in clause (ii), by striking "clause (ix)" and inserting "clauses (ix) and (x)", and

(2) by adding at the end the following:

"(ix)(I) For portions of cost reporting periods occurring on or after January 1, 1999, the Secretary shall provide for an additional payment amount for each applicable discharge of any subsection (d) hospital that is a disproportionate share hospital (as described in clause (i)).

"(II) For purposes of this clause, the term 'applicable discharge' means the discharge of any individual who is enrolled under a risk-sharing contract with an eligible organization under section 1876 and who is entitled to benefits under part A or any individual who is enrolled with a Medicare+Choice organization under part C.

"(III) The amount of the payment under this clause with respect to any applicable discharge shall be equal to the estimated average per discharge amount that would otherwise have been paid under this subparagraph if the individuals had not been enrolled as described in subclause (II).

"(IV) The Secretary shall establish rules for an additional payment amount, for any hospital reimbursed under a reimbursement system authorized under section 1814(b)(3) if such hospital would qualify as a disproportionate share hospital under clause (i) were it not so reimbursed. Such payment shall be determined in the same manner as the amount of payment is determined under this clause for disproportionate share hospitals.".

By Mr. MCCAIN:

S. 1909. A bill to repeal the telephone excise tax; to the Committee on Finance.

THE TELEPHONE EXCISE TAX REPEAL ACT OF 1998

Mr. MCCAIN. Mr. President, I rise to offer a bill to repeal the three percent federal excise tax that all Americans pay every time they use a telephone.

Under current law, the federal government taxes you three percent of your monthly phone bill for the so-called "privilege" of using your phone lines. This tax was first imposed one hundred years ago. To help finance the Spanish-American War, the federal government taxed telephone service, which in 1898 was a luxury service enjoyed by relatively few. The tax reappeared as a means of raising revenue for World War I, and continued as a revenue-raiser during the Great Depression, World War II, the Korean and Vietnam Wars, and the chronic federal budget deficits of the last twenty years.

Earlier this month, however, we received some long-overdue good news: thanks to the Balanced Budget Act enacted by the Congress in 1997, the Congressional Budget Office projected an $8 billion federal budget surplus for 1998. Mr. President, that announcement should mean the end of the federal phone excise tax.

Here's why. First of all, the telephone is a modern-day necessity, not like alcohol, or furs, or jewelry, or other items of the sort that the government taxes this way. The Congress specifically recognized the need for all Americans to have affordable telephone service when it enacted the 1996 Telecommunications Act. The universal service provisions of the Act are intended to assure that all Americans, regardless of where they live or how much money they make, have access to affordable telephone service. The telephone excise tax, which bears no relationship to any government service received by the consumer, is flatly inconsistent with the goal of universal telephone service.

It's also a highly regressive and unfair tax that hurts low-income and rural Americans even more than other Americans. Low-income families spend a higher percentage of their income than medium- or high-income families on telephone service, and that means the telephone tax hits low-income families much harder. For that reason the Congressional Budget Office has concluded that increases in the telephone tax would have a greater impact on low-income families than tax increases on alcohol or tobacco products. And a study by the American Agriculture Movement concluded that excise taxes like the telephone tax impose a disproportionately large tax burden on rural customers, too, who rely on telephone service in isolated areas.

But, in addition to being unfair and unnecessary, there is another reason why we should eliminate the telephone excise tax. Implementation of the Telecom Act of 1996 requires all telecommunications carriers—local, long-distance, and wireless—to incur new costs in order to produce a new, more competitive market for telecommunications services of all kinds.

Unfortunately, the cost increases are arriving far more quickly than the new, more competitive market. The Telecom Act created a new subsidy program for wiring schools and libraries to the Internet, and the cost of funding that subsidy has already increased bills for business users of long-distance telephone service and for consumers of wireless services. Because of more universal service subsidy requirements and other new Telecom Act mandates, more rate increases for all users will occur later this year and next year.

Mr. President, the fact that the Telecom Act is imposing new charges on consumers' bills makes it absolutely incumbent upon us to strip away any unnecessary old charges. And that means the telephone excise tax.

Mr. President, the telephone excise tax isn't a harmless artifact from bygone days. It collects money for wars that are already over, and for budget deficits that no longer exist, from people who can least afford to spend it now and from people who will have new bills to foot as the 1996 Telecom Act gets implemented. That's unfair, that's wrong, and that must be stopped.

San Juan Hill and Pork Chop Hill have now gone down in history, and so should this tax.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF TELEPHONE EXCISE TAX.

(a) IN GENERAL.—Effective with respect to amounts paid pursuant to bills first rendered on or after January 1, 1999, subchapter B of chapter 33 of the Internal Revenue Code of 1986 (26 U.S.C. 4251 et seq.) is repealed. For purposes of the preceding sentence, in the case of communications services rendered before December 1, 1998, for which a bill has not been rendered before January 1, 1999, a bill shall be treated as having been first rendered on December 31, 1998.

(b) CONFORMING AMENDMENT.—Effective January 1, 1999, the table of subchapters for such chapter is amended by striking out the item relating to subchapter B.

By Mr. D'AMATO:

S. 1911. A bill to amend the Internal Revenue Code of 1986 to provide a $500 nonrefundable credit to individuals for the payment of real estate taxes; to the Committee on Finance.

THE WORKING MIDDLE CLASS TAX RELIEF ACT OF 1998

Mr. D'AMATO. Mr. President, last year, the Congress delivered some long-overdue and much-deserved tax relief to the American people. The Taxpayer Relief Act of 1997 provided the first middle class tax cut in 16 years.

The tax cuts we passed last year are making a difference in the monthly budgets of working middle class families. But we can and we must do more. These families still send too much of their hard-earned money to Washington. And between Federal, State, and local taxes, the average American's tax bill is nearly 35 percent of their total income. In fact, most Americans spend more time working to pay their tax bills than they spend working to provide food, clothing, and shelter combined. We absolutely must continue our efforts to reduce the tax burden.

One area that escaped our tax-cutting efforts last year was the enormous property tax bills paid by homeowners. Last year, hardworking Americans paid about $209 billion in real-estate property taxes. This was more than one-and-one-half times what individuals paid in State income taxes.

In addition, property tax rates have increased almost twice as fast as inflation. Property taxes are spiraling out of control, and the time has come to give homeowners some real relief.

Homeownership is the American dream, but that dream now comes with a tax bill that puts a heavy burden on working families. This property tax bill also provides a disincentive to any young couple considering purchasing a home. We in Washington should change that equation—we should be doing everything we can to encourage and assist homeownership.

Today, I am introducing the "Working Middle Class Tax Relief Act of 1998." This bill will allow homeowners to take a federal tax credit for the first $500 of property taxes paid on their personal residence. The Working Middle Class Tax Relief Act will provide real help to working families who are struggling to make ends meet, and it will send a strong message that homeownership can become a reality for all Americans.

Here are a few examples of how my bill works. Under current law, there are nearly 36 million taxpayers who do not get any savings on property taxes because they don't file an itemized Federal tax return. Under my bill, every dollar of property tax that they pay, up to $500, will come back to them in the form of Federal tax savings.

Of course, millions of other Americans do itemize. Take, for example, a typical family of four with a taxable income of $42,000, and a property tax bill of $3,000. Under current law they receive a $450 Federal tax benefit. By turning the first $500 of property taxes into a tax credit, my legislation would give this typical family an additional $425 savings, for a total tax benefit of $875.

This savings to homeowners could cut their property tax bill by one-third or more, and in some cases wipe it out all together. This legislation will let working families keep more of their money. That's the way it should be. After all, the American people know how to manage their own money much better than Washington does.

The Working Middle Class Tax Relief Act is real savings for the 66 million Americans who have realized the dream of owning a home, and it will help millions more achieve that dream.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1911

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working Middle Class Tax Relief Act of 1998".

SEC. 2. NONREFUNDABLE TAX CREDIT FOR REAL ESTATE TAXES ON PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25A the following:

"SEC. 25B. REAL ESTATE TAXES ON PRINCIPAL RESIDENCE.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the lesser of—

"(1) the applicable dollar amount, or

"(2) the amount allowable as a deduction under section 164 (determined without regard to subsection (c)(3) thereof) for State, local, and foreign real property taxes paid or accrued by the taxpayer on property for periods the property was owned and used by the taxpayer as the taxpayer's principal residence.

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) APPLICABLE DOLLAR AMOUNT.—The applicable dollar amount shall be determined in accordance with the following table:

"For taxable years beginning in:	The dollar amount is:
1999	$100
2000	200
2001	300
2002	400
2003 and thereafter	500.

"(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the meaning given such term by section 121, except that the period for which a dwelling unit is treated as a principal residence of the taxpayer shall include the 30-day period ending on the first day on which it would (but for this paragraph) be treated as the taxpayer's principal residence.

"(3) JOINT RETURN REQUIRED.—Rules similar to the rules of paragraphs (2), (3), and (4) of section 21(e) shall apply.

"(4) OWNERSHIP AND USE.—Rules similar to the rules of paragraphs (1), (2), (3), (4), and (7) of section 121(d) shall apply."

(b) DENIAL OF DOUBLE BENEFIT.—Section 164(c) of the Internal Revenue Code of 1986 (relating to deduction denied in case of certain taxes) is amended by adding at the end the following:

"(3) Taxes on real property to the extent of the amount of the credit allowed under section 25B."

(c) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25A the following:

"Sec. 25B. Real estate taxes on principal residence."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. FORD (for himself and Mr. BOND):

S. 1912. A bill to amend title 10, United States Code, to exclude additional reserve component general and flag officers from the limitation on the number of general or flag officers who may serve on active duty; to the Committee on Armed Services.

NATIONAL GUARD LEGISLATION

Mr. FORD. Mr. President, today I join Senator BOND, my fellow co-chairman of the National Guard Caucus, in introducing legislation to allow the Secretary of Defense to increase the number of National Guard and reserve generals on active duty.

Deputy Secretary of Defense John Hamre brought it to our attention that under current law, guard and reserve general officers brought on active duty for more than 180 days count against the service's active duty ceilings specified in 10 U.S.C. 526. Our proposed legislation would exempt full-time active duty guard and reserve general officers from the limit in title 10. But we only allow the exemption so it does not exceed 3 percent of the current limit of 877 general officers.

This legislation will encourage the military services to assign guard/reserve general officers to a wider variety of non-traditional assignments allowing these general officers to gain a greater depth of experience. The legislation will greatly enhance the total force idea, by providing a more seamless integration of the reserve and active component senior leadership. Senator BOND and I also believe this legislation will foster a greater appreciation by the active duty service leadership of the expertise available from the guard and reserve community.

This legislation would eliminate the disincentive to expand guard and reserve general officers assignments by easing the one-for-one reserve component versus active component offset. There are currently 22 Guard and Reserve general officers on full time active duty. All but three of those officers are serving in assignment directly related to Guard and Reserve matters. This legislation would exempt up to 25 Guard and Reserve general officers from counting against active duty general officer end strength.

Senator BOND and I would encourage the Senate Armed Services Committee to include this legislation in the fiscal year 1999 defense authorization bill.

I ask unanimous consent that the bill and section-by-section be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follow:

S. 1912

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF ADDITIONAL RESERVE COMPONENT GENERAL AND FLAG OFFICERS FROM LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE ON ACTIVE DUTY.

Section 526(d) of title 10, United States Code, is amended to read as follows:

"(d) EXCLUSION OF CERTAIN RESERVE OFFICERS.—(1) Subject to paragraph (2), the limitations of this section do not apply to the following reserve component general or flag officers:

"(A) A general or flag officer who is on active duty for training.

"(B) A general or flag officer who is on active duty under a call or order specifying a period of less than 180 days.

"(C) A general or flag officer who is on active duty under a call or order specifying a period of more than 179 days.

"(2) The number of general or flag officers of an armed force covered by paragraph (1)(C) at any one time may not exceed the number equal to three percent of the number specified for that armed force under subsection (a).".

AUTHORIZED STRENGTH: GENERAL AND FLAG OFFICERS ON ACTIVE DUTY

SECTION BY SECTION ANALYSIS

Section 526(a) limits the number of general and flag officers on active duty in the Army (302), Navy (216), Air Force (279) and Marine Corps (80). Section 526(d), title 10, United States Code provides that these limits do not apply to reserve general or flag officers who are on active duty for training or who are on active duty under a call or order specifying a period of less than 180 days.

The intent of the proposed language is to exempt Reserve and National Guard general/flag officers from the limits in Section 526(a), up to a maximum of 3% of the total number of general and flag officers currently authorized for each Service.

RESERVE/GUARD GENERAL/FLAG OFFICER EXEMPTION JUSTIFICATION

Currently, any Reserve or Guard general officer ordered to active duty for a period of more than 179 days counts against the Service's active duty general and flag officer limit.

Greater participation by Reserve and Guard senior leadership in the day-to-day planning, decision-making and execution will lead to a more seamless Total Force and will immeasurably benefit both the Reserve and Active Components. Reserve and Guard officers will gain greater depth of experience from their full-time assignment and Active Component will gain greater understanding of the assets the Reserve and Guard community bring to the table.

This legislation will also encourage the Services to assign Reserve and Guard general and flag officers to a wider variety of non-traditional billets, to include joint assignments.

This section amends Section 526 by adding a provision to exempt a number of Reserve and Guard general and flag officers serving on full-time active duty from the limits of subsection (a).

By Mr. BAUCUS (for himself and Mr. BURNS):

S. 1913. A bill to require the Secretary of the Interior to sell leaseholds at the Canyon Ferry Reservoir in the State of Montana and to establish a trust and fund for the conservation of fish and wildlife and enhancement of public hunting and fishing opportunities in the State; to the Committee on Environment and Public Works.

THE MONTANA FISH AND WILDLIFE CONSERVATION ACT OF 1998

Mr. BAUCUS. Mr. President, I rise today to announce the introduction of "The Montana Fish and Wildlife Conservation Act of 1998." I am pleased to be joined on this bill by my Colleague from Montana, Senator BURNS. This bill will help protect important lands in Montana for the use and enjoyment of all Americans. It will protect our hunting and fishing heritage and ensure that our children and our grandchildren can enjoy our great wild lands, just as we do today.

Canyon Ferry Reservoir sits just east of Helena, Montana. Along the north shore of the reservoir, there are 265 cabin sites that have been leased by the Bureau of Reclamation for over two decades. On these sites, families have built cabins and houses, car ports and garages, and planted lawns and gardens. Many families now live in these cabins year-round.

These cabin sites have been a constant management problem for the Bureau of Reclamation. In addition to managing the reservoir, the Bureau of Reclamation has been forced to play landlord. Like all landlords, the Bureau of Reclamation has often been at odds with the cabin owners over rental payments and maintenance of the property. This conflict has damaged public good will and created administrative expenses for the government as appeals are filed to respond to the conflict of the day.

The Montana Fish and Wildlife Conservation Act establishes an equitable means of resolving these conflicts and, at the same time, provide substantial benefit to the public. This Act proposes to sell all 265 cabin sites through a sealed bid process with the minimum bid set at fair market value determined in accordance with federal appraisal standards. All existing lease arrangements would have to be honored by the purchaser of the 265 cabin sites, and each cabin owner would have to be given an option to purchase their cabin site from the successful bidder. In this way, the Act ensures that the public will receive a maximum return on the investment, while at the same time, fully protecting the interests of the current leaseholders.

The Montana Fish and Wildlife Conservation Act of 1998 would use the proceeds from this sale to establish two funds for the conservation of fish and wildlife and would return 10% of the proceeds to the U.S. Treasury.

The first fund established by this Act, the Canyon Ferry-Missouri Trust, would be a perpetual endowment fund with 45% of the proceeds from the sale of the cabin sites. It would be used for the public acquisition of property at Canyon Ferry Reservoir and along the Missouri River and its tributaries upstream to the confluence of the Madison, Jefferson, and Gallatin Rivers.

This trust would be managed by a board consisting of representatives of local and statewide sportsmens organizations and local landowners. The Canyon Ferry-Missouri River Endowment would be used to purchase public access to hunting and fishing sites and to acquire property and conservation easements to enhance public hunting and fishing opportunities at the reservoir and along the Missouri. All property acquired by this trust would be purchased from willing sellers.

The second fund, Montana Hunter and Fisherman Access Fund would be a state-wide fund established with another 45% of the proceeds from the sale of the cabin sites. It would be used to acquire public access to federal lands in Montana and to acquire property and conservation easements to enhance public hunting and fishing opportunities across the state. This fund would be managed by the Bureau of Land Management, the Forest Service, and Fish and Wildlife Service. This fund could be used to acquire property only from willing sellers.

The remaining 10% of the proceeds from the sale of the cabin sites would be returned to the U.S. Treasury.

The Montana Fish and Wildlife Conservation Act of 1998 presents an exciting opportunity for us to ensure that our children can enjoy hunting and fishing just as we do. This bill will improve access to public lands and will protect important fish and wildlife habitat for the benefit of all Americans. It does so by selling cabin sites which currently are providing very few benefits to the general public while causing significant management conflicts and expenses for the Bureau of Reclamation.

This is a fair bill that is widely supported by cabin owners, local land owners, and sportsmen throughout Montana. There are a number of issues that still need to be ironed out with this bill. In particular, the Canyon Ferry Recreation Association (the association of cabin owners) has expressed concern that they may not financially be able to step into the role of landlord for those leasees who are unable to purchase the cabin sites should the Association be the highest bidder. We'll have to work through these and other issues as this bill moves forward.

Nonetheless, Mr. President, I believe that this bill is a good start. I look forward to working with my Colleague from Montana and with all the members of the Senate to finalize and pass this legislation for the benefit of America's fish and wildlife heritage.

Mr. President, I urge my colleagues to join me in supporting this important bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Montana Fish and Wildlife Conservation Act of 1998".

SEC. 2. FINDINGS.

Congress finds that—

(1) it is in the interest of the United States for the Secretary of the Interior to sell leaseholds at Canyon Ferry Reservoir in the State of Montana for fair market value if the proceeds from the sale are used—

(A) to establish a trust to provide a permanent source of funding to acquire access or other property interests from willing sellers to conserve fish and wildlife and to enhance public hunting and fishing opportunities at the Reservoir and along the Missouri River;

(B) to establish a fund to be used to acquire access or other property interests from willing sellers to increase public access to Federal land in the State of Montana and to enhance hunting and fishing opportunities; and

(C) to reduce the Pick-Sloan project debt for the Canyon Ferry Unit;

(2) existing trusts in the State of Montana, including the Rock Creek Trust and the Montana Power Company Missouri-Madison Trust, have provided substantial public benefits by conserving fish and wildlife and by enhancing public hunting and fishing opportunities in the State of Montana;

(3) many Federal lands in the State of Montana do not have suitable public access, and establishing a fund to acquire easements to those lands from willing sellers would enhance public hunting and fishing opportunities in the State of Montana;

(4) the sale of the leaseholds at the Reservoir will reduce Federal payments in lieu of taxes and associated management expenditures in connection with the ownership by the Federal Government of the leaseholds while increasing local tax revenues from the new owners of the leased lots; and

(5) the sale of the leaseholds at the Reservoir will reduce expensive and contentious disputes between the Federal Government and leaseholders, while ensuring that the Federal Government receives full and fair value for the acquisition of the property.

SEC. 3. DEFINITIONS.

In this Act:

(1) CFRA.—The term "CFRA" means the Canyon Ferry Recreation Association, Incorporated, a Montana corporation.

(2) FUND.—The term "Fund" means the Montana Hunter and Fisherman Access Fund established under section 6(a).

(3) LESSEE.—The term "lessee" means the holder of a leasehold described in section 4(b) as of the date of enactment of this Act, and the holder's heirs, executors, and assigns of the holder's leasehold interest.

(4) PURCHASER.—The term "Purchaser" means the person or entity that purchases the 265 leaseholds under section 4.

(5) RESERVOIR.—The term "Reservoir" means the Canyon Ferry Reservoir in the State of Montana.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(7) TRUST.—The term "Trust" means the Canyon Ferry-Missouri River Trust established under section 5(a).

SEC. 4. SALE OF LEASEHOLDS.

(a) IN GENERAL.—Subject to subsection (c) and notwithstanding any other provision of law, the Secretary shall sell at fair market value—

(1) all right, title, and interest of the United States in and to all (but not fewer than all) of the leaseholds described in subsection (b), subject to valid existing rights; and

(2) easements for—

(A) vehicular access to each leasehold;

(B) access to and the use of 1 dock per leasehold; and

(C) access to and the use of all boathouses, ramps, retaining walls, and other improvements for which access is provided in the leases as of the date of this Act.

(b) DESCRIPTION OF LEASEHOLDS.—

(1) IN GENERAL.—The leaseholds to be conveyed are—

(A) the 265 cabin sites of the Bureau of Reclamation located along the northern portion of the Reservoir in portions of sections 2, 11, 12, 13, 15, 22, 23, and 26, Township 10 North, Range 1 West; plus

(B) any small parcels contiguous to the leaseholds (not including shoreline property or property needed to provide public access to the shoreline of the Reservoir) that the Secretary determines should be conveyed in order to eliminate inholdings and facilitate administration of surrounding land remaining in Federal ownership.

(2) ACREAGE; LEGAL DESCRIPTION.—The acreage and legal description of each property shall be agreed on by the Secretary and the Purchaser.

(c) PURCHASE PROCESS.—

(1) IN GENERAL.—The Secretary shall—

(A) solicit sealed bids for all of the leaseholds; and

(B) subject to paragraph (2), sell the leaseholds to the bidder that submits the highest bid above the minimum bid determined under paragraph (2).

(2) MINIMUM BID.—Before accepting bids, the Secretary, in consultation with interested bidders, shall establish a minimum bid based on an appraisal of the fair market value of the leaseholds, exclusive of the value of private improvements made by the leaseholders before the date of the conveyance, by means of an appraisal conducted in accordance with the appraisal procedures used under Federal law, including, to the extent practicable, the procedures specified in sections 2201.3 through 2201.3-5 of title 43, Code of Federal Regulations.

(3) RIGHT OF FIRST REFUSAL.—If the highest bidder is other CFRA, CFRA shall have the right to match the highest bid and purchase the leaseholds at a price equal to the amount of that bid.

(d) CONDITIONS.—

(1) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Purchaser shall—

(A) contribute to the Trust the amount that is equal to 45 percent of the purchase price of the leaseholds;

(B) contribute to the Fund the amount that is equal to 45 percent of the purchase price of the leaseholds; and

(C) pay the Secretary for deposit in the Treasury of the United States an amount that is equal to 10 percent of the purchase price of the leaseholds.

(2) NO CHARITABLE DEDUCTION.—The Purchaser, any owner, member, or other interest holder in the Purchaser, and any leaseholder shall not be entitled to a charitable deduction under the Internal Revenue Code of 1986 by reason of the making of the contribution under subparagraph (A) or (B) of paragraph (1).

(3) OPTION TO PURCHASE.—

(A) IN GENERAL.—The Purchaser shall give each leaseholder of record of a leasehold conveyed under this section an option to purchase the leasehold at fair market value.

(B) NONPURCHASING LESSEES.—

(i) RIGHT TO CONTINUE LEASE.—A lessee that is unable or unwilling to purchase a property shall be permitted to continue to lease the property for fair market value rent under the same terms and conditions as the existing leases, including the right to renew the term of the existing lease for 2 consecutive 5-year terms.

(ii) COMPENSATION FOR IMPROVEMENTS.—If a lessee declines to purchase a leasehold, the Purchaser shall compensate the lessee for the full market value of the improvements made to the leasehold.

(4) HISTORICAL USE.—The Purchaser shall honor the existing property descriptions and historical use restrictions for the leaseholds, as determined by the Bureau of Reclamation.

(e) ADMINISTRATIVE COSTS.—Any administrative cost incurred by the Secretary incident to the conveyance under subsection (a) shall be reimbursed by the Purchaser.

SEC. 5. CANYON FERRY-MISSOURI RIVER TRUST.

(a) ESTABLISHMENT.—The Secretary shall encourage establishment of a nonprofit charitable permanent perpetual trust, similar in structure and purpose to the existing trusts referred to in section 1(2), to be known as the "Canyon Ferry-Missouri River Trust", to provide a permanent source of funding to acquire land and interests in land from willing sellers at fair market value to conserve fish and wildlife, enhance public hunting and fishing opportunities, and improve public access at the Reservoir and along the Missouri River and its tributaries from the confluence of the Madison River, Gallatin River, and Jefferson River downstream to the Reservoir.

(b) BOARD OF TRUSTEES.—

(1) MEMBERSHIP.—The trust referred to in subsection shall have a Board of Trustees consisting of 1 representative of each of—

(A) local agricultural landowners;

(B) a local hunting organization;

(C) a statewide hunting organization;

(D) a fisheries conservation organization; and

(E) a nonprofit land trust or environmental organization.

(2) CONSULTATION.—In managing the Trust, the Board of Directors shall consult with representatives of—

(A) the Bureau of Reclamation;

(B) the Forest Service;

(C) the Bureau of Land Management;

(D) the United States Fish and Wildlife Service;

(E) the Montana Department of Fish, Wildlife, and Parks;

(F) the Montana Science Institute at Canyon Ferry, Montana; and

(G) local governmental bodies (including the Lewis and Clark and Broadwater County Commissioners).

(c) USE.—

(1) PRINCIPAL.—The principal amount of the Trust shall be inviolate.

(2) EARNINGS.—Earnings on amounts in the Trust shall be used to carry out subsection (a) and to administer the Trust.

(d) MANAGEMENT.—Land and interests in land acquired under this section shall be managed for the purposes described in subsection (a).

SEC. 6. MONTANA HUNTER AND FISHERMAN ACCESS FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States an interest-bearing account, to be known as the "Montana Hunter and Fisherman Access Fund", for the purpose of acquiring land and interests in land in the State of Montana from willing sellers at fair market value to—

(1) improve public access to Federal land in the State of Montana for hunting or fishing; and

(2) enhance public hunting and fishing opportunities in the State of Montana through the conservation of fish and wildlife.

(b) USE.—

(1) PRINCIPAL.—The principal amount of the Fund shall be inviolate.

(2) EARNINGS.—

(A) IN GENERAL.—Earnings on amounts in the Fund shall be used to carry out subsection (a).

(B) ADMINISTRATION.—The earnings shall be used at the joint direction of—

(i) the Chief of the Forest Service;

(ii) the Director of the Bureau of Land Management; and

(iii) the Director of the United States Fish and Wildlife Service.

(c) MANAGEMENT.—Land and interests in land acquired under this section shall be managed for the purposes described in subsection (a).

By Mr. GRASSLEY:

S. 1914. A bill to amend title 11, United States Code, provide for business bankruptcy reform, and for other purposes; to the Committee on the Judiciary.

THE BUSINESS BANKRUPTCY REFORM ACT OF 1998

Mr. GRASSLEY. Mr. President, today I am introducing "The Business Bankruptcy Reform Act of 1998." As Members of this body may remember, the National Bankruptcy Review Commission submitted a list of recommendations to Congress in October of last year. So far, the public has tended to focus on the consumer bankruptcy recommendations, which unfortunately would have made it easier to get into bankruptcy and would have given consumers even more of an upper hand. I think that these recommendations were fatally flawed, and that's why I introduced the Consumer Bankruptcy Reform Act with Senator DURBIN last year to tighten up the bankruptcy system and provide new consumer protections when creditors use abusive tactics.

The legislation I am introducing today will make many badly-needed reforms to the business provisions of the bankruptcy code. This legislation will provide—for the first time ever—new protections for patients of hospitals and HMOs and nursing homes that declare bankruptcy. Under current law, the bankruptcy process is oriented toward protecting the interests of creditors and helping the debtor corporation reorganize. And that is all we need most of the time.

But hospitals and HMOs and nursing homes are different. Patients are uniquely vulnerable and Congress needs to take special care to ensure that patients are protected during the bankruptcy process. For that reason, this bill allows a bankruptcy judge to appoint a patient ombudsman to make sure that the bankruptcy process is fair to patients. If the ombudsman determines that the quality of patient care is declining, he must notify the bankruptcy court so that corrective action can be taken.

This legislation also requires that the bankruptcy trustee ensure patients are transferred to other hospitals when a health care provider is winding down. Under current bankruptcy law, there's no such requirement. Under current law, patients could just be thrown out and have nowhere to go. Congress can't let that happen.

Importantly, to the extent that there are some State laws which already require a State agency to place patients when health care providers go under, this legislation will allow those agencies to recoup their expenses from the estate of the bankrupt health care provider. Otherwise, the bankruptcy code forces State taxpayers to pay for something which should be paid for by the defunct health care provider.

Following a recommendation of the National Bankruptcy Review Commission, this legislation provides an important new protection for employee health care and pensions. Under current law, if money is withheld from wages to pay for health care insurance or pension contributions, but a company declares bankruptcy before the withheld money is actually transferred, then the bankruptcy code prohibits the company from transferring this money. In practical terms, this means that workers lose their health insurance and forfeit pension contributions. I think this is wrong. So, my legislation will create a special carve out so that withheld money can go for its intended purpose.

The Business Bankruptcy Reform Act also makes several changes to the way securities transactions are treated under the bankruptcy code. Many of these changes are supported by the administration. I would call my colleagues' attention to one provision in particular. As we all know, home mortgage rates are at an all time low, allowing many Americans to purchase homes for the first time or to move into a larger home to accommodate a growing family. One factor in keeping mortgage interest rates very low is the existence of a robust secondary market where mortgage lenders can spread the risk by issuing securities backed up by home mortgages. With the risk spread by a securities market, mortgage bankers can make loans at lower interest rates.

Unfortunately, a provision of the bankruptcy code threatens to undermine the viability of this important secondary market. And if the secondary market dries up, then lenders will have to raise interest rates. Under current law, it isn't clear that the income stream going to the purchaser of the mortgage-backed securities will continue if the lender declares bankruptcy. In my bill, we expressly say that the income stream belongs to the securities purchaser and not the bankrupt lender. This change will help ensure that the secondary market stays strong by providing much-needed certainty to purchasers of mortgage-backed and other asset-backed securities.

On another topic, this legislation enacts the model law on international bankruptcies. When I held a hearing on international bankruptcies before my subcommittee last year, I learned that many times bankruptcy proceedings in this county are hampered because foreign countries won't cooperate with our bankruptcy courts. This model law would provide for standard procedures for recognizing and cooperating with foreign bankruptcy proceedings. If other countries—especially our trading partners—follow our lead in enacting this model law, then our bankruptcy proceedings will be treated fairly and American creditors will be able to get a fair shake for the first time when trying to collect from a foreign corporation which has declared bankruptcy.

The development of bankruptcy systems is a critically important factor in ensuring that international trade will continue to expand and benefit the United States economy. Many international insolvency specialists tell me that the lack of a good bankruptcy system in the Asian countries is making the Asian financial crisis even worse. When we finally get to consider the IMF funding bill, I intend to offer an amendment which would require the IMF to push for meaningful bankruptcy reforms when they provide loans to countries in economic trouble. I hope that my colleagues will support me in this effort.

Finally, the legislation I'm introducing today will provide for special fast-track procedures for businesses that declare bankruptcy which have less than $5 million in debt. Right now, these cases often languish for years in bankruptcy without a real hope of reorganizing. I believe that the bankruptcy code should identify cases which have no realistic chance of reorganizing and get them into chapter 7 as quickly as possible. In this way, creditors will get more of what they are owed. Most of these special fast-track proceedings were recommended by the Bankruptcy Review Commission, although I've added some changes to reduce the chances that clever bankruptcy lawyers will find a way to keep a company in chapter 11 which should be liquidated. The Business Bankruptcy Reform Act also contains special tax provisions so that taxing authorities will receive effective notice of a bankruptcy.

Mr. President, I believe that this bill will do much good for patients, for creditors and for all Americans whose lives are increasingly affected by business bankruptcies. I hope that we can pass this bill in this Congress.

By Mr. LEAHY:

S. 1915. A bill to amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes; to the Committee on Environment and Public Works.

OMNIBUS MERCURY EMISSIONS REDUCTION ACT OF 1998

Mr. LEAHY. Mr. President, today I am introducing the "Omnibus Mercury Emissions Reduction Act of 1998." As United States Senators, we all have a responsibility to build a nation for our children. As a recent grandfather, this commitment has never been more real for me. I am introducing this comprehensive piece of legislation to eliminate mercury—one of the last remaining poisons without a specific control strategy—from our air, our waters and our forests. By eliminating mercury from our natural resources, we will protect our nation's most important resource—our children and grandchildren.

As we learned from the campaign to eliminate lead, our children are at the greatest risk from these poisons. I often ask myself how many Albert Einsteins have we lost in the last generation because of the toxics they have been exposed to? Just as with lead, we know that mercury has much graver effects on children at very low levels then it does on adults. The level of lead pollution we and our children breathe today is one-tenth what it was a decade ago. That figure by itself is a tribute to the success of the original Clean Air Act. I want to achieve the same results with mercury.

Mercury is toxic in every known form and of utterly no nutritional value. At high enough levels it poisons its victims in terribly tragic ways. In Japan, victims of mercury poisoning came to be known as suffering from Minimata Disease, which took its name from the small Minimata Bay in which they caught fish for their food.

For years, the Chisso Company discharged mercury contaminated pollution in the Bay, which was taken into the flesh of fish and then the people who ate them. Their disease was frightfully painful, causing tremors and paralysis, and sometimes leading to death. Thankfully, discharges of mercury like those in Minimata Bay have been eliminated. But a torrent of air pollution still needlessly pours this heavy metal into the air of North America, poisoning lakes and streams, forests and fields and—most importantly—our children. Mercury control needs to be a priority now because we know, without a doubt, of the neurological damage it causes.

This is not to say that men, women and children are doubled over in agony as they were three decades ago in Japan. But wildlife are being killed—we know that endangered Florida panthers have been fatally poisoned by mercury and that loons are endangered as well. In Lake Champlain we now have fish advisories for walleye, trout and bass even though we have relatively no mercury emissions within our own state borders.

Instead, we Vermonters are exposed to mercury and other pollutants that blow across Lake Champlain and the Green Mountains every day from other regions of the country. The waste incinerators and coal-fired power plants are not accountable to the people of Vermont and therefore a federal role is needed to control the pollution.

That is part of the reason voters send us here. They expect Members of the Congress to determine what is necessary to protect the public health and the environment nationally, then require it. And in many cases, perhaps most, we have done that. But not with respect to mercury.

Mr. President, what I propose is that we put a stop to this poisoning of America. It is unnecessary, and it is wrong. Mercury can be removed from products, and it has been done. Mercury can be removed from coal-fired powerplants, and it should be done. With states deregulating their utility industries, this is the best opportunity to make sure powerplants begin to internalize the cost of their pollution. We cannot afford to give them a free ride into the next century at the expense of our children's health.

So, too, should mercury be purged from chlor alkali plants, medical waste incinerators, municipal combustion facilities, large industrial boilers, landfills, lighting fixtures and other known sources.

My bill directs EPA to set mercury emission standards for the largest sources of mercury emissions. The bill requires reducing emissions by 95 percent, but it also lets companies choose the best approach to meet the standard at their facility whether through the use of better technology, cleaner fuels, process changes, or product switching.

We will hear a lot of rhetoric about how much implementing this bill will cost. In advance of those complaints I want to make two points. First, when we were debating controls for acid rain we heard a lot about the enormous cost of eliminating sulphur dioxide. But what we learned from the acid rain program, is that when you give industry a financial incentive to clean up their act they will find the cheapest way. More often than not, assertions about the cost of controlling pollution grossly overestimate and distort reality. If you look at electricity prices of major utilities since the acid rain program was implemented, their rates have remained below the national average and some have actually decreased—even without adjusting for inflation.

Secondly, and most importantly, the bottom line here should not be the cost of controlling mercury emissions, but the cost of NOT controlling mercury. While we may not be able to calculate how many Einstein's we have lost, if we lose one the price has been too high.

By Mr. DURBIN:

S. 1916. A bill for the relief of Marin Turcinovic, and his fiancee, Corina DeChalup; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. DURBIN. Mr. President, I rise today to introduce a private bill for the relief of Marin Turcinovic of Croatia and his wife Corina DeChalup of France. My bill would grant permanent resident status to Marin and Corina, affording them the legal security they need to rebuild their lives in this country.

Marin Turcinovic first arrived in the United States from Croatia in January 1990. He was admitted on an H-1 visa as a member of the band Libertas. On February 8, 1990, during the period of his authorized stay, Marin was hit by a car in Fairview, New Jersey. Both his legs were shattered. His spinal cord was severed, leaving him paralyzed below the neck. He will probably never walk again. His then-fiancee, Corina DeChalup of France, immediately came to the United States. Both Marin and Corina have been in the United States since their initial entries, and neither now has legal status.

Marin requires 24-hour medical care for his survival. An insurance settlement from the car accident litigation provides Marin with lifetime medical and rehabilitative care, in a specially modified house located in the Beverly community of Chicago. According to Marin's lawyers, the insurance settlement that provides for Marin's lifetime shelter and medical care would not cover him at another location. A medical malpractice suit against the doctors who initially provided care to Marin is pending.

Corina and Marin married in February 1996, 6 years after his accident. Corina is an essential part of Marin's life. She has been with Marin throughout his ordeal and has been instrumental in coordinating his medical care. She has directly provided care for Marin, and he could never have reached the degree of recovery he now enjoys without her support.

Before arriving in the U.S., Corina, a university graduate, worked as a tour guide for a Yugoslavian tourist agency. Although her days are primarily devoted to Marin, she has the skills and desire to find part-time employment and would like to obtain authorization to work.

According to Marin and Corina's lawyer, Corina has no way to legally gain permanent resident status in the U.S. Because she entered the U.S. under the visa waiver pilot program, she was subject to an order of deportation, without the right to an administrative hearing, once she overstayed her 90-day authorized admission in February 1990. Since 1994, she has received a stay of deportation in 1-year increments. She cannot currently travel to see her family in France, and she has no assurance that her stay will be renewed from 1 year to the next.

Marin was placed in deportation proceedings in 1997 at his request. This allowed him to seek a suspension of deportation, a legal remedy that in the past has resulted in permanent resident status. Although Marin's application was granted, the grant is conditional. If Marin's grant does not fall within the annual quota set by the Illegal Immigration Reform and Immigration Responsibility Act of 1996, it is unclear to what status he will revert. There is a possibility that Marin would be issued an order of voluntary departure.

Corina's status depends on Marin. If granted permanent resident status, Marin will be able to petition for Corina, but she will face a 4- to 5-year wait before qualifying for resident status, herself.

Mr. President, 8 years ago, fate tragically changed forever the lives Marin Turcinovic of Croatia and Corina DeChalup of France. A terrible accident in the United States left Marin permanently injured, making his return home impossible. Fortunately for Marin, he had the love and support of Corina, without whom he may not have made it this far. Given the tremendous adversity that Marin and Corina already face on a day-to-day basis, I believe it appropriate for Congress to grant them permanent resident status. Such status would clear up much of the uncertainly that currently clouds their future, and would allow Marin and Corina to rebuild their lives in our country with confidence.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Marin Turcinovic and his fiancee, Corina Dechalup, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Marin Turcinovic and his fiancee, Corina Dechalup, as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Mr. DURBIN (for himself, Mr. CHAFEE, Mr. REED, and Mrs. BOXER):

S. 1917. A bill to prevent children from injuring themselves and others with firearms; to the Committee on the Judiciary.

THE CHILD FIREARM ACCESS PREVENTION ACT

Mr. DURBIN. Mr. President, I rise today with Senators CHAFEE, REED and BOXER, to introduce the Child Firearm Access Prevention Act.

The tragedy which occurred in Jonesboro, AR, last week raises many questions. Two come to mind immediately. Why do children kill? I do not know the answer to that. I have heard a variety of opinions from people who suggest that violent television and violent movies are somehow contributing to this. There are others who say, if the children would just pray in school, it would make all the difference in the world. Some look to the families more than the schools; others think the schools have a greater role to play.

We will debate this at length, and I am sure many of us will come up with a lot of different explanations as to why children reach the point in their young lives where they would take the life of another.

But the tragedy in Jonesboro raised another question which I think we can address because it is a simpler question. How do children at that young age come to possess lethal weapons? Think about it. An 11-year-old and a 13-year-old with 10 firearms—rifles, shotguns, and handguns, and 3,000 rounds of ammunition—went into the woods behind that middle school, tricked the students out with a fake fire alarm, opened fire and shot off somewhere in the range of 30 to 40 rounds before they were finally stopped.

Four little girls were killed. A teacher, who deserves all of our recognition and praise for her courage, stood in the line of fire to protect one of those little girls and lost her own life. This teacher, the mother of a 2-year-old, lost her life defending her students.

How do kids come into possession of firearms? They do not buy them. In most States it is unthinkable that they would even approach a counter and try. And yet, day after day in America there is further evidence of children, younger and younger, being found with firearms.

The day after the Jonesboro, AR, tragedy, in Cleveland, OH, a 4-year-old showed up at a day-care center with a loaded handgun.

In my home State of Illinois, in Marion, IL, a high school student showed up at school the next day with a handgun.

In Daly City, CA, the day after Jonesboro, a 13-year-old was arrested for attempting to murder his principal with a semiautomatic pistol.

There is something we can do about this. I am not sure that it will solve the problem completely, but it can help. Fifteen States have already recognized this problem and done something about it. These States have passed a child access prevention law which is known as a CAP law, saying to those who purchase and own handguns, it is not enough for you to follow the law in purchasing them and to use those guns safely; you have another responsibility. If you are going to own a firearm in your home, you have to keep it safely and securely so that children do not have access to it.

And these laws are effective. Florida was the first state to pass a CAP law in 1989. The following year, unintentional shooting deaths of children dropped by 50 percent. Moreover, a study published in the Journal of the American Medical Association in October 1997 found that there was a 23% decrease in unintentional firearm related deaths among children younger than 15 in those states that had implemented CAP laws. According to the Journal of the American Medical Association, if all 50 states had CAP laws during the period of 1990–1994, 216 children might have lived.

Should we consider these state laws as a national model? I think the obvious answer is yes, because the tragedy in Jonesboro, which we will not forget for a long, long time, unfortunately, is not unique. Every day in America 14 young people, ages 19 and under, are killed in gun homicides, suicides and unintentional shootings, with many more wounded.

The scourge of gun violence frequently attacks the most helpless members of our society—our children.

Mr. President, what I propose today is Federal legislation that will apply to every State, not just 15, but every State. And this is what it says. If you want to own a handgun, a rifle or shotgun, and it is legal to do so, you can; but if you own it, you have a responsibility to make certain that it is kept securely and safely.

You may buy a trigger lock. Senator HERB KOHL of Wisconsin has a proposal that all handguns be sold with trigger locks. I support it. I am a cosponsor of it. It makes sense.

How many times do you read in the paper, how many times do you listen on TV, to kids with their playmates and the gun goes off and someone is killed? A trigger lock, as Senator KOHL has proposed, is sensible. It should be required. It shouldn't even be debated. I think that legislation will go a long way toward reducing gun violence.

But beyond that proposal, the legislation I propose today, says to every gunowner, if it is not a trigger lock, put that gun in a place where that child cannot get to it.

As to these two kids, 11 and 13 years old, God only knows what was going through their minds when they were setting out to get the guns to go out and start shooting. They first stopped at the parents of one of the kids and wanted to pick up that parents' guns. That parent had the guns under lock and key in a vault and they couldn't get to them. So they thought about it and said, wait a minute, my grandfather has some, too; let's go over to his place. And that is where they came up with the weapons and the ammunition.

In one instance, one parent had taken the necessary steps to take the guns and keep them away from kids. Sadly, it appears—and I just say "appears" because I do not know all the details—in another case that did not happen.

Now a lot of people will say to me, "There they go again, those liberals on Capitol Hill. Another bill, another law to infringe on second amendment rights." Oh, I know I will hear from the folks from the National Rifle Association, all the other gun lobbies, screaming bloody murder about the second amendment.

But look at the 15 States that have already passed these child access prevention laws, to protect kids, to say to gun owners "you have a special responsibility." You will not find a list of the most liberal States in America. The first State to pass this legislation in 1989 was Florida. The list goes on: Connecticut, Iowa, California, Nevada, New Jersey, Virginia, Wisconsin, Hawaii, Maryland, Minnesota, North Carolina, Delaware, Rhode Island, and in 1995, the last State to pass a child access prevention law, certainly no bleeding heart State by any political definition, was Texas. The Texas law says it is "unlawful to store, transport or abandon an unsecured firearm in a place where children are likely to be and can obtain access to it," and it is a criminal misdemeanor if you do it.

I am going to ask my colleagues in the Senate to not only return home during this recess and to not only witness those sad events on television—the funerals in Jonesboro, the tributes—but to also resolve to do something about it. That is what we are here for. That is why we were elected to the Senate and the House, not just to be sad as we should be, but to do something about it. Not to infringe on people's right to own firearms, but to say "Own them responsibly, put them securely in your homes, keep them safely, keep them away from children."

Mark my words, my friends, and you know this from human experience, no matter where you hide a gun or a Christmas gift, a kid is going to find it. You can stick it in a drawer and say, "Oh, they will never look behind my socks, that is the last place in the world," or up on some shelf in the closet and believe your child can't reach that, but you know better. You know when you are gone and the house is empty those kids are scurrying around and looking in those hiding places. So I hope we can address this issue.

First, Senator KOHL's legislation for these child safety devices, these trigger locks, will help. But then take the extra step, follow these 15 States and enact a federal law.

But please, let this Senate and this House, before we leave this year, do something to make certain that those troubled children cannot get their hands on a firearm. I think every parent in America, particularly those of children of school age, paused at least for a moment after they heard about Jonesboro and thought, could it happen to my son, my daughter, my grandson, my granddaughter? The sad reality of life in modern America, is, yes, it could. There are so many weapons being kept so carelessly that it could happen to any of us or any of our children in virtually any school in America.

Mr. President, I know that the Senate has a very busy schedule and limited opportunity this year, but I hope as part of our work we will let the lesson of the tragedy of Jonesboro result in legislation that will be designed to protect children and schoolteachers and innocent people in the future.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Firearm Access Prevention Act".

SEC. 2. CHILDREN AND FIREARMS SAFETY.

(a) SECURE GUN STORAGE OR SAFETY DEVICE.—Section 921(a) of title 18, United

States Code, is amended by adding at the end the following:

"(34) The term 'secure gun storage or safety device' means—

"(A) a device that, when installed on a firearm, prevents the firearm from being operated without first deactivating or removing the device;

"(B) a device incorporated into the design of the firearm that prevents the operation of the firearm by anyone not having access to the device; or

"(C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that can be unlocked only by means of a key, a combination, or other similar means.".

(b) Prohibition and Penalties.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(y) Prohibition Against Giving Juveniles Access to Certain Firearms.—

"(1) Definition of juvenile.—In this subsection, the term 'juvenile' means an individual who has not attained the age of 18 years.

"(2) Prohibition.—Except as provided in paragraph (3), any person that—

"(A) keeps a loaded firearm, or an unloaded firearm and ammunition for the firearm, any of which has been shipped or transported in interstate or foreign commerce or otherwise substantially affects interstate or foreign commerce, within any premise that is under the custody or control of that person; and

"(B) knows, or reasonably should know, that a juvenile is capable of gaining access to the firearm without the permission of the parent or legal guardian of the juvenile;

shall, if a juvenile obtains access to the firearm and thereby causes death or bodily injury to the juvenile or to any other person, or exhibits the firearm either in a public place, or in violation of subsection (q), be imprisoned not more than 1 year, fined not more than $10,000, or both.

"(3) Exceptions.—Paragraph (2) does not apply if—

"(A) the person uses a secure gun storage or safety device for the firearm;

"(B) the person is a peace officer, a member of the Armed Forces, or a member of the National Guard, and the juvenile obtains the firearm during, or incidental to, the performance of the official duties of the person in that capacity;

"(C) the juvenile obtains, or obtains and discharges, the firearm in a lawful act of self-defense or defense of 1 or more other persons; or

"(D) the person has no reasonable expectation, based on objective facts and circumstances, that a juvenile is likely to be present on the premises on which the firearm is kept.".

(c) Role of Licensed Firearms Dealers.—Section 926 of title 18, United States Code, is amended by adding at the end the following:

"(d) The Secretary shall ensure that a copy of section 922(y) appears on the form required to be obtained by a licensed dealer from a prospective transferee of a firearm.".

(d) No Effect on State Law.—Nothing in this section or the amendments made by this section shall be construed to preempt any provision of the law of any State, the purpose of which is to prevent children from injuring themselves or others with firearms.

By Mr. DORGAN (for himself, Mr. Daschle, Mr. Wellstone, Mr. Johnson, Mr. Conrad, Mr. Harkin, and Mr. Baucus):

S. 1918. A bill to require the Secretary of Agriculture to make available to producers of the 1998 and subsequent crops of wheat and feed grains nonrecourse loans that provide a fair return to the producers in relation to the cost of production; to the Committee on Agriculture, Nutrition, and Forestry.

THE COST OF PRODUCTION SAFETY NET ACT OF 1998

Mr. DORGAN. Mr. President, we now have had two crop years under the 1996 farm law and soon farmers across this country will be planting their spring crops for the third year of this seven-year farm law. It is time to take a serious look at how this new farm law, often called the Freedom to Farm law, is working. Is it achieving the goals and promises that were made? What is happening to our nation's system of family farm agriculture under this law? Is it creating new hope and new opportunities for a new generation of family farms on the land? Or is it pushing more and more family farm operators off the land and further depopulating rural America?

Launched during a period of high grain prices with a flurry of optimism and hope, the Freedom to Farm law is taking family farmers down a very rocky path and even more uncertain future. The initially generous farm payments that fueled its passage are now giving way to the harsher realities of not having a working safety net.

When poor crops, low prices, escalating production costs, and abnormal weather all arrive at the same time, the current farm law, with its capped commodity loan rates and declining transition payments, is poorly suited to respond to the disastrous conditions facing many of our farm families. During the debate of the 1996 farm bill, I said that the time would come when farm commodity prices would fall well below the costs of production and we would need a working safety net for our nation's family farmers. In fact, the failure to have a working safety net was the primary reason that many of us could not support the 1996 farm bill.

The proponents of the Freedom to Farm law promised that a second look would be taken if rural America ran into trouble under their farm bill. As we begin the third crop year under this farm law, there is no question that large portions of rural America are in serious trouble. The economic crisis in the countryside is being demonstrated every week by the hundreds of farm auction notices that appear in rural America's newspapers, particularly our agricultural weeklies. The sheer volume of these farm auctions demands that the farm bill debate be reopened, so that we can make the needed mid-course corrections to this farm law.

Behind the escalating exodus of farmers this spring is the underlying issue of farm commodity prices. The value of North Dakota's spring wheat and barley crops this past year have each dropped by 41 percent from the previous year. This is a combined total of $659 million less than the year before. That's a tremendous drain of money out of farmers pockets and North Dakota's farm economy. It is why our farms are not cash flowing and our bankers are having more and more difficulty in financing their borrowers for another year.

After talking with North Dakota farmers and the agricultural community, I'm convinced the problem is not just the blizzards and floods that we have experienced in the past few years, nor is it just confined to North Dakota.

There are a number of underlying problems that must be addressed within our nation's farm policies. We need increased agricultural research to combat specific crop disease problems such as fusarium head blight, which is also known as scab. This disease has had a devastating effect on producers in many parts of North Dakota. We need to recognize that the current Federal Crop Insurance program is not adequately addressing disaster conditions, particularly in regions which have suffered a succession of weather-related disasters. We need to address a multitude of trade issues that are adversely affecting our foreign agricultural markets, and unfairly interfering in our domestic markets.

BOTTOM LINE IS FARM PRICES

We can talk for hours about the variety of problems that are facing farmers, but the bottom line is and always has been the commodity prices that our farmers receive when they seek to sell their harvests in the marketplace. The simple fact is that ever since the passage of the 1996 farm law wheat prices have been on a downward slide, and there is nothing in place to stop these prices from falling further.

Today, I am introducing legislation which would strengthen the farm commodity loan safety net, by establishing a new targeted commodity loan program geared to the actual costs of production. This is an addition to the current commodity loan program. My bill would not take anything away from producers, nor would it change any of the existing programs in current law. The legislation I am introducing would establish a new tier of marketing loans to provide a working safety net targeted to our nation's family farms for wheat and feed grains.

We need to provide farmers, particularly our wheat producers, an effective marketing tool so that they can hold off selling their harvests until prices improve sufficiently to meet their production costs. They need a functional loan program that allows orderly marketing so that the supply they offer to the market demands a better price.

When Congress told family farmers it was going to phase out price supports and farmers would have to get their price from the marketplace, Congress should have established a commodity loan program to allow such orderly marketing. Without a decent commodity loan, too many farmers are forced to sell grain when the market offers dirt cheap prices.

To provide a working safety net, we need to increase the loan rate to bring it more in line with the costs of production and give wheat producers greater equity with other commodities. We also need a loan that lasts at least 12 months and can be extended for another 6 months, if needed.

The U.S. Department of Agriculture has determined that the most recent five year average of the economic costs of production for wheat is $5.00 per bushel. Under my plan, the loan rate would be pegged at a minimum of 75% of those costs. That would mean a minimum wheat loan of $3.75 per bushel, compared to the $2.58 maximum under the current farm law.

I am greatly concerned that the current wheat loan lags significantly behind other commodities in relationship to production costs. For example, the current maximum loan rate under the 1996 farm law for corn is 72% of its economic costs of production. The maximum loan rate under current law for soybeans is set at 89% of its costs of production. Yet, the maximum loan available for wheat under the current farm law is just 52% of the costs of production.

Equity among major farm commodities requires that Congress take a close look at why there is such a great discrepancy among loan rates for our major commodities in relationship to the costs of production of these commodities. Based on the fact that current wheat loans are at the lowest level in relationship to production costs, it is not surprising that wheat country is in greater economic trouble than the other sections of our nation's agriculture.

This legislation is a companion bill to S. 26, the Agricultural Safety Net Act, introduced by Senator DASCHLE and cosponsored by myself and others. Both bills seek to improve the underlying commodity loan program and provide higher, more meaningful commodity loan rates for our producers. S. 26 would remove the commodity loan caps in the current farm law. As a result, commodity loan rates could actually be set at 85 percent of the simple five-year Olympic average of prices received by farmers. S. 26 provides an important cushioning effect for farm prices and would help stabilize farm prices and thereby help farmers meet the challenges of price volatility in the marketplace.

The bill I am introducing today would add a critically important bottom line to ensure that farmers receive cost of production returns on a basic level of production. It establishes that commodity loan rates for wheat and corn must be at a minimum level of 75 percent of the economic costs of production. Other feed grain loan rates would be based on the historic relationship of using their feed equivalency value to corn.

TARGETING FARM PROGRAMS TO FAMILY FARMERS

There is one more essential reform. My plan targets the benefits to family farmers. My new loan program would be available on the first 20,000 bushels of wheat, and 30,000 bushels of corn, and similar amounts for other feed grains for each farm. By setting a limit on the amount of loans available to any farm, it not only ensures that the primary benefits go to our family farmers, but it also means that overproduction will be subject to the disciplines of market forces.

We cannot afford to cover every bushel produced in this country, so we need to target them to the family farm. If somebody wants to farm the entire township or even the entire county they can do so, but we do not need to give them a safety net for everything they produce. If they wish to take the risks of such endeavor, they should be free to do so. But, they shouldn't have the government as their silent partner.

One of the major problems of past farm programs has been that they were not targeted to an initial basic production level to family farmers. The farm programs were basically open-ended programs. The more you produced, the greater benefits you received. Thus the benefits of the farm program tended to accumulate at the top, rather than spreading out across the base of family farmers in rural America. Rather than carrying out our nation's historic goal of maintaining a widely-dispersed system of family farm agriculture, unfortunately the Freedom to Farm law, continued the old farm program's top-loaded pattern in its transition payment scheme.

My plan would target the benefits of a working safety net directly related to the costs of production to the initial production of family farmers in this country. It is a true safety net designed to fit the typical family farmer. The simple fact is that our family farmers are the ones that have the greatest need for a safety net based on production costs. It makes good sense and good public policy to target our farm program to our family farmers. Such a safety net is particularly important to the beginning farmer and other low-equity farmers because it provides an assurance that they can more fully recover their costs during periods of low prices. It provides the stability they need to build their farm operation and it gives rural America the opportunity to reinvigorate the family farm system.

My plan continues to let farmers plant whatever they want, based on market signals. But it would also let them market their grain more effectively in response to those same market signals. It provides a new working safety net, and gives family farmers a tool they need as they do business in a market filled with far more powerful interests and forces, most of whom want lower, not higher, prices.

There are those who are fearful that if Congress reopens the farm bill debate that somehow the nation would return to the production controls and government involvement in planting decisions of past farm programs. This is simply not the case. I don't know of anybody who seriously wants to go back to such government involvement in agricultural production decisions.

In fact, those who believe that is the framework of agricultural policy choices, are not only misreading the current situation, but also did not listen very closely to the debate in the 1996 farm law. The debate was not about government production controls. The debate was whether or not there should be a safety net for family farmers, and how should that safety net be constructed. There were no bills offered in the farm bill debate to return to production controls. The debate was about whether to phase out farm programs in their entirety or to reform our nation's farm laws so that family farmers have a working safety net.

How do we construct a safety net that provides greater marketing capabilities into the hands of our family farmers? That is the debate we must have in this session of Congress. We cannot afford to wait while thousands of family farmers are in the process of leaving their homesteads and their chosen profession, and their dreams, and thousands of others are at increased risk of being forced out of agriculture.

Mr. President. During this past Christmas season, I received a copy of a family holiday letter from a fourth generation family farm couple that announced their decision to leave their chosen profession of farming and ranching. George and Karen Saxowsky of Hebron are scheduled to have their farm auction this spring. It is a powerful letter that captures the challenges, frustrations, and dreams of those families who have been struggling to make a livelihood in agriculture. They consider themselves lucky, because they were not forced by the bank to make the decision to leave farming. Yet, they have a host of loans and bills to pay and are not sure of how they will get all of that done. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Holiday Greetings to our Friends and Families:

It is early Sunday morning and while the house is still quiet with everyone sleeping and the trees are so beautifully frost covered, I thought I would dash off a quick line in spite of my resolution not to send a letter this year—when I bought the Christmas cards I really loved the message but thought, that is enough reading for most people!

In April we had the worst blizzard ever—the city of Hebron was without electricity for 48 hours, but we did have it most of the time. A "city" friend and classmate of George's called during the blizzard to say he just loves a good blizzard—my perspective was different so as a gift to him I started a chronicle of the storm, the events that went with it, and the aftermath in a blow-by-blow account that took 15 typed pages; it was my way of coping and I handled everything fine at the time but now I can't read it without crying. Jason was off the farm during the whole thing but Glendon was here and such wonderful help and such a trooper.

March had gone out like a lamb with 60 degree days. The predictions were the storm would miss us; then changed to 3–5 inches of snow with wind and it would end Friday night. We had just bought another large portable (can be moved with two tractors) calf shelter, so now had two, and have lots of corrals, wind breaks, protection, feed and hay on hand—so felt pretty confident we were ready.

The storm actually raged all day Friday, Saturday, and on into Sunday afternoon with gusts through the evening. We got some outrageous amounts of snow—after twenty-four inches it didn't matter anymore.

The cattle started running with the storm, the guys were able to get them turned around and back to corrals but that was just the beginning of the nightmare! We chased different herds into protected areas (of course they don't want to go), then we worked on getting 70 calves into the calf-shelter and decided to haul those that were freezing from the corrals into the barn (the pick-ups, tractors nor bobcat could get through the snow) fighting 50 mph winds. George bought one calf while I tried to help Glendon bring another—going up hill and fighting the wind in thigh deep snow—I just couldn't do it. We got those two to the barn, decided they were in such bad shape if we were going to save them they would have to go to the house so took them there, then reassessed the situation. Glendon said, "If we do another trip I'll have to pull Mom and the calf, in the calf sled, up hill, in the blizzard!" And that was the truth of it.

The tractor bucket broke, but they couldn't get the tractor to the shop to weld it so in the raging blizzard they brought the welder, on a calf sled, from the shop to the house, pulled my stove ahead to plug it in, drove the tractor up on the porch and welded it in the kitchen doorway—twice. The stories just go on and on (guess you had to be there)! Those poor guys worked all day in the blizzard, came in exhausted, took a quick nap and went back out. At 7:30 Saturday night they were coming in for supper when they heard loud cracks in the barn—the roof beams were cracking from the weight of the snow! They stayed out and shoved off the roof until 11:30 (figured they moved about 3 tons of snow and ice), then got up at five the next morning and worked all day again.

As the storm abated Sunday evening I could hear Glendon yelling and ran to see what was going on now, but couldn't find him. Here, they had found a cow lying on its side drowning in muck. Glendon was lying flat on his belly holding the cows head out of the muck while George was trying frantically to get the tractor down to him. I plowed through four foot deep snow to help—the first tractor got wet and quit. (All during the storm we had distributor caps in the oven drying out!) He got the Bobcat—it quit; he got the next tractor and we made it down there, tore a fence down, put chains on the cow and pulled her out. She died; as did a calf that had been buried in the snow someplace in the ten feet where we had pulled the cow and we didn't even see, until the snow melted enough, that it was under her; as did those two calves in the basement; as did a calf that had followed its mother to the water fountain, got stuck in the snow and froze to death standing up—we must have walked by that calf fifty times but with the blizzard didn't see it—they get snow covered really fast; as did the cow in the corral with a roof over her head with water and hay right beside her; as did . . . well, you get the picture. It continued for fourteen days after the storm, every day we lost at least one cow and/or calf. We took them to the vets for autopsies and what-not but it just seemed there was nothing we could do to save them. One day we made it to 5:00 without any dying and thought the curse was broken but by midnight we had lost a cow and a calf. It was terrible, terrible time, but we lived through it—but not alone. Friends were there for us. On the Friday after the storm, one called to tell us to get out of the house and come to town for a Fireman's Dance—we were just too exhausted and depressed—but he was pushy (he did the same thing for us after last year's cow incident on I-94. We went, and visited with other farmer-ranchers who were in the same boat—it really was so helpful and encouraging.

We were really dreading the first snow of this winter. Long about October, George started talking about quitting farming—I took it as a mid-life crisis; a one time slide. But, he kept talking . . . and then started making plans. We would put in a crop in '98 and quit in '99. I still thought 'this-too-shall-pass'' but he just got more serious. In November I started getting calls asking if I would like a job off the farm? I have to tell you, I was so flattered that they even considered me capable of doing what they needed; I had been self-employed for almost 25 years. I turned them down, but it did start the wheels turning. Then, there was an ad in the paper for a job in Hebron with benefits. We talked about it and I applied; they offered me the job and I took it. This was not easy, now we couldn't put a crop in this spring as the job is 40 hours a week including every other Saturday and George can't farm without me.

The bottom line is; a 47 year old, 4th generation farmer in his 27th year of farming is quitting farming.

I started working at the Credit Union on December 1st. I thought my world would fall apart—the week before I started work everything just 'went-to-hell-in-a-basket' and I almost decided I couldn't do it! We sold a semi load of cattle, checked the night before and the market was strong so loaded them up early in the morning. At 10:00 the auctioneer called and said the bottom had fallen out of the market, a bunch of Canadian cattle had just hit the meat packing plants and their buyers weren't buying. George was gone so I had decided what to do; with paying to have them hauled out, and back, then to sale again I said to let them go, when George got home he agreed with me but at the next sale the price was strong again—George and I said, "That's why we're getting out of farming—there is no predictability!!"

It was like the farm really needed both of us—as much for moral support as the labor itself. The clincher almost came on Sunday night (before my new job on Monday morning) when I had planned a special "last-supper" of T-bones and had them thawing on the counter while I was working on the computer—the cats jumped up on the counter and ate them!! Monday morning came and—I went to work. I was so surprised, but I just love my job!! I don't know if it is the people I work with, the people that come in, the feeling of accomplishment, the challenge of balancing the books or what (there is life after farming???) but, I am really happy that I followed through!! In training the hardest part was the balancing out and having everything in the main office by 3:00—one night it was 5:15. Until we actually balance I am always so grateful if I am "long" on the money side so at least then they know I didn't take it!! I seem to have the hang of it now, so it is less stressful, easier and even balancing is fun! Everyone is so nice, and I really am trying hard—but keep me in your prayers!

It sounds like we are having an auction sale in March on the Saturday before Palm Sunday. We are planning on renting out the land and selling the cattle but still living on the farm. George will continue making hay to sell, doing custom combining and has been working with the local electrician and for elevator doing some carpentry stuff. I thought the deal was if I took a job he would stay home until the cows were gone but . . . I guess not!!

I have friend who just lost her 38 year old son-in-law to a 24 hour illness. Then, trying to come back home from her daughter and grandchildren she was delayed three days as the planes couldn't land due to fog. She was home three days when her house caught on fire. The good news is we're small town. We care about and support each other. We may have our little squabbles and irritations but we get over it and move on! Pastors sermon today was about helping each other cut the tops off some of the ills we have to climb and walking with them through the valley of grief for their upbuilding, encouragement, and consolation. We thought of you, our friends and family! With that thought in mind, we wish you little knolls rather than mountains to climb, friends to share the valleys with a sincere * * *.

Merry Christmas and a very Happy New Year!!

George and Karen Saxowsky, Hebron,
North Dakota

Mr. DORGAN. Mr. President, in reading this letter, I am reminded of the reasons why it is so important that our nation provide a national agricultural policy framework that not only fosters a family farm system of agriculture, but purposefully sets out to undergird that system and provide the tools that are necessary for our family farmers and ranchers to have the opportunity to be successful.

It is for this reason that I am introducing the Cost of Production Safety Net Act. I am pleased to include Senators DASCHLE, WELLSTONE, JOHNSON, CONRAD, HARKIN and BAUCUS as cosponsors to my bill. I encourage others to join in this effort and look forward to having a meaningful debate on our nation's agricultural future in the remaining months of this session.

By Mr. MURKOWSKI (for himself, Mr. NICKLES, Mrs. HUTCHISON, and Mr. DOMENICI):

S. 1919. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources from stripper wells on federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself, Mr. NICKLES, and Mrs. HUTCHISON):

S. 1920. A bill to improve the administration of oil and gas leases on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

THE FEDERAL STRIPPER WELL ROYALTY REDUCTIONS LEGISLATION

Mr. MURKOWSKI. Mr. President, I rise today to introduce two important pieces of legislation relating to oil and gas production on federal lands. The first is a bill to authorize and direct the Secretary of the Interior to provide permanent regulatory authority to reduce the royalty rate for stripper oil and gas wells on federal lands.

This legislation is necessary, Mr. President, because of the depressed world oil price situation. With oil prices falling below $15 per barrel, it is more and more difficult for domestic energy companies to produce oil at a reasonable price. While this is good news to U.S. consumers because gasoline is at its lowest price ever when adjusted for inflation, it is not welcome news to small and independent oil and gas producers who will be especially hard hit.

Under "normal" circumstances, stripper wells are on the edge of profitability. Low world oil prices threaten stripper wells and the jobs associated with those wells. That, in turn, has ripple effects elsewhere in the economy through loss of jobs in the industries that supply goods and services to producers, and in the communities where they operate.

Mr. President, according to the Interstate Oil and Gas Compact Commission, there are approximately 430,000 stripper oil wells and 170,000 stripper gas wells in the U.S. A sizeable number of these, perhaps as many as 30,000, are on federal lands.

What is absolutely astounding, Mr. President, is the fact that stripper wells individually average a little more than 2 barrels of oil and 16 thousand cubic feet of gas production per day, yet in 1996 collectively contributed 352 million barrels of oil (more than 11 percent of U.S. production, and 5 percent of U.S. consumption), and almost 1 billion cubic feet of natural gas.

There are 38,000 jobs associated with stripper wells, and another 46,000 outside of the industry related to stripper wells. We cannot afford to lose stripper well production and the vital role they play in national energy security. Nor can we afford to lose the jobs associated with them. That is why I am introducing today the Federal Oil and Gas Stripper Well Preservation Act of 1998. I am pleased to be joined by Senator NICKLES and Senator HUTCHISON in sponsoring this important legislation.

Mr. President, our bill is very simple: it authorizes and directs the Secretary of the Interior to provide permanent regulatory authority to reduce the royalty rate for stripper oil and gas wells on federal lands. The Secretary already has limited authority to grant stripper oil well royalty reductions. We want to ensure that there is permanent authority to do so.

We also want to make sure that the Secretary has permanent authority to grant royalty rate reductions for stripper gas wells, something that the Secretary recently has declined to do.

Second, our bill requires the Secretary to suspend any minimum royalty (if applicable) and per acre lease rental on stripper oil and gas wells on federal lands during the time of any royalty rate reduction. This will ensure that stripper well operators are afforded the greatest leeway during hard times.

And finally, our bill requires the applicable lease rental and minimum royalty to be reinstated once the Secretary terminates a stripper well royalty rate reduction.

Mr. President, I believe this legislation will make a significant contribution in stemming the tide of lost production from our Nation's stripper oil and gas wells. Once plugged and abandoned, these wells—and their vital contribution to national energy security—are more likely than not permanently lost. We should not lose this valuable national asset.

I invite my colleagues to join Senator NICKLES, Senator HUTCHISON and me in sponsoring the Federal Oil and Gas Stripper Well Preservation Act of 1998.

TRANSFER OF CERTAIN FEDERAL OIL AND GAS LEASE MANAGEMENT FUNCTIONS

Mr. President, the second piece of legislation I introduce today relating to federal oil and gas production addresses the performance of oil and gas lease management activities on federal lands. We have been hearing for some time now that States are very much interested in assuming certain oil and gas lease management functions that are now performed by the U.S. on federal oil and gas leases. We saw strong interest from States in assuming certain royalty management functions when we considered and ultimately enacted the Federal Oil and Gas Royalty Simplification and Fairness Act in 1996. Devolution of federal oil and gas regulatory functions to States is a concept whose time has come.

The legislation I introduce today along with Senator NICKLES and Senator HUTCHISON would do the following: transfer the Bureau of Land Management's (BLM) authority to perform certain oil and gas regulatory duties to States; institute distinct and reasonable time frames for leasing decisions and appeals; require responsible actions to increase leasing; and reduce federal appeals delays by rejecting stay requests from parties that have no standing.

We believe this legislation will generate savings to the Treasury by increasing administrative efficiencies, eliminating duplication of effort, decreasing time frames on leasing and appeals decisions, and increasing certainty in leasing. We also believe the bill will increase federal acreage available for exploration and development, improve the domestic oil and gas resource base, and promote oil and gas production on federal lands.

The key feature of the bill is the transfer from BLM to States authority over such activities as: well drilling and production operations; well testing and completion; conversion of a producing well to a water well; well abandonment procedures; inspections; enforcement activities; and site security. Many States already perform these functions on federal leases, and are willing to do so on a permanent basis. By transferring federal responsibility for these activities, federal resources could be used for other purposes.

Our bill also requires BLM and the Forest Service to offer competitive oil and gas leases 90 days after lands are "nominated" by prospective lessees. The bill requires BLM and the Forest Service to render final decisions on administrative appeals within two years. These provisions will eliminate costly delays and litigation, allow realization of lease revenues (bonuses, rents, royalties) sooner, and provide stability and clarity to planning.

Mr. President, we believe the transfer of lease management functions can be achieved with significant savings to States and the Treasury and will not disrupt lease management functions or impair important resource production. We urge our colleagues in the Senate to join in supporting this important legislation.

By Mr. JEFFORDS (for himself and Mr. DODD):

S. 1921. A bill to ensure confidentiality with respect to medical records and health care-related information, and for other purposes; to the Committee on Labor and Human Resources.

THE HEALTH CARE PIN ACT

Mr. JEFFORDS. Mr. President, today, I join with my good friend Senator CHRISTOPHER DODD, in announcing the introduction of the Health Care Personal Information Nondisclosure Act of 1998—The Health Care PIN Act. This legislation will establish necessary national standards to protect the confidentiality of each American's medical records.

Information technology presents our nation with the difficult challenge of ensuring that we reap its benefits without sacrificing one of our most important values: the right to individual privacy. In order to maintain control over our personal medical information, Congress must pass health care confidentiality legislation—as quickly as possible.

The time is ripe for action. There have been major technological advances in health care's administrative, delivery, and payment systems. These advances have the potential to improve the quality of patient care. For example, electronic pharmaceutical records make it possible for pharmacists to identify potential drug interactions before filling a prescription. However, we must also have guarantees that our personal health care information is not being used inappropriately.

Congress has made repeated attempts to enact a comprehensive federal privacy law but has, to date, been unsuccessful. The loose web of protections at the federal and state levels that has evolved in the absence of a comprehensive law leaves many aspects of health information unprotected.

The Health Care PIN Act represents a synthesis of recommendations from many sources. It draws heavily from the discussion draft that I worked on with Senator BENNETT and the "Medical Information Privacy and Security Act," introduced by Senator LEAHY and Senator KENNEDY. The Labor and Human Resources Committee has held three hearings on the confidentiality of health care information, and the testimony and comments provided at each of those hearings has been invaluable—especially, the administration's recommendations presented by Secretary Shalala in September.

Under the terms of the Kassebaum/Kennedy legislation, if Congress fails to enact federal privacy legislation by August 1999, the Secretary of Health and Human Services is required to promulgate regulations establishing electronic privacy standards in the year 2000. This is too important a matter of public policy to be done outside of the legislative process and it is another reason why I intend to make this task one of the highest priorities of the Labor and Human Resources Committee.

Other nations have taken steps to protect patient privacy. In 1995, the European Union enacted the Data Privacy Directive. The EU Directive requires that individuals have rights of consent, access, correction, and remedies for failure to protect confidential personal information. This Directive requires that by October 1998, if countries trading with any of the 15 European Union member states do not introduce similar rules, data cannot be transmitted between these countries. If we do not act promptly, this initiative raises the concern that the European Union could limit the flow of health care data between our countries for research and restrict the ability of American companies to compete overseas.

The Health Care PIN Act would preempt state laws relating to medical records confidentiality—with the important exception of public health issues and those areas having a history of discrimination, such as mental health and HIV-AIDS. Since most health plans exchange health care information over the borders of many states, we need one privacy standard in this county—rather than 50 different ones—in order to achieve the greatest benefits from information technology and also ensure that all Americans have a uniform standard of privacy protection.

The Act requires that individually identifiable health care information not be released unless authorized by patient consent. With very few exceptions, individually identifiable health care information should be disclosed for health purposes only, which includes the provision and payment of care and plan operations. Under the legislation, patients would have the right to copy and correct their medical records. In order to achieve accountability, the Health Care PIN Act provides that civil and criminal penalties would be imposed on individuals who use information improperly through unauthorized disclosure.

Our individual right to privacy at times must be balanced against the need to protect the health of others. The Health Care PIN Act allows for the disclosure of health information without patient consent for the release of information to public health authorities for disease reporting. In addition, patient consent would not be required to disclose information needed for legitimate law enforcement purposes, including purposes required by state law such as the reporting of gunshot victims.

Quality care requires more than the free flow of information between providers, payers, and other users of health information. It requires trust between a patient and a care giver. For our health care system to be effective, as well as efficient, patients must feel comfortable sharing sensitive information with health professionals. Technology has provided the tools to allow the ease of access to health care information. Now, the Health Care PIN Act is needed to ensure the confidentiality of this personal health information.

It is my intent to work closely with the other members of the Labor and Human Resources Committee, and Senators BENNETT and LEAHY, to enact legislation this year that will establish national standards to protect medical information and enhance quality of health care for all Americans.

Mr. DODD. Mr. President, I am pleased to join the Chairman of the Labor and Human Resources Committee, Senator JEFFORDS, in introducing the Health Care Personal Information Nondisclosure (PIN) Act of 1998. This legislation is designed to offer Americans the peace of mind that comes with knowing that their most personal and private medical information is protected from misuse and exploitation.

Medicine has changed dramatically since the time Norman Rockwell painted the scene of a doctor examining his young patient's doll. The flow of medical information is no longer confined to doctor-patient conversations and hospital charts. Recent technological advances have introduced more efficient methods of organizing data that allow information to be shared instantaneously—helping to contain costs—and even save lives. The national database of medical information provides a prime example of the benefits of these advances. Through the use of a simple computer, emergency room doctors are now equipped with a quick and inexpensive means of accessing the medical records needed to properly treat unconscious patients.

Unfortunately, as we saw all too clearly just a few months ago, our laws have not kept pace with technology. In February the Washington Post exposed the activities of two pharmacies that were sharing personal medical information about prescription drug use with unauthorized third parties. And, most disturbingly, these actions were perfectly legal. Clearly, the existing patchwork of state laws protecting medical records are proving to be inadequate to address the public's concerns.

These concerns are so strong that in some cases they threaten to actually negate the benefits of advances in medicine and technology. The fear of discrimination and exploitation has led some ethnic communities with susceptibility to certain conditions to urge their members to avoid genetic testing. The fear that sensitive medical information might be released without authorization has led patients to avoid full disclosure of mental health concerns to their physicians and to unnecessarily forego opportunities for treatment.

I believe that the Health Care PIN Act offers the privacy protections that the public demands. This legislation sets clear guidelines for the use and disclosure of medical information by health care providers, researchers, insurers, employers and others. The Health Care PIN Act provides individuals with control over their most personal information, yet promotes the efficient exchange of health data for the purposes of treatment, payment, research and oversight. To ensure the accountability of entities and individuals with access to personal medical information, the legislation imposes stiff penalties for unauthorized disclosures.

The Health Care PIN Act provides consumers with a strong, nationally uniform set of privacy protections. However, in areas of privacy law in which states have been the most active—namely in the confidentiality of sensitive mental health and public health records—states could continue to establish additional protections.

I would also like to indicate my intent to work with Senator JEFFORDS to incorporate into this legislation protections against genetic discrimination in both employment and health insurance. Although we were unable to resolve this issue before introduction of this legislation, I am confident that we can reach consensus on this critical and timely issue.

This legislation represents commonsense middle ground in the range of proposals that have been offered both this and the previous Congress. I look forward to working with Senator JEFFORDS, as well as with Senators BENNETT, LEAHY, and KENNEDY, who have contributed so much to this debate, to move forward quickly to enact comprehensive, bipartisan legislation.

By Mr. CAMPBELL:

S. 1922. A bill to amend chapter 61 of title 5, United States Code, to make election day a legal public holiday, with such holiday to be known as "Freedom and Democracy Day"; to the Committee on the Judiciary.

FREEDOM AND DEMOCRACY DAY LEGISLATION

Mr. CAMPBELL. Mr. President, as our nation approaches the Millennium, it is an appropriate time to renew the appreciation and understanding of the American people in the democratic heritage and principles which make our country the greatest in the world. That is why I am introducing legislation today to rename Election Day as Freedom and Democracy Day and to renew civic responsibility.

The two main objectives of this legislation are first, to broaden and increase voter turnout, and second, to restore appreciation for our country's most fundamental expression of freedom and its democratic underpinnings—the right to vote. As a nation, we must all be concerned that voter apathy is so high, while voter participation is so low. Voting, it seems, has become a neglected, if not cumbersome, privilege of Americans. In the past 20 years, voter participation in presidential election years has remained barely above 50 percent, and during midterm congressional election years it has not been more than 50 percent.

I am alarmed at the unfortunate fact that voter participation has declined to the point that it is now among the lowest of any democratic nation. The rate of voter participation among younger Americans—the future leaders, teachers, and business executives—has declined significantly. It is our responsibility as elected officials, and, more importantly, as American citizens, to support additional efforts to strengthen the electoral process, to encourage civic awareness, and to promote active participation in the exercise of liberty.

Therefore, the first goal of the bill is to renew civic spirit and highlight the importance of Americans to fulfill their civic responsibilities by making Election Day a legal public holiday, known as Freedom and Democracy Day. This designation gives new meaning to the importance of voting on the first Tuesday in November. We need to stress the importance of self-government, encourage Americans to exercise their freedom and liberty as citizens by voting, and encourage Americans to reinvigorate their support for their civic duties.

Although my bill designates this day as a legal public holiday, I want to emphasize that Freedom and Democracy Day will remain a regular workday. The bill specifically does not reference statutes relating to pay and leave of federal employees, and it does not affect the regular operations of the federal government.

We as legislators and as citizens should do more to promote voter turnout and increase understanding of the value and importance of the right to vote. That is why the second objective of this bill is to encourage communities, schools, civic organizations, charitable organizations, companies, radio and television broadcasters, and public officials at all levels of government to support and celebrate Freedom and Democracy Day. The legislation encourages these key segments of society to sponsor and publicize appropriate celebrations and events which stress the importance of participation in self government. Their programs and support will send a strong message that the legitimacy of the democratic process is created from the consent of the governed, and voiced in the full participation of an informed, aware and active citizenry.

I believe my bill provides a starting point for a renewed spirit and appreciation of freedom and democracy. It is my sincere hope that given more incentive to vote, more Americans will seize and exercise this expression of freedom. It is a small step in the overall effort to encourage all American citizens to take pride and participate in their representative system of government.

Much of the voter apathy reflects many citizens' lack of faith in all levels of government. In America, power is supposed to be delegated from the citizen and loaned to the government. The Founding Fathers, who pledged their lives, their fortunes and their sacred honor for a new country, knew that as a nation we must leave room for change and growth and development. They knew the nation they left for us would modernize, rethink, and restructure.

Let us be vigilant in remembering that the American idea of democracy is a government "of the people, by the people, for the people." This is the idea of freedom and liberty; uniquely American. And, it is the goal of this bill to strengthen the American people's right to freedom and celebrate the spirit of democracy in the country which first empowered citizens with "certain unalienable rights."

Mr. President, I ask unanimous consent that the bill be entered into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) democratic government derives its legitimacy from the consent of the governed, as manifested in the full participation of an informed and aware electorate;

(2) since 1960 the rate of voter participation in the United States has declined and is now among the lowest of any nation with a democratic form of government;

(3) since 1972 the rate of voter participation among young people in the United States has declined significantly;

(4) the Federal Government should encourage personal responsibility and the broader understanding of the value and importance of the right to vote; and

(5) the establishment of a legal public holiday on election day, the first Tuesday after the first Monday in November of each even numbered year, could provide a substantial incentive to increase voter participation by the American public.

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that educators, civic and charitable organizations, radio and television broadcasters, and public officials at all levels of government should help the people of the United States celebrate Freedom and Democracy Day through appropriate celebrations and events which stress the importance of self-government.

SEC. 3. DESIGNATION OF ELECTION DAY AS LEGAL PUBLIC HOLIDAY.

Section 6103 of title 5, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d)(1) Subject to paragraph (2), the first Tuesday after the first Monday in November in each even numbered year, Election Day, shall be a legal public holiday, with such holiday to be known as Freedom and Democracy Day.

"(2) Freedom and Democracy Day—

"(A) shall be a regular workday;

"(B) shall not be treated as a legal public holiday for purposes of statutes relating to pay and leave of employees as defined by section 2105 of this title; and

"(C) shall not affect the regular operations of the Federal Government.".

By Mr. COVERDELL (for himself, Mr. BREAUX, and Mr. DEWINE):

S. 1923. A bill to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements; to the Committee on Environment and Public Works.

THE FEDERAL FACILITIES CLEAN WATER COMPLIANCE ACT OF 1999

Mr. COVERDELL. Mr. President, I rise today to introduce legislation with the Senior Senator from Louisiana and the Junior Senator from Ohio. This legislation—The Federal Facilities Clean Water Compliance Act of 1998—will guarantee that the federal government is held to the same full range of enforcement mechanisms available under the Clean Water Act as private entities, states, and localities. Each federal department, agency, and instrumentality will to be subject to and comply with all Federal, State, and local requirements with respect to the control and abatement of water pollution and management in the same manner and extent as any person is subject to such requirements, including the payment of reasonable service charges.

Last year marked the twenty-fifth anniversary of the Clean Water Act. This Act has been an effective tool in improving the quality of our nation's rivers, lakes, and streams. Over that period of time, however, states have not had the ability to impose certain fines and penalties against federal agencies for violations of the Clean Water Act. This is a double standard that should not be continued.

In 1972, Congress included provisions on federal facility compliance with our nation's water pollution laws in section 313 of the Clean Water Act. Section 313 called for federal facilities to comply with all federal, state, and local water pollution requirements. However, in 1992, the United States Supreme Court ruled in *U.S. Dept. Of Energy* v. *Ohio*, that States could not impose certain fines and penalties against federal agencies for violations of the Clean Water Act and the Resource Conservation Recovery Act (RCRA). Because of this decision, the Federal Facilities Compliance Act (H.R. 2194) was enacted to clarify that Congress intended to waive sovereign immunity for agencies in violation of RCRA. Federal agencies in violation of the RCRA are now subject to State levied fines and penalties. However, this legislation did not address the Supreme Court's decision with regard to the Clean Water Act.

The Federal Facilities Clean Water Compliance Act of 1998 makes it unequivocally clear that the federal government waives its claim to sovereign immunity in the Clean Water Act. The federal government owns hundreds of thousands of buildings, located on millions of acres of land, none of which have to abide by the same standards as a private entity does under the Clean Water Act. This legislation simply ensures that the federal government lives by the same rules it imposes on everyone else.

Mr. BREAUX. Mr. President, I am pleased to join Senator COVERDELL today in introducing the "Federal Facilities Clean Water Compliance Act of 1998".

My primary reason for sponsoring the bill with the Senator from Georgia is to make the federal Clean Water Act equitable by requiring that it apply to and be enforced against the federal government.

Currently, states, local governments and the private sector do not have immunity from the act's enforcement. By the same principle, the federal government should not be granted such immunity from the clean water statute and this bill provides that parity.

The bill also provides that the federal government would be subject to all the same enforcement mechanisms that apply to states, local governments and the private sector under the Clean Water Act.

Fairness, safety, public health and environmental protection all dictate that Federal agencies should be held to the same standards for water pollution prevention and control as apply to states, local governments and the private sector.

Equity is ensured by the Coverdell-Breaux bill because all levels of government and the private sector would be treated the same under the Clean Water Act's enforcement programs. No one would be allowed immunity.

To paraphrase a well-known adage, what's good for states, local governments and the private sector in terms of clean water should be good for the federal government.

In addition to the provisions stated previously, the Coverdell-Breaux bill reflects the adage's fairness principle in another fashion.

The bill would hold the federal government accountable to comply not only with its own clean water statute, but also with state and local clean water laws. Again, equity would be upheld. And, safety, public health and environmental protection would be strengthened.

Other provisions are contained as well in the legislation which Senator COVERDELL and I are introducing today. For example the EPA administrator, the Secretary of the Army and the Secretary of Transportation would be authorized to pursue administrative enforcement actions under the Clean Water Act against any non-complying federal agencies. It also includes provisions for federal employees' personal liability under the act's civil and criminal penalty provisions and a requirement that the federal government pay reasonable service charges when complying with clean water laws.

Over the past 25 years, the United States has made dramatic advances in protecting the environment as a result of the Clean Water Act. We have all benefitted as a result.

Today, I encourage other Senators to join Senator COVERDELL and I as cosponsors of the bill to bring equity to the clean water program and to make possible the expansion of its public and private benefits.

By Mr. MACK (for himself, Mr. KERRY, Mr. D'AMATO, Mrs. FEINSTEIN, Mr. BOND, Ms. MOSELEY-BRAUN, Mr. COVERDELL, Mrs. BOXER, Mr. GREGG, Mr. KENNEDY, Mr. THURMOND, Mr. ROBB, Mr. GRAMS, Mr. BUMPERS, Mr. COATS, Mr. DODD, Mr. INHOFE, Mr. INOUYE, Mr. SANTORUM, Mr. DURBIN, Ms. SNOWE, Mr. WYDEN, and Mr. HOLLINGS):

S. 1924. A bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986; to the Committee on Finance.

THE TECHNICAL WORKERS FAIRNESS ACT OF 1998

Mr. MACK. Mr. President, today Senator KERRY and I introduce the Technical Workers Fairness Act of 1998. This bill would repeal Section 1706 of the 1986 Tax Reform Act, something that is long overdue and is now supported by a strong bipartisan consensus.

Section 1706 added a new subsection (d) to Section 530 of the Revenue Act of 1978. For the class of businesses known as "technical services firms" who provide technical services to their customers, Section 1706 removed the Section 530 employment tax safe harbors that otherwise apply to all other types of businesses that use the services of independent contractors. These Section 530 safe harbors were enacted by Congress in 1978 to protect business taxpayers, especially small businesses, from arbitrary IRS decisions interpreting the common law employment test in employment tax audits.

Yet Section 1706 leaves one group of taxpayers back in the pre-Section 530 days. As a result of Section 1706, if a technical services firm hires, as an independent contractor, a computer programmer, systems analyst, software engineer, or similarly-skilled worker who will perform services for that firm's customers, then the technical services firm—which is operating in a so-called "three-party" arrangement—must prove to the IRS that this worker is an independent contractor under the centuries-old common law employment test that Congress found so troublesome in 1978. Even if the firm can show that it has a reasonable basis for treating the worker as an independent contractor—for instance, if its past treatment of this worker as an independent contractor was approved by the IRS in prior IRS audits, or its treatment is consistent with industry practice or a relevant court ruling, all of which constitute a "safe harbor" under Section 530—none of these factors is relevant because of the enactment of Section 1706.

The harm caused to the technical services industry and its workers by Section 1706 is more than theoretical. Technical services firms which use independent contractors—even if they act in good faith—can be severely penalized by the IRS and forced to pay "unpaid" employment taxes even though the contractors have already paid these same taxes in full. In fact, some IRS auditors have used Section 1706 to claim that even incorporated independent contractors are not legitimate. Left with only the common law employment test to demonstrate a worker's status to the IRS, many technical services firms will not hire any independent contractors in order to avoid tempting an IRS audit.

In 1991, the Treasury Department issued a 100-page study of Section 1706, as required by Congress. The Treasury Study found that tax compliance is actually better-than-average among technical services workers compared to other contractors in other industries. It also found the scope of Section 1706 was "difficult to justify on equity or other policy considerations." Further, Section 1706 is the only occasion since the enactment of Section 530 that Congress has ever cut back on the safe harbor protections in Section 530. In fact, in response to concerns that IRS decisions in independent contractor audits were too often arbitrary and unpredictable, in the Small Business Job Protection Act of 1996 Congress expanded the Section 530 protections and even shifted the burden of proof from the taxpayer to the IRS. More recently, the Department of Labor's Bureau of Labor Statistics found that many high-tech professionals are actually being forced to work as employees when their preference is to be independent contractors.

It is time to repeal Section 1706 and end the discrimination against this one industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technical Workers Fairness Act of 1998".

SEC. 2. RESTORATION OF STANDARDS FOR DETERMINING WHETHER TECHNICAL WORKERS ARE NOT EMPLOYEES.

(a) REPEAL OF SECTION 530(d) OF THE REVENUE ACT OF 1978.—Section 530(d) of the Revenue Act of 1978 (as added by section 1706 of the Tax Reform Act of 1986) is repealed.

(b) EFFECTIVE DATE.—The amendment made by subsection (c) shall apply to periods ending after the date of enactment of this Act.

Mr. KERRY. Mr. President, I join Senator MACK in supporting his legislation to repeal Section 1706 of the 1986 Tax Reform Act. We must take this opportunity to repeal an unfair section of employment tax law which singles out only the computer and high-technology industry and makes it difficult for firms in that industry to retain the services of self-employed contractors.

For many years, the common law test used to classify a worker as an employee or an independent contractor for employment tax purposes lacked precision and predictability. In 1978, in Section 530 of the 1978 Revenue Act, Congress acted to allow taxpayers, as an alternative to the common law test, to use a "reasonable basis" safe haven test to classify a worker. However, in 1986, Congress enacted Section 1706 which eliminated all Section 530 protections from only the technical services industry, and only in so-called "three party situations" in that industry in which a worker is paid by a technical service firm to perform services for a customer.

I have heard from a number of computer consultants in Massachusetts who believe this unfairly discriminates against the computer consulting industry and seriously impairs the ability of legitimate self-employed computer consultants to work effectively in the marketplace. Many firms in Massachusetts will not use the services of valid self-employed contractors because they believe doing so could attract an Internal Revenue Service audit and potentially subject the companies to penalties or back tax liabilities.

For many years, along with many of my colleagues in the Senate, I have worked unsuccessfully to develop and enact a new definition of "leased employee." The legislation introduced by Senator MACK today is another effort to resolve this problem; it will repeal Section 1706 and thereby renew the "reasonable basis" safe haven test to classify workers in the computer consultant industry. A 1991 Treasury Department report stated that the tax compliance rates of computer consultants were somewhat better than those of other workers who are classified as independent contractors. That study also found that the treatment of technical service workers as independent contractors actually "increases tax revenue" which "tends to offset" any revenue loss that might result from any noncompliance by such individuals "because direct compensation to independent contractors is substituted for tax favored employee fringe benefits."

Repealing Section 1706 will allow companies to hire computer consultants without fearing a negative ruling from the IRS. We should take this step this year, and I look forward to working with Senator MACK to gain Congressional passage of this legislation.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 1925. A bill to make certain technical corrections in laws relating to Native Americans, and for other purposes; to the Committee on Indian Affairs.

TECHNICAL CORRECTIONS LEGISLATION

Mr. CAMPBELL. Mr. President, today I introduce legislation to make certain technical corrections to a number of unrelated laws affecting Indian tribes.

I am pleased to be joined in this effort by my friend and colleague from Hawaii, Senator INOUYE.

The bill will allow us to address a series of minor amendments to Indian laws in one piece of legislation, without having to introduce and legislate on a number of separate bills.

I conferred with the delegation of each state involved on each of these amendments and the delegations generally support the respective amendment affecting tribes in their states.

The bill contains a total of 14 amendments addressing a variety of issues including: increasing the allowable lease terms of reservation lands; reservation boundary adjustments; amendments to facilitate water rights settlements; clarification of federal service areas for tribes; and a number of others.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION FOR 99-YEAR LEASES.

The second sentence of subsection (a) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415), is amended—

(1) by inserting "lands held in trust for the Confederated Tribes of the Grand Ronde Community of Oregon," after "lands held in trust for the Cahuilla Band of Indians of California,"; and

(2) by inserting "the Cabazon Indian Reservation," after "the Navajo Reservation,".

SEC. 2. GRAND RONDE RESERVATION ACT.

Section 1(c) of the Act entitled "An Act to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes," approved September 9, 1988 (102 Stat. 1594), is amended—

(1) by striking "10,120.68 acres of land" and inserting "10,311.60 acres of land"; and

(2) in the table contained in that subsection, by striking all after

“4	7	30	Lots 3, 4, SW¼NE¼, SE¼NW¼, E½SW¼;	240”

through the end of the table, and inserting the following:

“6	8	1	N½SW¼	29.59
6	8	12	W½SW¼NE¼, SE¼SW¼NE¼NW¼, N½SE¼NW¼, N½SW¼SW¼SE¼	21.70
6	8	13	W½E½NW¼NW¼	5.31
6	7	7	E½E½	57.60
6	7	8	SW¼SW¼NW¼, W½SW¼	22.46
6	7	17	NW¼NW¼, N½SW¼NW¼	10.84
6	7	18	E½NE¼	43.42
6			Total	10,311.60”.

SEC. 3. SAN CARLOS APACHE WATER RIGHTS SETTLEMENT.

Section 3711(b) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (106 Stat. 4752) is amended by striking “subsections (c) and (d) of section 3704” inserting “section 3704(d)”.

SEC. 4. YUROK SETTLEMENT RECOGNITION.

Section 4 of Public Law 98–458 (25 U.S.C. 1407) is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by inserting “or” at the end; and

(3) by inserting after paragraph (3) the following:

“(4) are distributed pursuant to—

“(A) the judgment of the United States Claims Court (which was subsequently reorganized as the United States Court of Federal Claims) in Jesse Short et al. v. United States, 486 F2d. 561 (Ct. Cl. 1973); or

“(B) any other judgment of the United States Court of Federal Claims in favor of 1 or more individual Indians,”.

SEC. 5. SELF-DETERMINATION CONTRACT CARRY-OVER EXPENDITURE AUTHORIZATION.

Notwithstanding any other provision of law, any funds that were provided to the Ponca Tribe of Nebraska for any of the fiscal years 1992 through 1998 pursuant to a self-determination contract with the Secretary of Health and Human Services that the Ponca Tribe of Nebraska entered into under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) that were retained by the Ponca Tribe of Nebraska to carry out programs and functions of the Indian Health Service may be used by the Ponca Tribe of Nebraska to purchase or build facilities for the health services programs of the Ponca Tribe of Nebraska.

SEC. 6. NAVAJO-HOPI LAND DISPUTE SETTLEMENT ACT.

Section 12 of the Navajo-Hopi Land Dispute Settlement Act (Public Law 104–301; 110 Stat. 3653) is amended—

(1) in subsection (a)(1)(C), in the first sentence, by inserting “of surface water” after “on such lands”; and

(2) in subsection (b), striking “subsection (a)(3)” both places it appears and inserting “subsection (a)(1)(C)”.

SEC. 7. TREATMENT OF CERTAIN DEMONSTRATION PROJECTS.

(a) In General.—The Secretary of the Interior shall take such action as may be necessary to extend the terms of the projects referred to in section 512 of the Indian Health Care Improvement Act (25 U.S.C. 1660b) so that the term of each such project expires on October 1, 2002.

(b) Amendment to Indian Health Care Improvement Act.—Section 512 of the Indian Health Care Improvement Act (25 U.S.C. 1660b) is amended by adding at the end the following:

“(c) In addition to the amounts made available under section 514 to carry out this section through fiscal year 2000, there are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2001 and 2002.”.

SEC. 8. CONFEDERATED TRIBES OF COOS, LOWER UMPQUA, AND SIUSLAW INDIANS RESERVATION ACT.

Section 7(b) of the Coos, Lower Umpqua, and Siuslaw Restoration Act (Public Law 98–481, 98 Stat. 2253) is amended by adding at the end the following:

“(4) In Lane County, Oregon, a parcel described as beginning at the common corner to sections 23, 24, 25, and 26 township 18 south, range 12 west, Willamette Meridian; then west 25 links; then north 2 chains and 50 links; then east 25 links to a point on the section line between sections 23 and 24; then south 2 chains and 50 links to the place of origin, and containing .062 of an acre, more or less, situated and lying in section 23, township 18 south, range 12 west, of Willamette Meridian.”.

SEC. 9. HOOPA VALLEY RESERVATION BOUNDARY ADJUSTMENT.

Section 2(b) of the Hoopa Valley Reservation South Boundary Adjustment Act (25 U.S.C. 1300i–1 note) is amended—

(1) by striking “north 72 degrees 30 minutes east” and inserting “north 73 degrees 50 minutes east”; and

(2) by striking “south 15 degrees 59 minutes east” and inserting “south 14 degrees 36 minutes east”.

SEC. 10. CLARIFICATION OF SERVICE AREA FOR CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON.

Section 2 of the Act entitled “An Act to establish a reservation for the Confederated Tribes of Siletz Indians of Oregon”, approved September 4, 1980 (94 Stat. 1073 and 1074), is amended—

(1) in the first sentence, by striking “The Secretary” and inserting “(a) The Secretary”; and

(2) by adding at the end the following:

“(b) Subject to the express limitations under sections 4 and 5, for purposes of determining eligibility for Federal assistance programs, the service area of the Confederated Tribes of the Siletz Indians of Oregon shall include Benton, Clackamas, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties in Oregon.”.

SEC. 11. MICHIGAN INDIAN LAND CLAIMS SETTLEMENT.

Section 111 of the Michigan Indian Land Claims Settlement Act (111 Stat. 2665) is amended—

(1) by striking “The eligibility” and inserting the following:

“(b) Treatment of Funds for Purposes of Certain Federal Programs and Benefits.—The eligibility”; and

(2) by inserting before subsection (b), as designated by paragraph (1) of this section, the following:

“(a) Treatment of Funds for Purposes of Income Taxes.—None of the funds distributed pursuant to this Act, or pursuant to any plan approved in accordance with this Act, shall be subject to Federal or State income taxes.”.

SEC. 12. MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) Authorization.—Section 711(h) of the Indian Health Care Improvement Act (25 U.S.C. 1665j(h)) is amended by striking “for each” and all that follows through “2000,” and inserting “for each of fiscal years 1996 through 2000,”.

(b) Reference.—Section 4(12)(B) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(12)(B)) is amended by striking “Indian Self-Determination and Education Assistance Act of 1975” and inserting “Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)”.

SEC. 13. TRANSFER OF WATER RIGHTS.

The Jicarilla Apache Tribe Water Rights Settlement Act (106 Stat. 2237 et seq.) is amended by adding at the end the following:

“SEC. 12. TRANSFER OF WATER RIGHTS.

“(a) In General.—In accordance with the requirements of section 2116 of the Revised Statutes (25 U.S.C. 177), the transfer of water rights set forth in paragraph (5) of the stipulation and settlement agreement between the Jicarilla Apache Tribe and other parties to the case referred to in section 8(e)(1)(B)(ii), that was executed on October 7, 1997, is approved.

“(b) Effective Date.—The approval under subsection (a) shall become effective on the date of entry of a partial final decree by the court for the case referred to in that subsection that quantifies the reserved water rights claims of the Jicarilla Apache Tribe.”.

SEC. 14. NATIVE HAWAIIAN HEALTH SCHOLARSHIP PROGRAM.

(a) Eligibility.—Section 10(a)(1) of the Native Hawaiian Health Care Act of 1988 (42

U.S.C. 11709(a)(1)) is amended by striking "meet the requirements of section 338A of the Public Health Service Act (42 U.S.C. 2541)" and inserting "meet the requirements of paragraphs (1), (3), and (4) of section 338A(b) of the Public Health Service Act (42 U.S.C. 254l(b))".

(b) TERMS AND CONDITIONS.—Section 10(b)(1) of the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11709(b)(1)) is amended—

(1) in subparagraph (A), by inserting "identified in the Native Hawaiian comprehensive health care master plan implemented under section 4" after "health care professional";

(2) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(3) by inserting after subparagraph (A) the following:

"(B) the primary health services covered under the scholarship assistance program under this section shall be the services included under the definition of that term under section 12(8),";

(4) by striking subparagraph (D), as redesignated, and inserting the following:

"(D) the obligated service requirement for each scholarship recipient shall be fulfilled through the full-time clinical or nonclinical practice of the health profession of scholarship recipient, in an order of priority that would provide for practice—

"(i) first, in any 1 of the 5 Native Hawaiian health care systems, and

"(ii) second, in—

"(I) a health professional shortage area or medically underserved area located in the State of Hawaii, or

"(II) geographic area or facility that is—

"(aa) located in the State of Hawaii, and

"(bb) has a designation that is similar to a designation described in subclause (I) made by the Secretary, acting through the Public Health Service,";

(5) in subparagraph (E), as redesignated, by striking the period and inserting a comma; and

(6) by adding at the end the following:

"(F) the obligated service of a scholarship recipient shall not be performed by the recipient through membership in the National Health Service Corps, and

"(G) the requirements of sections 331 through 338 of the Public Health Service Act (42 U.S.C. 254d through 254k), section 338C of that Act (42 U.S.C. 254m), other than subsection (b)(5) of that section, and section 338D of that Act (42 U.S.C. 254n) applicable to scholarship assistance provided under section 338A of that Act (42 U.S.C. 254l) shall not apply to the scholarship assistance provided under subsection (a) of this section.".

By Mr. GRASSLEY:

S. 1926. A bill for the relief of Regine Beatie Edwards; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. GRASSLEY. Mr. President, today I am proposing a private relief bill, under the Immigration and Nationality Act, that would classify Regine Beatie Edwards as a child, and therefore, allow her to become a citizen of the United States.

This bill originates from a request of Mr. Stan Edwards, a United States citizen and Regine's adopted father, concerning his daughter's naturalization application. Regine Beatie Edwards was born on August 3, 1980 in Germany and arrived in the United States with her mother on October 16, 1994. In 1997, Mr. Edwards, on several occasions, contacted the Immigration and Naturalization Service to obtain the proper form to apply for his daughter's naturalization. In response, the INS sent Mr. Edwards the form N-643, Application for Certificate in Behalf of an Adopted Child, and notified him that the adoption must be completed and that the application must be submitted by his daughter's 18th birthday. On January 13, 1997, Regine was legally adopted by Mr. Edwards. At this time, Regine was 16½ years old. After the completion of the adoption, Mr. Edwards delivered his daughter's application, in person, to the INS office in Omaha, Nebraska on March 27, 1997.

Over the following months, Mr. Edwards became concerned about the amount of time that had passed since the submission of the application to the INS. In January of 1998, the INS reported that Regine Edwards' application was to be denied because the adoption had not been completed by the child's 16th birthday and that the form N-643 was the incorrect form for application. This new information contradicted what the INS had previously told Mr. Edwards that Regine had to be adopted by her 18th birthday. The INS indicated that Mr. Edwards' daughter had met three of the four qualifications to qualify for citizenship. As a result of this misinformation, Regine did not meet the qualification of an adoption by a citizen parent before the child had reached the age of sixteen. In response to the incorrect information given in this case, the INS refunded the money for the N-643 application to Mr. Edwards.

I feel that Regine Edwards should not be denied citizenship due to the wrong information provided by the Immigration and Naturalization Service. The Edwards family fulfilled the qualifications that they were originally told by the INS were necessary. Unfortunately, Mr. Edwards was misinformed which has cost his daughter the opportunity for citizenship at this time. Mr. President, I ask you and my fellow colleagues to support this young woman by allowing her to fulfill her wish to become a United States citizen and not deprive her of this opportunity.

By Ms. MOSELEY-BRAUN:

S. 1927. A bill to amend section 2007 of the Social Security Act to provide grant funding for 20 additional Empowerment Zones, and for other purposes; to the Committee on Finance.

THE EMPOWERMENT ZONE ENHANCEMENT ACT OF 1998

Ms. MOSELEY-BRAUN. Mr. President, it gives me great pleasure to introduce the Empowerment Zone Enhancement Act of 1998. This legislation, I believe, will build on the economic success we have built over the last several years.

We have worked to make this the strongest economy in a generation—by balancing the budget, investing in education and training, and opening up new markets for American products around the world. But we have also worked to make this the most inclusive economy in history, so everyone has a chance to participate, and no one is left behind. Further, we have stressed Community Empowerment. A strategy that gives people the tools—and acts as a catalyst for community collaboration—then communities can tap the ingenuity and enthusiasm of every citizen, and restore our downtowns and distressed areas to a level even our grandparents would be proud of.

I believe that we are beginning to see results in this Community Empowerment Philosophy. The Empowerment Zone Initiative is the cornerstone program to ensure that all Americans benefit from the strong economy. The purpose of the EZ/EC Initiative is to assist distressed urban and rural communities to develop and implement holistic revitalization programs. In the first round of the Initiative, 105 urban and rural EZ's and EC's were designated.

This Initiative has not only produced the intended benefits of creating economic opportunity, broad-based community partnerships and sustainable community development, but has also had far-reaching spin-off benefits in bringing together all segments of the EZ/ECs around the goal of community revitalization.

Over $4 Billion in private investment has been leveraged in the EZ and EC's. Nearly 20,000 jobs have been created that have been filled by people who have previously not had access to economic opportunity. Entrepreneurship opportunities have been created for people with a dream and the economic opportunity to see that dream realized. Job training and education opportunities have been created for nearly 45,000 residents. More than 12,000 housing units have been constructed or rehabilitated. Communities have addressed public safety, infrastructure and environmental clean-up needs through more than 350 programs. More than 52,000 children, youth and adults have been provided with services to help overcome challenges and contribute to their communities growth. In short, the EZ/EC Initiative has proven to be a successful holistic approach to community revitalization and economic development.

The Taxpayer Relief Act of 1997 authorized designation of 20 additional Empowerment Zones (15 urban and 5 rural), and provided for tax incentives for these new zones. However, that Act did not provide the flexible grant funding critical to the core concept and mission of the EZ/EC Initiative. This bill provides for $1.7 billion in grant funds over a 10-year period, $1.5 billion for the urban zones and $0.2 billion for the rural zones. The application process for the second round of Empowerment Zones will begin in a few weeks. Communities will have several months to put together a comprehensive strategic plan that leverages private investment and provides for economic opportunity.

We can rebuild even our poorest areas—if all the people in the community get together and decide to do it, and then find the tools they need to get it done. That's why we are so committed to our approach. We believe in government as a catalyst—helping to bring communities together to plan their future, and giving them the tools they need to reach that future. And it's working. For the first time in 30 years, we're seeing success.

From the South Bronx to areas of the Mississippi Delta to South Central LA to North Kenwood in Chicago—there is a growing American renaissance that is turning abandoned buildings, empty lots, and crime-ridden street corners into new homes, new hope and new opportunity for millions of Americans. This success makes us more and more convinced we're on the right track to reverse decades of decay, and to remake America's distressed areas into sources of pride and prosperity.

The hardest part is getting started, and we've got it started now all across the country. Now it's just a matter of moving up the momentum by expanding the number of zones. With communities working from the inside, the federal government helping draw investment from the outside—I know this is a battle we're going to win.

I urge all of my colleagues to join me in supporting quick passage of this legislation. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Empowerment Zone Enhancement Act of 1998".

SEC. 2. FUNDING ENTITLEMENT FOR ADDITIONAL ENTERPRISE ZONES.

(a) ENTITLEMENT.—Section 2007(a)(1) of the Social Security Act (42 U.S.C. 1397f(a)) is amended—

(1) in subparagraph (A), by striking "in the State; and" and inserting "in the State designated pursuant to section 1391(b) of the Internal Revenue Code of 1986;";

(2) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) 10 grants under this section for each qualified empowerment zone in the State designated pursuant to section 1391(g) of such Code.".

(b) AMOUNT OF GRANTS.—Section 2007(a)(2) of that Act (42 U.S.C. 1397f(a)(2)) is amended—

(1) in the heading of subparagraph (A), by inserting "ORIGINAL" before "EMPOWERMENT";

(2) in subparagraph (A), in the matter preceding clause (i), by inserting "described in paragraph (1)(A)" after "empowerment zone";

(3) by redesignating subparagraph (C) as subparagraph (D); and

(4) by inserting after subparagraph (B) the following new subparagraph:

"(C) ADDITIONAL EMPOWERMENT GRANTS.—The amount of each grant to a State under this section for a qualified empowerment zone described in paragraph (1)(C) shall be—

"(i) if the zone is designated in an urban areas, $10,000,000, or

"(ii) if the zone is designated in a rural area, $4,000,000,

multiplied by the proportion of the population of the zone that resides in the State.".

(c) TIMING OF GRANTS.—Section 2007(a)(3) of that Act (42 U.S.C. 1397f(a)(3)) is amended—

(1) in the heading of subparagraph (A), by inserting "ORIGINAL" before "QUALIFIED";

(2) in subparagraph (A), in the matter preceding clause (i), by inserting "described in paragraph (1)(A)" after "empowerment zone"; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) ADDITIONAL QUALIFIED EMPOWERMENT ZONES.—With respect to each qualified empowerment zone described in paragraph (1)(C), the Secretary shall make—

"(i) 1 grant under this subsection to the State in which the zone lies, on the date of the designation of the zone under such part I; and

"(ii) 1 grant under this subsection to such State, on the first day of each of the nine fiscal years that begin after the date of the designation.".

(d) FUNDING.—Section 2007(a)(4) of that Act (42 U.S.C. 1397f(a)(4)) is amended—

(1) by relocating and redesignating the matter following the caption as subparagraph (A);

(2) by inserting "ORIGINAL GRANTS.—" after the subparagraph designation "(A)";

(3) in subparagraph (A), as so redesignated, by inserting before the period "for empowerment zones and enterprise communities described in subparagraphs (A) and (B) of paragraph (1)"; and

(4) by adding after subparagraph (A), as so redesignated, the following new subparagraph:

"(B) ADDITIONAL GRANTS.—$1,700,000,000 shall be made available to the Secretary for grants under this section for empowerment zones described in paragraph (1)(C).".

SEC. 3. USE OF GRANTS FOR LOAN FUNDS AND SIMILAR ARRANGEMENTS.

Section 2007(b) of the Social Security Act (42 U.S.C. 1397f(b)) is amended by adding at the end the following new paragraph:

"(5)(A) In order to assist disadvantaged adults and youth in achieving and maintaining economic self-support, a State may use amounts paid under this section to fund revolving loan funds or similar arrangements for the purpose of making loans, loan guarantees, financial services, or related activities more accessible to residents, institutions, organizations, or businesses.

"(B) Interest earned by, and repayments of principal and interest on loans made from, revolving funds or similar arrangements described in subparagraph (A) shall be credited to such funds.

"(C) The funding of, or holding of funds in, a revolving loan fund or similar arrangement in accordance with subparagraph (A), in amounts reasonably necessary to carry out the purposes of such subparagraph (A), shall be deemed to comply with any requirement to minimize the time elapsing between transfer of funds from the United States Treasury and the issuance of payments for program purposes.".

SEC. 4. RESPONSIBILITY FOR ENVIRONMENTAL REVIEW.

Section 2007 of the Social Security Act (42 U.S.C. 1397f) is amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following new subsection:

"(f) ENVIRONMENTAL REVIEW.—

"(1) EXECUTION OF RESPONSIBILITY BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT AND THE SECRETARY OF AGRICULTURE.—

"(A) APPLICABILITY.—This subsection shall apply to grants under this section in connection with empowerment zones and enterprise communities designated under section 1391(a) of the Internal Revenue Code of 1986 and empowerment zones designated under section 1391(g) of such Code—

"(i) by the Secretary of Housing and Urban Development in the case of those located in urban areas; and

"(ii) by the Secretary of Agriculture in the case of those located in rural areas.

"(B) EXECUTION OF RESPONSIBILITY.—With respect to grants described in subparagraph (A), the Secretary of Housing and Urban Development and the Secretary of Agriculture, as appropriate, shall execute the responsibilities under the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in under this section if the State, unit of general local government, or Indian tribe, as designated by the Secretary in accordance with regulations issued by the Secretary under paragraph (2)(B), assumes all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would otherwise apply to the Secretary were the Secretary to undertake such projects as Federal projects.

"(B) IMPLEMENTATION.—The Secretary of Housing and Urban Development and the Secretary of Agriculture shall each issue regulations to carry out this subsection only after consultation with the Council on Environmental Quality. Such regulations shall—

"(i) specify any other provisions of law which further the purposes of the National Environmental Policy Act of 1969 and to which the assumption of responsibility as provided in this subsection applies;

"(ii) provide eligibility criteria and procedures for the designation of a State, unit of general local government, or Indian tribe to assume all of the responsibilities in this section;

"(iii) specify the purposes for which funds may be committed without regard to the procedure established under paragraph (3);

"(iv) provide for monitoring of the performance of environmental reviews under this subsection;

"(v) in the discretion of the Secretary, provide for the provision or facilitation of training for such performance; and

"(vi) subject to the discretion of the Secretary, provide for suspension or termination by the Secretary of the assumption under subparagraph (A).

"(C) RESPONSIBILITIES OF STATE, UNIT OF GENERAL LOCAL GOVERNMENT, OR INDIAN TRIBE.—The Secretary's duty under subparagraph (B) shall not be construed to limit any responsibility assumed by a State, unit of general local government, or Indian tribe with respect to any particular release of funds under subparagraph (A).

"(3) PROCEDURE.—The Secretary shall approve the release of funds for projects subject to the procedures authorized by this subsection only if, not less than 15 days prior to such approval and prior to any commitment of funds to such projects (except for such purposes specified in the regulations issued under paragraph (2)(B)), the recipient submits to the Secretary a request for such release accompanied by a certification of the State, unit of general local government, or Indian tribe which meets the requirements of paragraph (4). The approval by the Secretary of any such certification shall be deemed to satisfy the Secretary's responsibilities pursuant to paragraph (1) under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the releases of funds for projects to be carried out pursuant thereto which are covered by such certification.

"(4) CERTIFICATION.—A certification under the procedures authorized by this subsection shall—

"(A) be in a form acceptable to the Secretary;

"(B) be executed by the chief executive officer or other officer of the State, unit of general local government, or Indian tribe who qualifies under regulations of the Secretary;

"(C) specify that the State, unit of general local government, or Indian tribe under this subsection has fully carried out its responsibilities as described under paragraph (2); and

"(D) specify that the certifying officer—

"(i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or other such provision of law apply pursuant to paragraph (2); and

"(ii) is authorized and consents on behalf of the State, unit of general local government, or Indian tribe and himself or herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of the responsibilities as such an official.

"(5) APPROVAL BY STATES.—In cases in which a unit of general local government carries out the responsibilities described in paragraph (2), the Secretary may permit the State to perform those actions of the Secretary described in paragraph (3). The performance of such actions by the State, where permitted, shall be deemed to satisfy the responsibilities referred to in the second sentence of paragraph (3).".

SEC. 5. PERFORMANCE MEASUREMENT AND EVALUATION; GRANT ADJUSTMENTS.

Section 2007 of the Social Security Act (42 U.S.C. 1397f), as amended by section 4, is further amended by adding after subsection (f) the following subsection:

"(g) PERFORMANCE MEASUREMENT SYSTEM, REPORTS, AND EVALUATIONS, GRANT ADJUSTMENTS, AND RELATED MATTERS.—

"(1) APPLICABILITY.—The requirements of this subsection—

"(A) apply to all grants made by a State, from grants to the State under subsection (a)(2)(C), to lead implementing entities (as defined in paragraph (7)) for empowerment zones designated pursuant to section 1391(g) of the Internal Revenue Code of 1986 (26 U.S.C. 1391(g)); and

"(B) are in addition to the annual report and biennial audit requirements applicable to States under section 2006.

"(2) PERFORMANCE MEASUREMENT SYSTEM.—The lead implementing entity for an empowerment zone shall establish a performance measurement system acceptable to the Secretary to assist in assessing the extent to which its strategic plan is being implemented and funds made available under subsection (a)(2)(C) are being used effectively.

"(3) PERFORMANCE REPORT.—Each lead implementing entity shall submit to the Secretary (and make available to the public upon request), at such time and in such manner as the Secretary shall prescribe, a report including an assessment of the progress the empowerment zone has made toward implementing its strategic plan, and such other information as the Secretary shall prescribe. To the extent practicable, the report shall also include information available to the lead implementing entity with respect to the use of tax incentives available to empowerment zones designated pursuant to section 1391(g) of the Internal Revenue Code of 1986.

"(4) PERFORMANCE EVALUATIONS, ADJUSTMENTS, AND RECORDKEEPING.—

"(A) PERFORMANCE EVALUATIONS.—The Secretary shall regularly evaluate the progress of the lead implementing entity for the empowerment zone in implementing the strategic plan for the zone, on the basis of performance reviews and any other information that the Secretary may require.

"(B) ADJUSTMENTS.—On the basis of the Secretary's evaluation under subparagraph (A), the Secretary may direct the Secretary of Health and Human Services to adjust, reduce, or cancel the grant to a State under subsection (a)(2)(C) for the current or any future fiscal year or years, except that amounts already properly expended by a lead implementing entity on eligible activities under this Act shall not be recaptured or deducted from future grants to the State.

"(5) RETENTION OF RECORDS.—Each lead implementing entity shall keep such records relating to funds received from grants to the State under subsection (a)(2)(C), including the amounts and disposition of such funds and the types of activities funded, as the Secretary determines to be necessary to enable the Secretary to evaluate the performance of the lead implementing agency and to determine compliance with the requirements of this subsection.

"(6) SECRETARY'S ACCESS TO DOCUMENTS.—The Secretary shall have access, for the purpose of evaluations and examinations pursuant to paragraph (4)(A), to any books, documents, papers, and records of any grantee or other entity or person that are pertinent to grant amounts received in connection with this section.

"(7) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'lead implementing entity' means the local government or governments, the governance body of an empowerment zone as specified in the strategic plan, or any non-profit entity that is principal administrator of an empowerment zone.

"(B) The term 'Secretary' means the Secretary of Housing and Urban Development for purposes of grants under this section with respect to urban areas and means the Secretary of Agriculture for purposes of grants under this section with respect to rural areas, except as the context otherwise indicates.

SEC. 6. TECHNICAL AMENDMENTS.

Section 2007(b) of the Social Security Act is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking "to prevent"; and

(2) in paragraph (4), in the matter preceding subparagraph (A), by striking "maintain" and inserting "maintaining".

By Mr. LEAHY:

S. 1928. A bill to protect consumers from overcollections for the use of pay telephones, to provide consumers with information to make informed decisions about the use of pay telephones, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CONSUMER PAY TELEPHONE PROTECTION ACT

Mr. LEAHY. Mr. President, I have voiced my great disappointment many times with how the Telecommunications Act of 1966 is costing consumers millions of dollars.

I complained about this at the time that Act passed, and continue to be concerned that Vermonters are being taken to the cleaners.

I was one of five Senators to vote against that bill. I thought it was clear then, and it should be clear by now to everyone, that the Telecommunications bill means higher costs for consumers.

As other hi-tech industries, such as computer technology, offer lower and lower prices over time—the telephone and cable TV industries are presenting consumers with higher and higher charges.

For example, I am mad as heck that pay phone charges in Vermont went up to 35 cents—from 10 cents.

But what annoys me more is that if I do not have exact change—if I use two quarters—the change the phone company keeps is more than the ten cents the call used to cost.

I have been know to say "keep the change" in restaurants, or when I buy a newspaper.

But I do not like phone companies taking my change. I am fed up with pay phone service providers nickel and diming consumers.

This bill will make phone companies provide change to consumers at the pay phone—or provide a credit in the amount of the lost change to the consumer or to states to be used to help consumers.

My bill will also give the FCC broad powers to give states authority to control pay phone rates, if necessary.

The bill permits pay phone providers in Vermont to issue a credit when change is not provided to the consumer which would go to Vermont. This means that Vermont could provide better pay phone service for public safety or health reasons.

For example, this fund could be used by states to provide better pay phone service to those with disabilities, or those living in nursing homes. It would provide funding for pay phones to be placed in remote areas in case of emergencies.

I would rather this change go directly to the consumer, and believe when this bill is fully implemented that most consumers will not be overcharged for calls.

In the meantime, however, I would rather have the change used to benefit Vermonters than go to the phone companies.

There are over 2 million pay phones in the United States. The Washington Post explained on Monday that if 75 percent of those pay phones charge 35 cents for a local call and if just one person a day overpays 15 cents at each of those phones, companies would get more than $230,000 extra a day, or about $7 million a month.

My guess is that this hugely underestimates the size of this windfall.

Keep in mind this windfall, in Vermont, is on top of the raise from 10 cents to 35 cents. I have also noticed fewer and fewer phone booths except at places such as airports or train stations where consumers are in a hurry and may not have time to track down change.

My bill goes beyond just keeping phone companies from getting windfall profits. It calls for a national investigation of monopoly pricing and price gouging in the pay telephone markets.

It goes further than that—it then gives the Federal Communications Commission the tough new authority to deal with this problem. It allows them to give states the right to establish rates for local calls if necessary to stop this overcharging. Remember, when Vermont was in charge before the Telecommunications Act passed the pay phone rates were a dime.

My bill will also encourage the development of new technologies so that consumers are not overcharged for local phone calls to begin with.

My bill also provides funding—and the money comes from telephone companies not consumers—for public interest pay phones. These are phones which the FCC has determined each state should provide to its citizens in areas where there otherwise might not be a phone. They did this in a decision issued on October 7, 1996.

This was a good idea—but there is no federal funding to implement the decision.

In addition, it is uneconomic for a phone company to provide a pay phone in remote areas of Vermont. But in a roadside emergency these phones could be vital. My bill would provide for this program using money that now just goes out of your pockets to the phone companies.

Also, public interest pay phones could be placed in nursing homes, emergency homeless shelters, emergency rooms in hospitals, and other similar places.

Emergency 911 calls would be free from these phones, and other calls would cost but at least there would be a phone in a location where there otherwise might not be one.

What is best about this approach is that Vermont would decide how to use this funding that now goes directly into the coffers of phone companies.

I have also designed the bill in a way that prevents phone companies from trying to take advantage of this situation.

The bill gives the FCC board powers to ensure that the pay phone providers "do not pass any costs relating to such compliance to consumers."

It also mandates that the FCC monitor this situation and ensure that implementation does not result in any reduction in pay phone service.

The bill requires that pay phone companies which charge more than 10 cents for local phone calls provide either cash change or other alternatives to consumers, or credits to states equal to the value of the unpaid change.

These credits to states would be used by states for telecommunications activities that promote the public interest, such as safety, health, emergency services, or education and promote public interest pay phones in hospitals, schools, emergency homeless shelters, facilities for the disabled, and at similar types of locations.

The bill directs the FCC, within one year of the bill's enactment, to issue proposed rules that apply to pay phone providers that charge more than 10 cents for local pay phone calls. Companies would have to provide for cash change or automatically credit the appropriate public service agency in the respective states to account for instances in which change is not provided at the pay phone.

The bill requires that the FCC ensure that pay phone providers do not pass any costs of compliance with this bill on to consumers and that pay phone providers in no way reduce or limit service based on this anti-windfall requirement.

The FCC is given major new powers to take action to prevent any price gouging including giving states back the authority to regulate the price of local calls.

The bill requires that small stickers or other notice be posted on pay phones for the purpose of advising consumers when cash change will not be provided.

The bill directs the FCC to reconsider its rules under which the FCC removed authority from states to regulate the charge for local calls made over pay phones. The FCC would reexamine the need for states to have greater decision making roles where local competition between pay phone providers is not present.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consumer Pay Telephone Protection Act of 1998".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Some payphone service providers have increased the charge for the use of a coin-operated pay telephone for a local call to 35 cents but have not put into place a system for providing change to users of such telephones for amounts deposited in such telephones in excess of such charge.

(2) Payphone service providers should charge pay telephone users only for the actual time of use of pay telephones.

(3) Most consumers, if given a choice, would prefer that any amount of such excess deposits that are not refunded to consumers be used for pay telephones for public health, safety, and welfare purposes rather than have such excess deposits accrue to the financial benefit of payphone service providers.

(4) There are approximately 2,000,000 pay telephones in the United States, and payphone service providers accrue substantial revenue at the expense of Americans who do not have the exact amount of the charge for their use.

(5) A decision of the Federal Communications Commission to deregulate the provision of payphone service was premature and did not address adequately the need for local competition that would benefit users of pay telephones.

(6) The decision of the Commission does not promote the widespread deployment of affordable payphone service that would benefit the general public, nor does the decision promote the widespread deployment of public interest telephones.

(7) The use of coin-operated pay telephones represents an increasing commercial activity that substantially affects interstate commerce.

(8) Public interest telephones should be maintained in each State and should be provided to promote the public safety, health, and welfare.

(b) PURPOSE.—The purpose of this Act is—

(1) to require payphone service providers—

(A) to provide cash change to pay telephone users who deposit amounts for local telephone calls in excess of the amounts charged for such calls; or

(B) in the event that such providers do not provide such change, to transfer amounts equal to such change to appropriate State entities for public interest purposes related to telephone service;

(2) to encourage such changes in pay telephone technology as are needed to assure that payphone service providers—

(A) do not overcharge pay telephone users who do not have the exact amount of the charge for local pay telephone calls; and

(B) do not charge pay telephone users for any time in which pay telephones are not actually in use; and

(3) to require the Federal Trade Commission to determine—

(A) whether dysfunctions exist in the market for payphone service including locational monopolies in which the size of the market concerned results in the availability of payphone service from a single provider; and

(B) whether rates for coin-operated pay telephones for local telephone calls are market based.

SEC. 3. PUBLIC INTEREST PAY TELEPHONES.

Section 276(b)(2) of the Communications Act of 1934 (47 U.S.C. 276(b)(2)) is amended to read as follows:

"(2) Public interest pay telephones.—

"(A) Sense of congress.—It is the sense of Congress that—

"(i) in the interest of the public health, safety, and welfare, public interest pay telephones should be available and maintained in locations where there would not otherwise likely be a pay telephone; and

"(ii) such public interest pay telephones should be fairly and equitably supported.

"(B) Use of funds.—In accordance with such regulations as the Commission shall prescribe, each State agency that receives amounts under subsection (c)(2)(A) shall use such amounts to promote or otherwise support the installation, maintenance, and use of public interest pay telephones, including specially designed payphones for the disabled and the provision of payphone service in remote locations, nursing homes, emergency homeless shelters, hospitals, facilities that assist the disabled, schools, and other appropriate locations determined by the State agency concerned.".

SEC. 4. REQUIREMENT FOR CHANGE AT PAY TELEPHONES.

(a) Requirement.—Section 276 of the Communications Act of 1934 (47 U.S.C. 276), as amended by section 3 of this Act, is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) Change at Pay Telephones.—

"(1) Requirement.—

"(A) In general.—Except as provided in paragraph (2), a payphone service provider shall provide any individual using a pay telephone of such provider to make a telephone call described in subparagraph (B) an amount of cash change equal to the amount (if any) by which the amount deposited by the individual for the call exceeds the charge for the call.

"(B) Covered telephone calls.—Subparagraph (A) applies to any local telephone call the charge for which exceeds 10 cents.

"(2) Alternative use of excess collections.—

"(A) Transfer.—In accordance with such regulations as the Commission shall prescribe, a payphone service provider may, in lieu of providing cash change under paragraph (1)—

"(i) transfer any excess amounts collected by the provider at pay telephones to the State agency in the State in which the telephones are located that is responsible for the support of public interest pay telephones under subsection (b)(2); or

"(ii) if the State has no such agency by reason of a determination under subparagraph (B), transfer such excess amounts to the Commission for use under subparagraph (D).

"(B) State option.—

"(i) State option.—The chief executive officer of each State may determine whether or not to permit the transfer of funds to an agency of such State under subparagraph (A).

"(ii) Revocation.—The chief executive officer of a State may revoke any previous decision with respect to the State under this subparagraph.

"(iii) Notice.—The chief executive officer of a State shall notify the Commission, in writing, of any determination or revocation of a determination under this subparagraph.

"(C) Use by states.—

"(i) In general.—A State agency receiving amounts under subparagraph (A) shall utilize such amounts for purposes of promoting and supporting public interest pay telephones in the State under subsection (b)(2).

"(ii) Additional use.—In the event that amounts received by a State agency under subparagraph (A) exceed the amounts determined by the agency to be required to properly promote and support public interest pay telephones in the State, the agency shall utilize the excess amounts for purposes relating to providing universal service or improving telephone service in the State under section 254.

"(D) Use by commission.—

"(i) Deposit.—The Commission shall deposit any amounts received by the Commission under subparagraph (A) in an account in the Treasury established for that purpose.

"(ii) Availability.—Under such regulations as the Commission shall prescribe, the Commission shall utilize amounts in the account under clause (i) to assist States that receive amounts under subparagraph (A) with additional assistance to promote and support public interest pay telephones under subsection (b)(2).

"(E) Notice to consumers.—

"(i) In general.—In the event a payphone service provider decides to transfer excess amounts deposited at any given pay telephone under subparagraph (A) for purposes of supporting public interest pay telephones under subsection (b)(2), the provider shall post at such pay telephone a notice informing potential users of such pay telephone that any such excess amount shall not be returned as cash change or credit but shall be utilized for such purposes.

"(ii) Additional notice.—Nothing in clause (i) shall be interpreted to limit a State from requiring additional notices with respect to the matters set forth in that clause.

"(3) Regulations.—

"(A) Requirement.—Not later than one year after the date of enactment of the Consumer Pay Telephone Protection Act of 1998, the Commission shall prescribe the regulations required under this subsection.

"(B) Additional elements.—The regulations shall—

"(i) provide for the monitoring of the compliance of payphone service providers with the provisions of this subsection;

"(ii) ensure that such providers do not pass any costs relating to such compliance to consumers; and

"(iii) ensure that the implementation of such provisions do not result in any reduction in payphone service, including the imposition of time limits on local telephone calls or other reductions or limitations in such service.

"(C) Effective date.—The regulations shall provide that the provisions of the regulations take effect not earlier than 6 months after the date of the final issuance of the regulations and not later than 12 months after that date.".

(b) Study of Alternative Technologies.—

(1) In general.—Not later than 18 months after the date of enactment of this Act, the Federal Communications Commission shall submit to Congress a report on the availability of technologies or systems that permit persons who do not have exact change to utilize pay telephones for local telephone calls without being overcharged for such calls.

(2) Elements.—The report shall address the use of tokens, cash debit cards, systems for crediting the monthly telephone bills of individuals who use pay telephones, and such other technologies and systems as the Commission considers appropriate.

SEC. 5. STUDY OF COMPETITIVENESS OF PAY TELEPHONE MARKET.

(a) Study.—

(1) In general.—The Federal Trade Commission shall, in consultation with the Federal Communications Commission, carry out a study of competition in the market for intrastate payphone service, including—

(A) whether or not locational monopolies in such service exist by reason of the size of particular markets for such service;

(B) whether or not potential users of such service are effectively barred from choice in such service in particular markets by reason of difficulties in identifying a variety of payphone service providers in such markets;

(C) whether or not rates for local pay telephone calls are market-based; and

(D) whether or not there is evidence of monopoly pricing in such service.

(2) Scope of comment.—In carrying out the study, the Federal Trade Commission shall seek comment from a variety of sources, including State and local public entities, consumers and consumer representatives, and payphone service providers and their representatives.

(b) Report.—Not later than one year after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report on the results of the study carried out under subsection (a). The report shall include the findings of the Commission with respect to the matters set forth under paragraph (1) of that subsection.

(c) Federal Communications Commission Action.—Notwithstanding any provision of the Communications Act of 1934 (47 U.S.C. 151 et seq.), the Federal Communications Commission may, as a result of the study under subsection (a), conduct a rule-making proceeding in order to accomplish any of the following:

(1) To set limitations on rates for local pay telephone calls.

(2) To permit the States to establish rates for such calls on a cost basis.

(3) To set limitations on the commissions that payphone service providers may pay to persons who lease space to such providers for pay telephones.

(4) To prohibit payphone service providers from entering into exclusive contracts with persons who lease space to such providers for pay telephones which contracts cover multiple locations.

By Mrs. HUTCHISON (for herself,
Mr. Murkowski, Mr. Nickles,
and Mr. Domenici):

S. 1929. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes; to the Committee on Finance.

THE U.S. ENERGY ECONOMIC GROWTH ACT

Mrs. HUTCHISON. Mr. President, a healthy domestic energy industry is critical to our nation's security and our economic well-being. That is why I am pleased today to introduce the U.S. Energy Economic Growth Act. My legislation provides much needed tax relief for the domestic oil and gas industry. It is a part of the omnibus Domestic Oil and Gas Security Enhancement

Plan that I've developed with Senator MURKOWSKI and Senator NICKLES. Together, our comprehensive legislation represents the most sweeping tax and regulatory relief since before the Gulf War.

Our package could not come at a more critical time. The price of crude oil recently dipped to its lowest level since April 1994. This downturn in world oil prices has exposed America's independent producers to great risk. If current market conditions persist, as is expected, thousands of wells could become uneconomic and be shut-in or plugged. It is time we acted to ensure this does not happen, and my bill is the first step in that direction.

The U.S. Energy Economic Growth Act will do three things.

MARGINAL WELL TAX RELIEF

First, this bill provides tax relief for producers who operate marginal oil and gas wells. A marginal oil well is one that produces less than 15 barrels per day or produces heavy oil. A marginal gas well is one that produces less than 90 thousand cubic feet a day. Those who operate marginal wells are most at risk in times of lower oil prices. The National Petroleum Council (NPC) reported that America has over 500,000 marginal wells that collectively produce nearly 700 million barrels of oil equivalent each year. Texas alone has over 100,000 marginal wells. These wells contribute nearly 80,000 jobs and generate close to $14 billion each year in economic activity.

In 1996, abandonment or plugging of these marginal wells led to a loss of more than 3,600 high-quality jobs and a loss of $84.1 million in earnings in 1996. States and federal governments lost $18.5 million in severance taxes and an equal amount of ad valorem taxes from wells plugged during 1996.

Many domestic oil and gas businesses rely on these marginal wells as the backbone of their operations. However, as global market factors cause commodity prices to fluctuate, the economic viability of these wells is precarious. Marginal wells provide countless jobs, energy security and federal tax and royalty revenues. The tax credits in my bill will help keep these marginal wells in production and Americans employed. My bill provides for a maximum $3 per barrel tax credit for the first 3 barrels of daily production from an existing oil well. In addition, marginal gas well will receive $0.50 per mcf for the first 18 mcf of daily natural gas production.

In addition, this tax credit would only occur when prices are low. This credit is phased out when prices for oil and natural gas increase.

INACTIVE WELL TAX RELIEF

The second plank of my bill creates an incentive for independent oil and gas producers to recover abandoned wells and put them back into production. This provision allows producers to exclude income attributable to oil and natural gas from a recovered inactive well. In order to qualify, the oil or gas well must have been abandoned for at least two years prior to the date of enactment. In addition, this incentive would only apply to wells that are brought back on line within 5 years of the date of enactment.

This economic incentive has a proven track record. In Texas, a similar law resulted in returning over 6,000 wells to production. The estimated annual production from these wells is worth $565 million at the wellhead, and approximately $1.65 billion to the economy of Texas each year. The wealth from this incentive provides over 10,000 direct and indirect jobs each year. The Texas legislature receives an estimated $22 million in additional annual tax revenues, over ten thousand jobs have been created, and $1.65 billion a year in wealth is generated. Over 90,000 idle wells remain in Texas. This incentive package would help return them to production and allow them to contribute to a strong economy in America.

Thirteen states have inactive well recovery programs, including Alaska, Arkansas, California, Florida, Kansas, Louisiana, Mississippi, Montana, New Mexico, North Dakota, Oklahoma, Texas, Wyoming. This federal program would allow the benefits experienced by Texas and other states to continue to grow and to be shared by the rest of the country.

Importantly, this provision increases the stream of revenue going into the federal government in two ways. First, royalty owners will pay federal taxes on income generated from the recovered well. Currently, no taxes are paid on these wells because they are inactive. Returning them to production will increase the royalties paid to the federal government. Secondly, the new jobs created will add significantly to the taxes paid on wages and earnings.

This one-time shot-in-the-arm for the industry will provide countless jobs and considerable economic benefit to our communities.

OTHER INCENTIVES

The third provision of my bill makes changes to the tax code that makes it easier for producers to take full advantage of already existing tax credits. Under these provisions, both geological and geophysical expenditures on domestic production and delay rental payments would be allowed to be expensed at the time incurred rather than capitalized over the length of the well. This election would allow producers more control over their income stream without changing the amount of tax.

In addition, two relatively new types of drilling methods are included as a qualified enhanced oil recovery method for purposes of the Enhanced Oil Recovery Tax Credit. These two drilling methods, hydro-injection and horizontal drilling, would be included on the list of qualified methods. They provide us with some of the most innovative means of drilling and we should encourage producers to utilize these and other productive methods.

Mr. President, my legislation provides incentives for the most threatened parts of the oil and gas industry. Relief for marginal and inactive wells encourages full utilization of existing wells, clearly provides jobs and helps the local economy grow. I encourage my colleagues to support this legislation and their local communities by making marginal and inactive wells productive contributors to the local economy. Our energy security depends upon it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Energy Economic Growth Act".

TITLE I—PRODUCTION FROM MARGINAL AND INACTIVE WELLS

SEC. 101. TAX CREDIT FOR MARGINAL DOMESTIC OIL AND NATURAL GAS WELL PRODUCTION.

(a) CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45D. CREDIT FOR PRODUCING OIL AND GAS FROM MARGINAL WELLS.

"(a) GENERAL RULE.—For purposes of section 38, the marginal well production credit for any taxable year is an amount equal to the product of—

"(1) the credit amount, and

"(2) the qualified crude oil production and the qualified natural gas production which is attributable to the taxpayer.

"(b) CREDIT AMOUNT.—For purposes of this section—

"(1) IN GENERAL.—The credit amount is—

"(A) $3 per barrel of qualified crude oil production, and

"(B) 50 cents per 1,000 cubic feet of qualified natural gas production.

"(2) REDUCTION AS OIL AND GAS PRICES INCREASE.—

"(A) IN GENERAL.—The $3 and 50 cents amounts under paragraph (1) shall each be reduced (but not below zero) by an amount which bears the same ratio to such amount (determined without regard to this paragraph) as—

"(i) the excess (if any) of the applicable reference price over $14 ($1.40 for qualified natural gas production), bears to

"(ii) $4 ($0.40 for qualified natural gas production).

The applicable reference price for a taxable year is the reference price for the calendar year preceding the calendar year in which the taxable year begins.

"(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 1999, each of the dollar amounts contained in subparagraph (A) shall be increased to an amount equal to such dollar amount multiplied by the inflation adjustment factor for such calendar year (determined under section 43(b)(3)(B) by substituting '1998' for '1990').

"(C) REFERENCE PRICE.—For purposes of this paragraph, the term 'reference price' means, with respect to any calendar year—

"(i) in the case of qualified crude oil production, the reference price determined under section 29(d)(2)(C), and

"(ii) in the case of qualified natural gas production, the Secretary's estimate of the annual average wellhead price per 1,000 cubic feet for all domestic natural gas.

"(c) QUALIFIED CRUDE OIL AND NATURAL GAS PRODUCTION.—For purposes of this section—

"(1) IN GENERAL.—The terms 'qualified crude oil production' and 'qualified natural gas production' mean domestic crude oil or natural gas which is produced from a marginal well.

"(2) LIMITATION ON AMOUNT OF PRODUCTION WHICH MAY QUALIFY.—

"(A) IN GENERAL.—Crude oil or natural gas produced during any taxable year from any well shall not be treated as qualified crude oil production or qualified natural gas production to the extent production from the well during the taxable year exceeds 1,095 barrels or barrel equivalents.

"(B) PROPORTIONATE REDUCTIONS.—

"(i) SHORT TAXABLE YEARS.—In the case of a short taxable year, the limitations under this paragraph shall be proportionately reduced to reflect the ratio which the number of days in such taxable year bears to 365.

"(ii) WELLS NOT IN PRODUCTION ENTIRE YEAR.—In the case of a well which is not capable of production during each day of a taxable year, the limitations under this paragraph applicable to the well shall be proportionately reduced to reflect the ratio which the number of days of production bears to the total number of days in the taxable year.

"(3) DEFINITIONS.—

"(A) MARGINAL WELL.—The term 'marginal well' means a domestic well which during the taxable year has marginal production (as defined in section 613A(c)(6)).

"(B) CRUDE OIL, ETC.—The terms 'crude oil', 'natural gas', 'domestic', and 'barrel' have the meanings given such terms by section 613A(e).

"(C) BARREL EQUIVALENT.—The term 'barrel equivalent' means, with respect to natural gas, a conversion ratio of 6,000 cubic feet of natural gas to 1 barrel of crude oil.

"(d) OTHER RULES.—

"(1) PRODUCTION ATTRIBUTABLE TO THE TAXPAYER.—In the case of a marginal well in which there is more than one owner of operating interests in the well and the crude oil or natural gas production exceeds the limitation under subsection (c)(2), qualifying crude oil production or qualifying natural gas production attributable to the taxpayer shall be determined on the basis of the ratio which taxpayer's revenue interest in the production bears to the aggregate of the revenue interests of all operating interest owners in the production.

"(2) OPERATING INTEREST REQUIRED.—Any credit under this section may be claimed only on production which is attributable to the holder of an operating interest.

"(3) PRODUCTION FROM NONCONVENTIONAL SOURCES EXCLUDED.—In the case of production from a marginal well which is eligible for the credit allowed under section 29 for the taxable year, no credit shall be allowable under this section unless the taxpayer elects not to claim the credit under section 29 with respect to the well.".

(b) CREDIT TREATED AS BUSINESS CREDIT.—Section 38(b) of such Code is amended by striking "plus" at the end of paragraph (11), by striking the period at the end of paragraph (12) and inserting ", plus", and by adding at the end the following new paragraph:

"(13) the marginal oil and gas well production credit determined under section 45D(a).".

(c) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULES FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—

"(A) IN GENERAL.—In the case of the marginal oil and gas well production credit—

"(i) this section and section 39 shall be applied separately with respect to the credit, and

"(ii) in applying paragraph (1) to the credit—

"(I) subparagraphs (A) and (B) thereof shall not apply, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the marginal oil and gas well production credit).

"(B) MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—For purposes of this subsection, the term 'marginal oil and gas well production credit' means the credit allowable under subsection (a) by reason of section 45D(a).".

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) of such Code is amended by inserting "or the marginal oil and gas well production credit" after "employment credit".

(d) CARRYBACK.—Subsection (a) of section 39 of such Code (relating to carryback and carryforward of unused credits generally) is amended by adding at the end the following new paragraph:

"(3) 10-YEAR CARRYBACK FOR MARGINAL OIL AND GAS WELL PRODUCTION CREDIT.—In the case of the marginal oil and gas well production credit—

"(A) this section shall be applied separately from the business credit (other than the marginal oil and gas well production credit),

"(B) paragraph (1) shall be applied by substituting '10 taxable years' for '1 taxable years' in subparagraph (A) thereof, and

"(C) paragraph (2) shall be applied—

"(i) by substituting '31 taxable years' for '22 taxable years' in subparagraph (A) thereof, and

"(ii) by substituting '30 taxable years' for '21 taxable years'.".

(e) COORDINATION WITH SECTION 29.—Section 29(a) of such Code is amended by striking "There" and inserting "At the election of the taxpayer, there".

(f) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following item:

"45D. Credit for producing oil and gas from marginal wells."

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to production after the date of the enactment of this Act.

SEC. 102. EXCLUSION OF CERTAIN AMOUNTS RECEIVED FROM RECOVERED INACTIVE WELLS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 139 as section 140 and by inserting after section 138 the following new section:

"SEC. 139. OIL OR GAS PRODUCED FROM A RECOVERED INACTIVE WELL.

"(a) IN GENERAL.—Gross income does not include income attributable to independent producer oil from a recovered inactive well.

"(b) DEFINITIONS.—For purposes of this section—

"(1) INDEPENDENT PRODUCER OIL.—The term 'independent producer oil' means crude oil or natural gas in which the economic interest of the independent producer is attributable to an operating mineral interest (within the meaning of section 614(d)), overriding royalty interest, production payment, net profits interest, or similar interest.

"(2) CRUDE OIL AND NATURAL GAS.—The terms 'crude oil' and 'natural gas' have the meanings given such terms by section 613A(e).

"(3) RECOVERED INACTIVE WELL.—The term 'recovered inactive well' means a well if—

"(A) throughout the 2-year period ending on the date of the enactment of this section, such well is inactive or has been plugged and abandoned, as determined by the agency of the State in which such well is located that is responsible for regulating such wells, and

"(B) during the 5-year period beginning on the date of the enactment of this section, such well resumes producing crude oil or natural gas.

"(4) INDEPENDENT PRODUCER.—The term 'independent producer' means a producer of crude oil or natural gas whose allowance for depletion is determined under section 613A(c).

"(c) DEDUCTIONS.—No deductions directly connected with amounts excluded from gross income by subsection (a) shall be allowed.

"(d) ELECTION.—

"(1) IN GENERAL.—This section shall apply for any taxable year only at the election of the taxpayer.

"(2) MANNER.—Such election shall be made, in accordance with regulations prescribed by the Secretary, not later than the time prescribed for filing the return (including extensions thereof) and shall be made annually on a property-by-property basis."

(b) MINIMUM TAX.—Section 56(g)(4)(B) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

"(iii) INACTIVE WELLS.—In the case of income attributable to independent producers of oil recovered from an inactive well, clause (i) shall not apply to any amount allowable as an exclusion under section 139."

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 139 and inserting the following:

"Sec. 139. Oil or gas produced from a recovered inactive well.
"Sec. 140. Cross references to other Acts."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

TITLE II—OTHER INCENTIVES

SEC. 201. ELECTION TO EXPENSE GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Section 263 of the Internal Revenue Code of 1986 (relating to capital expenditures) is amended by adding at the end the following new subsection:

“(j) GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR DOMESTIC OIL AND GAS WELLS.—Notwithstanding subsection (a), a taxpayer may elect to treat geological and geophysical expenses incurred in connection with the exploration for, or development of, oil or gas within the United States (as defined in section 638) as expenses which are not chargeable to capital account. Any expenses so treated shall be allowed as a deduction in the taxable year in which paid or incurred.”

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) of the Internal Revenue Code of 1986 is amended by inserting “263(j),” after “263(i),”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to expenses paid or incurred after the date of enactment of this Act.

(2) TRANSITION RULE.—In the case of any expenses described in section 263(j) of the Internal Revenue Code of 1986, as added by this section, which were paid or incurred on or before the date of enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the unamortized portion of such expenses over the 36-month period beginning with the month in which the date of enactment of this Act occurs. For purposes of this paragraph, the unamortized portion of any expense is the amount remaining unamortized as of the first day of the 36-month period.

SEC. 202. ELECTION TO EXPENSE DELAY RENTAL PAYMENTS.

(a) IN GENERAL.—Section 263 of the Internal Revenue Code of 1986 (relating to capital expenditures), as amended by section 201(a), is amended by adding at the end the following new subsection:

“(k) DELAY RENTAL PAYMENTS FOR DOMESTIC OIL AND GAS WELLS.—

“(1) IN GENERAL.—Notwithstanding subsection (a), a taxpayer may elect to treat delay rental payments incurred in connection with the development of oil or gas within the United States (as defined in section 638) as payments which are not chargeable to capital account. Any payments so treated shall be allowed as a deduction in the taxable year in which paid or incurred.

“(2) DELAY RENTAL PAYMENTS.—For purposes of paragraph (1), the term ‘delay rental payment’ means an amount paid for the privilege of deferring development of an oil or gas well.”

(b) CONFORMING AMENDMENT.—Section 263A(c)(3) of the Internal Revenue Code of 1986, as amended by section 201(b), is amended by inserting “263(k),” after “263(j),”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to payments made or incurred after the date of enactment of this Act.

(2) TRANSITION RULE.—In the case of any payments described in section 263(k) of the Internal Revenue Code of 1986, as added by this section, which were made or incurred on or before the date of enactment of this Act, the taxpayer may elect, at such time and in such manner as the Secretary of the Treasury may prescribe, to amortize the unamortized portion of such payments over the 36-month period beginning with the month in which the date of enactment of this Act occurs. For purposes of this paragraph, the unamortized portion of any payment is the amount remaining unamortized as of the first day of the 36-month period.

SEC. 203. EXTENSION OF SPUDDING RULE.

(a) IN GENERAL.—Section 461(i)(2)(A) of the Internal Revenue Code of 1986 (relating to special rule for spudding of oil or gas wells) is amended by striking “90th day” and inserting “180th day”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 204. ENHANCED OIL RECOVERY CREDIT EXTENDED TO CERTAIN NONTERTIARY RECOVERY METHODS.

(a) IN GENERAL.—Clause (i) of section 43(c)(2)(A) of the Internal Revenue Code of 1986 (defining qualified enhanced oil recovery project) is amended to read as follows:

“(i) which involves the application (in accordance with sound engineering principles) of—

“(I) one or more tertiary recovery methods (as defined in section 193(b)(3)) which can reasonably be expected to result in more than an insignificant increase in the amount of crude oil which will ultimately be recovered, or

“(II) one or more nontertiary recovery methods which are required to recover oil with traditionally immobile characteristics or from formations which have proven to be uneconomical or noncommercial under conventional recovery methods.”

(b) QUALIFIED NONTERTIARY RECOVERY METHODS.—Section 43(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraphs:

“(C) QUALIFIED NONTERTIARY RECOVERY METHOD.—For the purposes of this paragraph—

“(i) IN GENERAL.—The term ‘qualified nontertiary recovery method’ means any recovery method described in clause (ii), (iii), or (iv), or any combination thereof.

“(ii) ENHANCED GRAVITY DRAINAGE (EGD) METHODS.—The methods described in this clause are as follows:

“(I) HORIZONTAL DRILLING.—The drilling of horizontal, rather than vertical, wells to penetrate any hydrocarbon-bearing formation which has an average in situ calculated permeability to fluid flow of less than or equal to 12 or less millidarcies and which has been demonstrated by use of a vertical wellbore to be uneconomical unless drilled with lateral horizontal lengths in excess of 1,000 feet.

“(II) GRAVITY DRAINAGE.—The production of oil by gravity flow from drainholes that are drilled from a shaft or tunnel dug within or below the oil-bearing zone.

“(iii) MARGINALLY ECONOMIC RESERVOIR REPRESSURIZATION (MERR) METHODS.—The methods described in this clause are as follows, except that this clause shall only apply to the first 1,000,000 barrels produced in any project:

“(I) CYCLIC GAS INJECTION.—The increase or maintenance of pressure by injection of hydrocarbon gas into the reservoir from which it was originally produced.

“(II) FLOODING.—The injection of water into an oil reservoir to displace oil from the reservoir rock and into the bore of a producing well.

“(iv) OTHER METHODS.—Any method used to recover oil having an average laboratory measured air permeability less than or equal to 100 millidarcies when averaged over the productive interval being completed, or an in situ calculated permeability to fluid flow less than or equal to 12 millidarcies or oil defined by the Department of Energy as being immobile.

“(D) AUTHORITY TO ADD OTHER NONTERTIARY RECOVERY METHODS.—The Secretary shall provide procedures under which—

“(i) the Secretary may treat methods not described in clause (ii), (iii), or (iv) of subparagraph (C) as qualified nontertiary recovery methods, and

“(ii) a taxpayer may request the Secretary to treat any method not so described as a qualified nontertiary recovery method.

The Secretary may only specify methods as qualified nontertiary recovery methods under this subparagraph if the Secretary determines that such specification is consistent with the purposes of subparagraph (C) and will result in greater production of oil and natural gas.”

(c) CONFORMING AMENDMENT.—Clause (iii) of section 43(c)(2)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

“(iii) with respect to which—

“(I) in the case of a tertiary recovery method, the first injection of liquids, gases, or other matter commences after December 31, 1990, and

“(II) in the case of a qualified nontertiary recovery method, the implementation of the method begins after December 31, 1997.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1997.

By Mr. NICKLES (for himself, Mr. DOMENICI, Mr. MURKOWSKI, Mrs. HUTCHISON, Mr. BREAUX, and Mr. CRAIG):

S. 1930. A bill to provide certainty for, reduce administrative and compliance burdens associated with, and streamline and improve the collection of royalties from Federal and outer continental shelf oil and gas leases, and for other purposes; to the Committee on Energy and Natural Resources.

THE ROYALTY ENHANCEMENT ACT OF 1998

Mr. NICKLES. Mr. President, once again, our domestic oil and gas producers are facing devastating losses due to a significant drop in oil prices. This crisis creates a dangerous situation for the industry and for our national security. Unfortunately, the policies and practices of the Administration have exacerbated the problem, not helped. If we are to maintain a viable domestic petroleum industry, we must reverse these practices. An important step towards this end is reforming the Department of Interior's erratic, ever-changing royalty valuation practices. The Royalty Enhancement Act, that I am introducing today, will reduce regulatory costs and promote development of federal oil and gas resources vital to our national security. It will also significantly reduce the administrative costs associated with the federal royalty payment system.

Minerals Management Service (MMS), the agency within the Department of Interior given responsibility for administering royalties from federal leases, has imposed on oil and gas producers a bureaucratic labyrinth of rules and regulations. One of the most fundamental concepts of our society is the ability of any citizen, in particular, citizens who are parties to contracts with the federal government to be assured that the Federal government will not overreach and unilaterally interpret those contracts. Such a situation is what we have today with oil and gas producers who have contracted with the Federal government to expend their capital and resources to explore for, drill and produce valuable oil and gas reserves in the United States and offshore.

In the past few years oil and gas producers, both independent and major, have become increasingly frustrated with the unwillingness by MMS to produce a simplified and certain valuation method that accurately captures the value of oil or gas at the lease. This is the value that a federal oil and gas lessee owes and the American taxpayer deserves to be paid.

Recently, the MMS has proposed a new oil valuation rule which is the most administratively burdensome and complex method, available to the government. This new rule looks like the Clinton health care plan and makes the IRS code look simple. In short, the current MMS valuation system is badly broken and their outstanding oil proposal will only make it worth.

In 1995, I introduced the Federal Oil and Gas Royalty Simplification and Fairness Act because of the importance of federal royalty revenues to the United States Treasury and States. The purpose of that legislation was to streamline and simplify the royalty management program for the over 20,000 federal lessees who are required to file over 3,000,000 reports annually. Despite the bipartisan support for my bill, MMS resisted this much needed reform during the entire legislative process. Fortunately, Congress saw the wisdom and need for the law and sent it to the President and it became effective in August, 1996.

Why is Congressional action needed, Mr. President? Despite the obvious importance of the oil and gas industry to our national economy and global stability, the MMS has failed to get the message we sent them in 1996 that the American people can no longer tolerate their ineffective and inefficient bureaucracy. The MMS valuation rules contain complicated formulas that can be both confusing and inaccurate. These ambiguous rules lead inevitably to expensive disputes and litigation that unnecessarily drain resources of the federal government and the lessees.

To ensure that the American people receive their full and fair value of production royalties from oil and gas produced on federal lands, we need to create a royalty valuation system that provides certainty, simplicity and fairness to the federal government, States, oil and gas producers and the American taxpayers. Only by doing this will companies want to take the risk of spending their capital to develop and produce federal oil and gas for our nation's use and benefit. It is important that we maintain the viability of existing production on federal lands and encourage development of the new frontiers of production in the deep waters off our coastlines.

Mr. President, my colleagues from New Mexico, Alaska, Texas and Louisiana, Senators DOMENICI, MURKOWSKI, HUTCHISON and BREAUX, join me today in introducing the Royalty Enhancement Act which is the Senate companion of H.R. 3334, a bill introduced this session by Congressman THORNBERRY. This bill cuts through the horrendously complicated and ambiguous current rules and provides certainty, simplicity and fairness to both the taxpayers and the companies who enter into oil and gas leases with the federal government.

This legislation will replace the current complicated and complex system of royalty valuation with a much clearer, simpler method of royalty payment that would avoid valuation disputes. This method will allow companies to pay the federal government its royalty share in actual barrels of oil or cubic feet of natural gas.

The bill contains a comprehensive well-designed royalty payment method that will streamline auditing and accounting systems for both the government and the producers and will reduce administrative costs. Reduced costs will help keep production economic for a longer period, extending the life of producing wells and thus providing more royalties from this continued production. The best way to be absolutely certain that the government receives fair market value at the lease is for the government to take production in-kind and have it marketed and sold by qualified private sector marketers who possess the expertise and experience to receive the best value for the United States.

Mr. President, it is not fair to subject companies who produce oil and gas on federal lands to the whim of the MMS with their record of retroactive second-guessing of valuation years after oil and gas has been produced and sold. It is fundamentally unfair to the American people for the agency's uncertain and ambiguous rules and practices to create delay in receipt of royalty revenues to the Treasury and to bear the expense of the government's bureaucracy. For these reasons, I am introducing the Royalty Enhancement Act of 1998.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1930

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Royalty Enhancement Act of 1998."

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Rights, obligations, and responsibilities.
Sec. 4. Costs responsibility.
Sec. 5. Transporter charges.
Sec. 6. Imbalances.
Sec. 7. Royalty-in-kind for trucked, tankered, or barged oil or gas.
Sec. 8. Limitations on application.
Sec. 9. Reporting.
Sec. 10. Audit.
Sec. 11. Lease terms not affected.
Sec. 12. Eligible and small refiners.
Sec. 13. Applicable laws.
Sec. 14. Indian lands.
Sec. 15. Effective date; regulations.

SEC. 2. DEFINITIONS.

In this Act:

(1) AFFILIATE; AFFILIATED.—

(A) The term "affiliate" or "affiliated" means that a person controls, is controlled by, or is under common control with another person. Affiliation shall be determined on a lease-by-lease and asset-by-asset basis.

(B) For the purposes of this Act, based on the instruments of ownership—

(i) Ownership in excess of 50 percent constitutes control.

(ii) Ownership of at least 10 percent and not more than 50 percent creates a rebuttable presumption of control only if each owner has a separate and independent right to control or utilize the capacity of the asset.

(iii) Ownership of less than 10 percent does not constitute control.

(2) COMPENSATORY ROYALTY.—The term "compensatory royalty" means a payment made to a royalty owner as compensation for loss of income that it may suffer due to a lease being drained of oil and gas by wells drilled on lands adjacent to the lands subject to the lease.

(3) COMPRESSION.—The term "compression" means the process of raising the pressure of gas.

(4) CONDENSATE.—The term "condensate" means liquid hydrocarbons (normally exceeding 40 degrees of API gravity) recovered at the surface without resorting to processing. Condensate is that stabilized mixture of liquid hydrocarbons at atmospheric pressure that results from condensation of petroleum hydrocarbons existing initially in a gaseous phase in an underground reservoir.

(5) DELIVERY POINT.—The term "delivery point" means—

(A) for a lease premise for which a production measurement meter is approved in accordance with applicable laws before the date of enactment of this Act—

(i) subject to clause (ii), the existing approved meter location, or

(ii) a delivery point requested by a lessee and approved in accordance with subparagraph (B); or

(B) for a lease premise for which no production measurement meter is approved before the date of the enactment of this Act, that point on or near the lease premises, approved by the appropriate agency in accordance with applicable laws and regulations, where lease production can be measured and reported in a manner that is practical, economical, and verifiable, except that such point may be at a location off the lease premises where, if necessary, production can be allocated back to the lease premises.

(6) ELIGIBLE SMALL REFINER.—The term "eligible small refiner" means a refiner that—

(A) has applied to the Secretary for certification as an eligible small refiner;

(B) has a total crude oil and condensate refining capacity (including the refining capacity of any person who controls, is controlled by, or is under common control with such refiner) not exceeding 100,000 barrels per day;

(C) is a corporation, company, partnership, trust or estate organized under the laws of the United States or of any State, territory, or municipality thereof, or is a person who is a United States citizen; and

(D) has continuously operated a refinery in the United States for no less than 6 months immediately preceding the date of application for certification as an eligible small refiner.

(7) Eligible small refiner portion.—The term "eligible small refiner portion" means the portion of all royalty oil volumes required to be offered for sale to eligible small refiners. The eligible small refiner portion shall be 40 percent of all royalty oil volumes, unless the Secretary determines that a greater share is in the public interest.

(8) FERC.—The term "FERC" means the Federal Energy Regulatory Commission.

(9) Field.—The term "field" means a geographic region situated over one or more subsurface oil or gas reservoirs that encompass at least the outermost boundaries of all oil and gas accumulations known to be within those reservoirs vertically projected to the land service.

(10) Force majeure.—The term "force majeure" means foreseen and unforeseen acts of God, strikes, lockouts, or other industrial disturbances, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, lightning, hurricanes or storms, hurricane or storm warnings which, in the judgment of the party affected by such event, require the precautionary shutdown or evacuation of Production facilities, earthquakes, fires, floods, washouts, disturbances, explosions, accidental breakage to lines of pipe, machine breakage, freezing of wells or lines of pipe, partial or entire failure of wells, and any other cause of a similar nature beyond the reasonable control of the party affected which renders that party unable to carry out its obligations under this Act. Force majeure as used in this Act shall not include market conditions.

(11) Gas.—The term "gas" means any fluid, whether combustible, noncombustible, hydrocarbon, or nonhydrocarbon, that—

(A) is extracted from a reservoir;

(B) has neither independent shape nor volume;

(C) tends to expand indefinitely; and

(D) exists in a gaseous or rarefied state under standard temperature and pressure conditions.

(12) Gathering.—The term "gathering" means the movement of unseparated, unidentifiable lease production upstream of the delivery point to a central accumulation point on or immediately adjacent to the lease premises, unit, or communitized area.

(13) GISB.—The term "GISB" means the Gas Industry Standards Board, as incorporated in the State of Delaware on September 26, 1994.

(14) Lease operator; operator.—Each of the terms "lease operator" and "operator" means any person, including a lessee, who has control of or who manages operations on lease premises, according to the terms of the joint operating agreement or any other agreement or method by which an operator is designated, on Federal onshore lands or who has been designated as an operator on the outer continental shelf by applicable law.

(15) Lease premises.—The term "lease premises" means all land and interests in land owned by the United States that are subject to an oil and gas lease issued under the mineral leasing laws, including mineral resources of mineral estates reserved to the United States in the conveyance of a surface or non-mineral estate.

(16) Lease production.—The term "lease production" means any produced oil or gas that is attributable to, originating from, or allocated to a Federal onshore or an outer continental shelf lease premises.

(17) Lessee.—The term "lessee" means any person to whom the United States issues an oil and gas lease, or any person to whom operating rights under an oil and gas lease have been assigned.

(18) Merchantable condition; marketable condition.—Each of the terms "merchantable condition" and "marketable condition" means the condition of oil or gas that is sufficiently free of impurities to meet the requirements of or is accepted by the first transporter of royalty oil and royalty gas from that lease premises either prior to or at the delivery point. Whether or not lease production is in merchantable condition shall not affect the responsibility for the bearing of costs of gathering or transportation, as provided by this Act.

(19) Minimum royalty.—The term "minimum royalty" means that minimum amount of annual royalty that a lessee must pay, as specified in the lease or in applicable leasing regulations.

(20) Net profit share lease royalty prior to payout.—The term "net profit share lease royalty prior to payout" means the specified share of the net profit from production of oil and gas as provided in the lease.

(21) Oil.—The term "oil"—

(A) means a mixture of hydrocarbons that exists in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities; and

(B) includes condensate.

(22) Oil and gas lease; lease.—Each of the terms "oil and gas lease" and "lease" means any contract, profit-share arrangement, or other agreement issued or maintained in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1301 et seq.) or the Mineral Land Leasing Act (30 U.S.C. 181 et seq.) and issued or approved by the United States that authorizes exploration for, extraction of, or removal of oil or gas.

(23) Operating rights.—The term "operating rights" means the interest created by a lease or derived therefrom authorizing the holder of that interest to enter upon the lease premises to conduct drilling and related operations, including production of oil or gas from such lands in accordance with the terms of the lease. A record title owner is the owner of operating rights under a lease except to the extent that the operating rights or a portion thereof have been transferred from record title.

(24) Person.—The term "person" means an individual natural person, proprietorship, firm (private or public), corporation, business, limited liability company, unincorporated association, association, partnership, trust, consortium, joint venture, joint stock company.

(25) Processing; Process.—Each of the terms "processing" and "process"—

(A) means any process designed to remove elements or compounds (hydrocarbon and nonhydrocarbon) from oil or gas;

(B) includes absorption, adsorption, or refrigeration; and

(C) does not include lease or field processes, such as natural pressure reduction, mechanical separation, heating, cooling, dehydration, and compression on the upstream side of the delivery point.

(26) Producing; produced; production.—The term "producing", "produced", or "production" means the act of bringing hydrocarbons to the surface.

(27) Qualified marketing agent.—The term "qualified marketing agent" means a person with whom the Secretary has contracted to receive, handle, transport, deliver, market, process, dispose of, broker, or sell, or any combination thereof, royalty oil or royalty gas taken in kind by the United States from, or that is attributable to, an oil and gas lease.

(28) Regulated pipeline; regulated facility.—Each of the terms "regulated pipeline" and "regulated facility"—

(A) means a pipeline, truck, tanker, barge, or other modality of carriage for oil or gas, the operation of which is subject to regulation by a State governmental authority or Federal governmental authority (or both) with respect to the rates that may be charged shippers for transportation service; and

(B) includes, but is not limited to—

(i) a pipeline performing the interstate movement of gas subject to regulation by the Federal Energy Regulatory Commission under the Natural Gas Act (15 U.S.C. 717 et seq.);

(ii) a pipeline whose movements of oil are subject to regulation by the Federal Energy Regulatory Commission under the Interstate Commerce Act (49 U.S.C. 1 et seq.); and

(iii) any pipeline, truck, tanker, barge or other modality of carriage for Oil or Gas whose rates for carriage are regulated by a governmental authority under State law.

(29) Royalty gas.—The term "royalty gas" means that fraction or percentage of gas produced from or attributable to lease premises, that the United States as lessor is entitled to take in kind under the terms of an oil and gas lease.

(30) Royalty oil.—The term "royalty oil" means that fraction or percentage of oil produced from or attributable to lease premises, that the United States as lessor is entitled to take in kind under the terms of an oil and gas lease.

(31) Royalty share.—The term "royalty share" means that fraction or percentage of royalty oil or royalty gas (or both) produced from or attributable to lease premises, that the United States as lessor is entitled to take in kind under the terms of an oil and gas lease.

(32) Secretary.—The term "Secretary" means the Secretary of the Interior.

(33) Tender.—The term "tender" means the act by which a lessee makes royalty oil or royalty gas produced from lease premises available to the United States for receipt.

(34) Transportation; transport.—Each of the terms "transportation" and "transporting" means any movement (including associated or related activities to facilitate movement such as compression and dehydration), upstream or downstream of the delivery point of royalty oil or royalty gas that is not gathering as defined herein including movement described as transportation in this paragraph. Such transportation shall include but not limited to—

(A) the movement of unseparated, unidentifiable lease production to a point not on or immediately adjacent to the lease premises, unit, or communitized area; and

(B) any movement of separated, identifiable lease production regardless of whether such movement is on or off the lease premises, unit or communitized area.

(35) Transporter.—The term "transporter" means a person or entity who is transporting or providing transportation.

(36) United States.—The term "United States" means the United States of America and any agency, department, or instrumentality thereof.

SEC. 3. RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES.

(a) Rights, Obligations, and Responsibilities of the United States.—

(1) General rule.—Except as otherwise provided in section 8 of this Act, all royalty oil and royalty gas accruing to the United States under any oil and gas lease shall be taken in kind by the United States at the applicable delivery point for each lease premises.

(2) Ownership and receipt by United States.—Ownership of all right, title and interest in royalty oil and royalty gas produced from oil and gas lease premises governed by this Act shall remain in the United States until sale or other disposition by the United States. Nothing in this Act shall limit the right of the United States to have royalty oil or royalty gas stored after its production in such tanks or other surface facilities as the lessee may be expressly obligated to furnish under any applicable lease term. The United States shall not delay or defer the receipt of lease production, delay receipt of new production, or physically segregate the royalty share prior to receipt by the United States. The United States shall have custody, possession, and responsibility attendant thereto for royalty oil and royalty gas at and beyond the delivery point.

(3) Selection of and contracts with a qualified marketing agency.—(A) Except as provided in subsection (b), the Secretary shall, for each lease premises, contract with a person to act as a qualified marketing agent to market and dispose of royalty oil and royalty gas. Each qualified marketing agent shall be authorized to advise and consult with the Secretary on the sale and disposition of the royalty oil and royalty gas and to directly sell and broker the royalty oil and royalty gas.

(B) To be eligible for a contract under this paragraph to act as a qualified marketing agent, a person must have the expertise necessary to receive, handle, transport, deliver, market, process, dispose, broker, or sell royalty oil and royalty gas in accordance with this Act. Under rules promulgated by the Secretary, the Secretary may designate any person as ineligible or place other requirements on a person to act as a qualified marketing agent for a particular lease premises under this paragraph by reason of such person being affiliated with persons engaged in the transporting, processing, or purchasing of oil or gas for that lease premises.

(C) The Secretary shall contract with not more than one qualified marketing agent for each lease premises for royalty oil and not more than one qualified marketing agent for each lease premises for royalty gas.

(D) The Secretary shall solicit competitive bids for contracts for qualified marketing agents. The Secretary shall promulgate final rules within 12 months after the date of the enactment of this Act regarding the competitive manner in which qualified marketing agents shall be selected.

(E) The compensation of each qualified marketing agent—

(i) shall be determined and made by the Secretary without further appropriation based on the services to be performed by the qualified marketing agent; and

(ii) shall be established in the contract between the qualified marketing agent and the United States.

(F) Except as otherwise provided in subsection (b), the Secretary shall be solely responsible for obtaining and contracting with qualified marketing agents and shall be authorized to pay qualified marketing agents from proceeds derived from the sale of royalty oil and royalty gas without further appropriation.

(G) Each contract shall—

(i) require the qualified marketing agent to dispose of and sell royalty oil and royalty gas in an open, nondiscriminatory, and competitive manner; and

(ii) prohibit the qualified marketing agent from precluding any person from competing for the handling, gathering, transporting, marketing, processing, or purchasing of royalty oil and royalty gas solely by reason of the person being a lessee or person affiliated with a lessee, qualified marketing agent; gatherer, royalty payor, transporter, processor, or purchaser.

(8) To further the purposes of this Act the Secretary shall be provided the greatest latitude in contracting with qualified marketing agents to market and dispose of royalty oil or royalty gas, contracts with qualified marketing agents under this Act shall be exempted from otherwise applicable federal procurement and property disposition laws, including but not limited to the Armed Services Procurement Act of 1947, 10 U.S.C. 2304, et seq. or the Federal Property Administration Services Act, 41 U.S.C. 253, et seq., or their implementing regulations.

(4) Transportation Cost.—Each contract under paragraph (3) shall require the Secretary to bear the costs of any transportation of royalty oil and royalty gas without further appropriation as specified by this Act incurred prior to the sale or other disposition of the royalty oil and royalty gas by the qualified marketing agent.

(5) Processing.—The qualified marketing agent under paragraph (3) shall—

(A) have the right to process royalty oil and royalty gas, after receipt at the delivery point for the recovery and sale of valuable products; and

(B) require the Secretary to bear any applicable costs of exercising such right without further appropriation.

(6) Compliance with standards.—In taking in kind, processing, and shipping royalty oil and royalty gas, the United States and its qualified marketing agent shall comply with all procedures which are customary or required of processors and shippers, including but not limited to the applicable FERC-approved GISB standards, nominations of volumes, scheduling of deliveries, and the movement of oil or gas in or through the facilities of the initial transporter and any subsequent transporter. The United States and its qualified marketing agent shall separately contract with transporters, purchasers, and processors. The Secretary and his qualified marketing agent shall assume responsibility and any liability associated with such duties.

(7) Fair market value requirements.—The net proceeds received by the United States from the sale of royalty oil and royalty gas shall satisfy in full the Secretary's responsibility to receive fair market value as defined by any applicable statute or lease provision.

(b) Rights, Obligations and Responsibilities of States.—

(1) Selection of qualified marketing agents.—At its option and for the mutual benefit of the United States and the State, a State entitled to revenues under the provisions of section 35 of the Mineral Leasing Act (30 U.S.C. 191) or section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1353) may elect to act on behalf of the Secretary in selecting qualified marketing agents to sell or dispose of royalty oil or royalty gas produced from lease premises with the State or from section 8(g) lease premises adjacent to the State, whichever is applicable. If it makes such an election, the State shall enjoy all the rights and assume all obligations that the United States would otherwise have under this Act. If a State selects a qualified marketing agent that has contracted to market production from State leases, the contract with the qualified marketing agent shall be on terms no less favorable to the interests of the United States than the contract with the State. A State may make such an election from time to time in accordance with paragraph (4).

(2) Compliance with requirements.—A State that elects to act under this section shall—

(A) exercise such rights in accordance with the requirements established by this Act governing royalty in kind; and

(B) be subject to the rights, responsibilities, and obligations of the United States under this Act, as may be applicable, including those set forth in subsection (a) and in no event shall regulations be applicable to a State which do not apply in substance to the United States to the extent required by applicable law.

(3) Notice; effective period of election.—A State may elect to act under this section after giving the Secretary 90 days notice. The election is effective 90 days after the date the Secretary receives notice of the election. The election shall remain in effect for a period of not less than 3 years. After the initial term, a State must give sufficient notice to the United States, but in no event less than 180 days, to terminate an election period.

(4) Covered oil and gas.—A State's election under this subsection shall apply to all royalty oil and royalty gas within the State and section 8(g) lands adjacent to the State, as applicable.

(5) Existing contracts.—If a contract between a qualified marketing agent and the United States exists that has not expired, the State's election shall be subject to that existing contract.

(6) Limitation on deductions from State share of receipts.—If a State makes an election under this section, payment of the State's share of receipts for the sale of royalty oil and royalty gas shall be made without deductions for costs applicable to the services provided by the State under the net receipts sharing provisions of the Mineral Leasing Act.

(c) Rights, Obligations, and Responsibilities of the Lessee.—

(1) Effect of tender by lessee.—A lessee shall tender royalty oil and royalty gas to the United States at the delivery point for each lease premises, except as provided in section 6. Upon such tender for any lease premises, all royalty obligations of the lessee shall be considered fulfilled and fully satisfied for the amount tendered, including any express or implied obligation or duty to market, except as provided in section 6. If the United States fails to take in kind the entire volume tendered, the lessee's obligation or duty shall nonetheless be fully satisfied.

(2) MEASUREMENT OF LEASE PRODUCTION.—A lessee shall measure or cause to be measured lease production, including royalty oil and royalty gas, at the delivery point in accordance with any applicable laws and lease terms.

(3) TERMINATION OF RESPONSIBILITIES OF LESSEE.—A lessee shall have no responsibility or obligation for royalty oil or royalty gas after tendering it in accordance with paragraph (1) and shall not be liable for any costs or liability downstream of the delivery point associated with the royalty oil or royalty gas.

(4) REPORTING AND RECORDKEEPING.—With respect to royalty oil and royalty gas taken in kind by the United States, a lessee shall not be subject to the reporting and RECORD KEEPING requirements of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1701 et seq.) or other applicable laws for any lease, other than records or reports necessary to verify the quantity of royalty oil or royalty gas produced from a lease premises.

(d) RIGHTS, OBLIGATIONS, AND RESPONSIBILITIES OF QUALIFIED MARKETING AGENTS.—

(1) IN GENERAL.—In accordance with the terms of its contract with the United States, a qualified marketing agent shall—

(A) advise and consult with the United States regarding the terms and conditions of sales to purchasers;

(B) arrange for the receipt, handling, transporting, delivery, marketing, processing, disposition, brokering and sale of royalty oil and royalty gas; and

(C) be authorized to enter into sales contracts on behalf of the United States.

(2) MOVEMENT OF ROYALTY OIL AND ROYALTY GAS.—A qualified marketing agent shall be authorized to make any arrangements necessary to move royalty oil and royalty gas downstream of the applicable delivery point, and shall be authorized to enter into transportation and processing contracts on behalf of the United States.

(3) REQUIREMENT TO TAKE.—A qualified marketing agent shall be required to take 100 percent of the royalty share tendered by the lessee from each lease premises on a daily basis.

(4) ENHANCEMENT OF REVENUES TO UNITED STATES.—In handling, marketing, and disposing of royalty oil and royalty gas, a qualified marketing agent shall utilize its experience and expertise to seek opportunities to enhance revenues to the United States, including opportunities for the sale of royalty oil and royalty gas at or away from the lease premises, depending on the facts and circumstances relevant to receiving, handling, transporting, delivering, marketing, processing, disposition, brokering, and sale of the royalty oil or royalty gas.

(5) AFFILIATE TRANSACTIONS.—Qualified marketing agent sales to itself or an affiliate shall be made in accordance with the following standards:

(A) When selling royalty oil and royalty gas to an affiliate, a qualified marketing agent shall not give preference to an affiliate, including but not limited to, favoring the affiliate with lower sales prices, rights of first refusal or more favorable terms than those offered to nonaffiliated purchasers of royalty oil and royalty gas.

(B) The managing employee of the qualified marketing agent shall periodically certify that it has complied with these provisions. The civil penalty provisions of section 109(d) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1719(d)) shall apply to any qualified marketing agent who violates subparagraph (A).

SEC. 4. COSTS RESPONSIBILITY.

(a) MERCHANTABLE CONDITION.—The lessee shall bear the costs of placing royalty oil and royalty gas in merchantable condition at the delivery point, if not produced in such condition at the well: *Provided, however*, That gathering and transportation costs under this Act shall be governed solely by section 4(b) and section 5, and responsibility for such costs shall not be dependent upon whether the royalty oil or royalty gas is in merchantable condition at the time of gathering or transportation.

(b) GATHERING AND TRANSPORTATION OF ROYALTY OIL AND ROYALTY GAS.—

(1) GATHERING.—The lessee shall bear the costs of gathering royalty oil and royalty gas.

(2) TRANSPORTATION.—The United States shall bear the costs of transporting royalty oil and royalty gas to and beyond the delivery point until disposition or sale by the United States. Transportation costs shall include associated or related activities to facilitate movement, such as the costs of compression and dehydration associated with transportation. The movement of unseparated, unidentifiable lease production to a point not on or immediately adjacent to the lease premises, unit or communitized area and the movement of separated, identifiable lease production regardless of whether such movement on or off the lease premises, unit or communitized area shall be considered transportation. Transportation costs shall be governed solely by the definitions and provisions in this Act relating to transportation and responsibility for the payment of such costs shall not be dependent upon whether the royalty oil and royalty gas is in merchantable condition at the time of transportation.

(c) LIMITATION ON LESSEE'S RESPONSIBILITY FOR COSTS.—With respect to all royalty oil and royalty gas taken in kind by the United States, the lessee shall bear no costs other than those specifically identified in this section. After the royalty share is taken in kind, the United States shall dispose of and market its royalty oil and royalty gas and the lessee shall have no obligation to dispose of or market the United States royalty share of production.

(d) REIMBURSEMENT OF COSTS.—In bearing the cost of transporting royalty oil and royalty gas, the United States shall reimburse the lessee for transportation costs without further appropriation in accordance with the provisions of subsection (b) of this section and section 5.

SEC. 5. TRANSPORTER CHARGES.

(a) DETERMINATION.—The lessee or its affiliate shall determine and calculate, where applicable, the transportation charges governed by this Act in accordance with subsections (b) and (c).

(b) REIMBURSEMENT FOR TRANSPORTATION COSTS PRIOR TO THE DELIVERY POINT.—

(1) TRANSPORT BY REGULATED PIPELINE OR FACILITY.—Reimbursement to a lessee for costs of transporting royalty oil and royalty gas produced by the lessee and subsequently transported through a regulated pipeline or facility before the delivery point shall be—

(A) for nonaffiliated transactions, the actual rate paid under the tariff by the lessee, or

(B) for affiliated transactions, the lower of the tariff rate or the actual rate paid under the tariff.

(2) TRANSPORT BY SHIPMENT-BY-SHIPMENT TARIFF JURISDICTION PIPELINE OR FACILITY.—Reimbursement to a lessee for transportation costs incurred to transport royalty oil through a pipeline or facility for which jurisdiction for purposes of a tariff is determined on a shipment-by-shipment basis, shall be the tariff rate for all shipments by the lessee through the same pipeline or facility if there is a shipment through the pipeline or facility to which a tariff applies.

(3) TRANSPORT BY UNREGULATED PIPELINE OR FACILITY.—(A) Reimbursement to a lessee for transportation costs incurred to transport royalty oil or royalty gas through an unregulated pipeline or facility before the delivery point shall be—

(i) for nonaffiliated transactions, the actual costs incurred by the lessee; or

(ii) for affiliated transactions—

(I) if third party oil or gas is being transported through the pipeline or facility, the weighted average (by volume) third party charge; or

(II) if no third party oil or gas is being transported through the pipeline or facility, not to exceed the pipeline or facility owner's or its affiliate's costs of operating the pipeline or facility, including a return on undepreciated capital investment, subject to paragraph (4).

(B) For purposes of subparagraph (A)(ii)(II) the term "costs of operating" means the sum of the following:

(i) Direct operating, maintenance, and repair costs and expenses.

(ii) Indirect costs (including but not limited to costs such as information systems, business services and technical services) allocated to the pipeline or facility, in an amount not exceeding 15 percent of the amount of direct costs that applies under clause (I).

(iii) An allowance for capital investment calculated on the basis of either of the following, as may be, elected by the lessee:

(I) depreciation, plus a return on the undepreciated capital, or

(II) a return on depreciable capital investment.

Return under subclauses (I) and (II) shall be at a rate equal to twice the rate payable for bonds with a Standard and Poor's industrial BBB bond rating.

(4) ALLOWANCE OF HIGHER TRANSPORTATION COSTS.—If the amount specified in paragraph (3)(A)(ii) does not adequately reflect the costs of the transportation services provided by a lessee or its affiliate, the lessee may request a different transportation reimbursement from the Secretary. For pipelines in more than 200 meters of water, the Secretary may allow a higher rate of return, sufficient for an investment in the fabricating, installing, operating, and maintaining such pipelines as compared to pipelines in waters of less than 200 meters.

(5) RESTRICTION ON DISCLOSURE.—The United States and its qualified marketing agent shall keep confidential and shall not disclose the transportation charge or any facts or information related thereto used by a lessee or its affiliate for reimbursement under this subsection.

(c) CHARGES FOR TRANSPORTATION COSTS BEYOND THE DELIVERY POINT.—

(1) IN GENERAL.—Charges by the lessee or its affiliate for transportation of royalty oil or royalty gas through an unregulated pipeline or facility beyond the delivery point shall be a negotiated rate, that—

(A) shall not exceed the highest rate charged for transportation provided to a third party, if third party oil or gas is being transported through the pipeline or facility; or

(B) shall be the fair commercial value of the transportation services provided by the lessee or its affiliate if no third party oil or gas is being transported through the pipeline or facility.

(2) DETERMINATION OF COMMERCIAL VALUE.—The standard to be used to determine the commercial value for purposes of paragraph (1)(B) shall be based upon the transportation services provided and not on the ownership of the pipeline or facility by the lessee or its affiliate.

(d) ARBITRATION.—

(1) IN GENERAL.—If negotiations between a qualified marketing agent and an entity owning the pipeline or facility do not result in a mutually agreeable negotiated charge for transportation under subsection (c), then the qualified marketing agent on behalf of the Secretary or the entity owning the pipeline or facility may, at any time during the negotiation, require that such matter be submitted to arbitration in accordance with this subsection.

(2) SELECTION OF ARBITRATORS.—Any dispute regarding a charge for transportation that is not resolved by agreement shall be determined by a panel of 3 arbitrators upon written notice given by either party to the other, which notice shall also name one arbitrator. The party receiving such notice shall, within 10 business days thereafter, by written notice to the other party, name the second arbitrator, or failing to do so, the first party who gave notice shall name the second arbitrator. The two arbitrators so appointed shall name the third, or failing to do so within 5 business days then upon the request of either party, the third arbitrator shall be a certified arbitrator appointed by a professional arbitrator association. Whether appointed by the two party-named arbitrators or by a professional arbitration association, the third arbitrator shall be knowledgeable about and experienced in the transportation of oil or gas or both, as applicable.

(3) HEARING.—An arbitration hearing shall be held within 20 calendar days following the selection of the third arbitrator. At the hearing, each party shall submit a proposed transportation rate and evidence to support such rate as it sees fit.

(4) DECISION.—The panel of arbitrators shall determine which of the rates submitted by the parties shall be the transportation charge used. The arbitrators shall render a written decision within 10 calendar days after the hearing under paragraph (3) based on a majority vote of the 3 arbitrators. Such decision shall be final and binding on the United States, the qualified marketing agent, and the lessee and its affiliate, and shall be enforceable in any court having jurisdiction.

(5) EXPENSES.—Each party shall bear its expenses of prosecuting its own case in any arbitration, and the parties shall share equally any other expenses of the arbitration, including compensation for the third arbitrator at a rate that is fair and reasonable to the United States.

(6) USE OF EMPLOYEE OF PARTY AS ARBITRATOR.—(A) Any arbitrator named by the parties may be permanent or temporary officer or employee of the Federal or State Government, or an employee of any party to the dispute, if all parties agree that the person may serve.

(B) In implementing this paragraph, the qualified marketing agent on behalf of the Secretary may use the services of one or more employees of other agencies to serve as arbitrators to be named by the qualified marketing agent. The Secretary may enter into an interagency agreement that provides for the reimbursement by the user agency or the parties of the full or partial costs of the services of such an employee.

(7) LIMITATION ON DISCLOSURE.—Any party (including the United States and its qualified marketing agent) to an arbitration proceeding shall keep confidential and shall not disclose the results of the arbitration or any facts, evidence, or information related thereto provided in confidence to the arbitrators.

(8) INTERIM RATE.—(A) The royalty oil and royalty gas shall be transported at the dispute rate during the interim period, subject to an obligation to refund if the rate is later reduced as a result of arbitration.

(B) Any refund under subparagraph (A) shall be made with interest at the average short-term rate as specified in section 6621 of the Internal Revenue Code of 1986.

(9) DELAY OR CURTAILMENT OF PRODUCTION PROHIBITED.—At no time during such arbitration or dispute shall lease production be delayed or curtailed.

SEC. 6. IMBALANCES.

(a) REQUIREMENT TO RESOLVE IMBALANCES.—

(1) IN GENERAL.—If the amount of royalty oil or royalty gas production taken by the United States from a lease premises during a calendar month differs from the amount of royalty oil or royalty gas production attributable to that lease premises for that calendar month, and the difference results from the circumstances described in paragraph (2), the difference (in this section referred to as a "royalty share imbalance") shall be resolved in accordance with this section.

(2) CIRCUMSTANCES.—The circumstances referred to in paragraph (1) are the following:

(A) A force majeure event at the delivery point that prevents the United States transporter from receiving royalty oil or royalty gas;

(B) A failure by the United States or its qualified marketing agent to receive, transport, and market its royalty oil or royalty gas tendered for a one-time occurrence of not more than 3 consecutive days in any calendar quarter; or

(C) A difference between the amount made available to the United States at the delivery point by the lease operator on behalf of the lessee and the United States royalty share of total production.

(b) IMBALANCE ACCOUNTS.—

(1) MAINTENANCE OF INFORMATION.—Each lease operator shall maintain information on the quantity of royalty oil and royalty gas produced from or attributable to each lease premises and the amount of royalty oil or royalty gas production taken by the United States from each lease premises. The information shall include—

(A) the quantities of royalty oil and royalty gas taken in kind by the United States at the delivery point;

(B) the quantities of royalty oil and royalty gas produced from and attributed to the lease premises; and

(C) the current month and cumulative royalty share imbalances.

(2) REPORT.—(A) Each lease operator shall—

(i) submit a royalty share imbalance report to the qualified marketing agent for the United States with respect to the lease no later than 60 days after the expiration of each month of production from the lease; or

(ii) if all information for the report is not available by such date, file or cause to be filed with the qualified marketing agent a report that contains estimated quantities, and file a revised final report showing actual quantities no later than 60 days after information on all actual quantities is received.

(B) The royalty share imbalance report submitted under subparagraph (A) to the qualified marketing agent shall constitute formal notice of a royalty share imbalance, which shall be remedied in accordance with subsection (c).

(c) MANAGING IMBALANCES.—

(1) IN GENERAL.—If a royalty share imbalance occurs during any calendar month, the lease operator shall work with the United States (through its qualified marketing agent) to settle the royalty share imbalance in a manner consistent with the existing production balancing agreements or practices among operating rights owners.

(2) ROYALTY OIL IMBALANCE.—In the case of a royalty share imbalance with respect to royalty oil, and in the absence of multiple operating rights owners, additional quantities of oil may be taken by either a lessee or the United States through its qualified marketing agent to expeditiously settle such royalty share imbalance as soon as is reasonably practicable, as determined by the lease operator.

(3) ROYALTY GAS IMBALANCE.—(A) In the case of a royalty share imbalance with respect to royalty gas during any calendar month and in the absence of multiple operating rights owners, the lease operator shall work with the United States (through its qualified marketing agent) to arrange for increased or decreased quantities of gas to be taken beginning the month after receipt of such notice by qualified marketing agent, to expeditiously settle such royalty share imbalances as soon as is reasonably practicable.

(B) Additional quantities taken in a month by either a lessee or the United States to reduce a royalty share imbalance with respect to royalty gas shall not exceed 25 percent of that month's royalty gas.

(C) Until final settlement pursuant to subsection (d), royalty share imbalances with respect to royalty gas shall be reduced chronologically in the order in which they were created.

(d) FINAL IMBALANCE REPORT AND FINAL SETTLEMENT.—

(1) FINAL IMBALANCE REPORT.—Upon permanent cessation of production from a lease, the lease operator shall file a final imbalance report that—

(A) contains the information described in subsection (b); and

(B) states that the lease premises has permanently ceased production and that a royalty share imbalance exists.

(2) FINAL SETTLEMENT.—The parties to a royalty share imbalance shall settle such royalty share imbalance using the same final settlement procedures as set forth in the existing production balancing agreement between the operating rights owners, if any. In the absence of such an agreement, within 60 days of the final imbalance report, each party that received excess quantities shall, at its option, make delivery of the excess quantities or make a cash payment, to the parties who received insufficient quantities. The cash payment shall be based on the net proceeds (in terms of actual value received) from the sale of such excess quantities for value at the lease premises or the lessee may make delivery of the imbalance volume. No interest shall accrue, prior to the date of any settlement, on any imbalance.

SEC. 7. ROYALTY-IN-KIND FOR TRUCKED, TANKERED, OR BARGED OIL OR GAS.

(a) APPLICATION.—This section shall apply to royalty oil or royalty gas produced from onshore or offshore lease premises for which there is no pipeline connection at the well such that the royalty oil and royalty gas is transported by truck, tanker, or barge from the lease premises.

(b) Selection of Transporter.—

(1) In general.—To further the efficient and cost-effective taking of royalty oil or royalty gas in kind from such lease premises, the qualified marketing agent shall select and utilize a transporter who is transporting oil or gas for a lessee from the lease premises, or for the operator of the lease premises.

(2) Exception.—Royalty oil or royalty gas taken in kind may be transported in any other manner agreed to by the qualified marketing agent and the lessee or lease operator.

(c) Relationship to Other Laws.—

(1) Laws regarding oil or gas transportation.—This section shall not alter or abridge any State or Federal law regulating the transportation of oil or gas by truck, tanker, or barge.

(2) Federal royalty prepayment provisions.—Nothing in this Act shall modify, abridge, or alter the provisions of section 7(b) of the Federal Oil and Gas Royalty Simplification and Fairness Act (30 U.S.C. 1726) with respect to the prepayment of royalty.

SEC. 8. LIMITATIONS ON APPLICATION.

(a) Lease Royalty Clauses and Royalty Payments.—This Act does not apply to royalty payments of the following types:

(1) Compensatory royalties.

(2) Minimum royalties.

(3) Net profit share lease royalties prior to payout.

(b) Prior Royalty Rate Reduction Determinations.—This Act shall not modify or alter any royalty rate reduction determination made by the Secretary before or after the date of enactment of this Act. The amount of royalty oil and royalty gas taken in kind by the Secretary shall be the amount calculated by such reduced royalty rate.

(c) Audit of Eligible Small Refiner.—The Secretary shall have the right to audit the reports of eligible small refiners related to the volume of royalty oil received as are required under the provisions of this Act during normal business hours, at reasonable times, to verify the accuracy of such reports.

SEC. 9. REPORTING.

(a) Reporting by Lease Operator.—A lease operator on behalf of the lessee shall provide or cause to be provided all volume reports required under the oil and gas lease to the United States, but shall be relieved of the obligation of providing any royalty related and all royalty-in-value reports for any royalty oil or royalty gas taken in kind by the United States required pursuant to the oil and gas lease terms or applicable statutes. A lease operator on behalf of the lessee shall make available or cause to be made available such information as is customarily provided to third party sellers of lease production on a timely basis.

(b) Reporting by Qualified Marketing Agent.—A qualified marketing agent shall provide or cause to be provided to the United States any valuation or related royalty reports required by the Secretary.

SEC. 10. AUDIT.

(a) Audit of Lease Operator.—The Secretary shall have the right to audit the reports the Lease Operator files on behalf of lessees related to the volume of oil and gas produced as are required under this Act during normal business hours, at reasonable times to verify the accuracy of such reports.

(b) Audit of Qualified Marketing Agent.—The Secretary shall have the right to audit the reports of qualified marketing agents required under this Act during normal business hours, at reasonable times, to verify the accuracy of such reports. Any information and records regarding sales of royalty oil and royalty gas shall be obtained, where necessary, from a qualified marketing agent.

SEC. 11. LEASE TERMS NOT AFFECTED.

In accordance with the terms of oil and gas leases issued by the Secretary, the Secretary shall exercise the right to be paid oil and gas royalties in amount pursuant to this Act and lessee shall pay such oil and gas royalties in amount pursuant to provisions of this Act. Nothing in this Act shall alter or abridge the rights of a lessee under an oil and gas lease, including the right to explore for, operate, drill for, or produce oil and gas or to otherwise operate the lease. The rights, duties, or obligations that exist between the United States and a lessee which arise under an oil and gas lease with respect to oil or gas used on the lease premises or gas unavoidably lost prior to the delivery point shall not be affected, abridged, or altered by this Act. When oil or gas is used on, or for the benefit of, a lease premises at a facility handling production from more than one lease premise, or at a facility handling unitized or communitized production, the proportionate share of each lease's production (actual or allocated) necessary to operate the facility may be used royalty-free.

SEC. 12. ELIGIBLE AND SMALL REFINERS.

(a) Sale of Royalty Oil to Eligible Small Refiners.—(1) The Secretary shall direct qualified marketing agents to offer for sale to eligible small refiners the eligible small refiner portion in accordance with the provisions set forth in this section.

(2) The sale of royalty oil from the eligible small refiner portion to an eligible small refiner is intended for processing, or trading for equivalent barrels for processing, in the eligible small refiner's refineries located in the United States and not for resale in-kind or value.

(3) The Secretary shall annually review and recertify or withdraw the continuing eligibility of previously certified eligible small refiners.

(4) The eligible small refiner portion shall be offered to eligible small refiners from royalty oil volumes to be sold by each qualified marketing agent. The Secretary shall maintain a current list of all Eligible Small Refiners. Upon the selection of a Qualified Marketing Agent by the Secretary, the Secretary shall promptly notify all Eligible Small Refiners of the selection of the Qualified Marketing Agent. The notification shall contain the name and address of the Qualified Marketing Agent as well as a brief description of the federal leases and lease products to be marketed by that Qualified Marketing Agent. Within 15 days after notice by the Secretary, any Eligible Small Refiner who is interested in receiving Royalty Oil from the leases of the Qualified Marketing Agent, shall submit a Notice of Interest to the Qualified Marketing Agent. The Notice shall generally state the volumes location and quality of Royalty Oil desired by the Small Refiner. When marketing Royalty Oil, the Qualified Marketing Agent shall contact the Small Refiner(s) who has (have) submitted a Note of Interest and shall offer to sell the 40% portion to the Small Refiner(s) who submitted a Notice. The Small Refiner shall purchase such Royalty Oil at the weighted average price for the remaining volumes of like quality at the same location sold by the Qualified Marketing Agent.

(5) Nothing in this section shall preclude any eligible small refiner from participating in any open and advertised or negotiated sale by qualified marketing agents. Royalty oil volumes obtained by any eligible small refiner in any open and advertised or negotiated sale shall not be included in calculating limitations on eligibility as defined in subsection (b).

(b) Limitations on Eligibility.—No eligible small refiner may purchase royalty oil from the eligible small refiner portion for delivery at a rate that exceeds 60 percent of the combined crude oil and condensate distillation capacity of that eligible small refiner's currently operating refineries located in the United States unless the Secretary determines that it is in the public interest to allow all eligible small refiners to purchase royalty oil at a greater rate. The Secretary shall promulgate rules and regulations to determine an eligible small refiner's current operating capacity.

(c) Fees, Creditworthiness, and Surety Requirements.—(1) The purchase of royalty oil from the eligible small refiner portion pursuant to this section shall not be subject to any fees or charges not required of all purchasers of royalty oil.

(2) The Secretary shall establish conditions for each eligible small refiner's creditworthiness at the time of determining and reviewing eligibility.

(3) Creditworthiness requirements for eligible small refiners shall not exceed standard industry requirements governing non-Federal crude oil purchasers, and the Secretary may not require surety in excess of the estimated value of 60 days anticipated deliveries of royalty oil from the eligible small refiner portion to individual eligible small refiners.

(d) Eligible Small Refiner Advisory Panel.—The Secretary shall convene an eligible small refiner advisory panel to assist in developing policies and procedures to implement the provisions of this Act. The eligible small refiner advisory panel shall be comprised of representatives from 3 small refiners, 3 qualified marketing agents and 3 lessees who have participated in the small refiner program established pursuant to section 36 of the Mineral leasing Act (30 U.S.C. 192) or section 1353 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353).

(e) Pursuant to the recommendations of the Small Refiner's Advisory Group, the Secretary shall develop and implement procedures to ensure a fair and equitable opportunity for interested eligible small refiners to purchase royalty oil from the eligible small refiner portion.

(f) Reports on RIK.—The Secretary may require any eligible small refiner to submit a report demonstrating the eligible small refiner's compliance with subsection (a)(2).

(g) Repeal of Existing Royalty-in-Kind Authority.—Section 36 of the Mineral Leasing Act (30 U.S.C. 192) and section 1353 of the Outer Continental Shelf Lands Act (43 U.S.C. 1353) are repealed.

SEC. 13. APPLICABLE LAWS.

(a) Movement, Disposition, and Sale of Royalty Oil and Royalty Gas.—In arranging for the movement, disposition and sale of royalty oil and royalty gas, the United States and its qualified marketing agents shall be subject to all laws that apply to the movement, disposition, and sale of oil and gas.

(b) No Additional Priority of Service or Movement.—In any pipeline, truck, barge, railroad, or other carrier downstream of the delivery point, royalty oil and royalty gas shall not be afforded a priority of service or movement, nor assigned a capacity right which is superior to that identified in—

(1) the contract for carriage of royalty oil and royalty gas entered into by the transporter with the United States or the qualified marketing agent, or

(2) the tariff applicable to such carrier, if any.

(c) MEANING OF TERMS USED.—The meaning of the terms used in this Act shall be supplemented by reference to generally accepted accounting principles and prevailing industry practices and procedures.

(d) LAWS APPLICABLE TO STRIPPER OR MARGINAL PRODUCTION NOT AFFECTED.—Nothing in this Act shall modify, abridge or alter the provisions of the Deep Water Royalty Relief Act of 1995 (43 U.S.C. 1337), or any other Federal law applicable to stripper or marginal production.

SEC. 14. INDIAN LANDS.

This Act shall not apply with respect to Indian lands.

SEC. 15. EFFECTIVE DATE; REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall become effective no later than 18 months after the date of enactment of this Act, and shall apply with respect to the production of oil and gas on or after the first day of the month following the effective date of this Act.

(b) REGULATIONS.—The Secretary shall issue all regulations required for implementation of this Act within one year after the date of enactment of this Act.

Mr. DOMENICI. Mr. President, the current royalty system is an elaborate after-the-fact game of "Gotch, ya."

Producers are put in the unenviable position of being second-guessed, sometimes years later, by the Minerals Management Service (MMS). This current system is unfair to oil and gas producers. It is expensive and inefficient for the federal government.

Under the current system, only the lawyers benefit. It results in a lot of law suits and big legal bills.

The MMS tried to fix the system by proposing a "producer is always the loser rule."

Under the proposed rules, (now abandoned) the producers would have always lost. The MMS tried a rule tying the fair market value to the NYMEX.

If producers sold their production for less than the NYMEX price, they would have had to pay the royalty on the "phantom" income; i.e., the difference between the price they actually received and the NYMEX price. If, on the other hand, they sold their production for more than the NYMEX, they would have had to pay the royalty on the amount they actually received. This would have been a very unsatisfactory approach.

Fortunately, most independent producers don't have to use that approach. However, the existing valuation formula for calculating fair market value is complicated, fraught with exceptions, and hard to administer.

The question: What is fair market value for oil is not as simple as it sounds.

Some of the variable factors include the quality or refinery value of crude oil; the transportation costs necessary to move that oil to a refiner; relative access to various refineries or markets which may value a particular type of crude oil differently; the supply, vis-a-vis, the demand for certain types of oil or alternative supplies, and whether the contract is a long-term or short-term commitment made by either the refiner or the producer.

Other factors that influence value include: the volume of the crude oil produced at the lease. This could affect the unit logistical costs; seasonality; and service requirements of the producer.

Another question more complicated than it sounds is this: What are the appropriate, allowable, deductible expenses?

Under the current system it costs the MMS about $60 million annually to debate this question and to administer our royalty collection program. It takes several hundred employees, many of them auditors, to oversee the current royalty program. In contrast, royalty-in-kind programs in Canada need only 33 employees to administer their approach.

With a royalty-in-kind system, the producer would give some of its production from the federal lands as a royalty-in-kind payment.

A royalty-in-kind program is an accurate way to determine a fair market value. The federal government would sell its share of the oil on an open and competitive market. What you can sell it for is, per se, fair market value. That is the essence of what the "Royalty-in-Kind" Program, along with the use of the Qualified Marketing Agents ("QMA"), would allow.

The goal should be treating the producers fairly, maximizing revenues for the federal government, and distributing an accurate amount of royalties to the states.

The bill being introduced today by Senator NICKLES, MURKOWSKI, HUTCHINSON and I would provide a better way for the federal government and the Minerals Management Service (MMS) to collect, with certainly, a fair value for its crude oil.

PROVISIONS OF THE BILL

The federal government would take its royalty "in kind" at the applicable delivery point for each federal onshore and offshore lease.

Title of the royalty share taken in-kind would be in the name of the federal government.

The U.S. would contract with qualified marketing agents (QMAs).

The federal government would select a QMA for each lease on a competitive bid basis.

States entitled to revenues under the net receipts sharing provisions of the Mineral Leasing Act or Section 8(g) of the Outer Continental Shelf Lands Act would be allowed to elect to select the QMA.

In selecting a QMA, the State would act for the mutual benefit of the State and the federal government. The payment from the federal government to any State for its share of royalty taken in-kind from federal leases within a State's boundary would not be subject to cost deductions under the net receipts sharing provisions of the applicable statutes.

The lessee must tender the royalty share at the delivery point. This would completely satisfy the lessee's royalty obligation.

The lessee would bear the costs of place royalty oil and royalty gas in a merchantable condition at the delivery point. The lessee would be responsible for gathering costs. Transportation costs would be borne by the federal government.

Mr. President, this is an excellent approach. My only concern is that the final legislative product adequately adress the problem of the marginal well that produces a few barrels a day and is in an isolated area. The legislation needs to make sure that there is a workable mechanism for these isolated wells.

I also note that some, including the New Mexico state lands commissioner, have suggested a multi-state pilot program prior to moving to the nationwide royalty-in-kind program. I respect those views.

I hope, that as we move through the hearing process the Committee can take testimony on whether to proceed with a multi-state pilot program or whether existing pilots have provided sufficient information for us to implement a national program.

I want to recognize Senator NICKLES for his leadership on this issue and look forward to working with him, Senator MURKOWSKI and Senator HUTCHISON on moving this legislation through the process so that we can start a royalty-in-kind program in the near future.

ADDITIONAL COSPONSORS

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 414

At the request of Mrs. HUTCHISON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 414, a bill to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes.

S. 597

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 597, a bill to amend title XVIII of the

Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 1069

At the request of Mr. MURKOWSKI, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1069, a bill entitled the "National Discovery Trails Act of 1997."

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1325

At the request of Mr. FRIST, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1325, a bill to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 1998 and 1999, and for other purposes.

S. 1334

At the request of Mr. BOND, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1406

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1406, a bill to amend section 2301 of title 38, United States Code, to provide for the furnishing of burial flags on behalf of certain deceased members and former members of the Selected Reserve.

S. 1680

At the request of Mr. DORGAN, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1680, a bill to amend title XVIII of the Social Security Act to clarify that licensed pharmacists are not subject to the surety bond requirements under the medicare program.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1873

At the request of Mr. COCHRAN, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1873, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 1882

At the request of Mr. JEFFORDS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1882, a bill to reauthorize the Higher Education Act of 1965, and for other purposes.

S. 1900

At the request of Mr. D'AMATO, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1900, a bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

S. 1903

At the request of Mr. THOMAS, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Hampshire (Mr. SMITH), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1903, a bill to prohibit the return of veterans memorial objects to foreign nations without specific authorization in law.

SENATE CONCURRENT RESOLUTION 50

At the request of Mr. HUTCHINSON, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Concurrent Resolution 50, a concurrent resolution condemning in the strongest possible terms the bombing in Jerusalem on September 4, 1997.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE RESOLUTION 176

At the request of Mr. DOMENICI, the names of the Senator from South Dakota [Mr. JOHNSON], the Senator from Vermont [Mr. JEFFORDS], the Senator from Missouri [Mr. BOND], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Resolution 176, a resolution proclaiming the week of October 18 through October 24, 1998, as "National Character Counts Week."

SENATE RESOLUTION 194

At the request of Mrs. HUTCHISON, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of Senate Resolution 194, a resolution designating the week of April 20 through April 26, 1998, as "National Kick Drugs Out of America Week."

AMENDMENT NO. 2176

At the request of Mrs. BOXER the names of the Senator from Maryland [Mr. SARBANES], the Senator from Washington [Mrs. MURRAY], the Senator from South Dakota [Mr. JOHNSON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Louisiana [Ms. LANDRIEU] were added as cosponsors of amendment No. 2176 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2189

At the request of Mr. FRIST the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of amendment No. 2189 intended to be proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2205

At the request of Mr. JOHNSON his name was added as a cosponsor of amendment No. 2205 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2208

At the request of Mrs. HUTCHISON the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Arizona [Mr. KYL] were added as cosponsors of amendment No. 2208 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2215

At the request of Mr. KERREY the names of the Senator from Nevada [Mr. REID], and the Senator from Illinois [Ms. MOSELEY- BRAUN] were added as cosponsors of amendment No. 2215 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2221

At the request of Mr. KYL the names of the Senator from New York [Mr. D'AMATO], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of amendment No. 2221 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2224

At the request of Mr. JEFFORDS his name was added as a cosponsor of amendment No. 2224 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2229

At the request of Mrs. FEINSTEIN the names of the Senator from California [Mrs. BOXER] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of amendment No. 2229 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2237

At the request of Mr. KERREY the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of amendment No. 2237 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2243

At the request of Mr. LAUTENBERG the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. DODD), the Senator from Montana (Mr. BAUCUS), the Senator from Vermont (Mr. LEAHY), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of amendment No. 2243 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2246

At the request of Mr. LAUTENBERG his name was added as a cosponsor of amendment No. 2246 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2253

At the request of Mr. STEVENS the names of the Senator from West Virginia (Mr. BYRD), the Senator from South Dakota (Mr. DASCHLE), the Senator from Michigan (Mr. LEVIN), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 2253 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2258

At the request of Mr. FRIST the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of amendment No. 2258 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

AMENDMENT NO. 2263

At the request of Mr. SANTORUM the names of the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. DEWINE), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of amendment No. 2263 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. LEAHY his name was added as a cosponsor of amendment No. 2263 proposed to S.Con.Res. 86, supra.

AMENDMENT NO. 2265

At the request of Mr. COCHRAN his name was added as a cosponsor of amendment No. 2265 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mrs. MURRAY her name was added as a cosponsor of amendment No. 2265 proposed to S.Con.Res. 86, supra.

At the request of Mrs. FEINSTEIN her name was added as a cosponsor of amendment No. 2265 proposed to S.Con.Res. 86, supra.

At the request of Mr. KEMPTHORNE the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Oregon (Mr. WYDEN), the Senator from Missouri (Mr. BOND), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. DURBIN), the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Florida (Mr. GRAHAM), the Senator from Oregon (Mr. SMITH), the Senator from North Dakota (Mr. CONRAD), the Senator from Idaho (Mr. CRAIG), the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. DORGAN), and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of amendment No. 2265 proposed to S.Con.Res. 86, supra.

At the request of Mr. FRIST his name was added as a cosponsor of amendment No. 2265 proposed to S.Con.Res. 86, supra.

AMENDMENT NO. 2266

At the request of Mr. GRAMM the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 2266 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

At the request of Mr. BYRD his name was added as a cosponsor of amendment No. 2266 proposed to S.Con.Res. 86, supra.

AMENDMENT NO. 2268

At the request of Mr. COVERDELL the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 2268 proposed to S.Con.Res. 86, an original concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revising the concurrent resolution on the budget for fiscal year 1998.

SENATE CONCURRENT RESOLUTION 88—CALLING ON JAPAN TO ESTABLISH AND MAINTAIN AN OPEN, COMPETITIVE MARKET FOR CONSUMER PHOTOGRAPHIC FILM AND PAPER

Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. ASHCROFT, and Mr. BINGAMAN) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. Con. Res. 88

Whereas the current financial crisis in Asia underscores the fact that the health of the international economic system depends on open, competitive markets;

Whereas structural reform in Japan is critical to the resolution of the Asian financial crisis;

Whereas for many years the United States Trade Representative has reported to Congress in the National Trade Estimate on numerous barriers to entering and operating in the Japanese market;

Whereas Japan's restrictive policies deny opportunities to United States companies and their workers seeking access to Japanese markets;

Whereas the United States Trade Representative has engaged over the last several years in an intensive review of the Japanese distribution system;

Whereas on June 16, 1996, the United States Trade Representative found that the Government of Japan created and tolerated a market structure that impedes United States exports of consumer photographic film and paper;

Whereas the European Union has sought to remove these same barriers to distribution that restrain European exports to Japan;

Whereas it is important that United States companies and workers not be disadvantaged by other countries following Japan's model of protecting its market through a closed distribution system and other market access barriers;

Whereas a recent panel of the World Trade Organization failed to address the closed distribution system and market access barriers in Japan;

Whereas the Government of Japan has consistently stated that it is committed to deregulation, transparency, nondiscrimination, and open distribution systems accompanied by vigorous enforcement of competition laws;

Whereas the Government of Japan stated in recent proceedings of the World Trade Organization on consumer photographic film that it is committed to promote distribution policies that make the Japanese market more open to imports and to actively discourage restrictive business practices; and

Whereas fulfilling these public statements would benefit both United States trade and Japanese consumers, significantly raising the standard of living in Japan: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) calls upon the Government of Japan to live up to the standards it has set for open competitive markets;

(2) calls upon the Government of Japan to fully implement the representations that it made to a dispute settlement panel of the World Trade Organization regarding deregulation, transparency, nondiscrimination, open distribution systems, and vigorous enforcement of competition laws with respect to consumer photographic film and paper as well as other sectors, such as autos and auto parts, glass, and telecommunications, that face similar market access barriers in Japan;

(3) urges the President, the United States Trade Representative, and other appropriate officers of the executive branch to exercise fully existing authority to achieve these objectives; and

(4) requests the President to report to Congress, not later than July 15, 1998, and not less frequently than every six months thereafter, regarding progress in eliminating market restrictions in Japan for consumer photographic film and paper.

Mr. D'AMATO. Mr. President, the current financial crisis in Asia underscores the need for open, competitive markets, free from manipulation. Clearly, industrial policy does not work. Managed trade and managed commerce is a failure. It simply does not work. Mr. President, we have said it all along—when you manipulate trade and erect barriers to open and free trade, the consumer gets hurt.

Mr. President, today we are submitting a resolution which is aimed at forcing Japan to put their money where their mouth is. This Resolution makes it clear that Japan must fulfill its publicly stated commitments to open its markets for photographic film and paper, and other sectors facing market access barriers. The bureaucrats in Japan should be on notice that the U.S. Congress will not tolerate their intervention into the free market. The United States maintains free and open markets in every sector of the economy. Americans should expect nothing less of any of our trading partners.

Plain and simple, Mr. President, the Japanese Government has allowed Fuji to use Japan's lax anti-trust laws and closed-market system to erect barriers to free and open competition. The Japanese government, however, maintains that this is not true and that their markets are open and free. This Resolution will simply encourage the Japanese government to demonstrate their openness.

The Government of Japan has said publicly that they did not build, support, and tolerate a market structure that thwarts foreign competition, and in which exclusionary business practices are commonplace. This Resolution simply allows the Japanese government to demonstrate their resolve to open, free and fair trade.

Mr. MOYNIHAN. Mr. President, I wish to associate myself fully with the remarks of my distinguished colleague from New York. Kodak has compiled volumes of evidence, based on more than 100 years of experience in the Japanese market, that clearly document the thicket of laws and regulations that have the intent—and the effect—of curbing sales of foreign photographic film and paper. Through an elaborate system of restrictions on sales and distribution, Japan has succeeded in severely limiting market access for foreign film and paper.

Nearly three years ago, on May 18, 1995, Kodak filed a petition with the U.S. Trade Representative under section 301 of the Trade Act of 1974, urging action on the broad range of trade barriers. After a formal investigation, Ambassador Barshefsky found that Japan's practices were indeed in violation of our trade laws, and dispute settlement proceedings in the World Trade Organization were begun. The verdict from the WTO, issued in its final form on January 30, 1998, was a great disappointment. But certainly not the end of the argument, nor the end of Kodak's attempts to penetrate the Japanese market.

The resolution that I am pleased to cosponsor today emphatically endorses the initiative that Ambassador Barshefsky and Secretary Daley unveiled on February 3, 1998, which will put the Government of Japan to the test. During the course of the WTO proceedings, as my colleagues are aware, the Japanese Government asserted that its market was fully open to foreign film and paper. And so our government has proposed that we monitor that proposition, by collecting data and examining, every six months, the progress that Kodak—and other foreign suppliers—have made in competing in the Japanese film and paper market.

This initiative is worthy of our support, Mr. President, and I urge my colleagues to join in supporting this resolution.

Mr. ASHCROFT. Mr. President, The World Trade Organization (WTO) decision this year against the United States' photographic film and paper industry sounded an alarm for U.S. companies participating in the global arena. Rubber stamping Japanese-style protectionism, the WTO left American companies at a troubling disadvantage in Japan and other Asian countries that replicate the "successful" Japanese model. It is troubling that many ailing Asian economies, after being bailed out by U.S. tax dollars, are still pursuing protectionist trade practices against the very taxpayers that paid their bill.

In the film case, the WTO found that the Japanese market is open to the Eastman Kodak Co., despite the fact that Japan admits that its system of trade barriers was designed as a "defensive measure for the substantial advances of Eastman Kodak after import liberalization" under the General Agreement on Tariffs and Trade (GATT). This decision flies in the face of the U.S. film industry.

Equally intolerable is the fact that this Japanese-style protectionism is being used to block an array of critical U.S. exports. Even though Japan has the second largest flat glass market in the world, it has systematically excluded foreign imports through an exclusive distribution system in violation of its 1995 Flat Glass Agreement with the United States. The U.S. also has a "market opening" agreement with Japan on automobiles, but the Administration reported just recently that Japan has failed to keep the agreement's "key objectives" and has reversed progress made last year under the accord.

I am deeply alarmed at the danger that the WTO's misconceived ruling in this case will have. Japan now has a license from the WTO to shelter its domestic film and paper producers from competition. Under the WTO ruling, our Asian trading partners will be encouraged to follow in Japan's protectionist footsteps by taking two steps back for every one step forward in trade liberalization. For instance, China recently announced reductions in overall tariff levels from 23 to 17 percent, but China has been implementing an automobile industrial policy much like Japan's to undercut the gains achieved from tariff reductions.

It is time to stand up and say, "No more." No more will we ignore mercantilist trade policies that block U.S. products and destroy American jobs. No more will we allow foreign companies to use their illegitimate gains from their closed market to subsidize exports to our open market. No more will we accept a playing field for our products that is not level. No more, Mr. President.

As the world's second largest economy, Japan must guarantee the same free and open access to its market as Japanese companies enjoy in the U.S. market. Without that guarantee, U.S. businesses are put at an immediate competitive disadvantage when entering the international arena.

Therefore, Senators D'AMATO, MOYNIHAN, BINGAMAN, and I rise today to submit a Sense of the Senate that the U.S. should use all available tools against Japan's toleration of a systematic anticompetitive market that impedes U.S. exports. We need to be able to reassure American companies and the many U.S. workers they employ that we are tough on countries that break the rules of free trade.

We also request the Clinton Administration take swift and aggressive action to open Japan's market, not just for film, but also for the U.S. industries that repeatedly struggle to address the intricate web of Japanese protectionism.

The Administration must confront Japan's trade barriers forcefully, or the competitiveness of U.S. companies in that market will be continually undermined. In 1996, the U.S. Trade Representative made a finding under Section 301 that Japan's restrictions on Kodak film were a burden to U.S. commerce and an impediment to U.S. film exports. However, the USTR office stated that using Section 301 to address such trade barriers is too aggressive a policy. I strongly disagree.

When the United States makes trade agreements, the American people expect them to be honored. If trade agreements can be violated without sanction by the WTO, then our rights must be secured through the use of our own law. The only alternative is to accept a new wave of protectionism in Japan and other nations.

I supported the Senate proposal on "fast track" authority for the President, but if this Administration is unable to ensure that our trading partners live up to their promises under agreements already negotiated, I see little reason to think that Congress will give fast track authority to pursue a new round of agreements. The Administration claims to have negotiated 30 separate free trade agreements with Japan, but U.S. exporters clearly are being denied the benefits they had expected from these agreements. Congress and the American people rightfully expect the Administration to ensure a level playing field for U.S. companies. The WTO's intolerable ruling in the Kodak film case requires you and your colleagues in the Administration to take a more activist and aggressive approach to opening Japanese markets across the board, before protectionism proliferates throughout Asia.

SENATE RESOLUTION 206—RELATIVE TO THE CRAZY HORSE MEMORIAL

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 206

To recognize 50 years of efforts with respect to the creation of the Crazy Horse Memorial, honoring the great Oglala Sioux leader, Tasunke Witko, popularly known as "Crazy Horse", and to express the Sense of the Senate with respect to the Crazy Horse Memorial.

Whereas Tasunke Witko, popularly known as "Crazy Horse", was one of the greatest Native American warriors and spiritual leaders of the United States;

Whereas Crazy Horse fought to defend the rights and lives of the Sioux Indians and all Native Americans;

Whereas Crazy Horse is best known for leading a force of Cheyenne and Oglala Sioux warriors to victory over George Armstrong Custer in the Battle of Little Big Horn;

Whereas in 1940, several Sioux Indian chiefs invited the late sculptor, Korczak Ziolkowski, to create a memorial to their great leader, Crazy Horse, by carving a tribute to Crazy Horse into the Black Hills in South Dakota on a mountain popularly known as "Thunderhead Mountain";

Whereas on June 3, 1948, the Crazy Horse Memorial was dedicated, which is the date on which the first blast was made to shape the memorial on Thunderhead Mountain;

Whereas at the time of that dedication, Korczak Ziolkowski vowed that the Crazy Horse Memorial would be a nonprofit educational and cultural project that would be financed solely through private, nongovernmental sources;

Whereas Korczak Ziolkowski dedicated his life to the creation of the Crazy Horse Memorial and continued that work through his death on October 20, 1982; and

Whereas once complete, the Crazy Horse Memorial, with a height of 563 feet and length of 641 feet, will be the largest sculpture in the world: Now, therefore, be it

Resolved, That—

(1) the Senate recognizes—

(A) that June 3, 1998, commemorates the 50th anniversary of the blast on the mountain known as Thunderhead Mountain in the Black Hills of South Dakota that constituted the first step made toward the completion of the Crazy Horse Memorial;

(B) the admirable efforts of the late Korczak Ziolkowski, the sculptor responsible for the design and techniques involved in the creation of the Crazy Horse Memorial; and

(C) that the creation of the Crazy Horse Memorial, from its inception, has been accomplished through private donations and without any Federal funding; and

(2) it is the sense of the Senate that the Crazy Horse Memorial will constitute a tribute to—

(A) Tasunke Witko, a great Oglala Sioux warrior and spiritual leader; and

(B) all Native Americans.

Mr. Campbell. Mr. President, Congress is beginning its annual process of writing a budget and appropriating funds. This is important work and gets a great deal of media coverage and public scrutiny. But I think we tend to get so caught up in this process that we forget some people in this country accomplish great things without a single dollar from Washington.

One shining example is the Crazy Horse Memorial. The Ziolkowski family has worked for 50 years carving the image of the Oglala Sioux leader and his horse out of Thunder Mountain in South Dakota. They have relied entirely on private donations, twice turning down $10 million in federal funds.

Today I am submitting a resolution recognizing the 50th anniversary of the memorial and the efforts of the Ziolkowski family.

Crazy Hourse is a permanent fixture in our history as the man who led a force of Cheyenne and Oglala Sioux to victory over George Armstrong Custer at the Battle of Little Big Horn. thanks to the Ziolkowskis and their many benefactors, he will become a permanent fixture on our landscape as well.

Korczak Ziolkowski began this task at the request of Sioux Indian Chief Henry Standing Bear, who said "My fellow chiefs and I would like the white man to know the red man has great heroes too." Though Korczak passed away in 1982, the work is continue by his widow, Ruth, and seven of their children. The ambition behind this project is breathtaking. When complete, it will be the largest sculpture in the world. All four of the heads on Mount Rushmore could fit inside Crazy Horse's head. Future plans call for a university and a medical training center to be built at the base of the mountain.

Mr. President, this resolution is about more than the dedication of the

Ziolkowski family or the legacy of a great Indian leader. It honors the spirit of hard work and independence that make America the country it is. It honors all people who have followed a dream. I urge my colleagues to assist in its passage in time for the memorial's 50th anniversary on June 3, 1998.

SENATE RESOLUTION 207—RELATIVE TO THE VIETNAM VETERANS OF AMERICA

Mr. JEFFORDS (for himself, Mr. SPECTER, Mr. AKAKA, and Mr. LEAHY) submitted the following resolution; which was referred to the Committe on the Judiciary:

S. RES. 207

Whereas the year 1998 marks the 20th anniversary of the founding of the Vietnam Veterans of America;

Whereas the history of the Vietnam Veterans of America organization is a story of America's gradual recognition of the tremendous sacrifices of its Vietnam-era veterans and their families;

Whereas the Vietnam Veterans of America is dedicated to serving its membership through advocacy for its membership;

Whereas the Vietnam Veterans of America provides public and member awareness of critical issues affecting Vietnam-era veterans and their families;

Whereas the local grassroots efforts of Vietnam Veterans of America chapters like Chapter One in Rutland, Vermont, which was founded 18 years ago in April 1980, have greatly contributed to the quality of lives of veterans in our Nation's communities;

Whereas the Vietnam Veterans of America promotes its principles through volunteerism, professional advocacy, and claims work; and

Whereas the future of the Vietnam Veterans of America relies not only on its past accomplishments, but on future accomplishments of its membership that will ensure the Vietnam Veterans of America remains a leader among veterans advocacy organizations: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 20th anniversary of the founding of the Vietnam Veterans of America and commends it for its advancement of veterans rights which set the standard for other veterans organizations around the country;

(2) asks all Americans to join in the celebration of the 20th birthday of the Vietnam Veterans of America and 20 years of advocacy for Vietnam veterans; and

(3) encourages the Vietnam Veterans of America to continue into the next millennium to represent and promote the goals of its organization in the veterans community and on Capitol Hill, and to continue organizing to keep its national membership of 51,000 members and 500 chapters strong.

Mr. JEFFORDS. Mr. President, I rise today with great pride and enthusiasm to submit a Senate Resolution Commemorating the 20th Anniversary of the founding of the Vietnam Veterans of America. This resolution has the cosponsorship of Senator SPECTER, Senator AKAKA and Senator LEAHY. The resolution also points out that April marks the 18th Anniversary of the founding of Vietnam Veterans of America's first local chapter in my home town of Rutland, Vermont.

Mr. President, the VVA is a Congressionally chartered national veterans service organization exclusively dedicated to Vietnam-era veterans and their families. In the late 1970s, America had come through its longest and most divisive war. Many of the millions of veterans who served during that period felt that their concerns were not being addressed by the veterans community and by the federal government.

In January, 1978, Bobby Muller and a small band of Vietnam veterans came to Washington, D.C. to create an advocacy organization to push for federal action to address the needs of this unique veteran population. The VVA, initially known as the Vietnam Veterans Coalition and then the Council of Vietnam Veterans, went to work focusing first on the dissemination of government information and coordination of relations between the federal government and the veteran.

In time it became clear that, like many other organizations, this one could not survive simply by making a good case for its initiatives—it needed to build a strong membership base in order to wield political power. By the summer of 1979, the new Vietnam Veterans of America began to focus on building its membership.

The growth of the organization was slow initially, but a breakthrough came following resolution of the American Hostage Crisis in Iran in January, 1981. It became clear to many Americans that if the hostages deserved a jubilant homecoming, so did the veterans of Vietnam. Vietnam veterans began to clamor for action in the form of programs that would place the last generation of wartime veterans on the same footing as veterans from previous wars.

The strength of the organization grew with the increase in membership. The public also became more willing to deal with the neglected veterans issues unique to the Vietnam war. This culminated in the dedication of the Vietnam Veterans Memorial in November, 1982. The activities around the Memorial rekindled a sense of camaraderie among the veterans and the feeling of a shared experience too significant to ignore.

Since then, the VVA has made great strides in the kinds of services it provides to its membership, including the founding of the Vietnam Veterans of America Legal Services that provides assistance to veterans seeking benefits and services from the government. VVA has also published critical information around benefits for Post-Traumatic Stress Disorder and Agent Orange illnesses.

I can personally vouch for the incredible efforts of people like Albert and Mary Trombley, Jake Jacobsen, Dennis Ross, Clark Howland, and of course the late Mike Dodge and Don Bodette to establish and foster the growth of grassroots organizations like Chapter 1 in Rutland, Vermont. This individual leadership has ensured a steady growth in VVA's size, stature, and prestige.

The legislative accomplishments of the VVA through its high-profile presence on Capitol Hill have been impressive. Organizations like Vietnam-era Veterans in Congress, which now boasts 70 members, have served the overall membership well by supporting the pragmatic agenda of the VVA and sticking to its founding principle that "Never again will one generation of veterans abandon another."

Today, the VVA has a national membership of 51,000 with more than 500 chapters. VVA state councils in 43 states coordinate the activities and programs of its national organization, ensuring that grassroots input to Congress continues to ensure that the federal government meets its obligations to its Vietnam veterans.

Mr. President, this Resolution expresses the Senate's gratitude to the organization for its advocacy for its members and wishes it continued success in the years to come.

SENATE RESOLUTION 208—CONCERNING THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. LOTT (for himself and Mr. DASCHLE): submitted the following resolution; which was considered and agreed to.

S. RES. 208

Resolved,

SECTION 1. ESTABLISHMENT OF THE SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate to be known as the Special Committee on the Year 2000 Technology Problem (hereafter in this resolution referred to as the "special committee").

(b) PURPOSE.—The purpose of the special committee is—

(1) to study the impact of the year 2000 technology problem on the Executive and Judicial Branches of the Federal Government, State governments, and private sector operations in the United States and abroad;

(2) to make such findings of fact as are warranted and appropriate; and

(3) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special committee may determine to be necessary or desirable.

No proposed legislation shall be referred to the special committee, and the committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(c) TREATMENT AS STANDING COMMITTEE.—For purposes of paragraphs 1, 2, 7(a)(1)-(2), and 10(a) of rule XXVI and rule XXVII of the Standing Rules of the Senate, and section 202 (i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of 7 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 3 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

The Chairman and Ranking Minority Member of the Appropriations Committee shall be appointed ex-offico members.

(2) VACANCIES.—Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee and shall be filled in the same manner as original appointments to it are made.

(3) SERVICE.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the special committee shall not be taken into account.

(b) CHAIRMAN.—The chairman of the special committee shall be selected by the Majority Leader of the Senate and the vice chairman of the special committee shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the special committee or the chairman may assign.

SEC. 3. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—For the purposes of this resolution, the special committee is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(6) to take depositions and other testimony;

(7) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) OATHS FOR WITNESSES.—The chairman of the special committee or any member thereof may administer oaths to witnesses.

(c) SUBPOENAS.—Subpoenas authorized by the special committee may be issued over the signature of the chairman after consultation with the vice chairman, or any member of the special committee designated by the chairman after consultation with the vice chairman, and may be served by any person designated by the chairman or the member signing the subpoena.

(d) OTHER COMMITTEE STAFF.—The special committee may use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate and on a nonreimbuseable basis, the facilities or services of any members of the staff of such other Senate committee whenever the special committee or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the special committee to make the investigation and study provided for in this resolution.

(e) USE OF OFFICE SPACE.—The staff of the special committee may be located in the personal office of a Member of the special committee.

SEC. 4. REPORT AND TERMINATION.

The special committee shall report its findings, together with such recommendations as it deems advisable, to the Senate at the earliest practicable date.

SEC. 5. FUNDING.

(a) IN GENERAL.—From the date this resolution is agreed to through February 29, 2000, the expenses of the special committee incurred under this resolution shall not exceed $575,000 for the period beginning on the date of adoption of this resolution through February 28, 1999, and $575,000 for the period of March 1, 1999 through February 29, 2000, of which amount not to exceed $200,000 shall be available for each period for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946.

(b) PAYMENT OF BENEFITS.—The retirement and health benefits of employees of the special committee shall be paid out of the contingent fund of the Senate.

SENATE RESOLUTION 209—PROVIDING SECTION 302 ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS

Ms. COLLINS submitted the following resolution; which was considered and agreed to:

S. RES. 209

Resolved, That (a) for the purposes of section 302(a) of the Congressional Budget Act of 1974 the estimated allocation of the appropriate levels of budget totals for the Senate Committee on Appropriations shall be—

For non-defense: (1) $289,547,000,000 in total budget outlays, (2) $255,450,000,000 in total new budget authority;

For defense: (1) $266,635,000,000 in total budget outlays, (2) $271,570,000,000 in total new budget authority;

For Violent Crime Reduction: (1) $4,953,000,000 in total budget outlays; and (2) $5,800,000,000 in total new budget authority;

For mandatory: (1) $291,731,000,000 in total budget outlays; and (2) $299,159,000,000 in total new budget authority,

until a concurrent resolution on the budget for fiscal year 1999 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

AMENDMENTS SUBMITTED

CONCURRENT RESOLUTION ON THE CONGRESSIONAL BUDGET

HUTCHINSON AMENDMENT NO. 2279

Mr. HUTCHINSON proposed an amendment to amendment No. 2218 proposed by Mr. DORGAN to the concurrent resolution (S. Con. Res. 86) setting forth the congressional budget for the United States Government for fiscal years 1999, 2000, 2001, 2002, and 2003 and revised the concurrent resolution on the budget for fiscal year 1998; as follows:

Strike all after the first word of the matter proposed to be inserted and insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PASSAGE OF THE SENATE FINANCE COMMITTEE'S IRS RESTRUCTURING BILL.

(a) FINDINGS.—The Senate finds that—

(1) the House of Representatives passed H.R. 2676 on November 5, 1997;

(2) the Finance Committee of the Senate has held several days of hearings this year on IRS restructuring proposals;

(3) the hearings demonstrated many areas in which the House-passed bill could be improved;

(4) on March 31, 1998, the Senate Finance Committee voted 20-0 to report an IRS restructuring package that contains more oversight over the IRS, more accountability for employees, and a new arsenal of taxpayer protections; and

(5) the Senate Finance package includes the following items which were not included in the House bill:

(A) removal of the statutory impediments to the Commission of Internal Revenue's efforts to reorganize the agency to create a more streamlined, taxpayer-friendly organization,

(B) the providing of real oversight authority for the Internal Revenue Service Oversight Board to help prevent taxpayer abuse,

(C) the creation of a new Treasury Inspector General for Tax Administration to ensure independence and accountability,

(D) real, meaningful relief for innocent spouses,

(E) provisions which abate penalties and interest after 1 year so that the IRS does not profit from its own delay,

(F) provisions which ensure due process of law to taxpayers by granting them a right to a hearing before the IRS can pursue a lien, levy, or seizure,

(G) provisions which forbid the IRS from coercing taxpayers to extend the 10-year statue of limitations of collection,

(H) provisions which require the IRS to terminate employees who abuse taxpayers or other IRS employees,

(I) provisions which make the Taxpayer Advocate more independent, and

(J) provisions enabling the Commissioner of Internal Revenue to manage employees more effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional to totals in this budget resolution assume that the Senate shall, as expeditiously as possible, consider and pass an IRS restructuring bill which provides the most taxpayer protections, the greatest degree of IRS employee accountability, and enhanced oversight.

SEC. 302. SENSE OF CONGRESS REGARDING THE SUNSET OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—Congress finds that a simple and fair Federal tax system is one that—

(1) applies a low tax rate, through easily understood laws, to all Americans;

(2) provides tax relief for working Americans;

(3) protects the rights of taxpayers and reduces tax collection abuses;

(4) eliminates the bias against savings and investment;

(5) promotes economic growth and job creation;

(6) does not penalize marriage or families; and

(7) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that all taxes imposed under the Internal Revenue Code of 1986 shall sunset for any taxable year beginning after December 31, 2001 (or in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2001) and that a new Federal tax system will be enacted that is both simple and fair as described in subsection (a) and that provides only those resources for the Federal Government that are needed to meet its responsibilities to the American people.

DORGAN AMENDMENT NO. 2280

Mr. DORGAN proposed an amendment to amendment No. 2218 proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of the amendment add the following:

SEC. . SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving, expanded health and retirement benefits.

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future.

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) sunsetting the entire income tax code without describing a replacement threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most inportant financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions and that a sunset of the tax code that does not provide a replacement system that preserves this deductibility could damage the American dream of home ownership and could threaten the viability of non-profit institutions.

KENNEDY AMENDMENT NO. 2281

Mr. KENNEDY proposed an amendment to amendment No. 2183 proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

Strike all after the first word and insert the following:

SEC. . SENSE OF THE SENATE CONCERNING A PATIENT'S BILL OF RIGHTS.

(a) FINDINGS.—Congress finds that—

(1) patients lack reliable information about health plans and the quality of care that health plans provide;

(2) experts agree that the quality of health care can be substantially improved, resulting in less illness and less premature death;

(3) some managed care plans have created obstacles for patients who need to see specialists on an ongoing basis and have required that women get permission from their primary care physician before seeing a gynecologist;

(4) a majority of consumers believe that health plans compromise their quality of care to save money;

(5) Federal preemption under the Employee Retirement Income Security Act of 1974 prevents States from enforcing protections for the 125,000,000 workers and their families receiving health insurance through employment-based group health plans; and

(6) the Advisory Commission on Consumer Protection and Quality in the Health Care Industry has unanimously recommended a patient bill of rights to protect patients against abuses by health plan and health insurance issuers.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation to establish a patient's bill of rights for participants in health plans, and that legislation should include—

(1) a guarantee of access to covered services, including needed emergency care, specialty care, obstetrical and gynecological care for women, and prescription drugs;

(2) provisions to ensure that the special needs of women are met, including protecting women against "drive-through mastectomies";

(3) provisions to ensure that the special needs of children are met, including access to pediatric specialists and centers of pediatric excellence;

(4) provisions to ensure that the special needs of individuals with disabilities and the chronically ill are met, including the possibility of standing referrals to specialists or the ability to have a specialist act as a primary care provider;

(5) a procedure to hold health plans accountable for their decisions and to provide for the appeal of a decision of a health plan to deny care to an independent, impartial reviewer;

(6) measures to protect the integrity of the physician-patient relationship, including a ban on "gag clauses" and a ban on improper incentive arrangements; and

(7) measures to provide greater information about health plans to patients and to improve the quality of care.

(8) a requirement that the network of providers included in the plan are adequate to ensure the provision of services covered by the plan.

NICKLES AMENDMENT NO. 2282

Mr. NICKLES proposed an amendment to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Rapid changes in the health care marketplace have compromised confidence in our Nation's health system.

(2) American consumers want more convenience, fewer hassles, more choices, and better service from their health insurance plans.

(3) All Americans deserve quality-driven health care supported by sound science and evidence-based medicine.

(4) The Federal Government, through the National Institutes of Health, supports research that improves the quality of medical care that Americans receive.

(5) This resolution assumes increased funding for the National Institutes of Health for 1999 of $15,100,000,000, an 11-percent increase over current funding levels, which are 7 percent higher than in 1997.

(6) As the largest purchaser of health care services, the Federal Government has a responsibility to utilize its purchasing power to demand high quality health plans and providers for its health programs and to protect its beneficiaries from inferior medical care.

(7) The Federal Government must adopt the posture of private sector purchasers and insist on high quality care for the 67,000,000 medicare and medicaid beneficiaries and the 9,000,000 Federal employees, retirees, and their dependents.

(8) The private sector has proven to be more capable of keeping pace with the rapid changes in health care delivery and medical practice that affect quality of care considerations than the Federal Government.

(9) As Congress considers health care legislation, it must first commit to "do no harm" to health care quality, consumers, and the evolving market place. Rushing to legislate or regulate based on anecdotal information and micro-managing health plans on politically popular issues will not solve the problems of consumer confidence and the quality of our health care system.

(10) When health insurance premiums rise, Americans lose health coverage. Studies indicate that a 1 percent increase in private health insurance premiums will be associated with an increase in the number of persons without insurance of about 400,000 persons.

(11) Health care costs have begun to rise significantly in the past year. The Congressional Budget Office (referred to as "CBO") projects that the growth in health premiums will be 5.5 percent in 1998 up from 3.8 percent in 1997. CBO continues to project that premiums will grow about 1 percentage point faster than the Gross Domestic Product in the longer run. CBO also warns that new Federal mandates on health insurance could exacerbate this increase in premiums.

(12) The President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry developed the Consumer Bill of Rights and Responsibilities. This includes information disclosure, confidentiality of health information, and choice of providers.

(13) The President's Commission further determined that private sector organizations have the capacity to act in a timely manner needed to keep pace with the swiftly evolving health system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution assume that the Senate will not pass any health care legislation that will—

(1) make health insurance unaffordable for working families and increase the number of uninsured Americans;

(2) divert limited health care resources away from serving patients to paying lawyers and hiring new bureaucrats; or

(3) impose political considerations on clinical decisions, instead of allowing such decisions to be made on the basis of sound science and the best interests of patients.

DOMENICI (AND OTHERS) AMENDMENT NO. 2283

Mr. DOMENICI (for himself, Mr. CRAIG, and Mr. LOTT) proposed an amendment to amendment No. 2226 proposed by Mr. ROCKEFELLER to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:
$51,500,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2000:
(A) New budget authority, $51,800,000,000.
(B) Outlays, $44,700,000,000.
Fiscal year 2001:
(A) New budget authority, $52,100,000,000.
(B) Outlays, $45,700,000,000.
Fiscal year 2002:
(A) New budget authority, $51,400,000,000.
(B) Outlays, $45,800,000,000.
Fiscal year 2003:
(A) New budget authority, $52,000,000,000.
(B) Outlays, $46,900,000,000.

On page 25, line 8, strike "−$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:
−$300,000,000,
(B) Outlays, −$1,900,000,000.
Fiscal year 2000:
(A) New budget authority, −$1,200,000,000.
(B) Outlays, −$4,600,000,000.
Fiscal year 2001:
(A) New budget authority, −$2,700,000,000.
(B) Outlays, −$3,000,000,000.
Fiscal year 2002:
(A) New budget authority, −$3,800,000,000.
(B) Outlays, −$7,000,000,000.
Fiscal year 2003:
(A) New budget authority, −$5,400,000,000.
(B) Outlays, −$5,000,000,000.

In lieu of the language proposed to be stricken, insert:

(6) For reductions in programs in function 700, Veterans Benefits and Services: For fiscal year 1999, $500,000,000 in budget authority and $500,000,000 in outlays; for fiscal years 1999–2003, $10,500,000,000 in budget authority and $10,500,000,000 in outlays.

(7) Sense of the Senate on VA compensation and post-service smoking-related illnesses.

(A) FINDINGS.—The Senate finds that—

(i) the President has twice included in his budgets a prohibition on the entitlement expansion that the Department of Veterans Affairs (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(ii) Congress has never acted on this entitlement expansion;

(iii) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least $10,000,000,000 over 5 years and $45,000,000,000 over 10 years in additional mandatory costs to the VA;

(iv) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review;

(v) the entitlement expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health."; and

(vi) Secretary Brown's comment was recently reaffirmed by Acting Secretary of Veterans Affairs Togo West, who stated "It has been the position of the Department and of my predecessor that the decision to use tobacco by service members is a personal decision and is not a requirement for military service. And that therefore to compensate veterans for diseases whose sole connection to service is a veteran's own tobacco use should not rest with the Government.".

(B) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(i) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA.

(ii) The study and report required by paragraph (3) will be completed.

(iii) The Secretary of the Department of Veterans Affairs, the Office of Management and Budget, and the General Accounting Office are jointly required to—

(aa) jointly study (referred to in this section as the "study") the VA General Counsel's determination and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(bb) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(iv) The study should include—

(aa) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(bb) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(cc) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(v) The study shall be completed no later than July 1, 1999.

(vi) The Department of Veterans Affairs and the Office of Management and Budget shall report their finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

ROCKEFELLER AMENDMENT NO. 2284

Mr. ROCKEFELLER proposed an amendment to amendment No. 2226 proposed by him to the concurrent resolution, S. Con. Res. 86, supra; as follows:

On page 14, line 7, strike "$51,500,000,000." and all that follows through line 24, and substitute in lieu thereof the following:
$51,000,000,000.
(B) Outlays, $42,300,000,000.
Fiscal year 2000:
(A) New budget authority, $50,800,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2001:
(A) New budget authority, $50,100,000,000.
(B) Outlays, $43,700,000,000.
Fiscal year 2002:
(A) New budget authority, $48,400,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2003:
(A) New budget authority, $48,000,000,000.
(B) Outlays, $42,900,000,000.

On page 25, line 8, strike "−$300,000,000." and all that follows through line 25, and substitute in lieu thereof the following:
$200,000,000.
(B) Outlays, −$1,400,000,000.
Fiscal year 2000:
(A) New budget authority, −$200,000,000.
(B) Outlays, −$3,600,000,000.
Fiscal year 2001:
(A) New budget authority, −$700,000,000.
(B) Outlays, −$1,000,000,000.
Fiscal year 2002:
(A) New budget authority, −$800,000,000.
(B) Outlays, −$4,000,000,000.
Fiscal year 2003:
(A) New budget authority, −$1,400,000,000.
(B) Outlays, −$1,000,000,000.

On page 31, line 24, strike subsection (6) in its entirety.

KEMPTHORNE AMENDMENT NO. 2285

Mr. KEMPTHORNE proposed an amendment to amendment No. 2206 proposed by Mr. REID to the concurrent resolution, S. Con. Res. 86, supra; as follows:

At the end of subsection (b)(2), strike "Act," and insert the following:

"Act through their proceeds alone, if subsequent legislation provides an alternative or mixed, dedicated source of mandatory funding."

THE CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

ROTH (AND OTHERS) AMENDMENT NO. 2286

Ms. COLLINS (for Mr. ROTH for himself, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. CHAFEE, Mr. KENNEDY, Mr. ABRAHAM, Mr. JEFFORDS, Mr. SANTORUM, Mr. GRASSLEY, Mr. GRAHAM, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, and to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Support Performance and Incentive Act of 1998".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—CHILD SUPPORT DATA PROCESSING REQUIREMENTS

Sec. 101. Alternative penalty procedure.
Sec. 102. Authority to waive single statewide automated data processing and information retrieval system requirement.

TITLE II—CHILD SUPPORT INCENTIVE SYSTEM

Sec. 201. Incentive payments to States.

TITLE III—ADOPTION PROVISIONS

Sec. 301. More flexible penalty procedure to be applied for failing to permit interjurisdictional adoption.

TITLE IV—MISCELLANEOUS

Sec. 401. Elimination of barriers to the effective establishment and enforcement of medical child support.
Sec. 402. Safeguard of new employee information.
Sec. 403. Conforming amendments regarding the collection and use of social security numbers for purposes of child support enforcement.
Sec. 404. Elimination of definition regarding high-volume automated administrative enforcement of child support.
Sec. 405. General accounting office reports.
Sec. 406. Technical corrections.

TITLE I—CHILD SUPPORT DATA PROCESSING REQUIREMENTS

SEC. 101. ALTERNATIVE PENALTY PROCEDURE.

(a) IN GENERAL.—Section 455(a) of the Social Security Act (42 U.S.C. 655(a)) is amended by adding at the end the following:

“(4)(A)(i) If—

“(I) the Secretary determines that a State plan under section 454 would (in the absence of this paragraph) be disapproved for the failure of the State to comply with section 454(24)(A), and that the State has made and is continuing to make a good faith effort to so comply; and

“(II) the State has submitted to the Secretary a corrective compliance plan that describes how, by when, and at what cost the State will achieve such compliance, which has been approved by the Secretary,

then the Secretary shall not disapprove the State plan under section 454, and the Secretary shall reduce the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the fiscal year by the penalty amount.

“(ii) The Secretary may only impose a single reduction of the amount otherwise payable to the State under paragraph (1)(A) of this subsection for a fiscal year for the failure of the State to comply during such fiscal year with section 454(24)(A) or with any other provision of this part that imposes a requirement with respect to the establishment or operation of an automated data processing and information retrieval system.

“(B) In this paragraph:

“(i) The term ‘penalty amount’ means, with respect to a failure of a State to comply with section 454(24)—

“(I) 4 percent of the penalty base, in the case of the 1st fiscal year in which such a failure by the State occurs;

“(II) 8 percent of the penalty base, in the case of the 2nd such fiscal year;

“(III) 16 percent of the penalty base, in the case of the 3rd such fiscal year; or

“(IV) 30 percent of the penalty base, in the case of the 4th or any subsequent such fiscal year.

“(ii) The term ‘penalty base’ means, with respect to a failure of a State to comply with section 454(24) during a fiscal year, the amount otherwise payable to the State under paragraph (1)(A) of this subsection for the preceding fiscal year.

“(C)(i) The Secretary shall waive a penalty under this paragraph for any failure of a State to comply with section 454(24)(A) during a fiscal year if—

“(I) at any time during the fiscal year, the State has submitted to the Secretary a request that the Secretary certify the State as having met the requirements of such section;

“(II) the Secretary subsequently provides the certification (regardless of whether the certification is provided in that fiscal year) as a result of a timely review conducted pursuant to the request; and

“(III) the State has not failed such a review.

“(ii) With respect to only the 1st or 2nd fiscal years in which a reduction is imposed under this paragraph for the failure of a State to comply with section 454(24)(A), if the State achieves compliance with section 454(24)(A) during the 2nd fiscal year, in the case of a reduction imposed for 1 fiscal year, or during the 3rd fiscal year, in the case of a reduction imposed for 2 consecutive fiscal years, the Secretary shall increase the amount otherwise payable to the State under paragraph (1)(A) of this subsection for such 2nd or 3rd fiscal year, as the case may be, by an amount equal to 20 percent of the reduction imposed for the immediately preceding fiscal year.

“(iii) The Secretary shall reduce the amount of any reduction that, in the absence of this clause, would be required to be made under this paragraph by reason of the failure of a State to achieve compliance with section 454(24)(B) during the fiscal year, by an amount equal to 20 percent of the amount of the otherwise required reduction, for each State performance measure described in section 458A(b)(4) with respect to which the applicable percentage under section 458A(b)(6) for the fiscal year is 100 percent, if the Secretary has made the determination described in section 458A(b)(5)(B) with respect to the State for the fiscal year.

“(D) The preceding provisions of this paragraph (except for subparagraph (C)(i)) shall apply, separately and independently, to a failure to comply with section 454(24)(B) in the same manner in which the preceding provisions apply to a failure to comply with section 454(24)(A).”.

(b) INAPPLICABILITY OF PENALTY UNDER TANF PROGRAM.—Section 409(a)(8)(A)(i)(III) of such Act (42 U.S.C. 609(a)(8)(A)(i)(III)) is amended by inserting “(other than section 454(24))” before the semicolon.

SEC. 102. AUTHORITY TO WAIVE SINGLE STATEWIDE AUTOMATED DATA PROCESSING AND INFORMATION RETRIEVAL SYSTEM REQUIREMENT.

(a) IN GENERAL.—Section 452(d)(3) of the Social Security Act (42 U.S.C. 652(d)(3)) is amended to read as follows:

“(3) The Secretary may waive any requirement of paragraph (1) or any condition specified under section 454(16), and shall waive the single statewide system requirement under sections 454(16) and 454A, with respect to a State if—

“(A) the State demonstrates to the satisfaction of the Secretary that the State has or can develop an alternative system or systems that enable the State—

“(i) for purposes of section 409(a)(8), to achieve the paternity establishment percentages (as defined in section 452(g)(2)) and other performance measures that may be established by the Secretary;

“(ii) to submit data under section 454(15)(B) that is complete and reliable;

“(iii) to substantially comply with the requirements of this part; and

“(iv) in the case of a request to waive the single statewide system requirement, to—

“(I) meet all functional requirements of sections 454(16) and 454A;

“(II) ensure that calculation of distributions meets the requirements of section 457 and accounts for distributions to children in different families or in different States or sub-State jurisdictions, and for distributions to other States;

“(III) ensure that there is only 1 point of contact in the State which provides seamless case processing for all interstate case processing and coordinated, automated intrastate case management;

“(IV) ensure that standardized data elements, forms, and definitions are used throughout the State;

“(V) complete the alternative system in no more time than it would take to complete a single statewide system that meets such requirement; and

“(VI) process child support cases as quickly, efficiently, and effectively as such cases would be processed through a single statewide system that meets such requirement;

“(B)(i) the waiver meets the criteria of paragraphs (1), (2), and (3) of section 1115(c); or

“(ii) the State provides assurances to the Secretary that steps will be taken to otherwise improve the State's child support enforcement program; and

“(C) in the case of a request to waive the single statewide system requirement, the State has submitted to the Secretary separate estimates of the total cost of a single statewide system that meets such requirement, and of any such alternative system or systems, which shall include estimates of the cost of developing and completing the system and of operating and maintaining the system for 5 years, and the Secretary has agreed with the estimates.”.

(b) PAYMENTS TO STATES.—Section 455(a)(1) of such Act (42 U.S.C. 655(a)(1)) is amended—

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the semicolon at the end of subparagraph (C) and inserting “, and”; and

(3) by inserting after subparagraph (C) the following:

“(D) equal to 66 percent of the sums expended by the State during the quarter for an alternative statewide system for which a waiver has been granted under section 452(d)(3), but only to the extent that the total of the sums so expended by the State on or after the date of the enactment of this subparagraph does not exceed the least total cost estimate submitted by the State pursuant to section 452(d)(3)(C) in the request for the waiver;”.

TITLE II—CHILD SUPPORT INCENTIVE SYSTEM

SEC. 201. INCENTIVE PAYMENTS TO STATES.

(a) IN GENERAL.—Part D of title IV of the Social Security Act (42 U.S.C. 651–669) is amended by inserting after section 458 the following:

“SEC. 458A. INCENTIVE PAYMENTS TO STATES.

“(a) IN GENERAL.—In addition to any other payment under this part, the Secretary shall, subject to subsection (f), make an incentive payment to each State for each fiscal year in an amount determined under subsection (b).

“(b) AMOUNT OF INCENTIVE PAYMENT.—

“(1) IN GENERAL.—The incentive payment for a State for a fiscal year is equal to the incentive payment pool for the fiscal year, multiplied by the State incentive payment share for the fiscal year.

"(2) INCENTIVE PAYMENT POOL.—

"(A) IN GENERAL.—In paragraph (1), the term 'incentive payment pool' means—

"(i) $422,000,000 for fiscal year 2000;

"(ii) $429,000,000 for fiscal year 2001;

"(iii) $450,000,000 for fiscal year 2002;

"(iv) $461,000,000 for fiscal year 2003;

"(v) $454,000,000 for fiscal year 2004;

"(vi) $446,000,000 for fiscal year 2005;

"(vii) $458,000,000 for fiscal year 2006;

"(viii) $471,000,000 for fiscal year 2007;

"(ix) $483,000,000 for fiscal year 2008; and

"(x) for any succeeding fiscal year, the amount of the incentive payment pool for the fiscal year that precedes such succeeding fiscal year, multiplied by the percentage (if any) by which the CPI for such preceding fiscal year exceeds the CPI for the 2nd preceding fiscal year.

"(B) CPI.—For purposes of subparagraph (A), the CPI for a fiscal year is the average of the Consumer Price Index for the 12-month period ending on September 30 of the fiscal year. As used in the preceding sentence, the term 'Consumer Price Index' means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

"(3) STATE INCENTIVE PAYMENT SHARE.—In paragraph (1), the term 'State incentive payment share' means, with respect to a fiscal year—

"(A) the incentive base amount for the State for the fiscal year; divided by

"(B) the sum of the incentive base amounts for all of the States for the fiscal year.

"(4) INCENTIVE BASE AMOUNT.—In paragraph (3), the term 'incentive base amount' means, with respect to a State and a fiscal year, the sum of the applicable percentages (determined in accordance with paragraph (6)) multiplied by the corresponding maximum incentive base amounts for the State for the fiscal year, with respect to each of the following measures of State performance for the fiscal year:

"(A) The paternity establishment performance level.

"(B) The support order performance level.

"(C) The current payment performance level.

"(D) The arrearage payment performance level.

"(E) The cost-effectiveness performance level.

"(5) MAXIMUM INCENTIVE BASE AMOUNT.—

"(A) IN GENERAL.—For purposes of paragraph (4), the maximum incentive base amount for a State for a fiscal year is—

"(i) with respect to the performance measures described in subparagraphs (A), (B), and (C) of paragraph (4), the State collections base for the fiscal year; and

"(ii) with respect to the performance measures described in subparagraphs (D) and (E) of paragraph (4), 75 percent of the State collections base for the fiscal year.

"(B) DATA REQUIRED TO BE COMPLETE AND RELIABLE.—Notwithstanding subparagraph (A), the maximum incentive base amount for a State for a fiscal year with respect to a performance measure described in paragraph (4) is zero, unless the Secretary determines, on the basis of an audit performed under section 452(a)(4)(C)(i), that the data which the State submitted pursuant to section 454(15)(B) for the fiscal year and which is used to determine the performance level involved is complete and reliable.

"(C) STATE COLLECTIONS BASE.—For purposes of subparagraph (A), the State collections base for a fiscal year is equal to the sum of—

"(i) 2 times the sum of—

"(I) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved is required to be assigned to the State pursuant to part A or E of this title or title XIX; and

"(II) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved was so assigned but, at the time of collection, is not required to be so assigned; and

"(ii) the total amount of support collected during the fiscal year under the State plan approved under this part in all other cases.

"(6) DETERMINATION OF APPLICABLE PERCENTAGES BASED ON PERFORMANCE LEVELS.—

"(A) PATERNITY ESTABLISHMENT.—

"(i) DETERMINATION OF PATERNITY ESTABLISHMENT PERFORMANCE LEVEL.—The paternity establishment performance level for a State for a fiscal year is, at the option of the State, the IV-D paternity establishment percentage determined under section 452(g)(2)(A) or the statewide paternity establishment percentage determined under section 452(g)(2)(B).

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's paternity establishment performance level is as follows:

"If the paternity establishment performance level is:		**The applicable percentage is:**
At least:	**But less than:**	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
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61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
0%	50%	0.

Notwithstanding the preceding sentence, if the paternity establishment performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 10 percentage points the paternity establishment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's paternity establishment performance level is 50 percent.

"(B) ESTABLISHMENT OF CHILD SUPPORT ORDERS.—

"(i) DETERMINATION OF SUPPORT ORDER PERFORMANCE LEVEL.—The support order performance level for a State for a fiscal year is the percentage of the total number of cases under the State plan approved under this part in which there is a support order during the fiscal year.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's support order performance level is as follows:

"If the support order performance level is:		**The applicable percentage is:**
At least:	**But less than:**	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
0%	50%	0.

Notwithstanding the preceding sentence, if the support order performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 5 percentage points the support order performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's support order performance level is 50 percent.

"(C) COLLECTIONS ON CURRENT CHILD SUPPORT DUE.—

"(i) DETERMINATION OF CURRENT PAYMENT PERFORMANCE LEVEL.—The current payment performance level for a State for a fiscal year is equal to the total amount of current support collected during the fiscal year under the State plan approved under this part divided by the total amount of current support owed during the fiscal year in all cases under the State plan, expressed as a percentage.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's current payment performance level is as follows:

"If the current payment performance level is:		**The applicable percentage is:**
At least:	**But less than:**	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92

"If the current payment performance level is:		The applicable percentage is:
At least:	But less than:	
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
49%	50%	59
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the current payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the current payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's current payment performance level is 50 percent.

"(D) COLLECTIONS ON CHILD SUPPORT ARREARAGES.—

"(i) DETERMINATION OF ARREARAGE PAYMENT PERFORMANCE LEVEL.—The arrearage payment performance level for a State for a fiscal year is equal to the total number of cases under the State plan approved under this part in which payments of past-due child support were received during the fiscal year and part or all of the payments were distributed to the family to whom the past-due child support was owed (or, if all past-due child support owed to the family was, at the time of receipt, subject to an assignment to the State, part or all of the payments were retained by the State) divided by the total number of cases under the State plan in which there is past-due child support, expressed as a percentage.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's arrearage payment performance level is as follows:

"If the arrearage payment performance level is:		The applicable percentage is:
At least:	But less than:	
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
49%	50%	59
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the arrearage payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the arrearage payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's arrearage payment performance level is 50 percent.

"(E) COST-EFFECTIVENESS.—

"(i) DETERMINATION OF COST-EFFECTIVENESS PERFORMANCE LEVEL.—The cost-effectiveness performance level for a State for a fiscal year is equal to the total amount collected during the fiscal year under the State plan approved under this part divided by the total amount expended during the fiscal year under the State plan, expressed as a ratio.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's cost-effectiveness performance level is as follows:

"If the cost-effectiveness performance level is:		The applicable percentage is:
At least:	But less than:	
5.00		100
4.50	4.99	90
4.00	4.50	80
3.50	4.00	70
3.00	3.50	60
2.50	3.00	50
2.00	2.50	40
0.00	2.00	0.

"(c) TREATMENT OF INTERSTATE COLLECTIONS.—In computing incentive payments under this section, support which is collected by a State at the request of another State shall be treated as having been collected in full by both States, and any amounts expended by a State in carrying out a special project assisted under section 455(e) shall be excluded.

"(d) ADMINISTRATIVE PROVISIONS.—The amounts of the incentive payments to be made to the States under this section for a fiscal year shall be estimated by the Secretary at or before the beginning of the fiscal year on the basis of the best information available. The Secretary shall make the payments for the fiscal year, on a quarterly basis (with each quarterly payment being made no later than the beginning of the quarter involved), in the amounts so estimated, reduced or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appropriations available for payments under this section are deemed obligated.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary governing the calculation of incentive payments under this section, including directions for excluding from the calculations certain closed cases and cases over which the States do not have jurisdiction.

"(f) REINVESTMENT.—A State to which a payment is made under this section shall expend the full amount of the payment to supplement, and not supplant, other funds used by the State—

"(1) to carry out the State plan approved under this part; or

"(2) for any activity (including cost-effective contracts with local agencies) approved by the Secretary, whether or not the expenditures for the activity are eligible for reimbursement under this part, which may contribute to improving the effectiveness or efficiency of the State program operated under this part.".

(b) TRANSITION RULE.—Notwithstanding any other provision of law—

(1) for fiscal year 2000, the Secretary shall reduce by ⅓ the amount otherwise payable to a State under section 458 of the Social Security Act, and shall reduce by ⅔ the amount otherwise payable to a State under section 458A of such Act; and

(2) for fiscal year 2001, the Secretary shall reduce by ⅔ the amount otherwise payable to a State under section 458 of the Social Security Act, and shall reduce by ⅓ the amount otherwise payable to a State under section 458A of such Act.

(c) REGULATIONS.—Within 9 months after the date of the enactment of this section, the Secretary of Health and Human Services shall prescribe regulations governing the implementation of section 458A of the Social Security Act when such section takes effect and the implementation of subsection (b) of this section.

(d) STUDIES.—

(1) GENERAL REVIEW OF NEW INCENTIVE PAYMENT SYSTEM.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall conduct a study of the implementation of the incentive payment system established by section 458A of the Social Security Act, in order to identify the problems and successes of the system.

(B) REPORTS TO THE CONGRESS.—

(i) REPORT ON VARIATIONS IN STATE PERFORMANCE ATTRIBUTABLE TO DEMOGRAPHIC

VARIABLES.—Not later than October 1, 2000, the Secretary shall submit to the Congress a report that identifies any demographic or economic variables that account for differences in the performance levels achieved by the States with respect to the performance measures used in the system, and contains the recommendations of the Secretary for such adjustments to the system as may be necessary to ensure that the relative performance of States is measured from a baseline that takes account of any such variables.

(ii) INTERIM REPORT.—Not later than March 1, 2001, the Secretary shall submit to the Congress an interim report that contains the findings of the study required by subparagraph (A).

(iii) FINAL REPORT.—Not later than October 1, 2003, the Secretary shall submit to the Congress a final report that contains the final findings of the study required by subparagraph (A). The report shall include any recommendations for changes in the system that the Secretary determines would improve the operation of the child support enforcement program.

(2) DEVELOPMENT OF MEDICAL SUPPORT INCENTIVE.—

(A) IN GENERAL.—The Secretary of Health and Human Services, in consultation with State directors of programs operated under part D of title IV of the Social Security Act and representatives of children potentially eligible for medical support, shall develop a performance measure based on the effectiveness of States in establishing and enforcing medical support obligations, and shall make recommendations for the incorporation of the measure, in a revenue neutral manner, into the incentive payment system established by section 458A of the Social Security Act.

(B) REPORT.—Not later than October 1, 1999, the Secretary shall submit to the Congress a report that describes the performance measure and contains the recommendations required by subparagraph (A).

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 658 note) is amended—

(A) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(B) in subsection (c) (as so redesignated)—

(i) by striking paragraph (1) and inserting the following:

"(1) CONFORMING AMENDMENTS TO PRESENT SYSTEM.—The amendments made by subsection (a) of this section shall become effective with respect to a State as of the date the amendments made by section 103(a) (without regard to section 116(a)(2)) first apply to the State."; and

(ii) in paragraph (2), by striking "(c)" and inserting "(b)".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(f) ELIMINATION OF PREDECESSOR INCENTIVE PAYMENT SYSTEM.—

(1) REPEAL.—Section 458 of the Social Security Act (42 U.S.C. 658) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 458A of the Social Security Act, as added by section 201(a) of this Act, is redesignated as section 458.

(B) Section 455(a)(4)(C)(iii) of such Act (42 U.S.C. 655(a)(4)(C)(iii)), as added by section 101(a) of this Act, is amended—

(i) by striking "458A(b)(4)" and inserting "458(b)(4)";

(ii) by striking "458A(b)(6)" and inserting "458(b)(6)"; and

(iii) by striking "458A(b)(5)(B)" and inserting "458(b)(5)(B)".

(C) Subsection (d)(1) of this section is amended by striking "458A" and inserting "458".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2001.

(g) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on October 1, 1999.

TITLE III—ADOPTION PROVISIONS

SEC. 301. MORE FLEXIBLE PENALTY PROCEDURE TO BE APPLIED FOR FAILING TO PERMIT INTERJURISDICTIONAL ADOPTION.

(a) CONVERSION OF FUNDING BAN INTO STATE PLAN REQUIREMENT.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; and"; and

(3) by adding at the end the following:

"(23) provides that the State shall not—

"(A) deny or delay the placement of a child for adoption when an approved family is available outside of the jurisdiction with responsibility for handling the case of the child; or

"(B) fail to grant an opportunity for a fair hearing, as described in paragraph (12), to an individual whose allegation of a violation of subparagraph (A) of this paragraph is denied by the State or not acted upon by the State with reasonable promptness.".

(b) PENALTY FOR NONCOMPLIANCE.—Section 474(d) of such Act (42 U.S.C. 674(d)) is amended in each of paragraphs (1) and (2) by striking "section 471(a)(18)" and inserting "paragraph (18) or (23) of section 471(a)".

(c) CONFORMING AMENDMENT.—Section 474 of such Act (42 U.S.C. 674) is amended by striking subsection (e).

(d) RETROACTIVITY.—The amendments made by this section shall take effect as if included in the enactment of section 202 of the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2125).

TITLE IV—MISCELLANEOUS

SEC. 401. ELIMINATION OF BARRIERS TO THE EFFECTIVE ESTABLISHMENT AND ENFORCEMENT OF MEDICAL CHILD SUPPORT.

(a) PROMULGATION OF NATIONAL STANDARDIZED MEDICAL SUPPORT NOTICE.—Section 452(a) of the Social Security Act (42 U.S.C. 652(a)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12)(A) develop jointly with the Secretary of Labor—

"(i) a National Standardized Medical Support Notice that satisfies the requirements of section 609(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(3)) and the requirements of this part and shall be used by States to enforce medical support orders; and

"(ii) appropriate procedures for the transmission of such Notice to employers by State agencies administering the program established under this part;

"(B) not later than 90 days after the date of enactment of this paragraph, establish with the Secretary of Labor, a medical support working group, not to exceed 20 individuals, that shall—

"(i) identify the impediments to the effective enforcement of medical support by State agencies administering the program established under this part; and

"(ii) be composed of representatives of—

"(I) the Department of Labor;

"(II) the Department of Health and Human Services;

"(III) State directors of programs under this part;

"(IV) State directors of the medicaid program under title XIX;

"(V) employers, including owners of small businesses;

"(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1));

"(VII) children potentially eligible for medical support, such as child advocacy organizations; and

"(VIII) State public welfare programs;

"(C) require the working group established in accordance with subparagraph (B) to, not later than 18 months after the date of enactment of this paragraph, submit to the Secretary and Congress a report containing recommendations for appropriate measures to address the impediments to the effective enforcement of medical support by State agencies administering the program established under this part identified by the working group, including—

"(i) appropriate measures that establish the priority of withholding of child support obligations, medical support obligations, arrearages in such obligations, and, in the case of a medical support obligation, the employee's portion of any health care coverage premium, by the State agency administering the program established under this part in light of the restrictions on garnishment provided under title III of the Consumer Credit Protection Act (15 U.S.C. 1671–1677);

"(ii) appropriate procedures for coordinating the provision, enforcement, and transition of health care coverage under the State programs established under this part, title XIX, and title XXI;

"(iii) appropriate measures to improve the enforcement of alternate types of medical support that are aside from health coverage offered through the noncustodial parent's health plan and unrelated to the noncustodial parent's employer, including measures that establish a noncustodial parent's responsibility to share the cost of a copayment, deductible, or a payment for services not covered under a child's existing health coverage; and

"(iv) appropriate measures for eliminating any other impediments to the effective enforcement of medical support orders that the working group deems necessary; and

"(D) issue, under the authority of the Secretary—

"(i) not later than 180 days after the date of enactment of this paragraph, a proposed regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders, and that includes such procedures for transmission of the Notice to employers that the Secretary determines are appropriate; and

"(ii) not later than 1 year after the date of enactment of this paragraph, a final regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders and the procedures for the transmission of that Notice to employers.''.

(b) Required Use of Notice by States.—

(1) State procedures.—Section 466(a)(19) of the Social Security Act (42 U.S.C. 466(a)(19)) is amended to read as follows:

''(19) Health care coverage.—Procedures under which—

''(A) all child support orders enforced pursuant to this part include a provision for the health care coverage of the child that, not later than October 1, 2000, is enforced, where appropriate, through the use of the National Standardized Medical Support Notice promulgated pursuant to section 452(a)(12);

''(B) in any case in which a noncustodial parent is required to provide such health care coverage and the employer of such noncustodial parent is known to the State agency, the State agency shall use the National Standardized Medical Support Notice to transfer notice of the provision for the health care coverage of the child to the employer in conjunction, where appropriate, with an income withholding notice within 2 days of the date that information regarding a newly hired employee is entered in the State Directory of New Hires pursuant to section 453A(e), and to any subsequent employer if the parent changes employment or obtains additional employment and the subsequent employer of such noncustodial parent is known to the State agency;

''(C) not later than 7 business days after the date the National Standardized Medical Support Notice is issued, the Notice shall operate to enroll the child in the noncustodial parent's employer's health plan, and to authorize the collection of any employee contributions required for such enrollment, unless the noncustodial parent contests enforcement of the health care coverage provision of the child support order pursuant to the Notice to the State agency based on mistake of fact; and

''(D) the employer shall, within 21 days after the date the Notice is issued, notify the State agency administering the program under this part whether such health care coverage is available and, if so, whether the child has been enrolled in such coverage and the effective date of the enrollment, and provide to the custodial parent any necessary documentation to provide the child with coverage.''.

(2) Conforming amendments.—Section 452(f) of the Social Security Act (42 U.S.C. 652(f)) is amended in the first sentence—

(A) by striking ''petition for the inclusion of'' and inserting ''include''; and

(B) by inserting ''and enforce medical support'' before ''whenever''.

(c) National Standardized Medical Support Notice Deemed a Qualified Medical Child Support Order.—

(1) Amendment to ERISA.—Section 609(a)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(5)) is amended by adding at the end the following:

''(C) National standardized medical support notice deemed to be a qualified medical child support order.—If a group health plan administrator receives a completed National Standardized Medical Support Notice promulgated pursuant to section 452(a)(12) of the Social Security Act (42 U.S.C. 652(a)(13)), and the notice meets the requirements of paragraphs (3) and (4), the notice shall, not later than 7 business days after the date the National Standardized Medical Support Notice is issued, be deemed to be a qualified medical child support order and the plan administrator shall comply with the notice.''.

(2) Rule of construction.—The amendment made by paragraph (1) shall not be construed as requiring an employer to provide or expand any health benefits coverage provided by the employer that the employer is not, as of the date of enactment of this section, required to provide, or to modify or change the eligibility rules applicable to a group health plan (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1))).

(d) Report and Recommendations Regarding the Enforcement of Qualified Medical Support Orders Under ERISA.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall submit to the Committee on Labor and Human Resources and the Committee on Finance of the Senate, and the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, a report containing recommendations for appropriate legislation to improve the effectiveness of, and enforcement of, qualified medical child support orders under the provisions of section 609 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169).

SEC. 402. SAFEGUARD OF NEW EMPLOYEE INFORMATION.

(a) Penalty for Unauthorized Access, Disclosure, or Use of Information.—Section 453(l) of the Social Security Act (42 U.S.C. 653(l)) is amended—

(1) by striking ''Information'' and inserting the following:

''(1) In general.—Information''; and

(2) by adding at the end the following:

''(2) Penalty for misuse of information in the national directory of new hires.—The Secretary shall require the imposition of an administrative penalty (up to and including dismissal from employment), and a fine of $1,000, for each act of unauthorized access to, disclosure of, or use of, information in the National Directory of New Hires established under subsection (i) by any officer or employee of the United States who knowingly and willfully violates this paragraph.''.

(b) Limits on Retention of Data in the National Directory of New Hires.—Section 453(i)(2) of the Social Security Act (42 U.S.C. 653(i)(2)) is amended to read as follows:

''(2) Data entry and deletion requirements.—Information shall be—

''(A) entered into the data base maintained by the National Directory of New Hires within 2 business days of receipt pursuant to section 453A(g)(2);

''(B) in the case of an individual for whom an information comparison under subsection (j) does not reveal a match, deleted from such data base 12 months after the date of entry; and

''(C) in the case of an individual for whom an information comparison under subsection (j) does reveal a match, deleted from such data base 24 months after the date of entry.''.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1999.

SEC. 403. CONFORMING AMENDMENTS REGARDING THE COLLECTION AND USE OF SOCIAL SECURITY NUMBERS FOR PURPOSES OF CHILD SUPPORT ENFORCEMENT.

(a) Conforming Amendments.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended—

(1) in clause (i), by striking ''may require'' and inserting ''shall require'';

(2) in clause (ii)—

(A) by inserting after the 1st sentence the following: ''In the administration of any law involving the issuance of a marriage certificate or license, each State shall require each individual named in the certificate or license to furnish to the State (or political subdivision thereof), or any State agency having administrative responsibility for the law involved, the social security number of the individual.''; and

(B) by inserting ''or marriage certificate'' after ''Such numbers shall not be recorded on the birth certificate'';

(3) in clause (vi), by striking ''may'' and inserting ''shall''; and

(4) by adding at the end the following:

''(x) An agency of a State (or a political subdivision thereof) charged with the administration of any law concerning the issuance or renewal of a professional license, driver's license, occupational license, or recreational license shall require each applicant for issuance or renewal of the license to provide the applicant's social security number to the agency for the purpose of administering such laws, and for the purpose of responding to requests for information from an agency operating pursuant to part D of title IV. If a State allows the use of a number other than the social security number to be used on the face of the document while the social security number is kept on file at the agency, the State shall so advise any applicants.

''(xi) All divorce decrees, support orders, and paternity determinations issued, and all paternity acknowledgments made, in each State shall include the social security number of each individual subject to the decree, order, determination, or acknowledgment in the records relating to the matter, for the purpose of responding to requests for information from an agency operating pursuant to part D of title IV.''.

(b) Retroactivity.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 317 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat.2220).

SEC. 404. ELIMINATION OF DEFINITION REGARDING HIGH-VOLUME AUTOMATED ADMINISTRATIVE ENFORCEMENT OF CHILD SUPPORT.

(a) Technical Amendment.—Section 466(a)(14) of the Social Security Act (42 U.S.C. 666(a)(14)) is amended to read as follows:

''(14) High-volume, automated administrative enforcement in interstate cases.—Procedures under which—

''(A) the State shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request made by another State to enforce support orders, and shall promptly report the results of such enforcement procedure to the requesting State;

''(B) the State may, by electronic or other means, transmit to another State a request for assistance in enforcing support orders through high-volume, automated administrative enforcement, which request—

''(i) shall include such information as will enable the State to which the request is transmitted to compare the information about the cases to the information in the data bases of the State; and

''(ii) shall constitute a certification by the requesting State—

''(I) of the amount of support under an order the payment of which is in arrears; and

''(II) that the requesting State has complied with all procedural due process requirements applicable to each case;

''(C) if the State provides assistance to another State pursuant to this paragraph with respect to a case, neither State shall consider the case to be transferred to the caseload of such other State; and

"(D) the State shall maintain records of—

"(i) the number of such requests for assistance received by the State;

"(ii) the number of cases for which the State collected support in response to such a request; and

"(iii) the amount of such collected support.".

(b) RETROACTIVITY.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 5550 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 633).

SEC. 405. GENERAL ACCOUNTING OFFICE REPORTS.

(a) REPORT ON FEASIBILITY OF INSTANT CHECK SYSTEM.—Not later than December 31, 1998, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the feasibility and cost of creating and maintaining a nationwide instant child support order check system under which an employer would be able to determine whether a newly hired employee is required to provide support under a child support order.

(b) REPORT ON IMPLEMENTATION AND USE OF CHILD SUPPORT DATABASES.—Not later than December 31, 1998, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the implementation of the Federal Parent Locater Service (including the Federal Case Registry of Child Support Orders and the National Directory of New Hires) established under section 453 of the Social Security Act (42 U.S.C. 653) and the State Directory of New Hires established under section 453A of such Act (42 U.S.C. 653a). The report shall include a detailed discussion of the purposes for which, and the manner in which, the information maintained in such databases has been used, and an examination as to whether such databases are subject to adequate safeguards to protect the privacy of the individuals with respect to whom information is reported and maintained.

SEC. 406. TECHNICAL CORRECTIONS.

(a) Section 413(g)(1) of the Social Security Act (42 U.S.C. 613(g)(1)) is amended by striking "Economic and Educational Opportunities" and inserting "Education and the Workforce".

(b) Section 422(b)(2) of the Social Security Act (42 U.S.C. 622(b)(2)) is amended by striking "under under" and inserting "under".

(c) Section 432(a)(8) of the Social Security Act (42 U.S.C. 632(a)(8)) is amended by adding "; and" at the end.

(d) Section 453(a)(2) of the Social Security Act (42 U.S.C. 653(a)(2)) is amended—

(1) by striking "parentage," and inserting "parentage or";

(2) by striking "or making or enforcing child custody or visitation orders,"; and

(3) in subparagraph (A), by decreasing the indentation of clause (iv) by 2 ems.

(e)(1) Section 5557(b) of the Balanced Budget Act of 1997 (42 U.S.C. 608 note) is amended by adding at the end the following: "The amendment made by section 5536(1)(A) shall not take effect with respect to a State until October 1, 2000, or such earlier date as the State may select.".

(2) The amendment made by paragraph (1) shall take effect as if included in the enactment of section 5557 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 637).

(f) Section 473A(c)(2)(B) of the Social Security Act (42 U.S.C. 673b(c)(2)(B)) is amended—

(1) by striking "November 30, 1997" and inserting "April 30, 1998"; and

(2) by striking "March 1, 1998" and inserting "July 1, 1998".

(g) Section 474(a) of the Social Security Act (42 U.S.C. 674(a)) is amended by striking "(subject to the limitations imposed by subsection (b))".

(h) Section 232 of the Social Security Act Amendments of 1994 (42 U.S.C. 1314a) is amended—

(1) in subsection (b)(3)(D), by striking "Energy and"; and

(2) in subsection (d)(4), by striking "(b)(3)(C)" and inserting "(b)(3)".

Amend the title so as to read: "An Act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, and for other purposes.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Thursday, April 23, 1998 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Improvement Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Amie Brown or Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Tuesday, April 28, 1998 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 326, the Abandon Hardrock Mines Reclamation Act of 1997; S. 327, the Hardrock Mining Royalty Act of 1997; and S. 1102, Mining Law Reform Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Amie Brown or Mike Menge at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Thursday, April 30, 1998 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Improvement Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Amie Brown or Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Tuesday, May 5, 1998 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1253, the Public Land Management Improvement Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Amie Brown or Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Wednesday, May 6, 1998 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 94, the Southern Nevada Public Land Management Act of 1997, and H.R. 449, the Southern Nevada Public Lands Management Act of 1997.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Amie Brown or Mike Menge at (202) 224–6170.

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT, PRODUCTION, AND REGULATION

Mr. NICKLES. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research, Development, Production, and Regulation of the Committee on Energy and Natural Resources.

The hearing will take place Thursday, May 21, 1998 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1141, the Biodiesel Energy Development Act of 1997; and S. 1418, the Methane Hydrate Research and Development Act of 1997.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send their testimony to the Subcommittee on Energy Research, Development, Production, and Regulation of the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Shawn Taylor at (202) 224–1219 or Howard Useem of the Committee staff at (202) 224–6567.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, April 2, 1998 at 9:00 a.m. in SR–328A. The purpose of this meeting will be to examine recently proposed animal waste legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 2, 1998, to conduct a hearing on the implications of the recent Supreme Court decision concerning credit union membership.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, April 2, 1998, at 10:00 a.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Metered Dose Inhalers during the session of the Senate on Thursday, April 2, 1998, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, April 2, 1998, at 2:00 p.m., in room 226 of the Senate Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TUBERCULOSIS

● Mr. SARBANES. Mr. President, as some of my colleagues may know, each year tuberculosis claims nearly 3 million lives—more than all other infectious diseases combined—making it the number one infectious cause of death worldwide. Unlike many other infectious diseases, tuberculosis is an airborne disease transmitted like the common cold. Nearly one-third of the world's population is already infected, and cases of multi-drug resistant strains, which are far more difficult and expensive to treat, are on the rise. Overall, tuberculosis is responsible for 25% of all preventable deaths.

The Los Angeles Times recently published an article about USAID's work to expand and strengthen programs to control tuberculosis, along with other global threats to public health. I think this is a very important initiative and would urge them to continue their efforts. The renewed focus on tuberculosis is due in part to the activities of Princeton Project 55, established by Princeton University's Class of 1955, which has pressed for aggressive United States leadership in the prevention and treatment of this terrible disease. I commend them on their involvement and would ask that the full text of the article be printed in the RECORD.

The article follows:

[From the Los Angeles Times, March 6, 1998]

U.S. LAUNCHES GLOBAL EFFORT TO CONTROL DISEASE

(By Marlene Cimons)

WASHINGTON—The U.S. Agency for International Development announced Thursday a new initiative aimed at controlling the global emergence of lethal infectious diseases, saying it will develop programs in targeted countries to fight the escalating health threats posed by bacterial resistance, tuberculosis and malaria.

The agency also said it will work with other health agencies worldwide to better monitor and respond to new outbreaks of diseases before they get out of hand.

"This is as important for American citizens" as it is for citizens abroad because "we are dealing with these problems at their origin, rather than waiting for them to get here," said Dr. Nils Daulaire, a senior health advisor to USAID.

Congress, recognizing the potential danger from infectious diseases overseas, awarded the agency an additional $50 million for fiscal 1998 specifically for control of infectious diseases—the first time in four years that, "instead of cutting our budget, Congress has added to it," Daulaire said.

In response, the agency is pursuing a 10-year effort that it hopes will reduce by at least 10% the deaths caused by infectious diseases, excluding those caused by acquired immune deficiency syndrome, by 2007.

The $50 million is in addition to the agency's public health budget of $850 million, which is spent on maternal and child health, family planning and the control of AIDS and the human immunodeficiency virus that causes it.

USAID has estimated that more than 17 million people worldwide will die from infectious diseases in 1998. This health problem has gotten worse in recent years due to numerous factors, including rapid population growth, overcrowding, poor sanitation, poverty, loss of trained health personnel and decreasing resources available to public health services in the poorest of countries, according to USAID.

The new strategy will focus on:

Developing programs that will discourage the indiscriminate use of antibiotics, which only strengthens the ability of resistant strains of bacteria to survive.

Developing a global tuberculosis control plan, which will include establishing up to five major sites to serve as models for TB surveillance and control and enhancing programs to identify TB strains that are resistant to multiple drugs before the strains become widespread.

Developing programs in Africa—where the most troublesome malaria problems exist—to prevent and control spread of the disease. Rather than control the mosquitoes that transmit the parasite, efforts will focus on preventing infection and quickly treating those who become infected, an approach health officials say will help reduce further transmission.●

TRIBUTE TO GOODRICH MEMORIAL LIBRARY

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to the Goodrich Memorial Library in Newport, Vermont as it recalls 100 years of community service. On May 2, 1998 the Goodrich Memorial Library will kick off a year-long celebration with a wide array of activities for people young and old.

Converse and Alvira Goodrich donated their entire estate so that Newport Village could construct and maintain a new town library. Architect George Story's vision became reality when the doors were opened and a ceremony held to dedicate the new library on September 1, 1898. An extremely ornate Victorian building, the Goodrich

Memorial Library houses a wealth of information for those interested in Vermont history. In one of its rooms, the library maintains an archive of local newspapers dating back to the 1800s and early 1900s.

The Goodrich Memorial Library not only serves as a resource for information, but also as a critical bond in the community. It brings people together for cultural events and as a shared experience it provides a link between generations. It is a reminder of the town's long and proud history, one that I hope will continue for years to come.

Once again, I would like to congratulate the Goodrich Memorial Library on its centennial anniversary and wish them the best of luck in the next century of service.●

A TRIBUTE TO BISHOP JAMES

● Mr. HOLLINGS. Mr. President, President Clinton's visit to Africa is a historic visit, the first time a sitting American President has visited that continent. For a distinguished South Carolinian who is accompanying the President, the trip also marks the return to a land with which he is very familiar.

Bishop Fred James, a retired Bishop of the AME Church, is one of South Carolina's most respected men of the cloth. For four years in the 1970s, he served in Capetown, South Africa, as the presiding bishop of the AME Church for five countries: South Africa, Lesotho, Botswana, Namibia, Swaziland, and Mozambique. During Bishop James's tenure, the Church conducted not only traditional religious activities, but also unorthodox outreach programs to improve the lives of its congregants. Among other things, it built schools, operated a publishing house, and ran a cattle ranch. None of these was strictly religious in nature, but all helped to relieve the oppressive atmosphere of these countries and restore a sense of community among the AME Church's congregants.

After returning from Africa, Bishop James continued to lead outreach programs and fight for civil rights at home. Before settling in South Carolina, he was active in the NAACP and lived in Arkansas and Oklahoma. He also lived in Baltimore, where his responsibilties as Bishop overseeing thousands of congregants and many churches were even greater than those he shouldered in Africa. As the people of South Carolina know so well, Bishop James has been a force for good in every community in which he has lived.

Mr. President, I can think of no better ambassador of our nation's good will toward Africa than Bishop Fred James. He has spent the better part of his life serving God and his fellow men, without expecting recognition or reward. With his selection by President Clinton to be an informal, good will ambassador to Africa, he has at last received some of both. Let us all hope the United States can achieve the same, strong relationship with Africa as that of Bishop James.●

50TH ANNIVERSARY OF THE TOMB GUARDS AT ARLINGTON NATIONAL CEMETERY

● Mr. HAGER. Mr. President, I want to take a moment to recognize a very special group of Americans, the Arlington National Cemetery Tomb Guards of the Third United States Infantry. The Tomb Guards this year mark their 50th anniversary—half a century of dedicated service to the American heroes who rest at Arlington.

The dedicated and devoted men and women of the Tomb Guards stand watch over the Tomb of the Unknown Soldier 24 hours a day, seven days a week, regardless of weather. Arlington's sacred ground holds many of America's heroes, but the unknown soldiers deserve special honor. They made the ultimate sacrifice to preserve America's freedom, and they died in anonymity—soldiers, as inscribed on their headstones, "Known but to God."

Since 1948, soldiers from the "Old Guard," the Third United States Infantry, have kept watch at this most special place in Arlington National Cemetery. Only soldiers of the highest character and standards, with the greatest integrity and professional skill, are selected to serve with the Tomb Guards. These men and women are the best of the best. The competition is keen.

As young people across America search for role models, they need look no further than this group of dedicated professionals who honor the sacrifice of all who have fallen for freedom. I salute the Tomb Guards on their fifty years of dedicated service to America's heroes and wish them well as they continue their devotion to duty. America is grateful for their service.●

PRESIDENT CLINTON AND THE AFRICAN RENAISSANCE

● Mr. FEINGOLD. Mr. President, I rise today to commend the historic visit that is just ending today.

I speak of the visit of President Clinton to Africa which began on March 22. As the Ranking Member of the Africa Subcommittee of the Senate Foreign Relations Committee, I know Africa's vital importance to the United States, and I applaud the President's effort to highlight Africa with this timely trip.

President Clinton is the first sitting U.S. president since President Jimmy Carter to take such an extensive voyage in Africa, and he will the be the first sitting U.S. president ever to visit each of the individual countries on his itinerary.

We can not underestimate the significance of this.

Mr. President, millions of Americans trace their roots to Africa. Thousands of Americans have served in Africa in non-governmental organizations, church groups, or the Peace Corps, including many graduates of the University of Wisconsin-Madison. Our African heritage is prominent and pervasive in the art, music, and literature of American culture. More and more American tourists are journeying to see the natural wonders of the Serengeti, the Ghanaian Cape Coast or Victoria Falls.

Although these ties bind every American to Africa, many of them in a very passionate and personal way, I am concerned that there is so little knowledge about Africa in this country, and so little interest. That is why the President's trip is so important.

Many of the 48 distinct nations of Africa are now experiencing what some have called an "African Renaissance." By whatever name, there can be no doubt that Africa is a continent much changed since the years immediately following the independence period.

In some nations on that great continent, we see conflicts, coups and corruption. In others, we see the triumph of democracy and of the creative human spirit. In the past few years, too many of Africa's peoples have faced atrocities that rank among the worst of this century. At the same time, healthy changes have swept across much of the continent, and there is more reason for optimism about Africa's future than at any time in recent memory.

First, there has been substantial political progress. In 1989, only five African nations could be described as "democratic." Today, there are at least twenty. Where there used to be one-party states or military regimes, we now have governments that have developed new constitutions, held multiparty elections, and taken great strides toward reforming key institutions. Parliaments in countries like Ghana and Namibia are beginning to exercise a meaningful check on executive power. Local and national elections are being conducted freely and fairly in many countries. Journalists are more boldly exercising new press freedoms.

The institutions that nourish true democracy are beginning to take root in the African soil.

Second, many of the long-standing, violent conflicts that have ravaged the land and the peoples of Africa are coming to a close. Uganda, which suffered terribly throughout the 1980s, is now one of the most stable countries on the continent. The protracted war in the Horn of Africa ended with the peaceful secession of Eritrea, an important new actor on the African stage. The seeds of lasting peace have been planted in Liberia and Angola. And the promise of peace dangles before the peoples of Northern Mali and the Western Sahara.

Third, many African nations have surged forward in human and social development. The scourge of AIDS continues to take its toll, but infant mortality rates have dropped significantly. Population growth has slowed to a more manageable rate. The drag of illiteracy still slows economic development, but more African children go to school now than at any other time since independence.

African women, too, are playing a more active role in the future of their continent. In Botswana, an organization called "Stand Up Women" is working to expand the influence of women on national laws and policy. In South Africa, Ghana and elsewhere, female entrepreneurs are starting and managing their own businesses. Throughout Africa, more and more women are becoming involved in political life. Many have been elected to fledgling parliaments.

Finally, Africa's economies are growing at impressive rates, with an estimated 4.5 percent GDP increase in 1997, according to the World Bank. In Senegal and Uganda, growth has topped 5 percent.

Hope abides in Africa. And hope abides among those of us who see that a thriving Africa is good for America.

Still, many African nations are plagued by authoritarian regimes that deny their citizens basic human rights. The economic and political potential of some nations are being squandered by ruling military juntas. In these few hold-out regimes, corruption, economic mismanagement and violent suppression of dissent are the norm. This is certainly true in Nigeria, a nation of great natural and human potential, which cannot be realized under the current regime.

In Sudan, a decades-old war has killed hundreds of thousands of innocent civilians. Sudanese children are often forced into conscription, and many of them know the barrel of a gun better than the inside of a classroom.

Other obstacles to development abound. Some of the poorest, most desolate places on earth are located in Africa. Life expectancy and adult literacy are the world's lowest, while population growth and the incidence of HIV/AIDS are the highest. Basic services that we as Americans take for granted—from clean drinking water and health care, to school books and paved roads—remain out of reach for millions of Africans.

The combination of welcome progress and daunting problems in Africa present enormous challenges for U.S. policy. Some observers look at Africa and say, "This is a basket case!," and see few redeeming features. These cynical voices—the so-called "Afro-pessimists"—believe America should disengage from the world and particularly from Africa; that the poverty and despair of others is not our problem, that the potential of Africa presents no opportunity.

But as the history of this century has shown time and again, the problems of the world community, do, in fact, become ours.

As the world becomes smaller and more inter-dependent, new dangers—terrorism, international crime, narcotics, and infectious disease, all of which are increasingly prevalent in Africa—will not stop at the border. Sudanese involvement is alleged in the World Trade Center bombing. In Wisconsin, hundreds of my constituents have received fraudulent scam letters from Nigeria. For a few days in 1995, we all worried about the threat of the Ebola virus which had recently appeared in the former Zaire.

Mr. President, we cannot ignore these threats.

Though mindful of the grim realities of Africa, the United States must encourage the positive developments that are already taking place there. We must embrace and encourage those changes, and not just because we are a generous people. Africa is a growing U.S. trading partner. U.S. exports to Sub-Saharan Africa increased 14 percent during 1996; that's twice as fast as the growth rate of total U.S. exports worldwide. Few people realize that the United States currently exports more to sub-Saharan Africa than to all of the former Soviet republics combined. More and more forward-thinking American companies have their eye on the vibrant potential markets in Africa.

By going to Africa, President Clinton recognizes Africa's importance to the U.S. and demonstrates his steadfast commitment to America's crucial role in supporting Africa's burgeoning democracies, aiding economic growth, maintaining recent peace agreements, and preventing future conflicts.

The President's trip is both symbol and substantive statement. There have been moving moments with genocide survivors in Rwanda and with South African President Nelson Mandela, with school children in Uganda and with Peace Corps volunteers in Ghana.

Each of the countries on President Clinton's itinerary represents some facet of Africa's accomplishments. Each is an important U.S. partner.

The President has also announced several new policy initiatives, including an important education program and a welcome push for the Senate to ratify the U.N. Convention to Combat Desertification, a treaty currently pending before this body. President Clinton has expressed his commitment to maintaining existing programs, including the Africa Crisis Response Initiative, a U.S.-led effort to help African militaries gain the capacity to participate in peacekeeping operations. I have supported this initiative here on the Senate floor.

As part of his itinerary, the President scheduled three highly significant roundtable meetings. The first, a meeting with young South African leaders outside Johannesburg, served to highlight the promise of the new generation in Africa—young people who were born well after the independence period, and who are anxious to seize new opportunities.

The second, a meeting with African environmentalists, helped give focus to some of the environmental challenges on the continent.

The third, a meeting with human rights and democracy activists at his last stop in Senegal, served to highlight America's commitment to human rights and democracy in Africa and the need to sustain that commitment.

Above all, this trip presented a perfect opportunity for the United States to make clear its stated policy of support for human rights and good governance in Africa. Before he departed, I wrote to the President and asked him to consider a few ways in which he might demonstrate his commitment to these principles.

Recognizing the unique challenges posed by the recent history of the troubled Great Lakes region, I asked that the President make clear the United States' unwavering support for democracy in the region. For example, I urged him to articulate clear criteria for the Democratic Republic of the Congo to gain U.S. assistance, including lifting existing bans on opposition political activity and ceasing harassment of lawful components of civil society. I also urged extreme caution in any attempt by the administration to seek security assistance for the Rwandan military, which has been responsible for widespread killing of civilians. Without strong statements by the administration against these practices, the U.S. risks sending the wrong signal about our priorities and our values.

I also told the President of my hope that this trip would help strengthen the President's resolve with respect to our Nigeria policy, particularly in light of the continuing deterioration of the human rights situation in Nigeria. I have long been concerned about the perceived lack of a policy in Nigeria. That is why I urged the President to take the strongest position possible in support of democracy in that country. I told him I appreciated the remarks delivered recently by Assistant Secretary Susan Rice before the Senate Subcommittee on Africa that made clear that the United States would not accept the election of a military candidate in Nigeria's upcoming elections. This was a very important statement, and one that I had hoped would mark the beginning of a more coherent, resolute Nigeria policy for the United States.

That hope was all but extinguished when I heard the President remark last Friday that Nigeria's current military ruler, General Sani Abacha, would be considered acceptable by the United States if he chose to run in the country's upcoming election as a civilian. Other administration officials later tried to clarify the President's remarks by noting that the U.S. objective is to support a viable transition to civilian rule. They also noted, correctly, that the so-called "transition" process currently underway in Nigeria appears structured expressly to keep Gen. Abacha in power. In effect, they acknowledged the contradiction between our Nigeria policy and the political realities there.

Virtually none of the institutions that would allow for a free and fair election—an independent electoral commission, an open registration process, or open procedures for the participation of independent political parties, for example—have been put into place. Repression continues unabated: political prisoners remain in prison, the press remains heavily constrained, and the fruits of Nigeria's abundant natural resources remain in the hands of Abacha's supporters.

Unfortunately, I fear the President's remarks may have done real damage already, by indicating to Gen. Abacha and his cronies that if Abacha were to take off his military uniform, throw on civilian clothes, and win an election, it would be OK with the United States. I fear the United States has explicitly agreed to accept a wolf in sheep's clothing!

Well, lest anyone get the wrong idea, let me say that I believe, and I hope most of my colleagues believe, an electoral victory for Abacha would hardly represent a transition to democracy. It would be totally unacceptable. I hope that President Clinton will clarify the policy of the United States with respect to Nigeria soon. It is high time the policy review that began nearly two years ago is completed, so we do not have this alarming confusion.

Nigeria must know that anything less than a transparent transition to civilian rule will be met with severe policy consequences.

Finally, I emphasized to the President that the United States should make support for Africa's organizations of civil society a higher priority. These groups do courageous work to promote human rights standards and to monitor their governments' compliance. Accordingly, U.S. officials must speak out publicly when these courageous people are abused by their governments. I have urged the President to take the opportunity to highlight the vital work being performed by a broad range of civil society organizations, including those facing government repression.

Mr. President, I was concerned last December when some news reports following Secretary of State Madeleine Albright's trip to Africa included statements by U.S. officials that it would be unfair to hold certain African governments to "Western" standards of personal and political freedom. Not only does this contradict stated U.S. policy, it is a condescending, unnecessary and dangerous concession to make to African governments that flout human rights.

A clear message on democracy and human rights is especially important as the U.S. works with African nations to strengthen their economies. Economic growth is crucial to any nation's success, but the U.S. must ensure that as it helps to foster economic development, it also fosters political and personal freedoms. Not only does the U.S. have a moral obligation to promote human rights, Africa's post-colonial history shows us that African nations with long-term democratic rule are also the nations with the best long-term economic performances. Freedom fosters prosperity.

The respect a government shows for human rights can tell us whether that regime will respect its neighbors, its trading partners, and the world community at large. A government that does not respect the rights of its people cannot be trusted to honor a trade agreement or a treaty, much less the rule of law in general. This is as true for Nigeria as it is for China.

The common thread running through our Africa policy must be the U.S. commitment to democracy and human rights. Without this commitment, true peace cannot take root and economic growth will ultimately falter. Now more than ever we must make clear our commitment to democracy and human rights, both to governments working toward these goals, and, more importantly, to those repressive regimes that are not.

Mr. President, I welcome the energy the Clinton administration has devoted to Africa and to U.S. policy there. I look forward to working with the President in the future to capitalize on the momentum that will certainly be created by this most historic trip.•

TRAGEDY IN CENTRE COUNTY

• Mr. SANTORUM. Mr. President, I rise today to pay my respects to several young people who recently lost their lives in a cabin fire.

Two weeks ago, 11 friends from Northumberland and Lancaster Counties planned a weekend retreat at the Wehry family cabin. The site of many memorable family gatherings, the newly remodeled cabin seemed to be the perfect setting to eat, play cards, and enjoy rural Centre County's outdoor recreation. On Sunday morning, March 22, the friends' fun-filled weekend came to a devastating end. The "mansion in the mountains" caught fire at 5:20 a.m. All of the 11 friends died in their sleep from smoke inhalation.

Each of these young people was special in his or her own right. A quiet girl, Toni Wehry wanted to be a teacher. Amanda Wehry was bright, outgoing, and popular. Tyrone Wehry, who was working for the House Republican caucus in Harrisburg, planned to pursue a career in politics. Warwick High School's former basketball star, Erik Gray was learning to be an electrician. Nicholas Berkey was lovingly described as a dependable young man who was saving money to buy a house. The versatile James Giliberti enjoyed martial arts, music, and finance; he had planned to invest in an IRA this year. Kip Snyder is remembered as a prankster who pitched for the Line Mountain High School baseball team. Chad Hain, who enjoyed hands-on technical work, had a promising career in carpentry. Quiet and sensitive, Jason Herrold was studying business administration at Susquehanna University. The Wiest brothers, Toby and David, owned a paint ball supply store. By all accounts, the vivacious Toby and the pensive David were best friends.

Friends and neighbors have rallied to console the victims' families. Well wishers tied blue and gold ribbons—Line Mountain High School's colors—to telephone poles, lampposts, and front doors. These poignant memorials hang beside Easter decorations. Students at Line Mountain High signed banners in the auditorium to bid their friends farewell. Signs expressing words of comfort and encouragement hang in the windows of local businesses. One reads, "Now they're in God's cabin."

Mr. President, words cannot describe a parent's grief upon the death of a child. I ask my colleagues to join me in extending the Senate's condolences to the victims' families. Our prayers and heartfelt sympathies go out to them.•

TRIBUTE TO DAVID MURRAY

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to David Murray, a well known and certainly well regarded patient advocate at the Veterans' Administration (VA) in White River Junction who is leaving the great state of Vermont to relocate to the state of Washington. Although I question why anyone would willingly opt to move from the most beautiful state in the union, I must concede that Washington state is probably a close second in terms of beauty and quality of life.

I certainly wish Dave well as he embarks on this exciting venture, though life at the Veterans' Administration hospital will never be quite the same without him. Each day he goes beyond the call of duty in his never-wavering advocacy for veterans. He provides veterans and their families with their crucial link to understanding and moving through the system. Dave is probably the most sought after person at the VA and I would venture a guess that he receives more "pages" in one hour than most VA doctors receive in an entire day.

Service is a word that Dave knows well. He served honorably in the Marine Corps during the Vietnam War, continued his federal service for the next 20 plus years culminating in his current job as Patient Advocate at the VA hospital in White River Junction. He is a member of the Disabled American Veterans, the Veterans of Foreign Wars and the American Legion and involved himself in his community as a boy scout leader. It is my understanding that Dave, when he's not working or wearing one of his many service hats, actually enjoys camping, canoeing and gardening.

Mr. President, I would like to publicly recognize Dave's outstanding contribution to his fellow veterans and wish him and his wife Diane the very best in their change of venue. I would ask them to remember that if they ever decide to come home to Vermont, we will leave the light on.•

GEORGE GUEDEL'S SERVICE AT THE NAVY'S ACOUSTIC RESEARCH DETACHMENT AT BAYVIEW, IDAHO

• Mr. KEMPTHORNE. Mr. President, I rise to say thank you to a patriot and a technical expert, George Guedel, who is retiring on May 1, 1998. George was born in Milwaukee, Wisconsin and was raised in the Seattle, WA area.

George attended the U.S. Naval Academy for two years until the responsibilities of marriage led him to leave the academy. George completed his bachelor's degree in physics at the University of Washington. In 1965, George began working for the Navy in the underwater acoustics field, and, except for a short stint as a government contractor, continued working in that field for the Navy in positions of increasing responsibility until his retirement.

George's assignments include: Head of the Carr Inlet Acoustic Range; Head of the Acoustic Analysis Branch at the Naval Undersea Warfare Station in Keyport, WA; Head of the Santa Cruz Island Acoustic Range Facility; and Head of the Submarine Noise Measurement & Analysis Branch of the Naval Surface Warfare Center in Bremerton, WA. Throughout his career, Mr. Guedel has been highly regarded for his expertise in underwater acoustics and machinery vibration, as well as for his skill in managing complex acoustic testing.

George's final and longest assignment was as Director of the Naval Surface Warfare Center's Acoustic Research Detachment (ARD) in Bayview, ID for over ten years. In this important position, George oversaw a major expansion in facilities and staff in support of critical testing for the *Seawolf* and New Attack Submarine programs.

His work at the ARD also included frequent presentations to top government officials and extensive involvement with the Idaho community. He has been recognized with an Employee-of-the-Year Award, several Special Act Awards and Special Achievement Awards, and numerous letters of recognition from high-ranking Navy officers. George Guedel is the author or co-author of numerous technical reports on ship and submarine noise characteristics.

George and his wife Ruth have 5 adult children, one two-year-old granddaughter, and a golden retriever. George has been an accomplished sailor since childhood, regularly competing in regattas. He is also an avid scuba diver and outdoorsman. After retirement, George plans to volunteer his skills to an organization devoted to preservation of the environment. George also hopes to spend more time on his hobbies and to win the sailing Nationals.

George Guedel has been a stalwart contributor to our Navy's stealth service and he has given outstanding assistance to me in my effort to showcase the impressive work performed at the Navy's premier submarine acoustic testing center in Bayview, Idaho. I want to wish George and Ruth good luck, fair winds and following seas in their next endeavors.•

50TH ANNIVERSARY OF THE CRAZY HORSE MEMORIAL

• Mr. JOHNSON. Mr. President, I express my strong support for the sense of the Senate resolution commemorating the efforts of the Ziolkowski family over the past fifty years in their endeavor to honor the great Oglala Sioux leader Tasunke Witko, or Crazy Horse, through creation of the Crazy Horse Memorial. The Crazy Horse Memorial is a nonprofit cultural, educational, and humanitarian project dedicated to Native Americans throughout North America. The 50th anniversary of the first blast at the memorial site will occur on June 3, 1998, in my home state of South Dakota.

Crazy Horse was one of this nation's greatest Native American warriors and spiritual leaders, who fought to defend the rights and lives of his people and all Native Americans throughout his short life. He is widely remembered for leading a force of Cheyenne and Oglala Sioux warriors to victory over George Armstrong Custer in the Battle of Little Big Horn. Crazy Horse was born on Rapid Creek in 1840, and was killed when he was only 37 years of age. During his life he was a great leader of his people. Native Americans agree he did not have an equal as a warrior or a chief. He gave submissive allegiance to no man, white or Indian, and claimed his inalienable rights as an Indian to wander at will over the hunting grounds of his people. He wanted only peace and a way of living for his people.

In 1940, several Sioux Indian chiefs invited the late sculptor Korczak Ziolkowski to create a memorial to their great leader, Crazy Horse, by carving a tribute to him in the Black Hills on what is popularly known as "Thunderhead Mountain." The Memorial was dedicated on June 3, 1948 with the first blast on the Thunderhead Mountain at which time Mr. Ziolkowski vowed that creation of the Memorial would be a nonprofit educational and cultural project, financed solely through private means, and wholly without government funding. Korczak Ziolkowski dedicated his life to creation of the Crazy Horse Memorial, up until his death on October 20, 1982.

Once complete, the Crazy Horse Memorial will be the largest sculpture in the world standing 563 feet high and 641 feet long. I am pleased that the Senate will recognize June 3, 1998, as the 50th anniversary of the first blast on Thunderhead Mountain, the first step towards completion of the Crazy Horse Memorial. I would like to congratulate the fifty years of efforts of Korczak Ziolkowski, his wife Ruth Ziolkowski, and their children in creating the Crazy Horse Memorial and notethat the creation of the Memorial from its inception on June 3, 1948 to the present day was accomplished through private donations and completely without federal funding.

One of many great and patriotic Indian heroes, Crazy Horse's tenacity of purpose, his modest life, his unfailing courage, and his tragic death set him apart and above the others. Completion of the Crazy Horse Memorial will serve as a lasting tribute to the great Oglala Sioux warrior and spiritual leader, Crazy Horse, and to all Native Americans.•

TRIBUTE TO RICK FRIES

• Mrs. FEINSTEIN. Mr. President, next week, the students, parents and faculty from Orange Grove Junior High in Hacienda Heights, California, will be visiting our nation's Capitol. This will be the twentieth consecutive year that students from Orange Grove have visited Washington, DC. This also marks the twentieth consecutive visit by Orange Grove's tour leader and history teacher, Rick Fries.

It was in the Spring of 1979 when Rick Fries first led a group of more than 25 students and adults to the East Coast, visiting Jamestown, Yorktown, Williamsburg, Charlottesville and finally Washington, DC. For each succeeding year thereafter, he would bring another group of Orange Grove students, sometimes to new historic places, but always to Washington. His students have seen where Revolution was born in Boston, where Independence was declared in Philadelphia, where the Union was preserved in Gettysburg, and where our laws are made right here in Washington.

From the very first tour in 1979, Mr. Fries' goal was simple: to make American History come to life for his students. The name of his tour says it all: Living History. It's fair to say he has succeeded. This year, Mr. Fries will be leading a group of 63 students and 20 adults to Washington. His tour is so popular among Orange Grove students, it is sold out well before the beginning of the school year.

The tour has remained popular after all these years because the enthusiasm Mr. Fries shows for history and for his students has never wavered. Those who have traveled with and learned from Mr. Fries all agree: He makes the history of our country an enjoyable experience for both students and parents because he enjoys it as well.

It's no secret to all who are associated with Orange Grove Junior High that Mr. Fries consistently has been one of the school's most popular teachers—popular with both students and parents. He is well-liked simply because he truly cares about his students. And he's considered a wonderful teacher of history because he truly cares about his country.

Mr. Fries is one of those remarkable teachers who has made a lasting impact on the lives of young people. In fact, one of his students who traveled with Mr. Fries on his first tour to Washington back in 1979 is now a Legislative Director for my friend and colleague from Ohio, Senator Mike DEWINE. This former student has said that his own interest in government, and his own love of history, was due largely to Rick Fries. I am sure there are quite a few more current and former students who were inspired by Mr. Fries, and not just in history and government. Mr. Fries also dedicates his time with young people as a football and basketball coach, and follows the example of the legendary UCLA Coach John Wooden, who developed in his athletes not just physical strength, but also strength of character.

It is fitting that the Orange Grove students will be visiting Capitol Hill on April 13—the birthday of the author of the Declaration of Independence and our third president, Thomas Jefferson. I understand Mr. Fries is a great admirer of President Jefferson, and it shows when he and his students visit Monticello—President Jefferson's home—and the Jefferson Memorial. I also understand that of all the tributes given to President Jefferson, Mr. Fries is particularly fond of the one given by President John F. Kennedy, when the following at a White House dinner honoring Nobel Prize winners: I think this is the most extraordinary collection of talent, of human knowledge, that has ever been gathered together at the White House, with the possible exception of when Thomas Jefferson dined alone."

Mr. President, I am sure I speak for the community of Hacienda Heights when I express my admiration and thanks to Rick Fries. He is truly an inspiration to his students and his fellow teachers for his tireless devotion to young people and to his profession. I wish Mr. Fries, and the students, parents and faculty from Orange Grove an enjoyable and memorable twentieth visit to our nation's capitol.●

TRIBUTE TO HOWARD COFFIN

● Mr. JEFFORDS. Mr. President, Vermont has a long-standing reputation of having the most valiant regiments to be dispatched to the Union Army during the Civil War. Vermonters not only fought bravely for the preservation of the Union and for an end to slavery, they made vital contributions to many important battles. The Union Army was at a great advantage when they were lucky enough to have Vermonters fighting by their side. Mr. President, I rise today to pay tribute to Howard Coffin, a Vermonter who has lead the fight for the preservation of this country's hallowed grounds. I am pleased and honored that Howard Coffin will receive the Vermont Civil War Council's "Full Duty" award for his dedication and accomplishments in preserving and understanding of our nation's most cherished and sacred lands.

Preserving our nation's battlefields is very important to me and a subject very close to Howard's heart. Several years ago I had the privilege to travel with Howard, who is well known as the most prominent Civil War tour guide in Vermont, from battlefield to battlefield. We relived Jackson's battles of the 1862 campaign and retraced the Union campaign of 1864. From that day on I have shared Howard's passion and interest in this country's sacred past. Fortunately for me and this country, Howard took the lead as a member of my staff to find out all we could about the battlefields and what was needed to safeguard this nation's Civil War heritage. It quickly became apparent that the Civil War battlefields were in need of protection. Howard was instrumental in drafting and helping pass important legislation which led to eventual passage of the Shenandoah Valley Battlefields Commission and the Civil War Sites Advisory Commission.

A leader in the effort to preserve Civil War battlefields, Howard has served on the boards of the Association for the Preservation of Civil War Sites and Protect Historic America and served as member of the Civil War Sites Advisory Commission. He has published several books on the Civil War, including "Full Duty" and his most recent, "Nine Months to Gettysburg," which tells the story of the Second Vermont Brigade. He also organized the first ever fundraiser for battlefield preservation in Vermont generating over $10,000 for the protection of the battlefield of the 3rd Winchester where Vermonters fought and died so valiantly.

Mr. President, the American Civil War is thought by many historians to be the fundamental event shaping the character of the United States. However, battlefield sites that are vital to understanding and appreciating our nation's history are in grave danger. This country is lucky to have Howard Coffin on its side, because he will not rest until every field, hill, dam, valley, and woods in this country that has been saturated with the blood of soldiers who fought so bravely are protected and recognized. I am grateful for the foresight and dedication of Howard Coffin and congratulate him on his acceptance of the "Full Duty" award.●

BELLA S. ABZUG

● Mr. MOYNIHAN. Mr. President, I was greatly saddened to learn of the death of Bella S. Abzug. While we began our association as political rivals, past quickly became past, and I came to respect and admire her as a friend and colleague.

She served three terms in the United States Congress with extraordinary distinction, establishing an unparalleled record of commitment to women's issues that would distinguish her career. With a rare combination of intellect, energy, and wit, Bella properly won a place on the national stage. And she did not stop there—in short order Bella Abzug became an international figure. As President of the Women's Environment and Development Organization, she added her voice to a wide range of international debates with a style that was all her own. Bella's stature was such that in 1995 she was selected to lead a delegation of United States nongovernmental organizations to the United Nations' Fourth World Conference on Women held in Beijing, China. She made us proud.

To know Bella Abzug was to know a woman of indefatigable passion for the fray. Regardless of the issue, whenever New Yorkers needed an outspoken advocate, Bella could be counted on to lead the charge. She will be missed.

I ask that her obituary from the New York Times of April 1, 1998 be printed in the RECORD.

The obituary follows:

[From the New York Times, Wed., Apr. 1, 1998]

Bella Abzug, 77, Congresswoman And a Founding Feminist, Is Dead

(By Laura Mansnerus)

Bella S. Abzug, New Yorker, feminist, antiwar activist, politician and lawyer, died yesterday at Columbia-Presbyterian Medical Center in Manhattan. She was 77.

She died of complications following heart surgery, said Harold Holzer, who was her spokesman when she served in Congress. She had been hospitalized for weeks, and had been in poor health for several years, he said.

Ms. Abzug represented the West Side of Manhattan for three Congressional terms in the 1970's. She brought with her a belligerent, exuberant politics that made her a national character. Often called just Bella, she was recognizable everywhere by her big hats and a voice that Norman Mailer said "could boil the fat off a taxicab driver's neck."

She opposed the Vietnam War, championed what was then called women's liberation and was one of the first to call for the impeachment of President Richard M. Nixon. Long after it ceased to be fashionable, she called her politics radical. During her last campaign, for Congress in 1986, she told The New York Times, "I am not a centrist."

Bella Abzug was a founding feminist, and an enduring one. In the movement's giddy, sloganeering early days, Ms. Abzug was, like Betty Friedan and Gloria Steinem, an icon, the hat bobbing before the cameras at marches and rallies.

After leaving the House in January 1977, she worked for women's rights for two more decades. She founded an international women's group that worked on environmental issues. And she was a leader of a conference of nongovernment organizations that paralleled the United Nations' fourth World Conference on Women in Beijing in 1995.

Even then, she continued to rankle. Former President George Bush, on a private visit to China that coincided with the Beijing conference, said to a meeting of food production executives: "I feel somewhat sorry for the Chinese, having Bella Abzug running around. Bella Abzug is one who has always represented the extremes of the women's movement."

When told of Mr. Bush's remark, Ms. Abzug, 75, and in a wheelchair, retorted: "He was addressing a fertilizer group? That's appropriate."

Her forceful personality and direct manner made her a lightning rod for criticism from those who opposed the idea of holding a women's conference. After Bob Dole, then the Senate majority leader, said he could not imagine why anyone "would want to attend a conference co-chaired by Bella Abzug," she responded that she was not running the meeting but simply participating with more than 30,000 other women over how best to achieve equal rights.

But much of what Ms. Abzug agitated for—abortion rights, day care, laws against employment discrimination—was by that time mainstream political fare.

In Congress, "she was first on almost everything, on everything that ever mattered," said Esther Newberg, Ms. Abzug's first administrative assistant and one of many staff members who quit but remained devoted. "She was first to call for Richard Nixon's impeachment, first to call for an end to the war."

Ms. Abzug made enemies easily—"Sometimes the hat and the mouth took over," Ms. Newberg said—but Ms. Abzug saw that as a consequence of a refusal to compromise, as well as a matter of sport. Of her time in the House, Ms. Abzug wrote in a journal that was published in 1972 as "Bella." "I spend all day figuring out how to beat the machine and knock the crap out of the political power structure."

She worked relentlessly at organizing and coalition-building. A founder of Women Strike for Peace and the National Women's Political Caucus, she spent a lifetime prodding for change, with a lawyer's enthusiasm for political channels, through organizations from the P.T.A. to the United Nations.

She made friends easily, too. "She's fierce and intense and funny," said her longtime friend Gloria Steinem. "She takes everyone seriously. When she argues with you fiercely, it's because she takes you seriously. And she's willing to change her mind. That's so rare."

HER FIRST SPEECH IN A SUBWAY STATION

Bella Savitzky Abzug was born on July 24, 1920 in the Bronx, the second daughter of Jewish immigrants from Russia. Her father, Emanuel Savitzky, whom Ms. Abzug later described as "this humanist butcher," ran (and named) the Live and Let Live Meat Market on Ninth Avenue in Manhattan.

She said she knew from the age of 11 that she wanted to be a lawyer, and not longer afterward gave her first public speech, in a subway station, while collection for a Zionist youth organization. She went from Hunter College, where she was student body president, to Columbia University Law School, where she was an editor of The Law Review, to a practice representing union workers.

Ms. Abzug traced the wearing of her trademark wide-brimmed hats to those days. She once recalled: "When I was a young lawyer, I would go to people's offices and they would always say: 'Sit here. We'll wait for the lawyer.' Working women wore hats. It was the only way they would take you seriously.

"After a while, I started liking them. When I got to Congress, they made a big thing of it. So I was watching. Did they want me to wear it or not? They didn't want me to wear it, so I did."

All the while, she was a leftist and an agitator. Years later, in a moment of exasperation with her Congressional aids, she wrote: "I just don't understand young people today, quite frankly. Our struggle was political, ideological and economic, and we felt we couldn't make something of ourselves unless we bettered society. We saw the two together."

In the 1950's, Ms. Abzug's law practice turned to other cases identified with the left. One client was Willie McGee, a black Mississippian convicted of raping a white woman and sentenced to death. Ms. Abzug, who was pregnant at the time, argued the case in Mississippi while white supremacist groups threatened her. Though the Supreme Court stayed the execution twice, Mr. McGee was eventually executed.

She also represented people accused of Communist activities by Senator Joseph McCarthy's Congressional committee and its counterpart in Albany.

In the 1960's, Ms. Abzug became an antiwar activist. A founder of Women Strike for Peace, she was its chief lobbyist, opposing nuclear testing and, later, the Vietnam War. She organized insurgent Democrats into other groups, too, becoming a leader of the movement against President Lydon B. Johnson and prominent in the 1968 Presidential campaign of Senator Eugene McCarthy.

During those years, Ms. Abzug started navigating New York City politics. She and her husband, Martin Abzug, moved from Mount Vernon, the Westchester suburb where they had raised their two daughters, to a town house at 37 Bank Street in Greenwich Village. In 1970, Ms. Abzug ran for Congress.

The 19th Congressional District, which snaked from lower Manhattan to the West 80's, had four registered Democrats to every Republican and had been represented in Congress for seven terms by Leonard Farbstein, a solid but rather somnolent liberal. Ms. Abzug won the Democratic primary with 54 percent of the vote.

CAMPAIGN BECAME A WOMEN'S CRUSADE

At this point, Bella Abzug became national news, a flash of local color in a political year. She seemed to be everywhere, clapping backs and jabbing biceps. Her campaign headquarters next to the Lion's Head, a writers' and journalists' bar in Greenwich Village, was also a daycare center for her legions of female volunteers. The women's crusade she led brought considerable, if sometimes derisive, attention.

Though she eventually took 55 percent of the vote, she had genuine Republican opposition, unusual in an era when New Yorks' main political action consisted of various Democratic factions knifing one another. The Republican-Liberal candidate way Barry Farber, a well-known radio talk show host. Mr. Farber drew many Democrats who resented Mr. Farbstein's humiliation or were simply put off by Ms. Abzug's style.

To her chagrin, Mr. Farber accused Ms. Abzug, who advocated direct negotiations between Israelis and Arabs, of flagging in her support of Israel. For years after that, she made a point of stating her Jewish credentials, dating to childhood: her family was religious and she went regularly to synagogue (though she was bother that women were relegated to the back rows of the balcony), studied Hebrew and was enrolled for a time at the Jewish Theological Seminary.

SETTING HER SIGHTS ON THE PENTAGON

When Ms. Abzug went to Washington, she set her sights on a appointment to the House Armed Services Committee. She wanted a resolution calling for an immediate withdrawal from Vietnam and she vowed to take on the military-industrial complex. She wanted an end to the draft. She wanted national health insurance, legislation to finance day-care centers and housing, and more money for New York City, all to be paid for with billions siphoned from the Pentagon's budget.

She got little of this, but during the next six years "she was indefatigable,' Ms. Newberg recalled.

"She yelled a lot," Ms. Newberg said, "only because she couldn't get everything done." And if she couldn't, she added, ti was partly because "her agenda was too pure for her moment in time."

Ms. Abzug became expert at parliamentary rules, worked them skillfully and was famously well prepared for every vote, hearing and committee spat. The "sunshine law" requiring governing bodies to meet publicly came out of a subcommittee she headed. She coaxed funds for New York from the Public Works Committee. She was a sponsor of the women's equal rights amendment.

"She was one of the most exciting, enlightened legislators that ever served in the Congress," said Representative Charles B. Rangel of Manhattan, with whom Ms. Abzug sometimes collaborated and sometimes sparred.

From her first day on Capitol Hill, to the day she dismayed her colleagues by introducing her Vietnam resolution, Ms. Abzug derided the Congressional club, the seniority system, the log-rolling and back-scratch. She did not spare fellow Democrats; when she spoke of liberals, it was usually dismissively. She badgered the House leadership over committee appointments and votes.

She badgered the President, too. Invited to a reception at Richard Nixon's White House, she accepted (while writing in her journal, "Who wants to listen to his pious idiocies?"), then told Nixon in the receiving line that her constituents demanded a withdrawal from Vietnam.

For all of her railing against Democrats who went along to get along, Speaker Thomas P. O'Neill named her one of his dozen assistant whips, and by most accounts she worked well with some of the crustiest fixtures in the House.

Still, in 1972 Ralph Nader estimated that Ms. Abzug's sponsorship of a measure often cost it 20 to 30 votes. Her reputation as an irritant came from all quarters. Jimmy Breslin wrote of a campaign worker who went to the Lion's Head one night, holding his side and vowing never to work for Ms. Abzug again. "She punched me," he said, in a quarrel over scheduling. The next day, Mr. Breslin wrote, Ms. Abzug called the aid. "Michael, I called to apologize," she said. "How's your kidney?"

Mr. Breslin also recounted the Congresswoman's introduction to Sol Linowitz, the former chairman of the Xerox Corporation and a Democratic Party luminary: "Are you the man that used to be the head of the Xerox?" Ms. Abzug asked. "That's right," Mr. Linowitz replied. "I'm glad to meet a big shot," Ms. Abzug said. "I'm in hock $35,000 on my campaign."

Ms. Abzug acknowledged loneliness in her years in Congress. "Outside of Martin and the kids, I don't feel very related to most people at this point," she wrote in 1971. "I feel detached in social situations. I'm always thinking about other things, about Congress, about the issues, about the political coalition I'm trying to organize. It never leaves me. I even have trouble relating to some of my closest friends, though God knows I still love them, even if they don't know it."

Always, she returned to Manhattan to spend weekends with her husband.

She had married Martin Abzug in 1944. The two New Yorkers met on a bus in Miami, on the way to a Yehudi Menuhin concern. Mr. Abzug, a stockbroker and an author of two published novels, had next to no interest in politics. In an interview in 1970, he murmured, while his wife was out of the room, "The political bug is a curious bug." But he was also, she said, her best friend and supporter, and "one of the few unneurotic people left in society."

CORROSIVE AMBITION HAMPERS A CAREER

Ms. Abzug's own ambition was too corrosive for many people, even—or, perhaps, especially—for her fellow New York Democrats. When the State Legislature sliced up her district in 1972, they urged her to challenge one of the two conservative incumbent Democrats in adjoining districts, Representative John J. Rooney or Representative John M. Murphy. Instead, she opposed a liberal Democrat, William Fitts Ryan, in the 20th District, encompassing the Upper West Side and the Riverdale section of the Bronx.

The primary was bitter and, eventually, politically expensive to Ms. Abzug. Bill Ryan was one of the earliest heroes of the city's insurgent Democrats, an early opponent of the Vietnam War and a genuinely well-liked man who, as many of his constituents knew, was waging a gallant fight against cancer.

Mr. Ryan defeated Ms. Abzug in the Democratic primary but died before the general election. The Democratic County Committee appointed Ms. Abzug as the candidate to replace him, but she was challenged by Mr. Ryan's widow, Priscilla, who ran on the Liberal line. Ms. Abzug won in November, but she had made dedicated enemies who believed she was an overly aggressive politician who would not hesitate to attack anyone who got in her way. Ten years later, she was denied a seat in the state's delegation to the national party's biannual conference because New York leaders considered her disruptive.

In 1976, she gave up her House seat to run for the Senate. She lost in the primary, to Daniel Patrick Moynihan, by a margin of only 1 percent. Two more campaigns quickly followed. (In a 1978 interview, she said: "I'm a politician. I run for office, That's my profession.") She lost to Edward I. Koch in a crowded mayoral primary in 1977. The next year, running for the House again, she lost, again by 1 percent, to a little-known Republican, S. William Green.

She was appointed co-chairwoman of President Jimmy Carter's National Advisory Committee on Women, and then after disagreeing with him over economic policy, was dismissed. The majority of the committee members resigned in protest. Ms. Abzug, unapologetic, said with a shrug, "I've got to find myself another big, nonpaying job."

Her next and last campaign was in 1986, this time for a House seat in Westchester County. She won the primary in a burst of the old, ebullient campaigning style, but lost in November to Joseph J. DioGuardi, the Republican incumbent.

It was during that campaign that Martin Abzug died. Her friends said Ms. Abzug never recovered. Nine years later, she said in an interview, "I haven't been entirely the same since."

There was one more bid for office for her old house seat on the Upper West Side, when she announced her candidacy to replace Representative Ted Weiss on his death just before the 1992 election. But she was quickly eliminated from the field at the party convention.

During the next decade, Ms. Abzug suffered from ill health, including breast cancer, but continued to practice law and work for women's groups. She wrote a book, "Gender Gap," with her old friend Mim Kelber. She started a lobbying group called Women U.S.A. and founded the Women's Environment and Development Organization, a nonprofit group that works with international agencies.

In addition to her daughters, Eve and Liz, Ms. Abzug is survived by her sister, Helene Alexander of Great Neck, N.Y.

"I've been described as a tough and noisy woman, a prizefighter, a man hater, you name it." Ms. Abzug said of herself in "Bella." "they call me Battling Bella, Mother Courage and a Jewish mother with more complaints than Portnoy."

"There are those who say I'm impatient, impetuous, uppity, rude, profane, brash and overbearing. Whether I'm any of these things or all of them, you can decide for yourself. But whatever I am—and this ought to be made very clear at the outset—I am a very serious woman."•

RETIREMENT OF NORTHAMPTON CITY TREASURER, MS. SHIRLEY LAROSE

• Mr. COVERDELL. Mr. President, I rise today, to pay tribute to Ms. Shirley LaRose, a dedicated public servant who has devoted more than forty-three years of her life to the residents of Northampton, Massachusetts. The city treasurer's office, which has been brightened by her infectious smile and delightful manner, will soon bid farewell to this outstanding woman. She is trading in her balance sheets to enjoy the splendors of a well-deserved retirement.

It is my understanding that Ms. LaRose began her career in the office of the Northampton city treasurer in 1954 as a clerk. In the years to follow, she was promoted from junior to senior clerk, and then became assistant treasurer. She became treasurer of Northampton in 1972 and has run unopposed for the position in every single election since the primary in 1973. Not only is this stellar record a reflection of her competent handling of the city's financial needs, but also of the respect she earned from the people of Northampton.

During her years of overseeing the receipt and distribution of city funds as well as the salaries, life insurance, and retirement policies of its employees, I have been told that Ms. LaRose touched the lives of countless people. She served her community with deep integrity, and her contributions to its prosperity are remarkable. I stand today to thank Shirley for her years of service to Northampton and to wish her well in her retirement. Her loyalty and accomplishments will not soon be forgotten by the grateful citizens of Northampton.•

NOMINATION OF JAMES HORMEL

• Mr. KERRY. Mr. President, I wish to speak today regarding the nomination of James Hormel of California to be the U.S. Ambassador to Luxembourg.

Last fall, after President Clinton nominated Jim Hormel to serve as our nation's next Ambassador to Luxembourg, the Foreign Relations Committee, on November 4, reported the nomination favorably by a vote of 16 to 2 and sent the nomination to the full Senate for consideration. During the course of this business meeting, no member of the Committee spoke in opposition to the nomination.

The problem is that the Senate has not been able to consider this nomination because some of our colleagues have put "holds" on it. Before adjourning last year, the Senate confirmed some 50 nominees, whose nominations had been approved by the Foreign Relations Committee. The only nomination that languished was that of Jim Hormel and the reason for this is very obvious. Some of my colleagues oppose this nomination because Jim Hormel is openly gay. That means, in their view, that he is not fit to represent his country overseas in Luxembourg.

It doesn't matter that government officials in Luxembourg have been eager to support this nominee. It doesn't matter, apparently, that in his correspondence with our colleague Senator SMITH from Oregon, Jim Hormel went on the record—in unprecedented fashion—in saying that he would not use his position as Ambassador to push any personal agenda, that his partner would not travel with him to Luxembourg, and his public positions would be those of the United States government only. All that matters, I suspect, for some members of this Senate, is that Jim Hormel is gay, that the most private and intimate elements of his lifestyle disqualify him from public service.

Mr. President, the issue is not and should not be Mr. Hormel's sexual orientation. The only relevant question here is whether he is qualified to undertake the position for which he has been nominated. The answer to that is "yes".

He has impressive academic credentials, having received his undergraduate degree from Swarthmore College and his J.D. from the University of Chicago. He has served as Assistant Dean and Dean of students at the University of Chicago. He currently sits on the board of managers of Swarthmore.

Jim Hormel is a loving father and grandfather, a businessman who ran a successful company for years, and a philanthropist who has supported, in his words but most importantly in his deeds, some of the most important causes facing this country. Outside the beltway, there's a chorus of very public support for this nominee. Those who care about autism, breast cancer research, AIDS research, religious diversity and human rights—they've all rallied together behind this nominee. The Episcopalian Archdiocese of California has called Jim Hormel "an exemplary representative of the United States of America." Leaders from the business world, from the universities, and from diplomatic circles, including, I might add, former Secretary of State George Schultz, have stated publicly that James Hormel's public character and intellect make him an exceptionally strong nominee.

This is not the first time that Jim Hormel has been asked to serve his country. In 1995 he was a member of the U.S. delegation to the 51st U.N. Human Rights Commission in Geneva. Last year he was nominated to serve an alternative representative of the U.S. delegation to the 51st U.N. General Assembly—a position subject to confirmation by the Senate. I want to remind my colleagues that no objection was raised to his nomination for this position, and the Senate confirmed him unanimously on May 23, 1997. In the final analysis, we've all got to make our private decisions about what we find acceptable, about which personal values we embrace. However, this Senator does not believe that private considerations should be used to deny an individual the right to hold a job for which he is qualified or to deny the full Senate its right to exercise its constitutional responsibility to act on a nomination. Those Senators standing in the way of this nomination should remove their "holds" and let the Senate work its will.•

PRAYER WARRIORS

• Mr. BROWNBACK. Mr. President, I was moved to find that more than 800 members of the DC. community gathered together yesterday to pray for the District's public schools. The Rhema Christian Center Church invited people of all faiths to join them and pray for 25 school improvements which ranged from increased parental involvement to better safety.

They call themselves prayer warriors. They were each assigned to one of the District's 146 schools for the "Jesus Goes to School Day of Prayer." As the children of DC. walked into school—outside the prayer warriors prayed.

Many of these children walk through dangerous neighborhoods—where drug deals and violence are common—on their way to school every day. These children begin their school day with negative images. Yesterday, however, was different. Yesterday, the children of DC. began their school day with a strong, positive message of prayer and support from their community.

The prayer warriors said "We have tried everything else as a nation to save public education. Now, let's try prayer." Mr. President, we should recognize and affirm the example these prayer warriors have set in the nation's Capitol.•

SHEBOYGAN SELECTED TO LAUNCH CAMPAIGN AGAINST YOUTH INACTIVITY

• Mr. KOHL. Mr. President, I rise today to honor the City of Sheboygan, Wisconsin for being selected by the National Sporting Goods Association to launch the Wannabe Cool, Gottabe Active Campaign. The campaign, which targets students in grades 3–8, is designed to inspire confidence in one's abilities and to spur a lifetime dedication to physical and mental wellness. We must recognize the importance of programs like this which give children options that empower them to lead healthy lives.

Mr. President, this is especially important when we consider that we are witnessing a decrease in activity among our nation's youth. Today, only 22 percent of our children are physically active for the recommended 30 minutes each day. Physical education classes are on the decline with three out of four students in America not attending daily physical education classes and one out of four not attending any physical education classes in their schools—this represents a drop of almost 20 percent in just four years. These are frightening statistics and we need to reverse this trend.

The Wannabe Cool, Gottabe Active Campaign is a good start. There are several things I like about the program. First, the campaign targets the right age group, because we know that a commitment to physical activity is formed between the ages of eight and twelve. I am also impressed that the campaign involves a cooperative effort: parents, students, teachers, and community leaders all working together. Finally, the Wanna be Cool, Gotta be Active Campaign is designed to encourage all youth, not just those who are athletically inclined to participate and develop long-term enjoyment of physical activity. This is a serious issue which demands our attention.

Mr. President, I would like to once again extend my congratulations to the wonderful city of Sheboygan, Wisconsin for being selected to kick off the campaign. I'm sure that everyone involved will benefit from this very worthwhile venture.•

SATELLITE REFORM

• Mr. BURNS. Mr. President, during the final days of the first session of the 105th Congress, I announced that I would engage in an effort to eliminate outdated regulations and foster competition in the global satellite market. Since that time, I have held several meetings with representatives from the industry. In addition, my staff has conducted a series of open briefings with the various parties currently competing in the market, as well as representatives from the White House, the State Department and the International Bureau of the Federal Communications Commission. These meetings have recently concluded, and I now plan to move forward legislatively on this critical issue.

The international satellite market is poised for phenomenal growth as it looks to the 21st century. A mere 10 years ago there was only one service in place: Intelsat. Today a breathtaking array of services are either already in existence or planned to be launched in the near future. With this rapid transformation, it becomes clear that one day people everywhere from Bozeman, Montana, to Beijing, China, will send and receive telephone, video and data transmissions via satellite. The future of satellite communications is a future where opportunities are no longer limited by geography.

Unfortunately, while the industry hopes to reach a new orbit, U.S. policy in this area is still being left on the launching pad. Not since Ronald Reagan deregulated the satellite market in 1984 have we taken steps to bring our policy more in line with the competitive pressures of today. As a result, many consumers both here and abroad have not been able to benefit from the increase in services or the lowering of prices that have resulted from President Reagan's vision.

This is why I am going to use the upcoming recess to begin putting together a bill that will move U.S. satellite policy from the Stone Age to the Space Age. I intend to incorporate the views of all interested parties and I urge my colleagues to come to me with their ideas. I expect to have a bill completed and ready for introduction when we return later this month. I will hold a hearing in the Communications Subcommittee on the bill shortly after the Senate returns from the Easter recess. While I had originally planned to hold the hearing on April 22, I am moving the hearing date to April 29 to ensure that members have adequate time to give their insights and suggestions on this most important issue.

As I indicated when I first took on this issue, there will be several principles that will help guide me along the way. Competition, deregulation, privatization and competitive neutrality are all principles that have helped drive past industries toward success. While the global satellite industry is somewhat different because we are dealing with sovereign nations around the world, there is no reason that the United States cannot take a strong position and lead by example. It was our leadership under the 1962 Satellite Act that gave this industry its beginning and it can be our leadership today that brings the industry firmly into the 21st century. In fact, Mr. President, we recently witnessed such U.S. leadership. Last week, the Intelsat assembly of parties approved the creation of a spinoff company. This effort was achieved through the hard work of the U.S. delegation and the 141 member nations of Intelsat. I believe this is a positive first step on the path to bringing boundless opportunities to folks all over the globe.

I hope that all of my colleagues will join me in crafting legislation with the ultimate goal of encouraging competition in this industry. The rapid changes in technology and consumer behavior dictate that we act expeditiously. Market forces simply will not wait. I intend to work closely with my colleagues on the Commerce Committee to make sure that consumer interests are protected as we move forward on this vital issue.●

REMEMBERING THE 1997 WATERTOWN FLOOD

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the one year anniversary of one of the worst natural disasters to hit Watertown, South Dakota, and the amazing fact that, only one year later, Watertown continues to grow and prosper.

Referred to by South Dakotans simply as "the flood," the events surrounding April 5 and 6, 1997, had the potential to cripple one of the state's fastest growing cities. Instead, battling rising waters and a late season snowstorm, the residents of Watertown, South Dakota, overcame adversity and forged a true community, defined by selfless acts of caring, cooperation, and good will.

Few South Dakotans will forget the winter and spring preceding the April floods. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of Watertown could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood.

Watertown residents could sense the impending flood. The first snow of the season fell in October, and six consecutive months of record-breaking snowfall covered ground that was already saturated from years of unusually wet winters. As the first warm days of spring slowly melted layers of the snowpack, Watertown residents began planning for flooding. Sandbags and earthen berms ringed Lake Kampeska and the Big Sioux River. However, despite careful planning, on April 5, an unexpected blizzard hit the state, devastating the area. Everything froze, creating further concerns about what was going to happen once the water began flowing again.

The unusual weather mix caused water levels to surge in a few hours. RECORD levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, or one-fourth the city's population, to evacuate their homes. Over one-third of the city was without sewer and water for three weeks. The headline of the Watertown Public Opinion on April 6 read "Watertown in Peril," and I will never forget the image of homeowners and neighbors, shrouded in a late-season snow storm, sandbagging against the rising waters of the Big Sioux River and Lake Kampeska.

A number of individuals and organizations in Watertown are responsible for the amazing fact that, despite causing millions of dollars of damage to property, the 1997 flood failed to claim any lives. The work of Mayor Brenda Barger and other community leaders held Watertown together with their strength and direction. The city's ad-hoc crisis center brought together local and county officials, volunteer agencies including the Red Cross, Salvation Army, Lutheran Social Services, and others, to brainstorm and compile "resource lists" of expected needs including equipment, people, and funds.

Local volunteers, students, prisoners, and National Guard personnel were recruited to first fight the rising waters with sandbags and then help clean-up as the waters receded. In the following days, over 750 port-a-potties were deployed on the lawns of those families who could return to their homes. Water trucks were brought in to provide people with a fresh water supply, and repairs to the damaged water treatment plant were completed ahead of schedule.

While those of us from South Dakota will never forget the destruction wrought by "the flood," I was heartened to witness first-hand and hear accounts of individuals coming together in Watertown to protect homes, farms, and lives from rising flood waters.

Mr. President, April 6 marks the one year anniversary of this terrible natural disaster in Watertown. However, residents of Watertown should look back on April 6, 1997, and be proud of the way they and their neighbors came together and worked side by side to see their community survive. It is this community spirit and pride that will continue to make Watertown "South Dakota's Rising Star."●

TRIBUTE TO THE VERMONT STATE HOUSING AUTHORITY FOR 20 YEARS OF SERVICE

● Mr. JEFFORDS. Mr. President, I rise today to congratulate the Vermont State Housing Authority on its 20th Anniversary of providing Vermonters with access to affordable housing.

On March 23, 1968, the Vermont State Housing Authority (VSHA), the nation's first statewide housing authority, was established to ensure that Vermonters have access to affordable housing. Over many years of initiative, dedication, and innovation, the VSHA has aggressively and compassionately pursued opportunities to make housing more accessible and affordable for Vermont's neediest families. I celebrate and extend my congratulations to VSHA.

As a Senator, my highest priorities focus on the essentials for each citizen—economic security, quality education, health care, and meaningful work. We all know that a home is a critical foundation for a successful journey through life. Every year VSHA helps Vermonters build this foundation by providing housing services that reach more than 5,300 families. From mobile home park residents to senior citizens, VSHA serves a wide range of clients.

Over the years, VSHA has emphasized neighborhood reinvestment initiatives that provide essential supports needed to shape healthy, safe communities so its residents can thrive. The professionalism, reliability, and accomplishments of the staff at VSHA are unsurpassed. Aware of the needs and hopes of Vermonters, the VSHA staff work tirelessly to preserve and create hopeful environments for Vermonters.

Mr. President, I commend the Vermont State Housing Authority for its outstanding contribution and dedication to improving the quality of life for Vermonters. I am both proud and honored to represent such an accomplished group of individuals here in Washington as they are a national model for how to provide affordable, quality housing opportunities for those in need.

I express my sincerest thanks for VSHA's 20 years of commitment to Vermont and her people. Their continued leadership and drive will continue to ensure that every Vermonter has a place to call home.•

VIETNAM VETERANS OF AMERICA CHAPTER 1: TWENTY YEARS OF SERVICE TO THE NATION

• Mr. LEAHY. Mr. President, I rise today to commend the Vietnam Veterans of America for 20 years of service to veterans and their communities. In particular, I want to recognize the first chapter of the VVA, which was founded in Rutland, Vermont.

If we remember back to the late 1970s, our nation was dealing with the aftermath of a war in which more than 58,000 Americans lost their lives and 2.8 million veterans had served. Many of those veterans were struggling with physical, emotional, and social problems directly related to their service in Vietnam.

Those problems were worsened by the attitude of many Americans who could not separate their opposition to the war from their treatment of our soldiers who had fought it. It was in that spirit that a group of Vietnam veterans from Vermont approached a resourceful young veteran named Bobby Muller. I am proud to say that Bobby Muller has become a close friend of mine and in fact was in Vermont with me just last week. The Vermonters, led by Donny Beaudette and Jake Jacobsen, founded the first chapter of what is now the Vietnam Veterans of America. I remember it well. They were soon joined by other Vermonters like Clark Howland, Mike Dodge, John Bergeron, and others. Together, Chapter One made it their mission to be there for Vermont Vietnam veterans and indeed all veterans.

In the twenty years since then, Chapter One has accomplished that mission, and in the process they have improved the whole Rutland community. They have not only offered assistance to fellow veterans, they have saved the lives of countless troubled veterans who had no where else to turn. Chapter One is responsible for the Dodge Development Center, a veterans center and shelter for homeless veterans which I have been proud to support. Members participate in the annual Rutland Loyalty Day Parade, Memorial Day and Veterans Day and annual POW/MIA Day ceremonies. Chapter One has also initiated an "Honor the Vet Program" with area businesses. Under this program, local businesses agree to provide a discount to any veteran with a veteran organization membership card.

In short, Mr. President, VVA Chapter One honors Vermont, just as its veterans honored us with their service in Vietnam. There are now four chapters carrying on the VVA tradition in Vermont. Besides Chapter One in Rutland, there is now chapter Chapter 601 in Bennington, Chapter 723 in Chester and Chapter 753 in St. Albans.

I thank them for all they have done and I wish them the best on this landmark occasion.•

ASSESSMENT OF CUBAN THREAT TO UNITED STATES NATIONAL SECURITY

• Mr. GRAHAM. Mr. President, the 1998 Defense Authorization Bill contains a provision, which I introduced as an amendment, that requires the Secretary of Defense to conduct an assessment of the Cuban threat to United States national security. The bill requires the Secretary to report to Congress on this assessment by March 31, 1998. The report has been delayed, and it now appears that the report will be released after Congress begins the Easter recess.

While the final report has not been released and no member of Congress has yet been briefed on its content, a draft report was leaked to the press and several articles have appeared over the past few days. I am concerned that this information was leaked to the press before the report was provided to Congress.

Members of Congress are now in the position of having to respond to these press reports without the benefit of knowing the actual contents of the report. Since Congress will not be in session for over two weeks and our ability to respond to the report will be limited, I would like to take this opportunity to provide some context for the report and for the reason that I requested it.

Cuba, under Fidel Castro's dictatorial regime, has a well documented history of threatening the national security of the United States. From the Cuban Missile Crisis, to the Mariel Boatlift, to the Brothers to the Rescue shootdown, the pattern of provocation and threat to the well being of Americans is clear. Unfortunately what is also clear is a pattern of unpreparedness on the part of the United States to respond to Cuban provocations. In fact, NBC News reported that President Clinton was constrained in responding to the Brothers to the Rescue shootdown because of a fear of Cuban counterattacks.

It was my intention that this report would force the Defense Department to assess Cuban capabilities to threaten the United States and, since Castro has a long record of using his capability against the United States, prepare contingency plans to respond to any threat from Cuba. We should not be caught off guard, unable to respond again.

Press reports that the Department of Defense assessment finds no national security threat from Cuba are very troubling. Just two years ago, Cuban Air Force MiGs shot down two unarmed civilian aircraft over international waters, killing three United States citizens. Although U.S. forces monitored the entire event, no U.S. forces were able to respond. Our advanced fighter aircraft never got off the ground.

Equally as troubling as this type of conventional threat are the non-traditional threats posed by Cuba. Biological and chemical weapons, intelligence collection activities, immigration crises, drug trafficking, and dangerous nuclear and information warfare programs all pose national security threats to the United States.

At the same time, U.S. capability to deal with these threats continues to erode. A series of base closure decisions have reduced capability in the areas that provide the most direct capacity to respond to Cuban provocations. With the realignment of Homestead Air Force Base and Key West Naval Air Station, we are in a worse posture than in 1996 when the shootdown occurred.

Mr. President, let me mention a few of the known Cuban capabilities that cannot be overlooked. First, a significant conventional military capability exists that can harm United States interests, as demonstrated by the 1996 shootdown. In addition, Jane's Defense Weekly reported last summer that Castro is training elite special force units in Vietnam which are prepared to attack U.S. military targets during a final confrontation. NBC News reported in 1995 that Cuba has operated a special military training school since the mid-1980's named the Baragua School in Los Palacios, Pinar del Rio, in a region known as El Cacho. It reportedly trains some 2,500 men and specializes in commando attacks and infiltration of other countries.

Castro's capability to produce weapons of mass destruction is even more worrisome, particularly his ability to produce biological weapons. There is no question that the capability exists. Cuba has a developed pharmaceutical industry and a network of biological "institutes" which could be used for more than simply scientific research. Many of Cuba's engineers and scientists have been trained in former-communist countries such as East Germany and Russia and have ample training to cultivate biological weapons. Biological weapons are the easiest to conceal and acquire because of the dual-use nature of the technology.

Another major threat to U.S. national security is the intelligence collection facilities in Cuba that can intercept all electronic transmissions, emanating from the east coast of the United States. The 28 acre Russian intelligence facility at Lourdes has two electronic satellite dishes aimed at the United States which can intercept phone calls, faxes, and computer data from the entire Eastern seaboard. Russia and Cuba renegotiated a $200 million annual lease for the site in 1995. According to U.S. intelligence analysts, one dish listens in on general U.S. communications, the other is used for targeted eavesdropping. The facility employs 800 Russian technicians and linguists. An example of the danger this facility poses to U.S. national security is the fact that during the Gulf War, the station's specialists intercepted the details of the U.S. military battle plans and were prepared to disclose these plans to Iraq and other U.S. enemies.

The Russians have spent nearly $3 billion on Lourdes and sources say that the Russians are upgrading its reach. In addition, the operation at Lourdes is extremely sophisticated. According to U.S. intelligence sources, the Russians program the computers at Lourdes to listen for specific phone numbers. When they detect those lines are in use, the computers automatically record the conversations or transmissions. For priority targets, an alarm signals a Russian linguist who will actually listen in.

The Castro regime has also used mass migration as a policy tool. There have been two major refugee crises which have posed a security threat to the U.S. In 1980, 125,000 Cubans came to the U.S. in the "Mariel Boatlift." In 1994, another 32,000 Cubans left Cuba by boat and were picked up at sea by the U.S. Coast Guard. In the Mariel crisis, the Cuban government encouraged criminals and mental patients to leave, causing additional security problems for the United States.

The problem of dealing with a large influx of refugees, whether criminal or not, gives Castro a weapon he can use to threaten the United States. Mass immigration represents a form of leverage Castro can use to extract concessions from the U.S. on a number of issues.

Cuba also has a dormant nuclear capability that can threaten the United States. Sergei Shoigu, Minister of Emergency Situations in Russia, has recently confirmed that Russia and Cuba will forge ahead to finish constructing the Juragua nuclear plant on Cuba's south coast. The Juragua facility is known to be unsafe in both construction and design. A nuclear accident at Juragua would send a radioactive cloud over the lower tier of the U.S. to Texas or up to the East Coast to Washington, DC. within the first four days, depending on the season and prevailing winds. According to a National Oceanographic and Atmosphere Administration study, an estimated 50–80 million Americans from Florida to Texas could be exposed to dangerous levels of radioactivity.

The U.S. State Department lists Cuba as a state sponsor of terrorism. Cuba also regularly conducts political, social, and economic interactions with countries listed on the State Department's List of Terrorist Nations, including Libya, Iran, and Iraq, giving it access to these countries' illegal supplies of weapons and biotech products. These activities, all just 90 miles off our shores, must be considered as a threat to U.S. national security.

Mr. President, it is clear that Cuba has the capability to threaten U.S. national security. Castro's track record of provocations and attacks should be a warning that he will use whatever capabilities he has. We must take these threats seriously and ensure that we can adequately respond to any Cuban provocation. The Constitution requires us to provide for the common defense of the American people, and we must never shrink from that responsibility. The threats posed by Castro's Cuba are obvious. What must be made clear is an adequate plan to deter and defend against such threats.●

TRIBUTE TO BOB BARKER

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a man who has brought joy and laughter to countless Americans during his nearly fifty years in entertainment, Bob Barker. Next week, Mr. Barker, who is the host and executive producer of the legendary game show CBS' "The Price is Right," celebrates airing the 5,000th episode of his series. I ask my colleagues to join me in recognizing his achievements.

In his 26th season, "The Price is Right" is the longest running game show in American history and continues to be America's highest rated daytime game show. Beyond the fact that most Americans have watched the show at some point in their lives, more than 42,000 people have been contestants on the program, while an approximate 1.3 million have participated in the studio audience. Both the show's spontaneity and Mr. Barker's effortless rapport with contestants have given "The Price is Right" its unique popularity. Bob has repeatedly said over the years, "The Price is Right" is not just a television show, it is an event. Today I commend Mr. Barker not only for reaching this impressive milestone with the show, but also for his longstanding ability to entertain the American people.

Mr. Barker was born in Darrington, Washington, and spent most of his youth on the Rosebud Indian Reservation in South Dakota where his mother was a school teacher. His family eventually moved to Springfield, Missouri, where he attended high school and Drury college on a basketball scholarship. When World War II intervened, he became a Navy fighter pilot, but the war ended before he was assigned to a seagoing squadron.

Following his discharge, Mr. Barker returned to Drury College and took a job at a local radio station to help finance his studies. It was there that he discovered that what he did best was to host audience participation shows. After graduating summa cum laude with a degree in economics, he went to work for a radio station in Palm Beach, Florida. A year later he moved to Los Angeles, and within a week, he was the host of his own radio program, "The Bob Barker Show."

Bob Barker's career was forever transformed in 1956 when he debuted as the host of the television show, "Truth or Consequences." It was his 3,524 consecutive performances on "Truth or Consequences" over its eighteen-year run that won him the title of "Most Durable Performer" in the Guiness Book of World Records. During his forty-one years on network television, he has taped more shows than any other individual for a network series. Between "Truth and Consequences," "The Price is Right," and his 21 years as host of both the Miss USA and Miss Universe pageants, he has hosted more than 8,500 shows in the course of his career. According to CBS, he has made more appearances on television in general than anyone else in the entire history of the medium. Bob has won 12 Emmy Awards, ten of which were for his performances as a game show host and represent the largest number of Emmys given to a single television performer.

Bob is an outspoken and eloquent supporter of animal rights, and has consistently used his celebrity to help to control the animal population, thereby reducing the number of needless animal deaths. Each day he closes "The Price is Right" with a reminder to spay and neuter your pets. He has established the DJ&T Foundation to provide funding for free spay and neuter clinics across the nation. In recognition of his efforts, he received the International Society for Animal Rights' highest honor, the Henry Salt Award, in 1995.

Therefore, as Mr. Barker commemorates the 5,000th episode of "The Price is Right," I thank him for his special lighthearted touch. As he told the Los Angeles Times in 1996, "We don't solve the world's problems. But hopefully we help a lot of people to forget their problems for an hour * * * We're there to entertain, laugh, and have fun." On behalf of the people of the state of California, I congratulate you, Bob, and thank you for entertaining us and making us laugh.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-40

Ms. COLLINS. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 2, 1998, by the President of the United States:

Treaty with Israel on Mutual Legal Assistance in Criminal Matters, Treaty Document No. 105-40.

I further ask unanimous consent that the treaty be considered as having been read for the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the State of Israel on Mutual Legal Assistance in Criminal Matters, signed at Tel Aviv on January 26, 1998, and a related exchange of notes signed the same date. I transmit also, for the information of the Senate, the Report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States for the purpose of countering criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including those involved in terrorism, other violent crimes, drug trafficking, money laundering, and other white collar crime. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking the testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons or items; transferring persons in custody for testimony or for other assistance; executing requests for searches and seizures; assisting in proceedings related to seizure, immobilization and forfeiture of assets, restitution, and collection of fines; executing procedures involving experts; and providing any other form of assistance appropriate under the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 2, 1998.*

AUTHORIZING FUNDS FOR FEDERAL-AID HIGHWAYS, HIGHWAY SAFETY PROGRAMS, AND TRANSIT PROGRAMS

Ms. COLLINS. Mr. President, I understand that the Senate has received from the House H.R. 2400 regarding the highway legislation. Pursuant to the consent agreement of March 12, 1998, I now ask unanimous consent that the Chair be authorized to appoint the following conferees, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the order of March 12, 1998, all after the enacting clause of H.R. 2400 is stricken, and the text of S. 1173, as amended, is inserted in lieu thereof. The bill is read a third time and passed, the Senate insists on its amendment, and requests a conference with the House.

The Presiding Officer (Mr. HUTCHINSON) appointed from the Committee on Environment and Public Works, Mr. CHAFEE, Mr. WARNER, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. THOMAS, Mr. BOND, Mr. HUTCHINSON, Mr. ALLARD, Mr. SESSIONS, Mr. BAUCUS, Mr. MOYNIHAN, Mr. LAUTENBERG, Mr. REID, Mr. GRAHAM, Mr. LIEBERMAN, Mrs. BOXER and Mr. WYDEN; from the Committee of Finance, Mr. ROTH, Mr. GRASSLEY, Mr. HATCH, Mr. BREAUX, and Mr. CONRAD; from the Committee on Banking, Housing and Urban Affairs, Mr. D'AMATO, Mr. GRAMM, Mr. SHELBY, Mr. SARBANES, and Mr. DODD; from the Committee on Commerce, Science and Transportation, Mr. MCCAIN, Mr. STEVENS and Mr. HOLLINGS; from the Committee on the Budget, Mr. DOMENICI, Mr. NICKLES, and Mrs. MURRAY conferees on the part of the Senate.

The PRESIDING OFFICER. S. 1173 is indefinitely postponed.

AUTHORIZING APPOINTMENTS DURING ADJOURNMENT

Ms. COLLINS. Mr. President, I ask unanimous consent that not withstanding the adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 526, 535, 536, 537, 555, 556, 557, 563, 564, and 565.

The PRESIDING OFFICER. Without objection, it is so ordered.

I ask unanimous consent that the nominations be confirmed en bloc, that the motion to reconsider be laid upon the table, and any statements relating to these nominations appear at this point in the RECORD, and that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en block are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Thomas J. Umberg, of California, to be Deputy Director of Supply Reduction, Office of National Drug Control Policy.

DEPARTMENT OF LABOR

Richard M. McGahey, of New York, to be an Assistant Secretary of Labor.

DEPARTMENT OF COMMERCE

Robert J. Shapiro, of the District of Columbia, to be Under Secretary of Commerce for Economic Affairs.

DEPARTMENT OF TRANSPORTATION

John Charles Horsley, of Washington, to be Associate Deputy Secretary of Transportation.

THE JUDICIARY

Kermit Lipez, of Maine, to be United States Circuit Judge for the First Circuit.

Robert T. Dawson, of Arkansas, to be United States District Judge for the Western District of Arkansas.

Johnnie B. Rawlinson, of Nevada, to be United States Judge for the District of Nevada.

OFFICE OF SPECIAL COUNSEL

Elaine D. Kaplan, of the District of Columbia, to be Special Counsel, Office of Special Counsel, for the term of five years.

THE JUDICIARY

Melvin R. Wright, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Ruth Y. Goldway, of California, to be a Commissioner of the Postal Rate Commission for a term expiring November 22, 2002.

NOMINATION OF JUDGE KERMIT V. LIPEZ TO THE FIRST CIRCUIT COURT OF APPEALS

Ms. COLLINS. I rise in support of No. 555 on the Executive Calendar, the nomination of Kermit Lipez, of Maine, to the first circuit.

Mr. President, it is an honor and a pleasure to rise to speak in support of the nomination of Justice Kermit Lipez to serve on the First Circuit Court of Appeals.

Having spent the past 12 years as a member of the Maine judiciary, Justice Lipez is a highly respected jurist. With experience at both the trial and appellate court levels, it is fair to say that he has been tested for the position for which he has now been nominated and that he has passed that test with flying colors.

Justice Lipez is universally praised in Maine for his judicial temperament, his sense of fairness, and his intellectual capabilities. His demeanor is consistently that of a gentleman, treating witnesses, jurors, attorneys, and spectators with great respect, and ensuring that others follow his example. He makes the courtroom a far less intimidating place for the average person.

Justice Lipez's reputation for impartiality is reflected in the high regard in which he is held by all segments of the bar. Indeed, people who agree on little else agree on his sense of fairness. He was appointed to the Maine Superior Court by a Democratic Governor, he was appointed to the Maine Supreme Court by a Republican Governor, and he was recently praised by an Independent Governor. If public trust in our court system hinges on the belief that the courtroom is a place where everyone can expect equal treatment, no one in Maine has done more to promote that perception than Justice Lipez.

The nominee is also a man who combines great intellectual acumen with considerable common sense. He has that rare ability to deal with the most cerebral of issues while keeping his feet planted firmly on the ground. Despite the talent he possesses and the respect he commands, he is a person of humility, an essential trait for someone empowered to sit in judgment of others.

Mr. President, Kermit Lipez's dedication to his profession is beyond question. As a judge's son, he came to the bench with considerable knowledge of the judicial function. Yet, shortly after his appointment to the State Superior Court, he took the unusual step of obtaining a master's degree in judicial process from the University of Virginia School of Law.

Justice Lipez understands not only the powers of a judge but also the limits on those powers. To use his own words, courts exist to resolve "particularized disputes. They do not decide the wisdom of laws. . . . [They] squander their resources and their authority when they try to manage problems or impose solutions beyond their competence and their proper role."

Mr. President, Justice Lipez has excelled in everything he has undertaken—whether as a legislative aide to former Senator Muskie, a private practitioner, a trial judge, or a Justice on Maine's Supreme Judicial Court—and I am confident that he will excel as a member of the First Circuit Court of Appeals.

Senator SNOWE has been a very strong advocate for Justice Kermit Lipez. It was, in fact, Senator SNOWE's husband who appointed Justice Lipez to the court in Maine. I am delighted to be here tonight to speak on behalf of this nomination.

IN SUPPORT OF JUSTICE KERMIT LIPEZ

Ms. SNOWE. Mr. President, I rise today to express my strong support of Justice Kermit Lipez's nomination to become a judge on the First Circuit of the U.S. Court of Appeals.

Justice Lipez has many qualifications to recommend him and I want to take a few minutes to touch on them. But before I begin, I want to take this opportunity to thank the Chairman of the Judiciary Committee, Senator HATCH, for all that he has done in getting the Committee to promptly consider Justice Lipez's nomination and bringing us to this vote today. Throughout this process, Senator HATCH has been consistently thoughtful and cooperative, and I want him to know how much I appreciate his invaluable contributions and assistance.

The Senate's action today will be the culmination of an exemplary career on the state bench—a career that has earned Justice Lipez universal respect in Maine's legal community, regardless of political affiliation. This is a man who was appointed to the state bench by a Democratic Governor, was promoted to the Maine Supreme Court by a Republican Governor—my husband, John McKernan, Jr.—and whose nomination to the First Circuit was enthusiastically supported by Maine's current Independent Governor.

Likewise, it was no coincidence that Maine's entire Congressional Delegation—representing both parties—stood proudly with Justice Lipez and testified on his behalf at his nomination hearing. All of this points to one irrefutable fact: by all accounts and by any measure, Kermit Lipez is an exceptional judge. And he will make us proud.

At Justice Lipez's hearing before the Judiciary Committee, my friend from Delaware, Senator BIDEN, noted the high regard in which the First Circuit is held. He wanted to impress upon Justice Lipez that, if confirmed, he would join a very impressive and effective court. I trust and share my friend from Delaware's assessment of the First Circuit—and I want to assure him and all of my colleagues that in this regard, Justice Lipez and the First Circuit are an ideal match.

That is not a statement I make lightly. The facts reveal a judge that for thirteen years on the state bench has been a judge personally and professionally dedicated to excellence.

But you don't have to take my word for it. Since the President nominated Justice Lipez for this post, I have been privileged to read numerous letters in support of his nomination.

Justice Lipez's has been called a ". . . truly outstanding nomination," by a senior member of the First Circuit, Judge Frank Coffin. He has been characterized as ". . . at the top of Maine's jurists" by the Dean of the University of Maine's Law School, Donald Zillman. And his present colleagues on Maine's Supreme Court have commented that he works as hard on their cases as he does on his own, and for that, they will miss him.

It's not just Justice Lipez's colleagues or his congressional delegation who support him, but just about anybody who has taken the time to review his record. An editorial that ran in Maine's largest newspaper, the Portland Press Herald, put it this way: ". . . (he) has proven to be a fair and thoughtful judge during his 12 years on the state Superior and Supreme Courts. . . . Lipez's resume and record . . . transcend politics."

Maine's second largest newspaper, the Bangor Daily News, echoed this sentiment, commenting that Justice Lipez was "remarkably talented" and that ". . . the state should feel nothing but honor that Kermit Lipez will represent Maine on the second-highest court in the nation." Mr. President, I couldn't agree more.

I believe we should expect any federal judge to demonstrate a personal dedication to his or her work, a thorough understanding of the law, and a balanced approach to jurisprudence. Justice Lipez has demonstrated all of these attributes with admirable regularity.

What makes me so proud to support his nomination, however, is the fact that he will bring so much more than just the prerequisites to the federal bench.

For with Justice Lipez also comes a deep respect for the law—and a judge's role in its administration. With him comes an outstanding legal mind that is not only able, but willing to make the right decision even when it's not the easy or expeditious one. And with the nomination of Justice Lipez, the federal bench will welcome a man of the utmost personal integrity—a man well represented by his work ethic, his tremendous talent, and his irreproachable personal character.

Mr. President, I am proud that Justice Lipez will represent Maine on the First Circuit. He has precisely the kind of experience and disposition that we should expect from all our nominees. He is well-tested, remarkably talented, and perfectly suited for the demanding work of the federal bench. The President and the Judiciary Committee have acted wisely in forwarding Justice Lipez's nomination, and it is time for the Senate to do likewise by confirming him. I hope all of my colleagues will join me in supporting this outstanding nominee.

STATEMENT ON THE NOMINATION OF JOHNNIE B. RAWLINSON

Mr. REID. Mr. President, Johnnie B. Rawlinson was born in Concord, North Carolina on December 16, 1952. The fourth of seven children, Johnnie grew up in Kannapolis, North Carolina where she attended public school and was a member of the first integrated class at A.L. Brown High School in Kannapolis. Upon graduation, Johnnie received a full scholarship to attend North Carolina A&T University in Greensboro, North Carolina. She majored in psychology and graduated Summa Cum Laude with a Bachelor's of Science degree in 1974.

Johnnie met Dwight Rawlinson, her husband of 21 years, while they were both juniors at A&T. They married in 1976 and moved to California where Dwight, an officer in the Air Force, had been transferred. Johnnie enrolled at the University of the Pacific's McGeorge School of Law where she had been granted a full academic scholarship. In November of 1977, at the beginning of her second year of law school, Dwight was transferred to Nellis Air Force Base. Pregnant with their first child, Johnnie stayed in California to finish up her schooling. In 1978, Dwight joined her for spring break and together they celebrated the birth of their daughter Monica. Since Nevada has no law school, Dwight and Johnnie decided that Johnnie and Monica would return to California for her third and final year of law school. Monica attended classes with her mother and they both returned to Nellis for long weekends and summers. In 1979, Johnnie B. Rawlinson graduated in the top ten percent of her law school class, the first attorney in her family.

Johnnie was admitted to the California Bar in 1979 and the Nevada Bar in 1980. While she was waiting to find out her Bar results, she worked as a law clerk for John O'Reilly, former Chair of the Nevada Gaming Commission. In June of 1980, she went to work as a staff attorney for Nevada Legal Services, where she worked on landlord-tenant disputes and unemployment compensation. After four months of work for Legal Services, in October of 1980, she was hired as Deputy District Attorney by Nevada Governor Bob Miller, who was then serving as Clark County DA.

For the past 17 years, Rawlinson has moved steadily up the ladder at the District Attorney's office. She served for nine years as a Deputy District Attorney, developing expertise in the areas of Arbitration, Collection Law, Hospital Law, Local Government Purchasing, Employment Law, Labor Law, Civil Litigation and Workers Compensation. In September 1989, she was promoted to Chief Deputy District Attorney and in January of 1995, Clark County DA Stewart Bell promoted her to Assistant District Attorney. In her current position, she supervises the Civil, Family Support, and Administration Divisions of the office. She presents evidence at Coroner's Inquests and is the Chair of the Professional Hiring Committee.

In the mid 1980s, Governor Richard Bryan appointed Rawlinson to the Welfare Board where she served until 1991. In 1991, she made it to the final round of the interview process for an open position as U.S. Magistrate in Nevada District Court. When another Magistrate position opened up in Northern Nevada, she was named to the Magistrate Judge Selection Committee.

A past member of the State of Nevada Board of Governors and a past board member of the Clark County Bar Association, the Southern Nevada Association of Women Attorneys, and the Las Vegas Chapter of the National Bar Association, Rawlinson plays an active role in Nevada legal affairs. She currently serves on the State Bar of Nevada Board of Bar Examiners and is Chair of the Lawyer Referral Services Committee. She has also served as a lawyer representative to the Ninth Circuit Judicial Conference and currently serves as a member of Judge Phillip Pro's Civil Justice Reform Act Advisory Group. A frequent lecturer to the Lorman Business Institute, Rawlinson has also served as an Adjunct Professor of Hospital Law at the College of St. Francis and as an adjunct Professor of Employment Law at the Community College of Southern Nevada.

Today, Johnnie and Dwight Rawlinson are the proud parents of three children: Monica, a graduate of Western High, received her own full academic scholarship to South Carolina State University where she is in her sophomore year studying pre-med; Traci is entering the ninth grade at Western High and David is a second grader at Howard Wasdenn Elementary School.

Residents of Clark County for close to twenty years, the Rawlinsons enjoy spending time with their family and friends from church. An active member of the Church of Christ in North Las Vegas, Johnnie served as Secretary of the Church for 10 years and taught Sunday school as well.

In late August 1997, I sent Rawlinson's name to the President as my nominee for Federal District Court Judge for the District of Nevada. On January 27, 1998, President Clinton formally nominated her for a seat on the federal bench. She was unanimously reported out of the Senate Judiciary Committee on March 26, 1998. Tonight she was confirmed by the Senate. Johnnie B. Rawlinson will be the first African American and the first woman to serve as a Nevada Federal District Court Judge.

JUDICIAL CONFIRMATIONS

Mr. LEAHY. Mr. President, I thank the Majority Leader for calling up the nominations of Justice Kermit Lipez to the First Circuit Court of Appeals, Mrs. Johnnie Rawlinson to the District Court for the District of Nevada and Mr. Robert T. Dawson to the District Court for the Western District of Arkansas.

Before adjourning for a two-week recess, it is important for the Senate to clear its calendar of nominations to the maximum extent possible. Certainly the confirmation of these outstanding nominee, which the President sent to us back in October and November last year and earlier this year, are a step in the right direction. I have been urging the Majority Leader to move judicial nominations through the Senate and I thank him for doing so with respect to these nominees.

As the Senate prepares to recess, eight judicial nominations still remain on the calendar awaiting Senate action. With these three additional confirmations, the Senate will still have confirmed less than 20 judges for the year. This, at a time when we have already witnessed 100 vacancies so far this year and we see another 10 on the horizon. So, while I thank the Senate for its actions today, I must note that we have not closed the vacancies gap or ended the crisis of which the Chief Justice of the United States Supreme Court warned in his most recent year end report.

Most troubling to me are the continuing vacancies on the Second Circuit. I deeply regret the Senate's unwillingness to date to vote upon the nomination of Judge Sonia Sotomayor to the Second Circuit or to provide hearings for Judge Rosemary Pooler, Robert Sack and Chester Straub. I will redouble my efforts to end the emergency that currently exists in the Second Circuit due to the five vacancies on that 13-member court.

I look forward to prompt action on all of the 36 judicial nominees still pending before the Senate. In addition, I urge the President to make good use of the next several days and to continue to send to the Senate qualified nominees for each of the judicial vacancies.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998

Ms. COLLINS. I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 3130, and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3130) to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdicational adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2286

Ms. COLLINS. Senator Roth has a substitute amendment at desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for Mr. ROTH, proposes an amendment numbered 2286.

Ms. COLLINS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Ms. COLLINS. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2286) was agreed to.

Mr. ROTH. Mr. President, on behalf of the Finance Committee, I am joining with Senator MOYNIHAN and others today to bring H.R. 3130, the Child Support Performance and Incentive Act of 1998, before the Senate. This important bill passed the House of Representatives earlier this month by a vote of 414 to 1.

When a bill passes the House by that wide of a margin, it is either noncontroversial, of limited national significance, or an extremely important piece of legislation with broad and deep support. H.R. 3130 clearly falls within this last category.

The work on this legislation began shortly after the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" was signed into law. The 1996 welfare reform act required the Secretary of Health and Human Services to recommend to Congress a new, budget-neutral performance-based incentive system for the child support enforcement program. H.R. 3130 incorporates those recommendations which were developed in consultation with 26 representatives of state and local child support enforcement systems. The new incentive program is the centerpiece of this bill.

Under current law, the Federal Government returns more than $400 million per year in child support collections to the states as incentive payments. But this incentive structure has been criticized for years as weak and inadequate. All States, regardless of actual performance, receive some incentive payments. But for more than a decade, performance has not been tied to the national goals of the program.

H.R. 3130 breaks with the past and creates five categories in which state performance will be evaluated and rewarded.

The States will be measured according to their performance in paternity establishment, establishment of court orders, collections of current child support payments, collections on past due payments, and cost effectiveness.

The legislation also requires the Secretary of Health and Human Services to make a future recommendation on adding another performance measure on medical support orders. Let me particularly thank Senator ROCKEFELLER for his work in designing a strategy to overcome the inherent barriers to medical support orders.

The new incentive structure is an important development not only for the child support enforcement system but also as a model for improving accountability and performance in government.

The second important feature of this bill is to provide for an alternative penalty procedure for those states that have failed to meet federal child support data processing requirements. Less than half of the States have been certified as in compliance. Without this change, states face not only the loss of their entire child support grant, but all of their funds in the Temporary Assistance for Needy Families program as well.

Such a result would obviously be crippling to a state and would ultimately hurt the very families these programs are intended to help.

Under the new alternative penalty procedures, those states which will not come into compliance this year will face a penalty of four percent of their child support funds.

This penalty would double each year in the following two years and would reach 30 percent in the fourth year a state failed to come into compliance. These penalties are tough but fair.

Under the Finance amendment, states will not face a penalty in the year in which they come into compliance. And states which come into compliance with the first two years after penalties have been imposed can have the penalty from the prior year reduced.

H.R. 3130 also provides additional flexibility to the states in how they design their automated systems.

In looking back over the history of automation, we find there were a number of mistakes made at both the federal and state levels which contributed to the delay in getting these systems operational. The child support enforcement system is a prime example of what can happen when regulations fail to keep pace with real world practices.

H.R. 3130 recognizes the advances in technologies and allows states to take advantage of these improvements. It properly refocuses federal policy on function and results rather than on rigid rules.

All of these changes will work together to get the states in compliance as quickly as possible. This will mean the child support enforcement system will work better for the families who depend on child support.

H.R. 3130 also makes a correction in how penalties are applied under the new "Adoption and Safe Families Act of 1997" which became law last November. It is vitally important that the states be held accountable for assisting the children in foster care.

A child should not be denied the opportunity to be adopted into a loving and caring family simply because the prospective parents live in the next county.

When the Department of Health and Human Services issues regulations on how the new penalties are enforced, it should, of course, provide the states with the opportunity to present evidence of how it complies with the new law. The review of this new requirement must be a fair and complete assessment of whether the law is being met.

Mr. President, this is indeed an important, bipartisan bill which will prove itself to pay dividends for America's families. I urge its adoption.

I ask unanimous consent a summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF H.R. 3130, "THE CHILD SUPPORT PERFORMANCE AND INCENTIVE ACT OF 1998" WITH SENATE MODIFICATIONS, MARCH 1998

TITLE I: ALTERNATIVE PENALTY PROCEDURE

Eligibility for alternative penalty. A state which is not in compliance with federal data processing requirements may enter into a corrective compliance plan with the Secretary of Health and Human Services. The plan must describe how, by when, and at what cost the state will achieve compliance. For failing to achieve compliance, a state would be penalized 4 percent of its federal administrative grant under the Title IV–D program beginning in FY 1998. The penalty will increase to 8 percent for the second year of noncompliance; 16 percent for the third year; and 30 percent for the fourth year and each subsequent year. A state is subject to a single reduction in a fiscal year.

Penalty waiver. A state is not penalized in the fiscal year in which it achieves compliance. A state will not be subject to a higher penalty as a result of a delay by HHS to conduct a review.

Penalty forgiveness. In the first two year period in which a penalty is applied, HHS shall reduce the penalty from the immediately preceding year when compliance is achieved. For example, the 4 percent penalty for FY

1998 will be reduced by 20 percent if compliance is achieved in FY 1999. The 8 percent penalty for 1999 will be reduced by 20 percent if compliance is achieved in FY 2000. There is no forgiveness for the previous year after the second year.

Penalty reduction for good performance. In the case of the 1996 welfare reform requirements, a state which fails to comply in a fiscal year could have its penalty for that year reduced by 20 percent for each performance measure under the new incentive system provided in Title II for which it achieves its maximum score.

Expansion of waiver provision. The authority of the Secretary to waive certain data processing requirements and to provide federal funding for a wider range of state data systems activities would be expanded to include waiving the single statewide system requirement under certain conditions and providing federal funds to develop and enhance local systems which are linked to state systems. To qualify, a state would have to demonstrate that it can develop an alternative system that: can help the state meet the paternity establishment requirement and other performance measures; can submit required data to HHS that is complete and reliable; substantially complies with all requirements of the child support enforcement program; achieves all the functional capacity for automatic data processing outlined in the statute; meets the requirements for distributing collections to families and governments, including cases in which support is owed to more than one family or more than one government; has only one point of contact for both interstate cases (which provides seamless case processing) and intrastate case management; is based on standardized data elements, forms, and definitions that are used throughout the state; can be operational in no more time than it would take to achieve an operational single statewide system; and can process child support cases as quickly, efficiently, and effectively as would be possible with a single statewide system.

Federal payments under waiver. In addition to the various waiver requirements described above, and to the requirements in current law, the state would have to submit to the Secretary separate estimates of the costs to develop and implement a single statewide system and the alternative system being proposed by the state plus the costs of operating and maintaining these systems for five years from the date of implementation. The Secretary would have to agree with the estimates. If a state elects to operate such an alternative system, the state would be paid the 66 percent federal administration reimbursement only on expenditures that did not exceed the estimated cost of the single statewide system.

TITLE II. CHILD SUPPORT INCENTIVE SYSTEM

Amount of incentive payments. The incentive payment for a state for a given year would be calculated by multiplying the incentive payment pool for the year by the state's share for the year. The incentive payment pool would be:

FY 2000: $422 million
FY 2001: $429 million
FY 2002: $450 million
FY 2003: $461 million
FY 2004: $454 million
FY 2005: $446 million
FY 2006: $458 million
FY 2007: $471 million
FY 2008: $483 million

After 2008, the incentive payment pool would increase each year by the inflation rate.

Performance measures. The incentive payments would be based on five performance measures: paternity establishment, establishment of support orders, collections on current payments, collections on past due payments (arrearages), and cost effectiveness.

Treatment of interstate collections. In computing incentive payments, supported and collected by the state at the request of another state would be treated as having been collected by both states.

Regulations. The Secretary would be required to prescribe regulations necessary to implement the incentive payment program within nine months of the date of enactment.

Reinvestment. States would be required to spend child support incentive payments to carry out their child support enforcement program or to conduct activities approved by the Secretary which may contribute to improving the effectiveness or efficiency of the state child support enforcement program. In so doing, states would have to supplement and not supplant other funds used by the state to conduct its child support enforcement program.

Transition rule. The new incentive program would be phased in over two years beginning in FY 2000. In FY 2000, ⅓ of each state's incentive payment would be based on the new incentive system and ⅔ on the old system. In FY 2001, ⅔ of the payment will be based on the new system; and in 2002, the incentive payment will be based entirely on the new system.

General effective date. Except for the elimination of the current incentive program, the amendments would take effect on October 1, 1999.

TITLE III: ADOPTION PROVISIONS

More flexible penalty procedure to be applied for failing to permit interjurisdictional adoption. Under the "Adoption and Safe Families Act of 1997, a state is at risk of losing its entire IV–E grant for violating the new requirements on interjurisdictional adoptions. This provision allows the states to enter into a corrective compliance plan and reduces the penalty to 2 percent for the first violation, 3 percent for the second violation, and 5 percent for the third and subsequent violations.

TITLE IV: MISCELLANEOUS PROVISIONS

Elimination of barriers to the effective establishment and enforcement of medical child support. This provision is intended to eliminate the existing barriers to effective enforcement of medical support in three ways. First, it requires the Secretaries of HHS and Labor to design and implement a Standardized Medical Support Notice. State child support agencies will be required to use this standardized form to communicate the issuance of a medical support order, and employers will be required to accept the form as a "Qualified Medical Support Order" under ERISA. Second, the Secretaries will jointly establish a medical support working group to identify and make recommendations for the removal of other barriers to effective medical support. Third, the Secretary of Labor is required to submit a report containing recommendations for any additional ERISA changes necessary to improve medical support enforcement.

Safeguard of new employee information. This provision imposes a fine of $1,000 for each act of unauthorized access to, disclosure of, or use of information in the National Directory of New Hires. It also requires that data entered into the National Director of New Hires be deleted 24 months after date of entry for individuals who have a child support order. For an individual who does not have a child support order, the data must be deleted after 12 months.

General Accounting Office study on program improvements. The General Accounting Office (GAO) is required to report to Congress on the feasibility of implementing an instant check system for employers to use in identifying individuals with child support orders. The report is also to include a review of the use of the Federal Parent Locater Service, including the Federal Case Registry of Child Support Orders and the National Directory of New Hires, and the adequacy of privacy protections.

Technical and conforming amendments. There are several technical and conforming amendments made. The two most noteworthy amendments deal with data collection in the calculation of the adopting incentive payments and collection of Social Security numbers and are described below.

(1) The new provision would give the states an additional five months to report data needed to calculate adoption incentive payments and the Secretary an additional four months to approve the data.

(2) The 1996 welfare reform law requires states to collect Social Security numbers on applications for state licenses for purposes of matching in child support cases by January 1, 1998. The "Illegal Immigration Reform and Immigration Responsibility Act of 1996" required states to collect Social Security numbers on applications for state licenses for purposes of checking the identity of immigrants by October 1, 2000. This amendment would conform the differing requirements by changing the date for child support cases to October 1, 2000, or such earlier date as the state selects.

Title V of the House bill regarding immigration provisions is not included in the substitute.

COMPARISON OF SENATE AND HOUSE PENALTIES

Example of a state with $100 million IV–D grant:

1. Penalties faced if compliance is achieved in 1998: (Year 1) (Assumes did not submit December 31, 1997 letter to HHS).

House

FY 1998: $1 million ($4 million reduced by 75%)
Total: $1 million

Senate

FY 1998: $0
Total: $0

2. Penalties faced if compliance is achieved in 1999: (Year 2).

House

FY 1998: $4 million
FY 1999: $2 million ($8 million reduced by 75%)
Total: $6 million

Senate

FY 1998: $3.2 million ($4 million reduced by 20%)
FY 1999: $0
Total: $3.2 million

3. Penalties faced if compliance is achieved in FY 2000: (Year 3).

House

FY 1998: $4 million
FY 1999: $8 million
FY 2000: $4 million ($16 million reduced by .75%)
Total: $16 million

Senate

FY 1998: $4 million

FY 1999: $6.4 million ($8 million reduced by 20%)
FY 2000: $0
Total: $10.4 million

4. Penalties faced if compliance is achieved in 2001: (Year 4).

House

FY 1998: $4 million
FY 1999: $8 million
FY 2000: $16 million
FY 2001: $5 million ($20 million reduced by 75%)
Total: $33 million

Senate

FY 1998: $4 million
FY 1999: $8 million
FY 2000: $16 million
FY 2001: $0
Total: $26 million

5. Penalties faced if compliance is achieved in 2002: (Year 5).

House

FY 1998: $4 million
FY 1999: $8 million
FY 2000: $16 million
FY 2001: $20 million
FY 2002: $5 million ($20 million reduced by 75%)
Total: $53 million

Senate

FY 1998: $4 million
FY 1999: $8 million
FY 2000: $16 million
FY 2001: $30 million
FY 2002: $0
Total: $58 million

ADOPTION AND SAFE FAMILIES ACT

Mr. COATS. Mr. President, I note that the "Child Support Performance and Incentive Act of 1998" contains a provision which amends the "Adoption and Safe Families Act of 1997." This provision deals with how the provision on elimination of geographic barriers to adoption is enforced. It is my understanding that this amendment does not affect the other provisions in the new law on reasonable efforts or the termination of parental rights.

It is my understanding that the purpose of the new law was to clarify federal policy regarding the protection of children in foster care. The adoption law makes clear that the health and safety of children must always be of paramount concern in any decision affecting the removal of children from their homes or the reunification of children with their families.

To receive foster care and adoption assistance funds, States are generally required to make reasonable efforts to maintain children in their own homes or to reunify children and families when possible. However, it is my understanding that under the new law, the federal government does not require States to make such efforts in cases where a court finds that a parent has killed or assaulted a child or subjected the child to extreme forms of abuse or neglect. At the same time, the new law does not prevent a State from making efforts to preserve or reunify a family in such cases, as long as the child's health and safety are the paramount considerations. Is my understanding correct?

Mr. ROTH. Yes, that is correct. In addition, the adoption law establishes a new requirement that States must initiate termination of parental rights proceedings in specific cases that are outlined in the law. However, the law only requires States to initiate such proceedings and does not mandate the outcome. Moreover, the law provides that States are not required to initiate termination of parental rights in certain cases, including when there is a compelling reason to conclude that such proceedings would not be in the child's best interest. Thus, the State retains the discretion to make case-by-case determinations regarding whether to seek termination of parental rights.

Ms. COLLINS. I ask unanimous consent that the bill be deemed read a third time and passed, that the title amendment be agreed to, and the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3130) was deemed read the third time and passed.

The title was amended so as to read:

An Act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, and for other purposes.

A SPECIAL COMMITTEE TO ADDRESS THE YEAR 2000 TECHNOLOGY PROBLEM

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate resolution 208, submitted earlier today by Senator LOTT.

The PRESIDING OFFICER. Without objection. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 208) to establish a special committee of the Senate to address the year 2000 technology problem.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Ms. COLLINS. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 208) was agreed to, as follows:

S. RES. 208

Resolved,

SECTION 1. ESTABLISHMENT OF THE SPECIAL COMMITTEE.

(a) ESTABLISHMENT.—There is established a special committee of the Senate to be known as the Special Committee on the Year 2000 Technology Problem (hereafter in this resolution referred to as the "special committee").

(b) PURPOSE.—The purpose of the special committee is—

(1) to study the impact of the year 2000 technology problem on the Executive and Judicial Branches of the Federal Government, State governments, and private sector operations in the United States and abroad;

(2) to make such findings of fact as are warranted and appropriate; and

(3) to make such recommendations, including recommendations for new legislation and amendments to existing laws and any administrative or other actions, as the special committee may determine to be necessary or desirable.

No proposed legislation shall be referred to the special committee, and the committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(c) TREATMENT AS STANDING COMMITTEE.—For purposes of paragraphs 1, 2, 7(a)(1)–(2), and 10(a) of rule XXVI and rule XXVII of the Standing Rules of the Senate, and section 202 (i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

SEC. 2. MEMBERSHIP AND ORGANIZATION OF THE SPECIAL COMMITTEE.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The special committee shall consist of 7 members of the Senate—

(A) 4 of whom shall be appointed by the President pro tempore of the Senate from the majority party of the Senate upon the recommendation of the Majority Leader of the Senate; and

(B) 3 of whom shall be appointed by the President pro tempore of the Senate from the minority party of the Senate upon the recommendation of the Minority Leader of the Senate.

The Chairman and Ranking Minority Member of the Appropriations Committee shall be appointed ex-offico members.

(2) VACANCIES.—Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee and shall be filled in the same manner as original appointments to it are made.

(3) SERVICE.—For the purpose of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the special committee shall not be taken into account.

(b) CHAIRMAN.—The chairman of the special committee shall be selected by the Majority Leader of the Senate and the vice chairman of the special committee shall be selected by the Minority Leader of the Senate. The vice chairman shall discharge such responsibilities as the special committee or the chairman may assign.

SEC. 3. AUTHORITY OF SPECIAL COMMITTEE.

(a) IN GENERAL.—For the purposes of this resolution, the special committee is authorized, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel;

(3) to hold hearings;

(4) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate;

(5) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents;

(6) to take depositions and other testimony;

(7) to procure the services of individual consultations or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946; and

(8) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a nonreimbursable basis the services of personnel of any such department or agency.

(b) Oaths for Witnesses.—The chairman of the special committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas.—Subpoenas authorized by the special committee may be issued over the signature of the chairman after consultation with the vice chairman, or any member of the special committee designated by the chairman after consultation with the vice chairman, and may be served by any person designated by the chairman or the member signing the subpoena.

(d) Other Committee Staff.—The special committee may use, with the prior consent of the chairman of any other Senate committee or the chairman of any subcommittee of any committee of the Senate and on a nonreimbuseable basis, the facilities or services of any members of the staff of such other Senate committee whenever the special committee or its chairman, following consultation with the vice chairman, considers that such action is necessary or appropriate to enable the special committee to make the investigation and study provided for in this resolution.

(e) Use of Office Space.—The staff of the special committee may be located in the personal office of a Member of the special committee.

SEC. 4. REPORT AND TERMINATION.

The special committee shall report its findings, together with such recommendations as it deems advisable, to the Senate at the earliest practicable date.

SEC. 5. FUNDING.

(a) In General.—From the date this resolution is agreed to through February 29, 2000, the expenses of the special committee incurred under this resolution shall not exceed $575,000 for the period beginning on the date of adoption of this resolution through February 28, 1999, and $575,000 for the period of March 1, 1999 through February 29, 2000, of which amount not to exceed $200,000 shall be available for each period for the procurement of the services of individual consultants, or organizations thereof, as authorized by section 202(i) of the Legislative Reorganization Act of 1946.

(b) Payment of Benefits.—The retirement and health benefits of employees of the special committee shall be paid out of the contingent fund of the Senate.

ORDERS FOR FRIDAY, APRIL 3, 1998

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday, April 3, and immediately following the prayer, the routine requests through the morning hour be granted, and that the Senate begin a period for the transaction of morning business until the hour of 12 noon, with Senators permitted to speak therein for up to 10 minutes each, with the following exceptions: Senator DeWine for 1 hour, and Senator Daschle for 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. COLLINS. Mr. President, tomorrow the Senate will be in a period for morning business from 10 a.m. until 12 noon. It is hoped that at 12 noon the Senate will be able to proceed to the consideration of Senate bill 414, the international shipping bill.

In addition, the Senate may consider any executive or legislative business cleared for Senate action. As previously announced, there will be no rollcall votes during tomorrow's session.

When the Senate reconvenes following the Easter holidays, the Senate will resume consideration of the Coverdell A+ Education Act. Also, as announced, the next rollcall votes will occur on that legislation on Tuesday, April 21, at a time to be announced by the majority leader.

Mr. FORD. Will the acting leader yield?

Ms. COLLINS. I am happy to yield.

Mr. FORD. We are attempting to get an answer on a question I have. I don't want to hold the Senate here any longer, but there is a possibility. Could we have a quorum call, if the Senator would like to leave, with a motion that when I get my answer we will go out, or something like that? I will be more than pleased to do that.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. COLLINS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:54 p.m., adjourned until Friday, April 3, 1998, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 2, 1998:

THE JUDICIARY

RALPH E. TYSON, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA, VICE MARCEL LIVAUDAIS, JR., RETIRED.

DEPARTMENT OF DEFENSE

BERNARD DANIEL ROSTKER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE FREDERICK F.Y. PANG, RESIGNED.

DEPARTMENT OF STATE

FRANK E. LOY, OF THE DISTRICT OF COLUMBIA, TO BE AN UNDER SECRETARY OF STATE, VICE TIMOTHY E. WIRTH, RESIGNED.

ERIC S. EDELMAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

NANCY HALLIDAY ELY-RAPHEL, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

RICHARD NELSON SWETT, OF NEW HAMPSHIRE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK.

EDWARD L. ROMERO, OF NEW MEXICO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SPAIN.

NATIONAL SCIENCE FOUNDATION

RITA R. COLWELL, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION FOR A TERM OF SIX YEARS, VICE NEAL F. LANE.

EXECUTIVE OFFICE OF THE PRESIDENT

ROSINA M. BIERBAUM, OF VIRGINIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE JERRY M. MELILLO, RESIGNED.

CORPORATION FOR PUBLIC BROADCASTING

DIANE D. BLAIR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2004. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY. THE OFFICERS ARE NOMINATED FOR A REGULAR APPOINTMENT IN THE NURSE CORPS, MEDICAL SERVICE CORPS, MEDICAL CORPS, DENTAL CORPS, MEDICAL SPECIALIST CORPS, AND JUDGE ADVOCATE GENERAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064.

To be colonel

RUBY T. BADDOUR, 2925
WILLIAM R. BALLOU, 3045
WELDON A. DUNLAP, 2694
ROBERT H. GATES, 8114
BRUCE H. JONES, 8586
ROBERT D. JORDAN, 3558
PHILIP C. LEWIS, 2507
ALAN D. MEASE, 9124
PARMINDER SODHI, 0234
JOHNIE TILLMAN, 2988
MARINA VERNALIS, 8604
IDELLE WEISMAN, 7484

To be lieutenant colonel

NORMAN BUSSELL, 2514
BARCLAY BUTLER, 5801
DEAN E. CALCAGNI, 4936
WILLIAM HAMBERLIN, 0015
MARSHALL R. COX, 1800
DAVID P. DOOLEY, 2402
ARN H. ELIASSON, 2329
DAVID GILLINGHAM, 3992
SANDRA L. GOINS, 2167
THOMAS HARDAWAY, 5416
CHARLES W. HOGE, 5630
STEPHEN R. JONES, 2803
JANE L. LINDNER, 6990
PAUL B. LITTLE, 7559
ALFRED MONTALVO, 0511
CHARLES OLIVER, 4037
JOHN J. PEACHER, 5497
SWARNALATHA PRASANNA, 8480
JOHN A. RICHMOND, 5569
STEVEN ROBERTS, 1683
KATHLEEN M. SHEEHAN, 6241
VAN E. WAHLGREN, 2995
JAMES D. WELLS, 8946

To be major

DARRYL R. AINBINDER, 0046
MARIA T. BRYANT, 0117
CATHY J. CHESS, 1132
LYNN F. DAHL, 8492
JOEL T. FISHBAIN, 2474
RICHARD HILBURN, 2532
REBECCA MCCOLLAM, 5559
SHANNON O'GRADY, 0853
FREDERICK PALMQUIST, 6970
DANIEL SCHAFFER, 2293
KALDON WALTJEN, 1188

To be captain

CLETUS A. ARCIERO, 7732
DANIELLE N. BIRD, 9730
JEANETTE R. BURGESS, 5857

JEFFREY S. CAIN, 6772
BABETTE T. CARLSON, 8652
DARREL K. CARLTON, 0169
MARIO CAYCEDO, 0663
JOHN J. COMBS, 3661
DIANA L. COOK, 2013
JAMES V. CRAWFORD, 0262
JONATHAN B. CROCKER, 2051
STEVEN J. CURRIER, 3959
MICHAEL R. DAVIS, 7826
JAMES A. DICKERSON, 5080
BRENDAN M. DONAHOE, 0230
HERBERT C. EIDT, 6680
CHRISTINE H. FEDOR, 9036
MELISSA J. FIRESTONE, 1912
ERIC R. FRIZZELL, 1479
SCOTT R. GRIFFITH, 7614
ERIC L. HAWKINS, 1548
DUANE R. HENNION, 7554
MAUREEN M. HIGGINS, 9990
BRADLEY J. HUESTIS, 8248
JEREMIAH J. JOHNSON, 0062
KEVIN M. KING, 3824
NICHOLAS S. KING, 2322
CHRISTOPHER KLEM, 4949
CHRISTOPHER J. KOCHAN, 7015
STEVEN J. LALLISS, 6443
CHRISTINE E. LANG, 8932
CHARLOTTE LANGENDERFER, 4829
PETROS G. LEINONEN, 2800
CHRISTOPHER J. LETTIERI, 9223
JAMES D. MANCUSO, 4492
BRYANT G. MARCHANT, 7393
EUGENE J. MARTIN, 0656
CHRISTOPHER J. MATHEWS, 1603
CRAIG H. MCHOOD, 2116
ROBERT MEADOWS, 0510
MARSHALL MENDENHALL, 4706
MICHAEL J. MINES, 8173
HONGHUNG D. NGUYEN, 0451
MARK S. OCHOA, 6116
MICHAEL S. OSHIKI, 7202
SCOTT M. PETERSEN, 6464
MARK D. PORTER, 9796
KEITH E. PULS, 9397
TYLER L. RANDOLPH, 7320
KYLE N. REMICK, 2151
ERIK J. RUPARD, 5205
AUTUMN H. SCHUMANN, 0090
GREGG S. SHARP, 9043
RENEE M. SIEGMANN, 5033
RODNEY J. SPARKS, 8531
STEPHANIE L. STEPHENS, 5861
SEAN A. STRACENSKY, 7684
TIMOTHY M. STRAIGHT, 1971
CHRISTINE M. TARAN, 1618
SHAWN F. TAYLOR, 0705
CHRISTOPHER TEBROCK, 2943
JON C. THOMPSON, 8611
DAVID D. VELLONEY, 3952
WENDI M. WAITS, 2894
BRENDAN M. WEISS, 7623
KIMBERLY WHITTINGTON,
RICHARD H. WILKINS, 5602
NOEL L. WOODWARD, 6020

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE (GRADE OR GRADES) INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AND ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

DONALD S. ABEL, 2813
JAMIE L. ADAMS, 8287
ROBERT R. ADAMS, 4950
RONALD C. ADAMS, 4214
MICHAEL H. ADDY, 9773
EDWARD T. ALEXANDER, JR., 3899
GERALD F. ALEXANDER, JR., 5126
FRANCIS J. ALFTER, 1052
GERALD D. ALLEN, 5253
JAMES D. ALLSHOUSE, 9155
RICHARD J. ALQUIST, 1800
GREGORY A. ALSTON, 7155
THOMAS K. ANDERSEN, 8905
JACK L. ANDERSON, 1867
HAMMOND N. ANSTINE III, 7139
RICHARD E. E. ANTAYA, 9370
ROBERT L. ARBETTER, 8512
JON W. ARMSTRONG, 0385
JOSEPH WALTER ARVAI, 7873
SHERYL G. ATKINS, 5507
VERNE W. AVERY, 8032
STEVEN C. AYTES, 6239
ANTHONY E. BAIR, 5557
TIMOTHY D. BAIR, 2895
WESLEY A. BALLENGER, JR., 0927
ROBERT W. BARRIER, 8902
CHARLES I. BAULAND, 1158
MARTHA M. BEATTY, 1350
MARCUS J. BEAUREGARD, 3495
DOUGLAS V. BELL, 7390
SUZANNA L. BELL, 3753
KENNETH J. BELONGIA, 6308
MICHAEL J. BELZIL, 8727
ROBERT H. BENNETT, 6314
CHARLES L. BENSON, JR., 9498
JOHN M. BETTS, 5026
BRUCE A. BINGLE, 7433
ROBERT L. BIVINS, 6007
STEVEN K. BLACK, 4666
DWIGHT L. BORGSTRAND, 2987
GEORGE J. BOROWSKY, 2044
JOHN T. BOWEN, 1482
THOMAS A. BOWERMEISTER, 9401
THOMAS G. BOWIE, JR., 2134
JON R. BOYD, 1904
MICHAEL J. BRESLIN, 8518
JEFFREY L. BREUNIG, 8183
WARREN J. BROOKHART, 5967
STEVEN W. BROWN, 6836
ROBERT A. BRULEY, JR., 3721
BARRY C. BRYAN, 5496
JOHN R. BRYANT, 2544
MARK D. BUDGEON, 4538
RONNIE J. BULLOCK, 0183
THOMAS J. BURGIE, 7521
DONALD T. BURNET, 3456
MICHAEL W. BUTLER, 0518
RORY B. CAHOON, 1595
LESTER R. CALAHAN, 3418
STEVEN E. CAMERON, 0892
STEPHEN J. CANZANO, 0328
PETER N. CAREY, 3115
ALLARD R. CARNEY, 7482
JOSEPH A. CARRETTO, JR., 7499
JAMES E. CARTER, 0956
JAMES W. CARTER, JR., 1591
DAVID R. CHAFFEE, 3457
RONALD D. CHILCOTE, 6443
JOHN S. CHILSTROM, 2415
JEFFREY E. CHOSTNER, 8630
JOHN H. CHRIST, 6083
MARK C. CHRISTIAN, 4785
CRAIG D. CHRISTMAN, 5616
DOLPHUS T. CLARK, JR., 6052
JOHN T. CLATANOFF, 0305
MAUREEN M. CLAY, 2449
THOMAS W. COCHRAN, 1744
RONNIE L. COKE, 4880
MICHAEL W. COLE, 4527
EILEEN M. COLLINS, 7676
TIMOTHY J. COLLINS, 0858
WALLACE A. COLLINS III, 9883
JAMES L. CONRAD, 6896
WILLIAM C. CONRAD, 7617
DAVID E. COOK, 8171
DOUGLAS P. COOK, 7059
MARVIN E. COOK, 6691
WILLIAM L. COOL, 7043
EDWARD T. COPE, 9419
ROBERT M. CORRIE, 9131
MICHAEL J. COSTIGAN, 6415
CARL L. COX, 0857
WESLEY R. COX, 0274
DANIEL L. CRAMER, 2163
DANIEL A. CVELBAR, 9223
RONALD H. DABROWSKI, 7197
GUY K. DAHLBECK, 5199
KAREN DANEU, 1723
JAMES T. DANIELSON, 3370
ANTHONY P. DATTILO, 7305
RICHARD DAVILA, JR., 3654
JAMES W. DAVIS, 7797
ANDREW L. DETRICK, 0574
SAMEUL R. DICK, 3526
JAMES F. DIEHL, 8008
WAYNE E. DILLINGHAM, 6078
ROBERT D. DILLMAN, 2749
DAVID K. DINGLEY, 6662
THOMAS J. DININO, 9732
EDWARD T. DIXON, 4620
JAMES R. DIXON, 2348
CHARLES M. DODD III, 0410
MARK S. DONNELLY, 1693
THOMAS DOUGHERTY, 1044
BRADLEY J. DUCHEIN, 3793
CHARLES G. DUKE III, 6249
HARRY V. DUTCHYSHYN, JR., 1706
GEORGE N. EARNHART III, 0303
LOUISE A. ECKHARDT, 5567
MICHAEL V. ELY, 0371
KENNETH R. EMERY II, 9195
DWIGHT E. ENGLE, 0717
DONALD R. ERBSCHLOE, 5210
RAYMOND S. ERESMAN, 8380
LARRY E. ERIKSEN, 4836
CARL D. EVANS, 7700
JON E. EVANS, 5169
DAVID S. FADOK, 5536
PHILIP J. FAIN, 5998
MICHAEL J. FALVEY, 9769
JUDITH A. FEDDER, 5552
RYAN F. FERRELL, JR., 7972
EARL I. FICKEN, JR., 6421
LESLIE D. FIELDER, 7504
MICHAEL L. FINNERN, 6804
ROBERT R. FISHER, 4941
WILLIAM N. FLANNIGAN, 2201
GREGORY W. FORAKER, 0488
WILLIAM A. FORMWALT, 8870
MAURICE H. FORSYTH, 5072
RUSSELL J. FRASZ, 1351
CHARLES J. FRENIERE, 4584
MICHAEL FRICANO, 6641
STEPHEN L. FRICK, 4723
EDWARD A. GALLAGHER, 8207
WILLIAM G. GARDNER, 8033
CAROLYN A. GAVARES, 5887
MICHAEL P. GEGG, 3529
MICHAEL B. GIBSON, 3875
DANIEL L. GLADMAN, 3481
GARY S. GRABULIS, 3724
JOHN S. GRAHAM, 3268
MARK W. GRAPER, 4004
ARMAND P. GRASSI, JR., 2280
CHARLES R. GREENWOOD, 2667
MARK L. GREENWOOD, 2403
FREDERICK R. GRIESE, 5537
GUY T. GRILLS, 8308
WILSON GUILBEAUX, JR., 2352
ARSENIO T. GUMAHAD II, 2922
JAMES E. HALE, 9429
JAY A. HALL, 6795
JAMES D. HALSELL, JR., 5616
RICHARD A. HANLEY, 9063
BLAIR E. HANSEN, 0421
JAMES C. HARPER, 1524
LYNN M. HARRIS, 6227
SAMUEL L. HARRIS, 2717
RAYMOND C. HART, 9286
KENNETH P. HASENBEIN, 5980
GEORGETTE T. HASSLER, 1244
MICHAEL E. HATCH, 3288
JACKIE M. HATFIELD, 0787
DARYL W. HAUSMANN, 3273
RONALD L. HAYGOOD, 8190
JAMES E. HAZUKA II, 3188
RAYMOND J. HEBERT, 6580
SIDNEY R. HEETLAND, 2017
HERFRIED S. HELLWEGE, 2437
CASEY L. HENKEL, 1097
BENJAMIN G. HENSLEY, 7883
GRANT F. HERRING, 2023
ROBERT A. HERRIS, 3141
WILLIAM A. HEWITT, 0534
ROBERT J. HINGER, 5461
JOHN M. HOBBLE II, 7428
PETER F. HOENE, 6773
LEON M. HOFFSETTE, 1256
STEPHEN L. HOOG, 0591
ROBERT V. HOTT, 8245
ALPHONSO A. HOWELL III, 4482
MICHAEL B. HOYES, 8894
ROBERT W. HUDSON, 5913
WILLIAM M. HUDSON, 2002
BRUCE E. HURD, 6528
THOMAS R. HUSBAND, JR., 7283
GERALD R. HUST, 9215
MICHAEL T. IRWIN, 5150
JACK A. JACKSON, JR., 0731
JEFFRY A. JACKSON, 3370
ROBERT E. JACKSON, 0486
FREDERICK L. JAKLITSCH, 5532
ALAN M. JANISZEWSKI, 7056
THOMAS M. JEFFCOAT, 2189
CRAIG R. JENSEN, 7056
KENNETH W. JEWETT, 5944
ANTHONY R. JOHNSON, 2520
DAVID S. JOHNSON, 3973
KATHY L. JOHNSON, 6678
KEVIN D. JOHNSON, 2316
MARK D. JOHNSON, 1900
MICHELLE D. JOHNSON, 7070
STUART C. JOHNSON, 5063
DARRELL D. JONES, 0095
TERRY W. JONES, 7567
JOHN J. KARNS, 2772
PAUL C. KELLER, JR., 6075
MICHAEL K. KELLY, 1954
THOMAS S. KELSO, 3371
THOMAS K. KEMP, 1238
JOHN J. KENNEDY, JR., 7758
BRIAN R. KERINS, 1782
LAWRENCE E. KEY, 8227
RAYMOND L. KILLGORE, 4893
ROY M. KING, 7037
TEDDY J. KING, 3630
MIKEL L. KLACKLE, 8781
KURT J. KLINGENBERGER, 5684
DONALD P. KNIGHT, 9778
ALLEN E. KOHN, JR., 9466
DANIEL K. KOSLOV, 1759
JAMES M. KOWALSKI, 3604
MARY D. KRINGER, 4069
BARBARA A. KUCHARCZYK, 1520
JOHN A. KURTZ, 3596
GARY A. KYLE, 1074
KENT K. KYSAR, 8651
DUANE A. LAMB, 7584
TIMOTHY J. LAMPE, 7617
THEODORE T. LAPLANTE, 6798
PATRICK J. LARKIN, 8243
DIANN LATHAM, 7640
HARRY E. LEBOEUF, JR., 4870
GEORGE H. LEDBETTER, 8419
JOHN L. LEECH, 8541
ROBERT G. LEONIK, 5369
NORMAN K. LEONPACHER, 2747
JOHN T. LEWIS, 8825
TRAVIS E. LEWIS, 7249
JAY H. LINDELL, 8961
CURTIS D. LINGE, 6845
GREGORY L. LOCKHART, 4075
DANIEL M. LOMBARDI, 8746
GARY L. LORENZEN, 8277
WILLIAM C. LOUISELL, 7290
ROBERT S. LUNDIE, 8770
GLENN A. MACKEY, 4791
DAVID W. MACNEIL, 1396
EDWARD J. MADDEN, 5955
MICHAEL T. MADIGAN, 4432
RICHARD A. MAGNAN, 6942
MICHAEL A. MANNING, 8308

RUFUS T. MANNING, 6139
ROBERT A. MANSFIELD, JR., 8284
JOSEPH M. MARCHINO II, 8015
JAMES M. MARG, 3544
DOUGLAS M. MARSHALL III, 8451
GILLY A. MARSHALL, 3668
ROSANNE M. MARTIN, 5405
ROY M. MATTSON, 0873
HENRY W. MAUER, 0986
STEVEN F. MAURMANN, 4168
ROBERT C. MC ADAMS, 3941
JOSEPH T. MC ANDREW, 2698
JAMES M. MC BRIDE, 4350
THOMAS W. MC CARTHY, 9615
JOHN C. MC CLELLAND III, 5903
MICHAEL D. MC DONALD, 3189
DONALD J. MC GILLEN, 5369
JAMES F. MC GINLEY, 4791
ROBERT S. MC HALE, 3199
SCOTT J. MC MULLEN, 7632
LARRY E. MC NEW, 5171
SYDNEY G. MC PHERSON, JR., 5416
WADE E. MC ROBERTS, 8722
CHARLES G. MERLO, 7249
SCOTT F. MERROW, 1273
MARK J. MEYERS, 7536
JOSEPH B. MICHELS, 2922
PETER D. MIGALEDDI, JR., 6506
DAVID R. MILLER, 5091
GREGORY D. MILLER, 5151
GREGORY J. MILLER, 0837
ALLAN L. MINK II, 7743
JEANETTE H. MINNICH, 3125
PETER L. MISUINAS, 0150
JAMES R. MITCHELL, 2043
PHILLIP J. MIXON, 2553
LEE J. MONROE, 3983
KEITH G. MONTEITH, 7626
BERNARD V. MOORE II, 2567
CAROL C. MOREHOUSE, 4869
ROY A. MORGAN, 9060
JAMES E. MOSCHGAT, 4828
THOMAS V. MUCKENTHALER, 5176
JAMES H. MUELLER, 7591
STEPHEN P. MUELLER, 5956
CAREY G. MUMFORD III, 7415
EDWARD F. MURPHY, 2379
BYRON S. NASH, 8267
BRUCE M. NELSON, 1661
DOUGLAS A. NELSON, 5836
STEPHEN P. NELSON, 2351
JAMES A. NEUMEISTER, 8389
TERRY L. NEW, 7814
ROBERT M. NEWNAM, 4105
JOHN C. NEWSOM, 4925
GEORGE J. NIXON, 8255
ROBERT W. NORMAN, JR., 9499
MICHAEL D. NORRIE, 6376
PATRICK D. NUTZ, 2099
RANDY T. ODLE, 1195
TIMOTHY O'HAGAN, 7005
JEFFREY C. O'LEARY, 2654
MARK S. OVERHOLTZER, 4634
DOUGLAS W. OWENS, 3208
PHIL W. PARKER, JR., 0832
RICHARD P. PARKER, 0217
ROBERT E. PARKER, 3018
JAMES L. PASQUINO, 4398
DONNA L. PASTOR, 8515
CHRISTOPHER J. PATTERSON, 1236
JAMES C. PEARSON, 8777
MARK D. PERODEAU, 2889
MARYETTA D. PESOLA, 5721
BURNETT W. PETERS III, 2960
JAMES R. PHILLIPS, JR, 6909
RAY R. PHILLIPS, 3389
SCOTT R. PHILLIPS, 7341
CHARLES W. PINNEY, 5599
PAUL E. PIROG, 2276
EDWARD J. POKORA, 3923
EUGENE H. POWELL, JR, 8119
ROBERT D. PREISSINGER, 5828
GARY D. PROCTOR, 2834
JAMES PUHEK, 2134
QUINCY D. PURVIS, 3222
DAVID W. RABERN, 5618
DAVID D. RATHGEBER, 4280
CHARLES R. RATHKE, 3694
DAVID A. RAZO, 5696
DENNIS A. REA, 4251
JOSEPH FRANCIS REICH, 1481
JAMES E. REIMAN, 2872
JOSEPH REYNES, JR., 5709
STEVEN E. ROBINSON, 4820
ALLEN D. ROBY, 9523
MARK E. ROGERS, 1080
GREGORY A. ROMAN, 6982
CURTIS L. ROSS, 0224
LLOYD J. ROWE II, 8035
MARK M. RUMOHR, 5773
JIMMY W. RUTH, 3770
EDWARD J. RYDER, 9928
DENNIS F. SAGER, 4369
JOHN T. SALLEY, JR., 0725
GREGG SANDERS, 6902
JAMES A. SANDS, 9530
JAMES A. SCHIFFER, 6248
MICHAEL N. SCHMITT, 6102
GREG R. SCHNEIDER, 7715
SUSAN K. SCHNEIDER, 8060
JOSEPH C. SCHOTT, 2655
DAVID J. SCOTT, 8237
WAYNE R. SCOTT, 9303
KIP L. SELF, 6874
MICHAEL P. SETNOR, 7366
CAROL S. SIKES, 0272
STETSON M. SILER, 0054
KENNETH R. SINGEL, 3378
MITCHELL P. SLATE, 3032
HERBERT R. SMITH, 9103
KENNETH S. SMITH, JR., 9498
RANDY A. SMITH, 1131
MICHAEL A. SNODGRASS, 7701
DUANE E. SNOW, 8859
JEFFREY J. SOGARD, 5947
LLOYD M. SOMERS, 0156
ROBERT E. SPATH, 9902
KATHLEEN M. SPENCER, 0706
JOSEPH E. SPIVEY, 8033
ROBERT P. STEEL, 8263
JOHN W. STEFERO, 3560
JAY S. STEINMETZ, 7356
MARK L. STEPHENS, 8629
ALFRED J. STEWART, 1247
KIMBLE D. STOHRY, 9267
DONALD H. STOKES, JR., 1312
JONATHAN S. STOLSON, 4985
ALVIN B. STRAIT, 9658
FRANK J. STRASBURGER, 4173
LARRY D. STRAWSER, 2407
SCOTT E. STREIFERT, 2963
RANDIE A. STROM, 5832
WILLIAM SULLIVAN, 1263
CLARENCE G. SUMMERLIN, JR., 9204
DAVID A. SWEAT, 5920
JOHN A. TAPPAN, 1265
STEPHEN M. TATE, 1870
RICHARD J. TEDESCO, 9388
DAVID J. TEMPLE, 9599
JANET ANTHEA THERIANOS, 7369
MICHAEL G. THERRIEN, 1496
EVERETT H. THOMAS, 0760
JEFFREY A. THOMAS, 2390
WILLIAM S. THOMAS, 4969
LEE M. THOMPSON, 3192
MARCUM L. THOMPSON, 1098
PAULA G. THORNHILL, 7605
WILLIAM H. TONEY, JR., 1696
CHRIS L. TOPE, 9050
KAREN M. TORRES, 1400
MATHEW S. TOTH, 6266
ROBERT R. TOVADO, 1614
EBEN H. TREVINO, JR., 7022
GLENN A. TRIMMER, 3926
JOHNNIE L. TRIVETTE, 2372
PETER M. TRUMP, 1186
LONZER K. TYNES, 7926
MERRI B. UCKERT, 1372
MICHAEL A. UNDERWOOD, 4807
DAVID P. URBANSKI, 7425
VICTOR J. VACCARO, 2243
TIMOTHY W. VANSPLUNDER, 2913
RAYMOND E. VARNEY, 7506
DONALD J. VAZQUEZ, 9140
ROBERT T. VEALE, 7335
JAMES M. VENUS, 0045
GLENN VERA, 1643
JOHN C. VIGNETTI, 9937
RICHARD W. VONBERCKEFELDT, 5746
JOHN F. WAGNER III, 5430
JOSEPH R. WAGNER, 1259
EDWARD A. WALBY, 1041
DAVID E. WALKER, 8941
MORRIS E. WALKER, 3043
SYLVIA D. WALKER, 3996
JEFFREY W. WALLS, 2147
CARL E. WALZ, 9469
CHRISTOPHER G. WARNER, 6799
STEVEN E. WAYNE, 7379
RICHARD B. WEATHERS, 9982
JAMES A. WEDERTZ, 5050
STEVEN M. WELCH, 0321
LAWRENCE L. WELLS, 7409
WILLIAM D. WESSELMAN, 1893
JAMES J. WESTLAKE, 5425
LYNN B. WHEELESS, 1925
GLENN T. WHITAKER, 6329
JEFFREY W. WHITE, 9754
MICHAEL C. WHITTINGTON, 4025
ALLEN E. WICKMAN, 8227
MILES C. WILEY III, 6908
JOHN L. WILKINSON, 3887
JOSEPH M. WILLGING, 1715
CHARLES WILLIAMS, 3929
L. C. WILLIAMS, 7734
TERRY L. WILLIAMS, 1118
CHARLES P. WILSON II, 6424
JOE A. WILSON, 3506
SANDRA F. WILSON, 9840
TIMOTHY D. WILSON, 9066
GREGORY C. WINN, 0235
JOSEPH R. WOOD, 2213
ROBERT L. WORLEY, JR., 7005
JAMES W. WRIGHT, 7708
RONNIE D. WRIGHT, 4761
WILLIAM H. WRIGHT, JR., 5390
SCOTT E. WUESTHOFF, 8626
EARL C. WYATT, 6916
ROBERT YATES, 5708
DAVID W. YAUCH, 2221
JOHN T. YOUNG, 6790
CHERYL L. ZADLO, 7116
STEVEN J. ZAMPARELLI, 7525
VANCE P. ZIDER, 3919

To be lieutenant colonel

KEITH R. ALICH, 5787
DOUGLAS S. ANDERSON, 6455
PAUL M. BARZLER, 3735
BARBARA G. BRAND, 7093
RANDALL J. BUNN, 8648
MARSHALL L. CAGGIANO, 1203
LEONARD M. COHEN, 5775
WILLIAM T. CUMBIE, 3972
JOGINDER S. DHILLON, 0983
CHRIS L. FARRIS, 6122
JAMES L. FLANARY, 4396
ORMOND R. FODREA, 8524
JEFFREY S. GARDNER, 6663
ALBERT N. GUARINO, 4343
GORDON R. HAMMOCK, 6180
JAMES T. HEDGEPETH, 3850
DONALD P. HOLTZ, 5040
STEPHEN R. IRWIN, 3204
NORMAN JACOBSON, JR., 0278
ALBERT W. KLEIN, JR., 9910
FELIX A. LOSCO, 3216
MICHAEL W. MEADOWS, 1443
WILLIAM W. PISCHNOTTE, 5577
MATTHEW J. POLGAR, 5130
ROBERT M. REIST, 1246
MICHAEL A. RODGERS, 1183
RONALD A. RODGERS, 8997
DALE L. SONNENBERG, 3817
NORMAN K. THOMPSON, 8716
DENISE A. UNDERWOOD, 1110
RONALD J. WILLIAMS, 3149
CHARLES W. WILLIAMSON III, 0143
SCOTT R. WILLIAMSON, 5695

To be major

*MARK T. ALLISON, 9355
*ARLEN E. BEE, 2159
*JOSEPH PAUL BIALKE, 8592
*JAMES G. BITZES, 4750
*WILLIAM B. BOYCE, 1002
*WILLIAM D. BUNCH, 6598
*THOMAS J. BURHENN, 0518
*JAMES R. BYRNE, 7352
*WENDY S. CARROLL, 6551
*FERDINANDO P. CAVESE, 9069
DAVID P. SEE CHARITAT, 6096
*MORROW KRISTI J. CLARK, 3553
JOSEPH E. COLE, 8733
*DEBORAH L. COLLINS, 1728
JAMES H. DAPPER, 7122
*PERRITANO MELINDA L. DAVIS, 6944
*ERIC L. DILLOW, 8416
*THOMAS F. DOYON, 3879
*ROBERT J. DRONE, 4674
*JAMES M. DURANT III, 0022
*THOMAS L. FARMER, 3690
*MARK C. GARNEY, 9029
*MELISSA L. HAGEN, 5964
*MARY E. HARTMAN, 3161
*TIMOTHY A. HICKS, 0999
*ROBERT A. JONES, 3264
*STEPHEN P. KELLY, 9667
*CHERYL D. LEWIS, 7782
*LESLIE D. LONG, 4593
*JOHN F. MC CARTHY, 8495
*ROOKER A. MEARS, 4418
*JAMES W. MEINDERS, 0891
*BRYNN P. MORGAN, 8253
*BLAKE C. NIELSEN, 5189
*LYNN G. NORTON, 7440
*TERRY A. O'BRIEN, 3421
*MICHAEL J. O'CONNOR, 6360
*FERAH OZBEK, 4727
*CHRISTOPHER M. PETRAS, 1967
*RUSSELL K. PIPPIN, 2868
*PETER J. RICHARDS, 5392
*LINDA L. RICHARDSON, 3473
JENNIFER R. RIDER, 1372
*FLOYD S. RISLEY, 2790
*ERIC J. ROTH, 3599
MATTHEW J. RUANE, 5775
*KENNETH R. SHARRETT, 8960
*JENNIFER J. SNIDER, 8998
*MARY M. SPANGLER, 7643
*SARAJANE STENTON, 1492
*DOUGLAS M. STEVENSON, 6937
*JOHN P. TAITT, 1587
*EDWARD H. THOMPSON, 1671
CHARLES H. TRIPP, JR., 9213
*CHRISTOPHER C. VANNATTA, 9168
*HAROLD M. VAUGHT, 5526
*JEFFREY A. VIRES, 0205
*ROBERT D. WALKER, JR., 5353
*VICKI K. WEEKES, 4266
KAREN S. WHITE, 7214
*PHILIP T. WOLD, 4335
*FREDERICK M. WOLFE, 0979

THE JUDICIARY

JEANNE E. SCOTT, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS, VICE RICHARD H. MILLS, RETIRED.

NATIONAL LABOR RELATIONS BOARD

JOHN C. TRUESDALE, OF MARYLAND, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE FREDERICK L. FEINSTEIN, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate April 2, 1998:

THE JUDICIARY

G. PATRICK MURPHY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS.

MICHAEL P. MCCUSKEY, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS.

DEPARTMENT OF LABOR

RICHARD M. MCGAHEY, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF COMMERCE

ROBERT J. SHAPIRO, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR ECONOMIC AFFAIRS.

DEPARTMENT OF TRANSPORTATION

JOHN CHARLES HORSLEY, OF WASHINGTON, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION.

OFFICE OF SPECIAL COUNSEL

ELAINE D. KAPLAN, OF THE DISTRICT OF COLUMBIA, TO BE SPECIAL COUNSEL, OFFICE OF SPECIAL COUNSEL, FOR THE TERM OF FIVE YEARS.

THE JUDICIARY

MELVIN R. WRIGHT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

POSTAL RATE COMMISSION

RUTH Y. GOLDWAY, OF CALIFORNIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING NOVEMBER 22, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

THOMAS J. UMBERG, OF CALIFORNIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY.

THE JUDICIARY

KERMIT LIPEZ, OF MAINE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT.

ROBERT T. DAWSON, OF ARKANSAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF ARKANSAS.

JOHNNIE B. RAWLINSON, OF NEVADA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA.

EXTENSIONS OF REMARKS

IN HONOR OF THE 115TH ANNIVERSARY OF OUR LADY OF LOURDES CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 115th anniversary of Our Lady of Lourdes Parish in Cleveland, Ohio, a spiritual community dedicated to their church, to their neighborhood and to each other.

In the mid 1800's the Bohemian community in Cleveland was thriving. Industrialization and the Civil War created a need for skilled laborers. The original Rockefeller Refinery and the Standard Oil Company were among businesses in the area that recruited immigrants from Europe to work in the refineries. By 1882, it was evident that a new parish needed to be founded to serve the growing number of immigrants from Bohemia and Slovakia in Cleveland. Father Stephen Furdek responded to the need and made the journey from his native Prague to establish Our Lady of Lourdes Church in Cleveland, Ohio. Subsequent pastors have continued the work of Father Furdek by building a first-rate Catholic School, Renovating the church building and guiding the parish through good times and bad.

The parish family has survived epidemics, wars, the Depression, and changing demographics in the neighborhood. Throughout the years the church, although of Bohemian ancestry, has developed into a congregation of Americans. Parishioners of various races and ethnic backgrounds are united by their common faith and dedication to their community.

My fellow colleagues, please join me in celebrating the 115th anniversary of a truly great and devoted parish, Our Lady of Lourdes.

SELECTIVE AGRICULTURAL EMBARGOES ACT OF 1998

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. EWING. Mr. Speaker, I rise today to urge my colleagues to support the Selective Agricultural Embargoes Act of 1998, which my good friend Representative CONDIT and myself introduced today. This bill would require the approval of the House and the Senate if the President decided to impose an agriculture-specific embargo on a foreign country. This legislation would not interrupt embargoes currently in place, nor would it impede the President's authority to impose cross-sector embargoes.

The Soviet Grain Embargo is still very fresh in the minds of grain farmers throughout America. In the midst of an already poor overall economy the imposition of the Soviet Grain Embargo triggered the worst agriculture economy in America since the Great Depression. With the enactment of the Freedom to Farm Act, our farmers are depending more and more on foreign markets for an increasingly significant portion of their income. Our farmers are marketing themselves as reliable suppliers of food and fiber to the world markets. Agriculture has a unique position in the U.S. export portfolio. While the overall trade balance has been in deficit since 1970, U.S. agriculture exports have consistently been in surplus. Our farmers are so productive and so efficient that the American market cannot possibly consume all that is produced. Because our farmers depend on foreign markets more than any other sector of our economy, they have the most to lose should an agriculture embargo be imposed. Congress should have input into any process that threatens the incomes of our farmers. This bill would allow the Congress and the American people a chance to fully debate the merits of any future agriculture-specific embargo. We owe it to our farmers to make sure that they do not bear a disproportionate share of the burden for U.S. foreign policy decisions. Mr. Speaker, I urge my colleagues to cosponsor the Selective Agricultural Embargoes Act of 1998.

TRIBUTE TO BETH KING

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. CALVERT. Mr. Speaker, I rise today to honor and praise an individual in my district who has worked tirelessly in her community and devoted much of her time to helping others. This individual continually strives for excellence and is willing to take on any project that comes her way. Her abilities to succeed and make a difference are matched by her compassion and kindness. This dedicated individual is Beth King.

Beth King is a member of the Board of Directors for the Corona Regional Medical Center Foundation ands, as such, is co-manager of its gift shop where she oversees purchasing, merchandising, bookkeeping and coordinating the staff of volunteers. She is also very active in the community and participates in several organizations. She is a member of the American Cancer Society Board of Directors, the Settlement House Board of Directors where she serves as treasurer, and the Circle Club Rotary Club where she serves as the Board of Directors member who serves as the Community Service Director.

Her time and energy have been well spent as a dedicated leader in fundraising on several committees, such as the Corona Regional Medical Center Foundation which hosts the Annual Gala, co-chaired by Beth in 1997. For three years, Beth has co-chaired the American Cancer Society Dinner Dance and Auction. These events have become two of the largest in Corona.

I would like to thank Beth for her innumerable contributions in her community. I encourage her to continue in her efforts to make the city of Corona a better place and wish her the best of luck in all of her future endeavors.

FILIPINO VETERANS EQUITY ACT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. UNDERWOOD. Mr. Speaker, I rise in support of H.R. 836, the Filipino Veterans Equity Act. Ever since Thomas Jefferson first framed these words together—all men are created equal—men and women of all shapes, sizes, shades and statures have repeatedly maintained, declared, claimed and even believed that this nation is truly "dedicated to the proposition that all men are created equal." Unfortunately, even the most rudimentary historical research would reveal a less favorable assessment on this claim and aspiration of ours. This United States face daily challenges to live up to the Jeffersonian precept that "All men are indeed created equal" and, as in the past it seems we still are not doing what we should. As a second-class American citizen, a delegate, not quite a full Member of Congress hailing from an unincorporated territory with an unresolved political status, I am all too familiar with our nation's failure to live up to the true meaning of this declaration and our democratic creed. Today, I would like to share my views on another member of the club, second-class veterans.

In addition to being the congressional district geographically situated closest to the Republic of the Philippines, Guam and its people share deep cultural and historic ties with the Philippines. The people of Guam, as with Filipinos, have, for hundreds of years, endured occupation, colonialism and second-class treatment by others who were not indigenous to their homeland. Having also suffered through three long years of painful and brutal occupation under the Japanese, we, the people of Guam, understand and appreciate the sacrifices and plight of Filipino World War II veterans.

Comprised mainly of Filipino volunteers and recruits augmented by American soldiers, the defenders of Bataan and Corregidor delayed the Japanese effort to conquer the Western Pacific. This enabled U.S. forces to adequately prepare and launch the campaign to finally secure victory in the Pacific theater of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

World War II. Filipino veterans swore allegiance to the same flag, wore the same uniforms, fought, bled and died in the same battlefields alongside American comrades but were never afforded equal status. Prior to mass discharges and disbanding of their units in 1949, these veterans were paid only a third of what regular service members received at the time. Underpaid, having been denied benefits they were promised, and lacking proper recognition, General MacArthur's words, "no army has ever done so much with so little," truly depict the plight of the remaining Filipino veterans today as they did half a century ago.

Although long overdue, the President's budget for this year includes funding for Filipino World War II veterans. Unfortunately, the $5 million dollar yearly provision earmarked for a selected group of Filipino veterans for the next five years is too little, and for many who have since passed on, too late. In anticipation of this, Mr. Filner, who introduced H.R. 836, recently made a motion to increase the amount in the President's budget request in order to fund health care for Filipino veterans. This would not fulfill the promises made and reneged on 50 years ago, but it would ensure that surviving veterans would, at least, be provided the adequate medical care and treatment they deserve for their last few years.

I would like to recognize the members of the Guam Chapter of the Philippine Scouts Veterans Association, whose names I am submitting for the RECORD, for introducing and providing guidance to me on the issue. Along with Mr. Cornelio "Corky" Tapao, the man responsible for getting me acquainted with the association, these people made me recognize and appreciate the sacrifices and contributions of these heroes who fought and died for our cause in World War II. In the past, this country has considered Filipinos as "little brown brothers." Let us take an extra step and go a long way toward recognizing them as equals by recognizing their service. I urge my colleagues to support H.R. 836.

PHILIPPINE SCOUTS VETERANS ASSOCIATION OF AMERICA

Federico Antolin; Jesus Armigos; Julio Balidio; Simeon Bautista; Albert Calub; Abraham Cahcino; Antonio Catbagan; Alfredo De Jesus; Monorario Demasino; Avelino Espulgar; Cesar Estillore; Celestino Franco; Gavino Gonzales; Ross Gonzalo; Hermongenes Guanga; Marciano Iglesias; Bonifacio LaPuebla; Conrad Loreque; Constancio Madeloso; Gerry Magpale; Gordon Mailloux; Norbert Mallorca; Pete Mandapat; Ignacio Manuel; Pacifico Muyco; Estelito Papa; Andres Placides; Ignacio Manuel; Artemio Razalan; Teofilo Robeniol; Juanito Roldan; Joe Redonia; Hipolito Sarmiento; Fred Somera; Mercedes Yara; Efren Zabala

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IN HONOR OF THE 25TH ANNIVERSARY OF "BREL"

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the 25th anniversary of the most successful theatrical production in Cleveland, Ohio, "Jaques Brel is Alive and Well and Living in Paris."

During the 1970's racial tensions in Cleveland were high, suburban shopping malls were gaining popularity, and interest in the downtown area was dismal. Shops and restaurants were closing and once magnificent, busy buildings were abandoned. Ray Shepardson, a guidance counselor from Seattle, had the foresight to recognize the potential of the theaters of Playhouse Square, the forgotten gems of downtown. He organized support in the community to save the theaters from scheduled demolition and to restore them to their original grandeur. He was determined to prove that downtown entertainment in Cleveland would thrive.

After restoration of the theaters, the show that brought people who hadn't been downtown in decades back was "Jaques Brel is Alive and Well and Living in Paris," created and directed by Dr. Joseph Garry. The cabaret-style show features 4 extraordinary singers performing 26 songs by Jaques Brel, a contemporary French poet, philosopher, troubadour, artist, rebel, lover, cynic, and sentimentalist. In the Director's words, "Brel" is more than a caberet show, "it is a series of impressions, perceptions, and truths. It is bitter, it is sweet, it is agonizing, it is loving. It is the mind, heart and soul of a sensitive contemporary man."

On April 18, 1973 "Brel" opened for a planned three-week run to an audience of 300 people who fell in love with the show and with the vision of a revitalized downtown Cleveland. A record-breaking two years and 600 performances later, the show had a recording, a national reputation, and sometimes an even bigger crowd than the Indians. It proved Ray Shepardson correct—people really would come downtown to the theaters at Playhouse Square.

Twenty-five years after that opening night, the historic theaters of Playhouse Square and downtown Cleveland continue to draw great crowds, and "Brel" is the musical phenomenon that started it all. I would like to salute the Director, Joseph Garry, the Musical Director, David Gooding, the original cast, Cliff Bemis, David Frazier, Providence Hollander, and Theresa Piteo and everyone involved in carrying on the legacy of "Brel."

TRIBUTE TO COLONEL ALFREDO A. XERES-BURGOS, SR.

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Colonel Alfredo A. Xeres-Burgos, Sr., a Philippine National who has helped preserve a valiant moment in American history on the island of Corregidor, Philippines. Colonel Burgos has demonstrated unique perseverance and deserves our gratitude and recognition.

May 6, 1998, will mark the 56th anniversary of the fall of Corregidor to Imperial Japanese forces. For those who fought under the command of Gen. Douglas MacArthur in the heroic defense of Bataan and Corregidor against Imperial Japan and who survived the infamous Bataan death march and captivity in Japanese prison camps these memories have not faded. During these historic events and throughout the war, U.S. Marines and Filipinos displayed selfless sacrifice rivaling any other military units.

Filipino and United States defenders of the Philippines engaged Japanese forces from the beaches of the Philippine islands to the last defense of Bataan and Corregidor in a grueling battle lasting 150 days. That defense compelled Japan to divert thousands of additional troops to the Philippines. In that defense, the members of the Filipino forces and their United States counterparts struggled against difficult odds and desperate circumstances and faced, with indomitable spirit, fortitude, and loyalty to America, powerful Imperial Japanese forces.

Today, the island of Corregidor is a superb living monument to the courage of the American soldiers, sailors and Marines who defended it, and to the horror of war. Thanks to the initiative taken by Colonel Burgos, Corregidor is one of the most impressive of all WWII memorial parks to be found anywhere in the world.

Colonel Burgos has repaired the battered road linking the gun batteries and bomb-shattered buildings of this fortress, Fort Mills. He has created informative signs, trained guides and organized tours and transportation while walking a fine line between preserving historic relics for the benefit of posterity and a benefit for tourists from all over the world. In 1995, Colonel Burgos served as the personal guide to President Clinton when he visited Corregidor. Most amazing is the way Colonel Burgos has persevered over the years in preserving this WWII island fortress despite a number of difficulties and inadequate funding.

Mr. Speaker, I would also like to recognize a member of my constituency who has worked hard to honor the legacy of Colonel Burgos: Robert F. Reynolds. Through his efforts, Mr. Reynolds has ensured that Colonel Burgos is recognized for his hard work and dedication to Corregidor.

Mr. Speaker, it is with great honor that I pay tribute to Colonel Alfredo Xeres-Burgos for his dedication to Fort Mills and Corregidor. The American veterans who survived the Fall of Bataan and the Fall of Corregidor can be proud that we have not forgotten the battlefield where they so valiantly fought. I ask my colleagues to join me in thanking Colonel Burgos and wishing him many more years of success.

SALUTING THE FIRST TIME VISIT OF A JOINT DELEGATION FROM THE MERCOSUR COUNTRIES

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BECERRA. Mr. Speaker, for the first time in the history of the United States a Joint Delegation of the Parliamentary Committee of MERCOSUR (Southern Common Market), comprised of both Senators and Representatives from the Congresses of Argentina, Brazil, Paraguay and Uruguay, recently visited Washington, DC to meet with their United States counterparts.

The visit of the Delegation emphasizes the transformation that has taken place in the last decade and a half in these four South American countries. Understanding the need to decentralize their economies, these countries worked together to establish policies and regulations that have resulted in successful market-oriented economies.

The fifteen legislators from Argentina, Brazil, Paraguay and Uruguay participated in several working sessions, met with the Senate Committee on Foreign Relations, the House Committee on International Relations, and with Members of the Congressional Hispanic Caucus (CHC). During their meeting with the CHC, we had the opportunity to discuss the political and economic integration process of MERCOSUR and the effects of this free-trade pact on the United States economy.

Data from the Department of Commerce on the current balance of trade between MERCOSUR and the United States shows that the United States not only enjoys a surplus in trade with MERCOSUR, but also reveals that exports to MERCOSUR countries are significantly larger than those to China and Russia together, $23.3 billion versus $16 billion. This is an important fact we should remember as we continue to develop relations with these countries.

Mr. Speaker, I would like to express my appreciation to the Joint MERCOSUR Parliamentary Delegation for visiting Washington and extend my congratulations to the MERCOSUR countries for their achievements.

WOMEN'S HISTORY COLLECTION

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to recognize and salute the establishment of a Women's History Collection at the Jackson County Historical Society Archives and Research Library. Two remarkable women, Barbara Potts, former Mayor of Independence, and Jane Flynn, former administrator of the Landmarks Commission, have researched and preserved the lives of leading Kansas City women and their history.

Last weekend this exhibit was launched with a celebration at the University of Missouri–Kansas City entitled "Give Children the Gift of Women's History." As we salute Women's History Month we must remember the importance of passing on our heritage to new generations.

During the 20th Century a great deal of significant change has taken place for women. The institution of Congress has evolved from 1917 when Jeanette Rankin was the first woman Member of Congress to the 53 women who currently serve in the House. There is respect for the contributions made by women Members of Congress who are playing a significant role in establishing sound public policy.

It is important that young women know who their Founding Mothers are. This exhibit exemplifies what pioneering women have done to move our community forward. This array of women include the women who started Children's Mercy Hospital, Dorothy Gallagher, whose family built what is now the Guadalupe Center, and Linda Hall, whose library researchers depend on worldwide. Sharing the history of important Kansas City women with subsequent generations will be made possible by this exhibit.

Mr. Speaker, it is my honor to applaud Barbara Potts and Jane Flynn for their initiative to establish the Women's History Collection and all the women whose lives comprise it.

TRIBUTE TO DR. AND MRS. CHARLES AND REBECCA GUNNOE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. CALVERT. Mr. Speaker, throughout this country of ours there are a few individuals who, because they contribute so generously of their time and talents to help others, are recognized as pillars of their community. Charles and Rebecca Gunnoe are two individuals who have combined their forces over the past 25 years, both in medical practice and in the community. I would like to take this opportunity to honor and praise them for their commitment to family, community, and the well-being of the Nation as a whole.

Early in his career, Dr. Gunnoe began the practice of advocating quality care for patients and firmly believes that it is possible for one physician to make a difference. He moved to Corona in 1954 and quickly became involved in many community activities. He began by serving as co-chairman on a committee of Corona citizens to recommend specialized needs and priorities for the future of Corona. He was also the Charter President of the Corona Junior Chamber of Commerce and helped develop and dedicate the first Boys Club of Corona. In addition to establishing a family life in Corona, Dr. Gunnoe founded the Circle City Hospital which is now part of the Corona Regional Medical Center. He also built the Corona Clinic where he continues to practice today.

Along with working on a daily basis with her husband, Mrs. Gunnoe too has demonstrated a commitment to the community in the development and funding of the Corona chapter of the Trauma Intervention Program, or TIP. This volunteer based organization assists families of victims in tragic situation.

Together they have provided funds and assistance in the development of a Christian school library, supported community resources such as the YMCA, Lion's Club, and other service organizations such as the Cancer Society, Foundation of Circle City Hospital and Corona Regional Medical Center, United Way, and Police and Sheriff Relief Funds.

I am fortunate to have Chuck and Becky Gunnoe as members of my district and personal friends. Their commitment to family and community is one that should serve as a model for others to follow. I thank them for their innumerable contributions and wish them the best of luck in all of their future endeavors.

WELCOMING PRESIDENT FIDEL VALDEZ RAMOS OF THE REPUBLIC OF THE PHILIPPINES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. UNDERWOOD. Mr. Speaker, hailing from the congressional district geographically situated closest to the Republic of the Philippines, Guam and its people share deep cultural and historic ties with the Philippines. It is, therefore, with great anticipation and pleasure that I join Filipino communities all over the country in welcoming His Excellency, Fidel Valdez Ramos, the President of the Republic of the Philippines, to the United States as he visits our nation's capital next week.

As with the island of Guam, the rest of the United States have for over a century shared historic, cultural, political and economic ties with the Republic of the Philippines. President Ramos is the embodiment of these ties. He comes from very respected and prominent families in the Philippines. His Father Narciso Ramos was a lawyer, crusading journalist, and five-term member of the Philippine House of Representatives, who was later appointed Secretary of Foreign Affairs. His mother, Angela Valdez, was a suffragette and public school teacher.

Destined towards greatness, President Ramos exhibited dedication to excellence even in his formative years. He graduated valedictorian at the Lingayen Central School prior to being accepted to the University of the Philippines High School in Manila. In 1946, he was chosen to receive a Philippine government scholarship to attend the prestigious United States Military Academy at West Point, New York. As one of the top graduates of West Point's Class of 1950, President Ramos was invited to join the Phi Kappa Phi Honor Society. Upon graduation in 1950, President Ramos' desire to help rebuild his country from the ruins of World War II led him to pursue a master's degree in civil engineering at the University of Illinois. He served alongside American servicemen as a Second Lieutenant in the Philippine Expeditionary Force during the Korean War and, later, as Chief of Staff of the Philippine Civil Action Group in Vietnam.

The culmination of his illustrious military career came when he was appointed Chief of the Armed Forces of the Philippines in 1986. True to his commitment to duty, honor, and country, he joined forces with former defense Minister Juan Ponce Enrile during the 1986 EDSA "People Power" Revolution, a coup d'etat designed to restore democracy to the Philippine Republic. He was later appointed Secretary of National Defense under President Corazon C. Aquino and, in 1992, the people of the Philippines gave him the mandate to be twelfth in a succession of Philippine presidents since the proclamation of the First Philippine Republic in 1898.

During his visit I am sure that President Ramos will take some time to focus upon an issue which has been of importance to him for some time now. While still a West Point Cadet in the 1950's, President Ramos became interested in bells left by the Army 11th Infantry at F.E. Warren AFB, Wyoming, the Bells of Balangiga. These church bells were taken from a Catholic church in the Philippines by U.S. military forces in 1901. As Philippine Defense Secretary and later as President of the Philippine Republic, he repeatedly worked toward the return of these bells.

There was a time when officers at F.E. Warren wanted to get rid of the bells. The brass relics seemed to have no relevance for a modern missile base. Few people seemed to know or care about these bells—that is until the Filipinos requested their return.

Vocal opposition from a number of Cheyenne residents has prevented any progress on this issue. The bells are currently part of a monument which supposedly memorializes American soldiers who died in Balangiga, a small town in Central Philippines. However, our failure to resolve this matter is slowly transforming this monument into a symbol of inflexibility and false pride.

On November 7, 1997, I introduced H. Res. 312 to remedy the situation. Along with members of the Wyoming State Legislature and Philippine Ambassador Raul Chaves Rabe, I propose a compromise whereby this solitary and isolated memorial will be converted into fitting monuments located on both sides of the world dedicated to the peace, friendship and cooperation that have existed between the United States and the Filipino people. This compromise calls for the United States and the Republic of the Philippines to share the bells. The bells will be recast and duplicates made. The United States and the Philippines will each keep an original and a duplicate. The Philippine government has even expressed willingness to absorb the costs involved. H. Res. 312 would facilitate this proposal, which I hope my colleagues will take the time to reconsider.

As we welcome President Fidel Ramos to our country, let us honor this man whose career and accomplishments has been a manifestation of Philippine-American friendship and cooperation through the years. Let us not dwell upon long forgotten conflicts and altercations. Instead, let us move forward and, as we have always done in the past, work together in the promotion of our mutual goals.

KING ON THE HILL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to tell the House a story about one of my most accomplished constituents from Colorado. Thirteen year old Kyle King of Limon, Colorado stopped by our Congressional office in Washington, D.C., last week. It was my last appointment before returning home to Colorado for a few days of town meetings on the eastern plains.

Kyle was accompanied by his parents Deb and Greg. Limon Jr. Highschool recessed for spring break giving Kyle and his folks a perfect chance to visit the nation's capital.

By the time we met up, the Kings had already seen the most prominent sites, shrines and monuments to our country's history. But the real reason they came to Washington was to see Kyle's big sister Amanda.

Amanda's been in Washington now for nine months. She's sixteen years old, has never before been so far away from home, and she'scertainly never been away for such a long time.

A couple years back, Amanda made up her mind that she wanted to be a Congressional Page—not an ordinary sort of ambition, especially for a youngster growing up on the high plains. But to Deb and Greg, Amanda has never been anything short of extraordinary. They encouraged her to apply.

The Page Program is extremely competitive. Several thousand high schoolers from across America apply for the honor of serving on the floor of the United States House of Representatives.

The first requirement for consideration is to secure sponsorship by a Member of Congress. I receive dozens of applications per year out of Colorado's Fourth Congressional District. For the full-time position, I may sponsor only one, which only means the applicant I choose will then be considered by the Speaker of the House.

Since time away from home entails a disrupted academic calendar, only the best and brightest are accepted. Successful applicants enter an alternative education program built around a busy and unpredictable work schedule. Pages are housed in college-style dormitories one block from the Capitol building.

There are 435 Members of Congress. This year, only 66 Pages were selected.

Being a new Member of Congress, I was told any applicant from my district was a long shot. I lobbied hard for Amanda King anyway, betting the strength of her resume would compensate for my lack of seniority.

Naturally, I was as excited as Amanda upon receiving the news she had been accepted into the Page Program.

Amanda is too modest about the significance and importance of her position. It's much more than a nice recognition for a country girl done well.

She is an ambassador for Colorado and specifically for the City of Limon. It's a role she fulfills exceptionally well. Her peers joke that they can't get her to stop talking about life out West.

A few months back, I visited Limon Elementary School to talk to students about my job as a Congressman. My presentation covered the usual topics of taxes, education, agriculture and so on. But the first question from Principal Valerie Bass was, "How often do you get to see Amanda King? How's she doing?"

Similarly, last month, I spoke at a dinner in Hugo, Colorado, commemorating Abraham Lincoln's birthday. Again, the people in the hall asked for an update on Amanda. I was proud to provide it.

Amanda is clearly one of the House's favorite Pages. She's one of the most reliable. In addition to fetching documents, and relaying messages, Pages make the actual floor work run smoothly. They greet many of the tourists and visitors at the Capitol, and they must know the intricacies of House procedures in order to do their jobs. Amanda knows the process better than most senior Members.

During moments of down time, I sometimes rehearse portions of my speeches before walking onto the floor and I seek out Amanda for her opinion. Her advice has always been useful and I'm convinced that her grammatical suggestions have made me more persuasive.

Most of all, Amanda's enthusiasm for America is infectious. She is optimistic about the nation's future and her role in shaping it. I've spoken with her about her personal goals and dreams, and I know she views herself within a patriotic context.

Last week's meeting in the office with the King family was one of the most inspiring I've had so far as a Congressman. It shifted my perspective somewhat.

Usually I think my success in Congress is measured by my effectiveness with legislation and budgeting the public's funds. And although I'm encouraged to have accomplished more than most of my colleagues on behalf of the people I represent, it became even more clear that one of the most rewarding things I've been able to do is sponsor Amanda King as a Congressional Page.

The eyes of Amanda's parents revealed the love and affection they hold for her. Though they miss her terribly they are thrilled by her accomplishments. Furthermore, their time on Capitol Hill with their daughter confirmed she's doing quite well.

Kyle learned much watching his sister serve her country. Deb's and Greg's pride is certainly well placed.

RECOGNIZING THE 1998 UNIVERSITY OF ILLINOIS MEN's BASKETBALL TEAM

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. EWING. Mr. Speaker, I rise today to recognize the outstanding achievements of the 1998 University of Illinois men's basketball team. Under the stewardship of Coach Lon Kruger, a team that was predicted to finish in the middle of the Big Ten in the most optimistic pre-season polls, the Illini men finished the season tied for the best record in the Big Ten. The sportswriters said that they didn't have any big name stars to lead them much further than mediocrity. What the sportswriters failed to understand was the determination and heart that this team would display throughout the season. Coach Kruger never doubted his team and his players never doubted themselves or their ability to compete against other Big Ten schools. The Illini had a precious commodity that many other schools lacked: Senior Leadership. Led by a group of Seniors that I have had the opportunity to watch evolve from wide-eyed freshman to steely veterans, the Illini shocked the Big Ten. Senior Kevin Turner exemplifies that evolution, as he led the Illini in scoring and was named to the All-Big Ten Conference team. However, I was disappointed that Lon Kruger did not receive the Big Ten Coach of the Year award, because he has done such an outstanding job. Coach Kruger, along with Seniors Turner, Jarrod Gee, Matt Heldman, Jerry Hester, Brian Johnson and Jelani Boline led the Illini to their best Big Ten record in recent memory. They then participated in the NCAA Tournament and beat a solid team from South Alabama in the first round. Although the Maryland Terrapins put an end to their incredible season in the second round, the Illini fought to the bitter end before falling in a close contest. Coach Kruger and the entire University of Illinois men's basketball team deserve the recognition of the House of Representatives for their incredible season. I would like to remind the Speaker that Midnight Madness and the start of the 1999 NCAA basketball season is only 198 days away.

INTRODUCTION OF THE "SOCIAL SECURITY SUNSHINE ACT OF 1988"

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. DUNN. Mr. Speaker, without question the national dialogue to save social security is under way. But what good is a national dialogue if the participants do not have all the information they need to participate in an informed and meaningful debate? Today I am offering legislation to help foster a genuine dialogue about Social Security. As we thoughtfully look at ways of personalizing and modernizing our current system, we need to ensure that the discussion is a careful one, and we need to include those most affected by the program—current beneficiaries. My legislation will help educate seniors about their status in the current system by providing them information about their current benefits. As the Ways and Means Committee today holds a hearing on a proposal to conduct a National Dialogue on Social Security in 1998, my legislation is designed to build on this idea by helping Americans understand the problem this system faces and design a long-range program to modernize Social Security.

This legislation is a sunshine bill, much like my pilot program enacted into law in the 104th Congress. It is designed to assist seniors better understand their contributions and benefits under the social security system. *Beginning January 1, 1999, beneficiaries of Social Security will receive two annual statements detailing: (1) The total wages and self-employment income the individual has earned; (2) the total contributions of the employer, employee and self-employment from wages; (3) the total amount paid to the individual as benefits, and; (4) an explanation of the statement in easily understood terms.*

Numerous seniors in my district find it ironic that other retirement benefit programs like mutual funds, IRAs and the like, provide this type of information, in writing, on a quarterly basis—and many provide participants direct 24-hour access by telephone. My bill would require that the Social Security Administration provide reasonable information in a reasonable timeframe.

As we know, Social Security is an unfunded pay-as-you-go system. Today's benefits to the elderly are paid by today's taxes from the young. Recently, the government's own actuaries reported that Social Security's Old-Age and Survivors Insurance and Disability Trust Funds will go broke in 2030. By that time, payroll taxes on fewer than two workers will support each retiree, a sharp decline from 1980 when the ratio was 3.5 to 1—and an even further decline from 1950 when the ratio was 16 to 1. This will occur as a result of demographic factors in the system and is not the fault of seniors.

Short-term fixes of the past to increase revenue or reduce benefits will be unsuccessful in postponing insolvency. Furthermore, the Social Security Administration's own pessimistic estimates indicate that by 2040 a combined employer-employee payroll tax of 40 percent could be required to pay benefits. Raising the already burdensome payroll tax for the 18th time in the history of the program is simply not an option.

Unfortunately, many seniors, including my own mother, are not aware of the state of the system or the impending crisis. The lack of information provided to them and every other senior is simply unacceptable. Seniors across the country have a desire—indeed, a right—to know about the status of their participation in the Social Security system. My bill would guarantee seniors access to this important information and include them in our national dialogue. I urge my colleagues to support this important legislation.

IN HONOR OF IRENE SILLIMAN

HON. DENNIS J. KUCINICH

OF OHIO

STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KUCINICH. Mr. Speaker, my colleague Mr. LATOURETTE, and I rise today to honor a woman who is truly dedicated to our nation's troops, Irene Silliman. Mrs. Silliman is a harbinger of goodwill and warmth to the United States Navy, providing them with slippers to keep them warm on the decks of their cold ships.

A 72-year-old grandmother from Madison, OH, Irene Silliman started what has turned in to a national project by providing hand-knitted slipper socks to sailors on her grandson's vessel. After receiving a letter from her grandson requesting a pair of the socks, Silliman determined that she would make extra pairs for his shipmates. She organized a group of friends and began a phenomenon called "Operation Toasty Toes" that has engulfed the senior population of Northeast Ohio.

After receiving several calls from interested volunteers, Silliman spearheaded an effort to make these Toasty Toes slipper socks for the entire crew of the U.S.S. *Carney,* the destroyer on which her grandson is stationed. National newspapers have picked up the story and a multitude of citizens nationwide are now feverishly working on new pairs of slippers to send to the troops.

Irene Silliman is truly devoted to her country and the well-being of our servicemen and women. Her selfless effort to organize a crusade to provide warmth and comfort to our soldiers is truly a testament of her patriotic spirit. Mrs. Silliman wished to show our American troops that she and others cared about them and through their efforts, this has been accomplished.

My fellow colleagues, join me in saluting a true patriot whose selfless devotion to our American troops is evident through her efforts, Irene Silliman.

SALUTING CEASAR CHAVEZ

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. MCCARTHY of Missouri. Mr. Speaker, it is my honor today to rise and salute one of the most inspirational leaders of our country, Ceasar Chavez. Ceasar Chavez is a legend within the Latino community and our nation. He is one of my heroes as well. This past Saturday, March 28, 1998, I had the pleasure of participating in a street dedication ceremony renaming a street in the predominantly Hispanic community on the west side of Kansas City in my Congressional District, Avenida Ceasar Chavez. The festive atmosphere of the ceremony was enhanced by the presence of Richard Chavez, Ceasar's younger brother, who has continued the work which Ceasar started to benefit all working men and women. Visiting with Richard and listening to his experiences demonstrated the extraordinary nature which one, and later many, dedicated individuals can have on bettering our community and nation.

In 1962, when Ceasar Chavez founded the National Farm Workers Association (NFWA), his purpose was to unite all of the Mexican farm workers in California in their struggle for better wages and working conditions.

Ceasar Chavez was a very charismatic leader, who headed a movement that used only nonviolent tactics. Ceasar Chavez used strikes and boycotts as leverage in applying economic pressure on the employers to settle wage disputes and improve the work environment.

Ceasar Chavez was a visionary who built consensus. He realized that the existence of oppression towards any group of people was wrong, so he joined the fight to help further the cause for Filipino farm workers. In 1965, during the Grape Boycotts, Filipino and Mexican workers united and protested the low wages and poor working conditions. In 1970 this remarkable effort resulted in an amicable resolution. For nearly a decade like many of my generation, I refused to consume grapes to show solidarity.

Muchas gracias otra vez por permitirme esta opportunidad compartir mi sentimiento sobre un grand heroe Americano, Ceasar Chavez.

Mr. Speaker, I salute and applaud the efforts of Ceasar Chavez and the community leaders in my Congressional District who have the vision to ensure that his memory and works will permanently be remembered for future generations, not only through the dedication of Avenida Ceasar Chavez, but by the historical translation passed on from generation to generation.

IN RECOGNITION OF CARIBBEAN THEATRE WEEK APRIL 5-12, 1998

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. OWENS. Mr. Speaker, I rise today to honor the inaugural celebration of Caribbean Theatre Week. This unique week was made possible through the diligent efforts of persons at the Daily Challenge, and WLIB Radio, special community leaders and performers who have tirelessly committed themselves to developing events that celebrate the entire spectrum of Caribbean creativity. Caribbean Theatre Week, which will be held in New York on April 5-12, 1998, is a magnificent forum for presenting the significant artistic contributions made by Caribbean performers.

In reviewing the history of the Caribbean, one can ascertain the importance of theatrical production in the Caribbean region. The advent of the Caribbean theatre contributed to the increase in national independence in the Caribbean islands. The theatre often served as a powerful tool for political communication that both defined and reflected the island's culture and identity.

Caribbean Theatre Week is the brainchild of Mr. Dawad Philip, a poet, artist, and editor of the Daily Challenge in Brooklyn, New York. Mr. Philip and other organizers had the vision to develop an annual arts performance week that would bring a sharper focus on the depth and scope of this burgeoning theatre movement. They hope to bring the natural beauty of the Caribbean islands and the rich variety of cultures in the Caribbean islands to the theatre audience.

The event was developed more than two months ago with just one event. Caribbean Theatre Week developed a momentum of its own, resulting in a week of culture-driven events and activities. WLIB Radio and the Daily Challenge have converted an impressive gathering of Caribbean playwrights, actors, producers, writers, and performance artists—representing the English, French and Spanish Caribbean—to help celebrate the week-long series of events. Such a fascinating spectrum of the arts and theater during Caribbean Theatre Week will help the residents of New York deepen their appreciation for the vitality of the Caribbean island traditions.

The organizers of the event have created a multi-dimensional showcase of Caribbean culture. Caribbean Threatre Week will showcase a Children's Storytelling Festival, Oral Folk Tradition, a Poetry Festival and poetry reading, a celebration of Caribbean dance, a symposium examining the state of Caribbean theater in New York, and Caribbean Street Theatre. The event will conclude with the grand finale, the New York Premiere of "Jean and Dinah," performed by the Lord Street Theatre Company of Trinidad and Tobago.

As we approach the new millieum, the ties that bind nations globally are becoming more apparent. Evens such as Caribbean Theatre Week serve as the perfect vehicle to understand and embrace the various cultures of the world. I applaud Mr. Dawad Philip, WLIB Radio and other organizers of Caribbean Theatre Week for celebrating the beauty, culture, warmth, and diversity of the Islands and its people. I also salute the artists and performers; their work exemplifies the wide range of talent in the Caribbean community.

TRIBUTE TO THE LATE CDR. GEORGE W. HOOVER

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. CUNNINGHAM. Mr. Speaker, I rise today in tribute to Commander George W. Hoover, who passed away last month and now lays at rest in Arlington National Cemetery. Commander Hoover was a friend to me, a friend of America, and one of the greatest intellects the country will ever produce.

It is one thing to briefly summarize his life: born April 24, 1915, in New Kensington, Pennsylvania; joined the Navy in 1934 and served a distinguished career as an aviator and an engineer; married, father of two children; consultant to numerous government agencies and leading engineering and aviation firms; and responsible for several innovations critical to the progress of aviation engineering and instrumentation. I want to focus on a couple of things that were particularly meaningful to me.

First, in 1945, Commander Hoover was designated Navy Helicopter Pilot Number 10. Today as we take for granted the availability of helicopters for military and civilian use, Commander Hoover ranks among the pioneers of aviation as one of America's very first helicopter pilots.

Second, Commander Hoover was responsible for bringing the Martin Baker Ejection Seat from Great Britain into the United States. On my 300th air mission in Vietnam, May 10, 1972, my RIO Bill Driscoll and I rode the descendants of the Martin Baker seat to safety upon the explosion of my F-4 Phantom. Thanks to Commander Hoover, the availability of this seat, and the improvements he and others made to it, ensured that a pilot could eject safely from a disabled airplane, even from an altitude of zero, on the carrier deck.

No remarks I make can possibly pay appropriate tribute to Commander Hoover's remarkable career. It should be noted that in 1999, Commander Hoover will be nominated for induction into the National Museum of Naval Aviation "Hall of Honor" at Naval Air Station Pensacola, Florida—the cradle of all Navy, Marine Corps and Coast Guard aviators, and the place where a worthy memory of his many accomplishments can be kept.

His memory will also be kept by his widow, Lona, and his two children. The life of a Navy wife is hard. Her husband is sent on deployments for months at a time. For the decades that Commander Hoover served his country in the Navy, I want it to be recognized that his wife Lona served America and the cause of freedom with vigor and distinction just the same.

Let the permanent RECORD of the Congress of the United States now pay tribute to Commander George W. Hoover, and to his widow Lona and his family. God bless them for their service to America and to one another.

COMPREHENSIVE COAL ACT REFORM ACT (H.R. 2231)

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. POMEROY. Mr. Speaker, I rise today to add my name as a cosponsor of the Comprehensive Coal Reform Act (H.R. 2231), a bipartisan bill introduced by Representative DEBORAH PRYCE (R–OH) on July 27, 1997.

This bill seeks to address certain inequities created by the reachback tax provisions of the Coal Industry Health Benefit Act of 1992 (the Coal Act) while protecting the health benefits of retired mine workers. Under the Coal Act, former employers of retired coal miners are required to pay assessments to a Combined Fund to finance retiree benefits. I believe it is appropriate for former employers to bear this financial responsibility. However, in some cases, the reachback tax is applied unfairly, requiring employers with limited liability to pay large assessments while employers with significant liability pay a lower assessment.

H.R. 2231 attempts to correct these inequities while ensuring that the Combined Fund has adequate resources to pay retiree benefits. The language of H.R. 2231 may or may not be the perfect means to achieve these goals. However, I believe that the bill represents an honest attempt to reach a compromise on this important issue.

THE MEDICAID CHILD ELIGIBILITY IMPROVEMENT ACT OF 1998

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation, the Medicaid Child Eligibility Improvement Act of 1998, to help more children obtain the health care they need through Medicaid. There are currently three million children in our nation who are eligible for Medicaid but are not receiving the care they need because they are not enrolled in the program.

This legislation would allow public schools, child care resource and referral centers, Childrens' Health Insurance Program (CHIP) workers, and child support agencies to make the preliminary decision that a child is eligible to enroll in Medicaid so that they can receive coverage while waiting for a full Medicaid eligibility determination. Schools and these other agencies are on the front lines of caring for children and can help to educate their families and enroll them in Medicaid.

Under the Balanced Budget Act enacted last year, States received a new option under Medicaid to grant "presumptive eligibility" to certain children on a temporary basis as their Medicaid eligibility is determined. My legislation would expand this presumptive eligibility option to make it more flexible and attractive to the States. The presumptive eligibility period is normally sixty days and gives States sufficient time to complete the Medicaid eligibility determination process. If a state ultimately determines that the child is not eligible for Medicaid, none of these entities would be penalized or lose funding due to a negative determination. Under this legislation, we would be enrolling children on an expedited basis and could reach some of those three million children who are eligible but not enrolled.

While some would argue that there will be a cost associated with increasing participation in the Medicaid program, it is important to remember that when Congress enacted Medicaid, it assumed that these children would be covered. I would argue that adding these children is not only morally right, but also cost-effective in comparison to letting these children receive health care on an ad hoc basis. Many of these children will simply go to hospital emergency rooms for treatment and will not be able to pay for these services. In the end, we will pay the cost. With Medicaid coverage, our public institutions will be reimbursed and these children will receive better care through primary care providers instead of high-cost, emergency-care based services.

This legislation is also fiscally responsible in that it would require a state to deduct from their state allotment any funding used for this program. I believe that the small cost associated with this outreach effort will not adversely impact States' ability to provide health care for low-income children and in fact could reduce the States' disproportionate share expenditures.

We know that these children are not being properly served now and we must find innovative way to ensure that all eligible children are enrolled in Medicaid. My legislation would simply accelerate the application process while maintaining sufficient safeguards to prevent fraud and abuse. My legislation would give States greater flexibility to determine which entities can make these determinations, and States are authorized to apply certain limitations in order to prevent fraud and abuse. My legislation would also permit the Secretary of the Health and Human Services to review States' decisions and ensure that the appropriate entities are allowed to enroll these children. None of these entities could immediately offer these services until their state and the federal government has deemed them to be eligible to undertake preliminary determinations.

I believe this is an important public policy matter which we need to address. My legislation would enroll more children in Medicaid while ensuring that appropriate entities are reviewing the applications. I believe it is more cost-effective to enroll these children and ensure that they are receiving the primary care services they need, rather than sending these children to emergency rooms where they will be sicker and taxpayers will end up paying more. I also believe that we need to improve our current Medicaid presumptive eligibility law by including these new entities which were not included in the Balanced Budget Act. I strongly urge my colleague to support his critical legislation.

AMERICORPS PROGRAM

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. WOOLSEY. Mr. Speaker, it is truly tragic that some Members of this body do not fully recognize the outstanding record of contribution of the AmeriCorps program.

In community after community, across the entire nation, AmeriCorps volunteers are providing a wide range of essential services that are truly making a difference in people's lives. And, at the same time, these young people are making a difference in their own lives. They are becoming leaders who understand the importance of giving back to the community around them. They are earning a valuable educational benefit that will help them achieve their goals for the future.

Yesterday, we saw another unconscionable attack on AmeriCorps' funding by Members who have yet to acknowledge AmeriCorps' record of success. I am confident that these Members would not launch these politically motivated attacks if they would simply look at the successes around them—and admit to the important contributions that AmeriCorps is making in almost every community in the nation.

These members should talk to their local nonprofits. They should talk with their community leaders. And they should read their local newspapers. Because all around them is the evidence that AmeriCorps is making this nation a better place to live in and is cultivating an ethic of civic responsibility and community.

Mr. Speaker, I submit for the record one piece of this evidence—a news article from one of my local newspapers, the San Rafael/Terra Lina News Pointer, from February 4, 1998. This article demonstrates, once again, how AmeriCorps has become an important community resource in Marin County, California, which I am privileged to represent.

Recently, a bipartisan group of Members of Congress joined First Lady Hillary Rodham Clinton in endorsing new legislation to reauthorize our nation's national service programs, including AmeriCorps. I urge all members of Congress to join together, in a bipartisan fashion, to reject politically motivated attacks on AmeriCorps' funding, and to pass essential reauthorization legislation that will preserve AmeriCorps and other essential national service programs well into the future.

PARTNERSHIPS THAT PAY OFF

MARIN.—AmeriCorp, praised by President Bill Clinton in his 1998 State of the Union address, is an important community resource in Marin. The Marin Conservation Corps (MCC) is one of 1,500 designated AmeriCorps sites nationwide. To date MCC has trained and graduated three classes of AmeriCorps volunteers who have in turn provided valuable volunteer service to Marin's non-profit agencies.

Full-time corpsmembers commit to one-year of service to their community in exchange for job training and employment opportunities. Ten individuals, who worked at least 1,700 hours, participated in the Marin Recycling-Education and summer camps programs. These AmeriCorps volunteers taught environmental education, mentored kids after school and served as role models for at-risk youth. Hand-on activities included bottle biology, reusable art projects, a peek at packaging, and making your own paper.

Ardis Ashton, Ricardo Diaz, Juanita Edwards, Ryan Holland Russel Lamerson, Erick Linares, Beau Siebler, Buna Soma, Gina Watkins and Walter Williams gained valuable job skills and work experience. In addition, they received $4,725 education scholarship, which they can use to pursue educational goals or vocational training.

And thousands of Marin school children learned the "three r's"—Reduce, Reuse, Recycle!

TRIBUTE TO CHARLES BUTTON

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. MOAKLEY. Mr. Speaker, I rise today to pay tribute to Charles (Charlie) Button who is leaving the Massachusetts Water Resources Authority, the state agency that is overseeing the clean up of the Boston Harbor. The $3.7 billion project is near completion and has been extremely successful in cleaning-up the harbor.

Over a decade ago, the harbor was so dirty it smelled like rotten eggs. But today, people have returned to the beaches to fish, swim and sail. The harbor has been successfully transformed from one of the dirtiest harbors in our nation to a sparkling body of water. Much of the success of the clean up of the harbor can be attributed to tireless efforts of Charlie Button.

In 1988, Charlie Button joined the MWRA's Program Management Division as the Director of Construction for the harbor project. He has a B.S. in Civil Engineering from Tufts University and an M.S. in Environmental Engineering from the University of Connecticut. Prior to joining the MWRA, he served as Chief Engineer for the Boston Water and Sewer Commission and helped to develop wastewater treatment projects in Hartford, Connecticut.

Charlie has done an incredible job managing the project. He oversaw the construction of a state-of-the-art sewage treatment facility for 2.5 million residents of 43 cities and towns in Massachusetts. The court-ordered project was completed on-time and under budget. That is what I call success!

Doug McDonald, MWRA Executive Director, said,

> Charlie Button is extraordinary at moving complex projects forward in a logical, cost-effective, and smooth fashion. In addition to possessing the engineering skills and knowledge of the finest tradition he also showed poise and grace under pressure. Everyone here admires and respects Charlie Button.

Charlie Button has been in the public sector for the entire engineering career. He has given some of the best years of his life to the harbor project, and as a public spirited kind of guy, more than a few others to coaching Little

League and youth hockey. I know that I speak for all of Charlie's colleagues, at the MWRA, and throughout the project, when I say thanks for everything, Charlie, the best of everything to you and Godspeed.

DEFENSE OF IWO JIMA GAINS UNEXPECTED SUPPORT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. SOLOMON. Mr. Speaker, an article in today's Saratogian, a newspaper that reaches some of my constituents in Saratoga County, New York, eloquently expressed the intense pride our courageous veterans, who put their lives in harms way for this great nation and all it stands for, have for the Iwo Jima Memorial. That monument has come to represent so much to so many people around this country and the world, and in many ways is one of the most famous monuments in our history. This article's author, David Rossie, has repeatedly made disparaging remarks about me. Yet, even he, who is embarrassed to agree with me, has endorsed my attempts to defend the importance and significance of the Iwo Jima Memorial. This just demonstrates how offensive J. Carter Brown has been to every American across the political spectrum.

[From the Saratogian, Apr. 1, 1998]

ARTS COMMISSION LEADER SHOWS ELITISM WITH 'KITSCH' REMARK

(By David Rossie)

I have never met J. Carter Brown, chairman of the U.S. Commission of the Fine Arts. Chances are I never will. Probably just as well. For openers, I'm a bit leery of people who insist on being referred to by their first initial and middle name. They tend to be a bit pretentious. But the main reason I detest J. Carter Brown, sight unseen, is that he has put me somewhere I don't want to be—on the side of Rep. Gerald Solomon, (R.-N.Y.)

Solomon is an East Coast version of Bob Dornan, a Republican clown who was ousted from the House in 1996. Solomon is an embarrassment in a legislative body that is virtually embarrassment proof. But now, thanks to J. Carter, I find myself muttering, "Go get him, Gerald." Solomon wants J. Carter booted from the Art Commission because of disparaging remarks he made about the Iwo Jima Memorial in Arlington, Va. The monument is a sculpted bronze reproduction of Joe Rosenthal's photograph of Marines raising the U.S. flag atop Iwo Jima's Mt. Suribachi on Feb. 23, 1945.

J. Carter thinks the memorial is, to use the term attributed to him by the Associated Press,. "kitsch." My dictionary describes kitsch as "artistic material of low quality" meant "to appeal to popular taste and marked by sentimentality, sensationalism and slickness." J. Carter, former director of the National Gallery of Art, didn't say why he thinks the Iwo Jima memorial is kitsch.

A little background: On the morning of Feb. 23, 1945, Lt. Harold Schrier, 1st Battalion, 28th Marines, led a platoon to the crater atop Suribachi where the Marines raised a small flag that Schrier's battalion commander, Lt. Col. Chandler Johnson had given him hours earlier. The flag, attached to a piece of metal pipe, went up about 10:30 a.m. Sgt. Louis Lowery, a Marine photographer, captured the moment on film. The ceremony, such as it was, was interrupted by a small group of Japanese defenders, who began throwing hand grenades from a nearby cave. Perhaps they were art critics, with an aversion to kitsch. Who knows? In any event, Lowery was knocked about 50 feet down the side of the crater. He was unhurt, but his camera was broken. Three hours later, the first flag was replaced by a larger one brought from a ship lying offshore. This time the raising was captured on film by Rosenthal, an AP photographer.

The guess here is that when Rosenthal's photo of the flag raising made it into newspapers in the United States, people found it inspiring.

I suspect they saw the picture as a metaphor for the unconquerable spirit of the young men fighting in the Pacific. Fighting and dying. Two of the Marines who first raised the flag, died before the island was secured more than a month after the picture was taken. So, too, did Col. Johnson.

When the fighting ended on Iwo Jima near the end of March, more than 6,800 members of the invading force were dead or missing and 18,000 had been wounded. Twenty-six Marines were awarded the Medal of Honor. Pacific Fleet Commander Adm. Chester Nimitz said after the battle: "Among the Americans who served on Iwo Island, uncommon valor was a common virtue." But then Nimitz was just an old sentimentalist.

What J. Carter doesn't seem to understand is that the Iwo Jima memorial isn't just about Iwo Jima. It is a memorial to every Marine, living and dead, who fought on all those islands in the Pacific against an enemy who seldom surrendered and was fanatical in his bravery.

IN SUPPORT OF ALCOHOL AWARENESS MONTH AND TAKE A STEP DAY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of Alcohol Awareness Month and Take a Step Day, a nationwide campaign developed by the National Council on Alcoholism and Drug Dependence. The goal of this national campaign is to draw attention to the problems of alcoholism and work for solutions to this disease. The campaign focuses public awareness on the widespread effects and damage associated with alcohol problems. It heightens the awareness of community residents and students in our schools about the monumental risks and consequences of alcohol abuse and misuse. In my district on Long Island, this important campaign is sponsored by the Long Island Council on Alcohol and Drug Dependence.

Unfortunately, this type of awareness is all too necessary. Alcohol is the third leading cause of preventable death in our nation, killing nearly 100,000 Americans every year. 13.8 million Americans suffer from alcohol-related problems, including 8.1 million alcoholics. Over 43% of Americans have been exposed to alcoholism in their families and 13 million Americans drink heavily, which means they consume five or more drinks at a time on five or more days a month. These heavy drinkers are five times more likely to use illicit drugs and are more likely to require extensive medical care. Nearly one-fourth of all Americans admitted to general hospitals have alcohol problems or are undiagnosed alcoholics who are treated for the consequences of their drinking. Alcoholism and alcohol-related problems cost the American economy at least $100 million health care and lost productivity every year.

During April, alcohol awareness month, I call upon my colleagues in Congress, along with all citizens, parents, governmental agencies, public and private institutions, businesses, hospitals and schools to join me in fighting America's number-one drug problem by pledging to support research, education, housing, intervention and treatment for alcoholism and alcohol-related problems.

IN RECOGNITION OF J. DANNY COOPER's FIFTIETH BIRTHDAY

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. RILEY. Mr. Speaker, I rise today in recognition of J. Danny Cooper on the occasion of his fiftieth birthday.

A native of Chilton County, Alabama, Danny has been an active member in both his community and the state. Earning both a bachelor of arts degree in political science and a masters in education administration from the University of Montevallo, Danny has utilized his talents and his education for the good of all those around him. A former school teacher, Danny Cooper has also served as the Veterans' Affairs director, the community bicentennial chairman, and the county cancer crusade chairman.

In addition, Mr. Speaker, Danny Cooper has been active in national politics. Danny served as the executive director of a state political party, state campaign manager for a successful presidential candidate and state director to a U.S. Senator. Mr. Cooper's experience, however, has not been limited to this country. Danny attended, as the U.S. representative, a disaster preparedness conference of NATO nations in Brussels, Belgium.

In 1990, Danny was named Vice President of the Alabama Association of Realtors. He is a board member of the Alabama Civil Justice Reform Committee and the Alabama Council of Association Executives. He also is an active member of the American Society of Association Executives and Alabama's State Action Legislative Team Chair representing realtors. In addition to the above mentioned, Mr. Speaker, Mr. Cooper is a member of 107 additional trade and professional associations in the state of Alabama.

Mr. Speaker, the list of accomplishments continues. Danny is one of those individuals who doesn't sit back and let others make decisions for him. He is one of those people who is determined to make a difference and help those around him. I am proud to know Danny and am pleased to have the opportunity to recognize his accomplishments.

It is my hope that my fellow colleagues will join with me in wishing Danny Cooper a Happy Birthday.

IN HONOR OF JAMES LEONARD FARMER, CIVIL RIGHTS ACTIVIST

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. SCOTT. Mr. Speaker, I rise today to speak in honor of the contributions of a distinguished American citizen, Dr. James Leonard Farmer.

As we pay homage to our forbearers for their courage, wisdom, perseverance, and overall contributions to America, I'd like to formally salute Dr. Farmer for his efforts as a Civil Rights Activist. He has been instrumental in the struggle to remove legal, social, and political barriers which continue to impede the progress of African-Americans.

James Leonard Farmer was born in Marshall, Texas, on January 12, 1920, the son of a scholar, grandson of a slave, and one of three children. As the son of a faculty member of various southern black colleges, the young James Farmer led a somewhat sheltered life. But as the old adage reminds us "to whom much is given, much is expected". Dr. Farmer has not only lived up to, but has exceeded, all anyone had a right to expect of him.

The young James Farmer attended public schools in the south. He earned his B.A. degree in chemistry from Wiley College at the age of 18 and obtained a divinity degree from Howard University, graduating in 1941. Dr. Farmer refused ordination because of the segregation then practiced by the Methodist Church. Instead of entering the ministry, he turned his energies to social action, with the goal of destroying segregation. In 1942, along with a group of students at the University of Chicago, Dr. Farmer organized the first chapter of the Congress Of Racial Equality (CORE). The interracial organization's purpose was to apply a direct challenge to American racism by using Grandhian tactics of nonviolence.

Dr. Farmer also organized the first Civil Rights sit-in in American history at a Chicago donut shop called Jack Spratt's in May of 1942. As a someone who grew up in segregated Virginia, I am particularly thankful for Dr. Farmer's organization of the "Pilgrimage of Prayer" to Richmond, Virginia. The "Pilgrimage" protested the closing of Virginia's public schools to avoid complying with the United States Supreme Court decision outlawing segregation in public schools. More than 2,000 persons joined in the "Pilgrimage of Prayer", which has been credited with a significant role in bringing about the weakening of Virginia's "massive resistance" program.

By 1961 Dr. Farmer was the National Director of CORE. During this crucial time in our history, Dr. Farmer and CORE received national exposure by organizing the "Freedom Ride". The "Freedom Ride" was a bus trip through the deep south designed to desegregate interstate buses and terminals. Despite countless arrests and other harassments, the "Freedom Riders" persevered in their efforts and were eventually successful in the desegregation of 120 interstate bus terminals in the south.

Since 1985, Dr. Farmer has been teaching Civil Rights at Mary Washington College in Fredericksburg, Virginia, as the Distinguished Professor of History and American Studies. He continues to do so at the age of 78.

On Jan. 15, 1998, Dr. Farmer was bestowed the country's highest civilian honor by President Bill Clinton: the Presidential Medal of Freedom. I can think of no individual more deserving of such an honor.

Frederick Douglass once said "Men may not get all they pay for in this World, but they must certainly pay for all they get." Mr. Speaker, Dr. Farmer may not have gotten all that he paid for, but with the life of service and commitment he has given us, I have no doubt that he has paid for all that he has gotten.

Thank you, Dr. James Leonard Farmer, for all that you have given us.

THE 20TH ANNIVERSARY OF THE RETURN OF THE HUNGARIAN CROWN—REPLICA IS PRESENTED TO THE AMERICAN PEOPLE AS A SYMBOL OF THE CLOSE TIES BETWEEN THE U.S. AND HUNGARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. LANTOS. Mr. Speaker, on March 18 in Statuary Hall of the United States Capitol, just a few steps from the Chamber of the House, the President of the Republic of Hungary, His Excellency Árpád Göncz, was joined by a number of our distinguished colleagues from both the House and the Senate and by a distinguished group of current and former Administration officials, members of the diplomatic corps and a large number of other Hungarians and Americans in celebrating the 20th anniversary of the return to the people of Hungary of the Holy Crown of Hungary, the Crown of St. Stephen.

It is one of the significant and curious aspects of the nearly one thousand year history of the Hungarian Crown that, for a third of a century, the United States government was custodian of this most important symbol of the Hungarian nation. In 1945 the troops guarding the Crown handed it over to United States Army troops in Germany to prevent its falling into the hands of the Soviet military. First in Germany and later at Fort Knox, Kentucky, the United States safeguarded this Hungarian treasure for 33 years. It was clearly the intention of American officials to return the Crown to the Hungarian people, but the communist coup d'etat in 1947 and the unsuccessful Hungarian revolution of 1956 prevented that from happening.

By the late 1970s, Hungary had shown its independence from the Soviet Union in a whole range of domestic policies. In 1978 in a courageous decision, President Jimmy Carter, with the strong concurrence of Secretary of State Cyrus Vance and National Security Advisor Zbigniew Brzezinski, decided to return the Hungarian Crown to the people of Hungary. The Crown was a powerful symbol of Hungary's links with the West and a potent emblem of Hungarian national identity. The decision to return the crown was based on the desire to encourage the reality of both of those elements.

The rightness of the decision to return the Crown has unquestionably been confirmed by events since 1978. Hungary was instrumental in the opening of the Iron Curtain. In the fall of 1989, thousands of East German citizens were camped on Hungary's border with Austria seeking to leave the East bloc and flee to the West. At that critical moment, the Hungarian government made the fateful decision to open its borders, and thousands of East Germans fled to West Germany and to freedom and opportunity. That was a dramatic and fateful decision which hastened and precipitated the collapse of the Iron Curtain.

Since 1978, our relationship with Hungary has progressed from being members of opposing alliances to partners and now to becoming full allies. Today, Mr. Speaker, Hungary stands at the door of NATO. It was symbolically significant that on the day before our ceremony in Statuary Hall, the Senate began debate on the admission to NATO of Hungary, Poland, and the Czech Republic.

In recognition of the significance of the return of the Crown twenty years ago and as a symbol of the friendship of the Hungarian and American peoples, the Hungarian government has presented to the American people a magnificent replica of the Holy Crown of Hungary. That replica was presented to the American people at the conclusion of the ceremony in Statuary Hall in the Capitol, and the Members of Congress who were present symbolically accepted it on behalf of the American people. Appropriately, the replica of the Crown was taken to the Jimmy Carter Presidential Library in Atlanta later that same day, where it was placed on permanent display. It is most appropriate that the replica of the Crown is housed there, since President Carter made the courageous and controversial but correct decision to return the Crown to Hungary two decades ago.

Mr. Speaker, this Crown has a long and important legacy that is highly significant to the history of the Hungarian people. In the year 896 the seven Hungarian tribes crossed the Carpathian Mountains and occupied the Hungarian plain. In the year 1001, Stephen was crowned King of Hungarians with a crown given him by Pope Sylvester II. That moment signified Hungary's decision to be an integral part of western culture and civilization, and throughout the entire past millennium this hope and dream and struggle of the Hungarian people was frustrated every step of the way—in the 13th century by the invasion of the Tartars, in the 16th century by the Turks, in the middle of the 19th century by the forces of the Tsar putting down Hungary's freedom revolution, and, of course, in recent times by Soviet domination.

For Hungarians this is a historic moment when we celebrate the friendship of the United States and the Republic of Hungary, and when the Hungarian people thank the American people by giving them in perpetuity this replica of the crown which symbolizes for Hungarians all that is good and decent and civilized. It is significant that just a few steps away from where we met for this ceremony, the debate was underway on admitting Hungary to NATO, and the vote is not too far distant when Hungary will also be made a part of the European Union. These great events mark a fulfillment of this millennium-long yearning of the Hungarian people to be linked with Western civilization and culture.

The cosponsors of the event marking the 20th anniversary of the return of the Crown were Speaker of the House NEWT GINGRICH, Senate Majority Leader TRENT LOTT, Senate Democratic Leader TOM DASCHLE, Senator RICHARD LUGAR, Senator JOSEPH R. BIDEN, JR., Senator GORDON SMITH, House Democratic Leader RICHARD GEPHARDT, Congressman BENJAMIN A. GILMAN, Congressman LEE HAMILTON, and Congressman TOM LANTOS.

Mr. Speaker, I want to thank those speakers who participated in this happy and historic event: Dr. James Ford, Chaplain of the House of Representatives, who offered the invocation; Speaker of the House NEWT GINGRICH; Senators RICHARD LUGAR, GORDON SMITH, JOSEPH BIDEN, JR., PAUL SARBANES; Congressman LEE HAMILTON, Congressman BENJAMIN A. GILMAN; representing the Administration were Dr. Joseph Duffey, Director of the United States Information Agency, and Ambassador Marc Grossman, Assistant Secretary of State for Europe; representing the government of Hungary, in addition to President Árpád Göncz, was Ambassador to the United States, Gyorgy Banlaki. The benediction was offered by Pastor Stephen N. Mustos.

Also making an important contribution to the ceremony were the United States Army String Ensemble, which played the national anthems of the United States and Hungary as well as other music, and the Joint Forces Color Guard, which presented the colors at the opening of the ceremony. I also want to thank the members of my staff for their role in this ceremony, and in particular, I want to thank Dr. Kay King, who was responsible for organizing this event and who made all of the arrangements.

I ask that excerpts of the remarks of several of those who participated in this event be placed in the RECORD. I am including those who had written remarks, and I regret that excellent remarks from a number of participants which were not available in writing are not included in this statement.

REMARKS OF HON. GORDON SMITH, UNITED STATES SENATE

Senator SMITH. Congressman Lantos, thank you for your efforts in organizing this event honoring the 20th anniversary of the return of the Hungarian Crown by the United States. The Crown of St. Stephen is a powerful symbol for the Hungarian Nation. Legendary as the crown that Stephen used in his coronation in 1001, it was last used by the Hapsburg King Franz Joseph II in the 19th century and by his successor Karl IV early in this century.

More than a simple crown of kings this has been a symbol of Hungary's strong links with Western Europe. It was this strong kinship with the West that finally led President Carter to return the crown to Hungary twenty years ago. Twenty years ago, American leaders were proud to return this important artifact to a Hungary that was taking a slightly different economic road than the rest of the Communist bloc. It gave the West hope for Hungary.

Now twenty years later, Communism has fallen and again Hungary is taking a different road. This time its preparation for membership in the NATO alliance gives us pause to celebrate a new ally. Yesterday, the Senate began an historic debate that will, I am confident, end in an overwhelming vote to accept Hungary as a new member of NATO.

I am happy to vigorously support Hungary's membership and I look to this crown, the replica of which will go to the Carter Presidential Library, as an enduring symbol of Hungarian Pride and also of the strong bond between our two countries, now about to become allies in Europe.

Thank you for inviting me to take part in this ceremony.

REMARKS OF HON. JOSEPH R. BIDEN, JR.

Senator BIDEN. It is a great honor and pleasure for me to be with you today as a cosponsor of this remarkable event.

Twenty years ago the Government of the United States under the wise leadership of President Carter and Secretary Vance made the courageous decision to return the Crown of St. Stephen, the first Christian King of Hungary, to the Hungarian people. We commemorate that event today—and what a difference twenty years makes.

In 1978, Hungary was ruled by communists. Today it is a vibrant democracy. In 1978, Hungary was a member of the Warsaw Pact. Today, I am happy to report that in the next few days, the United States Senate will almost certainly ratify the Protocols of Accession of Hungary, Poland and the Czech Republic to NATO. And today, as a gesture of friendship, Hungary is presenting a replica of the Crown to the American people.

It is fitting and proper that following today's ceremony, the Crown will be taken to Atlanta, presented to President Carter, and then will be housed permanently at the Carter Presidential Library and Museum.

Not often can we celebrate an event with such unambiguous joy. I am delighted to be a part of today's ceremony, and, Mr. President, I wish Hungary continued prosperity and success.

REMARKS OF HON. LEE H. HAMILTON, MEMBER OF CONGRESS

Mr. HAMILTON. I am pleased to attend this celebration of the 20th anniversary of the return of the Crown of St. Stephen to the Hungarian people by the United States government on January 6, 1978.

President Göncz, I join in welcoming you to the United States Congress. Secretary of State Cyrus Vance, we welcome you back to these halls. You can be proud of your exemplary service to the nation and your strong leadership. I would also be remiss if I did not use this occasion to commend Tom Lantos for his distinguished service and all he has done to enhance Hungarian-American relations. Finally, I want to thank Dr. Robert King, who traveled with the delegation back in 1978 and who has ably served Mr. Lantos for many years.

I served on the Special President Delegation to the ceremony commemorating the return of the Crown of St. Stephen to Hungary, ably led by Secretary of State Cyrus Vance. I shall not forget that experience. Its impact on me was all the greater because I simply did not initially understand the importance and significance of the Crown of St. Stephen to the Hungarian nation.

I first encountered the Crown of St. Stephen in hearings by the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs in 1977. Hungarian Americans were divided on the question of the return of the Crown. Some argued passionately for the return: others, with equal passion, argued against the return. I learned in those hearings about the Crown and its important role in Hungarian history.

I preserve as a special memory the deeply symbolic and emotionally-charged moment when, in the dark of night, the Crown of St. Stephen was lifted off the delegation's U.S. Air Force aircraft and returned, for the first time in 33 years, to Hungarian soil. The emotional reaction of the airport crowd when the crown touched down was simply astounding. Some cheered lustily, others wept tears of joy, and others stood in silence and reverence. Then and there I felt directly the profound significance of the crown's return.

To this day, I recall Secretary Cyrus Vance's moving remarks at the formal return ceremony at the Hungarian Parliament. That entire day, reinforcing the strong bonds between our two countries and two peoples, is etched in my memory.

President Carter and Secretary Vance deserve enormous credit for their foresight and courage in understanding the great historical importance and significance of the return of the Crown of St. Stephen to Hungary. Therefore, it is entirely fitting that a replica of this magnificent crown will soon sit in the Carter Presidential Library in Atlanta.

But, what strikes me most this day is what has happened since the return of the crown. The return of the Crown of St. Stephen twenty years ago was the beginning of the reaffirmation by Hungary of its strong links to the community of western nations. This process continued with the collapse of the Berlin Wall in 1989, which came about in no small measure because of the courageous leadership of the Hungarian people and government. When Hungary opened its border to Austria in the summer of 1989, the world changed forever. Once there was an opening for human freedom, the Iron Curtain and the Warsaw Pact could no longer endure.

These intervening years have brought Hungarian-American relations full circle. We have witnessed dramatic and positive changes that have taken place in Hungary and in Hungarian-American relations. We are now strong friends and partners and will soon become NATO allies. A gesture of friendship and reconciliation in 1978 has blossomed into a partnership and one of the world's most enduring and powerful alliances.

Twenty years ago, I did not imagine so desirable a result. What better outcome could we have hoped for? From its very beginnings, the Crown of St. Stephen linked Hungary to the western world. Today, the Crown of St. Stephen links Hungary not only to the United States, but to the broader community of freedom-loving democratic nations.

REMARKS OF HON. BENJAMIN A. GILMAN, MEMBER OF CONGRESS

Mr. GILMAN. I am very pleased to be here this morning to join with you in commemorating the return of the Crown of St. Stephen to the Hungarian people twenty years ago. This gift to the American people—the replica of the Crown that we have here today—is a truly generous gift by the Hungarian people.

It was America's honor and privilege to safeguard the real crown for more than three decades. Indeed, we kept the symbol of Hungary and its people safe in the expectation that, one day, Hungary would again be free and would return to its rightful place in the European community of nations—and in the international community of democracies. That day is now here.

The difficult decision to return the Crown to Hungary twenty years ago was an expression of faith that this day would arrive. Even though communism still reigned unchallenged in Hungary in 1978, many of us had faith that communist rule there would not last forever. Even then, there were signs that the Hungarian people wanted—and would one day win—a better life. Our faith was rewarded just a few years later, when Hungary emerged, once and for all, from communism.

I believe that the American people will appreciate this gift from the Hungarian people. But I believe as well that the American people will appreciate even more having Hungary as a democratic ally—and will welcome Hungary into the North Atlantic alliance in the very near future.

As I understand it, the Crown of St. Stephen is no longer used in the coronation of Kings of Hungary. It stands instead as a symbol of Hungary and its one-thousand-year history. I hope that the Crown of St. Stephen will serve as well, from this time forward, as a sign of Hungary's return to the true heart of Europe: to democracy, to peace, and to prosperity.

The presentation of this replica of the Crown to the American people should also now serve as a "coronation" of the faith of those who, twenty years ago, believed that Hungary would see this day come to pass—a day when Hungary would be democratic and free and would be ready to join, as an equal member, the community of European nations and the trans-Atlantic alliance.

Remarks of Hon. Cyrus Vance, Former Secretary of State of the United States

Former Secretary of State VANCE. It is a great honor for me to join you today at this important ceremony. I well recall the date some 20 years ago on which I arrive in Budapest heading the delegation that brought the Crown of St. Stephen and the coronation regalia to Budapest.

It was a cold and blustery day, but the atmosphere was warm and hospitable. The return of those important treasures to Hungary was not just the return of important historical items, entrusted to our forces at the end of World War I. It was the opening of a new era in our relationship with Hungary, and a demonstration of how close our peoples could become and would become.

In 1978, you will recall, there were many differences between our two governments, but there was a feeling in Washington that the time had come to break through the Cold War mentality, and reach out to the people of Hungary. In this, the human rights strategy of President Carter was of vital importance, and the return of the Crown of St. Stephen was central.

I want to underscore President Carter's personal support of the return of the Crown, as well as the important work of two officials in the State Department at that time: Ambassador Philip Kaiser, who served us with distinction in Budapest, and Counselor Matthew Nimetz, who coordinated the effort under my direction in Washington.

Let me conclude by saying how deeply touched I am to join you today and to say how important it is to commemorate this memorable event. I shall always treasure that unforgettable day.

Remarks of His Excellency Gyorgy Banlaki, Ambassador of Hungary

Ambassador BANLAKI. "The magnificent splendor of the moment weighs heavily upon my soul," said a great Hungarian about 150 years ago. You will soon hear more about this man—who was the second foreigner to speak to a joint session of Congress and who gave 600 speeches in 7 months across the United States in 1852.

I am not a fan of flowery language, but when I think of where we are, what we are celebrating, who are present, what are the broader surrounding circumstances, what earthshaking changes this all signifies, then magnificent it is. Splendid it is. And it is a dream come true.

In this majestic Statuary Hall of the U.S. Capitol, which served as the House of Representatives Chamber for 50 years, the American and Hungarian flags standing together, our national anthems played together, the Hungarian national symbol epitomizing a thousand years of history (with a fascinating American-related chapter in focus fortifying the friendship of the American and Hungarian people), it is a spectacular celebration, another milestone in the process as we shape and transform our relationship from partnership to alliance. As of yesterday, this process is in its last crucial stage.

Tom, amidst all this splendor even within the constraints of just a few moments to speak, I cannot omit to express our institutional and my personal thanks to you for helping this great event came about. You recently received the high honor of being decorated with the Prime Minister's Prize called "For the Name and Fame of Hungary." This newly established prize is given annually to an exclusive little group of very distinguished people who have done a great deal to enhance the reputation of Hungary and Hungarians around the world. It is presented on the anniversary of the day when Albert Szentgyörgyi, discoverer of Vitamin C, received his Nobel Prize in Stockholm 60 years ago. He was one of more than a dozen American Nobel Prize winners of Hungarian origin. As we take in the atmosphere, the grandeur, the significance of this event today, we cannot but realize how profoundly well deserved by deeds, not just words, your recognition is.

The crown in an object. A revered and sacred object. But what more than any object has woven the fabric of relations between Hungarians and Americans, what has shaped the sentiments of Americans about Hungary, has been the unique contribution of Hungarian Americans to the development of the United States in every walk of life—in science, the arts, the military, music, journalism, politics and business. On a day like this, at an event like this, they should be recognized and honored.

The man who will follow me in speaking today has consistently been the most popular politician in Hungary since his election as President of the Republic. He is Uncle Árpád to most Hungarians, a hero of 1956, and a distinguished author and writer. If you run a database search across the street from here at the Library of Congress, under his name you find 9 of his works. When I presented the list to him, he was evidently pleased and remarked "Good collection."

Thank you for being a part of today's historic event. Thank you all for writing together another exciting page in the rich book of Hungarian-American relations.

Mr. LANTOS. Mr. Speaker, our concluding speaker on this occasion was His Excellency Árpád Göncz, President of the Republic of Hungary. He is one of the outstanding figures of post-communist Central Europe. President Göncz joined the resistance to communism during the 1956 Hungarian Revolution. He was arrested, tried as a revolutionary, and sentenced to life in prison. He spent six years in prison but was released following an amnesty in 1963. During his time in prison, he taught himself English. After his release from prison, he became a translator and produced the definitive Hungarian translations of the works of a number of American authors, including Faulkner and Mark Twain. He is also a distinguished playwright, and has produced a number of profoundly original works of his own. In 1990, President Göncz was elected President of the Republic of Hungary, and in 1995 was reelected to a second five-year term. It was a special honor to have this distinguished leader here for our ceremony.

Remarks of His Excellency Árpád Göncz, President of the Republic of Hungary

President GÖNCZ. It is with genuine pleasure that I now recall with you two historic moments here in the Capitol—in this magnificent building where the bronze bust of Lajos Kossuth stands as a symbol of a century-long struggle of a small European nation for democracy. This statue also stands for all the values that our two respective countries share.

Exactly one hundred and fifty years ago in the Hungarian capital, Lajos Kossuth took the lead of an uprising, crowning a long political and spiritual reform movement. A couple of years later, Kossuth, the champion of a struggle that was defeated by superior power and external intervention, was welcomed here as a hero by the American people. In addition, many soldiers of the Hungarian freedom struggle were also welcomed here—including General Asboth and General Stahel Szamvrald, at whose grave I had the privilege of laying a wreath yesterday. There were so many unrecorded, nameless soldiers who fought in their new homeland under the banner of the same ideals, because the values and ideals of the revolution and freedom fight of 1848 were also the fundamentals of the great American political tradition. Democracy and national liberalism are notions that signify attitudes, morals, and values which served then—and which serve even in the twenty-first century—as guides to our civilization, as it faces constantly changing challenges.

The second historic moment was 20 years ago, on the eve of a new outburst of another wave of the Cold War. A country, trying to help herself in the Soviet zone of influence, was given back the Holy Crown, the first and foremost symbol of her national pride and sovereignty after 33 years. As President Jimmy Carter put it, this millennial treasure attached to the memory of our first king, was given back to the Hungarian people by the American people as the reinforcement of the traditional friendship between our two nations.

It was on the 5th of January 1978 when our national relics arrived in Budapest from Fort Knox. In Europe the geographic frontiers were made impenetrable by barbed wires separating peoples and political systems. The everyday relations between the two blocs were shaped by exchanged ultimatums and gestures, but it was in those years when truly remarkable events took place, which influenced the political and spiritual future of the whole continent.

These are but episodes in the recent and not-so-recent past of the European continent—history from the perspective of 150 years and of 20 years. What connects the two? The Holy Crown of St. Stephen and the bust of Kossuth—living tokens that symbolize where we belong and what our commitments are. By the turn of this millennium, Hungary will reach the doors of organizations that have developed in our vicinity, but that are still so very far away from us. Our country is now about to join the democratic community, whose values upheld by so many Hungarian historic figures—values, which, regardless of political systems, have long been leading ideas for the Hungarian people. Now we have a unique chance to become part of the zone of stability and security. By sharing our values and fulfilling our commitments, we can also contribute to the peace and welfare of our region and consequently the whole European continent.

The lesson of our history confirms our conviction that the new challenges, affecting each and every one of us, can only be met by joint efforts, by standing united along the same values and purposes. When we steadfastly commit ourselves to the dissemination of democratic principles, respect for human rights and dignity, and the protection of private property, we really vote for a safe and secure future for new, upcoming generations. When we emphasize the need for genuine unity in Europe and the prevention of isolating nations that have not yet qualified for integration, we do nothing but draw the historic lessons of our region and also outline a vision of our future.

In one of his short stories, John Updike raises the question: "Without the cold war, what's the point of being an American?" Please, let me try to answer this question as a translator of several books of the writer and also in my capacity as a Central European intellectual—the end of the bipolar world does not mean the immediate and complete prevailing of the ideas championed by the United States throughout the past centuries. Your responsibility today is to facilitate the completion of a promising process, a historic chance, that democracy and stability find a home now and forever in the Eastern part of Europe. I am convinced that this expectation is not idealism, that through advocating our common interests we can effectively contribute to the spread of the values that have been proclaimed so many times by outstanding American politicians within the walls of this historic building.

In conclusion, please allow me to use this opportunity to gratefully thank the American people and their leaders for the steady support they have given to Hungary to achieve as much as possible under the present international circumstances. I am sure if we build upon the legacy of St. Stephen and Lajos Kossuth, Hungary can again join the democratic community of nations.

IN TRIBUTE TO FIRE FIGHTER JOSEPH DUPEE

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. McKEON. Mr. Speaker, I sadly rise today in tribute to one of my community's heros, Joseph Dupee. A loving father, devoted husband, a Christian servant, and protector of communities are all fitting descriptions of Joseph Dupee. Unfortunately, I rise today because Joseph Dupee paid the ultimate price of duty in service to his community, in his life. On March 8, 1998, Captain Joseph Dupee died in the line of duty. His colleagues all admit that no other honor is more befitting a fire fighter than to give your life to save another.

However, today is not a day to remember Joseph Dupee's death, but rather one to remember his life. And what a life it was, Mr. Speaker. Born February 25, 1960 in Burbank, CA, Joseph Charles Dupee was one of six children of Anna Shaffer. He grew up in Simi Valley and graduated from Simi Valley High School. As early as ten years old, Joe knew he wanted to be a fireman and was "hanging out" at his local station. In 1977, he fulfilled his dream by joining the Ventura Fire Department as a volunteer cadet. In 1981, he graduated from the drill tower and officially began a distinguished 17-year career with the Los Angeles Fire Department. In 1986, Joe was promoted to engineer and served in that position for ten years.

While as impressive as his stellar performance was in his career, his personal life was incomplete until he met the love of his life, Julie, in April of 1991. Through Julie's inspiration, Joe became a disciple of our Lord and joined the Grace Community Church later that very year. After a two year courtship, the two were married and later blessed with two wonderful sons, Lucas Joseph and Caleb Benjamin.

Joe continued to serve the Lord through many avenues, including driving a bus for the handicapped to attend church, playing guitar for Bible study, and general ministry. His faith was so strong that he was overheard telling a friend after a fellow fireman had fallen in the line of duty that he had no fear of death for the Lord has better plans for us all.

While our community has lost a hero, father, husband, leader, and friend, *heaven* has gained a trusted ally. We will miss Joe and the hard work that exemplified his performance, but we applaud him for the work that he did in service to his community. To his wife, Julie, and his two sons, Lucas and Caleb, we hope that you may find peace in knowing the appreciation your community has for Joe's devotion to us.

Let me end, Mr. Speaker, with the Fire Fighters Prayer:

When called to duty
Wherever flames may rage
Give me strength to save a life
Whatever their age.

Help me embrace a child
Before it is too late
To save an older person
From the horror of that fate

Enable me to be alert and
Hear the weakest shout,
To quickly and efficiently
Put that fire out

I want to fill my calling
And give the best in me
To guard my every neighbor
And protect his property

If according to your will
I must lose my life . . .
Oh bless with your protecting hand
My children and my wife.

TRIBUTE TO DUMONT PRINTING, HARRIS RANCH INN, WESTAMERICA BANK, EVANGELICAL FREE CHURCH, THE CLOVIS INDEPENDENT, DAVID AND SONS, GIANNINI PACKAGING CORPORATION, PRODUCERS DAIRY, COSTCO WHOLESALE, AND THE CLAUDE LAVAL CORPORATION

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Dumont Printing of Fresno, Harris Ranch Inn of Coalinga, WestAmerica Bank-Sanger Branch, Evangelical Free Church of Fresno, The Clovis Independent of Clovis, David & Sons of Fresno, Giannini Packaging Corporation of Dinuba, Producers Dairy of Fresno, Costco Wholesale of Clovis, and Claude Laval Corporation of Fresno for being honored by the Fresno Compact for their dedication to helping students prepare for the increasing demands of society and the work place.

The Fresno Compact is a coalition of community leaders and the area's public schools, committed to a long-term effort to improve achievement levels and skills of young people who leave our schools. Formation of the Compact was initiated in 1990 by businesses and the Fresno Chamber of Commerce, who's members were concerned about the difficulty of finding young workers equipped to succeed in entry level jobs. The members were also concerned about the problems young people have in supporting a family, finding satisfactory work and contributing positively to the economy. Schools and the community leaders then joined businesses in organizing the compact. The compact is now involved in coordinating various initiatives by its members, including business participation with the schools. The mission of the Compact is to focus community-wide efforts on preparing students for the increasing demands of society and the workplace.

This year the Compact has honored ten businesses in Fresno County that have been nominated by the schools for their outstanding contributions to classroom learning. These businesses have contributed everything from time and money to human resources and expertise. Some of the businesses are quite large and some are quite small, but each one shares a common goal—to get involved in Fresno County's education system! In every case, the result is a lasting partnership that has touched the lives of kids.

Harris Ranch Inn and Restaurant was nominated by Coalinga High School and Middle School. Harris Ranch personnel have taught Coalinga High School students about economics and marketing. Students have participated in mock interviews with Harris Ranch employees to help prepare them for the world of work. Each year during celebrations and fund raising events, Harris Ranch provides students and parent organizations with necessary supplies and materials. Harris Ranch also creates a positive learning climate in the schools by providing a monthly recognition dinner for employees.

The Giannini packaging corporation of Dinuba, in conjunction with the Trembley family foundation has invested in the area of technology in the Clay Joint Elementary School District. The offices of the foundation, Leroy Giannini Jr., and Jim Burnett has invested over $150,000 in equipment and materials. In 1993, they began installing 27' TVS, VCRs, cable boxes, personal computers, and printers in each classroom, including the Library. The TVS are networked together enabling instructional TV programming and distance learning.

The WestAmerica Bank of Sanger has been one of the primary catalysts for the successful career preparation program anchored at Sanger High School. WestAmerica employees have been active members of the advisory committee for the Sanger High School Business Department for the past seven years. As a part of the Fresno Chamber of Commerce Employment Competency Program, WestAmerica Bank has been a key business partner. Manager Donna Silva has devoted one to two days a month for instruction, student assessment, and curriculum development focusing on employment competency skills needed for entry-level success in the workplace.

Evangelical Free church in Fresno offers yet another unique partnership that links people from throughout the community to Ernie Pyle Elementary School. Each Year, individuals from the church congregation volunteer to read with first and second graders. This happens as often as three times a week. The Ernie Pyle staff believes children have become much more confident and it has shown in their reading ability.

Dumont Printing Company has been an active partner with Fresno's oldest high school, Fresno High School, since 1994. The owners, Larry and Susan Early, provide visible support for the highly successful marketing academy. As a direct result of the generosity of Mr. and Mrs. Early, students as well as teachers have received complimentary tickets to cultural events including ballets, symphonies, and local museums. Dumont assists with curriculum development, field trips, mentors and guest speakers.

The dedicated professionals from the Clovis Independent have personally dedicated their time and talents to making this vision a reality. Each week, a guest reader volunteers one hour a day to read stories to the primary students. Classroom presentations have also been a strong contribution by the Independent. Writers and advertisers provide "hands on" newspaper activities illustrating their job responsibilities at the Independent. Students are taught to see the correlation between mathematical application and advertising sizing and pricing. The Clovis Independent promotes student recognition by printing students of the month, honor students, those receiving special awards, and special interest stories.

The David & Sons-Viking Elementary School partnership is another excellent example of the impact individual employees have on students. Employees participate in field trips, student of the month activities, classroom tutoring and a number of other activities that result in one-on-one contact with kids. As a business, David & Sons is also an important player in the Viking Pen Pal Program. The kids love the letters they receive from the employees. In addition to extensive involvement from employees, David & Sons also contributes financially to after school activities that touch the families as well as the children.

Ericson Elementary School of Fresno is in its second year of an exciting partnership with the Claude Laval Corporation. The primary goal of the partnership is to expose children to an array of career possibilities. Division heads from the Claude Laval Corporation do classroom presentations which often include hands on demonstrations. These department heads talk to kids not only about the intricacies of the industry but about the importance of work ethics, goal setting, and life long learning. Perhaps the most innovative aspect of this process is the interview/resume process. Each student who completes the packet goes to a mock interview, and as a culminating activity, four students are selected to attend a Claude Laval Leadership Training Program which includes a factory tour and lunch with Claude Laval executives. At the end of the year, classrooms prepare presentations on topics such as marketing, finance and manufacturing and present them to the executive team at Claude Laval.

In Clovis, Tarpey Elementary School and Costco have cultivated a partnership that families, as well as students have benefited from. Costco has donated back packs and school supplies to over 1,000 students. Needy families have been the recipients of food and clothing. The annual Tarpey BBQ and carnival has become one the community highlights as a result of Costco's generous donation of food and supplies.

The final business partner award goes to a long standing business partnership and an icon in the community. Producers Dairy was nominated by the State Center Community College District for their contributions to the State Center system for over a decade. Producers is sole sponsor of the "Producers California Community College Baseball State Championships." This event not only touches college athletes but brings thousands of dollars into the Fresno Community. Producers Dairy also provides over $20,000 in scholarships to students who might not otherwise have the means to go to college.

Mr. Speaker, it is with great honor that I pay tribute to Harris Ranch, Giannini Packaging Corporation, WestAmerica Bank, Evangelical Free Church, Dumont Printing, The Clovis Independent, David and Sons, Claude Laval Corporation, Costco Wholesale, and Producers Dairy for the dedication and care that they have exhibited for future education. School business partnerships bring a little bit of hope to a lot of kids, thanks to the commitment of powerful teachers and concerned and dedicated citizens. I ask my colleagues to join me in wishing these companies many more years of success.

INTRODUCTION OF A BILL TO AMEND THE 50 STATES COMMEMORATIVE COIN PROGRAM ACT

HON. CARLOS ROMERO-BARCELÓ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. ROMERO-BARCELÓ. Mr. Speaker, today we have introduced a bill to amend the 50 States Commemorative Coin Program Act that will extend the program by one additional year so as to include the District of Columbia, Puerto Rico, American Samoa, Guam and the United States Virgin Islands within the scope of the program.

The 50 States Commemorative Coin Program, to begin in 1999, allows each of the 50 States the privilege of selecting a design for the reverse side of the quarter coin that commemorates their history. Five States per year will have quarters minted, selected according to the order in which the States ratified the Constitution or were admitted into the Union.

As enacted, the Territories and the District of Columbia were excluded from the original program. This amendment is necessary because as passed, the Act does not truly reflect the strengths of our Nation and the tremendous contributions to American society and American democratic values provided by the United States citizens who reside in the Territories and in the District of Columbia. It is important that the youth of the United States, a large number of whom are expected to collect complete sets of the quarter dollars issued during the program, learn about their national history, geography and heritage.

We supported the program (H.R. 2414) on the House floor last September after it was agreed that we would be included in a subsequent bill. I wish to salute the chairman of the Domestic and International Monetary Policy Subcommittee, MICHAEL CASTLE (R–DEL), for his support and commitment to ensure that we receive the same considerations as all 50 states.

In addition, I wish to thank delegate ELEANOR HOLMES NORTON, of the District of Columbia and my colleagues representing each of the territories. I am glad that we could work together to achieve this important victory towards equality.

THE FIFTY STATE COMMEMORATIVE COIN PROGRAM ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. NORTON. Mr. Speaker, today, I introduce a bill that would give the District of Columbia and the four insular areas a privilege the 50 states already have, namely, the ability to choose a design for the reverse side of the quarter coin in order to commemorate our history as part of the United States. After I protested the exclusion of D.C. and the four territories when the original bill came to the House Floor, Congressman MIKE CASTLE, Chair of the Domestic and International Monetary Policy Subcommittee, agreed to co-sponsor this bill with the other Delegates and me and to allow the District and the four insular areas to participate. I want to thank Chairman Castle for his great cooperation in helping us with this effort that is important to our districts, and I thank the Delegates from the four insular areas who have worked hard on this bill from the beginning.

Although the residents of the District and the insular areas are American citizens, there are some differences between us and the states. However, qualification to be part of a program to redesign quarters to commemorate Member's home districts is not one of them. There is no legal or constitutional reason to exclude D.C. and the territories from this bill. Congress should be at great pains to avoid any appearance of treating the District and the insular areas as colonies. I am sure this initial exclusion was an oversight.

My bill would extend the 10-year commemorative coin program for an additional year to include the District of Columbia and the four insular areas—American Samoa, Guam, Puerto Rico and the Virgin Islands—in the program. In the District, I am suggesting that we hold a competition to choose the design for our quarter. Although to some American citizens the Commemorative Coin Program may seem like a minor activity, the ability to participate in this program is important recognition to my constituents. I am sure that the same is true for the insular areas.

INTRODUCTION OF H.R. 3633, THE CONTROLLED SUBSTANCES TRAFFICKING PROHIBITION ACT OF 1998

HON. STEVE CHABOT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. CHABOT. Mr. Speaker, serious concerns have been raised by law enforcement, US Customs, drug abuse prevention counselors and commissions, independent studies and media reports about the trafficking of controlled substances from Mexico.

"Controlled substances" are drugs that the Drug Enforcement Administration has either banned or subjected to closely regulated status because of their danger, addictiveness and potential for abuse. Controlled substances include illegal drugs such as heroin and closely-regulated legal drugs such as Valium.

Currently, it is particularly easy for an individual to purchase dangerous controlled substances in Mexico. These uppers, downers, hallucinogens, and "date-rape drugs" are obtained from so-called "health-care providers" or "pharmacists" in Mexico with no documentation of medical need; then legally imported into the United States; and, according to DEA, frequently sold illegally on the street.

Mexican drug sellers even include detailed instructions to help Americans avoid arrest or drug confiscation—these instructions tell Americans:

"Don't use marijuana or cocaine for 2 days before because dogs may smell."

"Don't open boxes in Mexico."

"Customs and Border Patrol don't care about medication."

"Medication must be used only in U.S.A. not in Mexico."

Ironically, while Mexican authorities don't mind supplying dangerous drugs to American citizens, they strictly prohibit their use in Mexico. In fact, there have been high-profile cases where U.S. citizens have been arrested for opening sealed boxes of controlled substances while still on Mexican soil.

This gaping hole in U.S. drug policy exists because of a so-called "personal use" exemption to the Controlled Substances Act that allows American drug dealers to bring in up to a 90 day supply of such drugs without a legitimate prescription or medical purpose, as long as they are declared at the border. This exemption is so lax that studies along the southwest border have found records of people bringing in thousands of pills in one day—multiple drugs and thousands of pills in a single day for "personal use."

A 1996 study published in Clinical Therapeutics, entitled Pharmaceutical Products Declared by US Residents on Returning to the United States from Mexico by McKeithan and Shepherd raises serious concerns about the trafficking of controlled substances along the U.S.-Mexico border. The number and types of pills that the Shepherd study found at a typical border crossing backup DEA's view that these drugs are being used for illegal purposes.

The Shepherd study estimated that in just one year at the Laredo border crossing, over 60,000 drug products were brought in to the U.S. by more than 24,000 people. All of the top 15 drug products, which represent 94.1 percent of the total quantity of declared drugs, were controlled substances. These dangerous drugs, classified as prescription tranquilizers, stimulants, and narcotic analgesics, are potentially addictive and subject to abuse.

Specifically, Valium was declared by 70 percent of the people, with the average person bringing in 237 tablets. Rohypnol, commonly referred to as the "date-rape drug," was brought in by 43 percent of those who declared their prescription medication. Over a full year, that means that over 4 million doses of Valium and almost 1.5 million doses of Rohpnol where brought in at a single border crossing. Further, the median age for those who declared Valium and Rohypnol was 24 and 26 years old respectively.

Fortunately, Rohypnol, which is ten times more potent than Valium, has recently been banned for importation into the U.S. Unfortunately, there are hundreds of dangerous controlled substances, readily available in Mexico, that pose similar threats to American citizens.

This blatant perversion of our nation's drug laws must be stopped. The personal use exemption should allow American citizens who become injured or ill while traveling abroad to bring needed medicine back into the United States—it was never intended to allow drug dealers to legally import large quantities of hazardous, mind-altering drugs into our communities.

Mr. Speaker, I have been working with Customs, DEA, and the Office of National Drug Control Policy to solve this problem. The legislation I have proposed offers a targeted and straight-forward solution to this problem.

My proposal would limit the exemption for individuals who do not posses a prescription issued by a U.S. physician or documentation which verifies a legitimate prescription. An individual without this documentation would be limited to 50 dosage units of a controlled substance. The 50 dose limit would provide those people who have a legitimate need for a controlled substance ample time to seek medical attention in the U.S. while virtually eliminating the abuses that are now prevalent along the U.S. border.

I want to be very clear about what this legislation does and does not do:

The legislation is strictly limited to controlled substances. Again, controlled substances are drugs that the DEA has either banned or subjected to closely regulated status because of their danger, addictiveness and potential for abuse.

The legislation is strictly limited to those individuals that do not posses a U.S. prescription or documentation that a prescription exists. The legislation does not impact the ability of people with a prescription issued by a U.S. doctor to import any medications, including controlled substances.

The legislation does not in any way change current U.S. law as it relates to the importation of prescription drugs that are not considered controlled substances. In other words, this legislation will not make it more difficult for people to obtain drugs to treat heart disease, cancer, AIDS or other serious illnesses, because these drugs are not controlled substances. In fact, none of the top 20 heart, cancer or AIDS drugs are controlled substances.

I would also like to note that although this problem occurs primarily along the Mexico border, it impacts communities well beyond the southwest. The study in Laredo found that residents from 39 states crossed the border and returned to the United States with a variety of drug products in large quantities.

Mr. Speaker, this should not be a controversial proposal. DEA and Customs identified this as a critical problem over two years ago. General McCaffery has written to me and expressed his belief that there is general agreement among my office, ONDCP, DEA, and Customs regarding the scope of the problem and the proposed solution.

Members of this House recognize that prescription drug abuse is a serious problem in this country, and a growing problem among our youth. The purity and low price of prescription pills makes them an attractive alternative to street drugs.

More Americans abuse prescription drugs for non-medical purposes than use heroin, crack and cocaine. Surprisingly, prescription painkillers, sedatives, stimulants, and tranquilizers account for 75 percent of the top 20 drugs mentioned in emergency room episodes in 1995.

Mr. Speaker, this is a very important issue that must be addressed, and I appreciate the leadership of Mr. McCollum, the Chairman of the Crime Subcommittee, and the other supporters of this legislation on this important issue.

THE TELEPHONE EXCISE TAX REPEAL BILL

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. TAUZIN. Mr. Speaker, I am pleased to rise in support of the Telephone Excise Tax Repeal bill.

Members of the House—if there is one thing that we politicians are experts on, it is talking. Talking on the telephone is not a fit subject for taxes. My word, if there is at least one thing an American ought to be able to do for free—without paying a tax to the Government—it is talking. It is time to repeal the tax on talking.

Under current law, Americans who use local telephone service, toll telephone service, or teletypewriter exchange service—in short, just about every American who uses a telephone—pays an excise tax for using that telephone service. The law requires the phone companies to figure out your phone bill, and then tack on an extra 3 percent to the bill. The Federal Government takes the 3 percent. You can go look at your monthly phone bill, and—right there—you will see what the Federal Government has taken from you because you used your telephone.

For all of you who have advocated higher taxes on tobacco as a public health measure, you ought to be amazed that—here in the land of free speech and the hallowed First Amendment—we tax talking on the telephone more than we tax tobacco. I suppose that means that Congress thinks talking is a greater risk to the public than smoking.

Americans should not have to pay a tax to the Federal Government for the privilege of calling their neighbors to chat, or of talking to Mom on Mother's Day or Dad on Father's Day. Our businesses and their customers should be able to talk to each other without sending money to the Federal Government because of it. Telephone service in America today is a basic necessity, a part of daily life.

Congress knows the phone tax is an unreasonable tax. It started out as a war tax many, many decades ago. Maybe it made sense at the time, but it doesn't any more. Congress knows this is a dumb tax, and that's why Congress has voted to repeal it several times before. Congress enacted a law that established a schedule for this tax to expire in the 1970's. But the Federal Government later wanted more revenue so it changed the law and kept the tax. In the 1980's, Congress again passed a law that provided for this tax to expire, and again thereafter changed the law because the Federal Government wanted more revenue. Yet again, Congress passed a law scheduling this tax to expire in the 1990's, but then changed the law to keep the tax. Congress knows this is a bad tax—that's why it has voted to repeal this tax so many times, just to let it live when a quick fix of revenue was needed to float a huge deficit.

It is time to bury this phone tax once and for all. By repealing this tax, we put the money of Americans back into the pockets of Americans—every American who uses a telephone. We eliminate a highly regressive tax that hits lower-income people proportionately harder than others.

For every American who uses a telephone, this legislation cuts your taxes and cuts your phone bill.

I urge my colleagues to support the legislation.

THE VETERANS BURIALS RIGHTS ACT OF 1998

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. EVANS. Mr. Speaker, America has a sacred trust to honor the sacrifices made by our veterans—the men and women whose military service, both in wartime and in times of peace, has kept us free and strong. One of the most important and symbolic ways our country has historically recognized honorable military service is by providing military honors at veterans' funerals.

Traditionally, the Department of Defense (DOD) has provided the honor guard details. Unfortunately, DOD has determined that, because of the downsizing of America's Armed Forces, this type of assistance can no longer be provided. I believe this is a mistake and that, in the zeal to cut costs and squeeze savings at every possible opportunity, appreciation has been lost for the significance and meaning associated with paying final tribute to a veteran's military service.

Those who have attended a funeral with full military honors remember it as a uniquely profound and moving experience—an experience that vividly expresses our nation's gratitude to those whose sacrifices have protected and preserved our liberty and freedom. I have also been told by the loved ones of deceased veterans that the beauty and solemnity of the military funeral, the report of the rifle salute, the haunting sound of Taps, provided them extraordinary comfort and consolation. A military funeral also reinforces a principle that is important for all Americans; that our nation must never forget our veterans' service, sacrifice, and love of country. As we strive to recruit and retain motivated men and women for military service, it is important that we remind our society that duty and sacrifice must always be remembered and honored. Because of the symbolic importance of military funerals, many of the Veterans Service Organizations (VSOs) have attempted to provide honor guards, and we should all commend and thank them for their dedication and commitment. However, in spite of their efforts, limited resources have made it impossible for them to fulfill the requests for their services. Additionally, many VSO members have told me that they simply cannot perform the ceremonies with the military bearing of military service personnel.

I believe that our nation can—and must—do better. Our military must recognize and honor the sacrifices made by our citizen-soldiers. Accordingly, I am today introducing the Veterans Burials Rights Act of 1998, legislation that requires DOD, upon request, to provide military honor guards for veterans' funerals. Additionally, my bill would require that the honor guards include no fewer than five members of the armed forces, including a bugler.

Representative SUE KELLY from New York is the principal co-sponsor of my legislation, which is the companion bill to S. 1825, introduced on March 25, 1998 by Senator PATTY MURRAY. Senator MURRAY has been a true leader on veterans' issues and has shown great commitment in pushing for recognition of their accomplishments and needs. She should be applauded for her authorship of the legislation as well as her work to bring this issue to the attention of our nation.

I hope we will act quickly on this legislation so that we can once again properly honor the sacrifice and service of our deceased veterans. I urge all of my colleagues to join me in sponsoring this important effort.

HONORING CHIEF OF POLICE FRANK ALCALA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. VISCLOSKY. Mr. Speaker, at a time when crime concerns are on every citizen's mind, those who have dedicated their lives to law enforcement are to be commended. It is my distinct pleasure to call to your attention an outstanding law enforcement official, Chief of the East Chicago Police Department, Frank Alcala, on his receipt of Twin City Community Services' 9th Annual "East Chicagoan of the Year" Award. The Twin City Community Services Board of Directors will bestow this award upon Chief Alcala at a benefit which will take place tomorrow, April 2, 1998, at the Knights of Columbus Hall in East Chicago, Indiana.

Frank Alcala began his distinguished law enforcement career in 1970, upon his graduation from the police academy at Indiana University in Bloomington. His initial position, as Patrolman, was the beginning of his 27-year career with the East Chicago Police Department. He served the department in this capacity until 1975, at which time he was promoted to Traffic Investigator. In 1981, he became Sergeant in the Patrol Division, where he served until he was promoted in 1990, to Traffic Sergeant. In 1991, he was promoted to Lieutenant in the Service Division, and, in 1994, he was appointed Chief of Police by East Chicago Mayor Robert Pastrick.

During his four years as Chief of Police, Frank has made numerous contributions to law enforcement in the City of East Chicago. In 1994, he hired 12 community police officers, one full-time Drug Awareness Resistance Education (D.A.R.E.) officer, and provided police security to East Chicago Central High School. Also in 1994, he established a Special Operations Section Team, a unit comprised of volunteers from different areas of the police department, which trains in the handling of raids and hostage situations. In addition, Chief Alcala implemented the first ever K–9 unit in East Chicago in 1995, and provided an extra division of Gang and Narcotics Officers to the police department in 1997. Also under Frank's supervision, a Cadet Program, which will afford graduating high school seniors an opportunity to work for the East Chicago Police Department while enrolling in criminal justice courses at a local university, will be implemented this year. Chief Alcala's strong commitment to crime prevention is exemplified by his significant expansion of the police force. In 1994, there were 105 officers with the East Chicago Police Department; today there are 135.

In addition to his many law enforcement efforts within the City of East Chicago, Chief Alcala participates in numerous law enforcement and community service organizations throughout Northwest Indiana. He currently serves on the Executive Board of the Lake County Drug Task Force and the Executive Committee of the Lake County High Intensity Drug Trafficking Area (HIDTA) and Estella Smith Memorial Crime Prevention Foundation. Some of the community service organizations he assists include: the East Chicago Exchange Club, an organization devoted to a variety of youth and community service programs; Christmas in April, a program that provides volunteers for the building of homes for low-income families; and the St. Catherine's Hospital Foundation Annual Support Committee.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Frank Alcala on his receipt of the East Chicagoan of the Year Award. His wife, Suzanne, and their children, Doug, Frank Jr., and Brian, can be proud of his devoted service to the citizens of East Chicago and Indiana's First Congressional District.

CONGRATULATING THE ILLINOIS STATE UNIVERSITY MEN'S BASKETBALL TEAM

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. EWING. Mr. Speaker, I rise today to offer my congratulations to the Illinois State University Men's basketball team for a truly memorable season. Coach Kevin Stallings and his group of young men epitomized all that is good in college athletics. Led by seniors Rob Gibbons, Dan Muller, Jamar Smiley, LeRoy Watkins, Steve Hansell, Skipp Shaefbauer and the outstanding junior Rico Hill, the 1998 Redbirds won 16 Missouri Valley Conference Games on their way to a second consecutive Missouri Valley Conference Championship. The Redbirds went on to win the Missouri Valley Conference Tournament. They advanced to the NCAA Tournament where they beat a quality Tennessee squad in overtime in the first round. While the defending national champion Arizona Wildcats eventually ended their season, the Redbirds played tough for the entire 40 minutes and should be proud of their remarkable season. In addition to the extraordinary accomplishments of the Redbird team, the ISU program was the recipient of a number of Missouri Valley Conference individual awards. Rico Hill was named Missouri Valley Conference Player of the Year. Senior Dan Muller was named to his third consecutive Missouri Valley All-Academic Team with a grade point average of 3.77 in business management. Muller was joined by Skipp Shaefbauer who earned a 3.29 in Sports Management. The Missouri Valley Conference Coach of the Year was ISU's own Kevin Stallings. The 1998 Redbird season adds another string of accomplishments to the already impressive career of Coach Stallings, solidifying him as truly one of the best young coaches in America. While I am sure other schools will try and lure him away, all of his fans join me in hoping this native Illinoisan will choose to stay at Illinois State University. Mr. Speaker, the Illinois State Redbirds deserve the recognition of the House of Representatives for their wonderful 1998 season. I would also like to remind the Speaker that Midnight Madness and the start of the 1999 NCAA basketball season is only 198 days away.

TRIBUTE TO DR. WILLIAM W. SUTTON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. THOMPSON. Mr. Speaker, I rise here before you today and acknowledge the retirement of one of Mississippi's greatest college administrators. Dr. William Sutton has announced his retirement as President of Mississippi Valley State University in Itta Bena, Mississippi. Dr. Sutton has held his position for nearly a decade. Since assuming the presidency, Dr. Sutton has overseen a multimillion dollar renovation of the school's physical plant. During the same time, the school's fiscal deficit has been eliminated and financial flexibility has been achieved. Since the fall of 1989, enrollment has increased by ten percent and new academic programs have been added.

Dr. Sutton was educated at Dillard University in New Orleans, he went on to receive his master and doctoral degrees from Howard University in Washington, D.C. Dr. Sutton began to advance his administrative career from instructor to full professor and Chair of the Division of Natural Sciences at Dillard in 1979. He left there to serve as Academic Vice President, Provost and Professor of Biology at Chicago State University from 1979 to 1985. In 1985, Dr. Sutton was named Vice President for Educational and Student Services at Kansas State University before assuming the Presidency at Mississippi Valley State University.

Dr. Sutton has been very active in the community serving on a variety of civic and educational boards in New Orleans, Chicago, Manhattan, and Kansas. He is an active member of the Greenwood-Leflore Chamber of Commerce, the Greenwood-Leflore-Carroll County Economic Development Foundation, and the Greenwood Rotary Club. He serves on the Advisory Board of Deposit Guaranty National Bank in Greenwood, Mississippi, and the Professional Advisory Committee of Mid Delta Home Health, Inc. He is a member of the Board of Governors of Mississippi Institute of Arts and Letters and the Board of Directors of Blue Cross and Blue Shield of Mississippi.

Mr. Speaker, Dr. Sutton has been a catalyst for change and growth in higher education in Mississippi. His knowledge and expertise will be truly missed and always appreciated.

HONORING MAYOR CARL J. MATT

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KLINK. Mr. Speaker, I rise today to honor Carl J. Matt, Mayor of Jeannette, Pennsylvania. Mayor Matt has been a public servant of the residents of Jeannette for over 41 years and will continue to serve them in the future.

Carl J. Matt joined the Jeannette Police Department in 1956 and served the community for the next 41 years. Nine of those years were spent as the Chief of Police. During his years in law enforcement, Carl Matt worked under 12 different mayors of Jeannette. He saw both the successes and the failures of these mayors. Eventually Carl Matt decided to run for mayor himself and won.

As mayor, Carl Matt vows to return to the days when all citizens of Jeannette worked together with the government to accomplish their goals. Another goal of Mayor Matt is to make himself readily available to his constituents at all times. As a police officer, he always kept his phone number listed and hopes to do the same as mayor.

Mayor Carl Matt has always been a tireless public servant and a pillar in the community. Through his efforts, the citizens of Jeannette are able to build for the future. I ask my colleagues to rise and pay tribute to Mayor Matt. His history of service to Jeannette is unparalleled.

WOMEN OF CONGRESS' MEMORIAL WREATH-LAYING CEREMONY

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to share with you a historic event I convened yesterday so that my colleagues and I could celebrate Women's History Month. I would like to share with you my remarks at the first Women of Congress' Wreath-Laying Ceremony at the Women in Military Service for America Memorial at Arlington National Cemetery:

> Good afternoon, I'd like to thank my friends and colleagues Congresswoman Marcy Kaptur, Congresswoman Barbara Kennelly, Congresswoman Tillie Fowler, Congresswoman Sheila Jackson-Lee and Congresswoman Corrine Brown for being here at the Women of Congress' Memorial Wreath-Laying Ceremony. We have come today to honor the brave women who served in our Armed Services and to recognize their outstanding service to this country and the ultimate sacrifice that was made to enable us to have the freedom we so much enjoy as a country. It seems fitting that we pay homage to them during Women's History Month and to salute them for their contributions as patriots of this great nation. So we have

come to this shrine that was built as a lasting memorial of their service, bravery and sacrifice during military conflicts dating back to the founding of America. Without the heroic efforts of American service women, we would not be here today.

Women In Military Service for America Memorial was dedicated on October 18, 1997. This is the first major, national Memorial honoring all military women of all eras, past, present and future.

Women have served in all of America's major conflicts. Beginning with the American Revolution—when some women disguised themselves as men to join the Continental Army.

In the wars of the 18th and 19th centuries and during the Civil War women were hired to provide medical care, forage for supplies, cook, make clothing, engage in sabotage, scout and serve as couriers. Dr. Mary Walker, an Army physician who served during the Civil War, was the first and only woman awarded the Congressional Medal of Honor for her work in treating patients.

Women were first recruited as members of the armed services in World War I. With more than 35,000 women having served in roles ranging from nurses to telephone operators. It was the first war in which American women served overseas.

More than 350,000 women served in World War II, which included the first female officers. More than 200 military women of the Women's Army Corps and Women Air Force Service Pilots died in action overseas or ferrying aircraft; and 88 were held as prisoners of war.

In the Gulf War (July 2, 1990 to April 6, 1991), women accounted for 35,000 of the 540,000 U.S. troops. Although they were not assigned to combat by law, these women ferried fuel, food and troops into combat areas. Two women were taken prisoner and 11 died.

The Number of Women Who Served in U.S. Military Conflicts are:

Persian Gulf—41,000
Panama—770
Grenada—170
Vietnam—7,500
Korea—48,000
World War II—350,000
World War I—35,000
Spanish-American War—1,500

As we lay this wreath, may it symbolize the appreciation we have for the courageous servicewomen who dedicated their lives for their country.

We appreciate the service and the lives of these noble women. May they always be remembered for their bravery.

MERCY HOSPITAL's 100TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Mercy Hospital in Wilkes-Barre, Pennsylvania. Mercy is celebrating its centennial with a mass and a reception on April 19, 1998. I am proud to have been asked to participate in this milestone event.

Founded by Mother Catherine McAuley in Ireland in 1831, the Sisters of Mercy nursed the poor in Irish slums plagued by cholera. They marched with Florence Nightingale to Crimea and to Constantinople to tend to the wounded. In America, the Sisters served in the Civil War nursing wounded on both sides of the conflict.

In March 1898, the six original Sisters of Mercy, or the "Hospital Sisters" as they were known, opened the doors of the original Mercy Hospital, in the former Haines House on Hanover Street in Wilkes-Barre. Before the end of that summer, the hospital provided care for seventeen wounded veterans of the Spanish-American War.

The Mercy Hospital in Wilkes-Barre flourished immediately, tending to the region's injured coal miners. Donations to support their effort poured in; wealthy individuals donated fuel and money and the poor shared their food with the Sisters. Only the coal companies failed to offer support, refusing to even offer a discount on coal for heat.

Mr. Speaker, over the last hundred years Mercy Hospital has suffered the wrath of nature several times. In the Flood of 1936, the Hospital was almost destroyed. Again in 1972, when Hurricane Agnes caused the Susquehanna River to inundate the Wyoming Valley, the hospital sustained six million dollars of damage. In 1996, the hospital was forced to evacuate once again as the Susquehanna reached flood stage.

Undaunted by economic hard times, changes in health care, nature's wrath, and the staggering growth in new technology, Mercy Hospital has not only survived but grown into a state-of-the-art facility. Expanding and providing services that no other local health facility has undertaken. From the McAuley House, a shelter for women and children, to a special and innovative clinic for expectant mothers, Mercy Hospital has contributed to the community for 100 years. The state-of-the-art hospital of today owes its success to the vision and perseverance of a handful of dedicated Sisters.

I am extremely pleased to join with the community in thanking Mercy Hospital for its dedication and service and send my very best wishes for continued prosperity.

REGARDING IRAN

HON. BOB NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. NEY. Mr. Speaker, on March 29, 1998, the Iranian government was quoted in considering the proposal to set up an American office at the Swiss embassy. The office would be held by an official from the U.S. Information Agency. In light of this possible ease of tension between the U.S. and Iran, I would like to submit an article from the Middle East Insight regarding the Iranian President Mohammad Khatami and the United States.

IRAN: THE INADEQUACY OF LABELS

(By George A. Nader)

This past December, I had the opportunity to attend and observe first-hand the 52-nation Organization of the Islamic Conference (OIC) summit in Tehran. The summit clearly demonstrated both the failure of U.S. efforts to isolate Iran and the emergence of a strong and popular political leader. Iranian President Mohammad Khatami has not only emerged as a significant force within his own country but has inherited the leadership of the OIC—which represents the world's 1.2 billion Muslims—for the next three years. This is another indication that Iran—whether the United States is ready for it or not—has positioned itself as a leader of the Islamic world into the new millennium.

The election of President Khatami in May 1997 was facilitated by a 70-percent landslide comprised in large part of the middle class, women, and young voters (half of Iran's 60-million population were not even born at the time of the Shah's overthrow in 1979). Notably, among Khatami's supporters was the group that took over the U.S. Embassy in November 1979 and held 52 Americans hostage for 444 days.

One dramatic change clearly evident at the OIC summit was the absence of the old banners touting "Death to America". Instead, foreign visitors were warmly welcomed. When Iranians became aware that I had come from the United States to observe the summit, they responded positively and with great enthusiasm. Though some of the old rhetoric remains, it is fading, and few among the population take it seriously.

Unfortunately, the dialogue among Western media analysts, political pundits and other so-called experts—both preceding and following the OIC summit—regarding the new status of President Khatami has been simplistic and misleading. The notion that we are currently witnessing a 'struggle for the soul of Iran' or that 'moderates and conservatives' are battling for supremacy in Iranian political circles fails to recognize the complex interplay between various personalities and factions within Iranian society. The question posed in the West of whether the moderates or radicals are now on top assumes a paradigm of political dynamics in Iran which is simply false. Iranian political culture today is more subtle, multi-faceted and intricately interwoven than many seem to realize. When asked in a January 6, 1998, CNN interview about the supposed factions in Iran, President Khatami responded that "terms such as conservative, moderate and the like are more often meaningful in the West."

Khatami enjoys the full blessing of both Supreme Leader Ayatollah Ali Khamenei and former President Hashemi Rafsanjani. All three get along well, and their congenial relationship was obvious during the OIC summit. Both Khatami and Khamenei are clerics and descendants of the Prophet, and wish to strengthen the country's Islamic system of government. Their respective families are close. In fact, as a religious student in Mashad, Khamenei became a disciple of Khatami's father who was a highly respected ayatollah. Similarly, both Khatami and Khamenei are products of Iranian society and were educated exclusively in Iran; Khatami studied religion in Qom and philosophy in Isfahan.

President Khatami's perceived overtures to the United States have been mistakenly contrasted with comments by Khamenei. Khatami has prompted much speculation concerning Iranian relations with the United States during both his December press conference after the OIC summit in which referred to a "thoughtful dialogue with the American people" and his January 6 CNN interview in which he called for cultural exchanges between the two countries. After his December press conference, Khamenei—who has opposed any improvement in U.S.-Iranian bilateral relations—expressed satisfaction with Khatami's address.

When Khatami says he wants dialogue with the United States, he means with the American people and not the government. When Khamenei says that America is bad, he means the government and not the people. We in the West are looking for dichotomy and division. But both Khatami and Khamenei have said that none of their comments contradicts the other's. Khatami proposes cultural exchange as a means of building bridges between civilizations, but has ruled out—at least for now—any direct dialogue with the U.S. government and stated that there is no need for political ties. Equally important, Khatami has never called into question the core belief of the Iranian political system that the supreme spiritual leader should be selected by a group of clerics—and not "elected by the people"—to be the representative of God in the temporal order.

The Islamic Revolution has reached an advanced phase in its development. In this stage, much consideration is being given to defining Iran's relationship with the Arab world and the West. This is a new beginning for Iran and thus it may not be very helpful to take its ideological pulse too quickly or frequently. It may also be helpful to remember that, while the Islamic Revolution dates back only 19 years, its Persian underpinnings stretch back to the dawn of civilization.

In 1992, in an earlier stage of the Revolution, Khatami was driven from his position as minister of culture because he relaxed press and media censorship rules. In 1997, these same forces supported his candidacy for president. Khatami's agenda did not change in the intervening years, but the Islamic Revolution did progress. This is also demonstrated by the fact that his entire government was endorsed by the Islamic establishment—a virtually unprecedented phenomenon. Iran's revolution has moved into a more advanced stage, with multiple forces coexisting within a common framework.

Acknowledging this reality is important for the opening of a dialogue between the United States and Iran. If Washington is sincere in its desire to open up lines of communication, then the Clinton administration must reach out to the whole political spectrum in Iran and not just to specific elements. This may be a slow and excruciatingly deliberate process, but in the end it is the only one that can bear fruit.

There are two things Washington can do to move this process forward. First, it can tone down its belligerent rhetoric (as President Clinton has recently begun to do); harsh rhetoric only tends to alienate. In addition, the United States should revisit the issue of frozen Iranian assets seized after the 1979 American Embassy takeover. This may make it easier for the Iranians to address U.S. concerns regarding weapons of mass destruction and support for international terrorism.

The United States may be the only remaining superpower, but it still must be very careful when dealing with Iran. Western ideological paradigms, on which we rely so heavily to understand political dynamics overseas, are predated by 4,000 years of Persian culture. The application of superficial political labels will neither illuminate nor elucidate Iran's complex decision-making matrix.

CHILD SURVIVAL, TUBERCULOSIS CONTROL AND MICROCREDIT

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. FILNER. Mr. Speaker, I would like to submit my testimony which I presented this week at the Appropriations Subcommittee on Foreign Operations, Export Financing, and Related Programs into the RECORD of the House of Representatives.

Mr. Chairman, thank you for giving me this opportunity to come before you today to speak about the important programs contained in your foreign assistance bill. I am a strong supporter of a number of these programs, including child survival, tuberculosis control and microcredit.

I want to begin by thanking you for your unwavering protection of child survival programs over the past few years. I know that it is thanks to you and this Subcommittee that each year this program has been specifically protected and expanded. Child survival programs provide life-saving vaccinations and micronutrients to millions of needy children in the developing world. I know that I do not have to tell you, Mr. Chairman, that child survival programs mean simple, cost-effecient solutions like oral rehydration therapy, which prevents 1.5 million child deaths each year, and five cent capsules of vitamin A, given to children three times a year, which reduce child death rates by as much as twenty-five percent in affected populations. The vaccinations that are funded each year, Mr. Chairman, are a large part of the reason that three million children are immunized from diseases and, therefore, able to escape death. I am aware that you have had to push hard for the protection of child survival programs, and I commend you for your dedication to these children.

I would also like to thank you for expanding your Child Survival and Disease Account by $50 million in FY98 to include more funding for infectious diseases. I thank you for that increase, because I know how critically important such funding is, especially in terms of our global fight against the disease of tuberculosis.

The spread of TB concerns me, because it is often considered a disease of the poor and a problem of the developing world—and yet, we are all in danger of contracting it. It is on the rise around the world and here in the United States, where it is estimated that fifteen million Americans are infected with the bacteria that causes TB. This city of Washington, D.C. where you and I spend so much of our time, is one of TB's "hot zones" in the United States—and my own district in Southern California is at risk, as people travel back and forth across our international border. With two million people crossing international borders each day, stopping this threat at the border is not a realistic option. This disease is a danger to the health and economic well-being of all Americans, and we must do more to control it.

According to the World Health Organization, infectious diseases cause nearly thirty percent of deaths in poor countries, and they receive only 1.5 percent in foreign aid. I know that you are doing your part to see that the percentage of aid going to infectious diseases is increased. Thanks to your $50 million "set-aside", the Administration increased its funding for tuberculosis control programs from roughly $1 million a year to $15-20 million. This is a significant increase, but I am still concerned that it will be insufficient to keep up with the spread of tuberculosis—and so I urge you to do more. You have my full support for a significant increase in funding within your legislation for tuberculosis control programs for FY99.

Finally, I would like to thank you for your support for microcredit programs in the past, and I ask that you expand and specifically protect this successful and proven program in your foreign assistance bill next year. I understand, according to a recent USAID report, that funding for microcredit has declined between 1994 and 1996. In addition, AID has not achieved a goal that it set for itself in 1994 to spend half of overall microcredit funding on programs serving the poorest people. Only $42 million went to poverty-targeting of a very reduced overall level of $111 million for 1996. Given the positive effects of this program on the lives of poor families and poor children, I believe that the United States should be doing more in this area. Just as with the child survival program, however, I think that without your direction, USAID will continue to underprioritize this program which is capable of changing the lives of millions of people. Therefore, I request that you significantly expand and protect this program which does so much for poor families in the developing world.

Thank you for considering these requests as you draft your legislation this year. I appreciate this opportunity to apprise you of my interest in the child survival program, in tuberculosis control, and in microcredit.

TRIBUTE IN HONOR OF REVEREND DOCTOR C. WILLIAM BLACK

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. RODRIGUEZ. Mr. Speaker, I rise today to honor one of Texas' great contemporary leaders, the Reverend Doctor C. William Black. On Sunday, May 1, 1998, Dr. Black will officially end nearly 50 years of pastoral service to the Mount Zion First Baptist Church in San Antonio. He is a living testament to the dictum that "one man can make a difference;" he has made a great and positive difference to his church and to the entire community he serves.

Dr. Black is an icon, a preacher with a fiery delivery and a mission of positive change. Neither his mission nor his ministry ends inside the four walls of the historic church building. Dr. Black has taken his message out into the community to lift up the broken hearted and to proclaim the fundamental equality and liberty of all persons.

An African-American born in San Antonio in 1916, Dr. Black learned at an early age that his inalienable right to liberty had not yet become a living reality. He began his quest for freedom for those trapped in post Civil War segregation. The harsh laws of a "separate but equal" society greatly restricted opportunities for African Americans. Even in those dark days of overt discrimination, Dr. Black earned great respect. In his role as minister, he served as the preacher, the civil rights leader, the business leader, and the community leader.

Dr. Black lives up to the high expectations of his community and congregation. He is well educated. He holds a masters degree and two honorary doctoral degrees. He is an Alamo Community College Foundation Board Member and a founder of San Antonio Mothers' Service Organization. Dr. Black initiated this organization, over 50 years ago, to raise money for scholarships to give to deserving students who were not likely to be recognized for their scholastic achievements in a segregated society. He founded the Mount Zion Day Care Center in 1957 in early recognition of the need for quality child care.

Despite racism, he gained a seat on the San Antonio City Council and served with great distinction. While at that post Dr. Black distinguished himself as the first African American Mayor Pro Tem. The Eastside Y.M.C.A., the Carver Cultural Center, and the Eastside Boys and Girls Club continue to thrive today thanks to his successful battles many years ago. The Eastside Multi-Purpose Center, part of Saint Paul Square, and a street near his church bear the name of this vibrant leader.

In his role as business leader, Dr. Black organized the Mount Zion Federal Credit Union giving his congregation and members of the community access to alternative offerings for automobile loans, other types of loans, and various financial transactions. His concern for the housing needs of his community led Dr. Black to acquire financing for the building of the Mount Zion Sheltering Arms Senior Citizen Complex. In 1984, he organized the New Community builders, a non-profit housing corporation.

Reflecting on Dr. Black's years of leadership and accomplishments I know that his wife ZerNona was always there for him, as a friend, sounding board, consoler and mother of their two children. Ms. ZerNona Black is the epitome of King Solomon's words about the treasured wife. I admire her quiet strength of character, and celebrate with her the many accomplishments she made possible.

We need more leaders like Dr. and Mrs. Black who showed with their actions, and not just their words, how to be good citizens. We need leaders like them who display integrity while forging more paths to accessible education, housing, and economic mobility. We look forward to their continuing mission as drum majors of positive change, understanding, and creativity showing us the way of making our community a better place to live.

HONORING EQUAL PAY DAY

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KLINK. Mr. Speaker, I rise today in recognition of the Labor Council of Beaver County and their efforts to raise public awareness of the discrimination toward women in the workplace. On April 3, 1998 they will be holding their Equal Pay Day rally to show their support for this important issue.

Equal pay has been the law since 1963, but today, women still receive less pay than men for comparable work. Over the past few decades, women have been given many opportunities for education and employment. They have also made contributions in quite a few career fields that were once almost entirely closed to them. With all the progress women have made, it is truly a tragedy that they are still being discriminated against in terms of equal pay.

The Labor Council of Beaver County is putting forth a great deal of effort in combating this discrimination in the workplace and trying to change the current system of gender inequity in terms of pay. Equal pay is an issue for all working women to address. The current status of their careers and their daughters' future careers depends on a change in the status quo.

Mr. Speaker, I again want to applaud the Labor Council of Beaver County for their efforts in bringing this issue to the public's attention. I hope my colleagues will join me in recognizing the seriousness of this issue and the efforts of the people fighting against this discrimination.

ILLEGAL FOREIGN CONTRIBUTIONS ACT OF 1998

SPEECH OF

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. ABERCROMBIE. Mr. Speaker, I rise in opposition to the Illegal Foreign Contributions Act, H.R. 34.

This bill, if enacted, would ban contributions to federal election campaigns by legal permanent residents. I believe this would be a colossal mistake and a constitutional blunder. This bill would restrict the First Amendment free speech rights of Legal Permanent Residents. These residents are required to perform citizenship obligations, such as registering for the military draft and serving in the armed forces, but we would deny them the basic citizenship rights we require them to defend.

Consistently throughout federal constitutional law, Legal Permanent Residents have all First Amendment freedoms of full U.S. citizens. This has been consistently upheld by the federal courts and the Supreme Court. H.R. 34 would deliberately abridge and deny those rights in the name of campaigning finance reform. It would trample on the constitutional rights of hundreds of thousands of people without justification. The bill picks out a specific group of people and says we are going to prevent you from expressing your political views.

This bill is a gag of political expression in the disguise of campaign reform. The reality is that hard-working, tax-paying, military-serving individuals are being told they can have no say over who is elected to determine the policies that determines their fates and lives.

Mr. Speaker, I also fear that legislation that singles out specific groups of people for treatment different than that of citizens will lead us down a road to finding scapegoats when there are failings in our government and society. This is a dangerous precedent, and I urge my colleagues to think carefully before they cast their vote on H.R. 34, and to vote against this ill-conceived "reform".

THE 100TH ANNIVERSARY OF THE NEIGHBORHOOD HOUSE, MORRISTOWN, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 100th Anniversary of the Neighborhood House in Morristown, New Jersey.

The Neighborhood House, known as the "Nabe" among its clients, began in 1898 as a one-room mission dedicated to easing the daily hardships of immigrant life among a growing number of Italian-American families in Morristown. The building housing the mission burned down in 1901, and activities were soon moved to a more spacious, donated home. The larger accommodations allowed the mission to expand its work, and by 1908, then officially named the Neighborhood House, these activities included tutoring in English, providing help in finding affordable housing, and classes in music, carpentry, and crafts.

While continuing its community outreach with the opening of Morristown's first baby clinic in 1915, the Nabe was also instrumental in the development of several local non-profit organizations. These included such groups as the Urban League of Morris County, the Colonial Little Symphony and the New Jersey Chorale Society. By the 1930's, the Neighborhood House expanded its work to accommodate newer immigrant groups that had settled in the Morristown area, and in 1936 there were 46,016 individuals affiliated with the House, a record number at that time.

In 1953, in response to concerns that the House's building was potentially unsafe due to overcrowding, more than $200,000 was raised for a new building on the original lot. Construction of this building was completed in 1957, and additional renovations have included several new wings, which have vastly increased the space available for classes and other activities.

The Neighborhood House has been blessed with strong and caring leadership since its inception. From 1912 to 1938, the Neighborhood House was run by Aldus and Marie Antoinette Pierson, a couple deeply committed to the community, who oversaw much of the House's expansion in activities. Ten years after the Pierson's retirement in 1938, Carmeta Meáde became the House's first African-American Executive Director. Mrs. Meade was among those who recognized the need for a new Neighborhood House building and in 1985, after serving the Neighborhood House for thirty-four years, retired with a sterling record of service.

The Neighborhood House is led today by Sam Singleton, who had been active as a young man for ten years before returning to become Executive Director in 1991. As Mr. Singleton lays the foundation for the Neighborhood House's continued success, ensuring, in his words, that "the Neighborhood House [becomes] a model of the community center of the future," I want to ask you, Mr. Speaker, and my colleagues to join with me in commemorating the Neighborhood House on this special anniversary year.

YOUTH TOBACCO POSSESSION PREVENTION ACT OF 1998

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. GREEN. Mr. Speaker, today I introduced the Youth Tobacco Possession Prevention Act of 1998. I did this because, as we consider the best way to reduce the youth smoking rate, we have neglected one of the most obvious and appropriate solutions—making tobacco possession by people under the age of 18 illegal.

It is estimated that 3,000 young people start smoking every day. Worse yet, one third, or 1,000, of these people will eventually die from tobacco related disease. Consider the emotional and financial strain these horrible situations will place on American families in the future. In response to this national crisis, the public health community, State attorneys general, the U.S. Congress and even the tobacco industry have proposed a variety of methods to reduce youth smoking rates.

Most of the proposals would spend money on counter advertising, tobacco cessation programs and tobacco education programs—all worthy and necessary components of comprehensive tobacco legislation. However, the leadership of the American government has been sending mixed signals to America's youth and nothing in the proposed settlement would change this.

Under current law, it is illegal to sell tobacco products to anyone under the age of 18 in all 50 States. However, if a person under the age of 18 is somehow able to obtain tobacco products—which, it is painfully clear, they are easily able to do—there are only a few States that have enacted laws regarding the possession of tobacco by these young people. I find it incredibly hypocritical that we, as a government (either Federal or State), are so willing to make buying tobacco illegal but are virtually silent on possessing tobacco.

Following the lead of my home State of Texas, I have introduced the Youth Tobacco Possession Prevention Act of 1998. This bill would encourage States to pass legislation making it illegal for a person under the age of 18 to possess tobacco.

There are two key components to this bill. First, in dealing with the youth, it focusses on education rather than punishment. For first and second time offenders, youth will be required to complete tobacco education and cessation programs, as well as tobacco related community service. If they continue to disregard the law and their health, their driver's license would be suspended from three to six months. This last resort was suggested during one of our Subcommittee hearings by a local teenager, who told the Commerce Health Subcommittee that kids would only respond to this type of approach.

Second, the bill would require States to enact stern punishments for people over the age of 18 who provide tobacco products to youth. At that same hearing, many of our teen witnesses admitted one of the primary sources of tobacco are older people who buy for teens. This is simply not acceptable. I believe every adult has the responsibility and moral obligation to do whatever we can to prevent our nation's youth from starting this deadly habit.

Unlike many proposals, this bill will not punish States who choose not to enact the outlined legislation. It will, however, reward those States which act responsibly and do. Each State that passes the provisions outlined in this bill will receive 5 additional points on their Health and Human Services competitive public health service grant applications. This incentive will hopefully encourage States to take action and do the right thing.

A PROCLAMATION CONGRATULATING THE IRANIAN WRESTLING TEAM

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Iran has announced its twenty-one member delegation, which includes eleven wrestlers that will compete at the 1998 World Cup of Freestyle Wrestling on the Campus of Oklahoma State University in Stillwater on April 4–5, 1998; and,

Whereas, this annual freestyle dual meet championships is behind only the World Championships and Olympics in importance; and,

Whereas, the Iranian lineup includes Gholam Reza Mohammadi, Bahman Tayebi-Kermani, Ali Reza Dabier, Abbas Haji Kenari, Massoud Jamshidi, Majied Khodaee, P. Dorostkar, Ali Reza Heydari, Davoud Ghanbari, Abbas Jadidi, and Ali Reza Rezaie; and,

Whereas, the tournament marks Iran's first competition in the United States since the 1996 Olympic Games; and,

Whereas, in February, the United States participated in the Takhti Cup wrestling tournament in Iran, the first U.S. team of any sport to compete in Iran in almost twenty years; and,

Whereas, I join the citizens of Southeastern Ohio, with distinct please, in honoring the Iranian wrestling team for their participation in the 1998 World Cup of Freestyle Wrestling in Stillwater, Oklahoma.

REPEALING THE MARRIAGE PENALTY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the reason I'm cosponsoring the Marriage Tax Elimination Act in Congress is because I believe marriage is an institution that should no longer be discouraged by federal tax laws.

At a time when various government chief executives, in Colorado and in Washington are exhibiting confusion about the importance of marriage and the meaning of fidelity, few people are aware that there are several of us in Congress actually making progress toward strengthening families and honoring the integrity of these sacred unions.

The current tax law punishes married couples who file income taxes jointly by pushing them into higher tax brackets. The marriage penalty taxes combined income at higher rates than if each salary were taxed individually.

For example, an individual with an income of $24,000 would be taxed at 15 percent. But a working couple, each with an income of $24,000 or a combined income of $48,000, would be taxed at 28 percent on a portion of that income. They would pay $600 more in taxes simply because they are married.

The Congressional Budget Office estimated over 21 million couples are affected by the marriage penalty, averaging $1,400 in additional taxes. Indeed, I've heard from many of them, and I'm quite sympathetic since, for twelve years, I have been a victim of the penalty myself.

Rarely does the marriage penalty subject fail to come up as I listen to taxpayers. Every week I conduct a public town meeting here in Fort Collins, and I hold several more throughout the Fourth Congressional District. Last month during a local hearing held specifically to discuss education issues, a state Board of Education member cited the marriage penalty as an example of anti-family policy that ultimately hurts schools and children.

More recently, I conducted an additional series of live electronic town-hall radio call-in programs. Callers demanded the marriage penalty be lifted. Also, my Web page has been inundated with support for the marriage tax repeal.

The marriage tax penalty is not new, nor are efforts to repeal it. But previous efforts ran into stiff opposition in Congress from those who believe the government needs the money more than the families who earn it.

Fortunately, with the current Congress, those placing the priorities of government above the needs of families have finally been outnumbered by those of us who are serious about tax reform, tax relief, and more robust family budgets.

Since Republicans earned the majority at the Capitol, We've delivered more tax relief to the middle class and working poor than any Congress of the last half-century. And in Colorado, the Republican state legislature has produced even more prosperity for us all.

In December, the Coloradoan reported a study by the Center on Budget Priorities revealing the average income of Colorado's poorest families increased faster than all other income categories over the last decade Colorado's low state tax rates, frugal spending habits, and favorable economic policies have provided that needed hand-up to those of formerly meager means.

On top of the pro-family tax relief bills passed last year, we're moving ahead in Congress on a second package of tax proposals, the cornerstone of which is marriage penalty elimination.

As a general goal, I believe the total tax bite for American families should be no more than

25 percent of income. Of course, the current burden is much higher than that and we have a long way to go.

But, while we tackle the more sweeping objectives of IRS reform and overhauling the tax code, Congress ought to move swiftly and reaffirm its commitment to American families by repealing the marriage tax penalty.

THE 105TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF DOVER, MORRIS COUNTY, NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 105th Anniversary of the First Baptist Church of Dover in Morris County, New Jersey.

The First Baptist Church has been serving the Dover community since 1893, when thirty-nine Dover residents, all members of the neighboring Netcong Baptist Church, came together to establish a church in their own town. While on the date of its establishment the church had no building of its own, by 1895 the cornerstone of a new building was set and, one year later, a dedication service for the church was held.

As the church continued to attract new parishioners over subsequent years, it soon became clear that there would not be enough space to house the entire parish. By 1966, the First Baptist Church purchased 12 acres of land on which to build a newer, larger building for worship. Construction of this building was completed on Easter Sunday, 1975, and recent renovation of the church's interior has included a complete overhaul of the church's main auditorium.

Continuing its long tradition of social outreach, the First Baptist Church today supports close to sixty-seven missionaries, who extend the good works of the church throughout New Jersey and in countries overseas. The church has also been blessed with strong leadership over the years, and has seen thirteen pastors since its inception in 1893. It is led today by Reverend John L. Hackworth, Senior Pastor.

On Sunday, April 5, 1998, Reverend Hackworth, with the assistance of the church's parish and clergy, will lay the foundation for continued success into the next century. On this momentous occasion, I want to ask you, Mr. Speaker, and my colleagues to join with me in commemorating the First Baptist Church of Dover on this special anniversary year.

THE ENDANGERED SPECIES ACT IS NOT "WAR ON THE WEST, PART TWO"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. MILLER of California. Mr. Speaker, recently, some of my colleagues on the Resources Committee have been trying to convince the public that the Administration is placing an unfair burden on western property owners by deliberately implementing the Endangered Species Act more harshly in the western U.S. The facts simply do not support the allegations. While no one can argue that California has far more endangered and threatened species than most states (Hawaii has the most), my colleagues have confused the simple logic of cause and effect.

The western and southern states are the most biologically diverse and unique regions in the nation. In California alone, we have an extraordinary range of coastal and upland forests, deserts, grasslands, and shrublands—all with large numbers of rare and endemic species which are vulnerable to the effects of our economic prosperity. While my colleagues would argue that environmental protection laws like the Endangered Species Act inhibit economic growth, the facts lead to a very different conclusion. In 1996, the average number of housing starts per month were 661,000 in the southern states. In the western states, they averaged 361,000 a month, while there were only 132,000 a month in the Northeast. Florida's growth rate is legendary; Texas is growing at a rate of about 6 million new people per decade; and California is expected to have 18 million more people by the year 2025. The reality is that the West, and California in particular, are at the forefront of the ongoing battle between development and open space.

What is really needed in the West is a means of addressing the loss of family farmland and open space while we address the needs of endangered species and their habitats. Any rewrite of the Endangered Species Act must contain incentives for small, private landowners—not loopholes for large corporate landowners. We should require that all federal actions be consistent with the recovery of endangered species. Only then can we get landowners and farmers out from under regulatory control and back to the business of driving the economy.

H.R. 2351, the Endangered Species Recovery Act, which I authored and which currently has 102 cosponsors, seeks to address these concerns by establishing incentives for private landowners and local governments that will allow economic planning and development to move forward while recovering the imperiled species that are under federal protection. H.R. 2351 was not written with large corporate landowners in mind, but strives to provide something for everyone, whether they reside in the East or the West, and regardless of whether they own a small family farm or a suburban development.

I am inserting in the RECORD today two editorials from the Casper, Wyoming, Star-Tribune championing H.R. 2351—evidence that support for the Endangered Species Act is alive and well west of the Mississippi River.

SENATE ENDANGERED SPECIES ACT BOWS TO INDUSTRY

(By Charles Levendosky)

When the Secretary of the Interior Bruce Babbitt and Sen. Dirk Kempthorne, R-Idaho, work together on a piece of environmental legislation, warning sirens should pierce the air. Kempthorne is one of the Senate's top recipients of donations from the timber industry.

Last year, Kempthorne introduced the Endangered Species Recovery Act of 1997 (*S. 1180*)—a bill that would reauthorize but significantly change the original Endangered Species Act of 1973, one of the most important environmental and ecological laws our nation has enacted.

Kempthorne was first elected to the Senate in 1992. In the years from 1991 to 1996, he has received $341,216 in campaign funds from forestry and forest products, oil and gas, and mining industries. He votes logging.

A glance at other co-sponsors of *S. 1180* tells the same story: Sen. Paul Coverdell, R-Ga, who gathers in even greater amounts of timber PAC money than Kempthorne; Sen. Frank Murkowski, R-Alaska, who never saw a tree that wasn't timber and has the money to show for it; and Sen. Ted Stevens, R-Alaska, who took in more than $200,000 in campaign funds from timber and mineral industries in the span from 1991 to 1996.

The Natural Resources Defense Council calls *S. 1180* an industry bill: "It gives big developers and multinational mining, timber and oil corporations a . . . loophole . . . that lets them destroy endangered species habitat."

In an interview Friday, Babbitt wasn't shy about admitting his role in the creation of the Senate bill: "I don't think it's any secret that I participated pretty intensively in the drafting and the negotiations that led to *1180*. It's obviously a consensus product designed to appeal across the center, as much as reasonably possible. I've indicated it's an excellent start. It's the only starting place.

"If we're going to re-authorize this act, we have to move this bill out for discussion on the floor of the Senate. . . . Is it perfect? No. But it's got a lot of good things in it. It incorporates most of the innovations that we spent so much time on, kind of inventing over the last five years.

"These are ideas that ought to be specifically laid out in legislation, because they're not there now. That would be Habitat Conservation Plans, the species conservation agreements, the safe harbor concept, no surprises, all important concepts. And they're all in this bill."

According to the U.S. Fish and Wildlife Service, approximately 80 percent of endangered species live on private lands. In order to protect those endangered species, some incentives had to be offered to private landowners.

A Habitat Conservation Plan (HCP) allows a landowner whose lawful activity might harm an endangered or threatened species to negotiate with the Department of the Interior to mitigate and minimize that impact.

The "no surprises rule" means that once a landowner has made a commitment to an HCP, there is assurance that the government won't make additional requests or restrictions. The Senate bill would lock in those agreements for 100 years.

Species conservation agreements protect rare species through a program of inventory, monitoring, research and public education.

"Safe harbor" allows land developers to set aside a portion of their property to provide habitat for threatened or endangered species in that area. In exchange, the government allows them to develop the rest of the land without legal restrictions.

These policy developments have been helpful in gaining the cooperation of private landowners. The Senate bill will put them into law.

Critics, like the National Center for Public Policy Research, contend that it will codify these policies and "extralegal arrangements large timber companies have negotiated with federal officials that are currently vulnerable to legal challenge."

Babbitt recognizes that the Senate bill currently has two major problems—the appropriation level is much too low to make the law effective in achieving its intent, and it "has a very complex set of procedural requirements for recovery plans—in some respects it's overly complex."

The positives, according to Babbitt, are "giving legislative sanction and predictability" to policy innovations.

Babbitt didn't mention a competing bill with the same name introduced in the U.S. House by Rep. George Miller, D-Calif., (H.R. 2351).

The bill has 101 bipartisan co-sponsors. Miller receives most of his campaign donations from unions and lawyers, nothing from the timber industry and only $6,000 from the oil and gas industries in the 1995 to 1996 election cycle.

The House bill also codifies the on-the-ground policies that have helped protect endangered species on private lands—however, the bill's landowner incentives contain provisions to ensure wildlife protection.

Asked about H.R. 2351, Babbitt responded, "I haven't looked at it carefully. I really haven't . . . I guess I'm trying to do one thing at a time."

Environmentalists, conservationists and sportsmen like the House bill. Almost without exception, they consider the Senate bill a sell-out to industry.

Bill Snape, legal director of the Defenders of Wildlife, considers the differences between the House and Senate bills to be a part of a philosophical debate: "The Kempthorne bill is sort of the "same old business as usual; let's just sort of keep species hanging on by a thread and that's OK. While the Miller bill actually tries to put in place some sort of recovery process to get species doing well and doing what we need to do to protect species."

Snape hit the Senate bill's jugular vein: "The biggest problem is the fact that they're going to authorize these 100-years no surprises permits and agreements. They are essentially locking in land management practices for huge chunks of time in a way that defies every scientific point of view there is. It just doesn't make any sense. They're doing it because that's what industry says they need to commit to any type of conservation."

Babbitt's work with Kempthorne may have been an attempt to keep the Senate bill from being too tilted toward industry and to gather industry support for Interior initiatives, but there aren't enough protections for endangered species in this bill.

It should die in committee.

CONGRESS PLAYS POLITICS WITH ENDANGERED SPECIES

(By Charles Levendosky)

Earlier this month, the Senate's proposed version of the Endangered Species Recovery Act (S. 1180) received a stinging critique from the non-partisan Congressional Research Service of the Library of Congress. The House version (H.R. 2351) fared much better in the report.

CRS researchers are not paid by special interest groups to arrive at some predetermined outcome. They work for Congress and are paid to be as objective as humanly possible in order to help that body decide about legislation.

The CRS analysis should lay to rest any thought that the Senate bill balances environmental and industry concerns. The bill doesn't.

In an interview Friday, Heather Weiner of Earthjustice Legal Defense Fund said the CRS report pointed out some aspects of the Senate bill she had missed. "The worst points of S. 1180 are the way it removes both judicial and public review of government activities. What it says is 'trust the government.' And that's great when you have a friendly administration—we're talking about species protection—but that's not great for future administrations."

As if it weren't bad enough, Sen. Trent Lott, R-Miss., has demanded that two pro-industry amendments be attached to the bill.

Lott wants to remove the bill's requirement to implement recovery plans for threatened or endangered species. Lott's other amendment would allow a private landowner—once there has been an agreement with the federal government to minimize the impact on an endangered species found on the landowner's property—to ignore harm to any species that might be listed in the future as threatened or endangered.

From 1991 to 1996, Lott received $293,355 in campaign funds from the oil and gas industry, forestry and forest products industries, and mining companies. That's a hefty piece of change. Call these amendments payback.

Lott's proposed amendments helped stall the bill. They would kill any pretense that the legislation helps the recovery of endangered species.

Inadequate funding for the Senate version of the ESA re-authorization also brought it to a halt. But last week, folks in the Senate Budget Committee put their shoulders to it. Something is moving.

Weiner said, "This bill is really starting to catch some momentum now as they're finding ways to deal with the budget issues in the bill. . . . There was an attempt to try to take the funding from the sale of BLM (Bureau of Land Management) lands. . . . They want to sell off our public lands, where we're asking federal agencies to do some good things for endangered species."

Now there's a forward-looking approach. Sell off public lands—to agri-interests, to timber conglomerates—in order to finance the protection of species that are endangered by development.

Sell the public lands from under our wildlife and soon nearly every species will be endangered.

Another irony was pointed out by Weiner. "The money that they would raise would not go toward the implementation of the ESA, it would go toward the landowner incentives," she said. "It would go right back to the corporate landowner. . . . It's not actually going to the U.S. Fish and Wildlife Service to help them enforce the act or implement the act or come up with recovery plans. It's going straight to the private landowners."

If agreements between landowners and the federal government go away? The CRS report states succinctly that S. 1180 would "probably not make citizen (law) suits available to enforce conservation agreements." The House bill expressly allows such citizen lawsuits.

Bill Snape, legal director of Defenders of Wildlife, doesn't expect any real movement on the Senate bill until after Easter recess. "The huge, thousand pound gorilla on the back of this bill is that not one environmental group in the country supports it. Not one. . . . Until that occurs, it's unlikely that Republicans will want to reinforce their anti-environmental message, particularly the Senate Majority Leader (Trent Lott) as they head into the November elections."

The machinations of Congress—it may be that Lott is really attempting to kill the Senate bill with his amendments while looking cozy to his corporate donors.

The House version of the Endangered Species Recovery Act, introduced by Rep. George Miller, now has 102 co-sponsors. According to Snape, it won't move until the Senate bill passes or dies.

There are three major differences between the House and Senate ESA bills:

The Miller bill gives landowners assurances that conservation agreements will stand, but requires landowners to post performance bonds to make certain they live up to the requirements of minimizing the impact on threatened or endangered species. The Senate bill has no such bonding provisions.

The Miller bill would improve habitat protection on federal lands, while the Senate bill creates more loopholes to ignore impacts that put endangered and threatened species at risk.

The Miller bill focuses directly on the recovery of species by setting up definite standards and procedures. The Senate bill, according to Snape, "plays up service to recovery, but what they're really talking about is survival."

However, not everyone is happy with the Miller bill.

In February, a letter from the presidents of 11 professional scientific societies specializing in plant and animal biology was sent to Congress and the Clinton administration. The letter condemns both House and Senate bills for allowing habitat destruction under conservation agreements.

The Miller bill may not have the unified support of the environmental and conservation communities, but it clearly does more for the recovery of endangered species.

Don't expect either bill to pass during this session of Congress. Neither one will. These two bills, however, have defined the terms of discourse regarding endangered species.

And this critical environmental issue will undoubtedly be a part of the public debate during election campaigns. It will have an influence on the outcome of some congressional races in the West.

THE PREBLE's MEADOW JUMPING MOUSE ON COLORADO's FRONT RANGE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, the Secretary of Interior, through the Fish and Wildlife Service, will soon make an important decision concerning whether to list the Preble's meadow jumping mouse as threatened or endangered under the Endangered Species Act. This decision comes at a troubling time for the people of the State of Colorado. A decision to list this species would have profound impacts on Colorado's thriving front range.

Colorado has taken steps to preserve our Western heritage and quality of life. Coloradans care about their environment. Those that depend upon the land and its resources have a vital link to their environment. If they do not manage their resources responsibly, they do not survive. Today, family-owned farms and ranches are at risk. According to some sporadic studies by the U.S. Fish and Wildlife Service, the habitat for the Preble's meadow jumping mouse is also at risk.

Colorado has aggressively dealt with the issues of growth and suburban sprawl along the front range. Land use planning, and growth issues are effectively being dealt with at the local and state levels. So too, is Colorado dealing with the issue of the Preble's meadow jumping mouse.

Colorado's General Assembly is considering a state law that would establish a trust fund to conserve species before their status becomes critical enough to justify listing under the Endangered Species Act. That bill has already passed the Agriculture Committee and is currently being considered for appropriations. In addition, Colorado has established a broad-based coalition of land owners, state and local government officials and conservationists to protect the mouse and its habitat. Colorado's approach to species preservation provides as much, if not more protection, than other successful programs applied across the country.

In light of existing and developing efforts to protect the species, the need to solicit additional data, and the profound impacts that listing would have on Colorado's front range, the Secretary of the Interior of the U.S. Fish and Wildlife Service should allow the State to fully develop their state and local plans to preserve Colorado's quality of life, and the Preble's meadow jumping mouse.

HEALTH INSURANCE TAX DEDUCTIBILITY ACT OF 1998

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. GREEN. Mr. Speaker, today I introduced the Health Insurance Tax Deductibility Act of 1998. This bill is a simple, common sense solution to a very complex and destructive problem in our society.

Since I came to Congress in 1992, we have debated health care reform and considered a wide range of proposals—all designed to insure a greater number of Americans. When President Clinton signed the Health Insurance Portability and Accountability Act (HIPAA) into law in 1996, everyone said Congress had taken the first step towards ensuring access to health insurance to more individuals and families.

Unfortunately, a recent study by the General Accounting Office shows us this goal has not been achieved. Although HIPAA did expand access to health insurance, it did nothing to ensure that Americans can afford health insurance. And as the GAO study recognized, affordability has become the major hurdle for the American family to clear.

In the past, Congress has passed initiatives to encouraged and assist people to get health insurance. We allow employers who sponsor health insurance for their employees to deduct the employer's share of the premium as a business expense. We allow self employed people to deduct a percentage of the health insurance premium they purchase. Yet we provide no assistance or incentive for individuals whose employers do not provide health insurance.

The Health Insurance Tax Deductibility Act of 1998 will do just this. Under this legislation, individuals will be able to deduct a portion—linked to the deduction for the self insured—they pay for health and long-term care insurance. This proposal will make health insurance more affordable for individuals and their families, which in turn, will give American families greater piece of mind.

IN MEMORY OF U.S. CAPITOL POLICE OFFICER THOMAS ROBINSON

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. GOODLATTE. Mr. Speaker, I rise today to pay tribute to one of the finest Capitol Police officers we have known, Officer T.O. "Tommy" Robinson, whose life was tragically taken by cancer on March 23.

While Officer Robinson was a dedicated law enforcement officer and public servant, his life was a testimony to others as well. He will be deeply missed by all who had the great privilege of knowing him.

Tommy Robinson served his country in the U.S. Army from 1965 to 1968, and served honorably as a member of the Capitol Police for 27 years. He leaves behind his wife of 20 years, Denise, as well as their 12-year-old son Christopher. He was a man of steadfast faith, which he lived out on a daily basis.

Mr. Speaker, I would like to insert into the RECORD a copy of the eulogy given by our Capitol Police Chief Gary Abrecht in memory of Tommy Robinson, which pays tribute to his life and testimony. Everyone who came in contact with Officer Tommy Robinson is a better person for having done so. I know that the entire House joins me in expressing our deepest sympathies and prayers for Denise and Christopher.

I submit the following article.

IN MEMORY, OFFICER T.O. "TOMMY" ROBINSON

As I consider all the men and women of the US Capitol Police, I'm struck by the particular strengths each individual brings to the job. Some are outstanding in their enforcement of laws; some, in their interviewing and interrogation of criminal suspects; still others in their expertise in utilizing a specific technique or method in the performance of their duties. While Officer Robinson was a dedicated law enforcement practitioner, his particular skill, and one critical to a successful career in policing, was his memorable and exceptional ability to interact positively with others.

As difficult as this is to achieve in life, Officer Robinson seemed to have no enemies. Whenever his name is mentioned, people consistently use phrases such as "courteous, friendly, helpful, professional, and genuine." Officer Robinson's impact on the lives of his co-workers and others he came into contact with is truly remarkable. He truly epitomized the underlying ideals of law enforcement by his dedication and cooperative spirit, and not only will his pleasant demeanor be missed, but so also will his positive influence on others.

Officer Robinson's twenty-seven year career with the US Capitol Police included many different assignments. Most of his service was divided between the Capitol Division, FRU, and the House Division, where he leaves behind a host of friends and co-workers. Officer Robinson was an original member of the First Responder Unit of the Capitol Division, and stories abound of his selflessness and enthusiastic attitude. The First Responder Unit carries out their duties while confronting the harshest weather this area offers. Officer Robinson worked in these conditions as a member of the FRU for ten (10) years, and all reports indicate that he did so without complaint. In fact, Officer Robinson was an example to others in his dedication to duty, and strict adherence to the policies and directives of his unit.

Some thirteen years of Officer Robinson's career were spent with the House Division. Officer Robinson, consistent with his actions wherever he worked, endeared himself to his House Division co-workers and the staff and visitors, ensuring he will be missed, but not forgotten.

One of the most well-known facts about Officer Robinson was that he was a man of faith. His belief in GOD, and Jesus Christ as Lord, overshadowed every aspect of his being, and he made no secret of this important matter to all who knew him. He was quick to point to this belief as the reason that he carried himself as he did, with compassion, understanding and forgiveness. He often remarked to others how he wished more people on the Department shared a belief in GOD, and how he felt this would resolve some of the issues that divided not only his co-workers, but humanity in general. As an example of faith-in-action, Officer Robinson established a monthly prayer breakfast for benefit of his co-workers and friends. Meeting every first Wednesday of the month at 0600 hours, these meetings were well-attended by a wide cross-section of ranks from within the Department, and eventually interested parties form outside the agency attended to participate in prayer, reading of Scripture, and occasionally even song. Officer Robinson ensured that all attendees were welcomed openly, and had an opportunity to express themselves freely. Even when Officer Robinson fell ill, he often encouraged others to maintain their attendance at these meetings, feeling, and stating, that his absence should not be a reason for the discontinuation of the meetings, or the failure of others to attend. After each of these Wednesday morning meetings, Officer Robinson could be seen making his way to groups of officers who had not attended the meeting, offering them the "goodies" that had been brought to the breakfast by himself and the other attendees. This vision of Officer Robinson, walking up to groups of his friends and offering food and a certain word of good-will is one that many of us will reflect on with fondness in the coming days.

Officer Robinson was never swayed in his projection to us all of a peace that passes understanding. In the midst of confronting his illness, Officer Robinson was always upbeat and positive, rarely making reference to his ailment, and never complaining about it. He was truly remarkable in his ability to make whoever he was talking to feel better, even if that person was attempting to encourage Officer Robinson.

Because of his illness, Officer Robinson was unable to work for several weeks during the past months. Whenever he was contacted at home, he invariably spoke of his return to duty, often apologizing to his supervisors for not being at work. After his most lengthy absence, one of the first things Officer Robinson did was to request an opportunity to address his co-workers at roll call. This request was quickly granted, and in his comments to his co-workers, Officer Robinson not only thanked everyone for their prayerful support of him, but insisted that everyone should ensure that they maintained an adequate balance of sick leave, because you never know when you may need it. This type of comment most often comes from supervisors, and is often met with varying degrees of belief or acceptance, but when it came from Officer Robinson, it was received with interest and respect, for this is the type of response that Officer Robinson's character demanded and generated.

As a further testimony to Officer Robinson's character, soon after he had addressed his co-workers at roll call, he approached his supervisors with a suggestion that typified his selfless nature. With great humility, he asked if he might be allowed to provide a meal for the co-workers he so appreciated. With a great amount of awe, his request was granted and soon afterwards, Officer Robinson enlisted the services of a friend who catered the lunch-time meal for the entire day-work section of the House Division. Not a small undertaking, Officer Robinson ensured that all of the approximately 66 individuals present for an average workday were invited to the meal, and were able to enjoy not only his company, but a superb meal as well. This generosity is unheard of, and many officers remarked how humbled they were by Officer Robinson's act of charity and kindness.

Officer Robinson's friends and co-workers will remember him for these acts of generosity and compassion. His humble nature and patient endurance serve as an example to us all of how to face life and difficult circumstances with grace, courage, and thoughtfulness. He will be missed not only for his pleasant demeanor and positive attitude, but for the tremendous influence for good that his mere presence infused into the lives of everyone. One officer has remarked recently that Officer Robinson was too good for this world. Perhaps we can all learn from Officer Robinson how to live lives that honor those around us. His legacy to the men and women of the Capitol Police calls us to righteousness and servanthood, hallmarks of not only a good police officer, but of a good human being.

INTRODUCTION OF THE EMPLOYEE PENSION PORTABILITY AND ACCOUNTABILITY ACT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing extremely important legislation that will benefit working Americans. The focus of this legislation is pensions. Pensions are an integral part of retirement. Retirement can be compared to a three legged stool and the three legs are savings, pensions, and Social Security.

We are beginning to face what has been commonly referred to as the "graying of America." Within thirty years, one our of every five Americans will be over age sixty-five. In thirteen years, the baby boomers will begin turning sixty-five. The baby boomer generation consists of 76 million members and will result in the number of Social Security beneficiaries doubling by the year 2040.

In the near future, we need to address Social Security, but in the immediate future Congress should take action to improve our current pension system. Last Congress, Congressman THOMAS and I worked on "Super IRA" legislation and many of these proposals were included in the Taxpayer Relief Act of 1997. Expanding individual retirement accounts (IRAs) will help many save for their retirement.

The Taxpayers Relief Act of 1997 created the Roth IRA which has made IRAs more available to millions of taxpayers. The response has been overwhelming. The Taxpayer Relief Act has jump-started IRAs and we need to do the same for pensions.

Forty percent of retirement income comes from Social Security. Nineteen percent comes from pensions and the rest comes from individual savings. We need a more balanced approach. Pensions should provide for more than 19 percent of savings. We need to make individuals more responsible for their retirement.

Our society has changed and this includes the workplace. It is now more common for individuals to change jobs than to stay with one firm for an entire career. This makes it extremely important for us to address pensions and especially the issue of portability. Changing jobs should not drastically affect one's pension.

Millions of Americans have no pension access to retirement plans. Only half of full-time, private sector workers participate in an employer-sponsored pension plan. This results in 51 million American workers who have no pension plan. Pension coverage has only increased to 50 percent in 1993 from 48 percent in 1983.

Small businesses are less likely to have pensions than large businesses. While only thirty percent of firms that employ between 25 and 49 employees have pensions, seventy-three percent of firms that employ over 100 employees have pensions. Only 85 percent of Americans making below $10,000 a year have pension coverage. Fewer women receive pensions than men.

The percentage of the workforce covered by a pension has stagnated in the last 20 years. Many firms cite complexity and start-up costs as major reasons for not offering pensions.

Portability is an issue that must be addressed as we improve our pension system. Five million people with pension coverage change jobs every year. Many workers lose out on their pensions because they leave their jobs before their pensions vests.

President Clinton's budget for FY 1999 included comprehensive pension proposals. The proposals are aimed at making it easier for employers to offer pensions and for employees to retain pensions when switching jobs. The President's proposals are targeted to promoting pension plans among small businesses. These proposals build on past efforts of the President and Congress to simplify pensions. The President's measures would boost private pensions and individual retirement savings. I applaud President Clinton for addressing pensions in a timely manner.

Today, I am introducing "The Employee Pension Portability and Accountability Act of 1998" which is based on the President's pension proposals. I have made one change to the President's proposals as described in the budget. After reviewing testimony submitted to the Ways and Means Oversight Subcommittee, I have decided to make our change to the SMART plan and I will go into more detail later.

This legislation will enhance workers' ability to contribute to an IRA by payroll deduction. The bill will provide a tax credit for small businesses with fewer than 100 employees for the start-up costs of a pension plan.

The legislation creates a new simplified defined benefit pension plans for small businesses with fewer than 100 employees called the SMART plan. The SMART plan is a broad based approach that provides participants with a guaranteed minimum annual benefit upon retirement. An employee's benefit would be 100 percent vested at all times. I have eliminated the professional employer exclusion from the SMART plan. Under the Administration's proposal, professional employers would not be eligible to offer a SMART plan. However, I will continue to work with the Department of Treasury to improve this legislation so that it is specifically targeted to low and moderate income workers.

The bill allows for faster vesting of employer matching contributions to defined contribution plans. Vesting for the employer match would occur at three years instead of five years. This should help with portability.

The bill will also include the expansion of right-to-know provisions for workers and spouses; and simplification proposals. These proposals will help reduce the paper work associated with pensions.

The above described legislation is targeted to improve pensions in the areas where I believe the most improvement is needed—coverage for small businesses and portability. Now is the time for Congress to act. We cannot overlook the statistics. We have to address the "graying of America."

I urge my colleagues to cosponsor the "Employee Pension Portability and Accountability Act of 1998." I look forward to the passage of bipartisan pension legislation. Enclosed is a detailed section by section of the bill.

THE EMPLOYEE PENSION PORTABILITY AND ACCOUNTABILITY ACT OF 1998

SECTION BY SECTION

Section 1. Short Title

This legislation is entitled as the Employee Pension Portability and Accountability Act of 1998.

Section 2. Payroll Deduction for Retirement Savings

This section is intended to promote increased retirement savings among employees. Employees could elect to have contributions, up to a total of $2,000, withheld during the year from their paychecks and contributed to an IRA. Under this section, employees who are eligible for a deductible IRA, could elect to have pre-tax contributions withheld by their employer and deposited in their IRA. These IRA contributions generally would be excluded from taxable income on the W-2 rather than deducted from income on the individual's tax return. However, the amounts would be subject to employment taxes (FICA) and would be reported as contribution to an IRA on the employee's Form W-2. If at the end of the year, the employee is determined not to be eligible for any portion of the $2,000 contribution, the employee would be required to include such amount as income for that taxable year.

The legislative history under this section also would clarify that employees not eligible for a deductible IRA could use payroll deductions of after tax amounts as contributions to a non-deductible IRA or Roth IRA. Such an arrangement would not constitute the employer sponsoring a plan.

The provision would be effective for taxable years beginning after December 31, 1998.

Section 3. Credit for Pension Plan Startup Costs of Small Employees

The credit provided under this section is intended to be an additional incentive to employers, especially small employers, who may not otherwise establish a plan because of high start-up costs. Under this section, the employer could claim a credit for up to three years after establishing a new qualified defined benefit plan or defined contribution plan (including a section 401(k)), a SIMPLE, SEP, or IRA payroll deduction arrangement. The credit for the first year of the plan is 50 percent of up to $2,000 in administrative and retirement education expenses. For the second and the third year, the credit would be 50 percent of up to $1000 of start-up costs.

For purposes of the credit, an eligible employer is an employer who maintained no more than 100 employees in the preceding tax year and the compensation of each employee was at least $5,000 for the year. The employer would be eligible only if such employer did not have a retirement plan prior to establishing the new plan. In addition, the new plan must cover at least 2 employees, and must be made available to all employees who have worked with the employer for at least three months.

The credit is effective beginning in the year of enactment and would be available only for plans established on or before December 31, 2000. Thus, if an eligible employer established a plan in the year 2000, the credit would be available for the years 2000, 2001, and 2002.

Section 4. Secure Money Annuity or Retirement (SMART) Trusts

This section creates a simplified defined benefit plan. As in all defined benefits plans, contributions are made by the employer. The plan would be available to employers with no more than 100 employees who received at least $5,000 in compensation in the prior year. In addition, the employer could not have maintained a defined benefit plan or a money purchase plan within the preceding five years. The plan generally would be available to all employees who have completed two years of service with the employer and earned at least $5,000 in compensation. Like all other qualified pension plans, contributions to the SMART plan would be excludable from income, earnings would be accumulated tax-free, and distributions at the time of distribution would be subject to income tax (unless rolled over). Participants would be guaranteed a minimum annual benefit upon retirement, but could receive a larger benefit if the return on plan investments exceeds specified conservative assumptions. The employee would be guaranteed a minimum annual benefit upon retirement which would be equal to 1 or 2 percent of the employee's compensation plus a minimum rate of return of 5 percent. The minimum annual benefit would be computed based on the employee's average compensation with the employer, the number of years worked, and the percentaged elected by the employer. Thus an employee with 25 years of service, whose average salary was $50,000, and whose employer elected a 2-percent benefit would receive an annual benefit of $25,000 at retirement (age 65). The guaranteed benefit requirement result in some employers making additional contributions to the employee's account if the rate of return plus the contributions do not produce sufficient assets to pay the minimum guaranteed benefit. If the rate of return exceeds 5 percent, the employee would receive a benefit greater than the minimum guaranteed benefit. The Pension Benefit Guarantee Corporation (PBGC) would provide insurance to ensure the payment of the guaranteed benefit.

To permit catch-up contributions on behalf of workers (especially workers nearing retirement age) for the years a retirement plan was not available, an employer could elect a benefit equal to 3 percent of compensation for the first 5 years the plan is in existence. This higher percentage would be elected in lieu of 1 or 3 percent and would have to be made available to all employees. The maximum amount of compensation that could be taken into account for purposes of determining the annual benefit would be $100,000, indexed for inflation.

Employees would immediately vest in the benefits contributions made and earnings that accrue under the plan. Benefits in the account would be treated as all other qualified pension plans, i.e. the contributions or earnings would not be taxable to the employee in the year made (or earned) and the employer would be permitted to deduct currently the contribution made to the plan. Distributions from the plan would be taxable to the employee upon distribution except where the balance is directly rolled over from a SMART plan to another SMART plan by the trustee of the plan.

The provision would be effective for calendar years beginning after December 31, 1998.

Section 5. Faster Vesting of Employer Matching Contributions

This section changes the vesting requirement for employer contributions. Under current law, employer matching contributions vest after either 5 years cliff vesting or 7 years graded vesting. Under the 5-year vesting, an employee becomes fully vested (i.e. full rights) to employer contributions after the employee has completed five years of service with the employer. If the years of service are less than 5 years the employee does not vest to any portion of contributions. Under 7-year graded vesting, the employee becomes fully vested to the employer contributions in increments of 20 percent, which begins after the employee completes three years of service, and is fully vested after seven years of service. Under this provision, the 5-year vesting and 7-year vesting schedules would be modified to provide for 3-year cliff vesting and 6-year graded vesting. The six-year vesting would begin after the employee has completed two years of service. The vesting schedules would apply for all employer matching contributions made under any qualified plan.

The provision would be effective for plan years beginning after December 31, 1998.

Section 6A. Pension Right to Know Proposals

This provision would modify current law with respect to a written waiver of a survivor annuity. Under current law, the plan participant (not the spouse) is provided with a written explanation of the terms and conditions of the survivor benefit. This provision would require that the same written information provided to the plan participant also is provided to the spouse. This would help the spouse to fully understand both his or her rights under the plan, and the full implication of a waiver of those rights.

This provision would be effective for plan years beginning after December 31, 1998.

Section 6B. Right to Know Pension Plan Distribution Information

This provision would require employers who use any one of the 401(k) safe harbor plan designs to provide employees with sufficient notice that would afford them the real opportunity to make an informed decision regarding electing to contribute (or modify a prior election) to the employer-sponsored plan. The employee would be provided at least a 60-day period before the beginning of each year and a 60-day period when he or she first becomes eligible to participate. In addition, the current requirement that employers notify eligible employees of their rights to make contributions, as well as notify them of the employer contributions formula being used under the plan, would be modified to require that such notice be given within a reasonable period of time before the 60-day period, rather than before the beginning of the year.

This provision would be effective for plan years beginning after December 31, 1998.

Section 7. Mandatory 1 Percent Employer Contribution required under alternative methods of meeting nondiscrimination requirements for 401(k) plans

This section modifies the section 401(k) matching formula safe harbor by requiring that, in addition to the matching contribution, employers would make a contribution of 1 percent of compensation for each eligible nonhighly compensated employee, regardless of whether the employee makes elective contributions. This contribution shows the value of tax-deferred compounding. This provision would not apply where the employer uses the safe harbor design under which the employer contributes 3 percent of compensation on behalf of each eligible employee without regard to whether the employee makes an elective contribution.

This provision would be effective for plan years beginning after December 31, 1998.

Section 8. Definition of Highly Compensated Employees

Under current law, a highly compensated employee is defined as an employee who was a five percent owner of the employer at any time during the proceeding year, or had compensation of $80,000, and if the employer elects was in the top-paid group of employees for the preceding year. An employee is in the top-paid group if the employee was among the top 20 percent of employees of the employer when ranked on basis of compensation paid to employers in previous years. This section eliminates the top-paid group from the definition highly compensated employee. Thus, the level of compensation earned or ownership determine whether the employee is highly compensated.

This provision would be effective for plan years beginning after December 31, 1998.

Section 9. Treatment of Multiemployer Plans Under Section 415

This section would repeal the 100 percent-of-compensation limit, but not the $130,000 limit for such plans, and exempts certain survivor and disability benefits from the adjustments for early commencement and participation and service of less than 10 years.

This provision would be effective for plan years beginning after December 31, 1998.

Section 10. Full Funding Limitation for Multiemployer Plans

This Section would eliminate the limit on deductible contributions based on a specified percentage of current liability. The annual deduction for contributions to such a plan would be limited to the amount by which the plan's accrued liability exceeds the value of the plan's assets.

This provision would be effective for plan years beginning after December 31, 1998.

Section 11. Elimination of Partial Termination Rules for Multiemployer Plans

Under current law, when a qualified retirement plan is terminated, all plan participants are required to become 100 percent vested in their accrued benefits to the extent those benefits are funded. In the case of certain "partial termination" that is not actual plan termination, all affected employees must become 100 percent vested in their benefits accrued to the date of the termination, to the extent the benefits are funded. Partial terminations generally occur when there is a significant reduction in workforce covered by the plan. This section repeals the requirement that affected participants become 100 percent vested in their accrued benefits upon the partial termination of qualified multiemployer retirement plans.

This provision would be effective for partial termination beginning after December 31, 1998.

REFORM OF THE IRS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, though the federal government does few things well, when it comes to collecting taxes, the Internal Revenue Service (IRS) is a proficient, ruthless, and relentless agency squeezing every subject for the government's due, and then some.

Last month the president called "irresponsible" and "reckless" the several efforts by Republicans in Congress to rein in the IRS. These reforms entail restoring taxpayer rights, curbing IRS abuses, and ultimately rebuilding a sense of fairness in America's tax policy.

Furthermore, Congressional reformers are seeking to turn the tables on the IRS by burdening the bureaucracy with justifying its policies before proceeding on its confiscatory mission.

The debate in Washington, D.C. is centered on the differences between those who demand dramatic improvements and those content to merely tinker with the tax code.

Meanwhile, Americans will spend a combined 5½ billion hours this year working to comply with our current tax system.

April is tax month, a time to reflect on the financial cost of citizenship. The federal budget tops $1.7 trillion this year.

In spite of the Capitol Hill hoopla about a supposed federal budget surplus, the total federal debt has recently surpassed $5.5 trillion and continues to grow. In fact, during the time separating the delivery of President Clinton's 1997 State of the Union address and his 1998 version, the debt grew an incredible $185 billion!

The IRS employs 114,000 agents who churn out eight billion pages of forms and instructions mailed to Americans every year. Even the simplest form, the 1040 EZ, has 33 pages of fine-print instructions. Over 300,000 trees were harvested just to produce the paper for these missives.

In Congress, I've joined the growing crowd calling for wholesale reform of the IRS. For example, I'm backing efforts to repeal the death tax (estate tax), to abolish the marriage penalty, and to further eliminate taxes which discourage investment and savings.

I'm also calling for a sunset of the IRS tax code by December 31, 2001. This unprecedented act would force the IRS and Congress to agree on a fair, simpler tax law. The "sunset" provision would answer the customary political gridlock in Congress with the promise to pull the IRS out by its roots until leaders can agree to put taxpayers ahead of bureaucrats.

Taxation is unavoidable. However, tax fairness and simplicity are features upon which Americans should insist.

CAMPAIGN REFORM AND ELECTION INTEGRITY ACT OF 1998

SPEECH OF

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 30, 1998

Mr. KENNEDY of Massachusetts. Madam Speaker, for months, Members on both sides of the aisle have worked to craft meaningful campaign finance reform. But the Republican leadership's decision last Friday to bring campaign finance reform to the Floor under suspension of the rules has made it clear they are not interested in debating, and passing, true campaign finance reform. This biased procedure stifles debate, precludes the opportunity to offer amendments and prohibits the consideration of the Shays-Meehan proposal—a true reform bill, which bans soft money in federal election years.

In addition, the Republican leadership's tactic of breaking up the Thomas bill into three more bills under suspension of the rules doesn't soften the blow in denying the House the opportunity to debate, and amend, campaign finance reform legislation.

Instead, the Republican leadership is offering an umbrella measure, HR 3485, that is so loaded with poison provisions that it is doomed to failure. I am particularly appalled that the bill before the House contains the exact language of the Voter Eligibility Verification Act which this House rejected last month by a vote of 210–200.

Back in the '60s, many of the Freedom Riders lost their lives for civil rights, including the right to vote. The voter eligibility provisions of this bill would take us back in time before the National Voting Rights Act was enacted. It clearly discriminates against the poor, senior citizens, African Americans and Hispanics.

On Election Day around this nation, local voter registration offices recruit people to work at the polls. Under this bill, if a poll worker in California, Florida, Illinois, New York or Texas chooses to challenge the eligibility of a person coming to vote, that poll watcher can do so. Conveniently, these are the states where the majority of our nation's Hispanics live. This is the United States of America. When a person comes to vote, they should not be expected to jump through hoops, clear hurdles or be hindered in any other way. And the Immigration and Naturalization Service should not have to confirm for a poll watcher that a citizen wishing to vote is actually a citizen.

There's always a good reason why anyone does something. And then there's the real reason. This is a Republican ploy to keep certain constituencies from the ballot box. This bill is a dressed up 90's version of the poll tax-designed to clearly intimidate Hispanics and other minorities into staying away from the polls—and it betrays the Privacy Act and the Voting Rights Act.

Mr. Speaker, I urge my colleagues to vote against this bill for many reasons. First, it would shut the door to voting rights of any person a poll worker chooses to challenge. Second, raising the annual contribution limit for individuals from $25,000 to $75,000 looks to me like a sweetheart deal the Republicans are making with their wealthy donors. Third, it would require labor unions to get written consent from their members before the unions can spend union dues money on political activities. This is one more back door effort by the Republicans to bust the unions. I urge my colleagues to vote against HR 3485, and against the upcoming bill entitled "Paycheck Protection Act," which is a union-busting bill.

These bills do nothing to truly reform our campaign finance system.

IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 247

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. DIAZ-BALART. Mr. Speaker, I rise today in support of House Concurrent Resolution 247. This bill, in a small way, recognizes what the Reverend Dr. Martin Luther King, Jr. has contributed to the civil society of the United States and to the world. In a sense, this bill outlines what we owe to Dr. Martin Luther King for the lessons he taught us on how to change our world and how to bring about justice. Dr. King's life and his work are a powerful example to all people who care about freedom, justice and equality.

Dr. Martin Luther King loved this country. Dr. King's America was not perfect, but he envisioned a day when it would be perfect. The America he lived in was not perfectly just, but he saw a day when Justice would be given to all. Not everyone in Dr. King's America was free, but in his mighty and prophetic dream, he saw a day when Freedom would ring from every mountaintop and on that day—as he promised—"all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual, "Free at last! Free at last! Thank God Almighty, we are free at last!"

Dr. King loved this country because he believed in its promise to all people who make it their home. Dr. King was a man of faith who believed that Our Creator has endowed us with certain and unalienable rights to life, to liberty, and to the pursuit of happiness. It is a sad fact in our nation's history that these unalienable rights were not always recognized and not always freely granted. Dr. King was like a prophet of old crying in the wilderness. His message was simple: Justice and Freedom are worth fighting for.

But the battles he called us to were not to be fought in the streets with armed struggle and violence. The war that Dr. King waged was not for military dominance or political power, but for the hearts and minds of all who would hear his message. He called on Americans to rise above selfishness and personal ambition, to rise above anger and hate, and to establish Justice and Freedom through nonviolent political action and change. His tactics in this war were founded on his deep conviction that morally there was right and there was wrong. It was immoral to segregate people by race and to hate someone because they have a different color skin. It was immoral to oppress other people. It was immoral to financially support institutions that participate in subjugating others.

Mr. Speaker, these things are still immoral. There are still rights that need to be wronged. There are still people living in this world who are oppressed and who are not free. We need look no father than 90 miles off our shore to see a country where a tyrant rules and the call to freedom is quickly and brutally silenced.

Mr. Speaker, this bill calls on Americans to celebrate the life of Dr. King. This call to celebrate Dr. King's life and contributions comes 30 years after he was gunned down in Memphis, Tennessee. Thirty years go, Dr. King was in Memphis supporting the striking city's sanitation workers exercise of their right to assemble, their right to free speech, their right to determine their own destiny, their basic right to life, liberty, and the pursuit of happiness.

On April 3rd, 1968, thirty years ago this week, Dr. King stood in the Bishop Charles Mason Temple and called on all within earshot to stand together with greater determination. He called on all to move together through the days of challenge to make America what it ought to be. As if he had foreseen his own death the next day, he called for perseverance and patience in the face of opposition. And he left us with hope. Hope that his dream of an America where Freedom rings and Justice is established throughout the land would one day be at hand.

There is work yet to be done. We should all stand together through the days of challenge because America—while great among all nations of the world and history—has greater days to come.

Mr. Speaker, I have joined with my colleagues to sponsor this bill because I deeply believe that all peoples living under tyranny and oppression must be able to make their voices heard. I too have a dream that all peoples one day must live in a just, equal, and free world. I urge my colleagues to vote for this bill and to call on the people of the United States to study, reflect on, and celebrate Dr. King's life and ideals in order to fulfill his dream of civil and human rights for all people.

SENIOR CITIZEN HOUSING—ANOTHER CONTRACT RENEWAL DILEMMA: "SENIOR CITIZENS HOUSING FINANCIAL RESTRUCTURING ACT OF 1998"

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. LAZIO of New York. Mr. Speaker, today I am introducing the Senior Citizens Housing Financial Restructuring Act of 1998. As my colleagues will recall, over the last three years the Congress has been dealing with the section 8 project-based renewal issue pertaining to the FHA multifamily inventory. Last year, the so-called mark to market legislation was enacted to deal with this inventory. However, that legislation did not address the Section 202 housing for the elderly inventory.

The section 202 loan portfolio consists of over 4,500 direct government loans to private nonprofit sponsors for developing rental housing for lower income elderly. Projects developed under this program benefit from 40-year direct loans and 20-year section 8 rental assistance contracts. These projects contain approximately 215,000[1] units, for which funds were reserved from 1976 through 1988. Between 2001 and 2015, virtually all of the section 8 rental contracts for these projects will expire. Projects funded subsequent to 1988 were either funded under the new Capital Advance Program or converted from direct loans to capital advances.[2]

Mr. Speaker, preservation of this inventory is of paramount concern to me as well as all my colleagues since there is considerable demand for the units and few alternatives for many lower income elderly. Like the FHA multifamily portfolio, a primary issue facing this housing program is the need for renewals of section 8 contracts. Current HUD policy allows annual renewals only. In 2001, approximately 300 projects will come due for renewal. The number will climb each year until it reaches 4,500 projects in 2013. The estimated annual cost of renewals is approximately $250 million in 2001 and $2.9 billion in 2021.

As elderly housing becomes more market-oriented and residents age, the older section 202 projects must meet the cost of (1) service coordination, (2) structural retrofitting, and (3) other improvements required to serve more service-dependent residents in the future. However, in the current budgetary environment, Congress will have difficulty meeting these costs under section 8.

My legislation allows that elderly housing operating under earlier versions of section 202 should be allowed to convert to the new, improved form of elderly housing assistance. The unpaid principal balance of an older section 202 loan would be converted to a capital advance, essentially forgiving outstanding debt. The project would then receive cost-effective operating assistance under a project rental assistance contract that is better designed to provide quality elderly housing in local markets.

In its simplest form, conversion is likely to have no financial impact on the projects, but the federal subsidy would be scored in the budget process in a different manner. By forgiving the direct loan, the need for section 8 subsidy is reduced by the amount of principal and interest. Thus, the forgiveness of outstanding section 202 loans would initially have a one-time mandatory budget cost. However, the up-front costs of conversion would, over time, be more than offset by ongoing discretionary savings and lasting benefits to HUD's budget, elderly housing sponsors, and elderly residents.

Mr. Speaker, I believe that Congress has a unique opportunity to address these issues because, unlike much of the rest of the section 8 inventory, the contract renewal problem does not become significant until after the year 2000. I urge all my colleagues to join me in sponsoring this legislation.

HONORING THE SESQUICENTENNIAL OF BRIDGEPORT TOWNSHIP

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. CAMP. Mr. Speaker, it is with great pride that I rise today to recognize the Sesquicentennial of Bridgeport Township, Michigan. This community was founded on April 4, 1848 and is currently Michigan's oldest charter township. In April of 1848 Bridgeport Township's population was 15, today there are 9,158 residents. Although the township has grown, Bridgeport Township has worked hard to preserve and protect its rich history. Bridgeport Township's motto is "A Community Living and Growing Together." This is a fitting motto because time and time again the residents have worked together to improve their community. When the old school house was going to be torn down—the citizens of Bridgeport Township worked together to save the historic building. Today, it stands in the township's historic village and is used by classes each year. When they needed a Gazebo constructed in the historic village, they joined as a community to complete this important project. Today, the gazebo is used for musical events and other gatherings.

John Oldham said:

> To live is to meet life eager and unafraid—to refuse none of its challenges, and to evade

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[1] Since the program was created in section 202 of the Housing Act of 1959, the program has assisted not-for-profit sponsors, dedicated to serving the special needs of the elderly, in building 337,000 residential rental units—a major portion of the nation's supply of quality, affordable housing for the elderly.

[2] Since 1990, the revised section 202 program provides (1) a capital advance to finance construction and (2) periodic operating subsidies to fill the gap between the cost of elderly housing and rent revenues that low-income residents can afford. The capital advance is, in effect, an interest-free loan on which no payments are due as long as the housing meets program requirements. Operating support goes to elderly housing through a "project rental assistance contract" (PRAC), renewable in five year increments.

none of its responsibilities; but to go forth daily with an adventurous heart to encounter its risks, overcome its difficulties, and seize its opportunities with both hands.

This is how the community of Bridgeport Township has met each day during the past 150 years. It is through the dedication and hard work of many generations that this community gathers to celebrate 150 years of prosperity and very special memories.

On Saturday, as the citizens of Bridgeport Township reflect on their past—they can be very proud of how their community started and where it is today. It is a special, caring community that has grown without sacrificing their special heritage.

McCOLLUM V. BOARD OF EDUCATION: A MILESTONE FOR RELIGIOUS FREEDOM

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. NADLER. Mr. Speaker, I rise today to mark the 50th anniversary of the Supreme Court's decision in the case of McCollum versus Board of Education of School District No. 71, in which the Court clearly expressed the importance of maintaining the separation of church and state. As the Congress considers a proposed constitutional amendment which threatens that important principle, I urge every member of this House to read the Court's decision. It clearly illustrates how the separation of church and state, enshrined in the First Amendment, protects the fundamental rights of free conscience and religious liberty.

The McCollum family had a son attending the fourth grade in a public school in Champaign, Illinois. The Champaign school district allowed a local private organization, the Champaign Council on Religious Education, to send religious teachers into the public school during regular school hours. Students were released from regular classes to attend private religious instruction in the public school building.

In theory, any remaining students were required to leave their classrooms and pursue their regular studies elsewhere in the school building. In practice, James McCollum was the only student in his class who did not attend the religious instruction. He was sent to the principal's office or made to sit at the detention desk for problem students out in the hall—as though he were being punished.

The family was also subject to ostracism. They became outcasts in Champaign, and the children, particularly James, were harassed. The family cat was killed, and once, on Halloween, the family answered the door to trick-or-treaters only to be pelted with garbage. The verbal abuse grew so great that when James got to junior high, be moved to Rochester, N.Y., to live with his grandmother and go to school there. According to James, now a retired attorney, his mother worked at the University of Illinois, but when it became known that she had brought this lawsuit, she was fired.

Unfortunately, this sort of situation is far from a thing of the past. Many of my colleagues may remember the testimony of Lisa Herdahl whose family challenged prayers and religious Bible instruction in the public schools in Pontotoc County, Mississippi. The Herdahl children were harassed at school and singled out by teachers and other students. The family was subject to community protests and hostile newspaper coverage. After school officials ignored the Herdahl family's requests to put an end to the coercive practices, People for the American Way Foundation and the ACLU of Mississippi filed suit in federal court, citing the McCollum case among others. Two years ago, a federal judge ruled against the school district, and school officials decided not to appeal.

We are often urged to blur, or even eliminate, the line that has long separated church from state. But experience shows us that when we allow this to happen, the rights of individual Americans are trampled upon by the majority. The purpose of the "wall of separation" is not to protect government from religious, as it is often alleged, but to protect religion, and particularly the individual religious beliefs of all Americans from government.

When some in the community attempt to use the power of government, in these cases against children required by law to be present in school, to further their own sectarian goals, the hand of government will inevitably be coercive. If religious freedom is to have any meaning at all, if must be that no one should ever be allowed to use the power of government to coerce another citizen, especially a vulnerable and impressionable child, on matters of faith.

Justice Hugo Black wrote in his opinion in McCollum, "the First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere." The hard and bitter experience of families, like the McCollum family fifty years ago, and the Herdahl family in this decade, is that the authors of the First Amendment were right to keep government away from religion, the Court was right in remaining true to the principle, and it would be a terrible mistake for Congress to ignore the lessons of history and wisdom of our Bill of Rights.

Justice Felix Frankfurter, put it well in the McCollum case, when he wrote, "The great American principle of eternal separation . . . is one of the vital reliances of our Constitutional system for assuring unities among our people stronger than our diversities." I hope the members of this Congress will defend our national unity, the rights of all Americans, and leave the First Amendment the way it is.

INTRODUCTION OF SCHOOL CONSTRUCTION BONDS LEGISLATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise today to announce the introduction of my legislation to assist fast-growing states to build new schools, reduce class sizes and overcrowding and foster an orderly and disciplined learning environment. I urge my colleagues to join me in signing on to this important legislation.

As the former Superintendent of North Carolina's schools, I know firsthand how important quality facilities are to our children's education. The General Accounting Office has identified more than $112 billion in school construction needs across the country. The Secretary of Education has reported that the "Baby Boom Echo" will create an explosion of growth in the school-age populations in many states over the next ten years. Congress must assist these states to meet their school construction needs of the coming decade.

My bill will create $7.2 billion in school construction bonds over the next ten years. The school bonds will be allocated to the states based on the growth we know they will experience in the coming decade. The Etheridge bill will complement the Administration's $19.4 billion school construction initiative by targeting resources to growing states. My bill is fully paid for using the offset others would use to fund the misguided Coverdell private school voucher scheme.

The simple fact of the matter is that our growing states need help to build quality schools in which to educate our children. This Congress must do its part to assist the states that have the greatest needs. My bill targets resources to the states that will experience the greatest growth over the next decade. The Etheridge bill will provide more than $100 million each to the top 17 fastest growing states; slower growing states will qualify for lower amounts. My state of North Carolina will qualify for about $360 million in school construction bonds under this legislation.

No child in America should be forced to attend class in a trailer, a closet or any other substandard facility. The Etheridge bill will help address this problem, and I urge my colleagues to cosponsor this bill.

IT's OUR MONEY, NOT THEIRS!

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, processing salmon on a cannery slime line was probably the best job preparation I ever received for my stint in the U.S. Congress. Making laws is never pretty either.

Standing boot deep in fins, fish heads, and entrails, trying to keep up with the conveyor belt, my team routinely exceeded our production goals. In the end, we made a fine product, and our Alaskan employer succeeded in running a good business—despite the bloody mess.

That was my first job out of college. I paid my way through school as a lifeguard, a farm hand, a referee and umpire, a night clerk at an apartment complex, and as a retail worker. During holidays, I filled in for a vacationing heating and air contractors' assistant, and conducted public opinion polls for local governments and community boards.

Upon graduation I worked a few more jobs before being asked, at a relatively young age by local leaders, to fill a vacancy in the state Senate. In addition to the cannery job, I worked as a carpet layer, in food service, as a legislative researcher, a corporate and political speechwriter, and press secretary. I later ran my own marketing business for six years too.

But, throughout all my work, entrepreneurial and investment experiences, I've been confronted with the same disappointment—high taxes.

Each time I forked over more of my earnings to the government, I pledged to myself that, if I ever got the chance, I'd work even harder to put the priorities of wage-earners ahead of the tax collectors.

This month, millions of Coloradans will labor through the time-consuming and stressful task of preparing tax returns to answer the government's deadline of April 15th. The average family will endure a local, state, and federal tax burden of an incredible 40 percent of income for 1997.

This year, Americans will spend a combined 5½ billion hours working to comply with our tax system. Meanwhile, the 114,000 employees of the Internal Revenue Service (IRS) are toiling too. They must, in order to churn out and process the 8 billion pages of forms and instructions taxpayers will need in order to stay above the law.

This is why, in my first year in Congress, I cosponsored and voted for two of the most important pieces of tax legislation in decades: The Taxpayer Relief Act of 1997, providing the first net tax cut in 16 years; and the IRS Restructuring Act, getting us a step closer to reining in one of the most abusive federal agencies, and setting us up to scrap the entire tax code in favor of one that is fairer, flatter, and simpler.

Indeed, this is one goal I will be pursuing further this month along with my friends at the National Federation of Independent Business (NFIB)—the nation's largest small business advocate. I've been a proud NFIB member myself for many years.

On April 15th, NFIB will sponsor national "It's our Money, not THEIRS" Day. The plan is to gather one million signatures on petitions calling upon the president and Congress to "abolish the IRS Code as of December 31, 2000, and to propose to the American people for our consideration a simpler, fairer tax code which will reward work and savings."

Paying taxes is never pretty. Some would say the tax code is a bloody mess. Thanks to the NFIB, taxpayers will have a chance to send a forceful tax message to the government: "Fish or cut bait!"

To volunteer for April 15th Day, or to obtain petitions, call me, see any other NFIB small business member, or call toll free 1–888–NOT4IRS.

INTRODUCTION OF THE CHILD NUTRITION AND WIC REAUTHORIZATION AMENDMENTS OF 1998

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. MARTINEZ. Mr. Speaker, today I am pleased to introduce the Child Nutrition and WIC Reauthorization Amendments of 1998 on behalf of the Administration. For the first time in nearly 20 years, the Executive Branch has transmitted to the Congress a bill to reauthorize our Child Nutrition programs and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) program. This legislation is cost-neutral over five years, simplifies and streamlines program operations, provide access to qualified participants, helps to ensure program integrity and improves food safety. I am happy to sponsor this bill and strongly encourage my colleagues to support it as well.

The Child Nutrition Programs and the WIC Program are absolutely critical to our Nation's future. There is no question of the need to reauthorize the expiring programs and, where we can, improve access, eliminate unnecessary paperwork, and reduce the chance for abuse. I believe the Administration bill moves us toward these goals and is an excellent starting point as we begin our efforts to reauthorize these programs.

Among the many improvements in the legislation, the bill would:

Give authority for an after school program in the Child and Adult Care Food Program for at risk youths between the ages of 12–18; this is a critical provision as so many children need a positive and supportive after school option since the highest instances of juvenile crime occur during the hours immediately following the end of the school day and the dinner hour;

Require schools to make every effort to establish adequate time for kids to eat school lunches in a "child friendly" atmosphere ensuring good nutrition;

Authorize Nutrition Education and Training grants based on $.50 per child per year with a minimum of $75,000 per state;

Give authority for USDA to pay for the cost of removing any foods that have been found to be unhealthy or contaminated;

Require that food service operations of participating schools be inspected for health and safety;

Increase the number of sites and children that can be served by non-profit sponsors in the Summer Food Service Program;

Improve management of the WIC program with changes in how states can manage "spend forward" funds and require documentation of income for WIC participants;

Tighten penalties on vendors who violate the rules for participation in the WIC program.

There are a number of other provisions in the bill that I will not discuss at this point, but are designed to improve program operations. On whole, the bill represents a balanced and thoughtful approach to improving the programs at a time when budgets are very tight and tough choices must be made about where to spend our limited resources.

There is one provision of this legislation regarding the WIC program which I cannot support and another for which the Ranking Member and I are concerned. First, the bill would require that the Secretary of Agriculture propose regulations to verify the income of WIC participants. I cannot support this provision because I believe it would drive legitimate recipients out of the program and would add to the administrative burdens on WIC clinics when it is not at all clear that much improvement in accountability would be obtained. Recent testimony before the Education and Workforce Committee reinforces my belief that this provision is not necessary and should not be included in the final bill which Congress sends to the President. Second, the bill would terminate the Secretary's authority to administer the very small segment of child nutrition programs, which certain states do not presently administer for a variety of reasons, at the USDA Regional level. The Ranking Member and I are committed to closely examining this proposal as we proceed through the reauthorization process and ensure that, if enacted, it will not jeopardize the nutritional meals and snacks which children presently receive under these programs.

I am looking forward to working with the Department of Agriculture, and Under Secretary Shirley Watkins, and my colleagues here in the Congress to enact the positive features of this legislation and other beneficial provisions as we work to improve our child nutrition programs through this reauthorization.

CELEBRATING THE 50TH ANNIVERSARY OF VFW POST 9588

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. HINCHEY. Mr. Speaker, I am rising to speak today to commemorate the 50th anniversary of the chartering of Veterans of Foreign Wars Post 9588, the Bailey-Richman Post, in Monticello, New York. The Post was chartered on April 4th, 1948 at the Grange Hall in Monticello and was recently honored by the National Headquarters of the VFW with a Golden Anniversary Citation. It is an honor they justly deserve. I would like to also celebrate and honor the Post's long history of public service and commitment to their community in Sullivan County. The wonderful men and women of this post have given so much to us all in times of war and in times of peace and I want them to know that their contributions are deeply felt and greatly appreciated. I ask all of my colleagues to join me in celebrating the upcoming 50th anniversary of the Bailey-Richman VFW Post 9588.

30TH ANNIVERSARY OF THE FAIR HOUSING ACT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. KILDEE. Mr. Speaker, it is truly an honor to rise before you today to commemorate the 30th anniversary of the Fair Housing Act by designating the month of April as Fair Housing Month in Flint, Michigan.

Michigan, and the City of Flint in particular, has a long history of promoting fair housing. In February, 1968, the citizens of Flint voted to adopt the first open-housing ordinance in the country. As a member of the Michigan State Legislature, I introduced the very first Open

Housing Act which outlawed housing discrimination in Michigan. In my many years of public service, I have continued the fight for fair and equitable housing because I believe our country must grant every person an equal chance to succeed in America.

The Fair Housing Act of 1968 celebrates its anniversary this year with the distinction of being one of the most successful civil rights laws in history. Thanks to the cooperation and support of hundreds of state and local governments, more and more Americans are enjoying the simple freedom of choosing where to live.

The Fair Housing Act was enacted in 1968, shortly after Dr. Martin Luther King, Jr's assassination. The Act bars housing discrimination on account of race, color, religion, sex, disability, family status and national origin. The Act covers the sale, rental financing and advertising of almost all housing in the nation.

Mr. Speaker, although we have made significant strides in combating housing discrimination, we still have a long way to go. It is illegal, immoral and intolerable and it has no place in our present or future. During this month of observance of the 30th anniversary of the Fair Housing Act, let us work together to preserve the principles of this important legislation by eliminating discrimination and ensuring that all Americans are afforded the opportunity to live with dignity and pride.

TRIBUTE TO EPSILON KAPPA

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to pay tribute to Epsilon Kappa, St. John's University's Chapter of Sigma Delta Pi, the National Collegiate Hispanic Society which, for seventy-seven years has been promoting Hispanic culture and language in the United States. In light of the fact that we are honoring Hispanic heritage and culture, I am choosing to make this tribute in my native language Spanish.

(Ms. VELÁZQUEZ submitted two paragraphs in Spanish.)

Successful organizations like this cannot promote themselves alone. They need the guidance and vision of talented leaders like Professor Marie-Lise Gazarian-Gautier, a renovated scholar in literature at St. John's University, Coordinator of the Graduate Spanish Program and Moderator of Epsilon Kappa, St. John's Chapter of Sigma Delta Pi. Dr. Gazarian is affiliated with universities in Paris-France, Moscow-Russia, and Santiago the 1945 Chilean Nobel Prize Laureate. She is also author of several books, among them: "Gabriela Mistral: La maestra de Elqui." In addition, she serves as Foreign Correspondent for several literary journals abroad and has hosted a nationwide series on "Contemporary Hispanic Fiction" produced by WCBS–TV and St. John's Television Center. In 1996 she was appointed Judge of the Selection Committee for the Poet Laureate from Queens. She currently serves as Vice President for the Northeast of Sigma Delta Pi.

Mr. Speaker, I ask my colleagues to rise with me today in honor of the seventy-seventh anniversary of Sigma Delta Pi and the invaluable contribution its chapters are making to our Hispanic Culture and society throughout the United States. We wish Sigma Delta Pi continued success and recognize St. John's University's Chapter, Epsilon Kappa, for its outstanding work in promoting Hispanic culture in America.

FORMER CONGRESSWOMAN BELLA ABZUG

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. NADLER. Mr. Speaker, yesterday, I came to the floor bearing the unfortunate news that former Congresswoman Bella Abzug had died. I would now like to take this opportunity to say a few words about our colleague, who affected this House and this nation deeply.

Bella Abzug was a woman ahead of her time. I am not the first to come to this conclusion, and I am certainly not the only person who will point out this fact as the world reflects on this loss. So perhaps it is fitting to go one step further, and say: Bella Abzug was not only a woman ahead of her time. She was a woman who ushered in a new time.

I don't think it is unreasonable to say that Bella Abzug changed the way Americans think about female politicians, and for a very uncomplicated reason: she made us do so. She wasn't afraid to demand the respect she deserved, and I think maybe the perfect example of that comes from a story she told about why she started wearing her trademark hats.

"When I first became a lawyer," she said a few years ago, "only about 2 percent of the Bar was women. People would always think I was a secretary. In those days, professional women in the business world wore hats. So I started wearing hats." And as we all know, she never stopped.

But Bella Abzug didn't go into politics out of personal ambition. One of the fundamental things about her, maybe her defining element—beneath the character, beneath the voice, beneath the hats—was her tireless social conscience. She had no time for typical politicians, and even less time for politics as usual. And not only was she driven to do the right thing, but she demanded the same of everyone she came in contact with.

I remember that whenever I would talk to her, she would say to me, "Are you doing enough? Are you doing enough?" And then, occasionally, almost begrudgingly, she would say, "Well, you're doing okay." I would leave our conversation feeling as if I had received the greatest compliment one could ever receive.

That is one of my memories of Bella, and I am sure many Members of Congress have others they would like to share. That is why we will be holding a Special Order following the upcoming district work period, where I invite our colleagues with memories to share to come forward, and to give to former Representative Azbug the tribute which is surely her due.

Finally, regarding my colleague I can only conclude with this: when Bella Abzug left the House of Representatives, this chamber became a poorer place. Likewise, yesterday the world became a poorer place, though all of us are richer for having experienced Bella's presence.

REFORMING BILINGUAL EDUCATION

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. RIGGS. Mr. Speaker, today I am introducing legislation to reform the federal bilingual education program to insure its primary focus is on teaching children English.

English is our official common and commercial language. Our goal should be that every child in America entering Kindergarten will be able to read and write English by the end of the First Grade. Other students should be expected to master English within two academic years.

Over the past few years, there has been a growing amount of evidence that bilingual education classes—those using a child's native language in instruction—are having a harmful impact on our Nation's English language learners. While they may work for some children, other children spend years isolated in classes that do little to prepare them for future success.

I am concerned that the current federal Bilingual Education Act requires 75 percent of available funds to be used for this form of instruction. My bill would change all of this. First, it would turn the Bilingual Education Act into a formula grant to the States and allow the States to determine the method of instruction to be used by eligible entities receiving grant awards.

Of equal importance, this legislation would require that a parent must sign a consent form prior to the time a child is placed in a program using native language instruction. We are hearing more and more reports that schools are ignoring the wishes of parents regarding the participation of their children in bilingual education classes. For example, it took Erika Velasquez two years to have her son, who is fluent in both English and Spanish, removed from a class for Spanish speakers. While intentions may have been good, his elementary school was preventing her son, Tony, from mainstreaming into a regular classroom and confusing him as to what language he was to be using.

Mr. Speaker, the success of every new wave of immigrants coming to the United States in search of the American dream has always been dependent on several factors: their willingness to work hard; their ability to mainstream into society; and, most importantly, their ability to learn the English language.

It is generally easier to help adult learners because they have already completed their basic education and only need to learn

English to continue their schooling or obtain a job. For children, it is a different story. If they come to our country when they are ready to enter school, the have twelve years of education before them. For these children, much of their ability to succeed in school is dependent on their ability to read, write, speak, and think in English. However, as I mentioned earlier, many children are not learning English.

Are these children being taught English? Yes, but, unfortunately, English language instruction is limited and they end up spending far too many years in classes which preserve their native language to the detriment of learning English. This prevents them from mainstreaming into society, from communicating with their peers and from learning the skills they need to be successful once they leave school.

Proponents of bilingual education will claim this form of instruction is necessary to keep children current in their other academic classes while learning English so they don't fall too far behind and end up dropping out. However, statistics reveal that nationally over one-third of Hispanic students do not complete high school. This figure jumps to 50 percent in my own Sate of California. Simply, these programs are failing to give children the skills they need to stay in school and succeed. And our children deserve better.

The parents of these children did not bring them to our country to be relegated to low paying jobs. They brought them here to have the same opportunity for success as all other children. They want for their children the opportunity for them to become doctors, lawyers, teachers or whatever else they want to be.

It is view that the major focus of any class for limited English speaking children should be the attainment of the English language skills they need to mainstream into regular classrooms as soon as possible. While bilingual education may work for some children, it has not proven itself to be the most effective solution for all children.

It is time that we allow States and local schools and parents the right to select the method of English language instruction most appropriate for their children. This legislation will accomplish this goal.

Mr. Speaker, as Chairman of the House Subcommittee on Early Childhood, Youth and Families, I intend to make this legislation a priority. I urge my colleagues to support my bill—the English Language Fluency Act—and insure that all English language learners obtain the skills they need to succeed.

H.R. 3636, THE AFRICA SEEDS OF HOPE ACT OF 1998

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. HAMILTON. Mr. Speaker, today, Congressman BEREUTER and I are introducing in the House legislation to advance agricultural and rural development in Africa.

As President Clinton continues his historic trip through Africa, it is especially fitting that this legislation be introduced, because it will help make good on the promise of closer ties between the United States and the people of Africa.

Rural and agricultural markets are vital to African trade and economic development. If we are serious about improving the economic position of Africa in global markets, we must encourage women and small-scale farmers and entrepreneurs to be the engine of growth. I commend my friend, DOUG BEREUTER, for his hard-work and leadership on this legislation, which takes an important step forward in encouraging and strengthening those vital resources.

WHY IT MATTERS

While the Congress and the Administration are right to focus on African trade and investment, many African countries are not yet ready to graduate from aid recipient to trading partner. The poorest countries in Africa still need substantial foreign assistance and debt relief to accomplish things that increased trade and investment will not address.

Chief among these is combating hunger.

Over the last 30 years, the number of undernourished people in Africa has more than doubled, to around 215 million today.

Hunger causes profound—and needless—human suffering. It also undermines the development of human and physical capital necessary to fuel economic development and break the cycle of poverty.

The spread of democracy, the availability of advanced agricultural technology, and the emergence of robust voluntary and civic organizations throughout Africa present us, today, with an opportunity to significantly reduce hunger and poverty in Africa. By carefully targeting U.S. assistance on agriculture and rural development, H.R. 3636 will allow us to harness this opportunity.

WHAT IT DOES

H.R. 3636 will advance rural and agricultural development in Africa by directing the Administration to place a higher priority on these areas in its assistance policy toward Africa, and by improving existing programs to combat hunger and ensure that Africa's food supply is secure.

This bill does not call for increased U.S. spending although I believe the Congress should support higher aid levels for Africa. By carefully targeting aid programs already in place, and by fine-tuning the way they are administered, this bill will allow the U.S. to get the most out of its development programs.

RURAL FINANCE

First, this bill would take several steps to increase U.S. support for rural finance in Africa, by requiring U.S. AID to:

Develop a micro-enterprise strategy for Africa;

Place a high-priority on providing credit and micro-credit to small-scale farmers—especially women, who produce up to 80 percent of the total food supply in Africa; and

Support producer marketing associations and enhance the capacity and expertise of African business associations by: Using available assistance programs; cooperating with U.S. and local NGOs; and facilitating partnerships between U.S. and African businesses and cooperatives.

This bill also urges U.S. support for the International Fund for Agricultural Development (IFAD), which provides loans for famine relief. And, it encourages OPIC to work with U.S. AID to support agricultural and rural development in sub-Saharan African through available funds, loans and insurance.

AGRICULTURAL RESEARCH AND EXTENSION

Second, this bill would make U.S. efforts in Africa more effective by increasing program coordination.

It directs AID and the Department of Agriculture to develop a plan for coordinating international and national agricultural centers, research, and extension efforts with two goals in mind: To ensure that research responds to the needs of African farmers; and to support farmers' self-reliance by specifically targeting their agricultural skills.

The bill also expresses the sense of Congress that U.S. AID devote increased resources and staff to agriculture and rural development.

Well-coordinated policies that are more responsive to the needs of the people we are trying to assist will maximize the impact of U.S. assistance without increasing funding levels.

FOOD SECURITY

Third, this bill will bolster the existing Africa Food Security Initiative, which supplies government-to-government food aid to combat hunger and promote economic development.

Currently, this Initiative receives $31 million in funding from AID. To maximize the efficiency of current programs, H.R. 3636 directs AID to: Target its resources where they are most needed—on programs and projects that focus on infants, young children, women, and the rural poor; consult with and consider the views of the people these programs are trying to help; and ensure that programs are conducted by U.S. and African NGOs, to increase accountability and long-term sustainability.

FOOD ASSISTANCE

Finally, this bill will reform the Food Security Commodity Reserve to increase its long-term viability. The Reserve was created to meet urgent humanitarian food needs in developing countries. Commodities in the Reserve—such as wheat, corn, sorghum, and rice—can be released when domestic supplies are tight, or to meet unanticipated emergency needs in developing countries.

The problem with the Reserve today is the manner in which it is replenished. When commodities are released, the Commodity Credit Corporation, which administers the Reserve, is reimbursed for the value of the commodities from PL–480 food assistance program funds. These funds cannot be used to replenish the Reserve.

The Reserve can only be replenished either with an appropriation, or by designating Commodity Credit stocks for the Reserve. Neither of these is a viable option—Congress has never made an appropriation to replenish the Reserve, and the Commodity Credit Corporation does not hold excess stock.

This bill would convert the Reserve into the Bill Emerson Humanitarian Trust, which could hold as a commodity either food, or an equivalent amount in funds. It creates two alternative mechanisms for replenishing the Reserve, in addition to the current option of replenishing by appropriation.

First, the bill gives the Secretary of Agriculture authority to hold PL–480 funds—used to reimburse the Commodity Credit Corporation—as an asset of the Trust. This would allow the Reserve to buy commodities when domestic market prices are favorable.

Second, the Trust could be replenished from unexpended balances at the end of the fiscal year—from both the PL–480 account and the Commodity Credit account. Commodity Credit balances that are already obligated would not be available nor would balances be drawn down from export promotion programs.

Allowing the Reserve to be replenished from these additional sources permits the Reserve to operate more efficiently and increases our ability to respond to humanitarian crises.

WHO SUPPORTS IT

This bill is the result of bipartisan cooperation. Humanitarian groups—such as Bread for the World and the Coalition for Food Aid—must be commended for their serious commitment and valuable suggestions to this bill. We have also consulted with the Administration on the bill. These efforts have been undertaken to ensure that this bill reaches its goal of advancing agricultural and rural development and reducing famine.

I look forward to continuing to work on this bill with my colleagues on both sides of the aisle, and I intend to work with the Administration to try to accommodate their concerns as we move forward.

CONCLUSION

Without increasing U.S. spending, this bill will maximize our current efforts to protect and develop the vital human and physical resources that are necessary to drive economic prosperity in Africa. By making U.S. programs more effective and sustainable, it will ensure that the United States continues to be constructively engaged with the people of Africa.

H.R. 3636 will bring Congress and the Administration closer to our shared goal of creating a U.S. policy toward Africa that is no longer dominated by crises, but that is driven by a long-term commitment to development and economic partnership.

PREVENTING CONVEYANCE OF VETERANS MEMORIALS TO FOREIGN GOVERNMENTS

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mrs. CUBIN. Mr. Speaker, today I am pleased to introduce a bill that would preserve the sacred monuments to our fallen soldiers. This legislation would prevent the conveyance of any veterans memorial, or any part of any memorial, to a foreign government without the express consent of Congress. This has become an issue in recent months with the Bells of Balangiga, part of a veterans memorial at F.E. Warren Air Force Base in my home State of Wyoming. I strongly believe we should protect this and every other monument to the sacrifice made by our Armed Forces.

Since the founding of our Republic over 200 years ago, our brave soldiers and sailors have been called upon to defend our liberties and preserve the vital national security interests of the United States. Many have given their lives in the line of duty.

Many monuments dedicated to our veterans commemorate events that occurred abroad. As time passes, the memory of those who fought so gallantly in the service of our nation often fades. I believe it is absolutely essential to preserve the memory of our veterans who served their country when they were called.

In an attempt to satisfy a request from the Philippine Government, there is a movement afoot to return the bells from the monument at F.E. Warren AFB. The Philippine Government would like the bells in time for its centennial celebration of independence from Spain. However, the bells are completely unrelated to the Spanish-American War.

The bells, once used to call the faithful to worship were converted to instruments of war in 1901 when they were used to call insurgents to massacre unsuspecting American soldiers stationed in Balangiga, a village in the Philippines. Fifty-four Americans died in that attack. The twenty survivors of that brutal attack brought the bells back to Fort D.A. Russell, now F.E. Warren Air Force Base, as a memorial to their fallen comrades.

When I harbor no malice towards the people of the Philippines, I believe the United States has an obligation to protect the memory of those who fought and died for their country. The Bells of Balangiga should not be simply dealt away in the conduct of foreign policy. This war memorial represents the blood and sweat invested by America to bring about an independent Philippines. I hope my colleagues will join me in prohibiting the conveyance of the Bells of Balangiga or any other veterans monument to a foreign government.

THE OLDER WOMEN'S PROTECTION FROM VIOLENCE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mrs. MALONEY of New York. Mr. Speaker, the Hargraves had nine children, 23 grandchildren, and 11 great-grandchildren. Helen Hargrave was 71, her husband, 83. Last Memorial Day, Charles Hargrave became violently angry. He pushed her to the ground, then shot and killed her before turning the gun on himself. Unfortunately, Helen Hargrave is not alone.

Older people are victimized by different types of abuse, including psychological, financial, physical abuse and neglect. And there is a significant population of older people who are abused by adult children or care givers. The number of reports of elder abuse in the United States increased by 150% between 1986 and 1996. Further, of the more than one million people aged 65 and over who are victims of abuse each year, at least two-thirds are women. And older women report more serious injuries than male victims of elder abuse.

These figures can no longer be ignored, these women can no longer be overlooked. The time has come to effectively and comprehensively address the issue of violence against older people. We must provide professionals with the skills needed to identify the problem, support for those who are too frightened or demoralized to ask for help, and protection for those who are vulnerable.

In an effort to confront this complex issue, Congressman MIKE CASTLE and I have introduced the "Older Women's Protection from Violence Act of 1998." This legislation will help protect older people from elder abuse, including domestic violence and sexual assault, as well as institutional and community violence. This legislation will also encourage existing outreach efforts and other services to better assist older people victimized by such crimes.

Older women often experience such violence differently than their younger counterparts. For example, it is more difficult for an older women to do something about an abusive relationship. She has fewer options than a younger woman, and usually is more dependent on her husband's medical coverage as well as his income. And like many women her age, she is unlikely to have a career or pension of her own on which to rely. Older women have reported being pushed, hit, and even shoved down flights of stairs, suffering fractures, dislocated joints, and deep muscle bruises that take weeks to heal. Further, domestic violence can be exacerbated by age-related conditions or circumstances, including retirement, failing health, financial pressures, and changing patterns of dependency in relationships.

Several potential scenarios of older abused women exist. Some women have been in violent relationships for 30, 40, even 50 years. Others are starting new relationships following a divorce or the death of spouse, while some older battered women have been in non-violent relationships for many years with abuse starting later in life.

Experts have found that service providers in the field of domestic violence often lack critical experience and skills in working with elderly clients. Most shelters for abused women are not equipped to deal with older women who may have physical limitations or health problems. Similarly, service providers in the field of elder abuse have also had difficulties in working with older battered women because their approaches often do not address the root causes of such violence.

Some of the key issues addressed in the "Older Women's Protection from Violence Act" include: domestic violence services and outreach programs to address the specific needs of older victims; community-based intervention and prevention programs; reauthorization of ombudsman programs and the elder abuse prevention program under the Older Americans Act; measures to protect older people from financial and material exploitation; preferences given to health profession educational programs which require students to receive significant training in treatment issues related to elder abuse, including domestic violence and sexual assault; development of curricula for social workers, health care providers and law enforcement; legal assistance for victims of elder abuse through law school clinical programs; and research about the sexual abuse of older women.

Not even the Violence Against Women Act (VAWA) specifically addresses the specific concerns of older women. This bill, however, has been included in VAWA II—introduced earlier this month—to address that oversight. These efforts are vital if we are to adequately respond to the unique health, housing and legal needs of older women. Older women who just want to have a peaceful life. Older women just like Helen Hargrave.

AFRICA: SEEDS OF HOPE ACT OF 1998

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. BEREUTER. Mr. Speaker, this evening, the distinguished gentleman from Indiana, the Ranking Member of the House International Relations Committee (Mr. HAMILTON) and this Member are introducing legislation that focuses on improving agricultural efficiency in Africa. This legislation is an important compliment to our goal for an invigorated trade strategy with Africa. Several weeks ago the House of Representatives passed, with this Member's support, the African Trade Growth and Opportunities Act and took the very important step toward greater trade with a continent in desperate need of private-sector led economic growth.

By focusing on sustainable agriculture, research, rural finance, and food security, our legislation is directly aimed at helping the 76% of the Sub-Saharan African people who are small farmers. Improving the efficiency of these farmers is crucial to ensuring that our overall trade strategy is successful. As a long-time supporter of aid to Africa through the Development Fund for Africa and other mechanisms, I believe this legislation—in conjunction with our new trade initiatives—helps coordinate and focus America's resources on both trade and aid in Africa.

If trade is to prosper in Sub-Saharan Africa, we need to better direct our scarce aid resources so that they stimulate private sector investment or help ease the suffering in those places either overlooked by the private sector or suffering from disasters. Our legislation attempts to refine our assistance programs for Sub-Saharan Africa and ensure that agriculture and rural development are not neglected. For example, we believe that the microenterprise program and the Overseas Private Investment Corporation are two excellent tools to help remedy rural finance and investment shortcomings. Moreover, we believe our international agricultural research programs can be better coordinated with our domestic agricultural research to benefit farmers in Africa as well as the United States. And, our food assistance programs need to be refocused on long-term development assistance and not be evaluated on the basis of short-term or immediate results that are anathema to their original purpose.

This Member is especially pleased that this legislation seeks to replenish the Food Security Commodity Reserve and appropriately rename it the Bill Emerson Humanitarian Trust. The late, distinguished gentleman from Missouri worked tirelessly to ensure that the United States provided humanitarian assistance to those most in need throughout the world. By providing a mechanism to replenish the commodity reserve in times of low agricultural prices, this legislation continues that legacy by ensuring that a reserve for humanitarian purposes will exist when prices are high.

In conclusion, this Member would like to commend Bread for the World for its relentless efforts to reduce hunger and malnutrition throughout the world. This Africa: Seeds of Hope Campaign and our legislation combine to form one more initiative in a long history of successful campaigns by Bread for the World.

TRIBUTE TO THE VILLELLA FAMILY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 1, 1998

Mr. FORBES. Mr. Speaker, I rise today in the U.S. House of Representatives to pay tribute to an old and trusted family from Riverhead, Long Island as they close the family business that has lovingly served the community for the past four decades.

This week, my good friend Vincent Villella, announced he is closing the family-owned shoe store that his father Gregory opened more than 42 years ago on Main Street in Riverhead, Long Island. Generations of Long Islanders who live around this friendly, tight-knit East End community know the Villella family as more than shoe store proprietors, but as truly part of their extended family. Like other family traditions, parents still take their children to Villella's to buy their new shoes, just as their parents did with them.

As the son of parents who operated a business in downtown Riverhead for years, when I learned the Villella Shoes was going out of business, it truly saddened my heart. An 82-year-old, second-generation shoemaker, Gregory Villella opened his shop in the late 1950s, when downtown Riverhead was a bustling commercial district. Main Street was the place when every family in the community came to buy their shoes, get their haircuts and do their grocery shopping. I can vividly recall memories of my own mother taking me into Villella Shoes to buy a new pair of shoes for school or church.

Like many other mom-and-pop businesses across America, Villella Shoes has been hurt by a changing retail market, as more people do their shopping at the mall or big discount department stores. Though we may welcome the benefits competition brings the consumer, our communities are worse off when we lose good friends and neighbors like Villella Shoes.

Main Street, Riverhead is currently undergoing an economic revival, led by exciting plans to build a waterfront aquarium and to create a downtown arts district that will draw some of the millions in tourist dollars flowing to the East End. Thank to the good work of new Riverhead Town Supervisor Vincent Villella and the tenacity of local residents who refuse to let their downtown die, the glory days of Riverhead are no longer part of its history, but rather an exciting new part of a glorious future.

Nonetheless, Riverhead will lose a piece of its heart and soul when Villella Shoes, departs and each of us who care deeply about this community will miss it. Thankfully, the Villella family will still be here with us as we work to restore and revitalize downtown Riverhead. We have been blessed to have them as part of the East End, Long Island family for the past 42 years.

SENATE—*Friday, April 3, 1998*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, Sovereign of this Nation, we praise You for the gift of authentic hope. More than wishful thinking, yearning, or shallow optimism, we turn to You for lasting hope. We have learned that true hope is based on the expectation of the interventions of Your Spirit that are always on time and in time. You are the intervening Lord of the Passover, the opening of the Red Sea, the giving of the Ten Commandments. You have vanquished the forces of evil, death, and fear through the Cross and the Resurrection. All through the history of our Nation, You have blessed us with Your providential care. It is with gratitude that we affirm, "Blessed is the Nation whose God is the Lord."—Psalm 33:12.

May this sacred season, including both Passover and Holy Week, be a time of rebirth of hope in us. May Your Spirit of hope displace the discordant spirit of cynicism, discouragement, and disunity. Hope through us, O God of hope. Flow through us patiently until we hope for one another what You have hoped for us. Then Lord, give us the vision and courage to confront those problems that have made life seem hopeless for some people. Make us communicators of hope. We trust our lives, the work of the Senate, and the future of our Nation into Your all-powerful hands. In the Name of the Hope of the World. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. I thank the Chair.

(Mr. ENZI assumed the chair.)

THE PRESIDENT PRO TEMPORE

Mr. LOTT. Mr. President, I wish to observe, as is always the case, the distinguished Senator from South Carolina was one of the last to leave last night, approaching 11 o'clock, and was the first here this morning. We thank the Senator for his leadership as the President pro tempore of the Senate.

Mr. THURMOND. I thank the majority leader for his fine leadership of the Senate.

THE SENATE CHAPLAIN

Mr. LOTT. Mr. President, I also commend the Chaplain not only on his usual beautiful prayer but on the beauty of his Ogilvie tartan tie that he sports this morning in recognition, I am sure, of Tartan Day that is coming up in just 3 days, next Monday. So we look forward to that celebration with the Chaplain.

PROGRAM

Mr. LOTT. Mr. President, we will have a period of morning business today until 12 noon. It is planned today to consider S. 414, the international shipping bill. In addition, the Senate, of course, will take up any executive or legislative business cleared for Senate action. I thank all the Senators who have been working on the international shipping bill, including the chairman of the subcommittee, Senator HUTCHISON; the chairman of the full Committee on Commerce, Senator MCCAIN; Senator SLADE GORTON of Washington, who has been working to address some concerns he still has, and he believes he may have an amendment on this later on today; and Senator HARKIN and others who worked with us on getting this language agreed to so that we can take up this important legislation.

I do confirm that there are some further nominations that we hope to move today. Several of them were considered and approved last night, but we will be going over the list in the next couple hours to see if there are others that can be approved. There will be no rollcall votes today. The next rollcall vote will occur on or in regard to the Coverdell A+ education savings account bill on Tuesday, April 21, at a time to be announced—probably in the morning, hopefully the early morning of Tuesday.

ACTIONS OF THE SENATE

Mr. LOTT. Mr. President, since there is no other Senator seeking recognition at this time, I wish to further comment on the action of the Senate over the past few days, particularly with regard to the budget resolution that passed last night. Because of the lateness of the hour and the fact that we had had 24 votes during the day on Thursday, we did not really have an opportunity to give proper accolades when we completed that work.

I say again how much I appreciate the leadership of Senator DOMENICI, the chairman of the Budget Committee. As always, he exhibited real leadership. He knows more about budget substance, about the numbers, and about the points of order than all the rest of us combined probably. He did a great job of getting the bill through in, I believe, record time at least in recent history, certainly since I have been in the Senate since 1988. So I thought that was a tremendous accomplishment. He did get good cooperation from Senator LAUTENBERG, the ranking member of the Budget Committee, and he worked on both sides of the aisle to hold down some of the amendments that really did not need to be offered, either sense of the Senate or could be offered at another time.

It was really a tremendous accomplishment to get it completed from a process standpoint, but also the substance deserves more attention than we were able to give it late last night. It is a historic budget because it does for the first time since, I believe, 1969 get us to an actual balanced budget and to a surplus, hopefully, in this year and over the next few years, hundreds of millions, billions of dollars of surplus, which is something we have not experienced in a long, long time. So it is balanced. It will lead to surpluses. It provides tax cuts, and we hope to have even more tax cuts agreed to in the conference report beyond what was actually included in this budget resolution.

It does take steps to further protect and preserve and allows us to look at reforming Social Security so it will be there not only for our parents but for ourselves and our children well into the next century by setting aside a surplus for Social Security.

I think that is a very positive step. I think we need to think very carefully about how we go beyond not just setting aside some money but how we really deal with the future needs of Social Security. It also, after repeated attacks, continues to say that any tobacco settlement that we may reach will go into Medicare, where it is needed, because over the next 8 to 10 years that program will again begin to have problems.

So the combination was a really good budget resolution. It goes to conference now, as I noted. We will have a good conference. I hope, as we discussed yesterday, that we can actually come up with more tax cuts than we have earmarked in this budget resolution. But I remind my colleagues we can always come up with more than what is provided in the budget if we can find offsets, and we should look for them. We should look for places where there is spending not necessary or that is duplicative or can be better used by allowing people to keep their own money.

I do think we should make a special effort this year to begin the process of eliminating the marriage penalty tax. How in the world in America can we defend the fact that young couples, when they get married, pay more taxes even though they make no more income. The average tax increase for a married couple over what they pay before they are married is $1,400. You talk about fairness in the Tax Code. That is one provision that must be changed, and we will work together in a bipartisan way to see if we can eliminate the marriage penalty tax this year.

I also thank the Senate for a lot of good work in other areas over the past couple weeks. We did reach agreement on how to consider the Coverdell A+ education bill. It will be a very fair process. We will have 15 or so amendments that will be offered dealing with education only, not extraneous matters that we argued about for over 2 weeks. It will deal with education from both sides of the aisle. Some of them may be accepted, some of them may be second degreed, but I think we will have a great education discussion when we return on April 20, and hopefully we can complete that bill by April 22.

We do hope to take up the NATO enlargement bill later on that week, but I want to make sure that every Senator is comfortable with how that is done, make sure that we have enough time to debate that very important matter fully, but reach a conclusion within, hopefully, 3 days or so—probably by the 26th or 27th of April.

The Finance Committee took a very positive step forward earlier this week with regard to IRS reform. The House did a good job last year getting it started, but we found where there are other real abuses by IRS. We had a unanimous bipartisan vote to report the IRS reform bill out of the Finance Committee, so that bill will be coming to the floor, probably around the first week in May—May 4, something of that nature. It does deal with abuses of such things like the innocent spouse, where an innocent spouse, even though he or she may be divorced, is now being held responsible for half or all of the debts of their spouse or former spouse in a very unfair way. It does provide for some restrictions on the excesses of penalties and interest. Many of us know instances, now, where people have found that they owe more in penalties and interest on taxes than they originally owed. So this bill will begin to cut that back and get it under control. I think the taxpayers will be very proud of that.

Finally, I think we should take note of the vote that occurred in the Senate Commerce Committee on a tobacco settlement package. It still has a long way to go, but that vote was 19 to 1, and was reported out. Most people thought it would never get beyond the committee, that it probably would never even be considered. But it was considered, and I think that was a move that will lead us to an opportunity in late May to take up that very important legislation to deal with teenage smoking, to try to deal with the Medicare problems that are caused by the health effects of smoking.

I commend Senator McCAIN and Senator HOLLINGS, all those on both sides of the Commerce Committee for their leadership there.

So, as is typical of the Senate, after a lot of work behind the scenes, there was a burst of activity this week, and I think it has put us in a position to complete a lot of good bills when we return the latter part of April.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—S. 414

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Larry DiRita, my legislative director, and Jim Sartucci from the Commerce Committee professional staff, be allowed floor privileges during the duration of the debate on S. 414.

The PRESIDING OFFICER. Without objection, it is so ordered.

OCEAN SHIPPING REFORM ACT OF 1997

Mrs. HUTCHISON. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate now proceed to the consideration of S. 414, and it be considered under the following limitations: A substitute amendment offered by Senator HUTCHISON and an amendment to the substitute on application of the act to be offered by Senator GORTON.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 414) to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Shipping Reform Act of 1997".

SEC. 2. EFFECTIVE DATE.

Except as otherwise expressly provided in this Act, this Act and the amendments made by this Act take effect on March 1, 1998.

TITLE I—AMENDMENTS TO THE SHIPPING ACT OF 1984

SEC. 101. PURPOSE.

Section 2 of the Shipping Act of 1984 (46 U.S.C. App. 1701) is amended by—

(1) striking "and" after the semicolon in paragraph (2);

(2) striking "needs." in paragraph (3) and inserting "needs; and";

(3) adding at the end thereof the following:

"(4) to promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.".

SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 3 of the Shipping Act of 1984 (46 U.S.C. App. 1702) is amended by—

(1) striking paragraph (5) and redesignating paragraph (4) as paragraph (5);

(2) inserting after paragraph (3) the following:

"(4) 'Board' means the Intermodal Transportation Board.";

(3) striking "the government under whose registry the vessels of the carrier operate;" in paragraph (8) and inserting "a government;";

(4) striking paragraph (9) and inserting the following:

"(9) 'deferred rebate' means a return by a common carrier of any portion of freight money to a shipper as a consideration for that shipper giving all, or any portion, of its shipments to that or any other common carrier over a fixed period of time, the payment of which is deferred beyond the completion of service for which it is paid, and is made only if the shipper has agreed to make a further shipment or shipments with that or any other common carrier.";

(5) striking paragraph (10) and redesignating paragraphs (11) through (27) as paragraphs (10) through (26);

(6) striking "in an unfinished or semifinished state that require special handling moving in lot sizes too large for a container," in paragraph (10), as redesignated;

(7) striking "paper board in rolls, and paper in rolls." in paragraph (10) as redesignated and inserting "paper and paper board in rolls or in pallet or skid-sized sheets.";

(8) striking "conference, other than a service contract or contract based upon time-volume rates," in paragraph (13) as redesignated and inserting "agreement";

(9) striking "conference." in paragraph (13) as redesignated and inserting "agreement and the contract provides for a deferred rebate arrangement.";

(10) by striking "carrier." in paragraph (14) as redesignated and inserting "carrier, or in connection with a common carrier and a water carrier subject to subchapter II of chapter 135 of title 49, United States Code.".

(11) striking paragraph (16) as redesignated and redesignating paragraphs (17) through (26) as redesignated as paragraphs (16) through (25), respectively;

(12) striking paragraph (17), as redesignated, and inserting the following:

"(17) 'ocean transportation intermediary' means an ocean freight forwarder or a non-vessel-operating common carrier. For purposes of this paragraph, the term

"(A) 'ocean freight forwarder' means a person that—

"(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; and

"(ii) processes the documentation or performs related activities incident to those shipments; and

"(B) 'non-vessel-operating common carrier' means a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(13) striking paragraph (19), as redesignated and inserting the following:

"(19) 'service contract' means a written contract, other than a bill of lading or a receipt, between one or more shippers and an individual common carrier or an agreement between or among ocean common carriers in which the shipper or shippers makes a commitment to provide a certain volume or portion of cargo over a fixed time period, and the common carrier or the agreement commits to a certain rate or rate schedule and a defined service level, such as assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of nonperformance on the part of any party.";

(14) striking paragraph (21), as redesignated, and inserting the following:

"(21) 'shipper' means—

"(A) a cargo owner;

"(B) the person for whose account the ocean transportation is provided;

"(C) the person to whom delivery is to be made;

"(D) a shippers' association; or

"(E) an ocean transportation intermediary, as defined in paragraph (17)(B) of this section, that accepts responsibility for payment of all charges applicable under the tariff or service contract.".

(b) SPECIAL EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of enactment, except that the amendments made by paragraphs (1) and (2) take effect on January 1, 1999.

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

(a) OCEAN COMMON CARRIERS.—Section 4(a) of the Shipping Act of 1984 (46 U.S.C. App. 1703(a)) is amended by—

(1) striking "operators or non-vessel-operating common carriers;" in paragraph (5) and inserting "operators;"; and

(2) striking "and" in paragraph (6) and inserting "or".

(b) MARINE TERMINAL OPERATORS.—Section 4(b) of that Act (46 U.S.C. App. 1703(b)) is amended by—

(1) striking "(to the extent the agreements involve ocean transportation in the foreign commerce of the United States)"; and

(2) striking "arrangements." in paragraph (2) and inserting "arrangements, to the extent that such agreements involve ocean transportation in the foreign commerce of the United States.".

SEC. 104. AGREEMENTS.

(a) IN GENERAL.—Section 5(b) of the Shipping Act of 1984 (46 U.S.C. App. 1704(b)) is amended by—

(1) striking "and" at the end of paragraph (7);

(2) striking paragraph (8) and inserting the following:

"(8) provide that any member of the conference may take independent action on any rate or service item upon not more than 5 calendar days' notice to the conference and that, except for exempt commodities not published in the conference tariff, the conference will include the new rate or service item in its tariff for use by that member, effective no later than 5 calendar days after receipt of the notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference tariff provision for that rate or service item; and

"(9) prohibit the agreement from—

"(A) prohibiting or restricting the members of the agreement from engaging in negotiations for service contracts with 1 or more shippers;

"(B) requiring a member of the agreement to disclose a negotiation on a service contract, or the terms and conditions of a service contract, other than those specified by section 8(c)(3) of this Act; and

"(C) issuing mandatory rules or requirements affecting an agreement member's right to negotiate and enter into service contracts.

An agreement may issue voluntary guidelines relating to the terms and procedures of agreement members' service contracts if the guidelines explicitly state the right of members of the agreement not to follow the guidelines and the guidelines are filed with the agreement.".

(b) APPLICATION.—Section 5(d) of that Act (46 U.S.C. App. 1704(d)) is amended by striking "this Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933," and inserting "this Act and the Shipping Act, 1916,".

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

(a) IN GENERAL.—Section 7 of the Shipping Act of 1984 (46 U.S.C. App. 1706) is amended by—

(1) inserting "or publication" in paragraph (2) of subsection (a) after "filing";

(2) inserting "Federal Maritime" before "Commission" in paragraph (6) of subsection (a);

(3) striking "or" at the end of subsection (b)(2);

(4) striking "States." at the end of subsection (b)(3) and inserting "States; or"; and

(5) adding at the end of subsection (b) the following:

"(4) to any loyalty contract.".

(b) SPECIAL EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of enactment except the amendment made by paragraph (2) of subsection (a) takes effect on January 1, 1999.

SEC. 106. TARIFFS.

(a) IN GENERAL.—Section 8(a) of the Shipping Act of 1984 (46 U.S.C. App. 1707(a)) is amended by—

(1) inserting "new assembled motor vehicles," after "scrap," in paragraph (1);

(2) striking "file with the Commission, and" in paragraph (1);

(3) striking "inspection," in paragraph (1) and inserting "inspection in an automated tariff system,";

(4) striking "tariff filings" in paragraph (1) and inserting "tariffs";

(5) striking "and" at the end of paragraph (1)(D);

(6) striking "loyalty contract," in paragraph (1)(E);

(7) striking "agreement." in paragraph (1)(E) and inserting "agreement; and";

(8) adding at the end of paragraph (1) the following:

"(F) include copies of any loyalty contract, omitting the shipper's name."; and

(9) striking paragraph (2) and inserting the following:

"(2) Tariffs shall be made available electronically to any person, without time, quantity, or other limitation, through appropriate access from remote locations, and a reasonable charge may be assessed for such access. No charge may be assessed a Federal agency for such access.".

(b) SERVICE CONTRACTS.—Subsection (c) of that section is amended to read as follows:

"(c) SERVICE CONTRACTS.—

"(1) IN GENERAL.—An individual common carrier or an agreement between or among ocean common carriers may enter into a service contract with one or more shippers subject to the requirements of this Act. The exclusive remedy for a breach of a contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree. In no case may the contract dispute resolution forum be affiliated with, or controlled by, any party to the contract.

"(2) FILING REQUIREMENTS.—Except for service contracts dealing with bulk cargo, forest products, recycled metal scrap, new assembled motor vehicles, waste paper, or paper waste, each contract entered into under this subsection by an individual common carrier or an agreement shall be filed confidentially with the Commission. Each service contract shall include the following essential terms—

"(A) the origin and destination port ranges;

"(B) the origin and destination geographic areas, in the case of through intermodal movements;

"(C) the commodity or commodities involved;

"(D) the minimum volume or portion;

"(E) the line-haul rate;

"(F) the duration;

"(G) service commitments; and

"(H) the liquidated damages for nonperformance, if any.

"(3) PUBLICATION OF CERTAIN ESSENTIAL TERMS.—When a service contract is filed confidentially with the Commission, a concise statement of the terms described in paragraphs (2)(C), (D), and (F) and the United States port range shall be published and made available to the public in tariff format.

"(4) DISCLOSURE OF CERTAIN UNPUBLISHED TERMS.—A party to a collective-bargaining agreement may petition the Commission for the disclosure of any service contract terms not required to be published by paragraph (3) which that party considers to be in violation of that agreement. The petition shall include evidence demonstrating that

"(A) a specific ocean common carrier is a party to a collective-bargaining agreement with the petitioner;

"(B) the ocean common carrier may be violating the terms and conditions of that agreement; and

"(C) the alleged violation involves the moment of cargo subject to this Act.

"(5) ACTION BY COMMISSION.—The Commission, after reviewing a petition under paragraph (4), the evidence provided with the petition, and the filed service contracts of the carrier named in the petition, may disclose to the petitioner only such unpublished terms of that carrier's service contracts that the Commission reasonably believes may constitute a violation of the collective-bargaining agreement. The Commission may not disclose any unpublished service contract terms with respect to a collective-bargaining agreement term or condition determined by the Commission to be in violation of this Act.".

(c) RATES.—Subsection (d) of that section is amended by—

(1) striking "30 days after filing with the Commission." in the first sentence and inserting "30 calendar days after publication.";

(2) inserting "calendar" after "30" in the next sentence; and

(3) striking "publication and filing with the Commission." in the last sentence and inserting "publication.".

(d) MARINE TERMINAL OPERATOR SCHEDULES.—Subsection (e) of that section is amended to read as follows:

"(e) MARINE TERMINAL OPERATOR SCHEDULES.—A marine terminal operator may make available to the public, subject to section 10(d) of this Act, a schedule of rates, regulations, and practices pertaining to receiving, delivering, handling, or storing property at its marine terminal. Any such schedule made available to the public shall be enforceable by an appropriate court as an implied contract without proof of actual knowledge of its provisions.".

(e) AUTOMATED TARIFF SYSTEM REQUIREMENTS; FORM.—Subsection (f) of that section is amended to read as follows:

"(f) REGULATIONS.—The Commission shall by regulation prescribe the requirements for the accessibility and accuracy of automated tariff systems established under this section. The Commission may, after periodic review, prohibit the use of any automated tariff system that fails to meet the requirements established under this section. The Commission may not require a common carrier to provide a remote terminal for access under subsection (a)(2). The Commission shall by regulation prescribe the form and manner in which marine terminal operator schedules authorized by this section shall be published.".

SEC. 107. AUTOMATED TARIFF FILING AND INFORMATION SYSTEM.

Section 502 of the High Seas Driftnet Fisheries Enforcement Act (46 U.S.C. App. 1707a) is repealed.

SEC. 108. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708) is amended by—

(1) striking "service contracts filed with the Commission" in the first sentence of subsection (a) and inserting "service contracts, or charge or assess rates,";

(2) striking "or maintain" in the first sentence of subsection (a) and inserting "maintain, or enforce";

(3) striking "disapprove" in the third sentence of subsection (a) and inserting "prohibit the publication or use of"; and

(4) striking "filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission" in the last sentence of subsection (a) and inserting "that have been suspended or prohibited by the Commission";

(5) striking "may take into account appropriate factors including, but not limited to, whether—" in subsection (b) and inserting "shall take into account whether the rates or charges which have been published or assessed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs. For purposes of the preceding sentence, the term 'constructive costs' means the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade. The Commission may also take into account other appropriate factors, including but not limited to, whether—";

(6) striking paragraph (1) of subsection (b) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(7) striking "filed" in paragraph (1) as redesignated and inserting "published or assessed";

(8) striking "filing with the Commission." in subsection (c) and inserting "publication.";

(9) striking "DISAPPROVAL OF RATES.—" in subsection (d) and inserting "PROHIBITION OF RATES.—Within 120 days after the receipt of information requested by the Commission under this section, the Commission shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable.";

(10) striking "filed" in subsection (d) and inserting "published or assessed";

(11) striking "may issue" in subsection (d) and inserting "shall issue";

(12) striking "disapproved." in subsection (d) and inserting "prohibited.";

(15) striking "60" in subsection (d) and inserting "30";

(16) inserting "controlled" after "affected" in subsection (d);

(17) striking "file" in subsection (d) and inserting "publish".

(18) striking "disapproval" in subsection (e) and inserting "prohibition";

(19) inserting "or" after the semicolon in subsection (f)(1);

(20) striking paragraphs (2), (3), and (4) of subsection (f); and

(21) redesignating paragraph (5) of subsection (f) as paragraph (2).

SEC. 109. PROHIBITED ACTS.

(a) Section 10(b) of the Shipping Act of 1984 (46 U.S.C. App. 1709(b)) is amended by—

(1) striking paragraphs (1) through (3);

(2) redesignating paragraph (4) as paragraph (1);

(3) inserting after paragraph (1), as redesignated, the following:

"(2) provide services, facilities, or privileges, other than in accordance with the rates or terms in its tariffs or service contracts in effect when the service was provided;";

(4) redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively;

(5) striking "except for service contracts," in paragraph (4), as redesignated, and inserting "for service pursuant to a tariff,";

(6) striking "rates;" in paragraph (4), as redesignated, and inserting "rates or charges;";

(7) inserting "(5) for service pursuant to a service contract, engage in any unfair or unjustly discriminatory practice in the matter of rates or charges with respect to any location, port, class or type of shipper or ocean transportation intermediary, or description of traffic;" after paragraph (4);

(8) redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(9) striking paragraph (6) as redesignated and inserting the following:

"(6) use a vessel in a particular trade to drive another ocean common carrier out of that trade;";

(10) striking paragraphs (9) through (13) and inserting the following:

"(8) for service pursuant to a tariff, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage;

"(9) for service pursuant to a service contract, give any undue or unreasonable preference or advantage or impose any undue or unreasonable prejudice or disadvantage with respect to any location, port, class or type of shipper or ocean transportation intermediary, or description of traffic;

"(10) unreasonably refuse to deal or negotiate;";

(10) redesignating paragraphs (14), (15), and (16) as paragraphs (11), (12), and (13), respectively;

(11) striking "a non-vessel-operating common carrier" in paragraphs (11) and (12) as redesignated and inserting "an ocean transportation intermediary";

(12) striking "sections 8 and 23" in paragraphs (11) and (12) as redesignated and inserting "sections 8 and 19";

(13) striking "or in which an ocean transportation intermediary is listed as an affiliate" in paragraph (11), as redesignated;

(14) striking "Act;" in paragraph (12), as redesignated, and inserting "Act, or with an affiliate of such ocean transportation intermediary;"

(15) striking "paragraph (16)" in the matter appearing after paragraph (13), as redesignated, and inserting "paragraph (13)"; and

(16) inserting "the Commission," after "United States," in such matter.

(b) Section 10(c)(5) of the Shipping Act of 1984 (46 U.S.C. App. 1709(c)(5)) is amended by striking "freight forwarder" and inserting "transportation intermediary, as defined by section 3(17)(A) of this Act,".

(c) Section 10(d) of the Shipping Act of 1984 (46 U.S.C. App. 1709(d)) is amended by—

(1) striking "freight forwarders," and inserting "transportation intermediaries,";

(2) striking "freight forwarder," in paragraph (1) and inserting "transportation intermediary,";

(3) striking "subsection (b)(11), (12), and (16)" and inserting "subsections (b) (8), (9), (10), and (13)"; and

(4) adding at the end thereof the following:

"(4) The prohibition in subsection (b)(13) of this section applies to ocean transportation intermediaries as defined by section 3(17)(A) of this Act.".

SEC. 110. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

Section 11(g) of the Shipping Act of 1984 (46 U.S.C. App. 1710(g)) is amended by—

(1) striking "section 10(b)(5) or (7)" and inserting "section 10(b)(3) or (6)"; and

(2) striking "section 10(b)(6)(A) or (B)" and inserting "section 10(b)(4)(A) or (B).".

SEC. 111. FOREIGN SHIPPING PRACTICES ACT OF 1988.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1710a) is amended by—

(1) striking " 'non-vessel-operating common carrier', " in subsection (a)(1) and inserting " 'ocean transportation intermediary', ";

(2) striking "forwarding and" in subsection (a)(4);

(3) striking "non-vessel-operating common carrier" in subsection (a)(4) and inserting "ocean transportation intermediary services and";

(4) striking "freight forwarder," in subsections (c)(1) and (d)(1) and inserting "transportation intermediary,";

(5) striking "filed with the Commission," in subsection (e)(1)(B) and inserting "and service contracts,";

(6) inserting "and service contracts" after "tariffs" the second place it appears in subsection (e)(1)(B); and

(7) striking "(b)(5)" each place it appears in subsection (h) and inserting "(b)(6)".

SEC. 112. PENALTIES.

(a) Section 13(a) of the Shipping Act of 1984 (46 U.S.C. App. 1712(a)) is amended by adding at the end thereof the following: "The amount of any penalty imposed upon a common carrier under this subsection shall constitute a lien upon the vessels of the common carrier and any such vessel may be libeled therefore in the district court of the United States for the district in which it may be found.".

(b) Section 13(b) of the Shipping Act of 1984 (46 U.S.C. App. 1712(b)) is amended by—

(1) striking "section 10(b)(1), (2), (3), (4), or (8)" in paragraph (1) and inserting "section 10(b)(1), (2), or (7)";

(2) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(3) inserting before paragraph (5), as redesignated, the following:

"(4) If the Commission finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 12 of this Act, the Commission may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Commission, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91)."; and

(4) striking "paragraphs (1), (2), and (3)" in paragraph (6), as redesignated, and inserting "paragraphs (1), (2), (3), and (4)".

(c) Section 13(f)(1) of the Shipping Act of 1984 (46 U.S.C. App. 1712(f)(1)) is amended by—

(1) striking "or (b)(4)" and inserting "or (b)(2)"; and

(2), striking "(b)(1), (4)" and inserting "(b)(1), (2)".

SEC. 113. REPORTS AND CERTIFICATES.

Section 15 of the Shipping Act of 1984 (46 U.S.C. App. 1714) is amended by—

(1) striking ‘‘and certificates’’ in the section heading;

(2) striking ‘‘(a) REPORTS.—’’ in the subsection heading for subsection (a); and

(3) striking subsection (b).

SEC. 114. EXEMPTIONS.

Section 16 of the Shipping Act of 1984 (46 U.S.C. App. 1715) is amended by striking ‘‘substantially impair effective regulation by the Commission, be unjustly discriminatory, result in a substantial reduction in competition, or be detrimental to commerce.’’ and inserting ‘‘result in substantial reduction in competition or be detrimental to commerce.’’.

SEC. 115. AGENCY REPORTS AND ADVISORY COMMISSION.

Section 18 of the Shipping Act of 1984 (46 U.S.C. App. 1717) is repealed.

SEC. 116. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718) is amended by—

(1) striking ‘‘freight forwarders’’ in the section caption and inserting ‘‘transportation intermediaries’’;

(2) striking subsection (a) and inserting the following:

‘‘(a) LICENSE.—No person in the United States may act as an ocean transportation intermediary unless that person holds a license issued by the Commission. The Commission shall issue an intermediary's license to any person that the Commission determines to be qualified by experience and character to act as an ocean transportation intermediary.’’;

(3) redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(4) inserting after subsection (a) the following:

‘‘(b) FINANCIAL RESPONSIBILITY.—

‘‘(1) No person may act as an ocean transportation intermediary unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

‘‘(2) A bond, insurance, or other surety obtained pursuant to this section—

‘‘(A) shall be available to pay any judgment for damages against an ocean transportation intermediary arising from its transportation-related activities described in section 3(17) of this Act, or any order for reparation issued pursuant to section 11 or 14 of this Act, or any penalty assessed pursuant to section 13 of this Act; and

‘‘(B) may be available to pay any claim against an ocean transportation intermediary arising from its transportation-related activities described in section 3(17) of this Act with the consent of the insured ocean transportation intermediary, or when the claim is deemed valid by the surety company after the ocean transportation intermediary has failed to respond to adequate notice to address the validity of the claim.

‘‘(3) An ocean transportation intermediary not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.’’;

(5) striking, each place such term appears—

(A) ‘‘freight forwarder’’ and inserting ‘‘transportation intermediary’’;

(B) ‘‘a forwarder's’’ and inserting ‘‘an intermediary's’’;

(C) ‘‘forwarder’’ and inserting ‘‘intermediary’’; and

(D) ‘‘forwarding’’ and inserting ‘‘intermediary’’;

(6) striking ‘‘a bond in accordance with subsection (a)(2).’’ in subsection (c), as redesignated, and inserting ‘‘a bond, proof of insurance, or other surety in accordance with subsection (b)(1).’’;

(7) striking ‘‘FORWARDERS.—’’ in the caption of subsection (e), as redesignated, and inserting ‘‘INTERMEDIARIES.—’’;

(8) striking ‘‘intermediary’’ the first place it appears in subsection (e)(1), as redesignated and as amended by paragraph (5)(A), and inserting ‘‘intermediary, as defined in section 3(17)(A) of this Act,’’;

(9) striking ‘‘license’’ in paragraph (1) of subsection (e), as redesignated, and inserting ‘‘license, if required by subsection (a),’’;

(10) striking paragraph (3) of subsection (e), as redesignated, and redesignating paragraph (4) as paragraph (3); and

(11) adding at the end of subsection (e), as redesignated, the following:

‘‘(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean transportation intermediary, as defined in section 3(17)(A) of this Act, may—

‘‘(A) deny to any member of the conference or group the right, upon notice of not more than 5 calendar days, to take independent action on any level of compensation paid to an ocean transportation intermediary, as so defined; or

‘‘(B) agree to limit the payment of compensation to an ocean transportation intermediary, as so defined, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a tariff and which are assessed against the cargo on which the intermediary services are provided.’’.

SEC. 117. CONTRACTS, AGREEMENTS, AND LICENSES UNDER PRIOR SHIPPING LEGISLATION.

Section 20 of the Shipping Act of 1984 (46 U.S.C. App. 1719) is amended by—

(1) striking subsection (d) and inserting the following:

‘‘(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, and exemptions previously issued, approved, or effective under the Shipping Act, 1916, or the Shipping Act of 1984 shall continue in force and effect as if issued or effective under this Act, as amended by the Ocean Shipping Reform Act of 1997, and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the Ocean Shipping Reform Act of 1997.’’;

(2) inserting the following at the end of subsection (e):

‘‘(3) The Ocean Shipping Reform Act of 1997 shall not affect any suit—

‘‘(A) filed before the effective date of that Act; or

‘‘(B) with respect to claims arising out of conduct engaged in before the effective date of that Act filed within 1 year after the effective date of that Act.

‘‘(4) Regulations issued by the Federal Maritime Commission shall remain in force and effect where not inconsistent with this Act, as amended by the Ocean Shipping Reform Act of 1997.’’.

SEC. 118. SURETY FOR NON-VESSEL-OPERATING COMMON CARRIERS.

Section 23 of the Shipping Act of 1984 (46 U.S.C. App. 1721) is repealed.

SEC. 119. REPLACEMENT OF FEDERAL MARITIME COMMISSION WITH INTERMODAL TRANSPORTATION BOARD.

(a) IN GENERAL.—The Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.) is amended by—

(1) striking ‘‘Federal Maritime Commission’’ each place it appears, except in sections 7(a)(6) and 20, and inserting ‘‘Intermodal Transportation Board’’;

(2) striking ‘‘Commission’’ each place it appears (including chapter and section headings), except in sections 7(a)(6) and 20, and inserting ‘‘Board’’; and

(3) striking ‘‘Commission's’’ each place it appears and inserting ‘‘Board's’’.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on January 1, 1999.

TITLE II—TRANSFER OF FUNCTIONS OF THE FEDERAL MARITIME COMMISSION TO THE INTERMODAL TRANSPORTATION BOARD

SEC. 201. TRANSFER TO THE INTERMODAL TRANSPORTATION BOARD.

(a) CHANGE OF NAME OF SURFACE TRANSPORTATION BOARD TO INTERMODAL TRANSPORTATION BOARD.—The Surface Transportation Board shall be known as the Intermodal Transportation Board after December 31, 1998.

(b) TRANSFER OF FUNCTIONS, PERSONNEL, AND ASSETS OF THE FEDERAL MARITIME COMMISSION.—

(1) FUNCTIONS; POWERS; DUTIES.—All functions, powers, and duties vested in the Federal Maritime Commission are hereby transferred to and shall be administered by the Intermodal Transportation Board.

(2) TRANSFER OF ASSETS AND PERSONNEL.—Any personnel, property, or records employed, used, held, available, or to be made available in connection with a function transferred to the Board under paragraph (1) shall be transferred to the Board for use in connection with the function transferred, and unexpended balances of appropriations, allocations, and other funds of the Federal Maritime Commission shall be transferred to the Board. Those unexpended balances, allocations, and other funds, together with any unobligated balances from fees collected by the Commission during fiscal year 1999, may be used to pay for the closedown of the Commission and severance costs for Commisssion personnel, regardless of whether those costs are incurred at the Commission or at the Board.

(c) REGULATIONS.—No later than January 1, 1998, the Federal Maritime Commission, in consultation with the Surface Transportation Board, shall prescribe final regulations to implement the changes made by this Act.

(d) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.—There is authorized to be appropriated to the Federal Maritime Commission, $15,000,000 for fiscal year 1998.

(e) COMMISSIONERS OF THE FEDERAL MARITIME COMMISSION.—Effective January 1, 1999, the right of any Federal Maritime Commission commissioner to remain in office is terminated.

(f) MEMBERSHIP OF THE INTERMODAL TRANSPORTATION BOARD.—

(1) NUMBER OF MEMBERS.—Section 701(b)(1) of title 49, United States Code, is amended by—

(A) striking ‘‘3 members,’’ and inserting ‘‘5 members,’’; and

(B) striking ‘‘2 members’’ and inserting ‘‘3 members’’.

(2) INITIAL TERMS.—Of the 2 additional members of the Intermodal Transportation Board first appointed under section 701(b)(1) of title 49, United States Code, as amended by paragraph (1), one shall serve for a term ending December 31, 2000, and the other shall serve for a term ending December 31, 2002.

(3) QUALIFICATIONS.—Section 701(b)(2) of title 49, United States Code, is amended to read as follows:

‘‘(2) At any given time, at least 3 members of the Board shall be individuals with professional standing and demonstrated knowledge in the fields of surface or maritime transportation or their regulation, and at least 2 members shall be individuals with professional or business experience (including agriculture, surface or maritime transportation, or marine terminal or port operation) in the private sector. At any given time, at least 2 members of the Board shall be individuals with professional standing and demonstrated knowledge in maritime transportation

or its regulation or professional or business experience in maritime transportation or marine terminal or port operation in the private sector, and at least 2 members of the Board shall be individuals with professional standing and demonstrated knowledge in surface transportation or its regulation or professional or business experience in agriculture or surface transportation in the private sector. Neither of the 2 individuals appointed as surface transportation members under the preceding sentence, and neither of the 2 individuals appointed as maritime transportation members under that sentence, may be members of the same political party.".

SEC. 202. SAVING PROVISIONS.

(a) Legal Documents.—All orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges—

(1) that have been issued, made, granted, or allowed to become effective by the Federal Maritime Commission or the Surface Transportation Board, any officer or employee of the Surface Transportation Board that are in effect on December 31, 1998, (or become effective after such date pursuant to their terms as in effect on such effective date), shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Intermodal Transportation Board, any other authorized official, a court of competent jurisdiction, or operation of law. .

(b) Proceedings.— The provisions of this title shall not affect any proceedings or any application for any license pending before the Federal Maritime Commission or the Surface Transportation Board at the time this Section takes effect, but such proceedings and applications shall be continued before the Intermodal Transportation Board. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) Suits.—(1) This Act shall not affect suits commenced before the date of the enactment of this Act, except as provided in paragraphs (2) and (3). In all such suits, proceeding shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(2) Any suit by or against the Federal Maritime Commission or the Surface Transportation Board begun before the effective date of this Act shall be continued with the Intermodal Transportation Board.

(3) If the court in a suit described in paragraph (1) remands a case to the Board, subsequent proceedings related to such case shall proceed in accordance with applicable law and regulations as in effect at the time of such subsequent proceedings.

(d) Continuance of Actions Against Officers.—No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of the Federal Maritime Commission or the Surface Transportation Board shall abate by reason of the enactment of this Act. No cause of action by or against the Federal Maritime Commission or the Surface Transportation Board, or by or against any officer thereof in his official capacity, shall abate by reason of enactment of this Act.

SEC. 203. REFERENCES.

Any reference to the Surface Transportation Board in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Surface Transportation Board or an officer or employee of the Surface Transportation Board, is deemed to refer to the Intermodal Transportation Board, or a member or employee of the Board, as appropriate.

SEC. 204. EFFECTIVE DATE.

This title, and the amendments made by this section shall take effect on January 1, 1999, except as otherwise provided.

SUBTITLE B—CONFORMING AMENDMENTS TO UNITED STATES CODE

SEC. 221. TITLE 5 AMENDMENTS.

(a) Compensation for Positions at Level III.—Section 5314 of title 5, United States Code, is amended by striking "Chairman, Surface Transportation Board." and inserting in lieu thereof "Chairman, Intermodal Transportation Board.".

(b) Compensation for Positions at Level IV.—Section 5315 of title 5, United States Code, is amended by striking "Members, Surface Transportation Board." and inserting in lieu thereof "Members, Intermodal Transportation Board.".

SEC. 222. TITLE 11 AMENDMENTS.

Subchapter IV of chapter 11 of title 11, United States Code, is amended—

(1) by striking section 1162 and inserting in lieu thereof the following:

"SEC. 1162. Definition

"In this subchapter, 'Board' means the 'Intermodal Transportation Board'."; and

(2) by striking "Commission" each place it appears and inserting in lieu thereof "Board".

SEC. 223. TITLE 18 AMENDMENT.

Section 6001(1) of title 18, United States Code, is amended by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

SEC. 224. INTERNAL REVENUE CODE OF 1986 AMENDMENTS.

(a) Section 3231.—Section 3231(a) of the Internal Revenue Code of 1986 is amended by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

(b) Section 7701.—Section 7701(a)(33)(c)(i) of such Code is amended by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

SEC. 225. TITLE 28 AMENDMENTS.

(a) Chapter 85.—Chapter 85 of title 28, United States Code, is amended—

(1) in the section heading to section 1336 by striking "Surface Transportation Board's" and inserting in lieu thereof "Intermodal Transportation Board's";

(2) in section 1336 by striking "Surface Transportation Board" each place it appears and inserting in lieu thereof "Intermodal Transportation Board";

(4) in the item relating to section 1336 of the table of sections by striking "Surface Transportation Board's" and inserting in lieu thereof "Intermodal Transportation Board's".

(b) Chapter 157 Amendments.—

(1) In general.— Chapter 157 of such title is amended—

(A) by striking "SURFACE TRANSPORTATION BOARD" in the chapter heading and inserting in lieu thereof "INTERMODAL TRANSPORTATION BOARD"; and

(B) by striking "Surface Transportation Board" each place it appears and inserting in lieu thereof "Intermodal Transportation Board".

(2) Table of chapters.— The item relating to chapter 157 in the table of chapters of such title is amended by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

(c) Chapter 158 Amendments.—

SEC. 226. TITLE 31 AMENDMENTS.

Section 3726(b)(2) of title 31, United States Code, is amended by striking "Surface" and inserting "Intermodal".

SEC. 227. TITLE 39 AMENDMENTS.

Title 39, United States Code, is amended—

(1) in section 5005(b)(3) by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board";

(2) in section 5201(1) by striking "Surface" and inserting "Intermodal"

(3) in the section heading to section 5207 by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board; and

(4) in the item relating to section 5207 of the table of sections of chapter 52, by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

SEC. 228. TITLE 49 AMENDMENTS.

(a) Chapter 7.—Chapter 7 of title 49, United States Code, is amended by striking "Surface Transportation Board" each place it appears, and inserting "Intermodal Transportation Board".

(b) Chapter 221.—Chapter 221 of such title is amended—

(1) in section 22101(a)(1) by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board";

(2) in section 22103(b)(1) by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board";

(3) in section 22107(c) by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

(c) Section 24301.—Section 24301(c)(2)(B) of such title is amended by striking "Surface" and inserting "Intermodal".

(d) Subtitle IV of such title is amended by striking "Surface Transportation Board" each place it appears and inserting "Intermodal Transportation Board".

SUBTITLE C—OTHER AMENDMENTS

SEC. 241. AGRICULTURAL ADJUSTMENT ACT OF 1938 AMENDMENTS.

Section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) is amended by striking "Surface Transportation Board" each place it appears and inserting in lieu thereof "Intermodal Transportation Board".

SEC. 242. ANIMAL WELFARE ACT AMENDMENT.

Section 15(a) of the Animal Welfare Act (7 U.S.C. 6145(a)) is amended by striking "Surface Transportation Board" and inserting in lieu thereof "Intermodal Transportation Board".

SEC. 243. FEDERAL ELECTION CAMPAIGN ACT OF 1971 AMENDMENTS.

Section 401 of the Federal Election Campaign Act of 1971 is amended by striking "Surface" and inserting "Intermodal".

SEC. 244. FAIR CREDIT REPORTING ACT AMENDMENT.

Section 621(b)(4) of the Fair Credit Reporting Act (15 U.S.C. 1681s(b)(4)) is amended by striking "Surface" and inserting "Intermodal."

SEC. 245. EQUAL CREDIT OPPORTUNITY ACT AMENDMENT.

Section 704(a)(4) of the Equal Credit Opportunity Act (15 U.S.C. 1691c(a)(4)) is amended by striking "Surface" and inserting "Intermodal"

SEC. 246. FAIR DEBT COLLECTION PRACTICES ACT AMENDMENT.

Section 814(b)(4) of the Fair Debt Collection Practices Act (15 U.S.C. 1692l(b)(4)) is amended by striking "Surface" and inserting "Intermodal".

SEC. 247. NATIONAL TRAILS SYSTEM ACT AMENDMENTS.

Sections 8(d) and 9(b) of the National Trails System Act are each amended by striking ''Surface'' and inserting ''Intermodal''

SEC. 248. CLAYTON ACT AMENDMENTS.

Sections 7, 11(a), and 16 of the Clayton Act (15 U.S.C. 18, 21(a), and (22)) is amended

SEC. 249. ENERGY POLICY ACT OF 1992 AMENDMENTS.

Subsections (a) and (d) of section 1340 of the Energy Policy Act of 1992 (42 U.S.C. 13369 (a) and (d)) are each amended by striking ''Interstate Commerce Commission'' and inserting in lieu thereof ''Intermodal Transportation Board''.

SEC. 250. ADDITIONAL MERCHANT MARINE ACT, 1920, AMENDMENTS.

Sections 8 and 28 of Merchant Marine Act, 1920 (46 U.S.C. App. 867 and 883-1) are each amended by striking ''Surface'' and inserting ''Intermodal''.

SEC. 251. RAILWAY LABOR ACT AMENDMENTS.

The first and fifth paragraphs of section 1 of the Railway Labor Act (45 U.S.C. 151) are each amended by striking ''Surface'' and inserting ''Intermodal''.

SEC. 252. RAILROAD RETIREMENT ACT OF 1974 AMENDMENTS.

Subsections (a)(1)(i), (a)(2)(ii), and (o) of section 1 of the Railroad Retirement Act of 1974 (45 U.S.C. 231) are each amended by striking ''Surface'' and inserting ''Intermodal''.

SEC. 253. RAILROAD UNEMPLOYMENT INSURANCE ACT AMENDMENTS.

Sections 1(a), a(b), and 2(h)(3) of the Railroad Unemployment Insurance Act (45 U.S.C. 351(a), 351(b), and 352(h)(3) are each amended by striking ''Surface'' and inserting ''Intermodal''.

SEC. 254. EMERGENCY RAIL SERVICES ACT OF 1970 AMENDMENTS.

Section 2(2) of the Emergency Rail Services Act of 1970 (45 U.S.C. 661(2)) is amended by striking ''Surface'' and inserting ''Intermodal''.

SEC. 255. REGIONAL RAIL REORGANIZATION ACT OF 1973 AMENDMENTS.

Section 713 of the Regional Rail Reorganization Act of 1973 is amended by striking ''Surface'' and inserting ''Intermodal''.

TITLE III—AMENDMENTS TO OTHER SHIPPING AND MARITIME LAWS

SEC. 301. AMENDMENTS TO SECTION 19 OF THE MERCHANT MARINE ACT, 1920.

(a) IN GENERAL.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876) is amended by—

(1) striking ''Federal Maritime Commission'' each place it appears and inserting ''Intermodal Transportation Board'';

(2) striking ''forwarding and'' in subsection (1)(b);

(3) striking ''non-vessel-operating common carrier operations,'' in subsection (1)(b) and inserting ''ocean transportation intermediary services and operations,'';

(4) striking ''methods or practices'' and inserting ''methods, pricing practices, or other practices'' in subsection (1)(b);

(5) striking ''tariffs of a common carrier'' in subsection 7(d) and inserting ''tariffs and service contracts of a common carrier'';

(6) striking ''use the tariffs of conferences'' in subsections (7)(d) and (9)(b) and inserting ''use tariffs of conferences and service contracts of agreements'';

(7) striking ''tariffs filed with the Commission'' in subsection (9)(b) and inserting ''tariffs and service contracts''; and

(8) striking ''freight forwarder,'' each place it appears and inserting ''transportation intermediary,'';

(9) striking ''tariff'' each place it appears in subsection (11) and inserting ''tariff or service contract''; and

(10) striking ''Commission'' each place it appears (including the heading) and inserting ''Board''.

(b) STYLISTIC CONFORMITY.—Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), as amended by subsection (a), is further amended by—

(1) redesignating subdivisions (1) through (12) as subsections (a) through (l), respectively;

(2) redesignating subdivisions (a), (b), and (c) of subsection (a), as redesignated, as paragraphs (1), (2), and (3);

(3) redesignating subdivisions (a) through (d) of subsection (f), as redesignated, as paragraphs (1) through (4), respectively;

(4) redesignating subdivisions (a) through (e) of subsection (g), as redesignated, as paragraphs (1) through (5), respectively;

(5) redesignating clauses (i) and (ii) of subsection (g)(4), as redesignated, as subparagraphs (A) and (B), respectively;

(6) redesignating subdivisions (a) through (e) of subsection (i), as redesignated, as paragraphs (1) through (5), respectively;

(7) redesignating subdivisions (a) and (b) of subsection (j), as redesignated, as paragraphs (1) and (2), respectively;

(8) striking ''subdivision (c) of paragraph (1)'' in subsection (c), as redesignated, and inserting ''subsection (a)(3)'';

(9) striking ''paragraph (2)'' in subsection (c), as redesignated, and inserting ''subsection (b)'';

striking ''paragraph (1)(b)'' each place it appears and inserting ''subsection (a)(2)'';

(10) striking ''subdivision (b),'' in subsection (g)(4), as redesignated, and inserting ''paragraph (2),'';

(11) striking ''paragraph (9)(d)'' in subsection (j)(1), as redesignated, and inserting ''subsection (i)(4)''; and

(12) striking ''paragraph (7)(d) or (9)(b)'' in subsection (k), as redesignated, and inserting ''subsection (g)(4) or (i)(2)''.

(c) SPECIAL EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act, except that the amendments made by paragraphs (1) and (10) of subsection (a), take effect on January 1, 1999.

SEC. 302. TECHNICAL CORRECTIONS.

(a) PUBLIC LAW 89-777.—Sections 2 and 3 of the Act of November 6, 1966, (46 U.S.C. App. 817d and 817e) are amended by—

(1) striking ''Federal Maritime Commission'' each place it appears and inserting ''Intermodal Transportation Board'';

(2) striking ''Commission'' each place it appears and inserting ''Board''; and

(3) striking ''they in their discretion'' each place it appears and inserting ''it in its discretion''.

(b) TITLE 28, UNITED STATES CODE, AND CROSS REFERENCE.—

(1) Section 2341 of title 28, United States Code, is amended by—

(A) striking ''the Federal Maritime Commission,'' in paragraph (3)(A); and

(B) striking ''Surface'' in paragraph (3)(E) and inserting ''Intermodal''.

(2) Section 2342 of such title is amended by—

(A) striking paragraph (3) and inserting the following:

''(3) all rules, regulations, or final orders of the Secretary of Transportation issued pursuant to section 2, 9, 37, 41, or 43 of the Shipping Act, 1916 (46 U.S.C. App. 802, 803, 808, 835, 839, or 841a) or pursuant to part B or C of subtitle IV of title 49 (49 U.S.C. 13101 et seq. or 15101 et seq.);''; and

(B) striking paragraph (5) and inserting the following:

''(5) all rules, regulations, or final orders of the Intermodal Transportation Board—

''(A) made reviewable by section 2321 of this title; or

''(B) pursuant to—

''(i) section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876);

''(ii) section 14 or 17 of the Shipping Act of 1984 (46 U.S.C. App. 1713 or 1716); or

''(iii) section 2(d) or 3(d) of the Act of November 6, 1966 (46 U.S.C. App. 817d(d) or 817e(d));''.

(c) FOREIGN SHIPPING PRACTICES ACT OF 1988.—Section 10002(i) of the Foreign Shipping Practices Act of 1988 (46 U.S.C. 1710a(i)) is amended by striking ''2342(3)(B)'' and inserting ''2342(5)(B)''.

(d) TARIFF ACT OF 1930.—Section 641(i) of the Tariff Act of 1930 (19 U.S.C. 1641) is repealed.

(e) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b), and (c) take effect January 1, 1999.

(2) The repeal made by subsection (d) takes effect March 1, 1998.

TITLE IV—MERCHANT MARINER BENEFITS.

SEC. 401. MERCHANT MARINER BENEFITS.

(a) BENEFITS.—Part G of subtitle II, title 46, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 112—MERCHANT MARINER BENEFITS

''Sec.
''11201. Qualified service.
''11202. Documentation of qualified service.
''11203. Eligibility for certain veterans' benefits.
''11204. Processing fees.

''§ 11201. Qualified service

''For purposes of this chapter, a person engaged in qualified service if, between August 16, 1945, and December 31, 1946, the person—

''(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transportation Service) serving as a crewmember of a vessel that was—

''(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

''(B) operated in waters other than inland waters, the Great Lakes, other lakes, bays, and harbors of the United States;

''(C) under contract or charter to, or property of, the Government of the United States; and

''(D) serving the Armed Forces; and

''(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

''§ 11202. Documentation of qualified service

''(a) RECORD OF SERVICE.—The Secretary shall, upon application—

''(1) issue a certificate of honorable discharge to a person who, as determined by the Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

''(2) correct, or request the appropriate official of the Federal government to correct, the service records of the person to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable discharge.

''(b) TIMING OF DOCUMENTATION.—The Secretary shall take action on an application under subsection (a) not later than one year after the Secretary receives the application.

''(c) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (a)(1), the Secretary shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(b) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

''(d) CORRECTION OF RECORDS.—An official of the Federal government who is requested to correct service records under subsection (a)(2) shall do so.

''§ 11203. Eligibility for certain veterans' benefits

''(a) ELIGIBILITY.—

"(1) IN GENERAL.—The qualified service of an individual referred to in paragraph (2) is deemed to be active duty in the armed forces during a period of war for purposes of eligibility for benefits under chapters 23 and 24 of title 38.

"(2) COVERED INDIVIDUALS.—Paragraph (1) applies to an individual who—

"(A) receives an honorable discharge certificate under section 11202 of this title; and

"(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

"(b) REIMBURSEMENT FOR BENEFITS PROVIDED.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for an individual by reason of eligibility under this section.

"(c) PROSPECTIVE APPLICABILITY.—An individual is not entitled to receive, and may not receive, benefits under this chapter for any period before the date of enactment of this chapter.

"§ 11204. Processing fees

"(a) COLLECTION OF FEES.—The Secretary shall collect a fee of $30 from each applicant for processing an application submitted under section 11202(a) of this title.

"(b) TREATMENT OF FEES COLLECTED.—Amounts received by the Secretary under this section shall be credited to appropriations available to the secretary for carrying out this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 46, United States Code, is amended by inserting after the item relating to chapter 111 the following:

"112. Merchant mariner benefits............11201".

TITLE V—CERTAIN LOAN GUARANTEES AND COMMITMENTS

SEC. 501. CERTAIN LOAN GUARANTEES AND COMMITMENTS.

The Secretary of Transportation may not issue a guarantee or commitment to guarantee a loan for the construction, reconstruction, or reconditioning of a vessel under the authority of title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.) unless the Commissioner of the Federal Maritime Commission certifies that the operator of such vessel—

(1) has not been found by the Commission to have violated section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1701a), within the previous 5 years;

(2) is not currently under investigation by the Commission concerning the suspected violation of section 19 of the Merchant Marine Act, 1920 (46 U.S.C. App. 876), the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.), or the Foreign Shipping Practices Act of 1988 (46 U.S.C. App. 1701a);

(1) has not been found by the Commission to have committed a violation of the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.), which involves unjust or unfair discriminatory treatment or undue or unreasonable prejudice or disadvantage with respect to a United States shipper, ocean transportation intermediary, ocean common carrier, or port; and

(4) is not currently under investigation by the Commission concerning the suspected violation of the Shipping Act of 1984 (46 U.S.C. App. 1701 et seq.) which involves unjust or unfair discriminatory treatment or undue or unreasonable prejudice or disadvantage with respect to a United States shipper, ocean transportation intermediary, ocean common carrier, or port.

Amend the title so as to read "A Bill to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there be a total of 10 minutes of debate on the bill, equally divided, between the chairman and ranking member or their designees, that there be an additional 60 minutes for debate on the Gorton amendment, equally divided between the proponents and the opponents. I further ask unanimous consent that following the expiration or yielding back of time, the Senate proceed to lay aside the Gorton amendment and a vote occur on or in relation to the Gorton amendment at a time to be determined by the majority leader, after notification of the Democratic leader, on Tuesday, April 21, to be preceded by 20 minutes for closing remarks equally divided on Tuesday, to be followed by adoption of the substitute amendment, and that the bill then be read a third time and passed, with no intervening action or debate. I finally ask unanimous consent that if the Gorton amendment is adopted, this consent be considered void and the bill be open to further amendment and debate.

Mr. GORTON. Reserving the right to object, I simply would like a clarification that the 20 minutes, after the recess is over, is 20 minutes on the Gorton amendment, is it not?

Mrs. HUTCHISON. Yes.

Mr. GORTON. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1689

(Purpose: To amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States exports, and for other purposes)

Mrs. HUTCHISON. Mr. President, I ask that the substitute at the desk, amendment No. 1689, be considered.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. LOTT and Mr. BREAUX, proposes an amendment numbered 1689.

Mrs. HUTCHISON. I ask unanimous consent that reading of the amendment be dispensed with and I be recognized to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, American ports and carriers and shippers are disadvantaged by current laws that require all contracts to be public. To avoid publication, U.S. ports are bypassed when possible and the U.S. carriers lose business. U.S. exporters, unlike their foreign competitors, must reveal their ocean transportation costs, permitting the foreign competition to undercut them. Recent economic problems in Asia will increase pressure in those countries to increase their exports. S. 414 will be even more important if our shippers meet the heightened competitive challenge. S. 414 attempts to level the playing field between U.S. companies which export and their foreign competitors.

This bill will encourage greater competition among carriers. It will provide American exporters and importers with greater choice in obtaining ocean transportation services and promote more ocean shipping activity for our carriers and our ports.

In providing our shippers with this important reform, we have still attempted to preserve antidiscrimination provisions in current law and the elements of our current "transparent" system that protect our ports, smaller shippers, and U.S. workers. This bill balances the need to have enough transparency to assure fair pricing with contract privacy.

Ninety-five percent of U.S. foreign commerce is transported via ocean shipping. Half of this trade which is carried by container liner vessels with scheduled service is regulated under the Shipping Act of 1984 and would be affected by these reforms. This legislation represents an important opportunity to ease the hand of regulation on a significant sector of commerce.

This bill represents the first major reform of this critical industry in a decade and the most significant change to the underlying statute since 1984. Its completion complements the free trade revolution that has occurred during this same period and will allow American businesses and consumers to take advantage of the global increase in trade, both imports and exports.

Mr. President, I am proud to have worked on this bill with the distinguished Majority Leader LOTT and colleagues from both sides of the aisle to advance this important legislation. I really appreciate the leadership of the ranking member of the full Commerce Committee, Senator HOLLINGS, as well as certainly the ranking member of the Surface Transportation and Merchant Marine Subcommittee, Senator INOUYE, and my colleague from Louisiana, Senator BREAUX, and the chairman of the committee, Senator MCCAIN.

I would also like to acknowledge the concerns of my colleague from Washington, Senator GORTON. I am aware of the outstanding issue that he will soon address with his amendment. I understand the merits of his amendment. I have sympathy for it. However, I will have to vote against it and urge my colleagues to do likewise because its adoption at this time will jeopardize the progress of this bill.

I would like to outline the key points of the legislation. Here are the highlights of the floor amendment that I have introduced.

We provide shippers and common carriers greater choice and flexibility in entering into contractual relationships for ocean transportation and intermodal services. To this end, the most significant improvements are:

No. 1, that we strengthen the right of individual members of ocean carrier groups to negotiate and enter into service contracts with one or more shippers, independent of the carrier group. This means that individual carriers will be better able to customize their services without the interference of the carrier conferences.

No. 2, we clarify the rights of groups of ocean common carriers to jointly negotiate inland transportation rates and services consistent with antitrust statutes and FMC approval. This means that carriers will be able to incorporate electronic commerce, logistics and other services that add value to the customer's contract.

No. 3, we continue to require a form of tariff publication. However, it is much more flexible than the current tariff filings. Tariffs become effective upon publication through a private system, such as on the carriers' World Wide Web pages, not a governmental publication. Also tariff changes do not require Government approval. This puts the maritime industry on a similar footing as other transportation industries which we have deregulated in recent years, providing carriers with greater flexibility.

The measure protects U.S. exporters from disclosure to their foreign competitors of certain proprietary business information through their contractual relationships with common carriers by allowing confidentiality of certain service contract terms. As I have mentioned earlier, our competitors can and do contract ocean shipping transportation confidentially, and our shippers never know what their competitors are paying for transportation. However, U.S. shippers' ocean transportation costs are an open book, and foreign competitors use the information to undercut our exporters whenever possible. Our ports suffer, too. Shippers who conveniently can, will ship out of foreign ports in nearby Canada or Mexico to avoid this penalty.

Our shippers say they want more flexibility in dealing with their ocean carriers and the ability to go outside the traditional tariff system and conference structure. We have provided this needed confidentiality, but balanced it with protections for ports and U.S. dockworkers who seek information on the movement of commodities to protect their competitive position.

Additionally, this measure relaxes some of the restrictions on individual carriers relating to practices or preferences in dealing with exporters, but maintains them with regard to the concerted activity of two or more carriers.

Finally, the reported bill would have combined the functions of the Federal Maritime Commission and the Service Transportation Board into a single agency. This floor amendment retains these separate agencies and functions in their current form.

Thus, the overall thrust of this entire bill—with the amendment that I am offering—is to generate more competition for shippers of all sizes in the ocean transportation sector and to make this important transportation link to their overseas markets more affordable and sensitive to their individual needs.

This is a bill that should help our ports get more business, which means more jobs in America. It should level the playing field for our U.S. carriers while protecting the rights of shippers and dock workers and other union personnel. It is very important that we have tried to balance this.

Is the bill perfect? No. There are things I would like to have seen different. We have had to compromise to a degree. But I do think we have done a good job of working with all the interests here and allowing our carriers, shippers and ports to compete, which means jobs for Americans.

That is the purpose of this bill. I believe we have done it in the best way we could, balancing all of the competing interests. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

AMENDMENT NO. 2287 TO AMENDMENT NO. 1689

(Purpose: To provide rules for the application of the Act to intermediaries)

Mr. GORTON. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington, [Mr. GORTON], proposes an amendment numbered 2287 to amendment numbered 1689.

Mr. GORTON. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 10, strike "ocean".
On page 5, line 15, strike "ocean".
On page 11, line 16, strike "ocean".
On page 12, line 8, strike "ocean".

Mr. GORTON. Mr. President, with the exception of the single paragraph toward the beginning of the eloquent statement by the Senator from Texas, I agree, literally, with every word of her remarks. In fact, I think, as I will show to you, that single paragraph with which I disagree is totally inconsistent with the remarks of the Senator from Texas. Let me tell you why.

For my first 3 years in the U.S. Senate, 1981–1984, I held hearings, drafted, worked on, discussed, and ultimately sponsored and passed the Shipping Act of 1984. Fifteen years ago, I probably could have recited it from memory. I was at that time the chairman of the subcommittee of the Commerce Committee now chaired by my esteemed friend, the Senator from Texas. The goal of the Shipping Act of 1984 was to breathe fresh air, competition, and deregulation into the worldwide system of ocean carriage of goods, at least as that carriage affected the United States. It was an industry controlled by cartels and monopolies far less interested in those whom it served than in those who provided the service—most particularly, many foreign-flagged merchant marines.

I am certain when I introduced that bill for debate I made the same remarks the Senator from Texas has just made—that it was not perfect, that it did not create a purely competitive market, but that it represented a major step forward in allowing the fresh air of competition to breathe on the ocean carriage of goods. And now building on that 1984 act, the Senator from Texas has brought us a further proposal which opens up, still wider, the field of ocean carriage of goods to competition. It is in that respect a fine bill.

What the bill does is say that shippers can make agreements with ocean carriers in the same fashion that almost all contracts in the private sector can be made in the United States without having to follow the specific monetary requirements of filed tariffs, but simply as private contracts in which the shipper could get the best possible deal that it can negotiate and the carrier can get as high a price for that carriage as it can negotiate. This is the heart of the free market system. It is a precisely proper philosophy for the carriage of goods by sea. The bill also allows the ocean carriers to get together with land carriers so that you can get one price for shipping your goods from, say, in your case, Mr. President, Cheyenne, WY, to Yokohama, Japan, also a major step forward.

One thing, however, it does not do, and that is what my amendment is all about. If you are a major manufacturer, a huge shipper, capable of filling an entire vessel with a single shipment of your goods, or at least so large a container that you can effectively deal directly with the ocean carrier, you get the advantage of this competitive system. You can make the best deal you can wring out of that ocean carrier.

But if you are the kind of shipper or seller that I suspect is more common in a rural State like Wyoming, and you are shipping only a modest amount of goods, you have very little leverage with the ocean carrier. You probably don't even know very much about how to engage in that business. So you hire an intermediary, usually in one of America's ports, a customs broker, or a freight consolidator, to do it for you.

These intermediaries, almost without exception, are small business people. That intermediary gets together a bunch of shipments from small shippers and it makes the contract with the ocean carrier. In other words, small business people hire other small business people to consolidate their shipments so they can have advantages equal to those of the big businesses and the big shippers.

At the present time, under the 1984 law the same rules as to published tariffs and the degree of competition or lack of competition apply to the big shipper and the small shipper.

And I may say that when the Senator from Texas wrote this bill, she provided the same advantages to the small shipper and the intermediary as she did to the big shipper. Obviously, there should not be discrimination between those two groups. And that is the way the bill was reported from the Commerce Committee—more competition, more ability to negotiate. You didn't have to tell your competitors what you were paying. Everybody benefited.

Oh, but, Mr. President, what happen then? Well, then, the big longshore unions objected. The International Longshoremen's Association and the International Longshoremen's and Warehouseman's Union don't like these little guys because sometimes the little guys don't use the longshore unions to put these shipments together. So the longshoremen's unions go to the majority leader and the Senator from Texas and say: We are not going to let this bill pass unless you help us drive these little people out of business and say that we will give all of these new competitive advantages to the big boys, who automatically use the longshore unions, but we are not going to give the benefits of competition to the little people, to that small shipper from Cheyenne, WY; we are not going to give them to that freight intermediary in Seattle, WA, or in Newark, NJ. Oh, no. They still have to publish their rates. They still can't enter into long term contracts and make the best possible deal.

So not only are you depriving the small shippers and transportation intermediaries of an advantage of a free market, you are telling them they are in a terribly unfavored competitive situation as against the ocean carriers themselves. You are forcing the small shipper in Cheyenne, if he can possibly do so, to go directly to the ocean carrier.

What kind of deal do you expect he is going to get under those circumstances? He doesn't know anything about these transactions and he doesn't have any expert working for him. He will pay far more than his large competitor will for the carriage of his goods. Or, of course, he could still go to the intermediary, but the intermediary can't get as good a deal for him as the large shipper can get.

You listened to the unanimous consent that preceded this debate, Mr. President, and you may have questioned the end of it. The end of it states that if I win, the ball game is over. If my amendment is adopted, most of the members of the party that claims to be for the little guy will kill the bill, and they will kill it because the little guy gets equal advantages with the big guy. That is what the unanimous consent is all about.

Mr. President, it is no more complicated and no less complicated than just that. If we are willing to put our votes where our mouths are when we go home and talk about the virtues of small businesses, if we are willing to carry out the kind of pledges we make in our election campaigns and treat people equally, if we are willing to say that if a competitive market is good for the large, it is good for the small, we will vote for the Gorton amendment and see whether or not the people on the other side dare kill a procompetitive bill just because it doesn't add to the monopoly of two unions at the expense of small businesses all across the United States of America.

Mr. President, I ask that you and other Members of this body consider this matter in the 2½ weeks we are going to be away, and see whether or not we don't want to treat people fairly and not ratify an agreement that was made behind closed doors, with the ocean carriers present and the big shippers present and the unions present, but the small business people told: Get lost; we are not going to listen to you while we make this deal.

That is the wrong way to reach an agreement, and it is the wrong way to pass legislation. We can correct it by passing this amendment.

Mr. BREAUX. Mr. President, I rise in opposition to the Gorton amendment, which would give non-vessel-operating common carriers, or NVOs, the right to offer service contracts to shippers—that is, the importers and exporters—just as do vessel-operating ocean common carriers. NVOs do not own or operate vessels. They are middlemen, who act as carriers in relation to their shipper customers, and who then act as shippers when they offer those cargoes to vessel-operating carriers for transport. NVOs were first legislatively recognized as a legal entity in the 1984 Shipping Act, in recognition that NVOs can provide specialized attention and service to small shippers whose minimal cargo volumes are not always worth the time and attention of large vessel-operating carriers. No other nation has legally recognized the concept of non-vessel-owner-common carriers.

Originally, NVOs consolidated the cargoes of several shippers into a container and then took advantage of the full container rates offered by ocean carriers. There are thousands of NVOs doing business in the United States, all of whom are required to file their rates, to adhere to their rates, and to be bonded to establish their financial responsibility to their customers. It should be noted that S. 414 will reduce the cost of tariff filing by eliminating the requirement that the federal government collect and disseminate tariff information, and would replace this system with a requirement that tariff information be publicly available through a private sector resource, such as the internet or other private sector information system provider.

This system has been working well for 14 years. There is no reason to change it. Small shippers—with only the occasional box or two of cargo to be transported—have come to depend on NVOs for the care and personal attention that a larger carrier cannot offer. But some NVOs have grown immeasurably in size, primarily those that are based in Europe, and are now competing directly for cargo with the major U.S. and foreign shipping lines. It is precisely these NVOs who are not satisfied with their current status, and insist that despite the fact that they have none of the expenses attendant to actually operating vessels, want to be treated like a vessel-operating common carrier in every respect. They want to offer service contracts to shippers and groups of shippers who can afford to promise large volumes of cargo in return for more favorable rates.

It is not fair to the vessel-operating common carriers serving our trades, with their huge capital investments, that they be put on par with entities taking advantage of the fiction of current law calling them carriers. And it is especially not fair that the small "mom and pop" NVOs, who are not in a position to compete with some of the NVO giants that have emerged, may be swallowed up by them if the larger ones are allowed to offer service contracts. Small NVOs, by virtue of the modest cargoes they handle, will not be able to take advantage of the Gorton amendment; only the mega-companies will. America's small businesses do not deserve this treatment. This amendment is not about protecting the interests of small business, it is actually about treating large multinational forwarding companies the same way that we would ocean carriers. The end result would be to provide a disincentive to actually own and operate ships. Why actually own and operate ships if you could function in the same fashion as an ocean carrier without actually having to own or control any of the transportion functions or liabilities.

Moreover, S. 414, as revised by the Hutchison, Lott, Breaux amendment, represents a delicately crafted compromise reflecting the interests of all sectors of the shipping industry, including vessel- and non-vessel-operating common carriers, as well as shipper, forwarder, port and labor interests. The resulting documents cannot be altered in a piecemeal fashion without upsetting that balance. No one in this compromise got exactly and completely what was wanted; everyone won a little and lost a little. That's what a compromise is.

I urge my colleagues to vote against destroying several years of hard work to come up with a fair and viable revision of our shipping laws. I would like to thank my colleagues, Senators HUTCHISON, LOTT and GORTON for all of the work that they have put into this measure, and I urge you to vote against the Gorton amendment.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I think the Senator from Washington has made a very eloquent statement, and I am very glad that we agree on 99 percent of this bill and that we agree that this is a very important improvement for the whole shipping and carrier industry which will promote more business for U.S. ports.

I do not take issue with anything Senator GORTON has said, except to say that in the balancing of competing interests, it is very difficult to have acceptance by all. And I can truthfully say that no one who is affected in this shipping industry is completely happy with this bill—no one—not the unions, not the shippers, not the carriers, and not the non-vessel-operating common carriers of which Senator GORTON spoke. But in the main, the balance is better for all of these than in the present law.

This bill has some advantages above current law for these non-vessel-operating common carriers. They can take advantage of the tariff reforms. They will be able to privately publish tariffs, and they don't need to file them with the Federal Maritime Commission. These NVOs, as shippers, can have confidential contracts with carriers, helping them compete against each other. They will be able to benefit, of course, from the more competitive atmosphere among carriers when purchasing space, and they have the current protections against discrimination against them by cartels maintained in this bill.

So while they are not completely happy with this bill—and I certainly understand their concerns—there are important pro-competitive reforms they will benefit from.

I would point out that the other entities affected by this bill are also not completely happy with it. But they too, recognize it as a compromise that contains positive reforms. I think all would say that having this legislation does open competition, it does bring business to U.S. carriers, the competition will bring lower prices to shippers, and our ports will get the business.

That is good for everyone above and beyond the law as it stands today.

I hope, when we vote on Senator GORTON's amendment, people will understand this balancing, that they will opt in favor of the Hutchison amendment to S. 414 unamended by the Gorton amendment and then let us keep working on this issue, which I think certainly the non-vessel-operating common carriers are entitled to and which I pledge I will do and try to get a bill that is a balance, that creates more jobs and more business for America. That should be our goal, and I believe it is. Let us just get there.

I thank the Chair.

Now, according to the unanimous consent agreement, I will yield back the time from the majority side. The minority side has agreed to also yield back time. If Senator GORTON does not wish to have further debate, then I will yield the floor and the unanimous consent agreement is in effect.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Washington.

Mr. GORTON. I thank the Senator from Texas. We are about finished with debate on this amendment, and it is the appropriate course of action for both of us to yield back our time. I will maybe take 2 minutes on it and then relieve the Chair for my assignment there, and we can go on to something else.

Mr. President, I appreciate the courteous response of the Senator from Texas to my remarks. Again I have to say that she and I agree profoundly on the goals of this legislation. I am proud that she has been able to build on what I started a decade and a half ago. She has worked as hard and almost as long on this bill as I did on the 1984 act itself. It certainly can be said they go in precisely the same direction—more competition, better service, and a higher degree of competitiveness on the part of American business in that portion of the world's merchant marine, including the U.S. flag merchant marine that operates out of the United States. She is certainly right when she says many of the current rules disadvantage American businesses and cause some shipments to go to Canada or Mexico that might otherwise come directly here.

The amendment that I have proposed, of course, moves another major step in that direction. It is, as I emphasized, exactly what the Senator from Texas wanted when she wrote the bill in the committee and was forced to retreat from by these large interests, particularly the maritime unions. But it does disadvantage one group. If you have a semicompetitive system and all American businesses, large and small, operate under the same rules, that is one thing. If you have a system that says the big boys get to operate under much less restrictive rules, do not have to publish their fares and their tariffs, can enter into any kind of agreements they want, but the little guys cannot, they are still subject to those old rules, you have created a fundamentally unfair situation. When that unfairness is directed at small shippers and small freight consolidaters, the difference, the discrimination, is particularly egregious.

I agree with the Senator from Texas. However it ends up, this is not the final form of the bill; it has not passed the House of Representatives yet. But, Mr. President, you and my colleagues should not fool yourselves to think if we do not adopt this fairness amendment, this small business amendment now, it is somehow going to come back in later. I think if we do adopt it now, we have a far greater opportunity to see to it that this bill is not only procompetition and deregulatory but fair; that all the people, all the groups in America who deserve that fairness, the small businesses, about whom we talk so much on every one of our trips home, do deserve an equal opportunity to compete.

That is all this amendment is about. It allows the little guys to contract the way the big guys contract. Often we will make a policy that says the little people will have an advantage over the big ones because the big ones have the advantage of their bigness. Rarely do we say, as we are asked to here, that we will give the big guys an advantage and deprive their small competitors of that advantage. Equal the playing field. If competition is good for the large shippers, it is good for the small shippers. If it is good for the large carriers, it is good for the small carriers. That is what this amendment is all about.

With that, I will yield the remainder of my time.

Mrs. HUTCHISON. Mr. President, I think Senator GORTON has made a very good statement. I think we will be able to work together for our common goal.

I yield back the remainder of my time.

Mr. GORTON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. It is my understanding, Mr. President, that this vote will not take place before April 21.

Mrs. HUTCHISON. That is correct.

The PRESIDING OFFICER. If all time is yielded back, under the previous order, S. 414 will be laid aside until Tuesday, April 21, to be considered at a time to be determined by the majority leader.

Mrs. HUTCHISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Ohio is recognized to speak for up to 1 hour.

Mr. DEWINE. Mr. President, I ask unanimous consent at this time to extend that to 75 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAITI

Mr. DEWINE. Mr. President, I rise today to bring my colleagues up to date on the situation in Haiti. Two weeks ago, I traveled once again to this troubled country. While I knew little about Haiti before becoming a Senator, this was my fifth trip to Haiti in the last 3 years. So I have had the opportunity to see what changes have taken place and the general direction of events.

Later today, the Secretary of State, Madeleine Albright, will visit Haiti. She will find when she arrives a troubled country, but a country in which the United States does have a major national interest.

Mr. President, let me begin by pointing out that while Haiti is not of strategic importance to the United States, what happens there does have a impact on our country and on our citizens.

Haiti's current political system is not stable. It is a struggling democracy in its infancy. If this unstable democracy descends into outright chaos, the result could be an exodus of boat people coming to our shores.

It has, of course, Mr. President, happened before. Remember, Haiti is just 700 miles from Florida. During the early 1990s, after President Jean Bertrand Aristide was ousted from power, tens of thousands of Haitians risked their lives by boarding small boats, even rafts, hoping to reach the United States or other countries. Between 1991 and 1994, 67,000 Haitians were interdicted at sea—67,000. Our Government was forced to house more than 25,000 Haitians in Guantanamo Bay in Cuba, at a cost of more than $400 million.

Historically, our countries have important ties. Haiti is the second oldest republic in the hemisphere. Their defeat of Napoleon's army in 1804 led the French to sell us the Louisiana Territory. In 1915, the United States intervened militarily to restore order to Haiti, and we remained there until a new government was installed in 1934. So our interest in Haiti is not new—it is rooted in our history.

Hundreds of thousands of Haitians live in the United States. In fact, there are more Haitians in the United States than any other country outside of Haiti, and thousands of U.S. citizens live in Haiti, either permanently or temporarily, for humanitarian purposes. I am amazed, as I travel throughout Haiti, at the number of Americans I meet. They can be found all over that small country.

Haiti's troubles have a direct effect on the United States, and impact. Haiti's current political power vacuum already is being filled by dangerous drug lords. Today, 8 percent of the drugs on our Nation's streets come from Haiti or through Haiti. This is a clear example of how the current crisis in Haiti has a clear and direct impact on the people of my home State of Ohio, your home State of Washington, and the rest of this country.

Geographic proximity has dictated U.S. interest in Haiti over the course of this century. It will continue to do so. In September 1994, the United States—in conjunction with the international community—sent over 20,000 troops, at a cost of over $1 billion, to restore President Aristide to power. This figure does not include the additional $120 million the United States provided the United Nations for peacekeeping operations. In addition, since then, the United States has invested well over $2 billion in nonmilitary assistance to establish and help sustain democracy in Haiti.

Mr. President, I would now like to update my colleagues on where things stand in Haiti with regard to a number of specific topics. Let me first start with American civilian police presence there.

One cause for optimism in Haiti is the American civilian police, who participate in the United Nations civilian police presence. Their mandate recently shifted from mentoring the cops on the streets, the Haitian police officers on the streets, to mentoring the mid-level management of the Haitian National Police.

I had the distinct pleasure, when I was in Haiti several weeks ago, of accompanying American civilian policemen on duty in Cite Soleil—a slum in Port-au-Prince with probably the highest degree of violence in this whole country. Surprisingly, several of these American cops told me they had no problem moving through Cite Soleil both during the day and at night. We have, today, 31 dedicated U.S. police officers, Haitian-born U.S. citizen veteran U.S. cops, who are down in Haiti on a contract basis, mentoring the Haitian police. These 31 dedicated police officers from New York, New Jersey, Florida, L.A.—they are all creole speakers. This enables them to communicate well with the Haitian population. In fact, the majority of these 31 Americans were born or have relatives in Haiti. These U.S. police officers told me they feel their work with the Haitian police is helping. It is beneficial. It is important. Mr. President, I commend them and I support the efforts of these fine Americans.

Let me turn now to the Haitian police. One of the main missions of the United States after President Aristide was restored to power was to help train a brand new Haitian police force. This was a daunting, and remains a daunting, task. I don't know that it has ever been undertaken in the world at such a magnitude as we tried and have been doing in Haiti. We have trained over 5,000 new Haitian police recruits. Our men and women who travel to Haiti to do this did, and continue to do, an excellent job.

The Haitian National Police, or HNP, are doing fairly well and have taken strides to professionalize the institution. Continued concerns of some human rights violations are being addressed in the newly formed inspector general's office. The United States has spent considerable money and effort in training the police force. In conjunction with other interested international donors, this training must continue. Furthermore, efforts should be made to address the lack of resources needed by this police force.

When the international community restored Aristide to power in 1994, the Haitian military and police were then totally dismantled. A new police force was formed from scratch. Although a very young force, the Haitian National Police has been described as the only functioning institution in Haiti.

When the U.S. Government decided to train the new Haitian police through the International Criminal Investigative Training Assistance Program—this is our U.S. Government program known as "ICITAP"—we laid down three conditions: No. 1, that the old armed forces must be and were disbanded; No. 2, that the new police force must be civilian; and, No. 3, that the police must have reasonable means to overcome their historic corruption.

While the Haitian police are generally doing a good job, some Haitians continue to fear HNP, the Haitian National Police. These Haitians particularly fear the crowd control/riot squad unit. This unit, which dresses in all black uniforms, including reflective sunglasses, is extremely intimidating and reminiscent of the previous military regime. Further, serious human rights abuses by the HNP officials continue, tragically, to occur.

There is really only one solution, and that is to continue to work to help professionalize the police. That is what we are doing. A newly installed inspector general's office within the HNP is looking at these human rights violation cases. We will not see real progress in this area until and unless the IG moves these cases forward—and until and unless the judicial system successfully prosecutes policemen involved in these crimes.

Efforts are being made to start integrating the Haitian police into the Haitian society. The concept of community policing is a concept that our men and women are taking to Haiti. Haitian

President Preval has requested the HNP to engage in this community policing. American civilian police personnel are mentoring their HNP counterparts in this effort. Though this effort is only in its initial stages, it is a change in the right direction. The police are also attempting to change from a reactive force to become a more typically American proactive force.

Our continued commitment to the professionalization of the Haitian police is essential. As all Americans know, a strong and effective police force is essential to any civil, democratic society. We must continue the ICITAP program, and urge the Haitian Government to continue its own efforts to professionalize the police, from the officer on the street to the midlevel management at headquarters.

To succeed, a quality police force needs quality resources. The fact is resources are, of course, lacking in Haiti. For example, in Cap Haitien, the second largest city in Haiti that we visited with over 300,000 residents, 130 policemen have access to only six vehicles. This force also lacks simple phones and two-way radios.

But perhaps most important is not the lack of physical resources, but the lack of human resources.

The current police force—slightly over 6,000 for the whole country—is of course, too small. The Dominican Republic—Haiti's neighboring country—has roughly the same population and a national police force of 29,000. I urge the administration to consult with the international donor community—and together with the Haitian Government—discuss ways to (1) continue training; (2) continue mentoring this police force; (3) provide necessary and better equipment; and (4) slowly but steadily increase the size of the Haitian national police.

Let me turn now to the issue of judicial reform.

Mr. President, the police in Haiti is only one element of the judicial system. While we have made progress in police reform, there is not now a functioning judicial system in Haiti. Reforming the entire judicial system—the courts, prosecutors and defense attorneys—should be a priority for the Haitian Government. If any progress—economic or political—is going to happen, Haiti needs a working judicial system. To get there, the Haitian Government needs to demonstrate a real commitment—real political will—to make judicial reform a priority. We should make clear that our Government is willing to make a commitment—an investment—to create an effective judicial system, but only—only—if it is clear that the Haitian Government itself is willing to lead that effort.

Although the 1987 Haitian Constitution requires a separation of powers between the judicial and executive branches, the Minister of Justice—an executive branch official—currently has control over the entire law enforcement system: the police, prosecutors, defense attorneys and the courts! Not only are the courts not independent, to make matters worse, I was informed by both U.S. and Haitian officials that the current Minister of Justice in Haiti is not committed to any real reform measures. The seriousness of this problem cannot be overstated.

The credibility of the Haitian legal system is undermined by the perception that it is awash in corruption—and that justice is for sale. Until the Haitian Government demonstrates the political will to bring murderers to justice, for instance, the Haitian people will lack confidence in their own legal system, and vigilante-style justice will tragically continue.

True judicial reform cannot take place unless and until Haiti political leaders exercise the political will to solve the high profile political murders. There have been dozens of political murders in Haiti over the past several years. Unfortunately, to date, not a single one has been solved. Despite the efforts of the Special Investigative Unit inside the Haitian national police, which has the specific mandate to investigate these high-profile murder cases, the Haitian Government has done nothing to help resolve these cases. Some argue that one of the reasons behind this fact is that some senior Haitian Government officials may be implicated in the crimes.

Having said that, I still believe we must continue to fund the Special Investigations Unit, because, as one high ranking U.S. official told me when we were in Haiti: "It keeps pressure on the Haitian Government and keeps them halfway honest."

Mr. President, successfully solving and prosecuting even one of these political cases could serve as a turning point for reform of the judicial system. It could send the right signal. We need to do all we can to put pressure on the Haitian Government to make this a top priority. For example, last year, Congress enacted legislation I proposed which denies visas to Haitians involved in extrajudicial and political killings. The identity of many of these people who committed atrocities is well known. We should keep this law that we passed last year in place as a way of pressuring the Haitian Government—and sending a signal to the Haitian population that the U.S. cares about justice, and that they themselves should demand it.

Any expressed commitment by the Haitian Government to judicial reform cannot be taken seriously without its cooperation in the identification, capture and prosecution of political murderers. That kind of commitment will give the judicial system the credibility it needs to be seen as a viable law enforcement agency for all Haitians.

Furthermore, currently the Haitian judicial system is a system in name only. Although the number of arrests has increased, those arrested are not being prosecuted. At this time, justice begins and ends with the police. If this does not change, we can only imagine the negative impact this will have on police morale. All our efforts to reform the police could end up, in the long run, being in vain. Mr. President, without judicial reform, we cannot expect Haitian society—its government, its economy—to move forward. On the contrary, it will move backward.

Since the Minister of Justice currently is not committed to reform, the U.S. Government has found ways to work around the Ministry by mentoring judges, for example. I was extremely impressed by our Department of Justice representative in Haiti who is helping train judges and prosecutors. He has found ways to work around the Ministry to start instituting positive change in that system.

But we cannot make serious long-term progress until the Haitian Government—starting with the Minister of Justice—agrees to reform. Working around the Minister of Justice can only go so far. Serious judicial reform in Haiti begins with a commitment from the government's leaders. Therefore, I recommend the following:

First, the United States, along with the international donors, must urge President Preval to appoint a new Minister of Justice who will demonstrate a commitment to work with the international donor community to together help create meaningful reforms in the judiciary.

Second, the United States and the other international donors must get from the Haitian Government a serious commitment to reform the entire judicial system. Amazingly, the list of official priorities the Haitian Government has presented to the U.S. Government does not include judicial reform! Unless that changes, I suggest we reconsider any continued U.S. assistance for judicial reform. Without such a commitment, I am concerned that any money we send will simply be wasted.

A true commitment by the Haitian Government to reform the entire judiciary system must include action on the following basic elements:

An independent judiciary;

New legislative laws regarding the judiciary, including a judicial career system, and reform of the penal codes;

Increased budget for the national and local judiciary system; and

Establishment of an appropriate career and salary structure for the judiciary system, including salary increases for committed prosecutors and judges; and creation of a functioning disciplinary body to oversee the entire judiciary, such as an inspector general's office within the Ministry of Justice.

We must make clear that we stand ready to assist the Haitian Government if they are serious about taking the actions I have just described. We must make clear what that assistance would amount to. This year, we provided $11 million for judicial reform. In next year's budget request, the Clinton administration has proposed to reduce the judicial reform program from $11 million to $7 million and grant an additional $4 million (which together would equal $11 million) for human rights initiatives. Now, there are some who will argue that human rights is part of a judicial reform. While providing assistance to those who have suffered human rights abuses is a commendable effort, it should not and cannot replace an effort to reform the system that encourages these abuses.

If the Haitian Government agrees to invest in judicial reform, we should at least maintain our current annual investment in judicial reform—the $11 million figure—and we should increase it if possible. After all, the level of our investment should reflect the degree of importance we place on this kind of reform.

However, if the Haitian Government does not express and demonstrate a true political will to do these basic reforms, then the United States must reconsider its assistance in this area.

Thus, Mr. President, we should set aside the same level of funding for judicial reform in this year's budget. But we must make it clear this money will not be spent, cannot be spent, until we have a commitment, a demonstrated commitment in action, from the Haitian Government to achieve these important benchmarks.

Mr. President, before I conclude this section, let me tell my colleagues a quick story about the benefits of judicial reform in another country. During our recent visit to Haiti, we also visited the Dominican Republic where we focused on their efforts to reform the judicial system. Speaking with the President of the Dominican Republic, I got a sense of the Government's true commitment to the judicial reform process. When I asked the President what finally got the process underway, he said that first there had to be political will. Aside from that, the people must also want, if not demand, it.

A well-known writer, Orlando Martinez, was murdered several years ago in the Dominican Republic. At the time, no one attempted to take on the case. No one would. The reason was that no one had trust or faith in the judicial system. Well, one courageous judge in early 1996 decided to take on that case. He made the case a priority and through the process did something unprecedented. He had a number of military officials arrested and successfully prosecuted and sentenced.

Mr. President, to make a long story short, the prosecution of the individuals involved in this murder was a turning point in moving forward with judicial reform in that country.

The case got tremendous media coverage, and the society was never the same—the Dominican Republic was not the same. Soon after the civil society started demanding important judicial reforms, the business community started demanding important judicial reforms. They felt invigorated by the prosecution of this one, but highly important, case. It gave them faith in the system.

Mr. President, as I mentioned earlier, there have been a number of unsolved political murder cases in Haiti. The murder case in the Dominican Republic serves as an important example of an important transformation that took place in that society. We saw a similar scenario in El Salvador in the 1980s when high-profile murders were investigated and those responsible were successfully prosecuted and sentenced. That was something new in El Salvador and had an unbelievable effect on the society. Specifically, in El Salvador, high-ranking military officers were sentenced for the killing of Jesuit priests. The solving of even one political murder—the solving of even one political murder—in Haiti would do wonders to send a powerful signal about justice and the rule of law in that troubled country.

Mr. President, let me now turn to another topic in regard to Haiti that is extremely troubling, and that is the drug situation.

The need for a stronger judiciary, Mr. President, and a professional police force becomes readily apparent if you examine Haiti's situation with regard to drugs. When it comes to the matter of illegal narcotics, I must report to the Senate that the situation in Haiti is grave and even approaching a crisis. Because of Haiti's weak political and economic condition, this country is becoming increasingly attractive to international drug traffickers. The United States must pay close attention to this growing concern, for there is a threat that Haiti could turn into a full-fledged narcostate. That means, and would mean, more and more illegal drugs coming through Haiti into our country.

For that reason, the Clinton administration must direct more Drug Enforcement Administration and Coast Guard personnel to Haiti to better combat the drug problem within the country and better control the drug trafficking in international waters surrounding Haiti. We should also incrementally increase our counter-narcotics assistance to Haitian Government agencies responsible for counter-narcotics in terms of training, as they become more efficient and professional.

According to a U.S. Government interagency assessment on cocaine movement, in 1996, between 5 and 8 percent of the cocaine coming into the United States passed through the country of Haiti. By the third quarter of 1997, the percentage jumped to 12 percent and increased to 19 percent by the end of that year. One of the reasons cited for the increase is the enhanced law enforcement effort that is being made in Puerto Rico, which has caused traffickers to move operations from there to Haiti.

Responding to this trend, the Clinton administration added Haiti to the list of countries requiring annual certification in 1995, and though it has been certified as cooperative in the war on drugs each year since, the problem appears to be getting worse.

Mr. President, most people are aware that most of the cocaine coming into our country is grown and processed in Colombia, but the transit routes are always changing. The drug traffickers continue to move them. As indicated on this map, Haiti, the Dominican Republic, and Puerto Rico are all located approximately halfway between Colombia and the United States.

Drug interdiction efforts have increased to combat direct shipment of drugs from Colombia to Puerto Rico, forcing opportunistic drug lords to seek alternative routes. Thus Haiti, a mere 15 hours from Colombia by speedboat, seems a perfect candidate, a mere overnight passage in a boat. Because commercial shipments from Haiti to the United States are scarce, illegal drugs are transported from Colombia into Haiti and across Haiti into the Dominican Republic and then the short distance to Puerto Rico. Puerto Rico is only about 75 miles away at its closest point to the Dominican Republic. These drugs go into Puerto Rico disguised as legitimate commercial shipments. Once they are in Puerto Rico, they are virtually home free into the United States.

Drug traffickers realize that once the drugs land in Puerto Rico, they are virtually home free because of the special status of Puerto Rico as a U.S. Commonwealth. That is the route. And it is increasing every single day, the transshipment through Haiti.

Apart from the strategic location, Haiti has become increasingly attractive to international traffickers because drug interdiction efforts are minimal in that country. Haitian law enforcement authorities present no threat to the drug traffickers. The Haitian Coast Guard consists of only a few boats, and it is simply outnumbered and outgunned by the Colombian professional drug lords.

The Haitian Coast Guard has had, with our help, a few successes. With the assistance of the United States, in 1998 Haitian authorities have seized 1,000 pounds of cocaine, 500 pounds of marijuana, and 25 pounds of hashish oil. But serious problems remain that when Haitian law enforcement succeeds and actually makes a seizure, Haiti's slow and ineffective criminal justice system does not act as a serious deterrent.

In addition, the fledgling Haitian National Police has only 24 agents devoted to the drug problem—24. Granted, this counternarcotics unit was just established last year. I am told there are plans to slowly increase the number of personnel. There is apparently a leadership problem within the unit. Hence, more training is absolutely essential.

Sadly, some evidence also exists that those responsible for upholding the law in Haiti are themselves part of the problem. Last year, the Haitian Government arrested 21 of its own policemen on narcocorruption charges.

Money laundering appears to be on the rise as well. Until several years ago, only a handful of banks existed in Haiti at all. That number is said to have more than doubled, or even tripled, in the last few years.

The transit of drugs in Haiti represents a serious threat to an already fragile democracy. The United States should pay close attention to this growing concern—for there is a threat that Haiti could turn into a full-fledged narcostate, completely controlled by the drug lords with institutionalized power. If Haiti's current political vacuum is filled by these drug cartels, it will then be too late. We simply must not allow that to happen.

The Clinton administration's budget for next year in regard to drugs calls for $166 million for international narcotics and law enforcement affairs for all of Latin America and the Caribbean. Of that $166 million, no assistance is earmarked specifically for Haiti. Rather, any assistance for Haiti comes from a general fund. Through this general fund, Mr. President, Haiti is expected to get a meager $400,000, up from an estimated $300,000 in 1998—this despite the fact that a country like Jamaica has a requested earmark at $800,000 and the Bahamas have an earmark of $1 million.

I believe the President's proposed budget would not do very much to stem the tide of drugs flowing through Haiti. A better effort to seize these shipments simply must be made. That means, of course, more investment in training the Haitian Coast Guard. We are doing some of that, Mr. President. It means, further, the Haitian police counternarcotics units must be professionalized.

It also means a U.S. law enforcement presence in Haiti and the Dominican Republic. When I visited Haiti 2 weeks ago, there was one DEA agent in all of Haiti—one. I was told at the time that two more were on the way. Next door, in the Dominican Republic, when I visited the Dominican Republic, I found they have one permanent and one temporary DEA agent. That is three for the entire island. This is a very small presence considering the fact that Congress has authorized over 100 DEA agents for the Caribbean alone. I was disappointed to find the lack of serious counternarcotics plans for both of these countries. We do not have a plan. I recommended that we do more.

I must say that I had the opportunity late yesterday afternoon to talk on the phone to Secretary of State Madeleine Albright about this issue. She informed me and assured me yesterday when I talked about this that shortly the United States will be beefing up its DEA presence, the number of DEA agents in both Haiti and in the Dominican Republic. I applaud that. We need to do it, and we need to do it immediately.

Let me make today my specific recommendations in regard to this area. One, we have to increase our DEA presence in Haiti. One is not enough. Two, we must increase Coast Guard personnel and boats in international waters around Haiti and the Dominican Republic. Three, we must slowly increase our counternarcotics assistance resources for Haiti. The Clinton administration's proposed fiscal year 1999 budget would provide foreign aid to Haiti in a total aggregate of over $182 million. That is the proposal. Yet the proposed budget by the Clinton administration only provides $400,000 in counternarcotics assistance. Clearly, we have to do more.

When we consider the top priorities in U.S. policy toward Haiti, counternarcotics matters should be clearly at or near the top of the list. Having said that, it is important to note that just giving more money to the weak and inefficient Haiti National Police counternarcotics unit and to the Haitian Coast Guard won't solve the problem. It won't solve the problem, because these institutions are weak, and because they are weak, we first need to focus on training. As these institutions slowly become more professional and efficient, we must incrementally, then, increase our counternarcotics assistance to them.

Let me turn now to probably the most serious problem that Haiti faces. That is the political impasse which has plagued this country for 10 months. The political impasse means there is virtually no Government in existence. A political impasse stops any kind of progress that this country might see. When we look at the challenges I have already described in regard to Haiti, challenges of social stability, law enforcement, and drug trafficking, all of these are symptomatic of a larger problem. The larger problem is the political paralysis that exists within the Haitian Government itself.

Since the Prime Minister resigned from office last June, there has not been a functioning Government. Charges of election fraud in the April 1997 election still remain unresolved, halting any real democratic and economic progress. In conjunction with the international community, the United States must pressure the Haitian Government to, one, resolve the current crisis; and, two, allow for greater international administration and monitoring of the upcoming elections.

Mr. President, almost 10 months ago, then Prime Minister of Haiti, Prime Minister Rosny Smarth, stepped down from his position due to his frustration with the Government's inability to resolve an electoral dispute and implement his economic modernization plan. Since then, a Prime Minister has not been confirmed by the Parliament. The Prime Minister is designed and designated as the Chief Executive of the Government. He appoints the Cabinet and basically runs the Government. Without a Prime Minister, the country simply cannot function.

The current political impasse stems from pervasive fraud and improper vote tabulation in the April 6, 1997, elections. Not only have the opposition of the parties demanded that the April 1997 elections be annulled, the international community, including the United Nations, has deemed the elections—which produced only a meager 5 percent turn out—fraudulent. The political parties, led by OPL, insist they will not move forward on a Prime Minister candidate until the issues surrounding the 1997 April elections are finally resolved.

This paralysis in Government is being felt everywhere. Economic reform efforts have stalled, the legislature has not passed a budget, it has not enacted structural reforms needed to free up over $100 million in foreign assistance, nor has it approved loans for millions of technical assistance.

The lack of a Government has halted the process of privatization and made it difficult to implement civil downsizing. Finally, it has discouraged potential investors who could play a key role in economic development and in improving Haiti's image. Regardless of the countless visits to Haiti in the last year alone by very senior U.S. Government administration officials, up to and including Secretary Albright's visit this weekend, there has not been a real movement toward a solution to this crisis.

One thing that is clear to me after my recent visit is that the United States cannot do for Haiti what it will not do for itself. The Haitians first have to realize the need to solve their political crisis. They have not yet hit rock bottom, and maybe that is what it will take to create the political will to move forward. Unfortunately, I do not yet see the requisite political will and determination in Haiti.

What complicates matters even more is that there are upcoming national and municipal elections slated for November of 1998 in Haiti. Hundreds of seats are up, including the entire lower

Chamber, up to two-thirds of the Senate, and all municipal seats. The problem is, there hasn't been a resolution to the irregularities surrounding the previous election, and as the clock continues to tick, we are getting closer and closer to even more elections, including the Presidential election scheduled for the year 2000.

During my visit, the Haitian political parties made very clear the importance of this November's election. So far, however, the international community has not developed a united or current strategy for this crucial election. I recommended that the administration—our administration—work with the international community to take the following measures:

One, we must pressure the Haitian Government to allow the international community to take a lead role in the upcoming election; two, we must insist on the establishment of a credible, nonpartisan, competent electoral commission to oversee that crucial election; three, we must insist there be a fair, equitable, and transparent resolution to the numerous controversies resulting from the 1997 electoral fraud; four, we must urge the Haitian Government to reform the electoral and political party laws to level the playing field; five, we must insist on attention to several important technical matters, such as the voter registration list, voter cards, access to state media, and access to state financial resources as stipulated in the Constitution and in the electoral law; six, we must ensure that the police do not become politicized, favoring certain factions or parties at the expense of others; seven, we must encourage a visit by a high-visibility delegation of notable world leaders to go to Haiti and observe the election. This kind of high visibility would help force the Haitian Government to agree to fair and transparent standards for the election. And, finally, we must provide funding for the International Republican Institute and the National Democratic Institute to continue their political-party-building programs in Haiti.

If the current election impasse is broken, the IRI and NDI will need money to help support the crucial institutional election programs that make for open, democratic elections. Unfortunately, several political parties made it clear to me during my visit that they viewed the U.S. Government as strictly aligned with the ruling party of Preval and Aristide, that they are not getting the attention they deserve regarding a resolution to the current crisis. I strongly believe that if we are going to help establish a true democracy in Haiti, we need to stress the importance of political party pluralism in that country.

Mr. President, in light of these benchmarks, I strongly urge that no U.S. assistance should be used to underwrite the November elections until and unless a settlement of the impasse of the April 6, 1997, elections is reached—and until a fair and independent electoral council is established in accordance with the Haitian Constitution.

Since 1995, Mr. President, the United States has provided almost $17 million for elections in Haiti. Strangely, of $182 million requested for fiscal year 1999, the Clinton administration has only asked for $900,000 for these upcoming elections. My first reaction to this is that this specific assistance request is simply not enough for this important election. But before we consider ways to sustain and consolidate democracy in Haiti, by building infrastructures and institutions, it is essential to have the first true element of any democracy; that is, the ability to have free and fair elections. Our administration should make the upcoming election a priority and work with the international community to pressure the Haitian Government to have a fair and transparent election.

Having said that, Mr. President, if the Haitian Government is not willing to make the election a priority and agree to these simple and obvious benchmarks, then there is no use for the United States to administer this kind of assistance for any future election. The money would simply be wasted. We must have a commitment first. We need to know the Haitian Government is serious before we agree to get involved in the election. Our administration should coordinate with other international donors to develop a common front based on agreement to this basic principle.

Let me turn to Haiti's economy. Haiti is an impoverished country that simply cannot afford further political shenanigans.

The Haitian economy has experienced dismal growth while experiencing some growth in the underground market—primarily, contraband and drugs. Private investment is absolutely critical if Haiti is going to create new jobs and put an end to the cycle of poverty. Several key things the United States should pursue include: 1, extending trade preferences to the CBI beneficiary countries under the Caribbean Basin Trade Enhancement Act; 2, we should urge the Haitian Government to begin implementation of its long-delayed plan to reduce the civil service; 3, we should urge the Haitian Government to move forward with privatization efforts; 4, we should find ways to empower the chamber of commerce communities in Haiti, particularly those interested in economic development. We must empower these chamber communities; they have a tremendous potential.

Mr. President, last year the Haitian economy experienced tepid growth of only 1.1 percent in the formal sector—down from 2.7 percent in 1996. The informal, or nontaxed, sector experienced slightly higher growth of 2.2 percent. It is important to note here that this growth is largely due to the tremendous amount of foreign assistance provided by the international donor community. The reality of the Haitian economy today is that but for the donor contributions to the economy, the economy would have negative growth during the last several years.

This slow growth is causing problems for the Government, through increased tax revenues—and the failure to meet Haitians' expectation that Haiti would begin a period of sustained economic growth and job creation in a country with chronically high unemployment and underemployment. While economic growth is slow or nonexistent, it is well known in Haiti that the underground market—primarily contraband and drugs—is on the rise.

The Preval administration in Haiti is faced with a difficult fiscal situation, compounded by the lack of a fiscal year 1998 budget, suspension of international donor disbursement, and an inability to significantly cut spending.

The Government has trouble cutting spending because the bulk of Government funds go to pay the large civil service. Other factors include the Central Bank's financing of deficit spending, which has increased significantly in the first quarter of this year, and that is a very scary thought, Mr. President. Further, preliminary Government statistics indicate that tax revenues have dropped during the first quarter of this fiscal year, largely because of a strike in the tax office.

The Government of Haiti is moving to implement a cash management program that would limit spending to expenditures. But President Preval will face difficulty putting such a program in place, never mind sustaining it, if Government workers press for wage hikes to keep up with inflation. Inflation was roughly 17 percent last year. Price hikes for basic foodstuffs will further impoverish more Haitians and could spark demonstrations against the Preval government in the coming months.

Now let me turn to the important issue of privatization.

Though at an extremely low pace, the Government of Haiti has completed the privatization of the country's flour mill, and the privatization of the cement mill will be completed as soon as the new Prime Minister is approved by the Senate. Three other high-priority privatization projects are said to be on track to begin the bidding process later this year—the airport, the seaport, and the telephone company.

Resources have been made available by the international community to ensure that the bidding process is open and transparent and fair to prospective purchasers. During my recent visit, both U.S. and Haitian officials acknowledged the difficulty that can be expected in privatizing these three projects. The main reason that they will have difficulty, of course, is that these state-owned enterprises, particularly the seaport, are a source of revenue for the Government of Haiti. Furthermore, former Government cronies are allegedly involved in the telephone company. The U.S. Government needs to continue pressuring the Haitians to privatize these facilities.

But budget balancing and privatization are just the beginning. Private investment is absolutely crucial if Haiti is going to create new jobs and end the cycle of poverty. To attract new investments, I propose the following specific steps:

One, the United States should extend trade preferences to the CBI beneficiary nations under the Caribbean Basin Trade Enhancement Act. This would tell investors the United States is prepared to help Haiti and other island nations diversify their economies through special tariff breaks.

Two, the Clinton administration should develop a new loan guarantee initiative for Haiti through the Overseas Private Investment Corporation. These loan guarantees would help make small to medium-sized loans available, **$10,000** to **$100,000**, to businesses that are prepared to move to Haiti and start new enterprises. Each job in the assembly sector supports at least another 7 to 10 Haitians and also creates secondary spinoff jobs.

Three, we must urge the Haitian government to move forward with the privatization of the remaining state owned enterprises;

Four, we must urge the Government of Haiti to begin immediate implementation of its long-delayed plan to reduce the size of the Haitian civil service. The necessary Haitian laws have been passed to begin this process. Unfortunately, however, the Civil Service Reform Act, which mandates the reduction in the civil service, has a sunset provision which expires this fall. The U.S. Government and the international community need to pressure the Haitian government to implement this important law. Further, $20 million in international assistance is available to underwrite this program. Implementation of this program would be a tangible signal to investors that the Haitian Government wants to work more efficiently.

Five, we must work with the FAA and Department of Transportation to improve airport facilities and ensure that the airport meets all international safety standards. The airport is a vital access point for tourists and promotes the free flow of Haitians to and from the country. These Haitians help the economy with their remittances, and provide a healthy dialogue with on-island Haitians about the benefits of democracy. The FAA has a number of current concerns about the airport, and is currently addressing them. We must ensure that the airport is operated efficiently and safely, because it is the principal entry and exit point for Haiti.

Sixth, work with the government to ensure the privatization of the sea port. Mr. President, the sea port is plagued with inefficiency and corruption. It is certainly the most expensive port in this hemisphere to ship into or out of. The port must be privatized and modernized for better efficiently and productivity. I also recommend that the Clinton Administration urge the Haitian government to privatize other ports in Haiti as well.

Seven, find ways to empower the Chamber of Commerce communities in Haiti, particularly in the secondary cities. The Chamber of Commerce in Cap Haitien, for example, is energized—and is working with the local mayor and government to further develop the city. Mr. President, compared to Port-au-Prince, Cap Haitien almost felt like a different country. It's the attitude that was different. For instance, the business community is eagerly seeking foreign investors, and in fact have already been able to secure some investment. Currently, there are two cruise lines which occasionally visit Cap Haitien. The Haitians on the street welcomed us. I remember one elderly woman who came up to our delegation and said: "God bless you. I am so happy you are here. You give us hope." They want tourists. They want people to come in. Findings ways to work with and encourage Haitians in areas such as Cap Haitien, where their willingness is more visible than in Port au Prince, is something we should pursue.

AGRICULTURE

Mr. President, let me now turn to one particular economic sector that is especially crucial to Haiti's future, and that is agriculture.

Amazingly, tragically Haiti imports two thirds of its food. Every day, thousands of Haitians leave rural areas where they are unable to provide for themselves and flood into the cities which are unable to sustain the population pressures. Right now, approximately 20 percent of Haiti's population lives in Port au Prince. The rest live in secondary cities and the countryside. If this trend continues unchecked, Haiti will not be able to alleviate poverty and starvation. In the long run, agricultural and rural development is critical to the goal of Haiti providing jobs, income and food for its population.

Agriculture production is extremely low for many reasons.

Topsoil has eroded because most of the trees are harvested for charcoal—the major source of Haitian fuel.

Technical skills are lacking—skills as basic as soil conservation techniques, tree planting, and caring for animals.

Basic technology is lacking—including soil and water conservation techniques, tree grafting for higher quality products, crop improvement and improving the genetic base of crops.

Rural infrastructure is deficient. Farmers do not have access to capital or credit, and little access to seeds, saplings and fertilizers.

Delivery mechanisms, including market access and techniques are inadequate and need to be developed.

During my visit, I was encouraged by the U.S. Agency for International Development's Productive Land Use System Program or PLUS Program. To increase output, PLUS works directly with farmers to improve techniques in the fields. These activities are undertaken in collaboration with Haitian farmers. The program deals with the environmental problem through the farmers' own self-interest. This kind of assistance is what works best. This partnership has been a success for local Haitian farmers and should be continued.

In addition, I believe Haiti's strategies for development should focus on the preservation and reclamation of the natural resource base. Linking production and income generation with resource conservation and management activities is being done by field teams that reach farmers through the grass roots. This is similar to our own very successful cooperative extension program in the U.S. We do it better than anybody else. We are now trying to export it and are exporting it to Haiti. This is a good example of something that should be expanded throughout Haiti.

To further develop the rural and agricultural sectors of Haiti, attention needs to be given to a decentralized development strategy. I believe that continued focus on nongovernmental organizations is appropriate. I believe that we should be promoting regional development and that associations linking private sector interests with local government need to be established. One way to do this is to link our own successful foundations and institutions of higher education such as Ohio State University together with local Haitian interested in pursuing this goal.

The Haitian farmers I met understood that the sound environmental practices and productive agricultural and marketing techniques led to an improved standard of living. If we can help them expand these techniques, they can make the staying in the rural areas more attractive and stem the current tide of urban migration.

AID has also been working to help establish marketing cooperatives. One such cooperative is Servi Coop. which has allowed some Haitian cocoa farmers to have a new market for their goods. Historically, Haitian farm prices have been keep down because farmers have only had one ultimate export source to sell their products to. This AID program is attempting to change that and to create competition. When they have competition, they bid up the price and Haitian farmers have already begun to see in certain areas that type of improvement in their prices.

U.S. TROOPS

Let me talk about the 475 that we have currently stationed in Haiti. Their mission is twofold. First, to provide a visible presence for stabilization. Second, to receive real-life training for readiness—training that can prove extremely beneficial in wartime.

Through humanitarian and civil operations, our troops have built infrastructure and have medically treated thousands of Haitians. Their presence has had a positive impact in Haiti. Their presence, their mission, should continue.

While in Haiti last week, I had the opportunity to visit with our troops. As I said, there are currently 475 of them—down from approximately 2,000 troops in 1996. This year's troop levels will likely range between 475 and 600 on any given day, depending on the number of military personnel at any given time temporarily deployed to Haiti to perform the various humanitarian and civic operations.

Our troops engage in a variety of operations. Just in the last two years, U.S. troops have built or restored approximately 13 miles of roads, repaired or renovated 36 schools, dug 23 wells, and restored a University Hospital. They have treated over 50,000 Haitians and have trained over 200 Haitian health care providers.

The goals for our troop this year include: continued humanitarian and civic operations, such as medical and infrastructure building; and port call visits. One new project our military will undertake is building a maritime operation center in Jacmel to be used by the Haitian Coast Guard. Because of Jacmel's strategic location as a potential drug transit area, this facility will be very helpful for counter-narcotics operations. By the end of this fiscal year, U.S. troops will have renovated or built two other schools, distributed over a million dollars in medical supplies, and treated over 18,000 Haitians.

Our military presence there has had a profound and positive impact. Our troops repeatedly told me, as I talked to them, that they feel useful and generally feel safe. While significant violence is still taking place among Haitians, the U.S. troops that I talked to told me the Haitians understand their presence and, by and large, welcome them there.

Further, the military officers that I talked to, our men and women, told me they have generally found no substantiated evidence of targeting of U.S. forces in Haiti. The vigilantes—those who take justice into their own hands and engage in serious violence through gangs—have apparently not targeted U.S. forces.

Because the conditions in Haiti are so bad, our troops say that the humanitarian and civic work they do is having a tremendous impact, both on Haiti and on their own training. I was told a story by a U.S. military nurse in Haiti who recently treated a child who had conjunctivitis. The little girl was close to losing her eyesight. If it had remained untreated for 2 weeks, the doctors told me, she would have lost her eyesight. The nurse in this case, U.S. military nurse, treated this little girl with eyedrops which saved the girl's vision. The American nurse told us: "I feel useful every day. I feel like I'm doing something."

She is not alone. Thousands and thousands of U.S. citizens travel every year to Haiti to provide humanitarian assistance. When I arrived in Haiti 2 weeks ago, the morning I arrived our troops informed me that several of their key personnel were at that very moment involved in a medical emergency involving U.S. citizens. Three U.S. missionaries had just been in a very serious car accident. A U.S. civilian policeman overheard reports of the accident on his two-way radio and was able to get a helicopter to pick up the individuals and transport them to a medical facility at the American base.

As I arrived that morning at the base, I saw one of the individuals literally being carried into an ambulance to be taken to the operating table. An hour later, during lunch that day, a soldier from Ohio, with whom I was eating lunch, told me he had helped treat the Americans, these American missionaries. He gave me an update on their condition. It was abundantly clear that our troops had saved the lives of these missionaries. This limited U.S. military presence is having a profound positive effect. If we maintain this limited mission then, in my view, our troops' presence should continue for the time being.

The best news in Haiti, though—in addition to our troops who are there and the great work they are doing—the other good news in Haiti comes from the good works of thousands of individuals who are working to make a difference in the daily lives of Haitians. I met many innovative Haitians who were passionate about improving life in Haiti. They are not part of the Government, they are private citizens. And they have been joined by people from around the world who work in every aspect of society. They help the poor, the orphaned, the starving, the elderly, and the sick. It has been an inspiration to visit these people on my trips to Haiti and to visit their projects.

Let me just talk about a couple. In 1980, Dr. Guy Theodore, a retired U.S. Air Force colonel, founded a health clinic in Pignon to serve a poor rural Haitian community. Through Dr. Theodore's leadership, hard work, and his determination, the clinic has now one of Haiti's most successful comprehensive help and development programs. The hospital serves 150,000 people and provides health services, women's literacy programs, credit programs, an innovative water and sanitation program, and environmental and community development programs.

It was here when we were traveling out in the country that we happened to meet a group of doctors from Fargo, ND. The eight men and women who traveled there traveled at their own expense. They raised $20,000—enough money to send them and their equipment to Haiti for a week of surgery and medical work. They were giving their time to make a difference to many suffering people.

In Cap Haitien, we met three nurses from Georgia who were working through Emory University. They told me about the work they were doing, training local people about basic health and sanitation, and they encouraged me to urge other American universities to consider cooperative ventures to train more Haitians in these important works. One nurse whom I talked to had been coming to Haiti and working in Haiti for 17 years.

On a previous trip, in the town of Lescayes, we met Father William Konicki, who gave us a tour of his home for the elderly. People who had nowhere to sleep, nothing to eat, people who were sick and disabled, they all found a place to live and be safe with Father Konicki. Without Father Konicki's tremendous efforts to make something out of nothing, these elderly people would have starved to death.

Some of the most difficult stories have to do with Haiti's orphans. Because of extreme poverty, high premature death rates among adults, parents, and AIDS, thousands of Haiti's children have been orphaned or abandoned. Many end up in places that provide no more than shelter. The children come malnourished and diseased. Often the only food these children eat comes from the U.S. Public Law 480 title II feeding program. Last year, the administration announced a plan to phase out the part of this program that served orphans, the elderly, and individuals with AIDS.

Through legislation, I worked closely with appropriators in Congress to secure funding for fiscal year 1998 at the same level as fiscal year 1997. I will continue to fight for this money for these children. It is the only food many of them have. If this money is not approved, we will literally be taking away the only food these children have to eat.

These are pictures of the food ration that our Public Law 480 actually provides. This may not look too appetizing to us in the United States, but this is a meal that provides these children—

they get one meal a day—it provides them with a well balanced, nourishing meal. It allows them to be healthier, frankly, than most children are in Haiti. That is what that Public Law 480 funds provide. There are tens of thousands of children like this in Haiti.

There are many caring adults who run the orphanages I have referred to. Mr. President, 67-year-old Sister Veronique, a Haitian-born nun whom I have gotten to know and my wife has gotten to know over the last few years, picks up abandoned babies from the hospital every time that she has an open bed. These are children who are about ready to die. Many times they are not true orphans, they are brought into the hospital when people are so poor they bring the children in—they try to keep them at home, but then when they know they are about ready to die or think they cannot keep them any longer or they will die, they bring them into the hospital. What Sister Veronique does is, she goes to the hospital every time she has an open bed, she picks up another baby, and takes that baby back to her orphanage and tries to keep that baby alive. There are many, many success stories. Many of these children do, in fact, make it because of what Sister Veronique does.

Another nun, Sister McGonagle, from San Diego, spends 6 months of every year raising moneys for the Kenscoff Orphanage, where she works the rest of the year. Father Stra, from Italy, a Salesian priest, provides shelter for homeless boys and training programs for street children. We also met an American couple who bring Haitian orphans into their own home in Port au Prince, hoping to find permanent homes for these children later in the United States.

I am pleased that our United States Agency for International Development mission in Haiti is working to develop a local association of people to advocate for children and serve as a network for orphanages, so as to be able to share ideas and resources. This is an important idea and one that we should encourage and continue.

Let me say that after five visits to Haiti, I can assure my colleagues in the Congress that we have, working for the U.S. Government, a number of very dedicated people in AID, a number of very dedicated and talented people at our Embassy as well.

In conclusion, we should be clear. Haiti's democracy is not stable; it is in its infancy. As Americans, we find it hard to imagine a country that is not even able to hold elections. But the electoral fraud over Haiti's national and municipal elections last April, that cloud over those elections in which only 5 percent of the population even bothered to cast ballots, has brought government there to a halt.

There has been a political impasse since last June, when President Rosny Smarth resigned. In fact, it seems that all the key players, the Haitian Government and the other parties, have decided not to resolve this crisis.

That is why this weekend's visit by Secretary of State Madeleine Albright is so critical. I understand she intends to meet with the two Lavalas parties, which I think is necessary. However, I am surprised to hear that she has no plans to meet with the other opposition parties. I think that is a mistake. It is critical that she meet with the other parties as well. This will encourage their participation in the next elections, and keep them involved in the national political dialogue and will send a signal to the current Government of Haiti of what true political pluralism really means.

Until this political impasse has been resolved, we should not be pledging any kind of financial support for future elections. Indeed, our Haiti policy must be something more than a blank check. Without specific measurable goals, monetary aid to Haiti is an unguided assistance program in search of a policy. It seems to me that we must export our ideas along with our aid. It will take more than just money to bring stability to Haiti; it will require a comprehensive plan and Haitian political will. Without these key elements, all the money in the world will not do any good in Haiti.

I think it is clear that the United States needs to work with the international community, develop a coherent and well-planned strategy, and together pressure the Haitian Government to first resolve the current political crisis. Furthermore, before Haiti can prosper—both democratically and economically—the government must address—and make a commitment to—three key factors: (1) hold free and transparent elections; (2) combat the increasing threat of drugs; and (3) reform the "broken" judiciary.

I have suggested that in these three key areas—which do not currently receive significant funding from the United States; it is a relatively small amount of money that we put in Haiti—that increased funding should be considered if certain benchmarks are met as I have outlined. Current budget request figures for these three areas do not exceed $10 million, a relatively small part of the total Haitian commitment. These priority areas though are essential and our administration should pay close attention. We must pay close attention to whether the Haitians are willing to address these three specific problems: hold free and transparent elections; combat the increasing threat of drugs; and reform the broken judiciary. Unless they are addressed, it is very hard to see how any real democratic progress and economic development can possibly ever take hold in Haiti.

In two of these priority areas—politial and judicial reform—we must find ways to work with the government. We have no choice. Simply, it will take political will by the Haitian Government to achieve any progress in these areas. Let me make it clear: The United States cannot and should not make an investment in these areas without a clear commitment from the Haitian Government.

As I mentioned before, we can't do for the Haitians what they cannot and will not do for themselves. The political will must exist.

However, Mr. President, there are areas where we can't stand by and wait for the Haitian Government to act. There are ways that the United States can work around the government to provide a semblance of hope for the Haitian people and some stability to that country. These areas include agriculture reform, feeding programs, and other areas of humanitarian support. With respect to drugs, here, too, we cannot wait—we must take action now to reduce the flow of drugs through Haiti. It is in our national self-interest. If we do not do that, we risk the entire nation turning into a narcostate with tragic consequences not only for Haiti but for the United States. No doubt, long-term drug control will require greater cooperation with the Haitian Government, but our Government should devote its resources now to respond to the current threat.

I look forward to working with my colleagues both in the Congress and in the administration to address these priorities, and help create a strategic long-term vision for our policy toward Haiti.

Mr. President, before I yield the floor, I thank you personally for your forbearance this morning and this afternoon. I appreciate it very, very much.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that I may proceed in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNET SERVICE PROVIDERS AND UNIVERSAL SERVICE

Mr. ROCKEFELLER. Mr. President, I want to talk today about a subject called universal service, and the threat it faces because of the Federal Communication Commission's—the FCC's—policy regarding Internet service providers. When we passed the Telecommunications Act of 1996, a number of us—a bipartisan group called the Farm Team—fought hard to include Section 254, the section that ensures our nation's continued commitment to universal service. This section is the heart and soul of this new law, because without this fundamental commitment, telecommunications service in rural areas would not be affordable. Without it, we will watch a new world of haves and have-nots when it comes to telecommunications and access to the Information Age.

When I deal with this issue, I am painfully reminded of another example of deregulation: the airlines. West Virginia and other rural states got the short end of the stick on airline deregulation, and we continue to pay the price for it. That's what made me and others so determined not to let this happen under the Telecommunications Act. We knew we had to make sure that the idea of universal service was not simply expressed as a goal or listed in some weak section—we made sure it was a statutory obligation explicitly stated in the Act.

Maintaining universal service involves a number of issues. Senator STEVENS took on most of these by demanding a major report from the FCC on their progress regarding universal service, in a provision in last year's appropriations bill that funded the FCC. That report is due April 10, and many of us are looking for serious answers from the FCC to the many questions we have about the direction they are heading with regard to universal service funding.

Two big concerns are, (1) the FCC's ill-advised decision to provide only 25 percent of the costs of universal service, leaving the remaining 75 percent to the states; and (2) their decision to only fund the FCC's portion of the high-cost fund from interstate revenues. I do not believe that rural states can live with either of these proposals, because what we'll get are higher rates and dwindling investment in our local telecommunications networks. This simply does not square with the Act's promise of delivering comparable services at comparable rates. Section 254 was designed to ensure a national standard of affordability for telecommunications services, and that is a standard we simply must live up to.

In the 1996 law, we recognized that the maintenance of the nation's telecommunications network is a shared responsibility—and one that provides shared benefits. It is in our national interest that everyone be able to affordably make calls from anywhere and to anywhere in the United States.

This isn't a radical concept. As a nation we share responsibility in many areas. My colleague Senator DORGAN points out that land-locked states like West Virginia, North Dakota and Montana all help pay for the Coast Guard, even though our citizens use those services far less than others. I certainly wouldn't advocate that we stop supporting the Coast Guard, and the same principle applies here. Shared Responsibility.

I will have more to say on these subjects as the FCC moves forward on implementing universal service. Today I want to focus on the subject of internet telephony, and how the FCC's current regulatory policy threatens the promise of universal service.

The problem is that the FCC's current policy is basically a policy of letting so-called information service providers avoid paying for their fair share of universal service, even though these companies are delivering services that are clearly telecommunications services and which burden the local network. Senator STEVENS has been the most vocal leader on this issue, and I want to praise him. We both come from high-cost states, and we both know the importance of changing the FCC policy so that their mission to maintain universal service can be fulfilled.

Where this problem is most clear is in the current offerings of long distance telephone service over the Internet. It's a very real trend and a rapidly rising trend. In fact, I will submit two articles for the RECORD that tell this part of the story, one from Businessweek and one from the New York Times. I ask unanimous consent they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times]

THE NEWEST PHONE WAR

(By Noelle Knox)

Consumers looking for the cheapest long-distance telephone rates need only log onto the Internet, the newest arena of intense competition, where companies are offering special prices from 5 to 10 cents a minute.

This week, the AT&T Corporation is expected to start offering its Internet customers long-distance calls at just 9 cents a minute, matching new rates introduced recently by MCI Communications.

Both giants are scrambling to respond to the initiative of a little player that had a big idea: Tel-Save Holdings, a long-distance provider in New Hope, PA., that caters primarily to small and medium-sized businesses. Since Dec. 18, it has contracted with America Online to offer the 9-cent-a-minute rate to the on-line service's 11 million subscribers. With promotions on its main screen and in full-page newspaper ads, America Online has signed up almost 400,000 customers so far, and expects to have a million by the end of June.

Many industry experts call such programs the start of a revolution that will lower all long-distance rates, a result of making a connection in consumers' minds between the Internet and phone service. Eventually, the experts say, the Internet will become a major transmission vehicle for the calls themselves and the line will blur between telephone and Internet.

"It's going to change the industry," said Jeffrey Kagan, a telecommunications consultant and author of "Winning Communications Strategies" (Aegis Publishing Group). The new rates are just the beginning, he said, adding, "The question is: How low can they go?"

A long-distance company can offer a lower rate to Internet customers because the company saves money. The customers enter their own billing data when they sign up, and in most cases must pay with a credit card, receiving their bill through their computers. For the companies, that means no paper bills and no postage costs, while the reliance on credit cards also reduces the companies' exposure to bad debt.

Not all the long-distance carriers are joining the Internet price war. The Sprint Corporation, which offered the first 10-cent-a-minute plan, does not offer internet customers a better rate. "We think it's restrictive to say one kind of customer can get one kind or rate and another customer can get another kind of rate," said Robin Pence, a spokeswoman for Sprint.

She also criticized the Internet-based marketing plans because they usually provide customer service only on line.

Still, many telecommunications executives and analysts say that this is only the beginning of a shift toward new kinds of communication via the Internet. The current Internet plans offer new rates for long-distance calls carried by traditional phone lines, but AT&T plans to start a cheaper service in May that will carry long-distance calls over an Internet-style network.

That service, called AT&T World Net Voice, will start in three cities, still to be announced, and expand to 16 by the end of the year. AT&T will charge 7.5 to 9 cents a minute for calls using Internet protocol.

Internet protocol, or Internet telephony, as it is also known, uses a regular phone. But a separate transmission switch digitizes and compresses the caller's voice into packets of data that are moved through the Internet and reassembled at the phone on the other end.

"From AT&T's point of view, Internet protocol is critical to our future success and growth," said Daniel H. Schulman, a vice president at AT&T's World Net Service. "In fact, we think the Internet protocol is to the communications industry what the personal computer was to the computing industry; it's that fundamental a change."

The technology, though, which is just two years old, is still slow and cumbersome. Many people who use Internet protocol for long-distance calls report frustrating time lags between the speaker and the listener. AT&T says it has reduced the delays, but callers must still dial a local access number, wait for a prompt, enter an authorization code and then dial the number they want.

But with improvements in quality in the next five years, the Internet telephony business is expected to grow from less than $1 billion a year today to $24 billion—about 17 percent of the projected United States long-distance market, according to the International Data Corporation.

About 25 million American homes are connected to the Internet. And their occupants tend to be more affluent and make more long-distance calls. In a survey last year, International Data found that in homes with a personal computer connected to the Internet, the average respondent was 41 years old, had a household income of $70,400 a year and spent an average of $58 a month on long-distance calls. Among households without a computer, the average respondent was 47 years old, had a household income of $38,700 and spent an average of $30.50 a month on long-distance calls.

While it may make good business sense for long-distance carriers to focus on the most profitable market segment, some consumer advocates are not impressed.

"What we've constantly seen here is benefits for volume users at the high end of the market, while rates have actually risen for consumers at the low end of the market, unless government has intervened to put a lid on rates, or forced them down," said Gene Kimmelman, co-director for Consumers Union.

But Mr. Kagan, the telecommunications consultant, predicted that as Internet telephony improved, it would push down all long-distance rates. "Within a year's time, we're going to see traditional long distance down to the 5-cent mark," he said.

As the long-distance industry changes, the line separating telephone and Internet services may start to break down. Customers might buy telephones with a screen, for example, and dial into the Internet to place a call. Long-distance companies may start focusing on other, more profitable businesses, like cellular phone service, pagers, call forwarding and electronic mail.

"Long-distance companies will still make plenty of money, but they will make it from these higher-margin services," Mr. Kagan said.

LONG-DISTANCE SAVINGS A CLICK AWAY

Long-distance phone deals are proliferating on line. Most programs provide billing and customer service over the Internet: payments must be made by credit card.

Rate	Restrictions
TEL-SAVE—WWW.AOL.COM	
9 cents a minute	Available only through America Online. Service will be offered through Compuserve in 2 to 4 months.
MCI ONE NET SAVINGS—WWW.MCI.COM	
Mon.-Sat.: 9 cents a minute; Sun.: 5 cents a minute.	State-to-state calls. Also offers telephone subscribers a monthly $5 discount on Internet access.
AT&T—WWW.ATT.COM	
AT&T World Net: 9 cents a minute.	State-to-state calls. Rate is only for customers who pay $19.95 a month for Internet access through AT&T's World Net service.
AT&T One Rate Online: 10 cents a minute.	State-to-state calls. $1 monthly fee. This plan saves $3.95 a month off AT&T's non-Internet plans.
AT&T World Net Voice: 7.5 to 9 cents a minute.	State-to-state calls carried over the Internet. Must pre-pay a set amount with a credit card. Not available until May.
SPRINT SENSE ANYTIME—WWW.SPRINT.COM	
10 cents a minute	$4.95 monthly fee, which is waived for bills of more than $30 a month. This produce is offered to all customers, not just Internet users.

Source: The companies.

[From Business Week, Dec. 29, 1997]

AT 7½ CENTS A MINUTE, WHO CARES IF YOU CAN'T HEAR A PIN DROP?

WHY LONG-DISTANCE INTERNET CALLING IS ABOUT TO TAKE OFF

(By Steven V. Brull in Los Angeles, with Peter Elstrom in New York)

How can Qwest Communications Corp. get away with charging just 7½ cents a minute any time for long-distance calling—the ultra-aggressive pricing it announced on Dec. 15? For one thing, according to President and Chief Executive Officer Joseph P. Nacchio, "Long distance is still the most profitable business in America, next to importing illegal cocaine." As head of long-distance marketing for AT&T until last year, he should know.

Actually, Qwest can make its audacious offer—and still match AT&T's 17% to 20% net margins—because it sends its traffic over a private fiber-optic network using Internet technology. That method, says Nacchio, is far more efficient than that of the conventional carriers. Indeed, if Qwest makes its mark in long distance, it won't be for undercutting AT&T's best all-day rate by 50%—it will be for proving that Internet-based calling can steal significant amounts of traffic from ordinary long-distance circuits.

Easy to use. Qwest's offer heralds the coming of age of Internet telephony. Just a couple of years ago, making phone calls over the Internet was a challenge reserved for computer whizzes. Consumers still will have to dial a few extra digits to make cheap calls. But now, improved PC-based software and routers make it possible for Internet service providers to accept standard telephone and fax calls and send them over the Internet or private data networks and then back to the conventional phone network.

As a mass market develops, companies such as AT&T could lose millions of customers and billions in revenue to Internet calling. "In the next 24 months, we'll see a rapid migration," predicts Nacchio. Between 1998 and 2001, as much as $8 billion could be lost to Internet telephony, says Sim Hall, vice-president of research at Action Information Services of Falls Church, VA. "Internet telephony is going from novelty to mainstream next year," agrees Jeffrey Kagan of consultants Kagan Telecom Associates.

Besides being more efficient than standard voice networks, which consume bandwidth even when there is silence during a call, the new networks also bypass conventional long-distance carriers, who must pay local-access charges and taxes. Such fees make up 40% of the typical long-distance charge, Hall notes.

Unlike the pioneers of Internet telephony, bigger companies like Qwest mostly route traffic over their own networks. That lets them manage capacity to avoid the scratchy sound and half-second delays of some Internet phone setups.

Qwest isn't the only company with big ambitions in Net calling. WorldCom Inc.'s Internet division, UUNet, is taking aim at the $92 billion fax market. Early next year, it will offer nationwide faxing for 10¢ a minute, compared with the typical business rate of 15¢ a minute. International faxes to Britain will cost 19¢ a minute, half the average rate now.

Denver-based Qwest, which is building a $2 billion nationwide fiber-optic network, will offer its 7.5¢ rate on calls anywhere in the continental U.S. starting in late January in nine western cities. The network will expand to 125 markets in early 1999, when Qwest's national network is scheduled to be completed. Qwest also plans fax, video-conferencing, and other services.

Established long-distance providers are making their own forays with the new technology. In August, AT&T began offering domestic and long-distance calls from Japan at 40% off normal rates. Japan's Kokusai Denshin Denwa Co. created a subsidiary offering similar services worldwide on Dec. 16. MCI Communications Corp. and Deutsche Telekom are running trials.

While the data networks will help cut domestic long-distance rates, the big impact will be on international calls. The average long-distance call in the U.S. costs about 13¢ a minute, but the average international price is 89¢, Hall says. The gap has little to do with the extra cost of an international call, which is marginal. Rather, it reflects the pricing power of a small group of suppliers.

Hall predicts that phone company revenues per minute on international calls will fall more than 20% annually through 2001 and continue to decline. "The wheel has been set into motion," says Hall. Nobody knows how far it will spin, but at this point, it looks as if consumers will be the winners.

Mr. ROCKEFFELLER. These new long distance calls are offered at rates far below that of "traditional" long distance calls, with some at 7 cents per minute. While cheaper service is a good thing, the problem is that FCC policy has created a giant loophole that threatens universal service. Because of this policy, service can be offered over the Internet more cheaply because Internet-based providers can avoid paying access charges and universal service contributions. This is all because they offer their service using packet-switched technology through an Internet Service Provider, which allows them to escape the FCC's current definition of telecommunications carrier. The problem is that access charges and universal service contributions are what help maintain the local network, which is the most expensive part of the phone system. Without adequate support—and by allowing these companies to duck paying their fair share—we will let the local network wither on the vine.

It is important to remember that, aside from their regulatory treatment, the nature of both types of long distance calls are exactly the same. They are both spoken voice calls that occur over regular phones. There is no quality distinction between them for the consumer. It is also important to remember that both calls burden the local phone network in essentially the same manner. The only difference is that the FCC has chosen to define one as a telecommunications service and the other as an information service—even though any review of these calls in the real world would conclude that they are the same.

Further, we are already seeing evidence that this regulatory loophole is a multi-billion dollar incentive for all long distance carriers to move their traffic from the traditional circuit switched network to the Internet. The March 8, New York Times article that I mentioned earlier points out that the Internet will increasingly become a major transmission vehicle for phone service, and that in the near future "the line will blur between telephone and Internet."

It also points out plans by a number of companies to move more and more traffic to the Internet, including AT&T, and that in the next five years Internet telephony alone will grow from less than $1 billion a year today to $24 billion annually. John Sidgemore, the CEO of UUNet, goes further, and recently predicted that by 2008 traditional voice transmissions will represent less than one percent of total communications traffic—and under the current policy that one percent will be left to support universal service.

Senator BURNS chaired a hearing in the Commerce Committee a week ago that shed a lot of light on this important issue. We heard from Wall Street analysts who were giving us their opinions about the implementation of the Telecommunications Act. I asked them what they thought about this issue and the FCC's current policy regarding these so-called information service providers. The verdict was unanimous. The entire panel agreed that the FCC's current policy is flawed.

Tod Jacobs of Bernstein Research said, "it is certainly our opinion that the ISPs have been getting a free ride, and that there is no question that access charges, particularly once they get down to more cost-based rates, should be applied to those calls."

Scott Cleland, managing director of the Precurser Group of Legg Mason Wood Walker, said that "people should know that the Internet and data right now is by far the most subsidized entity in the business, even more so than the local monopoly." He added that, "Congress should realize that right now whether the Internet or whether data pays access charges or pay into universal service is the most massively distorting issue facing Congress in telecommunications; that we are at a fulcrum point."

But the key point made by Mr. Cleland was when he discussed the perverse effect the FCC's current policy will certainly have—that the FCC's policy actively encourages companies to game the system so that they do not have to pay access charges or contribute to universal service. This is the real bottom line, and Mr. Cleland got it exactly right when he said: "we are all just going to morph ourselves into a new definition and leave universal service to anybody who is not smart enough to take advantage of the new definitions."

Let me repeat that. The industry will "leave universal service to anybody who is not smart enough to take advantage of the new definitions."

That is a clear warning to all of us that care about keeping telecommunications service affordable in rural areas. And it should be a clear signal to the FCC. Many of us are looking to the April 10th report from the FCC for serious answers on this issue. I urge Chairman Kennard in the strongest possible terms not to try to defend the regulatory status quo with regard to Internet Service Providers. The Telecommunications Act includes specific language stressing that "universal service is an evolving level of telecommunications services. . . ." I believe the FCC's policy needs to evolve with it, particularly since all forms of telecommunications will increasingly rely on packet-switching and other types of advanced technology. I am not going to keep quiet about this issue. We fought too long and hard for the universal service provisions of the act, and universal service itself is far too important to the country for us to ignore this very serious problem.

Let me also be clear that I am not advocating any kind of extensive regulation of the Internet in connection with this issue. I think the growth of the Internet would not have occurred as rapidly as it has if it were subject to extensive regulation. But those who argue against regulation ought to be equally in favor of eliminating the unfair advantage the industry receives today as it avoids its universal service obligations at the expense of rural America.

Universal service is a fundamental principle. It is a statutory promise that Congress and the President made to Americans. It is worth fighting to preserve and protect. And I urge everyone in this body to take it very, very seriously.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PROPOSED TOBACCO LEGISLATION

Mr. ENZI. Mr. President, as we are heading out on the Easter recess, I want to wish all my colleagues godspeed and also make a small request of them while they are in their home States. That request is for them to thank the people that smoke for their contribution of $368.5 billion, or perhaps $510 billion. I think a lot of people out there think we are finally going to get to the big bad tobacco companies and get them to pay some money up front here and kick in for all the damage that has been done. But, really, the smokers are going to wind up paying this. I don't know whether it will be for increased tobacco costs, or whether it will be for an increased tobacco tax. At any rate, it is going to range from 50 cents to $1.10 or $1.50, or whatever they think will make a difference.

Having said that, I ought to mention that I had not accepted any money from the tobacco companies during my campaign. It could have been very critical, as I had a highly underfunded campaign. I was offered money from the tobacco companies, but I would not accept it. I could see this sort of debate and discussion coming up later. I didn't want to be seen as favoring the tobacco companies and will not be favoring the tobacco companies.

I have a lot of concerns, as we have gotten into this tobacco debate. In fact, the concerns have gotten to be so many that I am kind of depressed about whether or not there is any capability to do anything about the problem. When I was growing up, my folks smoked. Both my mom and my dad smoked, and they smoked a lot. In fact, I had the feeling that I didn't smoke because I could walk anywhere in the house, inhale, and get plenty of smoke. About the time I was a junior in high school, though, my dad saw a program on television. As part of this program, some kids visited a lab and they had a beaker about 6 inches in diameter and about a foot tall, half filled with some liquid. That was the amount of tar that the average smoker would have collected in their lungs. One of the kids reached into this beaker and pulled his fingers back up out of there and had strands of sticky tar hanging from it. At that point, my dad quit smoking.

He and Mom had talked about smoking for as long as I could remember and about all of the money they would save if they quit smoking. But they had not quit—well, they quit several times, but they had taken it back up again. My mom had always said that if my dad would quit smoking, she would quit. My dad saw the picture of the stringy tar coming out of the beaker, thought about his lungs, and quit. It wasn't easy, but he quit. After a couple of weeks of my dad having quit, my mom decided that she had to quit, too; that was part of the deal.

About a year later, I went for my annual athletic physical, and the doctor asked me to sit in his office for a minute because he wanted to talk to me, and I did; you always do what the doctor says. When he came in, he said, "I am really glad to see that you quit smoking." I said, "I have never smoked." He said, "Oh, yes, you have, take a look at these x-rays." He put up the x-ray of a year before and showed me how clogged my lungs were the year before. So for years I have known about secondary smoke. We didn't even know to call it "secondary smoke" problems at that time. But they were there. It was evident on the x-rays. I also had a problem as I was growing up with hay fever. It wasn't seasonal, but I thought it had to do with molds, grass, and that sort of thing. Another benefit I had of my folks quitting smoking was that I got over hay fever. Secondary smoke again.

About a year and a half ago, my mom had a heart attack. We found out at that time that she might still be smoking. It is a powerful addiction. So I do have some interest in smoking. I went to the George Washington University here in Washington, DC, when I went to college, and there used to be a medical museum on the mall right by the Smithsonian. It has been replaced by the Air and Space displays there. I think it still exists somewhere in the District. But one of the displays they had in there was parts of the human body cut up in thin slices, encased in plastic, and you could kind of page your way through a liver or a heart or lungs. They had lungs of smokers and nonsmokers. So there is a problem there, and it has been recognized for a long time. I do not think there is anybody now who argues that cigarettes will not kill you if you use enough of them long enough. It will have an effect on your health. I am very disturbed that there are still young people who are starting to smoke. They know what the damage is, they know what the outcome is going to be, and they still smoke.

On behalf of all of these folks, we are going to look at a settlement. We are going to try to figure out whether we have the right to settle on behalf of the whole country and, if we do, in what categories we have that right to settle and what kind of a precedent we will be setting in all kinds of other fields where people may be damaged by things that at one point in time we did not know might damage them but now might clearly know that, because this will be precedent setting.

The biggest thing I wish to talk about today is the smokers themselves, because I know as I travel around Wyoming—and I am in Wyoming almost every weekend; it is a big State with a lot of small towns, so it takes a lot of travel, and we get around regularly and talk to folks. But I know from talking to the smokers, it has not hit home yet that the smokers will pay the bill. Whether it is an increased tax or increased prices of cigarettes, the companies will collect it, the companies will forward it to us, but the smokers will pay the tab.

Something that is happening back here that is disturbing me a little bit is, we have run into this $368.5 billion; that is a number that has been quoted for a long time. I noticed the tobacco settlement that came out of the Commerce Committee calls for about $510 billion. It doesn't matter which of those figures you want to use; they are both huge numbers. They are both probably too small a number to solve what we are talking about solving. But we are not necessarily talking about using that money to solve the problems of smoking, we are talking about it as a new addiction. That is what I call the political addiction —if there is some money and it is not earmarked, it is an addiction.

I saw a cartoon. The cartoon essentially said: Don't give alcohol to an alcoholic; don't give drugs to a drug addict; and don't give money to a politician.

This is more money than we have looked at in quite some time. There have always been constraints on the money we have had before. But this is pretty wide open. Oh, sure, we have said there are some things we would do with it. In fact, it was the States that brought up this issue originally. The States started some lawsuits against the tobacco companies, and they won. So now they have some money coming, and the tobacco companies can see that this could catch on, and it has. It has been to a number of States now. So the tobacco companies have said, let's get together and talk about a settlement; let's see how we can rein in a little bit of this and do some damage control. Of course, they are looking at damage control primarily for their companies, so they have reached some agreements with folks. It is a varied group of folks.

Again, I do not know if they have the right to do the kinds of negotiations they say they are doing, but any way that you look at it, it is the States that started, the States that got agreements partly through the courts, now partly through negotiations and a settlement, and it seems to me that those States expect that they are going to get some money to reimburse themselves for the Medicaid they have spent to take care of smokers.

That is what the lawsuit was about. That is the basis on which they won. So probably we ought to think about a little bit of that money getting back to the States to do what we said would be done based on the lawsuits and the settlement that came out of them.

Now, 57 percent of Medicaid is the Federal part of the cost. So do we just have the States collect their share? How much of the $368 billion or $510 billion ought to be ours? Well, that is something we ought to legitimately address. But I am concerned that there is not money in that settlement that deals with the cost of Medicare. Smokers are going to have bigger problems when they get into Medicare than nonsmokers. It works that way with insurance; it works that way with Medicare. There isn't any money talked about in the settlement.

We have talked about taking the Federal portion of the money from tobacco and putting that into Medicare. Good idea. Part of it comes, though, from reimbursing Medicaid, the Federal portion, the 57 percent. So we ought to take some money and put it into Medicaid probably. But we are talking about taking it—and this is for ease of talking about how we are going to handle it. The Medicare system is in trouble partly because of smoking. We are going to take a portion, that portion that turns out to be the Federal portion, and put it into Medicare. Good idea. Good plan.

Medicare ought to have an additional contribution based on how much of it is caused by smoking—something that has been known by the companies for a long time that they have been causing, something they didn't own up to completely, something they are now talking about. So we need to be sure there is some Medicare money in there.

Now, one of the fascinating phases I have talked about in dealing with the Medicare thing is a comment by some of the tobacco companies that it really should not be a very big part of their expense, because most smokers do not live long enough to be a part of the Medicare problem. I do not know if that is justification or not. It does not seem to me that it would be.

We are also talking about using some of the money to compensate the people who are growing the tobacco, and there probably is some obligation on our part—not necessarily out of the $368.5 billion—to compensate the growers. The growers probably have seen the damage that smoking has been causing over the years and have had some options on other things they could have done with their land, and so a total compensation for losses probably is not in order.

There are vending machine owners, and they are small businessmen, and I think in the settlement we are talking about compensating them, compensating them even for future loss of revenues. I am an advocate of the small businessman. I have been a small businessman. I know what some of those problems are. But I cannot go along with compensating them both for the loss of the vending machine and the loss of their future revenues. That is the normal course of doing business—figuring out what the future is going to be, what changes there are going to be in the marketplace and how you will adjust. These changes are not coming on that suddenly that they have to be compensated for future loss of revenues.

I am even interested, as the only accountant in the Senate, in how they are coming up with the cost of the vending machines. It seems to me it ought to be the cost of the vending machines less what they have been allowed to depreciate under the tax system.

I suggest there ought to be another part to this, and that other part I call smokers' compensation. Since the smokers of this country are going to be paying the bill, at least a portion of the money that we are going to collect, whichever method we use, ought to go for some kind of a fund that is going to solve the future health problems of these folks who are paying the bill. They ought to have some individual responsibility. It is a decision they made on their own to smoke, it is something they have known about for a long time as causing their own problems, but we are about to have one of the biggest court gluts that we have ever seen. The tobacco settlement bill as it came out of the Commerce Committee, as I understand it, has some form of immunity in it. That is a cap for the tobacco companies, guaranteeing them they will not be sued for more than $6.5 billion a year.

That's liability protection. That means it still goes through the normal system of lawsuits. Somebody has to sue the tobacco companies to get compensation. They still have to win in court. But the companies will not lose more than $6.5 billion in any way.

What we are going to have is thousands of lawsuits piled up in the courts, lawsuits of people trying to get to be first to the money so their money will come within the $6.5 billion cap. It sounds like a lot of money. It is a lot of money. It is not enough money to take care of all of the problems caused by smoking out there. In fact, I am pretty sure that if we took the entire assets of every tobacco company in the United States, put them out of business and sold the assets, that that would not be enough money to take care of the problems that have been caused by smoking.

Unfortunately, the courts have become one of the biggest lotteries that we have in the country. It is a legal lottery, but you have to have a lawyer to scratch your card for you. That has become one of the biggest attorney retirement funds there is. The attorneys typically get about 40 percent of what they win for you. They don't have any pain. They don't have any suffering. They don't have the problems with the smoking. They just provide their legal expertise—and you need that to go to court. In exchange for their legal expertise and the money that you receive, they will get about 40 percent plus expenses. It has been anticipated that probably less than half of whatever money goes into this legal fund will ever get to a smoker.

So we have the problem of how much is going to get to the smoker. We have the courts jammed up now with everybody trying to be first in line to get his or her money. And I suspect, because we now know how bad the tobacco companies have been, that the first awards by the juries are going to be good ones. This is going to be truly the lottery. This is going to be a lot of money, and it will use up the $6.5 billion each and every year and leave some people without any compensation, or sharing in the lesser pool, or whatever.

I am trying to figure out how this could be handled and how we could save some of that money so the smokers who are paying the bill could get some of their compensation back, could get some of their health problems taken care of. I am suggesting that we set up a smokers' compensation fund. A lot of people are familiar with Workers Compensation. That goes to the workers on the job. If a worker gets hurt, there is a set procedure already that he can get his medical bills paid and get some compensation for his loss of time and not have to go to court. That is to give him quicker treatment, which is essential, and make sure the doctors understand that they will be paid. It's a system that has developed over more than half a century to try to help the worker. It does preserve some money there.

I am suggesting that same sort of system could be put in place so smokers, when they have a problem, can be assured of immediate treatment and immediate compensation, and the funds that they and the tobacco companies are paying in would be what provides this fund. So it not only provides for the smokers but it also provides that the nonsmokers are not funding the problem also. That is what we are doing now with Medicare. Medicare dollars from everybody go into the Medicare funds and then Medicare funds go to take care of the extra costs that come with the smoking.

I know that is not possible. It is too complicated. I cannot even do an adequate job, in a limited amount of time, of explaining how smokers' compensation would work and how it would save the courts problems, and how it would assure that everybody would have an equal shot at the money and how there would be enough money, provided we force the companies and the smokers to put that money into the fund. What I am suggesting is that we do put the money from the settlement for tobacco into Medicare and at the same time we begin to collect the statistics from the Medicare fund that show how many of the illnesses that are going into that fund, that are drawing money out of the fund, are smoking related.

I looked at targeting them, decided that we can keep track of what is smoking related and what is not smoking related, so we will even have enough statistics that we would be able to establish a smokers' compensation fund where the smoking money goes to take care of the smoking problems and so there is money for the people who are there.

This is going to be a long process. I don't think we will reach a settlement this year. When I was flying back on the plane last weekend, I started making a list of the complications that are going to keep a tobacco settlement from happening. It only takes 51 votes out of the 100 here to stop anything. It is much harder to pass anything in a legislative body than it is to stop it, because when you pass something, it has to go through a whole series of processes starting with the committees, and at any one time in that process, if there is less than a majority vote, it is dead.

It will have to go through that process here, too. If 51 people don't like the deal that's put together, it is not going to happen. When I was listing those things, I got up to three pages, single spaced, of outline only, of the problems that look to me to be rather insurmountable in dealing with the tobacco settlement. So I don't think anybody will get really excited about what is going to happen and whether it will happen. But one thing they can be assured is we are going to raise prices on tobacco one way or another. So we ought to be both thanking the smokers and asking how we can reduce smoking and how we can take care of the people who are going to be paying the bill on this, which is the smokers.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OCEAN SHIPPING REFORM ACT OF 1998

Mr. LOTT. Mr. President, I am pleased that today the Senate is considering the Ocean Shipping Reform Act. This legislation provides a major step forward in reforming America's public policy on maritime issues.

When the Senate adopts this legislation, it will make America's maritime container shipping industry more competitive in the global marketplace.

The bill is a fair and responsible balance for all the parties affected by this policy change.

This bill will increase competition in the ocean liner shipping industry and it will help American exporters, from every state in the nation. Every American exporter and the American maritime industry will have a better chance to compete in the world market.

Just last night I was working with Senator HARKIN to address his concern with the bill—Iowa farmers who export produce wanted to make sure we got the bill right. This is just another illustration that all states have a stake in making sure this maritime reform is completed.

Maritime policy affects all Americans. If an American company exports, it is likely that its goods are sent overseas by container ships. That is why it is especially important that the United States have a shipping system that allows American carriers to compete on a level playing field.

S. 414 provides America that system.

This evolving legislative effort started back in the 104th Congress. While it has taken the Senate and all the stakeholders' time to develop an equitable solution, we have ultimately reached an historic balance between the needs of shippers, carriers, ports, and labor.

My colleagues, who helped get to this point, will all tell you the ocean liner shipping world includes many different and difficult competing segments. But, every one of them genuinely wanted legislative reform.

In the end it meant all sides had to accept compromise. And, they did.

These stakeholders' rolled-up their sleeves and worked to reach a consensus.

I am proud of their efforts to look beyond their own self-interests. I am also proud of the leadership and support provided by my colleagues in the Senate for working in a bipartisan way to reach a consensus on this important initiative.

Again, I think it is important to recognize that affected stakeholders are solidly behind the changes in maritime policy called for by this Act.

The list of stakeholders included the National Industrial Transportation League, Sea-Land Service, APL Limited, Crowley Maritime, the Council of European and Japanese National Shipowners' Association, the Association of American Port Authorities, the International Longshoreman's Association, the International Longshoreman's and Warehouseman's Union, the Transportation Trades Department of the AFL-CIO, among others.

This is a divergent group that normally does not hang out together. Their interests often pit these groups at each other in adversarial relationships. But, they came to the table in the search of a much needed legislative solution. This is a signal of just how important Ocean Shipping Reform Act is to correcting America's maritime policy.

Not only did the group find a solution; they strongly support this legislative conclusion. It demonstrates that when they work together, the maritime industry can accomplish meaningful reform. Reform that is good for America.

I hope we can build on this effort and achieve additional reform.

Before I go further, I want to pause and salute my friend and colleague Senator GORTON for his participation in this reform effort. Mr. GORTON is the author of the 1984 Act which this legislation is amending. He fully recognizes that maritime reform is an incremental process because of the complexity of the interacting segments. His guidance was essential.

Senator GORTON has an amendment that affects the balance and the compromise achieved by the bill and its manager's amendment. I am opposed to this amendment. I feel it is in our best interest to proceed with Senator HUTCHISON's bill

Senator HUTCHISON has done an excellent job of advancing this needed maritime reform. She is a sponsor of the Ocean Shipping Reform Act, and its amendments. She will provide a response to why Senator GORTON's proposal should not be adopted.

I want to end by congratulating all of my Senate colleagues, on both sides of the aisle, for their efforts to advance this real maritime reform. Their staff's also worked hard on the Ocean Shipping Reform Act of 1998, and they too are a part of this successful effort.

I want to specifically point out Mr. James Sartucci of the Senate's Commerce Committee for his professional diligence and honest brokerage respected by all sides of the debate. He has kept faith with all the groups over the past three years. He was instrumental in making sure the policy changes were coherent and fair to everyone. He worked in a truly bipartisan manner which is a hallmark of why the Commerce Committee consistently produces successful legislative solutions.

Mr. President, I now call upon the House of Representatives to complete the legislative process on maritime reform this year so the nation's consumers, businesses, and shipping industry can reap the benefits of a reformed ocean liner system.

Mr. President, I ask unanimous consent that the vote in relation to the Gorton amendment No. 2287 occur at 10 a.m. on Tuesday, April 21, with 20 minutes under the previous consent agreement commencing at 9:40 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL CANCER

Mr. HOLLINGS. Mr. President, elected upon a promise to eliminate "waste, fraud and abuse," President Ronald Reagan appointed the Grace Commission to root through the government, eliminating obsolete programs and those whose costs exceeded their benefits. At the conclusion of its crusade the Grace Commission published a thick book entitled "War on Waste." Ironically at that very moment the biggest waste of all was being created—a soaring debt and wasteful interest costs. Everyone with a credit card realizes there is no free lunch. The amount you borrow must be paid back—plus interest costs on the amount borrowed. Government is no different. As the national debt increases, interest costs compound and must be paid annually. Historically, interest costs have not been a serious burden. From the beginning of the Republic until 1981, borrowing of the United States for all government including the cost of all the wars from the Revolution through World War II, Korea and Vietnam was less than one trillion dollars. And interest cost was less than $100 billion. But in the past 17 years without the cost of a war (Desert Storm paid for by the Kuwaitis and Saudis), the national debt has quintupled to $5.6 trillion; and interest costs on the debt have increased to $365 billion a year. Spending of a billion a day for interest is added to the debt, increasing the debt and increasing the spending for interest. With a gas tax, we obtain highways; with this interest "tax," we get nothing. Waste!

Tragically, this waste goes unnoticed. This is intended. The scam is known as the "unified budget." The "unified budget" is not the actual income and spending of government. Rather it is the spending by government beyond its income while reporting a smaller deficit by borrowing from the special purposes funds. Of course, this doesn't reduce the deficit; it just moves the deficit out of sight from general government into these trust funds. For example, the actual deficit for FY 1998 as reported by the Congressional Budget Office is $153 billion. But the President and Congress report a "unified" deficit of $7.7 billion by borrowing $161 billion from various trust funds. Accordingly, we have created deficits in the following trust funds: Social Security—$732 billion; Medicare—$146 billion; Military Retirement—$133 billion; Civilian Retirement—$460 billion; Unemployment Compensation—$72 billion; Highways—$23 billion; Airports—$10 billion; Railroad Retirement—$20 billion; All Others—$55 billion.

It should be emphasized that for Social Security this is against the law. In 1983, the Greenspan Commission called for a high payroll tax with the intent of not just balancing the Social Security budget but to build a surplus to pay for the retirement of the baby boomers in the next century. Section 21 of the Greenspan Commission report called for the Social Security Trust to be removed from the "unified budget" so that the fund could remain solvent to the year 2056. Accordingly, President Bush signed Section 13301 of the Budget Act prohibiting the President or Congress from reporting a budget using Social Security trust funds. But the President and the Congress continue to ignore the law. They do so with the sanction of the Chairman of the Federal Reserve Alan Greenspan and the financial world. Corporate America would rather government incur these horrendous deficits than come into the bond market with its sharp elbows, crowding out corporate finance and raising interest rates.

There's a difference between the corporate economy and the country's economy. The corporate economy has as its goal higher profits. The country's economy has as its goal the good of society. For example, the corporate economy reaps higher profits by moving its manufacture offshore to a low wage country. But the country's economy suffers from a loss of manufacturing jobs.

A nation's strength rests as if upon a three-legged stool. The one leg of values is unquestioned: the United States readily sacrifices to feed the hungry in Somalia and bring democracy to Haiti and Bosnia. The second leg of military strength is unquestioned. The third leg of economic strength has become fractured. For 50 years we sacrificed our economy in order to keep the alliance together in the Cold War. We willingly gave up markets and manufacture. While today's industry is competitive, valuable high-paying manufacturing jobs have become depleted. In the past 10 years, the United States has gone from 26% of its work force in manufacture to 13%. At a forum of Third World countries, the former head of Sony, Akio Morita stated that the emerging countries must develop a strong manufacturing sector in order to become a nation state. And then Morita admonished, "That world power which loses its manufacturing capacity will cease to be a world power." Perhaps Morita had in mind the materials of basic production or defense. But more importantly manufacture is the job of the middle class. As you lose your middle class, you lose the strength of democracy. Sure, employment is at an all-time high. But service and part-time jobs are replacing the high-paid manufacturing jobs. The corporate economy wins, the country economy loses.

The North American Free Trade Agreement with Mexico was an instrument of the corporate economy. Europe had long since abandoned the free trade approach for that of the common market. For a common market, there first must be developed entities of a free market such as property rights, labor rights, rights of appeal, a respected judiciary, etc. The Europeans taxed themselves some $5 billion over four years, building up these institutions of a free market in Greece and Portugal before joining in a trade treaty. Mexico has not developed these institutions. Ignoring experience, the corporate economy bulled its way for NAFTA approval and the results are well known. Promised an increase of 200,000 jobs, the United States has lost 400,000. Promised an increase in our balance of trade, the $5 billion plus balance has been replaced by a $17 billion negative balance. Promised an improvement in the drug problem, the drug problem has worsened. Promised a diminution in immigration from Mexico, it has increased. Even the Mexican worker has suffered a 20% loss in take-home pay. The $12 billion that the United States has paid out in bail-out—the monies that could have installed the institutions of a free market—have gone back to Wall Street. The corporate economy has benefitted with cheaper production in Mexico. But the country's economy is weakened. South Carolina, with all of its new industry, has suffered a net loss of 14,000 manufacturing jobs since NAFTA.

The "unified budget" that projects surpluses is a loser. When the country borrows from its trust funds, it really doesn't borrow; it just moves the deficit out of sight. Corporate America could care less. They don't have to pay the bills. They don't have to worry about the future of America. But we in public office do. A day of reckoning is at hand. Already the biggest spending item in our budget is interest costs on the national debt. Bigger than defense. Bigger than Social Security. All waste. Should interest costs return to their normal rate of 10 years ago, then by 2003, we will have to spend in excess of $500 billion on interest charges—an annual waste of $500 billion. At that time, we will owe Social Security and the pension funds over $2 trillion. Forced to raise money for these obligations, Congress will be scrambling to find enough money for entitlements and a limited defense much less obligations. There will be little money left for general government. At present, foreigners have been willing to buy the bonds, and lend the money to finance our deficits. In fact, they use their substantial holdings to leverage prevalence in trade negotiations by threatening from time to time to sell. Fearful that this will increase rates, our negotiators give in. Now with the Pacific Rim economy in shambles, it shouldn't surprise anyone if they don't show up at the next bond sales. Immediately, we would have higher interest rates. Today we have a foreign debt of $1.2 trillion. Already we have gone from the world's largest creditor nation to the world's largest debtor.

According to the CBO, the FY 1998 budget is in deficit $184.1 billion. Instead of surpluses, CBO projects deficits for the next five years for the sum total of $905 billion. But all across the land one hears shouts of "Balanced Budgets" and "Surpluses as far as the eye can see." We are wasting with fiscal cancer. But the American people don't know. The media have put them to sleep with the "unified budget."

THE FIFTIETH BIRTHDAY OF VICE PRESIDENT AL GORE

Mr. LIEBERMAN. Mr. President, I rise today to note the passing of another milestone by our esteemed Vice President and my good friend, AL GORE. On March 31, the Vice President celebrated his fiftieth birthday—in excellent humor and high spirits, I might add. Welcome to the "Over 50" club; Mr. Vice President.

The passage of half a century of life is not a milestone everyone likes to celebrate. I know, having passed my fiftieth six years ago. But then again, I understand my colleague Senator THURMOND sent the Vice President a birthday greeting in which Senator THURMOND pointed out that he was running for president when AL GORE was born. Senator THURMOND will celebrate his 98th birthday in December.

AL GORE has always been a man of exceptional accomplishment and character. His sense of wonder and enthusiasm for life is just as palpable today as it was years ago when we first met. There's no doubt he has been one of the most effective Vice Presidents in the history of our nation and I have no doubt he will be equally as effective in whatever future endeavors he chooses to pursue. I look forward to the 21st century knowing the Vice President will be leading us there.

Trudie Feldman of the Free Press has penned a worthy tribute to the Vice President. I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Free Press]

AT 50, AL GORE LOOKS FORWARD TO YEAR 2000

(By Trude B. Feldman)

Albert Gore Jr.'s 1965 yearbook at St. Albans Episcopal School for Boys in Washington, D.C., notes: "It probably won't be long before the popular and well-respected Al Gore reaches the top . . . When he does, his classmates will remark, 'I knew that guy was going somewhere.' "

Now, 33 years later, Mr. Gore is the 45th Vice President of the United States, and in the year 2000, he expects to seek the presidency.

On Tuesday, Mr. Gore will be 50 years old, and in a birthday interview, he told me, "I feel no sense of dread about turning 50—at least, not yet. Each decade of my life has been better than the previous one. As time goes on, I enjoy life more. I'm amazed at how much I learn each day."

What motivates the vice president?

"The job itself motivates me, and there is much satisfaction in it," he reflects. "What the president and I do now has tremendous potential to help bring about a better world for our children and grandchildren."

Sitting in his White House office for the 45-minute exclusive interview, Mr. Gore, whose youthful zest for life belies his chronological age, is hearty and fit.

His voice grows softer and he looks back on his 50 years.

"I have the same enthusiasm for life that I had 25 years ago," he says. "Meaningful, hard work has always been an important part of my life. I try to maximize the use of every minute, and I'm frustrated by inefficiencies that waste time."

Because of his ever-demanding schedule, he admits to irritation when there isn't sufficient time or preparation for the day's agenda. The key to his energy and strength of purpose, he says, is that he takes good care of himself, nurtures his family and maintains a healthful perspective and positive outlook.

How has the vice presidency matured Mr. Gore?

"Maturity results from attending to the level of difficulty demanded by the decisions that must be made in the White House—by the president, and often by me and others," he responds. "That level exceeds by several orders of magnitude the decisions that need to be made in nearly any other setting.

FAR-REACHING DECISIONS

"For instance, life and death may sometimes hang in the balance in the decisions we make in the White House—and possibly on a grand scale, profoundly affecting the future of the United States as well as the world. On any given day, there may be several far-reaching and complex decisions to be made. The burden falls primarily on the president, but when he asks me for advice and analyses, I share that burden. These conflicting and sensitive issues test a persons' mental and physical stamina."

What most surprises Mr. Gore is the multiplicity of issues which he and the president must tackle simultaneously.

"Before working at the White House, I imagined that one would have the luxury of resolving a world-class problem before going on to the next one," he says. "But the reality is that the problems come in twos, threes, fours and fives. It is an arduous, but invaluable, maturing experience."

Mr. Gore and the president eat lunch in the Oval Office once a week when only the two discuss the vast array of matters.

"We have a unique relationship," Mr. Gore says. "Each day we talk frequently, and on particular problems, I give him my candid judgment. The president's stamina, extraordinary capacity for work, and insightfulness inspire me. I see, up close, his dedication to the job, and I marvel at his ability to articulate—with practical policies—his understanding of our citizenry."

As for the impact the campaign finance hearings are having on Mr. Gore, he says, "Going through this sometimes trying period has matured me as a leader. It has called upon my ability to focus on the people's business, even while being subjected to sharp, often unwarranted attacks. As a result, I have developed a thicker skin."

Given the relentless attempts at character assassination, why does Mr. Gore want to remain in public life?

"Public service is the path I've chosen, and I am committed to it," he says, "Accepting the downside is as necessary as accepting the enormous satisfactions in helping to move American in the right direction.

"As for handling personal attacks, I draw from experience in journalism, and I try to avoid taking the criticism personally. Reporters and editors have jobs to do. Some do them well, some less well. After three national campaigns, 16 years in Congress and five years in the White House, I recognize the ebb and flow of criticism and know how to keep it all in perspective. What endures is who you really are, what you really believe in, and what and how you apply your efforts. As the president and I move toward our goals, we expect to make a dent in the prevalent cynicism regarding its leaders.

The vice president is convinced that the international community is hungry for both civility and spiritual revival.

Asked whether he is concerned about the present decline in the civility, he responds, "Yes, I think there is an increase in factionalism and a new intensity of acrimony in many of the critiques aimed at the president and me. Perhaps, from their perspective, Republicans feel the same. In previous periods of American history, there might have been times when partisan bitterness was even greater. For the modern era, the current level of vitriol seems unprecedented."

DANGERS OF FACTIONALISM

He adds: "Our founders, particularly James Madison, warned against the dangers of factionalism. In some ways, the impact of television and the Internet on the news media may make our system more vulnerable to this poison. Political leaders need to tone down the level of antipathy that has been creeping into our national debates. In fact, I'm now working on how to address this problem."

If the vice president could relive his 50 years, he says he would not change anything in his personal life, except for the year 1989. While many people consider reaching 50 the turning point in their lives, for Al Gore, that turning point was in April 1989, when his then 7-year-old son, Albert III, was struck by a car while leaving a Baltimore Orioles baseball game. (He sustained a broken leg, broken ribs and damage to his internal organs.)

Mr. Gore recalls "The accident, which almost claimed my son's life, brought home to me in a sudden, overwhelming way the sense of temporality one associates with life's turning points.

Now 15, Albert is fully recovered, and one of his fathers greatest joys is attending athletic events in which his son participates.

Mr. Gore, whose controlled demeanor is often interpreted as aloofness, is actually friendly and compassionate. He even admits to a sentimental streak, and he was recently moved by the movie *Titanic* and its reminder of the uncertainties and brevity of life.

Mr. Gore runs or jogs some 20 to 25 miles a week, when he is not training for longer races. In addition to running laps around his residence, he often jobs when he travels. Walking, jogging, hiking, bicycling and swimming, he says, have replaced more risky exercise such as full-court basketball, which led to a torn Achilles tendon three years ago.

"My long recuperation on crutches," he adds, "taught me to leave the slam dunks to younger people."

Nevertheless, in the recent Marine Corps Marathon—in a steady rain—he ran the entire 26 miles with two of his daughters, Karenna, 24, and Kristin, 20.

"It was a first-time marathon for the three of us," he notes. "We'll never forget that rich experience, and I consider it a personal milestone. As exhausted as I was at the finish—over four hours later—I had a tremendous sense of accomplishment. And as a father, it was a delight to have my daughters each slow down, to run alongside me, encouraging me to finish. I might have missed the marathon but for their insistence that I train for, and enter it."

Perhaps the only American vice president to run in and complete a marathon, Mr. Gore points to the connection between good physical and mental health.

"Jogging helps me to cope with the pressures of my job," he says. "If I'm able to run for some two hours, I use the time to think through whatever is on my mind."

Citing one example, Mr. Gore says that when he addressed congregants at Ebenezer Baptist Church in Atlanta on Dr. Martin Luther King's birthday in January, he was able, while jogging earlier, to clarify his message. And during his remarks that day, he proposed—as part of the President's Initiative on Race—the largest single increase in the enforcement of civil rights laws in 20 years.

Al Gore was born in Washington, D.C.'s Columbia Hospital for Women, and he grew up in the nation's capital, where he cut his political teeth. He can remember sitting on then-Vice President Richard Nixon's lap during a Senate session he attended with his father, then a U.S. Senator from Tennessee.

Mr. Gore also spent some of his formative years on the family farm in Carthage, Tenn., where his chores included grooming cattle and feeding chickens. (That farm is where he will join his parents for a birthday get-together Tuesday morning. Later, he will return to Washington for a festive celebration with other family members and friends.)

Mr. Gore began a career in journalism in the U.S. Army when he was stationed near Saigon, South Vietnam, and wrote for *The Brigade*. Back home, he was a general assignment writer for *The Tennessean* in Nashville. During some six years there, he covered the police beat; wrote obituaries, features and editorials; and was an investigator reporter.

The unusual actions of politicians, who were the subject of his investigations, stimulated his curiosity, and soon the dynamics of how politicians make decisions became of interest to him.

"In journalism, I learned how to gather information and communicate it," he says. "I soon became confident that I could better serve the country in the political arena. Rather than reporting on the need for change, I wanted to help bring it about. So in 1976, after intense but brief consideration, I ran for Congress from Tennessee's Fourth District."

Elected at age 28, Rep. Gore soon emerged as a forceful proponent of consumer rights. He was also involved in groundbreaking investigative hearings. But he was most proud of his work in bringing about legislation requiring that infant formula sold in the United States meet certain nutritional and safety standards.

When Tennessee's Sen. Howard Baker retired in 1984, Rep. Gore won Sen. Baker's seat and became active in science, technology and defense issues. He led a six-year effort to link school and research centers with America's most powerful computers on a high-speed "Information Superhighway" and is credited with coining that phrase.

While Mr. Gore has had few regrets over the past 50 years, he allows that there have been some harsh words he'd like to retract.

"When I think if the unkind words that have passed my lips, with few exceptions, I wish I could take them back," he says. "On the other hand, I feel I've had more than my share of blessings. I'm blessed with a wonderful wife who has been a salvation for me in many ways. Tipper and I have known each other since we were teen-agers. We have grown, learned and changed as we matured together, and she has taught me more about life than anyone else.

"If people think I'm stiff now, they should have seen me *before* she worked me over—evidently, not enough yet."

(Mrs. Gore recently led the U.S. presidential delegation to the Winter Olympics in Japan, accompanied by Albert III and Karenna. Daughter Sarah 19, was unable to miss her classes at Harvard.)

JOY OF FAMILY

Mr. Gore went on to describe their four children as a source of joy for Tipper and him. "Each child is a blessing beyond measure," he says. "I'm also blessed with caring parents who provided me with a generous set of opportunities and the encouragement and confidence . . . that I could achieve on my own."

He credits his mother, Pauline, a former attorney; and his father Albert Sr., with instilling in him a respect for principles and values that still motivates him.

"My parents were wise and firm in raising me and my older sister, Nancy," he remembers. "They endowed us with spiritual strength and the kind of security that comes with steady parental affection and guidance. The way they treated us and each other had a profound influence on me."

Mr. Gore also recalls that his parents taught, by deed as well as by word, that discrimination and prejudice are sins that should not be condoned.

He vividly recalls that, as an 8-year-old, he lived in a small house, halfway up a hill, near a mansion. On the day that property changed hands, the neighbors were invited to an "open house."

"In the mansion's basement, my father pointed to the dark, dank stone walls, and the cold metal rings in a row, and explained that they had been used as slave rings," Mr. Gore remembers.

HORROR OF SLAVERY

"To this day, I have an image of the horror those rings represented," he says. "That experience helped shape my sensitivities to the extremes of racism.

"Now, we must work harder to banish racist behavior. It diminishes those who practice it as well as those who suffer from it."

Spirituality is an integral part of Mr. Gore's makeup. After graduating from Harvard university, he was "open to the call" of becoming a minister, and he enrolled in Vanderbilt University's School of Divinity.

"I was eager," he recalls, "to study in a structured, disciplined way the questions—'What is the purpose of life? What are our duties to God? What is the nature of humankind?'

"I didn't find all the answers I sought, but I continued to study. While my own Christian tradition has been the bedrock of answers for me, I studied other traditions and felt enriched by them as well."

Asked to describe the difference he made in the past five years, Mr. Gore puts it this way:

"The closeness of my partnership with the president serves the people in many ways. Because I retain his confidence, I am able to advise him on virtually every policy matter, and at his request, to take the lead in some of the initiatives."

For example, Mr. Gore is involved in improving the management of the Internal Revenue Service, and he says the new IRS commissioner, Charles O. Rossotti, selected for his management and systems analysis skills, will make the IRS more people-oriented and bring the computers up to date.

According to Sheldon S. Cohen, IRS commissioner in the Johnson administration, Mr. Gore is working for a more "user-friendly" government and supports Commissioner Rossotti's two priorities: to modernize the computer system and to enhance the taxpayers' rights.

Mr. Rossotti says that in the five years Mr. Gore has been at the helm of reinventing government, he steered a course that will help renew the people's faith in government to provide quality services.

"The vice president's visions and goals are woven throughout our new report on the IRS," Mr. Rossotti adds. "He wants every taxpayer treated with fairness, and to ensure that the IRS provides services that are consistently as good as those in the private sector."

WOMEN'S WELL-BEING

Turning to the needs of women and their well-being, Mr. Gore says that they are major consumers of health care and decision-makers for their families.

"Yet," he adds, "there is evidence of unequal treatment of women in our health care system. Women are less likely to be referred to specialists, and three times as likely to be told their medical condition is 'all in their head.'

"I have started to address these issues through the 'Patient's Bill of Rights' and with the American Medical Association."

He says that now that the AMA has a woman as president, she will undoubtedly help raise awareness of health issues of particular concern to women.

(Dr. Nancy Dickey is the first female president of the AMA in its 151-year history.)

Al Gore often demonstrates that he places more value in the power of knowledge than in the knowledge of power. This, he maintains, is the cornerstone of his leadership philosophy.

"I follow this approach whether the issue is nuclear disarmament, organ transplants, global warming or telecommunications," he adds. "I study a subject until I thoroughly master it. Only then do I begin to formulate appropriate policy initiatives."

Mr. Gore's diligence was attested to by President Clinton when he recently disclosed to a Florida audience that he and the vice president do not always agree, but that their disagreements are among the most thought-provoking of his presidency.

"And when I disagree with him," the president remarked, "I make sure I have my facts straight."

How will Mr. Gore's 50-year milestone affect the way he lives the remainder of his life?

"I don't imagine it will have any significant impact in and of itself," he said. "But any time you pause and take stock of your life, you are able to clarify the vision you have for the future."

That vision is apparent in what Al Gore wishes for this milestone.

"As I reach my 50th year, I am content," the vice president said. "So my birthday wish is that every person be blessed with a renewed spirit of goodwill and that we all work together for freedom and peace in a world where kindness and justice prevail."

Asked how he wants to be remembered, Mr. Gore told me, "I'd like to be remembered as someone who made a very positive difference for our country and as one who helped create a brighter future for humanity."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROTH:

S. 1931. A bill to suspend temporarily the duty on 2-Naphthalenecarboxamide, N,N′-(2-chloro-1,4-phenylene)bis=¦4¦(2,5-dichlorophenyl)azo¦-3-hydroxy; to the Committee on Finance.

S. 1932. A bill to suspend temporarily the duty on Benzamide, 3,3′-¦(2-chloro-5-methyl-1,4-phenylene)bis¦imino(1-acetyl-2-oxo-2,1-ethanediyl)azo¦¦bis¦4-chloro-N-¦2-(4-chlorophenoxy)-5-(trifluoromethyl)phenyl¦;
to the Committee on Finance.

S. 1933. A bill to suspend temporarily the duty on 2,4,6(1H,3H,5H)-Pyrimidinetrione, 5-¦2,3-dihydro-6-methyl-2-oxo-1H-benzimidazol-5-yl)azo¦; to the Committee on Finance.

S. 1934. A bill to suspend temporarily the duty on Benzamide, 3,3′-¦(2,5- dimethyl-1,4-phenylene)bis ¦imino(1-acetyl-2-oxo-2,1-ethanediyl)azo¦¦bis¦4-chloro-N-(5-chloro-2-methylphenyl); to the Committee on Finance.

S. 1935. A bill to suspend temporarily the duty on Benzamide, 3,3′((2- chloro-5-methyl-1,4-phenylene)bis(imino=(1-acety-2-oxo-2,1-ethanediyl)azo¦¦bis¦4-chloro-N-(3-chloro-2-methyphenyl); to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1936. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1937. A bill to suspend temporarily the duty on certain chemicals used in the formulation of aniti-cancer drugs; to the Committee on Finance.

S. 1938. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1939. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1940. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1941. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1942. A bill to suspend temporarily the duty on certain chemicals used in the formulation of HIV protease inhibitor; to the Committee on Finance.

S. 1943. A bill to suspend temporarily the duty on certain chemicals used in the formulation of an HIV protease inhibitor; to the Committee on Finance.

S. 1944. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1945. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1946. A bill to suspend temporarily the duty on a certain drug substance used as an HIV antiviral drug; to the Committee on Finance.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 1947. A bill to suspend temporarily the duty on a certain drug substance used as an HIV antiviral drug; to the Committee on Finance.

S. 1948. A bill to suspend temporarily the duty on a certain drug substance used as an HIV antiviral drug; to the Committee on Finance.

S. 1949. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1950. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1951. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1952. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1953. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1954. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1955. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

S. 1956. A bill to suspend temporarily the duty on a certain chemical used as an HIV antiviral drug; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. DORGAN, Mr. CHAFEE, Mr. LEAHY, Mr. KERREY, Mr. D'AMATO, Mr. MURKOWSKI, Mr. ROBERTS, and Mr. HELMS):

S. 1957. A bill to provide regulatory assistance to small business concerns, and for other purposes; to the Committee on Small Business.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST:

S. Con. Res. 89. A concurrent resolution expressing the sense of the Congress that the Nation must place greater emphasis on helping young Americans to develop habits of good character that are essential to their own well-being and to that of our communities; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 1931. A bill to suspend temporarily the duty on 2-Naphthalenecarboxamide, N,N′-(2-chloro-1,4-phenylene)bis={4{(2,5-dichlorophenyl)azo}-3-hydroxy; to the Committee on Finance.

S. 1932. A bill to suspend temporarily the duty on Benzamide, 3,3′-{(2-chloro-5-methyl-1,4-phenylene)bis{imino(1-acetyl-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-{2-(4-chlorophenoxy)-5-(trifluoromethyl)phenyl}; to the Committee on Finance.

S. 1933. A bill to suspend temporarily the duty on 2,4,6(1H,3H,5H)-Pyrimidinetrione, 5-{2,3-dihydro-6-methyl-2-oxo-1H-benzimidazol-5-yl)azo}; to the Committee on Finance.

S. 1934. A bill to suspend temporarily the duty on Benzamide, 3,3′-{(2,5-dimethyl-1,4-phenylene)bis {imino(1-acetyl-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-(5-chloro-2-methylphenyl); to the Committee on Finance.

S. 1935. A bill to suspend temporarily the duty on Benzamide, 3,3′((2-chloro-5-methyl-1,4-phenylene)bis(imino=(1-acety-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-(3-chloro-2-methyphenyl); to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. ROTH. Mr. President, I rise today to introduce five bills to suspend temporarily the imposition of duties on certain products.

I am pleased to introduce these bills to suspend temporarily the imposition of duties on imports of pigments. These high quality coloring materials are imported for sale in the United States by Ciba Specialty Chemicals Corporation (Pigments Division), a company located in Newport, Delaware. By temporarily suspending the imposition of duties, these bills will reduce significantly the cost of coloring materials that are used in a wide variety of finished products, including automotive parts, vinyl flooring, carpet fibers and utensils.

I ask unanimous consent that these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.11	2-Naphthalenecarboxamide, N,N′-(2-chloro-1,4-phenylene)bis = [4-[(2,5-dichlorophenyl)azo]-3-hydroxy (CAS No. 5280–78–4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

(b) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.10	Benzamide, 3,3′-{(2-chloro-5-methyl-1,4-phenylene)bis{imino(1-acetyl-2-oxo-2,1-ethanediyl)azo}}bis{4-chloro-N-{2-(4-chlorophenoxy)-5-(trifluoromethyl)phenyl} (CAS No. 79953–85–8) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

(b) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

1933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.09	2,4,6(1H,3H,5H)-Pyrimidinetrione, 5-[(2,3-dihydro-6-methyl-2-oxo-1H-benzimidazol-5-yl)azo] (CAS No. 72102–84–2) (provided for in subheading 3204.17.60)	Free	No change	No change	On or before 12/31/2001	".

(b) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.08	Benzamide, 3,3′-{(2,5-dimethyl-1,4-phenylene)bis {imino(1-acetyl-2-oxo-2.1-ethanediyl)azo}}bis{4-chloro-N-(5-chloro-2-methylphenyl) (CAS No. 5280–80–8) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

(b) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 1935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.07	Benzamide, 3,3'[(2-chloro-5-methyl-1,4-phenylene)bis[imino=(1-acety-2-oxo-2,1-ethanediyl)azo¦¦bis¦4-chloro-N-(3-chloro-2-methyphenyl) (CAS No. 5580-57-4) (provided for in subheading 3204.17.04)	Free	No change	No change	On or before 12/31/2001	".

(b) EFFECTIVE DATE.—The amendment made by this section applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1936. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1937. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1938. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1939. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1940. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1941. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1942. A bill to suspend temporarily the duty on certain chemicals used in the formulation of HIV protease inhibitor; to the Committee on Finance.

S. 1943. A bill to suspend temporarily the duty on certain chemicals used in the formulation of an HIV protease inhibitor; to the Committee on Finance.

S. 1944. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1945. A bill to suspend temporarily the duty on certain chemicals used in the formulation of anti-cancer drugs; to the Committee on Finance.

S. 1946. A bill to suspend temporarily the duty on a certain drug substance used as an HIV antiviral drug; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mrs. FEINSTEIN. Mr. President, together with my California colleague, Senator BARBARA BOXER, I rise today to introduce legislation to eliminate tariffs for twenty-one chemical compounds. These compounds are components of certain AIDS and cancer drugs. For the benefit of my colleagues who may be called upon to consider the legislation, I want to describe our concerns and urge their support.

The AIDS and cancer drug chemical compounds will be entitled to receive a zero tariff when a revised international agreement eliminating tariffs for pharmaceutical products goes into effect in January 2000.

Until then, however, the compounds could face a tariff of between six and twelve percent, raising costs for patients and their families and discouraging the manufacturing of the pharmaceutical products in this country. The legislation we introduce today would eliminate the tariff, providing the same zero tariff provided by the WTO agreement.

The list of specific pharmaceutical products which are entitled to receive the zero tariff is only updated every three years through the WTO negotiations. Drugs which are not approved by an agency of a federal government, like the FDA in the United States, cannot be included in the negotiations. Without formal federal approval by one of the governments, the drug cannot be included in the negotiations until the next round of negotiations, perhaps as much as three years later. This is unfair for those pharmaceutical products experiencing delays in the FDA approval process or whose approval does not match up with the negotiating timeline.

The international community, through the World Trade Organization, committed to eliminate tariffs for pharmaceutical products. This agreement will help ensure that individuals around the world get the medicine they need, reducing drug costs by eliminating the tariff. Otherwise, the pharmaceutical products would be subject to a 6–12% tariff before they could be brought into the United States.

In 1996, the administration agreed to treat certain chemical compounds as if they were an approved pharmaceutical product, in order to provide the zero tariff for an AIDS drug produced by a San Diego pharmaceutical company which was awaiting FDA "fast track" approval. This drug later received its formal FDA approval, becoming the first AIDS drug approved for children's use. However, as a result of changes to the manufacturing process, a different set of chemical compounds are now used, which are not eligible for the zero tariff. This tariff legislation would extend the zero tariff for these replacement chemical compounds as well.

Last year, the administration completed negotiations for the update round, revising the list of drugs eligible to claim the zero tariff. The administration agreed to incorporate twenty-one chemical compounds, which are constituents of an AIDS or cancer drugs, into agreement. As a result, these chemical compounds will receive a zero tariff when the WTO agreement goes into effect in January 2000. Until then, however, the AIDS and cancer chemicals remain subject to US tariffs.

The legislation we introduce would suspend the tariff until the international agreement goes into effect in 2000. These chemical compounds have been added to the zero tariff international agreement, but we should take off the tariff now to speed up the development of the AIDS and cancer drugs.

These chemicals are not available in the United States from domestic manufacturers and are not used for other products. Consequently, the zero tariff does not undermine domestic chemical manufacturers. In fact, these chemicals eligibility for the zero tariff has been reviewed and approved by the chemical industry advisory committee, which advises the administration on trade policy.

This legislation only reduces the tariff for these chemical compounds that will receive a zero tariff under the international agreement. The zero tariff for these chemical compounds has, literally, been approved by both the United States and the international negotiators.

In 1996, the administration completed negotiations to confer eligibility for the zero tariff to adopt a zero tariff for pharmaceutical products. At the time, the administration agreed to add certain chemicals, used to prepare an AIDS drug which was awaiting approval by the Food and Drug Administration. The administration's decision treats the chemicals as if they were a fully approved product.

We must do everything we can to find a cure for HIV/AIDS and cancer. However, until we have a cure for this urgent health priority, we need to find effective treatments and put them in the hands of people with needs. By eliminating the tariff, we eliminate one more hurdle in getting the product to the patients and their families. These provisions will help accelerate the manufacturing and final testing for new drugs and deserves the full support of Congress.

Under the 1994 GATT agreement, most pharmaceutical products are entitled to enter the country without a tariff. However, the zero tariff does not apply to many new pharmaceutical products or their chemical ingredients. As a result, the chemicals would be ineligible for the pharmaceutical zero tariff.

The administration indicates the chemicals present no risk for law enforcement or anti-narcotics enforcement. The chemical industry advisory committee, an industry group which advises the US Trade Representative on trade issues, has also reviewed and supported the zero tariff.

Ambassador Barshefsky and the Administration deserve tremendous credit for extending the zero tariff for these chemical components through international negotiations. As a matter of public policy, we should do everything in our power to develop effective AIDS and cancer drugs and treatments and ensure that drugs are made available as swiftly and at as low a cost as possible. We simply cannot delay or waste time in providing drugs, treatments or materials needed to fight these diseases. This tariff legislation represents a modest, but important, step.

The Senate Finance Committee is currently developing miscellaneous tariff legislation, a bill which will include a variety of non-controversial tariff measures introduced by Finance Committee members. I would like to have this legislation incorporated by the Finance Committee, which would permit the acceleration of drug production, providing more timely relief for the public. The legislation is expected to have only a de minimis impact on tariff revenue. However, for AIDS and cancer patients, their families and those at risk, the impact may be profound. Congress should take this opportunity to reduce tariffs for these chemical compounds.

Without this legislation to remove the tariff, we will be tolerating needless hurdles and delay, rather than expediting relief. Patients and their families do not have time to wait for the next round of drugs to be approved and added to the zero-tariff list. By importing the chemical compounds without a tariff, we can accelerate the drug development process.

I ask unanimous consent that the legislation introduced today be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, AS FOLLOWS:

S. 1936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.32.16	(S)-N-[[5-[2-(2-amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid diethyl ester (CAS No. 177575-19-8) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/1999	”.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.32.17	4-Chloropyridine hydrochloride (CAS No. 7379-35-3) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/1999	”.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.32.15	4-Phenoxypyridine (CAS No. 4783-86-2) (provided for in subheading 2933.39.61)	Free	No change	No change	On or before 12/31/1999	”.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.32.19	(3S)-2,2-Dimethyl-3-thiomorpholine carboxylic acid (CAS No. 84915-43-5) (provided for in subheading 2934.90.90)	Free	No Change	No Change	On or before 12/31/1999	”.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

“	9902.32.20	2-amino-5-bromo-6-methyl-4(1H)-Quinazolinone (CAS No. 147149-89-1) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/1999	”.

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.21	2-amino-6-methyl-5-(4-pyridinylthio) 4(1H)-Quinazolinone (CAS No. 147149-76-6) (provided for in subheading 2933.59.70)	Free	No Change	No Change	On or before 12/31/1999	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.22	3-(acetyloxy)-2-methyl-Benzoic acid (CAS No. 168899-58-9) (provided for in subheading 2918.29.65)	Free	No change	No change	On or before 12/31/1999	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.24	[R-(R*,R*)]-1,2,3,4-Butanetetrol-1,4-dimethanesulfonate (CAS No. 1947-62-2) (provided for in subheading 2905.49.50)	Free	No change	No change	On or before 12/31/1999	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.25	(S)-N-[[5-[2-(2-amino-4,6,7,8-tetrahydro-4-oxo-1H-pyrimido[5,4-b][1,4]thiazin-6-yl)ethyl]-2-thienyl]carbonyl]-L-glutamic acid (CAS No. 177575-17-6) (provided for in subheading 2934.90.90)	Free	No change	No change	On or before 12/31/1999	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.32.26	2-amino-6-methyl-5-(4-pyridinylthio)-4(1H)-Quinazolinone, dihydrochloride (CAS No. 152946-68-4) (provided for in subheading 2933.59.70)	Free	No change	No change	On or before 12/31/1999	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

S. 1946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"	9902.33.01	9-[2-[[Bis [(pivaloyloxy) methoxy] phosphinyl]- methoxy] ethyl]adenine (also known as Adefovir Dipivoxil) (CAS No. 142340-99-6) (provided for in subheading 2933.59.59)	Free	No change	No change	On or before 12/31/1999	".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. BURNS (for himself, Mr. DORGAN, Mr. CHAFEE, Mr. LEAHY, Mr. KERREY, Mr. D'AMATO, Mr. MURKOWSKI, Mr. ROBERTS, and Mr. HELMS):

S. 1957. A bill to provide regulatory assistance to small business concerns, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS REGULATORY ASSISTANCE ACT

Mr. BURNS. Mr. President, today I introduce the Small Business Regulatory Assistance Act. Joining me as co-sponsors of this legislation are Senators DORGAN, CHAFEE, LEAHY, KERREY, D'AMATO, MURKOWSKI, ROBERTS, and HELMS.

Complying with complex and overlapping federal regulations is time-consuming and costly for any business, but small businesses bear a disproportionate burden. Given their limited resources, small businesses need all the help they can get when it comes to complying with environmental, tax, and workplace safety regulations. Yet small businesses rarely turn to the regulatory agencies for assistance, either out of fear of punishment or because help isn't available.

This legislation would use the existing network of Small Business Development Centers (SBDCs)—over 950 nationwide and serving 600,000 businesses annually—to provide small businesses with non-punitive, confidential regulatory information and assistance. The SBDC network currently offers business expertise to growing firms, yet information and assistance needed to comply with EPA, OSHA, and IRS rules is often unavailable to these small firms.

The legislation authorizes SBDCs to develop compliance guidelines in conjunction with these federal agencies and then use that information to educate small businesses on regulatory compliance. With this information, businesses will be able to follow important environmental, safety, and tax laws, and the government will spend fewer resources on costly enforcement measures.

This bill is pro-small business and pro-compliance. It will help small firms develop practical business solutions to regulatory compliance problems.

ADDITIONAL COSPONSORS

S. 40

At the request of Mr. FAIRCLOTH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 40, a bill to provide Federal sanctions for practitioners who administer, dispense, or recommend the use of marihuana, and for other purposes.

S. 1031

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1031, a bill to protect Federal law enforcement officers who intervene in certain situations to protect life or prevent bodily injury.

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1326

At the request of Mr. DASCHLE, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 1326, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 1334

At the request of Mr. BOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availablity of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1427

At the request of Mr. FORD, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Louisiana (Mr. BREAUX), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 1427, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve lowpower television stations that provide community broadcasting, and for other purposes.

S. 1481

At the request of Mr. DEWINE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1481, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide for continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare seconary payer requirements.

S. 1687

At the request of Mr. THOMPSON, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1687, a bill to provide for notice to owners of property that may be subject to the exercise of eminent domain by private nongovernmental entities under certain Federal authorization statutes, and for other purposes.

S. 1749

At the request of Mr. ALLARD, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1749, a bill to authorize the Secretary of the Interior to provide funding for the implementation of the endangered fist recovery implementation programs for the Upper Colorado and San Juan River Basins.

S. 1873

At the request of Mr. COCHRAN, the names of the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mr. BROWNBACK), the Senator from Delaware (Mr. ROTH), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1873, A bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 1874

At the request of Mr. DOMENICI, the name of the Senator from Idaho (Mr. KEMPTHORNE) was added as a cosponsor of S. 1874, a bill to improve the ability of small businesses, Federal agencies, industry, and universities to work with Department of Energy contractor-operated facilities, and for other purposes.

S. 1879

At the request of Mr. BURNS, the names of the Senator from North Carolina (Mr. FAIRCLOTH), the Senator from Iowa (Mr. HARKIN), the Senator from Connecticut (Mr. DODD), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 1879, a bill to provide for the permanent extension of income averaging for farmers.

SENATE CONCURRENT RESOLUTION 13

At the request of Mr. SESSIONS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of Senate Concurrent Resolution 13, a concurrent resolution expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, a judge on the circuit court of the State of Alabama.

SENATE CONCURRENT RESOLUTION 89—EXPRESSING THE SENSE OF CONGRESS THAT THE NATION MUST PLACE GREATER EMPHASIS ON HELPING YOUNG AMERICANS TO DEVELOP HABITS OF GOOD CHARACTER

Mr. FRIST submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 89

Whereas the future of our Nation and world will be determined by the young people of today;

Whereas record levels of youth crime, violence, teenage pregnancy, and substance abuse indicate a growing moral crisis in our society;

Whereas a recent poll of teachers found that 45 percent of all students cheat on tests;

Whereas character development is the long-term process of helping young people to know, care about, and act upon such basic values as trustworthiness, respect for self and others, responsibility, fairness, compassion, and citizenship;

Whereas these values are universal, reaching across cultural and religious differences;

Whereas a recent poll found that 90 percent of Americans support the teaching of core moral and civic values;

Whereas parents will always be children's primary character educators;

Whereas good moral character is developed best in the context of the family;

Whereas parents, community leaders, and school officials are establishing successful partnerships across the Nation to implement character education programs;

Whereas character education programs also ask parents, faculty, and staff to serve as role models of core values, to provide opportunities for young people to apply these values, and to establish high academic standards that challenge students to set high goals, work to achieve them, and persevere in spite of difficulty;

Whereas the development of virtue and moral character, those habits of mind, heart, and spirit that help young people to know, desire, and do what is right, has historically been a primary mission of colleges and universities;

Whereas in recent years the emphasis on developing the moral character of students has steadily declined in our colleges and universities as students are increasingly viewed as consumers in the marketplace rather than citizens participating in a democracy;

Whereas print resources that recognize colleges and universities according to emphasis of character development as an essential component of higher education are available to students, parents, and high school counselors;

Whereas many of these resources are available in public libraries and in public and private high schools across the Nation; and

Whereas the Congress encourages parents, faculty, and staff across the Nation to emphasize character development in the home, in the community, in our schools, and in our colleges and universities: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress supports and encourages character building initiatives in schools across America and urges colleges and universities to affirm that the development of character is one of the primary goals of higher education.

Mr. FRIST. Mr. President, I believe it is important that we put character back into our vocabulary. The American people are crying out for virtue and values—character is critical and we must focus our efforts in extending this message.

I have been a faithful co-sponsor of the Character Counts movement, which seeks to teach the core elements of good character to our nation's young people.

I am pleased to submit a resolution in the Senate to expand this message to our nation's institutions of higher education. Specifically, I am submitting a concurrent resolution expressing that it is the sense of the Congress that the Nation must place greater emphasis on helping young Americans to develop habits of good character that are essential to their own well-being and to that of our communities.

I believe that we should encourage parents, faculty, and staff across the Nation to emphasize character development in our homes, in our communities, in our schools, and in our colleges and universities. Congress should support and encourage character building initiatives in schools across American and urge colleges and universities to affirm that the development of character is one of the primary goals of higher education.

This concurrent resolution has already been submitted in the House of Representatives by a member of the Tennessee congressional delegation, Congressman BOB CLEMENT. I am proud to note that it has received bipartisan support. It is a privilege for me to submit this concurrent resolution in the Senate.

AMENDMENTS SUBMITTED

THE OCEAN SHIPPING REFORM ACT OF 1998

GORTON AMENDMENT NO. 2287

Mr. GORTON proposed an amendment to amendment No. 1689 proposed by Mrs. HUTCHISON to the bill, S. 414, to amend the Shipping Act of 1984 to encourage competition in international shipping and growth of United States imports and exports, and for other purposes; as follows:

On page 5, line 10, strike "ocean".

On page 5, line 15, strike "ocean".

On page 11, line 16, strike "ocean".

On page 12, line 8, strike "ocean".

ADDITIONAL STATEMENTS

TRIBUTE TO JOSEPH P. KENNEDY II UPON HIS RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

• Mr. DODD. Mr. President, several days ago, our colleague in the other body, Representative JOSEPH P. KENNEDY II, announced his retirement after 12 years of service. Representative KENNEDY has been a tremendous advocate on behalf of the nation's working families, and I want to take this opportunity to say a few words about my friend from Massachusetts.

JOE KENNEDY has brought an uncommon enthusiasm and an intensity to his work here in the Congress. As a member of the Committee on Banking and Financial Services, he mastered the arcane details of banking, insurance, securities, and housing law to achieve great success in reforming our nation's financial institutions to be more responsive to the needs of working families.

In 1989, he authored amendments to the Home Mortgage Disclosure Act and the Community Reinvestment Act. These amendments have been responsible for leveraging hundreds of millions of dollars in credit to help people of modest means purchase a home.

As the Chairman of the former Subcommittee on Consumer Credit and Insurance, he worked on legislation to reform the Fair Credit Reporting Act, so that consumers will be better protected from unwarranted uses of their most private financial information and will have a greater ability to safeguard the confidentiality and accuracy of that information.

More recently, as Ranking Member of the Subcommittee on Housing and Community Opportunity, he has continued to champion affordable housing for the elderly and others on fixed incomes. Thanks to his efforts, many more Americans own a home and have a decent, affordable place to live.

Congressman KENNEDY has distinguished himself in other ways, as well. He has been a consistent and articulate voice for peace and justice in places like Northern Ireland, Haiti, and the Mexican state of Chiapas. He has been a staunch supporter of civil rights for women, the disabled, and minorities. He has also worked hard to balance our nation's budget without compromising our commitment to protect our most vulnerable citizens.

Prior to his election to the House, Congressman KENNEDY built a successful company that provides low-cost heating oil and other services to low and moderate income Americans. It is to that company that he will soon return.

I have no doubt that although he is leaving public office, JOE KENNEDY will continue to serve the public interest. I know I speak for many of my colleagues in wishing him and his family well in this new endeavor, and in saying that, we in the Congress will miss his vitality and vision of a more just and prosperous America.•

TRIBUTE TO VICE ADMIRAL GEORGE R. STERNER

• Ms. SNOWE. Mr. President, I rise today to honor Vice Admiral George R. Sterner, United States Navy, who will retire on May 1st upon completing 36 years of faithful service to our nation.

During his distinguished career, Vice Admiral Sterner played a significant role in reshaping the way the Navy develops, acquires, modernizes, and maintains its ships and systems so that our Sailors and Marines have the best equipment in the world at an affordable price.

Vice Admiral Sterner's career began in 1962 upon his commissioning as an Ensign in the United States Navy. During the years that followed, he served aboard four submarines and commanded two others. His shore assignments included duty on the staff of the Commander in Chief, United States Atlantic Fleet; Branch Head for submarine tactical weapons on the staff of the Chief of Naval Operations; Program Manager for the Mark 48 Advanced Capability Torpedo; and Program Executive Officer for Submarine Combat and Weapons Systems.

After serving in two senior Naval Sea Systems Command positions, Vice Admiral Sterner took charge of this organization on April 25, 1994. As Commander of the largest of the five Navy Systems Commands, Vice Admiral Sterner re-energized an agency in turmoil as a result of the largest restructuring since World War II. Managing a budget of approximately $14 billion annually and managing more than 180 acquisition programs, he has been a responsible steward of taxpayer dollars while insuring that we have a technically-superb, world-class naval fleet.

As a testament to his dynamic leadership, the National Performance Review chose to honor him and his command with 27 Hammer Awards for contributions to create a government that works better and costs less.

Closer to home, Vice Admiral Sterner has been a friend to the dedicated men and women who work at the Portsmouth Naval Shipyard. Thanks in part to his vision, the Shipyard retains its important military-industrial capabilities and continues to provide critical jobs for the region.

Vice Admiral George Sterner's innovation has positioned the Naval Sea Systems Command for the 21st Century. He is an individual of uncommon character and his professionalism will be sincerely missed. I am proud, Mr. President, to thank him for his honorable service in the United States Navy, and to wish him "fair winds and following seas" as he closes his distinguished military career.•

NATIONAL POW RECOGNITION DAY

• Mr. WELLSTONE. Mr. President, April 9 is National POW Recognition Day, and I rise today to pay tribute to all those U.S. service persons who guarded their country in past wars, who have been listed as POWs or MIA, and to their families. I especially want to pay tribute to Col. Richard A. Walsh III, an Air force pilot from Minnesota listed as missing-in-action in Laos. We must never forget Richard and the other MIAs for their courageous service and sacrifices. In addition, we must never forget the sacrifices made by their families.

That is why I also want to recognize Richard's wife and a constituent of mine, Ms. Sharon Walsh. As the executive director of the Minnesota League of POW/MIA Families, Sharon has worked hard over the years on behalf of our POW/MIAs and their families, and I commend her. I can't imagine how difficult and painful it has been for Sharon and her family not knowing exacting what happened to Richard in Southeast Asia.

Ms. Walsh asked me to enter into the CONGRESSIONAL RECORD a document outlining some of her concerns and questions regarding the issue of satellite imagery and American POW/MIAs during the war in Southeast Asia. She, along with a small group of my constituents, are frustrated with certain federal agencies, including the Department of Defense. These agencies are responsible for maintaining and publicly disclosing information about reported U.S. satellite imagery of possible pilot distress symbols, associated with American service personnel who are unaccounted for in Southeast Asia. The statement contains serious allegations about U.S. government mishandling of these matters. My constituents claim that since the war has ended U.S. satellite imagery has detected pilot distress symbols on the ground in Southeast Asia, and the U.S. government has willfully ignored key evidence in this matter. The Department of Defense POW/MIA office has repeatedly indicated to me, and in the media, that they have fully and carefully investigated these claims and found them baseless, attributing the reported symbols to unrelated, largely natural causes, and to mistakes in photographic interpretation of satellite imagery.

Mr. President, I ask that the material from Ms. Walsh be printed in the RECORD. I know this issue has been addressed by Pentagon officials for years, and was carefully studied by the now-defunct Senate Select Committee on POW/MIA Affairs. Nonetheless, I promised my constituents to share this information with my colleagues, for the record, at an appropriate time. I believe POW Recognition Day is an appropriate occasion for us to consider these issues, and I hope it will contribute to any further discussion of these matters in the Senate.

The material follows:

MINNESOTA LEAGUE OF
POW/MIA FAMILIES.

I am Sharon Walsh, Minneapolis, Minnesota, the wife of Richard A. Walsh III Colonel, USAF, a pilot who is or was missing in action in Laos. I represent the League of Minnesota Families of Missing and Prisoners in Southeast Asia.

This letter and the enclosed referenced documents document the betrayal of branches of the U.S. government toward America's missing personnel in the war in Southeast Asia. In my lifetime, I cannot recall such disregard and callous behavior toward young men who thought they represented an honorable government. Actually it is criminal felonious purposeful malfeasance in government that many of us find shocking.

In 1992, U.S. satellites recorded symbols on the ground in Southeast Asia exactly matched rescue codes assigned to pilots missing in the Vietnam War. Other symbols exactly matched names of POW/MIA pilots.

The official U.S. government explanation is these symbols were created by vegetation and shadows and it is a coincidence they match names and classified codes of MIAs. It does not take a mathematical probability expert to realize the absurdity of the government story.

Government officials have committed both unethical and illegal acts to misinform the nation about the satellite imagery. However, the existence of enough of these rescue symbols are verified in government documents to show the U.S. is now an accomplice to slavery and torture of human beings. The documents Senator Wellstone is introducing into the Congressional Record show exactly how the government has lied and mislead the public, the press, and the Congress.

I urge every member of Congress who believes in the principles of liberty and justice to carefully examine these documents. The precedents of the POW/MIA issue—rewarding the corrupt and punishing the truthful, must be reversed if we are to survive as a free and democratic society. In the name of justice, please act swiftly to remove and prosecute those government officials who have betrayed both the missing men and our nation.

Thank You,

SHARON WALSH,
Executive Director.

CHRONOLOGICAL TABLE ILLUSTRATING FRAUDULENT U.S. GOVERNMENT IMAGERY STORIES

Below is a table showing various government stories about pilot distress symbols found in satellite imagery. GX2527, SEREX, and 72TA88 were symbols recorded by U.S. satellites taking pictures of the field next to Dong Vai Prison, Vietnam on June 5, 1992. Dong Vai Prison is the site of seventeen live sighting reports of American POWs.

POW/MIA officials lie to the press and Congress in order to prevent further investigation. These corrupt officials may eventually admit the truth to a few individuals, but only after millions have read the fraudulent story in the press or after serious Congressional inquiry has been stopped cold. They have a record of making up any story to hide the truth. No U.S. government POW/MIA official has been prosecuted for perjury or even reprimanded for putting out false information.

"SEREX" is the last name of MIA Henry Serex, lost in south Vietnam in 1972. "GX2527" contains the E and E codes and personal authenticator codes assigned to MIA Peter Marthes, lost in Laos in November 1969. The letters "TA" were, with other symbols, letters found just below the 1992 "SEREX" letters and also possibly in 1973 photography. The "USA" letters were photographed over Laos in late 1988 and early 1989.

Examples in the table below include perjury before the Senate Select POW/MIA Committee (SSC), lies intended to prevent an investigation by the House Intelligence Committee, and lies to the press. Quotes are represented by Italics. The POW/MIA office is the source of correspondence unless otherwise noted.

SEREX

October 8, 1992 Deposition of Air Force JSSA Deputy Chief Robert Dussault before the SSC: . . . very clearly to me there was the name S-E-R-E-X.

August 29, 1994, to the chairman House Intelligence: the individual who identified the symbol he thought was made by Major Serex never identified the letters "SEREX." He identified what he thought was "SER." Only after examining an alphabetically arranged listing of missing Americans did he match "SER" to "SEREX."

December 6, 1994 to Star Tribune: No member of the Defense Department has ever observed the word "SEREX" on any satellite imagery or photography maintained by the US government.

October 10, 1996 to Wellstone: Mr. Dussault testified before Congress that he had observed the letters "SEREX" on satellite imagery. Mr. Dussault is not a professional imagery analyst; he was testifying as a Department of Defense employee.

TA

October 15, 1992 Andrews sworn testimony to Senate: The first symbol of interest is a 1973 TH. This symbol was imaged on May 20, 1973 and again on July 10, 1973 on the Plain of Jars in Laos . . . It has been interpreted as either a 1573 or 1973 and either TA or TH. None of the four possible combination of these symbols correlate to a classic distress symbol or to the escape and evasion symbols that our crews were trained to use.

December 6, 1994 to Star Tribune: To our knowledge, the letters "TA" were never used as an official evasion and escape symbol during the war in Southeast Asia.

January 6, 1995 letter from Air Force JSSA: According to PACOM documents covering the Vietnam war period, GX and TA were issued as classified E&E coded letter pair distress symbols.

May 1, 1996 to Wellstone: No one questions the fact that T and A, along with many letters of the alphabet were used during the Vietnam War as evader symbols.

October 10, 1996 to Wellstone: Available records from the period indicate the combination of "T" as the primary evasion and escape (E&E) letter and "A" as the backup E&E letter were used from October 1972 to 10 April 1973.

GX2527

December 6, 1994 to Star Tribune: The combination of letters and numbers in the so-called "GX2527" symbol is not a valid evader symbol.

January 6, 1995 letter from Air Force JSSA: According to PACOM documents covering the Vietnam war period, GX and TA were issued as classified E&E coded letter pair distress symbols.

August 1995 POW/MIA office report provided to Wellstone: The letters "GX" have no known correlation to any American missing in Southeast Asia." and "Additionally, the combination GX2527" is not a valid evader symbol.

May 1, 1996 to Wellstone: Whether the alleged symbol "GX2527" is a valid E&E symbol is not relevant . . .

October 10, 1996 to Wellstone: Accordingly to the JSSA, available records from the period indicate the combination of "G" as the primary E&E letter and "X" as the backup E&E letter were employed during September 1971. The loss incident of the individual linked to these letters had occurred almost two years before.

USA

December 6, 1988 CIA analysis: The letters form water filled depressions in the otherwise dry fields.

December 6, 1994 to Wellstone: The "USA" and "KO" symbols referred to in the Star Tribune article were created by two Lao youths who shaped the letters out of rice straw they set ablaze.

May 1, 1996 to Wellstone: When imagery analyst first reviewed the photography containing "USA, their initial analytic findings was that the letters were depressions that when filled with water would form the dark images observed on the imagery. They based their initial analytic finding on the basis that since the surrounding rice field was much lighter in color, the darkness of the letters was probably caused by water filled depressions. This initial photographic analysis was in error.

October 10, 1996 Same as May, 1996 statement.

EXAMINATION OF ABOVE STATEMENTS

These are only examples—the POW/MIA office commonly changes stories. True statements were obtained by confronting the POW/MIA office with declassified documents. Confrontation with irrefutable documents sometimes works. However, in the case of "GX2527" POW/MIA officials still try to discredit the validity of these symbols. This is not hard to understand, given that no one with any common sense can believe the official government story that vegetation and shadows created a classified six-character valid distress symbol. Despite years of challenges, and numerous promises from DPMO officials to provided documentation, not one document has been provided to support the DPMO position that "GX2527" is not a valid evader symbol.

Discussion of SEREX. In response to a story in the Star Tribune that stated that the Air Force JSSA deputy chief saw the letters SEREX, the head of the POW/MIA office (General Wold) wrote the Star Tribune claiming no Defense Department employee ever saw the letters "SEREX." In October 1996 the POW/MIA office confessed their statement was false. The only excuse for this offered is a vague statement open to many interpretations. DPMO has refused to elaborate.

The August 29, 1994 statement by the POW/MIA office to the head of the House Intelligence committee is a pure fabrication—with invented details to give it apparent credibility. This is an outrageous attempt to obstruct justice and prevent a potential investigation by the House Intelligence Committee. No excuse for this statement has been forthcoming by the POW/MIA office to date.

Discussion of TA. The POW/MIA office now confesses that the letters "TA" were used during the war as E&E codes. Their office previously claimed to the best of their knowledge they were not. It turns out the codes were not used just for one month, but from October 1972 to April 10, 1973!

Note the previous dates relate to May 1973 symbols discussed in the October 15, 1992 testimony of Assistant Secretary of Defense Duane Andrews. Andrews was sworn to tell the truth, the whole truth, and nothing but the truth, and did not do so. Had the Senate Select POW/MIA committee been told that TA were active escape and evasion symbols for those missing from October 1972 to April 10, 1973, they may have concluded that the symbols photographed in May 1973 were made by an American. Again, the government is entitled to take any position it desires. However, the law does not allow government officials to lie, mislead, or conceal information to support their position. Doing so under sworn oath is called "perjury."

Discussion of GX2527. The POW/MIA office has been confronted with the statement from the SSC final report: "This consultant had detected, with "100 percent confidence" a faint "GX2527" in a photograph of a prison facility in Vietnam taken in June, 1992. This number correlates to the primary and backup distress symbols and authenticator number of a pilot lost in Laos in 1969." Their office has also been confronted with expert testimony from the Air Force JSSA stating GX2527 is a valid pilot distress symbol. JSSA is the very agency that teaches pilots the rescue symbols. The POW/MIA office on one occasion said whether GX2527 is a valid distress symbol is not relevant. They still have not admitted GX2527 is a valid distress symbol, indeed, they often deny it.

On a second point, the POW/MIA office previously stated "The letters "GX" have no known correlation to any American missing Southeast Asia." They now say GX were valid for the months of September, 1971 and point out this is two years after MIA Peter Matthes was shot down. Clearly, they lied when they said GX correlated to no known missing American—there are multiple Americans missing in September 1971. The POW/MIA office has refused to respond to numerous inquiries asking what rescue letters they claim were valid for November 1969.

Discussion of USA. The POW/MIA office, the same office that has refused to follow recommendations of the SSC regarding imagery because they say they are so positive of their findings, now claims an imagery analyst made a mistake. It stretches the imagination to believe an imagery analyst could not tell land from water. The POW/MIA office claims new analysis showed the unnamed imagery analyst was mistaken. Yet in my FOIA request, which asked for all documents relating to the USA letters, I received not one document to support the POW/MIA office's latest story.

REFERENCES

December 6, 1988—CIA analysis of USA letters, provided by DPMO in FOIA request.

October 15, 1992—statement to SSC from Assistant Secretary Defense Duane Andrews.

August 29, 1994—POW/MIA office letter to House Intelligence Committee Chairman.

December 6, 1994—letter from General James Wold to Minneapolis Star Tribune.

August 1995—POW/MIA office report "Satellite imagery and Ground Distress Symbols."

May 1, 1996—letter from POW/MIA office to Senator Wellstone.

October 10, 1996—letter from POW/MIA office to Senator Wellstone.●

TRIBUTE TO ADMIRAL CHARLES R. LARSON, UNITED STATES NAVY

● Mr. McCAIN. Mr. President, I take this opportunity to recognize and say farewell to an outstanding naval officer and dear friend, Admiral Charles R. Larson. It is an honor and a privilege for me to recognize his many outstanding achievements and to commend him for the superb service he has provided the United States Navy and our great nation during a truly distinguished military career. Admiral Larson's achievements over his 40-year career are unparalleled in our modern Navy. In addition to being a superb naval officer and my well-respected classmate at the United States Naval Academy, Admiral Larson was the youngest officer in the history of our Navy to be promoted to Admiral. Upon retirement in June, he will have served in 11 positions spanning more than 19 years as a flag officer.

Admiral Charles R. Larson assumed duties as the 55th Superintendent of the United States Naval Academy on 1 August 1994. Prior to his arrival, Admiral Lawson served from March 1991-July 1994 as Commander in Chief of the U.S. Pacific Command (CINCPAC) located in Honolulu, Hawaii. As the senior U.S. military commander in the Pacific and Indian Ocean areas, he led the largest of the unified commands and directed all Army, Navy, Marine Corps, and Air Force operations across 103 million square miles—more than 50 percent of the Earth's surface. In his position as Commander of CINCPAC, Admiral Larson had primary responsibility for 350,000 personnel and the readiness of all U.S. forces in the theater, and was accountable to the President and the Secretary of the Defense. He was also the U.S. Military representative for collective defense arrangements in the Pacific and worked with 44 countries in the Pacific Rim.

Admiral Larson was born in Sioux Falls, South Dakota. A graduate of North High School in Omaha, Nebraska, he graduated from the United States Naval Academy with distinction in 1958. After being commissioned in the U.S. Navy, he reported to flight training in Pensacola, Florida, and was designated a naval aviator in May 1960. He then reported to Attack Squadron 176, where he flew missions from the aircraft carrier USS *Shangri-La* (CVA 38).

In April 1963, he volunteered and was accepted for nuclear power training. Upon completion, he served in two fleet ballistic submarines, USS *Nathan Hale* and USS *Nathanael Greene*, before reporting as executive officer of the nuclear-powered attack submarine USS *Bergal*.

Admiral Larson was the first naval officer selected as a White House Fellow, serving in 1968 as Special Assistant to the Secretary of the Interior. From January 1969 to April 1971, he served as Naval Aide to the President of the United States. He reported back to sea duty as executive officer of the nuclear-powered submarine USS *Sculpin*. From August 1973 to July 1976, he served as commanding officer of the nuclear submarine USS *Halibut*. In August 1976, Admiral Larson assumed duties as Commander, Submarine Development Group ONE, in San Diego, California. In this assignment, he headed the Navy's worldwide deep submergence program with a variety of submarines, surface ships, deep submersibles, and diving systems under his command.

As a Flag Officer, Admiral Larson has served in nine assignments both ashore and afloat subsequent to his promotion to Rear Admiral in March 1979. These include: Director of the Strategic Submarine Division and Trident Coordinator on the staff of the Chief of Naval Operations; Director, Long Range Planning Group, an organization he established to assist the Chief of Naval Operations identify and prioritize long-range Naval objectives for planning the Navy of the early 21st century; Commander, Submarine Group EIGHT; Commander, Area Anti-Submarine Warfare Forces, SIXTH Fleet; and Commander, Submarines Mediterranean (NATO) in Naples, Italy.

From August 1983 to August 1986, he served as the 51st Superintendent of the United States Naval Academy. In August 1986, Admiral Larson was promoted to Vice Admiral prior to reporting as Commander, Striking Fleet Atlantic/Commander, SECOND FLEET. In August 1988, he reported as Deputy Chief of Naval Operations for Plans, Policy and Operations.

Admiral Larson was promoted to four-star rank in February 1990 upon being assigned as Commander in Chief, U.S. Pacific Fleet the Navy component commander in the Pacific theater. After one year in this position, Admiral Larson was nominated by the President and assumed duties as Commander in Chief, U.S. Pacific Command.

Admiral Laron's decorations include the Defense Distinguished Service Medal, six Navy Distinguished Service Medals, three Legions of Merit, Bronze Star Medal, Navy Commendation Medal, and Navy Achievement Medal.

For the past four years, Admiral Larson has served as the 55th Superintendent of the United States Naval Academy. Admiral Larson was asked to assume the duties as Superintendent to return honor, discipline, and a sense of commitment to the 4,000 midshipmen, in the wake of the most trying scandals that the Naval Academy has faced in its 152-year history. As background, on September 27, 1993, the Naval Academy Board of Visitors created the Honor Review Committee, known as the Armitage Committee, named after the Chairman, Ambassador Richard L. Armitage. The Armitage Committee was charged with reviewing the concept, process, and effectiveness of the Naval Academy Honor Concept, particularly in light of the December 1992 compromising of an Electric Engineering exam at the Academy. One significant recommendation of the Amitage Committee was to increase the Superintendent's Academy tour length to four years and make the Superintendent a more senior flag officer than the two-star admirals who had previously served in that position. Admiral Larson was the top choice among several stellar candidates given his maturity, four-star rank, experience, academic background, outstanding character and integrity, and his known ability to reach out and unify all Academy efforts aimed at improving character development: administration, academic departments, athletic department (including varsity athletics), extra-curricular activities, the Office of Chaplains, and the Brigade Honor Committee.

As a member of the Naval Academy's Board of Visitors, I can report that we recently conducted a comprehensive investigation of every aspect of the Naval Academy. We concluded that the Naval Academy is fundamentally sound and on the right track for the 21st century. For that positive endorsement, we have Admiral Larson to thank. I would like to cite a few of the significant changes that Admiral Larson has instituted at the Naval Academy, which I believe will have positive effects for the future of our service academies:

Established a New Leadership Curriculum. The leadership curriculum has been completely revamped, emphasizing a continuum of leadership both in the classroom and in the fleet.

Established a New Ethics Course. A three-credit course, "Moral Reasoning for Naval Leaders," provides a weekly lecture by a faculty philosopher and seminars taught by senior officers with extensive fleet experience.

Instituted Integrity Development Seminars. During these monthly sessions, midshipmen work to define and clarify their basic moral values, and to determine the importance of those values and their significance to a career as a military officer.

Established Distinguished Chair of Ethics. A world-renowned ethicist has been appointed, who adds considerable expertise to all of the Naval Academy's character development efforts.

Established a Distinguished Professor of Leadership. The current Professor of Leadership is focusing efforts on improving how leadership is taught and practiced, both in the Division of Professional Development and in Bancroft Hall.

Reaffirmed Honor Concept and Education. Midshipmen ownership of the Naval Academy's Honor Concept has been reaffirmed, and efforts to educate all midshipmen about the history, significance, and value of the Naval Academy Honor Concept have been strengthened.

Returned to a Traditional Plebe Summer. With an emphasis on leadership by example, Admiral Larson returned the Naval Academy to a more traditional summer training period for new midshipmen, challenging them to reach new heights in physical, intellectual, and moral performance, and emphasizing the importance of respect for the dignity of others.

Established a Masters Program for Company Officers. This program allows exceptional junior officers from the fleet to spend their first year in an intense academic environment where they will earn a master's degree in leadership. After being awarded an academic degree, the officers would then use this knowledge, combined with their fleet experience, to become more effective leaders and models for the midshipmen.

Instituted Company Chief Petty Officers. Each Company has been assigned a senior chief petty officer or a Marine Corps gunnery sergeant who provides considerable first-hand fleet experience to the young officers-in-training.

Renewed Accreditation of Academic Program. Under Admiral Larson's leadership, the Naval Academy received renewed academic accreditation in 1986 and 1996. His direction of the academic program for the long term engendered laudatory comments by the inspection teams.

Key Brigade Accomplishments in Academic Year 1996–1997:

74 Midshipmen from the Class of '97 were selected or nominated for graduate education programs, 10 of whom were women—a record number of female participants.

Midshipmen participated in over 16,000 hours of community service, a new record. This effort represents the exponential growth of community service in the Brigade.

Fifteen varsity athletes were named All-Americans for '96–'97. Two of 15 were also GTE Academic All-Americans.

Mr. President, my good friend Chuck Larson, his wife Sally, and daughters Sigrid, Erica, and Kirsten have made many sacrifices during his 40-year naval career, and have contributed significantly to the outstanding naval forces upon which our country relies so heavily. Admiral Larson is a great credit to both the Navy and the country he so proudly serves. As this truly history-making officer now departs for another career, I call upon my colleagues from both sides of the aisle to wish him fair winds and following seas. He will be greatly missed. '58 is great! ●

THE ALARM INDUSTRY

● Mr. HARKIN. Mr. President, just over two years ago I stood on this floor as the Senate voted overwhelmingly in support of a historic rewrite of the 1934 telecommunications act. We were told at that time that the act would bring the benefits of competition in local telephone exchange service—better service and lower prices for the American consumer.

One part of that legislation in which I had a personal interest were the provisions concerning the burglar and fire alarm industry—a highly competitive industry still dominated by small businesses. Many of us, both in the House and the Senate, feared that allowing the Regional Bells to enter the market prior to real competition in the local telephone exchanges would result in the Bells using their business monopolies and vast financial resources to drive small alarm dealers out of business.

That is why Congress adopted a five year transitional waiting period before the Bells could enter the alarm monitoring business. The bill made an exception for Ameritech.

The Ameritech exception was included because Ameritech had already purchased two large alarm companies—before the bill was passed. However, these acquisitions were quite controversial because they were made during a time when all of the Bells had agreed not to enter this line of business until the legislative rules had been established. Only Ameritech broke that understanding. Nonetheless, the Congress felt it was better to grandfather those acquisitions rather than to force a divestiture.

However, in order to insure that we were not granting a five year competitive advantage to Ameritech over the other Bells, who had kept their pledge not to enter the business, we specifically prohibited further growth by acquisition during the five year transition period. We, in effect, told Ameritech that it could stay in the alarm monitoring business, but that its growth would be restricted to direct marketing to customers.

And, to make our intentions crystal clear, several Senators, including then Majority Leader Bob Dole, engaged in a floor colloquy on the subject when the bill was being considered. At one point I said:

> There is one issue which deserves some additional clarification. The bill and the report language clearly prohibit any Bell company already in the industry from purchasing another alarm company for 5 years from date of enactment. However, it is not entirely clear whether such a Bell could circumvent the prohibition by purchasing the underlying customer accounts and assets of an alarm company, but not the company itself. It was my understanding that the conferees intended to prohibit for 5 years the acquisition of other alarm companies in any form, including the purchases of customer accounts and assets.

The two managers of the bill, Commerce Committee Chairman PRESSLER and Ranking member HOLLINGS, both agreed on the record that my understanding was correct.

Despite that clarification in the formal proceedings, Ameritech disregarded Congressional intent. Soon after passage of the bill, Ameritech went out and purchased the customer accounts and assets of Circuit City's alarm monitoring division.

When the alarm industry challenged Ameritech's action, a divided FCC Committee supported Ameritech. For reasons I don't understand, all the commissioners—except for Susan Ness in a vehement dissent—said that purchasing the customer accounts and assets was permissible so long as Ameritech did not purchase any of the stock.

This opened the flood gate. During the next 16 months, Ameritech purchased over 550,000 customers by acquiring the assets and customer accounts of: Republic Industries alarm division, the 7th largest company in the alarm industry; Rollins, the 10th largest company in the industry; Masada, the 20th largest company in the industry; Central Control and Alarm, the 40th largest company in the industry; and Norman, the 46th largest company in the industry.

This acquisition binge was exactly what Congress wanted to avoid when it created the five year transitional waiting period. The industry's fears of market domination by those companies which control the local telephone exchanges—the alarm industry's lifeline—have proven to be justified.

In the late 1980's and early 1990's, just before Congress embarked on its effort to transform the telecommunications industry, there were approximately 13,000 alarm companies in this country employing over 120,000 workers. By 1997, that number had dropped dramatically to 10,750 companies and 90,000 workers—according to an industry source, Freeman & Associates.

At the same time, there was significant consolidation among the top 100 alarm companies. Most industry experts agree that several top 100 companies have concluded that they would have to consolidate to compete with the rapidly expanding Ameritech. This hastened the demise of many small alarm companies, driven out of business by having to compete with the new giants in the industry, especially Ameritech.

At the same time that small companies were being driven out of business, there have been dramatic layoffs in the companies Ameritech acquired. Just last year, Ameritech's SecurityLink alarm division announced layoffs of over 1,500 workers out of a workforce of 8,000.

One example of this can be found in Lancaster, Pennsylvania. About 20 years ago, my friend Patrick Egan started his own small alarm company, Commonwealth Security Systems, Inc. He built his company into a significant regional player with 11 offices and a central monitoring station in Lancaster. He employed over 200 people in Lancaster alone.

In January of 1997, believing that he had won the battle against Ameritech purchasing alarm monitoring companies, Patrick sold his business to Republic Industries. He sold with the understanding that all of his employees would be retained, monitoring would continue in Lancaster, and he would remain on as President of Republic Industries' Mid-Atlantic operations. During the short period Republic owned Commonwealth Security Systems, they significantly expanded operations and doubled the size of its workforce from 200 to 400.

However, thirty four weeks later, Ameritech's SecurityLink came in and purchased all the customer accounts and assets of Republic's alarm division. That day, Ameritech chose to let Patrick go. Then, it proceeded to layoff nearly 100 of the Lancaster-based employees. More layoffs are expected as SecurityLink eliminates its Lancaster monitoring station as well as 22 others across North America. Not only are jobs lost, but also the industry is convinced that safety is compromised.

Last December 30, however, the United States Court of Appeals for the District of Columbia Circuit stepped in and vacated the FCC's ruling that precipitated the buying binge in the first place.

In its ruling, the Court said, "When the purported (by the Commission) 'plain meaning' of a statute's word or phrase happens to render the statue senseless, we encountering ambiguity rather than clarity. . . So [it is] here." The Court continued: "The Commission's interpretation means that although Section 275 (a) (2) precluded Ameritech from acquiring even one share of Circuit City's stock, Ameritech was free to acquire the company's entire alarm monitoring services division—lock, stock, and barrel. We asked the Commission counsel at oral argument what possible rationale Congress could have had in mind if this is what it intended." The FCC's counsel has not provided a cogent answer to the court's question.

I share the court's confusion. I know what we meant when we adopted Section 275 and Ameritech certainly knew what we meant. But that did not stop Ameritech's management. It has been their intention all along to push as far and as hard as they could while they had their unique advantage over the other Bells. They would hope that either the FCC or the courts would sustain their position. They have deep financial pockets which they have relied upon in the hope that they could drive the alarm industry into submission.

But that's not going to happen. The Court has signaled that an interpretation of Section 275 which circumvents the prohibition on purchases by specifying the method of purchase does not adhere with what Congress intended. The Court has directed the FCC to issue an interpretation of Section 275 which makes sense. It is my hope that the Commission in its next ruling will send a clear and unambiguous message to Ameritech that it must cease and desist from flaunting the law and should be ordered to divest itself of any customer accounts or assets it acquired after the passage of the Telecommunications Act of 1996.

Congress clearly intended to prohibit Ameritech from acquiring all or any part of an alarm monitoring company in any form. It's time for Ameritech to realize that. The only way they will, though, is if the FCC forces them to follow the law.●

TRIBUTE TO FIRST LADY OF VIRGINIA ROXANNE GILMORE

● Mr. WARNER. Mr. President, I rise today to pay tribute to the First Lady of the Commonwealth of Virginia, Mrs. Roxanne Gilmore. I had the distinct pleasure of joining Mrs. Gilmore for a luncheon honoring her prior to the Governor's Inauguration. Mrs. Gilmore is a remarkable woman of uncommon character and an accomplished education professional. She is setting a wonderful example for all Virginians and bringing tremendous talent, energy, and leadership to the position of First Lady.

Mr. President, I ask that First Lady Gilmore's remarks be printed in the RECORD.

The remarks follow:

REMARKS OF MRS. ROXANNE GILMORE

I want to thank each of you for being here today, especially with the weather having taken a turn for the worse. It means a lot to Jim and me that you all would choose to be a part of our inaugural festivities—we wanted to share this experience with as many Virginians as possible. That's why we have traveled to so many wonderful places in the Commonwealth this week—to revisit the beautiful places that we saw during the campaign, and most importantly, to see so many of our friends who sustained us over the last several months.

It's with many differing emotions that I address you this afternoon. I am deeply honored that a man of the stature of Senator John Warner would host this event today. He is truly one of Virginia's finest sons, and his service and commitment to the people of Virginia overshadows what small service I hope to give the people over the next four years.

I am thankful that so many of our close friends and family are here and that they were able to weather the roads to make it to Richmond today. You all have understood when we had to say No, we can't come this time, and you sustained us during the rough times. I particularly want to thank Bessie Scott of the VFRW for their tireless efforts on our part during this campaign. There was not a time when they refused to help, and I am proud that I can claim a long-standing membership in such a worthwhile group. I also want to thank the Mills E. Godwin High School Chorus for providing special music for our enjoyment. Our son, Jay, has enjoyed being a "Godwin Eagle" this year, and I appreciate the warmth that the Godwin student body has extended to us all.

Then, indeed, I am somewhat terrified of giving this speech since I see some of my UVA professors and my RMC colleagues in the audience. I hope they left their grade books at home, and focus instead on how much I appreciate their support here today.

I have often thought it appropriate that as Jim and I embarked on this course in the political world, that a large part of my teaching at RMC included epic poetry—the Odyssey of Homer, and the Aeneid of Virgil. For our course has surely been an Odyssey. On my journey I have seen rosy fingered Dawn on early morning campaign trips—I have seen the wine-dark sea of the Chesapeake Bay—and even some of the political meetings were reminiscent of the great quarrel between Achilles and Agamemnon.

But just as the journey of Odysseus didn't really end when he reached Ithaca, nor the journey of Aeneas end with his arrival in Italy, our journey is not over, but just beginning. The work of accomplishment will start this Saturday. And while Jim has the legacy of Virginia's great Governors to follow and well-defined Constitutional responsibility to uphold, there are no guidebooks or defined rules to mark the path of a First Lady. Today I want to share with you some of my plans for the next four years.

Much news has been made of the fact that I will continue to work part-time as a professor of classics. The attention has quite frankly surprised me. During our 20 years of marriage, I have worked full-time, sometimes not at all, and part-time. I now work part-time and will continue to teach while Jim is Governor.

I never viewed the fact that I would teach as a decision. To both Jim and me, my continuing to teach was never a question. He realizes that teaching is not really a job to me, it is my passion. It is an important part of my life, and Jim's understanding this and supporting it have meant much to me over these past years.

We of course will continue to be partners in our responsibilities of parenthood. On many occasions Jim has been the one who got up early and prepared Jay and Ashton for school as I traveled or left for school early. We support each other in our goals. And in doing this we are just a typical Virginia family, and we will continue on this path. We will approach life in the Governor's mansion in the same manner we have approached life throughout our marriage. We will draw strength from each other and put a priority on time to spend with Jay and Ashton.

But I also approach this new period in my life as an opportunity. A First Lady has a public platform that can put the spotlight on ideas and efforts deserving greater awareness. Many Virginians are engaged in innovative approaches to problems and their successes go unnoticed. As First Lady I can help bring attention to these innovations and share these ideas with the rest of Virginia.

But my role will not be that of making policy. Jim has that burden on his shoulders. My time and energy outside of being a wife, mother, part-time teacher will be focused on education, history, and tourism.

As a teacher it will not surprise anyone that I have many ideas about ways to enhance education in Virginia. For example, I would like to encourage schools to utilize the incredible knowledge and experience that our experienced professionals can share with our young people. We have many Virginians who travel the nation and the world sharing their life experiences with various audiences. These same Virginians would gladly spend time in Virginia classrooms where their practical, real-world knowledge would give an added dimension to the educational experience of our youth. I hope to inspire our schools of higher education and our Virginia professional workforce to join in partnership with our secondary schools for the benefit of young people across the state. Programs of cooperation similar to that I witnessed at Randolph-Macon where students from Hanover schools who perhaps had no experience with a college or higher education, were invited to RMC to visit classrooms and laboratories and the cafeteria to see first hand activities that some of us take for granted. As we enter the 21st century, inspiring our youth to reach their full potential should be our first goal.

Though my degrees are in ancient history, I have always had a fascination and love of Virginia's rich history, and both Jim and I believe that the unmatched historic offerings of Virginia should be the cornerstone of promoting tourism in Virginia. While many states try to compete with Virginia's incredible beaches, golf courses, mountains and parks, no other state can rival the historic jewels that the Commonwealth offers. Studies show that parents try to plan vacations that are both educational and fun—what better place to visit than Virginia where both abound. We should also encourage more Virginians to vacation in Virginia, and then, as they travel outside of the Commonwealth, they can be ambassadors for our own unique treasures.

These are just a few of the plans that I have considered for our ongoing Odyssey. But I know also from my studies that life brings unexpected adventures and opportunities, and I hope that I can use these unexpected opportunities to serve all Virginians.

Jim and I will work hard for the families of Virginia and will continue to recognize the honor that it is to serve the people of Virginia. We have the same hopes and dreams that you have for your children. It is our dream that this Odyssey will bring them a Virginia even better than it is today.

Thank you.•

TRIBUTE TO BELLA ABZUG

• Mr. DODD. Mr. President, I rise today to sadly acknowledge the passing of a friend, former colleague, and one of the most passionate, committed, and colorful individuals that the Congress and this country has ever known: Bella Abzug.

Many people view 1920 as one of the most important years in the history of women in America, not only because it was the year that women finally gained the right to vote, but also because it's the year that Bella Abzug was born.

When we think of the struggle for women's equality in this country, one of the first images that comes to mind is that of Bella Abzug's wide-brimmed hat bobbing up and down at some march or rally. Through her flamboyant personality, she truly became an icon and a giant in the American and worldwide political landscape.

Bella Abzug was a trailblazer. She graduated from law school at a time when only 2 percent of all lawyers were women. She was the first Jewish woman ever elected to Congress and one of only 12 women in the House when she was elected.

She helped pave the way for other women in Congress and in all walks of life. In fact, just the other day, my good friend and colleague from Connecticut, BARBARA KENNELLY, spoke on the House floor about how Bella Abzug inspired her to run for Congress. One can only imagine how many other women took a chance and sought to achieve great things because they were inspired by Bella Abzug.

An important thing to note about Bella is that her work was by no means limited to the cause of women's equality. Her titles ranged from civil rights lawyer to anti-war activist, just to name a few. Just three years out of law school, she went to Mississippi and weathered threats from white-supremacist groups to defend a black man in a highly contentious trial. In the 1950s, she shouted down former Senator Joseph McCarthy's anti-communist witch hunts. On her first day as a Congresswoman, she introduced a resolution to withdraw all U.S. troops from Southeast Asia. In 1975, she introduced legislation in Congress to prohibit discrimination against homosexuals. Bella Abzug was committed to eradicating all forms of injustice in this country and around the world. Hers was not solely the cause of women; hers was the cause she believed to be right and believed to be just.

I was fortunate to see a side of Bella Abzug that most people never saw. I served in the House with Bella during her last term, and I came to know her as a person of great kindness. Beneath the persona of a blustery and irascible New York City politician was a woman of great decency and warmth. While we only served together for one term, I have had numerous occasions over the years to visit with Bella, and I truly appreciated her kindness and her friendship. Bella Abzug was truly one of a kind, and she will be dearly missed by friends, family, and those whose causes she championed over the years.•

TRIBUTE TO EMORY L. MELTON

• Mr. BOND. Mr. President, on Sunday, April 19, 1998, a new math, science and business classroom building on the campus of Southwest Missouri State University-West Plains campus (SMSU), will be dedicated to former State Senator Emory L. Melton. Emory, a long time friend, has done much to help my home State of Missouri.

Elected to the State Senate in 1972, Emory had no opposition five of the six times he ran, which is a State record. Originally, he involved himself in politics because of a strong feeling that the State government was growing much too quickly. As a Senator, he was known for reading every bill that came to the Senate floor and could point out even the slightest of errors. Many of his colleagues felt him to be one of the truest fiscal conservatives ever to serve in the Senate. I had the pleasure of witnessing his great leadership while serving my two terms as Governor.

Before his service to the State Senate, Emory was the Barry County prosecuting attorney and a newspaper publisher in Cassville, Missouri. He served as Missouri Tourism Commission chair for many years. Emory received the St. Louis Globe-Democrat award for public service and was named one of the top ten legislators by Capitol press corps.

With so many impressive accomplishments, it is no wonder the new campus building is named in his honor. I am extremely pleased to see Emory recognized for his great service to the State of Missouri. Congratulations Senator Emory Melton on a tribute well deserved.•

DR. RICHARD KASTNER TURNS 75

• Mr. MOYNIHAN. Mr. President, a milestone will occur on Saturday, April 18, while the Senate is in recess, which I do not want to go unacknowledged: Dr. Richard Hermann Kastner of Clarksburg, Maryland, will celebrate his 75th birthday.

Ralph Waldo Emerson remarked, ". . . to leave the world a bit better whether by a healthy child, a garden patch, or a redeemed social condition; to know even one life has breathed easier because you have lived. This is to have succeeded." I imagine it would be nearly impossible to count how many lives have "breathed easier" because of Richard Kastner. For nearly 45 years, he has helped individuals and families cope with drug and alcohol dependency, abuse, discord, illness and death, and seemingly inconsolable grief as a psychiatrist and therapist, and as a friend. He has devoted his life to helping others find meaning in their lives.

Richard Kastner is a native New Yorker. He received a bachelor's degree in psychology and biology from New York University, a master's degree in psychology from the City College of New York, his M.D. from Jefferson Medical College, and his doctorate in psychology from New York University. He then went to the University of Minnesota for post-graduate medical training and for his psychiatric residency, which he then continued at St. Elizabeth's Hospital here in Washington.

Richard Kastner achieved glittering academic success and then embarked on his career to achieve glittering professional success. He was a captain in the Medical Corps and served as a military psychiatrist at Andrews Air Force Base. He has been a senior psychiatric consultant for the National Security Agency, chief psychiatrist of the Employees Health Service at the National Institutes of Health, and a consulting senior psychiatrist and lecturer at the National Aeronautics and Space Administration. He also served as an instructor in the Department of Psychiatry at Harvard University's School of Medicine, and is a Fellow in the Royal Society of Medicine. He is a pilot, husband, and father of three children.

Even now, as he turns 75, he maintains a robust private practice, undeterred by age, ailment, or surgery. I suppose the animating force is an unquenchable desire to help others. I want to take this opportunity to congratulate him on his 75th birthday and wish him many more.•

TRIBUTE TO TRACE DIE CAST: 1997 BOWLING GREEN, KENTUCKY INDUSTRY OF THE YEAR

• Mr. McCONNELL. Mr. President, I rise today to celebrate the recognition of Trace Die Cast of Bowling Green, Kentucky as the 1997 Industry of the Year by the Bowling Green Area Chamber of Commerce.

When Trace Die Cast started operations in 1987, it employed 24 Kentuckians. In the 12 years since, the company has undertaken two major plant expansions and now employs 170 individuals, with an annual payroll of $4.6 million. They continue to be well-positioned for future growth in Warren County.

In the last decade, Trace Die Cast has become a major supplier of parts for some of America's favorite automobiles, including the Ford Explorer.

Trace Die Cast's role as a community leader is also well-known, especially their enterprising approach to employee education. They have important partnerships with local vocational schools to train their employees. They also provide scholarships for their employees who want to continue their education. Throughout their existence in Bowling Green, Trace Die Cast has contributed both time and money unselfishly and generously to local charities and civic organizations.

Mr. President, local leaders in Bowling Green have described Trace Die Cast as a community's dream company. I could not agree more. They are a tribute to the American spirit, and I am proud to have such a company in my state. I congratulate them on this honor and ask all my colleagues to join me in celebrating their accomplishments.•

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

TRIBUTE TO KATI SASSERVILLE

• Mr. DORGAN. Mr. President, I wanted to take this opportunity to highlight the many achievements of Kati Sasserville on her retirement this week. Kati is ending her eleven years of service at Otter Tail Power Company headquartered in Fergus Falls Minnesota, just across the border from my home state of North Dakota. Otter Tail also serves many customers in my state.

Kati is a trailblazer and a source of inspiration from many young women in the upper Midwest. Her years at Otter Power put her in the forefront of the debate on electric utility restructuring. A 1973 law school graduate of the University of Minnesota, Kati started her distinguished 23 year career as a trial attorney in the Office of General Counsel for the U.S. Navy. She served as a Minnesota Public Utilities Commissioner from 1975 to 1981.

Kati has a professional and civic membership roster second to none. She won Harper's Bazaar Diamond Superwoman Award back in 1980. The Fergus Falls Daily Journal named her one of the City's "Eight Most Influential" citizens in 1987. In addition, Kati managed to balance her active professional career with the needs of her family. She managed to raise six wonderful children and now enjoys the company of six grandchildren. She is an example of someone who persevered and made it on the merits.

Kati's a formidable advocate, and I will fondly remember debating the energy issues of the day. Her sense of fair play was always appreciated.

Kati is the only person I know who would wake up in the morning and thank God for the Global Warming phenomenon. Any possibility of temperatures warming up in Fergus Falls is something to hope for in the future.

I ask my colleagues to join with me in wishing Kati well in her retirement and in fulfilling her life-long dream of running a bed and breakfast in Fergus Falls.•

TRIBUTE TO ADOLPH KOEPPEL

• Mr. D'AMATO. Mr. President, on April 11, 1923, nearly seventy-five years ago, Adolph Koeppel was born in Brooklyn, New York.

He attended PS92 and New Utrecht High School. He went on to attend Brooklyn College for two years; but his studies were interrupted by the advent of World War II.

Mr. Koeppel served America with great distinction in the Navy from 1942 to 1945, where the ship on which he served, the USS Barton, came under attack at Okinawa and the Philippines.

Following his wartime military service, Mr. Koeppel attended New York University Law School, where he completed his LLB in 1948 and received an LLM in 1953. He has achieved great heights in the legal community, and to this day remains a true pioneer in the fields of condemnation and real estate tax appeals.

In addition, Mr. Koeppel is known for his achievements as a philatelist, having been awarded the Earl of Crawford Medal by the Royal Philatelic Society.

On April 11, he will celebrate his 75th birthday along with his wife of 54 years, Rhoda, his daughters Pamela and Leslie, and his granddaughters Melissa, Jennifer, and Tara.

Beyond all of his personal and professional achievements, Adolph Koeppel is a great humanitarian and community servant. I am proud to call him my friend, mentor, and counselor; and I am pleased to wish him a very happy 75th birthday. The people of New York are blessed to have him in our community.•

IN HONOR OF THE 47TH WEDDING ANNIVERSARY OF DR. LLOYD JOHN AND MARY JANE OGILVIE

• Mr. CLELAND. Mr. President, it is an honor today to celebrate the 47th Wedding Anniversary of Dr. Lloyd John and Mary Jane Ogilvie. It gives me great pleasure to congratulate them on their momentous and joyful day.

March 25, 1951, our Senate Chaplain and love of his life took their vows to become man and wife. This month marks 47 years of sharing their lives, dreams, work, struggles, laughs and tears, and commitment to each other. The Ogilvies were blessed with three children, Heather, Scott and Andrew, and are also the proud grandparents of four wonderful grandchildren, Erin, Airley, Bonnier and Scotter.

In an era where marriages are too often short lived, it is wonderful to see a couple who has endured the trials and tribulations that plague so many of today's marriage. The love and commitment they have demonstrated over the years should serve as an inspiration to us all.

Mr. President, I ask that you join me, our colleagues, and the entire Ogilvie family in recognizing the wonderful sense of achievement and happiness that marks the occasion of 47 years of marriage. I congratulate and offer best wishes on many more years of matrimonial bliss to my dear friends, the Ogilvies.•

UNIVERSITY OF IOWA WRESTLING TEAMS WINS NCAA CHAMPIONSHIP

• Mr. GRASSLEY. Mr. President, when many think of Iowa, they think of people with spirit, discipline, and a good old-fashioned work ethic. When sports enthusiasts think of Iowa, they think of superior college wrestling.

Two weekends ago in Cleveland, Ohio, for the fourth consecutive year, for the 7th time in the past 8 years, and for the 16th time in the last 21 years, the University of Iowa won the college wrestling national championship. Two weeks prior, for the 25th consecutive year, Iowa won the Big Ten Conference Championships. Individual titles were won by Mark Ironside, Jeff McGinness and Joe Williams and three other Iowans became All-Americans by placing second.

Imagine the attention a school would get if it won two, three or four consecutive NCAA basketball tournaments. Yet the University of Iowa's dominance in NCAA wrestling has become almost routine. Nevertheless, this year's victory was anything but routine. Because this year, Iowa won without its legendary coach, Dan Gable, who took the season off and is contemplating retirement.

As many know, Dan Gable is the world's most notable ambassador for the sport of wrestling. Gable grew up in

Iowa and compiled a 64-0 high school record. He attended Iowa State, where he was 118-1, and went on to win the Gold Medal at the Olympics in Munich in 1972. He won the Olympic tournament without allowing an opponent to score a single point against him.

Gable then went on to coach at the University of Iowa and win 15 national championships in his 21 years as coach. In doing so, he coached 9 consecutive national championships from 1978-1986 which is an NCAA record for all sports. Incidently, that streak was broken by Iowa State University who placed 6th this year in Cleveland.

Though he is largely unheralded outside of amateur athletics, his formula for success is as simple as it is difficult—hard work. Gable once said, "Like anything in life, it's not hard to be the best. It is as simple as outworking the opponent." His motto is "Hard work solves anything." But Gable didn't just say the words, he lived them. And he demanded his wrestlers live them as well.

Following Gable's 1971 Gold Medal victory in the World Championships in Bulgaria, he celebrated by taking a long run. For most, that was a time to relax, to enjoy your success. For Dan Gable it was an opportunity to get one practice ahead of any opponent he might face in the upcoming 1972 Olympic Games.

The notion of work and preparation is almost second nature in an agricultural state such as Iowa, where folks understand that you cannot harvest what you do not sow. That's why the other secret to the success of Iowa wrestling is that most of its wrestlers are Iowans. Seven out of the ten wrestlers that Iowa qualified for nationals are from the state of Iowa.

Furthermore the second-place team, Minnesota, a suburb of Iowa in wrestling terms, is coached by a former product of Iowa wrestling. And the coaches of Illinois, Wisconsin and Indiana are former Iowa wrestlers. Iowa's new coaches, Jim Zalesky, Lincoln McIlravy, Tom Brands and twin-brother Terry Brands collectively won 10 NCAA individual titles while wrestling for Dan Gable.

Gable once said the biggest benefit of sports is that "* * * it teaches an athlete to deal with adversity and adversity builds character." Perhaps, the greatest testament to Iowa's character is that they won a National Championship without Dan Gable. No one would have wanted that more than Gable himself.

Former NFL-great Frank Gifford commented, "Dan Gable is the most dedicated athlete I have ever known." The impact of his dedication prevails even in his absence, as the tradition of Iowa's wrestling dominance marches forward. Old-fashioned hard work still lives in Iowas and it still works for Iowa.

My congratulations to Iowa wrestling—the National Champions again!

FISCAL YEAR 1999 BUDGET RESOLUTION

• Mr. DODD. Mr. President, I rise today to express my views on the budget resolution. I commend the Budget Committee on the job it has done. Chairman DOMENICI and Senator LAUTENBERG should be praised for their efforts to bring a bill to the floor that balances the budget for the first time in 30 years. And yet, this resolution fails to adequately address some of our nation's most pressing priorities, including child care, education, and health care.

First, however, I would like to take a moment to discuss how we reached this historic moment when, for the first time since 1969, we present the American people with a budget that is in balance. The balanced budget we have today is a result of the hard work and progress we have made over the past few years to reduce the deficit. The effort dates back to 1990 when President Bush—despite strong opposition from his own party—boldly endorsed a plan that lowered the deficit by $500 billion and started us down the road to fiscal responsibility.

This effort was then continued by President Clinton in 1993 when he proposed a far-reaching economic plan, which is more appropriately called the Balanced Budget Plan of 1993. This balanced budget plan, which I supported, was enacted into law without a single Republican vote and has helped to reduce the deficit from $290 billion at the beginning of 1993 to an anticipated surplus this year. Despite the claims by my colleagues on the other side of the aisle that President Clinton's plan would doom our economy, this economic plan has put us on a road to solid recovery. It has reduced deficits by more than $1 trillion, led us to the lowest unemployment rate in 24 years, created 15 million new jobs, and resulted in the greatest number of Americans owning homes ever.

Most recently, Mr. President, we finished the job of balancing the budget when we enacted the Balanced Budget Act of 1997. The Balanced Budget Act of 1997, which I supported, not only reduced spending, but also cut taxes for the first time in 16 years, providing much-needed tax relief for working families. I was very pleased to support the Balanced Budget Act of 1997 because it protected our priorities such as fiscal discipline, child care, education, health care, and the environment.

Unfortunately, Mr. President, the resolution before us today fails to protect these priorities and turns its back on America's families and children. It fails to recognize many initiatives important to our children and families including quality child care, reducing class sizes, renovating and modernizing our children's schools, and promoting after-school learning.

The resolution provides no mandatory funding for either child care or early childhood education. Moreover, it explicitly excludes President Clinton's proposals to use any revenues from comprehensive tobacco legislation to pay for initiatives for children, including child care, anti-smoking education, children's health care, and improvements in education.

Clearly, the resolution before us shortchanges children, and that is why I offered an amendment to establish a deficit-neutral reserve fund which could be used to fund legislation designed to improve the affordability, availability and quality of child care, and to support families' choices in caring for their children. I was disappointed, obviously, when my amendment was defeated, but was pleased that the amendment had the support of fifty of my colleagues.

The resolution also reduces funding for the Administration's education priorities by $2 billion, and as a result, about 450,000 students could be denied safe after-school care in 1999, some 30,000 new children could be denied access to the Head Start program, and 6,500 middle schools would not have drug and violence prevention coordinators. And yet, while Republican budget increases funding above the President's request for Impact Aid, Special Education, and the title VI block grant, these increases come at the expense of many other priorities that also strengthen our commitment to children and education.

Mr. President, this budget as a whole ill-serves children and families, and that is why I was pleased to support the Democratic alternative budget offered by Senator LAUTENBERG. The Democratic alternative would strengthen our commitment to our priorities by providing funding for key initiatives such as hiring an additional 100,000 teachers, creating more afterschool programs, and doubling the number of children who receive child care assistance. Further, the Democratic alternative moves us toward our goal of one million children in Head Start by 2002, doubles the number of children in early Head Start, and places up to 500,000 children in after school learning centers.

In addition, Mr. President, the Democratic alternative maintains our commitment to other Democratic priorities such as cleaning up the environment and investing in our transportation infrastructure. Moreover, it would expand Medicare coverage to Americans ages 55-65. And not least, Mr. President, the Democratic alternative strengthens Social Security by reserving the entire unified budget surplus, while maintaining strict fiscal discipline by meeting the discretionary caps in all years.

I regret, Mr. President, that the Democratic alternative was defeated. And I regret that the resolution before us today is not one that I, in good conscience, can support. In my view, the Republican budget shortchanges America's working families. I am, however, hopeful that as we move forward in the budget process, we will craft legislation that focuses on priorities like child care, education, health care, and the environment. Finally, Mr. President, in our efforts to craft a budget that targets the needs of working families, it is imperative that we remain vigilant in our efforts to maintain fiscal responsibility.•

TRIBUTE TO RICHARD A. SEARFOSS, RICHARD M. LINNEHAN AND JAY CLARK BUCKEY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Commander Richard A. Searfoss, mission specialist Richard M. Linnehan and payload specialist Jay Clark Buckey for their participation in the April 16, 1998, Neurolab mission STS–90. These men are on the forefront of science, bravely pioneering the new frontier of space in an effort to investigate the effects of weightlessness on the brain, central nervous system, and sensory organs.

After graduating from Portsmouth Senior High School in New Hampshire, Rick Searfoss attended the United States Air Force Academy where he was awarded the Harmon, Fairchild, Price and Tober Awards as the top overall, academic, engineering and aeronautical engineering graduate in the Class of 1978. When Commander Searfoss was selected for the astronaut program, he was a flight instructor at the U.S. Naval Test Pilot School where he was named the Tactical Air Command F–111 Instructor Pilot of the Year in 1985. Having logged over 4200 hours flying time in 56 different types of aircraft, there can be no doubt about Commander Searfoss' courage or ability.

Richard M. Linnehan, a graduate of the University of New Hampshire, is a distinguished astronaut and veterinarian. After entering into private veterinary practice and further study of animal medicine and comparative pathology, Dr. Linnehan was commissioned as a Captain in the U.S. Army Veterinary Corps. He served as chief clinical veterinarian for the Navy's Marine Mammal Project at the Naval Ocean Systems Center in San Diego. Dr. Linnehan has been at the National Aeronautics and Space Administration (NASA) since 1992, where he has worked in the Shuttle Avionics Integration Laboratory and in the Astronaut Office Mission Development Branch. He was a member of the international crew of the STS–78 mission in 1996, the longest space shuttle flight to date.

Jay Clark Buckey, currently a NASA payload specialist and Associate Professor of Medicine at Dartmouth Medical School in Hanover, New Hampshire, has a distinguished record in aerospace medicine. Dr. Buckey has over twenty publications to his credit in the areas of space physiology, cardiovascular regulation and echocardiographic techniques. He is a former executive board member of the American Society for Gravitational and Space Biology, as well as a member of the Aerospace Medicine Association and American College of Physicians. His accomplishments at NASA include performing as co-investigator and project manager for the Spacelab Life Sciences-1 experiment "Cardiovascular Adaptation to Zero-Gravity," for which he received two NASA Certificates of Recognition for software developed.

WMUR-TV of Manchester and the Christa McAuliffe Planetarium of Concord are cooperating to offer a live interactive question-and-answer session with the New Hampshire astronauts on April 24, 1998, that will be shown in the Planetarium and relayed to students in the astronauts' hometowns of Portsmouth, Pelham and Hanover. Students will beam questions up to the astronauts and have the answers beamed back to them, giving the students a window into life aboard the space shuttle and an opportunity to speak with real live heroes.

Risking their own lives to determine the effects of space travel, these men exhibit bravery that should inspire us all. Mr. President, I want to congratulate Commander Richard A. Searfoss, mission specialist Richard M. Linnehan, and payload specialist Jay Clark Buckey for their outstanding work. I am proud to represent them in the U.S. Senate.•

THE CCC's REBUILDING OF AMERICA

• Mr. CLELAND. Mr. President, I rise today to honor President Franklin D. Roosevelt's Civilian Conservation Corps.

In March 1933, there were approximately 13,689,000 Americans unemployed. Millions were standing in bread lines, or desperately pleading with community volunteer organizations for help. Thousands were making homes out of abandoned farm buildings, or just roaming around the land with no home at all.

At this time, my home state of Georgia had already known "depression" for some time. An economic recession had begun in Georgia 10 years before the stock market crashed in 1929. Farmers had already faced a century of troubles including erosion problems, and a boll weevil epidemic that wiped out cotton crops across the state.

Who would have thought that Georgians' great hope would come in the form of a New Yorker, stricken by polio, who had sought out the healing Warm Springs of Georgia nearly ten years earlier. It was the frequent Georgia visitor President Franklin D. Roosevelt who looked out on America and said he saw "one third of a nation ill-clad, ill-housed and ill-nourished." In response, he offered the people of a suffering nation a sweeping bundle of proposals—a New Deal.

A cornerstone of FDR's initiative was the Civilian Conservation Corps (CCC), which was signed into law on April 5, 1933.

Conceived as an employment catalyst for young men, Roosevelt said his idea was "to create a civilian conservation corps, to be used in simple work, not interfering with normal employment, but confining itself to forestry, the prevention of soil erosion, flood control and similar projects."

By the summer of 1933, the CCC had more than 300,000 young men, ages 18 to 24, in camps across the country prepared to embark on what would be the largest public works and job creation project this country has ever known. In a radio address that summer, President Roosevelt called on the CCC to be the vanguard of the new spirit of the American future—a spirit of responsibility and opportunity.

My father was one of the young men who heard that call. A year later, in the summer of 1934, my father was a "CCC boy" based in a Clayton County camp as a truck driver, running supplies to camps in North Georgia, North Carolina and Tennessee. The CCC boys earned $30 per month running supplies like my father, planting trees, building roads and trails, making dams and walls and shelters.

Roosevelt's Corps was dedicated to several purposes. First, FDR created the CCC to relieve the massive unemployment problem our nation was facing. Second, FDR recognized the real work the CCC could do—rebuilding the country's depleted resources of forest and soil—would be at least as vital a purpose as job creation.

The third objective of the CCC, whose significance has perhaps become even more apparent as years have passed, was generally envisioned by FDR in his 1933 message to Congress:

> More important, however, than material gains, will be the moral and spiritual value of such work. We can take a vast army of the unemployed out into healthful surroundings. We can eliminate to some extent at least the threat that enforced idleness brings to spiritual and moral stability.

In other words, in a nearly inadvertent way, the CCC had the effect of not only rebuilding roads, trees and dams, but also of rebuilding men. While the challenges our country faces today are vastly different than those of 1933, and the makeup of our corps of volunteers has become much more diverse than the young "CCC boys," the spirit of national service remains strong.

For example, the work of the more than 40,000 citizens now serving as part of the Corporation for National Service's AmeriCorps program is powerful proof that national service is as important now as it was for my father's generation.

A group of Georgians who recognize FDR's legacy of hope, opportunity and spirit of service are working to erect a statue honoring the Civilian Conservation Corps in Warm Springs, GA. How appropriate such a recognition would be. Roosevelt's CCC is an important piece of our nation's and our state's history, and something that should serve as an example for generations to come.•

TRIBUTE TO THE COMMUNITY BETTERMENT COMMITTEE OF MT. VERNON, MISSOURI

• Mr. BOND. Mr. President, I rise today to pay tribute to a tremendous accomplishment by the Community Betterment Committee of Mt. Vernon, Missouri. On April 23, 1998, a project that began almost 2½ years ago will be dedicated at a lighting ceremony. Lighting the Lawrence County Courthouse, once just a dream to many citizens, has now become a reality.

Through the perseverance of the Community Betterment Committee, private funds were raised to complete the project. The hard work put forth by the Mt. Vernon Community is impressive. Because of these efforts the Lawrence County Courthouse, for years to come, will be lit at night for people to enjoy.

I congratulate the Community Betterment Committee for their outstanding achievement. Additionally, I commend the Mt. Vernon community for their generosity, without which, none of this would have been possible. I wish them continued success in all future endeavors.•

THE TEXAS/MAINE/VERMONT COMPACT

• Mr. WELLSTONE. Mr. President, the Senate has just passed H.R. 629, legislation granting congressional consent to the Texas/Maine/Vermont Compact. I have often been asked why I—a senator from Minnesota—should have such a deep and abiding interest in this legislation, which appears to involve only those three states. Until this week, I had not agreed to a time limit for debate, and this held up consideration of the bill for more than year. I think I owe it to my colleagues to explain why I was insisting on a full and thorough debate, and why I think this discussion is so important.

What has troubled me from the very beginning is that this legislation would result in the dumping of low-level radioactive waste in a small, poor, majority-Latino community in rural West Texas—a town called Sierra Blanca. In this respect, the Texas/Maine/Vermont Compact is different from other Compacts the Senate has considered. We know beforehand where this waste will be dumped. The Texas legislation in 1991 identified the area where the dump will be located. The Texas Waste Authority designated the site near Sierra Blanca in 1992. A draft license was issued in 1996.

Whether we like it or not, this knowledge makes us responsible for what happens to Sierra Blanca. I'll be the first to acknowledge that this is a terrible responsibility. The fate of the people who live there ultimately rests in our hands. Their livelihoods, their community, their property, their health, their safety, and in many respects their lives, all depend on how we choose to proceed on this bill.

I believe very strongly that the Compact raises important and troubling issues of what has variously been described as "environmental justice," "environmental equity," "environmental discrimination," or "environmental racism." And a diverse array of civic organizations agree with me about this. The Texas NAACP, The Sierra Club, the League of United Latin American Citizens (or "LULAC"), Greenpeace, the Bishop and the Catholic Diocese of El Paso, the House Hispanic Caucus, Friends of the Earth, and Physicians for Social Responsibility, to name just a few.

As a very basic proposition, I think we can all agree that it's wrong for poor, politically powerless, minority communities to be singled out for the siting of unwanted hazardous waste dumps. It's wrong when that happens in Sierra Blanca, and it's wrong when it happens in hundreds of other poor minority communities all across this country. I want to do whatever I can to stop it, and I don't see why every one of us should not want to do the same. I don't understand why it should be considered unusual for a senator to care about these things. On the contrary, I think it should be unusual for a senator not to care about these things.

Let me tell you something about Sierra Blanca. It's a small town in one of the poorest parts of Texas, an area with one of the highest percentages of Latino residents. The average income of people who live there is less than $8,000. Thirty-nine percent live below the poverty line. Over 66 percent are Latino, and many of them speak only Spanish. It's a town that has already been saddled with one of the largest sewage sludge projects in the world. Every week Sierra Blanca receives 250 tons of partially treated sewage sludge from across country. And depending on what action Congress decides to take, this small town with minimal political clout may also become the national repository for low-level radioactive waste.

Supporters of the Compact would have us believe that the designation of Sierra Blanca had nothing to do with the income or ethnic characteristics of its residents. That it had nothing to do with the high percentage of Latinos in Sierra Blanca and the surrounding Hudspeth County—at least 2.6 times higher than the state average. That the percentage of people living in poverty—at least 2.1 times higher than the state average—was completely irrelevant. They would have us believe that Sierra Blanca was simply the unfortunate finalist in a rigorous and deliberate screening process that fairly considered potential sites from all over the state. That the outcome was based on science and objective criteria. I don't believe any of this is true.

Let me be clear. I'm not saying science played no role whatsoever in the process. It did. Indeed, based on the initial criteria coupled with the scientific findings, Sierra Blanca was disqualified as a potential dump site. It wasn't until politics entered the picture that Sierra Blanca was even considered.

I think its worth taking a moment to review how we get to where we are today. The selection criteria for the dump were established in 1981, and the Texas Waste Authority hired engineering consultants to screen the entire state for suitable sites. In March 1985, consultants Dames & Moore delivered their report to the Authority. Using "exclusionary" criteria established by the Authority, Dames & Moore ruled out Sierra Blanca and the surrounding area, due primarily to its complex geology.

Let me quote from that report. Features "applied as exclusionary as related to the Authority's Siting Criteria" included "the clearly exclusionary features of: complex geology; tectonic fault zones," et cetera. "The application of exclusionary geological criteria has had a substantial impact" in screening potential sites, the report observed. In its final composite, the report explained, "Complex geology and mountainous areas in West, West-Central, and the Panhandle of Texas were excluded," including the Sierra Blanca dump site. The report also found, "Many tectonic faults occur in West Texas within massive blocks of mountain ranges. This area includes El Paso [and] Hudspeth" counties "and has undergone several phases or episodes of tectonic disturbances." Finally, it went on to observe that, "Although not excluded, the remainder of Hudspeth County does not appear to offer good siting potential."

So much for the science. Repeatedly since the early 1980s, the Waste Authority has come back again and again to this politically powerless area. It has designated four potential sites in all, and—with one revealing exception—all of them were in Hudspeth County. There are only three communities in the entire County, all of them poor and heavily Latino, and all of them targeted by the Authority.

The one exception to the pattern was in 1985, after completion of the engineering consultants' report, Dames & Moore concluded that the "best" sites were in McMullen and Dimmit Counties, and the Waste Authority settled on a site in McMullen County. But this decision met with fierce opposition. Politically influential individuals demanded that the Authority move the dump to Hudspeth County.

At this point any pretense of objectivity was abandoned. The selection criteria were changed in 1985 so as to rule out the two "best" sites identified by Dames & Moore. The new criteria gave preference to sites located on state-owned land. This change had the effect of virtually guaranteeing selection of a site somewhere in Hudspeth County, large portions of which are owned by the state of Texas.

So the Waste Authority proceeded to designate, based on an informal and cursory process, five sites in Hudspeth County. Its clear choice, however, was Fort Hancock, one of the County's three poor Latino communities. Unfortunately for the Authority, the more politically powerful city of El Paso next door decided to fight back. Together with Hudspeth County, El Paso filed suit against the site selection. They argued that the Fort Hancock site was located in an area of complex geology—like Sierra Blanca, incidentally—and lay on a 100-year flood plain. The amazing thing is that they won. In 1991 U.S. District Court Judge Moody ruled in their favor and ordered that no dump could be built in Fort Hancock, Hudspeth County.

But the County's court victory was short-lived. The Waste Authority was clearly not about to give up. The Authority went back to the state legislature to get around Judge Moody's decision by once again changing the rules. A legislator from Houston, far to the East where the big utilities are based, proposed a bill that ignored all previous selection criteria and designated Fort Hancock once and for all. Interestingly enough, this maneuver aroused a great deal of public indignation, precisely because of the Authority's perceived discriminatory practice of dumping on Latino communities.

There was an impressive show of force against discrimination, but the outcome was not exactly what Hudspeth County had in mind. After Judge Moody's remarkable decision, lawyers for El Paso and the Waste Authority worked out a compromise. Fort Hancock would be saved, but a 400 square mile area further north in Hudspeth County would take its place. This oblong rectangle imposed on the map—an area that included Sierra Blanca—was subsequently dubbed "The Box." The Texas legislature passed the so-called "Box Law" by voice vote only days before the end of session in May 1991.

Once again, the previous site selection procedures were stripped away. The Box Law repealed the requirement that the dump had to be on public land, the very requirement that had pointed the Authority towards Hudspeth County in the first place. This was necessary because, at that time, the Sierra Blanca site was not public land at all. Most importantly, to prevent another troublesome lawsuit like the Fort Hancock debacle, the Box Law essentially stripped local citizens of the right to sue. It denied them all judicial relief other than an injunction by the Texas Supreme Court itself, and for this unlikely prospect citizens would be required to drive 500 miles to Austin.

This story is depressingly familiar. A similar scenario unfolds over and over again in different parts of the country, with different names and faces in every case. Sometimes there is no intention by anyone to discriminate. But pervasive inequalities of race, income, and access to the levers of political power exercise a controlling influence over the siting of undesirable waste dumps. The people who make these decisions sometimes are only following the path of least resistance, but in far too many instances the result is a targeting of poor, politically marginalized minority communities who lack the political muscle to do anything about it.

The remarkable thing about this story is that some people in Hudspeth County did fight back. Dell City fought back and won in the early 1980s. Fort Hancock fought back and won their court case in 1991. And make no mistake, the people of Sierra Blanca are fighting back, too. Many of them have been here on the Hill. Father Ralph Solis, the parish priest for Sierra Blanca and Hudspeth County, was here in February, and his delegation may have visited your office. These people know that the odds are stacked against them, but they are persevering just the same.

One of the amendments I included in this bill is intended to give them a fighting chance. It gives them their day in court—the right to challenge this site selection on grounds of environmental justice. It says that the Compact cannot be implemented in any way—and that would include the siting process, the licensing process, or the shipment of waste to the site—that discriminates against communities because of their race, national origin, or income level. If local residents can prove discrimination in court, then they can stop the Compact Commission from operating the dump. They don't have to prove intent, by the way, although that certainly would be sufficient. All they have to show is disparate treatment or disparate impact.

I know some of my colleagues don't believe issues of environmental justice are implicated here. Or they may think this is not a question for the Senate to decide. I believe this amendment meets the concerns of those colleagues. All my amendment does is give local residents the right to make their case in court. There is no guarantee they will win. After all, it is extremely difficult to prove environmental discrimination. But I'm glad this amendment has been accepted as part of H.R. 629, and I certainly will insist that it be included in any final legislation passed by this body. I do not see how anyone would want to deny these people a chance to make their case.

Short of defeating the bill outright, I believe passing this amendment is the only way for us to do right by the people of Sierra Blanca. Yet, as amazing as it sounds, Compact proponents also claim to have the best interests of Sierra Blanca at heart. They claim the Compact will protect local residents because it keeps out waste from states other than Maine and Vermont. They have used this argument again and again, in Sierra Blanca, in the Texas legislature, in the House of Representatives, and they're using it again in the United States Senate. But this argument makes no sense. The dump does not have to be built, it is indeed unlikely to be built without congressional consent to this Compact, and the Compact would not protect Sierra Blanca in any event.

The point that keeps getting lost here is there's no compelling reason why the Sierra Blanca dump must be built. Some of you might have seen the headline in the New York Times on December 7 of last year: "Warning of Excess Capacity in Nation's Nuclear Dumps—New Technology and Recycling Sharply Reduce the Volume of Nuclear Waste." The article discusses a study by Dr. Gregory Hayden, the Nebraska Commissioner for the Central Interstate Compact Commission. Dr. Hayden found that "there is currently an excess capacity for low-level radioactive waste disposal in the US without any change to current law or practice." He went on to explain, "These disposal sites have had low utilization due to falling volumes since 1980. Thus, a high capacity remains for the future, without any change to the current configuration of which states may ship to which disposal site." Let me repeat the essential point: there is no compelling need for any new low-level radioactive waste dumps in this country. And if no new dump is built, nobody can argue that the compact is needed to protect Sierra Blanca.

The most popular argument for building another dump involves disposal of medical waste. I'm sure all of you have heard it. It's claimed that waste from medical facilities and research labs is getting backed up—that it has to go somewhere. But let me emphasize one central and indisputable fact: over the last few years, over 99 percent of the waste from Maine and Vermont has come from nuclear reactors. Less than one percent has been from hospitals and universities. And from all three states, 94 percent of the low-level waste between 1991 and 1994 came from reactors. This dump is being built—first and foremost—to dispose of radioactive waste from nuclear reactors, not from hospitals.

So why are the nuclear utilities hiding behind hospitals and universities? It's not very hard to figure out. In 1984 the Texas Waste Authority hired a public relations firm to increase the popularity of nuclear waste. The PR firm recommended, "A more positive view of safe disposal technologies should be engendered by the use of medical doctors and university faculty scientists as public spokesmen for the [Texas Waste] Authority." "Whenever possible," the report said, "the Authority should speak through these parties." Well, that advice has been followed to the letter. We all have sympathies for hospital work and university research. I know I do. But we cannot let those sympathies blind us to the existing excess capacity for disposal of low-level waste.

Not only has there been no convincing demonstration of need for this dump, but odds are no dump will be built if the Compact fails. Let me quote from an article from the Texas Observer of last March: "Texas generates nowhere near enough waste on its own to fill a three-million cubic feet dump, and by its own projections [the Texas Waste Authority] could not survive without Maine and Vermont's waste." Moreover, there are indications the Texas legislature will not appropriate funding to build the dump if Congress rejects this Compact. Texas lawmakers refused the Waste Authority's request for $37 million for construction money in FY 1998 and FY 1999. In fact, the Texas House initially zeroed out all funding for the Authority, but funding for licensing was later restored in conference committee. My understanding is that construction funding was made contingent on passage of the Compact, whereupon Maine and Vermont will each be required to pay Texas over $25 million.

Supporters of the Compact are trying to have it both ways. When challenged about the environmental justice of targeting Sierra Blanca, they respond that no site has been selected, and environmental justice can only be addressed if and when that ever happens. Then in the same breath they insist that the dump in Sierra Blanca is definitely going forward and the Compact is therefore necessary to protect local residents from outside waste. So which is it? Either the Sierra Blanca dump is a done deal or it's not. The truth is, the most likely scenario is that the dump will be built in Sierra Blanca if Congress approves this Compact, subject to any legal challenges, but the project will not go forward if the Compact is rejected.

Even if the dump is built, however, the Compact does not protect Sierra Blanca. The Compact Commission would be able to accept low-level radioactive waste from any person, state, regional body, or group of states. All it would take is a majority vote of the Commissioners, who are appointed by the Compact state governors. Why should the people of Sierra Blanca expect unelected commissioners to keep waste out of their community? Is there anything in their recent experience that would justify such faith?

The fact is, the state will have every economic incentive to bring in more waste. The November 1997 report by Dr. Hayden concluded that "the small volume of waste available for any new site would not allow the facility to take advantage of economies of scale. Thus, it would not even be able to operate at the low-cost portion of its own cost functions." The new dump will need high volume to stay profitable. The Texas Observer reports, "A 1994 analysis by the Houston Business Journal suggests that the Authority would open the facility to other states to keep it viable."

We have here the potential for establishing a new national repository for low-level nuclear waste. Not only will Texas have an incentive to bring in as much waste as possible, but the same will be true of nuclear utilities. The more waste goes to Sierra Blanca, the less they will be charged for disposal. Rick Jacobi, General Manager of the Texas Waste Authority, told the Houston Business Journal: "The site is designed for 100,000 cubic feet per year, which would be about $160 per cubic foot. But if only 60,000 cubic feet per year of waste arrives, the price would be $250 per cubic foot." That's a big difference. As Molly Ivins says, "That sure would drive up costs for Houston Lighting and Power and Texas Utilities." And the going rate at one existing dump is a whopping $450 per cubic foot. In the end, it will be in the economic interest of everyone—from the nuclear utilities to the Waste Authority—to ship as much waste to Sierra Blanca as they can.

My second amendment addresses this problem. Throughout the process of approving the Compact, supporters claimed the waste would be limited to three states. I want to hold them to that promise. My amendment puts that promise in writing. I doubt anyone would disagree that this understanding was shared by everyone who participated in the Compact debate. If Compact supporters truly plan to limit waste to three states, which has been everyone's understanding all along, they can have no objection to my amendment. It's nothing but a protection clause. A nearly identical amendment—called the Doggett Amendment—was attached to the bill passed by the House. I am pleased that the Senate has accepted my amendment, but I will insist that it be included in any final legislation passed by this Congress.

There are other issues I will not be able to address with amendments. I think there is a fundamental concern about whether this kind of disposal is safe at all. The League of Conservation Voters warns that, despite the hazards involved, waste will be buried in soil trenches destined to leak, as have nuclear dumps in Kentucky, Illinois, and Nevada. LCV did score the House vote on final passage, and has announced that it may score Senate votes as well.

There is also an obvious concern about the unsuitability of Sierra Blanca's geology—the exclusionary criterion from the 1985 Dames & Moore report. Sierra Blanca is situated right in the middle of the state's only earthquake zone. Its 1993 license application stated that this is "the most tectonically active area within the state of Texas." In April 1995 there was a 5.6 earthquake 100 miles away, in Alpine, Texas. And there have been two tremors in the area in the last four years.

The concern about the environmental impact of this dump extends well beyond the border. The Mexican equivalent of the EPA announced its opposition on March 5 on grounds that the Sierra Blanca dump poses an environmental risk to the border region. On February 11, the Mexican Congress, represented by its Permanent Commission, declared "that the project in Sierra Blanca in Texas, and all such dumping projects along the border with Mexico, constitute an aggression against national dignity." Moreover, the project apparently violates the 1983 La Paz Agreement between Mexico and the U.S., which commits both countries to prevent pollution affecting the border area.

My paramount concern, however, and the reason I have resisted a time agreement on this bill, was that I could not stand by and watch while a poor, politically powerless, Latino community was targeted to become the premier repository of low-level nuclear waste for the entire country. Much less give it my blessing. Not when I have the power to do something about it. At the very least, the amendments I included in this bill will keep Sierra Blanca from becoming a national dump, and will give local residents their day in court to seek elusive relief from environmental discrimination.

I hope my amendments accomplish something more than that, as well. I hope they keep alive the spirit of community this controversy has ignited. The newspaper columnist Molly Ivins has written that "this is community action and local organizing at its very best." I couldn't agree more. We have to maintain grass-roots pressure on the House or the conference committee, as case may be, to keep these amendments in the bill. And I hope the residents of Sierra Blanca will continue this struggle in every forum possible. I do believe they have right on their side, and I am still naive enough to hope and believe that right can beat might, and that justice can prevail against the odds.●

THE VERY BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, April 2, 1998, the federal debt stood at $5,540,086,164,177.98 (Five trillion, five hundred forty billion, eighty-six million, one hundred sixty-four thousand, one hundred seventy-seven dollars and ninety-eight cents).

One year ago, April 2, 1997, the federal debt stood at $5,376,710,000,000 (Five trillion, three hundred seventy-six billion, seven hundred ten million).

Five years ago, April 2, 1993, the federal debt stood at $4,233,931,000,000 (Four trillion, two hundred thirty-three billion, nine hundred thirty-one million).

Fifteen years ago, April 2, 1983, the federal debt stood at $1,246,551,000,000 (One trillion, two hundred forty-six billion, five hundred fifty-one million).

Twenty-five years ago, April 2, 1973, the federal debt stood at $457,874,000,000 (Four hundred fifty-seven billion, eight hundred seventy-four million) which reflects a debt increase of more than $5 trillion—$5,082,212,164,177.98 (Five trillion, eighty-two billion, two hundred twelve million, one hundred sixty-four thousand, one hundred seventy-seven dollars and ninety-eight cents) during the past 25 years.●

TRIBUTE TO WILLENE EVERETT

● Mr. DODD. Mr. President, I rise to pay tribute to a remarkable woman who was hailed as the "grand dame of community action" by her local paper upon her passing: Willene Everett of Meriden, Connecticut. Sadly, Mrs. Everett died this past summer at the age of 74.

For 31 years, Mrs. Everett worked at the Meriden Community Action Agency, where she headed the Elderly Nutrition Program for 15 years and the children's Summer Lunch Program for 10 years. She packed a lifetime worth of achievement into her tenure at the Agency, but her life was filled with many great experiences and accomplishments before she took this job.

Her job experience ranged from working as a beautician to a mortician. And perhaps the most noteworthy of these was her experience in the military, where she served in France, Germany and England during World War II as a Staff Sergeant in the U.S. Army.

But most of us in Connecticut will always associate Willene Everett with her work at the Community Action Center in Meriden. During her 31 year tenure, she made countless contributions. She helped to feed 1,500 people a day—both young and old. She also took the time to do the little things that brighten people's lives: sending birthday or get well cards to patrons of the Center, setting up a recipe exchange at work, traveling through snow storms to make sure that people at the Center had their breakfast and coffee.

Her work extended far beyond the Senior Center. She was President of "The Laurel Club," a social club known for its charitable work and efforts to provide scholarship funds for young African-Americans in the Meriden area. She was also active in the local NAACP and YWCA.

Her efforts did not go unrecognized. She was invited to and attended a White House Conference on Aging African-Americans during the Carter Administration. Among her awards, she received the YWCA's "Woman in Leadership Award," the "Woman of the Year" by the Girls' Club, and the "State of Connecticut General Assembly Award" in recognition of her civic and charitable work. In addition, the dining hall at the Seniors Center in Meriden has been named "Willene's Place" and a scholarship fund bearing her name is being established in her honor.

By renaming the dining hall and creating this scholarship fund, Willene Everett's name will carry on. But for those who knew her, there is no need for any form of tribute to ensure her remembrance. She was a caring and compassionate person, and she will never be forgotten by the people of Meriden, whose lives she touched and brightened.

Willene Everett is survived by her husband Edward and her children JoAnn and Steven. She was a loving wife and mother, and this year would have actually marked her 50th wedding anniversary. She is dearly missed, and I offer my heartfelt condolences to her family.●

UNANIMOUS-CONSENT AGREEMENT—H.R. 2709

Mr. LOTT. Mr. President, I ask unanimous consent that no earlier than May 20—however, no later than May 22—it be in order for the majority leader, after consultation with the minority leader, to turn to the consideration of Calendar No. 299, H.R. 2709. I ask unanimous consent that it be considered under the following limitations: The only amendments in order be the Levin amendment relating to the date of behavior subject to sanctions and a relevant second-degree amendment to be offered by Senator LOTT to the Levin amendment; that there be 1½ hours of debate on the bill divided in the usual form and 1½ hours on the amendments divided in the usual form. I further ask unanimous consent that following the expiration or yielding back of time and the disposition of any pending amendments, the bill be read a third time and the Senate proceed to vote on the passage of H.R. 2709 with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Just one brief note, Mr. President. This does have to do with the Iran sanctions. We are still very much concerned that Russian companies are providing technology to Iran that could be used in very dangerous ways. The administration has been working with Russia to try to address this problem, but sufficient progress has not been made. The Senate cannot in good conscience allow this resolution to pend indefinitely without it being useless, so we are trying to set a time certain so that we can see if progress is being made. If not, the Senate should act.

CONVEYANCE OF CERTAIN LANDS AND IMPROVEMENTS IN VIRGINIA

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3226 received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3226) to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3226) was passed.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to the provisions of S. Res. 208 of the

105th Congress, appoints the Senator from Utah (Mr. BENNETT) as Chairman of the Special Committee on the Year 2000 Technology Problem.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 105-78, appoints Dr. Robert C. Talley, of South Dakota, as a member of the National Health Museum Commission.

AUTHORITY FOR COMMITTEES TO FILE

Mr. LOTT. Mr. President, I ask unanimous consent that committees have between 11 a.m. and 3 p.m. on Tuesday, April 14, to file committee reported legislation and executive items.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 240, 559, 566, 568, 570, 571, 575, 576, and 577. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

STATE JUSTICE INSTITUTE

Sophia H. Hall, Illinois, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2000.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS

Katherine L. Archuleta, of Colorado, to be a Member of the Institute of American Indian and Alaska Native Culture and Arts Development for the remainder of the term expiring May 19, 2000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Rebecca T. Bingham, of Kentucky, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Martha B. Gould, of Nevada, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2002.

SECURITIES AND EXCHANGE COMMISSION

Arthur Levitt, Jr., of New York, to be a Member of the Securities and exchange Commission for the term expiring June 5, 2003.

THE JUDICIARY

Ivan L. R. Lemelle, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

DEPARTMENT OF JUSTICE

Richard H. Deane, Jr., of Georgia, to be United States Attorney for the Northern District of Georgia for the term of four years.

Stephen C. Robinson, of Connecticut, to be United States Attorney for the District of Connecticut for the term of four years.

Daniel C. Byrne, of New York, to be United States Marshal for the Eastern District of New York for the term of four years.

JUDICIAL CONFIRMATION

Mr. LEAHY. Mr. President, I thank the Majority Leader for calling up the nomination of Ivan Lemelle to the District Court for the Eastern District of Louisiana.

Judge Lemelle's nomination has been pending over a year. When the Chief Judge of the Eastern District of Louisiana testified in May 1996 that the vacancies on that Court should not be filled, it put this nomination on hold. I only wish that when the Chief Justice of the United States says that we need more judges, when Chief Judges in the Second Circuit and other Circuits and Districts say that they need their vacancies filled without further delay, we would listen to them.

Judge Sear has recently written a letter to Senator BREAUX that reports that his Court now unanimously votes to fill the two vacancies in that District. I know that as a Magistrate Judge Ivan Lemelle has already contributed to the administration of justice in that District. It is high time to provide him the opportunity to contribute more fully to handling the District's caseload.

I congratulate and thank Senator BREAUX and Senator LANDRIEU for their effective advocacy in support of this nomination.

Before adjourning for a two-week recess, it is important for the Senate to clear its calendar of nominations to the maximum extent possible. We made some progress today. I have been urging the Majority Leader to move judicial nominations through the Senate and I thank him for moving Judge Lemelle.

As the Senate recesses, seven judicial nominations still remain on the calendar awaiting Senate action. With this additional confirmation, the Senate will still have confirmed only 20 judges for the year in which the Federal courts have experienced 100 vacancies. So, while I thank the Senate for its actions today, I must note that we have not ended the crisis of which the Chief Justice of the United States Supreme Court warned in his most recent year end report.

Most troubling to me are the continuing vacancies on the Second Circuit. I deeply regret the Senate's unwillingness to vote upon the nomination of Judge Sonia Sotomayor to th Second Circuit or to provide hearing for Judge Rosemary Pooler, Rober Sack and Chester Straub. I look fo ward to action on these and the othe judicial nominees left pending befor the Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

AVIATION MEDICAL ASSISTANCE ACT OF 1998

Mr. LOTT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2843 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 2843) directing the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding automatic external defibrillators to be carried on, aircraft operated by air carriers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, the Commerce Committee has agreed to discharge H.R. 2843, the Aviation Medical Assistance Act of 1998. The companion Senate bill, S. 1584, was introduced by Senators FRIST and DORGAN and was also referred to the Commerce Committee.

Mr. FORD. I thank the Chairman. There is one point I want to make about the bill. The report accompanying the House version of H.R. 2843, House Report 105-456, notes that the Federal Aviation Administration (FAA) has the discretion not to require defibrillators on aircraft with a payload capacity of more than 7,500 pounds, or at small airports. The report goes on to indicate that the smaller aircraft, less than the size of major carrier jets, typically have "relatively narrow aisles and limited open floor space at the entry door and in the service areas." Is it the Senator's understanding that the FAA has the discretion not to require defibrillators on small aircraft typically used by the regional airlines?

Senator McCAIN. That is my understanding.

Senator FORD. So for example, the FAA could require the use of defibrillators on board a Boeing 747, but has the discretion not to do so for classes of aircraft, like regional jets or turbo prop aircraft. Is that correct?

Senator FRIST. If I could indicate to the Chairman and other members, it is the intention of the authors of the bill to provide the FAA with the ability to make just that sort of determination. The bill clearly gives the FAA the ability to use its judgement, to take into account many factors, in determining the size and type of aircraft, subject to any defibrillator requirement. For example, the report accompanying the House bill talks about the ability of smaller aircraft to land in the event of an emergency more quickly than larger aircraft because they need shorter runways. The report "urges the FAA to consider these factors in deciding where to draw the line".

Senator MCCAIN. I appreciate the comments of my colleagues to clarify the intent of the bill.

Senator FORD. I thank the Chairman and my colleagues.

Mr. LOTT. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid on the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2843) was passed.

ORDERS FOR MONDAY, APRIL 20, 1998

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 257, until 11 a.m. on Monday, April 20; and, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to 2 hours of morning business, with time to be divided as follows: 1 hour under the control of Senator HAGEL, 1 hour under the control of Senator DASCHLE.

I further ask that following the morning business period, the Senate proceed to consideration of the Coverdell education savings account bill under the consent agreement of March 27, 1998.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. When the Senate reconvenes from the Easter holidays, we then will resume consideration of the Coverdell education A+ bill. In addition, it is hoped the Senate will be able to consider the NATO enlargement treaty the first week after the Senate reconvenes. I want to emphasize again that that will be done only after careful consideration of the arguments of those who are for the treaty enlargement and also the arguments of those who are opposed. We want to make sure we have ample time for all the arguments to be heard on both sides. So we will work early in the week to make sure we get a time agreement that is satisfactory.

We also hope to take up the State Department Reauthorization Conference Report under a time agreement.

As earlier announced, there will be no rollcall votes on the Monday that we return, so the next votes then will occur on Tuesday, April 21, at 10 a.m. The Senate could consider further votes on Tuesday morning as a result of debate on the Coverdell education bill, because we do have 15 amendments that could be offered as well as second-degree amendments to those. Senators should expect votes throughout the day of Tuesday, April 21, and we will begin early in the morning and we will go potentially late into the night that day.

ADJOURNMENT UNTIL MONDAY, APRIL 20, 1998, AT 11 A.M.

Mr. LOTT. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the provisions of H. Con. Res. 257.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in adjournment until the hour of 11 a.m., Monday, April 20, 1998.

Thereupon, the Senate, at 2:18 p.m., adjourned until Monday, April 20, 1998, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 3, 1998:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS

KATHERINE L. ARCHULETA, OF COLORADO, TO BE A MEMBER OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR THE REMAINDER OF THE TERM EXPIRING MAY 19, 2000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

REBECCA T. BINGHAM, OF KENTUCKY, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2001.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

MARTHA B. GOULD, OF NEVADA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2002.

SECURITIES AND EXCHANGE COMMISSION

ARTHUR LEVITT, JR., OF NEW YORK, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2003.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

STATE JUSTICE INSTITUTE

SOPHIA H. HALL, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2000.

THE JUDICIARY

IVAN L. R. LEMELLE, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

DEPARTMENT OF JUSTICE

RICHARD H. DEANE, JR., OF GEORGIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS.

STEPHEN C. ROBINSON, OF CONNECTICUT, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF CONNECTICUT FOR THE TERM OF FOUR YEARS.

DANIEL C. BYRNE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

SENATE—*Monday, April 20, 1998*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, in a world in which we hear so much about self-esteem, we are reoriented by a bracing word from Proverbs.

"Let not mercy and truth forsake you; bind them around your neck, write them on the tablet of your heart, and so find favor and high esteem in the sight of God and man. Trust in the Lord with all your heart, and lean not on your own understanding; in all your ways acknowledge Him, and He shall direct your paths."—Proverbs 3:3-6.

Father, it is Your esteem we long for most of all. Remind us of the high value You place on mercy and truth. We want to build our lives around Your priorities. Help us to base our lives on Your absolute truth. May we be as merciful in our empathy and care for others as You have been for us.

As we begin this new week, may the Senators renew their commitment to serve You and to seek Your esteem above all others. May You be the Audience of One whose approval is important.

Lord, we pray that You will comfort and encourage those who have suffered the damaging, shattering devastation from tornadoes in recent weeks. Today we ask for Your courage and strength for the people of Nashville, Tennessee. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able Republican leader is recognized.

Mr. LOTT. Thank you, Mr. President.

Mr. President, I hope all the Senators had a restful recess during the Easter period back in their States and are ready for a very active schedule in the next 5 weeks.

I commend those who have been in charge of changes in the Senate Chamber. I think it looks very good. I hope the Senators will appreciate the changes that have been made.

SCHEDULE

Mr. LOTT. Mr. President, the Senate will be in a period for morning business until 1 p.m. in order for Senators to make statements and to introduce legislation. At 1 p.m. today, the Senate will begin consideration of the Coverdell education A+ bill under the provisions of the consent agreement of March 27, 1998. As previously announced, there will be no rollcall votes today, but it is hoped that Members will be available to offer their amendments to H.R. 2646, the Coverdell bill. As a reminder, the next rollcall vote will occur tomorrow morning at 10 a.m. on or in relation to the Gorton amendment to S. 414, the Ocean Shipping Reform Act.

Just to remind Senators, we did have debate on the Ocean Shipping Act on Friday when we went out for the Easter recess period, and we completed all the work except for the vote on the amendment and then, of course, final passage after that, if that is necessary, and I presume it may not be.

Senators should expect further votes throughout Tuesday's session on or in relation to pending amendments to the Coverdell education bill.

In addition, it is hoped that during this week the Senate will be able to consider the NATO expansion treaty and the State Department reorganization conference report under the consent agreement of 6 hours.

I want to say again that there will be no rush to judgment on NATO enlargement. I want to make sure that Senators on both sides of the aisle and on both sides of the issue will have a chance to make their statements and point out their concerns or their reasons for support. So, if it is necessary to take that over into next week before we get to the conclusion of the NATO enlargement, we will certainly do that.

During the next 5 weeks, the Senate can be expected to consider the following items, and therefore Members can expect busy days with votes most every day that we are in session, including Mondays or Fridays, except for those where we have already indicated we will not have votes, and we will reconfirm those during the next 2 days so Senators will know for sure the Mondays or Fridays where there will not be recorded votes.

In addition to the items I mentioned, this week we also will take up, hopefully, with cooperation from both sides of the aisle, the IRS reform legislation; Department of Defense authorization; the budget conference report; supplemental appropriations conference report—perhaps even reports, depending on whether there are one or two there—the nuclear waste bill; a series of high-tech bills. There could be as many as three or four of those coming out of the Commerce Committee. I will have to consult with the chairman as to exactly how many there will be. I believe they have already reported a couple, and there may be two more.

The Iran sanctions legislation is pending. We have tried to be cooperative with the administration on this issue, but we did get an agreement right at the end of the session before we went home for Easter as to when action could occur on the Iran sanctions. I believe that is before May 20, but we will reconfirm that later. And, of course, the tobacco legislation issue is pending before the Senate, having been reported by the Commerce Committee.

This is not an exclusive list, of course, and additional legislation or Executive Calendar items may be cleared for action. I look forward to a productive legislative period.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. LOTT. Mr. President, if I can just say a few brief words about S. 1133, the Parent-Student Savings Account Plus Act, which is commonly referred to now as the A+ Act. Everywhere I went during the recess period in my State of Mississippi—and I did a number of events throughout the State in a variety of forums in towns and cities—education was at the top of every list.

I spoke to the Mississippi Economic Council, which is an organization really affiliated with the U.S. Chamber of Commerce, but it represents a variety of businessmen and women, professionals, people who really want to make sure that we have what we need to create jobs and move forward economically and have opportunities for all our citizens. An important part of their plans for this year did include, of course, continued emphasis on education.

So I am really excited that a good portion of this week will be spent on debate concerning the education savings account and the other portions that we have added to this education bill in the Finance Committee and other amendments that will be offered on the floor of the Senate on both sides of the aisle.

Some people have said, "Well, it could be messy debating education with as many as a dozen or more amendments being in order and with second degrees being in order." I think there are very few issues that we could be debating in the Senate this year in America more important than education. Of course, there are differences as to how to proceed on this education issue.

I feel very strongly that we should encourage parents to save more for their children's education, not only for college but also for elementary and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

secondary education. We should make it possible for parents and grandparents and scholarship groups to set aside money in savings, in an education IRA, and that money then could be used for a variety of needs for children, whether it is tuition, books, supplies, computers, transportation, even uniforms. In my hometown, I was surprised to learn that the school board had voted that the students will begin wearing a certain form of uniform because they think it will help cut down on some of the violence associated with the clothes that are worn to school.

I think there are a whole variety of options now that could be available. There are those who oppose the savings account for education for elementary and secondary students, but I ask why—we just last year, and the President signed into law, increased the opportunity for education savings accounts for higher education, and we raised the limit of those savings that could be set aside up to $2,000 a year—why shouldn't it be available for elementary and secondary education?

There are some other components of this legislation that have the guarantee that it would be bipartisan. In addition to the bipartisan support for the education savings account, other components in the bill include the expansion of the exclusion of employer-provided educational benefits to graduate education, which is a policy strongly advocated by the Senator from New York, Senator MOYNIHAN. We should encourage employers to provide education benefits as a part of the package that they get in the agreement between employer and employee. This bill does that.

While I was home, I spoke with the treasurer of our State of Mississippi. He made a particular point of coming over and asking me, did the bill still include the State prepaid tuition programs? I assured him that it did. We should encourage parents and students to save for their tuition. In this bill they will be able to exclude from income payments from State prepaid tuition programs.

Also, this bill does provide for some opportunity for bonds for school construction. I personally do not think the Federal Government should begin paying for school construction at the local level. I think that is a decision that should be made by the States, by the local governments.

Some people say, "Well, they can't afford it." I represent the poorest State in the Nation—or what was the poorest State; thank goodness we are making progress now and getting off the bottom of many lists—but one of the ways we have done that is we have been putting more money into education, more money into building new high schools and new elementary schools. The education level in the State has generally been rising. The credit goes to the parents, the administrators, and the teachers at the local level. But to provide some process where there would be this bonding opportunity for school construction is one that I think we should consider. And it is in the legislation.

There will be a number of other amendments that will be offered from both sides of the aisle. I will agree with some of them, and I will disagree violently with some of the others. But I think this is a debate worth having. I commend Senator COVERDELL for his dogged work in support of education in this bill and the cooperation he has had from and with the Senator from New Jersey, Senator TORRICELLI.

So this will be a great opportunity this week to do some things that will help education. One of the amendments that will be offered could be to consolidate some of the many, many Federal education programs into block grants and then allow that money to go back through the States with the direction that 95 percent of the money go to the school districts. Only 5 percent of it can be eaten up by administrative costs; 95 percent of it will go to the school districts without strings attached. Let the schools decide. Let the local school officials decide if that money will be used for STAR teachers or for construction, if you will. It would be their choice. That is the fundamental difference between what some others will be trying to do, which would mean more decisions, more money, more direction and more strings from Washington. That is not the answer. I think in many cases that is the problem.

So, it will be an interesting debate. I commend the Senators for working with me to try to get an agreement as to how this process will go forward. We will spend today and all of tomorrow and possibly or probably even part of Wednesday completing this legislation, but it is time well spent.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there now will be a period for the transaction of morning business not to exceed 2 hours.

Under the previous order, there will now be 1 hour under the control of the Senator from Nebraska, Senator HAGEL.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Thank you, Mr. President.

U.N. GLOBAL CLIMATE TREATY

Mr. HAGEL. Mr. President, last month the U.N. global climate treaty became available for the formal signatures of those countries who reached agreement in Kyoto, Japan, in December. President Clinton has not signed the treaty. There is speculation, however, that he may sign the treaty this week.

Today we remind the President that the U.N. global climate treaty does not meet the standards clearly established by the U.S. Senate in its 95-0 vote last year on the Byrd-Hagel resolution, Senate Resolution 98. The President should not sign any treaty until that treaty complies with Senate Resolution 98 in its entirety.

The administration completely ignored the strong position of the Senate when it agreed to this treaty last December.

I led the Senate observer group delegation to Kyoto, Japan, in December. After Vice President Gore came to Kyoto and instructed our negotiators to show "increased flexibility," the doors were thrown open and the objective became very clear. The objective was: Let us get a deal at any cost. The clear advice of the U.S. Senate and the economic well-being of the American people were abandoned under pressure from the U.N. bureaucrats, international environmentalists and the 134 developing countries that were not even included—not even included—in the treaty. The United States of America was the only Nation to come out of these negotiations worse than it came in. In fact, there was no negotiation in Kyoto; there was only surrender.

When the Senate voted last year on the Byrd-Hagel resolution, it was very clear as to what the resolution said.

First, it directed the President not to sign any treaty that placed legally binding obligations on the United States to limit or reduce greenhouse gas emissions unless—unless—and I quote directly from S. Res. 98 passed last year by this body 95-0—

> . . . unless the protocol or agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions [for all nations] for Developing Country Parties within the same compliance period.

Meaning simply that if this was a global problem, it required a global solution. All nations had to be bound by legally binding mandates, not just the United States and the other developed nations. The message was simple. There was no ambiguity. This was not the administration's nebulous definition of "meaningful participation" for developing countries. This word of the Senate was quite clear.

The Kyoto Protocol does not include a single developing nation. The Kyoto Protocol agreed to by the United States in December does not include a single developing country; 134 developing nations, including China, Mexico, India, Brazil, and South Korea, many of whom compete fiercely—fiercely—with the United States for trade opportunities, are completely exempt from any obligations or responsibilities for reducing greenhouse gas emissions.

During a recent hearing in the Foreign Relations Committee, Undersecretary of State Stuart Eizenstat, the lead U.S. negotiator in Kyoto, admitted the administration failed on this account. Secretary Eizenstat said—and I quote the Undersecretary—"You're absolutely right; we did not get binding commitments [from any] developing countries."

The second requirement of the Byrd-Hagel resolution speaks directly to the impact this treaty would have on the American people. And it, too—it too—fell victim in Kyoto. Senate Resolution 98 stated that the President should not sign any treaty which ". . . would result in serious harm to the economy of the United States."

The Kyoto Protocol would legally bind the United States to reduce our greenhouse gas emissions to 7 percent below 1990 levels by the years 2008 to 2012. It even goes much further than the President's own bottom line that he personally announced last October when President Clinton pledged he would not accept a baseline below 1990 levels in greenhouse gas emissions, and he said there must be "meaningful participation" from all developing countries.

Numerous independent economic studies predicted serious economic harm even if the administration had held to its position that it enunciated last October. These studies found job losses in the range of over 2 million, large increases in energy costs, a 50-cent increase in gas prices per gallon, a drop in economic growth rates of more than 1 percent a year, and major American industries being driven out of business or driven out of the United States—industries like steel, aluminum, petroleum refining, chemicals, iron, paper products, and cement.

That is why American agriculture, American labor, American business and industry and many consumer groups have all united in opposition—in opposition—to this treaty. Yet, our negotiators in Kyoto—the ones who were supposed to be looking out for the American people—agreed to a treaty that would have had an even more devastating impact on the U.S. economy and on the lives of the American people.

The administration's recent anemic attempt to develop an economic analysis showing "minimal" harm to the U.S. economy is laughable. It is truly laughable. No models, no numbers, no percentages, no economics. It is laughable. It is based on fabrication and vapor, on a wildly optimistic assumption—as an example, China, India and Mexico agreeing to the binding commitments in this treaty. That is nonsense, Mr. President. These very nations blocked language in Kyoto, Japan, last year that would have allowed developing countries to even voluntarily—voluntarily—undertake the obligations of this treaty. They will never agree to binding commitments, and have so stated.

Even from an environmental standpoint, the Kyoto Protocol is a failure. This Wednesday is Earth Day, and some will undoubtedly attempt to hold up this treaty as an example of a significant accomplishment to help our environment. The truth is, this treaty is so flawed that it will do virtually nothing to slow the growth of manmade greenhouse gasses in the atmosphere. Even if one accepts the validity of the science on global warming, which is still uncertain and at best contradictory, this treaty would do nothing to stop any of these emissions. The Kyoto Protocol excludes the very developing nations who will be responsible for more than 60 percent of the world's manmade greenhouse gas emissions early in the next century.

China will be the world's largest emitter of manmade greenhouse gasses by the year 2015. On February 13 of this year, the Washington Post reported, "But even if the accord is ratified and fully implemented, it would barely dent the world's output of manmade greenhouse gasses * * *." This treaty makes no sense. It is folly, complete folly.

Yet, the administration has made it clear that President Clinton intends to sign this treaty at some point during the period it is open for signature between now and next March. The administration has also made it very clear that it understands the treaty has no chance of ratification in the Senate and that it intends to withhold this treaty from Senate consideration. The President claims that the treaty is, in his words, "a work in progress." This leaves people with the mistaken impression that the treaty remains under negotiation and that objectionable parts of the treaty can be negotiated away before it is submitted to the Senate. Mr. President, this is not the case. This is not the case. Why would anyone sign a legally binding treaty they consider a work in progress? That is complete nonsense.

This treaty cannot be amended until it goes into force, and even then, only by a three-quarters vote of all countries that have become party to the protocol. The 134 developing countries that would not even voluntarily sign on to this, which are not bound by any emissions limits, make up more than the three-quarters of the world's nations. Hence, they control any amendment to this treaty. The countries that have no obligations in this treaty are the very nations that dictate and enforce its terms. This is outrageous.

My coauthor of S. Res. 98, Senator BYRD of West Virginia, said recently on the floor of the Senate that the Kyoto Protocol did not meet either of the Senate standards laid out in the Byrd-Hagel resolution. Senator BYRD said, "I hope that the President will not sign his name to the protocol at this point * * * I am concerned that if the President signs this protocol at this point, it will compromise his flexibility in dealing with the developing countries over the next year."

Senator BYRD is absolutely correct. It makes no sense to sign a flawed treaty, thereby giving away our leverage and our negotiating strength. If the President believes this treaty is good enough to sign, it should be good enough, Mr. President, to submit to the Senate for an honest and open debate. The American people have a right to know exactly what obligations the United States would have under this treaty.

Members of the Senate and the House will remain actively engaged in this issue. Oversight hearings will continue. We will continue to hold hearings this year to ensure that the administration does not attempt to implement this treaty or any part of this treaty prior to Senate ratification through Executive order, budget fiat, or regulatory action.

During the Foreign Relations Committee hearing in February, I asked Secretary Eizenstat about any attempts to implement this treaty prior to Senate ratification. He replied, "We have no intention through the back door or anything else, without Senate confirmation, of trying to impose or take any steps to impose what would be binding restrictions on our companies, on our industry, on our business, on our agriculture, on our commerce, or on our country until and unless the Senate of the United States says so." That is Secretary Eizenstat.

Mr. President, we will hold the Clinton administration to its word. Recent news reports, however, have brought to light a very dishonest attempt by the EPA to impose carbon emissions caps through the deregulation of the electric industry. I was glad to see that the administration dropped this nonsense from its final electric deregulation proposal. There will be no implementation of this treaty before ratification by the Senate of the United States.

The Senate's bottom line, as represented in the unanimous 95–0 vote on S. Res. 98, remains unchanged. The U.S. Senate will not support the ratification of the Kyoto treaty because it does not include binding commitments by the developing nations and does serious harm to the U.S. economy.

This has become an economic treaty, not an environmental treaty, and it is a bad treaty for America. So bad that it will not be ratified by this body.

Mr. MURKOWSKI. Mr. President, Wednesday is Earth Day—a good time to reflect on our responsibilities to preserve and protect the environment that we will pass on to our children and grandchildren.

I have six children, and, at last count, eleven grandchildren. I obviously care about the environment they will grow up in.

I am encouraged by the fact that the air we breathe and the water that flows though America's rivers are far cleaner today than they were on the first Earth Day in 1970. You might not know that is the case if you listen exclusively to the gloom and doom pronouncements of many institutional environmental groups.

Sometimes, these groups place my name on a list or issue a "report card" on my voting record that might lead one to believe that I do not care about the environment. This is, of course, nonsense. You cannot have eleven grand kids at the center of your life while working to shortchange the environment.

Having said that, I must join my colleagues in reporting to the Senate that Vice President GORE returned from Kyoto with a climate treaty so fatally flawed that it will never be ratified by the Senate or enter into force. Nor should it.

While the climate issue must be taken seriously, the Senate would be shirking its constitutional responsibilities if it were to ratify a treaty that is so blatantly unfair, economically burdensome, and of no benefit to the environment.

The unfairness of the treaty lies mainly in its exclusion of "developing" nations such as China, India, South Korea and Mexico. Emissions from these nations will exceed ours in about 15 years, and their exclusion will only encourage the shift of manufacturing (and resulting emissions) from the nations subject to controls to the nations that are not. Thus, global emissions would not decrease. Since developing nations are less energy-efficient than we are, emissions might even increase. Under the treaty there would be no global environmental gain—but America would suffer economic pain.

According to the respected economic firm Wharton Econometrics, the Kyoto Treaty would reduce Gross Domestic Product by more than $2,000 per household in 2010—and $30,000 per household between 2001–2020. Moreover, 2.5 million Americans would lose their jobs. Since the climate change problem will one day be addressed through technological innovation fostered in a healthy economic environment, the last thing we want to do is adopt a treaty that would create a national economic decline reminiscent of the oil shocks of the 1970s.

If we are truly concerned about carbon emissions, we will revitalize nuclear energy and hydropower—our only large-scale, base-load sources of carbon free electricity. Nuclear energy generates 22% of our electricity, and hydropower adds an additional 11%. Solar and wind energy, in comparison, fill one-tenth of one percent of our total energy needs. Although solar and wind energy will grow, the immutable laws of physics limit that growth to just a few percent. Presidential initiatives to place solar panels on a million roofs around the country may have symbolic value, but what is the administration doing to promote nuclear and hydropower—the carbon-free emission sources that can really make a difference?

Unfortunately, the President opposes the nuclear waste bill that has passed the Senate twice by a wide, bipartisan margin. Any failure to address the nuclear waste issue will result in the premature closure of nuclear power plants, whose capacity will be replaced with carbon-emitting, fossil-fuel plants.

Bruce Babbitt aspires to be the first Interior Secretary to tear down hydropower dams. Additionally, other dams around the country are endangered by a cumbersome regulatory process that can make it cheaper to tear down the dam and purchase fossil-fuel generated power rather than endure the ordeal of relicensing before the Federal Energy Regulatory Commission.

On the international energy front, administration policy is in opposition to China's Three Gorges hydroelectric project—the alternative to which is thirty six new carbon-belching 500 megawatt coal plants. Is this part of a consistent carbon reduction strategy? In an intellectual contortion that defies common sense, Administration energy policy is anti-nuclear and anti-hydropower while professing to be anti-carbon. To appreciate that, one only needs to read the President's Climate Initiative unveiled last October. Nuclear energy isn't even mentioned, and hydropower is explicitly discounted in the document's exclusive discussion of "non-hydro" renewable energy.

What is the President's answer? The President's strategy is to push the issue off to someone else's watch. The Kyoto Treaty doesn't require carbon reductions until the year 2008.

Meanwhile, by agreeing to a fatally flawed treaty in Kyoto, the Vice President revealed his own Achilles' heel—he can't say no to any environmental cause, even if it directly harms U.S. interests and jobs here at home. Kyoto has exposed that weakness, and now it is the Senate's Constitutional responsibility to ensure that a bad treaty will never be ratified.

Ninety-five Senators rarely agree on anything—but they agreed with passage of the Byrd-Hagel resolution that any climate treaty must be globally applied, without harm to our economy. In the case of the Kyoto treaty, the President failed to take our advice—so he cannot expect to receive our consent.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. I have just returned from a very enjoyable time of traveling around Wyoming, attending town meetings, going to school classrooms, pounding a little bit on a Habitat for Humanity house.

When I left Wyoming, it was snowing. But the folks in Wyoming understand that if there hadn't been a little bit of global warming, we would be under about 300 feet of ice. So they may not be as concerned as perhaps some other places in the world, but I want to talk today a little bit about the global warming treaty as well. I went to the treaty conference in Kyoto. I went with Senator HAGEL and a couple of other Senators. The purpose of our trip was to convey the importance of the Byrd-Hagel resolution.

We went over there to talk about a resolution that passed this Senate 95–0. That is a pretty clear message, and it was also a very simple message. The developing nations have to participate in the treaty and the treaty cannot result in serious harm to the U.S. economy. I have to say the treaty fails. It is unfair. The benefits are unclear. The costs are unknown, and the administration is unresponsive to our requests for information.

Kyoto was titled "a global warming" conference, but I have to say it was an economic conference disguised as an environmental conference. While we were over there, we got to meet with the Chinese delegation. The Chinese, by the year 2010, will be the world's largest polluter, unquestionably. We wanted to know what they intended to do about that. They said nothing, they are a developing nation. We asked them what their definition was of a "developing nation" so that we would know when they would no longer be a developing nation. They said, "We will always be a developing nation." We asked them if they would do voluntary restraints on their pollution. They said no. We asked, How about voluntary restraints at some future unspecified date? I don't know how you can make any negotiation looser than that. Their answer was no.

We also got to hear from some of the island nations that are refusing to be a part of any voluntary restraints. Island nations. We are talking about nations that, if global warming is true, the polar icecap will melt and their island will be inundated with water; they will disappear as a country. They said they would not be a part of it, that they were a developing nation and they didn't need to do it. To me, that is the best evidence that there isn't global warming.

There is no consensus on global warming. Some scientists argue that the carbon dioxide in global warming is even good. The important thing is that we are already doing more than others. We are doing more without recognition. We are doing more without penalties. We are doing more because it is the right thing to do. But this was an economic conference disguised as an environmental conference. It was a conference where we lose.

I remember an incident in the Northwest, near my home up in Washington, where we got concerned about the spotted owl, that it was headed for certain extinction. We halted the Northwest logging industry. We put an entire industry and its employees out of work. Our national forests were left unmanaged, and they are now a big tinderbox; they burn whenever lightning strikes. It is not very good stewardship when we are wasting what we have. After all this, we have discovered that this timid little bird has been building nests in billboards by the highways and they are undisturbed by the passing cars and trucks.

A part of our economy moved to other countries where they don't have the environmental laws. Logging moved to Siberia. Russian loggers are tearing down 10 million acres of forest each year. In our effort to save the spotted owl, we have wiped out the Siberian tiger. We have to be careful with the consequences of what we are promoting.

The Vice President believes we can get rid of coal and use clean energy, like wind. I have to tell you, there are few places that are windier than the little belt that goes across southern Wyoming. It is up in the high plains, where the wind doesn't have any trees to block it. We have tried some wind experiments there. They built a generator, only to have the wind velocity blow the rotors off. I asked the environmentalists, what about wind energy, what is the potential for that? It only makes up one-third of 1 percent of our country's energy use at the present time. Their response was that it will kill the bald eagles; the eagles will fly into the generators and get chopped up. Not a good solution. I asked about water. Well, water changes the nature of the fish that use it, if we use it for hydraulic power. Nuclear power—we don't even have to talk about nuclear power and the problems supposed to be caused by it and the way that we haven't met our energy requirements for the storage of nuclear waste.

The biggest thing that disturbed me about the Kyoto trip was that we went there without the data we requested. Before we went to Kyoto, we made it clear that there was information which we were certain any good negotiators would be gathering to use for their case. We still haven't gotten that. When we went over there, we talked about a 1990 date and maintaining the levels that we had in 1990. Our negotiators allowed the other countries to relax the criteria they had already agreed to while we made ours more difficult. Marvelous negotiating. They never did answer the questions about the kind of administration that would be necessary, the kind of bureaucracy that we build internationally, what kind of regulations, and to whom the United States would be subject. We didn't talk about the pollution topic, and that is going to be involved.

I do remember, from some of the discussion of the Chinese, that they had a solution for penalties. There ought to be penalties for those developing nations that could not meet their criteria, and their idea was that the penalties then would be distributed to those developing nations on the basis of population. Now, there is negotiation.

Numbers. We still don't have numbers. I put in an amendment last year on the foreign operations spending bill. It asked for the numbers that the administration has been collecting on global warming: How many American jobs would be lost with the treaty? How much will it cost the taxpayers to pay for Federal programs? What Federal programs will be needed? We haven't received an answer. Apparently, none of the agencies involved can say how much they are going to spend on climate change.

This lack of accountability is a disgrace. The taxpayers should be outraged. Maybe we ought to sic some of those IRS auditors on the Office of Management and Budget until we get the numbers we asked for a year ago. Nobody knows exactly how much will be needed, where it is going, or what the purpose of it will be. Now, according to the numbers I am reading, that ought to be about a $6 billion to $10 billion violation of the Government Performance and Results Act.

Yes, we have a law that says that the Government agencies are supposed to tell us what they are doing. Here is the important part. They are supposed to tell us how we can tell if it is getting done. And then it is supposed to be reflected in their budgets so that we can see that what they said they were going to do will get done within the constraints of the money that is there. Somewhere the numbers have to be available for what global warming—no, for what the administration's proposal of anti-economic development will cost us.

It is time for the administration to tell us exactly how much, how it is going to be done, if there will be incentives or just penalties, how will it administer it and give a little bit of credit to those that are already working the problem without the international treaty. Americans have a right to know where their tax dollars are going. This last week, the American people spent their tax dollars, sent their tax dollars, will be audited on their tax dollars. It is time that we audit the Federal Government on the use of those tax dollars and hold them to the 95–0 treaty that protects American jobs, and make sure that if we say we are going to do a job, we are able to do the job. We owe it to the American people.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, it is great to be back from our recess and once again to convene the Senate in the work of the citizens of this country.

Mr. President, let me, first of all, recognize my colleague from Nebraska and my colleague from Wyoming and, for the record, praise them for the leadership they have demonstrated on the most critical issue that we address here on the floor this morning. Senator HAGEL has become the Senate's leader, along with Senator BYRD of West Virginia, on this issue of climate change and trying to convince the Administration, and I think some of our critics, that the course this Administration pursues is not only unrealistic, it really is unjustified. Both Senator HAGEL and Senator ENZI, as was recognized by the Senator from Wyoming, were in Kyoto to watch as this Administration negotiated and began to work on some form of protocol.

I think we three Senators join on the floor this morning proud that during this century our Nation has developed into the strongest economic and military power ever to exist on the face of the Earth. Our democratic system of government, which ensures unparalleled freedom for its citizens, is the envy of the world. All of us in this body are entrusted with the responsibility to protect and enhance that very stature.

Because I feel so strongly about that responsibility, it is with the most chilling concern that I comment today on the President's contemplated signing of the Kyoto Protocol on Global Climate Change. Despite grave bipartisan warnings from the Congress since the conclusion of the U.N. Global Climate Summit in Kyoto, the President insists on committing our country to an agreement that I believe threatens our way of life; indeed, it threatens the heart of our Nation's power—and the American economy.

I, like many of my Senate colleagues, am confounded as to why the President is contemplating signing this agreement. I can only hope that it is not simply misguided loyalty to the Vice President, who every American knows is the main protagonist in this ill-conceived campaign to avoid what he calls "an imminent environmental holocaust" caused by global warming.

Let me repeat those words. Catch the flavor and the emotional ring of "an imminent environmental holocaust." If anybody stood on the street corner of America and spoke with those terms, surely they would catch the attention of some. When the Vice President speaks in those terms, he catches the attention of many. There is only one problem with that kind of rhetoric. Few, if any, scientists today believe that the world is facing an environmental holocaust from global warming, much less an imminent one.

In fact, as more and more American scientists review the available data on global warming, it is becoming increasingly clear that the vast majority believe the commitments for reduction of greenhouse gas emissions made by the Administration in the Kyoto Protocol is an unnecessary response to an exaggerated threat—"to an exaggerated threat" that the Vice President himself is caught up in making. Indeed, just today more than 15,000 scientists, two-thirds with advanced academic degrees, released a petition they signed urging the United States to reject the Kyoto Protocol. The petition, expressly states that:

> There is no convincing scientific evidence that human release of carbon dioxide, methane, or other greenhouse gases is causing or will cause catastrophic heating of the Earth's atmosphere and disruption of the Earth's climate.

Mr. President, why must the United States be a party to an agreement that will substantially and negatively affect our economy, change our way of life, and potentially weaken our ability to maintain the world's most powerful military without sufficient scientific evidence of impending doom—sufficient scientific evidence of impending doom? I submit that this Administration has yet to adequately answer that question. The President of the United States, over anyone else in our country, must answer that question.

Even if we were to ignore the scientific evidence and assume that the world is facing an imminent environmental problem, this agreement does nothing to avoid the threat. Bert Bolin, a Swedish meteorologist and the outgoing chairman of the U.N. Intergovernmental Panel on Climate Change, recently said that "[t]he Kyoto conference did not achieve much with regard to limiting the buildup of greenhouse gases in the atmosphere."—The Washington Post, February 13, 1998

Therefore, I ask again: Why is the President going to sign this agreement, which, if ratified in its current form, will raise the costs for nearly everything in a typical American budget, in both the short term and long term?

The Administration has attempted to relieve our economic concerns with a superficial analysis that presents a simplistic view of how American industry can adapt to new economic challenges and includes assumptions about the success of emission trading proposals that are untested in the international arena. This so-called economic analysis is contained in a 20-page paper by Janet Yellen, the Chairman of the President's Council of Economic Advisers, submitted as testimony to the House Commerce Committee and the Senate Committee on Agriculture, Nutrition, and Forestry.

However, in testimony recently given before the Senate Agriculture Committee examining the Kyoto Agreement, Mary Novak, senior vice president of a respected economic forecasting forum —you have heard of them—called Wharton Econometrics Forecasting Associates, well-known worldwide for its expertise, stated that the Administration's economic analysis of the impact of the Kyoto Agreement is terribly flawed—not possibly flawed, not flawed in limited ways, but terribly flawed. Ms. Novak predicted that the total U.S. cost of meeting the Kyoto Agreement would be $250 billion, or a loss of 3.2 percent of gross domestic product. In addition, Ms. Novak stated that about 2.5 million jobs would be lost, and the annual expense per family would exceed $2,700 a year.

If the Senate of the United States were, at this moment, contemplating an income tax increase that would increase the average family's taxes by $2,700, and if we passed it, very few, if any, of us would withstand the public outcry, let alone the voters at the ballot box in November. Yet, this President, because he thinks he can hide it through the processes of time and the procedure of international agreement, is proposing just that. That is what the WEFA says—an annual expense per family to exceed $2,700.

Mr. President, if this administration were sincere about reducing greenhouse gas emissions, we would have seen in the President's budget proposal strong support for an array of reliable electric energy that we all know has a benign impact on the very environment that we all cherish and want to protect. Conspicuously absent from the President's Climate Change Technology Initiative was any support for nuclear or hydroelectric power. In fact, the President and the Vice President are hostile to nuclear and hydroelectric power. This very Administration has initiatives that will ultimately grind nuclear energy generation to a halt and would restrict us from any further development of hydro, let alone maintaining the status quo. Yet, both of these sources of power, as we know, do not produce one single molecule of greenhouse gas emissions into our atmosphere. Indeed, it is hard to imagine a cleaner source of power than falling water, or nuclear fission.

What about the sincerity of this Administration's commitment to our Nation's global competitiveness?

I was watching television yesterday catching the news shows and talk shows discussing the American economy. Many pundits were concerned about the aggressiveness of the stock market. Well, concerned, yet happy; but will this happiness last? We are surely concerned about the economics of the Pacific rim at this moment; and, nearly every economist on these shows were talking about the power of the current economy of the United States, how it pulls other economies with us, and that we continue to expect growth in the coming year; growth of about 2.5 percent, growth very similar to the kind we had last year. And, while we are talking about that, while we recognize that our competitiveness in the global environment drives the global market, we have an Administration that is tinkering around with the idea of restricting the ability of our country to lead economically and to help out all other nations of the world with their own economic problems.

Mr. President, our Nation's agricultural industry is one of several industries that will be adversely affected by the requirements of the Kyoto Agreement. American agriculture has evolved with the rapid adoption of new technology; it is both highly capital and energy intensive. Energy use in both direct and indirect ways, including the fuel and lubricants for machinery and vehicles, the natural gas used to dry crops and pump irrigation water, and the electricity used in a wide variety of ways, has caused the American agricultural economy to be the most competitive and the most productive in the world. We use fertilizer and pesticides, all containing large energy components. For these reasons, our agricultural system is very sensitive to the kinds of changes the Vice President and the President are proposing. American farmers buy $166 billion worth of inputs and services, sell about $212 billion worth of products and services, and receive just about $54 billion in cash income to cover costs and provide incentives for future investment. Moreover, American agriculture is deeply integrated into the world economy and depends on more than $60 billion in export sales—the fastest growing market for our food and our fiber products.

That is just one example of an economy in this country that helps set the pace for the world.

The Kyoto Agreement would cause fertilizer prices to go up, and while the President says carbon taxes are not a part of his plan to meet the treaty's requirements, the administration intends to pressure fossil fuel prices through other ways that would have the impact of burdensome tax increases. One of the results of the Administration's approach to compliance will be higher costs for diesel fuel for trucks and tractors.

It takes no genius to understand what that means: Increased costs for farmers, which translates into increased costs for food and finished goods at the grocery store. In addition, since most products are delivered by diesel-powered trucks, nearly every item in nearly every store in America will cost more. And all of this will be done by an Administration that pursues a policy which it has no strong scientific or economic basis or logical reason to pursue.

One of the many potential tragedies of this treaty would be the higher cost of food, not just for those who can afford it but for those who cannot. And remember our Judeo-Christian ethic as a country, the hundreds of millions of dollars of food we send around the world to poor nations, to starving people. Could we afford to send more if it cost more? I doubt it. And yet that is exactly what the President proposes.

According to Data Resources, Inc., another respected economic forecasting firm, 37 percent of American households have less than $20,000 after-tax income and spend about 21.2 percent to more than 100 percent of after-tax income on food. For these families, the impact of America's compliance with the Kyoto Agreement would be severe and very negative.

Mr. President, I believe this will be the first time in the history of our country that a President has allowed foreign interests to control and to limit the growth of the American economy.

Let me repeat that for the record because I believe, after our research, that is a pretty profound statement, not just coming from me but coming from the historic records of our country, that this would be the first time in our history that an American President has allowed foreign interests to control and limit the growth of the American economy. Never before have we allowed foreign interests to dictate the amount of energy Americans can use.

The Kyoto Agreement requires Americans to cut energy use by the year 2010 to 7 percent below what it was using in 1990. That was just 8 years ago.

This weekend, I was at a special school out in Idaho, a collection of bright young kids. They are developing an electric car. They are going to race it next week in a race in north Idaho, an electric car. But guess what. You have to use nuclear hydrocarbons to generate the electricity that goes in the battery that powers the car that creates no pollution.

Get the message. No matter where you turn, whether it is fueling the cars for the great urban areas of our country that might be powered by electricity in the future, that electricity still has to be generated. And a lot of bright people are trying to accomplish that, so we can reduce that kind of impact on our environment. And yet, Mr. President, you are denying the ability to generate the energy by suggesting that we progressively reduce our ability to consume.

Mr. President, to illustrate the emissions requirement of the Agreement, Jay Hakes, head of the Energy Information Administration—a statistical arm of the Department of Energy—said in February testimony before the House Science Committee: "A 7 percent reduction [below baseline levels under the agreement] for energy-related carbon emissions alone would require a reduction of about 550 million metric tons of carbon in 2010, or about 31 percent," below current projections. According to EIA data, the mark of 550 million metric tons is greater than the total carbon emissions produced by electricity generation in the United States for 1990 or 1996 which were 477 million metric tons and 517 million metric tons, respectively.

So let me say to all Senators and to the American people, tonight, walk around your house. Think about the light fixture you have just turned on, the appliance you have just turned off, the telephone device you might make a call on, or the computer you will sit down to, to communicate anywhere in the world. Many of these things you have added to your home since 1990. Look at the car you drove home from work. And to the farmer who is out there on the plains and the farmlands of America this very hour, that marvelously efficient diesel tractor that is pulling the plow and the drill to plant the crop that creates the abundant harvest that feeds not just the people of America but the people of the world. All of those tools are a product of energy. In fact, Americans today are consuming more energy as the economy continues to grow, and we will need to consume more. We will need to turn on our lights and our computers. We will need our cars. In the future, they will be better and they will be cleaner, but they still must consume energy.

The Administration knows this protocol is seriously flawed. In a news conference held in Kyoto, Japan, on December 8, 1997, Vice President AL GORE acknowledged: "We've said from the beginning that, in order to send an agreement to the Senate, we must have meaningful participation by key developing countries." We now know that developing countries did not sign the agreement. Is it fair to let these countries off the hook while we Americans are subject to such stringent requirements?

Here's what Stephen L. Miller, President of the Center for Energy and Economic Development had to say about the Kyoto Treaty: "The proposed Kyoto treaty is like a card game where the deck is stacked. American workers are being dealt a losing hand through the negotiating process. In the end, there will be no real environmental benefit and America's working families will be forced to pay higher energy and consumer costs while we export U.S. jobs to countries that are exempted from action under the Treaty."

So let us call once again upon our President to incorporate in this agreement developing nations, growth nations like China, Mexico, and India, that have simply walked away because they cannot be a part of an agreement that would cut back on the opportunity they are trying to offer their citizens.

Mr. President, Mr. Vice President, sign something that is a winning agreement for America. Sign something that promotes our economy, that promotes the environment of the world. Sign something that all countries of the world can agree with. Please do not turn us away from the kind of economic growth and development that all of our citizens expect and demand. There is simply no compelling reason for our government at this time to force Americans to take preventive measures of uncertain competence against a problem that may or may not lie in the Earth's future.

The Administration carries a heavy burden of persuasion that the CO_2 compliance measures contained in the Kyoto Agreement are worth the sacrifice it will require of the American people. We here in the Senate must, and will, ensure that our nation's global economic competitiveness, our nation's military readiness, and our way of life, are not compromised merely to advance misguided political agendas.

It bears repeating—the Kyoto Agreement is flawed. It is based on politic science and not lab science. And it is only through sound lab science that we, working collectively together with our colleagues around the world, will produce a better world.

Once again, I thank my colleague from Nebraska for recognizing the importance of this special order this morning as we talk about global climate change and its importance to our country and to our friends and neighbors around the world.

I note the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the Senate is in morning business; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. And the minority leader has 1 hour under his control?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. I ask unanimous consent to yield myself 15 minutes of the hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

MERGERS IN THE BANKING INDUSTRY

Mr. DORGAN. Mr. President, I wanted to mention a couple of subjects on the floor of the Senate today. The first deals with the proposed marriages occurring in the banking industry. In recent weeks, we have seen proposals of marriage by a number of our biggest banks, totaling some $160 billion. Three of the largest merger proposals include Citicorp with Travelers—actually a very large bank with an insurance company, NationsBank and BankAmerica, and Banc One with First Chicago. I didn't even know there was any romancing going on, and then I open the papers and see that all these banks want to gather up and get married and be one.

I think the fundamental question for this country is whether these mega mergers serve our economy and our country's best interests? Is this good for our country? Will this better serve customers, or will it result in bigger profits, perhaps, for the banks that merge and higher fees for their customers?

It is clear to me that the kinds of mergers we are once again seeing in this country mean that when two large corporations become one and an even larger corporation, there is less competition in our economy. When there is less competition and, therefore, more concentration, it seems to me it clearly injures the market system which relies on competition as a regulator and, by definition, is therefore not good for consumers. Without knowing the specific details, I admit, about the individual proposals in these mergers, I hope very much that the regulators, the Federal Reserve Board and the Comptroller of the Currency as well as the Justice Department, will review all of these mergers with a fine-tooth comb and determine whether this will result in less competition that is harmful to consumers, whether it will result in ever higher banking fees for their customers, whether it will result in something that takes us a step backward rather than a step forward in improving our market system in this country.

As I indicated, I don't know much about the specifics of any of the merger proposals I have just described. It is not my intent to come and describe the deals or to pass judgment upon them. But I will say this: The judgment I have with respect to many of the largest mergers in our country, especially in this industry, is that we are left with less competition if the merger is approved.

With respect to this industry, there is one peculiar and defining characteristic. The Federal Reserve Board determines by policy that there are certain banks in this country that are so-called "too big to fail." That is, they are so large in scope that their failure would cause such an economic calamity for the country that the Fed will not allow them to fail.

The Fed actually has a list of banks: "These banks are too big to fail." All the other banks, the smaller banks, can fail and lose all their money. The deposits are insured so the depositors won't lose money, but the bank owners, the stockholders, can loose their money. The "too big to fail" banks cannot fail. They are on the list at the Federal Reserve Board as "too big to fail."

I asked the question, if you have a list of "too big to fail" banks and the big banks merge into even bigger banks, does it not mean then the American taxpayer will pay the cost of bad merger judgments if the merger goes sour?

My friend James Glassman, who writes op-ed pieces for the Washington Post, a rather interesting guy, I think, and pretty good thinker—I disagree with him on a fair number of issues from time to time—but he wrote a piece last week about this. He said that most of this is pretty good news really. Some call all these mergers the "elephant mating system"—the best thing to do is stand back at a safe distance and watch.

But Glassman says, well, this is really fine. He says at the end of his long piece, though, after talking about the virtues of these mergers, "Yes, there are some dangers. The mergers make institutions too big to fail. Knowing that regulators won't close them down in a crisis, bank managers could get reckless."

That ought not be the last paragraph, I say to my friend Mr. Glassman; that ought to be the first paragraph.

The question of public policy on this issue of bank mergers, it seems to me, ought to be posed now to the Federal Reserve Board and Comptroller of the Currency and to the Justice Department. I asked them, do not any longer just be spectators on the question of mergers—suit up, be involved, get active and make judgments with respect to the question of what is best for the market system of this country, what is best for the American citizen, not what is best for the newly married two corporations that have become bigger and perhaps whose misjudgments will now be borne by the American taxpayer under a doctrine of "too big to fail."

DRUNK DRIVING

Mr. DORGAN. Mr. President, last week, tragically an 11-year-old boy was killed in an automobile accident in the Washington, DC, area. This young boy was killed by a man who was driving a vehicle apparently very, very drunk and hit four cars. In the last car was a small van that was driving down the road with this young 11-year-old boy listening to his favorite basketball star. He was listening to a Chicago Bulls' game, listening to Michael Jordan play basketball while seated in this family van driving down the road, when he was hit by a drunk driver and tragically killed.

I have mentioned before that my family has been visited by this tragedy on a couple of occasions, and I have a special kind of anger in these circumstances when I understand that the person who commits this kind of murder is not just the man who got drunk that day and killed an 11-year-old boy. This happens every 30 minutes in America—every half hour someone else is killed by a drunk driver.

So often, you will discover, as is the case in this particular instance, the driver has been drunk before. The first time he was drunk, about 6 or 8 months ago, he was fined $50. On March 23, which is just a few weeks ago when that young 11-year-old boy was still full of life, this driver was again picked up drunk with twice the legal limit, over .20. But then someone gave him a special license. Oh, yes, he is picked up drunk again but he got a special license to drive back and forth to work. I ask the judges who preside over these issues, where is the judgment? Where is the judgment that allows a driver like this to be on the road again with a temporary license to kill an 11-year-old boy?

I tried to get the judge's name so that I could show my colleagues and all those listening who has this kind of judgment. I have done that before, and I will again. But where is the judgment to understand that when people commit acts of drunk driving, they ought to have their privileges of using America's roadways removed?

AMERICA'S TRADE DEFICIT

Mr. DORGAN. Mr. President, I would like to make a point that since the Congress took a brief recess, once again, America's trade deficit has increased. It is now, as I predicted in previous discussions with the Senate, headed towards another record high.

Everyone talks about the tremendous progress in this Chamber and in this Government at wrestling the budget deficit to the ground, and we have made great progress in doing that. But the trade deficit is at a record high and is continuing to set records, like a merchandise trade deficit of $199 billion last year. Now it is estimated to go to $224 billion this year. It is estimated by Standard & Poor's and by many others, incidentally, who gauge these things, that we will continue to have record trade deficits—record trade deficits.

President Clinton was in South America recently, in Chile. The South American countries were concerned because the Congress did not pass what is called fast-track trade authority. It is interesting, when you talk about this hemisphere's trading, this country is not just the biggest kid on the block; it is the better part of the block.

Eighty-two percent of this country's trading of $10 trillion is the United States of America. And to have some other country suggest to us that "Gee, we've got a problem because you didn't pass fast track trade authority"—what on Earth are they thinking about? The fact is, we have constant, abiding and difficult trade problems. I would say to President Clinton—who I think has done a remarkable job with this country's economy and has policies that I support in many areas—we must begin to deal with this trade deficit. We cannot ignore it.

The Asian financial crisis will make that deficit worse. We cannot continue to ignore the deficit. Our trade deficit is ratcheting up with China. It continues to increase with China and Japan. We also have a significant trade deficit with Mexico, and a significant trade deficit with Canada. The issue is: Why?

Let me show you a statement, just last Thursday, talking about our trade with China. We have a nearly $50 billion trade deficit with China. We are a cash currency cow for China for their hard currency needs. It makes no sense for this country to say to China, "Yeah, that's all right; you can ratchet up a $50 billion trade deficit with the United States." It hurts this country.

Here is what is happening in China. According to a Washington Post article, "Chinese sweatshops labor for U.S. retailers. In fact, the National Labor Committee, a private New York-based whistle-blowing group, conducted an investigation into 21 garment factories, and found workers paid pennies an hour, working excessive overtime, confined to crowded dormitories, fed a thin rice gruel and denied any benefits.

Let me just add a few details. In China's southern coastal provinces, wages and benefits are being slashed to as low as 13 cents an hour, which is added to excessive overtime hours of up to 96 hours a week. Shifts of 14 hours, 7 days a week, are being imposed. They live crammed, 10 to a room, in guarded dormitories on the factory's premises, under constant surveillance.

Is this fair trade? Is this, when you talk about trade competition, what we ought to be competing with? Is this the race to the bottom that we are talking about: Produce the shoes and handbags, and pay somebody 13 cents an hour? Get a 15-year-old and put them in a plant, and work them 90 hours a week, and ship their handbag to a store in Dayton, Los Angeles or Tulsa and sell it to the consumer? Does that mean lower prices for the consumer or fatter profits for the corporation? And is it fair trade? The answer is no. Absolutely not.

This ought not to be what we compete against. So we compete against 13 cents an hour, and our trade deficit goes up—way up. That is fair trade? I do not think so. I would ask the President and others to understand that this Congress is not going to provide fast track trade authority for a President.

I know that the President went to South America and said, "Well, fast track trade authority will happen." It will not happen. Fast track trade authority is dead, and will remain dead until this country decides it is going to begin to solve the nettlesome, vexing trade problems we have, country by country and free trade agreement by free trade agreement.

We have had NAFTA, we have had GATT, we have had a number of trade agreements, all of which have turned out to be sour. I can, but I will not, cite chapter and verse this morning about the avalanche of Canadian grain that is leaking across that border down into this country, undercutting our farmers' income right now, in violation, in my judgment, of all fair trade standards. But nothing is done about it. I talk about 13 cents-an-hour wages which we are expected to compete against, but nothing is done about it either.

My point is, fast track is dead, and it will remain dead until and unless the U.S. Government decides these trade problems demand a solution on behalf of our country. It ought not be embarrassing for our country to say we do have a national interest and we are going to insist on that interest in our trade relationships with other countries.

There are plenty of issues that will consume our time in this Congress between now and the middle of October when we likely will adjourn. I do hope between now and then, at some point someone will decide that this trade issue is of consequence to this country's long-term economic future.

We are blessed, truly blessed, as a country to have a strong, growing economy. I have talked before on the floor of the Senate about the fact that things are going well. There is no question about that. Much of that relates to decisions that this President has made and this Congress has made—some very tough decisions, some by a one-vote margin. The result is we have a growing economy while some other countries are not so fortunate.

We have a Federal budget deficit that has largely been wrestled to the ground. The unemployment numbers in this country are down, way down. The crime rate is down. The welfare rolls are down. A lot of good things are happening in this country. But it is not an excuse to ignore the other challenges we have. One of those challenges represents this abiding trade deficit that is getting worse, not better. We must, it seems to me, find a way to respond it to and deal with it.

I again say that we must take a look at the Asian currency collapse, at the failure of the Japanese to deal with the devaluation of its currency, with the forced-labor problems in China, and the intellectual piracy that goes on. One of the reasons for what is happening with respect to that piracy is, when we try to send a video game or a compact disc from this country into China, guess what the tariff is: 50 percent.

Here is a country that has a $50 billion trade surplus with the U.S.—in other words, they are selling us far more than they are buying from us—and when we want to ship some intellectual property over there, they impose a 50 percent tariff on us.

I was in China. I talked with the President of China. I said, "You can't do this. You can't shut off China to the U.S. pork market and stop pork shipments. You can't shut off China to wheat shipments from our country. You can't continue to produce, on a pirated basis, the kind of production that we see coming from China in compact discs and in other areas." It is not something that ever ought to be countenanced, and yet we have agreements to try to shut it down, and it does not get shut down.

My only point is this: This problem is getting worse. This shows the hemorrhage of red ink on international trade with this country. It is getting worse, not better, and I ask not just this administration but this Congress to decide that this challenge is something we have a responsibility to meet.

Mr. President, this afternoon we turn to an education issue, and I intend to come back and visit a bit this afternoon on the Coverdell amendment and a range of amendments that will be offered to it dealing with the subject of education. In the meantime, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GLOBAL CLIMATE TREATY

Mr. KYL. Mr. President, I would like to say a few words this afternoon about the U.N. global climate treaty that the Clinton administration agreed to in Kyoto, Japan, this past December, and which you, as the Presiding Officer, have taken a real lead in helping your colleagues here in the Senate to understand. In fact, I know that you helped to lead a delegation to those proceedings in Kyoto. This treaty will require the United States to drastically reduce its greenhouse-gas emissions, presumably by rationing our energy consumption and assessing taxes on energy use and production.

The reduction of pollutants, of course, is a laudable goal. I wholeheartedly support efforts that will produce a cleaner environment. But what the administration fails to adequately appreciate is that protecting the environment is a global issue, one all nations must actively take part in if global environmental protection is truly to be attained. The administration would like the American people to believe that this debate is about who is for or against the environment; but, that is not the case. This debate is about whether or not this particular treaty is in the best interests of the American people and the global environment.

The underlying hypothesis used by proponents of the treaty is that greenhouse gases, which trap the sun's infrared rays and heat the earth's atmosphere, have become so abundant in the atmosphere that a "global warming" effect has commenced, and that the cause of this phenomenon is manmade. On the basis of this as-yet unproven connection between human activity and the climate, delegates at the climate change conference in Kyoto reached an agreement to curb greenhouse-gas emissions. The treaty, if ratified, would legally bind the U.S. to cut its overall emissions of six gases by seven percent below 1990 levels by 2012. However, 130 developing countries, such as Mexico, China, Korea, and India, would not be held liable to these same standards.

The evidence of global warming is inconclusive, at best. For the past 20 years, precisely the same 20 years during which carbon dioxide levels have increased the most, the earth has actually cooled. This cooling flies in the face of the theory that man-made emissions are causing a global warming effect. Models cannot accurately predict what the weather will be like next week, let alone what temperatures will prevail on Earth in the next century. The only consensus that has been reached within the scientific community—that future effects of fossil-fuel use are most likely to be gradual over many decades to come—gives good reason for the U.S. government not to rush to judgment.

Committing the U.S. to these targets will have severe economic effects on American families and workers. According to the Heritage Foundation, holding emissions to 1990 levels will raise energy prices between 50 and 200 percent; average households would pay $1,620 in additional taxes a year; and the economy would contract by a total of $3.3 trillion, all by the year 2020. I note that these figures are based on reducing greenhouse-gas emissions to 1990 levels only; going seven percent below these levels, as agreed to by the Clinton administration, will result in more serious hardships for the American people. Furthermore, the AFL-CIO estimates that reducing emissions to 1990 levels will result in the loss of 1.25 to 1.5 million American jobs. And these jobs will not simply disappear; rather, industry will move overseas and reestablish itself in those countries that are not legally bound to gas-emissions targets. These combined effects would place the U.S. at a competitive disadvantage, while failing to address the global problem of soaring amounts of pollution produced by the developing nations of the world.

Meanwhile, the developing countries are projected to continue accelerating their use of fossil fuels during the next century. By 2015, China will surpass the U.S. in total carbon emissions. Without the full participation of the developing countries in any treaty of this kind, unilateral attempts by the developed nations to reduce greenhouse-gas emissions will not significantly slow the steady increase of carbon dioxide concentrations in the atmosphere.

In sum, the United States should not be party to a global climate treaty that is not supported by a scientific consensus, that puts an unfair burden on American workers and consumers, and that asks us to turn back the clock on economic growth and our standard of living. More importantly, this treaty fails to effectively address the issue because it ignores the developing countries of the world. It simply does not make sense, either environmentally or economically, to focus on the nations that are already spending billions on pollution control and making substantial progress, while ignoring developing nations—countries where emissions could be curbed by employing the same basic technologies the United States has used so successfully to reduce its levels of pollution. U.S. companies, using the best available technology, are able to eliminate the bulk of pollution from their emissions. To achieve an additional increment of pollution reduction, developed nations like the U.S. would be required to expend inordinate sums of money in pursuit of only marginal improvements. The costs associated with attempting to squeeze out the last increments of pollution will heavily outweigh any benefits in the developed nations. However, in countries where pollution-control technology is not as advanced or widespread as it is here, a dollar spent on equipment will provide far greater reductions in overall pollution. Thus, the cost/benefit ratio favors pressing developing nations to catch up with us. The Global Climate Treaty does not do this.

Faced with certain defeat on this issue, the administration has resorted to a level of fear mongering which I think has been unmatched since the 1970s, when some of the same scientists who are promoting global warming warned at that time that we were about to enter upon the next ice age. I find it hard to believe that in a mere 20 years, our climate has moved from one extreme to the other. In a December Wall Street Journal article, Arthur Robinson and Zachary Robinson of the Oregon Institute of Science and Medicine point out that "there is not a shred of persuasive evidence that humans are responsible for increasing global temperatures." But the administration, in an effort to rally support, issues apocalyptic warnings that, if global warming is not headed off, we will experience floods, droughts, rising sea levels, and the spread of infectious diseases. The global warming hypothesis should not be taken as fact; Americans should not be scared into accepting unsubstantiated scenarios as the truth.

The Senate fulfilled the first half of its "advise and consent" role this summer by passing the Byrd-Hagel resolution 95 to 0. That bipartisan advice instructed the administration not to sign a treaty that did not include the developing countries of the world in the same emission-control requirements, or a treaty that would cause great economic harm to America. The treaty to which the administration has agreed meets neither of these guidelines. Therefore, because the administration was unwilling to consider the Senate's advice, I do not believe the Senate will give its consent—nor should it.

THE HONORABLE TERRY SANFORD

AUGUST 20, 1917-APRIL 18, 1998

Mr. HELMS. Mr. President, I was regrettably late in learning about the inevitable death of former U.S. Senator Terry Sanford this past Saturday, April 18. I say inevitable because it was. All of us, especially Terry himself, knew what was coming when last December the fatal inoperable cancer was discovered.

Terry faced up to the reality of it all with his typical courage. He told reporters at the time that he would continue to be active as long as he could, and take every day as it came. Then he plunged into a whirlwind fund-raising schedule on behalf of a project near and dear to his heart.

It was impossible not to like and admire Terry Sanford. He was never one of my supporters, nor was I ever one of his. But we were friends and there was never a hint of discord during his six years in the Senate—or before, for that matter, or since.

As Senators who were here during Senator Sanford's six years will testify, Terry was a respected colleague. For my part, I always had the feeling that he had been vastly more comfortable being Governor. He could push a button then and things happened. Not so with the Senate. We sort of canceled each other's vote in the Senate much of the time he was here but there never was an instance when we didn't work together for the betterment of North

Carolina. And there was never the slightest hostility.

In short, Mr. President, I liked Terry Sanford. He has undeniably left his mark upon the destiny of the state he loved—and certainly upon Duke University which was the multi-million dollar beneficiary of his skillful fundraising ability.

He lived life to the fullest; he was a man who loved his family and his country. If he ever wasted a moment, I am not aware of it.

Mr. President, I ask unanimous consent that The Washington Post report of Senator Sanford's death, published April 19, 1998, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 19, 1998]

TERRY SANFORD, EX-U.S. SENATOR AND N.C. GOVERNOR, DIES

(By Martin Weil)

Terry Sanford, 80, a former governor of North Carolina and president of Duke University, whose career as a widely admired and respected Democratic political leader culminated with a term in the U.S. Senate, died of cancer yesterday at his home in Durham, N.C.

An amiable man, loyal to his party but known also for independent thinking, Gov. Sanford became known early in his career for an ability—based on both personality and principle—to achieve substantial political success in a political environment often thought uncongenial to the moderate or progressive views he espoused.

This, and his high profile leadership at Duke, attracted the interest and support of many Democrats both inside and outside his native North Carolina, who saw him as representing their party's possibilities of survival in the South, at a time when a Republican tide was sweeping through what had once been a solidly Democratic region. Ranked in a Harvard University study as one of the 20th-century's most creative governors because of his achievements in the statehouse from 1961 to 1965, Gov. Sanford made forays onto the national stage in the 1970s; in 1972 and in 1976, he sought unsuccessfully his party's presidential nomination.

Gov. Sanford's inoperable cancer was diagnosed in December. He underwent a second round of chemotherapy last week before being discharged on Wednesday from the Duke University Medical Center.

Heart valve surgery during his campaign for reelection to the Senate made his health a campaign issue at that time, and was believed to have contributed to his defeat. Indeed, his election to the Senate in 1986 was seen as a kind of last hurrah for a 69-year-old whose electoral career had seemed to peak years before.

In the Senate, he had made a mark for the forcefulness of his opposition to the Supreme Court nomination of Robert H. Bork. He was also remembered for taking a strong stand in opposition to the nation's embarking on the Persian Gulf War.

It was Gov. Sanford's reputation as a moderate among his fellow Senate Democrats that led them to choose him in 1988 to respond to a speech by President Reagan attacking the campaign against the Bork nomination.

"We are tired of having our integrity impugned," Gov. Sanford said in what was viewed as an eloquent defense of the Senate's right to withhold its consent from presidential nominations. "We are tired of having our sincerity questioned. We are tired of having our intelligence insulted."

The speech, coming from a man who could not be readily characterized as an extremist, was viewed as a landmark in the campaign that led to the rejection of the nomination.

Even after his 1992 defeat at the hands of Republican Lauch Faircloth, Gov. Sanford, a paratrooper in World War II, had continued a life of vigorous activity.

He had been president of Duke from 1969 to 1985, a tenure of unusual duration in one of the most turbulent periods for American higher education. After his defeat, he taught classes there in government and public policy, wrote books, held the rank of senior partner in a law firm, and served as a director of charitable, legal and educational organizations.

Gov. Sanford was born Aug. 20, 1917, in Laurinburg, N.C. where his father was a merchant and his mother taught in the public schools. Dishwashing helped him pay his way through the University of North Carolina in Chapel Hill, from which he graduated in 1939. He served in 1941–42 as an FBI agent.

Shortly after the United States entered World War II, he went into the Army; he became a paratrooper, and was involved in five major campaigns in Europe, including the Battle of the Bulge, rising from private to first lieutenant. He held the Combat Infantryman's Badge, the Bronze Star and the Purple Heart. A back injury that plagued him for the rest of his life stemmed from his paratrooper service.

After the war, he graduated from law school at Chapel Hill, served as assistant director of the university's Institute of Government and began the private practice of law in Fayetteville. He served in the state senate in 1953 to 1955.

During his years as governor, he focused on improving public education. He advocated legislation to raise teacher salaries and create a community college system and was known then as one of the nation's "education governors."

He financed many of his improvements with a sales tax on food that he justified in a speech as a "small measure of sacrifice . . . that would swing open the doors to our children . . . and provide the opportunities that will put this state in the front ranks of our community of states."

He was credited with starting an antiproverty program, with helping to defuse tensions over race by setting up Good Neighbor Councils and with calling for employment without regard to race, creed of color. It was Gov. Sanford who was credited with launching North Carolina's State Board of Science and Technology to help convert scientific advances into new techniques for the state's industries.

North Carolina Gov. James B. Hunt Jr. said Gov. Sanford's optimism and commitment to excellence in public education "have changed us forever."

Hunt said that in 1960 he "plugged into the campaign to elect him governor and to me he was the best one ever."

In his first month as Duke president, he showed the flexibility that enabled him to survive and harness the currents of protest that unseated many of his colleagues.

Students blocked traffic in a protest of the shootings of students at Kent State University in Ohio during a Vietnam War protest. Gov. Sanford seized a bullhorn, endorsed the students' anger, but advised: "Don't fight us. Let us all fight Washington together."

Later, the students threatened to take over the school's main administration building. "Great," he said. "Take me with you . . . I've been trying to occupy it for a month."

After stepping down in 1985 from the presidency at Duke, Gov. Sanford was elected to the U.S. Senate.

Survivors include Sanford's wife of 52 years, Margaret; his son, Terry Sanford Jr.; his daughter, Betsee; two grandchildren; and two sisters.

Mr. HELMS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2646, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The distinguished Senator from Delaware, Mr. ROTH, is recognized.

Mr. ROTH. I thank the Chair.

Mr. President, I am pleased that we have entered into a unanimous consent agreement with respect to H.R. 2646, the Parent and Student Savings Account Plus Act. It is good to see us moving at last toward passage of this significant bill. The importance of giving American families the resources and means they need to educate their children must be above politics.

As I have said before, this bill empowers families—not the federal bureaucracy. It gives resources to the children, not to a monolithic establishment that has grown overbearing and antiquated on a diet of government subsidies.

This bill is a much needed change in the way Washington looks at the education of children. It returns parental involvement to where it should be—at the very foundation of their children's education. It lets them use their money to educate their children, allowing them to put their own money into their own Parent and Student Savings Accounts."

This bill acknowledges that the best thing taxpayers can do with their hard-earned money is to earmark it for the education of their children.

It allows them to increase their contributions from $500 per year to $2,000 per year. It allows for withdrawals to be used for elementary and secondary education expenses. And it covers public and private schools.

The bill also makes state-sponsored prepaid tuition programs tax-free, not tax-deferred, meaning that students will be able to withdraw on a tax-free basis the savings that accumulate in their pre-paid tuition accounts. Parents will have the incentive to put money away today and their children will have the full benefit of that money tax free tomorrow.

Toward promoting these important objectives, the federal government must lead, follow, or get out of the way. Our states and communities—our families—are embracing innovative educational programs. They realize the old way isn't working. Already, forty-four states have pre-paid tuition plans in effect, and the other six have legislation to create a state plan, or they have implemented a feasibility study.

Many cities and states are offering families the power of choice when it comes to selecting what school their children will attend. Others are embracing programs that make private schools more accessible.

These measures are having a positive impact, but there is much more to be done, and the federal government must demonstrate its leadership. Let's be bold, Mr. President. The National Center for Education Statistics states that in our children's pre-school years, parents are active in preparing them for school. Almost three-quarters of all parents read to their children regularly. A full 60 percent are active in teaching them to recognize letters and numbers.

Interestingly enough, this active parental involvement begins to fall off once the child has entered school. Perhaps this is because government has put itself in the position over the years where it has come to assume parental responsibility, and even frustrated parental participation. "Give us your money," government has said. "We'll educate your children. We'll make decisions concerning how your precious resources are spent, concerning what will be emphasized—how it will be taught, and by whom."

This has led to a condition where—according to one of the most extensive studies ever conducted on the forces that affect youth and their performance in school—nearly one in three parents in America is seriously disengaged from his or her adolescent's education. How can it be that while three-quarters of all parents are active in preparing their pre-school children for their educations, only one-third remain active when their child enters adolescence?

The answer is simple: parents have become disenfranchised. They have been robbed of the resources they need to make the kinds of decisions that will keep them active in the educational attainments of their children.

According to Lawrence Steinberg, the educator who conducted the extensive study of more than 20,000 teenagers and their families in nine very different American communities, "The failure of our educational policies is due to our obsession with reforming schools and classrooms, and our general disregard of the contributing forces that, while outside the boundaries of the school, are probably more influential."

These influential forces, Mr. President, include the family. They include the educational resources families are given to provide their children with an environment for learning. They include the flexibility parents have to decide where their children will attend school and how it will be paid for.

Our policies must offer Dad and Mom the resources they need to actively reengage in Junior's education. The Coverdell bill does this. It is a very important step in the right direction, and I urge my colleagues to support it. It's time for innovation. It's time to empower parents. It's time to prepare for the future. This is what the Coverdell bill is all about.

I will take a few minutes to walk through the various provisions of the bill. But before I get into the specifics, let me remind my colleagues that with the exception of several school construction bond provisions—which were newly added this year—all of the concepts in this bill should be very familiar.

Mr. President, these concepts should be familiar because we have already endorsed them. The base provisions in the bill—which include the increase in the maximum allowable contribution to an education IRA, the use of the IRA for elementary and secondary school expenses for public and private schools, the tax-free treatment of state sponsored prepaid tuition plans, and the extension of tax-free treatment for employer provided educational assistance—all received overwhelming bipartisan support in the Senate as part of the Taxpayer Relief Act of 1997.

Despite this Senate support, these provisions were dropped from the bill during conference negotiations. Because of opposition from the Administration, these particular elements failed to be included in the final version of the Taxpayer Relief Act of 1997.

We are here today to show our commitment to these provisions—and to enact what this body has already determined makes good sense for American families.

Mr. President, it is important to note that this tax bill is not designed to answer all of the education-related issues that face this country. Those issues are too varied and complicated to be addressed by the federal government.

They need to be solved at the state and local level—by schools, teachers, and parents working together.

Instead, this bill is designed to build on the innovative concepts that have been introduced in the last few years. Our goal is to alter the tax code so that it provides the necessary incentives to help American families help their children. These are much needed tools.

Over the past 15 years, tuition at a four year college has increased by 234%. The average student loan has increased by 367%. In contrast median household income rose only 82% during this period and the consumer price index rose only 74%.

Our students—our families—need these resources to help them meet the costs and realize the opportunities of a quality education. The Senate recognized the importance of these provisions less than one year ago, voting in favor of them. I hope that my colleagues continue to recognize just how important they remain. The American people are counting on us.

Now let me take a few minutes to describe the various provisions of this bill—to provide an overview and to highlight some reasons why these measures are so important.

As I have already mentioned, the bill increases the maximum education IRA contribution from $500 to $2,000. That increase is important on two levels. First, with the well-documented increase in education costs, it is essential that we provide American families with the resources needed to meet those costs.

I have long argued that it is essential to change the savings habits of the American people, and there are few things more important than the education of our children. Not only will saving in this way increase our investment capital, it will increase American's education capital as well. Anything that thwarts either of these objectives is short-sighted.

By using the tax code to encourage individual responsibility for paying for educational expenses, we all benefit. The expansion of the education IRA will result in greater opportunities for individuals to save for their children's education.

Besides being too low to give parents the necessary resources to pay for the costs of education, the current $500 limit fails from another practical perspective.

As we all know, any broker or bank that provides an IRA account faces assorted administrative costs for each account. To ensure that they can adequately cover their administrative costs, most brokers or banks impose a minimum account balance. In many cases, the minimum balance has been set well higher than $500. That reality of the marketplace has the effect of limiting the availability of the education IRA to American families.

Another reality is that confronted by a $500 limit, many mutual fund companies find that it is not worth their while to spend money on marketing the education IRA. It is a fact of life that regardless of what we say and do in Congress, many families will only know about the benefits of an education IRA through the marketing efforts of their local mutual fund companies and banks. These businesses have been very successful in marketing IRAs with a higher contribution limit. If we want to maximize the involvement of American families in education IRAs, Mr. President, we need to ensure that the accounts make economic sense from the perspective of the companies offering them.

Mr. President, the next major change that this bill makes to education IRAs is that it allows withdrawals for education expenses for elementary and secondary schools and for both private and public schools.

As we recognized last year, it is a fundamental principle that a parent should have the right and the ability to make decisions about his or her child's education—to decide basic questions such as how the child should be educated and where the child should attend school.

Last year, for example, when Congress passed a variety of provisions targeted to higher education, we made no distinction between private and public schools.

We did not say, for instance, that an education IRA or a Hope scholarship would only be available if a student attended public school. We did not say that a student who attended the University of Maryland would receive a tax benefit and a student who attended George Washington University would receive nothing.

This bill recognizes that just as with secondary schools, we should not establish a priority system where some elementary and secondary schools are favored over others. We should not forget that it is the taxpayer who funds the education IRA—that it is the parent who puts his or her hard-earned money into the education IRA.

Mr. President, it seems a matter of common sense, therefore, that the parent should be able to choose how to spend that money.

Moreover, parents with students in elementary and secondary schools need our help to cope with the costs. It is simply not true that only rich kids attend private elementary or secondary schools. For instance, according to the National Catholic Education Association, almost 70% of the families with children in Catholic schools have incomes below $35,000 and almost 90% of those families have incomes below $50,000.

Another provision in this bill makes state-sponsored prepaid tuition plans tax-free, not simply tax-deferred. This is a significant distinction, because it allows students to withdraw the savings that accumulate in their pre-paid tuition accounts without paying any tax at all. It means that parents have the incentive to put money away today and their children have the full benefit of that money, without any tax, tomorrow.

As I have already mentioned, forty-four states have pre-paid tuition plans in effect, and the other six are in the process of implementing such plans. This means that every member of the Senate has parents and students back home who either benefit from this plan right now, or will benefit from this plan soon.

Mr. President, the Coverdell bill also extends tax-free treatment of employer provided educational assistance for graduates and undergraduates through the year 2002.

This particular program is a time-tested and widely used benefit for working students. Over one million workers across America receive tax-free employer provided education. This allows them to stay on the cutting edge of their careers. It benefits not only them, individually, but their employers and the economy as a whole. With the constant innovations and advancing technology of our society, it is vitally important that we continue this program.

The various provisions that I have just described have already been embraced by members of this body, and they were approved last year. They made sense then. They certainly continue to make sense today.

Mr. President, the Coverdell bill does even more than address the costs of attending school. In response to concerns from Members on both sides of the aisle, the Finance Committee agreed on some measures to provide targeted relief in the area of school construction.

The first provision is directed at high growth school districts. It expands the tax-exempt bond rules for public/private partnerships set up for the construction, renovation, or restoration of public school facilities in these districts.

In general, it allows states to issue tax-exempt bonds equal to $10 per state resident. Each state would be guaranteed a minimum allocation of at least $5 million of these tax-exempt bonds. In total, up to $600 million per year in new tax exempt bonds would be issued for these innovative school construction projects.

This provision is important because it retains state and local flexibility. It does not impose a new bureaucracy on the states and it does not force the federal government to micro-manage school construction.

The provision also is important because it promotes the use of public/private partnerships. Many high-growth school districts may be too poor or too overwhelmed to take on a school construction project themselves. With these bonds, those districts can partner with a private entity—and still enjoy the benefits of tax-exempt financing.

Mr. President, it is worth noting that there already is a significant federal subsidy for school construction. Under current law, states and localities can issue debt that is exempt from federal taxation. This benefit allows them to finance school construction by issuing long term bonds at a lower cost than they otherwise could.

Moreover, the evidence shows that states and localities are taking advantage of this benefit. In the first six months of 1996, voters approved $13.3 billion in school bonds, an increase of more than $4 billion over the first six months of 1995. The bottom line is that many states and localities are doing their homework, passing bonds, building and renovating schools, and enjoying favorable treatment under the existing tax code. They are doing all this without significant federal involvement.

I do not have to remind my colleagues that school construction has always been the province of state and local governments. President Clinton himself stated in 1994 that "the construction and renovation of school facilities has traditionally been the responsibility of state and local governments financed primarily by local taxpayers." In that respect, I agree with the President.

Mr. President, there is a second bond provision in this bill. That provision is designed to simplify the issuance of bonds for school construction. Under current law, arbitrage profits earned on investments unrelated to the purpose of the borrowing must be rebated to the Federal government. However, there is an exception—generally referred to as the small issuer exception—which allows governments to issue up to $5 million of bonds without being subject to the arbitrage rebate requirement. We recently increased this limit to $10 million for governments that issue at least $5 million of public school bonds during the year.

The provision in the Coverdell bill increases the small issuer exception to $15 million, provided that at least $10 million of the bonds are issued to finance public schools. This measure will assist localities in meeting school construction needs by simplifying their use of tax-exempt financing. At the same time, it will not create incentives to issue such debt earlier or in larger amounts than is necessary. It is a type of targeted provision that makes sense.

It is clear, Mr. President, that the Coverdell bill contains many important provisions for the American family. As I have said already, many of these measures have already been passed by the Senate.

Anyone—students or parents—who is on the front line dealing with the costs of a quality education, must have been disappointed last year when we failed to give them all the tools that they needed. American families understand just how important these measures are. They have now been waiting for a year. Let's not disappoint them any further. Let's not keep them waiting any longer. Let's move forward. Let's pass the Coverdell bill now.

Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, I congratulate Chairman ROTH for his statement and for once again bringing a Finance Committee bill to the floor that includes ideas supported by members on both sides. And I thank the Chairman for insisting that the appropriate place for initial consideration of the Coverdell education savings account legislation was in the Finance Committee, not on the floor. This legislation was reported by the Committee on February 10, 1998, by a vote of 11–8.

This is one of those infrequent occasions in which the Chairman and I disagree on a policy matter. The good intentions of the proponents of expanding the availability of education individual retirement accounts are clear. However, in our view the proposed changes to the education IRA provisions, passed just last July and effective on January 1st of this year, are fraught with serious policy and technical defects. Secretaries Rubin and Riley have expressed strong opposition to the education IRA provisions in this bill, and have indicated that they will recommend that the President veto a bill that contains such provisions. In a letter to Members of the Finance Committee dated February 9, 1998, the Secretaries of the Treasury and Education stated that the education IRA provisions in this bill would disproportionately benefit the most affluent families and provide little or no benefit to lower and middle-income families. In addition, they indicated that the provisions "would create significant compliance problems."

Treasury Department analyses conclude that 70 percent of the tax benefits from this provision would go to the top twenty percent of all income earners. In a memorandum of March 2, 1998, the staff of the Joint Committee on Taxation estimates that 52 percent of the tax benefits of the enhanced education IRA provision would go to seven percent of taxpayers: those with dependents already enrolled in private primary or secondary schools. The Joint Committee memorandum indicates that the per tax return benefit for taxpayers with children in private schools will be five times greater than the benefit to taxpayers with children in public schools.

This bill will not result in greater opportunity for middle and lower income families to send children to private schools, as supporters contend. Instead, it will merely provide new tax breaks to families already able to afford private schools for their children. If the proponents are truly concerned about the middle class, the tax benefits should be targeted there. In order to accomplish this, the income limits would have to be lowered, and the ability to circumvent those limits would have to be prevented.

Nor will this legislation result in an increase in national savings. The expansion of the education IRA will provide further incentives for taxpayers to shift money to tax-favored accounts, and to spend funds that would otherwise be used for retirement.

Further, the additional complexity these changes would add to the Internal Revenue Code is of real concern. Taxpayers are just beginning to become aware of the hundreds of changes made in the 1997 tax bill. And now we are considering additional changes to a provision that became effective on January 1, 1998. More confusion for taxpayers; a boon for H&R Block.

Even as we hear ever louder calls to simplify and even terminate the Code, we have before us a bill that would create a maze of rules in attempting to define what constitutes a "qualified elementary and secondary education expense." For example, the bill defines such expenses to include computers and related software and services, but how is the IRS to monitor whether a computer, or the use of the Internet, is used by a child for educational purposes or for entertainment, or by the child's parents for unrelated purposes?

Under this bill, the ability to contribute up to $2,000 per year in an account for elementary and secondary education expenses would sunset after 2002. However, money contributed through 2002 could still be used for such expenses. There will be different rules depending on whether contributions were made in 1998, 1999 to 2002, or post-2002. It will be up to the taxpayer to track—and the IRS to examine—when funds were contributed, the earnings on those funds, and whether they can be used for only higher education, or both elementary and secondary education and higher education. Who will understand these rules?

Mr. President, we are already spending enough on IRAs and other tax-advantaged savings vehicles. At a cost of $40 billion over 10 years, the Taxpayer Relief Act of 1997 created the Education IRA and the Roth IRA, and significantly expanded existing IRAs and the tax benefits of State-sponsored prepaid college tuition plans.

Having said all of that, I must express thanks to the Chairman, who gave priority in this package to the income exclusion for employer-provided educational assistance, which is Section 127 of the Internal Revenue Code. It is one of the most successful Federal education policies we have. A million persons per year are provided tax-free higher education by their employers; about a quarter of those are students enrolled in graduate-level education courses.

In a world of continuing education, Section 127 permits an employer to send an employee to school to learn something new, get a degree, and bring the skills back into the workplace. The employee gets more income, and the Federal treasury gets more tax revenue. This is a program that works, and it administers itself.

Last year, the Senate version of the Taxpayer Relief Act of 1997 would have made this absolutely easy; it made Section 127 permanent for both undergraduate and graduate study. For reasons I will never understand, the Senate language was dropped in conference. Members of the House have already indicated that in a conference on this measure they will move to strip the Section 127 provisions, particularly the piece for graduate students.

Finally, I appreciate the Chairman's good faith efforts in working with members on both sides to try and come up with measures designed to address the issue of school infrastructure. Last year, Senators CAROL MOSELEY-BRAUN and BOB GRAHAM brought the issue of crumbling schools to our attention, and they continue to be the leaders in the effort to address this serious problem. Most of us would prefer not to address this issue via the Tax Code, but previous attempts at more direct solutions have been opposed. I am afraid that such opposition has resulted in the nominal tax provisions we find in this bill to address a problem that is estimated to cost at least $112 billion—a figure that does not include the cost of building new schools.

Mr. President, I thank the Chair and yield the floor.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, in about half an hour or 45 minutes I will have the pleasure of being able to offer an amendment to the pending bill, along with my friend and colleague, Senator MACK of Florida, that will, I believe, help reform education. I believe the most important battle that America faces is to provide an opportunity for our youngsters to get a decent education, to get the best education possible.

Reform of our education system is one of America's priorities. Indeed, our amendment will reform the evaluation of public school teachers in America and, most importantly, will reward the best teachers with additional salary.

Reforming our education system is the most important issue facing our Nation. This is a fight for America's children. When we look at reforming our public schools, one thing must always be kept foremost in our efforts: We must put our children first—not anyone's interest, but the interest of our children. Our children are the best and the brightest. They are our most precious resource. That is what our legislative proposal will be about.

This amendment is about promoting excellence in teaching, for the benefit of our children. Before I get into the details of the amendment, I want to speak a little bit about excellent teachers and how they help our children learn.

When my dad entered elementary school quite a few years ago, he didn't speak a word of English. Indeed, very few spoke English in the poor, immigrant community in which he grew up. But he had teachers who were dedicated to giving the best education to those children who came from all kinds of diverse backgrounds. After many years of hard work, summer schools included, my dad graduated. He went on to a State teachers' college where he majored, of all things, in English. My dad was able to achieve this amazing progress because he was inspired by his public school teachers who created magic in the classroom.

That same inspiration takes place today in many classrooms throughout America. Public school teachers still make a difference for millions of our children. Truly outstanding teachers are the unsung heroes of our communities.

Unfortunately, however, this magic does not take place for every child in every classroom, and that is a tragedy.

Today, in most of our Nation's public schools, there is no financial incentive for those truly outstanding teachers. We should change that. Outstanding teachers who help our children achieve educational success should be rewarded with merit pay. That is just good common sense. It works in business. It works in other areas. And it should be part of our educational system.

Another commonsense measure is teacher competence testing. Again, most teachers are very dedicated, and most teachers are up to the job. But some are not. In some cases, you have teachers who are competent in their area of specialty who are teaching other subjects in which they lack competence. When that happens, our children are the ones who suffer. We need to know that those who teach our children are competent in the subjects they teach. We need competency testing for all teachers. Our children deserve nothing less than the best.

Our legislation will provide incentives for States and localities to adopt both of these vital measures: merit pay and competency testing. The amendment is called "Measures to Encourage Results in Teaching." It is the MERIT Act.

Incentives are provided through the Eisenhower Professional Development Program. The amendment sets aside 50 percent of the funds appropriated over fiscal year 1999 levels and then distributes it to States that have established teacher testing and merit pay plans.

Last year, fiscal year 1998, Congress appropriated $335 million for this program to subsidize training for teachers, an increase of $25 million from the year before. I support this effort to train teachers. But I also believe that we have to be able to ensure that teachers are actually improving their teaching skills and children are benefiting. Teacher testing will accomplish this goal. I also want to reward teachers whose training creates magic in the classroom. Merit pay will accomplish this goal.

Under this amendment, as the Eisenhower Professional Development Program funding increases, so will each State and local Government's share. However, 50 percent of the increase will be reserved for those States that put in place merit pay and teacher testing.

Mr. President, it is time to meet the challenges of massive, fundamental reform in education. Congress has repeatedly tried to address the inadequacies in our schools by providing funding. I support more funding for education. But we also have to recognize that funding alone will not make American schools competitive in the global economy. There needs to be significant reforms—and merit pay and teacher testing should be part of those reforms.

The fight to reform our public education system is a fight for America's future. Our children are depending on us.

I urge my colleagues to support this measure, to guarantee that all students have the right to be taught by educated, confidence and qualified teachers—and to reward the truly outstanding teachers with merit pay, those teachers who do create magic in the classroom.

Let's not let the status quo diminish the dream of our parents and grandparents. The American people know the importance of this fight. The fight to reform our public schools is a fight for America's future. Our children are depending on us. And I know that if we once again give our children the best teachers and the best schools, there is no limit to what they can achieve.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I rise in strong support of the A+ accounts bill, and I want to commend its chief Senate sponsor, Senator PAUL COVERDELL, for his leadership in bringing this bill to the floor.

Mr. President, this legislation does several things. It would allow more people to save for education in tax-preferred education savings accounts. The savings could be used for higher education, as well as education at the elementary and secondary levels. The bill would extend the existing tax exclusion for employer-provided educational assistance through the year 2002, and it would make savings in qualified state tuition plans tax-free. It would also create a new category of tax-exempt facility bonds to assist with school construction in high-growth areas.

Mr. President, perhaps the most important part of the bill is also the most controversial: the provisions that expand the allowable uses of education savings accounts to include elementary and secondary education. These provisions would put additional resources under the control of the people who know and understand the needs of children best—their families.

Here is how it works. Families earning less than $95,000—$150,000 on a joint tax return—could put up to $2,000 in after-tax dollars into special interest-bearing accounts for each child. The funds would accumulate tax free, and could be withdrawn for any educational expense—from books and transportation to special programs and private-school tuition.

A family saving just $10 per week could accumulate about $4,000 by the time a newborn enters the first grade. Over the course of the child's education, the money could be spent on a school uniform, special tutoring, a home computer, tuition at a private or parochial school, an SAT preparation course, or any other educational expense. This is one of the rare occasions in Washington when we are talking about empowering parents—rather than government bureaucrats—to decide how best to satisfy their children's educational needs. An estimated 14 million families are expected to take advantage of these new tax-preferred savings accounts.

Defenders of the status quo will throw up a series of arguments about why parents should not be trusted with more control over their children's education. Some will suggest that this will divert resources from public schools into private schools. Let me make two points about that.

First, I think it is important to recall that we are not talking about a new subsidy for private or parochial schools. To the contrary, we are talking about allowing families to keep more of what they earn—after all, it is their money—to send their children to the elementary or secondary school of their choice.

We already go far beyond what would be allowed by this bill when we provide federal financial assistance to students at the college level, including students who attend private or religious institutions. No one argues that such choice harms public colleges or universities. In fact, it is choice and competition that has made our Nation's colleges and universities the best in the world. So I am perplexed why anyone would fear giving parents more choice and control at the elementary and secondary levels, as well. That is where the real crisis in education exists today, and it is where choice and competition will do the most good.

Second, providing families with tax incentives for education savings will not decrease federal or state funding for public schools by a single dime. The fact is, Congress is likely to approve increases in funding for education in addition to the incentives that would come with the Coverdell bill. The budget resolution that we approved two weeks ago does exactly that, adhering to the spending levels set out in the budget agreement negotiated between Congress and the President just last year.

Here is what President Clinton said about the education-spending levels in that agreement last July. These are his words:

> * * * at the heart of this balanced budget [agreement] is the historic investment in education—the most significant increase in education funding in more than 30 years.

The most significant increase in education spending in a generation—that is the level of funding that is provided under the budget we just passed, and it is in addition to the assistance provided under the Coverdell bill.

Another point: The people who stand to gain the most from this legislation are those of more modest means who might not have the same choice or opportunity without the help that the Coverdell bill would provide. Of the people currently opting for Catholic schools, for example, 68 percent have annual incomes of $35,000 or less. Wealthier people obviously have the means to send their children to the school of their choice whether they receive a tax break or not. And in any event, wealthier taxpayers will not even qualify for the relief in this bill, give the income thresholds that are set out in it.

It seems to me, Mr. President, that all of the agruments against the bill are based upon the flawed premise that public schools cannot compete successfully with other institutions. They are wrong. Many public schools have very well-regarded programs—programs that meet or exceed what is offered to students elsewhere—and it is likely that these schools would not only retain their current student body, but add to it with barriers to choice removed. And with additional enrollment would come additional funds for their budgets.

It is true that failing schools would be forced to improve or face declining enrollment. But is it really our goal to force students with few financial resources to remain in a failing environment? Should they not have the same options that others have to find a school that better meets their needs?

In Senate hearings earlier this year, low-income parents questioned why the schoolhouse door is often closed to their children—why they are kept from moving their children to schools that can better meet their children's needs. Why, these parents wanted to know, are their kids denied the chance to attend safer schools? They are right to ask questions. They deserve—their children deserve—access to a quality education.

In my opinion, the single best thing we could do to improve the quality of education in this country is give parents more choice and control over where they send their children. It is an idea with broad support among the American people. A 1997 poll conducted by the Center for Education Reform found support for school choice among the general public at 82 percent. The Joint Center for Political and Economic Studies reported support among African Americans at more than 70 percent. It is an idea whose time has come.

I hope my colleagues will join me in support of the A+ bill.

AMENDMENT NO. 2288

(Purpose: To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers)

Mr. MACK. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. MACK], for himself and Mr. D'AMATO, proposes an amendment numbered 2288.

Mr. MACK. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

TITLE —MEASURES TO ENCOURAGE RESULTS IN TEACHING

SEC. 01. SHORT TITLE; FINDINGS; AND PURPOSES.

(a) SHORT TITLE.—This title may be cited as the "Measures to Encourage Results in Teaching Act of 1998".

(b) FINDINGS.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) PURPOSES.—The purposes of this title are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

SEC. 02. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(3) by inserting after part C the following:

"PART D—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

"(a) STATE AWARDS.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

"(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

"(2) has an elementary school and secondary school teacher compensation system that is based on merit.

"(b) AVAILABLE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 1999, except that no funds shall be available to carry out this section for any fiscal year for which—

"(1) the amount appropriated to carry out this title exceeds $600,000,000; or

"(2) each of the several States is eligible to receive an award under this section.

"(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

"(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

"(e) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 03. TEACHER TESTING AND MERIT PAY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) DEFINITIONS.—In this section, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

Mr. MACK. Mr. President, I understand there are 15 minutes now on each side for the amendment.

The PRESIDING OFFICER. That is correct.

Mr. MACK. Thank you, Mr. President.

Today, Senator D'AMATO and I are offering an amendment that would provide incentives for States to establish teacher testing and merit pay programs. I have said many times in the discussion about education that our children deserve an education that is second to none. I have listened to educators from my home state of Florida who have talked with educators in other countries. The consensus is that competition among nations in the 21st century will not be based on natural resources or military power, but on knowledge.

I believe that they are correct, and if our children and our grandchildren—and I am proud to state that I have three grandsons, 13, 11 and 4—if they are going to have an opportunity to compete in the 21st century, and if they are going to have an opportunity to experience the opportunities that we have had, then they have to have an education that is second to none.

Good teachers are the backbone to a good education. All students deserve to be taught by well-educated, competent and qualified teachers. Teachers make all the difference in the learning process. America's classrooms are staffed with many dedicated, knowledgeable and hard-working teachers. But we need to reward teachers for their efforts.

I have traveled all around my State and, for that matter, around our Nation trying to make myself more knowledgeable about the issues related to education. I have told the story many times about an experience I had out in Los Angeles where I went to visit a school called the Marcus Garvey School and met the Administrator/Principal, Anyim Palmer. Mr. Palmer assigned a teacher to take my wife and I around the school.

I was excited, and in some ways almost overwhelmed with what I saw. These youngsters, some of whom were 2 years old, could recite the alphabet in three languages. I want to restate that—2 years old, not second grade; 2 years old. There were 3-year-old children who could do complicated addition problems and 4-year-old students who could read at the second and third grade level. A 5-year-old student stood up in front of me and was asked by the teacher to recite all the Presidents of the United States in their proper chronological order, and the little fellow did it. I must tell you, the only reason I was sure he was correct was because they gave me a piece of paper that I could follow along with to make sure that he was doing it correctly. But he was 5 years old.

I would like to also point out that Anyim Palmer challenged one of the best private schools in the Los Angeles area's sixth grade students against his third grade students in math and English. And you know who won—Anyim Palmer's Marcus Garvey School students.

Every single time I asked him how he accomplished this and what makes this possible, the answer was simple, "It's the teacher." "It's the teacher." "It's the teacher that makes the difference." That is why, in this education reform proposal, we have placed so much emphasis on the abilities of teachers.

Let me give you a couple of statistics: 20 percent of English classes were taught by teachers who did not have at least a minor in English, literature, communications, speech, journalism, English education or reading education.

Another example: In our public schools today, 25 percent of mathematics classes were taught by teachers without at least a minor in mathematics or mathematics education; 39 percent of life science or biology classes were taught by teachers without at least a minor in biology or life sciences; 56 percent of physical science classes were taught by teachers without at least a minor in physics, chemistry, geology or Earth sciences. I could go on.

One additional point I want to make is that students in schools with the highest minority enrollments have less than a 50-percent chance of getting a science or mathematics teacher who holds a license and a degree in the field he or she teaches.

Our amendment, which is referred to as the MERIT Act, rewards States that test teachers on their subject matter knowledge and pays teachers based on merit. Here is how it works:

We will make half of any additional funding over the fiscal year 1999 level for the Eisenhower Program available to States that periodically test elementary and secondary school teachers and reward teachers based on merit and proven performance.

There will be no reduction in current funding to States under this program based on this amendment. All current money being spent on this program is unaffected by this amendment. Only additional money will be used as an incentive.

Finally, this amendment also enables States to use Federal education money to establish and administer teacher testing and merit pay programs.

Mr. President, I now yield to Senator D'AMATO.

Mr. D'AMATO. Mr. President, I want to commend my friend and colleague, Senator MACK, for his work in this area. Indeed, he just did not sit behind a desk and dream up a theory; he went out to see; he went out to see that there are programs that do work. And reforming our education system is the most important issue facing this Nation.

I think the parents and grandparents know that the public education system can do better. This is a fight for our children, and I think what we should be focusing on is putting the interests of our children first. That is the question. And we should not let the status quo diminish the dream of our parents and our grandparents. The American people know the importance of this fight.

The fight to reform our public schools is a fight for our future. And why shouldn't we say the best and the brightest teachers—those who make magic in the classroom; those who make a difference—should be rewarded with merit pay? There are some who are opposed to this. Well, I have to tell you, we cannot pay teachers enough, those great and gifted teachers. This is one way to realize and to give them that kind of recognition that they are entitled to.

Secondly, a provision of this amendment that is most important says we need teacher competency testing. Indeed, we see all too often where teachers are moved into areas that they do not have the excellence and the competence to teach. A great English teacher, for example, being moved into an area of science or mathematics may not be up to that particular job. That is why we say—and, by the way, we do not impose this; this is something that States can opt into. We do not believe in big brother Government coming in and saying, "This is the standard that you have to use for determining a competence." That is up to the State and the local districts to develop the standards for competency testing.

But in all sectors of life there are levels of competence that are expected. Indeed, when it comes to the most important area, that of educating our children, should we do any less? I do not think so. In all areas of life, in terms of competition, including the business world, there is merit pay. We hear about stock options for the successful entrepreneur. In corporate America, we hear of bonuses for achieving certain levels.

Why should we not do the same? Bring those areas of the private sector into public education that work for the benefit of our children. And if we have truly outstanding and dedicated teachers, then why not reward them? Why not merit pay? Indeed, the teachers that make magic in our classrooms are sorely needed. It is about time we began to recognize their efforts. They are truly extraordinary.

I believe that when we look at many of the educational institutions today, particularly in our inner cities, we see distress, we see a system that needs the kinds of reforms that this bill will begin to bring into the system. And so while it is not a cure-all, I believe it is a powerful step forward to giving our children the opportunity they deserve.

I am pleased to cosponsor this amendment and urge my colleagues to be open minded about it. Do not permit the special interest groups to put the kind of pressure that will have them voting against the interests of our children. It is about time we put the interests of our children first.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I did not want to reply to the debate that is going on here, the discussion going on. I ask unanimous consent that the Democratic time on the Mack-D'Amato amendment be reserved and that I be permitted to offer an amendment of my own.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. I thank the Chair.

AMENDMENT NO. 2017

Mr. GLENN. Mr. President, I rise today to offer an amendment to the Coverdell educational IRA bill. I ask unanimous consent that Senator LANDRIEU be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. This amendment will simply delete the K-12 expenses as an authorized deduction for education IRAs. The amendment will keep the increase in the annual allowable contribution from the current $500 to the maximum $2,000 a year.

Deleting K-12 and increasing the allowable contribution returns education IRAs to their original purpose of providing incentive savings for higher education expenses. I believe we should be looking at this bill for what it is; it is tax support for private school education, pure and simple.

Also, I believe this is bad education policy and it is bad tax policy. And let me tell you why.

We go back to the days of our forefathers: our own parents and grandparents and great, great grandparents coming to this country from Europe, where many were escaping persecution. One of the big things that they wanted for their children was an education. That's because education was, pure and simple, not for everybody. Education was only for the kids from the castle, or education was for the rich, or education was for the politically connected. And there were two kinds of people in those lands in Europe that our forefathers came from: wealthy and poor, educated and uneducated.

When they landed in this country of ours and started expanding and started setting up communities, and became a United States of America, they knew that if democracy was to succeed, if they were not to return to serfdom, and ruled by a few, that education was not a choice; in a democracy it was a must or the democracy was doomed.

The freedom to be educated spread to States and communities where public schools were established for all. That idea expanded and caught fire and took root. It was the beginning of our system of public education in this country. The public, taxpayers, continue to pay for this educational system. And, out of that education of all has come research, has come commitment, has come economics, has come agriculture, has come business, has come industry, has come health, has come standards of living that are the envy of the world; we have had longer life expectancy, all of those things, and more, because of universal education, the best we can have for our people.

At the same time, if people, for religious reasons or beliefs, want education which reflects this or they want a particular kind of education—it used to be all-boys schools, all-girls schools, whatever; we supported that as long as those schools—were not supported with public money. We supported the right of people to have private schools, and support private schools as long as they paid for them. But the Government response was and is to provide not just a satisfactory educational system in this country, not just an educational system that will get us by, not just one that is OK, but what we should be shooting for is the best educational system in this world for all of our citizens in this country, through a public educational system.

Public school systems now are having some problems, that is true. It is not much wonder when we look how they are set up. We don't have a national education as such. I am not proposing here today we suddenly say all States and local communities are taken out of the picture here and we are going to go to a national school system as other nations have. As a matter of fact, every major industrialized nation in the world has a national school system.

But our school system in this country has come under some stress. It is no wonder, when we think back in the early days of this country when we had a tax for schools, it was paid for basically by the property owners. Back then we didn't have a NASDAQ, a New York stock exchange, an American stock exchange and mutual funds all over the place for people to invest in. Most of the people capable of supporting schools had their money in property, in real estate, real property. So it was natural that a property tax was put in place, and those people were the ones who wound up supporting most of our school systems.

As it developed, we had other problems because today no longer is a property tax indicative of the wealth of this country, because two-thirds of our economy is now generated from the service industries in our society. So it is no wonder the property tax has become unpopular with an awful lot of people.

Plus, we have another problem, too, in this country as far as making sure we get a good education for everyone. As Lester Thurow has been pointing out in his last couple of books, our basic K-through-12 education system in this country is run by 15,000 independent school boards all getting elected on the basis of "We won't raise your taxes." That is some system. I think it is amazing that it has worked as well as it has up until now.

Our K-through-12 education gets a little over 5 percent of their funding from the Federal Government. It is not something where the Federal Government tries to run the whole school system. But that is a little bit of background on what I think is very important: that every single child in this country should be able to get the finest, the best education of any place in this world. We should not be siphoning money off of our public education system to provide vouchers for private schools.

This is my 24th year as a U.S. Senator representing the people of Ohio. In that time, I have seen many attempts to divert Federal funds from public to private schools. The approaches to accomplish this goal have been many—tuition tax credits, vouchers, school choice, and now educational IRAs for elementary and secondary education. These proposals all allow parents to select which school their children will attend and thereby competition, supposedly, with public schools. It is the presumed goal they will improve students' performance as a result of competition. There are problems coming up because public and private schools don't compete on an even basis. Private schools, unlike public schools, can refuse to accept students with disabilities or discipline problems and are not subjected to the same requirements.

Each time these proposals come before the Senate, I am proud to say I have cast my vote in opposition because I firmly believe we must have the finest public school system in the world. That is what the Government should be supporting—not putting money off into other experiments. I want parents to exercise their right and responsibility to decide the school their children will attend—public, private, parochial. Nothing wrong with choice. However, it is not the responsibility of the Federal Government to pay them to do so.

As I see it, the Coverdell IRA is a backdoor voucher that will do nothing to improve public schools, which are my main concern, for our public school children. This new IRA tax subsidy provides tax breaks for educational expenses, including tuition and fees at public, private, and religious schools.

Also, the bill does not target needy families. In fact, here is one of the facts I was very much interested in: Families in the top 20 percent of income in this country—the top 20 percent of income in this country—would receive 70 percent of the benefit. The Joint Committee on Taxation estimates that more than half the savings would go to families whose children would attend private school anyway. So the bill subsidizes the savings and spending patterns that already exist. Let me repeat that: 70 percent of the benefit would go to families already in the top 20 percent of income.

In other words, the analogy I made a little while ago regarding the land of our forefathers in Europe, where education was for the wealthy, for the privileged, for the kids from the castle, we are now taking a step back in that direction by helping mainly those who are already well enough off to send their children to private or parochial schools.

As I stated, qualified educational expense is defined in the bill to include tuition, fees, tutoring, special needs services, books, supplies and equipment, including computers. The expenses must be incurred in connection with the beneficiary's enrollment in a public, private, or parochial elementary or secondary school, and the funds may be used to pay for expenses such as room and board and uniforms and transportation.

Let me give a little bit of personal experience from Ohio. Cleveland, OH, has one of only two voucher programs in the country. The other one is in Milwaukee. In Ohio, this program permits State funds to be used to send low-income children to private schools. It is the only program that allows the children to attend religious schools with taxpayer funds. It is funded at $12.5 million over 2 years. Right now, the legality of the program is being challenged and it is before the Ohio State Supreme Court now.

Let me say this, the program has been in effect now for 2 years. In surveys made recently of how the academics are going with the children in these schools, it is not all that great. So far, they have not been able to show any real results where the kids that are going to these private schools are any better off academically than they would have been in public school. Some of the proponents of the voucher system in Ohio and Cleveland say it hasn't had long enough to take effect yet. We are close to the end of the second year of this program now and testing has not shown much difference at all.

Another problem that was unforeseen—and this may seem like a minor problem and maybe not one that will be a problem nationally, but it shows we have some unforeseen consequences sometimes when we start something like this. That is paying for taxicabs. Paying for cabs to carry children to private schools is one of the reasons the school choice program is in jeopardy in Cleveland. This is no small item. Students' taxi rides account for more than half of the $4.8 million deficit in Cleveland's 2-year-old school voucher program. More than half of the deficit goes to providing kids taxicab rides basically because the school officials had no yellow bus transportation available for the voucher students.

So sometimes there are unintended consequences. The voucher program had to turn to taxi firms and provide payments to parents in lieu of transportation services. The image of children riding taxicabs to private schools because the Cleveland public schools could not accommodate them on its yellow schoolbuses is one example of the structural deficiencies in the program and one of the main reasons why some Clevelanders are pretty much up in arms over this. I have a couple of newspaper articles that I will later have included in the RECORD.

Now, as I mentioned, there is no strong evidence so far that participation in a voucher program increases student achievement. We need to have a better understanding of what makes a school successful because we institute a program that benefits comparatively few. Instead of looking for incentives for parents to send their children to private schools, I believe it is far more important we take steps toward strengthening public education across the board in this country and not trying to find ways to take money off and put it into the private school systems.

A strong educational system must be a fundamental part of our effort to keep our country strong and keep it competitive. Only by making high-quality education available to all American children, not just a few, but all American children, will we help develop the skills they need to find meaningful, high-wage jobs while developing a capable and productive work force that is essential to the economic future of this country.

Education reform is one of the top issues in this country. That is why I continue to oppose attempts to encourage the use of Federal funds for nonpublic education, whether in the form of tuition tax credits, vouchers, or school choice. I believe that including K–12 in educational IRAs would be the first step toward establishing a permanent voucher system, one that bleeds off dollars needed in our public schools.

We have a system of public education in this country that is available to all children. We need to make it the best and the finest in the world, one that is second to none in this world if our children are going to be competitive in the future. This education system is not producing the high level of achievement this Nation now needs, and we cannot abandon them and say we are going to bring up a favorite few and send them off to other schools. Rather, we need to find ways to make improvements.

That is why I support another amendment that will be proposed, and that is the school construction amendment—an initiative that will help reduce classroom size. These will directly benefit all of our Nation's public schools by ensuring all children attend safe, modern public schools.

I clearly believe that everybody should be saving for their children's education—for their higher education. The difference between elementary and secondary education and higher education is important. Every single child in this country is entitled to a free, appropriate, tuition-free education in every State in this Nation. Higher education, on the other hand—once you get above the minimums of the high school level—is optional and is tuition-based. It is hard for parents to save for college. I believe it is appropriate to provide incentives for them to do so. I have supported the prepaid tuition plans in the State of Ohio as one of the ways students can be assured a quality education at one of Ohio's universities or colleges.

This amendment I am offering returns the educational IRAs back to its original purpose—higher education expenses only. The only change I make is to keep the annual increase in the contribution limit for education IRAs, which goes from $500 to $2,000. This increase in the contribution limit will enable parents to save more per year for higher education.

I urge my colleagues to join me in supporting this amendment. Again, I ask my colleagues to look at this bill for what it is—a tax break for private school education. I believe it is bad education policy and bad tax policy.

Mr. President, I ask unanimous consent that two articles—one from the Washington Times and one from the Washington Post—be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, Jan. 19, 1998]

STUDENT TAXI RIDES IMPERIL SCHOOL CHOICE IN CLEVELAND—HALF OF PROGRAMS DEFICIT COMES FROM LACK OF BUSES

(By Carol Innerst)

Paying for taxicabs to carry children to private schools may jeopardize a landmark school-choice policy in Cleveland.

Student taxi rides account for more than half of the $4.8 million deficit in Cleveland's 2-year-old school-voucher program. The deficit has sparked political criticism of Ohio Gov. George V. Voinovich, one of the program's biggest supporters.

"At a time when Ohio needs leadership to solve our education crisis, Voinovich has spent millions on a program that does nothing to help our 1.8 million public school children," said David J. Leland, chairman of the Ohio Democratic Party.

"The public is pretty upset," said Ohio researcher Sam Staley. "The public is not very happy with this. It is a problem that should have been resolved before this."

At least $2.7 million of the shortfall in the controversial program—one of only two voucher systems in the nation—in attributed to voucher students who ride taxicabs to private schools because the Cleveland Public Schools cannot accommodate them on its yellow school buses.

Although the governor's office projected confidence over weathering the political storm, the image of children riding taxis to school is a hard one for the public to digest, according to Mr. Staley, vice president for research of the Buckeye Institute, a market-based Ohio think tank.

"It will give people who opposed the scholarship program an opportunity to kill the program," he said. "They will use this as a way to go after the program even though it goes against the views of their own constituency. The voucher program is most among minority and poor people in Cleveland."

The $4.8 million shortfall left the governor scrambling to find money to preserve the voucher program. The legislature, now in session, signaled that it did not want to encumber the next education budget with the problem.

"We will identify a legislative or financial vehicle to make up for the funding shortfall," said Tom Needles, executive assistant to the governor.

"There are structural deficiencies in the program that need to be fixed, but the governor is confident this is a valuable program yielding positive results," Mr. Needles said. "We've begun very intensive discussions with various transportation officials and others to determine our options and what are the best alternatives for remedying this problem."

The Ohio voucher program is one of only two in the nation—the other is in Milwaukee—that permit state funds to be used to send low-income children to private schools. It is the only program that allows them to attend religious schools. It was funded at $12.5 million over two years.

Ohio affiliates of the 950,000-member American Federation of Teachers and the 2.3 million-member National Education Association have challenged the legality of the program, and the case is now before the Ohio State Supreme Court, where arguments could be scheduled this spring, according to the Institute for Justice, which is defending the program. Last year the court allowed the program to continue for another academic year while its legal status is being decided.

Bert L. Holt, a former administrator for Cleveland Public Schools who was hired by the Ohio State Department of Education to administer the Scholarship and Tutoring Program, said the idea from the inception of the program "was to try to get as many children on yellow buses as possible."

But Cleveland public schools officials said all they could do was provide payment to parents in lieu of transportation service, she said. When schools opened in 1996, no yellow bus transportation was available for the voucher students. After talking to two private bus companies, the voucher program had to turn to two taxi firms. One bus company was too costly and the other couldn't adjust routes to do the pickups.

"I think Cleveland schools at the time didn't consider it a priority," Mrs. Holt said. "The voucher program was controversial and also maybe it wasn't being taken seriously."

In November, 1996, Cleveland public schools began providing bus service to seven of the private schools and in March 1997 they were able to provide buses for an additional eight schools, she said.

This school year, 38 yellow school buses are taking 516 kindergarten through fourth-graders to 18 private schools, she said. Another 1,077 voucher students are riding taxicabs and 1,395 are within walking distance of their schools.

There are 55 private schools participating in the voucher program, and only five don't have taxis dropping off students, she said.

The program anticipates increasing the number of participants to 4,000 students in the 1998–99 school year, according to Mrs. Holt. The maximum tuition the state will pay is $2,500 a year, with parents paying $250 of that. The average tuition runs less than that—$1,831 in the 1996–97 school year and projected at $1,939 this school year.

The Ohio Democratic Party was helping to trumpet the budget deficit in the voucher program.

"George Voinovich is giving his seal of approval on his program that has wasted nearly 5 million taxpayer dollars," a press release from party headquarters stated.

Voucher defenders say such criticism is unfair.

"The hue and cry is over transportation, busing," said Mrs. Holt. "It's never about education and removing the caste system that has been allowed to occur with our children in urban settings who are socioeconomically deprived. Now they have access to private education and are doing well, and people in various corners have an agenda and don't want to see it happen."

[From the Washington Post, Apr. 8, 1998]

IN CLEVELAND, VOUCHERS FAIL TO RAISE TEST SCORES

(By Rene Sanchez)

A new evaluation of one of the nation's few school voucher programs has found that students using the tuition stipends to pay for private education are not achieving better test scores than similar students who are still in public schools.

The two-year-old Cleveland program gives 3,000 needy students publicly funded scholarships worth as much as $2,250 to attend private schools. Advocates have touted the idea, which is one of the most divisive education issues in the country, as a way to give better learning opportunities to children trapped in failing public schools.

But in a new report commissioned by the state of Ohio, researchers contend that the promise of Cleveland's voucher experiment so far has not been fulfilled. They found "no significant differences" in achievement in either reading, math or science between students using vouchers and a comparable sample from Cleveland's public schools. Both groups of students were assessed near the end of the voucher program's first year.

And in a separate measure of the program's performance, a new audit is raising questions about how some of its funds are being spent. Students with vouchers, for example, have spent a total of about $1.4 million in state money to take taxicabs to class, rather than the school buses they would ride if they were part of Cleveland's public school system.

Opponents of vouchers said that both findings show how flawed the voucher idea is. "It's a significant early signal that this is not a magic bullet by any means for educating poor children," said Sandra Feldman, president of the American Frederation of Teachers.

Only one other city, Milwaukee, allows students to use vouchers, but Republican leaders in Congress have the idea atop their education agenda. Arguing that public schools would benefit from competition and that poor parents deserve more educational choices for their children, they are proposing to use federal money to create similar voucher programs for students in the District and several dozen other cities.

President Clinton adamantly opposes that plan. He and other voucher opponents say the idea would drain money and civic support from the public schools that need it most. Critics also contend that letting students use vouchers for religious schools, as both Cleveland and Milwaukee want to do, is unconstitutional.

The new report on Cleveland's program focuses only on the question of academic achievement. Those who support vouchers cautioned against drawing too much from its conclusions. They said judging the academic work of students will take more time.

"We're still very confident that over the long term, these students will show more gains in their academic scores," said Tom Needle, the education adviser to Ohio Gov. George V. Voinovich (R), who pushed for the voucher plan. "It's not surprising to see these findings at the very beginning of a program."

Needle also said that a privately funded study of Cleveland's program conducted last year by a Harvard University professor showed that students using vouchers are making more academic strides. It also reported great enthusiasm for the program among their parents.

In the latest evaluation, researchers at Indiana University compared the achievement of 94 students using vouchers with 494 students still enrolled in Cleveland public schools. Both groups were tested before the voucher program began and near the end of its first year. Their scores in every subject tested were roughly the same. Both groups were third-graders with virtually the same backgrounds: Nearly all of them were African American or Hispanic children living in poverty and with only one parent at home.

As has been the case in every attempt to assess Milwaukee's voucher program, the methodology that researchers have used in Cleveland is provoking disputes.

But the audit, which suggested that oversight of some voucher funds has been lax, already is prompting changes. The number of taxicabs that students are using, Needle said, has been cut by more than two-thirds. Also, the next group of students who receive vouchers and lack private means of transportation will have to select private schools in walking distance from their homes, or ones that are near city bus routes.

"Their choice of schools will have to be limited somewhat," he said.

AMENDMENT NO. 2017

(Purpose: To delete education IRA expenditures for elementary and secondary school expenses)

Mr. GLENN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 2017.

Mr. GLENN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 101 and insert the following:

SEC. 101. MODIFICATIONS TO EDUCATION INDIVIDUAL RETIREMENT ACCOUNTS.

(a) MAXIMUM ANNUAL CONTRIBUTIONS.—

(1) IN GENERAL.—Section 530(b)(1)(A)(iii) (defining education individual retirement account) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(2) CONTRIBUTION LIMIT.—Section 530(b) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(4) CONTRIBUTION LIMIT.—The term 'contribution limit' means $500 ($2,000 in the case of any taxable year beginning after December 31, 1998, and ending before January 1, 2003)."

(3) CONFORMING AMENDMENTS.—

(A) Section 530(d)(4)(C) is amended by striking "$500" and inserting "the contribution limit for such taxable year".

(B) Section 4973(e)(1)(A) is amended by striking "$500" and inserting "the contribution limit (as defined in section 530(b)(5)) for such taxable year".

(b) WAIVER OF AGE LIMITATIONS FOR CHILDREN WITH SPECIAL NEEDS.—Section 530(b)(1) (defining education individual retirement account) is amended by adding at the end the following flush sentence:

"The age limitations in the preceding sentence shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary)."

(c) CORPORATIONS PERMITTED TO CONTRIBUTE TO ACCOUNTS.—Section 530(c)(1) (relating to reduction in permitted contributions based on adjusted gross income) is amended by striking "The maximum amount which a contributor" and inserting "In the case of a contributor who is an individual, the maximum amount the contributor".

(d) NO DOUBLE BENEFIT.—Section 530(d)(2) (relating to distributions for qualified education expenses) is amended by adding at the end the following new subparagraph:

"(D) DISALLOWANCE OF EXCLUDED AMOUNTS AS CREDIT OR DEDUCTION.—No deduction or credit shall be allowed to the taxpayer under any other section of this chapter for any qualified education expenses to the extent taken into account in determining the amount of the exclusion under this paragraph."

(e) TECHNICAL CORRECTIONS.—

(1)(A) Section 530(b)(1)(E) (defining education individual retirement account) is amended to read as follows:

"(E) Any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death to the estate of such beneficiary."

(B) Section 530(d) (relating to tax treatment of distributions) is amended by adding at the end the following new paragraph:

"(8) DEEMED DISTRIBUTION ON REQUIRED DISTRIBUTION DATE.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period."

(2)(A) Section 530(d)(1) is amended by striking "section 72(b)" and inserting "section 72".

(B) Section 72(e) (relating to amounts not received as annuities) is amended by inserting after paragraph (8) the following new paragraph:

"(9) EXTENSION OF PARAGRAPH (2)(B) TO QUALIFIED STATE TUITION PROGRAMS AND EDUCATIONAL INDIVIDUAL RETIREMENT ACCOUNTS.—Notwithstanding any other provision of this subsection, paragraph (2)(B) shall apply to amounts received under a qualified State tuition program (as defined in section 529(b)) or under an education individual retirement account (as defined in section 530(b)). The rule of paragraph (8)(B) shall apply for purposes of this paragraph."

(3) Section 530(d)(4)(B) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) an amount which is includible in gross income solely because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2) for the taxable year."

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 1998.

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (e) shall take effect as if included in the amendments made by section 213 of the Taxpayer Relief Act of 1997.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, parliamentary inquiry. As I understand it, the Senator from Ohio has just offered his amendment, so that triggers 15 minutes equally divided on both sides.

The PRESIDING OFFICER. Thirty minutes equally divided.

Mr. COVERDELL. Mr. President, I ask unanimous consent that our side be accorded time similar to that which was just utilized by the Senator from Ohio so that both sides will have had approximately the same amount of time for the amendment.

Mr. GLENN. Mr. President, I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. This amendment would not permit educational IRAs to be used to pay the expenses of kindergarten up through 12th grade. This proposal to limit the use of educational IRAs would dramatically—I want to emphasize "dramatically"—reduce the benefits of an educational IRA for American families.

I believe that it is a fundamental principle that a parent should have the right and the ability to make decisions about his or her child's education —to decide basic questions, such as how the child should be educated and where the child should attend school. The rich should not be the only ones that too often have this choice—although there are many, many children from middle-class families who attend private schools at great personal sacrifice of their families.

What we seek here is to give a choice to all families as to where their child will attend school. We should not try to control that parental right by providing tax benefits only to those parents who make what some Members of this body consider to be the correct choice. We should all remember that last year, when the Senate passed a variety of provisions targeted towards helping American families cope with the costs of a quality education, we made no distinction between public and private schools or between higher education and secondary or elementary schools.

For example, we did not say that an educational IRA would only be available if a student attended public school or college. We did not say that a student who attended the University of Maryland would receive a tax benefit, but a student who attended George Washington University would receive nothing. We did not say that a student who attended college would receive a tax benefit, but a student who incurred costs in connection with secondary or elementary school would receive nothing.

The bottom line was that we treated all schools the same. And the reason for that treatment is that we did not consider it our business to set up a system where some schools were favored over others.

Mr. President, we should also not forget that it is the taxpayer who funds the education IRA. It is the parents—the parent who put his or her hard-earned money into the education IRA. And it seems a matter of common sense, therefore, that the parents should be able to choose how to spend that money.

To fully receive the benefits of an education IRA, parents should try to establish accounts for their schoolchildren as early as possible. If the parent can afford to make contributions early in a child's life, the benefits of the education IRA will increase dramatically through the magic of tax-free compounding within the IRA. At this early stage in a child's life, parents may not know whether they will send their children to a private or public school. Parents also may not know whether they will need the benefits of an education IRA for elementary and secondary school or for higher education.

There are many, many factors that go into these important decisions. The needs of the child may change. The family may move into a different school district. The quality of the neighborhood schools may rise or fall. It is simply unfair to make the parent look into a crystal ball and predict what type of school their child may attend or how much that school may cost. This places too great of an unnecessary burden on the parent.

The side effect of that burden of making parents look into the future is that parents may be reluctant to fully utilize the education IRA. The parents may not contribute the maximum amount of money that they can to these accounts. That, Mr. President, would be most unfortunate because it would defeat the whole purpose of the education IRA concept.

Moreover, Mr. President, the existing provisions of the bill do not favor the wealthy, as some here have argued.

First of all, there is an adjusted gross income phaseout. In other words, only parents with incomes below a certain threshold can take advantage of the tax savings in the education IRA.

Second, it simply is not true that only rich kids attend private schools. As I said earlier, many, many children from middle-class families attend private schools at great personal sacrifice on the part of their parents. For instance, according to the National Catholic Education Association, of the families with children in Catholic schools, almost 70 percent of those families have incomes below $35,000; almost 90 percent of those families have incomes below $50,000.

If we adopt this amendment, all of those families will be shut out from receiving the tax benefits in the education IRA, as would all of the roughly 38 million families who have children in either public or private elementary and secondary schools.

Mr. President, limiting the education IRA is not good policy, and it does not make sense for American families. Accordingly, I oppose this amendment, and I urge my colleagues to do the same.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator's side has 26 minutes.

Mr. COVERDELL. Mr. President, will the Chair notify this Senator when 15 minutes remain?

The PRESIDING OFFICER. Very well.

Mr. COVERDELL. Mr. President, I rise in support of the Senator from Delaware, the chairman of the Finance Committee, and his message with regard to the amendment that has just been offered by the Senator from Ohio.

I would like to just reiterate several key points.

The Senator from Ohio infers that the education savings account directs public money to a private school. This is not correct. All of the money in the education savings accounts is after-tax dollars saved by families, whether their children are in public schools, or private, or home schools. These are not public dollars, they are private dollars, No. 1.

No. 2, the suggestion, to me, is egregious that if, for whatever reason, a family had chosen that their child would go to a private school, they would be disallowed from creating a savings account, as a family would that has made the decision to send their child to a public school. It is important to note that according to the Joint Tax Committee, 70 percent of the families who use these savings accounts would have children in public schools, 30 percent would have children in private schools.

Mr. President, the education savings account that we are debating here today is identical to the education savings account that the President and the Senate and House confirmed and put into law last year. It is identical. That savings account that was celebrated on the White House Lawn allowed a family to save $500 a year, and whatever interest was earned would be tax free if it was used for higher education—higher education at the University of Georgia, or higher education at Georgetown just down the street, or higher education at the University of Texas, or higher education at Southern Methodist University. All we are proposing is that the account be allowed to be larger so it would be meaningful to save up to $2,000 and have the same criteria, which means that most of these benefits and most of these savings will flow to people who make less than $75,000 a year.

But, again, I want to reiterate, the very criterion, the very instrument, which the House and Senate passed, the President signed, and we all celebrated, is identical to this savings account except that this savings account could be larger, more meaningful, and this savings account would apply to kindergarten through high school, not just college. It is the only difference.

So I find it interesting that the Senator from Ohio would want to deny a family who has a child in kindergarten through high school from going to a private school but it is OK if they go to a private college, or to be worried about the income of the family that is going to take advantage of it when he wasn't worried about it when we were talking about a family that might send their children to college. Why are we suddenly setting a different set of criteria for families with children at kindergarten through high school? It is just perplexing.

I want to reiterate that this savings account, on which the chairman is so knowledgeable on the concept of IRAs, is identical in who can use it, who can't, how it can be used, and how it can't be used as the House and Senate passed last year, signed by the President, and celebrated by everybody. The only thing we have done is to represent that it allow people to save more and allow them to use it not just for college but for kindergarten through high school. They can use it for college, too, if they want. They can use it, if they have a disabled student, after college. But it is the same as the one that was adopted. So these arguments are suspicious. It sounds to me as if this amendment is designed to defend the status quo.

Now, the Senator from Ohio said, in effect, that we have some problems in kindergarten through high school, that some of the data, a lot of the data, are suggesting that we have people coming out of these schools who have trouble reading and writing and adding and subtracting. And so giving families tools that might help them deal with that, whether the child is in a public or private school, whether the child needs a tutor or a home computer, there is no American child whose family has made a decision about where they can best get that education, that we should strap or put an anvil around their leg over some philosophic exercise up here in defense of the National Education Association.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand that the amendment of the Senator from Ohio is pending. Am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. As I also understand, having been recognized, I can also speak on the bill itself. Am I correct?

The PRESIDING OFFICER. It would take unanimous consent to speak on the bill. We are now on the amendment.

Mr. KENNEDY. As I understand, I can temporarily set aside the pending amendment.

The PRESIDING OFFICER. By unanimous consent.

Mr. KENNEDY. I ask unanimous consent to temporarily set it aside.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. I object.

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask that the amendment that is pending be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2289

(Purpose: To provide an additional 100,000, well-qualified elementary and secondary school teachers annually to the national pool of such teachers during the 10-year period beginning with 1999 through a new student loan forgiveness program)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2289.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike section 101, and insert the following:

SEC. 101. LOAN FORGIVENESS FOR TEACHERS.

(a) Findings.—Congress makes the following findings:

(1) Our Nation is witnessing a 10-year rise in the elementary and secondary school age population. Between the fall of 1996 and the fall of 2006, total elementary and secondary school enrollment will rise from a record 51,700,000 to 54,600,000, a rise of approximately 3,000,000 children. Elementary school enrollment is projected to grow by 2 percent, from 37,300,000 to 38,100,000, while secondary school enrollment is expected to rise by 15 percent, from 14,400,000 to 16,500,000.

(2) In addition to the enrollment increases, many of the Nation's elementary and secondary school teachers working in 1998 will begin to reach retirement age. According to the National Center for Education Statistics data, between one-third and one-half of all elementary and secondary school teachers are 45 years old or older. Qualified, experienced elementary and secondary school teachers will be leaving the profession at a time when the demand for the teachers is at the highest level in our Nation's history.

(3) There is a lack of qualified elementary and secondary school teachers in specific geographic and content areas. More than one-half, 56 percent, of secondary school students taking physical science courses are taught by teachers who have no background in physical science. Twenty-seven percent of secondary school students taking any level mathematics course are taught by teachers with no mathematics background. Students in inner-city schools have only a 50 percent chance of being taught by a qualified mathematics or science teacher. States that have large percentages of classes taught by teachers without a background in a particular subject area, such as Tennessee (26.5 percent), Florida (26.4 percent), Louisiana (26.2 percent), and Maryland (25.6 percent), demonstrate the need for increased numbers of elementary and secondary school teachers with the necessary qualifications.

(4) Our Nation must address the need described in paragraph (3) to ensure a qualified elementary and secondary school teacher for every child in every elementary and secondary school course.

(b) Purpose.—The purpose of this section is to create a Federal student loan forgiveness program to attract individuals to careers as elementary and secondary school teachers.

(c) Loan Forgiveness for Teachers.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428J (20 U.S.C. 1078-10) the following:

"SEC. 428K. LOAN FORGIVENESS FOR TEACHERS.

"(a) Program Authorized.—The Secretary is authorized to carry out a program of assuming the obligation to repay a loan made, insured, or guaranteed under this title (excluding loans made under section 428A for any new borrower after July 1, 1998, who is employed as a full-time elementary school or secondary school teacher—

"(1) in a school served by a local educational agency that is eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); or

"(2) who teaches mathematics, science, foreign language, bilingual education, or any other area that the State educational agency determines to be an area for which there is a shortage of qualified elementary school or secondary school teachers.

"(b) Loan Repayment.—

"(1) In general.—The Secretary shall assume the obligation to repay—

"(A) 15 percent of the total amount of loans incurred by the borrower under this title, not to exceed $1,200 per year, for each of the first two years the borrower meets the employment requirement described in subsection (a);

"(B) 20 percent of such total amount, not to exceed $1,600 per year, for each of the third and fourth years the borrower meets such requirement; and

"(C) 30 percent of such total amount, not to exceed $2,400, for the fifth year the borrower meets such requirement.

"(2) Construction.—Nothing in this subsection shall be construed to authorize the refunding of any repayment of a loan under this title.

"(3) Interest.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(c) Repayment to Eligible Lenders.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

"(d) Application for Repayment.—

"(1) In general.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(2) Conditions.—An eligible individual may apply for repayment after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

"(e) Definitions.—For the purpose of this section the term "eligible lender" has the meaning given the term in section 435(d).

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $3,600,000 for each of the fiscal years 1999 and 2000.".

Mr. KENNEDY. Mr. President, as I understand it, now there is 15 minutes for the proponents of the amendment; is that correct?

The PRESIDING OFFICER. That is correct.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. I yield myself 10 minutes. I ask unanimous consent Connie Garner, a legislative fellow in my office, be granted floor privileges during debate on the Coverdell tax bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the amendment, which hopefully we will have more of an opportunity to debate later this week, deals with meeting the demand for qualified teachers in this country. We are seeing an expansion of the number of students in our elementary-secondary education. This amendment would provide for an increase of

100,000 schoolteachers a year for the next 10 years. It would effectively meet half of the Nation's requirements to do so.

There are very compelling reasons to support this amendment if we are going to be serious about ensuring the adequacy of the academic achievement and accomplishment for those students who are attending our public schools. We have devised a way of doing this through a loan forgiveness program that is taking the concept, for example, of the National Health Service Corps—which is a resounding success. Doctors serve in underserved areas and see a diminution of their debt with the years of service in the Health Service Corps. Given the need that we have for teachers to serve in our schools, this would provide an incentive for those who have indebtedness and would like to work as schoolteachers but are unable to do so because they are required to go to other jobs that may have more financial reward although they would prefer to work in the schools. This provides the means for them to do so. I plan to speak of that at greater length tomorrow or the next day and will take the opportunity to do so at that time, when the leadership works out the scheduling of the particular amendments.

Mr. President, given the shortage of time, I just want to come back to some rather fundamental and basic issues that are involved in this debate. When all is said and done and when all the explanations are made, I think it is appropriate that we find out who are going to be the winners and who are going to be the losers. It is always interesting to listen to our colleagues explain what they hope might be achieved by the amendment, and then also examine what, in fact, will be achieved by this amendment and who will benefit from this particular amendment.

As we had seen during our earlier debate and discussion on the Coverdell amendment, there are some very important winners and important losers. But the fact remains that, according to the Joint Tax Committee—which is neither a Republican committee nor a Democratic committee, but serves to provide technical information on the impact of a tax proposal to the membership, that the bill gives the benefit to those going to the private schools. At the present time, nationwide, 93 percent of American families send their children to the public schools, 7 percent to the private schools. We certainly know the important role private schools have in our society. But with scarce resources we have to ask the question whether we want to use scarce resources to add to the private schools or to the public schools. I do not believe we should abandon the public school system in this country. I think we have a responsibility to the public schools. If we have scarce resources, we ought to find ways of targeting scarce resources in ways that can be academically important and enhance the ability of our children to make progress in the public schools.

So, with the analysis that was done by the Joint Tax Committee, they indicated where the money would go. Mr. President, 48 percent of the tax benefit would go to families that send their children to the public schools and 52 percent would go to families that send them to the private schools. Then, if you see that only 7 percent of Americans go to private schools, you see that a majority of the benefit of this proposal will go to a relatively small number of families who are sending their children to the private schools.

That is not what the Senator from Massachusetts is saying; that is what the Joint Tax Committee tells us. We have a certain amount of resources that will be collected through the tax system. When they are collected, they will be disposed of—at least according to the Joint Tax Committee estimate—in this way. There are better ways to spend public tax dollars. An afterschool program, could benefit the 5 million children who left school just about a half-hour ago, and will go home without any supervision. Maybe we should have the kinds of programs that we have seen that are effective, which provide some opportunity for those children to go to after-school programs, where they are able to work with their homework and get that homework done so when they finally go back home to their parents, one or two of whom may be working, that they can have quality time with their parents rather than having the parents telling them you better go upstairs and get your homework done.

This is really a basic, fundamental issue, whether we have sufficient funds that are available to the Congress where we want to try to provide this kind of benefit to a relatively small group of parents. I do not think that we do.

I have heard a lot from our colleagues on the other side talking about entitlements. There was a great debate about entitlements here on the floor of the U.S. Senate over the last 3 or 4 years. This basically is a new entitlement. This is a new entitlement by our Republican friends. We heard the criticisms of so many entitlements over the past. Now we have the creation of a new entitlement. Once this is passed and goes into the Internal Revenue Code, it will be out there available to anyone who would be able to develop this kind of an IRA. That effectively is an entitlement. But it is an entitlement that is going to benefit a relatively small group of families who are going to be using those resources primarily in the private schools.

There may be those who feel that is the way we ought to go. But I think you will find here on our side, on the Democratic side, a range of different proposals that say we will not abandon our public schools in this country. We think they need modernization, they need some help and assistance in the construction program. We are very creative. An important, significant amendment will be offered by the Senator from Illinois, CAROL MOSELEY-BRAUN. There will be programs that will say we ought to have smaller class sizes. That has been demonstrated to improve academics for children. That amendment will be offered by Senator MURRAY. We ought to support public schools.

The benefit of those programs go to all of those parents whose children are going to the public schools. That is a very important, basic difference. It is targeted programs that can really make a difference in enhancing academic achievement and accomplishment.

We will have an opportunity, as well, to debate concepts such as that proposed by the Senator from the State of Washington, Senator GORTON, that block grants education programs, undermining targeting of scarce resources, and undermining accountability. We will have a chance to debate those.

The PRESIDING OFFICER. The 10 minutes have elapsed.

Mr. KENNEDY. I yield myself 1 more minute. We will have a chance as well to debate whether we will uphold the civil right of children with disabilities. That is going to be a very important debate.

But I hope, as we are starting off on this Monday, and as we are going through this debate over the period of the next 4 or 5 days, to understand what is really the issue. With the amount of funds that are going to be made available under this program, which is effectively a new entitlement program, $1.6 billion, are we going to say we should use that in such a way that it is going to benefit a small number of families who are going to primarily use these funds for private schools? Or are we going to say, with scarce resources, we ought to use that money in order to benefit the large number of children who are going to the public school systems and we ought to use that in an effective and creative way, to make sure that children who are going to our public school systems are going to get a good education in safe, modern schools?

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time is remaining on the other side?

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes 45 seconds.

Mr. COVERDELL. Mr. President, again, I am puzzled by the vociferous opposition of the Senator from Massachusetts to an education savings account. I repeat what I said a moment ago when I was responding to the Senator from Ohio.

The education savings account that we are proposing and talking about today is nothing more than an expansion of the savings account that has already been adopted by the Senate and House and signed by the President last year. Last year, we created an education savings account that allowed a family to save $500 a year, and the interest that was earned would not be taxed if the account was used for the cost of higher education.

We have taken the same account—it applies to the same earning level, who can use it and who can't; it is directed to the middle class—the same criteria. There is no change whatsoever. Identical. That savings account can be used by a family to go to Georgetown down the street here or to the University of Georgia.

We have said to those same families in America that we all celebrated because they have this $500 savings account for higher education, we are going to say instead of $500, let's allow a family to save up to $2,000 so they can really build up the kitty. We said, why limit it to college when there is so much trouble in kindergarten through high school? Let's let the family use it whenever they need it. They may need it when the child is in sixth grade because of dyslexia or a learning disability. They may need it in freshman high school because of a math deficiency. They may need it because the child cannot compete because of not having a home computer.

We have taken the very instrument that was so celebrated on the White House lawn, a $500 savings account, and said let's let it be up to $2,000, and instead of just limiting it to college, although it could be used for college, let's let them use it whenever they need it—kindergarten through high school or college. No change. Same group of families. Same criteria. Use it in the same way. It is just bigger if they want to make it bigger, and it covers all the school years, not just some of them.

Whatever all these concerns are that the Senator just alluded to would have applied to what we did last year. It would have had the same discrimination; it would have favored the same kind of families as his chart alludes to in that account.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. COVERDELL. I will be glad to yield.

Mr. KENNEDY. Doesn't the Senator draw a distinction between the mandatory requirements that we have for the public school system for our 55 million children and those who are going to higher education, which is basically not a mandated requirement? That is an optional requirement and, therefore, historically higher education has always been treated differently.

Mr. COVERDELL. Let me respond to the Senator. I recognize there is a distinction with the public-private issue, but the Senator spent a good bit of his time trying to suggest that certain kinds of families would benefit; that the dollars are skewed, there was some formula here that was working against the public interest.

My point to the Senator from Massachusetts is, it is identical to the formula that was used when we created the higher education savings account. Identical. It is just that folks can save more now for kindergarten through high school or they can save it for college. They have a chance to save more, and they have a chance to use it more frequently.

The Joint Tax Committee has said that in this education savings account, 14 million families will probably use it; 20 million kids, that is half the school population almost.

Here is the point that I would like to make to the Senator: What is amazing to me about this education savings account is that it takes such a little incentive to make Americans do huge things. The tax relief to these 14 million families over the next 5 years is just a pittance over $500 million—over 5 years. What do the 14 million families do because of that? They save over $5 billion—$5 billion. That puts 5 billion volunteer dollars—these are not tax dollars; no school board has to levy a new property tax; no State government has to raise their income tax; the Federal Government doesn't have to raise taxes—the people on their own, because of the nature of the savings account, save $5 billion. Seventy percent of those families will have children in public schools, and 30 percent will have children in private schools. About half the money will end up helping children in public schools, and about half the money will help children in private schools.

Everybody is a winner here. There are no losers. A lot of times we do things in Washington and somebody gains and somebody loses. But in this case, everybody wins. The public school system wins; the private school system wins. People with kids in public schools can use the savings account; people with kids in private schools can use the savings account.

I see I have just been joined by the distinguished Senator from Indiana, so I am going to yield to him.

But everybody wins. These are not public dollars. These are volunteer dollars to help children wherever they are going to school.

Mr. President, I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 minutes.

Mr. COATS. Mr. President, I rise in opposition to the amendment that is currently before us. Although Senator KENNEDY may be using the opportunity to talk about the broader bill, it is the amendment that we will have to vote on unless that amendment is withdrawn. I want to briefly state reasons why I think Members should vote against that particular amendment.

A primary reason is that it is unnecessary. The Labor Committee on which both the Senator from Massachusetts and I serve has, as part of the Higher Education Act, just unanimously voted out of the committee a loan forgiveness program for teachers, which I believe is far more effective than what is being offered by the Senator from Massachusetts.

That teacher loan forgiveness program provides loan forgiveness to teachers who have loans that are eligible for the interest subsidy, ensuring that those who qualify would be most in need of help of repaying the loans.

The second condition is that the teacher be employed for 3 years; third, that they teach in a public or private school whose school district has 30 percent or more of its students eligible for title I assistance; that they have an academic major in the subject area in which they teach if they are a high school teacher, and have demonstrated knowledge and teaching skills in reading, writing, and mathematics if they are elementary schoolteachers.

The reason these conditions were imposed and, by the way, again, unanimously accepted by the Labor Committee, is because we wanted to target loan forgiveness to the most qualified teachers. We did not want a broad, all-encompassing loan forgiveness program, which I believe the amendment of the Senator from Massachusetts covers about 90 percent of the teachers in this country—all those employed within the title I schools, which equals about 90 percent. The issue is not just more teachers; the issue is better qualified teachers.

Statistics show, and studies show, that the real shortage is not the number of teachers—I could go into some detail on that, but I do not have time to do it—but the issue and the need is for qualified teachers. So we have structured this loan forgiveness program to support and emphasize teachers who meet these particular qualifications.

The second reason I believe Members should not support this particular amendment is that the average debt for teachers is considerably more than what the Senator's amendment offers in terms of forgiveness. Ours allows provisions for up to $10,000 of loan forgiveness, which more closely meets the debt problems that teachers currently face, rather than the $8,000 which the Senator's amendment provides.

Finally, the amendment is directed toward schools in general, the loan forgiveness program, whereas the Labor Committee amendment is basically directed toward the poorest schools, teachers that meet the qualifications as outlined in the Labor Committee's language, which is designed specifically for the purpose of trying to address the most critical need in this country, and that is getting qualified teachers who have the credentials to teach and are teaching in the Nation's poorest schools. I outlined those criteria earlier.

But that was the basis for the Labor Committee's drafting of the language to address the most critical need, and that is where we ought to be putting our resources. It is not the schools in some of the more affluent suburbs that are having problems attracting teachers, particularly qualified teachers; it is the schools in the poorest districts, the schools in the low-income districts, the schools in the minority districts, that are having trouble attracting qualified teachers to teach their students. Those are the teachers that we want to encourage through this loan forgiveness program.

So for those reasons, I urge our colleagues to oppose the amendment being offered by the Senator from Massachusetts, primarily because it is not needed, it has been addressed, it has been supported unanimously by the Labor Committee. It is directed toward the areas that need it the most; it is directed towards supporting qualified teachers. For those reasons, I urge a no vote on the amendment.

The PRESIDING OFFICER. The 5 minutes have expired.

Who yields time?

Mr. KENNEDY. Mr. President, I yield myself a minute just in response to the Senator from Indiana.

This is a basic substitute to the Coverdell amendment. We have an opportunity to say it is more beneficial to the children that are going to our public schools to support our amendment that is going to increase the number of qualified teachers than to support the Coverdell amendment which is primarily going to benefit the parents who are sending their children to private schools, No. 1.

Secondly, I hope that my friend and colleague would read my amendment more carefully, because it does target the teachers into the underserved areas, and also it targets teachers into the areas where the State finds that there are critical shortages in terms of the type of specialty needs—for example, in subject matters, for example, in math and science, and others, and does it, I think, more creatively than we have done in the higher ed bill.

I yield myself another minute.

It is clearly responding to what our Human Resources Committee has had hours of hearings on, and that is the importance of having high-quality teachers for our expanded school-age population. I am a strong supporter of what we have done in the higher ed bill, but it is not going to be enough to be able to meet the needs of the Nation. And every study we have done has pointed this out. If you want to try and benefit public schools and teachers, my amendment is the way to do it. If you want to abandon public schools and move towards the support of families that are sending their children to private schools, then the Coverdell bill is the way to do it.

I withhold the balance of my time.

The PRESIDING OFFICER. Who seeks time?

Mr. COVERDELL. I yield 1 minute to the Senator from Indiana.

Mr. COATS. Mr. President, the Labor Committee, of which the Senator from Massachusetts is the ranking member—the Senator joined his colleagues on the Democrat side and joined all Republicans in passing out of the Labor Committee language unanimously. He did not offer his amendment there, so I just wonder what has changed. Obviously, what has changed is that the amendment is designed to gut the underlying Coverdell bill.

Secondly, the language of the Senator's amendment is not targeted. It says title I eligibility. Title I covers 96 percent of all schools. That is not targeted. Targeted is designed to address a specific problem. A specific problem is the minority students, poor students, students in poor districts who are not getting the qualified teachers and the education they need.

This Labor Committee product targets it towards those teachers. The Senator's language does not target; it says, where there is a shortage of qualified elementary and secondary school teachers under the title I programs. That is 96 percent. I do not call that being targeted.

So for those reasons, I believe we should oppose the amendment.

Mr. COVERDELL. Mr. President, I move to table the pending amendment of the Senator from Massachusetts and ask for the yeas and nays on the motion.

The PRESIDING OFFICER. The motion to table is premature until the time has expired for the proponents. And they have 1 minute 43 seconds remaining.

Mr. KENNEDY. Mr. President, I ask the Senator to reread the amendment. If he looks at the loan forgiveness for the teachers, on line 8 it talks about the title I programs which are targeted to the poorest schools. At paragraph (2), line 12, it makes reference to teachers who teach math, science, foreign languages, and that the State educational agency determines it.

So I do realize that we have supported a good program that is coming out of our Human Resources Committee. But the Budget Committee put hands down, thumbs down, on a very similar program that was advanced by the President of the United States. We have real money here on the floor of the U.S. Senate. And this is an opportunity that if you want to do something about increasing the number of qualified teachers, our amendment does it. If you do not want to do that, and you want to benefit the private schools, you will vote against this.

I urge the Senate to oppose the anti-education Republican tax bill. Improving education can and must be a top priority for Congress and the nation. But this Republican bill flunks the test. They call it their "A+" bill. But, it's anti-education, and it deserves an "F." This Republican bill and its proposed Republican amendments are bad tax policy, bad education policy, and bad disability policy, and it clearly deserves the veto that President Clinton has pledged to give it.

It is the nation's public schools that need help. So what do our Republican friends to? They proposed legislation that aid private schools. That makes no sense at all. Our goal is to strengthen public schools, not abandon them. Our goal is to help all children get a good eduction—not just the ones with wealthy parents.

It is clear that our Republican friends are no friends of public schools. They have an anti-education agenda. They want tax breaks for the wealthy who send their children to private schools. They want to cut the budget for public schools. They want to dismantle the federal role in education. They want to eliminate civil rights protections for children with disabilities. The Republicans have put the cards on the table—and it's a losing hand for education.

Over the course of the limited debate on this bill, we will discuss good ideas that will help improve public schools such as rebuilding the nation's schools, reducing class size, forgiving student loans for college graduates who teach in high-need areas, and increasing funding for children with disabilities. I urge my colleagues to support these very important Democratic amendments. I also urge my colleagues to oppose Republican amendments to that undermine public education, and make a bad bill worse.

I understand that we will be voting on a new version of a block grant for education, sponsored by Senator GORTON. It is clear that this amendment will undermine the federal commitment to improve the nation's schools. There have been no hearings on this proposal and no committee review of the proposal. It would be irresponsible for the Senate to support this proposal to revamp the federal role in education after a total of only 30 minutes of debate.

The proposed Gorton amendment hurts students and goes against the nation's commitment to helping poor and educationally disadvantaged students who need our strong support. It also undermines the partnerships that have been created by federal, state, and local education agencies to improve all schools for all children.

We all agree that education is a local responsibility. But the states and the federal government are important partners in helping to improve education for all children. We all need to work together to improve the nation's public schools.

This amendment rejects that basic principle. It destroys carefully crafted and widely supported federal programs. And it undermines accountability for improving the achievement of all students.

Currently, federal funds are offering a helping hand to local school districts in meeting high priority responsibilities important to the nation as a whole. The funds help schools and school districts improve reading and math skills of disadvantaged students, help teachers get the extra skills they need to teach all children to higher standards, help communities create safe and drug-free schools, and help communities modernize their schools.

This amendment creates a "General Education Block Grant" by combining funds from 20 targeted programs. Then it limits the use of those funds to only 8 activities. It denies local communities the funds to make schools safe and drug-free. It denies local communities the funds to improve skills of math and science teachers. It denies local communities the funds to continue their efforts to set high academic standards for all children.

In addition, in response to growing needs of schools in communities across the country to address problems such as low student performance, rising enrollments, and lack of adequate modern technology, the amendment would cap spending at 2.3 percent per year for the next five years. These limits are far below the necessary increases we made over the last two years of 15 percent and 12 percent. It would be irresponsible for Congress to do so little to help communities address their growing and pressing educational needs.

Contrary to arguments made by proponents of the amendment, federal education laws are more flexible and school-friendly than ever before. States and local education agencies are working in closer and more effective cooperation. The result is that schools are doing a better job of helping all children meet higher standards of achievement.

The federal-state-local partnership in education isn't broken, and this amendment can't fix it. Congress should be doing all it can to strengthen that partnership, not destroy it.

As a nation, we have made a commitment to help all students have the opportunity to get a good education. We have a responsibility to make sure that public tax dollars are well spent. This amendment provides no accountability for how these dollars are spent. Reforming the federal role in education does not mean abdicating that role.

This amendment is the wrong direction for the nation's children and the wrong direction for education. It is not an attempt to offer a helping hand to local schools. It is simply a thinly-veiled attempt to dismantle the federal role in education.

We should support efforts to improve education for all students, not undermine them. I urge my colleagues to oppose the Gorton block grant amendment.

Another problematic amendment that I understand will be introduced later in the debate is the Gregg amendment to allow states and school districts to strip civil rights protections for students with disabilities.

The proposed Gregg amendment would repeal the critical civil rights protections included in the Individuals with Disabilities Education Act that ensures that children with disabilities are not denied educational services. Prior to the enactment of IDEA, over half the children with disabilities in this country were receiving an inadequate education or no education at all. Under the proposal, children with disabilities could be unilaterally thrown out of school, even if the child was being "disciplined" for a behavior caused by the child's disability.

This proposal is not in the interest of children with disabilities and it is not in the interest of the nation. In fact, a similar amendment was rejected on the Senate floor last year during consideration of the reauthorization of IDEA. The Senate did not support the proposed policy last year, and we should not support it now.

Proponents of the bill claim that under current law, schools cannot discipline children with disabilities when they break the rules. That is simply not true.

IDEA allows school officials to discipline a child with a disability when discipline is warranted. IDEA already allows immediate action against a child with a disability who brings a weapon to school, who knowingly possesses, uses, or sells illegal drugs or controlled substances, or whose behavior is substantially likely to result in injury to the child or others. In addition, if the behavior resulting in the disciplinary action is not the result of a child's disability, IDEA allows the school to apply any relevant disciplinary procedures that they would apply to a child without a disability.

Police, prosecutors, and groups representing school officials and children with disabilities all support pursuing policies that ensure that our schools are safe and conducive to learning, and to help all children, including children with disabilities, learn personal responsibility. But, discipline should never be used as an excuse to exclude, segregate, or deny services to children with disabilities.

The goal of public education is to give all children the opportunity to pursue their dreams. We must be committed to every child—even the ones who aren't so easy to teach. This amendment would undermine that goal and put children with disabilities on the street. It's bad policy and we should overwhelmingly reject it.

These amendments simply make the bad underlying bill even worse. The underlying bill uses tax breaks to subsidize parents who send their children to private schools, and it is a serious mistake. It diverts scarce resources away from public schools that have the greatest need.

The regressive Republican tax bill does nothing to improve public schools.

It does nothing to address the serious need of public schools to build new facilities and repair their crumbling existing facilities.

It does nothing to reduce class sizes in schools.

It does nothing to provide qualified teachers in more classrooms across the nation.

It does nothing to help children reach high academic standards.

It does nothing to provide after-school activities to keep kids off the street, away from drugs, and out of trouble.

It does nothing to improve the quality of education for children in public schools. Tax breaks for private schools are not the answer to the serious problems facing the nation's public schools.

This bill would spend $1.5 billion of public tax dollars over the next 10 years on subsidies to help wealthy people pay private school tuition and other private school expenses.

According to the Joint Tax Committee, the bill will cost $1.5 billion over the next 10 years, and half the benefits will go to the 7 percent of families that have children in private schools. That's unacceptable, when public schools are desperate for additional help.

The Joint Tax Committee also estimates that while 83 percent of private school families will use this tax break, only 30 percent of public school families will use it.

The bill disproportionately benefits private school families, and it disproportionately benefits the wealthy. The majority of the tax benefits will go to families in the highest income brackets, who can already afford to send their children to private school.

Working families do not have enough assets and savings to participate in this scheme. This regressive bill does not help families struggling to pay day-to-day expenses during their children's school years.

This so-called education bill does nothing for education. It simply provides a tax shelter for the rich.

Congress should be building new schools—not building new tax shelters for the wealthy.

Congress should be reducing class size—not reducing aid to public schools.

We know what it takes to achieve genuine education reform. The place to start is by resoundingly rejecting this defective bill, and then amending it in ways that will genuinely help the nation's schools.

The challenge is clear. We must do all we can to improve teaching and learning for all students across the nation.

We must continue to support efforts to raise academic standards.

We must test students early, so that we know where they need help in time to make that help effective.

We must provide better training for current and new teachers, so that they are well-prepared to teach to high standards.

We must reduce class size, to help students obtain the individual attention they need.

We must provide after-school programs to make constructive alternatives available to students.

We must provide greater resources to modernize and expand the nation's school buildings to meet the urgent needs of schools for up-to-date facilities.

We cannot stand by and let this regressive tax policy pass to help private schools at the expense of public schools.

Parents across the country want real solutions—not token gestures in the name of education. We should not waste $1.5 billion of public tax dollars on a do-nothing tax break program.

I hope that my colleagues will join me today in opposing this bill. We should be doing all we can to help public schools—not abandon them.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, if I might ask the Senator from Massachusetts, it would be my intent to ask unanimous consent that this vote occur tomorrow at a time selected by the majority and minority leaders and 2 minutes be afforded each side at the time of the vote. If that is agreeable, I am going to proceed with a motion to table and ask for the yeas and nays.

Mr. KENNEDY. As described by the Senator?

Mr. COVERDELL. Yes.

Mr. KENNEDY. With that understanding, I yield back all time.

The PRESIDING OFFICER. All time has been yielded back. The Senator may proceed.

Mr. COVERDELL. Mr. President, I ask unanimous consent the vote which I will make in a moment on the motion to table this amendment occur on Tuesday at a time to be determined by the majority leader and minority leader, and that the time remaining on both sides be reserved respectively.

The PRESIDING OFFICER. Is there objection?

Hearing none, without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I move to table the pending amendment of the Senator from Massachusetts and ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to set aside the pending amendments so I might speak for 15 minutes on the legislation itself.

Mr. ROTH. I say to the distinguished Senator from North Dakota, we would have no objection to your taking 15 minutes. But we do hope it will be the understanding tomorrow that we will proceed from amendment to amendment. But with that admonition, we agree to your request.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I'm assuming the Senator would not object if this side, in keeping the balance, if we ask unanimous consent, even though we are on pending amendments, for 15 minutes to respond.

Mr. DORGAN. If I might respond to the Senator from Georgia, I certainly would have no objection to some parity in time. My understanding is that more time has been consumed on that side during this day. I assume you would also want parity. My expectation is we have a unanimous consent request by which we will dispose of this bill.

My intent and my hope was to be able to speak for 15 minutes inasmuch as this amendment was disposed of and another amendment is not now offered.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from North Dakota asked for unanimous consent for 15 minutes on the bill.

Without objection, it is so ordered.

Mr. DORGAN. I have listened with interest not only to this debate but to much debate prior to this on this legislation.

Since the year 1647, when the colonists in Massachusetts created tax-supported public education, we have had a long and proud tradition in this country of public schools. By far, the majority—in fact, well over 90 percent—of the students who attend elementary and secondary schools in our country will attend public schools as part of our public education system.

We have substantial tax incentives that already exist in this country in our Tax Code to support education. I am holding a list of 16 such tax incentives. They provide over $78 billion in tax reductions over a 5-year period for various kinds of expenditures and activities dealing with education. One of them, $19.6 billion, is the deduction for charitable contributions to educational institutions. That is a method by which some make contributions to private schools and get tax deductions for that.

All of these provisions dealing with tax incentives are important. This Congress has generally supported them and increased them substantially last year with HOPE and lifetime learning credits, deductibility for interest on student loans and various other devices.

The question now is on a proposal offered by the Senator from Georgia. I have indicated to him previously that I am not attempting to trash the proposal itself. I think this kind of discussion begs the question, what is the priority of need? What are the rankings of need that exist with respect to education in our country?

The Senator from Georgia comes up with a proposal that says the need is that we should provide other tax incentives that allow people to put away savings to be used for public and private elementary and secondary education.

The Secretaries of Treasury and Education, in a letter dated February 9, says that this proposal, the way it is constructed, "disproportionately benefits the most affluent families." This is the Secretary of the Treasury and the Secretary of Education. This proposal "disproportionately benefits the most affluent families." Further, they say, this will not generate much additional savings in any event.

If one were going to do this, it seems to me one would want to do it the right way. The question that I come to the floor to ask is, what is the ranking of need that exists in education? What are the priorities? What represents the approach that is most in need of public investment? I want to take this down to the specifics. I know some will say this is just anecdotal and doesn't matter.

Education is one child at a time in this country. It is not some theory. It is one child at a time. I want to tell you about a young woman that I met last Wednesday morning named Rosie Two Bears. Rosie is a little second grader, bright-eyed. She has a wonderful little smile, and she goes to school in Cannon Ball, ND, a school that I visited last Wednesday, among many other schools. The Cannon Ball, ND, school is on the Standing Rock Indian

Reservation, but it is a public school in a public school district with very little tax base.

I want to tell you about the school, because Rosie Two Bears, when I entered her second grade class, asked me, "Senator, will you buy us a new school?" Well, I didn't have the answer for Rosie last Wednesday, but I want to tell you why Rosie Two Bears asks if we can buy her a new school. And I tell you this by virtue of saying this represents the need, the priority of need, not just in Cannon Ball, ND, but all across this country.

This school is, in its oldest part, some 90 years old. It sits in a desperately poor school district. It has been condemned with respect to the older part of the school as a fire hazard, among other things. It has 145 students and 40 other staff and maintenance workers. For the 145 students in K through 6th grade there are two bathrooms and one water fountain. Let me say that again: 145 kids, two bathrooms and one water fountain.

Now, one of the classes is held in what is called the choir room. It used to be the janitor closet. But they can't always hold class there because sewer gas comes backing up and you can't have a classroom when sewer gas creates such a stench that little kids will be made sick if they sit in that room. So what do they do when the sewer gas backs up and fills that old janitor's closet, which is now used as a room in which they sing and practice choir? They move those kids out of that room to some other hallway in the school.

There is a little gymnasium, very old, but there are no locker rooms, so the fourth and fifth grade basketball players must change in the bathrooms—two bathrooms in the entire school. But there is not enough room in the bathrooms, so little fourth graders are changing out in the hallway. You wonder what is it like for a fourth grade basketball player to change into his basketball clothes in the hallway because there are no locker rooms and the toilets are full, with people trying to change for the same basketball game.

You might say, what does this mean? It means, in our country, right in this country, we have schools that are in desperate condition, and we have bright-eyed, wonderful little children walking through the school door, going into a classroom where the desks are not a half inch apart—the desks are touching in every circumstance because the classroom is 8 feet by 12 feet and they have so many kids in there there is no room for even an inch between the desks. Next year, twice as many kids are supposed to be in that classroom, but they can't do that so they will break up the class. When they break up the class, one teacher handles two classes and spends 15 minutes talking to this group and then says, "All right, now I will be talking to this class for 15 minutes," in the same room and will go back 15 minutes later, in a crowded room with two classes because that represents the overflow from other classes.

I ask the question, how many of us would like our kids to walk through that school door and would say to our second grader, say to Rosie's classmate, "Yes this is a good education. Our country is proud of the education it gives to you." We cannot afford to put another bathroom in that school, we cannot afford to add classrooms that are of adequate size. We cannot afford to fix a school that has sewer gas seeping up through the choir room. We can't afford it. We don't have the money.

That is why I ask this question today about need. We see today a proposal coming to the Senate that says let's spend $1.6 billion on education in a manner that the Secretary of the Treasury says will "disproportionately benefit the most affluent families." I ask the question, is that expenditure something that was determined to be more important than the Cannon Ball school? Because the Cannon Ball school is not about theory. The Cannon Ball school, on Wednesday when I visited, was about real needs for real little kids that are in the public school system hoping to catch up and keep up with every other kid that enters a classroom door in this country.

What is the ranking of need? What do we decide is important? It is unfair for me to talk just about Cannon Ball. Down the road 40 miles, I met with a school board there on Wednesday, the Standing Rock High School, run by the BIA—in effect, this Congress. It is a wonderful school. Those boys just won the State class B basketball championship. That Indian school on the Standing Rock Indian Reservation is enormously proud of those young boys. Against all odds, no one expected them to win the State high school basketball championship, but they did.

You know what is wrong with their school? They have classrooms in the gymnasium for 2 months. Their school has lighting fixtures that are leaking PCBs. It would be funny to see the national press go down and take a look at PCBs leaking from lighting fixtures or visit Rosie Two Bears in Cannon Ball. But somehow that is not sexy. Those kids aren't in classrooms, because the lights are leaking a carcinogen, so we have to clear the building out.

Is that a priority? It is our responsibility. That school belongs to the BIA. The funds for that come from this Congress. Is that a priority? Is it less of a priority than providing a tax break, the bulk of which will disproportionately benefit the most affluent families. That is the question I ask.

I am not suggesting this is wholly unworthy, or that it is an idea that has no merit. That is not what I come to suggest. I say if the U.S. Senate is prepared to say we have $1.6 billion with which to invest in the education of young Americans, then I say the Cannon Ball school ought to have some claim to that. Rosie Two Bears and her second-grade class, sitting in a building where sewer gas forces them out of their choir room, ought to have some claim to part of that at least. We at least ought to have the opportunity to have that debate here on the floor of the Senate.

When you have unlimited wants, virtually unlimited wants and limited resources, then there is a responsibility, I think, to prioritize them. What represents our most important investment? We have a range of amendments that will be offered. There is an amendment, for example, that talks about exactly what I am discussing—school construction, the need to respond to crumbling schools, the need to be fair to Rosie Two Bears and her classmates in that second grade class. School construction. Can we help repair crumbling schools? That amendment is going to have 15 minutes of debate on each side. What an awful, awful thing for us to have done.

I hope that however we dispose of these issues, that some day, some way, on the floor of this Senate we will truly have the capability of deciding what represents our priorities in education. This may represent the priority of the Senator from Georgia; it is not mine. My priority is to decide that we have enormous challenges in public education in this country.

I am proud of our public education system. We have not come to this point in our history by accident. I mentioned when I started that, in 1647, the colonists in this country decided to begin a tax-supported system of public education. What an enormously important element in our country's future and our country's history, to have decided that every young American can become everything that his or her natural talents will allow, because we are going to create a public education system that allows every single one of them that opportunity. That has been our tradition and must be our future.

When we talk about $1.6 billion, the question is, if that $1.6 billion is available, what do we use it for? What do we use it for? Do we use it to fix those schools that are falling down on these kids? Or do we add a teacher to a class that is twice the size it ought to be? Or do we provide another tax credit in which over half of the benefit will go to 7 percent of the students in private schools?

I say to the Senator from Georgia, I have great respect for him as a legislator; I just disagree with the priority. Based on a ranking of needs, there is no question as to what the answer is. The answer is that we ought to, as a country, decide that our investment in the public education of this country is paramount. And when we have problems that local school districts can't correct, where they don't have the tax base and the resources to make investments on behalf of those kids, then we are going to try to help them some way or another. If $1.6 billion is what we have today, then I say that is the way we ought to use that money. That is the debate we must have.

We have a good number of amendments pending or to be offered of legislation. I know that the Senator from Georgia has always maintained there has been a filibuster on this legislation. In fact, I maintain that there has been a lockout and has always been a lockout. The reason people have had a problem getting this to the floor is, they wanted to bring it to the floor by saying: This is our idea, and if you have another one, we may allow you to debate it, but only minimally. We are not going to allow the Senate to do its regular order, because we are not going to allow an amendment and allow you to debate the amendment for 3 or 4 hours.

We were involved in that for a long while. Now we are back on the issue and we are stuck in a situation where, I guess, in order to have this bill considered and to have our amendments in order, we had to agree to 15 minutes of debate on each side on an amendment that addresses the central issue I have been talking about—investment in school construction.

Mr. COVERDELL. If the Senator will yield for 10 seconds. The amendment to which the Senator spoke for most of his remarks has an hour for debate.

Mr. DORGAN. Well, that makes my point. That is 30 minutes on each side to talk about the central issue in education, about the need for investment in infrastructure in education. You just can't expect these little kids to walk through a school door and say, "By the way, we know this school is in disrepair, falling down around you." The Cannon Ball school I mentioned, they have a heater, but they don't have an automatic switch for it And this school can't hook-up to the Internet because the wiring is so old. But back to the heater, they turn the heater on by climbing up a scaffold to the ceiling of the gymnasium and turning a manual switch.

My point is that a half hour on each side is not enough. That is twice as much as I suggested, because that amendment gets a little more than others. But a half hour on each side is not nearly enough to debate the central problems of how much we should invest and how we invest in the needs of public education. That is my problem with the legislation the Senator from Georgia has offered. There are better amendments. I hope one will be approved as we move along, and I hope we will have a longer period of debate on education sometime later in this Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 2288

Mr. BUMPERS. Mr. President, I call for the regular order regarding the Mack amendment.

The PRESIDING OFFICER. The amendment of the Senator from Florida, Senator MACK, is now pending.

Who yields time?

Mr. BUMPERS. Mr. President, I yield myself such time as I may use in opposition to the amendment.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, it is my understanding that, by unanimous consent, their side has 15 minutes on this amendment. I assume that is what the Senator is using.

Mr. BUMPERS. The Senator is correct.

The PRESIDING OFFICER. The Senator is recognized for up to 15 minutes.

Mr. BUMPERS. Mr. President, I rise in opposition to the Coverdell bill. Let me start by saying that I served on the school board of Charleston, AR, population 1,200, for 12 years before I ran for Governor of my State. I have often said—not entirely facetiously—that I ran for Governor to get off the school board because that is the worst job I ever had. It was a poor school district. When we asked the people of that district, though, for millage increases to build new facilities, not one single time, in my memory—not just the 12 years I served on the school board—did the people ever defeat a millage increase to improve the plight of our students. That situation still exists. The reason it was so difficult is because salaries were pitifully low.

When I got out of law school, I didn't know what I was going to do, but I knew I wasn't going to make very much money practicing law. Betty went to work teaching third grade in the Charleston Elementary School at the princely sum of $125 a month. That is what we lived on. Things were very tough. In a relative sense, things are not all that much better right now. Incidentally, Charleston was the first school in the South to integrate schools after the Brown decision in 1954. Yes, my little hometown was the first school south of the Mason-Dixon Line to integrate its schools following the Brown decision. We are proud of that.

I am a great champion, as a result of my experience on that school board, of public education. I have nothing against private schools. When I was elected Governor, because I was apprehensive about the safety of a couple of my children, I sent them to private schools. I was concerned about their safety not because of the schools, but because their father was Governor. The second reason I sent them, of course, is that I had the money to do it.

Under the Coverdell bill, if we are going to spend $1.6 billion over 10 years, that equates to the princely sum of $160 million a year. Do you know what that does for education in this country? Nothing. That is not a drop in the bucket compared to the educational needs of this Nation.

Senator MOSELEY-BRAUN has an amendment to rebuild the crumbling infrastructure of the school buildings in this country. I think it is $5 billion over a 5-year period. That doesn't even begin to address the problem when you consider the fact that 93 percent of the money under this bill goes to the wealthiest people in America, goes to those people who go to private schools, and 7 percent goes to the other 85 percent of the people in America who go to public schools. I repeat—this is a Treasury Department figure—93 percent of the dollars that would go for education under this bill goes to the families who send their children to private schools. That is 12 percent. Seven percent of the money goes to the other 85 percent. That tells you all you need to know about what this bill is all about. It doesn't address the problems of education in the country. It simply extends those IRAs to the first 12 grades. That in itself is nonsense.

If all of this money is going for private schools, then there is not very much of it—$37 a year—for a family who sends their children to a private school. Who is going to send their kid to a private school for $37 a year? But more importantly, the people who send their children to public schools get the princely sum of $7 a year.

So you have to ask, what is going on here? What do we think we are going to do for somebody for $7 a year, or even the wealthy people for $37 a year?

Mr. President, that tells you one thing. The reason I am so stridently opposed to this bill is that it is a nose under the tent of crooks to aid private schools, even though it be very small and it is a diminution of public education. I can tell you where you are headed. You are headed toward the abandonment of public education in this country, and you are headed for one of the biggest disasters of the Nation when you go to vouchers. I am adamantly, and always have been, opposed to vouchers. But I can tell you that will ultimately be the end result of this bill.

Our educational system is not perfect—never has been, never will be. But the reason we had a tough time in Charleston, the reason we have a tough time in America in public education is we are not committing the resources to it. We have a $50-billion surplus this year. Think about it. Six years ago we were looking at a $300-billion deficit. Today, we are looking at a $50-billion surplus.

I am not voting for tax cuts. I am not going to vote to spend that $50 billion for tax cuts when we have 40 million people with no health insurance. We have an educational system that is 13th among 17 developed nations of the world. We have environmental problems that are going to cost billions and billions to solve.

I will tell you what I would like to do if I were king. I can tell you Bill Clinton agrees with this. I would start a GI bill to make sure that every child in America got a college education. They would get a Pell grant—not loans. They would get grants. Every kid in America—86 percent of the people in this country—would go to college if they had the money. If it had not been for the GI bill waiting for me when I got out of the Marine Corps in 1946, I wouldn't be standing here. There are about seven other Members of the Senate who would not be here either if it had not been for the GI bill. If you want to spend that $50-billion surplus, give the children of America a college education and make sure they get it.

Mr. President, I will close by saying, if I had my way, in addition to giving every child a college education, I would also reeducate the teachers of America. I can remember when the Carnegie Foundation started the program to allow teachers of this country—a limited number of them—to improve their skills by going to summer seminars about 10 or 12 years ago. The first one was at the University of Texas which had a summer seminar dealing with Virgil's Aeneas and Homer's Ulysses, comparing them, and 4,400 schoolteachers applied for 250 spots. That shows teachers want to improve their education if they had the money.

Since that time we have done a little bit in the National Endowment for the Humanities. If I had my way about it, every schoolteacher in this country would be making a minimum of $50,000. How do you expect teachers to spend all of this time going to college and then standing out there and getting killed, as one in my State did 3 weeks ago in Jonesboro, AR? And we pay them $25,000 or $30,000 a year. They can go to law school and start at $75,000 to $100,000 a year. Why would anybody want to teach school when it is a dangerous profession among other things? The pay is miserable. Those are the reasons our educational system is lacking.

Mr. President, I will not belabor it any longer but to simply say this is precisely the wrong thing to be doing if you are trying to improve education in this country. Improve the teacher quality, improve the buildings they go to school in, improve the safety of the teachers, and improve the discipline in the classroom. This is a nose-under-the-tent approach.

I cannot state it strongly enough. I thank God Bill Clinton is in the White House. He will veto this thing the minute it hits his desk. I will praise him for it.

I yield such time as may be remaining in opposition to the MACK amendment.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 2 minutes 10 seconds.

Mr. COVERDELL. Mr. President, there is no time remaining on the other side?

The PRESIDING OFFICER. The Senator is correct.

Mr. COVERDELL. Mr. President, let me just quickly say that the Senator from Arkansas was speaking to the Mack-D'Amato amendment, and he implored the Senate to be conscious of the fact that we should be very concerned about the condition and quality of teachers. The purpose of the amendment to which he was speaking, and I read, is "to provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary schoolteachers."

When Senators MACK and D'AMATO were here speaking for the amendment, they characterized what is important in a classroom in America is a teacher, is a teacher, is a teacher, which is the purpose of the amendment to which the Senator from Arkansas rose in opposition.

I yield back our remaining time.

The PRESIDING OFFICER. All time is yielded back.

AMENDMENT NO. 2290 TO AMENDMENT NO. 2288

(Purpose: To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers)

Mr. COVERDELL. Mr. President, I send an amendment to the desk on behalf of Senator D'AMATO.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for Mr. D'AMATO and Mr. MACK, proposes an amendment numbered 2290 to amendment No. 2288.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word, and insert the following:

. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) SHORT TITLE.—This section may be cited as the "Measures to Encourage Results in Teaching Act of 1998".

(b) FINDINGS.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) PURPOSES.—The purposes of this section are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

(d) STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.—

(1) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(A) by redesignating part D as part E;

(B) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(C) by inserting after part C the following:

"PART D—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

"(a) STATE AWARDS.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

"(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

"(2) has an elementary school and secondary school teacher compensation system that is based on merit.

"(b) AVAILABLE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 1999, except that no funds shall be available to carry out this section for any fiscal year for which—

"(1) the amount appropriated to carry out this title exceeds $600,000,000; or

"(2) each of the several States is eligible to receive an award under this section.

"(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

"(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

"(e) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 2, 1999.

(e) TEACHER TESTING AND MERIT PAY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(A) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(B) to establish a merit pay program for the teachers.

(2) DEFINITIONS.—In this subsection, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

Mr. COVERDELL. Mr. President, I ask unanimous consent to lay aside all pending amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2291

(Purpose: To amend section 6301(b) of the Elementary and Secondary Education Act of 1965 regarding same gender schools)

Mr. COVERDELL. Mr. President, on behalf of Senator KAY BAILEY HUTCHISON, of Texas, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for Mrs. HUTCHISON, proposes an amendment numbered 2291.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

TITLE —EQUAL EDUCATIONAL OPPORTUNITY

SEC.—01. EQUAL EDUCATIONAL OPPORTUNITY.

Subsection (b) of section 6301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) is amended—

(1) in paragraph (7), by striking "and" after the semicolon;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.".

Mr. COVERDELL. Mr. President, I ask unanimous consent that all amendments be laid aside and that I be given up to 15 minutes, as we discussed earlier, to respond to the remarks of the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. First, I want to come back, as I probably will have to do all week long, to respond to the characterization of the nature of the education savings account that is a title—one piece—of the bill that is before the Senate. The Senator from Massachusetts, the Senator from North Dakota, and the Senator from Arkansas have characterized the distribution of these moneys. I do not know where they are getting their figures. I think the Senator from Arkansas indicated that some 90 percent of the proceeds of the education savings account would end up in support of students in private schools. That is just absolutely and totally incorrect.

Let me run it down one more time.

This education savings account is identical, the same—I underline "the same"—as the education savings account embraced by the President, that he was applauding, passed with a majority of their votes, Senate and House, and signed on the White House lawn in a huge celebration. We were celebrating the fact that we had created an education savings account that would help middle-income people pay for the cost of higher education. That savings account that we celebrated, that the President signed and took pride in authorship, although there were a lot of authors, allowed a family, a middle-class family, to save $500 a year and the interest buildup would not be taxed if they used it for the cost of higher education.

That is what we passed, that is what he signed, and that is what we celebrated.

This education savings account is identical and for the same people who are middle class just like the others. The only differences are these. We have said you should be able to save more than $500. Let's let people save up to $2,000. If we are going to help people pay college bills, we better make it substantive enough that they will really do it. The second change is that we said, if you need it before then, you can use it. If you need it for kindergarten or first grade or third or fourth or fifth or sixth or middle school or junior high or high school, if the problem occurs there, you can use it, or you can keep it for college, or, if the student is disabled, even up to age 30. So we just took the idea for middle-income taxpayers and said we are going to make it bigger so it can be used in different ways.

That is the only difference. And yet we have a parade of people down here saying this account is for rich people. It is the same people, identical, that they designated. It is for college. It is for 1st grade through 12th. Then they say, well, this is all going to go to a family that is sending their child to a private school.

The first thing to remember is that it is the family's money. This is not tax money or public money. This is money that they reached in their pocket to put in the savings account. So it sort of stands to reason they maybe ought to have some say about where it goes since it is theirs. But if we are concerned about the distribution of public and private, it is important to note that 70 percent of the families who use the savings accounts will have children in public schools and 30 percent will have children in private schools—70 in public schools, 30 in private. The amount of money is equally divided, not 90 percent to private schools but equally divided. It is about 50–50.

You could ask yourself, well, if 70 percent of the families have children in public schools, why doesn't 70 percent of the money go there? It is because the families with children in private schools know they have a higher hurdle to get over and they are going to tend to save more. They are going to spend more. But it is still about 50–50.

They talk about the expenditure. This one is a little unique. But they seem to feel that if you leave a person's money they earned in their checking account and do not tax it, you have done them a favor. That argues that the Government owns all the money and decides what little pieces to give back to you. This is the people's money. The tax that will be saved by 14 million American families is $520-some-odd million for 5 years in a $1.6 trillion operation. We would leave $500 million over 5 years in their savings accounts.

What is stunning to me is what it makes those American families do. They go out and save $5 billion. This is $5 billion that no school, no student will be able to take advantage of if we do not do this. It will never appear. So, by using this modest tax incentive, Americans do huge things. They save big dollars and every school system in America will benefit. Run down the litany—14 million families, over 20 million children, over $5 billion being volunteered to come in to back up education needs, without any local school district having to raise a dime of taxes; volunteer dollars, families stepping forward trying to help their children.

You heard this is not a priority, just forget the 14 million families. They try to make the juxtaposition that this is either/or, it is a savings account or school construction. The other side needs to review and be mindful of several things. First of all, this is a bipartisan effort. The principal cosponsor of this bill sits right over there. His name is Senator TORRICELLI, from New Jersey. Another key one is right up here, and that is Senator LIEBERMAN, from Connecticut. And right over there is Senator BREAUX from Louisiana. Midway over there is Senator GRAHAM of Florida. These are authors of this proposal too.

It is not just an Education Savings Account we are debating. We have heard a lot about school construction here. They need to review the proposal as offered by their side, Senator GRAHAM of Florida, which expands the ability of local school districts to finance school construction. That is right here. If school construction is important, it is part of the proposal. We have education savings accounts. We encourage States for early prepaid tuition. This encourages employers to pay for continuing education costs for their employees. One million employees will be positively affected by this.

As I said, school construction will be a part of the proposal, and helping the National Health Corps scholarships. All of these are what the bill is. Education savings accounts, I think, are a very important piece, but they are just a piece. And, I might add, in terms of the—they call it costs—in terms of leaving the amount of money in the individual checking accounts, it is a minor cost as compared to the total. It is about 15 percent of this total proposal that is involved in the education savings account. So, once again, it helps families create savings accounts to help kids, a lot of them—20 million. It helps States create prepaid tuition. We heard a lot here about, "Let's get people into college," from the Senator from Arkansas. That is exactly what this bill does. It also helps employers continue to educate people. It helps build schools. All of this is in this proposal.

Having said that, since we have heard the Senator from North Dakota talk about the quality of a school—we want quality buildings. That is principally a State responsibility. We want to be careful we do not reward people who have not been getting the job done. There have been a lot of States building a lot of schools. If some haven't seen to that, it is not our job. You want to make sure everybody is being treated fairly here.

The last thing I say on that is, my dad was educated in a one-room schoolhouse. They had all the grades in one room. He learned how to read; he learned how to write; he learned how to add and subtract. In that one room, they gave him the tools he needed to be a full-fledged American citizen. And that is the problem here. We have hundreds of thousands of children coming out of grades K-12 who cannot read right, and they can't add, and they can't write. And the numbers are astounding. In city schools, only 4 in 10 can pass a basic exam; put all the schools together, only 6. An uneducated mind is denied full citizenship and the privileges and opportunities of that citizenship in the United States, and we have too many kids coming out where we are stunting their citizenship, their participation. We have to stop it.

There needs to be change. These are not all the ideas; they are some of them. Just to sit and defend the status quo is unconscionable.

Mr. President, I yield whatever of the 15 minutes was left, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, I ask unanimous consent to discuss briefly a Senate resolution relating to the Pulitzer Prize just won by a major newspaper in my State.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE GRAND FORKS HERALD

Mr. CONRAD. Mr. President, Senator DORGAN and I have prepared a resolution recognizing the remarkable work of the Grand Forks Herald in covering the disasters that beset that city last year.

The Chair will recall that we faced a circumstance of the worst winter in our history, followed by the most powerful winter storm in 50 years, followed by the worst flooding in 500 years, then followed by fires that destroyed much of downtown Grand Forks. The Grand Forks Herald, through it all, kept putting out the daily newspaper. It didn't matter that their own building was flooded or burned out. They kept producing that newspaper day after day after day.

More than producing a newspaper, they produced a remarkable document that told the story. They have been recognized broadly for their remarkable performance. I can tell you, Mr. President, in the community that newspaper is revered, because they were there at a time of maximum danger and threat to the community and they helped hold that community together.

Today I will be offering a resolution on behalf of myself and Senator DORGAN in recognition of the Pulitzer Prize that has now been extended to that newspaper for their remarkable public service. We are incredibly proud that the Grand Forks Herald has been so recognized. They are richly deserving. I hope my colleagues today on both sides will clear this resolution so that we can have the respect extended to that newspaper that they so richly deserve.

I thank the Chair. I especially thank my colleague, the leader, from South Dakota for his indulgence in permitting me to discuss this resolution. We, again, are seeking support on both sides so that this resolution can be adopted today and entered into the RECORD. I also thank my colleague from Georgia, Senator COVERDELL, for permitting me to talk about this resolution, albeit briefly.

Mr. DORGAN. Mr. President, I rise to speak today about the honor bestowed upon the Grand Forks Herald last week. That newspaper received the Pulitzer Prize for Public Service news coverage, for its heroic efforts throughout the flood and fire that ravaged Grand Forks, North Dakota in April 1997.

The actions of the Grand Forks Herald during the flood set a new standard for performance under pressure. Let me make clear that while the award they have deservedly won is a journalism award, their service to the community goes far beyond the borders of journalism. The fact of the matter is that while this community was being inundated by water and fire, the Grand Forks Herald helped to hold it together by providing information that reassured and reunited families. The Herald gave people the information they needed to assess the situation and make decisions based on facts and not rumors. I can't tell you how important it is to have facts at a time like this, when your world is being turned upside down, and anything, regardless of how outrageous it may sound, could be true.

When the history books are written about the Grand Forks fire and flood of 1997, there will be many heroes. This was, in fact, a season of heroes in North Dakota; from the individuals who acted heroically to save lives and property, to all the men and women of the media who faced and passed similar tests.

Of all the heroes, however, none will shine brighter than the Grand Forks Herald, which never missed an edition during the disaster. From the parent company right on through to the local management, administrative staff, news, production and delivery staff; all played a key role in holding the community together. All worked, despite enormous odds and tremendous obstacles, to be sure that as their world turned on its head, one thing would not change: North Dakotans could still pick up the Grand Forks Herald every morning and read the facts.

The Grand Forks Herald has been honored with the most prestigious award in journalism and it is a well-deserved honor. I am immensely proud of what they did and as a North Dakotan, I am also grateful for the service they provided to Grand Forks and our state at their most trying hour.

Mr. DASCHLE. Mr. President, if the distinguished Senator from North Dakota will yield for just a moment, I would like to be added as a cosponsor. I commend both Senators from North Dakota for the resolution and will certainly want to work with them to see that it will be adopted unanimously.

As he has noted, the Grand Forks journalistic community stood proud. Grand Forks, I think, perhaps more than anybody else, felt the full force of the natural disasters last year. For this paper to be so recognized, for it to have the opportunity to receive international recognition as a result of their effort is certainly appropriate and ought to be applauded. While many other newspapers did not win the Pulitzer Prize, I think it goes without saying that there are other newspaper efforts that were made last year that also deserve recognition for the tremendous work they did under very, very difficult circumstances.

Again, I commend the Senator from North Dakota for his effort. I hope we adopt the resolution. I certainly congratulate the newspaper.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask the Senator from North Dakota if he will add my name as a cosponsor. I am a journalism graduate. I was fascinated with this Pulitzer award. I am pleased he is recognizing them in this manner.

Mr. CONRAD. I thank my colleagues.

Mr. President, I ask unanimous consent to add Senator DASCHLE and Senator COVERDELL as original cosponsors of the resolution.

The PRESIDING OFFICER. The Chair also requests that the junior Senator from Nebraska be added to that august list.

Mr. CONRAD. I ask unanimous consent to add the junior Senator from Nebraska as well, Senator HAGEL, as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. We will leave it open for other Senators that might also wish to cosponsor it.

Let me just say that the publisher, Mike Maidenberg, and the editor, Mike Jacobs, did truly a remarkable job in having this newspaper produced every single day even though their building was destroyed by flood and fire, and to produce a remarkable product that has won this prestigious Pulitzer Prize. We are very, very proud of what they have done, of what they have done to help hold that community together, and we are especially proud that it bring home this remarkable honor that I think all of us would say is absolutely justified.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate minority leader.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

The Senate continued with the consideration of the bill.

Mr. DASCHLE. I ask unanimous consent that the pending amendments be set aside and I be permitted to speak on the bill.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. DASCHLE. Madam President, I look forward to the opportunity that we now have today and tomorrow to debate one of the most important issues facing our country. I applaud all of those involved, Senator COVERDELL, and others on our side, who have dedicated themselves to finding solutions.

I must say that while we offer solutions and while we mutually recognize the importance of the issue, I do not really know of an issue that probably divides us more philosophically at this point than does education.

Our Republican colleagues, in large measure, believe there is not a role at the Federal level for educational priorities, that it really is an issue that ought to be left to the local level, to public school districts, and to others.

Democrats, on the other hand, believe that there ought to be a role for every level of government, that the people of the United States have an interest and a need to ensure that our educational priorities and our educational challenges are met with every tool available to us in order to be able to compete effectively in the information age.

So that difference in philosophical approach brings us to the point where we are today, with two very different proposals on how we might best address education. One provides what I would describe as a minimal tax reduction—$7 per tax return if your children are in public school and about $37 if your children are in private school—to the parents of children attending school today, a $1.6 billion plan that does not go very far when you simply spread it out over the many, many families in America who have children in public and private elementary and secondary school today. The other is our approach which allows a more targeted investment in some of the very specific needs that we have in education today.

I do not think there is much difference of opinion with regard to the recognition that a strong public education system is key to America's future. I would even argue that most of our Republican colleagues would share that view even though they are more likely to be more supportive, it appears, of private educational approaches than public.

Economic prosperity, our position as a world leader, our very democracy all depend on providing educational opportunity to children. We know that. We also know that in a new global information economy, knowledge and work force skills have become an extremely important factor in economic growth.

So at the dawn of the global information economy, it is appropriate to give opportunities to communities facing conflicting pressures from rising enrollments and aging infrastructure and demands by taxpayers for State and local relief. It is appropriate to find ways in which to provide communities with new tools to manage these conflicting pressures. We recognize that managing these pressures better would be good for society, good for the economy, and good for national security.

We have heard a lot about what is wrong with public education. For example, our 12th graders are behind the rest of the world in math and science. We all agree that is unacceptable. But there are some signs of progress. Our fourth graders are well above the average in mathematics and near the top in science.

Innovative programs are being implemented around the country today. Chicago has implemented a broad, districtwide reform program that ends social promotions, that raises standards, and that provides extra help through weekend and summer school programs. Parents and other individuals and communities all over the country are more involved in many aspects of schools than they have ever been before. So there are some good signs. Schools in low-income neighborhoods in New York and other places are implementing programs like Success for All and are getting some dramatic results.

The bottom line is that, with all of the effort underway at the local level, do we abandon our public schools? Do we abandon the partnership that the people of the United States have had in ensuring, from a national perspective, that our public schools have the opportunities to meet the challenges of the information age? Do we all agree that it should be a fundamental right that all children have the opportunity to develop their God-given talents, that our country's future depends on it? I hope we can.

We all know the reality. The reality is that student enrollment is at a record level and expected to grow dramatically over the next decade. The second reality is that the teacher core is aging; we may not be able to keep up in recruiting what needs there will be in every classroom in the country—a qualified teacher—to keep student-teacher ratios somewhere close to where they are today. The reality is that schools will need to hire more than 2 million new teachers over the next decade.

The reality is that school buildings are aging. The reality is that the General Accounting Office has now reported to the U.S. Senate and to the American people that there is a $112 billion backlog in construction funding needed to address deteriorating buildings—$112 billion. And this does not include funds to provide additional classrooms for enrollment growth, reduce class sizes, or put more technology in classrooms. This just says, given where we are right now, given the current enrollment—let us not talk about increases in enrollment, let us not talk about what it is going to take to put technology in classes—given current enrollment, we have a $112 billion backlog in construction.

We talk about infrastructure backlogs. We talk about the deficits we have—our trade deficit, our infrastructure deficit in highways and bridges and roads, the deficit that we have had for so long with regard to our budget—now fortunately resolved, at least for now—but could there be a more important deficit for which this country needs to be concerned than the deficit we have in our schools and in the educational system that directly affects the quality of education our students get?

Addressing these problems demands a cooperative and concerted effort at every level of government. I have too many communities in rural South Dakota that recognize everything I have said. But they say to me directly, "We simply can't acquire the resources necessary to meet the challenges that we know are out there. And, frankly, we don't know what we're going to do." They tell us that this is a national concern and ought to be addressed as a national issue. If it is addressed as a national issue, the people of the United States have to be concerted in their effort to find ways to deal with these problems more effectively.

The American people want action. You name the poll, conservative or liberal—the polls will tell us that education is one of the highest priorities in our country today. Only 1 percent of the Federal budget is spent on primary and secondary education, and that includes special education—1 percent.

So, Madam President, it isn't that we are breaking the budget with what we spend. It isn't that we simply have taken money away from other things to put in education. When you have a $112 billion deficit on just infrastructure for education, and are only spending 1 percent of the budget, the question is, what should we do? What opportunities can be afforded to address this in a more balanced and more prudent way?

As we contended with that question over some period of time and with virtual unanimity, Democratic Senators have introduced S. 1708, the bill we call the RESULTS Act, to show what we think should be done to improve public education. Our bill does a number of things, and I want to outline them very briefly.

First, it reduces the class size in the early grades and helps communities hire 100,000 qualified teachers. We have already seen what hiring more cops does in neighborhoods. I was just in South Dakota for virtually 2 weeks, and I was amazed at the reports that I am getting, at the tremendous effect community police have had. We have added new community police to the work force in so many communities in my State. If it is so good for preventing crime and dealing with crime in neighborhoods, what could be better than to say we have also got to do it in education? We have to find a way to ensure that this dramatic shortage we are going to have with teachers all over the country can be addressed in an effective way.

Let's hire 100,000 qualified teachers over the next couple of years. Once we have hired those teachers, the second thing we do is to say let's build and modernize 5,000 public schools. We have a series of charts, that I will get to in a minute, that help us address these things. But let's modernize some schools, 5,000 of them; set that as our goal.

Let's provide after-school care for half a million children. Let's provide more computers for classrooms across the country and training for teachers who were just hired. Let's establish an educational opportunity grant program for high poverty urban and rural areas that are serious about bringing about real reform.

I was never so pleased as when I saw this morning in the Washington Post where a school in Fairfax County has decided to use the multimillion-dollar investment they have, 12 months a year, to improve education in ways they are not doing today. The article went on to say that there are about 2,700 schools around the country that are doing the same thing. I say it is about time.

Unfortunately, our Republican colleagues have chosen not to address those issues. They don't deal with these problems. The Republican budget resolution states explicitly that no funding for any of the President's education initiatives shall be authorized—that's explicitly in the budget. It provides $2 billion less than what the President has proposed for education and training in next year's budget. It actually denies help to reduce class sizes and hire the 100,000 teachers I mentioned a moment ago. It actually denies help to communities to build or modernize public schools. It denies additional after-school care to help children learn more and reduce juvenile crime. It denies the incentive to help high poverty communities adopt serious comprehensive reform.

Instead, unfortunately, my colleagues continue to insist that vouchers to private schools and block grant proposals that absolutely remove any opportunity for the entire country to be engaged in a national investment in education be provided. In short, they do virtually nothing, to improve public education today.

I reiterate, you can make the case that all this ought to be done at the local level. You can make the case that somehow Rochford and Ipswich and Rosholt and Warner and Buffalo and Faith and Wall, SD, don't need any help from the people of the United States as they try to figure out ways in which to address the incredible array of problems that they have. But we are not willing to admit that. We believe strongly that we have to have a comprehensive agenda in education. We have to address this terrible problem we have in infrastructure. We have to recognize that this teacher shortage is real. We have to find ways with which to acknowledge the information age and access better technical innovation. We can do that. We can pass the RESULTS Act. I hope we will do that.

Of all the things I hope we can talk about in some detail, I want to focus on one of those today, with the hope that maybe we can come back and address some of the others at another time. I want to talk briefly about this matter of infrastructure, because I do believe that when it comes to the array of priorities we have, perhaps the biggest concern I have right now, as we look at the challenges we face, is infrastructure.

We are proposing in our legislation—and we will offer an amendment tomorrow—to provide interest-free school modernization bonds to improve public education across the country. It is a new, cost-effective financing option for communities. And I emphasize "option." There are no mandates. Schools don't have to use this. But as they contemplate whether or not they can afford a new school, a new facility, modernization, they will now have the knowledge, if this legislation passes, that we will assist them, we will reduce their tax load, we will reduce the amount of exposure they have as they make their commitments. We will do that with them. So this is really a tax reduction effort of a different kind.

The way we do it is pretty simple. We simply say, if you make a commitment to new infrastructure, we are going to help you make it more cost effective. We will make it more cost efficient, more palatable from a cost point of view, by paying the interest. You pay the principal; we will pay the interest. The interest is sometimes up to half of the overall cost.

The overall bonding authority is about $22 billion. To take a typical scenario where you have conventional bond financing, a $15 million project would require an additional $7.5 million of interest. In this typical project, we would be paying $7.5 million, or about one-third, as a national commitment and the local communities would pay $15 million. So the interest-free school modernization effort would have a profound effect on a local decision.

Now, as most people know, local decisions involving bond issues sometimes require a 60 percent vote, and in many cases even a 67 percent vote, or two-thirds, is required. I can't tell you how many times bond issues in South Dakota have failed on the basis of 1 percent or 2 percent. An overwhelming majority have passed them, but they have fallen short of the 60 or 67 percent required in order to meet the local legal requirements. I am convinced this would put us over the top in many of those cases.

Why do we even worry about it? Why should we be concerned about whether the bond issues go over the top? This chart lays it out fairly well: 74 percent of the Nation's public schools today are more than 25 years old; nearly a third are more than 50 years old.

We have modern businesses, modern Senate office buildings, and we have schools in which our children are expected to learn that are today more than 50 years old. Now, they don't have the resources we have in the U.S. Capitol, a building that is 206 years old. If they did, I would not be concerned. It isn't the age of the buildings, if they are well built, but what kind of buildings are they? Well, this second line answers that question:

Fourteen million kids today are in schools needing major renovation or replacement—14 million; 12 million children are in schools with leaking roofs and/or ineffective or defective plumbing; 10 million kids are in schools with inadequate lighting; 7 million kids are in schools with safety code violations, such as the presence of asbestos, lead paint, and an array of other environmental problems.

We want our kids to learn and we say that education is a priority. We say we are willing to make the investment. We say that there can't be anything more important than our children. But then we tell our children that we want you to learn in a building that is out of date, that needs renovation, that may have toxic chemicals in the classroom, that has poor lighting and, God forbid, poor plumbing. But we want you to learn because you are important to us.

The real problem is that, in the future, this is going to be exacerbated dramatically. Public school enrollment will increase by 13 percent in the next 10 years. And 6,000 new schools are going to need to be built at an estimated cost of $73 billion just to maintain current class size, just to say that if we are going to keep the 25-to-1 student-teacher ratio, we have to build 6,000 new schools. The question comes, if we need a 60 or 67 percent vote at a local level and we say it is all your responsibility, we don't care whether you have the resources or not, this just isn't going to happen, Madam President. Forty-five percent of the school districts are already using 3,621 trailers and makeshift classrooms. If you have not been in one of those classrooms when it is 85 degrees outside, I invite you to participate. It is as dramatic a lesson in the extraordinary problems our teachers and students are facing as they try to learn as anything I have seen.

The enrollment here is pretty clear. All of the blue we see on this map shows where we see dramatic increases in enrollment. It doesn't take a rocket scientist to figure out that in every one of those States we have some very serious educational infrastructure problems that we have to address.

Madam President, it really comes down to this. State and local taxes as a share of income have already risen 10 percent in the past two decades. The estimated $112 billion backlog and the $73 billion cost of new schools will place an increasing burden on State and local taxpayers, even though these taxes have gone up. By dramatically cutting the cost of school repairs and construction to communities, interest-free bonds will provide badly needed property and sales tax relief to working families.

This isn't just an education proposal, this is a tax relief proposal. If you think property taxes are too high, if you think local taxes are too high, then you are going to want to support this amendment because this is a way to reduce local property taxes, local taxes to fund the educational demands that we are going to have in virtually every State in the country.

The State courts are already mandating new infrastructure. They are requiring that we remedy the financing inequities. Courts in 11 States have ruled that the school financing systems are unconstitutional. In nearly every case, States have complied by raising property or sales taxes to finance school improvements.

What does that tell you if the courts are already mandating what we are trying to do voluntarily? They are saying that you have to find a better way to finance schools because what you have is not working. Litigation is pending in 16 other States already.

Madam President, it is pretty simple. Americans have looked at this proposal. Three-fourths of the voters in this country—75 percent—favor Federal aid to communities for school repair and modernization. Fifty percent of the voters consider overcrowded schools a major problem. Almost 80 percent believe public school renovation and modernization is a higher Federal priority than highway construction. I supported the highway bill, and I continue to do so. I think it was a good piece of legislation. But if we are going to make a commitment to highway infrastructure and transportation infrastructure in this country, where is the same enthusiasm for ensuring that we have the educational infrastructure?

Madam President, 73 percent of Republicans and 65 percent of independents strongly support a Federal commitment, a commitment by the people of the United States, to education and infrastructure modernization. We will have an opportunity to have more debate and further discussion and consideration of these Democratic proposals. I do hope that, as these votes are presented to our body tomorrow, we will see the wisdom of making these investments, and that we will put our money where our mouth is when we make the commitment and tell our children that we are going to help you be educated, that you are our highest priority, that you truly deserve to have the kind of opportunities to learn in an environment that is conducive to learning. That is what this is about. I just hope our colleagues will weigh it carefully and support these Democratic amendments as they are offered during this debate.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, it is my understanding that there are no more amendments that are ready for offering this evening. So, very shortly, we will move to closure.

I did want to take a minute or two to reiterate that the proposal currently before the body that is authored by myself on this side of the aisle, and Senator TORRICELLI on their side of the aisle, is a bipartisan effort to bring about substantial change in education.

The minority leader and I have a different view on the data coming out of our elementary schools. He suggested that we are doing pretty well in math among fourth graders, and near the top in science. I just haven't seen any data that suggests that. The data I am seeing suggests that only 4 out of 10 students in our big city schools are able to pass a basic exam. If you lump them all together, it only gets up to 6 out of 10, which is hardly something that America can count on to get ready for the new century.

The Senator from South Dakota spent considerable time talking about the school construction proposal. I want to point out that there is a school construction proposal offered by Senator GRAHAM of Florida that is in the proposal that is on the floor. It loosens, or makes more easy, the opportunity to finance school construction. It is not nearly as expensive as the proposal being talked about here.

Just to take a moment or two, the proposal that was just outlined by the minority leader does raise some questions. I know in my State—I don't know about the State of the chair—billions of dollars are already being spent to build schools, to modernize schools, and that is because it is a State responsibility.

As I was listening to the presentation, it was sort of running through my mind, well, are we headed toward a situation where those States that accepted their responsibility and built their schools and kept them modern are now going to have to subsidize States that have not? It is a curious question. As we have time to debate their proposal, I am sure it will clarify itself somewhat. But it certainly raises a question in my mind. I would not want a situation to occur where Georgia had fulfilled its responsibilities and some other State didn't, so now we are going to step in with a new proposal to make right something that perhaps is not.

I think you have to remember that construction has traditionally been a State responsibility. However, Senator GRAHAM's proposal does broaden the ability and make it more accessible for States to construct in this case immediately some 500 schools across the Nation.

Madam President, I want to clarify one statement just before we yield for the unanimous consent requests.

The minority leader said that our side of the aisle did nothing for public education. That is a pretty far-reaching statement considering that the proposal in front of us would help 14 million families finance education, 10 million of which are in public education, that would accumulate in the first 5 years $5 billion of new resources, $2.5 billion of which would go to support public schools. It would help 21 States plus 17 additional States that are considering prepaid tuition. It would help employers in the continuing education of 1 million employees. It would help 250,000 graduate students and would provide up to $3 billion in school construction over the next 5 years—public school construction.

I not only consider that something; I consider that a lot, an enormous beginning in making the Federal Government a good partner in terms of improving education in our country—public, private, home, wherever it is occurring.

Tomorrow we will have an opportunity to debate an amendment offered by the Senator from Washington that removes the Federal constriction, or constraints, or oversight on about $15 billion, that would allow local school districts to hire teachers, build schools, provide buses, or whatever the Governors of those States and local communities thought necessary. It wouldn't have the Federal mantra over it that says you only get these benefits if you do these things the way we say. That will be an interesting debate that we will get into tomorrow.

AMENDMENT NO. 2290

Mr. COVERDELL. Madam President, I ask unanimous consent that the second-degree amendment No. 2290 be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Amendment (No. 2290) was agreed to.

Mr. COVERDELL. Madam President, I ask unanimous consent that immediately following the 10 a.m. vote on Tuesday relating to the international shipping bill, there be 4 minutes equally divided in the usual form prior to a vote on the motion to table the Kennedy amendment No. 2289 to House Resolution 2646, the Coverdell A+ education bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Madam President, I further ask unanimous consent that at 2:15 p.m. on Tuesday the Senate proceed to a vote on or in relation to the Glenn amendment No. 2017, to be followed by a vote on or in relation to the Mack-D'Amato amendment No. 2288, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. I further ask unanimous consent that no amendments be in order to the above amendments; and, finally, that prior to each of those scheduled at 2:15 there be 2 minutes of debate equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COVERDELL. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTING PUBLIC SAFETY BY PREVENTING EXCAVATION DAMAGE

Mr. LOTT. Madam President, recently, the National Transportation Safety Board (NTSB) held a public meeting in Washington, D.C. to discuss the findings of a comprehensive study it conducted to assess the safety initiatives undertaken by industry and government and private organizations to prevent excavation damage to underground pipelines. As a result of the study, the NTSB adopted twenty-seven safety recommendations to reduce the risks posed by excavation damage. I want to take this opportunity to commend the NTSB for its proactive stance on this important safety issue.

Excavation damage poses serious safety risks to our Nation's critical infrastructure. This infrastructure, among other things, transports natural gas, petroleum, and other chemical products through pipelines and enables telephone and Internet access through a vast network of fiber optic cables and communication lines. Damage to this infrastructure not only exposes people and the environment to safety risks, but impedes economic development.

The NTSB agrees. In a press release issued on the study, the NTSB states "a single pipeline accident has the potential to cause a catastrophic disaster that can injure hundreds of persons, affect thousands more, and cost millions of dollars in terms of property damage, loss of work opportunity, community disruption, ecological damage, and insurance liability. Excavation and construction activities are the largest single cause of accidents to pipelines." The Safety Board goes on to say that in "addition to being expensive and inconvenient, disruption of the telecommunications network can have significant safety implication, such as impact on traffic control systems, health services, and emergency response activities."

The NTSB further found that "damage from outside force is the leading cause of leaks and ruptures to pipeline systems, accounting for more than 40 percent of the reported failures." Excavation damage, the NTSB determined, "is also the single largest cause of interruptions to fiber cable service."

Mr. LAUTENBERG. Madam President, I would like to stand with the Majority Leader not only in affirming the importance of pipelines to our national transportation infrastructure, but also as a personal witness to the damage that a pipeline accident can have on victims of pipeline eruptions, and particularly to the community.

Four years ago, around midnight, on March 24, 1994, a major natural gas pipeline ruptured in Edison, New Jersey, a densely populated, urban environment. This rupture caused a deafening boom, awakening residents of the Durham Woods apartment complex.

Seconds later, a plume of fire and gas shot hundreds of feet above the ground. Thankfully, the more than one thousand residents fled their homes, all leaving before the explosion leveled the Durham Woods apartment complex. I visited the site after the blast. I saw how the explosion incinerated cars, playground equipment and trees. Over one hundred people suffered injuries from the fire. One woman died from a heart attack. It was a miracle that nobody else died from that disaster. Four years later, the victims still suffer emotionally and physically. Some are still awaiting settlements. They escaped with their lives but their lives are not the same. A state grand jury determined that the disaster probably was tied to damage caused earlier by unauthorized excavation which weakened the pipe, causing it to explode.

Mr. LOTT. Madam President, I remember that disaster to which the Senator from New Jersey refers. That, along with other devastating excavation damage acts, such as those in Puerto Rico and Minnesota, led to the NTSB's decision to issue new strong safety recommendations to the Research and Special Programs Administration (RSPA), the Federal Highway Administration (FHWA), states, and other industry groups including trade associations.

But today, I want to focus on two recommendations in particular. As a result of the study I mentioned above, the Safety Board issued a recommendation strongly urging states to adopt comprehensive one-call statewide excavation programs. They believe that one-call programs are proven to prevent damage due to excavation, thereby reducing the likelihood of pipeline disasters.

Mr. LAUTENBERG. Madam President, the Safety Board is right. Following the disaster, the State of New Jersey adopted a comprehensive one-call program that mandates participation throughout the state. It has been a resounding success. Every year since its adoption, accidental hits have decreased. In 1995 —the first year of the program, there were 4,624 hits of underground lines in 1.7 million excavations. In 1996, there were 3,974 hits in 2.1 million excavations. And last year, there were 3,796 hits in 2.5 million excavations—a success rate of 98.8 percent.

One call programs work. We in New Jersey have seen the devastation caused by pipeline eruptions. We in New Jersey have seen what a one-call program can do.

Mr. LOTT. The Safety Board issued another recommendation. It also determined, as a result of the study, that our nation's railroads should involve themselves in statewide excavation damage prevention programs. The recommendations state that the associations should urge their members "to fully participate in statewide excavation damage prevention programs, including one-call notification centers." The recommendations were issued to the Association of American Railroads (AAR) and the American Short Line Railroad Association.

Why has the Safety Board taken such a position? Perhaps it is because some railroads apparently oppose participating in excavation damage prevention programs, including one-call notification centers. Some one-call notification center participants indicate that the railroads are often no-shows when it comes to underground damage prevention.

Currently, railroads are required to participate in state one-call notification systems in ten states. I want to repeat that again, only ten states. Yet AAR opposed the Lott-Daschle one-call notification bill which passed by the Senate by unanimous consent last year because we would not include provisions preempting state laws and exempting railroads from participation in state one-call notification systems in the remaining forty states.

I understand the railroad industry is taking the same position in the House. I am told AAR is vigorously opposing the Lott-Daschle one-call notification legislation unless the House mandates that railroads are exempt from state's one-call notification systems. So much for industry opposition to Federal mandates.

Instead of advancing the cause of safety and underground damage prevention, AAR is trying to use my bill to reduce safety through a federal exemption in the states where one-call participation is required. This stance is exactly opposite from the position being urged by the Safety Board.

Do the railroads pose a safety risk to underground facilities? Yes, they do. Ameritech recently released a survey of major telecommunication facility outages which found that 17 percent of the major outages in the United States were caused by railroads. This survey, as well as the NTSB study, demonstrates that there is a clear benefit to the public if railroads participate in one-call notification systems.

Mr. LAUTENBERG. Madam President, I cannot agree more. States need the full participation of every stakeholder in order for a one-call program to be successful. A comprehensive national one-call initiative is far from comprehensive, far from national, if a major industry that has a significant role in the location of pipelines along their rights of way chooses to take a walk on an initiative that is important in protecting our communities and the environment against the damage incurred by pipeline accidents.

As the Majority Leader noted, the Senate adopted the Lott-Daschle one-call bill as part of ISTEA reauthorization. This is not without precedent. The Administration included a one-call provision in its NEXTEA bill. A one-call bill, sponsored by my colleague from New Jersey, Congressman FRANK PALLONE, and Congressman RICHARD BAKER of Louisiana, is moving through the House of Representatives. The support lies in the Senate, in the Administration, and in key areas in the House. All we need is to break that logjam and sign a comprehensive one-call bill into law. All that is standing in its way is that the railroads' adamant opposition to the bill—opposition that is preventing the bill from moving ahead. It would be a shame if we missed out on this opportunity to pass this safety initiative only because of the railroad industry.

Mr. LOTT. The Safety Board has long been our Nation's premier safety agency and the Congress has turned to it on many occasions for its advice on ways to improve transportation safety. Moreover, Safety Board recommendations have served as the foundation for many transportation safety bills and laws.

Rather than launch a campaign for exemptions, the railroad industry might better serve transportation safety if it works with Congress to implement the reasonable recommendations of the National Transportation Safety Board.

Let me stress to my fellow Senators that I remain a big supporter of the nation's railroads. Railroads are, as they like to say, "the engine that drives America." I agree railroads are a huge engine, an important engine in America's economy.

Mr. LAUTENBERG. I too support our nation's railroads. Railroads play a critical role in my state in particular. Ships arrive in the intermodal hub that is the Port of New York and New Jersey, unload containers directly onto railroad cars, and send them into the heartland of the United States. Railroad lines exist throughout the state. That is exactly why I care about this issue and urge the railroads to join us in this effort to enact a comprensive bill into law.

Madam President, I want to commend the Majority Leader for his involvement and diligence on this issue. Safety must be paramount. And that is what this issue is all about.

Mr. LOTT. I hope the railroad industry rethinks its position on one-call notification legislation. I urge them to join us on the side of safety.

TRIBUTE TO BOB CRANDALL

Mr. DASCHLE. Madam President, last week an American giant announced his plans to retire. Obviously, that description has more than one connotation. Bob Crandall is a giant in his industry and a remarkable pioneer. Few, if any, leaders in aviation can match his impressive record of achievement.

The American airlines he joined is vastly different than the one he will soon leave. In a time of great economic turbulence in aviation industry, Mr. Crandall navigated his company and the industry itself to new heights and vastly new horizons. As a result, we are all beneficiaries.

We know this man as an innovator. A person who understood that competition was not only good, it was essential. As a frequent flyer, I and millions of other Americans have benefited from the program he conceived to bring down costs and encourage loyal customers.

We know him, too, as a financial manager of incomparable depth. American has been a consistent leader in profits and fiscal management. His stockholders have benefited from an array of innovations including code-sharing and the hub and spoke system in routing that has now been adopted by virtually every airline in the business.

My wife, Linda, and I have known Bob for some time now. We have no doubt that this man of many interests and so much energy is far from retiring. There will be new challenges and most likely, more pioneering.

Whatever future he may now be planning, we wish him well. We congratulate and thank him for what he has been and how much he has done.

Bob Crandall is an American original.

I ask unanimous consent that an editorial from the New York Times of April 16th regarding Mr. Crandall's retirement be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 16, 1998]

AN AVIATION INNOVATOR DEPARTS

Robert Crandall of American Airlines, who is expected to retire next month, always believed he knew exactly what was right for the airline industry and never hesitated to challenge anyone who disagreed. But he also recognized, to the great benefit of his shareholders, when to junk nostrums that circumstances proved false.

Mr. Crandall knew that deregulation would be disastrous for his industry. But after the Carter Administration withdrew the regulatory safety blanket, he brilliantly constructed a complex hub-and-spoke system that brought passengers the steeply lower fares and vastly better flight schedules economists had predicted. Mr. Crandall also knew that sophisticated mathematics could maximize profit by tailoring different prices to different types of passengers. But when that approach grew too complicated, he adopted a simplified system and challenged his competitors to go along with his good idea. When they refused, setting off a destructive price war, he quickly let it drop and returned to a complex fare schedule.

Mr. Crandall demonstrated that competition was good for consumers. But when upstart airlines grabbed his customers, he devised frequent-flier miles, an ingenious strategy that tied travelers to large airlines like American even when rivals were offering lower fares. Mr. Crandall knew that code sharing—the practice by which two airlines would sell tickets on each other's connecting flights under the name of a single carrier—was misleading because it fooled customers into believing they had booked a seamless flight. Yet when Mr. Crandall looked around and saw his competitors pairing up, he pounced, proposing a vast code-sharing arrangement with British Airways. If approved, it will lock in American's dominant position at London's coveted Heathrow Airport.

With his background in finance, Mr. Crandall taught his colleagues about the vulnerability of an industry saddled with mammoth fixed costs—an unoccupied seat represents unrecoverable revenue but no reduction in costs—to pilot strikes and other business holdups. When he announced his retirement yesterday, his airline also boasted of record high profits and a management team ready to take over that would be the envy of other airlines. It was a precisely timed departure from a smart, combative leader and a nimble learner who left his mark on a turbulent sector of the American economy.

HONORING LOUISVILLE PIONEER JAMES GUTHRIE

Mr. FORD. Madam President, on April 22nd, Louisville will honor one of its foremost, but often forgotten leaders, James Guthrie. Guthrie, was one of Louisville's most prominent citizens in the 19th Century, described as the city's "first and foremost mover and shaker."

During his distinguished business and political career, he served as President of the Louisville and Nashville Railroad and the University of Louisville. As a member of the Kentucky House of Representatives, he successfully ushered through Kentucky's first city charter elevating Louisville from a town to a city. He was instrumental in the founding of Cave Hill Cemetery, lighting the streets with gas lights, building the first bridge across the Ohio River, and founding what would become the University of Louisville's medical college.

Mr. Guthrie left his mark on the national level as well. Under President Franklin Pierce he served as Secretary to the U.S. Treasury and in 1865 he was elected to the U.S. Senate.

A 19th Century railroad tycoon, Guthrie was a product of the frontier. Born in Bardstown, Kentucky, he rose from modest means to a position of great prominence, including building a reputation as an outstanding lawyer. And while he may have failed in his efforts to see Louisville named the state capital, there is little else at which he didn't succeed once setting his mind to it.

One of his most noted accomplishments was improving transportation, including development of railroad transportation from Louisville to Frankfort, Nashville, Indianapolis, and Cincinnati, even when it meant playing hardball to reach his goal.

Despite his long list of contributions to Louisville, the Commonwealth of Kentucky and the nation as a whole, there is relatively little in the way of historical markers to remind people of his tremendous influence. To remedy that situation, an historic marker will be dedicated at the intersection of Fourth and Guthrie Streets.

Madam President, it certainly seems fitting that we take time to assure someone who contributed so much is remembered by future generations. And I know I join all Kentuckians in lending my support to the City of Louisville's efforts at memorializing a man so committed to Kentucky and the nation.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, last week we passed Tax Day 1998. All across the nation, the IRS reported millions of taxpayers suffered confusion and animosity over filing their 1997 taxes. While no confusion exists—in fact, the financial amount is too clear—every man, woman and child should feel animosity at the more than $20,000 bill issued them to pay off the federal debt.

In the same vein, Mr. President, May 10th will be Tax Freedom Day 1998. While the name speaks for itself, Tax Freedom Day was not always such a landmark day because the federal debt was neither so monstrous nor so cumbersome. Tax Freedom Day comes one day later than last year.

It is fortunate that so many reminders that the federal debt will continue to escalate unless and until Congress restrains its desire to spend, spend, spend. Hopefully one day Congress will wake up.

Madam President, with this in mind, let's begin where we left off:

At the close of business Friday, April 17, 1998, the federal debt stood at $5,512,826,076,386.32 (Five trillion, five hundred twelve billion, eight hundred twenty-six million, seventy-six thousand, three hundred eighty-six dollars and thirty-two cents).

One year ago, April 17, 1997, the federal debt stood at $5,350,647,000,000 (Five trillion, three hundred fifty billion, six hundred forty-seven million).

Twenty-five years ago, April 17, 1973, the federal debt stood at $455,209,000,000 (Four hundred fifty-five billion, two hundred nine million) which reflects a debt increase of more than $5 trillion—$5,057,617,076,386.32 (Five trillion, fifty-seven billion, six hundred seventeen million, seventy-six thousand, three hundred eighty-six dollars and thirty-two cents) during the past 25 years.

14th ANNUAL TUFTONIA'S WEEK CELEBRATION AT TUFTS UNIVERSITY

Mr. KENNEDY. Madam President, this week marks the fourteenth annual observance of "Tuftonia's Week" in

Massachusetts. During this remarkable week, Tufts University alumni from around the world return to Medford to honor their alma mater and call attention to the leadership of so many Tufts graduates in contributing to public service in their own communities.

In fact, the theme of Tuftonia's Week is community service. The university will honor the large number of Tufts graduates across the country who are volunteering in their communities and helping to improve the lives of others in their neighborhoods through the TuftServe program. Since 1995, Tufts alumni have contributed over 300,000 volunteer hours to make their communities better places.

78,000 students have graduated from Tufts since the college was founded in 1852. Today, the university enrolls 8,500 students from all 50 states and 90 foreign countries.

Tufts deserves great credit for its leadership among the nation's universities in emphasizing service-learning and in providing opportunities for students to combine community service with their academic curriculum. Every American should have the opportunity to participate in projects that help others and improve their community, and I congratulate Tufts for giving its students such an opportunity. I commend Tufts' President, John DiBiaggio, and the rest of the Tufts community for their impressive leadership in both education and community service.

HONORING THE GILLMINGS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Madam President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

Pastor and Mrs. Gillming's dedication to one another has spilled over into the lives of many. For forty years, they have served together at the Cherry Street Baptist Church in Springfield, Missouri. Norma and Ken have led their congregation by example through their commitment to one another, as well as their commitment to the community.

For these important reasons, I rise today to honor Norma and Ken Gillming of Springfield, Missouri, who on May 21, 1998, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Gillming's commitment to the principles and values of their marriage deserves to be saluted and recognized.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEARS 1999, 2000, 2001, 2002, AND 2003

The text of Senate Concurrent Resolution 86, the Congressional Budget for the United States Government for Fiscal Years 1999, 2000, 2001, 2002, and 2003, as agreed to by the Senate on April 2, 1998, reads as follows:

Resolved by the Senate (the House of Representatives concurring)

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1999.

(a) DECLARATION.—Congress determines and declares that this resolution is the concurrent resolution on the budget for fiscal year 1999 including the appropriate budgetary levels for fiscal years 2000, 2001, 2002, and 2003 as required by section 301 of the Congressional Budget Act of 1974 and revising the budgetary levels for fiscal year 1998 set forth in the concurrent resolution on the budget for fiscal year 1998 as authorized by section 304 of the Congressional Budget Act of 1974.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 1999.

TITLE I—LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

Sec. 201. Tax cut reserve fund.
Sec. 202. Tobacco reserve fund.
Sec. 203. Separate environmental allocation.
Sec. 204. Dedication of offsets to transportation.
Sec. 205. Adjustments for line item veto litigation.
Sec. 206. Extension of Violent Crime Reduction Trust Fund.
Sec. 207. Exercise of rulemaking powers.

TITLE III—SENSE OF CONGRESS AND THE SENATE

Sec. 301. Sense of the Senate regarding passage of the Senate Finance Committee's IRS restructuring bill.
Sec. 302. Sense of Congress regarding the sunset of the Internal Revenue Code of 1986.
Sec. 303. Sense of Congress on the tax treatment of home mortgage interest and charitable giving.
Sec. 304. Sense of the Senate on preservation of Social Security for the future.
Sec. 305. Sense of the Senate on annual statement of accrued liability of Social Security and Medicare.
Sec. 306. Sense of the Senate on full funding for IDEA.
Sec. 307. Sense of the Senate on Social Security.
Sec. 308. Sense of the Senate on School-to-Work programs.
Sec. 309. Sense of the Senate regarding taxpayer rights.
Sec. 310. Sense of the Senate on National Guard funding.
Sec. 311. Sense of the Senate on Medicare payment.
Sec. 312. Sense of the Senate on long-term care.
Sec. 313. Sense of the Senate on climate change research and other funding.
Sec. 314. Sense of the Senate on increased funding for the Child Care and Development Block Grant.
Sec. 315. Sense of the Senate on the formula change for Federal Family Education Loan.
Sec. 316. Sense of the Senate regarding the deductibility of health insurance premiums of the self-employed.
Sec. 317. Sense of the Senate on objection to Kyoto Protocol implementation prior to Senate ratification.
Sec. 318. Sense of the Senate on price increase on tobacco products of $1.50 per pack.
Sec. 319. Findings; sense of Congress.
Sec. 320. Sense of the Senate concerning immunity.
Sec. 321. Sense of Senate regarding agricultural trade programs.
Sec. 322. Sense of the Senate supporting long-term entitlement reforms.
Sec. 323. Sense of Congress regarding freedom of health care choice for Medicare seniors.
Sec. 324. Sense of the Senate regarding repair and construction needs of Indian schools.
Sec. 325. Sense of the Senate on Social Security personal retirement accounts and the budget surplus.
Sec. 326. Sense of the Senate regarding the elimination of the marriage penalty.
Sec. 327. Findings and sense of Ccongress regarding affordable, high-quality health care for seniors.
Sec. 328. Sense of Congress regarding permanent extension of income averaging for farmers.
Sec. 329. Sense of the Senate to maintain full funding for the Section 202 Elderly Housing program.
Sec. 330. Sense of the Senate regarding outlay estimates of the Department of Defense budget.
Sec. 331. Sense of the Senate regarding outlay estimates for the budgets of Federal agencies other than the Department of Defense.
Sec. 332. Sense of the Senate regarding an evaluation of the outcome of welfare reform.
Sec. 333. Sense of the Senate regarding the establishment of a national background check system for long-term care workers.
Sec. 334. Sense of the Senate on expanding Medicare benefits.
Sec. 335. Sense of the Senate on battlefield preservation.
Sec. 336. A resolution regarding the Senate's support for Federal, State and local law enforcement.
Sec. 337. Sense of the Senate on analysis of civilian science and technology programs in the Federal budget.
Sec. 338. Sense of the Senate on civilian science and technology programs in the Federal budget.
Sec. 339. Sense of the Senate on long-term budgeting and repayment of the public debt.
Sec. 340. Sense of the Senate regarding President's budget.
Sec. 341. Sense of the Senate regarding the value of the Social Security system for future retirees.

Sec. 342. Sense of the Senate on the Land and Water Conservation Fund.
Sec. 343. Sense of the Senate on education goals.
Sec. 344. Findings and sense of the Senate.
Sec. 345. Sense of the Senate on INS circuit riders in the former Soviet Union.
Sec. 346. Sense of the Senate regarding funding for the airport improvement program.
Sec. 347. Sense of the Senate that the One Hundred Fifth Congress, Second Session should reauthorize funds for the farmland protection program.
Sec. 348. Sense of the Senate on health care quality.
Sec. 349. Sense of the Senate regarding wasteful spending in Defense Department acquisition practices.
Sec. 350. Sense of the Senate regarding the United States response to the changing nature of terrorism.
Sec. 351. Sense of the Senate on economic growth, Social Security, and Government efficiency.
Sec. 352. Sense of the Senate regarding a supermajority requirement for raising taxes.
Sec. 353. Sense of the Senate on health care quality.
Sec. 354. Sense of the Senate on the use of budget surplus for tax relief or debt reduction.
Sec. 355. Use of budget surplus to reform Social Security.
Sec. 356. Sense of the Senate on Colombian drug war helicopters.
Sec. 357. Sense of the Senate on funding for medical care for veterans.
Sec. 358. Sense of the Senate on objection to the use of the sale of public lands to fund certain programs.
Sec. 359. Sense of the Senate regarding a multinational alliance against drug trafficking.
Sec. 360. Sense of the Senate regarding legislation that increases complexity of tax returns.
Sec. 361. General prohibition on the use of marijuana for medicinal purposes.
Sec. 362. Sense of the Senate regarding Amtrak funding.
Sec. 363. Sense of the Senate regarding market access program.
Sec. 364. Sense of the Senate regarding the National Institutes of Health.
Sec. 365. Sense of the Senate regarding display of Ten Commandments.

TITLE I—LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for the fiscal years 1998, 1999, 2000, 2001, 2002 and 2003.

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution—

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 1998: $1,262,400,000,000.
Fiscal year 1999: $1,300,200,000,000.
Fiscal year 2000: $1,325,800,000,000.
Fiscal year 2001: $1,369,400,000,000.
Fiscal year 2002: $1,431,900,000,000.
Fiscal year 2003: $1,486,900,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 1998: $0.
Fiscal year 1999: $0.
Fiscal year 2000: $0.
Fiscal year 2001: $0.
Fiscal year 2002: $0.
Fiscal year 2003: $0.

(C) The amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1998: $117,700,000,000.
Fiscal year 1999: $123,900,000,000.
Fiscal year 2000: $129,700,000,000.
Fiscal year 2001: $135,300,000,000.
Fiscal year 2002: $141,400,000,000.
Fiscal year 2003: $148,100,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 1998: $1,374,700,000,000.
Fiscal year 1999: $1,425,300,000,000.
Fiscal year 2000: $1,471,100,000,000.
Fiscal year 2001: $1,513,200,000,000.
Fiscal year 2002: $1,547,200,000,000.
Fiscal year 2003: $1,615,800,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 1998: $1,358,000,000,000.
Fiscal year 1999: $1,408,400,000,000.
Fiscal year 2000: $1,450,100,000,000.
Fiscal year 2001: $1,490,000,000,000.
Fiscal year 2002: $1,507,000,000,000.
Fiscal year 2003: $1,579,200,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 1998: −$95,600,000,000.
Fiscal year 1999: −$108,200,000,000.
Fiscal year 2000: −$124,300,000,000.
Fiscal year 2001: −$120,600,000,000.
Fiscal year 2002: −$75,100,000,000.
Fiscal year 2003: −$92,300,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 1998: $5,482,000,000,000.
Fiscal year 1999: $5,668,300,000,000.
Fiscal year 2000: $5,868,700,000,000.
Fiscal year 2001: $6,064,400,000,000.
Fiscal year 2002: $6,220,000,000,000.
Fiscal year 2003: $6,392,700,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1998: $417,300,000,000.
Fiscal year 1999: $438,200,000,000.
Fiscal year 2000: $457,800,000,000.
Fiscal year 2001: $477,100,000,000.
Fiscal year 2002: $497,900,000,000.
Fiscal year 2003: $520,700,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302, 602, and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1998: $313,300,000,000.
Fiscal year 1999: $212,600,000,000.
Fiscal year 2000: $331,600,000,000.
Fiscal year 2001: $344,100,000,000.
Fiscal year 2002: $355,700,000,000.
Fiscal year 2003: $369,400,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority, budget outlays, new direct loan obligations, and new primary loan guarantee commitments for fiscal years 1998 through 2003 for each major functional category are:

(1) National Defense (050):
Fiscal year 1998:
(A) New budget authority, $267,700,000,000.
(B) Outlays, $268,100,000,000.
Fiscal year 1999:
(A) New budget authority, $270,500,000,000.
(B) Outlays, $265,500,000,000.
Fiscal year 2000:
(A) New budget authority, $274,300,000,000.
(B) Outlays, $268,000,000,000.
Fiscal year 2001:
(A) New budget authority, $280,800,000,000.
(B) Outlays, $269,700,000,000.
Fiscal year 2002:
(A) New budget authority, $288,600,000,000.
(B) Outlays, $272,100,000,000.
Fiscal year 2003:
(A) New budget authority, $296,800,000,000.
(B) Outlays, $279,800,000,000.

(2) International Affairs (150):
Fiscal year 1998:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $14,100,000,000.
Fiscal year 1999:
(A) New budget authority, $14,600,000,000.
(B) Outlays, $14,200,000,000.
Fiscal year 2000:
(A) New budget authority, $14,300,000,000.
(B) Outlays, $14,700,000,000.
Fiscal year 2001:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2002:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2003:
(A) New budget authority, $15,200,000,000.
(B) Outlays, $14,400,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 1998:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $17,700,000,000.
Fiscal year 1999:
(A) New budget authority, $18,300,000,000.
(B) Outlays, $17,900,000,000.
Fiscal year 2000:
(A) New budget authority, $17,800,000,000.
(B) Outlays, $17,900,000,000.
Fiscal year 2001:
(A) New budget authority, $17,700,000,000.
(B) Outlays, $17,600,000,000.
Fiscal year 2002:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $17,400,000,000.
Fiscal year 2003:
(A) New budget authority, $17,000,000,000.
(B) Outlays, $17,000,000,000.

(4) Energy (270):
Fiscal year 1998:
(A) New budget authority, $500,000,000.
(B) Outlays, $1,000,000,000.
Fiscal year 1999:
(A) New budget authority, $600,000,000.
(B) Outlays, $300,000,000.
Fiscal year 2000:
(A) New budget authority, $600,000,000.
(B) Outlays, $0.
Fiscal year 2001:
(A) New budget authority, $500,000,000.
(B) Outlays, −$200,000,000.
Fiscal year 2002:
(A) New budget authority, $400,000,000.
(B) Outlays, −$400,000,000.
Fiscal year 2003:
(A) New budget authority, $400,000,000.
(B) Outlays, −$400,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 1998:
(A) New budget authority, $24,200,000,000.
(B) Outlays, $23,000,000,000.
Fiscal year 1999:
(A) New budget authority, $23,400,000,000.

(B) Outlays, $23,400,000,000.
Fiscal year 2000:
(A) New budget authority, $23,300,000,000.
(B) Outlays, $23,500,000,000.
Fiscal year 2001:
(A) New budget authority, $23,000,000,000.
(B) Outlays, $23,400,000,000.
Fiscal year 2002:
(A) New budget authority, $22,900,000,000.
(B) Outlays, $23,000,000,000.
Fiscal year 2003:
(A) New budget authority, $22,900,000,000.
(B) Outlays, $22,900,000,000.
(6) Agriculture (350):
Fiscal year 1998:
(A) New budget authority, $11,800,000,000.
(B) Outlays, $10,800,000,000.
Fiscal year 1999:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $10,500,000,000.
Fiscal year 2000:
(A) New budget authority, $11,600,000,000.
(B) Outlays, $9,900,000,000.
Fiscal year 2001:
(A) New budget authority, $10,300,000,000.
(B) Outlays, $8,700,000,000.
Fiscal year 2002:
(A) New budget authority, $10,200,000,000.
(B) Outlays, $8,500,000,000.
Fiscal year 2003:
(A) New budget authority, $10,400,000,000.
(B) Outlays, $8,800,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 1998:
(A) New budget authority, $7,300,000,000.
(B) Outlays, $700,000,000.
Fiscal year 1999:
(A) New budget authority, $4,200,000,000.
(B) Outlays, $3,200,000,000.
Fiscal year 2000:
(A) New budget authority, $15,100,000,000.
(B) Outlays, $10,000,000,000.
Fiscal year 2001:
(A) New budget authority, $15,300,000,000.
(B) Outlays, $11,000,000,000.
Fiscal year 2002:
(A) New budget authority, $15,600,000,000.
(B) Outlays, $11,800,000,000.
Fiscal year 2003:
(A) New budget authority, $14,900,000,000.
(B) Outlays, $11,700,000,000.
(8) Transportation (400):
Fiscal year 1998:
(A) New budget authority, $46,000,000,000.
(B) Outlays, $42,500,000,000.
Fiscal year 1999:
(A) New budget authority, $51,500,000,000.
(B) Outlays, $42,800,000,000.
Fiscal year 2000:
(A) New budget authority, $51,800,000,000.
(B) Outlays, $44,700,000,000.
Fiscal year 2001:
(A) New budget authority, $52,100,000,000.
(B) Outlays, $45,700,000,000.
Fiscal year 2002:
(A) New budget authority, $51,400,000,000.
(B) Outlays, $45,800,000,000.
Fiscal year 2003:
(A) New budget authority, $52,000,000,000.
(B) Outlays, $46,900,000,000.
(9) Community and Regional Development (450):
Fiscal year 1998:
(A) New budget authority, $8,700,000,000.
(B) Outlays, $11,200,000,000.
Fiscal year 1999:
(A) New budget authority, $8,700,000,000.
(B) Outlays, $10,900,000,000.
Fiscal year 2000:
(A) New budget authority, $7,900,000,000.
(B) Outlays, $9,700,000,000.
Fiscal year 2001:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $8,900,000,000.
Fiscal year 2002:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $8,100,000,000.
Fiscal year 2003:
(A) New budget authority, $7,600,000,000.
(B) Outlays, $8,100,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 1998:
(A) New budget authority, $61,300,000,000.
(B) Outlays, $56,100,000,000.
Fiscal year 1999:
(A) New budget authority, $63,050,000,000.
(B) Outlays, $61,006,000,000.
Fiscal year 2000:
(A) New budget authority, $63,350,000,000.
(B) Outlays, $62,740,000,000.
Fiscal year 2001:
(A) New budget authority, $64,550,000,000.
(B) Outlays, $63,849,000,000.
Fiscal year 2002:
(A) New budget authority, $64,950,000,000.
(B) Outlays, $63,750,000,000.
Fiscal year 2003:
(A) New budget authority, $68,450,000,000.
(B) Outlays, $67,150,000,000.
(11) Health (550):
Fiscal year 1998:
(A) New budget authority, $136,200,000,000.
(B) Outlays, $132,000,000,000.
Fiscal year 1999:
(A) New budget authority, $145,800,000,000.
(B) Outlays, $143,700,000,000.
Fiscal year 2000:
(A) New budget authority, $152,600,000,000.
(B) Outlays, $151,600,000,000.
Fiscal year 2001:
(A) New budget authority, $161,500,000,000.
(B) Outlays, $160,400,000,000.
Fiscal year 2002:
(A) New budget authority, $170,100,000,000.
(B) Outlays, $169,900,000,000.
Fiscal year 2003:
(A) New budget authority, $181,200,000,000.
(B) Outlays, $181,100,000,000.
(12) Medicare (570):
Fiscal year 1998:
(A) New budget authority, $199,200,000,000.
(B) Outlays, $199,700,000,000.
Fiscal year 1999:
(A) New budget authority, $210,300,000,000.
(B) Outlays, $210,900,000,000.
Fiscal year 2000:
(A) New budget authority, $221,800,000,000.
(B) Outlays, $221,100,000,000.
Fiscal year 2001:
(A) New budget authority, $239,400,000,000.
(B) Outlays, $242,300,000,000.
Fiscal year 2002:
(A) New budget authority, $251,200,000,000.
(B) Outlays, $248,800,000,000.
Fiscal year 2003:
(A) New budget authority, $273,400,000,000.
(B) Outlays, $273,600,000,000.
(13) Income Security (600):
Fiscal year 1998:
(A) New budget authority, $229,500,000,000.
(B) Outlays, $234,700,000,000.
Fiscal year 1999:
(A) New budget authority, $243,300,000,000.
(B) Outlays, $248,100,000,000.
Fiscal year 2000:
(A) New budget authority, $257,300,000,000.
(B) Outlays, $259,400,000,000.
Fiscal year 2001:
(A) New budget authority, $268,500,000,000.
(B) Outlays, $266,700,000,000.
Fiscal year 2002:
(A) New budget authority, $279,200,000,000.
(B) Outlays, $274,200,000,000.
Fiscal year 2003:
(A) New budget authority, $289,800,000,000.
(B) Outlays, $282,400,000,000.
(14) Social Security (650):
Fiscal year 1998:
(A) New budget authority, $12,000,000,000.
(B) Outlays, $12,200,000,000.
Fiscal year 1999:
(A) New budget authority, $12,600,000,000.
(B) Outlays, $12,800,000,000.
Fiscal year 2000:
(A) New budget authority, $13,100,000,000.
(B) Outlays, $13,100,000,000.
Fiscal year 2001:
(A) New budget authority, $12,500,000,000.
(B) Outlays, $12,500,000,000.
Fiscal year 2002:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $14,500,000,000.
Fiscal year 2003:
(A) New budget authority, $15,300,000,000.
(B) Outlays, $15,300,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 1998:
(A) New budget authority, $42,600,000,000.
(B) Outlays, $42,500,000,000.
Fiscal year 1999:
(A) New budget authority, $42,800,000,000.
(B) Outlays, $43,300,000,000.
Fiscal year 2000:
(A) New budget authority, $43,400,000,000.
(B) Outlays, $44,000,000,000.
Fiscal year 2001:
(A) New budget authority, $44,800,000,000.
(B) Outlays, $45,200,000,000.
Fiscal year 2002:
(A) New budget authority, $46,200,000,000.
(B) Outlays, $46,600,000,000.
Fiscal year 2003:
(A) New budget authority, $48,200,000,000.
(B) Outlays, $48,600,000,000.
(16) Administration of Justice (750):
Fiscal year 1998:
(A) New budget authority, $25,100,000,000.
(B) Outlays, $22,500,000,000.
Fiscal year 1999:
(A) New budget authority, $25,800,000,000.
(B) Outlays, $24,600,000,000.
Fiscal year 2000:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $24,900,000,000.
Fiscal year 2001:
(A) New budget authority, $24,500,000,000.
(B) Outlays, $24,800,000,000.
Fiscal year 2002:
(A) New budget authority, $24,700,000,000.
(B) Outlays, $24,300,000,000.
Fiscal year 2003:
(A) New budget authority, $25,000,000,000.
(B) Outlays, $24,200,000,000.
(17) General Government (800):
Fiscal year 1998:
(A) New budget authority, $14,500,000,000.
(B) Outlays, $14,300,000,000.
Fiscal year 1999:
(A) New budget authority, $14,400,000,000.
(B) Outlays, $13,400,000,000.
Fiscal year 2000:
(A) New budget authority, $13,900,000,000.
(B) Outlays, $13,800,000,000.
Fiscal year 2001:
(A) New budget authority, $13,600,000,000.
(B) Outlays, $13,800,000,000.
Fiscal year 2002:
(A) New budget authority, $13,400,000,000.
(B) Outlays, $13,600,000,000.
Fiscal year 2003:
(A) New budget authority, $13,500,000,000.
(B) Outlays, $13,500,000,000.
(18) Net Interest (900):
Fiscal year 1998:
(A) New budget authority, $291,600,000,000.
(B) Outlays, $291,600,000,000.
Fiscal year 1999:
(A) New budget authority, $300,100,000,000.
(B) Outlays, $300,100,000,000.
Fiscal year 2000:
(A) New budget authority, $301,700,000,000.

(B) Outlays, $301,700,000,000.

Fiscal year 2001:

(A) New budget authority, $302,100,000,000.

(B) Outlays, $302,100,000,000.

Fiscal year 2002:

(A) New budget authority, $302,600,000,000.

(B) Outlays, $302,600,000,000.

Fiscal year 2003:

(A) New budget authority, $304,900,000,000.

(B) Outlays, $304,900,000,000.

(19) Allowances (920):

Fiscal year 1998:

(A) New budget authority, −$0.

(B) Outlays, −$0.

Fiscal year 1999:

(A) New budget authority, −$300,000,000.

(B) Outlays, −$1,900,000,000.

Fiscal year 2000:

(A) New budget authority, −$1,200,000,000.

(B) Outlays, −$4,600,000,000.

Fiscal year 2001:

(A) New budget authority, −$2,700,000,000.

(B) Outlays, −$3,000,000,000.

Fiscal year 2002:

(A) New budget authority, −$3,800,000,000.

(B) Outlays, −$7,000,000,000.

Fiscal year 2003:

(A) New budget authority, −$5,400,000,000.

(B) Outlays, −$5,000,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 1998:

(A) New budget authority, −$36,700,000,000.

(B) Outlays, −$36,700,000,000.

Fiscal year 1999:

(A) New budget authority, −$36,300,000,000.

(B) Outlays, −$36,300,000,000.

Fiscal year 2000:

(A) New budget authority, −$36,000,000,000.

(B) Outlays, −$36,000,000,000.

Fiscal year 2001:

(A) New budget authority, −$37,900,000,000.

(B) Outlays, −$37,900,000,000.

Fiscal year 2002:

(A) New budget authority, −$45,000,000,000.

(B) Outlays, −$45,000,000,000.

Fiscal year 2003:

(A) New budget authority, −$35,700,000,000.

(B) Outlays, −$35,700,000,000.

TITLE II—BUDGETARY RESTRAINTS AND RULEMAKING

SEC. 201. TAX CUT RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may only be reduced and allocations may be reduced only for legislation that reduces revenues by providing family tax relief (including relief from the "marriage penalty" and support for child care expenses incurred by all parents), and incentives to stimulate savings, investment, job creation, and economic growth (including community renewal initiatives) if such legislation will not increase the deficit or reduce the surplus for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999–2003; or

(3) the period of fiscal years 2004–2008.

(b) REVISED ALLOCATIONS.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised aggregates to carry out this section. These revised allocations and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

SEC. 202. TOBACCO RESERVE FUND.

(a) IN GENERAL.—In the Senate, revenue aggregates may be increased for legislation which reserves the Federal share of receipts from tobacco legislation only for the Medicare Hospital Insurance Trust Fund.

(b) REVISED AGGREGATES.—Upon the consideration of legislation pursuant to subsection (a), the Chairman of the Committee on the Budget of the Senate may file increased aggregates to carry out this section. These aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the aggregates contained in this resolution.

(c) APPLICATION OF SECTION 202 OF H. CON. RES. 67.—For the purposes of enforcement of section 202 of H. Con. Res. 67 (104th Congress) with respect to this resolution, the increase in receipts resulting from tobacco legislation shall not be taken into account.

SEC. 203. SEPARATE ENVIRONMENTAL ALLOCATION.

(a) IN GENERAL.—In the Senate, revenue and spending aggregates may be increased and allocations may be increased only for legislation that reauthorizes and reforms the Superfund program to facilitate the cleanup of hazardous waste sites if such legislation will not increase the deficit or reduce the surplus for—

(1) fiscal year 1999;

(2) the period of fiscal years 1999–2003; or

(3) the period of fiscal years 2004–2008.

(b) REVISED AGGREGATES.—In the Senate, after the Committee on Environment and Public Works reports a bill (or after the submission of a conference report thereon) to reform the Superfund program to facilitate the cleanup of hazardous waste sites that does not exceed—

(1) $200,000,000 in budget authority and outlays for fiscal year 1999; and

(2) $1,000,000,000 in budget authority and outlays for the period of fiscal years 1999 through 2003;

the chairman of the Committee on the Budget of the Senate may increase the appropriate aggregates and the appropriate allocations of budget authority in this resolution by the amounts provided in that bill for that purpose and the outlays flowing in all years from such budget authority. These revised allocations and aggregates shall be considered for the purposes of the Congressional Budget Act of 1974 as the allocations and aggregates contained in this resolution.

SEC. 204. DEDICATION OF OFFSETS TO TRANSPORTATION.

(a) SPENDING RESERVE.—In accordance with section 312(a) of the Congressional Budget Act of 1974 and for the purposes of title III of that Act, the Chairman of the Committee on the Budget may reserve the estimated reductions in new budget authority and outlays resulting from changes in legislation affecting the programs specified in subsection (b), if contained in the Department of Transportation and Related Agencies Appropriations Act, for the purpose of offsetting—

(1) additional outlays not to exceed $1,300,000,000 in fiscal year 1999 and $18,500,000,000 for fiscal years 1999 through 2003 for discretionary highway programs as called for in the Intermodal Surface Transportation Efficiency Act of 1998; and

(2) additional budget authority not to exceed $1,000,000,000 in fiscal year 1999 and $5,000,000,000 for fiscal years 1999 through 2003 for discretionary transit programs as called for in the Intermodal Surface Transportation Efficiency Act of 1998.

(b) OFFSETS.—The following reductions in mandatory spending are reserved in function 920, Allowances, for purposes of subsection (a):

(1) For reductions in programs in function 350, Agriculture: For fiscal year 1999, $107,000,000 in budget authority and $107,000,000 in outlays; For fiscal years 1999–2003, $603,000,000 in budget authority and $598,000,000 in outlays.

(2) For reductions in programs in function 370, Commerce and Housing Credit: For fiscal year 1999, $242,000,000 in budget authority and $242,000,000 in outlays; For fiscal years 1999–2003, $1,195,000,000 in budget authority and $1,195,000,000 in outlays.

(3) For reductions in programs in function 500, Education, Training, Employment, and Social Services: For fiscal year 1999, $471,000,000 in budget authority and $424,000,000 in outlays; For fiscal years 1999–2003, $3,182,000,000 in budget authority and $3,079,000,000 in outlays.

(4) For reductions in programs in function 550, Health: For fiscal year 1999, $250,000,000 in budget authority and $250,000,000 in outlays; For fiscal years 1999–2003, $1,900,000,000 in budget authority and $1,900,000,000 in outlays.

(5) For reductions in programs in function 600, Income Security: For fiscal year 1999, $260,000,000 in budget authority and $260,000,000 in outlays; For fiscal years 1999–2003, $1,700,000,000 in budget authority and $1,700,000,000 in outlays.

(6) For reductions in programs in function 700, Veterans Benefits and Services: For fiscal year 1999, $500,000,000 in budget authority and $500,000,000 in outlays; For fiscal years 1999–2003, $10,500,000,000 in budget authority and $10,500,000,000 in outlays.

(c) SENSE OF THE SENATE ON VA COMPENSATION AND POST-SERVICE SMOKING-RELATED ILLNESSES.—

(1) FINDINGS.—The Senate finds that—

(A) the President has twice included in his budgets a prohibition on the entitlement expansion that the Department of Veterans Affairs (referred to as the "VA") is proposing to allow post-service smoking-related illness to be eligible for VA compensation;

(B) Congress has never acted on this entitlement expansion;

(C) the Congressional Budget Office and the Office of Management and Budget have concluded that this change in VA policy would result in at least $10,000,000,000 over 5 years and $45,000,000,000 over 10 years in additional mandatory costs to the VA;

(D) these increased number of claims and the resulting costs may present undue delay and hardship on veterans seeking claim review;

(E) the entitlement expansion apparently runs counter to all existing VA policy, including a statement by former Secretary Brown that "It is inappropriate to compensate for death or disability resulting from veterans' personal choice to engage in conduct damaging to their health."; and

(F) Secretary Brown's comment was recently reaffirmend by Acting Secretary of Veterans Affairs Togo West, who stated "It has been the position of the Department and of my predecessor that the decision to use tobacco by service members is a personal decision and is not a requirement for military service. And that therefore to compensate veterans for diseases whose sole connection to service is a veteran's own tobacco use should not rest with the Government.".

(2) SENSE OF THE SENATE.—It is the sense of the Senate that the function totals and assumptions underlying this resolution assume the following:

(A) The support of the President's proposal to not allow post-service smoking related illnesses to be eligible for VA.

(B) The study and report required by subparagraph (C) will be completed.

(C) The Secretary of the Department of Veterans Affairs, the Office of Management and Budget, and the General Accounting Office are jointly required to—

(i) jointly study (referred to in this section as the "study") the VA General Counsel's determination and the resulting actions to change the compensation rules to include disability and death benefits for conditions related to the use of tobacco products during service; and

(ii) deliver an opinion as to whether illnesses resulting from post-service smoking should be considered as a compensable disability.

(D) The study should include—

(i) the estimated numbers of those filing such claims, the cost resulting from such benefits, the time necessary to review such claims, and how such a number of claims will affect the VA's ability to review its current claim load;

(ii) an examination of how the proposed change corresponds to prior VA policy relating to post-service actions taken by an individual; and

(iii) what Federal benefits, both VA and non-VA, former service members having smoking-related illnesses are eligible to receive.

(E) The study shall be completed no later than July 1, 1999.

(F) The Department of Veterans Affairs and the Office of Management and Budget shall report their finding to the Majority and Minority Leaders of the Senate and the chairmen and ranking minority members of the Senate Budget and Veterans' Affairs Committees.

SEC. 205. ADJUSTMENTS FOR LINE ITEM VETO LITIGATION.

If the Supreme Court rules that the Line Item Veto Act is unconstitutional, the Chairman of the Committee on the Budget may make appropriate adjustments to the allocations and aggregates in this resolution to reflect the effects of the President's cancellations becoming null and void.

SEC. 206. EXTENSION OF VIOLENT CRIME REDUCTION TRUST FUND.

(a) DISCRETIONARY LIMITS.—In the Senate, in this section and for the purposes of allocations made for the discretionary category pursuant to section 302(a) of the Congressional Budget Act of 1974, the term "discretionary spending limit" means—

(1) with respect to fiscal year 1999—

(A) for the defense category: $271,570,000,000 in new budget authority and $266,635,000,000 in outlays;

(B) for the nondefense category: $255,450,000,000 in new budget authority and $289,547,000,000 in outlays; and

(C) for the violent crime reduction category: $5,800,000,000 in new budget authority and $4,953,000,000 in outlays;

(2) with respect to fiscal year 2000—

(A) for the discretionary category: $532,693,000,000 in new budget authority and $558,711,000,000 in outlays; and

(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $5,554,000,000 in outlays;

(3) with respect to fiscal year 2001—

(A) for the discretionary category: $537,632,000,000 in new budget authority and $558,415,000,000 in outlays; and

(B) for the violent crime reduction category: $4,400,000,000 in new budget authority and $5,981,000,000 in outlays; and

(4) with respect to fiscal year 2002—

(A) for the discretionary category: $546,574,000,000 in new budget authority and $556,269,000,000 in outlays; and

(B) for the violent crime reduction category: $4,500,000,000 in new budget authority and $4,530,000,000 in outlays;

as adjusted in strict conformance with subsection (b) of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 314 of the Congressional Budget Act.

(b) POINT OF ORDER IN THE SENATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) a revision of this resolution or any concurrent resolution on the budget for fiscal years 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit or limits for such fiscal year; or

(B) any bill or resolution (or amendment, motion, or conference report on such bill or resolution) for fiscal year 1999, 2000, 2001, or 2002 that would cause any of the limits in this section (or suballocations of the discretionary limits made pursuant to section 302(b) of the Congressional Budget Act of 1974) to be exceeded.

(2) EXCEPTION.—This section shall not apply if a declaration of war by the Congress is in effect or if a joint resolution pursuant to section 258 of the Balanced Budget and Emergency Deficit Control Act of 1985 has been enacted.

(c) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the concurrent resolution, bill, or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, new entitlement authority, revenues, and deficits for a fiscal year shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

SEC. 207. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE III—SENSE OF CONGRESS AND THE SENATE

SEC. 301. SENSE OF THE SENATE REGARDING PASSAGE OF THE SENATE FINANCE COMMITTEE'S IRS RESTRUCTURING BILL.

(a) FINDINGS.—The Senate finds that—

(1) the House of Representatives passed H.R. 2676 on November 5, 1997;

(2) the Finance Committee of the Senate has held several days of hearings this year on Internal Revenue Service restructuring proposals;

(3) the hearings demonstrated many areas in which the House-passed bill could be improved;

(4) on March 31, 1998, the Senate Finance Committee voted 20–0 to report an Internal Revenue Service restructuring package that contains more oversight over the Internal Revenue Service, more accountability for employees, and a new arsenal of taxpayer protections; and

(5) the Senate Finance package includes the following items which were not included in the House bill—

(A) removal of the statutory impediments to the Commissioner of Internal Revenue's efforts to reorganize the agency to create a more streamlined, taxpayer-friendly organization,

(B) the providing of real oversight authority for the Internal Revenue Service Oversight Board to help prevent taxpayer abuse,

(C) the creation of a new Treasury Inspector General for Tax Administration to ensure independence and accountability,

(D) real, meaningful relief for innocent spouses,

(E) provisions which abate penalties and interest after 1 year so that the Internal Revenue Service does not profit from its own delay,

(F) provisions which ensure due process of law to taxpayers by granting them a right to a hearing before the Internal Revenue Service can pursue a lien, levy, or seizure,

(G) provisions which forbid the Internal Revenue Service from coercing taxpayers to extend the 10-year statute of limitations for collection,

(H) provisions which require the Internal Revenue Service to terminate employees who abuse taxpayers or other Internal Revenue Service employees,

(I) provisions which make the Taxpayer Advocate more independent, and

(J) provisions enabling the Commissioner of Internal Revenue to manage employees more effectively.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the Senate shall, as expeditiously as possible, consider and pass an Internal Revenue Service restructuring bill which provides the most taxpayer protections, the greatest degree of Internal Revenue Service employee accountability, and enhanced oversight.

SEC. 302. SENSE OF CONGRESS REGARDING THE SUNSET OF THE INTERNAL REVENUE CODE OF 1986.

(a) FINDINGS.—Congress finds that a simple and fair Federal tax system is one that—

(1) applies a low tax rate, through easily understood laws, to all Americans;

(2) provides tax relief for working Americans;

(3) protects the rights of taxpayers and reduces tax collection abuses;

(4) eliminates the bias against savings and investment;

(5) promotes economic growth and job creation;

(6) does not penalize marriage or families; and

(7) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the provisions of this resolution assume that all taxes imposed under the Internal Revenue Code of 1986 shall sunset for any taxable year beginning after December 31, 2001 (or in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2001) and that a new Federal tax system will be enacted that is both simple and fair as described in subsection (a) and that provides only those resources for the Federal Government that are needed to meet its responsibilities to the American people.

SEC. 303. SENSE OF CONGRESS ON THE TAX TREATMENT OF HOME MORTGAGE INTEREST AND CHARITABLE GIVING.

(a) FINDINGS.—Congress finds that—

(1) current Federal income tax laws embrace a number of fundamental tax policies including longstanding encouragement for home ownership and charitable giving, expanded health and retirement benefits;

(2) the mortgage interest deduction is among the most important incentives in the income tax code and promotes the American Dream of home ownership—the single largest investment for most families, and preserving it is critical for the more than 20,000,000 families claiming it now and for millions more in the future;

(3) favorable tax treatment to encourage gifts to charities is a longstanding principle that helps charities raise funds needed to provide services to poor families and others when government is simply unable or unwilling to do so, and maintaining this tax incentive will help charities raise money to meet the challenges of their charitable missions in the decades ahead;

(4) legislation has been proposed to repeal the entire income tax code at the end of the year 2001 without providing a specific replacement; and

(5) sunsetting the entire income tax code without describing a replacement threatens our Nation's future economic growth and unwisely eliminates existing tax incentives that are crucial for taxpayers who are often making the most important financial decisions of their lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the levels in this resolution assume that Congress supports the continued tax deductibility of home mortgage interest and charitable contributions and that a sunset of the tax code that does not provide a replacement tax system that preserves this deductibility could damage the American dream of home ownership and could threaten the viability of nonprofit institutions.

SEC. 304. SENSE OF THE SENATE ON PRESERVATION OF SOCIAL SECURITY FOR THE FUTURE.

(a) FINDINGS.—The Senate finds that—

(1) Social Security is one of the Nation's most important income security programs;

(2) the preservation of Social Security both for those now retired and for future generations of working Americans is a vital national priority;

(3) the Trustees of the Federal Old Age and Survivors Insurance and Disability Insurance Trust Funds have reported to Congress that—

(A) the retirement of the baby boom generation will cause Social Security expenditures to accelerate rapidly beginning around 2010;

(B) Social Security expenditures will exceed Social Security revenues after 2012 and the trust funds will be depleted of reserves in 2029; and

(C) after 2029, tax revenues will be sufficient to cover only three-fourths of the benefits promised under current law, and, by the end of the 75 year projection period, the annual deficit in the trust funds will reach 2.1 percent of the GDP;

(4) Alan Greenspan, Chairman of the Federal Reserve Board, has testified before Congress that Social Security's unfunded liability stands at around $3,000,000,000,000 and advised Congress to move expeditiously to reform the program so that current workers will have sufficient time to adjust to any changes in the program;

(5) the $124,000,000,000 in new domestic spending programs in the President's budget undermines Social Security by diverting resources from budget surpluses to a bigger government and more spending; and

(6) the Medicare Hospital Insurance program is projected to become insolvent in 2010 and a study by the National Center on Addiction and Substance Abuse at Columbia University estimated that 14 percent of Medicare spending in 1995 was for tobacco-related illnesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) Congress should use unified budget surpluses to reform Social Security for future generations; and

(2) Congress should reserve the Federal proceeds from any tobacco settlement for saving Medicare until legislation is enacted to make Medicare actuarially sound.

SEC. 305. SENSE OF THE SENATE ON ANNUAL STATEMENT OF ACCRUED LIABILITY OF SOCIAL SECURITY AND MEDICARE.

It is the sense of the Senate that the provisions of this resolution assume that—

(1) the concurrent resolution on the budget should include a statement of the current accrued liability of the Federal Government for future payments under the Social Security and Medicare programs; and

(2) the President's budget should include for fiscal years beginning with 1999 a statement of the current accrued liability of the Federal Government for future payments under the Social Security and Medicare programs.

SEC. 306. SENSE OF THE SENATE ON FULL FUNDING FOR IDEA.

It is the sense of the Senate that the budgetary levels in this resolution assume that part B of the Individuals with Disabilities Act (20 U.S.C. 1411 et seq.) should be fully funded at the originally promised level before any funds are appropriated for new education programs.

SEC. 307. SENSE OF THE SENATE ON SOCIAL SECURITY.

(a) FINDINGS.—The Senate finds that—

(1) the Social Security program, created in 1935 to provide old-age survivors, and disability insurance benefits, has been one of the most successful government programs ever;

(2) in the Omnibus Budget Reconciliation Act of 1990, Congress created section 13301 of the Congressional Budget Act, which removed Social Security spending and revenues from all Federal budget calculations;

(3) under current budget law, the Federal budget is still in deficit; and

(4) in his State of the Union message on January 27, 1998, President Clinton called on Congress to "save Social Security first" and to "reserve one hundred percent of the surplus, that is any penny of the surplus, until we have taken all the necessary measures to strengthen the Social Security system for the twenty-first century".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals included in this resolution assume—

(1) Congress and the President should continue to rid our country of debt and work to balance the budget without counting Social Security trust fund surpluses; and

(2) Congress and the President should work in a bipartisan way on specific legislation to reform the Social Security system, to ensure that it is financially sound over the long term and will be available for all future generations.

SEC. 308. SENSE OF THE SENATE ON SCHOOL-TO-WORK PROGRAMS.

It is the sense of the Senate that the budget totals and levels in this resolution assume the President's policy with respect to the School-to-Work program under the Education Reform Account and any such savings as a result should be applied to local initiatives focusing on early childhood development.

SEC. 309. SENSE OF THE SENATE REGARDING TAXPAYER RIGHTS.

It is the sense of the Senate that of revenues designated under section 201 for tax relief, a portion be set aside for—

(1) improvement of taxpayer rights, including protections for taxpayers in cases involving seizure of property by the Internal Revenue Service; and

(2) reform of the penalty rules under the Internal Revenue Code of 1986.

SEC. 310. SENSE OF THE SENATE ON NATIONAL GUARD FUNDING.

(a) FINDINGS.—The Senate finds the following:

(1) The Army National Guard represents 34 percent of total Army forces, including 55 percent of combat divisions and brigades, 46 percent of combat support, and 25 percent of combat service support.

(2) The Army National Guard receives just 9.5 percent of Army funds.

(3) A recent military study estimates the average cost to train and equip an active duty soldier is $73,000 per year, while the average cost to train and equip a National Guard soldier is just $17,000 per year.

(4) The Constitution of the United States provides for a specific role for the National Guard in our national defense.

(5) The National Guard will play an increasing role in a variety of ongoing worldwide operations by relieving active units and reducing the operational and personnel burdens of the Army's frequent and lengthy deployments.

(6) The home land defense is a mission of growing importance for our military forces and the National Guard forces will play an increasingly key role in that mission.

(7) Congress created the National Defense Panel to recommend ways in which to transform United States defense and national security policy for the 21st century and it reached the following recommendations:

(A) Some portion of the Army National Guard's divisional combat units (including combat support) should become part of active divisions and brigades.

(B) The National Guard's enhanced brigades should report to an active Army command.

(C) The Guard should develop selected early-deploying units that would join the active component.

(D) Some additional reserve or Guard units may be needed to reduce pressure on the active Army.

(E) The Guard should assume the entire U.S. Army South (USARSO) mission, the Army component of the United States Southern Command (Southcom) based in Panama.

(F) The National Guard should continue to provide general purpose forces to give prompt military support to civil authorities.

(G) The National Guard should provide forces organized and equipped for training of civil agencies and the immediate reinforcement of first-response efforts in domestic emergencies.

(H) New homeland defense missions develop (e.g., National Missile Defense and information warfare), the Guard should be used in lieu of active forces wherever possible.

(8) The National Guard estimates it was underfunded by $743,000,000 in fiscal year 1998 and by $634,000,000 in fiscal year 1999.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in the budget resolution assume that the Department of Defense will give the highest priority to moving toward fully funding the National Guard.

SEC. 311. SENSE OF THE SENATE ON MEDICARE PAYMENT.

(a) FINDINGS.—The Senate finds that—

(1) one of the goals of the Balanced Budget Act of 1997 was to expand options for Medicare beneficiaries under the new Medicare+Choice program; and

(2) the new Medicare payment formula in the Balanced Budget Act of 1997 was intended to make these choices available to all Americans, but because of the low update and specific budget neutrality provisions of the Balanced Budget Act of 1997, the blending of rates to create greater equity for rural and other lower payment areas was not implemented in 1998 or 1999.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this concurrent resolution on the budget assume that funding the blending of local and national payment rates pursuant to the Balanced Budget Act of 1997 should be a priority for the Senate Finance Committee this year within the budget as established by this Committee.

SEC. 312. SENSE OF THE SENATE ON LONG-TERM CARE.

(a) FINDINGS.—The Senate finds that—

(1) our Nation is not financially prepared to meet the long-term care needs of its rapidly aging population and that long-term care needs threaten the financial security of American families; and

(2) many people are unaware that most long-term care costs are not covered by Medicare and that Medicaid covers long-term care only after the person's assets have been exhausted.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this concurrent resolution on the budget assumes that the National Bipartisan Commission on the Future of Medicare should, as part of its deliberations, describe long-term care needs and make all appropriate recommendations including private sector options that reflect the need for a continuum of care that spans from acute to long-term care. This is not a specific recommendation that any new program be added to Medicare;

(2) the Federal Government should take all appropriate steps to inform the public about the financial risks posed by long-term care costs and about the need for families to plan for their long-term care needs;

(3) the Federal Government should take all appropriate steps to inform the public that Medicare does not cover most long-term care costs and that Medicaid covers long-term care costs only when the beneficiary has exhausted his or her assets;

(4) the appropriate committees of the Senate, together with the Department of Health and Human Services and other appropriate Executive Branch agencies, should develop specific ideas for encouraging Americans to plan for their own long-term care needs; and

(5) the upcoming National Summit on Retirement Income Savings should ensure that planning for long-term care is an integral part of any discussion of retirement security.

SEC. 313. SENSE OF THE SENATE ON CLIMATE CHANGE RESEARCH AND OTHER FUNDING.

It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume the following:

(1) To the extent that funding is made available through grants or other Federal expenditures to reduce emissions of carbon dioxide or other greenhouse gases or to increase sequestration of carbon to offset such emissions, such funding shall be made available through competitive, merit-based awards designed to select cost-effective methods for reducing, sequestering, or mitigating such emissions. Such awards shall consider all technologies, methods, and research for reducing, sequestering, or mitigating emissions, including sustainable agricultural practices and forest management and conservation strategies. Funding criteria shall be comprehensive in scope, not limited to specific technologies or industries, awarded on a nondiscriminatory basis, and target cost-effectiveness in reducing, sequestering, or mitigating carbon dioxide and other greenhouse gases through natural resource management programs or products. In considering the cost-effectiveness of various reduction, sequestration, or mitigation technologies, other environmental benefits should be considered.

(2) To the extent any tax credits or other tax incentives are created to stimulate the adoption of technologies or practices that reduce, sequester, or mitigate emissions of carbon dioxide and other greenhouse gases ("emissions tax incentives"), such emission tax incentives shall also be available to any person that employs an alternative technology or practice that reduces, sequesters, or mitigates emissions of carbon dioxide or other greenhouse gases as effectively as those technologies or practices for which a tax credit or other incentive is provided. Only payments for technologies or in support of practices not legally required when payment is made shall qualify for tax incentives.

SEC. 314. SENSE OF THE SENATE ON INCREASED FUNDING FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT.

(a) FINDINGS.—The Senate finds that—

(1) 54 percent of women in the labor force have children under 13 and are either single parents or have husbands who earn less than $30,000 per year;

(2) in 1995, 62 percent of women with children younger than age 6, and 77 percent of women with children ages 6–17 were in the labor force, and 59 percent of women with children younger than 3 were in the labor force;

(3) a 1997 General Accounting Office study found that the increased work participation requirements of the welfare reform law will cause the need for child care to exceed the known supply;

(4) a 1995 study by the Urban Institute of child care prices in 6 cities found that the average cost of care for a 2-year-old in a child care center ranged from $3,100 to $8,100;

(5) for an entry-level worker, the family's child care costs at the average price of care for an infant in a child care center would be at least 50 percent of family income in 5 of the 6 cities examined;

(6) 40 percent of children under the age of 5 are taken care of at home by 1 parent;

(7) a large number of low- and middle-income families sacrifice a second full-time income so that a parent may be at home with the child;

(8) the average income of 2-parent families with a single income is $20,000 less than the average income of 2-parent families with 2 incomes;

(9) the recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is "what is happening at home and in families"; and

(10) increased tax relief directed at making child care more affordable, and increased funding for the Child Care and Development Block Grant, would take significant steps toward bringing quality child care within the reach of many parents, and would increase the options available to parents in deciding how best to care for their children.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume—

(1) that tax relief should be directed at parents who are struggling to afford quality child care, including those who wish to stay at home to care for a child, and should be included in any tax cut package; and

(2) doubling funding for the Child Care and Development Block Grant will significantly increase the States' ability to deliver quality child care to low-income working families.

SEC. 315. SENSE OF THE SENATE ON THE FORMULA CHANGE FOR FEDERAL FAMILY EDUCATION LOAN.

(a) FINDINGS.—The Senate finds the following:

(1) Postsecondary students receive critical access to a higher education through student loans made available by lenders in the Federal Family Education Loan (FFEL) program.

(2) Guaranteed student loan borrowers currently pay an interest rate on their FFEL loans equal to the 91-day Treasury bill rate plus 2.5 percent while the borrower attends school, and the 91-day Treasury bill rate plus 3.1 percent during repayment. In addition, the maximum FFEL student loan rate is capped at 8.25 percent.

(3) As a result of the Omnibus Budget Reconciliation Act of 1993, the new formula for FFEL student loans, effective July 1, 1998, will be equal to the 10-year Treasury bond rate plus 1 percent. In addition, the same 8.25 percent rate cap would apply to these new loans.

(4) Lenders in the FFEL program have alerted Congress that the scheduled formula change will make these loans unprofitable. As a result, lenders may withdraw from the FFEL program or significantly reduce their participation in the program after July 1, 1998.

(5) A July 25, 1997 report by the Congressional Research Service stated that the scheduled formula change "can result in a greater likelihood that the program will become unprofitable at certain points in the business cycle," and "the result could be a shutdown of the guaranteed delivery system.".

(6) In a report by the Treasury Department on February 26, 1998, the Clinton Administration concluded that the new formula will provide a rate of return on student loans that is below the target rate of return of for-profit bank lenders in the guaranteed student loan program. Furthermore, the Administration concluded that there are inefficiencies associated with the proposed formula,

and joint benefits could be realized to students and lenders from moving back to a short-term index.

(7) At the time that the proposed formula change was adopted in 1993, the rate of return to lenders would have been higher under the proposed formula than under the existing formula.

(8) The withdrawal of lenders from the FFEL program, who now account for approximately 70 percent of all student loans, would be devastating to students because, as the Administration has acknowledged, the Federal direct loan program would be unable to absorb the demand for student loans that would arise from the absence of guaranteed lenders.

(9) A variety of proposals have been put forward to resolve this pending crisis in the FFEL program by modifying the scheduled formula change.

(b) SENSE OF SENATE.—It is the sense of the Senate that the levels in this resolution and legislation enacted pursuant to this resolution assume that the documented problems that will rise from the scheduled formula change for the Federal Family Education Loan program should be resolved in a manner that ensures that students are not harmed by the withdrawal of lenders from this program.

SEC. 316. SENSE OF THE SENATE REGARDING THE DEDUCTIBILITY OF HEALTH INSURANCE PREMIUMS OF THE SELF-EMPLOYED.

(a) FINDINGS.—The Senate finds that—

(1) under current law, the self-employed do not enjoy parity with their corporate competitors with respect to the deductibility of their health insurance premiums;

(2) at present, the self-employed can deduct only 45 percent of their health insurance premiums;

(3) scheduled changes in the deductible amount of health insurance premiums will rise slowly, to only 60 percent by 2002;

(4) only by 2007 will the self-employed enjoy equitable treatment with their corporate competitors with respect to the deductibility of their health insurance premiums;

(5) the limited deductibility available to the self-employed greatly reduces the affordability of their health insurance;

(6) these disadvantages faced by the self-employed are exacerbated by the fact that the self-employed generally pay higher premium rates because they do not have access to group insurance plans;

(7) these disadvantages are reflected in the higher rate of lack of insurance among self-employed individuals that stands at 23.6 percent compared with 17.4 percent for all other wage and salaried workers, for self-employed living at or below the poverty level the rate of uninsured is over 57 percent, for self-employed living at 100–150 percent poverty the rate of uninsured is 47 percent, and for self-employed living at 150–199 percent the rate of uninsured is 40 percent;

(8) for some self-employed, such as farmers who face significant occupational safety hazards, this lack of health insurance affordability has even greater ramifications; and

(9) this lack of full deductibility is adversely affecting the growing number of women who own small businesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this resolution assume that legislation implementing this concurrent resolution on the budget should include accelerated movement toward parity between the self-employed and corporations with respect to the tax treatment of health insurance premiums, while maintaining deficit neutrality.

SEC. 317. SENSE OF THE SENATE ON OBJECTION TO KYOTO PROTOCOL IMPLEMENTATION PRIOR TO SENATE RATIFICATION.

(a) FINDINGS.—Congress finds the following:

(1) The agreement reached by the Administration in Kyoto, Japan, regarding legally binding commitments on greenhouse gas reductions is inconsistent with the provisions of S. Res. 98, The Byrd-Hagel Resolution, that passed the United States Senate unanimously.

(2) The Administration has pledged to Congress that it would not implement any portion of the Kyoto Protocol prior to its ratification in the Senate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that funds should not be provided to put in effect the Kyoto Protocol prior to the Senate ratification in compliance with the requirements of the Byrd-Hagel Resolution and consistent with Administration assurances to Congress.

SEC. 318. SENSE OF THE SENATE ON PRICE INCREASE ON TOBACCO PRODUCTS OF $1.50 PER PACK.

(a) FINDINGS.—The Senate finds that—

(1) smoking rates among children and teenagers have reached epidemic proportions;

(2) of the 3,000 children and teenagers who begin smoking every day, 1,000 will eventually die of smoking-related disease; and

(3) public health experts and economists agree that the most effective and efficient way to achieve major reduction in youth smoking rates is to raise the price of tobacco products by at least $1.50 per pack.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that comprehensive tobacco legislation should increase the price of each pack of cigarettes sold by at least $1.50 through a per-pack fee or other mechanism that will guarantee a price increase of $1.50 per pack within 3 years, not including existing scheduled Federal, State, and local tax increases, with equivalent price increases on other tobacco products, and should index these price increases by an appropriate measure of inflation.

SEC. 319. FINDINGS; SENSE OF CONGRESS.

(a) Congress finds that—

(1) studies have found that quality child care, particularly for infants and young children, requires a sensitive, interactive, loving, and consistent caregiver;

(2) as most parents meet and exceed the criteria described in paragraph (1), circumstances allowing, parental care is the best form of child care;

(3) a recent National Institute for Child Health and Development study found that the greatest factor in the development of a young child is "what is happening at home and in families";

(4) as a child's interaction with his or her parents has the most significant impact on the development of the child, any Federal child care policy should enable and encourage parents to spend more time with their children;

(5) nearly ½ of preschool children have at-home mothers and only ⅓ of preschool children have mothers who are employed full time;

(6) a large number of low- and middle-income families sacrifice a second full-time income so that a mother may be at home with her child;

(7) the average income of 2-parent families with a single income is $20,000 less than the average income of 2-parent families with 2 incomes;

(8) only 30 percent of preschool children are in families with paid child care and the remaining 70 percent of preschool children are in families that do not pay for child care, many of which are low- to middle-income families struggling to provide child care at home;

(9) child care proposals should not provide financial assistance solely to the 30 percent of families that pay for child care and should not discriminate against families in which children are cared for by an at-home parent; and

(10) any congressional proposal that increases child care funding should provide financial relief to families that sacrifice an entire income in order that a mother or father may be at home for a young child.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that—

(1) many families in the United States make enormous sacrifices to forego a second income in order to have a parent care for a child at home;

(2) there should be no bias against at-home parents;

(3) parents choose many different forms of child care to meet the needs of their families, such as child care provided by an at-home parent, grandparent, aunt, uncle, neighbor, nanny, preschool, or child care center;

(4) any quality child care proposal should include, as a key component, financial relief for those families where there is an at-home parent; and

(5) mothers and fathers who have chosen and continue to choose to be at home should be applauded for their efforts.

SEC. 320. SENSE OF THE SENATE CONCERNING IMMUNITY.

It is the sense of the Senate that the levels in this resolution assume that no immunity will be provided to any tobacco product manufacturer with respect to any health-related civil action commenced by a State or local governmental entity or an individual or class of individuals prior to or after the date of the adoption of this resolution.

SEC. 321. SENSE OF SENATE REGARDING AGRICULTURAL TRADE PROGRAMS.

It is the sense of the Senate that the functional totals in this concurrent resolution assume the Secretary of Agriculture will use agricultural trade programs established by law to promote, to the maximum extent practicable, the export of United States agricultural commodities and products.

SEC. 322. SENSE OF THE SENATE SUPPORTING LONG-TERM ENTITLEMENT REFORMS.

(a) FINDINGS.—The Senate finds that the resolution assumes the following—

(1) entitlement spending has risen dramatically over the last thirty-five years;

(2) in 1963, mandatory spending (i.e. entitlement spending and interest on the debt) made up 30 percent of the budget, this figure rose to 45 percent by 1973, to 56 percent by 1983 and to 61 percent by 1993;

(3) mandatory spending is expected to make up 68 percent of the Federal budget in 1998;

(4) absent changes, that spending is expected to take up over 70 percent of the Federal budget shortly after the year 2000 and 74 percent of the budget by the year 2008;

(5) if no action is taken, mandatory spending will consume 100 percent of the budget by the year 2030;

(6) this mandatory spending will continue to crowd out spending for the traditional

"discretionary" functions of Government like clean air and water, a strong National defense, parks and recreation, education, our transportation system, law enforcement, research and development and other infrastructure spending;

(7) taking significant steps sooner rather than later to reform entitlement spending will not only boost economic growth in this country, it will also prevent the need for drastic tax and spending decisions in the next century.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this budget resolution assume that Congress and the President should work to enact structural reforms in entitlement spending in 1998 and beyond which sufficiently restrain the growth of mandatory spending in order to keep the budget in balance over the long term, extend the solvency of the Social Security and Medicare Trust Funds, avoid crowding out funding for basic Government functions and that every effort should be made to hold mandatory spending to no more than seventy percent of the budget.

SEC. 323. SENSE OF CONGRESS REGARDING FREEDOM OF HEALTH CARE CHOICE FOR MEDICARE SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Medicare beneficiaries should have the same right to obtain health care from the physician or provider of their choice as do Members of Congress and virtually all other Americans.

(2) Most seniors are denied this right by current restrictions on their health care choices.

(3) Affording seniors this option would create greater health-care choices and result in fewer claims being paid out of the near-bankrupt Medicare trust funds.

(4) Legislation to uphold this right of health care choice for seniors must protect beneficiaries and Medicare from fraud and abuse. Such legislation must include provisions that—

(A) require that such contracts providing this right be in writing, be signed by the Medicare beneficiary, and provide that no claim be submitted to the Health Care Financing Administration;

(B) preclude such contracts when the beneficiary is experiencing a medical emergency;

(C) allow for the Medicare beneficiary to modify or terminate the contract prospectively at any time and to return to Medicare; and

(D) are subject to stringent fraud and abuse law, including the Medicare anti-fraud provisions in the Health Insurance Portability and Accountability Act of 1996.

(b) SENSE OF CONGRESS.—It is the sense of Congress that seniors have the right to see the physician or health care provider of their choice, and not be limited in such right by the imposition of unreasonable conditions on providers who are willing to treat seniors on a private basis, and that the assumptions underlying the functional totals in this resolution assume that legislation will be enacted to ensure this right.

SEC. 324. SENSE OF THE SENATE REGARDING REPAIR AND CONSTRUCTION NEEDS OF INDIAN SCHOOLS.

(a) FINDINGS.—The Senate finds that—

(1) many of our Nation's tribal schools are in a state of serious disrepair. The Bureau of Indian Affairs (BIA) operates 187 school facilities nationwide. Enrollment in these schools, which presently numbers 47,214 students, has been growing rapidly. A recent General Accounting Office report indicates that the repair backlog in these schools totals $754,000,000, and that the BIA schools are in generally worse condition than all schools nationally;

(2) approximately 60 of these schools are in need of complete replacement or serious renovation. Many of the renovations include basic structural repair for the safety of children, new heating components to keep students warm, and roofing replacement to keep the snow and rain out of the classroom. In addition to failing to provide adequate learning environments for Indian children, these repair and replacement needs pose a serious liability issue for the Federal Government;

(3) sixty-three percent of the BIA schools are over 30 years old, and 26 percent are over 50 years old. Approximately 40 percent of all students in BIA schools are in portable classrooms. Originally intended as temporary facilities while tribes awaited new construction funds, these "portables" have a maximum 10 year life-span. Because of the construction backlog, children have been shuffling between classrooms in the harsh climates of the Northern plains and Western States for 10 to 15 years;

(4) annual appropriations for BIA education facilities replacement and repair combined have averaged $20,000,000 to $30,000,000 annually, meeting only 4 percent of total need. At the present rate, one deteriorating BIA school can be replaced each year, with estimates of completion of nine schools in the next seven years. Since the new construction and repair backlog is so great and growing, the current focus at BIA construction must remain on emergency and safety needs only, without prioritizing program needs such as increasing enrollment or technology in the classroom; and

(5) unlike most schools, the BIA schools are a responsibility of the Federal Government. Unfortunately, the failure of the Federal Government to live up to this responsibility has come at the expense of quality education for some of this Nation's poorest children with the fewest existing opportunities to better themselves.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that the repair and construction backlog affecting Bureau of Indian Affairs school facilities should be eliminated over a period of no more than 5 years beginning with fiscal year 1999, and that the President should submit to Congress a plan for the orderly elimination of this backlog.

SEC. 325. SENSE OF THE SENATE ON SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS AND THE BUDGET SURPLUS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Social Security program is the foundation of retirement income for most Americans, and solving the financial problems of the Social Security program is a vital national priority and essential for the retirement security of today's working Americans and their families.

(2) There is a growing bipartisan consensus that personal retirement accounts should be an important feature of Social Security reform.

(3) Personal retirement accounts can provide a substantial retirement nest egg and real personal wealth. For an individual 28 years old on the date of the adoption of this resolution, earning an average wage, and retiring at age 65 in 2035, just 1 percent of that individual's wages deposited each year in a personal retirement account and invested in securities consisting of the Standard & Poors 500 would grow to $132,000, and be worth approximately 20 percent of the benefits that would be provided to the individual under the current provisions of the Social Security program.

(4) Personal retirement accounts would give the majority of Americans who do not own any investment assets a new stake in the economic growth of America.

(5) Personal retirement accounts would demonstrate the value of savings and the magic of compound interest to all Americans. Today, Americans save less than people in almost every other country.

(6) Personal retirement accounts would help Americans to better prepare for retirement generally. According to the Congressional Research Service, 60 percent of Americans are not actively participating in a retirement plan other than Social Security, although Social Security was never intended to be the sole source of retirement income.

(7) Personal retirement accounts would allow partial prefunding of retirement benefits, thereby providing for Social Security's future financial stability.

(8) The Federal budget will register a surplus of $671,000,000,000 over the next 10 years, offering a unique opportunity to begin a permanent solution to Social Security's financing.

(9) Using the Federal budget surplus to fund personal retirement accounts would be an important first step in comprehensive Social Security reform and ensuring the delivery of promised retirement benefits.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that this resolution assumes that the Committee on Finance shall consider and report a legislative proposal this year that would dedicate the Federal budget surplus to the establishment of a program of personal retirement accounts for working Americans and reduce the unfunded liabilities of the Social Security program.

SEC. 326. SENSE OF THE SENATE REGARDING THE ELIMINATION OF THE MARRIAGE PENALTY.

(a) FINDINGS.—The Senate finds that:

(1) Marriage is the foundation of the American society and the key institution preserving our values.

(2) The tax code should not penalize those who choose to marry.

(3) However, the Congressional Budget Office found that 42 percent of married couples face a marriage penalty under the current tax system.

(4) The Congressional Budget Office found that the average penalty amounts to $1,380 a year.

(5) This penalty is one of the factors behind the decline of marriage.

(6) In 1970, just 0.5 percent of the couples in the United States were unmarried. By 1996, this percentage had risen to 7.2 percent.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions in this budget resolution assume that the Congress shall begin to phase out the marriage penalty this year.

SEC. 327. FINDINGS AND SENSE OF CONGRESS REGARDING AFFORDABLE, HIGH-QUALITY HEALTH CARE FOR SENIORS.

(a) FINDINGS.—Congress finds the following:

(1) Seniors deserve affordable, high quality health care.

(2) The Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) has made health care affordable for millions of seniors.

(3) Beneficiaries under the Medicare program deserve to know that such program

will cover the benefits that they are currently entitled to.

(4) Beneficiaries under the Medicare program can pay out-of-pocket for health care services whenever they—

(A) do not want a claim for reimbursement for such services submitted to such program; or

(B) want or need to obtain health care services that such program does not cover.

(5) Beneficiaries under the Medicare program can use doctors who do not receive any reimbursement under such program.

(6) Close to 75 percent of seniors have annual incomes below $25,000, including 4 percent who have annual incomes below $5,000, making any additional out-of-pocket costs for health care services extremely burdensome.

(7) Very few beneficiaries under the Medicare program report having difficulty obtaining access to a physician who accepts reimbursement under such program.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the assumptions underlying the functional totals in this resolution assume that seniors have the right to affordable, high-quality health care, that they have the right to choose their physicians, and that no change should be made to the Medicare program that could—

(1) impose unreasonable and unpredictable out-of-pocket costs for seniors or erode the benefits that the 38,000,000 beneficiaries under the Medicare program are entitled to;

(2) compromise the efforts of the Secretary of Health and Human Services to screen inappropriate or fraudulent claims for reimbursement under such program; and

(3) allow unscrupulous providers under such program to bill twice for the same services.

SEC. 328. SENSE OF CONGRESS REGARDING PERMANENT EXTENSION OF INCOME AVERAGING FOR FARMERS.

It is the sense of Congress that the provisions of this resolution assume that if the revenue levels are reduced pursuant to section 201 of this resolution for tax legislation, such amount as is necessary shall be used to permanently extend income averaging for farmers for purposes of the Internal Revenue Code of 1986.

SEC. 329. SENSE OF THE SENATE TO MAINTAIN FULL FUNDING FOR THE SECTION 202 ELDERLY HOUSING PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The Section 202 Elderly Housing program is the most important housing program for elderly, low-income Americans, providing both affordable low-income housing and supportive services designed to meet the special needs of the elderly.

(2) Since 1959, the Section 202 Elderly Housing program has funded some 5,400 elderly housing projects with over 330,000 housing units, with the current average tenant in Section 202 housing being a frail, older woman in her seventies, living alone with an income of less than $10,000 per year.

(3) The combination of affordable housing and supportive services under the Section 202 Elderly Housing program is critical to promoting independent living, self-sufficiency, and dignity for the elderly while delaying more costly institutional care.

(4) There are over 1.4 million elderly Americans currently identified as having "worst case housing needs" and in need of affordable housing.

(5) There are 33 million Americans aged 65 and over, some 13 percent of all Americans. The number of elderly Americans is anticipated to grow to over 69 million by the year 2030, which would be some 20 percent of all Americans, and continue to increase to almost 80 million by 2050.

(6) The President's Budget Request for fiscal year 1999 proposes reducing funding for the Section 202 Elderly Housing program from the fiscal year 1998 level of $645,000,000 to $109,000,000 in fiscal year 1999. This represents a reduction of over 83 percent in funding, which will result in reducing the construction of Section 202 housing units from some 6,000 units in fiscal year 1998 to only 1,500 units in fiscal year 1999.

(7) The full funding of the Section 202 Elderly Housing program as an independent Federal housing program is an investment in our elderly citizens as well as our Nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the levels in this resolution assume that the Section 202 Elderly Housing program, as provided under section 202 of the Housing Act of 1959, as amended, shall be funded in fiscal years 1999, 2000, 2001, 2002, and 2003 at not less than the fiscal year 1998 funding level of $645,000,000.

SEC. 330. SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES OF THE DEPARTMENT OF DEFENSE BUDGET.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Balanced Budget Act of 1997 created a new era for Federal spending and forced the Department of Defense to plan on limited spending over the five-year period from fiscal year 1998 through 2002.

(2) The agreements forged under the Balanced Budget Act of 1997 specifically defined the available amounts of budget authority and outlays, requiring the Department of Defense to properly plan its future activities in the new, constrained budget environment.

(3) The Department of Defense worked with the Office of Management and Budget to develop a fiscal year 1999 budget which complies with the Balanced Budget Act of 1997.

(4) Based on Department of Defense program plans and policy changes, the Office of Management and Budget and the Department of Defense made detailed estimates of fiscal year 1999 Department of Defense outlay rates to ensure that the budget submitted would comply with the Balanced Budget Act of 1997.

(5) The Congressional Budget Office outlay estimate of the fiscal year 1999 Department of Defense budget request exceeds both the outlay limit imposed by the Balanced Budget Act of 1997 and the Office of Management and Budget's outlay estimate, a disagreement which would force a total restructuring of the Department of Defense's fiscal year 1999 budget.

(6) The restructuring imposed on the Department of Defense would have a devastating impact on readiness, troop morale, military quality of life, and ongoing procurement and development programs.

(7) The restructuring of the budget would be driven solely by differing statistical estimates made by capable parties.

(8) In a letter currently under review, the Director of the Office of Management and Budget will identify multiple differences between the Office of Management and Budget's estimated outlay rates and the Congressional Budget Office's estimated outlay rates.

(9) New information on Department of Defense policy changes and program execution plans now permit the Office of Management and Budget and the Congressional Budget Office to reevaluate their initial projections of fiscal year 1999 outlay rates.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the totals underlying this concurrent resolution on the budget assume that not later than April 22, 1998, the Director of the Office of Management and Budget, the Secretary of Defense, and the Director of the Congressional Budget Office shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for Department of Defense accounts.

SEC. 331. SENSE OF THE SENATE REGARDING OUTLAY ESTIMATES FOR THE BUDGETS OF FEDERAL AGENCIES OTHER THAN THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Federal civilian workforce in non-Defense Department agencies shrank by 125,000 employees, or 10 percent, between 1992 and 1997.

(2) The Balanced Budget Act of 1997 assumed over $60,000,000,000 in reductions in nondefense discretionary spending over the period 1998-2002.

(3) These reductions were agreed to notwithstanding ever-increasing responsibilities in agencies engaged in fighting crime, combating the drug war, countering terrorist threats, cleaning the environment, enforcing the law, improving education, conducting health research, conducting energy research and development, enhancing the Nation's physical infrastructure, and providing veterans programs.

(4) All Federal agencies have worked closely with the Office of Management and Budget to balance much-needed programmatic needs with fiscal prudence and to submit budget requests for fiscal year 1999 that comply with the Balanced Budget Act of 1997.

(5) Reductions in the President's requests, as estimated by the Office of Management and Budget, to comply with the Congressional Budget Office's estimates could seriously jeopardize priority domestic discretionary programs.

(6) There is no mechanism through which the Congressional Budget Office and the Office of Management and Budget identify their differences in outlay rates for nondefense agencies.

(7) Such consultation would lead to greater understanding between the two agencies and potentially fewer and/or smaller differences in the future.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the totals underlying this concurrent resolution on the budget assume that not later than April 22, 1998, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office, in consultation with the Secretaries of the affected nondefense agencies, shall complete discussions and develop a common estimate of the projected fiscal year 1999 outlay rates for accounts in nondefense agencies.

SEC. 332. SENSE OF THE SENATE REGARDING AN EVALUATION OF THE OUTCOME OF WELFARE REFORM.

It is the sense of the Senate that the budgetary levels in this resolution assume that—

(1) the Secretary of Health and Human Services will, as part of the annual report to Congress under section 411 of the Social Security Act (42 U.S.C. 611), include data regarding the rate of employment, job retention, and earnings characteristics of former recipients of assistance under the State programs funded under part A of title IV of the Social Security Act (42 U.S.C. 401 et seq.) for each such State program; and

(2) for purposes of the annual report for fiscal year 1997, the information described in

paragraph (1) will be transmitted to Congress not later than September 1, 1998.

SEC. 333. SENSE OF THE SENATE REGARDING THE ESTABLISHMENT OF A NATIONAL BACKGROUND CHECK SYSTEM FOR LONG-TERM CARE WORKERS.

(a) Findings.—The Senate makes the following findings:

(1) The impending retirement of the baby boom generation will greatly increase the demand and need for quality long-term care and it is incumbent on Congress and the President to ensure that Medicare and Medicaid patients are protected from abuse, neglect, and mistreatment.

(2) Although the majority of long-term care facilities do an excellent job in caring for elderly and disabled patients, incidents of abuse and neglect and mistreatment do occur at an unacceptable rate and are not limited to nursing homes alone.

(3) Current Federal and State safeguards are inadequate because there is little or no information sharing between States about known abusers and no common State procedures for tracking abusers from State to State and facility to facility.

(b) Sense of the Senate.—It is the sense of the Senate that the assumptions underlying the functional totals in this concurrent resolution on the budget assume that a national registry of abusive long-term care workers should be established by building upon existing infrastructures at the Federal and State levels that would enable long-term care providers who participate in the Medicare and Medicaid programs (42 U.S.C. 1395 et seq.; 1396 et seq.) to conduct background checks on prospective employees.

SEC. 334. SENSE OF THE SENATE ON EXPANDING MEDICARE BENEFITS.

(a) Findings.—The Senate finds the following:

(1) In the 1997 Balanced Budget Agreement, changes were made to Medicare that extended the solvency of the Trust Fund for 10 years.

(2) The Medicare Commission, also established in the Balanced Budget Agreement, has just started the task of examining the Medicare program in an effort to make sound policy recommendations to Congress and the Administration about what needs to be done to ensure that Medicare is financially prepared to handle the added burden when the baby boomers begin retiring.

(3) The problems facing Medicare are not about more revenues. The program needs to do more to improve the health care status of retirees and give them more choices and better information to make wise consumer decisions when purchasing health care services.

(4) Improving the health care status of senior citizens would ensure additional savings for Medicare. Helping seniors stay healthier should be a priority of any legislation aimed at protecting Medicare.

(5) In order to keep seniors healthier, Medicare has to become more prevention based. Currently, Medicare offers prevention benefits, and the Balanced Budget Act of 1997 made a substantial investment in prevention benefits, providing $8,500,000,000 over 10 years.

(6) Preventing illnesses or long hospital stays or repeated hospital stays will save Medicare dollars.

(7) Medicare cannot be saved without structural changes and reforms.

(b) Sense of the Senate.—It is the sense of the Senate that the functional totals underlying this resolution assume that the Balanced Budget Act of 1997 directed the National Bipartisan Commission on the future of Medicare to examine Medicare's benefit structure, including prevention benefits, and make recommendations to the Congress on such benefits in the context of an overall plan to extend the solvency of the program.

SEC. 335. SENSE OF THE SENATE ON BATTLEFIELD PRESERVATION.

It is the sense of the Senate that the budget levels in this resolution assume that—

(1) preserving Revolutionary War, War of 1812, and Civil War battlefields is an integral part of preserving our Nation's history;

(2) the Secretary of the Interior should give special priority to the preservation of Revolutionary War and War of 1812 battlefields, by making funds available for the conduct of the Revolutionary War and War of 1812 Historic Preservation Study as authorized by section 603 of Public Law 104–333 (16 U.S.C. 1a–5 note); and

(3) the Secretary of the Interior should give special priority to the preservation of Revolutionary War, War of 1812, and Civil War battlefields by allocating funds in the Land and Water Conservation Fund for the purchase of battlefield sites the integrity of which is threatened by urban or suburban development.

SEC. 336. A RESOLUTION REGARDING THE SENATE'S SUPPORT FOR FEDERAL, STATE AND LOCAL LAW ENFORCEMENT.

(a) Findings.—The Senate finds that—

(1) our Federal, State and local law enforcement officers provide essential services that preserve and protect our freedom and safety, and with the support of Federal assistance, State and local law enforcement officers have succeeded in reducing the national scourge of violent crime, illustrated by a murder rate in 1996 which is projected to be the lowest since 1971 and a violent crime total in 1996 which is the lowest since 1990;

(2) through a comprehensive effort to attack violence against women mounted by State and local law enforcement, and dedicated volunteers and professionals who provide victim services, shelter, counseling and advocacy to battered women and their children, important strides have been made against the national scourge of violence against women, illustrated by the decline in the murder rate for wives, ex-wives and girlfriends at the hands of their "intimates" fell to a 19-year low in 1995;

(3) recent gains by Federal, State and local law enforcement in the fight against violent crime and violence against women are fragile, and continued financial commitment from the Federal Government for funding and financial assistance is required to sustain and build upon these gains; and

(4) the Violent Crime Reduction Trust Fund as adopted by the Violent Crime Control and Law Enforcement Act of 1994 funds the Violent Crime Control and Law Enforcement Act of 1994, the Violence Against Women Act of 1994, and the Antiterrorism and Effective Death Penalty Act of 1996 without adding to the Federal budget deficit.

(b) Sense of the Senate.—It is the sense of the Senate that the provisions and the functional totals underlying this resolution assume the Federal Government's commitment to fund Federal law enforcement programs and programs to assist State and local efforts to combat violent crime, including violence against women, shall be maintained and funding for the Violent Crime Reduction Trust Fund shall continue to at least fiscal year 2003.

SEC. 337. SENSE OF THE SENATE ON ANALYSIS OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

(a) Findings.—The Senate finds the following:

(1) The National Academy of Sciences, National Academy of Engineering, and Institute of Medicine have recommended, in their 1995 report, entitled "Allocating Federal Funds for Science and Technology", that the Federal science and technology budget "be presented as a comprehensive whole in the President's budget and similarly considered as a whole at the beginning of the congressional budget process before the total Federal budget is disaggregated and sent to the appropriations committees and subcommittees".

(2) Civilian Federal agencies are supporting more than $35,000,000,000 of research and development in fiscal year 1998, but it is difficult for the Congress and the public to track or understand this support because it is dispersed among 12 different budget functions.

(3) A meaningful examination of the overall Federal budget for science and technology, consistent with the recommendation of the National Academies, as well as an examination of science and technology budgets in individual civilian agencies, would be facilitated if the President's budget request clearly displayed the amounts requested for science and technology programs across all civilian agencies and classified these amounts in Budget Function 250.

(b) Sense of the Senate.—It is the sense of the Senate that the congressional budget for the United States for fiscal years 2000, 2001, 2002, 2003, and 2004 should consolidate the spending for all Federal civilian science and technology programs in Budget Function 250, and that the President should accordingly transmit to the Congress a budget request for fiscal year 2000 that classifies these programs, across all Federal civilian departments and agencies, in Budget Function 250.

SEC. 338. SENSE OF THE SENATE ON CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS IN THE FEDERAL BUDGET.

It is the sense of the Senate that the assumptions underlying the function totals in this budget resolution assume that expenditures for civilian science and technology programs in the Federal budget will double over the period from fiscal year 1998 to fiscal year 2008.

SEC. 339. SENSE OF THE SENATE ON LONG-TERM BUDGETING AND REPAYMENT OF THE PUBLIC DEBT.

(a) Findings.—The Senate finds that—

(1) today, there are 34,000,000 Americans over the age of 65, and by the year 2030, that number will grow to nearly 70,000,000;

(2) in 1963, mandatory spending represented 30 percent of the Federal budget, while discretionary spending made up 70 percent, and by 1998, those proportions have almost completely reversed, in that mandatory spending now accounts for 68 percent of the Federal budget, while discretionary spending represents 32 percent;

(3) according to the 1997 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance (OASDI) Trust Fund—

(A) the difference between the income and benefits for the OASDI program is a deficit of 2.23 percent of taxable payroll;

(B) the assets in the Trust Fund are expected to be depleted under present law in the year 2029;

(C) by the time the assets in the Trust Fund are depleted, annual tax revenues will be sufficient to cover only three-fourths of the annual expenditures;

(D) intermediate estimates are that OASDI will absorb nearly 17.5 percent of national payroll by the year 2030; and

(E) the cost of the OASDI program is estimated to rise from its current level of 4.7 percent of Gross Domestic Product to 6.7 percent by the end of the 75-year projection period;

(4) according to reports by the Congressional Budget Office, the Economic and Budget Outlook: Fiscal Years 1999-2008 (January 1998) and Reducing the Deficit: Spending and Revenue Options (March 1997)—

(A) the Medicare Part A Trust Fund will be exhausted early in fiscal year 2010;

(B) enrollment in Medicare will increase dramatically as the baby boomers reach age 65;

(C) between the years 2010 and 2030, enrollment in Medicare is projected to grow by 2.4 percent per year, up from the 1.4 percent average annual growth projected through 2007;

(D) by the year 2030, Medicare enrollment will have doubled, to 75,000,000 people; and

(E) the increase in Medicare enrollment caused by the aging of the population will be accompanied by a tapering of the growth rate of the working age population, and the number of workers will drop from 3.8 for every Medicare beneficiary in 1997 to 2.02 per beneficiary by 2030;

(5) the demographic shift that is currently taking place, and will continue for the next 30 years, will put a tremendous burden on workers as the cost of programs such as Social Security and Medicare are borne by proportionately fewer workers;

(6) the current Budget Resolution, which projects revenues and spending only for the next 10 years, does not give Congress a clear picture of the budget problems that confront the United States shortly after the turn of the century;

(7) currently, 14 percent of the Federal budget is spent on interest payments on the national debt; and

(8) if projected surpluses are used entirely for debt reduction and current tax and spending policies remain unchanged, the share of Federal income needed to pay interest would drop below 5 percent within 12 years, and in 1997, that 10 percentage-point reduction would have amounted to $158,000,000,000 available for other priorities.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution assume that future budget resolutions and future budgets submitted by the President should include—

(1) an analysis for the period of 30 fiscal years beginning with such fiscal year, of the estimated levels of total budget outlays and total new budget authority, the estimated revenues to be received, the estimated surplus or deficit, if any, for each major Federal entitlement program for each fiscal year in such period; and

(2) a specific accounting of payments, if any, made to reduce the public debt, or unfunded liabilities associated with each major Federal entitlement program.

SEC. 340. SENSE OF THE SENATE REGARDING PRESIDENT'S BUDGET.

It is the sense of the Senate that the budgetary levels in this resolution assume that the President should submit, as part of the budget request of the President that is submitted to Congress, a study of the impact of the provisions of the budget on each generation of Americans and its long-term effects on each generation.

SEC. 341. SENSE OF THE SENATE REGARDING THE VALUE OF THE SOCIAL SECURITY SYSTEM FOR FUTURE RETIREES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Social Security system has allowed a generation of Americans to retire with dignity. Today, 13 percent of the population is 65 or older and by 2030, 20 percent of the population will be 65 or older. More than ½ of the elderly do not receive private pensions and more than ⅓ have no income from assets.

(2) For 60 percent of all senior citizens, Social Security benefits provide almost 80 percent of their retirement income. For 80 percent of all senior citizens, Social Security benefits provide over 50 percent of their retirement income.

(3) Poverty rates among the elderly are at the lowest level since the United States began to keep poverty statistics, due in large part to the Social Security system.

(4) 78 percent of Americans pay more in payroll taxes than they do in income taxes.

(5) According to the 1997 report of the Managing Trustee for the Social Security trust funds, the accumulated balance in the Federal Old-Age and Survivors Insurance Trust Fund is estimated to fall to zero by 2029, and the estimated payroll tax at that time will be sufficient to cover only 75 percent of the benefits owed to retirees at that time.

(6) The average American retiring in the year 2015 will pay $250,000 in payroll taxes over the course of a working career.

(7) Future generations of Americans must be guaranteed the same value from the Social Security system as past covered recipients.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that no change in the Social Security system should be made that would reduce the value of the Social Security system for future generations of retirees.

SEC. 342. SENSE OF THE SENATE ON THE LAND AND WATER CONSERVATION FUND.

It is the sense of the Senate that the budget levels in this resolution assume that programs funded from the Land and Water Conservation Fund should be funded in the full amount authorized by law.

SEC. 343. SENSE OF THE SENATE ON EDUCATION GOALS.

It is the sense of the Senate that the functional totals underlying this resolution assume that the Federal Government should work hand-in-hand with States, school districts, and local leaders—

(1) to accomplish the following goals by the year 2005:

(A) establish achievement levels and assessments in every grade for the core academic curriculum; measure each regular student's performance; and prohibit the practice of social promotion of students (promoting students routinely from one grade to the next without regard to their academic achievement);

(B) provide remedial programs for students whose achievement levels indicate they should not be promoted to the next grade;

(C) create smaller schools to enable students to have closer interaction with teachers;

(D) require at least 180 days per year of instruction in core curriculum subjects;

(E) recruit new teachers who are adequately trained and credentialed in the subject or subjects they teach and encourage excellent, experienced teachers to remain in the classroom by providing adequate salaries; require all teachers to be credentialed and limit emergency or temporary teaching credentials to a limited period of time; hold teachers and principals accountable to high educational standards; and

(F) require all regular students to pass an examination in basic core curriculum subjects in order to receive a high school diploma; and

(2) to reaffirm the importance of public schooling and commit to guaranteeing excellence and accountability in the public schools of this Nation.

SEC. 344. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) while it is important to study the effects of class size on learning and study the need to hire more teachers, each type of study must be carried out in conjunction with an effort to ensure that there will be quality teachers in every classroom;

(2) all children deserve well-educated teachers;

(3) there is a teacher quality crisis in the United States;

(4) individuals entering a classroom as teachers should have a sound grasp on the subject the individuals intend to teach, and the individuals should know how to teach;

(5) less than 40 percent of the individuals teaching core subjects (consisting of English, mathematics, science, social studies, and foreign languages) majored or minored in the core subjects;

(6) the quality of teachers impacts student achievement;

(7) the measure of a good teacher is how much and how well the teacher's students learn;

(8) teachers should have the opportunity to learn new technology and teaching methods through the establishment of teacher training facilities so that teachers can share their new knowledge and experiences with children in the classroom;

(9) school officials should have the flexibility the officials need to have teachers in their schools adequately trained to meet strenuous teacher standards;

(10) knowledgeable and eager individuals of sound character and various professional backgrounds should be encouraged to enter kindergarten through grade 12 classrooms as teachers; and

(11) States should have maximum flexibility and incentives to create alternative teacher certification and licensure programs in order to recruit well-educated people into the teaching profession.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume—

(1) the enactment of legislation to provide assistance for programs that—

(A) focus on teacher training delivered through local partnerships, with private and public partners, to ensure that current and future teachers possess necessary teaching skills and knowledge of subject areas; and

(B) focus on alternative certification to recruit knowledgeable and eager individuals of sound character to enter kindergarten through grade 12 classrooms as teachers;

(2) that the quality of teachers can be strengthened by improving the academic knowledge of teachers in the subject areas in which the teachers teach;

(3) that institutions of higher education should be held accountable to prepare teachers who are highly competent in the subject areas in which the teachers teach, including preparing teachers by providing training in the effective uses of technologies in classrooms; and

(4) that there should be recruitment into teaching of high quality individuals, including individuals from other occupations.

SEC. 345. SENSE OF THE SENATE ON INS CIRCUIT RIDERS IN THE FORMER SOVIET UNION.

It is the sense of the Senate that the provisions of this resolution assume that included in the funding for the Immigration and Naturalization Service (INS) is $2,000,000 for the establishment of INS circuit riders in the former Soviet Union for the purpose of processing refugees and conducting medical examinations of refugees who will enter the United States under the Refugee Act of 1980.

SEC. 346. SENSE OF THE SENATE REGARDING FUNDING FOR THE AIRPORT IMPROVEMENT PROGRAM.

It is the sense of the Senate that the congressional budget for the United States Government as provided for in this resolution should assure that—

(1) the contract authority level for the Airport Improvement Program (provided for in part B of subtitle VII of title 49, United States Code) not be reduced below the current level of $2,347,000,000; and

(2) the critical infrastructure development, maintenance, and repair of airports not be jeopardized.

SEC. 347. SENSE OF THE SENATE THAT THE ONE HUNDRED FIFTH CONGRESS, SECOND SESSION SHOULD REAUTHORIZE FUNDS FOR THE FARMLAND PROTECTION PROGRAM.

(a) FINDINGS.—The Senate makes the following findings—

(1) eighteen States and dozens of localities have spent nearly $1,000,000,000 to protect over 600,000 acres of important farmland;

(2) the Farmland Protection Program has provided cost-sharing for 18 States and dozens of localities to protect over 82,000 acres on 230 farms since 1996;

(3) the Farmland Protection Program has generated new interest in saving farmland in communities around the country;

(4) the Farmland Protection Program represents an innovative and voluntary partnership, rewards local ingenuity, and supports local priorities;

(5) current funds authorized for the Farmland Protection Program will be exhausted in the next six months;

(6) the United States is losing two acres of our best farmland to development every minute of every day;

(7) these lands produce three quarters of the fruits and vegetables and over one half of the dairy in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals contained in this resolution assume that the One Hundred Fifth Congress, Second Session will reauthorize funds for the Farmland Protection Program.

SEC. 348. SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(a) FINDINGS.—The Senate makes the following findings—

(1) out of a total 549 plans under the Federal Employees Health Benefits Program, which includes fee-for-service, point of service, and Health Maintenance Organizations, only 186 were fully accredited;

(2) out of a total 549 plans under the Federal Employees Health Benefits Program, which includes fee-for-service, point of service, and Health Maintenance Organizations, 7 were denied accreditation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution provide for the enactment of legislation requiring all health plans participating in the Federal Employees Health Benefits Program to be accredited by a nationally recognized accreditation organization representative of a spectrum of health care interests including purchasers, consumers, providers and health plans.

SEC. 349. SENSE OF THE SENATE REGARDING WASTEFUL SPENDING IN DEFENSE DEPARTMENT ACQUISITION PRACTICES.

(a) FINDINGS.—The Senate finds that—

(1) according to the Defense Department's Inspector General, despite efforts to streamline Government purchases, the military, in some cases, paid more than "fair value" for many items;

(2) efficient purchasing policies, in the context of decreasing defense budgets, are more important than ever to ensure Defense Department spending contributes to military readiness.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that the Defense Department should continue efforts to eliminate wasteful spending such that defense spending allocated in the fiscal year 1999 budget, and all subsequent budgets, is spent in the manner most efficient to maintain and promote military readiness for United States Armed Forces around the globe.

SEC. 350. SENSE OF THE SENATE REGARDING THE UNITED STATES RESPONSE TO THE CHANGING NATURE OF TERRORISM.

(a) FINDINGS.—The Senate finds that—

(1) the threat of terrorism to American citizens and interests remains high, with Americans suffering one-third of the total terrorist attacks in the world in 1997;

(2) the terrorist threat is changing—while past acts were generally limited to the use of conventional explosives and weapons, terrorists today are exploiting technological advances and increasingly lethal tools and strategies to pursue their agenda;

(3) on a worldwide basis, terrorists are focusing on afflicting mass casualties on civilian targets through the acquisition of chemical, biological and nuclear weapons of mass destruction;

(4) chemical and biological weapons in the hands of terrorists or rogue nations constitute a threat to the United States;

(5) the multifaceted nature of the terrorist threat encompasses not only foreign terrorists targeting American citizens and interests abroad, but foreign terrorists operating within the United States itself, as well as domestic terrorists;

(6) terrorists groups are becoming increasingly multinational, more associated with criminal activity, and less responsive to external influences;

(7) terrorists exploit America's free and open society to illegally enter the country, raise funds, recruit new members, spread propaganda, and plan future activities;

(8) terrorists are also making use of computer technology to communicate, solicit money and support, and store information essential to their operations;

(9) State sponsors of terrorism and other foreign countries are known to be developing computer intrusion and manipulation capabilities which could pose a threat to essential public and private information systems in the United States;

(10) the infrastructures deemed critical to the United States are the telecommunications networks, the electric power grid, oil and gas distribution, water distribution facilities, transportation systems, financial networks, emergency services, and the continuity of Government services, the disruption of which could result in significant losses to the United States economic well-being, public welfare, or national security;

(11) a national strategy of infrastructure protection, as required by the Defense Appropriations Act of 1996, and subsequent amendments, has yet to be issued; and

(12) we as a Nation remain fundamentally unprepared to respond in a coordinated and effective manner to these growing terrorist threats.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that—

(1) the Federal Government must take the lead in establishing effective coordination between intelligence-gathering and law enforcement agencies, among Federal, State, and local levels of Government, and with the private sector, for the purpose of assessing, warning, and protecting against terrorist attacks;

(2) technical preparedness for the detection and analysis of chemical and biological weapons, and for swift and adequate emergency response to their use by terrorists, must be a near-term continuing priority;

(3) the United States must seek full international cooperation in securing the capture and conviction of terrorists who attack or pose a threat to American citizens and interests;

(4) the United States should fully enforce its laws intended to deny foreign terrorist organizations the ability to raise money in the United States, prevent the evasion of our immigration laws and furthering of criminal activities, and curtail the use of our country as a base of operations; and

(5) a national strategy, adequate to addressing the complexity of protecting our critical infrastructures, and as required by the Defense Appropriations Act of 1996 and subsequent amendments, must be completed and implemented immediately.

SEC. 351. SENSE OF THE SENATE ON ECONOMIC GROWTH, SOCIAL SECURITY, AND GOVERNMENT EFFICIENCY.

It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the elimination of a discretionary spending program may be used for either tax cuts or to reform the Social Security system;

(2) the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and other appropriate budget rules and laws should be amended to implement the policy stated in paragraph (1).

SEC. 352. SENSE OF THE SENATE REGARDING A SUPERMAJORITY REQUIREMENT FOR RAISING TAXES.

(a) FINDINGS.—The Senate finds that—

(1) the Nation's current tax system is indefensible, being overly complex, burdensome, and severely limiting to economic opportunity for all Americans;

(2) fundamental tax reform should be undertaken as soon as practicable to produce a tax system that—

(A) applies a low tax rate, through easily understood laws, to all Americans;

(B) provides tax relief for working Americans;

(C) protects the rights of taxpayers and reduces tax collection abuses;

(D) eliminates the bias against savings and investment;

(E) promotes economic growth and job creation;

(F) does not penalize marriage or families; and

(G) provides for a taxpayer-friendly collections process to replace the Internal Revenue Service; and

(3) the stability and longevity of any new tax system designed to achieve these goals should be guaranteed with a supermajority vote requirement so that Congress cannot easily raise tax rates, impose new taxes, or otherwise increase the amount of a taxpayer's income that is subject to tax.

(b) SENSE OF SENATE.—It is the sense of Senate that the assumptions underlying the functional totals of this resolution assume fundamental tax reform that is accompanied by a proposal to amend the Constitution of the United States to require a supermajority vote in each House of Congress to approve tax increases.

SEC. 353. SENSE OF THE SENATE ON HEALTH CARE QUALITY.

(a) FINDINGS.—The Senate makes the following findings:

(1) Rapid changes in the health care marketplace have compromised confidence in the our Nation's health system.

(2) American consumers want more convenience, fewer hassles, more choices, and better service from their health insurance plans.

(3) All Americans deserve quality-driven health care supported by sound science and evidence-based medicine.

(4) The Federal Government, through the National Institutes of Health, supports research that improves the quality of medical care that Americans receive.

(5) This resolution assumes increased funding for the National Institutes of Health for 1999 of $15,100,000,000, an 11-percent increase over current funding levels, which are 7 percent higher than in 1997.

(6) As the largest purchaser of health care services, the Federal Government has a responsibility to utilize its purchasing power to demand high quality health plans and providers for its health programs and to protect its beneficiaries from inferior medical care.

(7) The Federal Government must adopt the posture of private sector purchasers and insist on high quality care for the 67,000,000 Medicare and Medicaid beneficiaries and the 9,000,000 Federal employees, retirees, and their dependents.

(8) The private sector has proven to be more capable of keeping pace with the rapid changes in health care delivery and medical practice that affect quality of care considerations than the Federal Government.

(9) As Congress considers health care legislation, it must first commit to "do no harm" to health care quality, consumers, and the evolving market place. Rushing to legislate or regulate based on anecdotal information and micro-managing health plans on politically popular issues will not solve the problems of consumer confidence and the quality of our health care system.

(10) When health insurance premiums rise, Americans lose health coverage. Studies indicate that a 1 percent increase in private health insurance premiums will be associated with an increase in the number of persons without insurance of about 400,000 persons.

(11) Health care costs have begun to rise significantly in the past year. The Congressional Budget Office (referred to as "CBO") projects that the growth in health premiums will be 5.5 percent in 1998 up from 3.8 percent in 1997. CBO continues to project that premiums will grow about 1 percentage point faster than the Gross Domestic Product in the longer run. CBO also warns that new Federal mandates on health insurance could exacerbate this increase in premiums.

(12) The President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry developed the Consumer Bill of Rights and Responsibilities. This includes information disclosure, confidentiality of health information, and choice of providers.

(13) The President's Commission further determined that private sector organizations have the capacity to act in a timely manner needed to keep pace with the swiftly evolving health system.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying this resolution assume that the Senate will not pass any health care legislation that will—

(1) make health insurance unaffordable for working families and increase the number of uninsured Americans;

(2) divert limited health care resources away from serving patients to paying lawyers and hiring new bureaucrats; or

(3) impose political considerations on clinical decisions, instead of allowing such decisions to be made on the basis of sound science and the best interests of patients.

SEC. 354. SENSE OF THE SENATE ON THE USE OF BUDGET SURPLUS FOR TAX RELIEF OR DEBT REDUCTION.

It is the sense of the Senate that this resolution assumes that any budget surplus should be dedicated to debt reduction or direct tax relief for hard-working American families.

SEC. 355. USE OF BUDGET SURPLUS TO REFORM SOCIAL SECURITY.

It is the sense of the Senate that the assumptions underlying the functional totals included in the resolution assume:

(1) The Congress and the President should use any budget surplus to reduce the Social Security payroll tax and to establish personal retirement accounts with the tax reduction for hard-working Americans.

(2) The Congress and the President should not use the Social Security surplus to finance general Government programs and other spending, should begin to build real assets for the trust funds, and work to reform the Social Security system.

SEC. 356. SENSE OF THE SENATE ON COLOMBIAN DRUG WAR HELICOPTERS.

(a) FINDINGS.—The Senate finds that—

(1) Colombia is the leading illicit drug producing country in the Western Hemisphere;

(2) 80 percent of the world's cocaine originates in Colombia;

(3) based on the most recent data of the Drug Enforcement Administration (DEA), more than 60 percent of the heroin seized in the United States originates in Colombia;

(4) in the last 10 years more than 4,000 officers of the Colombian National Police have died fighting the scourge of drugs;

(5) in one recent year alone, according to data of the United States Government, the United States had 141,000 new heroin users and the United States faces historic levels of heroin use among teenagers between the ages of 12 and 17;

(6) once Colombian heroin is in the stream of commerce it is nearly impossible to interdict because it is concealed and trafficked in very small quantities;

(7) the best and most cost efficient method of preventing Colombian heroin from entering the United States is to destroy the opium poppies in the high Andes mountains where Colombian heroin is produced;

(8) the elite anti-narcotics unit of the Colombian National Police has the responsibility to eradicate both coca and opium in Colombia, including the reduction and elimination of cocaine and heroin production, and they have done a remarkably effective job with the limited and outdated equipment at their disposal;

(9) more than 40 percent of the anti-narcotics operations of the Colombian National Police involve hostile ground fire from narco-terrorists and 90 percent of such operations involve the use of helicopters;

(10) the need for better high performance helicopters by the Colombian National Police, especially for use in the high Andes mountains, is essential for more effective eradication of opium in Colombia;

(11) on December 23, 1997, one of the antiquated Vietnam-era UH–1H Huey helicopters used by the Colombian National Police in an opium eradication mission crashed in the high Andes mountains due to high winds and because it was flying above the safety level recommended by the original manufacturer;

(12) in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998 (Public Law 105–118), amounts were appropriated for the procurement by the United States for the Colombian National Police of three UH–60L Blackhawk utility helicopters that can operate safely and more effectively at the high altitudes of the Andes mountains where Colombian opium grows at altitudes as high as 12,000 feet;

(13) the Blackhawk helicopter is a high performance utility helicopter, with greater lift capacity, that can perform at the high altitudes of the Andes mountains, as well as survive crashes and sustain ground fire, much better than any other utility helicopter now available to the Colombian National Police in the war on drugs;

(14) because the Vietnam-era Huey helicopters that the United States has provided the Colombian National Police are outdated and have been developing numerous stress cracks, a sufficient number should be upgraded to Huey II's and the remainder should be phased-out as soon as possible;

(15) these Huey helicopters are much older than most of the pilots who fly them, do not have the range due to limited fuel capacity to reach many of the expanding locations of the coca fields or cocaine labs in southern Colombia, nor do they have the lift capacity to carry enough armed officers to reach and secure the opium fields in the high Andes mountains prior to eradication;

(16) the elite anti-narcotics unit of the Colombian National Police has a stellar record in respecting for human rights and has received the commendation of a leading international human rights group in their operations to reduce and eradicate illicit drugs in Colombia;

(17) the narco-terrorists of Colombia have announced that they will now target United States citizens, particularly those United States citizens working with their Colombian counterparts in the fight against illicit drugs in Colombia;

(18) a leading commander of the Revolutionary Armed Forces of Colombia ("FARC") announced recently that the objective of these narco-terrorists, in light of recent successes, will be "to defeat the Americans";

(19) United States Government personnel in Colombia who fly in these helicopters accompanying the Colombian National Police on missions are now at even greater risk from these narco-terrorists and their drug trafficking allies;

(20) in the last six months four anti-narcotics helicopters of the Colombian National Police have been downed in operations;

(21) Congress intends to provide the necessary support and assistance to wage an effective war on illicit drugs in Colombia and provide the equipment and assistance needed to protect all of the men and women of the Colombian National Police as well as those Americans who work side by side with the Colombian National Police in this common struggle against illicit drugs;

(22) the new Government of Bolivia has made a commitment to eradicate coca and cocaine production in that country within 5 years;

(23) the United States should support any country that is interested in removing the scourge of drugs from its citizens; and

(24) Bolivia has succeeded, in large measure due to United States assistance, in reducing acreage used to produce coca, which is the basis for cocaine production.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the President should, with funds made available under Public Law 105–118, expeditiously procure and provide to the Colombian National Police three UH–60L Blackhawk utility helicopters solely for the purpose of assisting the Colombian National Police to perform their responsibilities to reduce and eliminate the production of illicit drugs in Colombia and the trafficking of such illicit drugs, including the trafficking of drugs such as heroin and cocaine to the United States;

(2) if the President determines that the procurement and transfer to the Colombian National Police of three UH–60L Blackhawk utility helicopters is not an adequate number of such helicopters to maintain operational feasibility and effectiveness of the Colombian National Police, then the President should promptly inform Congress as to the appropriate number of additional UH–60L Blackhawk utility helicopters for the Colombian National Police so that amounts can be authorized for the procurement and transfer of such additional helicopters; and

(3) assistance for Bolivia should be maintained at least at the level assumed in the fiscal year 1998 budget submission of the President and the Administration should act accordingly.

SEC. 357. SENSE OF THE SENATE ON FUNDING FOR MEDICAL CARE FOR VETERANS.

It is the sense of the Senate that the functional totals underlying this resolution assume that $40,274,000 in additional amounts above the President's budget levels will be made available for veterans health care for fiscal year 1999.

SEC. 358. SENSE OF THE SENATE ON OBJECTION TO THE USE OF THE SALE OF PUBLIC LANDS TO FUND CERTAIN PROGRAMS.

(a) FINDINGS.—The Senate finds that the Budget Committee Report accompanying this resolution assumes that the landowner incentive program of the Endangered Species Recovery Act would be funded "from the gross receipts realized in the sales of excess BLM land: *Provided*, That BLM has sufficient administrative funds to conduct such sales".

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the functional totals underlying this resolution assume that—

(1) the landowner incentive program included in the Endangered Species Recovery Act should be financed from a dedicated source of funding; and

(2) public lands should not be sold to fund the landowner incentive program of the Endangered Species Recovery Act through their proceeds alone, if subsequent legislation provides an alternative or mixed, dedicated source of mandatory funding.

SEC. 359. SENSE OF THE SENATE REGARDING A MULTINATIONAL ALLIANCE AGAINST DRUG TRAFFICKING.

(a) FINDINGS.—The Senate finds that—

(1) the traffic in illegal drugs greatly threatens democracy, security and stability in the Western Hemisphere due to the violence and corruption associated with drug trafficking organizations;

(2) drug trafficking organizations operate without respect for borders or national sovereignty;

(3) the production, transport, sale, and use of illicit drugs endangers the people and legitimate institutions of all countries in the hemisphere;

(4) no single country can successfully confront and defeat this common enemy;

(5) full bilateral cooperation with the United States to reduce the flow of drugs is in the national interests of our neighbors in the hemisphere;

(6) in addition, victory in the hemispheric battle against drug traffickers requires expanded multilateral cooperation among the nations of the region.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the provisions of this resolution assume that in addition to existing bilateral cooperative efforts, the Administration should promote at the Summit of the Americas and in other fora the concept of a multinational hemispheric "war alliance" bringing together the United States and key illicit drug producing and transiting countries in the Western Hemisphere for the purpose of implementing a coordinated plan of action against illegal drug trafficking and promoting full cooperation against this common menace.

SEC. 360. SENSE OF THE SENATE REGARDING LEGISLATION THAT INCREASES COMPLEXITY OF TAX RETURNS.

(a) FINDINGS.—The Senate finds the following:

(1) As part of the consideration by the Senate of tax cuts for the families of America, the Senate should also examine the condition of the Internal Revenue Code of 1986.

(2) According to the Congressional Research Service, the Revenue Reconciliation Act of 1997 added 1,000,000 words and 315 pages to the Internal Revenue Code.

(3) The Internal Revenue Code continues to grow more complex and difficult for the average taxpayer to understand, and the average tax return has become more time-consuming to prepare.

(4) The average taxpayer will spend 9 hours and 54 minutes preparing Form 1040 for the 1997 tax year.

(5) The average taxpayer spends between 21 and 28 hours each year on tax matters.

(6) In 1995, 58,965,000 of the 118,218,327 tax returns that were filed, almost 50 percent, were filed by taxpayers who utilized the help of a paid tax preparer.

(7) The average taxpayer spends $72 each year for tax preparation.

(8) The total burden on all taxpayers of maintaining records, and preparing and filing tax returns is estimated to be in excess of 1,600,000 hours per year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the budgetary levels in this resolution assume that the Senate should give priority to tax proposals that simplify the tax code and reject proposals that add greater complexity in the tax code and increased compliance costs for the taxpayer.

SEC. 361. GENERAL PROHIBITION ON THE USE OF MARIJUANA FOR MEDICINAL PURPOSES.

It is the sense of the Senate that the provisions of this resolution assume that no funds appropriated by Congress should be used to provide, procure, furnish, fund or support, or to compel any individual, institution or government entity to provide, procure, furnish, fund or support, any item, good, benefit, program or service, for the purpose of the use of marijuana for medicinal purposes.

SEC. 362. SENSE OF THE SENATE REGARDING AMTRAK FUNDING.

(a) FINDINGS.—The Senate finds that—

(1) on November 13, 1997 the Senate unanimously passed the Amtrak Reform and Accountability Act of 1997, Public Law 105–134, authorizing appropriations of $1,058,000,000 for fiscal year 1999; $1,023,000,000 for fiscal year 2000; $989,000,000 for fiscal year 2001; and $955,000,000 for fiscal year 2002, totaling $4,025,000,000 for fiscal years 1999–2002;

(2) in Public Law 105–134 the Congress declared that "intercity rail passenger service is an essential component of a national intermodal passenger transportation system";

(3) section 201 of the Amtrak Reform and Accountability Act of 1997 has now statutorily formalized prior Congressional directives to Amtrak to reach operating self-sufficiency by fiscal year 2002;

(4) the Congress and the President, through enactment of this legislation, have effectively agreed that Congress will provide adequate funding to permit Amtrak to achieve the goal of operating self-sufficiency;

(5) capital investment is critical to reducing operating costs and increasing the quality of Amtrak service;

(6) capital investment is essential to improving Amtrak's long-term financial health;

(7) the $2,200,000,000 provided to Amtrak through the Taxpayer Relief Act is for the sole purpose of capital expenditures and other qualified expenses and is intended to supplement, not supplant, annual appropriations.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the assumptions underlying the functional totals in this budget resolution assume that Congress and the Administration will fulfill the intent of the Amtrak Reform and Accountability Act of 1997 and appropriate sufficient funds in each of the next 5 fiscal years for Amtrak to implement its fiscal years 1998–2003 Strategic Business Plan, while preserving the integrity of the $2,200,000,000 provided under the Taxpayer Relief Act for the statutory purpose of capital investment.

SEC. 363. SENSE OF THE SENATE REGARDING MARKET ACCESS PROGRAM.

(a) FINDINGS.—The Senate finds the following:

(1) The Market Access Program (MAP) continues to be a vital and important part of United States trade policy aimed at maintaining and expanding United States agricultural exports, countering subsidized foreign competition, strengthening farm income and protecting American jobs. Further, the Senate finds that:

(A) The Market Access Program is specifically targeted towards small business, farmer cooperatives and trade associations.

(B) The Market Access Program is administered on a cost-share basis. Participants, including farmers and ranchers, are required to contribute up to 50 percent or more toward the cost of the program.

(2) The Market Access Program has been a tremendous success by any measure. Since

the program was established; United States agricultural exports have doubled. In fiscal year 1997, United States agricultural exports amounted to $57,300,000,000, resulting in a positive agricultural trade surplus of approximately $22,000,000,000, and contributing billions of dollars more in increased economic activity and additional tax revenues.

(3) The Market Access Program has also helped maintain and create needed jobs throughout the Nation's economy. More than one million Americans now have jobs that depend on United States agricultural exports. Further, every billion dollars in additional United States agricultural exports helps create as many as 17,000 or more new jobs.

(4) United States agriculture, including farm income and related jobs, is more dependent than ever on maintaining and expanding United States agricultural exports as Federal farm programs are gradually reduced under the FAIR Act of 1996.

(5) In addition to the Asian economic situation and exchange rate fluctuations, United States agricultural exports continue to be adversely impacted by continued subsidized foreign competition, artificial trade barriers and other unfair foreign trade practices.

(6) The European Union (EU) and other foreign competitors continue to heavily outspend the United States by more than 10 to 1 with regard to export subsidies.

(A) In 1997, the EU budgeted $7,200,000,000 for export subsidies aimed at capturing a larger share of the world market at the expense of United States agriculture.

(B) EU and other foreign competitors also spend nearly $500,000,000 on market promotion activities. The EU spends more on wine promotion than the United States currently spends on all commodities and related agricultural products.

(C) The EU has announced a major new initiative aimed at increasing their exports to Japan—historically, the largest single market for United States agriculture exports.

(7) United States agriculture is the most competitive industry in the world, but it cannot and should not be expected to compete alone against the treasuries of foreign governments.

(8) Reducing or eliminating funding for the Market Access Program would adversely affect United States agriculture's ability to remain competitive in today's global marketplace. A reduction in United States agricultural exports would translate into lower farm income, a worsening trade deficit, slower economic growth, fewer export-related jobs, and a declining tax base.

(9) United States success in upcoming trade negotiations on agriculture scheduled to begin in 1999 depends on maintaining an aggressive trade strategy and related policies and programs. Reducing or eliminating the Market Access Program would represent a form of unilateral disarmament and weaken the United States negotiating position.

(10) The Market Access Program is one of the few programs specifically allowed under the current Uruguay Round Agreement.

(b) Sense of the Senate.—It is the sense of the Senate that funding for the Market Access Program (MAP) should be fully maintained as authorized and aggressively utilized by the United States Department of Agriculture to encourage United States agricultural exports, strengthen farm income, counter subsidized foreign competition, and protect American jobs.

SEC. 364. SENSE OF THE SENATE REGARDING THE NATIONAL INSTITUTES OF HEALTH.

(a) Findings.—Congress finds that—

(1) heart disease was the leading cause of death for both men and women in every year from 1970 to 1993;

(2) mortality rates for individuals suffering from prostate cancer, skin cancer, and kidney cancer continue to rise;

(3) the mortality rate for African American women suffering from diabetes is 134 percent higher than the mortality rate of Caucasian women suffering from diabetes;

(4) asthma rates for children increased 58 percent from 1982 to 1992;

(5) nearly half of all American women between the ages of 65 and 75 reported having arthritis;

(6) AIDS is the leading cause of death for Americans between the ages of 24 and 44;

(7) the Institute of Medicine has described United States clinical research to be "in a state of crisis" and the National Academy of Sciences concluded in 1994 that "the present cohort of clinical investigators is not adequate";

(8) biomedical research has been shown to be effective in saving lives and reducing health care expenditures;

(9) research sponsored by the National Institutes of Health has contributed significantly to the first overall reduction in cancer death rates since recordkeeping was instituted;

(10) research sponsored by the National Institutes of health has resulted in the identification of genetic mutations for osteoporosis; Lou Gehrig's Disease, cystic fibrosis, and Huntington's Disease; breast, skin and prostate cancer; and a variety of other illnesses;

(11) research sponsored by the National Institutes of Health has been key to the development of Magnetic Resonance Imaging (MRI) and Positron Emission Tomography (PET) scanning technologies;

(12) research sponsored by the National Institutes of Health has developed effective treatments for Acute Lymphoblastic Leukemia (ALL). Today, 80 percent of children diagnosed with Acute Lymphoblastic Leukemia are alive and free of the disease after 5 years; and

(13) research sponsored by the National Institutes of Health contributed to the development of a new, cost-saving cure for peptic ulcers.

(b) Sense of the Senate.—It is the sense of the Senate that the function totals in this budget resolution assume that—

(1) appropriations for the National Institutes of Health should be increased by 100 percent over the next 5 fiscal years;

(2) appropriations for the National Institutes of Health should be increased by $2,000,000,000 in year 1999 over the amount appropriated in fiscal year 1998;

(3) the budget resolution takes a major step toward meeting this goal; and

(4) at a minimum, appropriations for the National Institutes of Health should match the recommendations provided in the budget resolution.

SEC. 365. SENSE OF THE SENATE REGARDING DISPLAY OF TEN COMMANDMENTS.

(a) Findings.—The Senate finds that—

(1) the Ten Commandments have had a significant impact on the development of the fundamental legal principles of Western Civilization; and

(2) the Ten Commandments set forth a code of moral conduct, observance of which is acknowledged to promote respect for our system of laws and the good of society.

(b) Sense of the Senate.—It is the sense of the Senate that the functional totals in this concurrent resolution on the budget assume that—

(1) the Ten Commandments are a declaration of fundamental principles that are the cornerstones of a fair and just society; and

(2) the public display, including display in the Supreme Court, the Capitol building, the White House, and other government offices and courthouses across the nation, of the Ten Commandments should be permitted, as long as it is consistent with the establishment clause of the first amendment of the United States Constitution.

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on April 15, 1998, during the adjournment of the Senate, received a message from the House of Representatives announcing that Speaker pro tempore (Mrs. Morella) signed the following enrolled bills:

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 493. An act to amend title 18, United States Code, with respect to scanning receivers and similar devices.

S. 1178. An act to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of data with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.

H.R. 1116. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District and the Fabens Independent School District.

H.R. 2843. A act to direct the Administrator of the Federal Aviation Administration to reevaluate the equipment in medical kits carried on, and to make a decision regarding requiring automatic external defibrillators to be carried on, aircraft by air carriers, and for other purposes.

H.R. 3226. An act to authorize the Secretary of Agriculture to convey certain lands and improvements in the State of Virginia, and for other purposes.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on April 16, 1998, during the adjournment of the Senate, by the President pro tempore (Mr. Thurmond).

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 1151. An act to amend the Federal Credit Union Act to clarify existing law with regard to the field of membership of Federal credit unions, to preserve the integrity and purpose of Federal credit unions, to enhance supervisory oversight of insured credit unions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States, the following enrolled bills:

On April 17, 1998:

S. 419. An act to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 493. An act to amend title 18, United States Code, with respect to scanning receivers and similar devices.

On April 20, 1998:

S. 1178. An act to amend the Immigration and Nationality Act to modify and extend the visa waiver pilot program, and to provide for the collection of date with respect to the number of nonimmigrants who remain in the United States after the expiration of the period of stay authorized by the Attorney General.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4502. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a notice of the proposed issuance of an export license; to the Committee on Foreign Relations.

EC–4503. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled "Amendments to the International Traffic in Arms Regulations" received on March 31, 1998; to the Committee on Foreign Relations.

EC–4504. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report on counternarcotics rewards; to the Committee on Foreign Relations.

EC–4505. A communication from the Acting Secretary of Veterans' Affairs and the Secretary of Defense, transmitting jointly, pursuant to law, a report on the implementation of the health resources sharing portion of the "Department of Veterans Affairs and Department of Defense Health Resources Sharing and Emergency Operations" for fiscal year 1997; to the Committee on Veterans' Affairs.

EC–4506. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Acquisition Regulations: Commercial Items" (RIN2900–AI05) received on April 8, 1998; to the Committee on Veterans' Affairs.

EC–4507. A communication from the Acting Secretary of Veterans Affairs, transmitting, a draft of proposed legislation entitled "The Veterans Tobacco Amendments of 1998"; to the Committee on Veterans' Affairs.

EC–4508. A communication from the Administrator of the U.S. Small Business Administration, transmitting, a draft of proposed legislation to implement the President's fiscal year 1999 budget with respect to the programs of the U.S. Small Business Administration; to the Committee on Small Business.

EC–4509. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to the International Atomic Energy Agency; to the Committee on Foreign Relations.

EC–4510. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–4511. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction notification; to the Committee on Armed Services.

EC–4512. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the Selected Acquisition Reports for the period October 1 through December 31, 1997; to the Committee on Armed Services.

EC–4513. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–4514. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, the report of a rule entitled "Wild Horse and Burro Adoptions" (RIN1004–AD28) received on April 13, 1998; to the Committee on Energy and Natural Resources.

EC–4515. A communication from the Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Illinois Regulatory Program (Revegetation success)" received on April 6, 1998; to the Committee on Energy and Natural Resources.

EC–4516. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Energy and Natural Resources.

EC–4517. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Office of Surface Mining Reclamation and Enforcement for calendar year 1997; to the Committee on Energy and Natural Resources.

EC–4518. A communication from the President of the United States, transmitting, pursuant to law, the report of the Executive Order of the waiver under the Trade Act of 1974 with respect to Vietnam; to the Committee on Finance.

EC–4519. A communication from the Regulations Officer, Department of Health and Human Services, transmitting, pursuant to law, the report of two rules received on April 8, 1998; to the Committee on Finance.

EC–4520. A communication from the Senior Attorney, Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transfer of Debts to Treasury for Collection" received on March 30, 1998; to the Committee on Finance.

EC–4521. A communication from the Deputy Director of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the reports of four rules received on April 8, 1998; to the Committee on Finance.

EC–4522. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "The Medicaid Provider Tax and Donation Amendments of 1998"; to the Committee on Finance.

EC–4523. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Finance.

EC–4524. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 98:16 received on April 9, 1998; to the Committee on Finance.

EC–4525. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 98:21; to the Committee on Finance.

EC–4526. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a Treasury Regulation received on April 6, 1998; to the Committee on Finance.

EC–4527. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Procedures 98:29-30; to the Committee on Finance.

EC–4528. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the reports of two rules; to the Committee on Finance.

EC–4529. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of four rules received on March 31, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4530. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Agriculture Reform and Improvement Act of 1998"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4531. A communication from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on April 8, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4532. A communication from the Administrator of the Rural Business—Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the reports of two rules received on April 9, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4533. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, the reports of three rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4534. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the reports of five rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4535. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the reports of eight rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4536. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule received on April 7, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4537. A communication from the Secretary of the Treasury, transmitting, a draft of proposed legislation entitled "The Community Development Financial Institutions Fund Amendments Act of 1998"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4538. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report relative to the Portfolio Reengineering Demonstration Program for fiscal years 1996 and 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-4539. A communication from the Legislative and Regulatory Activities Division, Administrator of National Banks, Comptroller of the Currency, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4540. A communication from the Secretary of the Treasury, Chairman of the Securities and Exchange Commission, and the Chairman of the Board of Governors of the Federal Reserve System, transmitting jointly, pursuant to law, the report of the Joint Study of the Regulatory System For Government Securities; to the Committee on Banking, Housing, and Urban Affairs.

EC-4541. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to Vietnam; to the Committee on Banking, Housing, and Urban Affairs.

EC-4542. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report relative to debt collection practices; to the Committee on Banking, Housing, and Urban Affairs.

EC-4543. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "The Empowerment Zone Enhancement Act of 1998"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4544. A communication from the President of the United States, transmitting, pursuant to law, the report on the national emergency caused by the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-4545. A communication from the Chairman of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report for calendar year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-4546. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, a report relative to compensation; to the Committee on Banking, Housing, and Urban Affairs.

EC-4547. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, the annual report for calendar year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-4548. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the reports of three rules; to the Committee on Banking, Housing, and Urban Affairs.

EC-4549. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the reports of two rules received on March 31, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-4550. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the reports of three rules; to the Committee on Banking, Housing, and Urban Affairs.

EC-4551. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-312 adopted by the Council on March 3, 1998; to the Committee on Governmental Affairs.

EC-4552. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-313 adopted by the Council on March 3, 1998; to the Committee on Governmental Affairs.

EC-4553. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the management report for fiscal year 1997; to the Committee on Governmental Affairs.

EC-4554. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the accountability report for fiscal year 1997; to the Committee on Governmental Affairs.

EC-4555. A communication from the Deputy Director of the Office of Government Ethics, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Governmental Affairs.

EC-4556. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, U.S. General Services Administration, transmitting, pursuant to law, the reports of two rules received on April 14, 1998; to the Committee on Governmental Affairs.

EC-4557. A communication from the Interim District of Columbia Auditor, transmitting, pursuant to law, a report entitled "District's Department of Public Works Improperly Collected and Retained Millions In Parking Ticket Overpayments"; to the Committee on Governmental Affairs.

EC-4558. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a report relative to the District of Columbia Public Schools; to the Committee on Governmental Affairs.

EC-4559. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, the management report for fiscal year 1997; to the Committee on Governmental Affairs.

EC-4560. A communication from the Executive Director of the Committee for Purchase from People Who are Blind or Severely Disabled, transmitting, pursuant to law, two reports relative to the procurement list; to the Committee on Governmental Affairs.

EC-4561. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for February 1998; to the Committee on Governmental Affairs.

EC-4562. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of the consolidated financial statement of the U.S. Government for fiscal year 1997; to the Committee on Governmental Affairs.

EC-4563. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the reports of four rules; to the Committee on Governmental Affairs.

EC-4564. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4565. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4566. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4567. A communication from the Secretary of Labor, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4568. A communication from the Acting Assistant Secretary For Management, Department of Veterans Affairs, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4569. A communication from the Postmaster General and Chief Executive Officer, U.S. Postal Service, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4570. A communication from the Senior Deputy Chairman of the National Endowment For the Arts, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1997; to the Committee on the Judiciary.

EC-4571. A communication from the Director of Government Relations of the Girl Scouts, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on the Judiciary.

EC-4572. A communication from the General Counsel of the Department of Commerce, transmitting, a draft of proposed legislation to implement the Administration's fiscal year 1999 budget proposal regarding fees collected by the U.S. Patent and Trademark Office; to the Committee on the Judiciary.

EC-4573. A communication from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on the Judiciary.

EC-4574. A communication from the Attorney General, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on the Judiciary.

EC–4575. A communication from the President of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the audit report for fiscal year 1997; to the Committee on the Judiciary.

EC–4576. A communication from the Acting Assistant Attorney General, transmitting, pursuant to law, a report entitled "Model Juvenile Handgun Code for the States"; to the Committee on the Judiciary.

EC–4577. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report on the GSA Capital Investment Program for fiscal year 1998; to the Committee on Environment and Public Works.

EC–4578. A communication from the Interim Senior Vice President of the Tennessee Valley Authority, transmitting, pursuant to law, the report of the statistical summary for fiscal year 1997; to the Committee on Environment and Public Works.

EC–4579. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Environment and Public Works.

EC–4580. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules received on March 31, 1998; to the Committee on Environment and Public Works.

EC–4581. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on April 6, 1998; to the Committee on Environment and Public Works.

EC–4582. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on April 7, 1998; to the Committee on Environment and Public Works.

EC–4583. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules received on April 7, 1998; to the Committee on Environment and Public Works.

EC–4584. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Environment and Public Works.

EC–4585. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules received on April 9, 1998; to the Committee on Environment and Public Works.

EC–4586. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules received on April 13, 1998; to the Committee on Environment and Public Works.

EC–4587. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to base closures and realignments; to the Committee on Armed Services.

EC–4588. A communication from the Secretary of Defense, transmitting, two reports relative to retirements; to the Committee on Armed Services.

EC–4589. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to civilian shock trauma units; to the Committee on Armed Services.

EC–4590. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC–4591. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on actions to accelerate the movement to the New Workforce Vision; to the Committee on Armed Services.

EC–4592. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to premium collection procedures; to the Committee on Armed Services.

EC–4593. A communication from the Secretary of Defense, transmitting, pursuant to law, the annual report of the Reserve Forces Policy Board for fiscal year 1997; to the Committee on Armed Services.

EC–4594. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to defense reform; to the Committee on Armed Services.

EC–4595. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Armed Services.

EC–4596. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to the Improved Cargo Helicopter aircraft program; to the Committee on Armed Services.

EC–4597. A communication from the Assistant Secretary of Defense (Strategy and Threat Reduction), transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Program; to the Committee on Armed Services.

EC–4598. A communication from the Acting Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to contingency or combat operations; to the Committee on Armed Services.

EC–4599. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the Chem Demil Non-Stockpile Chemical Material Program; to the Committee on Armed Services.

EC–4600. A communication from the Deputy Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to a cost comparison; to the Committee on Armed Services.

EC–4601. A communication from the Acting General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize a beach replenishment in San Diego, California; to the Committee on Armed Services.

EC–4602. A communication from the Assistant Secretary of Energy for Defense Programs, transmitting, pursuant to law, a report relative to a Stockpile Stewardship Plan; to the Committee on Armed Services.

EC–4603. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on government-wide spending to combat terrorism; to the Committee on Armed Services.

EC–4604. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule received on March 16, 1998; to the Committee on Labor and Human Resources.

EC–4605. A communication from the Secretary of Education, transmitting, a draft of proposed legislation entitled "The Education Opportunity Zones Act of 1998"; to the Committee on Labor and Human Resources.

EC–4606. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Labor and Human Resources.

EC–4607. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Labor and Human Resources.

EC–4608. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule received on April 8, 1998; to the Committee on Labor and Human Resources.

EC–4609. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "Evaluation of Short-Time Compensation Programs"; to the Committee on Labor and Human Resources.

EC–4610. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "Implementation of the 1992 Job Training Partnership Act Amendments"; to the Committee on Labor and Human Resources.

EC–4611. A communication from the Chief Executive Officer of the Corporation For National Service, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Labor and Human Resources.

EC–4612. A communication from the President of the U.S. Institute of Peace, transmitting, pursuant to law, the report of finanical statements for fiscal years 1996 and 1997; to the Committee on Labor and Human Resources.

EC–4613. A communication from the Acting Administrator of the Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule received on April 8, 1998; to the Committee on Labor and Human Resources.

EC–4614. A communication from the Deputy Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Labor and Human Resources.

EC–4615. A communication from the Director, Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, the reports of four rules; to the Committee on Labor and Human Resources.

EC–4616. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twelve rules received on March 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4617. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twenty-two rules received on April 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4618. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of fifteen rules received on April 6, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4619. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule received on April 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4620. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of twenty-seven rules received on April 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4621. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to export vessels; to the Committee on Commerce, Science, and Transportation.

EC-4622. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Maritime Administration for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC-4623. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Federal Railroad Safety Authorization Act of 1998"; to the Committee on Commerce, Science, and Transportation.

EC-4624. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to pipeline safety user fee assessment methodology; to the Committee on Commerce, Science, and Transportation.

EC-4625. A communication from the Secretary of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule received on April 13, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4626. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC-4627. A communication from the Chief Counsel of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of FAA fiscal year 1999 budget requests; to the Committee on Commerce, Science, and Transportation.

EC-4628. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of the pilot minimum flight time requirements study; to the Committee on Commerce, Science, and Transportation.

EC-4629. A communication from the Director of the Bureau of Economic Analysis, Economics and Statistics Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule received on April 9, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4630. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, the report on the Coastal Zone Management Fund for fiscal year 1997; to the Committee on Commerce, Science, and Transportation.

EC-4631. A communication from the Assistant Secretary of Commerce for Import Administration, transmitting, pursuant to law, the reports of two rules; to the Committee on Commerce, Science, and Transportation.

EC-4632. A communication from the Deputy Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the reports of two rules; to the Committee on Commerce, Science, and Transportation.

EC-4633. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule received on April 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4634. A communication from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule received on March 31, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4635. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, a report of interpretations; to the Committee on Commerce, Science, and Transportation.

EC-4636. A communication from the AMD—Performance Evaluation and Records Management of the Federal Communications Commission, transmitting, pursuant to law, the reports of seven rules; to the Committee on Commerce, Science, and Transportation.

EC-4637. A communication from the Assistant Administrator of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule received on April 2, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4638. A communication from the Director of the National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule received on April 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC-4639. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of five rules; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SANTORUM:

S. 1958. A bill to suspend temporarily the duty on ferroniobium; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself and Mr. TORRICELLI):

S. Res. 210. A resolution designating the week of June 22, 1998 through June 28, 1998 as "National Mosquito Control Awareness Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 89

At the request of Ms. SNOWE, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Maine (Ms. COLLINS) was withdrawn as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 428

At the request of Mr. KOHL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 428, a bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 981

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 981, a bill to provide for analysis of major rules.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1334

At the request of Mr. BOND, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. GRAMS), the Senator from Iowa (Mr. HARKIN), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1334, a bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal Employees Health Benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system.

S. 1360

At the request of Mr. ABRAHAM, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1389

At the request of Ms. SNOWE, the names of the Senator from North Carolina (Mr. FAIRCLOTH) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1389, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for prostate cancer research through the voluntary purchase of certain specially issued United States postage stamps.

S. 1429

At the request of Mr. ROCKEFELLER, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 1429, a bill to enhance rail competition and to ensure reasonable rail rates in any case in which there is an absence of effective competition.

S. 1525

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1525, a bill to provide financial assistance for higher education to the dependents of Federal, State, and local public safety officers who are killed or permanently and totally disabled as the result of a traumatic injury sustained in the line of duty.

S. 1529

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Ms. MOSELEY-BRAUN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Arkansas (Mr. BUMPERS), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY), and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1529, a bill to enhance Federal enforcement of hate crimes, and for other purposes.

S. 1580

At the request of Mr. SHELBY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1580, a bill to amend the Balanced Budget Act of 1997 to place an 18-month moratorium on the prohibition of payment under the medicare program for home health services consisting of venipuncture solely for the purpose of obtaining a blood sample, and to require the Secretary of Health and Human Services to study potential fraud and abuse under such program with respect to such services.

S. 1604

At the request of Mr. D'AMATO, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1604, a bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care imposed by section 4407 of the Balanced Budget Act of 1997.

S. 1647

At the request of Mr. BAUCUS, the names of the Senator from Rhode Island (Mr. REED), the Senator from Virginia (Mr. ROBB), the Senator from North Dakota (Mr. DORGAN), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1647, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1692

At the request of Mr. NICKLES, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1692, a bill to amend the Internal Revenue Code of 1986 to provide software trade secrets protection.

S. 1723

At the request of Mr. ABRAHAM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1723, a bill to amend the Immigration and Nationality Act to assist the United States to remain competitive by increasing the access of the United States firms and institutions of higher education to skilled personnel and by expanding educational and training opportunities for American students and workers.

S. 1724

At the request of Ms. COLLINS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1737

At the request of Mr. MACK, the names of the Senator from Montana (Mr. BURNS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

S. 1774

At the request of Mr. LOTT, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1774, a bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make guaranteed farm ownership loans and guaranteed farm operating loans of up to $600,000, and to increase the maximum loan amounts with inflation.

S. 1862

At the request of Mr. DEWINE, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 1873

At the request of Mr. COCHRAN, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1873, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 1900

At the request of Mr. D'AMATO, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Georgia (Mr. COVERDELL), the Senator from Hawaii (Mr. INOUYE), the Senator from Michigan (Mr. ABRAHAM), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Missouri (Mr. BOND), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1900, a bill to establish a commission to examine issues pertaining to the disposition of Holocaust-era assets in the United States before, during, and after World War II, and to make recommendations to the President on further action, and for other purposes.

S. 1901

At the request of Mr. LEAHY, the name of the Senator from Illinois (Ms. MOSELEY-BRAUN) was added as a cosponsor of S. 1901, a bill to amend the

Freedom of Information Act to provide electronic access to certain Internal Revenue Service information on the Internet, and for other purposes.

S. 1924

At the request of Mr. MACK, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of S. 1924, a bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986.

SENATE RESOLUTION 188

At the request of Mr. MOYNIHAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of Senate Resolution 188, a resolution expressing the sense of the Senate regarding Israeli membership in a United Nations regional group.

At the request of Mr. LUGAR, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of Senate Resolution 188, supra.

SENATE RESOLUTION 201

At the request of Mr. KEMPTHORNE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of Senate Resolution 201, a resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

AMENDMENT NO. 2017

At the request of Mr. GLENN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 2017 proposed to H.R. 2646, a bill to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes.

SENATE RESOLUTION 210—DESIGNATING "NATIONAL MOSQUITO CONTROL AWARENESS WEEK"

Mr. WARNER (for himself and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 210

Whereas mosquito-borne diseases (including malaria, yellow fever, encephalitis, dengue fever, and dog heartworm) have historically been a source of human and animal suffering, illness, and death in the United States and worldwide;

Whereas excess numbers of mosquitoes also diminish enjoyment of the outdoors, public parks and playgrounds, hinder outdoor work, decrease livestock productivity, and reduce property values;

Whereas mosquitoes can disperse or be transported long distances from their sources (locally and internationally) and are, therefore, a public nuisance and health risk throughout the United States and the world;

Whereas since 1900, mosquito control professionals in the United States have recognized the need to develop and encourage effective and environmentally safe mosquito control activities in order to protect the health and welfare of the public, the environment, and wildlife;

Whereas the American Mosquito Control Association (referred to in this resolution as AMCA) was established on June 26, 1935, to provide a nationally organized network to help mosquito control professionals pursue these goals;

Whereas professional mosquito control based on scientific research has made great advances in reducing mosquito populations and the diseases that they transmit;

Whereas the AMCA is an active partner in the Pesticide Environmental Stewardship Program, working closely with the United States Environmental Protection Agency and the United States Department of Health and Human Services to reduce pesticide risk to humans, animals, and the environment while protecting human health from mosquito-borne diseases and nuisance attacks;

Whereas public awareness of the health benefits associated with safe, professionally applied mosquito control methods will support the efforts to reduce pesticide risk and protect human health as well as motivate the public to eliminate mosquito breeding sites on their own property;

Whereas educational programs are being developed to include school and civic programs in order to meet the need of the public for information about mosquito biology and control;

Whereas students are encouraged to pursue an interest in biological and health sciences, to participate in science fairs, and to learn about mosquito biology and contribute to the reduction of mosquito populations; and

Whereas "National Mosquito Control Awareness Week" would increase public awareness of the activities of the various mosquito research and control agencies within the United States and around the world and highlight the educational programs currently available: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of June 22, 1998 through June 28, 1998 as "National Mosquito Control Awareness Week"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe this week with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

MACK (AND D'AMATO) AMENDMENT NO. 2288

Mr. MACK (for himself and Mr. D'AMATO) to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

At the end, add the following:

TITLE —MEASURES TO ENCOURAGE RESULTS IN TEACHING

SEC. 01. SHORT TITLE; FINDINGS; AND PURPOSES.

(a) SHORT TITLE.—This title may be cited as the "Measures to Encourage Results in Teaching Act of 1998".

(b) FINDINGS.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success, the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) PURPOSES.—The purposes of this title are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

SEC. 02. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(3) by inserting after part C the following:

"PART D—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

"(a) STATE AWARDS.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

"(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

"(2) has an elementary school and secondary school teacher compensation system that is based on merit.

"(b) AVAILABLE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 1999, except that no funds shall be available to carry out this section for any fiscal year for which—

"(1) the amount appropriated to carry out this title exceeds $600,000,000; or

"(2) each of the several States is eligible to receive an award under this section.

"(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

"(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

"(e) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. ___03. TEACHER TESTING AND MERIT PAY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) DEFINITIONS.—In this section, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

KENNEDY AMENDMENT NO. 2289

Mr. KENNEDY proposed an amendment to the bill, H.R. 2646, supra; as follows:

Strike section 101, and insert the following:

SEC. 101. LOAN FORGIVENESS FOR TEACHERS.

(a) FINDINGS.—Congress makes the following findings:

(1) Our Nation is witnessing a 10-year rise in the elementary and secondary school age population. Between the fall of 1996 and the fall of 2006, total elementary and secondary school enrollment will rise from a record 51,700,000 to 54,600,000, a rise of approximately 3,000,000 children. Elementary school enrollment is projected to grow by 2 percent, from 37,300,000 to 38,100,000, while secondary school enrollment is expected to rise by 15 percent, from 14,400,000 to 16,500,000.

(2) In addition to the enrollment increases, many of the Nation's elementary and secondary school teachers working in 1998 will begin to reach retirement age. According to the National Center for Education Statistics data, between one-third and one-half of all elementary and secondary school teachers are 45 years old or older. Qualified, experienced elementary and secondary school teachers will be leaving the profession at a time when the demand for the teachers is at the highest level in our Nation's history.

(3) There is a lack of qualified elementary and secondary school teachers in specific geographic and content areas. More than one-half, 56 percent, of secondary school students taking physical science courses are taught by teachers who have no background in physical science. Twenty-seven percent of secondary school students taking any level mathematics course are taught by teachers with no mathematics background. Students in inner-city schools have only a 50 percent chance of being taught by a qualified mathematics or science teacher. States that have large percentages of classes taught by teachers without a background in a particular subject area, such as Tennessee (26.5 percent), Florida (26.4 percent), Louisiana (26.2 percent), and Maryland (25.6 percent), demonstrate the need for increased numbers of elementary and secondary school teachers with the necessary qualifications.

(4) Our Nation must address the need described in paragraph (3) to ensure a qualified elementary and secondary school teacher for every child in every elementary and secondary school course.

(b) PURPOSE.—The purpose of this section is to create a Federal student loan forgiveness program to attract individuals to careers as elementary and secondary school teachers.

(c) LOAN FORGIVENESS FOR TEACHERS.—Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428J (20 U.S.C. 1078-10) the following:

"SEC. 428K. LOAN FORGIVENESS FOR TEACHERS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to carry out a program of assuming the obligation to repay a loan made, insured, or guaranteed under this title (excluding loans made under section 428A for any new borrower after July 1, 1998, who is employed as a full-time elementary school or secondary school teacher—

"(1) in a school served by a local educational agency that is eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); or

"(2) who teaches mathematics, science, foreign language, bilingual education, or any other area that the State educational agency determines to be an area for which there is a shortage of qualified elementary school or secondary school teachers.

"(b) LOAN REPAYMENT.—

"(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

"(A) 15 percent of the total amount of loans incurred by the borrower under this title, not to exceed $1,200 per year, for each of the first two years the borrower meets the employment requirement described in subsection (a);

"(B) 20 percent of such total amount, not to exceed $1,600 per year, for each of the third and fourth years the borrower meets such requirement; and

"(C) 30 percent of such total amount, not to exceed $2,400, for the fifth year the borrower meets such requirement.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the refunding of any repayment of a loan under this title.

"(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(c) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

"(d) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(2) CONDITIONS.—An eligible individual may apply for repayment after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

"(e) DEFINITIONS.—For the purpose of this section the term "eligible lender" has the meaning given the term in section 435(d).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,600,000 for each of the fiscal years 1999 and 2000.".

D'AMATO (AND MACK) AMENDMENT NO. 2290

Mr. COVERDELL (for Mr. D'AMATO, for himself and Mr. MACK) proposed an amendment to amendment No. 2288 proposed by Mr. MACK to the bill, H.R. 2646, supra; as follows:

Strike all after the first word, and insert the following:

. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) SHORT TITLE.—This section may be cited as the "Measures to Encourage Results in Teaching Act of 1998".

(b) FINDINGS.—Congress makes the following findings:

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that

teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) PURPOSES.—The purposes of this section are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

(d) STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.—

(1) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(A) by redesignating part D as part E;

(B) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(C) by inserting after part C the following:

"PART D—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

"(a) STATE AWARDS.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

"(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

"(2) has an elementary school and secondary school teacher compensation system that is based on merit.

"(b) AVAILABLE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 1999, except that no funds shall be available to carry out this section for any fiscal year for which—

"(1) the amount appropriated to carry out this title exceeds $600,000,000; or

"(2) each of the several States is eligible to receive an award under this section.

"(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

"(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

"(e) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 2, 1999.

(e) TEACHER TESTING AND MERIT PAY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(A) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(B) to establish a merit pay program for the teachers.

(2) DEFINITIONS.—In this subsection, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

HUTCHISON AMENDMENT NO. 2291

Mr. COVERDELL (for Mrs. HUTCHISON) proposed an amendment to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE —EQUAL EDUCATIONAL OPPORTUNITY

SEC. 01. EQUAL EDUCATIONAL OPPORTUNITY.

Subsection (b) of section 6301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7351) is amended—

(1) in paragraph (7), by striking "and" after the semicolon;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) education reform projects that provide same gender schools and classrooms, as long as comparable educational opportunities are offered for students of both sexes.".

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a joint hearing of the Senate Committee on Labor and Human Resources and the House Committee on Education and the Workforce will be held on Wednesday, April 22, 1998, 10:30 a.m., in SD–106 of the Senate Dirksen Building. The subject of the hearing is "Proposed Individuals With Disabilities Education Act Regulations." For further information, please call the committee, (202) 224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a joint hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources and Subcommittee on Health and Environment, House Committee on Commerce will be held on Thursday, April 23, 1998, 2:30 p.m., in SH–216 of the Senate Hart Building. The subject of the hearing is The Gift of Life: Increasing Bone Marrow Donation and Transplantation. For further information, please call the committee, (202) 224–5375.

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Monday, April 20, 1998, at 10:30 a.m. to hold a field hearing at the Court of Common Pleas, Juvenile Court, 16th floor, 800 Broadway, Cincinnati, OH 45020 on: "Juvenile Courts of the 21st Century: Violent & Repeat Offenders."

The Presiding Officer. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FROSTBURG STATE UNIVERSITY'S CENTENNIAL ANNIVERSARY

• Mr. SARBANES. Mr. President, I rise today to commemorate one of Maryland's finest state institutions, Frostburg State University, on the occasion of its Centennial Anniversary.

Since its founding in 1898, Frostburg State University has been a primary component of the greater Frostburg community. Although small towns are often identified merely as extensions of the school in their midst, it is more the case that Frostburg State is a true extension of the town of Frostburg. In fact, the people of Frostburg themselves raised the funds that were used to buy the land on which the institution is located. This symbiotic relationship is one in which the Frostburg community provides the support system for the school and in turn, is enriched by the school and its students.

This unique relationship dates back to when the University was a small local teacher training institution named the State Normal School at Frostburg. Upon completing their training, students often stayed in the area and taught at regional elementary schools. This tradition of community participation continued as the school evolved into a State Teachers College in 1935 and finally, a multipurpose institution, Frostburg State University, in July of 1987, becoming a member of the University of Maryland System the following year.

While the commitment to teacher training remains at the core of Frostburg State's mission, the University has expanded its curriculum significantly to include the arts and sciences, professional and pre-professional programs, and graduate programs including business, psychology and biology training. Enrollment has grown from an initial class of 57 to over 5,200, and the University's degree program now requires four years of study.

It is important to note, however, that Frostburg State University occupies a unique educational niche as the only four-year institution west of the Baltimore-Washington metropolitan area. Therefore, it serves as the intellectual and cultural center for this westernmost region of my State, and for nearby communities in Pennsylvania and West Virginia. Although the student body includes students from various states and foreign countries, it continues to draw primarily from the immediate area, and provides important employment opportunities for the residents of the region. Furthermore, Frostburg State enjoys a partnership with the Appalachian Regional Commission (ARC) from whom they receive federal funds for various projects that enrich the school's resources and provide further economic development to the area.

It has always been my firm belief that a democracy cannot prosper and grow without an educated populace. As the world becomes increasingly complex and technically challenging, the quality education of the individual is one of the most important tasks in our society. From its inception, Frostburg State University has prioritized education; maintaining a commitment to providing community and educational services to the entire region while, at the same time, succeeding in providing a nationally acclaimed education to its own university community.

As we celebrate this important milestone, I would like to commend the greater Frostburg State University family for upholding the traditions of community cooperation and commitment to excellence that serve to exemplify the very best that Maryland has to offer.●

SCHOOR DEPALMA

● Mr. TORRICELLI. Mr. President, I rise today to salute Schoor DePalma Engineers and Design Professional Firm as it completes its thirtieth year in business, and to recognize its contributions to the State of New Jersey. This engineer and design professional firm has contributed to some of the state's largest engineering and design projects.

Schoor DePalma is one of the most widely recognized civil engineering firms in the State of New Jersey. The company's ingenuity brings forth a superior level of accountability, concern, and quality of work.

Schoor DePalma's commitment is easily also recognized through its selfless involvement with the community through entities, such as the Board of Professional Planners and the Board of Professional Engineers of the State of New Jersey and its participation in highly regarded academic programs such as the Board of Overseers for the New Jersey Institute of Technology, a variety of college foundations throughout New Jersey, and the awarding .of scholarships to students in the engineering field.

One of Schoor DePalma's most recent and profitable contributions to the State of New Jersey was to enhance the economically distressed community of East Orange. Schoor DePalma was hired to conduct a comprehensive business analysis of the six main business districts of East Orange by looking at crime statistics, the labor force, the mix of businesses, infrastructure, and streetscaping needs. Schoor DePalma's innovative blue print for economic growth proved to be successful when some local establishments saw a remarkable 50 percent increase in business.

I am proud to recognize Schoor DePalma as a model corporate neighbor and I look forward to another 30 years of excellence from them.●

TRIBUTE TO FLORENCE KIRKNER

● Mr. D'AMATO. Mr. President, I rise today to pay homage to Ms. Florence Kirkner. Today, we focus on Ms. Kirkner's 50 years of volunteering with the National Ski Patrol. The National Ski Patrol was formed 60 years ago as a volunteer organization that has been granted a Congressional Charter as a charity similar to the Boys and Girls Scouts. This organization formed an army division that could fight in winter weather conditions during World War II. Additionally, Senator Bob Dole was affiliated with this division which is known as the Tenth Mountain Division. This division was the only civilian run division in the Army's history. Today, the Tenth Mountain division is stationed at Fort Drum, New York.

I would also like to take this opportunity to commend Ms. Kirkner's participation in many other community activities such as the American Red Cross, the Girl Scouts and the YMCA.

After reviewing Ms. Kirkner's outstanding achievements, I decided an acknowledgment of her awards should be presented. Ms. Kirkner received a Citizen of the Week Award in 1996 and in 1997 she received the Citizen of the Year Award. Previously, because of Ms. Kirkner's excellent community service, she received the Merit Award in 1985 and the Volunteer of the year award in 1986. Ms. Kirkner was twice nominated for the Clara Barton Award in 1988 and again in 1990. Additionally in 1988, the Volunteer of the Year Award was acclaimed to Ms. Kirkner. Furthermore, after serving over 15,000 hours of community service, Ms. Kirkner was presented with the Service Award in addition to the 50 Year Service Award.

Ms. Kirkner has also received awards for the National Appointment #84, the Outstanding Service Award for the North Bay Region, the Patroller of the Year Award for the Western New York Region, 2 Yellow Merit Stars, the Purple Merit Star, the Avalanche Patch #82, the Eastern Division Certificate of Appreciation, the Red Cross Certificate of Merit, the Certificate of Appreciation for the Western New York Region, the Ambassador of the Slopes Award for the Western New York Region, the Mike Reid Outstanding Instructor Award for the Western New York Region, the Canadian Ski Patrol Special Award and the Green Angel Award from the Girl Scouts.

I would also like to acknowledge Ms. Kirkner for holding numerous offices in her lifetime. She has held offices such as Co-Patrol Leader for Donner Ski Ranch; Regional Training Officer for Western New York; Regional First Aid Chairman in North Bay, California; Avalanche Instructor for National #224; ARC First Aid Instructor and Trainer; ARC CPR Instructor and Trainer; ARC Water Safety Instructor and Trainer; ARC Small Craft Safety Instructor and Shift Leader at Kissing Bridge Ski Patrol.

In addition Ms. Kirkner has managed to conduct training courses and workshops such as the Avalanche Patch Course in Slide Mt., Nevada; Sled Handling Seminars in Squaw Valley, California; the Mountain Rescue Course at the Sugar Bowl; Mountaineering at Circle M; Divisional Jr. Training Seminars for 11 years and National Jr. Training Seminars for 4 years. Moreover, Ms. Kirkner led Fall Forums workshops too numerous to count from New York City to Sacramento, from Portland, to Maine and has been an instructor every year of Patrol CPR since the beginning of Ski Patrol, CPR.

Ms. Kirkner is truly one of those unique individuals who has given a lifetime of community service. Her contributions to society will always be recognized as encouragement and hope to American citizens everywhere, and reminds us that the phrase "it is better to give than to receive" still rings to be true.●

VIETNAM VETERANS IN HYANNIS, MASSACHUSETTS

● Mr. KERRY. Mr. President, I want to commend the extraordinary achievements of a group of Vietnam Veterans in Hyannis, Massachusetts. Five Vietnam Veterans from Cape Cod, Michael Trainor, Ray Pacheco, Woody Hoffman, Craig Morrison and Michael Williams, created the Nam Vets Association in 1983. Their mission, to provide human services to and improve the public image of Vietnam Veterans, has been courageously carried on, to this day, by John Eastman, Charlie Brown, John Ahern, Hank Tucker, Bill SilverRyder, and Randy Ritter. On Vietnam Veterans' Day, March 29, 1998, this group of dedicated men celebrated fifteen years of work on behalf of their fellow veterans. No organization provides more services to the veterans of Cape Cod and the Islands than the Nam Vets Association. It provides counseling services, housing assistance, a food pantry, employment programs, VA benefit information and, perhaps most important of all, a place where veterans and their families feel welcome. I know I did.

Mr. President, at the recent Vietnam Veterans of America Convention in Kansas City, Missouri, the Nam Vets Association was selected from 700 chapters nationwide to be honored as the 1997 Community Service Chapter of the Year. This group has made a tremendous impact on the lives of many people in its community. The scholarships, youth activities, volunteer service to community events, and housing programs it provides, and the 55,000 meals it serves annually from its food pantry, give this organization great reason to be very, very proud. On its Fifteenth Anniversary, I am proud to offer my brother Vietnam Veterans in Hyannis my sincere congratulations, my heartfelt gratitude, my best wishes for further triumphs, and my promise of continuing support for their tremendous work.•

TRIBUTE TO HURVIE E. DAVIS

• Mr. McCAIN. Mr. President, I take this opportunity to recognize the accomplishments of Hurvie E. Davis. It is an honor and a privilege for me to recognize his many outstanding achievements and to commend him for the superb service he has provided our nation and the state of Arizona.

Upon his retirement on May 29, 1998, he will have served 42 years in both federal and municipal government. Hurvie's expertise lies primarily in the transportation field, having served the federal Department of Transportation in Washington, D.C., and regionally in San Diego, Portland, Oregon, and most recently in Tucson. Hurvie was the Director of Transportation for the City of Tucson for 15 years before going into the private sector as a transportation consultant.

In 1992, Hurvie became the Town Manager for the Town of Marana. As Manager, Hurvie has accomplished many difficult tasks, and in doing so, has brought Marana positive recognition throughout the Southern Arizona region of municipal governments. His leadership and commitment to excellence has put Marana in a strong financial position to encourage residential and business development.

Mr. President, Hurvie Davis has made many sacrifices during his 42 years of public service, and has contributed significantly to the many people he has worked with. I commend him on behalf of the United States Senate and wish him the very best as he begins another journey in retirement.•

TRIBUTE TO LEO LAKIN, GREEN THUMB CENTENARIAN FROM GARDNER, MASSACHUSETTS

• Mr. LIEBERMAN. Mr. President, at more than two centuries and counting, America is a nation ever maturing with greater wisdom, experience, morality and humanity. For this we can thank many of our most senior citizens who continue to set proud examples of daily life, and who remind us of our rich and proud heritage as a nation of caring individuals. Leo Lakin of Gardner, Massachusetts—who will turn 100 years old on May 26th—is one such American.

Millions of our friends and neighbors distinguish themselves every day as parents, small business owners, educators, and in every other personal dimension and chosen profession of American life. There are those, however, who stand out as role models for their families and their communities. Leo wears these titles effortlessly and modestly, which is one reason why our Secretary of Labor Alexis Herman, our Secretary of Health and Human Services Donna Shalala, and Green Thumb, Inc. honored Leo as "an outstanding older worker" at the first Prime Time Awards Dinner on March 12, 1998 in Washington, DC.

Praise of Leo has been both modest and inspirational. In her nominating letter to Green Thumb, Inc., Marcia Hopper of Gardner's downtown association wrote that "Mr. Lakin's work ethic of kindness, compassion, generosity, and thoughtfulness to customers has brought him a loyal following based on both business and friendship. Many of his current customers are fourth generation." Pete Trudel, another long-time business owner in Gardner, said of Leo, "He's intelligent and knowledgeable. He has always kept up with the latest business trends. He's personable and loves people. He always remains calm. He's just a lovely, lovely man."

Leo Lakin was born in Boston on May 26, 1898. The Lakin family moved to Southbridge, Massachusetts when Leo was a small child. Leo became bilingual as he grew up, as the French American community in Southbridge was large, and speaking French served Leo and his family well. His father, Phillip, was able to develop deep roots into the community. Philip Lakin became known for more than owning a dry goods store. He was always helping some less fortunate person with food, clothing or a place to stay. That strong sense of community became part of Leo's life, just as a strong sense of family had been instilled in Leo from a very early age.

Leo and his 4 brothers—Celec, Louis, Eddy and Bob—were extremely close to each other. Phillip had been a widower with 5 children when he married a young widow, Annie, who had a daughter, Sarah. Leo idolized his parents. When he was about 11 years of age, he overheard his parents speaking in Yiddish, expressing the hope that some day after their passing one of their sons would be sufficiently well versed in Jewish tradition to be able to say the Mourner's Kaddish to honor and respect their memories. Overhearing this conversation had an enormous impact on Leo's life. He promised himself that he would honor his parents in this way, and the study of Hebrew and Jewish tradition was a vital aspect of Leo's youth. He has spent many, many years helping to conduct synagogue services and enjoying the richness of Jewish studies.

Leo left high school after his freshman year and went to work for the American Optical Company, one of the largest lens manufacturers in the world at that time. His career there began as so many do in America, with a summer job. Leo stayed for several years but eventually he longed for the freedom he could experience as an entrepreneur. In 1922 he and his brother Eddy opened Lakin's Brothers, a men's store located in Gardner's Webster Square. In 1933, relatives in Fall River introduced him to Ida Gollis, a personal shopper at the Outlet Company in Providence, Rhode Island. They married on June 2, 1935. To this day, Leo says, "She's the best thing that has ever happened to me."

In 1935, children's specialty stores were en vogue. Gardner was a virtual boom town known as "The Chair City of the World." Heywood Wakefield, Gem Crib and Cradle, Nichols and Stone, Florence Stove, and Simplex Time Recorder called Gardner home. Two weeks after their marriage, Leo and Ida opened Lakin's Children's Shop. And just like Leo's dad had done, they observed an important ethic of treating their customers with the respect and kindness, never pressured a purchase, and made everyone feel welcome.

For the next 51 years, Leo and Ida survived every challenge from the Great Depression to the rise of shopping malls and the demise of many small downtowns. Only Ida's death in June of 1986 ended that partnership on this earth. Leo continued to run the store, and his customers remained loyal and supportive. The store has remained the cornerstone of Leo's vitality, and a force that will not be beaten. In March of 1993, Leo broke his arm at work and recovered. In February of 1994, he contracted pneumonia and recovered. That July, he broke his hip at work, had a replacement at the age of 96, made a complete recovery, and returned to work 6 days a week.

During the 6 months of Leo's recuperation from hip surgery, his daughter Phyllis ran the store for him knowing that Leo needed the promise of returning to work in order to recover. She worked full time at Harvard Medical School, but with the help of close friends Jean Johnson, Beverly Black, and Claudette Jackowski, Phyllis kept the spirit of Lakin's alive in mind, body and soul as Leo had always done: with their customers in mind. Phyllis has since decided that the family legacy of her father and grandfather will go on, and that eventually she will carry on the tradition her parents began in 1935. "As long as I'm alive, Lakin's is alive!" she says.

Leo broke his leg on Nov 3, 1997, which was why he could not attend the Prime Time awards in the Capital this March. Leo has been a tireless and courageous patient, continually amazes old and new friends alike, touches all with his faith, optimism, and kindness, and plans to return to the work and people he loves so much.

Mr. President, we often wonder what America and the world we live in will be like in the 21st Century. We wonder about our children and the values they are learning today in school, at home, on television, and from each other. We can only hope that as they navigate so many diverse and dynamic forces in their lives that there will also be a Leo Lakin or two to give them a sense of history, community, family, and hope for the future as he has most certainly given to all who know and love him in Gardner, Massachusetts.●

POLITICAL SCIENCE DEPARTMENT AT KEAN UNIVERSITY

• Mr. TORRICELLI. Mr. President, I rise today to recognize the Political Science Department at Kean University. Over the past twenty years, Kean's Political Science Department has produced an outstanding record of accomplishment and I am pleased to recognize this model program.

The faculty and administration of Kean's Political Science Department have consistently demonstrated their selfless commitment to furthering the intellectual growth of the University's students. Kean's balanced educational program presents students with a unique blend of experiential learning and classroom teaching. It is a model of excellence for all American universities.

Kean's Political Science Department has earned just recognition by offering challenging participatory programs like the American Israel Public Affairs Conference, the Center for the Study of the Presidency's Student Symposium, the Harvard Model United Nations Program, the Howard University Simulation of the Organization of African Unity, the Schering-Plough/Kean College Political Science Education Partnership, the Washington Program, and the annual Department Washington DC Student Workshop.

In an era of decreasing funding, program costs are met through contributions from outside sources, student groups and alumni. The University itself provides enormous scholarship support. As a result of the Political Science Department's dedicated efforts, little cost need be borne by its student participants.

I am pleased to join the New Jersey State Legislature in honoring the Kean University Political Science Department as a model of educational virtuosity. It is my sincere hope that the Department continues its tradition of excellence with the vigor and success that has characterized it for the past twenty years.●

ILLINOIS STUDENT TECHNOLOGY DAY

• Mr. DURGIN. Mr. President, I rise today to recognize April 29, 1998, as "Illinois Student Technology Day". On that day, some 140 Illinois schools will hold school technology demonstrations at the seventh annual TECH 2000/AT&T Students for the Information Age program at the Illinois State Capitol Building in Springfield.

During this all-day event in the middle of National Science & Technology Week, over 300 Illinois students will demonstrate the important impact technology, and access to it, has had in their classrooms. The demonstration is sponsored by AT&T, state and local officials, and TECH 2000, a group of educators working to increase support for classroom technology and the role it plays in a student's educational experience.

The advancements that have been made in technology, and the role it has played in the gathering of critical information for students, has improved the learning experience for thousands of our nation's students. Increased efforts need to made to ensure that more students, especially those in rural and impoverished communities, have access to these technological advancements. I hope that we can look at what will take place in Springfield, Illinois on April 29, 1998, as the beginning of a national commitment towards giving our students the best possible opportunity to learn and succeed both in the classroom and in their careers that follow.●

THE 83D ANNIVERSARY OF THE ARMENIAN GENOCIDE

• Mr. LEVIN. Mr. President, I rise today to commemorate the 83rd Anniversary of the Armenian Genocide. Each year we remember and honor the victims, and pay respect to the survivors we are blessed to have with us today.

April 24, 1915 serves as a marking point for the government-orchestrated carnage that took place under the Turkish Ottoman Empire. On this date, over 5,000 Armenians were systematically hunted down and killed in Constantinople. This number includes some 600 Armenian political and intellectual leaders who were taken to the interior of Turkey and systematically murdered. During the eight year period from 1915 to 1923, approximately 1.5 million Armenians were killed and hundreds of thousands were driven from their homes. Many of these deaths were among the elderly and very young as they were forced on death marches with little food and no medical treatment.

History records that the world stood by as the Armenians suffered, although there was ample evidence of what was taking place. Our Ambassador to the Ottoman Empire, Henry Morgenthau, stated that, "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact * * * I am confident that the whole history of the human race contains no such horrible episode as this."

Not only did the world stand by while atrocities took place, but unfortunately it refused to learn the awful lessons that were taught during this period. When Adolf Hitler was planning the Jewish Holocaust he said, "Who today remembers the extermination of the Armenians?" However, most of the world has come to acknowledge the Armenian Genocide. In 1929, Winston Churchill wrote the following: "In 1915, the Turkish Government began and carried out the infamous general massacre and deportation of Armenians in Asia Minor * * * the clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could be. There is no reasonable doubt that this crime was planned and executed for political reasons."

Each year we vow that the incalculable horrors suffered by the Armenian people will not be in vain. That is surely the highest tribute we can pay to the Armenian victims and a way in which the horror and brutality of their deaths can be given redeeming meaning. I ask my colleagues to join me in remembering the Armenian Genocide.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–41

Mr. COVERDELL. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 20, 1998, by the President of the United States:

Treaty with Lithuania on Mutual Legal Assistance in Criminal Matters, Treaty Document No. 105–41.

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on

Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Lithuania on Mutual Legal Assistance in Criminal Matters, signed at Washington on January 16, 1998. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activity more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including "white-collar" crime and drug-trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking the testimony or statements of persons; providing documents, records, and articles of evidence; locating or identifying persons or items; serving documents; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution, and collection of fines; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1998.*

ORDERS FOR TUESDAY, APRIL 21, 1998

Mr. COVERDELL. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. on Tuesday, April 21, and immediately following the prayer the routine requests through the morning hour be granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Madam President, I further ask unanimous consent that the Senate recess from 12:30 until 2:15 on Tuesday for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Madam President, for the information of all Senators, at 9:40 a.m. on Tuesday, the Senate will resume consideration of S. 414, the ocean shipping reform bill. At the hour of 10 a.m. the Senate will proceed to two consecutive rollcall votes. The first vote will be on or in relation to the Gorton amendment No. 2287 pending to the shipping bill. The second vote will be on or in relation to the Kennedy amendment No. 2289 offered to the Coverdell education bill.

Also, under a previous consent agreement, following the policy luncheons, at 2:15 the Senate will proceed to two stacked rollcall votes. The first vote will be on or in relation to the Glenn amendment No. 2017, followed by a vote on or in relation to the Mack-D'Amato amendment No. 2288. Following the stacked rollcall votes, it is hoped that Senators will come to the floor to offer their amendments to the Coverdell education bill. Therefore, additional rollcall votes will occur throughout Tuesday's session of the Senate in the hope of making progress on the bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COVERDELL. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

Thereupon, the Senate, at 5:36 p.m., adjourned until Tuesday, April 21, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 20, 1998:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT F. RAGGIO, 7255

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD L. PETERSON, 2830

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROGER C. SCHULTZ, 5293

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

VICE ADM. CHARLES S. ABBOT, 8270

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN R. RYAN, 4509

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FREDERICK MCCORKLE, 7324

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JACK W. KLIMP, 5723

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5044:

To be general

LT. GEN. TERRENCE R. DAKE, 6646

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 21, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 22

9:30 a.m.

Commerce, Science, and Transportation
Communications Subcommittee

To hold hearings to examine section 706 of the Telecommunications Act of 1996 relating to band-width issues.

SR-253

Labor and Human Resources

To hold joint hearings with the House Committee on Education and the Workforce to examine proposed Individuals with Disabilities Education Act regulations.

SD-106

10:00 a.m.

Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the Ballistic Missile Defense program.

SD-192

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Donna Tanoue, of Hawaii, to be a Member and Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

SD-538

Finance
Social Security and Family Policy Subcommittee

To hold hearings to examine child care access, affordability, and supply in the United States and the impact of welfare reform on State and Federal child care programs, focusing on S. 1577, to provide additional tax relief to families to increase the affordability of child care.

SD-215

Governmental Affairs

To hold hearings on the nominations of G. Edward DeSeve, of Pennsylvania, to be Deputy Director for Management, and Deidre A. Lee, of Oklahoma, to be Administrator for Federal Procurement Policy, both of the Office of Management and Budget.

SD-342

11:00 a.m.

Judiciary

To hold hearings on the nomination of James K. Robinson, of Michigan, to be Assistant Attorney General for the Criminal Division, Department of Justice.

SD-226

1:00 p.m.

Special on Aging

To hold hearings to examine the role of the stock market in Social Security reform, focusing on a General Accounting Office report, "Implications of Government Stock Investing for the Trust Fund, the Federal Budget, and the Economy".

SD-628

2:30 p.m.

Commerce, Science, and Transportation
Manufacturing and Competitiveness Subcommittee

To hold hearings to examine issues relating to virtual manufacturing.

SR-253

Judiciary
Technology, Terrorism, and Government Information Subcommittee

To hold joint hearings with the Select Committee on Intelligence to examine chemical and biological weapons threats to America.

SD-226

Select on Intelligence

To hold joint hearings with the Committee on the Judiciary's Subcommittee on Technology, Terrorism, and Government Information to examine chemical and biological weapons threats to America.

SD-226

APRIL 23

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine fraud and abuse in the Federal food stamp program.

SR-332

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold hearings to review the proposed Clean Air Act regional haze regulations.

SD-406

9:30 a.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the National Aeronautics and Space Administration.

SD-138

Appropriations
Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Forest Service, Department of Agriculture.

SD-124

Governmental Affairs
Permanent Subcommittee on Investigations

To hold hearings to examine the practice of "slamming", which is the unauthorized switching of long-distance telephone companies.

SD-342

10:00 a.m.

Finance

To hear and consider the nominations of Thelma J. Askey, of Tennessee, Jennifer Anne Hillman, of Indiana, and Stephen Koplan, of Virginia, each to be a Member of the United States International Trade Commission, and Patrick A. Mulloy, of Virginia, to be an Assistant Secretary of Commerce.

SD-215

Judiciary

Business meeting, to consider pending calendar business.

SD-226

10:30 a.m.

Appropriations
Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs, focusing on infectious diseases.

SD-192

2:00 p.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To hold hearings to examine the Department of Transportation's guidelines for aviation competition.

SR-253

2:30 p.m.

Energy and Natural Resources
Forests and Public Land Management Subcommittee

To hold hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.

SD-366

Labor and Human Resources
Public Health and Safety Subcommittee

To hold joint hearings with the House Committee on Commerce's Subcommittee on Health and Environment to examine proposals to increase bone marrow donation and transplantation.

SH-216

APRIL 27

2:00 p.m.

Judiciary

To hold hearings to examine Department of Justice prosecution trends.

SD-226

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

APRIL 28

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine possible problems relating to the Year 2000 computer conversion.
SR-253

10:00 a.m.
Judiciary
To hold hearings on proposed legislation to reform bankruptcy law provisions.
SD-226

Labor and Human Resources
To hold hearings to examine reading and literacy initiatives.
SD-430

Small Business
To hold hearings to examine environmental compliance tools for small business.
SR-428A

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on Bosnia.
Room to be announced

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine the Department of Commerce's Federal research and development needs.
SR-253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 326, to provide for the reclamation of abandoned hardrock mines, S. 327, to ensure that Federal taxpayers receive a fair return for the extraction of locatable minerals on public domain lands, and S. 1102, to provide a reasonable royalty from mineral activities on Federal lands, to specify reclamation requirements for mineral activities on Federal lands, and to create a State program for the reclamation of abandoned hard rock mining sites on Federal lands.
SD-366

APRIL 29

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine satellite reform, focusing on regulation policy and deregulation.
SR-253

Labor and Human Resources
To hold hearings to examine proposed legislation relating to assistive technology.
SD-430

Indian Affairs
To resume hearings to examine Indian gaming issues.
Room to be announced

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on Bosnian assistance.
SD-192

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

APRIL 30

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine agricultural transportation issues.
SR-332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Envrionmental Protection Agency, and the Council on Environmental Quality.
SD-138

Commerce, Science, and Transportation
To hold hearings on the nominations of James M. Loy, USC, to be Commandant, and James C. Card, USC, to be Vice Commandant, both of the United States Coast Guard.
SR-253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.
SD-366

10:00 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Labor and Human Resources
Public Health and Safety Subcommittee
To resum hearings to examine the role of the Agency for Health Care Policy Research in health care quality.
SD-430

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for the Airport Improvement Program.
SR-253

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on title IV of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 624, to establish a competitive process for the awarding of concession contracts in units of the National Park System.
SD-366

Judiciary
To hold hearings on S. 1645, to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions.
SD-226

MAY 5

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To resume hearings on S. 1253, to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield.
SD-366

Labor and Human Resources
Children and Families Subcommittee
To resume hearings on proposed legislation authorizing funds through fiscal year 2002 for the Head Start program.
SD-430

10:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for foreign assistance programs.
Room to be announced

MAY 6

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense, focusing on the U.S. Pacific Command.
SD-192

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 94and H.R. 449, bills to provide for the orderly disposal of Federal lands in Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada.
SD-366

MAY 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine agricultural trade policies.
SR-332

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the National Science Foundation, and the Office of Science and Technology.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Executive Office of the President.
SD-192

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on titles VI, VII, VIII, and XI of S. 1693, to renew, reform, reinvigorate, and protect the National Park System.
SD-366

MAY 11

2:00 p.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.
SD-192

MAY 13

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1999 for the Department of Defense.

SD–192

MAY 14

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the Department of Agriculture's Year 2000 compliance.

SR–332

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on titles IX and X of S. 1693, to renew, reform, reinvigorate, and protect the National Park System, and S. 1614, to require a permit for the making of motion picture, television program, or other forms of commercial visual depiction in a unit of the National Park System or National Wildlife Refuge System.

SD–366

MAY 21

2:00 p.m.

Energy and Natural Resources

Energy Research and Development, Production and Regulation Subcommittee

To hold hearings on S. 1141, to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy- based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and S. 1418, to promote the research, identification, assessment, exploration, and development of methane hydrate resources.

SD–366

OCTOBER 6

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.

345 Cannon Building

POSTPONEMENTS

APRIL 22

9:30 a.m.

Indian Affairs

To hold oversight hearings on Title V amendments to the Indian Self-Determination and Education Assistance Act of 1975.

SR–485